

# Zoning Board of Adjustments

## October 7, 2020 Meeting Minutes

The City of Bastrop Zoning Board of Adjustments met Wednesday, October 7, 2020 at 6:00 p.m. online.

### 1. CALL TO ORDER

Patrick Connell called the meeting to order at 6:00 p.m.

Patrick Connell	Present
Gary Moss	Present
Jimmy Crouch	Present
Scot Robichaud	Present
Jeff Haladyna	Present

### 2. CITIZEN COMMENTS

There were no citizen comments.

The Zoning Board of Adjustments adjourned from the Regular Meeting to convene into Executive Session at 6:02 pm.

The Zoning Board of Adjustment adjourned from the Executive Session and reconvened into their Regular Meeting at 6:45 pm.

### 3. ITEMS FOR INDIVIDUAL CONSIDERATION

- 3A. Consider action to approve meeting minutes from the August 5, 2020 Zoning Board of Adjustment Meeting.

Jimmy Crouch made a motion to recommended approval of the August 5, 2020 meeting minutes. Gary Moss seconded the motion and the motion carried unanimously.

- 3B. Public Hearing and consider action on variances from the Bastrop Building Block (B<sup>3</sup>) Code, Chapter 8 – Signs, Article 8.3 (c) Band Signs for the number of signs, sign height, letter height exceeding the maximums, and continued use of the existing non-conforming internally illuminated pole sign on Bastrop West Commercial, Section 2, Lot 3B Resubdivision, located at 484 (previously 490) State Highway 71, within the City Limits of the City of Bastrop, Texas.

Jennifer Bills presented the information distributed in the Zoning Board of Adjustment Agenda Packet. She discussed the history of the site and the previous signage at that location.

Jennifer Bills discussed with the Board the notifications City Staff had sent out for the public hearing. Jennifer Bills stated Staff agrees with the applicant's request to follow the previous Sign Code in effect before the adoption of the Bastrop Building Block Code, and was recommending approval of the variances from the Bastrop Building Block (B<sup>3</sup>) Code, Chapter 8 – Signs, Article 8.3 (c) Band Signs for the number of signs, sign height, letter height exceeding the maximums, and continued use of the existing non-conforming internally illuminated pole sign on Bastrop

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West Commercial, Section 2, Lot 3B Resubivision, located at 484 (previously 490) State Highway 71, within the City Limits of the City of Bastrop, Texas.

Thomas Mathias, the Managing Director for Real Estate for the Cash Store, spoke with the Board regarding the request. He stated the entire feasibility for the project rests with the approval of the sign variances, if the variance were to not be granted the Cash Store would not move forward with their plans for the site. Additional discussion commenced between the Board and Thomas regarding the sign variance request, and the timing of the change within the Sign Ordinance during the course of this project.

Patrick Connell opened the Public Hearing.

There were no citizens comments from the public.

Patrick Connell closed the Public Hearing.

Larry Nieman, the owner of the property, addressed the Commission stating he was in favor of the zoning variance requests and felt they should be granted due to the changing of the Sign Ordinance after the applicant had initially reached out to obtain the sign standards.

Jimmy Crouch made a motion to deny requested variances from the Bastrop Building Block (B<sup>3</sup>) Code, Chapter 8 – Signs, Article 8.3 (c) Band Signs for the number of signs, sign height, letter height exceeding the maximums, and continued use of the existing non-conforming internally illuminated pole sign on Bastrop West Commercial, Section 2, Lot 3B Resubivision, located at 484 (previously 490) State Highway 71, within the City Limits of the City of Bastrop, Texas:

1. A sign square footage of 107.16 square feet, where the B<sup>3</sup>, Article 8.3 c) b allows 57.9 square feet.
2. A total height of 3.46 feet for the south sign, where the B<sup>3</sup>, Article 8.3 c) d allows 3 feet maximum.
3. A letter height of 27.5 inches on the north sign and 22 inches on the south sign, where the B<sup>3</sup>, Article 8.3 c) h allows 18 inches maximum.
4. The reuses of the existing non-conforming pole sign with internal illumination, where the B<sup>3</sup> Code, Section 8.1.011 Sign Permit Requirements requires all signage to conform to the current provision, including Section 8.1.009 (b) C. requiring all illumination to be external.

The decisions was based on the following findings of facts:

1. The Board properly discussed possible conditions the Board could impose that would mitigate the adverse effects of granting the variances sought. The Board explored opportunities to find a compromise between the previous code standards desired by the Applicant and the adopted Bastrop Building Block Code requirements in order to reduce the overall effect of the increased signage on the site (Item 5).

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2. The Board adequately contemplated the nature of the surrounding property and the community's emphasis on bringing buildings and signs up to the standards of the new B<sup>3</sup> Codes.
3. The Board sufficiently weighed the evidence of the City of Bastrop's conflicting sign requirements online against the Applicant's duty regarding reasonable inquiry into the status of sign code updates and not having submitted any permit applications prior to the new B<sup>3</sup> Codes having been enacted.
4. The Applicant stated that they were not willing to accept any conditions that would change the request. The Applicant repeatedly asserted that they were not empowered to negotiate a compromise or accept anything less than all of the variances as requested in the Applicant.

Scot Robichaud seconded the motion, and the motion carried four to one with Gary Moss opposed.

#### 4. ADJOURNMENT

Gary Moss made a motion to adjourn at 7:43 p.m.. Jimmy Crouch seconded the motion, and the motion carried unanimously.

  
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Chair

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Vice-Chair