

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2022-0060

**BOA DATE:** July 11<sup>th</sup>, 2022

**ADDRESS:** 1609 Matthews Ln

**COUNCIL DISTRICT:** 5

**OWNER:** CMCBH2 Company LLC

**AGENT:** Victoria Haase

**ZONING:** MF-2-CO

**LEGAL DESCRIPTION:** LOT 1 RESUB OF PT OF LOT 1 FITZHUGH J G & HENRY SUBD

**VARIANCE REQUEST:** **a)** decrease the setback from 25 feet to 7 feet on eastern property line and 13 feet on southern property line **b)** increase the height limit from two (2) stories and 30 feet to three (3) stories and 31 feet

**SUMMARY:** erect multi-family/townhouse dwelling units

**ISSUES:** heritage trees, critical water quality zone and public utility easements

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-2-CO	Multi-Family
<i>North</i>	SF-6-CO; CS	Single-Family; Commercial Services
<i>South</i>	DR	Development Reserve
<i>East</i>	SF-2	Single-Family
<i>West</i>	MF-2	Multi-Family

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Friends of Austin Neighborhoods

Go Austin Vamos Austin 78745

Homeless Neighborhood Association

Matthews Lane Neighborhood Assn.

Neighborhood Empowerment Foundation

Onion Creek HOA

Preservation Austin

SELTexas

Sierra Club, Austin Regional Group

South Austin Neighborhood Alliance (SANA)



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

- 1. 25-2-1063 (B) (1) (Height Limitations and Setbacks for Large Sites) - from setback requirements to decrease the minimum setback from 25ft (minimum/allowed) to 7ft (requested) from the eastern property line and to 13ft (requested) from the southern property line in order to erect a 3 story multifamily/townhouse style building.
- 2. 25-2-1063 (C)(1) (a) (Height Limitations and Setbacks for Large Sites) - to increase the height limit from 2 stories and 30ft (maximum allowed) to 3 stories and 31ft (requested) in order to erect a 3 story multifamily/townhouse style building 50ft or less from the eastern and southern property lines.

**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 compatibility regulations were intended to buffer single-family uses from commercial uses.

The triggering properties to the east and south of the subject tract have longstanding commercial uses that are not in need of the protections that compatibility buffers were intended to provide. The buildable area lost with adherence to compatibility requirements, environmental features, and public utility easements, on a lot of this size and dimension undermines reasonable use of property adjacent to commercial and industrial/warehouse uses and a rail-road.

**Hardship**

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

The site has 4 hertiage/protected trees, critical water quality zone and public utility easements that push developable area towards the triggering properties. The location of the trees creates challenge for building placement while also adhering to compatibility setbacks and height limitaions.

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

This propety is uniquely situated along a rail-road track, adjacent to two properties that have compatibility-triggering zoning but have long established commercial and industrial/warehouse uses. Restricting development based on the triggering property's zoning rather than established use 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:

the adjacent, compatibility-triggering properties have long-standing commercial and industrial/warehouses uses that are not intended to be buffered by compatibility regulations. Further, the MF-2 zoning district regulations are classified as "commercial" development that also do not trigger compatibility regulations on adjacent commercial uses and zoning districts.

**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: 06/09/2022

Applicant Name (typed or printed): Thrower Design, LLC

Applicant Mailing Address: PO Box 41957

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 476-4456

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: 06/09/2022

Owner Name (typed or printed): CMCBH2 COMPANY LLC

Owner Mailing Address: 3625 Bent Ridge Drive

City: Plano State: TX Zip: 75074

Phone (will be public information): (512) 476-4456

Email (optional – will be public information): 

**Section 5: Agent Information**

Agent Name: Thrower Design, LLC

Agent Mailing Address: PO Box 41957

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 476-4456

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).

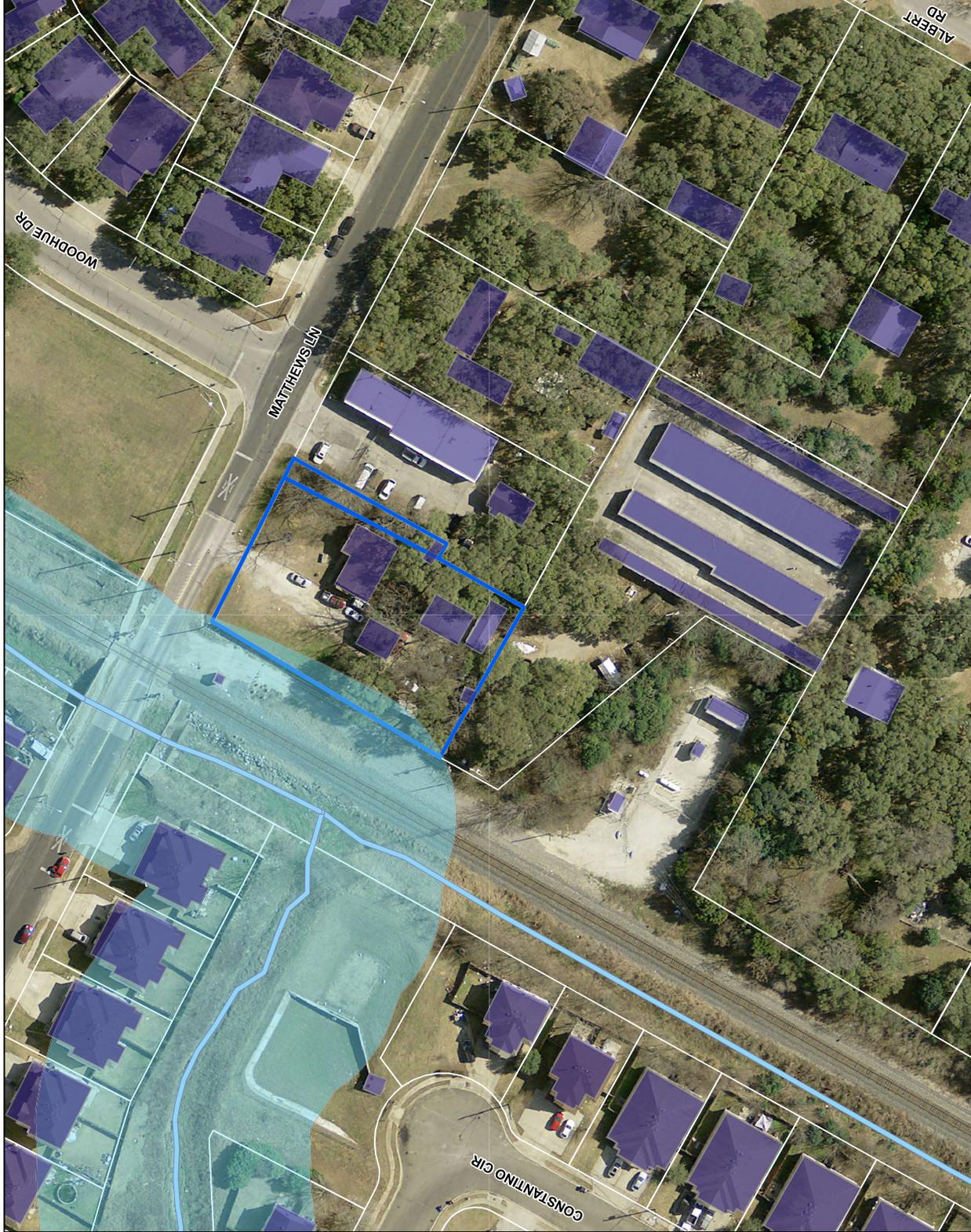
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1609 Matthews Lane  
Austin, Texas 78745

Board of Adjustments  
Variance Request Application Map  
June 9, 2022

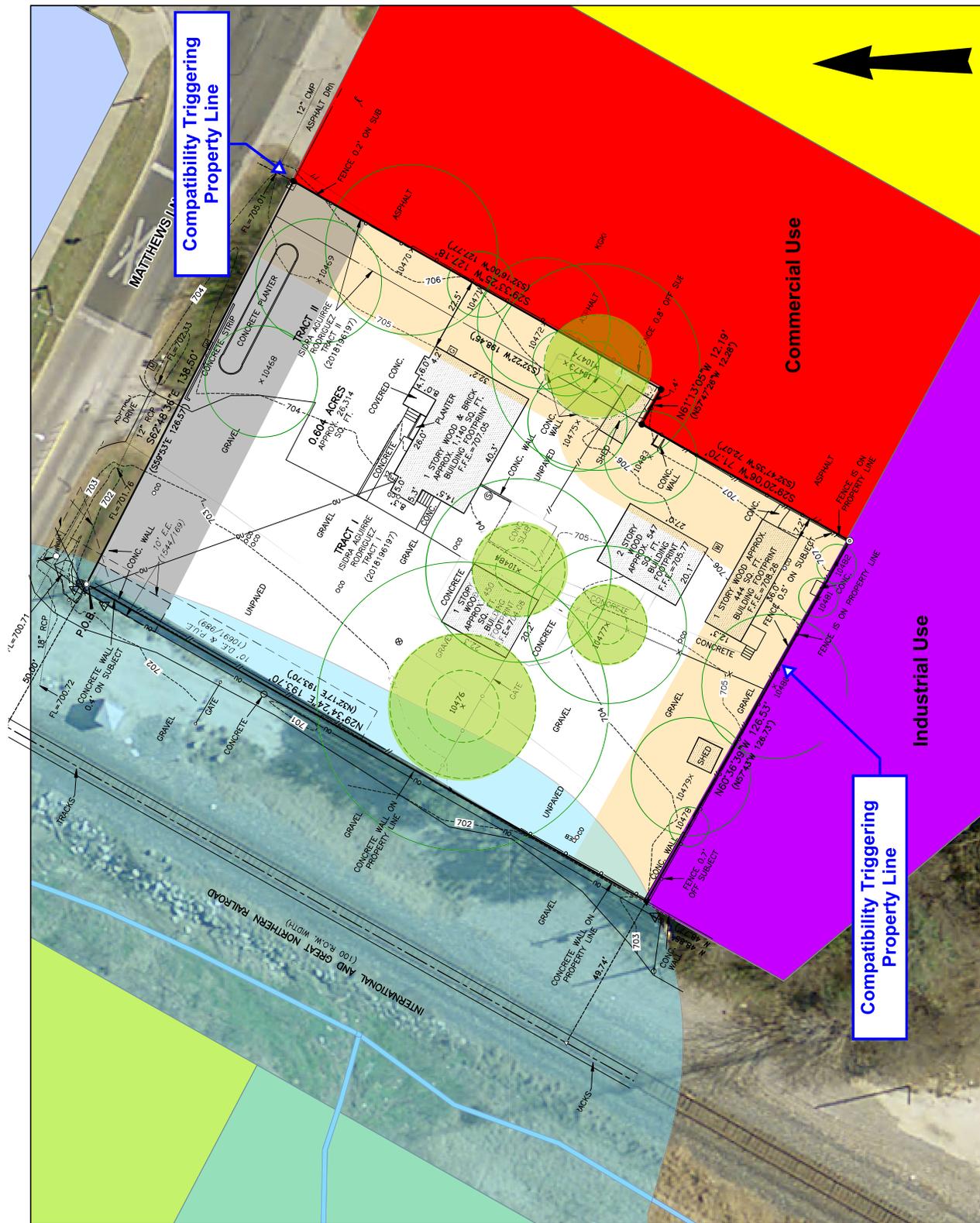
- Subject Tracts
- Creek Setbacks
- Creeklines
- Building Footprints (2017)



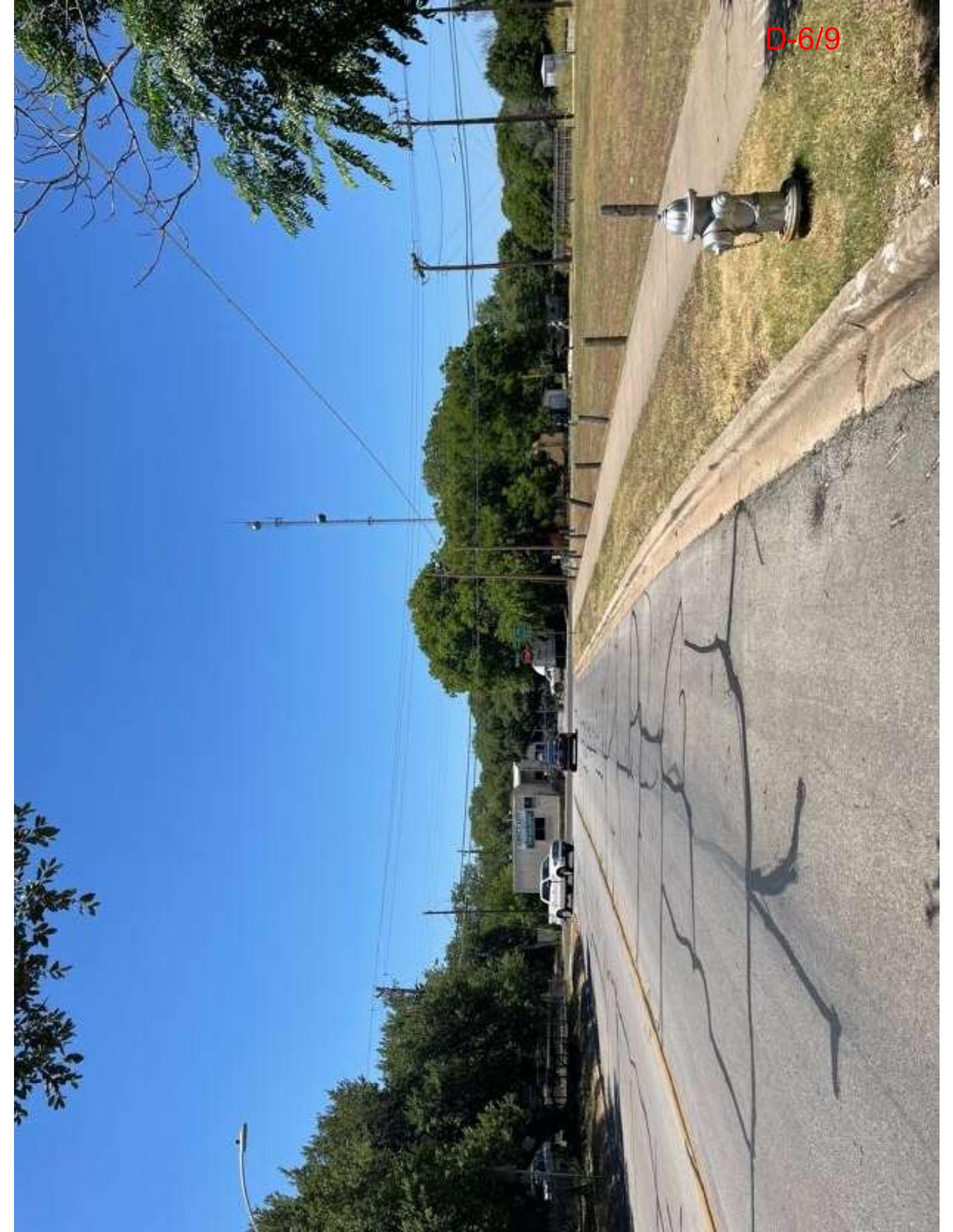
C15-2022-0062  
 1609 Matthews Lane, 78745

Board of Adjustments  
 Constraints Map  
 June 23, 2022

- 25ft Front Setback
- Creeklines
- Creek Setbacks (CWQZ)
- 25ft Compatibility Setback
- Land Use Inventory
- Single Family
- Mobile Home
- Large Lot Single Family
- Multifamily
- Commercial
- Mixed Use
- Office
- Industrial
- Resource Mining/Extraction
- Civic
- Open Space
- Parking/Transportation
- Streets & Roads
- Utilities
- Undeveloped
- Water
- <all other values>



D-6/9



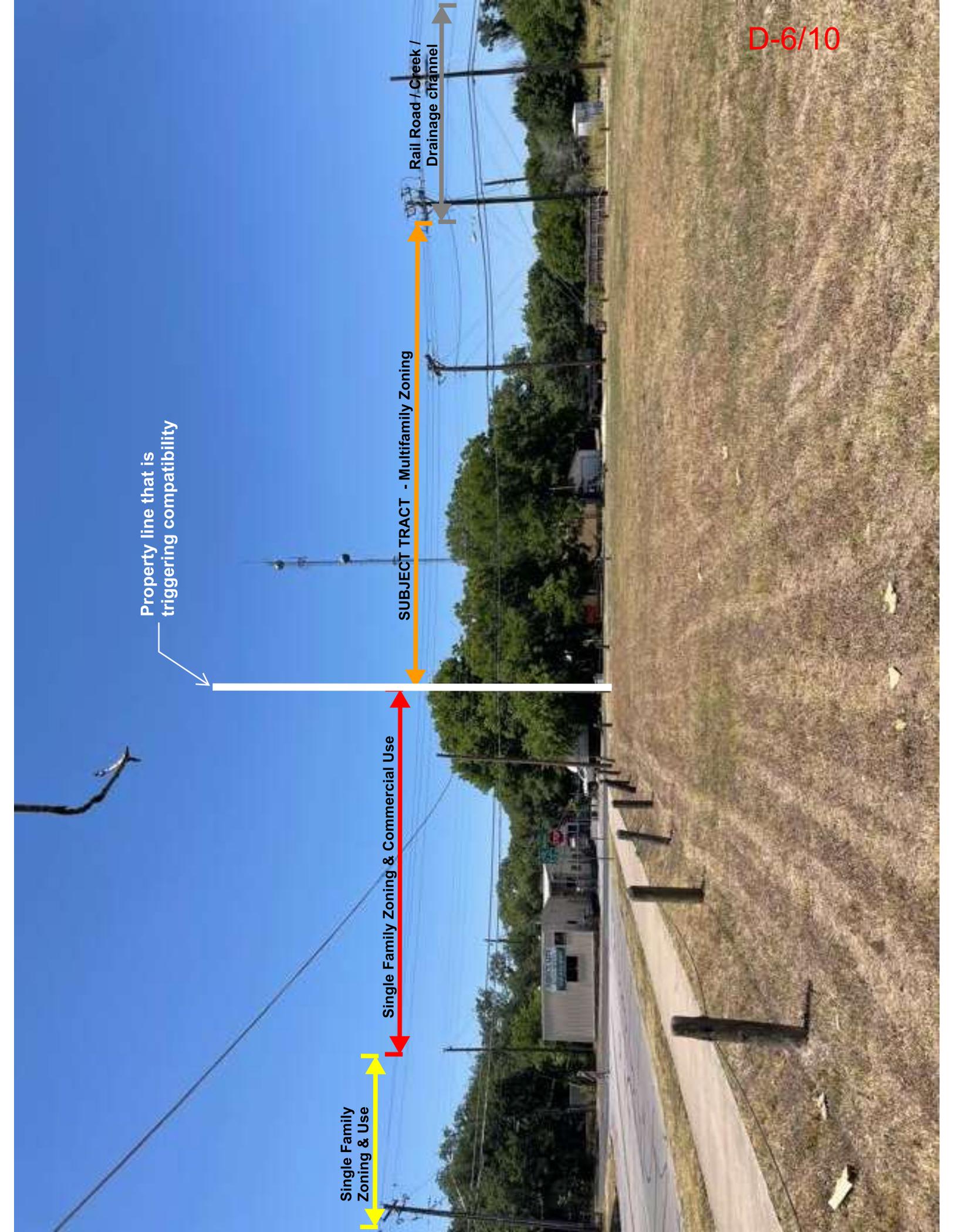
Property line that is triggering compatibility

Single Family Zoning & Use

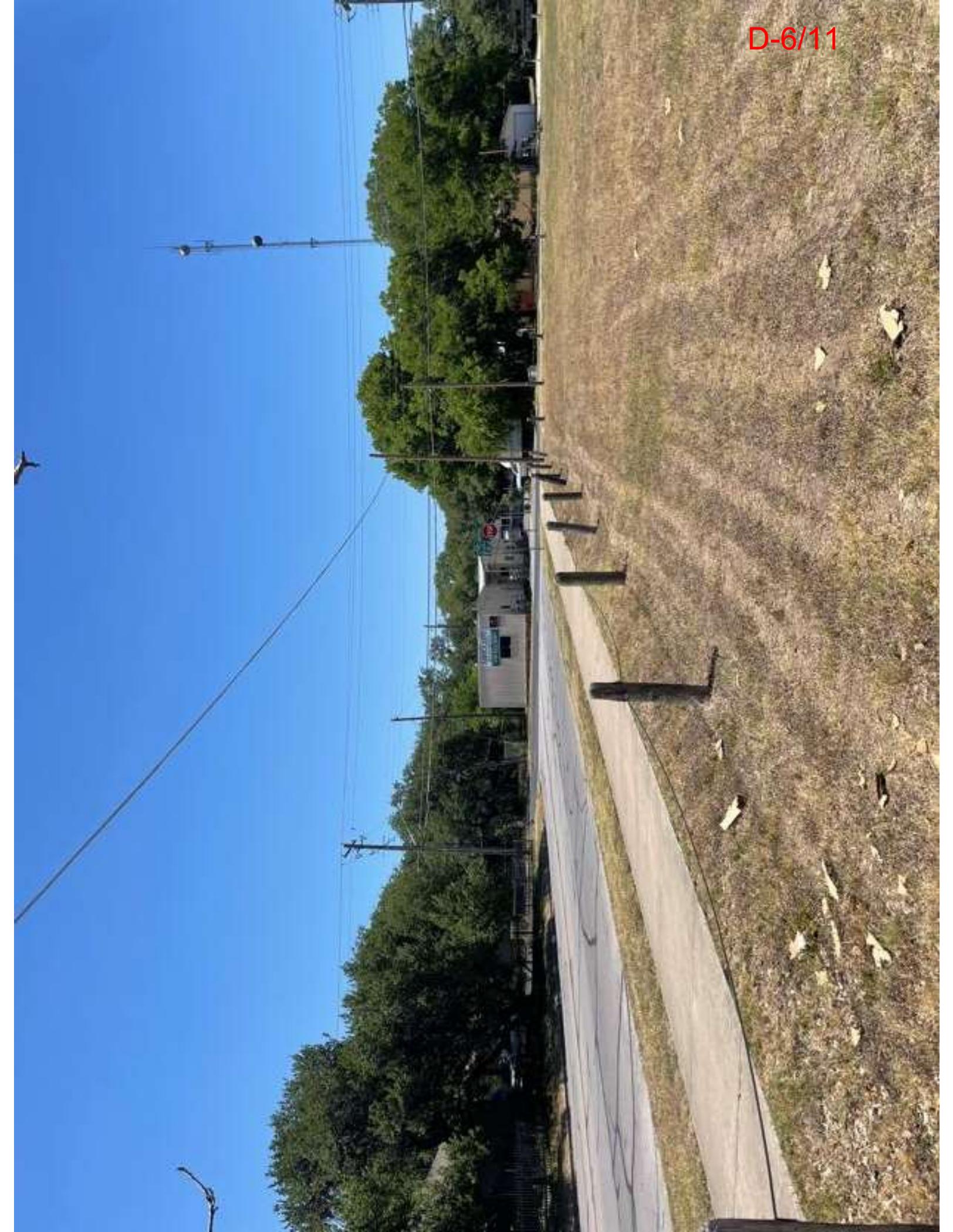
Single Family Zoning & Commercial Use

SUBJECT TRACT - Multifamily Zoning

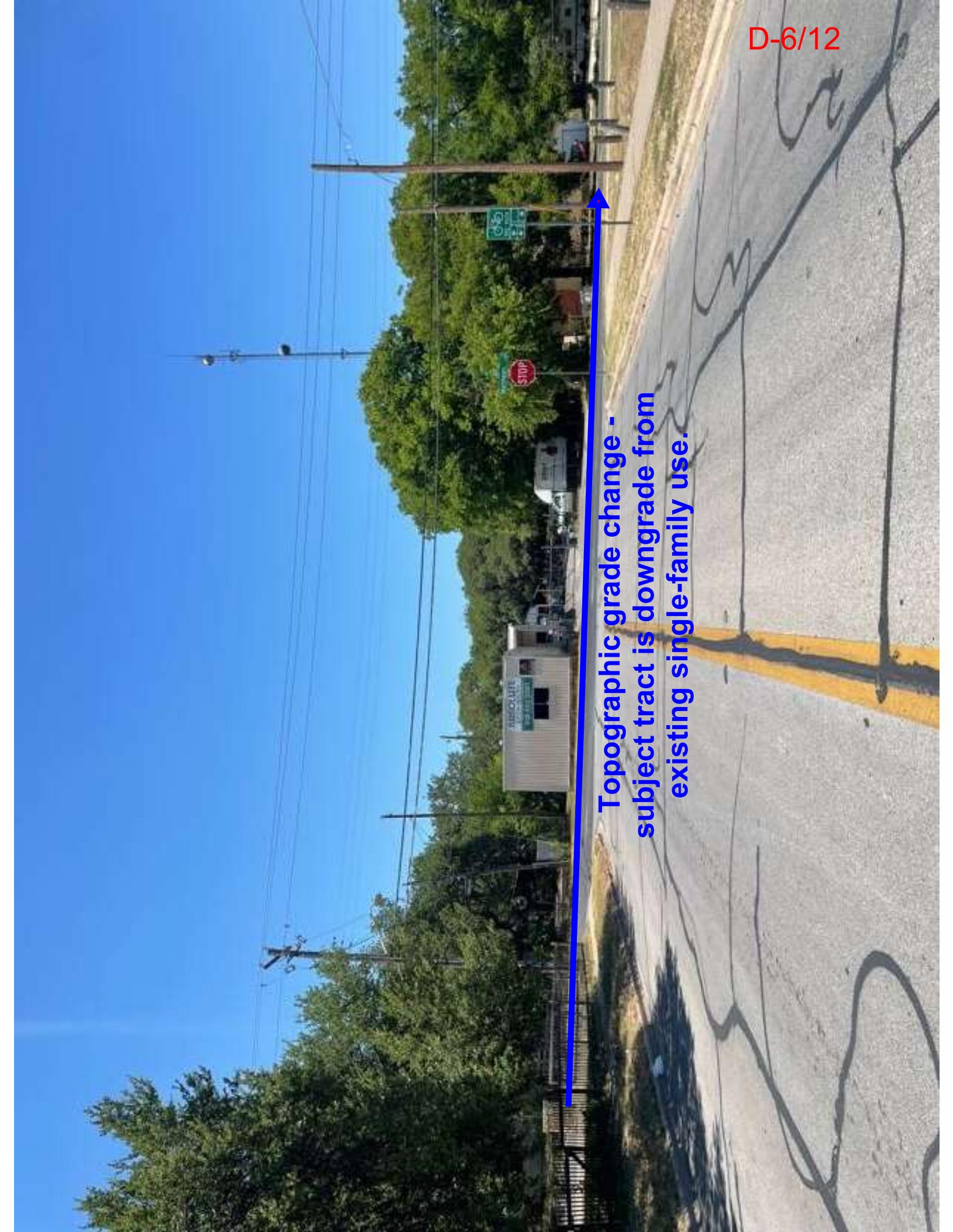
Rail Road / Creek / Drainage channel



