

**BOARD OF ADJUSTMENT
OFFICIAL MINUTES**

April 3, 2017

Members Present:

Seth Teel
Frank Quijano
Denise Ojeda
Maria Cruz
George Britton
Henry Rodriguez
John Kuderer
Roger Martinez
Jesse Zuniga
Mary Rogers
Richard Acosta
Alan Neff

Staff:

Catherine Hernandez, Planning Manager
Ted Murphree, City Attorney
Margaret Pahl, Senior Planner
Shepard Beamon, Senior Planner
Oscar Aguilar, Senior 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.

Arianne Villanueva, Interpreter, was present.

Mr. Acosta was installed as the ninth member of the Board to begin the Meeting.

Ms. Rogers read into the record Item #A-17-060 and #A-17-078 has been postponed to a later date.

Mr. Neff entered the meeting at 1:08 p.m.

Ms. Cruz entered the meeting at 1:15 p.m.

Case Number: A-17-075

Applicant: Service King

Owner: ABP Property Services

Council District: 6
 Location: 7602 Ingram Road
 Legal Description: Lot 4, Block 2, NCB 18282
 Zoning: "C-3R AHOD" General Commercial Restrictive Alcoholic
 Sales Airport Hazard Overlay District
 Case Manager: Shepard Beamon, Senior Planner

Request

A request for a special exception to allow a nine (9) foot tall fence in the rear yard, as described in Section 35-514.

Shepard Beamon: Senior Planner presented the background information and staff's recommendation of the variance. He indicated 17 notices were mailed, 0 returned in favor, 0 returned in opposition, and no response neighborhood association.

John Young: representative requested the 9 foot fence and asked for the Boards approval.

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-17-075 closed.

MOTION

A **motion** was made by **Ms. Ojeda**, "Regarding Appeal No. A-17-075, a request for a special exception to allow a 9 foot tall fence in the rear yard, subject property being Lot 4, Block 2, NCB 18282, situated at 7602 Ingram Road, applicant being Service King.

I move that the Board of Adjustment grant the applicant's request for the special exception 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:

- A. *The special exception will be in harmony with the spirit and purpose of the chapter. The UDC allows residential fencing up to nine feet in height to be permitted by a special exception within commercial zoning districts. The applicant's request meets the approval criteria for a special exception. Due to the type of business, the subject property is a target for theft and vandalism. The granting of the special exception would deter would-be criminals from entering the premises.*
- B. *The public welfare and convenience will be substantially served. Substantial justice will be served as the taller fence height will prohibit any unauthorized persons from entering the site after hours. The fence does not hinder the view for motorists on the adjacent right-of-way.*
- C. *The neighboring property will not be substantially injured by such proposed use. The fence would not have any negative impact on the adjacent properties. The abutting properties consist of a vacant lot and three single-family dwellings. The additional fence height,*

along with its location towards the rear the property, would provide additional screening between the commercial and residential uses.

- 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 fence height would not significantly alter the appearance of the district as this is an existing operating commercial facility. The proposed fence is intended to only provide the site with extra security.*
- E. *The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district. The special exception will not weaken the purpose of the commercial zoning district as the fencing will comply with all other zoning requirements. The request will improve the operation of the business. Further, the design of the fence does not interfere with the Clear Vision requirements.” Mr. Martinez seconded the Motion.*

After further discussion, a Friendly motion was made by **Mr. Martinez** and accepted by **Ms. Ojeda**. “Regarding Appeal No. A-17-075, a request for a special exception to allow a 9 foot tall fence along the perimeter **excluding the rear portion along residential properties**, subject property being Lot 4, Block 2, NCB 18282, situated at 7602 Ingram Road, applicant being Service King.”

AYES: Ojeda, Martinez, Kuderer, Acosta, Zuniga, Teel, Britton, Cruz, Neff, Quijano, Rogers

NAYS: None

VARIANCE IS GRANTED.

Mr. Rodriguez entered the Meeting and replaced Alternate Mr. Acosta at 1:50 p.m.

Case Number: A-17-074

Applicant: Concepcion Amparan

Owner: Concepcion

Council District: 6

Location: 2814 War Arrow

Legal Description: Lot 1, Block 12, NCB 14542

Zoning: R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

Case Manager: Oscar Aguilera: Planner

Request

Regarding Appeal No. A-17-074, a request for a special exception to allow a one operator beauty/barber shop within a single-family home, being Lot 1, Block 12, NCB 14542, as described in Section 35-515(d)(1).

Oscar Aguilera: Planner presented the background information and staff's recommendation of the variance. He indicated 21 notices were mailed, 0 returned in favor, 4 returned in opposition, and no response from the Thunderbird Hills Neighborhood Association.

At 2:00 p.m. Mr. Zuniga recused himself from case #A-17-074 and was replaced by **Mr. Acosta** for the remainder of the item.

Concepcion Amparan: applicant had her daughter Abigail Amparan, translate for her. Ms. Amparan needs to provide for family and due to her illness this is her best option.

A motion was made by **Mr. Rodriguez**. "Regarding Appeal No. A-17-074, a request for a special exception to allow a one operator beauty/barber shop within a single-family home, being Lot 1, Block 12, NCB 14542, situated at 2814 War Arrow, applicant being Concepcion Amparan

I move that the Board of Adjustment grant the applicant's request for the a special exception 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:

- A. *The special exception will be in harmony with the spirit and purpose of the chapter. The spirit of the chapter is to ensure that the operation of a one-operator beauty/barber shop does not negatively impact the character of the community or the quality of life of neighbors. There is that nothing about the home that distinguishes it from others in the community. The applicant has fulfilled all requirements for a one-operator shop as established in the Unified Development Code. The special exception is in harmony to the spirit of the chapter.*
- B. *The public welfare and convenience will be substantially served. Approving the request for the special exception, with limited hours, will allow the applicant to serve customers in her community and therefore the public welfare will be served.*
- C. *The neighboring property will not be substantially injured by such proposed use. The requested special exception is not likely to negatively impact adjacent property owners because the home is in character with those around it. There is nothing visible from the street that would indicate the presence of a beauty/barber shop. Also, there is a driveway capable of providing any necessary parking for the proposed use.*
- 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 special exception is not likely to alter the essential character of the district as the property is still used primarily as a single-family residence. From the street, the home is not unlike other homes in the community.*
- E. *The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district. The primary use of the dwelling remains a single-family home. The one-operator barber/beauty shop will have restricted hours,*

Monday – Saturday from 1p.m.-7p.m. which are established by the Board of Adjustment. The applicant has met all other requirements established by the Unified Development Code.” The motion was seconded by **Mr. Martinez.**

AYES: Rodriguez, Martinez, Kuderer, Acosta, Teel, Britton, Cruz, Neff, Ojeda, Quijano, Rogers

NAYS: None

THE SPECIAL EXCEPTION IS GRANTED

Mr. Zuniga re-entered the Meeting replacing Mr. Acosta at 2:20 p.m.

Case Number: A-17-079

Applicant: Malcolm White

Owner: Malcolm White

Council District: 10

Location: 7339 Seidel Road

Legal Description: Lots 13, 14 and 15, Block 5, NCB 12769

Zoning: “NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District

Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for a 96 foot variance from the maximum lot width of 150 feet, as described in Section 35-353, to allow a lot with 246 feet of width.

Margaret Pahl: Senior Planner presented the background information and staff’s recommendation of the variance. She indicated 35 notices were mailed, 2 returned in favor, 0 returned in opposition, and the Oak Park - Northwood Neighborhood Association is in favor.

Mr. White: applicant explained the need for the variance and answered all questions.

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-17-079 closed.

A motion was made by **Mr. Martinez**, “Regarding Appeal No. A-17-079, a request for a 96 foot variance from the 150 foot “NP-8” maximum lot width to allow a new lot 246 feet wide, subject property being Lots 13, 14, and 15 Block 5, NCB 12769, situated at 7339 Seidel Road, applicant being Malcolm White.

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 defined as the general health, safety, and welfare of the public. In this case, the public interest is not harmed by the creation of a large lot and therefore, the variance 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 ordinance would prevent the assemblage of three lots that have been used as a single home site for decades, 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 the intent rather than the strict letter of the law. In this case, the intent of the code is to preserve large lots, and the character of the neighborhood. Therefore, the variance would observe the spirit.*
4. *The variance will not authorize the operation of a use other than those uses specifically authorized in "NP-8 AHOD" Neighborhood Preservation 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. Allowing the lots to be combined into a single parcel will preserve 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. The plight of the owner is unique in that the opportunity to preserve large lots is rarely available."*
The motion was seconded by Mr. Kuderer.

AYES: Martinez, Kuderer, Rodriguez, Zuniga, Teel, Britton, Cruz, Neff, Ojeda, Quijano, Rogers

NAYS: None

VARIANCE IS GRANTED.

The Board of Adjustment took a 10 minute Break at 2:20 p.m.

The Board of Adjustment reconvened at 2:30 p.m.

Mr. Kuderer left the Board of Adjustment Meeting at 2:30 p.m. and was replaced by Mr. Acosta for the remainder of the Meeting.

Case Number: A-17-080

Applicant: Bob Crider, Jr.5

Owner: Bob Crider, Jr.

Council District: 9

Location: 40 Roan Heights

Legal Description: Lot 15, Block 16, NCB 118217

Zoning: "R-6 MLOD ERZD" Residential Single-Family Military

Lighting Overlay Edwards Recharge Zone District

Request

A request for 1) a special exception, as described in Section 35-514, to allow a 6 foot tall wood privacy fence in a portion of the front yard of a reverse corner lot and 2) a variance from the 15 foot setback to allow a fence adjacent to the driveway in the clear vision area, as described in Section 35-514(a) (2).

Shepard Beamon: Senior Planner presented the background information and staff's recommendation of the variance. He indicated 30 notices were mailed, 0 returned in favor, 5 returned in opposition, and no neighborhood association.

Bob Crider Jr.: applicant gave a presentation as to why he needed the variance and believed he did his due diligence and answered all questions from the Board.

Bray Pratt: spoke in opposition

Ken Robinson: spoke in opposition

Pedro Mesa: spoke in favor

Dennis Verdecia: spoke in favor

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-17-080 closed.

MOTION

A motion was made by **Mr. Neff**, "Regarding Appeal No. A-17-080, a request for a special exception to allow a 6 foot fence in a portion of the front yard of a reverse corner lot, subject property being Lot 15, Block 16, NCB 118217, situated at 40 Roan Heights Drive, applicant being Bob Crider, Jr.

I move that the Board of Adjustment grant the applicant's request for the special exception 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:

- A. *The special exception will be in harmony with the spirit and purpose of the chapter. The UDC allows residential fencing up to eight feet in height to be permitted by a special exception. The applicant's request is for a six foot tall wood privacy fence which meets the approval criteria for a special exception. Due to the location and configuration of the lot, the owner is subject to a much smaller backyard. The granting of the special exception would give the owner the needed additional space needed for the household.*
- B. *The public welfare and convenience will be substantially served. Allowing the property owner to encroach into the reverse corner lot is unlikely to harm the public welfare and convenience. The fence does not hinder the view for the adjacent property's driveway and does not obscure the line of vision for motorists at the intersection of Roan Heights and Impala Drive.*
- C. *The neighboring property will not be substantially injured by such proposed use. In that the fencing does not block clear vision for the adjacent property, it is unlikely that the neighboring property will be harmed by this special exception request.*
- 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. Six foot tall wooden rear yard fences are common in the neighborhood. The material, nor the height of the fence, is unlikely to detract from 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 purpose of the single-family residential zoning districts is to encourage patterns of residential development that provide housing choices and a sense of community. The enlargement of the rear yard is intended to provide additional privacy, space, and easier maintenance of the yard. Therefore, the requested special exception will not weaken the general purpose of the district."* Mr. Martinez seconded the motion.

AYES: Neff, Martinez, Acosta, Rodriguez, Zuniga, Teel, Britton, Cruz, Ojeda, Quijano, Rogers

NAYS: None

VARIANCE IS GRANTED.

The Board of Adjustment took a 5 minute break at 3:45 p.m.

The Board of Adjustment reconvened at 3:50 p.m.

Case Number:	A-17-077
Applicant:	Jesus Vargas
Owner:	Juanita Elizondo
Council District:	3
Location:	4608 Alma Drive
Legal Description:	Lot 9, NCB 10849

Case Manager: Oscar Aguilera

Request

A request for a three (3) foot variance from the foot five (5) foot side setback to allow a home 2 feet from the side property line setback, as described in Section 35-310.01.

Oscar Aguilera: Planner presented the background information and staff's recommendation of the variance. He indicated 32 notices were mailed, 2 returned in favor, 0 returned in opposition, and no response from the Lower Southeast Side Neighborhood Association.

Jesse Vargas: applicant, requested translation services. Mr. Vargas stated he wanted to unify the structures and thanked the Board.

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-17-077 closed.

MOTION

A **motion** was made by **Mr. Teel**. "Regarding Appeal No. A-17-077, a request for a three foot variance from the five foot side setback to allow a home 2 feet from the side property line setback, being Lot 9, NCB 10849, situated at 4608 Alma Drive, applicant being Jesus Vargas.

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 defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by the distance from the property line to ensure appropriate setbacks. The request will not cause any immediate threats to the adjacent property. The requested variance is not contrary to the public interest.*
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship. The literal enforcement of the ordinance would result in unnecessary hardship as the power line utility easement prevents the applicant from placing the addition other than the proposed location. In addition, since the applicant's addition complies with the current setback requirements and the property complied with the regulations when the property was built in 1952, meeting the required setback for the new addition would result in unnecessary hardship.*
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done. Because the addition will comply with the setback requirements and because the power line utility easement prevents the applicant from placing the addition other than the proposed location, staff finds that the granting of the requested variance will observe the spirit of the ordinance.*

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in the “R-20” 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. The granting of the variance is unlikely to harm adjacent property as the addition will comply with the current setback requirements; the existing 1952 structure has not harmed adjacent properties in 65 years and is over 10 feet away from the nearest structure.*
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 on this property is the power line utility easement which prevents the applicant from placing the addition anywhere else other than the proposed location. This is no fault of the owner and not merely in nature.” Mr. Martinez seconded the motion.*

AYES: Ojeda, Martinez, Teel, Zuniga, Rodriguez, Neff, Britton, Cruz, Acosta, Quijano, Rogers

NAYS: None

THE VARIANCE IS GRANTED.

Ms. Ojeda left at 4:10 p.m. for the remainder of the Meeting.

Case Number: A-17-073

Applicant: Miguel Sesate

Owner: Rogelio Aguilar

Council District: 1

Location: 1723 Fresno Street

Legal Description: Lot 16, Block 71, NCB 8829

Zoning: “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Case Manager: Shepard Beamon, Senior Planner

Request

A request for 1) a five (5) foot variance from the 10 foot front setback to allow a carport five feet from the front property line, as described in Section 35-310.01; 2) a 2 foot variance from the 5 foot side setback, as described in Section 35-310.01, to allow a carport 3 feet from the side property line; and 3) a variance from the limitation of 50% maximum impervious cover in the front yard, as described in Section 35-515(d)(1).

Shepard Beamon: Senior Planner presented the background information and staff’s recommendation of the variance. He indicated 37 notices were mailed, 0 returned in favor, 0 returned in opposition, and no response from the Los Angeles Heights Neighborhood Association.

Rogelio and Cindy Aguilar: applicant, requested translation services. Mr. Aguilar stated that his son gifted the carport to him. He was not aware of the City regulations and would like to keep the structure for safety and protection.

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-17-073 closed.

MOTION

A motion was made by **Mr. Martinez**. "Regarding Appeal No. A-17-073, a request for 1) a five foot variance from the 10 foot front setback to allow a carport five feet from the front property line; 2) a 2 foot variance from the 5 foot side setback to allow a carport 3 feet from the side property line; and 3) a variance from the elimination of 50% maximum impervious cover in the front yard, subject property being Lot 16, Block 71, NCB 8829, situated at 1723 Fresno Street, applicant being Rogelio Aguilar.

I move that the Board of Adjustment grant the applicant's request for the variances 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:

The variance is not contrary to the public interest. The carport provides room for maintenance without trespass on the public right-of-way or the adjacent property. The additional impervious cover will assist in alleviating congested on-street parking. The requests are not contrary to the public interest.

1. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship. The literal enforcement will result in the removal of portions of the carport and driveway, limiting parking on the property and creating an unnecessary hardship.*
2. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done. Substantial justice would be served as the carport and driveway provide the needed protection and additional parking for the owner's vehicles.*
3. *The variance will not authorize the operation of a use other than those uses specifically authorized in the "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District.*
4. *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, and the amount of impervious cover, will not produce water runoff on the adjacent property. Water runoff will be directed towards the street. The owner*

could also install a gutter to further mitigate water runoff. Further, the structure allows for maintenance without trespass.

5. *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 location of the home which prevents any additional parking in the side or rear yard. On-street parking is limited and the owner has multiple vehicles that need protection.* The Motion was seconded by Mr. Zuniga.

Mr. Neff made an Amendment to allow 75% Impervious cover in the front and was seconded by Ms. Cruz.

AYES: Acosta, Teel, Zuniga, Rodriguez, Cruz, Neff

NAYES: Britton, Martinez, Quijano, Rogers

THE VARIANCE FAILED.

Case Number: A-17-076

Applicant: Roberto Flores

Owner: Roberto Flores

Council District: 5

Location: 313 and 315 Frio City

Legal Description: Lots 8 & 9, Block 1, NCB 6439

Zoning: "I-1 S AHOD" General Industrial Airport Hazard Overlay District with Specific Use for Metal Recycling/Storage/Processing with No Outdoor Storage

Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for 1) a 12 foot variance from the 80 foot minimum lot width to allow a 68 foot lot width; 2) a 23 foot variance from the 30 foot side setback; 3) a 21 foot variance from the 30 foot rear setback each as described in Table-310-1; 4) a variance from Type D 25 foot landscape buffer along the rear property line; 5) a variance from the Type E 30 foot landscape buffer along the side property line both as described in Table 510-1; and 6) a variance from the provision that prohibits corrugated metal as a fencing material, as described in UDC 35-514.

Margaret Pahl: Senior Planner presented the background information and staff's recommendation of the variances. She indicated 41 notices were mailed, 0 returned in favor, 1 returned in opposition, and no response from the San Juan Gardens & Collins Gardens Neighborhood Association.

Roberto Flores: applicant, requested Spanish translation services. Mr. Flores stated he was trying to protect the neighbors and his property from being stolen.

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-17-076 closed.

A motion was made by **Mr. Rodriguez**. “Regarding Appeal No. A-17-076, a request for 1) a 12 foot variance from the 80 foot minimum lot width to allow a 68 foot lot width; 2) a 23 foot variance from the 30 foot side setback; 3) a 21 foot variance from the 30 foot rear setback; 4) a variance from Type D 25 foot landscape buffer along the rear property line; 5) a variance from the Type E 30 foot landscape buffer along the side property line; and 6) a variance from the provision that prohibits corrugated metal as a fencing material, subject property being Lots 8 & 9, Block 1, NCB 6439, situated at 313-315 Frio City Road, applicant being Roberto Flores.

I move that the Board of Adjustment grant the applicant’s request for the variances 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 defined as the general health, safety, and welfare of the public. In this case, the variances are required to allow the continuation and expansion of this small business.*
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship. Literal enforcement of the ordinance would prevent the expansion of this business, recently endorsed by the City Council in their approval of the Specific Use Authorization.*
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 rather than the strict letter of the law. In this case, the intent of the code is to protect adjacent residential uses from the anticipated impacts of industrial uses. Metal recycling at this scale however is not an intense use, but instead a small scale operation that buys cans from neighboring residents, making the variances consistent with the spirit of the code.*
4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the “I-1 S AHOD” General Industrial Airport Hazard Overlay District with Specific Use for Metal Recycling/Storage/Processing with No Outdoor Storage.*
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. Allowing the business owner to gain approval for a certificate of occupancy will not alter the character of the industrial corridor. More than half of the block (8 of 15 parcels) is zoned for commercial and industrial uses. The use is completely screened from view by an 8 foot tall metal fence.*
6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created*

by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located. The plight of the owner is unique in that the property has been used as a business for more than 50 years, even though the lots were originally platted at 34 feet in width. The industrial buffering requirements were designed for far larger sites, making the subject property unique.” The motion was seconded by Ms. Cruz.

AYES: Rodriguez, Cruz, Martinez, Neff, Quijano, Acosta, Teel, Zuniga, Britton, Rogers

NAYS: None

THE VARIANCES PASSED

The March 20, 2017 Board of Adjustment Minutes were approved.

Director's Report: Staff gave the Board a Tutorial to navigate the Legistar System.

There being no further discussion the meeting adjourned at 5:20 p.m.

APPROVED BY: Mary E Rogers OR _____
Chairman Vice-Chair

DATE: 4-17-17

ATTESTED BY: [Signature] DATE: 4-18-17
Executive Secretary