

City of Alamo Heights
BOARD OF ADJUSTMENT
MINUTES
May 04, 2022

The Board of Adjustment held a regularly scheduled meeting in the Council Chambers of the City of Alamo Heights, located at 6116 Broadway St, and via Zoom with teleconference on Wednesday, May 04, 2022, at 5:30 p.m. due to pandemic, COVID-19, also known as coronavirus.

Members present and composing a quorum of the Board:

Bill Orr, Chairman
David Rose
Jessica Drought
Lott McIlhenny
Jimmy Satel, Alternate

Members absent:

Wayne Woodard
Sean Caporaletti, Alternate

Staff members present:

Lety Hernandez, Community Development Services Director
Phil Laney, Assistant City Manager

The meeting was called to order by Chairman Orr at 5:30 p.m.

Chairman Orr announced that the February 02, 2022 minutes were not available for review and rescheduled for the next scheduled meeting. No action was taken.

Case No. 2353 – 426 Evans

Application of Maria & Clint Leake, owners, requesting the following variance(s) in order to install a new air conditioning unit at the property located at CB 4024, BLK 169, LOT 4, E 15FT OF 3, also known as 426 Evans, zoned SF-A:

1. A proposed air conditioning pad with equipment in front of the main structure instead of to the side or rear as required per Section 3-81 of the City's Zoning Code.

Ms. Hernandez presented the case. Ms. Leake was present and addressed the Board. She spoke regarding the air conditioning unit, clarifying that it would be replaced with a unit of the same size.

Mr. Rose asked Ms. Leake about other placement options for the AC unit.

Phil Laney, Assistant City Manager, joined the meeting at 5:36 p.m.

Chairman Orr spoke regarding the size of modern air conditioning units and how they could be made to be smaller than those in the past.

Ms. Hernandez stated that replacing a unit of the same size in the same location would be allowed without a variance.

Chairman Orr opened the public hearing at 5:43 p.m. but no one was present to speak with interest in this case so the public hearing was closed.

After further discussion, Mr. McIlhenny moved to deny the variance as requested. Mr. Rose seconded the motion.

The motion to deny was approved with the following vote:

FOR: Orr, Rose, Satel, Drought, McIlhenny

AGAINST: None

Case No. 2364 -226 Normandy

Application of Sonny Ortiz, owner's representative, requesting the following variance(s) in order to build a new fence at the property located at CB 4024, BLK 132, LOT 4, also known as 226 Normandy, zoned SF-B:

1. The proposed 4ft high fence within the minimum required portion of a front yard setback exceeds the maximum 3ft allowed per Section 3-81(7) of the City's Zoning Code.

Ms. Hernandez presented the case. Ms. Corkery, property owner, was present and addressed the Board. Ms. Corkery stated that she had hired a contractor who started the work before she realized a permit was needed. She went on to say that she felt the fence was not out of the character of the neighborhood as there are other fences of similar height.

Chairman Orr stated that he did not believe there was a hardship for the case, and proceeded to ask staff how long the height regulations for fences had been in place. Ms. Hernandez responded.

Chairman Orr opened the public hearing at 5:50 p.m.

Those speaking with an interest to the case were as follows:

Danny Weiner, 126 Montclair (neutral)

Chairman Orr closed the public hearing at 5:51 p.m.

Comments of those speaking with interest in the case included concerns regarding fence height regulations.

After further discussion, Ms. Drought moved to deny the variance as requested. Mr. McIlhenny seconded the motion.

The motion to deny was approved with the following vote:

FOR: Orr, Rose, Satel, Drought, McIlhenny

AGAINST: None

Case No. 2365 – 516 Circle

Application of James Japhet, owner's representative, requesting the following variance(s) in order to construct a new duplex at the property located at 516 Circle, zoned 2F-C:

1. Encroach into the required minimum 25ft front yard setback per Section 3-34 of the City's Zoning Code.

Ms. Hernandez presented the case. She informed that the property owners were wanting to purchase a portion of the adjacent property and replat it, which would require review and approval of the Planning and Zoning Commission and City Council. She went on to inform that new construction on the lot would be subject of review and approval by the Architectural Review Board and City Council. A discussion followed regarding the relationship between staff review of plans and Board approval of variances. Mr. Laney noted applicants' desire to get confirmation on the variances before going through the entire plan review process.

Mr. Japhet was present and addressed the Board. Mr. Japhet spoke regarding the hardships created by the shape of the lot. He went on to say that he needed to have the variances approved to complete purchase of the lot.

Chairman Orr opened the public hearing at 6:02 p.m.

Those speaking with an interest to the case were as follows:

Bryan Weiner, 8 Penny Lane

Chairman Orr closed the public hearing at 6:09 p.m.

Concerns of those speaking regarding the case were the proposed placement of the garage and the alley width, and the effect those would have on the alley access for townhomes across the alley.

Eric Keller, owner, was present and addressed the Board. He informed that the purchase of the adjacent property, the variances, and the rezone of the property were all connected as part of the overall plan for the development of the lot.

After further discussion, Mr. Rose moved to approve the variance. Mr. McIlhenny seconded the motion. Staff recommended that the approval be contingent on approval of replatting and rezoning the property. Mr. Rose moved to approve the variance contingent upon approval of replatting and rezoning the property. Mr. McIlhenny seconded the motion.

The motion was approved with the following vote:

FOR: Orr, Rose, Satel, Drought, McIlhenny

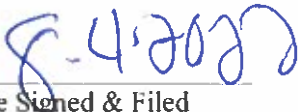
AGAINST: None

There being no further business, Mr. McIlhenny moved to adjourn the meeting. Mr. Woodard seconded the motion. The meeting was adjourned at 6:11 p.m.

THE PROCEEDINGS OF THE MEETING ARE ALSO DIGITALLY RECORDED, AND THESE MINUTES ARE ONLY A SUMMARY OF THE MEETING. THESE MINUTES ARE NOT A VERBATIM TRANSCRIPT OF THE PROCEEDINGS AND DO NOT PURPORT TO INCLUDE ALL IMPORTANT EVIDENCE PRESENTED OR STATEMENTS MADE.



Bill Orr, Chairman
(Board Approval)



Date Signed & Filed



Daniel Thale-Galat,
Community Development Technician