

## 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: 4507 N Interstate 35, Austin, TX, 78722

Subdivision Legal Description:

Lot 1 Terry Ross Addition

Lot(s): 1 Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Sign District: Expressway Corridor

I/We Tony Nguyen on behalf of myself/ourselves as

authorized agent for Apple Tree Holdings, LLC affirm that on

Month April, Day 29, Year 2022, 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: Electronic Messaging Center/Pylon Sign

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

LDC § 25-10-123 (Expressway Corridor Sign Districts) (B)(2)(a)(i) to exceed sign area from 107 sq. ft (max allowed) to 200 sq. ft (requested) and LDC § 25-10-123 (B)(3)(a) from 35 ft to 50 ft (requested). Petitioner seeks both a size and height variance for a remodel of the site's existing cabinet sign in order to provide signage for a multi-tenant professional office in a "LO-NP".

## 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 current sign on 4507 is blocked from view by large trees, many of which are over 35 feet high. Most of these trees are on city property or on a neighboring property; therefore, petitioner has no control over those trees. There are also trees on 4507 that petitioner would like to preserve. Utility poles and the close proximity to the I-35 split also impair current sign visibility.

—OR—

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

Rather than an adverse impact, the granting of this variance would have a positive impact on the neighboring properties. The 4507 property was abandoned for many years, and the most proximate neighbor, which is Copernicus Academy, is supportive of efforts to remodel and improve 4507 due to the reduction in crime. Please see attachments for further details.

—OR—

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

The remodel of the existing sign is consistent with the character of the expressway corridor sign district. Many professional offices, restaurants, and automobile dealerships along I-35 use signs that are very similar to the proposed remodel.

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:

The nearest business to petitioner is 4701 N IH35, which is a pet hospital. Petitioner would not enjoy a special privilege since 4701 is not similarly situated, as it is further north of the split and vehicles have a clear line of sight to that property. 4701 is also clear of trees. Also, the In-N-Out Burger at 4515 Airport Blvd is directly across I-35 and has a larger and taller sign than 4507. Finally, the 4507 office has multiple tenants (2) with the intention of adding 2 more.

**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: 04/29/2022

Applicant Name (typed or printed): Tony Nguyen

Applicant Mailing Address: 4507 N Interstate 35

City: Austin State: TX Zip: 78722

Phone (will be public information): (512) 833-0111

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.

Owner Signature:  Date: 04/29/2022

Owner Name (typed or printed): Tony Nguyen

Owner Mailing Address: 4507 N Interstate 35

City: Austin State: TX Zip: 78722

Phone (will be public information): (512) 833-0111

Email (optional – will be public information): 

**Section 5: Agent Information**

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

Agent Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

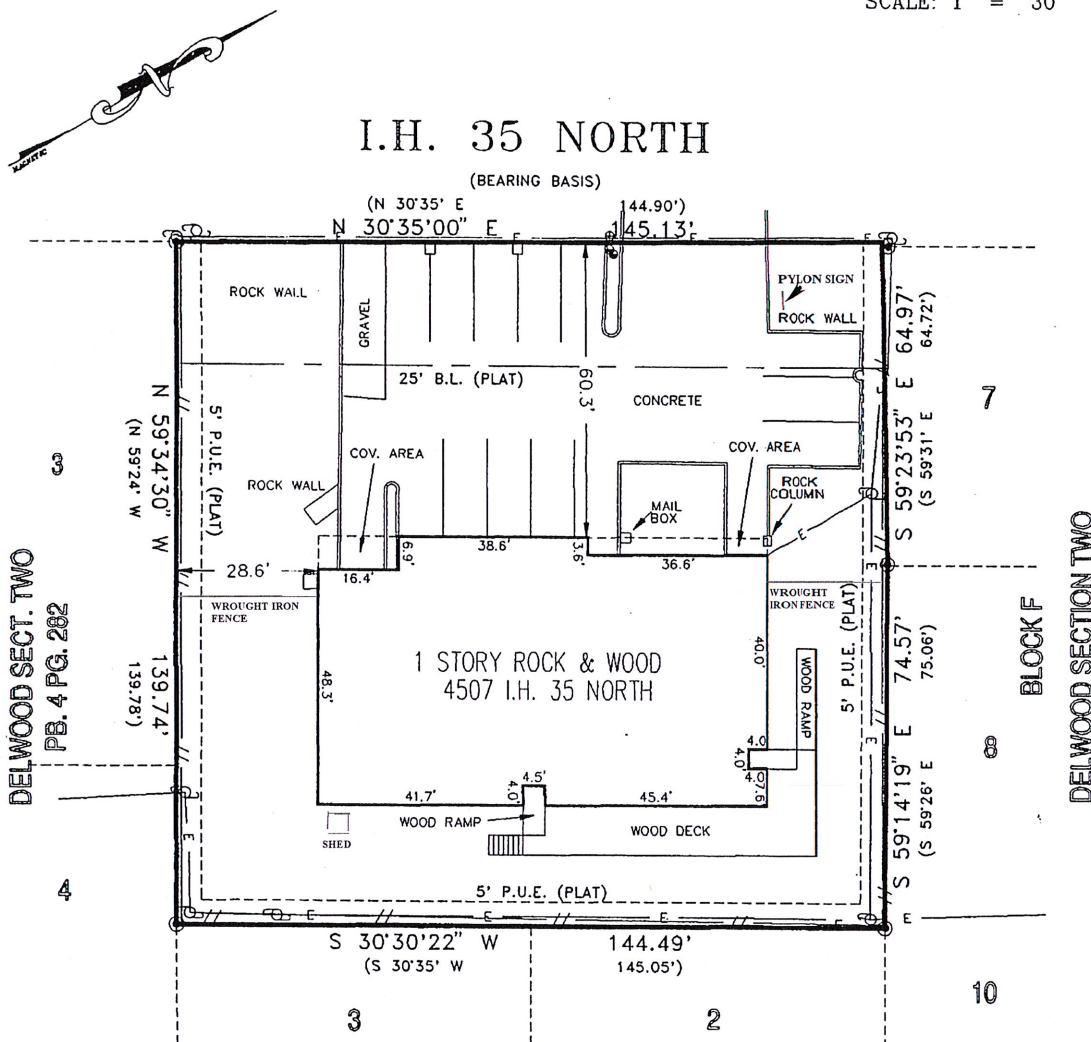
Email (optional – will be public information): \_\_\_\_\_

# Site Plan Using Existing Survey

C-2/4

Plat of survey of property at 4507 I. H. 35  
described as Lot 1, Block 1, of ROSS TERRY ADDITION  
Volume/Book/Cabinet 80 at Page(s)/Slide(s) 135 a subdivision of record in Map or Plat  
County, Texas Plat Records. G.F. # 13990826--070--EMY of the Travis  
Ref: Texas Computer Education Association Dated: Dec. 14, 1999

SCALE: 1" = 30'

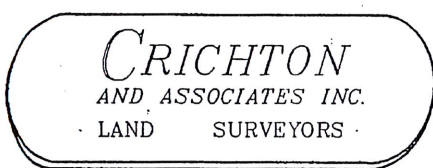


To: First American Title Insurance Company of Texas

The undersigned does hereby certify that the plat shown represents the results of a survey on the ground under my supervision and is true and correct and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements, except as shown and the property has access to and from a dedicated roadway.

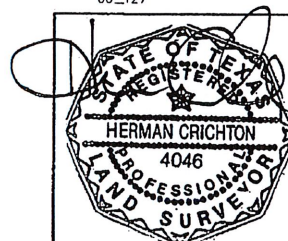
The property shown hereon is located in Zone "X" area outside the 500 year flood plain

as shown on Community Panel Number 480624 0165 E  
of the FLOOD INSURANCE RATE MAP prepared for City of Austin, Texas  
by the Federal Insurance Administration Department, H.U.D.  
Effective Date: June 16, 1993



107 N. LAMPASAS STREET  
ROUND ROCK, TEXAS 78664  
(512) 244-3395  
FAX (512) 244-9508

- LEGEND**
- REBAR FOUND
  - REBAR SET
  - CONC. MONUMENT FOUND
  - WATER METER
  - △ POWER POLE
  - △ GUY WIRE
  - ✕ FIRE HYDRANT
  - ✕ SANITARY SEWER MANHOLE
  - ☆ LIGHT POLE
  - CHAIN LINK FNC.
  - ELEC. MANHOLE
  - UTILITY PEDESTAL
  - SEWER CLEAN-OUT
  - WOOD FNC.
  - ( ) INDICATES RECORD INFO



DATE: Feb. 3, 2000

*Alice E. Miller*