

JON M. STAUTBERG

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March 21, 2016

Anna Russell
City Secretary
City of Houston
900 Bagby
Houston, TX 77002

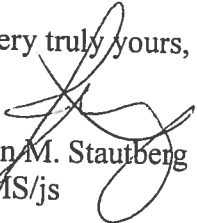
Re: Notice of Appeal Regarding the decision of the General Appeals Board notice of sign violation at 312 Main Street.

Dear Mrs. Russell:

Please find enclosed the complete record of the hearing which took place in front of the Houston Sign Board on January 28, 2016 along with a Supplemental List of Exceptions to the ruling of the Houston Sign Board for use in the Appeal to the City Counsel of the City of Houston.

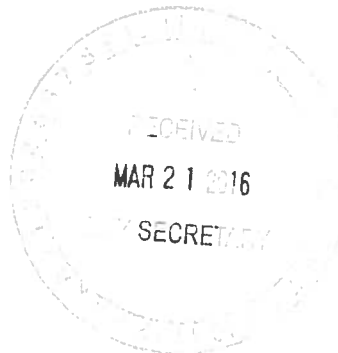
Please acknowledge your receipt of the filing of same in your usual manner.

Very truly yours,


Jon M. Stautberg
JMS/js

Enclosures

cc. Brett Bertrand



*TO Legal
3-24-16
AR*

SUPPLEMENTAL SPECIAL EXCEPTIONS TO THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS, FROM A VOTE BY THE HOUSTON SIGN BOARD TO DENY THE APPEAL OF TEXAS DIRECT AUTO OF A CITATION FOR A SIGN VIOLATION

TO: Anna Russell, City Secretary, City of Houston
CC. David Red, City Attorney's Office
From: Rhino LPH, LLC/Texas Direct Auto (Applicant)
Re: Written Special Exceptions
Date: March 21, 2016

Per Rule 12 of Section 2-2 of the City of Houston's Code of Ordinances, Applicant and Owner file this Supplemental Special Exceptions to the City Council of the City of Houston, Texas from a vote by the Sign Board to deny Texas Direct Auto's Appeal from a Notice of Sign Violation for 312 Main Street, Houston, Texas.

Whereas, The City of Houston Department of Public Works and Engineering Planning and Development Service Division Sign Administration Group issued a Notice for Sign Violation on December 7, 2015; and

Whereas, said citation is an attempt to prevent Applicant from maintaining an on-premise sign at its place of business at 312 Main Street; and

Whereas the said Sign Administration Group cited Texas Direct Auto pursuant to Section 46002 of the sign code stating that the sign was not for a legitimate business purpose stating "a business purpose shall not include any property, building, or structure erected or used for the primary purpose of securing a permit to erect a sign"; and

Whereas Texas Direct Auto appealed said citation to the general appeals board and, said appeal being heard on January 28, 2016; and

Whereas said Appeal Board denied Texas Direct Auto's right to have the sign at 312 Main Street at the Leased Premises; and

Whereas Applicant has a valid and enforceable Lease on the premises at 312 Main Street, Suite 200 Houston, Texas, and

Whereas Applicant may provide for written special exceptions as part of this appeal;

Now Therefore,

1. Per Rule 12 of Section 2-2 of the City of Houston Code of Ordinances, Applicant provides attached hereto the transcript of oral testimony, exhibits offered and considered, written and oral responses, answers or questions and all documents reviewed or considered by the Planning Commission.

2. As further allowed by Rule 12 of Section 2-2 of the City of Houston Code of Ordinances, Applicant provides the following written special exceptions:

SPECIAL EXCEPTIONS:

1. Applicant would assert that the General Appeals Board of the City of Houston misapplied the law in finding that there was no legitimate business purpose of the Leased Premises at 312 Main Street.

2. Applicant would assert that the General Appeals Board of the City of Houston misapplied the law in finding that the sign was an off-premise sign, specifically when the sign met all requirements for an on-premise sign.

3. Applicant would assert that the General Appeals Board of the City of Houston misapplied the law by stating that the sign posted by Texas Direct Auto was an off-premise sign, due to its failure to conduct business, while it was waiting for an occupancy permit to begin conducting business.

4. Applicant would assert that the General Appeals Board misapplied the law in finding that the sign was an off-premise sign.

5. Applicant would assert that the General Appeals Board misapplied the Law to the facts based on an admission by Mr. Misael Benitez, Administrative Manager of the City of Houston Sign Administration, that he never looked at the premises.


6. Applicant would assert that the General Appeals Board misapplied the law by basing its decision on the lack of "actual use" of the premises by Applicant while waiting on an occupancy permit.

7. Applicant would assert that the General Appeals Board misapplied the law by denying the appeal when an occupancy permit has been applied for, was pending, and has since been granted. (See Attached).

8. Applicant Would assert that the General Appeals Board misapplied the law by requiring applicant to occupy the premises prior to obtaining an occupancy permit in order to meet the requirements of an on premise sign.

9. Applicant would assert that the General Appeals Board misapplied the law in finding the sign was not an on-premise sign in that Applicant has a valid contractual Lease for office space and a buy center at 312 Main Street, Suite 200, Houston Texas and Applicant is doing business at said place of business.

Applicant request that the City Council reverse the ruling of the General Appeals Board of the City of Houston to find that Texas Direct Auto is not in violation of the sign code and that the sign located at 312 Main St., Houston Texas is an on-premise sign.



Brett Bertrand, Managing Member Rhino LPH, LLC



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Attorney for Rhino LPH, LLC and Left Gate
Property Holding, LLC d/b/a Texas Direct Auto

CITY OF HOUSTON CERTIFICATE OF OCCUPANCY

Owner or Occupant: TEXAS DIRECT AUTO - SELL US YOUR CAR

This certificate must be posted in a conspicuous place on the premises and authorizes the Building(s) or Structure(s) to be occupied at:

312	MAIN ST	200		
street no.	street name	suite	lot	block

OCC REPORT/OFFICE/180 SQ FT/UK CODE	N/A
occupancy use	occ. load

HISTORICAL LANDMARK SITE	002	29-FEB-2016	5	B	B
subdivision	stories	date	type	group	rating

The work listed hereon has been duly inspected and found to comply with all of the City of Houston Construction Code requirements for the occupancy group and use shown. This certificate covers ONLY the work described above; therefore other portions of the building may not have been inspected and may not (and are not required to) comply with all portions of the City of Houston Construction Code.

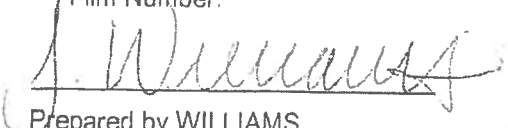
THIS CERTIFICATE DOES NOT CERTIFY COMPLIANCE WITH THE 'AMERICAN WITH DISABILITIES' ACT.

This certificate is issued pursuant of Section 101.2 of the Building Code, based on available knowledge gained from inspection conducted on 16-FEB-2016 of readily visible conditions.

Project Number: 15065135

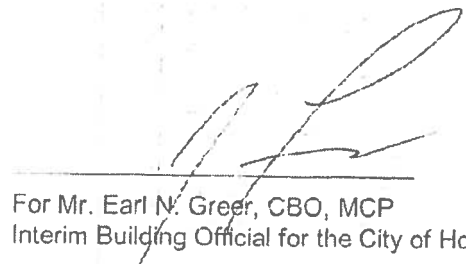
Receipt Number: 6024118

Film Number:



Prepared by WILLIAMS





For Mr. Earl N. Greer, CBO, MCP
Interim Building Official for the City of Houston

RECEIPT

I _____ am in receipt of Rhino, LPH, LLC/Texas Direct Auto's Supplemental Special Exceptions to the City Council of the City of Houston, Texas, from a Vote by the Houston Sign Board to Deny the Appeal of Texas Direct Auto of a Citation for a Sign Violation, and the complete record of the hearing which took place on January 28, 2016 in front of the Houston Sign Board.

Signature

Printed Name

Signed this _____ day of March 2016