

City of San Antonio



Board of Adjustment Minutes

Development and Business Services
Center
1901 South Alamo

February 3, 2020

1:00PM

1901 S. Alamo

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

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

Alternate Members

Cyra M. Trevino | Anne Englert | Arlene B. Fisher | Frank A. Quijano |
Seymour Battle III | Kevin W. Love | Johnathan Delmer

1:01 P.M. - Call to Order, Board Room

- **Roll Call**
- **Present:** Zottarelli, Bragman, Cruz, Oroian, Britton, Ozuna, Neff, Manna, Fisher, Battle, Martinez
- **Absent:** Malone, Teel

Jaqueline Payan and Cesar Chavez, 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 **(POSTPONED) BOA-19-10300167:** A request by Fernando De Leon for a request for a 5' variance from the maximum 35' front setback requirement to allow a new building to be 40' from the front property line, located at 10603 West Avenue. (Council District 9) (Kayla Leal, Senior Planner, (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department).

Item # 2 **BOA-19-10300165:** A request by Elva Laureano for a special exception to allow a one operator beauty barber shop in a single-family residence, located at 245 Isabel. Staff recommends Approval. (Council District 3) (Dominic Silva, Senior Planner (210) 207-0120, dominic.silva@sanantonio.gov, Development Services Department)

Staff stated 28 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition. Not located within a registered Neighborhood Association.

Elva Laureano, 245 Isabel – Requesting special exception to allow her to run her beauty shop out of her home. She wants to be more productive this way.

Follow Citizens appeared to speak

Denise Ojeda, 1737 Hicks Ave – Spoke in support of the request

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.

Motion: Chair Martinez asked for a motion for item BOA-19-10300165, as presented

Ms. Bragman made a **motion** for BOA-19-10300165 for approval

“Regarding Case No. BOA-19-10300165, I move that the Board of Adjustment grant a special exception to allow a one-operator beauty/barber shop in a single family home with limited hours of Monday through Saturday from 8:30 AM to 6:30 PM, by appointment only, situated at 245 Isabel Street, applicant being Elva Laureano, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The special exception will be in harmony with the spirit and purpose of the chapter.*
The purpose of the review is to ensure that the operation of one-operator beauty/barber shop does not negatively impact the character of the community. The applicant has fulfilled all requirements for a one-operator shop as established in the Unified Development Code. As such, staff finds that the special exception will be in harmony with the purpose of the chapter.

2. *The public welfare and convenience will be substantially served.*
Public welfare and convenience will be served as it will provide a valuable service to the residents of the neighborhood. The applicant has proposed the hours of Monday through Saturday from 8:30 AM to 6:30 PM, by appointment only.
3. *The neighboring property will not be substantially injured by such proposed use.*
The subject property will be primarily used as a single family residence. The beauty/barber shop will occupy only a small portion of the home, as required by the UDC. A neighboring property owner should not have any indication that a portion of the home is being used for this purpose.
4. *The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.*
The requested special exception is not likely to alter the essential character of the district as the property is still used, primarily, as residence.
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: Dr. Zottarelli

In Favor: Bragman, Zottarelli, Cruz, Oroian, Britton, Ozuna, Neff, Manna, Fisher, Battle, Martinez

Opposed: None

Motion Granted

Item #3

BOA-19-10300168: A request by Durand-Hollis Rupe Architects for a request for a 25' variance from the 30' Type E landscaping bufferyard requirement to allow a 5' buffer yard along the West property line, located at 811 Jackson Street. Staff recommends Approval. (Council District 1) (Kayla Leal, Senior Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Staff stated 20 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition. No response from Five Points Neighborhood Association.

Tom Carasco, VIA – Working with the permit department for project.

Gabriel Durand Hollis, 811 Jackson St. – Spoke of request for variance to continue project.

No Citizens appeared to speak

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.

Motion: Chair Martinez asked for a motion for item BOA-19-10300168, as presented

Dr. Zottarelli made a **motion** for BOA-19-10300168 for approval

“Regarding Case No. BOA-19-10300168, I move that the Board of Adjustment grant a request for a 25’ variance from the 30’ Type E landscaping buffer yard requirement to allow a 5’ buffer yard along the West property line, situated at 811 Jackson Street, applicant being Durand-Hollis Rupe Architects, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

The public interest is defined as the general health, safety, and welfare of the public. In this case, the variance is not contrary to the public interest as a buffer yard would still be provided by the applicant.

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

Staff cannot find any special conditions that, if enforced, would result in an unnecessary hardship. Staff has advised the applicant of alternative solutions which may result in a similar fashion, which the applicant also explored.

