

AGENDA
CITY OF TAYLOR, TEXAS
ZONING BOARD OF ADJUSTMENT
SPECIAL CALLED MEETING
CITY HALL COUNCIL CHAMBERS
400 PORTER ST, TAYLOR, TEXAS, TX 76574
NOVEMBER 19, 2024, 6:00 PM

For Citizens Communication and to speak during the public hearings, please contact the Development Services office at 512-365-3863 prior to 5:30 p.m. on Tuesday, November 19, 2024.

The agenda packet is on the City of Taylor's [website](#).

I. CALL TO ORDER AND DECLARE A QUORUM

II. CITIZEN COMMUNICATION

(The Zoning Board of Adjustment welcomes public comment on items not listed on the agenda. However, the Board cannot respond until the item is posted on a future agenda. All public comments are limited to 3 minutes.)

III. CONSENT AGENDA

(The Consent Agenda includes non-controversial and routine items that the Commission or Board may act on with a single vote. The Chairman or a Board member may pull any item from the Consent Agenda to discuss and act upon it Individually as part of the Regular Agenda.)

1. Review and approve minutes from the meeting on August 6, 2024

IV. REGULAR AGENDA

2. **PZ-2024-2314** - Hold a public hearing regarding a request for a variance from the Land Development Code, Section 5.4.1 (3) and 5.4.1 (5) – Parking and Vehicle Circulation on the Lot, for property generally located at Mallard Lane (near the intersection of Jason Drive and Mallard Lane), consisting of approximately 19.617-acre tract of land part of and out of the William J. Baker Survey, Abstract No 65, more particularly described by Williamson Central Appraisal District Parcel R018622, Taylor, Williamson County, Texas. *Courtney Peres*
3. **PZ-2024-2314** – Take action regarding a request for a variance from the Land Development Code, Section 5.4.1 (3) and 5.4.1 (5) – Parking and Vehicle Circulation on the Lot, for property generally located at Mallard Lane (near the intersection of Jason Drive and Mallard Lane), consisting of approximately 19.617-acre tract of land part of and out of the William J. Baker Survey, Abstract No 65, more particularly described by Williamson Central Appraisal District Parcel R018622, Taylor, Williamson County, Texas. *Courtney Peres*
4. **PZ-2024-2314** – Hold a public hearing regarding a request for a variance from the Land Development Code, Section 4.3.1.4 related to required Façade Buildout, for property generally located at Mallard Lane (near the intersection of Jason Drive and Mallard Lane), consisting of approximately 19.617-acre tract of land part of and out of the William J. Baker Survey,

Abstract No 65, more particularly described by Williamson Central Appraisal District Parcel R018622, Taylor, Williamson County, Texas. *Courtney Peres*

5. **PZ-2024-2314** – Take action regarding a request for a variance from the Land Development Code, Section 4.3.1.4 related to required Façade Buildout, for property generally located at Mallard Lane (near the intersection of Jason Drive and Mallard Lane), consisting of approximately 19.617-acre tract of land part of and out of the William J. Baker Survey, Abstract No 65, more particularly described by Williamson Central Appraisal District Parcel R018622, Taylor, Williamson County, Texas. *Courtney Peres*
6. **PZ-2024-2314** – Hold a public hearing regarding a request for a variance from the Land Development Code, Section 5.3.7.2 – Private Frontage Development Standards related to glazing, for property generally located at Mallard Lane (near the intersection of Jason Drive and Mallard Lane), consisting of approximately 19.617-acre tract of land part of and out of the William J. Baker Survey, Abstract No 65, more particularly described by Williamson Central Appraisal District Parcel R018622, Taylor, Williamson County, Texas. *Courtney Peres*
7. **PZ-2024-2314** – Take action regarding a request for a variance from the Land Development Code, Section 5.3.7.2 – Private Frontage Development Standards related to glazing, for property generally located at Mallard Lane (near the intersection of Jason Drive and Mallard Lane), consisting of approximately 19.617-acre tract of land part of and out of the William J. Baker Survey, Abstract No 65, more particularly described by Williamson Central Appraisal District Parcel R018622, Taylor, Williamson County, Texas. *Courtney Peres*
8. **PZ-2024-2314** – Hold a public hearing regarding a request for a variance from the Land Development Code, Section 5.10.2 – Types of Signage Permitted Within Each Place Type Zoning District, for property generally located at Mallard Lane (near the intersection of Jason Drive and Mallard Lane), consisting of approximately 19.617-acre tract of land part of and out of the William J. Baker Survey, Abstract No 65, more particularly described by Williamson Central Appraisal District Parcel R018622, Taylor, Williamson County, Texas. *Courtney Peres*
9. **PZ-2024-2314** – Take action regarding a request for a variance from the Land Development Code, Section 5.10.2 – Types of Signage Permitted Within Each Place Type Zoning District, for property generally located at Mallard Lane (near the intersection of Jason Drive and Mallard Lane), consisting of approximately 19.617-acre tract of land part of and out of the William J. Baker Survey, Abstract No 65, more particularly described by Williamson Central Appraisal District Parcel R018622, Taylor, Williamson County, Texas. *Courtney Peres*
10. **PZ-2024-2342** – Hold a public hearing regarding a request for a variance from the Land Development Code, Section 5.10.3 Types of Signs Permitted in the Historic District, for property generally located at 201 N. Main Street, consisting of approximately 0.3788-acre tract of land part of and out of the City of Taylor Survey, Block 9, Lot 5 and 6, Southern Parts of Lots 1 through 4, more particularly described by Williamson Central Appraisal District Parcel R014956, Taylor, Williamson County, Texas *Preston Gunn*
11. **PZ-2024-2342** – Take action regarding a request for a variance from the Land Development Code, Section 5.10.3 Types of Signs Permitted in the Historic District, for property generally located at 201 N. Main, consisting of approximately 0.3788-acre tract of land part of and out of the City of Taylor Survey, Block 9, Lot 5 and 6, Southern Parts of Lots 1 through 4, more particularly described by Williamson Central Appraisal District Parcel R014956, Taylor, Williamson County, Texas *Preston Gunn*

12. **PZ-2024-2342** – Hold a public hearing regarding a request for a variance from the Land Development Code, Section 5.10.7.7 (2) Band Sign Standards, for property generally located at 201 N. Main Street, consisting of approximately 0.3788-acre tract of land part of and out of the City of Taylor Survey, Block 9, Lot 5 and 6, Southern Parts of Lots 1 through 4, more particularly described by Williamson Central Appraisal District Parcel R014956, Taylor, Williamson County, Texas *Preston Gunn*
13. **PZ-2024-2342** – Take action regarding a request for a variance from the Land Development Code, Section 5.10.7.7 (2) Band Sign Standards, for property generally located at 201 N. Main, consisting of approximately 0.3788-acre tract of land part of and out of the City of Taylor Survey, Block 9, Lot 5 and 6, Southern Parts of Lots 1 through 4, more particularly described by Williamson Central Appraisal District Parcel R014956, Taylor, Williamson County, Texas *Preston Gunn*
14. **PZ-2024-2342** – Hold a public hearing regarding a request for a variance from the Land Development Code, Section 5.10.7.7 (4c) Band Sign Standards, for property generally located at 201 N. Main Street, consisting of approximately 0.3788-acre tract of land part of and out of the City of Taylor Survey, Block 9, Lot 5 and 6, Southern Parts of Lots 1 through 4, more particularly described by Williamson Central Appraisal District Parcel R014956, Taylor, Williamson County, Texas *Preston Gunn*
15. **PZ-2024-2342** – Take action regarding a request for a variance from the Land Development Code, Section 5.10.7.7 (4c), Band Sign Standards, for property generally located at 201 N. Main, consisting of approximately 0.3788-acre tract of land part of and out of the City of Taylor Survey, Block 9, Lot 5 and 6, Southern Parts of Lots 1 through 4, more particularly described by Williamson Central Appraisal District Parcel R014956, Taylor, Williamson County, Texas *Preston Gunn*
16. **PZ-2024-2342** – Hold a public hearing regarding a request for a variance from the Land Development Code, Section 5.10.7.7 Band Sign Letter Height, for property generally located at 201 N. Main Street, consisting of approximately 0.3788-acre tract of land part of and out of the City of Taylor Survey, Block 9, Lot 5 and 6, Southern Parts of Lots 1 through 4, more particularly described by Williamson Central Appraisal District Parcel R014956, Taylor, Williamson County, Texas *Preston Gunn*
17. **PZ-2024-2342** – Take action regarding a request for a variance from the Land Development Code, Section 5.10.7.7 Band Sign Letter Height, for property generally located at 201 N. Main, consisting of approximately 0.3788-acre tract of land part of and out of the City of Taylor Survey, Block 9, Lot 5 and 6, Southern Parts of Lots 1 through 4, more particularly described by Williamson Central Appraisal District Parcel R014956, Taylor, Williamson County, Texas *Preston Gunn*

V. ADJOURN

The Board may vote and/or act upon each of the items listed in this Agenda. The Board reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally Justified under the Open Meetings Act.

I certify that the notice of this meeting was posted in the City of Taylor Hall Lobby continuously for 72 continuous hours before November 19, 2024. I further certify that the following news media was notified of this meeting: Taylor Daily Press.

Posted by: *Victoria Winchester* Date: November 15, 2024
Victoria Winchester, Administrative Assistant

MINUTES
ZONING BOARD OF ADJUSTMENT MEETING
CITY OF TAYLOR, TEXAS
August 6th, 2024, 6:00 P.M.
City Hall Council Chambers
400 Porter Street, Taylor, TX 76574

<u>PRESENT</u>	<u>ABSENT</u>	<u>STAFF PRESENT</u>
Nancy Talley		Colin Harrison, Director Development Services
Emily Holmes		Victoria Winchester, Administrative Assistant
Michael Prillaman	Craig Eulenfield	Justin Sauer, Planning Technician
Nora Roy		Ana Huerta, Code Enforcement
Alex Allrich		Daniel Cisneros, Code Enforcement

I. CALL TO ORDER AND DECLARE A QUORUM

Chair, Nancy Talley called the meeting to order and declared a quorum at 6:04 P.M.

II. CITIZENS COMMUNICATION

(The Zoning Board of Adjustment welcomes public comments on items not listed on the Agenda. However, the Board cannot respond until an item is posted on a future meeting agenda. Registration forms are available at the sign in table.)

III. CONSENT AGENDA

(The Consent Agenda includes non-controversial and routine items that the Board may act on with one single vote. The Chair or a Board Member may pull any item from the Consent Agenda in order to discuss and act upon it individually as part of the Regular Agenda.)

1. Review and approve minutes from the meeting from May 7, 2024.

Motion was made by Commissioner, Alexander Allrich, to approve minutes from May 7, 2024. Motion was Seconded by Commissioner, Michael Prillaman. There was no discussion made. The motion was passed unanimously.

IV. REGULAR AGENDA

2. **PZ-2024-2209-** Hold a public hearing regarding a request for a variance related to fencing generally located at 915 Cecelia Street, consisting of approximately 0.16 acres of land, legally described as Kimbro Addition, Block One, Lot Five, (unrecorded), Abstract No 665, part of the W.R. Williams Survey, more particularly described by the Williamson Central Appraisal District Parcel R017396, Taylor, Williamson County, Texas.

Chair, Nancy Talley opened public hearing at 6:05PM. Commissioners had read the letters of support and objection to the variance request. The applicant produced a survey of the lot at the meeting. Director, Colin Harrison made a presentation on the request for variances related to the 6ft front metal fencing located at 915 Ceclia Street.

Speakers in support of the requested variance were,

Bruce Tompson, Diana Turner, Royce Daniels, Al Atkins, Jaboa Atkins, Joe Lyles and Cheryl Perez. The applicant Sidney Bucanek also spoken in support of his variance request.

Chair, Nancy Talley closed the public hearing at 6:24 PM.

3. **PZ-2024-2209** - Hold a public hearing regarding a request for a variance related to fencing generally located at 915 Cecelia Street, consisting of approximately 0.16 acres of land, legally described as Kimbro Addition, Block One, Lot Five, (unrecorded), Abstract No 665, part of the W.R. Williams Survey, more particularly described by the Williamson Central Appraisal District Parcel R017396, Taylor, Williamson County, Texas.

Motion was made by Michael Prillaman to approve the requested variance related to the fence on 915 Cecelia Street. Commissioner Alexander Allrich second the motion. The motion was passed unanimously.

V. ADJOURN

Chair, Nancy Talley adjourned the meeting at 6:29 PM

Victoria Winchester
Administrative Assistant, Development Services

Nancy Talley
Chair

City of Taylor
PZ-2024-2314
Zoning Variance
Staff Report

Item Details

Subject Property:	Generally located along Mallard Lane (near the intersection of Mallard Lane and Jason Drive)
Total Acreage:	Approximately 19.617 acres
Legal Description:	Part of and out of the William J. Baker Survey, Abstract No. 65
Property Owner:	Castlerock Communities, LLC
Applicant:	Ryan Hall, Castlerock Communities, LLC
Request:	A request to vary from Parking and Vehicle Circulation on the Lot – Variance Request to Section 5.4.1(3) and 5.4.1(5), Façade Buildout (minimum) in Place Type P2.5 – Large Lot – Variance Request to Section 4.3.1.4, Private Frontage Development Standards – Variance Request to Section 5.3.7.2, and Signage – Types of Signage Permitted Within Each Place Type Zoning District – 5.10.2.
Case History:	This is the first hearing of this request.

Overview of Applicant’s Request & Background

The applicant has requested several variances related to the P2.5 – Large Lot Place Type. The proposal is to construct single-family residential homes in the subdivision referred to as the Retreat at Mallard. The applicant began the development process in 2022 with the submission of a Preliminary Plat which was approved for the layout of the subdivision into a total of five blocks, 64 lots, and the extension of public rights-of-way. Following the Preliminary Plat the applicant submitted a Subdivision Improvement Plan and installed the required improvements. As of November 12, 2024, the applicant has received an Approved Final Plat pending the acceptance of all public infrastructure and mitigation of any outstanding concerns in relation to drainage.

Since the inception of the development the city has adopted new zoning, subdivision, and sign codes. The applicant is considered legal non-conforming in terms of subdivision requirements. Due to a final plat not being recorded prior to the adoption of the new development code in 2023 the zoning was based on the lot configuration at the time and given the P2.5 Large Lot Place Type standards. However, it was brought to staff’s attention Summer 2024 of the building type proposed for the residential lots that would not meet the requirements of the P2.5 – Large Lot Place Type and other development requirements.

The applicant has requested the following variances:

- 1. Parking and Vehicle Circulation on the Lot – Variance Request to Section 5.4.1(3) and 5.4.1(5) –**
 - *5.4.1(3) - On-site surface parking must be located in the second layer or third layer of each lot as defined by the Place Type zoning district standards.*
 - *5.4.1(5) - Residential garage front facades must begin 20 feet or greater from the front property line and may not be placed forward of the front facade of the principal building*
 - i. Request: “Location of the garage will face the front of the street/public ROW be placed at the front of the house.”
- 2. Façade Buildout (minimum) in Place Type P2.5 – Large Lot – Variance Request to Section 4.3.1.4 –**
 - *P2.5 Place Type - Façade Buildout (minimum): 40%*
 - i. Request – “Percentage of the façade excluding the garage will have a minimum of 7%.”
- 3. Private Frontage Development Standards – Variance Request to Section 5.3.7.2 –**
 - *5.3.7.2 - All facades shall be glazed with clear glass, not less than 20 percent of the first story. Glazing shall be calculated as the total combined area of window glazing (lights or panes within each window’s casing) divided by the total area of the facade for the target story of a building.*
 - i. Request: “The first story of the front façade of the principal building shall have at least 5% glazing.”
- 4. Signage – Types of Signage Permitted Within Each Place Type Zoning District – 5.10.2 –**
 - *5.10.2(A) – Address Signage Permitted*
 - i. Request – “Fencecrete/stone/masonry monumentation with an inset logo, with 5’ high minimum height.”

Location:

The subject property is generally located north of the intersection of Mallard Lane and Jason Drive. East of the First Baptist Church located at 2500 Mallard Lane.

Physical and Natural Features:

The subject property is vacant of structures. The acreage was cleared, and public infrastructure was installed to service the subdivision.

Public Notification

As required by the Local Government Code and the City of Taylor Code of Ordinances, all property owners within a 200-foot radius of the subject property were notified of the variance request (82 notices), and a legal notice advertising the public hearing was placed in the Taylor Press on Sunday, November 3, 2024.

Staff Analysis

The subject property is proposed to be a single-family residential subdivision with approximately 64 lots. Since the adoption of the Land Development Code the City of Taylor now uses a form-based code as a land development regulation that uses the physical form of a neighborhood to achieve a specific urban form. Standards in place create predictable build results, foster a high-quality public realm, and address the relationship between buildings and their interaction to the street or civic spaces.

Buildings shall be placed on lots with a goal in mind. The parking of vehicles on private lots shall not detract from the streetscape and shall generally be located to the side or rear of the buildings.

The proposed residential structures presented by the applicant do not meet the standards currently in place in Taylor. Therefore, they are requesting variance to keep the proposed residential building types for the subdivision. The City's regulations in place aim to create a neighborhood that focuses on the human/pedestrian and their access to the home's front façade and creating a more visually appealing streetscape by concealing parking from street view. Façade buildout and glazing standards are methods used to focus on design of buildings and prioritize how they interact with the public. Having a proportionate amount of façade (excluding a garage) in relation to the width of the lot ensures that the home (in this case) takes up a functional amount of the lot that prioritizes the building versus parking elements (driveway, garage doors). Glazing standards are used to ensure a cohesive visual aesthetic while promoting natural light into the home (in this case), energy efficiency, and pedestrian experience. These methods ultimately contribute to a more attractive and functional public realm by regulating the design of the building facades as a whole, not just their permitted uses (previous code prior to November 2023).

1. Parking and Vehicle Circulation on the Lot – Variance Request to Section 5.4.1(3) and 5.4.1(5) –

- *5.4.1(3) - On-site surface parking must be located in the second layer or third layer of each lot as defined by the Place Type zoning district standards.*
- *5.4.1(5) - Residential garage front facades must begin 20 feet or greater from the front property line and may not be placed forward of the front facade of the principal building*

- i. Request: “Location of the garage will face the front of the street/public ROW be placed at the front of the house.”
- ii. **Recommendation** – Denied as Requested – Staff would recommend an alternative to meet the intent of the LDC. By minimizing the impacts of garages facing the streetscape staff would recommend that garages do not protrude more than six (6) feet from the front façade unless there are other structural elements, such as a covered porch that supports the intent of the 6-foot minimum. For reference, residential building plans depicted in Elevation renderings referred to as Aquila, Pedernales, Sabine, Blanco, Rio Grande, Trinity, and Concho. Excluding the Frio and Comal.

2. Façade Buildout (minimum) in Place Type P2.5 – Large Lot – Variance Request to Section 4.3.1.4 –
 - *Façade Buildout (minimum): 40%*
 - i. Request – “Percentage of the façade excluding the garage will have a minimum of 7%.”
 - ii. **Recommendation** – Denial as Requested. Most of the lots are 70 feet wide and 40% of the proposed structure would require 28 feet dedicated to the façade. Staff would recommend a 20% façade buildout (excluding the garage) for all lots within the subdivision.

3. Private Frontage Development Standards – Variance Request to Section 5.3.7.2 –
 - *5.3.7.2 - All facades shall be glazed with clear glass, not less than 20 percent of the first story. Glazing shall be calculated as the total combined area of window glazing (lights or panes within each window’s casing) divided by the total area of the facade for the target story of a building.*
 - i. Request: “The first story of the front façade of the principal building shall have at least 5% glazing.”
 - ii. **Recommendation** – Denial as Requested – Sufficient information for façade glazing percentage calculations was not provided. Further information is required to determine if a variance is to be considered for approval as requested. Staff is amenable to 5% of the front façade of the structure with clarified calculations.

4. Signage – Types of Signage Permitted Within Each Place Type Zoning District – 5.10.2 –
 - *5.10.2(A) – Address Signage Permitted*
 - i. Request – “Fencecrete/stone/masonry monumentation with an inset logo, with 5’ high minimum height.”
 - ii. **Recommendation** – Approval – Applicant must comply with monumentation signage requirements found in Section 5.10.7.11.

Zoning Board of Adjustment Recommendation

The Zoning Board of Adjustment should base their consideration for Approval [Consistent] or Denial [Inconsistent] of the request on the following information:

1. Parking and Vehicle Circulation on the Lot – Variance Request to Section 5.4.1(3) and 5.4.1(5) –
 - 5.4.1(3) - *On-site surface parking must be located in the second layer or third layer of each lot as defined by the Place Type zoning district standards.*
 - 5.4.1(5) - *Residential garage front facades must begin 20 feet or greater from the front property line and may not be placed forward of the front facade of the principal building*
 - i. Request: “Location of the garage will face the front of the street/public ROW be placed at the front of the house.”

			Criteria for Approval (Sect. 2.2.14)
Consistent	Inconsistent	Neutral	
	<u>X</u>		<p>There are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this LDC would deprive the applicant of the reasonable use of their property;</p> <p><i>Staff finds there are no special circumstances or conditions arising from the physical surroundings, shape, topography, or other feature affecting the land subject to the variance petition. The platted lots are large enough to facilitate parking at the rear of the property (within the second and third layer).</i></p>
	<u>X</u>		<p>That granting the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;</p> <p><i>Staff did not find circumstances causing a hardship.</i></p>
<u>X</u>			<p>That granting the variance will not be detrimental to the public health, safety, and welfare;</p> <p><i>Staff finds that granting the variance would not likely be detrimental to public health, safety, or welfare.</i></p>
	<u>X</u>		<p>The degree of variance requested is the minimum amount necessary to meet the needs of the applicant to satisfy the standards.</p> <p><i>Staff finds that the degree of variance is not the minimum amount necessary as the petitioner may comply with the Code requirements.</i></p>

2. Façade Buildout (minimum) in Place Type P2.5 – Large Lot – Variance Request to Section 4.3.1.4 –

- *Façade Buildout (minimum): 40%*
 - i. Request – “Percentage of the façade excluding the garage will have a minimum of 7%.”

			Criteria for Approval (Sect. 2.2.14)
Consistent	Inconsistent	Neutral	
	<u>X</u>		<p>There are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this LDC would deprive the applicant of the reasonable use of their property;</p> <p><i>Staff finds there are no special circumstances or conditions arising from the physical surroundings, shape, topography, or other feature affecting the land subject to the variance petition.</i></p>
	<u>X</u>		<p>That granting the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;</p> <p><i>Staff did not find circumstances causing hardship that would impede the enjoyment of a substantial property right.</i></p>
<u>X</u>			<p>That granting the variance will not be detrimental to the public health, safety, and welfare;</p> <p><i>Staff finds that granting the variance would not likely be detrimental to public health, safety, or welfare.</i></p>
	<u>X</u>		<p>The degree of variance requested is the minimum amount necessary to meet the needs of the applicant to satisfy the standards.</p> <p><i>Staff finds that the degree of variance is not the minimum amount necessary as the petitioner may comply with the Code requirements.</i></p>

3. Private Frontage Development Standards – Variance Request to Section 5.3.7.2 –

- 5.3.7.2 - All facades shall be glazed with clear glass, not less than 20 percent of the first story. Glazing shall be calculated as the total combined area of window glazing (lights or panes within each window’s casing) divided by the total area of the facade for the target story of a building.
 - i. Request: “The first story of the front façade of the principal building shall have at least 5% glazing.”

			Criteria for Approval (Sect. 2.2.14)
Consistent	Inconsistent	Neutral	
	<u>X</u>		<p>There are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this LDC would deprive the applicant of the reasonable use of their property;</p> <p><i>Staff finds there are no special circumstances or conditions arising from the physical surroundings, shape, topography, or other feature affecting the land subject to the variance petition.</i></p>
	<u>X</u>		<p>That granting the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;</p> <p><i>Staff did not find circumstances causing hardship that would impede the enjoyment of a substantial property right.</i></p>
<u>X</u>			<p>That granting the variance will not be detrimental to the public health, safety, and welfare;</p> <p><i>Staff finds that granting the variance would not likely be detrimental to public health, safety, or welfare.</i></p>
	<u>X</u>		<p>The degree of variance requested is the minimum amount necessary to meet the needs of the applicant to satisfy the standards.</p> <p><i>Staff finds that the degree of variance is not the minimum amount necessary as the petitioner may comply with the Code requirements.</i></p>

5. Signage – Types of Signage Permitted Within Each Place Type Zoning District – 5.10.2 –
- 5.10.2(A) – Address Signage Permitted
 - i. Request – “Fencecrete/stone/masonry monumentation with an inset logo, with 5’ high minimum height.”

			Criteria for Approval (Sect. 2.2.14)
Consistent	Inconsistent	Neutral	
	<u>X</u>		<p>There are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this LDC would deprive the applicant of the reasonable use of their property;</p> <p><i>Staff finds there are no special circumstances or conditions arising from the physical surroundings, shape, topography, or other feature affecting the land subject to the variance petition.</i></p>
		<u>X</u>	<p>That granting the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;</p> <p><i>Staff did not find circumstances causing hardship that would impede the enjoyment of a substantial property right. A subdivision sign is not required but requested by the applicant. Staff has determined that the impact of a neighborhood sign is minimal in nature and would be required to follow sign regulations within the Land Development Code related to Monument Signage.</i></p>
<u>X</u>			<p>That granting the variance will not be detrimental to the public health, safety, and welfare;</p> <p><i>Staff finds that granting the variance would not likely be detrimental to public health, safety, or welfare.</i></p>
<u>X</u>			<p>The degree of variance requested is the minimum amount necessary to meet the needs of the applicant to satisfy the standards.</p> <p><i>Staff finds that the degree of variance is likely the minimum amount necessary to meet the request of the applicant. The applicant will be required to follow sign regulations within the Land Development Code related to Monument Signage.</i></p>

No variance shall be granted or imposed unless:

1. 75% of the members of the Board are present to hear the case; and
2. 75% of the Board votes in favor of the request; and
3. The Board finds that the variance meets the requirements of Texas Local Government Code Section 211.009(3) which states:

Texas Local Government Code, Section 211.009. AUTHORITY OF BOARD.

(a) The board of adjustment may:

(3) Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done;

Land Development Code 2.2.14 Place Type Variance

The Board finds that the variance requests meets or does not meet the requirements of Section 2.2.14 of the Land Development Code which states:

1. *In specific cases a variance from the terms of this LDC may be authorized by the ZBA if the variance is not contrary to the public interest and due to special conditions, a literal enforcement of the LDC would result in unnecessary hardship, and so that the spirit of the LDC is observed and substantial justice is done.*
2. *No variance shall be granted or imposed unless the ZBA finds:*
 - 1) *That there are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this LDC would deprive the applicant of the reasonable use of their property; and*
 - 2) *That granting of the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and*
 - 3) *That the granting or imposition of the variance will not be detrimental to the public health, safety and welfare; and*
 - 4) *That the granting or imposition of the variance will not have the effect of preventing the orderly development of other property in the area in accordance with the provisions of this LDC.*

Such findings of the Zoning Board of Adjustment together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Zoning Board of Adjustment meeting at which such variance is granted or imposed. Variances may be granted or imposed only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship. All variances shall be granted or imposed on a case-by-case basis and no variance shall be construed to serve as a precedence for subsequent variances.

Attachments:

- a) Letter of Intent from Applicant
- b) Excerpt from Applicant's Submitted Application – Questions 1-7
- c) Proposed Buildings by CastleRock
- d) Location Map
- e) Existing Zoning Map
- f) Notification Map

Board of Adjustments Letter of Intent

We are requesting a variance from certain aspects of the new land development code in connection with Castlerock's development of the Retreat at Mallard (the "Project"). The requested variances will allow Castlerock to finish constructing the Project as it was originally designed and permitted under R-1.

Property Background

This Project is located on approximately 19.62 acres of land at the intersection of N.W. Carlos G. Parker Boulevard and Mallard Lane in northwest Taylor (the "Property"). Castlerock is developing the Property into a 64-lot, single-family-home, residential community.

Castlerock submitted its preliminary plat for the Project in September 2021. (See Exhibit 1, Preliminary Plat.) Thereafter, Castlerock engaged in multiple rounds of City comments and revisions, as well as a variance request, ultimately resulting in approval of the preliminary plat on June 15, 2022. (See Exhibit 2, Plat Approval Letter.)

With preliminary plat approval in hand, over the following year, Castlerock then invested in the design, submittal, review, and ultimate approval of the Project's subdivision improvement plans on June 13, 2023.

The City adopted its new Land Development Code on November 9, 2023, more than a year after it approved the Project's preliminary plan, and after Castlerock's construction of the Project's horizontal infrastructure (e.g., roads, sidewalks, utilities) was well underway.

Requested Variances

Since it was designed long before the new Land Development Code was adopted, the Project's features, including the design of its single-family homes, reflect the requirements of R-1 zoning. Certain aspects of that design do not comply with the P2.5 standards created under the new Land Development Code.

If Castlerock had to comply with the new development standards under P2.5, it would require drastic changes to a Project that was approved via a preliminary plat submitted over three years ago and which is approaching completion. This would impose serious hardships on Castlerock in terms of its ability to timely complete the Project and sell its homes.

Accordingly, Castlerock is requesting variances from the following P2.5 standards, thereby allowing it to complete the Project as originally designed:

- a) Location of garages – see sections 4.3, 5.1 and 5.4, including but not limited to, 5.1.2, Figure 5.1.2 (A), 5.4.1(3); 5.4.1 (5) and 5.4.2.1 Location of the garage will face the front of the street/public row be placed at the front of the house.
- b) Required amount of front façade of the house (excluding the garage) as a percentage of the lot width referred to as façade buildout- see sections 4.3 and section 5.3.7, including

but not limited to lots table on page 121, 4.3.1.4 and 4.3.1.5. Percentage of the façade excluding the garage will have a minimum requirement of 7%.

- c) The first story of the front façade of the principal building shall have at least 20% glazing – see section 5.3.7, including but not limited to 5.3.7.2. The first story of the front façade of the principal building shall have at least 5% glazing
- d) Second and third layer parking, 40% façade build out, 1 acre minimum lot size, Build line that range from 10' to 150'. See chapter 4.3. Lots will have first layer parking, no percentage requirements façade build out, lots will be approximately 70' width x 130' depth. The lots will have a 20' front setback, a 10' rear setback and 5' side setbacks.
- e) Entry monumentation signage, and landscaping requirements. Entry monumentation signage will be fenceconcrete/stone/masonry monumentation with an inset logo, with 5' high minimum height. Landscaping will be xeriscape or may be sod

Castlerock appreciates the Board's consideration, and we look forward to providing any further information that may assist the Board in considering this application.¹

¹ Castlerock established vested right under Chapter 245, Tex. Loc. Gov't Code, by filing its preliminary plat for this project in September 2021, and it is Castlerock's position that those vested rights exempt Castlerock from being required to comply with new standards arising from the City's revised Land Development Code adopted over two years later. Castlerock is nonetheless submitting this variance application out of an abundance of caution, and under a reservation of all vested rights to which it is entitled pursuant to Chapter 245, Tex. Loc. Gov't Code, or Texas common law, and it does not waive any such rights by submission of this application.

Variance Application Questions – Applicant’s Answers

1. What particular physical conditions or characteristics make the property unique compared to others in the same neighborhood or zoning district?
 - The property is similar to surrounding neighborhood properties but does not comply with some elements of the new Land Development Code (just as the surrounding neighborhoods do not comply). We are requesting a variance to the land development code, because the property was entitled and permitted under the prior R-1 zoning. The preliminary plat was approved by the City in June 2022, and the City approved the project’s subdivision improvement plans in June 2023. It was only after these approvals that the City adopted the new Land Development Code. This means Castlerock’s previously-approved project, which was designed and permitted under R-1 does not comply with certain elements of the new P 2.5 zoning mentioned above.
2. Were the conditions or characteristics listed in Question #1 caused by the property owner or applicant?
 - Conditions were caused by the adoption of the new land development code after the project had already been permitted under R-1 and during the construction of the project.
3. If the conditions or characteristics were caused by the owner or applicant, could the use of the property be enjoyed in the current zoning district without the requested variance?
 - The conditions would not allow Castlerock to build the homes that were designed for the neighborhood. The requested variances are therefore necessary to allow Castlerock to finish constructing the project as it was originally designed and permitted under R-1.
4. What difficulty or unnecessary hardship would result (not just an inconvenience) if the variance were not granted?
 - Castlerock would not be able to comply with current building permits standards and the neighborhood would not be built as originally intended. The hardship faced by Castlerock if it were required to come into compliance with the new Land Development Code is also unique to this project, given that the project’s preliminary plan and subdivision improvement plans were all approved prior to the adoption of the Land Development Code. The project was underway for well over two years (the preliminary plat was submitted in September 2021) before the new Land Development Code was adopted, and it would be a very significant hardship for Castlerock to be required to change or abandon the project this late in the process.
5. Is the amount of variance requested the minimum necessary to meet the needs of the applicant or property owner?
 - Yes, these variances would allow Castlerock to build the single-family homes that were intended for the neighborhood. The variances are also confined to the three specific items identified by City staff as non-compliant.

6. To what extent is the request for a variance based upon a desire of the owner, occupant or applicant for increased financial gain from the property, or to reduce an existing financial hardship?
 - The financial gain would be the standard profits from building and selling homes. The financial hardship would be the loss capital that has been invested to date for the purchase and development of the current project. In addition to financial considerations, the variance is also requested in light of the intangible and other very difficult to calculate harm that would be caused if Castlerock were required to change or abandon the project this late in the process. The neighborhood was designed by Castlerock years ago, in compliance with the then-existing zoning code, and it has spent the last two years preparing to finally build and sell the neighborhoods homes (which is the final component of the project). Requiring the project to comply with late changes imposed by the new Land Development Code would severely delay the construction and sale of homes, thereby causing not only financial, but also reputational damages to Castlerock, which has already begun marketing the project's future homes.

7. What affect, if any, would the variance have on the rights of owners or occupants of surrounding property, on the supply of light or air to adjacent property, on traffic or parking congestion in the public streets, on public safety, and on property values wihtin the neighborhood.
 - The requested variances are anticipated to have no impact on these items since they are all design items (rather than use) and do not involve roads, parking, traffic, or safety items.



ELEVATION A



ELEVATION B - Opt. Stone



ELEVATION B

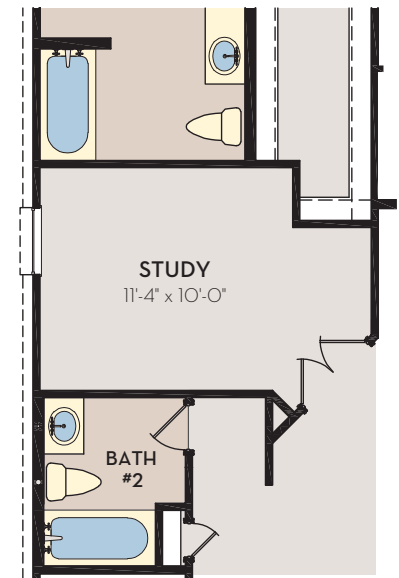
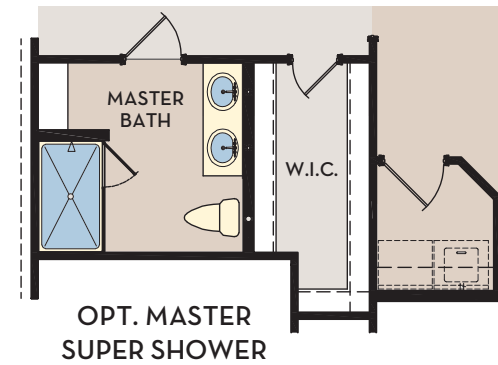
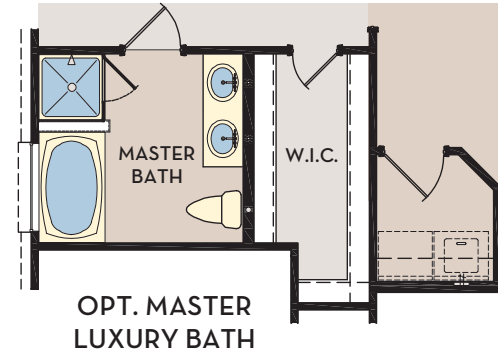


ELEVATION C - Opt. Stone



ELEVATION C







ELEVATION A



ELEVATION B Opt. Stone



ELEVATION B

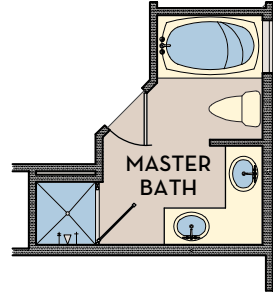
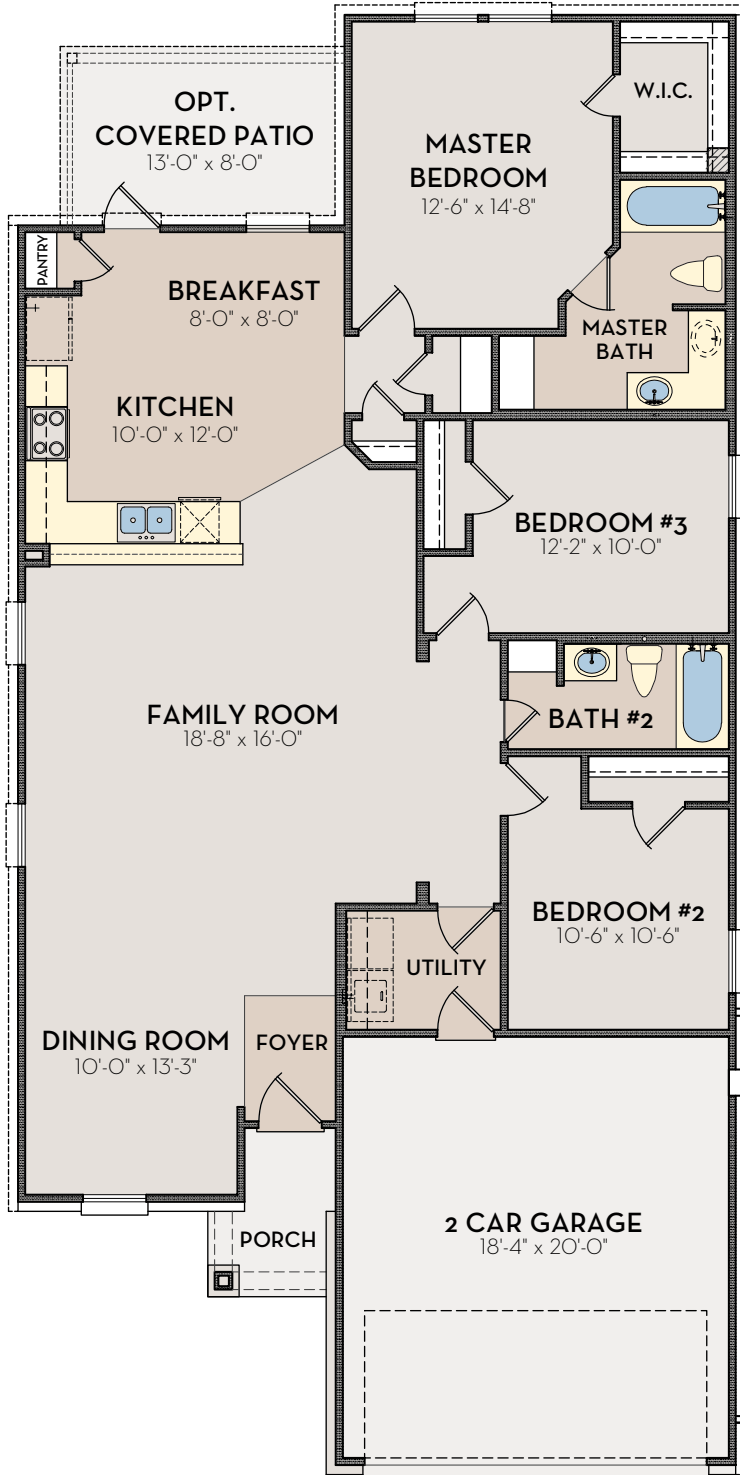


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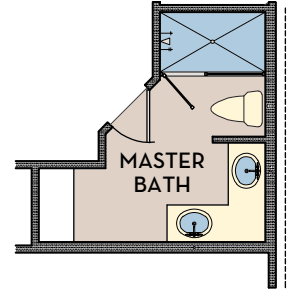


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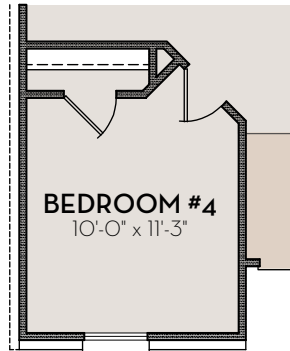




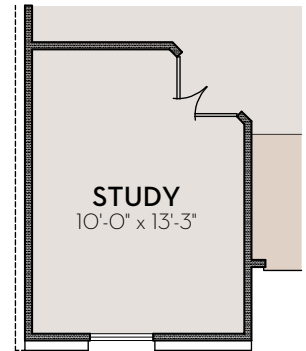
OPT. MASTER
LUXURY BATH



OPT. MASTER
SUPER SHOWER



OPT. BEDROOM #4
IN LIEU OF DINING



OPT. STUDY
IN LIEU OF DINING



OPT. 3-CAR
GARAGE
10'-0" x 19'-0"
201 SQ. FT.



OPT. 1/2 CAR
GARAGE
5'-0" x 19'-0"
101 SQ. FT.



ELEVATION A



ELEVATION B - Opt. Stone



ELEVATION B

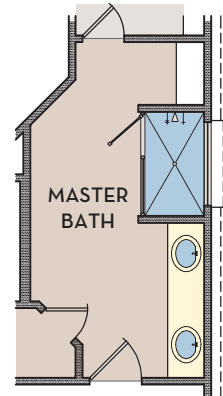
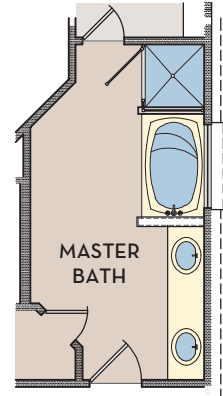


ELEVATION C - Opt. Stone



ELEVATION C







ELEVATION A



ELEVATION B - Opt. Stone



ELEVATION B



ELEVATION C - Opt. Stone

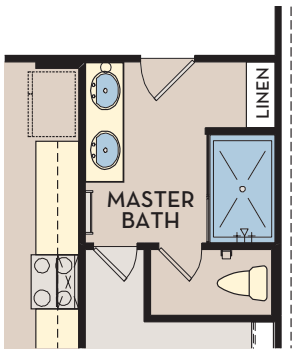


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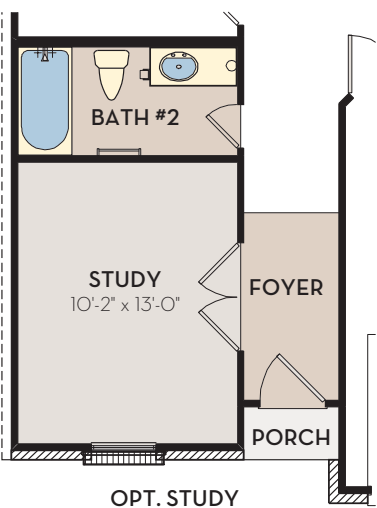




OPT. MASTER LUXURY BATH



OPT. MASTER SUPER SHOWER



OPT. STUDY
IN LIEU OF BEDROOM #4





ELEVATION A



ELEVATION B - Opt. Stone



ELEVATION B



ELEVATION C - Opt. Stone



ELEVATION C





ELEVATION A



ELEVATION B Opt. Stone



ELEVATION B

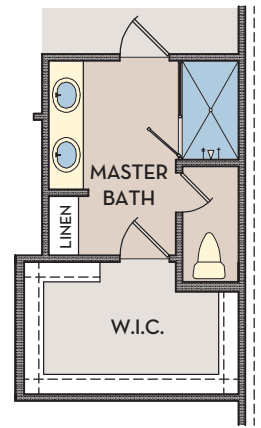
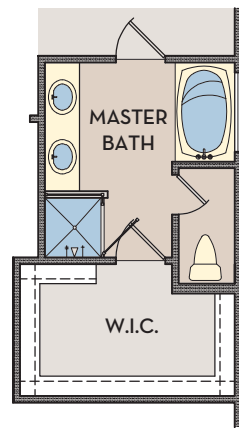
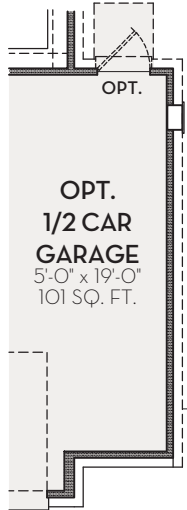
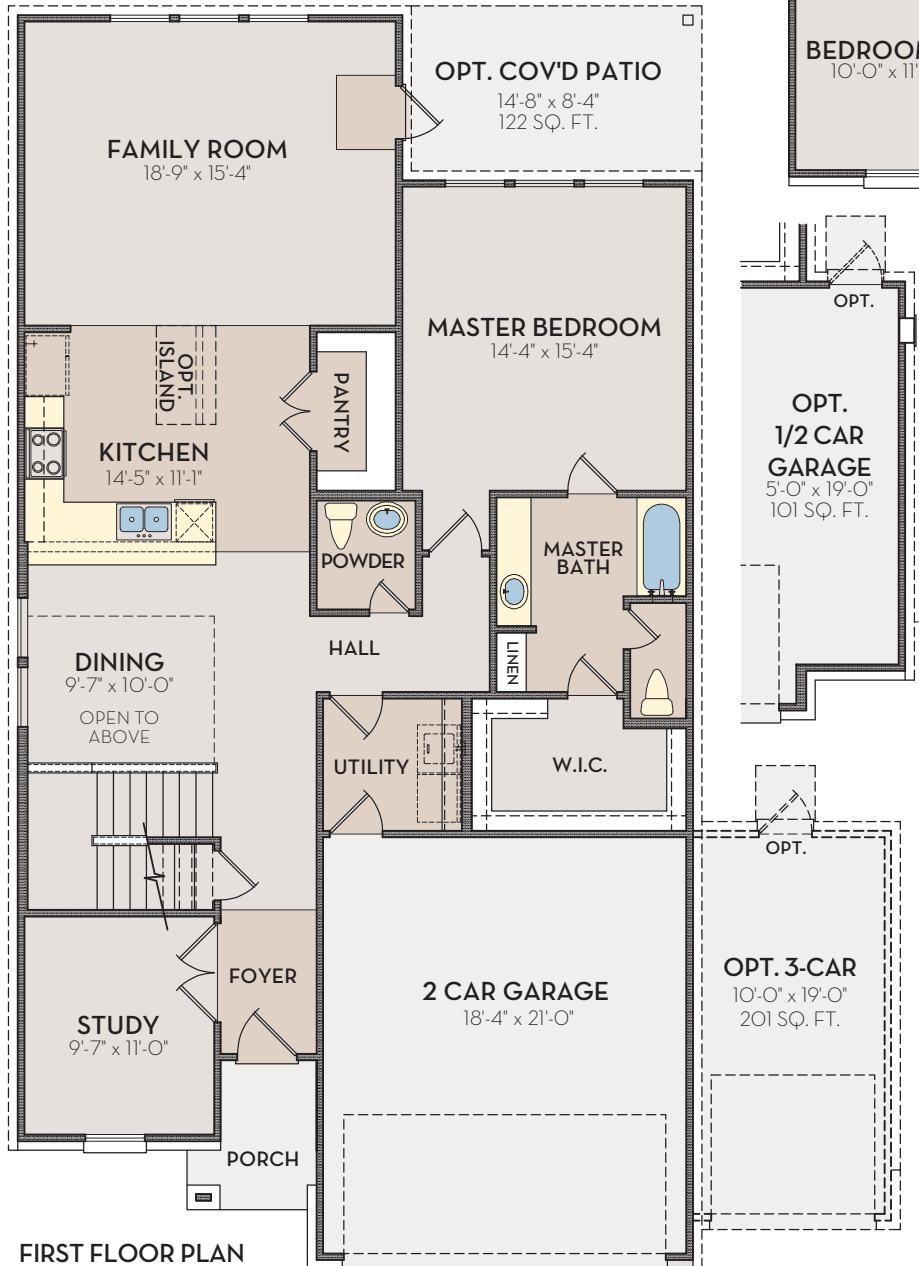


ELEVATION C Opt. Stone



ELEVATION C







ELEVATION A



ELEVATION B - Opt. Stone



ELEVATION B

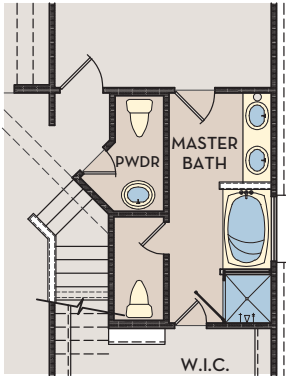


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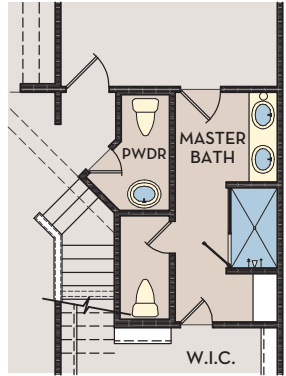


ELEVATION C

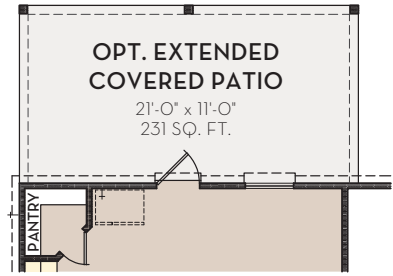




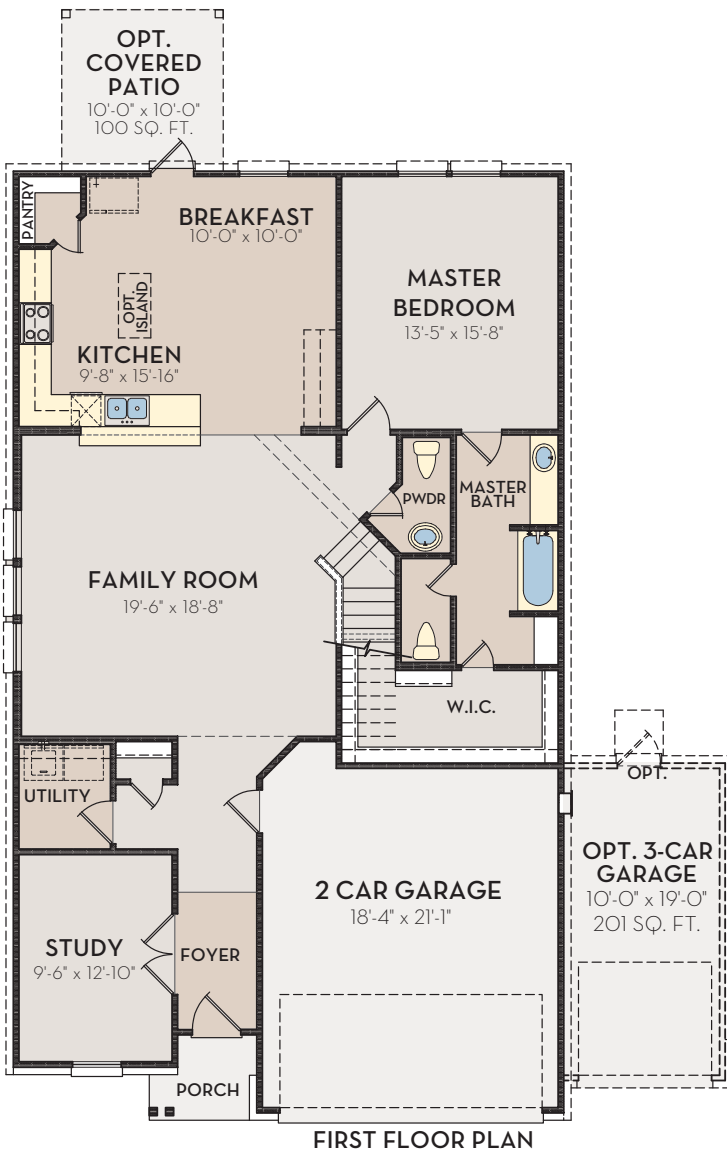
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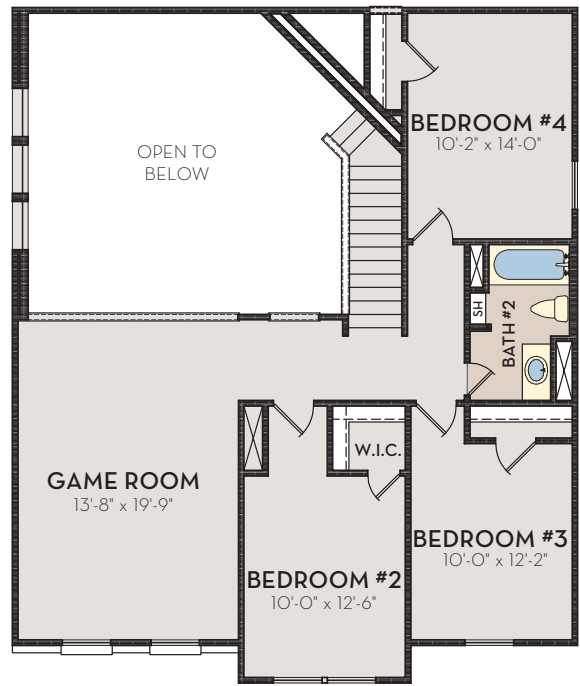
OPT. MASTER SUPER SHOWER



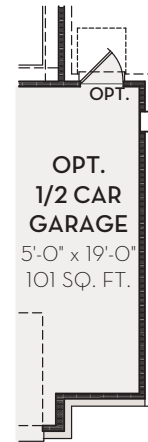
OPT. EXTENDED COVERED PATIO



FIRST FLOOR PLAN



SECOND FLOOR PLAN



OPT. 1/2 CAR GARAGE
5'-0" x 19'-0"
101 SQ. FT.

OPT. 3-CAR GARAGE
10'-0" x 19'-0"
201 SQ. FT.



ELEVATION A



ELEVATION B - Opt. Stone



ELEVATION B

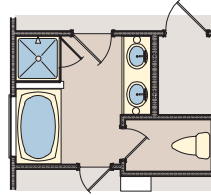
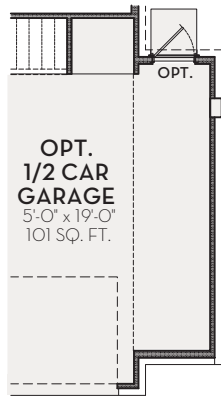
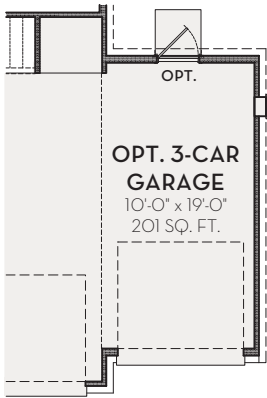


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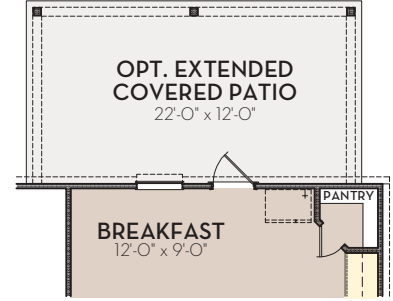


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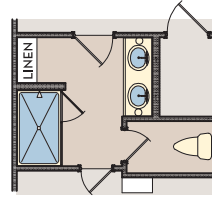




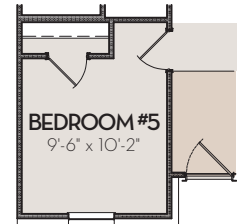
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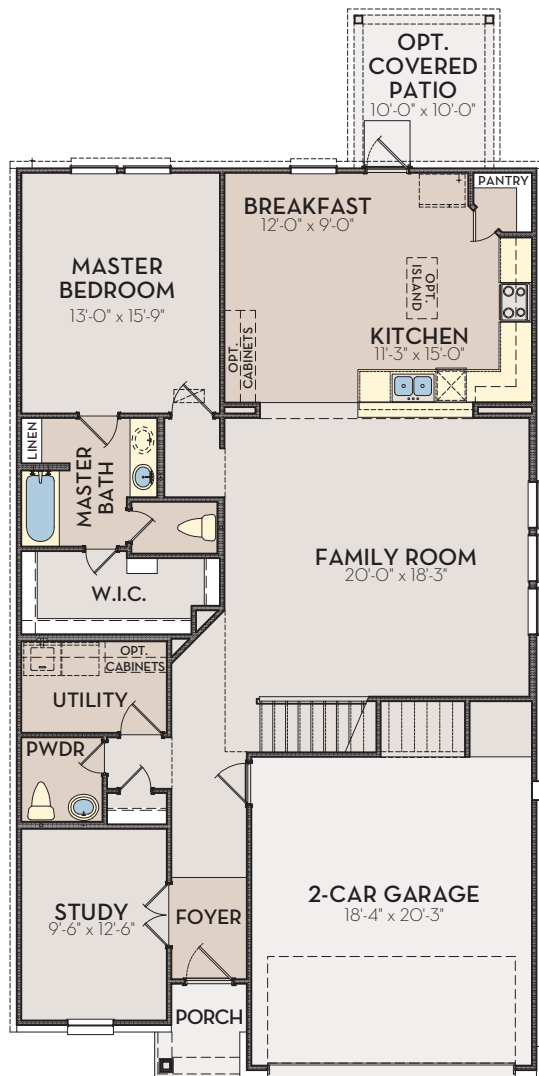
OPT. EXTENDED COVERED PATIO



OPT. MASTER SUPER SHOWER



OPT. BEDROOM #5



FIRST FLOOR PLAN



SECOND FLOOR PLAN





ELEVATION A



ELEVATION B Opt. Stone



ELEVATION B

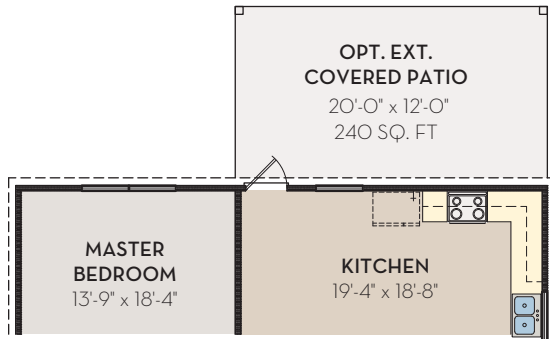


ELEVATION C Opt. Stone

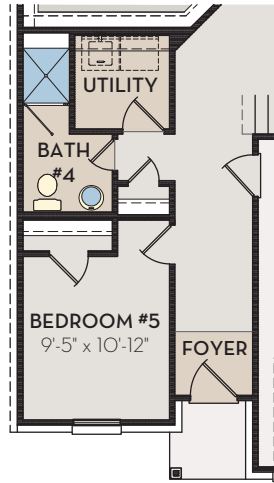


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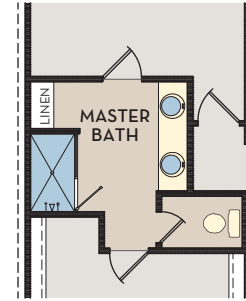




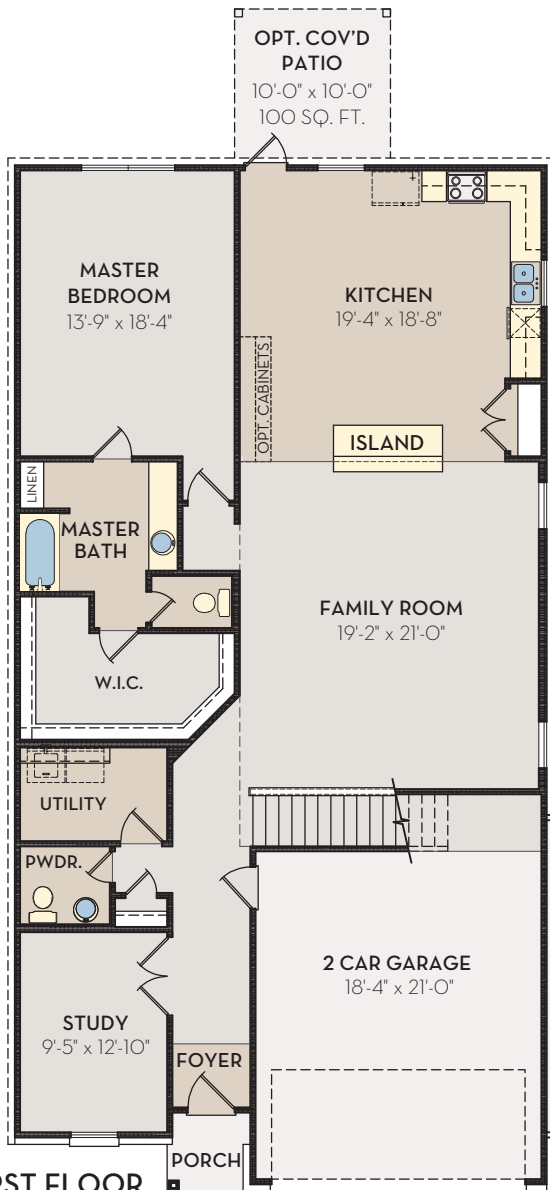
OPT. EXT. COVERED PATIO



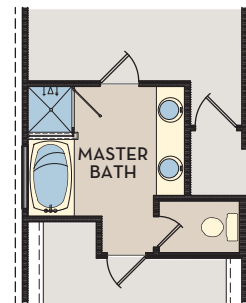
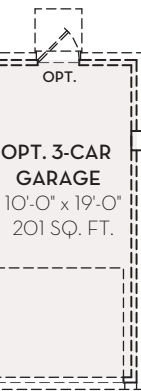
OPT. BEDROOM #5
W/ OPT. BATH #4
IN LIEU OF STUDY



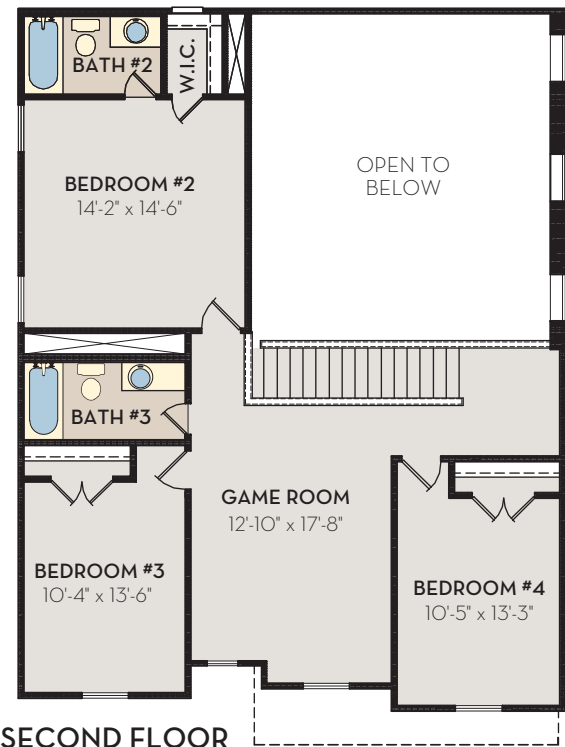
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FIRST FLOOR



OPT. MASTER LUXURY BATH



SECOND FLOOR

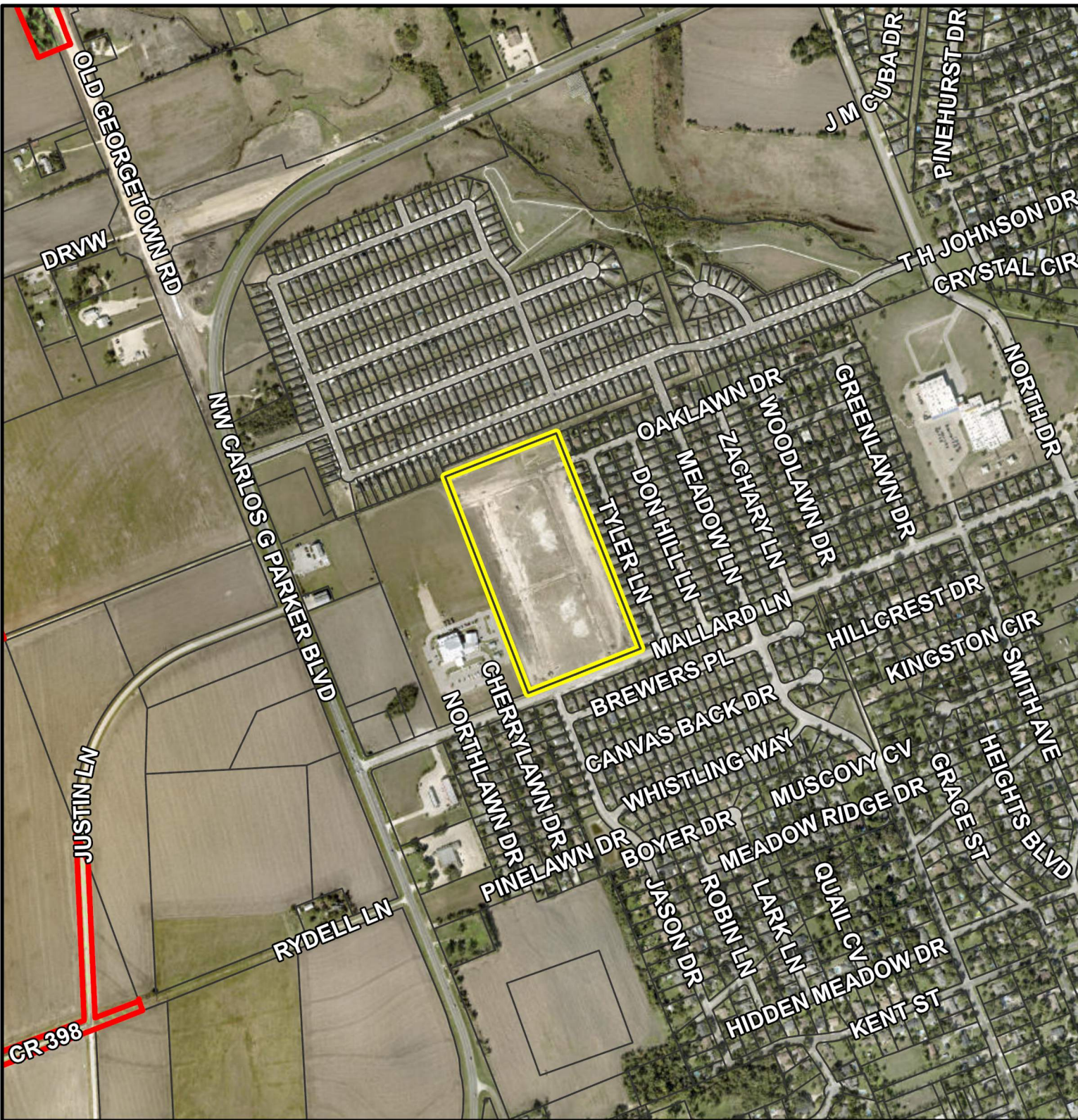
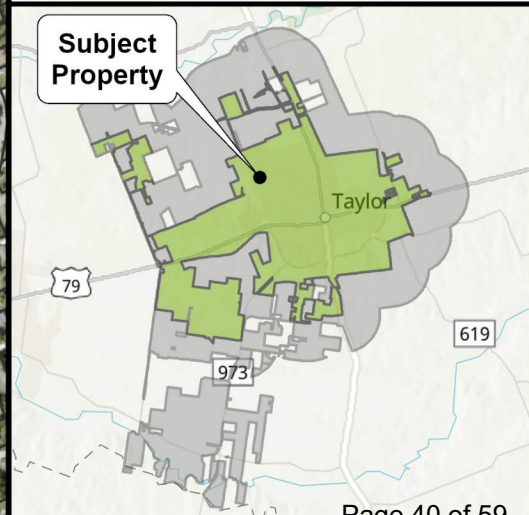
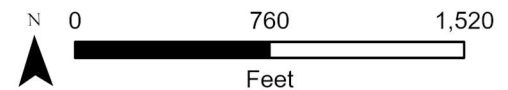




PZ-2024-2314

The Retreat at Mallard Lane
Variance
Location Map
Approximately 19.6 acres

- City Limits
- ETJ Boundary
- Parcels
- Subject Property

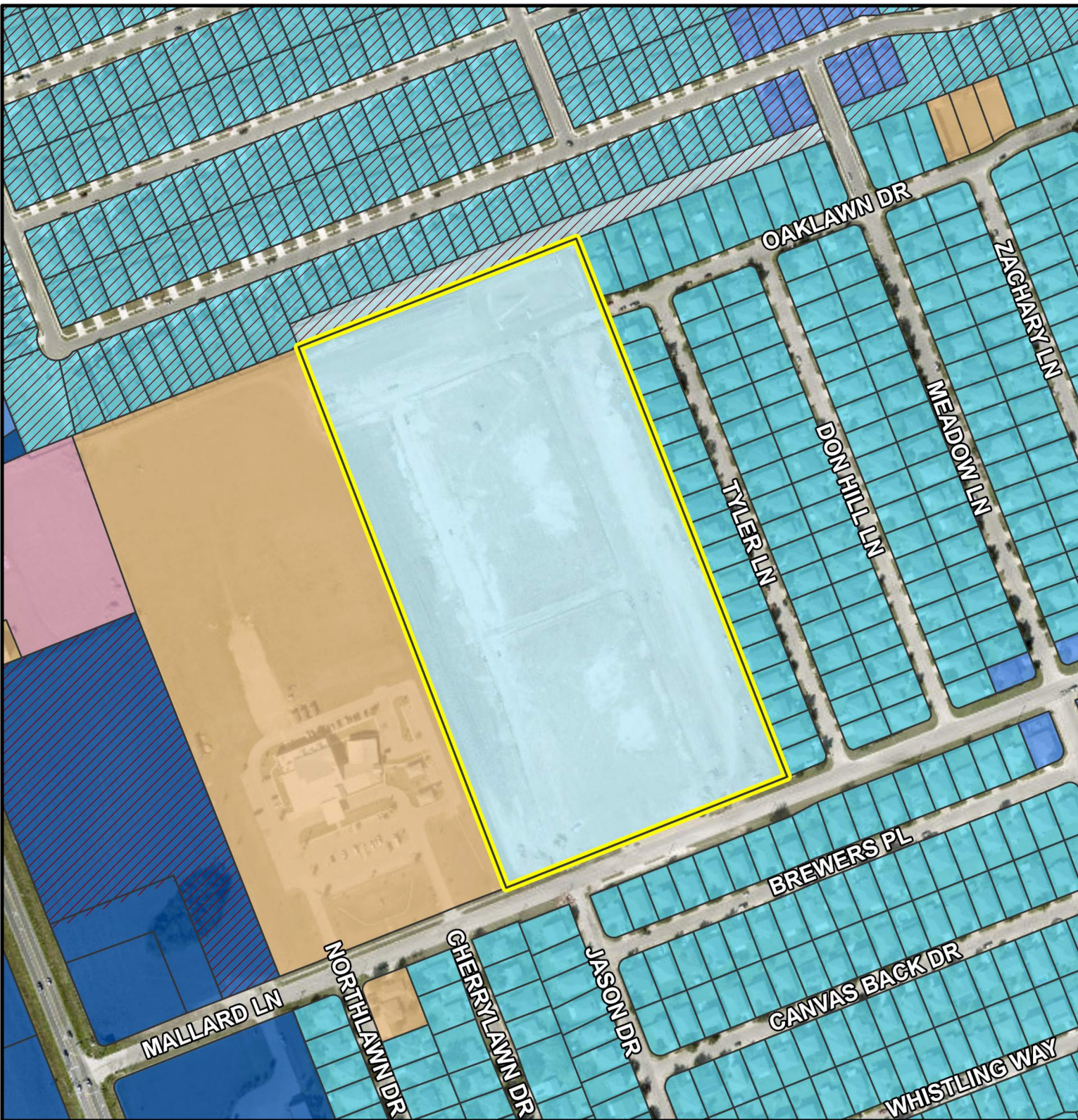
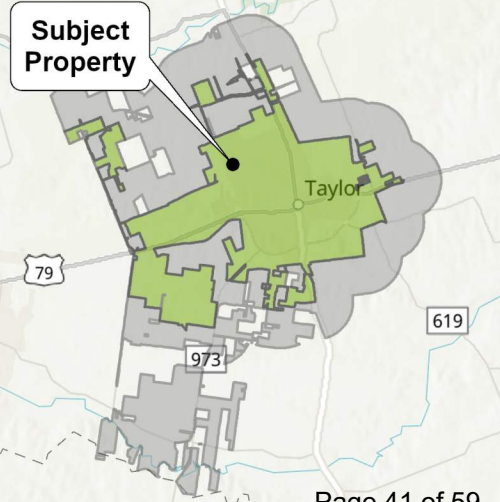
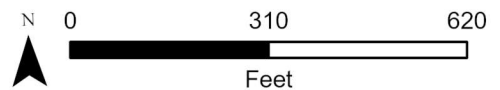




PZ-2024-2314

The Retreat at Mallard Lane
Variance
Current Zoning Map
Approximately 19.6 acres

- City Limits
- Subject Property
- Parcels
- Planned Development Overlay
- Place Type Zoning
- P2.5: Large Lot
- P3: Neighborhood
- P4: Mix
- P5: Urban Center
- EC: Employment Center
- CS: Civic Space

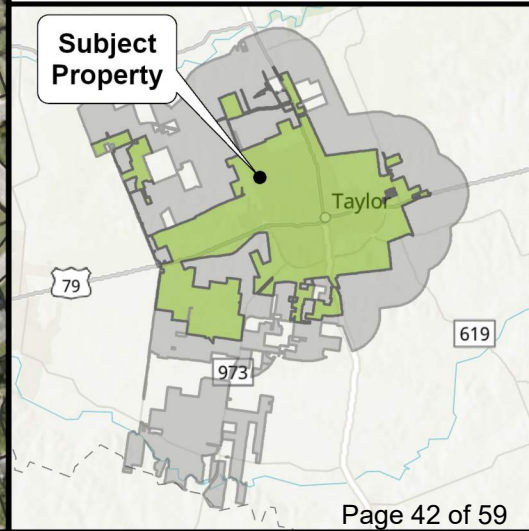




PZ-2024-2314

The Retreat at Mallard Lane
Variance
Notification Map
Approximately 19.6 acres

- City Limits
- Subject Property
- 200-ft. Buffer
- Notified Properties
- Parcels



City of Taylor
PZ-2024-2342
Zoning Variance
Staff Report

Item Details

Subject Property: 201 N. Main Street
Total Acreage: Approximately 0.3788 acres
Legal Description: City of Taylor Survey, Block 9, Lot 5-6, Lot 1-4 South Parts
Property Owner: CWMRYBOYD, LLC
Applicant: LEC Industries LLC DBA Xtreme Signs
Request: A request to vary from the Land Development Code, Sections 5.10.3, 5.10.7.7 (2), 5.10.7.7 (4c), and 5.10.7.7(Letter Height).
Case History: This is the first hearing of this request.

Overview of Applicant’s Request & Background

The request is to allow for a Channel Letter sign to be placed on the second story with a 22-inch letter height with internal illumination. The applicant has requested variances from the Land Development Code (LDC), Section 5.10.3.1 and portions of 5.10.7.7. Code sections and requests refer to lighting/illumination, letter sizing, placement (second story), and use of channel letters. The applicant’s justification for the variance is detailed in Attachments (a) and (c).

Channel Letters – shall have its own internal lighting element, individually attached to the wall or onto a separate background panel. The letter shall be translucent, or solid to create a backlit halo effect (LDC, Definitions).

Location:

The subject property is located at 201 North Main Street, at the corner of W 2nd Street and North Main Street.

Physical and Natural Features:

The subject property is Mixed use structure. The building is in the historical downtown area on a corner lot which with occupied buildings to the north and west. To the east, in the south there is a mix of occupied and unoccupied structures.



Public Notification

As required by the Local Government Code and the City of Taylor Code of Ordinances, all property owners within a 200-foot radius of the subject property were notified of the variance request (23 notices), and a legal notice advertising the public hearing was placed in the Taylor Press on Sunday, November 3, 2024.

Staff Analysis

The subject property is within a mixed-use area where surrounding residential, mixed use, and commercial developments seek goods and services. These areas are envisioned as mixed-use (residential and commercial), walkable places. This property is in the Historical Downtown District.

In the Historical Downtown District, the traditional sign medium of neon, faux neon, is allowed while the proposed illumination is not. The applicant would also have the option of external illumination pending compliance with the illumination requirements in section 5.10.3.1 in the Land Development Code.

The Historical Downtown District is not only a representation of Taylor but also contains two Multi Modal Community Boulevards. West Second Street and North Main Street, Community Boulevards are high-volume, long-distance routes across town. Multimodal enhancements focus on providing safe spaces for people to interact with the community and stimulate economic development downtown (page 109 City of Taylor Comprehensive Plan).

While advertising is key for the survival of business, minimizing distractions on the roadway should be a priority. Inconsistent signage can take drivers' eyes off the road which puts at risk pedestrians and other drivers (Section 5.10.1 (6a) Land Development Code).

Staff recommends **Denial** of Internal illumination,

- **5.10.3** "The only permitted form of illumination in the historic district is external illumination or neon or faux neon signs"

Staff recommends **Approval** of Second Story Signage,

- **5.10.7.7 (2)** "One band sign is permitted on each first story facade of the building"

Staff recommends **Denial** of Channel Letters,

- **5.10.7.7 (4)** "The following band sign construction types are permitted except in the Historic District of Downtown Taylor" (C) "Channel letters. Each letter shall have its own internal lighting element, individually attached to the wall or onto a separate background panel. The letter shall be translucent, or solid to create a backlit halo effect"

Staff recommends **Approval** of Increased Letter Size to 22"

- **5.10.7.7(Letter Height)** "18-inch maximum."

Staff would be amenable to the Approval of Second Story Signage 5.10.7.7 (2) and Increased Letter Size 5.10.7.7 to 22” pending the denial of Channel Letters and Internal Illumination

Zoning Board of Adjustment Recommendation

Based on staff’s analysis of this variance Denial is recommended.

The Zoning Board of Adjustment should base their consideration for approval [Consistent] or denial [Inconsistent] of the request on the following information: **Internal Illumination**

			Criteria for Approval
Consistent	Inconsistent	Neutral	
	<u>X</u>		<p>There are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this LDC would deprive the applicant of the reasonable use of their property;</p> <p><i>Staff finds there are no special circumstances or conditions arising from the physical surroundings, shape, or other feature affecting the sign, subject to the variance petition.</i></p>
	<u>X</u>		<p>The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;</p> <p><i>Staff find that the request for a Internally Illuminated sign is not necessary for the advertisement of the Business. Visibility is achievable by within the current lighting standards.</i></p>
		<u>X</u>	<p>Granting the variance application shall not be detrimental to the public health, safety, or welfare,;</p> <p><i>Staff find that granting the variance would likely be detrimental to public health, safety, or welfare, or injurious to other property within the area due to the increased distraction. This would be typical for all illuminated signage</i></p>
	<u>X</u>		<p>The degree of variance requested is the minimum amount necessary to meet the needs of the applicant to satisfy the standards.</p> <p><i>Staff finds that the degree of variance is not the minimum amount necessary, as the petitioner may comply with the Code requirements.</i></p>

Based on staff's analysis of this variance Approval is recommended.

The Zoning Board of Adjustment should base their consideration for approval [Consistent] or denial [Inconsistent] of the request on the following information: **Increased Letter Size**

			Criteria for Approval
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>There are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this LDC would deprive the applicant of the reasonable use of their property;</p> <p><i>Staff finds there are special circumstances or conditions arising from the physical surroundings, shape, or other feature affecting the sign subject to the variance petition. Letter height of 18" is typically clearly visible for 180ft this would not be completely clear along the block length facing 2nd street.</i></p>
		<u>X</u>	<p>That granting the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;</p> <p><i>Staff finds that the request for larger lettering is necessary for the effectiveness of the sign. Advertisement is achievable by within the current standards but would be overall less successful.</i></p>
	<u>X</u>		<p>That granting the variance will not be detrimental to the public health, safety, or welfare;</p> <p><i>Staff find that granting the variance would likely not be detrimental to public health, safety, or welfare, or injurious to other property within the area as the increased legibility would lessen the time drivers are distracted.</i></p>
<u>X</u>			<p>The degree of variance requested is the minimum amount necessary to meet the needs of the applicant to satisfy the standards.</p> <p><i>Staff finds that the degree of variance is the minimum amount necessary, as the petitioner may comply with the Code requirements.</i></p>

Based on staff's analysis of this variance Approval is recommended.

The Zoning Board of Adjustment should base their consideration for approval [Consistent] or denial [Inconsistent] of the request on the following information: **Allowing Placement on Second Story**

			Criteria for Approval (Sect. 2.2.14)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>There are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this LDC would deprive the applicant of the reasonable use of their property;</p> <p><i>Staff finds there are special circumstances or conditions arising from the physical surroundings, shape, topography, or other feature affecting the sign subject to the variance petition.</i></p>
		<u>X</u>	<p>That granting the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;</p> <p><i>Staff finds that the request for a sign on the second floor would be necessary advertisement for this business. However, this is achievable through the application of a Master Sign Permit.</i></p>
	<u>X</u>		<p>That granting the variance will not be detrimental to the public health, safety, or welfare;</p> <p><i>Staff find that granting the variance would likely be detrimental to public health, safety, or welfare, or injurious to other property within the area due to the increased distraction. This would be typical for all signage that has an atypical placement.</i></p>
<u>X</u>			<p>The degree of variance requested is the minimum amount necessary to meet the needs of the applicant to satisfy the standards.</p> <p><i>Staff finds that the degree of variance is the minimum amount necessary to meet the needs of the applicant to satisfy the standards.</i></p>

Based on staff's analysis of this variance Denial is recommended.

The Zoning Board of Adjustment should base their consideration for approval [Consistent] or denial [Inconsistent] of the request on the following information: **Channel Letters**

			Criteria for Approval (Sect. 2.2.14)
Consistent	Inconsistent	Neutral	
	<u>X</u>		<p>There are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this LDC would deprive the applicant of the reasonable use of their property;</p> <p><i>Staff finds there are no special circumstances or conditions arising from the physical surroundings, shape, topography, or other feature affecting the sign subject to the variance petition.</i></p>
	<u>X</u>		<p>That granting the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;</p> <p><i>Staff finds that the request for a Channeled lettering is not necessary for advertisement.</i></p>
	<u>X</u>		<p>That granting the variance will not be detrimental to the public health, safety, and welfare;</p> <p><i>Staff finds that the request for a Channel Letter sign is not necessary advertisement for this business as there is other allowable signage types and other forms in which a band sign can be constructed</i></p>
		<u>X</u>	<p>The degree of variance requested is the minimum amount necessary to meet the needs of the applicant to satisfy the standards.</p> <p><i>Staff find that granting the variance could be distracting as the sign type is not consistent with the surrounding area</i></p>

No variance shall be granted or imposed unless:

1. 75% of the members of the Board are present to hear the case; and
2. 75% of the Board votes in favor of the request; and
3. The Board finds that the variance meets the requirements of Texas Local Government Code Section 211.009(3) which states:

Texas Local Government Code, Section 211.009. AUTHORITY OF BOARD.

(a) The board of adjustment may:

(3) Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done;

Land Development Code 2.2.14 Place Type Variance

The Board finds that the variance requests meets or does not meet the requirements of Section 2.2.14 of the Land Development Code which states:

1. *In specific cases a variance from the terms of this LDC may be authorized by the ZBA if the variance is not contrary to the public interest and due to special conditions, a literal enforcement of the LDC would result in unnecessary hardship, and so that the spirit of the LDC is observed and substantial justice is done.*
2. *No variance shall be granted or imposed unless the ZBA finds:*
 - 1) *That there are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this LDC would deprive the applicant of the reasonable use of their property; and*
 - 2) *That granting of the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and*
 - 3) *That the granting or imposition of the variance will not be detrimental to the public health, safety and welfare; and*
 - 4) *That the granting or imposition of the variance will not have the effect of preventing the orderly development of other property in the area in accordance with the provisions of this LDC.*

Such findings of the Zoning Board of Adjustment together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Zoning Board of Adjustment meeting at which such variance is granted or imposed. Variances may be granted or imposed only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship. All variances shall be granted or imposed on a case-by-case basis and no variance shall be construed to serve as a precedence for subsequent variances

Attachments:

- a) Letter of Intent from Applicant
- b) Sign Details from Applicant
- c) Excerpt from Applicant's Submitted Application – Questions 1-7
- d) Page 109 City of Taylor Comprehensive Plan
- e) Location Map
- f) Notice Map

Letter of Intent

THIS LETTER OF INTENT (the "Document") made as of this 29th day of October, 2024 (the "Execution Date"),

BETWEEN:

LEC Industries LLC. DBA Xtreme Signs of 1807 Lightfoot Dr, Round Rock, TX 78681, USA
City of Taylor of 400 Porter St, Taylor, TX 76574, USA

(individually the "Party" and collectively the "Parties")

BACKGROUND:

This Document will establish the basic terms to be used in a future agreement between the Parties. The terms contained in this Document are not comprehensive and it is expected that additional terms may be added, and existing terms may be changed or deleted. The basic terms are as follows:

Non-Binding

1. This Document does not create a binding agreement between the Parties and will not be enforceable. Only the future agreement, duly executed by the Parties, will be enforceable. The terms and conditions of the future agreement will supersede any terms and conditions contained in this Document. The Parties are not prevented from entering into negotiations with third parties with regard to the subject matter of this Document.

Transaction Description

2. The subject of this transaction is described as follows:
 - Build and Install 23" Channel letters, LED internally illuminated sign and install on 3rd floor of intended building at 112 W. 2nd Street, Taylor, Texas 76574 (201 MAIN ST N TAYLOR TX 76574). The following are the standards applied followed by the variance request in RED.
 - RE: 5.10.3 TYPES OF SIGNS PERMITTED IN HISTORIC DISTRICT.

"The only permitted form of illumination in the historic district is external illumination or neon or faux neon signs"

5.10.3.1 ILLUMINATION OF SIGNS - (i) An illuminated sign shall not: iv. Include animated or changeable electronic variable messages.

Please confirm that the Live MESSage is not switching on and off

1. The sign will have internal Illumination by led "neon" (faux neon) and it shall be non-flashing.

- 5.10.7.7 BAND SIGN

Letter Height: 18 inch maximum.

2. The letter height of 18" is too small for a sign in a large building for a 3rd floor tenant. We are seeking variance to have 22" letter height for the sign.

5.10.7.7 BAND SIGN

One band sign is permitted on each first story facade of the building

- **3. There are other tenants on the first and second floors that do not wish the sign over their spaces as it would create confusion. Seeking variance to install sign on the 3rd floor wall.**

Closing Date

3. The transaction will be completed on or about the 29th day of October, 2024 (the "Closing Date"). All obligations as indicated in the future agreement will be completed and met by the Closing Date.

Representations

4. The Parties represent and warrant that their respective assets, real property or personal property, which constitutes any or all of this proposed transaction, are free and clear of any liens, charges, encumbrances or rights of others. If the representations of one or more of the Parties are untrue upon the Closing Date, then any remaining Parties may terminate any future agreement without penalty and any deposits must be refunded.

This Document accurately reflects the understanding between the Parties, signed on this 29th day of October, 2024.

Per: _____ (Seal)
LEC Industries LLC. DBA Xtreme Signs (Party)

City of Taylor (Party)



**KRXT RADIO STATION
TAYLOR, TEXAS**

Rev 2 09/23/2024

CUSTOMER

Stephen R. Laukhuf
112 W. 2nd Street
Taylor, Texas 76574

Designer:
Ana Cantu
Date of Design
09/18/2024

Landlord Approval:

Tenant Approval:

REVISIONS:

FACE LIT INDIVIDUAL CHANNEL LETTERS



SOUTH VIEW
34.50 TOTAL SQ FT. SIGN

NOTE: SIGN INSTALLATION METHOD
SIGN SHALL BE INSTALLED USING 3/8" X 2" LAG SHIELDS WITH CORRESPONDING LAG BOLTS. TOTAL OF 4 EA. HOLES SHALL BE SEALED USING GE E6100 CLEAR SILICONE SEALANT TO PREVENT WATER PENETRATION IN HOLES.



UL WATER TIGHT J-BOX LOCATION ELECTRICAL CONNECTION. (1/2" HOLE THRU WALL SEALED WITH GE SILICONE) ELECTRICAL TO J-BOX BY CUSTOMERS LICENSED ELECTRICIAN.



MANDATED BY STATE STATUTE: ANYONE SELLING, INSTALLING OR SERVICING ELECTRICAL SIGNS, OUTLINE LIGHTING, LIGHTED AWNINGS, SIGNALS, LED'S AND EXISTING OUTDOOR ELECTRICAL DISCHARGE LIGHTING MUST BE LICENSED INDIVIDUALLY AND THE COMPANY THEY REPRESENT MUST MAINTAIN AN ELECTRICAL SIGN CONTRACTOR'S LICENSE.

THESE LICENSE HOLDERS ARE REGULATED BY THE TEXAS DEPARTMENT OF LICENSING AND REGULATION. FOR COMPLIANCE VERIFICATION OR COMPLAINTS, CONTACT DLR IN AUSTIN AT 1-800-803-9202, 512-463-6599 OR www.license.state.tx.us

This firm's license is TSCL18415
Electrical Master License #4511

120VAC Primary 60HZ
20 amp Dedicated
Required



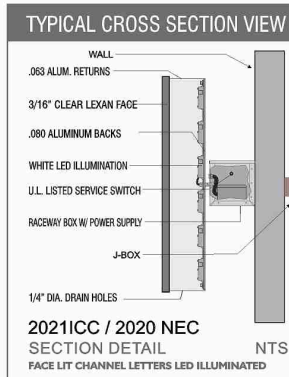
Member Since 20



SIGN TYPE
INDIVIDUALLY ILLUMINATED FRONT-LIT CHANNEL LETTERS MOUNTED ON 7" EXTRUDED ALUMINUM RACEWAY TO MATCH WALL.

SIGN DETAIL
FACES: 3/16" RED ACRYLIC
TRIM: 1" JEWELITE TO MATCH LETTER FACES
RETURNS: 5" DEEP .063 ALUMINUM RETURNS PAINTED BLACK
BACKS: .090 ALUMINUM BACKS PAINTED BLACK
MOUNTING: INDIVIDUALLY MOUNTED
ILLUMINATION: 12-V HIGH OUTPUT WHITE LED MODULES
ELECTRICAL SPECS: 120V PRIMARY / 60 HZ / 4.5 AMP
12V SECONDARY / 60 WATTS / DEDICATED CIRCUIT REQUIRED

LETTERS SHALL HAVE 1/4" DRAIN HOLES



NOTE: ELECTRIC TO SIGN BY OTHERS.
SIGN AND SIGN COMPONENTS SHALL COMPLY WITH THE 2021 ICC CODE AND THE 2020 NEC CODES



Variance Application Questions – Applicant’s Answers

1. What particular physical conditions or characteristics make the property unique compared to others in the same neighborhood or zoning district?
 - It is a 3-story building located on a corner. Building height make signs look smaller.
2. Were the conditions or characteristics listed in Question #1 caused by the property owner or applicant?
 - No.
3. If the conditions or characteristics were caused by the owner or applicant, could the use of the property be enjoyed in the current zoning district without the requested variance?
 - The conditions were not created by owner.
4. What difficulty or unnecessary hardship would result (not just an inconvenience) if the variance were not granted?
 - Sign visibility would not be attained due to building size and height.
5. Is the amount of variance requested the minimum necessary to meet the needs of the applicant or property owner?
 - Yes.
6. To what extent is the request for a variance based upon a desire of the owner, occupant or applicant for increased financial gain from the property, or to reduce an existing financial hardship?
 - Zero, it is based on necessity.
7. What affect, if any, would the variance have on the rights of owners or occupants of surrounding property, on the supply of light or air to adjacent property, on traffic or parking congestion in the public streets, on public safety, and on property values within the neighborhood.
 - Little to none.



2nd Street traffic calming improved the pedestrian experience.

Source: HDR

W. 2ND STREET

W. Second Street is a four-lane undivided roadway west of Downtown. This roadway serves as a primary route into Downtown Taylor and provides vehicular and pedestrian access to the commercial core. Implementation of a four-lane community boulevard section will provide multimodal enhancements that focus on providing safe spaces for people to interact with the community and stimulate economic development. The City of Taylor has implemented low-cost complete streets enhancements along Second Street in the Downtown area. It is recommended that continued enhancements be made to this corridor to promote accessibility to local businesses and walkability in the Downtown area. This corridor should be considered for implementation of transit service in the future.



SH 95/MAIN STREET

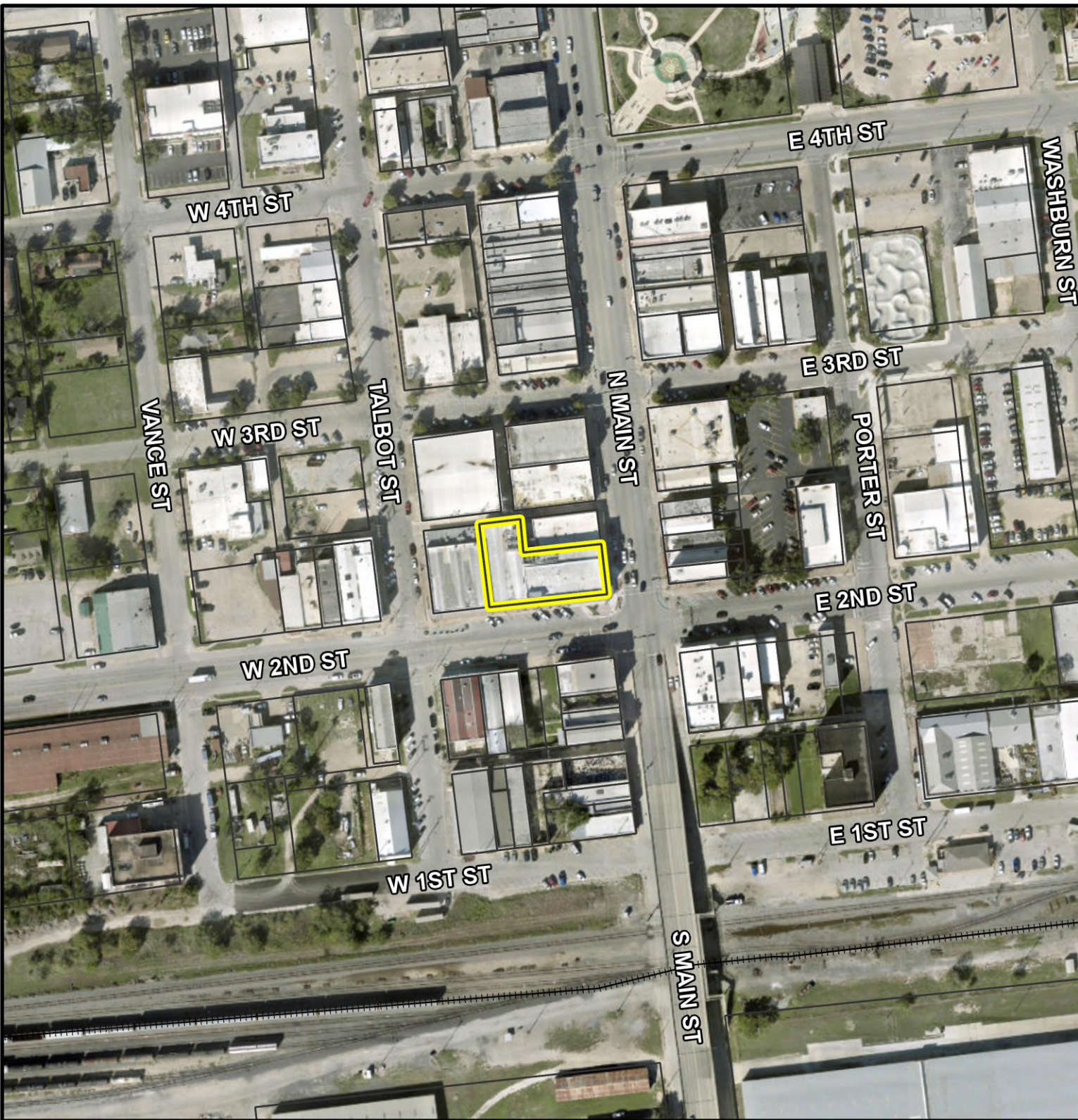
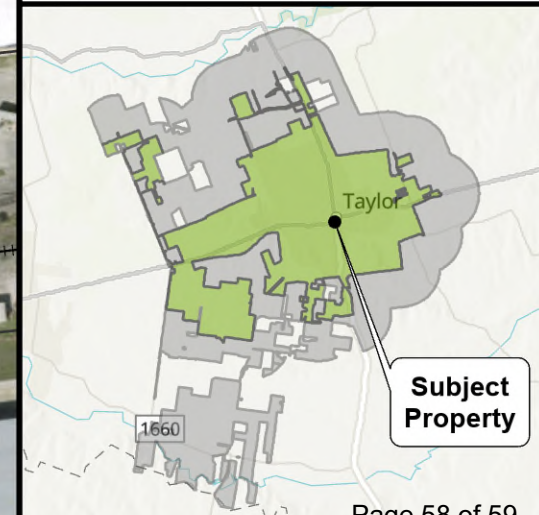
Main Street is a four-lane undivided roadway between US 79 on the south and Chandler Road on the north. TxDOT currently operates and maintains Main Street as SH 95 through Taylor. This road serves many functions as it traverses Taylor—a state highway connecting Bastrop to Temple, a main street through Downtown Taylor, and a major arterial with large-scale retail on the north side of Taylor. With completion of “The Loop” around Taylor, it is anticipated that through traffic will be diverted to this regional roadway and Main Street can function as a four-lane community boulevard that appropriately serves the adjacent land use. This corridor should be considered for implementation of transit service in the future. Multimodal enhancements including wide sidewalks, bulb outs, parking and narrow travel lanes will enhance the pedestrian experience Downtown. These will promote resurgence in retail and commercial uses, increasing the wealth generation of the corridor.



PZ-2024-2342

201 Main St N
Variance
Location Map
Approximately 0.4 acres

-  Subject Property
-  Parcels





PZ-2024-2342

**201 Main St N
Variance
Notification Map
Approximately 0.4 acres**

- Subject Property
- 200-ft. Buffer
- Notified Properties
- Parcels

