

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**ITEM07**

**DATE: July 10, 2023**

**CASE NUMBER: C16-2023-0002**

Y  Thomas Ates  
 Y  Jessica Cohen  
 A  Melissa Hawthorne (**ABSTAINED**)  
 Y  Brian Poteet  
 Y  Marcel Gutierrez-Garza  
 Y  Margaret Shahrestani  
 Y  Richard Smith  
 Y  Janel Venzant  
 Y  Michael Von Ohlen  
 -  Nicholl Wade  
 -  Kelly Blume (Alternate)  
 -  Carrie Waller (Alternate)  
 Y  Suzanne Valentine (Alternate)

**APPLICANT: Michael J Whellan**

**OWNER: St. David's Healthcare Partnership, L.P. L.L.P**

**ADDRESS: 901 BEN WHITE BLVD SVRD EB**

**VARIANCE REQUESTED:** The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-123 (*Expressway Corridor Sign District Regulations*) (B) (3) (b), to exceed sign height of 20 feet (maximum allowed) above grade at the base of the sign to 35 feet (requested) above grade at the base of the sign in order to remodel illuminated Freestanding Wayfinding Pylon Sign – Emergency Services in a “PUD-NP”, Planned Unit Development-Neighborhood Plan zoning district. (South Manchaca Neighborhood Plan)

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

*(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 JULY 10, 2023 The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve; Chair Jessica Cohen seconds on -9-0-1 votes (Board member Melissa Hawthorne abstains); GRANTED.**

**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: topography changes from a 20 ft retaining wall create a hardship for compliance with Section 25-10-123(B)(3)(a), as it significantly reduces max sign height in comparison to signs aligned with the street frontage grade, the existing sign also partially obstructed by dense tree cover and is further impacted by road curvature, cars approach at very high rates of speed, exacerbating the impact of visual obstruction and lack of visibility.

OR,

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

OR,

3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because: Section 25-10-1 (A)(4) seeks to protect the safety and efficiency of the City transportation system by reducing confusion and distractions to pedestrians and motorists, improving the visibility of the emergency room wayfinding sign reduces confusion and helps motorists navigate to the emergency room more quickly and efficiently.

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: other sites are not faced with the same significant and abrupt changes in topography.



Elaine Ramirez  
Executive Liaison



Jessica Cohen  
Chair