

City of San Antonio



Minutes Board of Adjustment Development and Business Services Center 1901 S. Alamo

Monday, March 18, 2024

1:00 PM

1901 S. Alamo

1:02 PM – Call to Order

Worldwide Interpreter presented.

Chair Oroian administers Oath of Office to appointed commissioner, Samuel Stevens.

Roll Call – Present: Brereton, Stevens, Cruz, Kaplan, Manna, Ozuna, Benavides, Bonillas, Ybanez, Oroian

Absent: Dean, Bragman

THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE REGULAR MEETING:

Joseph Harney, City Attorney, (BOA-23-10300263), stated after review of notices in general, Government Code, publications put out by the Attorney General and case law. It has been determined notices are adequate and legal did not have any concerns.

Kristie Flores, Planning Manager, stated into the record a request by the applicant for a continuance for BOA-23-10300263 to April 15, 2024.

Item #1

BOA-23-10300263: (Continued from 2/19/2024) A request by Eluterio Tenorio for Appealing a Certificate of Appropriateness, located at 620 South Presa Street. Staff recommends Denial. (Council District 1) (Mirko Maravi, Principal Planner (210) 207-0107, Mirko.Maravi@sanantonio.gov, Development Services Department).

Motion

A motion was made by Commissioner Ozuna to continue case **BOA-23-10300263** to April 15, 2024, and was seconded by Commissioner Brereton.

A verbal vote was taken, and all voted in affirmative.

MOTION PASSES

Item #2

BOA-24-10300017: (Continued from 03/04/2024) A request by Effective Images for 1) a 25' height variance from the 50' sign height maximum to allow a sign to be 75' in height, and 2) a 594'-6" square feet variance from the 375 square feet maximum to allow a sign to be 969'-6" square feet, located at 9425 South Presa Street. Staff recommends Denial. (Council District 3) (Alfonso Camacho, Senior Planner (210)-207-0237, alfonso.camacho@sanantonio.gov, Development Services Department).

Staff stated 19 notices were mailed to property owners, 3 returned in favor outside 200', 0 returned in opposition, Villa Coronado Neighborhood Association is in opposition.

Brad Peck, applicant's representative, stated safety for professional truck drivers and customers was his top priority. Further stating he wanted to provide the longest read distance for a safe transition to the exit.

Public Comment

Voicemail

Coleen Waguspack, spoke in opposition.

Rebuttal

Brad Peck, addressed speed, read time, and distance factor in viewing the sign.

Motion

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300017, I move that the Board of Adjustment grant a request for 1) a 15' height variance from the 50' sign height maximum to allow a sign to be 65' in height, and 2) a 317' square feet variance from the 375 square feet maximum to allow a sign to be 692'- square feet, situated at 9425 South Presa Street, applicant being Erica Marlowe, 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:

1. The 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; or
2. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property.

The property currently qualifies for a sign square footage of 375 square feet and a height of 50'. The requested variances will not cause a cessation of legitimate, longstanding active commercial use of the property.

3. After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:

A. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

The proposed sign square footage and sign height does not appear to provide a special privilege as there are no other nearby signs due to the size of the lot.

B. Granting the variance will not have a substantially adverse impact on neighboring properties.

The proposed variance will not have an adverse impact on neighboring properties as the property in question is over 16 acres.

C. Granting the variance will not substantially conflict with the stated purposes of this article.

The requested variance does not appear to substantially conflict with the stated purpose of the chapter. The variance is taking into account the location of the property and the expressway.

The motion was seconded by Commissioner Kaplan.

Favor: Brereton, Ybanez, Cruz, Benavides, Ozuna, Bonillas, Oroian

Opposed: Stevens, Kaplan, Manna,

MOTION FAILS

Item #3

BOA-24-10300019: A request by SSC Signs & Lighting for an 80' variance from the PC-1 Corridor required 200' distance from other freestanding commercial signs to allow a 120' distance between freestanding commercial signs, located at 22143 Bulverde Road. Staff recommends Denial. (Council District 9) (Alfonso Camacho, Senior Planner (210)-207-0237, alfonso.camacho@sanantonio.gov, Development Services Department).

