



# City of San Antonio

## Agenda Memorandum

**File Number:**15-3198

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**Agenda Item Number:** 1.

**Agenda Date:** 5/18/2015

**In Control:** Board of Adjustment

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**Case Number:** A-15-080  
**Applicant:** Leo Perron  
**Owner:** Gayle Perron Testamentary Trust  
**Council District:** 1  
**Location:** 5616 IH 10 W  
**Legal Description:** Lot 53, Block 2, NCB 8417  
**Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District  
**Case Manager:** Margaret Pahl, AICP Senior Planner

### **Request**

A request for a 33 foot variance from the minimum 150 foot spacing requirement between two signs, as stated in Section 28-241 (d) to allow two signs to be 117 feet apart.

### **Executive Summary**

The subject property is a 0.88 acre multi-tenant commercial shopping center with 12,200 square feet of tenant space originally constructed in 1985. The applicant states that there are four suites within the building, qualifying the site for a multi-tenant sign. The existing multi-tenant sign was installed years ago on a landscaped island on the corner at a lower height than was permitted. A second sign, a single-tenant sign, was also installed near the entrance into the largest of the suites. The applicant has struggled to keep all of the smaller suites leased and is hoping that by raising the sign to the allowed height, the vacant spaces will be more attractive to tenants. The sign however, is non-conforming because of spacing, with only 117 feet between the two signs on the property. Therefore, the applicant is seeking a 33 foot variance from the minimum 150 foot distance between two signs, to allow the new sign to be installed within the same landscaped area as before.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
"C-2 AHOD" Commercial Airport Hazard Overlay District	Multi-Tenant Shopping Center

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

Orientation	Existing Zoning District(s)	Existing Use
North	UZROW	Interstate Highway 10
South	“C-2 AHOD” Commercial Airport Hazard Overlay District	Uniform Supply Shop
East	UZROW	West Avenue
West	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

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

The property is within the boundaries of the Near Northwest Community Plan, and designated as Community Commercial Land Use. The subject property is located within 200 feet of the boundaries of Dellview Area Neighborhood Association. As such, they were 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 applicant states that the freeway visibility is limited for the existing sign and has submitted photographs of the signage from the freeway to demonstrate the constraints. The sign could be raised about twenty feet taller under current sign allowances, however the minimum distance between signs cannot be satisfied on the site. As a result, the applicant is requesting a variance of 33 feet to allow the second sign 117 feet from the proposed location. As with many developed sites, the sign location is pre-determined by the existing infrastructure, including underground power and internal parking circulation, making the variance critical.**

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 asserts that since the sign does not exceed the allowed height or square footage, there is no special privilege.**

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

**The sign is being raised and may have an impact on the visibility of the “Uniforms for Everyone” sign. This business however does not rely on impulse purchases. Instead, its customers determine its location beforehand. Therefore, while there may be a change in its visibility, it will not have a substantial negative impact.**

- 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 requested variance is minimal in nature and will not conflict with the purpose of the regulations.**

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

The applicant must relocate the sign to the next landscape area within the parking lot.

### **Staff Recommendation**

Staff recommends **APPROVAL of the requested sign variance requested in A-15-080** based on the following findings of fact:

1. That the variance allows the existing sign infrastructure to remain in the landscaped area, created to serve that purpose.