

Case Number:	BOA-21-10300163
Applicant:	Clifford Soto
Owner:	Clifford Soto and Rodcel Group Limited Partnership
Council District:	4
Location:	3123 and 3127 Winsome Lane
Legal Description:	Lots 15 and 16, Block 8, NCB 14558
Zoning:	"R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Roland Arsate, Planner

Request

A request for 1) a 904 sq. ft. variance from the minimum 6,000 square foot lot size requirement, as described in Section 35-310, to allow a 5,096 sq. ft. lot size located at 3123 Winsome Lane and 2) a 908 sq. ft. variance from the minimum 6,000 square foot lot size requirement, as described in Section 35-310, to allow a 5,092 sq. ft. lot size located at 3127 Winsome Lane.

Executive Summary

The subject property is located within a relatively new subdivision along Winsome Lane. The properties were platted on January 24, 2007. During the building review, it was found the properties were slightly below the minimum lot size requirement for the “R-6” base zoning district, which is 6,000 square feet. The applicant is requesting a variance in order to continue with the building project for a single-family residence.

Code Enforcement History

There are no relevant Code Enforcement History for the subject properties.

Permit History

Multiple Trade permits have been pulled in relation to the development of the two lots.

Zoning History

The subject property was annexed by the City of San Antonio by Ordinance 39953 on October 28, 1971 and zoned Temporary “R-1” Single-Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from Temporary “R-1” to the current “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	"R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
South	"R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
East	"R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
West	"R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Heritage South Sector Plan and is designated “General Urban Tier” in the future land use component of the plan. The subject property is not located within the boundaries of a registered Neighborhood Association.

Street Classification

Winsome Lane is classified as a local road.

Criteria for Review – 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 request for the lot size variance is not found to be contrary to the public interest.

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 not being able to build or being required to change the zoning of the property. This does pose an unnecessary hardship for the applicant and the property.

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. In this case, the spirit is to provide uniformity amongst lots, and the request for a lot size variance does appear to observe the spirit of the ordinance and provide substantial justice.

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.*

If granted, the properties will be able to move forward with their building plans. The variance will not substantially injure adjacent conforming properties and will not alter the essential character of the district.

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 the unique circumstances that were not created by the owner of the property and are not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Lot and Building Dimensions of the UDC Section 35-310.01.

Staff Recommendation – Lot Size Variance

Staff recommends **Approval** in **BOA-21-10300163** based on the following findings of fact:

1. The lot size for 3123 Winsome Lane is 5,096 square feet;
2. The lot size for 3127 Winsome Lane is 5,092 square feet; and
3. The variances will not alter the essential character of the district and observe the spirit of the ordinance.