

**BOARD OF ADJUSTMENT  
OFFICIAL MINUTES  
April 6, 2015**

**Members Present:**

Andrew Ozuna  
Mary Rogers  
Frank Quijano  
Alan Neff  
Gabriel Velasquez  
George Britton  
Maria Cruz  
Jesse Zuniga  
John Kuderer  
Roger Martinez  
Gene Camargo

**Staff:**

Catherine Hernandez, Planning Manager  
Margaret Pahl, Senior Planner  
Logan Sparrow, Planner  
Paul Wendland, City Attorney

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**Call to Order**

Pledge of Allegiance to the U.S. and Texas Flags.

Mr. Ozuna, Chair, called the meeting to order and called roll of the applicants for each case.

Mr. Velasquez arrived at 1:05 pm.

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**CASE NO. A-15-031**

Applicant – Lewis Westerman  
Lot 13, Block 1, NCB 14164  
136 E. Grayson Street

Zoning: “IDZ RIO-2 AHOD” Infill Development River Improvement Overlay Airport Hazard Overlay

The applicant is requesting a three foot and seven inch variance from the six foot maximum sign height, as described in Section 35-678, to allow a free-standing pole sign that is nine feet and seven inches tall in the River Improvement Overlay District

Margaret Pahl, Senior Planner, presented background and staff’s recommendation of approval of the requested variance. She indicated 7 notices were mailed, none was returned in favor and none were returned in opposition and the Tobin Hill Community Association is in favor.

Lewis Westerman, applicant, stated the visibility of sign is poor due to the buildings along the street. He also stated. He also stated this will be the only sign at the hotel.

Andrew Perez, Sign Inspector, stated, this is the only freestanding sign in the sign master plan.

**No citizens appeared to speak.**

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-15-051 closed.

## **MOTION**

A motion was made by **Mr. Quijano**. “Re Appeal No. **A-15-031**, variance application for a **three foot and seven inch variance from the six foot maximum sign height, as described in Section 35-678, to allow a free-standing pole sign that is nine feet and seven inches tall in the River Improvement Overlay District**, subject property description being **Lot 13, Block 1, NCB 14164**, situated at **136 E. Grayson Street**, applicant being **Lewis Westerman**. I move that the Board of Adjustment grant the applicant’s request regarding Appeal No. **A-15-031**, application for a variance to the subject property as described above, 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 such variance will not be contrary to the public interest in that **the public interest is defined as the general health, safety, and welfare of the public. In this case the public interest is represented by sign height limitations to create more visually appealing conditions along our streets while still providing opportunity for businesses to advertise. In this case the requested variance is not contrary to the public welfare as the additional, minimal, height allows the business owner to identify a new hotel. Staff finds that the scale of the proposed sign is not contrary to the public interest.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **a literal enforcement of the code would require that the applicant construct a sign to a height not to exceed six feet tall. During field visits staff noted the presence of many trees lining the E. Grayson right-of-way. Without the additional height, these trees would block visibility of the sign if it were limited to six feet. The spirit of the ordinance is observed and substantial justice is done in that the spirit of the ordinance calls for sign height limitations to encourage a neat and orderly development pattern. In this case, the requested variance asks for three feet and seven inches greater in height. Staff finds that this request respects the spirit of the ordinance as it allows the owner of the property to identify the business for the traveling public. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that the requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “IDZ RIO-2 AHOD” Infill Development River Improvement Overlay Airport Hazard Overlay District. 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 in that the requested variance is unlikely to harm adjacent, conforming properties. The proposed sign is in scale with the surrounding community and serves to identify a new business.** 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 in that **staff finds that the unique circumstances present in this case are that the trees planted along the E. Grayson right-of-way would totally obscure a six foot tall sign. No business would be able to adequately advertise its location with a six foot tall sign along E Grayson. The requested additional height is minimal and allows the property owner to advertise the new hotel while respecting the scale of the sign compared to the surrounding development.** The motion was seconded by Ms. Cruz.

