



# City of San Antonio

## Agenda Memorandum

**File Number:** 16-5876

**Agenda Item Number:** 2.

**Agenda Date:** 11/21/2016

**In Control:** Board of Adjustment

Case Number: A-16-183  
 Applicant: Walton Signage  
 Owner: Bubble Bath Properties ADA, LLC  
 Council District: 3  
 Location: 3726 S. New Braunfels Avenue  
 Legal Description: Lot 17, NCB 7589  
 Zoning: "C-2 S AHOD" Commercial Airport Hazard Overlay District with Specific Use  
 Authorization for a Carwash  
 Case Manager: Shepard Beamon, Senior Planner

### Request

A request for 1) a 14 foot variance from the maximum free-standing height of 24 feet, as described in Section 28-239, to allow a single-tenant 39 foot pole sign and 2) a 55 square foot variance from the maximum 150 square feet of sign area to allow a sign with 205 square feet.

### Executive Summary

The subject property is located at the intersection of Ada Street and South New Braunfels Avenue, identified as an Arterial Type B thoroughfare. The sign will be used for a carwash that was recently approved by City Council. Per Section 28-239 of the San Antonio Sign Code the tallest height permitted for a single-tenant Arterial Type B/Commercial Collector sign is 24 feet. During field visits to the subject property, and stated by the applicant, it was noted that, should the sign comply with the standard and drop to 24 feet tall, that the entire sign would be obscured from the view of traffic by the existing trees on site, which stand 30 feet tall. Also, in order to preserve the trees on-site, the sign will be located further back from the front of the property, thus the request for a larger sign area to increase visibility.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-2 S AHOD" Commercial Airport Hazard Overlay District with Specific Use Authorization for a Carwash	Proposed Carwash

## Surrounding Zoning/Land Use

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“C-2 AHOD” Commercial Airport Hazard Overlay District, “C-3 AHOD” General Commercial Airport Hazard Overlay District	Bank, Vacant Lot, Paved Parking, Commercial Strip
South	“C-2 AHOD” Commercial Airport Hazard Overlay District	Commercial Strip
East	“C-2 AHOD” Commercial Airport Hazard Overlay District	Vacant Lot, H-E-B, Commercial Strip
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single Family Residences

## Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Highlands Community Plan and is currently designated Mixed Use in the future land use component of the plan. The subject property is within the Highland Hills Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

## Criteria for Review

Pursuant to Section 28-247 of *Chapter 28: Signs and Billboards* of the City Code, in order for a variance to be granted, the applicant must demonstrate:

- 1. The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; or*
- 2. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and*

**The existing landscape of the property, which consists of five 30 foot trees, creates conditions the limit sign visibility from South New Braunfels, a commercial arterial thoroughfare. The variances would provide relief for a landscape issue with the property that is not common to other properties. The owner wishes to keep the trees and in doing so, the sign must be located further back, away from the major thoroughfare, requiring a larger sign face. The requested taller sign height and larger sign area would assist in promoting the business behind the existing vegetation.**

- 3. After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:*
  - A. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.*

**The applicant’s requested signage would allow the owner of the property to advertise his business, a privilege enjoyed by others along the street. Should the applicant’s request be denied, he would be the only business along that section of frontage to have their sign obscured by vegetation. Most businesses along the corridor are located directly on South New Braunfels and are not blocked by trees or other vegetation. Since the proposed sign is located further back, the taller pole and wider sign face is necessary to advertise. This is not out of character of the district, as several businesses have tall pole signs and large sign area. As such, the requested variances serve to provide the same privilege enjoyed by others.**

*B. Granting the variance will not have a substantially adverse impact on neighboring properties.*

**It is unlikely that neighboring property owners will be negatively affected by the proposed signage. The variances would only provide relief for the subject property and would not have an adverse impact upon neighboring properties, such as obstructing other signs and businesses or being a distraction to motorists.**

*C. Granting the variance will not substantially conflict with the stated purposes of this article.*

**The legislative purposes of the adopted sign regulations are to provide minimum standards to protect the general public by regulating the design, construction, location, use and maintenance of out-door advertising signs. The owner is proposing the variances to make the property more visible behind the dense vegetation and to maintain longstanding, active commercial use of the property. As such, the requested variances will not come into conflict with the stated purposes of the article.**

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

The applicant needs to construct the sign to come into compliance with the standards established by the chapter.

### **Staff Recommendation**

Staff recommends **APPROVAL of A-16-183** based on the following findings of fact:

1. The larger sign face and taller pole height would assist in promoting the carwash as the existing 30 foot tall vegetation forces the owner to locate the sign further away from the major thoroughfare;
2. The proposed signage is necessary to allow longstanding, active commercial use of the property;
3. The proposed signage is unlikely to harm adjacent properties;
4. The proposed signage does not conflict with the stated purposes of the chapter.