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 intent of the buffer yard requirements is to protect less-intense land uses from those of more intensity, however, in this case the buffer yard is being imposed on the commercially-zoned property which is abutted by a property zoned industrial. A buffer yard will still be required so the spirit of the ordinance will be observed.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought 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 requested variance will not substantially alter the essential character of the district in which the property is located.

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 does not find any unique circumstances that warrant the granting of this request. Moreover, the unique circumstances were not created by the owner of the property and are not merely financial.”

Second: Mr. Oroian

In Favor: Zottarelli, Oroian, Bragman, Cruz, Britton, Ozuna, Manna, Fisher, Battle, Martinez

Opposed: Neef

Motion Granted

Item #4

BOA-19-10300156: A request by Yma Luis for a request for 1) a variance from the restriction of corrugated metal as a fencing material to allow for its use as a fencing material and 2) a variance from the Clear Vision standards to allow a fence to be within the Clear Vision field, located at 1638 Santa Monica Street. Staff recommends Denial. (Council District 1) (Kayla Leal, Senior Planner, (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Staff stated 37 notices were mailed to property owners within 200 feet, 3 returned in favor, and 0 returned in opposition. No response from Los Angeles Heights Neighborhood Association.

Yma Luis, 1638 Santa Monica Street – Spoke about her need for the privacy fence. The corrugated metal edges are not exposed, lays behind the cedar planks.

No Citizens appeared to speak

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.

Motion: Chair Martinez asked for a motion for item BOA-19-10300157, to be continued until the March 2, 2020 Board of Adjustment meeting.

Mr. Ozuna made a **motion** for BOA-19-10300157 to be continued.

Second: Mr. Oroian

Members voted in the affirmative.

Item #5

BOA-19-10300144: A request by Francisco Rodriguez for a request for 1) a 10' variance from the 20' rear setback requirement to allow a structure to be 10' from the rear property line and 2) a 1' variance from the 5' side setback requirement to allow a structure to be 4' from the side property line, located at 821 West Cypress Street. Staff recommends Approval. (Council District 1) (Kayla Leal, Senior Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department.)

Staff stated 26 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition, 1 returned in favor (outside 200' boundary). No response from Five Points Neighborhood Association.

Francisco Rodriguez, 821 West Cypress Street – Request for variance so he can run electricity.

No Citizens appeared to speak

Motion: Chair Martinez asked for a motion for item BOA-19-10300144, as presented

Mr. Oroian made a **motion** for BOA-19-10300144 for approval

“Regarding Case No. BOA-19-10300144, I move that the Board of Adjustment grant a request for 1) a 10' variance from the 20' rear setback requirement to allow a structure to be 10' from the rear property line and 2) a 1' variance from the 5' side setback requirement to allow a structure to be 4' from the side property line, situated at 821 West Cypress Street, applicant being Francisco Rodriguez, 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 served by setbacks, which help to provide consistent development within the City of San Antonio. The applicant is seeking a variance to allow a structure to be 10' from the rear property line and 4' from the side property line. The request will maintain the character of development in San Antonio and does not appear contrary to the public interest
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
Literal enforcement of the ordinance would result in the applicant removing portions of the structure that are within the setback. This would result in unnecessary financial hardship. Since the home was built before 1900, and is not being enlarged.
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*
The intent of the code is to provide for consistent development, to establish room for maintenance, and to reduce the threat of fire spread. The Board supports the request to reduce the rear and side setback as it will maintain the spirit of the ordinance.
4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*
The variance will not authorize the operation of a use other than those uses specifically authorized by the 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.*
In older neighborhoods such as this, accessory dwelling units are commonly located within the rear and side setbacks established by the Unified Development Code (UDC). The request does not appear to have altered the essential character of the surrounding area since being constructed and does not pose a threat to substantially injure 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 circumstances existing on the property are neither due to the general conditions of the district nor due to the owner, and is not financial in nature. The character of the rear and side yards within the district are predominantly compact, leaving little room for current building setbacks.”

Second: Dr. Zottarelli

In Favor: Oroian, Zottarelli, Bragman, Cruz, Britton, Ozuna, Neff, Manna, Fisher, Battle, Martinez

Opposed: None

Motion Granted

Chair Martinez called for the Board of Adjustment to take a recess at 2:20 pm. The Board resumed at 2:30 pm.

Item #6 **BOA-19-10300166:** A request by Carlos Zapata for a 4’ variance from the 5’ side setback requirement to allow a detached carport to be 1’ from the side property line, located at 1014 East Drexel Avenue. Staff recommends Denial with an Alternate Recommendation. (Council District 3) (Kayla Leal, Senior Planner, (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Staff stated 25 notices were mailed to property owners within 200 feet, 1 returned in favor, and 0 returned in opposition. No response from Highland Park Neighborhood Association.

