

Board of Adjustment
STAFF REPORT



SUBJECT: Case No.: V2022-003

Applicant Anais Moody is requesting a variance from Section 154.74.E.2 relating to maximum height requirements for communication towers. The request pertains to property located at W. Vanderbilt Street, being parcel R32708 of S5400 Park Place, Block 1, Lots 1-5 of the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment – April 21, 2022

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

RECOMMENDATION:

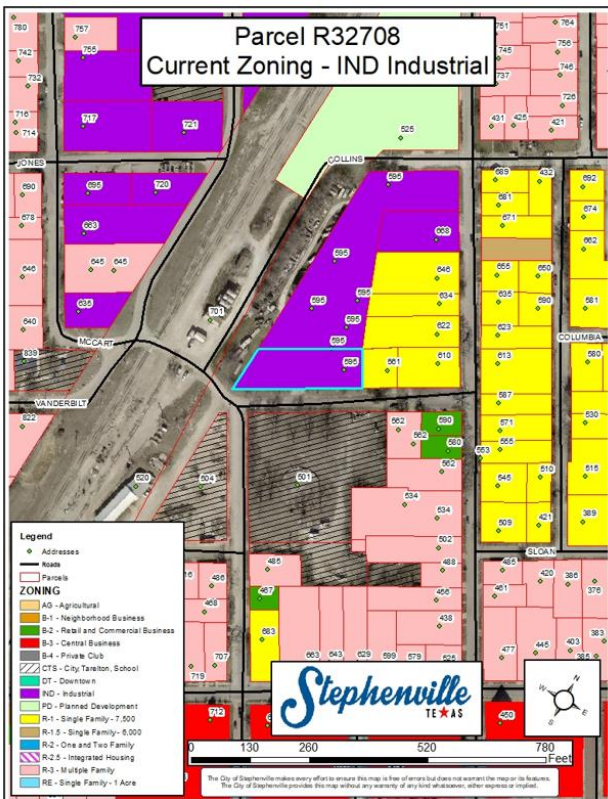
Staff supports the request. The Board, by approving the request, thereby grants special exceptions pursuant to 154.74.E.2, paragraph 10 and 12, to allow the variance for an increase in tower height and equipment mounting at 80’.

BACKGROUND:

Applicant is requesting a variance to allow an increase in current tower height to 80’ for T-Mobile service strength improvements.

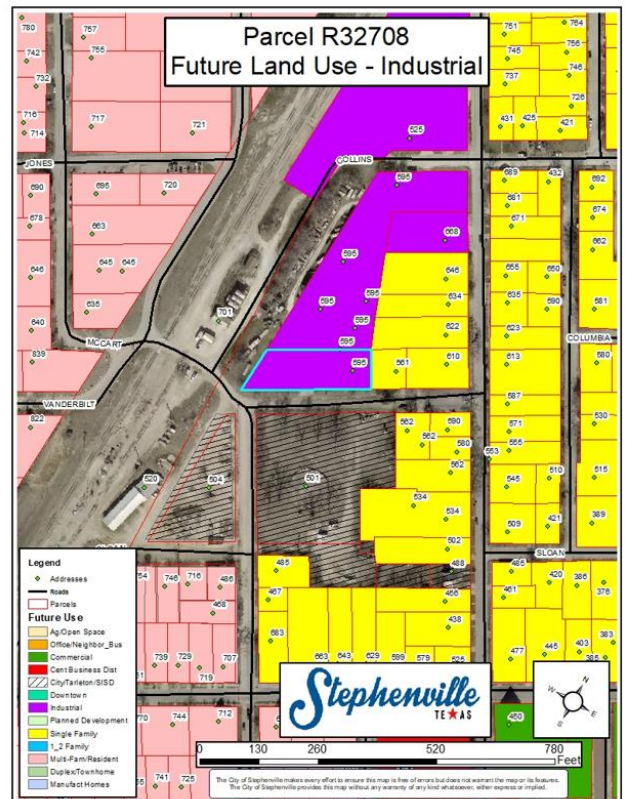
CURRENT ZONING:

(I) Industrial



FUTURE LAND USE:

(I) Industrial



- E. *Nonresidential districts ((B-1), (B-2), (B-3), (B-4), (B-5), (I)).* Radio, television, microwave broadcast relay, receiving towers, transmission and re-transmission facilities, satellite receiving only earth stations (home dish antenna), and any electronic emission equipment of a commercial nature shall be allowed in the nonresidential zoning districts if it complies with the following regulations:
1. *Number of antennas per lot:* One antenna facility may be located on a lot of record, co-location is encouraged;
 2. *Height:*
 - a) With the exception of stealth facilities, an antenna facility, exclusive of the height of any attached antenna, shall not exceed 35 feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of an accessory building in the zoning district where the antenna facility is located. Regardless of the above, with the exception of stealth facilities, the maximum height for an antenna facility permitted without a special exception in any nonresidential district shall be 80 feet;
 - b) With the exception of stealth facilities, the height of an antenna, including the height of any antenna facility to which they may be fastened or attached, shall not exceed 65 feet in height without a special exception;
 - c) With the exception of stealth facilities, an antenna shall not extend more than fifteen feet above a building on which it is attached;
 3. *Manufacturer's design and specifications:* An antenna facility shall be limited to the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements;
 4. *Setbacks:* With the exception of stealth facilities, antennas and antenna facilities shall not be permitted in front or side yards;
 5. *Prohibited in easements:* Antenna facilities shall not be permitted in any easement;
 6. *Lights:* No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission;
 7. *Construction standards:* A building permit must be obtained prior to the construction and/or installation of a tower, antenna, or mast. Antenna facilities must be installed according to the manufacturers recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such antenna facilities and antennas must meet the current Electronic Industries Association Standard, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the Building Code;
 8. *Maintenance:* Antenna facilities and antennas obviously not in use or obviously in need of maintenance as determined by the administrative official, shall be removed or brought into compliance within a reasonable amount of time determined by the building official. This shall not preclude immediate action by the administrative official to safeguard life, limb, health, property, and public welfare;
 9. *No extension beyond property lines:* No part of an antenna facility and antennas or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility;
 10. *Special exceptions for noncomplying facilities:* A special exception must be obtained from the board of adjustment for any antenna or tower, which is in a nonresidential zoning district and does not comply with the regulations in this section.
 11. *Stealth facilities:* Stealth facilities, as defined in section 6-10, wireless communication facilities definitions shall be exempt from the height and location requirements of this section. In addition, the administrative official shall be the final authority as to whether or not any facility meets the definition of a "stealth facility."
 12. *Distance from residential properties:* No part of an antenna facility and antennas or any attachment thereto may be constructed within 500 feet of a residential property without a special exception obtained from the board of adjustment.

VARIANCE:

Section 154.21.1.I

1. A variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of the property. Whenever owing to exceptional and extraordinary conditions, the literal enforcement of the zoning regulations will result in unnecessary hardship in the development of the property, an appeal for a variance may be filed with the Board of Adjustment.

2. When a property owner can show that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him or her practical difficulties or particular hardship, the Board may consider and allow variations of the strict application of the terms of this ordinance if the variation are in harmony with the general purpose and intent of this ordinance, and the Board is satisfied, under the evidence heard by it, that a granting of the variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the Zoning Regulations.

3. The Board may authorize a variance where by reason of exceptional narrowness, shallowness, or shape of specific piece of property of record at the time of the adoption of this ordinance, or by reason of exceptional situation or condition of a specific piece of property, the strict application of a provision of this ordinance would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of the property and amount to a practical confiscation of the property as distinguished from a mere inconvenience to the owner, provided the variation can be granted without substantial detriment to the public good, and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

(a) Papers required. An appeal for a variance shall include:

1. A site plan, drawn to scale, showing the location and dimension of the lot and of all existing and proposed improvements:

a. When an appeal is based upon hardship resulting from sharp changes in topography or unusual terrain features, the site plan shall include topographic information related to known base points of surveys, and profiles of the particular problem involved, including relationship to topographic features of adjoining properties.

b. When an appeal is submitted for variance of side yard or rear yard requirements, the applicant shall provide the same information for the properties adjoining the common lot line as may be applicable to the appealed requirements.

c. When an appeal is submitted for a variance from front yard setback, or for side yard setback on aside street, the applicant shall furnish a strip map showing the setback of main walls of all buildings on the same side of the street within a distance of 200 feet of the applicant's property.

2. A statement of facts and reasons why the Zoning Regulations should not be applied to the property in question and how the standards governing the Board's action would be satisfied; and

3. A statement by the Enforcing Officer citing the reasons for refusing to issue a permit under the plans submitted.

(b) Basis for action.

1. Before acting on an appeal for variance the Board shall consider:

a. The facts filed with the application;

b. The testimony presented at the public hearing on the appeal;

c. The City Staff's technical report on the appeal; and

d. The Board's findings in its field inspection of the property.

2. The Board may grant an appeal, subject to such terms and conditions as it may fix, provided the applicant has demonstrate to the satisfaction of the Board that the conditions governing the granting of a variance as set forth in the Zoning Regulations are satisfied and that the decisions of the Board would be in the interest of the community and would carry out the spirit and intent of the Zoning Regulations.

ALTERNATIVES:

1. Approve the Variance Request
2. Deny the Variance Request