

CASE # 015-2011-0106
ROW # 10651051
TP-0 226070534

**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: 5400 North Lamar Boulevard Austin, Texas 78751

LEGAL DESCRIPTION: Subdivision – Bednar Addn III / Bednar Addn II
Lot(s) 1-2 / A less S 1086.83 SF Block A / - Outlot - / - Division - / -

I/We Michele Rogerson Lynch on behalf of myself/ourselves as authorized agent for
Camden Property Trust affirm that on September 12, 2011,

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

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

A vertical mixed use (VMU) building providing for a three to five story building.

The specific variances requested are:

1) Allow for a 45' 4" or 4 story building (instead of 30 feet or 2 stories) that is less than 50 feet away (ranges from 37' to 43' 6 1/2") from property zoned CS-MU-CO-NP on which a use permitted in an SF-5 or more restrictive zoning district (duplex/condo) is located (25-2-1063(C)(1)(b). The variance area is shown in green on the attached exhibits and represents a variance need of 15'4"; and

2) Allow for a 45'4" or 4 story building (instead of 40 feet or 3 stories) that is more than 50 feet and less than 100 feet away (ranges from 50' to 77'9") from property zoned CS-MU-CO-NP on which a use permitted in and SF-5 of more restrictive zoning district (duplex/condo) is located (25-2-1063(C)(2)(b). The variance area is shown in yellow on the attached exhibits and represents a variance need of 5'4".

in a CS-MU-V-CO-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 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 Property is located along a major core transit corridor (North Lamar) that is bounded by single family zoning and uses to the west as well as a recently developed duplex/condo use within a CS-MU-CO-NP zoning district, which trigger compatibility. The Property is exceeding compatibility setbacks (i.e. has greater setbacks than required) from the true single family zoning and uses (50 foot no build setback) and is in need of a compatibility variance from the newly developed duplex/condo use that is located within a commercial zoning district. The duplex/condo project was built after the VMU was proposed to, and supported by, the neighborhood. The compatibility regulations created by this duplex/condo use within a commercial zoning district (CS-MU-CO-NP) hinder the desired VMU development on the site. A rezoning of the Property to allow for a VMU was unanimously approved by City Council on November 20, 2008. Negotiations with the Brentwood Neighborhood Association and adjacent homeowners resulted in obtaining support for the VMU with the restriction of increased building/landscape setback areas, prohibition of balconies adjacent to single family residences, enhanced compatibility lighting and prohibiting any exposed parking structure.

HARDSHIP:

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

The hardship of the Property pertains to the physical limitations of an urban site bounded by standard single family uses triggering compatibility as well as newly developed duplex/condo uses that are located within a commercially zoned tract. In working with the Brentwood Neighborhood, the owner agreed to honor all compatibility setbacks and heights on the Property, while increasing the setback for an increased landscaped area. The project was designed and ready to be developed, but was put on hold during the recent economic downturn. In that time period an adjacent property zoned CS-MU-CO-NP was redeveloped to a duplex/condo use, which now results in a need for compatibility variances that were not anticipated. The project was carefully designed to be placed as far away from traditional single family homeowners as possible and thus it was pushed closer to the tract that is now triggering compatibility. The change of use on the adjacent property did not require notification and was not discovered until a recent site visit was conducted prior to site plan submittal.

The Property is also constrained by additional right-of-way (ROW) requirements on North Lamar and by development of the City's desired Commercial Design Standards streetscape improvements for Core Transit Corridors (15 feet). A waiver to reduce the ROW width was recently approved by the City, but still requires a total of

57 feet of ROW for the side of North Lamar on which the project is located, which pushes the project closer to the duplex/condo.

Lastly, the purpose of VMU developments is to increase density on urban corridors while respecting compatibility from traditional single family homes in adjacent neighborhoods. The allowance of a higher level residential use within a commercial zoning category such as the duplex/condo in a CS-MU-CO-NP district is more closely suited to a VMU and intended to be more in line with the densification of urban areas and should not be treated as strictly for compatibility purposes. For example, the triggering duplex/condos are two stories and of an urban industrial design that gives more of a multifamily warehouse feel.

