

City of San Antonio



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

Monday, January 8, 2024

1:00 PM

1901 S. Alamo

1:01 PM – Call to Order

Worldwide Interpreter presented.

Roll Call – Present: Brereton, Kaplan, Dean (Via Teams), Zuniga (Via Teams, see page 1), Manna, Vasquez, Bragman, Ozuna, Benavides, Cruz, Oroian (Via Teams),

Absent: Ybanez

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

Item #1

BOA-23-10300336: A request by P.W. Christensen P.C. for 1) a 5' special exception from the maximum 3' fence height to allow an 8' front yard fence, and 2) a 2' special exception from the maximum 6' fence height to allow an 8' side/rear yard fence, located at 7102 E Loop 1604. Staff recommends Approval. (Council District 10) (Mirko Maravi, Principal Planner, (210) 207-0107, mirko.maravi@sanantonio.gov, Development Services Department)

Staff stated 17 notices were mailed to property owners, 2 returned in favor, 0 returned in opposition, and no registered Neighborhood association.

Patrick Christensen, P.W. Christensen P.C., representing the applicant, requested an 8' fence for security. Ross Dress for Less will utilize one of the warehouses for product and tucks full of merchandise will also be housed on site.

Commissioner Zuniga rejoined the meeting at 1:12 pm (Via Teams)

No Public Comment

Motion

A motion was made by Commissioner Oroian. Regarding Case No. BOA-23-10300336, I move that the Board of Adjustment grant a request for 1) a 3' special exception from the maximum 5' fence height to allow an 8' predominantly open front yard fence, and 2) a 2' special exception from the maximum 6' fence height to allow an 8' predominantly open side/rear yard fence, situated at 7102 E Loop 1604, applicant being P.W. Christensen P.C., 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 fence height being requested is an 8' predominantly open perimeter fence. If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance, as the use is specifically an industrial use which would normally permit the requested fence height.

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 combined fence appears to serve the public welfare and convenience, as industrial zoning is adjoining the property.

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

The fence variance creates enhanced security and privacy for the subject and adjacent properties. It will not substantially injure any neighboring property as the proposed fence height is permitted in adjoining lots.

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 will not alter the essential character of the district as it has a conditional use for an industrial use and the surrounding property is zoned industrial.

E. 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 the zoning has an approved conditional use for an industrial use.

The motion was seconded by Commissioner Cruz.

Favor: Oroian, Cruz, Brereton, Vasquez, Dean, Zuniga, Manna, Benavidez, Bragman, Kaplan, Ozuna

Opposed: None

MOTION PASSES

Item #2

BOA-23-10300326 A request by Harris Sign Systems for a 15' variance from the maximum 24' sign height allowance, to allow a 39' tall single-tenant sign on an Arterial Type B/Commercial Collector Road, located at 2602 Goliad Road. Staff recommends Denial. (Council District 3) (Vincent Trevino, Senior Planner, (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 11 notices were mailed to property owners, 1 returned in favor, 0 returned in opposition, no response from Highland Hills Neighborhood Association.

Nicolas Harris, Harris Sign Systems Investments, representing the applicant requested an increase in sign height. The applicant stated he is seeking the variance for better visibility, topography, and intends to give customers ample to drive in and out of the business.

Edward Rodriguez, Development Services Senior Sign Inspector, clarified on sign setbacks.

No Public Comment

Motion

A motion was made by Commissioner Manna. Regarding Case No. BOA-22-10300326, I move that the Board of Adjustment grant a request for a 15' variance from the maximum 24' sign height, to allow a 39' tall single-tenant sign on an Arterial Type B/Commercial Collector Road, situated at 2602 Goliad Road, applicant being Harris Sign Systems, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; or*
2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property.*

The property currently qualifies for a sign 24' in height with a maximum 150 square foot sign face for a single-tenant sign.

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

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

The proposed sign does not appear to provide a special privilege and will not impede the vision of customers who are looking for neighboring companies in the immediate area.

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

The proposed variance will not have an adverse impact on neighboring properties as most of the other signs are existing and do not appear to be exceeding the sign regulation standards in as great of capacity as the proposed sign.

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

The requested variance will not substantially conflict with the stated purpose of the chapter. A sign exceeding the 24' in height by 39' will not impede the vision of customers who are looking for neighboring companies in the immediate area.

The motion was seconded by Commissioner Kaplan.

Commissioner Oroian made a friendly amendment from the maximum 24' to 26' sign height, which was accepted by Commissioner Manna and Commissioner Kaplan.

Favor: Oroian, Cruz, Brereton, Vasquez, Zuniga, Manna, Benavidez, Bragman, Kaplan, Ozuna
Opposed: Dean

MOTION PASSES

Item #3

BOA-23-10300104: A request by Colin Bass for a 9'-4" variance from the minimum 15' buffer yard to allow a 5'-8" buffer yard along the eastern property line, located at 3314 North Saint Mary's Street. Staff recommends Denial with an Alternate Recommendation. (Council District 1) (Bronte Frere, Planner, (210) 207-5876, bronte.frere@sanantonio.gov, Development Services Department)

Staff stated 20 notices were mailed to property owners, 1 returned in favor, 0 returned in opposition, and River Road Neighborhood Association is in Favor

Collin Bass and Natalie Medina, applicants, stated they will open 2 businesses and intend to have off-street parking on 3314 N. St. Mary's. They have been working with River Road Community and Rio-1 Overlay to ensure guidelines are met.

Jacob Sanchez, Assistant City Arborist, stated no elimination or reduction of vegetation had been discussed prior. Discussion of setbacks was discussed prior.

Public Comment

Voicemails

Seth Teel, spoke in support.

In Person

Gemma Kennedy, River Road Neighborhood Association (Planning Committee) has met with owners of the property and is in support. As the owners have agreed to hours of operation, greenery, low lighting, fencing, and have diligently worked with the community.

Rebuttal

They are thankful for the Planning Committee and will adhere to all landscaping and lighting requirements.

Motion

A motion was made by Commissioner Bragman. Regarding Case No. BOA-23-10300104, I move that the Board of Adjustment grant a request for a 9'-4" variance from the minimum 15' buffer yard to allow a 5'-8" buffer yard along the eastern property line, situated at 3314 North Saint Mary's Street, applicant being Natalie Medina, 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 represented by minimum landscape buffer between commercial uses and residential properties. Staff finds the variance would still leave a suitable distance from the proposed parking lot and the abutting and adjacent properties.

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

Staff found special conditional that literal enforcement of the ordinance would cause an unnecessary hardship for the landscape buffer as the property does not have sufficient room to accommodate both the required landscape buffer yard and the proposed development.

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

The reduced landscape buffer would still observe the spirit of the ordinance, as there would still be the presence of a landscape buffer separating the parking lot from the abutting property and contributing to the overall look and feel of the area.

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 reduced landscape buffer would not substantially injure the appropriate use of adjacent conforming property as there would still be a buffer yard providing a separation between the property and the abutting and adjacent residential dwellings.

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 plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property. The property does not provide sufficient room to implement a buffer yard larger than 5'-8".

The motion was seconded by Commissioner Kaplan.

Favor: Brereton, Kaplan, Zuniga, Manna, Bragman, Ozuna, Benavides, Cruz, Vasquez, Oroian
Opposed: Dean

MOTION PASSES

Item #4

BOA-23-10300300: A request by Francisco J Morales for a 1'-10" variance from the minimum 5' side setback to allow a 3'-2" side setback on the northern and southern property lines, located at 319 South San Marcos. Staff recommends Approval. (Council District 5) (Vincent Trevino, Senior Planner, (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department) (210) 207-0120, colton.unden2@sanantonio.gov, Development Services Department)

Staff stated 23 notices were mailed to property owners, 1 returned in favor, 0 returned in opposition, Historic Westside Residents is in Favor.

Javier Morales, JSA Homes, representing the applicant requested a side setback due to the narrowness of the lot. The lot is 35' in width. Mr. Morales plans on building two duplex with walls being fire rated.

Public Comment

Voicemail

Sandra and Rosalinda Romero, spoke in favor.

A motion was made by Commissioner Kaplan. Regarding Case No. BOA-23-10300300, I move that the Board of Adjustment grant a request for a 1'-10" variance from the minimum 5' side setback to allow a 3'-2" side setback on the northern and southern property lines, situated at 319 South San Marcos, applicant being Francisco J Morales, 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 is not contrary to the public interest as it will leave sufficient room on the side setback for proper maintenance and distance from abutting structure.

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 northern and southern property lines, which would result in an unnecessary hardship as the structure would have to reduce the square footage to meet the setback requirements on a long and narrow lot.

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

The structure would be 3'-2" from the northern and southern property lines, 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 3'-2" from the northern and southern property lines and 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. The size of the lot leaves limited room for development for an adequate size duplex.

The motion was seconded by Commissioner Bragman.

Favor: Brereton, Kaplan, Zuniga, Manna, Bragman, Ozuna, Benavides, Cruz, Vasquez, Oroian
Opposed: Dean

MOTION PASSES

Kristie Flores, Planning Manager, read into the record items requesting a continuance.

Item #5

BOA-23-10300320: A request by Maria Guadalupe DelGiudice for 1) a 3' special exception from the maximum 3' privacy fence to allow a 6' privacy fence in the front yard, and 2) a 5' variance from the minimum 15' clear vision to allow a 10' driveway clear vision, located at 1618 Whitman Avenue. Staff recommend Approval for the Clear Vision Variance. Staff recommends Denial for the Fence Height Special Exception. (Council District 5) (Colton Unden, Planner, (210) 207-0120, colton.unden2@sanantonio.gov, Development Services Department)

Item#12

BOA-23-10300333: A request by Mauricio Conchas for a variance from the fence materials to allow for a corrugated metal fence in the side and rear yard, located at 4419 West Commerce Street. Staff recommends Denial. (Council District 5) (Mirko Maravi, Principal Planner, (210) 207-0107, mirko.maravi@sanantonio.gov, Development Services Department)

Motion

A motion was made by Commissioner Oroian to continue case **BOA-23-10300320** and **BOA-23-10300333** to January 22, 2024 and was seconded by Commissioner Cruz.

A verbal vote was taken and all voted in affirmative.

MOTION PASSES

Item #6

BOA-23-10300321: A request by Carlos Martinez for a 4' variance from the minimum 5' side setback to allow a 1' carport side setback, located at 310 Spaatz Street. Staff recommends Denial. (Council District 4) (Melanie Clark, Planner, (210) 207-6311, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 33 notices were mailed to property owners, 4 returned in favor, 1 returned in opposition, no registered Neighborhood Association within 200'.

Carlos Martinez, the applicant, stated the property belongs to his mother and it was his idea to build his mother a carport. He did intend on putting gutters prior to Code Enforcement addressing the violation.

No Public Comment

Motion

A motion was made by Commissioner Manna. Regarding Case No. BOA-23-10300321, I move that the Board of Adjustment grant a request for a 2' variance from the minimum 5' side setback to allow a 3' carport side setback, situated at 310 Spaatz Street, applicant being Carlos Martinez because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

The carport in its current location allows for routine maintenance without trespass. The structure does not deviate from this requirement, which 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 be required to remove an attached structure and reconfigure to a single parking or tandem parking structure to comply with the ordinance.

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

The structure will be observing the spirit of the ordinance, as it will be abiding by all other setback requirements as well as not imposing on the public interest of the adjacent neighbors.

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

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 of the adjacent zoning in a predominantly heavy industrial area. The circumstances do not appear to be merely financial.

The motion was seconded by Commissioner Kaplan.

Favor: Kaplan, Zuniga, Manna, Bragman, Ozuna, Benavides, Cruz, Vasquez, Oroian

Opposed: Brereton, Dean

MOTION PASSES

Item #7

BOA-23-10300327: A request by Alexander Zuniga for a 3'-7" variance from the minimum 5' side setback requirement to allow a carport/accessory structure to be 1'-5" from the side property line, located at 130 Hearne Avenue. Staff recommends Denial. (Council District 5) (Vincent Trevino, Senior Planner, (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 37 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, no response from Palm Heights Neighborhood Association.

Alexander Zuniga, applicant stated the detached carport was built in March of 2020. The applicant brought 5 letters in support to include the neighbor directly to the right.

No Public Comment

A motion was made by Commissioner Cruz. Regarding Case No. BOA-23-10300327, I move that the Board of Adjustment grant a request for a 3'-7" variance from the minimum 5' side setback to allow a carport/accessory structure to be 1'-5" from the side property line, situated at 130 Hearne Street, applicant being Alexander Zuniga, 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.*

In this case, the public interest is represented by restricted setbacks to provide ample spacing between property line and structures. Staff finds variance is suitable, as it does not impose on the public interest of the neighbor.

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 an unnecessary hardship as it will prevent the applicant from fitting vehicles comfortably with the reduced setback.

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

The variance will observe the spirit of the ordinance because it would provide adequate distance from the side property line 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.*

Variance distance provides adequate spacing, which is not likely to injure adjacent conforming properties and alter the essential character of the district, as other carports 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.

The motion was seconded by Commissioner Kaplan

Commissioner Kaplan made a friendly amendment at a 2' variance to allow a 3' side setback which was accepted by Commissioner Cruz.

Favor: Benavides Kaplan, Brereton, Vasquez Zuniga, Manna, Bragman, Ozuna, Cruz, Dean, Oroian

Opposed: None

MOTION PASSES

The Board went into recess at 3:00 pm and reconvened at 3:10 pm.

Commissioner Dean left meeting at 3:00 pm

Item #8

BOA-23-10300328: A request by Ken Carter for 1) a 9' variance from the minimum 50' street frontage to allow development on 41' street frontage lot, 2) a 1' variance from the minimum 10' rear setback to allow a 9' rear setback, and 3) a variance from the maximum 50% impervious cover requirement to allow the front yard to exceed the maximum 50% impervious cover, located at 631 Blaine Street. Staff recommends Approval for Street Frontage and Rear Setback Variances. Staff recommends Denial for Impervious Cover Variance. (Council District 2) (Vincent Trevino, Senior Planner, (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 29 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, and no response from the Harvard Place East Lawn Neighborhood Association.

Ken Carter, applicant, representing the applicant, stated the lot was purchased with the intentions to build on it. The property has been replatted and the applicant is requesting the variance in hopes of avoiding the rezoning process.

Commissioner Oroian requested clarification as to the need for item 2. Staff confirmed it was not required with the alley in the rear.

Commissioner Manna discussed the need for the impervious cover variance with the applicant.

No Public Comment**Motion**

A motion was made by Commissioner Kaplan. Regarding Case No. BOA-23-10300328, I move that the Board of Adjustment grant a request for 1) a 9' variance from the minimum 50' street frontage to allow development on 41' street frontage lot, situated at 631 Blaine Street, applicant being Ken Carter, 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.*

In this case, the public interest is represented by restricted street frontage, rear setback, and impervious cover requirements. Without the variance the applicant would not be able to develop a duplex on the property, prevent front yards from being covered by impervious surfaces. The development will bolster the housing supply and will provide value to the community and 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 street frontage ordinance would prevent any development on the lot, prevent a suitable size dwelling unit and eliminate the driveways, as the lot size is relatively small for a duplex. This would result in unnecessary hardship.

