

City of San Antonio



**DRAFT**

**Board of Adjustment Minutes**

Development and Business Services  
Center  
1901 South Alamo

---

**January 10, 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

**1:01 P.M. - Call to Order**

- **Roll Call**
- **Present:** Kaplan, Albert, Menchaca, Vasquez, Cruz, Manna, Zuniga, Teel, Ingalls, Oroian
- **Absent:** Britton, Delmar, Ozuna

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** (Continued from 12/6/2021) 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 Alta Vista Neighborhood Association is in opposition.

**No Public Comment**

Applicant requested a continuance until the February 7, 2022, Board of Adjustment meeting.

Chair Oroian asked for a motion for item BOA-21-10300157, to be continued to the February 7, 2022, Board of Adjustment meeting.

Mr. Teel made a **motion** for item BOA-21-10300157 to be continued.

**Second:** Ms. Cruz

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

**Opposed:** None

**BOA-21-10300157 continued to the February 7, 2022, Board of Adjustment Meeting.**

Ms. Ingalls joined meeting at 1:30

**Item #3** BOA-21-10300180: A request by Daniel Kang 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 Furr Drive. Staff recommends Denial. (Council District 7) (Kayla Leal, Principal Planner (210) 207-0197, Kayla.Leal@sanantonio.gov, Development Services Department)

Staff stated 37 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, and there was no response from Monticello Park Neighborhood Association.

**Public Comment:**

Voicemails:

Applicant requested a continuance until the February 7, 2022, Board of Adjustment meeting.

Chair Oroian asked for a motion for item BOA-21-10300180, to be continued to the February 21, 2022, Board of Adjustment meeting

Mr. Teel made a **motion** for BOA-21-10300180 to be continued.

**Second:** Cruz

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

**Opposed:** None

**BOA-21-10300180 continued to the February 21, 2022, Board of Adjustment Meeting.**

**Item #2**

(Continued from 12/20/2021) BOA-21-10300171: A request by Emilie Weissler for a 10% variance from the 80% maximum coverage requirement to allow a maximum lot coverage of 90%, located at 1610 North Saint Mary's Street. Staff recommends Approval. (Council District 1) (Roland Arsate, Planner (210) 207-3074, Roland.Arsate@sanantonio.gov, Development Services Department)

Staff stated notices were mailed to property owners within 200 feet, 0 returned in favor, 2 returned in opposition, and no response from the Downtown Residence Association.

**Ashley Fairmont**, on behalf of buyer, gave presentation about proposed project.

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

**No Public Comment**

Chair Oroian asked for a motion for item BOA-21-10300171 as presented.

Mr. Teel made a **motion** for BOA-21-10300166 for approval.

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 90% lot coverage 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 lot coverage would be at 80% and would not allow enough room as designed on the plans for the property and new designs would need to be created and potentially other variances would arise.**

*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 90% lot coverage is to allow for future development of the property 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 have a lot coverage increased to 90% is to assist with the future development of the property and the design which 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 small size of the lot and these unique circumstances were not created by the owner. Having a 90% coverage would assist with the set design plan for the property without have to substantially alter the plans.**

**Second:** Cruz

**In Favor:** Cruz

**Opposed:** Kaplan, Albert, Menchaca, Vasquez, Manna, Zuniga, Teel, Oroiam

**Motion Failed.**

**Item # 4** BOA-21-10300185: A request by Elyssa Villarreal 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 230 Lucas Street. Staff recommends Denial. (Council District 2) (Kayla Leal, Principal Planner (210) 207-0197, Kayla.Leal@sanantonio.gov, Development Services Department)

Staff stated 37 notices were mailed to property owners within 200 feet, 3 returned in favor, 4 returned in opposition, and no response from the Mahncke Park Neighborhood.

**Elyssa Villareal**, applicant, spoke about her case.

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.

#### **No Public Comment**

Chair Oroian asked for a motion for item BOA-21-10300185 as presented.

Ms. Manna made a **motion** for BOA-21-10300185 for approval.

Regarding Case No. BOA-21-10300185, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental unit, situated at 230 Lucas Street, applicant being Elyssa Villarreal, 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 blockface and the special exception would permit a total of three (3) Type 2 short term rentals, resulting in 27.3% of the blockface. The percentage is not much greater than what is permitted, and with the applicant residing within San Antonio, this provides 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 multi-family, and the subject property is located in close proximity to the commercial corridor of North New Braunfels Avenue and Broadway Street. The applicant will also reside on the property for limited amount of times. 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:** Teel

**In Favor:** Teel, Ingalls

**Opposed:** Kaplan, Albert, Menchaca, Vasquez, Cruz, Manna, Zuniga, Oroian

**Motion Failed**

**Item #5**

BOA-21-10300181: A request by Minerva Goddard for a 2' special exception to allow an 8' solid screened privacy fence along the side property line, located at 7447 Draco Leap. Staff recommends Denial. (Council District 4) (Rebecca Rodriguez, Planner (210) 207-0120, Rebecca.Rodriguez@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 no response from People Active in Community Effort and Solona Ridge Home Owners Association is opposed.

