

Rec'd 12/20/19



**CITY OF BOERNE
SIGN VARIANCE REQUEST FORM**

NAME: Tamara Oesterling DVM
ADDRESS: 117 Commerce Ave
PHONE #: 830-249-2147 EMAIL: Toesterling@aol.com
NAME OF BUSINESS AND ADDRESS WHERE PROPOSED SIGN WILL BE LOCATED:
Two Fat Guys Automotive
107 Commerce Ave Boerne, TX 78006
SECTION / ARTICLE OF ORDINANCE: 12-C

REASON FOR VARIANCE (attach if necessary): SEE ATTACHED

Please attach any additional information that might assist your request (i.e. site plan, drawings, photos, etc.)

Additional Comments (attach if necessary): SEE ATTACHED

Tamara Oesterling DVM
Signature

12-20-2019
Date

Fee must accompany variance request Fee Due: \$115.00

Return form with appropriate fee to:

78006

City Secretary Lori Carroll
402 East Blanco Rd. Boerne TX

830.249.9511 ext. 1168



November 19, 2019

To: Mayor Handren and City Council of Boerne,

My name is Dr. Tamara Oesterling and I have owned Heart of the Hills Veterinary Center, 117 Commerce Avenue for ten years. This sign variance application was declined five years ago because "small signs should not junk up or litter the landscape of Boerne". My hospital is not visible and resides behind "Two Fat Guys", a large automotive business at the corner of North Main and Commerce Avenue. The owner of Two Fat Guys has given consent to place my sign below his. According to City of Boerne Code Enforcement, placing a sign in this location would violate Section 12-C, which states "No sign shall be placed or kept in use to advertise an activity, business or service no longer conducted on the premises upon which the sign is located". This code does not apply to my hospital as I never conducted business on these premises. My business has struggled for years against fierce competition in four other large hospitals in prime locations. I have placed descriptions below each following photograph. Please note, an additional structure will not be added to any property, I am requesting my sign be placed on a pole that has been present for over ten years. Finally, the photo of my logo is not to scale, and additional/directional wording may be added.

I respectfully ask this variance to be granted. Due to restrictions of my SBA loan, I cannot legally move my practice, sell my practice, or refinance my building.

Finally, I would like to add that I have been of service to the community as a columnist for the Boerne Star and Consulting Veterinarian for the Kendall County Animal Shelter.

Thank you,

Tamara Oesterling, DVM

117 COMMERCE AVE. BOERNE, TX 78006 830-249-2147
WWW.HEARTOFTHEHILLSVET.COM

Dear Mayor and City Council,

A personal note:

December 19, 2019

Heart of the Hills Veterinary Center has a different culture than other hospitals in Boerne. We know our clients, take our time, and the atmosphere is calm and quiet. While it is good to have a small, intimate practice, we still need to grow. Heart of the Hills has advanced technology for dental procedures and pain relief and it requires an investment to provide an elevated quality of care. Clients seek me out because we do not rush, and we give personalized attention, but we do not attract many NEW customers, which is why I am desperately seeking signage to direct more people to my hospital. For the most part, new clients come from referrals, my previous newspaper column or google reviews. How I ended up in this mess, is a long, long story. I came from out of State (I am originally from Texas and wanted to come home). I was not familiar with the area, or the person I purchased from and made several mistakes.

I am a good business woman and should have shut down in 2011, but made it through with additional competition coming to town. I have exhausted all discussions regarding mergers/acquisitions, and the like.

I must grow this clinic where it is. If I don't, I am facing some difficult decisions in two years.

