

**BOARD OF ADJUSTMENT  
OFFICIAL MINUTES  
October 5, 2009**

**Members Present:**

Michael Gallagher  
Andrew Ozuna  
Liz Victor  
Edward Hardemon  
Helen Dutmer  
George Britton  
Rolando Briones  
Mary Rogers  
Mike Villyard  
Gene Camargo  
Maria Cruz

**Staff:**

Chris Looney, Planning Manager  
Rudy Niño, Jr., Senior Planner  
Jacob Floyd, Planner  
Michael Farber, 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.

Ms. Cruz arrived at 1:04 p.m.

**CASE NO. A-09-085**

Applicant – Mayo Galindo  
Lot 34, Block 4, NCB 13575  
4003 East Southcross Boulevard  
Zoned: “C-2” Commercial District

The applicant is requesting for an appeal of the decision of the Planning and Development Services Director to revoke the Certificate of Occupancy (No. 1540531).

Michael Farber, Planner, presented background and staff’s recommendation that the board uphold the Director’s decision to revoke the Certificate of Occupancy. He indicated 17 notices were mailed, none were returned in favor and 2 were returned in opposition and the Pecan Valley Neighborhood is in opposition.

Mayo Galindo, applicant, stated the property was contingent upon the buyer obtaining an alcohol license and a permit to install underground storage tanks for gas tanks. The owner hired a private company to obtain these licenses and they included a letter that this property was within

300 feet of the school. They even sent a letter to the school principal asking if they had anything to say and the principal did not respond. He also stated the owners have invested a lot of money into this property and have several mortgages to pay which is paid through the income made from this business. The revocation of the certificate of occupancy would cause the property owners to become bankrupt because twenty-nine to thirty-six percent of the revenue comes from the sell of alcohol. He further stated the owners did not make any mistakes when obtaining the certificate of occupancy. The City of San Antonio knowingly and intentionally raised no objections and in inspecting the property and looking at the premises gave them the certificate of occupancy. The TABC is the enforcement agency and they should take away the license since they issued it.

**The following citizens appeared to speak:**

Kay Potter, citizen, spoke in favor.

Arnold Ramirez, citizen, spoke in favor.

Zulfiqar Ahmend, citizen, spoke in favor.

Gary Patterson, citizen, spoke in favor.

Tony Moorhouse, 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-09-085 closed.

**MOTION**

A motion was made by **Mr. Ozuna**. Re Appeal No **A-09-085**, variance application for **Sarosh Management, LLC**, subject property description is **Lot 34, Block 4, NCB 13575**, situated at **4003 East Southcross Boulevard**, again the applicant is **Sarosh Management**. I move that the Board of Adjustments **overturn the decision of the Planning and Development Services Director to revoke the CofO**. The motion seconded by **Ms. Dutmer**.

**AYES: Ozuna, Camargo, Victor, Rogers, Britton, Briones, Cruz, Dutmer, Gallagher**

**NAY: Villyard, Hardemon**

**THE MOTION PASSES.**

**Board members recessed for 10 minutes.**

**CASE NO. A-09-080**

Applicant – Comet Signs  
Lot 16, Block 5, NCB 13747

8523 Blanco Road  
Zoned: "C-2" Commercial District

The applicant is requesting a 7-foot variance from the requirement that freestanding signs exceeding 25 feet in height along street classified "Arterial Type A" be set back a minimum of 10 feet from the street right-of-way, in order to keep an existing freestanding sign 3 feet from the street right-of-way.

Jacob Floyd, Planner, presented background and staff's recommendation of denial of the requested variance. He indicated 41 notices were mailed, none were returned in favor and 1 was returned in opposition and no response from the Greater Harmony Hills Neighborhood Association.

Arturo Elizondo, sign inspector, stated the additional proposal was to reconfigure the structure, remove all the cabinets, lower the sign to fifty feet, and replace the cabinets with the allowable sign face area however by doing that they do not meet the ten foot setback from the right of way. He further stated it is a nonconforming sign which means they can reface what is there but because they are doing major modifications by removing the cabinets and lowering the sign they have to get permits.

Nick Harris, representative, stated that currently under the city regulations a permit can be issued today to reface the nonconforming sign without any modifications to the structure and a need for a variance. The property owner has decided to refigure the cabinets that would utilized for new tenants. He also stated they did not want to keep the nonconforming sign and were willing to bring the sign down to fifty feet in height. He further stated he tried to look at other ways to put the sign but because of topography issues and the twenty five foot fire lane cutting down the pipe and reversing it to meet the ten foot setback they would be impeding the traffic flow within the area for people to park head to the new strip center.

**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-09-090 closed.

**1<sup>st</sup> MOTION**

A motion was made by **Ms Rogers**. Re Appeal No **A-09-090**, variance application for a **7-foot variance from the requirement that freestanding signs exceeding 25 feet in height along streets classified "Arterial Type A" be set back a minimum of 10 feet from the street right-of-way, in order to keep an existing freestanding sing 3 feet from the street right-of-way**, the subject property description is **Lot 16, Block 5, NCB 13747**, located at **8523 Blanco Road**, the applicant being **Comet Signs**. I move that the Board of Adjustment grant request regarding Appeal No **A-09-090**, application for a sign variance to the subject property as previously described, 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. Specifically we find that the

variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering and unique features of a site such as its dimensions, landscaping, or topography and board finds that granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially situated in that granting the variance will not have a substantially adverse impact upon neighboring properties in that **a sign has existed in that particular location for quite some time**. Granting the variance will not substantially conflict with the stated purposes of this article in that **the size in height of the sign will be reduced and it is remaining in the same spot in which it was placed**. **The applicant has stated before this board and has gone on record that the sign would be reduced to four hundred ninety eight square feet and reduced in height to fifty feet**. The motion seconded by Mr. Hardemon.

**AYES: Rogers, Hardemon, Briones, Cruz, Villyard, Victor, Camargo, Dutmer, Ozuna, Britton, Gallagher**

**NAY: None**

**THE VARIANCE WAS GRANTED.**

**CASE NO. A-09-090**

Applicant – George Vaughan  
Lots 1 through 12, Block 6, NCB 6386  
325 West Lynwood  
Zoned: “R-5 H” Residential Single-Family Monte Vista Historic District

The applicant is requesting 1) a 3-foot variance from the requirement that solid screen fences in front yards not exceed 3 feet in height, in order to erect a 6-foot tall solid fence in the front yard, and 2) a 2-foot variance from the requirement that predominantly open front-yard fences not exceed 4 feet in height, in order to erect a 6-foot tall predominantly open front-yard fence.

Michael Farber, Planner, presented background and staff’s recommendation of denial of the requested variances. He indicated 30 notices were mailed, none were returned in favor and 6 were returned in opposition and no response from the Monte Vista Historical Association.

Don McDonald, representative, stated they have met with the HDRC on four different occasions which they have received conceptual approval. They have did not receive a final approval on the previous meeting because the architectural committee wanted to meet on site. He also stated they have made the one revision that the HDRC board has requested.

**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-09-090 closed.

**MOTION**

A motion was made by **Mr. Villyard to continue this case until the next available regularly scheduled meeting on November 2, 2009.** The motion seconded by **Ms. Cruz.**

**AYES: Victor, Hardemon, Dutmer, Britton, Briones, Rogers, Villyard, Camargo, Cruz, Ozuna, Gallagher**

**NAY: None**

**THE VARIANCE WAS GRANTED.**

**Sign Master Plan No. 09-004**

Arturo Elizondo, Sign Inspector, briefed Board Members on Sign Master Plan for Camelot Center, located at Walzem Road and Midcrown.

**Mr. Camargo** made a motion to approve **Sign Master Plan No. 09-004** and was seconded by **Mr. Britton** and all members voted in the affirmative.

**Christopher Looney, Planning Manager, briefed board members on a proposed Unified Development Code amendment related to notification procedures.**

**Approval of the September 21, 2009 Minutes**

The September 21, 2009 minutes were approved with all members voting in the affirmative.

**Board members went into executive session 3:25 p.m. at and returned at 4:25 pm.**

There being no further discussion, meeting adjourned at 4:16 p.m.

APPROVED BY: Michael R. Gallagher OR \_\_\_\_\_  
Michael Gallagher, Chairman Andrew Ozuna, Vice-Chair

DATE: Oct 19, 2009

ATTESTED BY: [Signature] DATE: 10/21/09  
Executive Secretary