

**BOARD OF ADJUSTMENT
OFFICIAL MINUTES
May 9, 2016**

Members Present:

Mary Rogers
Frank Quijano
Alan Neff
Maria Cruz
Henry Rodriguez
Christopher Garcia
John Kuderer
Roger Martinez
Gene Camargo

Staff:

Catherine Hernandez, Planning Manager
Logan Sparrow, Senior Planner
Kristin Flores, Planner
Paul Wendland, City Attorney

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.

CASE NO. A-16-067

Applicant – Amy Browning

Lot 38, NCB 852

111 Oliphant Court

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

The applicant is requesting a 15 foot variance from the platted 25 foot front setback to allow a detached carport to be constructed ten feet from the front property line, as described in Section 35-516 (O).

Kristin Flores, Planner, presented the background information and staff’s recommendation of the variance. She indicated 31 notices were mailed, 3 returned in favor, and 1 returned in opposition, and no response from the Tobin Hill Community Association.

Amy Browning, Applicant, requested the variance to build a carport.

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-16-067 closed.

MOTION

A motion was made by **Mr. Quijano**. “Regarding Appeal No. A-16-067, variance application request for a 15 foot variance from the platted 25 foot front setback to allow a detached carport to be constructed ten feet from the front property line, subject property description Lot 38, NCB 852, situated at 111 Oliphant Court, applicant being Amy Browning.

“I move that the Board of Adjustment grant the applicant’s request for a 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) “Such variance will not be contrary to the public interest” in that **the public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by setbacks that help to ensure that we have uniform, safe development within the City of San Antonio. The proposed design meets the required front setback as required by the UDC but encroaches into the platted front setback. The proposed carport will allow for maintenance without trespass and is not likely to increase risk of fire spread or water run-off to adjacent properties. This carport is not contrary to the public interest.**
- 2) “Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship” in that **the irregularly shaped lot in conjunction with the platted setback greatly limit the location for a carport.**
- 3) “The spirit of the ordinance is observed and substantial justice is done” in that **granting the requested variance will result in substantial justice as the proposed design will meet the UDC requirements thus respecting and upholding the spirit of the ordinance. Additionally, the carport is not likely to cause an increase in fire spread to adjacent properties.**
- 4) “Such variance will not authorize the operation of a use other than those uses specifically authorized 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” in that **carport is proposed to be built within the UDC standard and thus will not negatively impact adjacent properties or alter the essential character of the district.**
- 6) “The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, because a **platted setback on an irregularly shaped lot creates a unique hardship. This hardship was not caused by the owner and is not merely financial in nature.**” The motion was seconded by **Mr. Martinez**.

AYES: Quijano, Martinez, Neff, Cruz, Garcia, Rodriguez, Camargo, Kuderer, Rogers,
NAYS: None

THE VARIANCE IS GRANTED.

CASE NO. A-16-078

Applicant – Joanna Ramos

Lot 3, Block 2, NCB 10447

60 Vaughan Place

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

The applicant is requesting for a special exception, pursuant to Section 35-399.01 (i) of the Unified Development Code, to allow a one-operator beauty/barber shop in the home.

Kristin Flores, Planner, presented the background information and staff’s recommendation of Approval for the special exception. 29 Notices were mailed out, 0 in favor 7 in opposition (4 outside of 200 ft) Maverick Neighborhood Association is opposed.

Jorge Ramos, Representative, requested for a special exception to allow a one-operator beauty/barber shop in the home by appointment only Monday – Saturday.

No citizens signed up 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-16-078 closed.

MOTION

A motion was made by **Mr. Rodriguez**. “Regarding Appeal No. A-16-078, request for a special exception to allow a beauty/barber shop in a single-family home, subject property description Lot 3, Block 2, NCB 10447, situated at 60 Vaughan Place, applicant being Joanna Ramos.

