

# NOTIFICATIONS

CASE#: C15-2016-0081  
 LOCATION: 1000 North Lamar Blvd.



1" = 137'

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 11, 2016**

**CASE NUMBER: C15-2016-0081**

☒ Y Brooke Bailey 2<sup>nd</sup> the motion  
☒ Y Michael Benaglio  
☒ Y William Burkhardt  
☒ Y Eric Goff  
☒ Y Melissa Hawthorne  
☒ Y Bryan King Motion to PP to Aug 8, 2016  
☒ Y Don Leighton-Burwell  
☒ Y Rahm McDaniel  
☒ Y Melissa Neslund  
☒ Y James Valadez  
☒ Y Michael Von Ohlen  
☐ - Kelly Blume (Alternate)

**APPLICANT: Nikelle Meade**

**OWNER: Journeyman Austin Holdings - Patrick Riordan**

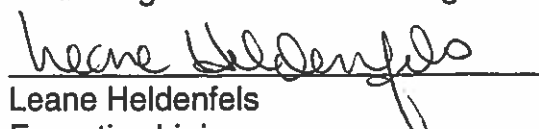
**ADDRESS: 1000 NORTH LAMAR BLVD**

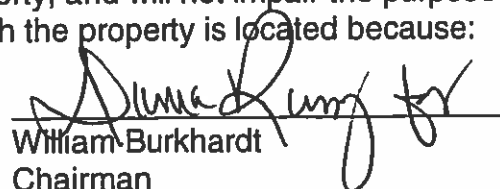
**VARIANCE REQUESTED:** The applicant has requested a variance from Section 25-6 Appendix A (Tables of Off-Street parking and Loading Requirements) to reduce the number of required off-street loading spaces from 1 space (required) to 0 spaces (requested) in order to erect a 4-story office building (2 stories office space, 2 stories parking) in a "CS-MU-V-CO-NP", General Commercial Service – Mixed Use – Vertical Mixed Use – Conditional Overlay - Neighborhood Plan zoning district. (Old West Austin)

**BOARD'S DECISION:** The public hearing was closed on Board Member Bryan King motion to Postpone to August 8, 2016, Board Member Brooke Bailey second on a 10-0-1 vote (Board member Melissa Hawthorne off the dias); **POSTPONED TO AUGUST 8, 2016.**

**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:

  
Leane Heldenfels  
Executive Liaison

  
William Burkhardt  
Chairman

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N 68°46'15" W 49.97'  
(N 68°38'53" W 49.89')

N 69.39'2" W 92.98'  
(N 69.39'2" W 102.00')

SOUTH 97 FEET OF LOTS  
9-11,  
BLOCK 2 OF THE  
SILMAN SUBDIVISION  
OF OUTLOT 5, DIVISION  
Z

S 20°06'42" W 96.73'  
(S 20°06'42" W 97.00')

SCALE: 20°

[illegible][illegible]

