

**BOARD OF ADJUSTMENT
OFFICIAL MINUTES
December 1, 2008**

Members Present:

Michael Gallagher
Paul Klein
Gene Camargo
Edward Hardemon
Helen Dutmer
George Alejos
Mary Rogers
Mike Villyard
Mimi Moffat
Pete Vallone

Staff:

Fernando De Leon, P.E. Assistant Director
Christopher Looney, Planning Manager
Rudy Niño, Senior Planner
Paul Wendland, City Attorney
Jacob Floyd, Planner
Michael Farber, Planner

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.

CASE NO. A-08-105

Applicant – James L. and Judy Mastin
Lot 3, Block 15, NCB 18820
2711 Woodline Street
Zoned: "R-6" Residential Single-Family District

The applicant is requesting for a 16-foot, 11-inch variance from the requirement that a 20-foot platted front setback be maintained (recorded in Volume 1058, Page 445 of the Bexar County Land Records), in order to keep a carport 3 feet, 1 inch from the front property line.

Michael Farber, Planner, presented background and staff's recommendation of denial of the requested variances. He indicated 35 notices were mailed, 2 were returned in favor and none were returned in opposition and no response from Timber Ridge Neighborhood Association.

James & Judy Mastin, applicants, stated the project was 75% to 85% completed when they realized no permits had been pulled. When they confronted the contractor, he took off and did not finish the job. They also stated they did not know why the contractor placed the two outer poles. They further stated they were going to ask the new contractor to use steel poles instead of wood poles.

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-08-105 closed.

MOTION

A motion was made by **Ms. Rogers**. Re Appeal No **A-08-105**, variance application for a **16-foot, 11-inch variance from the requirement that a 20-foot platted front setback be maintained (recorded in Volume 105, Page 445 of the Bexar County Land Records), in order to keep a carport 3 feet, 1 inch from the front property line**, subject property description is **Lot 3, Block 15, NCB 18820, located at 2711 Woodline Street**, the applicants being **James L. and Judy Mastin**. I move that the Board of Adjustment grant the applicants request regarding Appeal No **A-08-105**, 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 does not adversely affect the character of the area since the carport is being constructed to blend in with that house and the neighborhood**. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the applicant was misled by an unscriptous contractor and when they noticed this, that permits were required, they applied for them and have come down asking for this variance**. So that the spirit of the ordinance is observed and substantial justice is done in that **the carport has been constructed in a very attractive manner and that there is no objections by the neighbors. In fact two neighbors have praised the design of it and considered it appropriate for the neighborhood. One neighbor objected to the temporary posts, but once they learned that was just temporary and that they would be taken out, there was no more objection from that individual**. 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 **this structure will only be used for a carport**. Such variance will not substantially or permanently injure the district in which the variance is sought in that **the variance will not have a negative impact on the neighborhood or the surrounding area and again no objections to it**. Such variance will not alter the essential character of the district in which the variance is sought in that **the proposed structure is in keeping with the home itself and the surrounding neighborhood**. ~~Such variance will be in harmony with the spirit and purpose of the chapter in that~~ **it does blend in with the overall neighborhood**. 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 are 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 enhances the home and is not out sync with the other houses**. The variance will not substantially weaken the general purposes of this chapter or the regulations herein established for the specified district in that **the proposed will not weaken the overall zoning of the area**. The variance will not adversely affect the public health, safety or welfare of the public in that **the structure does not create a safety or traffic hazard**. The motion seconded by **Mr. Villyard**.

AYES: Rogers, Villyard, Hardemon, Vallone, Camargo, Dutmer, Alejos, Klein, Gallagher
NAY: Moffat

THE VARIANCE WAS GRANTED.

CASE NO. A-09-008

Applicant – Joe F. Condarco
The east 42.8 feet of Lot 2, Block 11, NCB 7636
302 Hot Wells Boulevard
Zoned: “MF-33” Multi-Family District

The applicant is requesting a 3-foot variance from the requirement that front-yard solid screen fences shall not exceed 3 feet in height, in order to keep an existing 6-foot tall solid screen front yard fence.

Michael Farber, Planner, presented background and staff’s recommendation of denial of this variance. He indicated that there were 23 notices mailed, 1 was returned in favor and 1 was returned in opposition and no official response from Hot Wells Neighborhood Association.

David Cunningham, representative, stated the height for the front yard does not really apply because the location of the house and the situation and history of the lot. He stated that if this fence would have been built by either 300 or 304 Hot Wells there would no violation or contention that this was in his front yard. He also stated prior to 1992, 300 and 302 Hot Wells was owned by the same owner and these houses were built in the 1940’s which at the time there was no Hot Wells Boulevard. The front of the house does not face Hot Wells but faces rather 304 Hot Wells. The applicant’s house is in the back of the lot and it was actually the owner of 300 Hot Wells that actually built this fence, that this fence be considered its back yard fence. What separates his backyard is the wall of the back house and his fence. He further stated the owner of 304 Hot Wells has an on going trespass suit with Mr. Condarco.

Joe F. Condarco, applicant, stated the fence was put up on March and he remodeled his house. During the construction of the fence, Code Compliance informed him that the fence was covered under the permits he had previously obtained for the renovations of this house. He also stated there are no blind spots and that there is actually 15 feet before you hit Hot Wells from the edge of the fence. He further stated the house was actually built backwards back in the 1940’s and the city is now considering the backyard as his front yard. Before the residence at 300 Hot Wells moved in and fenced out he would use Groos as his entrance for his vehicle. Since he was fenced off, he uses the Hot Wells entrance which is now being considered as his front yard.

The following citizens appeared to speak:

Gerald Hess, 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-09-008 closed.

MOTION

A motion was made by **Mr. Camargo**. I would like to move that in case No. **A-09-008**, the applicant being **Joe Condarco**, on property known as the **east 42.8 feet of Lot 2, Block 11, NCB 7636**, also known as **302 Hot Wells**, that this board of adjustment grant the requested change **save and except on the north 15 feet of the existing fence**. Such variance will not be contrary to the public interest in that **the motions as stated would not allow the 6-foot to remain beyond the front setback of the adjacent property whose owner has indicated opposition**. Due to the special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **this is not a fully platted lot has advertised we are speaking of a property line. This is the east portion of lot 42. It appears and it seems from the information presented by the applicants, that since this was a one ownership at one time, that apparently there must of been a main residence constructed in the front and that this was a secondary residence to the rear of the property which back in the 1940's was norm for provided housing for military during that era. So that the spirit of the ordinance is observed and substantial justice is done in that the motion as stated will not place this 6-foot barrier or fencing in front of the adjacent residences**. 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 **6-foot fences are permitted in this area provided a variance such as what is being requested is approved**. The variance will not substantially or permanently injure the district in which the variance is sought in that **the fencing as stated in the motion will not extend beyond the adjacent residences that exist on this street**. Such variance will not alter the essential character of the districts in which that variance is sought in that **more than likely that there is other fencing at this particular distance in the neighborhood for which there are allowed a 6-six foot fence up to the front setback of those residences that exist on Hot Wells**. Such variance will be in harmony with the spirit and purpose of this chapter in that **it is felt by this member that justice will be served and the privacy that the applicant requests will be haved**. 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 **the fact that he owns only a portion of the lot and the fact that the location of his residence, which is unusual compared to the other developments in this area, poses somewhat of a hardship on the individual to try to achieve the privacy that he seeks**. The variance will not substantially weaken the general purposes of this chapter of the regulations herein established for the specified district in that **6-foot fences are common in an area behind the front setback of residences**. The variance will not adversely affect the public health, safety or welfare of the public in that **permits should be taken if the variance is granted and inspections to insure the structure stability of the fencing. The modification is: it grants the variance for a fence up to 6-foot in height save and except on the front 15-feet, which would be the north 15-feet of the property. The reason for the 15-feet was the fact that somewhat mentioned that the adjacent residences setback is about 15-feet. This variance would cut down the last 15-feet to 3-feet in height because it is a solid wood screen fence**. The motion seconded by **Mr. Klein**.

Mr. Camargo amended his motion to add in that the fence would be cut down 3-feet all the way to the front façade of the neighboring property to the right. Mr. Klein seconded it.

AYES: Camargo, Klein, Moffat, Vallone, Hardemon, Villyard, Rogers, Alejos, Dutmer, Gallagher

NAY: None

THE VARIANCE WAS GRANTED.

CASE NO. A-09-009

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

The applicant is requesting 1) a 4-foot variance from the requirement that predominantly open front yard fences not exceed 4 feet in height, in order to erect an 8-foot tall predominantly open front yard fence and 2) a 2-foot variance from the requirement that side and rear yard fences not exceed 6 feet in height, in order to erect an 8-foot tall predominantly open side and rear yard fence.

Jacob Floyd, Planner, presented background and staff's recommendation of approval of this variance. He indicated that there were 24 notices mailed, 3 were returned in favor and none were returned in opposition.

Dan Drennen, representative, stated the reason for this variance is for security of any and all data processing done at this facility. He also stated the owners are also concerned for the safety of the equipment. He further stated that this will not be a fence with electricity.

The following citizens appeared to speak:

Jill Wells, citizen, spoke neither in favor or opposition.

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-09-009 closed.

MOTION

A motion was made by Mr. Klein. Re Appeal No A-09-009, this is a variance application for 1) a 4-foot variance from the requirement that predominantly open front yard fences not exceed 4 feet in height, in order to erect an 8-foot tall predominantly open front yard fence and 2) a 2-foot variance from the requirement that side and rear yard fences not exceed 6

feet in height, in order to erect an 8-foot tall predominantly open side and rear yard fence, the applicant is Westover RTF 2, L.P., Lot 3, Block 48, NCB 17642, physical address 5200 Rogers Road, it is zoned "C-2" Commercial District. I move that the Board of Adjustment grant the applicants request regarding this appeal for the 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 **this general area is predominantly data centers and the improvements are consistent with development that is currently in the area and is an envision for the future.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the special conditions in this particular instance are the facts that this is a data center requiring upgraded security both for security of the premises itself and also to discourage those who would just be curious and perhaps choose to trespass on the land.** So that the spirit of the ordinance is observed and substantial justice is done in that **the testimony presented in this case that security concerns are primary in this interest and that security concerns are addressed by the ordinance itself.** 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 **the zoning is "C-2" Commercial and the data center is consistent with this zoning designation.** Such variance will not substantially or permanently injure the district in which that variance is sought in that **the notices mailed do not indicate objection from neighbors in the immediate area with respect to construction of this particular fence.** Such variance will not alter the essential character of the districts in which the variance is sought in that **this area as stated previously is predominantly data centers and this use is consistent with that.** Such variance will be in harmony with the spirit and purpose of this chapter in that **the notices mailed did not indicate objection to the fence itself which is accept for the variances.** 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 are 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 is a data and it is "C-2" and both of these are consistent with the land use.** The variance will not substantially weaken the general purposes of this chapter of the regulations herein established for the specified district in that **this will actually increase conformity within the district in that this board has previously authorized by the variance process similar fences of an 8-foot height open fence nature.** The variance will not adversely affect the public health, safety or welfare of the public in that **permits will be obtained by the applicant and inspections onsite will be performed of the work in progress.** The motion seconded by Mr. Hardemon.

AYES: Klein, Hardemon, Vallone, Moffat, Villyard, Dutmer, Alejos, Camargo, Gallagher
NAY: Rogers

THE VARIANCE WAS GRANTED.

Board members took a 10-minutes recess.

CASE NO. A-09-010

Applicant – Sioco Realty, L.L.C.

The northwest irregular 377.96 feet of Lot 11, Block 2, NCB 14702

9465 Huebner Road

Zoned: “C-2” Commercial District

The applicant is requesting 1) a 5-foot variance from the requirement that front-yard solid screen fences shall not exceed 3 feet in height, in order to erect an 8-foot tall solid screen front yard fence and 2) a 2-foot variance from the requirement that side yard fences shall not exceed 6 feet in height, in order to erect an 8-foot tall side yard fence.

Michael Farber, Planner, presented background and staff’s recommendation of approval of the front yard variance request and staff recommends denial of the side yard variance request. He indicated that there were 13 notices were mailed, none were returned in favor and 1 was returned in opposition and no response from Oakland Estates Neighborhood Association.

Andrew Guerrero, representative, stated he has a letter from the homeowners association in support of this request as long he would not encroach into the floodplain, which the applicant will not do.

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-09-010 closed.

1st MOTION

A motion was made by **Mr. Vallone**. This is a variance for real property Appeal No **A-09-010**, it’s a variance in two parts for 1) a **5-foot variance from the requirement that front-yard solid screen fences shall not exceed 3 feet in height, in order to erect an 8-foot tall solid screen front yard fence** and 2) a **2-foot variance from the requirement, that side yard fences shall not exceed 6 feet in height, in order to erect an 8-foot tall side yard fence** part of this variance is also noted to include an existing 6-foot solid fence along the southwest section of the property, this is for a property located at **9465 Huebner Road**, legal description the northwest irregular 377.96 feet of Lot 11, Block 2, NCB 14702, the zoning of this lot is “**C-2**”**Commercial District**, the applicant is **Sioco Realty, L.L.C.** I move that the Board of Adjustment grant the applicant’s request regarding Appeal No **A-09-010**, 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 **this is a commercial property and that other commercial properties in the area are using solid fence to separate them from the adjoining properties in that the terrain is graded such for proper drainage to create a 2-foot variance between the property**

on the east and adjoining this property. Due to the special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **there would be a creation of fences along the east side of the property that would be not be of the same height and would basically distract from the current fencing in this commercial area.** So that the spirit of the ordinance is observed and substantial justice is done in that **the requirement for proper drainage has created the 2-foot difference in elevation between the properties.** 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 **these are commercial properties that adjoin each other on the east and west side.** Such variance will not substantially or permanently injure the district in which the variance is sought in that **again because it is commercial district.** Such variance will not alter the essential character of the districts in which the variance is sought in that **since other fences of similar construction have been approved and area located in this district.** Such variance will be in harmony with the spirit and purpose of this chapter in that **it will create a type of separation between adjoining properties to allow for security.** 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 **because of the difference in elevation between lots due to compliance with drainage requirements.** The variance will not substantially weaken the general purposes of this chapter of the regulations herein established for the specified district in that **solid fences are permitted and this variance allows for the 2-foot variance because of differences in terrain elevations.** The variance will not adversely affect the public health, safety, or welfare of the public in that **it does not create a line of sight obstruction. The 8-foot fence in question will be constructed 22-feet from the front property line and is to extend to the rear of the building.** The motion seconded by Mr. Camargo.

AYES: Vallone, Camargo, Hardemon, Rogers, Alejos, Villyard, Dutmer, Gallagher
NAY: Klein, Moffat

2nd MOTION

Mr. Camargo made a motion to postpone this case to a further date which is February 2, 2009. Ms. Dutmer seconded it.

(A verbal vote was taken

AYES: Vallone, Camargo, Hardemon, Rogers, Alejos, Villyard, Dutmer, Gallagher
NAY: Klein, Moffat

THE MOTION PASSES.

CASE NO. A-09-011

Applicant – 410 Freedom Hills Partners, LTD.
 Lot 9, Block 148, NCB 15228
 6735 Freedom Ridge

Zoned: "R-5" Residential Single-Family District

The applicant is requesting a 61-square foot variance from the requirement that lots zoned in "R-5" be a minimum 5,000 square feet in size, in order to allow an existing lot to remain 4,939 square feet in size.

Jacob Floyd, Planner, presented background and staff's recommendation of approval of this variance. He indicated that there were 27 notices mailed, 10 were returned in favor and none were returned in opposition and no response from People Active in Community Effort Neighborhood Association.

Charles Medcaff, representative, stated the homes will still fit on the lots. He also stated the engineer was hired to meet all specifications and he did not do so. To his knowledge that engineering firm is out of business. He further stated if the variance is not granted his biggest concern is the lots will be empty in the middle of a subdivision with very nominal square footage, which can lead to dumping of trash. A first time homeowner was approved to buy this house, if the lot is changed they will have to meet new requirements which this homeowner will not meet.

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-09-011 closed.

MOTION

A motion was made by **Mr. Alejos**. Re Appeal Case **A-09-011**, applicant being **410 Freedom Hills Partners, Ltd.**, the owner being **Main Street, Ltd.**, requesting a variance for a **61-square foot variance from the requirement that lots zoned "R-5" be a minimum of 5,000 square feet in size, in order to allow an existing lot to remain 4,939 square feet in size**, legal description of the subject property is **Lot 9, Block 148, NCB 15228**, also known as **6735 Freedom Ridge**, zoned **"R-5" Residential Single-Family District**. I move that the Board of Adjustment grant the applicants request regarding Appeal No **A-09-011**, 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 plat for this subdivision was approved by the Planning Commission on September 27, 2005 and recorded on October 6, 2006 with the lot size as it exists. The applicant is merely requesting a variance in order to keep a sub standard lot at its current size.** Due to the special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the applicant in this case the owner would be denied the use of the property as intended.** So that the spirit of the ordinance is observed and substantial justice is done in that **other sub standard lots exist in the neighborhood and granting the variance will not alter the character of the neighborhood.** 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 **granting the variance would not allow the development of the property in a way that would be inconsistent within the provisions of this ordinance.** Such variance will not substantially or permanently injure the district in which that variance is sought in that **it would not injure the appropriate use or conformity of adjacent properties.** Such variance will not alter the essential character of the districts in which the variance is sought in that **the plat for this subdivision was approved by the Planning Commission on September 27, 2005.** Such variance will be in harmony with the spirit and purpose of this chapter in that **other sub standard lots exist throughout the surrounding area.** 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 **the subject neighborhood is characterized by lots of varying sizes. Some of which are sub standard in size.** The variance will not substantially weaken the general purposes of this chapter of the regulations herein established for the specified district in that **the variance will not alter the character of the neighborhood.** The variance will not adversely affect the public health, safety or welfare of the public in that **similar lot sizes are prevalent throughout the area and the lot in question will adversely affect the public, health, safety or welfare of the public.** The motion seconded by Ms. Moffat.

