

**BOARD OF ADJUSTMENT
OFFICIAL MINUTES
February 20, 2012**

Members Present:

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

Staff:

Andrew Spurgin, Planning Manager
Jacob Floyd, Senior Planner
Andreina Dávila-Quintero, 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.

CASE NO. A-12-019

Applicant – Brewer Escalante c/o Bob Stewart

Lot 4, Block 3, NCB 17160

1418 Walkers Way

Zoned: “PUD C-2NA MLOD-1 AHOD” Planned Unit Development Commercial Nonalcoholic Sales Military Lighting Overlay Airport Hazard Overlay District

The applicant is requesting a 2-foot variance from the maximum 6-foot side and rear yard fence height standards, in order to allow an 8-foot tall fence in the side and rear yards. The requested variance from the requirements of the base zoning district does not permit a variance from requirements of the “AHOD” Airport Hazard Overly District.

Andreina Dávila-Quintero, Planner, presented background and staff’s recommendation of approval of the requested variance. She indicated 30 notices were mailed, 3 were returned in favor and none were returned in opposition.

Bob Stewart, representative, stated because of the slope of the land, they are requesting a higher fence. He also stated this is an assisted living facility for Alzheimer’s patients. He further stated the higher fence will give the property more security.

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-12-019 closed.

MOTION

A motion was made by **Mr. Rodriguez**. Re Appeal No. **A-12-019**, applicant **Brewer Escalante c/o Bob Stewart**, location **1418 Walkers Way**, legal description **Lot 4, Block 3, NCB 17160**, zoned **"PUD C-2NA MLOD-1 AHOD"** **Planned Unit Development Commercial Nonalcoholic Sales Military Lighting Overlay Airport Hazard Overlay District**. Such variance will not be contrary to the public interest in that **the requested variance will not adversely impact the well-being of the general public as it will not obstruct visibility for impending traffic. The proposed fence will be located along the southeast side and southwest rear property lines within the side and rear yards of the subject property. Furthermore, the subject property is a commercial property that is surrounded by residential and nonresidential uses.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **a literal enforcement of the maximum fence height standard will require the applicant to erect a 6-foot tall fence along the southeast side and southwest rear property lines, and within a portion of the proposed courtyard to the rear of the facility. According to the applicant, a 6-foot tall fence will not provide sufficient security and privacy to the residents due to the significant slope that exists on the subject property.** The spirit of the ordinance is observed and substantial justice is done in that **the requested fence height variance will be in keeping with the spirit of the ordinance as the proposed fence height complies with the intent of the maximum fence height standards by protecting the single-family residences to the southeast and southwest of the subject property, as well as providing security for the proposed facility on the subject property.** 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 requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in this particular zone which is "PUD C-2NA" Planned Unit Development Commercial Nonalcoholic Sales base zoning district.** 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 requested fence height variance will not adversely impact the adjacent conforming properties. The proposed 8-foot tall fence will only extend along the southeast and southwest property lines within the side and rear yards, where the property abuts single-family residences or is in close proximity to other single-family residential uses.** 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 requested variance is due to the significant slope and difference in grades between the proposed facility and the abutting properties. This condition was not created by the property owner or merely financial, or a result of the general conditions in the district.** The motion was seconded by **Ms. Cruz**.

AYES: Rodriguez, Cruz, Camargo, Hardemon, Rogers, Dutmer, ^{Zoning} Zoning, Britton,
Gallagher
NAY: None

THE VARIANCE WAS GRANTED.

CASE NO. A-12-020

Applicant – Raymundo Y. and Mary Lopez
Lot 1, Block 2, NCB 7521 save and except that portion conveyed to the City of San Antonio in
Volume 4752, Page 172, Real Property Records of Bexar County, Texas
1702 Rigsby Avenue
Zoned: “R-6” Residential Single-Family District

The applicant is requesting a Special Exception to relocate a residential structure from 1507 Aurelia Street to 1702 Rigsby Street.

Andreina Dávila-Quintero, Planner, presented background and staff’s recommendation of approval of the requested variance. She indicated 22 notices were mailed, 4 were returned in favor and none were returned in opposition.

Edgar Dodson, applicant, stated he is requesting this building is going to moved for commercial development. He also stated it is more convenient to have this building facing Rigsby. He further stated there will be parking behind the structure

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-12-020 closed.

MOTION

A motion was made by **Ms. Rogers**. I move that the Board of Adjustment grant the applicant’s request regarding Appeal No. **A-12-020**, applicant **Raymundo Y. and Mary Lopez**, owner the same, location **1702 Rigsby Avenue**, legal description **Lot 1, Block 2, NCB 7521 save and except that portion conveyed to the City of San Antonio in volume 4752, page 172, Real Property Records of Bexar County, Texas, “R-6” Residential Single-Family District** requesting a **Special Exception to relocate this residential structure from 1507 Aurelia Street to 1702 Rigsby Avenue**. The special exception will be in harmony with the spirit and purpose of the chapter in that **the residential structure will be located to a vacant single-family residential lot in an area that is developed with both residential and non-residential uses. Additionally as shown in the site plan the structure will comply with the minimum development standards of “R-6” Residential Single-Family district**. The public welfare and convenience will be substantially served in that **the City Council approved the rezoning of subject property to from “C-2NA” Commercial Nonalcoholic Sales to “R-6” Residential Single-Family in October 2011**. The proposed request, if approved, will allow a single-

family residential home in a vacant single-family residential lot and the houses are very compatible with the type of house that is being moved into that location. The neighboring property will not be substantially injured by such proposed use in that **the subject property is located in an area that was developed with residential and nonresidential uses. The properties immediately to the east and south are single-family residential and convent uses, respectfully. Thus the proposed residential structure on the subject property will not adversely impact the adjacent properties or the neighborhood in any way.** 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 **as previously mentioned, the subject property is surrounded by residential and nonresidential uses, and thus will not alter the essential character of the district. Furthermore, the house to be relocated is from a property that is located within the vicinity, approximately 500-feet north of the subject property where that area is being considered for commercial use. The requested special exception will not alter the character of the area at all.** 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, if approved, will not weaken the general purpose of the “R-6” Residential Single-Family District as the residential structure will comply with the minimum development standards of this district.** The motion was seconded by Mr. Rodriguez.

AYES: Rogers, Rodriguez, Hardemon, Camargo, Cruz, Britton, Zuniga, Dutmer, Gallagher

NAY: None

THE SPECIAL EXCEPTION WAS GRANTED.

CASE NO. A-12-023

Applicant – Ricardo R. Rodriguez

Lot 34, NCB 11927

151 Knibbe Avenue

Zoned: “NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District

The applicant is requesting 1) an 8-foot, 6-inch variance from the 20-foot minimum front setback requirement, in order to allow an 11-foot, 6-inch front setback for the new addition; and 2) a 1-foot, 4-inch variance from the requirement that no eaves may project closer than 3-feet to any property line, in order to allow the roof eave of the addition to project up to 1-foot, 8-inches from the west side property line.

Andreina Dávila-Quintero, Planner, presented background and staff’s recommendation of partial approval of the request. The requested 8-foot, 5-inch front setback variance does not comply with three of the six approval criteria for granting a variance. The applicant failed to provide sufficient evidence to justify the need for this variance. According to the submitted application, the front setback variance is requested due to the need for additional living space that will result in the new two-car garage encroaching into the required 20-foot minimum front setback. However, this is not a condition unique to the land. Due to the size of the lot, alternative options

exist on the subject property that allows for the placement of new additions in compliance with the minimum development standards of the UDC. Therefore staff recommends denial of this request. She indicated 24 notices were mailed, 4 were returned in favor and none were returned in opposition and response from the Oak Park Northwood Neighborhood Association.

Ricardo Rodriguez, applicant, stated their vehicles have been vandalized when they are parked on the street. He also stated this would allow them to have vehicles parked in the driveway and still have access to the street.

The following citizens appeared to speak:

Rita Matthews, citizen, spoke in opposition.

Madeline Pleasant, 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-12-011 closed.

MOTION

A motion was made by **Mr. Camargo to continue this case until the next regularly scheduled meeting on March 12, 2012.** The motion was seconded by **Mr. Hardemon**

AYES: Camargo, Rogers, Britton, Zuniga, Hardemon, Villyard, Cruz, Dutmer, ~~Ozuna~~, Gallagher

NAY: None

THE MOTION PASSES.

Approval of the January 9, 2012 Minutes

The January 9, 2012 minutes were approved with all members voting in the affirmative.

Approval of the January 30, 2012 Minutes

The January 30, 2012 minutes were approved with all members voting in the affirmative.

Consideration of the Rules and Procedures of the Board of Adjustment

The consideration of the Rules and Procedures was continued until the next meeting with all members voting in the affirmative.

There being no further discussion, meeting adjourned at 2:08 p.m.

APPROVED BY: Michael R. Mulby OR _____
Michael Gallagher, Chairman Andrew Ozuna, Vice-Chair

DATE: 3-12-12

ATTESTED BY: [Signature] DATE: 3-16-12
Executive Secretary