

Legislation Details (With Text)

File #:	24-215	Name:	
Type:	Report	Status:	Individual Item Ready
File created:	2/9/2024	In control:	Board of Adjustment
On agenda:	2/22/2024	Final action:	
Title:	ZB24-0003 Hold a public hearing and consider a request for a variance to Section 106-14(b)(8)(a) to allow a subdivision entry sign that exceeds the maximum allowed height in the ZH-A Zero Lot Line Home District, located approximately 0.5 miles northeast of the intersection of SH 46 & FM 758.		

Sponsors:**Indexes:****Code sections:****Attachments:** 1. Aerial Map, 2. Application, 3. Applicant Documents, 4. Property Photos, 5. Notification Map, 6. Comparison Table

Date	Ver.	Action By	Action	Result
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PRESENTER:

Applicant: Horizon Design and Development, Inc.; Jon Robinson

Owner: Pulte Homes of Texas, L.P.

SUBJECT:**ZB24-0003** Hold a public hearing and consider a request for a variance to Section 106-14(b)(8)(a) to allow a subdivision entry sign that exceeds the maximum allowed height in the ZH-A Zero Lot Line Home District, located approximately 0.5 miles northeast of the intersection of SH 46 & FM 758.**BACKGROUND RATIONAL:****Case #:** ZB24-0003**Applicant:** Horizon Design and Development , Inc.

Jon Robinson

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The subject property is located on the east side of FM 758 and is approximately 0.5 miles northeast of the intersection of SH 46 & FM 758. The property is approximately 105 acres in area with a lot depth of approximately 1340 feet, and a lot width of approximately 3400 feet. The property is zoned “ZH-A” Zero Lot Line Home District and is planned to develop as the Meadows at Clear Springs subdivision.

The applicant, Horizon Design and Development , Inc., is requesting a variance to Section 106-14(b)(8)(a) to

allow a subdivision entry sign that exceeds the maximum allowed height.

New Braunfels' Sign Ordinance allows subdivision entry signs at any entrance into a subdivision, subject to the standards set forth in Section 106-14(b)(8). The Meadows at Clear Springs subdivision is allowed a subdivision entry sign at the following specifications:

- Maximum sign area of 40 square-feet per sign face,
- Maximum overall sign height of 6 feet, and
- Minimum set back of 5 feet from property lines.
- Minimum landscaped area equal to twice the area of the sign face(s)

The proposed subdivision entry sign:

- Overall sign area of both sign faces is approximately 40 square-feet in total, and
- Overall sign height of approximately 9 feet, 4 inches, and
- Set back of approximately 15 feet and 34 feet from property lines.

Section 2.2-2(a) of the Zoning Ordinance states the BOA may authorize a variance from the sign regulations only upon finding all of the following facts:

1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land; (The applicant states “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's name while still limiting the height and sign face area of the lettering to that stipulated in the City of New Braunfels development ordinances.” Staff notes that subdivision entry signs are allowed by right at the entrance to any subdivision subject to the standards of Section 106-14(b)(8), where a maximum height of 6ft is allowed by right. The proposed sign meets the standards for subdivision entry signs in allowed sign area and minimum setback distance from property lines as proposed.) **and**

2) That the sign variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; (The applicant states “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 setback 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" height. 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' height limitation.” Staff acknowledges the presence of the TxDOT ROW dedication, and multiple easements yet to be platted on the property. Staff also notes that the height of the proposed sign exceeds the allowed maximum height by 3 feet & 4 inches (~54%).) **and**

3) That the granting of the sign variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; (The applicant states “Granting this sign variance and allowing a portion of the monument structure to exceed the max 6' height 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 proposed sign face remains within the allowable max height and area standards.” Staff notes that the sign face of the proposed entry sign meets the sign area requirements of Section 106-14(b)(8)(a) but it is a portion of the overall sign

structure that exceeds the maximum allowed height.) **and**

4) Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Chapter; (The applicant states “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 Owners ownership and maintained by the community HOA.”) **and**

5) That an undue hardship exists; (The applicant states “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 dully comply with the City of New Braunfels development ordinance and be effectively visible from FM 758.”) **and**

6) That the granting of a variance will be in harmony with the spirit and purpose of these regulations. (The applicant states “Because the proposed sign face is within the max height 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.”)

Per Section 2.2-2 of the Zoning Ordinance, a variance shall not be granted to relieve a self-created or personal hardship, nor based solely on economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by Chapter 144 to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

GENERAL INFORMATION:

Size:

Lot area: approximately 105 acres

Lot depth: approximately 1340 feet

Lot width: approximately 3400 feet

Variance Request Due to Notice of Violation:

No

Surrounding Zoning and Land Use:

North - APD, MU-B, & C-1A / Open

South - Across FM 758, APD & ETJ / Low-density Residential and Open

East - C-1A and ETJ / Low-density Residential and Open

West - APD & MU-B / Low-density Residential, Light-commercial, and Open

Notification

Public hearing notices were sent to 9 owners of property within 200 feet of the subject property. Staff has not received any responses.

RESOURCE LINKS:

- Chapter 106 Sign Ordinance, Sec 106-8 Variance and Appeal:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

- Chapter 106 Sign Ordinance, Sec 106-14(b) Design Requirements:
[<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 106 Sign Ordinance, Sec 106-15 Principals of Sign Area Computation:
[<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)