

Case Number:	BOA-23-10300311
Applicant:	Titan Sign Company
Owner:	Child Advocates San Antonio
Council District:	3
Location:	1956 South WW White Road
Legal Description:	Lot 25, NCB 10758
Zoning:	“C-1 MLOD-3 MLR-1” Light Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District
Case Manager:	Vincent Trevino, Senior Planner

### **Request**

A request for a 29’-8” variance from the maximum 40’ sign height, as described in Section 28-45, to allow a 69’-8” tall single-tenant sign.

### **Executive Summary**

The subject property is located along South WW White Road, south of Rigsby Avenue. The applicant is requesting a variance for sign height along a Primary Arterial A street. The maximum height permitted is 40’ for a single-tenant sign, the applicant is requesting a sign height of 69’-8”. Maximum sign size is 240 square feet, and the applicant has indicated a sign face of 200 square feet. The existing sign is considered nonconforming and could be utilized if the sign face was refaced in the same configuration. The applicant is removing and replacing cabinets, thus the nonconforming status is lost.

### **Code Enforcement History**

There is no code history for the subject property.

### **Permit History**

On Premise Sign (SIG-OPS-PMT23-21501646)- October 2023

Commercial Remodel Permit (COM-RML-PMT23-40000466)- June 2023

Commercial Fence Permit (COM-FEN-PMT23-40600104)- June 2023

Commercial Addition Permit (COM-ADD-PMT23-39900057)- June 2023

### **Zoning History**

The property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952 and zoned “A” Single-Family Residence District. The property was rezoned by Ordinance 67346, dated June 30, 1988, to “B-2NA” Business, Non-Alcoholic Sales District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-2NA” Business, Non-Alcoholic Sales District converted to “C-2NA” Commercial Non-Alcoholic Sales District. The property was rezoned by Ordinance 2015-05-21-0448, dated May 21, 2015, to the current “C-1” Light Commercial District.

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

Existing Zoning	Existing Use
“C-1 MLOD-3 MLR-1” Light Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District	Non-Profit Office Building

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“C-1 MLOD-3 MLR-1” Light Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District	Storage Units
South	“C-1 MLOD-3 MLR-1” Light Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District	Strip Mall
East	“NP-15 MLOD-3 MLR-1” Neighborhood Preservation Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District	Single-Family Residence
West	“C-3 MLOD-3 MLR-1” General Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District	Commercial

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

The subject property is in the Eastern Triangle Community Plan and is designated as “Urban Mixed Use” in the future land use component of the plan. The subject property is located within the boundary of Jupe Manor Neighborhood Association, and they have been notified of the request.

### **Street Classification**

South WW White is classified as a Primary Arterial A.

### **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 40’ in height with a maximum 240 square foot sign face 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 the existing sign cabinets can be replaced and there are no other signs of this height in the surrounding area on an arterial 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 the existing sign cabinets can be replaced and there are no signs of this height and the proposed sign would be exceeding the sign regulation standards of the Unified 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 69' 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-23-10300311 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.