

**BOARD OF ADJUSTMENT
OFFICIAL MINUTES
October 16, 2017**



Members Present:

Mary Rogers
Jay Gragg
Donald Oroian
Denise Ojeda
Roger Martinez
Henry Rodriguez
Alan Neff
Seth Teel
Jesse Zuniga
Maria Cruz

Staff:

Catherine Hernandez, Planning Manager
Joseph Harvey, City Attorney
Logan Sparrow, Principal Planner
Oscar Aguilera, Planner

Call to Order

Pledge of Allegiance to the U.S. and Texas Flags.

Ms. Rogers, called the meeting to order and called roll of the applicants for each case.

Monica Shaw, World Wide Languages Translator, present.

Case Number: A-17-185
Applicant: Kevin Hull
Owner: North Park Lexus
Council District: 1
Location: 611 Lockhill-Selma Road
Legal Description: Lot 18, Block 3, NCB 11714
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District
Case Manager: Oscar Aguilera, Planner

Request

A request for 1) an 11 foot variance from the maximum 24 foot sign height, as described in Chapter 28, Section 28-45, to allow an overall sign height of 35 feet and 2) a variance from the 10 foot setback, as described in Chapter 28, Section 28-47(c) (1) (b), to allow a sign one (1) inch from the property line.

Oscar Aguilera, Planner presented the background information and staff's recommendation of the variance. He indicated 9 notices were mailed, 0 returned in favor, and 0 returned in opposition. No response from the Greater Harmony Hills Neighborhood Association.

Jose Contreras, representative stated the applicant was merely updating the sign. Nothing will be added to it and will be smaller and asked for the Boards approval.

Rod Crowley, Texas Custom Signs answered the Boards questions regarding the sign and asked for the Boards approval.

Andrew Perez, Chief Sign Inspector clarified the sign is facing Lockhill Selma and not San Pedro.

No one appeared to speak.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-17-185 closed.

MOTION

A motion was made by **Mr. Martinez**. "Regarding Appeal No A-17-185, a request for 1) an 11 foot variance from the maximum 24 foot sign height to allow an overall sign height of 35 feet and 2) a nine (9) foot and eleven (11) inch variance from the 10 foot setback to allow a sign one (1) inch from the property line, subject property being Lot 18, Block 3, NCB 11714, 611 Lockhill-Selma Road, applicant being Kevin Hull.

I move that the Board of Adjustment grant the applicant's request for the variance to the subject property as described above, 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; and.*

The sign is proposed to decrease the height of the current signage from 37 feet to 35 feet and the new sign height will better promote the business and increase visibility. The sign is designed to be visible despite tall trees and overhanging electrical wires along Lockhill-Selma Road.

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 property owner is replacing an existing 37 foot tall sign with a 35 foot tall sign. The request is not out of character with the surrounding commercial properties.

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 many of the properties surrounding the subject property are also auto dealers or other commercial properties with similar signage. The additional sign height should not interfere with the apartments (residential properties) as they are located in the opposite side of the property.

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

The requested variance does not conflict with the stated purpose of the chapter in that the request will not exceed the maximum 40 foot sign height for the subsequent street classification, Arterial Type A.” The motion was seconded by Mr. Rodriguez.

AYES: Martinez, Rodriguez, Teel, Cruz, Ojeda, Neff, Gragg, Oroian, Zuniga, Rogers

NAYS: None

THE VARIANCE IS GRANTED.

Mr. Oroian Recused himself from Case #A-17-180 at 1:25 p.m.

Case Number:	A-17-180
Applicant:	Alvin Peters
Owner:	Islamic Center of San Antonio
Council District:	8
Location:	8638 Fairhaven
Legal Description:	Lot 14, Block 6, NCB 14445
Zoning:	“O-2” High Rise Office District and “O-2 AHOD” High Rise Office Airport Hazard Overlay District
Case Manager:	Oscar Aguilera, Planner

Request

A request for a 7.5 foot variance from the 15 foot landscape buffer, as described in Section 35-510, to allow a 7.5 foot landscape buffer.

MOTION

A motion was made by **Mr. Martinez to continue item #A-17-180 to November 6, 2017.** The motion was seconded by **Mr. Rodriguez.**

Ms. Rogers called for a voice vote and the motion passed unanimously.

THE CONTINUANCE HAS BEEN GRANTED.

Mr. Oroian reentered the meeting at 1:30 p.m.

