



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-3028

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 4/1/2019

**Title:** BOA-19-10300029: A request by Brown & Ortiz, P.C. for 1) a 48 square foot variance from the 240 square foot area limitation to allow a single-tenant sign to be 288 square feet and 2) a 20' variance from the 40' height limitation to allow a single-tenant sign to be 60' tall, located at 5314 Thousand Oaks. Staff recommends Denial with Alternate Recommendation. (Council District 10)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 19-10300029 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** BOA-19-10300029

**Applicant:** Brown & Ortiz, P.C.

**Owner:** Alamo Park Inc.

**Council District:** 10

**Location:** 5314 Thousand Oaks

**Legal:** Lot 5, Block 17, NCB 14945

**Description:**

**Zoning:** "C-3 AHOD" General Commercial Airport Hazard Overlay District

**Case Manager:** Debora Gonzalez, Senior Planner

### Request

A request for 1) a 48 square foot variance from the 240 square foot area limitation, as stated in Chapter 28, Sec 28-45, to allow a single-tenant sign to be 288 square feet and 2) a 20' variance from the 40' height limitation, as stated in Chapter 28 Sec. 28-45 Table 1, to allow a single-tenant sign to be 60' tall.

### Executive Summary

The subject property is an undeveloped 1.073 acre commercial lot, fronting on Thousand Oaks Drive, and is part of a 426.69 acre master-planned development known as the Longhorn Quarry. The applicant is proposing a single-tenant sign to develop a Starbucks on the subject property, where the site currently sits at a lower elevation compared to the adjacent roadways. The proposed development needs a taller signage to adequately promote the business. This area only has an apartment complex and gas station to the west of the subject property, where surrounding land is currently vacant.

Thousand Oaks is classified as a Secondary Arterial Type A. The permitted height for a sign located along a secondary arterial Type A is 40 feet. The next street classification is an Expressway which is permitted 50 feet in height, as per Table 1 (Section 28-45). As the Board is not authorized to grant variances that eliminate the distinction between sign sizes by street classification, as per Section 28-5(d)(4), the maximum variance the Board can consider and grant is up to 49 feet.

### **Code Enforcement History**

No Code Enforcement history exists on the property.

### **Permit History**

The property owner is seeking variance to allow for permits to be issued.

Existing Zoning	Existing Use
“C-3 AHOD” General Commercial Airport Hazard Overlay District	Vacant Land

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

Orientation	Existing Zoning District(s)	Existing Use
North	“ED AHOD” Entertainment Airport Hazard Overlay District	Vacant Land
South	UZROW	Rail
East	“C-3 AHOD” General Commercial Airport Hazard Overlay District and “MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Gas Station and Apartments
West	UZROW	Rail

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

The property is within the boundaries of the San Antonio International Airport Vicinity Plan and it is currently designated as “Mixed Use Center” in the future land use component of the plan. The subject property is not located within the boundaries of a neighborhood association.

### **Street Classification**

Thousand Oaks is classified as secondary Arterial.

### **Criteria for Review**

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; and*

The applicant is seeking two sign variances to develop a vacant lot for a coffee shop. The applicant is seeking variances from the height and square footage limitations to allow for a single-tenant sign. While staff supports the applicants request for larger signage, we cannot support a request of that magnitude for the requested height.

Staff finds that approving a lesser variance to allow for some additional advertising height is appropriate.

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.*

Businesses along major arterials around the city are afforded reasonable signage opportunities. Staff's recommendation will allow the applicant to place the requested square footage with a more minimal increase to the permitted height.

*B. Granting the variance will not have a substantially adverse impact on neighboring properties.*

Immediate properties to the North and East of the surrounding proposed development are vacant. As there are no adjacent developments to be adversely affected, staff finds that the sign to be 288 square feet is appropriate.

Staff finds that an alternative recommendation for the height will have no negative consequences for their neighbors.

*C. Granting the variance will not substantially conflict with the stated purposes of this article.*

The legislative purposes of the adopted sign regulations are to provide minimum standards to protect the general public by regulating the design, construction, location, use and maintenance of outdoor advertising signs. They are also created to ensure that businesses have the ability to reasonably market their business to the public. As the applicant is proposing an increase of the square footage, staff finds that some relief is in order. However, the intent of the code to increase the height of the signage should be observed.

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

The applicant must adhere to the Chapter 28, Sec 28-45 Table 1.

### **Staff Recommendation**

Staff recommends **APPROVAL** of 1) a 48 square foot variance from the 240 square foot area limitation to allow a single-tenant sign to be 288 square feet in, **BOA-19-10300029**, and **DENIAL with an Alternate Recommendation** of 2) a 9' variance from the 40' height limitation to allow a single-tenant sign to be 49' tall in, **BOA-19-10300029**, based on the following findings of fact:

1. The request is minimal in nature; and
2. Granting the variance would allow the owner to advertise their business in a similar manner that is

enjoyed by other adjacent properties.