

Case Number:	BOA-23-10300042
Applicant:	Escondida at Sunset LLC
Owner:	Escondida at Sunset LLC
Council District:	10
Location:	235 Escondida Way
Legal Description:	Lots 112 - 117, NCB 11886
Zoning:	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Jake Exler, Planner

Request

A request for a half story variance from the maximum two and a half story height, as described in Section 35-310.01, to allow three stories for six structures.

Executive Summary

The subject property is located on a small cul-de-sac community off of East Sunset Road. The applicant is building six structures and wants each of them to be three stories. The maximum height permitted for a building is 2 and a half stories. Staff did not observe any abnormal physical features such as a slope on the property.

Code Enforcement History

There is no code enforcement history.

Permit History

Permits are pending the outcome of the Board of Adjustment meeting.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 18115, dated September 25, 1952, and zoned “A” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “A” Single-Family Residence District converted to the current “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 Single-Family Airport Hazard Overlay District	Single-Family Residence

West	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
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Comprehensive Plan Consistency/Neighborhood Association

The subject property is under the Northeast Inner Loop Community Plan and has a designated future land use of "Low Density Residential". The subject property is located in the Oak Park Northwood Neighborhood Association.

Street Classification

Escondida Way is classified as a local street.

Criteria for Review – Building Height 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.*

Other homes conform to the two and a half story height limit and so it is 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 not result in unnecessary hardship as the applicant could alter the floor plan to be in compliance with the ordinance.

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 increased building height would not observe the spirit of the ordinance as it exceeds the maximum two and a half stories.

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.*

The increased height will injure the use of appropriate use of conforming properties and alter the essential character of the district as no other homes in the area exceed the building height limit.

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 variances are sought is not 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 Building Height Regulations listed under Section 35-310.01 of the UDC.

Staff Recommendation – Building Height Variance

Staff recommends Denial in BOA-23-10300042 based on the following findings of fact:

1. Other homes in the area conform to the two and a half story building height maximum; and
2. The increased building height would alter the essential character of the district.