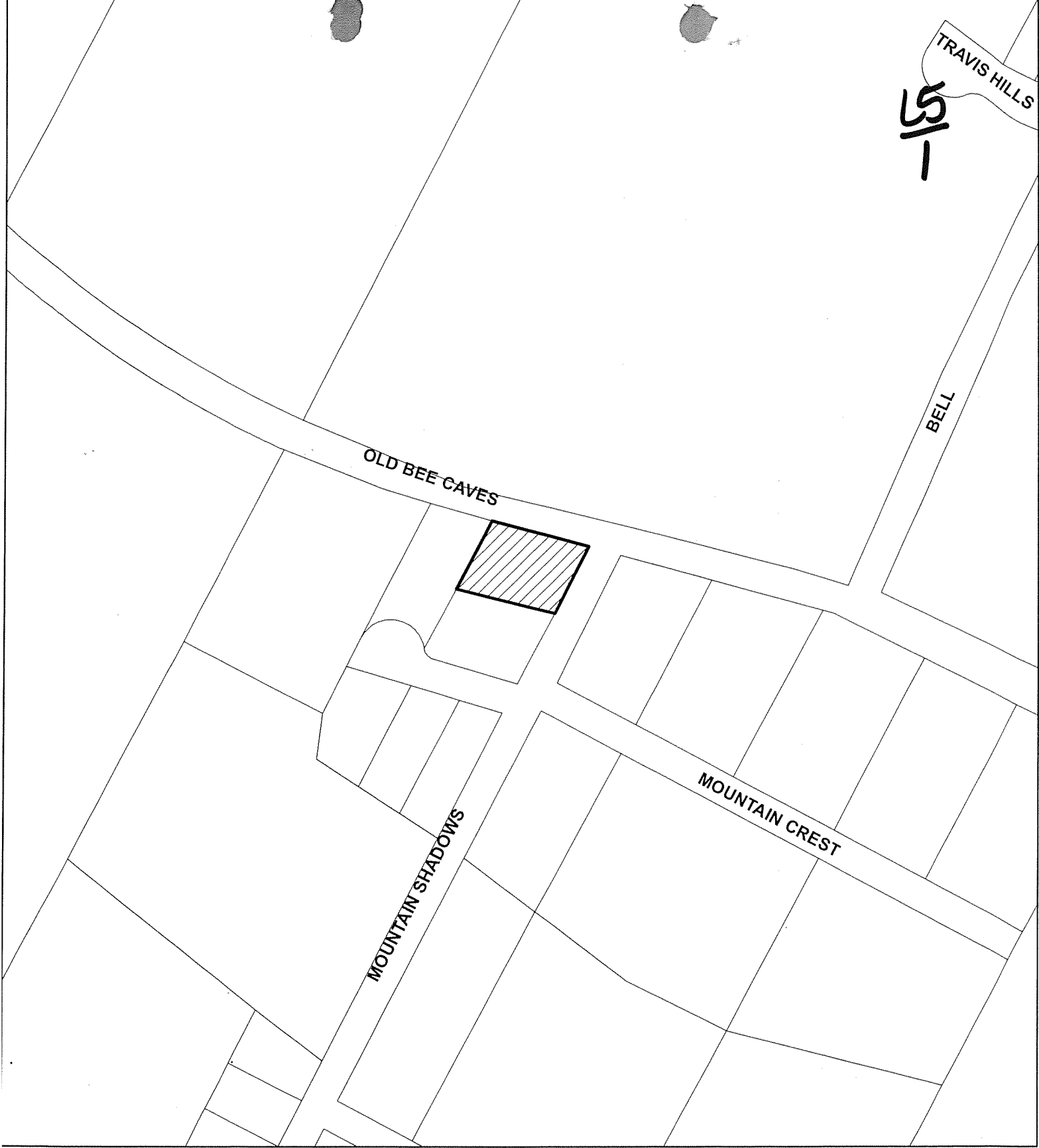




151- TRAVIS HILLS







N



SUBJECT TRACT

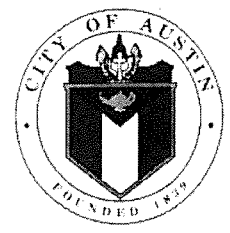


PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0101
Address: 6000 MOUNTAIN SHADOWS DR



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.

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

DATE: Monday, July 13, 2015

CASE NUMBER: C15-2015-0101

____ Angela Atwood
____ Michael Benaglio
____ William Burkhardt
____ Vincent Harding
____ Melissa Hawthorne
____ Don Leighton-Burwell
____ Melissa Neslund
____ James Valadez
____ Michael Von Ohlen

APPLICANT: David Cancialosi

OWNER: David & Shana Guidi

ADDRESS: 6000 MOUNTAIN SHADOWS DR

VARIANCE REQUESTED: The applicant has requested a variance from Section 25-6 Appendix A (Tables of Off-Street parking and Loading Requirements) to reduce the number of required parking spaces from 9 spaces (required) to 1 space (requested, existing) in order to maintain music instruction business in a "LO-MU-NP", Limited Retail – Mixed Use - Neighborhood Plan zoning district. (West Oak Hill)

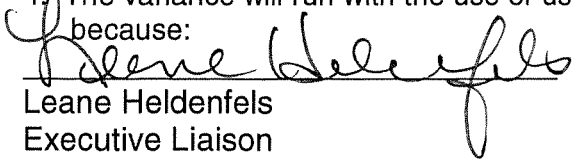
BOARD'S DECISION: POSTPONED TO September 14, 2015 AT THE APPLICANT'S REQUEST (NO OBJECTIONS)

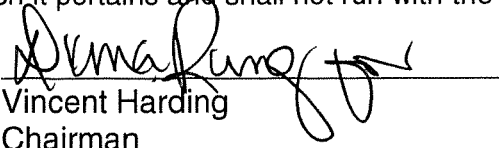
FINDINGS:

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:

PARKING: (Additional criteria for parking variance only)

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation because:
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:
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objective of this Ordinance because:
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:


Leane Heldenfels
Executive Liaison


Vincent Harding
Chairman

CASE# 95-2015-0101
ROW# 11367739
TAX# 0101440103 TCAD✓

315

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: 6000 Mountain Shadows Dr

LEGAL DESCRIPTION: Subdivision – Second Resubdivision of Mountain Shadows

Lot(s) 2 Block A Outlot _____ Division _____

I/We David Cancialosi on behalf of myself/ourselves as authorized agent for

Monarch Suzuki Academy LLC affirm that on May 19, 2015, 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

Variance from LDC 25-2-492 (D) to reduce parking requirement from 9 off-street parking spaces
to 1 off-street parking space.

in a LD-MU-NP district. (zoning district)
LD-MU-NP (West Oak Hill)

**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):

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REASONABLE USE:

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

The site was originally built in 1972 as a single-family residence outside of the City of Austin jurisdiction. It was annexed into the City and zoned RR, Rural Residential in 1985. The site had the CO-NP added via Oak Hill Neighborhood Plan in 2008. In 2012 the site was then zoned from R-CO-NP to LO-CO-NP that included a FLUM to Neighborhood Mixed Use.

The ~18,000 SF site was recently zoned to LR-CO-NP to allow the use of personal improvement services, which is prohibited by LO zoning. When the site was zoned from RR to LR the prior owner never sought a change of use and certificate of occupancy for commercial use. The current owner proposes to use the site for personal improvement services, but is unable to use the site for any commercial use due to lack of off-street parking. The parking was never installed when the prior commercial use was established. A commercial office use was recognized by the City zoning report when it was recommended for zoning change from RR to LO as well as LO to LR. Further, the site is within the Save Our Springs Ordinance area. Any addition of impervious coverage is prohibited and would trigger a City Council variance to the SOS ordinance. The property owner proposes to reduce the parking requirement and honor the intent and language of the SOS ordinance.

HARDSHIP:

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

The site's history is complex in that no change of use was ever sought or required by the city after the zoning was changed by the City from residential to commercial, yet the City recognized the prior commercial office use at the time of the 2008, 2012, and 2015 rezonings. The contradicting parking requirement of 8 off-street parking spaces for a 2,400 SF building versus the SOS prohibition against any new impervious coverage creates hardship to developing the property.

The property owner has not been able to secure an off-site parking agreement as of yet. A commercial site plan to install more parking area would trigger an SOS variance approval from City Council. It is not the applicant's belief that the City intended this site to be developed beyond the scope of the existing impervious coverage footprint nor grant a variance to SOS regulations.

Without a parking reduction variance, the current owner is unable to remedy a problem that was initiated by the City's application of commercial zoning in 2012 that eventually resulted in the recognized commercial uses itemized in the zoning reports submitted to Land Use Commission and City Council at the time of the 2012 and 2015 zoning approvals.

The site needs a parking variance for any commercial use. The City applied the commercial zoning and has created a non-compliant situation that cannot be remedied without assistance from the Board.

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

There are no known properties in this area with this issue.

5/15

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 parking reduction will not alter the character of the area. There is a commercial use across the street, a day care down the street, and XXX use down the street (Within XXX feet of the subject 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:

Literal application of the regulations prohibit a reasonable use of the property that has been designated by the current City Council as a proper highest and best use on this site.

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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:

The site has ample area to allow loading or unloading on the existing parking pad as well as the adjacent gravel parking area that has been in use since approximately 1987; however, that gravel area is not formally recognized by the City Development Assistance Center since the COA GIS aerials do not show it prior to 1985 annexation date.

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

There are no known hazards that will be created if the variance is approved. The property owner proposes to install a single ADA compliant handicap parking space and unloading zone on the existing impervious cover. There will be a striped ADA route from the parking area to the front door.

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

The proposed personal improvement use triggers the 8 required spaces. However, any commercial use at this site will trigger more off-street parking than what was previously required by residential zoning. Office, Personal improvement, or other uses allowed in LO or LR zoning will require more than 2 off-street spaces. Consequently, an increase in impervious coverage for the required parking pad will trigger SOS compliance or a BOA variance to reduce the number of off-street spaces.

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 105 W. Riverside Suite 225

City, State & Zip Austin, TX 78704

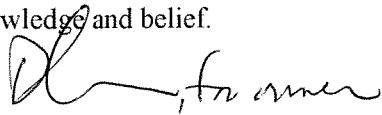
Printed David C. Cancialosi

Phone 512-593-5368 Date May 19, 2015

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 Shana Guidi



City, State & Zip Austin Texas

Printed Shana Guidi Date May 19, 2015

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Shadows Dr

MOUNTAIN SHADOWS DRIVE

Old Bee Caves Rd

Scale bar: 0, 40, 80 feet

North arrow pointing towards the top right.

| | |
|------------|------------|
| Chloroform | |
| Job Number | ISSUE DATE |
| POST-YEAR | 4/18/2009 |
| SHEET | |

DAVID CANCELOSI
PERMIT PARTNERS
105 RIVERSIDE DRIVE
AUSTIN, TX 78704

| REV | REVISION / DESCRIPTION | DATE |
|-----|-------------------------------------|------------|
| 001 | Initial Issue | 01/01/2000 |
| 002 | Revised to include new section 4.1 | 02/01/2000 |
| 003 | Revised to include new section 4.2 | 03/01/2000 |
| 004 | Revised to include new section 4.3 | 04/01/2000 |
| 005 | Revised to include new section 4.4 | 05/01/2000 |
| 006 | Revised to include new section 4.5 | 06/01/2000 |
| 007 | Revised to include new section 4.6 | 07/01/2000 |
| 008 | Revised to include new section 4.7 | 08/01/2000 |
| 009 | Revised to include new section 4.8 | 09/01/2000 |
| 010 | Revised to include new section 4.9 | 10/01/2000 |
| 011 | Revised to include new section 4.10 | 11/01/2000 |
| 012 | Revised to include new section 4.11 | 12/01/2000 |
| 013 | Revised to include new section 4.12 | 01/01/2001 |
| 014 | Revised to include new section 4.13 | 02/01/2001 |
| 015 | Revised to include new section 4.14 | 03/01/2001 |
| 016 | Revised to include new section 4.15 | 04/01/2001 |
| 017 | Revised to include new section 4.16 | 05/01/2001 |
| 018 | Revised to include new section 4.17 | 06/01/2001 |
| 019 | Revised to include new section 4.18 | 07/01/2001 |
| 020 | Revised to include new section 4.19 | 08/01/2001 |
| 021 | Revised to include new section 4.20 | 09/01/2001 |
| 022 | Revised to include new section 4.21 | 10/01/2001 |
| 023 | Revised to include new section 4.22 | 11/01/2001 |
| 024 | Revised to include new section 4.23 | 12/01/2001 |
| 025 | Revised to include new section 4.24 | 01/01/2002 |
| 026 | Revised to include new section 4.25 | 02/01/2002 |
| 027 | Revised to include new section 4.26 | 03/01/2002 |
| 028 | Revised to include new section 4.27 | 04/01/2002 |
| 029 | Revised to include new section 4.28 | 05/01/2002 |
| 030 | Revised to include new section 4.29 | 06/01/2002 |
| 031 | Revised to include new section 4.30 | 07/01/2002 |
| 032 | Revised to include new section 4.31 | 08/01/2002 |
| 033 | Revised to include new section 4.32 | 09/01/2002 |
| 034 | Revised to include new section 4.33 | 10/01/2002 |
| 035 | Revised to include new section 4.34 | 11/01/2002 |
| 036 | Revised to include new section 4.35 | 12/01/2002 |
| 037 | Revised to include new section 4.36 | 01/01/2003 |
| 038 | Revised to include new section 4.37 | 02/01/2003 |
| 039 | Revised to include new section 4.38 | 03/01/2003 |
| 040 | Revised to include new section 4.39 | 04/01/2003 |
| 041 | Revised to include new section 4.40 | 05/01/2003 |
| 042 | Revised to include new section 4.41 | 06/01/2003 |
| 043 | Revised to include new section 4.42 | 07/01/2003 |
| 044 | Revised to include new section 4.43 | 08/01/2003 |
| 045 | Revised to include new section 4.44 | 09/01/2003 |
| 046 | Revised to include new section 4.45 | 10/01/2003 |
| 047 | Revised to include new section 4.46 | 11/01/2003 |
| 048 | Revised to include new section 4.47 | 12/01/2003 |
| 049 | Revised to include new section 4.48 | 01/01/2004 |
| 050 | Revised to include new section 4.49 | 02/01/2004 |
| 051 | Revised to include new section 4.50 | 03/01/2004 |
| 052 | Revised to include new section 4.51 | 04/01/2004 |
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| 071 | Revised to include new section 4.70 | 11/01/2005 |
| 072 | Revised to include new section 4.71 | 12/01/2005 |
| 073 | Revised to include new section 4.72 | 01/01/2006 |
| 074 | Revised to include new section 4.73 | 02/01/2006 |
| 075 | Revised to include new section 4.74 | 03/01/2006 |
| 076 | Revised to include new section 4.75 | 04/01/2006 |
| 077 | Revised to include new section 4.76 | 05/01/2006 |
| 078 | Revised to include new section 4.77 | 06/01/2006 |
| 079 | Revised to include new section 4.78 | 07/01/2006 |
| 080 | Revised to include new section 4.79 | 08/01/2006 |
| 081 | Revised to include new section 4.80 | 09/01/2006 |
| 082 | Revised to include new section 4.81 | 10/01/2006 |
| 083 | Revised to include new section 4.82 | 11/01/2006 |

*Tom Thayer, Chair
Chip Graves, Vice-Chair
Cynthia Wilcox, Secretary*



LS
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June 23, 2015

To: David Cancialosi
Permit Partners, LLC
105 W. Riverside Suite 225
Austin, TX 78704

Re: 6000 Mountain Shadows Dr

On March 25th, 2015, the Oak Hill Neighborhood Contact Team held a meeting in accordance with our bylaws to discuss the applicant's proposed zoning change for the property located at 6000 Mountain Shadows Dr. The NPCT recommended the zoning change from **LO to LR MU NP** with use restrictions for a proposed music school. The NPCT had previously approved a land use change on this property in 2012 to Neighborhood Mixed Use.

The applicant is currently trying to obtain a variance from the parking requirements for the property as additional parking spaces would violate the SOS ordinance.

Given that the music school use on the property would likely not require more than 3-4 vehicles at any one time, that there are multiple unofficial gravel parking spaces on the property that could be utilized, and that we would not support a variance to SOS, the OHPCT supports the request for the variance from the parking requirements for the music school use only.

Please let me know if you have any questions.

Sincerely,

Tom Thayer
Chair, OHNPCT

Cc: Chip Graves – Vice Chair
Cynthia Wilcox – Secretary

Heldenfels, Leane

65/10

From: Friedman, Alan <[REDACTED]>
Sent: Friday, July 10, 2015 6:56 PM
To: Heldenfels, Leane
Cc: Katie Friedman ([REDACTED]); cuzznewz22@yahoo.com; Lee Brooks
Subject: Case Number C15-2015-0101

Applicant: David Cancialosi 512-593-5368, for 6000 Mountain Shadow Sr. Lot:2 Block: A
Re: Public Hearing : Board of Adjustment, July 13th, 2015

Dear Ms. Heldenfels,

My wife and I own the property at 8725 Mountain Crest Drive, very close (within 500 feet) of the subject property. I am troubled by the parking space variance sought from 9 to 1 spaces. Granting it would mean additional street parking. There are children, which will at some point include my just born grandson who will be walking in the area. The more traffic congestion there will be the more danger it will mean for those children and inconvenience for residents. I recall a conversation with Mr. Cancialosi in which he assured me that this business would fully comply with all requirements. The variance calls for noncompliance.

Let me be clear. We welcome the music instruction business so long as it is operated in a nondisruptive way. We even hope our grandchild will one day be one of its students. I do not know how many instructors there will be or how much increased traffic there will be because of dropping off and picking up students, but I do think there should be enough spaces to minimize the street traffic. If an adjustment of one or two spaces seems reasonable, so be it, but I believe that the owners should come close to the required 9.

Please share my views with the members of the Board of Adjustment and let them know that I appreciate their thoughtful consideration.

Thank you.

Alan Friedman

Alan V. Friedman |
Munger, Tolles & Olson LLP | 355 South Grand Avenue | Los Angeles, CA 90071
Tel: (213) 683-9169 | Cell: (213) 705-4347 | Fax: (213) 683-5169 | [REDACTED] | www.mto.com

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