

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

**DATE: Feb 11, 2013**

**CASE NUMBER: C16-2013-0001**

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nora Salinas ABSENT – STUART HAMPTON  
\_\_\_\_ Bryan King  
\_\_\_\_ Fred McGhee  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ Sallie Burchett  
\_\_\_\_ Cathy French (SRB only)

**APPLICANT: Jim Bennett**

**OWNER: Cielo Realty Partners**

**ADDRESS: 4410 RIVERSIDE DR**

**VARIANCE REQUESTED:** The applicant has requested a variance to increase the maximum number of freestanding signs requirement of Section 25-10-124 (B) from one freestanding sign to two freestanding signs for a General Retail use in a "GR", Community Commercial zoning district. (Scenic Sign District)

**BOARD'S DECISION: POSTPONED TO MARCH 11, 2013 PER APPLICANT**

**FINDING:**

1. The variance is necessary because strict enforcement of the Article prohibits and reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscape, or topography, because:

OR,

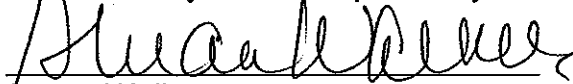
2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because:

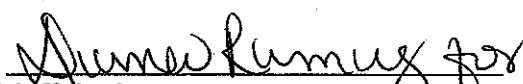
OR,

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:

  
\_\_\_\_\_  
Susan Walker  
Executive Liaison

  
\_\_\_\_\_  
Jeff Jack  
Chairman

**Walker, Susan**

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**From:** Malcolm Yeatts <[REDACTED]>  
**Sent:** Monday, February 11, 2013 9:13 PM  
**To:** Walker, Susan  
**Cc:** 'Carl Braun'; 'Dawn Cizmar'; 'Toni House'; 'Toni House'; 'Krebs, Fred'; 'John Harms'; 'Amber Wilkins --EROC NPCT'; 'Linda Land'; 'Jan Long'; 'Linda J. Watkins'; 'Malcolm Yeatts'; 'Judy Price'; 'May, Mike'; 'Kendall Krebs'; [REDACTED]  
**Subject:** Case # C16-2013-0001

The East Riverside/Oltorf Combined (EROC) NPA Contact Team has voted to oppose this request for a sign variance. The East Riverside corridor has been designated a scenic roadway, and the Sign Review Board should enforce the ordinance on sign restrictions.

Malcolm Yeatts Chair person, EROC Contact Team  
4811 Allison Cove  
385-1958

**Walker, Susan**

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**From:** Toni House [REDACTED]  
**Sent:** Wednesday, February 13, 2013 1:00 PM  
**To:** Ramirez, Diana; Walker, Susan  
**Subject:** Case No. C16-2013-0001 Appl. for Sign Variance; 4410 E. Riverside Dr.

Dear Members of the Sign Review Board:

Please deny this request for yet another commercial sign on E. Riverside Dr. This request ignores not only the E. Riverside/Oltorf Combined Neighborhood Plan, but also the adopted E. Riverside Corridor Master Plan, and the soon to be adopted E. Riverside Corridor Regulating plan.

What is the point of spending hundreds of thousands of dollars on planning for the Corridor, not to mention the hundreds of hours expended in these efforts by not only by City staff, but the residents of this area, if the tenets of the plans are going to be ignored due to a developer's lack of creativity? A second sign is not needed in this location. One sign is sufficient. Thank you for your consideration.

/s/ Toni House  
EROC NPCT Member  
Austin, TX 78741

CITY OF AUSTIN  
APPLICATION TO SIGN REVIEW BOARD  
SIGN VARIANCE

CASE. C16-2013-0001  
TV-0307010301;02;  
0307110505  
ROW-10870124

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

**PLEASE: TYPE AND COMPLETE ALL REQUESTED INFORMATION.**

STREET ADDRESS: 4410 East Riverside Drive

LEGAL DESCRIPTION: Subdivision - Park Green

Lot(s) 1,2,3,&4 Block A Out lot          Division         

I, Jim Bennett as authorized agent for Cielo Realty Partners affirm

that on 12/3/12, hereby apply for a hearing before the Sign Review Board for consideration:

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN

A second free standing entry sign providing for more than one free standing sign

in a GR zoning district, located within the Scenic Sign District.

If your variance request is for a reduction in setbacks or height limits, please contact Christine Esparza with the Electric Utility at 322-6112 before filing your application with this office to discuss your request. The Electric Utility will recommend the board deny your request if it will result in an encroachment into an electric easement or a NESC violation.

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:

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 required landscaping has matured and prevent visibility of the building signage from the street. The  
buildings setback approximately 200 ft. from the street. This large frontage has three driveway cuts and  
only one sign to direct the flow of traffic.

OR,

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

the proposed sign complies with the requirements of the Scenic Roadway and will not interfere with  
other signs on other properties.

OR,

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

the proposed sign complies with the sign requirements except for the number of signs. This additional  
sign will lessen traffic congestion because if you miss this entrance to the center a u- turn to the west and  
then a u-turn to the east is required to enter the site. Both requested signs will help to identify the tenant's  
location making a safer driving environment while following the Scenic regulations.

AND,

4. Granting a variance would not provide the applicant with a special privilege not enjoyed by  
others similarly situated or potentially similarly situated, because:

other large retail centers along this section have more than one entry signs due to more than one  
driveway to serve these larger center sites.

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 Jim Bennett Mail Address 11505 Ridge Drive  
City, State & Zip Austin, Texas 78748

Printed Name Jim Bennett Phone (512)282-3079 Date \_\_\_\_\_

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 \_\_\_\_\_ Mail Address 700 Brazos Suite 520  
City, State & Zip Austin, TX 78701

Printed Name \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

**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: \_\_\_\_\_

OR,

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

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: \_\_\_\_\_

**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 Joni Bennett Mail Address 11505 Ridge Dr  
City, State & Zip Austria, TX 78748  
Printed Joni Bennett Phone 282-3079 Date 1/14/13

**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 Robert W. Dillard Mail Address 720 Brazos, Suite 520  
City, State & Zip Austria TX 78701  
Printed Robert W. Dillard Phone 406-1010 Date 1/14/13



SUBJECT TRACT



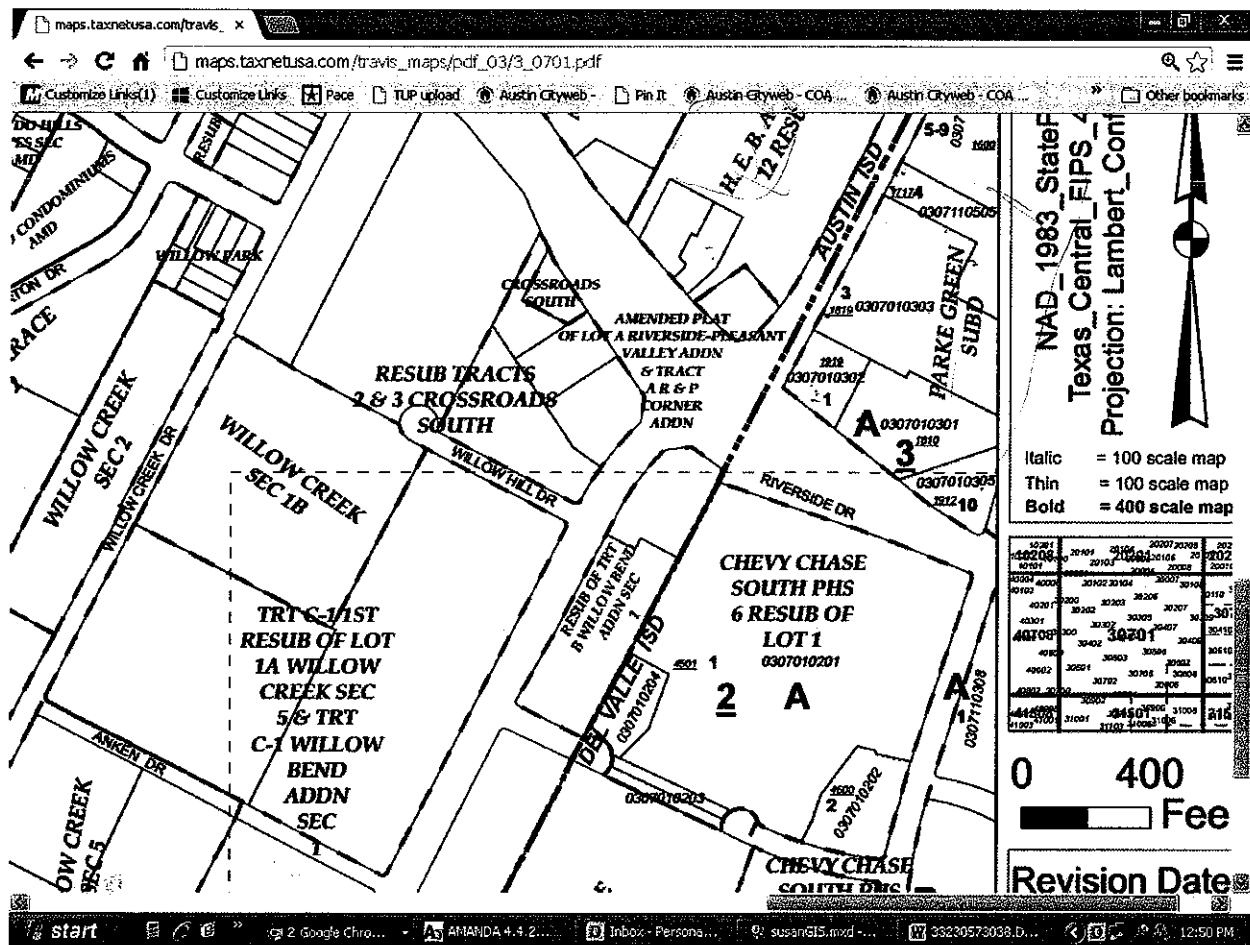
ZONING BOUNDARY

CASE#: C16-2013-0001  
LOCATION: 4410 E Riverside Drive, Lots 1-4



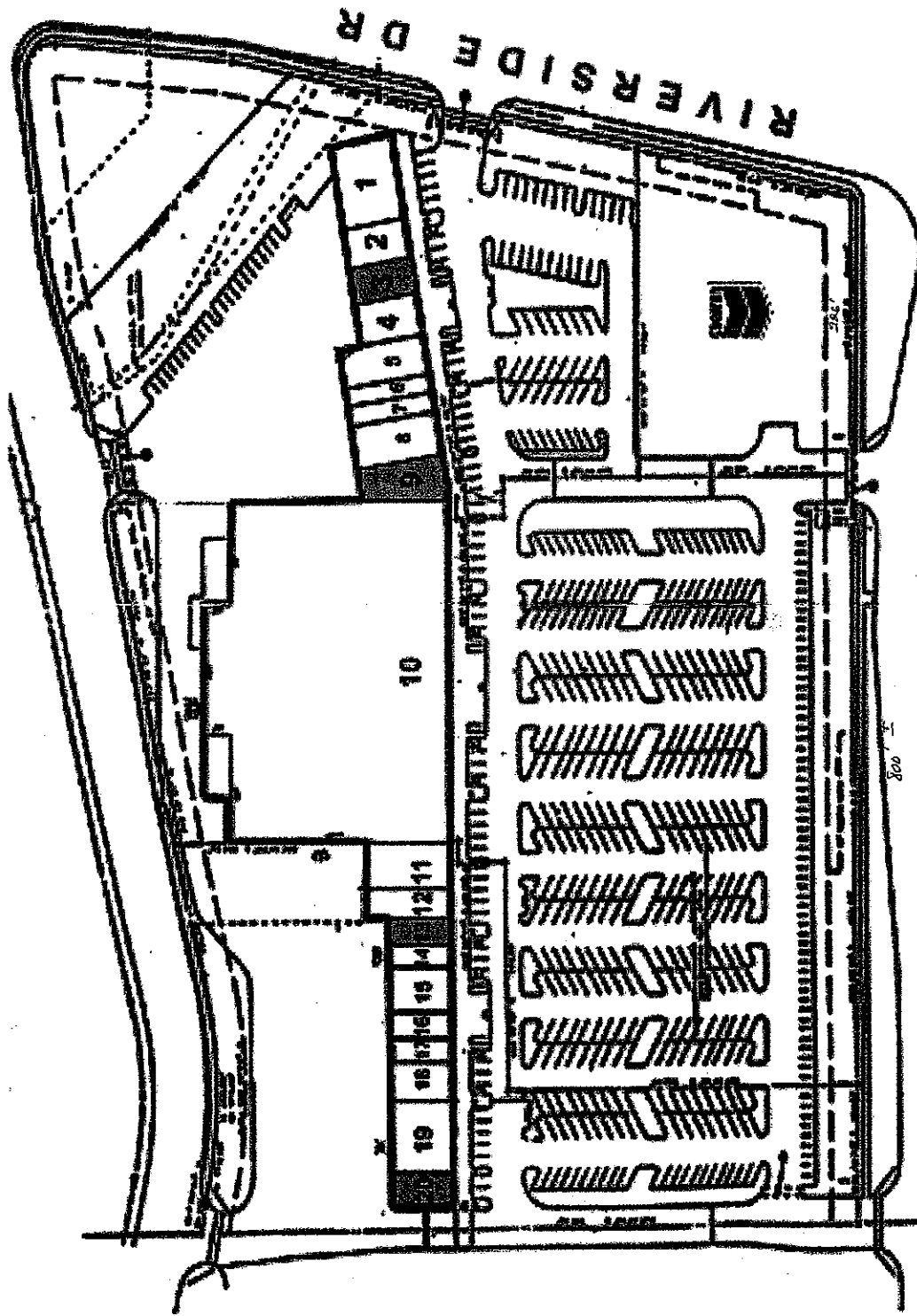
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.





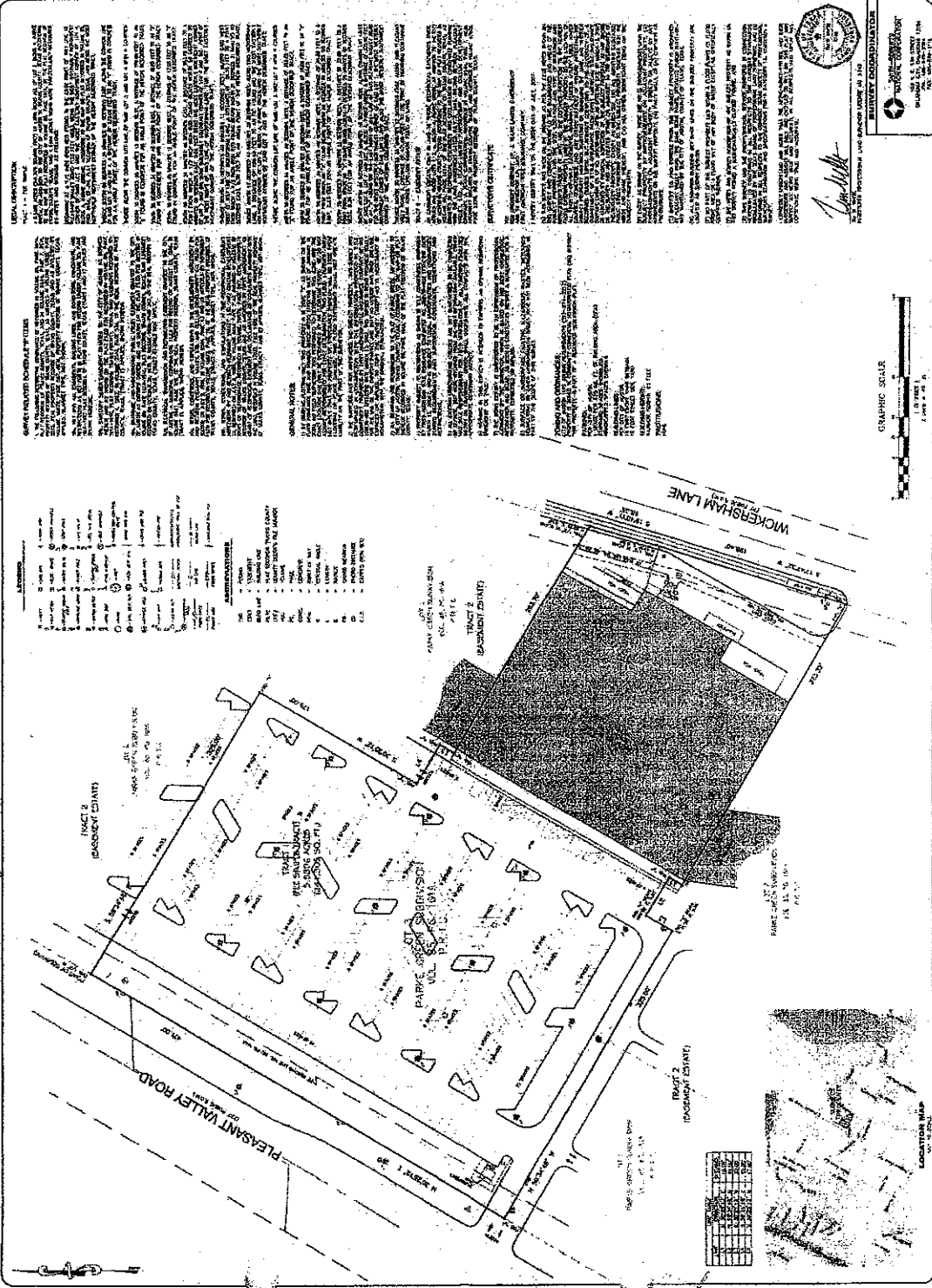
PLEASANT VALLEY DR



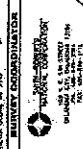
SouthWest Land Surveying Co.  
 1100 West 10th Street, Suite 100  
 Fort Worth, Texas 76102  
 (817) 335-1100  
 FAX (817) 335-1101  
 E-mail: info@swland.com  
 Website: www.swland.com

**ALBERTSON'S**  
 1019 SOUTH PLEASANT VALLEY ROAD  
 AUSTIN, TRAVIS COUNTY, TEXAS  
 ALTA/AGSN LAND TITLE SURVEY  
 SHEET 1 OF 1

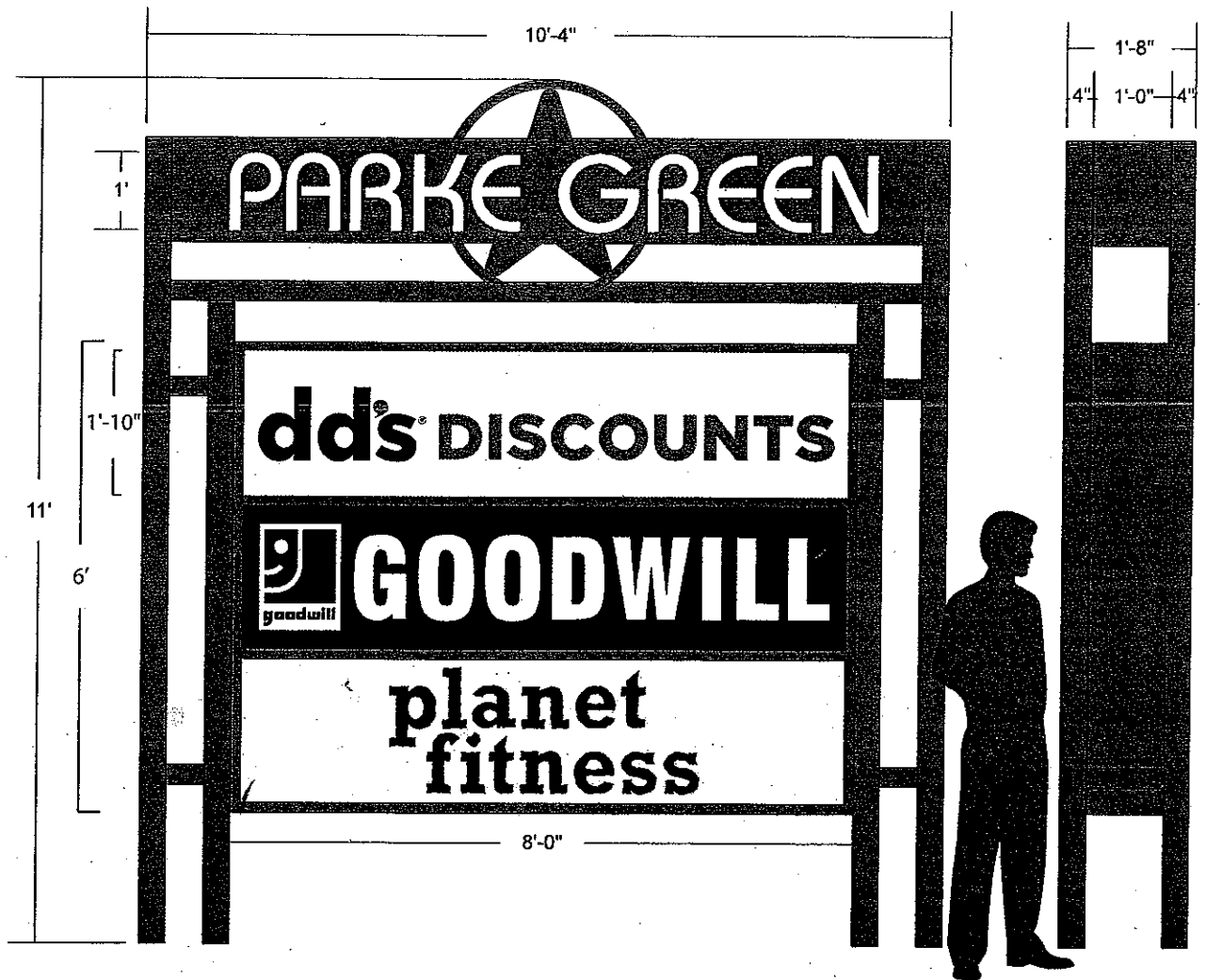
DATE	10/23/2003
BY	SWL
CHECKED BY	SWL
APPROVED BY	SWL
DATE	10/23/2003
BY	SWL
CHECKED BY	SWL
APPROVED BY	SWL
DATE	10/23/2003
BY	SWL
CHECKED BY	SWL
APPROVED BY	SWL



*[Signature]*  
 Surveyor  
 State of Texas



PARKE GREEN CENTER / MULTI-TENANT CABINET /



**A** MULTI TENANT CABINET - FRONT / SIDE VIEW  
 $3/8" = 1'-0"$



**FABRICATE AND INSTALL:**

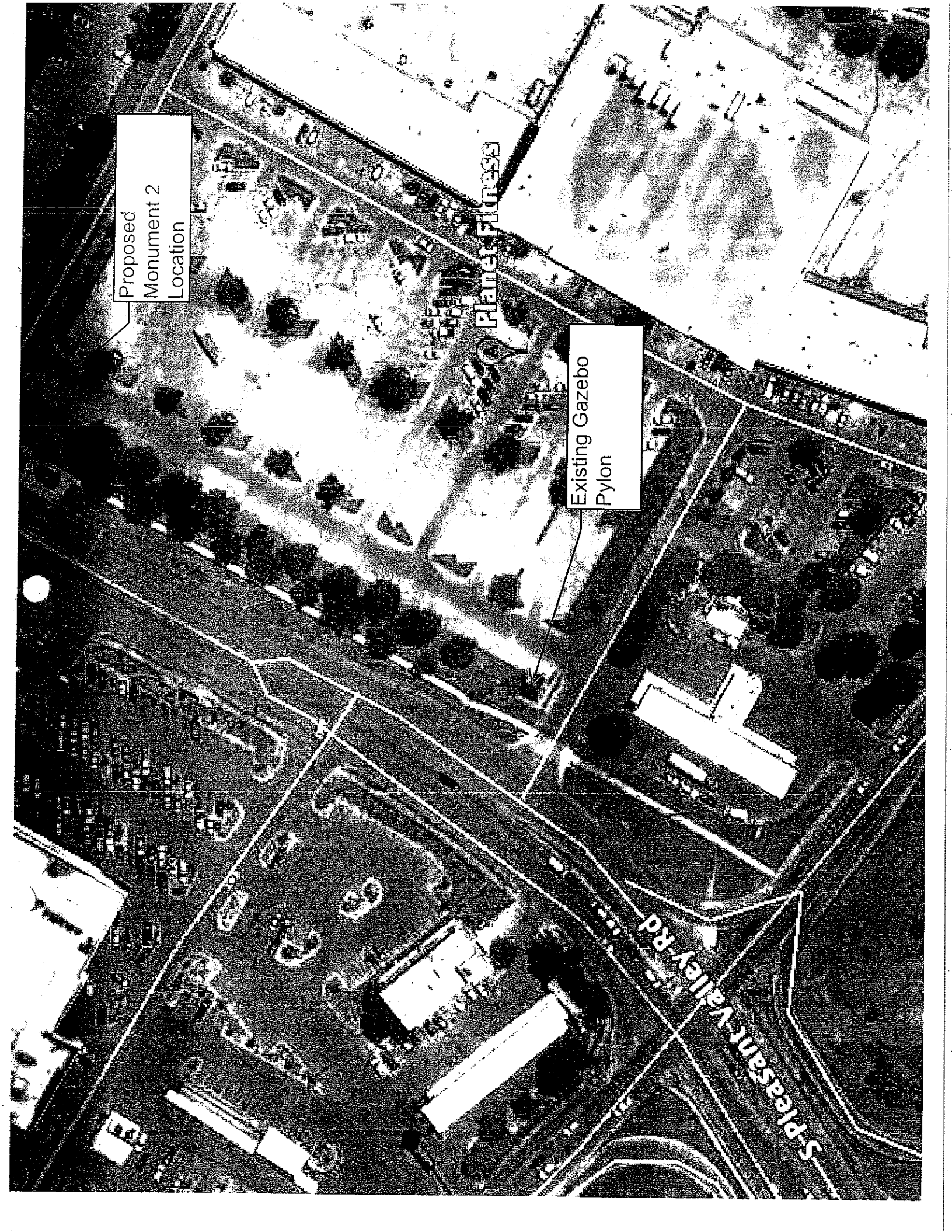
- Extruded aluminum
- Tenant Panels finish

Proposed Monument 2 Location

Planet Fitness

Existing Gazebo Pylon

S-Pleasant Valley Rd



Start Date: 05/08/12  
Last Revision: 00/00/00  
Job#: 92J4116  
Drawing #: 92J4116b2a1

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FROM TECH INTERNATIONAL

**Design Rep.**  
**Jay Campbell**  
**Sales Rep.**  
**Wicky Blanton**

03/00/01

**Client Approval**

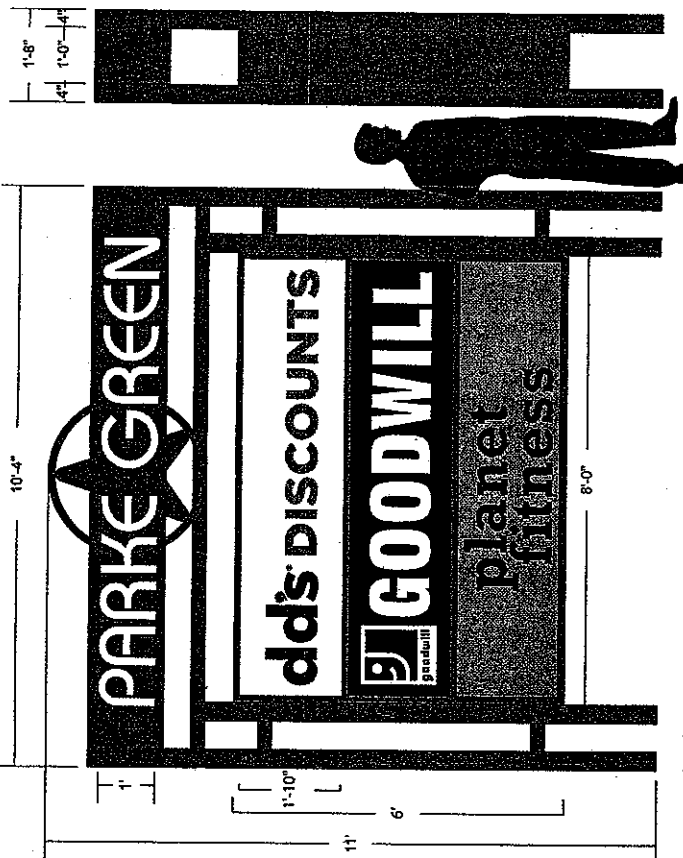
**Landlord Approval**

### UL INSTALLATION REQUIREMENTS:

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 609 OF THE NATIONAL ELECTRICAL CODE AND/OR THEIR APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



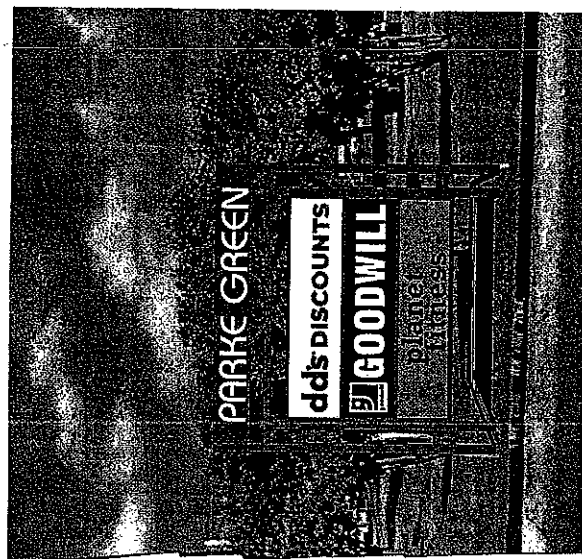
A DIVISION OF



**A** MULTI TENANT CABINET - FRONT / SIDE VIEW  
3/8" = 1'-0"



**A** MULTI TENANT CABINET - PLAN View  
3/8" = 1'-0"



**A** MULTI TENANT CABINET - ELEVATION  
3/16" = 1'-0"

FABRICATE AND INSTALL ONE (1) DOUBLE SIDED TENANT CABINET

- Extruded aluminum cabinet, aluminum square tubing & FCO star finished MP 61B-4D Wharf Green;
- Tenant: Panels finish and copy per clients color schedule;
- *dd's Discount:* Panel painted white; 1/2" clear acrylic acrylic push through overlaid with 3M Intense Magenta 3630-118 & 3M Teal Green vinyl applied first surface
- *Goodwill:* Panel painted PMS 2767 Indigo Blue, 1/2" clear acrylic push through; white diffuser applied second surface
- "Parke Green" to be LED illuminated 3" front lit channel letters pin mounted 1" from cabinet; Letters to have 7328 white acrylic faces, with matching white vtrincaps and sidewalls