



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-2426

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 4/2/2018

**Title:** (Continued from March 5, 2018) A-18-020: A request by Jesse A. Sepulveda for a variance from the following Alta Vista Neighborhood Conservation Design signage guidelines: 1) a three foot variance from the eight foot maximum sign height to allow a sign be eleven feet tall and 2) a ten square foot variance from the 15 square foot maximum sign area to allow a 25 square foot sign, located at 2611 San Pedro Avenue. Staff recommends Denial. (Council District 1)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-18-020 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-18-020

**Applicant:** Jesse A. Sepulveda

**Owner:** Jesse A. Sepulveda

**Council District:** 1

**Location:** 2611 San Pedro Avenue

**Legal Description:** Lot 16-20, Block 13, NCB 6435

**Zoning:** "O-1 NCD-2 AHOD" High Rise Office Neighborhood Commercial  
Airport Hazard Overlay District

**Case Manager:** Debora Gonzalez, Senior Planner

### Request

A request for variance from the following "NCD-2" Alta Vista Neighborhood Conservation District design requirements: 1) a three foot variance from the eight foot maximum sign height to allow a sign be eleven feet tall 2) a ten square foot variance from the 15 square foot maximum sign size to allow a 25 square foot sign

### Executive Summary

The applicant is requesting to replace the proposed signage on the property. The subject property is a corner lot and has street signage along San Pedro Avenue, identified as an Arterial Type B thoroughfare. The sign design will consist of four cabinets, the lower two being as close as five feet from the ground. The applicant has stated that taller sign heights are common along the corridor and the requested height will provide adequate visibility. The Alta Vista Neighborhood Conservation District imposes sign height and square footage limitations that are stricter than the typical regulations established by Chapter 28. This request is processed as a variance from Chapter 35 "Unified Development Code", not Chapter 28 "Signs and Billboards", because the request seeks to modify the requirements of the Alta Vista Neighborhood Conservation District. The Alta Vista NCD is currently

in the process of being revised to update standards which may be outdated, or else in need of clarification. Similar processes are underway in the Mahncke Park NCD, and have already been completed in the Beacon Hill NCD. The signage regulations within the Alta Vista NCD may be visited during this process, as was done with the Beacon Hill NCD.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“O-1 NCD-2 AHOD” Office Alta Vista Neighborhood Conservation Overlay Airport Hazard Overlay District	Neighborhood Commercial

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“C-1 NCD-2 AHOD” Light Commercial Alta Vista Neighborhood Conservation Overlay Airport Hazard Overlay District	Neighborhood Commercial
South	“RM-4 NCD-2 AHOD” Residential Mixed Alta Vista Neighborhood Conservation Overlay Airport Hazard Overlay District	Single-Family Dwelling
East	“R-5 H AHOD” Residential Single-Family Monte Vista Historic Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 NCD-2 AHOD” Residential Single-Family Alta Vista Neighborhood Conservation Overlay Airport Hazard Overlay District	Single-Family Dwelling

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

The property is within the boundaries of the Midtown Neighborhood Plan and is currently designated Neighborhood Commercial in the future land use component of the plan. The subject property is within the Alta Vista Neighborhood Association and within 200 feet of the Monte Vista Neighborhood Association. As such, the neighborhood associations were notified and 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 served by signage restrictions to promote a neighborhood aesthetic. The subject property, which is located on the corner, has significant landscaping which the applicant feels detracts from their ability to

effectively advertise the business on a sign limited to eight feet in height. The applicant could modify the landscaping to allow for a larger portion of the sign to be visible to passersby.

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

Staff was unable to establish a special condition specific to the land that warrants granting the requested variances. However, the Board may consider the speed of traffic moving along San Pedro Avenue, which is 35 miles per hour.

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, rather than the strict letter of the law. The neighborhood conservation district was designed to create a cohesive neighborhood aesthetic, and to preserve the unique character of the Alta Vista community. Staff finds that the proposed sign does not observe the intent of the district as the proposed sign does not adhere to the desired neighborhood aesthetic.

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 “O-1 NCD-2 AHOD” Office Alta Vista Neighborhood Conservation Overlay 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 could detract from the character of the community. The existing sign is historic in nature and provides a unique advertisement of the property. The proposed sign is a larger, square advertisement that doesn’t contribute to the neighborhood.

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.*

Staff is unable to establish a unique circumstance in this situation. The applicant has other routes to pursue that could make an eight foot tall, 15 square foot sign adequate. The Board may consider the speed of traffic along San Pedro Avenue, as well as the applicant plan to add tenant advertising space, which the current sign lacks.

### **Alternative to Applicant’s Request**

The applicant must adhere to the Alta Vista Neighborhood Conservation District signage regulations.

### **Staff Recommendation**

Staff recommends **DENIAL of A-18-020** based on the following findings of fact:

1. The applicant could modify existing landscaping to allow for greater visibility to the sign; and
2. The proposed sign may detract from the essential character of the community in which it is located.