

**BOARD OF ADJUSTMENT  
OFFICIAL MINUTES**

**April 7, 2008**

**Members Present:**

Michael Villyard  
Michael Gallagher  
Liz Victor  
Edward Hardemon  
Helen Dutmer  
George L. Alejos  
Paul Klein  
Mary Rogers  
Andrew Ozuna  
Gene Camargo  
Mimi Moffat

**Staff:**

Fernando De Leon, P.E. Asst. Dir.  
Ted Murphree, Asst. City Attorney  
Christopher Looney, Planning Manager  
Rudy Nino, Senior Planner  
Michael Farber, Planner

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**Call to Order**

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

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

Ms. Moffat arrived at 1:07 p.m.

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**CASE NO. A-08-044**

Applicant – Reina Circle Property  
P-23, NCB 17973  
7525 Eckhert Road  
Zoned: “C-2” Commercial District

The applicant is requesting for a 15-foot variance from the minimum 30-foot rear setback required in “C-2” zoning districts when abutting residential uses or residential zoning districts, in order to build a structure 15 feet from the rear property line.

Michael Farber, Planner, presented background and staff’s recommendation of denial on this case. He indicated 11 notices were mailed, 1 returned in favor and 1 was returned in opposition.

Russell Felan, representative, stated the reason for this request that three huge heritage trees that make it difficult to add on the front. He also stated that he could amend the variance and have a 20-foot variance. He further stated that the applicant is not going to live there since it is a commercial zoning and he is going to take the existing residence and upgrade the electrical to keep it commercial.

**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-08-044 closed.

**MOTION**

A motion was made by **Mr. Gallagher**. Appeal Case No. **A-08-044**, a variance application for the property at **7525 Eckhert Road**, the legal description being **P-23, NCB 17973**, the zoning being **"C-2" Commercial District**, the variance for a **10-foot variance from the minimum 30-foot rear setback required in "C-2" zoning districts when abutting residential uses or residential zoning districts, in order to build a structure 20 feet from the rear property line**. I move that the Board of Adjustment grant the applicants request regarding Appeal No. **A-08-044**, 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 **we have determined there is a private road behind this property which would actually contribute to the area that will not longer interfere with the public**. Due to the special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **this is an irregular shaped lot**. So that the spirit of the ordinance is observed and substantial justice is done in that **no other changes to this land are sought by the applicant at this time**. Such variance will not authorize the operation of a use other than those uses specifically authorized for the districts in which the property for which the variance is sought is located in that **this particular request would actually help preserve heritage trees on the property**. Such variance will not substantially or permanently injure the district in which that variance is sought in that **we are looking at this property and this property only**. Such variance will not alter the essential character of the districts in which the variance is sought in that **if you are to look at what is in this area at this time this is certainly consistent with the other commercial development in the area**. Such variance will be in harmony with the spirit and purpose of this chapter in that **we still have a rear yard setback**. The plight of the property owner for which the variance is sought is due to unique circumstances existing on the property and not personal in nature or self-created, and not merely financial, and are not due to or the result of the general conditions in the district in which the property is located in that **this specific case we see an irregularly shaped property with an attempt to try to preserve heritage trees and at the same time handle the irregular shaped as regard to parking**. The variance will not substantially weaken the general purposes of this chapter of the regulations herein established for the specified district in that **this is a specific variance only for this specific property**. The variance will not adversely affect the public health, safety or welfare of the public in that **no traffic, pedestrian, or other safety concerns have been brought before this board at this time**. The motion seconded by **Mr. Camargo**.

**AYES:** Gallagher, Camargo, Hardemon, Klein, Moffat, Victor, Alejos, Rogers, Dutmer, Ozuna, Villyard

**NAY:** None

**THE VARIANCE WAS GRANTED.**

**CASE NO. A-08-049**

Applicant – Christopher Bond  
Lot 22, Block 4, NCB 11840  
7226 Vandiver Road  
Zoned: “NP-8” Neighborhood Preservation District

The applicant is requesting for a variance from the requirement that all parking areas containing three (3) or more parking spaces shall include a turnaround which is designed and located so that vehicles can enter and exit the parking area without backing onto a public right-of-way, in order to keep an existing front-entry parking lot which requires vehicles to exit by backing out into a public right-of-way.

Michael Farber, Planner, presented background and staff’s recommendation of denial of this variance. He indicated that there were 13 notices mailed, 0 returned in favor and 3 returned in opposition.

Chris Bond, applicant, stated the reason for this request is because he likes to have parties. He also stated it would help with the safety of the vehicles of his guest from the traffic on the street. He is further stated that there were a few houses around with that type of parking.

**The following citizen(s) appeared to speak:**

Rudy, citizen, spoke in opposition.

Allison Grito, citizen, spoke in opposition.

Peter Hinton, 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-08-049 closed.

**MOTION**

A motion was made by **Mr. Camargo**. I would like to move that in Case **A-08-049**, the request of **Christopher Bond**, on property known as **Lot 22, Block 4, NCB 11840**, also known as **7226 North Vandiver** be granted a variance to **retain the front end parking on the subject property and the finding of fact is that there was very little opposition to this request**. The motion seconded by **Mr. Klein**.

**AYES:** Alejos, Dutmer

**NAY:** Camargo, Klein, Ozuna, Hardemon, Victor, Moffat, Rogers, Gallagher, Villyard

**THE VARIANCE WAS NOT GRANTED.**

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

**CASE NO. A-08-051**

Applicant – Reynaldo Reyna  
Lots 40 & 41, Block 1, NCB 8593  
2802 & 2804 Castroville Road  
Zoned: "C-2 NA" (CD-Contractor's Facility)

The applicant is requesting for a 2-foot variance from the Unified Development Code standard that a front-yard fence shall not exceed 4 feet in height in order to erect a 6-foot tall front yard fence.

Michael Farber, Planner, presented background and staff's recommendation of approval on this case. He indicated 23 notices were mailed, 0 returned in favor and 0 were returned in opposition and no response from Greater Glendale Neighborhood Association.

Maria Reyna, owner, stated the reason for this request is for safety from the children across the street due to the storing of a bobcat and several cars. She also stated they would have vehicles stored overnight. She further stated other properties around that area have 6-foot fences on their front yard.

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-08-051 closed.

**MOTION**

A motion was made by Ms. Victor. Regarding Appeal No. **A-08-051**, subject property description **Lots 40 & 41, Block 1, NCB 8593**, located at **2802 & 2804 Castroville Road**, applicant **Reynaldo Reyna**. I move that the Board of Adjustment grant the applicants request regarding Appeal No. **A-08-051**, 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 **there is a school located across the street and the safety of the school children has been addressed**. Due to the special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the equipment that will be contained in the yard will not be safe**. So that the spirit of the ordinance is observed and substantial justice is done in that **no other changes to the land are sought by the applicant**. Such variance will not authorize the operation of a use other

than those uses specifically authorized for the districts in which the property for which the variance is sought is located in that **there is no change presented to the use of the property.** Such variance will not substantially or permanently injure the district in which that variance is sought in that **areas around the property surrounding the property of the applicant have very similar uses and fences are also 6 feet.** Such variance will not alter the essential character of the districts in which the variance is sought in that **the surrounding area is also commercial fenced area.** Such variance will be in harmony with the spirit and purpose of this chapter in that **it provides security for the equipment that will be placed on this property.** The plight of the property owner for which the variance is sought is due to unique circumstances existing on the property and not personal in nature or self-created, and not merely financial, and are not due to or the result of the general conditions in the district in which the property is located in that **it has been recently rezoned for commercial cd contractors facility.** The variance will not substantially weaken the general purposes of this chapter of the regulations herein established for the specified district in that **this is a single variance for this specific property.** The variance will not adversely affect the public health, safety or welfare of the public in that **no traffic, pedestrian or other safety concerns are involved.** The motion seconded by **Ms. Rogers.**

**AYES: Victor, Rogers, Moffat, Alejos, Hardemon, Gallagher, Ozuna, Klein, Camargo, Dutmer, Villyard**

**NAY: None**

**THE VARIANCE WAS GRANTED.**

**CASE NO. A-08-052**

Applicant – Hector Trevino  
Lot 7, Block 10, NCB 713  
229 Barrera  
Zoned: "H RM-4" Historic Residential Mixed District

The applicant is requesting for a Special Exception to relocate a residential structure from 1023 South St. Mary's Street to 229 Barrera.

Michael Farber, Planner, presented background and staff's recommendation of approval on this case. He indicated 38 notices were mailed, 2 returned in favor and 0 were returned in opposition and no response from Lavaca Neighborhood Association.

Hector Trevino, owner, stated he is requesting this because he has a vacant lot and he bought the house under the understanding that he move it within the King William District or Lavaca District. He also stated the house to the right and to the left also belong to him.

**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-08-052 closed.

**MOTION**

A motion was made by **Ms. Rogers**. Re Appeal No. **A-08-052**, variance application for a **Special Exception to relocate a residential structure from 1023 South St. Mary's to 229**, subject property description **Lot 7, Block 10, NCB 713**, located at **229 Barrera**, the applicant is **Statt Properties, Inc.**, speaker **Hector Trevino**. I move that the Board of Adjustment grant the applicant's request regarding Appeal No **A-08-052**, 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 character in that **it will not create any safety hazard in this area to which the home is being moved**. The public welfare and convenience will be substantially served in that **it will contribute to the development of the community and preserve a historically significant building**. The neighboring property will not be substantially injured by such proposed use in that **the residence to be relocated will enhance or maintain visual omnviance and character of the new neighborhood property**. **Removal of the structure will not create blige to the landscape in the original neighborhood**. 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 structure will adhere to the overall character of the neighborhood**. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific condition in that **this exception will promote and develop the use of the land in a positive way and also maintain historical significance of the house**. **This house is comprable in size and probably superior in quality of construction and in condition of the average or other houses in the area**. The motion seconded by **Ms. Dutmer**.

**AYES: Rogers, Dutmer, Klein, Moffat, Camargo, Victor, Gallagher, Alejos, Hardemon, Ozuna, Villyard**

**NAY: None**

**THE VARIANCE WAS GRANTED.**

#### **Discussion of potential Unified Development Code amendments**

Chris Looney discussed potential UDC amendments to be proposed by Board of Adjustment members.

#### **Approval of the Minutes**

**Mr. Gallagher** made a motion to approve March 17, 2008 minutes as corrected and was seconded by **Mr. Hardemon** and all members voted in the affirmative.

**Ms. Dutmer** made a motion to approve February 4, 2008 minutes as amended and was seconded by **Mr. Hardemon** and all members voted in the affirmative and **Ms. Moffat** abstained.

**Ms. Rogers** made a motion to approve minutes of November 6, 2006 and was seconded by **Mr. Camargo** and all members voted in the affirmative.



There being no further discussion, meeting adjourned at 3:59 p.m.

APPROVED BY: \_\_\_\_\_ OR Michael R. Gallagher  
D. Mike Villyard, Chairman Michael Gallagher, Vice-Chair

DATE: June 16, 2008

ATTESTED BY: Christopher J. Looney DATE: 6-16-08  
Christopher J. Looney  
Development Services, Planning Manager