

City of San Antonio



**Draft**

**Board of Adjustment Minutes**

Development and Business Services

Center

1901 South Alamo

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**July 20, 2020**

**1:00PM**

**Videoconference**

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**Board of Adjustment Members**

A majority of appointive Members shall constitute a quorum.

Roger F. Martinez, District 10, Chair

Donald Oroian, District 8, Vice Chair

Andrew Ozuna, Mayor, Pro-Tem

Vacant, District 1 | Vacant, District 2

Andrew Menchaca, District 3 | George Britton, District 4 |

Maria Cruz, District 5 | Seth Teel, District 6

Phillip Manna, District 7 | Kimberly Bragman, District 9

**Alternate Members**

Cyra M. Trevino | Anne Englert | Arlene B. Fisher | Vacant

Seymour Battle III | Kevin W. Love | Jonathan Delmer

**1:02 P.M. - Call to Order**

**- Roll Call**

**- Present:** Menchaca, Cruz, Teel, Manna, Ozuna, Oroian, Delmer, Fisher, Trevino, Love, Martinez

**- Absent:** Britton

2 Translators from SeproTec were present to assist with translating.

**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*

**Item #1**      **BOA-20-10300173**: A request by Mark Beavers for a request for 1) a variance to allow the use of metal paneling as a permitted building material 2) a 39'11" variance from the 40' maximum front setback to allow a building to be 79'11" away from the front property line, and 3) a 3% variance from the maximum 80% impervious cover limitation to allow 83% impervious cover, located at 2265 Austin Highway. Staff recommends Approval. (Council District 2) (Dominic Silva, Senior Planner (210) 207-0120, Dominic.Silva@sanantonio.gov, Development Services Department)

Staff stated 11 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition.

**Debra Dockery, 2265 Austin Highway** – Seeking variance request to allow metal building material. Variance requests needed for setback and impervious cover due to the size of the firetrucks and the need for more space to allow for their turning radius.

**No Public Comment**

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 Oroian asked for a motion for item BOA-20-10300173, as presented

Mr. Manna made a **motion** for BOA-20-10300173 for approval

“Regarding Case No. BOA-20-10300073, I move that the Board of Adjustment grant a request from the Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor design requirements for 1) a variance to allow the use of metal paneling as a permitted building material 2) a 39'11" variance from the 40' maximum front setback to allow a building to be 79'11" away from the front property line, and 3) a 3% variance from the maximum 80% impervious cover limitation to allow 83% impervious cover, situated at 2265 Austin Highway, applicant being Mark Beavers, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is not contrary to the public interest.*  
**The public interest is defined as the general health, safety, and welfare of the public. In this case, the variances requested are due to the unique use of the property; the amount of paving required for turning radius of a fire truck must be accommodated, thus requiring slightly more impervious cover. To reduce this by 3%, parking spaces would need to be removed and the parking count would not meet the minimum requirements, requiring another variance request.**
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 due to significantly reducing the amount of developable space on the lot acquired for a fire station; accommodating a fully functioning public safety building requires maximum usage of the narrow dimensional lot.**

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 design standards of the Corridor District is meant to retain streetscape and rhythm among buildings and creature viewing opportunities along the corridor. All intents of this law will be observed if approved.*
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 variance will not permit a use not authorized within the “C-2” Commercial 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 variances requested would not substantially injure or alter the use or character of adjacent conforming property or character of the district. Specifically, adjacent properties will ultimately benefit from the facility, as it will encourage public safety, offer attractive landscaping, and provide a safer built environment for the community than what is currently on the lot.**
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 circumstances existing on the property are neither due to the general conditions of the district, nor due to the owner, and is not financial in nature. The property is narrow by nature, and as a result, it does not ensure a safe entrance and exit of public safety vehicles. The station will serve nearby properties and the community. These unique circumstances were not created by the owner of the property and are not financially motivated.”**

**Second:** Ms. Cruz

**In Favor:** Manna, Cruz, Love, Fisher, Menchaca, Delmer, Teel, Bragman, Ozuna, Trevino, Oroian

**Opposed:** None

**Motion Granted**

**Mr. Martinez** joined the **Board of Adjustment** meeting at 1:28 p.m.

**Item # 2**     **BOA-20-10300051:** A request by Mary J. Vargas for an appeal of the Historic Preservation Officer’s decision to issue a Certificate of Appropriateness, located at 533 East Carson. Staff recommends Denial. (Council District 2) (Dominic Silva, Senior Planner (210) 207-0120, Dominic.Silva@sanantonio.gov, Development Services Department)

Staff stated 28 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition. No response from the Government Hill Neighborhood Association.

**Mary Vargas, 533 East Carson** – Spoke of goal to restore the home so it may be rented. Home was damaged due to fire and she is trying to restore it in the most cost and energy efficient way possible, while keeping the design of the era.

**Submitted Public Comment**

Patti Zaiontz, President of Conservation Society of SA, 107 King William St - In favor  
Government Hill Community Association - In favor

Rose Hill, President, Government Hill Alliance NA – In favor

Victor Flores, 526 E. Carson - In opposition

Diana R. & Judge A. Acosta, 531 E. Carson - In opposition

Mike Alexander, 31316 Keeneland Dr - In opposition

Marlene Hawkins, 601 E. Carson - In opposition

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-20-10300051, as presented

Mr. Oroian made a **motion** for BOA-20-10300051 for approval

“Regarding Case No. BOA 20 10300051, I move that the Board of Adjustment grant an appeal of the Historic Preservation Officer’s decision to issue a Certificate of Appropriateness for the property at 533 East Carson, applicant being Mary J. Vargas.”

**Second:** Mr. Teel

**In Favor:** Oroian, Love, Menchaca, Delmer, Bragman, Ozuna, Martinez

**Opposed:** Teel, Fisher, Cruz, Manna

**Motion Fails**

**Item #3**

**BOA-20-10300069:** A request by Laura Schuhmacher for a special exception to allow one (1) Type 2 Short Term Rental, located at 318 West Grayson Avenue, Unit 504. Staff recommends Denial. (Council District 1) (Kayla Leal, Senior Planner (210) 207-0197, Kayla.Leal@sanantonio.gov, Development Services Department)

Staff stated 23 notices were mailed to property owners within 200 feet, 0 returned in favor, and 4 returned in opposition, 1 returned in opposition outside of 200’ boundary. There was no response from the Tobin Hill Neighborhood Association.

**Laura Schuhmacher, 318 West Grayson Ave** – Spoke of request for special exception to have a Type 2 short term rental. The rental would help with extra income for bills. She would be renting when not living there herself.

**Submitted Public Comments**

Jonathan Card – In opposition

Melissa & Mark Aerts, 318 W. Grayson, Units #302 & #502 – In opposition

Lisa Roberts & Rob Barnett, 318 W. Grayson, Unit 405 – In opposition

Alison & Greg Beam, 318 W. Grayson, Unit #205 – In opposition

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-20-10300069, as presented

Mr. Oroian made a **motion** for BOA-20-10300069 for approval

“Regarding Case No. BOA-20-10300069, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental unit, situated at 318 West Grayson Avenue, Unit 504, applicant being Laura Shuhmacher, 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 not materially endanger the public health or safety.*  
**The Board finds that the request to operate a short term rental is unlikely to materially endanger the public health, safety, or welfare. There is nothing obvious that would distinguish a short term rental versus a long term rental at this facility.**
2. *The special exception does not create a public nuisance.*  
**The Board finds that there are a total of twenty-eight (28) residential units on this blockface and the special exception would permit a total of five (5) Type 2 short term rentals, resulting in 17.9% of the blockface. This and the fact that the property is in close proximity to downtown amenities allows reason to believe a public nuisance does not seem likely to be created.**
3. *The neighboring property will not be substantially injured by such proposed use.*  
**The neighboring properties consist of single-family townhomes and the subject property is located in close proximity to the commercial corridor of North St. Mary’s as well as the redeveloped Pearl district which are tourist attractions. This does not cause reason to believe it will substantially injure neighboring property as a Type 2 Short Term Rental.**
4. *Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary faculties have been or are being provided.*  
**The Board finds the subject property to provide off-street parking and appears to have adequate utilities, access, and open space.**

5. *The applicant or owner for the special exception does not have any previously revoked short term rental licenses, confirmed citations, or adjudicated offenses convictions for violations of Chapter 16, Article XXII of the City Code within one year prior to the date of the application.*

**The applicant currently does not currently hold a Short Term Rental Permit and does not have any history of revocation, citations, or convictions for violations of Chapter 16.**

6. *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 subject property is located near North St. Mary's Street and in close proximity to commercial, recreational, and other residential uses. With the property owner providing off-street parking, the special exception does not appear to alter the essential character of the district and location in which the property is seeking the special exception."**

**Second:** Mr. Teel

**In Favor:** Love, Delmer, Ozuna

**Opposed:** Fisher, Menchaca, Cruz, Teel, Manna, Oroian, Bragman, Martinez

**Motion Fails**

**Item #4**

**BOA-20-10300046:** A request by River City Acquisitions, LLC for 1) a 125 square foot variance from the 4,000 minimum square foot requirement, 2) a 10' variance from the minimum 35' lot width requirement to allow a lot to be 25' wide, and 3) a 2' variance from the 5' minimum side setback to allow a residential home to be 3' away from the side property line, located at 625 East Drexel Avenue. Staff recommends Approval. (Council District 3) (Kayla Leal, Senior Planner (210) 207-0197, Kayla.Leal@sanantonio.gov, Development Services Department)

Staff stated 16 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition. No response from Highland Park Neighborhood Association.

**Melissa Iruegas, 625 East Drexel Ave** – Seeking variance requests in order to build a new home on vacant property.

**No Public Comment**

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-20-10300046 as presented

Mr. Teel made a **motion** for BOA-20-10300046 for approval.

"Regarding Case No. BOA-20-10300046, I move that the Board of Adjustment grant a request for 1) a 125 square foot variance from the 4,000 minimum square foot requirement to allow a lot size of 3,875, 2) a 10' variance from the minimum 35' lot width requirement to allow a lot to be 25' wide, and 3) a 2' variance from

the 5' minimum side setback to allow a residential structure to be 3' from the side property line, situated at 625 East Drexel Avenue, applicant being River City Acquisitions, 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 variance is not contrary to the public interest as the applicant is proposing to construct a single-family residence on a currently vacant lot.**

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

**The Board finds that special conditions, if enforced, would result in an unnecessary hardship. The subject property is only 25' wide and has a square footage less than the minimum requirement, so a literal enforcement of the ordinance would create difficulty in constructing a single-family 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 defined as the intent of the code, rather than the exact letter of the law. The intent of the minimum lot dimensions is to create uniformity and protect the public health, safety, and welfare. In this case, the applicant will still maintain a 3' side setback, creating enough separation from neighboring properties and structures.**

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 for variances to the lot size, width, and side and rear setbacks do not pose risks of substantially injuring the use of adjacent properties. The essential character of the district does not seem likely to be altered or affected.**

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 Board finds that the small configuration of the lot may warrant the granting of this request. The applicant was informed of the limitations incurred by the ordinance and submitted the request for a variance prior to construction."**

**Second:** Fisher

**In Favor:** Teel, Fisher, Love, Menchaca, Delmer, Cruz, Manna, Oroian, Bragman, Ozuna Martinez

**Opposed:** None

**Motion Granted**

**Mr. Martinez** called for the Board of Adjustment to take a recess at 3:26 PM. The Board of Adjustment resumed at 3:35 PM.

**Mr. Oroian** stepped down from the Board of Adjustment at 3:35 PM, recused himself from case **BOA-20-10300061**. **Ms. Trevino** joined the Board at 3:35 PM.

**Item #5**

**BOA-20-10300061**: A request by Adapt Architecture and Construction, LLC for a 10' variance from the required 20' minimum separation between garage entrance to property line to allow a garage entrance to be located 10' away from the side property line, and 2) a variance from the Clear Vision standards to allow a fence to be within the Clear Vision field, located at 205 Wellesley Boulevard. Staff recommends Approval. (Council District 10) (Dominic Silva, Senior Planner (210) 207-0120, Dominic.Silva@sanantonio.gov, Development Services Department)

Staff stated 23 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition, 2 returned in favor outside of the 200' boundary. No response from the Terrel Heights Neighborhood Association.

**Morgan Penix, Adapt Architecture & Construction, 205 Wellesley Boulevard** – Seeking variance requests for new garage and fence.

**Submitted Public comment**

Ty Sheehan, 111 Irvington Dr. – In favor

Mari Boaque, 139 West Oakview Place- In favor

Janet Grojean, 429 Bryn Mawr, 433 Bryn Mawr – In favor

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-20-10300061**, as presented

Mr. Ozuna made a **motion** for **BOA-20-10300061** for approval.

“Regarding Case No. **BOA-20-10300061**, I move that the Board of Adjustment grant a request for a 10' variance from the required 20' minimum separation between garage entrance to property line to allow a garage entrance to be located 10' away from the side property line, and 2) a variance from the Clear Vision standards to allow a fence to be within the Clear Vision field, situated at 205 Wellesley Boulevard, applicant being Adapt Architecture and Construction, 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 proposed garage is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. The garage will be surrounded by a 6' privacy fence on either side and will not be noticeable to the passersby. Further, it will be located along a curved portion of a road with adequate field of view of both north and south incoming traffic.**

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

**Due to unique shape of the applicant's corner lot, there is no point on the property where a detached garage wouldn't need a variance from the 20' garage entrance ordinance.**

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 requirement rather than the strict letter of the law. The proposed garage is not overwhelming in size compared to the principal structure, allows adequate space for maintenance of the structure without trespass, and still allows adequate field of vision of Bryn Mawr incoming traffic.**

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 variance will not permit a use not authorized within the "R-4" 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 property is located in a district characterized by detached structures within the rear property. Due to the unique shape and corner lot location, development of a detached garage must undergo a variance request. The variances requested will not injure adjacent conforming 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 variance being sought is due to the size constraints of the rear property in regard to a 20' garage entrance setback. If approved, adequate space will be reserved for setbacks, maintenance of the structure without trespass, and storm water controls. Further, the proposed garage will be out of sight behind a 6' privacy fence with gate and located on a curved ROW that allows adequate field of vision of incoming traffic."**

**Second:** Ms. Cruz

**In Favor:** Ozuna, Cruz, Love, Fisher, Menchaca, Delmer, Teel, Manna, Bragman, Trevino, Martinez

**Opposed:** None

**Motion Granted**

Ms. Trevino left the **Board of Adjustment meeting** at 3:53 PM, Mr. Oroian rejoined the **Board of Adjustment meeting** at 3:53 PM.

**Item #6** **BOA-20-10300062:** A request by Henry Guzman for 1) a 4'11" variance from the 5' side setback requirement to allow the metal carport to be 1" away from the side property line, located at 410 Pilgrim Drive. Staff recommends Denial with an Alternate Recommendation. (Council District 1) (Azadeh Sagheb, Planner (210) 207-5407, Azadeh.Sagheb@sanantonio.gov, Development Services Department)

Staff stated 35 notices were mailed to property owners within 200 feet, 2 returned in favor, and 0 returned in opposition. No response from the Dellview Area Neighborhood Association.

**Henry Guzman, 410 Pilgrim Drive** – Spoke of need of carport to protect vehicles from weather elements.

**Submitted Public comment**

Lottie Leyva, 414 Pilgrim Dr – In favor

Irma G. Sanchez, 406 Pilgrim Dr – In favor

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-20-10300062, as presented

Mr. Oroian made a **motion** for BOA-20-10300062 for approval.

“Regarding Case No. BOA-20-10300062, I move that the Board of Adjustment grant a 4'11" variance from the 5' side setback requirement to allow the metal carport to be 1" away from the side property line, situated at 410 Pilgrim Drive, applicant Henry Guzman, 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 served by setbacks. Granting the variance still provides adequate space for maintenance while maintaining accessibility to light, air, and open space.**

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

**The unnecessary hardship relates to the fact that if the variance is not granted, the applicant will not be able to utilize the carport as it was intended.**

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 setback limitation is to allow adequate space for maintenance, and encourage proper storm water drainage. All intents of this law will be observed if approved.**

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.*

**No uses other than those allowed within the district will be allowed with this variance.**

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.*

**This variance would not substantially injure or alter the use or character of adjacent conforming property or character of the district. The subject structure that the variance is requested for follows a community norm of reduced side setbacks built within the vicinity.**

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 proposed carport will preserve the character of the neighborhood with adequate space utilized for maintenance of the structure, storm water drainage, and accessibility to light, air, and open space.”**

**Second:** Mr. Manna

**In Favor:** Oroian, Manna, Love, Fisher, Delmer, Cruz, Teel, Bragman, Ozuna, Martinez

**Opposed:** Menchaca

**Motion Granted**

**Item #7**

**BOA-20-10300066:** A request by Erick Hanken for 1) a 604 square feet variance from the 4000 square feet minimum lot size requirement to allow a lot size to be 3,396 square feet, and 2) a 3’ variance from the 35’ minimum lot width to allow the lot width to be 32’, located at 206 East Lubbock Street. Staff recommends Approval. (Council District 5) (Azadeh Sagheb, Planner (210) 207-5407, Azadeh.Sagheb@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 response from the Lone Star Neighborhood Association.

**Erick Hanken, 206 East Lubbock Street** – Seeking variance requests to allow to keep a manufactured home on the lot. The home is for a family member with dementia.

**Submitted Public comment**

JD Stempson 225 East Lubbock St – In favor

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-20-10300066, as presented

Ms. Cruz made a **motion** for BOA-20-10300066 for approval.

“Regarding Case No. BOA-20-10300066, I move that the Board of Adjustment grant 1) a 604 square feet variance from the 4000 square feet minimum lot size requirement to allow a lot size to be 3,396 square feet, and 2) a 3’ variance from the 35’ minimum lot width size to allow the lot width size to be 32’, situated at 206 East Lubbock Street, applicant being Erick Hanken, 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 lot size that maintain neighborhood character and given the lot constraints, granting the variances still provides adequate accessibility to light, air, and open space.**
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*  
**A literal enforcement of the ordinance related to the lot size and lot width would result in unnecessary hardship by going through the rezoning process.**
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*  
**The property on these variances relates to an arbitrary lot created long ago prior to the current owner’s purchase. The owner acquired the property with the current specific size and has invested time and effort for its development.**
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.*  
**No uses other than those allowed within the district will be allowed with these variances.**
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 subject property and the adjacent properties are residential. Further, since it is the same residential use, these variances would not substantially injure or alter the use or character of adjacent conforming property or 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 unique circumstances existing on the property are neither due to the general conditions of the district, nor due to the owner, and is not financial in nature. This is created by the proliferation of older, outdated substandard lots.”**

**Second:** Ms. Fisher

**In Favor:** Cruz, Fisher, Love, Menchaca, Delmer, Teel, Manna, Oroian, Bragman, Ozuna, Martinez

**Opposed:** None

**Motion Granted**

**Item #7      Consideration and approval of the July 20, 2020 Board of Adjustment Minutes.**

**Motion:** Chair Martinez asked for a motion for approval of the July 20, 2020 minutes as presented.

Mr. Manna made a **motion** for approval of July 20, 2020 minutes.

**Second:** Mr. Martinez

**In Favor:** Manna, Love, Fisher, Menchaca, Delmer, Cruz, Teel, Oroian, Bragman, Ozuna, Martinez

**Opposed:** None

**Minutes Approved**

Staff mentioned the rest of the summer Board of Adjustment meetings will be held by videoconference.

**Adjournment**

There being no further business, the meeting was adjourned at 4:28 p.m.

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

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

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

DRAFT