

## Legislation Details (With Text)

<b>File #:</b>	24-217	<b>Name:</b>	
<b>Type:</b>	Presentation	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	2/9/2024	<b>In control:</b>	Board of Adjustment
<b>On agenda:</b>	2/22/2024	<b>Final action:</b>	
<b>Title:</b>	ZB24-0004 Hold a public hearing and consider a request for a variance to Section 106-14(a) to allow a freestanding monument sign that exceeds the maximum allowed sign area in the C-1B General Business District, currently addressed 1349 SH 46 S.		

**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
------	------	-----------	--------	--------

**PRESENTER:**

Applicant: Executive Signs Enterprises, Inc., Erika Vazquez

Owner: The First National Bank of Sonora

**SUBJECT:**

**ZB24-0004** Hold a public hearing and consider a request for a variance to Section 106-14(a) to allow a freestanding monument sign that exceeds the maximum allowed sign area in the C-1B General Business District, currently addressed 1349 SH 46 S.

**BACKGROUND RATIONAL:**

**Case #:** ZB24-0004

**Applicant:** Executive Signs Enterprises, Inc.  
Erika Vazquez  
5621 Central Texas Drive  
San Marcos, TX 78666  
(512) 292 - 9939 ✉ [permits@executivesigns.com](mailto:permits@executivesigns.com)

**Staff Contact:** Colton Barker  
(830) 221 - 4274 ✉ [CBarker@newbraunfels.gov](mailto:CBarker@newbraunfels.gov)

The subject property is located on the north corner of SH 46 and Cap Rock Trail. The property is approximately 1.63 acres in area with a lot depth of 270 feet, and a lot width of approximately 215 feet. The property is zoned “C-1B” General Business District and has been developed as a new Sonora Bank. There is currently one other freestanding monument sign for the business located on the property.

The applicant, Executive Signs Enterprises, Inc., is requesting a variance to Sec. 106-14(a) to allow the placement of one freestanding monument sign that exceeds that maximum allowed sign area.

New Braunfels' Sign Ordinance allows sign types and sizes based upon the zoning district and specific street frontage. The property's existing C-1B zoning and frontage along SH 46 allows for alternatives to the proposed freestanding monument sign - listed below and in the attached comparison chart.

The existing C-1B zoning of the subject property allows the following freestanding signage options:

- 1 Freestanding Monument Sign per 300 feet of frontage
  - Max area 48-square-feet, max height 10-feet, min setback 5-feet **OR;**
- 1 Low Profile Pole Sign per 300 feet of frontage
  - Max area 20-square-feet, max height 10-feet, min setback 5-feet **OR;**
- 1 Electronic Message Monument Sign in lieu of any other signage
  - Max area 48-square-feet, max height 10-feet, min setback 15-feet **OR;**
- 1 Electronic Message Pole Sign in lieu of any other signage
  - Max area 20-square-feet, max height 10-feet, min setback 15-feet

Since the subject property has street frontage along SH 46 the following additional freestanding signage options are available:

- 1 Freestanding Monument Sign per 300ft of frontage
  - Max area 60-square-feet, max height 10-feet, min setback 5-feet **OR;**
- 1 High-profile Monument Sign per 400ft of frontage, with a minimum of 300 feet of frontage
  - Max area 225-square-feet, max height 28-feet, min setback 5-feet **OR;**
- 1 Electronic Message Monument Sign in lieu of any other signage
  - Max area 60-square-feet, max height 10-feet, min setback 15-feet **OR;**
- 1 Electronic Message Pole Sign in lieu of any other signage
  - Max area 200-square-feet, max height 28-feet, min setback 15-feet

The proposed freestanding monument sign:

- Overall sign area is approximately 120 square-feet in area, and
- Overall sign height of approximately 5 feet, and
- Set back of approximately 20 feet from the property line, and
- Approximately 150 feet away from other monument signage on the property.

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 "Property is on corner lot and is not near any other properties. The proposed sign is well under the height allowance and is not located in the easement or right of way. This lot is allowed a monument of 28ft overall height and 225 sqft." Staff notes that freestanding monument signs on properties with SH 46 frontage are allowed a maximum height of 10-feet and that the requested sign is proposed with a maximum height of 5-feet. The applicant refers to the allowed maximum height for high-profile monument signs (28-feet), which the subject property is not allowed by right due to a lack of sufficient street frontage along SH 46. (300-feet of frontage along SH 46 minimum)) **and**

**2) That the sign variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;** (The applicant states "The variance is necessary to allow the business adequate space to display/advertise their location. Doing so would not hinder any other property owners rights/usage. Instead of

28ft high; propose 5ft high and 24ft wide.” Staff notes the substantial property right to operate and advertise a business with a freestanding sign that meets the design requirements of Section 106-14(a) has not been removed. Staff also notes that the subject property is not allowed a freestanding high-profile monument sign due to the lack of sufficient street frontage along SH 46. The property is however allowed a freestanding monument sign at a maximum allowed sign area of 60-square-feet and maximum allowed height of 10-feet by right due to the property’s C-1B zoning and frontage along SH 46.) **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 variance will not cause detriment to the public or any other surrounding properties.”) **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 variance will not prevent any other property from complying. The sign will not be located near any bordering properties and will not be in the easement.”) **and**

**5) That an undue hardship exists;** (The applicant states “No, there is no undue hardship.”) **and**

**6) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.** (The applicant states “Yes, granting the variance will be in harmony with the city's regulations. The proposed sign is well under the height allowance and follows all guidelines with the exception of the background square-footage. Would like low profile monument instead of high profile. sign has been designed to allow adequate space for the company logo without blocking views or impeding other properties rights.”)

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 1.63 acres

Lot depth: approximately 270 feet

Lot width: approximately 215 feet

### **Variance Request Due to Notice of Violation:**

No.

### **Surrounding Zoning and Land Use:**

North - C-1B and R-1A-6.6 / Open and Residential low-density

South - Across SH 46, R-2 / Residential low-density

East - Across Cap Rock Trail C-1B / Open

West - C-1B, and across SH 46 R-2 / Open and Residential low-density

## **Notification**

Public hearing notices were sent to 12 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?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
  
- Chapter 106 Sign Ordinance, Sec 106-14(a) Sign Dimensional Standards:  
[<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 106-14(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?)