

City of San Antonio



**Draft**

**Board of Adjustment Minutes**

Development and Business Services

Center

1901 South Alamo

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**May 17, 2021**

**1:00PM**

**Videoconference**

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**Board of Adjustment Members**

A majority of appointive Members shall constitute a quorum.

Donald Oroian, District 8, Chair

Andrew Ozuna, Mayor, Vice Chair

Seth Teel, District 6, Pro-Tem

Anisa Schell, District 1 | Seymour Battle III, District 2

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

Maria Cruz, District 5 | 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

**1:05 P.M. - Call to Order**

**- Roll Call**

**- Present:** Schell, Menchaca, Fisher, Cruz, Manna, Bragman, Delmer, Teel, Ozuna, Oroian, Love (*joined meeting after roll call was taken*)

**- 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**      **BOA-21-10300042:** A request by Jose Fong for an appeal to the Administrative Official's decision of Denial for a Nonconforming Use Registration for “Live Entertainment Without Cover Charge 3 or More Days per Week”, located at 2831 NW Loop 410. Staff recommends Denial. (Council District 1) (Mirko Maravi, Senior Planner, 210-207-0107, Mirko.Maravi@Sanantonio.gov, Development Services Department)

Staff stated 10 notices were mailed to property owners within 200 feet, 0 returned in favor, and 1 voicemail returned in opposition. No registered Neighborhood Association.

**Christopher Strong, 2831 NW 410** – Requesting a continuance to the June 7, 2021 Board of Adjustment meeting.

Chair Oroian asked for a motion for item BOA-20-10300042, to be continued to the June 7, 2021 Board of Adjustment meeting.

Ms. Bragman made a **motion** for BOA-20-10300042 for approval

**Second:** Cruz

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

**Opposed:** None

**Motion Granted**

**Item #2**      **BOA-21-10300049:** A request by Hilda DeHoyos for a request for a special exception to allow a registration of a one-operator beauty/barber shop within a single-family residence, located at 1910 W Gramercy Place. Staff recommends Approval. (Council District 7) (Mirko Maravi, Senior Planner, 210-207-0107, Mirko.Maravi@Sanantonio.gov, Development Services Department)

Staff stated 25 notices were mailed to property owners within 200 feet, 1 returned in favor, and 1 returned in opposition. No response from the Jefferson Neighborhood Association. No response from the Woodlawn Lake Community Association.

**Hilda DeHoyos, 1910 W Gramercy Pl** – Requesting a Special Exception to operate a 1-operator beauty salon.

**Submitted Public Comment**

David Saucedo, 1914 W Gramercy Pl – 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 Oroian asked for a motion for item BOA-20-10300049, as presented

Mr. Teel made a **motion** for BOA-20-10300049 for approval

“Regarding Case No. BOA-21-10300049, I move that the Board of Adjustment grant a request for a special exception, as described in Section 35-399.01, to renew a registration of a one-operator beauty/barber shop, **operating Tuesday through Saturday, 9am to 5pm**, within a single-family residence for an additional four years, situated at 1910 W Gramercy Place, applicant being Hilda DeHoyos, 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 purpose of the review is to ensure that the operation of one-operator beauty/barber shop does not negatively impact the character of the community. The applicant has fulfilled all requirements for a one-operator shop as established in the Unified Development Code. As such, staff finds that the special exception will be in harmony with the purpose of the chapter.**
2. *The public welfare and convenience will be substantially served.*  
**Public welfare and convenience will be served as it will provide a valuable service to the residents of the neighborhood.**
3. *The neighboring property will not be substantially injured by such proposed use.*  
**The subject property will be primarily used as a single-family residence. The beauty/barber shop will occupy only a small portion of the home, as required by the UDC. A neighboring property owner should not have any indication that a portion of the home is being used for this purpose.**
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 requested special exception is not likely to negatively impact adjacent property owners as the home is in character with those around it. During the field visit, staff noted nothing visible from the street that would indicate the presence of a beauty/barber shop. Also, staff noted a large driveway capable of providing any necessary parking for the proposed use.**
5. *The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.*  
**The primary use of the dwelling remains a single-family home. The granting of this special exception will not weaken the purposes of the residential zoning district.”**

**Second:** Cruz

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

**Opposed:** None

**Motion Granted**

Mr. Love joined the Board of Adjustment meeting.

**Item #3**      **BOA-21-10300043**: - A request for a 3' special exception to allow a front yard solid screen fence to be 6' tall, 2) a 3'4" variance to the minimum 10' front setback to allow a 6'8" front setback with a 2' overhang for a carport, 3) a 5' variance from the minimum 15' Clear Vision field requirement to allow the front yard fence to be 10' away from the street, located at 419 Queretaro Street. Staff recommends Denial with an Alternate Recommendation. (Council District 5). (Michael Pepe, Senior Planner, (210) 207-8208, Michael.Pepe@sanantonio.gov, Development Services Department)

Staff stated 32 notices were mailed to property owners within 200 feet, 11 returned in favor, and 0 returned in opposition. No registered Neighborhood Association.

**Rose Ochoa, 419 Queretaro** – Requesting to keep privacy fence. The fence provides safety and protection to pets and children while they are outside.

**Submitted Public Comment**

Richard Reyes, 401 Queretaro – In favor  
Jesus Ramos, 411 Queretaro – In favor  
Maria Dolores De Vargas, 427 Queretaro – In favor  
Gabriela Guillermo, 430 Queretaro – In favor  
Diana Navarro, 402 Queretaro – In favor  
Paula Ramos, 406 Queretaro – In favor  
Paul Morales, 501 Morelia – In favor  
Rose Marie Ochoa, 419 Queretaro – In favor  
Ruben G, 502 Morelia – In favor  
Roger Cardenas, 422 Queretaro – In favor  
James Serratm, 410 Queretaro – 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-20-10300043, as presented

Ms. Schell made a **motion** for BOA-20-10300043, as presented

“Regarding Case No. BOA-21-10300043, I move that the Board of Adjustment grant a request to allow 1) a 3'4" variance to the required 10' front setback as required in Table 310-1 to allow a 6'8" front setback with a 2' overhang for a carport, and 2) a 5' variance from the minimum 15' Clear Vision field requirement to allow the front yard fence to be 10' away from the street, situated at 419 Queretaro Street, applicant being Rose Marie Ochoa, 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 3'4" encroachment into the front setback for the carport and the 5' variance from the minimum 15' Clear Vision field requirement is not contrary to the public interest.**
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*  
**Requiring the property owner to significantly alter the fence and carport structure will create unnecessary hardship.**
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*  
**The front carport setback requirement is to ensure there is enough space for a vehicle to fit in the uncovered portion, however the applicant does not intend to use the carport for car storage. By granting the variances, 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.*  
**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 Board finds that having a lesser front setback for the subject carport and the clear vision variance do not pose immediate risk to adjacent properties and leaves enough room for maintenance of the structure.**
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 plight of the owner is 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."**

**Second:** Manna

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

**Opposed:** Menchaca

**Motion Granted**

Chair Oroian asked for a motion for item BOA-20-10300043, front yard Special Exception, as presented

Mr. Manna made a **motion** for BOA-20-10300043, as presented

“Regarding Case No. BOA-21-10300043, I move that the Board of Adjustment grant a request for a special exception to the permitted 5’ predominantly open fence in Section 35- 514(c) to allow a front yard fence to be a total of 6’ in height, with 3 feet solid for the bottom portion and 3 feet to be predominantly open for the top portion, situated at 419 Queretaro Street, applicant being Rose Marie Ochoa, 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 exception will only allow for a side front yard fence height of 6 foot, which is in harmony with the spirit and purpose of the chapter. The top portion of 3 feet to be predominantly open, to allow for clear vision.**
2. *The public welfare and convenience will be substantially served.*  
**Public welfare and convenience will be served by the maintenance of the new fence.**
3. *The neighboring property will not be substantially injured by such proposed use.*  
**The neighboring property will not be substantially injured by the proposed special exception.**
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 will not alter the essential character of the district and location in which the property for which the special exception is sought.**
5. *The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.*  
**The primary use of the dwelling is a single-family home. The granting of this special exception will not weaken the purposes of the residential zoning district.”**

*(Mr. Manna lost connection during reading of the motion, Mr. Ozuna took over main motion, Mr. Manna became Second when he reconnected to the meeting.)*

**Second:** Manna

The Board discussed the motion.

Ms. Schell made an **amended motion** for a special exception to the permitted 5’ predominantly open fence in Section 35- 514(c) to allow a front yard fence to be a 6’ tall privacy fence, for item BOA-20-10300043

**Second:** Menchaca

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

**Opposed:** None

**The amended motion passed and has become the new main motion.**

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

**Opposed:** None

**Item #4**

**BOA-21-10300041:** A request by Juan Garcia for a request for a 1) 4'11" variance to the minimum 5' side setback to allow a carport with a 1'5" overhang to be 1" from the side property line and 2) an 8'6" variance to the minimum 10' front setback to allow a carport with a 2' overhang to be 1'6" from the front property line, located at 339 McCauley Avenue. Staff recommends Denial with an Alternate Recommendation. (Council District 3) (Mirko Maravi, Senior Planner, 210-207-0107, Mirko.Maravi@Sanantonio.gov, Development Services Department)

Staff stated 27 notices were mailed to property owners within 200 feet, 4 returned in favor, and 0 returned in opposition. No registered Neighborhood Association.

**Juan Garcia, 339 McCauley Ave** – Requesting variance for constructed carport. The carport is needed to protect vehicles from the elements of the weather.

**Submitted Public Comment**

Albert Castillo, 646 Kendalia Ave – In favor  
Angelita Valenzuela, 326 McCauley – In favor  
Delia Bara, 321 E. Park Av – In favor  
Diana Garcia, 335 McCauley – 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-20-10300041, as staff recommended.

Mr. Manna made a **motion** for BOA-20-10300041 for approval

“Regarding Case No. BOA-21-10300041, I move that the Board of Adjustment grant a request for a 2' variance to the minimum 3' side setback, as required in Table 310-1, to allow a carport with a 1'5" overhang to be 1" from the side property line and 2) an 8'6" variance to the minimum 10' front setback, as required in Table 310-1, to allow a carport with a 2' overhang to be 1'6" from the front property line, situated at 339 McCauley Avenue, applicant being Juan Garcia, 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 2' encroachment into the side setback is not contrary to the public interest.**
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*  
**Allowing the property owner to maintain a 3' side setback will create unnecessary hardship.**
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*  
**The side setback requirement is to allow space and access between adjacent properties however the abutting property is a City Right of Way, and a reduced side setback of 2' would be appropriate. The front carport setback requirement is to ensure there is enough space for a vehicle to fit in the uncovered portion, applicant will have enough room for 4 vehicles to be parked tandem to each other.**
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.*  
**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.*  
**The Board finds that having a lesser side and front setback for the subject carport does not pose immediate risk to adjacent properties and leaves enough room for maintenance of the structure.**
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 plight of the owner is 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.**

**Second:** Menchaca

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

**Opposed:** None

**Motion Granted**



## Item #5

**BOA-21-10300045**: A request by Francisco Ojeda for a 4'11" variance to the minimum 5' side setback to allow a patio cover to be 1" from the side property line, located at 13411 Marceline Drive. Staff recommends Approval. (Council District 9) (Azadeh Sagheb, Senior Planner (210) 207-5407, Azadeh.Sagheb@sanantonio.gov, Development Services Department)

Staff stated 26 notices were mailed to property owners within 200 feet, 4 returned in favor, and 1 returned in opposition. No response from the Arboretum Neighborhood Association.

**Brad Thomas, 13411 Marceline** – Wanting to replace Patio cover damaged from the storm in 2020.

**Submitted Public Comment**

Mardale Wilson, 13410 Rockhampton St – In favor  
Anthony Mayhood, 13407 Marceline – In favor  
Dean Herrera, 13402 Rockhampton – In favor  
Bradley & Faye Thomas, 13411 Marceline – In favor  
Carly Tovar, 13414 Marceline – In Opposition  
Amanda Subia – comments (not in favor nor 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 Oroian asked for a motion for item BOA-20-10300045, as presented

Ms. Bragman made a **motion** for BOA-20-10300045 for approval

“Regarding Case No. BOA-21-10300045, I move that the Board of Adjustment grant a request for a 4'11" variance to the required 5' side setback as required in Table 310-1 to allow a 1" side setback for a patio cover, situated at 13411 Marceline Drive, applicant being Francisco Ojeda, 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 patio side setback is not contrary to the public interest as the patio was already there and the applicant is replacing it.**

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. The patio will be in line with the primary residence and if the variance is not granted the structure would not be capable of reconstruction.**

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 whole neighborhood is built with zero lot line structures. 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.*  
**No uses other than those permitted 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.*  
**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. The neighborhood consists of structures built on the property line and the requested variance will be in harmony with the surrounding 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 unique circumstances existing on the property were not created by the owner of the property and are not merely financial. The entire area is surrounded by zero lot line structures and the subject patio will be in harmony with the surrounding structure.”**

**Second:** Fisher

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

**Opposed:** None

**Motion Granted**

**Chair Oroian** called for the Board of Adjustment to take a recess at 3:00 pm. The Board of Adjustment returned at 3:12 pm.

**Item #6**

**BOA-21-10300046:** A request by Ronald Arias for a 2'5" variance to the minimum 5' side setback to allow a carport to be 2'7" from the side property line, located at 9519 Kimbro Drive. Staff recommends Approval. (Council District 10) (Azadeh Sagheb, Senior Planner (210) 207-5407, Azadeh.Sagheb@sanantonio.gov, Development Services Department)

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

**Roland Arias, 9519 Kimbro Drive** – Requesting variance for carport. The carport is needed to protect vehicles from storms and sun damage.

**Submitted Public Comment**

Bobby Eaton, 4106 Firstview Drive – In opposition

Elena Delgado, 4103 Firstview Drive – In favor

Tejeda Randall, 9523 Kimbro Drive – 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-20-10300046, as presented

Ms. Fisher made a **motion** for BOA-20-10300046 for approval

“Regarding Case No. BOA-21-10300046, I move that the Board of Adjustment grant a request for a 2'5" variance to the required 5' side setback, as required in Table 310-1, to allow a carport to be 2'7" from the side property line, situated at 9519 Kimbro Drive, applicant being Ronald Arias, 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 requested variance for the carport to have a lesser side setback is not contrary to the public interest.**
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. The geometry of the lot does not leave enough space for the carport to comply with the Code requirement. By imposing a literal enforcement, the applicant would not be able to build the carport 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. Due to the unique shape of the property, the applicant needs to apply for a variance to have a lesser side setback.**
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.*  
**No uses other than those permitted 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.*

**The requested variance will not substantially injure the appropriate use of adjacent conforming 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 were not created by the owner of the property and are not merely financial. The property is located on a cul-de-sac and the setbacks are circular and extended further into the property.”**

**Second:** Cruz

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

**Opposed:** None

**Motion Granted**

#### Item #7

**BOA-21-10300047:** A request by Sean Clay for a 2' special exception to the permitted 6' solid screen fence to allow a side and rear yard fence to be 8' tall, located at 11907 Tarragon Cove. Staff recommends Approval. (Council District 9) (Mirko Maravi, Senior Planner, 210-207-0107, Mirko.Maravi@Sanantonio.gov, Development Services Department)

Staff stated 398 notices were mailed to property owners within 200 feet, 4 returned in favor, and 0 returned in opposition. The North Castle Hills Neighborhood Association is in favor.

**Sean Clay, 11907 Tarragon** – Requesting a special exception for proposed 8' privacy fence. There is lots of traffic and vehicle noise, the fence would help minimize it.

#### **Submitted Public Comment**

Irene Mata, 11843 Braesview, Apt 1107 – In favor

Sandra Stone, North Castle Hills Neighborhood Association – In favor

Gary Kuentz, 11843 Braesview, Apt 2101 – In favor

Matthew Brown, 11843 Braesview, Apt 1010 – In favor

Alma Rosa Hernandez, 11903 Tarragon – 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-20-10300047, as presented

Ms. Bragman made a **motion** for BOA-20-10300047 for approval

“Regarding Case No. BOA-21-10300047, I move that the Board of Adjustment grant a request for a special exception to the permitted 6’ privacy fence in Section 35-514(c) to allow a side and rear yard fence to be an 8’ tall privacy fence, situated at 11907 Tarragon Cove, applicant being Sean Clay, 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 privacy of the applicant’s property. If granted, this request would be in harmony with the spirit and purpose of the ordinance. Braesview acts as a collector. If the street was defined as a collector, the proposed fence height would be allowed.**
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 back and side property lines will provide additional privacy and 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 unlikely to injure adjacent properties.**
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 additional height for the section of side and back yard fence will not alter the essential character of the district and will provide security 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:** Schell

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

**Opposed:** None

**Motion Granted**

**Item #8** Consideration and approval of May 3, 2021 Board of Adjustment meeting minutes.

**Motion:** Chair Oroian asked for a motion for approval of May 3, 2021 with amendment to roll call.

Mr. Manna made a **motion** for approval of May 3, 2021 minutes as presented.

**Second:** Schell

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

**Opposed:** None

Mr. Teel was not present for the May 3<sup>rd</sup> meeting and did not make a motion for the minutes.

**Minutes approved**

**Adjournment**

There being no further business, the meeting was adjourned at 3:45 p.m.

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

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

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

DRAFT