

**From:** [REDACTED]  
**To:** [Ramirez, Diana](#)  
**Subject:** Variance Request for 4700 N. Capital of Texas Hwy (Nalle Woods Apartments)  
**Date:** Thursday, August 29, 2019 1:09:25 PM

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**[External email. Caution with links & attachments!]**

Dear Ms. Ramirez,

I am contacting you as an interested party to the Request for a Sign Variance filed by Nalle Woods Apartments ("All Woods") that is scheduled for a hearing on September 9th, 2019.

I am the president of the BRNA Association and received a letter from the Nalle Woods attorney regarding the particulars of their variance and asking for our support.

We feel the request for a variance is premature. TxDOT has not finalized construction details for 360 improvements that will impact the property's frontage along 360. Meaning, shovel to the ground details. So how can Nalle Woods ask for a variance without a clear understanding of what will be constructed in front of the property or when? It is our understanding construction won't begin for at least two years from now. The TxDOT design as we know it will create a frontage road and overpass in this area and the need for the increase in size of its signage may be mute or unnecessary. Additionally, it is unknown what signage will be placed by TxDOT which might block Nalle Woods signage.

It is our understanding that the TxDot lease to Nalle Woods for their current sign is due to expire soon and this is the driving force for the variance. We have contacted the lead TxDot person overseeing the improvements to 360 and advised him of this situation and have asked that he contact Nalle Woods. As I stated to the Attorney, we are trying to be good neighbors and want them to make good informed decisions.

My suggestion is that the hearing be postponed until Nalle Woods has had the opportunity to engage with TxDOT.

Below is a link to the TxDot website on 360 improvements.

<https://www.loop360project.com/westlakedr.htm>

Thank you,  
Sincerely,  
Lyra Bemis  
512-970-4504 cell

**CAUTION:** This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [CSIRT@austintexas.gov](mailto:CSIRT@austintexas.gov).



SPROUSE SHRADER SMITH PLLC  
ATTORNEYS AT LAW

Courtney Mogonye-McWhorter, Attorney  
[REDACTED]  
Direct (512) 615-6652

August 21, 2019

Neighbors of Nalle Woods Apartments

Re: Sign Variance Request for Nalle Woods Apartments – 4700 N Capital of Texas Hwy

Dear Neighbor,

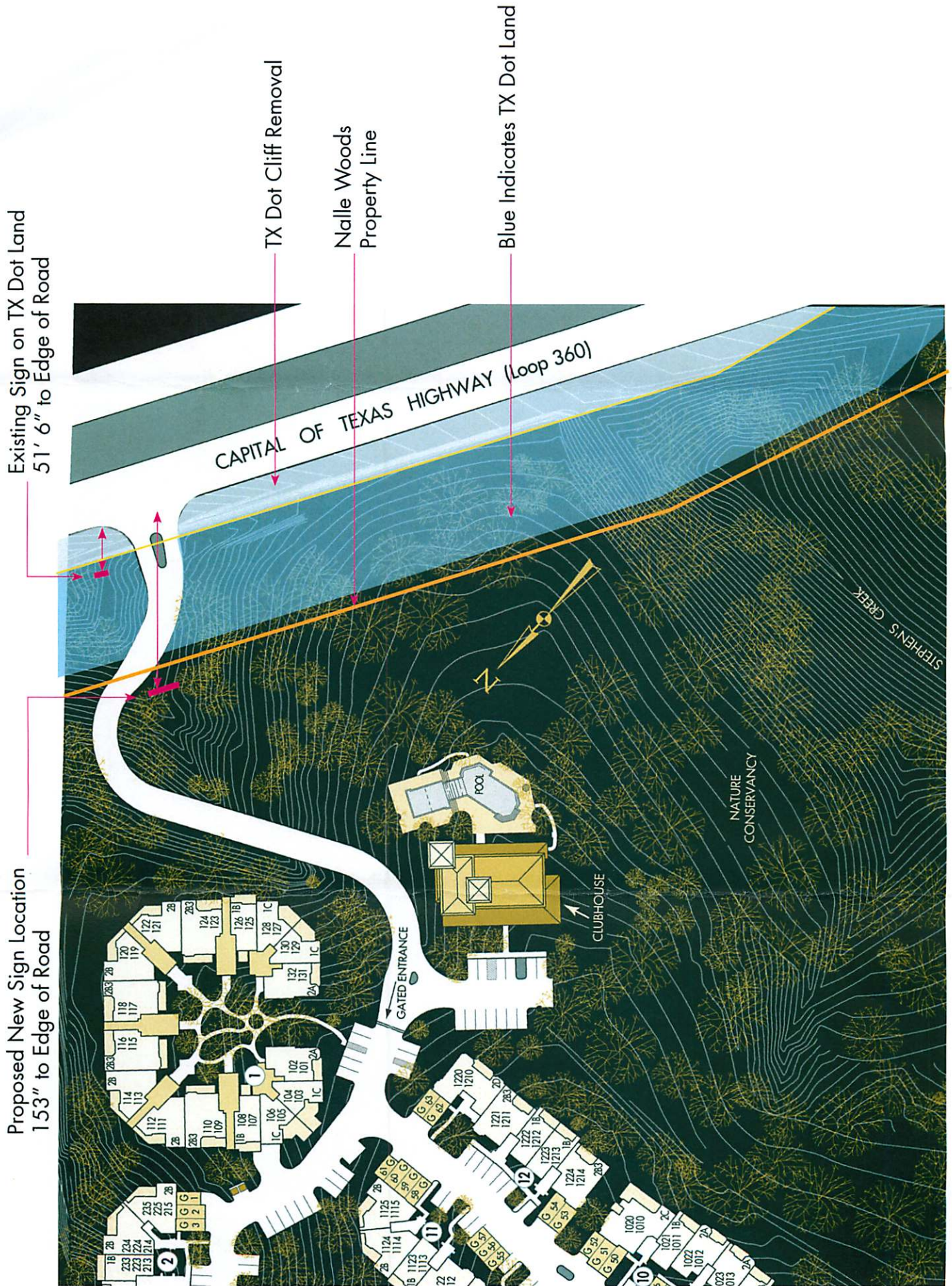
The undersigned firm represents the owner of Nalle Woods Apartments in seeking a variance from the City of Austin sign ordinance, and we would appreciate your support in this matter.

