

**City of Alamo Heights**  
**BOARD OF ADJUSTMENT**  
**MINUTES**  
October 04, 2023

The Board of Adjustment held a regular meeting in the Council Chambers of the City of Alamo Heights, located at 6116 Broadway St, and via Zoom with teleconference on Wednesday, October 04, 2023, at 5:30 p.m.

Members present and composing a quorum of the Board:

Bill Orr, Chairman  
Jessica Drought  
Lott McIlhenny  
David Rose  
Wayne Woodard

Members absent:

Jimmy Satel, Alternate  
Sean Caporaletti, Alternate

Staff members present:

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

\*\*\*\*\*

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

\*\*\*\*\*

Mr. McIlhenny moved to approve the April 05, 2023, July 05, 2023, and August 02, 2023 meeting minutes as presented. Mr. Rose seconded the motion.

The motion was approved with the following vote:

FOR: Orr, Drought, McIlhenny, Rose, Woodard  
AGAINST: None

Staff announced that the June 07, 2023 meeting minutes were not available for review and rescheduled for the next regularly scheduled meeting. No action was taken.

\*\*\*\*\*

**Case No. 2395 – 6411 Broadway St**

Application of NBD 6401 LP, owner, requesting the following variance(s) in order to construct a new commercial use building at the property located at **CB 4024, BLK 165, LOT 18**, also known as **6411 Broadway St**, zoned B-1:

1. The proposed overall height of 23ft 8-inches does not meet the minimum 28ft height required for properties with frontage along Broadway St and Austin Hwy per Section 3-68(2) of the City's Zoning Code.

Ms. Hernandez presented the case. Ms. Geis addressed the board and spoke regarding flooding in the area. She added that she considered feedback from the board and revised accordingly.

Chairman Orr opened the public hearing at 5:50pm. Those speaking regarding the case were as follows:

Maggie Houston, 140 Patterson #202 (Support)(via teleconference)

Chairman Orr closed the public hearing at 5:53pm.

Concerns were flooding, state of the area, and line of site on Encino.

Staff informed that the project would require a Floodplain Development permit prior to issuance of a building permit.

Mr. Rose moved to approve the variance request with a maximum height of four (4) feet. Ms. Drought seconded the motion.

The motion was approved with the following vote:

FOR: Orr, Drought, McIlhenny, Rose, Woodard

AGAINST: None

\*\*\*\*\*

**Case No.2389 – 222 Claiborne Way**

Application of Hilary Scruggs-Beebe of Hilary Scruggs Design, applicant, representing Trace and Laura Nell Burton, owners, requesting the following variance(s) in order to add a 2<sup>nd</sup> story to the existing garage at the property located at **CB 4024, BLK 58, LOT 9**, also known as **222 Claiborne Way**, zoned SF-A:

1. A proposed Floor to Area (FAR) of .715 instead of the maximum .49 allowed with bonus per Section 3-18,2.
2. The proposed 24ft 10½ inch building height of the accessory structure with a sloping roof to top of ridge exceeds the maximum 22ft allowed with bonus per Section 3-19(4)(a),
3. The proposed 17ft 6-inch top of plate height exceeds the looming standard by 9ft 6-inches allowed instead of the maximum 11ft allowed based on the existing 4ft rear yard setback per Section 3-19(5)(a),
4. The proposed 17ft 6-inch top of plate height exceeds the looming standard by 9ft 6-inches allowed instead of the maximum 12ft 8-inches allowed based on the existing 6ft 4-inch side yard setback per Section 3-19(5)(a) of the City's Zoning Code.

Ms. Hernandez presented the case. Ms. Beebe spoke regarding the case and provide background regarding the property and previous board approvals, specifically in 2012. She went on to speak regarding the slope of the lot and that the top of the current garage would be leveled with the pool at the rear of the adjoining property.

Trace Burton, owner, addressed the board and spoke regarding the decreased scope compared to the previously approved request that included connecting the main and accessory structures.

Laura Nell Burton, owner, addressed the board and spoke regarding disputes. The board agreed that they would not consider the information as part of the case.

Chairman Orr opened the public hearing at 6:11pm. Those speaking regarding the case were as follows:

Ed Dingivan, 412 Harrison (Support)  
Margaret Houston, 140 Patterson #205 (Support)  
Jorge Cavazos, 223 Allen St (Opposed)  
Yvette Almendarez, 223 Allen St (Opposed)  
Tedd Voss, 107 Circle (Support)

Chairman Orr closed the public hearing at 6:19pm.

Concerns of those speaking was preservation to fit needs and consistency and fairness by the board compared to previously reviewed projects including exceeding Floor to Area Ratio (FAR) and understanding of the process.

Mr. Rose moved to approve the variances as requested. Ms. Drought seconded the motion.

The motion was approved with the following vote:

FOR: Orr, Drought, McIlhenny, Rose, Woodard  
AGAINST: None

\*\*\*\*\*

**Case No. 2394 – 260 Retama Pl**

Application of Retama Funding LLC, owner, represented by Robert Benke, applicant, requesting the following variance(s) in order to install a fence on an existing retaining wall at the property located at **CB 5572, BLK 17, LOT 10**, also known as **260 Retama Pl**, zoned SF-A:

1. The proposed 11ft 6-inch high fence/wall located within the side and rear yards exceed the maximum 8ft height allowed per Sections 3-82(4) and 3-83(4) of the City's Zoning Code.

Ms. Hernandez presented the case. Mr. Benke, owner, was present and addressed the board.

Chairman Orr opened the public hearing at 6:35pm. Those speaking regarding the case were as follows:

Nancy Desormeaux, 268 Retama Pl (Oppose)  
Don Turgeon, 259 Retama Pl (Oppose)  
Deborah Brodigan (Did not state address)

Chairman Orr closed the public hearing at 6:41pm.

Concerns of those speaking was combined overall height of the fence and retaining wall, removal of trees, and concrete.

After the public hearing the board suggested the applicant meet with the affected neighbor and see if they would come to a compromise. At that time, Mr. McIlhenny moved to table the case for the next regularly scheduled meeting of November 01, 2023. Ms. Drought seconded the motion.

The motion was approved with the following vote:  
FOR: Orr, Drought, McIlhenny, Rose, Woodard  
AGAINST: None

\*\*\*\*\*

There being no further business, Mr. McIlhenny moved to adjourn the meeting. Mr. Woodard seconded the motion followed by unanimous consent of the board. The meeting was adjourned at 6:44p.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)

12/06/23

Date Signed & Filed



\_\_\_\_\_  
Lety Hernandez, Director  
Community Development Services