

Case Number:	BOA-22-10300025
Applicant:	Bertha Dominguez
Owner:	Bertha Dominguez
Council District:	2
Location:	715 Laurens Lane
Legal Description:	Lot 13, Block 1, NCB 1174
Zoning:	“R-6 MLOD-3 MLR-2” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for a 2,200 square foot variance from the minimum 6,000 lot size requirement, as described in Sec. 35-310, to allow a lot size of 3,800 square feet.

Executive Summary

The subject property is located on Laurens Street. The lot is currently vacant and the applicant is requesting a lot size variance in order to construct a single-family dwelling. The property was platted in 1989 and has not been in compliance since then. The lot size variance will permit the submittal of building plans for review.

Code Enforcement History

Overgrown Yard Investigation 7/29/2021

Permit History

No permits have been issued. Building Permits are pending the outcome of the BOA Hearing.

Zoning History

The subject property was located within the Original City Limits of San Antonio and was zoned “C” Apartment District. Ordinance 51898 dated February 28, 1990, rezoned the property to “R-1” Single Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from “R-1” Single Family Residence District to the current “R-6” Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 MLOD-3 MLR-2” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-3 MLR-2” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District	Single-Family Dwelling
South	“R-6 MLOD-3 MLR-2” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District	School
East	“R-6 MLOD-3 MLR-2” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District	Single-Family Dwelling
West	“R-6 MLOD-3 MLR-2” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Government Hill Neighborhood Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Government Hill Alliance Homeowners Association and were notified of the case.

Street Classification

Laurens is classified as a local road.

Criteria for Review - Variances

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 2,220-lot size variance from the 6,000 minimum lot size requirements. The variance request does not appear to be contrary to the public interest, as this will allow the development of the lot.

- 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 the applicant having to halt any development of the lot. The property was platted in 1989 without having the correct lot size.

- 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. A 2,220-lot size variance from the 6,000 minimum lot size requirements will observe the spirit of the ordinance.

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 the request for a 2,220-lot size variance from the 6,000 minimum lot size requirement is not likely to negatively affect the adjacent neighboring property. There are other similarly sized lots in the immediate area.

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 such as the small amount of available space.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the minimum lot size requirements per 35-310 in the UDC Code.

Staff Recommendation – Minimum Lot Size Requirement

Staff recommends **Approval** in **BOA-22-10300025** based on the following findings of fact:

1. The lot size is currently 3,800 square feet; and
2. The lot size variance will allow the development of the lot; and
3. The variance does not appear to negatively affect adjacent properties.