

ZONING BOARD OF ADJUSTMENT

STAFF REPORT



MEETING DATE: June 7, 2017

TITLE:

Public hearing and consider action to approve a Variance to Section 3.20.016 (4) (D) of the Sign Ordinance to allow an additional 52 square feet of sign area at a height of 54 feet to an existing legal nonconforming multi-tenant pylon sign at 489 Highway 71 West, being Lot 6B of Bastrop West Commercial, Section 1, Block A.

STAFF REPRESENTATIVE:

Wesley Brandon, P.E., Director of Planning and Engineering

ITEM DETAILS:

Site Address: 489 Highway 71 West (Attachment 1)
Total Acreage: 4.567 acres
Legal Description: Bastrop West Commercial, Section 1, Block A, Lot 6B

Property Owner: Reid Sharp, First National Bank of Bastrop
Applicant Contact: Kenneth Ladd, Kragh's Jewelry

Existing Use: Retail/Commercial
Existing Zoning: C-2, Commercial - 2
Future Land Use: General Commercial

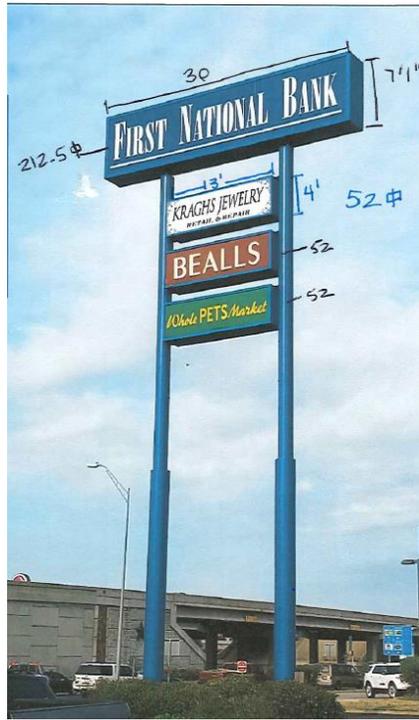
BACKGROUND/HISTORY:

Kragh's Jewelry is a storefront in the multi-tenant shopping center and the Applicant is requesting to add an additional sign cabinet on the existing First National Bank sign along the Highway 71 westbound frontage road.

Existing Sign



The existing multi-tenant sign currently has three (3) sign cabinets installed. The Applicant is asking to place the new sign cabinet in the open space between the Bealls and First National Bank signs.



Proposed
Sign
Addition

The building that this sign serves is approximately 32,800 square feet in size on a 4.567-acre lot. There is an adjacent multi-tenant shopping center and several pad sites that all share the same parking and street frontage.

Aerial
Location
Map



The pylon originally had four (4) sign cabinets to serve multiple tenants in the shopping center. A 2005 sign inventory shows the sign with the original four cabinets.



Photo of Sign taken June 3, 2005

The existing sign is 64 feet tall and has 316.5 square feet of sign face area. Section 3.20.016 (4) (D) of the Sign Ordinance allows a pylon sign to be a maximum of 35 feet tall with 160 square feet of sign area. Additionally, there is a distance requirement that any new pylon signs must be at least 100 feet away from other pylon or monument signs, on any parcel. The Applicant's request includes a new sign cabinet, **4 feet tall and 13 feet wide, with an area of 52 square feet**, placed approximately one foot under the existing top sign. This would be an increase in size of 16% compared to the existing sign, and would increase the total sign area to 130% greater than that allowed under the current code.

Summary of Request

	Height (feet)	% over maximum allowed	Sign Dimensions (feet)	Sign Area (sq. ft.)	% over maximum allowed	% increase from existing
Pylon Sign Requirements (Section 3.20.016 (4) (D))	35			160		
Existing Sign						
Total Pylon Sign Size	64	83%		316.5	98%	
First National Bank	64	83%	7.08 x 30	212.5		
Bealls	50	43%	4 x 13	52		
Whole Pets Market	44	26%	4 x 13	52		
Proposed Sign						
Kragh's Jewelry	54	60%	4 x 13	52		
New Sign Total	64	83%		368.5	130%	16%

PUBLIC COMMENTS:

Eleven (11) adjacent property owner notifications were mailed on May 25, 2017. At the time of this report, no responses were received.

POLICY EXPLANATION:

The Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only those conditions that it deems necessary to or desirable in the public interest.

In making the findings hereinafter required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed use, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

A. In order to grant a variance from these zoning regulations, the Board of Adjustments must make written findings that undue hardship exists, using the following criteria:

a. *Special circumstances or conditions exist which affect the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the land.*

- **The pylon sign was originally permitted under a previous code to have a fourth sign cabinet to provide signage for the multiple storefronts within the shopping center. If the shopping center was built and designed under the current code, the property owner would have the option to have comprehensive sign plan that could take into account the multiple tenants.**

b. *The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.*

- **With the many pylon signs that already exist at this location, there are no options on the site for monument or pylon signs along the Highway 71 service road.**

c. *Granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area, and the spirit of the ordinance will be observed. Variance may be granted only when in harmony with the general purpose and intent of this ordinance.*

- **The new cabinet will not increase the height or the width of the existing sign. The expansion of the legal nonconforming sign will increase the nonconformity by only 16%.**

d. *Granting of a variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this ordinance.*

- **The additional sign on the existing pylon will not impede the use of any other parcels within the area.**

e. *Granting of a variance must be predicated on a finding that the applicant's practical difficulties or unnecessary hardship arise from unusual conditions or circumstances, such as exceptional irregularity of the land involved, which are not shared generally by other parcels in the neighborhood or district.*

- **The existing pylon sign was originally designed with four sign cabinets serving the multi-tenant shopping center.**

B. A variance is to be denied if conditions or circumstances relied on for a variance were created by a person having an interest in the property.

- **The building and shopping center were designed for multiple tenants and planned for four sign spaces on the current pylon sign to serve the those spaces. Additionally, adjacent parcels with multiple retail spaces and corresponding signage make it difficult to find a place 100 feet from other signs for a new sign on the parcel (3.20.015 (13) (D) Pylon Sign Spacing).**

C. Financial hardship to the applicant, standing alone, shall not be deemed to constitute a hardship.

- **The nature of the Applicant's request is related to highway visibility and makes no mention of financial hardship.**

D. The applicant bears the burden of proof in establishing the facts justifying a variance.

- **The Applicant has provided a letter and exhibits illustrating the existing and proposed signage (Attachment 2).**

HISTORICAL REFERENCES:

Since 2007, variances to the Sign Ordinance were heard and acted on by the Municipal Sign Review Board established by City Council. However, Ordinance 2017-09 (adopted on March 14, 2017) transferred this authority to the Zoning Board of Adjustment, which now must consider variance requests based on the same criteria as other zoning-related requests.

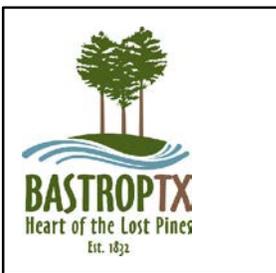
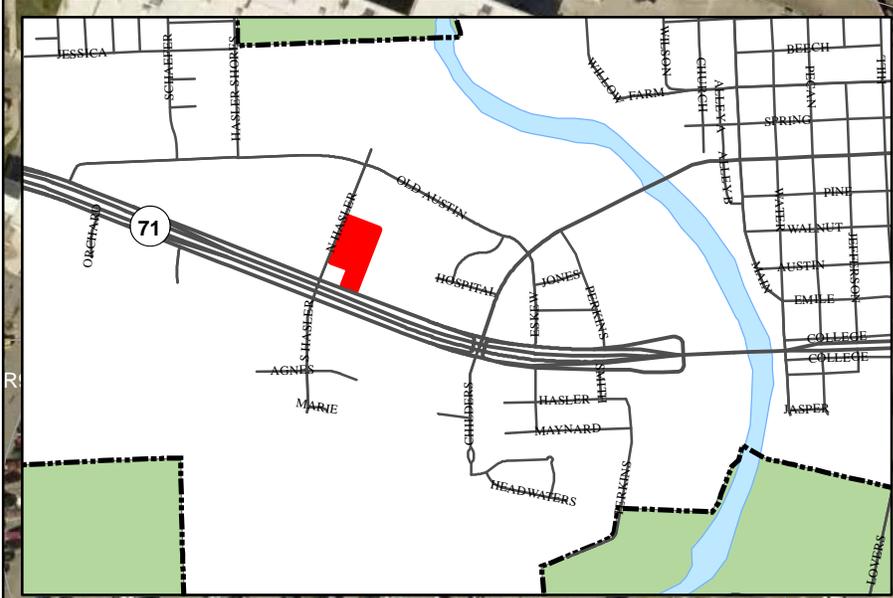
This is the first such request to be considered under the newly adopted Ordinance.

RECOMMENDATION:

Hold public hearing and consider action to approve a Variance to Section 3.20.016 (4) (D) of the Sign Ordinance to allow an additional 52 square feet of sign area at a height of 54 feet to an existing legal nonconforming multi-tenant pylon sign at 489 Highway 71 West, being Lot 6B of Bastrop West Commercial, Section 1, Block A.

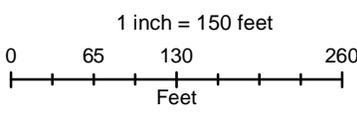
ATTACHMENTS:

- Attachment 1: Location Map
- Attachment 2: Letter from Applicant
- Attachment 3: Picture of Existing Sign
- Attachment 4: Proposed Sign Addition
- Attachment 5: Pictures of Sign in 2005



Legend
 Parcel of Concern
 Parcels

Location Map
Bastrop West Commercial
Section 1, Block A, Lot 6B



Date: 5/25/2017
 N
 The accuracy and precision of this cartographic data is limited and should be used for information/planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of any such information, nor does it represent that its use would not infringe upon privately owned rights.



485 Hwy. 71 West
The Marketplace
Bastrop, Texas 78602
(512) 321-2351

To: City of Bastrop

Variance:

I am asking for a variance because customers need direction to my store and the lack of signage makes it hard for them to find us.

I have tried to create a sign that is in compliance with the city codes but there is no location available that meets the separation requirements.

I am asking to place this sign where a sign was located before in an existing permitted pylon. The sign was removed for a time and this is the only place that we have found that a sign can be added to direct customers to our business.

We are the only business in the area that does not have signage available to us. Quite often we have phone conversations with potential clients asking us why they cannot find us and why do we not have a sign?

Ken Ladd

Kragh's Jewelry

05/09/2017

A handwritten signature in black ink, appearing to read "Ken Ladd", written over a horizontal line.

RECEIVED

MAY 10 2017

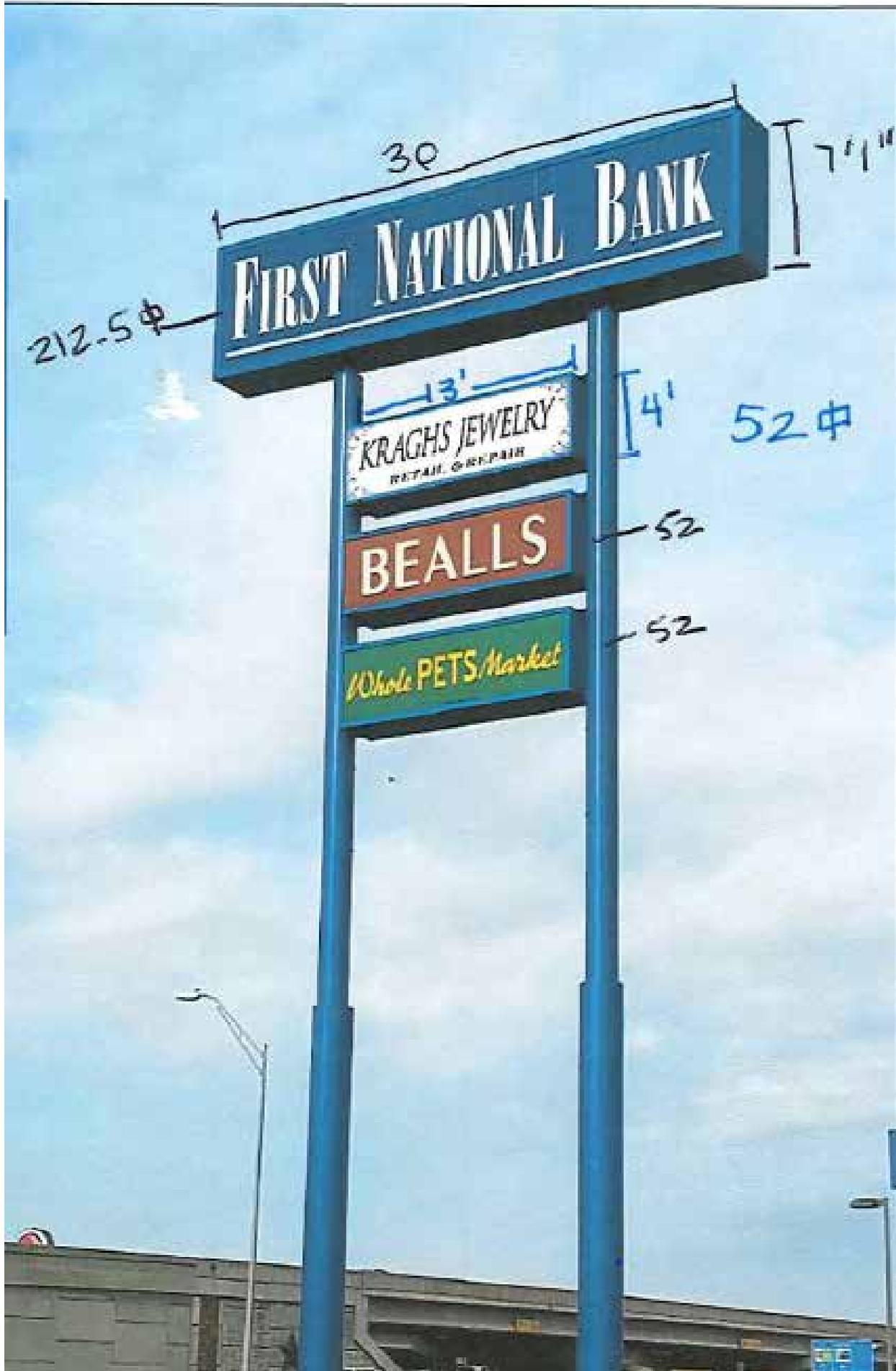
By _____

A handwritten signature in purple ink, written over a horizontal line.

Attachment 3
Existing Sign



Attachment 4
Proposed Sign



JUN 3 2005 5002 3 AMF



Marlboro
\$ 7.73