

Case Number:	BOA-22-10300259
Applicant:	Lewis Martin
Owner:	True Vine Baptist Church
Council District:	4
Location:	435 South Ellison Drive
Legal Description:	Lot 90 except north irregular 134.82 feet, Block 67, NCB 15910
Zoning:	“C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay and “R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for a 140' variance to the minimum 200' distance required, as described in Section 35-385(d)2, to allow an antenna support structure to be 60' from a residential zoned district.

Executive Summary

The subject property is currently a split zoned lot. The lot where the antenna is proposed is currently “C-2” Commercial District with a church. South of the church is a parking lot and currently zoned “R-6” Residential District. Per section Sec. 35-385 (d) 2 states "Antenna support structures in nonresidential districts shall be spaced two hundred (200) feet from all residential zoning districts. True Vine Baptist Church is also the owner of the parking lot.

Code Enforcement History

Red Tag Investigation Case Resolved Created On 01/26/2022

Permit History

Minor Building Repair Application Created On 04/18/2022

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 83136, dated December 30, 1995 and Temp “R-1” Single-Family Residence District. Ordinance 85420 dated January 16, 1997 rezoned the property to “R-1” Single-Family Residence District and “B-2” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted to the current “R-6” Residential Single-Family District and “C-2” Commercial District.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay	Strip Mall
South	“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay	Parking Lot
East	“C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay and “R-6 MLOD- 2 MLR-2 AHOD” Residential Single- Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay	Pharmacy Single Family Residences
West	“C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay and “R-6 MLOD- 2 MLR-2 AHOD” Residential Single- Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay	Church and Parking Lot

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West/ Southwest Sector Plan and is designated “Natural Tier” in the future land use component of the plan. The subject property is located within the Heritage Neighborhood Association, and they were notified of the case.

Street Classification

South Ellison Drive is classified as a local road.

Criteria for Review – Antenna Support Minimum Distance 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 proposed antenna structure will be at least 60’ from a residential zoned district. This residentially zoned district is a parking lot and will not be contrary to the public interest.

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

Staff finds an unnecessary hardship due to the closest residentially zoned district is a parking lot.

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

Due to the configuration of the property and the closest residentially zoned district being a parking lot, this will observe the spirit of the ordinance.

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.

Staff finds that the antenna support structure will be far enough from residential districts therefore the request would not alter the essential character of the neighborhood.

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 variance is sought is due to unique circumstances existing on the property such as the size and location of the lot. The variance request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the side setback regulations for Spacing of Antenna Support Structures from Residential Zoning Districts of UDC Sec. 35-385 (d) 2.

Staff Recommendation – Antenna Support Minimum Distance Variance

Staff recommends **Approval** in **BOA-22-10300259** based on the following findings of fact:

1. The request does not appear out of character for the area; and
2. There is reasonable space between the antenna support structure and residentially zoned district.