

Case Number:	BOA-23-10300286
Applicant:	Skyway Towers, LLC
Owner:	Carrillo Christian & Hernandez Angelica
Council District:	3
Location:	5506 South Flores Street
Legal Description:	The west IRR 307 feet of Lot 88, NCB 7725
Zoning:	“C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and “R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Mirko Maravi, Principal Planner

**A request**

A 197’-6” variance from the minimum 200’ distance, as described in Section 35-385, to allow a 2’-6” distance from a Wireless Communication System Tower to a Residential Zoned District.

**Executive Summary**

The subject property is located along South Flores Street, just north of the intersection with East Southcross Boulevard. The property recently rezoned a 0.034-acre portion of the property to “C-2” to permit a Wireless Communication Tower. The property is currently a parking lot with no structure. Much of the property remains zoned for residential, and the setbacks are based on the residential portion within the property. As indicated by the applicant, the distances will be 23’ from the east, 23’-8” to the south, 23’ to the west and 2’-6” to the north.

**Code Enforcement History**

No relevant Code Enforcement history.

**Permit History**

The issuance of a structure permit is pending the outcome of the Board of Adjustment.

**Zoning History**

The subject property was part of the original 36 square miles of the City of San Antonio and was originally zoned “C” Apartment District. The property was rezoned by Ordinance 83,932 dated April 11, 1996, to "R-1" Single-Family Residence District. With the adoption of the 2001 Unified Development Code, established by Ordinance 93881, on May 3, 2001, the property zoned "R-1" Single-Family Residence District converted to the “R-6” Residential Single-Family District. A portion of the property was rezoned on January 25, 2024, City Council meeting, no Ordinance finalized as of the date of this report.

**Subject Property Zoning/Land Use**

**Existing Zoning**

“C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and “R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Vacant / Parking Lot

## **Surrounding Zoning/Land Use**

### **North**

#### **Existing Zoning District(s)**

“RM-4 MLOD-2 MLR-2 AHOD” Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

“O-2 MLOD-2 MLR-2 AHOD” High-Rise Office Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

#### **Existing Use**

Single-Family Dwellings

### **South**

#### **Existing Zoning District(s)**

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

#### **Existing Use**

Church

### **East**

#### **Existing Zoning District(s)**

“RM-5 CD MLOD-2 MLR-2 AHOD” Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for Multi-Family not to exceed 14 units per acre.

#### **Existing Use**

Three (3) Dwelling Units

### **West**

#### **Existing Zoning District(s)**

“C-3 MLOD-2 MLR-2 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

“C-3 NA MLOD-2 MLR-2 AHOD” General Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

#### **Existing Use**

Commercial Uses

## **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is not located in a South Central San Antonio Community Plan and is designated as “Mixed Use” in the future land use component of the plan. The subject property is located within the St. Leo’s Neighborhood Association and were notified of the case.

## **Street Classification**

South Flores Street is classified as a Secondary Arterial Type B.

Bristole Avenue is classified as a Local Street.

## **Criteria for Review – Wireless Communication Tower Setback 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 proposed communication tower will be less than 200' from established residential uses which would 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 not result in unnecessary hardship as the applicant could relocate communication tower on a property not within 200 feet of established residential lots.

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. Reducing the distance requirement would injure neighboring properties, as the communication tower will have significantly less than 200 feet from residential lots.

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 reduced distance would alter the essential character of the district by not adhering to the required communication tower distance and will introduce a communication tower at the edge of a residential 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.*

The distance variance is not sought due to unique circumstances existing on the property as the lot is insufficient to maintain a communication tower.

**Alternative to Applicant's Request:**

The alternative to the applicant's request is to conform to the Wireless Communication Tower requirements of the UDC Section 35-385.

**Staff Recommendation – Wireless Communication Tower Setback Variance**

Staff recommends Denial in BOA-23-10300286 based on the following findings of fact:

1. The wireless communication tower will be significantly less than 200' from established residential properties which would be contrary to the public interest.
2. The variance will alter the essential character of the district as the lot cannot sustain a wireless communication tower.