

Heldenfels, Leane

From: Drew Zerdecki [REDACTED]
Sent: Wednesday, October 05, 2016 1:33 PM
To: Heldenfels, Leane
Subject: Public Hearing Case C15-2016-0087, 2001 and 2003 S. Lamar
[REDACTED]

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Hello -

My name is Drew Zerdecki, and I object to the Land Development Code Variance being requested at 2001 and 2003 S. Lamar Blvd.
Case C15-20160087

My address is 1211 West Mary Street No. 3, and this is my primary resident, which is within 500 feet of the subject property. My daytime telephone is 512.415.7727

My comments against the request to allow for variance from the existing code are the following based upon living in the neighborhood for the past two years:

- Our street, Mary Street, is the only residential East/West corridor connecting Congress and South Lamar between Barton Springs and Oltorf. The increase in development has already put a traffic strain on our 2 lane residential street and created many incidents, not the least of which was a struck pedestrian earlier this year. Such traffic train and risk to pedestrians could only be worsened by a six story complex.
- The parking demands for Corner Bar, Snooze, and Picnic have already put such a strain on available street parking that our bike lanes are constantly blocked by illegally parked cars. The fire hydrant in front of our property is blocked by illegally cars so often that the Fire Department and 311 no longer responds to reports of cars parked illegally. They are overwhelmed with the constant infringement.
- During a recent test of the fire hydrant in front of our property, the fireman commented that they were unsure that the hydrant could now support the increased development on our street.

Thank you.

Sincerely,

Drew Zerdecki

Heldenfels, Leane

From: Jeanne Chauvin [REDACTED]
Sent: Tuesday, October 04, 2016 12:24 PM
To: Heldenfels, Leane
Cc: Babe
Subject: Fwd: Public Hearing Case C15-2016-0087, 2001 and 2003 S Lamar

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My name is Jeanne Chauvin and I object to the Land Development Code Variance being requested at 2001 and 2003 S. Lamar Blvd.

Case C15-20160087

My address is 1211 West Mary Street and this is my primary resident which is within 500 feet of the subject property.

My daytime telephone is 512-751-0771

My comments against the request to allow for variance from the existing code are the following based upon living in the neighborhood for over 4 years:

- Our street, Mary Street, is the only residential East/West corridor connecting Congress and South Lamar between Barton Springs and Oltorf.
- The increase in development has already put a traffic strain on our 2 lane residential street which would only be worsened by a six story complex.
- The parking demands for Corner Bar, Snooze and Picnic have already put such a strain on available street parking that our bike lanes are constantly blocked by illegally parked cars.
- The fire hydrant in front of our property is blocked by cars illegally parked so often, that the Fire Department and 311 no longer respond to reports of cars parked illegally. They are overwhelmed with the constant infringement.
- During a recent test of the fire hydrant in front of our property, the fireman commented that they were unsure that the hydrant could now support the increased development on our street.

Sincerely,

Jeanne & Chris Chauvin

Heldenfels, Leane

From: Bill Faust [REDACTED]
Sent: Monday, October 03, 2016 5:49 PM
To: latherton@austin.rr.com
Cc: Heldenfels, Leane; Greg Smith
Subject: FW: 2001, 2003 S. Lamar height/distance info
Attachments: 2001,003 S. Lamar renotification.doc

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Ms. Atherton, attached please find the notice of our hearing in front of the Board of Adjustment along with a pdf of the proposed apartments that we are planning for 2001 and 2003 South Lamar. I am contacting you to request a moment of your time for lunch or coffee or anything else to discuss our situation. As you are aware, there is a small SF3 zoned tract on the property known locally at 2005 SLamar and we are requesting a height and distance waiver from the compatability standard of the City of Austin code.

I can make our case very quickly so it will not take much of your valuable time. You are more aware of what is going on in that area than anyone else and I very much respect you and would like to have your valuable support for our request. I am aware that you were instrumental in getting the zoning that is on these three properties and know that we have a difficult time with the Board if you are opposed to our request.

Thank you very much in advance for your consideration to our request for a meeting. Bill Faust.

Bill Faust
 512.923.2523
 [REDACTED]

Sent from Mail for Windows 10

From: Heldenfels, Leane
Sent: Monday, October 3, 2016 10:57 AM
To: [REDACTED]
Subject: RE: 2001, 2003 S. Lamar height/distance info

Here's the notice Zilker NA should have received Fri or Sat.

Leane

From: [REDACTED]
Sent: Monday, October 03, 2016 10:46 AM
To: Heldenfels, Leane
Subject: Fwd: 2001, 2003 S. Lamar height/distance info

Leane, better late than never?

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
To: "Bill Faust" [REDACTED]

Heldenfels, Leane

From: Lorraine Atherton [REDACTED]
Sent: Monday, October 03, 2016 2:41 PM
To: Heldenfels, Leane
Cc: Gonzales, Rodney
Subject: C15-2016-0087, 2001-2003 S. Lamar, ZNA opposes
Attachments: 2001-03 SLamar ZNAletter&exhibit.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 October 10. The attached PDF contains a letter of opposition from the Zilker Neighborhood Association Executive Committee along with an exhibit. Please note that we still believe that the proposed project requires a zoning change (from CS-VMU to multifamily) that is not within the Board's authority, and we still object to the scheduling of applications that do not include the required site plans.

Please include the letter and exhibit 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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October 3, 2016

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

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

Dear Chairman and Board Members:

The Zoning Committee of the Zilker Neighborhood Association has reviewed the revised variance requested by Greg Smith and William Faust at 2001 and 2003 S. Lamar, C15-2016-0087, with the proposed use changed from self-storage to multifamily. Again, we must point out that the application is incomplete in that it lacks a site plan showing the encroachment on the setbacks, that the proposed alternative use would require rezoning, and that the request meets none of the required findings. Development Review staff should be asked to determine whether the proposed apartment building can be permitted within the current CS-VMU zoning district; our experience has been that staff cannot make such determinations if a site plan application has not been submitted.

These issues are addressed individually below.

Correction of Mapping Error Not Requested

The latest application relies almost entirely on the contention that the SF-3 zoning is some kind of error. If that is true, the "error" can be easily corrected by submitting a formal request for a zoning correction to the Director of Development Review. It is not a matter for the Board of Adjustment.

The Zoning Committee has considerable experience with mapping errors. The VMU overlay resulted in a few clerical and mapping errors, and other properties on South Lamar have had supposed errors corrected and then subsequently uncorrected when research found that they were not errors at all. We know from that experience that the Director of Development Review has the authority to correct zoning errors, with no public hearing or notice to the property owner; we also have correspondence from the former director, Greg Guernsey, to that effect.

If city staff agree with Mr. Faust that the SF-3 zoning is an error, they will correct the error on the zoning map as soon as he submits a formal request. On that basis, the Board should deny the current variance request.

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Setbacks Not Shown

Based on the plans presented at the August hearing, Mr. Smith, on behalf of 2001 S. Lamar LLC, is seeking a variance to allow new construction of a 230-unit multifamily building 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 the sketchy "development concept" plan does not show the extent of the compatibility setbacks. (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.)

The ZNA zoning committee, however, is familiar with the site and with the compatibility setbacks triggered by the numerous remnant SF-3 properties in the 100-year floodplain of West Bouldin Creek. Attached to this letter is a copy of the applicant's "Development Concept V1.0." We have added dotted lines showing that the 25-foot no-build setback and the 50-foot setback limiting the height of construction to 30 feet or two stories are both within the floodplain and Critical Water Quality Zone and therefore are unbuildable. The proposed construction does not encroach on either setback. Only the top two floors of the southeast corner of the proposed building encroach on the 100-foot setback limiting the height to 40 feet or three stories. The encroachment could be avoided by swapping the swimming pool and courtyard in the middle of the plan with the living units in the 100-foot setback. That would be the smart thing to do, given the proximity of the floodplain.

Multifamily Zoning Required

All of the commercial properties in this block, from West Mary to Oltorf, are 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 to maximize the use of their properties within the physical constraints of each site. Our understanding of the VMU ordinance, however, is that properties in the overlay may not be redeveloped with ordinary multifamily use; they must include mixed use. This "development concept" does not appear to include any uses other than multifamily and so would require rezoning. If it is not Vertical Mixed Use, the project would not qualify for the dimensional standards and parking reductions that it appears to require.

If Mr. Smith wishes to maximize development within the existing zoning, he should submit a VMU site plan to the Development Review Department designed within existing code.

Findings

Reasonable Use. The applicable rezoning ordinance (20070201-054) for 2003 S. Lamar does not allow the multifamily 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 an apartment building at 2003 S. Lamar, he must submit a mixed-use site plan or ask the City Council to rezone the property to some level of multifamily.

Even if the proposed use were allowed, the definition of "reasonable use" cannot be extended to include new construction that can easily be designed within existing code.

Hardship. (a) Mr. Smith has not demonstrated that the 25-foot or 50-foot compatibility setbacks overlap any of the buildable areas on this property. Neither has he demonstrated that anything requires the back corner of a future structure to be more than 40 feet tall; indeed, it looks like placement of the courtyard in that area would be an improvement. 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 facilitate a combination of residential and small retail mixed uses. Mr. Smith is proposing to demolish existing small retail and office buildings and replace them with a large monolithic apartment building. 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 be denied because:

1. The application is incomplete. Mr. Smith has not produced a site plan showing that the compatibility setbacks impair the use of this property in any way.
2. The applicant has not pursued other, more appropriate solutions. Mr. Faust asserts that the SF-3 zoning is a mapping error, but apparently has not applied to have the error corrected.
3. The proposed use is not allowed. The Board does not have the authority to overturn the previous rezoning; Mr. Smith must ask the City Council to do that.

4. The existing office building and the "concept" plans submitted by the applicant to the BoA prove that the zoning regulations do allow for reasonable use.
5. There is no qualifying hardship.
6. The use of adjacent properties and the purpose of the current zoning will be impaired.

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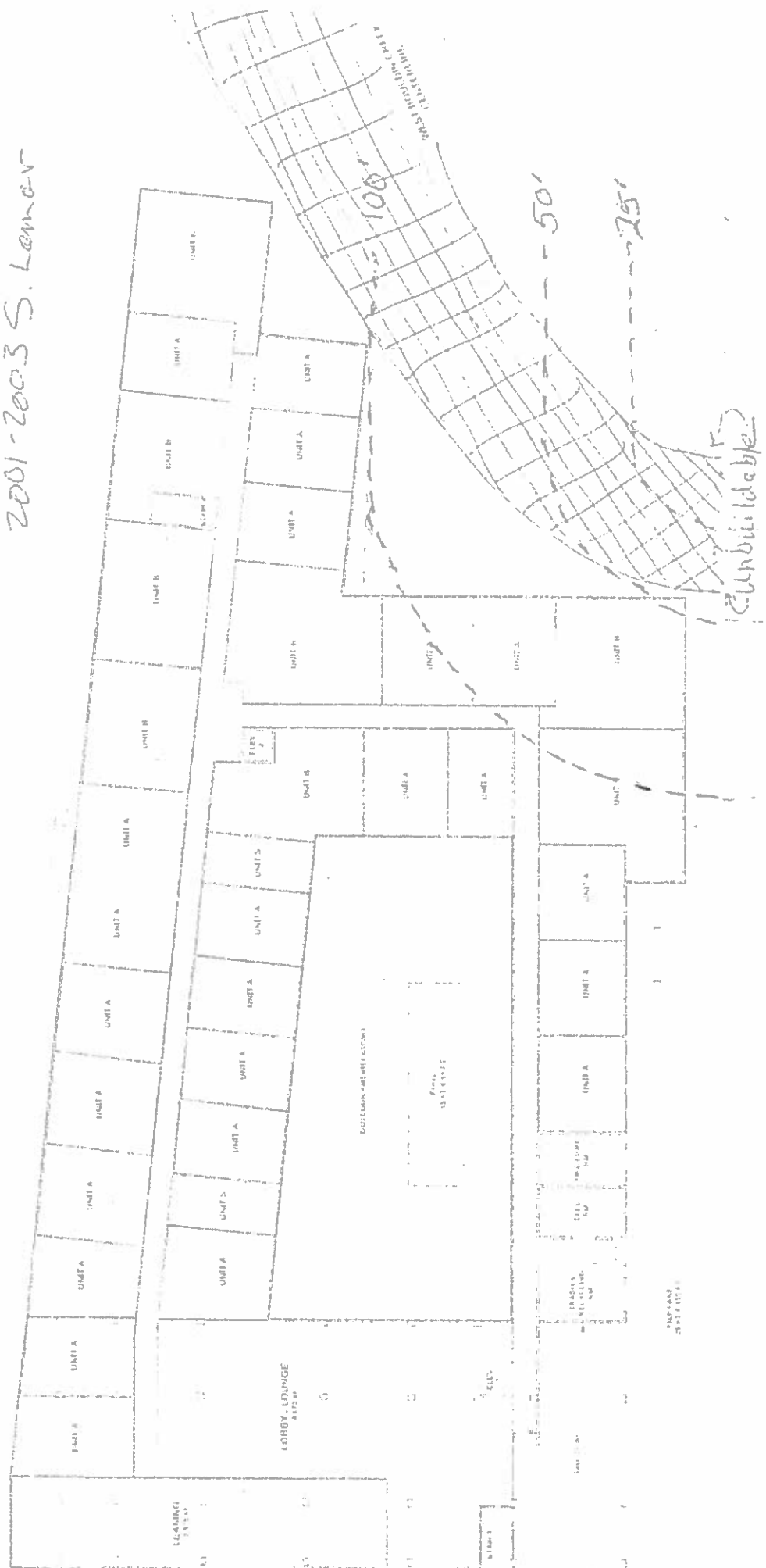
Thank you for your service on the Board of Adjustment.

Sincerely yours,



Lorraine Atherton,
on behalf of the ZNA Executive Committee

C15-2014-0081
2001-2003 S. Lamer



SF-3
ZONED AREA

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