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| Case Number:       | BOA-23-10300050  |
| Applicant:         | Killen, Griffin & Farrimond, PLLC  |
| Owner:             | Brazos De Santos Partners LTD  |
| Council District:  | 4  |
| Location:          | Generally located in the 10000 Block of South Zarzamora Street   |
| Legal Description: | Lot P-2B, NCB 18088 and Lot P-2B, A-1111, CB 4285  |
| Zoning:            | “C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District |
| Case Manager:      | Vincent Trevino, Senior Planner  |

### **Request**

A request for 1) a 10’ variance from the 50’ maximum expressway sign height, as described in Section 28-45, to allow a 60’ sign height and 2) a 90’ variance from the minimum Right of Way distance of 100’, as described in Section 28-45(f), to allow a sign within 10’ of a Right of Way.

### **Executive Summary**

The subject property is located along South Zarzamora just south of Interstate 410. Due to the configuration of the lot, the design of the parking lot, and not having expressway frontage, the sign will be located within 100’ of the Right of Way. The proposed single-tenant sign does not abut the raised Loop 410 expressway and as such does not qualify for the additional 10’ expressway height.

### **Code Enforcement History**

There is not relevant code enforcement history for the subject property.

### **Permit History**

There are no relevant permits pulled for the subject property.

### **Zoning History**

The subject property was annexed to the City Limits of San Antonio by Ordinance 61626, dated December 29, 1985 and zoned Temporary “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned Temporary “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family District. The property was rezoned by Ordinance 98228, dated September 25, 2003 to “UD” Urban Development District. The property was rezoned by Ordinance 2014-08-07-0557, dated August 7, 2014 to “C-2” Commercial District.

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

| Existing Zoning  | Existing Use      |
|--|-------------------|
| “C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Vacant Commercial |

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

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|-----------------------------|--------------|
|-------------|-----------------------------|--------------|

|       |  |                   |
|-------|--|-------------------|
| North | “C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District               | Gas Station       |
| South | “MPCD MLOD-2 MLR-2AHOD” Master Planned Community Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Vacant Commercial |
| East  | “C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District               | Storage Units     |
| West  | “C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District               | Vacant Commercial |

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

The subject property is in the Heritage South Sector Plan, and it is designated “General Urban Tier” in the future land use component of the plan. The subject property is not located within the boundary of a registered Neighborhood Association.

### **Street Classification**

South Zarzamora is classified as an Enhanced Secondary Arterial

### **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. The applicant is proposing a new 60’ tall sign and located within 10’ of the Right of Way. The variance does not seem necessary as the proposed sign can meet 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 flow of traffic entering and exiting the property.

- 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 10' 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 and Setback Requirements per Section 28-45 in the UDC Code.

### **Staff Recommendation – Sign Height & Sign Minimum Right of Way Distance**

Staff recommends Denial in BOA-23-10300050 based on the following findings of fact:

1. The new freestanding sign will impede with flow of traffic; and
2. The location of the sign within 10' of the Right of Way may impede the vision of drivers entering and exiting the parking lot.