**AYES: Quijano, Cruz, Neff, Velasquez, Britton, Zuniga, Kuderer, Martinez, Camargo, Rogers, Ozuna**

**NAYS: None**

**THE VARIANCE IS GRANTED.**

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**CASE NO. A-15-061**

Applicant – Christus Santa Rosa

Lot 10, Block 1, NCB 17640

11130 Christus Hills

Zoning: “C-3 GC-2 AHOD” General Commercial Highway 151 Gateway Corridor Overlay Airport Hazard Overlay District

The applicant is requesting a variance from the 21 day time limit for inflatable temporary signs, as stated in Section 28-242, to allow an inflatable sign to be used for a four month period.

Margaret Pahl, Senior Planner, presented background and staff’s recommendation of denial of the requested variance. She indicated one notice was mailed, none was returned in favor and none were returned in opposition.

Andrew Perez, Sign Inspector, stated inflatable signs are not allowed along the corridors in the city of San Antonio. He also stated there are no inflatable signs along the corridor where the property is located. He further stated a sign master plan would be required for any new signs.

Gary Nichols, representative, stated there are no other hospitals in the area but rather medical offices. He also stated they have an estimate of 60,000 emergency visitors and 25,000 of those visitors are children under the age of 18. He further stated there is signage along 151 and a banner advertising the children’s hospital will be place.

**The following citizens appeared to speak:**

Melissa Krausse, citizen, spoke in favor.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-15-061 closed.

**MOTION**

A motion was made by Mr. Martinez. "Re Appeal No A-15-061, application for a **variance from the 21 day time limit for inflatable temporary signs, as stated in Section 28-242, to allow an inflatable sign to be used for a two month period and to allow the balloon to be larger than the standard allowable balloon size of one foot in diameter**, subject property description **Lot 10, Block 1, NCB 17640, located at 11130 Christus Hills**, applicant being **Christus Santa Rosa**. I move that the Board of Adjustment grant the applicant's request regarding Appeal No A-15-061, application for a sign variance to the subject property as described above, 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 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. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property. **The applicant states that when providing emergency services, time delays can be critical. However, the entrance into the campus and the existing signage for emergency care leads one to an internal decision to turn left or right, with the existing emergency room on one side of the street and the new children's specialized center on the opposite. Staff suggests that a roof-top balloon is an option determined by Christus Santa Rosa to help the clients find the location of this particular facility.** After seeking one or more of the findings set forth in (1) or (2), the board finds that granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated. **The applicant's requested signage would serve to market the new location of an existing service to the community. Emergency care is already established as a service within the campus. That said every business would enjoy the attention of a large inflatable sign floating above their roof. Therefore, the variance will offer a special privilege to this particular applicant.** Granting the variance will not have a substantially adverse impact upon neighboring properties. **It is unlikely that the variance will have a substantial adverse impact on neighboring properties, since the medical campus is so expansive occupying over 35 acres. Every business in the area is unique and this inflatable signage would enhance its availability.** Granting the variance will not substantially conflict with the stated purposes of this article. **The legislative purposes of the adopted sign regulations are to provide minimum standards to protect the general public by regulating the design, construction, location, use and maintenance of out-door advertising signs. The owner is proposing the time-frame variance to announce the arrival of a new location of an existing service. Since the Code provides specific limitations on the use of inflatable signage, the variance would not conflict with the purpose of the regulation."** The motion was seconded by Ms. Rogers.

**AYES: Martinez, Rogers, Quijano, Neff, Velasquez, Britton, Cruz, Zuniga, Kuderer, Camargo, Ozuna**

**NAYS: None**

**THE VARIANCE IS GRANTED.**

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**CASE NO. A-15-058**

Applicant – Maria Solis  
Lot 18, Block 62, NCB 18762  
9207 Valley Dale  
Zoning: “R-6” Residential Single-Family District

The applicant is requesting a special exception, as described in Section 35-399.01, to allow a one operator beauty/barber shop within a single-family home.

Logan Sparrow, Planner, presented background and staff’s recommendation of approval of the requested special exception. He indicated 31 notices were mailed, one was returned in favor and one was returned in opposition and the Great Northwest Neighborhood Association is in opposition.

Maria Solis, applicant, stated the special exception would allow her to be home when her children arrive from school. She also stated her clientele will be by appointment only. She further stated she has adequate parking on her property for her clientele.

