

CASE # C16-2013-0009

CITY OF AUSTIN
APPLICATION TO SIGN REVIEW BOARD
SIGN VARIANCE

10926732
TP-0107001223

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

PLEASE: TYPE AND COMPLETE ALL REQUESTED INFORMATION.

STREET ADDRESS: 405 N. Lamar & 907 W. 5th St. (joint request)

LEGAL DESCRIPTION: 1.9226A of Lot 1 Blk 4 Raymonds Plateau Resub of LTS 2-8 & Portion of LTS 1, 9-16

I/We Richard W. Duggan III on behalf of myself/ourselves as authorized agent for Schlosser Development Corp. affirm that on March 28, 2013, hereby apply for a hearing before the Sign Review Board for consideration:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

Erect a multi-tenant retail sign

in a DMU zoning district, located within the Downtown Sign

District.

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: A) At our Southeast location of intersection, north bound N. Lamar has an uphill grade to the intersection, and the easterly side of the road has a concrete retaining wall with a metal railing on top of it, which obstructs the visibility looking east onto W. 5th St. traffic, and if this sign is located behind the visibility triangle, it would not be visible to the north bound traffic. B) Locating the sign behind the visibility triangle would cause the sign to be located within an existing paved parking stall in the retail parking lot, which is not an option. C) A large, developed palm tree would obstruct the visibility of sign if located behind the triangle. D) The sign cannot be raised to the allowable code option of 9'-0" clearance, and be located inside of the visibility triangle, because of an overhead power line easement. E) This site's Public Right of Way along W. 5th St. abuts directly with the property line, therefor preventing a sign from being located anywhere else along 5th St.

OR,

2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because: A) The design of this sign mimics the similar shape or orientation angle of signs on two adjacent corners of the intersection. B) This new sign is replacing a similarly designed and oriented multi-tenant sign that was in the same location previously.

OR,

3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because: A) The adjacent lanes of traffic at N. Lamar Service Rd. & W. 5th St. are both one way only. Traffic on the N. Lamar Service Rd. may only turn right at the stop sign when pedestrians are not present. Oncoming traffic from W. 5th St. will not be obstructed, nor will pedestrian traffic crossing W. 5th St., by the sign because the sign is located to the right of the N. Lamar Service Rd. lane as traffic approaches from only the left. B) The sign is designed to have open areas throughout the sign to allow for visibility through the sign, making it somewhat transparent to where a vehicle can see beyond the sign. C) The sign will be oriented to be parallel to the sight lines of motorists looking right onto W. 5th St.

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: A) The other three corners of the intersection, or other intersections in the area, do not have the same traffic flow, visibility restrictions, or site conditions. B) This sign will replace the previous multi-tenant sign, in the same location. C) Other ground mounted sign locations in the same signage district have signs and/or buildings located within their visibility triangles.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed [Signature] Mail Address 601 N. Lamar Ste. 301

City, State & Zip Austin, TX 78703

Printed R.W. Duggan Phone 512-472-7774 Date 3/28/13

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 [Signature] Mail Address 601 N. Lamar Ste. 301

City, State & Zip Austin, TX 78703

Printed R.W. Duggan Phone 512-472-7774 Date 3/28/13

**ADDITIONAL INFORMATION TO BE SUBMITTED WITH COMPLETED APPLICATION:
(FAILURE TO SUBMIT ALL THE REQUIRED MATERIALS WILL RESULT IN NON-
ACCEPTANCE OF THE APPLICATION. LATE BACKUP MATERIAL WILL BE
ACCEPTED UNTIL 9:00 A.M. THE MONDAY PRIOR TO THE MEETING. THERE
WILL BE NO EXCEPTIONS.)**

SITE PLAN: Must be drawn to scale, showing present and proposed construction and locations of existing structures on adjacent lots.

All Sign Review Board cases must submit location and elevation drawings, drawn to scale, in addition to the site plan required.

APPLICATION FEES: Residential	\$360.00
All Other	\$660.00

Please be advised that the Board can only hear so many cases a month, therefore, first come, first served.

Please be advised that a request for reconsideration must be filed within 10 days from the Board meeting.

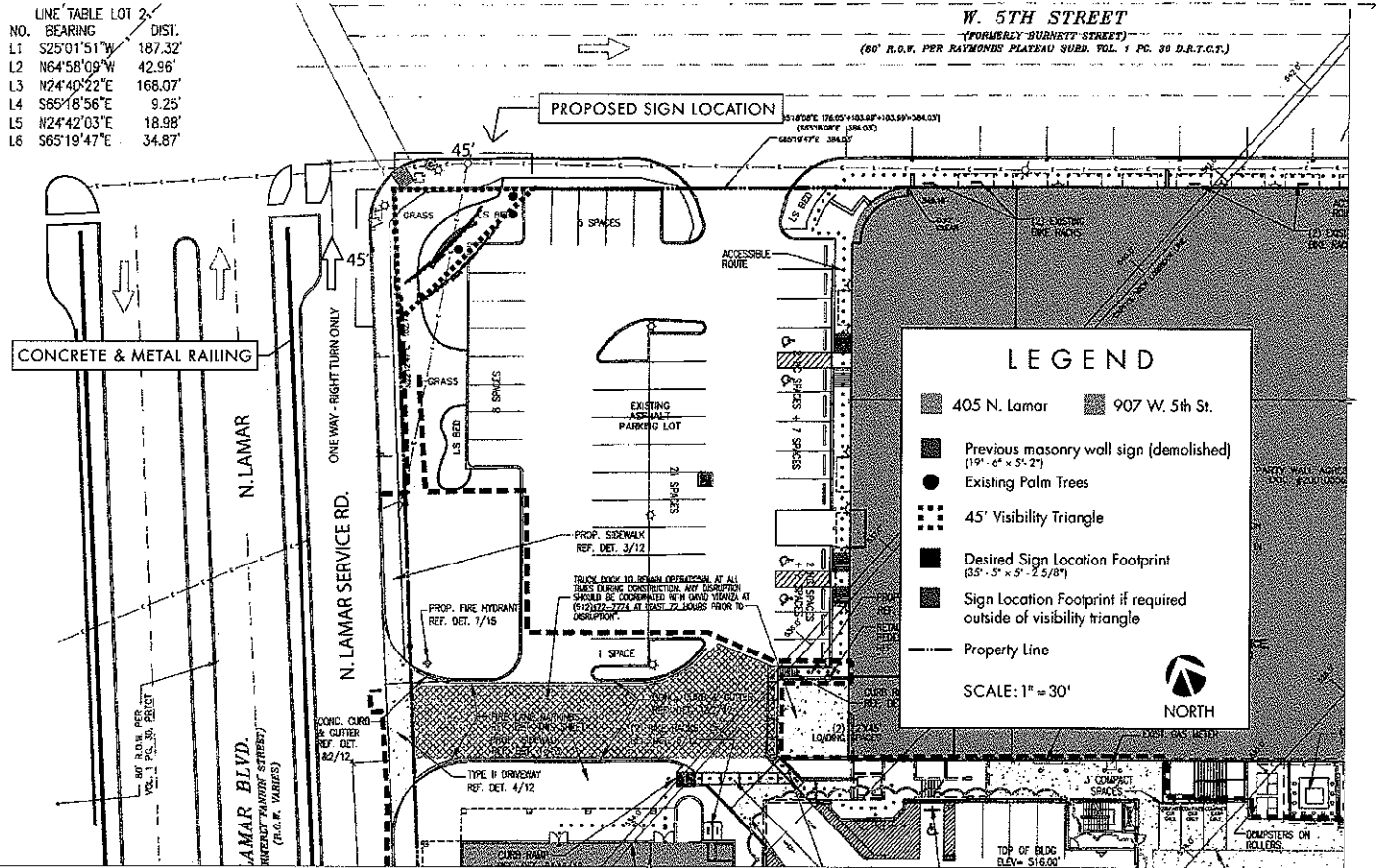
If you need assistance completing this application (general inquiries only) please Susan Walker, 974-2202 or Diana Ramirez, 974-2241, 505 Barton Springs Road, 1st floor, Development Assistance Center

NOTE: ALL VARIANCES EXPIRE 1 YEAR (12 MONTHS) FROM DATE OF APPROVAL BY BOARD AS STATED IN SECTION 25-1-217 OF THE LAND DEVELOPMENT CODE UNLESS BOARD DEEMS OTHERWISE.

Signage Variance Request for 405 N. Lamar/907 W. 5th Street

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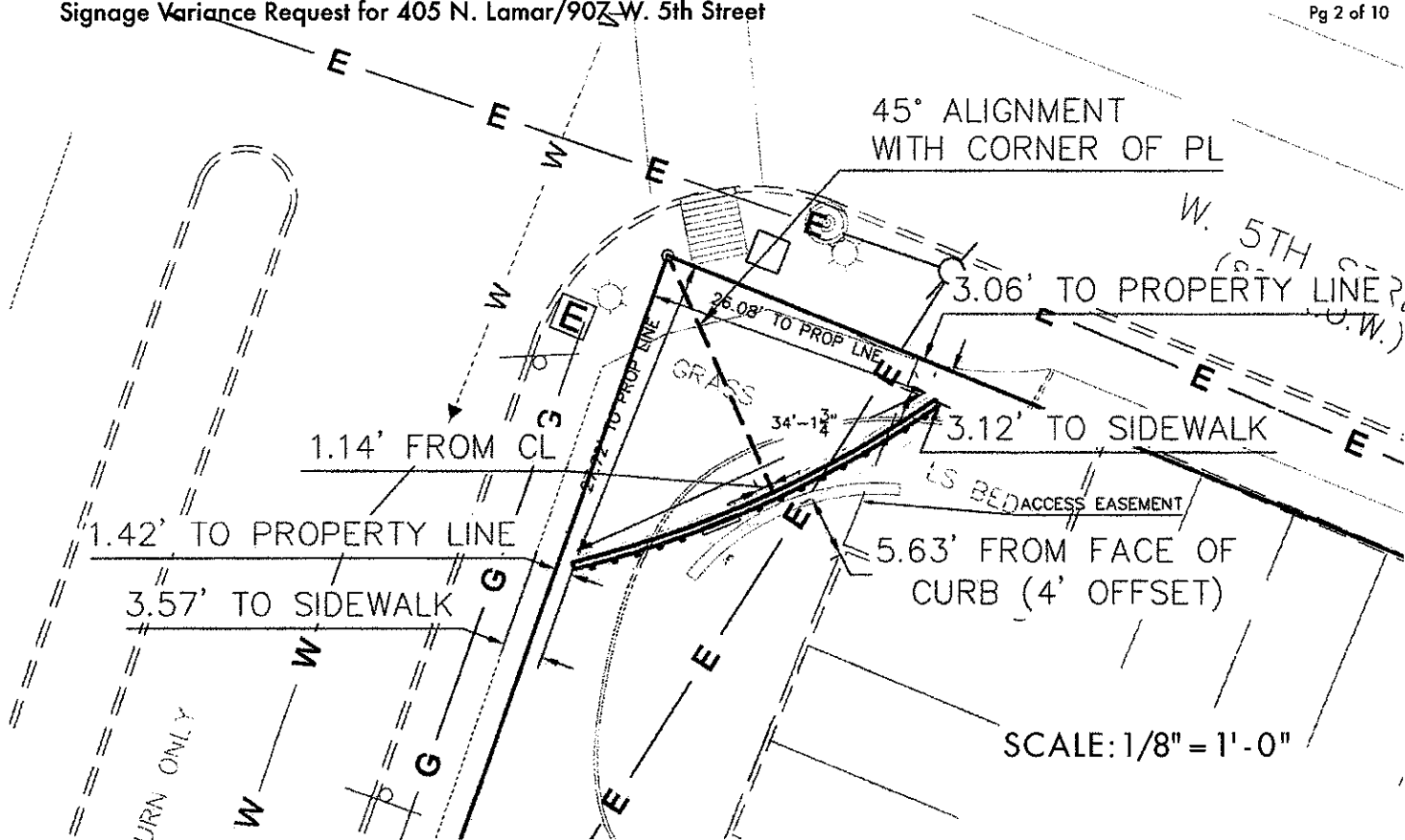
LINE	TABLE	LOT	2
NO.	BEARING	DIST.	
L1	S25°01'51"W	187.32'	
L2	N64°58'09"W	42.96'	
L3	N24°40'22"E	168.07'	
L4	S65°18'56"E	9.25'	
L5	N24°42'03"E	18.98'	
L6	S65°19'47"E	34.87'	



SITE PLAN

Signage Variance Request for 405 N. Lamar/907 W. 5th Street

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PROPOSED SIGNAGE LOCATION DRAWING

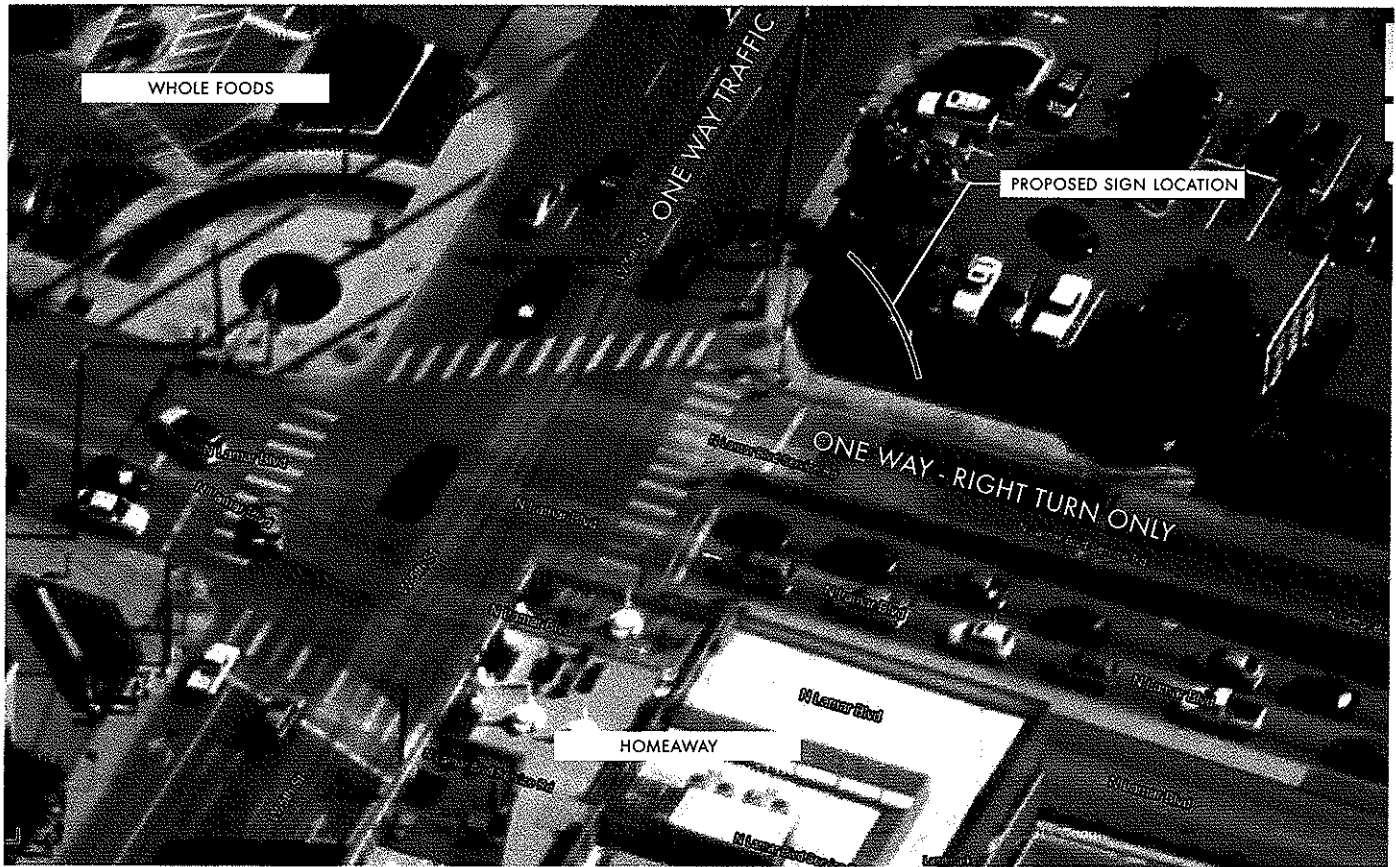
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SIGNAGE DESIGN DRAWING

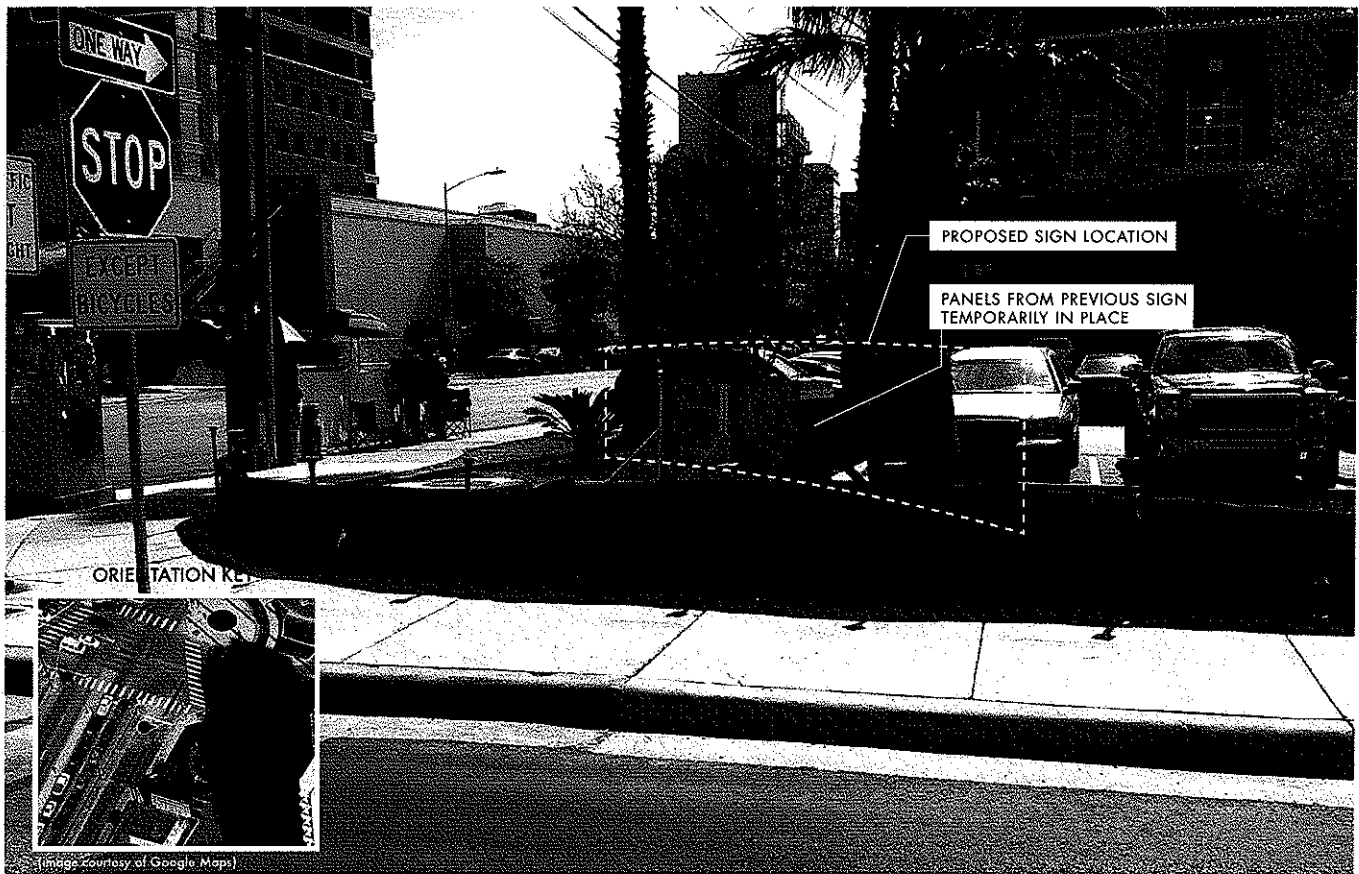


SIGNAGE DESIGN RENDERING

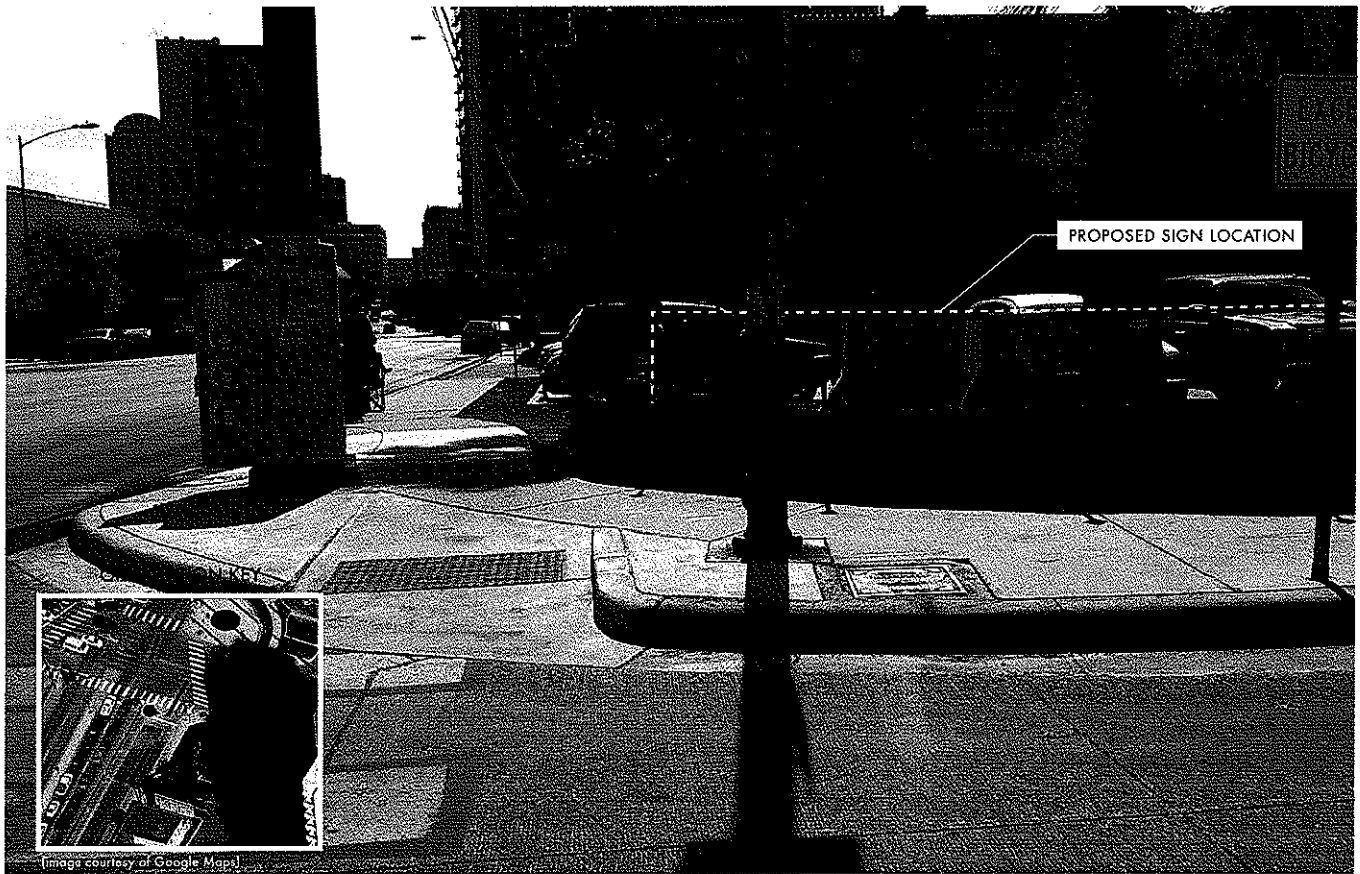


PROPOSED SIGN LOCATION AERIAL (LOOKING EAST)

(image courtesy of Google Maps 2011)



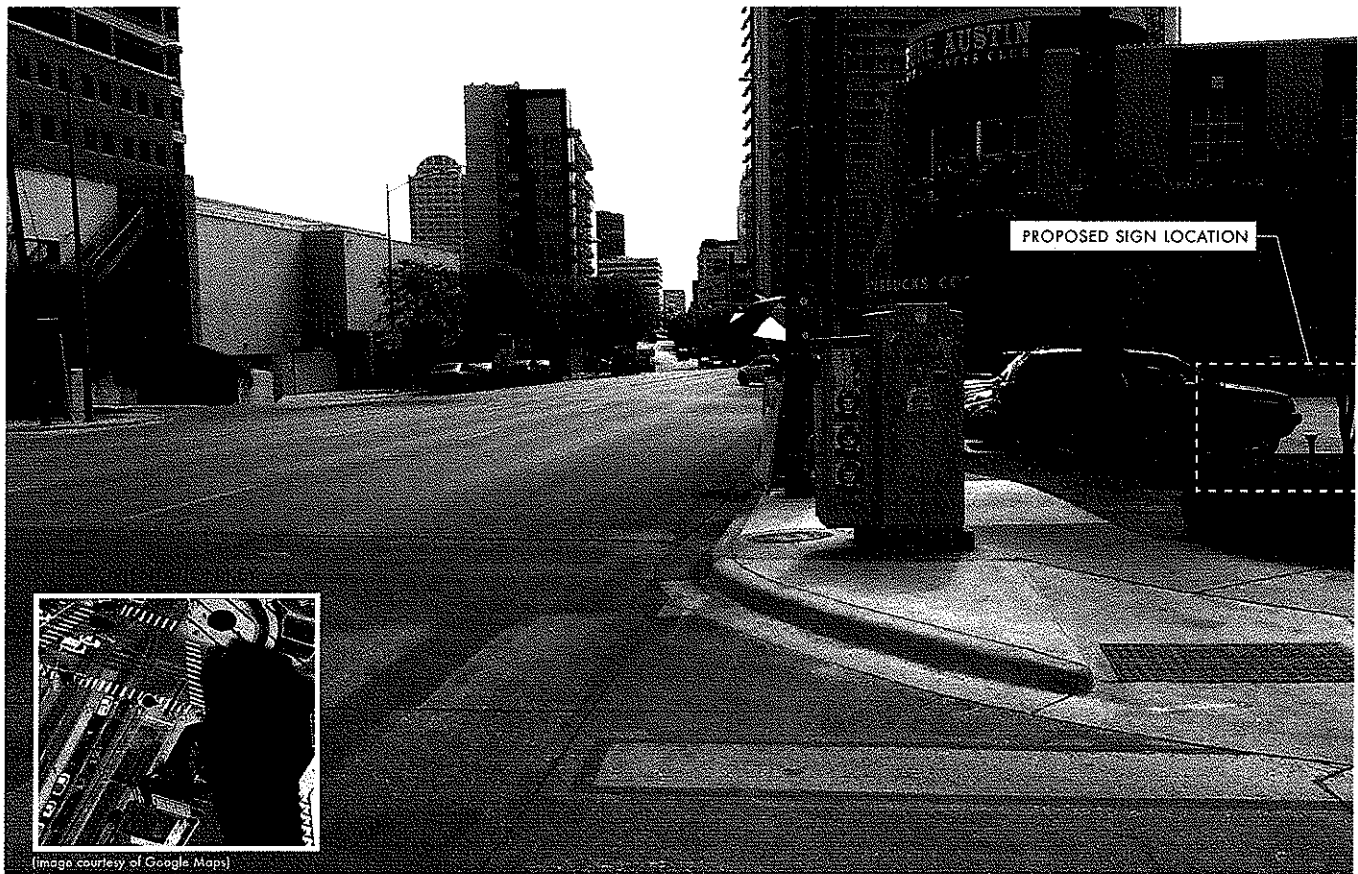
PROPOSED SIGN LOCATION - N. LAMAR SERVICE RD. (LOOKING EAST)



PROPOSED SIGN LOCATION - N. LAMAR SERVICE RD. (LOOKING EAST)

Signage Variance Request for 405 N. Lamar/907 W. 5th Street

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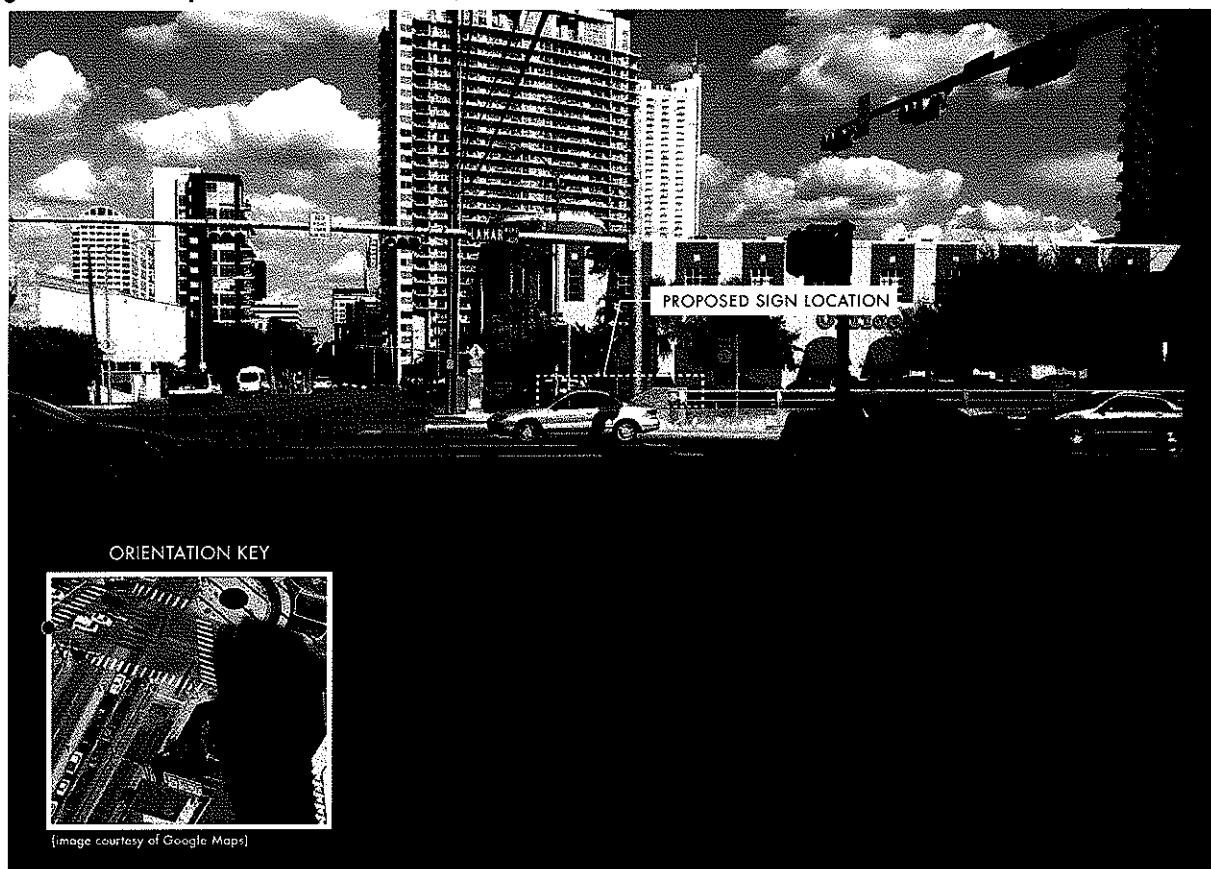
PROPOSED SIGN LOCATION - N. LAMAR SERVICE RD. (LOOKING EAST)



PREVIOUSLY EXISTING SIGN & MASONRY WALL - N. LAMAR SERVICE RD. (LOOKING EAST)

Signage Variance Request for 405 N. Lamar/907 W. 5th Street

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PREVIOUSLY EXISTING SIGN & MASONRY WALL - W. 5TH STREET (LOOKING EAST)