

**BOARD OF ADJUSTMENT  
OFFICIAL MINUTES  
April 6, 2009**

Members Present:

Michael Gallagher  
Paul Klein  
Edward Hardemon  
George Britton Jr.  
George Alejos  
Gene Camargo  
Mary Rogers  
Andrew Ozuna  
Mike Villyard  
Mimi Moffat  
Maria Cruz

Staff:

Fernando De León, Assistant Director  
Rudy Niño, 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 1:10 p.m.

**CASE NO. A-09-028 cont.**

Applicant – David J. Isham  
Lot 9, Block 8, NCB 18215  
21715 Rio Colorado  
Zoned: “PUD R-6 ERZD” Residential Single-Family Planned Unit Development Edward Recharge Zone District

The applicant is requesting a 40-foot variance from the requirement that a minimum 50-platted rear setback be maintained (recorded in Volume 9540, Page 210 of the Bexar County Deed and Plat Records), in order to erect an accessory structure 10 feet from the rear property line.

Jacob Floyd, Planner, presented background and staff’s recommendation of approval of the requested variance. He indicated 22 notices were mailed, none were returned in favor and 1 was returned in opposition and no response from Encino Rio Home Owners Association.

David Isham, owner, stated the granting of the variance is just for the location of the shed. He also stated his deliberation with the homeowners association is the size of the shed. They wanted

him to have the shed 8 x 10. He further stated if he had to build forward of the 50-foot setback he would lose a quarter of his backyard and he along with his wife plan to be there for a long time and would like to develop the entire land. The homeowners association is objecting the size of the shed. He originally wanted to build a 10 x16 shed and they told him the maximum size they would allow is an 8 x 10 shed. He is meeting with the homeowner's association on April 23 and explain to them that he believes there are special circumstances in his yard. If he has to build an 8 x10, he will do that.

### **No citizens 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-09-028 cont. closed.

### **MOTION**

A motion was made by **Mr. Alejos**. Re Appeal No **A-09-028**, variance application for a **40-foot variance from the requirement that a minimum 50-foot platted rear setback be maintained (recorded in Volume 9540, page 210 of the Bexar County Deed and Plat Records), in order to erect a structure 10 feet from the rear property line**, subject property description as **Lot 9, Block 8, NCB 18215**, situated at **21715 Rio Colorado**, applicant's name is **Mr. David Isham**. I move that the Board of Adjustment grant the applicant's request regarding Appeal No **A-09-28**, 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 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. Specially, we find that such variance will not be contrary to the public interest in that **the main purpose of rear setbacks is to maintain separation between residences to prevent the overcrowding of lots and ensure privacy and neighborhood uniformity**. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the depth of the lot combined with the green space abutting the subject property to the north creates a unique situation and that the platted setback essentially restricts the property owner from utilizing a quarter of the property**. The spirit of the ordinance is observed and substantial justice is done in that **granting of the variance will not negatively affect the neighborhood properties or the green space**. 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 **accessory structures are a permitted use in residential 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 platted setback experienced by the subject property is common to the lots in this subdivision that back up to the drainage easement to the north**. 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 **granting the variance will allow the owner to make use of the property for purposes intended**. The motion seconded by **Ms. Rogers**.

**AYES: Alejos, Rogers, Britton, Ozuna, Hardemon, Villyard, Cruz, Camargo, Moffat, Klein, Gallagher**

**NAY: None**

**THE VARIANCE IS GRANTED.**

**CASE NO. A-09-025**

Applicant – Benjamin Leal  
Lots 11 and 12, Block G, NCB 6023  
1701 Guadalupe Street  
Zoned: "C-3 NA" General Commercial Non-Alcoholic Sales District

The applicant is requesting a four (4) space parking adjustment from the parking standard that food service establishments of approximately 1,600 square feet of gross floor area have 16 spaces, in order to allow 12 parking spaces.

Michael Farber, Planner, presented background and staff's recommendation of denial of the requested variance. He indicated that there were 50 notices mailed, one was returned in favor and none were returned in opposition and no response from the Avenida Guadalupe Association, Inc.

**MOTION**

A motion was made by **Mr. Camargo to move this item to the end of the agenda to give the applicant an opportunity to reappear.** The motion seconded by **Ms. Cruz.**

**AYES: Camargo, Cruz, Alejos, Britton, Hardemon, Ozuna, Rogers, Villyard, Klein, Gallagher**

**NAY: Moffat**

**THE MOTION PASSES.**

**CASE NO. A-09-027**

Applicant – George A. and Tommie P. Blakey  
Lot C, Block 6, NCB 1751  
306 Myrtle Street  
Zoned: "H R-5" Historic Residential Single-Family District

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

Jacob Floyd, Planner, presented background and staff's recommendation of approval of this variance. He indicated that there were 23 notices mailed, none were returned in favor and none were returned in opposition and no response from the Tobin Hill Neighborhood Association.

George A. Blakey, owner, stated the person he hired said they would pull the necessary permits. He stated a lot of the houses in the neighborhood have roofs abutting each other. He did not know he needed a variance for the property and he did not check the license of the foundation contractor. He further stated that he had moved the house further back. The firewall has built into the house.

#### **No citizens 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-09-027 closed.

#### **MOTION**

A motion was made by **Ms. Rogers**. Appeal No **A-09-027**, variance application for a **2-foot variance from the requirement that a minimum 5-foot side setback be maintained in "R-5" zoning districts, in order to keep an existing structure 3 feet from the east side property line**, subject property description **Lot C, Block 6, NCB 1751**, located at **306 East Myrtle Street**, applicant being **George A. and Tommy P. Blakey**. I move that the Board of Adjustment grant the applicant's request regarding Appeal No **A-09-027**, 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 **it will not adversely affect the character of the area**. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **literal enforcement of side setback requirements may impose undo hardship on the applicant in that effort has been made to lessen the encroachment into the side setback on the east side of the property while still maintaining a reasonable buffer between the residents and medical building off to the west**. The spirit of the ordinance is observed and substantial justice is done in that **a small portion of the home would have to be removed**. 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 **it is a single-family residence and will remain a single-family residence**. 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 variance will not have a negative impact on the neighborhood or the surrounding area**. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located in that **the applicant contracted with a bonafide contractor to pull the permits and he assumed that the setbacks would be honored by the contractor**. The motion seconded by **Mr. Camargo**.

**AYES: Rogers, Camargo, Britton, Ozuna, Moffat, Villyard, Alejos, Cruz, Klein, Hardemon, Gallagher**

**NAY: None**

**THE VARIANCE WAS GRANTED.**

**Board members took a 10-minute recess.**

**CASE NO. A-09-029**

Applicant – Robert Van Diest  
Lot 58, Block 5, NCB 16291  
5807 Mission Mill  
Zoned: “R-6” Residential Single-Family District

The applicant is requesting **1) a 7-foot, 6-inch variance from the requirement that a minimum 20-foot rear setback be maintained in “R-6” zoning districts, in order to keep the existing principal structure 12 feet, 6 inches from the rear property line and 2) a 3-foot, 9-inch variance from the requirement that a minimum 5-foot side setback be maintained in “R-6” zoning districts, in order to keep an existing accessory structure 1 foot, 3 inches from the side property line.**

Michael Farber, Planner, presented background and staff’s recommendation of approval of both variances. He indicated that there were 24 notices were mailed, 2 were returned in favor and none were returned in opposition and no response from Woodstone Homeowners Association.

Robert Van Diest, applicant, stated he moved in 2005 and the patio cover was already there. He also stated there is a concrete wall that is attached to the house which helps out with the runoff of the water. If it wasn’t there the water would come in through his backdoor of his house. He further stated he has already spoken to city officials regarding the firewall.

**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-09-029 closed.

**MOTION FOR VARIANCE #1**

A motion was made by **Mr. Klein**. Appeal No. **A-09-029**, this is a variance application for motion #1 a 7-foot, 6-inch variance from the requirement that a minimum 20-foot rear setback be maintained in “R-6” zoning districts, in order to keep the existing principal structure 12 feet, 6 inches from the rear property line This is a motion for request #1 regarding the rear setback and 2) a 3-foot, 9-inch variance from the requirement that a minimum 5-foot side setback be maintained in “R-6” zoning districts, in order to keep an existing accessory structure 1 foot, 3 inches from the side property line, subject property

legal description is **Lot 58, Block 5, NCB 16291**, situated at **5807 Mission Mill**, the zoning is **"R-6" Residential Single-Family District**, the applicant is **Robert Van Diest**. I move that the Board of Adjustment grant the applicant's request in this case for this request for a variances for 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 "R-6" zoning does allow accessory structures to be placed within the rear yard. I'm going to remove #2 which is the accessory structure. My motion is for the patio cover and the 7-foot, 6-inch variance from the requirement that a minimum 20-foot rear setback be maintained in "R-6" zoning, in order to keep the existing principal structure 12 feet, 6 inches from the rear property line.** Specifically we find that such variance will not be contrary to the public interest in that **this is an irregular shaped lot and this is a patio cover that is existing and was existing at the time of purchase by the owner.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the use of the patio cover is in concept with the zoning of "R-6".** The spirit of the ordinance is observed and substantial justice is done in that **this is an existing patio cover that the owner did purchase, did not construct, and was existing at the time of purchase.** 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 patio is an accessory use or is used as part of the "R-6" Residential-Single Family District and that use is permitted per this zoning.** 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 **there has been no objections placed or heard by this board as far as the mailouts that were sent out in advance of this hearing.** 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 patio cover is existing and at least in the mind of the motion maker the patio cover was uncovered as part of a subsequently investigation by the city and as noticed previously the patio cover is an existing improvement that was in place at the time of purchase.** The motion seconded by Ms. Cruz

**AYES: Klein, Cruz, Camargo, Moffat, Rogers, Hardemon, Ozuna, Britton, Villyard, Alejos, Gallher**

**NAY: None**

**VARIANCE #1 WAS GRANTED.**

**MOTION FOR VARIANCE #2**

A motion was made by **Mr. Camargo**. I would like to move that in Case No. **A-09-029**, the request of **Robert Van Diest**, for a **3-foot, 9-inch variance from the requirement that a minimum 5-foot side yard setback be maintained in "R-6" zoning districts, in order to keep an existing accessory structure 1 foot, 3 inches from the side property line**, the property in question is **Lot 58, Block 5, NCB 16291**, also known as **5807 Mission Mill**, property that is

zoned "R-6" zoning classification. Such variance will not be contrary to the public interest in that in fact from the notices that were returned there were none returned in opposition, two returned in favor, and in particular a notice was returned in favor from the property owner most affected by and adjacent to the structure that is being requested to be given a variance. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that staff has pointed out that due to an existing tree on the property that in their opinion would prevent the compliance with the setback requirements for the accessory structure. The spirit of the ordinance is observed and substantial justice is done in that it appears that there are other options where this accessory building could have been located and complied with the ordinance. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that the use of this structure is that of an accessory building and that is the proposed use of the existing structure. 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 in fact it is a structure that is located much closer than accessory structures that exist in this area. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located in that is a hard one to comply with because the owner is certainly aware of what the regulations are and the structure was built in spite of that. The motion seconded by Mr. Hardemon.

**AYES:** Ozuna, Britton, Alejos, Rogers, Cruz, Gallagher  
**NAY:** Camargo, Hardemon, Villyard, Moffat, Klein

**VARIANCE #2 WAS NOT GRANTED.**

**CASE NO. A-09-032**

Applicant – Annette Koenig  
 Lots 17, 18, and 19, Block 9, NCB 8198  
 4506 Monterrey Street  
 Zoned: "R-4" Residential Single-Family District

The applicant is requesting a special exception to relocate a structure from 730 Delgado Street to 4506 Monterrey Street.

Jacob Floyd, Planner, presented background and staff's recommendation of approval of this variance. He indicated that there were 38 notices mailed, none were returned in favor and none were returned in opposition.

Joseph Lopez, representative, stated the applicant is requesting to move the property for a homestead to live on the property. He also stated the house is in excellent condition that could improve the area. He further stated the house has been updated and refurbished which would not need any improvements.

**No citizens 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-09-032 closed.

**MOTION**

A motion was made by **Mr. Villyard**. Re Appeal Case No **A-09-032**, application for **the relocation of a structure from 730 Delgado Street to 4506 Monterey Street**, the legal description of the property is **Lots 17, 18, and 19, Block 9, NCB 8198**. I move that the Board of Adjustment grant the applicant's request regarding this appeal 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 35-399.03. Specifically we find that the following conditions that have satisfied. The special exception will be in harmony with the spirit and purpose of the chapter in that **infill is a positive aspect for this neighborhood**. The public welfare and convenience will be substantially served in that **an additional residential structure in the area would be appropriate**. The neighboring property will not be substantially injured by such proposed use in that **the other properties as well as this property have horizontal siding, gabled roofs, covered front porches or entryways with doors that face the street**. 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 **because the above property use**. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district in that **it is an asset to the community**. The motion seconded by **Mr. Klein**.

**AYES: Villyard, Klein, Britton, Ozuna, Moffat, Camargo, Hardemon, Rogers, Alejos, Cruz, Gallagher**

**NAY: None**

**THE VARIANCE WAS GRANTED.**

**CASE NO. A-09-037**

Applicant – Westover RTF 2, L.P.  
Lot 3, Block 48, NCB 17642  
5200 Rogers Road  
Zoned: "C-2" General Commercial District

The applicant is requesting a complete variance from the requirement that a property zoned for non-residential uses erect and maintain solid screen (opaque) fencing along the property boundaries adjacent to an existing single-family residential use or single-family residential zoning district.

Jacob Floyd, Planner, presented background and staff's recommendation of approval of this variance. He indicated that there were 24 notices mailed, 2 were returned in favor and none were returned in opposition and one was returned with no response.

Dan Drennan, representative, stated the majority of the landscaping enhancements are being put on the Rogers Road part of the property. The rear of the property has some additional birthing to help restrict some of the view directly to the building. The first 20-feet off the inside of the exterior line is part of the utility easement and they are some existing trees that break up the view of the building.

**The following citizens appeared to speak.**

John Wright, citizen, spoke in favor.

Chester Blair, 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-09-037 closed.

**MOTION**

A motion was made by **Mr. Ozuna**. Re Appeal Case No **A-09-037**, variance application for **Westover RTF 2, LP**, subject address is **5200 Rogers Road**, subject property description is **Lot 3, Block 48, NCB 17642**, situated again at **5200 Rogers Road**, with the applicant being **Westover RTF 2, LP**. I move that the Board of Adjustment grant the applicant's request regarding this appeal No **A-09-037**, for 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 such variance will not be contrary to the public interest in that **we have seen that of all the notification that were sent out, zero were in opposition, 2 in favor, and we have testimony before us today of two affected homeowners who are in support of the subject fence**. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the applicant would be required to build a completely opaque screen fence which is contrary to what the neighboring homeowners want in contrary to keeping an open airflow and landscaping buffers that are visual amenities**. The spirit of the ordinance is observed and substantial justice is done in that **again the security fencing would provide more of an ornamental and more of a use that neighboring property owners are supporting**. 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 existing "C-2" Commercial District will maintain, there is no proposed changes to the commercial district or use of the land**. 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 there are no land use changes are proposed and there are no objections to the proposed variance from either the affected homeowners or homeowners association**. 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 we received testimony from the affected neighbors that not only do they prefer the metal fence but also the topography is such that if there was even an opaque fence that their site lines would fuse right into the project anyway.** The motion seconded by Ms. Rogers.

**AYES: Ozuna, Rogers, Cruz, Villyard, Alejos, Camargo, Moffat, Britton, Hardemon, Klein, Gallagher**

**NAY: None**

**THE VARIANCE WAS GRANTED.**

**CASE NO. A-09-039**

Applicant – Ernest Leal  
Lot 4, Block 4, NCB 14861  
13242 Woodthorn Way  
Zoned: “R-5” Residential Single-Family District

The applicant is requesting a 7-foot variance from the requirement that a minimum 20-foot rear setback be maintained in “R-5” zoning districts, in order to erect a patio cover 13 feet from the rear property line.

Jacob Floyd, Planner, presented background and staff’s recommendation of denial of this variance. He indicated that there were 42 notices mailed, none were returned in favor and none were returned in opposition and no response from Woodthorn Neighborhood Association.

Ernest Leal, owner, stated he wants to build a patio cover to get out the heat when he steps out the backdoor. The builder gave them a 20-foot rear yard setback which set their house further and this caused him to lose 10-feet and have a smaller backyard. He also stated their homeowners association gave them the approval for the patio cover.

**The following citizens appeared to speak:**

Richard Ramos, 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-09-039 closed.

**MOTION**

A motion was made by **Mr. Camargo**. I would like to move that in Case No A-09-039, the request of **Ernest Leal** for a 7-foot variance from the requirement that a minimum 20-foot rear yard setback be maintained in “R-5” zoning districts, in order to erect an open on three sides patio cover 13 feet from the rear property line on Lot 4, Block 4, NCB 14861, on

property also known as **13242 Woodthorn Way**. Specifically we find that such variance will not be contrary to the public interest in that **just based on lack of opposition from notices that were mailed to adjacent property owners within 200 feet**. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **these lots are somewhat unusually shallow and the principal enclosed structures are located at that minimum 20-foot rear yard setback**. The applicant's proposal is for a cover over an existing slab that would be open on three sides. The spirit of the ordinance is observed and substantial justice is done in that **this would provide a recreational area within the rear yard of this single family residence**. 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 **if this proposed open structure were not attached to the principal structure and in fact could be built within the rear yard but outside of the existing 12-foot easement**. 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 **although proper or not the slides that we have seen show similar open structures such as the one that is proposed in the immediate vicinity of the subject property**. 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 **those specifically being the shallow rear yards for the majority of the lots in this subdivision which does not provide for an owner to have a covered recreational area within the rear yard**. The motion seconded by **Mr. Hardemon**.

**AYES: Camargo, Hardemon, Villyard, Cruz, Ozuna, Moffat, Rogers, Britton, Klein, Alejos, Gallagher**

**NAY: None**

**THE VARIANCE WAS GRANTED.**

**CASE NO. A-09-025**

Applicant – Benjamin Leal  
 Lots 11 and 12, Block G, NCB 6023  
 1701 Guadalupe Street  
 Zoned: "C-3 NA" General Commercial Non-Alcoholic Sales District

The applicant is requesting a four (4) space parking adjustment from the parking standard that food service establishments of approximately 1,600 square feet of gross floor area have 16 spaces, in order to allow 12 parking spaces.

Michael Farber, Planner, presented background and staff's recommendation of denial of the requested variance. He indicated that there were 50 notices mailed, one was returned in favor and none were returned in opposition and no response from the Avenida Guadalupe Association, Inc.

Benjamin Leal, applicant, stated the handicap required a double parking spot and one of the other parking spots has a utility pole right in the middle of it. He also stated he owns the property behind the restaurant but it is residential. He has not tried to rezone but staff from the councilwoman's office has told him that it is not a right to rezone the property at the moment. The councilwoman has not responded to his calls and messages to meet with her in regards to rezoning. Staff has informed him about getting a special exception from the Board of Adjustment to use this lot as a parking lot but he cannot financially pave the lot.

**No citizens 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-09-025 closed.

**MOTION**

A motion was made by **Mr. Alejos**. Re Appeal No **A-09-025**, application for a request for a **four (4) space parking adjustment from the parking standard that food service establishments of approximately 1,600 square feet of gross floor area have 16 spaces, in order to allow 12 parking spaces**, subject property described as **Lots 11 and 12, Block G, NCB 6023**, located at **1701 Guadalupe Street**, applicant being **Mr. Benjamin Leal**. I move that the Board of Adjustment grant the applicant's request regarding Appeal No **A-09-025**, application for a parking adjustment 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 a literal enforcement of the provisions of the Unified Development Code, as amended, would result in a hardship. Specifically, we find that a literal enforcement of the parking regulations would result in a hardship in that **it would result in the immediate termination of the Certificate of Occupancy currently held by the tenant known as Dos Laredos restaurant. Further it would probably impact the lives of those employees presently working at that establishment. The other thing is that the applicant has cited physical constraints on the property such as the utility poles and cables as rational for requesting this adjustment.** The motion seconded by **Mr. Camargo**.

**AYES: Alejos, Cruz, Britton, Ozuna, Rogers, Hardemon, Klein, Gallagher**

**NAY: Camargo, Villyard, Moffat**

**THE VARIANCE WAS NOT GRANTED.**

**Sign Master Plan No. 09-002**

Arturo Elizondo, Sign Inspector, briefed Board Members on Sign Master Plan for Hill Country Plaza, located at Loop 1604 and N.W. Military.

**Mr. Camargo** made a motion to approve **Sign Master Plan No. 09-002** and was seconded by **Mr. Hardemon** and all members voted in the affirmative.

**Approval of the Minutes**

**The March 16, 2009 minutes were approved with all members voting in the affirmative.**

**Staff Report**

**Rudy Nino, planner, briefed Board members on the past denied cases.**

There being no further discussion, meeting adjourned at 4:28 p.m.

APPROVED BY: Michael R. Mulligan OR \_\_\_\_\_  
*w/changes* Michael Gallagher, Chairman Paul Klein, Vice-Chair

DATE: 5-4-09

ATTESTED BY: [Signature] DATE: 5/5/09  
Executive Secretary