

City of Alamo Heights
BOARD OF ADJUSTMENT
MINUTES
November 06, 2019

The Board of Adjustment held a regularly scheduled meeting at the Council Chambers of the City of Alamo Heights located at 6116 Broadway St, San Antonio, Texas on Wednesday, November 06, 2019, at 5:30 p.m.

Members present and composing a quorum of the Board:

Bill Orr, Chairman
Lott McIlhenny
David Rose
Jimmy Satel
Sean Caporaletti, Alternate

Members absent:

Wayne Woodard
Hall Hammond, Alternate

Staff members present:

Nina Shealey, Director of Community Development Services
Ken Lindner, City Attorney

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

Mr. Rose moved to approve the meeting minutes of October 02, 2019. Mr. McIlhenny seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel, Caporaletti
AGAINST: None

Case No. 2299 – 615 Austin Hwy

Application of Kenneth M. Smith, owner, requesting the following variance(s) in order to add an attached carport to the existing commercial structure at the property located at 615 Austin Hwy, zoned B-3:

1. A proposed front yard setback of 5ft 3-3/8 inches instead of the minimum 8ft required per Section 3-64(7)(a),
2. A proposed side yard setback of 1ft 4 inches instead of the minimum 15ft required per Section 3-65(1)(a)
3. A proposed overall height of 15ft instead of the minimum 28ft required per Section 3-68(2), and
4. No proposed landscaping as required per Section 3-70 of the City's Zoning Code.

Ms. Shealey presented the case adding that the case had been tabled from the October 02, 2019 meeting. She went on to provide background regarding the proposed. Victor Hinojosa, applicant, was present and addressed the board.

The board asked if the city would be able to access and service utility lines located within the easement. Ms. Shealey responded.

The board asked for clarification regarding the proposed extension and its use. There would not be any additional lighting. A discussion followed regarding the easement and distances between the two (2) properties in addition to existing foliage within the city easement. Ms. Shealey added that any required maintenance of the sewer line in the easement would require removal of some of the foliage.

Those present and speaking regarding the case were as follows:

Mark Brewster, representing Gordon and Angela Braswell, 340 Redwood (opposed)
John Grable, 222 Austin Hwy (favor)

Mr. Brewster spoke regarding trees that provide some protection for his clients' protections. He went on to speak regarding case law submitted to staff and went on to speak regarding hardships.

Chairman Orr questioned Mr. Hinojosa if they were removing any trees in conjunction with the addition. Mr. Hinojosa responded that they were not.

Chairman Orr spoke regarding the shape of the lot and the height of the proposed canopy. He went on to say that there was a financial piece adding that it was a business and not a home. He added that placement of the fuel tanks also limited placement of any improvements. Mr. Brewster responded. An open discussion followed regarding the site and existing landscaping. The board clarified on items with the city's attorney.

After further discussion, Mr. Satel moved to approve the requested variances. Mr. Rose seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel, Caporaletti

AGAINST: None

Case No. 2306 – 351 Rosemary

Application of David Altgelt, owner, requesting the following variance(s) in order to enclose the existing carport and construct an additional carport at the property located at 351 Rosemary, zoned SF-A:

1. A proposed side yard setback of 1.47ft to the main structure instead of the minimum 6ft required per Section 3-15 and
2. The proposed carport addition exceeds the looming standard with an overall top plate height of 9ft instead of the maximum 2.94ft allowed based on the proposed side yard setback of 1.47ft per Section 3-19(2) of the City's Zoning Code.

Ms. Shealey presented the case. Mr. Altgelt was present and addressed the board.

The board questioned use of the existing slab and whether there was existing alley access to the covered parking. There was also a concern regarding the proposed side yard setback and access to the property for fire safety. Mr. Altgelt informed that the space was for office use.

Mr. Caporaletti moved to table the case for the December 04, 2019 meeting in order to reconsider the case. Mr. Satel seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel, Caporaletti

AGAINST: None

Case No. 2308 – 119 Grandview

Application of PT Custom Designs, applicant, representing Luke and Patrice Berry, owners, requesting the following variance(s) in order to add to the existing residence at the property located at 119 Grandview, zoned MF-D:

1. A proposed rear yard setback of 16ft 10 inches to the main structure instead of the minimum 25ft required per Section 3-46 of the City's Zoning Code.

Ms. Shealey presented the case. Paul Trappe, applicant, was present and addressed the board.

Mr. McIlhenny moved to approve the variance as requested. Mr. Rose seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel, Caporaletti

AGAINST: None

Case No. 2309 – 201 Patterson

Application of Nicholas Melde, applicant, representing Alice Palmer, owner(s), requesting the following variance(s) in order to construct a new terrace, entry walkway, and driveway within the front yard setback at the property located at 201 Patterson, zoned SF-A:

1. A proposed front yard setback to the main structure of 22ft instead of the minimum 30ft required per Section 3-14 and
2. A proposed 18ft wide driveway instead of the maximum 14ft allowed per Section 3-21 of the City's Zoning Code.

Ms. Shealey presented the case. Nicholas Melde was present and addressed the board.

Those present and speaking regarding the case were as follows:

Brent Conlin, 105 Encino (in favor)

Lolly Palmer, 201 Patterson (in favor)

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

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel, Caporaletti

AGAINST: None

Case No. 2310 – 343 Wildrose

Application of Matthew and Katie McCall, owner(s), requesting the following variance(s) in order to reconstruct the garage and carport at the property located at 343 Wildrose, zoned SF-A:

1. A proposed FAR of .53 instead of the maximum .50 allowed with bonuses per Section 3-18 of the City's Zoning Code.

Ms. Shealey presented the case. Mr. McCall was present and addressed the board. He informed that the garage was destroyed by a Pecan tree that was uprooted during a wind storm.

Mr. Satel moved to approve the variance as requested. Mr. McIlhenny seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel, Caporaletti

AGAINST: None

Case No. 2311 – 221 Bronson

Application of Dovetail Construction, applicant, representing James Dingivan, owner(s), requesting the following variance(s) in order to replace the existing garage and add to the existing residence at the property located at 221 Bronson, zoned SF-A:

1. A proposed side yard setback to the main structure of 3ft 6 inches instead of the minimum 6ft required per Section 3-15(2)
2. A proposed 1ft 11-inch side yard setback to the proposed detached accessory structure instead of the minimum 3ft required per Section 3-85(2)
3. A proposed top of plate height of 18ft instead of the maximum 3ft 10 inches allowed based on the proposed 1ft 11-inch side yard setback required per Section 3-19(5) and
4. A maximum height of 23ft for the proposed detached accessory structure instead of the maximum 20ft allowed with bonus per Section 3-19(3)(a) of the City's Zoning Code.

Ms. Shealey presented the case. Mr. Dingivan was present and addressed the board. He added that the surrounding properties also had two-story accessory structures that loomed over the property in question.

Chairman Orr expressed concerns regarding discussing variances with a current dispute of property lines.

Those present and speaking regarding the case were as follows:

Frank Boerne, representing Greenwood Residence, 207 Bronson (opposed)

Dan Staskawicks, Dovetail Construction

Karen Greenwood, 207 Bronson (opposed)

Jim Greenwood, 207 Bronson (opposed)

Andrew Herdeg, 801 Patterson (opposed)

Mario Bordini, 225 Bronson (opposed)

Mr. Rose moved to deny the variances as requested. Mr. McIlhenny seconded the motion.

The motion to deny was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel, Caporaletti

AGAINST: None

Case No. 2312 – 602 Alamo Heights

Application of Cooper Boddy, owner(s), requesting the following variance(s) in order to construct a new single-family residence with attached garage at the property located at 602 Alamo Heights, zoned SF-A:

1. A proposed front yard setback of 20ft instead of the minimum 30ft allowed per Section 3-14 and
2. A proposed 25ft 1-inch rear yard setback instead of the minimum 30ft required per Section 3-81(1) and 3-81(3) of the City's Zoning Code.

Ms. Shealey presented the case. Cooper Boddy was present and addressed the board.

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

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel, Caporaletti

AGAINST: None

Case No. 2313 – 164 Oakview E

Application of Chris Gillespie, owner(s), requesting the following variance(s) in order to add to construct a new single-family residence with detached accessory structure at the property located at 164 Oakview E, zoned SF-A:

1. A proposed front yard setback of 29ft 7-3/16 inches instead of the minimum 30ft allowed per Section 3-14 of the City's Zoning Code.

Ms. Shealey presented the case. Mr. Gillespie was present and addressed the board. He provided background regarding the project and spoke to the demolition of the previous structure.

Mr. Satel moved to approve the variances as requested. Mr. McIlhenny seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel, Caporaletti

AGAINST: None

Case No. 2314 – 309 Alta

Application of MaiVu Plumbing & Construction, applicant, representing Adam Smith, owner(s), requesting the following variance(s) in order to add to the existing residence at the property located at 309 Alta, zoned SF-A:

1. A proposed rear yard setback of 12ft instead of the minimum 20ft required per Section 3-16(1) and
2. Zero (0) covered parking spaces instead of the minimum two (2) required per Section 3-21 of the City’s Zoning Code.

Ms. Shealey presented the case. The applicant was not present.

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

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel, Caporaletti
 AGAINST: None

Case No. 2291 – 200 Austin Hwy

Request by Megan Mosier, applicant, for a 180-day extension. The board voted unanimously to approve the request.

There being no further business, Mr. Satel moved to adjourn the meeting. Mr. McIlhenny seconded the motion. The meeting was adjourned at 7:55p.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)

05/06/2020
Date Signed & Filed

Cety Hernandez, Planner
Community Development Services