

11. Approval of the minutes from the Board of Adjustment meeting on July 15, 2024.

City of San Antonio



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

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Monday, July 15, 2024

1:00 PM

1901 S. Alamo

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The meeting was called to by order by Chair Ozuna at 1:00 PM and roll was called by Monica Reyes-Urdiales noting the following members present:

**Roll Call – Present:** Brereton, Stevens, Ybanez, Dean, Cruz, Gomez, Manna, Bragman, Benavides, Vasquez, Ozuna

**Absent:** Oroian

**Worldwide Interpreters present.**

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

**Item #2**

BOA-24-10300109: A request by Build Modern, LLC for a half-story variance from the maximum 2.5 stories to allow a 3-story structure, located at 211 East Carson Street. Staff recommends Denial. (Council District 2) (Melanie Clark, Planner, 210-207-5550, [melanie.clark@sanantonio.gov](mailto:melanie.clark@sanantonio.gov), Development Services Department)

Staff stated 31 Notices were mailed to property owners, 3 returned in favor, 0 returned in opposition. Government Hill Alliance Neighborhood Association is in favor.

David Robertson, representing the Enriquez family spoke of request for the variance to build a 3-story home for his family.

**NO PUBLIC COMMENT**

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300109, I move that the Board of Adjustment grant a request for request for a half-story variance from the maximum 2.5 stories to allow a 3-story structure, situated at 211 East Carson Street, applicant being Build

Modern, LLC., because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is not contrary to the public interest.*

**The variance would allow for adequate space for elevator uses, enclosed balcony and ease of roof access and is not contrary to the public interest.**

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

**A literal enforcement of the ordinance would result in unnecessary hardship as the applicant would have to build the structure that is unable to incorporate proposed elevator use.**

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

**The increased building height would observe the spirit of the ordinance as the three-story building would allow for adequate space for roof and elevator access.**

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

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

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

**The height variance will not substantially injure the appropriate use of conforming properties and will not alter the essential character of the district as the proposed residential structure will not be significantly higher than the other multi-story residential dwellings in the area.**

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

**Staff finds the 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 applicant not having sufficient height requirements for the proposed use. The circumstances do not appear to be merely financial.**

The motion was seconded by Commissioner Bragman.

**Favor:** Manna, Bragman, Brereton, Stevens, Ybanez, Cruz, Gomez, Benavides, Vazquez, Ozuna  
**Opposed:** Dean

## **MOTION PASSED**

### **Item #3**

BOA-24-10300101: A request by Ivan Almaguer for a 10' variance from the minimum 20' setback to allow a structure to be 10' from the rear setback, located at 342 Viendo Street. Staff recommends Approval. (Council District 1) (Melanie Clark, Planner, 210-207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 34 Notices were mailed to property owners, 3 returned in favor, 0 returned in opposition. No response from Los Angeles Heights Neighborhood Association, Keystone Neighborhood Association, or the San Antonio Texas District One Resident Association.

Ivan Almaguer, applicant, spoke of the request for the variance and was available for questions.

## **NO PUBLIC COMMENT**

A motion was made by Commissioner Bragman. Regarding Case No. BOA-24-10300101, I move that the Board of Adjustment grant a request for a 10' variance from the minimum 20' setback to allow a structure to be 10' from the rear setback, situated at 342 Viendo Street, applicant being Ivan Almaguer, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is not contrary to the public interest.*

**Staff finds that a 10' rear setback is suitable, as it provides suitable distance from the shared property line in what would normally be a 5' side setback.**

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

**Staff has found special conditions that would result in an unnecessary hardship such as the available space. The first structure leaves limited space to construct a suitable size dwelling unit.**

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

**The structure observes the spirit of the ordinance and intention of the code as it will provide a 10' separation from a commercial use lot.**

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

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

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

**The variance will provide adequate distance between commercial and residential use as the position of the dwelling structure's side is facing the commercial lot.**

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

**Staff finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property. The lot is limited in size and the position of the structure will be on the traditional side setback with a driveway in between the abutting lot.**

The motion was seconded by Commissioner Brereton.

**Favor:** Bragman, Brereton, Stevens, Ybanez, Cruz, Gomez, Manna, Benavides, Vazquez, Ozuna  
**Opposed:** Dean

## **MOTION PASSED**

### **Item #4**

BOA-24-10300112: A request by SAMMinistries for a 1' fence height special exception from the maximum 5' fence height to allow a 6' predominately open front yard fence, located at 318 West Cesar E Chavez Boulevard. Staff recommends Approval. (Council District 1) (Colton Unden, Planner, 210-207-0120, Colton.Unden2@sanantonio.gov, Development Services Department)

Staff stated 13 Notices were mailed to property owners, 2 returned in favor, 0 returned in opposition. No response from the Downtown Neighborhood Association.

Tracey Ryan, applicant, presented the item and was available for questions.

### **PUBLIC COMMENT**

Alexandria Betoncourt – was not in opposition but was concerned about curb appeal.

A motion was made by Commissioner Bragman. Regarding Case No. BOA-24-10300112, I move that the Board of Adjustment grant a request for a 1' fence height special exception from the maximum 5' fence height to allow a 6' predominately open front yard fence, situated at 318 West Cesar E Chavez Boulevard, applicant being SAMMinistries, 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 special exception will be in harmony with the spirit and purpose of the chapter.*

**If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance, as the request is limited to the front yard and exceeds the maximum height requirements for a predominately open fence by 1-foot.**

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

**The fence does appear to serve the public welfare and convenience, as the additional fence height will add additional security to the subject property.**

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

**The fence special exception appears to create enhanced security and privacy for the subject and adjacent properties being within 1-foot of the Unified Development Code fence guidelines.**

4. *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 fence height does not appear to alter the essential character of the district and location for which the special exception is sought, as the downtown area offers a wide variety of uses.**

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

**The requested special exception will not weaken the general purpose of the district as it is within 1-foot of the permitted height and will increase security of the subject property.**

The motion was seconded by Commissioner Cruz.

**Favor:** Bragman, Cruz, Brereton, Stevens, Ybanez, Dean, Gomez, Manna, Benavides, Vazquez, Ozuna

**Opposed:** None

**MOTION PASSED**

**Item #5**

BOA-24-10300120: A request by Jaime Soza for 1) a 4'-11" variance from the minimum 5' side setback to allow a detached carport to be 1" from the east and west side property lines, 2) a 3' fence height special exemption from the maximum 3' fence height to allow a 6' privacy fence in the front yard, 3) a 5' variance from the minimum 15' clear vision requirement to allow a fence to be 10' from the curb, and 4) a variance from the maximum 50% impervious cover requirement to allow the front yard to exceed the maximum 50% impervious cover, located at 3550 West Woodlawn Avenue. Staff recommends Approval in the Clear Vision Variance. Staff recommends Denial in the Side Setback, Impervious Cover Variances and the Fence Height Special Exception. (Council District 7) (Melanie Clark, Planner, 210-207-5550, [melanie.clark@sanantonio.gov](mailto:melanie.clark@sanantonio.gov), Development Services Department)

Staff stated 31 Notices were mailed to property owners, 6 returned in favor, 0 returned in opposition. University Park Neighborhood Association is in favor.

Jaime and Margaret Soza, applicant, spoke of the need for a carport to protect their vehicles.

### **PUBLIC COMMENT**

#### **In Person**

Nick Mireles – spoke in favor.

A motion was made by Commissioner Bragman to continue the item to August 5, 2024, Board of Adjustment Meeting.

The motion was seconded by Commissioner Cruz.

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

### **MOTION PASSED**

#### **Item #6**

BOA-24-10300121: A request by Oxbow Development Group for a 4'-11" variance from the minimum 5' side and rear setbacks to allow a 1" side and rear setback, located at 1301 and 1311 East Elmira Street, 813 East Myrtle Street, 818 East Locust Street, and 1212-1218 East Euclid Street. Staff recommends Denial. (Council District 1) (Colton Unden, Planner, 210-207-0120, [Colton.Unden2@sanantonio.gov](mailto:Colton.Unden2@sanantonio.gov), Development Services Department)

Staff stated 36 Notices were mailed to property owners, 0 returned in favor, 1 returned in opposition. No response from the Tobin Hill Community Neighborhood Association. Sojo Homeowners Association is in favor.

#### **No Public Comment**

A motion was made by Commissioner Brereton to continue the item to August 19, 2024, Board of Adjustment Meeting.

The motion was seconded by Commissioner Manna.

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

**MOTION PASSED**

**Item #7**

Approval of the minutes from the Board of Adjustment meetings on July 1, 2024.

A motion was made by Commissioner Manna for approval of the July 1, 2024, minutes.

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

**MOTION PASSED**

**Director's Report** – Logan Sparrow, Interim Assistant Director, reported DSD Director, Michael Shannon, has been asked by the City Manager to serve as Interim Director of the Animal Care Services Department while the City continues the recruitment process to hire the next ACS Director. Amin Tohmaz, PE, CBO will serve as Interim Director, Melissa Ramirez will serve as Interim Deputy Director over Field Services Division and Logan will serve as Interim Assistant Director of Land Development.

**Adjournment**

There being no further business, the meeting was adjourned at 2:24 PM.

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

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

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