



# City of San Antonio

## Agenda Memorandum

**File Number:**21-2445

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**Agenda Item Number:** 2.

**Agenda Date:** 4/5/2021

**In Control:** Board of Adjustment

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**Case Number:** BOA-21-10300015  
**Applicant:** The Rock Fellowship/All Nations Worship Assembly  
**Owner:** The Rock Fellowship/All Nations Worship Assembly  
**Council District:** 2  
**Location:** 8235 Vicar Drive  
**Legal Description:** Lot 26, NCB 12167  
**Zoning:** "C-3NA AHOD" General Commercial Nonalcoholic  
Sales Airport Hazard Overlay District  
**Case Manager:** Azadeh Sagheb, Planner

### **Request**

A request for a sign variance, as described in Chapter 28, Section 28-45, to allow the single-tenant signage to be 40' tall.

### **Executive Summary**

The subject property is located within a triangular area bounded by three major thoroughfares: NE Loop 410 as an Expressway on the north, Perrin Beitel as a Secondary Arterial Type B on the west, Austin Highway as a Primary Arterial Type A on the south. The surrounding area is occupied by commercial, office, industrial, vacant properties, and a drainage ditch.

The applicant is seeking to use an existing 40' tall pylon to install a 72.25 square feet sign cabinet and utilize it as single-tenant signage for the All Nations Worship Assembly. The subject sign is approximately 800' from the Expressway, and approximately 600' from Secondary Arterial street and has existed on the property since 2003. Therefore, any alteration in height would cause loss of the non-conforming use status of the pylon.

Vicar drive is considered a commercial collector street because it is used for commercial access to commercially zoned properties and uses. Because of its current commercial zoning and proximity to other commercially zoned properties, the code allows a sign to be up to 24 feet in height for this property. Therefore, the applicant needs to obtain a 16' variance to be able to use the existing 40' tall pole.

The Development Services Department Sign Inspector reviewed the request and based on the location setback from an Arterial street and the Expressway recommended approval of the requested variance.

## **Code Enforcement History**

There is a code violation record for building without a permit which has been resolved in 2019.

## **Permit History**

No permits have been processed for this sign project.

## **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 25, 1952, and was originally zoned as “B-3NA” Nonalcoholic Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted from “B-3NA” Nonalcoholic Business District to the current “C-3NA” General Commercial Nonalcoholic Sales District.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“C-3NA AHOD” General Commercial Nonalcoholic Sales Airport Hazard Overlay District	Church

## **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“C-3AHOD” General Commercial Airport Hazard Overlay District	Drainage Ditch-Office-Commercial
South	“C-3AHOD” General Commercial Airport Hazard Overlay District	Office
East	“C-3AHOD” General Commercial Airport Hazard Overlay District	Vacant Lot
West	“C-3AHOD” General Commercial Airport Hazard Overlay District	Vacant Lot

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

The subject property is not located within any plan and there is no designated land use component. The subject property is not located within the boundaries of a registered neighborhood association.

## **Street Classification**

Vicar Drive is classified as a Collector.

## **Criteria for Review**

Pursuant to Section 28-45 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.*

2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property.*

**Granting an additional 16' in height will conform to the existing commercial feature of the surrounding area. It also preserves the non-conforming status of the existing pole.**

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.*

**A 40' tall sign would not be out of character with the surrounding office and commercial properties and the sign will not block any upcoming businesses in the future.**

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

**Due to the distance from the Arterial street and the character of the neighborhood, a 40' sign will not have an adverse impact on neighboring properties which predominantly occupied by commercially zoned properties.**

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

**The requested height for a single tenant sign will not detract from the future development in the area. A 40'' tall sign will not conflict with the stated purpose of the chapter and will not create traffic hazards by confusing or distracting motorists.**

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

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

### **Staff Recommendation**

Staff recommends **APPROVAL in BOA-21-10300015**, based on the following findings of fact:

1. The requested variance will not detract from the character of the developing and existing commercial area, and;
2. Due to the proximity to the Expressway and Arterial Street having a taller sign is warranted, and;
3. Granting the requested variance will maintain the non-conforming use status of an existing pylon.