

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, October 10, 2011

CASE NUMBER: C15-2011-0106

____ Jeff Jack
____ Michael Von Ohlen
____ Nora Salinas
____ Bryan King
____ Susan Morrison
____ Melissa Hawthorne
____ Heidi Goebel
____ Cathy French (SRB only)

APPLICANT: Michele Rogerson Lynch
OWNER: Todd Triggs

ADDRESS: 5400 LAMAR BLVD Bldg A

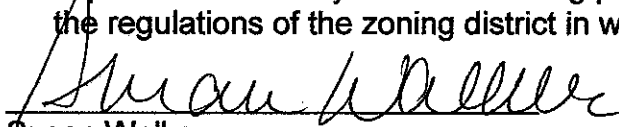
VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum compatibility height requirement of Section 25-2-1063 (C) (1) (b) from two stories and 30 feet in height to four stories and 45 feet 4 inches in order to erect a Vertical Mixed Use building in a "CS-MU-V-CO-NP" zoning district. The Land Development Code states that the height limitations for a structure are two stories and 30 feet, if the structure is 50 or less from property on which a use permitted in an "SF-5" or more restrictive zoning district is located.

The applicant has requested a variance to increase the maximum compatibility height requirement of Section 25-2-1063 (C) (2) (b) from three stories and 40 feet in height to four stories and 45 feet 4 inches in order to erect a Vertical Mixed Use building in a "CS-MU-V-CO-NP" zoning district. The Land Development Code states that the height limitations for a structure are three stories and 40 feet, if the structure is more than 50 feet and not more than 100 feet from property on which a use permitted in an "SF-5" or more restrictive zoning district is located.

BOARD'S DECISION: POSTPONED TO November 14, 2011 BY APPLICANT

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

Revised

CASE # CS-2011-0106
ROW # _____

**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 an 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"; and
- 3) Allow for a retaining wall structure to be located within 25 feet or less 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(B)(2).

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 _____ Mail Address 301 Congress Ave., Ste 1075

City, State & Zip Austin, TX 78701

Printed Michele Rogerson Lynch, Metcalfe Williams, LLP Phone 512.467.4559 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 _____ Mail Address 3 Greenway Plz, Ste. 1300

City, State & Zip Houston, Texas 77046-0391

Printed _____ Phone _____ Date _____

**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:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

Required Findings:

The Board of Adjustment is also required to make findings discussed below in order to grant a variance. Applicants must provide the Board with proposed findings.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) A tax plat with subject property clearly marked indicating property within a 300-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
- (4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

REQUIRED FINDINGS: All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable Use:

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

Hardship:

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.

- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character:

Application must demonstrate to the Board how 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 zoning regulations of the zoning district in which the property is located.

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

Board of Adjustment Staff:

Susan Walker, Planner
974-2202

Diana Ramirez, Administrative Specialist, Board Secretary
974-2241

Fax #974-6536

Watershed Protection and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor

Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088

C15-2011-0106

September 30, 2011

Todd Triggs
Camden Property Trust
Three Greenway Plaza, Suite 300
Austin, Texas 77046

Re: Compatibility Variance Request for redevelopment of approximately 4.843 acres
located at 5400 North Lamar.

Dear Mr. Triggs:

Thank you for meeting with me to discuss your proposal for a vertical mixed use development that requires a compatibility variance from my property located at 814 West North Loop. As we discussed, I am in favor of the proposed project and requested variance with the commitment to work together on the design of fencing and screening along the east and north property lines of my property, which border the proposed project. Additionally, we have agreed to screening and fencing along the west property line of my property that is adjacent to an existing apartment complex. Acceptable fencing and screening measures are described below:

Landscaping

Landscaping along the north and east property line shall be a mixture of evergreens, native or drought resistant plants, a green vine wall with steel plates or cables and trees (such as, but not limited to, Arizona Cypress and Italian Cypress). The landscaping shall be at least fifteen to twenty feet in height at installation to provide shade and privacy from the adjacent development.

Fencing

Replace existing fencing along the north and east property line with an eight (8') foot wood privacy fence.

Timing

Landscaping and Fencing shall be completed after demolition of the existing buildings.

Cost

Camden will cover all expenses for landscaping and fencing.

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.

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Case Number: C15-2011-0106 – 5400 N Lamar Blvd.
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 10th, 2011

Robert Williams

Your Name (please print)

☒ I am in favor
☐ I object

900 West North Loop Blvd

Your address(es) affected by this application

Robert Williams

Signature

10.13.11

Date

Daytime Telephone: 512-689-8263

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

September 30, 2011

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Camden Property Trust
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Replace existing fencing along the north and east property line with an eight (8') foot wood privacy fence.

Timing

Landscaping and Fencing shall be completed after demolition of the existing buildings.

Cost

Camden will cover all expenses for landscaping and fencing.

DUPLEX/CONDO

PROPERTY/EXISTING USE



DUPLEX/CONDO

PROPERTY/
EXISTING USE



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Case Number: C15-2011-0106 – 5400 N Lamar Blvd.

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 10th, 2011

Your Name (please print)

Paula Covelley

☐ I am in favor
☒ I object

Your address(es) affected by this application

5315 McCandless

Paula Covelley

Signature

Date

Daytime Telephone: 929-8725

10-3-11

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, October 10th, 2011

Your Name (please print)

JOHN DAVID SWANIN

☐ I am in favor
of the object

5408 MCANALESS ST., 409 ZENOVIA ST.

Your address(es) affected by this application

John David Swannin

Signature

Date

Daytime Telephone: 512-447-6054

OCT. 4, 2011

Comments: WAVING THIS WAIVER WOULD CREATE

A FINANCIAL BURDEN FOR THE APPLICANT TO

THE RETAINMENT OF OTHER PROPERTY OWNERS.

ALL PROPERTIES SHOULD COMPLY WITH

EXISTING ZONING EXCEPT IN CASES OF

TRUE HANDSHIP.

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, October 10th, 2011

Don Leighton-Burwell, BNA President

Your Name (please print)

☒ I am in favor
☐ I object

Brentwood NA Steering Committee

Your address(es) affected by this application

Signature

10-6-2011
 Date

Daytime Telephone: 512 323 2017

Comments:

Per a vote by the Brentwood Neighborhood Association's Steering Committee on 10-5-2011, we want to inform the BOA that we support the applicant's variance. Our support is contingent on the applicant honoring our Restrictive Covenant, limiting the waiver from Compatibility Setbacks to only the area triggered by the new building on 814 W. North Loop, and complying with the conditions of support stated in the property owner's (814 W. North Loop) support letter dated 9-30-2011. This will keep all of the previous agreements in place between the developer and BNA. In addition, it will maintain the previously agreed to Compatibility Setbacks adjacent to the houses on McCandless St.

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City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

CASE # C15-2011-0106
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:



SUBJECT TRACT



ZONING BOUNDARY

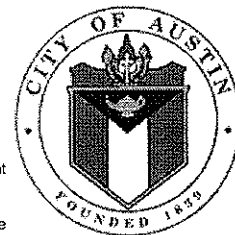
BOARD OF ADJUSTMENTS

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.austinenenergy.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.

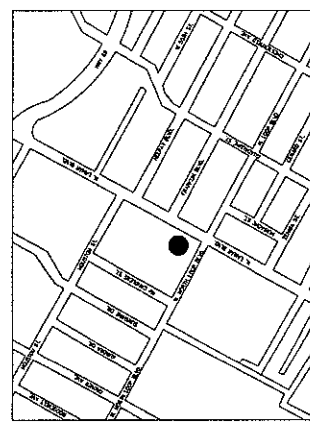
Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

Sincerely,

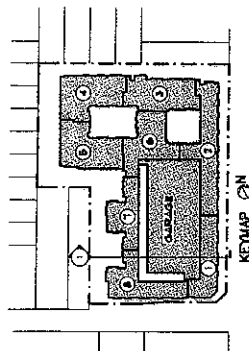
A handwritten signature in black ink, appearing to read "Lena Lund". The signature is fluid and cursive, with a large, sweeping "L" and "Lund" written in a similar style.