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

The hardship is not general to the area because this Property in particular is one of a few along this stretch of North Lamar that has the necessary depth for a VMU that enables the VMU to comply with compatibility standards. The duplex/condo is located in an area set for more intense commercial and higher density mixed use development.

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 variance will not alter the character of the area adjacent to the Property as the size and scale of the building will be residential in character for those portions adjacent to the single family homes as well as the duplex/condo on the CS-MU-CO-NP tract. As noted above, restrictions agreed to with the neighborhood prohibit balconies facing the single family homes as well as wrapping the parking structure with residential units and increase compatibility setbacks. The duplex/condo lot specifically in question is developed as a more urban industrial design and is not of a standard duplex single family home style that would be more out of scale with the VMU. The commercial aspect of the project will be located on North Lamar (a Core Transit Corridor). Further, the community will be enhanced by providing a commercially design standards compliant structure and streetscape that will encourage increased pedestrian activity around 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 Michele R. Lynch Mail Address 301 Congress Ave, Ste. 1075

City, State & Zip Austin, Texas 78701

Printed Michele Rogerson Lynch Phone (512)961-8845 Date _____

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 T. Triggs Mail Address 3 Greenway Plz, Ste. 1300

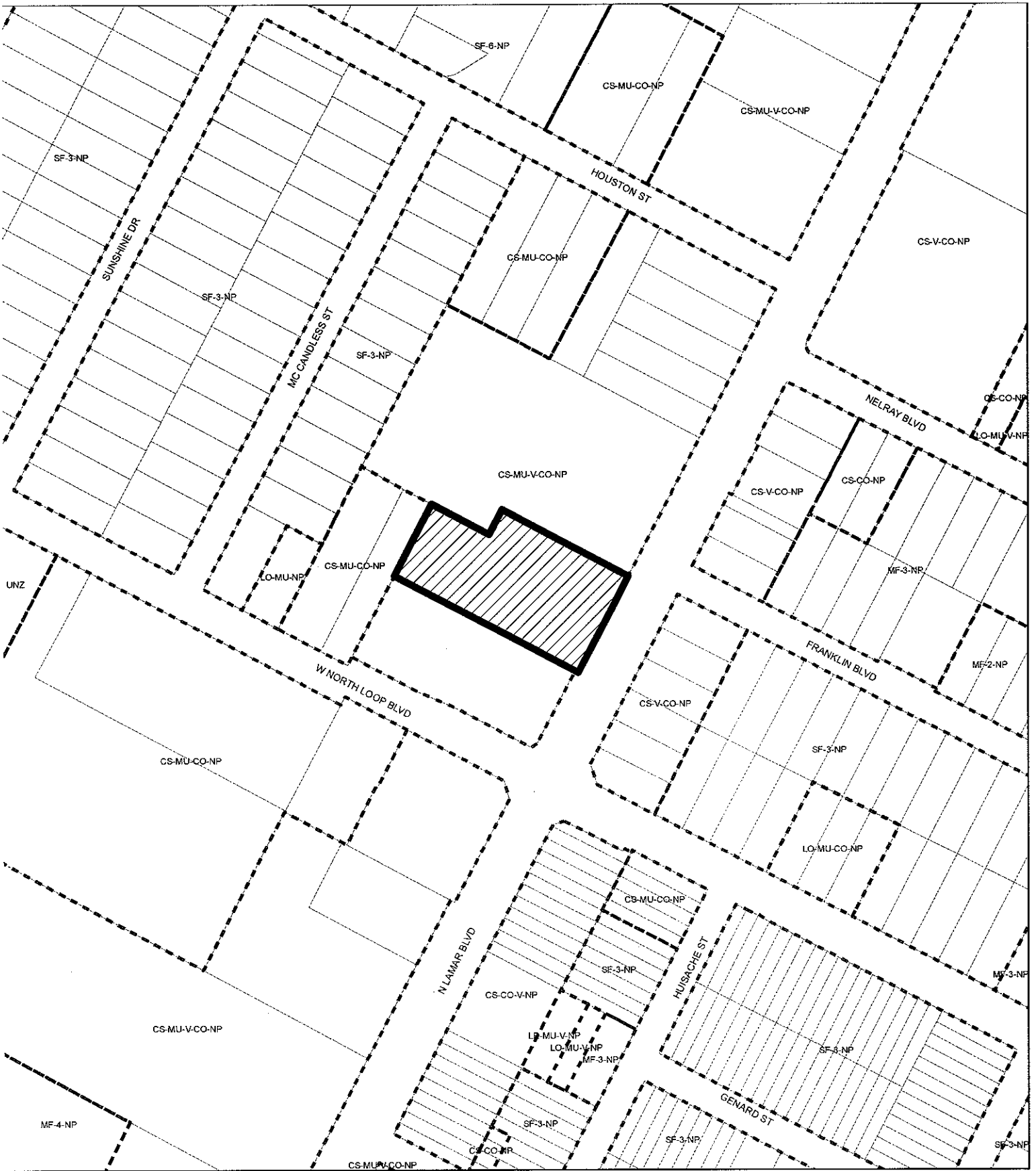
City, State & Zip Houston, Texas 77046-0391

Printed Todd Triggs, V.P. Real Estate Investments Phone 713-354-2614 Date 9-9-11

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:



N



SUBJECT TRACT



ZONING BOUNDARY

BOARD OF ADJUSTMENTS

CASE#: C15-2011-0106

LOCATION: 5400 N Lamar Blvd

GRID: J27, K27

MANAGER: Susan Walker



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 the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

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

September 12, 2011

Camden Property Trust
3 Greenway Plaza, Ste 1300
Houston, Texas 77046-0391

Via email to Michele Rogerson Lynch at: mlynch@metcalfewilliams.com

Re: 5300, 5304 & 5400 N. Lamar Blvd.
Lot A less 1086.83 sq ft Bednar Addn II & Lots 1-2 Bednar Addn III

Dear Michele,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to increase the allowed height to 45 feet. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch provided owner/applicant meets AE clearance criteria requirements as well as be in compliance with the National Electric Safety Code and OSHA with any existing or future improvements including landscaping.

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".

Lena Lund
Public Involvement/Real Estate Services

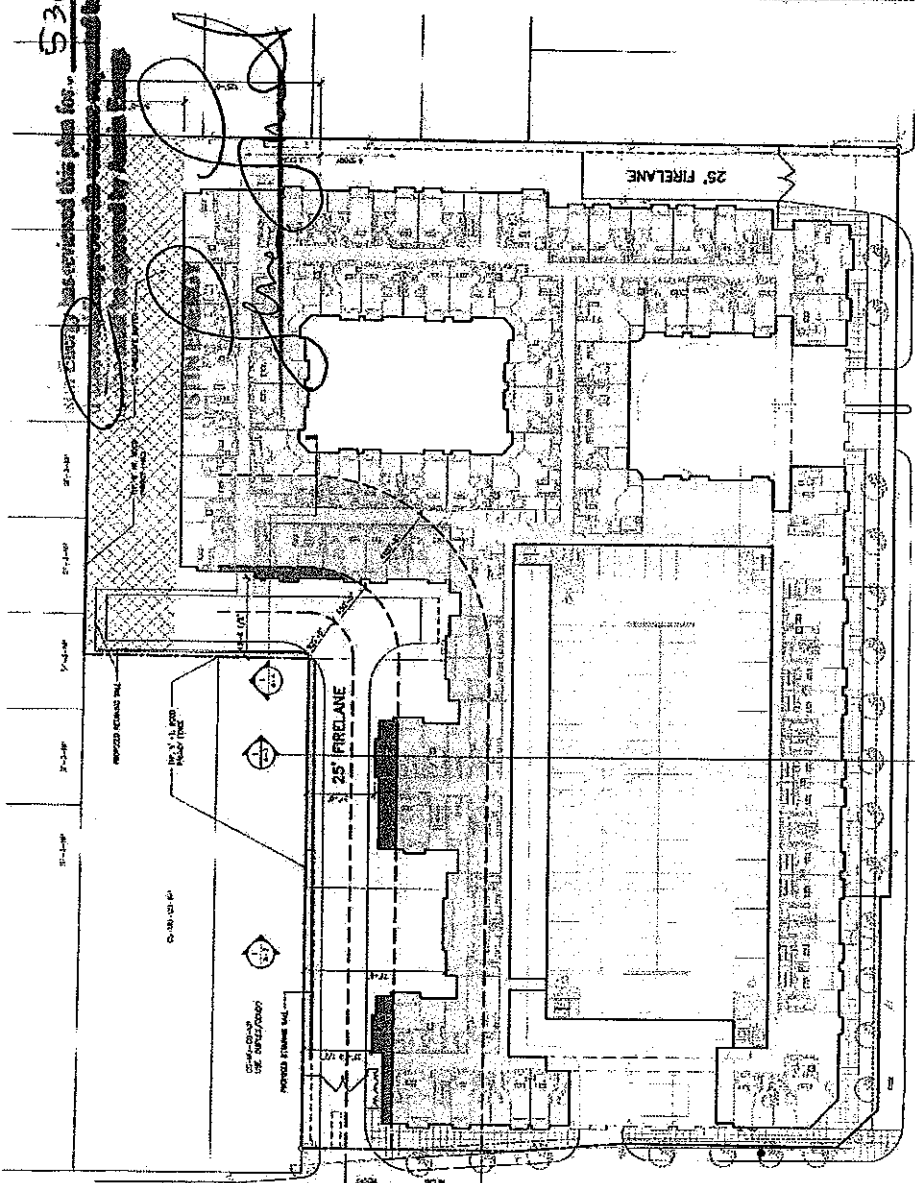
Cc: Diana Ramirez and Susan Walker

5300, 5304 & 5400 N. Lamar

has reviewed this plan for... before the Board of Adjustment. Any changes to... approved by Austin Planning

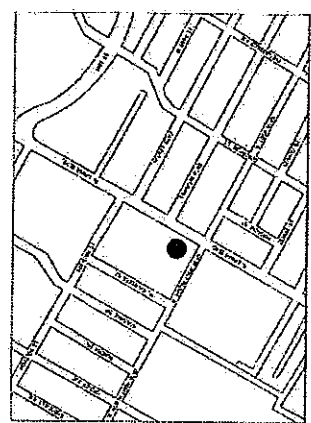
9/12/2011

Date



LEGEND

- ALWAYS USE PROPERTY'S WALLS: FROM 25'-0" (MINIMUM)
- ALWAYS USE WALLS: 25'-0"
- MINIMUM WALLS: 15'-0"
- ALWAYS USE WALLS: 15'-0"
- MINIMUM WALLS: 15'-0"
- MINIMUM WALLS: 15'-0"
- MINIMUM WALLS: 15'-0"



VICINITY MAP

NORTH LAMAR BLVD. (FUTURE 114' ROW)

1 SITE PLAN - LEVEL 2 BUILDING PLAN
 1"=30'-0"

PROJECT DATA
 50% DATE: 04
 50% DATE: 06

CAMDEN LAMAR HEIGHTS - COMPATIBILITY SETBACK EXHIBIT
 AUSTIN, TX - CAMDEN REAL ESTATE INVESTMENTS

MARKS ARCHITECTS
 1000 N. LAMAR BLVD. SUITE 200
 AUSTIN, TX 78703
 TEL: 512.476.1111
 FAX: 512.476.1112
 WWW.MARKSARCHITECTS.COM

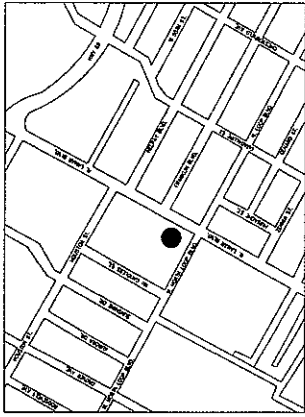
M P A-1

LEGEND

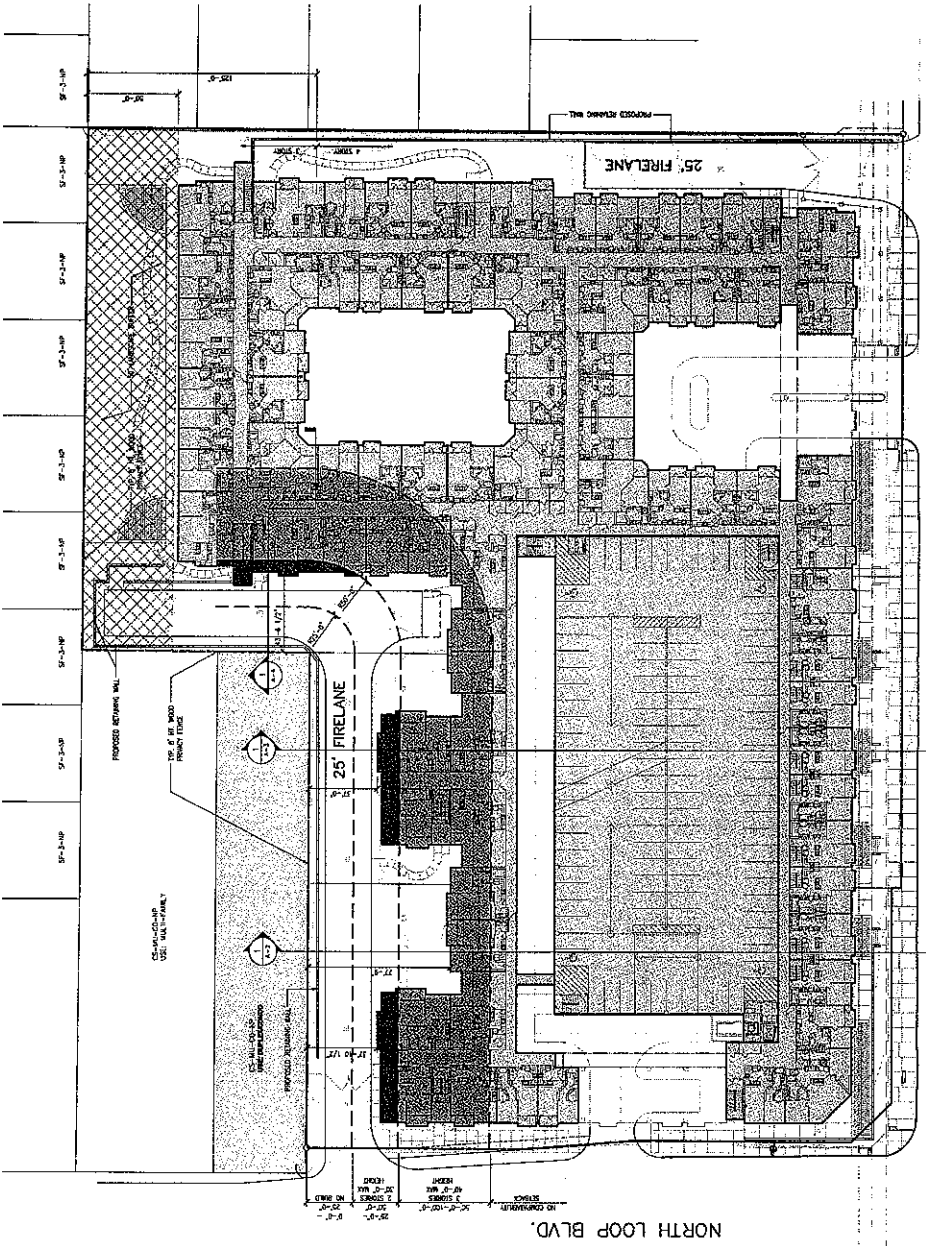
BUILDING AREA REQUESTING VARIANCE FROM 25-2-106(C)(7)(b)
 ALLOWED HEIGHT: 30'-0"
 PROPOSED HEIGHT: 45'-4"
 VARIANCE REQUEST: 15'-4"

BUILDING AREA REQUESTING VARIANCE FROM 25-2-106(C)(7)(b)
 ALLOWED HEIGHT: 47'-0"
 PROPOSED HEIGHT: 46'-4"
 VARIANCE REQUEST: 5'-4"

TRIGGERING PROPERTY
 CS-AU-CO-HP
 USE: DUPLEX/CONDO



VICINITY MAP

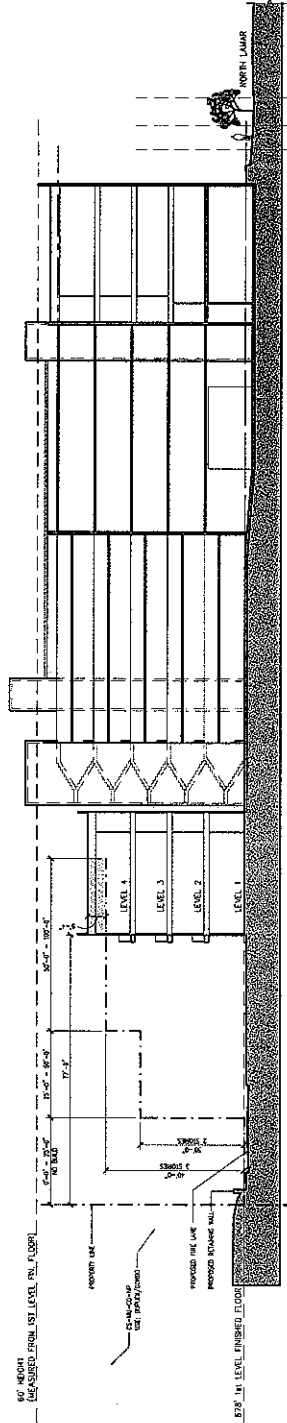


NORTH LAMAR BLVD. (FUTURE 114' ROW)



PROJECT DATA
 TOTAL FLOOR AREA: 341
 TOTAL UNITS: 250

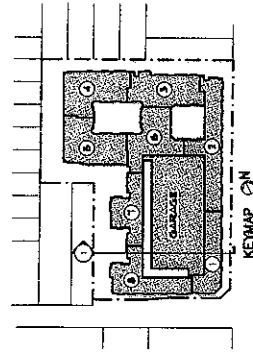
1 SITE PLAN - LEVEL 2 BUILDING PLAN
 1"=30'-0"

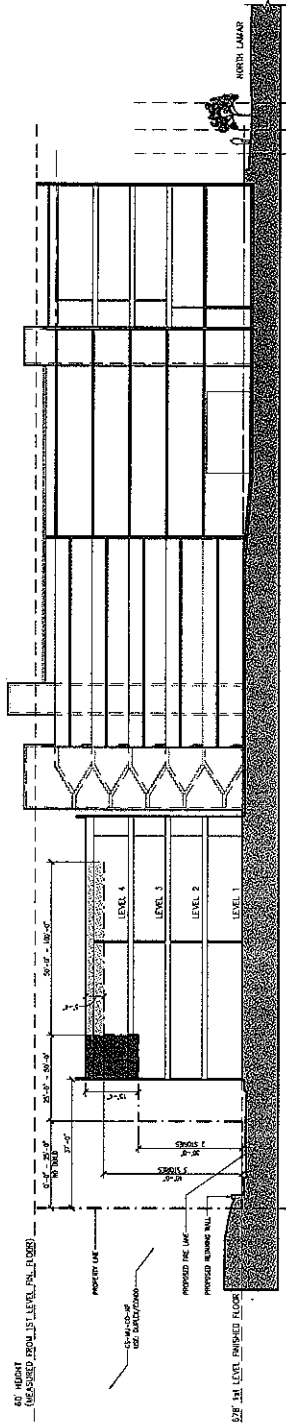
CAMDEN LAMAR HEIGHTS - COMPATIBILITY SETBACK EXHIBIT
 AUSTIN TEXAS CAMDEN REAL ESTATE INVESTMENTS



1 SECTION - A-A'2
1/8"=1'-0"

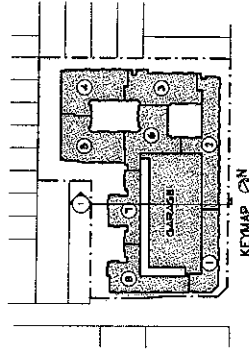
LEGEND	
	BUILDING AREA REQUESTING VARIANCE FROM 25-2-106.3(C)(1)(b) ALLOWED HEIGHT: 30'-0" PROPOSED HEIGHT: 45'-4" VARIANCE REQUEST: 15'-4"
	BUILDING AREA REQUESTING VARIANCE FROM 25-2-106.3(C)(2)(b) ALLOWED HEIGHT: 40'-0" PROPOSED HEIGHT: 45'-4" VARIANCE REQUEST: 5'-4"





1 SECTION - A-3
1/16" = 1'-0"

LEGEND	
	BUILDING AREA REQUESTING VARIANCE FROM 25-2-106.5(C)(1)(b) ALLOWED HEIGHT: 30'-0" PROPOSED HEIGHT: 45'-4" VARIANCE REQUEST: 15'-4"
	BUILDING AREA REQUESTING VARIANCE FROM 25-2-106.5(C)(2)(a) ALLOWED HEIGHT: 40'-0" PROPOSED HEIGHT: 45'-4" VARIANCE REQUEST: 5'-4"

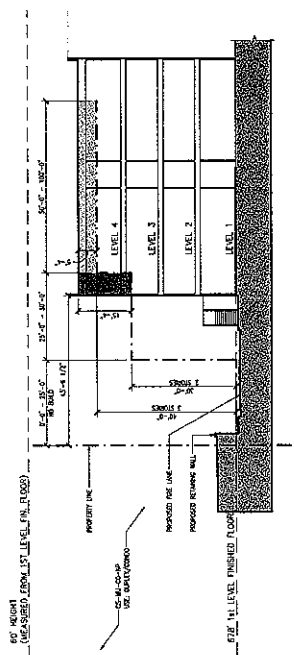


P-12-2011

CAMDEN LAMAR HEIGHTS - COMPATIBILITY SETBACK EXHIBIT

AUSTIN, TX - CAMDEN REAL ESTATE INVESTMENTS

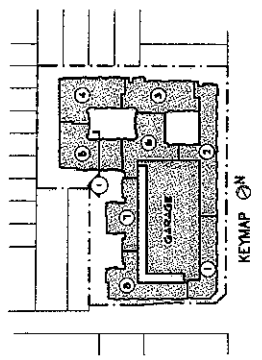
A-3



1 SECTION - A-A
1/16" = 1'-0"

LEGEND

	BUILDING AREA REQUESTING VARIANCE FROM 25-2-1(B)(1)(1)(b) ALLOWED HEIGHT: 30'-0" PROPOSED HEIGHT: 45'-4" VARIANCE REQUEST: 15'-4"
	BUILDING AREA REQUESTING VARIANCE FROM 25-2-1(B)(1)(2)(b) ALLOWED HEIGHT: 40'-0" PROPOSED HEIGHT: 45'-4" VARIANCE REQUEST: 5'-4"



9-12-2011

PROJECT NO: 100289-10003
 SHEET 4
 DESIGNED BY: G.S.
 DRAWN BY: P.S.

**CAMDEN LAMAR HEIGHTS
 5400 NORTH LAMAR BOULEVARD
 CAMDEN PROPERTY TRUST**

**EXISTING BOUNDARY,
 TOPOGRAPHY, & TREE
 SURVEY**

Bury+Partners
 ENGINEERING SOLUTIONS
 10000 N. 10th Street, Suite 100
 Phoenix, AZ 85020
 Phone: 602.998.8888
 Fax: 602.998.8889
 www.burypartners.com

NOTICE TO CONTRACTOR:
 THIS SURVEY IS A PRELIMINARY SURVEY AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE SURVEY DATA AND THE LOCATION OF ALL UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL EXISTING UTILITIES AND STRUCTURES TO ORIGINAL CONDITION OR BETTER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL EXISTING UTILITIES AND STRUCTURES TO ORIGINAL CONDITION OR BETTER.

GENERAL NOTES:
 1. THE LOCATION OF EXISTING UTILITIES SHOWN ON THIS DRAWING ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY.
 2. THERE ARE NO KNOWN OBSTACLES TO THE SURVEY.
 3. THE SURVEY WAS CONDUCTED ON THE DATE INDICATED ON THE DRAWING.
 4. THE SURVEY WAS CONDUCTED BY THE SURVEYOR AND HIS ASSISTANTS.
 5. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING CODES OF THE STATE OF ARIZONA.
 6. THE SURVEY WAS CONDUCTED USING THE FOLLOWING EQUIPMENT:
 - TOTAL STATION: SOKKIA TS-10
 - DISTANCE MEASUREMENT SYSTEM: SOKKIA DMS-10
 - GPS: SOKKIA ZGD-10
 7. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING CODES OF THE STATE OF ARIZONA.
 8. THE SURVEY WAS CONDUCTED USING THE FOLLOWING EQUIPMENT:
 - TOTAL STATION: SOKKIA TS-10
 - DISTANCE MEASUREMENT SYSTEM: SOKKIA DMS-10
 - GPS: SOKKIA ZGD-10

SYMBOL	DESCRIPTION
○	IRON PIN
●	WOODEN PIN
○	ALUMINUM PIN
○	BRASS PIN
○	COPPER PIN
○	STEEL PIN
○	LEAD PIN
○	WOODEN NAIL
○	IRON NAIL
○	STEEL NAIL
○	COPPER NAIL
○	BRASS NAIL
○	ALUMINUM NAIL
○	WOODEN SCREW
○	IRON SCREW
○	STEEL SCREW
○	COPPER SCREW
○	BRASS SCREW
○	ALUMINUM SCREW
○	WOODEN BOLT
○	IRON BOLT
○	STEEL BOLT
○	COPPER BOLT
○	BRASS BOLT
○	ALUMINUM BOLT
○	WOODEN WEDGE
○	IRON WEDGE
○	STEEL WEDGE
○	COPPER WEDGE
○	BRASS WEDGE
○	ALUMINUM WEDGE
○	WOODEN SHIM
○	IRON SHIM
○	STEEL SHIM
○	COPPER SHIM
○	BRASS SHIM
○	ALUMINUM SHIM
○	WOODEN WIRE
○	IRON WIRE
○	STEEL WIRE
○	COPPER WIRE
○	BRASS WIRE
○	ALUMINUM WIRE
○	WOODEN RIVET
○	IRON RIVET
○	STEEL RIVET
○	COPPER RIVET
○	BRASS RIVET
○	ALUMINUM RIVET
○	WOODEN NUT
○	IRON NUT
○	STEEL NUT
○	COPPER NUT
○	BRASS NUT
○	ALUMINUM NUT
○	WOODEN WASHER
○	IRON WASHER
○	STEEL WASHER
○	COPPER WASHER
○	BRASS WASHER
○	ALUMINUM WASHER
○	WOODEN BRACKET
○	IRON BRACKET
○	STEEL BRACKET
○	COPPER BRACKET
○	BRASS BRACKET
○	ALUMINUM BRACKET
○	WOODEN JOINT
○	IRON JOINT
○	STEEL JOINT
○	COPPER JOINT
○	BRASS JOINT
○	ALUMINUM JOINT
○	WOODEN SCREW DRIVER
○	IRON SCREW DRIVER
○	STEEL SCREW DRIVER
○	COPPER SCREW DRIVER
○	BRASS SCREW DRIVER
○	ALUMINUM SCREW DRIVER
○	WOODEN WRENCH
○	IRON WRENCH
○	STEEL WRENCH
○	COPPER WRENCH
○	BRASS WRENCH
○	ALUMINUM WRENCH
○	WOODEN HAMMER
○	IRON HAMMER
○	STEEL HAMMER
○	COPPER HAMMER
○	BRASS HAMMER
○	ALUMINUM HAMMER
○	WOODEN SAW
○	IRON SAW
○	STEEL SAW
○	COPPER SAW
○	BRASS SAW
○	ALUMINUM SAW
○	WOODEN SHROUD
○	IRON SHROUD
○	STEEL SHROUD
○	COPPER SHROUD
○	BRASS SHROUD
○	ALUMINUM SHROUD
○	WOODEN SHIELD
○	IRON SHIELD
○	STEEL SHIELD
○	COPPER SHIELD
○	BRASS SHIELD
○	ALUMINUM SHIELD
○	WOODEN SHIELD
○	IRON SHIELD
○	STEEL SHIELD
○	COPPER SHIELD
○	BRASS SHIELD
○	ALUMINUM SHIELD

