

CASE# C15-2014-0125
ROW# 11202064
TAX# 0401061302

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: 1400 W. Oltorf, Austin, TX

LEGAL DESCRIPTION: Subdivision – Fredericksburg Road Acres

Lot(s) 13 Block 1 Outlot _____ Division _____

I/We Kary Aycock on behalf of myself/ourselves as authorized agent for
1402 West Oltorf, LLC affirm that on August, 8, 2014

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

(check appropriate items below and state what portion of the Land Development Code you are seeking a variance from)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

- (1) A new parking lot and driveway within the current designated 14 ft Compatibility Setback for parking and the current designated 9 ft Compatibility setback for driveways [as per LDC 25-2-1067 (H)] along the southern and northwestern property lines of this lot. The 14 ft Setback and 9 ft setback are because our lot frontage width is 77.64 ft and is adjacent to SF-3 zoning.
- (2) A new commercial building, sidewalk, and our decks within the current designated 25 ft front compatibility setback [as per LDC 25-2-1064] and within the 25 ft side compatibility setback [as per LDC 25-2-1063]. These setbacks are required because our total site area exceeds 20,000 sf and is adjacent to SF-3 zoning.

in a (CS) Commercial Services 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:

This property is zoned CS and the adjacent lot to the south and northwest are zoned SF-3. These adjacent SF-3 zonings significantly impact the development potential for this lot due to the Compatibility Setback requirements in the LDC. The lot to the south is owned by the city of Austin, zoned SF-3, and is a lot located completely within the channel of West Bouldin Creek. This southern lot will never be developed. Furthermore, the lot to the northwest of our lot is also zoned SF-3, and has been used as a commercial facility in the past (although not officially). Furthermore, this northwestern lot and southern lot are the only relic SF-3 lots in this region, and it is safe to assume that they will very soon be converted to CS zoning as these properties are redeveloped in the future. These two SF-3 lots are significantly impacting the full development potential of our lot, when in the future these lots are very unlikely to remain SF-3 or have future SF-3 type structures on them.

Our request is to have the compatibility setback requirements completely removed from our property and/or project.

HARDSHIP:

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

- (1) Our property's total site area is 42,691.73 sf, but 27,045.67 sf is located within the CWQZ of W. Bouldin Creek, and with the 25 ft compatibility setbacks in place, our total developable area is limited to only 6,030.98 sf (14.1% of original area).
- (2) Our property is adjacent to a property to the south that is currently zoned SF-3, which can not ever be built on as it is located completely within the CWQZ on W. Bouldin Creek, but the code currently requires a compatibility setback onto our property for buildings and parking.
- (3) Our property is adjacent to a property to the northwest that is currently zoned SF-3, but which has in the past been unofficially used for commercial purposes, and is effectively a relic SF-3 property located within a region of almost all CS zoned properties along W. Oltorf. From discussions with city staff, and others, this lot to the northwest will almost certainly be rezoned to CS in order to redevelop this lot. The likelihood of this northwestern lot remaining SF-3 is very low. Since this lot to the northwest will most likely convert to CS, our property is effectively held hostage until the neighboring property redevelops. This same situation impacts the redevelopment of the northwestern property if our property is not redeveloped, as our current use is residential. With this current situation, and without Board of Adjustment intervention, our two lots are stuck in limbo as both are significantly impacted by each other's compatibility setback requirements.

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

All other properties in the region of W. Oltorf have much more room to construct, as they are not limited by a (1) a CWQZ that consumes well over half the lot total area; (2) a compatibility setback from a vacant adjacent city owned lot that is located in the center of W. Bouldin Creek; and (3) a compatibility setback from an isolated SF-3 zoned property to the northwest that has in the past and will most certainly be in the future commercial

property.

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:

- (1) The lot to the south zoned SF-3 will never be built on as it is completed within the CWQZ and owned by the city.
- (2) The lot to the northwest will almost certainly be redeveloped as commercial property, as all other property in the area is commercial. Once the lot to the northwest is converted to commercial property, there will be no compatibility setback requirements, but until such time our site and property are severely restricted.

