

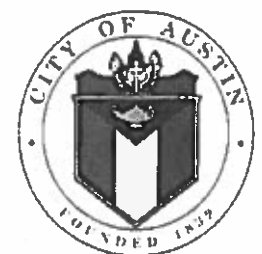
 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

NOTIFICATIONS
CASE#: C15-2016-0087
LOCATION: 2001 & 2003 S. Lamar Blvd.



1" = 154'

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.

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CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

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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 # C15-2016-0000 Row # 11563611 Tax # 900090318

Section 1: Applicant Statement

Street Address: 2001 S. Lamar Blvd Austin, TX 78704

Subdivision Legal Description:

Lot 5-A Blk 1 Resub of Lots 4-5 Fredericksburg Road Acres

Lot(s): 5-A Block(s): 1

Outlot: 4-5 Division: Fredericksburg Road Acres

Zoning District: _____

I/We Greg Smith on behalf of myself/ourselves as
authorized agent for 2001 S Lamar, LLC affirm that on

Month Select June, Day Select 28, Year Select 2016, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☒ Other: compatibility
Type of Structure: To build 4 story self storage waiver from SP tract 6/2005
climate controlled S Lamar

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

2005 S Lamar SF3 zoned tract in floodplain and city drainage easement. We believe to be unbuildable on the SF portion of 2005 S Lamar Blvd.

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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:

COMPATIBILITY of OUR TRACT IS BEING TRIGGERED BY A NEARBY SMALL INTERIOR MFS ZONED TRACT THAT IS UNDEVELOPED AND SITS WITHIN THE 100 YEAR FLOOD PLAIN AND A CITY OF AUSTIN DRAINAGE EASEMENT. THE POSSIBILITY OF THIS TRACT BEING DEVELOPED IS VERY UNLIKELY -

Hardship

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

A PARCEL SURROUNDED BY COMMERCIAL ZONING WOULD BE ZONED MFS WITH NO ACCESS AND IN BOTH FLOOD PLAIN & DRAINAGE EASEMENT.

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

THIS EXACT SAME ZONING SITUATION DOES NOT OCCUR ELSEWHERE ON THIS PORTION OF S. LAMAR. IT IS UNKNOWN WHY IT EXISTS IN PRESENT STATE. APPEARS TO HAVE BEEN AN OLD SURVEYOR'S ERROR.

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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:

SURROUNDING PROPERTY OWNERS & NEIGHBORHOOD
ASSN. ARE NOT OPPOSED TO OUR REQUEST TO
DEVELOP A COMMERCIAL USE SURROUNDED BY
COMMERCIAL ZONED PROPERTIES -

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:

NA

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:

NA

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

NA

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

NA

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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: [Signature] Date: 6/28/16

Applicant Name (typed or printed): Greg Smith mgr 2001 S Lamar LLC

Applicant Mailing Address: 1004 Mopac Cir Ste 200

City: Austin State: T.X. Zip: 78746

Phone (will be public information): (512) 736-7241

Email (optional – will be public information): _____

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: [Signature] Date: 6/28/16

Owner Name (typed or printed): Greg Smith

Owner Mailing Address: 1004 Mopac Cir Ste 200

City: Austin State: T.X. Zip: 78746

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

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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July 14, 2016

Mr William M Faust
3607 Lone Man Mountain Road
Wimberley TX. 78676

RE: Compatibility waiver for 2001 S. Lamar Blvd. in Austin, TX 78704 (the
"Property").

Dear Mr Faust:

This letter shall serve as authorization for you, William M Faust, to be our agent in the matter of processing a zoning compatibility waiver with The City Austin Board of Adjustments on the above referenced matter in conjunction with the matter already filed for 2001 S. Lamar Blvd. I am the current property owner of 2003 S. Lamar in which I am currently under contract to sell 2003 S. Lamar to the ownership of 2001 S. Lamar who has already filed such request and is set for the August 8th court date. The goal is to obtain a compatibility waiver for both 2001 and 2003 S. Lamar from the SF zoned portion of 2005 S. Lamar.

Please let me know if you need anything else from me in this regard.

Sincerely,


Johnny Cuchia

2003 S. Lamar property owner

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**W.M.Faust
Real Estate Consultant
427 Connolly Circle West
Lockhart, TX 78644**

July 10, 2016

Re: Board of Adjust Finding of Fact

Dear Members of the Board:

My name is W.M.Faust, and I am representing the owners of 2001 & 2003 South Lamar. We are requesting a waiver from all Compatibility standards from a small portion of the property contiguous and on our South property line.

Within this property is a small portion zoned SF3. This small portion is approximately 25 feet square. It is within the 100 year flood plain and has no access from any road or easement. The tract is also inside a City of Austin Drainage Easement. It has no access so it is not a legal lot within the City of Austin guidelines. We attempted to coordinate with the present owner of the entire tract and file a new zoning case to rectify this problem. However, he is unwilling to file a zoning case since he will, in all probability, have to donate land for the widening of South Lamar at some time in the future. This owner would rather wait and determine his highest and best use prior to going through that process.

We also tried to coordinate with this owner to let us rezone just this small portion, however, we were unable to determine the exact legal description of the small area.

We even thought of attempting to get a 1704 determination on the small tract, but again were stopped because of not being able to describe exactly what the legal description is. That along with the fact that no one is sure what a 1704 request would accomplish even if we were successful in that action. There is no impact on any property at all. This waiver would not have any adverse effect on any property within the City of Austin nor would this waiver be considered a president setting decision.

Therefore, we are in front of your Board asking for a waiver from all compatibility standards for 2001 South Lamar Boulevard.

Thank you for your consideration on this matter.

Very sincerely,

W.M. Faust

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