

Case Number:	BOA-21-10300128
Applicant:	Sean Bourg
Owner:	McDonalds Corp
Council District:	5
Location:	1846 South General McMullen
Legal Description:	Lot 36, NCB 11316
Zoning:	“C-3 MLOD-2 MLR-1 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District
Case Manager:	Kayla Leal, Principal Planner

Request

A request for a 35’ variance from the 40’ sign height maximum, as described in Chapter 28, to allow a sign to be 75’ tall.

Executive Summary

The subject property is located along General McMullen Road near Thompson Place. There is an existing restaurant located on the property with an existing non-conforming sign. The sign was damaged in recent storms, and the applicant is proposing to replace the sign and maintain a height of 75’. Since the sign is being replaced, it will need to abide by the current code standards, which is a height maximum of 40’ for an Arterial Type A. The additional height being requested is 35’. There are other signs in the immediate area that are abiding by the current sign code. DSD Sign Staff has reviewed the request and has found the significant increase in signage than what is allowed by code to not be conducive to the surrounding area.

Code Enforcement History

There are no relevant Code Enforcement violations pending.

Permit History

There are no relevant permits pulled for the property.

Zoning History

The subject property was annexed by the City of San Antonio by Ordinance 18115, dated September 25, 1952, and was zoned “B” Residence District. The property was rezoned by Ordinance 61242, dated August 15, 1985, from “B” Residence District to “B-3” Business District. Upon adoption of the Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the zoning converted from “B-3” to the current “C-3” General Commercial District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3 MLOD-2 MLR-1 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Fast Food Restaurant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“C-3 MLOD-2 MLR-1 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Restaurant
South	“C-2 MLOD-2 MLR-1 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Restaurant
East	“C-2 MLOD-2 MLR-1 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Retail Uses
West	“C-3NA MLOD-2 MLR-1 AHOD” General Commercial Non-Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Office and Retail Uses

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Kelly/South San Pueblo Community Plan and is designated “Neighborhood Commercial” in the future land use component of the plan. The subject property is located within the Thompson Neighborhood Association and they were notified of the case.

Street Classification

General McMullen Road is classified as Secondary Arterial Type A 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.*

The property currently qualifies for the standards for a single tenant sign along an Arterial Type A, which permits a height of 40 feet. The applicant is proposing a height of 75’ which exceeds the height limitation by 87.5%. When signs are being replaced, it is ideal to be brought into compliance. The proposed sign does not seem necessary as there are many other conforming signs in the surrounding 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 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. The variance will allow this sign to remain taller than signs on neighboring properties.

- 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 provides reasonable limits on signage based on their street frontage, and the proposed sign should be brought into compliance.

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-21-10300128 based on the following findings of fact:

1. The property currently qualifies for a single tenant sign regulations along a Secondary Arterial Type A; and
2. The proposed height exceeds the limit by about 35'; and
3. DSD Sign Staff find the request to be excessive for the surrounding area.