

HUSCH BLACKWELL

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August 29, 2022

VIA MyGOV

Bastrop Board of Adjustment
1311 Chestnut Street
Bastrop, TX 78602

Re: Sign Variance Application

Dear Chair and Board Members:

I write on behalf of the applicant, V&S Enterprises, to inform you of a new sign variance application for 521 West SH 71 we intend to submit for consideration by the Board of Adjustment.

We request a variance allowing digital signage on an existing sign for the following reasons:

- (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.

The visibility of the sign is impaired by its close proximity to nearby competitors that have digital signs, including HEB and Buc-ee's.

- (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 sign is partially blocked to oncoming traffic by an existing tree. While the applicant does not wish to relocate the sign, they believe digital price numbers would help alleviate this challenge.

- (3) Proposed Sign location, configuration, design, materials and colors are harmonious.

The applicant proposes only to add digital pricing to the sign, and has no intention of relocating or reconfiguring the sign (see Exhibit 1).

- (4) The Sign and its supporting structure is in architectural harmony with the surrounding Structures.

The sign and supporting structure remain architecturally harmonious with surrounding structures. Adding digital pricing would not render the sign out of harmony with surrounding structures, since the gas station's canopy includes digital price numbers and surrounding competitors include digital price numbers.

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

The applicant is willing to remove the digital price numbers from the gas station's canopy in return for a variance allowing digital price numbers on the sign.

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

An approved variance would cause no risk to public health and safety since the sign would not be relocated or enlarged.

- (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.

The sign is the only sign on the gas station site and therefore is not part of a master sign plan.

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

The applicant proposes to restore the sign to pre-2019 code change compliance that would have allowed for digital price numbers. The alteration would furthermore bring the sign to better architectural harmony with surrounding competition, many of which have existing digital signs.

Bastrop's new sign code impairs the applicant's ability to market the gas station at a commercially reasonable level, due to the nature of the adjacent roadways impairing the view of the station's signage. We believe this variance request is reasonable because nearby gas stations have similar digital signs, and granting the variance would not alter the area character since this is a highly commercial area next to a major divided roadway.

Finally, recent changes to state law allow the Board of Adjustment to consider economic loss as a hardship. I believe such a consideration would be appropriate in this case, as the applicant can demonstrate year-over-year fuel volume sales declines and resulting rental deferrals (see Exhibit 2). The previous code would have allowed the sign permit the applicant


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seeks; however, the contractor unfortunately failed to apply for the permit before the code was changed. Thank you for your consideration.

Very truly yours,

HUSCH BLACKWELL LLP

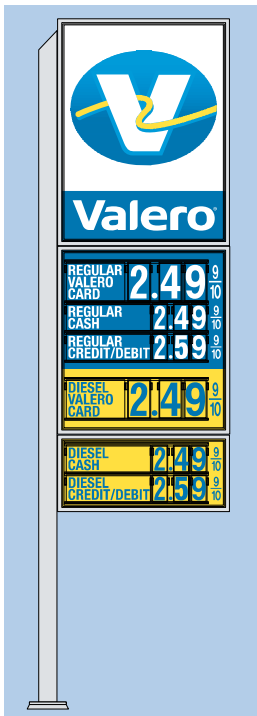
A handwritten signature in black ink, appearing to read "Lee Simmons", is written over a light gray rectangular background.

By: _____

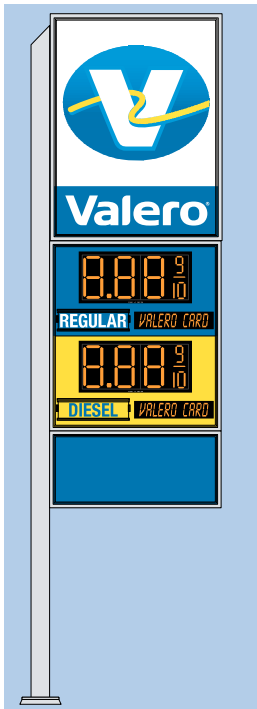
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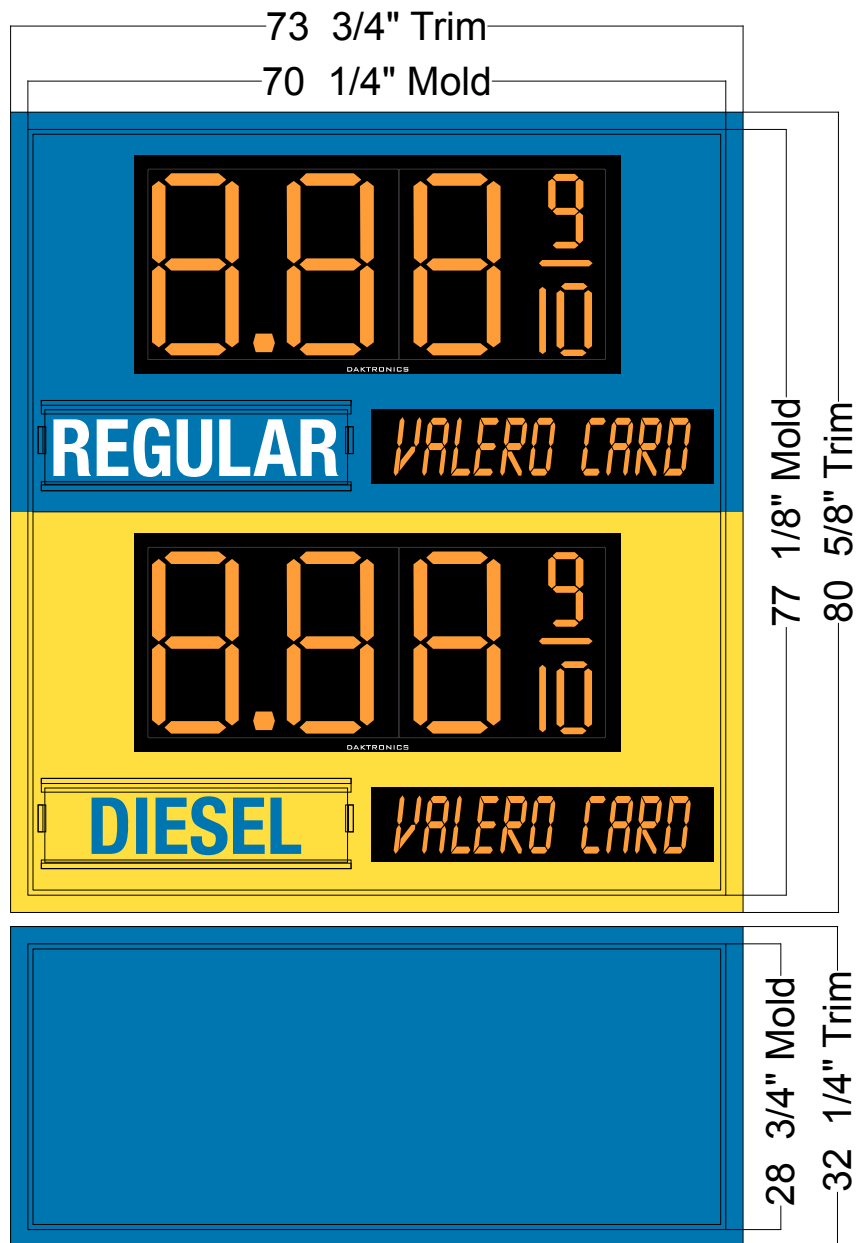
Exhibit 1



Scope of Work - Before

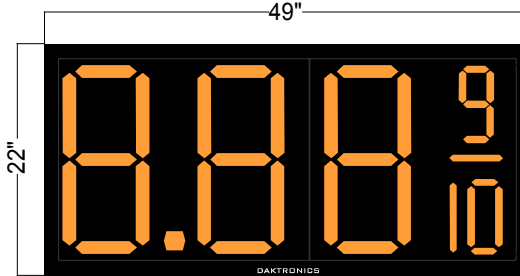
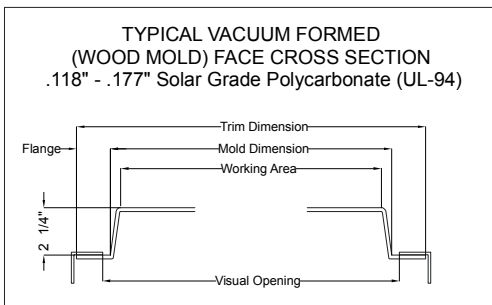


Scope of Work - After



Per Valero standards, all 3 options for Cash/Credit/Debit must be programmed and initiated in the price sign postings.

Daktronics Model #:
FL-3000-18-A-DI



Site - Drawing - #:

28554 Dwg 78609

Date: Project:

8/13/20 Valero

Requested By: Drawing By:

Jason J.GENET



Notes - Scope of Work

Replacement Faces: 2P LED Pricer w/ Flasher
AUX (Blank)

THIS DESIGN IS THE ORIGINAL AND UNPUBLISHED WORK OF ALVEY'S SIGN COMPANY AND MAY NOT BE REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION WITHOUT WRITTEN CONSENT FROM AN AUTHORIZED OFFICER OF THE COMPANY.

Exhibit 2

521 Hwy 71, Bastrop Texas		
Year	Fuel Volume (gallons)	YOY Change
2016	860,514	
2017	746,676	-13.23%
2018	771,203	3.28%
2019	572,372	-25.78%
2020	611,333	6.81%
2021	512,732	-16.13%