



# City of San Antonio

## Agenda Memorandum

**File Number:**19-3365

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**Agenda Item Number:** 4.

**Agenda Date:** 4/15/2019

**In Control:** Board of Adjustment

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Case Number: BOA-19-10300040  
Applicant: Apex Sign Group  
Owner: Robert Chelico, The Trails RV Resort, Repair Shop & Part Sales, LLC.  
Council District: 8  
Location: 3500 Orkney  
Legal Description: Lot 1 Excluding the north 50x50 foot area, Block 1, NCB  
Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District  
Case Manager: Debora Gonzalez, Senior Planner

### **Request**

A request for a 9'11" variance request from the 10' front setback requirement, as described in Section 28-52 (3), to allow a new multi-tenant sign to be 1" from the front property line.

### **Executive Summary**

The applicant is requesting the variance to allow a new multi-tenant pylon sign to be located 1" from the front property line. The sign will be located along SW Military Drive. Currently, the property has no freestanding signage to advertise any business. The proposed signage will meet the allowed square footage and height.

### **Code Enforcement History**

No Code Enforcement history exists on the property.

### **Permit History**

The applicant is waiting for variance to be approved.

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

|                 |              |
|-----------------|--------------|
| Existing Zoning | Existing Use |
|-----------------|--------------|

|  |  |
|--|--|
| “C-3R AHOD” General Commercial<br>Restrictive Alcoholic Sales Airport Hazard<br>Overlay District | Urgent Care, Cellular Wireless Provider/Retail |
|--|--|

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

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

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

The property is not within the boundaries of a neighborhood plan. The subject property is located within the boundaries of the Highland Forest Neighborhood Association. As such, they were contacted and asked to comment.

### **Street Classification**

Orkney is classified as a Local Street.

### **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 property has no signage and due to the long narrow lot shape this is their best location not**

affecting adjacent property owners. The requested sign is necessary for the promotion of 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 multi-tenant sign setback is not significantly larger than 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 variance in **BOA-19-10300040**, 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 businesses on site the same privilege to advertise shared by those businesses around it.