Thank you for your time,

Tamara Oesterling, DVM

- A. No sign shall be placed on or attached to any tree.
- B. No sign shall be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or in the pedestal.
- C. No sign shall be placed or kept in use to advertise an activity, business or service no longer conducted on the premises upon which the sign is located.
- D. No sign or part of a sign, including mounting fixtures and supporting structures, shall be located on or above any public land to include rights of way, except as regulated by other provisions of this ordinance.
- E. No sign or part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, street, drive or parking area, whether on public or private land, shall be hung with less than seven (7) feet of vertical clearance above the sidewalk or less than twelve (12) feet of vertical clearance above the street, drive or parking area.
- F. No sign shall be located on any sidewalk or in any unpaved walkway intended for public use so as to allow less than three feet in radius of horizontal clearance on at least one side of the sign.
- G. No sign or part of a sign frame shall be located between two (2) feet and ten (10) feet above the established ground level within the area of a clear sight triangle for traffic extending twenty-five (25) feet in each direction from the point of a street intersection.
- H. No sign shall be located closer than six feet laterally to a secondary power line or closer than fifteen (15) feet laterally to a primary power line.
- I. No lighted sign, and no permanent sign shall be mounted or placed on or extend above the side wall or rear wall of any building, or be located in the side yard or rear yard of any lot or tract of land, when such sign faces upon and is visible from a contiguous residential area not separated from the building, lot or tract containing the sign by a public street or alley.
- J. No sign shall be located in the vision clearance area.

SECTION 13. SIGN PERMITS


A. Permit and Fee Required.

Except as provided in Subsection B of this Section, no person shall erect, install, place, alter, repair or relocate any sign without first obtaining a sign permit from the **City Manager**. Each application for a sign permit must be accompanied by the appropriate fee established by City Council and by such drawings, descriptions and specifications as are reasonably determined by the **City Manager** to be necessary for proper review of the application. Upon receipt of a completed application accompanied by the requisite fee(s), the **City Manager**, upon the recommendation of the Historic Commission, if applicable, shall approve or deny said permit within thirty (30) days of receipt thereof.

