

**BOARD OF ADJUSTMENT  
OFFICIAL MINUTES  
October 20, 2014**

Members Present:

Andrew Ozuna  
Mary Rogers  
Frank Quijano  
Alan Neff  
George Britton  
Jesse Zuniga  
John Kuderer  
Frank Martinez  
Gene Camargo  
Henry Rodriguez

Staff:

Catherine Hernandez, Planning Manager  
Margaret Pahl, Senior Planner  
Logan Sparrow, Planner  
Paul Wendland, City Attorney

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**Call to Order**

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

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

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**CASE NO. A-14-110**

Applicant – Gay Gueringer

Lot 10, NCB 15327

6715 NW Loop 410

Zoned: “C-3 AHOD” General Commercial Airport Hazard Overlay District

The applicant is requesting 1) a 16 foot variance from the 70 foot maximum as described in Chapter 28-239 Table 3 to allow a multi-tenant sign 86 feet tall and 2) a 250 square foot variance from the 650 square foot maximum as described in Chapter 28-239 Table 3 to allow a multi tenant sign 900 square feet in area and 3) a 205.75 square foot variance from the 281.25 square foot maximum as described in Chapter 28-239 Table 2 to allow a single tenant sign that is 487 square feet in area and 4) an 18 foot variance from the 150 foot minimum distance between signs to allow two signs 132 feet apart.

Logan Sparrow, Planner, presented background and staff’s recommendation of approval of the requested variances. He indicated 8 notices were mailed, none were returned in favor and none were returned in opposition.

Gay Gueringer, applicant, stated they are requesting the variance to refurbish and to revitalize the shopping center. She also stated the owner of the shopping center owns both legally platted lots. She further stated they are not requesting additional footage and its going to be stay in the location.

Andrew Perez, Sign Inspector, stated they have applied for a sign master permit and everything that is being proposed will pass if the variances are granted.

**The following 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-14-110 closed.

**MOTION**

A motion was made by **Mr. Camargo**. "I would move that in Case No. **A-14-110**, the applicant being **Gay Gueringer**, on property located at **6715 NW Loop 410**, also legally described as **Lot 10, NCB 15327**, be granted variances for **1) a 16 foot variance from the 70 foot maximum as described in Chapter 28-239 Table 3 to allow a multi-tenant sign 86 feet tall and 2) a 250 square foot variance from the 650 square foot maximum as described in Chapter 28-239 Table 3 to allow a multi tenant sign 900 square feet in area and 3) a 205.75 square foot variance from the 281.25 square foot maximum as described in Chapter 28-239 Table 2 to allow a single tenant sign that is 487 square feet in area and 4) an 18 foot variance from the 150 foot minimum distance between signs to allow two signs 132 feet apart. It is felt that most certainly that I think personally that is the most important thing the face that they are proceeding with a sign master plan that will in fact decrease that which would normally be allowed not only from the height but only in the area. It is certainly a significant reduction and warrants the approval of the variance. Specifically, we find that he variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property. **The proposed signage would allow the shopping plaza to be more easily identified by passing motorists. Currently there are more signs and none stand out to advertise the businesses in the plaza. After seeking one or more of the findings set forth in (1) or (2), the board finds that granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated. Though the applicants are asking for variances for three signs to be larger in height and area the signs collectively would still be significantly less than what is allowed by code without a sign master plan. Therefore the approval of the sign master plan certainly is important in this particular case. Granting the variance will not have a substantially adverse impact upon neighboring properties. It is unlikely that neighboring property owners will be negatively impacted by the proposed signage. The applicant is requesting the variances such that the property can be more effectively marketed to the community. Granting the variance will not substantially conflict with the stated purposes of this article. The legislative purposes of the adopted sign regulations are to provide minimum****

standards to protect the general public by regulating the design, construction, location, use and maintenance of out-door advertising signs.” The motion was seconded by Mr. Quijano.

**AYES:** Camargo, Quijano, Rogers, Britton, Kuderer, Neff, Zuniga, Rodriguez, Martinez, Ozuna

**NAYS:** None

**THE VARIANCES WERE GRANTED.**

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**CASE NO. A-14-104**

Applicant – Bell-Mann Corporation

Lot 16, NCB 15178

230 Knollwood Drive

Zoned: “C-2NA AHOD” Commercial Non-Alcoholic Sales Airport Hazard Overlay District

The applicant is requesting 1) a 4 foot variance from the maximum 4 foot fence height and 2) a 2-foot variance from the maximum 6 foot fence height, as described in 35-514(d) to allow an 8 foot perimeter wrought iron fence.

