



Board of Adjustment Minutes

Development and Business Services Center
1901 South Alamo

August 15, 2022

1:03PM

1901 S. Alamo

Board of Adjustment Members

A majority of appointive Members shall constitute a quorum.

Donald Oroian, District 8, Chair
Andrew Ozuna, Mayor, Vice Chair
Seth Teel, District 6, Pro-Tem

Mark Spielman, District 1 | Scott Albert, District 2
Abel Menchaca, District 3 | George Britton, District 4 |
Maria Cruz, District 5 | Phillip Manna, District 7
Kimberly Bragman, District 9 | Vacant, District 10

Alternate Members

Vacant | Elizabeth Ingalls | Jo-Anne Kaplan | Lisa Lynde
Lillian Miess | Jesse Vasquez | Jesse Zuniga

1:05 P.M. - Call to Order

- Roll Call

Present:, Albert, Menchaca, Kaplan, Cruz, Manna, Bragman, Vasquez, Zuniga, Teel, Oroian, Ozuna

- Absent: Britton, Spielman

2 Translators from SeproTec were present to assist with translating.

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

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

Item #1 **BOA-22-10300096: (POSTPONED)**

Item #2 **BOA-22-10300144: (POSTPONED)**

Item #3 **BOA-22-10300082**: A request by Jose Hernandez for 1) a 2' 2" variance from the minimum 5' side setback requirement to allow a carport with overhang and gutters to be 2' 10" from the side property line and 2) a 6' 7" variance from the 10' minimum front setback requirement to allow a carport to be 3' 5" from the front property line, located at 1535 West Ashby Place. Staff recommends Approval. (Council District 1) (Vincent Trevino, Senior Planner (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 26 notices were mailed to property owners within 200 feet, 2 returned in favor, 0 returned in opposition, and there was no response from the West End Hope in Action

Jose Hernandez, applicant, - stated he hired Bad Boys Remodeling and they did not pull the permits.

No Public Comment

Chair Oroian asked for a motion for **BOA-22-10300082**

Ozuna made a **Motion** for **BOA-22-10300082** for approval.

Regarding Case No. **BOA-22-10300082**, I move that the Board of Adjustment grant a request for 1) a 2' 2" variance from the minimum 5' side setback requirement to allow a carport with overhang and gutters to be 2' 10" from the side property line. 2) A 6' 7" variance from the 10' minimum front setback requirement to allow a carport to be 3' 5" from the front property line, situated at 1535 West Ashby Place, applicant being Jose Hernandez, 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 because*
the variance request is to allow a carport with overhang and gutters to be 2'10" from the side property line and 3'5" from the front property line which provides adequate spacing between the new structure and the property lines.
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship because*
it would result in the structure having to be moved to meet the minimum 5' side setback and 10' front setback requirement. The unnecessary hardship is due to the size of the lot and limited spacing in the side yard.
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done as*

the requested variance is to allow a structure to be closer to the side property line. Due to the configuration of the property and the structure being existing, 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*
as the property is zoned “R-4” and the use of the property is a single-family dwelling.
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 because*
other carports are also present in the area and appear similar in material to the one built on the subject property.
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.*

It appears 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. The variance request is not merely financial.

Second: Cruz

In favor: Albert, Menchaca, Kaplan, Cruz, Manna, Bragman, Vasquez, Zuniga, Teel, Oroian, Ozuna

Opposed: None

Motion Passes.

Item #4

BOA-22-10300096: A request by Ernesto Vela for 1) a variance from the maximum 50% impervious cover requirement to allow the front yard to exceed the 50% impervious cover and 2) a variance from the Mahncke Park Neighborhood Conservation District (NCD-6) regulation of a maximum 1 curb cut to allow 2 curb cuts on the lot, located at 110 Bellview. Staff recommends Denial. (Council District 2) (Richard Bautista-Vazquez, Planner (210) 207-0215, richard.bautista-vazquez@sanantonio.gov, Development Services Department)

Staff stated 13 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, and the Mahncke Park Neighborhood Association is opposed.

Ernesto Vela, applicant, - stated the struggle with the current parking spot especially during the school year.

David Ramos, traffic representative, - stated they would work with public works especially since it's a small lot, but it would be permitted.

Applicant amended his application that the pervious cover in the front yard would be provided in a matter consistent with the color-coded site plan exhibit he provided staff for the file.

No Public Comment:

Chair Oroian asked for a motion for **BOA-22-10300096**

Teel made a **Motion** for **BOA-22-10300096** for approval.

