

**BOARD OF ADJUSTMENT
OFFICIAL MINUTES
April 21, 2014**

Members Present:

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

Staff:

Catherine Hernandez, Planning Manager
Margaret Pahl, Senior Planner
Tony Felts, Planner
Paul Wendland, City Attorney

Call to Order

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

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

Mr. Klein made a motion to move Case No A-14-048 to the end of the agenda. **Ms. Cruz** seconded the motion with all members voting in the affirmative.

CASE NO. A-14-047

Applicant – Ruby Casteel

Lot 3 & W .972 ft of Lot 4, Block 18, NCB 561

610 Nolan Street

Zoned: “R-6 H AHOD” Residential Single-Family Historic Airport Hazard Overlay District

The applicant is requesting a special exception to allow the relocation of a historic residential building from 219 4th Street to a lot zoned for single family use, located in a historic district at 610 Nolan Street.

Margaret Pahl, Senior Planner, presented background and staff’s recommendation of approval of the special exception. She indicated 35 notices were mailed, 3 were returned in favor and none were returned in opposition and no response from the Dignowity Hill Neighborhood Association.

Ruby Casteel, applicant, stated the use of the structure will remain single family residential. She also stated they plan to start remodeling the structure as soon as possible.

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-14-047 closed.

MOTION

A motion was made by **Mr. Quijano**. “Re Appeal No. **A-14-047**, application for a **special exception to allow the relocation of a historic residential building from 219 4th Street to a lot zoned for single family use, located in a historic district at 610 Nolan Street**, property located at **610 Nolan Street**, subject property description **Lot 3 & W 9.72 ft of Lot 4, Block 18, NCB 561**, applicant being **Ruby Casteel**. I move that the Board of Adjustment grant the applicant’s request regarding Appeal No. **A-14-047**, 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 UD 35-399.03. 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 applicant is proposing to relocate a historic structure to a vacant lot within a historic district and intends to renovate the structure to meet current buildings codes. New electrical service and new plumbing are planned. A residential use on this vacant lot is preferred, given the previous house was demolished over 20 years ago. Therefore, granting the special exception will be in harmony with the spirit and purpose of the chapter.** The public welfare and convenience will be substantially served in that **the structure will be used as a single family dwelling, making use of an undeveloped parcel within a neighborhood that could benefit from incremental revitalization.** The neighboring property will not be substantially injured by such proposed use in that **the addition of this historic home will add integrity to the streetscape, bring a family to the block and convert a vacant lot into a personal yard. The proposed home will not negatively impact the neighboring property.** The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought in that **the houses in this historic district are each unique and contribute to the character of the district. This historic home is an ideal candidate for this large vacant parcel and much preferred to a new home as an alternative. Therefore, the special exception authorizing the relocation will not alter the essential character of the district.** The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district in that **the special exception will not weaken the general purpose of “R-6 H AHOD” zoning district, a district designed to support historic residential land uses. The site plan submitted by the applicant and the size of the parcel show the proposed placement of the home will exceed the minimum front, side and rear yard setbacks of the district.** The motion was seconded by **Mr. Camargo**.

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

NAYS: None

THE SPECIAL EXCEPTION WAS GRANTED.

CASE NO. A-14-045

Applicant – Marie Teresa Ruthenberg
Lot 29, Block 12, NCB 10806
243 East Formosa Boulevard
Zoned: “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

The applicant is requesting a 5-foot variance from the 5-foot side yard setback to allow a structure on the west side property line

Tony Felts, Planner, presented background and staff’s recommendation of denial of the requested variance. He indicated 34 notices were mailed, 3 were returned in favor and none were returned in opposition.

Marie Teresa Garcia Ruthenberg, applicant, stated the variance is being requested to provide a cover for her vehicles. She also stated there are existing properties in the neighborhood with similar carports.

The following citizens appeared to speak:

Ed Ruthenberg, 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-14-045 closed.

MOTION

A motion was made by **Mr. Klein**. “Re Appeal No. **A-14-045**, the applicant is **Maria Teresa Ruthenberg**, the location is **243 East Formosa Boulevard**, legal description **Lot 29, Block 12, NCB 10806**, the zoning is “**R-4 AHOD Residential Single-Family Airport Hazard Overlay District**, variance application for a **5-foot variance from the 5-foot side yard setback to allow a structure, mainly an existing carport on the west side property line AT the subject property as previously described**. I move that the Board of Adjustment grant the applicant’s request regarding this appeal 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 adjoining lot is vacant and the owner of property requesting a variance, has stated that they will comply with fire proofing requirements where the carport is to remain on the property line**. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the property was developed in the 1950’s, at a time when lots were smaller and the accessory buildings were located in the rear of the property. In this particular instance the owner’s ability to park conveniently to the home is enhanced by this existing carport, the**

subject of the variance request. The spirit of the ordinance is observed and substantial justice is done in that **a prescribed method for achieving the variance conformance would be the enhancement of the existing structure by providing a firewall and the owner has indicated that this will be done and that permits will be pulled by the city so that it is done in the code compliant manner.** Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that **the zoning will not change and it will remain "R-4 AHOD".** 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 **again, it is common place in older neighborhoods of this type that carports of this type spring up over the years and the applicant has indicated that several such similar carports appear to be located in this block of East Formosa Boulevard.** 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 **again the subdivision is old, approximately 50 to 60 years old, and developed at time when houses were smaller and vehicles were larger. The current circumstances have indicated that the owner will comply with City of San Antonio regulations regarding fire protection. Mr. Camargo made a friendly amendment to have a 3-foot side yard setback."** The motion was seconded by Mr. Klein

Mr. Camargo and Mr. Klein rescinded the original motion with the friendly amendment. Mr. Camargo made a motion for a continuance until the May 19, 2014 Board of Adjustment meeting. Mr. Klein seconded the motion.

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

NAYS: None

THE MOTION PASSES.

CASE NO. A-14-049

Applicant – Michele Pauli Torres
Lot 5, Block A, NCB 11649
151 Algerita Drive
Zoned: "R-5" Residential Single-Family District

The applicant is requesting:

- A) An appeal of the Director's decision to rescind building permit #1951114 for a guard rail, classifying it a sport court fence; and
- B) A request for a variance from the 20-foot setback to allow installation of the guard rail on the property line.

Margaret Pahl, Senior Planner, presented background and staff's recommendation of denial of the appeal. She indicated 14 notices were mailed, none were returned in favor and 3 were

returned in opposition and no response from the Vance Jackson Neighborhood Association and the Parman Place Homeowners Association.

Rob Killen, representative, stated they are only appealing director's decision to rescind the building permit for the railing. He also stated the railing designed is not considered a fence. He also stated the railing would prevent people from falling off the deck. He also stated the previous permit included a netting system. He further stated the homeowners would be open to a modification of the railing. They would be willing to redesign the railing.

The following citizens appeared to speak:

David Earl, citizen, spoke in opposition.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-14-049 closed.

MOTION

A motion was made by **Mr. Camargo**. "I would that in Case **A-14-049**, the applicant being **Michele Pauli Torres**, on property located at **151 Algerita Drive**, on **Lot 5, Block A, NCB 11649**, be granted the appeal to **rescind and modify the director's decision on permit #1951114 and allow a railing such as the one that has been presented to the board to be erected and the location that has also been presented to the board along facility that has been identified as a tennis court. It is this member's opinion that is not to be considered a sports fence as was earlier discussed and described in previous hearings.**" The motion was seconded by **Mr. Klein**.

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

NAYS: None

THE MOTION PASSES.

CASE NO. A-14-048

Applicant – Clint Belew
The Southwest ¼ of Lot 6, Block 8, NCB 708
323 Lavaca Street
Zoned: "RM-4 H AHOD" Residential Mixed Lavaca Historic Airport Hazard Overlay District

MOTION

A motion was made by **Mr. Quijano to continue this case until the next regularly scheduled meeting.** The motion was seconded by **Ms. Cruz.**

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

NAYS: None

THE MOTION PASSES.



