

City of San Antonio



Board of Adjustment Minutes

Development and Business Services Center
1901 South Alamo

August 1, 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

Mark Spielman, 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 | Vacant, District 10

Alternate Members

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

1:05 P.M. - Call to Order

- **Roll Call**

Present: Spielman, Albert, Menchaca, Kaplan, Cruz, Manna, Bragman, Delmer, Vasquez, Zuniga,
Teel, Oroian

- **Absent:** Britton

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 #1 **BOA-22-10300096: POSTPONED**

Item #2 **BOA-22-10300098**: A request by Alejandra Maldonado for a Special Exception for a One Operator Beauty/Barber Shop, located at 1130 Lamar Street. Staff recommends Approval. (Council District 2) (Vincent Trevino, Senior Planner (210) 207-5501, Vincent.Trevino@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 there was no response from the Dignowity Hill Neighborhood Association.

Alejandra Maldonado, applicant, - (used translation services) stated she would like to open a beauty shop in her home. Her business hours would be Tuesday-Sunday 11AM-6PM, and she has a private driveway in the back for her customers.

Public Comment:

Michael Ruiz- is in opposition.

Pro-Tem Teel asked for a motion for item **BOA-22-10300098** as presented.

Manna made a **motion** for item **BOA-22-10300098** for approval.

Regarding Case No. BOA-22-10300098, I move that the Board of Adjustment grant a request for a special exception to allow a one-operator beauty salon/barber shop, situated at 1130 Lamar Street, applicant being Alejandra Maldonado, 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 because **the operation of one-operator beauty/barber shop does not negatively impact the character of the community, the applicant has fulfilled all requirements for a one-operator shop as established in the Unified Development Code, and the special exception will be in harmony with the purpose of the chapter.***
- B. *The public welfare and convenience will be substantially served because **it will provide a valuable service to the residents of the neighborhood.***
- C. *The neighboring property will not be substantially injured by such proposed use because*

the beauty salon will occupy only a small portion of the home, as required by the UDC and a neighboring property owner should not have any indication that a portion of the home is being used for this purpose. The proposed hours of operation are Monday-Saturday 11:00am-6:00pm.

- 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 because*
the home is in character with those around it, nothing visible from the street that would indicate the presence of a beauty salon.

- E. *The special exception will not weaken the general purpose of the district, or the regulations herein established for the specific district because*
As the property is zoned “R-4” and the use of the property is a single-family dwelling

Second: **Cruz**

In Favor: **Spielman, Albert, Menchaca, Vasquez, Cruz, Manna, Kaplan, Zuniga, Teel**

Opposed: **None**

Motion approved.

Chair Oroian entered the boardroom at 1:23 and Commissioner Bragman entered the boardroom at 1:24.

Item #3

BOA-22-1030102: A request by Celeste Ponce for a 2’ special exception from the 6’ maximum fence height requirement to allow an 8’ fence along the side and rear property lines, located at 407 Parland Place. Staff recommends Approval. (Council District 2) (Vincent Trevino, Senior Planner (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department).

Staff stated 22 notices were mailed to property owners within 200 feet, 1 returned in favor, 1 returned in opposition, and the Mahncke Park Neighborhood Association is not in favor nor opposition.

Celestine Ponce, applicant, - is requesting a taller fence.

Public Comment:

John Negum, neighbor, in opposition because fence is in his property.

Voicemail: Susan Farmer, 418 Elmherst, in favor.

Chair Oroian asked for a motion for **BOA-22-10300102**

Teel made a **Motion** for **BOA-22-10300102** for approval.

Regarding Case No. BOA-22-10300102, I move that the Board of Adjustment grant a 2’ special exception from the maximum 6’ fence height requirement to allow a fence to be 8’ tall along the side and rear property lines, situated at 407 Parland, applicant being Celeste Ponce, 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 because **the additional fence height is intended to provide additional privacy for a pool.***
- B. *The public welfare and convenience will be substantially served because **an 8' wood privacy fence located along the side and rear property lines will not pose any adverse effects to the public welfare.***
- C. *The neighboring property will not be substantially injured by such proposed use because **other fences were observed in the area therefore the request is unlikely to substantially injure to 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 because **the additional fence height is being requested along the side and rear property lines concluding that the essential character will not be changed.***
- E. *The special exception will not weaken the general purpose of the district, or the regulations herein established for the specific district because **the granting of this special exception will not weaken the purposes of the residential zoning district.***

Second: **Bragman**

Commissioner Menchaca asked for a **friendly amendment** to change the 8' to 7'.

