

Zoning Board of Adjustment

November 9, 2021

Item A:

Public Hearing – monument signs in residential zones

Hearing instructions to all parties

by Will Pruitt, City Attorney

Conditions Required for Variance:

B. Conditions Required for Variance. Conditions Required for Variance. No variance shall be granted without providing public notice and holding a public hearing on the variance request in accordance with [Section 14.2.24](#) of this Chapter and the Board shall make findings:

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 his/her land;
2. The circumstances or conditions are not economic hardships created by the property owner;
3. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
4. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
5. That the granting of the variance will not have an adverse effect on surrounding properties, preventing the use and enjoyment of other land within the area in accordance with the provisions of this Chapter. Such findings of the Board, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Chapter so that the public health, safety and welfare may be secured and that substantial justice may be done.

Findings of Undue Hardship:

- C. **Findings of Undue Hardship.** In order to grant a variance, the Board must make findings that an undue hardship exists, using the following criteria:
1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property;
 2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district;
 3. That the relief sought will not injure the permitted use of adjacent conforming property; and
 4. That the granting of a variance will be in harmony with the spirit and purpose of the Ordinance.
- D. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege of developing a parcel of land not permitted by this Chapter on other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.
- E. The Board shall have no authority to change any provisions of this Ordinance and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The Board may not change the district designation of any land either to a more restrictive or less restrictive zone.

Swearing in and presentation by Shaddock Homes

Jay Hankla, General Manager

Swearing in and presentation by Westworth Village

Brandy Barrett, City Administrator/City Secretary

City Ordinances:

Exist at WF 

Exist at WF 

City Ordinances:



City Ordinances:

Authorized to Shaddock

Weekend Builders' Advertising	All	6 s.f.	3 ft.	12 noon Friday until 12 noon Monday, except holidays	25 max., 5 ft. from curb, 200 ft. or 1 block apart, 40 ft. min. from intersection, No lighting
Political	All	32 s.f.	10 ft.	90 days	On private property, not on ROW, No lighting, Removed 24 hr. after election or runoff
Church charity and civic, On-Premises	All	32 s.f.	15 ft.	10 days prior to event and during event, 30 days max.	On private property, not on ROW, No lighting, Removed 24 hr. after event
Church, charity/civic, Off-Premises	All	12 s.f.	3 ft.	10 days prior to event and during event, 30 days max.	On private property, not on ROW, No lighting, Removed 24 hr. after event
U.S., Texas or Patriotic Flag	All	32 s.f.	25 ft.	Not applicable	1 per flag type, No spacing requirements
Decorative Flag (color only, Logo allowed, no text allowed)	"MF" and "PD"	6 s.f.	25 ft. max., 6 ft. min. to bottom of flag	Not applicable	Street frontage 0-150' 4 flags 151-200' 5 flags 201-250' 6 flags 251-300' 7 flags over 300' 8 flags
Real Estate Land Sale	All	100 s.f.	15 ft.	Remove prior to development	1 acre min., 2 sign max., 1 sign per frontage, No

Previously used at WF

City Ordinances:

Previously used at WF



Authorized to Shaddock



Requested:



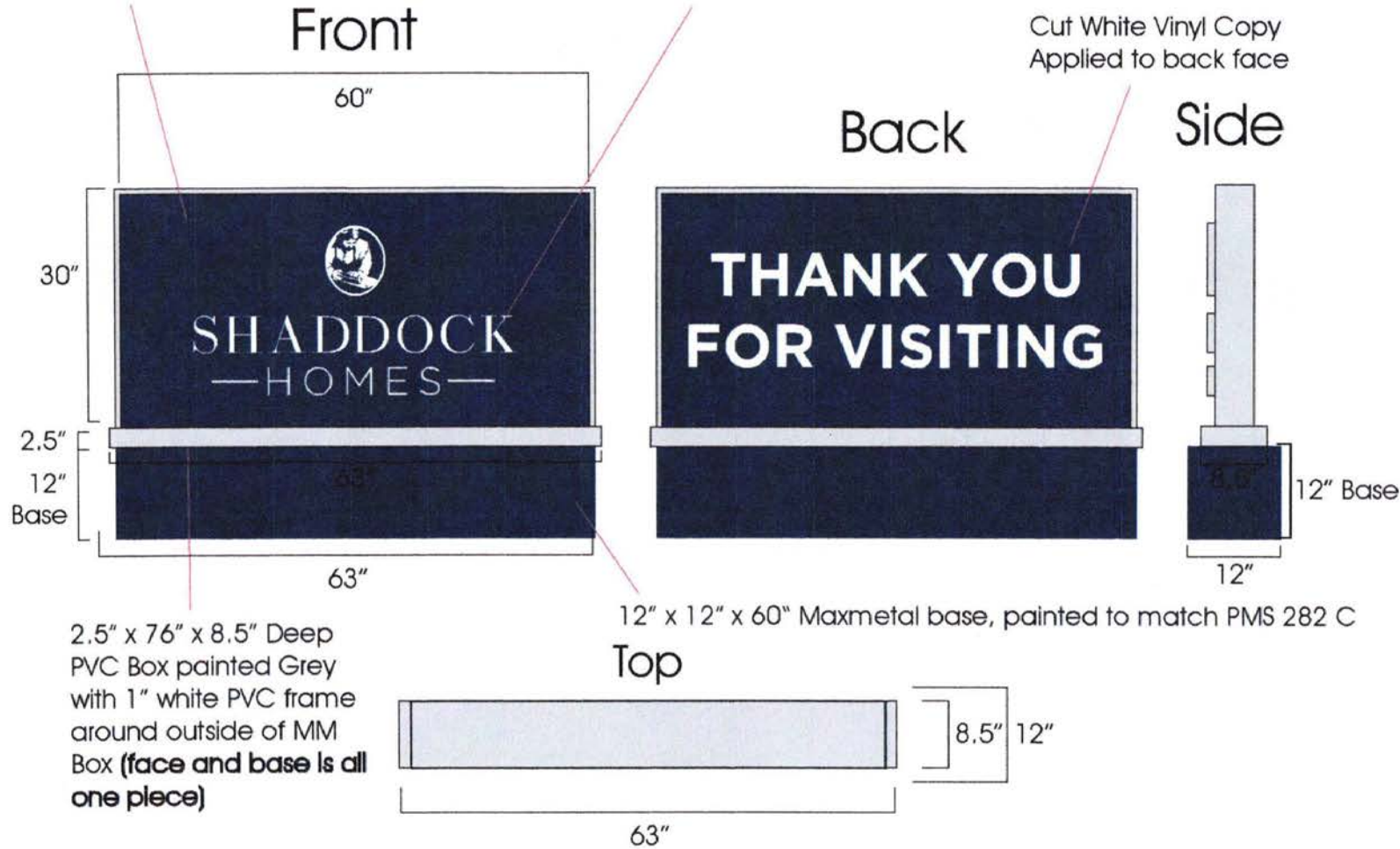
48" x 72" Double Face Maxmetal Box
painted to match PMS 282 C

1" Routed White PVC Letters
painted white mounted to front face

Job Notes:

1 @ 30" x 60" Main ID
with 2.5" x 63" PVC Base
w 1" White PVC Frame
Specs on art

Westworth Falls
6000 Bridgecreek pkwy
Westworth Village



2.5" x 76" x 8.5" Deep
PVC Box painted Grey
with 1" white PVC frame
around outside of MM
Box (face and base is all
one piece)

12" x 12" x 60" Maxmetal base, painted to match PMS 282 C

PMS Colors:
(If Applicable)

 PMS 282 C

Work Order # 97025

SCALE: 1/10

Customer Name: Shaddock - Westworth Falls

Date Last Modified: 06/21/2021

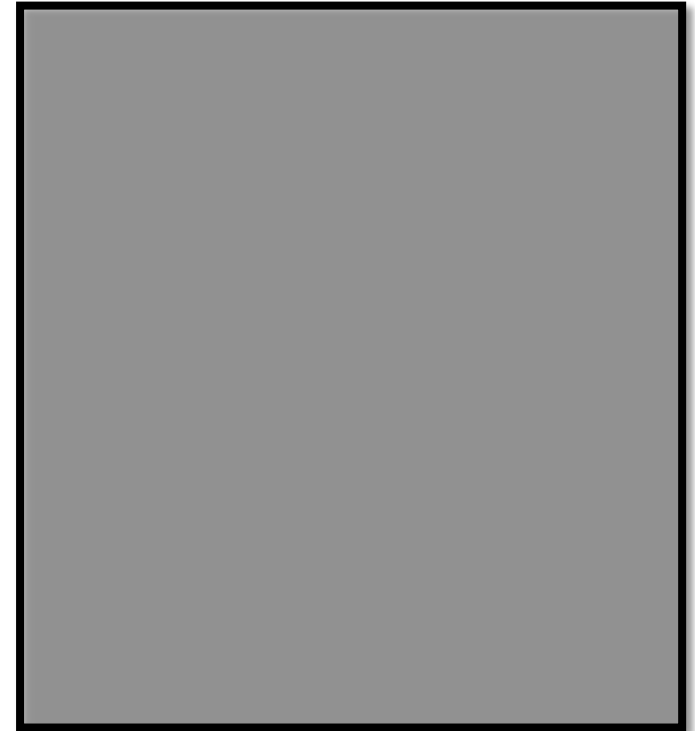
By: Shawn



Shaddock reasoning at time of denial:

- Needed to direct people entering the subdivision to their address.
- Needed to identify the model home from other homes in the subdivision.
- HOA President, Lee Nicol, approved the sign

City suggested using neighborhood friendly alternatives. Proposing ideas like these less intrusive signs and explained that Mr. Nichol did not have the authority to override city ordinances per the PD Ordinance.



Reasons for Denial:

- Fails to comply with City Ordinances, temporary monument signs are not allowed.
- Is unable to demonstrate a required hardship.
- Alternative suggestions were provided.
- Other temporary sign permits have been issued.

The city request this variance be denied on the basis that a *“variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss....”* which is applicable in this case.

Board Discussion and Action

Adjourn