AYES: Alejos, Moffat, Villyard, Hardemon, Dutmer, Vallone, Camargo, Klein, Gallagher

NAY: Rogers

THE VARIANCE WAS GRANTED.

CASE NO. A-09-012

Applicant – 410 Freedom Hills Partners, Ltd.
Lot 7, Block 149, NCB 15228
6726 Freedom Oaks
Zoned: “R-5” Residential Single-Family District

The applicant is requesting a 439-square foot variance from the requirement that lots zoned “R-5” be a minimum 5,000 square feet in size, in order to allow an existing lot to remain 4,561 square feet in size.

Jacob Floyd, Planner, presented background and staff's recommendation of denial of this variance. He indicated that there were 25 notices mailed, 5 were returned in favor and none were returned in opposition and one was received with no indication and no response from People Active in Community Effort Neighborhood Association.

Charles Medcaff, representative, stated they would have a hire a new engineer to replat this lot to comply with regulations which would be a hardship on them. He also stated the engineer was hired to meet all specifications and he did not do so. To his knowledge that engineering firm is out of business. He further stated if the variance is not granted his biggest concern is the lots will be empty in the middle of a subdivision with very nominal square footage, which can lead to dumping of trash.

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-09-012 closed.

MOTION

A motion was made by **Mr. Alejos**. Re Appeal Case A-09-012, applicant being **410 Freedom Hills Partners, Ltd.**, requesting a **439-square foot variance from the requirement that lots zoned "R-5" be a minimum of 5,000 square feet in size, in order to allow an existing lot to remain 4,561 square feet in size**, the legal description of the subject property is **Lot 7, Block 149, NCB 15228, also known as 6726 Freedom Oaks, zoned "R-5" Residential Single-Family District**. I move that the Board of Adjustment grant the applicants request regarding Appeal No A-09-012, 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 plat for this subdivision was approved by the Planning Commission on September 27, 2005 and recorded on October 6, 2006 with the lot size as it currently exists. The applicant is merely requesting a variance in order to keep a sub standard lot at its current size.** Due to the special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the owner and the applicant would get denied use of this property as intended.** So that the spirit of the ordinance is observed and substantial justice is done in that **other sub standard lots exist in the neighborhood and granting the variance would alter the character of the neighborhood.** 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 **granting the variance would not allow the development of the subject property in a way that would be consistent with any other provisions of this ordinance.** Such variance will not substantially or permanently injure the district in which that variance is sought in that **it would not injure the appropriate conformity of adjacent properties.** Such variance will not alter the essential character of the districts in which the variance is sought in that **the plat for this subdivision again was approved by the Planning Commission on September 27, 2005.** Such variance will be in harmony with the spirit and purpose of this chapter in that **other surrounding lots exist throughout the neighborhood and this lot will be in conformity with those.** 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 **the subject neighborhood is characterized by lots of varying sizes some of which are sub standard in size.** The variance will not substantially weaken the general purposes of this chapter of the regulations herein established for the specified district in that **the variance will not alter the character of the neighborhood.** The variance will not adversely affect the public health, safety or welfare of the public in that **similar lot sizes are prevalent throughout the area and the lot in question will not adversely affect the public health, safety or welfare of the public.** The motion seconded by Ms. Dutmer.

AYES: Alejos, Dutmer, Vallone, Hardemon, Camargo, Moffat, Rogers, Villyard, Klein, Gallagher

NAY: None

THE VARIANCE WAS GRANTED.

Approval of the Minutes

Ms. Dutmer made a motion to approve November 3, 2008 minutes. **Mr. Hardemon** seconded it and all members voted in the affirmative

There being no further discussion, meeting adjourned at 4:32 p.m.

APPROVED BY: Michael A. Gallagher OR Paul Klein
Michael Gallagher, Chairman Vice-Chair

DATE: 12-15-08

ATTESTED BY: [Signature] DATE: 12/15/08
Executive Secretary