



Board of Adjustment Minutes

Development and Business Services

Center

1901 South Alamo

October 18, 2021

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

Patrick Conroy | Elizabeth Ingalls | Jo-Anne Kaplan | Lisa Lynde

Lillian Miess | Jesse Vasquez | Jesse Zuniga

1:07 P.M. - Call to Order

- Roll Call

- Present: Albert, Menchaca, Cruz, Manna, Bragman, Delmer, Ingalls, Vasquez, Teel, Ozuna, 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-21-10300127- Postponed

Item #2 (Continued from 10/04/2021) BOA-21-10300119: A request by Texas Republic Signs, LLC for 1) a 104 square foot sign variance from the 650 square foot sign maximum to allow a multi-tenant sign to be 754 square feet and 2) a 24' 7" sign variance from the maximum 60' sign height maximum to allow a multi-tenant sign to be 84' 7", located at 1815 North Foster Road. Staff recommends Denial. (Council District 2) (Kayla Leal, Senior Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Staff stated 11 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, and no registered neighborhood association.

Michael Everett, Texas Road Signs, representative, Flying J property requested a 24-foot 7-inch sign as requested. He stated the sign will be the same size, and only in need of maintenance replacement. He answered the board member's questions.

Edward Rodriguez, CoSA Sr. Sign Inspector, answered the board members questions.

No Public Comment

The Board asked the applicant questions concerning the request. The Applicant responses were heard by the board as well as other testimonies offered, followed by a discussion among board members before the vote.

Chair Oroian asked for a motion for item BOA-21-10300119, as presented.

Mr. Ozuna made a **motion** for BOA-21-10300119 for approval

Regarding Case No. BOA-21-10300119, I move that the Board of Adjustment grant request for a 24' 7" sign variance from the maximum 60' sign height maximum to allow a multi-tenant sign to be 84' 7", situated at 1815 North Foster Road, applicant being Texas Republic Signs, 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 necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography, or*

2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property.*

The requested variance for an additional 24' 7" in height will not detract from the surrounding commercial area. It also preserves the existing non-conforming pylon.

3. After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:

A. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

The Board finds the variance will not provide the applicant with special privilege and the proposed sign will not block any existing business as there are similar signs within the area.

B. Granting the variance will not have a substantially adverse impact on neighboring properties.

The proposed sign does not appear to have any adverse impacts on neighboring properties.

C. Granting the variance will not substantially conflict with the stated purposes of this article.

The requested sign height variance will not conflict with the stated purpose of the chapter.

Second: Teel

In Favor: Ingalls, Delmer, Teel, Ozuna, Oroian

Opposed: Albert, Menchaca, Vasquez, Cruz, Manna, Bragman,

Motion Failed with a vote of 5 to 6.

Item #3

BOA-21-10300128: A request by Sean Bourg for a 35' variance from the 40' sign height maximum to allow a sign to be 75' tall, located at 1846 South General McMullen. Staff recommends Denial. (Council District 5) (Kayla Leal, Principal Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Staff stated 12 notices were mailed to property owners within 200 feet, 1 returned in favor, 0 returned in opposition, and the Thompson Neighborhood Association is in favor.

James Griffin, KGF Group representative, presented a presentation to the board members requesting for a sign replacement for a smaller more efficient sign on the McDonald's property.

Sean Bourg, KGF Group representative, answered board member questions.

Edward Rodriguez, CoSA Sr. Sign Inspector, answered the board member questions.

Public Comment:

Voicemail:

Marco Gamboa, 1831 South General McMullen, opposed.

Written:

Jerry Arredondo, favor.

Chair Oroian asked for a motion for item BOA-21-10300128.

Mr. Ozuna made a motion for BOA-21-10300128,

Regarding Case No. BOA-21-10300128, I move that the Board of Adjustment grant request for a 35' variance from the 40' sign height maximum to allow a sign to be 75' tall, situated at 1846 South General McMullen, applicant being Sean Bourg, 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 necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography, or*
2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property.*

The requested variance for an additional 35' in height will not detract from the surrounding commercial area. It also preserves the existing non-conforming sign and the square footage will be decreased. A denial of the variance would probably cause a cessation of commercial use of the property.

