

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**C-2**

**DATE:** August 9, 2021

**CASE NUMBER:** C16-2021-0003

\_\_\_\_\_ Thomas Ates  
\_\_\_\_\_ Brooke Bailey  
\_\_\_\_\_ Jessica Cohen  
\_\_\_\_\_ Melissa Hawthorne (ABSTAINING)  
\_\_\_\_\_ Barbara McArthur  
\_\_\_\_\_ Rahm McDaniel  
\_\_\_\_\_ Darryl Pruett (no show)  
\_\_\_\_\_ Agustina Rodriguez  
\_\_\_\_\_ Richard Smith  
\_\_\_\_\_ Michael Von Ohlen (out)  
\_\_\_\_\_ Nicholl Wade  
\_\_\_\_\_ Kelly Blume (Alternate)  
\_\_\_\_\_ Carrie Waller (Alternate)  
\_\_\_\_\_ Vacant (Alternate)

**APPLICANT:** Michael Gaudini

**OWNER:** Timothy Finley

**ADDRESS:** 2552 GUADALUPE ST

**VARIANCE REQUESTED:** The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*), requesting a total of 12 signs on the property:

(F) to allow three (3) wall signs above the second floor, one on each the northern, southern and eastern sides.

(G) (1) one projecting sign for each building façade (allowed) to two (2) projecting signs (requested) on the eastern side

(H) to allow for all twelve (12) signs, nine (9) on the northern, one (1) on the southern, one (1) on the eastern and one (1) on the western sides, to all be illuminated in order to provide signage for the Moxy Hotel in a “CS-CO-NP”, General Commercial Services- Conditional Overlay Combining District– Neighborhood Plan zoning district. (West University Neighborhood Plan)

**Note:** *The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (F) No signs may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building. (G) A wall sign is permitted if the sign complies with this subsection. (1) One projecting sign*

*for each building façade is permitted (H) A sign may not be illuminated or contain electronic images or moving parts.*

**BOARD'S DECISION: Jan 11, 2021 POSTPONED TO FEBRUARY 8, 2021 (Board member Melissa Hawthorne abstaining); Feb 8, 2021 POSTPONED TO MARCH 8, 2021; March 8, 2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Veronica Rivera motions to Postpone to April 12, 2021; Board Member Rahm McDaniel seconds on a 9-0 vote (Board member Melissa Hawthorne abstained); POSTPONED TO APRIL 12, 2021. (RENOTICE)**

**VARIANCE REQUESTED:** RENOTICE The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-133 (University Neighborhood Overlay Zoning District Signs), requesting a total of 12 signs on the property:

- a) (F) to allow three (3) wall signs above the second floor, one on each the northern, southern and eastern sides.
- b) (G) (1) one projecting sign for each building façade (allowed) to two (2) projecting signs (requested) on the eastern side
- c) (H) to allow for all twelve (12) signs, nine (9) on the northern, one (1) on the southern, one (1) on the eastern and one (1) on the western sides, to all be illuminated in order to provide signage for the Moxy Hotel in a "CS-CO-NP", General Commercial Services-Conditional Overlay Combining District– Neighborhood Plan zoning district. (West University Neighborhood Plan)

*Note: The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (F) No signs may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building.(G) A wall sign is permitted if the sign complies with this subsection. (1) One projecting sign for each building façade is permitted (H) A sign may not be illuminated or contain electronic images or moving parts.*

**BOARD'S DECISION APRIL 12, 2021 cancelled; May 10, 2021; May 10, 2021 POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES; JUNE 14, 2021; June 14, 2021 POSTPONED TO AUGUST 9, 2021; August 9, 2021 POSTPONED TO October 11, 2021 BY APPLICANT**

**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:

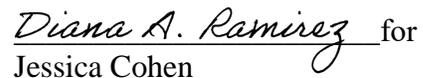
OR,

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:

  
Elaine Ramirez  
Executive Liaison

 for  
Jessica Cohen  
Chairman