

**BOARD OF ADJUSTMENT
OFFICIAL MINUTES
April 19, 2010**

Members Present:

Michael Gallagher
Andrew Ozuna
Gene Camargo
Liz Victor
Edward Hardemon
Helen Dutmer
Jesse Zuniga
George Britton
Mary Rogers
Mimi Moffat
Maria Cruz

Staff:

Andrew Spurgin, AICP, Planning Manager
Rudy Niño, Jr., AICP, Senior Planner
Jacob Floyd, Planner
Michael Farber, Planner
Paul Wendland City Attorney

Call to Order

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

Mr. Gallagher, Chairman, called the meeting to order and called roll of the applicants for each case.

Ms. Moffat, arrived at 1:05 p.m.

CASE NO. A-10-024

Applicant – Abel Hernandez
Lot 25, Block 11, NCB 17872
1319 Autumn Moon
Zoned: “RM-4” Residential Mixed Airport Hazard Overlay District

The applicant is requesting for a 3-foot variance from the requirement that a minimum 5-foot side setback be maintained in “RM-4” zoning

Jacob Floyd, Planner, presented background and staff’s recommendation of denial of the requested variance. He indicated 34 notices were mailed, 4 were returned in favor and none were returned in opposition.

William Bineham, representative, stated the owner has agreed to move the poles backwards to comply with the city. He also stated to bring the poles on the right in compliance they would have to be moved which would cause the poles to be in the middle of his driveway. He further

stated that city staff helped the owner with the plot plan in regards to where the poles would be put and did not find out he was not in compliance until code compliance informed him.

The following citizens appeared to speak:

Abel Hernandez, citizen, spoke in favor.

Skylar Virgin, citizen, spoke in favor.

Denise Torres, 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-10-024 closed.

Motion

A motion was made by **Mr. Ozuna**. Re Appeal No **A-10-024**, application for **1319 Autumn Moon**. Subject property description is **Lot 25, Block 11, NCB 17872**, located at **1319 Autumn Moon**, the applicant is requesting a **3-foot variance from the requirement that a minimum 5-foot side setback be maintained in "RM-4" zoning districts, in order to keep an existing carport 2 feet from the north side property line**. I would like to move that the Board of Adjustment grant the applicant's request regarding Appeal No. **A-10-024**, application for a special exception for the subject property as 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 35-399.04. 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 granting of the variance will not be contrary to the public interest as the location of the carport and adjacent to the property line did not prevent any hazards of the pedestrian or vehicular traffic. The applicant has provided testimony to us today that any required fire protection will be treated on the property so that the applicant will be within all required building codes. The public welfare and convenience will be substantially served in that again the property will be subject to all building codes including electrical permits and guttering. The applicant will provide gutters to keep the watershed from the adjoining property. Such variance will not be contrary to the public interest for the items that I stated above. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that the applicant has given us testimony of the money they've spent and the efforts they went through to try to secure a building permit with the city and due to misinformation on both sides. There was some information that wasn't clear to the applicant when they started building the parking garage. The spirit of the ordinance is observed and substantial justice is done in that the granting of the variance would observe the spirit of the ordinance. The property would continue to enjoy the "RM-4" zoning that is given to the property and no changes in property uses are proposed. Such 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 in that again the existing "RM-4" zoning that exists on the property will remain. No changes to the property uses are contemplated. 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 **notification was given to all the neighboring properties including the joint property and there was no opposition. In addition the property user most affected by the improvements was in support of the project.** 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 applicant went before the city to pull the permits, due to misguided information they went on to complete the project and were notified afterwards about the issue regarding the side setback lines. In my view there was not a self-created condition.** The motion was seconded by Ms. Rogers.

AYES: Ozuna, Rogers, Hardemon, Cruz, Britton, Dutmer, Zuniga, Victor

NAY: Camargo, Moffat, Gallagher

THE VARIANCE WAS NOT GRANTED.

CASE NO. A-10-025

Applicant – Joyce Janota & Charles Haile
The east 40 feet of Lot 8, Block 7, NCB 1770
104 West Huisache Avenue
Zoned: “H R-4 AHOD” Residential Single-Family Airport Hazard Overlay Monte Vista
Historic District

The applicant is requesting a 3-foot 10-inch variance from the requirement that a minimum 5-foot side setback be maintained in “R-4” zoning districts, in order to re-build an accessory structure 1-foot 2-inches from the east side property line.

Michael Farber, Planner, presented background and staff’s recommendation of approval of the requested variance. He indicated 23 notices were mailed, 7 were returned in favor and none were returned in opposition.

Joyce Janota, applicant, stated she is requesting this variance to rebuild the structure for safety and to have a place to park their vehicles. She also stated the structure will be re-built in the same place as the previous structure and to allow them to have some green space. She further stated the Historic and Design Review Commission has approved the design pending the approval of the setback variance from the Board of Adjustment.

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-10-025 closed.

MOTION

A motion was made by **Ms. Rogers**. Re Appeal No **A-10-025**, a variance application for **3-foot 10-inch variance from the requirement that a minimum 5-foot side setback be maintained in "R-4" zoning districts, in order to re-build an accessory structure 1-foot 2-inches from the east side property line**, subject property description being **the East 40 feet of Lot 8, Block 7, NCB 1770**, situated at **104 West Huisache Avenue**, the applicant being **Joyce Janota & Charles Haile**. I move that the Board of Adjustment grant the applicant's request regarding Appeal No **A-10-025**, 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 proposed structure is to be located in the footprint of a structure already in existence and is approximately nineteen and twenty**. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the literal enforcement of this ordinance would result in unnecessary hardship as the width of the subject lot is less than the typical in this particular district**. **The literal enforcement of the side setback requirements would be significantly reduced and would significantly reduce the contiguous usable space of the rear yard**. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done in that **the granting of the variance would observe the spirit of the ordinance by allowing the applicant to preserve the limited open space of the rear yard and maintaining the established location of the accessory structure**. Such 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 in that **the granting of this variance would not authorize another use other than that specifically permitted in the already existing "R-4" zoning districts**. 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 will not substantially injure the appropriate use of adjacent conforming properties nor does staff believe that it would alter the character of the district**. **The recognized pattern of development of this historic district is distinct from that of modern development and includes accessory structures situated in this manner**. The plight of the owner for which the variance is sought is due to unique circumstances **which is the narrowness of the subject property and is not merely due to financial considerations**. **This condition is unique to the subject property as the typical widths of lots in the district is approximately fifty feet**. The motion was seconded by **Ms. Cruz**.

AYES: Rogers, Cruz, Hardemon, Zuniga, Britton, Camargo, Victor, Moffat, Ozuna, Gallgher

NAY: Dutmer

THE VARIANCE WAS GRANTED.

CASE NO. A-10-026

Applicant – City of San Antonio

Lot 1, Block 2, NCB 10183

2307 Vance Jackson Road

Zoned: “C-3 R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District

The applicant is requesting a special exception to allow a 6-foot tall front-yard fences in “C-3” zoning districts.

Michael Farber, Planner, presented background and staff’s recommendation of approval of the requested special exception. He indicated 22 notices were mailed, one was returned in favor and none were returned in opposition.

Deborah Dockery, representative, stated the reason for this request is enclose the area of the fire apparatus maneuvering space, and the firefighters’ parking. She also stated the proposed new fence along Vance Jackson is only for a portion of frontage. She further stated the balance of the frontage will be a very nice public plaza with a wrought iron steel picket fence with landscaping.

The following citizens appeared to speak:

Gerlach Laven, city architect’s office, 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-10-026 closed.

MOTION

A motion was made by **Mr. Ozuna**. Re Appeal No **A-10-026**, variance application for **City of San Antonio**, address located **2307 Vance Jackson Road**, subject property description is **Lot 1, Block 2, NCB 10183**, situated again at **2308 Vance Jackson Road**, the applicant is requesting a **special exception to allow a 6-foot tall front-yard fence in a “C-3” zoning district**. I move that the Board of Adjustment grant the applicant’s request regarding Appeal No. **A-10-026**, 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 the special exception will be in harmony with the spirit and purpose of the chapter in that **the requested special exception is in harmony with the spirit and purpose of this chapter in that the proposed fence will follow the specified criteria established in Section 35-399.05 of the UDC**. The public welfare and convenience will be substantially served in that **the requested special exception will serve the public welfare in that this proposed fence will act as a necessary security measure for the proposed fire station**. The neighboring property will not be substantially injured by such proposed use in that **the granting of the special exception will**

not alter the use of the property for which the special exception is sought. The primary use of the subject property will remain commercial in nature. 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 **it does not appear that the granting of the special exception will alter the essential character of the district in which the subject property is located in that six foot tall fences are a fairly common feature in the vicinity of the subject property.** The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district in that **the purpose of the district is to promote the public health, safety, morals, or general welfare.** The granting of this special exception will not weaken this purpose, nor will it weaken the regulations established for this district. The motion seconded by Mr. Hardemon.

AYES: Ozuna, Hardemon, Camargo, Dutmer, Cruz, Victor, Rogers, Britton, Zuniga, Moffat, Gallagher

NAY: None

THE SPECIAL EXCEPTION WAS GRANTED.



Board members took a 10-minute recess.



CASE NO. A-10-027

Applicant – John & Dianne MacDiarmid
 Lot 6 and the East 25 feet of Lot 25, Block 5, NCB 3262
 305 West Kings Highway
 Zoned: “H R-5 AHOD” Residential Single-Family Airport Hazard Overlay Monte Vista Historic District

The applicant is requesting a 636-square foot variance from the requirement that the total floor area of accessory structures in residential zoning districts not exceed two-thousand five-hundred (2,500) square feet, in order to increase the total floor area of said structures to 3,136 square feet.

Jacob Floyd, Planner, presented background and staff’s recommendation of approval of the requested variance. He indicated 20 notices were mailed, 3 were returned in favor and none were returned in opposition.

Marvin Jung, representative, stated the reason for this request is because they exceed the square feet allowed by code for the accessory structures. He also stated that had used the Bexar County Appraisal District square footage which was off by about 300 square feet. He further all the materials have been approved by Historic and Design Review Commission. The structure is in poor condition and part of it is built in rubble walls which they will have to knock it down and start from the ground.

The following citizens appeared to speak:

Diane MacDiarmid, 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-10-027 closed.

MOTION

A motion was made by **Ms. Cruz**. I move that on Case **A-10-027**, variance application for **Lot 6 and the East 25 feet of Lot 5, Block 5, NCB 3262, location 305 West Kings Highway**, be approved, the applicant is requesting a **636-square foot variance from the requirement that the total floor area of accessory structures in residential zoning districts not exceed two thousand five hundred (2,500) square feet, to increase the total floor area of said structures to 3,136 square feet for the following reasons.** The variance will not be contrary to the public interest in that **it does not appear that the granting of the variance would be contrary to the public interest. The proposed structure will be located in the approximate footprint of an existing carport and will be of a similar scale. Furthermore, staff believes that the replacement of the deteriorated existing structure would be advantageous to the area in general.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **it does appear that the literal enforcement of the ordinance would result in unnecessary hardship as the existing structure is in a substantially deteriorated condition and a structure of lesser size would deny the continued use of the property to the extent currently enjoyed. Additionally, the area of the subject property is such that the granting of the variance would allow the proposed structure to be a scale in keeping with the intent of the accessory structure to preserve a compatible relationship between the size of the property and the scale of the structures thereon.** The spirit of the ordinance will be observed and substantial justice will be done **which would be in keeping with the spirit of the ordinance and would allow the property owner to replace a deteriorating structure with a structure with similar scale.** Such 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 **which is specifically permitted in the "R-5" zoning 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 **it does not appear that the granting of the variance will not injure the appropriate use of adjacent property, nor will it alter the essential character of the district, as size and scale of the proposed construction is in keeping with the historic character of the district.** 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 intent of the accessory structure size restrictions are to prevent the overcrowding of lots, maintaining a reasonable amount of open space, and ensure an appropriate relationship between the size of a lot and the scale of the structures built. Given the size of the subject property, approximately 19,500 square feet, the intent of the requirements will not be violated should the variance be granted.** The motion seconded by **Mr. Camargo.**

AYES: Cruz, Camargo, Victor, Rogers, Hardemon, Zuniga, Dutmer, Moffat, Britton, Ozuna, Gallagher

NAY: None

THE VARIANCE IS GRANTED.

