



City of San Antonio

Legislation Details (With Text)

File #: 17-3613
Type: Zoning Case
In control: Board of Adjustment
On agenda: 6/5/2017
Title: A-17-118: A request by Jose Gallegos, Jr. for a variance from the Form Based zoning district to allow a wall sign with a total area of less than 50 square feet, located at 822 N. Alamo Street. Staff recommends Approval. (Council District 1)
Sponsors:
Indexes:
Code sections:
Attachments: 1. BOA17-118 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-118
Applicant: Jose Gallegos, Jr.
Owner: Norma Carrillo Ortiz
Council District: 10
Location: 822 N. Alamo St.
Legal: Lot 7, Block 30, NCB 452
Description:
Zoning: “FBZ T4-2 AHOD” Form Base Zoning Airport Hazard Overlay District
Case Manager: Shepard Beamon, Senior Planner

Request

A request for a variance from the FBZ zoning district sign regulation, that only permits blade signs, to allow a wall sign with a total area of less than 50 square feet, as described in Section 35-209(e)(4)(G).

Executive Summary

The variance from the Form Base zoning is being requested to erect a wall sign 3.5 feet by 12 feet, for a total of 42 square feet in area with a letter size of 22 inches on the façade of the building. The FBZ T4-2 zoning district allows one blade sign installed perpendicular to and centered on the facade. The top of the blade sign shall be between nine (9) feet and 12 feet above the sidewalk. The blade sign shall be 32 inches (2.66 feet) tall, maximum, and no more than four (4) feet wide, for a total of 10.68 maximum square feet in area. Further, the blade sign cannot project more than five (5) feet from the wall. The applicant states there are existing mature trees that compromise the visibility of advertisement for the business.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“FBZ T4-2 AHOD” Form Base Zoning Airport Hazard Overlay District	Event Center

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“FBZ T4-2 AHOD” Form Base Zoning Airport Hazard Overlay District; “FBZ T6-1 AHOD” Form Based Zoning Airport Hazard Overlay District	Electrical Substation, Vacant Commercial, Graphic Designer, Ace Spring Shop
South	“FBZ T4-2 AHOD” Form Base Zoning Airport Hazard Overlay District	Art Studio, Print Shop, Ice House, Single-Family Residences
East	“FBZ T4-2 AHOD” Form Base Zoning Airport Hazard Overlay District	Paint & Body, Medical Office, Restaurant; Single-Family Residences
West	“FBZ T4-2 AHOD” Form Base Zoning Airport Hazard Overlay District	Vacant Commercial, Office, Parking Lot

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Downtown Neighborhood Plan and is currently designated Mixed Use under the future land use. The subject property is located within the boundaries of the Downtown Residents 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 public interest is represented by sign design and size requirements under the Form Base zoning district. The proposed wall sign will not interfere in the public right-of-way, or distract motorists. Therefore, 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 literal enforcement of the ordinance would result in the installation of a sign that would not be visible from the street, as there are existing large trees the obscure visibility for motorists. This creates a condition that hinders promotion for the event center.

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

The intent of the Form Base zoning encourages development that shall adequately accommodate automobiles while respecting the pedestrian and the spatial form of public space. The request will adequately accommodate both pedestrians and automobiles and observe the spirit of the ordinance.

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

The variance will not authorize the operation of a use other than those uses specifically authorized in the “FBZ T4-2 AHOD” Form Based Zoning 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 requested variance will not significantly alter the essential character or appearance of the neighborhood. Further, the request will not have any negative impact on the neighboring property.

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 indicated by the applicant and by City staff, the property contains existing mature trees in front of the building. This unique circumstance existing on the property was not created by the owner.

Alternative to Applicant’s Request

Denial of the variance request would result in the owner having to meet the allowed blade sign requirements.

Staff Recommendation

Staff recommends **APPROVAL** of the variance request in A-17-118, based on the following findings of fact:

1. The existing trees in front of the business create an unnecessary hardship which limits visibility and promotion of the business;
2. Approval of the variance request is unlikely to injure the rights of the adjacent property owner.