

City of San Antonio



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

Monday, July 15, 2024

1:00 PM

1901 S. Alamo

The meeting was called to by order by Chair Ozuna at 1:00 PM and roll was called by Monica Reyes-Urdiales noting the following members present:

**Roll Call – Present:** Brereton, Stevens, Ybanez, Dean, Cruz, Gomez, Manna, Bragman, Benavides, Vasquez, Ozuna

**Absent:** Oroian

**Worldwide Interpreters present.**

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

**Item #2**

BOA-24-10300109: A request by Build Modern, LLC for a half-story variance from the maximum 2.5 stories to allow a 3-story structure, located at 211 East Carson Street. Staff recommends Denial. (Council District 2) (Melanie Clark, Planner, 210-207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 31 Notices were mailed to property owners, 3 returned in favor, 0 returned in opposition. Government Hill Alliance Neighborhood Association is in favor.

David Robertson, representing the Enriquez family spoke of request for the variance to build a 3-story home for his family.

**NO PUBLIC COMMENT**

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300109, I move that the Board of Adjustment grant a request for request for a half-story variance from the maximum 2.5 stories to allow a 3-story structure as submitted in the application, situated at 211 East Carson

Street, applicant being Build Modern, LLC., 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 variance would allow for adequate space for elevator uses, enclosed balcony and ease of roof access and is not contrary to the public interest.**

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 would have to build the structure that is unable to incorporate proposed elevator use.**

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

**The increased building height would observe the spirit of the ordinance as the three-story building would allow for adequate space for roof and elevator access.**

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 height variance will not substantially injure the appropriate use of conforming properties and will not alter the essential character of the district as the proposed residential structure will not be significantly higher than the other multi-story residential dwellings in the area.**

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, such as the applicant not having sufficient height requirements for the proposed use. The circumstances do not appear to be merely financial.**

The motion was seconded by Commissioner Bragman.

**Favor:** Manna, Bragman, Brereton, Stevens, Ybanez, Cruz, Gomez, Benavides, Vazquez, Ozuna

**Opposed:** Dean

**MOTION PASSED**

**Item #3**

BOA-24-10300101: A request by Ivan Almaguer for a 10' variance from the minimum 20' setback to allow a structure to be 10' from the rear setback, located at 342 Viendo Street. Staff recommends Approval. (Council District 1) (Melanie Clark, Planner, 210-207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 34 Notices were mailed to property owners, 3 returned in favor, 0 returned in opposition. No response from Los Angles Heights Neighborhood Association, Keystone Neighborhood Association, or the San Antonio Texas District One Resident Association.

Ivan Almaguer, applicant, spoke of the request for the variance and was available for questions.

**NO PUBLIC COMMENT**

A motion was made by Commissioner Bragman. Regarding Case No. BOA-24-10300101, I move that the Board of Adjustment grant a request for a 10' variance from the minimum 20' setback to allow a structure to be 10' from the rear setback, situated at 342 Viendo Street, applicant being Ivan Almaguer, 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.*

**Staff finds that a 10' rear setback is suitable, as it provides suitable distance from the shared property line in what would normally be a 5' side setback.**

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

**Staff has found special conditions that would result in an unnecessary hardship such as the available space. The first structure leaves limited space to construct a suitable size dwelling unit.**

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

**The structure observes the spirit of the ordinance and intention of the code as it will provide a 10' separation from a commercial use lot.**