

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

**DATE:** April 8, 2013

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

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nora Salinas  
\_\_\_\_ Bryan King  
\_\_\_\_ Fred McGhee Motion to  
\_\_\_\_ 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

**MARCH 11, 2013** – The public hearing was closed on Board Member Fred McGhee motion to Postpone to April 8, 2013, Board Member Bryan King second on a 8-0 vote; **POSTPONED TO APRIL 8, 2013.**

**April 8, 2013 POSTPONED TO MAY 5, 2013 BY 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,

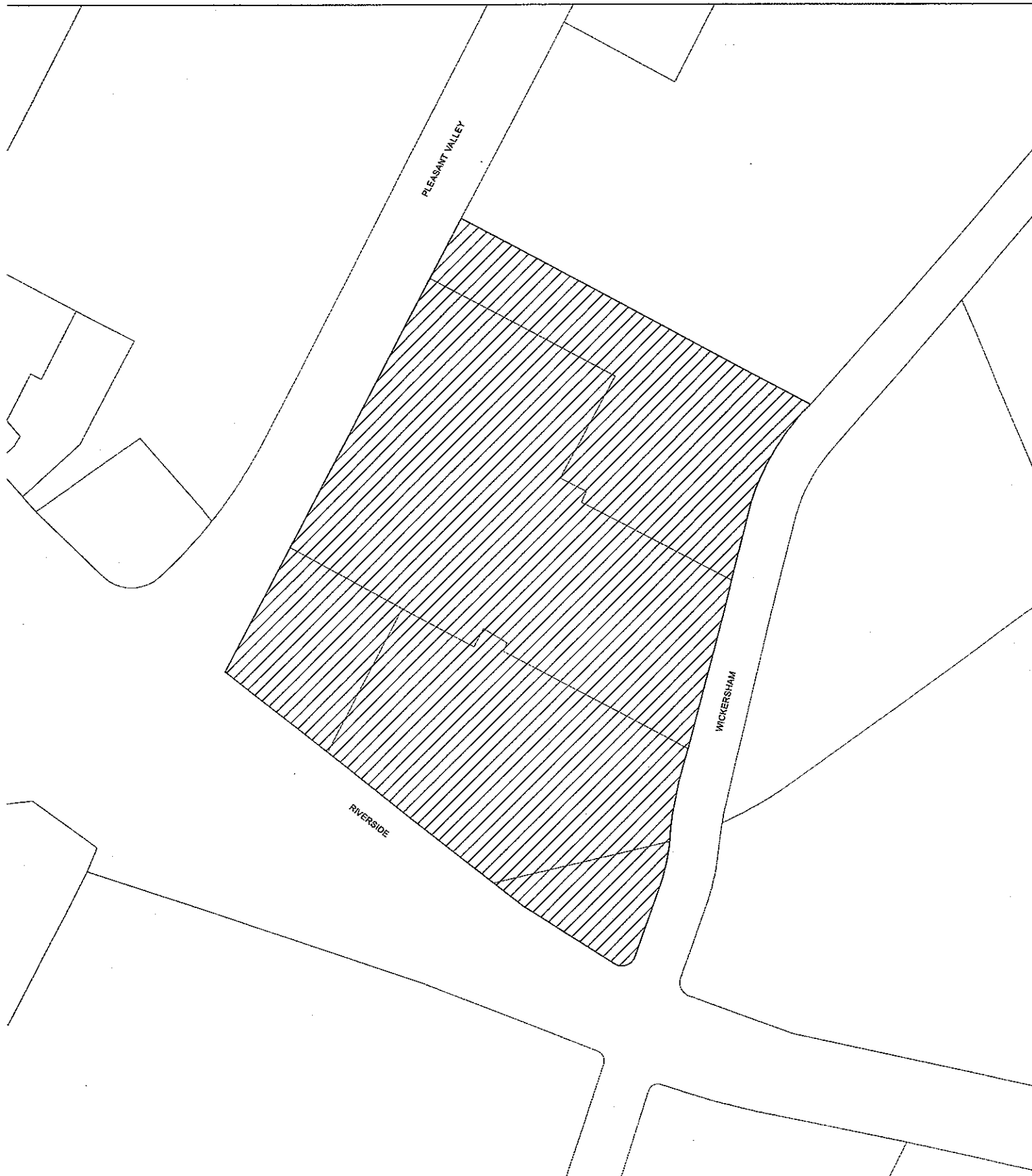
3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because:

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



SUBJECT TRACT



ZONING BOUNDARY

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



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

**DATE: March 11, 2013**

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

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nora Salinas ABSENT – STUART HAMPTON  
\_\_\_\_ Bryan King 2<sup>nd</sup> the Motion  
\_\_\_\_ Fred McGhee Motion to Postpone to April 8  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ Sallie Burchett  
\_\_\_\_ Cathy French (SRB only)

**APPLICANT: Jim Bennett**

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**ADDRESS: 4410 RIVERSIDE DR**

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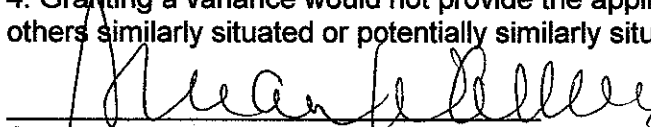
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\_\_\_\_  
Susan Walker  
Executive Liaison

  
\_\_\_\_  
Jeff Jack  
Chairman

April 8, 2013

Sign Review Board

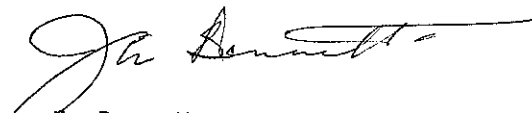
c/o Susan Walker

Re: C16-2013-0001 – 4410 E Riverside Drive

Dear Members of the Sign Review Board

Please accept this as a formal request to postpone the above mentioned case until the May 13, 2013 agenda to allow us more time to meet with the East Riverside/Oltorf Combined NPA contact team. My client has made several attempts to reach Mr. Malcolm Yeatts but has been unsuccessful in his attempts.

Thank you,



Jim Bennett

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

**DATE: Feb 11, 2013**

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

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\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nora Salinas ABSENT – STUART HAMPTON  
\_\_\_\_ Bryan King  
\_\_\_\_ Fred McGhee  
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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

CASE

C16-2013-0001

CITY OF AUSTIN  
APPLICATION TO SIGN REVIEW BOARD  
SIGN VARIANCE

TV-0307010301;029  
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 720 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,

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OR,

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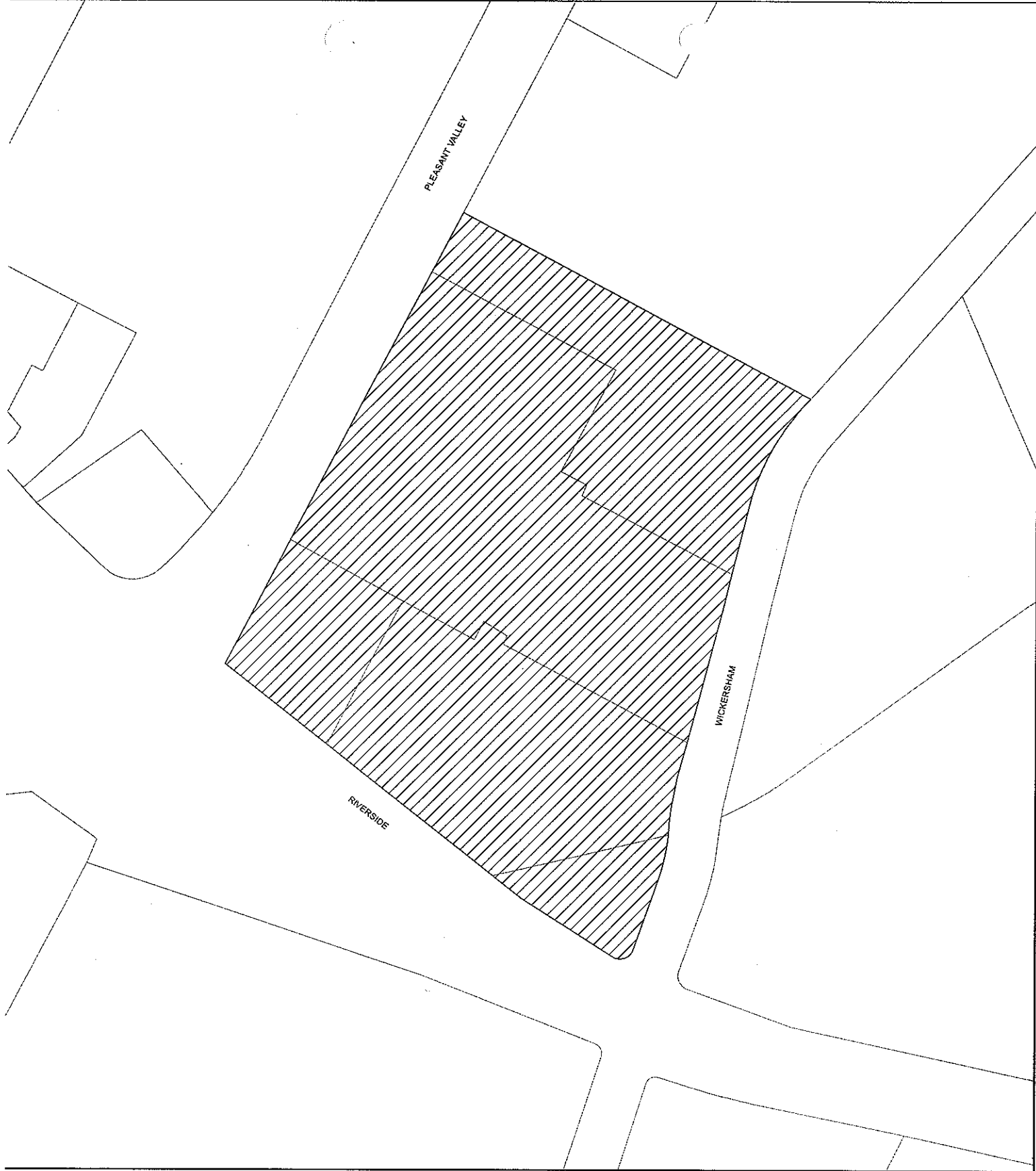
4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because: \_\_\_\_\_

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

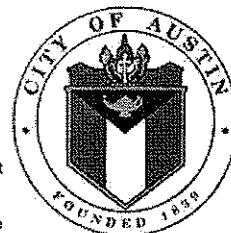


SUBJECT TRACT



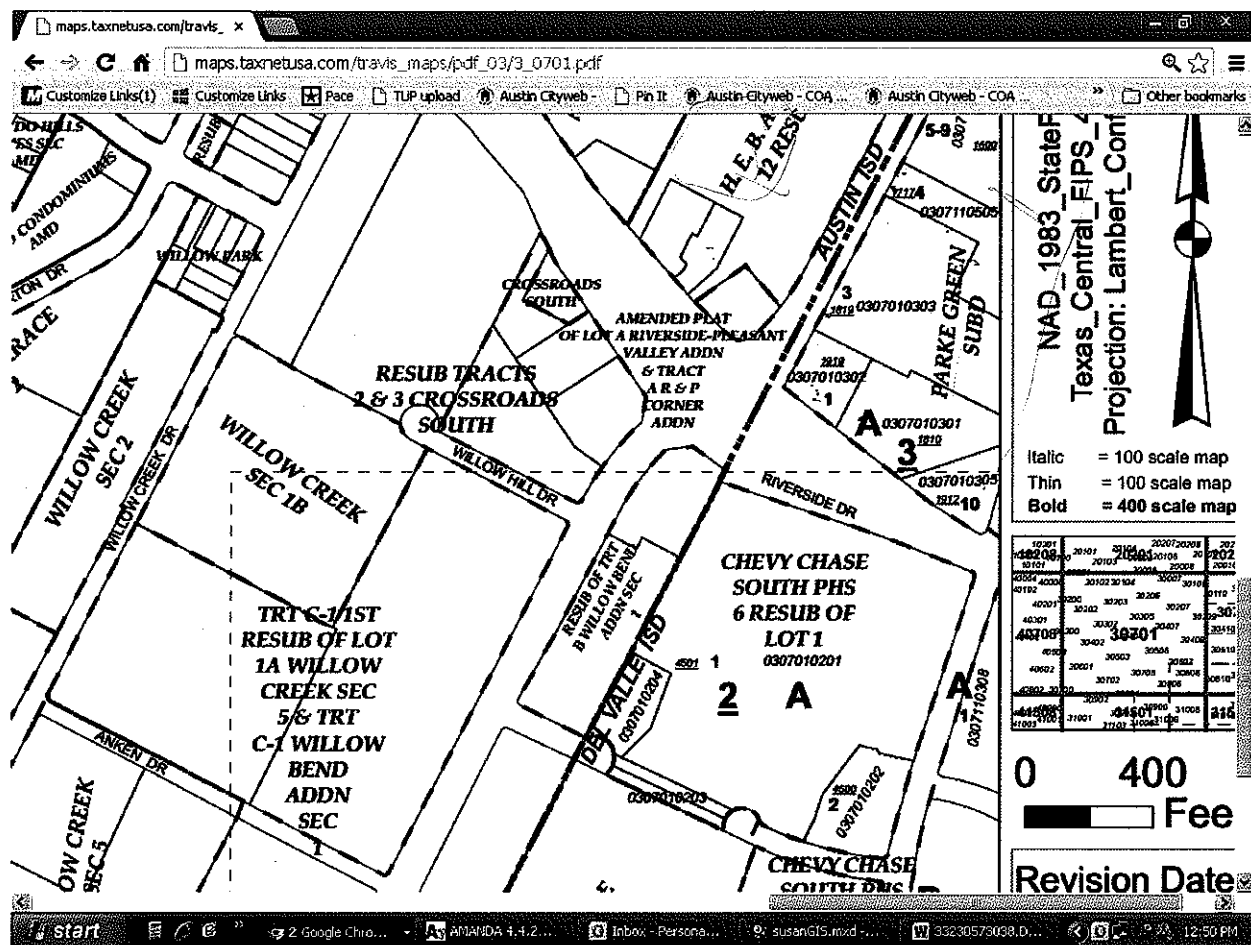
ZONING BOUNDARY

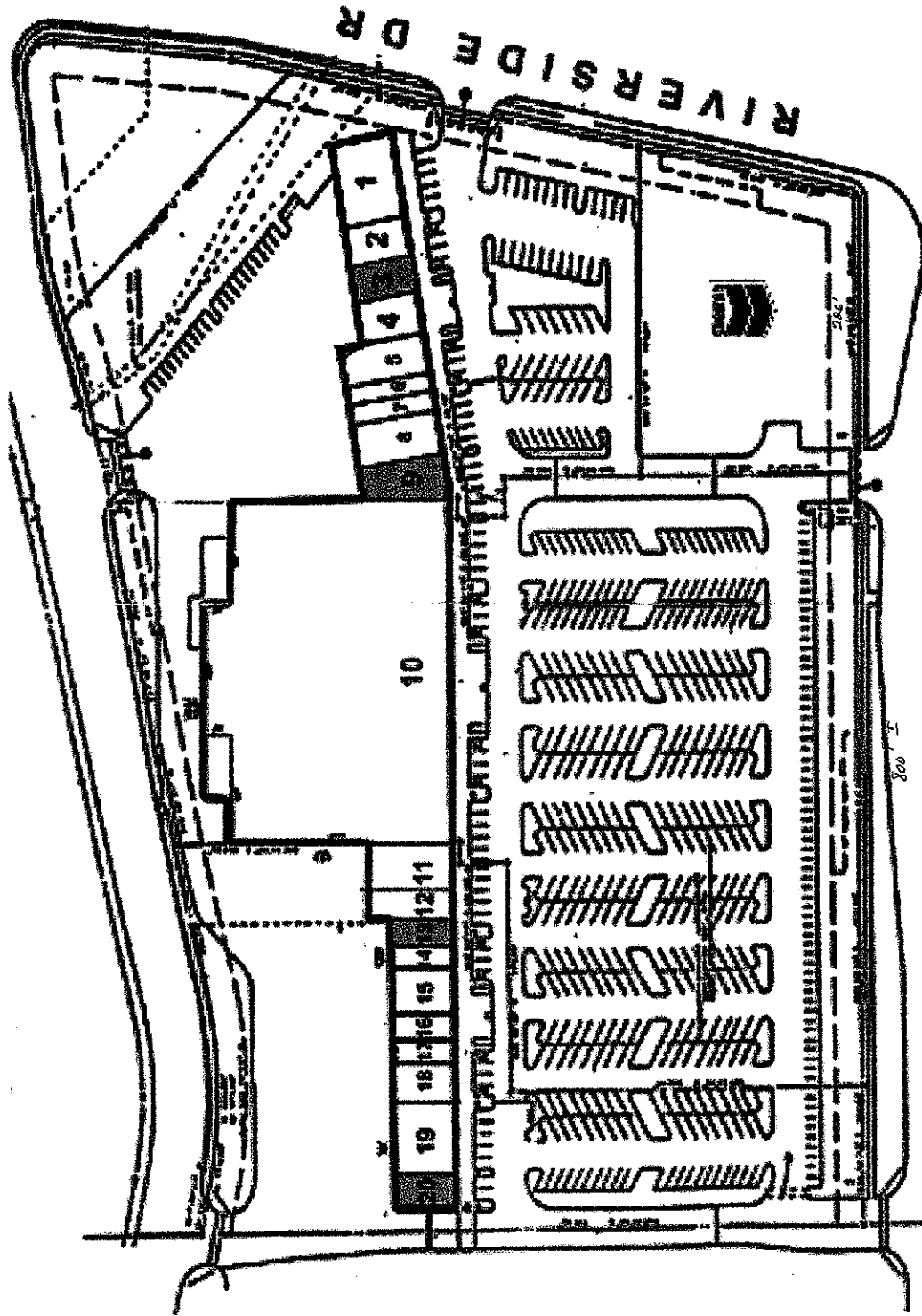
CASE#: C16-2013-0001  
LOCATION: 4410 E Riverside Drive, Lots 1-4



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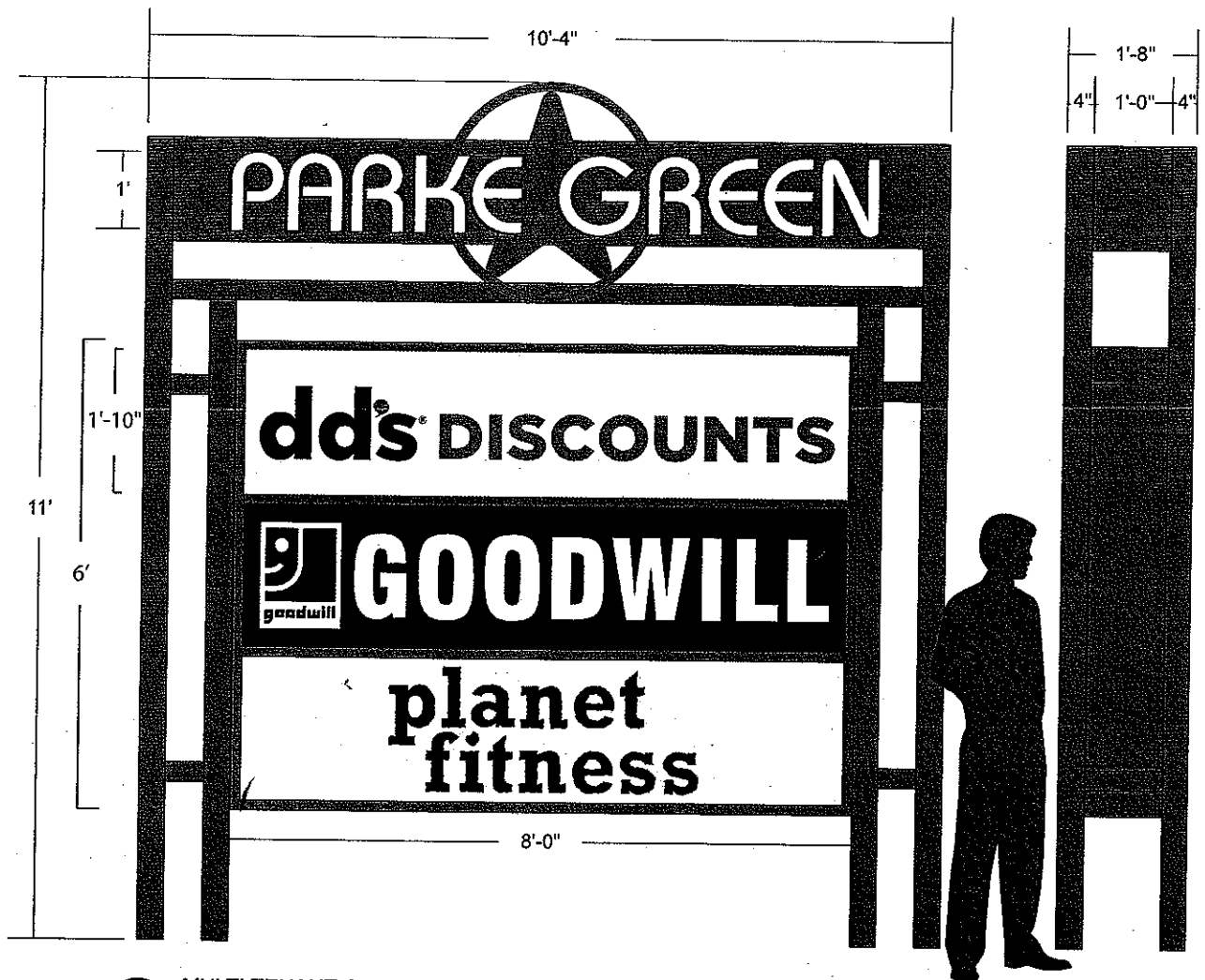


RIVERSIDE DR

PLEASANT VALLEY DR

[illegible]

PARKE GREEN CENTER / MULTI-TENANT CABINET /



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



**FABRICATE AND IN:**

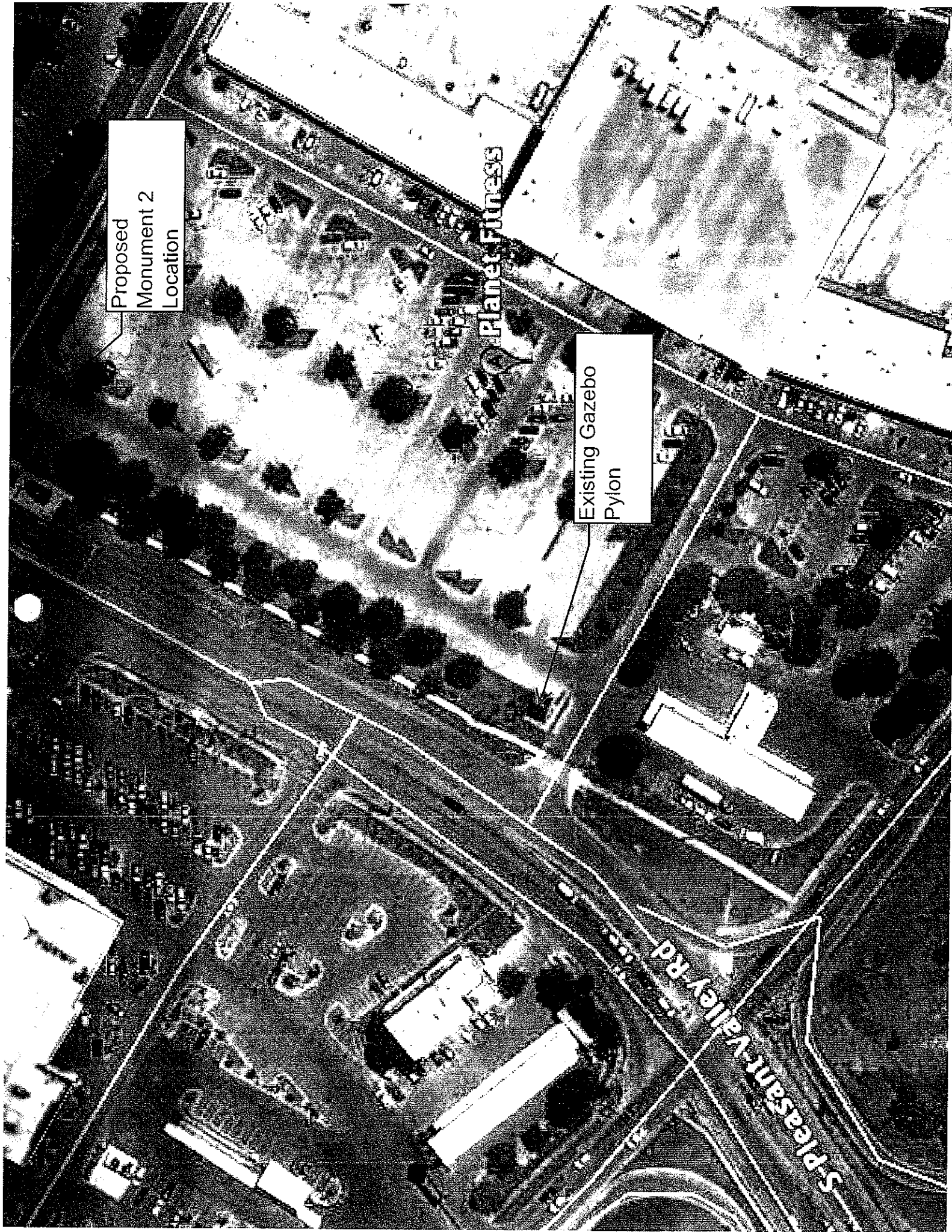
- Extruded aluminum
- Tenant Panels finish

Proposed  
Monument 2  
Location

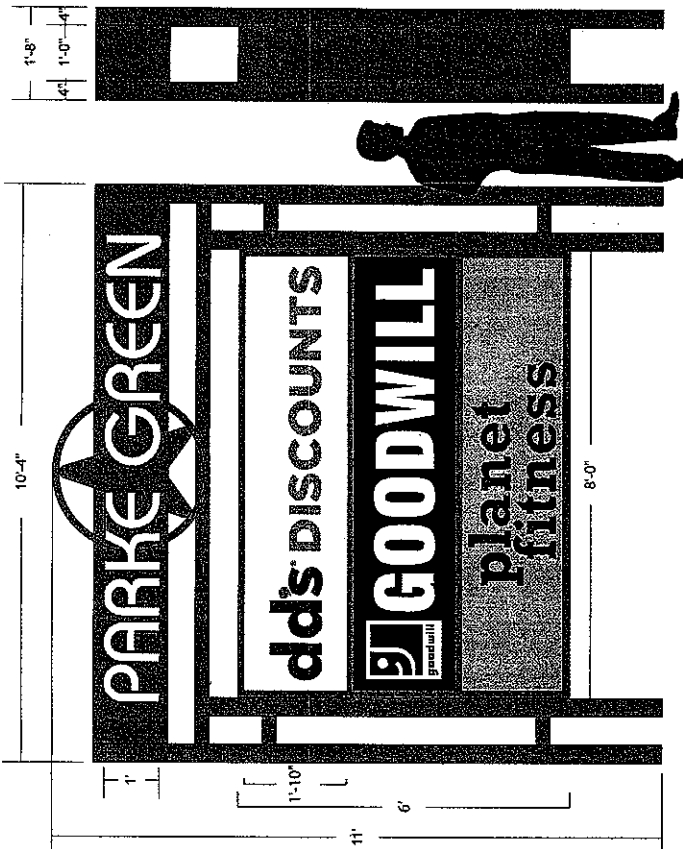
Planet Fitness

Existing Gazebo  
Pylon

S. Pleasant Valley Rd







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 vtrimcaps and sidewalls

Parke Green Center 4410 E Riverside Austin, TX	Start Date: 03/08/12 Last Revision: 00/00/00 Job#: 92/4116 Drawing #: 92/4116b/251 <small>CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF AUSTIN SPECIFICATIONS AND ANY OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GRADING AND DRAINAGE OF THE SITE.</small>	Design Rep. Jay Campbell Sales Rep. Nicky Blanton	00/00/00
Client Approval Landlord Approval	UL INSTALLATION REQUIREMENTS: <small>THIS SIGN IS DESIGNED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 605 OF THE NATIONAL ELECTRICAL CODE (NEC) AND ANY OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GRADING AND DRAINAGE OF THE SITE.</small>	NEWARK A DIVISION OF FACILITY SOLUTIONS GROUP	UL LISTED