**The following citizens appeared to speak:**

Cynthia Gates, citizen, spoke in opposition.

George Solis, citizen, spoke in favor.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-15-058 closed.

**MOTION**

A motion was made by **Ms. Rogers**. “Re Appeal No. **A-15-058**, application for a **special exception, as described in Section 35-399.01, to allow a one operator beauty/barber shop within a single-family home**, subject property description **Lot 18, Block 62, NCB 18762**, located at **9207 Valley Dale**, applicant **Maria Solis**. I move that the Board of Adjustment grant the applicants request regarding Appeal No. **A-15-058**, application for a Special Exception for the subject property s described above, because the testimony and evidence presented to us and the facts that we have determined show that this Special Exception meets the requirements listed in UDC 35-399.01. Specifically, we find that the following conditions have been satisfied. The special exception will be in harmony with the spirit and purpose of the chapter in that **it does not create any safety hazards in the area and has adequate space for parking in the driveway and the side**. The public welfare and convenience will be substantially served in that **a service will be provided for the neighborhood for the ladies who are there that would prefer to come locally rather than to drive out or off and for her own personal clients**. It will **provide stability and contribute to the development of this community**. The neighboring property will not be substantially injured by such proposed use in that **the house will not be**



changed in any way. The design of the house exist the same and the shop to be located in the garage area. The use of this does not cause any ingress or egress problems with neighboring properties. There were a few oppositions but the number of permits that were requesting out for information on it was very minimal return. 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 in that **the house in which it will be located at is still compatible with other structures in the neighborhood and will not be changed in any way.** The proposed plan has a positive impact. Actually, although there was some opposition from the neighborhood association, I believe that they will find that this does provide a service and that people will use it. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district in that **this exception does promote and develop the use of that land.** Operation hours will be Monday thru Friday 11:00 am until 7:00 pm and Saturday from 10:00 am until 7:00 pm. The duration for this will be for two years and all of this of course will require the special licensing and state requirements for it to be an operating particular business there.” The motion was seconded by Mr. Velasquez.

**AYES: Rogers, Velasquez, Quijano, Neff, Britton, Cruz, Zuniga, Kuderer, Martinez, Camargo, Ozuna**

**NAYS: None**

**THE SPECIAL EXCEPTION IS GRANTED.**

**Board members recessed for 5 minutes.**

**Mr. Kuderer and Mr. Zuniga departed at 2:40 p.m.**

**CASE NO. A-15-059**

Applicant – Lisa Miranda

Lot 3, Block 9, NCB 34400

1710 Rob Roy Lane

Zoning: “R-6 AHOD” Residential Single-Family Airport Hazard Overlay

The applicant is requesting a special exception, pursuant to Section 35-399.01 (i) of the Unified Development Code, to allow a one-operator beauty/barber shop in the home.

Margaret Pahl, Senior Planner, presented background and staff’s recommendation of approval of the requested special exception. She indicated 16 notices were mailed, none were returned in favor and 8 were returned in opposition and no response from the Oak Creek Neighborhood Association.

Lisa Miranda, applicant, stated she would like to service the neighbors in the area. She also stated they will have clients by appointment only so that they will not have too much traffic on

their property. Parking for her clientele will not be a problem due to appointments only. She further stated they spoke to some members from the neighborhood association and told her they were not opposed to the special exception so long no signs were displayed on the property.

**The following citizens appeared to speak:**

Javier Miranda, citizen, spoke in favor.

Brett Fleming, citizen, spoke in opposition.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-15-059 closed.

**MOTION**

A motion was made by **Mr. Velasquez**. "Re Appeal No. **A-15-059**, application for a **special exception, pursuant to Section 35-399.01 (i) of the Unified Development Code, to allow a one-operator beauty/barber shop in the home**, subject property description **Lot 3, Block 9, NCB 34400**, located at **1710 Rob Roy Lane**, applicant **Lisa Miranda**. I move that the Board of Adjustment grant the applicants request regarding Appeal No. **A-15-059**, application for a Special Exception for the subject property s described above, because the testimony and evidence presented to us and the facts that we have determined show that this Special Exception meets the requirements listed in UDC 35-399.01. Specifically, we find that the following conditions have been satisfied. The special exception will be in harmony with the spirit and purpose of the chapter in that **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. The public welfare and convenience will be substantially served in that public welfare and convenience will be served as it will provide a valuable service to the residents of the neighborhood. The neighboring property will not be substantially injured by such proposed use in that 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. 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 in that 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. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district in that 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. This would be for a two year exception."** The motion was seconded by **Ms. Cruz**.

**AYES: Velasquez, Cruz, Quijano, Neff, Britton, Garcia, Fehr, Martinez, Camargo, Rogers, Ozuna**

**NAYS: None**

**THE SPECIAL EXCEPTON IS GRANTED**

**CASE NO. A-15-055**

Applicant – Josephine Torres

Lot 10, Block 4, NCB 13519

5902 Monica Place

Zoning: “R-4 PUD AHOD” Residential Single-Family Planned Unit Development Airport Hazard Overlay

The applicant is requesting a variance from the prohibition against sheet metal for use in fencing, as described in Section 35-514(a)(6)(d), to allow an 8 foot sheet metal fence in the rear yard of the property

Logan Sparrow, Planner, presented background and staff’s recommendation of denial of the requested variance. He indicated 28 notices were mailed, 4 were returned in favor and none were returned in opposition and no response from the Culebra Park Neighborhood Association.

Josephine Torres, applicant, stated her fence has been knocked down by patrons from the neighboring commercial businesses. She also stated the fence provides security for her family. She further stated she was not aware of permits and codes for the construction of the fence.

**The following citizens appeared to speak:**

Peter Vargas, citizen, spoke in favor.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-15-055 closed.

**MOTION**

A motion was made by **Mr. Velasquez**. “Re Appeal No. **A-15-055**, application for a **variance from the prohibition against sheet metal for use in fencing, as described in Section 35-514(a)(6)(d), to allow an 8 foot sheet metal fence in the rear yard of the property**, subject property description being **Lot 10, Block 4, NCB 13519**, situated at **5902 Monica Place**, applicant being **Josephine Torres**. I move that the Board of Adjustment grant the applicant’s request regarding Appeal No. **A-15-055**, application for a variance to the subject property as described above, 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 such variance will not be contrary to the public interest in



that the public interest is defined as the general health, safety, and welfare of the public. In this case, the testimony states clear interest contrary to the property owner's health in that the numerous businesses undefined throughout time have changed and many of those businesses resulted into the need for the fence that is able to protect the property owner from destruction of her own property. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that a literal enforcement of the code would require that the applicant remove the corrugated metal fence that has been built on the property. The fence has been built specifically to deal with an ongoing situation of fence destruction therefore a literal enforcement of the ordinance would result in an unnecessary hardship. The spirit of the ordinance is observed and substantial justice is done in that the spirit of the ordinance provides fencing height and design requirements to protect homes and also to encourage a sense of community. In this case the definition of what would be required to protect a home is obvious that what is on code is not sufficient. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that the requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-4 PUD AHOD" Residential Single-Family Planned Unit Development Airport. 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 in that the current fence is and has been bedded by neighbors. Neighbors have issued their testimony through their mail-in that says that they believe it is an appropriate fence. 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 in that the specific characteristic of this property are unique in that it is a residential environment adjacent to a general use commercial environment and the owner seeks to remedy an existence adjacent property use that creates the problem." The motion was seconded by Mr. Quijano.

**AYES:** Velasquez, Quijano, Neff, Britton, Cruz, Garcia, Fehr, Rogers, Ozuna

**NAYS:** Martinez, Camargo

#### **THE VARIANCE IS GRANTED**

#### **CASE NO. A-15-056**

Applicant – Santana's Remodeling

Lot 15, Block 24, NCB 519

317 Lamar

Zoning: "R-5 H AHOD" Residential Single-Family Dignowity Hill Historic Overlay

The applicant is requesting a 2.5 foot variance from the minimum 5 foot side yard setback to allow the existing detached garage to be connected to the main structure, with only a 2.5 foot setback.

Margaret Pahl, Senior Planner, presented background and staff's recommendation of approval of the requested variance. She indicated 32 notices were mailed, none were returned in favor and none were returned in opposition and response from the Dignowity Hill Neighborhood Association.

Carlos Santana, applicant, stated he is requesting the variance to repair an existing garage in the same location.

**No citizens appeared to speak.**

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-15-056 closed.

**MOTION**

A motion was made by **Mr. Neff**. "Re Appeal No. **A-15-056**, application for a **2.5 foot variance from the minimum 5 foot side yard setback to allow the existing detached garage to be connected to the main structure, with only a 2.5 foot setback**, subject property description being **Lot 15, Block 24, NCB 519**, situated at **317 Lamar**, applicant being **Santana's Remodeling**. I move that the Board of Adjustment grant the applicant's request regarding Appeal No. **A-15-056**, application for a variance to the subject property as described above, 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 such variance will not be contrary to the public interest in that **the public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by distance from the property line to ensure room for routine maintenance. The existing distance has functioned over 100 years. As such, staff finds that the requested variance is not contrary to the public interest.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **a literal enforcement would result in no change the location of the detached garage, it would instead prevent its connection to the main home, resulting in an unnecessary hardship.** The spirit of the ordinance is observed and substantial justice is done in that **because the applicant is requesting approval to connect to an existing structure, originally built in 1910, staff finds that the granting of the requested variance will observe the spirit of the ordinance.** Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that **the requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-5 H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District.** 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 in that **the granting of the variance is unlikely to harm adjacent conforming property because the garage has been in this location for over 100 years. The applicant is restoring this historic home and expanding it toward the rear, consistent with the City's Historic Design guidelines. Therefore, the variance will not injure adjacent properties or negatively alter the character of the area.** 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 in that **staff finds that the unique circumstance present in this case is the location of the detached garage and the applicant's desire to attach the new rear addition to the garage.**" The motion was seconded by Ms. Cruz.

**AYES: Neff, Cruz, Quijano, Velasquez, Britton, Garcia, Fehr, Martinez, Camargo, Rogers, Ozuna**

**NAYS: None**

**THE VARIANCE IS GRANTED**

**CASE NO. A-15-057**

Applicant – Maria Garcia

Lot 16, Block 12, NCB 2070

1132 Kentucky

Zoning: "R-4 NCD-8 AHOD" Residential Single-Family Woodlawn Lake

The applicant is requesting 1) a variance from the requirement, as stated in Section 3.5.1.2 of the Woodlawn Lake Neighborhood Conservation District, that replacement siding match existing siding to allow stucco on the front façade; 2) a 50 square foot variance from the size limitation, as stated in Section 35-371, to allow an accessory dwelling unit 600 square feet in size; and 3) a 2 foot variance from the maximum 4 foot fence height, as stated in Section 35-514 (d) to allow a 6 foot gate in the front yard.

Margaret Pahl, Senior Planner, presented background and staff's recommendation of approval of the requested variance. She indicated 23 notices were mailed, one was returned in favor and 2 were returned in opposition and no response from the Woodlawn Lake Neighborhood Association.

Maria Garcia, applicant, stated she is requesting this variance to renovate her home to make it look more attractive.

**The following citizens appeared to speak:**

Peter Vargas, citizen, spoke in favor.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-15-057 closed.

## MOTION

A motion was made by Mr. Velasquez. "Re Appeal No. A-15-057, application for 1) a **variance from the requirement, as stated in Section 3.5.1.2 of the Woodlawn Lake Neighborhood Conservation District, that replacement siding match existing siding to allow stucco on the front façade;** 2) a 50 square foot variance from the size limitation, as stated in Section 35-371, to allow an accessory dwelling unit 600 square feet in size; and 3) a 2 foot variance from the maximum 4 foot fence height, as stated in Section 35-514 (d) to allow a 6 foot gate in the front yard, subject property description being Lot 16, Block 12, NCB 2070, situated at 1132 Kentucky, applicant being Maria Garcia. I move that the Board of Adjustment grant the applicant's request regarding Appeal No. A-15-057, application for a variance to the subject property as described above, 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 such variance will not be contrary to the public interest in that **the public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by the Neighborhood Conservation District Guidelines, adopted to protect the integrity of the housing stock. This owner used stucco and rock on all sides of the house and though not the original material, it looks attractive. The slight increase in square footage for the accessory dwelling unit is not noticeable and meets all minimum setbacks. As such, staff finds that the requested variances are not contrary to the public interest. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that a literal enforcement would result in the applicant having to remove the stucco and rock from the façade, resulting in an unnecessary hardship. There are other stucco houses in the neighborhood, making this material acceptable. The addition to the accessory dwelling unit, while slightly bigger than the limitation allows, must still be permitted and inspected to insure compliance with building codes. The spirit of the ordinance is observed and substantial justice is done in that the Woodlawn Lake Neighborhood Conservation District standards recognize that the area has diverse façade materials. The intent of requiring that replacement siding match existing may have been included to prevent a haphazard mixing of materials, rather than preventing a complete replacement, as in this case. It would seem that allowing the change in materials is observing the spirit. In the accessory dwelling unit variance, the requested size is still 200 square feet less than the maximum and the building satisfies all minimum setbacks, again observing the spirit. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that the requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-4 NCD-8 AHOD" Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District. 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 in that the granting of the variance is unlikely to harm adjacent conforming property because it is attractive, high quality work. The applicant stated that the existing siding was rotting. Every home in the City has a right to an accessory dwelling unit for family and friends; this one is slightly larger than the 40% limitation, but still meets setbacks. 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 in that **staff finds that the unique circumstances present in this case is the limitation regarding replacement materials. The applicant made a small addition to the existing accessory structure and exceeded the allowed size by 50 square feet. Lastly, the plight of the owner of the property is not merely financial in nature.** The motion was seconded by Mr. Martinez.

**AYES: Velasquez, Martinez, Quijano, Neff, Britton, Cruz, Garcia, Fehr, Camargo, Rogers, Ozuna**

**NAYS: None**

**THE VARIANCE IS GRANTED.**

**Board members recessed for 5 minutes.**

**CASE NO. A-15-060**

Applicant – Michael Gonzalez  
Lot 8, Block 31, NCB 8478  
2101 Sacramento Street  
Zoning: “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

The applicant is requesting a three and a half foot variance from the minimum five foot side yard setback, as described in Section 35-310.01, to allow a building addition one and a half feet from the side property line.

Logan Sparrow, Planner, presented background and staff’s recommendation of denial of the requested variance. He indicated 34 notices were mailed, one was returned in favor and none were returned in opposition and no response from the Los Angeles Heights Neighborhood Association.

Michael Gonzalez, applicant, stated due to his growing family, they are in need of more rooms. He also stated the existing home is not stable enough to support a two story addition.

**No citizens appeared to speak.**

Peter Vargas, citizen, spoke in favor.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-15-060 closed.



**MOTION**

A motion was made by **Mr. Velasquez**. "Re Appeal No. **A-15-060**, application for a **three foot variance from the minimum five foot side yard setback, as described in Section 35-310.01, to allow a building addition one two feet from the side property line**, subject property description being **Lot 8, Block 31, NCB 8478**, situated at **2101 Sacramento Street**, applicant being **Michael Gonzalez**. I move that the Board of Adjustment grant the applicant's request regarding Appeal No. **A-15-060**, application for a variance to the subject property as described above, 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 such variance will not be contrary to the public interest in that **the public interest is defined as the general health, safety, and welfare of the public. In this case, the existing setback historically is three feet from the property line and the requested setback is not such that it is an unacceptable distance from the existing three foot setback and discussion has been had with the adjacent property owner who is not opposed to this variance request.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **a literal enforcement of the code would require that the applicant construct the two-story addition at a distance that does not allow for structural considerations considering that the house has a one story structure that cannot sustain a two story structure.** The spirit of the ordinance is observed and substantial justice is done in that **granting the variance will result in substantial justice and the spirit of the ordinance will be observed. The variance process exists for a variance within reason and we feel that this variance is within tolerable reason.** Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that **the property is a single family dwelling and will continue to be a single family dwelling.** 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 in that **the property owner has consulted with the property owner's neighbor as per his testimony and there are no objections to this side setback variance.** 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 in that **we do make note that the existing fire place in this existing structure is twelve inches from the property line, given us good reason to believe that this three foot side setback has varying conditions that could exist and are not completely out of the ordinary."** The motion was seconded by **Mr. Quijano**.

**AYES: Velasquez, Quijano, Neff, Britton, Cruz, Fehr, Garcia, Camargo, Rogers, Ozuna**  
**NAYS: Martinez**

**THE VARIANCE IS GRANTED.**



Mr. Quijano departed at 4:40 pm.

**CASE NO. A-15-062**

Overland Properties, LLC  
9000 Block of South Presa  
Lot P-5B, NCB 10920

“R-4 MC-2 AHOD” Residential Single-Family South Presa Metropolitan Corridor Overlay  
Airport Hazard Overlay District

The applicant is requesting a 12 foot variance from the 24 foot driveway width maximum as described in the South Presa Metropolitan Corridor Overlay (F 2), to allow a driveway that is 36 feet wide.

Logan Sparrow, Planner, presented background and staff’s recommendation of approval of the requested variance. He indicated 26 notices were mailed, none were returned in favor and none were returned in opposition.

**No citizens appeared to speak.**

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-15-062 closed.

**MOTION**

A motion was made by **Mr. Velasquez**. “Re Appeal No. **A-15-062**, application for a **12 foot variance from the 24 foot driveway width maximum as described in the South Presa Metropolitan Corridor Overlay (F 2), to allow a driveway that is 36 feet wide**, subject property description being **Lot P-5B, NCB 10920**, situated at **9000 Block of South Presa**, applicant being **Overland Properties, LLC**. I move that the Board of Adjustment grant the applicant’s request regarding Appeal No. **A-15-062**, application for a variance to the subject property as described above, 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 such variance will not be contrary to the public interest in that **the public interest is defined as the general health, safety, and welfare of the public. In this case, these criteria are represented by limitations on the width of driveways to “minimize the potential for conflict between pedestrians, bicyclists, and vehicles”**. The proposed driveway was initially proposed to be located along Mission Way, though after neighborhood feedback and a Texas Department of Transportation variance process, the driveway was permitted to be located along South Presa. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **a literal enforcement of the code would require that the applicant be limited to a driveway that is only 24 feet wide**. This location is unique in that it has only one driveway for ingress and egress. Often,

large commercial retail stores have a secondary access point which is often designed specifically to accommodate deliveries. This location does not benefit from this design. Limiting the location to a 24 foot wide driveway makes sharp turns difficult for large semi trucks, which does represent a special condition. The spirit of the ordinance is observed and substantial justice is done in that the granting of the requested variance will result in substantial justice because the proposed 36 foot wide driveway will be able to adequately serve the needs of the business as well as serve to protect the public. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that the requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-4 MC-2 AHOD" Residential Single-Family South Presa Metropolitan Corridor Overlay Airport Hazard Overlay District. 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 in that several other properties along South Presa benefit from driveways that are 36 feet wide, including the property addressed at 9210 South Presa, which is located only 1,000 feet down the road. 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 in that the plight of the owner is that they are limited to only one ingress and egress point. The 24 foot wide driveway limits the ability to deliver products to the store in a safe manner. This is not the fault of the owner of the property, nor is this problem merely financial in nature." The motion was seconded by Mr. Camargo.

AYES: Velasquez, Camargo, Neff, Britton, Cruz, Garcia, Fehr, Martinez, Rogers, Ozuna  
NAYS: None

**THE VARIANCE IS GRANTED.**

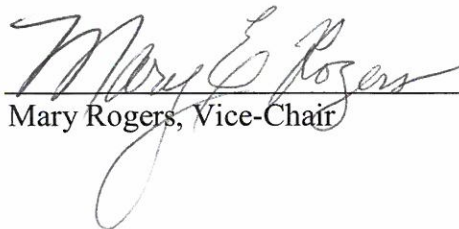
The March 16, 2015 minutes were approved with all members voting in the affirmative.

There being no further discussion, meeting adjourned at 4:50 pm.

APPROVED BY: \_\_\_\_\_

Andrew Ozuna, Chairman

OR

  
Mary Rogers, Vice-Chair

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

ATTESTED BY: \_\_\_\_\_

  
Executive Secretary

DATE: 4-20-15