

City of San Antonio



**Board of Adjustment Minutes**

Development and Business Services  
Center  
1901 South Alamo

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**May 20, 2019**

**1:00PM**

**1901 S. Alamo**

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Board of Adjustment Members

A majority of appointive Members shall constitute a quorum.

Roger F. Martinez, District 10, Chair  
Alan Neff, District 2, Vice Chair  
Donald Oroian, District 8, Pro-Tem

Seth Teel, District 6 | Dr. Zottarelli, District 1 | Maria Cruz, District 5 | Phillip Manna, District 7 |  
George Britton, District 4 | Henry Rodriguez, Mayor | Kimberly Bragman, District 9 |  
Reba N. Malone, District 3

Alternate Members

Cyra M. Trevino | Jorge Calazo | Arlene B. Fisher | Eugene A. Polendo  
| Roy A. Schaufele | Vacant

**1:00 P.M. - Call to Order, Board Room**

- Roll Call
- Present: Dr. Zottarelli, Neff, Schaufele, Rodriguez, Cruz, Manna, Teel, Bragman, Oroian, Fisher, Martinez
- Absent: Malone, Britton

Nancy Prias and Maria E. Murray, SeproTec translators were present.

**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*

**Pledge of Allegiance**

**Item # 1**     **BOA-19-10300049**: A request by Brown & Ortiz for a 28 foot variance from the maximum 60 foot tall sign height restriction to allow for a single-tenant sign to be 88 feet tall, located at 5075 Rigsby Avenue. Staff recommends Denial. (Council District 2) (Debora Gonzalez, Senior Planner (210) 207-3074, debora.gonzalez@sanantonio.gov, Development Services Department)

Staff stated 10 notices were mailed to property owners within 200 feet, 0 returned in favor, and 3 returned in opposition and no response from the Dellcrest Area Neighborhood Association.

John Guzman, City Sign Inspector, answered the Board's questions regarding the signs height and any possible modifications.

James McKnight, 112 E. Pecan, gave a presentation regarding their reasons for their case. Because there is no change to the sign in size or height, they feel it should remain.

**The following Citizens appeared to speak.**

June Kachtik, 3415 Rockwood Run, supports staff's denial  
Colleen Waguespak, 1603 Tarton, supports staff's denial

**Mr. Oroian entered the Board of Adjustment Meeting at 1:29pm**

**Motion:** Vice-Chair Neff asked for a motion for item # **BOA-19-10300049**

**Motion:** Mr. Schaufelle made a motion to approve case **BOA-19-10300049**

Regarding Appeal No **BOA-19-10300049**, a request for a 28 foot variance from the maximum 60 foot tall sign height to allow for a single-tenant sign to be 88 feet tall, situated at 5075 Rigsby Avenue, applicant being James McKnight, Brown & Ortiz.

I move that the Board of Adjustment grant the applicant's request for the 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:

1. *The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; or*
2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and.*

The applicant feels that lowering the sign to current standards will cause a lack of visibility for the Whataburger sign, which has been there since 2002. The Board understands the need for adequate signage, and finds that repairing the existing, non-conforming sign on the property, requires a deviation from the height sign requirement.

3. *After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:*

A. *Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.*

The area in which the Whataburger is located caters to interstate travel. Many commercial properties within the area enjoy sign heights at 50'; however, because there are no conditions present that warrant nearly doubling the sign height to 88', the Board finds that the request is not contrary to the public interest.

B. *Granting the variance will not have a substantially adverse impact on neighboring properties.*

The requested variance is unlikely to harm adjacent property. The sign is consistent with the existing height and square footage limitations.

C. *Granting the variance will not substantially conflict with the stated purposes of this article.*

The request does not conflict with the stated purpose of the chapter because it is maintaining a sign to the height and square footage limitations previously set.

