



# STAFF REPORT

**MEETING DATE:** January 31, 2024

**TITLE:**

Public Hearing and consider action on variances from the Bastrop Building Block (B<sup>3</sup>) Code, Chapter 8 – Signs, Article 8.3 (k) Monument Signs for the number of signs, sign height, base height, and internal illumination, for the Valverde subdivision, located at 242 Fm 969, within the City Limits of the City of Bastrop, Texas

**STAFF REPRESENTATIVE:**

Kennedy Higgins, Senior Planner

**ITEM DETAILS:**

Site Address:	242 Fm 969 (Attachment 1)
Total Acreage:	399.878 acres
Legal Description:	Nancy Blakey Survey, Abstract 98
Property ID:	8720280
Property Owner:	Continental Homes of Texas, LP
Agent Contact:	Cynthia McCalmont – SEC Planning
Existing Use:	Vacant/Undeveloped
Existing Zoning:	P1 Nature per Development Agreement
Adopted Plan:	Valverde Development Agreement, Approved July 13, 2021
Future Land Use:	Neighborhood Residential

**BACKGROUND/HISTORY:**

Valverde has a development agreement with the City where they specified that monument signs are allowed in P1, which is where all of their monument signs, the two entry signs as well as the neighborhood signs are located.

The applicant is requesting a variance to allow for three things that are not permitted under the adopted Chapter 8 – Signs;

The first is in regard to the size of the entry monument sign. Per Article 8.3 (k); (b) and (ii) (2), the maximum height of a monument sign in P5 is 6 feet. The code also specifies the height of the base at 2 feet. These are the two size differences that the applicant is requesting. They are requesting two monument signs as an entry to the subdivision with a height of 25 feet 10 inches, a width of 48 feet 11 inches and a base with the height of 6 feet. The width would be allowed if a variance was approved for the height, as a width is allowed at 2 times the height.

The second is in regard to the number of monument signs allowed per street frontage. Currently per Article 8.3 (k); (a). only one monument sign is allowed per street frontage. The applicant is requesting a variance to allow for two monument signs at the entrance to the subdivision.

The third is to allow for illumination for all monument signs. Per Article 8.3 (k) v and vi – monument signs located in the sign corridors of SH 95, SH 71, and loop 150 can be internally illuminated, but a warrant can be requested for signs located outside of corridors and the applicant has included that request in the overall variances requested.

The applicant's justification for all of these requests are based on the magnitude of development along Fm 969. This road is being annexed into the City as a part of the Valverde subdivision. The applicant made the comparison of the growth on 969 making it more comparable to other major highways with similar speed limits (65 MPH), comparing 969 to the City's other sign corridors like SH 95. For example, if 969 was a sign corridor, the only variance they would need would be for the quantity of entry monument signs. The size and illumination they request would be allowed in a sign corridor.

### Bastrop Building Block (B3) Code

The Bastrop Building Block (B<sup>3</sup>) Code was adopted on November 12, 2019, and include Chapter 8 Signs. The applicant is asking for a variance to following standards:

#### Article 8.3 K) Monument Sign

##### SPECIFICATIONS

**a. Quantity: 1 max per Frontage**

- b. **Height:** 35 ft max. in P5 on SH 71 \*see v  
20 ft max in P5 on SH 95 & Loop 150  
**6 ft max in P5**

c. Max Height to width ratio: 4:1

##### DESCRIPTION

A Sign permanently affixed to the ground at its base or by poles that are enclosed by natural stone, stucco, brick, or wood and not mounted to a part of a Building. Pole(s) may be used to construct a Monument Sign so long as the poles are not visible below the Sign.

##### SIGN DETAILS

i. A Monument Sign can be defined as a ground Sign generally having a low profile with little or no Open Space between the ground and the Sign and having a Structure constructed of masonry, wood, or materials similar in appearance.

ii. How to Measure:

(1) Maximum total Height is measured from the finished grade at the center of the Sign. If the finished grade at the center of the Sign is higher than the finished grade of the closest paved surface, then the Height shall be measured from the finished grade of the closest paved surface.

**(2) The monument base shall be a maximum of 2 feet in Height and shall be included in the calculation of total Height.**

(3) A Monument Sign width cannot exceed 2 times the allowable Sign Height.

- iii. The max Height allowed along SH. 71 is 35 feet. Height limit is 8 feet if Band Sign Height exceeds 4 feet.
- iv. The max Height allowed along Loop 150 and SH 95 is 20 feet. Height limit is 8 feet if Band Sign height exceeds 4 feet.
- v. Signs along SH 71, SH 95 and Loop 150 can be internally illuminated.
- vi. A warrant for internal illumination can be requested.**
- vii. Cannot be located within a Sight Triangle.

**PUBLIC NOTIFICATION:**

A newspaper notice was placed on January 21, 2024. Notifications were mailed to 86 adjacent property owners on January 19, 2024. At the time of this report, we have received one response with no objection.

**POLICY EXPLANATION:**

Texas Local Government Code

Sec. 211.009. AUTHORITY OF BOARD.

- (a) The board of adjustment may:
  - (1) hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this subchapter or an ordinance adopted under this subchapter;
  - (2) hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so;
  - (3) authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done; and
  - (4) hear and decide other matters authorized by an ordinance adopted under this subchapter.
- (b) In exercising its authority under Subsection (a)(1), the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official.
- (b-1) In exercising its authority under Subsection (a)(3), the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
  - (1) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section [26.01](#), Tax Code;
  - (2) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
  - (3) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

- (4) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
  - (5) the municipality considers the structure to be a nonconforming structure.
- (c) The concurring vote of 75 percent of the members of the board is necessary to:
- (1) reverse an order, requirement, decision, or determination of an administrative official;
  - (2) decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or
  - (3) authorize a variation from the terms of a zoning ordinance.

### Bastrop Building Block (B3) Code

#### Section 8.2.003 Variances

(d) Other requests for variances shall be forwarded to the ZBA. The ZBA may decide, subject to appropriate conditions, and only after a finding based on the evidence presented that strict compliance with the CHAPTER 8: SIGNS 179 of 249 requirements of this Code will result in substantial undue hardship, sufficient mitigation, or inequity to the applicant without sufficient corresponding benefit to the City and its citizens in accomplishing the objectives of this Chapter.

*The code allows for an administrative approval for setback, effective area, size of internal components of a Sign so long as total size of Sign Face is compliant, or Height requirements, as well as to authorize one additional sign on premises more than allowed by this chapter, additionally a height increase of up to four (4) feet can be approved administratively, anything else will be the jurisdiction of the ZBA.*

The Sign Administrator and ZBA shall consider:

- (1) Special or unique hardship because of the size or shape of the property on which the Sign is to be located, or the visibility of the property from public roads.
- (2) Hardship claim based on the exceptional topographic conditions or physical features uniquely affecting the property on which a Sign is to be located.
- (3) Proposed Sign location, configuration, design, materials, and colors are harmonious.
- (4) The Sign and its supporting structure is in architectural harmony with the surrounding Structures.
- (5) Mitigation measures related to the Sign in question or other Signs on the same Premises.
- (6) Demonstrated and documented correlation between the Variance and protecting the public health and safety.
- (7) Whether the Sign could have been included in a Master Sign Plan. Master Sign plans are highly encouraged. The City will be more inclined to favorably consider a Variance request when the Variance is part of a Master Sign Plan. There will be a presumption against granting variances piecemeal, ad hoc, on a case-by-case basis when the Sign for which a Variance is sought could have been included in a

Master Sign Plan and considered in the course of a comprehensive review of the entire Project's signage.

- (8) The Sign Administrator may authorize the remodeling, renovation, or alteration of a Sign when some nonconforming aspect of the Sign is thereby reduced.

**RECOMMENDATION:**

Public Hearing and consider action on variances from the Bastrop Building Block (B<sup>3</sup>) Code, Chapter 8 – Signs, Article 8.3 (k) Monument Signs for the number of signs, sign height, base height, and internal illumination, for the Valverde subdivision, located at 242 Fm 969, within the City Limits of the City of Bastrop, Texas

**ATTACHMENTS:**

- Attachment 1: Location Map
- Attachment 2: Letter from Applicant
- Attachment 3: Master Sign Plan
- Attachment 4: Code referencing Variance requests
- Attachment 5: Bastrop Building Block (B<sup>3</sup>) Code Monument Sign Requirement
- Attachment 6: Blank Findings for Sec 8.2.003 Variances

