#### CITY OF AUSTIN Board of Adjustment/Sign Review Board Decision Sheet

DATE. Aug 13, 2012	CASE NUMBER: C16-2012-001
Y Jeff JackY Will Schnier - Michael Von ( Nora Salinas absentY Fred McGheeY Susan Morrison 2 <sup>nd</sup> the MoreY_ Melissa HawthorneY Heidi Goebel Motion to De	Ohlen absent
APPLICANT: Kevin Hull	
OWNER: Bryan Hardeman	
ADDRESS: 3400 STECK AVE	
(1) from 30 feet above frontage street street pavement grade in order to ere	ant has requested a variance to increase the ng sign requirement of Section 25-10-130 (G) pavement grade to 60 feet above frontage ct a freestanding sign for an Automotive al zoning district. (Commercial Sign District)
<b>BOARD'S DECISION: July 9, 2012 PO</b>	STPONED TO AUG. 13, 2012 osed on Board Member Heidi Coobel motion to
FINDING:	
<ol> <li>The variance is necessary because strict opportunity to provide adequate signs on the as its dimensions, landscape, or topography</li> </ol>	enforcement of the Article prohibits and reasonable site, considering the unique features of a site such because:
OR,	
<ol><li>The granting of this variance will not have properties, because:</li></ol>	e a substantially adverse impact upon neighboring
OR,	
<ol><li>The granting of this variance will not substordinance, because:</li></ol>	antially conflict with the stated purposes of this sign
AND,	
Granting a variance would not provide the others similarly situated or potentially similarly.	applicant with a special privilege not enjoyed by y situated, because:
Susan Walker Executive Liaison	Jeff Jack Chairman

# Attorneys at Law Attorneys Atto

NIKELLE S. MEADE
512-479-1147 direct
512-226-7373 direct fax
nmeadc@brownmccarroll.com

August 23, 2012

#### VIA EMAIL (susan.walker@austintexas.gov) and HAND-DELIVERY

Board of Adjustment and Sign Review Board c/o Susan Walker City of Austin 505 Barton Springs Road Development Assistance Center, 1<sup>st</sup> Floor Austin, Texas 78704

Re:

Request for Reconsideration - Case No. C16-2012-0011,

Kevin Hull and Bryan Hardeman for 3400 Steck Avenue

Dear Ms. Walker:

This letter is the applicants' request for reconsideration of the Board's action on the above-referenced case at its August 13, 2012, meeting pursuant to Article 4.G. of the Rules of Procedure for the Board of Adjustment and Sign Review Board. The request is filed by our firm on behalf of the applicants.

We respectfully request that the board reconsider its denial of the variance to allow additional height of a free standing sign on the property. We believe the Board erred in its decision on the request because it did not have an opportunity consider all information pertinent to the case board at the time of the original hearing, as follows:

Austin

1. at the time of the hearing, the applicant had not yet had an opportunity to discuss the case with the surrounding neighborhood association, neighborhoods, and interested parties. We have now done so;

Dallas

2. at the time of the hearing, information concerning the exact topography of the site and the surrounding tracts was not available, and such information has now been obtained;

3. inaccurate and incomplete information was presented by citizens about visibility of the sign from neighboring residential properties and MoPac Expressway; and

Houston

4. conflicting information was presented at the hearing concerning the height and size of other signs in the vicinity, and applicant has obtained information to Clarify that several other signs in the vicinity are as large and tall as the subject

AUG 2 3 2012

Board of Adjustment and Sign Review Board c/o Susan Walker August 23, 2012 Page 2

The case should be reconsidered so that the Board has an opportunity to review this additional information and deliberate with regard thereto. We request that this request be placed on the board's next agenda for action. Thank you, and please contact me if any additional information is needed.

Sincerely,

Nikelle Meade

cc:

Bryan Hardeman Will Hardeman Kevin Hull

#### North Shoal Creek Neighborhood Association Post Office Box 66443 Austin, Texas 78766-0443

August 7, 2012

City of Austin
Planning & Development Review Department
ATTN: Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

Re: Case Number C16-2012-0011-3400 Steck Avenue

Dear Ms Walker:

The North Shoal Creek Neighborhood Association objects to the variance requested to permit a 60 foot tall sign at the Honda dealership. The 30 foot tall sign restriction is not considered a hardship warranting a waiver in this case. A 60 foot sign at this location is not justified.

Any sign at the proposed location would not be visible from the main lanes of Mopac north of Steck Avenue due to the height of the large building adjacent to Mopac and the lanes being lowered under the Steck overpass. Since part of the Honda building is visible from the main lanes and access roads south of Steck Avenue, it is believed that a 30 foot sign would likewise be visible.

The 30 foot sign for Lowes across Steck from Honda is visible from Steck Avenue west of Mopac and from the overpass over Mopac. A 30 foot sign is believed to be adequate to help motorists locate the dealership.

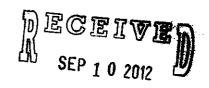
Sincerely,

Lenneth R. Webb

President.

North Shoal Creek Neighborhood Association

VIA HAND DELIVERY
Board of Adjustment and Sign Review Board
c/o Susan Walker
City of Austin
505 Barton Springs Road
Development Assistance Center, 1st Floor
Austin, Tx. 78704



RE: Request for Reconsideration - Case No. C16-2012-0011 Kevin Hull and Bryan Hardeman for 3400 Steck Avenue

Dear Ms. Walker,

This correspondence is written in opposition to the above-referenced applicant's request for reconsideration of the actions of the Board of Adjustment and Sign Review Board at the August 13 hearing pursuant to Article 4 G of the Rules of Procedure of the board. I respectfully request this letter be filed as part of the permanent record in Case No. C16-2012-011 and made available for review to all board members of the Board of Adjustment and Sign Review Board prior to any vote on the above-referenced applicant's Request for Reconsideration.

My name is Vicki McFadden; I have been a resident of the North Shoal Creek neighborhood for over 17 years, a past board member of the North Shoal Creek Neighborhood Association (NSCNA) and live very close to the site at 3400 Steck Avenue. The views expressed in this correspondence represent my personal views as well as the views of many of the neighboring residents of North Shoal Creek.

The applicant argues the Board of Adjustment and Sign Review Board erred in its judgment on August 13 in denying the applicant's request for a variance in order to establish a 60 foot sign on Steck Avenue and is requesting the board reconsider its decision and grant a rehearing based on Article 4 G of the Rules of Procedure of the Board of Adjustment and Sign Review Board. It is our position that the board did not err in its judgment in denying the request and would like to respectfully submit this response to the applicant's filing for Reconsideration dated August 23, 2012 outlining the reasons we believe, according to the Rules of Procedure, the board did not err in it's judgment and the denial should be upheld.

We will begin by addressing the Rules of Procedure for the Board of Adjustments and Sign Review as they relate to this case and follow with our response to the applicant's offered reasons they believe the board erred in its judgment to deny the variance.

Under Article 4(G)(2) "A request to reconsider shall state clearly how the Board erred in its determination, why the action should be reconsidered, and be supported by new or clarified evidence." In the applicant's filing for reconsideration, they ".....believe the Board erred in its decision on the request because it did not have an opportunity (sic) consider all the information pertinent to the case board (sic) at the time of the original hearing...."

Article 3 outlines the Substantive Requirements for Variances and Article 3 A(1) clearly puts the burden on the applicant to provide all required information for the board to base its decision stating "An applicant for a variance shall contain information addressing each of the factual elements upon which the board must base the required findings." Without this rule placing

the burden of proof on the applicant to provide all pertinent information at the first hearing, there would always be an open invitation for applicants to continually ask for reconsideration when the client has not fully met his evidentiary burden and wants another chance to add additional information that arguably was readily available to be presented at the decisive hearing.

It is a circular argument that the board erred because they did not have the opportunity to consider all information pertinent to the case when the burden is on the applicant to provide to the board all information pertinent to the case.

We would now like to respond with four corresponding paragraphs to applicant's Request for Reconsideration filed with Susan Walker on August 23, 2012 wherein the applicant submitted four reasons they believed the board erred in denying the variance on August 13, 2012. They are as follows:

1. Applicant argues there had not been an opportunity to discuss the case with surrounding neighborhood associations, neighborhoods and interested parties. However, in discussions with Friends of North Shoal Creek held on August 27, Will Hardeman admitted that he knew when he purchased the property that a variance would be needed for signage of the type requested. According to Travis County Appraisal District records, the property was purchased by Mr. Hardeman's business, Continental Cars on April 25, 2007. During that five-year period neither Mr. Hardeman nor any of his representatives solicited input from the surrounding neighbors concerning how a construction site and business of this magnitude would impact the neighborhood. Mr. Hardeman did not initiate discussions concerning increased traffic, lighting and sound issues, environmental issues as well as any other concerns having a "substantially adverse impact upon neighboring properties" until a week before the planned opening of the dealership and the variance had been denied. See Art. 3 C(2) of the Board of Adjustment and Sign Review Board Procedures.

It is the position of the interested parties opposing the variance that there has been more than sufficient time for applicants to contact, hold discussions and negotiate with the neighboring community prior to the variance request on August 13, 2012. It is our position that granting applicant's request for a rehearing based on this argument does a disservice to the neighbors and all interested parties who have been available for discussions since the inception of applicant's plans to build the largest Honda dealership in the United States. Granting a rehearing further fails to hold the dealership accountable for waiting until a week before a planned opening to request input from the neighborhood on a sign variance that was anticipated for five years.

Since the denial of the variance, applicant met with members of Friends of North Shoal Creek and NSCNA and both neighborhood associations maintain their opposition to the variance as expressed at the August 13 hearing.

2. Applicant argues at the time of the hearing, information concerning the exact topography of the site and surrounding tracts was unavailable. Art. 3 C(1) of the board's Rules of Procedure states one of the findings for granting the sign variance must be "the variance is necessary because strict enforcement of the provisions of the sign regulations prohibit any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site, such as its dimensions, landscaping or topography...." (emphasis added)

Again, this project has been in planning since its purchase in April of 2007 and it would have been impossible for the dealership, the engineers and architects of this property to not have

access to topography maps in order to prepare the site for construction. Mr. Hardeman informed neighbors on August 23, that during construction, First Texas Honda removed underground gas tanks for environmental reasons. It is certainly reasonable to infer knowledge of the topography of the site was essential to the removal of these dangerous underground gas tanks.

The argument that owners of the property would not have done due diligence in beginning construction on a project of this magnitude with no prior knowledge of the topography is untenable and warrants no consideration.

3. Applicant argues inaccurate and incomplete information was presented by the citizens about visibility of the sign from neighboring residential properties and Mopac Expressway, yet offers no evidence of the statements applicant contends are inaccurate or incomplete.

At a meeting with NSCNA on September 4, 2012, Nikelle Meade, applicant's attorney was asked to clarify this vague statement and cite specifically the "inaccurate and incomplete information" alleged to have been presented by the citizens and Ms. Meade failed to cite the specific statements she is alleging were inaccurate.

Applicant was represented at the Board of Adjustment and Sign Review Board on August 13 by legal counsel from one of the most prestigious law firms in the state. Note that the neighborhood associations and concerned citizens were not represented by counsel. Applicant's attorney, Nikelle Meade had ample opportunity to rebut any perceived inaccuracies at the time of the hearing. To grant a rehearing on this basis, is to reward Brown McCarroll and it's representatives for being less prepared than necessary to combat neighborhood arguments. It is certainly an anticipated argument that sign visibility in the neighborhood and from Mopac would be a major component of opposition from the neighborhood. Applicant had access to prior written comments from neighbors who presented their concerns, many of which focused on the visibility of the sign from the neighborhoods. This argument warrants no further consideration as applicant should have anticipated visibility would be a concern of the neighbors and applicant had an opportunity to address this issue fully at the August 13 hearing.

4. Finally, applicant argues conflicting information was presented at the hearing concerning the height and size of other signs in the vicinity and applicant has now obtained information to clarify that several other signs in the vicinity are as large and tall as the subject sign.

At a meeting with NSCNA on September 4, Nikelle Meade conceded that there are no other free-standing advertising signs in the area that are 60 feet high, therefore applicant's argument is false and therefore should not be considered. When questioned, Ms. Meade clarified that she was speaking of the flag pole at Mopac and Steck.

Neighborhood representatives presented photographic evidence of the other signs in the neighborhood on August 13, and the height and size of other signs in the vicinity is a foreseen argument that applicant had ample opportunity to address at the last hearing and does not warrant a reconsideration. Basically, First Texas Honda is asking the board for a "Do Over" because they were not fully prepared on August 13 to address neighborhood concerns that should have been fully anticipated. Under the board's Rules of Procedure the applicant does not meet the criteria necessary for the board to grant a Reconsideration.

In summary and conclusion, all the "additional information" applicant cites in their

argument that the board erred in its judgment was readily available to legal counsel and the property owners prior to the hearing on August 13 and counsel had the opportunity to address those issues prior to the decision of the board to deny the variance. It is the duty of legal counsel to foresee all possible arguments and opposition and address them at the proper time in the proper forum. Legal counsel had access to written comments from the neighborhood prior to August 13 and the applicant had more than five years to confer with surrounding neighborhoods in regards to the adverse impact the dealership may or may not impose and chose not to do so until the sign variance had been denied.

Further, legal counsel had access to files and information from attorneys, engineers and architects and any other prior representatives of First Texas Honda for review prior to presenting their case on August 13. For these reasons, we respectfully request the Board of Adjustment and Sign Review Board deny applicant's request for reconsideration and sustain the board's decision of August 13, 2012 to deny the variance.

Sincerely,

Vicki McFadden

2706 Benbrook Drive

Vick FM Hodden

Austin, Tx. 78757

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

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A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

Susan Walker P. O. Box 1088

Austin, TX 78767-1088

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MRS. MONTIE J. SIMPSON  Your Name (please print)  8410 M.LLWAy DR.  Your address(es) affected by this application  AUSTIN TX MONTH & Marphan 9-6-12  Signature  Date  Da	Case Number: C16-2012-0011 - 3400 Steck Avenue Contact: Susan Walker, 512-974-2202 Public Hearing: Sign Review Board, September 17th, 2012

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City of Austin-Planning & Development Review Department/ 1st Floor

Austin, TX 78767-1088

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Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C16-2012-0011 - 3400 Steck Avenue
Contact: Susan Walker, 512-974-2202

Public Hearing: Sign Review Board, September 17th, 2012

Your Name (please print)

Your address (es) affected by this applicant,

Sig ann

Sig ann

Date

Comments:

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Susan Walker P. O. Box 1088

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If you use this form to comment, it may be returned to: City of Austin-Planning & Development Review Department/ 1st Floor Susan Walker P. O. Box 1088 Austin, TX 78767-1088	Signature  Signature  Daytime Telephone: 512-453-6067  Comments: As a resident of the interpretation of the same appelled and the barrings.  I am lalso county the barrings.	Case Number: C16-2012-0011 – 3400 Steck Avenue Contact: Susan Walker, 512-974-2202 Public Hearing: Sign Review Board, September 17th, 2012  LONNA TONER Your Name (please print)  Should Stillwood La. Austin, 78, 78757 Your address(es) affected by this application  Should Stillwood La. Austin, 78, 78757

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If you use this form to comment, it may be returned to: City of Austin-Planning & Development Review Department/ 1st Floor Susan Walker	Your address(es) affected by this application  Your address(es) affected by this application  E G Ma Le Lo e G 9/6/12  Signature  Date  Date  Comments:	Case Number: C16-2012-0011 – 3400 Steck Avenue Contact: Susan Walker, 512-974-2202 Public Hearing: Sign Review Board, September 17th, 2012  F J MCFIERREM Your Name (please print)

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> board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. before or at a public hearing. Your comments should include the name of the Written comments must be submitted to the contact person listed on the notice

IN CASE #: C16-2012-0011. Much obligan.	
SIGN HEIGHT TROM 30 FEET TO 60 FEET AS REQUESTED	
DENY THIS REQUEST FOR A VARIANCE TO DOUBLE THE	
PUT IN PLACE FOR THE BENEFIT OF THE MANY, PLEASE	
AND NEARBY NEIBABOR HOODS, ZONING REGULATION NOC	
AT THE CITY'S PROTECTION OF ZONING DISTRICTS	
Comments: THE REQUEST FOR THE VARIANCE SLAPS	
Daytime Telephone: 幺1と 459-5522	
Signature /Date	
Tex M. Flaniper 09/06/2012	
Your address(es) affected by this application	
8600 STILLWOOD LANE AWSTIN TX 78757-6943	
Your Name (please print)	
EN R. FLANIKEN DIgatin favor	
Public Hearing: Sign Review Board, September 17th, 2012	
Case Number: C16-2012-0011 – 3400 Steck Avenue Contact: Susan Walker, 512-974-2202	

City of Austin-Planning & Development Review Department/ 1st Floor If you use this form to comment, it may be returned to: Susan Walker P. O. Box 1088

Austin, TX 78767-1088

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Case Number: C16-2012-0011 – 3400 Steck Avenue Contact: Susan Walker, 512-974-2202

Public Hearing: Sign Review Board, September 17th, 2012

Your Name (please print)

I am in favor

8515 SHAM CREEK BLUD #208

Your address(es) affected by this application

Laug Signature Sept

Daytime Telephone: 5/2 - 323 - 2726

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City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker

P. O. Box 1088 Austin, TX 78767-1088

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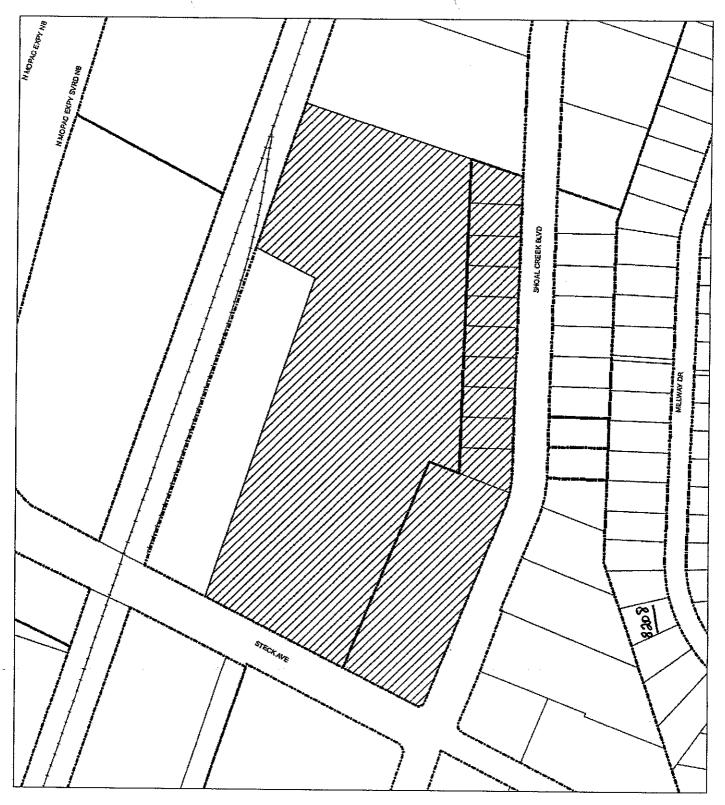
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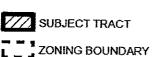
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CASE#: C16-2012-0011 LOCATION: 3400 STECK AVE



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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P. O. Box 1088 Austin, TX 78767-1088
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Comments: A sheet to the variance.
Daytime Telephone: 572 470-1680
Signature Date
John John
Your address(es) affected by this application
8207 STHUWOOD LANG SUTIN TO 75757
Your Name (please print) / \(\overline{\mathcal{M}}\) I object
Mary JANE HOLLAND - I am in favor
Public Hearing: Sign Review Board, September 17th, 2012
Contact: Susan Walker, 512-974-2202
Case Number: C16-2012-0011 - 3400 Steck Avenue

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If you use this form to comment, it may be returned to: City of Austin-Planning & Development Review Department/ 1st Floor Susan Walker P. O. Box 1088 Austin, TX 78767-1088	many businesses doing the same thing.	Capallus Tup 9-6-12 Signature Date  Daytime Telephone: 512-794-6300	Your Name (please print)  8500 Shool Creek Blvd, Blog 4, St., 106  Your address(es) affected by this application	Case Number: C16-2012-0011 – 3400 Steck Avenue Contact: Susan Walker, 512-974-2202 Public Hearing: Sign Review Board, September 17th, 2012

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Your Name (please print) Daytime Telephone: Comments: 1505-8519-8525 Silvan MERTIC BLUD NOT MOEDED FOR Case Number: C16-2012-0011 - 3400 Steck Avenue Public Hearing: Sign Review Board, September 17th, 2012 Contact: Susan Walker, 512-974-2202 YONDA MARTINE Z RODURTY WAS DURCUASED WITH ALREADY BEEN gich by this apparention GOING-TO DUK COMMUNITY DEMIES ONC MSTING VARIANIE X I object ] I am in favor

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City of Austin-Planning & Development Review Department/1st Floor Susan Walker P. O. Box 1088 Austin, TX 78767-1088
Please NO Big Sign!
businesses in this neighborhood.
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Michael T. LNCERO  Tom Name (please print)  Your Name (please print)
Case Number: C10-2012-0011 - 3400 Steek Avenue Contact: Susan Walker, 512-974-2202 Public Hearing: Sign Review Board, July 9th, 2012
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application affecting your neighborhood development or change. hearing, you are not required to attend. However, if you do attend, you environmental Although applicants and/or their agent(s) are expected to attend a public the opportunity to speak FOR or AGAINST the proposed organization that has expressed You may also contact a neighborhood or an interest in an

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Austin, TX 78757-7520

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Nancy Daniels 8203 Millway Dr.

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Case Number; and the contact person listed on the notice board or commission, or Council; the scheduled date of the public hearing; the Your Name (please print) Daytime Telephone: Your address(es) affected by this application Comments: City of Austin-Planning & Development Review Department/ 1st Floor If you use this form to comment, it may be returned to august 18th. 8203 Millway Drive Contact: Susan Walker, 512-974-2202 Susan Walker Public Hearing: Sign Review Board, July 9th, 2012 Case Number: C16-2012-0011 - 3400 Steck Avenue Austin, TX 78767-1088 P. O. Box 1088 vilsines Nancy W. aner a residential italie a sure Signature manues aniels new will-t Wases. 2621 27.10 anea opposed to the las lept Co-Cyclin I am in fayor to Cox øν

#### CITY OF AUSTIN Board of Adjustment/Sign Review Board Decision Sheet

DATE: July 9, 2012	CASE NUMBER: C16-2012-001
Jeff Jack Michael Von Ohlen Nora Salinas Bryan King Susan Morrison Melissa Hawthorne Hoswal- Heidi Goebel Cathy French (SRB only) Dan Graham (SRB only)	Will schnier
APPLICANT: Kevin Hull	
OWNER: Bryan Hardeman	
ADDRESS: 3400 STECK AVE	
maximum sign height of a freestandin (1) from 30 feet above frontage street parent grade in order to erec	nt has requested a variance to increase the g sign requirement of Section 25-10-130 (G) pavement grade to 60 feet above frontage It a freestanding sign for an Automotive I zoning district. (Commercial Sign District)
BOARD'S DECISION: POSTPONED TO	AUG. 13, 2012
FINDING:	
	enforcement of the Article prohibits and reasonable site, considering the unique features of a site such because:
OR,	
<ol><li>The granting of this variance will not have properties, because:</li></ol>	a substantially adverse impact upon neighboring
OR,	
3. The granting of this variance will not substordinance, because:	antially conflict with the stated purposes of this sigr
AND	
4. Granting a variance would not provide the others similarly situated of pole tially similarly Susan Walker	applicant with a special privilege not enjoyed by y situated, decause:  Jeff Jack
Executive Liaison	Chairman

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TIRCE GARZA	Public Hearing: Sign Review Board, July 9th, 2012	Case Number: C16-2012-0011 - 3400 Steck Avenue	se Number; and the contact person listed on the notice.	
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P. O. Box 1088

Austin, TX 78767-1088

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Daytime Telephone: 1512/455-1562
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Your Name (please print)  830) Thoat Case Start
Case Number: C16-2012-0011 – 3400 Steck Avenue Contact: Susan Walker, 512-974-2202 Public Hearing: Sign Review Board, July 9th, 2012

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If you use this form to comment, it may be returned to: City of Austin-Planning & Development Review Department/ 1st Floo Susan Walker P. O. Box 1088 Austin, TX 78767-1088		TO THORE IT BY	(512)45	Your address(es) affected by this applifation	Juan Creixell  (please print)  Sos Shoal Creek Blud	Case Number: C16-2012-0011 – 3400 Steck Avenue Contact: Susan Walker, 512-974-2202 Public Hearing: Sign Review Board, July 9th, 2012
<b>urned to:</b> Department/ 1st Floo		6.504	_	21/20/10	Il am in favor    X   object	venue 1, 2012

#### Walker, Susan

From:

Sent:

Monday, July 09, 2012 12:27 PM

To: Cc: Walker, Susan Chris Engen; Janet

Subject:

Case Number C16-2012-0011 - 3400 Steck

Public Hearing: Sign Review Board July 9th,

2012

I am James Savage, treasurer of the Steck Plaza Community, an association of building condo owners at 3200 Steck. The Steck Plaza Community has 10 owners in a building just east of the intersection of Steck and Shoal Creek Boulevard on Steck Avenue. I received the public notice of a public hearing for a land development code variance for the Steck Plaza Community on June 29<sup>th</sup> from a notice sent to Steck Plaza Community, Suite 100.

The members of the Steck Plaza Community object to the approval of a 60 foot sign at the First Texas Honda at 3400 Steck. I have not received responses from First Texas Honda or the sign company when I called requesting why they needed such a large sign. We have no objection to the location of the sign at the west end of the 3400 Steck property. However we do object to a sign of that size. We believe it will mar site views from our building to the west with potential detrimental impact on our property values. We believe any signage should meet requirements of the current Land Development Code.

Thank you for allowing us to respond and register our objection to this variance request.

James Savage
Treasurer
Steck Plaza Community
Jim@eciaustin.com
512-342-2774 X6

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2012-0011 - 3400 ker, 512-974-2202 m Review Board, J Al-Ri Ma Signature
leck Avenue  ly 9th, 2012    Jam in favor    All Suppose      All Suppose

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Austin, TX 78767-1088

Susan Walker P. O. Box 1088

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9th, 2012	Public Hearing: Sign Review Board, July 9th, 2012
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Daytime Telephone: 515-458-4480 Your address(es) affected by this application Comments: There is no med Your Name (please print) 8712 MILLWAY DRIVE ATRICIA SOLCIVAN Contact: Susan Walker, 512-974-2202 Public Hearing: Sign Review Board, July 9th, 2012 Case Number: C16-2012-0011 - 3400 Steck Avenue Julivan not to - lasy to ume 60 Had ony where acoust the No med to her a precion how much as a A object □ I am in favor

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Avenue 1, 2012	Case Number: C16-2012-0011 – 3400 Steck Avenue Contact: Susan Walker, 512-974-2202  Public Hearing: Sign Review Board, July 9th, 2012

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Your Name (please print) Comments: Daytime Telephone: Case Number; and the contact person listed on the notice Your address(es) affected by this application MARY 32094 Public Hearing: Sign Review Board, July 9th, 2012 Case Number: C16-2012-0011 - 3400 Steck Avenue Contact: Susan Walker, 512-974-2202 NOT NECESSARY WOULD SET PRECEDENCE UT OF CHARAJER 4 RUE 1 BE SEEN MOSSROCK DR 512 803 Signature SIGNS であるこ BNIT WANT なかれ コブア MORAC 2 + resject 7-8-1 ☐ I am in favor

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor Susan Walker Austin, TX 78767-1088 P. O. Box 1088

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Public Hearing: Sign Review Board, July 9th, 2012	
Case Number: C16-2012-0011 – 3400 Steck Avenue Contact: Susan Walker, 512-974-2202	
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P. O. Box 1088

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If you use this form to comment, it may be returned to: City of Austin-Planning & Development Review Department/ 1st Floor Susan Walker		Comments:	Signature Date  Daytime Telephone: (5/2) 457-5752	Your address(es) affected by this application  ELMELWELL  7/9/12	Your Name (please print)  WOFEREN  I am in favor  Probject	Case Number: C16-2012-0011 – 3400 Steck Avenue Contact: Susan Walker, 512-974-2202 Public Hearing: Sign Review Board, July 9th, 2012	Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

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Contact: Susan Walker, 512-974-2202

Case Number: C16-2012-0011 - 3400 Steck Avenue

If you use this form to comment, it may be returned to: City of Austin-Planning & Development Review Department/ 1st Floor Susan Walker P. O. Box 1088 Austin, TX 78767-1088	Daytime Telephone: 512 - 794 - 6300  Comments:	Public Hearing: Sign Review Board, July 9th, 2012  Cynthia Tays  Your Name (please print)  Your Name (please print)

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02	Contact: Susan Walker, 512-974-2202
100 Steck Avenue	Case Number: C16-2012-0011 - 3400 Steck Avenue

Case Number C16-2012-0011-3400 Steck Ave Public Hearing Sign Review Board , July 9, 2012 Susan Walker

I oppose the variance.

There are no special circumstances nor hardships or inequities unique to the car dealership; a variety of businesses at that intersection have done just fine over the years with non-gargantuan scale signage. Hart Graphics, Stripling Blake, BMC and more recently Lowes have all prevailed without a 60 ft sign.

In my opinion a 60 foot sign would be an eyesore. While Shoal Creek is a commercial corridor, this area is essentially residential. The proposed sign would be an unecessary esthetic blight.

Clearly this is an economic request. The irony is that Mopac is 750 feet away and buried at the Steck overpass so the sign will be invisible from the freeway. A 30 ft sign should manage to catch all the drive- by business a 60 ft sign would gather.

John Ghidoni

8229 Shoal Creek #101

Austin, Tx 78757

512.371.7400

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If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

**CITY OF AUSTIN** 

APPLICATION TO BOARD OF ADJUSTMENT GENERAL VARIANCE/PARKING VARIANCE WARNING: Filing of this appeal stops all affected construction activity. PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED. STREET ADDRESS: 3 4 0 0 Steck Ave LEGAL DESCRIPTION: Subdivision – Lot(s) 1-12 Block V Outlot Division I/We Kevin Hull on behalf of myself/ourselves as authorized agent for First Texas Honda affirm that on April 2, 2012. hereby apply for a hearing before the Board of Adjustment for consideration to: (check appropriate items below) \_X\_\_ ERECT \_\_\_ ATTACH \_\_\_ COMPLETE \_\_\_ REMODEL \_\_\_ MAINTAIN 60ft Tall Cabinet Sign in a district. (zoning district) NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. 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 (see page 5 of application for explanation of findings):

#### **REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The zoning regulations only allow for a 30 ft tall sign which will not be visible to Mopac

#### **HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

The Railroad grade that runs along the west side of the property and the mulit. story building between the location and Mopac are not visible without the 60 ft tall sign

(b) The hardship is not general to the area in which the property is located because:

Prevent location form being visible to customer base

#### AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The location of the sign will be next to railroad tracks and not next to any other location.

#### **PARKING:** (Additional criteria for parking variances only.)

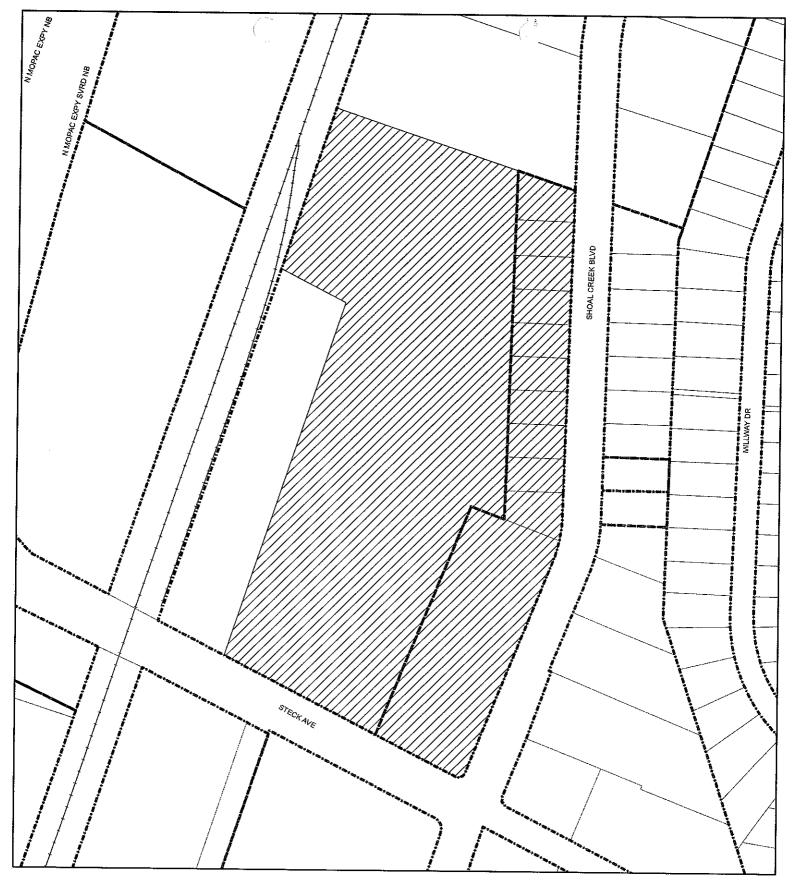
Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

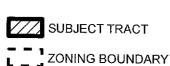
NA

2. The granting of this variance will not result in the parking or loading of vehicles or public streets in such a manner as to interfere with the free flow of traffic of the streets because:
NA
3 00-
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:
NA
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:
N/A
V V
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.
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: 12885 Research Blvd Ste101-A
City, State & ZipAustin, TX 78750
PrintedKevin Hull Phone _512-401-6500 _ Date _5/17/12
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 See Next 0436 Mail Address_1301 W Koenig Ln
City, State & ZipAustin, TX 78756
PrintedBryan Hardeman Phone512-381-1342 Date

publ	granting of this variance will not result in the parking of loading of vehicles on ic streets in such a manner as to interfere with the free flow of traffic of the ets because:
	granting of this variance will not create a safety hazard or any other condition nsistent with the objectives of this Ordinance because:
	variance will run with the use or uses to which it pertains and shall not run with ite because:
NOTE:	The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.
	ANT CERTIFICATE — I affirm that my statements contained in the complete on are true and correct to the best of my knowledge and belief.
Signed_	Mail Address: 12885 Research Blvd Ste 101-A
City, Stat	e & ZipAustin, TX 78750
Printed	Kevin Hull Phone 512-401-6500 Date
•	S CERTIFICATE — I affirm that my statements contained in the complete application and correct to the best of my knowledge and belief.
City, State	Brygu Haustin, TX 78756 Mail Address_1301 W Koenig Ln
Printed _	Bryan Hardeman Phone 512-381-1342 Date 5/12/12





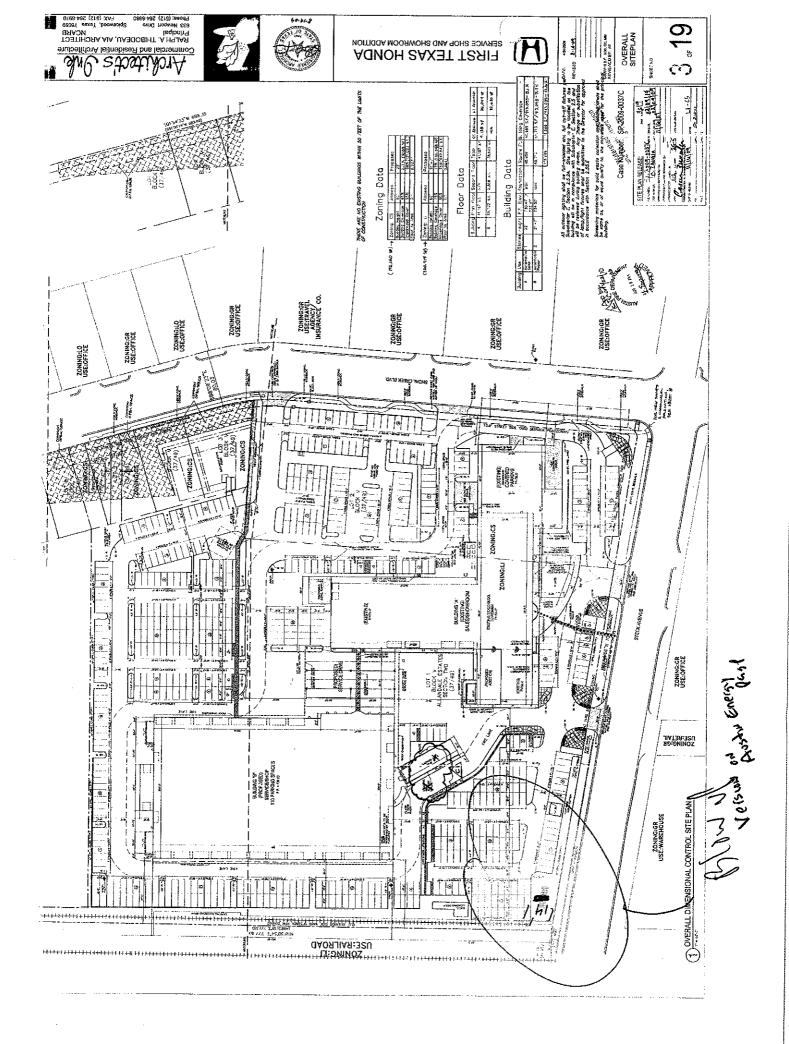


CASE#: C16-2012-0011 LOCATION: 3400 STECK AVE



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

May 10, 2012

Continental Cars Inc 6757 Airport Blvd Austin, Texas 78752-3602

Via email to Kevin Hull at: Kevin@texascustomsigns.com

Re:

3400 Steck Avenue

Lot 1-12 Blk V Allandale Estates Sec 2 2.69 AC J Wallace

Dear Kevin,

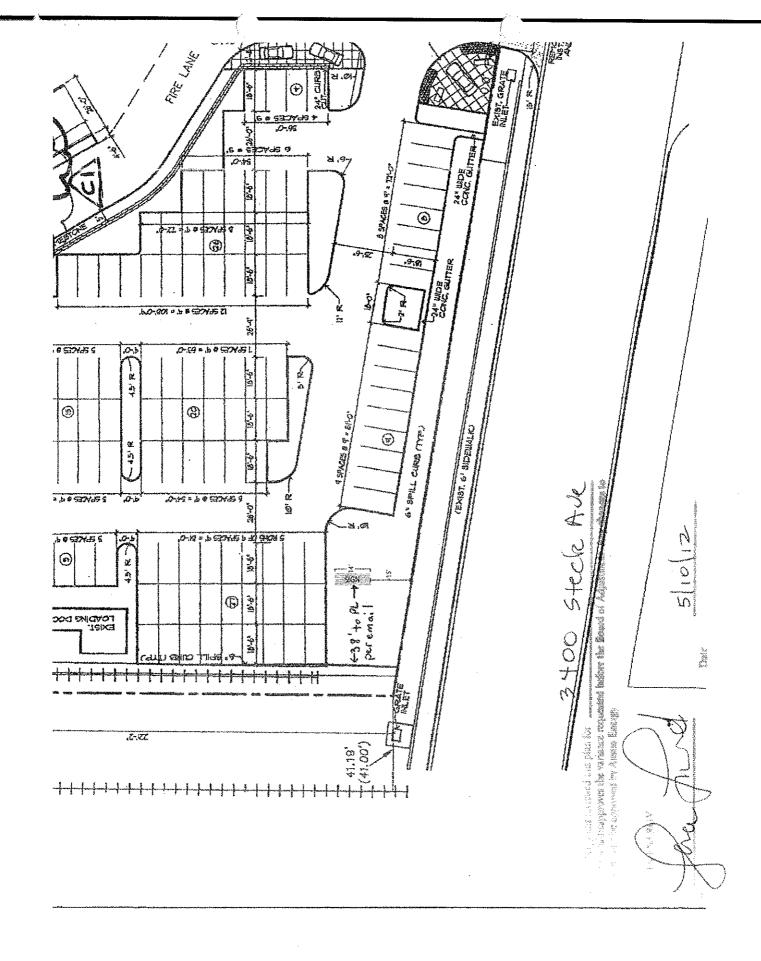
Austin Energy (AE) has reviewed your application for the above referenced property requesting to erect a 60 foot tall cabinet sign. Austin Energy does not oppose this application as requested and shown on the attached red-stamped sketch provided all AE clearance criteria requirements are met as well as compliance with the National Electric Safety Code and OSHA.

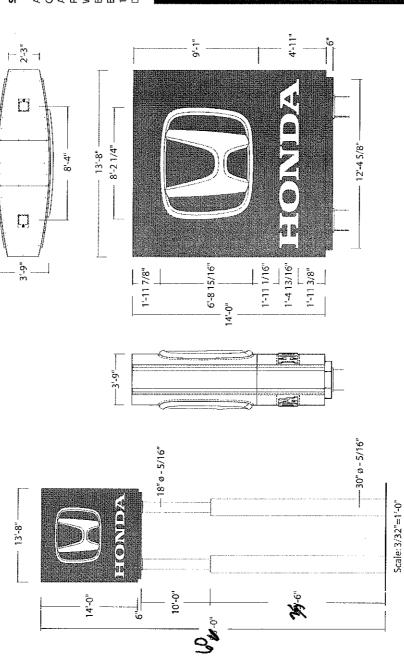
Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

Sincerely

Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker





### Supply & Install (1) One D/F Illuminated Pylon Sign HBS-14x14x50 - GEN 3

### Specifications:

Aluminum construction Cabinet & escutcheon painted to match Honda Blue (PMS 285c) Aluminum face routed out Pushed through 3D molded white acrylic logo & letters White LED illumination Blue LED recessed lighting on side of cabinet 18"/30" Support poles painted Honda white Electrical hook-up by others Direct bury installation





Customer Approved.













# Conceptual Design based on Prelimenary Engineering Drawing

### GEN-3 HBS-14x14

Available in 50' / 60' / 100' heights



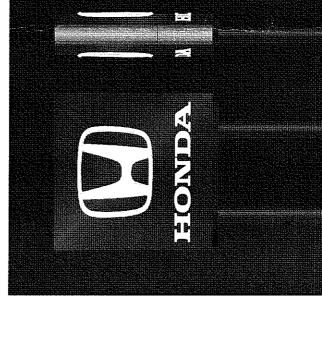
8'-2 1/4"±-14-0"

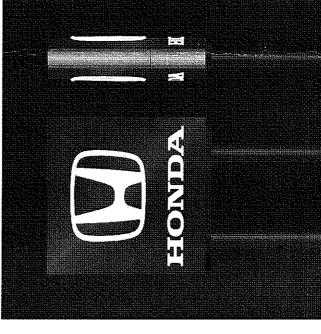




### **Fabrication Detail**

- Aluminum sign cabinet with recessed reveals on sides of cabinet
   Cabinet painted Honda Blue
   Aluminum face routed out with pushed through 3D molded acrylic logo & letters
   Internally illuminated
   Blue LED cove lighting in recess on sides of cabinet





1.413/16"±

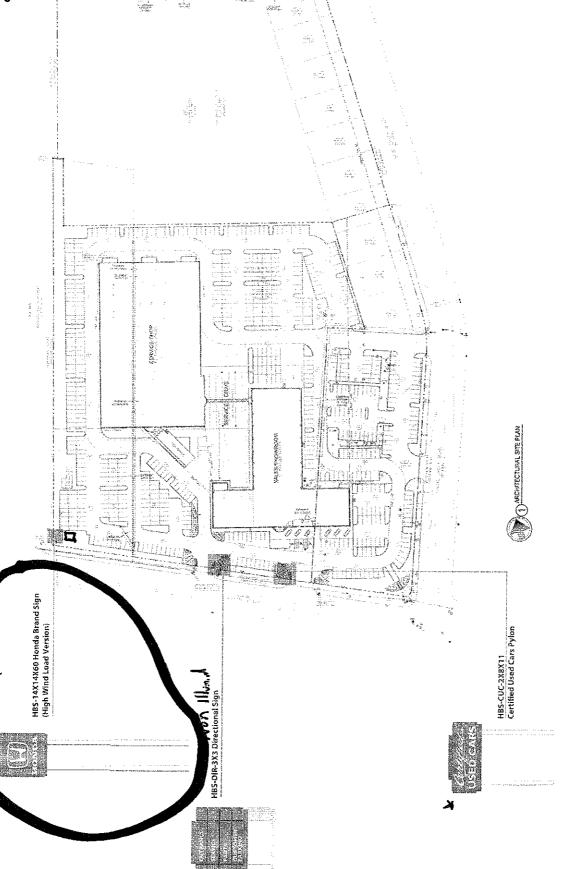
4:-11"

6'-8 15/16"±

6

14.0

3400 Sterk





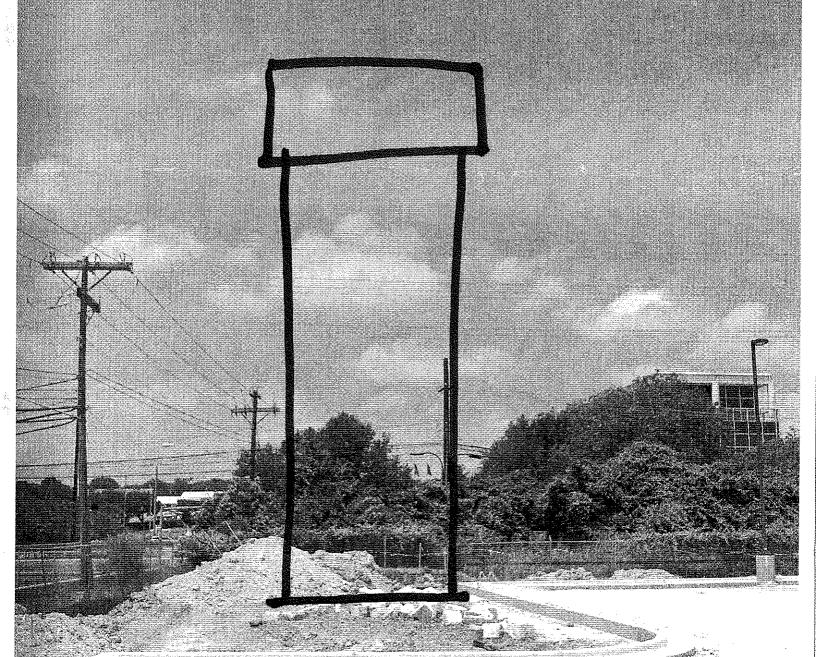
Chalomer Approved

A New of annia to the control of the

The light rest of the properties of the properti

410 N. Cadar Bluff Rd. - Sulte 101 - Knoxville, TN, 37933
The 3655 535-105 - Tax (260) 594-1105 - Tax (260) 170-1305

### 



From:

Sent:

Sita Lakshminarayan Monday, September 17, 2012 2:05 PM

To:

Walker, Susan

Subject:

BOA Appeal Case C16-2012-0011 3400 Steck Ave

From:

Sita Lakshminarayan 3309, Bryker Drive Austin, Texas - 78703

To:

Ms. Susan Walker

City of Austin Board of Adjustment:

PO Box 1088

Austin TX 78767-1088

RE: Board of Adjustment Appeal CASE C16-2012-0011 3400 Steck Ave

Dear Ms. Walker,

I write to you on behalf of the Bryker Woods Neighborhood Association Board and in my capacity as Board President. The Bryker Woods Board is in support of denial of the Applicant's request for reconsideration and in opposition to the application itself. We believe that a very bad precedent needs to be avoided and therefore strongly support the denial of Applicant's request.

Thanking you for your consideration.

Sincerely, Sita Lakshminarayan President Bryker Woods Neighborhood Association

application affecting your neighborhood. environmental organization that has expressed an interest in an development or change. have the opportunity to speak FOR or AGAINST the proposed hearing, you are not required to attend. However, if you do attend, you Although applicants and/or their agent(s) are expected to attend a public You may also contact a neighborhood or

specific date and time for a postponement or continuation that is not later or denial of the application. If the board or commission announces a continue an application's hearing to a later date, or recommend approval During a public hearing, the board or commission may postpone or than 60 days from the announcement, no further notice is required

can appeal the decision. The body holding a public hearing on an appeal standing to appeal, or an interested party that is identified as a person who will determine whether a person has standing to appeal the decision. A board or commission's decision may be appealed by a person with

owner of the subject property, or who communicates an interest to a board or commission by: An interested party is defined as a person who is the applicant or record

- delivering a written statement to the board or commission before or concern (it may be delivered to the contact person listed on a during the public hearing that generally identifies the issues of
- and: appearing and speaking for the record at the public hearing;
- occupies a primary residence that is within 500 feet of the subject is the record owner of property within 500 feet of the subject property property or proposed development;
- is an officer of an environmental or neighborhood organization that or proposed development; or the subject property or proposed development has an interest in or whose declared boundaries are within 500 feet of

be available from the responsible department department no later than 10 days after the decision. An appeal form may A notice of appeal must be filed with the director of the responsible

process, visit our web site: www.ci.austin.tx.us/development For additional information on the City of Austin's land development

> before or at a public hearing. Your comments should include the name of the Written comments must be submitted to the contact person listed on the notice

mis vaniance. A 60 to Daytime Telephone: 512-905-8004 Your Name (please print) Case Number; and the contact person listed on the notice. board or commission, or Council; the scheduled date of the public hearing; the Your address(es) affected by this application 6002 Rockwood lane Public Hearing: Sign Review Board, September 17th, 2012 Case Number: C16-2012-0011 - 3400 Steck Avenue ouk Contact: Susan Walker, 512-974-2202 Claudia Penez Candra. variance beautifu Signature o 12 Blado John Le Ş inanks. TY SOME neighborhood N object I am in favor

If you use this form to comment, it may be returned to

City of Austin-Planning & Development Review Department/ 1st Floor P. O. Box 1088 Susan Walker

Austin, TX 78767-1088

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   is an officer of an environmental or neighborhood organization that
- is an officer of an environmental or neighborhood organization that
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City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker P. O. Box 1088

Austin, TX 78767-1088

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

neve we bought a house
and street is one of the
my neighborhood. There are
that's vericine oursers in
Comments: Do not approve
Daytime Telephone: 512-428-8834
And Nome 9-14-2012
8002 Kock Joseph L. 78757 Your address(es) affected by this application
Your Name (please print) Now May N I am in favor
Public Hearing: Sign Review Board, September 17th, 2012
Case Number: C16-2012-0011 - 3400 Steck Avenue Contact: Susan Walker, 512-974-2202



Nikelle S. Meade 512-479-1147 direct 512-226-7373 direct fax

September 17, 2012

### VIA EMAIL (susan.walker@austintexas.gov)

Board of Adjustment and Sign Review Board c/o Susan Walker City of Austin 505 Barton Springs Road Development Assistance Center, 1st Floor Austin, Texas 78704

Re:

Withdrawal of Case - Case No. C16-2012-0011

Kevin Hull and Bryan Hardeman for 3400 Steck Avenue

Dear Ms. Walker:

By this letter we respectfully withdraw the variance application in the above-referenced case. After working with the North Shoal Creek and Friends of North Shoal Creek neighborhood associations to attempt to come to an agreement concerning the request for the 60' sign, no agreement could be reached. Accordingly, we are withdrawing the application. We will continue to work with both associations and other neighbors in the area to find some workable solution for signage on the property.

Austin

Thank you. Please contact me if any additional information is needed.

Sincerely,

Dallas

Nikelle S. Meade

Bryan Hardeman cc:

Houston

Will Hardeman Kevin Hull

From:

Paulette Kern ⊴

Sent:

Sunday, September 16, 2012 11:23 PM

To:

: Walker, Susan

Subject:

ACTION ITEM: Board of Adjustment Appeal CASE C16-2012-0011 3400 Steck Av

Dear Ms. Walker/ BOA,

In the above case, I ask that the Board of Adjustments deny the applicants request for variance to a 60' height for the Honda sign. I support the neighborhood in its opposition and believe that, if allowed, a very detrimental precedent will be set.

Thank you,

Paulette Kern 2705 Twin Oaks Dr. Austin, Texas 78757

From:

Joyce Basciano <

Sent:

Sunday, September 16, 2012 7:52 PM

To: Cc: Walker, Susan Ramirez, Diana

Subject:

Board of Adjustment Appeal CASE C16-2012-0011 3400 Steck Av

Chair Jack, Vice Chair Goebel and Members of the Board of Adjustment,

Re Board of Adjustment Appeal C16-2012-0011 3400 Steck Ave (First Texas Honda sign)

I live in Bryker Woods which is bounded on the West by MoPac (Loop 1). This matter concerns me and my neighbors as granting a variance will set a very bad precedent for the entire MoPac corridor. MoPac is included in the Scenic Roadways designation of section 25-10-6 of the City Code and does not have the sign pollution visible from other highways in the city. Signage along MoPac is typically found on buildings and not freestanding as First Texas Honda's would be.

There is much opposition to the proposed sign in the neighborhoods most affected by it. The applicant/owner failed to engage the neighborhoods before the initial BOA hearing (July) and failed at an August stakeholders meeting to reach a resolution.

Please deny the applicant/owner the Request for Reconsideration. There is no hardship imposed on First Texas Honda if their variance request remains denied.

Thank you,

Joyce Basciano 1907 West 34<sup>th</sup> St Austin, Tx 78703

### North Shoal Creek Neighborhood Association Post Office Box 66443 Austin, Texas 78766-0443

RECEIVED

SEP 1 3 2012

September 12, 2012

CITY OF AUSTIN

City of Austin
Planning & Development Review Department
ATTN: Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

Re: Case Number C16-2012-0011-3400 Steck Avenue

Dear Ms Walker:

The North Shoal Creek Neighborhood Association (NSCNA) objects to the variance requested to permit a 60 foot tall sign at the Honda dealership at 3400 Steck Avenue. The 30 foot tall sign restriction is not considered a hardship warranting a waiver in this case. A 60 foot sign at this location is not justified. That objection was stated previously in our letter of August 7, 2012. This letter provides additional related information.

The letter of August 23, 2012 from Brown McCaroll requesting reconsideration of this case contains some statements with which we disagree:

1. The Sign Review Board erred in its decision because it did not have an opportunity to consider all the pertinent information at the time of the original hearing.

NSCNA does not agree that the board erred in its decision, and recommends the request for reconsideration be denied. NSCNA submitted the letter of objection August 7, 2012, stating some reasons for objecting to the variance. In the limited speaking time available in the August 13 hearing, the NSCNA president had displayed three photographs that showed a degree of visibility of parts of the Honda buildings from portions of MoPac and stated the opinion that a sign 30 feet high, properly located, would provide adequate visibility.

2. Applicant had not had an opportunity to discuss the case with the surrounding neighbors, neighborhood associations, and other interested parties.

Mr. Will Hardeman, the managing partner for the dealership, spoke to the members of the Association at the general membership meeting on September 4, and answered numerous questions from those present. Mr. Bryan Hardeman, owner, and counsel Nikelle Meade were also present and provided comments and answers.

Following that discussion, the members discussed the sign, and voted to object to the variance to permit the 60 ft sign.

3. Inaccurate and incomplete information was presented by citizens about the visibility of the sign from neighboring residential properties and MoPac Expressway.

As stated above, the NSCNA president had displayed three photographs that showed a degree of visibility of parts of the Honda buildings from portions of MoPac and stated the opinion that a sign 30 feet high, properly located, would provide adequate visibility.

On August 31, the dealer had a blue weather balloon tethered at the site, at a height of 60 feet to demonstrate the proposed sign height. Photographs of the balloon and site from several locations along MoPac are enclosed. The first three are photographs taken before the balloon was displayed; the remaining eight were taken as the balloon was visible. I believe these photographs provide proof that the 60 ft height is excessive and not necessary for visibility.

The entitlement to a high sign to be visible from MoPac is questionable. I understand the MoPac is designated as a "Scenic Highway" and that such free standing signs along the road are not permitted.

4. Conflicting information was presented at the hearing concerning the height and size of other signs in the neighborhood.

There are high signs along US Highway 183, particularly the elevated portions; however that should have no bearing on this case. Along Burnet Road and Anderson Lane there are signs that may be slightly over 30 feet high. An example is the sign at Shoal Creek Plaza at Anderson Lane and Shoal Creek Blvd, which is estimated to be 30 to 35 feet high. Farther North along MoPac, the signs at the Arbor Walk are estimated to be about the same height. I know of no 60 ft signs on MoPac.

Any sign at the proposed location would not be visible from the main lanes of MoPac north of Steck Avenue due to the height of the large building adjacent to MoPac and the lanes being lowered under the Steck overpass. Since part of the Honda building is visible from the main lanes and access roads south of Steck Avenue, as shown in the enclosed photographs, it is believed that a 30 foot sign would likewise be visible.

The 30 foot sign for Lowes across Steck from Honda is visible from Steck Avenue west of Mopac and from the overpass over Mopac. A 30 foot sign is believed to be adequate to help motorists locate the dealership.

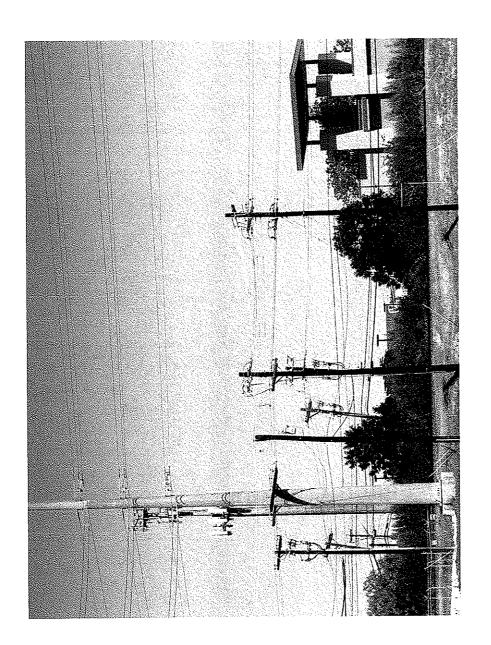
Sincerely,

Christ Result

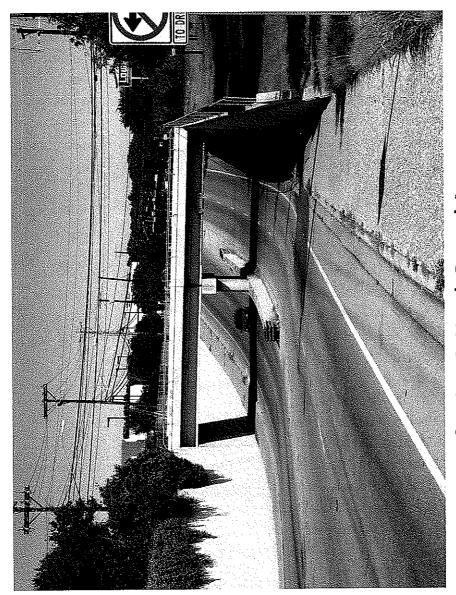
President,

North Shoal Creek Neighborhood Association

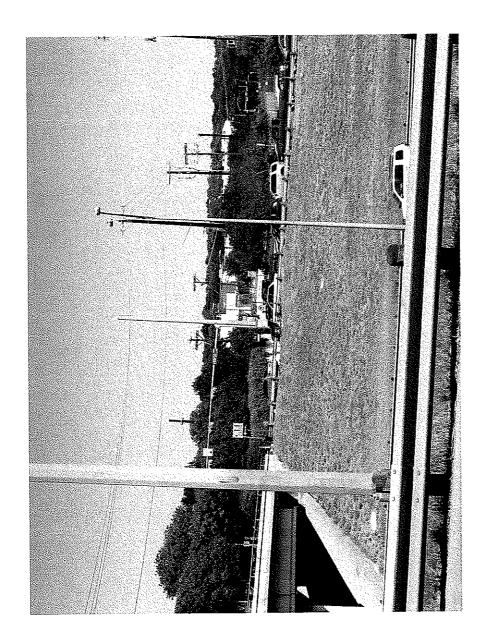
11 Enclosures (PowerPoint photos)



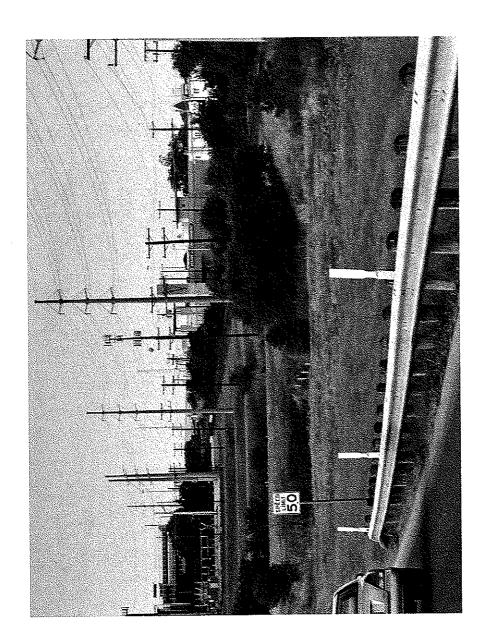
View from MOPAC North Bound Access Road



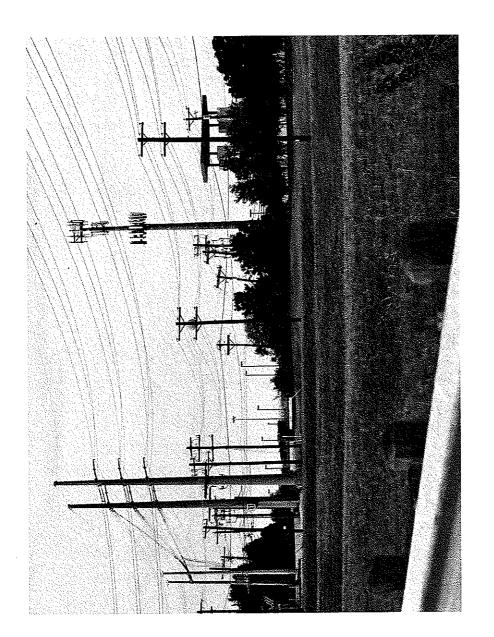
From corner of MOPAC North Bound Access Road and Steck Avenue



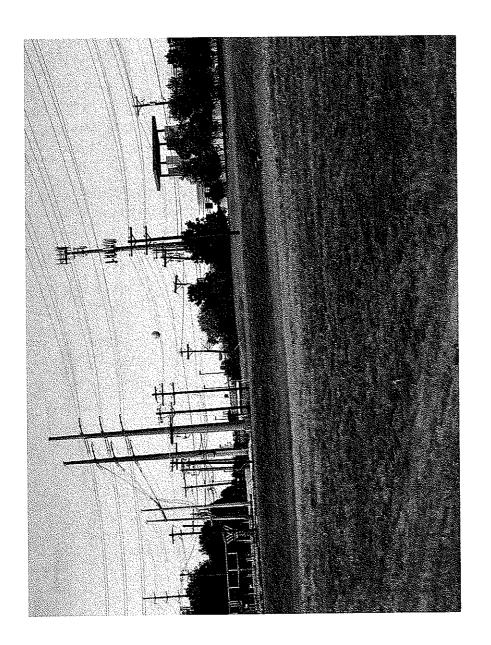
View from MOPAC South Bound Access Road



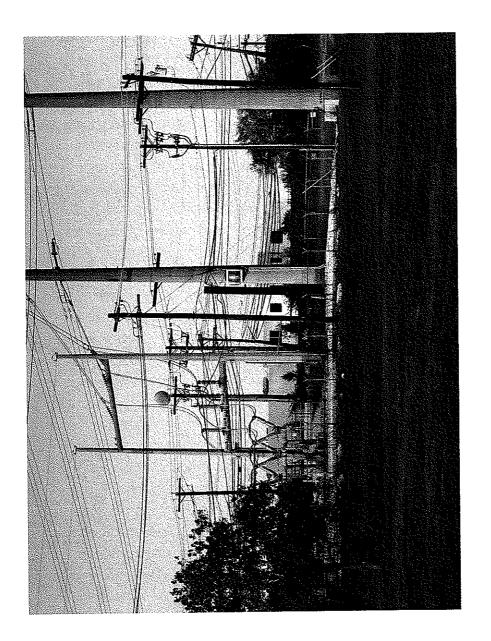
2498\_A NB MOPAC Access Road near Anderson



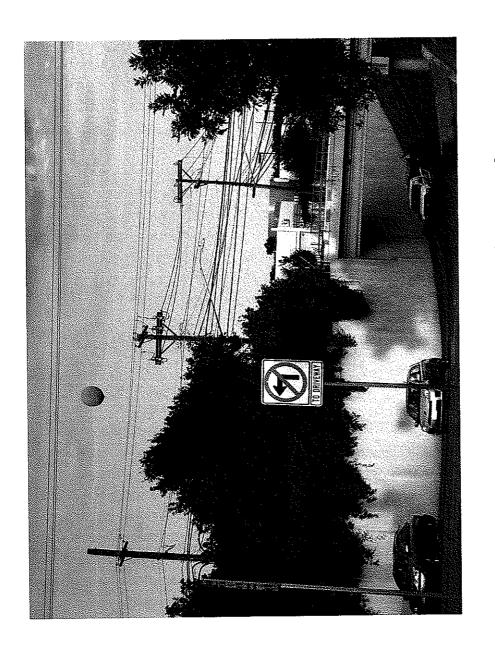
2502\_A NB MOPAC Access Road - 2



2504\_A NB MOPAC Access Road - 3



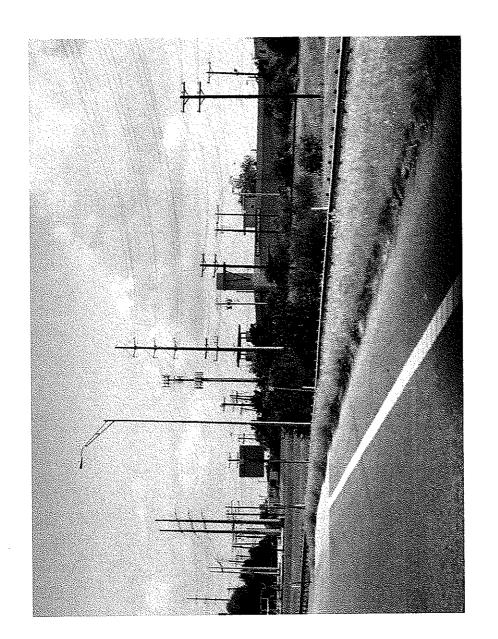
2506\_A NB MOPAC Access Road - 4 Near Steck



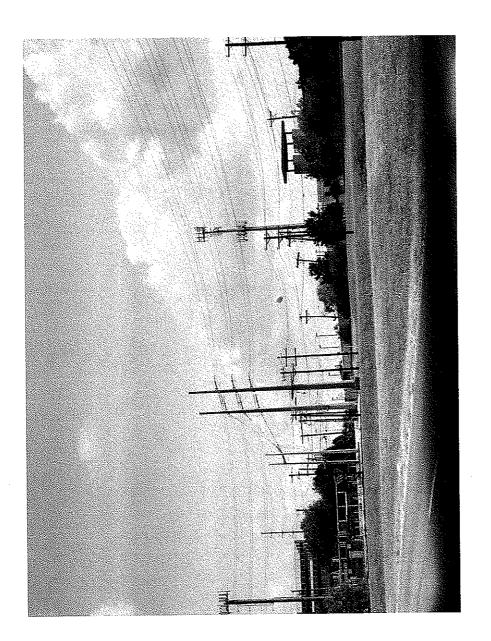
2509\_A NB MOPAC Access Road at Steck



2510\_A SB MOPAC Access Road near Luby's



2514\_A NB MOPAC at Steck Exit



2516\_A NB MOPAC Exit at Access Road

From:

Zelda Cook <

Sent:

Wednesday, September 12, 2012 12:58 PM

To:

Walker, Susan

Subject:

Case # C16-2012-0011 - First Texas Honda

Dear Ms. Walker,

My name is Zelda Cook. I own office space at 3200 Steck Avenue in Suite 245, and my family's business (Nine Point Mesa Land & Cattle Company) owns space at Suite 240 at that same address. We are in receipt of your Notices of Public Hearing for First Texas Honda's appeal of a Land Development Code variance application for signage at 3400 Steck Avenue, but will be unable to attend the hearing with the Sign Review Board on September 17.

Please allow me to submit objections to this application for variance on behalf of both Nine Point Mesa Land & Cattle Company and myself.

In my opinion, a sign of up to sixty feet in height would be out of character with what is currently visible in the vicinity, and would be excessive, unsightly and unnecessary. To my knowledge, there is no free-standing signage of this type along MoPac south of Highway 183, Steck Avenue, Shoal Creek Boulevard or Anderson Lane. I'll presume that, when they obtained the property, First Texas Honda was aware of the existing restrictions within the Land Development Code regarding this issue. By approving this variance, a precedent would be set for other businesses to request similar consideration from the City, and the "Scenic Highway" aspect to MoPac might be irrevocably altered.

I don't understand how complying with the current Code would place a hardship on this business, and I respectfully request the Sign Review Board decline this application for variance.

Thank you for the opportunity to be heard.

ZELDA COOK 3200 STECK AVENUE, SUITE 245 AUSTIN, TEXAS 78757 (512) 420-0497

E-MAIL:

From:

Jim Savage 🖘

Sent:

Wednesday, September 12, 2012 10:30 AM

To: Cc: Walker, Susan Chris Engen: Janet

Subject:

C16 2012 0011 First Texas Honda Sign Variance Request

I am James Savage, treasurer of the Steck Plaza Community, an association of building condo owners at 3200 Steck. The Steck Plaza Community has 10 owners in a building just east of the intersection of Steck and Shoal Creek Boulevard on Steck Avenue. I received the public notice of a public hearing for a second attempt at a land development code variance for the Steck Plaza Community last week from a notice sent to Steck Plaza Community, Suite 100.

Steck Plaza Community objects to the approval of a variance for a 60 foot sign at the First Texas Honda at 3400 Steck. I have not received responses from First Texas Honda or the sign company when I called requesting why they needed such a large sign. Mr. Hardeman did call me on the afternoon of the date that their first attempt at this variance was defeated. I told him I could not get 10 building owners together with no notice to discuss why First Texas Honda should be allowed a 60 foot advertising sign on the date of the hearing. He told me he is thinking about putting a large sign close to our building which he is sure we would not want. I told him that as long as it met current city of Austin requirements we had no reason to object. Although weeks have passed, Mr. Hardeman has not contacted me since.

We have no objection to the location of the sign at the west end of the 3400 Steck property. However we do object to a sign of that size. We believe it will mar site views from our building to the west with potential detrimental impact on our property values. We believe any signage should meet requirements of the current Land Development Code. It is our understanding that Mopac is designated a scenic highway with restrictions on signage. We sincerely hope that this continues to be the case and that no precedent-setting variance to allow a 60 foot sign for First Texas Honda will be allowed.

Thank you for allowing us to respond and register our objection to this variance request.

Jim Savage Treasurer Steck Plaza Community, Inc. 3200 Steck Ave., #100 Austin, TX. 78757 512-696-3841

### Ramirez, Diana

From:

Joyce Basciano

Sent:

Sunday, September 16, 2012 7:52 PM

To: Cc: Walker, Susan Ramirez, Diana

Subject:

Board of Adjustment Appeal CASE C16-2012-0011 3400 Steck Av

Chair Jack, Vice Chair Goebel and Members of the Board of Adjustment,

Re Board of Adjustment Appeal C16-2012-0011 3400 Steck Ave (First Texas Honda sign)

I live in Bryker Woods which is bounded on the West by MoPac (Loop 1). This matter concerns me and my neighbors as granting a variance will set a very bad precedent for the entire MoPac corridor. MoPac is included in the Scenic Roadways designation of section 25-10-6 of the City Code and does not have the sign pollution visible from other highways in the city. Signage along MoPac is typically found on buildings and not freestanding as First Texas Honda's would be.

There is much opposition to the proposed sign in the neighborhoods most affected by it. The applicant/owner failed to engage the neighborhoods before the initial BOA hearing (July) and failed at an August stakeholders meeting to reach a resolution.

Please deny the applicant/owner the Request for Reconsideration. There is no hardship imposed on First Texas Honda if their variance request remains denied.

Thank you,

Joyce Basciano 1907 West 34<sup>th</sup> St Austin, Tx 78703

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  is the record owner of property within 500 feet of the subject property

or proposed development; or

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has an interest in or whose declared boundaries are within 500 feet of
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For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Susan Walker P. O. Box 1088 Austin, TX 78767-1088
If you use this form to comment, it may be returned to: City of Austin-Planning & Development Review Department/ 1st Floo
tion as to the sign Location.
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Men a. Winder 1912
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8217 Shoar Cheele Blut. Austin
Your Name (please print)
Becker FAMULY L.P. CIamin Tayor
Public Hearing: Sign Review Board, September 17th, 2012
Contact: Susan Walker, 512-974-2202
Case Number: C16-2012-0011 - 3400 Steck Avenue

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P. O. Box 1088

Austin, TX 78767-1088

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  is the record owner of property within 500 feet of the subject property
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City of Austin-Planning & Development Review Department/ 1st Floor Susan Walker P. O. Box 1088 Austin, TX 78767-1088	If you use this form to comment, it may be returned to:	ter same	Comments:    his sign variance is clearly sought	Daytime Telephone: S() 8763334  Date	Your Name (please print)  8729 Show Crekt \$101  Your address(es) affected by this application	Case Number: C16-2012-0011 – 3400 Steck Avenue Contact: Susan Walker, 512-974-2202 Public Hearing: Sign Review Board, September 17th, 2012

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Case No C16-2012-0011. - Kevin Hull and Bryan Hardeman for 3400 Steck Avenue - Request for Reconsideration

Below are five points expressed by the applicant in his Request for Reconsideration to support his belief that the Sign Review Board erred in its decision to deny the applicant's request for a sign variance. My responses to each of the five points are in bold.

A. Sign Review Board did not have an opportunity to consider all the pertinent information at the time of the original hearing.

It is the responsibility of the applicant to make sure the Sign Review Board had all the information it needed to make it's decision. Applicant is represented by one of the most prestigious law firms in the State of Texas, Brown McCarrroll. To grant a rehearing is to reward Brown McCarroll and its representatives for being poorly prepared to respond to neighborhood concerns and arguments.

B. Applicant did not have an opportunity to discuss the case with the surrounding neighbors, neighborhood associations, and other interested parties.

Applicant purchased the property in 2007 and the location has been under construction for more than a year. The applicant waited 5 years before contacting the neighborhood associations about anything, including his desire to have a 60 foot sign rather than the restricted 30 foot sign. Applicant has admitted that he has known for some time that he wanted a 60 ft sign for his business. Why would applicant wait until the month before opening his business to submit a request for a sign variance?

C. Information on site topography was unavailable at the time of the original hearing.

Topography information must be given to architects and engineers in order to prepare the site for construction. Would the applicant's legal representative have forgotten to include the topography information when making its request to the Sign Review Board for a variance?

D. Inaccurate and incomplete information was presented by citizens about the visibility of the sign from neighboring residential properties and Mopac.

Applicant's legal representative had ample time to counter any perceived inaccuracies at the time of the hearing. North Shoal Creek neighbors (citizens) presented pictures to support the adequate visibility of a 30 ft. sign and gave convincing arguments against the sign variance request. North Shoal Creek neighbors did not have the benefit of legal council at this hearing.

E. Conflicting information was presented at the hearing concerning the height and size of other signs in the neighborhood.

There is an American flag flying above a business in North Shoal Creek that does not have to comply with zoning and code compliance restrictions. If there are signs in the neighborhood that do not meet zoning and code compliance restrictions, then legal council should have had and

### provided that information before and during the August 13th hearing.

For the reasons stated above in **bold**, I believe the Sign Review Board did not err in its decision to deny the applicant's request for a sign variance. Therefore, the applicant's request for a rehearing should be denied. The applicant and his legal representatives had ample time to prepare for the original hearing.

First Texas Honda is asking for a do-over, but according to the rules, they must submit substantially different evidence or show that an error of procedure has occurred. In their application, they have submitted no such evidence. In fact, at the North Shoal Creek Neighborhood Association (NSCNA) General Membership meeting, Sept. 4, 2012, applicant's lawyer admitted that some of her own statements were erroneous in her client's appeal request.

MOPAC is designated as a "Scenic Highway." Allowing this variance would set a precedent that has not been broken in 40 years of MOPAC's existence. We do not want to open the door to more tall signs being erected in order to grab attention on MOPAC. As one Commissioner already stated, "It would create a domino effect" where other businesses would want the same visibility.

The sign does not fit the area, is proposed to be 15' x 15' and will clutter the skyline above the treetops, as we see on HWY 183. Neither the Arbor Walk nor Domain have a sign like this proposed sign.

The dealerships in the area do just fine with the 30' signs that some of them have. First Texas Honda knew what the ordinances were when they bought the property in April, 2007, yet they waited until now to ask for this variances. The applicant's other dealership, Infinity, in North Shoal Creek has a sign that complies with the sign ordinance.

Friends of North Shoal Creek met August 27th, 2012, with the owner and his lawyer. NSCNA members met with the owners and their lawyer Sept. 4th, 2012. At this meeting a majority of NSCNA members voted against supporting the variance request.

Thank you for your attention and consideration of my objections to the applicant's appeal and variance request.

Sherran Williams Sherran Nilliam Sept 10, 2012

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Case Number: C16-2012-0011 – 3400 Steck Avenue Contact: Susan Walker, 512-974-2202 Public Hearing: Sign Review Board, September 17th, 2012

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City of Austin-Planning & Development Review Department/ 1st Floor

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Austin, TX 78767-1088

Susan Walker P. O. Box 1088

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If you use this form to comment, it may be returned to: City of Austin-Planning & Development Review Department/ 1st Floor Susan Walker	Lam against "the Variance Regrest	Daytime Telephone: 512-454-0550  Comments: I am against the Appeal,	Case Number: C16-2012-0011 – 3400 Steck Avenue Contact: Susan Walker, 512-974-2202 Public Hearing: Sign Review Board, September 17th, 2012  Your Name (please print) Your Name (please print) Your address(es) affected by this application  Your address(es) affected by this application

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Your Name (please print)  8204 MILLWAY Drive, Joseph Tx 78757
Case Number: C16-2012-0011 – 3400 Steck Avenue Contact: Susan Walker, 512-974-2202 Public Hearing: Sign Review Board, September 17th, 2012

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Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the

Case Number; and the contact person listed on the notice.

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TO LOOK LIKE 185.
W.C.
A 30' SIGN IS MORE THAN
IMMEDIATE NEIGHBORHOOD!
FROM THOSE OF US IN THE
A 60' SIGN + 16NORE PROTECTS
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LACE KERRYBROOK LANE AVSIN IN THE THE
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Public Hearing: Sign Review Board, September 17th, 2012
Contact: Susan Walker, 512-974-2202
Case Number: C16 2012 0011 2400 Stock Avenue

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Daytime Telephone: 5/2 467 - 1893  Comments: Leave 15 16 416 4 6 8 4
eplication 9/8
Your Name (please print) 2706 Lembank II am in favor  Row Name (please print) 2706 Lembank II object  Row the TX 7875-7
Case Number: C16-2012-0011 – 3400 Steck Avenue Contact: Susan Walker, 512-974-2202 Public Hearing: Sign Review Board, September 17th, 2012