

City of San Antonio



Draft

Board of Adjustment Minutes

Development and Business Services
Center
1901 South Alamo

November 18, 2019

1:00PM

1901 S. Alamo

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 | Andrew Ozuna, Mayor | Kimberly Bragman, District 9 |
Reba N. Malone, District 3

Alternate Members

Cyra M. Trevino | Anne Englert | Arlene B. Fisher | Frank A. Quijano |
Seymour Battle III | Kevin W. Love | Johnathan Delmer

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

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

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 (Continued from 11/04/19) **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) (Continued from 10/21/2019)

Staff stated 50 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, Alamo Community Group – spoke of need of variance to build affordable housing

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 Neff asked for a motion for item BOA-19-10300119, 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' variance from the 20' rear setback requirement to allow new structures to be 10' away from the rear property line, situated at 824 South San Eduardo Avenue, 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 the 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 4,000 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 requests 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 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. 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”

Second: Ms. Bragman

In Favor: Oroian, Bragman, Quijano, Zottarelli, Britton, Battle, Fisher, Trevino, Neff

Opposed: Cruz, Manna

Motion Granted

- Item # 2** **BOA-19-10300132:** A request by Marshall Phaneuf for variances from the South Presa/South Saint Mary's Street Neighborhood Conservation District standards for the following: 1) a 4.9 square foot variance from the 5 square feet maximum design standard to allow an individual tenant sign to be 9.9 square feet, and 2) an individual tenant sign location variance from the one canopy sign under canopy standard to allow an individual tenant sign to be above the canopy, located at 812 S Alamo St. Staff recommends Denial. (Council District 1) (Rachel Smith, Planner (210) 207- 5407, rachel.smith@sanantonio.gov, Development Services Department)

Staff stated 36 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition. No comment from Lavaca Neighborhood Association.

Marshall Phaneuf, 812 S. Alamo St – seeking the variance to increase the size of the globe and letters on the sign to get the brand advertised to the neighborhood and let them know the store is open in the area.

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 Neff asked for a motion for item BOA-19-10300132, as presented

Mr. Manna made a **motion** for BOA-19-10300132 for approval

“Regarding Case No. BOA-19-10300132, I move that the Board of Adjustment grant 1) a 4.9 square foot variance from the 5 square feet maximum design standard to allow a tenant sign to be 9.9 square feet, and 2) a tenant sign location variance from the one canopy sign under canopy to allow a new sign to be above the canopy within the South Presa/South Saint Mary’s Street Neighborhood Conservation District, situated at 812 S Alamo Street, applicant being Marshall Phaneuf, 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. The public interest is represented by preserving the unique character of this community. The applicant is requesting to relocate a sign above the canopy and to increase the sign size. These variances are not contrary to the public interest in that they are unlikely to negatively impact surrounding properties or the general public.

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

Literal enforcement would not allow the owner to place the proposed signs as designed. Approval of the requested variances would mirror the intent of the NCD-1 design standards.

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 NCD is to protect the integrity of the neighborhood. The requested variances are highly unlikely to injure adjacent properties and are unlikely to detract from the character of the community.

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

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

These requests would not injure the rights of the neighboring properties nor will they detract from the essential character of the community.

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

The issues faced by the applicant are not merely financial in nature. The applicant seeks to vary from specific standards to allow a permit to be issued with the proposed sign design.”

Second: Mr. Oroian

In Favor: Manna, Oroian, Quijano, Zottarelli, Bragman, Cruz, Britton, Battle, Fisher, Trevino, Neff

Opposed: None

Motion Granted

Item #4

BOA-19-10300129: A request by Sandra Hernandez for 1) a 2' variance from the 5' side and rear setback requirement to allow an accessory detached dwelling unit to be 3' away from the side and rear property lines, and 2) a 20 square feet variance from the 40% footprint limitation of the principal residence to allow an accessory detached dwelling unit to be 506 square feet, located at 131 E Lambert. Staff recommends Approval. (Council District 5) (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, 0 returned in favor, and 0 returned in opposition. No comment from the Lone Star neighborhood Association.

Sandra Hernandez, applicant – seeking a variance to keep the accessory structure already on her property to use for more space.

No Citizens appeared to speak

Motion: Chair Neff asked for a motion for item BOA-19-10300129, as presented

Dr. Zottarelli made a **motion** for BOA-19-10300129 for approval

“Regarding Case No. BOA-19-10300129, I move that the Board of Adjustment grant a request for 1) a 2' variance from the 5' side and rear setback requirement to allow an accessory detached dwelling unit to be 3' away from the side and rear property lines, and 2) a 20 square feet variance from the 40% footprint limitation of the principal residence to allow an accessory detached dwelling unit to be 506 square feet, situated at 131 E Lambert Street, applicant being Sandra Hernandez, 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 community. The requested variance is not found to be contrary. Specifically, staff finds that the structure has existed for years in that location and there will be no change to the size. Improvements will be made to make the structure consistent with the design of the primary structure. The placement of the structure provides enough clearance to prevent fire spread, maintain stormwater runoff on-site, and allow long term maintenance without trespassing on adjacent property.

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

The special conditions are that the detached accessory structure was built in its current location within the setback more than 20 years ago according to Google Earth and the applicant is only seeking to convert the structure to an accessory detached dwelling unit (ADDU). A literal enforcement would mean that the property owner would need to alter the size of the current structure and/or move the structure which would be an unnecessary hardship.

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

The spirit of the ordinance is the intent of the code, staff finds that this variance observes the spirit of the ordinance by allowing for adequate light, space for maintenance and stormwater runoff, and maintains adequate distance to the nearest accessory structure to the north of the property.

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

The variance will not authorize the operation of a use other than those uses specifically authorized by the 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 the granting of this variance, as there will not be any change in the location or size of the current structure. There are several properties in the surrounding area with accessory structures situated similarly near the side and rear property lines.

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 accessory structure exists on the site in the current placement, not by the work of the property owner. The owner wishes to convert the structure to an accessory detached dwelling unit (ADDU) in its current placement. The circumstance was not created by the property owner, is not the result of the general conditions in the district, nor is it merely financial in nature.”

Second: Ms. Trevino

In Favor: Zottarelli, Trevino, Quijano, Bragman, Cruz, Oroian, Britton, Battle, Manna, Fisher, Neff

Opposed: None

Motion Granted

Chair Neff called for the Board of Adjustment to take a recess at 2:28 pm. Board resumed at 2:39 pm.

Chair Neff stepped out of the **Board of Adjustment** meeting at 2:39 pm, recusing himself from case BOA-19-10300131. **Mr. Delmer** joined the board to review the case.

Item #3

BOA-19-10300131: A request by Justin Kim for 1) a special exception to allow a privacy fence to be up to 6' tall in the front yard, and 2) a variance from the restriction of corrugated metal as a fencing material to allow for its use as fencing, located at 1226 Wyoming Street. Staff recommends Approval of the special exception and Denial of the variance. (Council District 2) (Rachel Smith, Planner (210) 207- 5407, rachel.smith@sanantonio.gov, Development Services Department)

Staff stated 30 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition. No comment from Denver Heights Neighborhood Association.

Scott Casey, 1226 Wyoming Street, homebuilder representative – seeking a special exception for fence height. The fence height is needed for security purposes.

No Citizens appeared to speak

Motion: Chair Oroian asked for a motion for item BOA-19-10300131, as presented

Dr. Zottarelli made a **motion** for BOA-19-10300131 for approval

“Regarding Case No. BOA-19-10300131, I move that the Board of Adjustment grant a special exception to allow a privacy fence to be up to 6' tall on the front yard, **as presented**, situated at 1226 Wyoming St, applicant being Justin Kim, 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 eight feet. The additional fence height in the front yard is intended to provide the safety and security of the applicant's property. The area behind the fence while technically a front yard is functioning as a side/rear yard due to the orientation of the buildings. 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. A 6' tall fence in the front yard is not contrary to the public interest.

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

The fence enhances the privacy and security of the subject. Further, the fencing does not violate Clear Vision standards.

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 fence provides a safe environment for the property owner while enhancing aesthetics in the neighborhood.

5. *The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.*

The requested special exception will not weaken the general purpose of the district.”

Second: Ms. Bragman

In Favor: Zottarelli, Bragman, Quijano, Cruz, Britton, Battle, Manna, Fisher, Trevino, Oroian

Opposed: None

Motion Granted

Chair Oroian asked for a motion to continue item BOA-19-0300131, for the fence material, until the December 16th meeting

Ms. Cruz made a **motion** for BOA-19-10300131 for approval

Second: Fisher

In Favor: Cruz, Fisher, Zottarelli, Bragman, Delmer, Britton, Battle, Manna, Trevino, Oroian

Opposed: Quijano

Motion Granted

Mr. Delmer left the Board of Adjustment meeting at 3:09 pm., **Mr. Neff** rejoined the board at 3:09 pm

Item #5

BOA-19-10300136: A request by Cyprian Juma for 1) a 4’ variance from 20’ rear setback requirement to allow a home to be 16’ from the rear property line and 2) a 4’ variance from the 5’ side setback requirement to allow a home to be 1’ from the side property line, located at 156 Day Road. Staff recommends Approval. (Council District 2) (Rachel Smith, Planner (210) 207- 5407, rachel.smith@sanantonio.gov, Development Services Department)

Staff stated 35 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition. Property not located in registered Neighborhood Association.

Cuprian Juma, 156 Day Road – spoke of the need of the 4 foot variance to allow the home to be 16 feet from the rear property line. The foundation of the home existed before the purchase of 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 Neff asked for a motion for item BOA-19-1030136, as presented

Ms. Bragman made a **motion** for BOA-19-10300136 for approval

“Regarding Case No. BOA-19-10300136, I move that the Board of Adjustment grant 1) a 4’ variance from 20’ rear setback requirement to allow a home to be 16’ from the rear property line situated at 156 Day Road, applicant being Cyprian Juma, 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 issues faced by the applicant are not merely financial in nature. The applicant seeks to vary from specific standards to allow for the redevelopment, as proposed.
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
An unnecessary hardship would result from the literal enforcement of the ordinance in that the property owner would need to modify the already existing home.
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 cohesive development that preserves the public interest. The request to reduce the rear setback observes the intent of the code as the property complies with other requirements and similar placements are found within the neighborhood.
4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*
The variance will not authorize the operation of a use other than those uses specifically authorized by the 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 adjacent properties as there is still adequate distance between structures and the home will not create fire safety or stormwater management issues. There will be at least 16' on the rear between this structure and existing adjacent homes.

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: Bragman, Manna, Quijano, Zottarelli, Cruz, Britton, Battle, Fisher, Trevino, Oroian, Neff

Opposed: None

Motion Granted

Item #6

BOA-19-10300130: A request by Jeanette Baylor Arce for 1) an 8' variance from the 10' front setback requirement to allow an attached carport to be 2' from the front property line and 2) a 4' variance from the 5' side setback requirement to allow an attached carport to be 1' from the side property line, located at 506 Golden Crown Drive. Staff recommends Denial with an Alternate Recommendation. (Council District 3) (Debora Gonzalez, Senior Planner (210) 207- 3074, debora.gonzalez@sanantonio.gov, Development Services Department)

Staff stated 29 notices were mailed to property owners within 200 feet, 0 returned in favor, and 1 returned in opposition. No comment from the Highland Hills neighborhood association.

Jeanette Arce, 506 Golden Crown Drive – requesting variance to rebuild the carport. Carport is needed to protect her vehicles and for shelter during inclement weather.

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 Neff asked for a motion for item BOA-19-10300130, as presented

Mr. Oroian made a **motion** for BOA-19-10300130 for approval

“Regarding Case No. BOA-19-10300130, I move that the Board of Adjustment grant 2) a 3' variance from the 5' side setback requirement to allow an attached carport to be 2' from the side property line, situated at 506 Golden Crown Drive, applicant being Jeanette Baylor Arce, 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 for the variance:

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 carport provides necessary shelter for the applicant's vehicles and does not detract from the character of the area. The carport will be constructed of metal that reduces the risk of fire spread.

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

Literal enforcement of the ordinance would not grant the applicant the right to protect their vehicles as proposed.

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

In this case, the intent is to provide enough of a setback to prevent fire spread and water runoff to adjacent properties. The carport will be made of metal, which will reduce the likelihood of fire spread.

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

The variance will not authorize the operation of a use other than those uses specifically authorized by the 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 adjacent properties are unlikely to be negatively affected by the requested. The request would not be out of character in 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 carport serves to provide safe route for the owner to access their home from their vehicle in the case of inclement weather. Severe weather conditions can make it difficult to get from the home into the vehicle due to slippery conditions. The plight of the owner is not merely financial in nature."

Second: Mr. Manna

In Favor: Oroian, Manna, Quijano, Zottarelli, Bragman, Cruz, Britton, Battle, Fisher, Trevino, Neff

Opposed: None

Motion Granted

Chair Neff called for the Board of Adjustment to take a recess at 3:38 pm. Board resumed at 3:44 pm.

Item #7

BOA-19-10300134: A request by Elena Huerta for a 4'6" variance side setback from the 5' side setback requirement to allow an attached carport to be 6" from the west property line, located at 115 Hartford Avenue. Staff recommends Denial. (Council District 3) (Debora Gonzalez, Senior Planner

(210) 207- 3074, debora.gonzalez@sanantonio.gov, Development Services Department)

Staff stated 35 notices were mailed to property owners within 200 feet, 1 returned in favor, and 0 returned in opposition. No comment from the Highland Hills neighborhood association.

Damin Gibbs, 115 Hartford Ave. – Seeking the variance to rebuild an attached carport in the same location as the original.

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 Neff asked for a motion for item BOA-19-10300134, as presented

Ms. Cruz made a **motion** for BOA-19-10300134 for approval

“Regarding Case No. BOA-19-10300134, I move that the Board of Adjustment grant a 4’6” variance side setback from the 5’ side setback requirement to allow an attached carport to be 6” from the west property line, situated at 115 Hartford Avenue, applicant being Elena Huerta, 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 for the variance:

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 carport provides necessary shelter for the applicant’s vehicles and does not detract from the character of the area. The carport was rebuilt within the same foot print of the previous carport and is in the same location for approximately 11 years with no complaints until now.
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
An unnecessary hardship would result from the literal enforcement of the ordinance in that the property owner would need to modify the already constructed carport.
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*
The granting of the requested variance would be in harmony with the spirit of the ordinance. The intent of the setback requirements is to prevent unnecessary trespass on adjacent property for maintenance, fire safety, and ensure proper storm water management. All of these intents will still be maintained with the granting of this request.
4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*
The variance will not authorize the operation of a use other than those uses specifically authorized by the 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 adjacent properties are unlikely to be negatively affected by the requested. The request would not be out of character in 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 unique situation existing on the property is the carport was already constructed.”

Second: Mr. Oroian

In Favor: Cruz, Oroian, Zottarelli, Bragman, Britton, Battle, Manna, Fisher, Trevino, Neff

Opposed: Quijano

Motion Granted

Item #8 Consideration and approval of the November 4, 2019 Board of Adjustment Minutes.

Chair Neff **mentioned** for approval of the November 4th minutes as presented
Members voted in the affirmative.

Director’s Report: Discussion of the Board of Adjustment Orientation/Training for the meeting on December 2nd.

Adjournment

There being no further business, the meeting was adjourned at 4:05 p.m.

APPROVED BY: _____ OR _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary

DRAFT