

City of San Antonio



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

Monday, August 5, 2024

1:00 PM

1901 S. Alamo

The meeting was called to by order by Chair Ozuna at 1:02 PM and roll was called by Dezarae Leal noting the following members present:

Roll Call – Present: Brereton, Stevens, Ybanez, Dean, Cruz, Benavides, Vasquez, Bonillas, Ozuna, Oroian, Manna (via WebEx)

Absent: Bragman, Gomez

Worldwide Interpreters present.

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

Item #1

BOA-24-10300136 A request by Isidro Manjarres 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 259 Drake Avenue. Staff recommends Denial. (Council District 5) (Juan Alvarez, Planner (210) 207-7232, Juan.Alvarez2@SanAntonio.gov, Development Services Department)

Staff stated 36 Notices were mailed to property owners, 0 in favor, 7 in opposition. Collins Garden Neighborhood Association is in opposition.

Isidro Manjarres, applicant, spoke of the request for a special exception to allow for a short-term rental. The applicant wants to improve area, bring more people to San Antonio.

PUBLIC COMMENT

In Person

Robert Cuellar – Spoke in opposition.

A motion was made by Commissioner Benavidez. Regarding Case No. BOA-24-10300136, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental

unit, situated at 259 Drake Avenue applicant being Isidro Manjarres, 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 not materially endanger the public health or safety.

The Board finds that the request to operate an additional short-term rental is unlikely to materially endanger the public health, safety, or welfare. There is nothing obvious that would distinguish a short-term rental versus a long-term rental at this facility.

B. The special exception does not create a public nuisance.

There does not appear to be a reason to believe a public nuisance would be created if an additional short term rental permit was approved.

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

The neighboring properties consist of single-family structures. This scenario does not cause reason to believe it will substantially injure neighboring property as a Type 2 Short Term Rental.

D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary faculties have been or are being provided.

The subject property provides off-street parking and appears to have adequate utilities, access, and open space.

E. The applicant or owner for the special exception does not have any previously revoked short term rental licenses, confirmed citations, or adjudicated offenses convictions for violations of Chapter 16, Article XXII of the City Code within one year prior to the date of the application.

The applicant does not have any history of revocation, citations, or convictions for violations of Chapter 16.

F. 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 subject property is located in close proximity to other residential. With the property owner providing off-street parking and maintaining it from the neighboring property, the special exception does not appear to alter the essential character of the district and location in which the property is seeking the special exception.

The motion was seconded by Commissioner Cruz.

Favor: Benavides

Opposed: Brereton, Stevens, Ybanez, Dean, Cruz, Manna, Ozuna, Vasquez, Bonillas, Oroian

MOTION FAILED

Item #2

BOA-24-10300120: A request by Jaime Soza for 1) a 4'-11" variance from the minimum 5' side setback to allow a detached carport to be 1" from the east and west side property lines, 2) a 3' fence height special exemption from the maximum 3' fence height to allow a 6' privacy fence in the front yard, 3) a 5' variance from the minimum 15' clear vision requirement to allow a fence to be 10' from the curb, and 4) a variance from the maximum 50% impervious cover requirement to allow the front yard to exceed the maximum 50% impervious cover, located at 3550 West Woodlawn Avenue. Staff recommends Approval in the Clear Vision Variance. Staff recommends Denial in the Side Setback, Impervious Cover Variances and the Fence Height Special Exception. (Council District 7) (Melanie Clark, Planner, 210-207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 31 Notices were mailed to property owners, 6 in favor, 0 in opposition. University Park Neighborhood Association is in favor.

Jaime Soza, applicant, spoke requesting a continuance to the September 9th meeting.

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna to continue the item to September 9th, Board of Adjustment Meeting.

The motion was seconded by Commissioner Cruz.

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

MOTION PASSED

Item #3

BOA-24-10300122: A request by Kenneth Anthony for a 15' variance from the minimum 20' rear setback requirement to allow a structure to be 5' from the rear setback, located at 2243 West Ansley Boulevard. Staff recommends Approval. (Council District 4) (Melanie Clark, Planner, 210-207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 19 Notices were mailed to property owners, 0 In Favor, 1 in opposition. No response from the Villa del Sol Neighborhood Association.

Kenneth Anthony, applicant, spoke of the request for a variance to construct a home to relocate his family.