3. *After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:*
 - A. *Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.*

The Board finds the variance will not provide the applicant with special privilege and the proposed sign will not block any existing business as it is existing and there are similar signs within the area.

- B. *Granting the variance will not have a substantially adverse impact on neighboring properties.*

The proposed sign does not appear to have any adverse impacts on neighboring properties.

C. Granting the variance will not substantially conflict with the stated purposes of this article.

The requested sign height variance will not conflict with the stated purpose of the chapter.

Second: Teel

Friendly amendment to add for the reduction of the square footage of the sign face to 60. Mr. Teel accepted the amendment.

In Favor: Ingalls, Menchaca, Vasquez, Cruz, Delmer, Teel, Ozuna, Oroian

Opposed: Albert, Manna, Bragman,

Motion Failed with a vote of 8-3.

Mr. Manna made a motion to reconsider case BOA-21-10300128

Second: Menchaca

In Favor: Ingalls, Menchaca, Vasquez, Cruz, Delmer, Albert, Manna, Bragman, Teel, Ozuna, Oroian

Opposed: None

Motion Granted to Reconsider

Mr. Manna made a motion for case BOA-21-10300128,

Regarding Case No. BOA-21-10300128, I move that the Board of Adjustment grant request for a 15' variance from the 40' sign height maximum to allow a sign to be 55' tall, situated at 1846 South General McMullen, applicant being Sean Bourg, 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 necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography, or*
- 2. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property.*

The requested variance for an additional 15' in height will not detract from the surrounding commercial area. It also preserves the existing non-conforming sign and the square footage will be decreased. A denial of the variance would probably cause a cessation of commercial use of the property.

3. *After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:*

A. *Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.*

The Board finds the variance will not provide the applicant with special privilege and the proposed sign will not block any existing business as it is existing and there are similar signs within the area.

B. *Granting the variance will not have a substantially adverse impact on neighboring properties.*

The proposed sign does not appear to have any adverse impacts on neighboring properties.

C. *Granting the variance will not substantially conflict with the stated purposes of this article.*

The requested sign height variance will not conflict with the stated purpose of the chapter.

Second: Oroian

In Favor: Ingalls, Menchaca, Vasquez, Cruz, Delmer, Albert, Manna, Bragman, Teel, Ozuna, Oroian

Opposed: None

Motion Granted

Mr. Albert recused from the Board of Adjustment meeting at 2:25 pm and returned at 2:42 pm.

Item #4

BOA-21-10300137: A request by Mary Ellen Hardee for an appeal of the Historic Preservation Officer's approval of front yard fencing to not exceed four (4) feet in height, located at 1123, 1127, and 1129 North Hackberry Street. Staff recommends Denial. (Council District 2) (Edward Hall, Sr. Historic Preservation Specialist (210) 207-4680, edward.hall@sanantonio.gov, Office of Historic Preservation; Kayla Leal, Principal Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Staff stated 20 notices were mailed to property owners within 200 feet, 8 returned in favor, and 0 returned in opposition, and no response from the Dignowity Hill Neighborhood Association. Outside the 200 foot radius; 1 noticed received in favor.

Edward Hall, Office of Historic Preservation, presented a presentation to the board members regarding the case history for the property from the HDRC.

Mary Ellen Hardee, property owner, stated the appeal request is for a 6-foot iron rod fence in the front yard of the commercial property for security purposes. She stated surrounding properties had similar fencing.

Public Comment:

John Brown, favor.

Virginia Guadiana, 1122 N. Hackberry, favor.

310 Sherman, in favor.

Chantell Fonseca, 410 Sherman, favor.

Frances Delgado, 1117 N. Hackberry, favor.

Nettie, 509 Burleson, favor.

1111 N. Hackberry, favor.

John Rivera, 1118 N Hackberry, favor.

