

City of San Antonio



Minutes
Board of Adjustment
Development and Business
Services Center
1901 S. Alamo

Monday, January 27, 2025

1:00 PM

1901 S. Alamo

The meeting was called to by order by Chair Oroian at 1:00 PM and roll was called by Monica Reyes-Urdiales noting the following members present:

Roll Call – Present: Brereton, Stevens, Ybanez, Dean, Cruz (via WebEx), Manna, Ozuna, Bonillas, Kaplan, Oroian, Benavides (via WebEx), Vasquez (joined at 5:23 PM via WebEx)

Absent: Gomez, Bragman

Worldwide Interpreters present.

THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE REGULAR MEETING:

Item #13

BOA-24-10300251: A request by Jack Lloyd-Reilley for a 1,205 square foot variance from the minimum 4,000 square feet lot size to allow development on a 2,795 square foot lot, located at 1125 Rogers Avenue. Staff recommends Approval. (Council District 2) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 20 Notices were mailed to property owners, 0 in favor, 0 in opposition. Dignowity Hill Neighborhood Association did not respond. No Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations.

Jack Lloyd-Reilley, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300251, I move that the Board of Adjustment grant a request for a 1,205 square foot variance from the minimum 4,000 square feet lot size to allow development on a 2,795 square foot lot, situated at 1125 Rogers Avenue,

applicant being Jack Lloyd-Reilley, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. The variance is not contrary to the public interest.

In this case, the public interest is represented by adhering to minimum lot size requirements to prevent overcrowding on lots. The minimum lot size variance is not contrary to the public interest as sufficient space will remain to adhere to all other setbacks.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

A literal enforcement of the minimum lot size ordinances would result in unnecessary hardship as the applicant would be unable to develop the lot as a single-family dwelling and it would be left vacant.

3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.

The requested minimum lot size variance does appear to be in the spirit of the ordinance as sufficient space will remain to abide by all other setbacks and building requirements.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

Staff finds that the minimum lot size variance would not substantially injure the appropriate use of adjacent properties as sufficient space will remain to abide by all other setbacks and other similar lot sizes have been observed in the neighborhood in which the variance is requested.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.

Staff finds the unique circumstances existing on the property for the minimum lot size variance is the lot configuration and dimensions that is otherwise prohibiting development.

The motion was seconded by Commissioner Stevens.

A verbal vote was taken, and all voted in affirmative.

MOTION PASSED**Item #1 (item tabled at 1:17 PM, heard at 2:33 pm)**

(Continued from 12/16/2024) BOA-24-10300221: A request by Killen, Griffin & Farrimond, PLLC for a Special Exception to allow one (1) additional Type 2 Short Term Rental permit on the block face, per UDC Section 35-374.01(c), located at 335 East Park Avenue. Staff recommends Denial. (Council District 1) (Joseph Leos, Senior Planner (210) 207-0315, Joseph.Leos@sanantonio.gov, Development Services Department)

Staff stated 39 Notices were mailed to property owners, 2 in favor, (3 In favor Outside the 200'), 5 in opposition. Tobin Hill Neighborhood Association is in opposition. No Response from the San Antonio Texas District One Resident Association. No response from NES Foundation, T.H.U.G.G.I.N. for Christ, and Women in Film & Television San Antonio Community Organizations.

Chris Coker, applicant, presented the item and was available for questions.

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300221, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental unit, situated at 335 East Park Avenue, applicant being Killen, Griffin & Farrimond, PLLC, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

A. The special exception will not materially endanger the public health or safety.

The Board finds that the request to operate an additional short-term rental is unlikely to materially endanger the public health, safety, or welfare. There is nothing obvious that would distinguish a short-term rental versus a long-term rental at this facility.

B. The special exception does not create a public nuisance.

There does not appear to be a reason to believe a public nuisance would be created if an additional short term rental permit was approved.

C. The neighboring property will not be substantially injured by such proposed use.

The neighboring properties consist of single-family and multi-family structures. This scenario does not cause reason to believe it will substantially injure neighboring property as a Type 2 Short Term Rental.

D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary faculties have been or are being provided.

The subject property provides off-street parking and appears to have adequate utilities, access, and open space.

