

CITY OF AUSTIN
Board of Adjustment
Decision Sheet

DATE: Monday March 12, 2018

CASE NUMBER: C16-2018-0001

N Brooke Bailey
 Y William Burkhardt
 Y Christopher Covo
 N Eric Goff
 - Melissa Hawthorne (OUT)
 Y Bryan King
 N Don Leighton-Burwell
 - Rahm McDaniel (OUT)
 Y Veronica Rivera
 Y James Valadez
 Y Michael Von Ohlen
 N Kelly Blume (Alternate)
 N Martha Gonzalez (Alternate)
 - Pim Mayo (Alternate)

APPLICANT: Clive Hartsfield

OWNER: Micah Dowdy

ADDRESS: 12901 IH 35 SVRD NB

VARIANCE REQUESTED: The applicant has requested a variance(s) to Section 25-10-123(B)(3)(Expressway Corridor Sign District Regulations) to increase the maximum allowable sign height from 35 feet (required/permitted) to 42 feet (requested) in order to replace an existing sign with a new, higher sign at this site in the Expressway Corridor Sign District within a "CS-CO", General Commercial Services – Conditional Overlay zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to March 12, 2018, Board Member Veronica Rivera second on an 6-5 vote (Board members William Burkhardt, Eric Goff, Don Leighton-Burwell, James Valadez, and Michael Von Ohlen nay); **POSTPONED TO MARCH 12, 2018.** March 12, 2018 The public hearing was closed on Board Member Bryan King motion to Grant to 40 feet high, Board Member Michael Von Ohlen second on an 6-5 vote (Board members Brooke Bailey, Eric Goff, Don Leighton-Burwell, Kelly Blume and Martha Gonzalez nay) ; **GRANTED TO 40 FEET HIGH.**

EXPIRATION DATE: MARCH 12, 2019

FINDING:

1. The variance is necessary because strict enforcement of the Article prohibits and reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscape, or topography, because: the sign setback from the frontage road and expressway inhibits the visibility of the sign and is located at the lowest point on this site
OR,

2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because: the property is in the lowest point on this site, other restaurants do not have the setback and topographic issues as illustrated in the exhibits

OR,


3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because: increasing the overall height of the existing sign will put this particular restaurant one more of an even visual standing with the competition due to the hardship created by the interstate and the topographical issues

AND,

4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because: saw numerous exhibits



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman