

**BOARD OF ADJUSTMENT  
OFFICIAL MINUTES  
August 2, 2010**

Members Present:

Michael Gallagher  
Edward Hardemon  
Helen Dutmer  
George Britton  
Jesse Zuniga  
Mary Rogers  
Mike Villyard  
Gene Camargo  
Maria Cruz  
Henry Rodriguez  
Harold Atkinson

Staff:

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

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**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.

Mr. Zuniga made a motion to postpone Case No. A-10-054 until further notice. Mr. Hardemon seconded it with all members voting in the affirmative.

Mr. Rodriguez, arrived at 1:14 p.m.

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**CASE NO. A-10-055**

Applicant – Mark Fenton

Lot 15, NCB 15285

5512 Southwest Military Drive

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

The applicant is requesting a special exception to allow a front-yard fence up to 6 feet in height in the “C-3” General Commercial District.

Jacob Floyd, Planner, presented background and staff’s recommendation of approval of the requested Special Exception. He indicated 8 notices were mailed, none were returned in favor

and none were returned in opposition and no response from the People Active in Community Effort Neighborhood Association.

Mark Fenton, applicant, stated the request was prompted by the initial employees of the senior center for additional security.

Mick Haase, representative, stated the reason for this request is for safety and security measures. He also stated there is a drinking establishment next door to the senior center and the patrons from that establishment tend to park at the center and throw broken beer bottles on the parking lot of the senior center.

**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-10-055 closed.

**Motion**

A motion was made by **Mr. Villyard**. Re Appeal No **A-10-055**, application for a **special exception to allow 6-foot tall front-yard fence in a "C-3" zoning district**, subject property described as **Lot 15, NCB 15285**, located at **5512 Southwest Military Drive**, the applicant being **Mark Fenton**. I move that the Board of Adjustment grant the applicants request regarding this appeal for a Special Exception to 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 the special exception will be in harmony with the spirit and purpose of the chapter in that **the proposed fence will follow this criteria established in Sec 35-399.05 of the Unified Development Code**. The requested special exception will serve the public welfare in that **the proposed fence will act as a necessary security measure for the existing senior citizens area**. In addition the granting of this special exception will not alter the use of the property for which the special exception is sought in that **the primary use of the subject property will not be changed**. 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 was seconded by **Mr. Hardemon**.

**AYES: Villyard, Hardemon, Camargo, Rogers, Cruz, Zuniga, Britton, Atkinson, Rodriguez, Gallagher**

**NAY: Dutmer**

**THE SPECIAL EXCEPTION WAS GRANTED.**

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**Sign Master Plan No. 10-012**

Arturo Elizondo, Sign Inspector, briefed Board Members on Sign Master Plan for Bulverde Commons, located at Bulverde Rd at U.S. 281 North.

**Mr. Hardemon** made a motion to approve **Sign Master Plan No. 10-012** and was seconded by **Mr. Camargo** and all members voted in the affirmative.

**THE SIGN MASTER PLAN WAS APPROVED.**

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**Sign Master Plan No. 10-013**

Arturo Elizondo, Sign Inspector, briefed Board Members on Sign Master Plan for Huebner Commons, located at 11703 Huebner Rd.

**Ms. Dutmer** made a motion to approve **Sign Master Plan No. 10-013** and was seconded by **Mr. Atkinson** and all members voted in the affirmative.

**THE SIGN MASTER PLAN WAS APPROVED.**

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**Approval of the July 19, 2010 Minutes**

**The July 19, 2010 minutes were approved with all members voting in the affirmative.**

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There being no further discussion, meeting adjourned at 1:39 p.m.

APPROVED BY: Michael R. Gallagher OR \_\_\_\_\_  
Michael Gallagher, Chairman Andrew Ozuna, Vice-Chair

DATE: Aug 16, 2010

ATTESTED BY: Christina Long DATE: 8-18-10  
Executive Secretary