



## SIGN VARIANCE REQUEST REVIEW

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**Date:** September 2, 2021

**Project:** Orangetheory  
12690 West Highway 290, Suite 150  
Austin, TX 78737

**Applicant:** Austin Fitness Group (dba Orangetheory)

**Submittals:**  Variance Application  
 Sign Permit Application  
 Master Signage Plan (if applicable)  
 Planned Develop District/Development Agreement Signage Regulations (if applicable)

**Variance Request:** Allow a Window Business Sign to exceed the maximum sign area allowed

Orangetheory is located in Ledgestone Commercial and Municipal Utility District #4, which is vested under Sign Ordinance 1250.15, approved on February 13, 2001. This variance request application is being reviewed based on the regulations in Sign Ordinance 1250.15.

Orangetheory's tenant finish out is in progress and they are accepting gym memberships. They installed a 300 square foot window sign to advertise the coming business.

Window signs under the applicable Sign Ordinance are considered to be a business sign. Orangetheory is allowed two business signs. Each business sign may be a maximum of 80 square feet in area.

Orangetheory requests a variance to allow a 300 square foot window business sign, which will be removed when the permanent signs are installed. The total square footage of the window business sign is 140 square feet more than what is allowed for the combined total area of the two allowed business signs.

Sign Ordinance 1250.15 states:

- A. **VARIANCE:** There shall be a presumption against variances. However, recognizing that the strict application of the requirements of this Ordinance may work an undue hardship on certain applicants, variances may be granted by the City Council.
  1. Granting the variance must be based on the City Council's opinion that undue

hardship will result from strict compliance with this Ordinance.

2. Granting the variance must not be detrimental to the public health, safety or welfare, or injurious to other property in the are.
3. Each application for any variance shall be submitted in writing and signed by the party responsible for the sign for which the variance is being sought.
4. Each application for any variance shall be submitted to the Administrator with a payment of a variance fee listed in the City Fee Schedule Ordinance.
5. The City Council shall deny the variance or grant the variance with or without conditions within thirty (30) days after the application is filed; and failure of the Council to act within such period shall constitute a denial of such variance.

The applicant's variance application states that there is a hardship in complying with the Sign Ordinance requirements because of the building's setback from the highway and the lowered grade where the building sits on the property, and the speed at which vehicles drive by.

### **Recommendation**

We do not agree that there is a hardship in complying with the Sign Ordinance requirements. The Sign Ordinance allows other signage options, including a grand opening sign, a special event sign, a banner, and a sidewalk/sandwich sign. Some of these signs could be located closer to the highway than the window business sign.

We recommend denial of the variance request. Should the City Council be willing to approve the variance request, we recommend that the window business sign be removed before the business is open to the public and that no other kinds of temporary signs be allowed during the time the window business sign is displayed.

Please let us know if you have any questions about this report.

Respectfully Submitted,

*Michelle Fischer*  
Sign Administrator

*Sarah Cole*  
Building Official and Sign Administrator's Designee