Staff stated 55 notices were mailed to property owners, 1 returned in favor, 0 returned in opposition, no registered Neighborhood Association.

Mark Alward, applicant's representative, stated he was seeking a variance for the pylon sign at this location as due to easements. The sign only has enough space to be 120' from another business pylon instead of the required 200'.

The property currently qualifies for a sign square footage of 375 square feet and a height of 50'. The requested variances will not cause a cessation of legitimate, longstanding active commercial use of the property.

3. After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:

A. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

The proposed sign square footage and sign height does not appear to provide a special privilege as there are no other nearby signs due to the size of the lot.

B. Granting the variance will not have a substantially adverse impact on neighboring properties.

The proposed variance will not have an adverse impact on neighboring properties as the property in question is over 16 acres.

C. Granting the variance will not substantially conflict with the stated purposes of this article.

The requested variance does not appear to substantially conflict with the stated purpose of the chapter. The variance is taking into account the location of the property and the expressway.

The motion was seconded by Commissioner Kaplan.

Favor: Brereton, Ybanez, Cruz, Benavides, Ozuna, Bonillas, Oroian

Opposed: Stevens, Kaplan, Manna,

MOTION FAILS

Item #3

BOA-24-10300019: A request by SSC Signs & Lighting for an 80' variance from the PC-1 Corridor required 200' distance from other freestanding commercial signs to allow a 120' distance between freestanding commercial signs, located at 22143 Bulverde Road. Staff recommends Denial. (Council District 9) (Alfonso Camacho, Senior Planner (210)-207-0237, alfonso.camacho@sanantonio.gov, Development Services Department).

Staff stated 55 notices were mailed to property owners, 1 returned in favor, 0 returned in opposition, no registered Neighborhood Association.

Mark Alward, applicant's representative, stated he was seeking a variance for the pylon sign at this location as due to easements. The sign only has enough space to be 120' from another business pylon instead of the required 200'.

In November of 2022, he applied for the sign permit and had it approved. The intention was to have the sign put up by the first quarter of 2023. Due to permits expiring and an additional sign put up, the sign is no longer in compliance.

Edward Rodriguez, Development Services Senior Sign Inspector, clarified the items in question. It was confirmed sign permit expired. The property is part of a sign master plan which is approved administratively. Platted lots outside of master site plan are allowed to have their own signage.

Joseph Harney, City Attorney, stated if the Board approved the applicant's request, an amendment to the master sign plan would be added.

Chair Orian tabled the item to later on the agenda so that clarifications on the master site plan would become available for Item #3.

Public Comment
Voicemail

Item #12

Consideration of rescheduling Board of Adjustment meeting from April 8, 2024 to April 15, 2024.

Motion

A motion was made by Commissioner Manna seconded by Commissioner Brereton. A verbal vote was taken, and all voted in affirmative.

MOTION PASSES

Item #4

BOA-24-10300005: (Continued from 03/04/2024) A request by Jonathan Clarke for a Special Exception to allow one (1) additional Type 2 Short Term Rental permit on the block face, per UDC Section 35-374.01(c), located at 825 E Park Ave. Staff recommends Denial. (Council District 1) (Juan Alvarez, Planner (210) 207-7232, Juan.Alvarez2@SanAntonio.gov, Development Services Department).

Staff stated 28 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, Tobin Hill Neighborhood Association is in opposition.

Adrian Quesada, applicant's representative, requested a continuance to April 15, 2024.

No Public Comment

Motion

A motion was made by Commissioner Kaplan to continue case **BOA-24-10300005** to April 15, 2024 and was seconded by Commissioner Benavides.

A verbal vote was taken, and all voted in affirmative.

MOTION PASSES

Item #5

BOA-24-10300021: An Appeal by Adrian Chaplin of the Administrator's decision to revoke the short-term rental permit, located at 8010 Briargate Drive. Staff recommends Denial. (Council District 1) (Joseph Leos, Senior Planner, (210) 207-0315, Joseph.Leos@sanantonio.gov, Development Services Department)

Staff stated 23 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, no registered Neighborhood Association.