Case Number:	A-17-187
Applicant:	Aarzo Food Inc.
Owner:	Aarzo Food Inc.
Council District:	5
Location:	1515 Castroville Road
Legal Description:	NW IRR 103.2 Feet of 15, 16, and 17, Block 16, NCB 8096 and Lot 8, NCB 8134
Zoning:	“C-3R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District
Case Manager:	Oscar Aguilera, Planner

Request

A request for 1) a 25 foot variance from the 30 foot rear setback, as described in Table 35-310, to allow a five foot rear setback and 2) a request for a 14 foot 11 inch variance from the Type C 15 foot rear bufferyard, as described in Section 35-510, to allow a one (1) inch rear bufferyard and 3) a request for a 14 foot 11 inch variance from the Type B 15 foot front bufferyard, as described in Section 35-510, to allow a one (1) inch front bufferyard.

Oscar Aguilera, Planner presented background, and staff’s recommendation of the variance request. He indicated 38 notices were mailed, 0 returned in favor, and 0 returned in opposition and no response from the Westwood Square Neighborhood Association.

Robert Hinojosa, representative stated the applicant is planning to add a laundry mat to the existing gas station and needs the extra space and will comply with the Boards decision.

The Following citizens appeared to speak.

Gil Arizmend, after listening to the applicant’s case Mr. Arizmend is now in support.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-17-187 closed.

MOTION

A motion was made by **Mr. Martinez**. “Regarding Appeal No A-17-187, a request for 1) a 25 foot variance from the 30 foot rear setback to allow a five foot rear setback and 2) a request for a **12** foot variance from the Type C 15 foot rear bufferyard 3) a request for a **12** foot from the Type

B 15 foot front bufferyard, subject property being NW IRR 103.2 Feet of 15, 16, and 17, Block 16, NCB 8096 and Lot 8, NCB 8134, 1515 Castroville Road, applicant being Aarzo Food Inc.

I move that the Board of Adjustment grant the applicant's request for the variance to the subject property as described above, 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 site has had a service station with a convenience store on it since 1956. The addition will be aligned with the existing building. Currently the existing building sits five feet from the rear property line. The existing building has not presented a danger or a nuisance to the public interest since its construction in 1956. The multi-family property placed parking stalls and private vehicle circulation along the shared property line, creating an approximately 50 foot buffer between the residential buildings and the proposed addition. Therefore, granting the variance for a five foot rear setback will not be contrary to the public interest.

In addition, granting the requested variance for the bufferyard requirements for the property will not be contrary to the public interest. There are any properties within the street or surrounding district that has the required bufferyard. The area is an old neighborhood with very limited redevelopment.

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

Literal enforcement of the 30 foot rear setback and bufferyard requirements would make the addition impossible. The owner will be unable to build the addition and will be unable to provide the required parking since the site is small.

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

In this case, the two land uses have coexisted together since the 1950's. The existing parking and vehicular circulation for the multi-family lot is immediately adjacent to the proposed building addition, therefore reducing noise and other negative impacts between the land uses.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District.

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 applicant is seeking a new addition to an existing convenience store building, originally constructed in 1956. The new project intends to better serve the community and improve the appearance of the neighborhood. The effects of the addition, built within setbacks and required bufferyard, are mitigated by the location of the multi-family parking and vehicular circulation.

- 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.*

Literal enforcement of the 30 foot rear setback and 15 foot rear and front bufferyard would make the addition impossible. The business has a need to grow and the owner has struggled to find a design that meets all development codes. This is not merely financial in nature, or is it the fault of the owner of the property.” The motion was seconded by **Mr. Neff**.

Mr. Oroian made a motion to Amend and remove lots 15, 16, 17 from the front bufferyard from Item #2. There was **no second** therefore amendment dies.

AYES: Martinez, Neff, Zuniga, Gragg, Teel, Cruz, Ojeda, Rodriguez, Rogers

NAYS: Oroian

THE VARIANCE IS GRANTED.



Case Number:	A-17-186
Applicant:	Jarred Corbell
Owner:	Bexar Bartlett, LLC
Council District:	2
Location:	511 Brackenridge Avenue
Legal Description:	Lots 11-20 and 31-40, Block 8, NCB 1070
Zoning:	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District
Case Manager:	Logan Sparrow, Principal Planner

Request

A request for variances from the following Mahncke Park Neighborhood Conservation District design guidelines: 1) a 15 foot variance from the requirement limiting multi-family dwellings with four or more units not exceed 50 feet in width to allow 65 feet in width, applicable to those structures located along Tendick Street and 2) a 2.5 foot variance from the requirement that minimum spacing between multi-family structures with five or more units be no closer than 20 feet apart to allow a 17.5 foot spacing, applicable to those properties located along Tendick Street and 3) a 45 foot variance from the requirement limiting multi-family structures with five or more units not exceed 80 feet in width to allow those buildings to be 125 feet wide, applicable to structures in the rear and 4) a five foot variance from the requirement that spacing between

multi-family structures be no closer than 20 feet of one another to allow them to be 15 feet apart, applicable to structures in the rear.

Logan Sparrow, Principal Planner, presented background, and staff's recommendation of the variance requests. He indicated 8 notices were mailed, 0 returned in favor, and 0 returned in opposition and Mahnke Park Neighborhood Association is in support.

Jarred Corbell, explained his team reworked his proposal and worked along with the neighborhood associations, from reducing the number of units to the size of the units and building separation. Mr. Corbell then asked for the Boards approval.

Mr. Martinez: made a Motion to waive the 12 month requirement and reconsideration of case #A-17-186. Mr. Teel seconded the motion.

AYES: Martinez, Teel, Gragg, Oroian, Zuniga, Cruz, Ojeda, Neff, Rodriguez, Rogers

NAYS: None

THE MOTION PASSES

The following Citizens appeared to speak.

Patty Zaiontz: San Antonio Conservation Society, read a letter from the Society in opposition.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A 17-186 closed.

MOTION

A motion was made by **Mr. Neff**. "Regarding Appeal No A-17-186, a request for variances from the following Mahncke Park Neighborhood Conservation District design guidelines: 1) a 15 foot variance from the requirement limiting multi-family dwellings with four or more units not exceed 50 feet in width to allow 65 feet in width, applicable to those structures located along Tendick Street and 2) a 2.5 foot variance from the requirement that minimum spacing between multi-family structures with five or more units be no closer than 20 feet apart to allow a 17.5 foot spacing, applicable to those properties located along Tendick Street and 3) a 45 foot variance from the requirement limiting multi-family structures with five or more units not exceed 80 feet in width to allow those buildings to be 125 feet wide, applicable to structures in the rear and 4) a five foot variance from the requirement that spacing between multi-family structures be no closer than 20 feet of one another to allow them to be 15 feet apart, applicable to structures in the rear., subject property being Lots 11-20 and 31-40, Block 8, NCB 1070, 511 Brackenridge Avenue, applicant being Jarred Corbell.

I move that the Board of Adjustment grant the applicant's request for the variance to the subject property as described above, 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 design standards to ensure consistent development within the community. In this case, the applicant has worked extensively with the neighborhood association to arrive at a compromise that allows the site to be developed. Because the design of the project has been a public process, and because the applicant has been able to satisfy the concerns of the public, staff finds that the variance requests are not contrary to the public interest.

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

The size of the lot requires a sensitive layout. The property is significantly smaller than the multi-family properties to the west. The applicant has proposed a layout that satisfies the neighborhood associations concerns, and masses the buildings appropriately within the context of the surrounding properties. Staff finds that a literal enforcement of the ordinance would restrict the ability to develop the site.

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 the intent of the requirements rather than the strict letter of the law. The intent of the design standards is to ensure a cohesive development pattern within the community. The proposed project complies with the majority of the required design standards. The variances sought are to provide relief from building-width limitations and to allow slightly less space between structures.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District.

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 requested variances are unlikely to alter the essential character of the district. The applicant will follow the balance of the design requirements as set forth by the neighborhood conservation 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 unique circumstance present in the case is the small lot size, measuring only about two acres. By way of comparison, the multi-family development to the west is nearly five times the size. This is not the fault of the owner, who is trying to develop the property in accordance with the future land use plan.” The motion was seconded by Mr. Gragg.

AYES: Neff, Teel, Martinez, Gragg, Oroian, Zuniga, Cruz, Ojeda, Rodriguez, Rogers
NAYS: None

THE VARIANCES ARE GRANTED.