Carlos Zapata, 1014 East Drexel Avenue – Requesting variance to continue building his detached carport. His intent is only to improve his property and still be pleasing to the neighborhood.

No Citizens appeared to speak

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.

Motion: Chair Martinez asked for a motion for item BOA-19-1030166, as presented

Mr. Oroian made a **motion** for BOA-19-10300166 for approval

“Regarding Case No. BOA-19-10300166, I move that the Board of Adjustment grant a request for a 4’ variance from the side setback requirement *for a free standing carport as submitted*, as described in Section 35-310.01, to allow a carport to be 1’ from the side property line, situated at 1014 East Drexel Avenue, applicant being Carlos Zapata, 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 served by a 1' setback, and the carport being slopped to the front or rear to ensure adequate drainage .
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
The submitted carport is of adequate width for a single vehicle and will be constructed to provide adequate stormwater runoff and fire separation as it is constructed out of metal.
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 request as submitted was found to observe the spirit of the ordinance.
4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought 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.*
If built as submitted the carport would be in line with other carports that are in 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.*
There is adequate space on the side of the structure as well as between the carport and the existing fence which is reflected to be the property line in the application. Therefore, it is found that the proposed carport is adequate and proportionate."

Second: Mr. Ozuna

In Favor: Oroian, Ozuna, Zottarelli, Bragman, Cruz, Britton, Neff, Manna, Fisher, Battle, Martinez

Opposed: None

Motion Granted

Item #7

BOA-19-10300170: A request by Jesse Barrera for 1) a 4' variance from the 5' side setback requirement to allow an attached carport to be 1' from the side property line and 2) a 2' variance from 5' side setback requirement to allow a detached accessory structure with projected eaves to be 3' from the side property line, located at 2507 Menchaca. Staff recommends Denial. (Council District 5) (Dominic Silva, Senior Planner (210) 207-0120, dominic.silva@sanantonio.gov, Development Services Department)

Staff stated 42 notices were mailed to property owners within 200 feet, 0 returned in favor, and 1 returned in opposition (outside 200'). No response from Prospect Hill/West End Hope in Action Neighborhood Association.

Jesse & Suzanne Barrera, 2507 Menchaca – Requesting variance to allow the attached carport as is for vehicle protection and protection him and his wife when they are going out in bad weather.

The Following citizens appeared to speak

David Guadrano, 11211 Barkley – In opposition of variance for the carport. He does not contest the detached structure in the back.

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.

Motion: Chair Martinez asked for a motion for item BOA-19-10300170, as presented

Mr. Oroian made a **motion** for BOA-19-10300170 for approval

“Regarding Case No. BOA-19-10300170, I move that the Board of Adjustment grant a request for 1) a 3’ variance from the 5’ side setback requirement to allow an attached carport to be 2’ from the side property line and 2) a 2’ variance from 5’ side setback requirement to allow a detached accessory structure with projected eaves to be 3’ from the side property line, situated at 2507 Menchaca Street, applicant being Jesse Barrera, 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 instance, the variance is not contrary to the public interest. Both the carport and accessory structure have been in place and there has been proper mitigation of stormwater runoff due to the provision of gutters and short curbs along the side of the driveway to direct water to the street as opposed to the neighboring property. Both structure provide room for maintenance and will not create water runoff to adjacent property owners.

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

Literal enforcement of the ordinance would result in the applicant removing both the carport and accessory structure from the side setback. This would result in unnecessary financial hardship.

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

Granting the request will result in substantial justice as the requested setbacks will still provide for a safe development pattern. Both requests provide fair and equal access to air, light, and adequate fire separation.

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

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

If the requested variances are approved, both the carport and accessory detached structure will not alter the character of the district, which in older neighborhoods such as this, it is common for structures to be located within the side setbacks established by the current Unified Development Code.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The unique circumstances existing on the property are neither due to the general conditions of the district, nor due to the owner, and is not financial in nature. Due to the layout of the existing driveway and limited size of the lot, establishing the carport and accessory structure would need approval due to the limited amount of space within the side property.”

Second: Mr. Neff

In Favor: Oroian, Neff, Zottarelli, Bragman, Cruz, Britton, Ozuna, Manna, Fisher, Battle, Martinez

Opposed: None

Motion Granted

Item #8

BOA-19-10300171: A request by Javier Salas for 1) a 4’11” variance from the 5’ side setback requirement to allow an attached addition and carport to be 1” from the side property line and 2) a 3’ variance from the 5’ side setback requirement to allow a detached carport to be 2’ from the side property line, located at 8419 Big Creek Street. Staff recommends Denial. (Council District 4) (Dominic Silva, Senior Planner (210) 207-0120, dominic.silva@sanantonio.gov, Development Services Department)

Staff stated 35 notices were mailed to property owners within 200 feet, 3 returned in favor, and 0 returned in opposition. No comment from Southwest Community Association.

Javier Salas, 8419 Big Creek Street – Spoke in need of the attached addition because his family is growing. He constructed the addition to the side because it was easier than adding on to the existing home.

No Citizens appeared to speak

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.

Motion: Chair Martinez asked for a motion for item BOA-19-10300171, as presented

Mr. Oroian made a **motion** for BOA-19-10300171 for approval

“Regarding Case No. BOA-19-10300171, I move that the Board of Adjustment grant a request for 1) a 4’ variance from the 5’ side setback requirement to allow an attached carport to be 1” from the side property line situated at 8419 Big Creek Street, applicant being Javier Salas, 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 instance, the provision of an attached carport 1’ off the property line would not be contrary to the public interest.

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

Literal enforcement of the ordinance would result in a carport not being allowed within 1’ of the side property line. This would result in unnecessary financial hardship.

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

Granting the request will result in substantial justice as any occupiable structures will still be required to be within the required setbacks, so there will be fair and equal access to air, light, and adequate fire separation for this property and the abutting neighbors.

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

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

If the requested variances are approved, both the attached carport will not alter the character of the district, which in older neighborhoods such as this, it is common for structures to be located within the side setbacks established by the current Unified Development Code.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The unique circumstances existing on the property are neither due to the general conditions of the district, nor due to the owner, and is not financial in nature. Due to the layout of the existing driveway and limited size of property between the existing home and the side property line the provision of an attached carport within the side setback would be adequate for the district."

Second: Mr. Neff

In Favor: Oroian, Neff, Zottarelli, Bragman, Cruz, Ozuna, Fisher, Battle

Opposed: Britton, Manna, Martinez

Motion Fails

Item #9

BOA-19-10300172: A request by Priscilla Hurt for a request for a 95 square foot variance from the maximum accessory structure 2,500 square footage to allow a total of 2,595 square feet of accessory structures, located at 5119 Queen Bess Court. Staff recommends Approval. (Council District 7) (Kayla Leal, Senior Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Staff stated 16 notices were mailed to property owners within 200 feet, 0 returned in favor, and 0 returned in opposition. No response from Sunshine Estates Neighborhood Association.

Geraldo Flores, 1410 Guadalupe St. – Architect for Ms. Hurt. Spoke of need of structure to store antique vehicles on her private property.

Priscilla Hurt, 5119 Queen Bess Court – Spoke of request for the accessory structure to store her vehicles.

The Following Citizens appeared to speak

Sam Houston Clinton, 2422 Hillcrest – Spoke in opposition of the variance.

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.

Motion: Chair Martinez asked for a motion for item BOA-19-10300172, as presented

Mr. Ozuna made a **motion** for BOA-19-10300172 for approval

“Regarding Case No. BOA-19-10300172, I move that the Board of Adjustment grant a request for 95 square foot variance from the maximum accessory structure 2,500 square footage to allow a total of 2,595 square feet of accessory structures, situated at 5119 Queen Bess Court, applicant being Priscilla Hurt, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

The public interest is defined as the general health, safety, and welfare of the public. In this case, the variance is not contrary to the public interest because the proposed accessory garage will be accessed through the rear property and will not affect the character of the neighborhood.

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

Staff cannot find any special conditions that, if enforced, would result in an unnecessary hardship. If the applicant had applied for a permit, staff could have advised the applicant of other approaches to achieve a similar effect. The applicant will be storing artifacts and personal property in the garage as the code and zoning will allow.

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 intent of the maximum square footage is to provide a limitation of accessory structure as to not have properties with an excessive amount of structures on the property. The requested variance for an additional 95 square feet and proposed structure will observe the spirit of the ordinance.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought 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 requested variance is for an accessory garage that will be located in the rear of the property and accessed from the alleyway. Staff does not find the request to alter the essential character of the district in which the property is located.

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 does not find any unique circumstances that warrant the granting of this request.”

Second: Mr. Manna

In Favor: Ozuna, Manna, Zottarelli, Bragman, Cruz, Oroian, Britton, Neff, Fisher, Battle, Martinez

Opposed: None

Motion Granted

Item #10

Consideration and approval of the February 3, 2020 Board of Adjustment Minutes.

Chair Martinez **motioned** for approval of the February 3, 2020 as presented.
Members voted in the affirmative.

Municipal Leadership Institute mini meeting will be held as a work session before the March 2, 2020 Board of Adjustment meeting.

Adjournment

There being no further business, the meeting was adjourned at 4:40 p.m.

APPROVED BY: Roy J. Masten OR _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: Wahneema Lubiano DATE: March 5, 2020
Executive Secretary