



City of San Antonio

Legislation Details (With Text)

File #: 17-5507

Type: Zoning Case

In control: Board of Adjustment

On agenda: 10/2/2017

Title: A-17-173: A request by Eco-Site, LLC for a 135 foot variance from the 200 foot distance requirement between a wireless communication tower and all residential zoning districts to allow a distance of 65 feet, located at 2814 Majestic Drive. Staff recommends Approval. (Council District 7)

Sponsors:

Indexes:

Code sections:

Attachments: 1. BOA17-173 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-173

Applicant: Eco-Site, LLC

Owner: IVST, L.P.

Council District: 7

Location: 2814 Majestic Drive

Legal: Lot 28, Block 2, NCB 14144

Description:

Zoning: "C-2 NCD-3 AHOD" Commercial Ingram Hills
Neighborhood Conservation Airport Hazard Overlay District

Case Manager: Shepard Beamon, Senior Planner

Request

A request for a 135 foot variance from the 200 foot distance requirement between a wireless communication tower and all residential zoning districts, as described in Section 35-385 (d)(2), to allow a distance of 65 feet.

Executive Summary

The applicant is requesting the variance to allow the construction of a 107 foot tall telecommunications tower. According to Section 35-385, antenna support structures in nonresidential districts shall be spaced two hundred (200) feet from all residential zoning districts, measured from the base of the antenna support structure to the nearest residential zoning district boundary. The proposed separation between the tower and the nearest zoning boundary to the north is 65 feet.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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"C-2 NCD-3 AHOD" Commercial Ingram Hills Neighborhood Conservation Airport Hazard Overlay District	Vacant Lot (Proposed Tower)
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"NP-8 NCD-3 AHOD" Neighborhood Preservation Ingram Hills Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residences
South	"C-1 NCD-3 AHOD" Light Commercial Ingram Hills Neighborhood Conservation Airport Hazard Overlay District	Gas Station, Daycare
East	"NP-8 NCD-3 AHOD" Neighborhood Preservation Ingram Hills Neighborhood Conservation Airport Hazard Overlay District; "MF-33 NCD-3 AHOD" Multi-Family Ingram Hills Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residences, Vacant
West	"C-1 NCD-3 AHOD" Light Commercial Ingram Hills Neighborhood Conservation Airport Hazard Overlay District; "C-3 NCD-3 AHOD" General Commercial Ingram Hills Neighborhood Conservation Airport Hazard Overlay District; "MF-33 NCD-3 AHOD" Multi-Family Ingram Hills Neighborhood Conservation Airport Hazard Overlay District; "MH NCD-3 AHOD" Manufactured Home Ingram Hills Neighborhood Conservation Airport Hazard Overlay District	Vacant Lot, Vacant Commercial, Apartments

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Ingram Hills Neighborhood Plan and currently designated as Low Density Residential Estate in the future land use component of the plan. The subject property is located within the boundaries of the Ingram Hills Neighborhood Association. As such, they were contacted and asked to comment.

Criteria for Review

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 variance is not contrary as the tower is necessary to provide adequate radio frequency signal strength to better serve those individuals within close proximity. Per the applicant, the location selected is the best location to achieve this goal.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

Literal enforcement would result in an unnecessary hardship as the wireless provider cannot co-locate on an existing tower as there are no suitable structures within a ½ mile radius that could be reasonably altered for substantial additional height to meet the engineering requirement.

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

As the tower will meet all other requirements required for a wireless communications tower and is permitted by right in the “C-2” zoning district, the request respects the spirit of the ordinance.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variances will not authorize the operation of a use on the subject property other than those specifically permitted in the "C-2 NCD-3 AHOD" Commercial Ingram Hills Neighborhood Conservation Airport Hazard Overlay District.

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 requested 65 foot distance should not negatively impact the adjacent residential properties as the tower will be small in overall footprint. The requested distance is adequate room to maintain the structure without trespass on the any adjacent property.

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.*

As the lot measures less than 175 feet wide, there is no possible way to meet the distance requirement.

Alternative to Applicant’s Request

The owner would need to meet the 200 foot distance requirement, if applicable.

Staff Recommendation

Staff recommends **APPROVAL of the variance in A-17-173**, based on the following findings of fact:

1. The request provides room to maintain the structure without trespass; and
2. There are no other locations to adequately co-locate the tower; and
3. The site limits meeting the required distance as the lot width is less than 200 feet.