

CASE # C15-2011-0024  
ROW # 10561885  
TP-0212130101

**CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE**

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

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 2918 East Martin Luther King Jr. Blvd., Austin, TX 78702

LEGAL DESCRIPTION: 8.459 acres out of Outlot 49, Division B, Document No. 2009191396 Travis County Property Records

I/We Walter Moreau on behalf of myself/ourselves as authorized agent for M. Station Housing, L.P. affirm that on September 30, 2010 hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

Child care building with a playground within 25' of a single family lot zoned SF-3.

in a TOD-NP district.  
(zoning district)

**NOTE: 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 support documents.**

**VARIANCE FINDING** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

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

The site is bisected by Boggy Creek and its floodplain. The layout of the site has been designed to utilize the land in the most efficient approach possible, however, the areas far most suited to the playground are those immediately adjacent to the building. Establishment of a playground on the west side of the child care building (further from the existing single family residences) is precluded by City environmental rules. The unique configuration of the site therefore necessitates seeking this variance.

**HARDSHIP:**

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

The playground is integral to and a licensing requirement of the operation of the child care center. The project site is on a fixed amount of land that is bisected by Boggy Creek and its floodplain, leaving a triangular area of land east of the creek. The unusual shape of the south end of the property and the presence of the floodplain present development obstacles that would not be faced by similar situated surrounding properties.

In addition, the child care building is part of the larger M Station affordable housing community. M Station is the first housing development to be developed under the new Transit Oriented District (TOD) overlays surrounding MetroRail train platforms. The unique physical constraints of the site coupled with the TOD guidelines provide a challenge to the necessary layout of a well-designed, licensed child care facility.

The child care facility will serve M Station residents and the broader neighborhood at a mix of income levels providing discounted rates for low-income families. We have been repeatedly told by neighborhood residents that there is a dearth of quality child care in the region and that the facility will be a welcome addition.

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

The property configuration is unique relative to other commercial tracts in the area in that it is bisected by Boggy Creek and its floodplain and. The areas far most suited to the playground are those immediately adjacent to the building.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The proposed use for the site is a playground for small children which will be operated on weekdays between the hours of 7am and 6pm.

Foundation Communities has met with and will continue to meet with the three directly adjacent single-family home owners in an effort to address their respective concerns. To date, the most distinctive concern is potential noise. A stone or concrete privacy fence will be constructed along the eastern property line to minimize noise levels and restrict playground activity to the site.

**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 Section 479 of Chapter 25-6 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 reasonable 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

**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.

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

Signed Walter M  
Mail Address:

M. Station Housing, L.P.  
3036 South First Street, Ste. 200  
Austin, TX 78704

Printed Walter Moreau  
Phone: 512-610-4016  
Date : 01-06-2011

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

Signed   
Mail Address:



M. Station Housing, L.P.  
3036 South First Street, Ste. 200  
Austin, TX 78704

Printed: Walter Moreau  
Phone: 512-610-4016  
Date: 01-06-2011

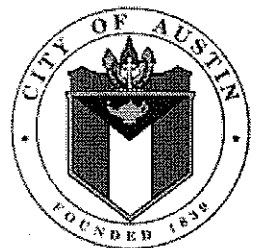


**BOARD OF ADJUSTMENTS**

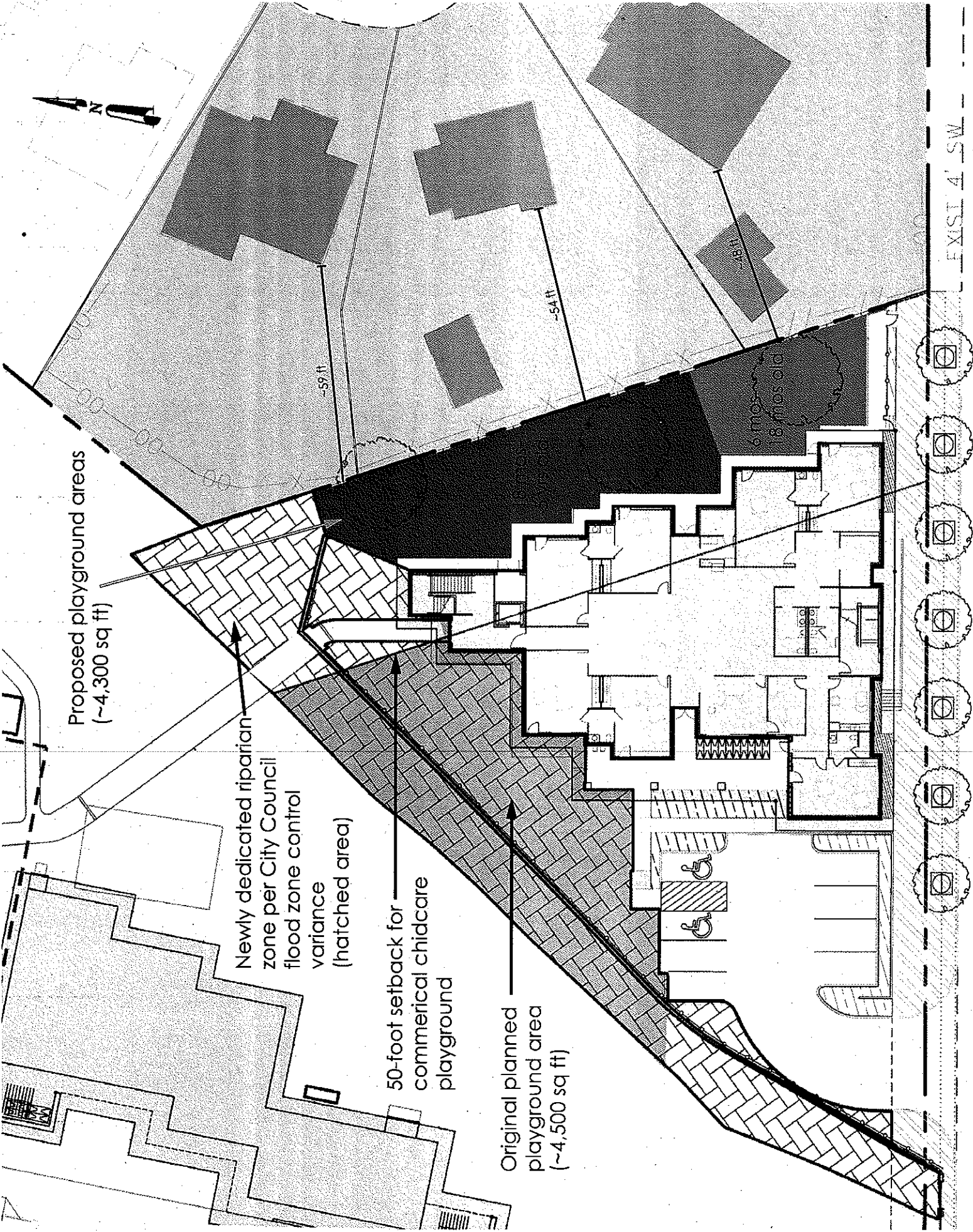


-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2011-0024  
 LOCATION: 2918 E MARTIN LUTHER KING JR BLVD.  
 GRID: L23  
 MANAGER: S. WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Proposed playground areas  
(~4,300 sq ft)

Newly dedicated riparian  
zone per City Council  
flood zone control  
variance  
(hatched area)

50-foot setback for  
commercial childcare  
playground

Original planned  
playground area  
(~4,500 sq ft)

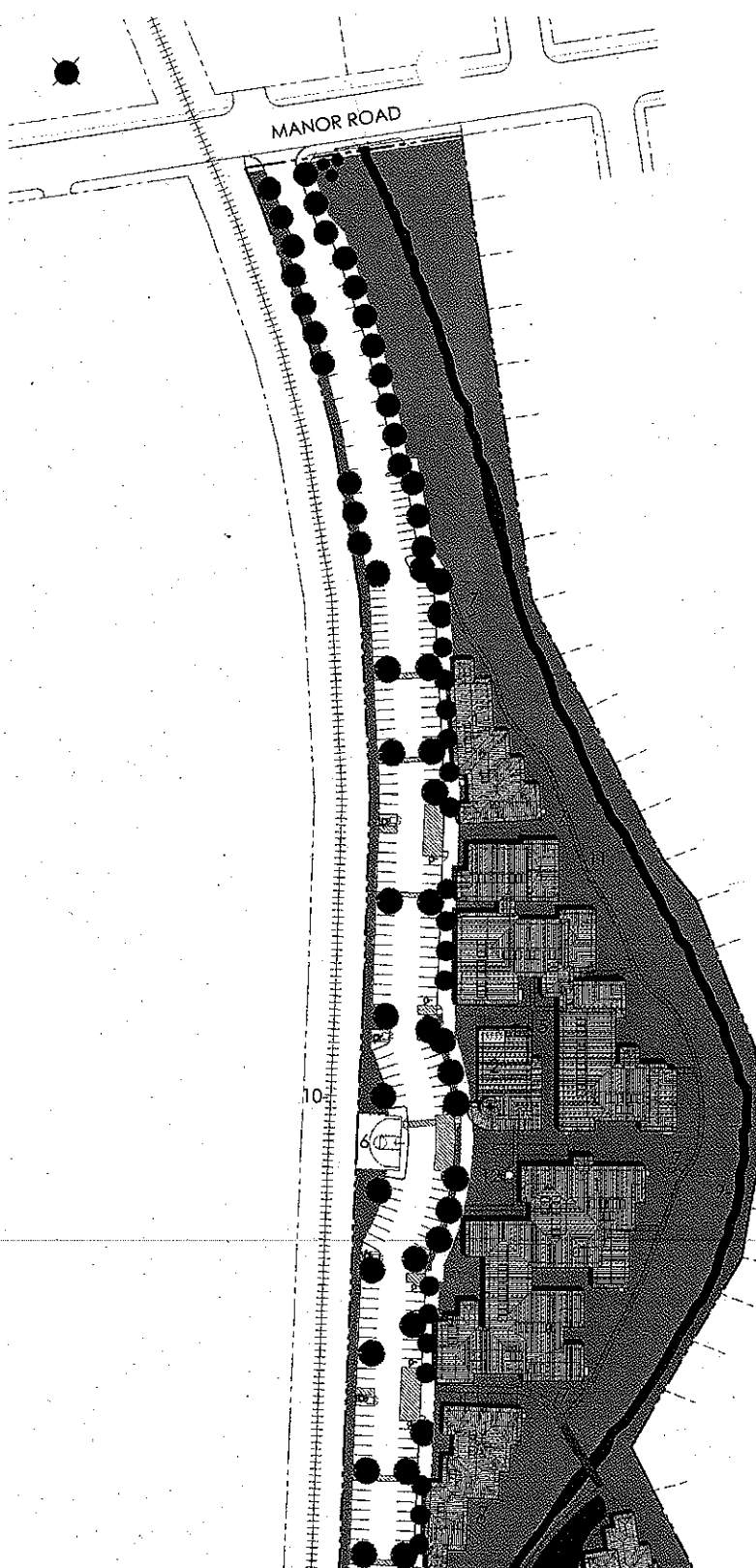
-59 ft

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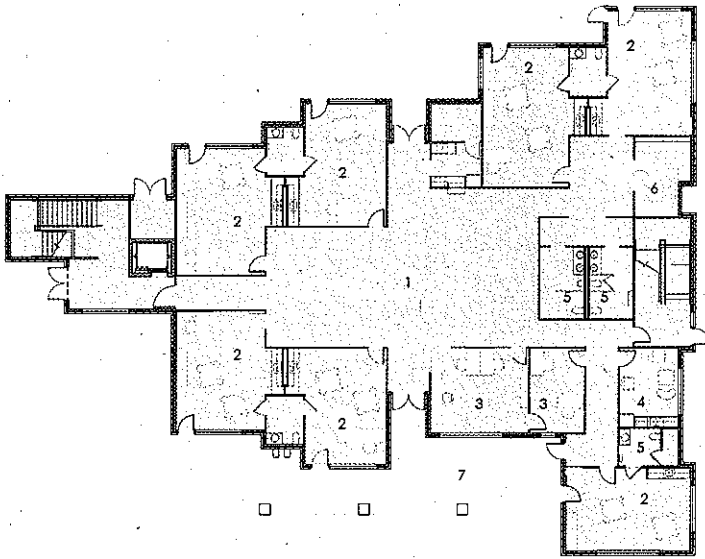
6 mos  
18 mos

EXIST 4' SW



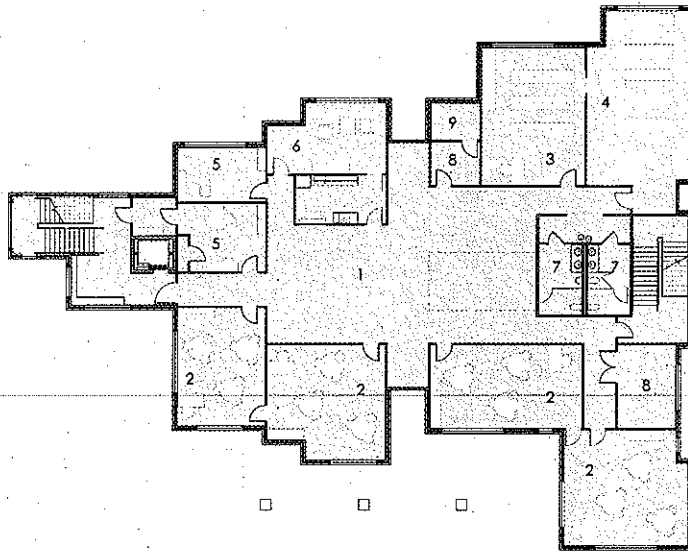
## SITE PLAN

1. Residential Building
2. Leasing Office / Learning Center
3. Childcare / Learning Center
4. Fenced Outdoor Play Area
5. Playscape
6. Basketball Court
7. Picnic Table
8. Pavilion
9. Boggy Creek
10. Metro Rail
11. Pathways
12. Cistern



## CHILDCARE CARE 1st Floor

- 1. Great Room
- 2. Classroom
- 3. Office
- 4. Break Room
- 5. Restroom
- 6. Storage / Laundry
- 7. Covered Patio



## LEARNING CENTER 2nd Floor

- 1. Great Room
- 2. Classroom
- 3. Computer Room
- 4. Library
- 5. Office
- 6. Lounge
- 7. Restroom
- 8. Storage
- 9. Mechanical



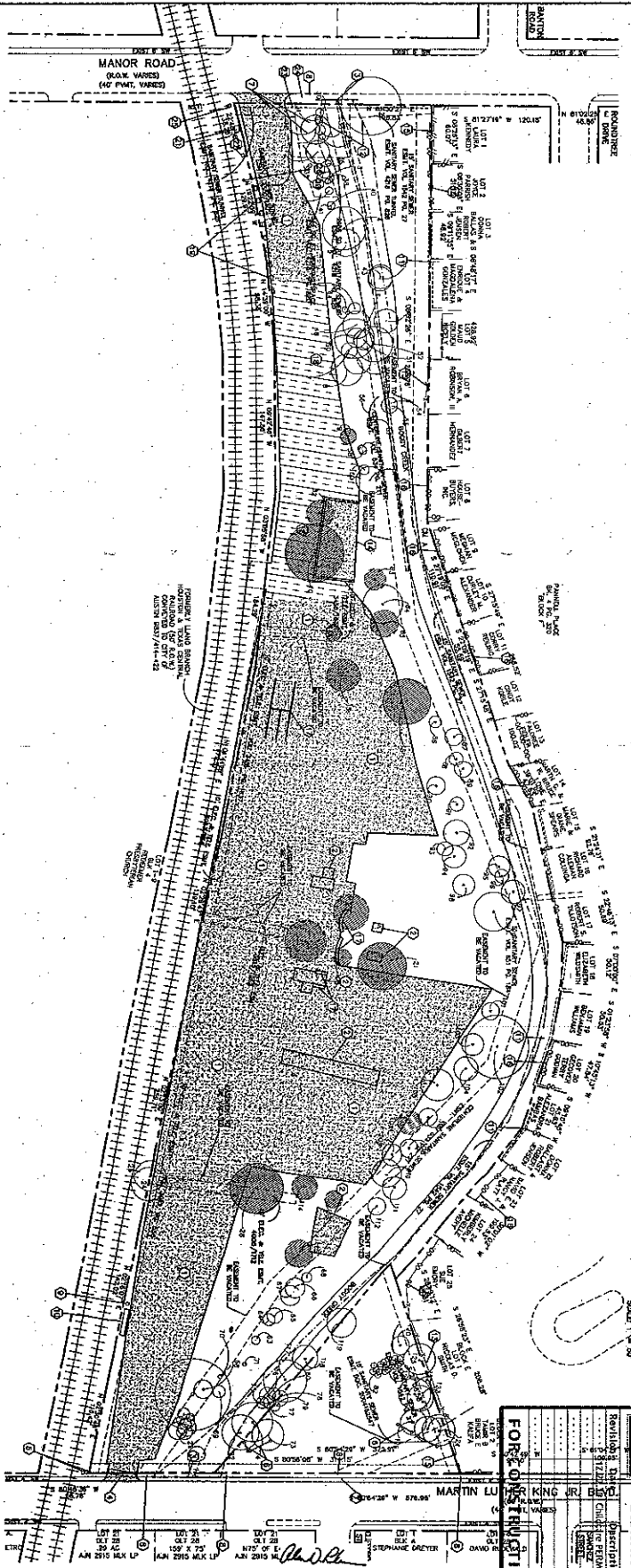
## ELEVATION

**M STATION**

2906 E MLK Jr Blvd  
Austin, TX

**Foundation Communities**  
Creating housing where families succeed





- KEY NOTES**
- 1) CONCRETE DRIVEWAY AND PARKING LOT TO BE REMOVED
  - 2) CONCRETE SLAB TO BE REMOVED
  - 3) CONCRETE FLOOR, WALKWAY, AND GRASS PAVEMENT TO REMAIN
  - 4) CONCRETE DRIVEWAY TO BE REMOVED
  - 5) EXISTING DRIVEWAY TO BE REMOVED
  - 6) EXISTING DRIVEWAY TO BE REMOVED
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  - 23) EXISTING DRIVEWAY TO BE REMOVED

- NOTES**
1. SEE SHEET 2 FOR EXISTING CONDITIONS, UTILITIES, EXISTING OR CONSTRUCTION AND THE DEMOLITION NOTES.
  2. CONSTRUCTION AREAS SHOULD BE MARKED BY ALL NEIGHBORS, TYPICAL, BARRIERS, SAFETY FLARE.
  3. EXISTING UTILITIES, UTILITIES, ETC.
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**LEGEND**

W	EXISTING WATER LINE
WH	EXISTING WASTEWATER LINE
AW	ABANDONED WASTEWATER LINE
SS	EXISTING STORM SEWER
SE	EXISTING UNDERGROUND TELEPHONE LINE
SE	EXISTING OVERHEAD TELEPHONE LINE
SE	EXISTING OVERHEAD POWER LINE
SE	EXISTING OVERHEAD CABLE LINE
SE	EXISTING OVERHEAD FIBER OPTIC LINE
SE	EXISTING OVERHEAD AIR CONDITIONING LINE
SE	EXISTING OVERHEAD GAS LINE
SE	EXISTING OVERHEAD WATER LINE
SE	EXISTING OVERHEAD SLOPE LINE
SE	EXISTING OVERHEAD DRAINAGE LINE
SE	EXISTING OVERHEAD LIGHTING LINE
SE	EXISTING OVERHEAD SIGNALING LINE
SE	EXISTING OVERHEAD TELEVISION LINE
SE	EXISTING OVERHEAD RAILROAD LINE
SE	EXISTING OVERHEAD FENCE
SE	EXISTING OVERHEAD SIGNAGE
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SE	EXISTING OVERHEAD CLEANING
SE	EXISTING OVERHEAD MAINTENANCE
SE	EXISTING OVERHEAD REPAIR
SE	EXISTING OVERHEAD REPLACEMENT
SE	EXISTING OVERHEAD UPGRADE
SE	EXISTING OVERHEAD MODERNIZATION
SE	EXISTING OVERHEAD AUTOMATION
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SE	EXISTING OVERHEAD OPTIMIZATION
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**FOR CONSTRUCTION**

**CONSTRUCTION DRAWING**

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**APPROVED**

**DATE**

**SCALE**

**4" = 50'**

**M STATION**  
 2906 East Martin Luther King Jr. Boulevard  
 Austin, Texas 78702

**EXISTING CONDITIONS AND DEMOLITION PLAN**

**AXION**  
 Engineering

13270 Research Blvd Ste 208  
 Austin, Texas 78750  
 Ph: (512) 506-9335  
 Fax: (512) 506-9327  
 www.axiontexas.com  
 Texas P.E. Firm No. F-43

**FOR CONSTRUCTION**

**CONSTRUCTION DRAWING**

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**APPROVED**

**DATE**

**SCALE**

**4" = 50'**