



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-5252  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 10/3/2016  
**Title:** (POSTPONED) A-16-140: A request by Marc Toppel for variances from the design regulations described in the South Presa/South St. Mary's Neighborhood Conservation District, UDC 35-335: 1) the signage limitations to allow a rooftop sign that is 60 square feet in area; 2) signage limitations to allow both awning and blade signage for each tenant totaling no more than 10 square feet; and 3) two way-finding signs as large as 24 square feet located at 812 South Alamo Street. Staff recommends Approval. (Council District 1)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-16-140  
**Applicant:** Marc Toppel  
**Owner:** Gray Street Partners  
**Council District:** 1  
**Location:** 812 South Alamo Street  
**Legal Description:** Lots 3, 4, 17, and W IRR 56.1 FT of 1, Block 4, NCB 782  
**Zoning:** "IDZ NCD-1 AHOD" Infill Development South Presa / South St. Mary's Neighborhood Conservation Airport Hazard Overlay District  
**Case Manager:** Margaret Pahl, AICP Senior Planner

### Request

A request for variances from the design regulations described in the South Presa/South St. Mary's Neighborhood Conservation District, UDC 35-335: 1) the signage limitations to allow a rooftop sign that is 60 square feet in area; 2) signage limitations to allow both awning and blade signage for each tenant totaling no more than 10 square feet; and 3) two way-finding signs as large as 24 square feet.

### Executive Summary

The applicant is seeking several variances from the South Presa/South St. Mary's Neighborhood Conservation District "NCD-1" design regulations. Most of these originate from the properties peculiar shape and existing buildings, each were built decades prior to the adoption of the ordinance. The ordinance restricts parking along the frontage to no more than 50 percent of the linear distance. The property measures 406 feet in length along

South St. Mary's Street, only 158 feet of that distance includes an existing building. Future plans to add a second building would reduce the amount of parking spaces located along the frontage. In addition, the double frontage lot has 200 feet of frontage along South Presa Street; 150 feet of this frontage will include parking as well, violating the 50% limitation. These variances address existing site improvements, which due to the level of investment, would be required to comply fully with current regulations.

Additionally, the applicant has proposed a cohesive sign package for the overall project and is seeking modifications to the limited sign regulations. Among these include a request for a rooftop sign which meets many of the regulatory goals and objectives of the conservation district guidelines. These goals seek to restrict the amount of wall signage covering important architectural features of historic buildings in the district. In addition, the applicant submitted examples of other existing and historic roof signs in support of the request.

The applicant is also seeking a variance to the individual tenant signage restrictions. These limit each tenant to a single sign and require a choice between an awning sign or a blade sign. The sign package includes both awning and blade signage for each tenant space, triggering the need for a variance. The applicant is proposing to limit the aggregate square footage to ten square feet per tenant space. According to the applicant, allowing both signs will enhance the pedestrian experience along this corridor.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
"IDZ NCD-1 AHOD" Infill Development Zone, South Presa/South St. Mary's Neighborhood Conservation Airport Hazard Overlay District with uses permitted in "C-2" Commercial District	Vacant building

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"C-3R H AHOD" General Commercial Restrictive Alcohol Sales Lavaca Historic Airport Hazard Overlay District	Auto Repair
South	"C-2 HS NCD-1 AHOD" Commercial Historic Significant South Presa/South St. Mary's Neighborhood Conservation Airport Hazard Overlay District	Professional Office
East	"C-2 H AHOD" Commercial Lavaca Historic Airport Hazard Overlay District	Professional Office, Restaurant
West	"C-2 H HS AHOD" Commercial Lavaca Historic Significant Airport Hazard Overlay District	Restaurant

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

The property is within the boundaries of the Lavaca Neighborhood Land Use Plan and currently designated as Mixed-Use in the future land use component of the plan. The subject property is within the boundaries of the Lavaca Neighborhood Association. Further, property is within 200 feet of the King William Association. As such, both neighborhood associations were notified and asked to comment.

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must

demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by design limitations that enhance and preserve the pedestrian streetscape by restricting the percentage of parking along the frontage and limiting sign clutter and area. The proposed renovation of this historic building into retail and restaurant uses will activate both frontages. The proposed sign package compliments the driving and the walking experience while allowing the architectural features of the historic building to remain prominent. As such, staff finds that the request is not contrary to the public interest.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

The special condition in the case is the shape of the property with frontages on both South Presa Street and South St. Mary's Street. The 250 foot long, narrow parking area is currently improved as parking with no changes proposed. In addition, adequate parking is a community priority. A literal enforcement of the ordinance would result in the property losing many of its existing parking spaces, further complicating parking needs in the community.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The spirit of the ordinance is the intent of the regulation. Granting the requested variance will result in substantial justice in that the applicant will be able to keep the existing parking spaces for the proposed development. Parking is a priority in this community, which is attracting more and more people to the local restaurants and businesses. The intent of the sign limitation is to restrict visual clutter and prevent obstruction of existing architectural features of historic buildings. The requested sign variances will observe the spirit of the code.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "IDZ NCD-1 AHOD" Infill Development Zone South Presa/South St. Mary's Neighborhood Conservation Airport Hazard Overlay District with uses permitted in "C-2" Commercial District.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

The requested variance from the parking limitation along the frontages will allow the redevelopment and reuse of the historic building without disruption of the existing parking lot. In addition, consistent with the submitted examples of rooftop signage, the sign variances will not alter the essential character but instead enhance adjacent properties.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The unique circumstance in this case is the elongated shape of the property with 400 feet of frontage on St. Mary's, much of which is less than 70 feet wide. The proposed signage variances are due to the existing building features and were not created by the owner.

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

The applicant would be required to comply with the parking frontage limitations and signage restrictions.

### **Staff Recommendation**

Staff recommends **APPROVAL of variances requested in A-16-140** based on the following findings of fact:

1. The parking is existing and necessary for the redevelopment of the vacant building; 2. The proposed signage is modest in size and number and will create a cohesive design theme for the new project, and preserve the historic architectural features.