

Heldenfels, Leane

From: Bryan Underwood [REDACTED]
Sent: Friday, August 05, 2016 6:17 PM
To: Heldenfels, Leane
Subject: Case Number: C15-2016-087
[REDACTED]

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Ms. Leane Heldenfels:

I am writing on behalf of A-1 Austin South Lamar, L.P., the owner of 1708 & 1800 South Lamar to **strongly object** to the proposed setback variance at 2001 and 2003 S Lamar.

Through our development process we were also impacted by compatibility standards from a property to our north. Our parcel may look larger than the subject; nevertheless, we not only had to comply with compatibility standards but we also have a public sewer easement down our driveway which significantly narrows the width of our parcel. We needed to reconfigure our site plan and building heights to accommodate the compatibility standards pursuant to Section 25-2-1063 (B). In doing so, we complicated the construction of our facility due to various floor heights which increased our construction costs. Additionally, because of compatibility standards, we were forced to decrease our net rentable area. Both the increase in costs and loss of square feet have **substantial negative effects on the economics of our project**. Allowing the applicant a variance to the same code that we were required to comply with, places us at a significant disadvantage to them or any other developer in the South Lamar neighborhood who is granted similar variances.

Additionally, per ordinance 20070201-054, **convenience storage is a prohibited use on this property** per the conditional overlay district. This reason alone should be enough to reject this variance.

Please do not hesitate to reach out with questions.

Brian R. Caster
A-1 Austin South Lamar, L.P.
1708 & 1800 South Lamar

Heldenfels, Leane

From: Tyler Grooms [REDACTED] >
Sent: Friday, August 05, 2016 1:11 PM
To: Heldenfels, Leane
Cc: Josh Lickteig
Subject: Objection to Case C15-2016-0087, 2001 and 2003 S Lamar Blvd
[REDACTED]

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Leane,

I am writing on behalf of Alcove South Lamar, the owner of 1341 W Mary Street to **strongly object** to the proposed setback variance at 2001 and 2003 S Lamar.

Through our development process we were also impacted by compatibility standards from a property to our east. Our lot is narrower and smaller than the subject property but we were able to reconfigure our site plan and building heights to accommodate the compatibility standards per the spirit of Section 25-2-1063 (B). In doing so we compromised our ability to lay out an efficient building and access on our site which increased our construction costs and decreased our rentable square feet, both of which had considerable implications for the economics of our project. **Thus by allowing the applicant a variance to the same code that we were required to comply with, we are put at a significant disadvantage to them or any other developer in the sensitive South Lamar neighborhoods who is granted similar variances.**

Additionally, per ordinance 20070201-054, **convenience storage is a prohibited use on this property** per the conditional overlay district. This reason alone should be enough to reject this variance.

Please don't hesitate to reach out with questions.

Tyler Grooms
Alcove South Lamar, LP
1341 W. Mary Street, Austin, TX

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.

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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

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Case Number: C15-2016-0087, 2001 and 03 S. Lamar Blvd.

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 8th, 2016

LEANE Heldenfels

Your Name (please print)

2001 KINNEY AVE. 78704

Your address(es) affected by this application

May

Signature

Daytime Telephone: 92-445-5202

Comments:

opposed

8/2/16

Date

☐ I am in favor
☒ I object

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

Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

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Heldenfels, Leane

From: Zilker NA <[REDACTED]>
Sent: Monday, August 01, 2016 10:22 PM
To: Heldenfels, Leane
Cc: [REDACTED]
Subject: C15-2016-0087, 2001-2003 S. Lamar
Attachments: 2001-2003SLamar ZNA letter&exhibits.pdf

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Hello, Ms. Heldenfels.

This is regarding the variance requested at 2001 & 2003 S. Lamar, C15-2016-0087, scheduled for the Board of Adjustment on August 8. The attached PDF contains a letter of opposition from the Zilker Neighborhood Association Executive Committee along with supporting exhibits. Please note that we are requesting that the application be rejected as incomplete because it does not include the required site plans and because it requires a zoning change that is not within the Board's authority.

Please include the letter and exhibits in the Board's backup material and in the file for this case.

Many thanks,

Lorraine Atherton

(512-447-7681)

Zilker Neighborhood Association

♦ 2009 Arpdale ♦ Austin, TX 78704 ♦ 512-447-7681 ♦

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August 1, 2016

Board of Adjustment
City of Austin Watershed Protection and
Development Review Dept.

Re: Variance request C15-2016-0087, 2001-2003 South Lamar

Dear Chairman and Board Members:

The executive committee of the Zilker Neighborhood Association is opposed to the variance requested by Greg Smith and William Faust at 2001 and 2003 S. Lamar, Case number C15-2016-0087, because the application is incomplete, the proposed use is prohibited in the zoning ordinance, and the request meets none of the required findings.

Incomplete Application

Mr. Smith, on behalf of 2001 S. Lamar LLC, is seeking a variance to allow new construction of four storage units at 2003 S. Lamar, a property owned and developed by Mr. Cuchia. Mr. Smith asserts that compatibility setbacks associated with single-family zoning at 2005 S. Lamar will somehow deprive him of reasonable use of Mr. Cuchia's property. The assertion is difficult to evaluate because Mr. Smith's application does not include a site plan, a rough layout of the proposed construction, or a diagram showing the extent of the compatibility setback. (Please note that under the rules of the Board, a "site plan or survey must be submitted, drawn to scale showing present and proposed construction along with existing structures on all adjacent lots." In cases involving commercial properties and paid agents, we would appreciate it if staff refrained from accepting such incomplete applications and scheduling hearings before the dimensions of the variances are determined.)

Prohibited Use

The ZNA zoning committee, however, is familiar with the site because we worked with Mr. Cuchia in 2006 to rezone his property from SF-3 to Commercial Services. The rezoning ordinance (20070201-054, see ZNA exhibit A) includes a conditional overlay prohibiting convenience storage, among several other undesirable uses. Shortly after that, all of the commercial properties in this block, from West Mary to Oltorf, were included in the "most intense development" category of the Vertical Mixed Use zoning overlay. To encourage increased density and residential uses, these properties have received the most generous and

flexible zoning in this area. The owners have more options than most owners to maximize the use of their properties within the physical constraints of each site.

According to detailed site, drainage, erosion control, and tree protection plans submitted in 2006 for 2003 S. Lamar, the adjacent SF-3 property that supposedly triggers unreasonable restrictions is surrounded by more than 25 feet of 100-year floodplain, and it appears that Mr. Cuchia's existing office building is built as close to the creek as the 100-year floodplain and the critical water quality zone will allow (see ZNA exhibit B). In other words, the entire compatibility setback is unbuildable. A variance or rezoning of the remaining SF-3 property would not permit any additional construction.

The property at 2001 S. Lamar is about 65 feet away from the SF-3 property and so is not affected by the 25-foot compatibility setback. It should not have been included in the variance request.

Findings

Reasonable Use. The applicable rezoning ordinance (20070201-054) for 2003 S. Lamar prohibits the use proposed by Mr. Smith. The Board's rules state: "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." If Mr. Smith wishes to build storage units at 2003 S. Lamar, he must first get the City Council to remove the conditional overlay prohibiting that use. A member of our zoning committee informed Mr. Smith's agent of this early in July.

Even if the proposed use were not prohibited, the definition of "reasonable use" cannot be extended to include new construction within the floodplain. The property is already built to the maximum eastern extent allowed by the drainage and floodplain constraints. The requested variance would not eliminate those physical constraints and so would have no effect on the use of the property.

Hardship. (a) Mr. Smith has not demonstrated that the compatibility setback overlaps any of the buildable areas on this property; we have to conclude that there is no hardship, unique or not. (b) This condition (remnants of SF-3 zoning within or near the floodplain) is general to the area between South Lamar and the railroad tracks and West Bouldin Creek, including Evergreen, West Mary, West Oltorf, Thornton, and so on. ZNA has worked on at least 9 similar cases in this area. Most of them have been resolved by rezoning, including the rezoning of 2003 S. Lamar in 2006. New construction on a property that is already conforming with zoning and site development regulations cannot possibly claim a qualifying hardship. If a new owner wishes to redevelop the property, the new construction must meet current zoning and site development regulations.

Area Character. The purpose of the Vertical Mixed Use overlay is to replace the old storage units, warehouses, and car lots along South Lamar with residential and retail mixed uses. Mr.

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Smith is proposing to do the opposite, by expanding the old storage units. In most of the similar cases our zoning committee has reviewed, the owners of the SF-3 remnants have been concerned about impairing the current or future use or value of their properties, which is why they refuse to rezone. Our zoning committee is concerned that variances such as these will impair the purpose of the VMU overlay, which the general membership supported in order to encourage mixed use redevelopment in appropriate areas.

To summarize, we request that the variance application be rejected because:

1. It is incomplete. Mr. Smith has not demonstrated that the compatibility setback overlaps any of the buildable areas on this property.
2. The proposed use is prohibited by rezoning ordinance 20070201-054. The Board does not have the authority to overturn that ordinance or remove that prohibition; Mr. Smith must ask the City Council to do that.

If Mr. Smith returns with a completed application and a permitted use, we request that the variance be denied because:

1. The existing office building proves that the zoning regulations allow for reasonable use.
2. There is no qualifying hardship.
3. The use of adjacent properties and the purpose of the current zoning will be impaired.

Thank you for your service on the Board of Adjustment.

Sincerely yours,



Lorraine Atherton,
on behalf of the ZNA Executive Committee

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Case Number: C15-2016-0087, 2001 and 03 S. Lamar Blvd.

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 8th, 2016

Camille Perry

Your Name (please print)

☐ I am in favor
☒ I object

2211 Eva Lane, Austin, TX 78704-4911

Your address(es) affected by this application

Camille M. Perry

Signature

July 30, 2016
Date

Daytime Telephone: (512) 444-0754

Comments: I believe the setbacks required are

needed for safety standards and in particular the "O" setback requested would infringe on the property rights of adjacent owners. Having this would set a bad precedent, the city already allows for buildings to be built dangerously close to each other's setbacks.

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Mail: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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Email: leana.heldenfels@austintexas.gov