Nalle Woods Apartments sits back from Capital of Texas Highway/Loop 360 approximately 150'. Texas Department of Transportation owns, as right of way, that portion of property between the current edge of the pavement and the Nalle Woods property. The entrance to Nalle Woods Apartments is hidden by large rock cliffs and wooded areas, and the community has difficulty in identifying itself. The location of the current sign is being leased from the TXDOT due to the limited visibility of the community from Loop 360. As of August, the property lease with TXDOT has been terminated and the existing signage must be removed so that TXDOT may begin a two-year road expansion project.

With the termination of the TXDOT lease, the apartment community must relocate the monument sign onto its property. Given the distance from the right of way, the topography, and the construction that will begin shortly, the existing sign will not be visible from Loop 360 once it is permanently placed on the apartment community's property. This not only creates financial hardships to the community, it also raises safety concerns when emergency responders or guests cannot properly locate the entrance to the community.

As such, we are seeking a variance from the sign ordinance to allow for a sign with 36" letters to be placed on the community's property 153' back from Loop 360. This results in an increase to the overall allowed square footage by approximately 100 square feet. Additionally, the sign will be slightly taller than 12' above grade on one side to account for the severe slope. An image of the proposed sign is enclosed herein. The 36" letter height is based on a standard visibility chart calculation when traveling at approximately 60 mph on Loop 360 at more than a 500' distance from both sides of traffic. The community also intends to enhance the new sign area with native landscape and foliage so that it blends with its natural surroundings.

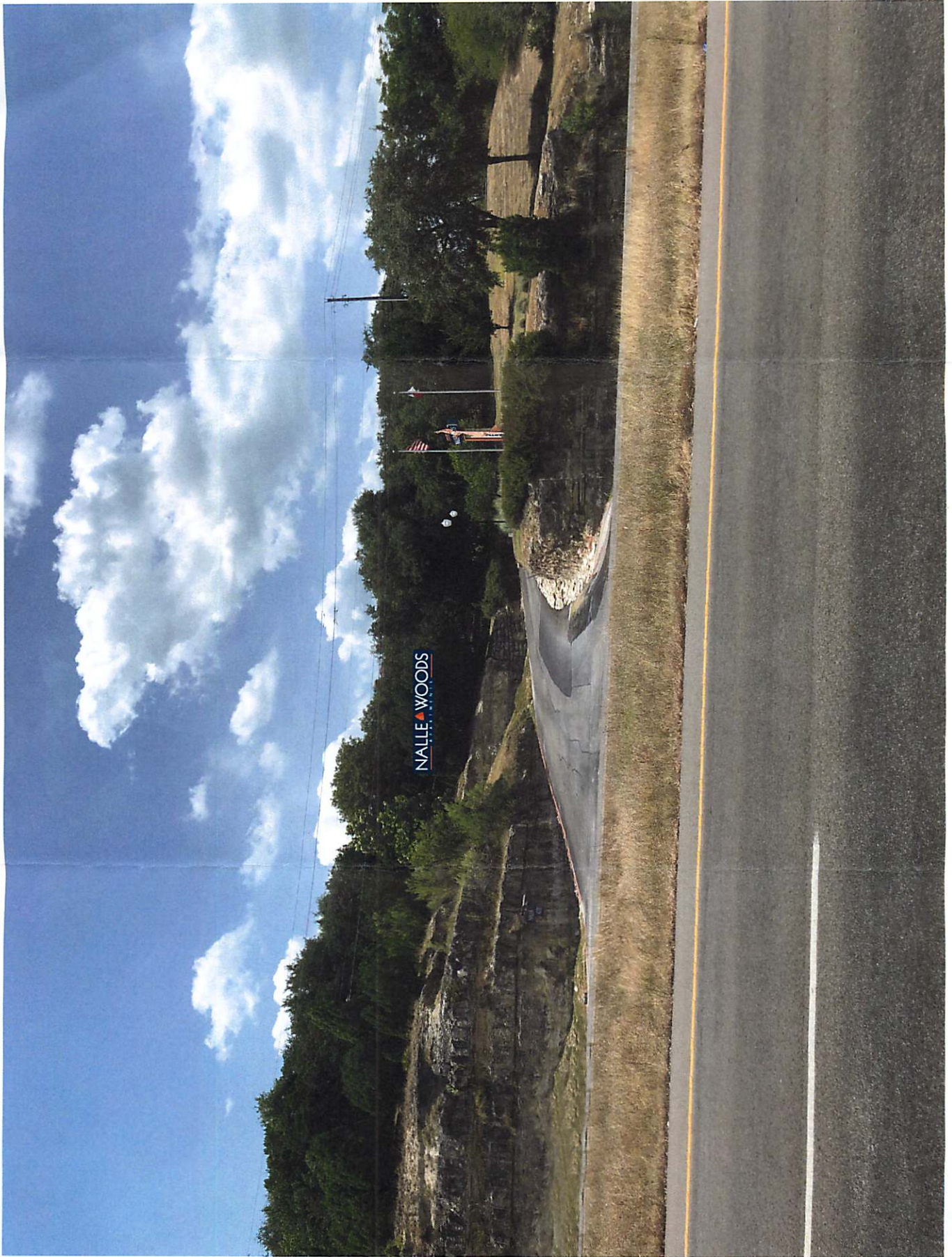






Late back up

C-1/52



August 21, 2019

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If you have no objection to the variance described above, please consider signing the form enclosed herein and send your response back to the undersigned's office with the self-addressed envelope as soon as possible. If you would prefer to send your response directly to the Board of Adjustments, the contact person is Diana Ramirez, [diana.ramirez@austintexas.gov](mailto:diana.ramirez@austintexas.gov). Lastly, if you have any questions or objections, please do not hesitate to contact me at [REDACTED] or 512-615-6652.

Sincerely,



Courtney Mogonye-McWhorter

Enclosures as stated.

cc: Mr. Terry Irion

Late back up

C-1/54

The undersigned has been informed of the variance requested for 4700 N Capital of Texas Hwy, Austin, Texas 78746 (Nalle Woods Apartments), and has NO objection with the owners of Nalle Woods Apartments, Morningside Des Plaines LLC & Morningside 770 LLC, request for sign variance.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_



# Late back up

# C-1/55

*Christie B. Nalle*  
4615 Bunny Run  
Austin, Texas 78746  
(512) 327-2666

September 5, 2019

CASE NUMBER: C16-2019-0002

Ms. Elaine Ramirez  
Development Services Department  
[Elaine.ramirez@austintexas.gov](mailto:Elaine.ramirez@austintexas.gov)

Dear Ms. Ramirez:

I am in receipt of a letter from your department regarding the request for a variance from the Land Development Code for Nalle Woods Apartments, located at 4700 N. Capital of Texas Highway.

I am opposed to the new sign. My husband and I sold that property to Mr. Larry Peel around 2003 in order for him to build an apartment complex that was in keeping with the environmental values that both the Nalle family and Hill Country Conservancy treasure.

Thinking we were being honored by his gesture, Mr. Peel named the complex after our family in advance of discussing this with us. Larry is a very nice man and at that time, we were not going to object to his kind gesture.

My objection is that the size of the sign and the internally lit letters will glow like a beacon and will probably be seen from the mountain across the river. I believe the sign is too big and will be too brightly lit at night. The Hill Country Roadways maps shows this site to be the lowest intensity and this proposed sign seems not to be keeping with low intensity.

My other objection is more personal. The fact that this project bears our name has been a bit of an irritant for my family. We get calls, complaints and one time we were sued by a contractor on the project who thought we owned it. If Morningside Des Plaines would rename their complex and remove the word "Nalle" from the name, then my objections won't be quite so intense.

Thank you,



Christie B Nalle

Cc: Courtney Mogonye-McWhorter  
Terry Irion

# Late back Cup/56

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: C16-2019-0002**

**Contact: Elaine Ramirez, 512-974-2202**

**Public Hearing: Sign Review Board,**

LYRA Bemis

Your Name (please print)

☐ I am in favor  
☒ I object

4508 Agua Verde Dr, Austin TX 78746

Your address(es) affected by this application

Signature

Date

Daytime Telephone:

512-970-4504

Comments:

Attached

**If you use this form to comment, it may be returned to:**

City of Austin-Development Services Department/ 1st Floor

Elaine Ramirez

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)



September 5, 2019

**VIA EMAIL: [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)**

City of Austin Board of Adjustment, Sign Review Board

Elaine Ramirez, Planner Senior

**Re: Case No. C16-2019-0002; Nalle Woods; 4700 Capital of Texas Hwy.**

Dear Board Members:

Applicant was fully aware that its lease would end on August 6, 2019 and not be renewed as early as February 6, 2019.

On or about August 25, we received a letter dated August 21, 2019, from Applicant's attorney asking for support for its sign variance.

Having received Applicant's letter and after a telephone conversation with Applicant's attorney on the matter, we do still feel that **the size and design of the sign is not appropriate, obtrusive and will set a precedent for signs up and down 360 which is not only a scenic roadway but is also in the Hill Country Roadway Corridor.**

After improvements are made to Loop 360 by TxDOT, Applicant's property will lie on a frontage road for Loop 360. Applicant stated in its letter to us that its variance for the size of sign is based on:

1. a "standard visibility study" for vehicles traveling 60mph.
2. it's sign will not be visible from Loop 360.
3. new location of sign will cause financial hardship to the community
4. new location of sign will raise safety concerns for emergency responders and guests.

It is our position that the requested size increase is tantamount to a "billboard" advertisement and not essential to emergency responders or guest to locate the property. After TxDOT improvements, the road frontage of Applicant's property will lie on the new Loop 360 exit frontage road, where vehicles will not be traveling in excess of 60 mph. Applicant's drawing indicates the new sign will be 153 inches (12.75 feet) from the edge of the new road.

Since this is a residential multi-family development, we do not believe there will be undue financial hardship to its residents (community) if the sign variance is not granted. Nor will it raise safety concerns for emergency responders since this property has been in existence for more than 10 years and is well known in the area.

The proposed 36" lighted lettering will only serve to distract drivers and is unwarranted.

The height and size of the requested sign will grossly obtrude into the scenic beauty of Loop 360 Hill Country Corridor and Scenic roadway this is Loop 360, and even more so because it lies within the line-of-sight of the Pennybacker bridge Camelback Mountain and Lake Austin.

Applicant has not sufficiently demonstrated practical difficulties to warrant the variance request to exceed current restrictions, nor has it demonstrated unique existing circumstances which make compliance with the requirements of the Land Code impractical.

We have attached photographs of signage going south on Loop 360 within ½ a mile of Applicant's property which demonstrates appropriate sign design. The San Clemente's sign sits approximately 100 foot from the edge of Loop 360 roadway. The sign for the "3500 Westlake Apartments", whose entrance is off Loop 360 is less than a mile from Nalle Woods and sits above a steep embankment from Loop 360. The numeric lettering on the apartment sign is only 24" tall and perfectly visible.

We do understand the urgency under which Applicant must relocate it's sign. However, we believe what is being asked for is inappropriate and over anticipates need in size and design.

Thank you for your consideration.

Sincerely,  
Lyra Bemis

Attached:  
August 21, 2019 Letter – Sprouse Shrader Smith PLLC



## § 25-10-22 - AUTHORIZATION TO EXCEED SIZE OR HEIGHT RESTRICTION.

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS](#)

(A)

The building official may authorize installation of a **sign** that exceeds the applicable size or height restriction by up to 20 percent of the maximum size or height prescribed by this chapter after determining that:

(1)

the **sign** owner or user has demonstrated the existence of practical difficulties in complying with this chapter;

(2)

a unique circumstance exists that makes compliance with the requirements of this chapter impractical;

## § 25-10-191 - SIGN SETBACK REQUIREMENTS.

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS](#)

(A)

A sign installed in compliance with this section is not required to comply with building setback requirements established elsewhere in this title.

(B)

A sign support 12 inches or less in diameter is not required to be set back from a street right-of-way.

(C)

A sign support more than 12 inches and not more than 24 inches in diameter must be set back at least three feet from a street right-of-way.

(D)

A sign support more than 24 inches and not more than 36 inches in diameter must be set back at least five feet from the street right-of-way.

(E)

A sign support more than 36 inches in diameter must be set back at least 12 feet from the street right-of-way.

What is the standard size for a billboard?

**US Billboard Sizes**

In the US the **standard** sheet **size** for **billboards** is 27 x 40 inches (2'3" x 3'4").