

City of San Antonio



**Draft**

**Board of Adjustment Minutes**

Development and Business Services

Center

1901 South Alamo

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**March 1, 2021**

**1:00PM**

**Videoconference**

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Board of Adjustment Members

A majority of appointive Members shall constitute a quorum.

Vacant, 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

Jonathan Delmer, District 10

Alternate Members

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

Kevin W. Love | Vacant

**1:01 P.M. - Call to Order**

**- Roll Call**

**- Present:** Schell, Menchaca, Cruz, Manna, Bragman, Delmer, Trevino, Fisher, Teel, Ozuna, Oroian (Ms. Cruz joined the Board of Adjustment meeting at 1:05 pm)

**- Absent:** Britton, Battle

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**     **(Continued from 02/01/2021) BOA-20-10300135:** A request by Ziga Architecture Studio PLLC for a request for a 5' variance to the minimum 10' rear setback, to allow two structures to be 5' away from the rear property line at 313 N Pine St. Staff recommends Approval. (Council District 2) (Mirko A. Maravi, Senior Planner, 210-207-0107, Mirko.Maravi@sanantonio.gov, Development Services Department)

Staff stated 22 notices were mailed to property owners within 200 feet, 6 returned in favor, and 5 returned in opposition. The Dignowity Hill Neighborhood Association is in favor.

**Felix Ziga, 313 N Pine St** – Requesting variance for rear setback. The two structures will face N Pine St. The rear of the property will be 5' from the side property line of the adjacent property.

**Submitted Public Comment**

Mark Koozie, 1120 E Crockett & 119 Potomac St - In opposition

Elena Martinez, President - Dignowity Hill NA – In favor

Ben Dowin, 118 – 130 Boston St – In favor

Rudy Martinez, 737 N Ceder St – In favor

Richard Gabriel, 1126 E Crockett St – In favor

Earl Wright, 1133 E Crockett – In favor

Sharon, 1133 E Crockett – In favor

Rene Belmore, 1201 E Crockett – In favor

Manny Rodriguez, 125 Potomac – In favor

Daniel, 118 Potomac – In favor

Alvin Wayne Weathers – In favor

Stephanie Islas, 319 N Pine St – In favor

Resident, 1212 Nolan St – In favor

Resident, 115 Saint John – 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 Oroian asked for a motion for item BOA-20-10300135, as presented

Mr. Ozuna made a **motion** for BOA-20-10300135 for approval

“Regarding Case No. BOA-20-10300135, I move that the Board of Adjustment grant a request for a 5' variance to the minimum 10' rear setback to allow two structures to be 5' away from the rear property line, situated at 313 N Pine St., 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 rear setback variance of 5'-0" is not contrary to the public interest.**
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*  
**Literal enforcement of the ordinance would directly impact the feasibility of the new construction project as envisioned by the owners and designed, and as approved by the Office of Historic Preservation and the Historic & Design Review Commission.**
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*  
**By granting of the variance, the spirit of the ordinance will be observed and substantial justice will be done.**
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.*  
**This variance request only affects the minimum rear setback and allowable buildable area and does not impact the operation of a use not specifically authorized for the RM-4 zoning district.**
5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*  
**The requested variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the neighborhood. Many neighboring properties have reduced rear setbacks due to the historic character of the neighborhood and evolution of the urban fabric, and subdivision of lot parcels through the years.**
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 of this property that create the plight of the owner are the corner lot condition, historic design guidelines, and project design as approved by the Office of Historic Preservation and the Historic & Design Review Commission. The unique circumstances were not created by the current owner of the property and are not merely financial and are not due to the result of general conditions in the district in which the property is located."**

**Second:** Cruz

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

**Opposed:** None

**Motion Granted**

**Item #2      Consideration and approval of the February 1, 2021 Board of Adjustment minutes.**

**Motion:** Chair Oroian asked for a motion for approval of the February 1, 2021 minutes as presented.

Mrs. Cruz made a **motion** for approval of February 1, 2021 minutes

**Second:** Fisher

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

**Opposed:** None

**Minutes Approved**

**Item #3      Case Discussion - Discussion of case backlog due to inclement weather.**

Staff mentioned the next two Board of Adjustment meetings will have full case loads due to backlog caused by February's inclement weather.

**Adjournment**

There being no further business, the meeting was adjourned at 1:53 p.m.

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

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

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

DRAFT