

**BOARD OF ADJUSTMENT
OFFICIAL MINUTES
June 4, 2018**

DRAFT

Members Present:	Jay Gragg Alan Neff Henry Rodriguez George Britton Jr Maria Cruz Seth Teel Mary Rogers Donald Oroian John Kuderer Roger Martinez	Staff: Catherine Hernandez, Planning Manager Joseph Harney, City Attorney Logan Sparrow, Principal Planner Debora Gonzalez, Senior Planner Dominic Silva, Planner
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Call to Order

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

Mr. Kuderer, called the meeting to order and called roll of the applicants for each case.

Herman Perez, 234 W. Sunset, World Wide Languages-Interpreter, present

Mr. Rodriguez arrived at 1:04pm

Mr. Martinez made a motion to continue item #A-18-101 to July 2, 2018, Mr. Neff seconded the motion a voice was taken and passed unanimously.

Mr. Martinez made a motion to continue item #A-18-092 to July 16, 2018, Mr. Rodriguez seconded the motion a voice vote was taken and passed unanimously.

Claudia Athens, 2910 Austin Drive, chose to speak on July 16, 2018 when case #A-18-092 will be heard.

Case Number:	A-18-094
Applicant:	Ian P. Cochran
Owner:	Wet Clay, LLC
Council District:	1
Location:	1922 Culebra Road

Legal Description: Lot North 52.32 Feet of 4M Southeast Irregular 16.37 Feet of Lot 5 & South Irregular 153.95 Feet of Lot 10 and the North 22.32 Feet of Lot 3 & South 27.68 Feet of Lot 4 and the South 50 Feet of the North 72.32 Feet of Lot 3 and the North 52.32 Feet of 4M Southeast Irregular 16.37 Feet of Lot 5 & the South Irregular 153.95 Feet of Lot 10, Block 6, NCB 6589

Zoning: "C-2 CD AHOD" Commercial Airport Hazard Overlay District with Conditional Use for Auto & Light Truck Repair and "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-3R AHOD" General Commercial Restricted Alcoholic Sales Airport Hazard-OD

Case Manager: Dominic Silva, Planner

Request

A request for a 12' variance from the 15' Type B landscape bufferyard requirement, as described in Section 35-510, to allow a bufferyard to be as narrow as 3' along the south property line.

Dominic Silva, Planner presented the background information and staff's recommendation of the variance. He indicated 28 notices were mailed, 0 returned in favor, and 0 returned in opposition with no response from Prospect Hill/West End Hope in Action Neighborhood Association.

Ian P. Cochran, 5602 Hausman Rd, representative stated they bought the house behind the property which is a narrow property. Mr. Cochran mentioned that the neighbors were in support and excited about the project and they would provide the neighbors a new fence.

The following citizens appeared to speak.

Brian Marks, 2318 NW Military Hwy, spoke in opposition.

Lisa Leal, 1300 W. Avenue, spoke 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-18-094 closed.

Mr. Oroian made a motion. "Regarding Appeal No A-18-094, a request for 1) an 12' variance from the 15' Type B landscape bufferyard requirement to allow a bufferyard to be as narrow as 3' along the south property line, situated at 1922 Culebra Road, 1618 and 1614 NW 23rd Street, applicant being Ian Cochran.

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.*

A bufferyard as narrow as 3' is not contrary to the public interest as it does not negatively impact any surrounding properties or the general public. As of now, the

property has no bufferyards established, so any new development will be beneficial and a net improvement to the surrounding district.

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

Literal enforcement would not allow the redevelopment of the now abandoned property as proposed due to the unique configuration of the lot and establishing new bufferyards as required.

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

In this case, the proposed bufferyard will adhere to the spirit of the ordinance and substantial justice will be done by implementing a bufferyard as narrow as 3' where none exists currently in order to rehabilitate the property.

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

The requested variances will not authorize the operation of a use on the subject property other than those specifically permitted in the "C-2 CD AHOD" Commercial Airport Hazard Overlay District with Conditional Use for Auto & Light Truck Repair and "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-3R AHOD" General Commercial Restricted 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 introduction of a bufferyard as narrow as 3' would only enhance the overall appearance of the property, streetscape, and 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 for which the variance is sought is due to the owner buying into a vacant property that had nonexistent bufferyards to begin with along with the unusual shape and size of the lot." Mr. Martinez seconded the motion.

After further discussion the applicant Mr. Cochran asked to postpone case #A-18-094 to a later date. No Action needed.

Case Number:	A-18-103
Applicant:	Barkaritiville Pet Resort, Inc.
Owner:	Michael H. Gilbert and Deborah J. Gilbert
Council District:	8
Location:	7182 Oak Drive

Legal Description: Lot 25 EXC East 16', NCB 35733
Zoning: "C-2 CD MLOD-1 MSAO-1" Commercial Camp Bullis Military Lighting Overlay Camp Bullis Military Sound Attenuation Overlay District with Conditional Use for Animal and Pet Services (outdoor training, boarding, runs, pens or paddocks permitted)
Case Manager: Dominic Silva, Planner

Request

A request for 1) a 25' variance from the 30' Type E landscape bufferyard requirement, as described in Section 35-510, to allow a bufferyard to be as narrow as 5' along the south and east property lines and 2) a 5' variance from the 10' Type A landscape bufferyard requirement to allow a bufferyard to be as narrow as 5' along the north and west property lines and 3) a variance request, also described in Section 35-510, to reduce the planting requirements along the western boundary of the property by 60% and 4) a variance request to reduce the tree requirements along the southern and eastern boundaries by 80% and the shrub requirement by 100%.

Dominic Silva, Planner presented the background information and staff's recommendation of the variance. He indicated 8 notices were mailed, 0 returned in favor, and 0 returned in opposition with no response from the Friends of Friedrich Wilderness Park Neighborhood Association.

Ashley Farrimond, Kaufman & Killen, gave a presentation of the Corpus Christi location and the differences the San Antonio location would have. She went on to explain the shrubbery and tree changes and where the variances are needed and asked for the Boards approval.

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-18-103 closed.

Mr. Neff made a motion. "Regarding Appeal No. A-18-103, a request for 1) a 25' variance from the 30' Type E landscape bufferyard requirement to allow a bufferyard to be as narrow as 5' along the south and east property lines and 2) a 5' variance from the 10' Type A landscape bufferyard requirement to allow a bufferyard to be as narrow as 5' along the north and west property lines and 3) a variance request to reduce the planting requirements along the western boundary of the property by 60% and 4) a variance request to reduce the tree requirements along the southern and eastern boundaries by 80% and the shrub requirement by 100%, situated at 7182 Oak Drive, applicant being Barkaritville Pet Resort, Inc.

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 5' bufferyards and reduction to planting requirements is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. The property already has dense vegetation along several property lines.

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

Literal enforcement would not allow the redevelopment of the residential property into a commercial pet boarding facility due to the size of the lot and, due to the nature of the commercial use, adhering to the required bufferyards would considerably decrease the space available for outdoor activities of the pets boarded. This includes outdoor training, boarding, runs, and pens.

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

In this case, the proposed bufferyards will adhere to the spirit of the ordinance and substantial justice will be done by implementing a 5' bufferyards where none exists currently.

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

The requested variances will not authorize the operation of a use on the subject property other than those specifically permitted in the "C-2 CD MLOD-1 MSAO-1" Commercial Camp Bullis Military Lighting Overlay Camp Bullis Military Sound Attenuation Overlay District with Conditional Use for Animal and Pet Services (outdoor training, boarding, runs, pens or paddocks permitted).

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 introduction of a 5' bufferyards would only enhance the overall appearance of the property, streetscape, and district while also allowing the owner of the property to maximize space available to conduct outdoor pet boarding activities.

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 for which the variance is sought is due to the redevelopment of a residential use into a commercial use property. The property was rezoned on May 17, 2018 as Ordinance 2018-05-17-0378. Mr. Martinez seconded the motion.

AYES: Neff, Martinez, Teel, Cruz, Gragg, Rogers, Britton, Rodriguez, Oroian, Kuderer

NAYS: None

THE VARIANCE IS GRANTED

Case Number: A-18-100
Applicant: Jorge A. Mariscal
Owner: Jorge A. Mariscal
Council District: 1
Location: 1038 West Woodlawn Avenue
Legal Description: Lot 47, Block 43, NCB 1851
Zoning: “MF-33 S NCD-5 AHOD” Multi-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District with Specific Use Authorization for a Day Care Center and “MF-33 NCD-5 AHOD” Multi-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District.
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a 30% variance from the 50% front yard impervious cover limitation, as described in Section 35- 515 (d)(1), to allow 80% of the front yard to be covered in impervious surfacing.

Debora Gonzalez, Senior Planner, presented background, and staff’s recommendation of the variance requests. She indicated 21 notices were mailed, 0 returned in favor, and 1 returned in opposition and no response from the Beacon Hill Neighborhood Association is opposed.

Jorge A. Mariscal, 1032 Woodlawn, stated he has owned the property for 14 years and rented it as a day care which was not profitable. Recently he received a loan to upgrade the property in order to convert it into a residential rental and part of the conditions was to upgrade the front. The applicant submitted pictures of other properties with similar yards. He also did not know by removing the asphalt he would lose his grandfather rights status.

The Following citizens appeared to speak.

Mark Spielman, 900 W. Woodlawn, spoke 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-18-100 closed.

Mr. Oroian made a motion. “Regarding Appeal No A-18-100, a request for a 30% variance from the 50% front yard impervious cover limitation, as described in Section 35-515 (d)(1), to allow 80% of the front yard to be covered in impervious surfacing, situated at 1038 West Woodlawn Avenue, applicant being Jorge A. Mariscal.

I move that the Board of Adjustment grant the applicant’s request for the variances to the subject property 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 impervious coverage limitation preserves storm water management by reducing runoff and increasing storm water travel times. The subject property allows the water to drain into the open green area located within the property. The variance request 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 would not allow the owner to develop the site as it is without reducing the impervious cover limitation. The applicant states that the front yard was previously covered with unattractive asphalt and intends to leave about 275 square feet of space left open for landscape and flower beds. Therefore, enforcing the code would result in unnecessary hardships since the property will keep the users safe when entering and leaving the property.

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 code, rather than the strict letter of the law. The intent of the impervious coverage limitation requirements is to prevent water flooding and to preserve the character of the community.

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

The variance will not authorize the operation of a use other than those uses specifically authorized in the “MF-33 S NCD-5 AHOD” Multi-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District with Specific Use Authorization for a Day Care Center and “MF-33 NCD-5 AHOD” Multi-Family Beacon Hill 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 impervious coverage mitigates the amount of storm water retained on-site. Therefore, the requested variance will not injure adjacent property owners.

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 in this case is that the site has had 80% impervious for many years.” Mr. Martinez seconded the motion.

Mr. Martinez made a motion for a **15%** variance from the 50% front yard impervious cover limitation, as described in Section 35-515 (d)(1), to allow **65%** of the front yard to be covered in impervious surfacing. Ms. Rogers seconded the motion. Mr. Kuderer then asked a voice vote and passed unanimously.

AYES: Oroian, Martinez, Teel, Gragg, Cruz, Rogers, Neff, Britton, Rodriguez, Kuderer
NAYS: None

THE VARIANCE IS GRANTED

The Board of Adjustment convened for a break at 2:52pm and reconvened at 3:05pm.

Case Number: A-18-095
Applicant: Rebecca Flores
Owner: Rebecca Flores
Council District: 10
Location: 5810 Monte Verde Street
Legal Description: Lot 4, Block 16, NCB 16409
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a variance from the restriction against the use of corrugated metal as a fencing material, as described in Section 35-514, to allow for the use of corrugated metal for fencing.

Debora Gonzalez, Senior Planner, presented background, and staff's recommendation of the variance requests. She indicated 13 notices were mailed, 0 returned in favor, and 0 returned in opposition and no neighborhood association.

Rebecca Flores, stated the fence would have had a cap and wood border if there were allowed to finish the fence but were fined and had to stop. Ms. Flores stated when she hired the contractor she was told the permit was included in the price of the fence and accepted that response but did not follow up. She said she would modify the fence in order to keep it and asked for the Boards approval.

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-18-095 closed.

Mr. Neff made a motion. "Regarding Appeal No A-18-095, a request for a variance from the restriction against the use of corrugated metal as a fencing material to allow for the use of corrugated metal for fencing, situated at 5810 Monte Verde Street, applicant being Rebecca Flores.

I move that the Board of Adjustment grant the applicant's request for the variances to the subject property 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 variance is not contrary to the public interest as the corrugated metal fence enhances aesthetics towards public view and meets the permitted fence height. The Board 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.*
Allowing the applicant to keep the corrugated metal fence will help create a safe and private environment while enhancing aesthetics. Therefore, the public welfare and convenience will be substantially served.
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*
Granting the variance will not substantially injure the neighboring properties as the fence will enhance safety and privacy for the subject property and is highly unlikely to injure adjacent properties.
4. *The variance will not authorize the operation of a use other than those uses specifically authorized*
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.
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 corrugated metal fence contributes to the character of the community. The fence will not impose any immediate threat 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 in this case is that the new fence was replaced in the same location as the previous fence with a more durable material meeting the required fence height. It is difficult to establish how the request could harm adjacent owners or detract from the character of the community.

AYES: Neff, Britton Teel, Gragg, Cruz, Rodriguez

NAYS: Oroian, Martinez, Rogers, Kuderer

THE VARIANCE FAILED



Case Number: A-18-085
Applicant: Rodolfo Vagliant
Owner: Rodolfo Vagliant
Council District: 1
Location: 1702 Michigan Avenue
Legal Description: Lot South 48.33 Feet of Lots 20-23, Block 11, NCB 3112
Zoning: “R-4 NCD-5 AHOD” Residential Single-Family Beacon Hill
Neighborhood Conservation Airport Hazard Overlay District
Case Manager: Dominic Silva, Planner

Request

A request for 1) a 7’5” variance from the 10’ reverse corner setback, as described in Section 35-310.01, to allow a carport to be located 2’5” away from the property line and 2) a variance from the Beacon Hill Neighborhood Conservation District design requirement that an accessory structure must match the primary structures building materials.

Dominic Silva, Planner, presented background, and staff’s recommendation of the variance requests. He indicated 29 notices were mailed, 2 returned in favor, and 0 returned in opposition and the Beacon Hill Neighborhood Association is opposed.

Rodolfo Vagliant, applicant **requested interpreter services**, stated the house belongs to his grandfather and built the carport to protect his vehicles from the sap that falls from the tree. He also said he did not know he needed permission.

The following citizens appeared to speak.

Mark Spielman, 900 W. Woodlawn, spoke 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-18-085 closed.

Mr. Martinez made a motion. “Regarding Appeal No A-18-085, a request for 1) a 7’5” variance from the 10’ reverse corner setback to allow a carport to be 2’5” away from property line and 2) a variance from the Beacon Hill Neighborhood Conservation District design requirement that an accessory structure must match the primary structures building materials, situated at 1702 Michigan Avenue, applicant being Rodolfo Vagliant.

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 public interest is represented by required setbacks to ensure equal access to air, light, and distance for fire separation, including the protection of vehicles from weather conditions.

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

Literal enforcement of the ordinance would require that the applicant remove that portion of the carport that infringes into the reverse corner setback and any portion that goes against the Neighborhood Conservation District design guidelines which would result in unnecessary financial 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 of the Code, which in this case, is the allowance for the protection of vehicles under adequate shelter. The intent of the setback limitation is to prevent fire spread, allow adequate space for maintenance, and encourage proper storm water drainage. By granting the variance, the spirit and intent of the code will be observed.

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

The variance will not authorize the operation of a use other than those uses specifically authorized in the “R-4 NCD-5 AHOD” Residential Single-Family Beacon Hill 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 Board finds that the carport, as designed, prevents storm water runoff onto adjacent properties, follows the Neighborhood Conservation District design guidelines, and does not alter the essential character of the district.

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

The plight of the owner is due to the lack of developable space within the reverse corner setback of the property, leaving little room for a carport of adequate size.” Mr. Neff seconded the motion.

Mr. Neff made an amendment to withdraw item #2 and change from a 7.5 foot Variance to a 6 foot Variance. Mr. Martinez accepted the amendment a voice vote was taken and passed unanimously. Mr. Kuderer then called for the main motion.

AYES: Neff, Oroian, Teel, Cruz, Britton, Rodriguez

NAYS: Martinez, Gragg, Rogers, Kuderer

THE VARIANCE FAILED

Case Number: A-18-098
Applicant: Antonio Perez
Owner: Antonio Perez
Council District: 1
Location: 2331 Clower Street
Legal Description: Lots 33 & 34, Block 29, NCB 8432
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Dominic Silva, Planner

Request

A request for 1) a 3' variance from the 5' side setback, as described in Section 35-370, to allow a carport to be 2' from side property line and 2) a 8' variance from the 10' front setback, as described in Section 35-310.01, to allow a carport to be 2' from the front property line.

Dominic Silva, Planner, presented background, and staff's recommendation of the variance requests. He indicated 34 notices were mailed, 1 returned in favor, and 0 returned in opposition and the Los Angeles Heights Neighborhood Association had no response.

Antonio Perez, applicant **requested interpreter services**, stated he wanted to protect his vehicles from hail.

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-18-098 closed.

Mr. Martinez made a motion. "Regarding Appeal No A-18-098, a request for 1) a 3' variance from the 5' side setback to allow a carport to be 2' from side property line and 2) an 8' variance from the 10' front setback to allow a carport to be 2' from the front property line, situated at 2331 Clower Street, applicant being Antonio Perez.

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 public interest is represented by required setbacks to ensure equal access

to air, light, and distance for fire separation, including the protection of vehicles from weather conditions.

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

Literal enforcement of the ordinance would require that the applicant remove that portion of the carport that infringes into the front and side setback which would result in unnecessary financial 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 of the Code, which in this case, is the allowance for the protection of vehicles under adequate shelter. The intent of the setback limitation is to prevent fire spread, allow adequate space for maintenance, and encourage proper storm water drainage. By granting the variance, the spirit and intent of the code will be observed.

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

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.

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 Board finds that the carport, as designed, prevents storm water runoff onto adjacent properties and does not alter the essential character of the district.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located. The plight of the owner is due to the lack of developable space within the side space of the property, leaving little room for a carport of adequate size.” Mr. Neff seconded the motion.*

Mr. Oroian made an amendment to change item #2 from 8 foot for 6 foot variance in front. **Mr. Martinez** accepted the change. A voice vote was taken and passed. **Mr. Kuderer** then called for the Main Motion.

AYES: Martinez, Neff, Teel, Gragg, Cruz, Rogers, Britton Rodriguez, Oroian, Kuderer.

NAYS: None

THE VARIANCE IS GRANTED

Mr. Kuderer made a motion to approve the May 21, 2018 minutes with all members voting in the affirmative.

Manager's report: None

There being no further discussion, meeting adjourned at 4:30 p.m.

APPROVED BY: _____ OR _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary