

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

DATE: Wednesday February 5, 2020

CASE NUMBER: C15-2020-0009

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

APPLICANT: Melissa Brown

OWNER: Bryan Cumby

ADDRESS: 3219 MANOR RD

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the maximum allowable Compatibility Height requirements of Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (C) (2) and (3) (Height Limitations and Setbacks for Large Sites) in order to construct a 60 foot Multi-Family use in a “CS-V-CO-NP”, General Commercial Services – Vertical Mixed Use – Conditional Overlay –Neighborhood Plan zoning district. (MLK Neighborhood Plan)

a. The Land Development Code Section 25-2-1063 (C) (2) allows a height limit of three stories or 40 feet, if the structure is more than 50 feet and not more than 100 feet from property (a) in an "SF-5" or more restrictive zoning district, or (b) on which a use permitted in an "SF-5" or more restrictive zoning district is located.

b. The Land Development Code Section 25-2-1063 (C) (3) allows a height limit for a structure more than 100 feet but not more than 300 feet from property zoned "SF-5" or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned "SF-5" or more restrictive.

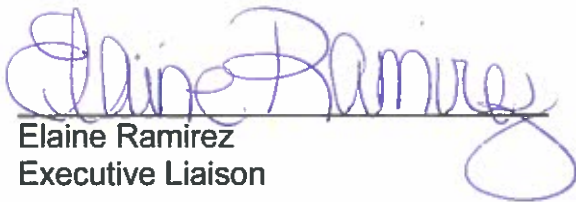
Note: This variance will allow for a uniform height of 60 ft. for the entire project. 60 ft. is currently allowed in portions of the project and graduating down to 40 ft. in other portions of the project.

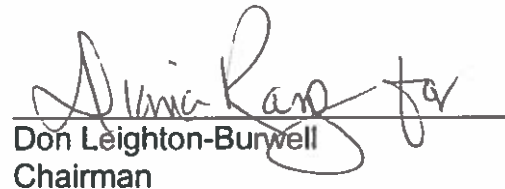
BOARD'S DECISION: BOA MEETING FEB 5, 2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to March 9, 2020, Board Member Jessica Cohen seconds on a 9-0 vote; **POSTPONED TO MARCH 9, 2020.**

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


Don Leighton-Burwell
Chairman



January 27, 2020

Emily Jones
3219 Manor Rd
Austin TX, 78723

Property Description: 1.658AC OLT 50 DIVISION B

Re: C15-2020-0009

Dear Emily,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the maximum allowable Compatibility Height requirements of Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (C) (2) and (3) (*Height Limitations and Setbacks for Large Sites*)

In order to construct a 60 foot Multi-Family use in a "CS-V-CO-NP", General Commercial Services – Vertical Mixed Use – Conditional Overlay –Neighborhood Plan zoning district. (MLK Neighborhood Plan)

Austin Energy does not oppose requested height and setback variances, with the understanding that relocation of the existing electric facilities will be placed underground and has been carried out at the time of construction. Any proposed and existing improvements will follow 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 continue to work with Austin Energy design lead, Ray Martinez (Ray.Martinez@austinenergy.com)

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

<https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>

(see - Page 92 - 1.10.0 Clearance and Safety Requirements.

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 GENERAL REVIEW COVERSHEET

CASE: C15-2020-0009

BOA DATE: February 5, 2020

ADDRESS: 3219 Manor Rd

COUNCIL DISTRICT: 1

OWNER: Bryan Cumby

AGENT: Melissa Brown

ZONING: CS-V-CO-NP (MLK)

LEGAL DESCRIPTION: 1.658AC OLT 50 DIVISION B

VARIANCE REQUEST: Height increase from 40 ft. to 60 ft. and requesting full uniformed 60 ft. all the way around to relieve compatibility setback requirements

SUMMARY: erect Multi-Family

ISSUES: zoning ordinance 021107-Z-12C limits development

	ZONING	LAND USES
<i>Site</i>	CS-V-CO-NP	Multi-Family
<i>North</i>	CS-MU-V-NP	Commercial; Multi-Family
<i>South</i>	CS-MU-CO-NP	Commercial; Multi-Family
<i>East</i>	CS-V-CO-NP	Commercial
<i>West</i>	GR-V-NP	Commercial

NEIGHBORHOOD ORGANIZATIONS:

Anberly Airport Association (Attn:Redev Srvcs)
 Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 Del Valle Community Coalition
 East Austin Conservancy
 East MLK Combined Neighborhood Plan Contact Team
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 J.J. Seabrook Neighborhood Assn.
 Neighborhood Empowerment Foundation
 Neighbors United for Progress
 Preservation Austin
 SELTexas
 Sierra Club, Austin Regional Group

P-9/5



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2020-0009

LOCATION: 3219 MANOR ROAD

1" = 333'

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.





CITY OF AUSTIN

Development Services Department

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

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: 3219 Manor Road

Subdivision Legal Description:

1.658 acres out of Outlet 50, Division B, of the Original City of Austin Travis County as recorded in the General Land Office of the State of Texas

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

Outlot: 50 Division: B

Zoning District: CS-V-CO-NP

I/We Melissa Brown, Mid-City Development on behalf of myself/ourselves as authorized agent for 3219 Manor MU. Ltd affirm that on Month January, Day 3, Year 2020, 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: Multi-Family - for lease apartments

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

25-2-1063(C)(2) and (C)(3) Height required under code to graduated up from 40 feet depending on distance from triggering property. The variance request is for a uniform 60 feet for the entire project.

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:

Austin Strategic Mobility Plan (ASMP), adopted in April 2019, requires an additional 10ft transportation easement off Manor Rd, combined with the trees located in the middle of the property, the zoning ordinance for this property (Ord. 021107-Z-12c) prohibiting vehicular access to Tillery St. requiring a 15 foot- wide vegetative buffer on the property line adjacent to Tillery street limits development/constrains the buildable area; pushing the structure towards the triggering properties. Uniform height at the zoning district's standard height of 60ft along this corridor is not possible under compatibility standards causing a significant reduction in homes.

Hardship

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

This is the only property along Tillery St. prohibited from taking access to/from Tillery St. forcing the only access on Manor. The complications resulting from the ASMP new requirement, location of overhead lines, the vegetative buffer, the access prohibition, and the cluster of Heritage trees make this property unique. Section 25-8-646 (A) requires a variance be sought to eliminate the need to remove heritage trees.

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

The ASMP new right of way, along with the vegetative buffer required by the zoning ordinance creates setbacks larger than what is required by COA Code for the CS zoning district. Of the 3 properties triggering compatibility, 2 are behind commercial buildings, the property within view of the subject tract is diagonal/across Tillery St. and facing away. Restricting the development based on these properties does not further the purpose of the compatibility standards.

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:

See Section 6 (Additional Space) below.

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

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

n/a

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

n/a

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

n/a

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

n/a

Section 3: Applicant Certificate

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

Applicant Signature:  Date: 1/10/2020

Applicant Name (typed or printed): Bryan Cumby

Applicant Mailing Address: 9229 Waterford Center Blvd, Bldg C, Ste 100

City: Austin State: Texas Zip: 78758

Phone (will be public information): (512) 637-1598

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: 1/10/2020

Owner Name (typed or printed): Bryan Cumby, 3219 Manor MU, Ltd.

Owner Mailing Address: 9229 Waterford Center Blvd, Bldg C, Ste 100

City: Austin State: Texas Zip: 78758

Phone (will be public information): (512) 637-6932

Email (optional – will be public information):

Section 5: Agent Information

Agent Name: Melissa Brown, Mid-City Development

Agent Mailing Address: 9229 Waterford Center Blvd, Bldg C, Ste 100

City: Austin State: Texas Zip: 78758

Phone (will be public information): (512) 637-1598

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).

Section 2 Variance Findings Area Character - The subject property is on an Imagine Austin Activity Corridor, with apartments, commercial, and single-family residences, this area is thriving with a mix of uses. Mass transit is available in front of the proposed development and the property is within walking distance of park and open space, the location is perfect for much needed housing.

Additional Space (continued)

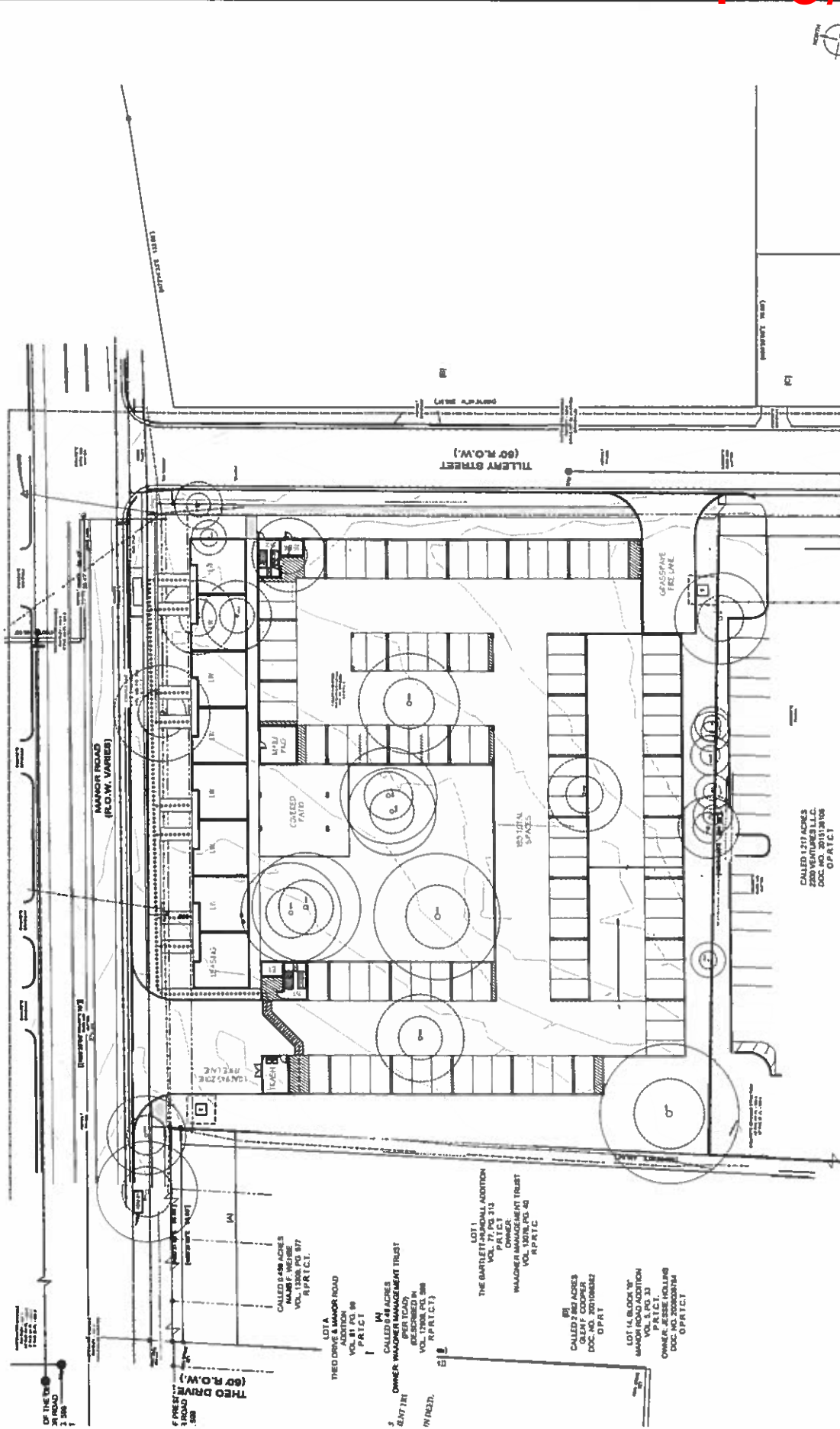
This proposed project will not alter the character of the area. Waiving the height limitation under 25-2-1063, provides more quality rental units within a high transit area.

Lined area for additional text or comments.

SAVE

((S 19°47'00" W)) 1280.50
 WIDENING FOR STREET PURPOSES
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 CURB
 WATER (TYP)
 8°10'0" E 52
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 CONC. WALK
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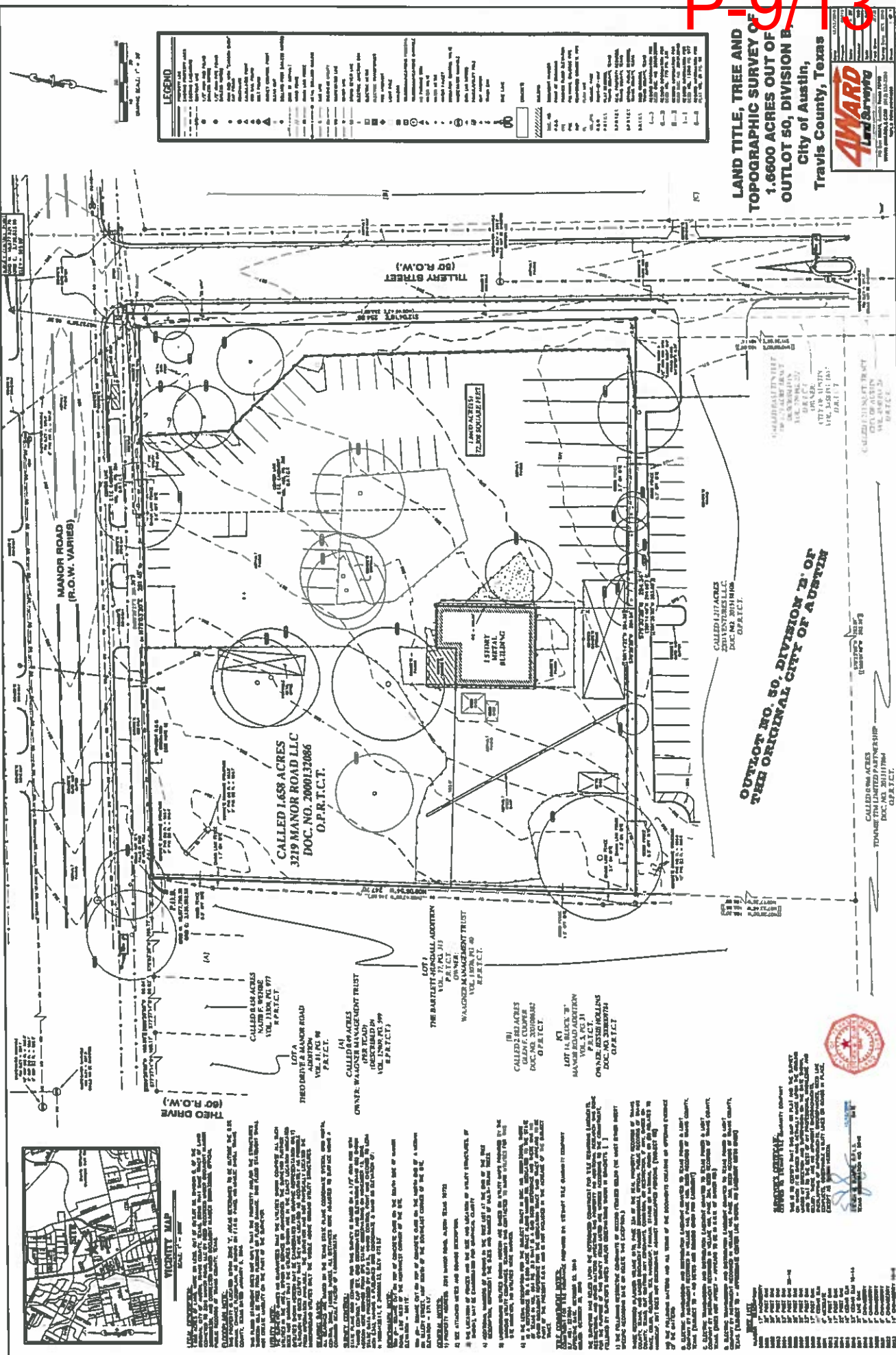
04/18/19



MANOR ROAD
Austin, Texas
MIDCITY

KELLY GROSSMAN

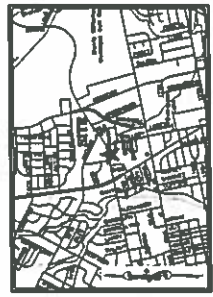
THE UNIVERSITY OF CHICAGO



LAND TITLE, TREE AND TOPOGRAPHIC SURVEY OF 1.6600 ACRES OUT OF OUTLOT 50, DIVISION B, City of Austin, Travis County, Texas

4WARD Land Surveying

OUTLOT NO. 50, DIVISION B OF THE ORIGINAL CITY OF AUSTIN



VICINITY MAP

THIS SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMES TRUELY AND CORRECTLY REPRESENTS THE ACTUAL CONDITIONS OF THE LAND SURVEYED AND THE RESULTS OF THE MEASUREMENTS MADE THEREON. I AM NOT PROVIDING ANY WARRANTY OR GUARANTEE OF ANY KIND FOR THIS SURVEY. I AM PROVIDING THIS SURVEY AS A SERVICE TO MY CLIENTS AND I AM NOT PROVIDING ANY OTHER SERVICE TO MY CLIENTS.

THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMES TRUELY AND CORRECTLY REPRESENTS THE ACTUAL CONDITIONS OF THE LAND SURVEYED AND THE RESULTS OF THE MEASUREMENTS MADE THEREON. I AM NOT PROVIDING ANY WARRANTY OR GUARANTEE OF ANY KIND FOR THIS SURVEY. I AM PROVIDING THIS SURVEY AS A SERVICE TO MY CLIENTS AND I AM NOT PROVIDING ANY OTHER SERVICE TO MY CLIENTS.

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Legend

Notes

Property Profile



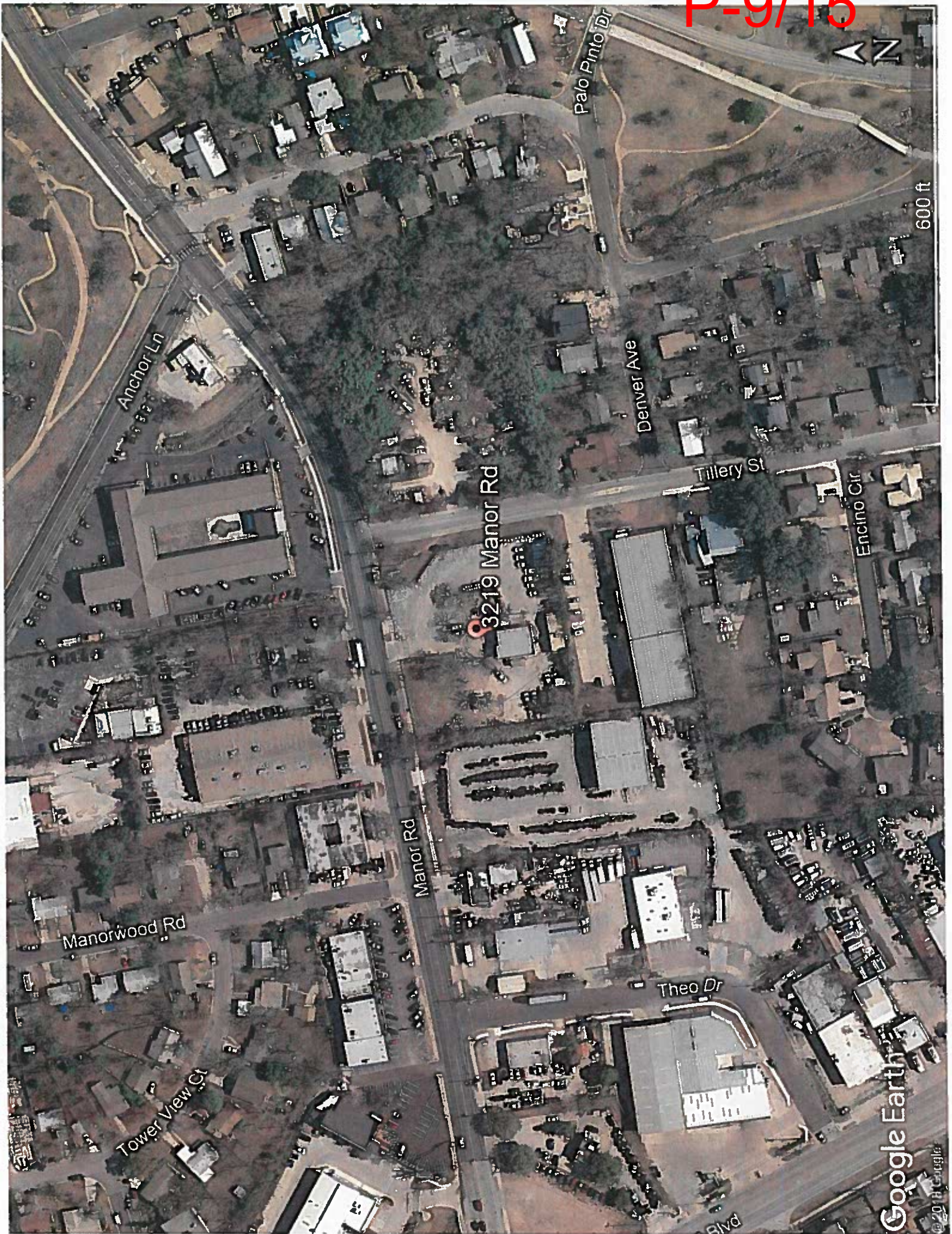
1: 2,400



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Date Printed



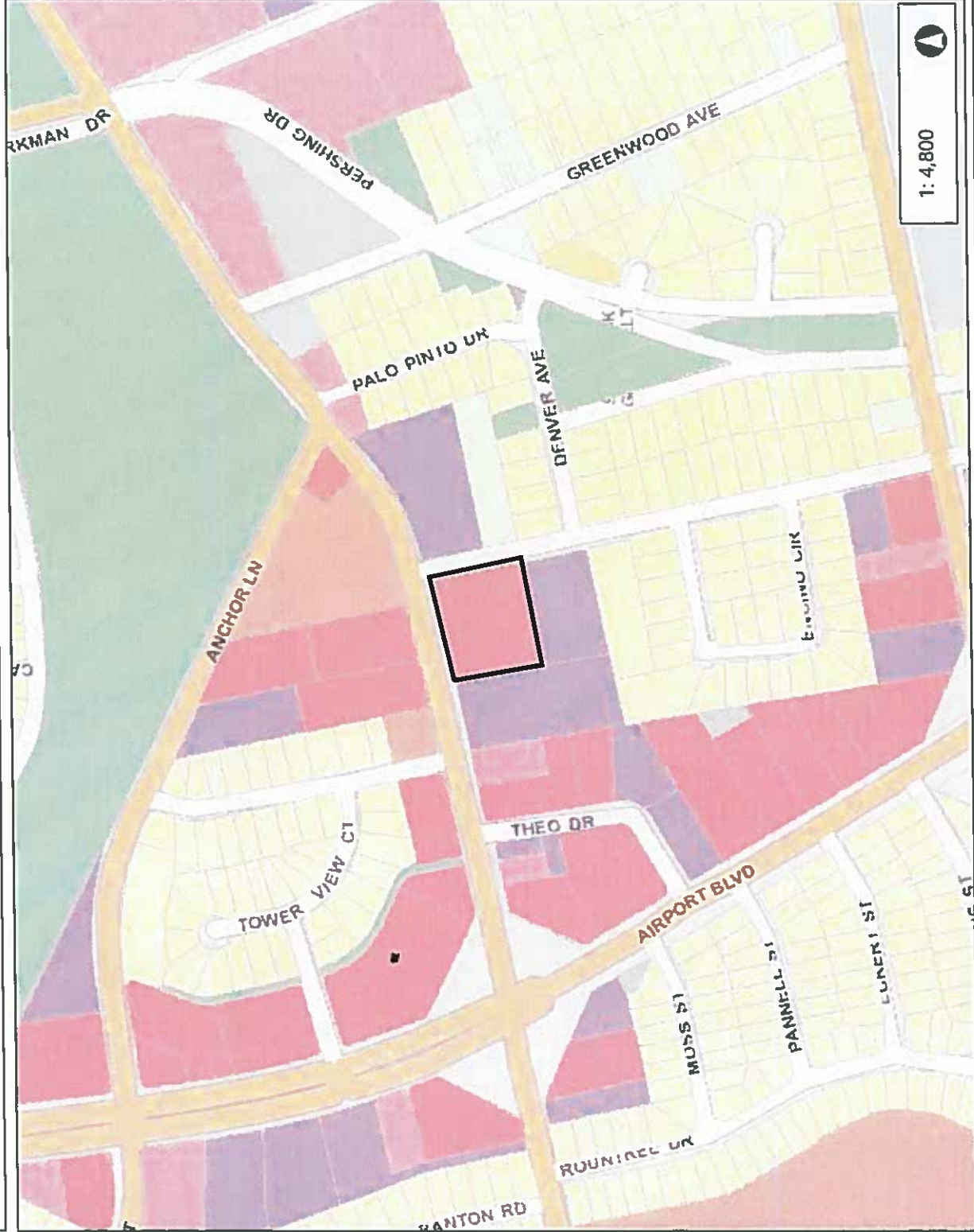
Property Profile



Legend

Land Use Inventory	
	Single Family
	Mobile Home
	Large Lot Single Family
	Multi-family
	Commercial
	Mixed Use
	Office
	Industrial
	Resource Extraction
	Civic
	Open Space
	Transportation
	Roads
	Utilities
	Undeveloped
	Water
	Unknown

Notes



1: 4,800

0.2 Miles

0.08

0

0.2

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NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed

TO: Don Leighton-Burwell, Chair of the Board of
Adjustments Members of the Board of Adjustments

DATE: January 17, 2020

SUBJECT: Variance Request for 3219 Manor Road, Austin, Texas 78723 (the “Property”)
Case File No. C15-2020-0009

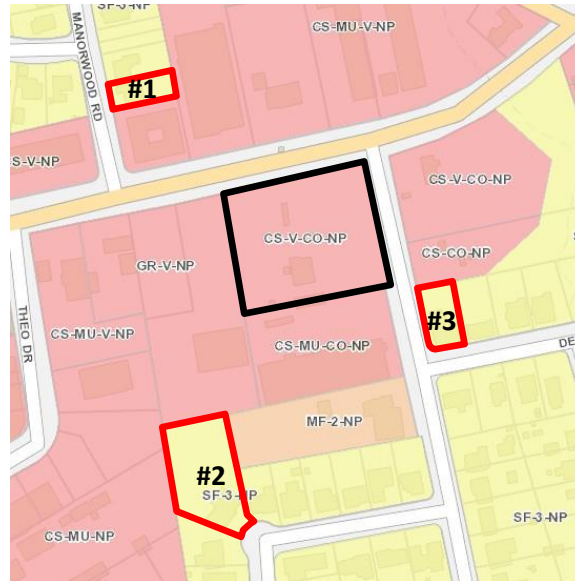
This case was originally heard in June 2019 where the board voted to postpone a vote to allow us, the applicant, time to meet with the surrounding neighbors and Neighborhood Association to ultimately come to an agreement on the proposed variance. Following multiple postponements requested by us, due to neighborhood concerns and uncertainty on the additional ROW required by the City, we withdraw case C15-2019-0033 in November 2019.

Following the initial hearing of case C15-2019-0033 we have met with the JJ Seabrook Neighborhood Association (NA) at their monthly meeting four times, held two additional meetings to hear and understand the community’s concerns regarding our proposed development and request for variance. At this time an agreement has not been made, but we are continuing to work with the neighborhood and are hopeful.

The discussions had with the JJ Seabrook NA lead to a great understanding of the community’s concerns with the neighborhood and our proposed development. Increased traffic, the need for a pedestrian hybrid beacon (on the corner of Manor Rd. and Tillery St.), lack of parking, neighborhood diversity and the neighborhood park are among their concerns. Since our initial BOA hearing the building has been redesigned, and we are engaged on multiple levels to help support the community in addressing these concerns.

Supplemental information for the application filed to request a variance from Section 25-2-1063(C)(2) and (C)(3) of the City of Austin (“City”) Code of Ordinances (“Code”) also known as “Compatibility Standards”, follows. The request is for a variance from the graduated height limitations outlined in the Compatibility Standards to allow for a single, uniform height of sixty (60) feet as allowed under the assigned zoning designation of CS-V-CO-NP. Approval of the variance will allow for the placement of the new multifamily residential building in a location that fully complies with the zoning ordinance for the Property, saves a cluster of trees located in the middle of the Property, and allows for additional housing supply in this proposed vertical mixed use building. Additional information about the Property is included in the following pages. Please note, that this project is NOT at the building permit stage, so the applicant does not have signed and sealed architectural drawings of the proposed building at this time. The exhibits provided with this memorandum, while not signed and sealed, do meet the requirements of the BOA Community Guidebook.

Pursuant to the Compatibility Standards, an SF-6 or less restrictive zoned property within 540 feet or less from a property in an SF-5 or more restrictive zoning district must comply with the height limitations outlined in Section 25-2-1063. As shown on the graphic below, three (3) properties satisfy that criteria and trigger the Property's compliance ("Triggering Property"). None of the Triggering Properties are adjacent to the Property.



Between the Property and the Triggering Property identified as #1 above is a two story multifamily residential complex. Between the Property and the Triggering Property identified as #2 is a 20,000 square foot building that houses the Motion Media Arts Center and a structure used to store tires. The Triggering Property identified as #3 faces Denver Avenue and is separated from the Property by Tillery Street.

This request for a variance from the height limitations in Section 25-2-1063(C)(2) and (C)(3) of the Code should respectfully be approved for the following reasons:

Reasonable Use

Although the existing structures on the Property will be demolished, resulting in a vacant property for the development of the multifamily project, the Property is burdened with site constraints that constitute hardships. Specifically, the limitations imposed by Zoning Ordinance No. 021107-Z-12c ("Zoning Ordinance") and the existing protected and heritage trees create hardships that affect the location, layout, and size of the proposed building. By accommodating the hardships, the additional limitations of the Compatibility Standards do "not allow for a *reasonable use* of property". It is important to note that Section 25-2-474 of the City Code allows for the granting of variances for the redevelopment of land. In addition, Section 25-2-474(A)(1) does not require a finding that the regulations deprive the property of "all use" but only that a "reasonable use" is disallowed. Section 25-2-1081(E) of the Austin City Code expressly allows Board of Adjustment ("BOA") variances of Compatibility Standards. Therefore, the standard is not whether a Compatibility Standard compliant use could be developed, but instead whether the Compatibility Standards here, given the hardships on this site, do not allow for a "reasonable use."

The variance from the height limitations would allow for a “reasonable use” by allowing development that meets the established zoning regulations for property and provide additional units (including additional affordable housing units) for much needed housing in this Imagine Austin Activity Corridor.

The Zoning Ordinance prohibits access from the Property to Tillery Street, requiring that access only be allowed from Manor Road. To appropriately comply with driveway spacing requirements and considering only one side of the Property may have an access point, the location of the access drive is forced to the northwest corner of the Property. Additionally, to conform with the City Fire Code regulations, the development must also be configured in a manner that permits fire hose accessibility to all sides of the building. As a result, the multifamily development must shift toward the eastern portion of the Property for the construction of parking and fire access in the rear of the Property as shown. This shift not only reduces the size of the building, but also pushes the building closer to the Triggering Property on Denver Street.

In the center of the Property, as shown, are several existing protected trees, including three heritage trees. A “super heritage” is located in the southwest corner of the Property.

The intent is to design the building in a manner that not only saves these trees, but also effortlessly incorporates them into the project. The solution is to form an enhanced courtyard around the trees in the center to provide a resident amenity, and to take advantage of the large shade tree in the southwest corner for a dog park. Section 25-8-646 of the City Code requires an applicant to seek a BOA variance before seeking to remove any heritage trees. This requirement inherently makes heritage trees a hardship for BOA variance purposes.

With the adoption of the Austin Strategic Mobility Plan in April 2019 the City now requires an additional Right of Way (ROW) of 10ft off the north side of the property (Manor Rd.).

As a result of the additional ROW, restrictions in the Zoning Ordinance and the constraints from existing trees, the configuration options for the project are limited. The Zoning Ordinance forces the structure toward the eastern portion of the Property and reduces the square footage of the project. To save the trees in this area, the project must reduce the number of units and overall square footage to accommodate a courtyard. Compliance with the access restriction and the tree preservation requirements results in a loss of 36,180 square feet of otherwise allowable development, even under Compatibility Standards. Approval of the requested variance from the height restrictions of the Compatibility Standards would allow that lost square footage to be mitigated, compliance with neighborhood required access limitations, preserve heritage trees, while avoiding the denial of this reasonable use and allowing for optimal development potential.

The City Council has recently expressed a policy determination that uses, such as that proposed for this site, along this corridor should ***not*** be subject to Compatibility Standards. Accordingly, Council has by official action determined that such use unencumbered by Compatibility Standards is a “reasonable use”.

Unique to the Property

As stated above, the hardships are the neighborhood zoning access limitation and presence of protected and heritage trees. This is the only Property with frontage on Tillery Street prohibited

from accessing that roadway. The Zoning Ordinance does not limit any other properties in a similar fashion. In fact, the property directly across Tillery Street from the Property does not have the same prohibition, and a similarly situated property at the corner of Tillery Street and Martin Luther King Jr Boulevard with a zoning designation of CS-MU-NP is afforded two (2) access point to Tillery Street in addition to two (2) access drives to Martin Luther King Jr Boulevard. In addition, the protected and heritage trees located centrally on this site are also unique to this site. Therefore, the combination of the access prohibition and the arrangement of protected trees makes this Property unique.

Hardship – Not General to the Area

The area along Manor Road between Airport Boulevard and Tillery Street is not generally burdened with such hardships. In addition, this proposed urban infill property which will not displace any existing residents and will provide a vertical mixed use is a project not generally found in this area. This Property is ideal for the vision outlined by the Council - mass transit is available in front of the Property on Manor Road; park and open space are within walking distance; and the area is need of housing. Not general to the area is Property ripe for a new housing development on urban infill that would substantially benefit the community.

Area Character

With apartments, commercial, and single-family residences, the character of the area is a healthy mixture of uses. However, as an Imagine Austin Activity Corridor, it is also an area that needs to focus on more housing options and opportunities and transit supportive densities. This proposed project will not alter the character of the area “adjacent to the property” but will instead enhance the area and provide much needed housing, without displacing any current residents. The area “adjacent to the property” is commercial and the proposed project will provide a suitable buffer and transition to other residential uses in the area and also be consistent with the goals for this area and corridor.

The purpose of the Compatibility Standards is to minimize the impact of new construction on existing residential neighborhoods. Strict adherence to the standards based on the Triggering Properties identified above does not further the purpose of the Compatibility Standards. Triggering Properties #1 and #2 are located behind other buildings, blocking much of the visibility to this Property. Increased height will have little impact on the character of these single-family homes. The only property with direct visual of the Property is Triggering Property #3 which is diagonal across Tillery Street and facing away from the Property. With the configuration of the building on the Property adjusted to north and with trees in the southeast corner, an additional buffer is provided between the Property and Triggering Property #3 reducing any impact created by the height of the multifamily building.

Conclusion

In preparation for this request, we are made and will continue to make significant efforts to communicate with neighbors and interested organizations. Meetings will be held to inform the neighbors of the project and information about the implications of the requested variance will be made readily available.

The height requested is the height typically allowed for the assigned zoning designation. The only other approach to avoid the denial of reasonable use and the resulting hardships is to seek a tree variance. Section 25-8-646(A) requires that a variance, such as this one, be sought to eliminate the need to remove trees, and a rezoning is a time-consuming endeavor. The proposed multifamily project would be able to provide more benefit to the community with the approval of the requested variance; therefore, an application for a variance from the height limitations under Section 25-2-1063(C)(2) and (C)(3) was respectfully submitted. We appreciate your consideration of this request.

ORDINANCE NO. 021107-Z-12c

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICTS ON APPROXIMATELY 990 ACRES OF LAND GENERALLY KNOWN AS THE MLK NEIGHBORHOOD PLAN AREA ("MLK") AND TO CHANGE THE BASE ZONING DISTRICTS ON 63 TRACTS OF LAND IN MLK.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to each base zoning district within the property and to change the base zoning districts on 63 tracts of land within the property described in Zoning Case No. C14-02-0142.003, on file at the Neighborhood Planning and Zoning Department, as follows:

Approximately 990 acres of land, in the City of Austin, Travis County, Texas, that includes the Oak Springs Subdistrict more particularly described and identified in the attached Exhibits "A" and "B" incorporated into this ordinance, (the "Property"), and, as follows,

Oak Springs Subdistrict bounded by East 12th Street on the north, Springdale Road on the south and east, and Airport Boulevard on the west,

generally known as the MLK neighborhood plan (NP) combining district, locally known as the property bounded by Anchor Lane, East 38 ½ Street and Manor Road on the north, East 51st Street on the east, Springdale Road on the south, and Airport Boulevard on the west, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. The base zoning districts for the 63 tracts of land are changed from family residence (SF-3) district, multifamily residence low density (MF-2) district, multifamily residence medium density (MF-3) district, neighborhood office (NO) district, limited office (LO) district, neighborhood commercial (LR) district, community commercial (GR) district, general commercial services (CS) district, general commercial services-conditional overlay (CS-CO) combining district, commercial-liquor sales (CS-1) district, and limited industrial services (LI) district, to family residence-neighborhood plan (SF-3-NP) combining district, single family residence small lot-neighborhood plan (SF-4A-NP) combining district, townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district, multifamily residence low density-neighborhood plan (MF-2-NP)

combining district, neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district, limited office-mixed use-neighborhood plan (LO-MU-NP) combining district, neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district, community commercial-neighborhood plan (GR-NP) combining district, community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district, community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district, community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district, general commercial services-neighborhood plan (CS-NP) combining district, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district, general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, commercial-liquor sales-mixed use-neighborhood plan (CS-1-MU-NP) combining district, and public-neighborhood plan (P-NP) combining district, as more particularly described and identified in the chart below.

TRACT	ADDRESS	FROM	TO
201	5005 & 5029 Manor Road	GR, MF-2	GR-MU-NP
202	2909 & 2913 E 51st Street, 5000, 5001, 5002, 5003, 5004, & 5005 Blue Spruce Circle, 5000, 5001, 5003, 5005, & 5007 Cottonwood Circle	MF-2	NO-MU-NP
203	2967, 2989, 3005, & 3007 E 51st Street (LOT 2 SEFCIK SUBD SEC 2, LOTS 1A & 1B SEFCIK SUBD NO 3 & LOT 1 LONGFELLOW SUBD)	MF-2	MF-2-NP
204	4700 Pecan Springs Road (11.82 ACRES OF ABS 793 SUR 20 WARNELL H ACR 11.82)	SF-3	SF-4A-NP
205	3015-3107 E 51st Street & 4806-4912 Pecan Springs Road (LOTS 1-3 ROSEN ED ADDN, LOTS 1A & 2A PFAEFFLIN SUBD RESUB, LOTS 1-2 JOHNSON HELEN SUBD, LOTS 1-4 POEHLMAN ACRES & 4.12 ACRES OF ABS 793 SUR 20 WARNELL H ACR 4.12)	SF-3	SF-3-NP
206	5000 Pecan Springs Road	MF-2	MF-2-NP
207	4809, 4813, 4905, 5001, 5003, 5005B, 5007 & 5009 Pecan Springs Road, 4926 Springdale Road (S & W OF FORT BRANCH CREEK)	SF-3, MF-3	SF-3-NP
208	0 Springdale Road (ABS 793 SUR 20 WARNELL H ACR 2.059)	SF-3	GR-MU-CO-NP
209	4900 Springdale Road, 4926 Springdale Road (N & E OF FORT BRANCH CREEK)	GR, LO, MF-3	GR-MU-CO-NP
210	3811, 3823, & 3839 Airport Boulevard	CS	CS-MU-NP
211	3701 & 3737 Airport Boulevard	CS	CS-MU-NP
212	3737 Airport Boulevard	CS-1	CS-1-MU-NP
213	3101-3111 Manor Road, 2115-2215 Airport Boulevard, 2101-2199 Theo Drive (LOTS 1-10 OLT 50 DIV B AIRPORT & MANOR RD SUBD NO 3)	CS, GR	CS-MU-NP

TRACT	ADDRESS	FROM	TO
214	1901-2101 Airport Boulevard, 3200-3298 E MLK Boulevard, 2100-2198 Theo Drive (LOT 1 OLT 50 DIV B AIRPORT & MANOR RD SUBD NO 2, LOT 11-13 AIRPORT & MANOR RD SUBD NO 3, LOTS C & D TRINITY SUBD, LOT 31 OLT 50 DIV A ENCINO TERRACE, LOTS 2-3, 3A, 11-14 & 19-22 OLT 50 DIV A DELORES SUBD, LOT A THEO DR & MANOR RD SUBD, LOT 1 OLT 50 DIV B HENRY JIM ADDN, LOT 1 AIRPORT BUSINESS PARK SUBD)	CS, CS-CO, CS-1	CS-MU-NP
215	1805, 1809, 1815 & 1823 Airport Boulevard, 3223 & 3235 E MLK Boulevard	GR, SF-3	GR-MU-NP
216	1400 Tillery Street & 3205 E 14 ½ Street	NO, SF-3	LR-MU-NP
217	1181, 1191 & 1199 Airport Boulevard	CS-1	CS-1-MU-NP
218	1153, 1165, 1181, 1191 & 1199 Airport Boulevard, 3300, 3306, & 3312 Oak Springs Drive, 3301, 3311, & 3313 E 12th St, 0 Airport Boulevard (.322 AC OF OLT 15 DIVISION B)	LI, CS, GR, LO	CS-MU-NP
219	3404 Oak Springs Drive	LR	LR-MU-NP
220	1137-1149 Airport Boulevard, 1142 & 1144 Gunter Street, 3301- 3399 Oak Springs Drive (LOTS 3 & 4 BURKE C O ADDN, LOTS 1-3 HIRSH ARRAH NEAL SUBD NO 3, LOTS 1, 2, 3A & 4 OLT 58 DIV A HIRSH ARRAH NEAL SUBD, LOT 2 OLT 57 & 60 ROBERTSON-MCCULLOUGH ADDN, LOT 1 FREEDOM HOME BAPTIST CHURCH ADDN & .5 AC OF OLT 57 & 60 DIV A)	CS	CS-MU-NP
221	1131, 1133 & 1135 Airport Boulevard, 1137 Gunter St, 3706 & 3716 Goodwin Avenue	CS	CS-MU-NP
222	1119 Airport Boulevard, 3703 Goodwin Avenue	CS	CS-MU-NP
223	1921, 1923, 1925, 1927 & 1929 E 38 ½ St, 3808 Manorwood Road (LOTS 24-29 BLK A OLT 35 & 36 DIV C MANOR HILL & LOT 1 MANOR HILL ADDN RESUB OF BLK F & PART OF BLK A)	SF-3	GR-MU-CO-NP
224	2011 & 2027 Anchor Lane, 3138, 3200, 3220, 3300, & 3330 Manor Road	CS	CS-MU-NP
225	3112-3128 Manor Road (LOT 8 BLK D OLT 35 & 36 DIV C & PART OF SERVICE WAY MANOR HILL)	CS, CS-1, GR	CS-NP
226	3121, 3207 & 3313 Manor Road	GR	GR-NP
227	3219 Manor Road	CS-CO	CS-CO-NP
228	3303 Manor Road, 2205 Tillery Street	CS-CO	CS-CO-NP
229	2200 Tillery Street	LO	LO-MU-NP
230	3317 Manor Road, 2212 Palo Pinto Drive	LR	GR-CO-NP
231	3401 & 3403 Manor Road	LO, SF-3	GR-CO-NP
232	3501 Manor Road	LO	LO-NP
233	3511 & 3515 Manor Road, 0 Manor Road (.48 ACR OF LOT 2-3 & 14 BLK 1 OLT 51-52 DIV B CREST HAVEN ADDN)	GR, LO	GR-NP
234	2215 & 2263 EM Franklin Avenue, 3607 Manor Road	GR	GR-NP
235	2211 & 2213 EM Franklin Avenue	LI	CS-MU-CO-NP
236	2210 & 2220 EM Franklin Avenue, 2226 Pershing Drive	CS, GR, SF-3	LO-MU-NP
237	2101, 2107 & 2109 EM Franklin Avenue	LO, CS, CS-1	LO-MU-NP
238	0 Pershing Drive (PT OF LTS 1-2 & 46-47 BLK D & APPROX 1.00 AC OLT 51 DIV B MANOR RD ADDN, ADJ VAC PALO PINTO DR)	SF-3	P-NP
239	0 Palo Pinto Drive (APPROX 1.00 AC OF OLT 51 DIV B MANOR RD ADDN)	SF-3	P-NP

TRACT	ADDRESS	FROM	TO
240	1904 EM Franklin Avenue	GR	SF-3-NP
241	3510-3520 E MLK Boulevard (LOT 1 OLT 51-52 DIV B RAOCH MAUDE E SUBD)	GR	SF-6-NP
243	1704, 1706, 1710, 1804 & 1812 EM Franklin Avenue, 3417 & 3515 E MLK Boulevard, 0 E MLK Boulevard (ACR 2.40 OLT 23 DIVISION B), 0 EM Franklin Avenue (1.375 ACR OLT 23 DIVISION B), 0 E 17th Street (96 x 104 FEET OLT 23 DIVISION B, .33 AC OF OLT 23 DIVISION B)	SF-3, MF-3	SF-3-NP
244	1812 EM Franklin Avenue	CS	GR-NP
245	3601 & 3609 E MLK Boulevard, 1807 EM Franklin Avenue	GR	GR-NP
246	3707 E MLK Boulevard	NO, SF-3	LO-MU-NP
247	1707, 1801 & 1803 Overhill Drive, 1800, 1802 & 1806 Springdale Road	LR, LO	LO-MU-NP
248	1808 & 1810 Springdale Road, 4501, 4505, 4507 & 4509 E MLK Boulevard	LR, CS	GR-NP
249	1801 EM Franklin Avenue	MF-3	SF-6-NP
253	0 E 12th Street (EVERGREEN CEMETERY)	SF-3	P-NP
254	3317 E 12th Street	SF-3	LR-MU-NP
255	4000 & 4008 E 12th Street	CS	SF-6-NP
256	4104 E 12th Street	LR	SF-6-NP
257	4112-4122 E 12th Street	SF-3	SF-3-NP
258	1308 Springdale Road	SF-3	P-NP
259	1200, 1202 & 1204 Springdale Road, 4122 E 12th Street	CS-1, LR, MF-3, SF-3	GR-MU-NP
260	4121-4127 E 12th St (More specifically identified in exhibit "D")	SF-3	GR-MU-NP
261	4013-4119 E 12th St (More specifically identified in exhibit "D")	SF-3	SF-6-NP
262	1152 Springdale Road, 3703 & 4003 E 12th St	SF-3	P-NP
263	3500-3612 Oak Springs Drive (LOTS 1-9 NUEVA VIDA I-A, LOT 15 NUEVA VIDA II, LOT 3 HOBBS ADDN SEC 2 & 5.439 AC OUT OF OLT 17 DIV B)	MF-2	SF-6-NP
264	3301 Pennsylvania Avenue (LOT 17 & ADJ 31.4 FEET OF VACATED TILLERY STREET OLT 16 DIV B HUSTON SAM HEIGHTS)	LO, GR	SF-6-NP
265	1144 Gunter Street	MF-3, CS	SF-3-NP
266	1143, 1145, & 1147 Gunter Street, 1144 Wayneroy Drive, 3603 & 3605 Abbate Circle	MF-3	SF-3-NP
267	1076 Springdale Road (LOT 2 OLT 57 & 60 DIV A SPRINGDALE PARK)	GR	GR-NP

PART 3. The following applies to an existing legal lot with single-family residential use within the boundaries of the NP combining district:

1. The minimum lot area is 2,500 square feet.
2. The minimum lot width is 25 feet.
3. For a lot with an area of 3,500 square feet or less, the impervious coverage may not exceed 65 percent.

PART 4. Cottage special use is permitted on lots in residential districts within the boundaries of the Oak Springs Subdistrict as set forth in Sections 25-2-1442 through 25-2-1444 of the Code.

PART 5. Urban home special use is permitted on lots in residential districts within the boundaries of the Oak Springs Subdistrict as set forth in Sections 25-2-1422 through 25-2-1424 of the Code.

PART 6. Tracts 203, 205, 206, 207, 243, 257 and 263 may be developed as a residential infill special use as set forth in Sections 25-2-1532 through 25-2-1534 of the Code.

PART 7. Tracts 201, 208 through 237, 244 through 248, 254, 259, 260 and 267 may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the Code.

PART 8. Tracts 222 and 233 may be developed as a neighborhood urban center special use as set forth in Sections 25-2-1521 through 25-2-1524 of the Code.

PART 9. The Property within the boundaries of the conditional overlay-combining district established by this ordinance is subject to the following conditions.

1. The following conditions apply to Tract 227:

A. Vehicular access from the Property to Tillery Street is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

B. A 15-foot wide vegetative buffer shall be provided and maintained along the east property line adjacent to Tillery Street. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

2. The following conditions apply to Tract 228:

A 15-foot wide vegetative buffer shall be provided and maintained along the west property line adjacent to Tillery Street and along the south property line adjacent to the property developed or zoned residential. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

3. The following uses are prohibited uses on Tracts 223, 230 and 231:

Automotive rentals	Automotive repair services
Automotive washing (of any type)	Automotive sales
Drop-off recycling collection facility	Exterminating services
Funeral services	Outdoor entertainment
Outdoor sports and recreation	Pawn shop services

4. The following uses are prohibited uses on Tract 227:

Adult oriented businesses	Agricultural sales and services
Automotive sales	Campground
Convenience storage	Drop-off recycling collection facility
Equipment repair services	Exterminating services
Funeral services	Kennels
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	

5. The following uses are prohibited uses on Tract 228:

Adult oriented businesses	Agricultural sales and services
Automotive sales	Building and maintenance services
Campground	Convenience storage
Drop-off recycling collection facility	Electronic prototype assembly
Equipment repair services	Equipment sales
Exterminating services	Funeral services
Kennels	Laundry services
Limited warehousing and distribution	Maintenance and service facilities
Monument retail sales	Outdoor entertainment
Outdoor sports and recreation	Pawn shop services
Transitional housing	Vehicle storage
Veterinary services	

6. The following uses are prohibited uses on Tract 235:

Adult oriented businesses	Agricultural sales and services
Automotive washing (of any type)	Campground
Commercial blood plasma center	Commercial off-street parking
Construction sales and services	Convenience storage
Custom manufacturing	Equipment repair services
Equipment sales	Drop-off recycling collection facility
Laundry services	Limited warehousing and distribution
Maintenance and service facilities	Pawn shop services
Service station	Vehicle storage

7. Drive-in service as an accessory use to commercial uses is a prohibited use on Tracts 208, 209 and 235.

8. The following uses are conditional uses on Tract 235:

Automotive sales	Exterminating services
Guidance services	Hotel-motel
Kennels	Monument retail sales
Outdoor sports and recreation	Residential treatment

9. The following uses are prohibited uses on Tracts 208 and 209:

Automotive rentals	Automotive washing (of any type)
Automotive repair services	Pawn shop services
Automotive sales	Service station

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 10. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 11. This ordinance takes effect on November 18, 2002.

PASSED AND APPROVED

November 7, 2002

§
§
§

Gustavo L. Garcia

Gustavo L. Garcia
Mayor

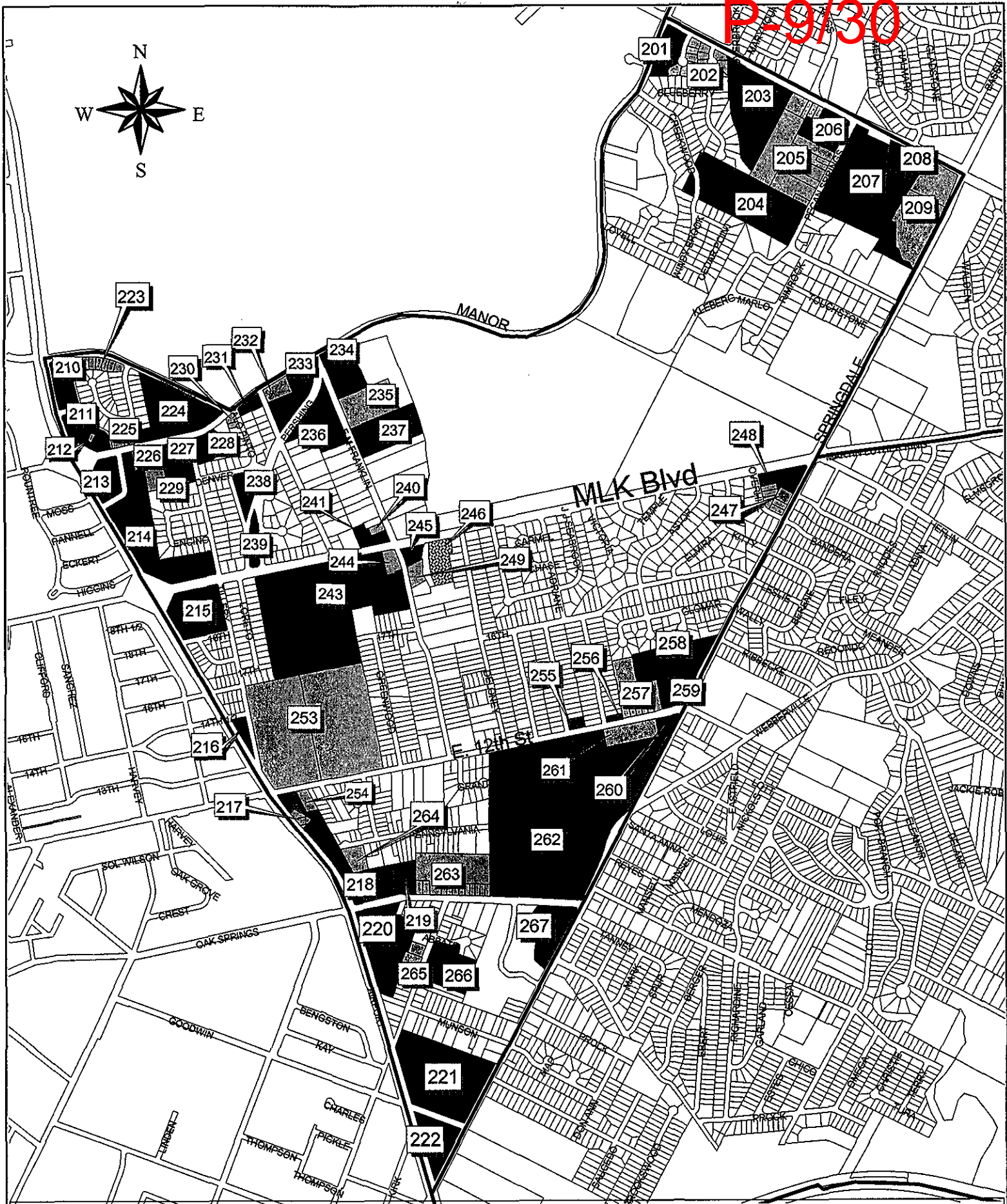
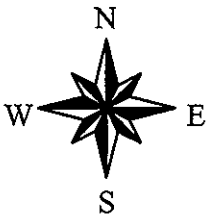
APPROVED:

Sedora Jefferson
Sedora Jefferson
City Attorney

ATTEST:

Shirley A. Brown

Shirley A. Brown
City Clerk



MLK Neighborhood Plan Combining District
Case # C14-02-0142.003 *EXHIBIT A*

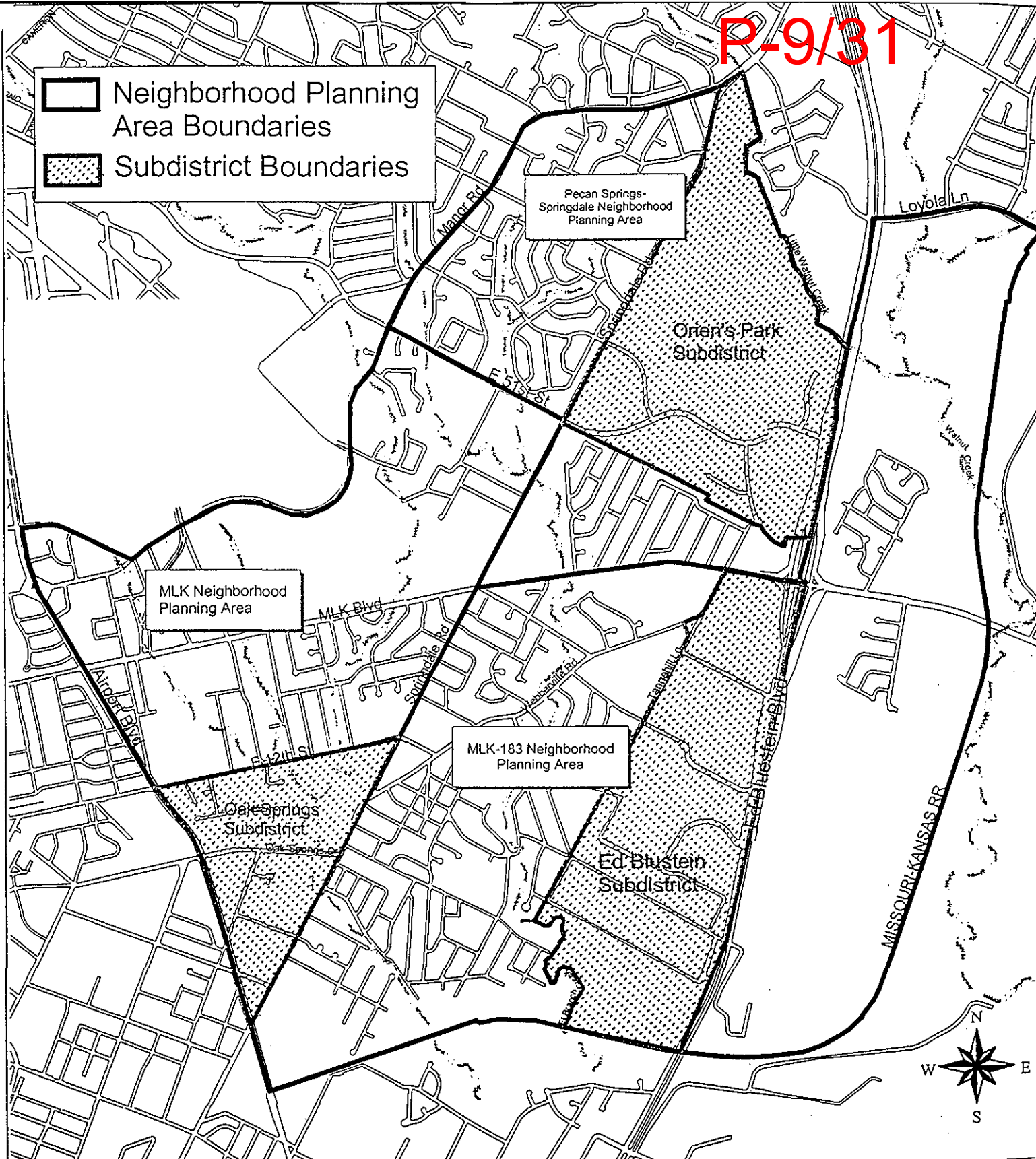
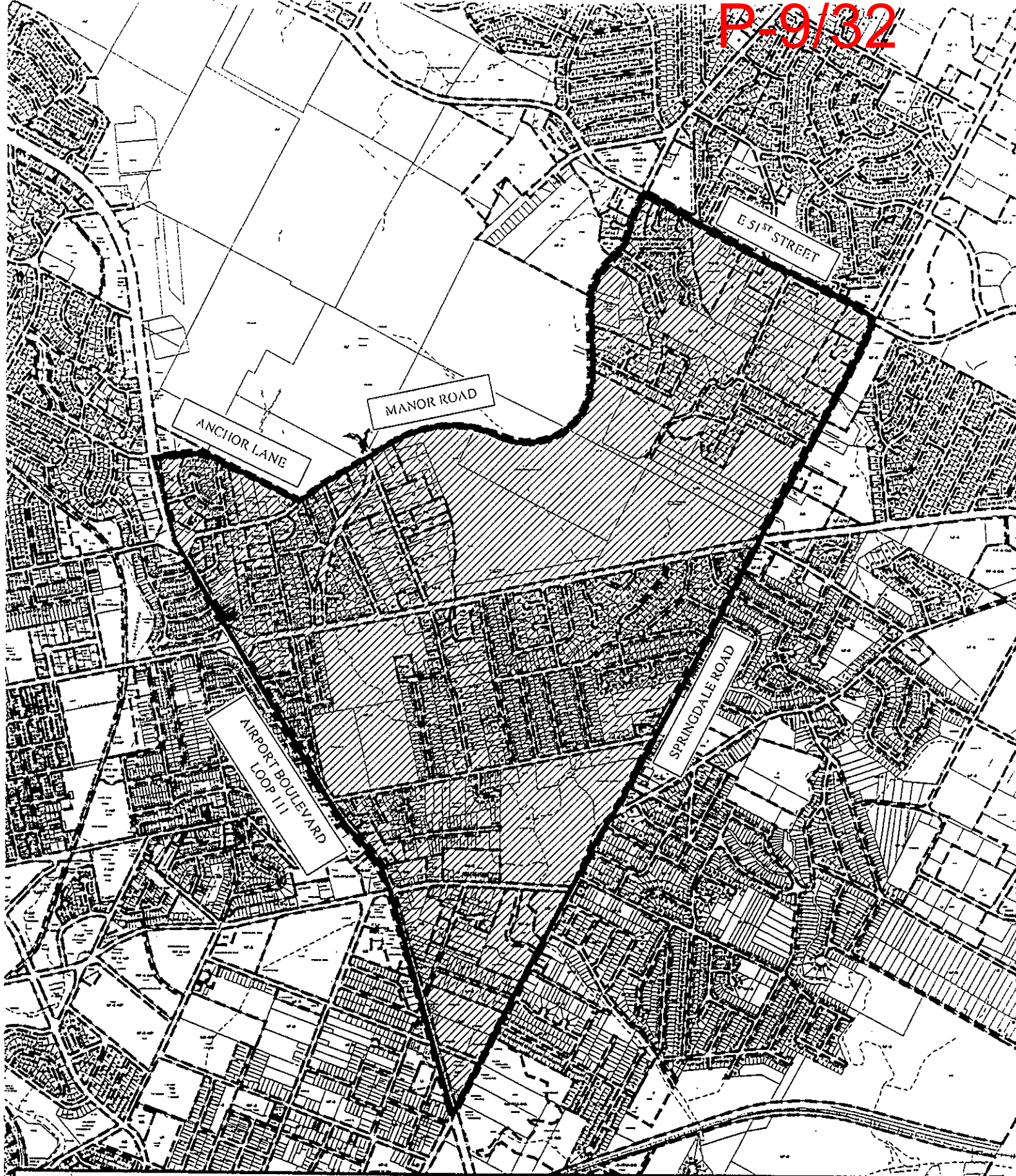





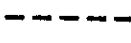
EXHIBIT B



East MLK Combined Planning Area Neighborhood Planning Area and Subdistrict Boundaries

This map has been produced by the City of Austin and is a working staff map and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness. Reproduction is not permitted without written permission from the Neighborhood Planning and Zoning Department.



 1" = 1600'	SUBJECT TRACT		ZONING <i>EXHIBIT C</i>		CITY GRID REFERENCE NUMBER M21-25
	PENDING CASE				
	ZONING BOUNDARY				
	CASE #: C14-02-0142.003				
	CASE MGR: T. BOLT	ADDRESS: MLK NPCD	DATE: 02-09		
SUBJECT AREA (acres): N/A		INTLS: SM			

Variance Request 3219 Manor Rd.
by
Mid-City Development





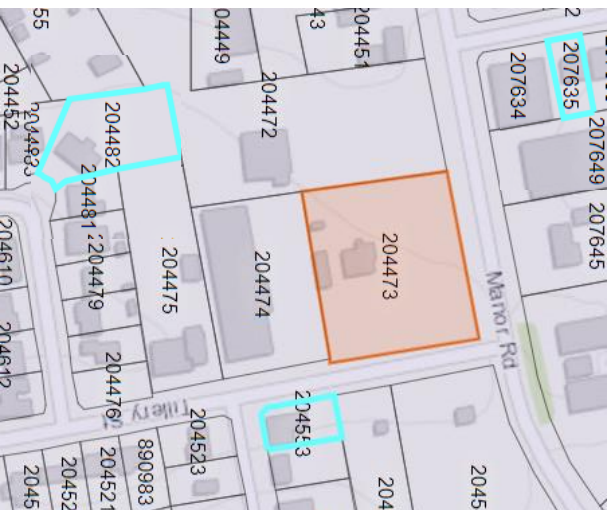
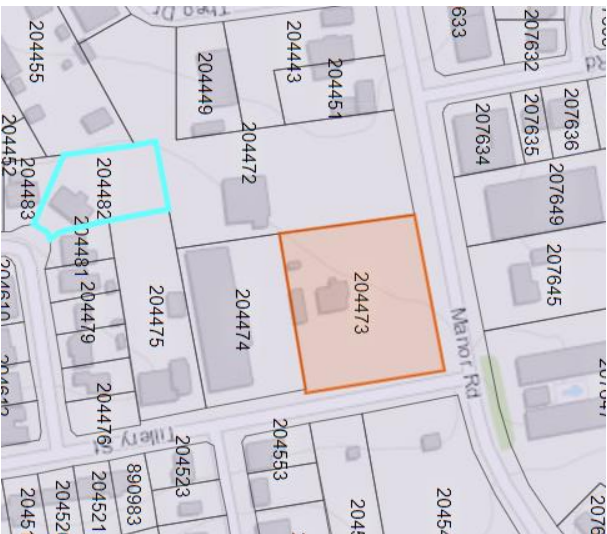
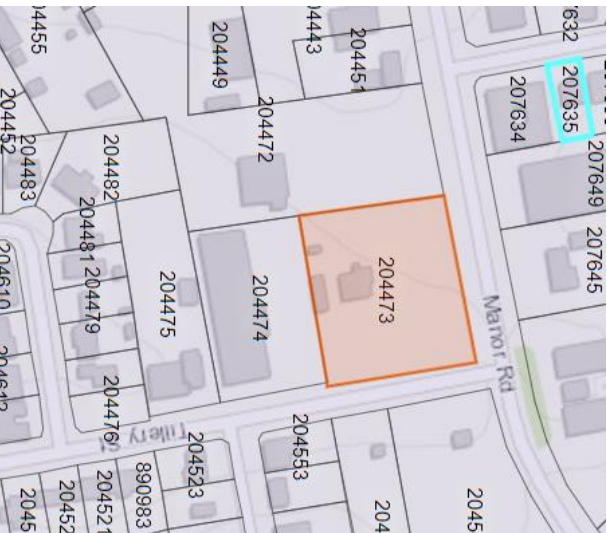
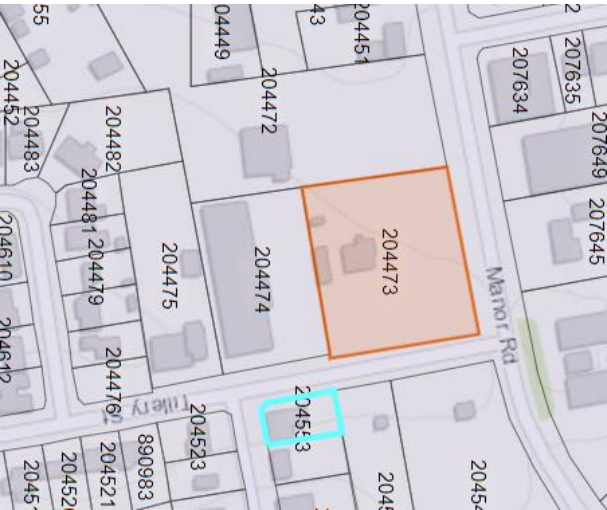
3219 Manor Rd.

Site Conditions

- Site conditions:
- **Size and Shape:** This rectangular parcel of land is approximately 1.6 acres
- **Topography:** The land parcel has almost flat topography and has a few groupings of large trees and multiple heritage trees.
- **Flood Plain:** Does not fall into the Greater Austin FEMA floodplain
- **Zoning:** The land parcel is currently zoned CS-V-CO-NP with an MU option. Zoning allows for 2.0 FAR with 72,222.50 sf resulting in 144,444.96 sf maximum FAR

3219 Manor RD: Triggering Properties Setbacks

- SE:** Southeastern compatibility setback due to SF3 across street and diagonal from subject property
- NW:** Northwestern compatibility setback due to SF3 across street, diagonal, and behind another building from subject property
- SW:** Southwestern compatibility setback due to SF3 diagonal and behind another building(s) from subject property
- Combined SE, NW, and SW:** Three triggering properties on almost all sides of the subject property

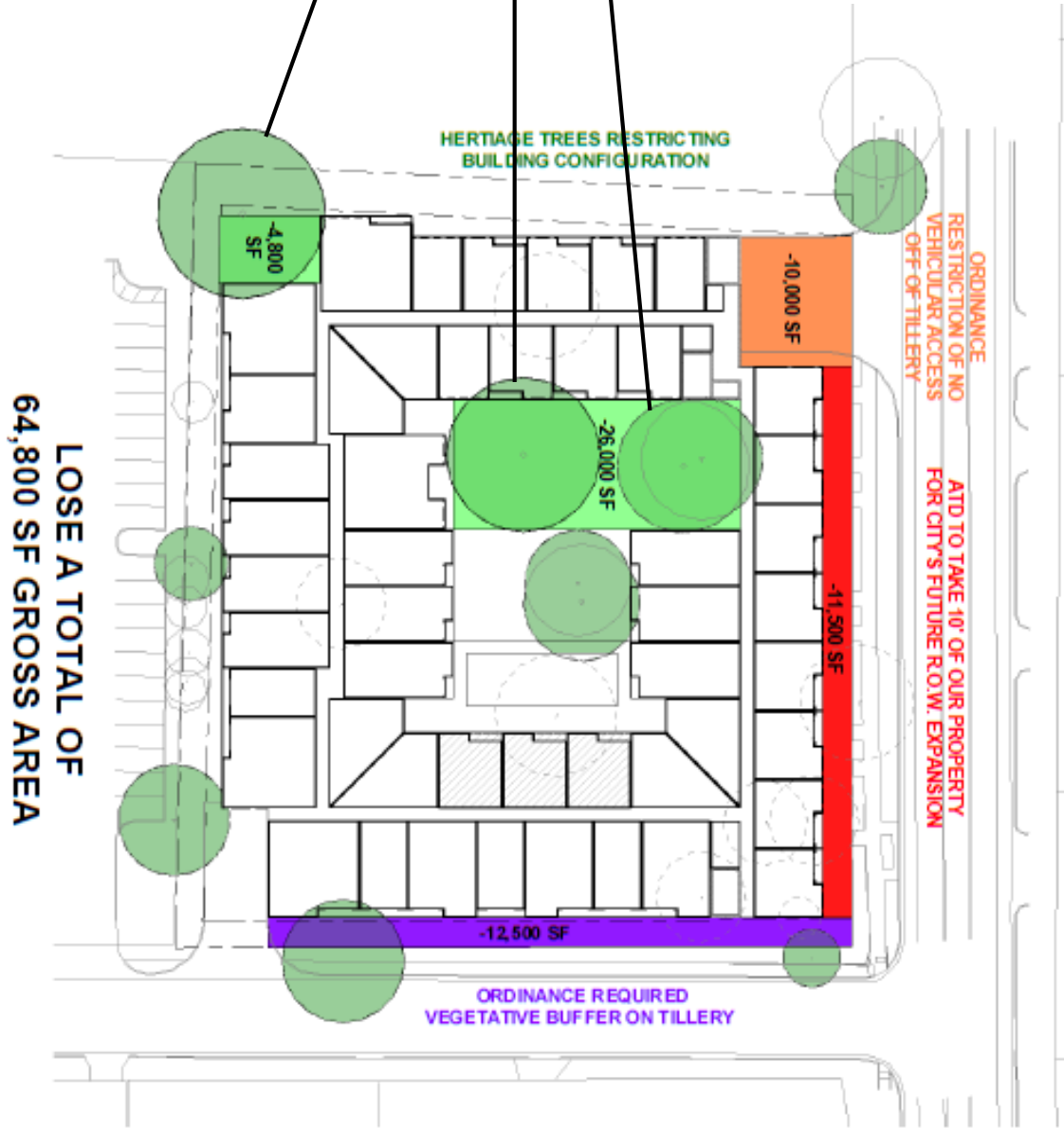


SITE SPECIFIC HARDSHIP

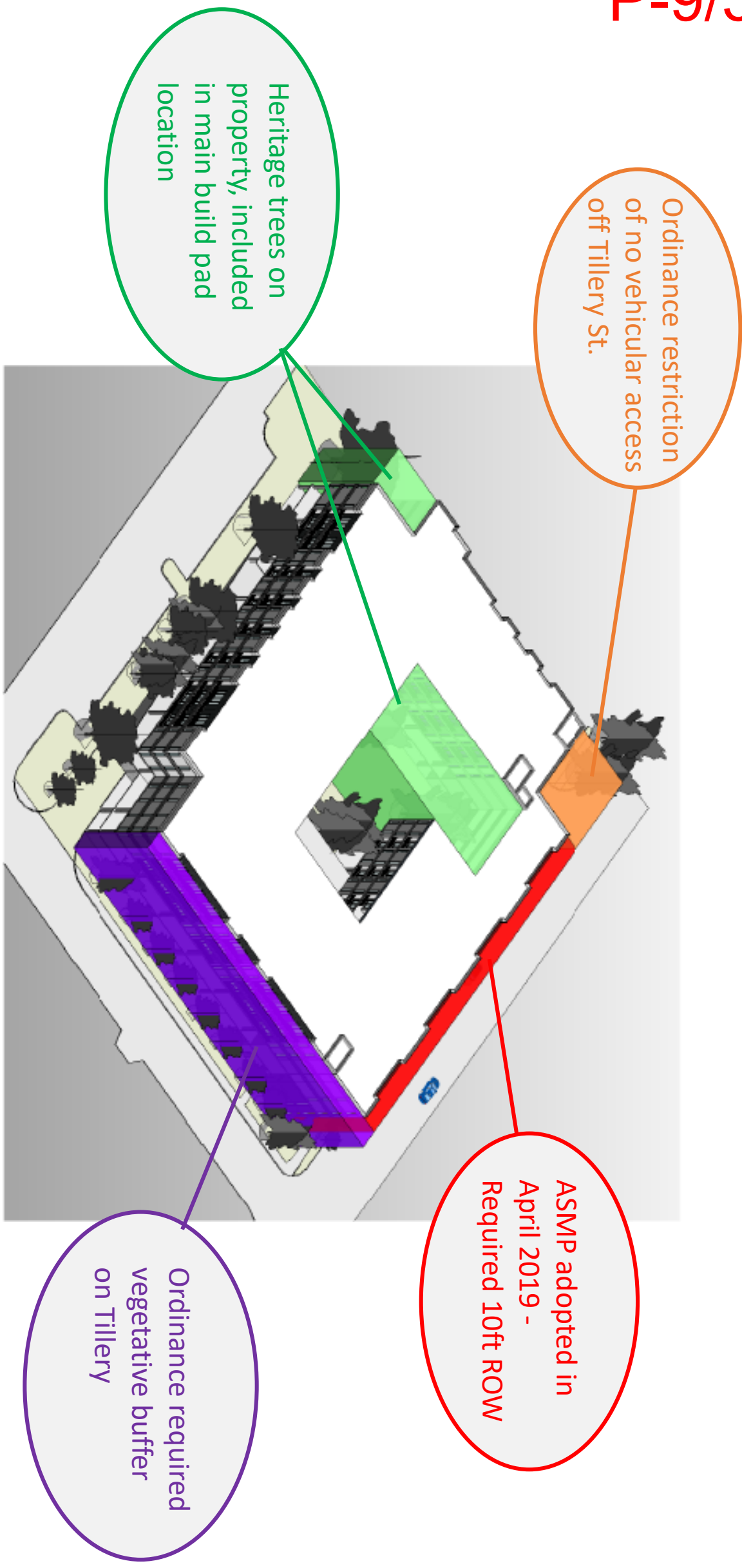
Section 25-8-646 (A) requires a variance be sought to eliminate the need to remove heritage trees.

Heritage trees on property, included in main build pad location.

- 25" Post Oak
- 29" Post Oak
- 32" Post Oak

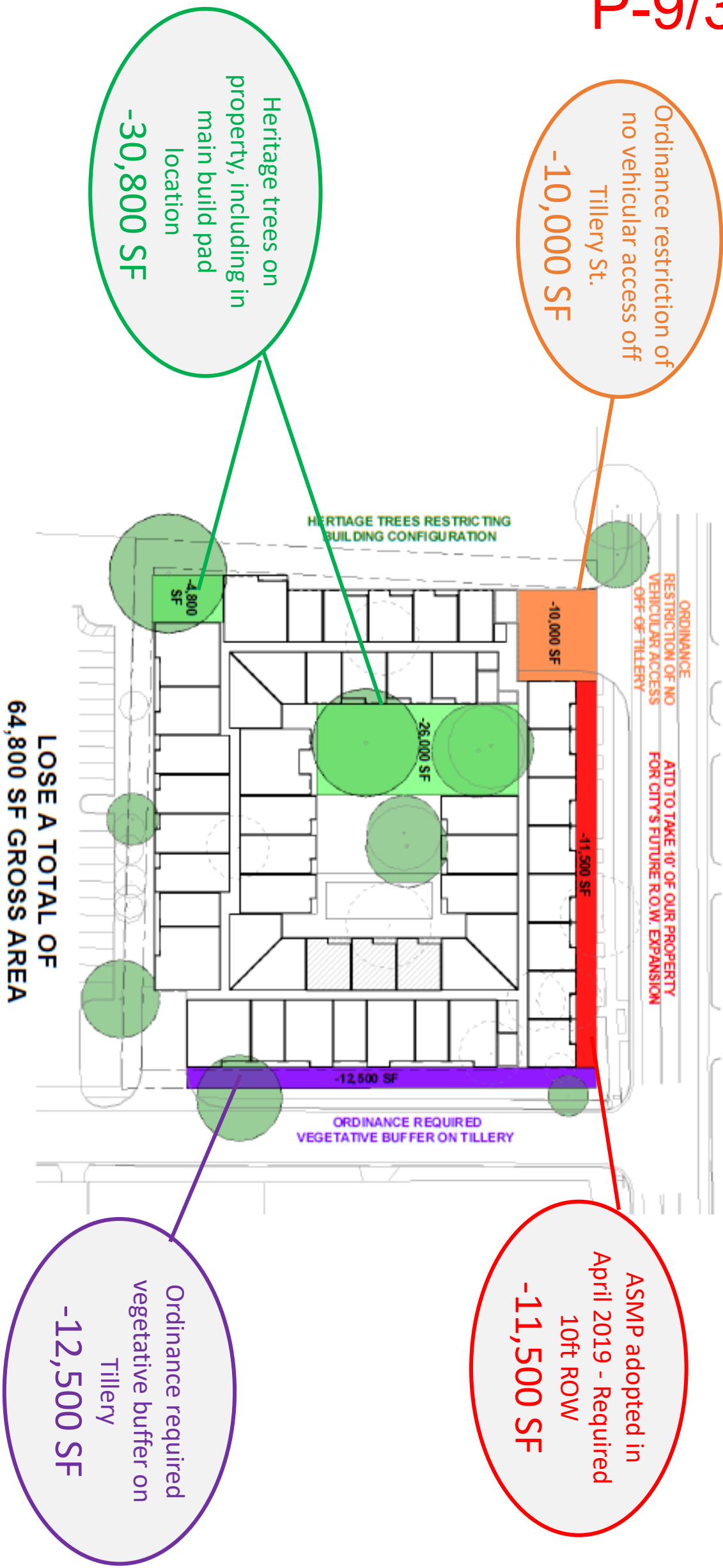


SITE SPECIFIC HARDSHIP & UNATTAINABLE AREA DUE TO SITE CONDITIONS AND RESTRICTIONS



Site Specific Restriction Impact

UNATTAINABLE AREA DUE TO SITE CONDITIONS AND RESTRICTIONS



Building Design (Manor Rd)



NW ELEVATION

Building Design (Manor & Tillery St.)



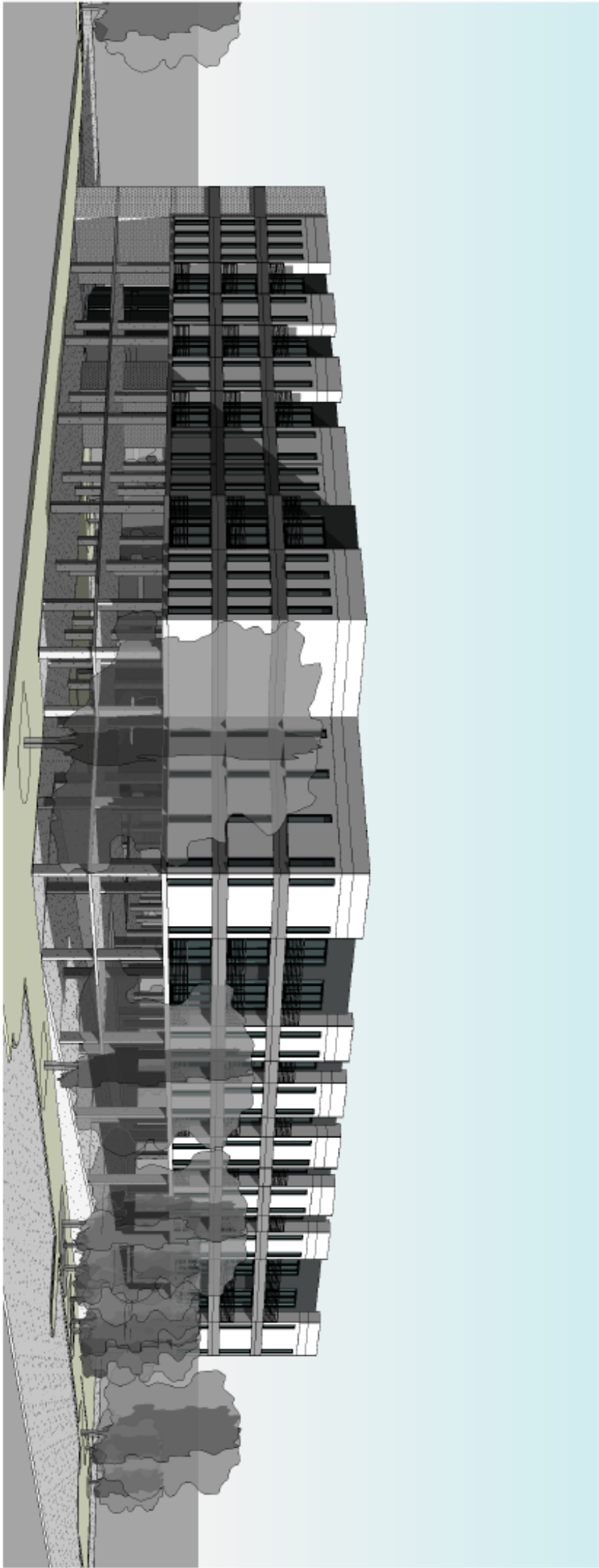
NE ELEVATION

Building Design (Tillery St.)



SE ELEVATION

Building Design (Tire Shop)



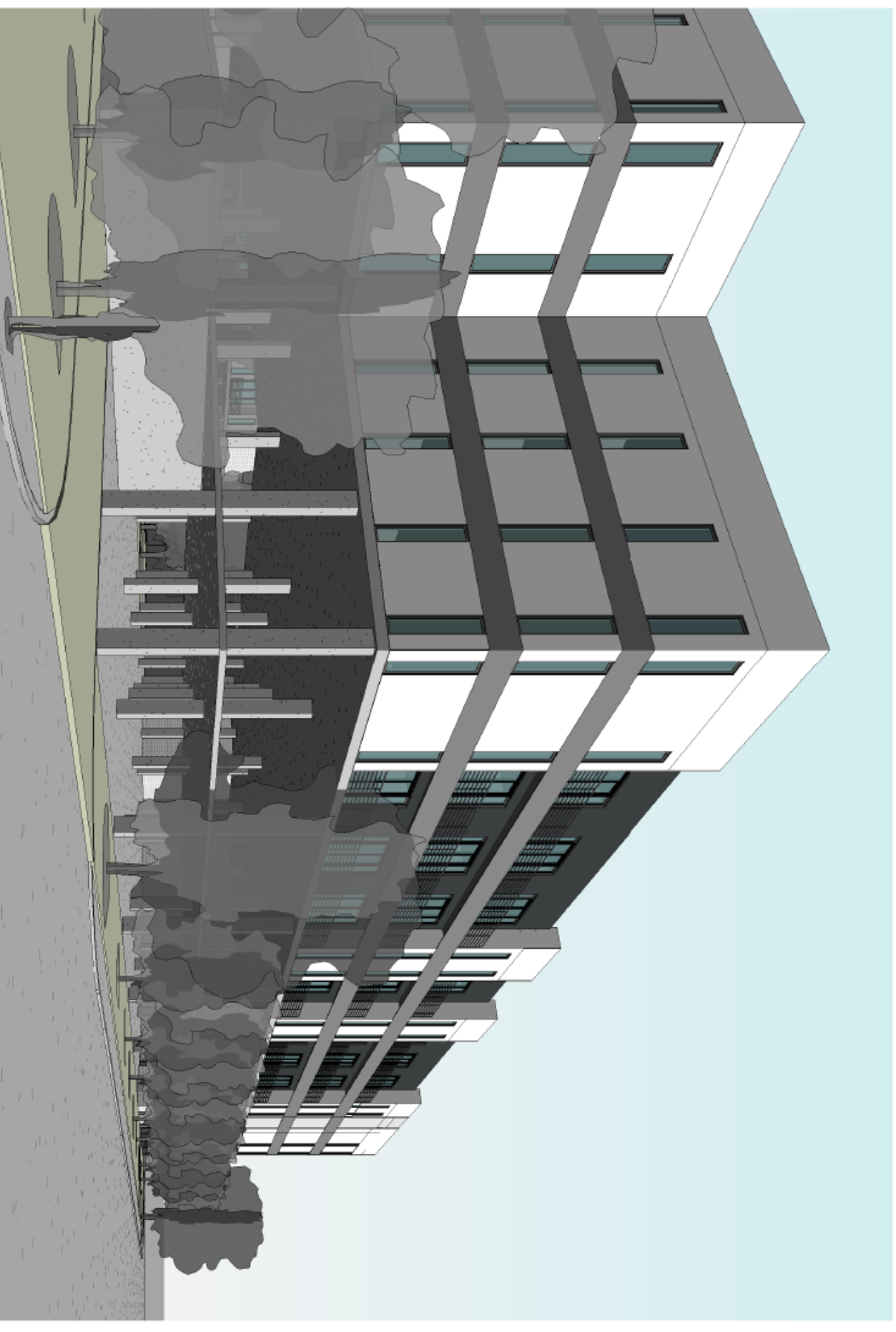
SW ELEVATION

Building Design Street View (Manor St.)



NW STREET VIEW

Building Design Street View (Tillery St.)

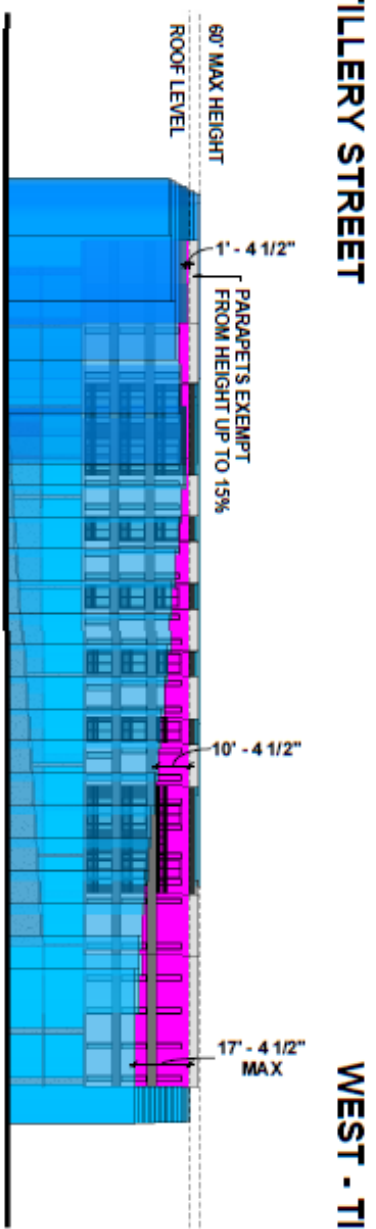


SE STREET VIEW

Allowable Height Per Compatibility Setback
(in blue)



Allowable Height Per Compatibility Setback (in blue)
Height Requested (in fuchsia)
17' - 4.5" Max



SOUTH - FILM SCHOOL

PUBLIC HEARING INFORMATION

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

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

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

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

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

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

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

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

Case Number: C15-2020-0009

Contact: Elaine Ramirez, 512-974-2202

Public Hearing: Board of Adjustment; February 5th, 2020

Randy Mallory

Your Name (please print)

3620 Clary Way 78723

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: 903-3612-4564

2/4/20

☒ I am in favor
☐ I object

Comments:

Mid-City has worked carefully with the neighborhood and should be rewarded for that behavior - unlike the developer across Tiller that avoided contact with residents.

If you use this form to comment, it may be returned to:

City of Austin-Development Services Department/ 1st Floor

Elaine Ramirez

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: elaine.ramirez@austintexas.gov

THE TYNAN LAW FIRM

1801 East 51st Street, Suite 365-105
Austin, Texas 78723

Phone: (512) 829-8755

Fax: (512) 729-8250

www.tynanlawfirm.com

February 5, 2020

VIA EMAIL: elaine.ramirez@austintexas.gov

Austin Board of Adjustment
c/o: Elaine Ramirez
City of Austin
Development Services Department
PO Box 1088
Austin, Texas 78767-1088

Subject:	Case Number:	C15-2020-0009
	Agenda Item:	I-6, February 5, 2020
	Address:	3219 Manor Road, District 1

Board of Adjustment,

I am writing to express my support for the applicant's requested variance(s) associated with the above-captioned case. I am a resident in the J.J. Seabrook neighborhood where this project will be constructed. I believe the applicant has met the criteria to obtain the requested height variance(s) and granting this request will permit a reasonable use of the property and cause no demonstrable negative change to the character of the neighborhood.

The applicant has been overwhelmingly forthright and considerate in their communication and collaboration with the neighborhood. Their representatives have attended numerous meetings of the Neighborhood Association as well as informal Q&A sessions with residents. They have been mindful of the neighborhood's concerns and have worked hard to develop a product that will provide benefits consistent with the City's long-range planning goal while maintain compatibility with existing (and planned) neighborhood development.

Objectively, I believe the City's request for additional Right-of-Way (as part of the Austin Strategic Mobility Plan), along with the development restrictions existing on Tillery Street side of the property, create a combination of "hardship" that is unique to the property. In addition, achieving the full measure of reasonable use under the existing zoning classification can be achieved by permitting this height variance. Finally, the applicant's development plans will not alter the character of the adjacent properties. This area of the Manor Road frontage is in the process of undergoing significant development in an effort to bring a greater diversity of uses to the area. The applicant's request, as applied to their project, will not diverge from the surrounding projects that are built, planned, or currently in progress.

Thank you for you time and consideration of this statement of support.

Best regards,

A handwritten signature in black ink, reading "Matthew W. Tynan". The signature is fluid and cursive, with a long horizontal stroke at the end.

--

Matthew W. Tynan

Attorney & Counselor at Law