Chair Oroian asked for a motion for item BOA-21-10300137, as presented

Mr. Teel made a **motion** for BOA-21-10300137.

Regarding Case No. BOA 21-10300137, I move that the Board of Adjustment grant an Appeal to an Administrative Official (OHP) Decision, situated at 1123, 1127, and 1129 North Hackberry Street, applicant being Mary Ellen Hardee.

Second: Manna

In Favor: Ingalls, Menchaca, Vasquez, Cruz, Manna, Bragman, Delmer, Teel, Ozuna, Oroian

Opposed: None

Recused: Albert

Motion Granted

Item #5

BOA-21-10300130: A request by Heath Wenrich for 1) a 2' variance from the maximum 8' fence requirement to allow a 10' solid screened fence along the northern side and rear property lines and 2) a 2' variance from the 8' maximum fence requirement to allow a 10' predominantly open fence in the front yard, located at 4902 Fredericksburg Road. Staff recommends Approval. (Council District 7) (Roland Arsate, Planner (210) 207-3074, Roland.Arsate@sanantonio.gov, Development Services Department)

Staff stated 11 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, and no registered neighborhood association.

Jason Puchot, 2002 N. St. Mary's, representative, requested a 10-foot fence for security of the employees and transit vehicles on the VIA property.

No Public Comment

The Board asked the applicant questions concerning the request. The Applicant responses were heard by the board as well as other testimonies offered, followed by a discussion among board members before the vote.

Chair Oroian asked for a motion for item BOA-21-103000130, as presented

Mr. Manna made a **motion** for BOA-21-103000130 for Approval,

“Regarding Case No. BOA-21-10300130, I move that the Board of Adjustment grant a request for 1) a 2’ variance from the maximum 8’ fence requirement to allow a 10’ solid screened fence along the northern side and rear property lines and 2) a 2’ variance from the 8’ maximum fence requirement to allow a 10’ predominantly open fence in the front yard, situated at 4902 Fredericksburg Road, applicant being Heath Wenrich, 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 a 10’ solid screened and 10’ predominately open fence is not contrary to the public interest.

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 fence would need to be adjusted to 8’ in height which would reduce the amount of security needed for vehicles and equipment.

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 10’ tall fence is to provide safety and security for both equipment and vehicles to the company and those that may be passing by the property which is observed. Additionally, the property sits at a lower elevation than Fredericksburg Road.

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 to increase the fence height on the property 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.

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 due to the property sitting at a lower elevation than Fredericksburg Road.”

Second: Cruz

In Favor: Ingalls, Albert, Menchaca, Vasquez, Cruz, Manna, Bragman, Delmer, Teel, Ozuna, Oroian

Opposed: None

Motion Granted

The Board of Adjustment recessed into a break at 2:53pm and reconvened at 3:01 pm.

Item #6

BOA-21-10300154: A request by Paul El-Bayeh for a variance from the Accessory Structure Standards to allow an accessory structure in the front yard, located at 9318 Oakland Road. Staff recommends Denial. (Council District 8) (Kayla Leal, Principal Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Staff stated 11 notices were mailed to property owners within 200 feet, 0 returned in favor, 1 returned in opposition and no registered neighborhood association.

Paul El-Bayeh, applicant, stated the request is for an accessory dwelling that would protect his horses from harsh weather. Mr. El-Bayeh stated his property is sloped and water floods to the back of his property, and that is why he placed the structure in the front of his property.

Public Comment:

Written Comment:

Ana Sosa, 9326 Oakland Rd, opposition.

The Board asked the applicant questions concerning the request. The Applicant responses were heard by the board as well as other testimonies offered, followed by a discussion among board members before the vote.

Chair Oroian asked for a motion for item BOA-21-103000154, as presented

Mr. Ozuna made a **motion** for BOA-21-10300154 for a continuance to November 15, 2021.

Second: Cruz

In Favor: Ingalls, Albert, Menchaca, Vasquez, Cruz, Manna, Bragman, Delmer, Teel, Ozuna, Oroian

Opposed: None

Motion Granted for continuance.