Teel and Bragman accepted the **friendly amendment**.

In Favor: **Spielman, Albert, Menchaca, Vasquez, Cruz, Manna, Kaplan, Zuniga, Teel**

Opposed: **None**

Motion approved.

Item #4

BOA-22-10300091: A request by Fidel Contreras for 1) a 4' 2" variance from the minimum 5' side setback requirement to allow a carport with overhang and gutters to be 10" from the side property line, 2) a 4' 4" variance from the minimum 5' side setback to allow a structure with overhang and gutters to be 8" from the side property line, and 3) a special exception to allow a fence to be 8' tall along the side property line, located at 134 Cathage. Staff recommends Denial with an Alternate Recommendation. (Council District 5) (Richard Bautista-Vazquez, Planner (210) 207-0215, richard.bautista-vazquez@sanantonio.gov, Development Services Department)

The applicant requested a continuance to August 15.

No Public Comment

Chair Oroian asked for a motion for item **BOA-22-10300054** as presented.

Bragman made a **motion** for item **BOA-22-10300054** for a continuance.

Second: **Teel**

In Favor: **Spielman, Albert, Menchaca, Vasquez, Cruz, Manna, Bragman, Kaplan, Zuniga, Teel, and Chair Oroian.**

In Opposition: **None**

Motion passed for continuance to August 15th.

Item #5

BOA-22-10300093: A request by Luis Martinez for 1) a 7' 8" variance from the minimum 10' front setback to allow a carport with overhang to be 2'4" from the front property line, 2) a 4' 7" variance from the minimum 5' side setback to allow a carport with overhang and gutters to be 5" from the side property line, 3) 5" special exception from the maximum 5' fence height requirement to allow a predominately open fence to be 5'5" tall in the front yard, and 4) 3' 10" variance from the 15' minimum clear vision standard to allow a front gate to be 11' 2" from the curb, located at 1307 West Lynwood. Staff recommends Denial with an Alternate Recommendation. (Council District 1) (Rebecca Rodriguez, Senior Planner, (210) 207-0120, Rebecca.Rodriguez@sanantonio.gov, Development Services Department)

Staff stated 31 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, and there was no response from the Keystone Neighborhood Association.

Luis Martinez, applicant, - brought 4 signatures from neighbors about the carport. He stated the carport is to protect from the sun and hail damage.

No Public Comment

Chair Oroian asked for a motion for item **BOA-22-10300093** as presented.

Bragman made a **motion** for item **BOA-22-10300093** for approval.

Regarding Case No. BOA-22-10300093, I move that the Board of Adjustment grant a request for 1) a 5' variance from the minimum 5' front setback, to allow a carport with overhang to be 5' from the front property line, 2) a 4' 7" variance from the minimum 5' side setback to allow a carport with overhang and gutters to be 5" from the side property line, and 3) 3' 10" variance from the 15' minimum clear vision standard to allow a front gate to be 11' 2" from the curb, situated at 1307 West Lynwood, applicant being Luis Martinez, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

- A. *The variance is not contrary to the public interest because*
the variance request is to allow a carport to be 5' from the front property line and 5" from the side property line which provides adequate spacing between the new structure and the property lines. In addition, the fence would be limited to a height of 5'5 and is predominantly open.
- B. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship because*
The fence would also need to be reduced to 5' in height and moved to meet the 15' clear vision requirement. The unnecessary hardship is due to the size of the lot and limited spacing in the front yard.
- C. *By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done as*
the structure will maintain a considerable distance between neighboring properties while also allowing the development of a carport. The fence will also assist with adding additional security to the property and surrounding area.
- D. *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*
as the property is zoned "R-4" and the use of the property is a single-family dwelling.
- E. *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 because*
other predominately open fences were observed in the neighborhood including fences exceeding the 5' height limitation. Additionally, carports are also present in the area and appear similar in material to the one built on the subject property.
- F. *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.*
It appears 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 size of the lot. The variance request is not merely financial.

