



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-1027  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 12/18/2017  
**Title:** A-17-209: A request by Kevin Hull for 1) an 8.75 foot variance from the 26.25 foot height limit for secondary signage to allow a sign to be 35 feet tall, and 2) a request from the Northeast Gateway Corridor Overlay maximum sign height of 30 feet to allow the same sign to be 35 feet tall, located at 12102 IH-35 North. Staff recommends Approval. (Council District 10)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. A-17-209 Attachements

Date	Ver.	Action By	Action	Result
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**Case Number:** A-17-209  
**Applicant:** Kevin Hull  
**Owner:** Universal Toyota  
**Council District:** 10  
**Location:** 12102 IH 35 N  
**Legal:** Lot 7, Block 1, NCB 17622  
**Description:**  
**Zoning:** "L IH-1 AHOD" Light Industrial Northeast Gateway Corridor Overlay Airport Hazard Overlay District  
**Case Manager:** Oscar Aguilera, Planner

### Request

A request for 1) an 8.75 foot variance from the 26.25 foot height limit for secondary signage, as described in Chapter 28, Section 28-47(D), to allow a sign to be 35 feet tall, and 2) a request from the Northeast Gateway Corridor Overlay maximum sign height of 30 feet to allow the same sign to be 35 feet tall.

### Executive Summary

The applicant is requesting the variance to allow the signs to be 35 feet tall. The maximum height for an on premise sign fronting on an expressway is 30 feet for a single tenant and 26.25 foot tall for the secondary signage. The variance is being requested because the applicant is replacing the existing signs.

Existing Zoning	Existing Use
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“L IH-1 AHOD” Light Industrial Northeast Gateway Corridor Overlay Airport Hazard Overlay District	Auto Dealer
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### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“UZROW”	IH 35
South	“C-3 IH AHOD” General Commercial Northeast Gateway Corridor Overlay Airport Hazard Overlay District	Auto Repair, Vacant, Daycare, Parking Lot
East	“I IH-1 AHOD” General Industrial Northeast Gateway Corridor Overlay Airport Hazard Overlay District	Auto Dealer
West	“L IH-1 AHOD” Light Industrial Northeast Gateway Corridor Overlay Airport Hazard Overlay District	Auto Dealer

### Comprehensive Plan Consistency/Neighborhood Association

The property is not within the boundaries of any plan and therefore the property is not restricted to any future land use component designation. The subject property is not located within the boundaries of a registered neighborhood association.

### Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following

1. *The variance is not contrary to the public interest.*

**The proposed signs will replace the current signage and, when completed, the new signs will be identical in height and size to the existing signs. The new signage will comply with Toyota’s new requirements in order to better promote the business and increase visibility.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

**The strict enforcement of this article will limit the dealerships ability to provide adequate signage for their facility and to comply with Toyota’s marketing requirements.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

**The ordinance intends to protect the public from over-crowding of signage while providing businesses the opportunity to advertise. The proposed variance will not have an adverse impact on neighboring properties as many of the properties surrounding the subject property are also auto dealers or other commercial properties with similar signage. The height and size will be similar to the existing signage.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the*

*zoning district in which the variance is located.*

**The variance will not authorize the operation of a use other than those uses specifically authorized in the “L IH-1 AHOD” Light Industrial Northeast Gateway Corridor Overlay Airport Hazard Overlay District.**

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**The requested variance does not conflict with the stated purpose of the chapter in that the request will only replace the existing 35 foot height signs for a more appealing 35 foot height signs. The requested height 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.**

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

**Universal Toyota is proposing this variance to make the property meet the branding actions required by Toyota and to maintain the longstanding active commercial use of the existing signage on the property.**

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

Denial of the requested variance would result in the applicant keeping their existing signage or building or a sign that meets the corridor design standards.

### **Staff Recommendation**

Staff recommends **Approval of the requested variance in A-17-209** based on the following findings of fact:

1. The applicant is replacing the current signage with new signs that have similar height and size; and
2. Granting the variance would allow the dealership to advertise their business in a similar manner that is enjoyed by other adjacent properties.