

SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2016-0087

LOCATION: 2001 & 2003 S. Lamar Blvd.

1" = 154'

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.



14/2

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday, August 8, 2016

CASE NUMBER: C15-2016-0087

☐ Y ☐ Brooke Bailey 2nd the motion
☐ Y ☐ Michael Benaglio
☐ Y ☐ William Burkhardt
☐ Y ☐ Eric Goff
☐ Y ☐ Melissa Hawthorne PP to Oct 10, 2016 (RE-NOTICE NEEDED)
☐ Y ☐ Bryan King
☐ Y ☐ Don Leighton-Burwell
☐ - ☐ Rahm McDaniel (OUT)
☐ Y ☐ Melissa Neslund
☐ Y ☐ James Valadez
☐ Y ☐ Michael Von Ohlen
☐ Y ☐ Kelly Blume (Alternate)

OWNER/APPLICANT: Greg Smith and William Faust

ADDRESS: 2001 AND 2003 LAMAR BLVD

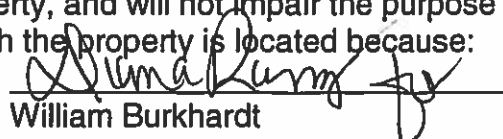
VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-1063 (B) (Height Limitations and Setbacks for Large Sites) of Article 10, Compatibility Standards to decrease the distance that a structure can be constructed from property on which a use permitted in an SF-5 or more restrictive zoning district is located from 25 feet (required) to 0 feet (requested) in order to construct four additional climate controlled self-storage units in an "CS-V", General Commercial Services – Vertical Mixed Use and "CS-MU-V-CO", General Commercial Services – Mixed Use – Vertical Mixed Use - Conditional Overlay zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to October 10, 2016, Board Member Brooke Bailey second on a 11-0 vote; POSTPONED TO OCTOBER 10, 2016. (RE-NOTIFICATION NEEDED)

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
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:


Leane Heldenfels
Executive Liaison


William Burkhardt
Chairman



Revised

CITY OF AUSTIN
Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

4/3

Board of Adjustment General/Parking 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. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

For Office Use Only

Case # <u>C15-2016-0087</u>	ROW # _____	Tax # _____
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Section 1: Applicant Statement

Street Address: 2001 & 2003 S. LAMAR BLVD. AUSTIN, TX 78704

Subdivision Legal Description:

LOT 5-A BLK 1 RESUB OF LOTS 4-5 FREDERICKSBURG ROAD ACRES

Lot(s): <u>5-A</u>	Block(s): <u>1</u>
Outlot: <u>4-5</u>	Division: <u>FREDERICKSBURG ROAD ACRES</u>

Zoning District: _____

I/We WILLI FRUST on behalf of myself/ourselves as
authorized agent for GREG SMITH affirm that on

Month Select _____, Day Select _____, Year Select _____, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☒ Other: COMPATIBILITY WAIVER REQUEST

Type of Structure: TO BUILD APARTMENTS

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

PORTION OF 2005 S. LOMAR ZONED SF3 IN MIDDLE OF
CS/MUL ZONED TRACT. WE BELIEVE THIS IS A ILLEGAL
TRACT-WITH NO PUBLIC ACCESS, LOCATED IN A DRAINAGE EASEMENT
100% WITHIN THE 100 YEAR FLOOD PLAIN

Section 2: Variance Findings

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 supporting documents.

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.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

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

COMPATIBILITY STANDARDS FROM THE SF3 TRACT WOULD NOT
ALLOW THE CS/MU TRACT CONTIGUOUS TRACTS TO BUILD
ANYTHING INTENDED BY THE EXISTING NEIGHBORHOOD
APPROVED ZONING.

Hardship

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

A SMALL 750 FT BY 50 FT APPROXIMATELY, LONE SF3 TOTALLY
SURROUNDED BY CS/MU PROPERTIES. THIS SMALL TRACT HAS
NO PUBLIC ACCESS, IS LOCATED IN BOTH A 100 YEAR FLOOD PLAIN
AND A CITY OF AUSTIN DRAINAGE EASEMENT

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

THIS SITUATION CANNOT BE RECTIFIED BY EIGHTER
REOPENING THE TRACT, DUE TO NO POINT OF BEGINNING
TO GET LEGAL DESCRIPTION. ACCORDING TO CITY
ZONING STAFF, THIS IS A SURVEYORS ERROR.

