



# City of San Antonio

## Agenda Memorandum

**File Number: 15-4276**

**Agenda Item Number: 1.**

**Agenda Date: 8/3/2015**

**In Control: Board of Adjustment**

**Case Number:** A-15-124  
**Applicant:** Greg Burkett  
**Owner:** Frontier Enterprises  
**Council District:** 10  
**Location:** 902 NE Loop 410  
**Legal Description:** Lot 4, Block 1, NCB 11893  
**Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District  
**Prepared By:** Margaret Pahl AICP, Senior Planner

### Request

A request for a 1) 12.5 foot variance from the maximum 37.5 foot sign height, as described in 28-241, to allow a sign that is 50 feet tall and 2) a 37 square foot variance from the 281.75 square foot sign area limitation, as described in 28-241, to allow the secondary sign on the property to be 318 square feet in area.

### Executive Summary

The subject property is located at 902 N.E. Loop 410 in a mixed use commercial center built in the late 1950's. The 6.45 acre site includes more than 85,000 square feet of tenant space in 5 different buildings. Most of the developed square footage (82%) has been office, which is often less reliant on signage. The Magic Time Machine restaurant, opened and operating since 1973, is the only business that currently has a free standing pole sign. The Magic Time Machine Sign was built according to the allowances for a single-tenant sign with frontage on a freeway. Another restaurant has recently opened in the center and an additional one is currently under construction. For this reason, the applicant is seeking to add a multi-tenant pole sign, with room for the two new restaurants and other businesses in the center on the new sign. Because the property is one lot, multiple signs are regulated differently. Additional signs are allowed with a 75% reduction in both height and area, and spaced a minimum 150 feet apart. The large property has almost 700 linear feet frontage along the Loop 410, with the Magic Time Machine Restaurant at the east edge. The applicant is hoping to construct the new multi-tenant sign at the allowed height and square footage for a primary multi-tenant sign, rather than reducing it to 75% of the allowance. To facilitate this goal, the applicant is requesting the above two variances to allow the Magic Time Machine sign to be designated as the secondary sign on site. Therefore, the variances are from what would be allowed for a single tenant sign at 75%. If approved, these variances would allow the Magic Time Machine sign to remain, and the proposed multi-tenant pole sign 600 feet away to be constructed at the allowed height and square footage for a primary sign.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2 AHOD” Commercial Airport Hazard Overlay District	Restaurants & Offices

**Surrounding Zoning/Land Use**

Orientation		Existing Use
North	Un-zoned Right of Way	Loop 410
South	“C-2 AHOD” Commercial Airport Hazard Overlay District	Professional Office
East	“C-2 AHOD” Commercial Airport Hazard Overlay District	Hotel
West	“C-2 AHOD” Commercial Airport Hazard Overlay District	Office

**Comprehensive Plan Consistency/Neighborhood Association**

The property is located within the boundaries of the Northeast Inner Loop Plan and currently designated as Regional Commercial in the future land use component of the plan. The subject property is located within the boundaries of the Oak Park/Northwood registered neighborhood association. As such, the neighborhood association was notified 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*

**Considering the unique features of this site, a literal enforcement of the ordinance would result in an unnecessary hardship. The Magic Time Machine Sign matches the theme and age of the restaurant. The applicant is seeking the variance to allow preservation of this sign. The site has 700 feet of frontage on the freeway, providing enough separation for 4 signs, but only two are proposed.**

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.*

**Properties along the freeway are allowed generous signage, depending on their parcel configuration and spacing. Each lot can have a free-standing pole sign similar to the subject sign. Because the property owner chooses to retain the 6.5 acre parcel as one lot, the multiple signs on the parcel are subjected to a**

**75% reduction with a minimum spacing of 150 feet. This provision was adopted with smaller parcels in mind, such as one with 200 feet of frontage, rather than the 700 feet as the subject parcel includes. Because the spacing between signs will far exceed the minimum, no special privilege is granted.**

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

**The ordinance intends to protect the public from over-crowding of signage. The requested variances do not authorize over-crowding. In this case, the requested variances will allow a historic sign to remain in place.**

*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 this chapter as the requested variances would authorize an existing sign 650 feet away from a proposed new sign to remain as it exists.**

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

The applicant would be required to reduce the size of the proposed multi-tenant sign to 75% of its allowed height and square footage as the second sign on the site.

### **Staff Recommendation**

Staff recommends **APPROVAL of A-15-124** based on the following findings of fact:

1. The requested variance seeks to allow an existing sign to remain;
2. A literal enforcement of the code would require a new sign 650 feet away from the existing sign to be 75% of its otherwise allowed height and square footage.