Margaret Pahl, Senior Planner, presented background and staff’s recommendation of approval of the requested special exception. She indicated 6 notices were mailed, none were returned in favor and none were returned in opposition and no response from the Springvale Neighborhood Association.

Jason Bello, applicant, stated the variance would provide protection for their property. He also stated there have been several break-in and theft in the area. He further stated there will be an electronic gate at the drive that will be accessible during business hours

**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-14-104 closed.

**MOTION**

A motion was made by **Mr. Quijano**. “Re Appeal No. **A-14-104**, variance application for **1) a 4 foot variance from the maximum 4 foot fence height and 2) a 2 foot variance from the maximum 6 foot fence height, as described in 35-514(d) to allow an 8 foot perimeter wrought iron fence**, subject property description being **Lot 16, NCB 15178**, situated at **230 Knollwood Drive**, applicant being **Bell-Mann Corporation**. I move that the Board of Adjustment grant the applicant’s request regarding Appeal No. **A-14-104**, 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. In this case the public interest would be protected as the fence height variance serves to provide added security for the property, employees and patients of the dialysis center.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **a literal enforcement of the code would result in an unnecessary hardship as the applicants would have to provide other crime deterrent options which may not protect the perimeter of the property.** The spirit of the ordinance is observed and substantial justice is done in that **the variances requested may be considered consistent with the spirit of the ordinance because the proposed fence will serve to mitigate criminal activity in the area. The variance would also provide added security for employees and the patients of this medical facility.** 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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the "C-2 NA AHOD" Commercial Non-Alcoholic Sales Airport Hazard Overlay 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 is not likely to adversely affect adjacent property owners and the proposed wrought iron fence will be constructed to be visually appealing. The surrounding properties are all commercially developed and the property has direct frontage on the expressway.** 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 special condition present in this case is the crime in the area around this dialysis center. The business has fallen victim to this criminal activity on five separate occasions and the owners feel that the additional fence height will help to mitigate the problem. The crime in the community is not the fault of the applicant, nor merely financial in nature.**" The motion was seconded by Mr. Neff.

**AYES: Quijano, Neff, Rodriguez, Britton, Zuniga, Martinez, Kuderer, Camargo, Rogers, Ozuna**

**NAYS: None**

**THE VARIANCES WERE GRANTED.**

**CASE NO. A-14-105**

Applicant – Ralph and Susan Peay

Lots 6, Block 3, NCB 16869

8522 Westgrove Drive

Zoned: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

The applicant is requesting A two foot variance from the six foot maximum as described in Section 35-514(d) to allow a fence that is eight feet in height in the rear and side of the property

Logan Sparrow, Planner, presented background and staff's recommendation of approval of the requested variance. He indicated 19 notices were mailed, 3 were returned in favor and none were returned in opposition and no response from the Alamo Farmsteads Babcock Road Association.

Susan Peay, representative, stated the fence would provide privacy from the park that is located behind their property. She also stated because of the slope of the rear of the property the house is higher than the fence and they are able to see the park from the bedroom window. She further stated the 8-foot side fence would provide some security from her neighbor.

**The following citizens appeared to speak:**

Theresa McMillin, spoke in favor and 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-14-105 closed.

