



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-5976

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 12/5/2016

**Title:** A-17-013: A request by Gulf Coast Sign Company, Inc for 1) an 11 square foot variance from the NCD-5 requirement that allows a maximum of five square feet of wall signage per tenant space to allow two 16 square foot signs; and 2) a variance from the NCD-5 requirement that only permits individual signage to be located under an awning/canopy or above the entrance door to allow signage to be located at each end of the front facade; and 3) a variance from the NCD-5 requirement that prohibits internally lit signage, located at 919 Fredericksburg Road. Staff recommends Approval. (Council District 1).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-17-013 Site Plan, 2. BOA17-013NPA, 3. BOA17-013PP, 4. A-17-013 Photos

Date	Ver.	Action By	Action	Result
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**Case Number:** A-17-013

**Applicant:** Gulf Coast Sign Company, Inc.

**Owner:** Lockhard Cay, LLC

**Council District:** 1

**Location:** 919 Fredericksburg Road

**Legal:** Lot 11, Block 2, NCB 1968

**Description:**

**Zoning:** "I-1 NCD-5 AHOD" General Industrial Beacon Hill  
Neighborhood Conservation Airport Hazard Overlay District

**Case Manager:** Shepard Beamon, Senior Planner

### Request

A request for 1) a 11 square foot variance from the NCD-5 requirement that allows a maximum of five square feet of wall signage per tenant space to allow two 16 square foot signs; and 2) a variance from the NCD-5 requirement that only permits individual signage to be located under an awning/canopy or above the entrance door to allow signage to be located at each end of the front facade; and 3) a variance from the NCD-5 requirement that prohibits internally lit signage, per the NCD-5 Non-residential signage design standards.

### Executive Summary

The subject property is currently located near the intersection of Fredericksburg Road and IH-10. The applicant is requesting variances from the NCD-5 non-residential signage design standards to allow two 4'x4' signs on either end of the building. Also, the applicant is requesting internally lit building signage. Per the NCD-5

signage requirements, additional secondary, individual tenant signage shall not exceed a 5 sq. ft. maximum for each tenant space, not exceed 10% of each of the tenant facades, and shall consist of a) one canopy sign under canopy/awning or b) one wall sign at entrance to tenant space. Permanent lettering (painted or affixed) used on transparent or opaque surfaces shall not obscure more than 30% of the surface area. Internally lit plastic lettering or signs, flashing or strobing (light) signs are prohibited. Since there are two separate tenants, two secondary signs are allowed on the premises, in addition to the allowed monument signage.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
"I-1 NCD-5 AHOD" General Industrial Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Convenience Store

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"C-3NA NCD-5 AHOD" General Commercial Non-alcoholic Sales Beacon Hill Neighborhood Conservation Airport Hazard Overlay District; "MF-33 NCD-5 AHOD" Multi-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Men's Dormitory, Single-Family Residence
South	"I-1 AHOD" General Industrial Airport Hazard Overlay District; "C-3NA NCD-5 AHOD" General Commercial Non-alcoholic Sales Beacon Hill Neighborhood Conservation Airport Hazard Overlay District; "C-3NA AHOD" General Commercial Non-alcoholic Airport Hazard Overlay District; "C-2 AHOD" Commercial Airport Hazard Overlay District; "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Parking Lot, Vacant Residential, Antiques, Single-Family Residence
East	"C-2NA NCD-5 AHOD" Commercial Non-Alcoholic Sales Beacon Hill Neighborhood Conservation Airport Hazard Overlay District; "RM-4 NCD-5 AHOD" Residential Mixed Industrial Beacon Hill Neighborhood Conservation Airport Hazard Overlay District; "R-6 NCD-5 AHOD" Residential Single-Family Industrial Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Vacant Commercial, Antiques Store, Restaurant, Church, Duplex, Single-Family Residence
West	UZROW	IH-10 West

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

The property is within the boundaries of the Midtown Plan and currently designated Mixed Use in the future land use component of the plan. The subject property is located within 200 feet of the boundaries of Beacon Hill Neighborhood Association and they were asked to comment.

### **Criteria for Review**

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 request is not contrary to the public interest as the requested signage will be minimal in size, and will not be a distraction to motorists or pedestrians. The locations of the signs are on the front façade of the building, near the front entrance of the building. This request does not significantly deviate from the NCD-5 requirement that secondary signage be located near the front entrance. The scale of the requested internally lit signage is not contrary to the general health, safety and welfare.

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

This property is one of the few properties along the commercial corridors within the Beacon Hill NCD that is one (1) acre, and is much larger than most of the commercial properties fronting on Fredericksburg Road, which are less than a quarter acre. The sign restrictions in the NCD were created with these smaller parcels in mind, as large signage is not necessary for small tracts. Per the applicant, “a business cannot thrive without proper signage.” An unlit, five square foot sign heavily restricts the visibility as this is relatively small and can go unnoticed by both pedestrians and motorists, especially at night. Thus, the literal enforcement creates an unnecessary hardship.

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

The current NCD-5 sign requirements restrict sign area to 5 square feet and to be located under a canopy/awning or a wall sign at entrance to tenant space. In that the property is four times the size of the typical commercial tracts within the NCD corridor, the additional size for the signage is merited. The primary signage on the property, the two (2) monument signs, are externally lit signs, in accordance with the NCD. Although the applicant could still meet the requirements of the NCD with externally lit secondary signage, such as through the use of sconces or gooseneck fixtures, the applicant is requesting consideration for internally lit signage for the smaller wall signs.

- 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 “I-1 NCD-5 AHOD” General Industrial Beacon Hill Neighborhood Conservation Airport Hazard Overlay 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 internally lit signs will not injure the use of adjacent properties as there are currently no residential properties facing the front facade of the subject property and the proposed signage is not significantly

**large in area. The requested sign size still observes the spirit of smaller signage within the NCD and is based on the individual tenants within the building.**

*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.*

**As mentioned previously, this property is one of the few properties that is one (1) acre, and is much larger than most of the commercial properties fronting on Fredericksburg Road. The sign restrictions in the NCD were created with smaller parcels in mind, as they existed. The signage in the NCD-5 heavily restricts any advertising for the secondary or additional tenants. The allowed monument signage is not enough for each additional tenant to thrive. This is not fault of the owner and is not merely financial.**

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

The owner could install signage to meet the NCD-5 requirements. Additionally, the applicant could use external lighting devices for the smaller signs on the building.

### **Staff Recommendation**

Staff recommends **APPROVAL of the variance requests in A-17-013** based on the following findings of fact:

1. The size of the subject property is unique in that is it one of the few commercial tracts within the commercial corridors within the NCD that are four times the size of the typical commercial tracts.
2. The requested variances for secondary signage will have little negative impact on surrounding properties, including residential properties.
3. The requests does not conflict with or detract from the Fredericksburg Road commercial corridor or the Beacon Hill Neighborhood Conservation District;