

City of San Antonio



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

Monday, May 15, 2023

1:00 PM

1901 S. Alamo

1:03 PM – Call to Order

SeaproTec translator were present.

Roll Call – Present: Menchaca, Caudill, Manna, Kaplan, Cruz, Bragman, Brown, Hayes
Ozuna, Zuniga, Oroian

Absent: None

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

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

Item #1

Appointment of one (1) primary member and one (1) alternate member of the Board of
Adjustment to the Planning Commission Technical Advisory Committee for a two year
term to expire between May 15, 2023 and April 26, 2025.

Nomination from the floor: Bragman, Menchaca, Cruz, and Kaplan.

Roll call vote.

Bragman-7: Menchaca, Ozuna, Manna, Hayes, Cruz, Zuniga, Bragman, Oroian

Menchaca-1: Caudill

Kaplan-1: Kaplan

Abstained: Brown

Chair Oroian announces Ms. Bragman as primary of PTAC.

Nomination for PCTAC alternate: Menchaca

Chair Oroian announced Mr. Menchaca as the alternate member of the PTAC by acclimation.

Item #10

BOA-23-10300090: A request by Seth Goodstein for an appeal of the Administrator's decision to revoke a short-term rental permit, located at 1334 Merida Street. Staff recommends Denial. (Council District 5) (Emily Garcia, Planner, (210) 2070271, Emily.Garcia@sanantonio.gov, Development Services Department)

Staff states applicant is not present.

No Public Comment

Mr. Zuniga made a **Motion** for **BOA-23-10300090** for approval as presented.

Regarding Case No. **BOA-23-10300090**, I move that the Board of Adjustment grant the appeal for the property, situated at 1334 Merida Street, applicant being Seth Goodstein, because the information provided by the applicant shows that City staff made an error in revoking the Short-Term Rental permit.

Second: Manna

Favor: None

Opposed: Menchaca, Bragman, Manna, Kaplan, Zuniga, Cruz, Hayes, Caudill, Ozuna, Oroian

Abstained: Brown

Motion Fails.

Item #3

(Continued from 3/20/23) **BOA-23-10300020:** A request by Ashley Williams for 1) a variance from the Fencing Design Standards as Described in the Beacon Hill Neighborhood Conservation District, to allow fencing or gate structures across the driveway in the front yard and 2) a 1'6" variance from the minimum 15' clear vision requirement to allow a fence to be 13'6" from the front driveway, located at 1016 W Lullwood Avenue. Staff recommends Denial for the Neighborhood Conservation District Variance. Staff recommends Approval for the Clear Vision Variance. (Council District 1) (Mark Chavez, Planner (210) 2077395, Mark.Chavez@sanantonio.gov, Development Services Department)

Staff stated 29 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, Beacon Hill Neighborhood Association is in opposition of the Fencing Design guidelines, but in support fence setback variance.

Ashley Williams, applicant, states the fence installed is not in compliance with the UCD code and was there before her arrival. She states unnecessary hardships occurs with family accommodations, security, home energy use, and yard reduction. Applicants demonstrates nearby properties have similar fences and is requesting permit approval.

Public Comment

Beacon Hill Neighborhood Association member, spoke in opposition.

Mr. Manna made a **Motion** for **BOA-23-10300020** for approval as amended.

Regarding Case No. **BOA-23-10300020**, I move that the Board of Adjustment grant a request for a 1'-6" variance from the minimum 15' clear vision requirement to allow a predominantly open fence to be 13'-6" from the front driveway, situated at 1016 West Lullwood Avenue, applicant being Ashley Williams, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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. In this case, applicant is requesting a 1'-6" variance from the minimum 15' clear vision requirement to allow a predominately open fence to be 13'-6" from the front driveway which would leave enough room for clear vision.

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 unnecessarily pushing the entire fence closer to the home to meet the clear vision standard.

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 reduced clear vision would leave over 13' of clear vision and would meet the spirit of the ordinance.

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.

If granted, the clear vision would leave enough room to safely pull out and would not 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.

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 location of the fence would require moving to not be in line with the clear vision standards.

Second: Kaplan

Favor: Menchaca, Bragman, Brown, Manna, Kaplan, Zuniga, Cruz, Hayes, Caudill, Ozuna, Oroian

Opposed: None

Motion Granted.

Mr. Ozuna made a **Motion** for **BOA-23-10300020** for approval as presented.

Regarding Case No. **BOA-23-10300020**, I move that the Board of Adjustment grant a request for a variance from the Fencing Design Standards as Described in the Beacon Hill Neighborhood Conservation District, to allow fencing or gate structures across the driveway in the front yard situated at 1016 West Lullwood Avenue, applicant being Ashley Williams, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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. In this case, applicant is requesting a 1'-6" variance from the minimum 15' clear vision requirement to allow a fence to be 13'-6" from the front driveway which would leave enough room for clear vision. The applicant's gate in the driveway will also add to general health of the public as it will add security while matching the front yard fence.