Second: **Manna**

In Favor: **Spielman, Albert, Menchaca, Vasquez, Cruz, Manna, Bragman, Kaplan, Zuniga, Teel, and Chair Oroian.**

Opposed: **None**

Motion approved.

Chair Oroian made a motion for BOA-22-10300093 as presented.

Regarding Case No. BOA-22-10300093, I move that the Board of Adjustment grant a request for a 5" special exception from the maximum 5' fence height requirement to allow a predominately open fence to be 5'5" tall in the front yard, situated at 1307 West Lynwood applicant being Luis Martinez, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

- A. *The special exception will be in harmony and spirit and purpose of the chapter because **the additional fence height is intended to provide additional security for the lot.***
- B. *The public welfare and convenience will be substantially served because **a 5'5" predominately open fence on the front yard will not pose any adverse effects to the public welfare***
- C. *The neighboring property will not be substantially injured by the proposed use because **There are other predominately open fences observed within the area similar to what the applicant is proposing.***
- D. *The special exception will not alter the essential character of the district and location which the property and special exception is sought because **the additional 5" fence height being requested along the front property line will not alter the essential character***
- E. *The special exception will not weaken the general purpose of the district or regulations herein established for this specific district because **the granting of this special exception will not weaken the purposes of the residential zoning district in the area in question***

Second: **Cruz**

In Favor: **Spielman, Albert, Menchaca, Vasquez, Cruz, Manna, Bragman, Kaplan, Zuniga, Teel, and Chair Oroian.**

Opposed: **None**

Motion approved.

Item #6

BOA-22-10300094: A request by Susan Almazan for a 4' 1" variance from the minimum 5' side setback requirement to allow a room addition with overhang and gutters to be 11" from the side property line, located at 565 North San Manuel. Staff recommends Denial with an Alternate Recommendation. (Council District 5) (Rebecca Rodriguez, Senior Planner, (210) 207-0120, Rebecca.Rodriguez@sanantonio.gov, Development Services Department)

Staff stated 29 notices were sent out, 0 returned in favor, 0 returned in opposition, and there was no response from the Loma Vista Neighborhood Association.

Susan Almazan, applicant, - stated she is requesting the addition for closet space.

No Public Comment

Chair Oroian asked for a motion for item BOA-22 -10300094 as presented.

Teel made a **motion** for item BOA-22-10300094 for approval.

Regarding Case No. BOA-22-10300094, I move that the Board of Adjustment grant a request for a 4' 1" variance from the minimum 5' side setback requirement to allow a room addition with overhang and gutters to be 11" from the side property line, situated at 565 North San Manuel, applicant being Susan Almazan, 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 variance is not contrary to the public interest because*
the structure meets the front setback requirement, and the variance request is to allow a structure with overhang and gutters to be 11" from the side property line which is ample spacing between the structure and neighboring property.
- B. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship because*
it would result in the structure having to be reduced in size to meet the minimum 5' side setback requirement from the side property line. The unnecessary hardship is due to the limited size of the side yard.
- C. *By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done as*
the requested variance would allow a structure to be 11" from the side property line and will maintain gutters to assist with potential water runoff. The placement of the existing residence would not allow the development of a new side addition.
- D. *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*
as the property is zoned "R-4" and the use of the property is a single-family dwelling.
- E. *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 because*
other residences observed along the street are within the side setback due to the size of the lots. Maintaining an 11" side setback does not appear to alter the essential character of the neighborhood.
- F. *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.

It appears 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 size and configuration of the residence. The variance request is not merely financial.

Second: **Bragman**

In Favor: **Spielman, Albert, Vasquez, Cruz, Manna, Bragman, Kaplan, Teel, and Chair Oroian.**

Opposed: **Menchaca, Zuniga**

Motion approved.

Item #7

BOA-22-10300095: A request by Araseli B Perez for a 2' variance from the 5' minimum side setback requirement to allow a structure with overhang to be 3' from the side and rear property lines, located at 7903 Deepwell Drive. Staff recommends Approval. (Council District 6) (Richard Bautista-Vazquez, Planner (210) 207-0215, richard.bautista-vazquez@sanantonio.gov, Development Services Department)

Staff stated 39 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, and there is no registered neighborhood association.