“I move that the Board of Adjustment grant the applicant’s request for a 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 special exception will be in harmony with the spirit and purpose of the chapter" in that the purpose of the review is to ensure that the operation of one-operator beauty/barber shop does not negatively impact the character of the community. The applicant has fulfilled all requirements for a one-operator shop as established in the Unified Development Code. As such, staff finds that the special exception will be in harmony with the purpose of the chapter.**
2. **"The public welfare and convenience will be substantially served" in that the public welfare and convenience will be served as it will provide a valuable service to the residents of the neighborhood.**
3. **"The neighboring property will not be substantially injured by such proposed use" in that the subject property will be primarily used as a single family residence. The beauty/barber shop will occupy only a small portion of the home, as required by the UDC. A neighboring property owner should not have any indication that a portion of the home is being used for this purpose.**
4. **"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" in that: the requested special exception is not likely to negatively impact adjacent property owners as the home is in character with those around it. During the field visit, staff noted nothing visible from the street that would indicate the presence of a beauty/barber shop. Also, staff noted a driveway capable of providing any necessary parking for the proposed use.**
5. **"The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district" in that: the primary use of the dwelling remains a single-family home. The granting of this special exception will not weaken the purposes of the residential zoning district. The staff has recommended the approval for the hours of operation: Monday, Wednesday, Friday and Saturday from 9:00 a.m.-5:00 p.m., and Tuesday and Thursday from 10:00 a.m. – 7:00 p.m." The motion was seconded by Ms. Cruz.**

**AYES: Rodriguez, Cruz, Quijano, Neff, Garcia, Martinez, Camargo, Kuderer, Rogers,
NAYS: None**

THE SPECIAL EXCEPTION IS GRANTED.

CASE NO. A-16-068

Applicant – Jon D. Alonzo

Lot 36, Block 4, NCB 12374

4235 Diamondhead

“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District

The applicant is requesting for 1) a special exception to allow an eight foot tall privacy fence in the front and side yard of the property and 2) a variance from the prohibition against corrugated or sheet metal as a fencing material, as described in Section 35-514, to allow a fence made of sheet metal.

Logan Sparrow, Senior Planner, presented the site plan with updated information for the case, and staff's recommendation of Denial. He indicated 34 notices were mailed, 1 returned in favor, 4 returned in opposition and no response from the East Terrill Hills Neighborhood Association.

Christine Alonzo, Applicant, stated her requests are for the safety of her family.

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-16-068 closed.

A motion was made by Mr. Camargo. “I move Regarding case A-16-068, variance application to allow a special exception to allow a six foot tall structure within that portion on the site plan as indicated by the applicant. Subject property description Lot 36, Block 4, NCB 12374, situated at 4235 Diamondhead, applicant being Jon D. Alonzo.

Specifically, we find that:

- 1) **“Such variance will not be contrary to the public interest” in that there are other structures in the area with 6 foot fences.**
- 2) **A literal enforcement of the ordinance would result in unnecessary hardship” in that a 6 foot fence being granted in the area as indicated in the site plan is not uncommon in cases that have come before this board.**
- 3) **“The spirit of the ordinance is observed and substantial justice is done” in that a 6 foot fence should alleviate the concerns raised by the applicants in this case.**
- 4) **“Such variance will not authorize the operation of a use other than those uses specifically authorized in the “R-5 AHOD” Residential Single-Family Airport Hazard Overlay District.**
- 5) **“The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, in the facts of the situation pointed out by the applicant.” The motion was seconded by Mr. Neff.**

Ms. Rogers stated the motion is only for the height not the material.

AYES: Camargo, Neff, Martinez, Quijano, Rodriguez, Cruz, Garcia, Kuderer, Rogers

NAYS: None

THE SPECIAL EXCEPTION IS GRANTED.

CASE NO. A-16-076

Applicant: Thomas Keegan

Lot 29, Block 13, NCB 16232

2118 Fawn Glen

"RM-4 AHOD" Residential-Mixed Airport Hazard Overlay District

The applicant is requesting for a special exception to allow an eight foot tall wrought-iron fence and an eight foot tall wood privacy fence in the rear yard of the property as described in Section 35-514.

Kristin Flores, Planner, Staff recommends approval of the special exception in A-16-076 based on the following findings of fact: The fence satisfies the established standards for a special exception; the fence will be in harmony with the spirit and purpose of the UDC. She indicated 15 notices were mailed, 2 returned in favor, 1 returned in opposition, and no Neighborhood Association.

Thomas Keegan, spoke on behalf of Jose Sosa, requesting a special exception to allow an eight foot tall wrought-iron fence and an eight foot tall wood privacy fence.

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-16-076 closed.

A motion was made by **Mr. Neff**. "Regarding Appeal No. A-16-076, request for a special exception to allow an eight foot tall wrought-iron fence and an eight foot tall wood privacy fence in the rear yard of the property, subject property description Lot 29, Block 13, NCB 16232, situated at 2118 Fawn Glen, applicant being Thomas Keegan.

"I move that the Board of Adjustment grant the applicant's request for a 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 special exception will be in harmony with the spirit and purpose of the chapter" in that **UDC allows fences as tall as eight feet as a special exception, authorized under certain circumstances in accordance with specific factors as described in this report. If granted, this request would be harmony with the spirit and purpose of the ordinance.**
2. "The public welfare and convenience will be substantially served" in that **the public welfare and convenience can be served through the added protection of a rear yard fence, allowing the owner to protect his home and improve the quiet enjoyment of their rear yard**
3. "The neighboring property will not be substantially injured by such proposed use" in that **the rear fence will create enhanced privacy for the subject property and is highly unlikely to injure adjacent properties.**
4. "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" in that: **rear fencing is not out of character in this neighborhood. Thus, granting the exception will not alter the character of the district.**
5. "The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district" in that: **the purpose of the fencing standards is to protect the health, safety and general welfare of the public, enhance property values, and improve the appearance of the community. Therefore, the requested special exception will not weaken the general purpose of the district."** The motion was seconded by Mr. Martinez.

AYES: Neff, Martinez, Cruz, Rodriguez, Garcia, Quijano, Camargo Kuderer, Rogers

NAYS: None

THE SPECIAL EXCEPTION IS GRANTED EXCEPT ALONG THE SOUTHEAST PROPERTY LINE.



CASE NO. A-16-079

Applicant: Robie Slagh

Owner: Robie Slagh

Lot 12, Block 46, NCB 17058

13415 Pebble Hollow

**Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay
District**

The applicant is requesting for 1) a special exception, as described in Section 35-514, to allow for a fence that is eight feet tall in the front yard of the property and 2) a variance to allow for a two-foot wide section of that fence to be ten feet tall, also described in Section 35-514.

Logan Sparrow, Senior Planner, presented background information, and staff's recommendation of Approval. He indicated 24 notices were mailed, 1 returned in favor, and 2 returned in opposition. 24 opposed outside of the 200' notification area.

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-16-079 closed.

A motion was made by **Mr. Kuderer** to continue to the next meeting on May 23, 2016.
The motion was seconded by **Mr. Rodriguez**

AYES: Kuderer, Rodriguez, Cruz, Quijano, Neff, Garcia, Martinez, Camargo, Rogers
NAYS: None

THE CONTINUANCE IS GRANTED.

The Board of Adjustment Recessed for a 10 minute break at 2:53pm

CASE NO. A-16-073

Applicant – Rufino Salinas III
Lot 5, Block 126, NCB 15262
322 Bexar Street
“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay
District

The applicant is requesting for a variance for 1) a 10 foot variance from the required 20 foot minimum front setback, as described in Section 35-310.01, to allow a carport to be ten feet from the front property line and 2) a 20 foot variance from the 30 foot platted front setback, as described in Section 35-516 (O), to allow a carport to be ten feet from the front property line.

Kristin Flores, Planner, presented the background information and staff's recommendation of Approval for the variance requests. She indicated 16 notices were mailed, 1 returned with no indication of favor or support, and no response from the People Active in Community Effort Neighborhood Association.

Ruffino Salinas III, Applicant, requested the variances to help with the easement of his mother-in-law entering and exiting the vehicles.

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-16-073 closed.

MOTION

A motion was made by **Mr. Rodriguez**. Regarding Appeal No. A-16-073, variance application for 1) a ten foot variance from the required 20 foot minimum front setback to allow a carport to be ten feet from the front property line and 2) a 20 foot variance from the 30' platted front setback to allow a carport to be ten feet from the front property line, subject property description Lot 5, Block 126, NCB 15262, situated at 5847 Sandy Valley, applicant being Rufino Salinas III.

"I move that the Board of Adjustment grant the applicant's request for a 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) "Such variance will not be contrary to the public interest" in that **the public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by setbacks that help to ensure that we have uniform, safe development within the City of San Antonio. Since the carport meets the side setback and staff found so many similar carports, a 20 foot variance would not be contrary to the public interest.**
- 2) "Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship" in that **a literal enforcement of the platted setback would not allow any carport. Since this new gabled roof carport is being built throughout the neighborhood, literal enforcement for this owner would result in an unnecessary hardship.**
- 3) "The spirit of the ordinance is observed and substantial justice is done" in that **the spirit of the ordinance represents the intent of the requirement. In this case, the large setback was platted into the neighborhood by the builder, Ray Ellison. Building a carport 10 feet from the front property line would respect the spirit of code.**
- 4) "Such variance will not authorize the operation of a use other than those uses specifically authorized in the "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" in that **the carport will be an attractive addition to the home when it is completed and since several others have been built within the neighborhood it will not alter the character of the district. The proposed carport meets the required side setbacks and will not increase fire risk or water runoff on adjacent property and will leave space for maintenance without trespass.**

- 6) "The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, **because the applicant is being pro-active in going through the proper process to meet all requirements before building the carport. The carport, as proposed, meets the spirit of the code and will be a valuable asset to the subject property and neighborhood.**" The motion was seconded by Mr. Martinez.

AYES: Rodriguez, Martinez, Garcia, Quijano, Neff, Cruz, Camargo, Kuderer, Rogers

NAYS: None

THE VARIANCES ARE GRANTED.

CASE NO. A-16-077

Applicant – Chris and Judy Griesenbeck
Lot 12, Block 20, NCB 12069
447 Pinewood Lane
"R-5 AHOD" Residential Single-Family Airport Hazard Overlay
District

The applicant is requesting the elimination of the five foot side yard setback, as described in Section 35-310.01, to allow a carport and an eave overhang on the side property line.

Logan Sparrow, Senior Planner, presented background, and staff's recommendation of the variance request. He indicated 30 notices were mailed, 1 returned in favor, 2 returned in opposition, and no response from the Shearer Hills/Ridgeview Neighborhood Association.

Chris and Judy Griesenbeck, Applicants, requested the variance to build a 2 car carport on the property. The side indicated on the picture is the only side with the available space for 2 cars.

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-16-077 closed.

MOTION A motion was made by Mr. Kuderer for a continuance to May 23, 2016. The motion was seconded by Ms. Cruz.

AYES: Kuderer, Cruz, Quijano, Rodriguez, Garcia, Martinez, Camargo, Rogers

NAYS: None

THE CONTINUANCE IS GRANTED.

CASE NO. A-16-074

Applicant – Mary Alfaro

Lot 1, Block 7, NCB 9841

142 Rancho Blanco

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

The applicant is requesting 1) a 19 foot variance from the required 20 foot rear setback, as described in Section 35-310.01, to allow a building addition that is one foot from the rear property line and 2) a one foot and four inch variance from the required five foot side yard setback, as described in Section 35-310.01, to allow a home addition that is three feet and eight inches from the side property line.

Kristin Flores, Planner, presented background information and staff’s recommendation of Denial for the requested variances. She indicated 29 notices were mailed, 0 returned in favor, 1 returned in opposition, and no response from the Central Los Angeles Heights Neighborhood Association.

Mary Alfaro, Applicant, requested the variances to build an additional room for her family.

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-16-074 closed.

A motion was made by **Mr. Garcia** “Regarding Appeal No. A-16-074, variance application for 1) a 19 foot variance from the required 20 foot rear setback to allow a building addition that is one foot from the rear property line and 2) a one foot and four inch variance from the required five foot side yard setback to allow a home addition that is three feet and eight inches from the side property line, subject property description Lot 1, Block 7, NCB 9841, situated at 142 Rancho Blanco, applicant being Mary Alfaro.

“I move that the Board of Adjustment grant the applicant’s request for a 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) “Such variance will not be contrary to the public interest” in that **the public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by setbacks that help to ensure that we have uniform, safe development within the City of San Antonio. The requested variance will not be contrary to the public interest.**

- 2) "Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship" in that **a literal enforcement for this owner would result in an unnecessary hardship.**
- 3) "The spirit of the ordinance is observed and substantial justice is done" in that **the spirit of the ordinance represents the intent of the requirement. The proposed home addition will respect the spirit of code.**
- 4) "Such 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.**
- 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" in that **the additional development standards will ensure safe and appropriate construction for the proposed home addition.**
- 6) "The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, **the carport, as proposed, meets the spirit of the code and will be a valuable asset to the subject property and neighborhood.**"
Mr. Camargo seconded the motion.

AYES: Garcia, Camargo, Neff, Cruz, Quijano, Rodriguez, Martinez, Kuderer, Rogers

NAYS: None

THE VARIANCES ARE GRANTED.

The Board of Adjustment recessed for a 10 minute break at 4:20pm

CASE NO. A-16-075

Applicant – Darling G. Lopez

Lot 2, Block 14, NCB 9113

2534 W. Mulberry Avenue

"R-6 NCD-7 AHOD" Residential Single-Family Jefferson

Neighborhood Conservation Overlay Airport Hazard Overlay District

The applicant is requesting 1) the elimination of the required 30 foot platted front setback, as described in Section 35-516(O), to allow a carport to remain on the front property line and 2) a variance from the Jefferson Neighborhood Conservation District design guideline that requires that a property may have one curb cut per 75 feet of frontage to allow a lot with two curbs cuts and 3) a variance from the Jefferson Neighborhood Conservation District design guideline that requires that a pervious driveway be bordered by a durable curb-like material and 4) a variance from the Jefferson Neighborhood Conservation District design guideline that requires that a driveway shall not be more than twelve feet wide and 5) a variance from the Jefferson Neighborhood Conservation District design guideline that requires that a carport must match the primary dwelling in building materials and 6) a variance from the Jefferson Neighborhood

Conservation District design guideline that requires that a carport must have the same roof line as the primary dwelling.

Logan Sparrow, Senior Planner, presented background information for the requested variances. He indicated 21 notices were mailed, 1 returned in favor, and 0 returned in opposition. He stated the Jefferson Neighborhood Association is in favor and the Woodlawn Lake Neighborhood Association is in opposed.

Darling G Lopez, Applicant, stated she had a previous injury due to the rain and mud of not having a concrete slab and carport, and her husband built the carport without a permit. Ms. Lopez requested the variances to allow the remaining carport to stay for her safety during inclement weather.

The following citizens appeared to speak:

Angela Garcia, 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-16-075 closed.

A motion was made by Mr. Rodriguez for a continuance to June 6, 2016. Mr. Camargo seconded the motion.

AYES: Rodriguez, Camargo, Garcia, Neff, Cruz, Quijano, , Martinez, Kuderer, Rogers

NAYS: None

THE CONTINUANCE IS GRANTED.

Ms. Rogers made a motion to approve the April 4, 2016 and April 11, 2016 minutes with all members voting in the affirmative.

Directors Report:

- Staff updated the Board regarding At Large Appointments, number of applicants and the deadline to apply.

There being no further discussion, meeting adjourned at 5:00 pm.

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

DATE: 5-23-16

ATTESTED BY: M. Hopkins DATE: May 25, 16
Executive Secretary