

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

Date: June 10, 2019

Case number C15-2019-0027

Y William Burkhardt
 Y Jessica Cohen
 Y Ada Corral
 - Eric Goff
 - Melissa Hawthorne
 Y Don Leighton-Burwell
 Y Rahm McDaniel
 Y Darryl Pruett
 - Veronica Rivera
 N Yasmine Smith
 N Michael Von Ohlen
 N Kelly Blume (Alternate)
 N Martha Gonzalez (Alternate)
 - Vacant (Alternate)

APPLICANT: Bryan Lynn

OWNER: Barbara Stevens, Daughters of the Republic of Texas

ADDRESS: 810 ½ San Marcos Street

VARIANCE REQUESTED: The applicant has requested variance(s) to Ordinance 010607-23, Part 3 to increase the height from 40 feet (required, permitted) to 50 feet (requested) in order to construct a cultural center – the Republic of Texas History Museum - in an “GR - MU - CO - NCCD - NP”, Community Commercial – Mixed Use – Conditional Overlay - Neighborhood Conservation Combining District-Neighborhood Plan zoning district. (11th Street)

BOARD’S DECISION: May 13, 2019 The public hearing was closed by Chair William Burkhardt, Board Member Rahm McDaniel motion to Grant, Board Member Michael Von Ohlen second on an 11-0 vote; **GRANTED.**

RECONSIDERATION REQUEST by Neigh Assoc.: June 10, 2019

June 10, 2019 Board Member Michael Von Ohlen motion to Reconsider request, Board Member Don Leighton-Burwell second on a 9-1 vote (Board member Rahm McDaniel nay); **GRANTED TO RECONSIDERATION REQUEST.**

The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to postpone to July 8, 2019, Board Member Yasmine Smith second on a 5-5 vote (Board member William Burkhardt, Jessica Cohen, Ada Corral, Rahm McDaniel, Darryl Pruett nay); **Motion failed.**

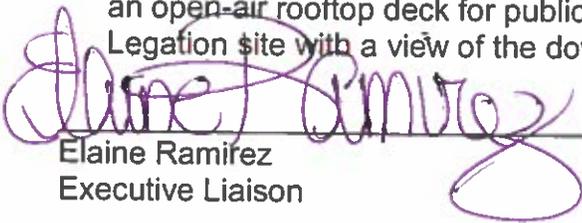
Substitute Motion: Board Member Rahm McDaniel motion to Deny, Board Member Jessica Cohen second on a 6-4 vote (Board member Yasmine Smith, Michael Von Ohlen, Kelly Blume and Martha Gonzalez nay); DENIED.

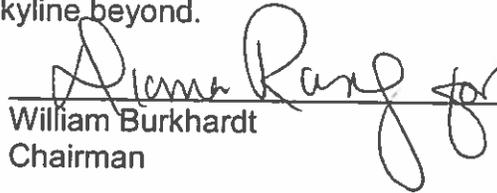
DUE TO THE AMBIGUOUS WORDING OF THE MOTION AND THE VOTE TAKEN AT THE BOA MEETING ON JUNE 10, 2019, THIS VOTE WILL SUBJECT TO RECONSIDERATION AT THE NEXT BOA MEETING ON JULY 8, 2019.

EXPIRATION DATE:

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the lowered height restrictions in the NCCD sections noted above do not allow for reasonable development of this site when combined compliance with Subchapter E Design Requirements, lowers the base elevation below 12 feet of the site elevation and this lowered allowable height does not allow reasonable use.
2. (a) The hardship for which the variance is requested is unique to the property in that: this small lot adjacent to the French Legation has limited street frontage and TCM requirements heavily restrict driveway access, requiring the French Legation Museum site adjacent to two sides to trigger SF-3 compatibility requirements further restricts pedestrian and vehicular access.
(b) The hardship is not general to the area in which the property is located because: all other sites around the French Legation are afforded taller height restrictions and area at a lower elevation that this site and this site is the highest point in the immediate area.
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: the proposed building will be a three story cultural center that steps back from and respects the French Legation site, with the majority of the third story planned to be an open-air rooftop deck for public events that looks over the historic French Legation site with a view of the downtown skyline beyond.


Elaine Ramirez
Executive Liaison


William Burkhardt
Chairman

Q-1/3

Processed By: SS on 05/07/19 12:48:10 PM

United States Postal Service

Postage Statement—USPS Marketing Mail

Transaction Number: 201912212481093 M1	CAPS Transaction Number:	Postage Statement Number: 339800083
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Mailing Group	Mailing Group ID 239697895	Mailing Job Number 053362A	Open Date 05-01-2019
	Preparer PRINTMAIL.COM	Origin Mail.dat	Close Date
	Job Description C15-2019-0027		

Mailer	Permit Holder's Name and Address and Email Address, if Any COA DEVELOPMENT SERVICES 505 BARTON SPRINGS RD STE 101 AUSTIN, TX 78704-1248 Contact Name: Uwakima Udom (512)974-2683 dsdfinance@austintexas.gov CRID: 24011372	Name and Address of Mailing Agent (If other than permit holder) PRINTMAIL.COM 9011 TUSCANY WAY STE 200 AUSTIN, TX 78754-4794 CRID: 5211049	Name and Address of Individual or Organization for Which Mailing is Prepared (If other than permit holder) CITY OF AUSTIN NEIGHBORHOOD PLANNING & ZONING DEPT PO BOX 1088 AUSTIN, TX 78767-1088 CRID: 6891182
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Mailing	Post Office of Mailing AUSTIN TX 78710-9998	Processing Category Letters	Mailers Mailing Date 05/02/19	Federal Agency Cost Code	Statement Seq. No.	No. & Type of Containers Sacks: 0 1 ft. Letter Trays: 2 2 ft. Letter Trays: 1 EMM Letter Trays: 0 Flat Trays: 0 Pallets: 0 Other: 0
	Type of Postage Permit Imprint		SSF Transaction ID #	Total # of Pieces in Mailing 499		
	Permit # 1972	For Mail Enclosed Within Another Class <input type="checkbox"/> Bound Printed Matter <input type="checkbox"/> Library Mail <input type="checkbox"/> Periodicals <input type="checkbox"/> Media Mail	Weight of a Single Piece 0.0313 lbs.	Combined Mailing	Total Weight 15.6187 lbs.	
	For Automation Rate Pieces, Enter Date of Address Matching and Coding 05/01/19	For Carrier Route Pieces, Enter Date of Address Matching and Coding 05/01/19	For Carrier Route Pieces, Enter Date of Carrier Route Sequencing 05/01/19	For Pieces Bearing a Simplified Address Enter Date of Delivery Statistics File or Alternative Method ____/____/____		
	Move Update Method: Alternative Address Format					
This is a Political Campaign Mailing No		This is Official Election Mail No		<input type="checkbox"/> Letter-size or flat mailpiece contains DVD/CD or other disc.		

Postage	Parts Completed A		
	Subtotal Postage (Add parts totals)		\$114.90
	Complete if the mailing includes pieces bearing metered/PC Postage or precanceled stamps. Rate at Which Postage Affixed (Check one) <input type="checkbox"/> Correct <input type="checkbox"/> Lowest <input type="checkbox"/> Neither	_____ pcs. x \$ _____ = Postage Affixed	\$0.000
	Incentive/Discount Flat Dollar Amount		\$-1.50
	Fee _____		\$0.00
	Net Postage Due		\$114.90
	Total USPS Adjusted Postage		\$114.90

Incentive/Discount Claimed: N/A Type of Fee: N/A

The mailer certifies acceptance of liability for and agreement to pay any revenue deficiencies assessed on this mailing, subject to appeal. If an agent certifies that he or she is authorized on behalf of the mailer then that mailer is bound by the certification and agrees to pay any deficiencies. In addition, agents may be liable for any deficiencies resulting from matters within their responsibility, knowledge, or control. The mailer hereby certifies that all information furnished on this form is accurate, truthful, and complete; that the mail and the supporting documentation comply with all postal standards and that the mailing qualifies for the prices and fees claimed; and that the mailing does not contain any matter prohibited by law or postal regulation. I understand that anyone who furnishes false or misleading information on this form or who omits information requested on this form may be subject to criminal and/or civil penalties, including fines and imprisonment.

Privacy Notice: For information regarding our Privacy Policy visit www.usps.com

This postage statement was verified and accepted under the PostalOne! program. No postal signature or round stamp is required.

Part A

Automation Letters

Letters 3.5 oz (0.2188 lbs) or less

Entry	Price	Price	No. of Pieces	Subtotal Postage	Discount Total*	Fee Total	Total Postage	
Category								
A3	None	Mixed AADC	\$0.291	21	\$6.1110	\$-0.0630	\$0.0000	\$6.0480
A7	DSCF	5-Digit	\$0.228	426	\$97.1280	\$-1.2780	\$0.0000	\$95.8500
A8	DSCF	AADC	\$0.253	52	\$13.1560	\$-0.1560	\$0.0000	\$13.0000

A9	Part A Total (Add lines A1-A8)							\$114.8980
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Full Service Intelligent Mail Option

A10	DISPLAY ONLY Letters - Number of Pieces that Comply 499.0 x 0.003 =	\$1.4970
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* May contain both Full Service Intelligent Mail and other discounts

Q-1/5

Processed By: SS on 05/30/19 04:15:47 PM

United States Postal Service

Postage Statement—USPS Marketing Mail

Transaction Number: 201915016154778 M1	CAPS Transaction Number:	Postage Statement Number: 342468909
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Mailing Group	Mailing Group ID 241692697	Mailing Job Number 053736A	Open Date 05-29-2019
	Preparer PRINTMAIL.COM	Origin Mail.dat	Close Date
	Job Description C15-2019-0027(2)		

Mailer	Permit Holder's Name and Address and Email Address, if Any COA DEVELOPMENT SERVICES 505 BARTON SPRINGS RD STE 101 AUSTIN, TX 78704-1248 Contact Name: Uwakima Udom (512)974-2683 dsdfinance@austintexas.gov CRID: 24011372	Name and Address of Mailing Agent (If other than permit holder) PRINTMAIL.COM 9011 TUSCANY WAY STE 200 AUSTIN, TX 78754-4794 CRID: 5211049	Name and Address of Individual or Organization for Which Mailing is Prepared (If other than permit holder) City of Austin Development Services Department PO BOX 1088 AUSTIN, TX 78767-1088 CRID: 23430106
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Mailing	Post Office of Mailing AUSTIN TX 78710-9998	Processing Category Letters	Mailer's Mailing Date 05/30/19	Federal Agency Cost Code	Statement Seq. No.	No. & Type of Containers Sacks: 0 1 ft. Letter Trays: 2 2 ft. Letter Trays: 1 EMM Letter Trays: 0 Flat Trays: 0 Pallets: 0 Other: 0
	Type of Postage Permit Imprint		SSF Transaction ID #		Total # of Pieces in Mailing 500	
			Weight of a Single Piece 0.0313 lbs.	Combined Mailing	Total Weight 15.6500 lbs.	
	Permit # 1972	For Mail Enclosed Within Another Class <input type="checkbox"/> Bound Printed Matter <input type="checkbox"/> Library Mail <input type="checkbox"/> Periodicals <input type="checkbox"/> Media Mail		[] Mailpiece is a product sample. _____ % Samples		
	For Automation Rate Pieces, Enter Date of Address Matching and Coding 05/29/19	For Carrier Route Pieces, Enter Date of Address Matching and Coding 05/29/19	For Carrier Route Pieces, Enter Date of Carrier Route Sequencing 05/29/19	For Pieces Bearing a Simplified Address Enter Date of Delivery Statistics File or Alternative Method ____/____/____		
	Move Update Method: Alternative Address Format					
This is a Political Campaign Mailing No		This is Official Election Mail No		[] Letter-size or flat mailpiece contains DVD/CD or other disc.		

Postage	Parts Completed A		
	Subtotal Postage (Add parts totals)		\$115.12
	Complete if the mailing includes pieces bearing metered/PC Postage or precanceled stamps. Rate at Which Postage Affixed (Check one) <input type="checkbox"/> Correct <input type="checkbox"/> Lowest <input type="checkbox"/> Neither	_____ pcs. x \$ _____ = Postage Affixed	\$0.000
	Incentive/Discount Flat Dollar Amount		\$-1.50
	Fee _____		\$0.00
	Net Postage Due		\$115.12
	For USPS Use Only: Additional Postage Payment (State reason)		
Total USPS Adjusted Postage		\$115.12	

Certification

Incentive/Discount Claimed: N/A Type of Fee: N/A

The mailer certifies acceptance of liability for and agreement to pay any revenue deficiencies assessed on this mailing, subject to appeal. If an agent certifies that he or she is authorized on behalf of the mailer then that mailer is bound by the certification and agrees to pay any deficiencies. In addition, agents may be liable for any deficiencies resulting from matters within their responsibility, knowledge, or control. The mailer hereby certifies that all information furnished on this form is accurate, truthful, and complete; that the mail and the supporting documentation comply with all postal standards and that the mailing qualifies for the prices and fees claimed; and that the mailing does not contain any matter prohibited by law or postal regulation. I understand that anyone who furnishes false or misleading information on this form or who omits information requested on this form may be subject to criminal and/or civil penalties, including fines and imprisonment.

Privacy Notice: For information regarding our Privacy Policy visit www.usps.com

This postage statement was verified and accepted under the PostalOne! program. No postal signature or round stamp is required.

Part A

Automation Letters

Letters 3.5 oz (0.2188 lbs) or less

	Entry	Price	Price	No. of Pieces	Subtotal Postage	Discount Total*	Fee Total	Total Postage
	Category							
A3	None	Mixed AADC	\$0.291	21	\$6.1110	\$-0.0630	\$0.0000	\$6.0480
A7	DSCF	5-Digit	\$0.228	427	\$97.3560	\$-1.2810	\$0.0000	\$96.0750
A8	DSCF	AADC	\$0.253	52	\$13.1560	\$-0.1560	\$0.0000	\$13.0000

A9	Part A Total (Add lines A1-A8)	\$115.1230
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Full Service Intelligent Mail Option

A10	DISPLAY ONLY Letters - Number of Pieces that Comply 500.0 x 0.003 =	\$1.5000
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* May contain both Full Service Intelligent Mail and other discounts



May 6, 2019

Bryan Lym
810 San Marcos St
Austin TX, 78702

Property Description: NE 145X158FT OLT 1 DIVISION B

Re: C15-2019-0027

Dear Bryan,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from – to Ordinance 010607-23, Part 3 to increase the height from 40 feet (required, permitted) to 50 feet (requested);

In order to construct a cultural center – the Republic of Texas History Museum - in an "GR - MU - CO - NCCD - NP", Community Commercial – Mixed Use – Conditional Overlay - Neighborhood Conservation Combining District-Neighborhood Plan zoning district. (11th Street)

Austin Energy does not oppose the requested variance to the height restriction stated in Ordinance 010607-23, Part 3, provided that all proposed and existing improvements are in compliance with AE 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://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE

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
(512) 322-6050

Guadalupe Association for an Improved Neighborhood- GAIN

1111 East 8th Street - Austin, Texas 78702

May 22, 2019

Re: GAIN Request for Reconsideration: Case #C15-2019-0027, 810 ½ San Marcos Street

Dear Members of the Board of Adjustment:

As president of the Guadalupe Association for an Improved Neighborhood, a neighborhood association registered with the City of Austin, on behalf of our membership, I respectfully request a reconsideration of Case #C15-2019-0027, heard on May 13, 2019. There are four main reasons for this request: 1). All evidence suggests the required City of Austin notice of the hearing was never sent out to the affected property owners and the sign was posted in a place normally not visible to the general public and was soon down in the weeds behind a silt fence; 2). Previous designs developed by the applicant for the same project needed no variances. And, relatively minor design changes to the current design could be made to the second story and roofing that would create the desired space for the project *without any need for the variance in height*. The AMLI Eastside Apartments, Eleven apartments, Tyndall condominiums, and La Vista de Guadalupe apartments have all been constructed in sub-district 3 of the NCCD without any variance from using the mean elevation of adjacent streets to determine heights; 3). A variance to the *supposed* requirement to use existing curb cuts allowing instead ingress and egress for the project parking off of East 9th Street would eliminate the need for the two drive-through driveways and the museum space could then be located on the first floor, as the applicant told us they desired, eliminating traffic problems and the need for additional height; 4). The owners acquired the property in 2012 with the current zoning in place, with four structures that provided 5 units of housing, and decided to demolish them. The hardship, if any exists, is self-imposed purely because of the design currently proposed. In actuality, no hardship exists for a third story roof top deck or for eliminating the compatibility requirement triggered by the French Legation. **Compatibility for the French Legation property is a critical element of the NCCD Zoning Overlay ordinance and was carefully and thoughtfully included as one can readily determine from the language in the NCCD.**

Attached you will find affidavits from GAIN, the Guadalupe Neighborhood Development Corporation, which owns several properties within notification distance, and from numerous property owners attesting to the fact that notice was never received. In addition, the sign posted on the site was undoubtedly obscured by vehicles that park there throughout the day and by tall weeds.

Three architects, one builder and a developer representing the neighborhood met with three representatives of the Daughters of the Republic of Texas (DRT) on April 25th and demonstrated to them, with a drawing similar to the attached drawing, that the desired floor to ceiling height for the project could be achieved with a different roof design. We informed the DRT representatives that we did not think the use of existing curb cuts was a requirement, but if it is, we would support a variance to have access and egress from East 9th Street instead. This would eliminate the drive-through driveways that they claim cause the building to need additional height. We explained that using San Marcos Street, which is very narrow and congested, would be detrimental to the neighborhood and their project.

We informed them that, as proposed, the neighborhood would oppose their variance request.

Please recognize that the NCCD, its method of calculating heights, and its provision of compatibility for the French Legation Museum are the result of incalculable hours (if not years) of community input and decision-making. The applicant in this case was involved in the crafting and adoption of the NCCD in 1991. We trust that careful consideration of the circumstances will demonstrate that a design can readily be created that complies with all aspects of the current zoning and development regulations.

For the reasons stated above, we request that you reconsider Case #C15-2019-0027.

Respectfully,



H. Michael Guajardo, President

**Lack of Required Notification and
810½ San Marcos Variance Request**

Affidavit that the Required City of Austin Notification of Variance Hearing

Held on May 13, 2019 was Never Received

Date: 22nd day of May, 2019

Owner: GUADALUPE ASSOCIATION FOR AN IMPROVED NEIGHBORHOOD - GAIN

Owner's Mailing Address: 1111 East 8th Street, Austin, Texas 78702

Affiant: H. Michael Guajardo, President

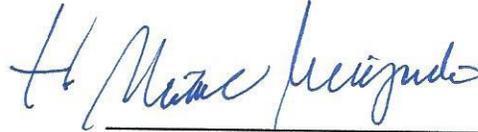
Registered Neighborhood Association

Affiant, H. Michael Guajardo, swears on behalf of Guadalupe Association for an Improved Neighborhood (GAIN) that the following statements are true and within the personal knowledge of Affiant:

(1) That, at the time of this affidavit, neither GAIN itself, I personally, or me on behalf of GAIN, has received any notification from the City of Austin related to a request for a variance for 810 1/2 San Marcos Street heard by the Board of Adjustments on May 13, 2019 as case number C15-2019-0027.

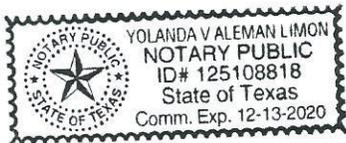
(2) Whereas GAIN is a neighborhood association registered with the City of Austin directly affected by the variance, and whereas GAIN is opposed to the variance,

(3) Therefore GAIN respectfully requests a reconsideration of the case.



H. Michael Guajardo, President
Guadalupe Association for an Improved Neighborhood

SUBSCRIBED AND SWORN TO before me on May 22, 2019 by H. Michael Guajardo.


Notary Public, State of Texas

Affidavit that the Required City of Austin Notification of Variance Hearing

Held on May 13, 2019 was Never Received

Date: 20th day of May, 2019

Owner: GUADALUPE NEIGHBORHOOD DEVELOPMENT CORPORATION

Owner's Mailing Address: 813 East 8th Street, Austin, Texas 78702

Affiant: Mark C. Rogers, Executive Director

Properties: 809 San Marcos Street A & B, 813 East 8th Street; 1009 East 10th Street A & B; 809 East 9th Street; 908 East 7th Street; 914 East 7th Street, Austin, Texas 78702

Affiant, Mark C. Rogers, swears on behalf of Guadalupe Neighborhood Development Corporation (GNDC) that the following statements are true and within the personal knowledge of Affiant:

(1) That, at the time of this affidavit, neither GNDC itself, nor Mark Rogers personally or on behalf of GNDC, has received any notification from the City of Austin related to a request for a variance for 810 1/2 San Marcos Street heard by the Board of Adjustments on May 13, 2019 as case number C15-2019-0027.

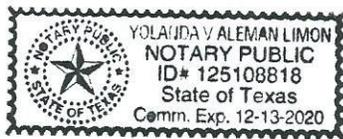
(2) Whereas GNDC has a number of properties directly affected by the variance, and GNDC is a registered neighborhood organization with the City of Austin, and whereas GNDC is opposed to the variance,

(3) Therefore GNDC respectfully requests a reconsideration of the case.

Mark C. Rogers

Mark C. Rogers, Executive Director
Guadalupe Neighborhood Development Corporation

SUBSCRIBED AND SWORN TO before me on May 20th, 2019 by Mark C. Rogers.



Yolanda V. Aleman Limon
Notary Public, State of Texas

Affidavit that the Required City of Austin Notification of Variance Hearing

Held on May 13, 2019 was Never Received

Date: 17th day of May, 2019

Owner: JOE AND LOUIS MITCHELL

Owner's Mailing Address: 1000 East 9th Street, Austin, Texas 78702

Affiant: Louis Mitchell, owner and resident of the Property

Property: 1000 East 9th Street

Affiant, Louis Mitchell, swears on behalf of the property owners that the following statements are true and within the personal knowledge of Affiant:

(1) That, at the time of this affidavit, Louis Mitchell, has not received any notification from the City of Austin related to a request for a variance for 810 ½ San Marcos Street heard by the Board of Adjustments on May 13, 2019 as case number C15-2019-0027.

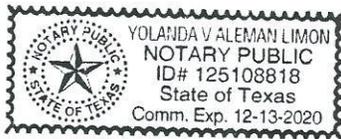
(2) Whereas Louis Mitchell has ownership of property directly affected by the variance, and the Owners are opposed to the variance,

(3) Therefore the affiant respectfully requests a reconsideration of the case.

Louis Mitchell

Louis Mitchell

SUBSCRIBED AND SWORN TO before me on May 17, 2019 by Louis Mitchell.



Yolanda V. Aleman Limon
Notary Public, State of Texas

Affidavit that the Required City of Austin Notification of Variance Hearing

Held on May 13, 2019 was Never Received

Date: 20 day of May, 2019

Owner: DAVID & MELISSA SCHEINFELD

Owner's Mailing Address: 1009 East 9th Street, Austin, Texas 78702

Affiant: David Scheinfeld owner and residents of the Property

Property: 1009 East 9th Street

Affiant, David Scheinfeld, swears as the property owner that the following statements are true and within the personal knowledge of Affiant:

(1) That, at the time of this affidavit, David and Melissa Scheinfeld have not received any notification from the City of Austin related to a request for a variance for 810 1/2 San Marcos Street heard by the Board of Adjustments on May 13, 2019 as case number C15-2019-0027.

(2) Whereas David and Melissa Scheinfeld have ownership of property directly affected by the variance, and are opposed to the variance,

(3) Therefore the affiant respectfully requests a reconsideration of the case.

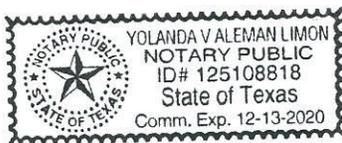


David Scheinfeld



Melissa Scheinfeld

SUBSCRIBED AND SWORN TO before me on May 20, 2019 by David Scheinfeld or Melissa Scheinfeld.


Notary Public, State of Texas

Affidavit that the Required City of Austin Notification of Variance Hearing

Held on May 13, 2019 was Never Received

Date: 17th day of MAY, 2019

Owner: EMILY LITTLE

Owner's Mailing Address: 1001 East 8th Street, Austin, Texas 78702

Affiant: Emily Little owner and resident of the Property

Property: 1001 East 8th Street

Affiant, Emily Little, swears as the property owner that the following statements are true and within the personal knowledge of Affiant:

(1) That, at the time of this affidavit, Emily Little has not received any notification from the City of Austin related to a request for a variance for 810 1/2 San Marcos Street heard by the Board of Adjustments on May 13, 2019 as case number C15-2019-0027.

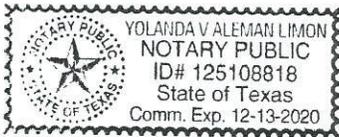
(2) Whereas Emily Little has ownership of property directly affected by the variance, and is opposed to the variance,

(3) Therefore the affiant respectfully requests a reconsideration of the case.


Emily Little

SUBSCRIBED AND SWORN TO before me on

May 17, 2019 by Emily Little.




Notary Public, State of Texas

Affidavit that the Required City of Austin Notification of Variance Hearing

Held on May 13, 2019 was Never Received

Date: 18th day of May, 2019

Owner: ANDREW & DANA KULL

Owner's Mailing Address: 1003 East 8th Street, Austin, Texas 78702

Affiant: Andrew or Dana Kull owners and resident of the Property

Property: 1003 East 8th Street

Affiant, Andrew Kull, swears as the property owner that the following statements are true and within the personal knowledge of Affiant:

(1) That, at the time of this affidavit, Andrew and Dana Kull have not received any notification from the City of Austin related to a request for a variance for 810 1/2 San Marcos Street heard by the Board of Adjustments on May 13, 2019 as case number C15-2019-0027.

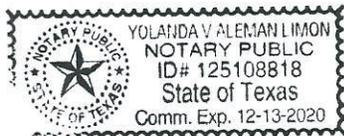
(2) Whereas Andrew and Dana Kull have ownership of property directly affected by the variance, and is opposed to the variance,

(3) Therefore the affiant respectfully requests a reconsideration of the case.

Andrew Kull

Dana Kull

SUBSCRIBED AND SWORN TO before me on May 18, 2019 by Andrew and/or Dana Kull.



Yolanda V. Aleman Limon
Notary Public, State of Texas

Affidavit that the Required City of Austin Notification of Variance Hearing

Held on May 13, 2019 was Never Received

Date: 17th day of May, 2019

Owner: DEBORAH UTLEY

Owner's Mailing Address: 1011 East 8th Street, Austin, Texas 78702

Affiant: Deborah Utley owner and resident of the Property

Property: 1011 East 8th Street

Affiant, Deborah Utley, swears as the property owner that the following statements are true and within the personal knowledge of Affiant:

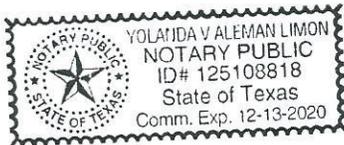
(1) That, at the time of this affidavit, Deborah Utley has not received any notification from the City of Austin related to a request for a variance for 810 1/2 San Marcos Street heard by the Board of Adjustments on May 13, 2019 as case number C15-2019-0027.

(2) Whereas Deborah Utley has ownership of property directly affected by the variance, and is opposed to the variance,

(3) Therefore the affiant respectfully requests a reconsideration of the case.

Deborah Utley
Deborah Utley

SUBSCRIBED AND SWORN TO before me on May 17, 2019 by Deborah Utley.



Yolanda V. Aleman Limon
Notary Public, State of Texas

Affidavit that the Required City of Austin Notification of Variance Hearing

Held on May 13, 2019 was Never Received

Date: 17 day of MAY, 2019

Owner: BRIANA MIRIANI

Owner's Mailing Address: 1007 East 9th Street, Austin, Texas 78702

Affiant: Briana Miriani owner and resident of the Property

Property: 1007 East 9th Street

Affiant, Bri Miriani, swears as the property owner that the following statements are true and within the personal knowledge of Affiant:

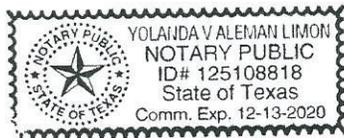
(1) That, at the time of this affidavit, Briana Miriani, has not received any notification from the City of Austin related to a request for a variance for 810 1/2 San Marcos Street heard by the Board of Adjustments on May 13, 2019 as case number C15-2019-0027.

(2) Whereas Briana Miriani has ownership of property directly affected by the variance, and is opposed to the variance,

(3) Therefore the affiant respectfully requests a reconsideration of the case.


Briana Miriani

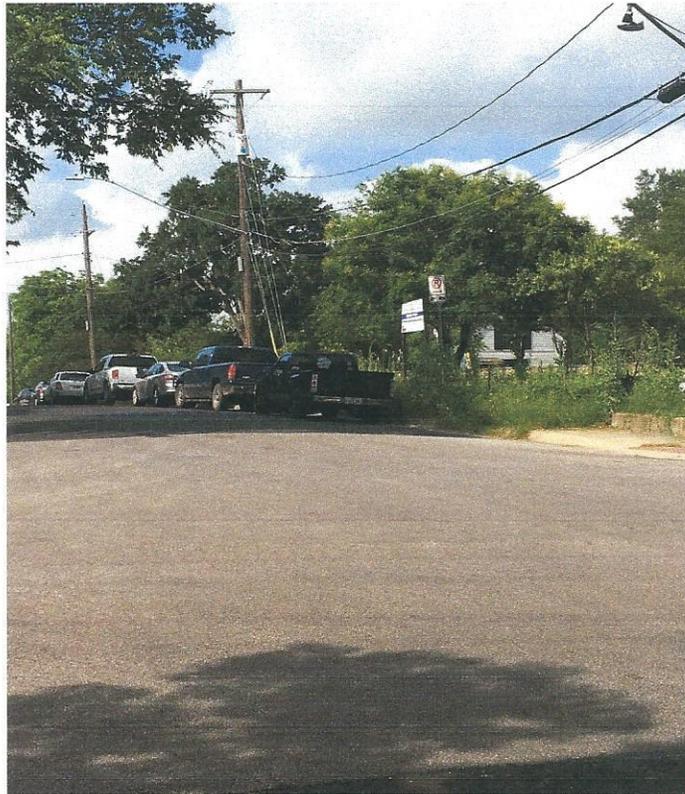
SUBSCRIBED AND SWORN TO before me on May 17, 2019 by Briana Miriani.




Notary Public, State of Texas



The Notice sign as found on May 14, 2019



Typical parking in front of 810 San Marcos Street.
Sign originally was behind the white pickup; the 4th vehicle down the street.

810½ San Marcos
Alternative Second Story Design
Without Height Variance

HATCH WORKS

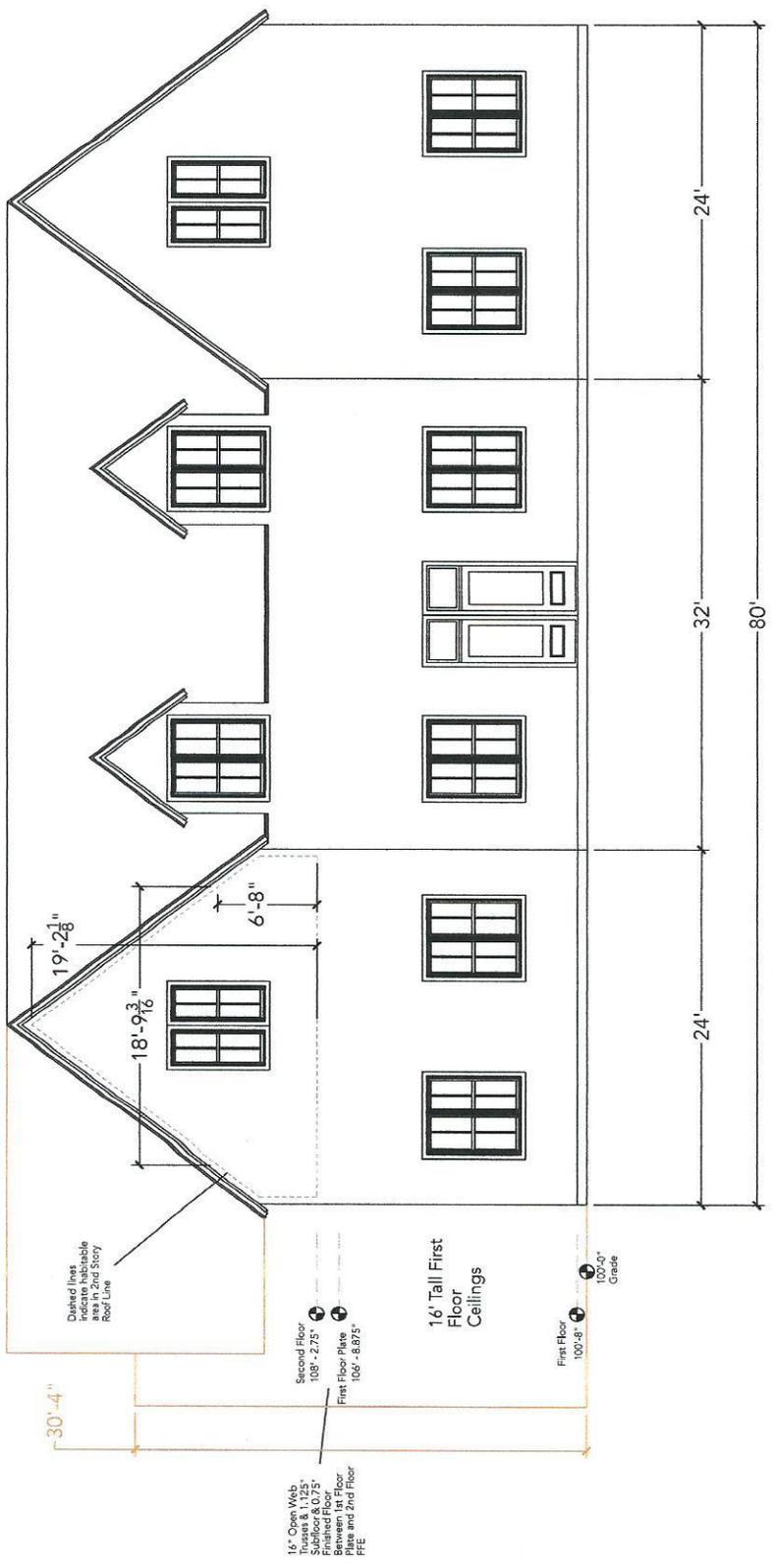
DTR ELEVATION DRAWING

Project: **ADAM TALLANCHICH**
1004 E. 9th St
AUSTIN, TX 78702
512.300.5987

Project Name: **1004 E. 9th St**
AUSTIN, TX 78702

SCALE: 1/8" = 1'-0"

A0.1



Explanation of Design Alternative

Presented to DRT on April 25, 2019

The City of Austin defines building height as the midpoint of the highest gable. By using a steeply pitched roof, DTR can achieve their desired building size, all while staying below a 31' building height (as seen in the rendering), and harmoniously assimilate into the neighborhood.

Building size: This rendering shows 16' high ceilings on the first floor (wow, that is tall!) and ample second story space (max height of 19'-2" at the peak!). By using a 5' pony wall and a 16:12 pitch, the bulk of the second story roof height is above 6'-8" and most is significantly higher.

Neighborhood: This neighborhood is defined by many historic structures dating to the late 1800s. Typical roof lines of that era were 12:12 or 16:12. By employing a 16:12 pitch, the form and shape of this building will harmoniously blend in with many of the neighborhood's historic buildings.

It really is a rare case of a win-win.

Adam Talianchich, CPBD
Hatch Works
www.hatchworksaustin.com

**2013 Project Design at 810 San Marcos Street
for the Daughters of the Republic of Texas**

REPUBLIC VILLAGE at the FRENCH LEGATION



Q-1/24

810½ San Marcos & Compatibility

1 k. Landscape screening of parking areas should contain at
 2 least two or more of the following elements. Shade trees,
 3 ornamental trees, shrubs, and berms. Plants used as
 4 screening elements shall be planted in a permeable area at
 5 least three (3) feet wide, and five (5) feet wide for
 6 landscape areas containing trees. The owner shall be
 7 responsible for the irrigation of all required landscape
 8 areas and plant materials.

9 l. Landscaping for development within sub-district 3 along
 10 San Marcos Street shall include a landscaped area of 17
 11 feet at E. 9th Street and 22 feet at E. 11th Street. Said
 12 required landscaping shall be measured from the curb of
 13 San Marcos Street to the face of the structure along San
 14 Marcos Street (see Attachment 23). Provided however, that
 15 any building off-sets for the structure(s) along San
 16 Marcos Street shall be permitted to encroach within the
 17 required landscaped area.

18 10. RESIDENTIAL COMPATIBILITY REQUIREMENTS

19 The current regulations in the LDC for compatibility
 20 standards are waived in lieu of the following. These
 21 compatibility requirements are designed to reflect the
 22 community in which the development occurs. Compatibility
 23 standards for this District shall read as follows:

24 a. These Compatibility Standards shall apply to all land
 25 immediately adjacent to property zoned and used as an SF-5
 26 or more restrictive residential use. However, no property
 27 which is zoned and used as an SF-5 or more restrictive
 28 residential use, with a front, rear, or side yards located
 29 on Interstate 35, E. 11th Street, or Rosewood Avenue,
 30 shall trigger compatibility standards. In addition, no
 31 public, quasi-public, or civic uses (except the French
 32 Legation Museum) shall trigger these compatibility
 33 standards. Provided further, that no properties or portion
 34 of a property which are located within the boundaries of
 35 the NCCD shall trigger these compatibility standards.

36 b. When property is zoned and used as an SF-6 or less
 37 restrictive residential use, and contains an SF-6 or less
 38 restrictive use structure(s) and an SF-5 or more
 39 restrictive residential use structure, said property shall
 40 not trigger Compatibility Standards.

41 c. On sites with 50 feet of street frontage or less, no
 42 structure shall be erected within 15 feet of the property
 43 line of a property zoned and used as an SF-5 or more
 44 restrictive residential use.

Subject: E. 11th St. NCCD
Date: Tue, 19 Sep 2006 17:09:40 -0500
From: "Zapalac, George" <george.zapalac@ci.austin.tx.us>

To: "GNDC" <[REDACTED]>

Thank you for your inquires into the East 11th Street NCCD Ordinance. Staff has reviewed the approved and proposed developments within the NCCD and has the following response.

Specific questions as to the applicability of compatibility were raised. The language in the NCCD regarding residential compatibility requirements supercedes those listed in the Land Development Code. Under Section VIII, Paragraph 10a, compatibility standards shall apply to all land immediately adjacent to property zoned and used as an SF-5 or more restrictive residential use. Staff interprets "immediately adjacent" as the subject properties sharing a common property boundary. A roadway or alley would not be considered a common boundary since the right-of-way separates the property boundaries. Only if properties share a common boundary line and meet the other qualifying requirements in Paragraph 10a, would the subsequent portions of Paragraph 10 (b-o) be applicable to the developing property.

The French Legation does trigger compatibility standards, but only on a property that is immediately adjacent (i.e. property to the north of the Legation). The Robertson Hill development and the proposed La Vista de Guadalupe project therefore would not be affected by compatibility.

Under Section VIII, Paragraph 8b, the NCCD describes how the building base heights for Section 3 were determined as shown in Attachment 17b. The paragraph details that the height limits are based on "the average elevation of the easternmost boundary street along the site(s) being developed." In the case of the proposed Vista de Guadalupe project, the height limit in Attachment 17b is 576 feet. The average elevation of the alley that is located due east of the Guadalupe project is 536 feet. The height limit for the area where the Guadalupe project is located is 40 feet. Thus the maximum elevation allowed was established at 576 feet (536 + 40). As long as the buildings on this block are less than the 576-foot elevation, they would comply with the height limitations of the NCCD ordinance.

Under Section VIII, paragraph 8, the NCCD height regulations make no restrictions on the number of stories of a building. Only height is mentioned. Under Section VIII, paragraph 10, the NCCD Residential Compatibility Requirements does have a limit on the number of stories a building must adhere to only if compatibility is triggered. If you have any questions please contact Javier V. Delgado at 974-7648 or Javier.Delgado@ci.austin.us.tx.

810½ San Marcos
Alternative Driveway Design

1 All City of Austin development fees, including Development
2 Assessment, Legal Lot Determination, Zoning, Subdivision,
3 Site Plan, Building Permit and Capital Recovery fees, shall
4 be waived for all projects in this NCCD, except for those
5 projects located within sub-district 3.

6 13. DRIVEWAY ORDINANCE

7 The minimum driveway dimensions in the revised Streets,
8 Sidewalks and Driveways ordinance would hinder parking lot
9 development on most of the lots within the NCCD boundaries
10 due to their small size. This NCCD document proposes that the
11 design criteria for driveway and sidewalk construction remain
12 as indicated in Section 5 of the Transportation Criteria
13 Manual with the following exceptions and clarifications:

- 14 a. The throat length of any driveway within the NCC District
15 may be reduced to 10 feet. All driveways to IH-35 shall
16 provide a minimum 50 foot throat length.
- 17 b. Sidewalk widths and locations along East 11th Street and
18 Rosewood Avenue shall be determined in conjunction with
19 the proposed streetscape program. The location of existing
20 buildings in relation to the existing pavement will
21 require special treatment and consideration of sidewalk
22 construction.
- 23 c. Specific modifications to these standards may be requested
24 and approved by the Director of Public Works and
25 Transportation or his designee during project review.

26 14. URBAN DESIGN GUIDELINES

27 Adopt the following urban design guidelines:

- 28 a. Existing parking areas that require public R.O.W. for
29 maneuvering should be removed as soon as possible.
30
- 31 b. New curb cuts on East 11th Street and Rosewood Avenue,
32 from San Marcos Street to Angelina Street, will be
33 prohibited for new projects if alternate access is
34 available. Closing of existing curb cuts for new projects
35 will be required when alternate access is available.
36 Specific proposals will be reviewed and approved by the
37 Director of Public Works and Transportation or his
38 designee on a case by case basis. If the only alternate
39 access is from a street within sub-district 2, access
40 should remain on East 11th Street. A new project is
41 defined as any project which does not utilize an existing
42 structure.

- 1 c. Large surface parking lots should be adequately screened,
2 made secure with fencing and gates, and adequately lit.
3 Landscaping and other decorative materials shall be used
4 to screen the parking lot from pedestrian areas. All off-
5 site parking facilities must have an accompanying
6 management plan prior to administrative approval.
- 7 d. When adequate alley access is available, as determined by
8 the Director of Public Works and Transportation or his
9 designee, new surface parking lots shall be located at the
10 rear of the businesses they serve. The City of Austin
11 should assist in the cost to improve any alleys which are
12 deemed substandard.
- 13 e. All loading, unloading, and garbage collection should take
14 place in the alleys, when possible.
- 15 f. The ground level of all buildings, except parking
16 structures, within sub-districts 1, 2, and 3 should relate
17 to pedestrian activities and access, provided however,
18 that the portion of a building or project which faces IH-
19 35 shall be exempt from this provision.
- 20 g. The bottom of awnings shall not be less than 9'0" from the
21 level of the sidewalk or ground.
- 22 h. All mechanical and electrical equipment should be located
23 away from the street facade and visually screened from
24 residentially zoned and used property.
- 25 i. A unified streetscape program shall be implemented along
26 the Corridor and shall include decorative street lamps,
27 planters, benches, trees, and decorative pavers as part of
28 a public beautification and security system. New tree
29 plantings shall consist of a diversity of durable, native
30 and ornamental species.
- 31 j. The landscaped area within subdistrict 3 along San Marcos
32 Street shall contain shade and/or ornamental trees, street
33 furniture, lighting, and a decorative sidewalk. Attachment
34 24 is provided as a conceptual streetscape plan for use as
35 a guide in reviewing site plans within Sub-district 3.
- 36 k. The facade of any structure constructed along San Marcos
37 Street shall be broken up along its length by changes in
38 plane and offsets of at least two feet each 50 feet, and
39 by varying the height and cornice. Building materials
40 shall include treated or colored precast concrete, Texas
41 limestone, granite, or other decorative or textured
42 building materials. Accents shall be provided within the
43 building facade which may include painted metals or

FROM APPLICANT Bryan Lym

MEMORANDUM OF DISCUSSION

April 25, 2019 at 10:00 a.m.

At the offices of the Guadalupe Neighborhood Development Corporation
813 E 8th St, Austin, TX 78702

BACKGROUND: The Daughters of the Republic of Texas requested a meeting with Mark Rogers, Executive Director of the Guadalupe Neighborhood Development Corporation and all members of his organization who would be interested in our development of the property at 810 ½ San Marcos Street. We wanted to provide them with an understanding of what we were building and discuss our appearance before the Board of Adjustment for a variance to the NCCD height restriction. A copy of the handout that we provided is attached to this memorandum.

Summary of the Discussion:

- The site plan was discussed. We indicated that we were scheduled for a hearing in front of the Board of Adjustment on Monday May 13, to discuss an application for a variance for the height of our building. We explained, and showed the graphic, which conveyed the request for a 10-foot increase. We showed that the variance would result in an effective height of 40 ft from the ground level of the site.
- The key concern the group seemed to have was the two existing curb cuts on San Marcos Street. They wanted the property access to be off 9th Street, a less busy street. We explained that there were several problems with this approach given the many restrictions on the property. There are restrictions about where the curb cut could be located and also problems with meeting the fire code for access.
- Mr. Talianchich addressed the design of the building. He wanted us to add gables and windows that looked like paned home windows. We told him that as a “commercial” building we were charged with a certain percentage of windows and set backs in the profile. The suggestions that he made, though more in keeping with our aim, were not consistent with the requirements we had been given. He did not seem to understand our overall goals.
- We discussed the areas of our building that were designated for community use like our meeting rooms and third floor terrace. Mr. Rogers indicated we would need a Memorandum of Understanding or other document granting them use before they consider this as an option. We also discussed the Museum and Research Center but the group had little comment.
- We offered to have our architects meet with them to explain the constraints on the site occasioned by the many zoning restrictions. We felt that this would give them an opportunity to understand our design issues with the small property.

We left the meeting with a promise to have our architects contact Mr. Rogers to set up a follow-up meeting.

Barbara Stevens

Attendees

Mark Rogers

Executive Director
Guadalupe Neighborhood Development Corporation



Tom Hatch

Hatch + Ulland, Owen Architects
1010 East 11th St.
Austin, TX 78702

Ed & Letty McGarahan

Home Builders in East Austin



Adam Talianchich,

Hatch Works



Patricia Horridge

Chair, Republic of Texas History Center Committee
Daughters of the Republic of Texas



Barbara Stevens

President General
Daughters of the Republic of Texas



Gayla Lawson

Member of the Republic of Texas History Center Committee



Attachement: Handout from meeting

*The applicant has requested variance(s) to Ordinance 010607-23, Part 3 to increase the height from 40 feet (required, permitted) to **49 feet (requested)** in order to construct a cultural center – the Republic of Texas History Museum - in an “GR - MU - CO - NCCD - NP”, Community Commercial – Mixed Use – Conditional Overlay - Neighborhood Conservation Combining District-Neighborhood Plan zoning district. (11th Street)*

BACKGROUND:

The Daughters of the Republic of Texas is a lineage organization of over 7,000 members which was formed in 1891 with the express purpose of preserving the history of the Republic of Texas. Our Mission is to educate, research, preserve, and protect the history of the Republic of Texas for future generations.

We have been headquartered in Austin for most of our history. Since the mid-1990s we have been located at 510 E. Anderson Lane, at the junction of I35 and 183. Part of our current site was taken by TXDOT in 2016 to make room for a flyover.

The DRT were custodians of the French Legation Museum from 1949 until 2017 when the Texas Historical Commission took over the site. Beginning in 1949 we assumed custodianship of the French Legation, and during the ensuing seventy years we funded the staffing, preservation, and maintenance of the Museum. At times the costs of operation were one-third of our total income as an organization. As an organization we were committed to the preservation of this gem, which is so important to Austin.

In 2007 DRT began a project to relocate our Headquarters and Republic of Texas Museum to the property adjacent to the French Legation. Fundraising began, and we were able to purchase the property in 2013. We saw building our Museum and HQ adjacent to the French Legation as an opportunity to share programs and work together. Nothing has changed with this goal since the THC taking over the management of the French Legation. DRT and THC have talked of many opportunities to work together on events.

DRT’s plans for the site include:

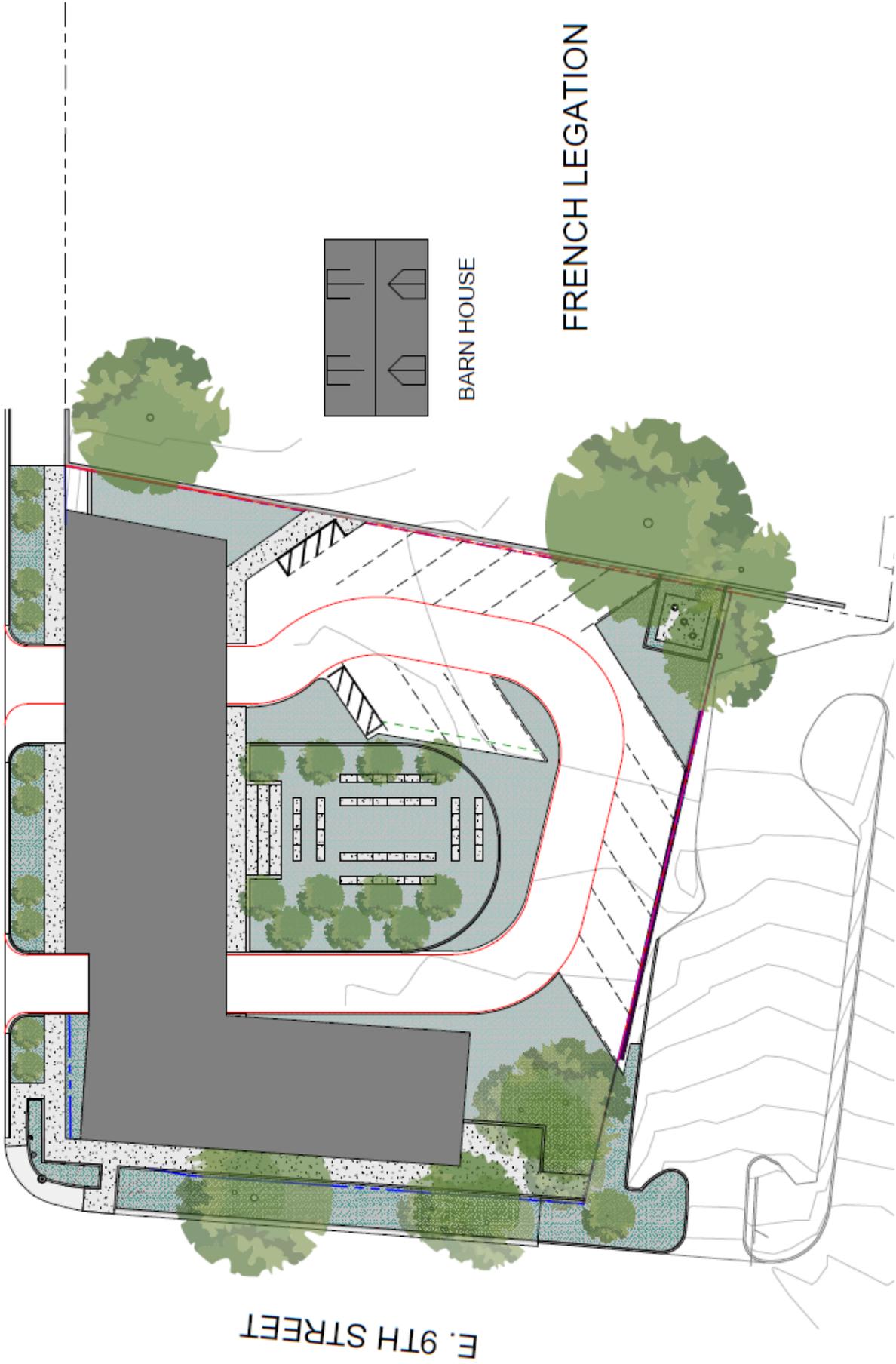
1. Offices for our three staff members and a part time staff position (3 ½)
2. Meeting rooms which can be rented by the community,
3. A terrace that will serve for events and a place for meetings to have lunch or dinner,
4. A family research center to promote genealogical research,
5. A museum of the Republic of Texas, with changing exhibits, and a focus on the Women and Children of the Republic of Texas

When established we hope to continue children’s history camps and the activities that we once held at the FLM site. We hold an annual Symposium on the Republic of Texas but have outgrown the meeting room we have been using at the State Cemetery, we hope to use our facility here for this event.

We want to be an active member of the community and contribute to the community. We have been in the community for seventy (70) years, just next door where we are planning to build. We have such faith that this relationship can continue at our new site and even grow.

We have encountered a zoning issue that has the potential to limit what we can build at the site. The zoning allows a 40’ building to be constructed on the site. However, a local community overlay on the zoning, establishes a point down the hill from our property as the point where the baseline for the height is to be measured. This establishes a point about 10 feet below the ground level of our property, therefor limiting our effective height to about 30’. This establishes restrictions on our property not imposed on other commercial properties on Robertson’s Hill. With these restrictions we will not be able to have the elevator or our third-floor terrace deck and catering kitchen.

SAN MARCOS STREET



E. 9TH STREET

FRENCH LEGATION

BARN HOUSE



San Marco St
Middle of Block



San Marcos
corner FLM/DRT property



Corner San Marcos/9th Street
DRT building site with the Tyndall Condominiums in distance



Apartments 9th/San Marcos





60 SITE PLAN OVERVIEW
1" = 80'-0"

NCCD MEAN ELEVATION

61 SAN MARCOS ST. - EAST ELEVATION
1" = 50'-0"

From: Mark Rogers

Sent: Friday, May 10, 2019 11:50 AM

To: Bryan Lym

Cc: StevensDRTPG@aol.com; Eric Miller; Adam Talianchich; Tom Hatch; Letty McGarrahan; Emily Little

Subject: Re: DRT Republic of Texas Cultural Center

Hello Bryan,

I just now found this email in my SPAM folder. Please let me know if you're still interested in meeting and if there are times next week that would work for you.

Thank you,

Mark

On Fri, Apr 26, 2019 at 2:11 PM Bryan Lym [REDACTED] > wrote:

Mark,

We would welcome the opportunity to meet with you and other concerned neighborhood stakeholders and representatives to discuss the zoning and architectural planning for our site. The design is still in a conceptual stage as we determine how to address the NCCD constraints effectively and in a manner that respects the French Legation and residential neighbors to the East of San Marcos Street.

Can we set up a meeting soon to discuss neighborhood concerns, relevant LDC and NCCD requirements that affect our site, and look to incorporate some neighborhood feedback as we develop the exterior design?

I am available to meet most of the middle of the week next week, or later at your convenience. Let me know if you are interested in setting up a small planning workshop and what timing would be convenient. I am working primarily on the DRT project so I can open my schedule to meet next Tuesday, Wednesday, or Thursday during business hours or also early evening if need be other than Wednesday.

Thanks,

Bryan Lym

Lym Miller Architecture

5127970252

--

Mark C. Rogers, Executive Director
Guadalupe Neighborhood Development Corporation
813 East 8th Street, Austin Texas 78702
512-479-6275 ext. 6
[REDACTED]

From: p [REDACTED]
Sent: Thursday, May 16, 2019 4:34 PM
To: Barbara Stevens
Subject: FW: DRT - Daughters of the Republic of Texas

FYI.

Patricia Horridge
7207 Waterline Rd.
Austin, Texas 78731
[REDACTED]

From: Mark Rogers [REDACTED]
Sent: Wednesday, May 1, 2019 3:30 PM
To: [REDACTED]
[REDACTED]
[REDACTED]
Subject: Re: DRT - Daughters of the Republic of Texas

Hi Patricia,
Thank you for meeting with us last week. There's seems to be opportunity to get the entrance and exit for parking off of East 9th Street-- either through a variance or by talking sense into whichever City reviewers said you have to use existing curb cuts, or through a variance. As Letty noted, that creates so much more opportunity for the building because you will not have to punch two openings through the ground floor. I have no doubt that the idea of any redesign at this stage cause a great deal of consternation. But the reality is that you're at the perfect stage to make these sorts of changes that will result in a better outcome for the Daughters and the neighborhood. I even think you will be able to save on the cost of construction as a result. As Adam pointed out, redesigning the roof can eliminate the need for the height variance and provide a much more enjoyable inner space.
Please try to view our neighborhood residents as a resource, despite our unwillingness to support the variance as things are now.
I'm hoping we will hear more from you soon.
Thanks again!
Mark

Mark C. Rogers, Executive Director
Guadalupe Neighborhood Development Corporation
813 East 8th Street, Austin Texas 78702
512-479-6275 ext. 6
[REDACTED]

On Wed, May 1, 2019 at 3:00 PM Letty McGarrahan [REDACTED] wrote:
Patricia,

It was a pleasure meeting with all of you.

Ed and I stopped by your site on our walk home.

There seems to be an opening off 9th street (west of gas line marker), where we think your double wide drive could go up into site at an angle.

This would allow you to have all parking towards the back.

Then building facing San Marco's would not be split up by 2 driveways.

Hopefully Board of Adjustments will allow a new curb cut and not require you to use the existing ones off San Marcos.

Best of luck,

Letty

[Sent from Yahoo Mail on Android](#)

On Wed, May 1, 2019 at 1:46 PM, [REDACTED]

[REDACTED] wrote:

Mark,

Many thanks for visiting with Barbara Stevens, DRT President General, Gayla Lawson, and me on April 25, 2019, regarding the *Republic of Texas History Center* (RTHC) to be built at 810 San Marcos Street. As Daughters representing more than 7,000 members throughout the State of Texas, we are delighted to think of our move to East Austin in the near future. Meeting neighbors is important to us. Almost every time I visit the property a neighbor will stop to chat wanting to know about the Daughters and what the RTHC will offer the neighborhood. My response is that the RTHC will offer the ways and means to study and preserve the rich history of the State of Texas.

Hello to those (Tom Hatch, Ed and Letty McGarrahan, and Adam Taliachich) who joined the April 25 meeting. Ed and Letty, I have driven by the house on San Bernard St. several times ... was delighted to know the history of its origin. The Daughters are very attached to East Austin. I know my ancestor, a Methodist missionary, visited Austin in the 1830s.

Again, thank you for visiting with us last week.

Patricia

Dr. Patricia Horridge, Chair

DRT—RTHC Committee

7207 Waterline Rd.

Austin, Texas 78731

[REDACTED]

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

Date: May 13, 2019

Case number C15-2019-0027

- Y _____ Ada Corral
- Y _____ William Burkhardt
- Y _____ Darryl Pruett
- Y _____ Eric Goff
- Y _____ Melissa Hawthorne
- Y _____ Yasmine Smith
- Y _____ Don Leighton-Burwell
- Y _____ Rahm McDaniel
- Y _____ Veronica Rivera
- Y _____ Jessica Cohen
- Y _____ Michael Von Ohlen
- _____ Kelly Blume (Alternate)
- _____ Martha Gonzalez (Alternate)
- _____ Vacant (Alternate)

APPLICANT: Bryan Lynn

OWNER: Barbara Stevens, Daughters of the Republic of Texas

ADDRESS: 810 ½ San Marcos Street

VARIANCE REQUESTED: The applicant has requested variance(s) to Ordinance 010607-23, Part 3 to increase the height from 40 feet (required, permitted) to 50 feet (requested) in order to construct a cultural center – the Republic of Texas History Museum - in an “GR - MU - CO - NCCD - NP”, Community Commercial – Mixed Use – Conditional Overlay - Neighborhood Conservation Combining District-Neighborhood Plan zoning district. (11th Street)

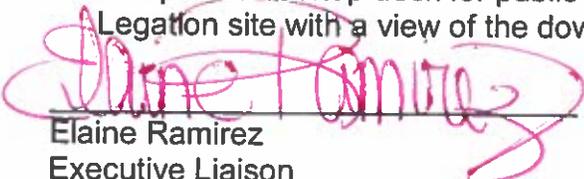
BOARD’S DECISION: May 13, 2019 The public hearing was closed by Chair William Burkhardt, Board Member Rahm McDaniel motion to Grant, Board Member Michael Von Ohlen second on an 11-0 vote; GRANTED.

EXPIRATION DATE: May 13, 2020

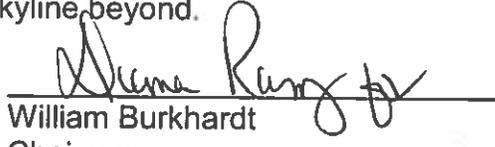
FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the lowered height restrictions in the NCCD sections noted above do not allow for reasonable development of this site when combined compliance with Subchapter E Design Requirements, lowers the base elevation below 12 feet of the site elevation and this lowered allowable height does not allow reasonable use.

2. (a) The hardship for which the variance is requested is unique to the property in that: this small lot adjacent to the French Legation has limited street frontage and TCM requirements heavily restrict driveway access, requiring the French Legation Museum site adjacent to two sides to trigger SF-3 compatibility requirements further restricts pedestrian and vehicular access.
(b) The hardship is not general to the area in which the property is located because: all other sites around the French Legation are afforded taller height restrictions and area at a lower elevation that this site and this site is the highest point in the immediate area.
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: the proposed building will be a three story cultural center that steps back from and respects the French Legation site, with the majority of the third story planned to be an open-air rooftop deck for public events that looks over the historic French Legation site with a view of the downtown skyline beyond.



Elaine Ramirez
Executive Liaison



William Burkhardt
Chairman

BOA CASE REVIEW SHEET

CASE: C15-2019-0027

BOA DATE: May 13, 2019

ADDRESS: 810 ½ San Marcos Street

COUNCIL DISTRICT: 1

OWNER: Barbara Stevens

AGENT: Bryan Lym

ZONING: GR-MU-CO-NCCD-NP (Central East Austin)

AREA: NE 145 x 158 feet of Outlot 1, Division B

VARIANCE REQUEST: Height

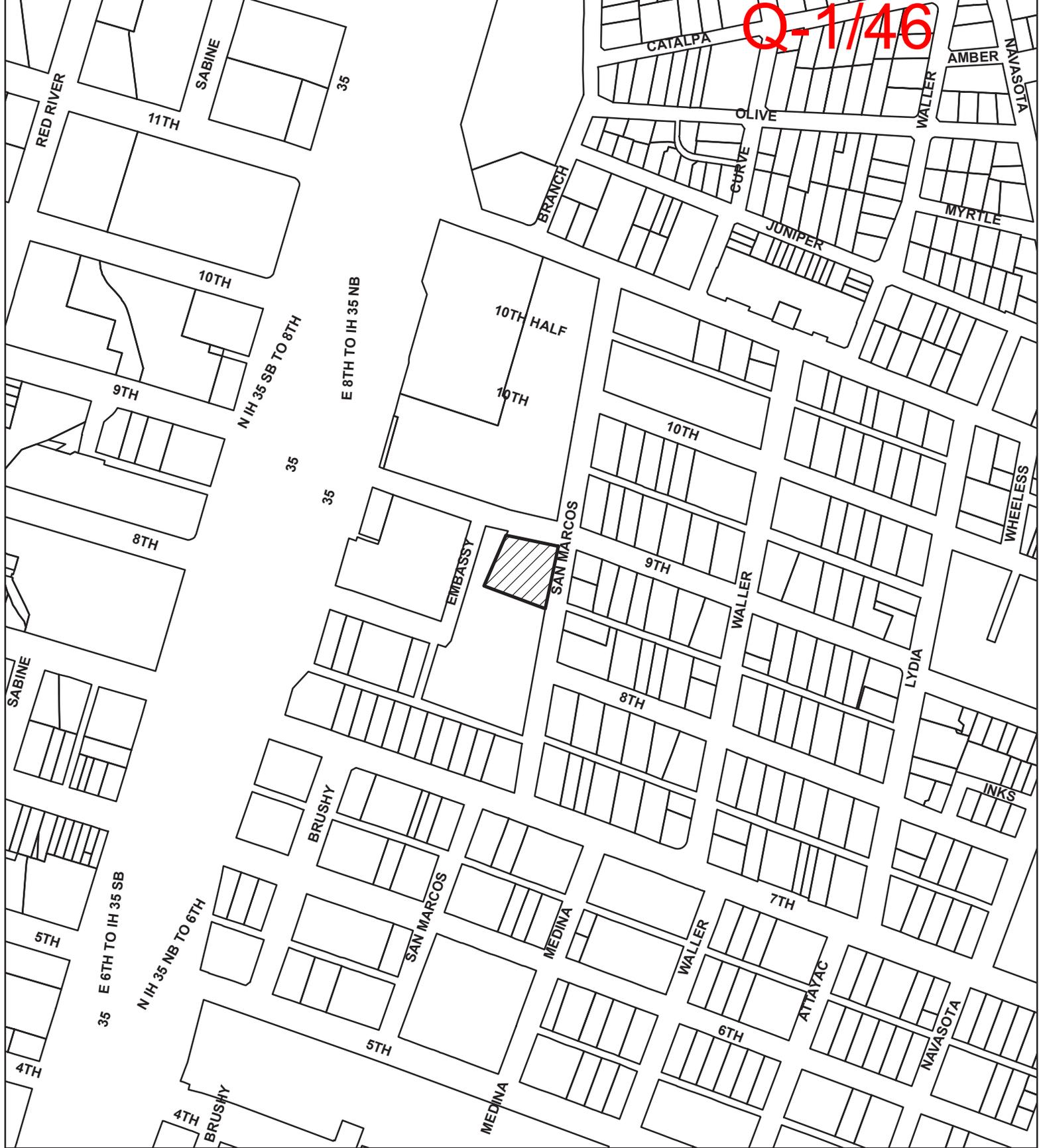
SUMMARY: Erect a Cultural Center – Republic of Texas History Museum

ISSUES: Base elevation

	ZONING	LAND USES
<i>Site</i>	GR-MU-CO-NCCD-NP (Central East Austin)	Vacant
<i>North</i>	CS-MU-NCCD-NP (Central East Austin)	Multifamily Residential
<i>South</i>	SF-3-H-NP (Central East Austin)	French Legation
<i>East</i>	SF-3-H-NP (Central East Austin)	Single Family
<i>West</i>	SF-3-NP (Central East Austin)	French Legation

NEIGHBORHOOD ORGANIZATIONS: ANT Artists and Neighbors Together; Austin Independent School District; Austin Neighborhoods Council; Bike Austin; Black Improvement Association; Claim Your Destiny; Del Valle Community Coalition; East Austin Conservancy; El Concilio Mexican-American Neighborhoods; Friends of Austin Neighborhoods; Guadalupe Neighborhood Association for an Improved Neighborhood; Guadalupe Neighborhood Development Corporation; Homeless Neighborhood Association; Neighborhood Empowerment Foundation; Neighbors United for Progress; Organization of Central East Austin Neighborhoods; Preservation Austin; SEL Texas; Sierra Club, Austin Regional Group; United East Austin Coalition; Waller Creek Conservancy

Q-1/46



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2019-0027
 LOCATION: 810 SAN MARCOS 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.

1" = 333'



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 # _____	ROW # _____	Tax # _____
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Section 1: Applicant Statement

Street Address: 810 1/2 SAN MARCOS STREET AUSTIN, TX

Subdivision Legal Description:
NE 145X158 FT OLT 1 DIVISION B

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: GR-MU-CO-NCCD-NP

I/We LYM MILLER ARCHITECTURE on behalf of myself/ourselves as authorized agent for THE DAUGHTERS OF TEH REPUBLIC OF TEXAS affirm that on Month May, Day 13, Year 2019, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

- Erect
 Attach
 Complete
 Remodel
 Maintain
 Other: _____

Type of Structure: CULTURAL CENTER - REPUBLIC OF TEXAS HISTORY MUSEUM

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

1991 11TH STREET NCCD ORDINANCE 910620-C, WITH RESPECT TO: (1) SECTION VIII.8.B EFFETIVRLY LOWERING THE BASE ELEVATION ALONG SAN MARCOS STREET, AND (2) SECTION VIII.10.B EXCEPTING THE FRENCH LEGATION PROPERTY FROM ALL OTHER AREA PUBLIC AND CIVIC USES NOT TRIGGERING COMPATIBILITY STANDARDS

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:

The lowered height restrictions in the NCCD sections noted above do not allow for reasonable development of this site when combined compliance with Subchapter E Design Requirements. This small 0.6 acre corner site has limited street frontage, and vehicle site access will be further restricted if SF-3 compatibility reuirements are deemed to be triggered by the adjacent French Legation. The NCCD lowers the base elevation for measuring the allowable 40 ft height restriction over 12 feet below our site elevation and this lowerd allowable height does not allow reasonable use.

Hardship

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

This small 0.6 acre corner site adjacent to the French Legation has limited street frontage and TCM requirements heavily restrict driveway access. Requiring the French Legation Museum site adjacent to two sides to trigger SF-3 compatibility requirements further restricts pedestrian and vehicular access. Height restrictions, when measured from a base elevation well below our site, will not allow for a reasonably sized multi-story cultural center and museum.

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

The recently developent Tyndall Multi-family building was granted a variance to the French Legation compatibility requirements and was allowed to be at least 70 feet tall. Our site is the only other GR-MU-CO-NCCD-NP adjacent to the French Legation. All other sites are afforded taller height restrictions and are at a lower elevation than this site.

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:

The proposed building will be a three-story cultural center that steps back from and respects the French Legation site, with the majority of the third story planned to be an open-air rooftop deck for public events that looks over the historic French Legation site with a view of the downtown skyline beyond.

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:

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:

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

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

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: Bryan L Lym Digitally signed by Bryan L Lym Date: 2019.04.09 16:27:43 -05'00' Date: 04/09/2019

Applicant Name (typed or printed): Bryan L Lym, AIA

Applicant Mailing Address: 610 Brazos Street, Suite 400

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 476-7001

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: Barbara Stevens Digitally signed by Barbara Stevens Date: 2019.04.09 16:21:53 -05'00' Date: 04/09/2018

Owner Name (typed or printed): Daughters of the Republic of Texas

Owner Mailing Address: 510 E Anderson Ln

City: Austin State: TX Zip: 78752

Phone (will be public information): (512) 339-1997

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

Section 5: Agent Information

Agent Name: Lym Miller Architecture, PLLC

Agent Mailing Address: 610 Brazos Street, Suite 400

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 476-7001

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

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).