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

The granting of this variance will observe the spirit of the ordinance, as the duplex will be abiding by all other setback requirements. Exceeding the 50% impervious coverage requirement appears to observe the spirit of the ordinance as there is no other way to build a suitable size dwelling unit with parking on the small 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 variances will not injure the appropriate use of adjacent conforming properties, as all other setbacks will be abided by and there is an alley located to the rear. Additionally, the impervious coverage will not alter the 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 and orientation of the lot. These circumstances do not appear to be merely financial.

The motion was seconded by Commissioner Manna.

Favor: Benavides Kaplan, Zuniga, Manna, Brereton, Vasquez, Bragman, Ozuna, Cruz, Oroian
Opposed: None

MOTION PASSES

Item #9

BOA-23-10300329: A request by Milo Homes, LLC for 1) a 15' variance from the minimum 25' clear vision to allow a corner with a 10' clear vision, and 2) a 3' variance from the minimum 15' clear vision to allow a driveway with a 12' clear vision, located at 201 East Carson Street. Staff recommends Approval. (Council District 2) (Vincent Trevino, Senior Planner, (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 26 notices were mailed to property owners, 0 returned in favor, 1 returned in opposition, and no response from Government Hill Alliance Neighborhood Association.

Laurn Snider, applicant, stated the proposed plan includes a 5' rod iron arch curved fence. Applicant demonstrated a video showing an individual jumping the 4' fence and walking the property. Further stating a trailer was stolen in broad daylight.

In speaking to Rose Hill, President of the Government Hill Alliance Neighborhood Association, it was stated she supports the fence. Ms. Snider presented a letter of support from Council District 2.

Public Comment

Voicemail

Roel Rocha, spoke in support.

Rebuttal

Ms. Snider stated landscaping was done and it was kept flat. Lawns are maintained twice a month.

Motion

A motion was made by Commissioner Manna. Regarding Case No. BOA-23-10300329, I move that the Board of Adjustment grant a request for 1) a 15' variance from the minimum 25' clear vision to allow a corner with a 10' clear vision, and 2) a 3' variance from the minimum 15' clear vision to allow a driveway with a 12' clear vision, situated at 201 East Carson Street, applicant being Lauren Snider, 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.*

To observe the safety of vehicular traffic for those traveling along East Carson and N Hackberry, the variance to the Clear Vision Standards appears not to be contrary to the public interest.

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

Special conditions exist on the property as there is a bus stop at the location of the corner clear vision, and the applicant will have a 10' corner clear vision.

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

The variance to the clear vision requirements appears to observe the spirit of the ordinance, as it will leave room for safe visibility for oncoming vehicles. Additionally, the presence of the bus stop and stop sign applies any lost safety mitigation from the reduced clear vision.

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 variance request will not injure the, as adjacent blocks are not residential and the presence of a Stop Sign and Bus Stop protects 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 a corner lot and the location of Bus Stop sign. The circumstances do not appear to be merely financial.

The motion was seconded by Commissioner Bragman.

Favor: Benavides, Kaplan, Brereton, Vasquez, Zuniga, Manna, Bragman, Ozuna, Cruz, Oroian
Opposed: None

MOTION PASSES

Item#10

BOA-23-10300330: A request by Michael Gonzales for 1) a 9'-11" variance from the minimum 10' front setback to allow a structure to be 1" from the front property line, 2) a 4'-11" variance from the 5' minimum side setback to allow a structure to be 1" from the side property line, and 3) a 9" variance from the minimum 15' driveway clear vision to allow a 14'- 3" driveway clear vision, located at 1156 Morales Street. Staff recommends Approval for Clear Vision Variance. Staff recommends Denial for Front and Side Setback Variances. (Council District 5) (Vincent Trevino, Senior Planner, (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 35 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, and no response from West End Hope Action or Gardendale Neighborhood Association.

Michael Gonzales, applicant, stated the proposed plan includes changing the characteristics and internal layout of the property, the front and side setbacks will remain unchanged.

Letters of support were presented including one from Gardendale Neighborhood Association.

No Public Comment

Motion

A motion was made by Commissioner Oroian. Regarding Case No. BOA-23-10300330, I move that the Board of Adjustment grant a request for 1) a 9'-11" variance from the minimum 10' front setback to allow a structure to be 1" from the front property line, 2) a 4'-11" variance from the 5' minimum side setback to allow a structure to be 1" from the side property line, and 3) a 9" variance from the minimum 15' driveway clear vision to allow a 14'- 3" driveway clear vision, situated at 1156 Morales Street, applicant being Michael Gonzales, 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 reduced setbacks are not contrary to public interest as the structure is existing. Additionally, in this case, the 14'-3" driveway clear vision leaves enough space for sight distance to assure vehicular traffic protection.

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

A literal enforcement of the ordinance would not result in unnecessary hardship, as the structure would have to be moved to meet the required setbacks. Also, the entire fence would have to be reconfigured to abide by the driveway clear vision.

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

The increase of dwelling units in the existing reduced setback structure would observe the spirit of the ordinance as the structure is existing and the distance from the right of way would benefit the duplex and the surrounding area. The reduced driveway clear vision will observe the spirit of the ordinance as it leaves sufficient room for exiting into a residential street on a corner lot with a Stop Sign.

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 the reduced clear vision will not alter the essential character of the district as the structure is established and the fence location is established in the area and will also leave sufficient room to safely back into residential street.

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 structure is existing would have to be demolished and rebuilt to meet the required setbacks. Additionally, the driveway clear vision variance is due to unique circumstances that were not created by the property owner such as the location of the fence on the lot and surrounding area.

The motion was seconded by Commissioner Manna.

Commissioner Manna made a friendly amendment to state “the north” for the side setback variance and was accepted by Commissioner Oroian.

Favor: Benavides, Kaplan, Brereton, Vasquez, Zuniga, Manna, Bragman, Ozuna, Cruz, Oroian
Opposed: None

MOTION PASSES

Item #11

BOA-23-10300332: A request by Bendicion Engineering for a 15' variance from the minimum 20' rear setback to allow a 5' rear setback on 4 lots, located at 328 East Sunset Road. Staff recommends Approval. (Council District 10) (Bronte Frere, Planner, (210) 207-5876, bronte.frere@sanantonio.gov, Development Services Department)

Staff stated 83 notices were mailed to property owners, 0 returned in favor, 7 returned in opposition (6 within 200 feet), and Oak Park Neighborhood Association is in Favor.

Commissioner Dean rejoined the meeting at 4:03 pm.

Ashley Nash and Lisa Nichols, Nick Abbey Homes, representing the applicant purchased the property with the intent to build 7 high end homes.

Sal Flores, Bendicion Engineering, stated that he had discussed with the city in the predevelopment meeting about creating a shared access with and irrevocable ingress egress easement.

Public Comment

Voicemail

Dr Gabriel Bietz spoke in opposition.

Lydia Rodriguez, spoke in opposition.

In Person

Kim Ghez, spoke in opposition.

Kathy Sosa, spoke in opposition.

Rebuttal

Ms. Nichols stated builds are done mostly in Alamo Heights and Terrel Hills. There was an open house inviting the community to discuss and mitigate. Soon after did state receiving a letter requesting the sum of \$32,000 from Ms. Sosa. The letter was sent to city staff.

Motion

A motion was made by Commissioner Kaplan to continue case BOA-23-10300332 until February 5, 2024 and was seconded by Commissioner Manna.

A verbal vote was taken and all voted in affirmative.

MOTION PASSES

Item #13

BOA-23-10300334: A request by Homenovate, LLC for a 3' special exception from the maximum 3' fence height to allow an 6' front yard privacy fence, located at 118 and 122 Stratford Court. Staff recommends Denial. (Council District 3) (Colton Unden, Planner, (210) 207-0120, colton.unden2@sanantonio.gov, Development Services Department)

Staff stated 24 notices were mailed to property owners, 0 returned in favor, 1 returned in opposition, and Hot Wells Mission Reach is in Opposition.

Maria Clark, Homenovate LLC, representing the applicant had two homes built. The homes stand side by side. Prior to building the homes and having architectural plans, the applicant did speak with zoning and it was confirmed that and 8' fence was fine.

Approved site plans were presented. They include the 8' fence. A certificate of occupancy was issued and approved.

Public Comment

In Person

Brady Alexander, Hot Wells Mission Neighborhood, spoke in opposition.

Motion

A motion was made by Commissioner Oroian. Regarding Case No. BOA-23-10300334, I move that the Board of Adjustment grant a request for a 3' special exception from the maximum 3' fence height not to be any closer than 30' on Stratford Court right of way, situated at 118 and 122 Stratford

Court, applicant being Homenovate, 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:

A. The special exception will be in harmony with the spirit and purpose of the chapter.

The special exception fence height being requested is 6' for the front of the yard, no closer than 30' on Stratford Court right of way. The request would be in harmony with the spirit and purpose of the ordinance, as the proposed fence would provide additional security and privacy for the property owner.

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 appears to serve the public welfare and convenience, as the fence provides additional privacy and security to the property owner.

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

The fence variance will provide 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 front yard of the subject property does not appear to alter the location for which the special exception is sought and does not appear to alter the essential character of the district.

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

The requested special exception will not weaken the general purpose of the district.

The motion was seconded by Commissioner Manna.

Favor: Oroian, Cruz, Brereton, Vasquez, Zuniga, Manna, Benavidez, Bragman, Kaplan, Ozuna
Opposed: Dean

MOTION PASSES

Commissioner Kaplan left meeting at 5:01 pm and returned at 5:03

Item #14

BOA-23-10300335: A request by Killen, Griffin & Farrimond, PLLC for a variance from the fence materials to allow for a corrugated metal fence in the front, side and rear yard, located at 5765 US Highway 87 East. Staff recommends Approval. (Council District 2) (Melanie Clark, Planner, (210) 207-6311, melanie.clark@sanantonio.gov, Development Services Department)

Chair Ozuna tabled the item to later on the agenda so that interpretation services would be available to the applicant for Item #16.

Item #16

BOA-23-10300344: A request by Contreras Remodelation Jr. for a 4'-11" variance from the minimum 5' side setback to allow a 1" side setback, located at 831 Angela Street. Staff recommends Denial. (Council District 5) (Mirko Maravi, Principal Planner, (210) 207-0107, mirko.maravi@sanantonio.gov, Development Services Department)

Staff stated 52 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, and no response from the El Charro Neighborhood association.

Sergio Contreras, Contreras Remodelation, representing the applicant stated going through the correct channels within City of San Antonio. He is seeking recommendations or solutions from the Board. Gutters will be installed.

No Public Comment**Motion**

A motion was made by Commissioner Bragman. Regarding Case No. BOA-23-10300344, I move that the Board of Adjustment grant a request for a 3'-9" variance from the minimum 5' side setback to allow a 1'-3" side setback, situated at 831 Angela Street, applicant being Contreras Remodelation Jr., 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 request would not be contrary to the public interest as it leave sufficient room on the side of the property for any required maintenance and enough separation to prevent any intrusion of elements.

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

Special conditions do not exist on the property as there is sufficient space to build a suitable size single-family dwelling with a driveway on the opposite side of the reduced setback.

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 to provide separation between structures and property lines. The reduced setback will leave enough separation between property line and adjacent 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 variance request will not injure the appropriate use of adjacent conforming properties as the proposed location of the new structure will leave sufficient room to not injure it.

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 limited space to develop a single-family dwelling.

The motion was seconded by Commissioner Cruz.

Favor: Oroian, Cruz, Brereton, Vasquez, Zuniga, Manna, Benavidez, Bragman, Kaplan, Ozuna, Dean

Opposed: None

Chair Ozuna stated Item #14 will be brought back from the table for consideration.