Case Number:	A-17-184
Applicant:	Efrain Tamez
Owner:	Efrain Tamez
Council District:	2
Location:	3202 Vista Lake
Legal Description:	Lot 1, Block 28, NCB 18268
Zoning:	"R-6" Residential Single-Family District
Case Manager:	Oscar Aguilera, Planner

Request

A request for a five foot variance from the ten foot front setback, as described in UDC 35-310.01, to allow a carport five feet from the front property line.

Oscar Aguilera, Planner, presented the background information, and staff’s recommendation of the variance request. He indicated 23 notices were mailed, 0 returned in favor, 0 returned in opposition.

Efrain Tamez, applicant stated he is requesting the variance for protection from the weather and birds that damage the paint on his vehicles.

Robert Flores: spoke in favor and stated he is the contractor and will follow all city guidelines.

No citizens appeared to speak.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-17-184 closed.

MOTION

A motion was made by **Mr. Oroian**. “Regarding Appeal No A-17-184, a request for a five foot variance from the ten foot front setback to allow a carport five feet from the front property line, subject property being Lot 1, Block 28, NCB 18268, 3202 Vista Lake Drive, applicant being Lot 1, Block 28, NCB 18268 applicant being Efrain Tamez.

I move that the Board of Adjustment grant the applicant’s request for the variance to the subject property as described above, 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 setback limitations to protect property owners and create a cohesive streetscape. Since there are similar carports within the subdivision, the proposed carport would not be contrary to the public interest.

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

Literal enforcement of the setback would prevent the applicant from protecting his property and family from inclement weather.

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

The spirit of the ordinance represents the intent of the requirement. Since there are similar carports within the subdivision, the proposed carport would not be contrary to the public interest.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized*

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-6” Residential Single-Family District.

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 are other carports prevalent in the area. The structure will not impose any immediate threat of water runoff or fire spread to adjacent 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.*

The unique circumstance is that the several other homes in the community enjoy similar carports.” The motion was seconded by Mr. Rodriguez.

AYES: Martinez, Rodriguez, Zuniga, Cruz, Oroian, Gragg, Teel, Neff, Ojeda, Rogers

NAYS: None

THE VARIANCE IS GRANTED.

The Board of Adjustment convened for a 10 minute break.

Case Number: A-17-179
Applicant: Stephen and Carmelita Harrison
Owner: Stephen and Carmelita Harrison
Council District: 6

Location: 1802 Highland Mist Lane
Legal Description: Lot 18, Block 11, NCB 34400B
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Logan Sparrow, Principal Planner

Request

A request for a five foot variance from the ten foot front setback, as described in Section 35-310.01, to allow a carport to be built five feet from the front property line.

Logan Sparrow, Principal Planner, presented background information, and staff's recommendation of the variance requests. He indicated 18 notices were mailed, 2 returned in favor, 0 returned in opposition and the Oak Creek Community Association had no response.

Pedro Alizella, representative informed the applicant that permits were needed to begin construction because of the proposed size of the carport prior to construction.

No citizens appeared to speak.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-17-179 closed.

MOTION

A motion was made by **Mr. Rodriguez**. "Regarding Appeal No A-17-179, a request for a five foot variance from the ten foot front setback to allow a carport to be built five feet from the front property line, subject property being Lot 18, Block 11, NCB 34400B, 1802 Highland Mist Lane, applicant being Stephen and Carmelita Harrison.

I move that the Board of Adjustment grant the applicant's request for the variance to the subject property as described above, 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.*

Upon evaluation of the street, as well as surrounding streets, staff noted that several other homes in the community have carports. Some carports in the community were built after obtaining permits, and there are older carports without permits, too. Because the proposed carport provides more than four times the required side setback and is unlikely to impact adjacent owners, staff finds that the variance request is not contrary to the public interest.

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

Literal enforcement of the ten foot front setback would leave only 18 feet for the carport; generally, carports are built to be at least 20 feet deep. Three other homes along Highland Mist Lane already have carports; at least one of those is built within ten feet of the front property line. Additionally, the front property line is sloped. The northwest corner of the proposed carport meets the ten foot front setback, whereas the northeast corner does not. Staff finds that the shape of the lot constitutes a special condition that warrants the granting of the variance request.

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 the intent of the requirements rather than the strict letter of the law. The intent of the setbacks is to reduce conflicts between different land uses and to provide space for fire safety and maintenance. Because the carport is located 23 feet from the nearest side property line, and because the owner will have ample room to maintain the proposed structure from all angles, staff finds that granting the variance will result in substantial justice.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District.

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 carport is to be built 23 feet from the nearest side property line, and nearly 65 feet from the nearest structure. This is more than six times the required separation for safety required by the Unified Development Code. As such, staff finds that the variance will not substantially injure adjacent, conforming 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.*

The unique circumstance present in this case is the sloping front lot line. This is not the fault of the owner of the property, nor is this issue merely financial in nature.” The motion was seconded by Mr. Teel.

**AYES: Rodriguez, Cruz, Zuniga, Teel, Oroian, Martinez, Ojeda, Gragg, Neff, Rogers
NAYS: None**

THE VARIANCE IS GRANTED.



Case Number: A-17-183
Applicant: Danny and Josefina Corprew
Owner: Danny and Josefina Corprew
Council District: 6
Location: 1731 County Cork Road
Legal Description: Lot 19, Block 9, NCB 34400B
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Logan Sparrow, Principal Planner

Request

A request for a five foot variance from the ten foot front setback, as described in Section 35-310.01, to allow a carport to be built five feet from the front property line.

Logan Sparrow, Principal Planner, presented background information, and staff's recommendation of the variance request. He indicated 19 notices were mailed, 3 returned in favor, 1 returned in opposition.

Pedro Alizella, representative informed the applicant that permits were needed to begin construction because of the proposed size of the carport prior to construction and wishes to follow all City regulations.

No citizens appeared to speak.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-17-183 closed.

MOTION

A motion was made by **Mr. Rodriguez**. "Regarding Appeal No A-17-183, a request for a five foot variance from the ten foot front setback to allow a carport to be built five feet from the front property line, subject property being Lot 19, Block 9, NCB 34400B, 1731 County Cork Road, applicant being Danny and Josefina Corprew.

I move that the Board of Adjustment grant the applicant's request for the variance to the subject property as described above, 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 because several other homes in the community have carports and the design is not out of character.

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

A literal enforcement of the Ordinance would render the proposed design unbuildable. Because other homes have deep carports, not allowing this applicant the opportunity presents 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 code will be upheld because the applicant will be able to enjoy the added protection for their vehicles and property.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District.

- 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.*

As several homes in the community benefit from carports it is unlikely that the proposed carport will detract from the character of the community.

- 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 unique circumstance present in this case is the need for additional protection for the applicant’s property.” Mr. Neff seconded the motion.

AYES: Rodriguez, Neff, Teel, Oroian, Cruz, Gragg, Ojeda, Rogers

NAYS: Zuniga, Martinez

THE VARIANCE FAILED

Case Number:	A-17-181
Applicant:	Susan Taylor
Owner:	Susan Taylor
Council District:	2
Location:	5022 Village Crest
Legal Description:	Lot 21, Block 9, NCB 15776
Zoning:	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Oscar Aguilera, Planner

Request

A request for 1) a four foot and eleven inch variance from the five foot side setback, as described in section 35-310.01, to allow a structure to be one inch from the side property line and 2) a three

foot variance from the ten foot front setback, as described in section 35-310.01, to allow a carport to remain seven feet from the front property line.

MOTION

A motion was made by **Mr. Teel to continue case #A-17-181 to November 6, 2017. Mr. Zuniga** seconded the Motion.

A voice vote was taken by Madam Chair and was unanimously approved.

THE CONTINUANCE IS GRANTED

Case Number:	A-17-188
Applicant:	Jeffry Post
Owner:	Jeffry Post
Council District:	1
Location:	946 W. Lullwood Avenue
Legal Description:	Lots 47 and 48, Block 7, NCB 3106
Zoning:	“R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District
Case Manager:	Logan Sparrow, Principal Planner

Request

A request for 1) a ten percent variance from the limitation that an accessory dwelling unit not exceed 40 percent the size of the primary dwelling, as described in Section 35-370(b)(1), to allow an accessory dwelling unit to be 50 percent the size of the main dwelling.

MOTION

A motion was made by **Mr. Neff to continue case #A-17-188 to November 6, 2017. Mr. Martinez** seconded the Motion. **A voice vote was taken by Madam Chair and was unanimously approved.**

THE CONTINUANCE IS GRANTED

Ms. Rogers made a motion to approve the October 2, 2017 minutes with all members voting in the affirmative.

Manager’s report: Members were informed about a future orientation for all new Board Members.

There being no further discussion, meeting adjourned at 3:25 pm.

APPROVED BY: _____ OR _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary