

City of San Antonio



**Draft**

**Board of Adjustment Minutes**

Development and Business Services  
Center  
1901 South Alamo

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**October 21, 2019**

**1:00PM**

**1901 S. Alamo**

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Board of Adjustment Members

A majority of appointive Members shall constitute a quorum.

Roger F. Martinez, District 10, Chair  
Alan Neff, District 2, Vice Chair  
Donald Oroian, District 8, Pro-Tem

Seth Teel, District 6 | Dr. Zottarelli, District 1 | Maria Cruz, District 5 | Phillip Manna, District 7 |  
George Britton, District 4 | Henry Rodriguez, Mayor | Kimberly Bragman, District 9 |  
Reba N. Malone, District 3

Alternate Members

Cyra M. Trevino | Vacant | Arlene B. Fisher | Eugene A. Polendo |  
Vacant | Vacant

**1:07 P.M. - Call to Order, Board Room**

- Roll Call
- Present: Teel, Zottarelli, Oroian, Rodriguez, Neff, Manna, Fisher, Martinez, Trevino
- Absent: Bragman, Cruz, Britton

Gabriela Barba and Maria E. Murray, SeproTec translators were present.

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

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

**Pledge of Allegiance**

**Item # 1**     **BOA-19-10300112:** A request by Patrick Christensen for a height variance from the two stories height limitation to allow construction of a new theater to be three stories and 38' in height within the Alta Vista Neighborhood Conservation District, located at 725 and 741 West Ashby Place. Staff recommends Approval. (Council District 1) (Dominic Silva, Senior Planner (210) 207-0120, dominic.silva@sanantonio.gov, Development Services Department)

Staff stated 22 notices were mailed to property owners within 200 feet, 0 returned in favor, and 1 returned in opposition. Alta Vista neighborhood association is in favor.

Patrick Christensen, applicant, proposed new theater, seeking additional height

**The following Citizens appeared to speak**

Tami Kegley, 506 West Kings Hwy, in favor of variance

The Board asked the applicant questions concerning the request. The Applicant responses were heard by the board as well as other testimonies offered, followed by a discussion among board members before the vote.

**Motion:** Chair Martinez asked for a motion for item BOA-19-10300112, as presented

Dr. Zottarelli made a **motion** for BOA-19-10300112 for approval

Regarding Case No. BOA-19-10300112, I move that the Board of Adjustment grant a height variance from the two stories height limitation to allow a new theater construction to be three stories and 38' in height within the Alta Vista Neighborhood Conservation District, situated at 725 and 741 West Ashby Place, applicant being Patrick Williams Christensen, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is not contrary to the public interest.*  
**In this case, the public interest is represented by height limitations to ensure that future development is compatible within the context that it is placed. The owner of the property is trying to develop a new theater and performing arts center. The proposed three stories and 38' in height development will be surrounded by a mix of housing, business and a park. The Board finds that permitting the requested height is warranted and 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 limit the structure to two stories. The project, as an infill development, presents challenges in its design configuration as it encompasses two lots; there is no harm to the abutting properties.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done. The intent of the code is to ensure that new development is appropriately scaled and compatible with specific design and height criteria. The applicant is not seeking variance to the required design aspects listed in the code, only seeking additional height. The proposed project is compatible with surrounding development, and existing neighborhoods in use and character. Staff finds that the request for additional height observes the spirit of the ordinance.*
4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*  
**The variance will not authorize the operation of a use other than those uses specifically authorized by the zoning 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 proposed project is compatible with surrounding development. Nearby uses will be buffered by the street right-of-way and the project sits at an intersection. The applicant is not seeking any other variances.**
6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*  
**The unique circumstance present in this case is the scale of proposed development. Because most of the block is included within the project area, staff finds that the request for additional height is warranted.**

**Second:** Mr. Rodriguez

**In Favor:** Zottarelli, Rodriguez, Teel, Oroian, Neff, Manna, Fisher, Trevino, Martinez

**Opposed:** None

**Motion Granted**

- Item # 2**     **BOA-19-10300116:** A request by Red & Black Engineering Group, LLC for a 15' variance from the 25' required front setback requirement to allow an existing building to be 10' from the front property line, located at 6185 Camp Bullis Road. Staff recommends Approval. (Council District 8) (Rachel Smith, Planner (210) 207- 5407, rachel.smith@sanantonio.gov, Development Services Department)

Staff stated 9 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition. Not located in a registered Neighborhood Association.

Mr. Cantu, 14603 Huebner, represents applicant, remodel to indoor playground area with indoor storage for the Pineapple school.

**No Citizens appeared to speak**

The Board asked the applicant questions concerning the request. The Applicant responses were heard by the board as well as other testimonies offered, followed by a discussion among board members before the vote.

**Motion:** Chair Martinez asked for a motion for item BOA-19-10300116, as presented

Mr. Oroian made a **motion** for BOA-19-10300116 for approval

Regarding Case No. BOA-19-10300116, I move that the Board of Adjustment grant a 15' variance from the 25' required front setback to allow an existing building to be 10' from the front property line, situated at 6185 Camp Bullis Road, applicant being Red & Black Engineering Group, LLC, 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 setbacks that maintain neighborhood character. The 15' front setback is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. The existing shrubbery hides the metal building completely from the street.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*  
**If enforced, the ordinance would require the destruction of a metal building that is not injuring neighboring properties.**
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 code is to establish a cohesive theme. The request to reduce the front setback observes the intent of the code as the property complies with other requirements in neighborhood design.**
4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*  
**The variance will not authorize the operation of a use other than those uses specifically authorized by the zoning 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 request will not injure the rights of neighboring properties as the reduction does not detract from the character of the neighborhood.**
6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located. The unique circumstance existing here is not the fault of the owner of the property, nor is it due to, or the result of, general conditions in the community in which it is located.*

**Second:** Mr. Manna

**In Favor:** Oroian, Manna, Teel, Zottarelli, Rodriguez, Neff, Fisher, Trevino, Martinez

**Opposed:** None

**Motion Granted**

**Item #3**

**BOA-19-10300121:** A request by Luis Cardona for 1) a 25' variance from the 30' Type E landscape buffer yard requirement to allow a buffer yard to be 5' along the south property line and 2) a 12' variance from the 15' Type C landscape buffer yard requirement to allow a buffer yard to be 3' along the north property line, located at 712 W Laurel St. Staff recommends Approval. (Council District 9) (Rachel Smith, Planner (210) 207- 5407, rachel.smith@sanantonio.gov, Development Services Department)

Staff stated 16 notices were mailed to property owners within 200 feet, 1 returned in favor, and 0 returned in opposition. No comment from Five Points Neighborhood Association.

Marcos Diaz, Luis Cardona, and Tom Carrasco, proising to receive a variance for bufferyard to allow space within the building for development, parking area would provide parking for staff.

**No Citizens appeared to speak**

The Board asked the applicant questions concerning the request. The Applicant responses were heard by the board as well as other testimonies offered, followed by a discussion among board members before the vote.

**Motion:** Chair Martinez asked for a motion for item BOA-19-10300121, as presented

Dr. Zottarelli made a **motion** for BOA-19-10300121 for approval

Regarding Case No. BOA-19-10300121, I move that the Board of Adjustment grant 1) a 25' variance from the 30' Type E landscape buffer yard requirement to allow a buffer yard to be 5' along the south property line and 2) a 12' variance from the 15' Type C landscape buffer yard requirement to allow a buffer yard to be 3' along the north property line, situated at 712 W Laurel Street, applicant being Luis Cardona, 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 requested three and five foot bufferyards are not contrary to public interest as they do not negatively impact any surrounding properties or the general public. The property does currently benefit from a bufferyard on the south in the form of a six foot wood fence, but that will be demolished for the construction of the parking lot.**

**Staff finds the request is not contrary to the public interest.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*  
**A literal enforcement of the ordinance would result in unnecessary hardship by requiring a bufferyard that takes up nearly the entire portion of the property due to the small lot size. Enforcing the full requirement removes developable space which may leave the development with insufficient space for parking.**
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*  
**In this case, the reduced bufferyard will be consistent with neighboring properties.**
4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*  
**The requested variances will not authorize the operation of a use on the subject property other than those specifically authorized in zoning 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.*  
**Although the applicant is seeking to reduce bufferyards required by the code, the provision of landscape bufferyards will still enhance the community and the proposed project.**
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 the small, narrow lot which warrants some relief to allow for development.**

**Second:** Mr. Oroian

**In Favor:** Zottarelli, Oroian, Teel, Rodriguez, Neff, Manna, Fisher, Trevino, Martinez

**Opposed:** None

**Motion Granted**

**Item #4**

**BOA-19-10300124:** A request by Mark Aerts for a special exception of the density limitations to allow one short-term rental (Type 2) unit, located at 1154 East Euclid Avenue. Staff recommends Denial. (Council District 1) (Dominic Silva, Senior Planner (210) 207-0120, dominic.silva@sanantonio.gov, Development Services Department)

Staff stated 52 notices were mailed to property owners within 200 feet, 1 returned in favor, and 5 returned in opposition. No response from Tobin Hill Community Association.

Rob Keller, property owner representative, requesting a continuance on the case to be reviewed on the November 4, 2019 meeting.

**The following Citizens appeared to speak**

Sara Wilson, 1120 E. Euclid, spoke in opposition of the Short Term Rental usage in the neighborhood

David Marne, 211 Hunters Br Street, Real Estate broker, spoke in favor of property usage

**Motion:** Chair Martinez asked for a motion for item BOA-19-10300124, to be continued at the November 4, 2019 Board of Adjustment meeting.

Mr. Oroian made a **motion** for BOA-19-10300124 for approval

**Second:** Mr. Rodriguez

**In Favor:** Oroian, Rodriguez, Teel, Zottarelli, Neff, Manna, Fisher, Trevino, Martinez

**Opposed:** None

**Motion Granted for continuance on November 4<sup>th</sup>**

**Item #5**

**BOA-19-10300119:** A request by Alamo Community Group for 1) a 1,830 square foot variance from the minimum 4,000 square foot lot size to allow 3 lot sizes to be 2,170 square feet, and 2) a 10' variance from the 20' rear setback requirement to allow new structures to be 10' away from the rear property line, located at 824 S San Eduardo Ave. Staff recommends Approval. (Council District 5) (Rachel Smith, Planner (210) 207- 5407, rachel.smith@sanantonio.gov, Development Services Department)

Staff stated 51 notices were mailed to property owners within 200 feet, 1 returned in favor, and 0 returned in opposition. Las Palmas Neighborhood Association is in opposition.

Michael Shackelford, 824 S. San Eduardo, spoke of need of variance to build affordable housing.

John Wright, 824 S. San Eduardo, spoke of the need of the 10' variance to give more space for the houses.

**The following Citizens appeared to speak**

Gloria Hernandez, 3723 El Paso, spoke in opposition of the variance request. Setbacks are not consistent with the neighborhood.

Laura Trevino, 4100 E. Pedras Drive, spoke in favor of project.

The Board asked the applicant questions concerning the request. The Applicant responses were heard by the board as well as other testimonies offered, followed by a discussion among board members before the vote.

**At 2:31 pm, Chair Martinez asked the board to be put on a brief hold for one of the board members. The meeting continued at 2:34 pm.**

**Motion:** Chair Martinez asked for a motion for item BOA-19-1030019, as presented

Mr. Oroian made a **motion** for BOA-19-10300119 for approval

Regarding Case No. BOA-19-10300119, I move that the Board of Adjustment grant 1) a 1,830 square foot variance from the minimum 4,000 square foot lot size requirement to allow three lot sizes to be 2,170 square feet and 2) a 10-foot variance from the 20-foot rear setback requirement to allow new structures to be 10 feet away from the rear property line, situated at 824 S San Eduardo Ave, applicant being Alamo Community Group, 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 minimum lot sizes that provide for consistent development within the neighborhood. The “R-4” Residential Single-Family District is intended for single-family dwelling uses on a minimum lot size of 6,000 square feet. The side setback reduction will provide room for maintenance without trespass and accessibility to light air and open space. The proposed project of detached single-family dwelling meets the intentions of the zoning district and 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 not allow the owner of the property to develop the lot as intended. The lot qualifies for a Certificate of Determination (COD) due to the property having an antiquated plat. In order for new construction, the property must be platted, but because the lot qualifies for a COD the applicant will not need to replat the lot. However, a COD cannot be granted, because the property does not meet the minimum 4,000 square foot lot size requirement, and a single-family dwelling cannot be constructed unless a variance is granted.**

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

**Granting the request will result in substantial justice, because the proposed development of detached single-family dwellings advances the efforts of the zoning designation. The variance will promote infill development on this lot.**

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

**The variance will not authorize the operation of a use other than those uses specifically authorized by the “R-4” 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 surrounding single-family dwellings will not be injured by granting the variance, because the lot size will not create incompatible development, nor will it detract from the character of the community. The character of the surrounding neighborhood will not be altered and the proposed development will be cohesive with the existing pattern of development within the immediate neighborhood.**



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

**The unique condition present is that the lot has an antiquated plat and in order to build on the property there must be a plat exception approved. A plat exception cannot be approved unless a variance is granted to allow for a smaller lot size to develop single-family dwelling units.**

**Second:** Mr. Teel

**Applicant** requested a continuance of case BOA-19-1030019 to be put on the November 18<sup>th</sup> meeting. Mr. Oroian withdrew the original motion which was then seconded by Mr. Teel.

**Motion:** Chair Martinez asked for a motion for item BOA-19-1030019 to be continued to the November 18<sup>th</sup> Board of Adjustment meeting.

Mr. Oroian made a **motion** for BOA-19-10300119 to be continued

**Second:** Mr. Teel

Members voted in the affirmative

**Chair Martinez** called for the **Board of Adjustment** to take a recess at 2:50 pm. Board resumed at 3:01 pm

**Item #6**

**BOA-19-10300118:** A request by David Rodriguez for appeal of the Historic Preservation Officer's decision to deny a Certificate of Appropriateness, located at 1418 West Rosewood Avenue. Staff recommends Denial. (Council District 1) (Huy Pham, Historic Preservation Specialist, (210) 207-5469, huy.pham@sanantonio.gov, Office of Historic Preservation) (Dominic Silva, Senior Planner (210) 207-0120, dominic.silva@sanantonio.gov, Development Services Department)

Staff stated 38 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition. Keystone Neighborhood Association is in opposition.

David Rodriguez, applicant, 1418 West Rosewood Ave, requesting to appeal to keep the modifications as constructed. Applicant wants to continue using vinyl windows in place of the wood frame windows to keep cost down and finish the remodeling.

Staff made a notation for the record; the Keystone Neighborhood Association is in opposition.

**No Citizens appeared to speak**

The Board asked the applicant questions concerning the request. The Applicant responses were heard by the board as well as other testimonies offered, followed by a discussion among board members before the vote.

**Motion:** Chair Martinez asked for a motion for item BOA-19-10300118, as presented

Mr. Teel made a **motion** for BOA-19-10300118 for approval

Regarding Case No. BOA-19-10300118, I move that the Board of Adjustment grant an appeal of the Historic Preservation Officer's decision to deny window replacement and fenestration modifications as proposed for the property at 1418 West Rosewood, applicant being David Rodriguez, 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.

**Second:** Dr. Zottarelli

**In Favor:** None

**Opposed:** Teel, Zottarelli, Oroian, Rodriguez, Neff, Manna, Fisher, Trevino, Martinez

**Motion Fails**

**Item #7**

**BOA-19-10300104:** A request by Aric Gibson for a special exception in fence height limitation to allow a privacy fence to be up to 8' tall along both sides and rear yard of the property, located at 6739 Millrock Pass. Staff recommends Approval. (Council District 10) (Rachel Smith, Planner (210) 207-5407, rachel.smith@sanantonio.gov, Development Services Department)

Staff stated 29 notices were mailed to property owners within 200 feet, 2 returned in favor, and 0 returned in opposition. Property not located within a registered neighborhood association.

Aric Gibson, applicant, 6739 Millrock Pass. Applicant is requesting 8' fence for privacy, and to enjoy his backyard.

**No Citizens appeared to speak**

The Board asked the applicant questions concerning the request. The Applicant responses were heard by the board as well as other testimonies offered, followed by a discussion among board members before the vote.

**Motion:** Chair Martinez asked for a motion for item BOA-19-10300104, as presented

Ms. Trevino made a **motion** for BOA-19-10300104 for approval

Regarding Appeal No. BOA-19-10300104, I move that the Board of Adjustment grant a special exception in the fence height limitation to allow a privacy fence to be up to 8' tall along both sides and rear yard of the property, situated at 6739 Millrock Pass, applicant being Aric Gibson, 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.*

**The UDC states the Board of Adjustment can grant a special exception for a fence height modification**

up to 8'. The additional fence height is intended to provide a more secure and private yard for the resident. If granted, this request would be in harmony with the spirit and purpose of the ordinance.

2. *The public welfare and convenience will be substantially served.*

In this case, these criteria are represented by maximum fence heights to protect residential property owners while still promoting a sense of community. The fence will be this high along the side and rear property lines. This is not contrary to the public interest.

3. *The neighboring property will not be substantially injured by such proposed use.*

No adjacent property owner, nor the traveling public, will be harmed by the proposed fence.

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.*

The 8' fence along the side and rear property lines would not significantly alter the overall appearance of the district and would provide added security and protection for the property owner.

5. *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 fencing standards is to protect the health, safety, and general welfare of the public. The special exception request is to allow an 8' fence to provide a more secure and private rear yard for the resident. Therefore, the requested special exception will not weaken the general purpose of the district.

Chair Martinez asked to make a friendly amendment to accept the diagram provided by the applicant for the fence height.

**Second:** Mr. Oroian

**In Favor:** Trevino, Oroian, Teel, Zottarelli, Rodriguez, Neff, Manna, Fisher, Martinez

**Opposed:** None

**Motion Granted**

**At 3:45 pm, Chair Martinez asked the board to be put on a brief hold for Mr. Rodriguez. The meeting continued at 3:46 pm.**

**Item #8**

**BOA-19-10300120:** A request by Veronica Johnson for a special exception to allow a fence to be eight (8) feet tall along the northeast property line, located at 3502 Litchfield Drive. Staff recommends Approval. (Council District 9) (Rachel Smith, Planner (210) 207- 5407, rachel.smith@sanantonio.gov, Development Services Department)

Staff stated 23 notices were mailed to property owners within 200 feet, 2 returned in favor, and 0 returned in opposition. Property not located within a registered neighborhood association.

Glenn Johnson, 3502 Litchfield. Applicant states the fence is needed for privacy and security of property. Fence will keep people walking on sidewalk from looking into the property.

**No Citizens appeared to speak**

The Board asked the applicant questions concerning the request. The Applicant responses were heard by the board as well as other testimonies offered, followed by a discussion among board members before the vote.

**Motion:** Chair Martinez asked for a motion for item BOA-19-10300120, as presented

Mr. Neff; made a **motion** for BOA-19-10300120 for approval

Regarding Appeal No. BOA-19-10300120, I move that the Board of Adjustment grant a special exception to allow a privacy fence to be 8' tall along the side yard property line, situated at 3502 Litchfield Drive, applicant being Veronica Johnson, 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.*  
**The UDC states the Board of Adjustment can grant a special exception for a fence height modification up to 8'. The additional fence height is intended to provide a more secure and private yard for the resident. If granted, this request would be in harmony with the spirit and purpose of the ordinance.**
2. *The public welfare and convenience will be substantially served.*  
**In this case, these criteria are represented by maximum fence heights to protect residential property owners while still promoting a sense of community. The fence height will be built along a portion of the side property line to provide a more secure and private yard for the resident. This is not contrary to the public interest.**
3. *The neighboring property will not be substantially injured by such proposed use.*  
**No adjacent property owner, nor the traveling public, will be harmed by the proposed fence.**
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.*  
**The 8' fence along a portion of the side property line would not significantly alter the overall appearance of the district and would provide added security and protection for the property owner.**
5. *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 fencing standards is to protect the health, safety, and general welfare of the public. The special exception request is to allow an 8' fence along a portion of the side property line in order to provide a more secure and private rear yard for the resident. Therefore, the requested special exception will not weaken the general purpose of the district.**

**Second:** Mr. Manna

**In Favor:** Neff, Manna, Teel, Zottarelli, Oroian, Rodriguez, Fisher, Trevino, Martinez

**Opposed:** None

**Motion Passes**

**Mr. Rodriguez left the Board of Adjustment meeting at 3:57 p.m., no longer a quorum present. Item #9 BOA-19-10300122 and Item #10 BOA-19-10300117 will be heard at the November 4, 2019 Board of Adjustment meeting.**

**Item #8      Consideration and approval of the October 7, 2019 Board of Adjustment Minutes.**

Chair Martinez **mentioned** for approval of the October 7<sup>th</sup> minutes as presented  
Members voted in the affirmative.

**Director's Report:** Status of Board Appointments

**Adjournment**

There being no further business, the meeting was adjourned at 4:02 p.m.

APPROVED BY: \_\_\_\_\_ OR \_\_\_\_\_  
Chairman Vice-Chair

DATE: \_\_\_\_\_

ATTESTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Executive Secretary

DRAFT