

City of San Antonio



**Draft**

**Board of Adjustment Minutes**

Development and Business Services

Center

1901 South Alamo

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**July 19, 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

Vacant, District 1 | Vacant, 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

**1:20 P.M. - Call to Order**

- **Roll Call**
- **Present:** Menchaca, Cruz, Manna, Bragman, Delmer, Trevino, Fisher, Love, Teel, Ozuna, Oroian
- **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-21-10300064:** A request by Shannon Lowe for a special exception to allow a registration of a one-operator beauty/barber shop within a single-family residence, located at 515 Tara Drive. Staff recommends Approval. (Council District 1) (Kayla Leal, Senior Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Staff stated 31 notices were mailed to property owners within 200 feet, 0 returned in favor, and 4 returned in opposition. No response from the Greater Harmony Hills Neighborhood Association.

**Shannon Lowe, 515 Tara Drive** – Requesting a special exception to operate a beauty shop from home. Being able to work from home gives her the opportunity to be there for her family and still be able to earn income.

**Submitted Public Comment**

Paul J Hohman, 603 Booth – In opposition  
Richard Monsibais, 503 Tara – In opposition  
Patricia Arriola, 510 Booth Dr – In opposition  
Nancy Bomer, 514 Booth Dr – In opposition  
Lorraine Jeffries, 518 Tara Dr – In support  
David Davila, 527 & 531 Tara – In support

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-20-10300064, as presented

Mrs. Cruz made a **motion** for BOA-20-10300064 for approval

“Regarding Case No. BOA-21-10300064, I move that the Board of Adjustment grant a request for a special exception to allow a registration of a one-operator beauty/barber shop within a single-family residence, situated at 515 Tara Drive, applicant being Shannon Lowe, 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. **Her hours of operation will be Monday – Friday, from 9:00 to 4:00.**

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, the Board 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 salon 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 salon. 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:** Bragman

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

**Opposed:** None

**Motion Granted**

**Item #2**

**BOA-21-10300065:** A request by Christian Vargas for a 10' variance to the required 20' rear setback, to allow a dwelling to be 10' from the rear property line, located at 1002 Lamar Street. Staff recommends Approval. (Council District 2) (Mirko Maravi, Senior Planner, 210-207-0107, Mirko.Maravi@Sanantonio.gov, Development Services Department)

Staff stated 30 notices were mailed to property owners within 200 feet, 0 returned in favor, 1 returned in opposition. No response from the Dignowity Hill Neighborhood Association.

**Christian Vargas, 1002 Lamar Street** – Requesting setback variance to allow for a newly constructed home in the vacant lot.

**Submitted Public Comment**

Ruth Mendoza, 1001 Lamar St – 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-20-10300065, as presented

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

“Regarding Case No. BOA-21-10300065, I move that the Board of Adjustment grant a request for a 10' variance to the required 20' rear setback as described in Table 310-1, to allow a residential dwelling to be 10' from the rear property line, situated at 1002 Lamar Street, applicant being Christian Vargas, 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. There is no abutting property in the rear in which the variance is sought.**
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 an unnecessary hardship. An alley abutting the rear of the property would normally eliminate the requirement of the variance, however, Logan Street is a substandard street.**
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 rear setback is required to maintain distract from rear abutting property which this lot does not have.**
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 request to reduce the rear setback will not impact adjacent conforming property. There is no rear abutting property and side abutting properties are not intruded on.**
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.*  
**Staff finds the unique circumstances existing on the property were not created by the owner of the property nor are they merely financial. The property is located on both ends of the block with a substandard street in the rear.”**

**Second:** Bragman

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

**Opposed:** None

**Motion Granted**

**Item #3**      **BOA-21-10300066:** A request by Luis Reyes for 1) a 19' 11" variance for the 20' rear setback to allow a 1" rear setback, 2) a fence material variance to allow a Corrugated Metal fence, 3) a 9' variance for the 15' Clear vision area to allow a solid screen fence with a 6' clear vision area, 4) a 4' 2" variance from the 10' front setback to allow a 5' 10" front setback, 5) a 45% variance from the 50% limitation for front yard impervious cover to allow a 95% front yard impervious cover; 6) a 4' 5" variance for the 5' side setback to allow a 7" side setback with a 1' overhang in the southern side, and 7) a request for a special exception to allow a back, side and front yard fence to be 7'6" tall, located at 716 Naylor. Staff recommends Denial. (Council District 3) (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, 0 returned in favor, and 0 returned in opposition. No registered Neighborhood Association.

**Erica Reyes, 716 Naylor** – Requesting variance to keep the constructed shed. The shed is used to give protection to brother who can't be in the sun. The shed also provides protection from activity in the neighborhood. The alley is not safe. The shed also provides protection to the vehicles.

**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 asked for a motion for item BOA-21-10300066, as presented

Mr. Manna made a **motion** for BOA-21-10300066, as presented

“Regarding Case No. BOA-21-10300066, I move that the Board of Adjustment grant a request for 1) a 19' 11" variance for the 20' rear setback as described in Table 310-1, to allow a 1" rear setback, 2) a 6' variance for the 15' Clear vision area as described in Sec 35-514(a)(2)(b), to allow a driveway with a 9' clear vision area, 3) a variance for the 50% limit front yard impervious cover as described in Table 515-1 to allow front yard impervious cover of over 50%, situated at 716 Naylor, applicant being Luis Reyes, 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. There is room for maintenance of the rear structure. The exit to driveway could be on the alley, which would not require the clear vision variance. Impervious cover is under carport, which was already approved on a separate variance.**
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 an unnecessary hardship. The property owner would not have a front driveway if clear vision and impervious cover standards were followed. The small lot does not provide room for a 5 foot rear setback.**
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. This specific lot is smaller than usual lots which does not give them options for rear setbacks and impervious cover.**
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 request to reduce the rear setback will not impact adjacent conforming property. All the variances sought are within the subject property.**
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.*  
**Staff finds the unique circumstances existing on the property were not created by the owner of the property nor are they merely financial. The property is located on a substantially small lot.”**

**Second:** Love

**Mr. Menchaca** made a friendly amendment for a 2) 3’ variance for the 15’ Clear vision area as described in Sec 35-514(a)(2)(b), to allow a driveway with a 12’ clear vision area. The friendly amendment was accepted by **Mr. Manna** and **Mr. Love**.

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

**Opposed:** None

**Motion Granted**

**Item #4** Consideration and approval of June 21, 2021 Board of Adjustment meeting minutes.

**Motion:** Chair Oroian asked for a motion for approval of June 21, 2021

Ms. Cruz made a **motion** for approval of June 21, 2021 minutes with corrections.

**Second:** Manna

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

**Opposed:** None

**Abstained:** Fisher

**Minutes approved**

**Director's Report:**

Staff spoke of upcoming work session on August 16, 2021, to begin at 11:00 am.  
First in-person Board of Adjustment meeting will be held on August 2<sup>nd</sup>.  
Special Board of Adjustment meeting to be held on September 13<sup>th</sup>.

**Adjournment**

There being no further business, the meeting was adjourned at 3:02 p.m.

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

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

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

DRAFT