Araseli Perez, applicant, - stated they have a pool, got some quotes on the patio, it was approved, got built, but then the Homeowners Association no longer supported it.

Public Comment:

Voicemails: Brady Orego, legal counsel for Talise de Culebra homeowners' association INC. in opposition

Chair Oroian asked for a motion for item **BOA-22-10300095**, as presented.

Manna made a **motion** for **BOA-22-10300095** for approval.

Regarding Case No. BOA-22-10300095, I move that the Board of Adjustment grant a request for a 2' variance from the 5' minimum side and rear setback requirement to allow structure with overhang and gutters to be 3' from the side and rear property lines, situated at 7903 Deepwell Drive, applicant being Araseli B Perez, 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 variance is not contrary to the public interest.*

The variance request is to allow a structure to be 3' from the side property line. With the property being located on a corner lot and the structure requiring gutters, the request does not appear contrary to the public interest.

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

It would result for the structure to conform to the 5' side setback requirement and would require a possible demolition. This presents an unnecessary hardship as there is limited space in the rear yard.

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

The requested variance is to allow a structure to be closer to the side property line. Due to the size of the property and the structure being existing, this will observe the spirit of the ordinance.

D. 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.

As the property is zoned "R-5" and the use of the property is a single-family dwelling.

E. 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.

This would allow a structure to be 3' from the property line is not likely to negatively affect the adjacent neighboring property as the structure neighbors a local street.

F. 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.

It appears 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. The variance request is not merely financial.

Second: Cruz

In Favor: Spielman, Albert, Menchaca, Vasquez, Cruz, Manna, Bragman, Zuniga, Teel, and Chair Oroian.

Opposed: Kaplan

Motion approved.

The Board of Adjustment meeting went into recess at 2:45 P.M. and reconvened at 2:58 P.M.

Item #8 **BOA-22-10300097**: A request by Antonio Leal for a 4' variance from the minimum 5' side setback requirement to allow a carport with overhang and gutters to be 1' from the side

property line, located at 306 East Baylor. Staff recommends Approval. (Council District 5) (Richard Bautista-Vazquez, Planner (210) 207-0215, richard.bautista-vazquez@sanantonio.gov, Development Services Department)

Staff stated 33 notices were mailed to property owners within 200 feet, 0 returned in favor, 1 returned in opposition, and no response from the Lonestar Homeowners Association.

Antonio Leal, applicant, (translation services were used) -stated the carport is to protect from sun damage and hail damage.

No Public Comment

Chair Oroian asked for a motion for item **BOA-22-10300097**, as presented.

Teel made a **motion** for **BOA-22-10300097** for approval.

Regarding Case No. BOA-22-10300097, I move that the Board of Adjustment grant a request for a 4' variance from the minimum 5' side setback requirement to allow a carport with overhang and gutters to be 1' from the side property line, situated at 306 East Baylor, applicant being Antonio Leal, 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 variance is not contrary to the public interest.

The applicant is requesting a 4' variance from the minimum 5' side setback requirement to allow a carport with overhang and gutters to be 1' from the side property line. As the carport stands it does not appear contrary to the public interest.

B. 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 move the posts of the structure 5' away from side property line which would require a possible demolition of the carport to build. Additionally, locating the carport 5' from the side property line would not allow a width great enough for a vehicle.

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

A 4' variance from the 5' minimum setback requirement will observe the spirit of the ordinance and will not adversely affect surrounding properties in the immediate area.

D. 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.

E. *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 the request for a 4' variance for a side setback is enough space away from the adjacent property line and is not likely to negatively affect the adjacent neighboring property. With the small available driveway widths for properties in the area, many carports were observed encroaching the side setback so it would not alter the character of the district.

F. *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.

Second: **Cruz**

In Favor: **Spielman, Albert, Menchaca, Vasquez, Cruz, Manna, Bragman, Kaplan, Zuniga, Teel, and Chair Oroian.**

Opposed: **None**

Motion approved.

