



City of San Antonio

Legislation Details (With Text)

File #: 19-8517

Type: Zoning Case

In control: Board of Adjustment

On agenda: 11/18/2019

Title: BOA-19-10300132: A request by Marshall Phaneuf for variances from the South Presa/South Saint Mary's Street Neighborhood Conservation District standards for the following: 1) a 4.9 square foot variance from the 5 square feet maximum design standard to allow an individual tenant sign to be 9.9 square feet, and 2) an individual tenant sign location variance from the one canopy sign under canopy standard to allow an individual tenant sign to be above the canopy, located at 812 S Alamo St. Staff recommends Denial. (Council District 1) (Rachel Smith, Planner (210) 207- 5407, rachel.smith@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 19-10300132 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-19-10300132

Applicant: Marshall Phaneuf

Owner: Gray Street, LLC.

Council District: 1

Location: 812 S Alamo St

Legal Irregular 60 feet of Lot 2, Block 4, NCB 782

Description:

Zoning: "IDZ NCD-1 AHOD" Infill Development Zone Historic
Structure S. Presa St/S. St. Mary's St Neighborhood
Conservation District Airport Hazard Overlay District

Case Manager: Rachel Smith, Planner

Request

A request for variances from the South Presa/South Saint Mary's Street Neighborhood Conservation District standards for the following: 1) a 4.9 square foot variance from the 5 square feet maximum design standard, as described within the S.Presa St/S. St. Mary's St Neighborhood Conservation District, to allow an individual tenant sign to be 9.9 square feet, and 2) an individual tenant sign location variance from the one canopy sign under canopy to allow a new sign to be above the canopy.

Executive Summary

The subject property is located at 812 S Alamo at the intersections of South St. Mary's, South Alamo, and

South Presa Streets. The property is a multi-tenant building that contains several retail stores including a credit union, coffee shop, and the applicant's store, AT&T. The building is within the S. Presa Street/S St. Mary's Street Neighborhood Conservation District (NCD-1) which sets additional standards for signage. In August 2016, the property owner initiated a variance request for building signage that did not come to a resolution. The signage variance was postponed and never obtained a decision by the Board of Adjustment.

The applicant, a tenant within the subject property, would like to construct a projecting tenant sign. The NCD-1 requirements limit the individual tenant signage to a maximum of five (5) square feet under the canopy and that it not obscuring building details. The applicant is requesting a location and size variance for their tenant signage. The applicant's storefront is located between two other fronting S St. Mary's Street, one neighboring tenant space is vacant and the other occupied by a tenant with conforming projecting signs.

Code Enforcement History

There is no code enforcement history on this property.

Permit History

7/26/2017: 150 sqft wall painted sign permit for Steel City Pops (Denied)

7/1/2019: Two sign permits requested by AT&T, 1) Raceway with lit letters and 2) painted letters and decal on a transparent surface. Sign permit #1 was not approved and is the subject of this variance request.

10/11/2019: Two (2) channel letter signs on front and rear of building (Denied)

Zoning History

The subject property is within the original 36 square miles of the City of San Antonio and was zoned "J" Commercial District. The property was rezoned by Ordinance #74924 dated December 9, 1991, to "B-2" Business District and "B-3 NA" Business District Nonalcoholic Sales. Under the 2001 Unified Development Code, established by Ordinance #93881, dated May 3, 2001, the property zoned "B-2" Business District and "B-3NA" Business District Nonalcoholic Sales was converted to "C-2" Commercial District and "C-3NA" Commercial District, Nonalcoholic Sales. The property was rezoned to "IDZ" Infill Development Zone by Ordinance #2014-06-19-0481 dated June 19, 2014.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"IDZ NCD-1 AHOD" Infill Development Zone Historic Structure S. Presa St/S St. Mary's St Neighborhood Conservation District Airport Hazard Overlay District	Multi-tenant Retail

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-3R H AHOD" "C-3 NCD-1 AHOD"	Automotive Repair Facility Restaurant
South	"C-2 NCD-1 AHOD"	Restaurant, Offices
East	"C-2 H AHOD"	Parking Lot

West	"C-2 H HS AHOD" "RM-4 H HE HS AHOD"	Restaurant School
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Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the Lavaca plan and designated as "Mixed Use" within the future land use element of that plan. The subject property is within the boundaries of the Lavaca Neighborhood Association and is within 200 feet of the King William Neighborhood Association. Both neighborhood associations were notified and provided with the opportunity to comment.

Street Classification

South Alamo is classified as a Secondary Arterial street.

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. The public interest is further represented by preserving the unique character of this community through the NCD. The size and location of the requested sign is contrary to the intent of the NCD and is not consistent with the character of the community.

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

Literal enforcement would require that the owner design a project that mirrors the requirements of the NCD, or at least the intent of them. This would not result in an unnecessary hardship.

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

The NCD provides design requirements that stress sign design consistent with the character of the community. The size of the sign and placing the sign above the canopy would not be consistent with the intent of the district.

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

No uses other than those allowed within the "IDZ" Infill Development Zone will be authorized through this variance.

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.*

Staff cannot support the requests to deviate from the NCD-1 design standards. These requests are clearly at odds with the intent of the Neighborhood Conservation District, and would allow for the development of a sign that is inconsistent with the character with the surrounding community.

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 determine any unique circumstances existing on the site that warrant the deviations from the Neighborhood Conservation District. The project should be designed in a manner that respects the intent of the NCD-1 design standards.

Alternative to Applicant's Request

Denial of the requested variance would result in the applicant designing signage that meets the standards of the Unified Development Code Section 28 and the Neighborhood Conservation District Design Standards.

Staff Recommendation

Staff recommends **DENIAL** of the variance in **BOA-19-10300132** based on the following findings of fact:

1. The size and location are inconsistent with other tenant signage within the district.
2. The requests are contrary to the public interest and fail to adhere to the intent of the Neighborhood Conservation District.