

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**C-1**

**DATE: June 13, 2022**

**CASE NUMBER: C16-2022-0004**

\_\_\_\_\_ Thomas Ates  
\_\_\_\_\_ Brooke Bailey  
\_\_\_\_\_ Jessica Cohen  
\_\_\_\_\_ Melissa Hawthorne OUT  
\_\_\_\_\_ Barbara Mcarthur  
\_\_\_\_\_ Darryl Pruett  
\_\_\_\_\_ Agustina Rodriguez  
\_\_\_\_\_ Richard Smith  
\_\_\_\_\_ Michael Von Ohlen  
\_\_\_\_\_ Nicholl Wade  
\_\_\_\_\_ Kelly Blume (Alternate)  
\_\_\_\_\_ Carrie Waller (Alternate)  
\_\_\_\_\_ Marcel Gutierrez-Garza (Alternate)

**OWNER/APPLICANT: Apple Tree Holdings LLC-Tony Nguyen**

**ADDRESS: 4507 IH 35 SVRD NB**

**VARIANCE REQUESTED:** The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-123 (*Expressway Corridor Sign District Regulations*):

a) (B) (2) (b) (i) to exceed sign area of 107 square feet (maximum allowed) to 200 square feet (requested)  
and

b) (B) (3) (a) to exceed sign height of 35 feet (maximum allowed) to 50 feet (requested) in order to provide signage for a multi-tenant professional office in a “LO-NP”, Limited Office-Neighborhood Plan zoning district. (Upper Boggy Creek Neighborhood Plan)

**Note:** *The Land Development Code sign regulations 25-10-123 Expressway Corridor Sign Regulations*

*(B) This subsection prescribes regulations for freestanding signs. (1) One freestanding sign is permitted on a lot. Additional freestanding signs may be permitted under **Section 25-10-131** (Additional Freestanding Signs Permitted). (2) The sign area may not exceed: (a) on a lot with not more than 86 linear feet of street frontage, 60 square feet; or (b) on a lot width more than 86 linear feet of street frontage, the lesser of: (i) 0.7 square feet for each linear foot of street frontage; or (ii) 300 square feet.*

*(B) This subsection prescribes regulations for freestanding signs. (3) The sign height may not exceed the greater of: (a) 35 feet above frontage street pavement grade; or (b) 20 feet above grade at the base of the sign.*

**BOARD'S DECISION: BOA MEETING JUNE 13, 2022 POSTPONED TO JULY 11, 2022  
(AE DENIAL)**

**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:

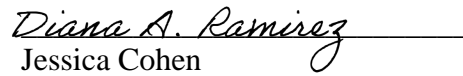
OR,

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

  
Jessica Cohen  
Madam Chair