1000 NORTH LAMAR - SITE DEVELOPMENT PLAN

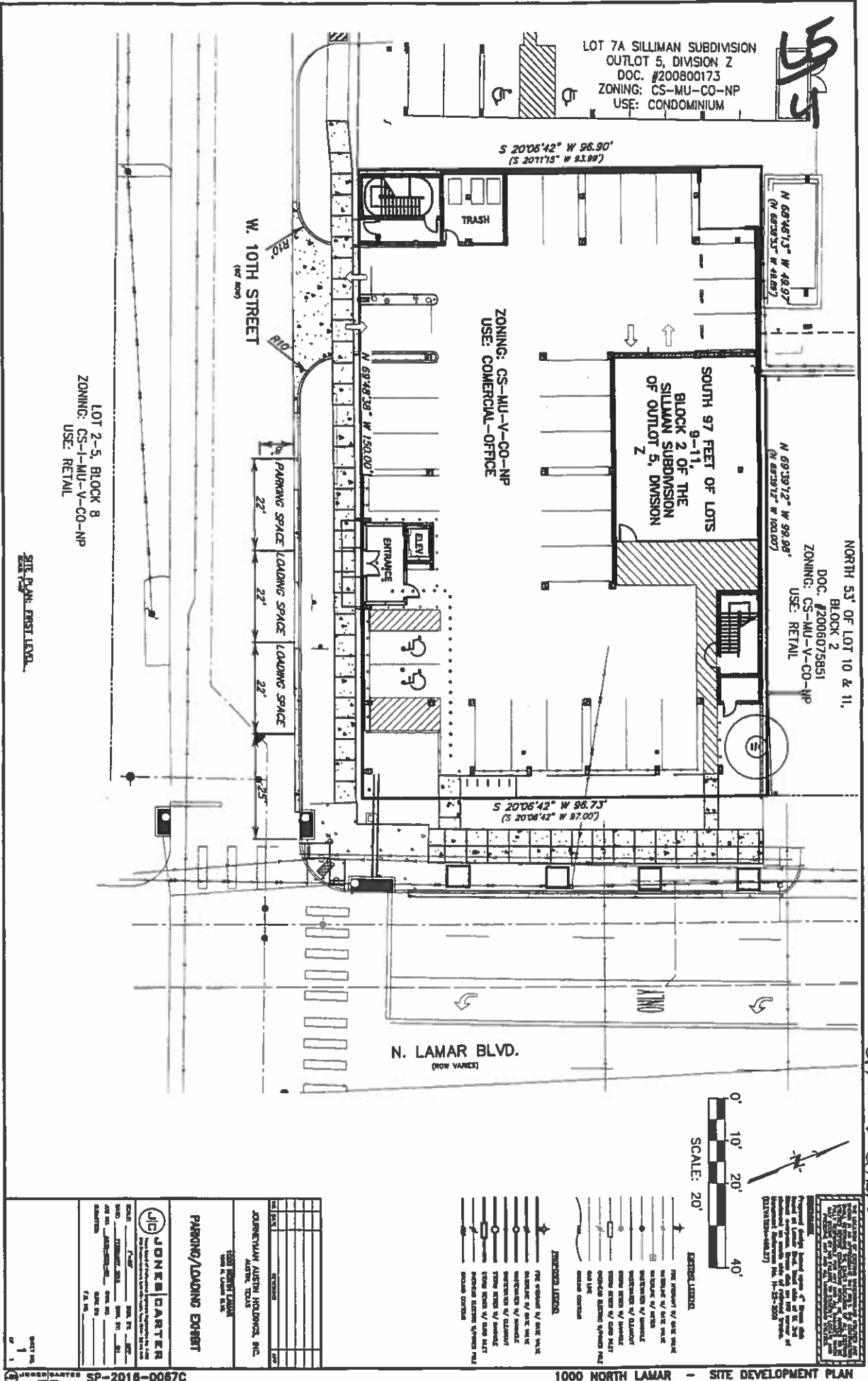
**SITE PLAN: FIRST LEVEL**

CH-2016-0081

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1000 NORTH LAMAR - SITE DEVELOPMENT PLAN



SP-2018-0067C

1000 NORTH LAMAR - SITE DEVELOPMENT PLAN



**CITY OF AUSTIN**  
Development Services Department  
One Texas Center | Phone: 512.978.4000  
505 Barton Springs Road, Austin, Texas 78704

6715

## Board of Adjustment General/Parking Variance Application

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

### For Office Use Only

Case # C15-2016-0081 ROW # 11549214 Tax # 0109011012

### Section 1: Applicant Statement

Street Address: 1000 N Lamar Blvd.

Subdivision Legal Description:

South 97 feet of lots 9 -11, Block 2 of Silliman Subdivision of Outlot 5, Division Z

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: CS-MU-V-CO-NP (old west austin)

I/We Nikelle Meade (Husch Blackwell) on behalf of myself/ourselves as  
authorized agent for Journeyman Austin Holdings, Inc. affirm that on  
Month June, Day 9, Year 2016, hereby apply for a hearing before the  
Board of Adjustment for consideration to (select appropriate option below):

☒ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: \_\_\_\_\_

Type of Structure: 4 story office building (2 levels of structured parking; 2 levels of office space)

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

Section 25-6-531 (off-street loading facility required for a new building or use). The Applicant is seeking a variance from the requirement to provide an off-street loading facility for an office building.

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## Section 2: Variance Findings

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 supporting documents.

**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.**

I contend that my entitlement to the requested variance is based on the following findings:

### Reasonable Use

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

See attached.

### Hardship

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

See attached.

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

See attached.

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**Area Character**

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:

See attached.

**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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

See attached.

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:

See attached.

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

See attached.

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

See attached.

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### Section 3: Applicant Certificate

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

Applicant Signature: Nikelle Meade Date: 6/9/16

Applicant Name (typed or printed): Nikelle Meade

Applicant Mailing Address: 111 Congress Avenue, Suite 1400

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 479-1147

Email (optional – will be public information): nikelle.meade@huschblackwell.com

### Section 4: Owner Certificate

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

Owner Signature: Patrick Riordan Date: \_\_\_\_\_

Owner Name (typed or printed): Journeyman Austin Holdings, Inc.

Owner Mailing Address: 7701 N Lamar Blvd., Suite 100

City: Austin State: TX Zip: 78752

Phone (will be public information): (512) 374-2920

Email (optional – will be public information): \_\_\_\_\_

### Section 5: Agent Information

Agent Name: Nikelle Meade

Agent Mailing Address: 111 Congress Avenue, Suite 1400

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 479-1147

Email (optional – will be public information): nikelle.meade@huschblackwell.com

### Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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**Board of Adjustment  
Loading Zone Variance Request  
1000 North Lamar Boulevard**

**FINDINGS of FACT (Addendum to Application)**

**Reasonable Use**

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

they significantly limit the buildable area of the site such that no reasonable use can be made of the site if an off-street loading area is also required on the site.

**Additional Information:**

\* The site is subject to several unusual development restrictions imposed by a combination of its location within the 100-year floodplain and inclusion within the Old West Austin Neighborhood Plan Ordinance. First, the Old West Austin Neighborhood Plan Ordinance applies an additional height restriction to the property beyond that which would apply under the CS base zoning. limits the height of all buildings on the site to a maximum of 515.9 above msl, which will permit three to four floors depending on the height of each floor. Because the site has a base zoning designation of CS-MU, the building height that would be achievable on the site if there weren't an additional height limit imposed by the Old West Austin Neighborhood Plan Ordinance would be 60 feet. But, the Old West Austin Neighborhood Plan Ordinance imposes an additional height restriction limiting height to no more than 515.9 feet above mean sea level, which reduces height on this tract to approximately 3-4 stories. Then, because the site is wholly within the 100-year floodplain, the finished floor elevation of the building is required to be at least two feet above the floodplain. If an on-site loading zone is then required, the only available location for it would be underneath the building, and its vertical clearance would need to be at least 15 feet (as opposed to the 10-foot minimum clearance that would be required for a parking garage) resulting in there only being room for the loading zone, one level of parking (which would have to be placed in its own story above the loading zone since the loading zone will take up such a great amount of space), and a single level of office space with a very small footprint. In summary, the off-street loading zone requirement results in the site becoming more parking and loading than usable office space.

\* Underground parking is not an available option on this site as a way to solve the constraints noted above. Because the site is within the 100-year floodplain excavation of the site is prohibited and cut and fill are severely restricted, so parking cannot be placed underground.

**Hardship**

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

the property is not only subject to the Land Development Code requirements but is also subject to the special height requirements of the Old West Austin Neighborhood Plan Ordinance and the

floodplain. Adding the small tract size to the equation, the combination of restrictions is unique to this tract and not shared by almost any other CS-MU-V properties.

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

only ten other tracts on North Lamar are subject to a height limit imposed by the Old West Austin Neighborhood Plan Ordinance. Of those tracts, only six are also encumbered by the 100-year floodplain. And, of those with both limitations, all six tracts were already developed prior to the Old West Austin Neighborhood Plan Ordinance being enacted.

#### Area Character

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 on-site loading requirements are meant to prevent traffic issues caused by trucks loading and unloading at a commercial building. The developer proposes to wholly reconfigure the ingress and egress of the site to accommodate the on-street loading, including closing two existing driveways on West 10<sup>th</sup> Street in order to add the on-street loading zone in their place. This reconfiguration will greatly improve the flow of traffic because cars will not be turning in and out of the site on West 10<sup>th</sup> Street all day long. Additionally, West 10<sup>th</sup> Street is not contiguous—there is a gap on West 10<sup>th</sup> Street between Baylor and Blanco Streets (see attached map)—resulting in there uniquely being very little traffic in the location where the loading zone will be located, so the loading zone will not interfere with the flow of traffic.

#### Parking (additional criteria for parking variances 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 specific regulation because:

the proposed on-street loading area will be located on the portion of West 10<sup>th</sup> Street where there is very little traffic, so the loading zone will not interfere with the existing or future traffic flow. Additionally, as a part of the ingress and egress reconfiguration and in addition to the removal of two driveways on West 10<sup>th</sup> Street, the developer will also removal of the two driveways on North Lamar, which will also significantly improve the existing and future traffic conditions.

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:

as noted above the on-street loading zone will be located on a low-traffic street and four of five existing driveways leading to and from the site, including an existing 70' curb-cut currently located off North Lamar, will be closed. These closures will significantly improve the flow of traffic to and from this site and in the area overall. If an off-street loading zone were required, the North Lamar curb-cut could not be closed since without it there would not be enough space on-site for a delivery

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truck to maneuver through the site because of the structural columns that will have to be located under the building.

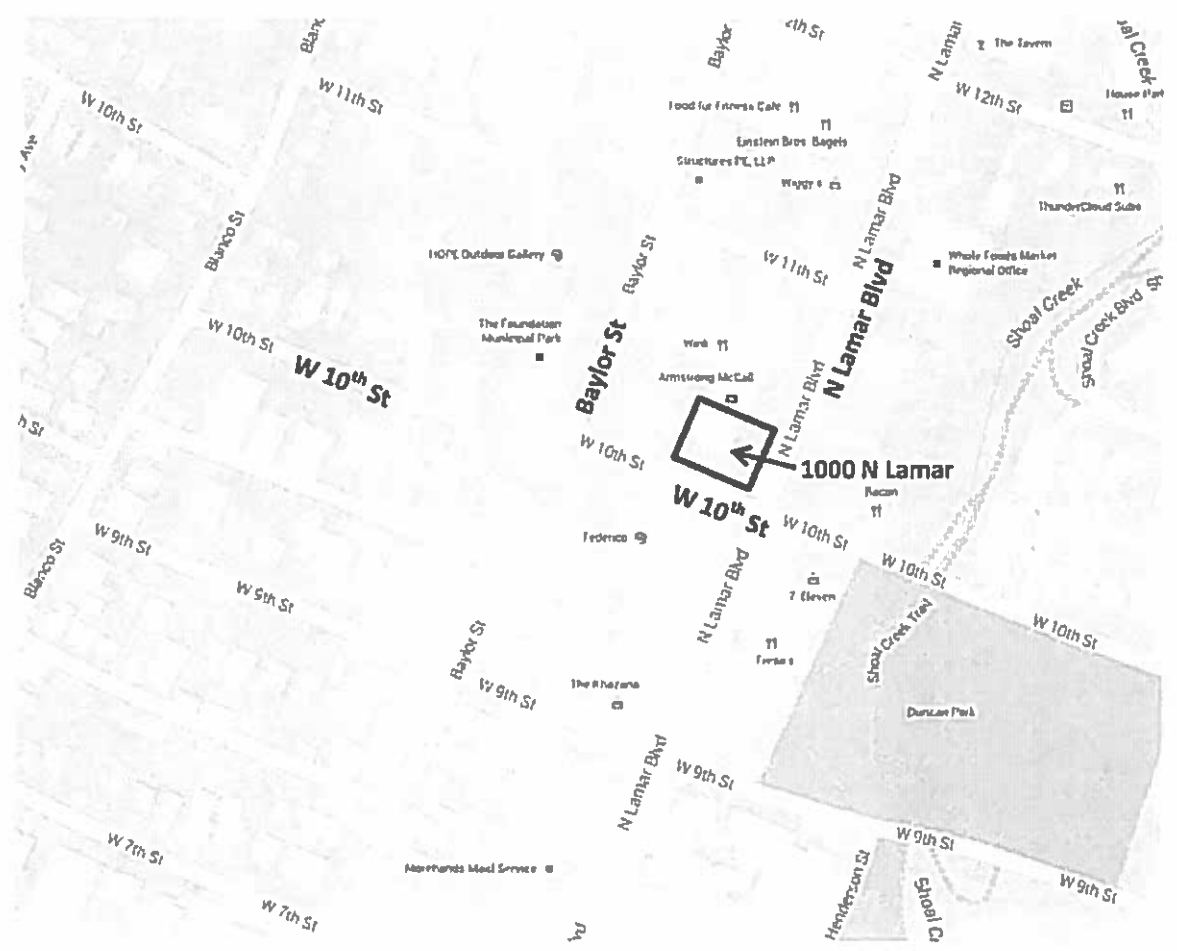
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

