



Board of Adjustment Minutes

Development and Business Services

Center

1901 South Alamo

April 18, 2022

1:00PM

1901 S. Alamo

Board of Adjustment Members

A majority of appointive Members shall constitute a quorum.

Donald Oroian, District 8, Chair
Andrew Ozuna, Mayor, Vice Chair
Seth Teel, District 6, Pro-Tem

Vacant, District 1 | Scott Albert, District 2
Abel Menchaca, District 3 | George Britton, District 4 |
Maria Cruz, District 5 | Phillip Manna, District 7
Kimberly Bragman, District 9 | Jonathan Delmer, District 10

Alternate Members

Vacant | Elizabeth Ingalls | Jo-Anne Kaplan | Lisa Lynde
Lillian Miess | Jesse Vasquez | Jesse Zuniga

1:00 P.M. - Call to Order

- **Roll Call**
- **Present:** Kaplan, Albert, Menchaca, Zuniga, Cruz, Manna, Bragman, Lynde, Teel, Ozuna, Oroian
- **Absent:** Britton, Delmer

2 Translators from SeproTec were present to assist with translating.

**THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE
REGULAR BOARD OF ADJUSTMENT MEETING:**

*Public Hearing and Consideration of the following Variances, Special Exceptions,
Appeals, as identified below*

Item #3 (Continued from 03/21/2022) **BOA-21-10300157**: A request by Felise De Novo for a 2' special exception to allow an 8ft solid screened privacy fence along the side and rear property lines. Located at 519 West King's Highway. Staff recommends Denial. (Council District 7) (Roland Arsate, Planner (210) 207-3074, Roland.Arsate@sanantonio.gov, Development Services Department).

Staff stated 30 notices were mailed to property owners within 200 feet, 0 returned in favor, 4 returned in opposition, and the Alta Vista Neighborhood Association is opposed.

Felise De Novo, applicant, submitted 102 signatures in Favor, 24 of which were within 200 feet. She requested approval for the fence due to privacy concerns.

Sergio De Novo commented on the invasion of privacy from surrounding neighbors.

No Public Comment

Chair Oroian asked for a motion for item BOA21-10300157 as presented.

Teel made a **motion** for item BOA21-10300157 for Approval.

Regarding Case No. BOA-21-10300157, I move that the Board of Adjustment grant a special exception for a 2' special exception to allow an 8ft solid screened privacy fence along the side and rear property lines located at 519 West Kings Highway, applicant being Felise DeNovo, 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.*
The UDC states the Board of Adjustment can grant a special exception for a fence height modification. The additional fence 2' of height is intended to provide additional safety for the property.

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

In this case, these criteria are represented by fence heights to protect residential property owners while still promoting a sense of community. An 8' solid screen fence along the side and rear yard does not pose any adverse effects to the public welfare.

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

The Board finds that the fence will create enhanced security for the subject property and is unlikely to injure adjacent properties.

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 height for the side and rear yard fence will not alter the essential character of the district and will provide security of the district.

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

The current zoning permits the current use of a single-family home. The requested special exception will not weaken the general purpose of the district.

Second: Manna

In Favor: Kaplan, Albert, Menchaca, Zuniga, Cruz, Manna, Bragman, Lynde, Teel, Ozuna, Oroian

Opposed: None

Motion Granted.

Item #4

(Continued from 04/04/2022) BOA-22-10300014: A request by Steve Williams for a special exception from the Short-Term Rental density limitation to allow one (1) additional Type 2 Short Term Rental Permit on the blockface, located at 511 Elmhurst Drive. Staff recommends Denial. (Council District 2) (Kayla Leal, Principal Planner (210) 207-0197, Kayla.Leal@sanantonio.gov, Development Services Department).

Staff stated 32 notices were mailed to property owners within 200 feet, 1 returned in favor, 8 returned in opposition, and the Mahncke Park Neighborhood Association is opposed.

Dagoberto Salinas, representative and property owner, requested an exception to the city's Short-Term Rental ordinance.

Public Comment:

Bill Bordelon, 526 Elmhurst, spoke in opposition.

Chair Oroian asked for a motion for item BOA-22-10300014 as presented.

Teel made a **motion** for item BOA-22-10300014 for Approval.

Regarding Case No. BOA-22-10300014, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental unit, situated at 511 Elmhurst Drive, applicant being Steve Williams, 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 a 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.

