

**Board of Adjustment Meeting Minutes
June 7, 2017**

The City of Bastrop Board of Adjustment met Wednesday, June 7, 2017 at 6:00 p.m. in the Bastrop City Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas.

1. Call to order.

Dan Hays-Clark called to order at 6:03 p.m.

2. Roll call and confirmation of a quorum of Board members.

Blas Coy	PRESENT
Dan Hays-Clark	PRESENT
Matthew Lassen	PRESENT
Herb Goldsmith	PRESENT
Bob Rogers	PRESENT

3. Citizen comments.

No citizen comments.

4. Consideration and approval of the May 3, 2017, Board of Adjustment meeting minutes.

Motion to approve minutes by Matthew Lassen, seconded by Bob Rogers. Motion approved 4-0, Blas Coy abstained because he was absent at previous meeting.

1. 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..

A motion was made by Blas Coy 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, the following findings:

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| <ol style="list-style-type: none">1. 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: |
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<p>a. <i>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.</i></p> <ul style="list-style-type: none"> • 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.
<p>b. <i>The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.</i></p> <ul style="list-style-type: none"> • 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.
<p>c. <i>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.</i></p> <ul style="list-style-type: none"> • 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%.
<p>d. <i>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.</i></p> <ul style="list-style-type: none"> • The additional sign on the existing pylon will not impede the use of any other parcels within the area.
<p>e. <i>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.</i></p> <ul style="list-style-type: none"> • The existing pylon sign was originally designed with four sign cabinets serving the multi-tenant shopping center.

<p>2. <i>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.</i></p> <ul style="list-style-type: none"> • 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).
<p>3. <i>Financial hardship to the applicant, standing alone, shall not be deemed to constitute a hardship.</i></p> <ul style="list-style-type: none"> • The nature of the Applicant's request is related to highway visibility and makes no mention of financial hardship.
<p>4. <i>The applicant bears the burden of proof in establishing the facts justifying a variance.</i></p> <ul style="list-style-type: none"> • The Applicant has provided a letter and exhibits illustrating the existing and proposed signage.

Motion seconded by Herb Goldsmith. The motion passed 4-1 with Bob Rogers voting against.

2. Public hearing and consider action to approve a Variance to Section 3.20.016 (4) (D) of the Sign Ordinance to allow 184 square feet of additional signage at a height of 52 feet to an existing legal nonconforming pylon sign at 460 Highway 71 West, being Lot 2A of Bastrop West Commercial, Section 2.

A motion was made by Herb Goldsmith to approve a Variance to Section 3.20.016 (4) (D) of the Sign Ordinance to allow 92 square feet of additional signage at a height of 48 feet to an existing legal nonconforming pylon sign, with the removal of the existing satellite drum at 460 Highway 71 West, being Lot 2A of Bastrop West Commercial, Section 2, with the condition that the two secondary signs do not exceed four feet (4') in height and each sign be forty-eight feet (48') in length, with the following findings:

<p>5. 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:</p>

<p>a. <i>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.</i></p> <ul style="list-style-type: none"> • The pylon sign was originally permitted under a previous code. With the removal of the satellite drum, similar square footage will be maintained.
<p>b. <i>The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.</i></p> <ul style="list-style-type: none"> • Allowing the signage will ensure all tenant spaces have signs for the public to locate the businesses in those spaces.
<p>c. <i>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.</i></p> <ul style="list-style-type: none"> • The new cabinet will not increase the height or the width of the existing pylon sign. The expansion of the legal nonconforming sign will be in the spirit of the existing guidelines of the current sign code. Replacement of the satellite tub with standard horizontal signs will improve the overall appearance of the structure.
<p>d. <i>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.</i></p> <ul style="list-style-type: none"> • Additional signage will not adversely affect surrounding properties.
<p>e. <i>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.</i></p> <ul style="list-style-type: none"> • This site has a legal non-conforming sign similar to the other surrounding properties.

<p>6. <i>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.</i></p> <ul style="list-style-type: none"> • New multi-tenant buildings coming in today would have the option for a comprehensive sign plan to ensure all tenant spaces are allotted signage. This space is without reasonable accommodation for signage for all tenant spaces within the 6,000-square foot building. By allowing the current sign square footage to be reconfigured into linear horizontal sign cabinets from the current satellite drum all tenant spaces will have adequate signs.
<p>7. <i>Financial hardship to the applicant, standing alone, shall not be deemed to constitute a hardship.</i></p> <ul style="list-style-type: none"> • The applicant is not claiming a financial hardship, but is seeking adequate visibility for the building tenants.
<p>8. <i>The applicant bears the burden of proof in establishing the facts justifying a variance.</i></p> <ul style="list-style-type: none"> • The applicant provided illustrations and demonstrated that the future signage will be more compliant with the code than the existing satellite that was used as signage in the past.


Motion seconded by Matthew Lassen and the motion passed 5-0.

5. Director of Planning and Development report.

- a) Direction from the Board of Adjustment on any items to be included on any future agendas.
Direction was given to cancel the July 2017 meeting.

6. Adjourn.

At 7:07 p.m. Blas Coy made a motion to adjourn. The motion was seconded by Matthew Lassen, passed unanimously and the meeting adjourned.



Dan Hays-Clark, Chair