

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
Item-3

DATE: December 12, 2022

CASE NUMBER: C16-2022-0004

____ Thomas Ates
____ Brooke Bailey
____ Jessica Cohen
____ Melissa Hawthorne
____ 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); JULY 11, 2022 POSTPONED TO AUGUST 8, 2022 BY BOARD (AE DENIAL); Aug 8, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board member Brooke Bailey motions to postpone to October 10, 2022; Board member Melissa Hawthorne second on 9-0 vote; POSTPONED TO OCTOBER 10, 2022. Oct 10, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to postpone to December 12, 2022; Board member Brooke Bailey second on 9-0 vote; POSTPONED TO DECEMBER 12, 2022. Dec 12, 2022 WITHDRAWN BY APPLICANT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:

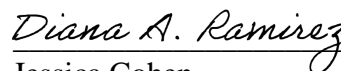
OR,

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
Madam Chair