

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
SIGN VARIANCE

CASE # C16-2012-0006
ROW-10735507
TP Wm County

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

PLEASE: PRINT OR TYPE; USE BLACK INK; AND COMPLETE ALL
REQUESTED INFORMATION.

STREET ADDRESS: 15004 Avery Ranch Blvd., Bldg A

LEGAL DESCRIPTION: Subdivision -- Avery Ranch Commercial Northeast 4

Lot(s) _____ Block _____ Outlot _____ Division _____

I / We Custom Sign Creations on behalf of myself/ourselves as authorized agent for

Avery Ranch Dental (aka Altamira LLC) affirm that on March 9, 2012,

hereby apply for hearing before the Board of Adjustment for consideration:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

Two low profile directory monuments for a new medical office building

In a PUD zoning district.

Commercial Sign District

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 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 you 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 sit such as its dimensions, landscaping, or topography, because:

The unique attribute of the property is that it is land-locked. In the development of the entire property, they chose to designate a lot for the purpose of creating a thoroughfare rather than dedicate that land for public right-of-way. As such, this property is being denied adequate signage because the thoroughfare is not considered "street frontage" and while there is no specific definition in the Sign Ordinance the interpretation for calculating sign area is being based on [public] street frontage. Additionally, this property has two distinct and separate entrances on either side of a curve. Having one sign at each entrance is necessary to assist drivers in locating their destination with the least amount of driving distraction.

Medical buildings, in particular, also represent a unique dilemma for signage. The code appears to address commercial and retail properties more specifically than office environments. In a commercial center, for example, it is not necessary to identify all entities on the property because the buildings themselves are designed to allow for storefront signage (wall and window signs). The layout of a medical building doesn't offer that type of storefront. Because the individual entities can't have wall signs, adequate street signage is a unique necessity.

OR,

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

All of the properties within this development, except this lot, have street frontage on either Avery Ranch Blvd or on Parmer Lane. The signs will positively benefit those neighboring properties by providing a means of wayfinding for those drivers meandering through the property. The signs will cut down on traffic annoyances (people stopping to look for their destination, turning around in the other parking lots, driving overly slowly etc.). As for the nearby neighborhood, these are low profile signs with minimal lighting and the signs are more than 200' from any residences.

OR,

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

The Sign Ordinance (25-10-130) clearly states that "one freestanding sign is permitted on a lot", since this lot is not within 200' of the Scenic Roadway (Parmer Lane) allowing one sign is clearly within the stated purposes. The second sign is not in substantial conflict. For example, if the signs requested were temporary signs advertising the construction and/or leasing of this building, one 128 sq. ft. freestanding sign would be allowed "for each major access point" (25-10-101 (1)). One can assume this regulation is in place because the City of Austin finds it beneficial for leased spaces to be occupied. Once occupied, however, this medical building won't look particular different than during its initial leasing phase because there will be limited storefront signs to convey the location of the tenants.

While the code also allows for "a sign directing the movement or placement of vehicular or pedestrian traffic" (25-10-101(C)), this appears to address a different type of business (drive-through entrance and exit signs come to mind). The code specifically allows multiple such signs on a property but in most cases those signs are for a single entity.

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:

First, because this could have been a dedicated right-of-way outright allowing one monument sign without question. Second, there are allowances for two signs on similar properties with either a second street frontage or with 400' of frontage.

Other similar properties, ranging from residential to commercial, do have different forms of directory signs whether directing traffic to retail shops or to different apartment numbers.

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 [Signature] Mail Address 9701 Brown Ln., Bld E

City, State & Zip Austin, TX 78754

Printed Doni Allen Phone 512-314-9300 Date 3-12-12

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 [Signature] Mail Address 10500 Avery Club Dr #12

City, State & Zip Austin TX 78717

Printed _____ Phone (512) 246-7645 Date 3-12-12

SHEET 2 **OF 132**

Walker, Susan

From: donia@customsigncreations.com
Sent: Thursday, March 22, 2012 12:31 PM
To: Walker, Susan
Subject: Information for Avery Ranch Dental

I am working on getting a site plan for the entire property – in the meantime, a quick measurement shows the “flag pole” to Avery Ranch Blvd as 18’ wide, the way I was doing it it could be from 15’ to 20’ but I will find out for sure. The lot itself, fronting onto the drive, is approximately 240’. Again I will verify that with a dimensioned site plan as soon as I get one.

The sign area, as you directed, is 69.58 sf – the entire sign, base, masonry, cap and even the empty space between the sign and the cap is 120 sf. And the sign area as it would have been turned in under a regular permit is 50 sf.

Hope that helps, let me know if you need anything else – I will get it to you!!! ☺

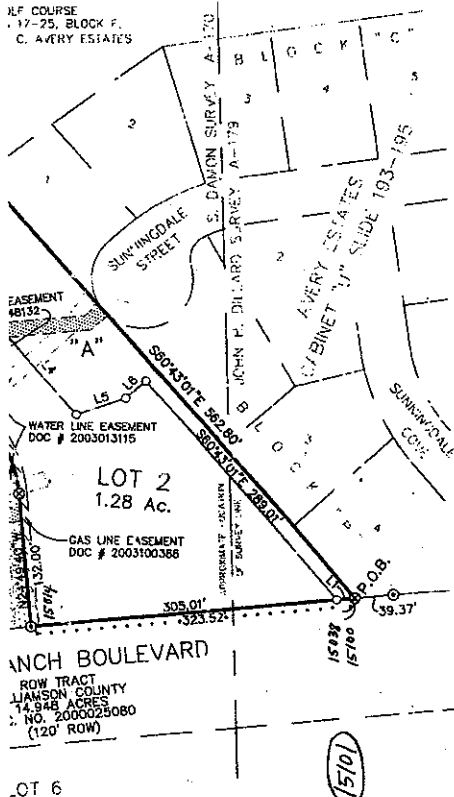
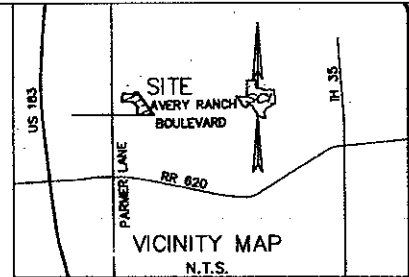
Thanks for your help on this!

Doni Allen
Custom Sign Creations
512-374-9300 x 10

3/27/2012

FINAL SUBDIVISION PLAT OF **RANCH COMMERCIAL NORTHEAST IV**

RESUBDIVISION OF LOT 2, BLOCK "A"
 AVERY RANCH COMMERCIAL NORTHEAST III
 WILLIAMSON COUNTY, TEXAS



DESCRIPTION

OF A 2.82 ACRE TRACT OR PARCEL OF LAND OUT OF AND PART OF THE SAMUEL DAMON SURVEY, ABSTRACT NO. 170, AND THE JOHN H. DILLARD SURVEY, ABSTRACT NO. 179, SITUATED IN WILLIAMSON COUNTY, TEXAS; AND BEING ALL OF LOT 2, BLOCK "A" OF AVERY RANCH COMMERCIAL NORTHEAST III RECORDED IN CABINET CC, SLIDES 163-164 OF THE OFFICIAL PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; THE SAID 2.82 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A DRILL HOLE FOUND IN TOP STONE FENCE COLUMN AT THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK "A", FOR THE SOUTHEAST CORNER HEREOF, SAME BEING THE SOUTHWEST CORNER OF LOT 4, BLOCK "B", AVERY ESTATES, A SUBDIVISION OF RECORD IN CABINET U, SLIDE 193-195, OF THE OFFICIAL PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; ALSO BEING IN THE NORTH LINE OF AVERY RANCH BOULEVARD, (120' ROW);

THENCE ALONG THE SOUTH LINE OF SAID LOT 2, BLOCK "A" AND THE SAID NORTH LINE OF AVERY RANCH BOULEVARD, S86°10'20"W, A DISTANCE OF 323.52 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC SURVEYOR'S CAP FOUND FOR THE SOUTHWEST CORNER HEREOF, SAME BEING THE SOUTHEAST CORNER OF LOT 3, BLOCK "A" OF AVERY RANCH COMMERCIAL NORTHEAST II, A SUBDIVISION OF RECORD IN CABINET X, SLIDES 96-98 OF THE OFFICIAL PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS;

THENCE LEAVING THE NORTH LINE OF AVERY RANCH BOULEVARD, ALONG THE WEST LINE OF SAID LOT 2, BLOCK "A", SAME BEING THE EAST AND NORTH LINES OF SAID LOT 3, BLOCK "A" THE FOLLOWING THREE (3) COURSES AND DISTANCES:

- 1) N24°49'40"W, A DISTANCE OF 132.00 FEET TO A COTTON GIN SPINDLE WITH PLASTIC SURVEYOR'S CAP FOUND FOR A POINT OF CURVATURE,
- 2) AN ARC DISTANCE OF 204.99 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 130.50 FEET, A DELTA ANGLE OF 90°00'00", A CHORD DISTANCE OF 184.56 FEET (CHORD BEARS N69°49'40"W), TO A 1/2 INCH IRON ROD WITH PLASTIC SURVEYOR'S CAP FOUND FOR A POINT OF TANGENCY, AND
- 3) S65°10'20"W, A DISTANCE OF 169.57 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC SURVEYOR'S CAP FOUND FOR AN ELL CORNER HEREOF, SAME BEING AN ELL CORNER IN THE WEST LINE OF SAID LOT 2, BLOCK "A", ALSO BEING THE SOUTHEAST CORNER OF LOT 1, BLOCK "A", OF SAID AVERY RANCH COMMERCIAL NORTHEAST III;

THENCE LEAVING THE NORTH LINE OF SAID LOT 3, BLOCK "A", CONTINUING ALONG THE WEST AND NORTH LINE OF SAID LOT 2, BLOCK "A", SAME BEING THE EAST LINE OF SAID LOT 1, BLOCK "A", THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

- 1) N24°49'40"W, A DISTANCE OF 23.50 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC SURVEYOR'S CAP FOUND FOR AN ANGLE POINT,
- 2) N37°35'18"W, A DISTANCE OF 21.64 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC SURVEYOR'S CAP FOUND FOR AN ANGLE POINT,
- 3) N11°20'50"W, A DISTANCE OF 121.64 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC SURVEYOR'S CAP FOR THE NORTHWEST CORNER HEREOF, AND
- 4) N70°59'00"E, A DISTANCE OF 7.15 FEET TO A 1/2 INCH IRON ROD FOUND FOR AN ANGLE POINT HEREOF, SAME BEING AN ANGLE POINT IN SAID LOT 1, BLOCK "A", ALSO BEING AN ANGLE POINT IN THE SOUTH LINE OF LOT 1, BLOCK "B", AMENDED PLAT OF LOT 1, BLOCK "B", THE GOLF COURSE AT AVERY RANCH; LOTS 26-35, BLOCK "A" & LOTS 17-25, BLOCK F, AVERY MORRISON; AND LOTS 1, 2 AND 7-17, BLOCK "C", AVERY ESTATES, A SUBDIVISION OF RECORD IN CABINET W, SLIDES 284-290 OF THE OFFICIAL PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS;

THENCE LEAVING THE EAST LINE OF SAID LOT 1, BLOCK "A" AND ALONG THE NORTH LINE OF SAID LOT 2, BLOCK "A", SAME BEING THE SOUTH LINE OF SAID LOT 1, BLOCK "B" OF SAID AMENDED PLAT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1) N70°59'00"E, A DISTANCE OF 180.60 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC SURVEYOR'S CAP FOUND FOR AN ANGLE POINT HEREOF, AND
- 2) N34°37'48"E, A DISTANCE OF 97.42 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC SURVEYOR'S CAP FOUND FOR THE NORTHEAST CORNER HEREOF, SAME BEING THE NORTHWEST CORNER OF LOT 1, BLOCK "C", OF SAID AMENDED PLAT;

THENCE ALONG THE WEST LINE OF SAID LOT 1, BLOCK "C" AND LOTS 1, 3 AND 4, BLOCK "B" OF SAID AVERY ESTATES, S80°43'01"E, A DISTANCE OF 562.80 FEET TO THE POINT OF BEGINNING, CONTAINING 2.82 ACRES OF LAND AREA, MORE OR LESS, WITHIN THESE METES AND BOUNDS.

ACRES
 ACRES



6836 Austin Center Blvd., Suite 300 Austin, Texas 78751
 www.stanleyconsultants.com (512) 477-3600

Scale: 1"=100'	Date: 01/15/08
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Drawn by: BJM	
File: ARCHIVE\PLAT.DWG	
Approved by: BJM	
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