Mr. and Mrs. Adrian Chaplan, the applicant, stated notification was sent to an old email address. They contacted the Finance Department because they received notice of no monies owed. Finance directed them to a link for payment and could not move forward with payment due to a system glitch. No complaints or code violations were noted for the property.

Logan Sparrow, Development Services Administrator, clarified that the permit was revoked for failure to pay HOT Taxes in Host additionally they did not pay in the new system for the months of August, November, and December. The new payment system (Avenue) came into effect June 2023.

Lauren Chavez, Principal Planner, confirmed payments from April, May, August, November, and December were paid after the day of revocation.

No Public Comment

Motion

A motion was made by Commissioner Ozuna. Regarding Case No. **BOA-24-10300021**, I move that the Board of Adjustment grant the appeal for the property, situated at 8010 Briargate Drive, applicant being Adrian Chaplin, because the information provided by the applicant shows that City staff made an error in enforcing Section 16-1110(d) when revoking the Short-Term Rental permit.

The motion was seconded by Commissioner Benavides.

Favor: Brereton, Ybanez, Cruz, Benavides, Ozuna, Stevens, Kaplan, Manna, Bonillas, Oroian.

Opposed: None.

MOTION PASSES

Item #6

BOA-24-10300022: An appeal by Adrian Chaplin of the Administrator's decision to revoke the short term rental permit, located at 2831 Whisper View Street. Staff recommends Denial. (Council District 9) (Juan Alvarez, Planner (210) 207-7232 , Juan.Alvarez2@SanAntonio.gov, Development Services Department).

Staff stated 30 notices were mailed to property owners, 0 returned in favor, 14 returned in opposition, no response from Whispering Oaks Homeowner Association.

Mr. and Mrs. Adrian Chaplan, applicants, stated they followed as directed from Finance to make payment. When attempting to make payment, a message appeared stating no payment was due.

Public Comment

Janis Whitt, Whispering Oaks Homeowner Association, spoke in opposition.

Voicemail

Becky, spoke in support.

Karla, spoke in support.

Mary Myers, spoke in support.

Mary, spoke in support.

Peter Elias, spoke in opposition.

Shirley Carter, spoke in opposition.

Peter Lund, President of Whispering Oaks Homeowner Association, spoke in opposition.

Zach, spoke in favor.

Logan Sparrow, Development Services Administrator, clarified on multiple HOT numbers needed if applicants are interested in renting multiple halves of a home.

Motion

A motion was made by Commissioner Kaplan to continue case **BOA-24-10300022** to April 15, 2024 and was seconded by Commissioner Brereton.

A verbal vote was taken, and all voted in affirmative.

MOTION PASSES

Commission went into recess at 2:57 pm and reconvened at 3:08 pm

Chair Oroian stated Item #3 would be brought from the table for consideration.

Edward Rodriguez, Development Services Senior Sign Inspector, presented the Sign Master Plan SWC Bulverde.

Motion

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300019, I move that the Board of Adjustment grant a request for an 80' variance from the PC-1 Corridor required 200' distance from other freestanding commercial signs to allow a 120' distance between freestanding commercial signs, situated at 22143 Bulverde Road, applicant being SSC Signs & Lighting 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:

1. *The variance is not contrary to the public interest.*

In this case, the public interest is represented by the current standard of 200' minimum distance set by the Bulverde Road Preservation Corridor, however the existence of multiple easements limits the placement of signs.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

Staff finds that a literal enforcement of the ordinance will cause unnecessary hardship as the applicant is limited in area with proper viewability.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

Granting the variance will not cause a new design precedence as the property has specific characteristics such as location and easements, which will not go against the spirit of the ordinance.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

No uses other than those allowed within the district will be allowed with this variance.

5. *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.*

Granting of the variance will not alter the essential character of the district as all other design standards will be observed.

6. *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.*

Unique circumstances were found on the property that would warrant the need of a variance such as location of the lot and easements.

The motion was seconded by Commissioner Manna.

Favor: Brereton, Ybanez, Cruz, Benavides, Ozuna, Stevens, Kaplan, Manna, Bonillas, Oroian.
Opposed: None.

MOTION PASSES

Item #7

BOA-24-10300026: A request by Jose Villareal for a parking adjustment to waive the one (1) required off-street parking space for a Short-Term Rental, located at 214 South Monumental Street. Staff recommends Denial. (Council District 2) (Joseph Leos, Senior Planner (210) 207-0315, joseph.leos@sanantonio.gov, Development Services Department).

Staff stated 36 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, Denver Heights Neighborhood Association is in opposition.

Jose Villareal, the applicant, stated he is requesting a special exception because significant expenses were made to the backyard to accommodate parking. Had he known of the parking requirements, he would have happily complied. The alley way is maintained and has security cameras for extra safety.

Logan Sparrow, Development Services Administrator, stated if the parking adjustment is approved, it runs with the property for that use runs in perpetuity. This would no longer require the applicant to come before the board every 3 years for reauthorization.

Melissa Ramirez, Development Services Assistant Director, confirmed city staff did make an error in issuing out the permit in 2021.

No Public Comment

Motion

A motion was made by Commissioner Benavides. Regarding Case No. BOA-24-10300026, I move that the Board of Adjustment grant a request for a parking adjustment to waive the one (1) required off-street parking space for a Short-Term Rental unit, situated at 214 South Monumental Street, applicant being Jose Villareal, 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:

The applicant has successfully demonstrated that they meet the criteria for a parking waiver.

The motion was seconded by Commissioner Kaplan.

Favor: Brereton, Stevens, Ozuna, Oroian, Kaplan, Ybanez, Cruz, Benavides, Manna, Bonillas.

Opposed:

MOTION PASSES

Item #8

BOA-24-10300023: A request by Miguel Aguinaga for a 4'-11" variance from the minimum 5' side setback to allow a 1" side setback on both sides, located at 9947 Fall Harvest. Staff

recommends Denial. (Council District 7) (Alfonso Camacho, Senior Planner (210)-207-0237, alfonso.camacho@sanantonio.gov, Development Services Department).

Staff stated 33 notices were mailed to property owners, 0 returned in favor, 2 returned in opposition, no registered Neighborhood Association.

Miguel Aguinaga, the applicant, stated he did remodel work to his home to include 2 additions.

No Public Comment

Rudy Leza, spoke in opposition.

Rachel Parrish, Development Services Engineer, stated that because the overhangs are within 10' of the next structure, they look combustible and more than likely not fire rated. By code they need to be by the 10' mark. Currently, the code is not being met.

Motion

A motion was made by Commissioner Kaplan. Regarding Case No. BOA-24-10300023, I move that the Board of Adjustment grant a request for a 4'-11" variance from the minimum 5' side setback to allow a 1" side setback on both sides, situated at 9947 Fall Harvest, applicant being Miguel Aguinaga 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:

1. *The variance is not contrary to the public interest.*

The attached patio covers are not contrary to the public interest as it is limited in space and the abutting side properties have the required setbacks.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

A literal enforcement of the ordinance would result in unnecessary hardship as the applicant is limited in space in the side and rear yard due to a significant size easement.

3. *By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.*

Reducing the side setback requirement would not injure neighboring properties, as the attached patio covers are limited in length.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

No uses other than those allowed within the district will be allowed with this variance.

5. *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.*

The side setback would not alter the essential character of the district as the side setback is a patio cover, rather than a full building wall structure.

6. *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.*

The side setback variance is sought due to unique circumstances existing on the property such as the existing easement in the rear yard.

The motion was seconded by Commissioner Ozuna.

Commissioner Kaplan made a friendly amendment to allow 6" on the westside of the property only to allow for a 4'-6" variance from the minimum 5' and accepted by Commissioner Ozuna.

Favor: Ybanez, Ozuna.

