
 SUBJECT TRACT
 ZONING BOUNDARY

$$1'' = 200'$$

PUBLIC NOTIFICATIONS

~~XXXXXXXXXX2018-07-09~~

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.





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

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 # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 1401, 1307, 1311 and 1303 S. Lamar Blvd.

Subdivision Legal Description:

0.606 acres of Lot 1 Maufrais Subdivision & 0.894 acres of Lot 1 Maufrais Subdivision
Lot 3 Commercial Square and Lot 2A Commercial Square Resubdivision

Lot(s): 1, 3 and 2A Block(s): _____

Outlot: _____ Division: _____

Zoning District: CS-V and CS-V-CO

I/We Richard Suttle on behalf of myself/ourselves as
 authorized agent for Seamless 290 West DE LTD and Seamless GCW LTD affirm that on
 Month April, Day 6, Year 2018, 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: Mixed Use

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

25-2-1063(C)(3) - Height Limitations and Setbacks for Large Sites.

The height limitations for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.

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 Attachment A

Hardship

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

See Attachment A

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

See Attachment A

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 Attachment A

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:

N/A

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:

N/A

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

N/A

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

N/A

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:  Date: _____

Applicant Name (typed or printed): Richard Suttle

Applicant Mailing Address: 100 Congress Ave., Suite 1300

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 435-2300

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:  Date: 4/5/18

Owner Name (typed or printed): Seamless 290 West DE LTD and Seamless GCW LTD

Owner Mailing Address: 4407 Bee Cave Rd., Suite 421

City: West Lake Hills State: TX Zip: 78746

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Richard Suttle

Agent Mailing Address: 100 Congress Ave., Suite 1300

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 435-2300

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).

Additional Space (continued)

Exhibits have been provided to illustrate the request. The property is located nearly 238.3 feet away from the homes along the east side of South 7th Street and is further separated by floodplain/CWQZ and the railroad line. This area is densely wooded providing natural screening from the subject site (see photos attached). The proposed project will fully comply with compatibility requirements for the single family homes on the east side of South 7th Street. The variance request is from properties located west of South 7th Street that trigger compatibility, are located east of the railroad line and are within the 25 year floodplain, Critical Water Quality Zone and Erosion Hazard Zone. These factors prohibit construction on these triggering properties. As shown on the exhibits, Lots 1 and 2 are owned by the City of Austin and are undeveloped. Lot 3 has a boarded-up single family home that was built prior to the implementation of the Critical Water Quality Zone buffer. Lot 4 is vacant and located primarily in the CWQZ. The request adds only 10 feet of height to the back portion of the 5th floor of the building which will fully comply with the approved building height of 60 feet.

The hardship is unique to the site because other nearby VMU zoned properties along the east side of Lamar are not in close proximity to similar triggering Single Family zoned properties located in the 25 year floodplain and Critical Water Quality Zone. All four properties triggering compatibility are part of the West Bouldin Creek bed. Because these properties can never be developed, the close proximity of these properties unnecessarily limits development of a Vertical Mixed Use project.

A heritage tree will be preserved on site further limiting density. Approval of the variance will allow some of the lost density to be regained.

SAVE

Attachment A

Section 2: Variance Findings

Reasonable Use

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

Ordinance No. 20081016-049 added the V combining district allowing owners to construct VMU buildings along Core Transit Corridors such as Lamar Boulevard. However, most sites with V combining district are not located in close proximity to single family properties which trigger compatibility and limit the building height. In this case, the triggering single family zoned properties are 1) located east of a railroad line that separates the triggering properties from the subject property and 2) located within the 25 year floodplain and in a Critical Water Quality Zone (CWQZ), neither of which allow construction on these properties today.

Hardship

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

A heritage tree is being preserved on the property which reduces density on the site. To recapture some of this lost density, a variance from compatibility is requested based on the following. Compatibility setback and height restriction requirements are being triggered from properties to the east of the site that are separated by a railroad and located in a 25 year floodplain/ Critical Water Quality Zone / Erosion Hazard Zone. All triggering properties except two are owned by the City of Austin (Lots 1 & 2), are currently undeveloped, and because of their location in the CWQZ, they cannot be developed. The other triggering properties are 1108 Jewell Street (Lot 3), a boarded-up single family home and 1405 S. 7th Street, a vacant lot (Lot 4). A vast majority of these properties are in the CWQZ and could not be constructed today.

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

Most of the other VMU zoned properties along the east side of Lamar are not in close proximity to similar triggering Single Family zoned properties to the east. Additionally they are not in close proximity to single family triggering properties located in floodplain, the critical water quality zone or the erosion hazard zone. All four properties triggering compatibility are part of the West Bouldin Creek bed.

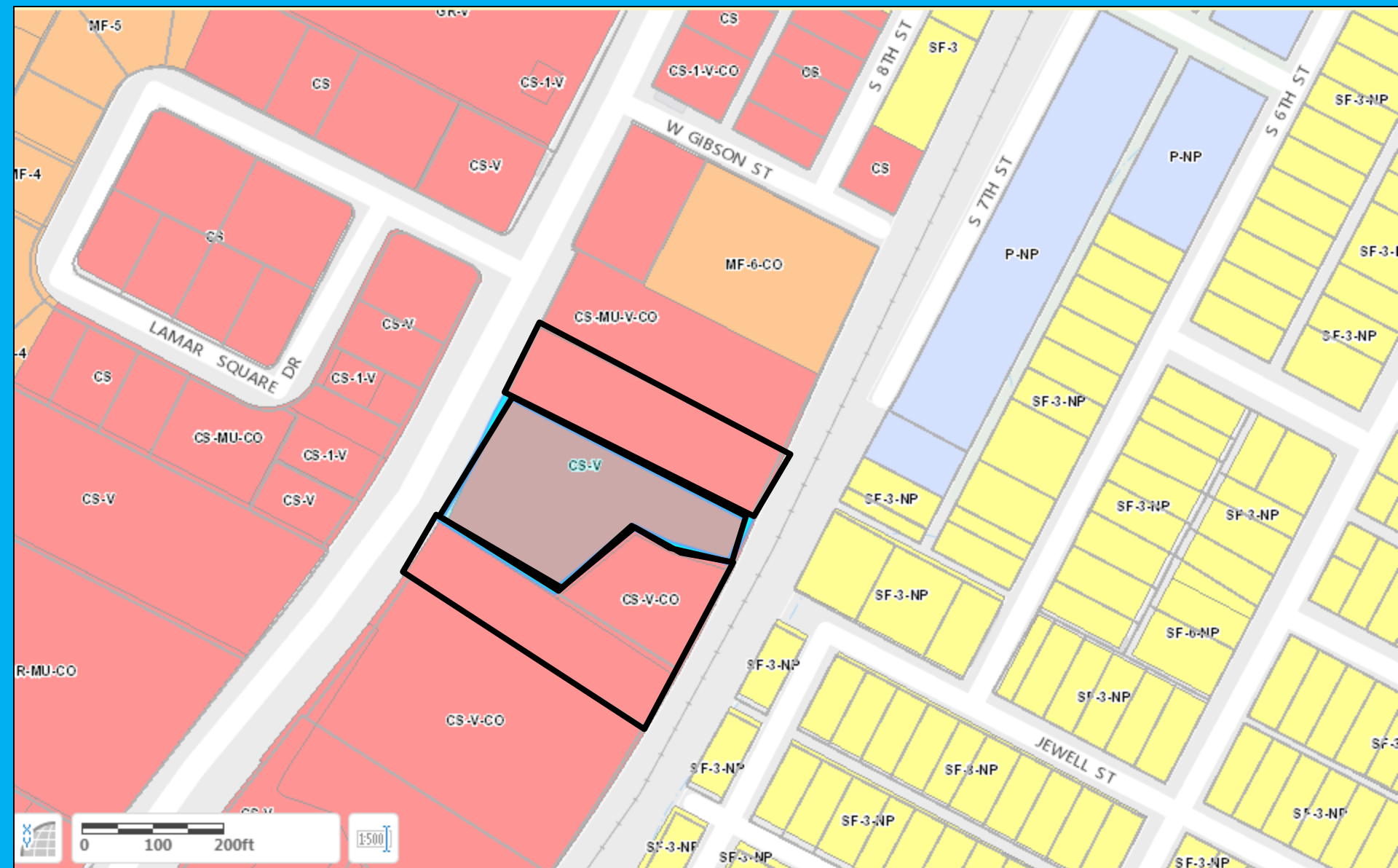
Area Character

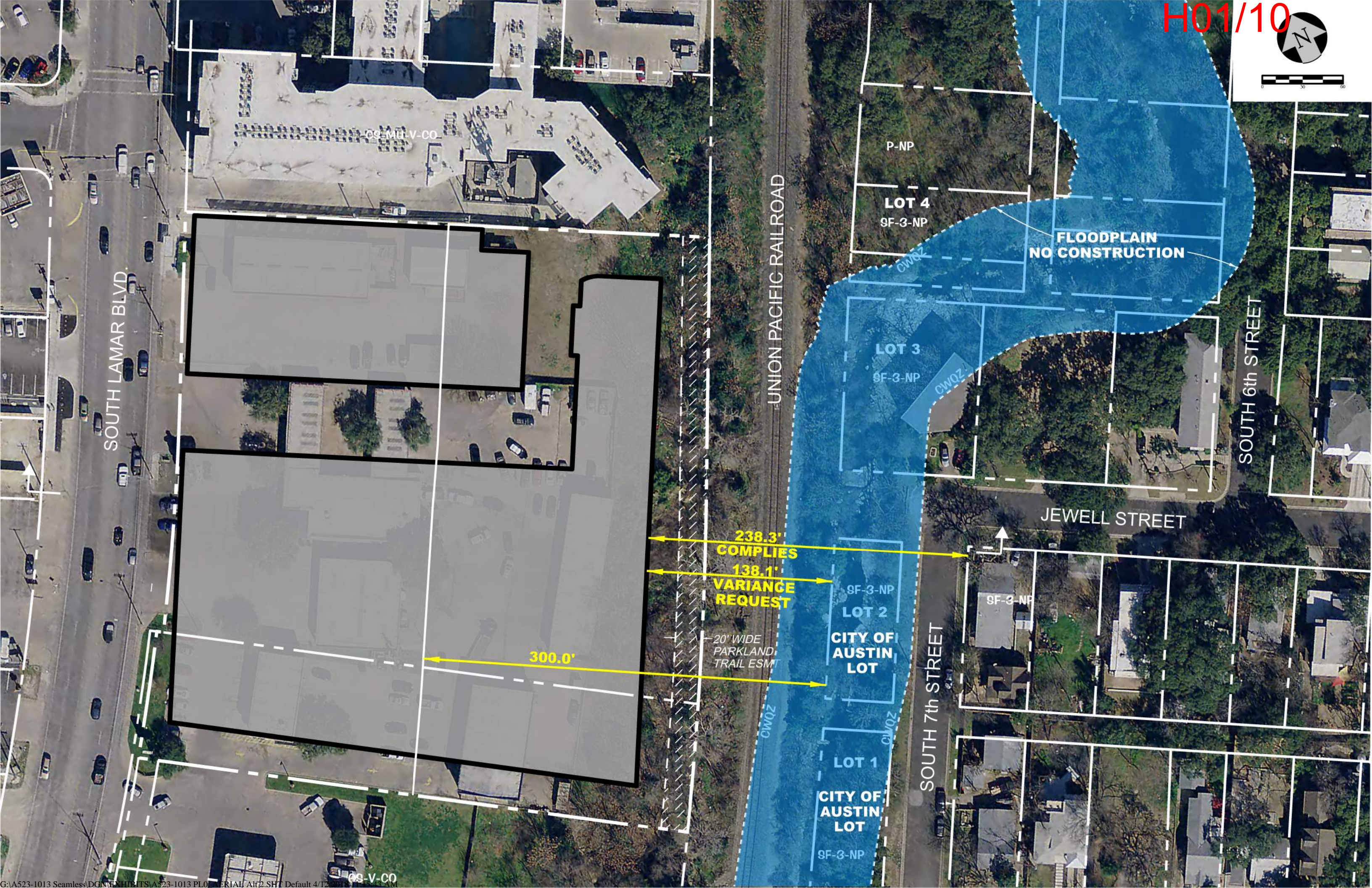
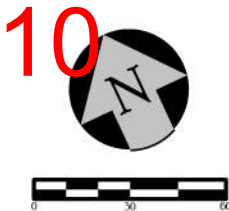
The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The compatibility setback will be measured from the Single Family zoned properties on the east side of 7th Street that are outside of the floodplain\CWQZ and are the closest occupied single family residences. Having the slightly greater distance setback will allow for the development of the proposed Vertical Mixed Use project along a Core Transit Corridor while complying with the compatibility setback

Attachment A

guidelines. VMU zoning for this property limits height to 60 feet. The project will comply with this height limit. Additionally, the floodplain/CWQZ between the railroad and 7th Street is densely wooded providing a natural visual barrier to the subject property (see photos attached).





SOUTH LAMAR BLVD.

UNION PACIFIC RAILROAD

JEWELL STREET

SOUTH 6th STREET

SOUTH 7th STREET

P-NP

LOT 4
SF-3-NP

FLOODPLAIN
NO CONSTRUCTION

LOT 3
SF-3-NP

SF-3-NP
LOT 2
CITY OF
AUSTIN
LOT

LOT 1
CITY OF
AUSTIN
LOT
SF-3-NP

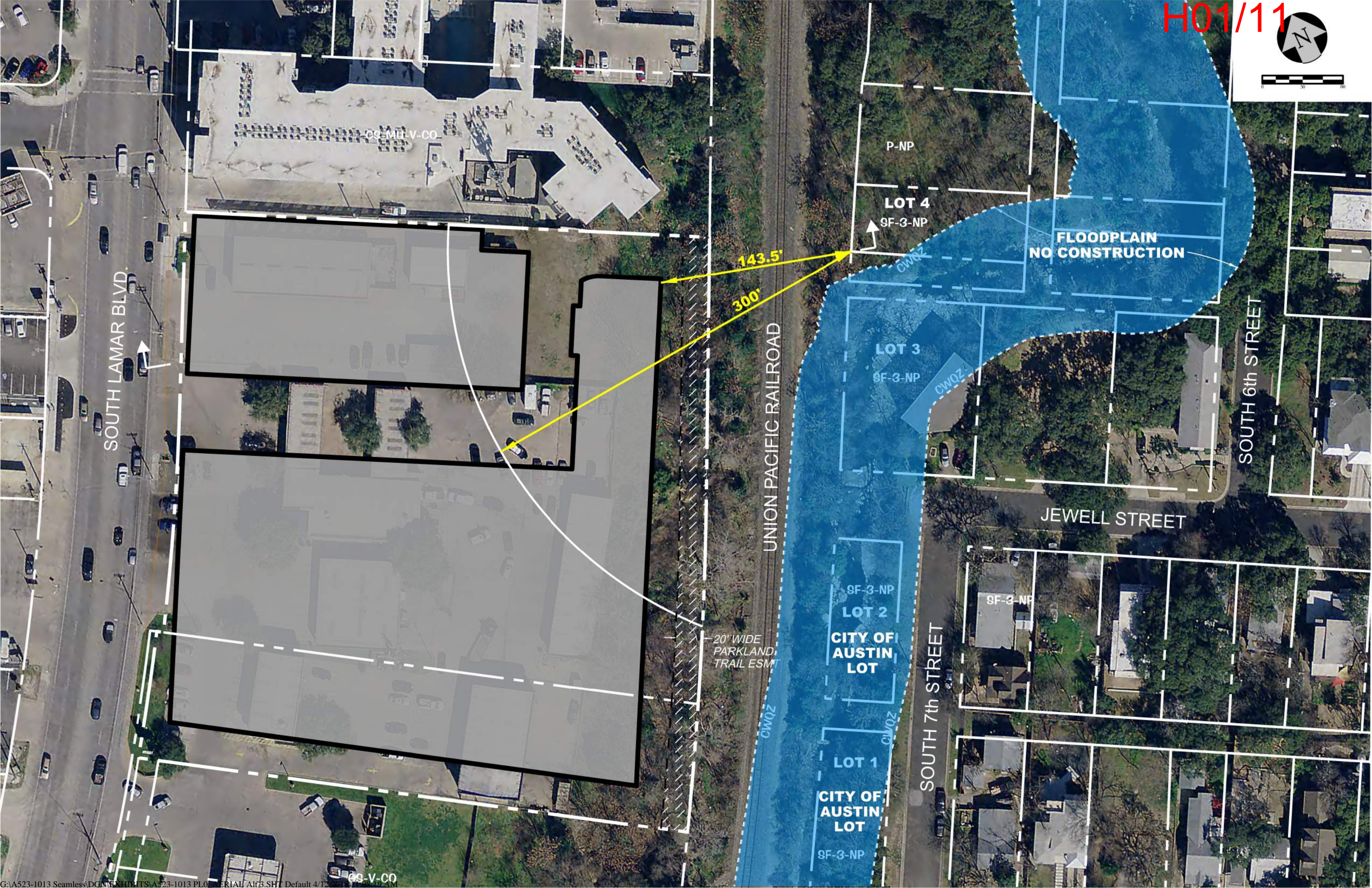
238.3'
COMPLIES
138.1'
VARIANCE
REQUEST

300.0'

20' WIDE
PARKLAND
TRAIL ESM

OS-MU-V-CO

OS-V-CO



SOUTH LAMAR BLVD.

UNION PACIFIC RAILROAD

20' WIDE
PARKLAND
TRAIL ESM

JEWELL STREET

SOUTH 6th STREET

SOUTH 7th STREET

FLOODPLAIN
NO CONSTRUCTION

LOT 4
SF-3-NP

LOT 3
SF-3-NP

SF-3-NP
LOT 2
CITY OF
AUSTIN
LOT

LOT 1
CITY OF
AUSTIN
LOT
SF-3-NP

143.5'
300'

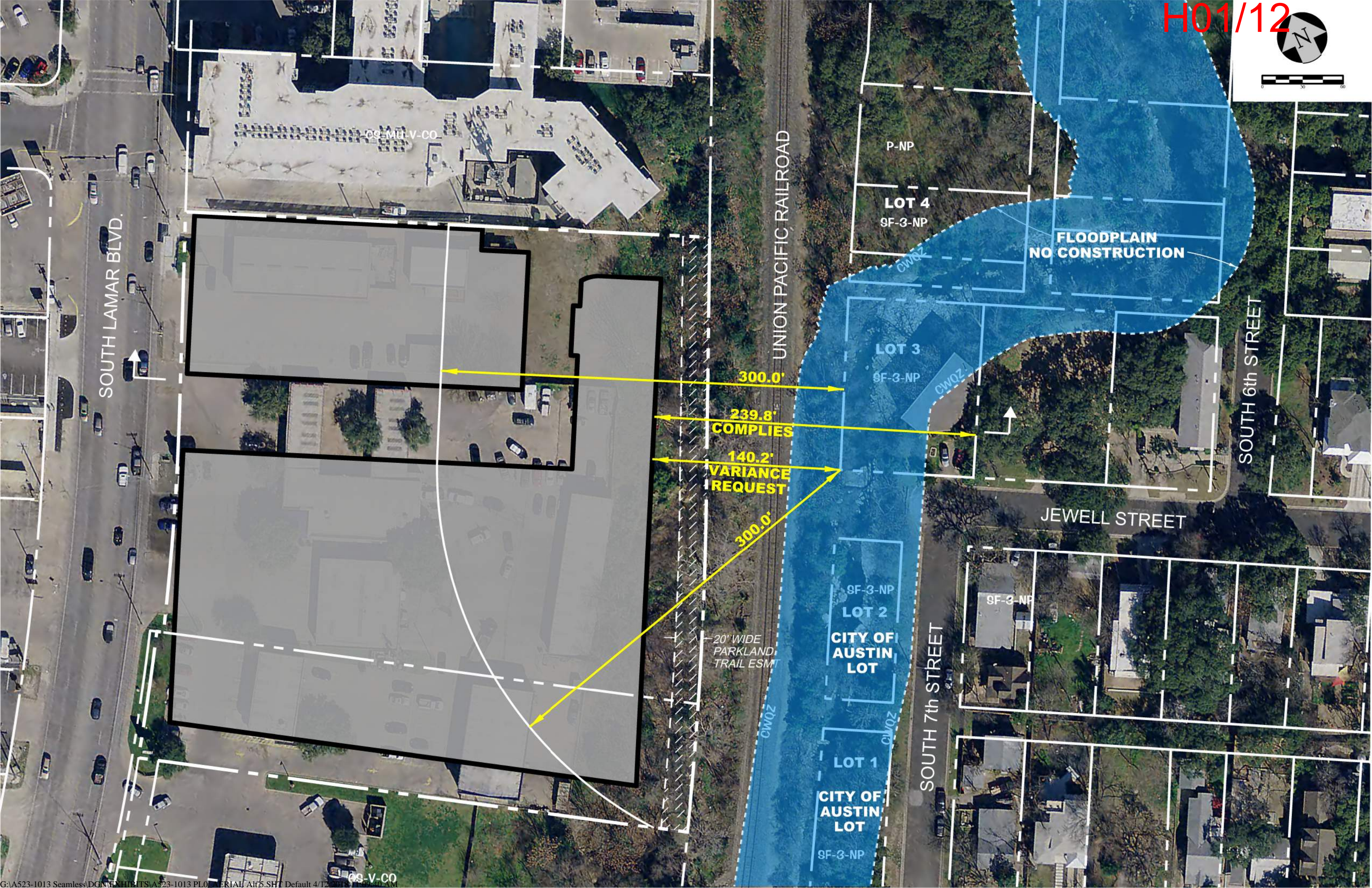
CWQZ

CWQZ

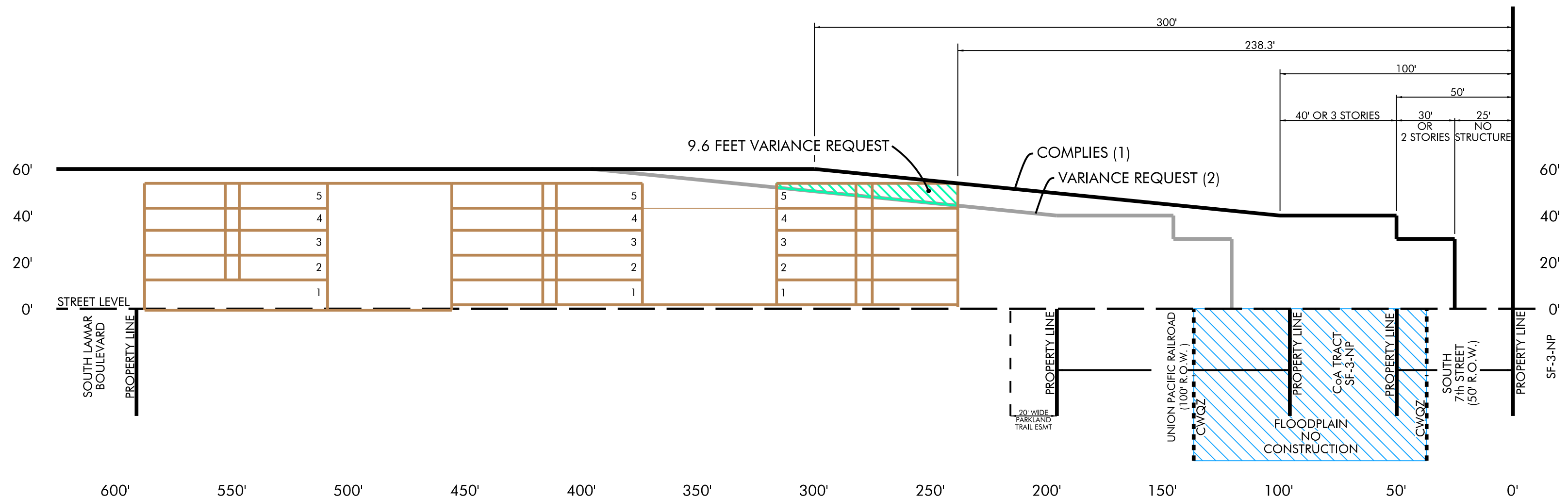
CWQZ

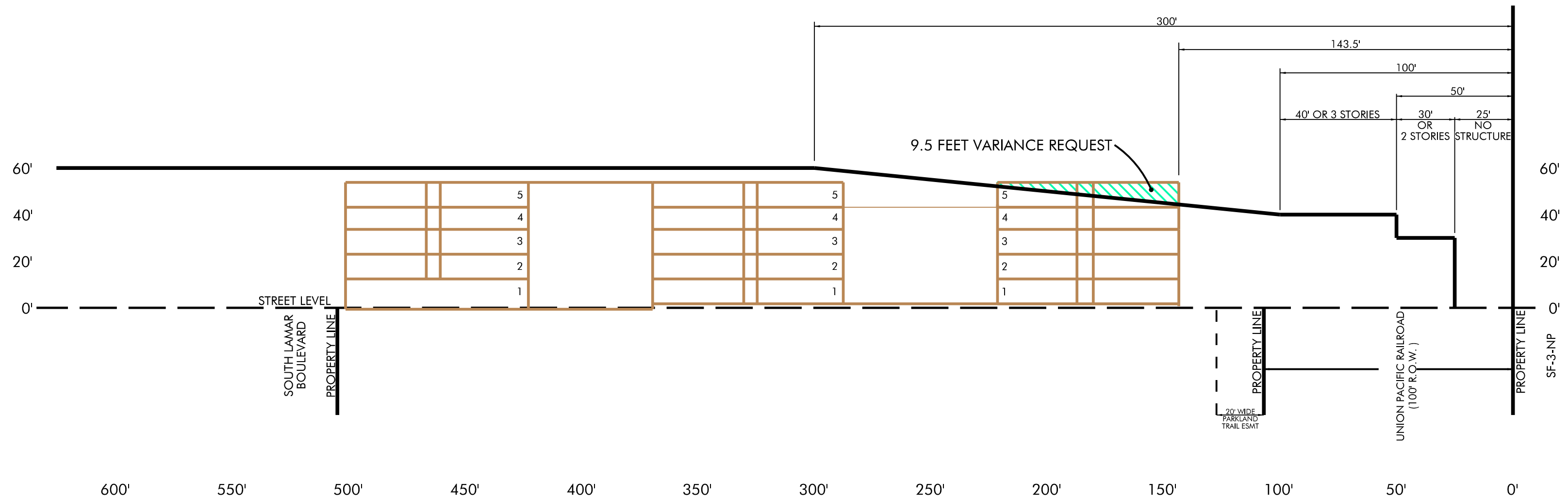
OS-MU-V-CO

OS-V-CO

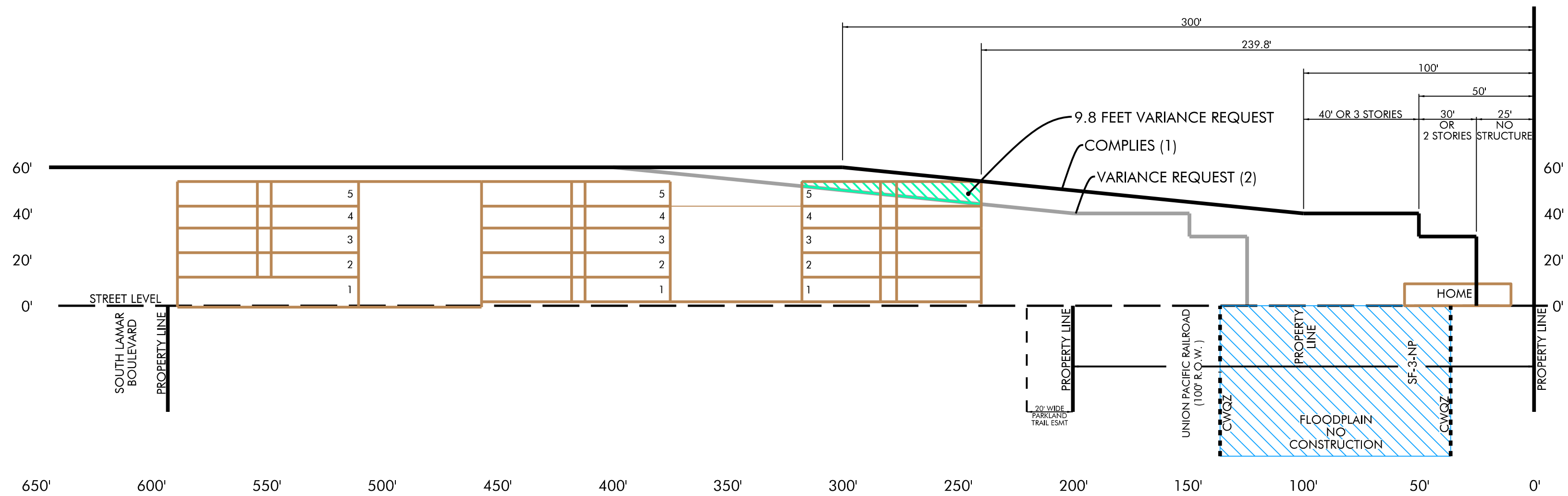


- (1) COMPLIES WITH COMPATIBILITY AND MAXIMUM ALLOWABLE BUILDING HEIGHT WHEN MEASURED FROM PROPERTY LINE OF EXISTING SINGLE FAMILY HOMES ALONG 7TH STREET.
- (2) VARIANCE REQUEST. MAXIMUM ALLOWABLE BUILDING HEIGHT WHEN MEASURED FROM THE PROPERTY LINE OF LOTS OWNED BY CITY OF AUSTIN THAT ARE LOCATED IN THE FLOODPLAIN AND THEREFORE PROHIBIT CONSTRUCTION.





- (1) COMPLIES WITH COMPATIBILITY AND MAXIMUM ALLOWABLE BUILDING HEIGHT WHEN MEASURED FROM EAST PROPERTY LINE OF EXISTING SINGLE FAMILY HOME ON JEWELL STREET.
- (2) VARIANCE REQUEST. MAXIMUM ALLOWABLE BUILDING HEIGHT WHEN MEASURED FROM WEST PROPERTY LINE OF EXISTING SINGLE FAMILY HOME ON JEWELL STREET.









H01/19



H01/20

