

Case Number:	BOA-23-10300053
Applicant:	David Hernandez
Owner:	David Hernandez
Council District:	2
Location:	121 Winslow Street
Legal Description:	The West 30 feet of Lot 1 and the east 14 feet of Lot 16, Block 2, NCB 489
Zoning:	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Jake Exler, Planner

### **Request**

A request for a 1,964 square feet variance and below from the minimum 5,000 square foot lot size requirement, as described in Sec. 35-310.01, to allow a 3,036 square foot lot.

### **Executive Summary**

The subject property is located on Winslow in north downtown. The applicant is constructing a single-family home. The applicant is requesting a 1,964 square foot variance from the minimum 5,000 square foot lot size requirement for a 3,036 square foot lot.

### **Code Enforcement History**

There are no code violations for this property.

### **Permit History**

There are no permits on file for the property.

### **Zoning History**

The property was located within the original 36 square miles of San Antonio and zoned “C” Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the properties converted to “MF-33” Multi-Family District. The property was rezoned by Ordinance 2010-11-04-0971, dated November 4, 2010, to “R-5” Residential Single-Family District.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Vacant Lot

### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
South	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

East	"R-5 AHOD" Residential-Mixed Airport Hazard Overlay District	Vacant Lot
West	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Government Hill Neighborhood Plan and is designated "Medium Density Residential" in the future land use component of the plan. It is located within the boundary of the Government Hill Alliance Neighborhood Association.

### **Street Classification**

Winslow Street is classified as a local road.

### **Criteria for Review – Minimum Lot Size Variance**

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

**The public interest is defined as the general health, safety, and welfare of the public. The applicant is requesting a 1,964 from the 5,000 minimum lot size requirement. The variance request does not appear to be contrary to the public interest as granting the variance would be in line with other lot sizes in the area.**

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 having to rezone which would result in an unnecessary hardship.**

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

**The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The request appears to be in the spirit of the ordinance as the requirement is there to protect the neighborhood, and there are other single-family homes on similar lot sizes in the area.**

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.*

**Staff finds that the variance would not substantially injure the appropriate use of adjacent properties as many other lots do not meet the minimum lot size requirements.**

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.**

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the minimum lot size requirements of the UDC Sec 35-310.01.

**Staff Recommendation – Minimum Lot Size Variance**

Staff recommends **Approval** in **BOA-23-10300053** based on the following findings of fact:

1. Other single-family homes in the area are built on similarly sized lots; and
2. It will not alter the essential character of the district.