Opposed: Brereton, Stevens, Oroian, Kaplan, Cruz, Benavides, Manna, Bonillas.

MOTION FAILS

Item #9

BOA-24-10300028: A request by David Cortes for a 4' special exception from the maximum 5' height to allow a 9' predominantly open fence and an 8' predominantly open fence within the front yard setback, located at 218 Mabelle Drive. Staff recommends Denial. (Council District 10) (Alfonso Camacho, Senior Planner (210)-207-0237, alfonso.camacho@sanantonio.gov, Development Services Department).

Staff stated 29 notices were mailed to property owners, 9 returned in favor, 0 returned in opposition, no registered Neighborhood Association.

David and Maria Cortes, the applicants, stated they had the fence built for privacy and safety. The family has experienced burglaries and a vehicular crash. Work equipment is stored on their property.

No Public Comment

Motion

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300028, I move that the Board of Adjustment grant a request for a 4' special exception from the maximum 5' height to allow a 9' predominantly open fence and an 8' predominantly open fence within the front yard setback, situated at 218 Mabelle Drive, applicant being David Cortes 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:

A. The special exception will be in harmony with the spirit and purpose of the chapter.

If granted the special exemption will be in harmony with the spirit and purpose of the chapter as it provides additional security for the property.

B. The public welfare and convenience will be substantially served.

The public welfare and convenience will be substantially served as it will increase security in the area.

C. The neighboring property will not be substantially injured by such proposed use.

The fence at its current height will not injure neighboring properties as the fence is in the front property line.

D. 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.

The fence at its current design will not alter the essential characteristics of the district as it in in-line with other fences in the area.

E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district

If granted, the special exception will not alter the general purpose of the district, or the regulations herein established for the specific district as the use of a single-family dwelling will remain and security will only increase.

The motion was seconded by Commissioner Bonillas.

Favor: Stevens, Ybanez, Manna, Benavides, Ozuna, Oroian, Bonillas

Opposed: Brereton, Cruz, Kaplan

MOTION Fails

Item #10

BOA-24-10300018: A request by Eunice Hernandez for 1) a 2'-5" variance from the minimum 5' side setback to allow an addition to be 2'-7" from the side setback, and 2) a 3'-9" variance from the minimum 5' side setback to allow a carport to be 1'-3" from the side setback, located at 514 Gulf Street. Staff recommends Approval for the Side Setback Variance. Staff recommends Denial for

the Carport Side Setback Variance. (Council District 2) (Melanie Clark, Planner, (210-207-5550, melanie.clark@sanantonio.gov, Development Services Department).

Staff stated 27 notices were mailed to property owners, 12 returned in favor, 0 returned in opposition, no response from Harvard Place East Lawn Neighborhood Association.

Eunice Hernandez, applicant, stated that she was not aware that permits and measurements were needed when adding a room. Her contractor took material and did not fully complete the project.

Applicant formally amends to add gutters.

No Public Comment

Motion

A motion was made by Commissioner Kaplan. Regarding Case No. BOA-24-10300018, I move that the Board of Adjustment grant a request for 1) a 2'-5" variance from the minimum 5' side setback to allow an addition to be 2'-7" from the side setback with gutters along the property line side of the structure; and 2) a 3' variance from the minimum 5' side setback to allow a carport to be 2' from the side setback with gutters on front and rear of the carport, situated at 514 Gulf Street, applicant being Eunice Hernandez 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:

1. *The variance is not contrary to the public interest.*

In this case, the public interest is represented by allowing the addition to remain 2'-7" from the rear yard side setback to retain alignment with the original structure and the carport to remain 2' from the side setback as it provides sufficient room for proper maintenance.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

A literal enforcement of the ordinance by adjusting both the addition and carport to meet the minimum setback requirements would result in the addition being uneven with the main residential structure and limit covered parking space for the property owner.

3. *By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.*

The addition 2'-7" and the carport being 2' from the property line, observes the spirit of the ordinance due to the location of the existing dwelling and limited lot size.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

No uses other than those allowed within the district will be allowed with this variance.

5. *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.*

Due to the size of the lot, the location of the existing residential dwelling and the square footage of the new structure, the variance would not alter the essential character of the district.

6. *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.*

Staff finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property. The size of the lot as well as the location of the existing residential structure has placed limitations on expansion of the property.

The motion was seconded by Commissioner Kaplan.

Favor: Brereton, Dean, Bragman, Ozuna, Kaplan, Oroian, Ybanez, Cruz, Manna, Benavides, Bonillas.

Opposed: None.

MOTION PASSES

Item #11

BOA-24-10300020: A Request by Rey Saldana for a 4' Special Exception from the maximum 3' fence height, to allow a 7' privacy fence in the front yard, located at 8802 Mission Road. Staff recommends Approval. (Council District 3) (Melanie Clark, Planner, (210-207-5550, melanie.clark@sanantonio.gov, Development Services Department).

Staff stated 10 notices were mailed to property owners, 0 returned in favor, 0 returned in opposition, no response from Harlandale-McCollum Neighborhood Association.

Ray Saldania, applicant, requested the privacy fence for his family. Mr. Saldania wanted to ensure the safety of his wife and children was met.

No Public Comment

Motion

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300020 I move that the Board of Adjustment grant a request for a 4' special exception from the maximum 3' fence

height to allow a 7' privacy fence along the 325' angled line of the front yard, situated at 8802 Mission Road, applicant being Rey Saldana, 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:

A. The special exception will be in harmony with the spirit and purpose of the chapter.

The 4' fence height special exception, if granted, would be in harmony with the spirit and purpose of the ordinance, as the proposed fence will meet setback and clear vision requirements while providing privacy for both the subject and adjacent properties.

B. The public welfare and convenience will be substantially served.

In this case, these criteria are represented by fence heights to protect property owners while still promoting a sense of community. The proposed fence appears to serve the public welfare and convenience, as the fence provides privacy to the property owner.

C. The neighboring property will not be substantially injured by such proposed use.

The special exception will not injure the neighboring properties as the fence height will not impede traffic or clear vision requirements, will be installed a safe distance from the right-of-way and will enhance privacy for the subject and adjacent properties.

D. 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.

The additional fence height in the front property line will not alter the location for which the special exception is sought, as the proposed fence will be installed well beyond a safe distance from the street and will not alter the essential character of the district.

E. The special exception will not weaken the general purpose of the district, or the regulations herein established for the specific district.

The requested special exception will not weaken the general purpose of the district as the placement of the fence will be parallel to the location of the neighboring lot's rear yard.

The motion was seconded by Commissioner Kaplan.

Favor: Brereton, Stevens, Ozuna, Kaplan, Oroian, Ybanez, Cruz, Manna, Benavides, Bonillas.

Opposed: None.

MOTION PASSES

Item #12

Consideration of rescheduling Board of Adjustment meeting from April 8, 2024 to April 15, 2024.

Motion

A motion was made by Commissioner Manna was seconded by Commissioner Brereton.

MOTION PASSES

Approval of the minutes from the Board of Adjustment meeting on March 4, 2024.

A motion was made by Commissioner Manna and seconded Commissioner Brereton for approval of the March 4, 2024, minutes.

A verbal vote was taken, and all voted in affirmative.


MOTION PASSES

Director's Report – nothing to report.

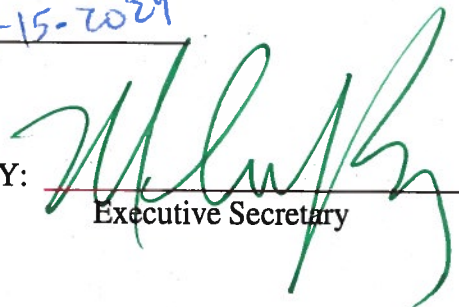
Staff Announcements – nothing to report

Adjournment

There being no further business, the meeting was adjourned at 5:05 PM.

APPROVED BY:  or _____
Chairman Vice-Chair

DATE: 4-15-2024

ATTESTED BY:  DATE: April 17, 2024
Executive Secretary

-o