



# City of San Antonio

## Agenda Memorandum

**File Number:**17-5509

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**Agenda Item Number:** 1.

**Agenda Date:** 10/2/2017

**In Control:** Board of Adjustment

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Case Number: A-17-172  
Applicant: Smash Hit Ent., Inc./Mike Bigby  
Owner: Michael J. Bigby  
Council District: 8  
Location: 5893 Babcock Road  
Legal: Lot 53, Block 1, NCB 14701  
Description:  
Zoning: "C-3R AHOD" General Commercial Restrictive Alcoholic  
Sales Airport Hazard Overlay District  
Case Manager: Shepard Beamon, Senior Planner

### Request

A request for 55 foot variance from the minimum 150 foot distance requirement, as described in Section 28-47 (c)(1), to allow a distance of 95 feet between two signs along a major arterial.

### Executive Summary

The applicant is requesting the variance to allow a new pylon sign to be located less than the minimum 150 feet from an existing freestanding multi-tenant sign. Currently, the property has no freestanding signage to advertise the operation of a cellular wireless provider and an urgent care facility. The existing signage on site promotes the commercial strip located behind the subject property. The proposed signage will meet the allowed square footage and height and will only promote the two businesses on site.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District	Urgent Care, Cellular Wireless Provider/Retail

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“C-3R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District; “C-2 AHOD” Commercial Airport Hazard Overlay District	Restaurant, Commercial Strip
South	“C-3R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District	Gym, Restaurant, Oil Change
East	“C-3R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District	Commercial Strip
West	“C-3NA AHOD” General Commercial Non-Alcoholic Sales Airport Hazard Overlay District; “C-3R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District; “I-1 AHOD” General Industrial Airport Hazard Overlay District	Storage Units, Auto Parts, Veterinarian

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

The property is within the boundaries of the Oakland Estates Neighborhood Plan and currently designated as Community Commercial in the future land use component of the plan. The subject property is located within the boundaries of the Oakland Estates Neighborhood Association. As such, they were contacted and asked to comment.

### **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*

**Currently, the two tenants have no signage other than those attached to the façade of the building. As there is no available space on the existing sign that advertises the rear businesses, the requested sign is necessary for the promotion of the businesses on site.**

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 finds that the applicant’s request does not grant a privilege not enjoyed by other similarly situated businesses.**

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

**It is unlikely that adjacent properties will be negatively affected by the requested variance. The sign will not interfere with clear vision, nor does the proposed sign package detract from the community.**

*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. The proposed sign is not significantly larger than signs enjoyed by similarly situated businesses.**

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

The owner would not be able to construct a freestanding sign.

### **Staff Recommendation**

Staff recommends **APPROVAL of the variance in A-17-172**, based on the following findings of fact:

1. The requested sign will not distract motorists or interfere with Clear Vision; and
2. The sign would meet the required sign height and area; and
3. The sign would grant the businesses on site the same privilege to advertise shared by those businesses around it.