E. The applicant or owner for the special exception does not have any previously revoked short term rental licenses, confirmed citations, or adjudicated offenses convictions for violations of Chapter 16, Article XXII of the City Code within one year prior to the date of the application.

The owner has two licenses that have been revoked at other properties.

F. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

The subject property is located in close proximity to other residential uses. With the property owner providing off-street parking and maintaining it from the neighboring property, the special exception does not appear to alter the essential character of the district and location in which the property is seeking the special exception.

The motion was seconded by Commissioner Benavides.

Favor: Ozuna, Brereton, Bonillas, Oroian

Opposed: Benavides, Stevens, Ybanez, Dean, Cruz, Manna, Kaplan

MOTION FAILED

Item #2

BOA-24-10300247: A request by Anthony Candia for a Special Exception to allow one (1) additional Type 2 Short Term Rental permit on the block face, per UDC Section 35-374.01(c), located at 331 Burluson Street. Staff recommends Denial. (Council District 2) (Joseph Leos, Senior Planner (210) 207-0315, Joseph.Leos@SanAntonio.gov, Development Services Department)

Staff stated 43 Notices were mailed to property owners, 0 in favor, 1 in opposition. Dignowity Hill Neighborhood Association is in opposition. No Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations.

Anthony Candia, applicant, presented the item and was available for questions.

PUBLIC COMMENT

Voice mail

Lulu Frnacois – in opposition

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300247, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental unit, situated at 331 Burluson Street, applicant being Anthony Candia, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

A. The special exception will not materially endanger the public health or safety.

The Board finds that the request to operate an additional short-term rental is unlikely to materially endanger the public health, safety, or welfare. There is nothing obvious that would distinguish a short-term rental versus a long-term rental at this facility.

B. The special exception does not create a public nuisance.

There does not appear to be a reason to believe a public nuisance would be created if an additional short term rental permit was approved.

C. The neighboring property will not be substantially injured by such proposed use.

The neighboring properties consist of single-family and multi-family structures. This scenario does not cause reason to believe it will substantially injure neighboring property as a Type 2 Short Term Rental.

D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary faculties have been or are being provided.

The subject property provides off-street parking and appears to have adequate utilities, access, and open space.

E. The applicant or owner for the special exception does not have any previously revoked short term rental licenses, confirmed citations, or adjudicated offenses convictions for violations of Chapter 16, Article XXII of the City Code within one year prior to the date of the application.

The applicant or owner does not have previously revoked licenses, confirmed citations, or adjudicated offenses or convictions; for this subject property, as they only received a notice of violation for operating without a permit and submitted an STR application shortly afterwards.

F. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

The subject property is located in close proximity to other residential. With the property owner providing off-street parking and maintaining it from the neighboring property, the special exception does not appear to alter the essential character of the district and location in which the property is seeking the special exception.

The motion was seconded by Commissioner Benavides.

Favor: None

Opposed: Manna, Benavides, Brereton, Stevens, Ybanez, Dean, Cruz, Ozuna, Bonillas, Kaplan, Oroian

MOTION FAILED

Commissioner Brereton stepped out of the Board of Adjustment meeting at 1:30 PM.

Item #3

(Continued from 12/16/2024) BOA-24-10300228: A request by Cesar Puente for a request for 3’-6” variance from the minimum 5’ side setback requirement to allow a detached accessory structure to be 1’-6” from the side property line, located at 2806 Hopeton Drive. Staff recommends Denial. (Council District 1) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 18 Notices were mailed to property owners, 0 in favor, 3 in opposition. Colonial Hills Neighborhood Association did not respond. San Antonio Texas District One Resident Association did not respond.

Cesar Puente, applicant, presented the item and was available for questions. The applicant verbally amended his application to include recently installed gutters.

PUBLIC COMMENT

Voice mails

AJ Guajardo – in favor

Chambliss – in favor

David Gutman – in favor

Ester Foster – in favor

Frances Santos – in favor

Georgina Schwartz – in favor

Yvonne Deleon – in favor

In Person

Kathleen Buckley – in opposition

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300228, I move that the Board of Adjustment grant a request for a 3’-6” variance from the minimum 5’ side setback requirement to allow a detached accessory structure to be 1’-6’ from the side property line, situated at 2806 Hopeton Drive, applicant being Cesar Puente, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. The variance is not contrary to the public interest.

Staff finds the request will not be contrary to the public interest, as 1’-6” side setback provides an adequate distance for maintenance and separation from neighboring lot.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

A literal enforcement of the ordinance would result in unnecessary hardship as the applicant would be required to reconstruct the detached accessory structure to meet UDC setback requirements.

3 By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.

The request appears to be in the spirit of the ordinance as the requested 1'-6" setback leaves sufficient space between structure and abutting property.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

Granting a 1'-6" side setback would not alter the essential character of the district or injure appropriate use of the adjacent conforming properties in the surrounding area.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.

Staff finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property and do not appear to be merely financial.

The motion was seconded by Commissioner Kaplan.

Favor: Manna, Kaplan, Stevens, Ybanez, Cruz, Benavides, Ozuna, Bonillas, Oroian

Opposed: Dean

Commissioner Brereton was not present to vote.

MOTION PASSED

Commissioner Brereton returned to the Board of Adjustment meeting at 2:12 PM.

Item #4

(Continued from 1/6/2025) BOA-24-10300241: A request by 2021 FII Bulverde, LLC for a 2'-8" variance from the minimum 20' side setback to allow a 17'-4" US 281 North Gateway Corridor side setback on the southern property line, located at 26782 Bulverde Road. Staff recommends Denial. (Council District 9) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 4 Notices were mailed to property owners, 0 in favor, 0 in opposition. No registered Neighborhood Association within 200'. No Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations.

Mary Jane Phillips, applicant, presented the item and was available for questions.

PUBLIC COMMENT

Ken Brown – in favor

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300241, I move that the Board of Adjustment grant a request for a 2'-8" variance from the minimum 20' side setback to allow a 17'-4" US 281 North Gateway Corridor side setback on the southern property line, past the 83' front setback, situated at 26782 Bulverde Road, applicant being 2021 FII Bulverde LLC, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. The variance is not contrary to the public interest.

The side setback variance is not contrary to the public interest as sufficient space will remain in respect to the gateway corridor.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

A literal enforcement of the side corridor setback ordinances would result in unnecessary hardship. The configuration of the lot and proposed commercial structure have limited space relative to the corridor setbacks.

3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.

The requested side corridor setback variance does appear to be in the spirit of the ordinance as the requested variance is minimal, adequately distanced from the highway and would otherwise allow development of the lot.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

Staff finds that the side corridor setback variance would not substantially injure the appropriate use of adjacent properties as sufficient space will remain in respect to the corridor and will allow development on the lot to proceed.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.*

Staff finds the unique circumstances existing on the property for the side corridor setback variance is the lot size and dimensions.

The motion was seconded by Commissioner Manna.

Favor: Ozuna, Manna, Brereton, Stevens, Ybanez, Dean, Cruz, Benavides, Bonillas, Kaplan, Oroian

Opposed: None

MOTION PASSED

Commission went into recess at 3:53 PM and reconvened at 4:02 PM.

Item #5

BOA-24-10300249: A request by Horizon Landscape for 1) a 11' variance application from the minimum 15' landscape buffer to allow a 4' landscape buffer against Ingram Road, and 2) a request for a 9' variance application from the minimum 15' landscape buffer to allow a 6' landscape buffer against Wurzbach Road, located at 3103 Wurzbach Road. Staff recommends Approval. (Council District 6) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 13 Notices were mailed to property owners, 0 in favor, 0 in opposition. Not within 200' of a registered Neighborhood Association. Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations.

John Robinson, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300249, I move that the Board of Adjustment grant a request for an 11' variance application from the minimum 15' landscape buffer to allow a 4' landscape buffer against Ingram Road, and 2) a 9' variance application from the minimum 15' landscape buffer to allow a 6' landscape buffer against Wurzbach Road, situated at 3103 Wurzbach Road, applicant being Horizon Landscape, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is not contrary to the public interest.*

In this case, the public interest is represented by the reduced landscape buffers will provide sufficient distance along the front and side property lines therefore is not contrary to the public interest.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

The full landscape buffer would reduce the amount of space the applicant can build on the property.