**Mr. Martinez entered the meeting at 1:43pm**

**Second:** Mr. Rodriguez

**In Favor:** Schaufelle, Rodriguez, Teel, Neff, Fisher

**Opposed:** Dr. Zottarelli, Cruz, Bragman, Manna

**Abstained:** Oroian, Martinez

**Motion Failed**

**Item # 2**     **BOA-19-10300050:** A request by Brown & Ortiz for a 35 foot variance from the maximum 60 foot sign height restriction to allow for a single-tenant sign to be 95 feet tall, located at 4635 Rittiman Road. Staff recommends Denial. (Council District 2) (Debora Gonzalez, Senior Planner (210) 207-3074, debora.gonzalez@sanantonio.gov, Development Services Department)

Staff stated 11 notices were mailed to property owners within 200 feet, 0 returned in favor, and 3 returned in opposition and no registered neighborhood association.

James McKnight, 112 E. Pecan, gave a presentation regarding their reasons for their case. Because there is no change to the sign in size or height, they feel it should remain as before.



**The Following Citizens appeared to speak**

June Kachtik, 3415 Rockwood Run, supports staff's denial  
Colleen Waguespak, 1603 Tarton, supports staff's denial

**Motion**

Chair Martinez asked for a motion for item **BOA-19-10300050**, as presented.

Mr. Oroian made a motion for **BOA-19-10300050** for approval.

Regarding Appeal No **BOA-19-10300050**, a request for a 35 foot variance from the maximum 60 foot sign height to allow for a single-tenant sign to be 95 feet tall, situated at 4635 Rittiman Road, applicant being James McKnight, Brown & Ortiz.

I move that the Board of Adjustment grant the applicant's request for the 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:

1. *The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; or*
2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and.*

**The applicant feels that lowering the sign to current standards will cause a lack of visibility for the Whataburger sign, which has been there since 1999. The Board understands the need for adequate signage, and finds that repairing the existing, non-conforming sign on the property, requires a deviation from the height sign requirement.**

3. *After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:*
  - A. *Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.*

**The area in which the Whataburger is located caters to interstate travel. Many commercial properties within the area enjoy sign heights at 50'; however, because there are no conditions present that warrant nearly doubling the sign height to 95', the Board finds that the request is not contrary to the public interest.**

- B. Granting the variance will not have a substantially adverse impact on neighboring properties.*

**The requested variance is unlikely to harm adjacent property. The sign is consistent with the existing height and square footage limitations.**

- C. Granting the variance will not substantially conflict with the stated purposes of this article.*

The request does not conflict with the stated purpose of the chapter because it is maintaining a sign to the height and square footage limitations previously set.

**Second:** Ms. Fisher

**In Favor:** Oroian, Fisher, Schaufelle, Rodriguez, Teel, Neff, Cruz, Martinez

**Opposed:** Dr. Zottarelli, Bragman, Manna,

**Motion Failed**

**Item #3**      **BOA-19-10300051** a request by Edward Escamilla for a variance from the building materials requirements within the Highway 151 Gateway Corridor Overlay design standards to allow for corrugated metal to be used as a building material, located at 1935 Air Lawn Street. Staff recommends Approval. (Council District 6) (Mercedes Rivas, Planner, (210) 207-0215, Mercedes.Rivas2@sanantonio.gov, Development Services Department)

Staff stated 12 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition and no registered neighborhood association.

Edward Escamilla, 1952 Points Edge, spoke for his father who built the business and wishes to bring the property into compliance after they were cited. The fence is needed for safety reasons.

**Motion**

**No Citizens appeared to speak**

Chair Martinez asked for a **motion** for case **BOA-19-10300051**, as presented.

**Motion:** Mr. Rodriguez made a motion for **BOA-19-10300051** for approval.

Regarding Appeal No **BOA-19-10300051**, a request for a variance from the building materials requirements Highway 151 Gateway Corridor Overlay design standards to allow for corrugated metal to be used as a building material, situated at 1935 Air Lawn Street, applicant being Edward Escamilla.

I move that the Board of Adjustment grant the applicant's request for the 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:

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 façade of the storage building was constructed using corrugated metal. The building is located behind a locked fence, which would prevent the public from accessing it.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*  
**Allowing the applicant to keep the corrugated metal façade of the storage building will help create a safe and private environment while enhancing aesthetics. Therefore, the public welfare and convenience will be substantially served.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*  
**Granting the variance will not substantially injure the neighboring properties as the building will enhance safety and privacy for the subject property and is highly unlikely to injure adjacent properties.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the district in which the request for a variance is located.*

**The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district.**

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**The corrugated metal façade contributes to the character of the industrial community. The applicant has a screened and locked fence which does not impose any immediate threat to adjacent 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 circumstance in this case is that the façade of the building was constructed using corrugated metal. It is difficult to establish how the request could harm adjacent owners or detract from the character of the community.**

**Motion:** Mr. Rodriguez made a motion to approve the case **BOA-19-10300051**

**Second:** Mr. Manna

**In Favor:** Rodriguez, Manna, Dr. Zottarelli, Neff, Oroian, Schaufelle, Bragman, Fisher, Cruz, Teel, Martinez

**Opposed:** None

**Motion Granted**

- Item # 4      **(Continued from 04/15/2019) - BOA-19-10300034:** A request by Maria Castillo for 1) a 4' variance from the 5' side setback requirement to allow for a carport to be 1' away from the side property line, 2) a special exception to allow a privacy fence to be up to 8' tall on the west and rear property line, and 3) a variance from the restriction of corrugated metal as a fencing material to allow for the use of fencing, located at 423 West Norwood Court. Staff recommends Denial with an Alternate Recommendation. (Council District 1) (Mercedes Rivas, Planner, (210) 207-0215, Mercedes.Rivas2@sanantonio.gov, Development Services Department)

Staff stated the applicant requested a continuance to June 3<sup>rd</sup> 2019.

Chair Martinez made a motion for a continuance for case **BOA-19-10300051** to June 3<sup>rd</sup>. A voice vote was taken and passed unanimously.

**The Board of Adjustment recessed at 2:52pm and reconvened at 3:00pm**

**Dr. Zottarelli made a motion to move up case BOA 19-10300052 to the next item on the agenda. A voice vote was taken and passed unanimously.**

- Item # 8      **BOA 19-10300052** a request by Gilbert and Dolores Perez for a 4'2" variance from the 5' side setback requirement to allow for an existing attached carport to be 10" away from the side property line, located at 146 Helena Street. Staff recommends Denial with an Alternate Recommendation. (Council District 5) (Mercedes Rivas, Planner, (210) 207-0215, Mercedes.Rivas2@sanantonio.gov, Development Services Department)

Staff stated 32 notices were mailed to property owners within 200 feet, 1 returned in favor, and 0 returned in opposition and no response from the Lonestar Neighborhood Association.

Gilbert Lopez, 146 Helena St, stated he suffers from many medical conditions and the carport provides protection and an area to exercise in.

**No Citizens appeared to speak.**

Chair Martinez asked for a **motion** for case **BOA-19-10300052**, as presented.

**Motion:** Ms. Cruz made a motion for **BOA-19-10300052** for approval.

Regarding Appeal No **BOA-19-10300052**, a request for a 4'2" variance from the 5' side setback requirement to allow for an existing attached carport to be 10" away from the side property line, situated at 146 Helena Street, applicant being Gilbert and Dolores Perez.

I move that the Board of Adjustment grant the applicant's request for the variances 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:

1. *The variance is not contrary to the public interest.*

**The 10” setback from the side property line adequately addresses fire separation needs and provides adequate space to maintain the structure without trespass.**

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

**The 10” setback from the side property line would limit potential hardships on adjoining property owners.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

**The 10” setback from the side property line would provide fair and equal access to air and light, while providing for adequate fire separation and storm water controls.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

**The variance will not authorize the operation of a use other than those uses specifically authorized by the zoning district.**

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**The 10” setback from the side property line would alleviate concerns of injuring the appropriate use of adjacent conforming 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 Board supports the attached carport placement with a 10” setback from the side property line as this would alleviate concerns of storm water runoff, fire spread, and maintenance of the structure.**

**Motion:** Ms. Cruz made a motion to approve the case **BOA-19-10300052**

**Second:** Mr. Oroian

**In Favor:** Cruz, Oroian, Rodriguez, Manna, Dr. Zottarelli, Neff, Schaufelle, Bragman, Fisher, Teel, Martinez

**Opposed:** None

**Motion Granted**



**Item # 5**      **BOA-18-10300054** A request by Manuela Torres for a special exception to allow an existing 8' fence along the side and rear property lines, within the rear yard, located at 5822 Castle Run Drive. Staff recommends Approval. (Council District 2) (Mercedes Rivas, Planner, (210) 207-0215, Mercedes.Rivas2@sanantonio.gov, Development Services Department)

Staff stated 38 notices were mailed to property owners within 200 feet, 0 returned in favor, and 1 returned in opposition and no response from the East Village Neighborhood Association.

Ms. Manuela and Jose Torres, 5822 Castle Run Drive, stated the fence is needed due to the fact her husband has an illness and tends to climb over the 6 foot fence. Once the 8 foot fence was built he can longer climb it. The fence keeps his safe from the dogs on the other side of the fence.

**No Citizens appeared to speak.**

**Motion:** Chair Martinez asked for a motion for item **BOA-18-10300054**, as presented.

**Motion:** Mr. Rodriguez made a motion to approve item **BOA-18-10300054**

Regarding Appeal No **BOA-19-10300054**, a request for a special exception to allow an existing 8' fence along the sides and rear property lines, situated at 5822 Castle Run Drive, applicant being Manuela Torres.

I move that the Board of Adjustment grant the applicant's request for the special exception 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:

A.      *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 up to 8'. The additional fence height is intended to provide provide a safer environment for an aging resident of the home and to provide protection from dogs located at an adjacent lot in the rear of the property. If granted, this request would be in harmony with the spirit and purpose of the ordinance. No portions of the fences will be in violation of the Clear Vision field.**

B.      *The public welfare and convenience will be substantially served.*

**In this case, these criteria are represented by maximum fence heights to protect residential property owners while still promoting a sense of community. The fence height will be built along the side and rear property lines to provide a safer environment for an aging resident of the home and to provide protection from dogs located at an adjacent lot in the rear of the property. This is not contrary to the public interest.**

C. *The neighboring property will not be substantially injured by such proposed use.*

**No portion of the fence will be in violation of the Clear Vision field. No adjacent property owner, nor the traveling public, will be harmed by the proposed fence.**

D. *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 8' fence along the side and rear property lines would not significantly alter the overall appearance of the district and would provide added security and protection for the property owner.**

E. *The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.*

**The purpose of the fencing standards is to protect the health, safety, and general welfare of the public. The special exception request is to allow an 8' fence in order to provide a safer environment for an aging resident of the home and to provide protection from dogs located at an adjacent lot in the rear of the property. Therefore, the requested special exception will not weaken the general purpose of the district.**

**Second:** Mr. Schaufelle

**In Favor:** Rodriguez, Schaufelle, Neff, Cruz, Teel, Dr. Zottarelli, Manna, Fisher, Oroian, Bragman, Martinez

**Opposed:** None

**Motion Granted**

**The Board of Adjustment recessed for a break at 2:52pm and reconvened at 3:03pm**

**Item # 6** **BOA-19-10300053** a request by Rudolph Sanchez for a 1'11" variance from the required 2' sidewalk separation, a design standard with the Mahncke Park Neighborhood Conservation District, to allow a 22" wall to be 1" from the sidewalk, located at 315 Queen Anne Court. Staff recommends Denial. (Council District 2) (Debora Gonzalez, Senior Planner (210) 207- 3074, debora.gonzalez@sanantonio.gov, Development Services Department)

Staff stated 37 notices were mailed to property owners within 200 feet, 1 returned in favor, and 0 returned in opposition and no response from the Mahncke Park Neighborhood Association.

Rudy Sanchez, 315 Queen Anne Court, submitted a petition of support from some of his neighbors for a sitting bench on his applicant's property. Mr. Sanchez would like a sitting bench for neighborhood gatherings. He did check with the historical society but failed to check with the conservation district.



**The Following Citizens appeared to speak.**

Jason Meckel, 309 Queen Anne Court, spoke in favor

**Motion:** Chair Martinez asked for a motion for item **BOA-19-10300053**, as presented.

**Motion:** Mr. Teel made a motion to approve item **BOA-19-10300053**.

Regarding Appeal No **BOA-19-10300053**, a request for a 1'11" variance from the required 2' sidewalk separation Mahncke Park Neighborhood Conservation District design standards to allow a 22" wall to be 1" from the sidewalk, situated at 315 Queen Anne Court, applicant being Rudolph Sanchez.

I move that the Board of Adjustment grant the applicant's request for the variances 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:

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 public interest is represented by setbacks that maintain neighborhood character. The 22" wall locate 1" from the sidewalk is not contrary to public interest as it does not negatively impact any surrounding properties or the general public.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*  
**If enforced, the ordinance would significantly increase physical hardship for the subject owner.**

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 the intent of the code, rather than the strict letter of the law. The intent of the code is to establish a cohesive theme. The request to reduce the front fence setback observes the intent of the code as the property complies with other requirements in neighborhood design.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized*  
**The variance will not authorize the operation of a use other than those uses specifically authorized in the in the zoning district.**

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*  
**The request will not injure the rights of neighboring properties as the reduction does not detract from the character of the neighborhood.**

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 circumstance existing here is that there are other similar fences within the same block and the owners' intent to beautify his home and the community in which it is located.**

**Second:** Mr. Teel

**In Favor:** Neff, Teel, Dr. Zottarelli, Cruz, Schaufelle, Rodriguez, Martinez

**Opposed:** Fisher, Bragman, Manna, Oroian

**Motion Failed**

**Item # 7**     **BOA 19-10300017** A request by Mirna Montoya for 1) a 8' variance from the 10' front setback requirement to allow for an attached carport to be 2' away from the front property line, and 2) a 2' variance from the 5' side setback requirement to allow for an existing attached carport to be 3' away from the side property line, situated at 118 Cosgrove Street, applicant being Mirna Montoya. (Council District 5) (Mercedes Rivas, Planner, (210) 207-0215, Mercedes.Rivas2@sanantonio.gov, Development Services Department)

Staff stated 41 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition and no response from the Highland Park Neighborhood Association.

Rogelio Rosalez, 118 Cosgrove Street, requested interpreter services, gave the measurements of the carport and stated he built the carport in a way to park the vehicles side by side, while the water drains toward the street and also stated the neighbors have not complained.

**No Citizens appeared to speak.**

**Motion:** Chair Martinez asked for a motion for item **BOA 19-10300017**, as presented.

**Motion:** Mr. Manna made a motion to approve item **BOA 19-10300017**

**Mr. Rodriguez left the Board of Adjustment meeting at 4:27pm and did not return.**

Regarding Appeal No **BOA-19-10300017**, a request for 1) a 8' variance from the 10' front setback requirement to allow for an attached carport to be 2' from the front property line, and 2) a 2' variance from the 5' side setback requirement to allow for an existing attached carport to be 3' away from the side property line, situated at 118 Cosgrove Street, applicant being Mirna Montoya.

I move that the Board of Adjustment grant the applicant's request for the variances 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:



1. *The variance is not contrary to the public interest. Alternate recommendation for a 2' front setback and a 3' side setback is appropriate because it adequately addresses fire separation needs and provides adequate space to maintain the structure without trespass.*

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

**The Board finds that the modification of the attached carport to be 3' from the side property line would limit potential hardships on adjoining property owners.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

**Modifying the attached carport to be 3' from the side property line would provide fair and equal access to air and light, while providing for adequate fire separation and storm water controls.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

**The variance will not authorize the operation of a use other than those uses specifically authorized by the zoning district.**

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**The Board finds that a setback of 3' from the side property line would alleviate concerns of injuring the appropriate use of adjacent conforming 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 Board supports the attached carport placement with a reduced setback of 3' from the side property line, as this would alleviate concerns of storm water runoff, fire spread, and maintenance of the structure.**

**Second:** Mr. Oroain

**In Favor:** Manna, Oroian, Neff, Teel, Dr. Zottarelli, Cruz, Schaufelle, Fisher, Bragman, Martinez

**Opposed:** None

**Motion Granted**

**Item # 9**      **BOA-19-10300044** A request by Vaneza M. Alvarado for 1) a 4' variance from the 5' side setback requirement to allow a detached structure to be 1' from the side property line, 2) a 4' variance from the 5' rear setback requirement to allow a detached structure to be 1' from the rear property line, 3) a 12' variance from the 20' garage setback requirement to allow a garage to be 8' from the side property line, 4) a special exception to allow an 8' fence along the rear property line, 5) a variance from the Clear Vision standards to allow a fence to be within the Clear Vision field, and 6) a special exception to allow a 5' tall solid screen fence in the front yard of the property, located at 132 Rehmann Street. Staff recommends Denial, with an Alternate Recommendation. (Council District 1) (Debora Gonzalez, Senior Planner (210) 207-3074, Debora.gonzalez@sanantonio.gov, Development Services Department)

Staff stated 34 notices were mailed to property owners within 200 feet, 1 returned in favor, and 4 returned in opposition, 2 outside of the 200 sq. foot radius and no response from the Collins Gardens Neighborhood Association.

Vaneza M. Alvarado, 132 Rehmann Street, stated she purchased the property in August of 2018 as is. She asked the Board to accept the City's recommendation of items #3, 4, 6. She also stated the fence protects her property from litter caused by the students who attend the KIPP Academy down the street and the high crime in the area.

**The Following Citizens appeared to speak**

Sabino Alacon, 130 Raymond Street, spoke in opposition

**Dr. Zottarelli left the Meeting at 4:58pm and did not return. Mr. Martinez informed the Applicant of her choice to continue with the case or continue the item to another day (June 3, 2019).**

**Motion:** Chair Martinez asked for a motion for item **BOA-19-10300044**

**Motion:** Mr. Oroian made a motion for a continuance on case **BOA-19-10300044** until June 3<sup>rd</sup>, 2019

**Second:** Mr. Schaufelle

**Motion:** Chair Martinez took a voice vote in which all Board Members voted in the affirmative.

**Motion Granted**



**Approval of Minutes**

**Item # 10** Consideration and Approval on the Minutes from **March 4, 2019.**

Mr. Martinez asked if any changes needed to be made to the Minutes.

Mr. Neff asked the Minutes stay consistent and exclude detailed accounts and add the following language:

**“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.”**

**Second:** Mr. Martinez

Chair Martinez motioned for approval of the minutes as amended and all the Members voted in the affirmative

**In Favor:** Unanimous

**Opposed:** None

**Motion Granted**

**Director's Report:** None

**Adjournment**

There being no further business, the meeting was adjourned at 4:10p.m.

APPROVED BY: Roger J. Mandy OR \_\_\_\_\_  
Chairman Vice-Chair

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

ATTESTED BY: M. Quinlan DATE: June 4, 19  
Executive Secretary