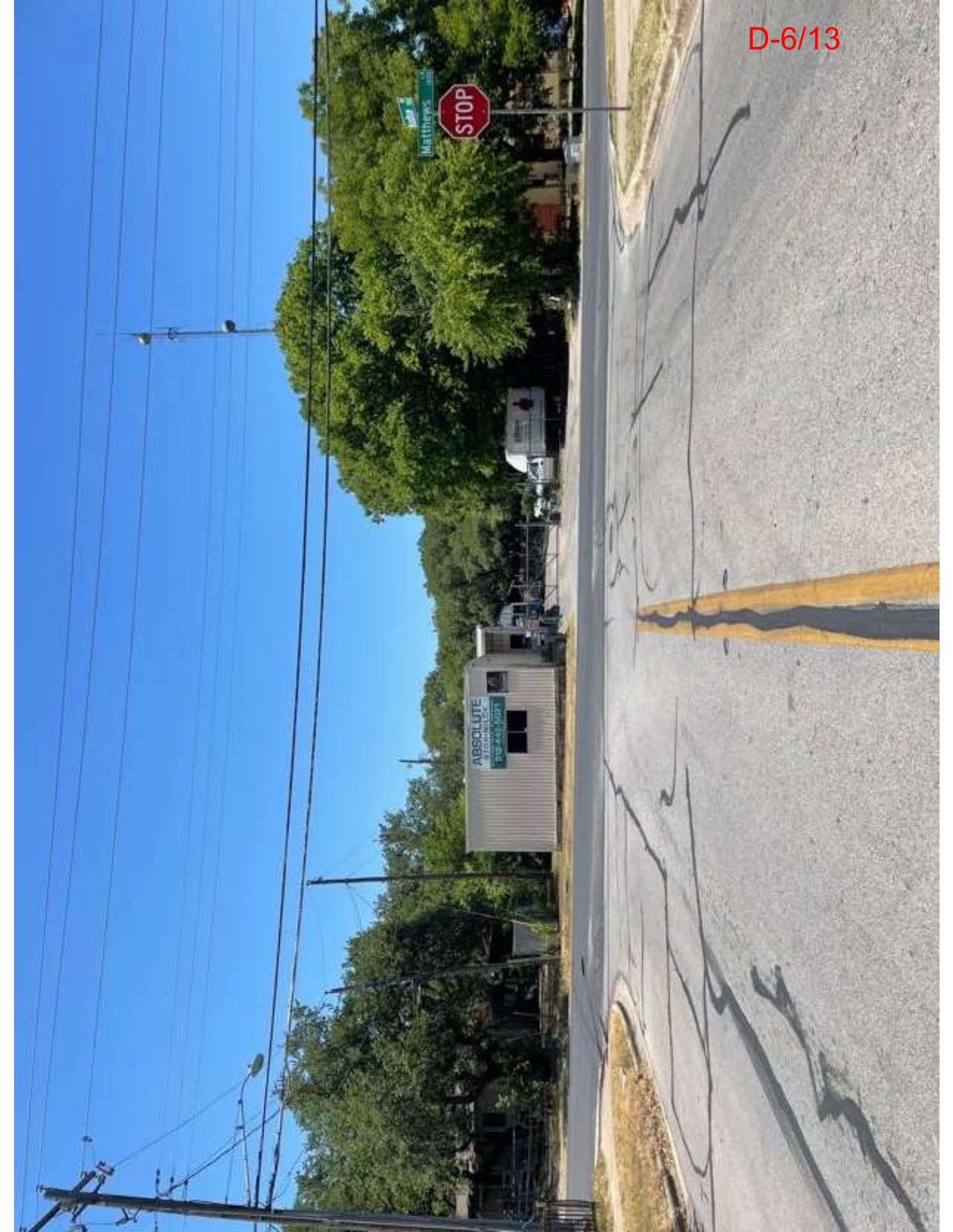
D-6/11



**Topographic grade change -  
subject tract is downgrade from  
existing single-family use.**



D-6/13



STOP

Matthews

ABSOLUTE

510-243-7001

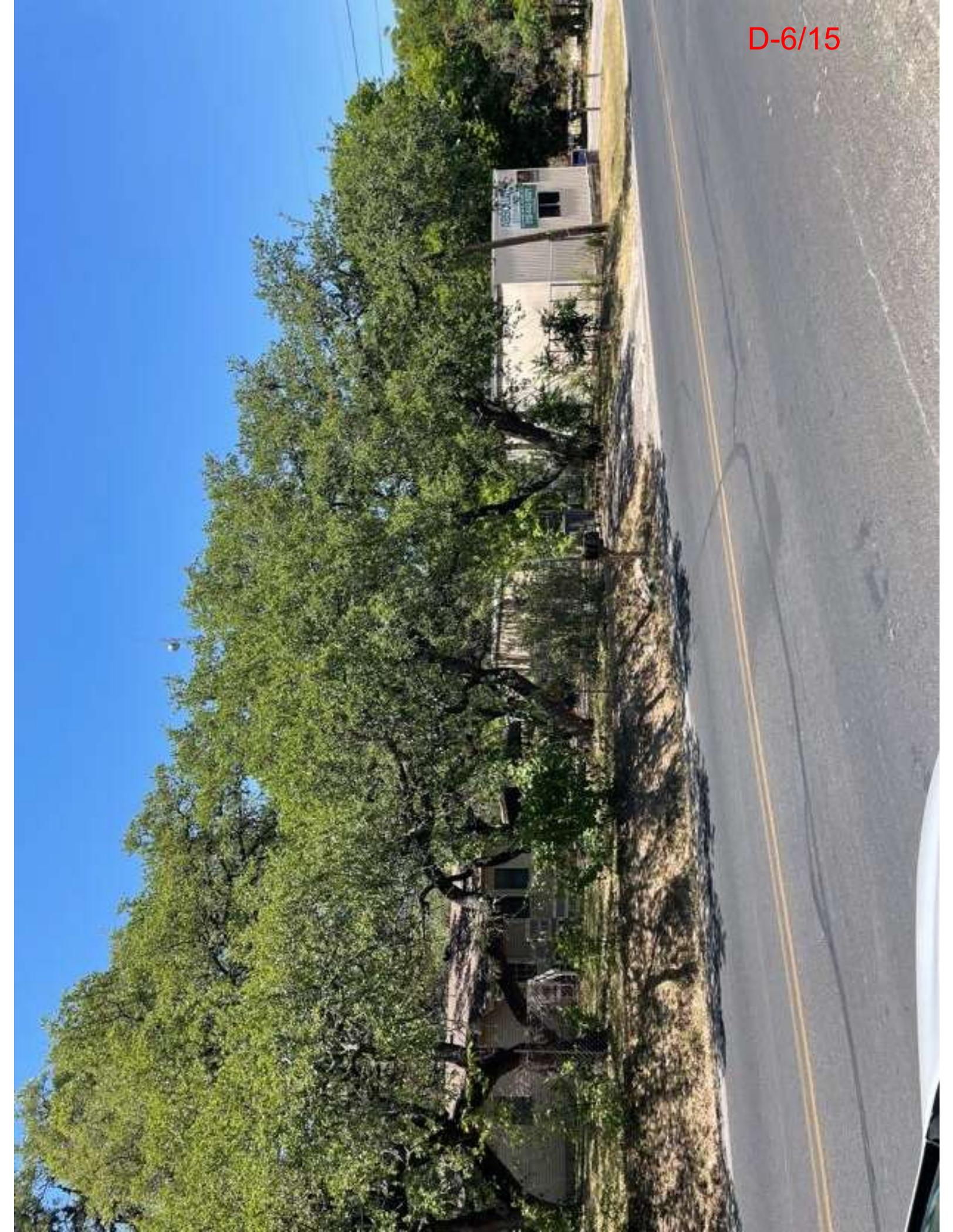
D-6/14



ABSOLUTE  
TOR-N-LOK  
2-442-5021



D-6/15



**Single Family Use,  
Single Family Zoning**

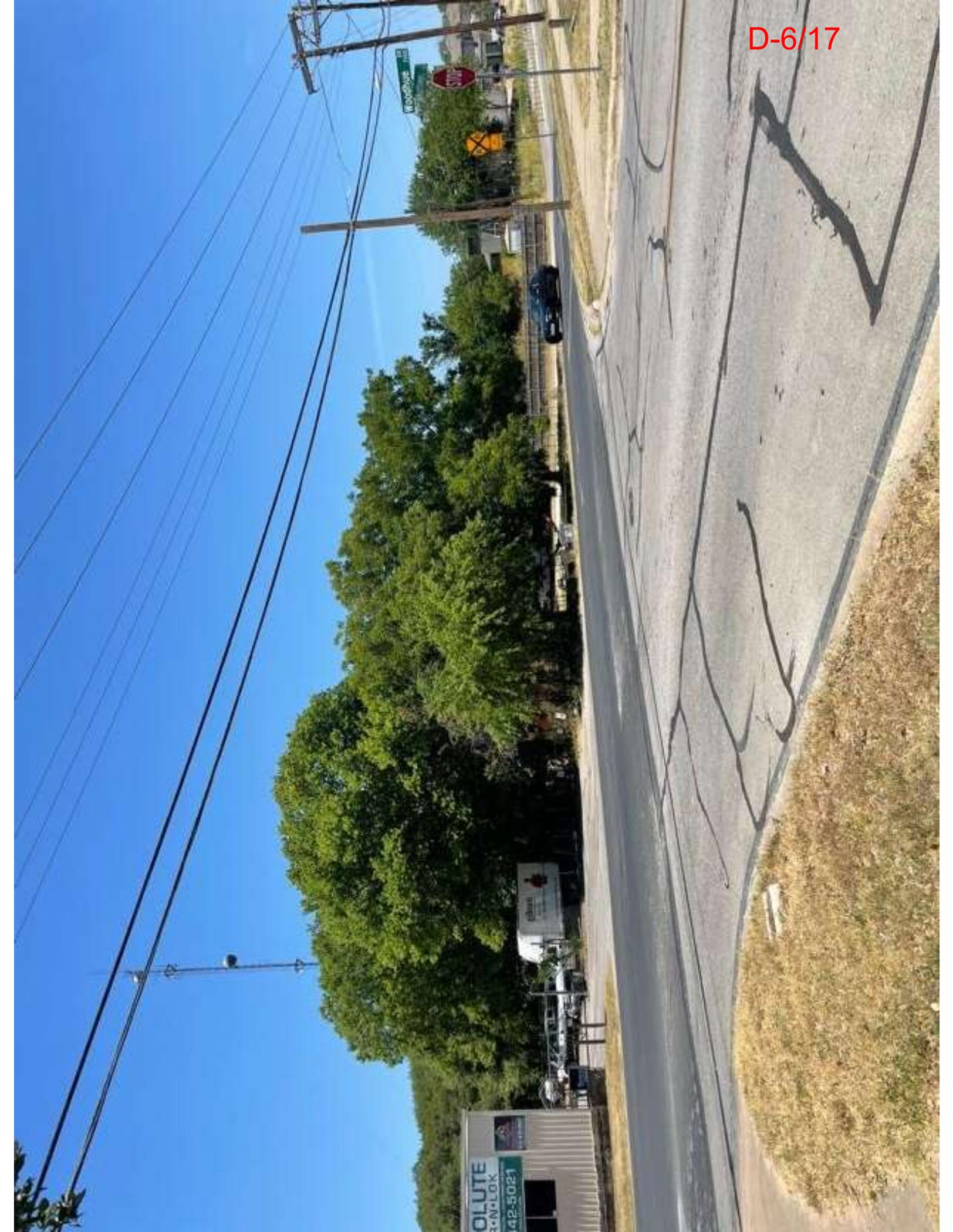
**Commercial Use, Single  
Family Zoning**

D-6/16

Subject Tract



D-6/17

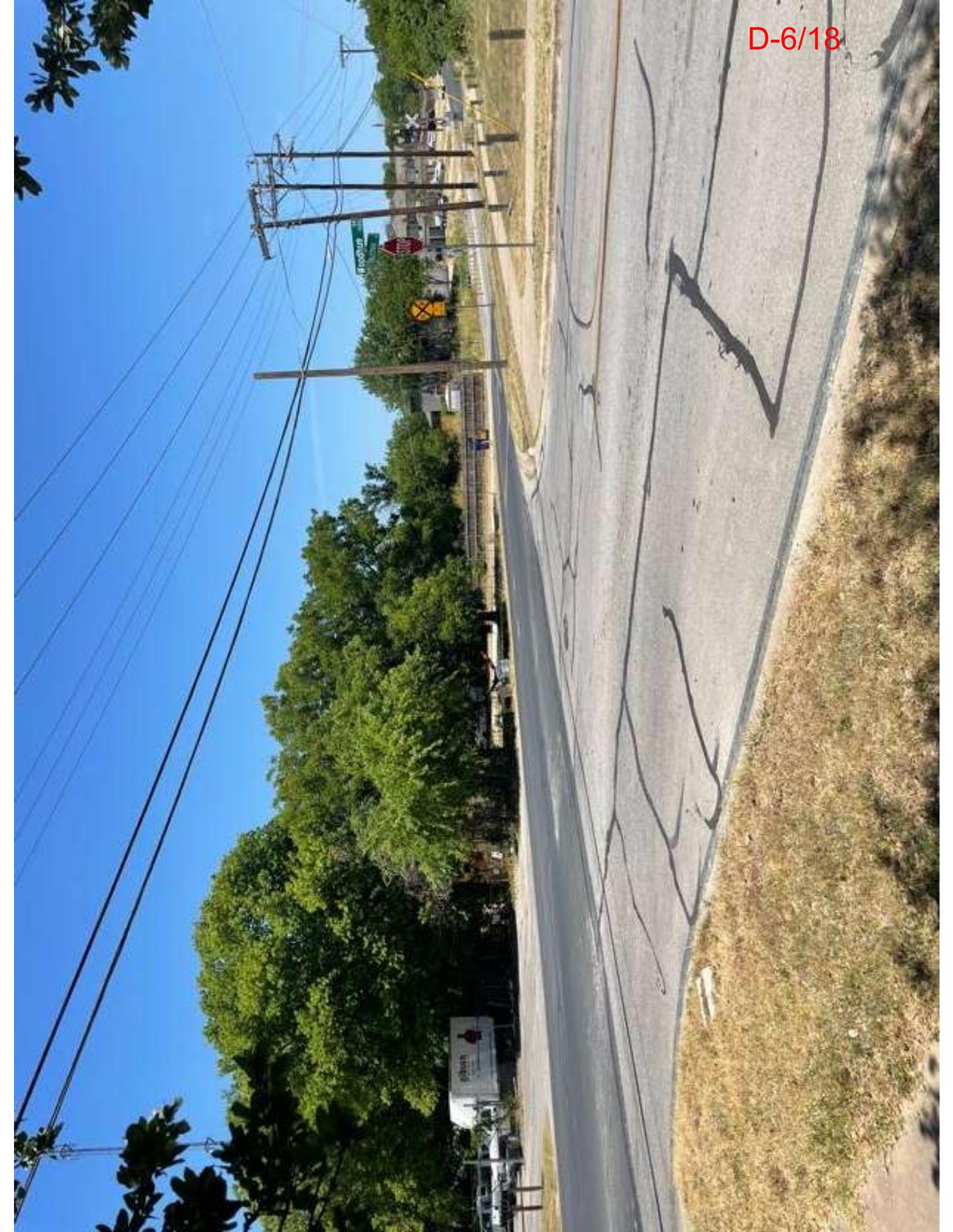


OLUTE  
442-5021

Woodbine

STOP

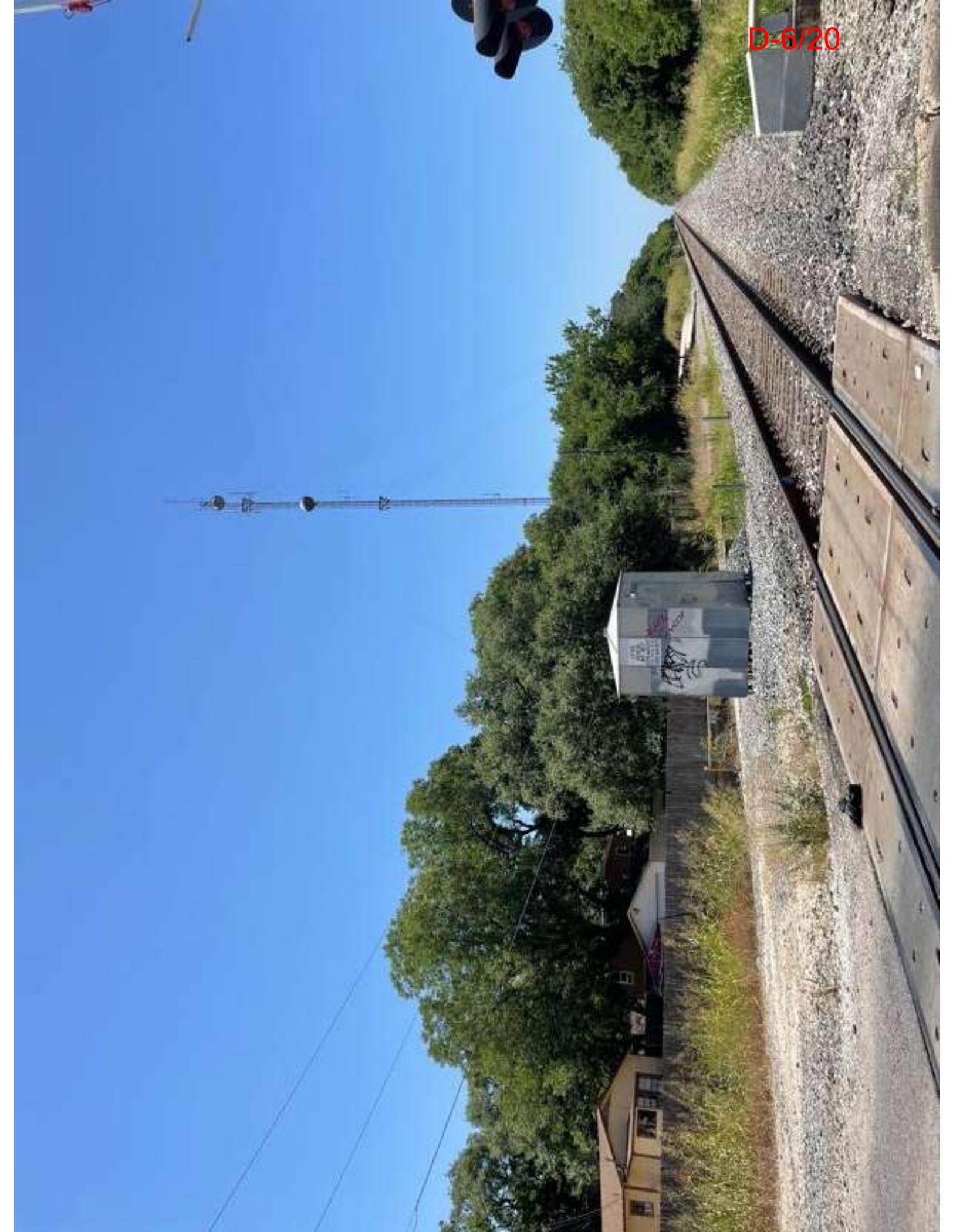
D-6/18



Subject Tract



D-6/20



**Buildable Area Calculations - 1609 Matthews Lane  
C15-2022-0060**

Site Area	Area Lost	% of whole
26,312.63		
	11,692	44%
	2,528	10%
	857	3%
	<b>15,077</b>	<b>57%</b>

Overall Site

With Compatibility setbacks

Tree Critical Root Zones

Critical Water Quality Zone

Total Area Lost

Site Area	Area Lost	% of whole
26,312.63		
	6,819	26%
	2,528	10%
	857	3%
	<b>10,204</b>	<b>39%</b>

Overall Site

With regular setbacks

Tree Critical Root Zones

Critical Water Quality Zone

Total Area Lost

Compatibility Height Restrictions from Single Family zoning and COMMERCIAL use.

Compatibility Triggering from Single Family zoning and use.