the on-street loading zone will be an adequate distance from the intersection at North Lamar and West 10th Street to ensure that there is no interference with the line of sight for the drivers or pedestrians at the intersection.

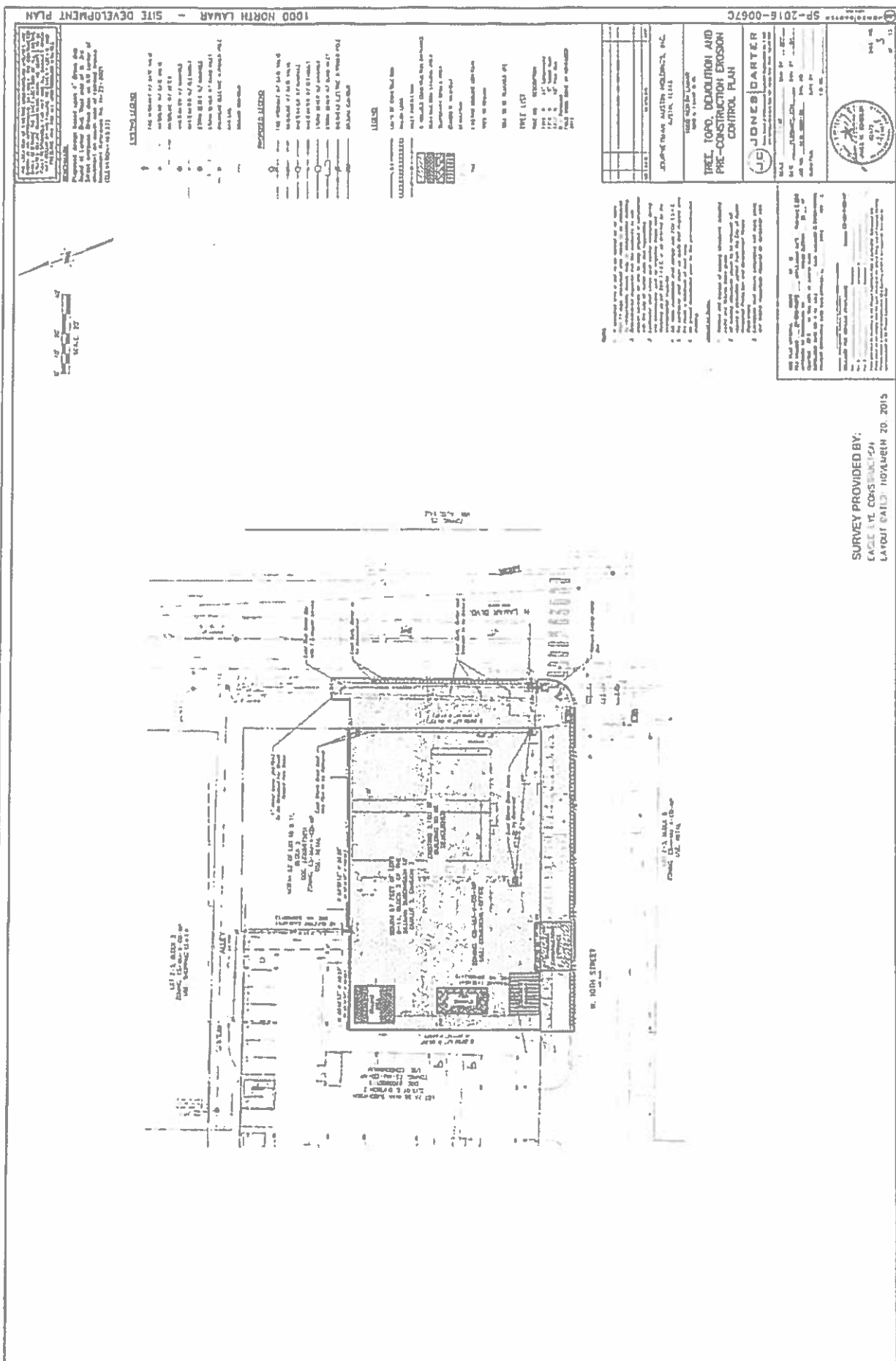
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

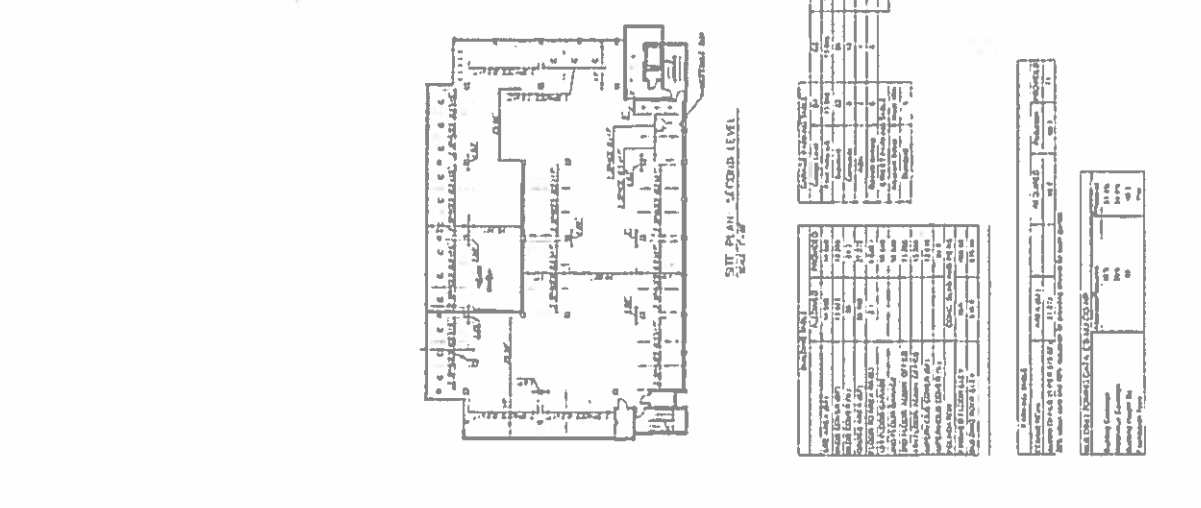
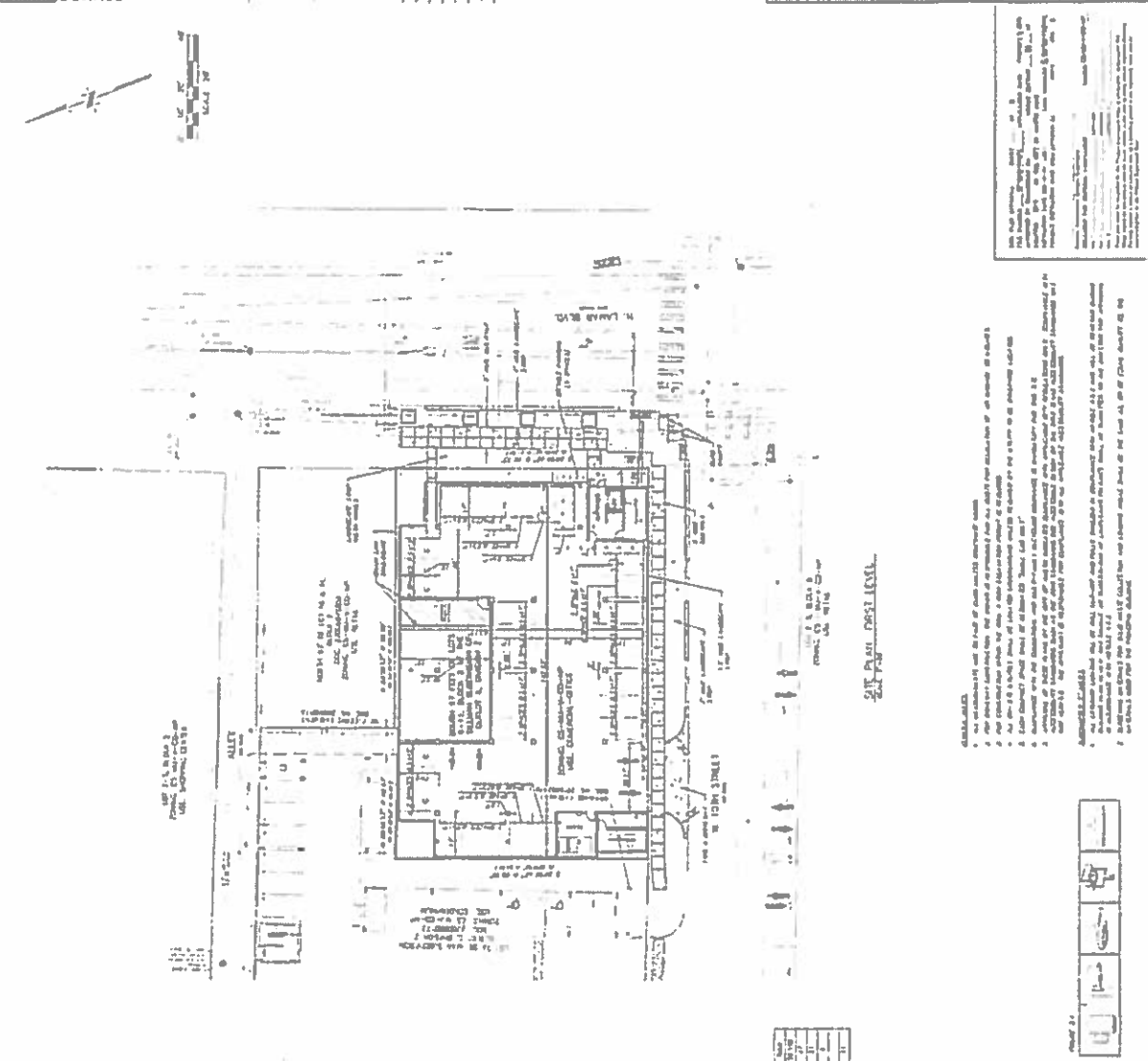
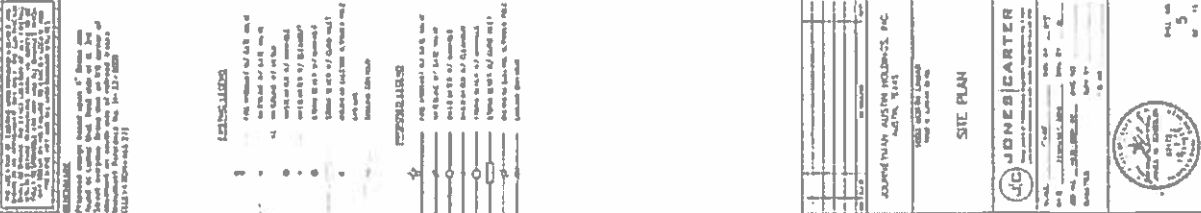
the variance is needed only for the proposed commercial use. The developer is not requesting that the variance extend to other uses and will enter into a restriction to that effect if needed.

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SURVEY PROVIDED BY:  
EAGLE LVL CONSULTING  
LAYOUT CALLED: NOVEMBER 20, 2015





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**1500 N LAMAR**  
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## CONCLUSION

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Case 6:22-cv-00001-AM Document 1-1 Filed 07/26/22 Page 1 of 1

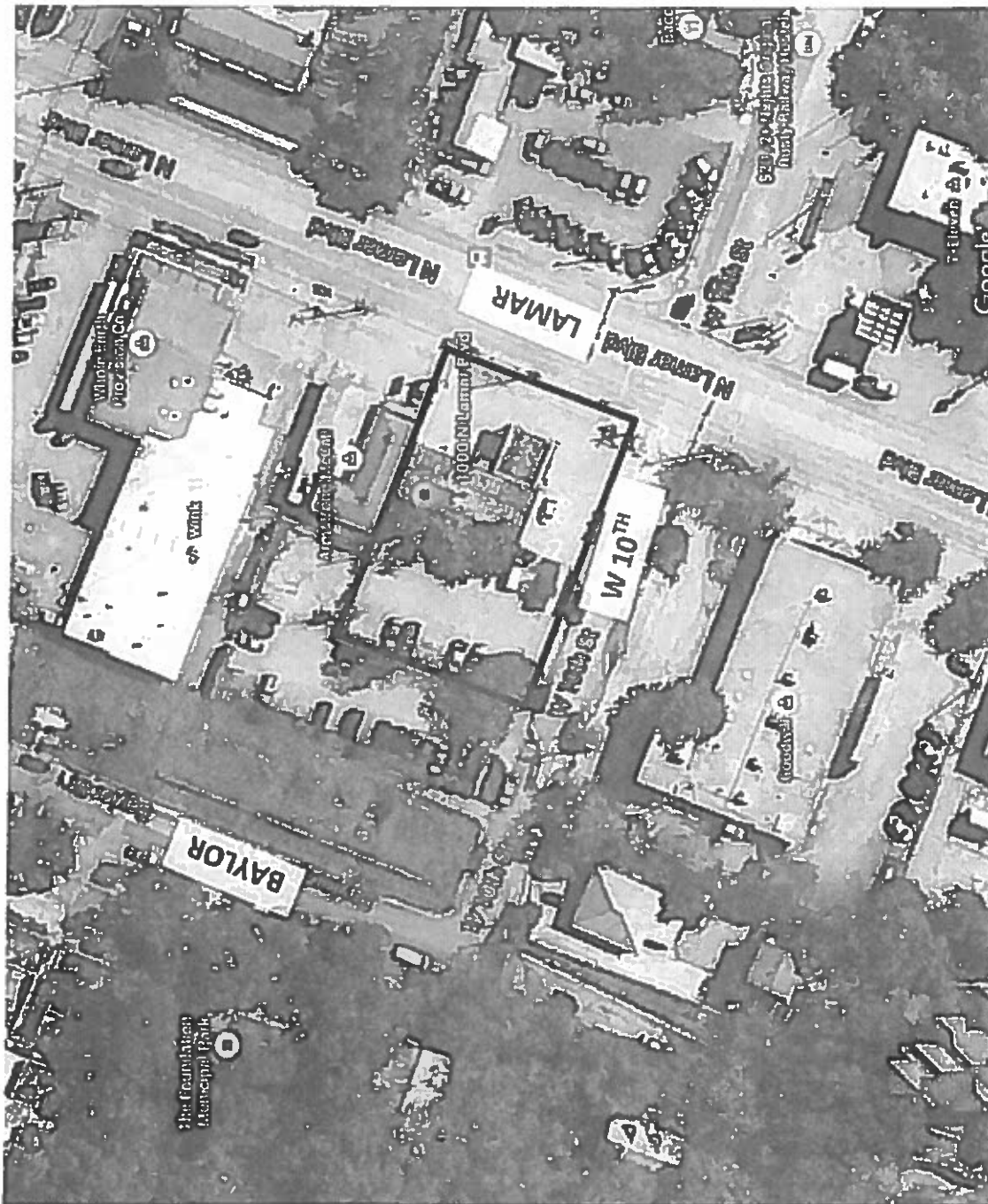
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COMPLIANCE WITH BUILDING DESIGN STANDARDS. SUBCHAPTER 3 IS REQUIRED AS LONG AS THEY ARE NOT IN CONFLICT WITH FLOODPLAIN AND WATERSHED REQUIREMENTS

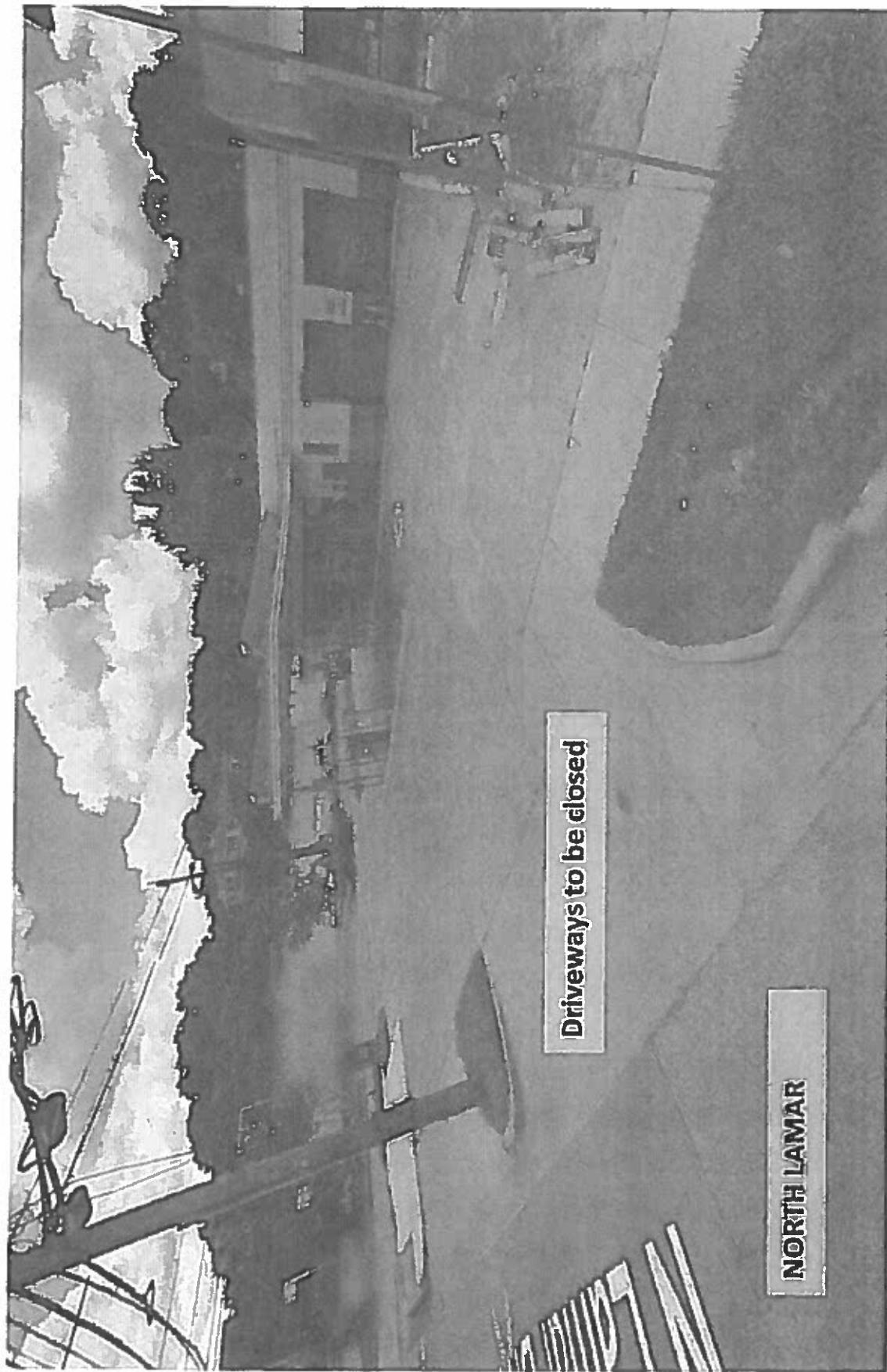
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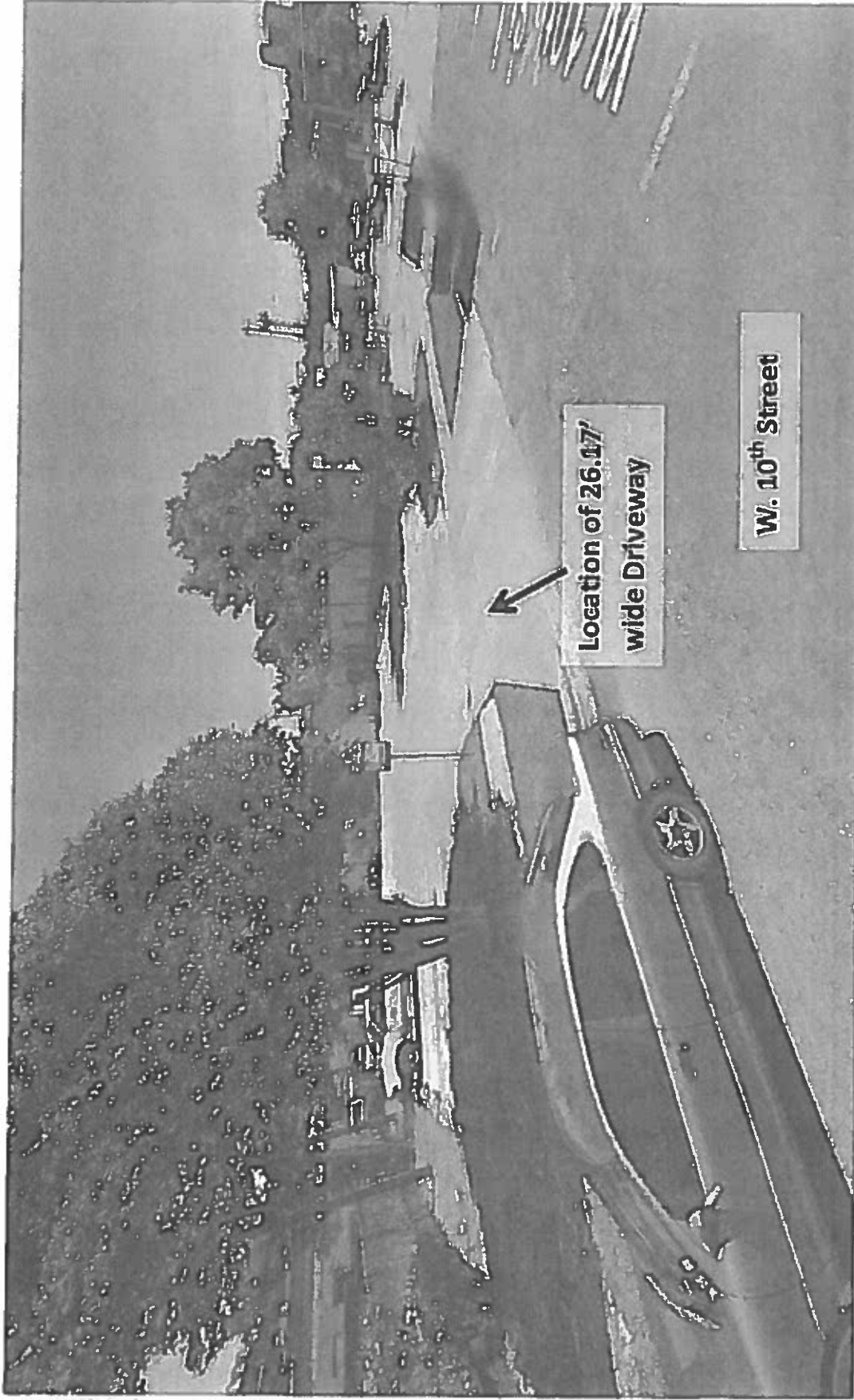
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AUS-6270804-1 529034/1

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Location of 26.17' wide Driveway

W. 10<sup>th</sup> Street

# 5/2 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 application. 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 will be sent.

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.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/devservices](http://www.austintexas.gov/devservices)

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2016-0081, 1000 N. Lamar Blvd.

Contact: Leane Heldenfels, 512-974-2202, [leanc.heldenfels@austintexas.gov](mailto:leanc.heldenfels@austintexas.gov)  
Public Hearing: Board of Adjustment, July 11th, 2016

Your Name (please print) Joseph F. Falk

☐ I am in favor  
☒ I object

Your address(es) affected by this application 1111 W 10th St - Apt 111 - Austin, TX 78703

Joseph F. Falk Signature 7-3-2016 Date

Daytime Telephone: 715-212-8100

Comments: I strong would be ok but would prefer one story

I am concerned my abnded be up to date. I've made one change. This is the 2d time i've brought this up to your attention.

Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be returned by:

Mail: City of Austin-Development Services Department/ 1st Floor  
Leane Heldenfels  
P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments postmarked after the Wed prior to the hearing will not be received timely)

Fax: (512) 974-6305

Email: [leanc.heldenfels@austintexas.gov](mailto:leanc.heldenfels@austintexas.gov)

## 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 application. 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 will be sent.

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.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/devservices](http://www.austintexas.gov/devservices)

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Case Number: C15-2016-0081, 1000 N. Lamar Blvd.

Contact: Leane Heldenfels, 512-974-2202, [leanc.heldenfels@austintexas.gov](mailto:leanc.heldenfels@austintexas.gov)

Public Hearing: Board of Adjustment, July 11th, 2016

NAME: NAVEY EALLETTH

Your Name (please print)

901 WEST 9TH ST, 1003

Your address(es) affected by this application

Signature: Navey Ealletth

Signature

Date

Daytime Telephone: 214-922-4892

Comments: AUSTIN HAS TOO MUCH DENSITY AS IT IS. PLEASE DO NOT CONTEMPLATE TO ANY MORE VARIANCES. YOU ARE CLOSING OUR BEAUTIFUL CITY WITH TRAFFIC & CONGESTION. THESE PEOPLE NEED TO PROVIDE SPACE FOR OFF STREET PARKING. THANK YOU

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P. O. Box 1088

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Contact: Leanne Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

Public Hearing: Board of Adjustment, July 11th, 2016

Nancy J. Galletta

Your Name (please print)

901 W. 9th St. 1003

Your address(es) affected by this application

Nancy J. Galletta

Signature

7/21/16

Date

Daytime Telephone: 214-922-4823

Leave a message

Comments:

will call back

I think there is something to consider. Please don't forget to call me. Please don't forget to call me. Please don't forget to call me.

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