Item # 7 **BOA-21-10300086:** A request by John Casanova for a special exception from the 6' maximum fence height standard to allow a side yard fence to be 8' tall, located at 1348 Blanco Woods Street. Staff recommends Approval. (Council District 9) (Kayla Leal, Principal Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Staff stated 24 notices were mailed to property owners within 200 feet, 3 returned in favor, 0 returned in opposition, and the Blanco Woods HOA is in opposition.

John Casanova, applicant, stated his neighbor requested the 8-foot fence for privacy reasons. The Applicant split the costs with the neighbor.

Public Comment:

Roy Hill, Blanco Woods HOA President, **16803 Summer Creek** , spoke in opposition.

Voicemails:

Richard Marco, 16930 Hidden Timberwood, in favor.

Nora Chavez, 1352 Blanco Woods, in favor.

Written:

Mendy Marsh, favor.

Ron & Bobbette Gaiser, 1336 Blanco Woods, favor.

John Casanova, 1348 Blanco Woods, favor.

The Board asked the applicant questions concerning the request. The Applicant responses were heard by the board as well as other testimonies offered, followed by a discussion among board members before the vote.

Chair Oroian asked for a motion for item BOA-21-10300086 as presented.

Mrs. Bragman made a **motion** for BOA-21-10300086 for Approval.

Regarding Case No. BOA-21-10300086, I move that the Board of Adjustment grant a special exception from the 6' maximum fence height standard to allow a side yard fence to be 8' tall, excluding the portion facing the front of the house situated at 1348 Blanco Woods Street, applicant being John Casanova, 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 Board finds the additional 2' of fence height along the eastern side property line is intended to provide additional privacy for the pool in the rear yard.

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 screened fence along the eastside 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 privacy for the subject property and the neighboring 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 fence along the eastern side yard 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: Teel

Chairman Oroian clarified the motion is intended to be for the East side only.

Ms. Bragman stated the long portion is for the 8' exception and the short portion facing the front of the house would be 6'.

In Favor: Ingalls, Albert, Menchaca, Vasquez, Cruz, Manna, Bragman, Delmer, Teel, Ozuna, Oroian

Opposed: None

Motion Granted

Item #8

BOA-21-10300115: A request by Christopher Coffey for a 3' 3" variance from the minimum 5' side setback to allow a detached structure to be 1' 9" away from the side property line, located at 323 Devine Street. Staff recommends Approval. (Council District 1) (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, 0 returned in opposition, and no response from the Lavaca Neighborhood Association.

Representative, stated the request is for a carport to the north of the existing carport and re-locate the driveway. Also stated HDRC has approved attached site plan.

No Public Comment

The Board asked the applicant questions concerning the request. The Applicant responses were heard by the board as well as other testimonies offered, followed by a discussion among board members before the vote.

Chair Oroian asked for a motion for item BOA-21-10300115: as presented.

Mr. Teel made a **motion** for BOA-21-10300115: for approval.

Regarding Case No. BOA-21-10300115, I move that the Board of Adjustment grant a request for a 3' 3" variance from the minimum 5' side setback to allow a detached structure to be 1' 9" away from the side property line, situated at 323 Devine Street, applicant being Christopher Coffey, 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 a detached structure encroachment into the side setback is not contrary to the public interest as the applicant has adequate space from the adjacent structure.

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 carport width would need to be adjusted to 5' which would reduce the amount of space for the structure on an irregular shaped 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 intent of the setbacks is to provide spacing between neighboring structures which is observed.

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 to reduce a portion of the side setback 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. This property is located within an historic neighborhood, and there appear to be other non-conforming detached structures encroaching into the side setback.

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 due to the short width of available space for a two-vehicle carport and irregular lot shape.

Second: Manna

In Favor: Ingalls, Albert, Menchaca, Vasquez, Cruz, Manna, Bragman, Delmer, Teel, Ozuna, Oroian

Opposed: None

Motion Granted

Item #9 **BOA-21-10300124:** A request by Christine Little for a 2' special exception from the 6' maximum fence height to allow an 8' solid screen fence along the side and rear property lines, located at 2618 Pebble Breeze. Staff recommends Approval. (Council District 10) (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, 1 returned in opposition, and no response from the Oak Hollow Park Neighborhood Association.

