

City of San Antonio



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

Monday, January 22, 2024

1:00 PM

1901 S. Alamo

1:00 PM – Call to Order

Worldwide Interpreter presented.

Roll Call – Present: Brereton, Kaplan, Dean, Ybanez (see page 5), Manna, Vasquez (Via Teams), Ozuna, Benavides, Cruz (Via Teams), Bonillas, Oroian,

Absent: Zuniga, Bragman

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

Item #1

Nomination & Consideration of Vice- Chair and Pro-Tem for the Zoning Board of Adjustment Commission.

Election of Officers

Nomination for Chair

Commissioner Ozuna nominates Commissioner Oroian as Chair for the Zoning Board of Adjustment.

The motion was seconded by Commissioner Cruz.

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

MOTION PASSES

Nomination for Vice-Chair

Commissioner Kaplan nominates Commissioner Ozuna as Vice-Chair for the Zoning Board of Adjustment.

The motion was seconded by Commissioner Benavides.

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

MOTION PASSES

Nomination for Pro-Tem

Chair Oroian nominates Commissioner Bragman as Pro-Tem for the Zoning Board of Adjustment.

The motion was seconded by Commissioner Benavides.

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

Item #2

BOA-23-10300263 (Continued from BOA 12/18/2023) A request by Eluterio Tenorio for Appealing a Certificate of Appropriateness, located at 620 South Presa Street. Staff recommends Denial. (Council District 1) (Joseph Leos, Planner (210) 207-3074, Joseph.Leos@sanantonio.gov, Development Services Department)

Staff stated 30 notices were mailed to property owners, 8 returned in favor, 2 returned in opposition, and no response from the Lavaca Neighborhood Association. 2 received in favor outside 200 feet.

Public Comment

Voicemail

Kate Rutland, San Antonio Conservation Society, spoke in opposition.

Carline McDonald, Brown & McDonald, representing the applicant requested a continuance to February 19, 2024.

Motion

A motion was made by Commissioner Ozuna.

The motion was seconded by Commissioner Manna.

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

MOTION PASSES

Item #3

BOA-23-10300320: (Continued from BOA 1/8/2024) A request by Maria Guadaulpe 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)

Staff stated 26 notices were mailed to property owners, 3 returned in favor, 0 returned in opposition, and there is no Neighborhood Association within 20 feet.

Maria Guadalupe and Forrest Northern, applicants, stated that on Mother's Day of the year 2010, a home invasion occurred. During this event, the applicant had shot guns pointed at him. Applicant presented the police report. The request is for safety purposes.

No Public Comment

Motion

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-23-10300320, 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' fence in the front yard, situated at 1618 Whitman Avenue, applicant being Maria Guadalupe DelGiudice, 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 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.

The proposed fence appears to serve the public welfare and convenience, as the fence provides additional privacy and security to the property owner from the adjacent commercial uses.

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 Benavides.

Favor: Brereton, Kaplan, Dean, Cruz, Manna, Benavides, Vasquez, Ozuna, Bonillas, Oroian
Opposed: None

MOTION PASSES

Motion

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-23-10300320, I move that the Board of Adjustment grant a request for a 5' variance from the minimum 15' clear vision, to allow a 10' driveway clear vision, situated at 1618 Whitman Avenue, applicant being Maria Guadalupe DelGuidice, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

Staff finds that this request will not be contrary to the public interest as it leaves adequate clear vision space to safely back into the local street.

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

The constructed fence has a 10' clear vision view, that would not cause hardship for vehicular traffic. A literal enforcement of the ordinance would result in the applicant altering the fence back which would prevent adequate parking space for a vehicle.

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

The clear vision of 10' leaves sufficient room to back into a local residential street and will observe 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.*

The distance of the fence is not likely to alter the essential character of the district as it appears to be the established fence distance in the area. The clear vision variance will 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.*

The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property for the clear vision variance, such as having a small front yard to park a vehicle.

The motion was seconded by Commissioner Cruz.

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

Opposed: None

MOTION PASSES

Commissioner Ybanez joined the meeting at 1:28 pm

Item #4

BOA-23-10300333: (Continued from BOA 1/8/2024) 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)

Staff stated 27 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, no response from the Las Palmas or Prospect Hill Neighborhood Association.

No Public Comment

Chair Oroian tabled the item to later on the agenda so that applicant would be available for Item #4.

Item #5

BOA-23-10300338: A request by Christian Carrillo for a 4'-2" variance from the minimum 5' side setback to allow a carport to be 10" from the side setback, located at 5627 Brookhill Street. Staff recommends Denial. (Council District 7) (Richard Bautista-Vazquez, Planner (210)-207-0215, richard.bautista-vazquez@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 (within 200 feet) did not respond.

Christian Carillo, the applicant, sated he built the carport for protection of his equipment. Mr. Carillo amends the application to include gutters.

Public Comment

Juan Manuel Vela (left side neighbor), spoke in support.

Motion

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-23-10300338, I move that the Board of Adjustment grant a request for a 4'-2" variance from the minimum 5' side setback to allow a carport to be 10" from the side setback with gutters, situated at 5627 Brookhill Street, applicant being Christian Carrillo, 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.

After initial reading, amended by maker to add "Distance to the side setback will be limited to the defined area of the carport and no further distance back".

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 proposed carport would only be 10" from the side property line. This distance is reasonable as water runoff into the neighboring property would be minimal.

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 may have to demolish the carport 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 spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. Reducing the side setback requirement would not injure neighboring properties, as other similar carports were observed in 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.

The side setback would not alter the essential character of the district. Various carports were observed in the area that did not abide by the current UDC standards, however they appear to be nonconforming structures.

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

The side setback variance is sought due to unique circumstances existing on the property as there is insufficient room for single vehicle carport.

Commissioner Ozuna includes the distance limited to the side setback to the defined area of the carport.

The motion was seconded by Commissioner Manna.

Favor: Brereton, Kaplan, Dean, Cruz, Manna, Benavides, Vasquez, Ozuna, Bonillas, Ybanez, Oroian

Opposed: None

MOTION PASSES

Item #6

BOA-23-10300343: A request by 1604 HR, LLC for a 2' and fence configuration variance from the minimum 6' privacy fence to allow a 4' predominantly open fence, located at 9811 Huebner Road. Staff recommends Denial. (Council District 8) (Melanie Clark, Planner, (210) 207-6311, melanie.clark@sanantonio.gov, Development Services Department).

Staff stated 21 notices were mailed to property owners, 0 returned in favor, 1 returned in opposition, and Oakland Estates Neighborhood Association is in opposition.

Victor Santoyo, Open Studio Architecture, representing the applicant, stated there was no issue building the fence. He wanted to know why code is being imposed on his property and not the adjacent property.

No Public Comment

Motion

A motion was made by Commissioner Kaplan. Regarding Case No. BOA-23-10300343, I move that the Board of Adjustment grant a request for a 2' height and fence configuration variance from the minimum 6' privacy fence to allow a 4' predominantly open fence, situated at 9811 Huebner Road, applicant being 1604 HR, LLC because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

Conceding to the fence height and configuration variance does not deviate from this requirement as the existing 4' predominantly open fence has effectively maintained a secure boundary between commercial and residential prior to this request.

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 provide a 6' solid fence along 384' of property to create delineation to which an adequate fence currently exists to comply with the ordinance.

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

Granting the variance would not injure the abutting residential property or neighboring properties, as the existing 4' open fence, with the required 15' landscape buffer, would provide suitable privacy, security, and property delineation between commercial and residential use.

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 existing on the property, such as an existing residential fence and the nature of the facility. The circumstances do not appear to be merely financial.

The motion was seconded by Commissioner Manna.

Favor: Dean, Benavides, Ozuna

Opposed: Brereton, Kaplan, Cruz, Manna, Vasquez, Bonillas, Ybanez, Oroian

MOTION FAILS

Chair Oroian stated Item #4 will be brought back from the table for consideration.

Item #4

BOA-23-10300333

Mauricio Conchas, the applicant, stated he was told by city staff that no permit was needed for his metal corrugated fence. Mr. Conchas presented a map and statement to the board indicating that no permit was needed. Shortly after, a city inspector arrived on site and told Mr. Conchas that there was no permit on file. Mr. Conchas presented the document that was given to him by city staff. In return the inspector stated he would handle it. Soon after, a letter was received and in it requesting the removal of the fence. The applicant has no issue removing the fence, but that is not what he understood from city staff. Mr. Conchas further stated that he has no problem removing the fence if requested to.

Mr. Conchas amended the application to cover exposed edges.

Public Comment

Voicemail

Prospect Hill Neighborhood Association, spoke in support.

Rebuttal

Mr. Conchas stated the fence served as a deterrent from vandalism and protection of his property.

Motion

A motion was made by Commissioner Kaplan. Regarding Case No. BOA-23-10300333, I move that the Board of Adjustment grant a request for a variance from the fence materials to allow for a corrugated metal fence in the side and rear yard, situated at 4419 West Commerce Street, applicant being Mauricio Conchas, 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 the required materials for constructing a fence. The request is not contrary to the public interest, as corrugated metal is located in a commercial lot surrounded by an alley and an industrial lot.

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

The commercial property is required to provide a 6' privacy fence adjacent to a residential lot which creates an unnecessary hardship for the applicant if not allowed a corrugated metal fence. The request was amended by applicant to include caps on all exposed areas of the fence.

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

The structure appears to observe the spirit of the ordinance, as it provides required privacy from the residential lots.

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 granting of the variances 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, as the fence is constructed in the side and rear yard of a commercial property, abutting an alley.

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 a required 6' fence and the location of the property along a Primary Arterial Road.

Commissioner Kaplan added that the variance is to include caps on all areas that are exposed.

Commissioner Kaplan added that the variance restricts fence fronting the northside of 112 Willmont.

The motion was seconded by Commissioner Manna.

Commissioner Brereton made a friendly amendment (line 2) to include capped exposed areas which was accepted by Commissioner Kaplan and Commissioner Manna.

Favor: Brereton, Kaplan, Dean, Cruz, Manna, Benavides, Vasquez, Ozuna, Bonillas, Ybanez, Oroian

Opposed: None

MOTION PASSES

Item #7

BOA-23-10300345: A request by P.W. Christensen P.C. for a 9'-11" variance from the minimum 10' front setback to allow a 1" front setback, located at 2504 N. St. Mary's Street. Staff recommends Denial. (Council District 1) (Melanie Clark, Planner, (210) 207-6311, melanie.clark@sanantonio.gov, Development Services Department).

Staff stated 34 notices were mailed to property owners, 11 returned in favor, 0 returned in opposition, no response from Tobin Hill Neighborhood Association

Patrick Christensen, representing the applicant, stated the curb cut was built by the city on existing structures. As the church is zoned residential, the front setback would allow front access. Rezoning case has been submitted for the parking lots behind St. Sophia to allow for commercial parking.

Greg Asvestas, spoke in support, representatives for the parish, spoke in support and is requesting front access to the church for funeral hearses, limousines, visitors, and those with limited mobility.

No Public Comment

Motion

A motion was made by Commissioner Kaplan. Regarding Case No. BOA-23-10300345, I move that the Board of Adjustment grant a request for a 9'-11" variance from the minimum 10' front setback to allow a 1" front setback, situated at 2504 North St. Mary's Street, 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:

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

The proposed porte-cochere would provide safe coverage for ingress and egress of funeral hearses and limousines as well as provide patrons and visitors with limited mobility ease of access during inclement weather.

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 this would limit the space and functionality of the proposed covered entrance.

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

The requested variance is to allow a structure to have adequate space from the front property line. Due to the size and functionality of the property and the structure being proposed, this will observe 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.*

The proposed covered drop off area will provide accessibility for church uses and is not expected to impede traffic flow in the area. The request will not injure adjacent properties or 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 space in front of the building does not leave room for a full 10' front setback. Also, the redesigned layout of St Mary's Street resulted in reduced curbside access for front entrance for which the need for a porte-cochere now exists.

The motion was seconded by Commissioner Cruz.

Favor: Brereton, Kaplan, Dean, Cruz, Manna, Benavides, Vasquez, Ozuna, Bonillas, Ybanez, Oroian

Opposed: None

MOTION PASSES

The Board went into recess at 2:52 pm and reconvened at 3:06 pm.

Item#8

BOA-23-10300339: A request by American GI Forum National Veterans Outreach Programs for a 2' special exception from the maximum 5' fence height to allow a 7' predominantly open fence in the front yard, located at 918 North Main Avenue. Staff recommends Approval. (Council District 1) (Richard Bautista-Vazquez, Planner (210)-207-0215, richard.bautista-vazquez@sanantonio.gov, Development Services Department)

Staff stated 11 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, Midtown Area Regional Center Neighborhood Association (within 200 feet) did not respond.

Robert Flores, American GI Forum National Veterans Outreach Programs representing the applicant stated the fence will provide safety and privacy.

No Public Comment**Motion**

A motion was made by Commissioner Manna. Regarding Case No. BOA-23-10300339, I move that the Board of Adjustment grant a request for a 2' special exception from the maximum 5' fence height to allow a 7' predominantly open fence in the front yard, situated at 918 North Main Avenue, applicant being American GI Forum National Veterans Outreach Programs, 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 proposed 7' fence will be predominantly open and located along the front property line. If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance as the request appears to be reasonable and closely aligned with the code.

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

The additional fence height will aid with deterring unauthorized personnel on the property while the predominantly open fence will help with not completely isolating the property from the rest of the neighborhood.

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

The additional fence height being requested will enhance security for the subject property. The adjacent properties are also zoned for commercial uses therefore the request is unlikely to injure the neighboring 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 requested 7' predominately open fence will not alter the essential character of the district as the property is in a high traffic area of the City.

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

The subject property currently has a vacant building. The request will not weaken the general purpose of the district as other similar fences are in the area.

The motion was seconded by Commissioner Manna.

Favor: Brereton, Kaplan, Cruz, Manna, Benavides, Vasquez, Ozuna, Bonillas, Ybanez, Oroian
Opposed: Dean

MOTION PASSES

Item #9

BOA-23-10300341: A request by EKR Drafting and Design for a 20' variance from the minimum 30' rear setback to allow a structure to be 10' from the rear setback, located at 8342 Broadway Street. Staff recommends Approval. (Council District 10) (Richard Bautista-Vazquez, Planner (210)-207-0215, richard.bautista-vazquez@sanantonio.gov, Development Services Department)

Staff stated 11 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, Oak Park Northwood Neighborhood Association (within 200 feet) did not respond.

Jose Ford, EKR Drafting, representing the applicant stated the existing convenience store will be expanding and the setback would allow for renovations.

No Public Comment

Motion

A motion was made by Commissioner Kaplan. Regarding Case No. BOA-23-10300341, I move that the Board of Adjustment grant a request for a 20' variance from the minimum 30' rear setback to allow a structure to be 10' from the rear setback, situated at 8342 Broadway Street, applicant being EKR Drafting and Design, 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 requested variance does not appear to be contrary to the public interest as there is adequate space remaining from the property line to the proposed structure.

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

Staff finds an unnecessary hardship for the rear setback variance due the size of the lot. The proposed structure will have ample space to the rear.

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

The request will observe the spirit of the ordinance because the proposed structure will still maintain a reasonable distance between the structure and the surrounding properties.

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.

There will be a remaining 10' of distance from structure to the property line, therefore the request would not alter the essential character of the neighborhood.

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 rear setback variance sought is due to unique circumstances existing on the property such proposed addition being in line with the current structure. The variance request is not merely financial.

The motion was seconded by Commissioner Manna.

Chair Oroian made a friendly amendment to include an addition to the existing building not to exceed 10' which was accepted by Commission Kaplan and Commissioner Manna.

Favor: Brereton, Kaplan, Cruz, Manna, Benavides, Vasquez, Ozuna, Bonillas, Ybanez, Oroian
Opposed: Dean

MOTION PASSES

Item #10

Approval of the minutes from the Board of Adjustment meeting on November 6, 2023 and January 8, 2024.

A motion was made by Commissioner Manna and seconded Commissioner Kaplan for approval of the November 6, 2023, minutes as amended.

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

MOTION PASSES

A motion was made by Commissioner Cruz and seconded Commissioner Kaplan for approval of the January 8, 2024, minutes as amended.

Favor: Kaplan, Cruz, Manna, Benavides, Vasquez, Ozuna, Bonillas, Ybanez, Oroian

Opposed: None

Abstain: Brereton

MOTION PASSES

Director's Report – nothing to report.

Adjournment

There being no further business, the meeting was adjourned at 3:34 PM.

APPROVED BY: _____ or _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary