

**BOARD OF ADJUSTMENT
OFFICIAL MINUTES
October 24, 2011**

Members Present:

Michael Gallagher
Andrew Ozuna
Helen Dutmer
George Britton
David Villyard
Gene Camargo
Paul Klein
Harold Atkinson
Mimi Moffat

Staff:

John Jacks, Interim 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.

Approval of the October 3, 2011 Minutes

The October 3, 2011 minutes were approved with all members voting in the affirmative.

Approval of the 2012 Board of Adjustment public hearing calendar

Ms. Dutmer made a motion to approve the calendar as presented. Mr. Britton seconded the motion with all board members voting in the affirmative.

CASE NO. A-11-071

Applicant – Maia Properties, LLC
North 53.09 feet of Lot 7, also known as Arbitrary Lot 7B, Block 3, NCB 993
1319 Muncey Street
Zoned: “R-6 H AHOD” Residential Single-Family Government Hill Historic Airport Hazard Overlay District

The applicant is requesting a 2,815-square foot variance from the 6,000-square foot minimum lot area requirement, in order to allow a 3,185-square foot lot.

Andreina Dávila-Quintero, Planner, presented background and staff's recommendation of approval of the requested. She indicated 25 notices were mailed, none were returned in favor and none were returned in opposition and no response from the Government Hill Neighborhood Association.

Eun Jin Lee, applicant, stated she purchased this property as a foreclosure in 2009. The bank foreclosed both properties and sold to different owners. She also stated she purchased the property with an understanding from the bank that there were separate water meters on both properties. When she made an attempt to connect the water, SAWS explained to her that both properties shared sewer and water lines and in order for them to install these lines she would have to plat her property. She filed a lawsuit against the bank after realizing that they did not inform her about these factors. She also lost her nonconforming rights for a four-plex because of the ongoing lawsuit. The property is now zoned for single family. She further stated the lawsuit has been settled and she is now ready to plat the property but in order to start this process she has to have this variance approved.

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-11-071 closed.

MOTION

A motion was made by **Mr. Camargo**. I would like to move that in Case **A-11-071**, a requested variance on the **North 53.09 feet of Lot 7, also known as Arbitrary Lot 7B, Block 3, NCB 993**, on property also known as **1319 Muncey Street**, be granted a **2,815-square foot variance from the 6,000-square foot minimum lot area requirement, in order to allow a 3,185-square foot lot with an existing structure on the property**. The variance is not contrary to the public interest in that **the requested variance will not create any adverse impact on the well being of the general public**. Furthermore, the City recognizes the impediments caused by substandard lots to promote infill development. Approval of this variance will allow the platting of a nonconforming property as a single lot, as well as its reasonable use in a residential area. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the subject property is an approximately 53-foot wide by 60-foot depth of land that was created when the south portion of that lot was split and subdivision occurred**. It is also pointed out that in 2010, after the applicant owned this property, moved to rezone the property or to downzone the property from a multi-family residential classification to that of a single family. The spirit of the ordinance will be observed and substantial justice will be done in that **the granting of the variance will allow the subject property to be developed with a use similar to those permitted in the vicinity by the UDC, and by that meaning that the property is zoned R-6**. The variance that is being proposed in this motion will only allow the property as this time to be used for single family. 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 **the requested variance will not authorize the operation of a use other than that which is permitted in the "R-6" which is single family and the applicant is fully aware that at this**

point in time that would be the only use that would be allowed. 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 subject property is located within a residential area with single-family and multi-family residential uses. The variance requested will allow the use of a substandard lot, and will not injure the conforming uses of the adjacent 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 requested variance is due to the unique circumstances on the subject property that were created at the time that the original Lot 7 was subdivided in 2004 and the change of the zoning district in 2010. These conditions were not created by the current owner, and are not merely financial or due to the general conditions of the “R-6” Residential Single-Family base zoning district.** The motion was seconded by **Mr. Klein.**

AYES: Camargo, Klein, Atkinson, Moffat, Dutmer, Villyard, Britton, Ozuna, Gallagher
NAY: None

THE VARIANCE WAS GRANTED.

CASE NO. A-11-072

Applicant – Gerardo Mechler
Lot 21 and East 25 feet of Lot 20, Block 9, NCB 7634
340 Montrose Street
Zoned: “MF-33 AHOD” Multi-Family Residential Airport Hazard Overlay District

The applicant is requesting a 10-foot variance from the 20-foot minimum setback requirement for a garage entry accessed from a street right-of-way, in order to allow a 10-foot setback to the garage entry.

MOTION

A motion was made by **Mr. Camargo** to continue this case until the next regularly scheduled meeting on November 14, 2011. The motion was seconded by **Mr. Ozuna.**

AYES: Atkinson, Dutmer, Britton, Moffat, Klein, Villyard, Camargo, Ozuna, Gallagher
NAY: None

THE MOTION PASSES.

CASE NO. A-11-073

Applicant – Edward Gutierrez

Lot 3, Block 14, NCB 14890

5602 UTSA Boulevard

Zoned: “C-2 S MLOD-1 UC-1” Commercial Military Lighting Overlay District IH-10/FM-1604 Urban Corridor with a Specific Use Authorization for a Gasoline Filling Station with a Car Wash

The applicant is requesting a 10-foot variance from the 40-foot maximum sign height requirement for properties located within the “UC-1” IH-10/FM-1604 Urban Corridor, in order to allow a 50-foot tall freestanding sign.

MOTION

A motion was made by **Mr. Klein** to continue this case until the next regularly scheduled meeting on November 14, 2011. The motion was seconded by **Mr. Villyard**.

AYES: Atkinson, Dutmer, Britton, Moffat, Klein, Villyard, Camargo, Ozuna, Gallagher

NAY: None

THE MOTION PASSES.

There being no further discussion, meeting adjourned at 1:57 p.m.

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

DATE: 11-14-11

ATTESTED BY: [Signature] DATE: 11-16-11
Executive Secretary