

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday May 14, 2018

CASE NUMBER: C16-2018-0004

<input type="checkbox"/> -	Brooke Bailey (OUT)
<input checked="" type="checkbox"/> Y	William Burkhardt
<input checked="" type="checkbox"/> Y	Christopher Covo
<input type="checkbox"/> -	Eric Golf (OUT)
<input checked="" type="checkbox"/> Y	Melissa Hawthorne
<input checked="" type="checkbox"/> Y	Bryan King
<input checked="" type="checkbox"/> Y	Don Leighton-Burwell
<input checked="" type="checkbox"/> Y	Rahm McDaniel
<input type="checkbox"/> N	Martha Gonzalez (Alternate)
<input checked="" type="checkbox"/> Y	Veronica Rivera
<input checked="" type="checkbox"/> Y	James Valdez
<input type="checkbox"/> -	Michael Von Ohlen (OUT)
<input checked="" type="checkbox"/> Y	Kelly Blume (Alternate)
<input checked="" type="checkbox"/> Y	Pim Mayo (Alternate)

APPLICANT: Daniel Smith

OWNER: OSF Congress, LP

ADDRESS: 2701 CONGRESS AVE

VARIANCE REQUESTED: The applicant has requested a variance(s) to:

A. Section 25-10-103 (1) (Signs Prohibited in all Sign Districts) to permit a sign on Lot 1 to advertise a business located on Lot 2 (requested); and to

B. Section 25-10-130 (F) (2) (b) (Commercial Sign District Regulations) to increase the allowable square footage for a sign other than a multi-tenant from the lesser of 200 square feet or .7 square feet for each linear foot of street frontage (in this case the one lot that the sign will be placed on has 52.65 feet of frontage) from 36.86 square feet of signage (required/permitted) to 104.5 square feet of signage (requested)

in order to add one new freestanding pole/pylon sign that serves both lots, the two businesses at this address within a "CS-MU-V-NP", General Commercial Services – Mixed Use – Vertical Mixed Use – Neighborhood Plan zoning district (St. Edwards) and within a Commercial Sign District.

Note: the combined frontage for both lots at this address is 150.31 square feet which would permit 105 square feet of signage if the frontages were combined.

BOARD'S DECISION: The public hearing was closed on Board Member Veronica Rivera motion to Postpone to July 9, 2018, Board Member Bryan King second on a 10-1 vote (Board member Martha Gonzalez nay); POSTPONED TO July 9, 2018.

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:

OR,

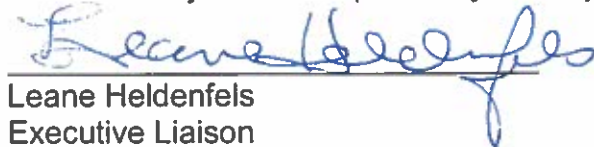
2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because:

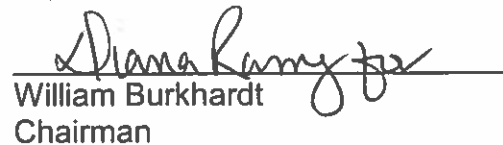
OR,

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

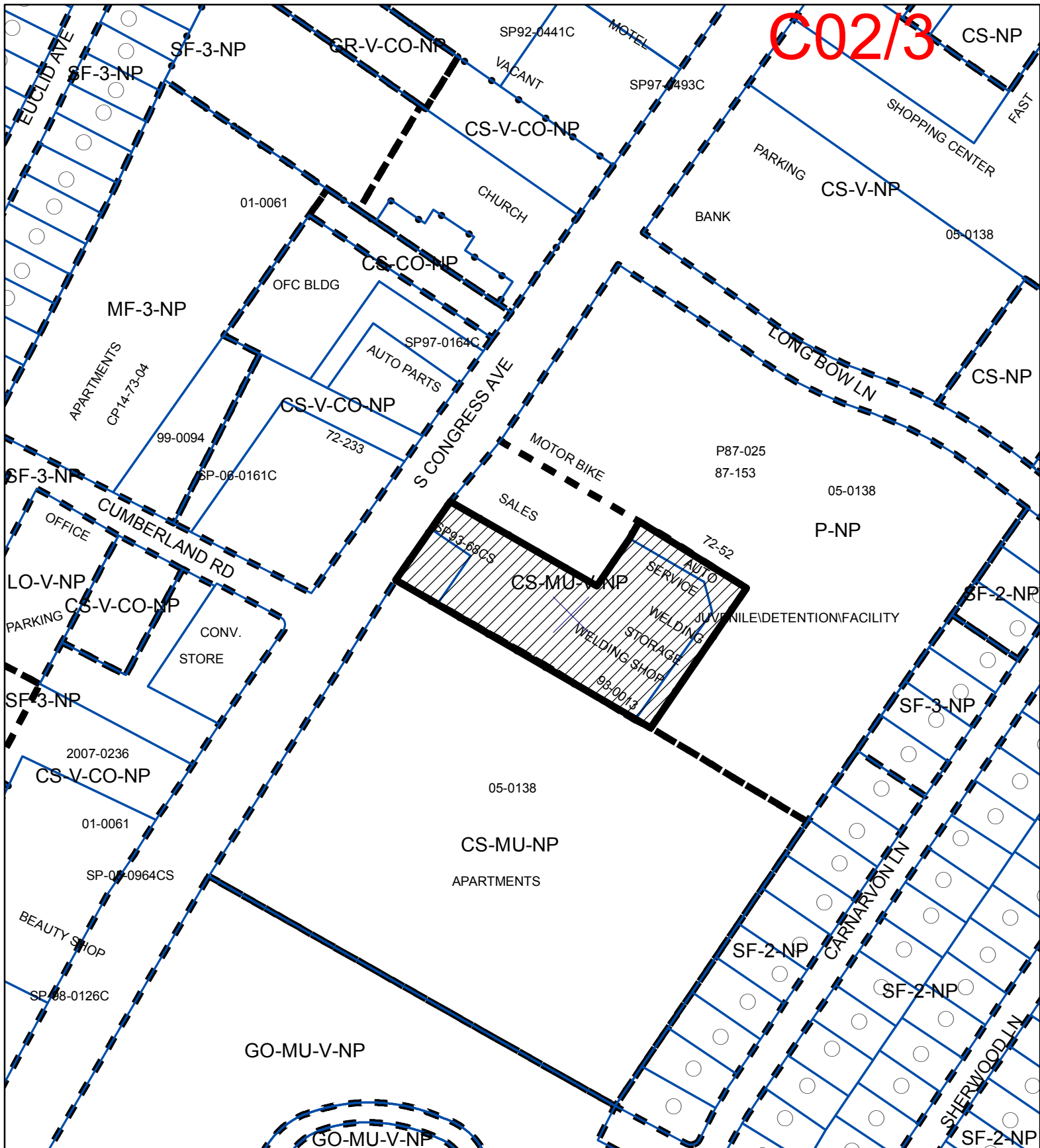
AND,

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


Leane Heldenfels
Executive Liaison


William Burkhardt
Chairman



C02/3



PUBLIC NOTIFICATIONS

XXXXXXXXXXXXXXXXXXXX



-  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 separate 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: _____

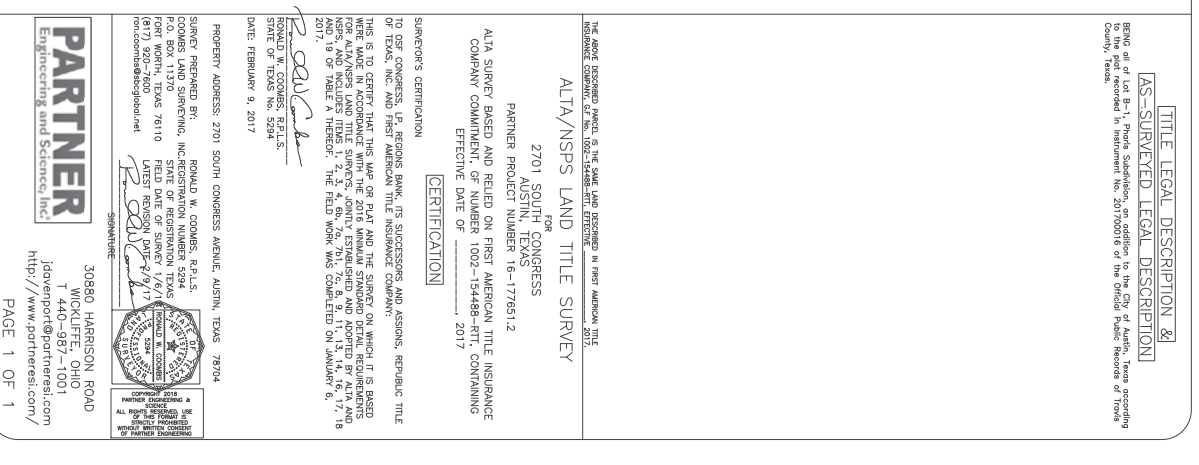
Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

SAVE



Request: Build 1 pole sign to advertise for both Lot 1 & 2

- **History** - We subdivided Lot B-1 and B-2 in January of 2017 via re-plat
- **Size** - The proposed sign would have a face smaller than the allowable "by-right" face if the property was not subdivided last year
- **Hardship** - Lot B-1 has no area to install a new sign due to parking and access constraints



1. PROJECT IS SUBJECT TO SUBCHAPTER E PARTIAL COMPLIANCE PER SUBCHAPTER E, ARTICLE 1, 1.2.3 PARTIAL COMPLIANCE
2. THIS PROJECT IS EXEMPT FROM THE BUILDING PLACEMENT RULES PER SUBCHAPTER E, ARTICLE 2, 2.2.2.D. EXCEPTION: SMALL INTERIOR LOTS.

LEGEND

-  SHADED WALKWAYS
 SUPPLEMENTAL ZONE
 STREET TREE/FURNITURE ZONE
 PRIVATE COMMON OPEN SPACE
 EXISTING POWER POLE
 OVERHEAD UTILITY LINE

SITE LIGHTING

- ALL EXTERIOR LIGHTING WILL BE TIED OUT-OFF AND FLITLY SHIELDED IN COMPLIANCE WITH SUBCHAPTER E 2.5. ALL SITE LIGHTING TO BE LOCATED ON THE BUILDING WILL BE IN COMPLIANCE WITH SUBCHAPTER E 2.5 AND WILL BE REVIEWED DURING BUILDING REVIEW. ANY CHANGE OR SUBSTITUTION OF LAMP/LIGHT FIXTURES SHALL BE SUBMITTED TO THE DIRECTOR FOR APPROVAL. IN ACCORDANCE WITH SECTION 2.5.2.E.



	Lot B-1	Lot B-2	Combined	Combined Frontage Request for 1 sign
Frontage	52.65	97.66	150.31	
Ratio (City of Austin Code)	70%	70%	70%	
Allowable Signage Face Size	36.86	68.36	105.22	104.5

Combined Frontage Request for 1 sign

10

LEGEND

- | | | | |
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DATE & TIME RECEIVED: March 20, 2016
SP-2016-0056C REGISTRATION DATE:

CASE MANAGER: LYNDIA COURTNEY APPLICATION DATE: 08/08/2016
 REVIEWED FOR GENERAL COMPLIANCE ON: _____
 APPROVED BY PLANNING COMMISSION ON: _____
 APPROVED BY CITY COUNCIL ON: _____
 under Section 112. of Chapter 22, § of Austin City Code.

RELAYED FOR: _____ Zoning: C8-MU-V-NP
GENERAL COMPLIANCE: _____

Rev. 2 _____ Correction 2 _____
 Rev. 3 _____ Correction 3 _____

OF ALL DATA, INFORMATION AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY AND ADEQUACY OF THEIR SUBMITTAL.

WHETHER OR NOT THE APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY CITY ENGINEERS.

SP-2018-0058C

**SOUTH CONGRESS SELF STORAGE
2701 SOUTH CONGRESS AVE.
COMMERCIAL DESIGN
GUIDELINES SITE PLAN**

OSF CONGRESS, LP.
6400 N CENTRAL EXPY #900
DALLAS, TEXAS 75206



Consort, Inc.
3600 Bee Cave Road., Suite 100
Westlake Hills, TX 78746 / (512) 469-0500
T.B.P.E. Firm Registration No. F-859