Lena Lund
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker



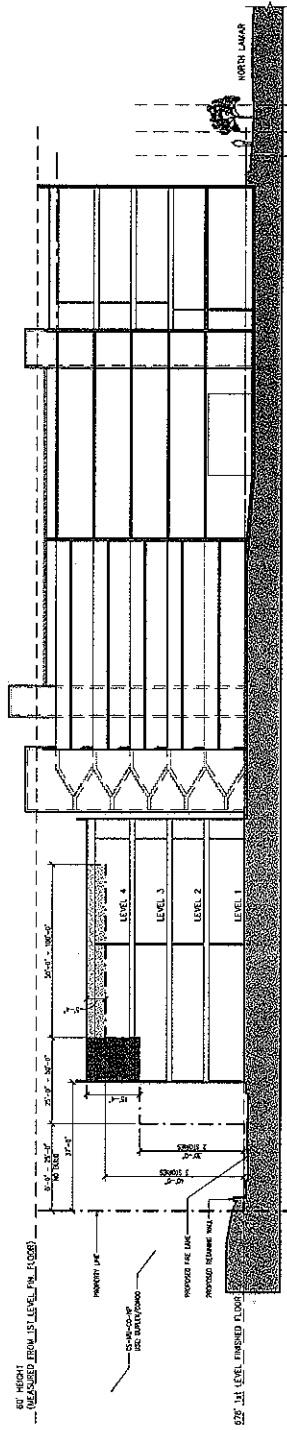
Text



4-12-2018



A-2

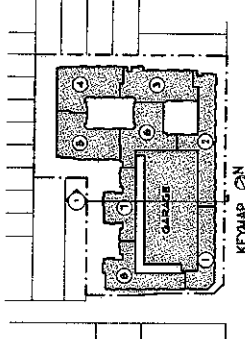
CAMDEN LAMAR HEIGHTS - COMPATIBILITY SETBACK EXHIBIT
AUSTIN, TX - CAMDEN REAL ESTATE INVESTMENTS



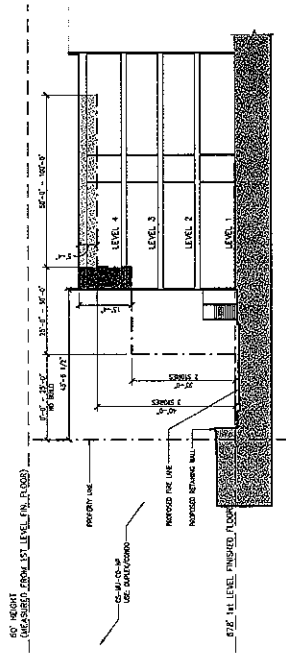
1 SECTION - A-3
1/16"=1'-0"

LEGEND

	BUILDING AREA REQUESTING VARIANCE FROM 25-2-1083(CH)(1)(b)
	ALLOWED HEIGHT: 30'-0"
	PROPOSED HEIGHT: 45'-4"
	VARIANCE REQUEST: 15'-4"
	BUILDING AREA REQUESTING VARIANCE FROM 25-2-1083(CH)(2)(b)
	ALLOWED HEIGHT: 40'-0"
	PROPOSED HEIGHT: 45'-4"
	VARIANCE REQUEST: 5'-4"



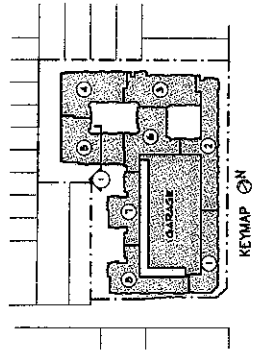
8-12-2011



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

LEGEND

- BUILDING AREA REQUESTING VARIANCE FROM 25-2-1063(C)(1)(b)
ALLOWED HEIGHT: 30'-0"
PROPOSED HEIGHT: 45'-4"
VARIANCE REQUEST: 15'-4"
- BUILDING AREA REQUESTING VARIANCE FROM 25-2-1063(C)(2)(b)
ALLOWED HEIGHT: 40'-0"
PROPOSED HEIGHT: 45'-4"
VARIANCE REQUEST: 5'-4"



CAMDEN LAMAR HEIGHTS - COMPATIBILITY SETBACK EXHIBIT

AUSTIN TEXAS CAMDEN REAL ESTATE INVESTMENTS

A-4