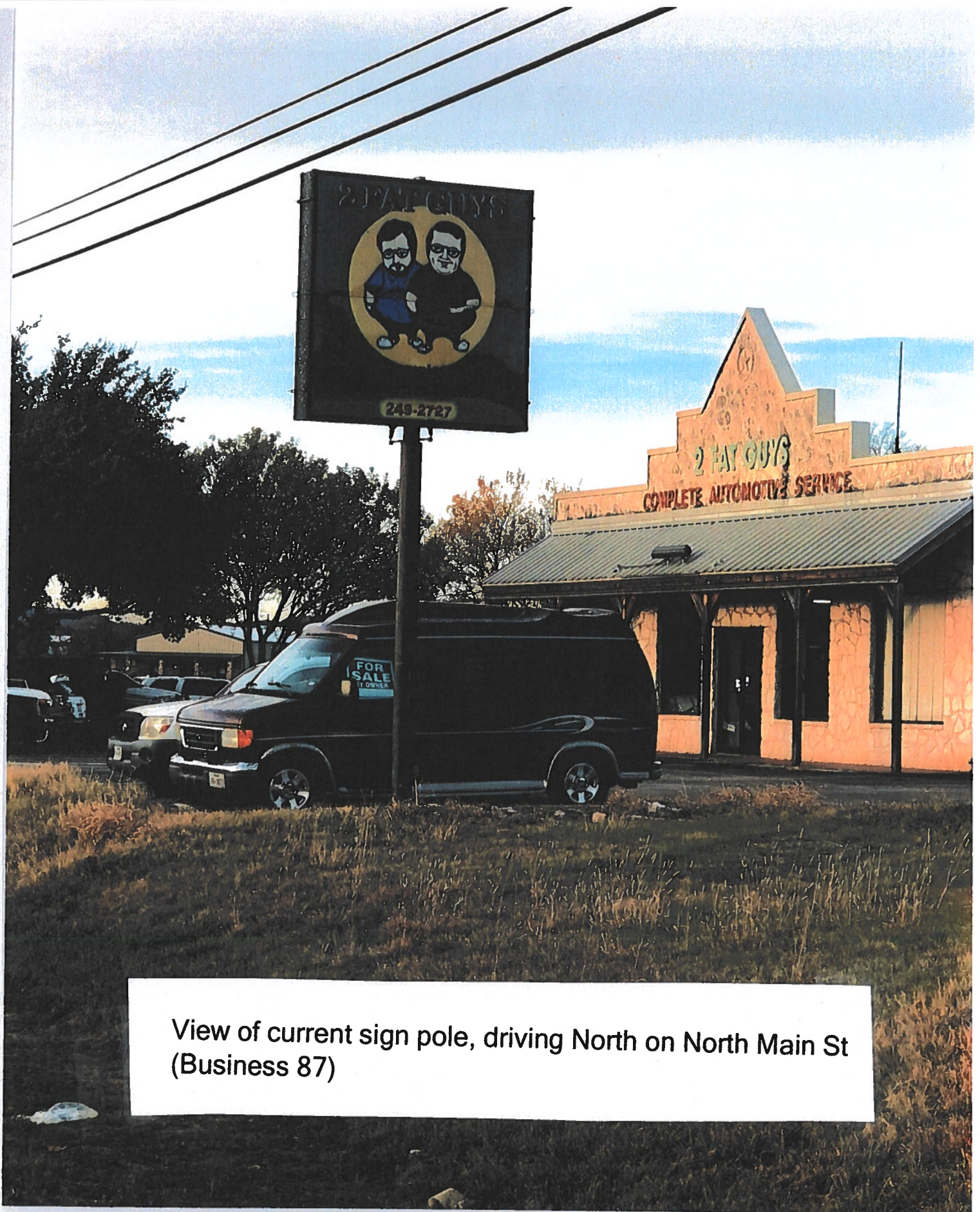
- C. **Beacons.**
- D. **Billboards.** With the exception of **commercial complex signs** described in Article I, Section 5.A, General Definitions.
- E. **Changeable Copy Signs** except in the categories of gasoline pricing signs, and **changeable copy monument signs.**
- F **Flashing signs.**
- G. **Moving signs.**
- H. **LED signs** except for, window or door signs (only one per store front), and Public Service and Governmental signs, theater marquee signs and canopy gas pricing signs, as described in Section 10 GG of this ordinance, outside of the central area. *(Ord. No. 2012-15, §11, 7-10-2012)*
- I. **Neon signs.** Exterior **Neon Signs** shall not be permitted.
- J. **Roof signs.**
- K. **Vehicular signs.**
- L. Posters, pennants, ribbons, streamers, spinners, or other similar devices, provided that as regulated in Sections 7 and 8 are not included in this prohibition.
- M. Signs, banners or posters which contain statements, words or pictures of an obscene, indecent, or immoral character or which offend public morals or decency.
- N. Signs which by reason of their proximity to a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way, constitute a hazard to vehicular or pedestrian traffic either because their location interferes with the safe operation of a vehicle, or because they obstruct the view of traffic, or because their design or content may be confused with any authorized traffic sign, signal or device.
- O. **Commercial signs** of any character, in any form of construction, and at any location except as regulated by this ordinance.
- P. Signs, to include **handheld signs** which, by reason of their proximity to a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way, constitute a hazard to vehicular or pedestrian traffic either because their location interferes with the safe operation of a vehicle, or because they obstruct the view of a traffic sign, signal, or device, or the view of other vehicular or pedestrian traffic, or because their design or content may be confused with any authorized traffic sign, signal or device.

SECTION 12. PROHIBITED SIGN LOCATIONS

No sign shall be located anywhere in the City or the City's extra-territorial jurisdiction except in accordance with the following provisions.

A photograph showing a view from a grassy field looking towards a road. In the foreground, there is a field of dry, brownish grass and some green patches. A road runs horizontally across the middle ground. To the right of the road, there is a large, dense line of trees with dark green foliage. Behind the trees, a yellow building is partially visible. A few cars are parked or driving on the road. The sky is blue with some white clouds. A white text box is overlaid at the bottom of the image.

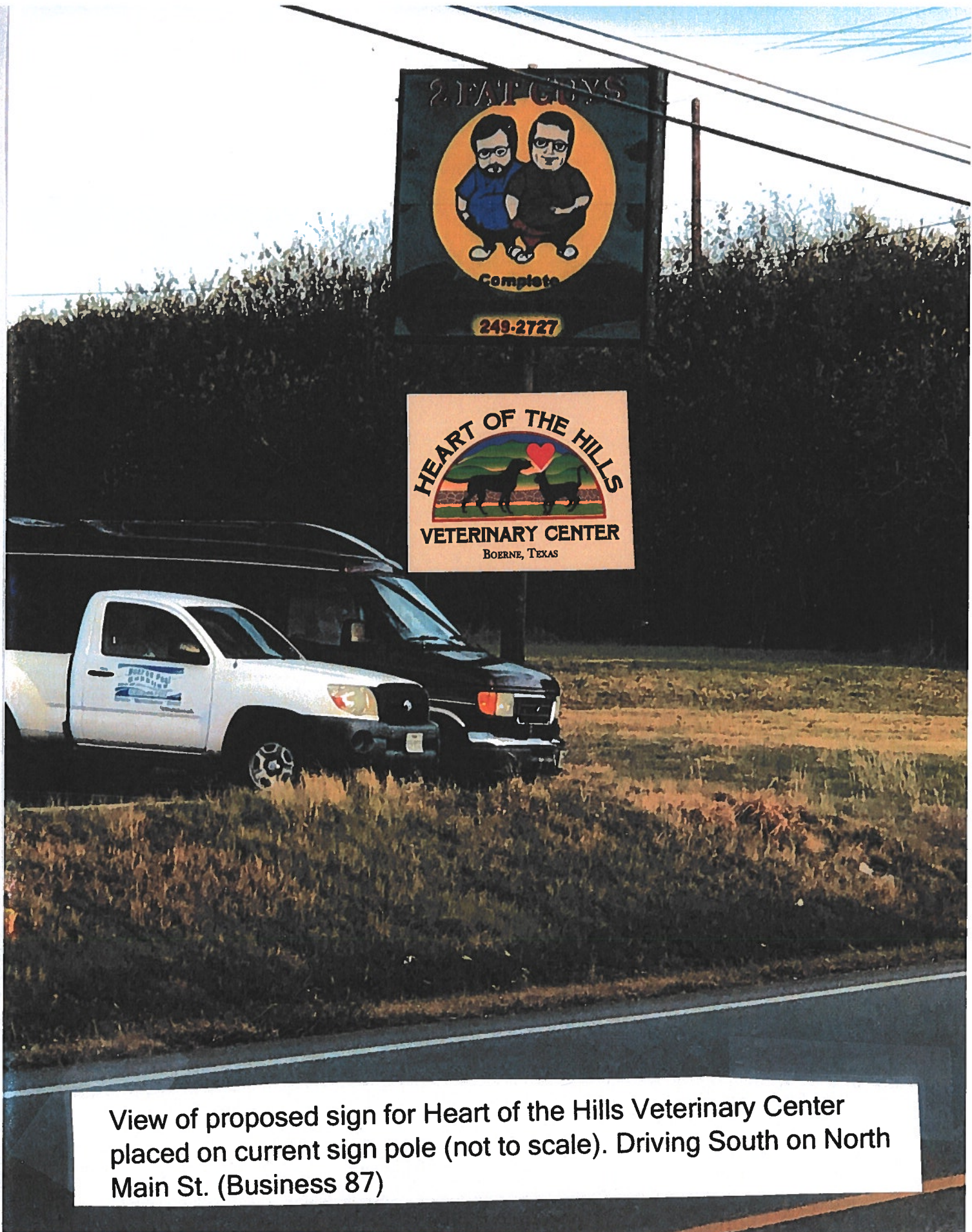
View driving North on North Main approaching intersection of
Commerce Avenue. Customers are to turn right to find my
Hospital. Discussions regarding Monument signs have been futile.



View of current sign pole, driving North on North Main St
(Business 87)



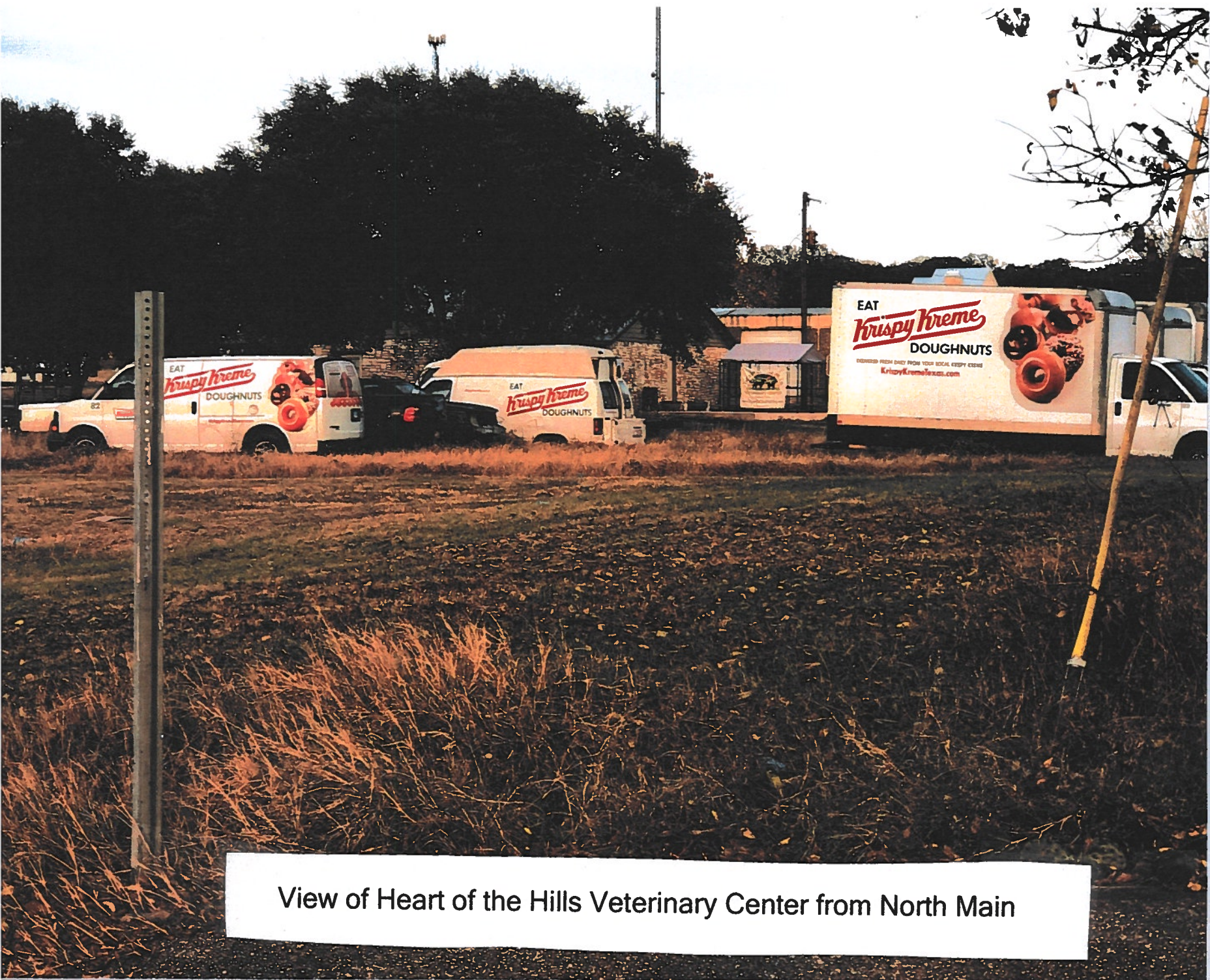
View of current sign pole driving South on North Main St
(Business 87)

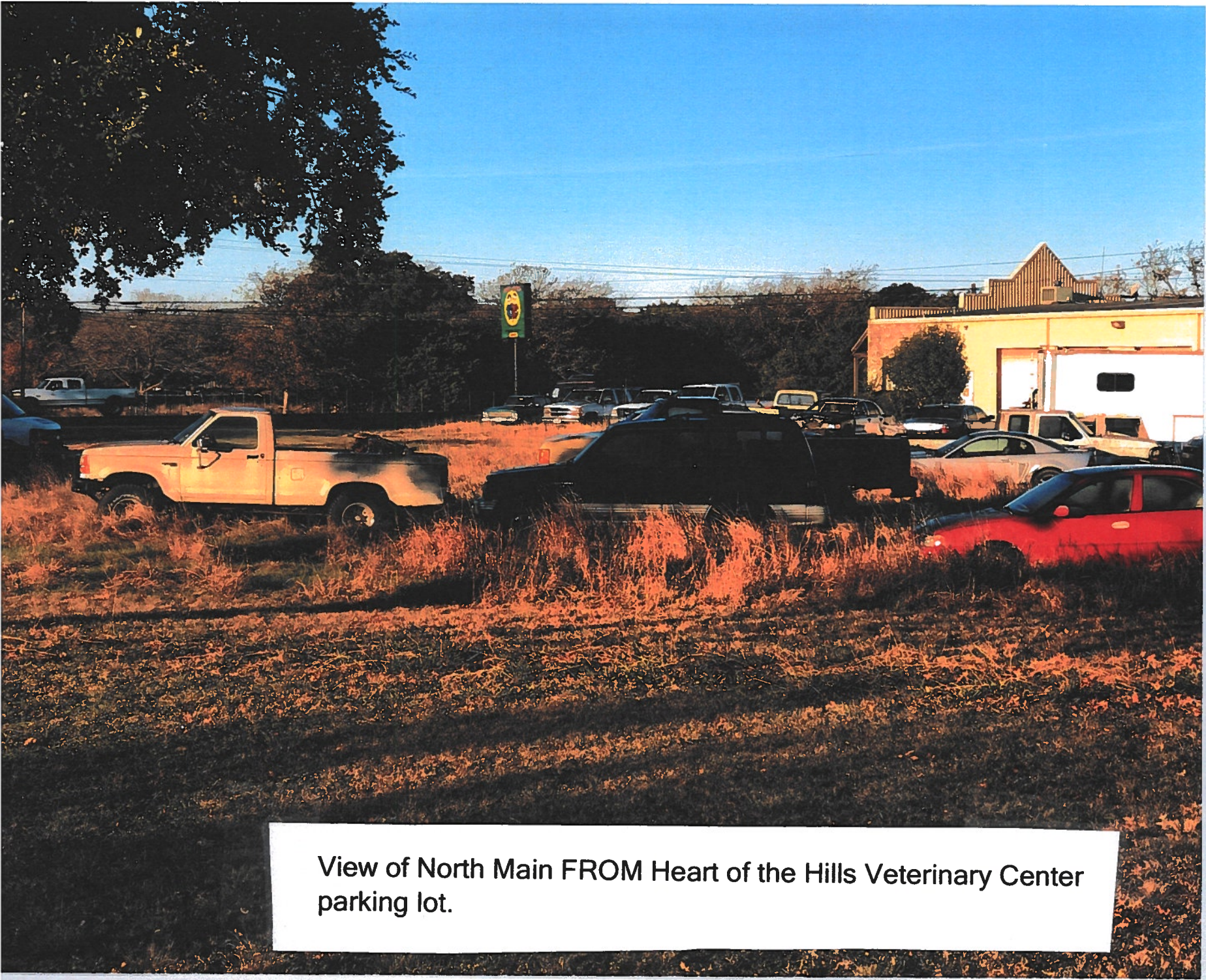


View of proposed sign for Heart of the Hills Veterinary Center placed on current sign pole (not to scale). Driving South on North Main St. (Business 87)

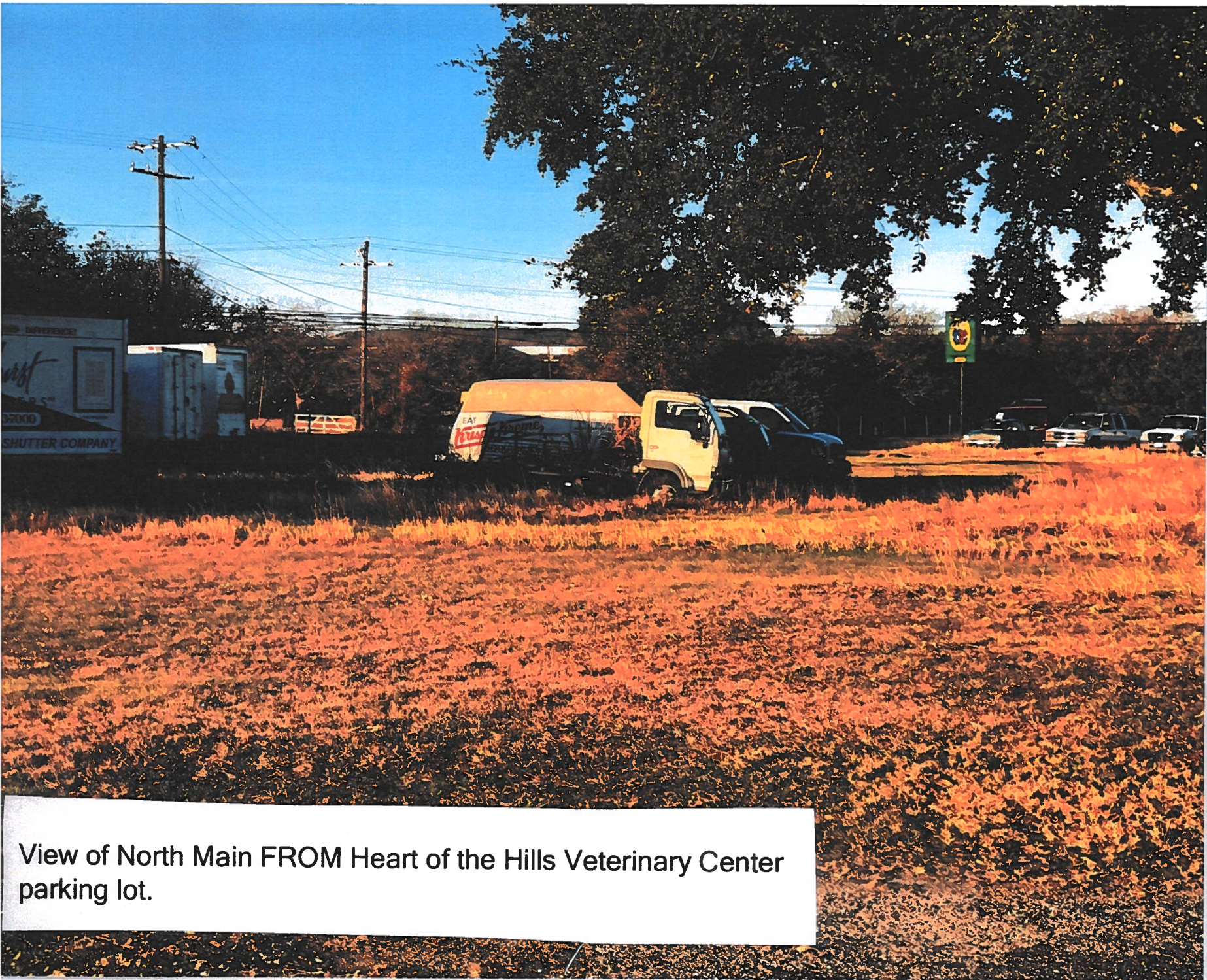


View of proposed sign for Heart of the Hills Veterinary Center placed on current sign pole (not to scale). Driving North on North Main St. (Business 87)





View of North Main FROM Heart of the Hills Veterinary Center parking lot.



View of North Main FROM Heart of the Hills Veterinary Center parking lot.

REJECTED

see attached notes *bul*

SIGN PERMIT APPLICATION

Application date	12-20-2019
Sign approval	

Please print clearly all information. Incomplete applications will not be processed.

1. Submit drawing with this application showing how the sign is to be erected & where it will be placed.
2. Sign drawing must include the dimensions of the sign and lettering. Color is helpful.
3. One application per sign

PROPERTY ADDRESS	Street Address 107 COMMERCE AVE. BOERNE, TX	Ste.
	Business owner/ manager VAL MINOZEWSKI	Phone 830-249-2727
PROJECT	Name of business HEART OF THE HILLS VETERINARY CENTER	
SIGN CONTRACTOR	Company Name Signs Now [they have not been contacted]	Phone 210-520-6699
	Address 5303 Wurzbach Rd. San Antonio, TX	Zip 78238
PROPERTY OWNER	Name Val Minozevski	Phone 830-249-2727
	Address 107 Commerce Ave Boerne, TX	Zip 78004
SIGN INFORMATION	Sign wording SEE ATTACHED LOGO FOR: HEART OF THE HILLS VETERINARY CENTER	
	Sign is (circle one) <input checked="" type="radio"/> Permanent or <input type="radio"/> Banner	Is sign electric? (circle one) YES <input type="radio"/> NO <input checked="" type="radio"/>
	Type of Sign: Flat; Image Colored onto Board and Sealed	
	Sign Height approx 3 ft	Sign Width approx 4 ft
	Area of sign 12 ft	
	Wall Height (if applicable) N/A	Area of wall (if applicable) N/A
	Height above grade	Site Plan: YES <input type="radio"/> NO <input checked="" type="radio"/>
		Historic Landmark Commission? YES <input type="radio"/> NO <input checked="" type="radio"/>

I, the undersigned, do hereby acknowledge that signage work must comply with all city Ordinance stipulations and requirements and that all improper work is subject to a fine of up to \$1,000.00 per day. Further, I do certify that I am authorized to request this permit by the owner of the real property where the sign will be erected. Banner permits are issued for 30 days each with a maximum of five (5) allowed per year per address with 20 day in between banner posting. Failure to obtain a permit before construction begins will result in the fee being doubled.

Printed name TAMARA OESTERLING

Signature

Tamara Oesterling ADM

107 Commerce Ave.

- Section 12 Prohibited Sign Locations. C. No sign shall be placed or kept in use to advertise an activity, business or service no longer conducted on the premises upon which the sign is located
- Section 15 Nonconforming sign. B. Limitations on Modification. No nonconforming sign shall be enlarged in area, increased in height, moved, altered or remodeled unless and until its construction, area, height and location are all in conformity with the ordinance. A lawfully existing sign may be repainted and the letter or character on the sign may be rearrange or replace, however the changes cannot be made to advertise a new business.
- Heart of the Hills is located at 117 Commerce. The sign location is at 2 fat guys, 107 Commerce. This will make this sign an off premises sign and not allowed by our ordinance.
- 2 fat guys is a nonconforming sign. It is oversized.
- A previous variance for the same thing was denied.

16. CONSIDER RESOLUTION NO. 2014-R121; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE PETITION AND SETTING THE DATE, TIME, AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARINGS. (11.73 Acres Located At 3 Shooting Club Road At The Request Of Richard Field Jr. And Karen Cole Field)

Mr. Turk displayed a map of the location of the property. He stated that the owners Richard and Karen Field requested the annexation. To proceed with the request, City Council must set the date and time for the public hearings.

MOTION WAS MADE BY COUNCIL MEMBER HABERSTROH TO APPROVE RESOLUTION NO. 2014-R121; ACCEPTING THE PETITION AND SETTING THE DATE, TIME, AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF 11.762 ACRES LOCATED AT 3 SHOOTING CLUB ROAD. MAYOR PRO TEM CISNEROS SECONDED THE MOTION. COUNCIL VOTED 5-0.

17. RECEIVE AND CONSIDER A REQUEST FROM TAMARA OESTERLING FOR A VARIANCE TO THE SIGN ORDINANCE SECTION. 5 DEFINITIONS. OFF PREMISE SIGN. (Heart of the Hills Veterinary Center, 117 Commerce Avenue)

Mr. Turk stated that he visited with Dr. Oesterling regarding her request for an off premise sign and made a suggestion for the business park which her business is located to construct a complex sign. Dr. Oesterling decided to move forward with her request. Mr. Turk displayed photos of the proposed sign. He noted that 2 Fat Guys Automotive located next to Dr. Oesterling's business gave Dr. Oesterling permission to use the pole on their property. Mr. Turk stated that the Sign Variance Committee recommended that the request be denied. Discussion ensued regarding setting precedence and complex signs.

MOTION WAS MADE BY COUNCIL MEMBER HABERSTROH TO DENY THE REQUEST FROM TAMARA OESTERLING FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 5. DEFINITIONS. OFF PREMISE SIGN. COUNCIL MEMBER BERGMANN SECONDED THE MOTION. COUNCIL VOTED 5-0.

18. RECEIVE AND CONSIDER A REQUEST FROM GABRIELLE MIZE OF SEVEN 13 SIGNS AND GRAPHICS, LLC. FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 10. RESTRICTIONS ON CERTAIN TYPES OF SIGNS. AA. RESIDENTIAL DEVELOPMENT SIGNS. (Gehan Homes, HWY 46 East)

Mr. Turk displayed a map of the location of the proposed sign. He also displayed a photo of what the proposed sign would look like. The Sign Variance Committee recommended that the request be denied.