



AGENDA ITEM SUMMARY FORM

MEETING DATE: June 24, 2026

PREPARED BY: Otis T. Spriggs, AICP, Development Services Director

AGENDA CONTENT: Conduct a public hearing, discussion, and take possible action on a request for a variance to the Code of Ordinances, Sec. 22-16, which prohibits the placement of a monument sign on any public street right-of-way or parkway. The proposed sign/subject property is located at the entrance median of Austin Colony Subdivision, CR44/Anchor Rd. at Austin Colony Drive.

AGENDA ITEM SECTION: Public Hearings and Action Items

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

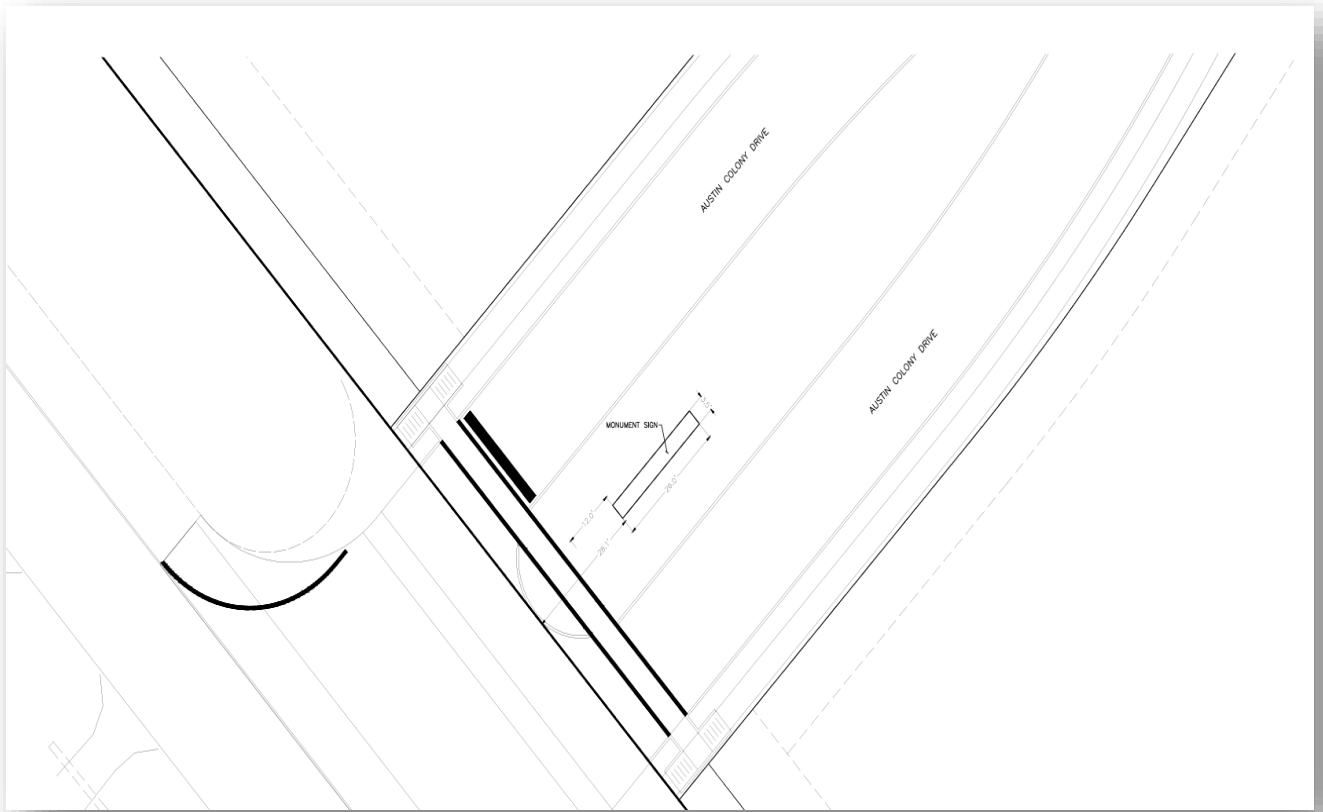
EXECUTIVE SUMMARY:

The applicant filed a variance request to the Code of Ordinances, Sec. Code of Ordinances, Section 22-16, which prohibits the placement of a monument sign on any public street right-of-way or parkway. The proposed sign/subject property is located at the entrance median of Austin Colony Subdivision, CR44/Anchor Rd. at Austin Colony Dr.

The proposed sign location will represent the most logical main entry way into the new subdivision off the major CR 44 /Anchor Road collector corridor. The two corner lot configurations would not adequately allow for the proposed monumentation.

Staff processed this application and scheduled the public hearing at the request of the applicant. Property owners within 200 ft. of the property were notified and the legal notice was posted in the local newspaper.

Site Plan



View of proposed monument sign

Zoning Code / Variance Analysis:

Sec. 28-23. Board of adjustment (BOA). F. (2). No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with subsection (h) of this section and unless the board of adjustment finds:

- a. **That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his/her land; *The proposed sign, while in public right away will cause no adverse impact if correctly located outside the visibility and obstruction radius code requirements. This is a customary situation and request.***
- b. **That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; *Applicant seeks relief by the Board to protect their right to have a Variance for the proposed sign, while in public right away, this will cause no adverse impact if correctly located outside the visibility and obstruction radius.***
- c. **That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;**

Staff confirms that the variance will not cause any detriment to public health and safety.

- d. **That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this chapter; and**

Staff confirms granting the variance will not interfere nor prevent the orderly use of other land within the area.

- e. **That a finding of undue hardship exists.**

Such findings of the board of adjustment, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the board of adjustment meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that public health, safety and welfare may be secured, and that substantial justice may be done.

Staff agrees the findings in granting this variance does not affect the sight of visibility and obstruction radius.

In order to grant a variance, the Board of Adjustment must make written findings that an undue hardship exists:

Staff concurs that the difficulty caused is neither financial in nature, self-imposed nor generally affecting all or most properties in the same zoning district; and the relief sought will not injure the permitted use of adjacent conforming property; and the granting of a variance will be in harmony with the spirit and purpose of these regulations.

RECOMMENDATION:

Staff recommends that the Board of Zoning Adjustment finds that a Variance exists and grants the variance to the Code of Ordinances, Sec. 22-16, which prohibits the placement of a monument sign on any public street right-of-way or parkway. The proposed sign/subject property is located at the entrance median of Austin Colony Subdivision, CR44/Anchor Rd. at Austin Colony Dr..*Sample Motion:*

1: *The Board of Zoning Adjustments has established findings of fact and determines that a hardship has been proven for the requested variance to the Code of Ordinances, Sec. 22-16, which prohibits the placement of a monument sign on any public street right-of-way or parkway. The proposed sign/subject property is located at the entrance median of Austin Colony Subdivision, CR44/Anchor Rd. at Austin Colony Dr..

**Board of Zoning members may vote Nay to DENY the petition due to findings that hardship is not demonstrated or such variance will adversely impact the general planning area.*