

**BOARD OF ADJUSTMENT
OFFICIAL MINUTES
February 3, 2014**

Members Present:

Andrew Ozuna
Frank Quijano
Gabriel Velasquez
George Britton
Maria Cruz
Jesse Zuniga
Mary Rogers
John Kuderer
Henry Rodriguez

Staff:

Catherine Hernandez, Planning Manager
Margaret Pahl, Senior Planner
Tony Felts, Planner
Matthew Taylor, Senior Planner
Paul Wendland, City Attorney

Call to Order

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

Mr. Ozuna, Vice-Chair, called the meeting to order and called roll of the applicants for each case.

Mr. Kuderer made a motion to nominate Mr. Ozuna for Chair and Ms. Rogers for Vice-Chair. Ms. Cruz seconded the motion with all members voting in the affirmative.

Mr. Rodriguez made a motion to move Case No A-14-023 to the beginning of the agenda. Ms. Rogers seconded the motion with all members voting in the affirmative.

Tomas Perez, citizen, expressed his concerns in regards to Case No A-14-018. He stated his question is that if he had not

CASE NO. A-14-023

Applicant – Virginia Losoya
Lot 71A, Block B, NCB 11508
248 West Cheryl Drive
Zoned: “R-5 AHOD” Residential Single-Family Airport Hazard Overlay District

The applicant is requesting a special exception to allow a four-year renewal of a special exception for a one-operator beauty shop in a single family home

Tony Felts, Planner, presented background and staff's recommendation of approval of the special exception for a period of four years. He indicated 24 notices were mailed, none were returned in favor and none were returned in opposition and no response from the University Park Neighborhood Association.

Virginia Losoya, applicant, stated she is requesting this special exception to work from home due to the economy. She also stated her clients are in the neighborhood and she can provide them with reasonable prices. She further stated

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-14-023 closed.

MOTION

A motion was made by **Ms. Rogers**. "Re Appeal No. **A-14-023**, to allow a four-year renewal of a special exception for a one-operator beauty shop in a single family home, subject property description Lot 71A, Block B, NCB 11508, located at 248 West Cheryl Drive, applicant being **Virginia Losoya**. I move that the Board of Adjustment grant the applicants request regarding Appeal No. **A-14-023**, application for a Special Exception for the subject property s 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 35-399.01. Specifically, we find that the following conditions have been satisfied. The special exception will be in harmony with the spirit and purpose of the chapter in that **the requested special exception will be in harmony with the spirit and purpose of the chapter in that the proposed one-operator beauty salon will follow the specified criteria established in Section 35-399.01 of the Unified Development Code**. The public welfare and convenience will be substantially served in that **public welfare and convenience will be served with the granting of this request as it will provide a valuable and needed public service to the residents of the neighborhood and it will not negatively impact surrounding properties**. The neighboring property will not be substantially injured by such proposed use in that **the subject property will be primarily used as a single-family residence. The beauty shop will occupy only a small part of the structure, and the fact that a beauty shop is being operated from the home will likely be indiscernible to passersby. As such, neighboring properties will not be substantially injured**. 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 requested special exception will not alter the essential character of the district as the use will likely be indiscernible to passersby**. 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 zoning district is to promote the public health, safety, morals, and general welfare of the city. The granting of this special exception will not weaken these purposes, nor will it weaken the regulations established for this district. This shop will operate for a period of forty-eight months with hours of operation not to exceed forty hours per week with those hours being on Tuesdays, Wednesdays, Thursdays, Fridays, and Saturdays from 10:00 am until 6:00 pm.**" The motion was seconded by **Mr. Britton**.

AYES: Rogers, Britton, Rodriguez, Quijano, Kuderer, Cruz, Zuniga, Velasquez, Ozuna
NAYS: None

THE SPECIAL EXCEPTION WAS GRANTED.

CASE NO. A-14-018

Applicant – Jesus Salazar
The west 50 feet of the North one-half of Tract 206, NCB 7847
654 West Pyron Avenue
Zoned: “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

The following citizens appeared to speak:

Thomas Perez, citizen, expressed his concerns in regards to the runoff of water from the roof of the carport. The runoff is causing flooding into this property and destroying his property. He also stated

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-14-018 closed.

MOTION

A motion was made by **Ms. Cruz** made to continue this case until a future date. The motion was seconded by **Mr. Rodriguez**.

AYES: Rogers, Britton, Rodriguez, Quijano, Kuderer, Cruz, Zuniga, Velasquez, Ozuna
NAYS: None

THE MOTION PASSES.

CASE NO. A-14-017

Applicant – Robert D Lawrence
Lot 1 Block 3 NCB 18666
7939 Viking Trail
Zoned: “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

The applicant is requesting 5-foot variance from the required 5-foot side yard setback to allow several accessory structures encroaching into the east side yard setback.

Osniel Leon, Planner, presented background and staff’s recommendation of denial of the requested variance. He indicated 31 notices were mailed, 2 were returned in favor and one was returned in opposition.

Robert Lawrence, applicant, stated he would like to continue this case until a full board is available.

MOTION

A motion was made by **Ms. Rogers to continue this case until the next available meeting.** The motion was seconded by **Mr. Rodriguez.**

AYES: Rogers, Britton, Rodriguez, Quijano, Kuderer, Cruz, Zuniga, Velasquez, Ozuna
NAYS: None.

THE VARIANCE WAS GRANTED.

CASE NO. A-14-020

Applicant – Celso Cuellar Jr.
Lots 27 & 28, Block 39, NCB 1623
202 Porter Street
Zoned: “C-2 NA AHOD” Commercial Nonalcoholic Sales Airport Hazard Overlay District

The applicant is requesting a 1) a variance from Section 35-514(a)(6)c. of the UDC to allow barbed wire on a predominantly open fence at a residential property, 2) a request from Section 35-514(d)(1) of the UDC for a 3-foot height variance from the 4-foot maximum height to allow a predominantly open fence 7 feet in height in the front yard, and 3) a request from Section 35-514(d)(1) of the UDC for a 1-foot height variance from the 6-foot maximum height to allow a predominantly open fence 7 feet in height in the rear and side yard.

Tony Felts, Planner, presented background and staff’s recommendation of denial of the request for barbed wire, denial of the additional height request in the front yard, and approval of the additional height variance request in the rear and side yards only. He indicated 25 notices were mailed, none were returned in favor and 2 were returned in opposition and no response from the Denver Heights Neighborhood Association.

Celso Cuellar, Jr., applicant, stated he would like to maintain the integrity of the property. He also stated the variance would prevent trespassers from accessing the property. He further stated the variance would provide security for the property.

The following citizens appeared to speak:

William B Johnson, 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-14-020 closed.

1st MOTION

A motion was made by Mr. Kuderer. “Re Appeal No. A-14-020, variance application for a 1) a variance from Section 35-514(a)(6)c. of the UDC to allow a barbed wire on a predominantly open fence at a residential property, 2) a request from Section 35-514(d)(1) of the UDC for a 1-foot height variance from the 4-foot maximum height to allow a predominantly open fence 5 feet in height in the front yard, and 3) a request from Section 35-514(d)(1) of the UDC for a 1-foot height variance from the 6-foot maximum height to allow a predominantly open fence 7 feet in height in the rear and side yard, subject property description Lots 27 & 28, Block 39, NCB 1623, situated at 202 Porter Street, applicant being Celso Cuellar Jr. I move that the Board of Adjustment grant the applicant’s request regarding Appeal No. A-14-020 for the request from Section 35-514(d)(1) of the UDC for a 1-foot height variance from the 6-foot maximum height to allow a predominantly open fence 7 feet in height in the rear and side yard and do not grant a variance for part one and part two which is the barbed wire aspect of it and a 3-foot height variance from a 4-foot maximum height, 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 **usually, fence height restrictions are put into place in order to provide orderly development and encourage a sense of community. Additionally, fence material restrictions, particularly regarding barbed wire and other dangerous materials, are in place to protect public safety and reduce the risk of injury. Though front yard fences of varying materials are common in this area, no fences of the height or type requested by the applicant were observed in the area during staff’s visit. In fact, the fencing that the applicant has installed is more reminiscent of the type that would be seen around an industrial building or government facility, not a residential structure. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that a review of the City of San Antonio’s online crime tracking tool does reveal that there have been instances of burglary, theft, and vandalism in the area of the subject property. The applicant did submit a copy of a police report from November, 2012, regarding a vehicle break-in at the property. The spirit of the ordinance is observed and substantial justice is done in that the UDC contemplates that higher fences are sometimes required to protect properties. The city’s online crime tracking tool reveals that there have been crime issues. 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 the “C-2NA” Commercial Nonalcoholic Sales base 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 requested variance, if approved, may be injurious concerning the barbed wire to adjacent conforming properties because of the height, type, and location of the fence, as well as the addition of barbed wire. 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 we have heard testimony to the fact that there has been issues with crime in the neighborhood but barbed wire does not seem appropriate use of the fences variance with a friendly amendment to allow a 1-foot height variance from the 4-foot maximum height to allow a predominantly open fence 5 feet in height in the front yard.” The motion was seconded by Ms. Rogers.

AYES: Kuderer, Rogers, Britton, Zuniga

NAYS: Cruz, Quijano, Velasquez, Rodriguez, Ozuna

MOTION FAILS.

2nd Motion

A motion was made by Mr. Kuderer. “Re Appeal No. A-14-020, variance application for a 1) a variance from Section 35-514(a)(6)c. of the UDC to allow a barbed wire on a predominantly open fence at a residential property, 2) a request from Section 35-514(d)(1) of the UDC for a 1-foot height variance from the 4-foot maximum height to allow a predominantly open fence 5 feet in height in the front yard, and 3) a request from Section 35-514(d)(1) of the UDC for a 1-foot height variance from the 6-foot maximum height to allow a predominantly open fence 7 feet in height in the rear and side yard, subject property description Lots 27 & 28, Block 39, NCB 1623, situated at 202 Porter Street, applicant being Celso Cuellar Jr. I move that the Board of Adjustment grant the applicant’s request regarding Appeal No. A-14-020 for the request from Section 35-514(d)(1) of the UDC for a 1-foot height variance from the 6-foot maximum height to allow a predominantly open fence 7 feet in height in the rear and side yard and do not grant a variance for part one and part two which is the barbed wire aspect of it and a 3-foot height variance from a 4-foot maximum height, 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 usually, fence height restrictions are put into place in order to provide orderly development and encourage a sense of community. Additionally, fence material restrictions, particularly regarding barbed wire and other dangerous materials, are in place to protect public safety and reduce the risk of injury. Though front yard fences of varying materials are common in this area, no fences of the height or type requested by the applicant were observed in the area during staff’s visit. In fact, the fencing that the applicant has installed is more reminiscent of the type that would be seen around an industrial building or government facility, not a residential structure. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that a review of the City of San Antonio’s online crime tracking tool does reveal that there have been instances of burglary, theft, and vandalism in the area of the subject property. The applicant did submit a copy of a police report from November, 2012, regarding a vehicle break-in at the property. The spirit of the ordinance is observed and substantial justice is done in that the UDC contemplates that higher fences are sometimes required to protect properties. The city’s online crime tracking tool reveals that there have been crime issues. 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 the "C-2NA" Commercial Nonalcoholic Sales base 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 requested variance, if approved, may be injurious concerning the barbed wire to adjacent conforming properties because of the height, type, and location of the fence, as well as the addition of barbed wire.** 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 **we have heard testimony to the fact that there has been issues with crime in the neighborhood but barbed wire does not seem appropriate use of the fences variance."** The motion was seconded by Ms. Rogers.

AYES: Kuderer, Rogers, Rodriguez, Cruz, Zuniga, Quijano, Velasquez, Britton, Britton, Ozuna

NAYS: None

THE VARIANCE WAS GRANTED

BOARD MEMBERS RECESSED FOR 10 MINUTES.

CASE NO. A-14-022

Applicant – Saul Audel Parra Cendejas
Lots 16, 17, 18, & 19, Block 19, NCB 2891
2211 Santiago Street
Zoned: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

The applicant is requesting a 1) a variance for an 18-foot variance from the 20-foot required rear yard setback to allow a structure 2 feet from the rear property line and 2) a variance for a 4-foot variance from the 5-foot required side yard to allow a structure 1 foot from the side property line.

Tony Felts, Planner, presented background and staff's recommendation of denial the requested variances. He indicated 38 notices were mailed, none were returned in favor and none were returned in opposition.

Maribel Magana, applicant, stated that when the home was purchased the renovations and additions existed when they purchased the home. She also stated her husband continued the existing improvements when they purchased the home. She further stated the addition is used for storage and does not have electrical or plumbing.

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-14-022 closed.

MOTION

A motion was made by Ms. Rogers. “Re Appeal No. A-14-022, variance application for a **variance from Table 310-1 of the UDC for an 18-foot variance from the 20-foot required rear yard setback to allow a structure 2 feet from the rear property line and a variance from Table 310-1 of the UDC for a 4-foot variance from the 5-foot required side yard to allow a structure 1 foot from the side property line**, subject property description Lots 16, 17, 18, & 19, Block 1, NCB 2891, situated at 2211 Santiago Street, applicant Saul Audel Parra Cendejas. I move that the Board of Adjustment grant the applicant’s request regarding Appeal No. A-14-022, application for a variance to the subject property as described above **except for part two 4-foot variance from the 5-foot required side yard**, 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 **building setbacks are designed to preserve adequate access, access to light and air, and preserve public safety by ensuring proper separation of buildings by allowing the rear section of the building to remain will adversely affect the neighboring property and would allow for adequate access for maintenance of the structure, and not blocking air flow within the area**. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **there are special conditions that exist in the site, namely the limited depth of the lot at 76 feet. The lot does appear to be overly developed, but there would not be a problem with the setback in the rear exception**. The spirit of the ordinance is observed and substantial justice is done in that **by granting the variance in the back as the addition does provide for adequate room to access the structure for maintenance and there would be no impeding of free flow of air for adjacent properties**. 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 the “R-4” Residential Single-Family 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 variance will not injure the appropriate use of the adjacent property on the side and the rear where there is adequate space to maintain the structure with free flow of air to these properties. It is not known if issues on other properties have resulted in construction of additions such as this before us**. 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 **in this circumstance, there does appear to be some unique circumstances readily apparent to warrant the granting of the variance of the rear setback but not the side**.” The motion was seconded by Mr. Zuniga.

AYES: Rogers, Britton, Rodriguez, Cruz, Kuderer, Zuniga, Velasquez, Quijano, Ozuna
NAYS: None

THE MOTION PASSES.

CASE NO. A-14-024

Applicant – Robert Vetter
Lot 4, NCB 12167
2619 Austin Highway
Zoned: “C-2 MC-3 AHOD” Commercial Austin Highway/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District

The applicant is requesting a 114-foot variance from the maximum 40-foot front setback, as detailed in 35-339.01, to allow a new building 154 feet from the front property line.

Margaret Pahl, Senior Planner, presented background and staff’s recommendation of approval the requested variances. She indicated 16 notices were mailed, one was returned in favor and none were returned in opposition and no response from the Village North One Neighborhood Association.

Robert Vetter, applicant, stated the need for this new building is due to the economy growing and have future plans. He also stated the property was bought in 2001 for future expansion of the distribution. He further stated the corporate parking would be limited without the variance.

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-14-020 closed.

MOTION

A motion was made by **Mr. Rodriguez**. “Re Appeal No. **A-14-024**, variance application for a **114-foot variance from the maximum 40-foot front setback, as detailed in 35-339.01, to allow a new building 154 feet from the front property line**, subject property description **Lot 45, NCB 12167**, situated at **2619 Austin Highway**, applicant **Robert Vetter**. I move that the Board of Adjustment grant the applicant’s request regarding Appeal No. **A-14-020**, 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 public interest is defined as the general health, safety and welfare of the public at large**. For safety purposes, **TxDot has restricted the site to a shared access point because of its proximity to a traffic control signal**. **The applicant is hoping to construct the customer parking in front of the building to minimize conflict with large trucks moving merchandise from the existing warehouse**. Due to special conditions, a