**Minerva Goddard**, applicant, requested a variance to allow for an 8-foot fence on one side of her yard.

**Public Comment:**

Carlos Martinez, 7451 Draco Lane, spoke in 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-21-10300181, as presented.

Mr. Teel made a **motion** for BOA-21-10300181 for approval.

Regarding Case No. BOA-21-10300181, I move that the Board of Adjustment grant a 2' special exception from the maximum 6' fence height requirement to allow an 8' solid screened privacy fence along the side property line, situated at 7447 Draco Leap, applicant being Minerva Goddard, 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' in height is intended to provide additional privacy to 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' wood privacy fence located along the side property lines 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 additional 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 2' in height will not alter the essential character of the district. The proposed fence will only be located along the side property line.**

*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:** Zuniga

**In Favor:** None

**Opposed:** Kaplan, Albert, Menchaca, Vasquez, Cruz, Manna, Zuniga, Teel, Ingalls, Oroian

**Motion Failed**

**Chair Oroian called for the Board of Adjustment to take a recess at 2:33  
The Board of Adjustment reconvened at 2:44 P.M.**

**Mr. Zuniga Recused himself at 2:44 PM.**

**Item #6** BOA-21-10300176: A request by John Diggs for 1) a 15' variance from the 20' rear setback requirement to allow an addition to be 5' from the rear property line and 2) a 5' variance from the 10' required reverse corner front setback to allow an addition to be 5' from the property line, located at 2060 West Woodlawn. Staff recommends Approval. (Richard Bautista-Vazquez, Planner, (210) 207-0215, richard.bautista-vazquez@sanantonio.gov, Development Services)

Staff stated 25 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, and no response from the Woodlawn Lake Community Association.

**Anna Watson**, on behalf of applicant, gave presentation on request for changes in rear and reverse corner setbacks.

**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-21-10300176 as presented.

Mr. Manna made a **motion** for BOA-21-10300176 for approval.

Regarding Case No. BOA-21-10300176, I move that the Board of Adjustment grant a request for 1) a 15' variance from the 20' rear setback requirement to allow an addition to be 5' from the rear property line and 2) a 5' variance from the 10' required setback adjacent to North Josephine Street to allow an addition to be 5' from the property line, situated at 2060 West Woodlawn Avenue, applicant being John Diggs, 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 variances do not appear to be contrary to the public interest, as there is a curve along North Josephine Street which has created staggering setbacks for the lots along that street.**

*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 ultimately stop any further proposed development on the structure.**

*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 setback is to prevent sufficient space between the structure and the neighboring property lines. There is sufficient space between the properties and structures.**

*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 15' variance from the 20' rear setback requirement and a 5' variance from the 10' required setback adjacent to North Josephine Street do not appear 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 address change and causing the structure to abide to the reverse corner lot setbacks and is not merely financial.**

**Second:** Cruz

**In Favor:** Kaplan, Albert, Menchaca, Vasquez, Cruz, Manna, Teel, Ingalls, Oroian

**Opposed:** None

**Motion Granted**

**Mr. Zuniga returned to meeting at 2:58.**

**Item #7** BOA-21-10300177: A request by Carrisa Bolado for a request for a 6' 7" variance from the 10' minimum front setback requirement to allow a carport to be 3' 5" from the front property line, located at 5056 Viking Coral Street. Staff recommends Denial. (Council District 2) (Roland Arsate, Planner (210) 207-3074, Roland.Arsate@sanantonio.gov, Development Services Department)

Staff stated 28 notices were mailed to property owners within 200 feet, 7 returned in favor, 1 returned in opposition, and no registered neighborhood association. Eleven notices were returned in favor from outside the 200 feet.

Applicant, Ralph Bolado, gave presentation on project.

**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-21-10300177 as presented.

Mr. Manna made a **motion** for BOA-21-10300177 for approval.

Regarding Case No. BOA-21-10300177, I move that the Board of Adjustment grant a request for a 6' 7" variance from the 10' minimum front setback requirement to allow a carport to be 3' 5" from the front property line, situated at 5056 Viking Coral Street, applicant being Carrisa Bolado, 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 is to allow an attached carport to be 3' 5" away from the front property line is not contrary to the public interest as the applicant has adequate space from the adjacent structure and the city right of way.**

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 shorten the length of the garage not giving them adequate space for their vehicles or remove the structure altogether.**

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. There is sufficient space between the structure and the right of way so pedestrians can have access to the walkway so the spirit of the ordinance 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 have a front setback of 3' 5" away from the front property line does not pose a risk of substantially injuring the use of adjacent properties and does not seem likely to injure adjacent conforming properties within 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 curvature of the street and the smaller lot sizes on newer homes in general leaving less room to construct a carport that doesn't interfere with setbacks from front property lines.**

**Second:** Mr. Teel

**In Favor:** Kaplan, Albert, Vasquez, Cruz, Manna, Teel, Oroian, Ingalls

**Opposed:** Menchaca, Zuniga

### **Motion Fails**

#### **Item #8**

BOA-21-10300186: A request by Jaime White for a request an 8' 5" variance to a 20' rear setback to allow a residential structure to be 11' 7" away from the rear property line, located at 5622 Harefield Drive. Staff recommends Approval. (Council District 7) (Roland Arsate, Planner (210) 207-3074, Roland.Arsate@sanantonio.gov, Development Services Department)

Staff stated 31 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition, and no registered neighborhood association.

**Mr. Zuniga recused himself at 3:21 PM.**

### **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-21-10300186 as presented.

Mr. Teel made a **motion** for BOA-21-10300186 for approval.

Regarding Case No. BOA-21-10300186, I move that the Board of Adjustment grant a request for a 7' 10" variance from the minimum 20' rear setback requirement to allow a residential structure to be 12' 2" away from the rear property line, situated at 5622 Harefield Drive, applicant being Jaime White, 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 is to allow an attached room addition to be 12' 2" away from the rear property line which 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 owner would have to alter the room addition to remove 7' 10" of the structure so that it is 20' away from the rear property line.**

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 setback is to prevent sufficient space between the structure and the neighboring property lines. The spirit of the ordinance is observed as there are similar structures in the immediate area, and there is adequate space between the room addition and neighboring structures.**

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 have a rear setback of 12' 2" away from the rear property lines 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 addition is consistent with the area as there are similar two-story structures.**

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 older neighborhood having large lot sizes in general and the circumstances are not merely financial.**

**Second:** Manna

**In Favor:** Kaplan, Albert, Menchaca, Vasquez, Cruz, Manna, Teel, Oroian, Ingalls

**Opposed:** None

**Motion Granted**

**Mr. Zuniga returned to meeting at 3:32 PM.**

**Item #9** BOA-21-10300187: A request by Neighborhood Housing Services of San Antonio for a 2' 8" variance from the 5' side setback requirement to allow a dwelling unit with 1' overhang to be 2' 4" from the side property line, located at 863 Steves Avenue. Staff recommends Approval. (Richard Bautista-Vazquez, Planner, (210) 207-0215, richard.bautista-vazquez@sanantonio.gov, Development Services)

Staff stated 26 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, and no response from Roosevelt Park Neighborhood Association.

**Paul Demanch**, on behalf of applicant, gave presentation on project,

**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-21-10300187, as presented.

Ms. Manna made a **motion** for BOA-21-10300187 for approval.

Regarding Case No. BOA-21-10300187, I move that the Board of Adjustment grant a request for a 2' 8" variance from the 5' side setback requirement to allow a dwelling unit with 1' overhang to be 2' 4" from the side property line, situated at 863 Steves Avenue, applicant being Neighborhood Housing Services of San Antonio, 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 is to decrease the side setback in order to convert the existing structure 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 owner would have to shorten the length of the structure or move the entire structure altogether.**

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 setback is to prevent sufficient space between the structure and the property line. Substantial justice will be done as the structure is currently detached and 2' 4" from the side property line and will need to undergo plan review to follow building code.**

3. *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 2' 8" variance from the 5' side setback requirement to allow a dwelling unit with 1' overhang to be 2' 4" from the side properties and does not seem likely to alter the essential character of the district. There were other similar structures within the surrounding area.**

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

**The Board finds that the plight of the property owner is sought due to the unique circumstances existing on the property due to the smaller lot size in general leaving less room for the minimum setback requirements to be met.**

**Second:** Cruz

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

**Opposed:** None

**Motion Granted**

**Item #10** Consideration and approval of December 20, 2021 Board of Adjustment meeting minutes.

**Motion:** Chair Oroian asked for a motion for approval of the December 20, 2021 minutes.

Ms. Cruz made a **motion** for approval of the December 20, 2021 minutes.

**Second:** Kaplan

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

**Opposed:** None

**Minutes approved.**

**Staff Report**

Staff advised there would be an election of officers for the Board of Adjustment Meeting on February 7, 2022.

**Adjournment**

There being no further business, the meeting was adjourned at 3:45 P.M.

APPROVED BY: \_\_\_\_\_ OR \_\_\_\_\_  
Chairman Vice-Chair

DATE: \_\_\_\_\_

ATTESTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Executive Secretary