

CITY OF AUSTIN
APPLICATION TO SIGN REVIEW BOARD
SIGN VARIANCE

CASE #

C16-2013-0004
ROW-10895229
TP-0166280105

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

PLEASE: TYPE AND COMPLETE ALL REQUESTED INFORMATION.

STREET ADDRESS: 9001 FM 620 N, Austin, TX 78726

LEGAL DESCRIPTION: Subdivision – Canyon Creek Section 7, Lot 1, Block A

I, Damon Andrews, on behalf of myself as authorized agent for The Church at Canyon Creek affirms that on January 15, 2013, hereby apply for a hearing before the Sign Review Board for consideration:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

Relocate and erect a primary church sign in a GR zoning district, located within the 25-10-124 SCENIC ROADWAY Sign District.

0' from p.l.
If your variance request is for a reduction in setbacks or height limits, please contact Lena Lund with the Electric Utility at 322-6587 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:

1. The variance is necessary because strict enforcement of the Article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography, because: the property contains trees protected from removal by the Hill Country Roadway Ordinance. The density and proximity of these trees to FM 620 would make a sign with the proper size and setback invisible from either direction from the roadway.

OR,

2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because: (a) the lot located south of this property is across the street from Boulder Lane is undeveloped. (b) The proposed sign would not be visible from the neighboring property located on the north side of this site.

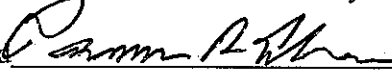
OR,

3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because: the material and color of our proposed signage is consistent with the natural stone found in central Texas. Therefore, we believe our sign will not detract from the purpose of the Hill Country Scenic Roadway Ordinance.

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: All surrounding properties have significant tree and/or brush removal and are maintaining, on an ongoing basis, substantial landscaping around their signs. Those steps were taken so that each property's primary sign is highly visible from both directions. This variance enables us to obtain the same visibility as surrounding properties. Unlike the adjacent properties, this sign enables us to avoid damaging any trees in the Hill Country Roadway Ordinance jurisdiction along FM 620.


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 9001 FM 620 N

City, State & Zip Austin, TX 78726

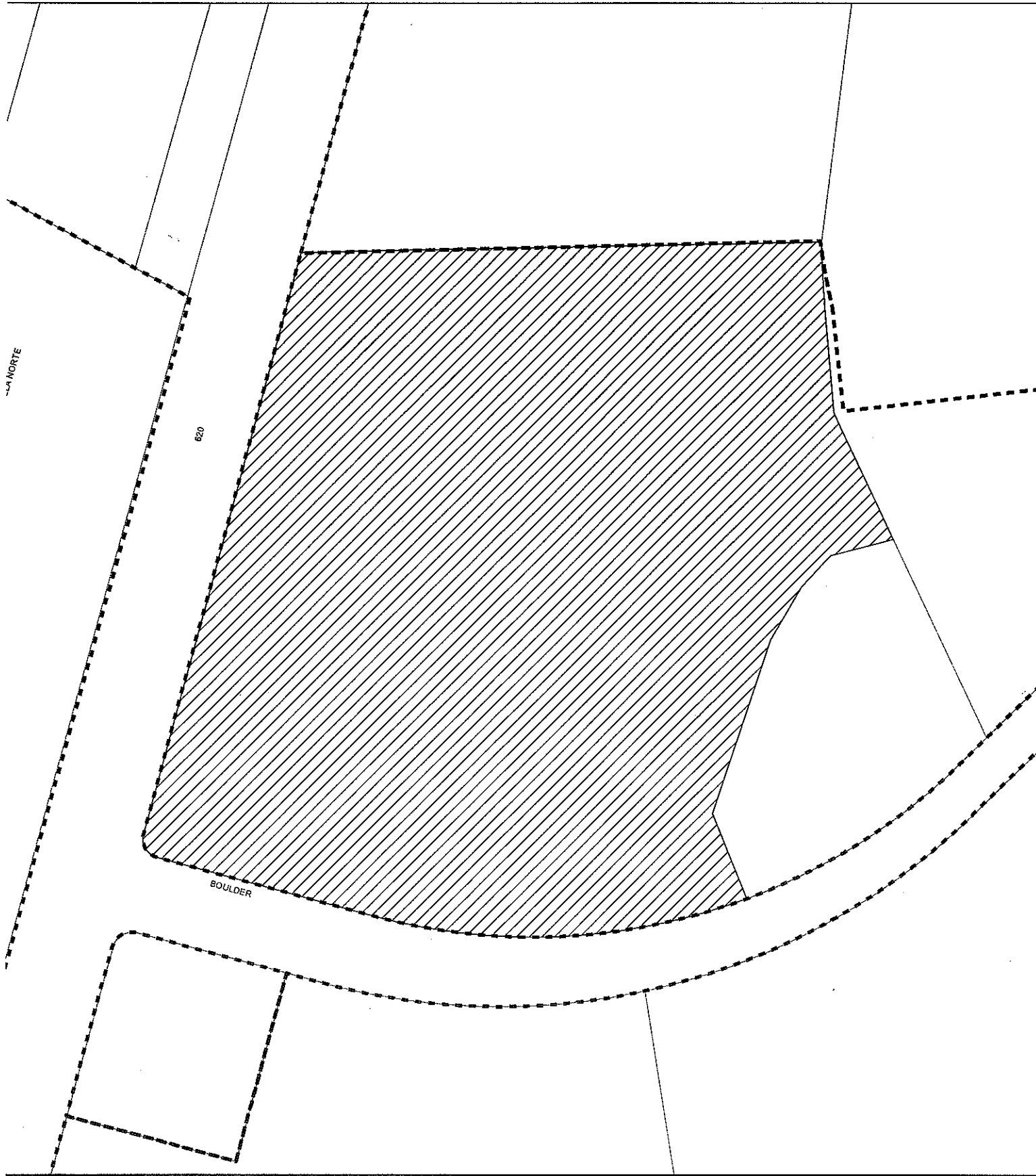
Printed Damon Andrews Phone (512) 331-7340 Date _____

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 9001 FM 620 N

City, State & Zip Austin, TX 78726

Printed Damon Andrews Phone (512) 331-7340 Date _____



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C16-2013-0004
LOCATION: 9001 FM 620 NORTH



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.

Attachments

1. Email Communication with Austin Energy
2. Consent to Encroachment into Utility Easement and Indemnification Agreement with Pedernales Electric Cooperative
3. Plan View – Proposed New Primary Sign Location
4. Elevation - Proposed New Primary Sign (looking from entrance driveway toward Boulder Lane)
5. Elevation - Existing Secondary Sign (this is the location of the proposed new primary sign)
6. Photo – Proposed New Primary Sign Location (outlined in red paint – looking from driveway towards Boulder Lane)
7. Photo – Proposed New Primary Sign Location (sign outlined in red paint – looking from FM 620 toward church parking lot)
8. Photo – Proposed New Primary Sign Location (sign offset from driveway)
9. Photo – Proposed New Primary Sign Location (sign outline and a second view from FM 620)
10. Photo – Proposed New Primary Sign Location (sign outline and a third view from FM 620)
11. Site Plan

1. Email Communication with Austin Energy

Fwd: Question - Primary Church Sign Relocation (9001 North Farm to Market Road 620 Austin, TX 78726)

Eddy Trevino [REDACTED]

Sent: Monday, January 14, 2013 5:34 PM

To: Damon Andrews

Attachments: Canyon Creek Proposed new ~1.jpg (523 KB)

----- Forwarded message -----

From: Eddy Trevino [REDACTED]

Date: Tue, Aug 7, 2012 at 12:59 PM

Subject: Question - Primary Church Sign Relocation (9001 North Farm to Market Road 620 Austin, TX 78726)

To: lana.lund@austinenergy.com

Cc: Damon Andrews <[REDACTED]>

Hi Lena,

Our church, located at 9001 North Farm to Market Road 620, would like to relocate the primary church sign. The proposed location is shown in the attached photograph which is along 620. The church intent would be to replace the secondary sign with a main sign. The new sign would be on the footprint of the sign you see in the attached photograph. It would extend towards the inside of the property by approximately five feet.

This secondary sign shown in the attached photograph is located in a PUE. I do know that there is a gas main located across 620 and overhead utilities are present along the PUE. Could you help me understand what steps do our church would need to take in order to get Austin Energy approval for a new sign at this location?

Eddy

Eddy Trevino

--

Eddy Trevino

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Eddy Trevino

Fwd: As requested: variance request

Eddy Trevino [redacted]

Sent: Monday, January 14, 2013 5:39 PM

To: Damon Andrews

----- Forwarded message -----

From: **Lund, Lena** <Lena.Lund@austinenergy.com>

Date: Fri, Aug 31, 2012 at 10:07 AM

Subject: RE: As requested: variance request

To: Damon Andrews <[redacted]@gmail.com>

Cc: Eddy Trevino <[redacted]@gmail.com>

Based on the application it appears as if you are not requesting a reduction in setbacks or a height variance, so you do not need a signoff from Austin Energy. AE does not have any facilities in this area as this is outside of our service territory. The location of the sign in the PUE will likely require a license agreement.

Lena Lund

Austin Energy

Public Involvement/Real Estate Services

721 Barton Springs Road, Suite 102.4

Austin, TX 78704-1145

512-322-6587512-322-6101 Fax

From: Damon Andrews [mailto:damon801@gmail.com]**Sent:** Thursday, August 30, 2012 4:55 PM**To:** Lund, Lena**Cc:** Eddy Trevino**Subject:** As requested: variance request

Lena,

**2. Consent to Encroachment into Utility Easement
and Indemnification Agreement with
Pedernales Electric Cooperative**

CONSENT TO ENCROACHMENT INTO UTILITY EASEMENT
AND INDEMNIFICATION AGREEMENT

THIS CONSENT TO ENCROACHMENT INTO UTILITY EASEMENT AND INDEMNIFICATION AGREEMENT made this 29 day of October, 2012, by and between the Pedemales Electric Cooperative, Inc., a Texas electric cooperative corporation ("GRANTOR") and Cypress Creek Baptist Church ("GRANTEE").

WITNESSETH:

WHEREAS, the following described real estate is located in Travis County, Texas and described as follows:
Lot 1, Block A, Canyon Creek, Section 7

("Real Estate").

The Real Estate is subject to an easement(s) reserved for the use of GRANTOR; and

WHEREAS, GRANTEE is the present owner(s) of record of the above-described Real Estate and requests the consent of GRANTOR to encroach upon, over, and across said easement.

NOW, THEREFORE, in consideration of the promises and covenants contained herein, the parties agree as follows:

1. GRANTOR does hereby grant unto GRANTEE, its successors and assigns, its consent to encroach upon said easement; provided, however, that the encroachment shall be limited to: a monument sign located within the public utility easement on the western side of the property parallel to FM 620 North, as shown on Exhibit A.

only, and no other structure whatsoever; and that such limitation shall be construed as a condition upon which this grant is made and accepted and for breach of which GRANTOR may recover damages and, without prejudice thereto, may compel by injunction or otherwise the revocation of all or any part of said encroachment.

2. GRANTEE, by acceptance of this instrument, hereby agrees for itself, its successors, and assigns:
 - (a) that there are no violations of the National Electric Safety Code.
 - (b) to accept any and all risk of loss, damage and injury associated with the location of the electric facilities.
 - (c) to reimburse GRANTOR for any and all additional expense incurred for repair, reconstruction, maintenance, removal, or alteration done in the easement as a result of the encroachment; and
 - (d) to waive any right to damages against GRANTOR, its successors and assigns, which may be caused by GRANTOR in the exercise of its right to repair and maintain its facilities in the easement.

3. GRANTEE, BY ACCEPTANCE OF THIS INSTRUMENT, HEREBY AGREES FOR ITSELF, ITS SUCCESSORS, AND ASSIGNS TO INDEMNIFY, DEFEND AND HOLD GRANTOR AND ITS OFFICERS, DIRECTORS, AND EMPLOYEES HARMLESS FOR ANY AND ALL DAMAGES, ACTIONS, CLAIMS, OR LOSS (INCLUDING REASONABLE ATTORNEYS FEES AND COSTS) FROM INJURY OR DAMAGE RESULTING TO PERSON OR PROPERTY BY REASON OF THE ENCROACHMENT PERMITTED HEREIN OR FROM INJURY OR DAMAGE RESULTING FROM THE ELECTRIC UTILITY FACILITIES.

THE INDEMNIFICATION PROVIDED IN THIS SECTION WILL BE APPLICABLE WHETHER OR NOT THE SOLE OR CONCURRENT NEGLIGENCE OR GROSS NEGLIGENCE OF GRANTOR AND ITS OFFICERS, DIRECTORS, AND EMPLOYEES, OR THE SOLE OR CONCURRENT STRICT LIABILITY IMPOSED ON GRANTOR AND ITS OFFICERS, DIRECTORS, AND EMPLOYEES, OR THE SOLE OR CONCURRENT LIABILITY IMPOSED VICARIOUSLY ON GRANTOR AND ITS OFFICERS, DIRECTORS, AND EMPLOYEES, IS ALLEGED OR PROVEN.

4. This instrument shall not be construed as a release of any rights of GRANTOR in the easement other than the right to object to the encroachment as described herein.
5. This instrument shall remain in force and effect only so long as the encroachment of Grantee described herein remains in its present form and that, upon removal, demolition, destruction, or replacement thereof, the consent of the Grantor shall be revoked.

IN WITNESS WHEREOF, the parties hereto have executed this instrument on the day and year written above.

GRANTEE:

Damon Andrews, Administrator/trustee

Signature

Damon Andrews

Printed Name

STATE OF TEXAS

COUNTY OF Trans

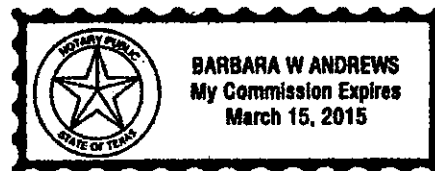
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§
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BEFORE ME, the undersigned authority, on this day personally appeared Damon Andrews, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this 1st day of November, 2012.

Barbara Andrews

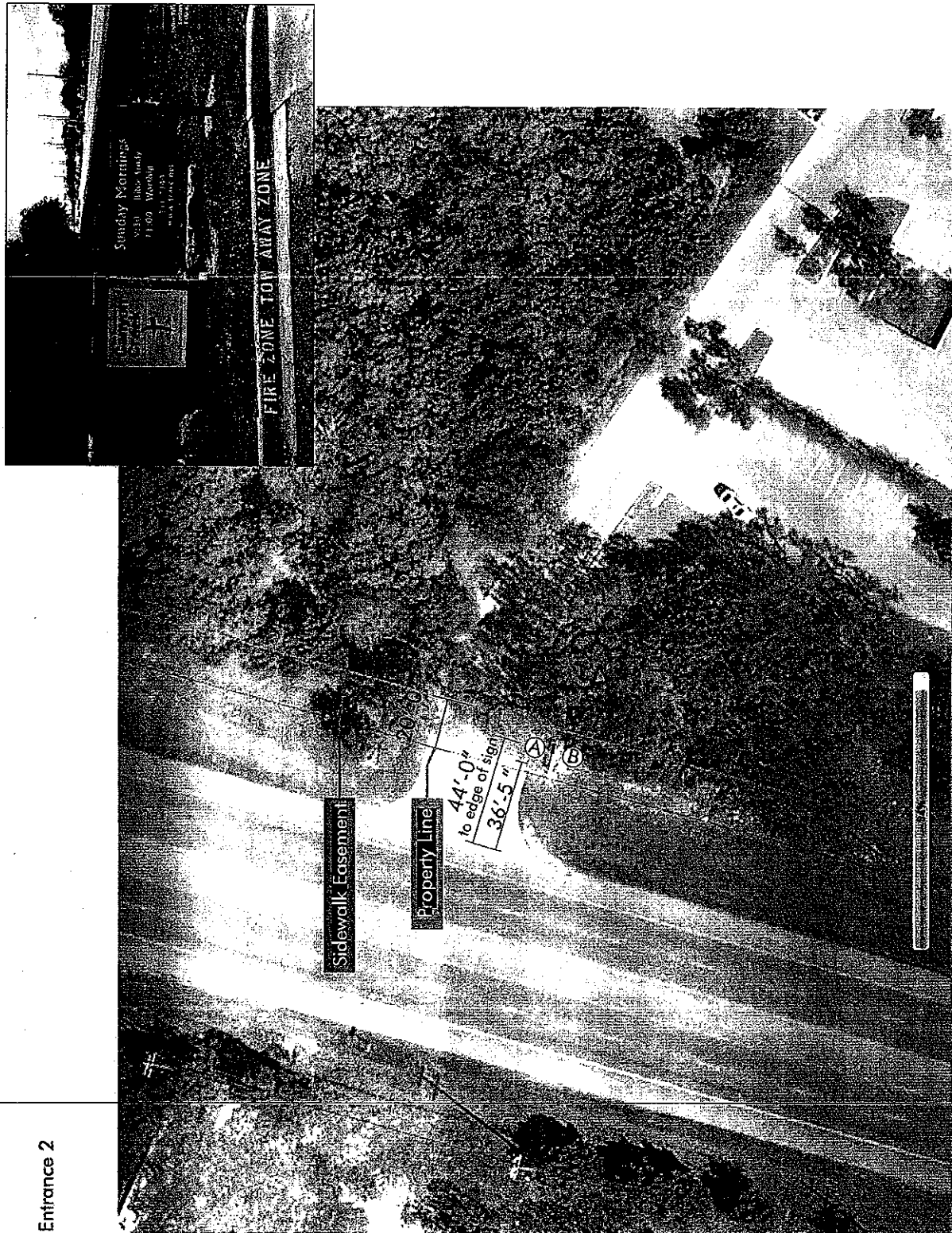
Notary Public in and for The State of Texas



3. Plan View – Proposed New Primary Sign Location

#1

Entrance 2



Existing Sign Plan View Scale: 1/64" = 1'-0"

Proposed New Primary Sign Location - Plan View

Approved by

Date

BIG
INCORPORATED
BUILDING IMAGE GROUP
www.buildingimagegroup.com

1200 E Third Street, Suite One
Austin, Texas 78702
1.512.494.1406 F.512.494.1403

Project

The Church at Canyon Creek

Description

Site Plan

Specifications

General Notes

ltd

Installation Notes

ltd

Scale

NTS

Quantity

Drawn/Reviewed By

RGH

Date

3.1.2012

© Building Image Group, Inc. 2001 - 2011

4. Elevation - Proposed New Primary Sign
(looking from entrance driveway toward Boulder Lane)

Entrance 2

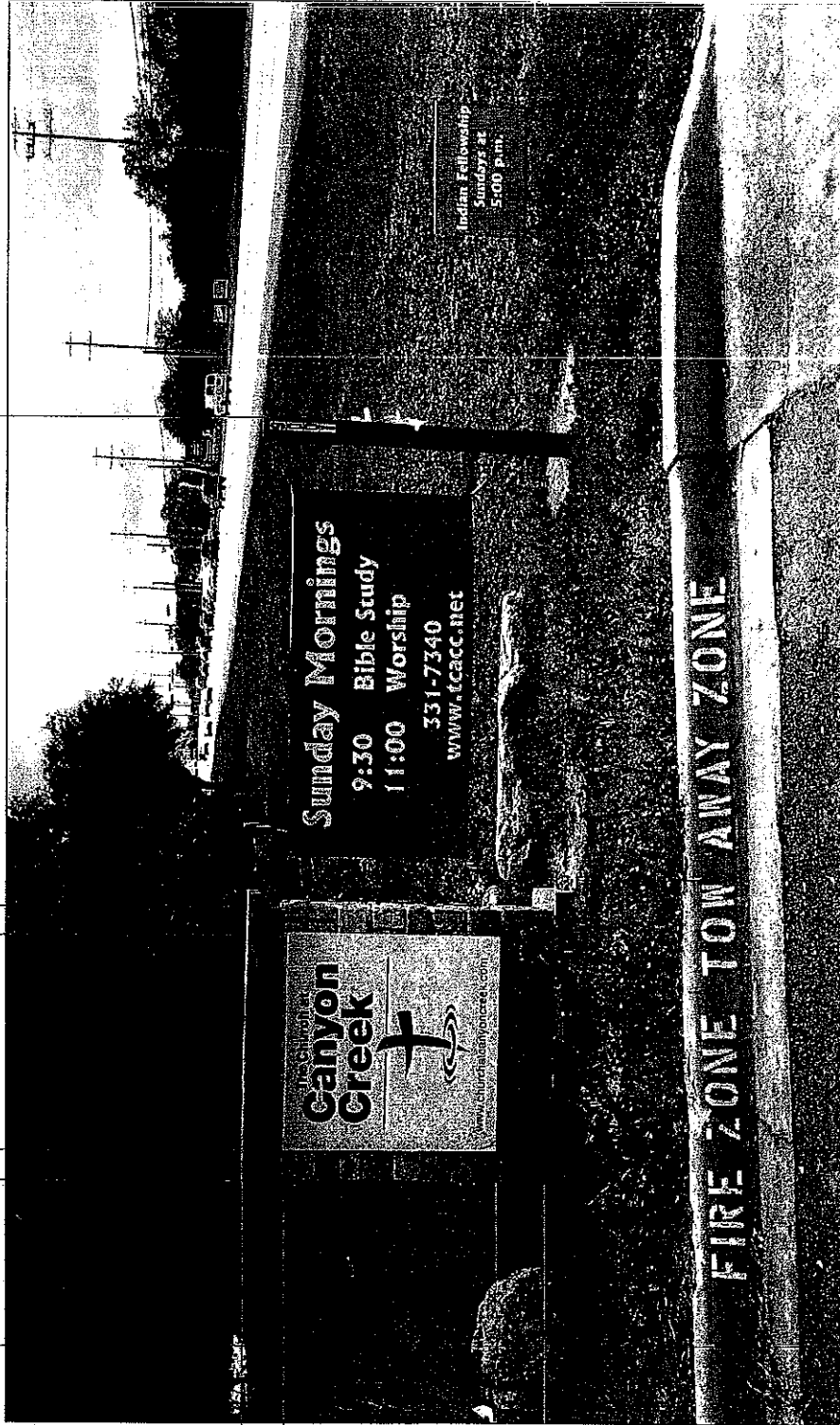
44' 0" To Street

52"

41.00"

91"

36' 5" To Street



Existing Sign Elevation Scale: 3/8" = 1'-0"

Proposed New Primary Sign Location

#3

#2



BUILDING IMAGE GROUP
INCORPORATED
www.buildingimagegroup.com
1200 E. Third Street | Studio One
Austin, Texas 78702
T: 512.494.1466 F: 512.494.1403

Project
The Church at Canyon Creek

Description

Main Entry Monument

Specifications

Masonry monument:
15'-6.00" x 9'-3.00" x 42.00"
overall dimensions
Includes a 144.00" x 72.00"
sign face with surface applied
non-illuminated reverse
channel logo and lettering
Indirect lighting - T12
fluorescent light fixtures, full
sign width

General Notes

Electrical requirements:
TBD

Installation Notes

TBD

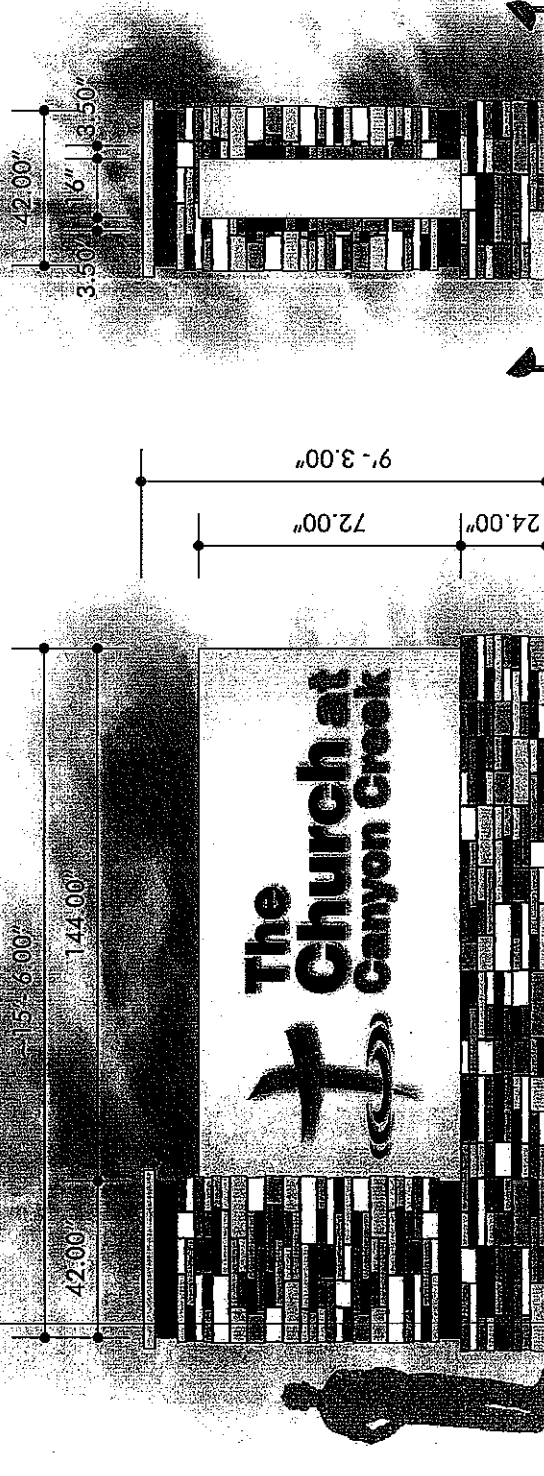
Scale
1/4" = 1'

Quantity
1 total

Drawn/Reviewed By
JPG / KT

Date
04.18.2012

© Building Image Group, Inc. 2001 - 2012



Approved by

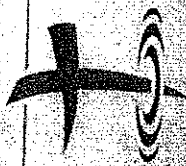
Date

(A)

5. Elevation - Existing Secondary Sign
(this is the location of the proposed new primary sign)

6. Photo – Proposed New Primary Sign Location
(outlined in red paint – looking from driveway towards
Boulder Lane)

The Church at
**Canyon
Creek**



www.churchatcanyoncreek.com

Sunday Mornings

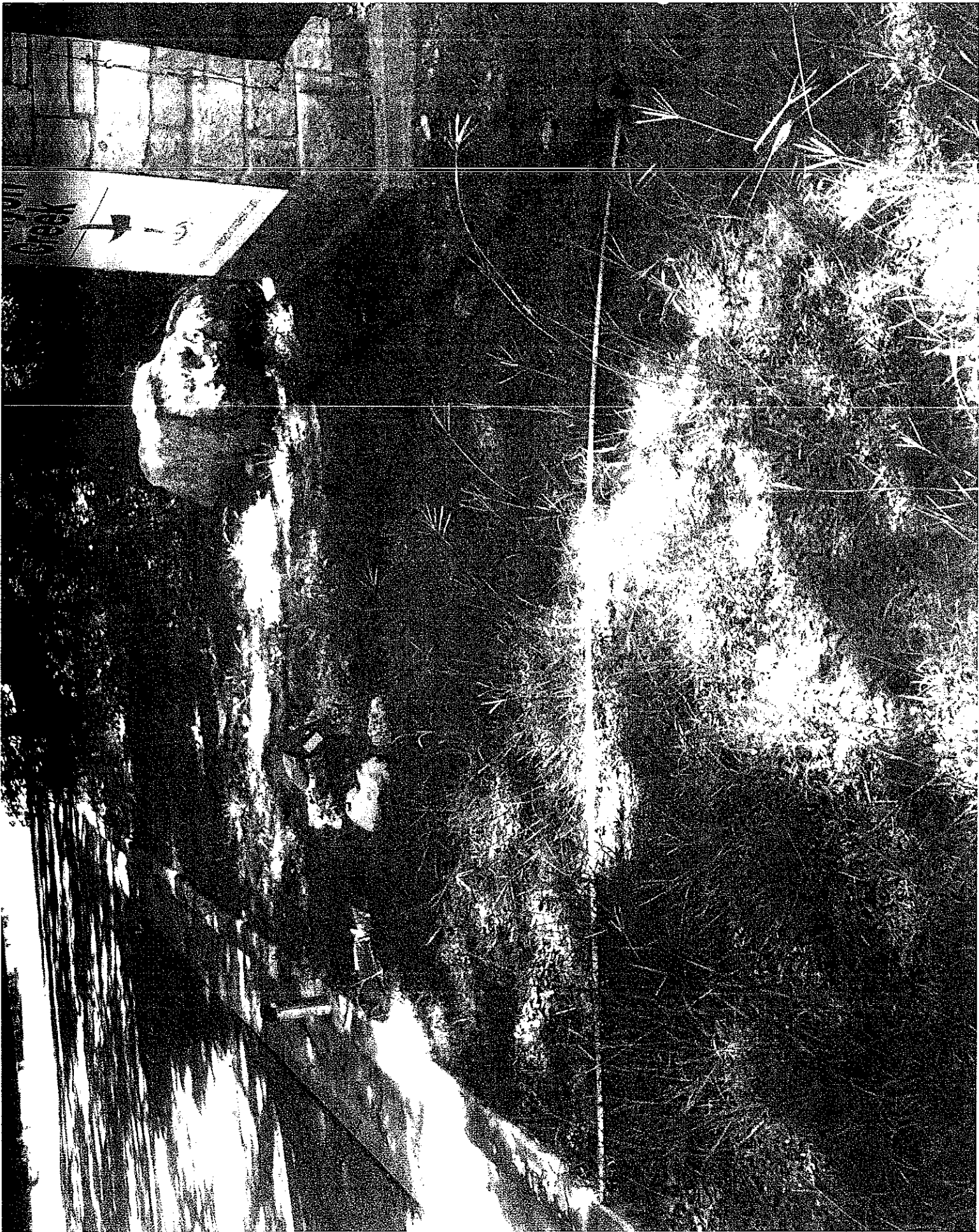
9:30 Bible Study

11:00 Worship

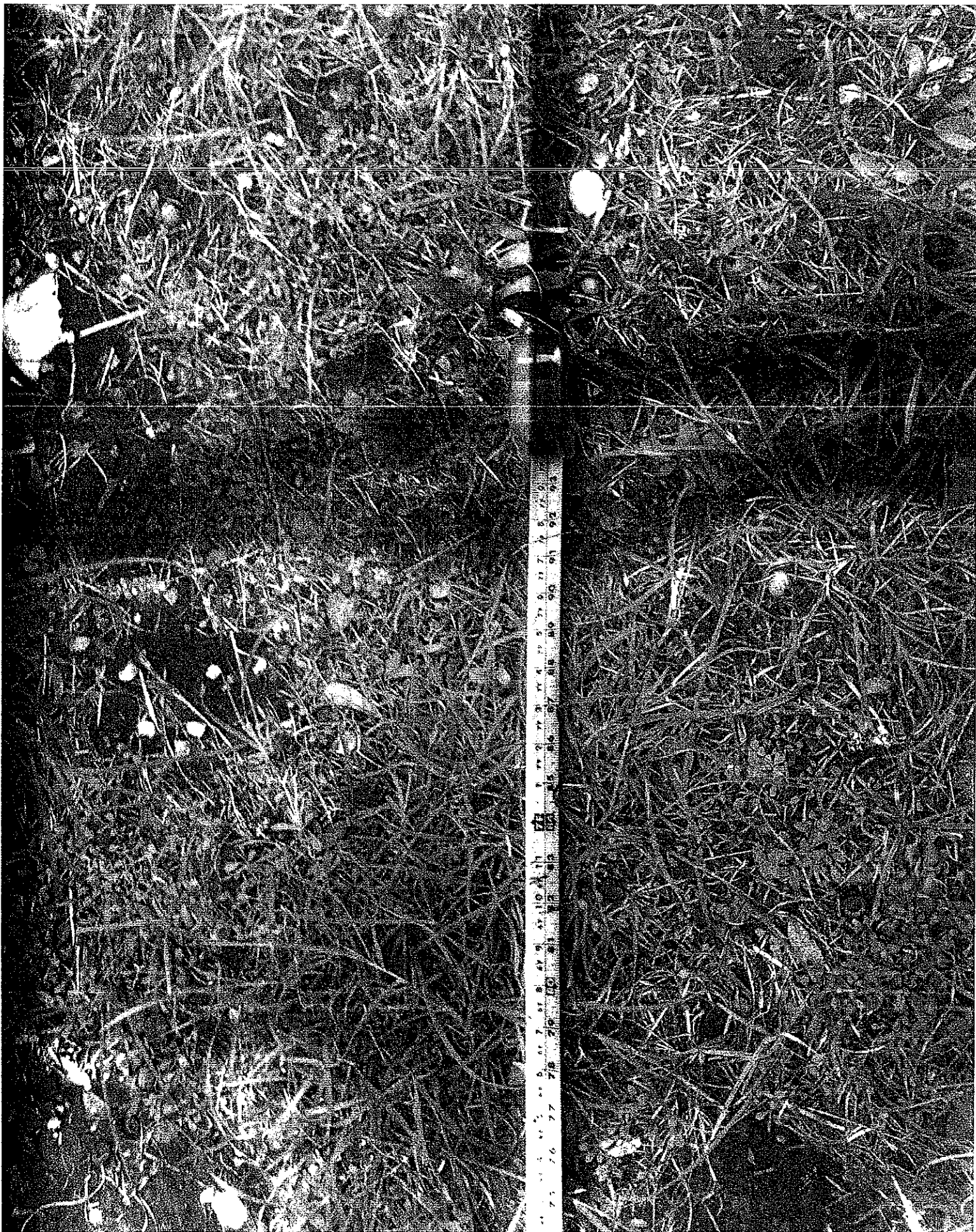
331-7340
www.tcacc.net

ZONE TOW AWAY ZONE

7. Photo – Proposed New Primary Sign Location
(sign outlined in red paint – looking from FM 620 toward
church parking lot)

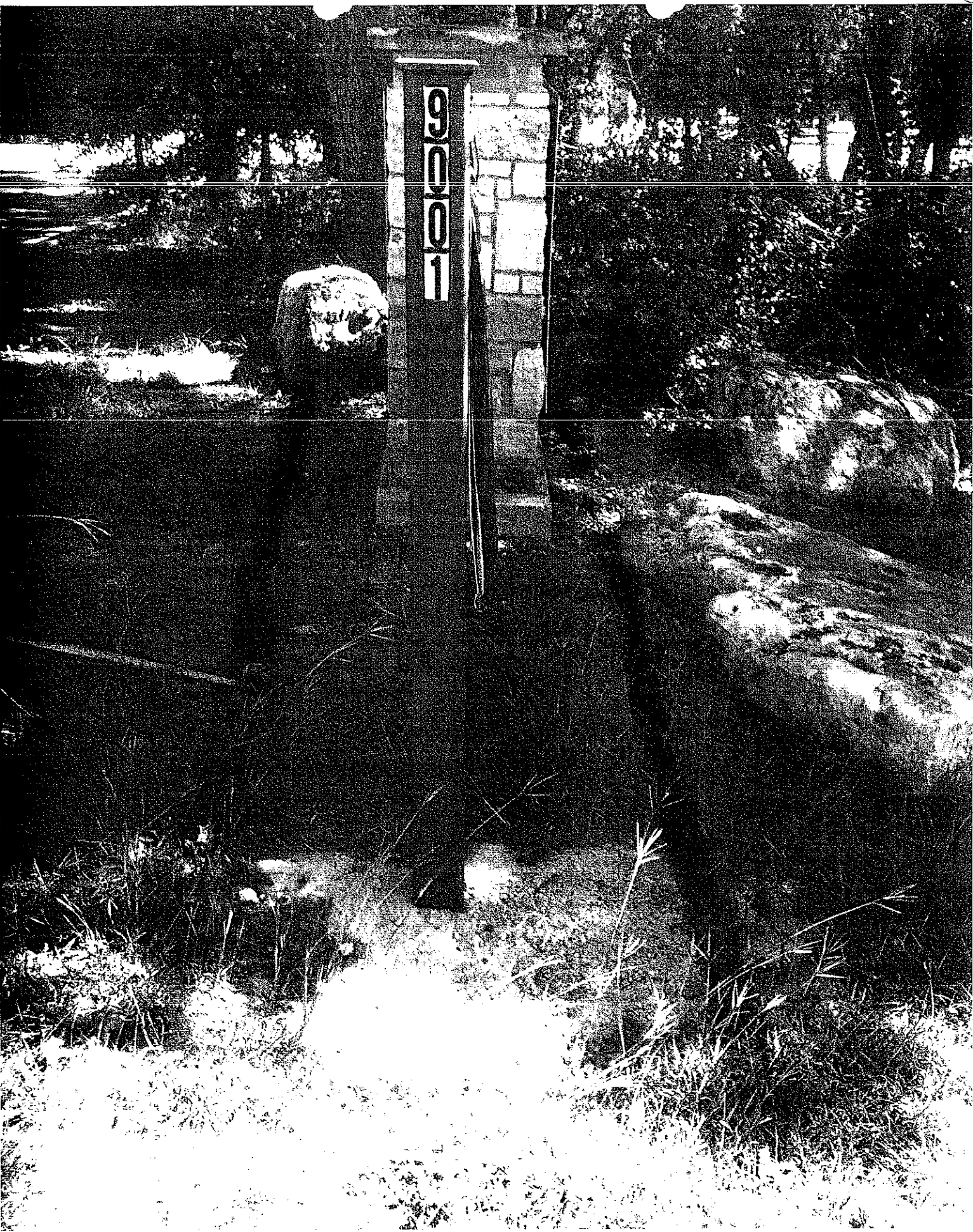


**8. Photo – Proposed New Primary Sign Location
(sign offset from driveway)**



**9. Photo – Proposed New Primary Sign Location
(sign outline and a second view from FM 620)**

7
#5



**10. Photo – Proposed New Primary Sign Location
(sign outline and a third view from FM 620)**

Sunday Mornings

9:30 Bible Study

11:00 Worship

331-7340

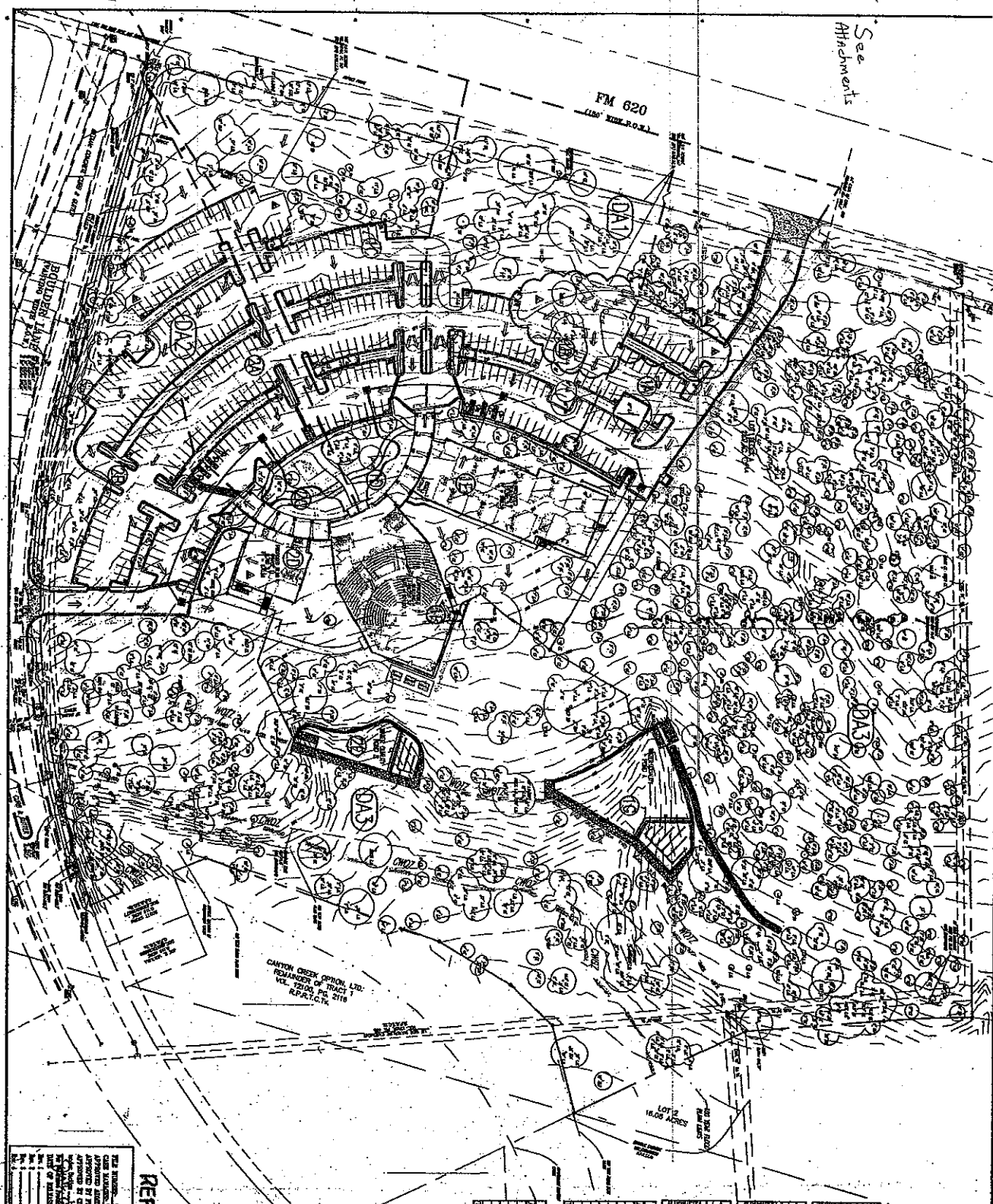
www.tcacc.net

Gr
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11. Site Plan

See
Attachments

FM 620
1/100' HORIZ. SCALE



REPLACEMENT

THE REMAINING PORTION OF THE TRACT 1, REMAINDER OF TRACT 1, VOL. 10, PAGE 2118 R.P. 10-1-10, AS SHOWN ON THE ATTACHED MAP, IS HEREBY OFFERED FOR SALE TO THE PUBLIC BY THE CANYON CREEK OPTION, LTD., AS SHOWN ON THE ATTACHED MAP, AND IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH HEREIN.

THE OFFEROR, CANYON CREEK OPTION, LTD., IS NOT MAKING ANY REPRESENTATION OR WARRANTY AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN, AND THE OFFEROR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THEREIN.

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