



# City of San Antonio

## Agenda Memorandum

**File Number:**20-3166

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**Agenda Item Number:** 1.

**Agenda Date:** 5/18/2020

**In Control:** Board of Adjustment

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Case Number: BOA-20-10300037  
Applicant: Jaci Clemens  
Owner: FCPT Hospitality Properties, LLC  
Council District: 6  
Location: 5706 West Loop 1604 North  
Legal: Lot 24, Block 4, NCB 17640  
Description:  
Zoning: "C-3" General Commercial District  
Case Manager: Kayla Leal, Senior Planner

### **Request**

A request for a 47.7' variance from the minimum distance requirement of 150' between signs per Chapter 28 to allow a sign to be 102.3' away from the nearest sign.

### **Executive Summary**

The subject property is located off Loop 1604 and is in the middle of a strip of commercial zoning and uses. The subject property is also located within the Culebra Market Sign Master Plan, established in June of 2005. The plan requires signs to be at least 150 feet apart from each other. Originally, the plan allowed a multi-tenant pylon sign; however, each lot ultimately installed single-tenant signs. The applicant applied for a sign permit and proposed to remove their existing "Longhorn Steakhouse" sign and replace it with a multi-tenant sign. At that moment, it was found that the abutting property has an existing sign located at their south most corner, which would be located about 102.3 feet away from the proposed sign by the applicant. Staff informed the applicant that the multi-tenant sign would be too close to the neighboring sign; therefore, a sign variance is required.

### **Code Enforcement History**

There is no relevant code enforcement history on file for the subject property.

### **Permit History**

There are no relevant permits on file for the subject property.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 59776, dated December 31, 1984 and was zoned Temporary “R-1” Temporary Single-Family Residence District. The zoning changed to “B-3” Business District, established by Ordinance 71383, dated April 12, 1990. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned “B-3” Business District converted to the current “C-3” General Commercial District.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“C-3” General Commercial District	Restaurant

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“C-3” General Commercial District	Restaurant
South	“C-3” General Commercial District	Restaurant
East	“C-3” General Commercial District	Retail uses
West	“C-3” General Commercial District	Retail uses

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

The subject property is in the West/Southwest Sector Plan and is designated “General Urban Tier” in the future land use component of the plan. The subject property is in the boundaries of the Mountain View Acres Neighborhood Coalition and as such, they were notified of the case.

### **Street Classification**

Loop 1604 is classified as a freeway.

### **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 applicant is proposing to place a brand new sign in the same place as the current sign.**

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

**Staff finds that the placement of the sign on an abutting property is a hardship that causes the applicant to not have many options regarding sign placement.**

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 defined as the intent of the code, rather than the exact letter of the law.**

**The intent of the material limitation is to preserve an appropriate amount of space in between each sign within this master plan area. The request does not disregard the spirit of the ordinance as 102.3 feet will be maintained between signage.**

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 district will be allowed with 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.*

**The proposed sign will not substantially alter the essential character of the district. The new multi-tenant sign will be replacing an existing sign as opposed to a brand new sign being placed in addition to the current signage.**

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 does not find any unique circumstances that warrant the granting of this request and the request is not merely financial.**

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

The alternative to the applicant's request is to conform to Chapter 28 signage distance requirements of 150'.

#### **Staff Recommendation**

Staff recommends **Approval** of the zoning variance in **BOA-20-10300037** based on the following findings of fact:

1. The applicant is proposing to place a new sign by replacing an existing one.
2. The request is not for an additional sign placed along 1604.
3. An adequate amount of space will remain between signs, so the spirit of the ordinance will continue to be observed.