DAYTON TEXAS

Agenda
Dayton Board of Adjustment Meeting
801 S. Cleveland St.
Dayton, TX 77535
Thursday, July 17, 2025 at 6:00 PM

I. Call To Order

II. Roll Call

III. Citizen Comment Period

IV. Minutes

IV.A Minutes 4/10/2025

V. Action Items

V.A Public Hearing for a Variance Request to vary the exterior side setback standards of the Unified Development Code in the Urban Residential (UR) zoning district; on a 4.5-acre property; located at 2804 N Winfree St., Dayton, Texas 77535, legally described as Dayton, Block 37, Lot 3, Tract 1 3 4.

V.B Consider with possible action a Variance Request to vary exterior side setback standards of the Unified Development Code in the Urban Residential (UR) zoning district; on a 4.5-acre property; located at 2804 N Winfree St., Dayton, Texas 77535, legally described as Dayton, Block 37, Lot 3, Tract 1 3 4.

V.C Public Hearing for a Variance Request to vary the maximum area of sign standards of the Unified Development Code in the General Commercial (GC) zoning district; located at 605 W Clayton St., Dayton, Texas 77535, legally described as West Acres, Block C, Lot 1 2 8 9.

V.D Consider with possible action a Variance Request to vary the maximum area of sign standards of the Unified Development Code in the General Commercial (GC) zoning district; located at 605 W Clayton St., Dayton, Texas 77535, legally described as West Acres, Block C, Lot 1 2 8 9.

VI. Adjourn

Executive Session Disclosure Statement: The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts

and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

I hereby certify that the above shown notice was posted at Dayton City Hall, 117 Cook Street, and Dayton Community Center, 801 S Cleveland Street, Dayton, Texas 77535 on or before July 14 **, 2025 by 6:00 pm.**



City Representative

DAYTON TEXAS

TO: Taylor Choate

FROM: Chris Chavis

RE: Minutes 4/10/2025

DATE: July 17, 2025

COMMENTS:
Review the minutes from 4/10/2025.

AVAILABLE FUNDING:
N/A

ACTION REQUESTED:
Approve the minutes from 4/10/2025.

ATTACHMENTS:
BOA_Minutes_41025.pdf

DAYTON TEXAS

Minutes
Dayton Board of Adjustment Meeting
801 S. Cleveland St.
Dayton, TX 77535
Thursday, April 10, 2025 at 6:00 PM

I. Call To Order

@ 6:02 pm by Taylor Choate

II. Roll Call

Members Present (in person): Taylor Choate, John Gable, Richard Lawson, Lynette Thibodeaux, Alexa Townsend, Kelsey Conner

Members Absent: Alisha Dale

III. Invocation

Invocation was given by Taylor Choate

IV. Pledge of Allegiance and Texas Pledge - "Honor the Texas flag; I pledge allegiance to the Texas, one state under God, one and indivisible."

Pledge was led by Alexa Townsend

V. Minutes

1. Minutes 1/9/2025, 2/13/2025, and 2/20/2025

Richard Lawson made a motion to approve . Lynette Thibodeaux seconded the motion. *Passed.* Ayes: Taylor Choate, John Gable, Richard Lawson, Lynette Thibodeaux, Alexa Townsend, Kelsey Conner; Nays: None.

VI. Citizen Comment Period

N/A

VII. Action Items

1. Public Hearing for a Variance Request to vary rear setback standards of the Unified Development Code in the Semi-Urban Residential (SU) zoning district; on

a 0.2-acre property; located on the south side of Paul St., Property ID 46794. Dayton, Texas 77535, legally described as Dayton, Block 39, Lot 2 Tr 4.
The public hearing was opened at 6:04 pm. The property owner answered questions from the board. The public hearing was closed at 6:20 pm.

2. **Consider with possible action a Variance Request to vary rear setback standards of the Unified Development Code in the Semi-Urban Residential (SU) zoning district; on a 0.2-acre property; located on the south side of Paul St., Property ID 46794. Dayton, Texas 77535, legally described as Dayton, Block 39, Lot 2 Tr 4.**

Kelsey Conner made a motion to approve . The motion to vary the rear setback from 40 ft to 20 ft was approved base on the hardship of the literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located. Richard Lawson seconded the motion. *Passed.* Ayes: Taylor Choate, John Gable, Richard Lawson, Lynette Thibodeaux, Alexa Townsend, Kelsey Conner; Nays: None.

3. **Consider with possible action to adopt the bylaws for the Board of Adjustment.**

Kelsey Conner made a motion to approve . John Gable seconded the motion. *Passed.* Ayes: Taylor Choate, John Gable, Richard Lawson, Lynette Thibodeaux, Alexa Townsend, Kelsey Conner; Nays: None.

VIII. Director's Report

The Planning Director addressed the Board of Adjustment.

IX. Adjourn

Richard Lawson made a motion to adjourn . Kelsey Conner seconded the motion. *Passed.* Ayes: Taylor Choate, John Gable, Richard Lawson, Lynette Thibodeaux, Alexa Townsend, Kelsey Conner; Nays: None.

_____

Staff Representative, City of Dayton

_____

Board President / Representative

DAYTON TEXAS

TO: Taylor Choate

FROM: Chris Chavis

RE: Public Hearing for a Variance Request to vary the exterior side setback standards of the Unified Development Code in the Urban Residential (UR) zoning district; on a 4.5-acre property; located at 2804 N Winfree St., Dayton, Texas 77535, legally described as Dayton, Block 37, Lot 3, Tract 1 3 4.

DATE: July 17, 2025

COMMENTS:

The applicant is requesting to reduce the exterior setback requirements of 15 feet to 10 feet for this development. The exterior setback is required for buildings that are on corner lots or for separation between buildings within a townhouse development. The applicant has supplied the following site plan and elevation plan to show the proposed subdivision concept.

The applicant states that the setback reduction will allow for construction of more townhomes. Furthermore, the written statement points to the irregular shape of the property as a hindrance to developing the tract.

AVAILABLE FUNDING:
N/A

ATTACHMENTS:
Staff Report_ExteriorSetbackVariance_2804_N_WinfreeSt.pdf
VarianceApplication_2804NWinfreeSt.pdf
Variance_2804NWinfreeSt_Letter.pdf
456-24 SITE PLAN.pdf
456-24 PLAT SUB 2.pdf
Urban Residential UR _ Unified Development Code UDC.pdf

City of Dayton
117 Cook St.
Dayton, Tx 77535
936.258.2642

Memorandum

To: **Board of Adjustment**

From: **Chris Chavis, Director of Planning and Development Services**

Date: **Jun 12, 2025**

Subj: **Variance Request**

****

The applicant of property located at 2804 N. Winfree St. Dayton, TX 77535, submitted a variance application to vary the exterior side setback standards of the Unified Development Code in the Urban Residential (UR) zoning district - Sec. 14.102.6-1.

Existing Conditions

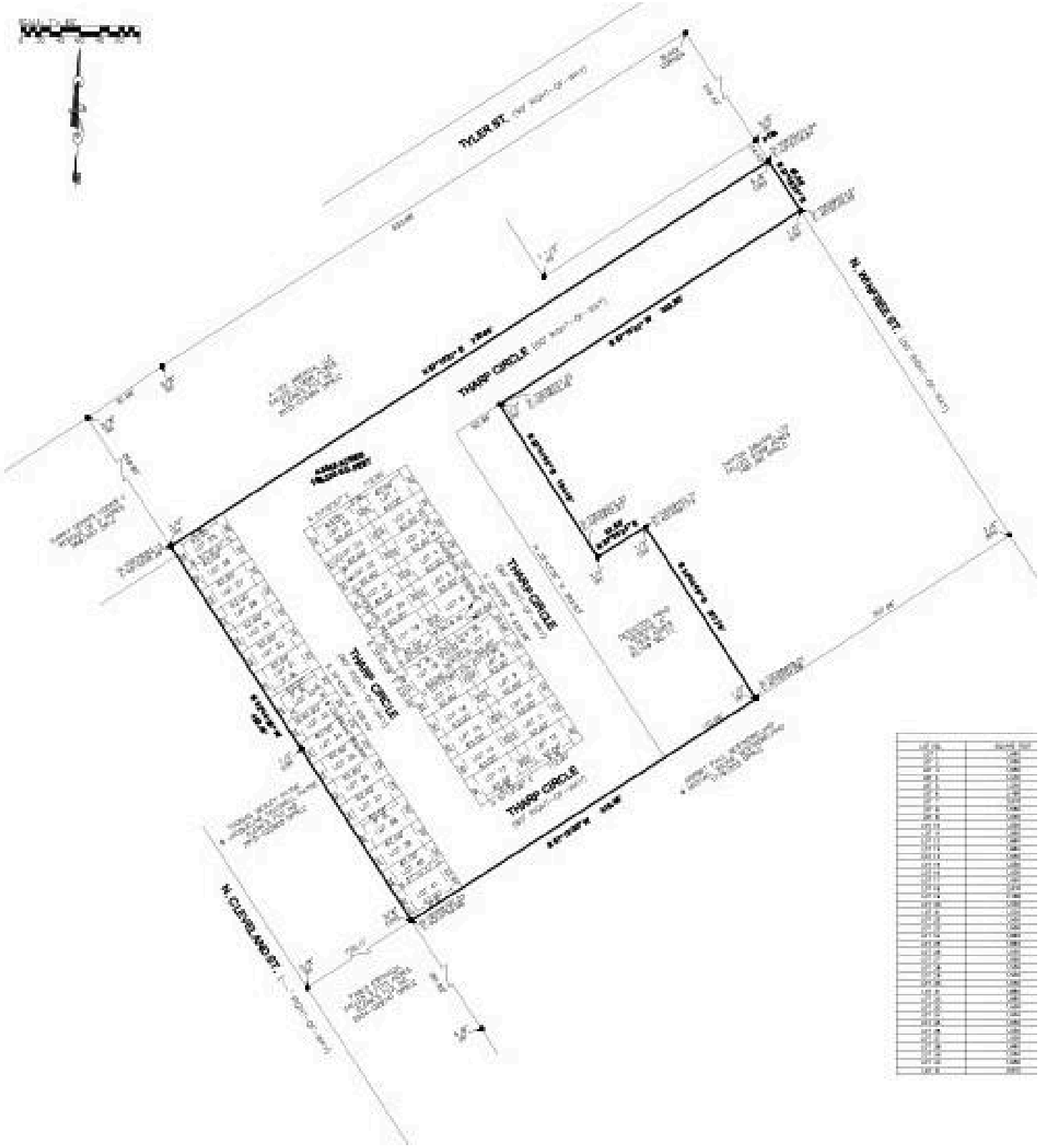
The subject property consists of an "L" shaped tract of land with 60 feet of frontage along N. Winfree St. The rear portion of the lot has a broader and extended configuration, which is more suitable for development. The tract is approximately 4.5 acres in size.

The subject property is zoned Urban Residential and it is neighbored by other tracts with the same zoning. The subject property is neighbored by Dayton Housing Authority, Dayton Square Apartments, and a single family home.

Applicant Summary

The applicant is requesting to reduce the exterior setback requirements of 15 feet to 10 feet for this development. The exterior setback is required for buildings that are on corner lots or for separation between buildings within a townhouse development. The applicant has supplied the following site plan and elevation plan to show the proposed subdivision concept.

The applicant states that the setback reduction will allow for construction of more townhomes. Furthermore, the written statement points to the irregular shape of the property as a hindrance to developing the tract.



Staff Assessment

The applicant's proposal reduces the setback requirements by five (5) feet. The setback request impacts the setback requirements for buildings on lot 1 and 24; lot 6 and 7; lot 12 and 13; lot 18 and 19;and, lot 31 and 32. The applicant's request is to make an exception for the allowance of more townhomes to be constructed. There are no unusual physical impediments that would support the applicant's request.

In order for the Board of Adjustments to approve the variance, they must find that all of the below criteria have been satisfied:

1) **The granting of the Variance is not based on a hardship which is self-imposed.**

   The applicant is proposing to develop on a property that has adequate size and space to accommodate a townhouse development. The applicant has not identified a reasonable hardship to warrant the variance to the ordinance.

2) **The hardship is not based solely on the cost of complying with the regulation but is based on the particular physical surroundings, shape, or topographical conditions of the subject property.**
   - i) **The hardship is based on circumstances which are unique to the property for which the Variance is sought and not circumstances common to other properties.**
   - ii) **The Variance requested is the minimum necessary that will make possible a permitted use of the land, building, or structure.**
   - iii) **A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.**
   - iv) **Granting the variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.**

   Because the property can be developed with townhomes as they are permitted in the UR zoning district, granting the variance will confer special privileges to the applicant. The applicant is not deprived of any rights commonly enjoyed by other residents.

Staff Recommendation

Staff recommends denial of the variance request to reduce the exterior setback standard from 15 feet to 10 feet.

DAYTON TEXAS

CITY OF DAYTON - 111 N CHURCH ST - DAYTON, TX 77535 - 936.258.2642

VARIANCE REQUEST APPLICATION

FOR OFFICE USE ONLY

Date Received: 5/13/2025 Application Fee: 200.00

Board of Adjustment VAR 428-2025

6/12/2025 Final Decision: APPROVED DENIED

Received by: Kathryn Crapo

Name of Accompanying Plat: ~~Preliminary Plat of The Park on Winfree~~

INSTRUCTIONS:

1. Please type or print with ink.
2. Application must be accurately completed, and accompanied by all required materials at the time of submission. Incomplete submittals will be returned to the applicant.
3. Application must be signed by all legal owners of the subject property or by the legally authorized agent for the property owner(s). If the request will be processed by an agent, the application must be accompanied by a notarized "Designation of Agent Form" signed by all legal owners of the property.
4. The following items shall accompany the application:
5. **Variance Application Fee:** $200 Subdivision; or $50 Single-Family
6. **A copy of the deed(s)** to the subject property verifying legal ownership.
7. **A legible site plan** or plot plan of the subject property.
8. **A letter** describing in detail the reason(s) for the request and the hardship on which the request is based.
9. **Other** materials, as appropriate (i.e. photos, slides, drawings, plats, petitions, etc.)

OWNER INFORMATION:

Name(s): Joseph Tharp

Address: 1000 Knoll Bridge City: Friendswood State: TX Zip: 77546

Fax: _____ Email: accentwindows@yahoo.com Phone: 713-398-1854

Name of Agent: (Designation form req'd) _____

AGENT INFORMATION: (Designation form req'd)

Name: Deanna Broussard

Address: 712 FM 562 City: Anahuac State: TX Zip: 77514

Fax: _____ Email: dbroussard@wellslandsurvey.com Phone: 409-267-3002

PROPERTY INFORMATION:

Project Name: The Park on Winfree

Address: 2804 N. Winfree St. City: Dayton State: TX Zip: 77535

Legal: Dayton BLK 37 Lot 3 Tract 1 3 4 BLK: 37 LT: 3 AC: 4.5048

VARIANCE REQUEST:

I/WE, BEING THE LEGAL OWNER(S) OR THE AGENT FOR THE LEGAL OWNER(S) OF THE PROPERTY DESCRIBED ABOVE, HEREBY REQUEST THAT THE PLANNING COMMISSION AND THE CITY COUNCIL OF THE CITY OF DAYTON, TEXAS CONSIDER THE FOLLOWING VARIANCE REQUEST(S) TO THE CITY OF DAYTON CODE OF ORDINANCES:

Section 14.102.6-1 F. Min. Exterior Side Setback 15'

We are requesting a 10 foot Building Line in place of the 15'

REASON / HARDSHIP FOR THE VARIANCE:

In order to recommend approval of a variance, the Planning Commission must make a finding of hardship. As noted in the instruction, you must attach a letter describing the reasons for the request and the hardship on which the request is based, stating the grounds for the variance and all of the facts relied upon for the case.

VARIANCE REVIEW CRITERIA:

In order to make a finding of hardship, the Planning commission must determine that all of the following criteria are met. State how your variance request meets these four criteria. Please note that the hardship cannot be based solely on financial or self-imposed conditions. (Attach additional pages for multiple variance requests or if additional space is needed.)

1. The granting of the variance will not be detrimental to the public safety health, or welfare, be injurious to surrounding property, or violate the intent and purpose of the regulation:
   This variance will cause no harm to the public or surrounding properties. The public will benefit from the additional townhomes. By allowing the variance this will increase the number of homes in this subdivision and allow for more revenue for the city.
2. The granting of the variance is not based on a hardship which is self-imposed:
   No, the granting is not based on hardship, in fact, the developer will spend more on the additional homes being built.
3. The hardship is not based solely on the cost of complying with the regulation:
   No, the cost of this project will increase with the additional 4 homes that will potentially be built if the variance is granted.
4. The hardship is based on circumstances which are unique to the property for which the variance is sought, and not circumstances common to other properties:
   Yes, in this case, the developer will not be able to construct additional townhomes if the variance is not granted. This will be a loss for the developer and for the revenue the city could obtain.

NOTICE: THE CITY OF DAYTON DOES NOT ENFORCE DEED RESTRICTIONS AND CANNOT GRANT VARIANCES TO DEED RESTRICTIONS. ANY VARIANCE GRANTED PURSUANT TO THIS APPLICATION AND ANY BUILDING PERMIT ISSUED PURSUANT TO SUCH VARIANCE DOES NOT CONSTITUTE OR REPRESENT APPROVAL OR AUTHORITY TO VIOLATE DEED RESTRICTIONS. A PLAT VACATION AND REPLAT PURSUANT TO CHAPTER 212, TEXAS LOCAL GOVERNMENT CODE MAY BE REQUIRED FOR SUCH AUTHORITY.

SIGNATURE(S) OF OWNER(S) / AGENT: (Circle One)

This is to certify that the information provided above is true and correct and that I am the owner of record of the above described property or the owner(s); legally authorized agent (attach notarized agent designation form).

Applicant's Signature: Deanna Broussard Date: 5/12/25

Applicant's Printed Name: Deanna Broussard

Applicant's Signature: J Tharp Date: _____

Applicant's Printed Name: Joseph Tharp

REV 12/2019

DESIGNATION OF AGENT FORM

This form designates Deanna Broussard as my/our duly authorized agent, to act on my/our behalf in requesting a variance involving the property described below. I am also submitting a copy of the deed(s) to the subject property as evidence of my ownership.

PROPERTY INFORMATION:

Address: The Park on Winfree City: Dayton State: TX Zip: 77514

Legal: Dayton Blk 37 Lot 3, Tract 1 3 4 BLK: 37 LT: 3 AC: 4.5048

Signature: Deanna Broussard Date: 5/12/25

Printed Name: Deanna Broussard

NOTARY STATEMENT:

SWORN TO AND SUBSCRIBED before me this the _____ day of _____, 20____.

JESSICA L. GRANGER
Notary Public, State of Texas
Comm. Expires 01-29-2026
Notary ID 126783373

Notary Public in and for Chambers County, Texas

My Commission expires: Jan. 29, 2026

Jessica Granger

(Printed or Typed Name)

REPEAT SIGNATURE BLOCK AND NOTARY STATEMENT FOR EACH OWNER

TO SUBMIT FORM PLEASE EMAIL IT TO PLANNING@DAYTONTX.ORG

WLS WELLS LAND SURVEY

712 FM 562

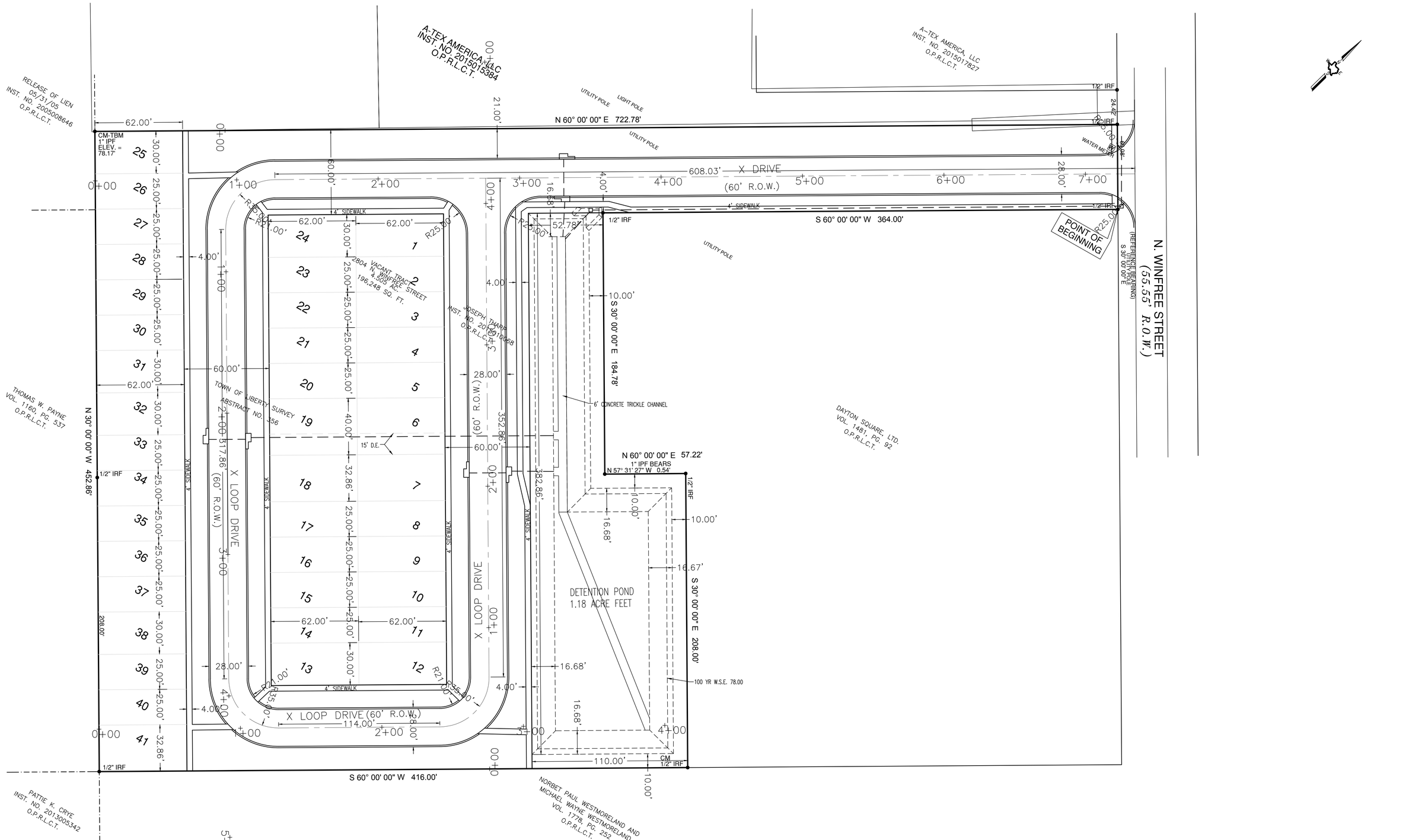
Anahuac, Texas 77514

409-267-3002

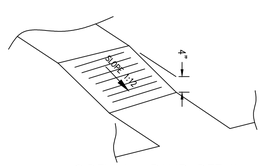
To Whom it May Concern:

We are requesting this variance on behalf of Mr. Joseph Tharp in regard to "Section 14.102.6-1 F. Min. Exterior Side Setback 15' ". We are asking that the Setback be 10'. This will allow for more homes to be constructed in this subdivision, resulting in additional revenue for the city, and additional families the possibility of a new home in the City of Dayton. This variance will not create any harm to the public's safety and follows the same setback as the Minimum Street setback of 10'. This variance is not based upon hardship as it will cost the property owner more to develop the additional townhomes. Because of the unique shape of this property, having only 60' of frontage on North Winfree St., which will be developed as a right of way for access to the lots, the landowner is limited in his design.

Thank you for your consideration in this matter.



SITE PLAN
SCALE: 1"=30'



DISCOVERY OF ANY, ERRORS OR OMISSIONS IN THESE DOCUMENTS ARE TO BE BROUGHT TO THE IMMEDIATE ATTENTION OF CARNES DESIGNS, LLC. PRIOR TO ANY CONSTRUCTION WORK OR PURCHASES. ALL DIMENSIONS AND CLEARANCES TO BE VERIFIED BY OWNER/CONTRACTOR PRIOR TO BEGINNING ANY CONSTRUCTION. CARNES DESIGNS, LLC. IS NOT RESPONSIBLE FOR ANY CONSTRUCTION ISSUES WHICH MAY ARISE DURING OR AFTER THE CONSTRUCTION OF THIS BUILDING. THERE ARE NO GUARANTEES OR WARRANTIES SPECIFIC OR IMPLIED ASSOCIATED WITH THESE DESIGN DOCUMENTS.

TEXAS EXCAVATION SAFETY SYSTEM 1-800-DIG-TESS

5/12/2025

FOR REVIEW
NOT FOR CONSTRUCTION

FIRM-11512

JDSI

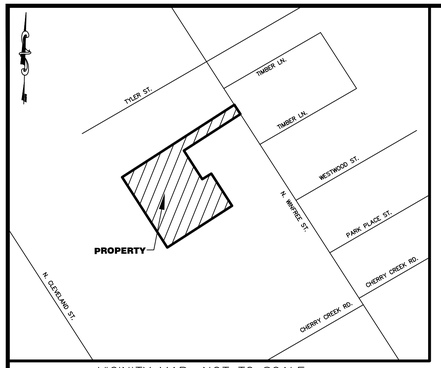
CARNES DESIGNS, LLC.
12605 I.H. 10 EAST
BAYTOWN, TEXAS 77520
(281) 385-1200
FAX (281) 385-0920
© Baytown, Texas
INFO@CARNESDESIGNS.COM

REV	DATE	BY	DESCRIPTION

NORTH WINFREE SUBDIVISION
NORTH WINFREE
DAYTON, TEXAS
LIBERTY COUNTY

SITE PLAN

DESIGNED	MM	SCALE	AS NOTED	SHEET NO.
DRAWN	MM	DATE	01/03/2023	C-1
CHECKED				
FILE				



VICINITY MAP: NOT TO SCALE

I, JOSEPH THARP, OWNER OF SAID 4.5048 ACRES, BEING THE PARK ON WINFREE DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY, ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS, AND NOTATIONS ON SAID MAP OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL EASEMENTS SHOW THEREON AND DO HEREBY BIND MYSELF, MY SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, I, THE UNDERSIGNED, DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN ON THIS PLAT FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

THIS IS TO CERTIFY THAT I, JOSEPH THARP, AM THE LEGAL OWNER OF THE LAND SHOWN ON THIS PLAT, BEING THE TRACT OF LAND AS CONVEYED TO ME BY DEED DATED JUNE 23, 2015 AND RECORDED CLERK'S FILE NO. 2015010068 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS, AND DESIGNATED HEREIN AS THE PARK ON WINFREE IN THE CITY OF DAYTON, TEXAS.

IN TESTIMONY WHEREOF, I, JOSEPH THARP, BEING THE OWNER OF SAID PROPERTY, HAVE CAUSED THESE PRESENTS TO BE SIGNED BY ME THIS _____ DAY OF _____, 20___.

_____
JOSEPH THARP, OWNER

STATE OF TEXAS
COUNTY OF LIBERTY

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED JOSEPH THARP, OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 20___.

_____
NOTARY PUBLIC FOR THE STATE OF TEXAS

APPROVED THIS _____ DAY OF _____ 20___, BY THE PLANNING & ZONING COMMITTEE OF THE CITY OF DAYTON, TEXAS.

_____
PLANNING DIRECTOR CHRIS CHAVIS, AICP

_____
ATTEST: DRC CITY SECRETARY KATHRYN CRAPO

STATE OF TEXAS
COUNTY OF LIBERTY

I, LEE H. CHAMBERS, COUNTY CLERK OF LIBERTY COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 20_____, AT _____ O'CLOCK _____M. AND DULY RECORDED ON _____, 20_____, AT _____ O'CLOCK _____M., IN THE PLAT RECORDS OF LIBERTY COUNTY, TEXAS, IN BOOK _____,PAGE_____,

WITNESS MY HAND AND SEAL AT LIBERTY, TEXAS, THIS THE DAY AND DATE LAST ABOVE WRITTEN

_____
LEE H. CHAMBERS
COUNTY CLERK
LIBERTY COUNTY, TEXAS

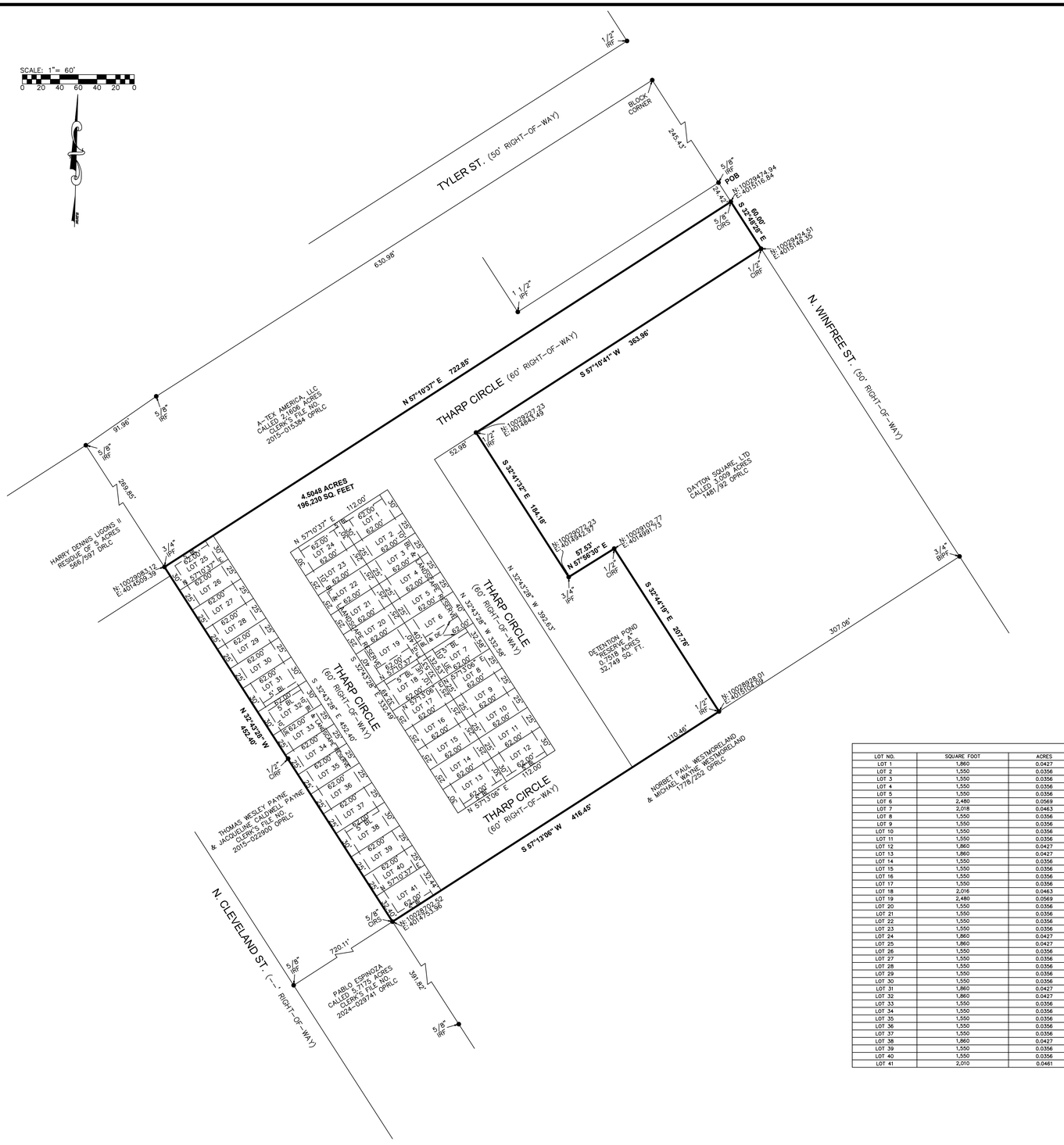
STATE OF TEXAS }
COUNTY OF CHAMBERS }

I, LEE CHAMBERS hereby certify that this instrument was filed on the date and at the time stamped hereon by me; and was duly recorded, in the Volume and Page of the named RECORDS of Liberty County, Texas, as stamped hereon by me, on

COUNTY CLERK
LIBERTY COUNTY, TEXAS

FILED FOR RECORD
This the _____ day of _____
A.D. _____ at _____ O'clock ___M.
Clerk's File No._____
LEE CHAMBERS
County Clerk, Liberty County, Texas
By _____ Deputy

COUNTY OF LIBERTY COUNTY, TEXAS



LEGAL DESCRIPTION 4.5048 ACRES
WEST TOWN OF LIBERTY, ABSTRACT NO. 356
LIBERTY COUNTY, TEXAS

BEING A TRACT OR PARCEL CONTAINING 4.5048 ACRES (196,230 SQUARE FEET) OF LAND, SITUATED IN THE WEST TOWN OF LIBERTY SURVEY, ABSTRACT NO. 356, LIBERTY COUNTY, TEXAS, BEING OUT OF AND A PART OF LOT 3, BLOCK 37 OF THE TOWN OF DAYTON ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME N, PAGE 421 OF THE DEED RECORDS OF LIBERTY COUNTY, BEING OUT OF AND A PART OF A CALLED 8.5 ACRE TRACT CONVEYED FROM W. S. DALTON AND RUTH M. DALTON TO WILLIAM R. MCELHATTEN AND KENNITH RAY MAJORS DESCRIBED IN VOLUME 813, PAGE 776 OF THE DEED RECORDS OF LIBERTY COUNTY, AND BEING THAT SAME TRACT CONVEYED FROM DAYTON INDEPENDENT SCHOOL DISTRICT TO JOSEPH THARP DESCRIBED IN CLERK'S FILE NO. 2015-010068 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, SAID 4.5048 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS. THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83;

BEGINNING AT A 5/8 INCH CAPPED IRON ROD STAMPED WELLS 5742 SET IN THE WEST RIGHT OF WAY LINE OF NORTH WINFREE STREET (50 FOOT RIGHT OF WAY) FOR THE EASTERLY SOUTHEAST CORNER OF THE A-TEX AMERICA, LLC CALLED 2.1606 ACRE TRACT DESCRIBED IN CLERK'S FILE NO. 2015-015384 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, AND BEING THE EASTERLY NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 32 DEGREES 48 MINUTES 28 SECONDS EAST, ALONG THE WEST RIGHT OF WAY LINE OF SAID NORTH WINFREE STREET, A DISTANCE OF 60.00 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND FOR THE NORTHEAST CORNER OF THE DAYTON SQUARE LTD CALLED 3.009 ACRE TRACT DESCRIBED IN VOLUME 1481, PAGE 92 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, AND BEING THE EASTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 57 DEGREES 10 MINUTES 41 SECONDS WEST, ALONG THE NORTH LINE OF SAID DAYTON SQUARE LTD CALLED 3.009 ACRE TRACT, A DISTANCE OF 363.96 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID DAYTON SQUARE LTD CALLED 3.009 ACRE TRACT, AND BEING AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 32 DEGREES 41 MINUTES 32 SECONDS EAST, ALONG THE NORTHERLY WEST LINE OF SAID DAYTON SQUARE LTD CALLED 3.009 ACRE TRACT, AND BEING AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 57 DEGREES 56 MINUTES 50 SECONDS EAST, ALONG THE WESTERLY SOUTH LINE OF SAID DAYTON SQUARE LTD CALLED 3.009 ACRE TRACT, A DISTANCE OF 57.53 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND FOR AN INTERIOR CORNER OF SAID DAYTON SQUARE LTD CALLED 3.009 ACRE TRACT, AND BEING THE SOUTHERLY NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 32 DEGREES 44 MINUTES 19 SECONDS EAST, ALONG THE SOUTHERLY WEST LINE OF SAID DAYTON SQUARE LTD CALLED 3.009 ACRE TRACT, A DISTANCE OF 207.76 FEET TO A 1/2 INCH IRON ROD FOUND IN THE NORTH LINE OF THE NORBERT PAUL WESTMORELAND AND MICHAEL WAYNE WESTMORELAND TRACT DESCRIBED IN VOLUME 1778, PAGE 252 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, FOR THE SOUTHWEST CORNER OF SAID DAYTON SQUARE LTD CALLED 3.009 ACRE TRACT, AND BEING THE SOUTHERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 57 DEGREES 13 MINUTES 06 SECONDS WEST, ALONG THE NORTH LINE OF SAID NORBERT PAUL WESTMORELAND AND MICHAEL WAYNE WESTMORELAND TRACT, A DISTANCE OF 416.45 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED WELLS 5742 SET FOR TH NORTHWEST CORNER OF SAID NORBERT PAUL WESTMORELAND AND MICHAEL WAYNE WESTMORELAND TRACT, THE NORTHEAST CORNER OF THE PABLO ESPINOZA CALLED 5.7175 ACRE TRACT DESCRIBED IN CLERK'S FILE NO. 2024-029741 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, THE SOUTHEAST CORNER OF THE THOMAS WESLEY PAYNE AND JACQUELINE CALDWELL PAYNE TRACT DESCRIBED IN CLERK'S FILE NO. 2015-022900 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, AND BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 32 DEGREES 43 MINUTES 28 SECONDS WEST, ALONG THE EAST LINE OF SAID THOMAS WESLEY PAYNE AND JACQUELINE CALDWELL PAYNE TRACT, AND THE HENRY DENNIS LIGONS II TRACT DESCRIBED IN VOLUME 566, PAGE 597 OF THE DEED RECORDS OF LIBERTY COUNTY, A DISTANCE OF 452.40 FEET TO A 3/4 INCH IRON PIPE FOUND FOR THE SOUTHWEST CORNER OF SAID A-TEX AMERICA, LLC CALLED 2.1606 ACRE TRACT, AND BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 57 DEGREES 10 MINUTES 37 SECONDS EAST, ALONG THE SOUTH LINE OF SAID A-TEX AMERICA, LLC CALLED 2.1606 ACRE TRACT, A DISTANCE OF 722.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.5048 ACRES OF LAND, MORE OR LESS.
1.

LEGEND:

DE – DRAINAGE EASEMENT
DRLC – DEED RECORDS LIBERTY COUNTY
IRF – IRON ROD FOUND
CIRF – CAPPED IRON ROD FOUND
BIPF – BENT IRON PIPE FOUND
CIRS – CAPPED IRON ROD SET
IPF – IRON PIPE FOUND
F.I.R.M. – FLOOD INSURANCE RATE MAP
OPRLC – OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY

LOT NO.	SQUARE FOOT	ACRES
LOT 1	1,860	0.0427
LOT 2	1,550	0.0356
LOT 3	1,550	0.0356
LOT 4	1,550	0.0356
LOT 5	1,550	0.0356
LOT 6	2,480	0.0569
LOT 7	2,018	0.0463
LOT 8	1,550	0.0356
LOT 9	1,550	0.0356
LOT 10	1,550	0.0356
LOT 11	1,550	0.0356
LOT 12	1,860	0.0427
LOT 13	1,860	0.0427
LOT 14	1,550	0.0356
LOT 15	1,550	0.0356
LOT 16	1,550	0.0356
LOT 17	1,550	0.0356
LOT 18	2,016	0.0463
LOT 19	2,480	0.0569
LOT 20	1,550	0.0356
LOT 21	1,550	0.0356
LOT 22	1,550	0.0356
LOT 23	1,550	0.0356
LOT 24	1,860	0.0427
LOT 25	1,860	0.0427
LOT 26	1,550	0.0356
LOT 27	1,550	0.0356
LOT 28	1,550	0.0356
LOT 29	1,550	0.0356
LOT 30	1,550	0.0356
LOT 31	1,860	0.0427
LOT 32	1,860	0.0427
LOT 33	1,550	0.0356
LOT 34	1,550	0.0356
LOT 35	1,550	0.0356
LOT 36	1,550	0.0356
LOT 37	1,550	0.0356
LOT 38	1,860	0.0427
LOT 39	1,550	0.0356
LOT 40	1,550	0.0356
LOT 41	2,010	0.0461

NOTES:
1. 1. THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE OF 0.9851760418.
2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE REPORT. CERTAIN EASEMENTS AND/OR BUILDING LINES MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
3. THE PURPOSE OF THIS FACILITY SHALL NOT HINDER THE SURFACE FLOW FROM ADJACENT LAND, NOR CAUSE FLOODING TO ADJACENT PROPERTY.
4. ALL CORNERS ARE MARKED WITH A 5/8 INCH CAPPED IRON ROD STAMPED WELLS 5742, UNLESS OTHERWISE NOTED.

PROPERTY LIES WITHIN FLOOD ZONE "X", ACCORDING TO F.I.R.M. NO. 48291C0400C, DATED MAY 02, 2008, BY GRAPHIC PLOTTING ONLY. WELLS LAND SURVEY DOES NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION. BEFORE ANY DEVELOPMENT PLANNING, DESIGN, OR CONSTRUCTION IS STARTED, THE COMMUNITY, CITY, AND COUNTY IN WHICH SUBJECT TRACT EXISTS SHOULD BE CONTACTED, SAID ENTITIES MAY IMPOSE GREATER FLOOD PLAIN AND FLOODWAY RESTRICTIONS THAN SHOWN BY THE F.I.R.M. THAT MAY AFFECT DEVELOPMENT.

PRELIMINARY PLAT OF THE PARK ON WINFREE

JOSEPH THARP
713-398-1854

BEING A TRACT OR PARCEL CONTAINING 4.5048 ACRES (196,230 SQUARE FEET) OF LAND, SITUATED IN THE WEST TOWN OF LIBERTY SURVEY, ABSTRACT NO. 356, LIBERTY COUNTY, TEXAS, BEING OUT OF AND A PART OF LOT 3, BLOCK 37 OF THE TOWN OF DAYTON ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME N, PAGE 421 OF THE DEED RECORDS OF LIBERTY COUNTY, BEING OUT OF AND A PART OF A CALLED 8.5 ACRE TRACT CONVEYED FROM W. S. DALTON AND RUTH M. DALTON TO WILLIAM R. MCELHATTEN AND KENNITH RAY MAJORS DESCRIBED IN VOLUME 813, PAGE 776 OF THE DEED RECORDS OF LIBERTY COUNTY, AND BEING THAT SAME TRACT CONVEYED FROM DAYTON INDEPENDENT SCHOOL DISTRICT TO JOSEPH THARP DESCRIBED IN CLERK'S FILE NO. 2015-010068 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY

SURVEYOR'S CERTIFICATION

I, TIM WELLS WHITE AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND ACCURATE IN ACCORDANCE WITH ALL SUBDIVISION AND LAND DEVELOPMENT ORDINANCES FOR THE CITY OF DAYTON, TEXAS; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT, EXCEPT AS SHOWN ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER OBJECTS OF A PERMANENT NATURE) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTHS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

_____
Tim Wells White, Registered Professional Land Surveyor No. 5742

ADDRESS: 2804 N. WINFREE ST. DAYTON, TX 77535
PLATTED FOR: JOSHEPH THARP
TBPLS LICENSE # 10193909
WELLS LAND SURVEY
712 F.M. 562
ANAHUAC, TX 77514
(409) 267-3002
www.wellslandsurvey.com

JOB NO: 456-24 | *DATE: 08-13-2024*
DRAWN BY: AL | *SCALE: 1"= 50'*

Sec. 14.102.6 UR, Urban Residential

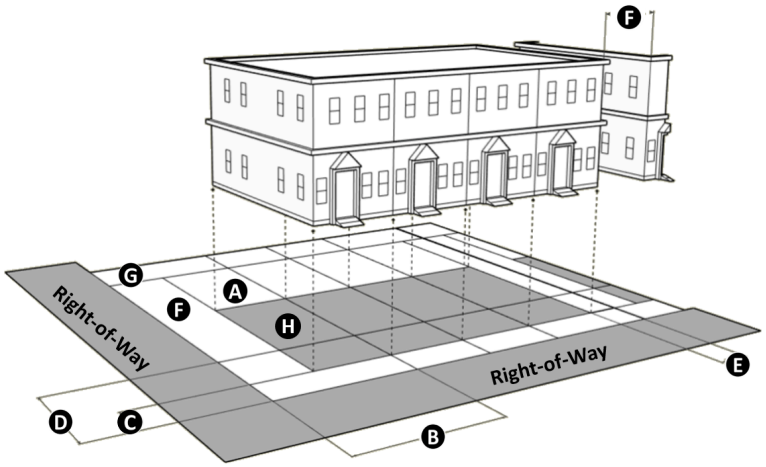
A. **Development Standards**. Table 14.102.6-1, *Development Standards*, below, establishes the standards for developing new neighborhoods in this zoning district. See Sec. 14.202.4, *Multi-Family Development,* for additional standards. Permitted nonresidential uses shall be developed in accordance with the standards in Sec. 14.102.8, *GC, General Commercial*.

Table 14.102.6-1, *Development Standards*

Lot and Building Standards	Townhouse[1]	Duplex or Single-Family Attached	Multiplex	Apartment
(A) Minimum Lot Area per Dwelling Unit (sq ft) - 2 units - 3 units - 4 units - 5+ units	 2,000 1,850 1,700 1,550	 3,000 NA NA NA	 NA[2] 1,500 1,250 NA	 NA NA NA 1,125
(B) Minimum Lot Width (feet) - 2 units - 3 units - 4 units - 5+ units	 25 25 25 25	 60 NA NA NA	 NA 45 50 NA	 NA NA NA 80
(C) Minimum Street Setback (feet)	10	25	10	10
(D) Maximum Street Setback (feet)	25	NA	25	25
(E) Minimum Interior Side Setback (feet)	0 / 7.5[3]	5	20	30
(F) Min. Exterior Side Setback / Building Separation[3] (feet)	15[4]	15[4]	15[4]	20 / 30[5]
(G) Minimum Rear Setback (feet)	10[6]	10[6]	20	30
(H) Maximum Building Coverage	55	NA	55	55
Maximum Height (feet)	35	35	35	45
Minimum Open Space Ratio (%)[7]	20			

TABLE NOTES: [1]Maximum of seven units; [2]NA = Not Applicable; [3]Side adjacent to abutting unit / From end unit to side property line; [4]Garage must be setback a minimum of 25 feet if it opens to exterior side yard; [5]Building separation applies to apartment buildings on the same parcel; [6]20 feet if abutting an arterial street or expressway; [7]Per subdivision, not per lot.

Figure 14.102.6-1, *Development Standards (Townhouse)*



B. **Land Uses and Off-Street Parking**. Table 14.102.6-2, *Permitted Uses and Minimum Off-Street Parking Spaces*, shows the uses and use categories that are permitted by-right or require a Conditional Use Permit. Section 14.902, *Definitions*, lists the specific uses that compose each use category. Any unlisted use or use category is prohibited in this zoning district. See Section 14.203, *Parking, Loading, Stacking, and Access*, for more detailed provisions.

Table 14.102.6-2, *Permitted Uses and Minimum Off-Street Parking Spaces*

Permitted by Right	Min. Off-Street Parking Spaces	Permitted by Right (cont.)	Min. Off-Street Parking Spaces
Apartment or Multiplex	1.5 per dwelling unit	Minor Utilities Use Category	No minimum
Bed and breakfast home	2 per dwelling unit plus 1 per guest room	Parks and Open Areas Use Category	1 per 2 acres; Minimum 10 spaces
Duplex; Townhouse	2 per dwelling unit	--	--
Day Care Use Category	1 per 10 enrolled persons plus 1 per employee on largest shift	**Conditional Use Permit**	**Min. Off-Street Parking Spaces**
		Bed and breakfast inn	2 per dwelling unit plus 1 per guest room
Group Living Use Category except as follows:	1.5 per bedroom	Major Utilities Use Category	1 per on-site employee or visitor
- Family home or Foster home	1 per employee on largest shift; minimum of 3	Office Use Category except for bank or credit union or TV or radio studio	1 per 350 sq ft GFA
Educational Facilities Use Category except as follows:	1 per 10 students plus 1 per employee on largest shift	Place of Assembly Use Category	1 per 350 sq ft GFA or 1 per 4 seats in assembly area, whichever is greater
- High school	1 per 4 students plus 1 per employee on largest shift	Social Service Use Category	1 per 350 sq ft GFA
Government Facilities Use Category	No minimum	**TABLE NOTES:** sq ft = square feet; GFA = Gross Floor Area	

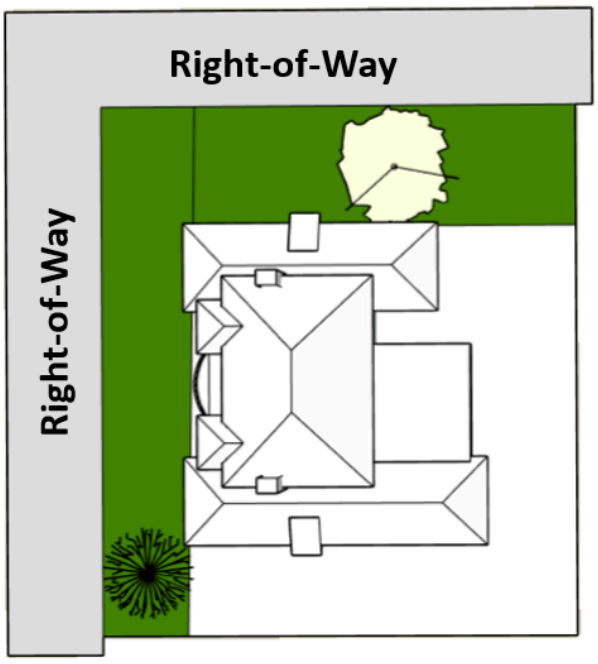
C. **Landscaping and Buffering.** Table 14.102.6-3, *Landscape Standards*, provides general standards for conventional neighborhood residential development of townhouses, duplexes, and multiplexes in this zoning district. See Section 14.204, *Trees, Landscaping, and Buffering*, for more detailed provisions, including those related to apartment complexes.

Table 14.102.6-3, *Landscape Standards*[1]

Minimum Landscape Surface Ratio	25%
Min. Canopy or Evergreen Trees in street yard area per 50' of Street Frontage[2,3]	0.25
Min. Ornamental Trees in street yard area per 50' of Street Frontage	0.5

TABLE NOTES: [1]For townhouses, the applicant may apply to the each grouping of units, rather than lot-by-lot. [2]For corner lots, applies to the narrower of the two street frontages only [3]The resulting number of trees shall be rounded up to the nearest whole number. For example, a corner lot with a multiplex and with 100 feet of frontage on one street and 100 feet frontage on another requires 1 canopy tree and 1 ornamental.

Figure 14.102.6-3, *Landscape Standards (Multiplex)*



D. **Signs**. Table 14.102.6-4, *Permitted Sign Types*, establishes the sign types that require or do not require a sign permit and contains a cross-reference to sing type standards. Sign types not listed are prohibited in this zoning district. See Section 14.205, *Signs*, for more detailed provisions. If there is a conflict between the table below and the provisions of Section 14.205, then Section 14.205 controls.

Table 14.102.6-4, *Permitted Sign Types*

Sign Type	Residential Use	Multiplex, Apartment, Nonresidential, and Mixed Use	Standards
Access	NP	P*	Sec. 14.205.4
Development Entry	P	P	Sec. 14.205.4
Flag	P*	P*	Sec. 14.205.4
Monument	NP	P	Sec. 14.205.4
Wall	P*	*[1]	Sec. 14.205.4
Window	P*	P	Sec. 14.205.4
Temporary	P*	P*	Sec. 14.205.5

TABLE NOTES: P = Permitted and sign permit required; P* = Permitted and no sign permit required; NP = Not permitted
[1] No permit required for multiplex or apartment. Permit required for nonresidential and mixed use.

DAYTON TEXAS

TO: Taylor Choate

FROM: Chris Chavis

RE: Consider with possible action a Variance Request to vary exterior side setback standards of the Unified Development Code in the Urban Residential (UR) zoning district; on a 4.5-acre property; located at 2804 N Winfree St., Dayton, Texas 77535, legally described as Dayton, Block 37, Lot 3, Tract 1 3 4.

DATE: July 17, 2025

COMMENTS:
The applicant is proposing to reduce the exterior side setback from 15 feet to 10 feet.

AVAILABLE FUNDING:
N/A

ACTION REQUESTED:
Staff recommends denial of the variance request to reduce the exterior setback standard from 15 feet to 10 feet.

DAYTON TEXAS

TO: Taylor Choate

FROM: Chris Chavis

RE: Public Hearing for a Variance Request to vary the maximum area of sign standards of the Unified Development Code in the General Commercial (GC) zoning district; located at 605 W Clayton St., Dayton, Texas 77535, legally described as West Acres, Block C, Lot 1 2 8 9.

DATE: July 17, 2025

COMMENTS:
The applicant's proposals increase the allowable sign area for each of the two suites. Historically, the building has been permitted to have larger signs than what the code permits; thus, some existing signs on other suites would be out of proportion with any new signs that comply with the ordinance.

Nonresidential establishments in the General Commercial (GC) zoning district are allowed signage that that complies with the following:

- One per street facing facade;
- Aggregate (total) sign area of 0.5 square feet (sqft.) per linear feet of street facing facade width, or 200 sqft., whichever is less.

AVAILABLE FUNDING:
N/A

ATTACHMENTS:
Staff Report_SignStandards_605W_ClaytonSt
VarianceApplication_605_W_Clayton_SignArea
HometownTitle-250469-02 (1).pdf
Sunkissed Tanning Salon Cloud Specs2.pdf

City of Dayton
117 Cook St.
Dayton, Tx 77535
936.258.2642

Memorandum

To: **Board of Adjustment**

From: **Chris Chavis, Director of Planning and Development Services**

Date: **Jul 17, 2025**

Subj: **Variance Request - Design and Site Development Standards - 14.205 Signs**

****

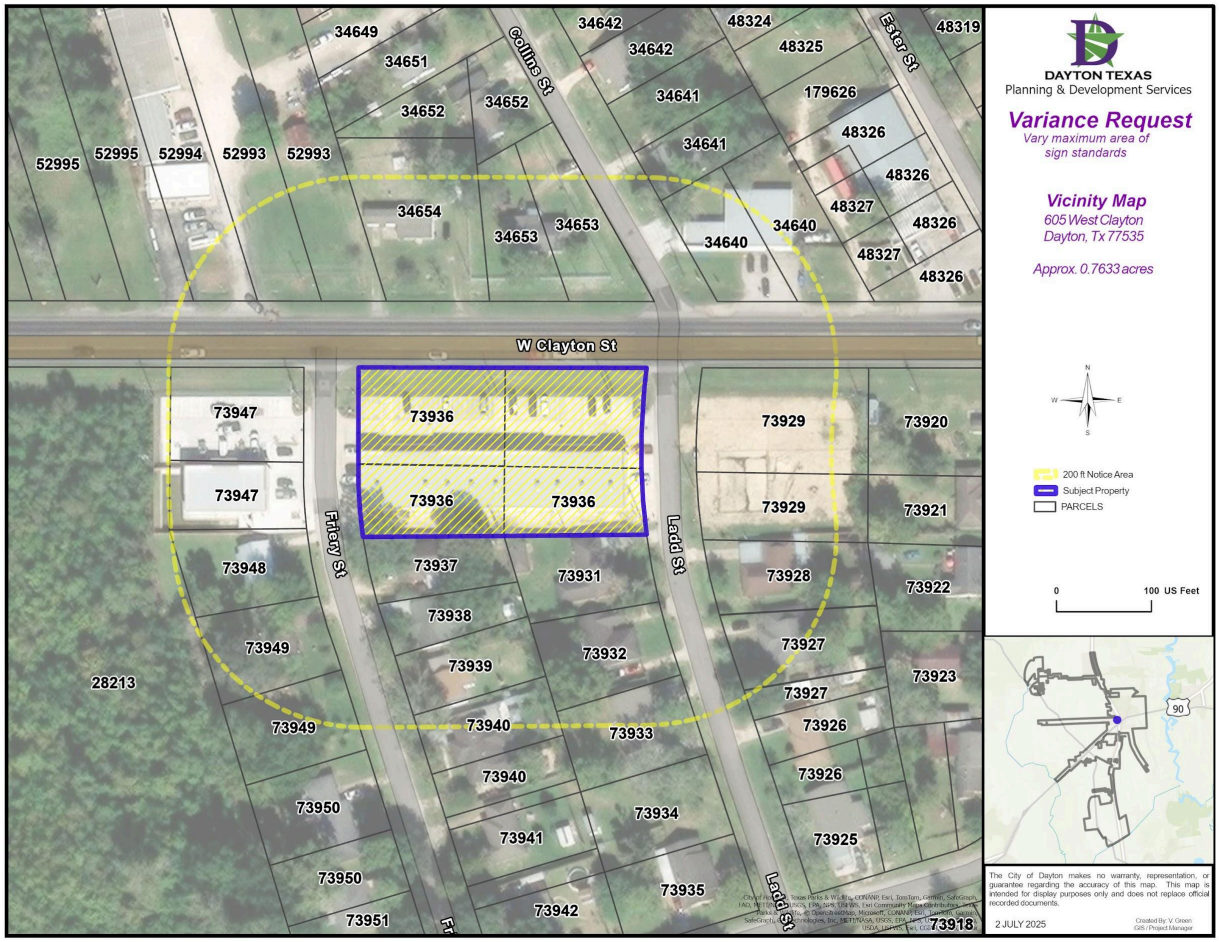
The applicant and owner of the property located at 605 W. Clayton St., Dayton, TX 77535, submitted a variance application to vary the Attached Permanent Sign Standards of the Unified Development Code - Sec. 14.205.4 Permanent Signs

Existing Conditions

The subject property is developed with a commercial strip center with multiple businesses. The development was constructed in 2022, and has since been occupied with several businesses. Those businesses have Fascia/Parapet Signs above their suites. The signs have been in place and allowed, but do not seem to follow consistent parameters as suggested by the Unified Development Code (UDC).

Section 14.205.4 Permanent Signs address the sign specifications for all signage allowed in the City of Dayton's City Limits. Table 14.205.4-1 specifically sets parameters on signage that is attached to the building, like the Parapet Signs that are being proposed by the applicant. Nonresidential establishments in the General Commercial (GC) zoning district are allowed signage that that complies with the following:

- One per street facing facade;
- Aggregate (total) sign area of 0.5 square feet (sqft.) per linear ft. of street facing facade width, or 200 sqft., whichever is less;
- Down lighting or internal illumination;
- May not extend above the fascia or parapet wall


DAYTON TEXAS
Planning & Development Services
Variance Request
Vary maximum area of sign standards
Vicinity Map
605 West Clayton
Dayton, Tx 77535
Approx. 0.7633 acres
200 ft Notice Area
Subject Property
PARCELS
0
100 US Feet
W Clayton St
Collins St
Ester St
Friday St
Ladd St
34649
34651
34652
34642
34641
34654
34653
34640
48324
48325
48319
179626
48326
48327
52995
52994
52993
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90
The City of Dayton makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.
2 JULY 2025
Created By: V. Green
GIS / Project Manager


Nutrition Shack
OF DAYTON
OPEN


StateFarm
Jordan Thibodeaux
Auto · Home · Life
Health · Business





The sign for the State Farm business was permitted in May of 2022. It has 32.5 square feet. A sign not seen in the image for the Cozy Leopard Boutique was permitted in June of 2022 with 32 square feet. Both establishments have approximately 25 feet of street facing facade, and would only be permitted to have 12.5 square feet (approximately 4 ft. by 3 ft.) of for a sign if they were compliant with the UDC.

No permits were found for the Nutrition Shack or the Clara James Boutique business signs (see images above), so compliance could not be determined.

Applicant Proposal

The commercial center has two new businesses that are proposed to occupy their respective suites - Home Town Title and Sunkissed Tanning Salon. The request is to allow Home Town Title to have a sign with 34.75 square feet and Sunkissed Tanning Salon sign to have 24 square feet. The Home Town Title suite was previously occupied by Tarvern Abstract Co. It has a parapet sign with more than 40 sqft. of area.

Business Occupancy	**Linear Facing Facade**	**Permitted Sign Sqft.** (0.5 of street facing facade)	**Proposed Sign Sqft.**
Hometown Title	50 ft.	25 sqft.	34.75 sqft.
Sunkissed Tanning Salon	26 ft.	13 sqft.	26 sqft.

Sign Concept:

SIGN TYPE A - QTY. 1, LED-ILLUM. FRONT LIT CHANNEL LETTERS ON BACKER - RACEWAY MOUNT

HOMETOWN TITLE / #250469

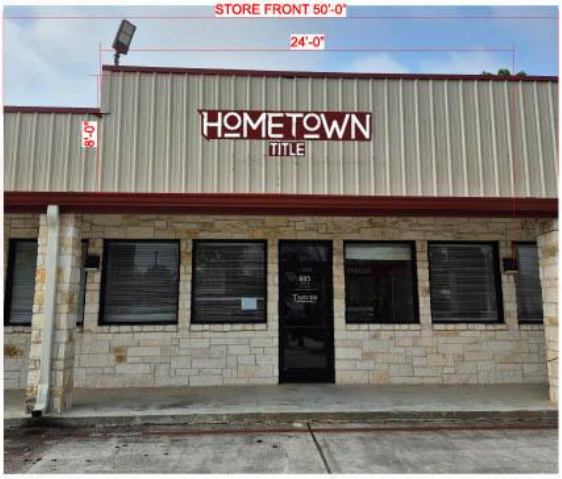
EXISTING SIGNAGE





SCALE: 3/16"=1'-0"

PROPOSED SIGNAGE



SCALE: 3/16"=1'-0"

JOB #: 250469-02

CLIENT:	Hometown Title	CONCEPT:	4/8/25	AR	REVISION 3
SALES REP:	Charles V.	REVISION 1	5/2/25	AR	REVISION 4
ADDRESS:	605 W Clayton St., Dayton, TX 77535	REVISION 2	6/2/25	AR	REVISION 5

APPROVAL SIGNATURE

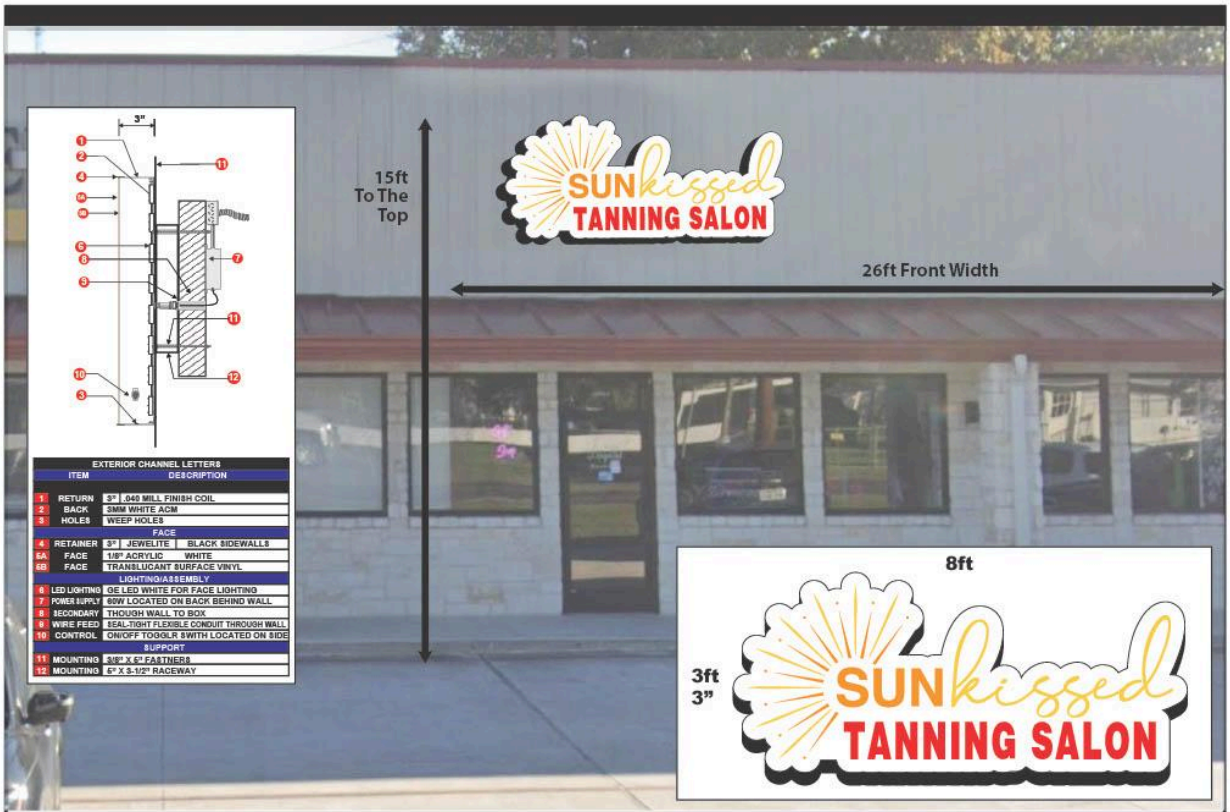
DATE

CLAUSE: BY APPROVING THIS ARTWORK YOU ARE APPROVING ALL COLORS, SIZES AND SPELLING OF PROPOSED. IF ERRORS ARE FOUND AFTER APPROVAL IS RECEIVED AND PRODUCTION HAS STARTED, YOU THE CUSTOMER ARE RESPONSIBLE FOR ALL ADDITIONAL FEES.

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

1800 Old Sycamore Ave.
Huntsville, TX 77340
Office: 1.936.435.0388
Toll Free: 1.855.661.7446
Fax: 1.936.435.1113
www.ExtremeSignsUSA.com

Extreme Signs & Rigging



EXTERIOR CHANNEL LETTERS			
ITEM	DESCRIPTION		
1	RETURN	3" .040 MILL FINISH COIL	
2	BACK	3MM WHITE ACM	
3	HOLES	WEEP HOLES	
FACE			
4	RETAINER	3" JEWELITE	BLACK SIDEWALLS
5A	FACE	1/8" ACRYLIC	WHITE
5B	FACE	TRANSLUCANT SURFACE VINYL	
LIGHTING/ASSEMBLY			
6	LED LIGHTING	GE LED WHITE FOR FACE LIGHTING	
7	POWER SUPPLY	60W LOCATED ON BACK BEHIND WALL	
8	SECONDARY	THOUGH WALL TO BOX	
9	WIRE FEED	SEAL-TIGHT FLEXIBLE CONDUIT THROUGH WALL	
10	CONTROL	ON/OFF TOGGLR SWITH LOCATED ON SIDE	
SUPPORT			
11	MOUNTING	3/8" X 6" FASTNERS	
12	MOUNTING	6" X 3-1/2" RACEWAY	

MR. SIGN

CLIENT:	Sunkissed Tanning Salon	DATE:	5-19-25
LOCATION:	605 W Clayton St Dayton, TX 77535	CONTACT:	Brittany Kelley 832-784-1680
DRAWN BY:	Stephen	E-MAIL:	brittany.kelley1123@gmail.com

Staff Assessment

The applicant's proposals increase the allowable sign area for each of the two suites. Historically, the building has been permitted to have larger signs than what the code permits; thus, some existing signs on other suites will be out of proportion with any new signs that comply with the ordinance. This contrast forces a consideration of the existing sign conditions versus the code's intent for signage. It also highlights concerns about harmony of the signage proposed for the entire development.

The commercial strip center does not have freestanding signage or a sign that could provide additional visibility at the street. The facia/parapet signs are the primary signage for the individual suites in this location.

In order for the Board of Adjustments to approve the variance, they must find that all of the below criteria have been satisfied:

1) **The granting of the Variance is not based on a hardship which is self-imposed.**

   The applicant is proposing a variance to the maximum allowable area for a facia/parapet sign. The building, on which the signs are proposed, does not have structural or physical impediments that will prohibit the applicant from meeting the sign area requirements.

2) **The hardship is not based solely on the cost of complying with the regulation but is based on the particular physical surroundings, shape, or topographical conditions of the subject property.**
   - i) **The hardship is based on circumstances which are unique to the property for which the Variance is sought and not circumstances common to other properties.**
   - ii) **The Variance requested is the minimum necessary that will make possible a permitted use of the land, building, or structure.**
   - iii) **A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.**
   - iv) **Granting the variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.**

   There is no hardship that indicates that larger fascia/parapet signage should be permitted. The variance request that is beyond the minimum requirements of the Unified Development Code.

   The interpretation of the UDC does deprive the applicant of rights that are enjoyed by other suites in the commercial strip center, but the neighboring suites do not comply with the UDC and did not receive variances from the Board of Adjustment.

Staff Recommendation

Staff recommends denial of the applicant's variance request.

DAYTON TEXAS

CITY OF DAYTON - 111 N CHURCH ST - DAYTON, TX 77535 - 936.258.2642

VARIANCE REQUEST APPLICATION

FOR OFFICE USE ONLY

Date Received: _____ Application Fee: _____

Board of Adjustment

Public Hearing Date: _____ Final Decision: APPROVED DENIED Received By:

_____ Name of

Accompanying Plat: _____

INSTRUCTIONS:

1. Please type or print with ink.
2. Application must be accurately completed, and accompanied by all required materials at the time of submission. Incomplete submittals will be returned to the applicant.
3. Application must be signed by all legal owners of the subject property or by the legally authorized agent for the property owner(s). If the request will be processed by an agent, the application must be accompanied by a notarized "Designation of Agent Form" signed by all legal owners of the property.
4. The following items shall accompany the application:
5. **Variance Application Fee:** $200 Subdivision; or $50 Single-Family
6. **A copy of the deed(s)** to the subject property verifying legal ownership.
7. **A legible site plan** or plot plan of the subject property.
8. **A letter** describing in detail the reason(s) for the request and the hardship on which the request is based.
9. **Other** materials, as appropriate (i.e. photos, slides, drawings, plats, petitions, etc.)

OWNER INFORMATION:

Name(s): Gene McDowell

Address: 102 W Clayton City: Dayton State: TX Zip: 77535

Fax: _____ Email: genem@arnoldconstruction.net Phone: (936)258-8236

Name of Agent: (Designation form req'd) _____

AGENT INFORMATION: (Designation form req'd)

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Fax: _____ Email: _____ Phone: _____

PROPERTY INFORMATION:

Project Name: ____G&C Commercial Holdings 1 (Hometown Title & Sunkissed Tanning Salon) _____

Address: _605 W Clayton Suite C&D _____ City: __Dayton_____ State: _TX__ Zip: __77535___

Legal: _____ BLK: ____ LT: _____ AC: _____

VARIANCE REQUEST:

REV 12/2019

I/WE, BEING THE LEGAL OWNER(S) OR THE AGENT FOR THE LEGAL OWNER(S) OF THE PROPERTY DESCRIBED ABOVE, HEREBY REQUEST THAT THE PLANNING COMMISSION AND THE CITY COUNCIL OF THE CITY OF DAYTON, TEXAS CONSIDER THE FOLLOWING VARIANCE REQUEST(S) TO THE CITY OF DAYTON CODE OF ORDINANCES:

_____Gene McDowell_____

REASON / HARDSHIP FOR THE VARIANCE:

In order to recommend approval of a variance, the Planning Commission must make a finding of hardship. As noted in the instruction, you must attach a letter describing the reasons for the request and the hardship on which the request is based, stating the grounds for the variance and all of the facts relied upon for the case.

VARIANCE REVIEW CRITERIA:

In order to make a finding of hardship, the Planning commission must determine that all of the following criteria are met. State how your variance request meets these four criteria. Please note that the hardship cannot be based solely on financial or self-imposed conditions. (Attach additional pages for multiple variance requests or if additional space is needed.)

1. The granting of the variance will not be detrimental to the public safety health, or welfare, be injurious to surrounding property, or violate the intent and purpose of the regulation: _No, it will not injure or be differential to the public it will coincide with with whats existing as all the rule were not enforced earlier.
2. The granting of the variance is not based on a hardship which is self-imposed: No
3. The hardship is not based solely on the cost of complying with the regulation: No, only for visual purposes.
4. The hardship is based on circumstances which are unique to the property for which the variance is sought, and not circumstances common to other properties: No, we are trying to match existing signage adjacent to them.

NOTICE: THE CITY OF DAYTON DOES NOT ENFORCE DEED RESTRICTIONS AND CANNOT GRANT VARIANCES TO DEED RESTRICTIONS. ANY VARIANCE GRANTED PURSUANT TO THIS APPLICATION AND ANY BUILDING PERMIT ISSUED PURSUANT TO SUCH VARIANCE DOES NOT CONSTITUTE OR REPRESENT APPROVAL OR AUTHORITY TO VIOLATE DEED RESTRICTIONS. A PLAT VACATION AND REPLAT PURSUANT TO CHAPTER 212, TEXAS LOCAL GOVERNMENT CODE MAY BE REQUIRED FOR SUCH AUTHORITY.

SIGNATURE(S) OF OWNER(S) / AGENT: (Circle One)

This is to certify that the information provided above is true and correct and that I am the owner of record of the above described property or the owner(s); legally authorized agent (attach notarized agent designation

form).

Applicant's Signature: _____ Date: 7/11/2025
Applicant's Printed Name: Gene McDowell

Applicant's Signature: _____ Date: _____
Applicant's Printed Name: _____

REV 12/2019

DESIGNATION OF AGENT FORM

This form designates _____ as my/our duly authorized agent, to act on my/our behalf in requesting a variance involving the property described below. I am also submitting a copy of the deed(s) to the subject property as evidence of my ownership.

PROPERTY INFORMATION:
Address: _____ City: _____ State: _____ Zip: _____
Legal: _____ BLK: ____ LT: _____ AC: _____

Signature: _____ Date: _____
Printed Name: _____

NOTARY STATEMENT:
SWORN TO AND SUBSCRIBED before me this the _____ day of _____, 20____.

_____
Notary Public in and for _____ County, Texas
My Commission expires: _____

_____
(Printed or Typed Name)

REPEAT SIGNATURE BLOCK AND NOTARY STATEMENT FOR EACH OWNER

TO SUBMIT FORM PLEASE EMAIL IT TO

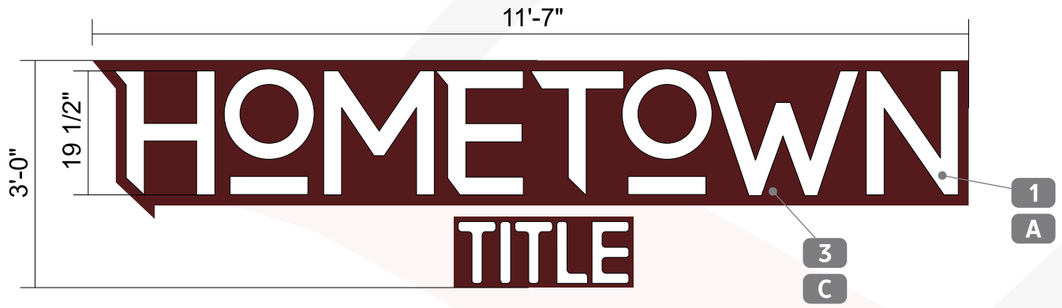
PLANNING@DAYTONTX.ORG

SIGN PACKAGE PROPOSAL

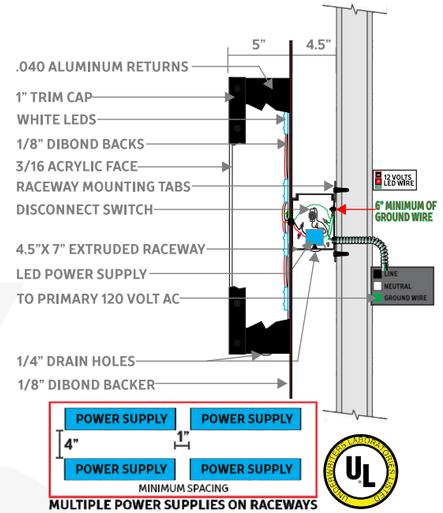
605 W Clayton St., Dayton, TX 77535



SIGN TYPE A - QTY. 1, LED-ILLUM. FRONT LIT CHANNEL LETTERS ON BACKER - RACEWAY MOUNT



SCALE: 1/2”=1’-0”



MULTIPLE POWER SUPPLIES ON RACEWAYS OR IN METAL CANS LAYOUT

“THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN”
“THE LOCATION OF THE DISCONNECT SWITCH AFTER INSTALLATION SHALL COMPLY WITH ARTICLE 600.6 (A) (1) OF THE NATIONAL ELECTRICAL CODE.”

SCOPE OF WORK:
- MANUFACTURE & INSTALL LED-ILLUM. CHANNEL LETTERS ON BACKER PANEL (DIBOND) ON RACEWAYS

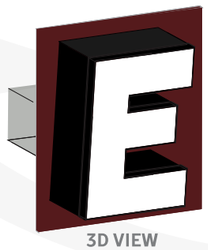
- OVERALL HEIGHT: 3’-0”
- OVERALL WIDTH: 11’-7”
- TOTAL SQ. FT.: 34.75 FT^2

CALL OUTS

1	3/16” ACRYLIC FACES W/ 1” TRIMCAP
2	5” .040” ALUM. RETURNS
3	DIBOND PANEL
4	4.5” X 7” RACEWAY

COLOR SCHEDULE

A	BLACK TRIMCAP / RETURNS
B	RACEWAY COLOR SW 7542 NATUREL
C	BACKER PANEL – ***COLOR TBD***
D	X

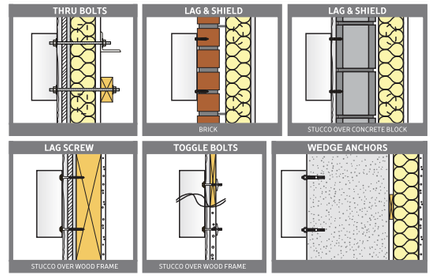


3D VIEW

PROPOSED SIGNAGE - NIGHT SIMULATION



1/4” HARDWARE SCHEDULE



JOB #: 250469-02

CLIENT: Hometown Title
SALES REP: Charles V.
ADDRESS: 605 W Clayton St., Dayton, TX 77535

CONCEPT:	4/8/25	AR	REVISION 3
REVISION 1	5/2/25	AR	REVISION 4
REVISION 2	6/2/25	AR	REVISION 5

APPROVAL SIGNATURE

DATE

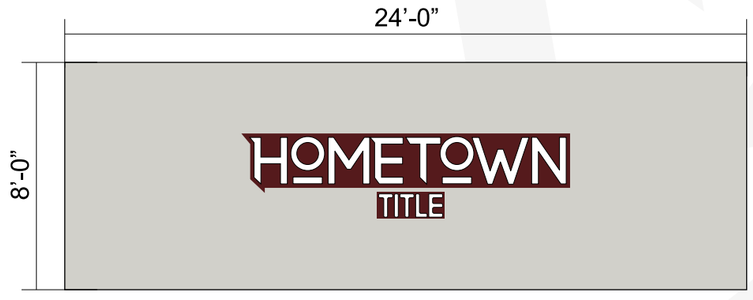
1800 Old Sycamore Ave.
Huntsville,TX 77340
Office: 1.936.435.0988
Toll Free: 1.855.661.7446
Fax: 1.936.435.1113
www.ExtremeSignsUSA.com

CLAUSE: BY APPROVING THIS ARTWORK YOU ARE APPROVING ALL COLORS, SIZES AND SPELLING OF PROPOSED. IF ERRORS ARE FOUND AFTER APPROVAL IS RECEIVED AND PRODUCTION HAS STARTED, YOU THE CUSTOMER ARE RESPONSIBLE FOR ALL ADDITIONAL FEES.

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

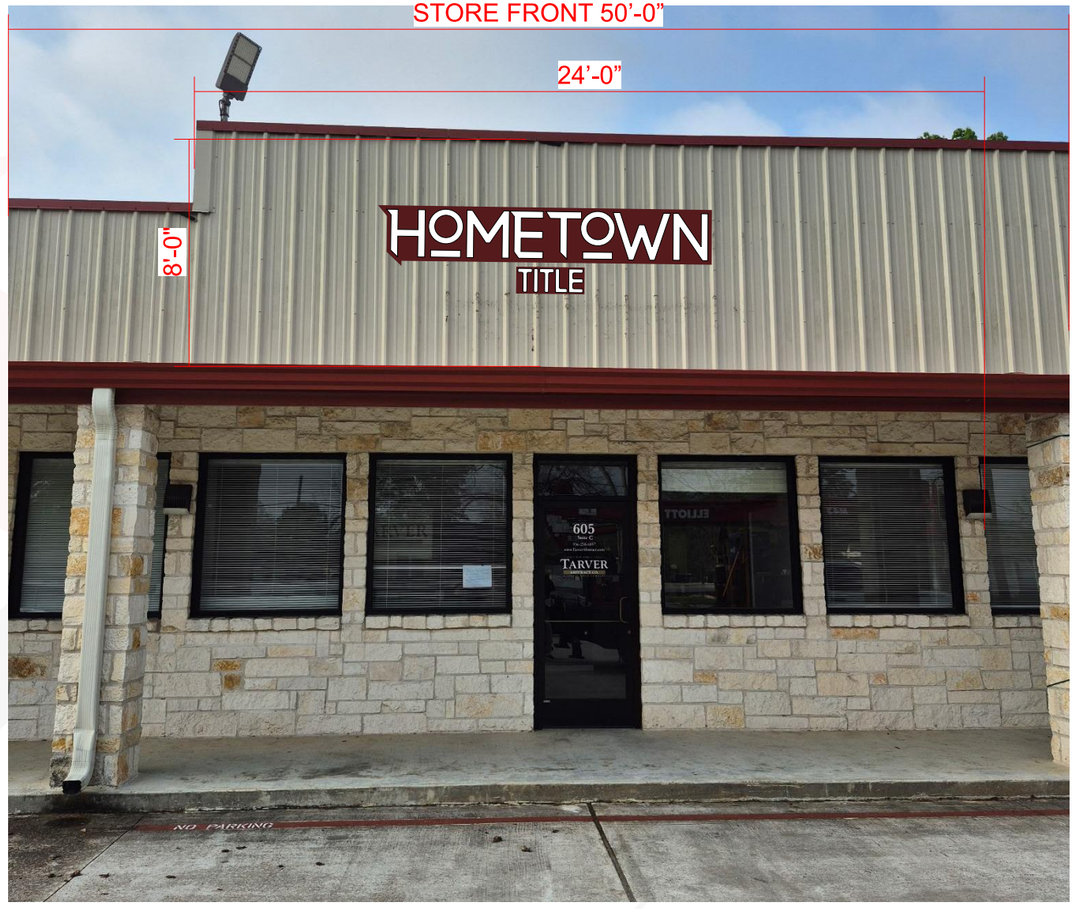
EXISTING SIGNAGE





SCALE: 3/16”=1’-0”

PROPOSED SIGNAGE



SCALE: 3/16”=1’-0”

JOB #: 250469-02

CLIENT:	Hometown Title
SALES REP:	Charles V.
ADDRESS:	605 W Clayton St., Dayton, TX 77535

CONCEPT:	4/8/25	AR	REVISION 3		
REVISION 1	5/2/25	AR	REVISION 4		
REVISION 2	6/2/25	AR	REVISION 5		

APPROVAL SIGNATURE

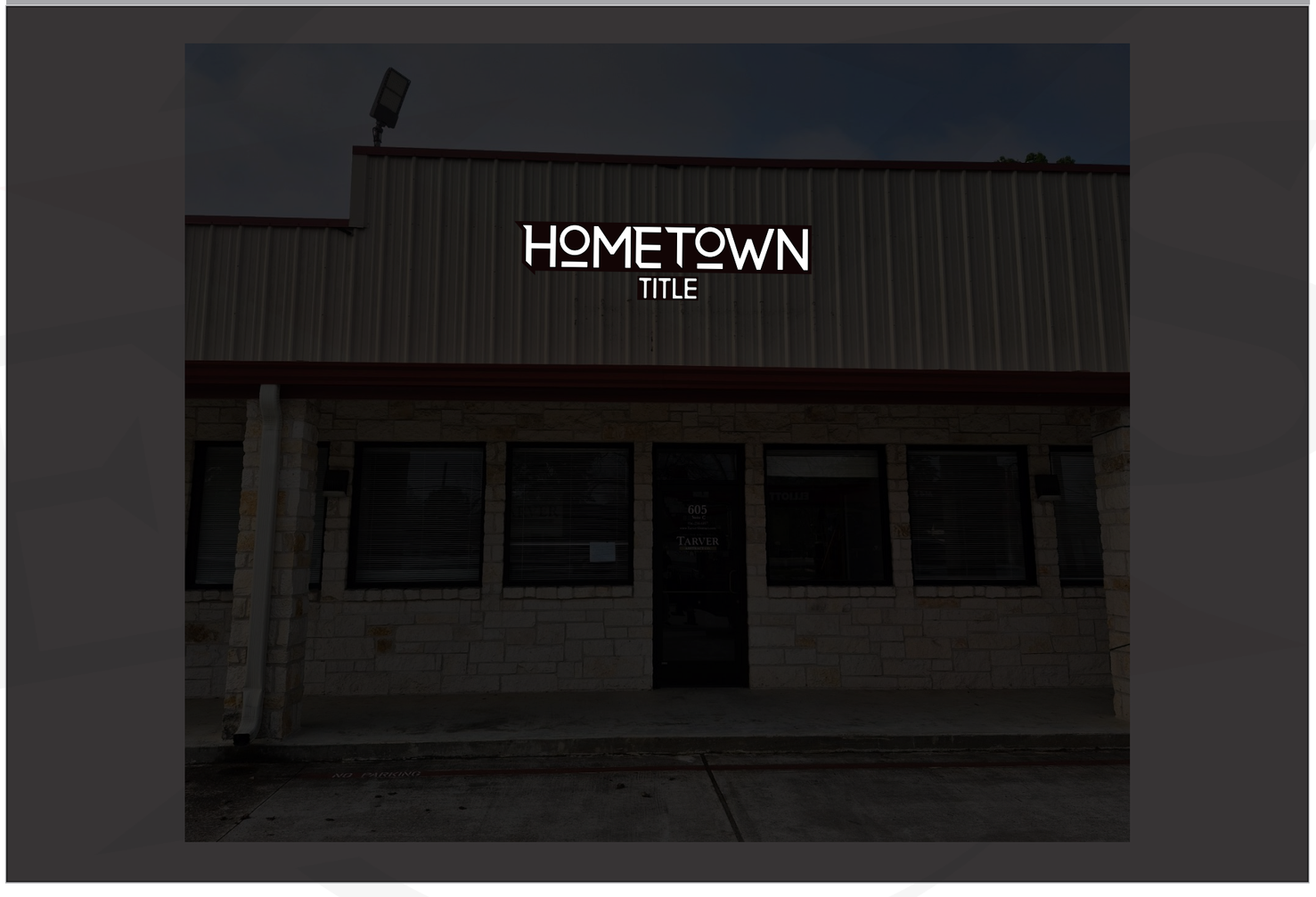
DATE

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PROPOSED SIGNAGE



JOB #: 250469-02

CLIENT:	Hometown Title
SALES REP:	Charles V.
ADDRESS:	605 W Clayton St., Dayton, TX 77535

CONCEPT:	4/8/25	AR	REVISION 3
REVISION 1	5/2/25	AR	REVISION 4
REVISION 2	6/2/25	AR	REVISION 5

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SITE MAP

HOMETOWN TITLE / #250469



NORTH

JOB #: 250469-02

CLIENT:	Hometown Title	CONCEPT:	4/8/25	AR	REVISION 3
SALES REP:	Charles V.	REVISION 1	5/2/25	AR	REVISION 4
ADDRESS:	605 W Clayton St., Dayton, TX 77535	REVISION 2	6/2/25	AR	REVISION 5

APPROVAL SIGNATURE

DATE

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EXTERIOR CHANNEL LETTERS				
ITEM		DESCRIPTION		
1	RETURN	3”	.040 MILL FINISH COIL	
2	BACK	3MM WHITE ACM		
3	HOLES	WEEP HOLES		
FACE				
4	RETAINER	3”	JEWELITE	BLACK SIDEWALLS
5A	FACE	1/8” ACRYLIC		WHITE
5B	FACE	TRANSLUCANT SURFACE VINYL		
LIGHTING/ASSEMBLY				
6	LED LIGHTING	GE LED WHITE FOR FACE LIGHTING		
7	POWER SUPPLY	60W LOCATED ON BACK BEHIND WALL		
8	SECONDARY	THOUGH WALL TO BOX		
9	WIRE FEED	SEAL-TIGHT FLEXIBLE CONDUIT THROUGH WALL		
10	CONTROL	ON/OFF TOGGLR SWITH LOCATED ON SIDE		
SUPPORT				
11	MOUNTING	3/8” X 5” FASTNERS		
12	MOUNTING	5” X 3-1/2” RACEWAY		

MR. SIGN

CLIENT:	Sunkissed Tanning Salon	DATE:	5-19-25
LOCATION:	605 W Clayton St Dayton, TX 77535	CONTACT:	Brittany Kelley 832-784-1680
DRAWN BY:	Stephen	E-MAIL:	brittany.kelley1123@gmail.com

DAYTON TEXAS

TO: Taylor Choate

FROM: Chris Chavis

RE: Consider with possible action a Variance Request to vary the maximum area of sign standards of the Unified Development Code in the General Commercial (GC) zoning district; located at 605 W Clayton St., Dayton, Texas 77535, legally described as West Acres, Block C, Lot 1 2 8 9.

DATE: July 17, 2025

AVAILABLE FUNDING:
N/A
ACTION REQUESTED:
Staff recommends denial of the applicant's variance request.