



City of San Antonio

Agenda Memorandum

File Number:15-3653

Agenda Item Number: 1.

Agenda Date: 6/15/2015

In Control: Board of Adjustment

Case Number: A-15-106
Applicant: Carter Thurmond
Owner: Gayle Perron Testamentary Trust
Council District: 1
Location: 4041 Bluemel Road
Legal Description: Lots 6 & 8, NCB 14939
Zoning: "C-2" Commercial District
Case Manager: Margaret Pahl, AICP Senior Planner

Request

A request for 140 foot variance from the 200 foot sign spacing requirement, as stated in Section 28-241 (d), to allow two signs to remain 60 feet apart.

Executive Summary

The subject property is a 3.88 acre parcel originally constructed in 1984 as an extended stay hotel. The applicant has recently changed the use to apartments and is seeking approval for the existing signage. The apartment parcel wraps around a 1.0 acre restaurant parcel, home to the Alamo Café. The apartment complex has two signs along the IH-10 frontage, one of which is located on the Alamo Café property. The sign was installed prior to the subdivision in 1984, which created the restaurant parcel as a stand-alone lot. The plat created an easement for the sign and cross access. Therefore, it is currently an off-premise sign. The applicant is seeking a solution to this issue by applying for a sign master plan, which will treat both lots as a single parcel. Sign Master Plans cannot be approved unless and until each sign is conforming. Today, the Alamo Café free-standing pole sign is located approximately 48 feet from the shared property line. The extended stay hotel installed a new free-standing pole sign in 2011 along its IH-10 frontage approximately 15 feet from the shared property line. If the parcels are considered together, then the minimum 200 foot spacing between signs regulations are applied. Therefore, the applicant is seeking a 140 foot variance to allow the two signs to be 60 feet apart. The other apartment pole sign currently on the restaurant parcel is 205 feet from the Alamo Café sign, adequate distance to satisfy the regulations. The two signs that are the subject of this requested variance are not the problem. Each lot is entitled to a pole sign, regardless of distance.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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"C-2" Commercial District	Hotel/Apartments
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
East	UZROW	Interstate Highway 10
South	"C-2" Commercial	Restaurant
North	"C-1" Commercial	USAA Campus
West	"R-6" Residential Single-Family	Church

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Sector Plan, and designated as Suburban Tier Land Use. The subject property is located within 200 feet of the boundaries of Laurel Hills Neighborhood Association. As such, they were notified and asked to comment.

Criteria for Review

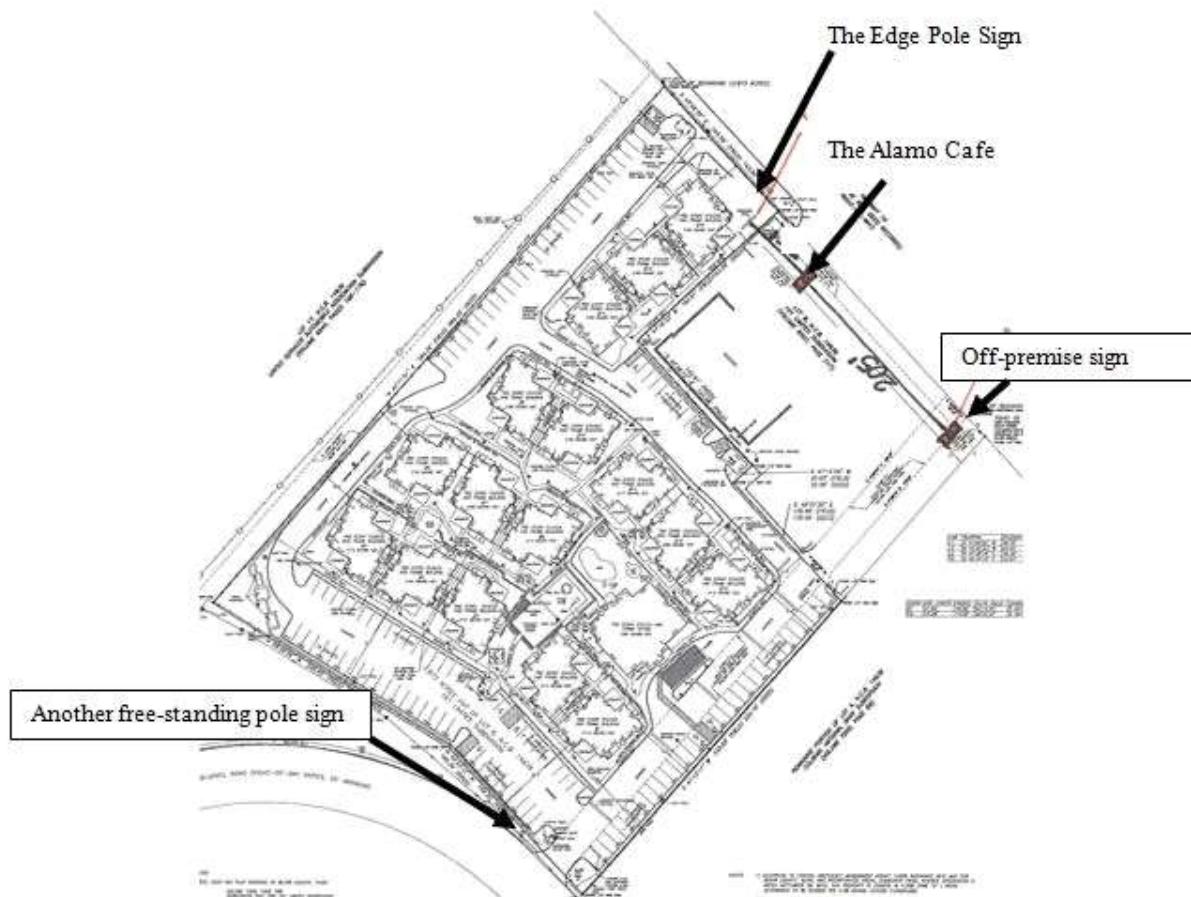
Pursuant to Section 28-247 of *Chapter 28: Signs and Billboards* of the City Code, in order for a variance to be granted, the applicant must demonstrate:

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 off-premise sign has been "blacked out" for a long time, is not well-maintained and unattractive in appearance.* According to photos taken a few weeks ago, the sign has been re-faced. **The findings required to justify a variance however are either that strict enforcement of the code prohibits adequate signage or that the denial would cause a cessation of a legitimate use of the property. The variance will facilitate a solution to an off-premise sign installed in 1984.**

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 the variance does not grant them a special privilege, since *they are just trying to utilize the existing sign structures and clean them up and improve the overall look of the signs.*



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

The applicant states that *we are not asking for bigger, larger or taller signs; rather it would impact the neighboring properties in a positive way as it will clean up the overall appearance of the signs and protect the look of the area.* **The variance will provide a solution created by a subdivision after sign installation over 30 years ago.**

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 variance will allow a sign master plan to be considered and perhaps reduce the overall signage.**

Alternative to Applicant's Request

The applicant must remove the off-premise sign.

Staff Recommendation

Staff recommends **APPROVAL** of the requested sign variance requested in A-15-106 based on the following findings of fact:

1. That the requested variance will reduce the minimum spacing but provide a solution to an off-premise sign.