literal enforcement of the ordinance would result in unnecessary hardship in that **the special condition according to the applicant is the location of the neighboring distribution warehouse. But the site issues are more complicated than just the location of the warehouse. The driveway into the site slopes down at a 6% grade to an elevation nearly 10 feet lower than the elevation of Austin Highway. Placing the building within the required setback would result in a similar difference between the floor of the showroom and the rear parking area.** The spirit of the ordinance is observed and substantial justice is done in that **for each requested variance, the Board must determine the “spirit” of the ordinance as contrasted with the “strict letter” of the requirement. The intent of the restricted setback is to preserve a streetscape pattern that was typical of commercial corridors developed in the 1960s. The buildings along this section of Austin Highway, approaching the interchange with loop 410, have inconsistent setbacks. Their neighboring building is almost 90 feet back and the church on the other side is 70 feet.** 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 the “C-2 MC-3 AHOD” 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 variance to allow a greater setback will not negatively impact adjacent properties. Rather, the addition of a new building, especially one with the detailing required by the overlay zone, should enhance the character of the district.** 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 subject parcel is a large vacant rectangle, giving the impression of an easy site to design. It is impacted by its proximity to a traffic control signal; it was denied an independent curb cut. For this reason, the customers have to share the access with the wholesale/ warehousing location. On the southeast side of the parcel, three heritage trees are being preserved. These trees however eliminate the space for an internal driveway around the east side of the building. The site slopes quickly below the street elevation and with all factors considered, the property’s design is challenging.”** The motion was seconded by Ms. Cruz.

AYES: Rodriguez, Cruz, Rogers, Quijano, Zuniga, Britton, Kuderer, Velasquez, Ozuna

NAYS: None

THE VARIANCE WAS GRANTED

CASE NO. A-14-025

Applicant – Xavier Gonzalez
Lot A, Block 1, NCB 6328
104 Bushnell

Zoned: “R-5 H AHOD” Residential Single-Family Historic Airport Hazard Overlay District

The applicant is requesting a 2-foot variance from the maximum 4-foot fence height, as detailed in 35-514 (d) to allow a 6-foot predominately open ornamental iron front yard fence

Margaret Pahl, Senior Planner, presented background and staff's recommendation of approval the requested variances. She indicated 18 notices were mailed, 1 was returned in favor and 4 were returned in opposition and no response from the Monte Vista Neighborhood Association.

Xavier Gonzalez, applicant, stated several 6 foot or taller fences exist in the neighborhood. He also stated the design of the fence has been approved by Historic Design and Review Committee but in order to obtain a building permit, the variance must be granted. He further stated because of the sloping elevation, the height of the fence will not obscure the view of the home.

The following citizens appeared to speak:

Tim Turner, citizen, spoke in favor.

Paul Kinnison, Chairman of the Monte Vista Historic Association Architectural Review Committee, 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-14-025 closed.

MOTION

A motion was made by **Mr. Rodriguez**. "Re Appeal No. **A-14-025**, variance application for a **2-foot variance from the maximum 4-foot fence height, as detailed in 35-514 (d) to allow a 6-foot predominately open ornamental iron front yard fence**, subject property description **Lot A, Block 1, NCB 6328**, situated at **104 Bushnell**, applicant **Xavier Gonzalez**. I move that the Board of Adjustment grant the applicant's request regarding Appeal No. **A-14-025**, 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 home is located in a historic neighborhood on the corner of a busy collector street McCullough. A bus stop is also located on this corner. Because of its proximity to this traffic corridor, the requested fencing is in the public interest.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **many of the lots are very large and the historic homes are setback further than usual. This large stature would dwarf a fence height allowed by the ordinance. The proposed fencing will be more consistent with the size of the parcel and the home, with a matching brick base and columns.** The spirit of the ordinance is observed and substantial justice is done in that **it has been noted that the design has been approved by the OHP, the spirit is observed.** 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 the "R-5 H AHOD" 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 **several other properties along Bushnell have historic walls along their front property line, and include large homes setback from the street. These have created an essential character of this district, making the proposed fencing consistent with that character.** 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 subject parcel is very large and located on a busy corner. These conditions were not created by the owner. Front yard fencing is a repeated feature within this historic district.**” The motion was seconded by **Mr. Rodriguez.**

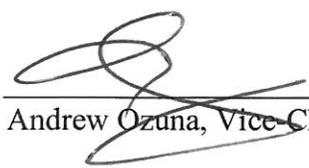
AYES: Quijano, Rodriguez, Britton, Kuderer, Cruz, Rogers, Velasquez, Zuniga, Ozuna
NAYS: None

THE VARIANCE WAS GRANTED

Approval of the Minutes

The January 13, 2014 minutes were approved with all members voting in the affirmative.

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

APPROVED BY: _____ OR  _____
Andrew Ozuna, Vice-Chair

DATE: 3-3-14

ATTESTED BY:  _____ DATE: 3/3/14
Executive Secretary