CASE NO. A-10-028

Applicant – Robert Pratts
Lot 63, Block 32, NCB 3692
1128 Ceralvo Street
Zoned: “MF-33 AHOD” Multi-Family Airport Hazard Overlay District

The applicant is requesting 1) a 15-foot variance from the requirement that a maximum 20-foot front setback be maintained in “MF-33” zoning districts, in order to keep an existing structure 35 feet from the front property line and 2) an 89-foot 6-inch variance from the requirement that a maximum 20-foot front setback be maintained in “MF-33” zoning districts, in order to erect a structure 100 feet, 6 inches from the front property line.

Michael Farber, Planner, presented background and staff’s recommendation of approval of the requested variance. He indicated 18 notices were mailed, one was returned in favor and none were returned in opposition.

Robert Pratts, applicant, stated the reason for this variance is to build a second structure for his handicap to live in. He also stated the structure is only going to be 850 square feet.

The following citizens appeared to speak:

Carlos Madrid, 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-10-028 closed.

MOTION

A motion was made by **Mr. Camargo**. I would like to propose that in Case No **A-10-028**, the applicant being **Robert Pratts**, on property address is **1128 Ceralvo Street**, also known as **Lot 63, Block 32, NCB 3692**, we grant a **15-foot variance from the requirements that a maximum 20-foot front setback be maintained in “MF-33” zoning districts, in order to keep an existing structure which was permitted that exists 35-feet from the front property line and secondly an 89-foot 6-inch variance from the requirement that a maximum 20-foot front setback be maintained in “MF-33” zoning districts, in order to erect a structure that would sit 110 feet, 6 inches from the front property line.** Specifically we find that such variance will not be contrary to the public interest in that **the structure will serve a residential purpose and will not violate the intent of the existing multi-family zoning.** Due to special

conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the current zoning is incompatible for this property and no fault to the applicant and the uses that are proposed on the subject property are two separate variances.** By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done in that **the applicant would be denied the reasonable use of the property without the granting of these variances.** Such 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 in that **single-family units are permitted within the "MF-33".** 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 **it does not appear that the granting of the variances would injure the appropriate use of adjacent conforming property.** The plight of the owner 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 **there do appear to be some unique circumstances existing on the property which would result in an undue hardship through the literal enforcement of the ordinance.** Staff is recommending approval of the variance request. The motion was seconded by Mr. Zuniga.

AYES: Camargo, Zuniga, Hardemon, Rogers, Dutmer, Cruz, Victor, Moffat, Britton, Ozuna, Gallagher

NAY: None

THE VARIANCE WAS GRANTED.

CASE NO. A-10-029

Applicant – Martha Coronado
Lot 16, Block 14, NCB 14565
11411 Gaylord Drive
Zoned: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

The applicant is requesting a 3-foot, 10-inch variance from the requirement that a 5-foot side setback be maintained in "R-6" zoning districts, in order to keep an existing structure 1-foot, 2-inches from the side property line.

Michael Farber, Planner, presented background and staff's recommendation of denial of the requested variance. He indicated 31 notices were mailed, none were returned in favor and one was returned in opposition.

Martha Coronado, applicant, stated she is requesting this variance due to her medical condition. She also stated this variance allows her to store her medicines near her since her medical condition limits her mobility and to make her medical supplies convenient for the caregivers that take care of her.

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-10-029 closed.

MOTION

A motion was made by **Mr. Hardemon**. I move that in Case No **A-10-029**, applicant/owner **Martha Coronado**, at **11411 Gaylord Drive, Lot 16, Block 14, NCB 14565**, the applicant is requesting a **3-foot, 10-inch variance from the requirement that a 5-foot setback be maintained in R-6 zoning districts, in order to keep an existing structure that sits 1-foot, 2-inches from the side property line**. According to Section 482(e) of the Unified Development Code, in order to for a variance to be granted, the applicant must demonstrate all of the following: The variance is not contrary to the public interest in that **because of the physical problems of the applicant the construction was necessary**. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **it did not appear that literal enforcement of the ordinance would result in unnecessary hardship**. **There does not appear to be a physical or topographical condition existing on the property that would warrant the existing addition as it is currently situated on the property**. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done in that **the lack of this addition would cause any problems on the property for the property owner**. It appears that alternatives exist that would allow the applicant to make reasonable use of the property while still meeting setback requirements, such as expansion of the structure to the rear, which would likely result in the encroachment of the required setbacks. Such 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 in that **the granting of this variance would not authorize a use other than those specifically permitted in "R-6" zoning districts**. 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 **it appears that the granting of this variance would alter the character of the neighborhood in that, there appear to be no other additions of similar construction near the subject property**. The plight of the owner 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 not entirely self-created**. Additionally, there appears to be any unique circumstances existing on the property. The applicant cites spatial constraints within the original structure as a primary hardship. This justification is sufficient grounds on which to request a variance and does provide ample justification for the construction of the addition. The motion was seconded by **Ms. Dutmer**.

AYES: None

NAY: Hardemon, Dutmer, Zuniga, Victor, Camargo, Moffat, Rogers, Britton, Cruz, Ozuna, Gallagher

THE VARIANCE WAS NOT GRANTED.

CASE NO. A-10-030

Applicant – Ned Stagg
Lot 27, Block 1, NCB 34725A
6719 Wagner Way
Zoned: “R-6 MLOD” Residential Single-Family Military Lighting Overlay District

The applicant is requesting a 30-foot variance from the requirement that lots in “R-6” zoning districts maintain a maximum width of 150 feet, in order to erect a structure on a 180-foot wide lot.

Michael Farber, Planner, presented background and staff’s recommendation of approval of the requested variance. He indicated 13 notices were mailed, 1 was returned in favor and none were returned in opposition and no response from Crownridge of Texas Owners Association

Wayne Morales, representative, stated this lot was platted before this piece of property became part of the City of San Antonio and was developed with as a large narrow lot. He also stated it would create a hardship for the owner if the variance was not approved which would require him to replat his lot and pay for additional water hookup which may not be approved San Antonio Water Systems.

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-10-030 closed.

MOTION

A motion was made by **Mr. Camargo**. I would like to move that in Case Re Appeal No **A-10-030**, on property known as **6719 Wagner Way**, also legally described as **Lot 7, Block 1, NCB 34725A**, zoned “**R-6**” **Single-Family Military Lighting Overlay Zoning District**, be approved for a **30-foot variance from the requirement that lots in “R-6” zoning districts maintain a minimum lot width of 150 feet, in order to keep an existing lot at a width of 180 feet**. Specifically we find that such variance will not be contrary to the public interest in that **there was no opposition received of the requested variance**. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **specifically that this is a lot that was previously approved by the City of San Antonio while the property existed outside the city limits and prior to the existence of zoning regulations that required a maximum of 150 feet in an “R-6” classification**. The granting of this variance, the spirit of the ordinance will be observed and substantial justice will be done in that **the applicant would be denied a reasonable use of the property if this variance were not to be granted**. Such 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 in that **the property is zoned “R-6” zoning classification and a single-family residence is proposed on the property**. 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 **this lot is similar in width to other lots within this approved subdivision plat known as La Sierra Unit 6.** The plight of the owner for which the variance is sought is due to unique circumstances existing on the property, and those unusual circumstances **being the fact that it is a piece of property that has been previously approved by the city's planning commission, annexed in to the city, given a zoning classification that is not consistent with the platting of the property and this would eliminate a use of the property for which it was initially intended back in 1997.** The plight of the owner 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 property is unique and that it is one of the only properties in this neighborhood that is still currently vacant, other properties have been developed on similar size lots.** The motion was seconded by Mr. Zuniga.

AYES: Camargo, Zuniga, Victor, Rogers, Hardemon, Cruz, Dutmer, Moffat, Britton, Ozuna, Gallagher

NAY: None

THE VARIANCE WAS GRANTED.

Andrew Spurgin, Planning Manager, briefed board members on amendments to Chapter 28 (Signs and Billboards) of City Code regarding on-premise digital signs.

Rudy Niño, Jr, Senior Planner, briefed board members on potential amendments to Unified Development Code.

Consideration of the cancellation of the May 3, 2010 public hearing.

Mr. Zuniga made a motion to cancel the May 3 2010 public hearing. **Mr. Ozuna** seconded the motion and all members voted in the affirmative.

Approval of the April 5, 2010 Minutes

The April 5, 2010 minutes were approved with all members voting in the affirmative.

There being no further discussion, meeting adjourned at 4:24 p.m.

APPROVED BY: Michael R. Gallagher OR ~~5-17-10~~ [Signature]
Michael Gallagher, Chairman Andrew Ozuna, Vice-Chair

DATE: 5-17-10

ATTESTED BY: Christina [Signature] DATE: 5-18-10
Executive Secretary