



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** January 25, 2024

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 3

**SUBJECT:**

Appeal of Board of Adjustment Case BOA 23-10300311 for a sign variance to allow a digital on-premise sign height of 69 feet 8 inches, located at 1956 S WW White Road.

**SUMMARY:**

An appeal of the decision by the Board of Adjustment to deny a 29 foot, 8 inch variance from the maximum allowed sign height of 40 feet tall for a single-tenant sign to be 69 feet, 8 inches tall, located at 1956 S WW White Rd. On December 4, 2023, the Board of Adjustment denied the request of the applicant. Pursuant to City Code section 28-5, the applicant is appealing the decision of the Board of Adjustment to the City Council. Approval of this item by the City Council by majority vote would overturn the Board of Adjustment denial and approve the requested variance for the applicant.

**BACKGROUND INFORMATION:**

The subject property is located on S WW White Road. The City's Sign Ordinance allows lots or any portion of lots located along an Arterial A roadway a maximum height of 40 feet for a single tenant sign. The subject property is located along an Arterial A roadway and is subject to the 40 foot maximum sign height. However, the property currently has an existing single-tenant sign that is non-conforming, due to its height of sixty-nine (69) feet, eight (8) inches. The existing non-conforming sign may remain, and the display updated, but the existing cabinets cannot be replaced, and the sign cannot be converted to digital without losing the sign's non-conforming status. The applicant's 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 without losing its non-conforming height allowance.

Titan Sign Company presented a request for a variance from the forty (40) foot sign height allowance for a sixty-nine (69) foot eight (8) inch tall single tenant digital sign to the City of San Antonio Board of Adjustment on December 4, 2023. The board voted to deny the request for a variance for maximum height allowance with a motion to approve the variance made by an At Large appointed member and second by District 10. The vote was 5 for (Districts 9 and 10, and 3 At Large appointed members) and 6 against (Districts 1, 4, 5, 6, 7, and 8).

### **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 sub-paragraphs 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.

The requested sixty-nine (69) foot, eight (8) inch tall digital sign is seventy-four percent (74%) taller than permitted, therefore, granting the applicant's request may conflict with the general purposes of City Code Chapter 28 - Signs. Moreover, the sixty-nine (69) foot, eight (8) inch tall single-tenant sign may eliminate the distinction between signs allowed within the city since the citywide Arterial A standard is 40 feet for single-tenant signs.

The Board of Adjustment vote that resulted in the denial of the variance indicates their decision that the variance did not meet the criteria.

### **ALTERNATIVES:**

As an alternative City Council could support this appeal and overturn the Board of Adjustment's action allowing a 69-foot 8-inch tall on-premise digital sign at the property.

### **FISCAL IMPACT:**

There is no fiscal impact to the Development Services Fund FY 2024 Adopted Budget.

**RECOMMENDATION:**

Staff recommends denial of the appeal of the Board of Adjustment's action and therefore, upholding the Board of Adjustment's decision not to grant the variance of twenty-nine (29) foot, eight (8) inch above the maximum forty (40) feet tall sign height restriction to allow for a single-tenant sign.