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 unnecessarily pushing the entire fence closer to the home to meet the clear vision standard and remove the gate that would reduce security to the property owner.

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 reduced clear vision would leave over 13' of clear vision and would meet the spirit of the ordinance. The gate matching the front yard fence would also meet the intent of the code.

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.

If granted, the clear vision would leave enough room to safely pull out and would not alter the essential character of the district. The driveway gate will also not alter the essential character of the district as it matches the front yard fence.

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 location of the fence and gate would require moving to not be in line with the clear vision standards.

Second: Kaplan

Favor: Menchaca, Cruz, Caudill, Ozuna, Oroian

Opposed: Zuniga, Manna, Kaplan, Hayes, Bragman, Brown

Motion Fails.

Item #4

BOA-23-10300047: A request by Brown and McDonald, PLLC for 1) a 39' variance from the minimum 40' Urban Corridor Arterial Street front setback along San Pedro to allow a structure to be 1' from the front property line, 2) a 4' variance from the minimum 5' side setback requirement to allow a structure to be 1' from the side property lines, and 3) a 4' variance from the minimum 5' rear setback requirement to allow a structure to be 1' from the rear property line, located at 419 and 425 San Pedro Avenue. Staff recommends Approval. (Council District 1) (Vincent Trevino, Senior Planner (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 22 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, Tobin Hill Community Neighborhood Association is in favor.

Carolyn McDonald, representative, wants to build affordable housing in the downtown area.

Jim Bailey, architect, states there need to be more affordable housing near jobs, along transit lines, and near public resources. In this request, he is addressing these demands for the betterment of the community. Wants to provide housing services for families with modest means and that need assisted living.

Lucia Diaz, developer, states the assistance and affordability level of the establishment exceeds the cities plan.

Public Comment

Rick Schell, spoke in support.

Ms. Kaplan made a **Motion** for **BOA-23-10300047** for approval as presented.

Regarding Case No. **BOA-23-10300047**, I move that the Board of Adjustment grant a request for 1) a 39' variance from the minimum 40' Urban Corridor Arterial Street front setback along San Pedro to allow a structure to be 1' from the front property line, 2) a 4' variance from the minimum 5' side setback requirement to allow a structure to be 1' from the side property lines, and 3) a 4' variance from the minimum 5' rear setback requirement to allow a structure to be 1' from the rear property line, situated at 419 and 425 San Pedro Avenue, applicant being Brown and McDonald, PLLC, 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 applicant is requesting a variance to the front, side and rear setback to allow a structure to be 1' from the front, side and rear property lines 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 the applicant building the structure forty feet from the front property line and five feet from the side and rear property lines, which would result in an unnecessary hardship as the structure would have to have the square footage reduced to meet the setback requirements.

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

The structure would be 1' from the side and rear property lines and 1' from the front property line, which observes the spirit of the ordinance due to the size of the lot and the proposed square footage of the structure.

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.*

If granted, the structure will be 1' from the rear, side and front property lines due to the size of the lot and the proposed square footage of the structure would not 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.*

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, due to the size of the lot and the proposed square footage of the structure.

Second: Bragman

Favor: Menchaca, Bragman, Brown, Manna, Kaplan, Zuniga, Cruz, Hayes, Caudill, Ozuna, Oroian

Opposed: None

Motion Granted.

Item #5

BOA-23-10300055: A request by John McFall for 1) a 1,750 square foot variance from the minimum 4,000 square foot to allow a lot size of 2,250 square feet, 2) a 9' variance from the minimum 10' front setback to allow a 1' front setback, 3) a 4' variance from the minimum 10' rear setback to allow a structure to be on the property line (with 6' credit from the alley), 4) a 4' 11" variance from the minimum 5' side setback to allow a 1" side setbacks on the east and west property lines, and 5) a half story variance from the maximum 2.5 story, to allow a building with 3 stories, located at 726 Aransas Avenue. Staff recommends Denial. (Council District 2) (Mirko Maravi, Principal Planner (210) 207-0107, Mirko.Maravi@sanantonio.gov, Development Services Department)

Staff stated 22 notices were mailed to property owners, 8 returned in favor, 1, in favor outside 200', 0 returned in opposition, and Denver Heights Neighborhood Association is in favor. The letter from Denver Heights Neighborhood Association was shown in support.

John McFall, applicant, states he wants to combine the 3 lots he owns, and build a structure across the lot line to establish modern housing. He states the building will have a flat roof to blend with the character of the neighborhood. He does not see how the lots can individually be utilize the for residential purposes.

No Public Comment

Ms. Bragman made a **Motion** for **BOA-23-10300055** for approval as amended.

Regarding Case No. **BOA-23-10300055**, I move that the Board of Adjustment grant 1) a 9' variance from the minimum 10' front setback to allow a 1' front setback, 2) a 4' variance from the minimum 10' rear setback to allow a structure to be on the property line (with 6' credit from the alley), 3) a 4' 11" variance from the minimum 5' side setback to allow a 1" side setbacks on the east and west property lines, and 4) a half story variance from the maximum 2.5 story, to allow a building with 3 stories not to exceed 30', situated at 726 Aransas Avenue, applicant being John McFall, 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 requested setback variances are not contrary to the public interest as the reduced setbacks have a sidewalk, an alley, and abutting properties will be required a setback. The substandard lot and additional height variances are not contrary to the public interest as other substandard lots are developed in the area and additional height are abutting an alley in the rear.

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

A literal enforcement of the ordinance would result in the applicant not having the ability to develop on the property and reduce the development area of the lot.

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

The variances will be in the spirit of the ordinance as lot development standards are created for responsible development, in which the applicants site plan shows.

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.*

If granted, the variances will not injure the adjacent properties as they are separated by an alley and developed in an excess distance of the side property line, which is not 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.*

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 size of the lot and development area. The circumstances do not appear to be merely financial.

The meeting went to recess at 3:09 PM and reconvened at 3:19 PM.

Second: Manna

Favor: Menchaca, Bragman, Brown, Manna, Kaplan, Zuniga, Cruz, Hayes, Caudill, Ozuna, Oroian

Opposed: None

Motion Granted

Item #6

BOA-23-10300077: A request by Maria Aleman for a 4'-11" variance from the minimum 5' side setback to allow a structure with a 1'-4" overhang to be 1" from the side property line, located at 210 Cravens Avenue. Staff recommends Denial. (Council District 3) (Mirko Maravi, Principal Planner (210) 207-0107, Mirko.Maravi@sanantonio.gov, Development Services Department)

Staff stated 31 notices were mailed to property owners, 1 returned in favor, 0 returned in opposition, and no response from the Highland Hills Neighborhood Association.

Maria Aleman, applicant, states she was not aware she needed permit approval for all the home renovations that were done by her mother and herself with additional rooms. Applicant states, she will get a surveyor to demonstrate what further renovations she wants to establish.

Chair Oroian made a **Motion** for **BOA-23-10300077** to be continued to June 5, 2023.

Second: Kaplan

Favor: Menchaca, Bragman, Brown, Manna, Kaplan, Zuniga, Cruz, Hayes, Caudill, Ozuna, Oroian

Opposed: None

Motion Granted.

Item #7

BOA-23-10300086: A request by Emily Sanchez for a 1-parking space variance from the minimum 2 required parking spaces to allow a residential dwelling with an accessory dwelling 1 parking space, located at 5518 Ivanhoe Street. Staff recommends Denial. (Council District 7) (Vincent Trevino, Senior Planner (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 41 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, Culebra Park neighborhood Association is in favor, and no response from the Thunderbird Hills Neighborhood Association.

Rogelio Sanchez, applicant, want to accommodate parking due to an accessory structure, and requests additional parking space for vehicles.

Mr. Ozuna made a **Motion** for **BOA-23-10300086** for approval as presented.

Regarding Case No. **BOA-23-10300086**, I move that the Board of Adjustment grant a request for a 1-parking space variance from the minimum 2 required parking spaces to allow a residential dwelling with an accessory dwelling 1 parking space, situated at 5518 Ivanhoe Street, applicant being Emily Sanchez, because the testimony presented to us, and the facts that we have

determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

The public interest is defined as the general health, safety, and welfare of the public. The applicant is requesting a 1-parking space variance from the minimum 2 required parking spaces. The variance request is not contrary to the public interest as granting the variance would allow for the one parking space due to the limited space to add an additional parking space.

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 having to add an additional parking space which would result in an unnecessary hardship.

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 request appears to be in the spirit of the ordinance as there will be only one parking space for the property due to the limited space required to add an additional parking space.

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.

Staff finds that the variance would not substantially injure the appropriate use of adjacent conforming properties.

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

Staff finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property.

Second: Kaplan

Favor: Menchaca, Bragman, Brown, Kaplan, Cruz, Hayes, Caudill, Ozuna

Opposed: Zuniga, Manna, Oroian

Motion Fails.

Item #8

BOA-23-10300088: A request by Manuel and Rosemary Garcia for 1) a 4'-11" variance from the minimum 5' side setback requirement to allow a detached carport to be 1" from the side property line, 2) a variance from the fence materials to allow a corrugated metal fence along the western and southern property lines, 3) a 4'-2" variance from the minimum 15' Clear Vision requirement to allow a predominately open fence to be 10'-10" from the front driveway, and 4) a 3' special exception from the maximum 3' fence height to allow a 6' privacy fence in the front yard along the western property line, located at 1642 Santa Rita Street. Staff recommends Denial for the Side Setback, Fence Materials, and the Fence Height Special Exception. Staff recommends Approval for the Clear Vision Variance. (Council District 3) (Vincent Trevino, Senior Planner (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 36 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, and no response from the Villa Coronado Neighborhood Association.

Rosemary Garcia, owner, states they installed the carport at its height because of the possibility of it being built lower and bouncing the rain on the security camera's electrical wiring.

Manuel Garcia, owner, installed a corrugated metal fence to protect the neighbor's kid from teasing dogs and potentially getting hurt. He amends to put caps on corrugated metal fence.

Public Comment

Voicemail:

Olga Martinez, spoke in support.

Chair Oroian made a **Motion** for **BOA-23-10300088** for approval of **variance** as amended.

Regarding Case No. **BOA-23-10300088**, I move that the Board of Adjustment grant a request for 1) a 4'-11" variance from the minimum 5' side setback requirement to allow a detached carport to be 1" from the side property line, 2) a variance from the fence materials to allow a corrugated metal fence with cap along the western and southern property lines and not along to front property line, 3) a 4'-2" variance from the minimum 15' Clear Vision requirement to allow a predominately open fence to be 10'-10" from the front driveway, situated at 1642 Santa Rita Street, applicant being Manuel and Rosemary Garcia, because the testimony presented to us, and

the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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. In this case, the public interest is represented by restricted carport side setback to provide space between properties, fencing materials to allow for a safe environment. Staffs finds the requests to allow a carport to be 1' from the side property line and variance from the fence materials is not contrary to the public interest. Additionally, the applicant is requesting a 4'-2" variance from the minimum 15' clear vision requirement to allow a predominately open fence to be 10'-10" from the front driveway. In this case, the predominately open fence does not impede vehicles from entering or exiting the property. Staff finds that this request is not contrary as this distance does not propose any safety issues.

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

A literal enforcement of the ordinance would result in the applicant altering the already constructed carport and corrugated fence to meet current building standards and altering the fence to meet the minimum 15' distance requirement as this would create an unnecessary hardship, as the fence is existing.

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 carport due to its size in its current position and corrugated fence material variances for privacy will observe the spirit of the ordinance. Additionally, the fence is currently 10'-10" from the front driveway. Staff finds the spirit of the ordinance will be observed and substantial justice will be done with the requested variance as adequate sight distance is presented.

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.

If granted, staff finds these requests will not substantially injure the appropriate use of adjacent conforming properties as the variances will provide security and privacy and would not alter the essential character of the district. Additionally, the distance will maintain 10'-10" from the front driveway which will not likely alter the essential character of the district. Upon site visits, staff observed other front yard predominantly open fences in the immediate vicinity.

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 circumstances do not appear to be merely financial.

Second: Manna

Favor: Menchaca, Bragman, Brown, Manna, Kaplan, Zuniga, Cruz, Hayes, Caudill, Ozuna, Oroian

Opposed: None

Motion Granted.

Ms. Bragman made a **Motion** for **BOA-23-10300088** for approval of **special exemption** as amended.

Regarding Case No. **BOA-23-10300088**, I move that the Board of Adjustment grant a request for a 3' special exception from the maximum 3' fence height to allow a 6' privacy fence in the front yard along the western property line, situated at 1642 Santa Rita, applicant being Manuel and Rosemary Garcia, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

A. The special exception will 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 proposed fence being requested is corrugated metal, located along the

western property line and exceeds the maximum height requirement. If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance.

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

In this case, these criteria are represented by fence heights to protect residential property owners while still promoting a sense of community. The proposed fence being requested will be located along the western property line and is exceeding the maximum height requirement. The fence is corrugated metal and will provide privacy on the western side of the property, which still serves the public welfare and convenience.

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

The proposed 6' corrugated metal fence will not substantially injure neighboring conforming properties, as this will provide security and privacy on the western side of the property.

C. 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 appears to not alter the essential character of the district. The corrugated fence exceeds the height requirement along the western property line. The height of the fence will provide security and privacy on the western side of the property.

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

The purpose of the fencing standards is to protect the health, safety, and general welfare of the public. The current zoning allows for the use of a single-family dwelling. The requested special exception will not weaken the general purpose of the district.

Second: Manna

Mr. Manna made a friendly amendment to the motion to include a “predominantly open fencing” height above 3’ accepted by the maker and 2nd of the motion.

Favor: Menchaca, Bragman, Brown, Manna, Kaplan, Zuniga, Cruz, Hayes, Caudill, Ozuna, Oroian

Opposed: None

Motion Granted.

Item #9

BOA-23-10300089: A request by Stephen Kennedy for 1) a 1'-8" special exception from the maximum 5' fence height to allow a 6'-8" predominantly open fence along the front property line, 2) a 3'-8" special exception from the maximum 3' fence height to allow a 6'-8" privacy fence along the front yard except the front property line, and 3) a 5'-10" variance from the minimum 15' clear vision to allow a 9'-2" clear vision driveway, located at 1123 Pasadena Street. Staff recommends Denial for the Fence Height Special Exception. Staff recommends Approval for the Clear Vision Variance. (Council District 1) (Vincent Trevino, Senior Planner (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 19 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, and no response from the Central Neighborhood Association.

Stephen Kennedy, applicant, states he applied for a variance before the construction of fence; however, the pandemic occurred, along with medical issues and by then the fence had been installed. There is a ditched located near the subject property, in which homeless would cross his yard to get to. Also, the previous owner of the house would sell drugs to the homeless, so that had led to more trespassers. He states he put a higher fence up to reduce trespassers and harassment from drug addicts, homeless, etc.

Public Comment

Voicemail:

Jose Bocanegra, spoke in opposition.

Mr. Manna made a **Motion** for **BOA-23-10300089** for approval of **special exemption** as amended.

Regarding Case No. **BOA-23-10300089**, I move that the Board of Adjustment grant a request for 1) a 1'-8" special exception from the maximum 5' fence height to allow a 6'-8" predominantly open fence along the front property line, 2) a 3'-8" special exception from the maximum 3' fence height to allow a 6'-8" predominantly open privacy fence along the front yard except the front property line, situated at 1123 Pasadena Street, applicant being Stephen Kennedy, 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 fence height being requested is predominantly open, located along the

front yard of the property. If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance as the fence is intended to protect the property.

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

In this case, these criteria are represented by fence heights to protect property owners while still promoting a sense of community. The proposed fence be requested will be located along the front property and is exceeding the maximum height requirement by 1'-8" and 3'-8". The fence is predominantly open which still serves the public welfare and convenience.

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

The special exception will not substantially injure the neighboring property as the fence will create enhanced security and privacy for the subject and 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 fence height located along the front of the property line and along the front yard except the front property line of the subject property does not appear to alter the character of the district as this will provide security and privacy for the subject property.

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

The purpose of the fencing standards is to protect the health, safety, and general welfare of the public. The special exception request is to allow a 6'-8" tall fence to add security for the owner. Therefore, the requested special exception will not weaken the general purpose of the district.

Second: Ozuna

Favor: Menchaca, Bragman, Brown, Manna, Kaplan, Zuniga, Cruz, Hayes, Caudill, Ozuna, Oroian

Opposed: None

Motion Granted.

Mr. Manna made a **Motion** for **BOA-23-10300089** for approval of **variance** as presented.

Regarding Case No. **BOA-23-10300089**, I move that the Board of Adjustment grant a 5'-10" variance from the minimum 15' clear vision to allow a 9'-2" clear vision driveway, situated at

1123 Pasadena Street, applicant being Stephen Kennedy, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

The public interest is defined as the general health, safety, and welfare of the public. The applicant is requesting a 5'-10" variance from the minimum 15' clear vision requirement to allow a fence to be 9'-2" from the front driveway. In this case, the predominately open fence does not impede vehicles from entering or exiting the property. Staff finds that this request is not contrary as this distance does not propose any safety issues.

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

A literal enforcement of the ordinance would result in the applicant altering the fence to meet the minimum 15' clear vision requirement from the front driveway. This would result in an unnecessary as the fence is existing.

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

The fence is currently 9'-2" from the front driveway. Staff finds the spirit of the ordinance will be observed and substantial justice will be done with the requested variance as adequate sight distance is presented.

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.

If granted, the clear vision distance will be 9'-2" from the front driveway, which is not likely to alter the essential character of the district as other fences were seen in the immediate area with similar clear vision distances.

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 do not appear to be merely financial.

Second: Cruz

Favor: Menchaca, Bragman, Brown, Manna, Kaplan, Zuniga, Cruz, Hayes, Caudill, Ozuna, Oroian

Opposed: None

Motion Granted.

Kaplan stepped out of the meeting at 4:42 PM and rejoined the meeting at 4:44 PM.

Item #11

BOA-23-10300092: A request by Elaine Sander for a 3'-9" variance from the minimum 5' side setback requirement to allow an accessory structure with overhang to be 1'-3" from the side property line, located at 4219 Shadow Elm Woods. Staff recommends Denial. (Council District 8) (Joseph Leos, Planner (210) 207-3074, Joseph.Leos@sanantonio.gov, Development Services Department)

Staff stated 29 notices were mailed to property owners, 1 returned in favor, 1 returned in opposition, and no response from the Woods of Shavano Neighborhood Association.

Elaine Sanders, homeowner, states she built a storage building on the property that is over the setback line of the neighboring property. However, the neighbor does not mind the storage unit. She states after she received a citation, she pulled a survey to confirm the distance setback line. The building is immovable, and she is asking for permitting approval.

Willard Sanders, homeowner, states adjacent neighbor does not have a problem with the storage building.

No Public Comment

Ms. Bragman made a **Motion** for **BOA-23-10300092** for approval as presented.

Regarding Case No. **BOA-23-10300092**, I move that the Board of Adjustment grant A request for a 3'-9" variance from the minimum 5' side setback requirement to allow an accessory structure with overhang to be 1'-3" from the side property line, situated at 4219 Shadow Elm Woods, applicant being Elaine Sander, 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. In this case, the public interest is represented by restricted setbacks to provide spacing between property line and structures. The applicant is requesting a variance to the side setback to allow an accessory structure to be 1'-3" from the side property line. Staff finds this distance is suitable, as it does not impose on the public interest of the adjacent neighbor. Staff found that water runoff will not impose, and risk of fire spread is not a threat.

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

A literal enforcement of the ordinance would result in the applicant building the structure 5' from the side property line which would result in an unnecessary hardship as it will prevent the applicant from constructing a sizeable accessory structure and rear yard space would be reduced.

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 structure would be 1'-3" from the side property line, which will observe the spirit of the ordinance because it would provide adequate distance from the neighboring property and is abiding by all other building requirements.

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.

If granted, the structure will be 1'-3" from the side property line. This distance provides adequate spacing, which is not likely to injure adjacent conforming properties and alter the essential character of the district. Furthermore, other accessory structures were seen in the immediate 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 limited spacing in the rear yard. The circumstances appear to be the results of general conditions in the district in which the property is located.

Second: Cruz

Favor: Menchaca, Bragman, Brown, Manna, Kaplan, Zuniga, Cruz, Hayes, Caudill, Ozuna, Oroian

Opposed: None

Motion Granted.

Item #12

BOA-23-10300093: A request by Israel Diaz for 1) a 9'-2" variance from the minimum 10' front setback to allow a carport with a 10" front setback, 2) a 4'-11" variance from the minimum 5' side setback to allow a carport with a 1" side setback, and 3) a 5' variance from the minimum 15' clear vision to allow a driveway with a 10' clear vision, located at 222 Hawthorne Street. Staff recommends Denial for the Front and Side Setback Variances. Staff recommends Approval for the Clear Vision Variance. (Council District 5) (Mirko Maravi, Principal Planner (210) 207-0107, Mirko.Maravi@sanantonio.gov, Development Services Department)

Staff stated 42 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, and no response from St. Leo's Neighborhood Association.

Israel Diaz, applicant, wasn't aware that he needed a permit for his construction.

No Public Comment

Mr. Manna made a **Motion** for **BOA-23-10300093** for approval as amended.

Regarding Case No. **BOA-23-10300093**, I move that the Board of Adjustment grant 1) a 9'-2" variance from the minimum 10' front setback to allow a carport with a 10" front setback, 2) a 4' variance from the minimum 5' side setback to allow a carport with a 12" side setback to include gutters, and 3) a 5' variance from the minimum 15' clear vision to allow a driveway with a 10' clear vision, situated at 222 Hawthorne Street, applicant being Israel Diaz, 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 requested setback and clear vision variances are not contrary to interest as the driveway distance is adequate for safely backup into a local street and the setbacks will not create any safety or health issues to the public.

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

A literal enforcement of the ordinance would result in the applicant not having the ability to protect their vehicles and have adequate room for a front yard fence.

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

The variances will be in the spirit of the ordinance as an established developed lot leaves limited room to build a permitted carport or front yard fence.

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.

If granted, the variances will not injure the adjacent properties as the carport will be limited to the subject property and similar development is observed in the area, which is not 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.

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 size of the lot and development area. The circumstances do not appear to be merely financial.

Second: Cruz

Favor: Menchaca, Bragman, Brown, Manna, Kaplan, Zuniga, Cruz, Hayes, Caudill, Ozuna, Oroian

Opposed: None

Motion Granted.

The meeting went to recess at 5:24 PM and reconvened at 5:34 PM.

Ms. Cruz left the meeting at 5:30PM

Chair Oroian tabled Item #13 and brought up Item #14 to be addressed.

Item #14

BOA-23-10300096: A request by Edna Smith for 1) a 4'-11" variance from the minimum 5' side setback, to allow an attached carport to be 1" from the side property line, 2) a 70' variance from the maximum 18' NCD-8 driveway width requirement to allow a 88' driveway, 3) a 3'-4" variance from the minimum 20' garage setback requirement to allow a garage to be 16'-8" from the front curb, 4) a 17'-6" variance from the minimum 25' corner clear vision requirement to allow a fence to be 7'-6" front the corner curb, and 5) a 1'-5" special exception from the maximum 6' side yard fence height requirement to allow a 7'-5" predominately open fence in the side yard, located at 2316 West Craig Place. Staff recommends Denial. (Council District 7) (Joseph Leos, Planner (210) 207-3074, Joseph.Leos@sanantonio.gov, Development Services Department)

Staff stated 23 notices were mailed to property owners, 1 returned in favor, 3 returned in opposition outside the 200', and Woodlawn Lake Neighborhood Association is in opposition.

Edna Smith, applicant, states a person in opposition rose concern about following the neighborhood guidelines and noted her fence was obstruct to the public's safety. She continues to say that there are large dogs that get over the fence. The driveway was already existing when she moved into the dwelling. As for the carport, there are gutters. However, builder failed to pull a permit. She addresses that she has 5 vehicles, with some that are being worked on.

Public Comment

Voicemail:

Woodlawn Lake Neighborhood Association, spoke in opposition.

In Person:

Bianca Maldonado, spoke in opposition.

Chair Oroian made a **Motion** for **BOA-23-10300096** for approval of **variance** as amended. Regarding Case No. **BOA-23-10300096**, I move that the Board of Adjustment grant a request for 1) a 4'11" variance from the minimum 5' side setback, to allow an attached carport to be 1" from the side property line, 2) a 70' variance from the maximum 18' NCD-8 driveway width requirement to allow a 88' driveway, 3) a 3'-4" variance from the minimum 20' garage setback requirement to allow a garage to be 16'-8" from the front curb, and 4) a 17'-6" variance from the minimum 25' corner clear vision requirement to allow a predominantly open fence to be 7'-6" front the corner curb, situated at 2316 West Craig Place, applicant being Edna Smith, 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. In this case, the public interest is represented by consistent development patterns and an unobstructed R.O.W. The applicant is requesting a variance to the side setback to allow a carport to be 1" from the side property line, a driveway width of 88' and length of 16'-8", and a clear vision distance of 7'-6". Staff finds the side setback distance is provides adequate distance from the side property line. The allowance for an 88' in width driveway is not contrary, as the extra driveway space will keep vehicles from the R.O.W. Additionally, the driveway length of 16'-8" not is contrary, as this provides adequate spacing for vehicles. Lastly, the clear vision request is not contrary to the public interest, as the placement of the fence provides for unobstructed views for vehicles driving.

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

The special condition found on the subject property is the side yard having limited space and the driveway being in the side yard. Without the carport side setback and garage setback variances being granted, the applicant would not be able to cover and park their vehicles. Additionally, without the driveway width variance, the applicant would be limited to parking one vehicle due to the limited space. Further, the size of the front yard would be drastically reduced to abide by the minimum corner clear vision requirement, which may result in an unnecessary hardship.

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. In this case, the aim of the code is for building regulations and are provided to allow for consistent development patterns and safety. By granting this variance, the spirit of the ordinance will be observed by preventing vehicles from parking in the R.O.W. and adequate distances and space for the carport and driveway are presented in this situation. Lastly, the clear vision distance of 7'-6" will observe the spirit of the ordinance, as the fence is predominantly open and allows for site to not be obstructed.

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.

If granted, the carport, driveway, and fence will stay in their current location at the deviated measurements and distances. These requests will not impose on the adjacent properties. Upon site visits, staff observed other driveways exceeding the maximum width and under the minimum setback. Additionally, other carports were seen impeding into the setback in the surrounding area. Additionally, staff found the current distance of the clear vision will not injure the appropriate use of adjacent conforming properties.

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

Staff finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, such as limited spacing in the side yard and location of the property being situated on a corner lot. The circumstances appear to be the results of general conditions in the district in which the property is located.

Second: Manna

Mr. Manna made a friendly amendment to the motion to remove Items 1 and 3 from the motion regarding the garage and carport issues which was accepted by the maker and 2nd of the motion.

Chair Oroian amends his motion to include "predominantly open fence" on item #4 which was accepted by the 2nd of the motion.

Favor: Menchaca, Bragman, Brown, Manna, Kaplan, Zuniga, Dean, Hayes, Caudill, Ozuna,

Oroian

Opposed: None

Motion Granted.

Mr. Ozuna made a **Motion** for **BOA-23-10300096** for approval of **special exemption** as amended.

Regarding Case No. **BOA-23-10300096**, I move that the Board of Adjustment grant a request for a 1'-5" special exception from the maximum 6' side yard fence height requirement to allow a 7'-5" predominately open fence in the side yard, situated at 2316 West Craig Place, applicant being Edna Smith, 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 fence height being requested is predominantly open and does not exceed 8' in height. If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance.

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

In this case, these criteria are represented by fence heights to protect property owners while still promoting a sense of community. The fence is located only on one section of the side yard and is exceeding the maximum height requirement by 1'-5". The fence is predominantly open which still serves the public welfare and convenience.

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

The fence will create enhanced security and privacy for the subject and 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 fence height in the side yard of the subject property does not appear to alter the location for which the special exception is sought, as the fence is for privacy and security.

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

The purpose of the fencing standards is to protect the health, safety, and general welfare of the public. The special exception request is to allow a 7'-5" tall fence to add security for the owner. Therefore, the requested special exception will not weaken the general purpose of the district.

Second: Kaplan

Favor: Menchaca, Bragman, Brown, Manna, Kaplan, Zuniga, Cruz, Hayes, Caudill, Ozuna, Oroian

Opposed: None

Motion Granted.

Chair Oroian brought Item #13 to be readdressed.

Item #13

BOA-23-10300095: A request by Mandy Lopez for 1) a 4'-11" variance from the minimum 5' side setback to allow a structure to 1" from the side property line, 2) a 15' variance from the minimum 20' rear setback to allow a structure to be 5' from the rear property line, and 3) a 4'-10" variance from the minimum 15' clear vision to allow a 10'-2" clear vision for a driveway, located at 2627 San Luis Street. Staff recommends Denial for the Side and Rear Setback Variances. Staff recommends Approval for the Clear Vision Variance. (Council District 5) (Joseph Leos, Planner (210) 207-3074, Joseph.Leos@sanantonio.gov, Development Services Department)

Staff stated applicant is not present.

Staff stated 37 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, and Prospect Hill Neighborhood Association is in opposition.

Public Comment

President of the Neighborhood Association, spoke in opposition.

Ms. Hayes made a **Motion** for **BOA-23-10300095** to be continued to June 5, 2023.

Second: Zuniga

Favor: Menchaca, Bragman, Brown, Manna, Kaplan, Zuniga, Dean, Hayes, Caudill, Ozuna, Oroian

Opposed: None

Motion Granted.

Mr. Caudill left the meeting at 6:29 PM.

Item #15

BOA-23-10300097: A request by Robert Benke for 1) a 13'-8" variance from the maximum NCD-8 front-facing façade width of 50' to allow a front-facing façade width of 63'-8", and 2) a 3'-6" variance from the minimum 5' rear setback requirement to allow carports to be 1'-6" from the rear property line, located at 1823 West Craig Place. Staff recommends Denial. (Council District 7) (Joseph Leos, Planner (210) 207-3074, Joseph.Leos@sanantonio.gov, Development Services Department)

Staff stated 29 notices were mailed to property owners, 1 returned in favor, 4 returned in opposition with 3 outside the 200', and Woodlawn Lake Neighborhood Association is in opposition.

Robert Benke, applicant states that he wants to put two units per lot (fourplex) and make it more appealing to the neighborhood in design to fit the character of the area. He states he met with the Woodlawn Neighborhood Association on several occasions and although they have agreed to disagree, there are many multifamily properties in the area that justifies the addition of another.

Public Comment

Voicemails:

George Davito, spoke in opposition.

Delores Gonzalez, spoke in opposition.

Marcus Cerda, spoke in opposition.

Ted Guerra, spoke in opposition.

In Person:

Bianca Maldonado, spoke in opposition.

Diana Ramos, spoke in opposition.

Ms. Kaplan left the meeting at 6:57 PM

Chair Oroian made a **Motion** for **BOA-23-10300097** to be continued to June 5, 2023.

Second: Menchaca

Favor: Menchaca, Bragman, Brown, Manna, Zuniga, Hayes, Ozuna, Oroian

Opposed: Dean

Motion Granted.

Item #16

BOA-23-10300099: A request by New Comfort Homes Inc. for 1) a 346 square feet variance from the minimum 4,000 square feet to allow development on an "RM-4" lot with 3,654 square feet, 2) a 4 parking spaces variance from the minimum 5 required parking spaces to allow 1 parking space, 3) a 9'-11" variance from the 10' minimum front setback to allow a front setback of 1", 4) a 9'-11" variance from the 10' minimum reverse corner lot side setback to allow a side setback of 1", and 5) a 9'-11" variance from the 10' minimum rear setback to allow a rear setback of 1", located at 130 Kansas Street. Staff recommends Denial for Lot Size and Parking Variances. Staff recommends Approval for Front, Rear and Reverse Corner Lot Setback Variances. (Council District 2) (Mirko Maravi, Principal Planner (210) 207-0107, Mirko.Maravi@sanantonio.gov, Development Services Department)

Staff stated 34 notices were mailed to property owners, 4 returned in favor 1 outside 200', 0 returned in opposition, and Woodlawn Lake Neighborhood Association is in opposition.

Chair Oroian made a **Motion** for **BOA-23-10300099** to be continued to June 5, 2023.

Second: Manna

Favor: Menchaca, Bragman, Brown, Manna, Zuniga, Hayes, Ozuna, Oroian

Opposed: Dean

Motion Granted.

Item #17 Approval of minutes from Zoning Board of Adjustments meeting on May 1, 2023

A **Motion** was made by Mr. Manna and seconded Ms. Hayes for approval.

All voted affirmative.

Adjournment

There being no further business, the meeting was adjourned at 7:02 PM

APPROVED BY: _____ OR _____
Chairman Vice-Chair

DATE: 6/5/2023

ATTESTED BY: [Signature]
Executive Secret

DATE: June 6, 2023