

Case Number:	BOA-22-10300044
Applicant:	Mary Gorman
Owner:	Prosperity Bank
Council District:	9
Location:	14402 N US HWY 281
Legal Description:	Lot 10, Block 1, NCB 17115
Zoning:	“C-2 MLOD-1 MLR-2 AHOD” Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and “C-3 MLOD-1 MLR-2 AHOD” General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

### **Request**

A request for a 15’ variance from the 50’ sign height maximum, as described in Chapter 28-45, to allow a sign to be 65’ tall.

### **Executive Summary**

The subject property is located along the access road of US Highway 281 North. The applicant is proposing to replace an existing 50’ tall sign with a 65’ tall sign. The maximum height allowed along expressways for freestanding signs is 50’ and the maximum square footage allowed is 375 square feet. The proposed sign does meet the maximum square footage requirement but is requesting to be 15’ taller than what is allowed. By allowing the height of the sign to be 65’ tall, it would eliminate the distinction between single & multi-tenant and will alter the character of the area. Upon site visit, staff observed that the subject property is slightly elevated.

### **Code Enforcement History**

There is no Code Enforcement history on file.

### **Permit History**

No permits have been issued. A permit is pending the outcome of the BOA Meeting.

### **Zoning History**

The subject property was annexed to the City Limits of San Antonio by Ordinance 33076, dated March 17, 1965, and was zoned “B-3” Business District and “R-1” Single Family Residential District. Ordinance 56633 dated March 3, 1983, rezoned a portion of the property to “O-1” Office District. Ordinance 60663 dated May 9, 1985, rezoned a portion of the property to “B-2” Business District. Upon adoption of the 2001 Unified Development Code, the zoning converted to the current “C-3” General Commercial District and “C-2” Commercial District, established by Ordinance 93881, dated May 3, 2001.

### **Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
“C-2 MLOD-1 MLR-2 AHOD” Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District “C-3 MLOD-1 MLR-2 AHOD” General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Bank

### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“C-2 MLOD-1 MLR-2 AHOD” Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Restaurant
South	C-3 MLOD-1 MLR-2 AHOD” General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Restaurant
East	“C-2 MLOD-1 MLR-2 AHOD” Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District “C-3 MLOD-1 MLR-2 AHOD” General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Offices
West	Unzoned Right of Way	Highway 281

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the North Sector Plan, and it is designated Suburban Tier in the future land use component of the plan. There is no registered neighborhood association in the area.

### **Street Classification**

US Highway 281 North is classified as an Expressway.

### **Criteria for Review – Sign Variance**

Pursuant to Section 28-5 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 a sign 50’ in height which is the height of the existing sign on the property. The applicant is proposing to replace the existing sign with a 65’ tall

sign. The variance does not seem necessary as the existing sign currently meets the code and a denial of the variance 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 proposed sign appears to provide special privilege and could potentially impede the vision of customers who are looking for neighboring companies in the immediate 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 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. A sign exceeding the 50' in height by 15' will not observe the spirit of the ordinance, as it could cause a visual distraction.

### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Sign Height Requirements per Section 28-45 in the UDC Code.

### **Staff Recommendation – Sign Height Maximum**

Staff recommends Denial in BOA-22-10300044 based on the following findings of fact:

1. The existing freestanding sign is 50' tall; and
2. By allowing a 65' tall sign, it would eliminate the distinction between single & multi-tenant.