Chair Oroian clarified the request is for the westside and rear of the property, and staff confirmed.

Christine Little, applicant, requested an 8-foot fence for security and privacy reasons.

Public Comment

Voicemails:

Maureen Lancaster, 2627 Pebble Breeze, in favor.**Virginia Lukather**, 2663 Pebble Dawn, in favor.**Barbara Legener**, 2666 Pebble Dawn, in favor.

The Board asked the applicant questions concerning the request. The Applicant responses were heard by the board as well as other testimonies offered, followed by a discussion among board members before the vote.

Chair Oroian asked for a motion for item BOA-21-10300124, as presented

Mrs. Cruz made a **motion** for BOA-21-10300124 for approval

Regarding Case No. BOA-21-10300124, I move that the Board of Adjustment grant a special exception from the maximum fence height to allow an 8' solid screened fence along the side and rear property lines, situated at 2618 pebble Breeze, applicant being Christine Little, 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 and privacy for the pool to the rear.

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 screened 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 section of 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: Vasquez

In Favor: Ingalls, Albert, Menchaca, Vasquez, Cruz, Manna, Bragman, Delmer, Teel, Ozuna, Oroian

Opposed: None

Motion Granted

Item #10 **BOA-21-10300129:** A request by Charles Whitehead for a special exception from the maximum fence height to allow an 8' solid screened fence along the side and rear property lines, located at 4001 Skyridge Avenue. Staff recommends Approval. (Council District 3) (Roland Arsate, Planner (210) 207-3074, Roland.Arsate@sanantonio.gov, Development Services Department)

Staff stated 27 notices were mailed to property owners within 200 feet, 0 returned in favor, 1 returned in opposition, and no response from the Highland Park Neighborhood Association.

Chair Oroian requested clarification on the 8' fence location. Staff confirmed the 8' fence is on the side property lines.

Charles Whitehead, applicant, requested an 8-foot solid fence along the side and rear property lines for privacy reasons.

Public Comment:

Sharon Rangel, 3903 Skyridge, spoke in opposition.

Phillip Rangel, 3903 Skyridge, spoke in opposition.

Voicemail:

Betty Stein, 4002 Meadow Ridge, in favor.

The Board asked the applicant questions concerning the request. The Applicant responses were heard by the board as well as other testimonies offered, followed by a discussion among board members before the vote.

Chair Oroian asked for a motion for item BOA-21-10300129, as presented

Mr. Teel made a **motion** for BOA-21-10300129 for approval

Regarding Case No. BOA-21-10300129, I move that the Board of Adjustment grant a special exception from the maximum fence height to allow an 8' solid screened fence along the side and rear property lines with the exception of the 6' fence facing Skyridge, situated at 4001 Skyridge Avenue, applicant being Charles Whitehead, 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 screened 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 section of side and rear yard fence will not alter the essential character of the district and will provide security of the district. There are similar fences in the immediate area.

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: Ingalls, Albert, Menchaca, Vasquez, Cruz, Manna, Bragman, Delmer, Teel, Ozuna, Oroian

Opposed: None

Motion Granted

Item #11 Consideration and approval of October 4, 2021 Board of Adjustment meeting minutes.

Motion: Chair Oroian asked for a motion for approval of the October 4, 2021 minutes as amended.

Ms. Cruz made a **motion** for approval of the October 4, 2021 minutes as amended.

Second: Menchaca

In Favor: Ingalls, Albert, Menchaca, Vasquez, Cruz, Manna, Bragman, Delmer, Teel, Ozuna, Oroian

Opposed: None

Motion Granted

Staff stated the next meeting will have an UDC Work Session at an earlier start time.

Adjournment

There being no further business, the meeting was adjourned at 4:44 p.m.

APPROVED BY: _____ OR _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary