

Case Number:	BOA-22-10300010
Applicant:	Wesley Putman
Owner:	First Mark Credit Union
Council District:	8
Location:	3200 Fredericksburg Road
Legal Description:	Lot 19 2, E 33FT of 1, W 17 FT OF 18 & E 33 FT of 20, Block 39, NCB 8470
Zoning:	"C-2 AHOD" Commercial Airport Hazard Overlay District
Case Manager:	Roland Arsate, Planner

Request

A request for 1) 16' variance from the 24' sign height maximum, as described in Chapter 28, to allow a sign to be 40' tall and 2) a 75 square foot variance from the 150 square foot sign maximum, as described in Chapter 28, to allow a sign to be 225 square feet.

Executive Summary

The subject property is located on the intersection of Fredericksburg Road and Fresno Street. The subject property is currently vacant, but there is ongoing construction for a proposed bank. The subject property is located at a very busy intersection along the commercial corridor Fredericksburg Road. There are residential homes directly behind the proposed commercial property. This property was granted a landscape buffer variance by the Board of Adjustment on August 2, 2021.

Code Enforcement History

01/2016 – Work without permits / Foundation work
01/2021 – Overgrown Yard
02/2021 – Overgrown Yard
04/2021 – Graffiti Investigation
06/2021 – Overgrown Yard
06/2021 – Bandit Signs

Permit History

11/2012 – Sign Permit
06/2018 – Electrical Permit

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 1595, dated November 29, 1944, and zoned "F" Local Retail District. A portion of the subject property was rezoned from "F" Local Retail District to "B-3NA" Non-Alcoholic Sales Business District by Ordinance 69075, dated March 16, 1989. A portion of the subject property was rezoned from "F" Local Retail District to "B-2" Business District by Ordinance 69501, dated May 18, 1989. Upon adoption of the 2001 Unified Development Code, the zoning converted from "B-3NA" Business Non-Alcoholic Sales District to the current "C-3NA" General Commercial Nonalcoholic Sales District and from "B-2" Business District to the current "C-2" Commercial District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District and "C-2 AHOD" Commercial Airport Hazard Overlay District	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District and "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
South	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Mechanic Shop
East	"C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District and "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District	Car Wash
West	"C-2 AHOD" Commercial Airport Hazard Overlay District	Store / Restaurant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Near Northwest Plan and is designated "Community Commercial" in the future land use component of the plan. The subject property is located within the Los Angeles Heights Neighborhood Association and the Maverick Neighborhood Association and they were notified of the case.

Street Classification

Fredericksburg Road is classified as a Principal / Secondary Arterial B 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 a sign at 24' in height and no more than a 150 sq. ft. on this particular lot fronting an Arterial Road. 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 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 24 foot requirement in height and the 150 square foot requirement in size will not observe the spirit of the ordinance, as it could cause a visual distraction. It may impede sight while driving and will create extensive light pollution.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Sign Height and Area Dimensions of the UDC Section 28-45 (c) (2).

Staff Recommendation – Sign Variance

Staff recommends Denial in **BOA-22-10300010** based on the following findings of fact:

1. The larger sign can potentially create a life/safety issue; and
2. The larger sign will only increase light pollution in the immediate area; and
3. It could potentially negatively affect neighboring businesses; and
4. The request is not following guidelines set forth per the UDC.