**MOTION**

A motion was made by **Ms. Rogers**. "Re Appeal No. **A-14-105**, variance application for a **two foot variance from the six foot maximum as described in Section 35-514(d) to allow a fence that is eight feet in height in the rear and side of the property**, subject property description being **Lots 6, Block 3, NCB 16869**, situated at **8522 Westgrove Drive**, applicant being **Ralph and Susan Peay**. I move that the Board of Adjustment grant the applicant's request regarding Appeal No. **A-14-105**, 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. It would certainly be in the best in interest of the public to have this fence here to preclude further feuding of the neighbors and privacy for both.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **since there's been a series of opportunities and attempts to reconcile the differences here which have failed. It would be an unnecessary hardship to continue on with this type of situation. The fact that the houses are so closely together and is unfortunate the builder did not do in a garden home the same way that the other homes were constructed which most of us are familiar with. The fact that the neighbor had hung signs over the fence and the vine intrusion and so forth does cause unnecessary hardship to the applicant.** The spirit of the ordinance is observed and substantial justice is done in that **I believe that this has just been spelled out by what I have said before but the fence will serve to mitigate issues between the neighbors and to provide the privacy required by both.** 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 **they are only looking for privacy and there would be any other attempts for anything else other than privacy.** 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 **garden homes have no wall between them but a fence and that certainly would not alter the essential 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 unique circumstances are that in this garden home area, those two houses windows and patios face each other rather than provided the privacy that a garden home would be normally provide. So these unique circumstances aren't merely financial in nature nor are they a result of general conditions in the area.**" The motion was seconded by Mr. Neff.

**AYES: Rogers, Camargo, Quijano, Neff, Rodriguez, Britton, Zuniga, Martinez, Kuderer, Ozuna**

**NAYS: None**

**THE VARIANCE WAS GRANTED.**

Board members recessed for five minutes.

**CASE NO. A-14-112**

Applicant – Margie M Turner  
Lot 10, Block 10, NCB 14826  
17214 Bucher Lane  
Zoned: "R-6 ERZD MLOD" Residential Single-family Edwards Aquifer Recharge Military Lighting Overlay District

The applicant is requesting a two foot variance to the three foot maximum as described in Section 35-514(d) to allow a solid fence six feet tall, which gradually drops to four feet tall, along the north line of the property beyond the façade of the home.

Logan Sparrow, Planner, presented background and staff's recommendation of approval of the requested variance. He indicated 18 notices were mailed, 2 were returned in favor and none were returned in opposition.

Margie Turner, applicant, stated the fence would provide some security for her property from the large amount of deer in the neighborhood.

**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-14-112 closed.

**MOTION**

A motion was made by Mr. Neff. “Re Appeal No. A-14-112, variance application for a **two foot variance to the three foot maximum as described in Section 35-514(d) to allow a solid fence six feet tall, which gradually drops to four feet tall, along the north line of the property beyond the façade of the home,** subject property description being Lot 10, Block 10, NCB 14826, situated at 17214 Bucher Lane, applicant being Margie M Turner. I move that the Board of Adjustment grant the applicant’s request regarding Appeal No. A-14-112, 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. The public interest is unlikely to be adversely affected in this case as the fence runs along only the north property line of the home and abuts an alleyway. As such, no neighbor is directly affected by this proposed variance.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the special conditions present on this property are that a large number of deer reside in the community and eat much of the vegetation planted by the applicant. A literal enforcement of the code would require that the applicant drop the fence to three feet above grade, a height that deer could easily jump over.** The spirit of the ordinance is observed and substantial justice is done in that **the variances requested may be considered consistent with the spirit of the ordinance because the proposed fence does not abut a neighbor, but an alley. As such it is unlikely that any neighbor will be adversely affected.** 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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-6 ERZD MLOD” Residential Single-Family Edwards Aquifer Recharge Military Lighting Overlay 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 affect the neighboring properties as the fence does not abut the neighbors, but an alley.** 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 unique circumstances existing on the property are the large number of deer that eat the vegetation planted by the applicant. These conditions are not created by the applicant or merely financial in nature.”** The motion was seconded by Mr. Rodriguez.

**AYES: Neff, Rogers, Quijano, Rodriguez, Britton, Zuniga, Martinez, Kuderer, Camargo, Ozuna**

**NAYS: None**

**THE VARIANCE WAS GRANTED.**



**CASE NO. A-14-107**

Applicant – Alvin G. Peters  
Lot 1, Block 33, NCB 8569  
3510 N Main Avenue  
Zoned: “O-1 HL AHOD” Historic Landmark Office Airport Hazard Overlay District

The applicant is requesting a 15 foot variance from the minimum 15 foot landscaped bufferyard, as required by Table 510-1 of the UDC, to allow access for parking behind an existing building

Margaret Pahl, Senior Planner, presented background and staff’s recommendation of approval of the requested variances. She indicated 39 notices were mailed, 3 were returned in favor and 2 were returned in opposition.

Alvin Peters, applicant, stated the remainder of the area will be landscape with a mixed of trees, shrubs, and turf. It will be fully irrigated.

