

**RESOLUTION NO. 2002- 11 R**

A RESOLUTION GRANTING A VARIANCE FROM SECTION 5-155 OF THE VICTORIA CITY CODE, WHICH PROHIBITS SIGNS IN EXCESS OF 32 SQUARE FEET IN PRIMARILY RESIDENTIAL NEIGHBORHOODS, TO THE BODY BOUTIQUE AT 405 E. LOMA VISTA, WHICH IS OWNED BY LAURIE CUSTER; AND DECLARING AN EFFECTIVE DATE.

Section 5-155 of the Victoria City Code provides as follows:

**Sec. 5-155. Primarily Residential Area.**

(a) No billboard shall be located:

- (1) Within a primarily residential area;
- (2) Less than three hundred (300) feet, measured along the same side of the street, from any lot within a primarily residential area;
- (3) Less than one hundred (100) feet, measured on a radius, from any lot within a primarily residential area.

(b) No signs, other than the following nonelectrical on-premise signs, shall be located on a lot within a primarily residential area:

- (1) One (1) realty sign, displayed temporarily during periods of development or listing for sale, rent or lease; provided that banner or pennant signs may be used for such purpose for not more than three (3) consecutive days.
- (2) One (1) construction sign and one (1) financing sign, displayed temporarily during periods of development.
- (3) One permanent advertising sign.
- (4) All signs allowed herein, except banner or pennant signs, shall have a maximum area of eight (8) square feet and maximum height of six (6) feet.

Section 5-150 of the Victoria City Code defines "Primarily residential area" as "an area of property along one side of a public street between two adjacent intersecting public streets in which a majority of the total front footage is used for residential purposes."

Section 2-95 of the Victoria City Code authorizes the City Council to grant a variance from City Code requirements when it deems such action proper;

Laurie Custer, owner of The Body Boutique at 405 E. Loma Vista (at its intersection with Navarro Street), desires to obtain a permit for a 32 square foot sign;

The Sign Board of Adjustments and Appeals has recommended that the variance from Sections 5-155 be granted to Laurie Custer, owner of the aforementioned property; and the City Council finds adequate evidence has been submitted to indicate that a variance from the requirements of Section 5-155 is proper.

THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

A variance from Section 5-155 of the Victoria City Code is granted to 405 E. Loma Vista, which is owned by Laurie Custer, in accordance with the recommendation of the Sign Board of Adjustments and Appeals.

2.

This resolution shall become effective immediately upon adoption.

PASSED, this the 2<sup>nd</sup> day of January, 2002.

AYES: 5

NAYS: 1

ABSTENTIONS: 0

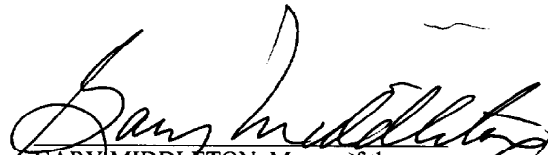
APPROVED AND ADOPTED, this the 2<sup>nd</sup> day of January, 2002.



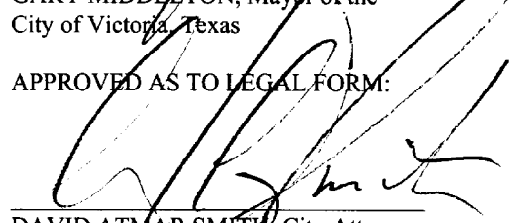
ATTEST:

  
SCARLET SWOBODA, City Secretary

Distribution:   Legal Department  
                  Planning Department  
                  Department of IMS

  
GARY MIDDLETON, Mayor of the  
City of Victoria, Texas

APPROVED AS TO LEGAL FORM:

  
DAVID ATMAR SMITH, City Attorney

Copy Sent: JANUARY 4, 2002