

PUBLIC NOTIFICATIONS



- SUBJECT TRACT
- ZONING BOUNDARY

1" = 200'



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Board of Adjustment Sign Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 2701 S. Congress Ave. Austin, TX 78704

Subdivision Legal Description:

Lot B-1, Pharis Subdivision, an addition to the City of Austin, TX according to the plat recorded instrument No. 201700016 of the Official Public Records of Travis County, TX.

Lot(s): B-1 Block(s): _____

Outlot: _____ Division: _____

Zoning District: CS-MU-V-NP

Sign District: Commercial

I/We Daniel Smith on behalf of myself/ourselves as authorized agent for OSF Congress, LP affirm that on Month April, Day 4, Year 2018, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

Erect Attach Complete Remodel Maintain Other: _____

Type of Sign: Pylon Sign 20' x 9'6"

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

25-10-211 - SIGN INSTALLATION PERMIT.

Exterior Signage variance based on demonstrated hardship.

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. In order to grant your request for a variance, the Board must first make one or more of the findings described under 1, 2, and 3 below; the Board must then make the finding described in item 4 below. If the Board cannot make the required findings, it cannot approve a sign variance.

Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

I contend that my entitlement to the requested variance is based on the following findings:

1. The variance is necessary because strict enforcement of the Article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of the site such as dimensions, landscaping, or topography, because:

~~The request is to obtain a signage permit to build one pole sign, that benefits two tracts, based on the combined frontage of the two contiguous tracts. Based on the current signage ordinance, we could permit 2 seperate pole signs totaling 105 SF (by-right) and we would simply like to install 1 pole sign that is 104 SF. The adjoining tract (motorcycle shop) is only 0.164 acres and has minimal room for signage due to the parking and access requirements (i.e. hardship).~~

—OR—

2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because:

~~Having one pole sign for both properties will result in fewer pole signs along Congress Ave. creating a less cluttered and aesthetically pleasing drive-by presence for the community.~~

—OR—

3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because:

~~These tracts were recently subdivided and the proposed sign results in a lower total square footage of signage compared to the square footage of signage that would be allowable by right.~~

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:

~~OSF Congress, LP formally owned both tracts and subdivided them in 2017. Signage permits could have been obtained to build one pole sign at that time; we believe that one pole sign is better for the community than having two.~~

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

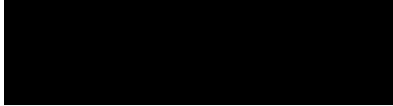
Applicant Signature:  Date: 04/04/2018

Applicant Name (typed or printed): Daniel Smith

Applicant Mailing Address: 6440 N. Central Expressway, Suite 900

City: Dallas State: TX Zip: 75206

Phone (will be public information): (214) 865-7926

Email (optional – will be public information): 

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief. OSF Congress, LP

Owner Signature:  Date: 04/04/2018

Owner Name (typed or printed): Clay D. Likover, President of OSF Project GP, LLC

Owner Mailing Address: 6440 N. Central Expressway, Suite 900

City: Dallas State: TX Zip: 75206

Phone (will be public information): (214) 869-6901

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

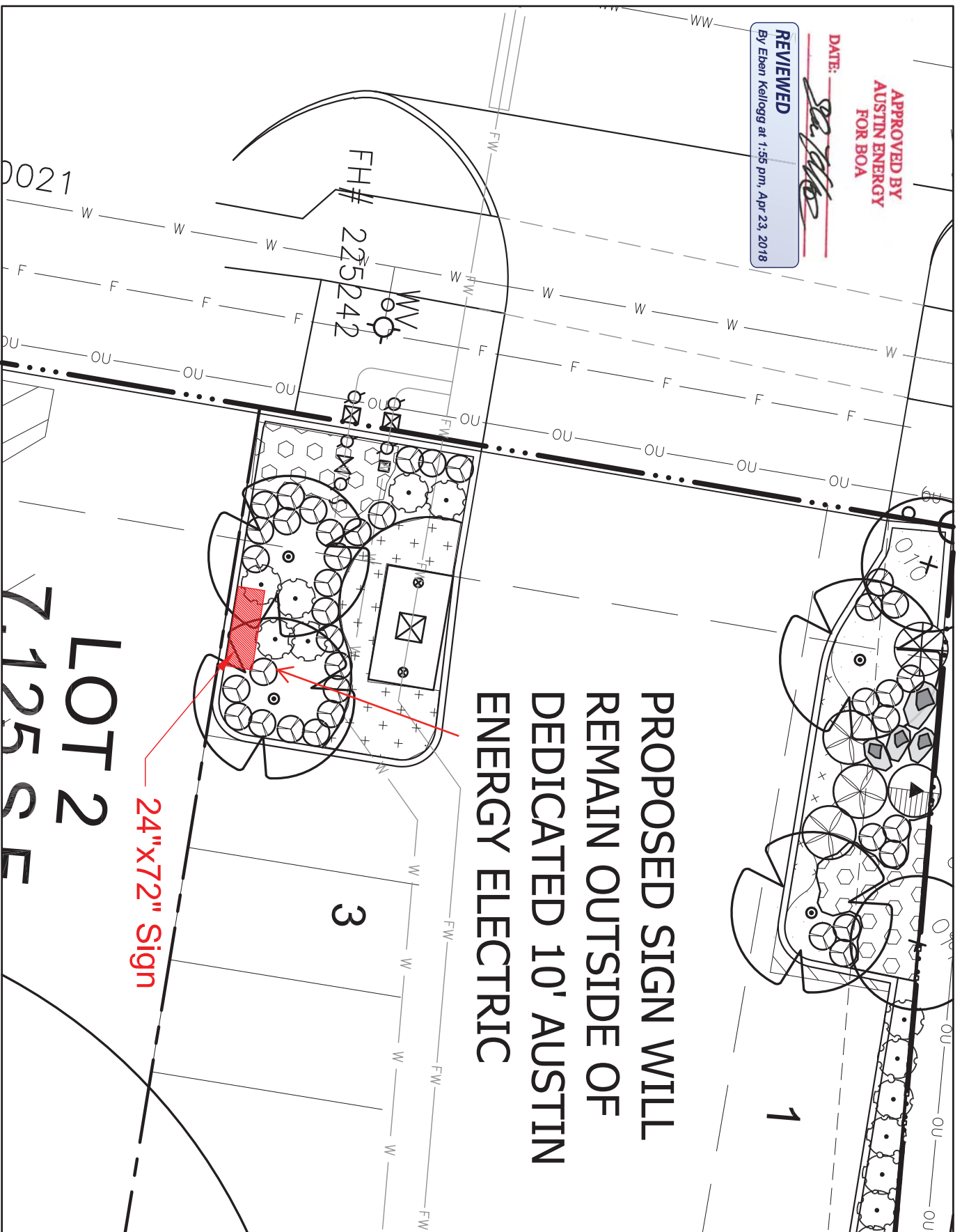
SAVE

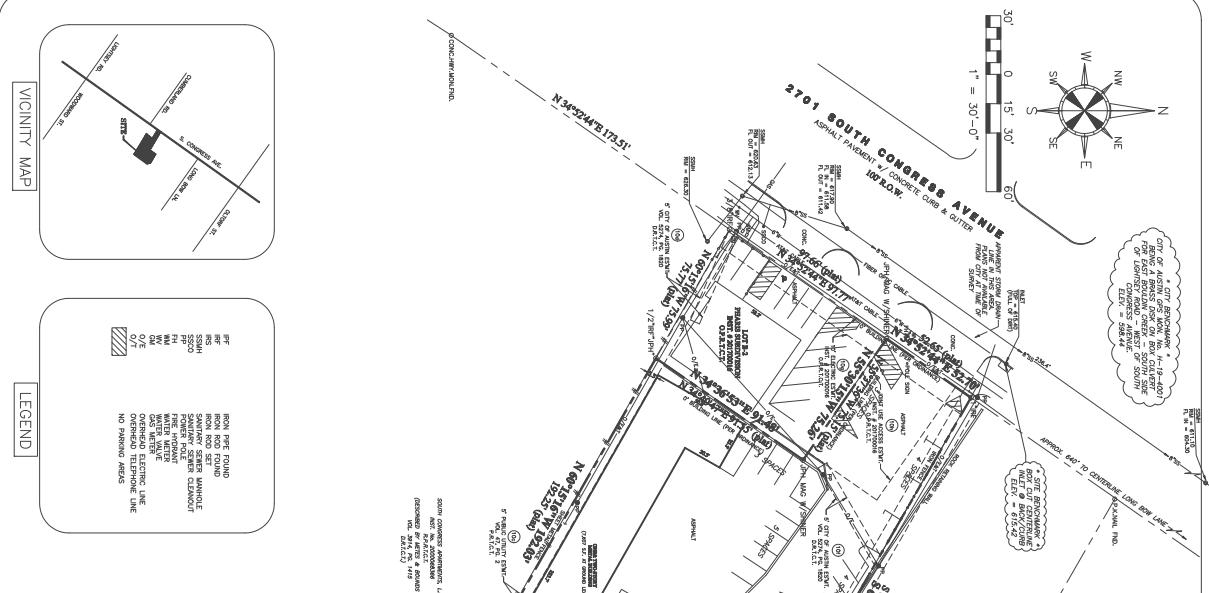
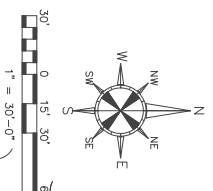
Exhibit B - Detailed Signage Location

**APPROVED BY
AUSTIN ENERGY
FOR BOA**

DATE: *[Signature]*

REVIEWED
By Eben Kellogg at 1:55 pm, Apr 23, 2018





**SURVEY RELATED ITEMS
CORRESPONDING TO SCHEDULE
B TITLE COMMITMENT**

- (100) ITEM 100: 5' PUBLIC UTILITY EASEMENTS ALONG NORTH, SOUTH AND EAST PROPERTY LINES AS SHOWN ON PLAT RECORDED IN VOL. 477, PG. 20, P.F.C.I.T. DO AFFECT THE SUBJECT PROPERTY AND ARE SHOWN HEREON.
- (101) ITEM 101: 5' CITY OF AUSTIN EASEMENTS RECORDED IN VOL. 4274, PG. 1820, D.I.R.I.C.T. DO AFFECT THE SUBJECT PROPERTY AND ARE SHOWN HEREON.
- (102) ITEM 102: PROPERTY IS SUBJECT TO GRADE RELEASE RECORDED IN VOL. 5315, PG. 1314, D.I.R.I.C.T. NOTHING IS PLOTTABLE HEREON.
- (103) ITEM 103: 7.5' CITY OF AUSTIN EASEMENT RECORDED IN VOL. 13457, PG. 1071, R.I.C.T.I. DOES AFFECT THE SUBJECT PROPERTY AND IS SHOWN HEREON.
- (104) ITEM 104: 10' ELECTRIC EASEMENT PER PLAT RECORDED IN INSTRUMENT NO. 20170001 DOES AFFECT THE SUBJECT PROPERTY AND IS SHOWN HEREON.
- (105) ITEM 105: JOINT USE ACCESS EASEMENT PER PLAT RECORDED IN INSTRUMENT NO. 20170001 DOES AFFECT THE SUBJECT PROPERTY AND IS SHOWN HEREON.

MISCELLANEOUS NOTES

- (N1) THE BASIS OF BEHAVIOR OF THIS SURVEY IS BASED ON THE SURVEYED BOUNDARY LINE OF SUBJECT PROPERTY AS REFLECTED ON THE PLAT FOR THE SUBJECT PROPERTY.
- (N2) THERE ARE 33 REGULAR AND 1 HANDICAP PARKING SPACES ON THE PROPERTY.
- (N3) DURING OUR FIELD VISIT THERE WAS NOT OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILD ADDITIONS WITHIN RECENT MONTHS.
- (N4) THERE WAS NOT ANY CHANGES IN STREET RIGHT-OF-WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CITY OF AUSTIN, TEXAS, OR FROM ANY OTHER STREET OR SIDEWALK CONSTRUCTION REPAIRS.
- (N5) DURING OUR FIELD SITE VISIT THERE WAS NOT OBSERVABLE EVIDENCE OF ANY UNLAWFUL USE AS A SOLID WASTE STORAGE, OR SANITARY LANDFILL.
- (N6) THE NEAREST INTERSECTING STREET TO THE SUBJECT PROPERTY IS LONE BOW LANE AS SHOWN HEREON.
- (N7) DURING OUR FIELD SITE VISIT THERE WAS NOT OBSERVABLE EVIDENCE OF A CEMETERY OR BURIAL GROUND ON THE PROPERTY.

ZONING INFORMATION

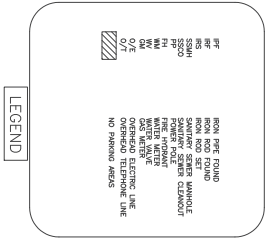
LISTED BELOW ARE SETBACK, HEIGHT, AND FLOOR SPACE AREA BUILDING CODES (BEYOND THOSE REQUIRED UNDER PARAGRAPH 54 OF THE ALTA STANDARDS) UNLESS NONE IS STATED BELOW. FOR THE FOLLOWING: CITY OF AUSTIN ZONING DEPARTMENT REAR SETBACK: 0' SIDE SETBACK: 20' - 60' MAX. FLOOR AREA RATIO: 2:1

STATEMENT OF ENCROACHMENTS

ENCROACHMENT BY 21'

FLOOD ZONE

A FLOOD SURVEY HAS BEEN CONDUCTED TO DETERMINE THE FLOOD ZONE STATUS OF THIS PROPERTY. THE FLOOD ZONE STATUS IS AS FOLLOWS: FLOOD ZONE: X-1 (SPECIAL FLOOD HAZARD AREA - HIGH WINDS). THE FLOOD ZONE STATUS IS AS FOLLOWS: FLOOD ZONE: X-1 (SPECIAL FLOOD HAZARD AREA - HIGH WINDS). THE FLOOD ZONE STATUS IS AS FOLLOWS: FLOOD ZONE: X-1 (SPECIAL FLOOD HAZARD AREA - HIGH WINDS).



**TITLE LEGAL DESCRIPTION &
AS-SURVEYED LEGAL DESCRIPTION**

BEING all of Lot B-1, Phase 1 Subdivision, an addition to the City of Austin, Texas according to the plat recorded in Instrument No. 201700016 of the Official Public Records of Travis County, Texas.

THE ABOVE DESCRIBED PARCEL IS THE SAME LAND DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY OF TEXAS, POLICY NUMBER 154488-RTT, EFFECTIVE DATE OF FEBRUARY 9, 2017.

ALTA/NSPS LAND TITLE SURVEY

2701 SOUTH CONGRESS
AUSTIN, TEXAS

PARTNER PROJECT NUMBER 16-177651.2

ALTA SURVEY BASED AND RELIED ON FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT, OF NUMBER 1002-154488-RTT, CONTAINING EFFECTIVE DATE OF FEBRUARY 9, 2017

CERTIFICATION

SURVEYOR'S CERTIFICATION
TO OUR CONGRESS, TEXAS SUCCESSORS AND ASSIGNS, REPUBLIC TITLE OF TEXAS, INC. AND FIRST AMERICAN TITLE INSURANCE COMPANY, WE HEREBY CERTIFY THAT WE AND THE SURVEYOR HAVE REVIEWED THE ALTA/NSPS LAND TITLE SURVEY, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND FIRST AMERICAN TITLE INSURANCE COMPANY, AND THAT THE FIELD WORK WAS COMPLETED ON JANUARY 9, 2017.

RONALD W. COOMBS, R.L.S.,
STATE OF TEXAS No. 5294
DATE: FEBRUARY 9, 2017

PROPERTY ADDRESS: 2701 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS 78704

SURVEY PREPARED BY: RONALD W. COOMBS, R.L.S.,
1800 W. BRIDGES BLVD., SUITE 100, AUSTIN, TEXAS 78758
P.O. BOX 11370, SPRINGFIELD, INC. STATE OF RESTORATION TEXAS
FORT WORTH, TEXAS 76110
FIELD DATE OF SURVEY 1/6/17
LATEST REVISION DATE 2/9/17
LATEST REVISION BY RWC

PARTNER
Engineering and Science, Inc.

30880 HARRISON ROAD
WICKLIFFE, OHIO
T 440-987-1001
jdoavenport@partners.com
http://www.partners.com/

PAGE 1 OF 1

Approximate
Signage
location

Lot B-1

Property Boundary

Lot B-2

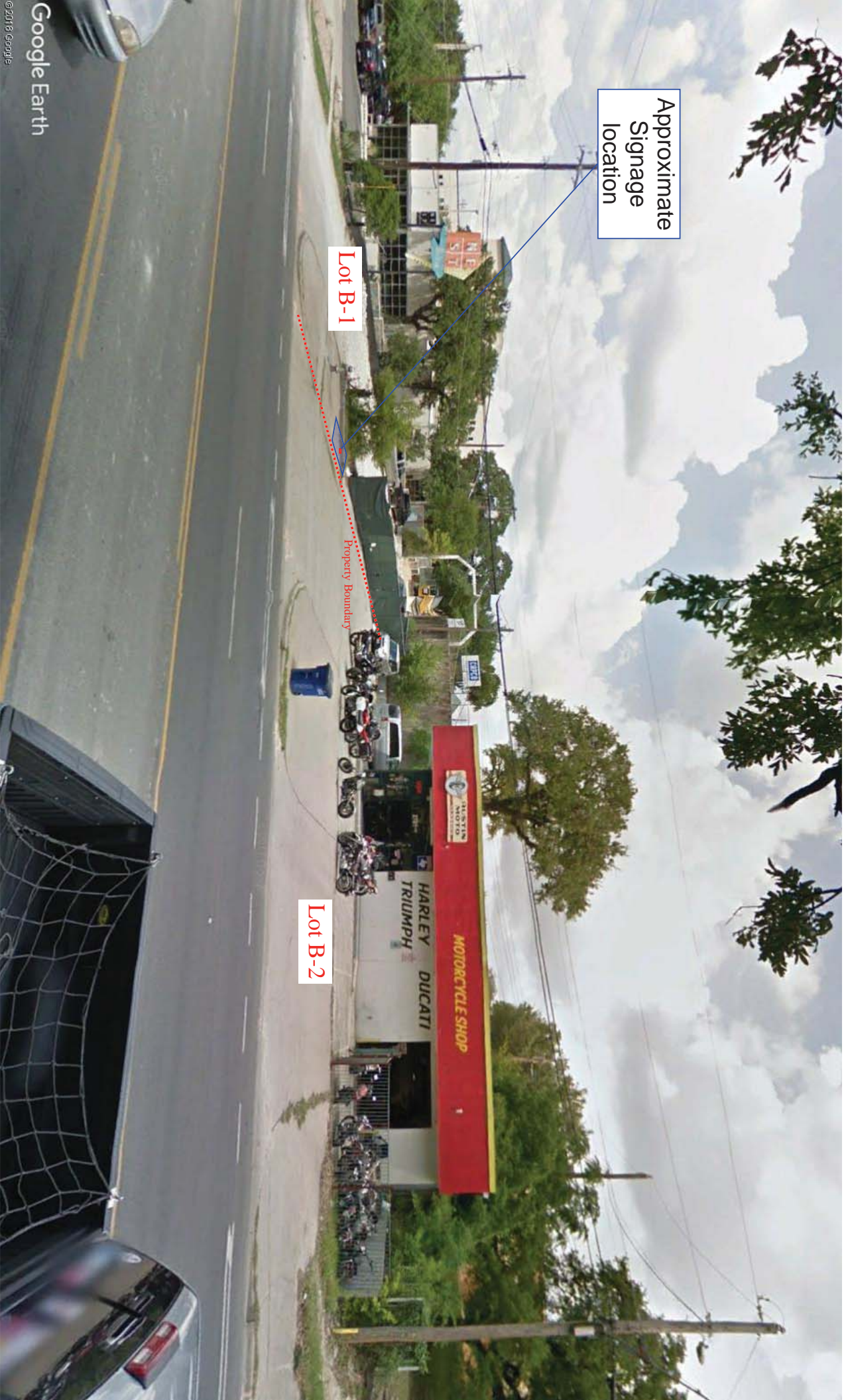


Exhibit B - Detailed Signage Location





I, Daniel Smith, am applying for a variance from the Board of Adjustment regarding Section _____ of the Land

Development Code. The variance would allow me the ability to Install one sign located at 2701 S. Congress based on the allowable frontage of

two tracts consisting of 2701 S. Congress (Cubsmart Storage) & 2701 S. Congress Ave. Unit 1 (Austin Moto Classics).

By signing this form, I understand that I am declaring my support for the variance being requested.

| Property Owner Name (Printed) | Address | Signature |
|----------------------------------|----------------------------|-----------|
| Phalen Esser 5000 Airside LLC | 2707 SOUTH CONGRESS | |
| South Congress Apartments, L.P. | 2703 South Congress Avenue | |
| | | |
| | | |
| | | |
| | | |
| | | |