Item #9

BOA-22-10300099: A request by Josue Carrizales for a 7' 8" variance from the minimum 10' front setback requirement to allow a carport to be 2' 4" from the front property line, located at 3830 East Palfrey Street. Staff recommends Denial with an Alternate Recommendation. (Council District 3) (Richard Bautista-Vazquez, Planner (210) 207-0215, richard.bautista-vazquez@sanantonio.gov, Development Services Department)

Staff stated 32 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, and no response from the Highland Hills Homeowners Association.

Josue Carrizales stated he would like the carport to cover his cars and it's at the same distance as other carports in the area.

No Public Comment

Chair Oroian asked for a motion for item **BOA-22-10300099** as presented.

Cruz made a **motion** for **BOA-22-10300099** for approval

Regarding Case No. BOA-22-10300099, I move that the Board of Adjustment grant a request for a 7' 8" variance from the minimum 10' front setback requirement to allow a carport to be 2' 4" from the front property line, situated at 3830 East Palfrey Street, applicant being Josue Carrizales, 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 variance is not contrary to the public interest.

The variance request is to allow a carport to be 2'4" from the front property line. The structure is existing and appears to provide adequate space from the front right of way.

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

This would result in the applicant having to move the post of the structure to 10' away from front property lines which would require a possible demolition of the carport.

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

The requested variance is to allow a structure to be closer to the front property line. Due to the limited size of the front of property and the structure being existing, this will observe the spirit of the ordinance.

D. 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.

As the property is zoned "R-5" and the use of the property is a single-family dwelling.

E. 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.

There are additional properties located along East Palfrey with similar carports with similar setback encroachments.

F. 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.

It appears 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 size of the front of the property. The variance request is not merely financial.

Second: **Kaplan**

In Favor: **Spielman, Albert, Menchaca, Vasquez, Cruz, Manna, Bragman, Kaplan, Zuniga, Teel, and Chair Oroian.**

Opposed: **None**

Motion approved.

Item #10

BOA-22-10300100: A request by Andrew Hernandez for a 5' variance from the minimum 50' street frontage and lot width requirements to allow the lot to be 45' wide, located at 1707 Runnels. Staff recommends Approval. (Council District 2) (Vincent Trevino, Senior Planner (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 22 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition, and there was no response from the Government Hill Alliance Neighborhood Association.

Jenny and Andrew Hernandez, applicant, - stated they would like to build a duplex as they've built some before.

No Public Comment

Chair Oroian asked for a motion for item **BOA-22-10300100** as presented.

Teel made a **motion** for **BOA-22-10300100** for approval.

Regarding Case No. BOA-22-10300100, I move that the Board of Adjustment grant a request for a 5' variance from the minimum 50' street frontage and lot width requirements to allow the lot to be 45' wide, situated at 707 Runnels, applicant being Andrew Hernandez, 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 variance is not contrary to the public interest because*
the lot width variance would allow a duplex to be constructed on the lot and the variance request is to allow a structure to be constructed on a lot that does not meet the minimum size for a duplex.
- B. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship because*
it would result in the proposed duplex structure not being constructed due to width size of the lot. The unnecessary hardship is due to the width size of the lot.
- C. *By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done as*
the requested variance would allow a duplex structure to be constructed on the size of the lot. The lot width would not allow the development of a Duplex.
- D. *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*
as the property is zoned "MF-33" and the use of the property is Multi-Family District.

E. *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 because*

other residential lots in the surrounding area are the same lot width as observed. The proposed duplex on the lot will not appear to alter the essential character of the neighborhood.

F. *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.*

It appears the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property due to the lot width. The variance request is not merely financial.

Second: **Zuniga**

In Favor: **Spielman, Albert, Menchaca, Vasquez, Cruz, Manna, Bragman, Kaplan, Zuniga, Teel, and Chair Oroian.**

Opposed: **None**

Motion approved.

Item #11

Approval of the minutes from the Zoning Board of Adjustment meeting on July 18, 2022.

Motion: **Cruz** made a motion for Approval of the July 18, 2022, minutes.

Second: **Kaplan**

In Favor: **Spielman, Albert, Menchaca, Vasquez, Cruz, Manna, Bragman, Kaplan, Zuniga, and Chair Oroian.**

Opposed: **None**

Abstained: **Teel**

Minutes Approved.

Adjournment

There being no further business, the meeting was adjourned at 3:35 P.M.

APPROVED BY: _____ OR _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary