City of San Antonio

Legislation Details (With Text)

File #:	21-2446
Type:	Staff Briefing - Without Ordinance
In control:	Board of Adjustment
On agenda:	4/5/2021
Title:	BOA-21-10300016: A request by Lewis Martin for a 143' variance from minimum 200' tower setback requirement to allow the Antenna support structure to be 57' away from a residential zoned property, located at 10000 Block of Culebra Road. Staff recommends Approval. (Council District 6) (Azadeh Sagheb, Planner (210) 207-5407, Azadeh.Sagheb@sanantonio.gov, Development Services Department)
Sponsors:	
Indexes:	
Code sections:	
Attachments:	1. Attachments

Date	Ver.	Action By	Action	Result

Case Number:	BOA-21-10300016
Applicant:	Lewis Martin
Owner:	Lewis Martin
Council District:	6
Location:	10000 Block of Culebra Road
Legal Description:	Lot 8, Block 3, NCB 17636
Zoning:	"C-3" General Commercial District
Case Manager:	Azadeh Sagheb, Planner

Request

A request for a 143' variance from minimum 200' tower setback requirement, as described in Section 35-385 (d)2 to allow the Antenna support structure to be 57' away from a residential zoned property.

Executive Summary

The subject property is located along Culebra Road, a few blocks away from W Loop 1604 N on the west, abutting Culebra Creek Greenway on the north, and a residential zoned property on the east. The neighborhood is surrounded by commercial and residential zoned properties.

The subject parcel has an irregular geometry measuring approximately 160' on the southern side, 57' on the northern side and 51' on the narrowest area toward the center. The property is abutting a residential zoned lot on the east side being used as a church. Trees and parking lot act as a buffer between the antenna supporting structure and the church building.

Code requires the base of the antenna support structure be located at least two hundred (200) feet to the nearest

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residential zoned property. The applicant states a concern of the property's odd shape and narrow width in not being able to comply with the Code requirement. The applicant is requesting a variance to space the Cell Tower 143' closer to the residential zoned neighbor.

Code Enforcement History

No Code Violation on record.

Permit History

There is no related permit on file.

Clear Vision Review

The Clear Vision standard review is not required.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 59776, dated December 31, 1984, and was originally zoned as "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted from "B-3" Business District to the current "C-3" General Commercial District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-3" General Commercial District	Car Wash

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-3" General Commercial District and "R-5" Residential Single-Family District	Park & Recreation
South	"C-3" General Commercial District	Food Establishment
East	"R-6" Residential Single-Family District	Church
West	"C-3" General Commercial District	Auto Care

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Northwest Community Plan and is designated "Neighborhood Commercial" in the future land use component of the plan. The subject property is located within 200' of the boundaries of Mountain View Neighborhood Coalition. As such, they were notified and asked to comment.

Street Classification

Culebra Road is classified as a Primary Arterial Type A.

Criteria for Review

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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. In this case, the requested variance is seeking to improve wireless service in the vicinity which is not contrary to the public interest.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.
Due to the fact that subject lot in its entirety is not wide enough to meet the 200' spacing requirement, staff finds that any special conditions that, if enforced, would result in 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 intent of the setbacks is to provide spacing between neighboring structures. The proposed placement of the Cell Tower aimed to leave enough room for the owner to develop the lot as a proposed car service facility. Although the adjacent property is zoned residential, it's primarily used as a church. the spirit of the ordinance will be observed.

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 permitted 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 approval of the 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 neighborhood is primarily commercial containing service type businesses and the proposed Cell Tower will blend in with this type of community.

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.

The unique circumstances existing on the property were not created by the owner of the property and are not merely financial. The odd geometry of the lot is not wide enough to be in compliance with the UDC requirement.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Antenna Support Structures Spacing of the UDC Sections 35-385 (d) 2.

Staff Recommendation

Staff recommends **Approval** of the variances in **BOA-21-10300016** based on the following findings of fact:

1. Granting of the Cell Tower spacing variance will expand public accessibility to the wireless services, and will not detract from the commercial character of the surrounding area, and;

2. The requested variance is solely based on the size of the lot.