



Planning & Development Services Department
 550 Landa Street
 New Braunfels, Texas 78130
 (830) 221-4041 | www.newbraunfels.gov

Sign Variance Application (Board of Adjustment - BOA)

Any application that is missing information will be considered incomplete and will not be processed.

The applicant bears the burden of proof in establishing the facts that may justify a sign variance, a special exception, an appeal, or any other action in his/her favor by the BOA.

General:

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|--|---------------------------------------|--|----|--------------|--------|-------------|----------------------|
| 1 | Name of Applicant/Agent: | Jon Robinson, Horizon Design and Development, Inc. | | | | | |
| 2 | Subject Property Address: | FM 758 at Viola Lane | | | | | |
| 3 | Legal Description of Subject Property | Lot Number | 92 | Block Number | 8 | Subdivision | Clear Spring Meadows |
| 4 | Present Use of Property | Open Field | | Zoning | APD AH | | |
| 5 | Describe Sign Variance Request(s) | | | | | | |
| Applicant requests a variance from the max. 6'-0" ht. for subdivision signs to allow a portion of the proposed monument structure to be constructed at 9'-4". This variance request is due to the depth of the setback from FM 758 necessitated by existing drainage and utility easements | | | | | | | |

Required Attachments:

| City | App | Attachment |
|--|-------------------------------------|--|
| NAME DIGITAL DOCUMENT FILES AS THE ARE LISTED IN BOLD BELOW | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Submit digital copies (.pdf) of application and all required attachments through the City of New Braunfels Online Permitting Portal or to planning@newbraunfels.gov |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Application (completed and signed by applicant) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Deed showing current ownership |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Letter of Authorization (if an agent is acting on behalf of the property owner) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Site Plan drawn to scale, showing all existing and proposed improvements with dimensions |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Elevation Drawings of proposed sign drawn to scale with dimensions (For Sign Variances Only) |

Required Fees:

| Application Fees | | |
|----------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Application Fee \$700 |
| <input type="checkbox"/> | <input type="checkbox"/> | Each Additional Sign Variance \$50 |
| Technology Fee | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3% technology fee applied to total application fee |
| Public Hearing Notice Fees | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Please Note: Public hearing mail notification fees are invoiced at a later date than when the application is submitted . You will be contacted with your fee total. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Hearing Mailed Notices (\$2.15 per mailed notice) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Hearing Signs (\$15 per sign) |

BOA Criteria for Approval of a Sign Variance

In order for the Board of Adjustment to grant a sign variance, the applicant must prove that the 6 required criteria below have been met. You will be asked to describe your property's unique circumstances based on the below criteria in the questions. **Please answer the following questions to establish how the criteria to approve a sign variance is met.** The answers provided will be reported to the Board of Adjustment with staff comments. You may use additional pages if necessary.

1. What are the special circumstances or conditions affecting the land that warrant the sign variance?

A special circumstance must be a condition or issue of the land that is unique to the subject property and is not a circumstance that is shared by other properties. Sign variances are granted to property that has special circumstances that are so unique they are not reasonably considered within the development standards of the ordinance; circumstances that are shared by multiple properties are considered in the ordinance regulations to ensure orderly development.

Due to the excessive setback from FM 758 to the proposed monument, location, potential homebuyers, homeowners, and their guests will be unable to read the subdivision name. This will impede the Owners right to effectively market the community to potential homebuyers, will interfere with homeowners' right to easily identify their community, and will make it more difficult for visitors to readily enter the community from FM 758 in a safe and orderly manner. Allowing the sign variance will increase legibility of the community name while still limiting the ht. and sign face area of the lettering to that stipulated in the City of New Braunfels development ordinances.



2. Why is the sign variance necessary to preserve a substantial property right of the applicant?

A substantial property right is the ability to use the land as its zoning intended. Property owners in residential zoning districts have a substantial property right to use and enjoy their property for dwelling. Please note that not all improvements intended for the enjoyment of a property are protected as substantial property rights. The reasonable use of the land can include, but is not limited to, adequate living space, open yard area, access to light and air, and so on.

Due to a 25' TxDOT R.O.W. dedication, a 30' utility easement, and a 5' monument setback, the proposed entry feature at its closest corner is set back approximately 65' from FM 758. In order for the proposed monument to be visible from FM 758, the Applicant requests a portion of the proposed monument to be constructed at 9'-4" ht. The text of the sign body will meet the max. height and area requirements of the City of New Braunfels. Only a portion of the structure is proposed to exceed the max. 6' ht. limitation.



3. Will the granting of the sign variance be detrimental to the public health, safety or welfare, or injurious to other properties within the surrounding area?

A variance that is detrimental to public health, safety or welfare, or injurious to property within the area may not be granted. A variance may not be granted if it deprives another property owner of the use or enjoyment of their property. A variance may not be granted if it will create an unsafe condition, such as a variance to allow construction that limits visibility for drivers.

Granting this sign variance and allowing a portion of the monument structure to exceed the max. 6' ht. requirement in the City of New Braunfels development ordinance will not be detrimental to the public health, safety, and welfare, or injurious to other properties. The proposed monument location is outside any clear vision easements and the the proposed sign face remains within the allowable max. height and area standards.



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| <p>4. Would granting the sign variance prevent the orderly use of other properties within the area? A sign variance cannot be granted if it will prevent another property from complying with a regulation or ordinance.</p> |
| <p>Granting this sign variance will not prevent orderly use of other properties within the area, nor will it prevent another property from complying with a regulation or ordinance. The proposed monument will be located entirely within a common area lot under the Owner's ownership and maintained by the community HOA.</p> |
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| <p>5. Does an undue hardship to the land exist that is not self-created, personal or financial? An undue hardship is a hardship of the <u>land</u> itself. The hardship cannot be personal. Examples of what is an undue hardship: topography, lot configuration and size, the location of heritage trees on a lot, and so on. Examples of what <i>is not</i> an undue hardship: financial constraints, personal preferences, aesthetic choices. Hardships may not be self-created by the applicant. A self-created hardship can include performing construction work without city approval or permitting.</p> |
| <p>The undue hardship necessitating this sign variance is the depth of the TxDOT R.O.W. and the utility easements, which set the proposed monument too far back from FM 758 to fully comply with the City of New Braunfels development ordinance and be effectively visible from FM 758.</p> |
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| <p>6. Will granting the sign variance be in harmony with the spirit and purpose of the City's regulations? The purpose of the zoning ordinance is to ensure adopted development standards promote the health, safety, and the general welfare of the public. Development standards have been established with reasonable consideration for the character of the zoning districts and impacts created by various land uses. Variances may not conflict the intent of the zoning ordinance regulations or the goals of the Comprehensive Plan.</p> |
| <p>Because the proposed sign face area is within the max. ht. and area standards allowable under the City of New Braunfels development ordinances, granting this sign variance is in harmony with the spirit and purpose of the City's regulations.</p> |
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Property Owner Authorization:

As the owner of the property requesting the variance, I hereby authorize City of New Braunfels' staff to visit and inspect the subject property for which this application is being submitted.

Additionally, I have reviewed the Variance Application Instructions, the requirements of this application and related checklist(s), and hereby confirm all required materials demonstrating compliance with city codes and regulations are attached.

☐ I will represent my application before City Staff and/or Board of Adjustment as the Applicant

OR

☐ I hereby authorize the person named under Authorized Agent to act as Applicant in processing this application before City Staff and/or Board of Adjustment.

| | | | |
|------------------------------------|--|---------|--|
| Owners Signature | | Date | |
| Owners Name (printed) | | Phone # | |
| Mailing Address (City, State, Zip) | | | |
| E-Mail Address | | | |

Authorized Agent Statement:

Please Note: The signature of the Authorized Agent confirms the Authorized Agent has reviewed the Variance Application Instructions, requirements of this application and related checklist(s) and hereby confirms all required materials are attached demonstrating compliance with city codes and regulations.

| | | | |
|------------------------------------|--|---------|--------------|
| Authorized Agent Signature |  | Date | 1/26/24 |
| Agents Name (printed) | Jon Robinson | | |
| Company | Horizon Design and Development, Inc. | Phone # | 210-233-9650 |
| Mailing Address (City, State, Zip) | 16414 San Pedro Ave., Suite 630 San Antonio TX 78232 | | |
| E-Mail | jrobinson@horizondesign-sa.com | | |

Please read and initial the following important reminders:**Appearance at Meetings.**

It is strongly advised that the applicant be represented at the hearing. The Board may deny requests for which the applicant or an agent do not appear.

**Notification Signs.**

The applicant shall post the public hearing notification sign(s) at least 15 days prior to the hearing date and maintain said sign(s) in good condition. One sign shall be required for the first 100 feet of frontage of the tract, and one additional sign for every 200 feet of frontage thereafter, or fraction thereof, except that no more than three (3) signs shall be required on each roadway frontage. If the tract has less than 200 feet of frontage per roadway, then only one sign is required per road.

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