

CITY OF AUSTIN
APPLICATION TO SIGN REVIEW BOARD
SIGN VARIANCE

CASE # C16-2011-0005
ROW-10606038
TP-0131150615

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: TYPE AND COMPLETE ALL REQUESTED INFORMATION.

STREET ADDRESS: 3801 Capital of Texas HWY N., Austin TX, 78746

LEGAL DESCRIPTION: Subdivision -- Lot 1 Davenport Ranch, Phase 3 Section 2

Lot(s) 1 Block _____ Outlot _____ Division _____

I/We Cencor Realty Services on behalf of myself/ourselves as authorized agent for

The Centre Shops, LP affirm that on May 9, 2011, hereby apply for a hearing before

the Sign Review Board for consideration:

ERECT

A single-sided, Multit-Tenant Monument Sign that is 18.5' tall as opposed to the 12' that is allowed and 25% larger than the allowed sign area of 64 sq ft. Will replace existing multi-tenant monument sign which will be removed.

in a Commercial zoning district, located within the C.O.A. Sign

District. u D. GR u

12' → 18.5'
64 → 74

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Lena Lund with Austin Energy at 322-6587 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

NOTE: 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 support documents.

VARIANCE FINDINGS: 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 a site such as its dimensions, landscaping, or topography, because:

The individual buildings (that the center is comprised of) are set back so far from the road, 350 plus feet, so that the majority of the tenant wall signs cannot be seen or read from 360. As a result, most tenants struggle to attract customers as the tenants mainly have to rely on being discovered by customers who have entered the center for another purpose. Most of the tenants do not have the luxury of being discovered by passing traffic, which is traditionally the primary means of building a customer base in a retail center type environment.

Ion Art determined that the proposed location of the monument sign will be the most effective, however, it is 13 feet below grade of 360 in a water retention area. If we were to erect a sign at 12' tall, which is the maximum height allowed by the sign ordinance, Most of the sign would not be seen from HWY 360. In order raise the sign to grade it must be 18.5ft in total height. Our intent would be to raise the sign by means of stone foundation that matches the stone on the shopping center buildings.

PLEASE SEE EXHIBIT A

Also, there is a P.U.E that bisects the development and HWY 360 which prevents the proposed sign from being close enough to the road to function well within the sign area limitation of 64 square feet. the sign would be too small to be read effectively from both the South and Northbound lanes of traffic. The Southbound lane in particular is very handicapped. We have determined that increasing the sign area by 25% will make up for the set back caused by the P.O.E.

PLEASE SEE EXHIBIT A & B

OR,

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

We are confident, based on our research, that the sign will little to no impact on neighboring properties or residential components in the area. The sign is located approximately 600 feet from the closest neighborhood but the buildings that make up the shopping center are completely blocking any line of site of the sign. The next closet residential component is approximately 1500 feet away from the sign.

PLEASE SEE EXHIBIT D

Not a single resident or neighborhood that has a line of site of the sign.

Ion Art will furnish scaled renderings of the proposed sign digitally imposed onto

photographs of the site by the time of the hearing.

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:

The existing monument sign at Davenport Village, which falls well within the parameters of the sign ordinance, has proven to be ineffective and the tenants are suffering as a result. Our first intent was to design a sign that would fall within the allowable parameters of the sign ordinance by simply finding a better location for the sign on the property. After several hours of trial and error, we discovered that there was only 1 feasible location and it still had many limitations.

Determined to follow the sign ordinance, we created and installed a full size mock up of the proposed sign in the form of a banner. We installed the banner in that location for the purpose of determining the effectiveness of the proposed sign in terms of location, size and elevation. This exercise proved that installing a sign within the allowable parameters of the sign code would result in a sign that would be ineffective due to previously mentioned hardships in statement #1. Granting this variance will not give Davenport Village any special privileges, it will simply allow them to benefit from a sign that will function as the ordinance originally intended

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _____ Mail Address Ion Art Inc. 407 Radam Lane, A-100

City, State & Zip Austin, Texas 78745

Printed Gregory Keshishian Phone 512-326-9333 Date May 9, 2011

VARIANCE FINDINGS: 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 a site such as its dimensions, landscaping, or topography, because:
See answer below

OR,

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

OR,

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

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:
See answer below

The center has a relatively low occupancy rate for what we believe to be the following reasons.

The individual buildings (that the center is comprised of) are set back so far from the road so that the majority of the tenant wall signs cannot be seen or read from 360.

As a result, most tenants struggle to attract customers as the tenants mainly have to rely on being discovered by customers who have entered the center for other purposes.

Most of the tenants do not have the luxury of being discovered by drive by traffic, which is traditionally the primary means of building a customer base in a retail center type environment.

Ion Art was retained by Cencor Realty Services to find a solution to this problem.

We determined that erecting an effective monument sign would be the best course of action.

Our first intent was to design a sign that would fall within the allowable parameters of the sign code for this sign district.

We created and installed a full size mock up of the proposed sign in the form of a banner and we staked the banner off on the property for the purpose of determining the effectiveness of the future sign in terms of location and size and elevation.

This exercise proved that building and installing a sign within the allowable parameters of the sign code would result in a sign that would be ineffective for two reasons.

The first reason is that the property (and sign location) is 13 feet below grade of 360.

What is normally allowed is a monument sign that is 12 feet in height. Most of the sign cannot be seen from the southbound lanes of traffic as the sign location is in a ditch.

PLEASE SEE EXHIBIT A

The second reason is that the sign is too small to be read effectively from both the South and Northbound lanes of traffic.

PLEASE SEE EXHIBIT A & B

There is a P.U.E that bisects the development and 360 which prevents the future sign from being close enough to the road to function well within the sign area limitation (64 square feet)

The Southbound lane in particular is very handicapped.

For the reasons stated above, we are applying for 2 variances.

The first variance is for a request to build the sign taller than the allowable 12 feet.

We have determined that the sign must be a minimum of 18.5 feet tall in order to be seen in its entirety from the south bound lanes of traffic.

Our intent would be to raise the sign by means of stone foundation that matches the stone on the shopping center buildings.

We also intend on gaining some of the 18.5 feet by mounding up dirt and then landscaping.

The second variance is for a request for the sign to be 74 sq. ft. rather than

the allowable 64 square feet.

As previously noted, the sign is 350 plus feet away from the southbound lanes of traffic rendering it very difficult to read.

We do not believe that the sign will have any impact on neighboring properties or residential components in the area.

The sign is located approximately 600 feet from the closest neighborhood but the buildings that make up the shopping center are completely blocking any line of site of the sign.

The next closet residential component is approximately 1500 feet away from the sign.

PLEASE SEE EXHIBIT D

Not a single resident or neighborhood that has a line of site of the sign.

Ion Art will furnish scaled renderings of the proposed sign digitally imposed onto photographs of the site by the time of the hearing.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Gregory Keshishian Mail Address Ion Art Inc. 407 Radam Lane, A-100

City, State & Zip Austin, Texas 78745

Printed Gregory Keshishian Phone 512-326-9333 Date May 9, 2011

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Kristina Balcezac Mail Address 4200 N. Lamar Blvd., Suite 200

City, State & Zip Austin, Texas 78756

Printed Kristi Balcezac Phone 512-4882-8383 Date May 9, 2011

**ADDITIONAL INFORMATION TO BE SUBMITTED WITH COMPLETED APPLICATION:
(FAILURE TO SUBMIT ALL THE REQUIRED MATERIALS WILL RESULT IN NON-
ACCEPTANCE OF THE APPLICATION. LATE BACKUP MATERIAL WILL BE
ACCEPTED UNTIL 9:00 A.M. THE TUESDAY PRIOR TO THE MEETING, THERE
WILL BE NO EXCEPTIONS.)**

SITE PLAN: Must be drawn to scale, showing present and proposed construction

and locations of existing structures on adjacent lots.

All Sign Review Board cases must submit location and elevation drawings, drawn to scale, in addition to the site plan required.

TAX PLATS: Must show the subject property (clearly marked) and property within a 300 foot radius. These are available from the Tax Dept. at 8314 Cross Park Drive, 834-9138

APPLICATION FEES: Residential	\$360.00
All Other	\$660.00

Please be advised that the Board can only hear so many cases a month, therefore, first come, first served.

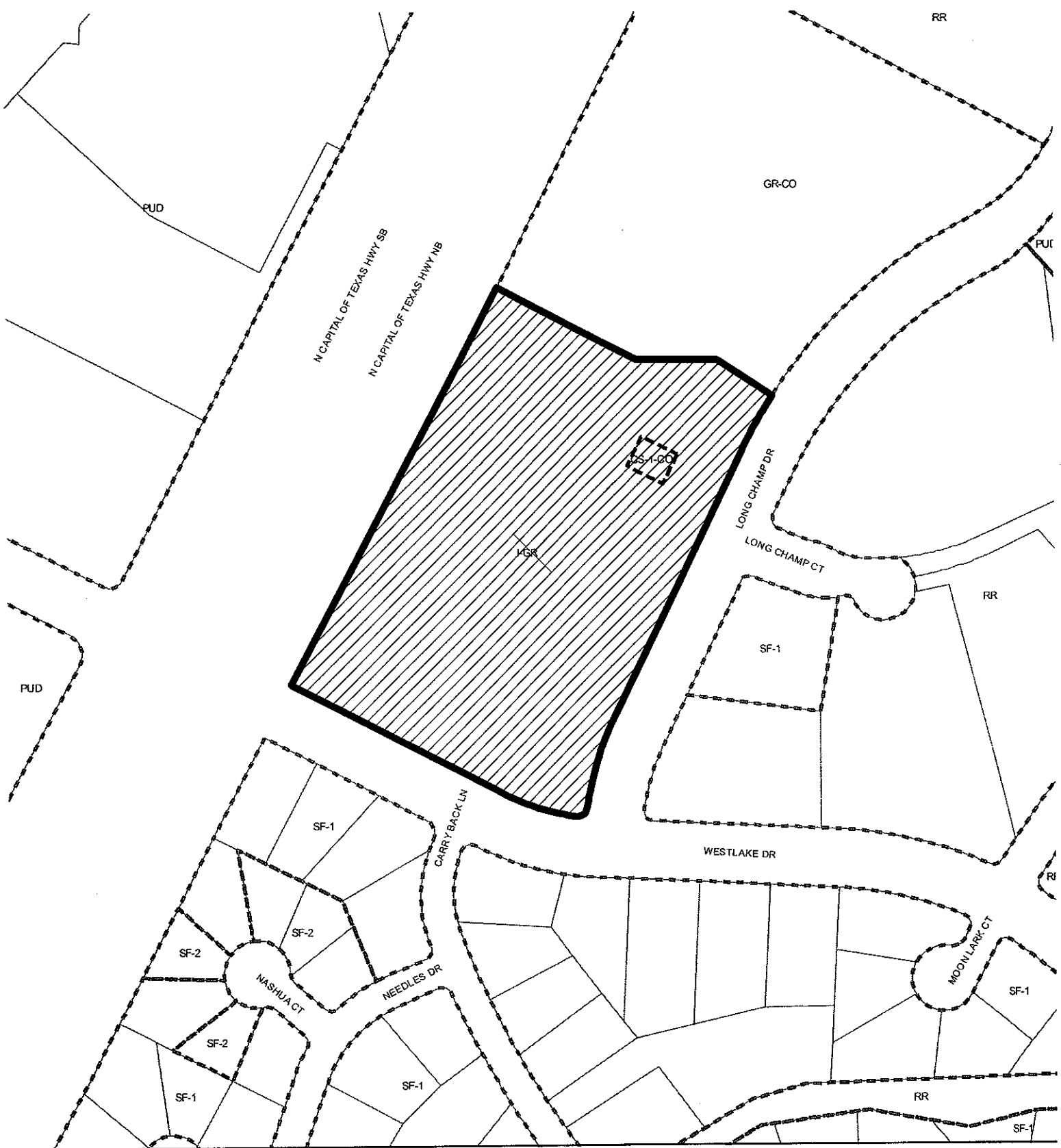
Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

If you need assistance completing this application (general inquires only) please Susan Walker, 974-2202 or Diana Ramirez, 974-2241, 505 Barton Springs Road, Suite 525 (One Texas Center).

NOTE: ALL VARIANCES EXPIRE 1 YEAR (12 MONTHS) FROM DATE OF APPROVAL BY BOARD AS STATED IN SECTION 25-1-217 OF THE LAND DEVELOPMENT CODE UNLESS BOARD DEEMS OTHERWISE.

Updated 5/22/2008



SUBJECT TRACT



ZONING BOUNDARY

SIGN REVIEW BOARD

CASE#: C16-2011-0005
 LOCATION: 3801 CAPITAL OF TEXAS HWY
 GRID: F28
 MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

SIGN AREA: 74 sq. ft.

Scale: 1/2" = 1'

16'

Parking Lot Grade

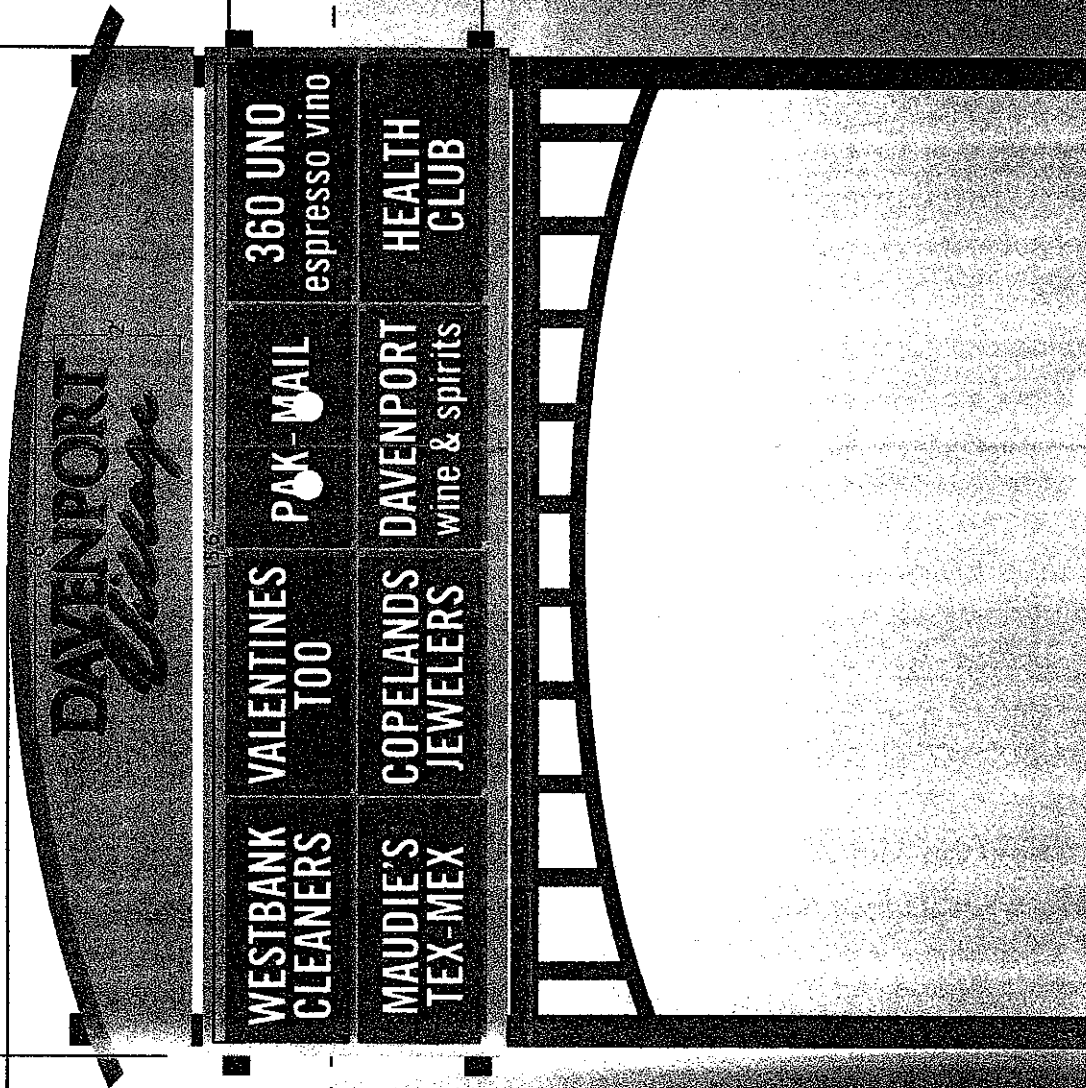
2'

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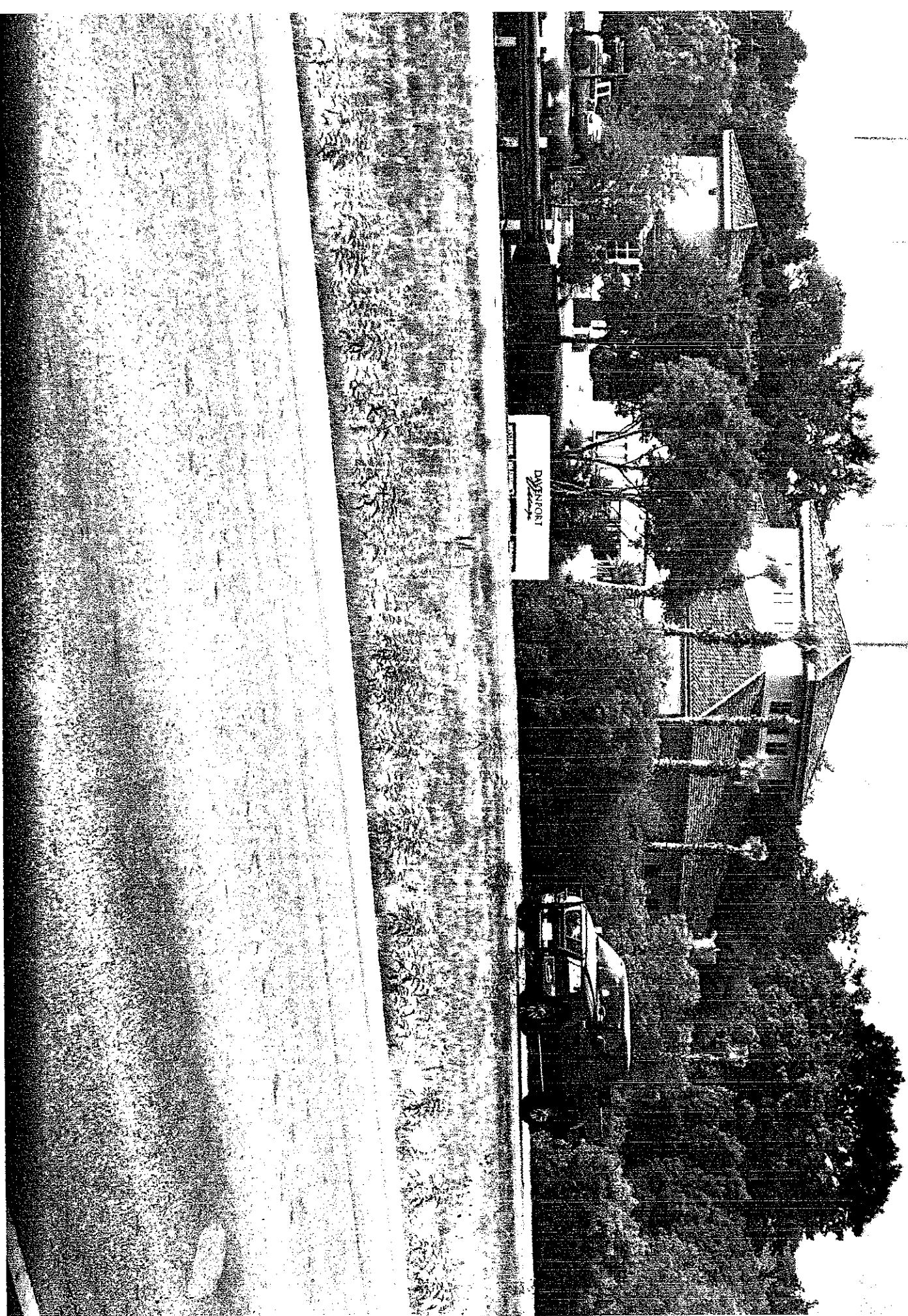
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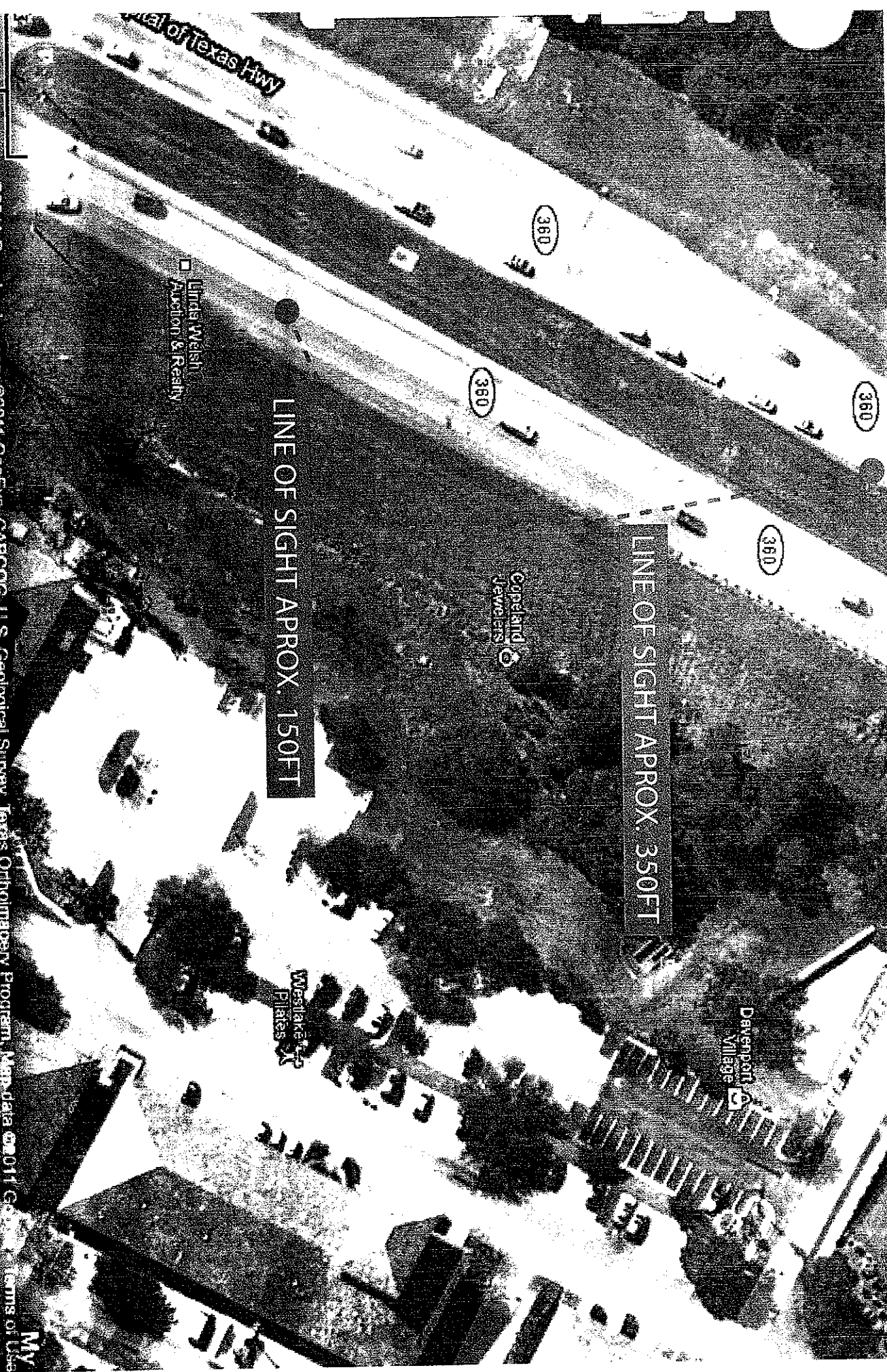
4'



18.5'

EXHIBIT A





LINE OF SIGHT APPROX. 350 FT

LINE OF SIGHT APPROX. 150 FT

Davenport Village

Copeland Jewelers

Westlake Pilates

Little Welsh Auction & Realty

EXHIBIT 15

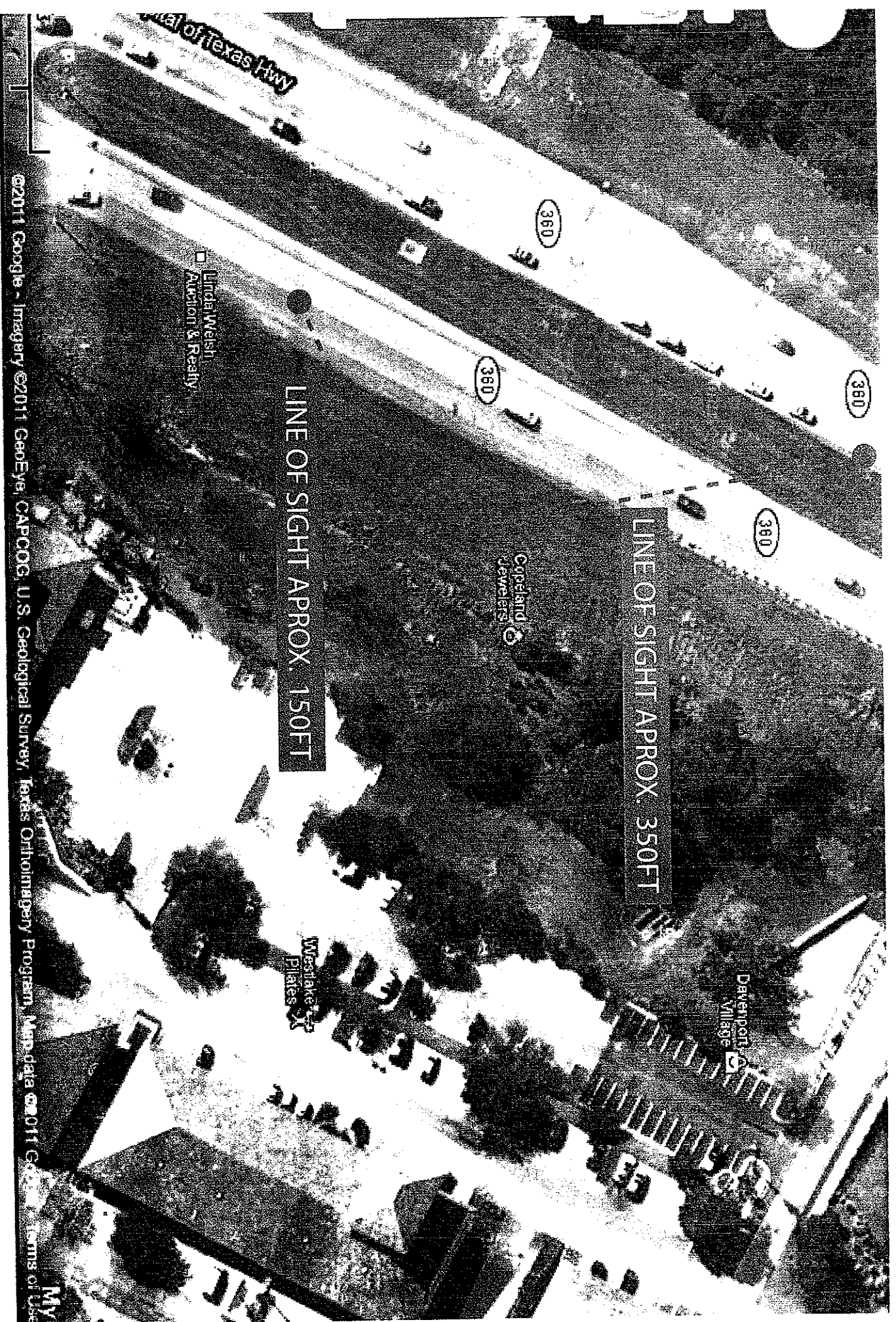
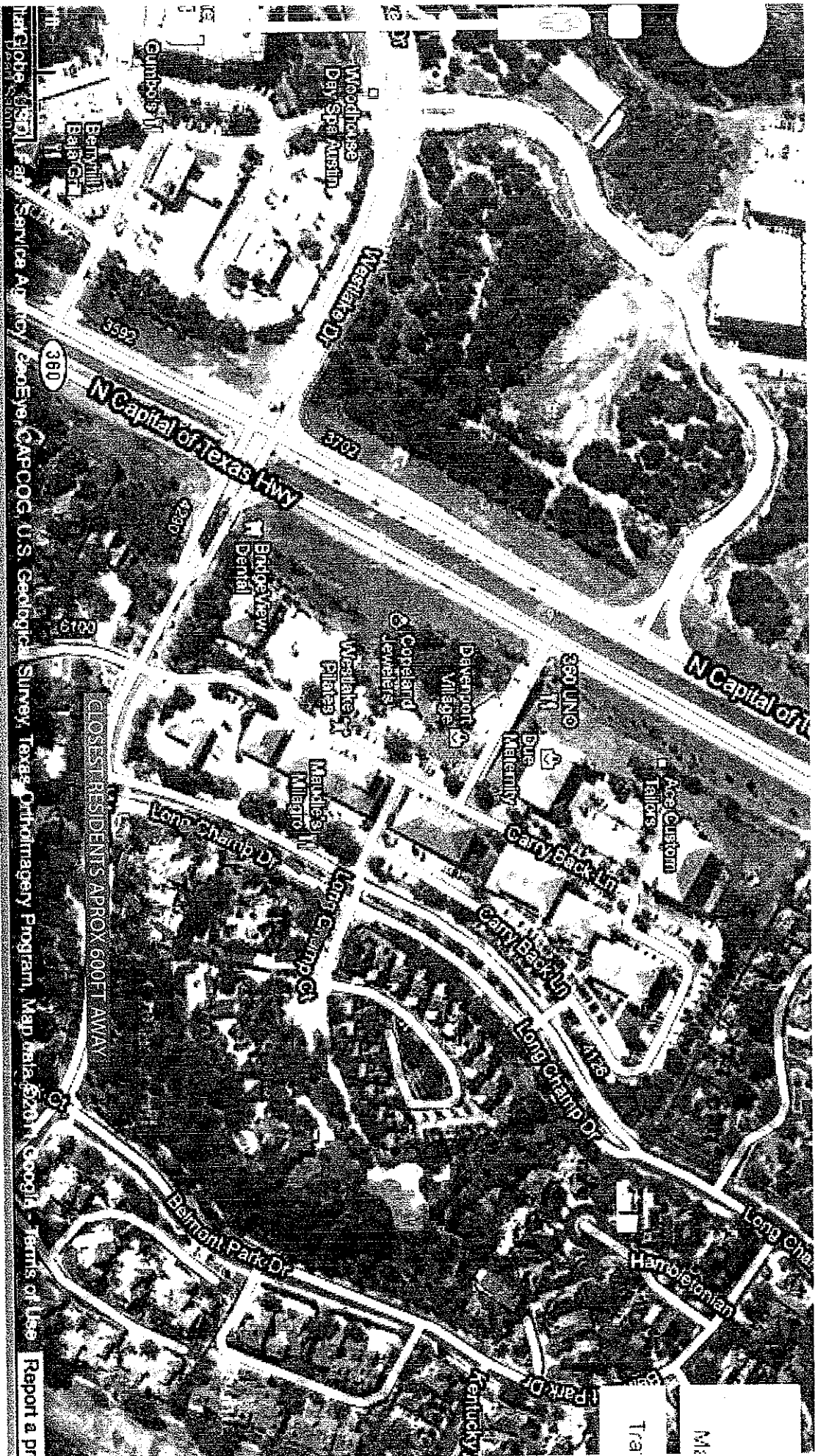


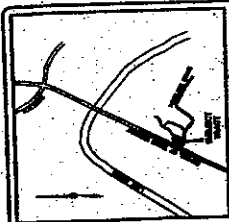
EXHIBIT C



EXHIBIT D



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CAPITAL OF TEXAS
 (R-0-0-0)
 LOOP 360

PROPOSED SIGN
 LOCATION

LOT 1
 DAVENPORT RANCH
 PHASE 3, SECTION 11
 BK. 18, P. 137A-137B
 BY PARTNERS, LTD.
 VOL. 12869, PG. 1834

GR-CO
 DAVENPORT RANCH
 PHASE 3, SECTION 12
 BK. 18, P. 137A-137B
 DAVENPORT LTD.
 VOL. 8075, PG. 224

DAVENPORT RANCH
 PHASE 3, SECTION 11
 BK. 18, P. 137A-137B
 P.L.T.C.

WESTLAKE DRIVE (90' R-0-0)
 AS DEDICATED BY DAVENPORT RANCH
 PHASE 1, SECTION 1
 BK. 18, P. 137A-137B
 P.L.T.C.

GR-CO
 DAVENPORT RANCH
 PHASE 3, SECTION 12
 BK. 18, P. 137A-137B
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 VOL. 8075, PG. 224

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[Signature]
 Surveyor
 State of Texas

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