

Case Number:	BOA-23-10300254
Applicant:	Sign Remedy
Owner:	5552 Loop SA LLC
Council District:	7
Location:	5552 NW Loop 410
Legal Description:	Lot 2, Block 1, NCB 14347
Zoning:	“I-1 AHOD” General Industrial Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

### **Request**

A request for a 10’ variance from the maximum 60’ sign height, as described in Section 28-45, to allow a 70’ sign.

### **Executive Summary**

The subject property is located along the access road south of NW Loop 410, abutting Leon Valley to the south. The applicant is requesting a variance for sign height and square footage along an expressway. While the maximum height permitted is 50’, the property has an allowance of 10’ adjacent grade allowance. The proposed use is a food service establishment, and the property was recently granted a reduced landscape buffer on the March 6, 2023, BOA meeting. Maximum sign size is 375 square feet and the applicant has indicated that will be on or below that standard.

### **Code Enforcement History**

There is no code history for the subject property.

### **Permit History**

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

### **Zoning History**

The property was annexed into the City of San Antonio by Ordinance 38135, dated January 7, 1970, and zoned Temporary “R-1” Single-Family Residence District. The property was rezoned by Ordinance 40330, dated January 27, 1972, to “I-1” Light Industry District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “I-1” Light Industry District converted to the current “I-1” General Industrial District.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“I-1 AHOD” General Industrial Airport Hazard Overlay District	Vacant Commercial

### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	UZROW	NW Loop 410
South	OCL	Commercial

East	“C-3NA AHOD” General Commercial Nonalcoholic Sales Airport Hazard Overlay District	Furniture Store
West	OCL	Commercial

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

The subject property is not within a Community, Sector or Regional Plan. The subject property is not located within the boundaries of a registered neighborhood association.

### **Street Classification**

NW Loop 410 is classified as an Interstate.

Daughtry is classified as a Local Road.

### **Criteria for Review – Sign Variance**

Pursuant to Section 28-45 of Chapter 28: Signs and Billboards of the City Code, in order for a variance to be granted, the applicant must demonstrate:

1. *The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; or*
2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property.*

The property currently qualifies for a sign 60’/375 square feet for a single-tenant sign. The current allowable height and size will not cause a cessation of legitimate, longstanding active commercial use of the property.

3. *After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:*

- A. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

The proposed sign appears to provide a special privilege as there are no other signs of this height or square footage in the surrounding area on a local road.

- B. Granting the variance will not have a substantially adverse impact on neighboring properties.

The proposed variance may have an adverse impact on neighboring properties as there are no signs of this height or square footage and will appear to be exceeding the sign regulation standards for Universal Development Code.

- C. Granting the variance will not substantially conflict with the stated purposes of this article.

The requested variance appears to substantially conflict with the stated purpose of the chapter. A sign exceeding the 60’ in height will not follow the sign regulations set forth in the UDC.

### **Alternative to Applicant’s Request**

The alternative to the applicant's request is to conform to the Sign Height Limitations per Section 28-45 in the UDC Code.

**Staff Recommendation – Sign Height Variance**

Staff recommends Denial in BOA-23-10300254 based on the following findings of fact:

1. The new proposed sign height is exceeding the UDC; and
2. The current allowable height will not cause a cessation of legitimate, longstanding active commercial use of the property.