

2009-078298 TR
2009 Arpor + Blvd.

REQUEST FOR REVOCATION OF SIGN REGISTRATION AS PER § 25-10-236

The Code Compliance Department of the City of Austin respectfully requests and recommends that the Sign Review Board take the following action:

- Revoke off-premise sign registration 2008 078298 TR issued to National Media Corporation, Curtis Ford, President and Director, for the sign at the location 8600 W US 290 Hwy;

for the following reasons:

- The sign registrant, National Media Corporation, Curtis Ford, President and Director, has violated applicable provisions of Austin City Code relating to registration and alteration of this sign.

The violations include:

- (1) Fraud or deceit in registering the sign (Violation of 25-10-236(A)(1));
- (2) Intentionally making a false or misleading material statement on the application for a sign installation permit or in providing facts to support the building official's determination that a particular sign is a nonconforming sign (Violation of 25-10-236(A)(4));
- (3) Installing, moving, or structurally altering or repairing a sign in violation of the City's sign regulations (Violation of 25-10-236(5));

Based on my receipt, review, and analysis of documentation and information presented to the City by the sign registrant, and which I have attached to this statement and incorporate herein as further evidence in support of the City's determination of violations of applicable sign regulations by the registrant, I have determined that the registrant intentionally made false or misleading material statements and/or intentionally provided false or misleading factual information at time of application that the registrant intended to support and mislead the building official's determination that the sign in question is a nonconforming sign rather than illegal sign or an on premise sign; that the applicant in fact intentionally registered as a nonconforming/off-premise sign an on premise sign. Despite having conducted extensive research into the history of the sign in question, I have found no permit records indicating that the sign in question was ever registered with the City as a billboard, nonconforming sign, or off-premise sign prior to the registrant's application with the City, despite that a City registration requirement for such signs has been operative for well over ten years. Were the sign in question to have been legitimately a nonconforming off-premise sign in existence and use from the time when such signs obtained amnesty, this sign would have been continuously registered and was required to be registered from that time.

No permit record indicating City authorization for installation of sign in question has been found. Because of this sign's location in the extra territorial jurisdiction, a sign installation permit would not have been required for the sign if it was installed and maintained as an on-premise sign, further supporting the determination that the historical use and only legitimate authorization for this sign is for on premise advertising of a business or property located on the same lot as the sign.

I have reviewed applicable City records and determined that this sign does not appear on the City's 1999 inventory of billboards, although an actual off-premise sign 40 yards away from the subject location does.

I have attached the following supporting documents as further evidence to support the Sign Review Board's consideration and determination of violations by the registrant:

- 2008 registrant's application for registration of the sign as a nonconforming sign made to the City's Watershed Protection and Development Review Department;
- 2009-10 Registrant's renewal application for registration of the sign as a nonconforming sign made to the City's Code Compliance Department;
- Assembled photographs showing status of a structure at the stated location circa January 2010 with historic aerial images showing historic size of structure at the location, which demonstrates unauthorized alteration of the sign during time periods represented by the registrant as associated with the registrant's sign ownership.

On this date, the 18th of June, 2010, I, Charles Boas, of sound mind and legal age, do hereby swear or affirm that the information provided above is true and correct to the best of my knowledge and belief.



Charles Boas
Registered Code Enforcement Inspector
City of Austin Code Compliance
Department

8600 W US 290 Hwy
Case 2008 078298 TR

1/19/2010 & 1/21/2010
Investigator C Boas





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View of sign from the west

01.19.2010 11:46

8600 W US 290 Hwy
Case 2008 078298 TR

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Newly added sign face on west side of sign.



8600 W US 290 Hwy
Case 2008 078298 TR

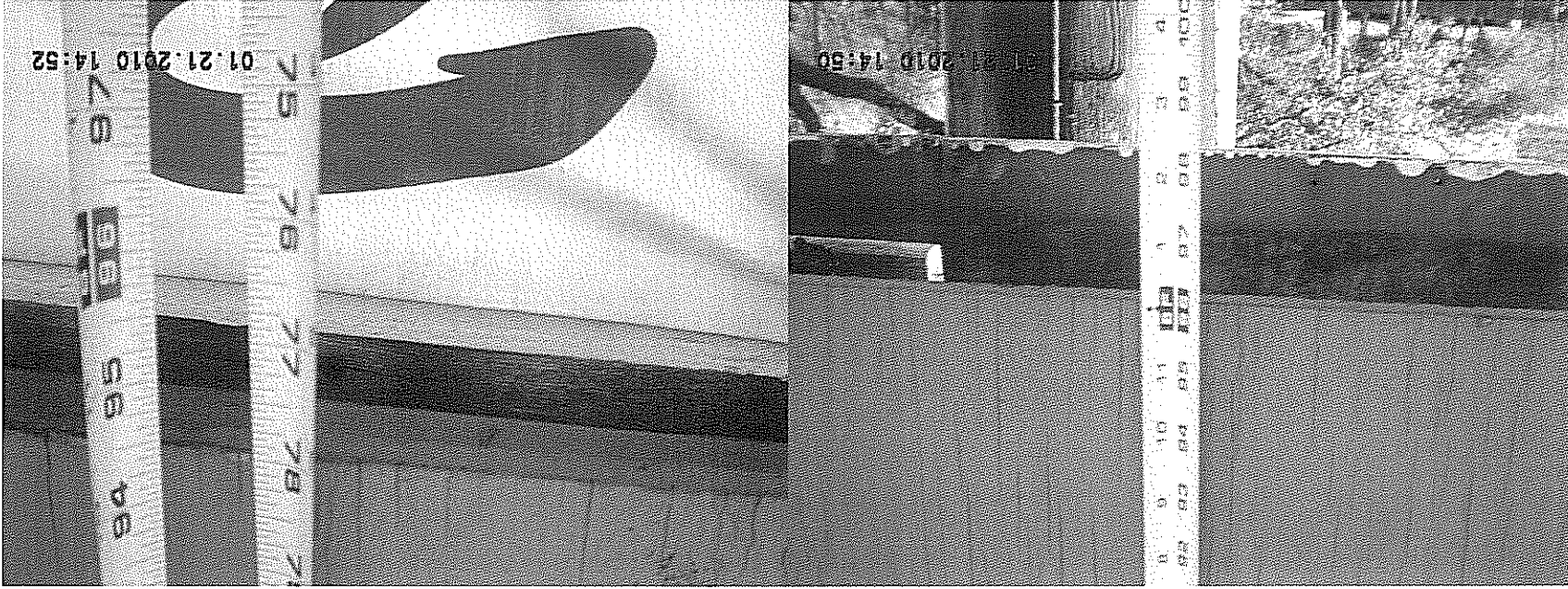
1/19/2010 & 1/21/2010
Investigator C Boas



Sign poles are about 15' from
outside to outside.
Current sign face is 20' wide.

Sign face is 8' tall.

Lower edge of sign is 6'6" above grade.



Aerial imagery.

8600 W US 290 Hwy
Case 2008 078298 TR

1/19/2010 & 1/21/2010
Investigator C Boas

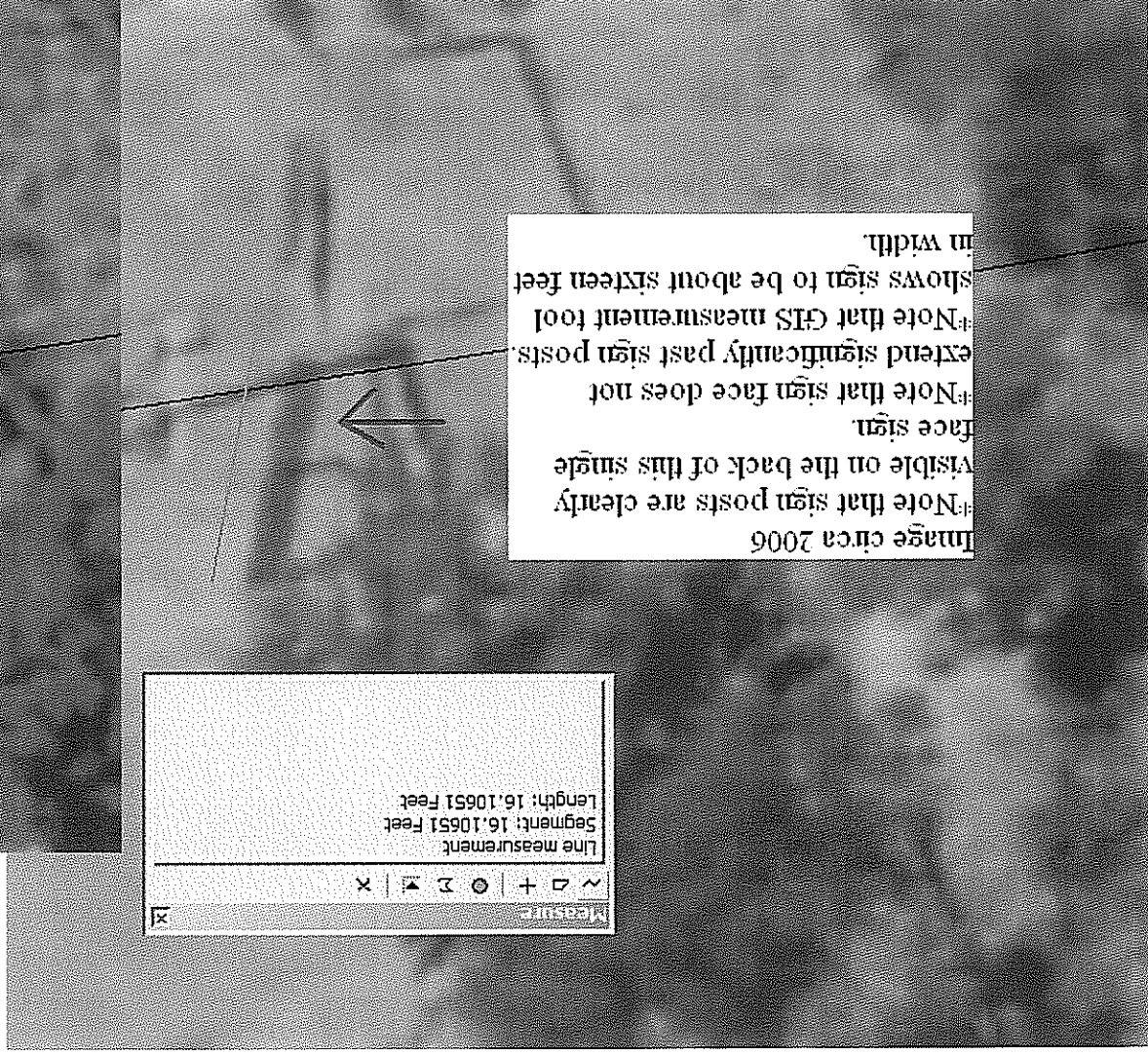


Image circa 2006
Note that sign posts are clearly visible on the back of this single face sign.
Note that sign face does not extend significantly past sign posts.
Note that GIS measurement tool shows sign to be about sixteen feet in width.

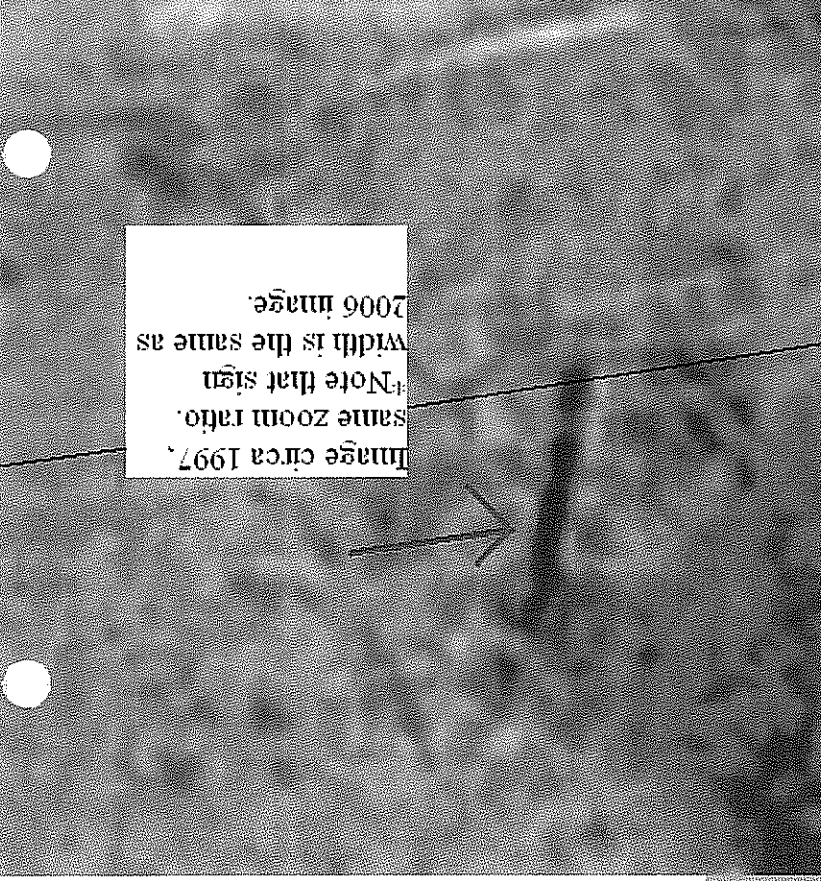


Image circa 1997.
Note that zoom ratio.
Note that sign width is the same as 2006 image.



CODE ENFORCEMENT DIVISION

2009 OFF-PREMISE SIGN REGISTRATION FORM - CITY OF AUSTIN SOLID WASTE SERVICES DEPARTMENT, CODE ENFORCEMENT DIVISION

Section 25-10-152 of the Land Development Code requires sign owners to annually register all off-premise signs (aka billboards). Registration of the sign is not proof that the sign was legally permitted and installed. The following information is required to register an off-premise sign.

Sign

Location:

Address: 8600 W. US Hwy 290
Legal Description:
Tax Parcel ID #: 312259
Longitude/Latitude:
TXDOT Permit #: (if applicable) N/A
Setback from property line
Total Height of sign: 42.5 ← 24'
Sign Face Dimensions: 12 X 40 ← 8x16 (1999 size)
Total # of sign faces: 2 ← ONE (1999 config)
of sign trifold faces: 0
Date of permit for trifold conversion/construction
Facing Materials: WOOD
of Poles: 3
Pole Construction Material: CRESSO

Sign

Illumination:

☐ not illuminated
☒ Not Energy Efficient/Dark Skies Compliant
Date of Energy Efficient/Dark Skies Compliant conversion permit: NO ELECTRIC

Property

Owner:

Name: HAWKINS FAMILY PARTNERS
Mailing Address: 5116 HWY 290 West
City, State, Zip: AUSTIN TX 78735
Email Address:
Phone No.: 512-892-6000
Fax No.:

Sign

Owner:

Name: NATIONAL MEDIA CORP.
Agent/Contact Person: RANDY FLEMING
Address: 3701 Bee Cave Road Su 101
City, State, Zip: AUSTIN, TX 78746
Email Address: randy@ncmediachoice.com
Phone: 979-966-2185
Fax: 512-693-9904
Signature of Sign Owner/Responsible Party: [Signature]

Bill to:

Name: NATH. MEDIA CORP
Mailing Address: 3701 Bee Cave Road
City, State, Zip: AUSTIN, TX 78746

08-078298
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CITY OF AUSTIN

WATERSHED PROTECTION AND DEVELOPMENT REVIEW
DEPARTMENT

OFF-PREMISE SIGN REGISTRATION FORM

Section 25-10-152 of the Land Development Code requires registration of every off-premise sign every two years by the property owner. Registration of the sign is not proof that the sign was legally permitted and installed. The following information is required for registration purposes. Please complete and submit with a check for \$220 for each board.

Sign Location 8600 Hwy 290 West Austin TX 78736

Height of board 42.5 Illumination: Yes ☒ No ☐

Construction type Multi Pole Number of Poles 3

Materials Wood & Metal

Setback from property boundaries 5'

Sign face height and width 12 x 40

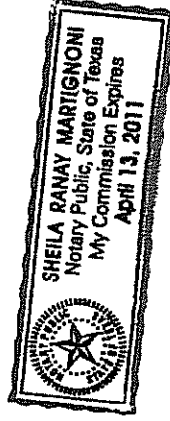
Name of Property Owner HAWKINS Family Partners

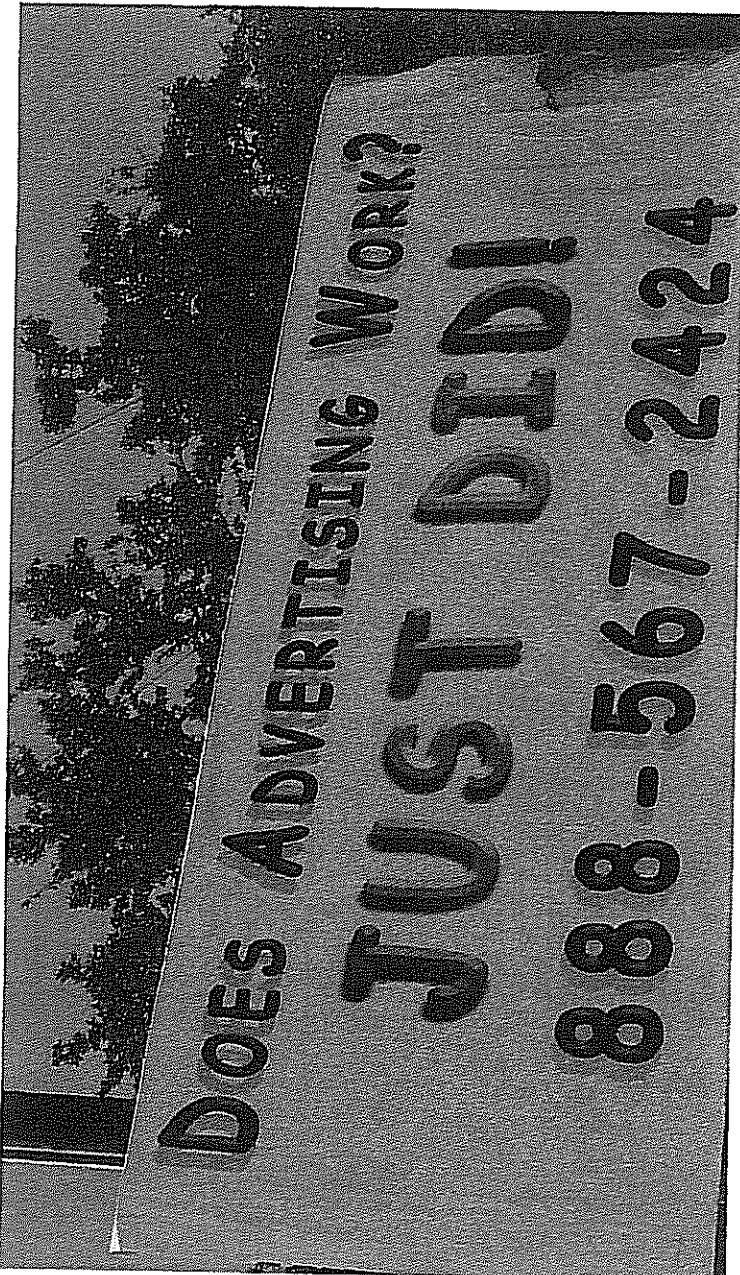
Address of Property Owner 5716 Hwy 290 West
Austin, TX 78735

Telephone Number 512-892-6000

Billboard Company Acme Partnership

Signature of Property Owner John Hawks





DOES ADVERTISING WORK?

JUST DIDI!

888-567-2424