

**BOARD OF ADJUSTMENT
OFFICIAL MINUTES
January 30, 2012**

Members Present:

Michael Gallagher
Andrew Ozuna
Edward Hardemon
Helen Dutmer
George Britton
Jesse Zuniga
Mary Rogers
Mike Villyard
Gene Camargo
Maria Cruz

Staff:

John Jacks, Assistant Director
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.

Mr. Rodriguez arrived at 1:04 p.m.

CASE NO. A-12-017

Applicant – Guillermo Reyes
Lot 1, Block 21, NCB 17970
8093 Eckhert Road
Zoned: “O-1 AHOD” Office Airport Hazard Overlay District

The applicant is requesting a 2-foot variance from the maximum 4-foot front yard fence height standard, in order to allow a 6-foot tall wrought iron fence in the front yard.

Andreina Dávila-Quintero, Planner, presented background and staff’s recommendation of approval of the requested variances. She indicated 31 notices were mailed, 2 was returned in favor and none were returned in opposition and no response from the Eckhert Crossing Neighborhood Association.

Brian Wiggins, representative, stated the purpose of the variance is for more security. He also stated the gate will be opened during business hours. The front fence will be wrought iron and the side fence will be a wood fence.

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-12-017 closed.

MOTION

A motion was made by **Mr. Ozuna**. Re Appeal No. **A-12-017**, variance application for **Guillermo Reyes**, owner being **GMEJR Partners, Ltd.**, location being **8093 Eckhert Road**, legal description is **Lot 1, Block 21, NCB 17970**, zoning is **"O-1 AHOD" Office Airport Hazard Overlay District**, the request is for a **2-foot variance from the maximum 4-foot front yard fence height standard, in order to allow a 6-foot tall wrought iron fence in the front yard**. I move that the Board of Adjustment grant the applicant's request regarding Appeal No. **A-12-017**, 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 UDC, as amended, would result in an unnecessary hardship. 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 subject property is an interior lot with approximately four hundred seventeen (417) feet of street frontage. The fence, where proposed, will be located approximately fourteen (14) feet away from the curb, thus maintaining visibility along the street right-of-way.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the subject property does not have any special conditions that result in the need for the variance requested**. However, **the subject property will consist of a 10,000-square foot medical office building that will contain medications, as well as machines and equipments necessary for the operation of a cardiologist office**. Due to the unique nature of the use, the property requires a 6-foot tall security fence to protect the equipment that will be stored at this facility. A literal enforcement of the regulations would result in the property having a 4-foot tall fence in the front yard, which does not adequately provide the security required after business hours for the facility according to the applicant. The spirit of the ordinance is observed and substantial justice is done in that **the requested variance will be in keeping with the spirit of the ordinance as the proposed fence complies with the intent of the maximum fence height standards by continuing to allow openness, air flow, light penetration and neighborhood uniformity**. Furthermore, the proposed fence will be located approximately 14-feet away from the curb, and thus complies with the intent of the fence standards of not obstructing traffic's visibility and maintaining openness along the street frontages. It is important to note that the properties to the east and west of the subject property are residentially zoned properties. Per Section 35-399.04 of the UDC, these properties may erect a 6-foot tall ornamental-iron front yard fence in the front yard subject to the approval of a Special Exception by the Board of Adjustment. The proposed wrought iron fence will be in harmony with the height and character of potential fences along this side of Eckhert Road.. 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 "O-1" Office 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 adversely impact the adjacent conforming properties. The subject property is surrounded by single-family residential properties to the north, east and west, and a parking lot to the south. The UDC allows for residential lots to erect a 6-foot tall ornamental-iron fence in the front yard subject to the approval of a Special Exception by the Board of Adjustment. Furthermore, due to the size of the lot, the proposed fence will also maintain openness, air flow, light penetration and neighborhood uniformity on the surrounding properties.** 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 plight of the owner of the property is due to the medical office building on the subject property that will house medications, machines and equipments necessary for the operation of a cardiologist office. These conditions are not a result of the general conditions of the zoning district, or due to financial hardship.** The motion was seconded by Mr. Zuniga.

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

NAY: None

THE VARIANCE WAS GRANTED.

CASE NO. A-12-018

Applicant – Alicia Sandoval Rosas
Lot 1, Block 4, NCB 2106
166 Mickeljohn Street
Zoned: “MF-33 AHOD” Multi-Family Airport Hazard Overlay District

The applicant is requesting a Special Exception to allow a one operator beauty/barber shop in a residential zoning district.

Andreina Dávila-Quintero, Planner, presented background and staff’s recommendation of approval of the requested Special Exception with the following conditions: the time period should not exceed four years and that the days and hours of operations shall be limited to Tuesdays, Wednesdays, and Thursdays from 9 am until 5 pm and Fridays and Saturdays from 10 am until 6 pm not to exceed forty hours per week. She indicated 45 notices were mailed, 2 were returned in favor and one was returned in opposition.

Alicia Sandoval Rosas, applicant, stated she would like this special exception to do be able to do what she loves at her residence. She also stated she owns the duplex she currently resides at and her son lives next door. Her neighbors are okay with this special exception. She further stated there is plenty for parking.

The following citizens appeared to speak:

Rita Matthews, citizen, spoke in opposition.

Madeline Plesant, 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**. I would like to move that in Case **A-12-018**, a request for **Special Exception to allow a one-operator beauty/barber shop** on property known as **166 Micklejohn Street**, property is also described as **Lot 1, Block 4, NCB 2106**, the applicant being **Ms. Alicia Sandoval Rosas**, **that this request be approved for a four-year period**. The special exception will be in harmony with the spirit and purpose of the chapter in that **the one operator beauty/barber shop must comply with certain regulations and the operations of a business in a home**. The public welfare and convenience will be substantially served in that **the subject property is located in a residential area surrounding by residential and non-residential uses**. I must point that **the side of the property fronts onto two large lots that are occupied by a church**. **The property mainly to the east of the residence where the shop is to be located at is also under the ownership of applicant and is vacant and that the applicant has indicated that propose to use that lot to park the vehicles of customers that come to the property**. The neighboring property will not be substantially injured by such proposed use in that **the one-operator beauty/barber shop will be located on the front portion, and will only comprise of 23% of the gross floor area as opposed to the 25% which is permitted by code**. 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 use of the one-operator beauty/barber shop will not alter the essential character of the district in that the regulations do not allow the applicant to change the overall appearance of the structure to other than that of a residential nature**. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district in that **the City of San Antonio's UDC allows barber and beauty shops in all residential zoning districts subject to conditions a literal imposed on the applicant to comply with**. Staff is also recommending approval of that time frame of four years. The days and hours of operations shall be limited to **Tuesdays, Wednesdays, and Thursdays from 9 am until 5 pm and on Fridays and Saturdays from 10 am until 6 in the evening and the overall operation is not to exceed 40 hours per week**. The motion was seconded by **Ms. Rogers**.

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

NAY: None

THE SPECIAL EXCEPTION WAS GRANTED.

Sign Master Plan No. 12-004

Larry Gottsman, applicant, briefed Board Members on Sign Master Plan for SE Military Mercado, located at 910 Southeast Military Drive.

Ms. Duter made a motion to approve **Sign Master Plan No. 12-004** and was seconded by **Mr. Hardemon** and all members voted in the affirmative.

THE SIGN MASTER PLAN WAS APPROVED.

Sign Master Plan No. 12-005

Lori Bell, applicant, briefed Board Members on Sign Master Plan for CVS Plaza, located at 6851 North Loop 1604 West & 15607 Chase Hill Blvd.

Mr. Ozuna made a motion to approve **Sign Master Plan No. 12-003** and was seconded by **Ms. Cruz** and all members voted in the affirmative.

THE SIGN MASTER PLAN WAS APPROVED.

Approval of the December 5, 2011 Minutes

The December 5, 2011 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 2:54 p.m.

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

DATE: 2-20-12

ATTESTED BY: J.P.J. DATE: 2-20-12
Executive Secretary