



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 23, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Department Head

**CASE NUMBER:** BOA-24-10300170

**APPLICANT:** Rolando Martinez

**OWNER:** Terry Canales

**COUNCIL DISTRICT IMPACTED:** District 1

**LOCATION:** 811 San Pedro Avenue

**LEGAL DESCRIPTION:** Lot 6 and 8, Block 45, NCB 356

**ZONING:** "C-2P UC-6 AHOD" Commercial Pedestrian San Pedro Urban Corridor Airport Hazard Overlay District

**CASE MANAGER:** Colton Unden, Planner

**A request for**

1) A 16' variance from the maximum 24' height to allow a 40' sign height.  
Section 28-45

**Executive Summary**

The subject property is located along San Pedro Avenue, south of West Laurel Street, located within the Gardendale Neighborhood Association. The application is requesting a sign height variance for a food service establishment along San Pedro Avenue. The street classification is Arterial B / Collector. The sign code prescribes a maximum 24' height and the applicant is requesting a 16' variance to allow a 40' sign height.

**Code Enforcement History**

No relevant code enforcement history.

**Permit History**

SIG-OPS-PMT24-21501375 – On Premise Sign Permit

SIG-OPS-PMT24-21500939 – On Premise Sign Permit

**Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and was zoned “J” Commercial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “J” Commercial District converted to “I-1” General Industrial District. The property was then rezoned to the current “C-2P” Commercial Pedestrian District by Ordinance 97522 dated April 24, 2003.

**Subject Property Zoning/Land Use****Existing Zoning**

“C-2P UC-6 AHOD” Commercial Pedestrian San Pedro Urban Corridor Airport Hazard Overlay District

**Existing Use**

Food Service Establishment

**Surrounding Property Zoning/ Land Use****North****Existing Zoning**

“C-2P CD UC-6 AHOD” Commercial Pedestrian San Pedro Urban Corridor Airport Hazard Overlay District with a Conditional Use for Auto Repair Shop

**Existing Use**

Retail

**South****Existing Zoning**

“C-2P UC-6 AHOD” Commercial Pedestrian San Pedro Urban Corridor Airport Hazard Overlay District

**Existing Use**

Food Service Establishment

**East****Existing Zoning**

“C-3 UC-6 AHOD” General Commercial San Pedro Urban Corridor Airport Hazard Overlay District

**Existing Use**

Convenience Store with Gas Station

**West****Existing Zoning**

“C-2P UC-6 AHOD” Commercial Pedestrian San Pedro Urban Corridor Airport Hazard Overlay District

**Existing Use**

Warehouse

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Midtown Area Regional Center and is designated as “Regional Mixed Use” in the future land use component of the plan. The subject property is located within the Gardendale Neighborhood Association and the San Antonio Texas District One Resident Association, as well as the notification boundary of the Tobin Hill Community Neighborhood Association, and they have been notified of this request.

**Street Classification**

San Pedro Avenue is classified as a Primary Arterial Type B.

**Criteria for Review – Sign Height 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 24-foot sign height, 150-square feet. The permitted dimensions 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 new signs erected along these standards are complying in the area.

- 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 for 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 24’ in height 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 and Square Footage Regulations of Section 28-45 of the Unified Development Code.

**Staff Recommendation – Sign Height Variance**

Staff recommends Denial in BOA-24-10300170 based on the following findings of fact:

1. The variance will alter the essential character of the neighborhood.
2. The sign has not been constructed per site visit and plans can be altered to be complying.