

City of San Antonio



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

Monday, March 10, 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, Dean, Cruz, Manna, Benavides (Webex), Ozuna, Vasquez (Webex), Brown, Oroian, Bonillas (in at 1:03 pm)

Absent: Ybanez, Gomez, Bragman

Worldwide Interpreters present.

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

Chair Oroian left the Board of Adjustment meeting for recusal purposes at 1:06 PM.

Item #3

BOA-25-10300023: A request by Chad Respondek for a 2' variance from the maximum 8' fence height to allow a 10' commercial privacy fence along the south property line, located at 7330 North 1604 West. Staff recommends Approval. (Council District 8) (Melanie Clark, Planner, (210) 207-5550, Melanie.Clark@sanantonio.gov, Development Services Department)

Staff stated 33 Notices were mailed to property owners, 12 in favor, 1 in favor outside 200', 0 in opposition. Cedar Point Homeowner Association did not respond. Riot Commons Community Organization did not respond.

Monica Garza, representing the applicant, presented the item and was available for questions.

Lance Klein, Civil Engineer for HEB, spoke about fence structure and parking.

PUBLIC COMMENT

Voice mail

Debra Juarez – in favor

Roland Juarez – in favor

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300023, I move that the Board of Adjustment grant a request for a 2' variance from the maximum 8' fence height to allow a 10' commercial privacy fence along the south property line, situated at 7330 North 1604 West, applicant being Chad Respondek, 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 it is abutting the rear lot lines of residential lots and the fence would provide a barrier to enhance public safety, and privacy between property lines.

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 reduced sound and visual barriers for the residential lots.

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

The requested variance will allow a higher rear privacy fence, which will observe the spirit of the ordinance that promotes separation and privacy between commercial and residential lots.

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 the variance will not substantially injure the appropriate use of adjacent conforming properties as the variance will promote the use by providing additional barriers between the commercial use and the residential properties.

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, such as abutting established residential uses.

The motion was seconded by Commissioner Cruz.

Favor: Manna, Cruz, Brereton, Stevens, Dean, Benavides, Vasquez, Bonillas, Brown, Ozuna

Opposed: None

MOTION PASSED

Chair Oroian returned to the Board of Adjustment meeting at 1:22 PM.

Item #1

BOA-25-10300018: A request by Tom Carter for a 16' variance from the minimum 20' front egress/ingress only drives to allow parking and drives past 4' from the front property line, located at 15407 Lookout Road. Staff recommends Approval. (Council District 10) (Colton Unden, Planner, (210) 207-0120, Colton.Unden2@sanantonio.gov, Development Services Department)

Staff stated 11 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.

Matthew Cushman, representing the applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-25-10300018, I move that the Board of Adjustment grant a request for a 16' variance from the minimum 20' front parking area to allow parking and drives past 4' from the front property line, situated at 15407 Lookout Road, applicant being Tom Carter, 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by adhering to the parking and drives front setback requirements. The parking and drives front setback variance is not contrary to the public interest as sufficient space will remain and the design and configuration of the proposed buildings and lot is not contrary to the public interest.

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

A literal enforcement of the parking and drives front setback ordinances would result in unnecessary hardship as the applicant would be significantly restricted in their buildable space on the lot due to the irregular shape caused by the flood plain drainage easement.

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

The requested parking and drives front setback variance does appear to be in the spirit of the ordinance as the design and configuration of the lot is respecting the flood plain drainage easement restrictions.

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 parking and drives front setback variance would not substantially injure the appropriate use of adjacent properties as substantial buffering and screening will be afforded by the flood plain drainage easement and secondary arterial road.

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 parking and drives front setback is the flood plain's drainage easement heavily restricting the buildable portion of the lot.

The motion was seconded by Commissioner Stevens.

Favor: Ozuna, Stevens, Brereton, Cruz, Manna, Benavides, Vasquez, Bonillas, Brown, Oroian

Opposed: Dean

MOTION PASSED

Item #2

BOA-25-10300022: A request by Southtown Engineering & Consulting LLC for a 15' variance from the minimum 30' side setback to allow a 15' side setback, located at 9760 Braun Road. Staff recommends Approval. (Council District 7) (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, 1 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.

Steve Lin, representing the applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-25-10300022, I move that the Board of Adjustment grant a request for a 15' variance from the minimum 30' rear setback to allow a 15' rear setback, situated at 9760 Braun Road, applicant being Southtown Engineering & Consulting 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by adhering to setback requirements to provide adequate spacing between properties. The rear setback variance is not contrary to the public interest as sufficient space will remain for adequate spacing between residential and commercial uses flanked by a large residential lot.

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

A literal enforcement of the rear setback ordinance would result in unnecessary hardship as the applicant would be unable to develop the lot for a suitable commercial use adhering to the setbacks as prescribed due to the irregular and narrow shape of the lot.

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 sufficient space will remain for the purposes of buffering between residential and commercial uses supported by a large residential 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 rear setback variance would not substantially injure the appropriate use of adjacent properties as sufficient space will remain for the purposes of buffering between commercial and residential uses.

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 setback variances is irregular and narrow shape of the lot.

The motion was seconded by Commissioner Stevens.

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

Opposed: None

MOTION PASSED

Item #4

BOA-25-10300024 A request by Methodist Healthcare System of San Antonio, Ltd., LLP for an 11' variance from the minimum 15' setback required by the UC-5 Overlay to allow for a 4' setback along East Laurel Street, located at 410 Ogden Street. Staff recommends Approval. (Council District 1) (Manuel Mottu, Planner, (210) 207-0198, Manuel.Mottu@sanantonio.gov, Development Services Department)

Staff stated 14 Notices were mailed to property owners, 0 in favor, 0 in opposition. Tobin Hill Community 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.

Trey Jacobson, 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-25-10300024, I move that the Board of Adjustment grant a request for a 11' variance from the minimum 15' setback required by the UC-5 Overlay to allow for a 4' setback along East Laurel Street, situated at 410 Ogden Street, applicant being Methodist Healthcare System of San Antonio, Ltd., LLP, 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by minimum setback requirements along a corridor. Staff finds the reduced setbacks to be consistent with other structures 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.

Staff found special conditions existing on the property as limited development space is available for constructing a parking garage in a configuration that minimizes disruption to the corridor.

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

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The request appears to be in the spirit of the ordinance, as the variance will leave sufficient space in the side yard.

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 urban corridor setback variance will not substantially injure the appropriate use of the adjacent conforming properties. Reduced front setbacks exist in the immediate area, along the corridor overlay.

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 exist on and near the property, such as the irregular shaped lot and the proximity of adjacent properties.

The motion was seconded by Commissioner Ozuna.

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

Opposed: None

MOTION PASSED

Item #5

BOA-25-10300016: A request by Frank Abt 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 3019 Quakertown Drive. Staff recommends Denial. (Council District 1) (Juan Alvarez, Planner (210) 207-7232, Juan.Alvarez2@SanAntonio.gov, Development Services Department)

Staff stated 34 Notices were mailed to property owners, 2 in favor, 4 in opposition. San Antonio 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.

Frank Abt, applicant, presented the item and was available for questions.

PUBLIC COMMENT

Voice mail

Adria Castaneda – in favor

A motion was made by commissioner Manna. Regarding Case No. BOA-25-10300016, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental unit, situated at 3019 Quakertown Drive , applicant being Frank Abt, 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 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 of Chapter 16.

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: Benavides, Ozuna, Vasquez

Opposed: Manna, Brereton, Stevens, Dean, Cruz, Bonillas, Brown, Oroian

MOTION FAILED

Item #6

BOA-25-10300017: A request by Jamala Okoh for 1) a parking adjustment to waive the two (2) required off-street parking spaces for two (2) Short-Term Rentals (Section 35-526) and, 2) a Special Exception to allow one (1) additional Type 2 Short Term Rental permit on the block face (Section 35-374.01(c))., located at 118 Callaghan Avenue Unit A & B. Staff recommends Denial. (Council District 1) (Joseph Leos, Senior Planner (210) 207-0315, Joseph.Leos@SanAntonio.gov, Development Services Department)

Staff stated 23 Notices were mailed to property owners, 0 in favor, 2 in opposition. Lavaca Neighborhood Association is in opposition. No Response from the NES Foundation, San Antonio Texas District One Resident Association, and Women in Film & Television San Antonio Community Organizations

Jamala Okoh, applicant, presented the item and was available for questions. Applicant requested a 4-week continuance to meet with the Lavaca Neighborhood Association.

PUBLIC COMMENT

Voice mail

Melissa Stendahl – in opposition

Commissioner Ozuna made a motion to continue item BOA-25-10300017 to the April 7th Board of Adjustment meeting.

Motion was seconded by Commissioner Cruz

A verbal vote was taken, and a majority voted in the affirmative. Commissioner Dean was in opposition.

MOTION PASSED

Commissioner Benavides stepped out of the Board of Adjustment meeting at 2:35 PM, and returned at 2:38 PM.

Item #7

BOA-25-10300025: A request by Igor Konfisakhar 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 602 Mason Street Unit 1. Staff recommends Denial. (Council District 2) (Juan Alvarez, Planner (210) 207-7232, Juan.Alvarez2@SanAntonio.gov, Development Services Department)

Staff stated 32 Notices were mailed to property owners, 15 in favor, 0 in opposition. Government Hill Alliance 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.

Igor Konfisakhar, applicant, presented the item and was available for questions.

PUBLIC COMMENT

Voice mail

Phyllis Newman – in favor

Rose Hill, Government Hill Alliance – in favor

In person

Dalton Lucadello – In favor

The item was tabled at 3:07 PM in order for staff to research the Hotel Occupancy Tax (HOT) and the address tied to the record. The Board of Adjustment stepped out for recess. The Board of Adjustment returned at 3:13 PM and the item was brought back to the table.

Commissioner Manna made a motion. Regarding Case No. BOA-25-10300025, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental unit, situated at 602 Mason Street Unit 1, applicant being Igor Konfisakhar, 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 confirmed citations, or adjudicated offenses or convictions for this property or 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. 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 Bonillas.

Favor: Manna, Bonillas, Brereton, Cruz, Benavides, Ozuna, Vasquez, Oroian

Opposed: Stevens, Dean, Brown

MOTION FAILED

Item #8

BOA-25-10300021: A request by Keller Custom Signs for a 75' variance from the minimum 150' sign distance to allow for a 75' sign separation distance, located at 12965 Reid Ranch Road. Staff recommends Denial. (Council District "OCL" Outside City Limits) (Melanie Clark, Planner, (210) 207-5550, Melanie.Clark@sanantonio.gov, Development Services Department)

Staff stated 15 Notices were mailed to property owners, 0 in favor, 0 in opposition. Not located within 200' of a registered Neighborhood Association.

J.D. Keller, representing the applicant, presented the item and was available for questions.

Arturo Elizondo, Chief Sign Inspector, Development Services Department, was available to answer questions.

PUBLIC COMMENT

Voice mail

Trovan Willians – in favor

In person

James Williams – in favor

Commissioner Manna made a motion. Regarding Case No. BOA-25-10300021, I move that the Board of Adjustment grant a request for a 75' variance from the minimum 150' sign distance to allow for a 75' sign separation distance, situated at 12965 Reid Ranch Road, applicant being Keller Custom Signs, 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 the reduced minimum sign distance from 150' to 75' would not adversely impact the pre-designated signage locations for abutting conforming properties.

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

A literal enforcement ordinance would result in unnecessary hardship, as the applicant would have to adjust the configuration and location of the proposed sign to conform to the 2022 Sign Master Plan Agreement of Potranco and Reid Road.

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

The requested variance appears to be in the spirit of the ordinance as the reduced sign distance would not injure neighboring properties in the surrounding area.

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

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 plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property and are not merely financial.

The motion was seconded by commissioner Cruz.

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

Opposed: None

MOTION PASSED

Item #9

BOA-24-10300237: A request by Diana Lopez for a 3'-6" variance from the minimum 10 front setback to allow a carport to be 6'-6" from the front setback, located at 2703 West Woodlawn Avenue. Staff recommends Denial. (Council District 7) (Melanie Clark, Planner, (210) 207-5550, Melanie.Clark@sanantonio.gov, Development Services Department)

Staff stated 19 Notices were mailed to property owners, 5 in favor, 5 in favor outside 200', 0 in opposition. Jefferson Neighborhood Association did not respond. Woodlawn Lake Neighborhood Association did not respond.

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

NO PUBLIC COMMENT

Commissioner Stevens made a motion. Regarding Case No. BOA-24-10300237, I move that the Board of Adjustment grant a request for a 3'-6" variance from the minimum 10' front setback to allow a carport to be 6'-6" from the front setback, situated at 2703 West Woodlawn Avenue, applicant being Diana 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 requested variance is not contrary to the public interest, as the reduced front setback provides sufficient separation between structure, property line, and right-of-way.

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

A literal enforcement ordinance would result in unnecessary hardship, as the applicant would have to adjust the configuration of the carport to meet the front setback requirements.

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

The requested front setback variance appears to be in the spirit of the ordinance as the reduction of the front setback requirement would not injure neighboring properties in the surrounding area.

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

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 plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property and are not merely financial.

The motion was seconded by commissioner Manna.

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

Opposed: None

MOTION PASSED

Item #10

BOA-25-10300014 A request by Duesouth Properties, LLC for a 4'-11" variance from the minimum 5' side setback to allow a structure to be 1" from the side property line, located at 306 Odell Street. Staff recommends Denial. (Council District 1) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 18 Notices were mailed to property owners, 0 in favor, 0 in opposition. Kenwood 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.

Brad Borne, representing the applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

Commissioner Manna made a motion to continue item BOA-25-10300014 to the April 7th Board of Adjustment meeting.

The motion was seconded by commissioner Bonillas.

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

MOTION PASSED

Item #11

BOA-25-10300019: A request by Katherine Sauter for a 2' variance from the minimum 5' side setback to allow an attached accessory dwelling to be 3' from the east side property line, located at 115 Helena Street. Staff recommends Denial. (Council District 5) (Melanie Clark, Planner, (210) 207-5550, Melanie.Clark@sanantonio.gov, Development Services Department)

Staff stated 21 Notices were mailed to property owners, 2 in favor, 2 in opposition. Collins Garden Neighborhood Association is in opposition. Lone Star Neighborhood Association did not respond.

Ryan and Katherine Sauter, applicants, presented the item and were available for questions.

PUBLIC COMMENT

Voice mail

Roger Zapata – in favor

Commissioner Cruz made a motion. Regarding Case No. BOA-25-10300019, I move that the Board of Adjustment grant a request for a 2' variance from the minimum 5' side setback to allow an attached accessory dwelling to be 3' from the east side property line, situated at 115 Helena Street applicant being Ryan and Katherine Sauter, 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 the reduced side setback provides a suitable distance from the property line.

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

A literal enforcement ordinance would result in unnecessary hardship, as the applicant would have to adjust the configuration of the accessory structure to meet the side setback requirements.

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

The requested variance appears to be in the spirit of the ordinance as the reduction of the side setback requirement would not injure neighboring properties in the surrounding area.

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

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 plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property and are not merely financial.

The motion was seconded by commissioner Manna.

Favor: Stevens, Dean, Bonillas

Opposed: Cruz, Manna, Brereton, Benavides, Ozuna, Vasquez, Brown, Oroian

MOTION FAILED

Item #12

BOA-25-10300020 A request by Our Casas Resident Council, INC. for 1) a 3'-4" variance from the minimum 5' side setback to allow a 1'-8" side setback to include a 16" overhang for 3 residential structures, and 2) a 10' variance from the minimum 15' clear vision to allow a 5' driveway clear vision, located at 2222 Chihuahua Street; 2226 Chihuahua Street; 2230 Chihuahua Street. Staff recommends Denial on the Side Setback Variance. Staff recommends Approval on the Driveway Clear Vision Variance. (Council District 5) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 25 Notices were mailed to property owners, 3 in favor, 0 in opposition. 1 in favor outside 200'. Historic Westside Residents Neighborhood Association is in favor. El Charro 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.

Zeke Romo, representing the applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

After Staff clarification, it was determined the item would need to be readvertised and heard at a later date. No action was taken.

Item #13

(POSTPONED) BOA-25-10300015: A request by Lisa Whitsell for 1) a 4-parking space variance from the 7 parking spaces minimum to allow (3) parking spaces, and 2) a request for an elimination of a 10' buffer yard within the front property line, located at 1234 South St. Mary's Street. (Council District 1) (Melanie Clark, Planner, (210) 207-5550, Melanie.Clark@sanantonio.gov, Development Services Department)

Item #14

Approval of the minutes from the Board of Adjustment meetings on February 24, 2025.

A motion was made by Commissioner Ozuna for approval of the February 24, 2025, minutes.

The motion was seconded by Commissioner Brereton.

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

MOTION PASSED

Director's Report – None

There being no further business, the meeting was adjourned at 4:58 PM.

APPROVED BY: _____ or _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary