



# City of San Antonio

## Agenda Memorandum

**File Number:**15-2397

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**Agenda Item Number:** 1.

**Agenda Date:** 4/6/2015

**In Control:** Board of Adjustment

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Case Number: A-15-031  
Date: April 6, 2015  
Applicant: Lewis Westerman  
Owner: RIO Perla Properties, LP  
Council District: 1  
Location: 136 E. Grayson Street  
Legal Description: Lot 13, Block 1, NCB 14164  
Zoning: "IDZ RIO-2 AHOD" Infill Development River Improvement Overlay  
Airport Hazard Overlay District  
Case Manager: Margaret Pahl, AICP Senior Planner

### **Request**

A request for a three foot and seven inch variance from the six foot maximum sign height, as described in Section 35-678, to allow a free-standing pole sign that is nine feet and seven inches tall in the River Improvement Overlay District.

### **Executive Summary**

The subject property is located at 136 E. Grayson Street approximately 245 feet east of E. Elmira Street. The applicant is seeking a variance to allow a free-standing pole sign to exceed the six foot height maximum by three feet and seven inches. The pole sign has already gained approval from the Historic Design and Review Commission but the HDRC cannot approve the proposed additional height. The applicant states that the additional height is necessary to identify the new hotel located within the Pearl development. The hotel, not yet open, is located interior to the site in the old Pearl Brewhouse. It is being renovated and will be operated by the Kimpton Group, known for historic boutique hotels. Because of the hotel's location without frontage on a public street, the applicant has an approved sign master plan to allow the off-premise sign. Several of the interior streets within the Pearl are not public streets. In addition, the traveling public always needs adequate signage to help them locate a hotel.

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

Existing Zoning	Existing Use
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“IDZ RIO-2 AHOD” Infill Development River Improvement Overlay Airport Hazard Overlay District	Mixed-Use Development
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### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“I-1 RIO-2 AHOD” Industrial River Improvement Overlay Airport Hazard Overlay District	Warehouse
South	“IDZ RIO-2 AHOD” Infill Development River Improvement Overlay Airport Hazard Overlay District	Mixed-Use Development
East	“IDZ RIO-2 AHOD” Infill Development River Improvement Overlay Airport Hazard Overlay District	Mixed-Use Development
West	UZROW	San Antonio Riverwalk

### Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the Tobin Hill Neighborhood Plan and is designated as high-density mixed land use. The subject property is also located within the boundaries of the Tobin Hill Community Association, a registered neighborhood association. As such, they 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 represented by sign height limitations to create more visually appealing conditions along our streets while still providing opportunity for businesses to advertise. In this case the requested variance is not contrary to the public welfare as the additional, minimal, height allows the business owner to identify a new hotel. Staff finds that the scale of the proposed sign is not contrary to the public interest.**

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

**A literal enforcement of the code would require that the applicant construct a sign to a height not to exceed six feet tall. During field visits staff noted the presence of many trees lining the E. Grayson right-of-way. Without the additional height, these trees would block visibility of the sign if it were limited to six feet.**

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

**The spirit of the ordinance calls for sign height limitations to encourage a neat and orderly development pattern. In this case, the requested variance asks for three feet and seven inches greater in height. Staff finds that this request respects the spirit of the ordinance as it allows the owner of the property to identify the business for the traveling public.**

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

**The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “IDZ RIO-2 AHOD” Infill Development River Improvement 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 is unlikely to harm adjacent, conforming properties. The proposed sign is in scale with the surrounding community and serves to identify a new business.**

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 finds that the unique circumstances present in this case are that the trees planted along the E. Grayson right-of-way would totally obscure a six foot tall sign. No business would be able to adequately advertise its location with a six foot tall sign along E Grayson. The requested additional height is minimal and allows the property owner to advertise the new hotel while respecting the scale of the sign compared to the surrounding development.**

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

The applicant would need to construct a sign not to exceed six feet tall to come into compliance with the standards established by the Unified Development Code.

#### **Staff Recommendation**

Staff recommends **approval of A-15-031** based on the following findings of fact:

1. The proposed sign is in scale with the surrounding community;
2. It is very likely that the commercial use of the property as a hotel is reliant upon the traveling public finding its location.