

Case Number:	BOA-21-10300122
Applicant:	Tomas Eggers
Owner:	4M Endeavors, LLC
Council District:	10
Location:	14000 Nacogdoches Road
Legal Description:	Lot 14, Block 5, NCB 13518
Zoning:	"C-3 AHOD" General Commercial Airport Hazard Overlay District
Case Manager:	Kayla Leal, Senior Planner

Request

A request for a 5' sign variance from the 40' maximum sign height allowance, as described in Chapter 28, to allow a single-tenant sign to be 45' tall.

Executive Summary

The subject property is located directly east of the O'Connor Road and Nacogdoches Road intersection. The applicant is proposing a new sign on the property to exceed the maximum height requirement by five (5) feet. There is an existing pylon in which the applicant plans on utilizing for their sign. The maximum height allowed is 40 feet for a single-tenant and they are proposing 45 feet. The sign will also not exceed the square footage allowance for the property.

DSD Sign Staff has reviewed the request and do not have any concerns regarding this request.

Code Enforcement History

No relevant Code Enforcement investigations or citations were found for the subject property.

Permit History

No permits were found for the subject property. 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 26, 1972, established by Ordinance 41430, and was zoned Temporary "R-1" One-Family Residence District. The zoning changed from Temporary "R-1" to "B-3" Business District, established by Ordinance 46241, dated January 15, 1976. Upon adoption of the 2001 Unified Development Code, the zoning converted from "B-3" to the current "C-3" General Commercial District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-3 AHOD" General Commercial Airport Hazard Overlay District	Vacant Commercial

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	"C-3 AHOD" General Commercial Airport Hazard Overlay District and "C-2" Commercial Airport Hazard Overlay District	Commercial Uses
South	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Commercial Uses
East	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Commercial Uses
West	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Commercial Uses

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the North Sector Plan and is designated "Regional Center" in the future land use component of the plan. The subject property is not located within a registered Neighborhood Association.

Street Classification

O'Connor Road is classified as Secondary Arterial Type A.

Nacogdoches Road is classified as Collector Road.

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.*

Due to the once existing sign, the proposed sign within the same area is warranted and will conform to existing conditions of the commercial area.

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 not out of character with the surrounding commercial properties and the sign will not block any existing businesses, as there are similar signs within the area.

- B. Granting the variance will not have a substantially adverse impact on neighboring properties.

The proposed variance will not have an adverse impact on neighboring properties as surrounding properties have similar signage. Further, the proposed sign will utilize an existing pylon on the subject property which is already 5' over the maximum height limitation.

- C. Granting the variance will not substantially conflict with the stated purposes of this article.

The requested variance does not conflict with the stated purpose of the chapter. The requested sign separation provides reasonable limits on signage to help preserve economic cornerstones. Further, the request will not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

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 **Approval** in **BOA-21-10300122** based on the following findings of fact:

1. The proposed height of the sign is 45 feet; and
2. The sign will abide by the square footage sign requirements; and
3. DSD Sign Staff does not find any adverse effects caused by the proposed signage.