3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.

The reduced landscape buffer will observe the spirit of the ordinance as there will still be a 4' - foot and 6'- foot landscape buffer along the front and side property lines.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

If granted, the reduced landscape buffers will not alter the essential character of the district.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.

The reduced landscape variance is sought is due to unique circumstances existing on the property, such as the location and lot size of the property and are not merely financial.

The motion was seconded by Commissioner Stevens.

Favor: Ozuna, Stevens, Brereton, Ybanez, Dean, Cruz, Manna, Benavides, Bonillas, Kaplan, Oroian
Opposed: None

MOTION PASSED

Item #6

BOA-24-10300214: A request by Francisca Lopez for request for a 16'-5" variance from the minimum 20' rear setback requirement to allow a structure to be 3'-7" from the rear property line to include a 10" overhang, located at 522 Ceralvo Street. Staff recommends Denial. (Council District 5) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 44 Notices were mailed to property owners, 0 in favor, 0 in opposition. Collins Garden Neighborhood Association did not respond. No Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations.

Francisca Lopez, applicant, presented the item and was available for questions.

A motion was made by Commissioner Bonillas. Regarding Case No. BOA-24-10300214, I move that the Board of Adjustment grant a request for a 16'-5" variance from the minimum 20' rear setback requirement to allow a structure to be 3'-7" from the rear property line to include a 10" overhang, situated at 522 Ceralvo Street, applicant being Francisco Lopez, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. The variance is not contrary to the public interest.

The rear setback variance is not contrary to the public interest as sufficient space will remain to provide adequate spacing between properties.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

A literal enforcement of the rear setback ordinances would result in unnecessary hardship as the applicant would be required to modify the structure to meet rear setback requirements.

3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.

The requested rear setback variance appears to be in the spirit of the ordinance as it provides adequate spacing on the lot and neighboring properties.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

If granted, the rear setback variance would not injure the appropriate use of adjacent properties as sufficient space will remain between properties and structures.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner

of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.

The rear setback variance is due to unique circumstances that were not created by the property owner, such as the location and size of the lot.

The motion was seconded by Commissioner Cruz.

Favor: Bonillas, Cruz, Brereton, Stevens, Ybanez, Dean, Manna, Benavides, Ozuna, Kaplan, Oroian
Opposed: None

MOTION PASSED

Item #7

BOA-24-10300222: A request by Addison Martinez for 1) a variance to allow three separate structures on an "RM-4" that is less than one-third of an acre, 2) a half-story variance from the maximum 2.5 stories to allow a 3-story structure, 3) a 7' variance from the minimum 10' rear setback regulation to allow a residential structure to be 3' from the rear setback, and 4) a 10' garage setback from the minimum 20' garage setback to allow (3) one car garages to be 10' from the property line, located at 715 Piedmont Avenue. Staff recommends Denial. (Council District 2) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 32 Notices were mailed to property owners, 5 in favor, 0 in opposition. Denver heights Neighborhood Association is in Opposition. No Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations.

Addison Martinez, representing the applicant, presented the item and were available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Stevens. Regarding Case No. BOA-24-10300222, I move that the Board of Adjustment grant a request for 1) a variance to allow three separate structures on an "RM-4" that is less than one-third of an acre, 2) a half-story variance from the maximum 2.5 stories to allow a 3-story structure 3) a 7' variance from the minimum 10' rear setback regulation to allow a residential structure to be 3' from the rear setback, and 4) a 10' garage setback from the minimum 20' garage setback to allow (3) one car garages to be 10' from the property line, situated at 715 Piedmont Avenue, applicant being Addison Martinez, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is not contrary to the public interest.*

Staff finds the request will not be contrary to the public interest, as concentrating 3 separate units onto a lot less than 1/3 of an acre will not injure neighboring properties within the

surrounding area. The reduced rear and garage setbacks will provide adequate spacing for adjacent properties and public right-of-way and the half story variance is not contrary to the public interest as the height will not impede residential structures in the surrounding area.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

Staff found a special condition existing on the property where a literal enforcement of the ordinance would not provide the adequate conditions needed for multi-family development on an “RM-4” zoned property.

