

Case Number:	BOA-21-10300119
Applicant:	Texas Republic Signs, LLC
Owner:	CFJ PLAZA CO III LLC
Council District:	2
Location:	1815 North Foster Road
Legal Description:	North 771.72 feet of Lot 1, Block 4, NCB 18034
Zoning:	“C-3 MLOD-3 MSAO-2 AHOD” General Commercial Martindale Army Air Field Military Lighting Overlay Military Sound Attenuation Airport Hazard Overlay District and “I-1 MLOD-3 MSAO-2 AHOD” General Industrial Martindale Army Air Field Military Lighting Overlay Military Sound Attenuation Airport Hazard Overlay District
Case Manager:	Kayla Leal, Senior Planner

**Request**

A request for 1) a 104 square foot sign variance from the 650 square foot sign maximum, as described in Chapter 28, to allow a multi-tenant sign to be 754 square feet and 2) a 24’ 7” sign variance from the maximum 60’ sign height maximum, as described in Chapter 28, to allow a multi-tenant sign to be 84’ 7”.

**Executive Summary**

The subject property is located on the corner of the IH-10 East frontage road and North Foster Road. A Sign Investigation was initiated on July 8, 2021 when the proposed signage was noticed to be installed at the location. The property currently qualifies to obtain signage for multi-tenant standards which allow a maximum of 60’ OAH at 650 square feet of signage. The applicant is requesting to maintain the current non-conforming pole sign height and cabinet sign size. The intent of the code allowing for non-conforming to remain is that eventual compliance is achieved. The signs being proposed measure at 84’ 7” and 754 square feet. This is an increase in signage of about 25’ and 104 square feet, which is approximately 16% and 40% over, respectively.

DSD Sign Staff has reviewed the request and has found the significant increase in signage that what is allowed by code to not be conducive to the surrounding area.

**Code Enforcement History**

A Sign Investigation was opened on July 8, 2021 and is pending resolution.

**Permit History**

Sign permits are pending the outcome of the Board of Adjustment Hearing.

**Zoning History**

The subject property was annexed into San Antonio City Limits on December 30, 1985, established by Ordinance 61631, and was zoned “B-3” Business District and Temporary “R-1” Single Family Residence District. A portion of the property’s zoning changed from Temporary “R-1” to “I-1” Light Industry District, established by Ordinance 83858, dated March 28, 1996. Upon adoption of the 2001 Unified Development Code, the zoning converted from “B-3” and “I-1” to the current “C-3” General Commercial District and “I-1” General Industrial District, respectively, established by Ordinance 93881, dated May 3, 2001.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“C-3 MLOD-3 MSAO-2 AHOD” General Commercial Martindale Army Air Field Military Lighting Overlay Military Sound Attenuation Airport Hazard Overlay District and “I-1 MLOD-3 MSAO-2 AHOD” General Industrial Martindale Army Air Field Military Lighting Overlay Military Sound Attenuation Airport Hazard Overlay District	Existing Commercial Use

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 MLOD-3 MSAO-2 AHOD” General Commercial Martindale Army Air Field Military Lighting Overlay Military Sound Attenuation Airport Hazard Overlay District and “I-1 MLOD-3 MSAO-2 AHOD” General Industrial Martindale Army Air Field Military Lighting Overlay Military Sound Attenuation Airport Hazard Overlay District	Industrial Uses
South	“C-3 MLOD-3 MSAO-2 AHOD” General Commercial Martindale Army Air Field Military Lighting Overlay Military Sound Attenuation Airport Hazard Overlay District and “I-1 MLOD-3 MSAO-2 AHOD” General Industrial Martindale Army Air Field Military Lighting Overlay Military Sound Attenuation Airport Hazard Overlay District	Loop 410, Truck Stop, Commercial Uses
East	“C-3 MLOD-3 MSAO-2 AHOD” General Commercial Martindale Army Air Field Military Lighting Overlay Military Sound Attenuation Airport Hazard Overlay District and “I-1 MLOD-3 MSAO-2 AHOD” General Industrial Martindale Army Air Field Military Lighting Overlay Military Sound Attenuation Airport Hazard Overlay District	Commercial Uses
West	“C-3 MLOD-3 MSAO-2 AHOD” General Commercial Martindale Army Air Field Military Lighting Overlay Military Sound Attenuation Airport Hazard Overlay District and “I-1 MLOD-3 MSAO-2 AHOD” General Industrial Martindale Army Air Field Military Lighting Overlay Military Sound Attenuation Airport Hazard Overlay District	Commercial Uses and Vacant Land

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the IH-10 East Corridor Community Plan and is designated “Community Commercial.” The subject property is not located within the boundary of a registered Neighborhood Association.

### **Street Classification**

North Foster Road is classified as a Secondary Arterial Type A.

IH-10 East is classified as Interstate Highway.

### **Criteria for Review - Variances**

Pursuant to Section 28-247 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 multi-tenant sign standards which permits a height of 60’ and 250 square feet of signage. The request to maintain the height and square footage appear to be excessive in nature and does not seem likely to cause a cessation of 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 request is out of character with the surrounding commercial properties and the proposed sign appears to provide the applicant with special privilege.

- 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 most of the other signs are existing and do not appear to be exceeding the sign regulation standards in as great of capacity as the proposed sign.

- 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. The Sign Code for multi-tenant signs provides reasonable limits on signage to help preserve economic cornerstones.

### **Alternative to Applicant’s Request**

The alternative to the applicant’s request is to adhere to Chapter 28, Section 28-64.

### **Staff Recommendation – Sign Variance**

Staff recommends Denial in BOA-21-10300119 based on the following findings of fact:

1. The property currently qualifies for multi-tenant sign regulations which are substantial for this location; and
2. The proposed height exceeds the limit by about 25'; and
3. The proposed square footage exceeds the limit by about 104 square feet; and
4. DSD Sign Staff find the request to be excessive for the surrounding area.