

City of San Antonio



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

Monday, December 2, 2024

1:00 PM

1901 S. Alamo

The meeting was called to by order by Chair Oroian at 1:01 PM and roll was called by Monica Reyes-Urdiales noting the following members present:

Roll Call – Present: Brereton, Stevens, Ybanez, Dean, Cruz (WebEx), Gomez, Manna, Benavides (WebEx), Ozuna, Vasquez (WebEx), Oroian

Absent: Bragman

Worldwide Interpreters present.

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

Item #10

BOA-24-10300218: A request by Aldo Gutierrez for a 1,160 square foot lot size variance from the minimum 4,000 square foot lot size to allow single-family residential development on a 2,840 square foot lot, located at 330 Utah Street. Staff recommends Approval. (Council District 2) (Melanie Clark, Planner, (210) 207-5550 melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 31 Notices were mailed to property owners, 0 in favor, 0 in opposition. Denver Heights Neighborhood Association is in Opposition.

Aldo Gutierrez, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300218, I move that the Board of Adjustment grant a request for a 1,160 square foot lot size variance from the minimum 4,000 square foot lot size to allow single-family residential development on a 2,840 square foot lot, situated at 330 Utah Street, applicant being Aldo Gutierrez, 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 1,160 square foot variance is not contrary to the public interest as granting the variance would be in line with other lot sizes 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 having to rezone which would result in an unnecessary hardship.

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 requirement is there to protect the neighborhood, and there are other single-family homes on similar lot sizes in the 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.

Staff finds that the variance would not substantially injure the appropriate use of adjacent properties as many other lots do not meet the minimum lot size requirements.

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 as the property owner's inability to utilize the lot was created by the placing the zoning district on the property that does not match with the size.

The motion was seconded by Commissioner Brereton.

Favor: Ozuna, Brereton, Stevens, Ybanez, Dean, Cruz, Gomez, Manna, Benavides, Oroian
Opposed: None
Abstained: Vasquez

MOTION PASSED

Item #1

(Continued from 10/7/2024) BOA-24-10300177: A request by Jeremy Grimsman 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 827 Denver Boulevard. Staff recommends Denial. (Council District 2) (Joseph Leos, Senior Planner (210) 207-0315, Joseph.Leos@sanantonio.gov, Development Services Department)

Staff stated 28 Notices were mailed to property owners, 0 in favor, 0 in opposition. Denver Heights Neighborhood Association is in favor.

Jeremy Grimsman, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300177, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental unit, situated at 827 Denver Boulevard, applicant being Jeremy Grimsman, 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 does not have any history of revocation, citations, or convictions for violations of Chapter 16 for the subject 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 Ozuna.

Favor: Manna, Ozuna, Brereton, Ybanez, Cruz, Gomez, Benavides, Vasquez, Oroian

Opposed: Dean, Stevens

MOTION PASSED

Item #2

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, 2 in opposition. The Tobin Hill Community Neighborhood Association and San Antonio Texas District One Resident Association did not respond. No response from the NES Foundation, T.H.U.G.G.I.N for Christ, and Women in Film & Television San Antonio Community Organizations.

Nuriddin Kalam, applicant, requested a continuance to the December 16th Board of Adjustment meeting, after it is reviewed at the Historic and Design Review Commission (HDRC) meeting.

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna to continue BOA-24-10300221 to the December 16th Board of Adjustment meeting.

The motion was seconded by Commissioner Cruz.

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

MOTION PASSED

Item #3

BOA-24-10300220: A request by Manoj Tuguru 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 608 Mason Street. Staff recommends Denial. (Council District 2) (Juan Alvarez, Planner (210) 207-7232, Juan.Alvarez2@SanAntonio.gov, Development Services Department)

Staff stated 36 Notices were mailed to property owners, 0 in favor, 1 in opposition. 1 in opposition outside the 200'. No response from the Government Hill Alliance Neighborhood Association. No response from the NES Foundation, T.H.U.G.G.I.N for Christ, and Women in Film & Television San Antonio Community Organizations.

Manoj Tuguru, applicant, presented the item and was available for questions.

PUBLIC COMMENT

In Person

Dolton Lucadello – in favor

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300220, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental unit, situated at 608 Mason Street applicant being Manoj Tuguru, 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.

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 Brereton.

Favor: Brereton, Ybanez, Cruz, Gomez, Benavides, Ozuna, Oroian

Opposed: Manna, Stevens, Dean, Vasquez

MOTION FAILED

Commission went into recess at 2:00 PM and reconvened at 2:06 PM.

Item #4

(Continued from 11/18/2024) BOA-24-10300211: A request by Efrain Bermudez for a 9'-11" variance from the minimum 10' front setback to allow an attached carport to be 1" from the front setback, located at 4150 Barrington Street. Staff recommends Denial. (Council District 10) (Melanie Clark, Planner, (210) 207-5550, Melanie.Clark@sanantonio.gov, Development Services Department)

Staff stated 31 Notices were mailed to property owners, 10 in favor, 0 in opposition. 3 returned in favor outside 200'. No registered Neighborhood Association.

Efrain Bermudez, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300211, I move that the Board of Adjustment grant a request for a 9'-11" variance from the minimum 10' front setback to allow an attached carport to be 1" from the front setback, situated at 4150 Barrington Street, applicant being Efrain Bermudez, 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 sufficient space will remain for safely backing from the driveway onto the local road.

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

A literal enforcement of the ordinances would result in unnecessary hardship as there is insufficient space to safely allow coverage and protection of personal vehicles on the property.

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 adequate space will remain for the purpose of safe roadway access and reduce the need for on street parking in the 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.

Staff finds that the variance would not substantially injure the appropriate use of adjacent properties and will not adversely impact the immediate neighbors and drivers in the 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 unique circumstances existing on the property is due to the limited space on the lot to allow for optional covered needed for off street parking and protection of vehicles on the property.

The motion was seconded by Commissioner Ybanez.

A motion to amend was made by Chair Oroian to approve the item as applied for by the applicant.

The motion was seconded by Commissioner Benavides.

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

Opposed: Manna

MOTION PASSED

The motion was formally amended to be as applied for.

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

Opposed: None

MOTION PASSED

Item #5

(Continued from 11/18/2024) BOA-24-10300213: A request by Victor Salgado for a 1) 16'-4" variance from the minimum 20' rear setback to allow a 3'-8" rear setback and 2) a 6" variance from the minimum 4'-6" side setback to allow a 4'-6" side setback, located at 814 South San Eduardo Avenue. Staff recommends Denial for the Rear Setback Variance. Staff recommends Approval for the Side Setback Variance. (Council District 5) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 43 Notices were mailed to property owners, 1 in favor, 1 in opposition. Las Palmas Neighborhood Association did not respond.

Victor Salgado and Magaly Roman, applicants, presented the item and were available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Ybanez. Regarding Case No. BOA-24-10300213, I move that the Board of Adjustment grant a request for 1) a 16'-4" variance from the minimum 20' rear setback to allow a 3'-8" rear setback and 2) a 6" variance from the minimum 5' side setback to allow a 4'-6" side setback, situated at 814 South San Eduardo Avenue, applicant being Victor Salgado, 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.

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 need to remove a significant portion of the structure.

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 and nonconforming setbacks have been seen in the immediate area the property is located.

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 nonconforming setbacks have been seen in the immediate 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 unique circumstances existing on the property are the lot size and dimensions and presence of other nonconforming setbacks in the area.

The motion was seconded by Commissioner Manna.

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

Opposed: None

MOTION PASSED

Item #7

BOA-24-10300215: A request by Nancy Cade for 1) a 4' special exception from the maximum 6' height to allow a 10' predominately open fence on the front yard and 2) a 2' special exception from the maximum 8' height to allow a 10' predominately open fence on the side and rear yard, located at 5331 Lockhill Road. Staff recommends Denial. (Council District 8) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 8 Notices were mailed to property owners, 3 in favor, 0 in opposition. Oakland Estates Neighborhood Association is in Opposition.

Nancy Cade, property owner, presented the item and requested a continuance to the December 16th Board of Adjustment meeting.

PUBLIC COMMENT

In Person

Barney Tearney – in opposition

A motion was made by Chair Oroian to continue BOA-24-10300215 to the December 16th Board of Adjustment meeting.

The motion was seconded by Commissioner Manna.

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

MOTION PASSED

Item #6

BOA-24-10300214: A request by Francisca Lopez for a 4'-11" variance from the minimum 5' side setback requirement to allow a carport to be 1" from the eastern side property line, 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 39 Notices were mailed to property owners, 1 in favor, 0 in opposition. Collins Garden Neighborhood Association is in Opposition.

Francisca Lopez, applicant, presented the item and was available for questions. Applicant amended their application at the podium to include gutters.

NO PUBLIC COMMENT

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300214, I move that the Board of Adjustment grant a request for a 2' variance from the minimum 5' side setback requirement to allow a carport with gutters limited to 30' long to be 3' from the eastern side property line, 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.

Staff finds the reduced side setback is not contrary to the public interest as a 3' side setback provides sufficient space between neighboring properties and is not out of character for the district.

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 space needed to construct a functional carport.

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 side setback provides adequate distance between the proposed structure and property lines to ensure proper maintenance and separation can occur.

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.

A 3' side setback limited to 30 ft long will leave sufficient room from the neighboring properties and not alter the essential character of the district, as it adheres to other setback requirements.

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 Benavides.

A friendly amendment by Commissioner Dean for a 3' side setback variance to allow a carport with gutters not to exceed 60 ft long to be 2' from the eastern side property line. Friendly amendment was accepted by Commissioners Manna and Benevides.

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

Opposed: None

MOTION PASSED AS AMENDED

Item #8

BOA-24-10300216: A request by French & Michigan, LLC for a 3'-5" variance from the minimum 5' rear setback requirement to allow a carport to be 1'-7" from the rear property line, located at 332 Florida Street. Staff recommends Denial. (Council District 1) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 43 Notices were mailed to property owners, 1 in favor, 0 in opposition. The Lavaca Neighborhood Association is in favor. The Texas District One Residence Association did not respond.

Nathan Manfred, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Chair Oroian. Regarding Case No. BOA-24-10300216, I move that the Board of Adjustment grant a request for a 3'-5" variance from the minimum 5' rear setback requirement to allow a carport to be 1'-7" from the rear property line limited to 22 ft long and no closer than 10 ft from the side property line, situated at 332 Florida Street, applicant being French & Michigan, 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 the reduced rear setback is not contrary to the public interest as the proposed rear setback provides sufficient space between neighboring properties and is not out of character for the district.

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 space needed to construct a functional carport.

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 a 1'-7" rear setback limited to 22' long no closer than 10' to the side property line provides adequate distance between the proposed structure and property lines to ensure proper maintenance and separation can occur.

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.

A 1'-7" rear setback limited to 22' long and no closer than 10' to the side property line will leave sufficient room from the neighboring properties and not alter the essential character of the district, as it adheres to other setback requirements.

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 Stevens.

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

Opposed: None

MOTION PASSED

Item #9

BOA-24-10300217: A request by Mary L Garcia for a 4'-6" variance from the minimum 5' side setback requirement to allow an attached carport with gutters to be 6" from the side property line, located at 230 West Bedford Avenue. Staff recommends Denial. (Council District 5) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 33 Notices were mailed to property owners, 3 in favor, 0 in opposition. No response from the Thompson Neighborhood Association.

Mary and Jim Garcia, applicants, presented the item and were available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300217, I move that the Board of Adjustment grant a request for a 4' variance from the minimum 5' side setback requirement to allow an attached carport 16' wide and 20' long with gutters to be 1' from the side property line, situated at 230 West Bedford Avenue, applicant being Mary Garcia, 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 the carport will maintain gutters.

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 does not appear to have adequate space to construct a carport on the lot within setbacks.

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 sufficient space will remain for the purposes of water runoff and fire safety concerns and the carport will not be out of character as staff identified numerous other carports within setbacks in the immediate 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.

Staff finds that the variances would not substantially injure the appropriate use of adjacent properties as other reduced setbacks have been seen in the immediate 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 unique circumstances existing on the property are the lot size and dimensions and presence of other reduced setbacks in the area.

The motion was seconded by Chair Oroian.

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

Opposed: None

MOTION PASSED

Item #11

Approval of the minutes from the Board of Adjustment meetings on November 18, 2024.

A motion was made by Commissioner Manna for approval of the November 18, 2024, minutes.

The motion was seconded by Commissioner Brereton.

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

MOTION PASSED

Director's Report – None

Adjournment

There being no further business, the meeting was adjourned at 4:04 PM.

APPROVED BY: _____ or _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary