



City of San Antonio

Agenda Memorandum

Agenda Date: January 25, 2024

In Control: City Council A Session

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 3

SUBJECT:

Appeal of Board of Adjustment Case BOA 23-10300311

SUMMARY:

An appeal of the decision of the Board of Adjustment to deny a 29 foot 8 inch variance from the maximum 40 foot tall sign height restriction to allow for a single-tenant sign to be 69 foot 8 inch tall, located at 1956 S WW White Rd. On December 4, 2023 the Board of Adjustment denied the request. Pursuant to City Code section 28-5 the applicant is appealing the decision of the Board of Adjustment to the City Council.

BACKGROUND INFORMATION:

The subject property is located on S WW White Road approximately 500 ft South of Rigsby Ave. The City's Sign Ordinance allows lots or any portion of lots located along an Arterial A, which S WW White Road is an Arterial A, a maximum height of 40 feet for a single tenant sign. The property has an existing single tenant sign that is non-conforming due to a height of 69 foot 8 inch. The existing non-conforming sign may remain and the display may be updated, but the existing cabinets cannot be replaced and the sign cannot be converted to digital. The request is to allow the existing height of the sign to be approved through a variance so that the sign can be converted to a double-sided digital sign cabinet.

The requested 69-foot 8-inch tall sign is seventy-four percent (74%) taller than permitted, therefore, granting the applicant's request conflicts with the purposes of City Code Chapter 28 -

Signs. Moreover, the 69-foot 8-inch tall single-tenant sign eliminates all distinction between signs allowed within the city since the citywide Arterial A standard is 40 feet for single tenant signs.

The subject property is not influenced by oppressive conditions that are unique to the land or that prevent the business from being properly advertised due to the increased height of the adjacent street grade. Granting the variance will provide the applicant with special privileges not enjoyed by other properties within the vicinity. This elevation provides the subject property more than reasonable opportunity to have adequate signage on site that may be visible from all adjoining rights-of-way. No unique features exists that result in the need of the variance requested or that would result in a cessation of the commercial use if the variance is denied.

ISSUE:

According to Section 28-5 of Chapter 28 - Signs, the Board of Adjustment may grant a variance if it finds that:

1. The variance is necessary because strict enforcement of the regulation 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; and
3. After establishing that one or more of the findings set forth in subparagraphs 1. or 2. have been met, 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;
 - B. Granting the variance will not have a substantially adverse impact on neighboring properties; and
 - C. Granting the variance will not substantially conflict with the stated purposes of chapter 28.

ALTERNATIVES:

Supporting the applicant's appeal would overturn the Board of Adjustment's action and consequently allow a 69-foot 8-inch tall sign resulting in a special privilege not enjoyed by other single tenant properties similarly situated.

FISCAL IMPACT:

None; the applicant has paid the required fee.

RECOMMENDATION:

Staff recommends denial of the appeal of the Board of Adjustment's action. The applicant's request does not comply with the approval criteria for granting a variance as presented above and therefore the action of the Board of Adjustment was appropriate.