



STAFF REPORT

MEETING DATE: August 3, 2022

TITLE:

Public Hearing and consider action to deny a variance from the Bastrop Building Block (B³) Code, Chapter 8 – Signs, Article 8.3 (b) Band Signs for the number of signs allowed per building, on Main and Spring Subdivision, Lot 2, Acres 0.588, located at 712 Spring Street, within the City Limits of the City of Bastrop, Texas.

STAFF REPRESENTATIVE:

Jennifer C. Bills, AICP, LEED AP, Director of Planning & Development

ITEM DETAILS:

Site Address:	712 Spring Street (Attachment 1)
Total Acreage:	2.67 acres
Legal Description:	Beck, NHP, & Prokop Subdivision, Section Two, Lot 1
Property Owner:	First National Bank
Agent Contact:	David Lapp/Level5 LLC
Existing Use:	Bank with Drive Through
Existing Place Type Zoning:	P-5 Core
Character District:	Old Town
Future Land Use:	Downtown Bastrop

BACKGROUND/HISTORY:

The applicant is requesting a variance to install a second sign on the side of the building, facing the interior lot line (Attachment 2). Article 8.3 (b) states that a building is allowed to have **one** sign per street façade (up to two for a corner building). The Bank is requesting a second sign on a building that is not a corner building. In this instance, the First National Bank building is on a corner lot but is interior to the lot. The Cash Station, also owned by First National, faces both Spring Street and Water Street, and has multiple Band Signs, facing both streets.

The applicant included renderings of the sign during the Certificate of Appropriateness review and the Site Development Plan. During the COA review, the applicant was told that two signs were not permitted (Attachment 4). A note was also required on the Site Development Plan that “Signage will require separate sign permit.” The applicant applied for two Band Sign Permits on March 21, 2022 and the applicant was informed that they are only allowed one Band Sign on the front façade. The applicant has submitted a Sign Variance request letter (Attachment 2) with their findings for the requirements of Section 8.2.003 Variances that must be provided based on evidence. They have attached renderings of the building showing the proposed sign, the Site Development Plan layout and a picture of the building location (Attachment 3).

Staff has provided findings of fact for Section 8.2.003 below in the Policy Explanation below. In addition to this, pictures of the building from Main Street and Spring Street are provided. The sign on the west side of building is only visible if you are directly in front of the area of the sign

(Attachment 5). Otherwise, the sign is obscured by street trees. The driveway onto Spring Street is an exit only, so drivers would not be able to turn into the site after seeing the sign.

PUBLIC NOTIFICATION:

Notifications were mailed to 19 adjacent property owners on July 23, 2022. At the time of this report, one response in favor has been received (Attachment 6).

POLICY EXPLANATION:

The Bastrop Building Block (B³) Code was adopted on November 12, 2019 and include Chapter 8 Signs. The applicant is asking for a variance to the two following standards:

Article 8.3 On-Premise Sign Type & Standards (Attachment 7)

Table b) Band Signs

Specification

a. Quantity: 1 max. (2 for corner buildings)

The applicant is requesting 2 Band Signs, two on the front façade, one on the west façade. The building is not a corner building. The Cash Station building on the same site at 714 Spring Street is a corner building and it has multiple (non-conforming) band signs that face Spring Street and Water Street.

Section 8.2.003 Variances

(d) The ZBA may decide, subject to appropriate conditions, and only after a finding based on the evidence presented that strict compliance with the 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 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.
There is no unique situation with the property that does not apply to other properties in the downtown for buildings that have an exposed side façade.
- (2) Hardship claim based on the exceptional topographic conditions or physical features uniquely affecting the property on which a Sign is to be located.
The site does not have any exceptional conditions. Many buildings downtown have side facades that do not face a street and do not contain band signs.
- (3) Proposed Sign location, configuration, design, materials and colors are harmonious.
The location of the sign on the building, along with the proposed design meet the intent of the code. The size does not comply and conflicts with the intent of the code to create building signage that is compatible to the area and visible to pedestrian traffic.
- (4) The Sign and its supporting structure is in architectural harmony with the surrounding Structures.
Buildings downtown do not typically have additional band signs on facades that do not face a public street.

- (5) Mitigation measures related to the Sign in question or other Signs on the same Premises.

The applicant has proposed a second band sign at on the interior side of the building. The applicant has proposed no mitigation measures for the additional signage.

- (6) Demonstrated and documented correlation between the Variance and protecting the public health and safety.

Granting a variance does not provide any additional protection to public health or 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.

This is a single business site. A Master Sign Plan would not be appropriate in this instance.

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

This request is for new signage. A band sign and banner sign have been permitted on the front of the building.

A blank findings form has been included if the Board would like to make their own findings for approval Attachment 8).

RECOMMENDATION:

Public Hearing and consider action to **deny** a variance from the Bastrop Building Block (B³) Code, Chapter 8 – Signs, Article 8.3 (B) Band Signs for the number of signs allowed per building, on Main and Spring Subdivision, Lot 2, Acres 0.588, located at 712 Spring Street, within the City Limits of the City of Bastrop, Texas.

ATTACHMENTS:

- Attachment 1: Location Map
- Attachment 2: Applicant Sign Variance Memo
- Attachment 3: Applicant Submittal
- Attachment 4: City Comments during COA
- Attachment 5: View of Property from Main & Spring Street
- Attachment 6: Property Owner Responses
- Attachment 7: Bastrop Building Block (B³) Code Article 8.3 b) Band Sign Requirements
- Attachment 8: Blank Findings of Fact for Sec 8.2.003