3 By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.

The request appears to be in the spirit of the ordinance as the requested variances will provide adequate distance between the proposed structure and property lines to ensure proper maintenance and separation can occur as well as secure off-street parking on the property.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

Granting a third residential structure on a lot less than one-third of an acre, 2’ rear setback, 10’ garage setback, and half-story variances will provide the space needed for multi-family development and will not alter the essential character of the district.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.

Staff finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property and do not appear to be merely financial.

The motion was seconded by Commissioner Bonillas.

Favor: Stevens, Bonillas, Brereton, Ybanez, Dean, Manna, Benavides, Ozuna, Kaplan, Oroian
Opposed: Cruz

MOTION PASSED

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300222, I move that the Board of Adjustment grant a request for a half-story variance from the maximum 2.5 stories to allow a 3-story structure, situated at 715 Piedmont Avenue.

The motion was seconded by Commissioner Stevens.

A verbal vote was taken, and all voted in affirmative.

MOTION PASSED

Item #14

BOA-24-10300252: A request by Jonathan Smith for a 28'-9" variance from the minimum 30' side setback to allow a proposed addition, with dimensions limited to the site plan provided, to be 1'-3" from the side property line, located at 422 Pereida Street. Staff recommends Approval. (Council District 1) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 88 Notices were mailed to property owners, 1 in favor, 0 in opposition. King William Neighborhood Association did not respond. No Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations.

Jonathan Smith, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Bonillas Regarding Case No. BOA-24-10300252, I move that the Board of Adjustment grant a request for a 28'-9" variance from the minimum 30' side setback to allow a proposed addition, with dimensions limited to the site plan provided, to be 1'-3" from the side property line, situated at 422 Pereida Street, applicant being Jonathan Smith, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. The variance is not contrary to the public interest.

The requested side setback variance, limited to the dimensions of site plan provided, will align the 313-square foot addition with the existing side setback and will provide sufficient distance between the commercial and neighboring residential property.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

A literal enforcement of the ordinance would result in unnecessary hardship as the proposed addition would have to be reconfigured to abide by the commercial setback regulations that restrict development of the lot.

3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.

The requested variance will maintain a safe distance from the neighboring property, abide by all remaining setback requirements and will observe the spirit of the ordinance.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

If granted, the requested 1'-3" side setback variance will not substantially injure the appropriate use of adjacent conforming properties as similar building configurations can be seen within the surrounding area.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.

The side setback variance is due to unique circumstances that were not created by the property owner such as the location of the lot and surrounding area.

The motion was seconded by Commissioner Manna.

A verbal vote was taken, and all voted in affirmative.

MOTION PASSED

Item #8

BOA-24-10300243: A request by The Kaufman Group, INC. for 1) an 18' variance from the minimum 20' rear setback to allow a 2' rear setback for a barbed wire fence, 2) a 3' variance from the minimum 5' side setback to allow a 2' side setback for a barbed wire fence, and 3) a 1' Fence Height Special Exception from the maximum 6' height to allow a 7' barbed wire fence along the rear and side yards, located at 12307 Huebner Road. Staff recommends Approval. (Council District 8) (Vincent Trevino, Senior Planner, (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 193 Notices were mailed to property owners, 1 in favor, 5 in opposition. Shavano Forest Homeowner Association is in opposition. No Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations.

Bill Kaufman, applicant, presented the item and was available for questions.

PUBLIC COMMENT

Vocemails

Anna Uriegas-Cadena – in opposition
Anita Castillo – in opposition
Hernan Garcia – in opposition
Randolph Blake – in opposition

In Person

Joe Sanchez – in opposition
Robert Scherer (yielded time to Joe Sanchez)
Debbie Roberts – in opposition
Karen Strickland – in opposition
Michael Strickland – in opposition

A motion was made by Commissioner Ozuna to continue the case to February 10, 2025 Board of Adjustment meeting.

The motion was seconded by Commissioner Manna.

Favor: Ozuna, Manna, Brereton, Stevens, Ybanez, Dean, Benavides, Bonillas, Vasquez, Oroian
Opposed: None

MOTION PASSED

Item #9

BOA-24-10300244: A request by WGA Consulting Engineers for a 7' variance from the 15' setback to allow a structure to be 8' from the Urban Corridor district front setback, located at 2100 North Main Avenue. Staff recommends Denial. (Council District 1) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 26 Notices were mailed to property owners, 0 in favor, 0 in opposition. Monte Vista Neighborhood Association did not respond. Tobin Hill Community Neighborhood Association did not respond, San Antonio Texas District One Resident Association did not respond. No Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations.

Nick Weinheimer, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300244, I move that the Board of Adjustment grant a request for a 7' variance from the 15' setback to allow a structure to be 8' from the Urban Corridor district front setback, situated at 2100 North Main Avenue, applicant being WGA Consulting Engineers, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. The variance is not contrary to the public interest.

The reduced setback is consistent with other structures in along the corridor in the immediate vicinity, and not out of character for the urban corridor district.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

A literal enforcement of the urban corridor setbacks would result in unnecessary hardship as there is not adequate space for development on the lot.

3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.

The requested urban corridor variance appears to be in the spirit of the ordinance as it preserves the urban corridor while providing adequate space between properties.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

The proposed development will leave sufficient room between the property and the urban corridor and will not alter the essential character of the district.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.

The variance is due to unique circumstances that were not created by the property owner, such as the location and size of the lot.

The motion was seconded by Commissioner Ozuna.

Favor: Manna, Ozuna, Brereton, Stevens, Ybanez, Dean, Benavides, Bonillas, Vasquez, Oroian

Opposed: None

MOTION PASSED

Item #10

BOA-24-10300245: A request by Erik and Nidia Galvan for 1) a 4'-11" side setback variance from the minimum 5' side setback to allow a structure to be 1" from the side property line, and 2) a 5'-2" clear vision variance from the minimum 15' clear vision to allow a 9'-10" driveway clear vision, located at 1912 Santa Barbara Street. Staff recommends Denial for the Side Setback Variance. Staff recommends Approval for the Driveway Clear Vision Variance. (Council District 1) (Colton Uden,

Planner, (210) 207-0120, Colton.Unden2@sanantonio.gov, Development Services Department)

Staff stated 30 Notices were mailed to property owners, 0 in favor, 0 in opposition. Los Angeles Heights Neighborhood Association did not respond. No Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations. No response from the San Antonio District One Residents Association.

Erik Galvan, applicant, presented the item and was available for questions.

PUBLIC COMMENT

Voicemails

Sofia Garcia – in favor

Graciela Quintana – in favor

In Person

Carlos Castro – in opposition

Veronica Castro – in opposition

A motion was made by Chair Oroian. Regarding Case No. BOA-24-10300245, I move that the Board of Adjustment grant a request for 1) a 2' side setback variance from the minimum 5' side setback to allow a structure to be 3' from the side property line, and 2) a 5'-2" clear vision variance from the minimum 15' clear vision to allow a 9'-10" driveway clear vision, situated at 1912 Santa Barbara, applicant being Erik Galvan, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. The variance is not contrary to the public interest.

The requested variances are not contrary to the public interest as sufficient space will remain for the purposes of water runoff and fire safety concerns, and the fencing is at an established line within the neighborhood.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

A literal enforcement of the setback and clear vision ordinances would result in unnecessary hardship as the applicant would not be able to maintain a carport on the lot and the applicant would need to relocate the fence and gate well within the property outside of the norm for the neighborhood.

3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.

The requested variances appear to be in the spirit of the ordinance as sufficient space will remain for the purposes of water runoff and fire safety concerns, furthermore, carports and

fence lines were observed to be within setbacks and clear vision standards in the immediate area and neighborhood.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

Staff finds that the variances would not substantially injure the appropriate use of adjacent properties as other carports were seen in the area to be within setbacks and the fence and gate are located at an established line within the neighborhood.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.

Staff finds the unique circumstances existing on the property is the size and dimensions of the lot and the established fence and gate line in the neighborhood.

The motion was seconded by Commissioner Manna.

Favor: Oroian, Manna, Brereton, Stevens, Ybanez, Dean, Benavides, Ozuna, Bonillas, Vasquez

Opposed: None

MOTION PASSED

Item #11

BOA-24-10300248: A request by A-1 Engineering for a 10' variance from the minimum 20' rear setback to allow a 10' rear setback for a residential structure, located at 615 Calle Sur. Staff recommends Denial. (Council District 5) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 35 Notices were mailed to property owners, 0 in favor, 0 in opposition. No registered Neighborhood Association within 200'. No Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations.

Ralph Rios, representing the homeowner, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300248, I move that the Board of Adjustment grant a request for a 10' variance from the minimum 20' rear setback to allow a 10' rear setback for a residential structure, situated at 615 Calle Sur, applicant being A-1 Engineering, because the testimony presented to us, and the facts that we have determined, show that

the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. The variance is not contrary to the public interest.

The requested variance is not contrary to the public interest as sufficient space will remain for the purposes of water runoff and fire safety concerns and it is not out of character for the neighborhood.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

A literal enforcement of the setback ordinances would result in unnecessary hardship as the applicant would not be able to build an adequately spaced home on the property.

3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.

The requested variances appear to be in the spirit of the ordinance as sufficient space will remain for the purposes of water runoff and fire safety concern and a single-family dwelling will be able to be built on the vacant lot.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

Staff finds that the variances would not substantially injure the appropriate use of adjacent properties as other structures were seen in the neighborhood within setbacks and all other setbacks and minimum lot size requirements will be met.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.

Staff finds the unique circumstances existing on the property is the limited depth of the lot as addressed off Calle Sur Street.

The motion was seconded by Commissioner Stevens.

A verbal vote was taken, and all voted in affirmative.

MOTION PASSED

Item #12

BOA-24-10300250: A request by LPA, Inc. for an appeal from an Administrator’s decision for a Nonconforming Denial, located at 10290 Southton Road. (Council District 3) (Vincent Trevino, Senior Planner, (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 5 Notices were mailed to property owners, 0 in favor, 0 in opposition. There is no registered Neighborhood Association within 200'. No Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations.

Mickey Conrad, representing the applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300250, I move that the Board of Adjustment grant the appeal for the property, situated at 10290 Southton Road, applicant being LPA, Inc, because the information provided by the applicant shows that City staff made an error in the Denial of a Nonconforming Use.

The motion was seconded by Commissioner Stevens.

A verbal vote was taken, and all voted in affirmative.

Item #15

BOA-24-10300253: A request by Pamela Ann Almazan for 1) a 3’ special exception from the maximum 3’ fence height to allow a 6’ privacy fence height in the front yard, 2) a 1’ variance from the minimum 15’ driveway clear vision to allow a 14’ driveway clear vision, 3) a 4’ variance from the minimum 5’ side setback to allow a carport with a 1’ side setback, and 4) an 8’ variance from the minimum 10’ front setback to allow a carport with a 2’ front setback, located at 303 Rosa Verde. Staff recommends Denial for the Fence Height Special Exception, Carport Side Setback, and Carport Front Setback. Staff recommends Approval for the Driveway Clear Vision Variance (Council District 5) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 16 Notices were mailed to property owners, 12 in favor, 2 in opposition. Historic Westside Residents Neighborhood Association is in favor. No Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations.

Pamela Ann Almazan, applicant, presented the item and was available for questions.

PUBLIC COMMENT

In Person

Diane Gonzales – in opposition

Leticia Sanchez – in favor

Anthony Gonzales – in favor

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300253, I move that the Board of Adjustment grant a request for 1) a 1' variance from the minimum 15' driveway clear vision to allow a 14' driveway clear vision, 2) a 4' variance from the minimum 5' side setback to allow a carport with a 1' side setback, and 3) an 8' variance from the minimum 10' front setback to allow a carport with a 2' front setback, situated at 303 Rosa Verde, applicant being Pamela Ann Almazon, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. The variance is not contrary to the public interest.

The requested variances are not contrary to the public interest as sufficient space will remain for the purposes of water runoff and fire safety concerns, and the fencing is at an established line within the neighborhood.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

A literal enforcement of the setback and clear vision ordinances would result in unnecessary hardship as the applicant would not be able to maintain an adequate carport on the lot and the applicant would need to relocate the fence and gate well within the property outside of the norm for the neighborhood.

3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.