Regarding Case No. BOA-22-10300096, I move that the Board of Adjustment grant a request for 1) a variance from the maximum 50% impervious cover requirement to allow the front yard to exceed the 50% impervious cover and 2) a variance from the Mahncke Park Neighborhood Conservation District (NCD-6) regulation of a maximum 1 curb cut to allow 2 curb cuts on the lot, situated at 110 Bellview, applicant being Ernesto Vela, 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 because*
the applicants requested variances of exceeding the impervious cover maximum and exceeding the 1 curb cut maximum will not be contrary to the public's interest and likely not to negatively affect the neighboring properties.
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship because*
a literal enforcement would restrict the applicant to 1 curb cut.
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done as*
the requested variances will allow the front yard to exceed the 50% impervious cover maximum and allow the lot to have two (2) curb cuts, exceeding the Mahncke Park Neighborhood Conservation District (NCD-6) standards. The variances will observe the spirit of the ordinance as the driveway will be newly constructed.
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 because*
staff finds the requested variances will not significantly 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.*

It appears 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 front yard. The variance request is not merely financial.

Second: Bragman

In Favor: Menchaca, Kaplan, Cruz, Bragman, Vasquez, Zuniga, Teel, Oroian, Ozuna

Opposed: Albert, Manna

Motion Passes.

Item #5

BOA-22-10300103: A request by Corvera Enterprises Inc for a 36 parking space variance from the minimum 64 parking space requirement to allow a multi-tenant commercial property to provide 28 parking spaces, located at 3915 San Pedro. Staff recommends Denial. (Council District 1) (Vincent Trevino, Senior Planner (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 18 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, 1 returned in opposition outside 200 feet and there was no response from the Edison Neighborhood Association nor Monte Vista Terrace.

Commissioner Zuniga stepped out at 1:58P.M. and returned at 1:59P.M.

Jose Garza, representative, - wanting to open an extension to the existing restaurant.

David Ramos, traffic representative, - site plan is still in technical review.

No Public Comment

Chair Oroian asked for a motion for **BOA-22-10300103**

Teel made a **Motion** for **BOA-22-10300103** for approval.

Regarding Case No. BOA-22-10300103, I move that the Board of Adjustment grant a request for a 36 parking space variance from the minimum 64 parking space requirement to allow a multi-tenant commercial property to provide 28 parking spaces, situated at 3915 San Pedro, applicant being Corvera Enterprises, 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 because **the variance request is to allow 28 parking spaces at a multi-tenant commercial property. The size and configuration of the lot will not accommodate additional parking spaces.**

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship because
it would result in adding additional parking spaces to the property. The unnecessary hardship is due to the size of the property and limited space.
3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done as
the requested variance for the minimum parking spaces may not negatively affect the surrounding area. Due to the configuration of the property, 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
as the property is zoned “C-1” and the use of the property is a light commercial.
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 because
the lot is not likely to negatively affect the adjacent neighboring properties due to the minimum parking spaces variance request will not injure the area or 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.
It appears 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. The variance request is not merely financial.

Second: Kaplan

Applicant amended his application to put business hours for the new dining area to be 5 P.M..

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

Opposed: None

Motion passes.

Item #6

BOA-22-10300104: A request by Bexar Engineers & Associates for a variance from the frontage requirement to allow the frontage of single-family residential lots on a Collector Street, located at 786 Gillette Boulevard. Staff recommends Approval. (Council District 4) (Rebecca Rodriguez, Senior Planner, (210) 207-0120, Rebecca.Rodriguez@sanantonio.gov, Development Services Department)

Staff stated 17 notices were mailed to property owners within 200 feet, 0 returned in favor, 1

returned in opposition, and there is no registered neighborhood association.

Daniel Aguilar, representative, - wants to build single family homes.

No Public Comment

Chair Oroian asked for a motion for **BOA-22-10300104**

Bragman made a **Motion** for **BOA-22-10300104** for approval.

Regarding Case No. BOA-22-10300104, I move that the Board of Adjustment grant a request for a variance from the frontage requirement to allow the frontage of single-family residential lots on a Collector Street, situated at 786 Gillette, applicant being Bexar Engineers & Associates, 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 because
it will allow the development of residential lots on Rockwell Boulevard which is not a high traffic street when compared to the alternative of Gillette Boulevard.
2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship because
it would result in not allowing frontage on Rockwell or Gillette leading to possible no access into the property. The property could not be replatted leading to an unnecessary hardship.
3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done as
the requested variance will allow frontage on a street that will provide safer access onto the property than the existing access.
4. The variance will not authorize the operation of a use other than those uses specifically **authorized in the zoning district in which the variance is located as the property is zoned “R-4” and the use of the property is a single-family dwelling.**
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 because
there are other residential lots fronting off Rockwell Boulevard therefore the request does not appear to 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.
It appears the plight of the owner of the property for which the variance is sought is due to

unique circumstances. Without the variance approval, the lot could potentially not be redeveloped.

Second: Ozuna

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

Opposed: None

Motion passes.

Item #7

BOA-22-10300105: A request by Mario Robledo for 4' variance from the minimum 5' side setback requirement to allow a carport with gutters to be 1' from the side property line, located at 931 Sams Drive. Staff recommends Approval. (Council District 3) (Rebecca Rodriguez, Senior Planner, (210) 207-0120, Rebecca.Rodriguez@sanantonio.gov, Development Services Department)

Staff stated 25 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, and there is no registered neighborhood association

Mario Robledo, applicant, - stated he wants to build a carport. He amended his application to have gutters with downflow to the front and rear of the property.

Public Comment:

Roy Guerrero, 927 Sams- in opposition

Chair Oroian asked for a motion for **BOA-22-10300105**

Ozuna made a **Motion** for **BOA-22-10300105** for approval.

Regarding Case No. BOA-22-10300105, I move that the Board of Adjustment grant a request for a 4' variance from the minimum 5' side setback requirement to allow a carport with 6" gutters that down spouts towards the front and back of the property to be 1' from the side property line, situated at 931 Sams Drive, applicant being Mario Robledo, 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 because*
the structure will meet the minimum front setback requirement and will have gutters installed to avoid water runoff to the neighboring property.
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship because*

it would result in the structure having to maintain 5' to the side property line which will result in the development of an impractical carport. The unnecessary hardship is due to the narrowness of the lot.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done as*
the requested variance would allow a structure to be 1' from the side property line and will maintain gutters and require to be made of fire rated materials. Because of the width of the lot, maintaining a 5' side setback is not achievable.
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*
as the property is zoned "R-4" and the use of the property is a single-family dwelling.
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 because*
other residences observed in the immediate area have similar carports therefore maintaining a 1' side setback does not appear to 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.*
It appears the plight of the owner of the property for which the variance is sought is due to the size and width of the lot. The variance request is not merely financial.

Second: Manna

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

Opposed: None

Motion passes.

Item #8

BOA-22-10300106: A request by Paul Flynn for a 4' 10" variance from the 5' minimum side setback requirement to allow structure with overhang and gutters to be 2" from the side and rear property lines, located at 343 Viendo. Staff recommends Approval. (Council District 1) (Richard Bautista-Vazquez, Planner (210) 207-0215, richard.bautista-vazquez@sanantonio.gov, Development Services Department)

Staff stated 35 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, and there was no response from the Los Angeles Homeowners Association.

Paul Flynn, applicant, - Stated he built the carport and then became aware of the zoning and setbacks.

No Public Comment

Chair Oroian asked for a motion for **BOA-22-10300106**

Manna made a **Motion** for **BOA-22-10300106** for approval.

Regarding Case No. BOA-22-10300106, I move that the Board of Adjustment grant a request for a 4' 10" variance from the 5' minimum side setback requirement to allow structure with overhang and gutters to be 2" from the side and rear property lines, situated at 343 Viendo, applicant being Paul Flynn, 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 requested variance would allow a covered structure to be 2" from the side and rear property lines. This distance provides adequate spacing between the covered structure and the neighboring local road.
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 covered structure being reduced to maintain a 5' side setback. This would decrease the square footage, depth, and width of the covered structure and would not allow for adequate spacing for a vehicle. This 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. A 4' 10" variance from the 5' minimum setback requirement will observe the spirit of the ordinance and will not adversely affect surrounding properties in the immediate 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 addition will maintain 2" setback from the side property line, respectively. This will not alter the essential character of the district as there are similar covered structures in the area with similar setbacks.
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 covered structure cannot be developed with the existing setback requirements as there is insufficient space.

Second: Bragman

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

Opposed: None

Motion passes.

The meeting went into recess at 3:01 and rejoined at 3:10. Commissioner Teel left the meeting.

Item #9

BOA-22-10300115: A request by Jorge Cervantes for a 4' variance from the 5' minimum side setback requirement to allow a carport with overhang and gutters to be 1' from the side property line, located at 6006 Reefridge. Staff recommends Approval. (Council District 4) (Vincent Trevino, Senior Planner (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 25 notices were mailed to property owners within 200 feet, 4 returned in favor, 0 returned in opposition, and there was no response from the People Active in Community Effort P.A.C.E.

Jorge Cervantes, applicant, stated he wanted to build a carport that is 22' x 34' to protect his cars from the sun.

No Public Comment

Chair Oroian asked for a motion for **BOA-22-10300115**

Bragman made a **Motion** for **BOA-22-10300115** for approval.

Regarding Case No. BOA-22-10300115, I move that the Board of Adjustment grant a request for a 4' variance from the 5' minimum side setback requirement to allow a carport with overhang and gutters to be 1' from the side property line, situated at 6006 Reef Ridge, applicant being Jose Cervantes, 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 because **the variance request is to allow a carport with overhang and gutters to be 1' from the side**

property line, which provides adequate spacing between the new structure and the property lines.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship because
it would result in the structure having to be moved to meet the minimum 5' side setback requirement. The unnecessary hardship is due to the configuration of the property.
3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done as
the structure will maintain a considerable distance between neighboring properties while also allowing the development of a carport. Due to the configuration of the property, 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
as the property is zoned "R-6" and the use of the property is a single-family dwelling.
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 because
other carports are also present in the area and appear similar in material to the one built on the subject property.
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.
It appears 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 configuration of the lot. The variance request is not merely financial.

Second: Manna

In Favor: Albert, Menchaca, Kaplan, Cruz, Manna, Bragman, Vasquez, Zuniga, Oroian, Ozuna

Opposed: None

Motion passes.

Item #10

BOA-22-10300116: A request by Guadalupe Macias for 1) a 1' 4" special exception from the 5' maximum fence height requirement to allow a predominately open fence to be 6' 4" and 2) a 4' 5" variance from the 15' minimum clear vision requirement to allow a fence to be 10' 7" from the curb, located at 6007 Viva Max. Staff recommends Approval. (Council District 6) (Vincent Trevino, Senior Planner (210) 207-5501,

Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 33 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, and the Thunderbird Hills Association is opposed.

James Games, representative, - stated the fence is for extra security.

No Public Comment

Chair Oroian asked for a motion for **BOA-22-10300116**

Manna made a **Motion** for **BOA-22-10300116** for approval.

Regarding Case No. BOA-22-10300116, I move that the Board of Adjustment grant a request for 1) a 1' 4" special exception from the 5' maximum fence height requirement to allow a predominately open gate to be 6' 4". 2) A 4' 5" variance from the 15' minimum clear vision requirement to allow a fence to be 10' 7" from the curb, situated at 6007 Viva Max, applicant being Guadalupe Macias, 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 because **the variance request is to allow a fence to be 10' 7" from the front property line which provides adequate spacing between the new fence and the curb. In addition, the fence would be limited to a height of 6'4" and is predominantly open.**
2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship because **it would result in the fence having to be reduced in height to meet the maximum 5' height requirement for a predominately open fence with gate and the 15' clear vision requirement. The fence would also need to move to meet the 15' clear vision requirement. The unnecessary hardship is due to the size of the lot and limited spacing in the front yard.**
3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done as **the fence will also assist with adding additional security to the property and surrounding area. The 4' 5" to the clear vision requirement of 15' observes the spirit of the ordinance as the fence is predominately open and the gate is on a rolling track and will not further impede into the clear vision field.**
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 **as the property is zoned "R-6" and the use of the property is a single-family dwelling.**
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 because **the request for a 4' 5" variance to the clear vision field will not injure adjacent properties or**

alter the essential character of the district. The fence line is consistent with others 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.

It appears 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. The variance request is not merely financial.

Second: Cruz

Chair Oroian made a friendly amendment to include gate posts and it was accepted by Manna and Cruz

In Favor: Albert, Menchaca, Kaplan, Cruz, Manna, Bragman, Vasquez, Zuniga, Oroian, Ozuna

Opposed: None

Motion passes.

Item #11

BOA-22-10300117: A request by Gloria Sancho for a Special Exception to allow one (1) additional Type 2 Short Term Rental permit on the block face, located at 50 Kansas Street. Staff recommends Denial. (Council District 2) (Joshua Orton, Senior Planner, (210)-207-7945, Joshua.Orton@sanantonio.gov, Development Services Department)

Staff stated 19 notices were mailed to property owners within 200 feet, 0 returned in favor, 0 returned in opposition, and there was no response from the Alamodome Gardens Neighborhood Association

Gloria Sancho, applicant- stated she would like a Short-Term Rental Permit, since the other one on the block face is for a vacant lot.

No Public Comment

Chair Oroian asked for a motion for **BOA-22-10300117** for a continuance to September 19

Bragman made a **Motion** for **BOA-22-10300117** for continuance.

Second: Kaplan

In favor: Albert, Menchaca, Kaplan, Cruz, Manna, Bragman, Vasquez, Zuniga, Oroian, Ozuna

Opposed: None

Motion passes for continuance to September 19.

Item #11

Approval of the minutes from the Zoning Board of Adjustment meeting on July 18, 2022.

Motion: Kaplan made a motion for Approval of the August 1, 2022 minutes.

Second: **Cruz**

In Favor: Albert, Menchaca, Kaplan, Cruz, Manna, Bragman, Vasquez, Zuniga, Oroian, Ozuna

Opposed: **None**

Minutes Approved.

Adjournment

There being no further business the meeting was adjourned at 4:07 P.M.

APPROVED BY: _____ OR _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary