

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

ROW

CASE #

015-2014-0002

#

11061344

TP-040310-02-21

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

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

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: <sup>2002</sup> 2002 GLEN ALLEN AUSTIN, TEXAS 78704

LEGAL DESCRIPTION: Subdivision – OWEN PARK A SUBDIVISION IN TRAVIS COUNTY TEXAS VOLUME 52, PAGE 72

Lot(s) <sup>30</sup> Block Outlot Division

I/We JENNIFER GARCIA on behalf of myself/ourselves as authorized agent for

ROBERT LEE

affirm that on 10/31, 2013,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

<sup>x</sup> ERECT ATTACH COMPLETE REMODEL MAINTAIN

MULTI-FAMILY DEVELOPMENT CONSISTING OF 8 UNITS

in a <sup>MF-2</sup> district.  
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. 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 (see page 5 of application for explanation of findings):**

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

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THE CURRENT ZONING FOR THE SITE IS MF-2. THE PROPOSED USE CONSISTING OF 8 MF UNITS IS ALLOWED IN A MF-2 ZONING DISTRICT WHICH IS APPLICABLE FOR THIS PROPERTY AND ZONING REGULATIONS.

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**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

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COMPATIBILITY STANDARDS APPLY TO THE WESTERN PROPERTY LINE (ADJACENT PROPERTIES ZONED SF-2). BECAUSE THE SITE IS CONSIDERED A "SMALL SITE", THERE ARE REQUIRED SETBACKS FOR PARKING, DRIVE AISLES, AND BUILDING LOCATIONS. HOWEVER, THERE ARE TWO LARGE OAK TREES (SPECIFICALLY 36" AND 45") THAT ARE REQUIRED BY THE TREE ORDINANCE TO REMAIN WHICH WILL NOT ALLOW THE SITE TO COMPLY WITH CERTAIN COMPATIBILITY SETBACKS. THE PROPOSED SITE PLAN WAS CONFIGURED TO THE BEST OF OUR ABILITY TO COMPLY WITH BOTH THE COMPATIBILITY STANDARDS AND TREE ORDINANCE. PLEASE SEE ADDITIONAL ATTACHED INFORMATION FOR YOUR REVIEW.

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- (b) The hardship is not general to the area in which the property is located because:

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THE OTHER MULTI-FAMILY USES SURROUNDING THE PROPOSED DEVELOPMENT (TO THE EAST AND SOUTH) ARE NOT TRIGGERED BY THE COMPATIBILITY STANDARDS BECAUSE THEY ARE SURROUNDED BY OTHER ZONING OR USES NOT TRIGGERING SUCH STANDARDS. THE MULTI-FAMILY DEVELOPMENT TO THE EAST HAS MF ZONING TO THE SOUTH, EAST AND WEST AND LR-CO ZONING TO THE NORTH. THE MULTI-FAMILY DEVELOPMENT TO THE SOUTH HAS MF ZONING TO THE NORTH AND EAST AND NO/LO TO THE WEST AND SOUTH.

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**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

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THE PROPOSED USE IS ACCEPTABLE WITHIN THE EXISTING ZONING DISTRICT (MF-2). THERE ARE EXISTING MULTI-FAMILY USES SOUTH, WEST AND EAST OF THE PROPERTY. IN ADDITION, THE PROPOSED USE BUILDINGS WILL BE LOCATED APPROXIMATELY 115' FROM THE EXISTING SINGLE FAMILY HOME TO THE WEST OF THE PROPERTY. THEREFORE, THE VARIANCE WILL NOT ALTER THE CHARACTER OF THE NEIGHBORHOOD SINCE THE MAJORITY OF SURROUNDING USES ARE MULTI-FAMILY.

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**PARKING: (Additional criteria for parking variances only.)**

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

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N/A

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2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

**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 Jennifer M. Garcia Mail Address 105 W RIVERSIDE DRIVE SUITE 110

City, State & Zip AUSTIN, TEXAS 78704

Printed JENNIFER M GARCIA, PE, CFM Phone 512-439-0400 Date OCTOBER 1, 2013

**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 Robert Lee Mail Address 10104 EASTMAN COVE

City, State & Zip AUSTIN, TEXAS 78750

Printed ROBERT LEE Phone 512-635-4890 Date 10/28/13



105 W Riverside, Suite 110  
Austin, Texas 78704  
512 | 439 | 0400  
kbge-eng.com

KIMBELL | BRUEHL | GARCIA | ESTES

October 31, 2013

City of Austin One Texas Center  
505 Barton Springs Road, 2<sup>nd</sup> Floor  
Austin, Texas 78704  
ATTN: Board of Adjustment Staff

RE: Board of Adjustment Application – SP-2013-0199C

Dear Ms. Walker,

On behalf of the 2002 Glen Allen property owner, Mr. Robert Lee, KBGE is pleased to submit the enclosed Board of Adjustments application. We are requesting a variance allowing the proposed 8 unit multifamily development to construct within certain regulated setbacks required by Compatibility Standards (LDC 25-2-1051).

The existing lot is 0.45 acres or 19,602 square feet. The property has 99.3' of frontage along Glen Allen. Currently, the property is zoned Multi-Family (MF-2). Adjacent property to the south is zoned MF-2; adjacent property to the east is zoned MF-2; adjacent property to the north is zoned LR-CO; adjacent property on the southwestern corner is zoned SF-2 but use is Multi-Family; adjacent properties along the western property boundary are zoned SF-2. The properties to the west of the 0.45 acre lot trigger compatibility setbacks. The existing site conditions have been attached as **Exhibit 1** for your reference.

In accordance with LDC 25-2-1062 "Height Limitations and Setbacks for Small Sites", the site is considered a small site because the area does not exceed 20,000 square feet and the street frontage does not exceed 100 feet. According to this specific ordinance, the height limitations for a structure are two stories and 30 feet, if the structure is 50' or less from the property. According to LDC 25-2-1067 (H) "Design Regulations", the site is required to have a 16' driveway setback and 21' parking setback. A compatibility setback exhibit detailing the stated requirements has been attached as **Exhibit 2** for your reference.

Based on the current existing conditions, there are multiple heritage trees onsite (Reference **Exhibit 1**). There is an existing 45" Live Oak located near southeastern corner of the property and a 36" Live Oak located near the northwestern corner of the property. Based on our meeting on March 8, 2013 with the City of Austin Arborist, Michael Embesi, it has been stated that both trees are in very good condition and are required to be saved. An email from Mr. Embesi and pictures of both trees has been attached as **Exhibit 3** for your reference. If the proposed development was to be constructed in accordance with the compatibility setbacks stated earlier and shown in **Exhibit 2**, both heritage trees

KBGE  
105 W Riverside, Suite 110

Austin, Texas 78704

TBPE No. F-12802  
(512) 439-0400

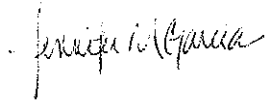
will need to be removed due to the driveway setback, required 25' driveway width (regulated by City of Austin Fire Ordinance) and required number of parking spaces and depth for the proposed multi-family use.

In order to save the required heritage trees, we have shifted the buildings towards the eastern property line as much as possible and currently abandoning the 10' electrical easement on the northwestern property corner (See email from Austin Energy provided in **Exhibit 4** agreeing to the abandonment). Please reference the proposed development in **Exhibit 5**. We are proposing to place parking within the 16' compatibility setback and place the drive aisle within the 21' setback. In addition, we are proposing the building elevations to be 34'-6" which allows additional required parking on the first floor of the building.

We are requesting the Board of Adjustments to review the attached information and consider a variance to allow the proposed development construct within the compatibility setbacks and allow additional height on the building to accommodate for required additional parking.

Please consider this request and feel free to contact me at (512) 439-0400 or [jennifer@kbge-eng.com](mailto:jennifer@kbge-eng.com) with any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Garcia", with a stylized flourish at the end.

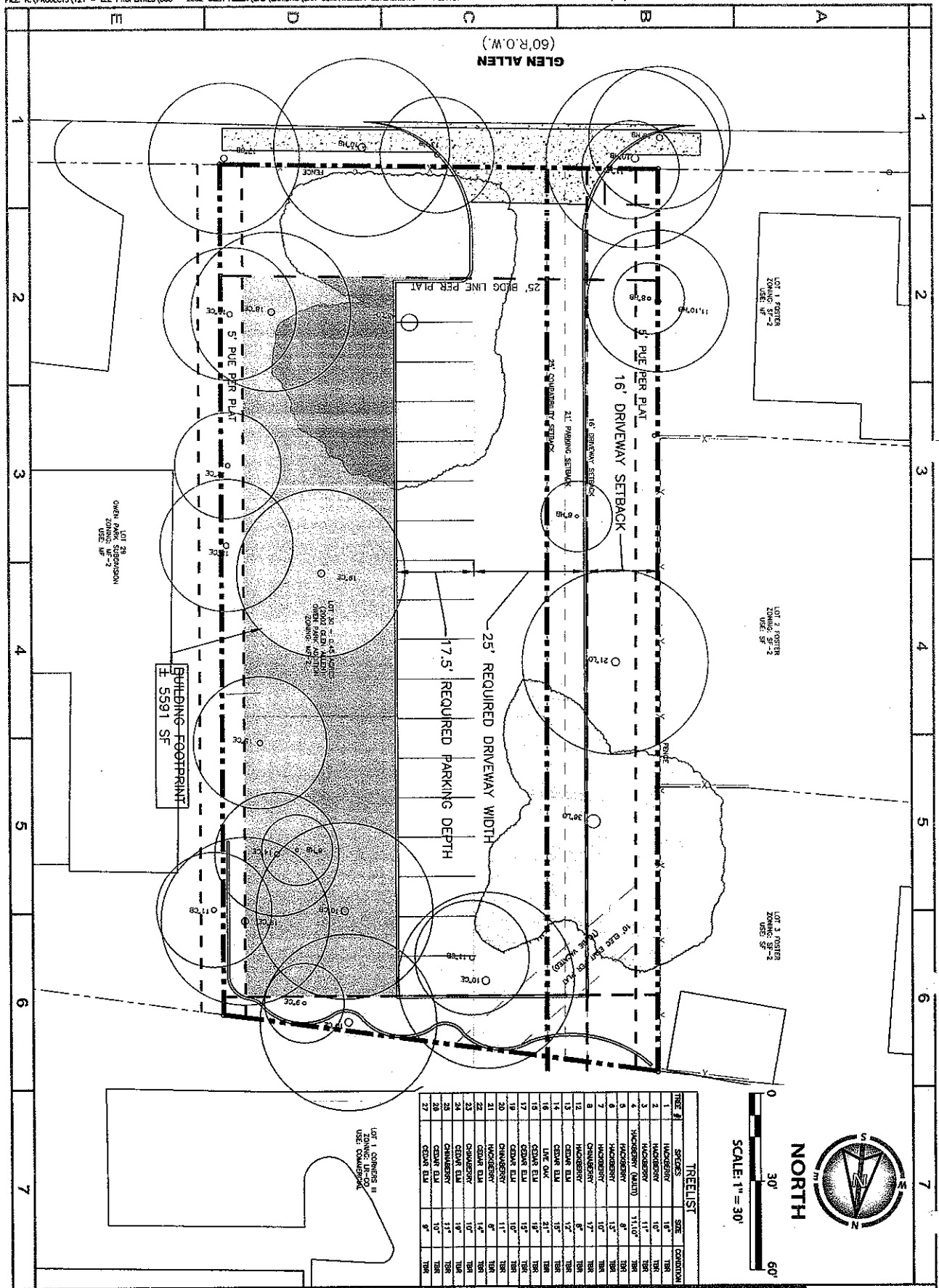
Jennifer Garcia, PE, CFM  
Principal

**EXHIBIT 1**



**EXHIBIT 2**





TREE #	SPECIES	SIZE	COMMON
1	SPRUE	10"	TR
2	SPRUE	10"	TR
3	SPRUE	10"	TR
4	SPRUE	10"	TR
5	SPRUE	10"	TR
6	SPRUE	10"	TR
7	SPRUE	10"	TR
8	SPRUE	10"	TR
9	SPRUE	10"	TR
10	SPRUE	10"	TR
11	SPRUE	10"	TR
12	SPRUE	10"	TR
13	SPRUE	10"	TR
14	SPRUE	10"	TR
15	SPRUE	10"	TR
16	SPRUE	10"	TR
17	SPRUE	10"	TR
18	SPRUE	10"	TR
19	SPRUE	10"	TR
20	SPRUE	10"	TR
21	SPRUE	10"	TR
22	SPRUE	10"	TR
23	SPRUE	10"	TR
24	SPRUE	10"	TR
25	SPRUE	10"	TR
26	SPRUE	10"	TR
27	SPRUE	10"	TR

CHECKED BY:  
JENNIFER GARCIA, PE  
JOB NUMBER: 121-003  
ISSUE DATE: 10/31/13  
SHEET:  
**EXHIBIT 2**

**GLEN ALLEN MULTIFAMILY  
SITE DEVELOPMENT PLANS**  
CITY OF AUSTIN, TRAVIS COUNTY, TX  
**COMPATIBILITY SETBACK EXHIBIT**

**kbge**  
ENGINEERING CONSULTING  
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105 West Riverside Drive, Ste 110, Austin, Texas 78704  
T (512) 439-0400 www.kbge-eng.com  
TBPE No.F-12802

CLIENT INFORMATION  
ROBERT LEE  
101 EASTMAN CV  
AUSTIN, TX 78750  
PHONE: (512) 535-4690  
FAX: (512) 535-1477

**EXHIBIT 3**

## Jennifer Garcia

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**From:** Embesi, Michael <Michael.Embesi@austintexas.gov>  
**Sent:** Saturday, March 09, 2013 8:37 AM  
**To:** Gabe Bruehl  
**Cc:** Jennifer Garcia; Shirley Vega  
**Subject:** RE: Glen Allen Property

Thank you for your email and for meeting with me yesterday. I've commented below within your response for clarification purposes.

Thank you for your time

Michael Embesi

City of Austin - Planning & Development Review Department

City Arborist

505 Barton Springs Road, Fourth Floor

Austin, TX 78704

Phone (512) 974-1876

Fax (512) 974-3010

Web Site [www.ci.austin.tx.us/trees](http://www.ci.austin.tx.us/trees)

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**From:** Gabe Bruehl [<mailto:gabe@kbge-eng.com>]  
**Sent:** Friday, March 08, 2013 4:51 PM  
**To:** Embesi, Michael  
**Cc:** Jennifer Garcia; Shirley Vega  
**Subject:** Glen Allen Property

Michael,

Thank you for meeting out at the site. Based on our conversation, we will do the following with respect to the heritage tree:

- 1) Make sure the building is 22' from the centerline of the heritage tree.
  - a. Note: this will require us to move the building approximately 3.5' to the North.
- 2) We will prune the one piece of dead wood at the drive entrance along with one branch which should facilitate fire access
- 3) Prune two branches on NE corner of the tree the building side at the upper end of the main branch
- 4) Attempt to eliminate pruning the branch on the NW corner of the tree, but if necessary, prune the tree at the upper fork. The proposed pruning would be limited to 50% of the entire branch (which extends in this direction from the trunk)
- 5) Add asphalt and base material on top of existing ground within the critical root zone of the heritage tree. An engineered low impact driveway is required within 22 feet of the tree. This could be what you are proposing as long as no subgrade impacts (e.g. cutting, compacting) are required.
- 6) Provide a laydown curb for the main drive on the tree side to encourage site drainage to flow towards the tree.

- 7) Based on the meeting, you were ok with the remainder of the building and drive placement with respect to trees.

Please correct any of the above if necessary.

I do have a question for you. If by moving the building back, we need to encroach in the rear setback, would you support a variance? We are currently working through building design and would like to keep our square footage. Thanks again for your time and assistance, it is greatly appreciated. Have a great weekend. Design modifications or a setback variance is required do to the proposed level of impact to the canopy. We will be happy to work with you in either situation. A meeting will be needed in the case that the project prefers to ask for a setback variance from BOA to discuss the requirements.

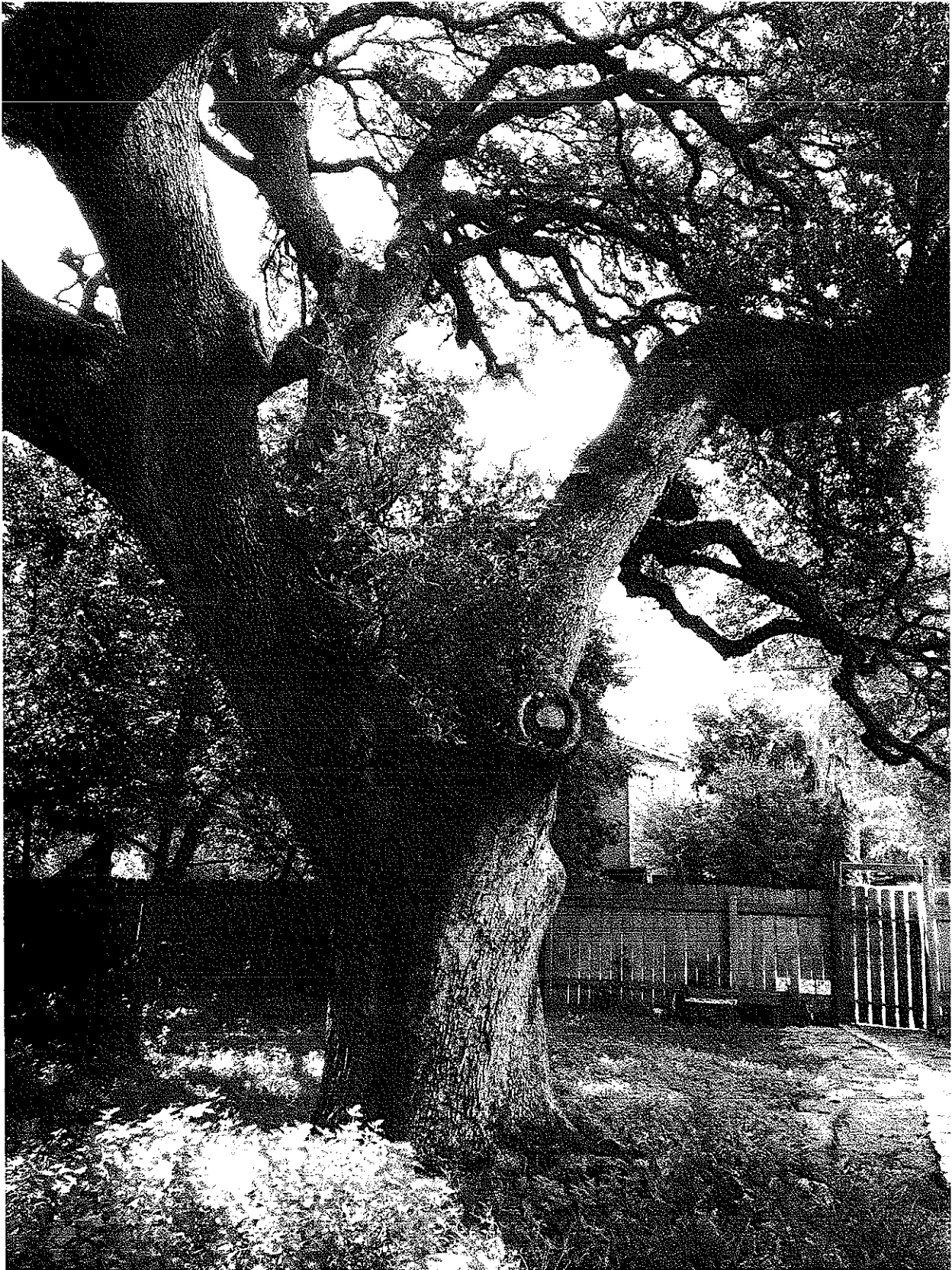
Thanks,

Gabe Bruehl, P.E.  
Principal

KBGE  
KIMBELL | BRUEHL | GARCIA | ESTES  
1801 South Mopac, Ste 100  
Austin, Texas 78746  
[gabe@kbge-eng.com](mailto:gabe@kbge-eng.com)  
o 512 | 439 | 0400  
m 512 | 870 | 7587  
[www.kbge-eng.com](http://www.kbge-eng.com)







**EXHIBIT 4**

## Jennifer Garcia

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**From:** Esparza, Christine <Christine.Esparza@austinenergy.com>  
**Sent:** Monday, March 11, 2013 3:30 PM  
**To:** Jennifer Garcia  
**Cc:** Gabe Bruehl  
**Subject:** RE: 2002 Glen Allen - Electrical Easement

Hi Jennifer –

You are correct.  
If you have any other questions please feel free to contact me.

Regards,  
Christine Esparza  
Austin Energy  
Public Involvement & Real Estate Services  
512-322-6112 (office)

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**From:** Jennifer Garcia [<mailto:jennifer@kbge-eng.com>]  
**Sent:** Monday, March 11, 2013 3:06 PM  
**To:** Esparza, Christine  
**Cc:** Gabe Bruehl  
**Subject:** 2002 Glen Allen - Electrical Easement

Hi Christine –

Just wanted to confirm based on our conversation this afternoon that the existing 10' electrical easement can be released. It is our understanding that because the easement was dedicated by plat, we are to coordinate with the Public Works Real Estate department (specifically Ms. Jennifer Grant) for release of this specific easement. We will start that process immediately and the existing easement will be noted on the plan set "to be released" if the release is not recorded prior to site plan submittal. Once recorded, we will place the Document number within the plan set.

In addition, we understand during the site plan permitting process, Austin Energy will review the proposed construction documents and there may be a future electrical easement required depending on AE proposed design.

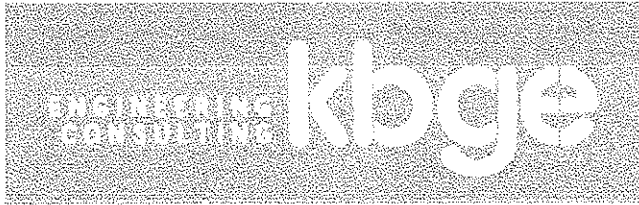
Thank you for your assistance and appreciate the quick response!

Jenn

Jennifer Garcia, PE, CFM  
Principal

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## EXHIBIT 5

