



City of San Antonio

Agenda Memorandum

Agenda Date: May 20, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

CASE NUMBER: BOA-24-10300072

APPLICANT: JPG Investments LLC

OWNER: JPG Investments LLC

COUNCIL DISTRICT IMPACTED: District 3

LOCATION: 920 Southeast Military Drive

LEGAL DESCRIPTION: Lot 9, Block 6, NCB 9486

ZONING: "C-3 AHOD" General Commercial Airport Hazard Overlay District

CASE MANAGER: Colton Unden, Planner

A request for

1) A 15' variance from the maximum 40' height to allow a 55' sign height.
Section 28-45.

2) A 10 square feet variance from the maximum 240 square feet to allow a 250 square feet sign.
Section 28-45.

3) An 88' variance from the minimum 150' distance to allow two signs 62' apart.
Section 28-45.

Executive Summary

The subject property is located along Southeast Military Drive, west of Roosevelt Avenue located within the Mission San Jose Neighborhood Association. The sign in question was originally a non-conforming sign, however the Cabinet was fully removed in 2019, and the sign lost non-

conforming rights and must now meet current code. Furthermore, signage was installed without permit. The size limits for the Arterial A road are 40' at 240 square feet. The proposed sign is for 55 feet at 250 square feet. Additionally, the proposed sign does not meet spacing between signs of 150 feet, the sign is only 62 feet apart.

Code Enforcement History

INV-SGN-INV24-23600166 – March 4, 2024 – Sign Investigation – Pending Inspection
INV-SGN-INV24-23600077 – February 2, 2024 – Sign Investigation – Case Resolved
INV-SGN-INV23-23600729 – November 21, 2023 – Sign Investigation – Case Resolved
INV-SGN-INV23-23600370 – July 24, 2023 – Sign Investigation – Case Resolved
INV-SGN-INV23-23600128 – May 4, 2023 – Sign Investigation – Case Resolved

Permit History

The applicant has not yet applied for the building permit.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 4745 dated March 7, 1947, and originally zoned "J" Commercial District. The property was rezoned by Ordinance 44201, dated August 8, 1974, to "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3" Business District converted to "C-3" General Commercial District.

Subject Property Zoning/Land Use

Existing Zoning

"C-3 AHOD" General Commercial Airport Hazard Overlay District

Existing Use

Food Service Establishment

Surrounding Property Zoning/ Land Use

North

Existing Zoning

"C-3 AHOD" General Commercial Airport Hazard Overlay District

Existing Use

Self-Storage

South

Existing Zoning

"C-3 AHOD" General Commercial Airport Hazard Overlay District

Existing Use

Professional Office

East

Existing Zoning

"C-3 AHOD" General Commercial Airport Hazard Overlay District

Existing Use

Auto Parts Retail

West

Existing Zoning

"C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District

Existing Use

Food Service Establishment

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Stinson Airport Vicinity Land Use Plan and is designated as "Community Commercial" in the future land use component of the plan. The subject property is located within the boundary of the Mission San Jose Neighborhood Association, and they have been notified of the request.

Street Classification

Southeast Military Drive is classified as a Primary Arterial Type A.

Curtis Street 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 is currently permitted a 40-foot sign height, 240-square feet. The permitted dimensions will not cause a cessation of legitimate, longstanding active commercial use of the property. Additionally, the limitation of one sign to prevent the overcrowding of signs on the property will not cause any cessation either.

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 it will provide a secondary higher sign on the property than is currently permitted.

- 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 sign height will be exceeding the maximum height, size, and decrease the separation distance to what the city is attempting to provide as a standard.

- 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 40' in height, 240 square feet in size and only a 62' separation will not follow the sign regulations set forth in the Unified Development Code.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Sign Height, Square Footage and Spacing Regulations of Section 28-45 of the Unified Development Code.

Staff Recommendation – Sign Height, Square Footage, and Spacing Variances

Staff recommends Denial in BOA-24-10300072 based on the following findings of fact:

1. The sign lost nonconforming status in 2019.
2. The variances will alter the essential character of the neighborhood.