

Case Number:	BOA-23-10300253
Applicant:	Carlos Bernal
Owner:	Carlos Bernal
Council District:	2
Location:	1012 Dreiss Street
Legal Description:	The south 43.4 feet of the north 132.63 feet of Lot 1 and the south irregular 18.63 feet of the north 132.63 feet of Lot 2, Block 4, NCB 1035 (BCAD 111847)
Zoning:	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for a 15 square foot variance from the minimum 4,000 square feet requirement, as described in Sec. 35-310.01, to allow development on a 3,985 square feet lot.

Executive Summary

The subject property is located on Dreiss Street, east of Downtown. The applicant is constructing a single-family home. The applicant is requesting a 15 square foot variance from the minimum 4,000 square foot lot size requirement for a 3,985 square foot lot. The Subdivision Department has indicated that this lot is not eligible for a Certificate of Determination.

Code Enforcement History

There is no code history for the subject 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. Ordinance 79329 dated December 16, 1993 rezoned the property to “R-2” Two Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the properties converted from “R-2” Two Family Residence District to “RM-4” Residential Mixed District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single-Family Residence

South	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single-Family Residence
East	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single-Family Residence
West	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Arena District/ Eastside Community Plan and is designated as “Medium Density Residential” in the future land use component of the plan. It is in the Denver Heights Neighborhood Association, and they were notified of the case.

Street Classification

Dreiss 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 15 square feet variance from the minimum 4,000 square feet requirement to allow development on a 3,985 square feet lot. 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-23-10300253** 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.