Area Character

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:

IT IS A SCRIBNERS ERROR. PROPERTY ON ALL SIDES
AND THE PROPERTY UPON WHICH THIS TRACT RESIDES
ARE ALL ZONED RS(MU) SOME WITH "V".
THIS WAIVER IS VERY DISTINCT AND SPECIFIC TO
THIS TRACT

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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

N/A

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

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: [Signature] Date: 6 SEP 16
Applicant Name (typed or printed): GREG SMITH
Applicant Mailing Address: 1004 MOPAC CIRCLE, SUITE 200
City: AUSTIN State: TX Zip: 78746
Phone (will be public information): 512-736-2291
Email (optional – will be public information): _____

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: [Signature] Date: 6 SEP 16
Owner Name (typed or printed): GREG SMITH
Owner Mailing Address: 1004 MOPAC CIRCLE
City: AUSTIN State: TX Zip: 78746
Phone (will be public information): _____
Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: W. M. FAUST
Agent Mailing Address: 427 CONNALLY CIRCLE WEST
City: LOCKHART State: TEXAS Zip: 78644
Phone (will be public information): BELL 512-923-2523
Email (optional – will be public information): B FAUST@DOUTLOOK.COM

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

44

July 14, 2016

Mr William M Faust
3607 Lone Man Mountain Road
Wimberley TX. 78676

RE: Compatibility waiver for 2001 S. Lamar Blvd. in Austin, TX 78704 (the
"Property").

Dear Mr Faust:

This letter shall serve as authorization for you, William M Faust, to be our agent in the matter of processing a zoning compatibility waiver with The City Austin Board of Adjustments on the above referenced matter in conjunction with the matter already filed for 2001 S. Lamar Blvd. I am the current property owner of 2003 S. Lamar in which I am currently under contract to sell 2003 S. Lamar to the ownership of 2001 S. Lamar who has already filed such request and is set for the August 8th court date. The goal is to obtain a compatibility waiver for both 2001 and 2003 S. Lamar from the SF zoned portion of 2005 S. Lamar.

Please let me know if you need anything else from me in this regard.

Sincerely,


Johnny Cuchia

2003 S. Lamar property owner

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**W.M. FAUST
Real Estate Consultant
427 Connolly Circle West
Lockhart, TX**

September 4, 2016

RE: Board of Adjustment Finding of Fact

Dear Members of the Board

My name is W.M.Faust, and I am representing the owners of 2001 and 2003 S. Lamar. We are requesting a waiver from all Compatibility standards from a small portion of the property contiguous and on our South property line.

Within this property is a small portion zoned SF-3. We estimate that this tract is 25 foot squared. It is within the 100 year flood plain and has no legal access nor, in my mind, can it ever get legal access. In addition, this small tract is totally within a major City of Austin Drainage easement. This tract is illegal and undevelopable. We attempted to work with the present owner of the entire tract at 2005 S. Lamar to get the tract rezoned. We could not find a Point of beginning to survey the tract therefore we could no rezone just the SF3 portion. We then asked if we could rezone the entire tract using the existing zoning but the owner is unwilling to subject his property to having to dedicate additional right of way for S. Lamar. This owner would rather wait and determine his highest and best use prior to going through the zoning process.

Finally, we thought of getting a 1704 determination, but could not get a legal for submission and were not sure what we would have with a 1704 if it were given.

That brings us to our last option. Requesting this Commission to grant a waiver to the compatibility standards required of any property zoned or used other than single family next to a single family zoned or used property.

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I have visited with several members of staff and we are all in agreement that this is a very unique situation. This is more than likely a simple issue of a Scribner's error. Somewhere along the line, this tract got missed.

There would be no issue with setting a precedence since this is a unique situation and your approval hereof would not have any adverse impact on any property within the City of Austin other than the two lots in question.

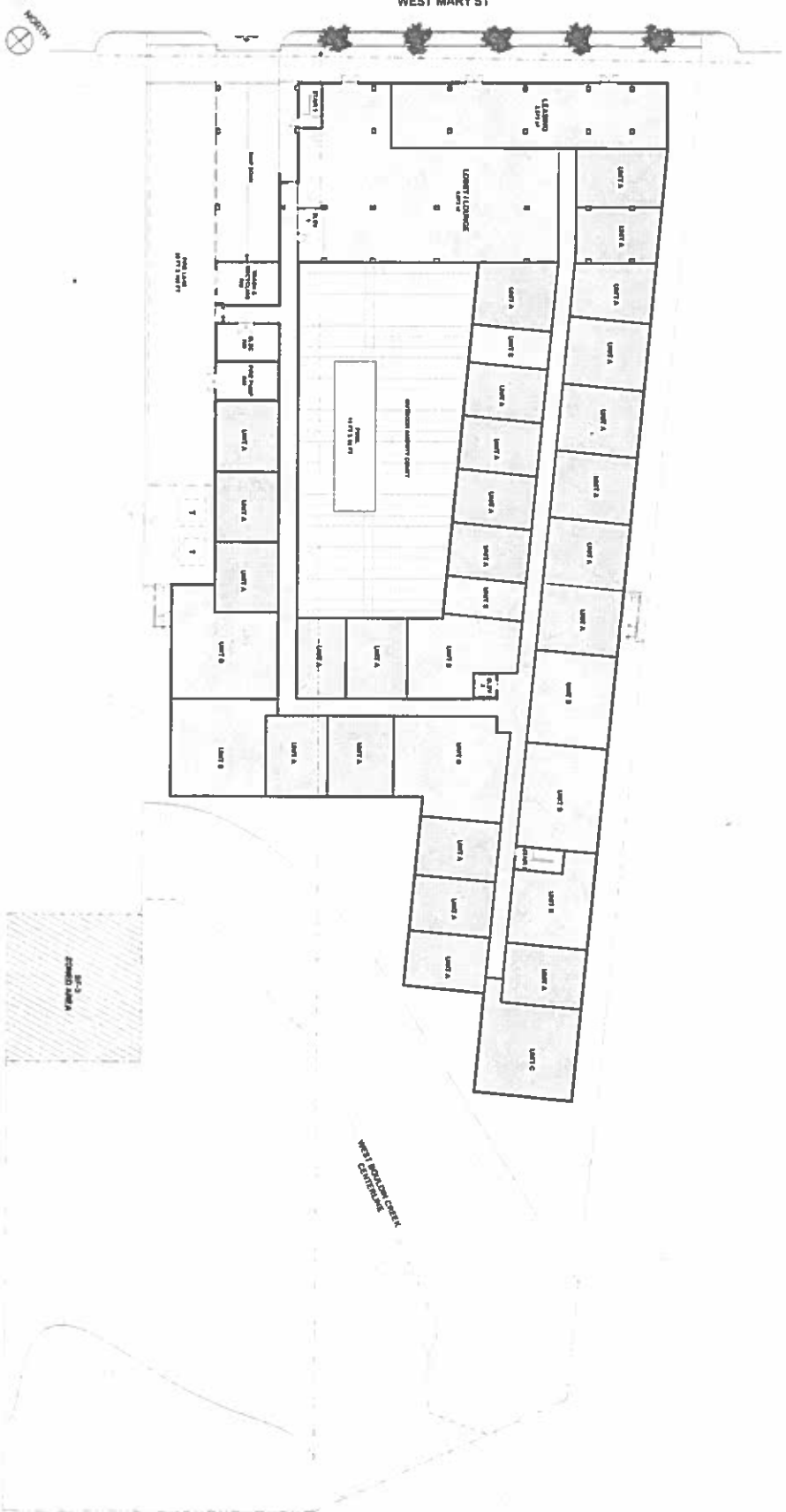
Thank you very much for your consideration on this matter

Very Sincerely,

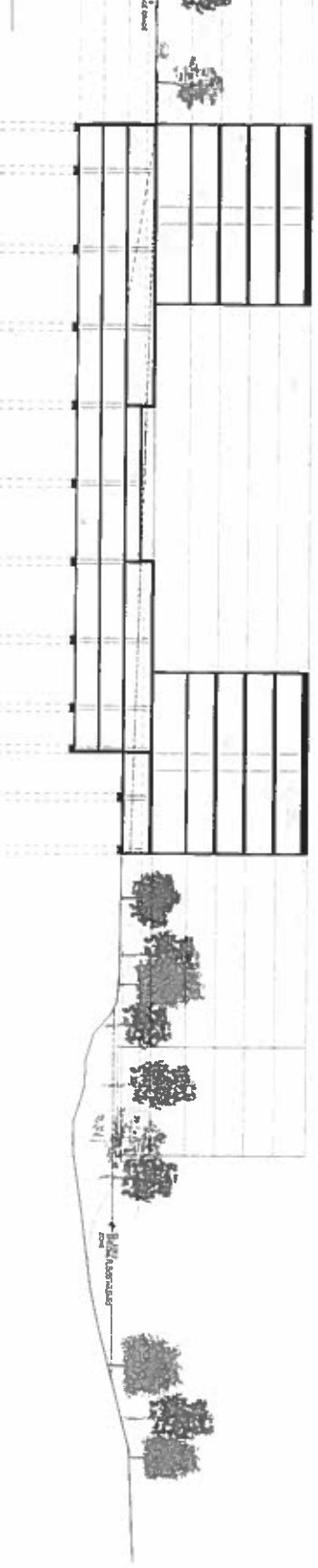
W. M. Faust

C15-2016-0087
5/10

LEVEL 2 SITE PLAN
Scale: 1/8" = 1'-0"



SITE SECTION
Scale: 1/8" = 1'-0"



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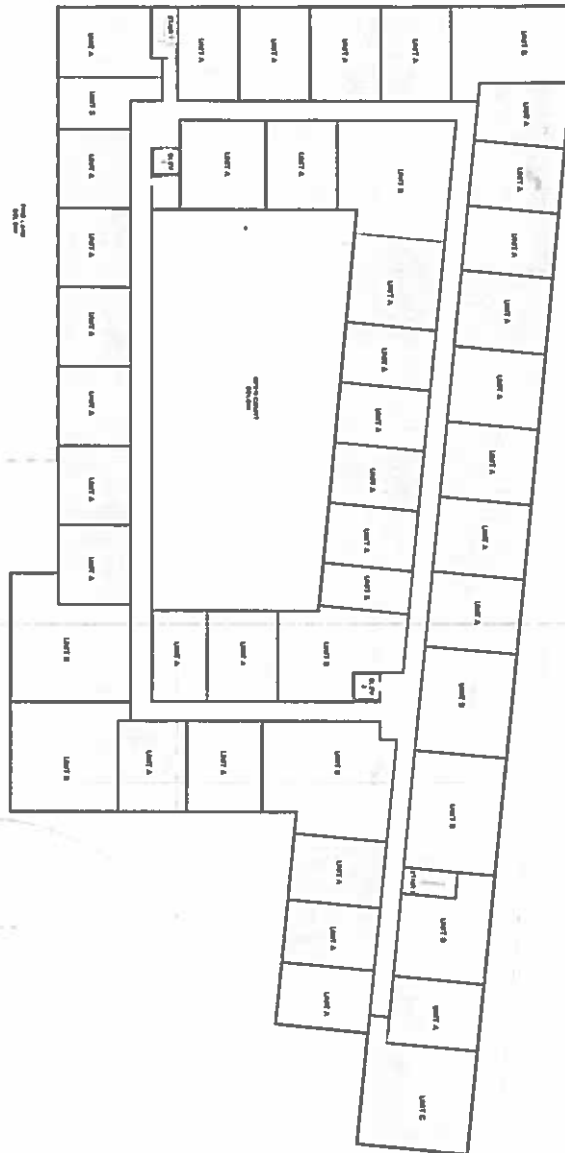
DEVELOPMENT CONCEPT V1.0
AUGUST 1, 2016

2001-2003 S. LAMAR BLVD
AUSTIN, TEXAS
First Austin Properties

5/16

WEST MARY ST

LEVEL 3 - 6 FLOOR PLAN
Scale: 1/8" = 1'-0"



WEST MARY ST
CENTRAL

S-1
ZONED AREA

IF THIS DOCUMENT IS NOT SIGNED, SEALED, AND DATED, IT MAY NOT BE
USED FOR REGULATION APPROVAL, PERMIT OR CONSTRUCTION
© RHODE | PARTNERS 2016

DEVELOPMENT CONCEPT V1.0
AUGUST 8, 2016

2001-2003 S. LAMAR BLVD
AUSTIN, TEXAS
First Austin Properties

RHODE | PARTNERS

4/13

WEST MARY ST

LEVEL 1 FLOOR PLAN
 Scale 1/4" = 1'-0"



WEST MARY STREET
 CURBLINE

IF THIS DOCUMENT IS NOT SIGNED, SEALED, AND DATED, IT MAY NOT BE
 USED FOR REGULATORY APPROVAL, PERMIT OR CONSTRUCTION.
 © RHODE: PARTNERS 2018

DEVELOPMENT CONCEPT V1.0
 AUGUST 8, 2018

2001-2003 S. LAMAR BLVD
 AUSTIN, TEXAS
 First Austin Properties



see Revised

CITY OF AUSTIN
Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

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Board of Adjustment General/Parking 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.

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For Office Use Only

Case # C15-2016-0087 ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 2001 & 2003 S. LAMAR BLVD. AUSTIN, TX 78704

Subdivision Legal Description:

LOT 5-A BLK 1 RESUB OF LOTS 4-5 FREDERICKSBURG ROAD ACRES

Lot(s): 5-A Block(s): 1

Outlot: 4-5 Division: FREDERICKSBURG ROAD ACRES

Zoning District: _____

I/We WILLIE FRAUST on behalf of myself/ourselves as
authorized agent for GREG SMITH affirm that on

Month Select _____, Day Select _____, Year Select _____, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☒ Other: COMPATIBILITY WAIVER REQUEST

Type of Structure: TO BUILD APARTMENTS

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

PORTION OF 2005 S. LAMAR ZONED SF3 IN MIDDLE OF
CS/MULV ZONED TRACT. WE BELIEVE THIS IS A ILLEGAL
TRACT - WITH NO PUBLIC ACCESS, LOCATED IN A DRAINAGE EASEMENT
1000' WITHIN THE 100 YEAR FLOOD PLAIN

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16

Section 2: Variance Findings

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 supporting documents.

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.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

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

COMPATIBILITY STANDARDS FROM THE SF3 TRACT WOULD NOT
ALLOW THE CS/MULV TRACT CONTIGUOUS TRACT TO BUILD
ANYTHING INTENDED BY THE EXISTING NEIGHBORHOOD
APPROVED ZONING

Hardship

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

A SMALL 150 FT BY 50 FT APPROXIMATELY, LONE SF3 TOTALLY
SURROUNDED BY CS/MULV TRACTS. THIS SMALL TRACT HAS
NO PUBLIC ACCESS, IS LOCATED IN BOTH A 100 YEAR FLOOD PLAIN
AND A CITY OF AUSTIN DRAINAGE EASEMENT

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

THIS SITUATION CANNOT BE RECTIFIED BY EIGHTER
REOPENING THE TRACT, DUE TO NO POINT OF BEGINNING
TO GET LEGAL DESCRIPTION. ACCORDING TO CITY
ZONING STAFF, THIS IS A SURVEYORS ERROR.

54

Area Character

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:

IT IS A SCRIBNERS ERROR. PROPERTY ON ALL SIDES
AND THE PROPERTY UPON WHICH THIS TRACT RESIDES
ARE ALL ZONED MC(S/M) SOME WITH "V".
THIS WAIVER IS VERY DISTINCT AND SPECIFIC TO
THIS TRACT

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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

N/A

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

5/18

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: [Signature] Date: 6/5/16
Applicant Name (typed or printed): GREG SMITH
Applicant Mailing Address: 1004 MOPAC CIRCLE, SUITE 200
City: AUSTIN State: TX Zip: 78746
Phone (will be public information): 512-736-7291
Email (optional – will be public information): _____

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: [Signature] Date: 6/5/16
Owner Name (typed or printed): GREG SMITH
Owner Mailing Address: 1004 MOPAC CIRCLE
City: AUSTIN State: TX Zip: 78746
Phone (will be public information): _____
Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: W. M. FAUST
Agent Mailing Address: 427 CONNALLY CIRCLE WEST
City: LOCKHART State: TEXAS Zip: 78644
Phone (will be public information): BELL 512-923-2523
Email (optional – will be public information): B FAUST@DOORTOORS.COM

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

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19

July 14, 2016

Mr William M Faust
3607 Lone Man Mountain Road
Wimberley TX. 78676

RE: Compatibility waiver for 2001 S. Lamar Blvd. in Austin, TX 78704 (the
"Property").

Dear Mr Faust:

This letter shall serve as authorization for you, William M Faust, to be our agent in the matter of processing a zoning compatibility waiver with The City Austin Board of Adjustments on the above referenced matter in conjunction with the matter already filed for 2001 S. Lamar Blvd. I am the current property owner of 2003 S. Lamar in which I am currently under contract to sell 2003 S. Lamar to the ownership of 2001 S. Lamar who has already filed such request and is set for the August 8th court date. The goal is to obtain a compatibility waiver for both 2001 and 2003 S. Lamar from the SF zoned portion of 2005 S. Lamar.

Please let me know if you need anything else from me in this regard.

Sincerely,


Johnny Cuchia

2003 S. Lamar property owner

44
20

W.M. FAUST
Real Estate Consultant
427 Connolly Circle West
Lockhart, TX

September 4, 2016

RE: Board of Adjustment Finding of Fact

Dear Members of the Board

My name is W.M.Faust, and I am representing the owners of 2001 and 2003 S. Lamar. We are requesting a waiver from all Compatibility standards from a small portion of the property contiguous and on our South property line.

Within this property is a small portion zoned SF-3. We estimate that this tract is 25 foot squared. It is within the 100 year flood plain and has no legal access nor, in my mind, can it ever get legal access. In addition, this small tract is totally within a major City of Austin Drainage easement. This tract is illegal and undevelopable. We attempted to work with the present owner of the entire tract at 2005 S. Lamar to get the tract rezoned. We could not find a Point of beginning to survey the tract therefore we could not rezone just the SF3 portion. We then asked if we could rezone the entire tract using the existing zoning but the owner is unwilling to subject his property to having to dedicate additional right of way for S. Lamar. This owner would rather wait and determine his highest and best use prior to going through the zoning process.

Finally, we thought of getting a 1704 determination, but could not get a legal for submission and were not sure what we would have with a 1704 if it were given.

That brings us to our last option. Requesting this Commission to grant a waiver to the compatibility standards required of any property zoned or used other than single family next to a single family zoned or used property.

Ly
21

I have visited with several members of staff and we are all in agreement that this is a very unique situation. This is more than likely a simple issue of a Scribner's error. Somewhere along the line, this tract got missed.

There would be no issue with setting a precedence since this is a unique situation and your approval hereof would not have any adverse impact on any property within the City of Austin other than the two lots in question.

Thank you very much for your consideration on this matter

Very Sincerely,

W. M. Faust



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

See Revised
4/22

Board of Adjustment General/Parking 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 submital. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

For Office Use Only

Case # C15-2016-0047 ROW # 11563611 Tax # 000050318

Section 1: Applicant Statement

Street Address: 2001 S. Lamar Blvd Austin, TX 78704

Subdivision Legal Description:

Lot 5-A Blk 1 Resub of Lots 4-5 Fredericksburg Road Acres

Lot(s): 5-A Block(s): 1

Outlot: 4-5 Division: Fredericksburg Road Acres

Zoning District: _____

I/We Greg Smith on behalf of myself/ourselves as
authorized agent for 2001 S Lamar, LLC affirm that on

Month Select June, Day Select 28, Year Select 2016, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☒ Other: compatibility
Type of Structure: To build 4 story self storage waiver from SP tract 6/2005
climate controlled S Lamar

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

2005 S Lamar SF3 zoned tract in floodplain and city drainage easement. We believe to be unbuildable on the SF portion of 2005 S Lamar Blvd.

4/23

Section 2: Variance Findings

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 supporting documents.

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.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

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

COMPATIBILITY of OUR TRACT IS BEING TRIGGERED BY A NEARBY SMALL INTERIOR MFS ZONED TRACT THAT IS UNDEVELOPED AND SITS WITHIN THE 100 YEAR FLOOD PLAIN AND A CITY OF AUSTIN DRAINAGE EASEMENT. THE POSSIBILITY OF THIS TRACT BEING DEVELOPED IS VERY UNLIKELY -

Hardship

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

A PARCEL SURROUNDED BY COMMERCIAL ZONING WOULD BE ZONED MFS WITH NO ACCESS AND IN BOTH FLOOD PLAIN & DRAINAGE EASEMENT.

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

THIS EXACT SAME ZONING SITUATION DOES NOT OCCUR ELSEWHERE. ON THIS PORTION OF S LAMAR, IT IS UNKNOWN WHY IT EXISTS IN PRESENT STATE. APPEARS TO HAVE BEEN AN OLD SCHEME ERROR.

Area Character

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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SURROUNDED PROPERTY OWNERS & NEIGHBORHOOD
ASSN. ARE NOT OPPOSED TO OUR REQUEST TO
DEVELOP A COMMERCIAL USE SURROUNDED BY
COMMERCIALLY ZONED PROPERTIES -

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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

NA

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:

NA

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

NA

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

NA

4/25

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: [Signature] Date: 6/28/16
Applicant Name (typed or printed): Greg Smith mgr 2001 S Lamar LLC
Applicant Mailing Address: 1004 Mopac Cir Ste 200
City: Austin State: T.X. Zip: 78746
Phone (will be public information): (512) 736-7241
Email (optional - will be public information): _____

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: [Signature] Date: 6/28/16
Owner Name (typed or printed): Greg Smith
Owner Mailing Address: 1004 Mopac Cir Ste 200
City: Austin State: T.X. Zip: 78746
Phone (will be public information): _____
Email (optional - will be public information): _____

Section 5: Agent Information

Agent Name: _____
Agent Mailing Address: _____
City: _____ State: _____ Zip: _____
Phone (will be public information): _____
Email (optional - will be public information): _____

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

LY
26

July 14, 2016

Mr William M Faust
3607 Lone Man Mountain Road
Wimberley TX. 78676

RE: Compatibility waiver for 2001 S. Lamar Blvd. in Austin, TX 78704 (the
"Property").

Dear Mr Faust:

This letter shall serve as authorization for you, William M Faust, to be our agent in the matter of processing a zoning compatibility waiver with The City Austin Board of Adjustments on the above referenced matter in conjunction with the matter already filed for 2001 S. Lamar Blvd. I am the current property owner of 2003 S. Lamar in which I am currently under contract to sell 2003 S. Lamar to the ownership of 2001 S. Lamar who has already filed such request and is set for the August 8th court date. The goal is to obtain a compatibility waiver for both 2001 and 2003 S. Lamar from the SF zoned portion of 2005 S. Lamar.

Please let me know if you need anything else from me in this regard.

Sincerely,



Johnny Cuchia

2003 S Lamar property owner

**W.M.Faust
Real Estate Consultant
427 Connolly Circle West
Lockhart, TX 78644**

see revised **L4
27**

July 10, 2016

Re: Board of Adjust Finding of Fact

Dear Members of the Board:

My name is W.M.Faust, and I am representing the owners of 2001 & 2003 South Lamar. We are requesting a waiver from all Compatibility standards from a small portion of the property contiguous and on our South property line.

Within this property is a small portion zoned SF3. This small portion is approximately 25 feet square. It is within the 100 year flood plain and has no access from any road or easement. The tract is also inside a City of Austin Drainage Easement. It has no access so it is not a legal lot within the City of Austin guidelines. We attempted to coordinate with the present owner of the entire tract and file a new zoning case to rectify this problem. However, he is unwilling to file a zoning case since he will, in all probability, have to donate land for the widening of South Lamar at some time in the future. This owner would rather wait and determine his highest and best use prior to going through that process.

We also tried to coordinate with this owner to let us rezone just this small portion, however, we were unable to determine the exact legal description of the small area.

5/7/22

We even thought of attempting to get a 1704 determination on the small tract, but again were stopped because of not being able to describe exactly what the legal description is. That along with the fact that no one is sure what a 1704 request would accomplish even if we were successful in that action. There is no impact on any property at all. This waiver would not have any adverse effect on any property within the City of Austin nor would this waiver be considered a president setting decision.

Therefore, we are in front of your Board asking for a waiver from all compatibility standards for 2001 South Lamar Boulevard.

Thank you for your consideration on this matter.

Very sincerely,

W.M. Faust

Heldenfels, Leane

From: Bryan Underwood [REDACTED]
Sent: Friday, August 05, 2016 6:17 PM
To: Heldenfels, Leane
Subject: Case Number: C15-2016-087
[REDACTED]

LY
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Ms. Leane Heldenfels:

I am writing on behalf of A-1 Austin South Lamar, L.P., the owner of 1708 & 1800 South Lamar to **strongly object** to the proposed setback variance at 2001 and 2003 S Lamar.

Through our development process we were also impacted by compatibility standards from a property to our north. Our parcel may look larger than the subject; nevertheless, we not only had to comply with compatibility standards but we also have a public sewer easement down our driveway which significantly narrows the width of our parcel. We needed to reconfigure our site plan and building heights to accommodate the compatibility standards pursuant to Section 25-2-1063 (B). In doing so, we complicated the construction of our facility due to various floor heights which increased our construction costs. Additionally, because of compatibility standards, we were forced to decrease our net rentable area. Both the increase in costs and loss of square feet have **substantial negative effects on the economics of our project**. Allowing the applicant a variance to the same code that we were required to comply with, places us at a significant disadvantage to them or any other developer in the South Lamar neighborhood who is granted similar variances.

Additionally, per ordinance 20070201-054, **convenience storage is a prohibited use on this property** per the conditional overlay district. This reason alone should be enough to reject this variance.

Please do not hesitate to reach out with questions.

Brian R. Caster
A-1 Austin South Lamar, L.P.
1708 & 1800 South Lamar

Heldenfels, Leane

From: Tyler Grooms [REDACTED]
Sent: Friday, August 05, 2016 1:11 PM
To: Heldenfels, Leane
Cc: Josh Lickteig
Subject: Objection to Case C15-2016-0087, 2001 and 2003 S Lamar Blvd [REDACTED]

4/25

Leane,

I am writing on behalf of Alcove South Lamar, the owner of 1341 W Mary Street to **strongly object** to the proposed setback variance at 2001 and 2003 S Lamar.

Through our development process we were also impacted by compatibility standards from a property to our east. Our lot is narrower and smaller than the subject property but we were able to reconfigure our site plan and building heights to accommodate the compatibility standards per the spirit of Section 25-2-1063 (B). In doing so we compromised our ability to lay out an efficient building and access on our site which increased our construction costs and decreased our rentable square feet, both of which had considerable implications for the economics of our project. **Thus by allowing the applicant a variance to the same code that we were required to comply with, we are put at a significant disadvantage to them or any other developer in the sensitive South Lamar neighborhoods who is granted similar variances.**

Additionally, per ordinance 20070201-054, **convenience storage is a prohibited use on this property** per the conditional overlay district. This reason alone should be enough to reject this variance.

Please don't hesitate to reach out with questions.

Tyler Grooms
Alcove South Lamar, LP
1341 W. Mary Street, Austin, TX

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2016-0087, 2001 and 03 S. Lamar Blvd.

Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 8th, 2016

LEANE MEKINNEY

Your Name (please print)

2001 KINNEY AVE. 78704

Your address(es) affected by this application

Mek

Signature

Daytime Telephone: 92-445-5202

Comments:

opposed

8/2/16

Date

☐ I am in favor
☒ Object

Comments must be returned by noon the day of the hearing in order to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

22/5

Heldenfels, Leane

44
27

From: Zilker NA <[REDACTED]>
Sent: Monday, August 01, 2016 10:22 PM
To: Heldenfels, Leane
Cc: [REDACTED]
Subject: C15-2016-0087, 2001-2003 S. Lamar
Attachments: 2001-2003SLamar ZNA letter&exhibits.pdf

Hello, Ms. Heldenfels.

This is regarding the variance requested at 2001 & 2003 S. Lamar, C15-2016-0087, scheduled for the Board of Adjustment on August 8. The attached PDF contains a letter of opposition from the Zilker Neighborhood Association Executive Committee along with supporting exhibits. Please note that we are requesting that the application be rejected as incomplete because it does not include the required site plans and because it requires a zoning change that is not within the Board's authority.

Please include the letter and exhibits in the Board's backup material and in the file for this case.

Many thanks,
Lorraine Atherton
(512-447-7681)

17/28

Zilker Neighborhood Association

♦ 2009 Arpdale ♦ Austin, TX 78704 ♦ 512-447-7681 ♦

August 1, 2016

Board of Adjustment
City of Austin Watershed Protection and
Development Review Dept.

Re: Variance request C15-2016-0087, 2001-2003 South Lamar

Dear Chairman and Board Members:

The executive committee of the Zilker Neighborhood Association is opposed to the variance requested by Greg Smith and William Faust at 2001 and 2003 S. Lamar, Case number C15-2016-0087, because the application is incomplete, the proposed use is prohibited in the zoning ordinance, and the request meets none of the required findings.

Incomplete Application

Mr. Smith, on behalf of 2001 S. Lamar LLC, is seeking a variance to allow new construction of four storage units at 2003 S. Lamar, a property owned and developed by Mr. Cuchia. Mr. Smith asserts that compatibility setbacks associated with single-family zoning at 2005 S. Lamar will somehow deprive him of reasonable use of Mr. Cuchia's property. The assertion is difficult to evaluate because Mr. Smith's application does not include a site plan, a rough layout of the proposed construction, or a diagram showing the extent of the compatibility setback. (Please note that under the rules of the Board, a "site plan or survey must be submitted, drawn to scale showing present and proposed construction along with existing structures on all adjacent lots." In cases involving commercial properties and paid agents, we would appreciate it if staff refrained from accepting such incomplete applications and scheduling hearings before the dimensions of the variances are determined.)

Prohibited Use

The ZNA zoning committee, however, is familiar with the site because we worked with Mr. Cuchia in 2006 to rezone his property from SF-3 to Commercial Services. The rezoning ordinance (20070201-054, see ZNA exhibit A) includes a conditional overlay prohibiting convenience storage, among several other undesirable uses. Shortly after that, all of the commercial properties in this block, from West Mary to Oltorf, were included in the "most intense development" category of the Vertical Mixed Use zoning overlay. To encourage increased density and residential uses, these properties have received the most generous and

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29

flexible zoning in this area. The owners have more options than most owners to maximize the use of their properties within the physical constraints of each site.

According to detailed site, drainage, erosion control, and tree protection plans submitted in 2006 for 2003 S. Lamar, the adjacent SF-3 property that supposedly triggers unreasonable restrictions is surrounded by more than 25 feet of 100-year floodplain, and it appears that Mr. Cuchia's existing office building is built as close to the creek as the 100-year floodplain and the critical water quality zone will allow (see ZNA exhibit B). In other words, the entire compatibility setback is unbuildable. A variance or rezoning of the remaining SF-3 property would not permit any additional construction.

The property at 2001 S. Lamar is about 65 feet away from the SF-3 property and so is not affected by the 25-foot compatibility setback. It should not have been included in the variance request.

Findings

Reasonable Use. The applicable rezoning ordinance (20070201-054) for 2003 S. Lamar prohibits the use proposed by Mr. Smith. The Board's rules state: "The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning." If Mr. Smith wishes to build storage units at 2003 S. Lamar, he must first get the City Council to remove the conditional overlay prohibiting that use. A member of our zoning committee informed Mr. Smith's agent of this early in July.

Even if the proposed use were not prohibited, the definition of "reasonable use" cannot be extended to include new construction within the floodplain. The property is already built to the maximum eastern extent allowed by the drainage and floodplain constraints. The requested variance would not eliminate those physical constraints and so would have no effect on the use of the property.

Hardship. (a) Mr. Smith has not demonstrated that the compatibility setback overlaps any of the buildable areas on this property; we have to conclude that there is no hardship, unique or not. (b) This condition (remnants of SF-3 zoning within or near the floodplain) is general to the area between South Lamar and the railroad tracks and West Bouldin Creek, including Evergreen, West Mary, West Oltorf, Thornton, and so on. ZNA has worked on at least 9 similar cases in this area. Most of them have been resolved by rezoning, including the rezoning of 2003 S. Lamar in 2006. New construction on a property that is already conforming with zoning and site development regulations cannot possibly claim a qualifying hardship. If a new owner wishes to redevelop the property, the new construction must meet current zoning and site development regulations.

Area Character. The purpose of the Vertical Mixed Use overlay is to replace the old storage units, warehouses, and car lots along South Lamar with residential and retail mixed uses. Mr.

Smith is proposing to do the opposite, by expanding the old storage units. In most of the similar cases our zoning committee has reviewed, the owners of the SF-3 remnants have been concerned about impairing the current or future use or value of their properties, which is why they refuse to rezone. Our zoning committee is concerned that variances such as these will impair the purpose of the VMU overlay, which the general membership supported in order to encourage mixed use redevelopment in appropriate areas.

To summarize, we request that the variance application be rejected because:

1. It is incomplete. Mr. Smith has not demonstrated that the compatibility setback overlaps any of the buildable areas on this property.
2. The proposed use is prohibited by rezoning ordinance 20070201-054. The Board does not have the authority to overturn that ordinance or remove that prohibition; Mr. Smith must ask the City Council to do that.

If Mr. Smith returns with a completed application and a permitted use, we request that the variance be denied because:

1. The existing office building proves that the zoning regulations allow for reasonable use.
2. There is no qualifying hardship.
3. The use of adjacent properties and the purpose of the current zoning will be impaired.

Thank you for your service on the Board of Adjustment.

Sincerely yours,



Lorraine Atherton,
on behalf of the ZNA Executive Committee

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Case Number: C15-2016-0087, 2001 and 03 S. Lamar Blvd.

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 8th, 2016

Camille Perry

Your Name (please print)

2211 Ivy Lane, Austin, TX 78704-4911

Your address(es) affected by this application

Camille M. Perry

Signature

July 30, 2016

Date

Daytime Telephone: (512) 444-0754

Comments: I believe the setbacks required are

needed for safety standards and in

particular the "O" setback requested

would infringe on the property rights

of adjacent owners. Granting this

would set a bad precedent. The

City already allows for buildings to

be built dangerously close to each other's streets.

Comments must be returned by noon the day of the hearing in order to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

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