



DESIGN REVIEW COMMITTEE AGENDA ITEM SUMMARY

Agenda Date	November 14 th , 2024
Requested Action	Consider a request for a variance to the Unified Development Code (UDC) Nonconforming Signs (Section 9-4.A.2) to allow continued use of an existing, legally nonconforming pole sign with an updated sign face for a new business.
Contact Person	Jo-Anmarie Andrade, Planner II (830) 816-2040, jandrade@boerne-tx.gov
Subject Property:	1234 S Main St.
Background Information	<p>BACKGROUND:</p> <ul style="list-style-type: none">• ETJ/City Limit Status: The subject property is located within the city limits.• Applicant/Owner: The property is owned by Kehler Enterprises, and the applicant is Debbie LaFour.• Zoning: C3-EC (Community Commercial, Entrance Corridors Overlay District).• Current Use: LaFour's Seafood Restaurant.• Current Signage: The property has a nonconforming freestanding pole sign for a previous business (Guadalajara Mexican Grill) located near the front of the building, facing South Main Street The sign stands approximately 26 feet tall, with a sign face measuring approximately 9.5 feet in height and 8.5 feet in width. <p>REQUEST:</p> <ol style="list-style-type: none">1. The applicant is requesting a variance from UDC Nonconforming Signs (Section 9-4.A.2) to allow continued use of an existing, legally nonconforming pole sign with an updated sign face for a new business, LaFour's Seafood, without altering the sign's structure, height, or placement.

UDC Section 9-4.A.2 states that “ *If the use of a nonconforming sign is discontinued for a period of ninety (90) consecutive days or more, then the sign must be removed by the responsible party without compensation and any future use of the sign must be in full compliance with this ordinance. “*

FINDINGS AND ANALYSIS:

Per the UDC, the DRC may grant a variance when all five conditions are met. Below is Staff’s analysis of each condition:

1. A literal enforcement of the provisions of the requirements will result in unnecessary hardship.

The variance must prevent an unnecessary hardship that is not financial in nature. The hardship must be significant and affect the property's use or value.

The property was developed prior to the adoption of the UDC, with both the primary building and the existing pole sign set back approximately 20 feet from South Main Street. The current placement of the pole sign strikes a balance between providing business visibility and maintaining a relatively low profile, so it doesn’t dominate the viewshed. Relocating or replacing the sign to meet current UDC standards would create an unnecessary hardship by disrupting this balanced placement, as it would be difficult to achieve similar visibility for the business without making the sign more visually prominent or requiring substantial site modifications.

2. Such variance will not authorize the operation of a use other than one which is specifically authorized for the district in which the subject property is located.

The variance must not allow a use that is not already permitted within the zoning district.

The variance request pertains only to signage and does not propose any changes to the permitted use of the property, which is consistent with C3-EC (Community Commercial, Entrance Corridors Overlay District).

- 3. 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 due to or the result of general conditions in the district in which the property is located.**

The variance must be a unique circumstance. The unique circumstance must not have been created by the owner or the result of a general condition in the district where the property is located.

This property was developed long before the adoption of the UDC and is designed to minimize the sign's impact on the viewshed, offering a more restrained visual profile compared to nearby properties, such as the Motel 6. Recent UDC changes under Ordinance No. 2024-10 prohibit all new pole signs. The combination of the property's pre-UDC development, its specific layout that balances visibility with minimal visual impact, and recent code changes collectively create a unique situation specific to this site.

- 4. The variance will not substantially weaken the general purposes of this ordinance or the regulations herein nor alter the essential character of the specific district.**

The variance must not weaken the overall goals of the zoning ordinance or change the nature of the district.

Allowing the applicant to update the sign face while retaining the existing pole structure aligns with the overall goals of the ordinance and preserves the district's visual character. The existing sign structure and proposed sign face complies with the City's dark sky standards, preventing additional light pollution.

- 5. The variance will not adversely affect public health, safety, or welfare.**

The variance must not negatively impact the community's health, safety, or overall well-being.

Maintaining the existing sign structure does not introduce any new risks to public health, safety, or welfare. The sign remains

	<p>unobtrusive, does not obstruct any critical sightlines, and poses no adverse effects on the community’s well-being. This variance only applies to the current 90-day lapse of use. If approved, the sign would remain legally nonconforming. Should the sign be discontinued for a period of 90-days or more in the future, removal would be required under UDC Sec 9-4.A.2</p> <p>STAFF RECOMMENDATION:</p> <p>Staff recommends that the Design Review committee accept the findings of staff and APPROVE the variance request.</p> <p>MOTIONS FOR CONSIDERATION:</p> <p>The following motions are provided to assist the Commission’s decision and motion.</p> <p>Motion to Approve: I move that the Design Review Committee accept the findings and APPROVE the variance request as recommended by staff.</p> <p>OR</p> <p>Motion to Deny: I move that the Design Review Committee DENY the variance request. (The Commission will need to state the reasons for the denial. These reasons should reference specific regulations in the UDC.).</p>
Item Justification	<input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input checked="" type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
Strategic Alignment	C1 - Offering quality customer experiences
Financial Considerations	None

Citizen Input/Board Review	None
Legal Review	None
Alternative Options	None
Supporting Documents	Attachment 1 – Aerial Location Map Attachment 2 – Zoning Map Attachment 3 – DRC Application Attachment 4 – Site Photos Attachment 5 – Site Plan and Proposed Sign Details