

CITY OF AUSTIN

CASE NUMBER: C15-2011-0099

Jeff Jack

Michael Von Ohlen Postpone to Oct 10, 2011

Nora Salinas

Bryan King 2nd the motion

Susan Morrison

Melissa Hawthorne

Heidi Goebel

Cathy French (SRB only)

APPLICANT: Nicole Findeisen

OWNER: Gary Bego

ADDRESS: 801-1/2 1ST ST

VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum height of a Communication Service Facility requirement of Section 25-2-804 (F) from 12 feet in height to 21 feet in height in order to erect a Communication Service Facility in an “SF-2-NP”, Single-Family Residence – Neighborhood Plan zoning district. The Land Development Code states that a structure may not exceed 12 feet in height and must be set back at least 25 feet from a front or side street if the structure is located (1) in an “SF-6” or more restrictive zoning district; or (2) across a street from or adjacent to property that is zoned or used for a use permitted in an “SF-5” or more restrictive zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to October 10, 2011 staff needed to explain zoning , Board Member Bryan King second on a 7-0 vote; **POSTPONED TO October 10, 2011 STAFF NEEDED TO EXPLAIN ZONING.**

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:

Susan Walker
Executive Liaison

Jeff Jack
Chairman

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

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

STREET ADDRESS: 801 1/2 South 1st Street

LEGAL DESCRIPTION: Subdivision – 19,800 SF out of Abstract 8, Survey 20
Decker I 61.855 Acres

Lot(s) _____ Block _____ Outlot _____ Division _____

I/We Axiom Engineers Inc. on behalf of myself/ourselves as authorized agent for

Texas School for the Deaf affirm that on July 26, 2011,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

An unmanned 3,063 sf communication services facility for Time Warner Cable.

in a SF 2 - NP district.
(zoning district)

25-2-804

Boulder Creek N.P.

VARIANCE FINDINGS: 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 lease boundary footprint for the proposed Time Warner Cable communication services facility is zoned SF-2. City staff recommended this zoning specifically to limit the types of uses that might be allowed within the zoning footprint. All adjacent properties are zoned MF or less restrictive or are unzoned state-owned Texas School for the Deaf campus property. Section 25-2-804 of the Land Development Code limits communication service facility structure height to 12 feet in, or immediately adjacent to, SF-6 or more restrictive zoning. The purpose of this rule is to ensure compatibility with adjacent single-family property. In this case however, none of the surrounding property contains single-family zoning or is used for single family residential purposes. Accordingly, enforcement of the 12-foot compatibility height limit in this case creates an unreasonable hardship because no property exists which requires single-family compatibility protection. The proposed structure will be approximately 21 feet in height, well below the maximum height limit of 35-feet generally allowed under SF-2 zoning. In addition, other buildings in the area are two and three story structures that occupy higher ground than the proposed Time Warner Cable facility. The Texas School for the Deaf administration leased the land to Time Warner Cable for the specific purpose of constructing the proposed building and therefore has no compatibility issues with on-campus structures. In addition, the architecture of the proposed building was specifically selected to compliment the existing building on the campus.

HARDSHIP:

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

The situation in which the lease boundary footprint for the Time Warner Cable building itself is zoned SF-2 is unique. None of the surrounding properties have single family zoning of any type and are primarily used for multi-family residential. The hardship therefore occurs through the application of a compatibility requirement (Section 25-2-804) that does not serve to protect any single-family property and does not apply to any of the surrounding property, except the subject facility.

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

Similar to question 2a, the situation in which the footprint for the Time Warner Cable building itself is zoned SF-2 is unique. The hardship is unique and specific to the communication service facility under consideration. It is highly unlikely that any of the surrounding properties will ever encounter the same hardship.

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:

As discussed above, all adjacent properties are zoned MF or less restrictive or are unzoned state-owned Texas School for the Deaf campus property. The proposed structure will be approximately 21 feet in height, well below the maximum height limit of 35-feet generally allowed under SF-2 zoning. In addition, other buildings in the area are two and three story structures that occupy higher ground than the proposed Time Warner Cable facility. The Texas School for the Deaf administration leased the land to Time Warner Cable for the specific purpose of constructing the proposed building and therefore has no compatibility issues with on-campus structures. In addition, the architecture of the proposed building was specifically selected to compliment the existing building on the campus.

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:

Not Applicable.

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:

Not Applicable.

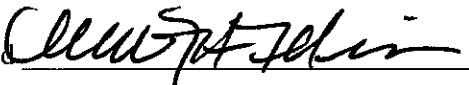
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

Not Applicable.

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

Not Applicable.

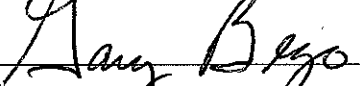
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address ncf@axiomtexas.com

City, State & Zip Axiom Engineers Inc., 13276 Research Blvd. Ste 208, Austin, TX 78750

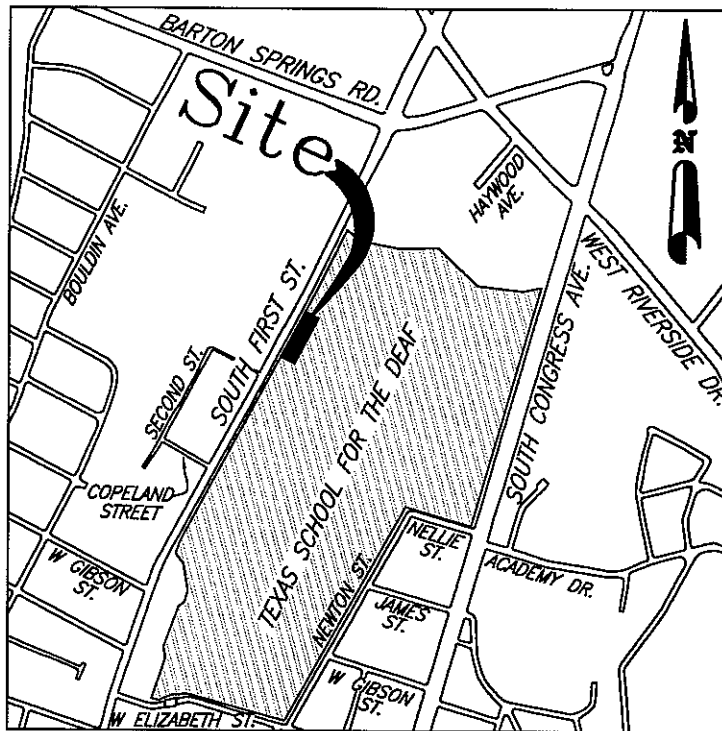
Printed Nicole Folta Findeisen, P.E. Phone (512) 506-9335 Date 07/26/2011

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 gary.bego@tsd.state.tx.us

City, State & Zip Texas School for the Deaf, 1102 So. Congress Ave., Austin, Texas, 78704

Printed Gary Bego, Director of Business and Operations Phone (512) 462-5350 Date 8/2/11



PROJECT LOCATION MAP
NTS

GRIDS H21
MAPSCO PAGE 814

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.

[illegible]

- STANDARD DETAIL LEGEND**
- | | | |
|---|---------|--------------------------|
| ① | ASIS-1 | CONCRETE BENTUP |
| ② | ASIS-2 | TYPE 2 DRAINWAY |
| ③ | ASIS-2A | DETENTABLE WINDOW PAKER |
| ④ | ASIS-2B | TYPE 19 SLOPED CURB RAMP |
| ⑤ | ASIS-1 | CURB AND GUTTER |

CITY OF AUSTIN ELECTRIC UTILITY NOTES

- [illegible]

BUILDING SUMMARY

- | PROPOSED USE | COMMUNICATION SERVICE FACILITY |
|---------------------------|--------------------------------|
| TOTAL AREA (S.F.) | 2,003 |
| NO. OF STORES | 1 |
| BUILDING HEIGHT (FT.) | 28'0" |
| FIREFIGHT FLOOR ELEVATION | 467.0 |
| FOUNDATION TYPE | SLAB ON GRADE |

UTILITY SUMMARY

- SEWERAGE DISPOSAL PRIVATE
 WATER AND WASTEWATER SERVICE
 HOME MAINTENANCE
 ELECTRIC SERVICE: AUSTIN ENERGY
 GAS SERVICE: HOME REQUIRED

NOTES

- [illegible]

LEGEND

- | | | |
|-----|-------|------------------------|
| LOC | _____ | LIMITS OF CONSTRUCTION |
| UT | _____ | TEMPORARY ELECTRIC BR |
| XC | _____ | ADVANCED ELECTRIC BR |
| | | TEMPORARY PULL BOX |
| | | FIRE INSULANT |
| | | LANDSCAPE AREA |

TIME WARNER CABLE - HUB K

801 1/2 South 1st Street
Austin, Texas 78704
SITE PLAN

SITE PLAN



13276 Research Blvd Ste 208
Austin, Texas 78750
Ph: (512) 506-9835
Fax: (512) 506-9877
www.aadortexas.com
Texas P.E. Firm No. F-43





TaxNetUSA: Travis County Property Information

Property ID Number: 100838 RefID2 Number: 01010002010000

Owner's Name **TEXAS PUBLIC FINANCE AUTHORITY**Mailing Address STE 313
1201 BRAZOS ST
AUSTIN, TX 78701-1938

Location 1102 S CONGRESS AVE 78704

Legal ABS 8 SUR 20 DECKER | ACR 61.855

Property Details

Deed Date	02281990
Deed Volume	11133
Deed Page	00532
Exemptions	TOT
Freeze Exempt	F
ARB Protest	F
Agent Code	0
Land Acres	61.8550
Block	
Tract or Lot	
Docket No.	
Abstract Code	A0008
Neighborhood Code	KEXMP

Value Information

2011 Certified

Land Value	11,451,213.00
Improvement Value	0.00
AG Value	0.00
AG Productivity Value	0.00
Timber Value	0.00
Timber Productivity Value	0.00
Assessed Value	11,451,213.00
10% Cap Value	0.00
Total Value	11,451,213.00

Data up to date as of 2011-08-03

☐ AGRICULTURAL (1-D-1)☐ APPOINTMENT OF AGENT FORM☐ FREEPORT EXEMPTION☐ HOMESTEAD EXEMPTION FORM☐ PRINTER FRIENDLY REPORT☐ PROTEST FORM☐ RELIGIOUS EXEMPTION FORM☐ (TIFF) PLAY MAP☐ (PDF) PLAY MAP

Value By Jurisdiction

Entity Code	Entity Name	2010 Tax Rate	Assessed Value	Taxable Value	Market Value	Appraised Value
0A	TRAVIS CENTRAL APP DIST		11,451,213.00	0.00	11,451,213.00	11,451,213.00
01	AUSTIN ISD	1.227000	11,451,213.00	0.00	11,451,213.00	11,451,213.00
02	CITY OF AUSTIN	0.457100	11,451,213.00	0.00	11,451,213.00	11,451,213.00
03	TRAVIS COUNTY	0.465800	11,451,213.00	0.00	11,451,213.00	11,451,213.00
2J	TRAVIS CO HEALTHCARE DIST	0.071900	11,451,213.00	0.00	11,451,213.00	11,451,213.00
68	AUSTIN COMM COLL DIST	0.095100	11,451,213.00	0.00	11,451,213.00	11,451,213.00

Improvement Information

Improvement ID	State Category	Description
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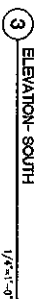
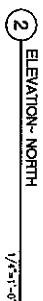
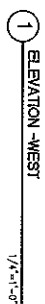
Segment Information

Imp ID	Seg ID	Type Code	Description	Class	Effective Year Built	Area
						Total Living Area 0

Land Information

Land ID	Type Code	SPTB Code	Homesite	Size-Acres	Front	Depth	Size-Sqft
100829	LAND	D2	F	61.855	0	0	2,694,403

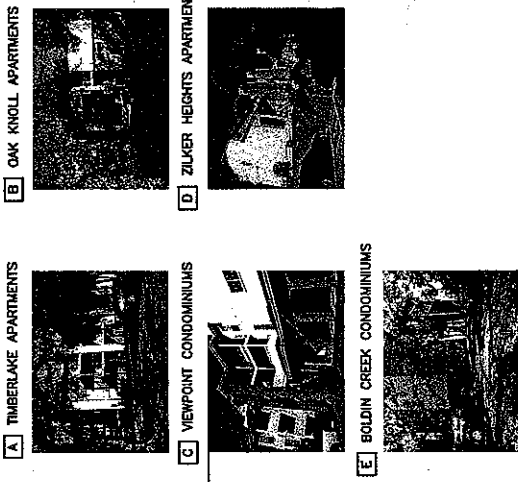
[show history](#)

[illegible]

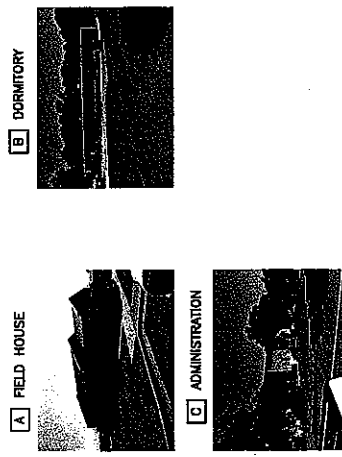
CASE NO: SP-2011-0154C

[illegible]

ADJACENT PROPERTY



TEXAS SCHOOL FOR THE DEAF

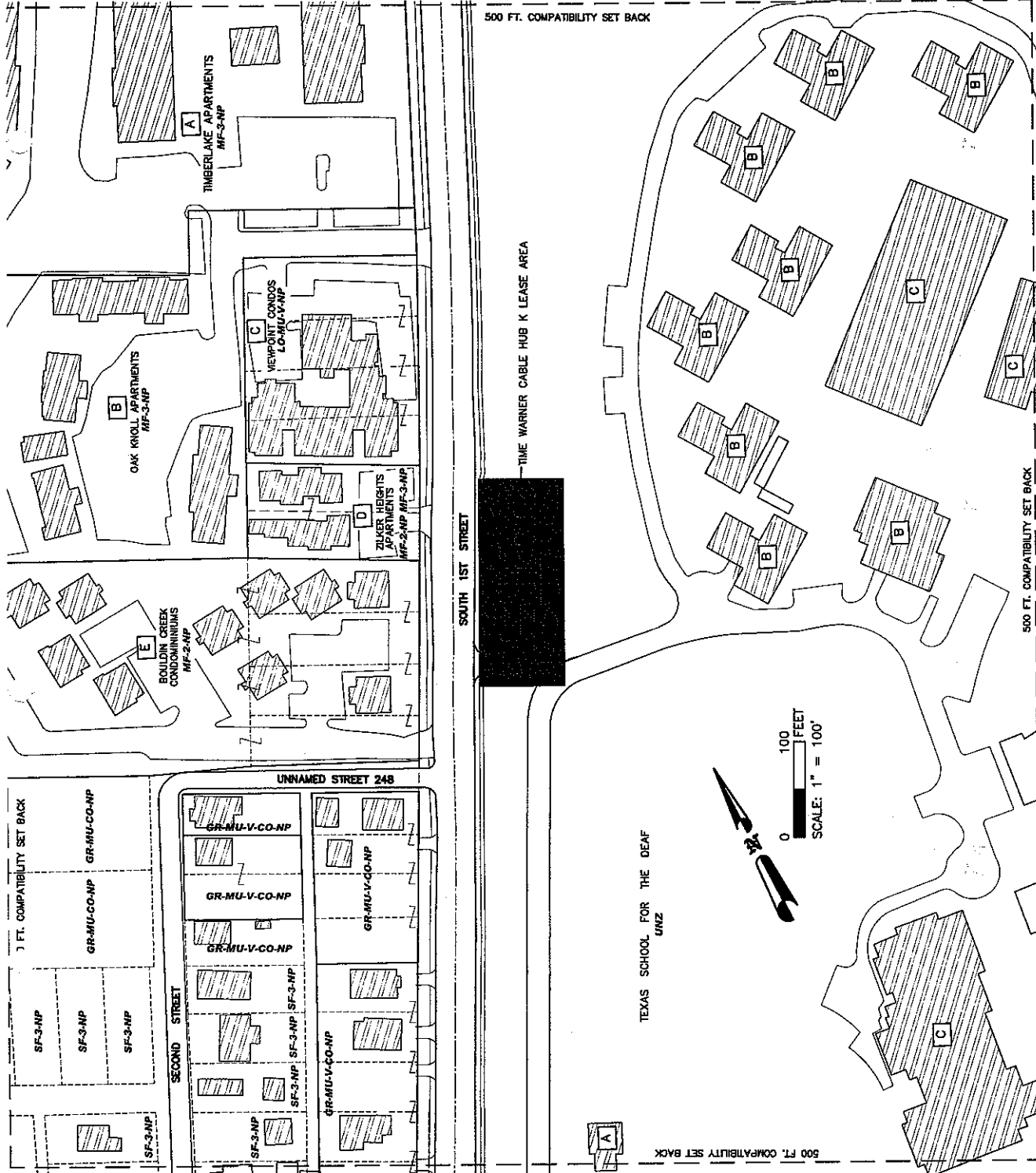


13276 Research
Suite 208
Austin, Texas 78750
Ph: (512) 506-9335
Fax: (512) 506-9377
www.axiontexas.com

Time Warner Cable-Hub K

801 1/2 South 1st Street
Austin, Texas 78704

COMPATIBILITY EXHIBIT





City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

August 1, 2011

Nicole Folta Findeisen
Axiom Engineers Inc
13276 Research Blvd, Ste 208
Austin, Texas 78750
ncf@axiomtexas.com

Re: 801 S. 1st St
19,800 Sq Ft out of 61.855 acre tract, Isaac Decker League

Dear Ms. Findeisen,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to increase the height from 12 feet to 20 feet in order to construct a building which will be set back 25 feet off the front property line. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

Sincerely,

A handwritten signature in black ink, appearing to read "Lena Lund", written over the printed name.

Lena Lund
Public Involvement/Real Estate Services

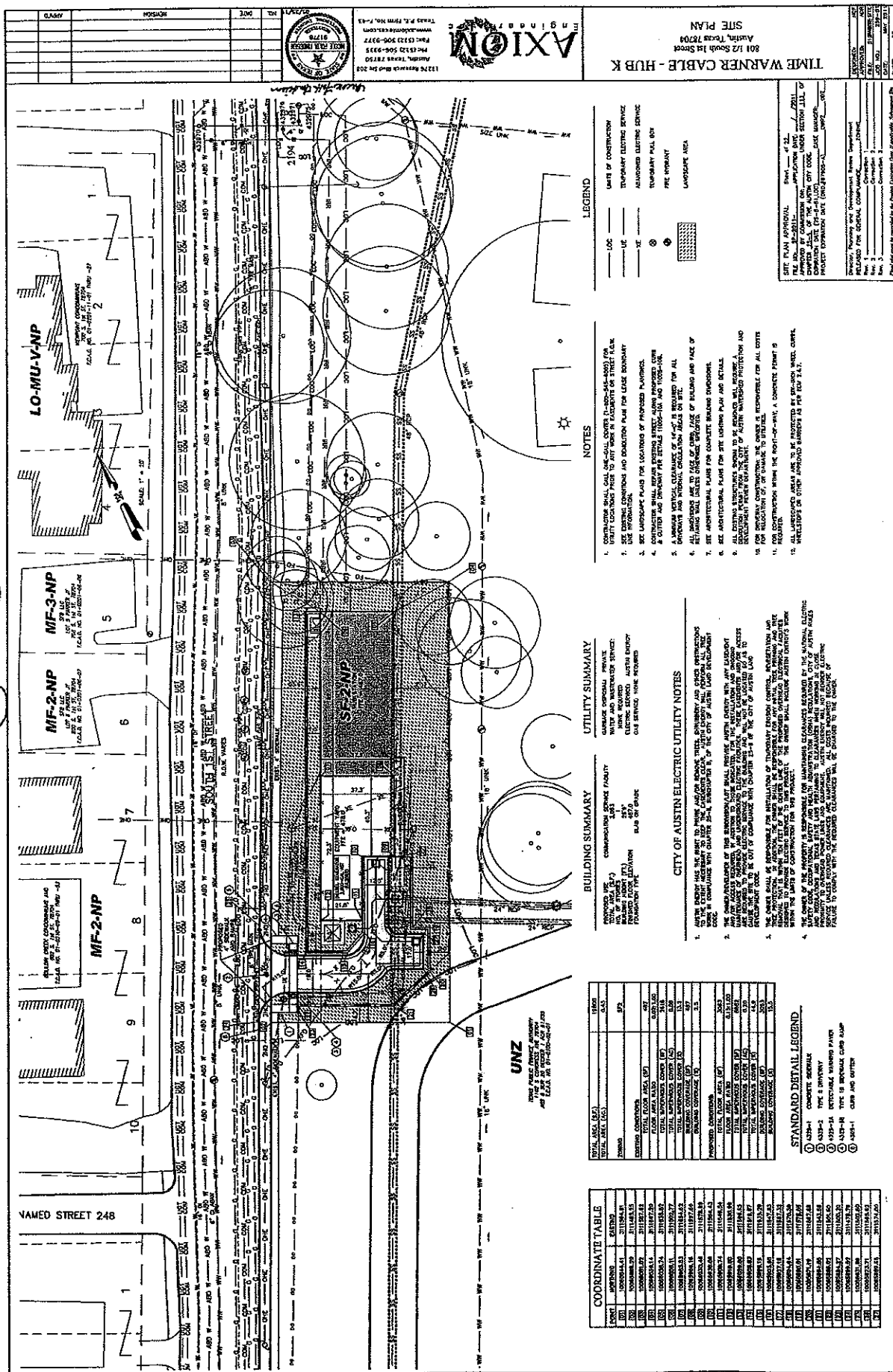
Cc: Diana Ramirez and Susan Walker

WISATA ENERGY



Date 8/1/2011

Date _____



PUBLIC HEARING INFORMATION

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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.ci.austin.tx.us/development.

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Case Number: C15-2011-0099 – 801 ½ S 1st

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 12th, 2011

TIM JAMAIL

Your Name (please print)

151 S. FIRST ST., SUITE 200, AUSTIN, TX 78704

Your address(es) affected by this application

[Signature]

Date

Daytime Telephone: 512.474.9493

Comments:

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

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 12th, 2011

☐ I am in favor
☒ I object

Your Name (please print)

Susan Walker
 1602 E 2nd

Your address(es) affected by this application

572 - 266 - 1200

Signature

Date

Daytime Telephone:

Comments:

location of lower not shown.
 right on 5th in Appendix
 They can move it back to entrance of school lot.

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

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 12th, 2011

Thomas Esparza, Jr.

Your Name (please print)

1811 South First St.

Your address(es) affected by this application

9/7/11

Date

Signature

Daytime Telephone: 512-441-0062

Comments:

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

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 12th, 2011

Jerome Ryan

Your Name (please print)

1200 S. Congress Ave

Your address(es) affected by this application

John Ryan

Signature

Date

Daytime Telephone: 512-853-0894

Comments:

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

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Case Number: C15-2011-0099 – 801 ½ S 1st

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 12th, 2011

Susan Walker

Your Name (please print)

700 S. 1st ST #202

Your address(es) affected by this application

[Signature]

Signature

512 406 1786

Daytime Telephone:

Date

6/sep/2011

Comments:

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City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

☐ I am in favor
☒ I object