Commissioner Vaquez left the meeting at 5:15pm.

Item #14

BOA-23-10300335

Staff stated 13 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, no registered Neighborhood Association.

Ashley Farrimond, Killen Griffin & Farrimond, representing the applicant stated the metal recycling property is on 32 acres. The area is surrounded by commercial properties and was rezoned

in 2019. The applicant is seeking a variance because the COSA Code of Ordinances on fencing is not specified and reverts back to the UDC on the materials.

No Public Comment

Motion

A motion was made by Commissioner Bragman. Regarding Case No. BOA-23-10300335, I move that the Board of Adjustment grant a request from the fence materials to allow for corrugated metal fencing on the property, situated at 5855 (5765) U.S Highway 87 East, applicant being Killen, Griffin & Farrimond, 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 public interest is defined as the general health, safety, and welfare of the public. There is no safety concern surrounding the area as there is no significant residential development.

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 an unnecessary hardship since as the fencing materials would add to the security of the property.

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

The request does appear to be in the spirit of the ordinance as the property is surrounded by mainly industrial and commercial uses. The property was recently rezoned with Specific Use Authorization for Metal Recycling Entity with Outside Storage and/or Processing.

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 granting of the variance would not substantially injure the appropriate use of adjacent properties as the request is not hindering the appropriate use of the adjacent

properties. The corrugated metal will enhance the essential character of the property and 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.*

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 surrounding area uses and the nature of the facility. The circumstances do not appear to be merely financial.

The motion was seconded by Commissioner Kaplan.

Favor: Oroian, Brereton, Cruz, Dean, Zuniga, Manna, Benavidez, Bragman, Kaplan, Ozuna

Opposed: None

MOTION PASSES

Commissioner Cruz left the meeting at 5:30pm.

Item #15

BOA-23-10300337: A request by Gabriel Mendoza for 1) a 7'-6" variance from the minimum 10' front setback to allow a 2'-6" front carport setback, and 2) a 3' variance from the minimum 5' side setback to allow a 2' carport side setback, located at 2245 Texas Avenue. Staff recommends Denial. (Council District 7) (Mirko Maravi, Principal Planner, (210) 207-0107, mirko.maravi@sanantonio.gov, Development Services Department)

Staff stated 38 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, no response from Woodlawn Neighborhood Association.

Gabriel Mendoza, applicant, stated he had a carport built for protection of his vehicles.

Public Comment

Voicemail

David Hernandez, spoke in support.

Motion

A motion was made by Commissioner Manna. Regarding Case No. BOA-23-10300337, I move that the Board of Adjustment grant a request for 1) a 5' variance from the minimum 10' front setback to allow a 5' front carport setback, and 2) a 3' variance from the minimum 5' side setback to allow a 2' side setback for a carport to include gutters situated at 2245 Texas Avenue, applicant being Gabriel Mendoza, 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 request would not be contrary to the public interest as it leave sufficient room on the side and front of the property for any required maintenance and enough separation to prevent any intrusion of elements.

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

Special conditions exist on the property as there is not sufficient enough space for a carport to cover the property owners' vehicles.

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 to provide separation between structures and property lines. The addition to the carport abuts the neighbors open yard with no structure located on it.

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 variance request will not injure the appropriate use of adjacent conforming properties as there is not structure abutting the location of the carport addition.

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 limited space to provide adequate covered parking.

The motion was seconded by Commissioner Kaplan.

Favor: Oroian, Brereton, Zuniga, Manna, Benavidez, Bragman, Kaplan, Ozuna, Dean
Opposed:

MOTION PASSES

Item #17

Approval of the minutes from the Board of Adjustment meeting on December 18, 2023.

No action was taken.

Director's Report – nothing to report.

Adjournment

There being no further business, the meeting was adjourned at 5:44 PM.

APPROVED BY: _____ or _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary