

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

DATE: Monday July 8, 2019

CASE NUMBER: C15-2019-0019

☐ Y William Burkhardt
☐ Y Jessica Cohen
☐ Y Ada Corral
☐ Y Melissa Hawthorne
☐ Y William Hodge
☐ Y Don Leighton-Burwell
☐ - Rahm McDaniel
☐ Y Darryl Pruett
☐ - Veronica Rivera
☐ Y Yasmine Smith
☐ Y Michael Von Ohlen
☐ Y Kelly Blume (Alternate)
☐ - Martha Gonzalez (Alternate)
☐ Y Denisse Hudock (Alternate)

APPLICANT: Jim Witliff

OWNER: Alvin Momin

ADDRESS: 12401 TECH RIDGE BLVD

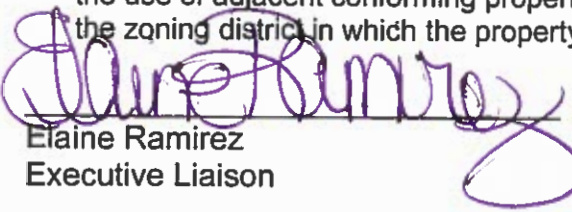
VARIANCE REQUESTED: The applicant has requested a variance(s) to Section 25-2-814 (Service Station Use) (3) to increase the queue lanes from 8 (required, permitted) to 12 (requested) in order to add a retail gas service station in an "GR" Community Commercial zoning district.

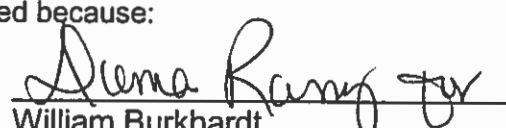
BOARD'S DECISION: April 8, 2019 Board Member Melissa Hawthorne motion to postpone to May 13, 2019, Board Member Michael Von Ohlen second on an 11-0 vote; POSTPONED TO MAY 13, 2019.

May 13, 2019 Board Member Melissa Hawthorne motion to postpone to July 8, 2019, Board Member Michael Von Ohlen second on an 11-0 vote; POSTPONED TO JULY 8, 2019. July 8, 2019 POSTPONED TO AUGUST 12, 2019 BY APPLICANT DUE TO SHORTAGE OF A BOARD MEMBER

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:


 Elaine Ramirez
 Executive Liaison


 William Burkhardt
 Chairman

§ 25-6-471 - OFF-STREET PARKING FACILITY REQUIRED.

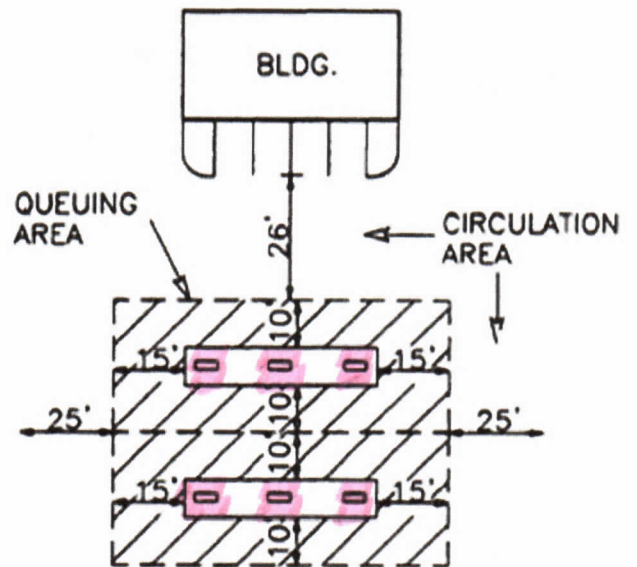
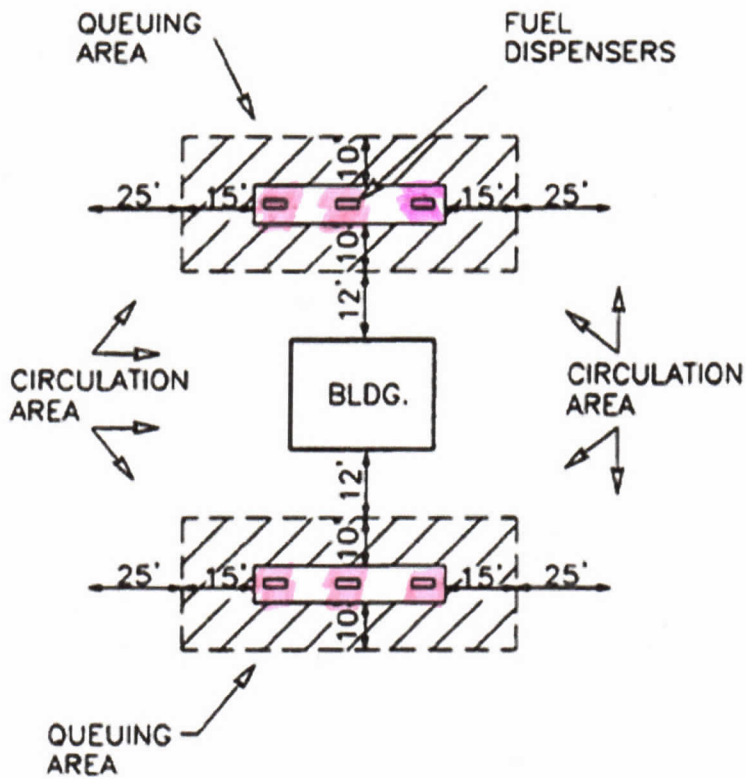
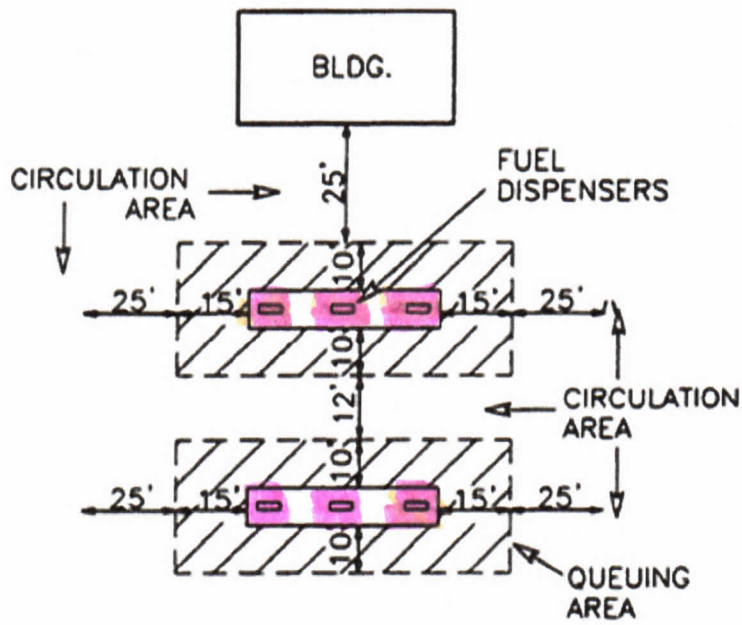
(H) A parking facility, circulation area, or *queue* line constructed or substantially reconstructed after January 1, 1985 must comply with the design standards prescribed in Division 4 (Design And Construction Standards For Parking And Loading Facilities), the Transportation Criteria Manual, and the landscape standards prescribed in [Chapter 25-2](#), Subchapter C, Article 9 (Landscaping).

Division 4. - Design and Construction Standards for Parking and Loading Facilities.

§ 25-6-561 - APPLICABLE REGULATIONS; GENERAL MAINTENANCE.

(A) A parking or loading facility, circulation area, or *queue* line must comply with the design and construction standards in this section and in the Transportation Criteria Manual.

Figure 9-8 Service Station Queuing



CITY OF AUSTIN Board of Adjustment Decision Sheet

DATE: Monday May 13, 2019

CASE NUMBER: C15-2019-0019

<input checked="" type="checkbox"/>	Ada Corral
<input checked="" type="checkbox"/>	William Burkhardt
<input checked="" type="checkbox"/>	Darryl Pruett
<input checked="" type="checkbox"/>	Eric Goff
<input checked="" type="checkbox"/>	Melissa Hawthorne
<input checked="" type="checkbox"/>	Yasmine Smith
<input checked="" type="checkbox"/>	Don Leighton-Burwell
<input checked="" type="checkbox"/>	Rahm McDaniel
<input type="checkbox"/>	Martha Gonzalez (Alternate)
<input checked="" type="checkbox"/>	Veronica Rivera
<input checked="" type="checkbox"/>	Jessica Cohen
<input checked="" type="checkbox"/>	Michael Von Ohlen
<input type="checkbox"/>	Kelly Blume (Alternate)
<input type="checkbox"/>	Alternate (Vacant)

APPLICANT: Jim Witliff

OWNER: Alvin Momin

ADDRESS: 12401 TECH RIDGE BLVD

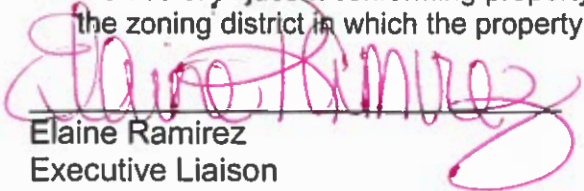
VARIANCE REQUESTED: The applicant has requested a variance(s) to Section 25-2-814 (Service Station Use) (3) to increase the queue lanes from 8 (required, permitted) to 12 (requested) in order to add a retail gas service station in an "GR" Community Commercial zoning district.

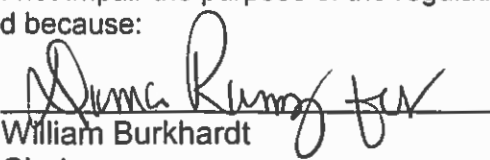
BOARD'S DECISION: April 8, 2019 Board Member Melissa Hawthorne motion to postpone to May 13, 2019, Board Member Michael Von Ohlen second on an 11-0 vote; **POSTPONED TO MAY 13, 2019.**

May 13, 2019 Board Member Melissa Hawthorne motion to postpone to July 8, 2019, Board Member Michael Von Ohlen second on an 11-0 vote; POSTPONED TO JULY 8, 2019.

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:


Elaine Ramirez
Executive Liaison


William Burkhardt
Chairman

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

DATE: Monday April 08, 2019

CASE NUMBER: C15-2019-0019

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

APPLICANT: Jim Witliff

OWNER: Alvin Momin

ADDRESS: 12401 TECH RIDGE BLVD

VARIANCE REQUESTED: The applicant has requested a variance(s) to Section 25-2-814 (Service Station Use) (3) to increase the queue lanes from 8 (required, permitted) to 12 (requested) in order to add a retail gas service station in an "GR" Community Commercial zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to postpone to May 13, 2019, Board Member Michael Von Ohlen second on an 11-0 vote; POSTPONED TO MAY 13, 2019.

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



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

P-1/7

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 # _____

Section 1: Applicant Statement

Street Address: 12401 Tech Ridge Blvd

Subdivision Legal Description:

Lot 4, Block A, Tech Ridge Center Phase VI

Lot(s): 4 Block(s): A

Outlot: _____ Division: _____

Zoning District: GR

I/We Jim Wittliff/Land Answers, Inc. on behalf of myself/ourselves as
authorized agent for Factor Real Estate, LLC affirm that on

Month February, Day 14, 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: A total of 12 queue lanes for a service station.

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

25-2-814, which limits vehicle queue lanes to a maximum of eight.

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 queue lane example listed in Appendix H of the Transportation Criteria Manual (attached) shows an outdated fuel dispensing alignment with up to 16 pumps and up to 8 queue lanes. Modern service station design uses the "dive" concept for maximum safety and accessibility. We are proposing 6 fuel pump islands, with one fuel dispenser on each side, which will require 12 queue lanes.

Hardship

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

Due to the 50 foot driveway throat length requirement from Tech Ridge Blvd, we are unable to utilize a significant portion of the street frontage of this site for required circulation around the fuel dispensers. Additionally, The City's outdated fuel dispensing alignment has proven to be less safe for customers and creates poorer air quality, due to excessive idling for queueing vehicles. Also, our proposed alignment will minimize the possibility.... (cont'd on pg. 7)

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

This fuel pump alignment design is now used on most new service stations. Furthermore, there are only a few service stations within any geographic area. Our proposed design will have only 12 fuel dispensers. City Code allows up to 16 fuel dispensers on a site, provided the old fuel pump alignment design is utilized.

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:

This variance will result in only twelve fuel dispensers on the site, which is only 75% of the fuel dispensers currently allowed by Code. The drive alignment has proven to be safer and more efficient, resulting in less necessary manouvering, and less idling time by vehicles in queue lanes.

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:

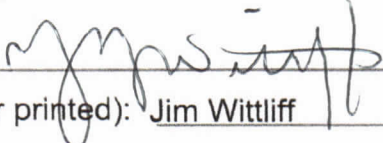
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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:

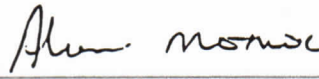
Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature:  Date: 02/14/2019
 Applicant Name (typed or printed): Jim Wittliff
 Applicant Mailing Address: 3606 Winfield cove
 City: Austin State: Texas Zip: 78794
 Phone (will be public information): (512) 416-6611
 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:  Date: 02/14/2019
 Owner Name (typed or printed): Factor Real Estate, LLC
 Owner Mailing Address: 1610 Ohlen Road
 City: Austin State: Texas Zip: 78758
 Phone (will be public information): _____
 Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Jim Wittliff/Land Answers, Inc.
 Agent Mailing Address: 3606 Winfield Cove
 City: Austin State: Texas Zip: 78704
 Phone (will be public information): _____
 Email (optional – will be public information): _____

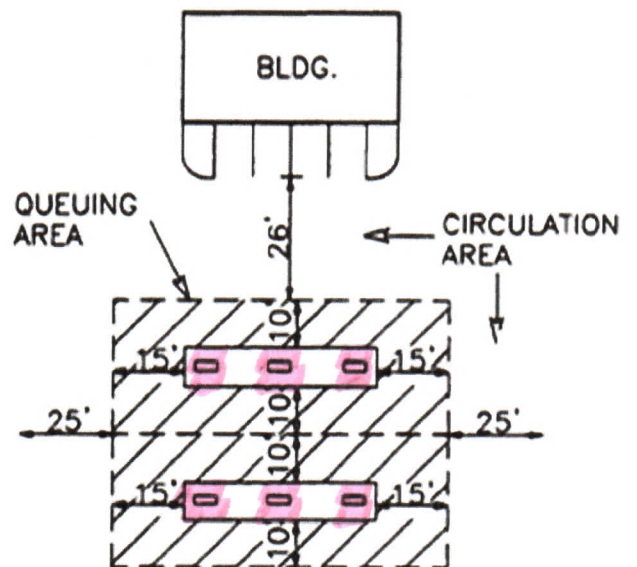
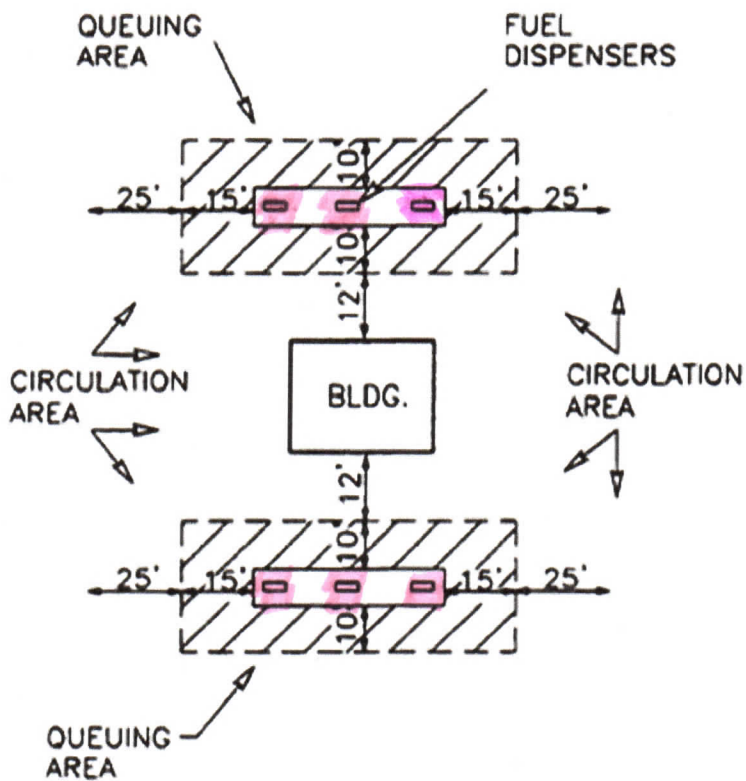
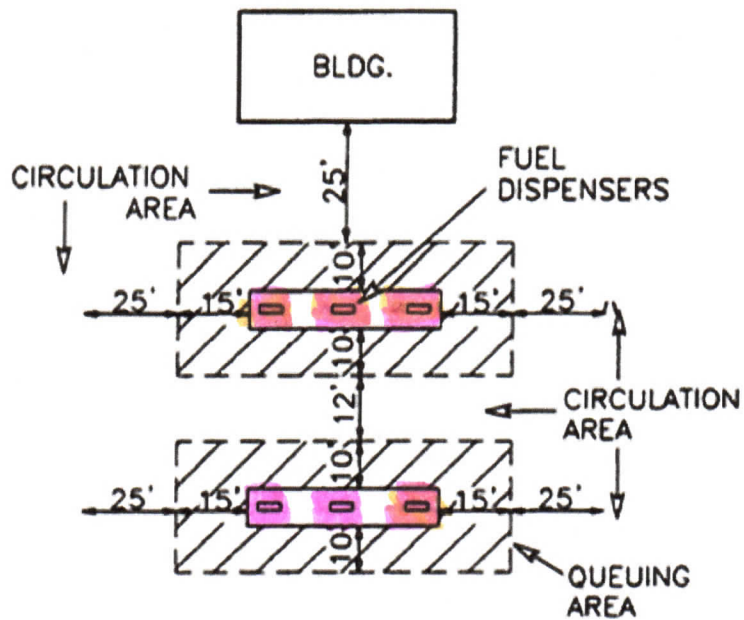
Section 6: Additional Space (if applicable)

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).

a) that waiting vehicles will queue out into the ROW. Our engineer attempted to reconfigure the property using the City's outdated in-line fuel dispensing configuration, and the property's dimensions do not provide adequate room for this alignment.



Figure 9-8 Service Station Queuing



SOURCE:

CITY OF AUSTIN DEPARTMENT OF PLANNING AND DEVELOPMENT



April 1, 2019

Jim Witliff
12401 Tech Ridge Blvd
Austin TX, 78753

Property Description:

Re: C15-2019-0019

Dear Jim,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from – to Section 25-2-814 (Service Station Use) (3) to increase the queue lanes from 8 (required, permitted) to 12 (requested), In order to add a retail gas service station in a “GR” Community Commercial zoning district.

Austin Energy does not oppose request provided any 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.

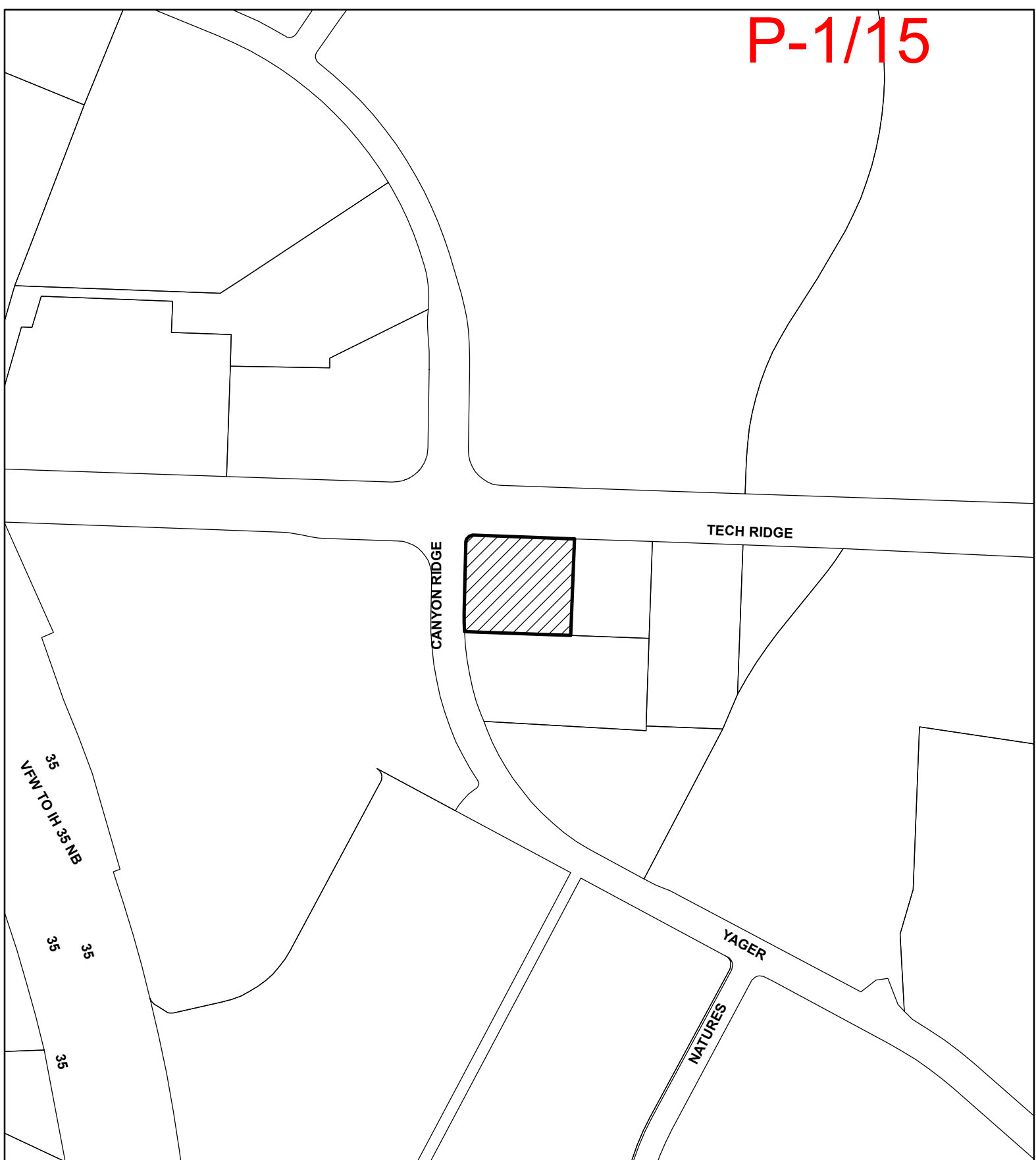
If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Eben Kellogg, Property Agent
Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050

BOA CASE REVIEW SHEET**CASE:** C15-2019-0019**BOA DATE:** April 8, 2019**ADDRESS:** 12401 Tech Ridge Blvd.**COUNCIL DISTRICT:** 7**OWNER:** Factor Real Estate, LLC**AGENT:** Bill Wittliff**ZONING:** GR**AREA:** Lot 4, Block A, Tech Ridge Center, Phase VI**APPEAL REQUEST:** 12 queue lanes, 8 permitted**SUMMARY:** new service station**ISSUES:** improved design

	ZONING	LAND USES
<i>Site</i>	GR	Vacant
<i>North</i>	LI-PDA	Vacant
<i>South</i>	GR	Vacant
<i>East</i>	GR	Vacant
<i>West</i>	GR	Vacant

NEIGHBORHOOD ORGANIZATIONS: Austin Neighborhoods Council; Bike Austin; Friends of Austin Neighborhoods; Homeless Neighborhood Association; Neighborhood Empowerment Foundation; North Growth Corridor Alliance; Pflugerville Independent School District; SEL Texas; Sierra Club, Austin Regional Group; TechRidge Neighbors; Yager Planning Area



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2019-0019

LOCATION: 12401 Tech Ridge Boulevard



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" = 327'



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

P-1/16
COPY

4/8 AGENDA

Board of Adjustment General/Parking Variance Application

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

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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 # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 12401 Tech Ridge Blvd

Subdivision Legal Description:

Lot 4, Block A, Tech Ridge Center Phase VI

Lot(s): 4

Block(s): A

Outlot: _____

Division: _____

Zoning District: GR

I/We Jim Wittliff/Land Answers, Inc. on behalf of myself/ourselves as
authorized agent for Factor Real Estate, LLC affirm that on

Month February, Day 14, 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: A total of 12 queue lanes for a service station.

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

25-2-814, which limits vehicle queue lanes to a maximum of eight.

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 queue lane example listed in Appendix H of the Transpitarion Criteria Manual (attached) shows an outdated fuel dispensing alignment with 16 pumps and 8 queue lanes. Modern service station design uses the "dive" concept for maximum safety and accessibility. We are proposing 6 fuel pump islands, with one fuel dispenser on each side, which will require 12 queue lanes.

Hardship

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

The size and configuration of the lot does not allow adequate room to design the proposed service station with the City's outdated in-line fuel dispenser configuration.

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

This fuel pump alignment design is now used on most new service stations. Furthermore, there are only a few service stations within any geographic area. Our proposed design will have only 6 fuel dispensers. City Code allows up to 16 fuel dispensers on a site, provided the old fuel pump alignment design is utilized.

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:

This variance will result in only six fuel dispensers on the site, which is only 37.5% of the fuel dispensers currently allowed by Code. The drive alignment has proven to be safer and more efficient, resulting in less idling time by vehicles in queue lanes.

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.

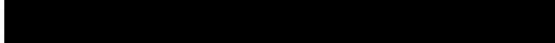
Applicant Signature:  Date: 02/14/2019

Applicant Name (typed or printed): Jim Wittliff

Applicant Mailing Address: 3606 Winfield cove

City: Austin State: Texas Zip: 78794

Phone (will be public information): (512) 416-6611

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:  Date: 02/14/2019

Owner Name (typed or printed): Factor Real Estate, LLC

Owner Mailing Address: 1610 OHLEN ROAD

City: Austin State: Texas Zip: 78758

Phone (will be public information):

Email (optional – will be public information):

Section 5: Agent Information

Agent Name: Jim Wittliff/Land Answers, Inc.

Agent Mailing Address: 3606 Winfield Cove

City: Austin State: Texas Zip: 78704

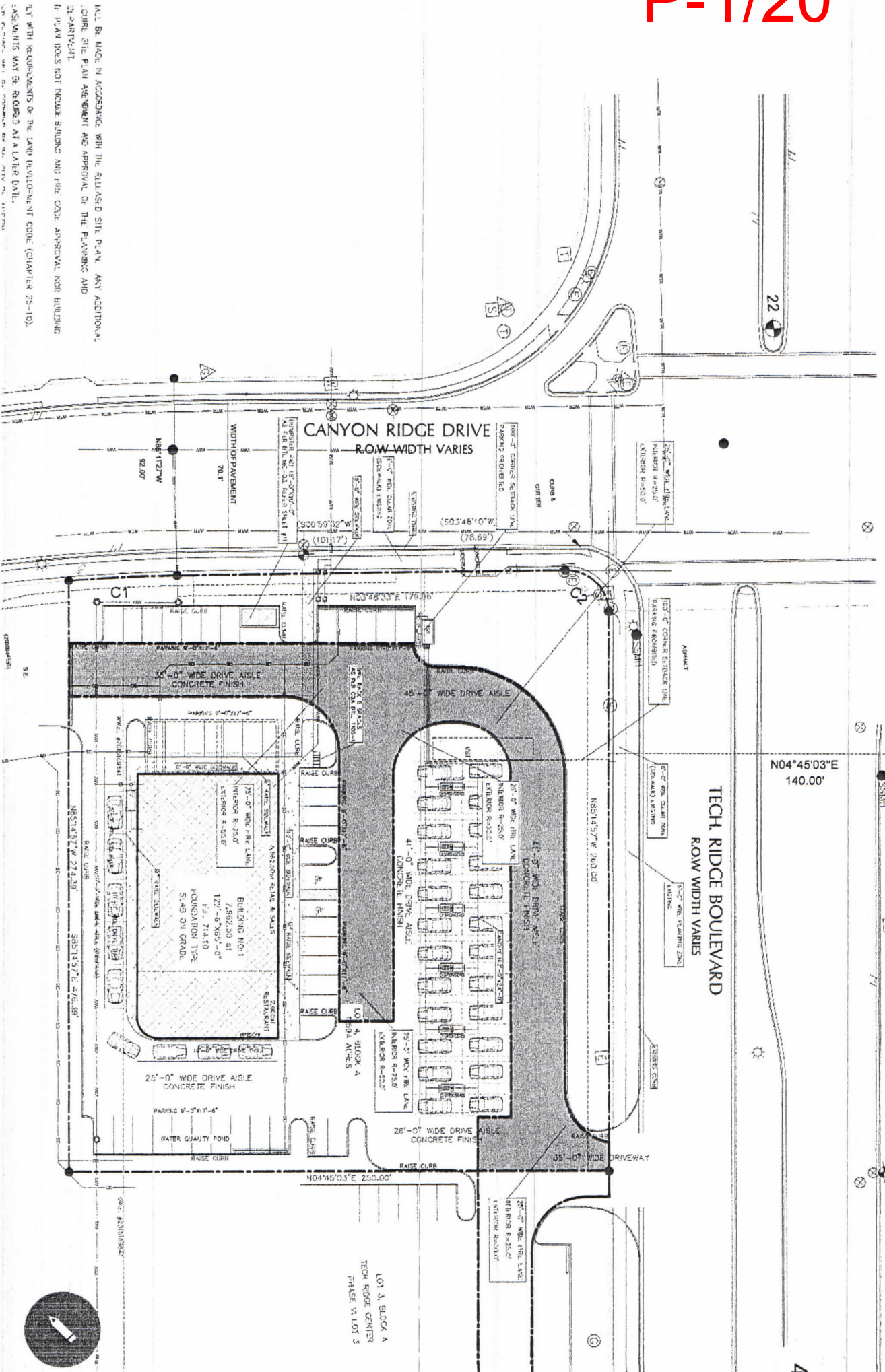
Phone (will be public information):

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).

ALL BE PROVIDED AT THE OWNER'S EXPENSE INDICATING THE PROPERTY OR USE, WHICH IT SERVES, AND ONE SIGN SHALL BE PROVIDED ON THE SITE OF THE USE SERVED.
CABLE CITY REGULATIONS ONLY COMPARE WITH ACCESSIBILITY STANDARDS SUCH AS THE 2010 STANDARDS FOR ACCESSIBLE DESIGN OR THE 2012 IBC AS NOTED WITH ALL APPLICABLE ACCESSIBILITY STANDARDS.



SCALE 1" = 60'

ALL BE MADE IN ACCORDANCE WITH THE RELEASED SITE PLAN. ANY ADDITIONAL
CHANGES TO THE PLAN REQUIREMENT AND APPROVAL OF THE PLANNING AND
DEPARTMENT.
IF PLAN DOES NOT INCLUDE BUILDING AND FIRE CODE APPROVAL, NOT BUILDING
ANY WITH REQUIREMENTS OF THE LAND DEVELOPMENT CODE (CHAPTER 25-10).
AS SHOWN MAY BE REQUIRED AT A LATER DATE.