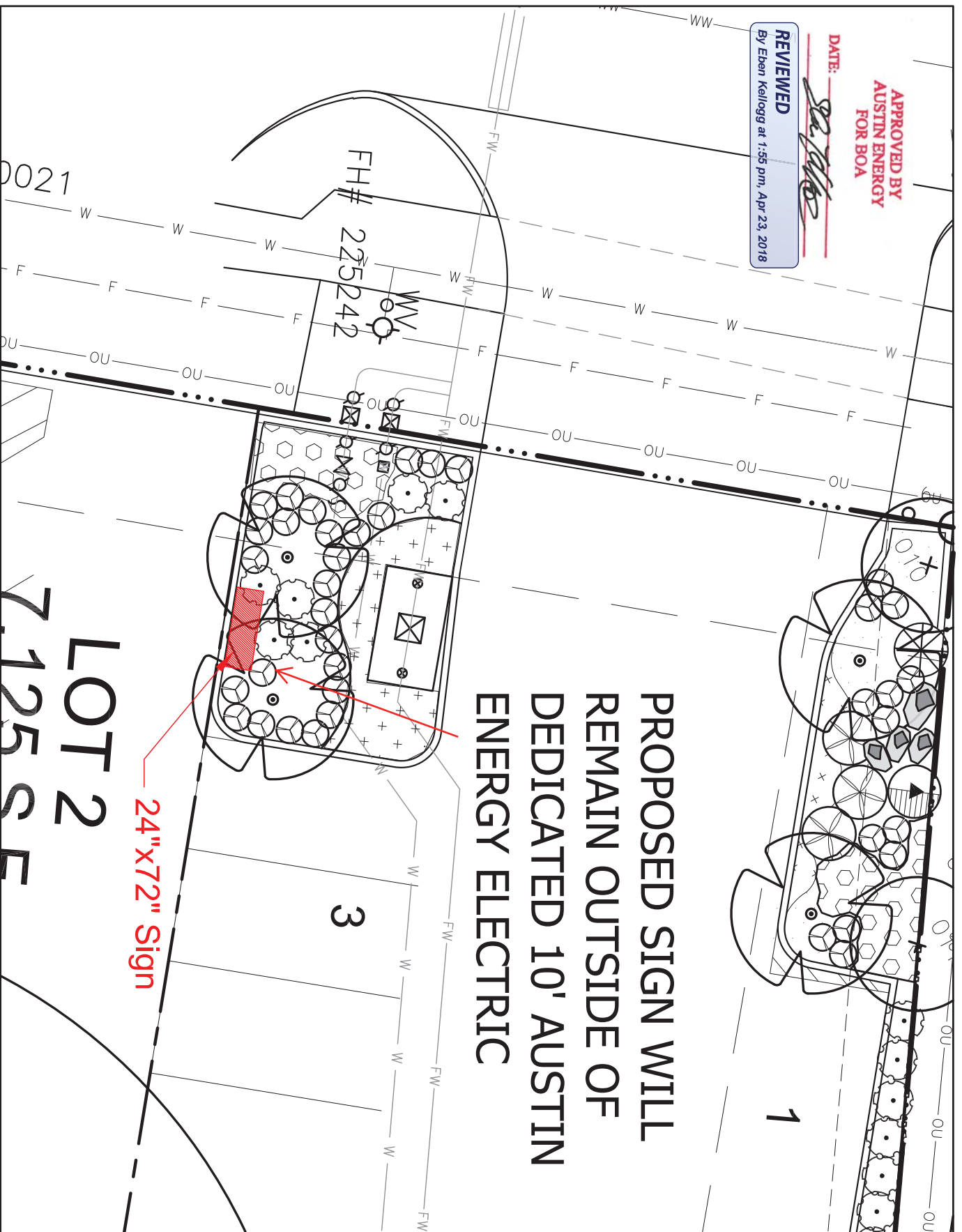


NORTH

SHEET

25

Exhibit B - Detailed Signage Location



SCOPE OF WORK:

Manufacture and install (1) double flex face pylon sign at 23'-6" overall height.

C02/11

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

105 SQ/FT

CUBESMART
self storage

Address _____

2701 S. Congress

City Austin

State TX 78704

Account Representative:

K. Ewell

This design and engineering is submitted as our proposal, and the right to use or exhibit in any form, is not authorized without written permission by Vixxo.

Approvals Signature(s) / Initials

Client _____

Production _____

Designer JW/AM/PC

Design # 159325 R21

Original Date 01/16/17

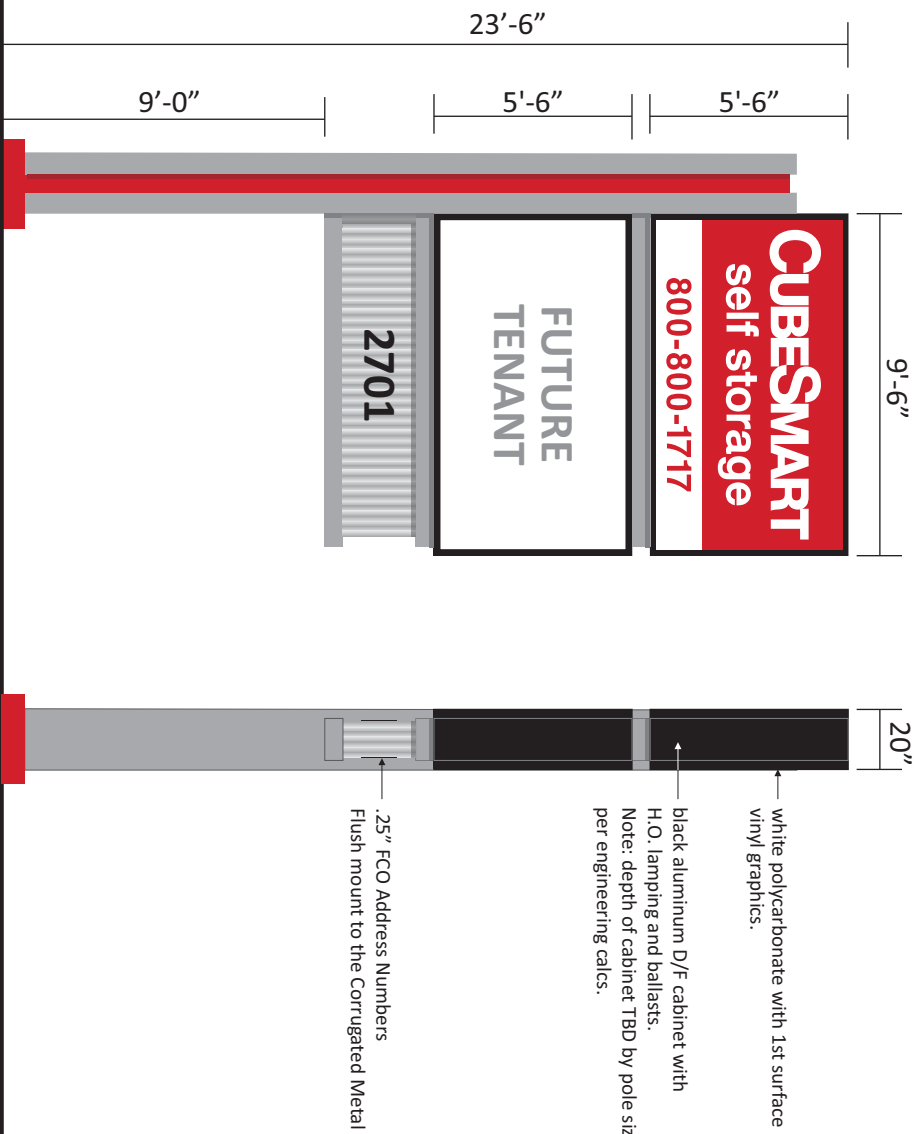
Revision Date 04/30/18

All electrical scope to be completed in a UL approved



4:7

The purchaser agrees to hold the seller harmless against any cause for action for damages which may occur as a result of drilling for piers and foundations, including but not limited to sewer, gas lines or any underground obstacles which the purchaser or others may deem valuable.



	<u>Lot B-1</u>	<u>Lot B-2</u>	<u>Combined</u>	<u>Combined Frontage Request for 1 sign</u>
Frontage	52.65	97.66	150.31	
<u>Ratio (City of Austin Code)</u>	<u>70%</u>	<u>70%</u>	<u>70%</u>	
Allowable Signage Face Size	36.86	68.36	105.22	104.5

GRADE

C02/12

Approximate
Signage
location

Lot B-1

Property Boundary

Lot B-2





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
<i>Falcon Essex 5000 Airside LLC</i>	<i>2707 South Congress</i>	<i>[Signature]</i>
South Congress Apartments, L.P.	2703 South Congress Avenue	<i>[Signature]</i>

C02/14

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov/department/development-services

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C16-2018-0004, 2701 S. Congress Ave.

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, May 14, 2018

Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 512-517-5559

Comments: There is a reason why we have city regulations. If you allow one individual or company a variance others will follow resulting in an unattractive environment. Additionally, such variance would also discriminate against other businesses either reducing client base or creating a distraction also reducing client base and therefore

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received in time for this hearing)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov