CITY OF AUSTIN
Board of Adjustment
Decision Sheet
C-2

DATE: August 9, 2021 **CASE NUMBER**: C16-2021-0003

_____Thomas Ates
_____Brooke Bailey
_____Jessica Cohen
_____Melissa Hawthorne (ABSTAINING)
_____Barbara Mcarthur
_____Rahm McDaniel
_____Darryl Pruett (no show)
_____Agustina Rodriguez
_____Richard Smith
_____Michael Von Ohlen (out)
_____Nicholl Wade
_____Kelly Blume (Alternate)
_____Carrie Waller (Alternate)
_____Vacant (Alternate)

APPLICANT: Michael Gaudini

OWNER: Timothy Finley

ADDRESS: 2552 GUADALUPE ST

VARIANCE REQUESTED: The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-133 *(University Neighborhood Overlay Zoning District Signs)*, requesting a total of 12 signs on the property:

(F) to allow three (3) wall signs above the second floor, one on each the northern, southern and eastern sides.
(G) (1) one projecting sign for each building façade (allowed) to two (2) projecting signs (requested) on the eastern side
(H) to allow for all twelve (12) signs, nine (9) on the northern, one (1)on the southern, one (1) on the eastern and one (1) on the western sides, to all be illuminated in order to provide signage for the Moxy Hotel in a "CS-CO-NP", General Commercial Services- Conditional Overlay Combining District– Neighborhood Plan zoning district. (West University Neighborhood Plan)

Note: *The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (F) No signs may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building. (G) A wall sign is permitted if the sign complies with this subsection. (1) One projecting sign*

for each building façade is permitted (H) A sign may not be illuminated or contain electronic images or moving parts.

BOARD'S DECISION: Jan 11, 2021 POSTPONED TO FEBRUARY 8, 2021 (Board member Melissa Hawthorne abstaining); Feb 8, 2021 POSTPONED TO MARCH 8, 2021; March 8, 2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Veronica Rivera motions to Postpone to April 12, 2021; Board Member Rahm McDaniel seconds on a 9-0 vote (Board member Melissa Hawthorne abstained); POSTPONED TO APRIL 12, 2021. (RENOTICE)

VARIANCE REQUESTED: RENOTICE The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-133 (University Neighborhood Overlay Zoning District Signs), requesting a total of 12 signs on the property:

a) (F) to allow three (3) wall signs above the second floor, one on each the northern, southern and eastern sides.

b) (G) (1) one projecting sign for each building façade (allowed) to two (2) projecting signs (requested) on the eastern side

c) (H) to allow for all twelve (12) signs, nine (9) on the northern, one (1)on the southern, one (1) on the eastern and one (1) on the western sides, to all be illuminated in order to provide signage for the Moxy Hotel in a "CS-CO-NP", General Commercial Services-Conditional Overlay Combining District– Neighborhood Plan zoning district. (West University Neighborhood Plan)

Note: *The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (F) No signs may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building.(G) A wall sign is permitted if the sign complies with this subsection. (1) One projecting sign for each building façade is permitted (H) A sign may not be illuminated or contain electronic images or moving parts.*

BOARD'S DECISION APRIL 12, 2021 cancelled; May 10, 2021; May 10, 2021 POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES; JUNE 14, 2021; June 14, 2021 POSTPONED TO AUGUST 9, 2021; August 9, 2021 POSTPONED TO October 11, 2021 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:

Elaine Ramirez
Elaine Ramirez
Executive Liaison

Diana A. Ramirez for
Jessica Cohen
Chairman

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
C-1

DATE: June 14, 2021 **CASE NUMBER**: C16-2021-0003

___Y____Thomas Ates
___Y____Brooke Bailey
___Y____Jessica Cohen
___-____Melissa Hawthorne **ABSTAINING**
___-____Don Leighton-Burwell (no vote/late)
___Y____Rahm McDaniel
___Y____Darryl Pruett
___Y____Agustina Rodriguez
___-____Michael Von Ohlen
___Y____Nicholl Wade
___-____Vacant
___-____Kelly Blume (Alternate)
___Y____Carrie Waller (Alternate)
___-____Vacant (Alternate)

APPLICANT: Michael Gaudini

OWNER: Timothy Finley

ADDRESS: 2552 GUADALUPE ST

VARIANCE REQUESTED: The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-133 *(University Neighborhood Overlay Zoning District Signs)*, requesting a total of 12 signs on the property:

(F) to allow three (3) wall signs above the second floor, one on each the northern, southern and eastern sides.
(G) (1) one projecting sign for each building façade (allowed) to two (2) projecting signs (requested) on the eastern side
(H) to allow for all twelve (12) signs, nine (9) on the northern, one (1)on the southern, one (1) on the eastern and one (1) on the western sides, to all be illuminated in order to provide signage for the Moxy Hotel in a "CS-CO-NP", General Commercial Services- Conditional Overlay Combining District– Neighborhood Plan zoning district. (West University Neighborhood Plan)

Note: The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (F) No signs may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building.(G) A wall sign is permitted if the sign complies with this subsection. (1) One projecting sign for each building façade is permitted (H) A sign may not be illuminated or contain electronic images or moving parts.

BOARD'S DECISION: Jan 11, 2021 POSTPONED TO FEBRUARY 8, 2021 (Board member Melissa Hawthorne abstaining); Feb 8, 2021 POSTPONED TO MARCH 8, 2021; March 8, 2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Veronica Rivera motions to Postpone to April 12, 2021; Board Member Rahm McDaniel seconds on a 9-0 vote (Board member Melissa Hawthorne abstained); POSTPONED TO APRIL 12, 2021. (RENOTICE)

VARIANCE REQUESTED: RENOTICE The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-133 (University Neighborhood Overlay Zoning District Signs), requesting a total of 12 signs on the property:

a) (F) to allow three (3) wall signs above the second floor, one on each the northern, southern and eastern sides.

b) (G) (1) one projecting sign for each building façade (allowed) to two (2) projecting signs (requested) on the eastern side

c) (H) to allow for all twelve (12) signs, nine (9) on the northern, one (1)on the southern, one (1) on the eastern and one (1) on the western sides, to all be illuminated in order to provide signage for the Moxy Hotel in a "CS-CO-NP", General Commercial Services- Conditional Overlay Combining District– Neighborhood Plan zoning district. (West University Neighborhood Plan)

Note: The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (F) No signs may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building.(G) A wall sign is permitted if the sign complies with this subsection. (1) One projecting sign for each building façade is permitted (H) A sign may not be illuminated or contain electronic images or moving parts.

BOARD'S DECISION APRIL 12, 2021 cancelled; May 10, 2021; May 10, 2021 POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES; JUNE 14, 2021; June 14, 2021 POSTPONED TO AUGUST 9, 2021

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:

Elaine Ramirez

Elaine Ramirez
Executive Liaison

Diana Ramirez for

Jessica Cohen
Chairman

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
C-1

DATE: May 10, 2021 **CASE NUMBER**: C16-2021-0003

___-____Thomas Ates
___Y____Brooke Bailey
___Y____Jessica Cohen
___-____Melissa Hawthorne **ABSTAINING**
___Y____Don Leighton-Burwell
___Y____Rahm McDaniel
___Y____Darryl Pruett
___-____Agustina Rodriguez
___Y____Michael Von Ohlen
___Y____Nicholl Wade
___-____Vacant
___-____Kelly Blume (Alternate)
___-____Carrie Waller (Alternate)
___-____Vacant (Alternate)

APPLICANT: Michael Gaudini

OWNER: Timothy Finley

ADDRESS: 2552 GUADALUPE ST

VARIANCE REQUESTED: The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-133 *(University Neighborhood Overlay Zoning District Signs)*, requesting a total of 12 signs on the property:

(F) to allow three (3) wall signs above the second floor, one on each the northern, southern and eastern sides.
(G) (1) one projecting sign for each building façade (allowed) to two (2) projecting signs (requested) on the eastern side
(H) to allow for all twelve (12) signs, nine (9) on the northern, one (1)on the southern, one (1) on the eastern and one (1) on the western sides, to all be illuminated in order to provide signage for the Moxy Hotel in a "CS-CO-NP", General Commercial Services- Conditional Overlay Combining District– Neighborhood Plan zoning district. (West University Neighborhood Plan)

Note: The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (F) No signs may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building.(G) A wall sign is permitted if the sign complies with this subsection. (1) One projecting sign for each building façade is permitted (H) A sign may not be illuminated or contain electronic images or moving parts.

BOARD'S DECISION: Jan 11, 2021 POSTPONED TO FEBRUARY 8, 2021 (Board member Melissa Hawthorne abstaining); Feb 8, 2021 POSTPONED TO MARCH 8, 2021; March 8, 2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Veronica Rivera motions to Postpone to April 12, 2021; Board Member Rahm McDaniel seconds on a 9-0 vote (Board member Melissa Hawthorne abstained); POSTPONED TO APRIL 12, 2021. (RENOTICE)

VARIANCE REQUESTED: RENOTICE APRIL 12, 2021 cancelled due to technical problems with notification database; May 10, 2021 POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES

BOARD'S DECISIONFINDING:

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:

Elaine Ramirez

Elaine Ramirez
Executive Liaison

Diana Ramirez for

Don Leighton-Burwell
Chairman

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
E-2

DATE: March 8, 2021 **CASE NUMBER**: C16-2021-0003

___Y____Brooke Bailey
___Y____Jessica Cohen
___-____Ada Corral OUT
___-____Melissa Hawthorne (abstaining)
___-____VACANT
___Y____Don Leighton-Burwell
___Y____Rahm McDaniel
___Y____Darryl Pruett
___Y____Veronica Rivera
___-____Yasmine Smith NO SHOW
___Y____Michael Von Ohlen
___Y____Kelly Blume (Alternate)
___-____Vacant (Alternate)
___Y____Donny Hamilton (Alternate)

APPLICANT: Michael Gaudini

OWNER: Timothy Finley

ADDRESS: 2552 GUADALUPE ST

VARIANCE REQUESTED: The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-133 *(University Neighborhood Overlay Zoning District Signs)*, requesting a total of 12 signs on the property:

(F) to allow three (3) wall signs above the second floor, one on each the northern, southern and eastern sides.
(G) (1) one projecting sign for each building façade (allowed) to two (2) projecting signs (requested) on the eastern side
(H) to allow for all twelve (12) signs, nine (9) on the northern, one (1)on the southern, one (1) on the eastern and one (1) on the western sides, to all be illuminated in order to provide signage for the Moxy Hotel in a "CS-CO-NP", General Commercial Services- Conditional Overlay Combining District– Neighborhood Plan zoning district. (West University Neighborhood Plan)

Note: The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (F) No signs may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building.(G) A wall sign is permitted if the sign complies with this subsection. (1) One projecting sign for each building façade is permitted (H) A sign may not be illuminated or contain electronic images or moving parts.

BOARD'S DECISION: Jan 11, 2021 POSTPONED TO FEBRUARY 8, 2021 (Board member Melissa Hawthorne abstaining); Feb 8, 2021 POSTPONED TO MARCH 8, 2021; March 8, 2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Veronica Rivera motions to Postpone to April 12, 2021; Board Member Rahm McDaniel seconds on a 9-0 vote (Board member Melissa Hawthorne abstained); POSTPONED TO APRIL 12, 2021. (RENOTICE)

VARIANCE REQUESTED: RENOTICE APRIL 12, 2021

BOARD'S DECISIONFINDING:

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:

Elaine Ramirez

Elaine Ramirez
Executive Liaison

Diana Ramirez for

Don Leighton-Burwell
Chairman

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
E-2

DATE: February 8, 2021 **CASE NUMBER**: C16-2021-0003

_____Brooke Bailey
_____Jessica Cohen
_____Ada Corral
_____Melissa Hawthorne
_____VACANT
_____Don Leighton-Burwell
_____Rahm McDaniel
_____Darryl Pruett
_____Veronica Rivera
_____Yasmine Smith
_____Michael Von Ohlen
_____Kelly Blume (Alternate)
_____Vacant (Alternate)
_____Donny Hamilton (Alternate)

APPLICANT: Michael Gaudini

OWNER: Timothy Finley

ADDRESS: 2552 GUADALUPE ST

VARIANCE REQUESTED: The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-133 *(University Neighborhood Overlay Zoning District Signs)*, requesting a total of 12 signs on the property:

(F) to allow three (3) wall signs above the second floor, one on each the northern, southern and eastern sides.
(G) (1) one projecting sign for each building façade (allowed) to two (2) projecting signs (requested) on the eastern side
(H) to allow for all twelve (12) signs, nine (9) on the northern, one (1)on the southern, one (1) on the eastern and one (1) on the western sides, to all be illuminated in order to provide signage for the Moxy Hotel in a "CS-CO-NP", General Commercial Services- Conditional Overlay Combining District– Neighborhood Plan zoning district. (West University Neighborhood Plan)

Note: The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (F) No signs may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building.(G) A wall sign is permitted if the sign complies with this subsection. (1) One projecting sign for each building façade is permitted (H) A sign may not be illuminated or contain electronic images or moving parts.

BOARD'S DECISION: Jan 11, 2021 POSTPONED TO FEBRUARY 8, 2021 (Board member Melissa Hawthorne abstaining); Feb 8, 2021 POSTPONED TO MARCH 8, 2021

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:

Elaine Ramirez

Elaine Ramirez
Executive Liaison

Diana Ramirez for

Don Leighton-Burwell
Chairman

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
C-2

DATE: January 11, 2021 **CASE NUMBER: C16-2021-0003**

_____Brooke Bailey OUT
_____Jessica Cohen
_____Ada Corral
_____Melissa Hawthorne
____-___VACANT
_____Don Leighton-Burwell
_____Rahm McDaniel
_____Darryl Pruett
_____Veronica Rivera OUT
_____Yasmine Smith
_____Michael Von Ohlen
_____Kelly Blume (Alternate)
___-____Vacant (Alternate)
_____Donny Hamilton (Alternate) NOT AVAIL

APPLICANT: Michael Gaudini

OWNER: Timothy Finley

ADDRESS: 2552 GUADALUPE ST

VARIANCE REQUESTED: The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-133 *(University Neighborhood Overlay Zoning District Signs),* requesting a total of 12 signs on the property:

a) (F) to allow three (3) wall signs above the second floor, one on each the northern, southern and eastern sides.
b) (G) (1) one projecting sign for each building façade (allowed) to two (2) projecting signs (requested) on the eastern side
c) (H) to allow for all twelve (12) signs, nine (9) on the northern, one (1)on the southern, one (1) on the eastern and one (1) on the western sides, to all be illuminated in order to provide signage for the Moxy Hotel in a "CS-CO-NP", General Commercial Services- Conditional Overlay Combining District– Neighborhood Plan zoning district. (West University Neighborhood Plan)

Note: *The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (F) No signs may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building.(G) A wall sign is permitted if the sign complies with this subsection. (1) One projecting*

sign for each building façade is permitted (H) A sign may not be illuminated or contain electronic images or moving parts.

BOARD'S DECISION: Jan 11, 2021 POSTPONED TO FEBRUARY 8, 2021 (Board member Melissa Hawthorne abstaining)

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:

Elaine Ramirez
Executive Liaison

Diana Ramirez for
Don Leighton-Burwell
Chairman

BOA SIGN REVIEW COVERSHEET

CASE: C16-2021-0003

BOA DATE: January 11th, 2021

ADDRESS: 2522 Guadalupe St

COUNCIL DISTRICT: 9

OWNER: Timothy Finley

AGENT: Richard Tuttle

ZONING: CS-CO-NP (West University NP)

LEGAL DESCRIPTION: LOT 5 OLT 50 DIVISION D

VARIANCE REQUEST: Twelve signs total 25-10-133 Section F – requesting 3 above the 2nd floor (one on the northern side, one on the southern side and one on the eastern side); **25-10-133 Section G –** requesting 2 projecting signs; **25-10-133 Section H –** requesting all twelve (12) signs to be illuminated

SUMMARY: signage for Moxy Hotel

ISSUES: provision not allowing for signage

	ZONING	LAND USES
Site	CS-CO-NP	General Commercial Services-Conditional Overlay
North	CS-CO-NP	General Commercial Services-Conditional Overlay
South	CS-CO-NP	General Commercial Services-Conditional Overlay
East	CS	General Commercial Services
West	CS-MU-CO-NP	General Commercial Services-Mixed Use-Conditional Overlay

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Bike Austin
CANPAC (Central Austin Neigh Plan Area Committee)
Central Austin Community Development Corporation
Central Austin Urbanists
Friends of Austin Neighborhoods
Homeless Neighborhood Association
My Guadalupe
Neighborhood Empowerment Foundation
Preservation Austin
SELTexas
Shoal Creek Conservancy
Sierra Club, Austin Regional Group
University Area Partners
West Campus Neighborhood Association

January 5, 2021

Michael Gaudini
2552 Guadalupe St
Austin TX, 78705

Property Description: LOT A OLT 50 DIV D HITCHCOCK SUBD RESUB OF LOTS 8 & 9

Re: C16-2021-0003

Dear Michael,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a sign variance(s) from the following section from the Land Development Code:

Section 25-10-133 (University Neighborhood Overlay - Zoning District Signs)
Requesting a total of 12 signs on the property:

- (F) to allow three (3) wall signs above the second floor, one on each the northern, southern and eastern side of building.
- (G) (1) one projecting sign for each building facade (allowed) to two (2) projecting signs (requested) on the eastern side of building.
- (H) to allow for all twelve (12) signs, nine (9) on the northern, one (1) on the southern, one (1) on the eastern and one (1) on the western sides, to all be illuminated;

In order to provide signage for the Moxy Hotel in a "CS-CO-NP", General Commercial Services-Conditional Overlay Combining District– Neighborhood Plan zoning district. (West University Neighborhood Plan)

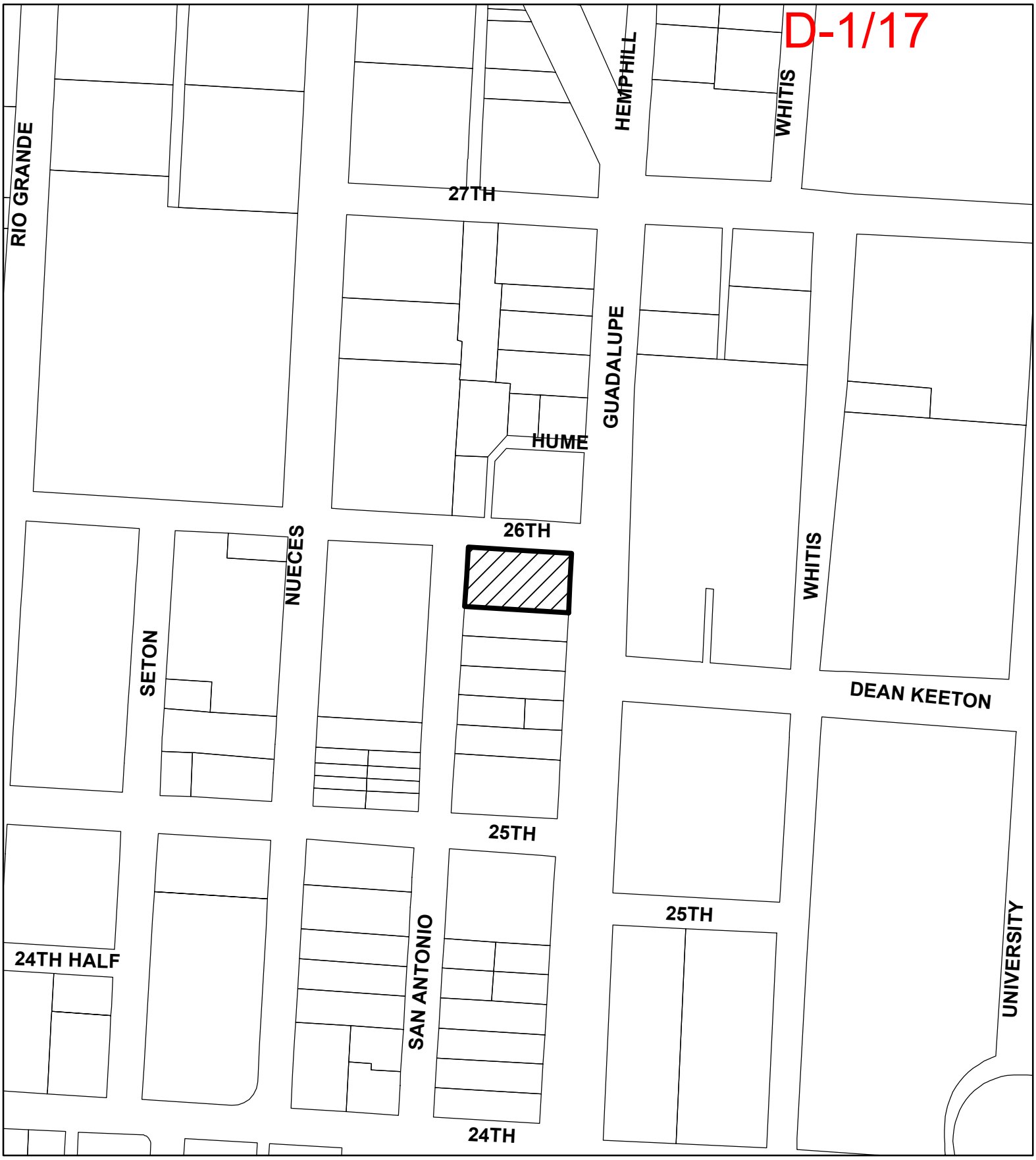
Austin Energy does not oppose the above sign variances requested, provided any proposed and existing improvements follow Austin Energy's clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners /applicants' expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action: https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES

If you require further information or have any questions regarding the above comments, please contact our office.

Thank you for contacting Austin Energy.
Eben Kellogg, Property Agent
Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741

D-1/17



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 208 '

NOTIFICATIONS

CASE#: C16-2021-0003

LOCATION: 2552 GUADALUPE STREET

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

D-1/18

Board of Adjustment Sign Variance Application

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, click here to Save the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 2552 Guadalupe St.

Subdivision Legal Description:

Lot A, Resubdivision of Lots 8 & 9, Hitchcock Subdivision of Outlot 50, Division D

Lot(s): A Block(s): -

Outlot: 50 Division: D

Zoning District: CS-CO-NP

Sign District: University Neighborhood Overlay District

I/We Richard T. Suttle, Jr. on behalf of myself/ourselves as authorized agent for 2552 Jack, LLC affirm that on Month December, Day 10, Year 2020, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

○ Erect ○ Attach ○ Complete ○ Remodel ○ Maintain ◉ Other: Illuminate

Type of Sign: Wall Signs, Projecting Signs

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

§ 25-10-133(H): "A sign may not be illuminated or contain electronic images or moving parts."
§ 25-10-133(F): "No sign may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building."
§ 25-10-133(G)(1): "One projecting sign for each building façade is permitted."

Section 2: Variance Findings

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 supporting documents.

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 the site such as dimensions, landscaping, or topography, because:

See attached.

—OR—

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

See attached.

—OR—

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

See attached.

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:

See attached.

Variance Requests

I am requesting a variance from the Land Development Code, Section 25-10-133 (University Neighborhood Overlay Zoning District Signs) (H) to illuminate 12 signs at the Moxy Hotel on the Northern, Southern, Eastern, and Western sides in a "CS-CO-NP," General Commercial Services – Conditional Overlay – Neighborhood Plan zoning district within the University Neighborhood Overlay.

I am requesting a variance from the Land Development Code, Section 25-10-133 (University Neighborhood Overlay Zoning District Signs) (F) to provide 3 illuminated electric signs above the second floor at the Moxy Hotel on the Northern, Southern, and Eastern sides in a "CS-CO-NP," General Commercial Services – Conditional Overlay – Neighborhood Plan zoning district within the University Neighborhood Overlay.

I am requesting a variance from the Land Development Code, Section 25-10-133 (University Neighborhood Overlay Zoning District Signs) (G) to provide 2 projecting signs at the Moxy Hotel on the Eastern side in a "CS-CO-NP," General Commercial Services – Conditional Overlay – Neighborhood Plan zoning district within the University Neighborhood Overlay.

Findings Statements

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 the site such as dimensions, landscaping, or topography, because:*

   Strict enforcement would impose a standard that is harsher than that enjoyed by other similarly situated properties along Guadalupe Street in the University Neighborhood Overlay (UNO) Sign District.

   Properties in this area have a longstanding practice of illuminating their signage. However, a recent provision prohibiting signage illumination (Section 25-10-133(H)) was unintentionally instituted, as described by city staff at the November 2020 Board of Adjustment meeting. At the same time, a provision that Council appeared to take action to modify (Section 25-10-133(F)) was left unmodified, as described in the cover letter.

   This variance would allow the applicant to illuminate on-site signage (Section 25-10-133(H)), consistent with other similarly situated properties; it also requests variance from another provision (Section 25-10-133(F)) to ensure this would apply to the upper-level signs, as well.

   The UNO area is also characterized by attached structures in which different businesses, services, and amenities each utilize a projecting sign. This site provides a similar layout, with two services within a larger structure – the hotel and a walk-up food window. The variance from Section 25-10-133(G)(1) would allow that layout, consistent with the practice in the larger area.

– OR –

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

   Neighboring properties along Guadalupe Street in the University Neighborhood Overlay Zoning District already illuminate their signage and already feature businesses, services, and amenities in attached structures that each utilize projecting signs. The requested variance would allow the applicant to also illuminate their signage and provide two projecting signs on its Guadalupe Street façade, one for the hotel entrance and one for the walk-up food window. This is consistent with the existing practice among nearby Guadalupe Street properties.

– OR –

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

   The requested variance will allow the applicant to illuminate their signage, as has been allowed along Guadalupe Street. Similarly, the variance would allow two projecting signs in a manner consistent with the way in which multiple projecting signs are provided in attached structures along Guadalupe Street – one allowed for each business, service, or amenity.

City staff has stated that the provision prohibiting illumination was instituted unintentionally. As a result, this site is currently subject to a standard not otherwise imposed on similarly situated properties. The requested variance would address this issue and allow illumination.

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:*

   The applicant's request for illuminated signage and projecting signs is consistent with established practice in the area. Other properties along Guadalupe Street in the UNO Sign District already have illuminated signage, as the applicant is requesting. Additionally, there is an established practice of allowing services, businesses, and amenities within attached structures along Guadalupe Street to each provide a projecting sign; the applicant is similarly requesting the ability to provide one projecting sign for the hotel entrance and one for the walk-up food window. Granting this variance would establish consistency with practices in the broader area, not a special privilege. The applicant also requests a variance to ensure this would apply to the upper-level signs, as well, consistent with action that Council appeared to take to modify the relevant code provisions.

D-1/23

Section 3: Applicant Certificate

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

Applicant Signature: _____ Date: 12/10/2020

Applicant Name (typed or printed): Richard T. Suttle, Jr.

Applicant Mailing Address: 100 Congress Ave., Suite 1300

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 435-2300

Email (optional – will be public information): [redacted]

Section 4: Owner Certificate

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

Owner Signature: _____ Date: 12-2-2020

Owner Name (typed or printed): Timothy Finley, Vice President, 2552 Jack, LLC

Owner Mailing Address: P.O. Box 2086

City: Austin State: TX Zip: 78768

Phone (will be public information): (512) 478-0885

Email (optional – will be public information): [redacted]

Section 5: Agent Information

Agent Name: Richard T. Suttle, Jr.

Agent Mailing Address: 100 Congress Ave., Suite 1300

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 435-2300

Email (optional – will be public information): [redacted]

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

RICHARD T. SUTTLE, JR.
(512) 435-2300
[redacted]

December 10, 2020

Via email

Board of Adjustment
301 W. 2nd St.
Austin, TX 78701

Subject: Variance Request for 2552 Guadalupe St. ("the Property")

Dear Members:

Please accept this letter on behalf of 2552 Jack, LLC ("the Owner"). The Owner is requesting a variance from Sections 25-10-133(H), 25-10-133(F), and 25-10-133(G)(1) in order to illuminate a number of signs at the Moxy Hotel and provide two projecting signs in a manner consistent with existing practice in the area.

The Property is located at the intersection of Guadalupe Street and West 26th Street, in the University Neighborhood Overlay ("UNO") Sign District (See Exhibit A). The section of Guadalupe Street within the UNO Sign District is characterized by numerous other businesses with illuminated signage, both north and south of the Property. This area is also characterized by attached businesses, services, and amenities that each utilize separate projecting signs.

The Owner is requesting a variance from the following sections of the Land Development Code:

- Section 25-10-133(H), which specifies that "A sign may not be illuminated or contain electronic images or moving parts;"
- Section 25-10-133(F), which specifies that "No sign may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building;" and
- 25-10-133(G)(1), which specifies that "One projecting sign for each building façade is permitted."

This request would allow the Owner to provide illuminated signage for their business and two separate projecting signs that identify different services within the building (See Exhibit B), practices that are already established and common along this segment of Guadalupe Street.

Section 25-10-133(H): Illumination

Signage illumination is an established practice along this segment of Guadalupe Street. Furthermore, the provision in question was instituted unintentionally, and City staff plans to revise it to resolve this issue. As City staff acknowledged at the November 2020 Board of Adjustment meeting:

> *"It was not the intent of Council to completely prohibit illuminated signs. We processed a fairly exhaustive amendment to the UNO regulations in November of 2019 and there was a provision that was inadvertently added to prohibit illuminated signs… It was definitely not Council's intent to make that prohibition and we are working on a solution."*

Strict enforcement of this provision at the Moxy Hotel would impose on the Property a standard that is harsher than that enjoyed by other similarly situated properties along Guadalupe Street in the University Neighborhood Overlay Zoning District. Granting the requested variance would instead establish consistency with this segment of Guadalupe Street by allowing the Owner to illuminate their signage, as other nearby businesses do today.

Section 25-10-133(F): Signage Above the Second Floor

There may also have been confusion over changes to Section 25-10-133(F), as well. According to the minutes from the November 14, 2019 Council meeting, the City Council approved the ordinance amending the UNO regulations "with the staff recommendations." One of the staff recommendations, outlined in the staff report and staff presentation was to concur with a Planning Commission recommendation to replace the provisions of Section 25-10-133(F) with a new subsection that specifies that "An on-premise sign is allowed." This, staff indicated, "would bring the regulations more in line with industry practices."

While Council approved the ordinance with staff recommendations (as well as with the unintentional illumination prohibition), this staff recommendation on upper-floor signage appears to have been omitted from the signed ordinance. As a result, there remains a prohibition on electric signs above the second floor of a building. In order to allow illumination of the Moxy's upper-story signs, the Owner requests a variance from Section 25-10-133(F).

Section 25-10-133(G)(1)

Finally, the Owner requests a variance from Section 25-10-133(G)(1), for two projecting signs on the building's Guadalupe Street façade, which would allow a project that is consistent with established practice in the area (See Exhibit C).

Section 25-10-133(G)(1) broadly specifies one projecting sign per building façade. However, there is an established practice by which different services and amenities within attached structures along Guadalupe Street each utilize various types of projecting signs. The Property similarly offers two types of services within a single structure: the hotel entrance and a food

service window. The Owner is requesting a variance from Section 25-10-133(G)(1) in order to provide a projecting sign for each of these services, similar to existing practice with other businesses along Guadalupe Street today.

I appreciate your consideration of this application and look forward to presenting our requested variance to the Board of Adjustment.

Very truly yours,

Richard T. Suttle, Jr.

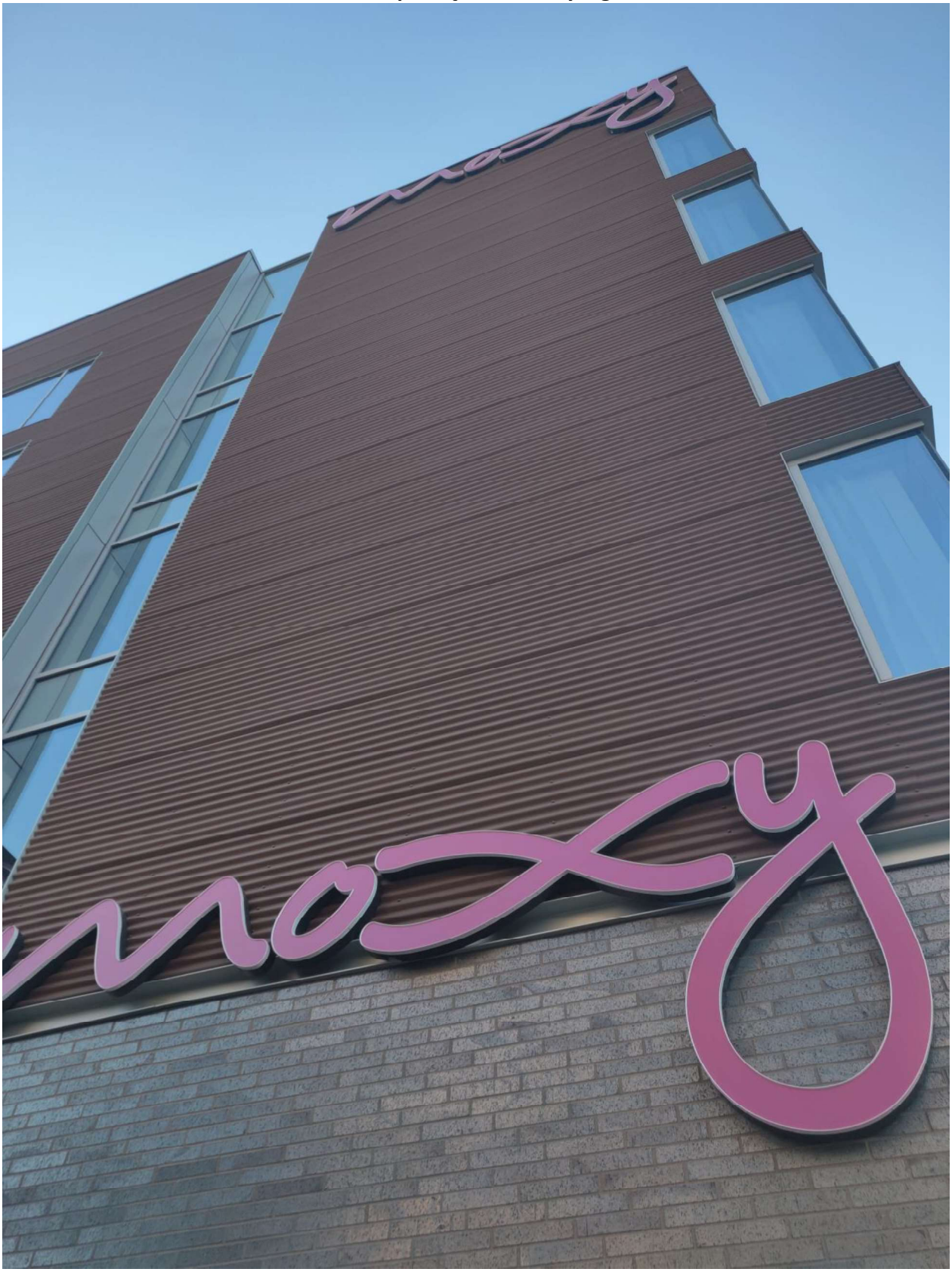
EXHIBIT A
Guadalupe Street Façade – Full Façade View 1

Guadalupe Façade – Full Façade View 2

Guadalupe Street Façade – Ordering Window Signs

Guadalupe Façade – North-Facing Sidewalk

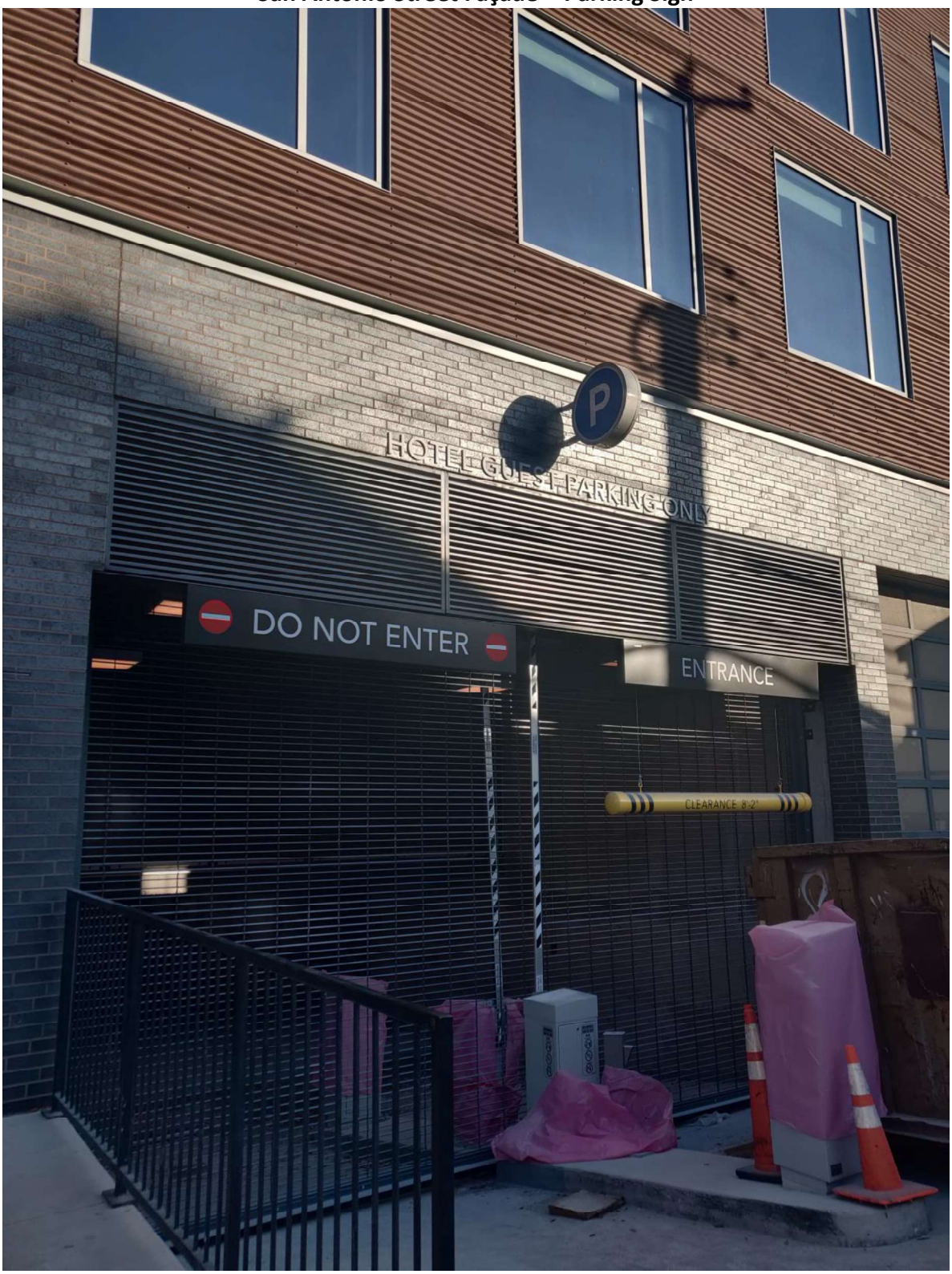
Guadalupe Façade – Moxy Signs



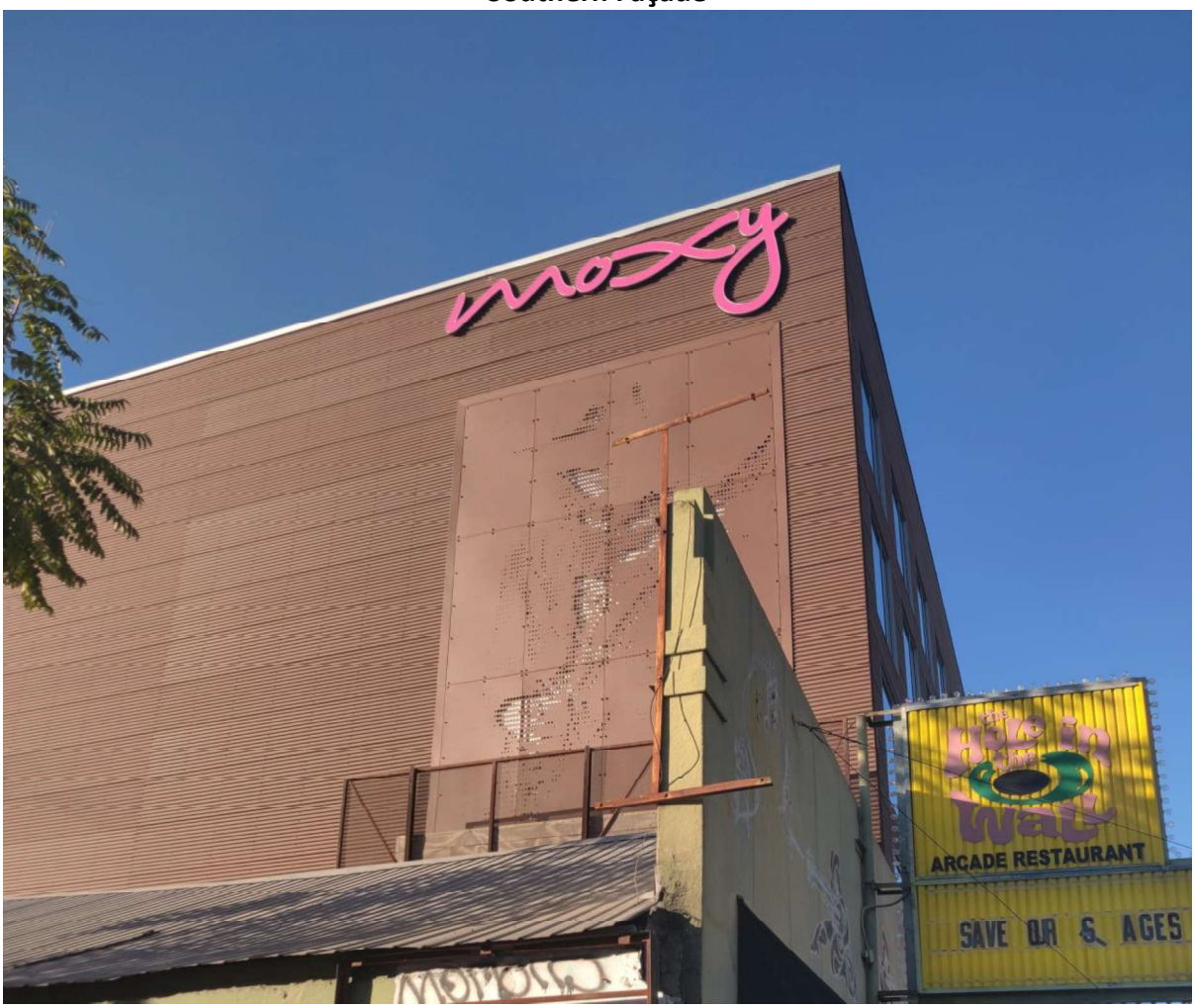
West 26th Street Façade

San Antonio Street Façade

San Antonio Street Façade – Parking Sign



Southern Façade



Babendure Design Group
8140 Walnut Hill Ln. #950
Dallas, Texas 75231
214.265.1960
214.265.5552 (fax)
www.babendure.com

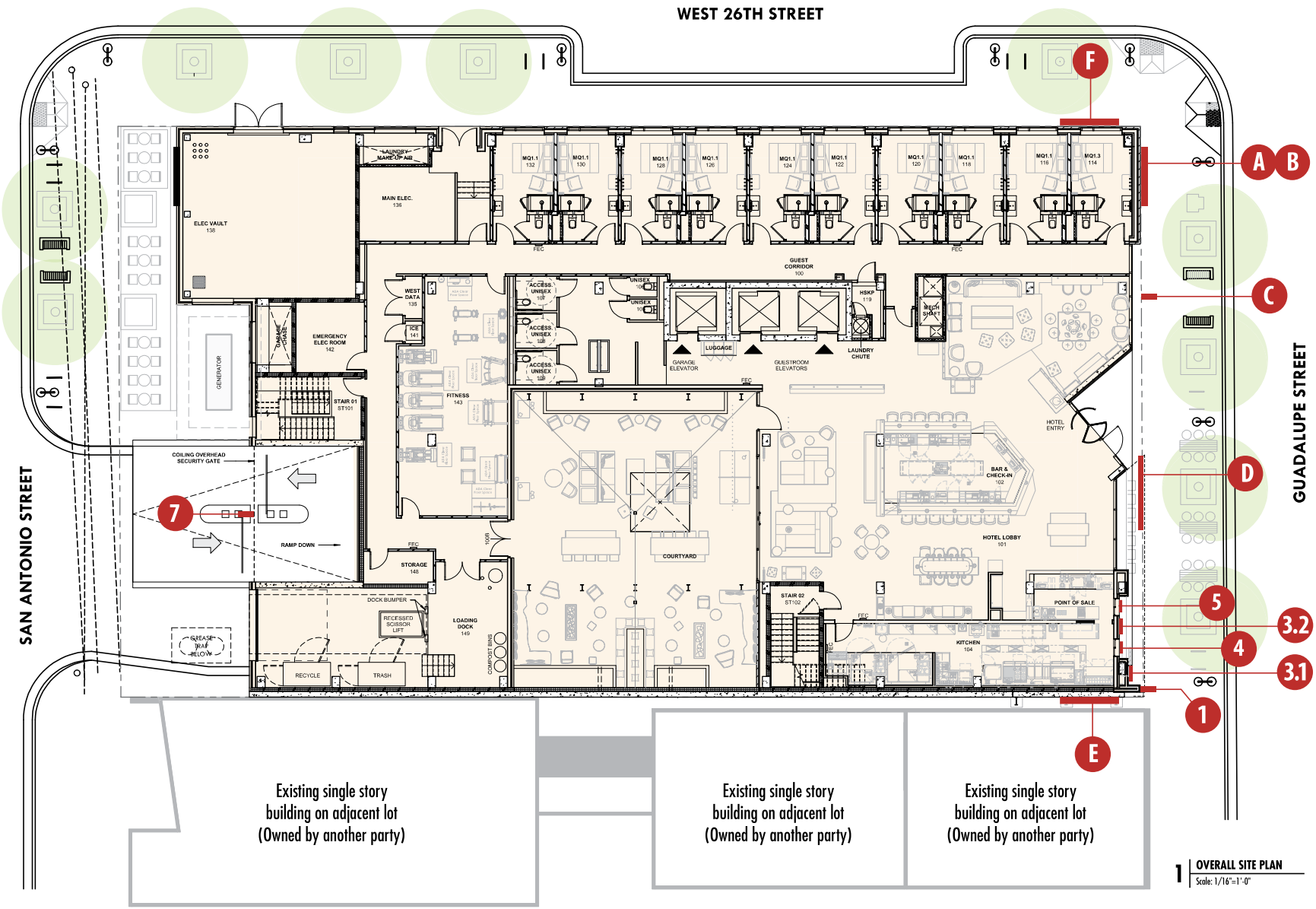
Austin Moxy Hotel
2552 Guadalupe Street
Austin, Texas

Exterior Building Signage
City Presentation

November 18, 2020

Signage & Wayfinding
Design Specialists

D-1/37



1 OVERALL SITE PLAN
Scale: 1/16"=1'-0"

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214.265.5552 (fax)
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Sign Location Plan

Austin Moxy Hotel
Austin, Texas
Exterior Building Signage

November 18, 2020

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214.265.5552 (fax)
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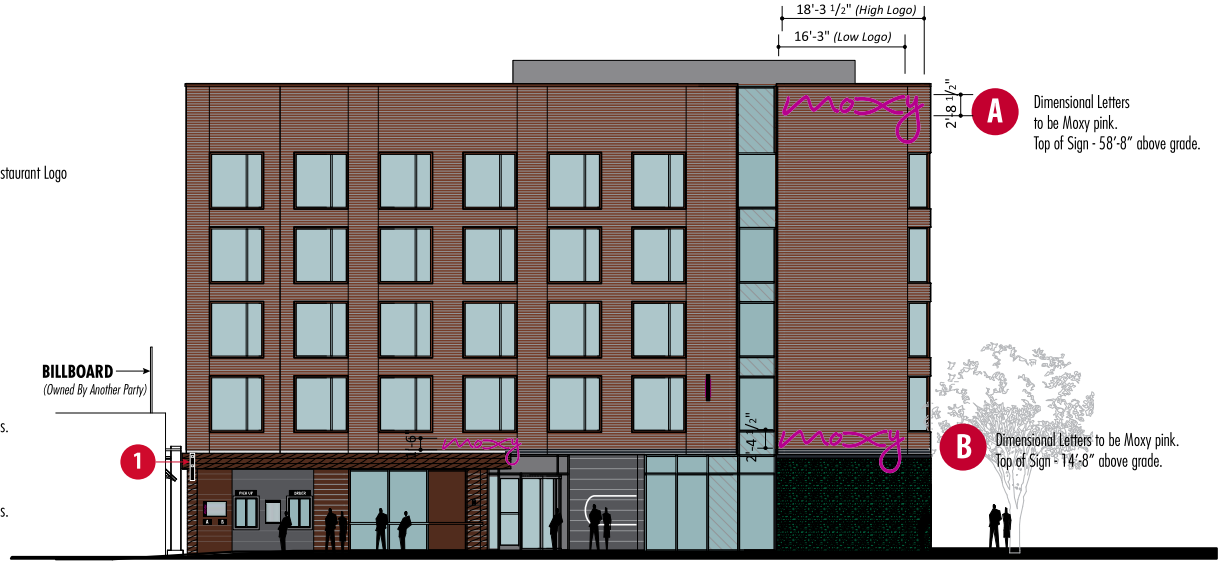
1 RESTAURANT IDENTITY
Projecting Sign Box with push-through Restaurant Logo
Top of Sign = 12'-8" above grade

3.1 MENU DISPLAY
Located to left of windows.
Top of Sign = 6'-0"above grade.

3.2 MENU DISPLAY
Located to left of windows.
Top of Sign = 6'-0"above grade.

4 PICK UP WINDOW IDENTITY
Box sign with white push-through graphics.
Top of Sign = 8'-0" above grade.

5 ORDER WINDOW IDENTITY
Box sign with white push-through graphics.
Top of Sign = 8'-0" above grade.

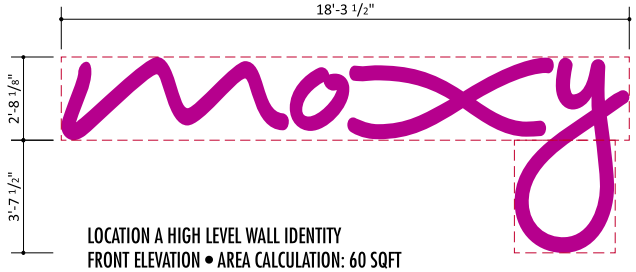


EAST ELEVATION
SCALE: 1/16" = 1'-0"

East Elevation
High and Low
Level Signs

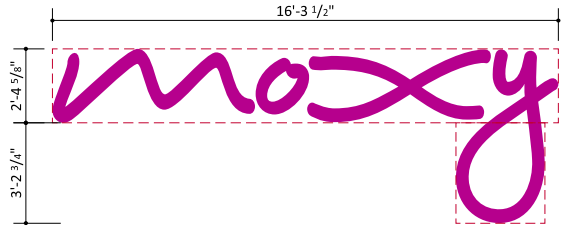
Austin Moxy Hotel
Austin, Texas
Exterior Building Signage

November 18, 2020



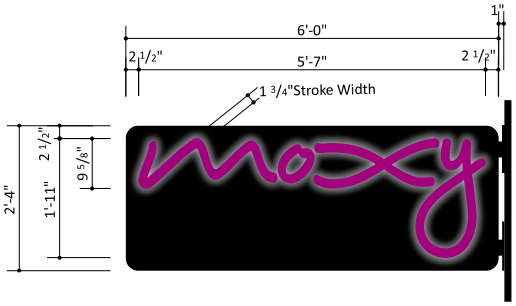
A

LOCATION A HIGH LEVEL WALL IDENTITY
FRONT ELEVATION • AREA CALCULATION: 60 SQFT
Top of Sign = 58'-8" above grade.
SCALE: 1/4" = 1'-0"



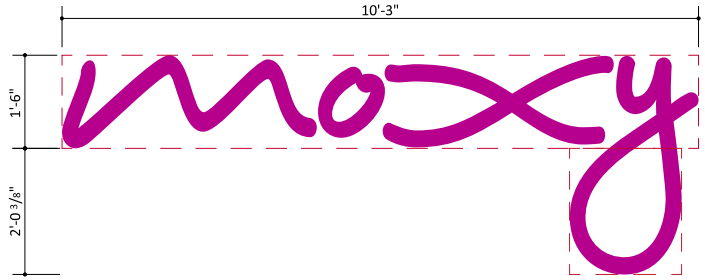
B

LOCATION B LOW LEVEL WALL IDENTITY
FRONT ELEVATION • AREA CALCULATION: 48 SQFT
Top of Sign = 14'-8" above grade.
SCALE: 1/4" = 1'-0"



C

LOCATION C FLAG BRAND IDENTITY
FRONT ELEVATION • AREA CALCULATION: 14 SQFT
Top of Sign = 22'-8" above grade.
SCALE: 1/2" = 1'-0"



D

LOCATION D CANOPY-TOP IDENTITY
FRONT ELEVATION • AREA CALCULATION: 19 SQFT
Top of Sign = 14'-2" above grade.
SCALE: 1/2" = 1'-0"

BDG

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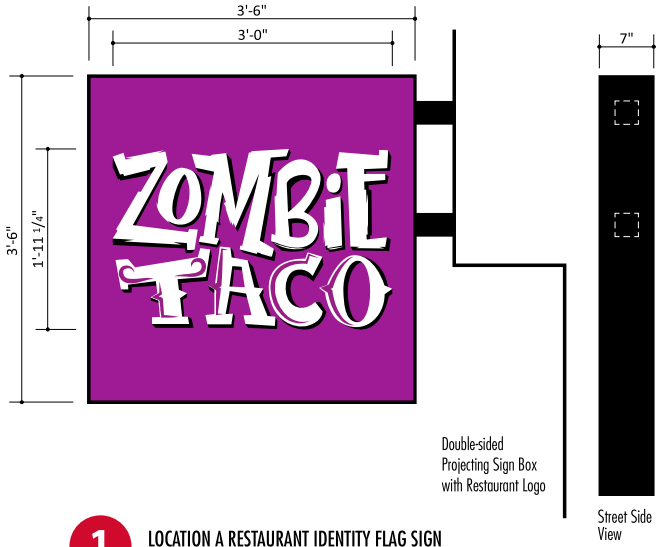
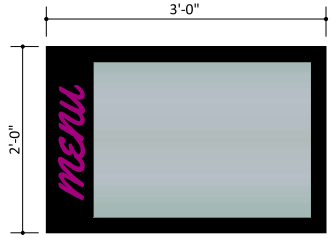
East Elevation
Locations A, B, C, D
Graphic Layouts

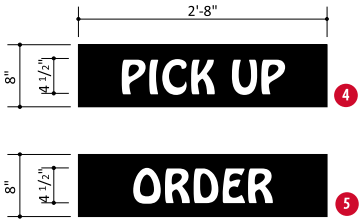
Austin Moxy Hotel
Austin, Texas
Exterior Building Signage

November 18, 2020



1 LOCATION A RESTAURANT IDENTITY FLAG SIGN
FRONT ELEVATION • AREA CALCULATION: 12.25 SQFT
Top of Sign = 12'-8" above grade.
SCALE: 3/4" = 1'-0"





Sign Box mounted over Pick Up and Order Windows

3 LOCATION 3.1 & 3.2 MENU BOARDS
FRONT ELEVATION • AREA CALCULATION: 6 SQFT
Top of Signs = 6'-0" above grade.
SCALE: 3/4" = 1'-0"
The area of this sign type does not count towards the overall elevation sign area total.

4 **5** LOCATIONS 4-5 RESTAURANT WINDOW IDENTITY SIGN
FRONT ELEVATION • AREA CALCULATION: 2 SQFT
Top of Sign = 8'-0" above grade.
SCALE: 1/2" = 1'-0"

BDG

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214.265.5552 (fax)
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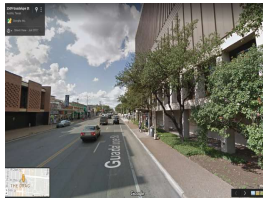
East Elevation
Locations 1, 3, 4 and 5
Graphic Layouts

Austin Moxy Hotel
Austin, Texas
Exterior Building Signage

November 18, 2020

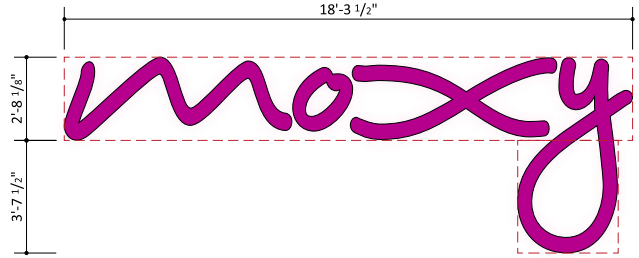
D-1/41

Northbound on Guadalupe #1



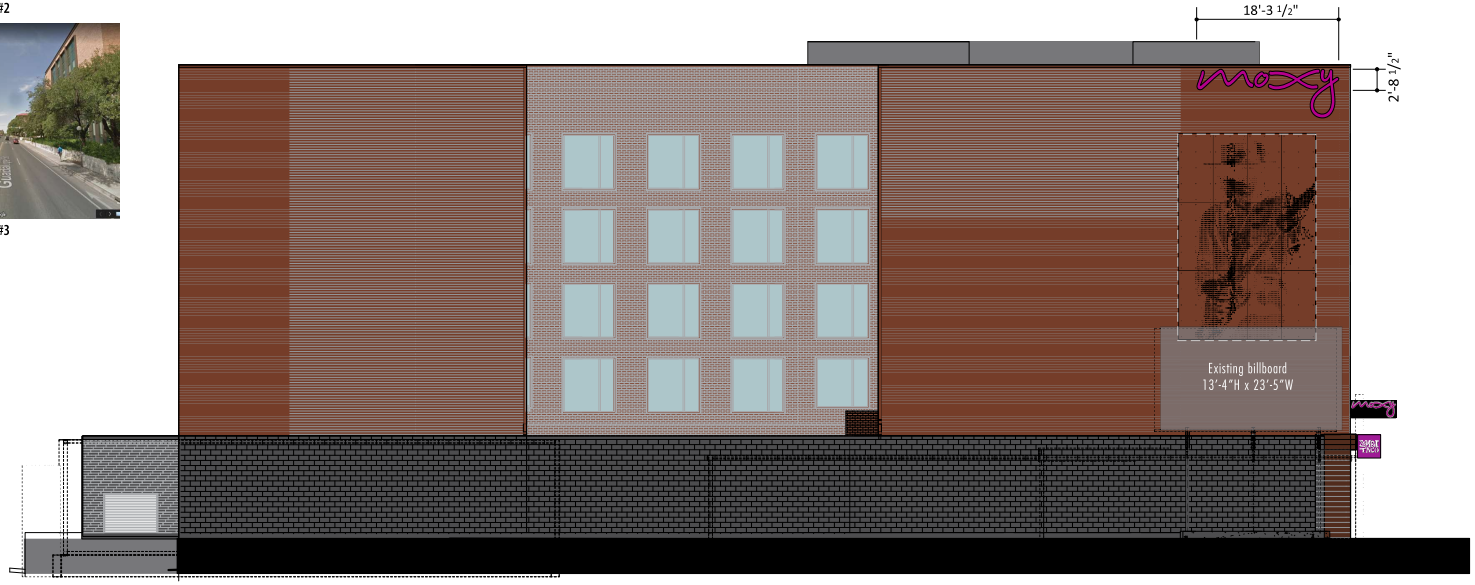
Northbound on Guadalupe #2

Northbound on Guadalupe #3



E

LOCATION A HIGH LEVEL WALL IDENTITY
FRONT ELEVATION • AREA CALCULATION: 60 SQFT
Top of Sign = 58'-8" above grade.
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE: 1/16" = 1'-0"

Dimensional Letters to be Moxy pink.
Top of Sign = 58'-8" above grade.

E

BDG

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214.265.5552 (fax)
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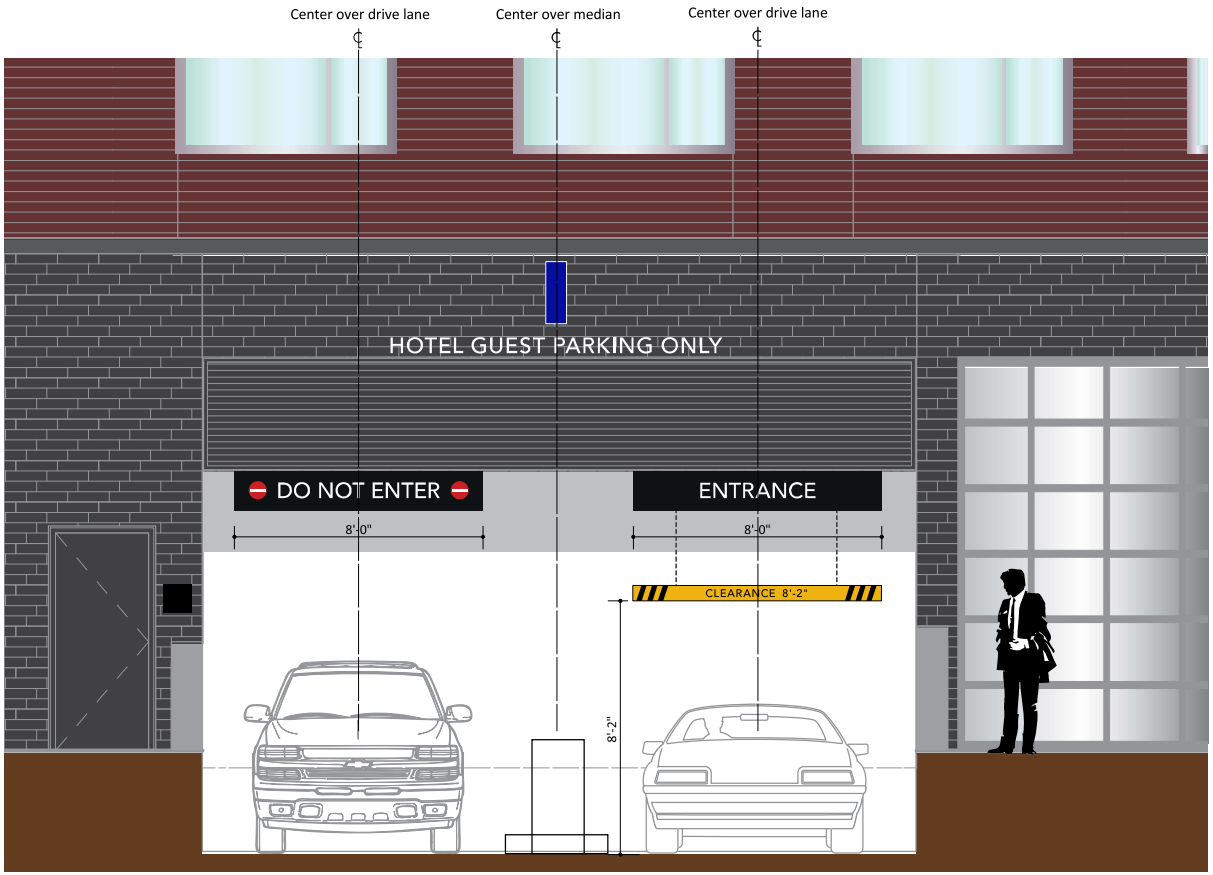
South Elevation
Location E

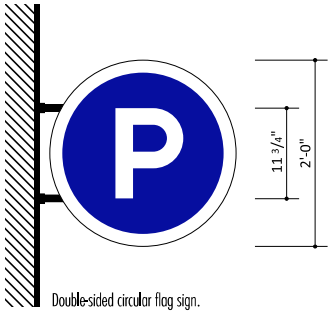
Austin Moxy Hotel
Austin, Texas
Exterior Building Signage

November 18, 2020



WEST ELEVATION AT GARAGE ENTRANCE
SCALE: 1/4" = 1'-0"

7 PARKING FLAG IDENTITY:
Mounted to wall above the louvers. Top of Sign = 16'-0" above grade.



7

LOCATION 7 FLAG PARKING ENTRANCE IDENTITY
FRONT ELEVATION
AREA CALCULATION: 6 SQFT PER SIDE.
Top of Sign = 16'-0" above grade.
SCALE: 3/4" = 1'-0"

B D G

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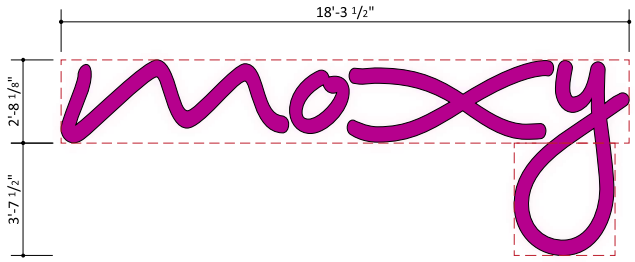
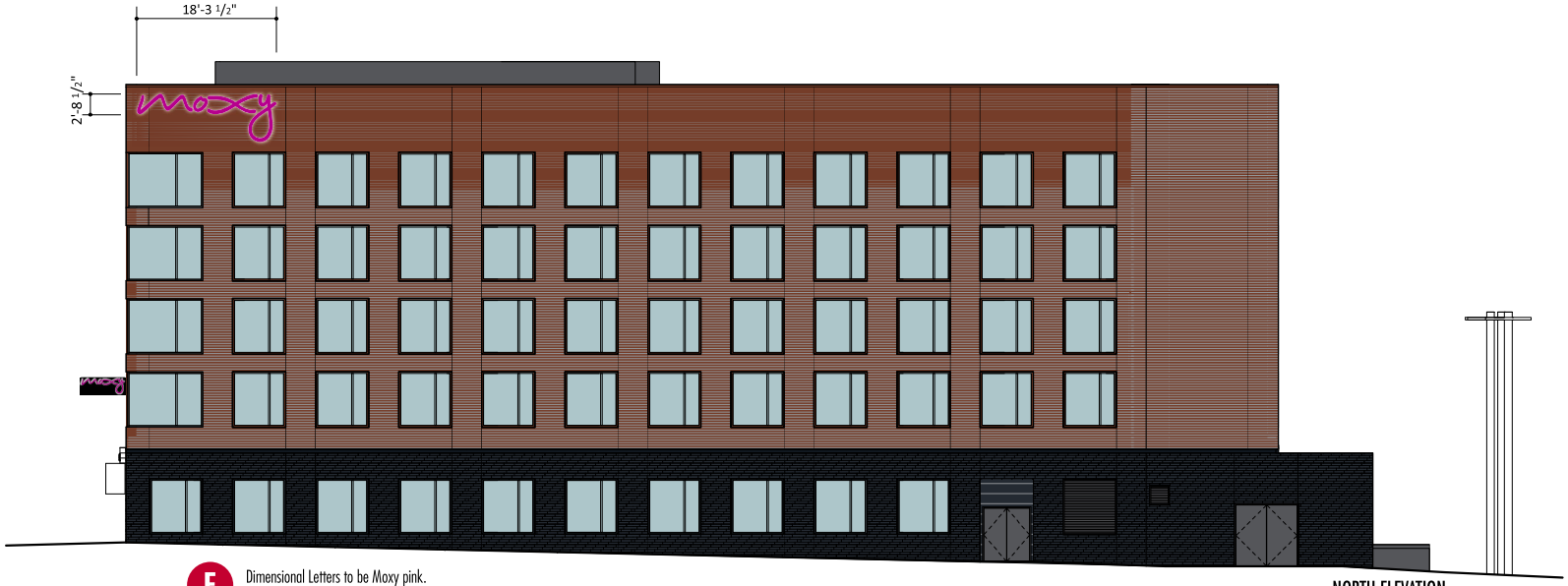
Parking Entrance Projecting Sign

Austin Moxy Hotel
Austin, Texas
Exterior Building Signage

November 18, 2020



F LOCATION F HIGH LEVEL WALL IDENTITY
FRONT ELEVATION • AREA CALCULATION: 60 SQFT
Top of Sign = 58'-8" above grade.
SCALE: 1/4" = 1'-0"



F Dimensional Letters to be Moxy pink.
Top of Sign = 58'-8" above grade.

NORTH ELEVATION
SCALE: 1/16" = 1'-0"

BDG

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North Elevation
Low Level Signs

Austin Moxy Hotel
Austin, Texas
Exterior Building Signage

November 18, 2020

EXHIBIT C
Projected Signage along Guadalupe Street

Projected Signage along Guadalupe Street

Projected Signage along Guadalupe Street

From: Adam Stephens
To: Ramirez, Elaine
Cc: '[redacted]
Subject: C16-2021-0003 2552 Guadalupe
Date: Friday, January 08, 2021 5:07:24 PM

*** External Email - Exercise Caution ***

Ms. Ramirez,

CANPAC, the city designated contact team for the planning area containing this project requests a postponement of this BOA case. After receiving the notice I reached out to the applicant at the phone number listed on the application and have not received a call back.

Thank you,

Adam Stephens and Bart Whatley, CANPAC co-chairs

Adam Stephens (NMLS 216606)

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From: Betsy Greenberg
To: Ramirez, Diana; Ramirez, Elaine
Subject: C16-2021-0003 -- 2552 Guadalupe St Sign Variances
Date: Wednesday, January 06, 2021 10:46:05 AM

*** External Email - Exercise Caution ***

Ms. Ramirez,

Please include the information below with the members of the Board of Adjustment and post in the case backup.

The University Neighborhood Overlay (including sign regulations) was revised by Austin City Council on November 14, 2019 (item 67). This was the conclusion of a process that included neighborhood groups, members of the development community, Codes and Ordinances joint committee, Planning Commission, and the City Council. The sign regulations were revised specifically so that developers would not have to seek a variance on signage when they built something new. And yet, this developer is not only seeking variances for 12 signs, but the signs have already been installed.

To approve the variances, the applicant must show a hardship that prevents them from complying with the code or using the property as intended. This property has no hardships that would warrant ignoring the code.

Please do not approve the requested sign variances and require the applicant to remove the signs that do not meet the code.

Thank you for your attention and service.

Betsy Greenberg

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From: Betsy Greenberg
To: Ramirez, Elaine
Subject: RE: C16-2021-0003 -- 2552 Guadalupe St Sign Variances -- MUNI CODE ERROR
Date: Monday, January 18, 2021 7:37:18 PM

*** External Email - Exercise Caution ***

Ms. Ramirez,

Please inform the board that the muni code https://library.municode.com/tx/austin/codes/land_development_code?nodeId=TIT25LADE_CH25-10SIRE_ART6REAPCESIDI_S25-10-133UNNEOVZODISI is not consistent with the ordinance passed by Council on November 14, 2019 https://www.austintexas.gov/edims/document.cfm?id=332460

This affects the sign regulations for the University Neighborhood Overlay. Specifically, 25-10-133 (F) should be eliminated from the muni-code.

Betsy Greenberg
CANPAC vice-co-chair

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UNIVERSITY AREA PARTNERS, INC.
2026 Guadalupe #303B
Austin, Texas 78705

Re: Variance Request for 2552 Guadalupe St.
Case: C16-2021-0003

To Whom it May Concern,

I am writing on behalf of University Area Partners (UAP.)

Our Board of Directors had a chance to review the proposed signage for the Moxy at 2552 Guadalupe St and their request for a sign variance.

UAP supports the request for a sign variance for this property. The request for illuminated signage is consistent with other signage in the area. Illuminated signage is important for wayfinding and identification for this type of property.

They have sought variance from the provision that they may only have one projecting sign for the building. UAP agrees with the observation that this is an established practice in the area, especially where the signs are indicating different services within the property.

The provision prohibiting any sign above the second floor "except a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building" is no longer part of the code but in the event there is any confusion, UAP supports a variance from this requirement.

If there are any questions, I can be reached at (512) 296-9297.

Sincerely,

Cathy Norman
President, UAP