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:

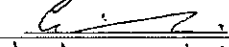
N/A

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

N/A

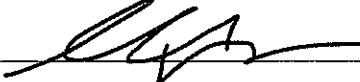
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

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 PO BOX 161357
escheibe@scheibeconsulting.com
City, State & Zip Austin, TX 78716




Printed Eric Scheibe, PE Phone 512-263-0418 Date 08/08/2014

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

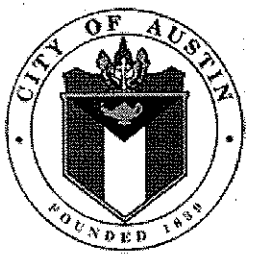
Signed  Mail Address 2210 South 1st, #L
City, State & Zip Austin, TX 78704

Printed 1402 West Oltorf LLC by Kary Aycock Phone 512-619-7131 Date 08/08/2014



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

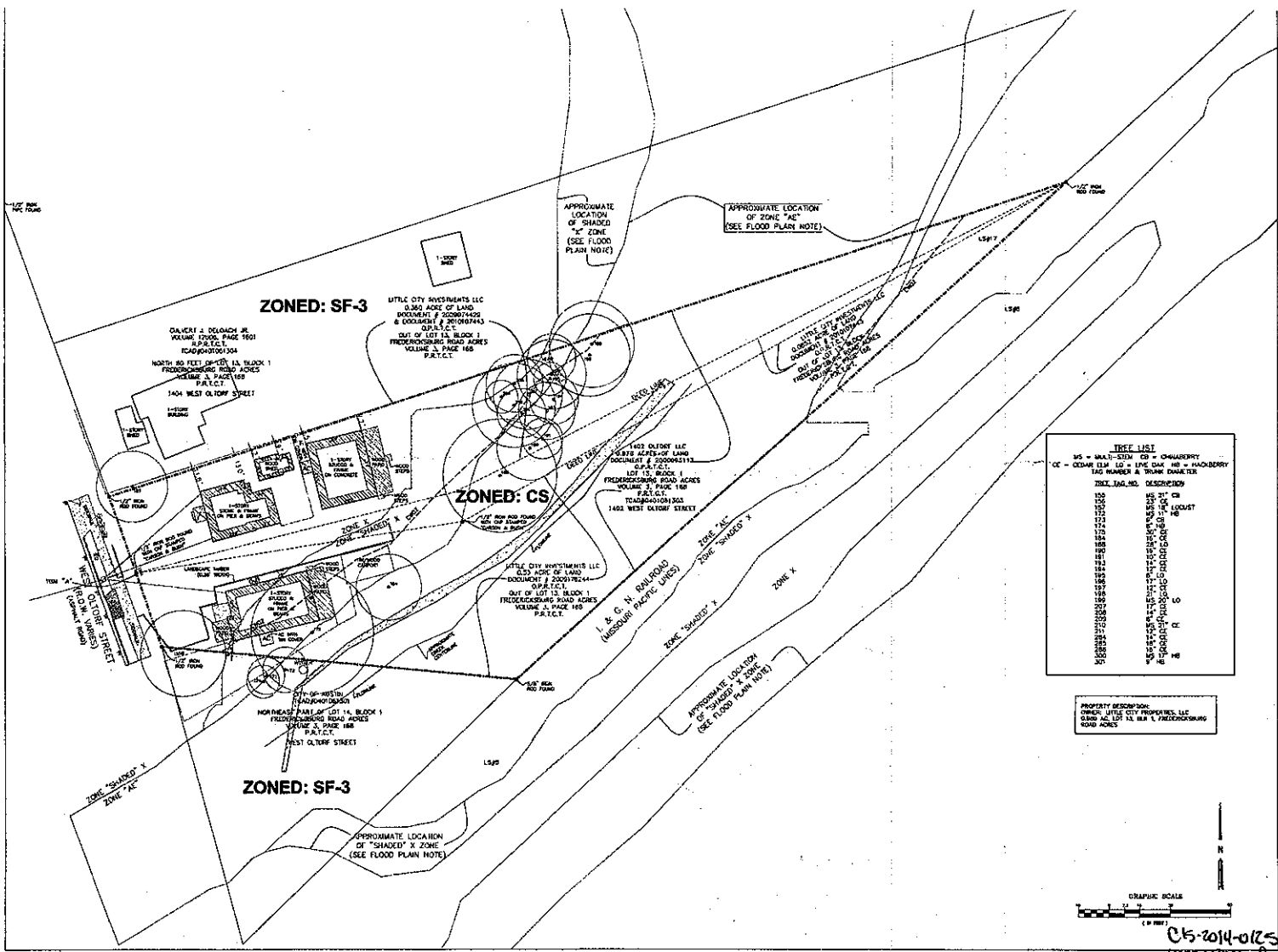
CASE#: C15-2014-0125
 Address: 1400 W OLTORF ST



1" = 200'

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

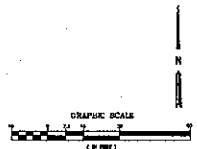


TITLE LIST

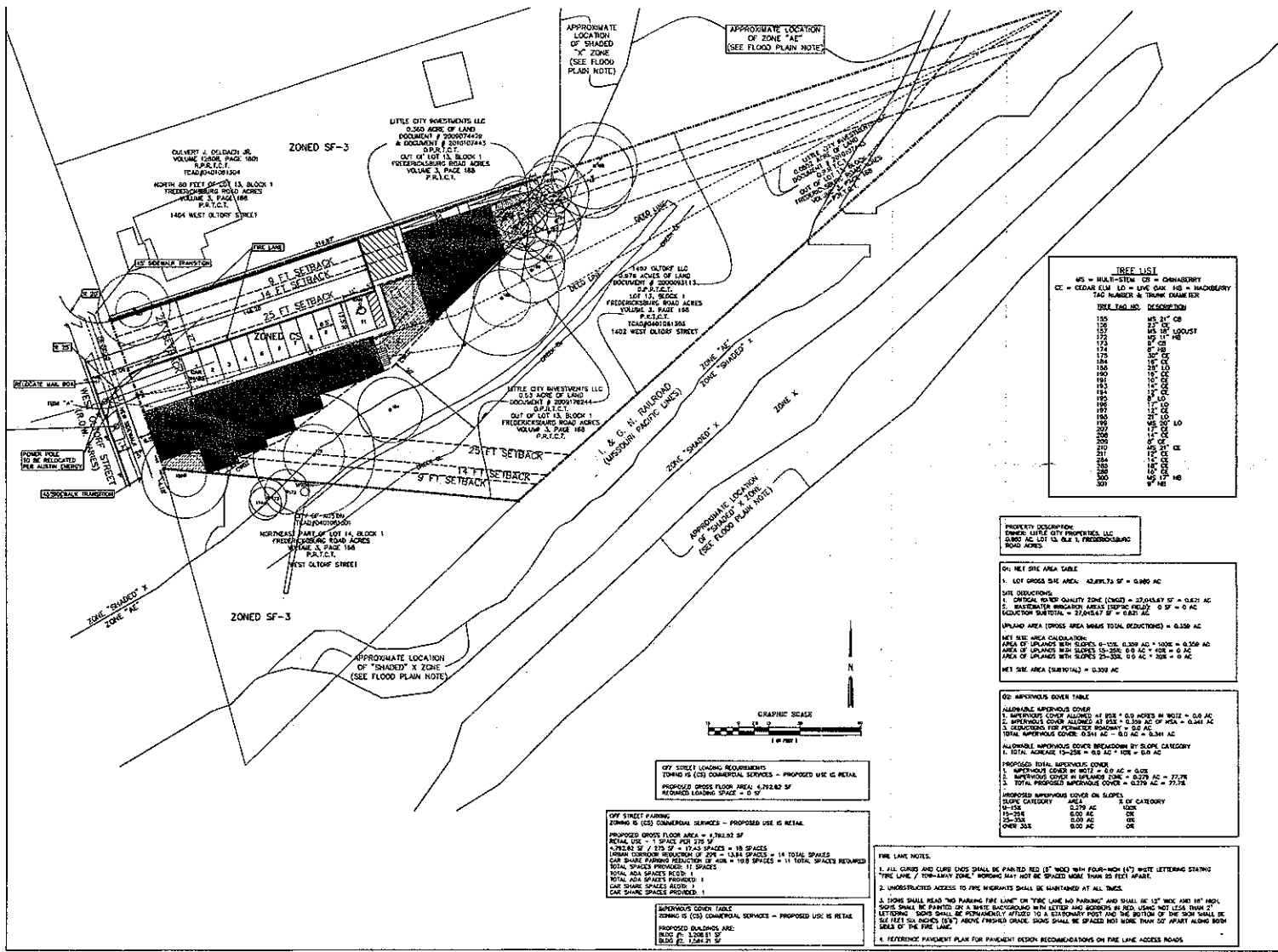
MS = MATHESON CS = CHAMBERS
 CE = CEDAR ISLAND LP = LIME OAK HB = HANDBERRY
 102 NUMBER A TRUNK BANKER

TITLE NO.	DESCRIPTION
150	MS 21' CR
151	MS 25' CR
152	MS 25' CR
153	MS 25' CR (LOUST)
154	MS 25' CR
155	MS 25' CR
156	MS 25' CR
157	MS 25' CR
158	MS 25' CR
159	MS 25' CR
160	MS 25' CR
161	MS 25' CR
162	MS 25' CR
163	MS 25' CR
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245	MS 25' CR
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247	MS 25' CR
248	MS 25' CR
249	MS 25' CR
250	MS 25' CR

PROPERTY DESCRIPTION:
 OWNER: LITTLE CITY INVESTMENTS, LLC
 0.360 AC. LOT 12, BLK 1, FREDERICKSBURG ROAD ACRES



05-2014-0125
 [Signature]



TREE LIST

MS = MULTI-STEM, CS = CHERRY
 CE = CEDAR, LM = LIVE OAK, HS = HICKORY
 TS = TAMARISK, TR = TRUNK DIAMETER

TREE TAG NO.	DESCRIPTION
155	MS 1" CR
156	MS 1" CR
157	MS 1" CR
158	MS 1" CR
159	MS 1" CR
160	MS 1" CR
161	MS 1" CR
162	MS 1" CR
163	MS 1" CR
164	MS 1" CR
165	MS 1" CR
166	MS 1" CR
167	MS 1" CR
168	MS 1" CR
169	MS 1" CR
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224	MS 1" CR
225	MS 1" CR
226	MS 1" CR
227	MS 1" CR
228	MS 1" CR
229	MS 1" CR
230	MS 1" CR

PROPERTY DESCRIPTION:
 OWNER: LITTLE CITY PROPERTIES, LLC
 2.880 AC LOT 13, 14, 15, FREDERICKSBURG ROAD ACRES

ON NET SITE AREA TABLE

1. LOT GROSS SITE AREA: 2,880 AC

DATE CALCULATIONS:

1. CRITICAL WETTED QUALITY ZONE (CWQZ) = 27,043.67 SF = 0.621 AC
 2. WETLANDS (REGULATORY ZONE) (RWQZ) = 0 SF = 0 AC
 3. EXCLUSION SUBTOTAL = 27,043.67 SF = 0.621 AC

UPLAND AREA (GROSS AREA MINUS TOTAL REDUCTIONS) = 0.359 AC

NET SITE AREA CALCULATION:
 AREA OF UPLANDS WITH SLOPES 0-15% = 0.309 AC + 100% = 0.309 AC
 AREA OF UPLANDS WITH SLOPES 15-25% = 0 AC + 100% = 0 AC
 AREA OF UPLANDS WITH SLOPES 25-35% = 0 AC + 100% = 0 AC
NET SITE AREA (SUBTOTAL) = 0.309 AC

OFF-STREET PARKING REQUIREMENTS
 ZONING IS (CS) COMMERCIAL SERVICES - PROPOSED USE IS RETAIL

PROPOSED GROSS FLOOR AREA: 4,792.62 SF
REQUIRED PARKING SPACES = 21

OFF-STREET PARKING:
 ZONING IS (CS) COMMERCIAL SERVICES - PROPOSED USE IS RETAIL

PROPOSED GROSS FLOOR AREA = 4,792.62 SF
RETAIL USE - 1 SPACE PER 275 SF
4,792.62 SF / 275 SF = 17.43 SPACES = 18 SPACES
MINIMUM COVERAGE REQUIREMENT OF 20% = 13.18 SPACES = 14 TOTAL SPACES
CAR SHARE PARKING REDUCTION OF 20% = 10.8 SPACES = 11 TOTAL SPACES REMOVED
TOTAL ADA SPACES REQUIRED: 11 SPACES
TOTAL ADA SPACES PROVIDED: 11
CAR SHARE SPACES REQUIRED: 1
CAR SHARE SPACES PROVIDED: 1

PERMISSIBLE COVER TABLE
 ZONING IS (CS) COMMERCIAL SERVICES - PROPOSED USE IS RETAIL

PROPOSED BUILDINGS ARE:
REG. P. 4,081 SF
BLDG. P. 7,281 SF

PERMISSIBLE COVER TABLE

PERMISSIBLE COVER	ALLOWED	PROPOSED
1. IMPERVIOUS COVER ALLOWED AT 10% = 0.0 AC	0.0 AC	0.0 AC
2. IMPERVIOUS COVER ALLOWED AT 25% = 0.309 AC	0.309 AC	0.309 AC
3. EXCESSIVE COVER PERMITTED: 0.0 AC	0.0 AC	0.0 AC
TOTAL IMPERVIOUS COVER: 0.314 AC	0.314 AC	0.314 AC

ALLOWABLE IMPERVIOUS COVER BREAKDOWN BY SLOPE CATEGORY

SLOPE CATEGORY	AREA	% OF CATEGORY
0-15%	0.309 AC	100%
15-25%	0.00 AC	0%
25-35%	0.00 AC	0%
OVER 35%	0.00 AC	0%



FIRE LANE NOTES:

- ALL CURBS AND CURB CUTS SHALL BE PAINTED RED (12" WIDE) WITH FOUR-INCH (4") WHITE LETTERING STATING "FIRE LANE / NO-PARKING ZONE". PARKING MAY NOT BE SPACES WIDER THAN 20 FEET WIDE.
- UNOBSTRUCTED ACCESS TO FIRE MERCHANTS SHALL BE MAINTAINED AT ALL TIMES.
- SPACES SHALL BE PAINTED WITH "NO PARKING FIRE LANE" OR "NO PARKING" AND SHALL BE 12" WIDE AND 18" HIGH. SPACES SHALL BE PAINTED ON A THREE BACKGROUND WITH LETTER AND NUMBER IN RED. LETTERS NOT LESS THAN 2" LETTERING. SPACES SHALL BE PERMANENTLY AFFIXED TO A STATIONARY POST AND THE BOTTOM OF THE SIGN SHALL BE 32 FEET 60 INCHES (167) ABOVE FINISHED GRADE. SIGNS SHALL BE SPACED NOT MORE THAN 50 FEET ALONG BOTH SIDES OF THE FIRE LANE.
- REFERENCED PARKING PLAN FOR PARKMENT DESIGN RECOMMENDATIONS ON FIRE LANE ACCESS ROADS.