The requested variances appear to be in the spirit of the ordinance as sufficient space will remain for the purposes of water runoff and fire safety concerns, furthermore, carports and fence lines were observed to be within setbacks and clear vision standards in the immediate area and neighborhood.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

Staff finds that the variances would not substantially injure the appropriate use of adjacent properties as other carports were seen in the area to be within setbacks and the fence and gate are located at an established line within the neighborhood.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner

of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.

Staff finds the unique circumstances existing on the property is the size and dimensions of the lot and the established fence and gate line in the neighborhood.

The motion was seconded by Chair Oroian.

Favor: Manna, Oroian, Brereton, Stevens, Ybanez, Dean, Benavides, Ozuna, Bonillas, Vasquez

Opposed: None

MOTION PASSED

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300253, I move that the Board of Adjustment grant a request for a 3' special exception from the maximum 3' fence height to allow a 6' privacy fence height in the front yard, situated at 303 Rosa Verde, applicant being Pamela Ann Almazon, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

A. The special exception will be in harmony with the spirit and purpose of the chapter.

Staff finds the request would be in harmony with the spirit and purpose of the ordinance, as the front yard privacy fence is behind an established fence and gate line in the community and will provide additional security and safety for the area.

B. The public welfare and convenience will be substantially served.

The proposed fence appears to serve the public welfare and convenience, as the additional fence height provides privacy and additional security to the subject property and abutting properties.

C. The neighboring property will not be substantially injured by such proposed use.

The fence special exception appears to create enhanced security and privacy for the subject and adjacent properties and will be within 3-feet of the Unified Development Code fence guidelines.

D. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

The additional fence height does not appear to alter the essential character of the district and location for which the special exception is sought.

E. The special exception will not weaken the general purpose of the district, or the regulations herein established for the specific district.

The requested special exception will not weaken the general purpose of the district as it is limited

to 6' in length and will provide privacy for the subject property.

The motion was seconded by Chair Oroian.

Favor: Manna, Oroian, Brereton, Stevens, Ybanez, Benavides, Ozuna, Bonillas, Vasquez

Opposed: Dean

MOTION PASSED

Item #16

BOA-24-10300254: A request by Md Shihab Adnan for a 2'-6" variance from the minimum 5' side setback to allow for a proposed residential structure to be 2'-6" from the side property line, located at 715 Amanda Street. Staff recommends Approval. (Council District 2) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 25 Notices were mailed to property owners, 0 in favor, 0 in opposition. Not within 200' of a registered Neighborhood Association No Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations.

MD Shihad Adnan, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300254, I move that the Board of Adjustment grant a request for a 2'-6" variance from the minimum 5' side setback to allow for a proposed residential structure to be 2'-6" from the side property line that includes a 1' overhang, situated at 715 Amanda Street, applicant being Md Shihab Adnan, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. The variance is not contrary to the public interest.

Staff finds this request for a 2'-6" side setback variance is not contrary to public interest, as the applicant is abiding by all remaining development and setback requirements, which will not infringe onto the neighboring properties.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

In this case, the special condition found on the subject property is the lot size. Without these variances, an unnecessary hardship will prevent the applicant from developing on the lot.

3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.

All remaining setback and building requirements, such as, building height, and density, are all being abided by. The spirit of the ordinance will be observed by granting this variance.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

Upon site visits, staff has found that the requested variance will not alter the essential character of the district and setback regulations will insure adjacent properties remain uninjured.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.

Staff finds the plight of the owner of the property for which the variances are sought is due to unique circumstances existing on the property, such as lot size and do not appear to be merely financial.

The motion was seconded by Commissioner Bonillas.

A verbal vote was taken, and all voted in affirmative.

MOTION PASSED

Item #17

Approval of the minutes from the Board of Adjustment meetings on January 6, 2025.

A motion was made by Commissioner Manna for approval of the January 6, 2025, minutes.

The motion was seconded by Commissioner Brereton.

A verbal vote was taken, and all voted in affirmative.

MOTION PASSED

Director's Report – February 10th Board of Adjustment meeting will have a work session beginning at 12:30 PM to discuss the 6-month review what was discussed and passed. Trends and UDC amendments.

There being no further business, the meeting was adjourned at 7:47 PM.

APPROVED BY: _____ or _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary