

City of San Antonio



**Draft**

**Board of Adjustment Minutes**

Development and Business Services

Center

1901 South Alamo

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**August 17, 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

Anisa Schell, 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

**1:03 P.M. - Call to Order**

**- Roll Call**

**- Present:** Schell, Menchaca, Cruz, Teel, Manna, Oroian, Bragman, Ozuna, 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-20-10300071**: A request by SAR Global for a variance from the minimum 200' sign separation to allow a sign to be as close as 150' separated from existing signs, located at 12485 IH-10 West. Staff recommends Approval. (Council District 8) (Dominic Silva, Senior Planner (210) 207-0120, Dominic.Silva@sanantonio.gov, Development Services Department)

Staff stated 7 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition.

**Nicholas Harris, 12485 IH-10 West** – Seeking variance to erect a multi-tenant sign to include business names of new properties constructed.

**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.

**Chair Oroian** requested a recess at 1:25 pm, to fix the feedback from the polycom. The **Board of Adjustment** resumed at 1:38 pm.

**Motion:** Chair Oroian asked for a motion for item BOA-20a-10300071, as presented

Mr. Manna made a **motion** for BOA-20-10300071 for approval

“Regarding Case No. BOA-20-10300071, I move that the Board of Adjustment grant a request from the minimum 200' sign separation to allow a sign to be as close as 150' separated from existing signs, situated at 12485 IH-10 West, applicant being SAR Global, 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 Chapter 28, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; or*
2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property.*

**Due to the once existing sign, the proposed sign within the same area is warranted and will conform to existing conditions of the commercial area.**

3. After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:
- A. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.  
**The request is not out of character with the surrounding commercial properties and the sign will not block any existing business, similar height signs within the area.**
- B. Granting the variance will not have a substantially adverse impact on neighboring properties.  
**The proposed variance will not have an adverse impact on neighboring properties as surrounding properties have similar signage. Further, the proposed sign and recently developed commercial multi-tenant building was once the site of an existing restaurant with a commercial advertising sign that was demolished**
- C. Granting the variance will not substantially conflict with the stated purposes of this article.  
**The requested variance does not conflict with the stated purpose of the chapter. The requested sign separation provides reasonable limits on signage to help preserve economic cornerstones. Further, the request will not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs."**

Second: Ms. Cruz

**Chair Oroian** requested a recess at 1:45 pm, to fix the feedback from the polycom. The **Board of Adjustment** resumed at 1:51 pm.

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

**Opposed:** None

**Motion Granted**

- Item # 2** **BOA-20-10300068:** A request by Aldo Ramirez for an appeal of the Historic Preservation Officer's decision to issue a Certificate of Appropriateness, located at 415 Willow Street. Staff recommends Denial. (Council District 2) (Edward Hall, Senior Historic Preservation Specialist, (210) 207-4680, edward.hall@sanantonio.gov, Office of Historic Preservation; Azadeh Sagheb, Planner (210) 207-5407, Azadeh.Sagheb@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 response from the Dignowity Hill Neighborhood Association.

**Aldo Ramirez, 415 Willow** – Representing Owner, Eduardo Villalon. Requesting to keep windows installed.

**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-20-10300068, as presented

Mr. Manna made a **motion** for BOA-20-10300068 for approval

“Regarding Case No. BOA 20 10300068, 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 415 Willow St., applicant being Aldo Ramirez.”

**Second:** Ms. Trevino

**In Favor:** Love, Ozuna, Oroian

**Opposed:** Manna, Trevino, Schell, Menchaca, Cruz, Teel, Bragman

**Motion Fails**

**Item #3**

**BOA-20-10300072:** A request by Leticia G Bolanos for 1) a 3’11” variance from the required 5’ side setback requirement to allow the carport to be 1’1” away from the side property line, located at 4430 Summer Sun Lane. Staff recommends Denial. (Council District 2) (Azadeh Sagheb, Planner (210) 207-5407, Azadeh.Sagheb@sanantonio.gov, Development Services Department)

Staff stated 33 notices were mailed to property owners within 200 feet, 1 returned in favor, and 0 returned in opposition.

**Leticia Bolanos, 4430 Summer Sun Lane** – Requesting setback variance to keep carport as constructed.

**Submitted Public Comments**

Barbara Baker – 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 Oroian asked for a motion for item BOA-20-10300072, as presented

Ms. Cruz made a **motion** for BOA-20-10300072 for approval

“Regarding Case No. BOA-20-10300072, I move that the Board of Adjustment grant a request for a 3’11” variance from the required 5’ side setback to allow a carport to be 1’1” away from the side property line, situated at 4430 Summer Sun Lane, applicant being Leticia G Bolanos, 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. In this instance, the carport maintains adequate space for maintenance and fire separation 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 prevent fire spread, 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 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 in 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.*  
**This variance would not substantially injure or alter the use or character of adjacent conforming property or character of the district. The structure the variance is requested for follows a community norm of reduced side setbacks built within the area.**
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 is built in 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. Teel

**In Favor:** Cruz, Teel, Schell, Bragman, Ozuna, Oroian

**Opposed:** Trevino, Menchaca, Love, Manna, Martinez

**Motion Fails**

Motion to reconsider was made by **Mr. Martinez** for item BOA-20-10300072.

**Second:** Mr. Manna

**In Favor:** Schell, Trevino, Cruz, Teel, Manna, Oroian, Bragman, Ozuna, Martinez

**Opposed:** Menchaca, Love

Motion to reconsider made by **Mr. Martinez** for item BOA-20-10300072, as presented.

“Regarding Case No. BOA-20-10300072, I move that the Board of Adjustment grant a request for a **3’** variance from the required 5’ side setback to allow a carport to be **2’** away from the side property line, situated at 4430 Summer Sun Lane, applicant being Leticia G Bolanos, 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:** Ms. Trevino

**In Favor:** Martinez, Trevino, Schell, Menchaca, Love, Cruz, Teel, Manna, Oroian, Bragman, Ozuna

**Opposed:** None

**Motion Granted**

**Chair Martinez** joined the **Board of Adjustment** at 3:03 pm. **Mr. Oroian** resumed as Vice Chair.

**Item #4**

**BOA-20-10300074:** A request by Ziga Architecture Studio PLLC for a request for an 8’ variance from the required 20’ rear setback to allow a new attached addition to be 12’ away from the rear property line, located at 2827 Quail Oak Street. Staff recommends Approval. (Council District 10) (Dominic Silva, Senior Planner (210) 207-0120, Dominic.Silva@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.

**Felix Ziga, 2827 Quail Oak** – Requesting variance to allow space to build an attached addition to the home for their elderly mother.

**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-20-10300074 as presented

Mr. Teel made a **motion** for BOA-20-10300074 for approval.

“Regarding Case No. BOA-20-10300074, I move that the Board of Adjustment grant a request for an 8’ variance from the required 20’ rear setback to allow a new attached addition to be 12’ away from the rear property line, situated at 2827 Quail Oak Street, applicant being Ziga Architecture Studio, PLLC, 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 attached addition is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. The addition will be surrounded by a 6’ privacy fence and dense foliage and will not be noticeable to the passersby.**
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship. Due to the limited space in the rear of the applicant’s lot, along with the 12’ utility easement, the applicant would need a variance regardless if an attached or detached addition is proposed.*
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 addition is not overwhelming in size compared to the principal structure, allows adequate space for maintenance of the structure without trespass, keeps the character of the home unchanged.**
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-6” 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 unique custom homes with limited space within the rear property. Because of this, a variance is necessary at any point an addition is proposed for this property and others within the area.**
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 proposed addition. If approved, adequate space will be reserved for maintenance of the structure without trespass, storm water controls, and adequate fire separation. Further, the proposed addition will be out of sight by the primary residence and dense foliage.”**

**Second:** Mr. Oroian

**In Favor:** Teel, Oroian, Schell, Trevino, Menchaca, Love, Cruz, Manna, Bragman, Ozuna, Martinez

**Opposed:** None

**Motion Granted**

**Item #5**     **BOA-20-10300065:** A request by Christian Rios for 1) a 2,500 square foot variance to the 5,000 square foot minimum lot size requirement to allow the lot size to be 2,500 square feet and 2) a 15' variance from the rear property line to allow a single-family residence to be 5' away from the rear property line, located at 4814 Sierra Street. Staff recommends Approval. (Council District 5) (Kayla Leal, Senior Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Staff stated 24 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition.

**Christian Rios, 4814 Sierra Street** – Requesting variance to allow for space to build a new home near his mother.

**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-20-10300065, as presented

Mr. Oroian made a **motion** for BOA-20-10300065 for approval.

“Regarding Case No. BOA-20-10300065, I move that the Board of Adjustment grant a request for 1) a 2,500 square foot variance to the 5,000 square foot minimum lot size requirement to allow the lot size to be 2,500 square feet and 2) a 15' variance from the rear property line to allow a single-family residence to be 5' away from the rear property line, situated at 4814 Sierra Street, applicant being Christian Rios, 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 50' in depth 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 the 5' side and rear 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 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:** Ms. Cruz

**In Favor:** Oroian, Cruz, Schell, Trevino, Menchaca, Love, Teel, Manna, Bragman, Ozuna, Martinez

**Opposed:** None

**Motion Granted**

**Item #6**

**BOA-20-10300067:** A request by Diana Cavazos for a 2' special exception to allow a fence to be 8' tall along the northern side property line and the rear property line, located at 11334 Morino Park. Staff recommends Approval. (Council District 8) (Kayla Leal, Senior Planner (210) 207-0197, [kayla.leal@sanantonio.gov](mailto:kayla.leal@sanantonio.gov), Development Services Department)

Staff stated 34 notices were mailed to property owners within 200 feet, 3 returned in favor, and 0 returned in opposition.

**Diana Cavazos, 11334 Morino Park** – Requesting a special exception to increase fence to 8'. They recently put a pool in and the fence would add privacy and security.

**Submitted Public comment**

Florence Krater, 11326 Morino Park – In favor

Martin & Bonnie Bahr, 11328 Cedar Park – In favor

Leanne Conklin, 11327 Morino Park – 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-20-10300067, as presented

Ms. Bragman made a **motion** for BOA-20-10300067 for approval.

“Regarding Case No. BOA-20-10300067, I move that the Board of Adjustment grant a 2’ special exception to allow a privacy fence to be up to 8’ tall along the northern side property line and the rear property line, situated at 11334 Morino Park, applicant being Diana Cavazos 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 is intended to provide privacy of the applicant’s property due to the location of the swimming pool. 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 applicant states the slight elevation of the property in relation to the street level results in less privacy. An 8-foot tall wooden fence along the side property line and a portion of the rear property line will provide additional privacy for the applicant’s property. This is not contrary to the public interest.**
3. *The neighboring property will not be substantially injured by such proposed use.*  
**The fence will create enhanced security and privacy for the subject property and is highly unlikely to injure adjacent properties. The material and style of the fence is similar to other fences and will not be noticeable from the right-of-way. 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 fencing does not detract from the character of the neighborhood. The fencing is in line with other preexisting fencing material within the immediate vicinity.**

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

**The current zoning permits the current use of a single-family home. The requested special exception will not weaken the general purpose of the district.”**

**Second:** Ms. Cruz

**In Favor:** Bragman, Cruz, Schell, Trevino, Menchaca, Love, Teel, Manna, Oroian, Ozuna, Martinez

**Opposed:** None

**Motion Granted**

**Item #7      Consideration and approval of the August 3, 2020 Board of Adjustment Minutes.**

**Motion:** Chair Martinez asked for a motion for approval of the August 3, 2020 minutes as presented.

Ms. Cruz had one correction on the first page of draft minutes. The date at the top needed to be changed.

Ms. Cruz made a **motion** for approval of August 3, 2020 minutes.

**Second:** Mr. Manna

**In Favor:** Cruz, Manna, Schell, Trevino, Menchaca, Love, Teel, Oroian, Bragman, Ozuna, Martinez

**Opposed:** None

**Minutes Approved**

**Adjournment**

There being no further business, the meeting was adjourned at 3:46 p.m.

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

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

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

DRAFT