

City of San Antonio



**Draft**

**Board of Adjustment Minutes**

Development and Business Services

Center

1901 South Alamo

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**January 11, 2021**

**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 | Seymour Battle III, District 2  
Abel 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  
Vacant | Kevin W. Love | Jonathan Delmer

**1:04 P.M. - Call to Order**

- **Roll Call**
- **Present:** Menchaca, Delmer, Trevino, Cruz, Teel, Manna, Bragman, Fisher, Oroian, Ozuna, Martinez
- **Absent:** Britton, Battle, Schell

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-20-10300136:** A request by Ben Allen for an Appeal of the revocation of the Certificate of Occupancy, located at 2023 Sable Lane. Staff recommends Denial. (Council District 10) (Zenon Solis, Principal Planner (210) 207-7796, zenon.solis@sanantonio.gov, Development Services Department)

Staff stated 17 notices were mailed to property owners within 200 feet, 0 returned in favor, and 2 returned in opposition, 1 in opposition (Anonymous). No registered Neighborhood Association.

**Ben Allen & Casey Wallace, 2023 Sable Lane** – Requesting the reinstatement of the certificate of Occupancy and be allowed to reopen.

**Submitted Public Comment**

Woodcrest Bills – In opposition

Darla & Gary Pundt, 8719 Broadway – In opposition

Ruben Carrasquillo, General Manager Marriot – 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.

Chair Martinez asked for a motion for item BOA-20-10300136, as presented

Mr. Oroian made a **motion** for BOA-20-10300136 for approval

“Regarding Case No. BOA 20 10300136, I move that the Board of Adjustment grant an appeal of the revocation of the Certificate of Occupancy for the property at 2023 Sable Lane, applicant being Ben Allen.”

**Second:** Ms. Trevino

**In Favor:** Oroian, Trevino, Delmer

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

**Motion Fails**

**Item # 2**      **BOA-20-10300130:** A request by Killen, Griffin & Farrimond, for a 15' sign variance from the sign height maximum of 40' to allow for a 55' tall sign, generally located south of the Potranco Road and Stevens Parkway intersection. Staff recommends Approval. (Outside City Limits) (Zenon Solis, Principal Planner (210) 207-7796, Zenon.Solis@sanantonio.gov, Development Services Department)

Staff stated 4 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition. No registered Neighborhood Association.

**Emilie Weissler, One International Centre, 100 NE Loop 410** – Requesting variance to allow sign to be 55' tall. The visual aid will allow restaurant sign to be visible from highway.

### 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 Martinez asked for a motion for item BOA-20-10300130, as presented

Mr. Ozuna made a **motion** for BOA-20-10300130 for approval

“Regarding Case No. BOA-20-10300130, I move that the Board of Adjustment grant request for a 15' sign variance from the sign height maximum of 40' to allow for a 55' tall sign, situated at Generally located south of the Potranco Road and Stevens Parkway intersection, applicant being Killen, Griffin & Farrimond, 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 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. Due to the unique features of the elevated thoroughfares and underdeveloped commercial neighborhood, the proposed 55' tall sign is warranted and will conform to existing conditions of the neighborhood.*
2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property.*
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 will not distract the character of 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 requested variance will not have an adverse impact on neighboring properties as surrounding properties have similar signage. Additionally, the requested variance is intended create effective communication for motorist travelers.**
  - 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 height provides reasonable limits on signage to help preserve economic cornerstones. Further, it will not cause traffic hazards by confusing or distracting drivers.”**

**Second:** Mr. Oroian

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

**Opposed:** Menchaca, Manna

**Motion Granted**

**Chair Martinez** called for the Board of Adjustment to take a recess at 3:19 p.m. The Board of Adjustment returned at 3:27 p.m.

**Item #3**

**BOA-20-10300131:** A request by Killen, Griffin & Farrimond, PLLC, for a 20' sign variance from the sign height maximum of 40' to allow for a 60' tall single-tenant sign, located at 1852 North Foster Road. Staff recommends Denial with an Alternate Recommendation. (Outside City Limits) (Zenon Solis, Principal Planner (210) 207-7796, Zenon.Solis@sanantonio.gov, Development Services Department)

Staff stated 5 notices were mailed to property owners within 200 feet, 1 returned in favor, and 0 returned in opposition. No registered Neighborhood Association.

**James Griffin, One International Centre, 100 NE Loop 410** - Requesting variance to allow sign to be 55' tall. The visual aid will allow sign to be visible from highway without obstructions.

**Submitted Public Comments**

McCombs Family Partners, 755 E. Mulberry Ave, Ste 600 – 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.

Chair Martinez asked for a motion for item BOA-20-10300131, as presented

Mr. Oroian made a **motion** for BOA-20-10300131 for approval

“Regarding Case No. BOA-20-10300131, I move that the Board of Adjustment grant request for a for a 20' sign variance from the sign height maximum to allow for 60' tall single-tenant sign, situated at Generally located north of IH-10 East and North Foster Road, applicant being Killen, Griffin & Farrimond, 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 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.*

**The granting of requested variance for an additional 20' in height is warranted and will conform to existing conditions of the commercial node.**

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 Board finds that a taller sign would neither distract the character of existing commercial properties nor potential future development.**
  - B. *Granting the variance will not have a substantially adverse impact on neighboring properties.*

**A 60' sign will not have an adverse impact on neighboring properties which consist of gas stations, food services and business. Further, due to the nature of the McDonald's minimal sign square footage, the proposed sign will not be a substantially large sign field.**
  - C. *Granting the variance will not substantially conflict with the stated purposes of this article.*

**The increased height to 60' will not detract from future development. Further, the requested variance, if granted, will not impair the driver's ability to see pedestrians, obstacles, or other vehicles or to read traffic signs."**

**Second:** Mr. Ozuna

**In Favor:** Oroian, Ozuna, Trevino, Delmer, Fisher, Teel, Bragman, Martinez

**Opposed:** Menchaca, Manna, Cruz

**Motion Fails**

**Mrs. Cruz made** a Motion to Reconsider for BOA-20-10300131

**Second:** Menchaca

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

**Opposed:** None

**Motion to reconsider Granted**

**Mrs. Cruz** made a motion to reconsider BOA-20-10300131 with amendments.

“Regarding Case No. BOA-20-10300131, I move that the Board of Adjustment grant request for a for a **10'** sign variance from the sign height maximum to allow for **50'** tall single-tenant sign, situated at Generally located north of IH-10 East and North Foster Road, applicant being Killen, Griffin & Farrimond, 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.”

**Second:** Menchaca

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

**Opposed:** Manna

**Motion Granted**

**Item #4**

**BOA-20-10300115:** A request by Ryan Casanova for 1) a 4' 10" variance from the minimum 5' side setback to allow a carport to be 2" away from the side property line, 2) a variance to allow plastic as a fencing material, and 3) a special exception to allow a portion of the side yard fence to be 8' tall and zoning variances from the Beacon Hill Neighborhood Conservation District (NCD-5) carport design regulations (a) is recessed a minimum of 5' behind the principal structure front facade, (b) vertical support or structural elements shall match the exterior materials of the principal structure in design, scale, proportion, placement, and profile, (c) has a roof that meets the principal structure below the principal structure's eaves, (d) a 4' variance to the maximum 12' driveway width design regulation to allow a driveway width to be 16', and (e) 1' 3" variance to the curb cut maximum of 15' to allow a curb cut to be 16' 3", located at 1127 West Rosewood Avenue. Staff recommends Denial with an Alternate Recommendation. (Council District 1) (Kayla Leal, Senior Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Staff stated 33 notices were mailed to property owners within 200 feet, 3 returned in favor, and 0 returned in opposition. No response from Beacon Hill Neighborhood Association.

**Ryan Casanova, 1127 West Rosewood Avenue** – Requesting variance to allow carport. Carport is needed for protection of vehicles.

**Submitted Public Comment**

Amy Puente, 1128 W. Rosewood – In favor

Estela Foster, 1118 W. Rosewood – In favor

Juan Torres, 1146 W. Rosewood – In favor

Christy McColton, 817 W. Magnolia Ave, Beacon Hill NA – 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.

At approximately 4:30 pm, the **Board of Adjustment** took a recess due to technical difficulties. The meeting resumed at approximately 5 pm. At the time during the recess, **Mr. Delmer** left the **Board of Adjustment** meeting.

**Motion:** Chair Martinez asked for a motion for item BOA-20-10300115 as presented

Mr. Oroian made a **motion** for BOA-20-10300115 for approval.

“Regarding Case No. BOA-20-10300115, I move that the Board of Adjustment grant a request for 1) a **3”** variance from the minimum 5’ side setback to allow a carport to be 2” away from the side property line and zoning variances **as requested by the applicant** from the Beacon Hill Neighborhood Conservation District carport and driveway design regulations **with the acceptance of requested item a) the carport to be recessed a minimum of 5’ behind the principal structure front facade** situated at 1127 West Rosewood Avenue, applicant being Ryan Casanova, 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 variance requested for the side setback encroachment of the carport is not contrary to the public interest as the applicant has enough separation from neighboring structures. The carport and driveway are not contrary to the public interest as it is maintained and accommodates two vehicles, which reduces on-street parking.**
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*  
**The Board finds that any special conditions that, if enforced, would result in 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 defined as the intent of the code, rather than the exact letter of the law. The intent of the side setback is to provide spacing between neighboring structures and the intent of the Beacon Hill NCD Design Guidelines is to promote uniformity in the community. The applicant will still maintain space between structures and the design of the carport and driveway will not stray far from the spirit of the ordinance.**
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 Board finds the request to reduce the side setback and request for variances from the NCD design guidelines do not pose a risk of substantially injuring the use of adjacent properties and does not seem likely to alter the essential character of the district.**

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

**The 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. Given the other design standards being consistent with the Neighborhood Conservation District, the requested variances are in line with the character of the neighborhood.”**

Friendly amendment made by Mr. Oroian for BOA-20-10300115

“Regarding Case No. BOA-20-10300115, I move that the Board of Adjustment grant a request for 1) a **4’** variance from the minimum 5’ side setback to allow a carport to be **1’** away from the side property line and zoning variances **as requested by the applicant** from the Beacon Hill Neighborhood Conservation District carport and driveway design regulations **with the acceptance of requested item a) the carport to be recessed a minimum of 5’ behind the principal structure front facade** situated at 1127 West Rosewood Avenue, applicant being Ryan Casanova, 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:** Teel

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

**Opposed:** None

**Motion granted**

**Motion:** Chair Martinez asked for a motion for item BOA-20-10300115 special exception as presented

**Mr. Oroian** made a motion for the special exception for BOA-20-10300115

“Regarding Case No. BOA-20-10300115, I move that the Board of Adjustment grant 3) a special exception to allow a portion of the side yard fence to be 8’ tall, situated at 1127 West Rosewood Avenue, applicant being Ryan Casanova, 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. The additional fence height is intended to provide safety and security of the applicant’s property. 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 fence heights to protect residential property owners while still promoting a sense of community. An 8' fence along the side yard will provide additional security 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 fence is similar to other fences and is not noticeable from the right-of-way.**
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 special exception for the fence height does not detract from the character of 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 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:** Cruz

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

**Motion Granted**

**Item #5**

**BOA-20-10300121:** A request by Adam Word Gates for a 2'9" variance to allow a carport to be 2'3" away from the side property line with a 1' overhang, located at 311 W Meadowlane Drive. Staff recommends Denial with an Alternate Recommendation. (Council District 10) (Azadeh Sagheb, Planner (210) 207-5407, Azadeh.Sagheb@sanantonio.gov, Development Services Department)

Staff stated 25 notices were mailed to property owners within 200 feet, 1 returned in favor, and 0 returned in opposition. No response from Terrell Heights Neighborhood Association.

**Adam Word Gates, 311 W. Meadowland Drive** – Requesting variance for 2' overhang setback to allow to build carport to be build for vehicles.

**Submitted Public comment**

Meredith Miller, 307 W Meadowlane 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-20-10300121 as presented

Mr. Teel made a **motion** for BOA-20-10300121 for approval.

“Regarding Case No. BOA-20-10300121, I move that the Board of Adjustment grant request for a 2’9” variance, to allow a carport to be 2’3” away from the side property line with a 1’ overhang, situated at 311 West Meadowlane Drive, applicant being Adam Word Gates, 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 requested for the side setback encroachment of the carport is not contrary to the public interest as there is enough space for long term maintenance and fire protection.**

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

**Staff finds that any special conditions that, if enforced, would result in unnecessary hardship and the applicant cannot proceed with the design as 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 defined as the intent of the code, rather than the exact letter of the law. The intent of the side setbacks is to provide spacing between neighboring structures. The requested variance would leave enough space between the subject property and adjacent neighbor. The spirit of the ordinance would be observed.**

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” 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 request to reduce the side setback does not seem likely to alter the essential character of the district. There would be adequate space for maintenance without trespassing.**

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. Due to the lot size, there is not sufficient room to build the carport according to the required setbacks.”**

**Second:** Mr. Oroian

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

**Opposed:** None

**Motion Granted**

**Item #6**      **BOA-20-10300123:** A request by Fernando De Leon for a 10” variance to the minimum 5’ side setback to allow a single-family home to be 4’ 2” away from the side property line, located at 135 Katy Way. Staff recommends Approval. (Council District 2) (Kayla Leal, Senior Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Staff stated 20 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition. No registered Neighborhood Association.

**Fernando De Leon, 135 Katy Way** – Requesting variance to allow side property line to be 10” from setback.

**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-20-10300123, as presented

Ms. Bragman made a **motion** for BOA-20-10300123 for approval.

“Regarding Case No. BOA-20-10300123, I move that the Board of Adjustment grant a request for a 10” variance to the minimum 5’ side setback to allow a single-family home to be 4’ 2” away from the side property line, situated at 135 Katy Way, applicant being Fernando De Leon, 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 variance is requested because a portion of the structure encroaches 10” to the side setback due to a construction error. The variance is not contrary to the public interest as the structure will maintain adequate distance from the adjacent structure.**
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*  
**The Board finds that any special conditions that, if enforced, would result in 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 defined as the intent of the code, rather than the exact letter of the law. The intent of the side setback is to provide spacing between neighboring structures. The applicant will still maintain space between structures with the variances.**

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 Board finds the request to reduce the side setback does not pose a risk of substantially injuring the use of adjacent properties and does not seem likely to alter the essential character of the district.**

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

**The 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.”**

**Second:** Ms. Fisher

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

**Opposed:** None

**Motion Granted**

**Item #7**

**BOA-20-10300110:** A request by Elvira Salazar for 1) a special exception to allow an 8’ solid screen fence on the side property, 2) a special exception to allow a privacy fence to be up to 8’ tall along the side property line within the front yard, and 3) a 5’9” variance from the Clear Vision standards to allow a fence to be 9’ 3” within the Clear Vision field, located at 139 Arizona Avenue. Staff recommends Denial with an Alternate Recommendation. (Council District 5) (Azadeh Sagheb, Planner (210) 207-5407, Azadeh.Sagheb@sanantonio.gov, Development Services Department)

Staff stated 48 notices were mailed to property owners within 200 feet, 2 returned in favor, and 0 returned in opposition. No response from El Charro Neighborhood Association.

**Elvira Salazar, 139 Arizona Avenue-** - Requesting a special exception for a solid screen fence on the side of her property to be up to 8’. The fence is needed for privacy and protection of property.

**Submitted Public comment**

Alfonso F. Moreno, 135 Arizona Ave – In favor

Cesar Amador, 143 Arizona Ave – In favor

Rosemay Esquivel, 137 Arizona Ave – 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-20-10300110 as presented

Mr. Oroian made a **motion** for BOA-20-10300110 for approval.

“Regarding Case No. BOA-20-10300110, I move that the Board of Adjustment 1) a special exception to allow an 8’ solid screen fence on the side property, and 2) a special exception to allow a privacy fence to be up to 8’ tall along the side property line within the front yard, situated at 139 Arizona Avenue, applicant being Elvira Salazar, 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 an 8’ tall fence. The intention of additional fence height is to provide safety and security for the applicant. If granted, the spirit and purpose of the chapter would be preserved.**
2. *The public welfare and convenience will be substantially served.*  
**The maximum fence height will protect residential property owners while still promoting a sense of community. An 8’ tall closed wooden fence along the side property line will provide additional security and privacy for the applicant’s property. It is not contrary to the public interest.**
3. *The neighboring property will not be substantially injured by such proposed use.*  
**Installing an 8’ tall closed fence on the side property line will increase security and privacy for the subject property. This is highly unlikely to injure neighboring properties. The physical appearance of the fence is in harmony with the other fences in the surrounding area. The Clear Vision standards is not in violation.**
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 proposed fence is in line with other preexisting fencing material and height within the immediate vicinity. The fencing does not seem likely to alter the essential character of the district.**
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:** Mrs. Cruz

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

**Opposed:** None

**Motion Granted**

**Item #8      Consideration and approval of the December 21, 2020 Board of Adjustment Minutes.**

**Motion:** Chair Martinez asked for a motion for approval of the December 21, 2020 minutes as presented.

Mr. Manna made a **motion** for approval of December 21, 2020 minutes

**Second:** Mr. Menchaca

**In Favor:** Manna, Menchaca, Trevino, Teel, Oroian, Bragman, Martinez

**Opposed:** None

Mr. Ozuna and Mrs. Cruz were not present for the December 21th meeting and did not make a motion for the minutes.

**Minutes Approved**

**Adjournment**

There being no further business, the meeting was adjourned at 6:40 p.m.

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

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

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

DRAFT