The Board finds that there are a total of eleven (11) residential units on this block face and the special exception would permit a total of two (2) Type 2 short term rentals, resulting in 18.2% of the blockface. The percentage is not much greater than what is permitted and there does not appear to be a reason to believe a public nuisance seems unlikely to be created.

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

The neighboring properties consist of single-family residences and some mixed residential. This unique 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 currently does not currently hold a Short-Term Rental Permit and does not have any history of revocation, citations, or convictions for violations 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 commercial, recreational, and 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.

Second: Kaplan

In Favor: Zuniga, Cruz, Teel, Ozuna, Oroian

Opposed: Kaplan, Albert, Menchaca, Manna, Lynde

Motion Failed 6-5.

Item #5

(Continued from 03/21/2022) BOA-22-10300029: A request by Gerardo Garcia for Special Exceptions from the Short-Term Rental Density Limitation to allow two (2) Type 2 Short Term Rental permits on the block face, located at 410 Barrera Street. Staff recommends Denial. (Council District 1) (Joshua Orton, Senior Planner, (210)- 2-7-7945, Joshua.Orton@sanantonio.gov, Development Services Department

Staff stated 15 notices were mailed to property owners within 200 feet, 0 returned in favor, 1 returned in opposition, 4 received outside the 200 feet in opposition, and no response was received from the Lavaca Neighborhood Association.

Gerardo Garcia, applicant, requested an exception to the city's Short-Term Rental ordinance.

No Public Comment

Chair Oroian asked for a motion for item BOA-22-10300029 as presented.

Teel made a **motion** for item BOA-22-10300029 for Approval.

Regarding Case No. BOA-22-10300029, I move that the Board of Adjustment grant a special exception to allow for (2) Type 2 short term rental units, situated at 410 Barrera, applicant being Gerardo 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:

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

The Board finds that the request to operate two additional short-term rentals 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.

The Board finds that there are a total of five (5) residential units on this block face and the special exception would permit a total of three (3) Type 2 short term rentals, resulting in 60% of the block face. There does not appear to be a reason to believe a public nuisance would be created if these permits were approved.

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

The neighboring properties consist of single-family structures, school district offices, and multifamily residences. This unique 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 currently operates a short-term rental at 414 Barrera and does not have any history of revocation, citations, or convictions for violations 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 commercial, office space, and other residential uses of varying intensity. 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.

Second: Kaplan

In Favor: Kaplan, Zuniga, Cruz, Bragman, Teel, Ozuna, Oroian

Opposed: Albert, Menchaca, Manna, Lynde

Motion Failed 7-4.

Item #6

BOA-22-10300012: A request by Elva Laureano for a special exception to renew a one-operator beauty salon, located at 245 Isabel Street. Staff recommends Approval. (Council District 3) (Richard Bautista- Vasquez, Planner (210) 207-0215, Richard.bautista-vasquez@sanantonio.gov, Development Services Department).

Staff stated 24 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, and the Roosevelt Park Neighborhood Association is in favor.

Elva Laureano, applicant, used translation services; she requested a renewal for four (4) years for her in home beauty salon permit.

No Public Comment

Chair Oroian asked for a motion for item BOA-22-10300012 as presented.

Bragman made a **motion** for item BOA-22-10300012 for approval.

Regarding Case No. BOA-22-10300012, I move that the Board of Adjustment grant a request for a renewal of a special exception to allow a one-operator beauty/barber shop in a single-family home, situated at 245 Isabel Street, applicant being Elva Laureano, 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.
The UDC states the Board of Adjustment can grant a special exception for a single operator barber shop beauty salon. The Barber shop/beauty salon is intended to be operated by a single owner. This request would be in harmony with the spirit and purpose of the ordinance.

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

The applicant is proposing to operate a Barber shop/Beauty Salon located at the residential property by a single owner while still promoting a sense of community. The public welfare and convenience will be substantially served with this special exception.

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

The Barber Shop / Beauty Salon will not disrupt the privacy for the subject property and is highly unlikely to injure adjacent properties.

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 Barbershop / Beauty Salon will not alter the essential character of the district as the single-family dwelling will remain to appear as such.

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

The current zoning permits the current use of a single-family home and the option to operate a single-operator Barber/Beauty Salon. The requested special exception will not weaken the general purpose of the district.

Second: Cruz

In Favor: Kaplan, Albert, Menchaca, Zuniga, Cruz, Manna, Bragman, Lynde, Teel, Ozuna, Oroian

Opposed: None

Motion Granted.

Item #7

BOA-22-10300040: A request by Virginia Losoya for a special exception to allow the renewal of a one-operator beauty salon, located at 248 West Cheryl Drive. Staff recommends Approval. (Council District7) (Rebecca Rodriguez, Senior Planner, (210) 207-0120. Rebecca.rodriguez@sanantonio.gov, Development Services Department)

Staff stated 23 notices were sent out, 0 returned in favor, 0 returned in opposition, and there was no response from the University Park Neighborhood Association.

Virginia Losoya, applicant, requested a renewal for four (4) years for her in home beauty salon permit.

No Public Comment

Chair Oroian asked for a motion for item BOA-22-10300040 as presented.

Bragman made a **motion** for BOA-22-10300040 for Approval.

Regarding Case No. BOA-22-10300040, I move that the Board of Adjustment grant a request for a special exception to allow the renewal of a one-operator beauty salon/barber shop, situated at 248 West Cheryl, applicant being Virginia and Frank Losoya, 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.
The UDC states the Board of Adjustment can grant a special exception for a single operator barber shop beauty salon. The Barber shop/beauty salon is intended to be operated by a single owner and will be in harmony with the spirit and purpose of the ordinance.

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

The applicant is proposing to operate a Barber Shop/Beauty Salon located at the residential property. The public welfare and convenience will be substantially served with this special exception.

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

The Barber Shop / Beauty Salon will not disrupt the privacy for the subject property and is highly unlikely to injure adjacent properties. The proposed hours of operation are Tuesday 10:00 AM to 5:00 PM, Thursday – Friday from 11:00 AM to 5:00 PM, and Saturday 11:00 AM to 3:00 PM.

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 Barbershop / Beauty Salon will not alter the essential character of the district as the single-family dwelling will remain to appear as such.

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

The current zoning permits the current use of a single-family home and the option to operate a single-operator Barber/Beauty Salon. The requested special exception will not weaken the general purpose of the district.

Second: Kaplan

In Favor: Kaplan, Albert, Menchaca, Zuniga, Cruz, Manna, Bragman, Lynde, Teel, Ozuna, Oroian

Opposed: None

Motion Granted.

Item #8

BOA-22-10300032: A request by Renata Costanzo for a 2' special exception from the maximum 6' fence height requirement to allow an 8' solid screened fence along the side and rear yard, located at 421 Howard Street. Staff recommends Approval. (Council District 1) (Vincent Trevino, Senior Planner (210) 207-5501, Vincent.trevino@sanantonio.gov, Development Services Department)

Staff stated 16 notices were mailed to property owners within 200 feet, 2 returned in favor, 0 returned in opposition, and there was no response from the Tobin Hill Community Association.

The applicant was not present.

No Public Comment

Chair Oroian asked for a motion for item BOA-21-10300032, as presented.

Teel made a **motion** for BOA-21-10300032 for Approval.

Regarding Case No. BOA-22-10300032, I move that the Board of Adjustment grant a request for a 2' special exception from the maximum 6' fence height requirement to allow an 8' solid screened fence along the side and rear yard, situated at 421 Howard Street, applicant being Renata Costanzo, 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.*

The additional fence height as proposed would be in harmony with the spirit and purpose of the ordinance.

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

In this case, these criteria are represented by fence heights to protect commercial property owners while still promoting a sense of community. The fence will still serve the public welfare and convenience.

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

The fence will create enhanced security and privacy for the subject property and is unlikely to substantially injure any neighboring properties.

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 height for the side and rear yard fence will not alter the essential character of the district.

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

The current zoning permits the current use of a bed and breakfast. The requested special exception will not weaken the general purpose of the district.

Second: Oroian

In Favor: Kaplan, Albert, Menchaca, Cruz, Manna, Bragman, Lynde, Teel, Ozuna, Oroian

Opposed: None

Abstained: Zuniga

Chair Oroian requested clarification on the **motion** to depict what yard the fence was along.

Teel amended the **motion** to be as depicted in the site plan in the application.

Second: Oroian

In Favor: Kaplan, Albert, Menchaca, Cruz, Manna, Bragman, Lynde, Teel, Ozuna, Oroian

Opposed: Zuniga

Motion Granted.

The Board of Adjustment meeting went into recess at 2:45 P.M. and reconvened at 2:54 P.M.

Item #9

BOA-22-10300035: A request by Christine Salcido for a request for a 2' special exception from the maximum 6' fence height requirement to allow a solid screened fence to be 8' tall along the side and rear of the property lines, located at 15303 Spring Cove. Staff recommends Approval. (Council District 10) (Richard Bautista-Vazquez, Planner (210) 207-0215, richard.bautistavazquez@sanantonio.gov, Development Services Department)

Staff stated 32 notices were mailed to property owners within 200 feet, 2 returned in favor, 1 returned in opposition, and no response from the Elmwood Home Owners Association.

Christine Salcido, applicant, requested approval for the fence due to privacy reasons.

No Public Comment

The Board asked the applicant and staff questions concerning the request. The applicant and staff responses were heard by the board, followed by a discussion among board members before the vote.

Chair Oroian asked for a motion for item BOA-22-10300035, as presented.

Cruz made a **motion** for BOA-22-10300035 for Approval.

Regarding Case No. BOA-22-10300035, I move that the Board of Adjustment grant a request for a 2' special exception from the maximum 6' fence height requirement to allow an 8' solid screened fence along the side and rear property lines, situated at 15303 Spring Cove, applicant being Christine Salcido, 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.

The additional fence height as proposed would be in harmony with the spirit and purpose of the ordinance.

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

In this case, these criteria are represented by fence heights to protect residential property owners while still promoting a sense of community. The fence will still serve the public welfare and convenience.

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

The fence will create enhanced security and privacy for the subject property and is unlikely to substantially injure any neighboring properties.

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 height for the side and rear yard fence will not alter the essential character of the district.

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

The current zoning permits the current use of a single-family home. The requested special exception will not weaken the general purpose of the district.

Second: Bragman

In Favor: Kaplan, Albert, Menchaca, Cruz, Manna, Bragman, Lynde, Teel, Ozuna, Oroian

Opposed: Zuniga

Motion Granted.

Item #10

BOA-22-10300037: A request by Fernando Deleon for a request for 1) a 560 square foot variance from the minimum 4,000 square foot requirement to allow a lot size of 3,440 square feet and 2) a request for a 10' from the rear property line, located at 2614 West Poplar Street. Staff recommends Approval. (Council District 7) (Richard Bautista-Vazquez, Planner (210) 207-0215, richard.bautista-vazquez@sanantonio.gov, Development Services Department)

Staff stated 36 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, and no response from Prospect Hill Neighborhood Association.

Fernando Deleon, representative, proposed a house and a carport.

Public Comment:

Joyce Mills, 8003 Lake Forest, just wondered what was going on with the lot behind hers property.

Chair Oroian asked for a motion for item BOA-22-10300037 as presented.

Bragman made a **motion** for BOA-22-10300037 for approval.

Regarding Case No. BOA-22-10300037, I move that the Board of Adjustment grant a request for a 560 square foot variance from the minimum 4,000 square foot requirement to allow a lot size of 3,440 square feet and 2) a 10' variance from the minimum 20' rear setback requirement to allow a structure to be 10' from the rear property line, situated at 2614 West Poplar Street, applicant being Fernando De Leon, 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. The applicant is requesting a 560 square foot lot size variance and a 10' rear setback variance which do not appear contrary to the public interest due to the limited space existing on the property.

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

A literal enforcement of the ordinance would result in the applicant having to postpone any development on the lot.

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 requested lot size and rear setback variance do appear to maintain the spirit of the ordinance by allowing the development of a single-family dwelling on the lot.

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

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

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

The variances do not appear to alter the essential character of the district, nor will they substantially injure adjacent 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 the small amount of available space on the lot.

Second: Kaplan

In Favor: Kaplan, Albert, Menchaca, Zuniga, Cruz, Manna, Bragman, Lynde, Teel, Ozuna, Oroian

Opposed: None

Motion Granted.

Item #12

BOA-22-10300039: A request by Gabriel Gonzales for a 14'7" variance from the minimum 20' rear setback to allow an attached structure to be 5'3" from the rear property line, located at 612 Leigh Street. Staff recommends Denial with Alternate Recommendation. (Council District 1) (Rebecca Rodriguez, Senior Planner, (210) 207-0120, Rebecca.Rodriguez@sanantonio.gov, Development Services Department)

Staff stated 48 notices were mailed to property owners within 200 feet, 1 returned in favor, and 0 returned in opposition, and no response from the Lavaca Neighborhood Association.

Maria Gonzales, applicant, requested a variance to allow more living space for her family.

Robert Silva, contractor, answered questions from the commissioners.

Zuniga called a point of order

Point of order overruled due to lack of second.

No Public Comment:

Chair Oroian asked for a motion for item BOA-22-10300039 as presented.

Ozuna made a **motion** for BOA-22-10300039 for approval.

Regarding Case No. BOA-22-10300039, I move that the Board of Adjustment grant a request for a 14' 9" variance from the minimum 20' rear setback requirement to allow an addition to be 5' 3" from the rear property line, situated at 612 Leigh Street, applicant being Gabriel Gonzales, 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. The request to allow an attached room addition to be 5' 3" away from the rear property line is not contrary to the public interest as the applicant has adequate space from any surrounding adjacent structures.

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

The Board finds that any special conditions that, if enforced, would result in an unnecessary hardship. By imposing a literal enforcement, the owner would have to redesign the addition plans which would make the structure significantly smaller and impractical.

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 intent of the rear setbacks is to ensure there is adequate space between neighboring properties. The structure will be 5' 3" from the rear property line which is adequate spacing between the adjacent property and will not pose any life safety issues.

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

The variance will not authorize the operation of a use other than those uses specifically authorized by the district.

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 request for a 14' 9" variance to the rear setback will allow a structure to be 5' 3" from the rear of property line does not pose a risk of substantially injuring the use of adjacent properties and does not seem likely to alter the essential character of the district. There are non-conforming structures found in proximity of the subject

property.

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 Board finds that the plight of the property owner is sought due to the unique circumstances existing on the property. The property is small in size and irregular shaped thus creating a hardship. The circumstances do not appear to be merely financial.

Second: Kaplan

In Favor: Kaplan, Albert, Menchaca, Zuniga, Cruz, Manna, Bragman, Lynde, Teel, Ozuna, Oroian

Opposed: None

Motion Granted.

Item #13

BOA-22-10300064: A request by Summit Property Holding LLC for a 10' variance from the Beacon Hill Neighborhood Conservation (NCD-5) minimum 20' front setback requirement to allow two residential dwellings to be 10' from the front property line, located at 1024 Blanco Street. Staff recommends Approval. (Council District 1) (Richard Bautista-Vasquez, Planner (210) 207-0215, richard.bautista-vasquez@sanantonio.gov, Development Services Department).

Staff mentioned 22 notices had been mailed out, 0 returned in favor, 0 returned in opposition, and Beacon Hill Neighborhood Association is requesting a continuance.

No Public Comment

Chair Oroian asked for a motion for item BOA-22-10300064 to be continued to May 2, 2022.

Teel made a **motion** for BOA-22-10300064 for a continuance.

Regarding Case No. BOA-22-10300064, I move that the Board of Adjustment grant a continuance to May 2, 2022.

Second: Cruz

In Favor: Kaplan, Albert, Menchaca, Zuniga, Cruz, Manna, Bragman, Lynde, Teel, Ozuna, Oroian

Opposed: None

Motion Granted for a continuance to May 2, 2022.

Item #11

BOA-22-10300038: A request by Francisco Javier Morales for a 10' variance from the minimum 20' rear setback requirement to allow a structure to be 10' from the rear property line, located at 2614 West Poplar Street. Staff recommends Approval. (Council District 1) (Richard Bautista- Vasquez, Planner (210) 207-0215, Richard.bautista-vasquez@sanantonio.gov, Development Services Department).

Staff mentioned 21 notices had been mailed out, 0 returned in favor, 0 returned in opposition, and Collins Garden Home Owners Association is opposed.

No Public Comment

Chair Oroian asked for a motion for item **BOA-22-10300038** to be continued to May 2, 2022.

Teel made a **motion** for **BOA-22-10300038** for continuance.

Regarding Case No. **BOA-22-10300038**, I move that the Board of Adjustment grant a continuance to May 2, 2022.

Second: Cruz

In Favor: Kaplan, Albert, Menchaca, Zuniga, Cruz, Manna, Bragman, Lynde, Teel, Ozuna, Oroian

Opposed: None

Motion Granted for a continuance to 05/02/2022.

Item #14

Approval of the minutes from the Zoning Board of Adjustment meeting on April 4, 2022.

Motion: Manna made a motion for Approval of the April 4, 2022 minutes.

Second: Cruz

In Favor: Kaplan, Albert, Menchaca, Zuniga, Cruz, Manna, Bragman, Lynde, Teel, Ozuna, Oroian

Opposed: None

Minutes Approved.

Announcement:

Director's Report: Update on 2022 UDC Amendments.

Adjournment

There being no further business, the meeting was adjourned at 3:48 P.M.

APPROVED BY: _____ OR _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary