

City of San Antonio



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

Monday, May 19, 2025	1:00 PM	1901 S. Alamo
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The meeting was called to order by Chair Ozuna 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, Benavides, Ozuna, Vasquez, Bonillas, Oroian (via WebEx)

Absent: Bragman, Gomez

Worldwide Interpreters present.

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

Item #1 (POSTPONED)

BOA-25-10300072: A request by Millennial Homes for 1) variance from the requirement for all lots to front a public or private street or platted irrevocable ingress/egress easement to allow for primary access and frontage to be located off an alley, and 2) a variance from the Transportation and Streets Design minimum pavement requirements to allow for an alley to be gravel instead of asphalt pavement, located at 1102 South Olive Street #1. (Council District 2) (Joel Vela, Senior Planner, (210) 207-0237, joel.vela@sanantonio.gov, Development Services Department)

Item #2

BOA-25-10300068: A request by Veronica Valerio for 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 8231 Titan Belt. Staff recommends Denial. (Council District 4) (Joseph Leos, Senior Planner (210) 207-0315, Joseph.Leos@SanAntonio.gov, Development Services Department)

Staff stated 30 notices were mailed to property owners, 0 in favor, 0 in opposition. The subject property is not within the boundary of a registered neighborhood association. Solana Ridge HOA is in opposition (Not registered with Community & Engagement). Three city-wide groups were notified with no response.

Veronica Valerio, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Benavides. Regarding Case No. BOA-25-10300068, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental unit, situated at 8231 Titan Belt, applicant being Veronica Valerio, 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 were 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 facilities 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 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 Manna.

Favor: Benavides, Vasquez, Bonillas, Ozuna

Opposed: Manna, Brereton, Stevens, Ybanez, Dean, Cruz, Oroian

MOTION FAILED

Item #3 (POSTPONED)

BOA-25-10300044: A request by Oscar Cruz for 1) a 4'-11" side setback variance from the minimum 5' setback requirement to allow an attached accessory structure to be 1" from the side property line, and 2) a 4'-11" side setback variance from the minimum 5' setback requirement to allow a carport attached to an accessory structure to remain 1" from the side property line, located at 1603 Steves Avenue. Staff recommends Approval for the Attached Side Setback Variance. Staff recommends Denial for the Carport Side Setback Variance. (Council District 3) (Joel Vela, Senior Planner, (210) 207-0237, joel.vela@sanantonio.gov, Development Services Department)

Item #4 (POSTPONED)

BOA-25-10300064: A request by Burea Inc. for a 25' and 10' variance from the minimum 30' rear setback and 15' buffer to allow a 5' rear setback and buffer, located at 910 East Mistletoe Avenue. Staff recommends Denial. (Council District 1) (Joel Vela, Senior Planner, (210) 207-0237, joel.vela@sanantonio.gov, Development Services Department)

Item #5

BOA-25-10300066: A request by Beatriz Ramirez for 1) a 4'-11" variance from the minimum 5' side setback to allow a carport with a 1" side setback, and 2) a 9'-11" variance from the minimum 10' front setback to allow a carport with a 1" front setback, located at 4518 Newcome Drive. Staff recommends Denial. (Council District 7) (Jewel Polimis, Planner, (210) 207-8208, Jewel.Polimis@sanantonio.gov, Development Services Department)

Staff stated 18 notices were mailed to property owners, 3 in favor, 2 in opposition. No Neighborhood Association within 200ft of the property.

Beatriz Ramirez, applicant, and John Saxton, son of the applicant, presented the item and were available for questions. Applicant amended their request to include gutters.

NO PUBLIC COMMENT

A motion was made by Commissioner Oroian. Regarding Case No. BOA-25-10300066, I move that the Board of Adjustment grant 1) a 4'-11" variance from the minimum 5' side setback to allow a carport with gutters to have a 1" side setback and 2) a 9'-11" variance from the minimum 10' front

setback to allow a carport with a 1" front setback, situated at 4518 Newcome Drive, applicant being Beatriz Ramirez, 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 variance is not contrary to the public interest, as this does provide 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 of the ordinance would result in unnecessary hardship, as the carport cannot be adjusted to meet the front and side setback requirements for coverage of the applicant's vehicles.

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

The reduction of the side and front setback requirement would not injure neighboring properties, as the carport is away from the neighboring home and would not result in overcrowding in the front yard against the right-of-way.

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 side and front setback would not alter the essential character of the district and would not create water runoff issues and crowding against the right-of-way.

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 that the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property. The property owner would not be able to adjust the carport to abide by front setback requirements.

The motion was seconded by Commissioner Manna.

Favor: Oroian, Stevens, Ybanez, Dean, Cruz, Benavides, Vasquez, Bonillas, Ozuna

Opposed: Manna, Brereton

MOTION PASSED

Item #6

BOA-25-10300069: A request by The Pauli Group, LLC for 1) an 11'-1" variance from the minimum 20' rear setback to allow for an 8'-11" rear setback, 2) a 3'- 5" variance from minimum 5' side setback to allow for a 1'-7" side setback, 3) a 3' variance from the 15' Driveway Clear Vision Area requirement to allow for a 12' Driveway Clear Vision Area, and 4) a 3' Fence Height Special Exception from the maximum 3' height to allow for a 4'-6" fence with 6' stone columns, located at 5604 Vance Jackson Road. Staff recommends Approval. (Council District 1) (Joel Vela, Senior Planner, (210) 207-0237, joel.vela@sanantonio.gov, Development Services Department)

Staff stated 17 notices were mailed to property owners, 0 in favor, 1 in opposition. San Antonio, Texas District One Resident Association Neighborhood Association did not respond.

Michelle Torres, applicant, presented the item and was available for questions. Lee Smith, Architect, also spoke and was available for questions.

PUBLIC COMMENT

Voice Mails

Christi Shakoor – in favor

Elizabeth Guajardo – in opposition

Marlene Martin – in opposition

Melissa and Rafael Cortez – in opposition of request #2, neutral to requests #1, #3, and #4

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300069, I move that the Board of Adjustment grant a request for a 3' fence height special exception from the maximum 3' height to allow for a 4'-6" fence with 6' stone columns, situated at 5604 Vance Jackson Road, applicant being The Pauli Group, 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:

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

If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance, as the fence height is similar to or lower than other fences in the immediate area and does not impede the view of the property.

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

The front yard fence does appear to promote a sense of community, as the view to and from the property is not obstructed by the fence height and is lower in height than the fences in the surrounding area.

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

The fence special exception does not appear to substantially injure the neighboring properties, as the fence height is not out of character for the surrounding area and creates additional security.

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 in the front yard does not alter the location for which the special exception is sought, as similar masonry fences were observed to be present in the immediate surrounding area.

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

The special exception for a 4'-6" tall front yard fence will not weaken the general purpose, as multiple fences within the immediate area that face Vance Jackson Road have greater height than the subject property's fence.

The motion was seconded by Commissioner Benavides.

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

Opposed: Dean

MOTION PASSED

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300069, I move that the Board of Adjustment grant a request for 1) an 11'-1" variance from the minimum 20' rear setback to allow for an 8'-11" rear setback, 2) a 3' variance from minimum 5' side setback to allow for a 2' side setback, and 3) a 3' variance from the 15' Driveway Clear Vision Area requirement to allow for a 12' Driveway Clear Vision Area, situated at 5604 Vance Jackson Road, applicant being The Pauli Group, 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.

Staff finds that, if granted, the side and rear setback variances will leave sufficient space for maintenance and fire spread prevention, and the clear vision area variance will not impede the safety of drivers in the area.

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 reconfiguration of the existing accessory structure is not possible, and the driveway appears to have sufficient space that does not impede the safety of drivers.

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

The spirit of the ordinance appears to be observed as there will be sufficient space between the side and rear property lines and the accessory structure for maintenance and fire spread prevention, and the driveway appears to have a sufficient clear vision area that does not impede the safety of drivers.

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 side and rear setback variances and clear vision area variance will not substantially injure the appropriate use of adjacent conforming property as the rear setback directly abuts a parking lot, the side setback directly abuts open space in the adjacent lot, and the driveway clear vision area variance leaves sufficient space and does not impede the safety of drivers.

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. The property owner would need to relocate the existing residential structure to conform to the UDC requirements.

The motion was seconded by Commissioner Stevens.

Chair Ozuna offered a friendly amendment to limit the side and rear setbacks to the limits of the site plan provided. Commissioner Manna and Commissioner Stevens accepted the friendly amendment.

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

Opposed: Dean, Oroian

MOTION PASSED

Item #7

BOA-25-10300070: A request by Max Schmitt for a variance from the NCD-5 Residential Design Standards to allow for the complete removal of a porch and balcony, located at 1043 West Magnolia Avenue. Staff recommends Denial. (Council District 1) (Joel Vela, Senior Planner, 210-207-0237,

joel.vela@sanantonio.gov, Development Services Department)

Staff stated 27 notices were mailed to property owners, 1 in favor, 1 in opposition. Beacon Hill Area Neighborhood Association requests a continuance.

The Applicant requested to continue BOA-25-10300070 to the June 16th Board of Adjustment meeting.

PUBLIC COMMENT

Voicemail

Cynthia Walker requested a continuance or denial.

A motion was made by Commissioner Brereton to continue BOA-25-10300070 to the June 16, 2025 Board of Adjustment meeting.

The motion was seconded by Commissioner Manna.

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

MOTION PASSED

Item #8

BOA-25-10300071: A request by Laura DeLeon for a 1'-6" variance from the minimum 5' side setback to allow a 3'-6" side setback, located at 307 South San Bernardo. Staff recommends Approval. (Council District 5) (Jewel Polimis, Planner, (210) 207-8208, Jewel.Polimis@sanantonio.gov, Development Services Department)

Staff stated 46 notices were mailed to property owners, 0 in favor, 0 in opposition, 1 in opposition outside 200'. The Las Palmas Neighborhood Association did not respond.

Laura DeLeon, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Oroian. Regarding Case No. BOA-25-10300071, I move that the Board of Adjustment grant a request for a 1'-6" variance from the minimum 5' side setback to allow a 3'-6" side setback on the southside limited to Lot 35, situated at 307 South Bernardo, applicant being Laura DeLeon, 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 variance is not contrary to public interest, as the applicant is abiding by all remaining development and setback requirements and will not infringe on the neighboring property to the south, which is also owned by the property owner.

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 this variance, an unnecessary hardship will prevent the applicant from developing on the substandard lot.

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

All remaining setbacks and building requirements, such as building height and density, will be followed. 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 visit, staff have found that the requested variance will not alter the essential character of the district, and setback regulations will ensure 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 property owner for which the variance is sought is due to unique circumstances existing on the property, such as lot size, and does not appear to be merely financial.

The motion was seconded by Commissioner Cruz.

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

Opposed: None

MOTION PASSED

Item #9 (Withdrawn)

BOA-25-10300073: A request by Marta Partida for 1) a 4'-11" variance from the minimum 5' rear setback to allow a carport with a 1" rear setback, and 2) a 230 square foot variance from the maximum 890 square feet to allow a 1,120 square foot carport accessory structure in the NCD-7, located at 225 John Page Drive. Staff recommends Denial. (Council District 7) (Jewel Polimis, Planner, (210) 207-8208, Jewel.Polimis@sanantonio.gov, Development Services Department)

Item #10

Approval of the minutes from the Board of Adjustment meetings on May 5, 2025.

A motion was made by Commissioner Manna for approval of the May 5, 2025, minutes.

The motion was seconded by Commissioner Benavides.

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

MOTION PASSED

Director's Report – Information regarding the Vape and Tobacco update will be emailed to Commissioners.

There being no further business, the meeting was adjourned at 2:43 PM.

APPROVED BY: _____ or _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary