



# City of San Antonio

## Agenda Memorandum

**File Number:**20-2755

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**Agenda Item Number:** 1.

**Agenda Date:** 5/4/2020

**In Control:** Board of Adjustment

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Case Number: BOA-20-10300034  
Applicant: Killen, Griffin, & Farrimond, PLLC.  
Owner: San Antonio Land Fund I  
Council District: Outside City Limits  
Location: Generally located at the intersection of Marbach Road and  
West Loop 1604 North  
Legal Lot 2, Block 3, CB 5197C  
Description:  
Zoning: "OCL MLOD-2 MLR-1 AHOD" Outside City Limits  
Lackland Military Lighting Overlay Military Lighting  
Region 1 Airport Hazard Overlay District  
Case Manager: Dominic Silva, Senior Planner

### **Request**

A request for a 20' variance from the maximum sign height of 60', as described in Chapter 28, Section 28-45, to allow a sign to be 80' tall.

### **Executive Summary**

The subject property, currently vacant, is located adjacent to West Loop 1604 North on a 1.243 acre tract. The applicant is seeking to erect an 80' single tenant sign for a proposed McDonald's restaurant. The general topography of the site as well as adjacent properties along West Loop 1604 North is categorized as flat with no change in elevation from north to south.

Chapter 28, Section 28-45, requires a maximum single tenant sign height of 50' if located on streets classified as Expressway. Due to the elevated expressway adjacent to the subject property, the applicant is able to utilize a provision of Section 28-45 to allow an additional 10' of height, thereby allowing a maximum 60' sign height by right. Alternatively, the applicant can apply for an Administrative Exception which would allow 10% additional height, thereby giving a 6' height increase above the 60' maximum sign height for a 66' sign height.

The adjacent QuickTrip south of the subject property did not obtain a variance for their single tenant sign and followed Section 28-45 for a 60' sign height.

### **Code Enforcement History**

No code enforcement history exists on this property.

### **Permit History**

No permits have been processed for this project.

### **Zoning History**

The property is located outside city limits and has not been annexed. No zoning history is available.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
"OCL MLOD-2 MLR-1 AHOD" Outside City Limits Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"OCL MLOD-2 MLR-1 AHOD" Outside City Limits Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant
South	"OCL MLOD-2 MLR-1 AHOD" Outside City Limits Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Gas Station
East	"OCL MLOD-2 MLR-1 AHOD" Outside City Limits Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant
West	"OCL MLOD-2 MLR-1 AHOD" Outside City Limits Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	West Loop 1604 North

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

The subject property is located outside city limits and does not fall within any plan nor any registered City of San Antonio neighborhood association.

## **Street Classification**

West Loop 1604 North is classified as an Expressway.

## **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.*

**Due to the unique features of the elevated Expressway adjacent to the subject property, the proposed 80' sign is warranted and will conform to existing conditions of the commercial area.**

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 not out of character with the surrounding commercial properties and the sign will not block any existing business, similar height signs within the area, including those at QuickTrip and any future development opportunities.**

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

**The proposed variance will not have an adverse impact on neighboring properties as surrounding properties have similar signage. Further, due to the nature of the McDonald's minimal sign square footage, will not be a substantially large sign field.**

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

**The requested variance does not conflict with the stated purpose of the chapter. The requested sign 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.**

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

The applicant must adhere to the Chapter 28, Section 28-45.

## **Staff Recommendation**

Staff recommends **APPROVAL** of **BOA-20-10300034**, based on the following findings of fact:

1. The requested variances will not detract from the character of the developing commercial area, and;
2. Due to the elevated Expressway adjacent to the subject property, an increase in sign height is warranted.