**No citizens appeared to speak:**

Hector Davala, 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-14-107 closed.

**MOTION**

A motion was made by **Mr. Kuderer**. “Re Appeal No. **A-14-107**, variance application for **1) 15 foot variance from the minimum 15 foot landscaped bufferyard, as required by Table 510-1 of the UDC, to allow access for parking behind an existing building**, subject property description being **Lot 1, Block 33, NCB 8569**, situated at **3510 N Main Avenue**, applicant being **Alvin G. Peters**. I move that the Board of Adjustment grant the applicant’s request regarding Appeal No. **A-14-107**, 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. In this case, these criteria are met as the business, with the variance, would be able to provide offstreet parking. This solution leads to increased safety for the community, and puts an unoccupied building back into productive use.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **a literal enforcement of the code would be very likely to cause unnecessary hardship to the applicant. The previous day care used cut back parking along the street, but traffic would not allow this to be expanded. The parking lot is proposed behind the building, in a preferred location.** The spirit of the ordinance is observed and substantial justice is done in that **the variances requested may be considered consistent**

**with the spirit of the ordinance because the proposed variance would help to provide additional off-street parking and contribute to increased safety in the community. Also, the parking lot is located in the rear of the property such that waiving the landscape buffer would have less of an adverse affect visually on the local community.** 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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “O-1 HL AHOD” Historic Landmark Office Airport Hazard Overlay 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 affect the community as it will be built to provide additional off-street parking and facilitate renovation of a building. As a result the variance would contribute to increased safety in the community.** 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 unique circumstances existing on the property are the abnormally small parking area in front of the building. While some of these spaces will remain as customer parking, additional parking is required to meet today’s standards. These conditions are not the fault of the applicant and are not merely financial in nature.”** The motion was seconded by Mr. Rodriguez.

**AYES: Kuderer, Rodriguez, Quijano, Neff, Britton, Zuniga, Martinez, Camargo, Rogers, Ozuna**

**NAYS: None**

**THE VARIANCE WAS GRANTED.**

#### **CASE NO. A-14-108**

Applicant – Brown and Ortiz, PC

Parcel 7A, NCB 34955

18221 Bulverde Road

Zoned: “C-2 PC-1 ERZD” Commercial Bulverde Road Preservation Corridor Edwards Recharge Zone District

The applicant is requesting a 15 foot variance from the minimum 30 foot rear setback as described in Table 310-1 of the UDC to allow a private school within 15 feet of the rear property line

Logan Sparrow, Planner, presented background and staff’s recommendation of approval of the requested variances. He indicated 6 notices were mailed, none were returned in favor and none were returned in opposition.

James Griffin, applicant, stated the property has a large number of setbacks and several easements on the property which gives them a small buildable area on the lot. He also stated the

large rear setback is required when a residential abuts the commercial and they are backing up to a multi-family use not a single-family use. He 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-14-108 closed.

**MOTION**

A motion was made by **Mr. Rodriguez**. “Re Appeal No. **A-14-108**, variance application for a **15 foot variance from the minimum 30 foot rear setback as described in Table 310-1 of the UDC to allow a private school within 15 feet of the rear property line**, subject property description being **Parcel 7A, NCB 34955**, situated at **18221 Bulverde Road**, applicant being **Brown and Ortiz, PC**. I move that the Board of Adjustment grant the applicant’s request regarding Appeal No. **A-14-108**, 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. In this case, these criteria are related to the distance between the commercial use of a private school and the abutting residential apartment complex. Though the applicant is requesting a variance of 15 feet there would still be a 65 foot distance between the school and the nearest apartment building. This distance would protect the general health, safety, and welfare of the public and is, therefore, not contrary to the public interest.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the special conditions present on this property are that the Bulverde Road Preservation Corridor design requirements require the building to be set back 35 feet from the street. This requirement forces the building back and triggers the need for the variance. The alternative would be to construct a two or three story building that requires less space, but this would also require a variance. As such, a literal enforcement of the design requirements would constitute an unnecessary hardship on the property owner.** The spirit of the ordinance is observed and substantial justice is done in that **the variances requested may be considered consistent with the spirit of the ordinance because the proposed private school will still enjoy a 65 foot distance between it and the nearest apartment building while remaining compliant with the design requirements of the Bulverde Road Preservation Corridor.** 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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “C-2 PC-1 ERZD” Commercial Bulverde Road Preservation Corridor Edwards Recharge Zone 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 affect the neighboring apartment complex as there will still be a 65 foot separation between the private school and the nearest apartment building.** 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 unique circumstances existing on the property are the design requirements of the Bulverde Road Preservation Corridor being applied to a small lot. These circumstances are not created by the owner and are not merely financial.**” The motion was seconded by Ms. Rogers.

**AYES: Rodriguez, Rogers, Quijano, Neff, Britton, Zuniga, Martinez, Kuderer, Camargo, Ozuna**

**NAYS: None**

**THE VARIANCE WAS GRANTED.**

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**CASE NO. A-14-109**

Applicant – Isaias Fajardo

Lot 22, Block 113, NCB 8177

453 Castroville Road

Zoned: “C-3 R CD AHOD” General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District with a conditional use for stone working

The applicant is requesting 1) a 28 foot variance from the minimum 30 foot rear setback, as detailed in Table 35-310-1 to allow a new building 2 feet from the rear property line; 2) a 1 foot variance from the maximum 6 foot fence height; and 3) a variance from the prohibition of sheet metal as a fencing material, as detailed in 35-514 (d) to allow a 7 foot sheet metal fence around the side and rear of the property

Margaret Pahl, Senior Planner, presented background and staff’s recommendation of denial of variances one and three and approval of variance number two. She indicated 20 notices were mailed, one was returned in favor and none were returned in opposition.

Tony Jimenez, applicant, stated the fence would provide security for the business. He also stated the building be constructed out of metal. He further stated the proposed addition would allow the owner to continue to operate his business and beautify the community.

**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-14-109 closed.

**MOTION**

A motion was made by **Mr. Camargo**. “I would move that in Case No. **A-14-109**, the applicant being **Isaias Fajardo**, on property located on **453 Castroville Road**, legally described as **Lot 22, Block 113, NCB 8177**, be granted the following variances **1) a 28 foot variance from the minimum 30 foot rear setback, as detailed in Table 35-310-1 to allow a new building 2 feet**

from the rear property line; 2) a 1 foot variance from the maximum 6 foot fence height; and 3) a variance from the prohibition of sheet metal as a fencing material, as detailed in 35-514 (d) to allow a 7 foot sheet metal fence around, not the side and rear of the property, but on that existing fence on 25<sup>th</sup> Street which currently exists be granted the seven foot variance. Specifically, we find that such variance will not be contrary to the public interest in that the property owner most affected is that one to the north which we are told by the representative that there has been much discussion that property owner has not registered any objection. Further, it has been stated by staff that the property owner to the north has the authority to waive the buffer requirement that normally be required in a commercial and that residential zone. So therefore it is the opinion of that there is no objection or concern with the public interest. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that that staff finds that asking the applicant to remove one foot of his fence may constitute an unnecessary hardship as the additional height allows the applicant to secure the business after hours. The existing seven foot fence along 25<sup>th</sup> Street has been in existence for a period of 10 years as stated by the representative. I think it would be not right to request that would be reduced to six foot. It provides good security to the inventory that is maintained to the rear of the subject property. The spirit of the ordinance is observed and substantial justice is done in that allowing the additional fence height which is already in consistence is within the spirit of the ordinance and provides the additional security for the business especially after hours. 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 property is zoned for this type of business and that business is proposed to be continued and no changes are proposed and use of the land. 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 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 one circumstance that I found to be is presented by the representative is that the proposed construction is to go on to an existing concrete slab that has been in existence for a number of years that was specifically designed to carry the load of the proposed metal structure. I feel that for that reason and mainly the reason that the property owner to the north that would be mostly affected does not oppose to the location of the proposed construction that these variances be granted.” The motion was seconded by Mr. Zuniga.

**AYES: Rodriguez, Zuniga, Quijano, Neff, Britton, Martinez, Kuderer, Camargo, Rogers, Ozuna**

**NAYS: None**

**THE VARIANCES WERE GRANTED.**



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**Approval of the Meeting and Deadline Dates for Calendar Year 2015**

The 2015 Board of Adjustment Meeting dates were approved with all members voting in the affirmative

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