

CITY OF AUSTIN
Board of Adjustment
Decision Sheet

DATE: Monday May 14, 2018

CASE NUMBER: C15-2018-0019

Brooke Bailey (OUT)
 William Burkhardt
 Christopher Covo
 Eric Golf (OUT)
 Melissa Hawthorne
 Bryan King
 Don Leighton-Burwell
 Rahm McDaniel
 Martha Gonzalez (Alternate)
 Veronica Rivera
 James Valdez
 Michael Von Ohlen (OUT)
 Kelly Blume (Alternate)
 Pim Mayo (Alternate)

APPLICANT: Lauren & Joe Cunningham, Linda Sullivan-Clean Tag Permits

OWNER: Parker Estes

ADDRESS: 101 NORTH LOOP BLVD

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to Section 25-6, Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 7 spaces (required) to 5 spaces (requested, existing including 1 handicapped) in order to remodel the interior of an existing structure and change the use from Administrative Office (1 space per 275 square feet, grandfathered non-conforming) to Art Workshop (1 space per 500 square feet) in a "CS-CO-NP" General Commercial Services – Conditional Overlay - Neighborhood Plan zoning district. (North Loop)

BOARD'S DECISION: May 14, 2018 The public hearing was closed on Board Member Bryan King motion to Postpone to June 11, 2018, Board Member Rahm McDaniel second on an 11-0 vote; POSTPONED TO June 11, 2018.

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:

CITY OF AUSTIN BOARD OF ADJUSTMENTS APPLICATION FOR PARKING VARIANCE SUPPORTING EVIDENCE

Dear Board of Adjustments,

At the May 2018 meeting you requested that we provide additional information and make some adjustments in order to consider our parking variance request. We have fulfilled these requests:

1) BUILDING HISTORY *Below are the facts as they were presented in the business directories at the AHC*

1949 Land purchased. First building construction began in the area of North Loop between Chesterfield and Ave. F

1952 101 North Loop is registered as Mrs. Johnson's Bakery

1975 The bakery moved

1976 - Present It has been vacant roughly equal time to being occupied; most recent business was "24-hour Lock"

Other businesses in the space have included:

- Hair Salon
- Locksmith
- Restaurant Supply

No business has occupied the space for more than 5 years since Mrs. Johnson's Bakery.

No square footage has been added to the building since initial construction was completed.

2) AMEND PARKING SPACES TO ACCOMMODATE VAN ACCESSIBLE SPACE

Parking spaces updated.

3) PARKING SPACE DEPTH

We found that our previous drawings were not quite accurate, and while the spaces do exceed the property line, they do not encroach the sidewalk.

4) PARKING SHARE AGREEMENT

We have amended this to reflect the requested verbiage that our neighbor's business hours will not be changing.

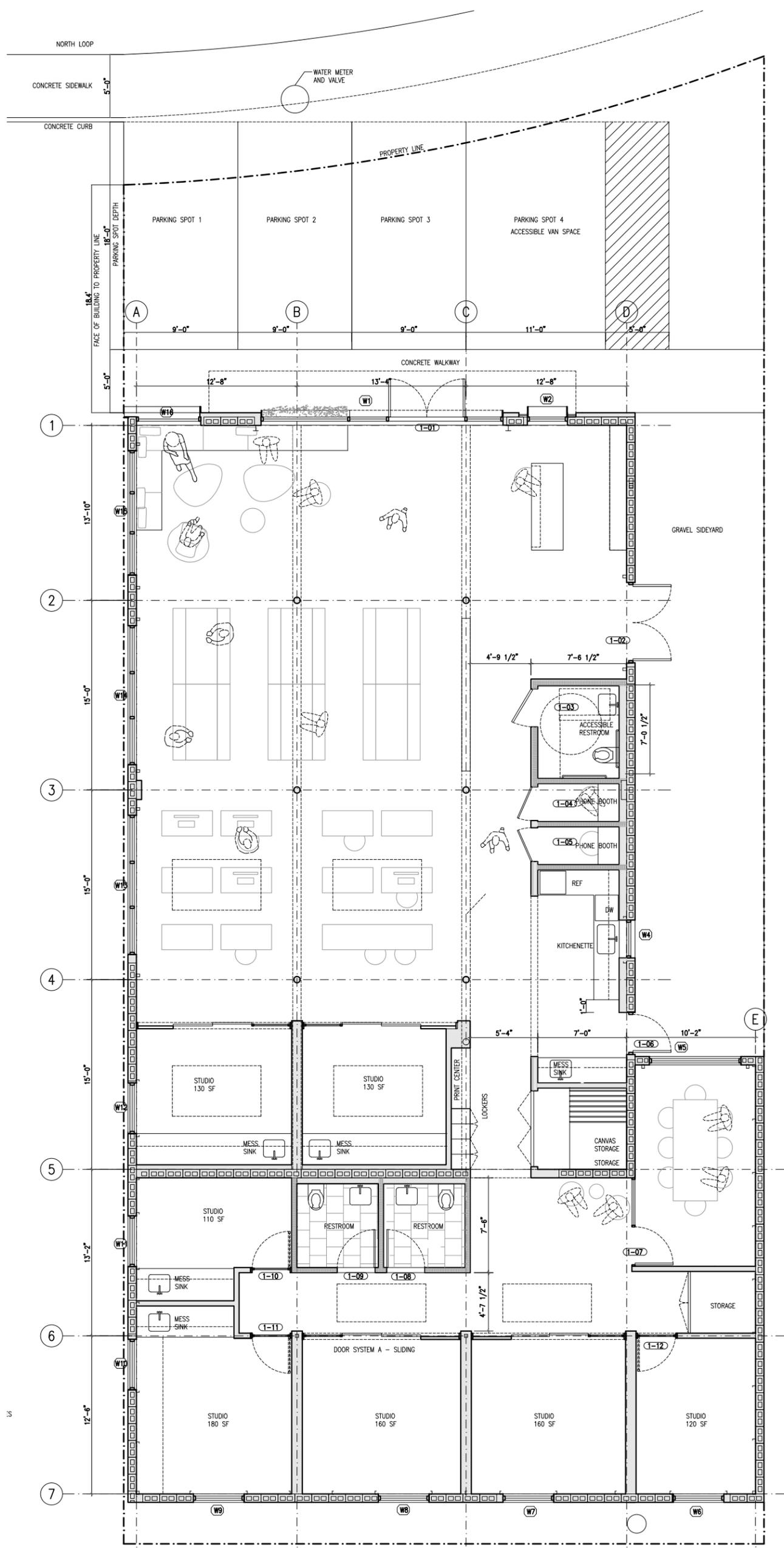


Lauren Cunningham



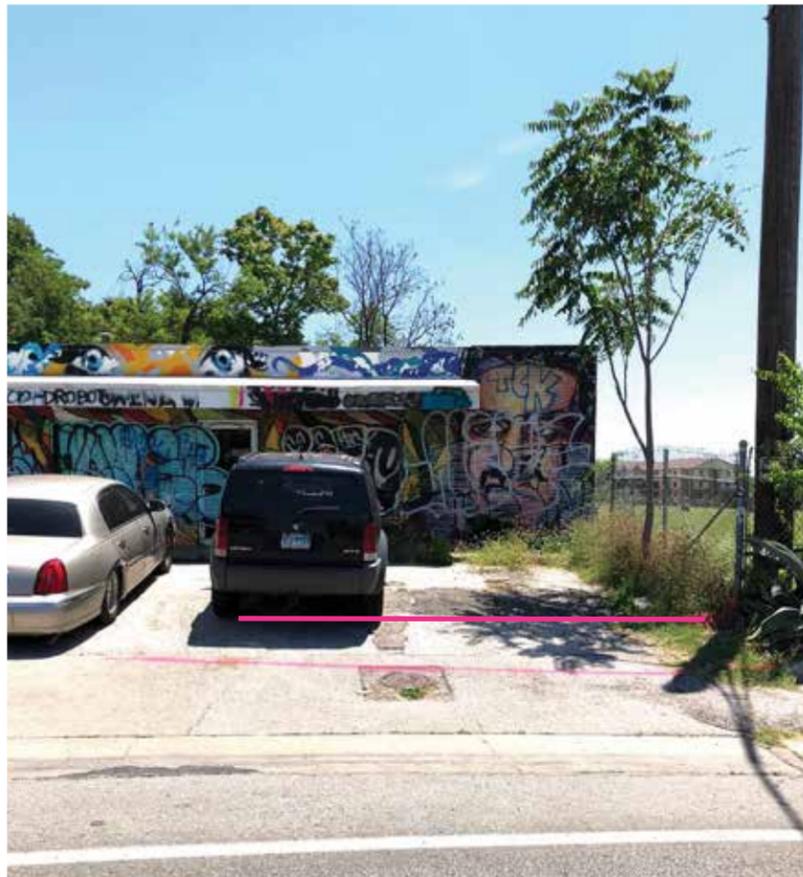
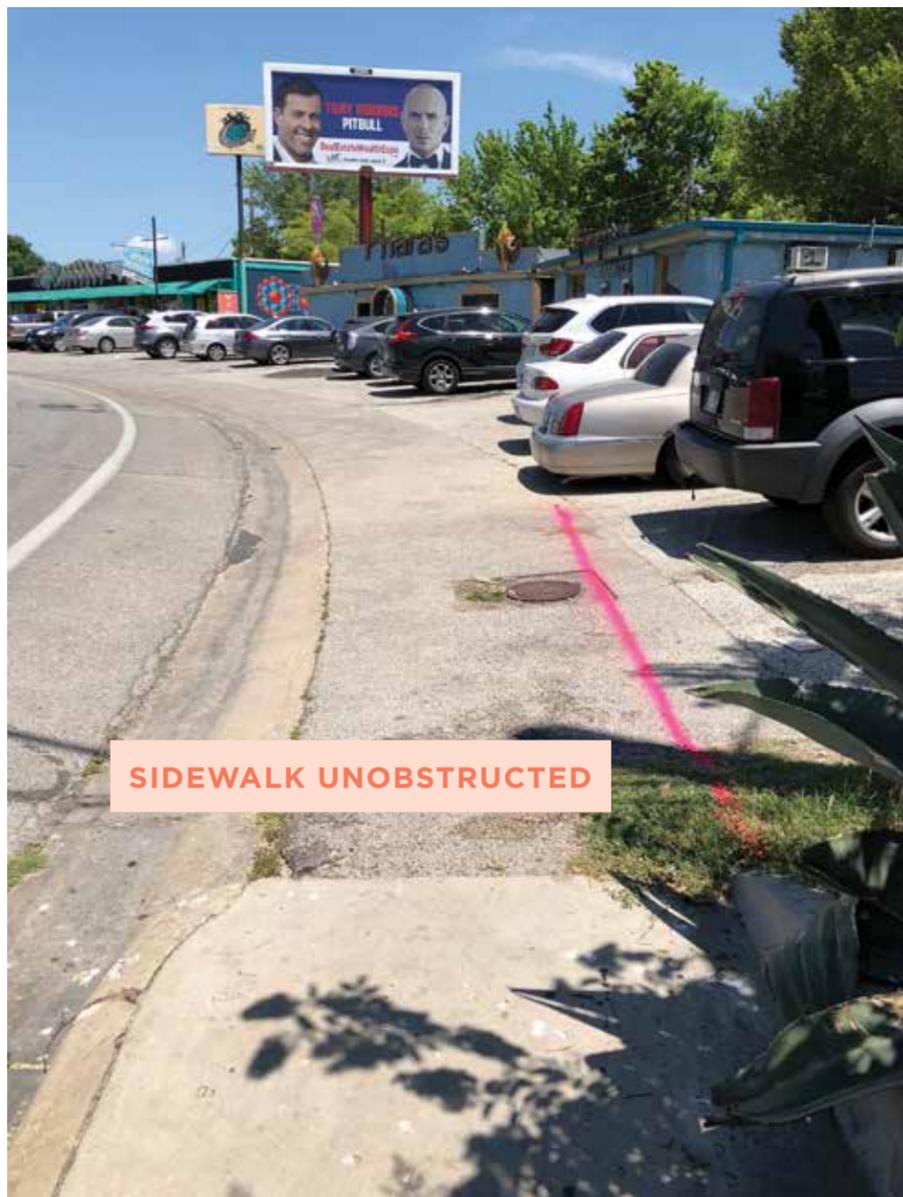
Joe Cunningham





IS

The property line and 18' parking space depth are demonstrated below.



PARKING SHARE AGREEMENT

A parking share agreement has been established with the business immediately next door, Phara's Mediterranean Cuisine, 111 E North Loop Blvd. Our businesses have non-conflicting business hours. The Commune's hours will be 8am - 5pm and Phara's is open 6pm - midnight and closed on Mondays.

The Commune has 4 parking spaces and Phara's has 8 for a total of 12 usable spaces during The Commune's business hours.

PARKING SHARE AGREEMENT

As owners of the property at 101 E North Loop Boulevard, Austin, Texas 78751 (The Commune), we hereby agree to a mutual parking share agreement with the neighboring business at 111 E North Loop Boulevard, Austin, Texas 78751 (Phara's Mediterranean Cuisine) commencing May 27, 2018.

The parties, with non-conflicting business hours, agree to share their parking spaces, as outlined below, for a total number of twelve (12) spaces:

- The Commune: Four(4) spaces
- Phara's: Eight (8) spaces

Phara's operating hours are Tuesday thru Sunday 6pm - midnight. These hours will not change.

Both parties agree to:

- Post no signage restricting parking by patrons, members or affiliates of the other party
- Tow no vehicles owned by patrons, members or affiliates of the other party unless left on property more than 48 hours
- Enter no additional parking share agreement which allows other parties to use their parking.

Enforcement of parking by patrons, members or affiliates of businesses outside of this agreement is the sole discretion of The Commune and Phara's.

Lauren Cunningham

Lauren Cunningham

5/27/18

Date

Joe Cunningham

Joe Cunningham

5/27/18

Date

Jeannette Friedman

Jeannette Friedman

5/27/2018

Date

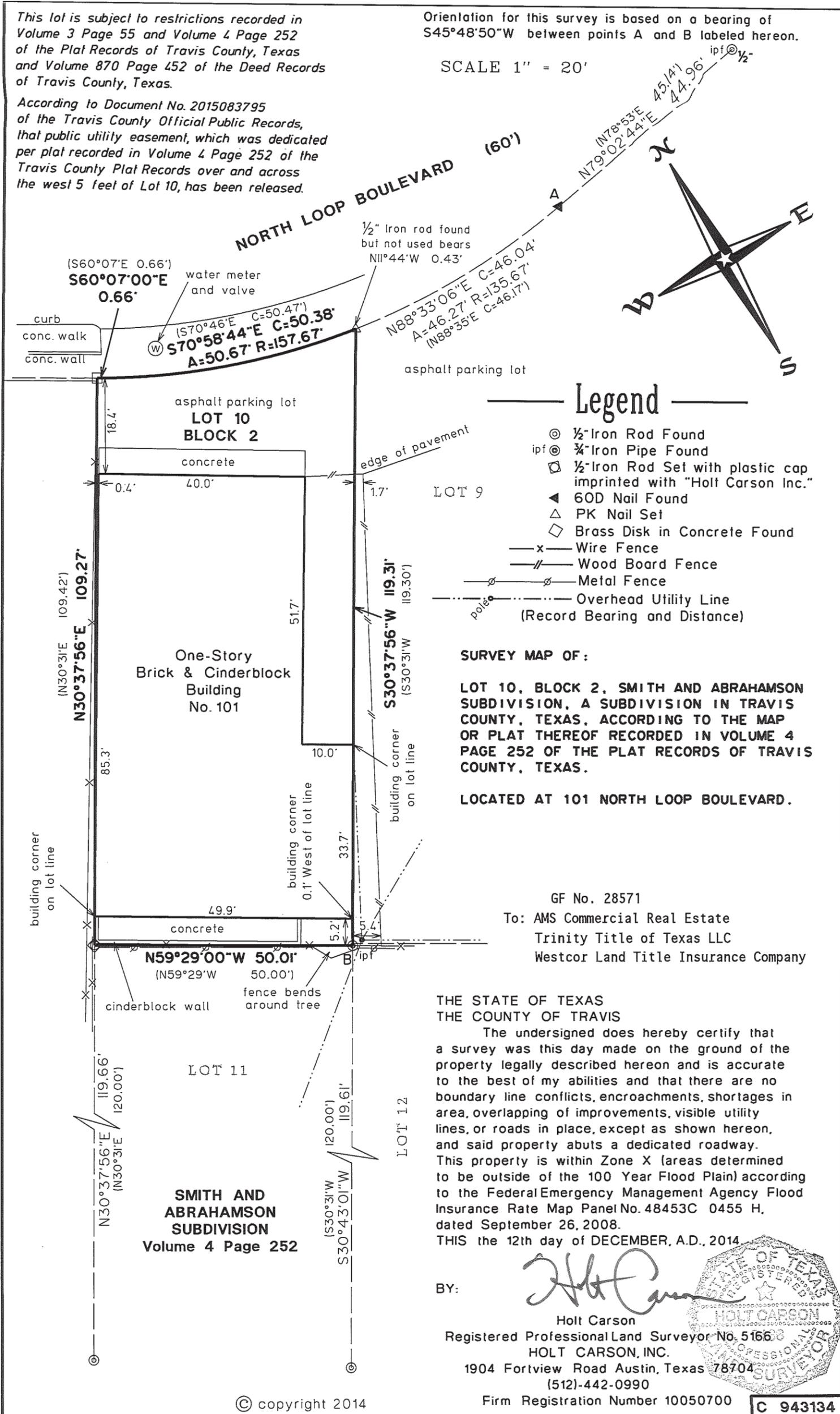


This lot is subject to restrictions recorded in Volume 3 Page 55 and Volume 4 Page 252 of the Plat Records of Travis County, Texas and Volume 870 Page 452 of the Deed Records of Travis County, Texas.

Orientation for this survey is based on a bearing of S45°48'50"W between points A and B labeled hereon.

SCALE 1" = 20'

According to Document No. 2015083795 of the Travis County Official Public Records, that public utility easement, which was dedicated per plat recorded in Volume 4 Page 252 of the Travis County Plat Records over and across the west 5 feet of Lot 10, has been released.



Legend

- ⊙ 1/2" Iron Rod Found
- ipf ⊙ 3/4" Iron Pipe Found
- ⊠ 1/2" Iron Rod Set with plastic cap imprinted with "Holt Carson Inc."
- ▲ 60D Nail Found
- △ PK Nail Set
- ◇ Brass Disk in Concrete Found
- x— Wire Fence
- //— Wood Board Fence
- o— Metal Fence
- o— Overhead Utility Line (Record Bearing and Distance)

SURVEY MAP OF:

LOT 10, BLOCK 2, SMITH AND ABRAHAMSON SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4 PAGE 252 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

LOCATED AT 101 NORTH LOOP BOULEVARD.

GF No. 28571
To: AMS Commercial Real Estate
Trinity Title of Texas LLC
Westcor Land Title Insurance Company

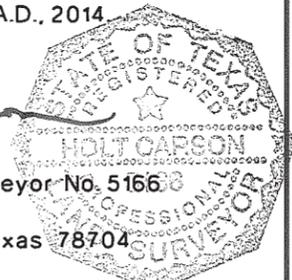
THE STATE OF TEXAS
THE COUNTY OF TRAVIS

The undersigned does hereby certify that a survey was this day made on the ground of the property legally described hereon and is accurate to the best of my abilities and that there are no boundary line conflicts, encroachments, shortages in area, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and said property abuts a dedicated roadway. This property is within Zone X (areas determined to be outside of the 100 Year Flood Plain) according to the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 48453C 0455 H, dated September 26, 2008.
THIS the 12th day of DECEMBER, A.D., 2014

BY:

Holt Carson
Holt Carson

Registered Professional Land Surveyor No. 5166
HOLT CARSON, INC.
1904 Fortview Road Austin, Texas 78704
(512)-442-0990



Firm Registration Number 10050700

C 943134



NOTIFICATIONS

CASE#: C15-2018-0019
LOCATION: 101 E. North Loop



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 163'

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: _____

Subdivision Legal Description:

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: _____

I/We _____ on behalf of myself/ourselves as
authorized agent for _____ affirm that on

Month _____, Day _____, Year _____, 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: _____

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

Four horizontal blue lines for text entry.

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:

Seven horizontal blue lines for text entry.

Hardship

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

Five horizontal blue lines for text entry.

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

Five horizontal blue lines for text entry.

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:

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:

- 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:

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

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

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: *Jme Joe C* Date: 03/23/2018

Applicant Name (typed or printed): Lauren and Joe Cunningham

Applicant Mailing Address: 3205 Perry Lane

City: Austin State: Texas Zip: 78731

Phone (will be public information): 512 905 5182

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: *Parker Estes* Date: 3-28-18

Owner Name (typed or printed): PARKER ESTES

Owner Mailing Address: 2201 NORTH LAMAR

City: AUSTIN State: TX Zip: 78705

Phone (will be public information): 806 -654 -1147 AIT (512) 826 -564

Email (optional – will be public information): [REDACTED]

Section 5: Agent Information

Agent Name: CleanTag Permits

Agent Mailing Address: 4804 Manchaca Rd.

City: Austin State: TX Zip: 78745

Phone (will be public information): 512-826-4209

Email (optional – will be public information): [REDACTED]

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).

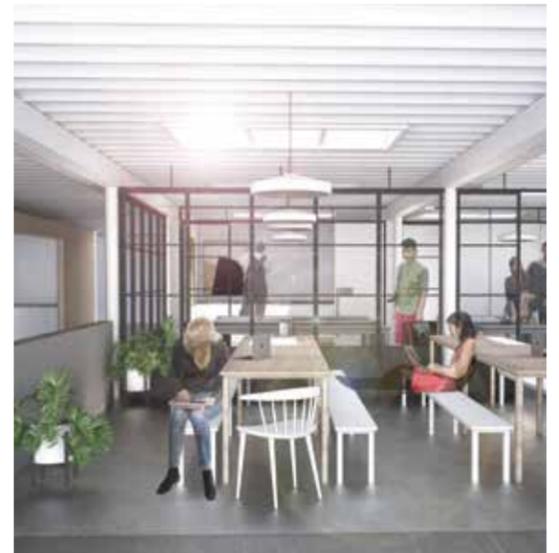
THE COMMUNE

101 E NORTH LOOP BOULEVARD
AUSTIN, TEXAS 78751

OWNERS LAUREN + JOE CUNNINGHAM,
FOLKMADE LLC

ARCHITECT NICK HUNT,
HUNT ARCHITECTURE

**CITY OF AUSTIN BOARD OF ADJUSTMENTS
APPLICATION FOR PARKING VARIANCE
SUPPORTING EVIDENCE**



INTRODUCTION +
CURRENT SITE CONDITION

Dear Board of Adjustments,

It is our understanding, from information given by the seller and the North Loop Neighborhood Association, that countless individuals and businesses have attempted to lease or purchase this building over the years, but none has been successful because:

- a) Current parking requirements make it very difficult to operate a business here
- b) The current state of the building requires too much effort and capital

Vacant and in disrepair for approximately 10 years, this building is an eyesore for the neighborhood and often houses homeless individuals. A broken down sedan has been parked on the property for months, and its owner sleeps in the vehicle at night.

We are determined to rehabilitate this property and turn it into something that will serve the community for years to come. As longtime members of the community ourselves, we seek to preserve the integrity of the neighborhood while greatly improving it.

Lauren Cunningham

Joe Cunningham



NEIGHBORHOOD ASSOCIATION
LETTER OF ENDORSEMENT

Toti Larson
President, North Loop Neighborhood Association
Austin, TX, 78751.

April 20, 2018

Dear City of Austin Board of Adjustments,

I am writing letter on behalf of the North Loop Neighborhood Association in regards to the proposal by Lauren and Joe Cunningham (Folkmade LLC) to purchase a business property within the North Loop Neighborhood at 101 E North Loop Blvd.

Joe and Lauren described their concept to the neighborhood association board and their plan was met with overwhelming support. This type of small business that provides workspaces for a range of professionals is exactly what our neighborhood would like to see and the North Loop Neighborhood Association unanimously supports their proposal. Their concept to turn this long abandoned property into a creative co-working space will be an asset to our neighborhood and business district.

The North Loop Neighborhood Association gives our full endorsement to this project and we ask that you grant them the parking variance they have applied for.

Sincerely,



Toti Larson
President, North Loop Neighborhood Association
Northloopatx.president@gmail.com

A parking share agreement has been established with the business immediately next door, Phara's Mediterranean Cuisine, 111 E North Loop Blvd. Our businesses have non-conflicting business hours. The Commune's hours will be 8am - 5pm and Phara's is open 6pm - midnight and closed on Mondays.

The Commune has 5 parking spaces and Phara's has 8 for a total of 13 usable spaces during The Commune's business hours.

PARKING SHARE AGREEMENT

As owners of the property at 101 E North Loop Boulevard, Austin, Texas 78751 (The Commune), we hereby agree to a mutual parking share agreement with the neighboring business at 111 E North Loop Boulevard, Austin, Texas 78751 (Phara's Mediterranean Cuisine).

This agreement will commence once ownership of 101 E North Loop Boulevard, Austin, Texas 78751 legally transfers to Joe and Lauren Cunningham (Folkmade LLC) on or around May 1, 2018.

The parties, with non-conflicting business hours, agree to share their parking spaces, as outlined below, for a total number of thirteen (13) spaces:

The Commune: Five (5) spaces

Phara's: Eight (8) spaces

Both parties agree to:

- Post no signage restricting parking by patrons, members or affiliates of the other party
- Tow no vehicles owned by patrons, members or affiliates of the other party unless left on property more than 48 hours
- Enter no additional parking share agreement which allows other parties to use their parking.

Enforcement of parking by patrons, members or affiliates of businesses outside of this agreement is the sole discretion of The Commune and Phara's.

[Signature]

Lauren Cunningham

4/1/18

Date

[Signature]

Joe Cunningham

4/3/18

Date

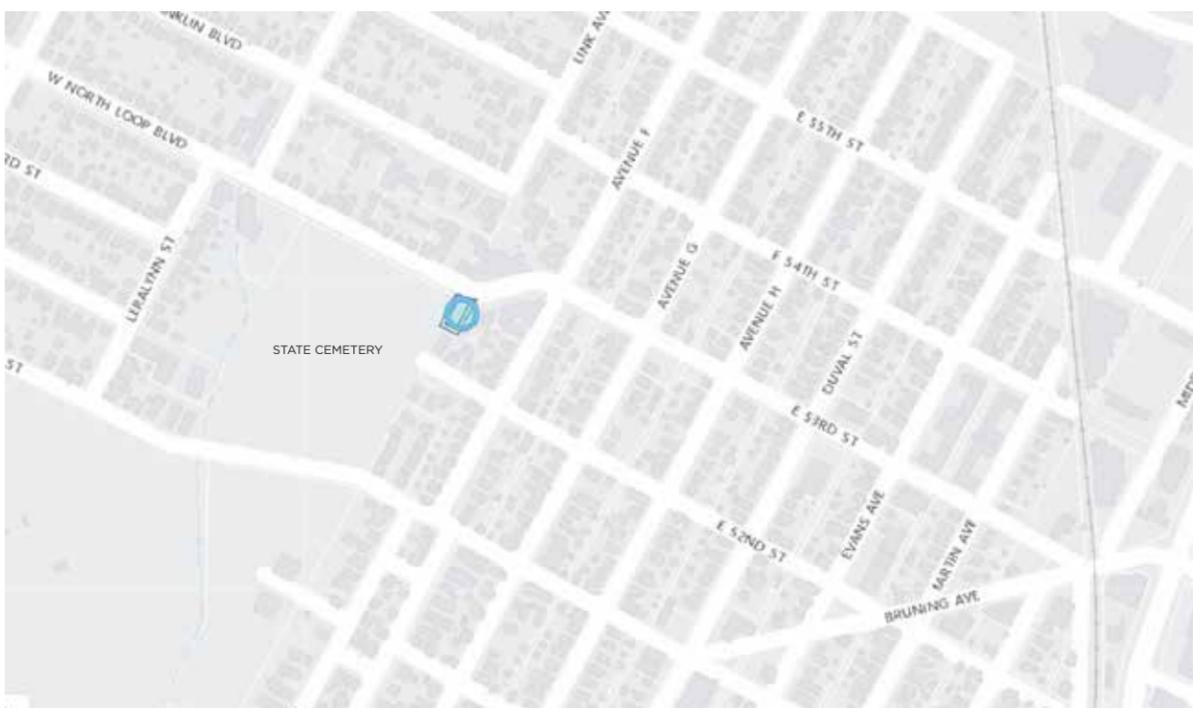
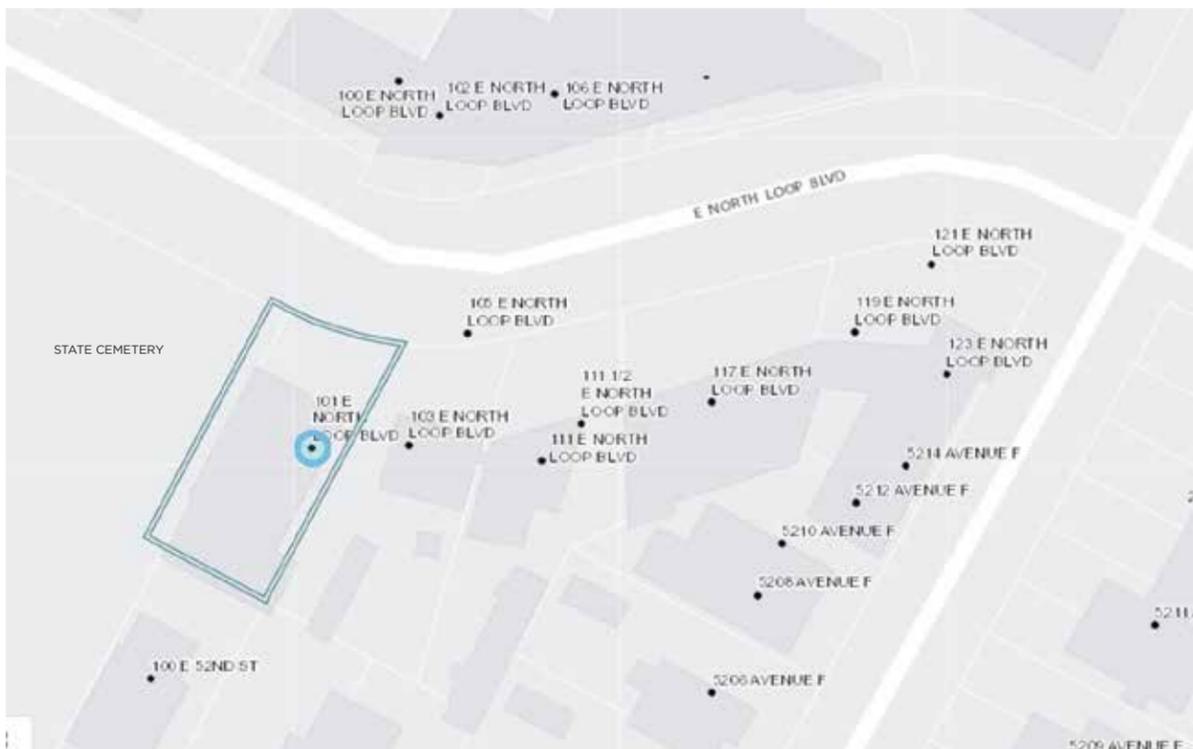
[Signature]

Jeanette Friedman

4/3/2018

Date





BUS ROUTES

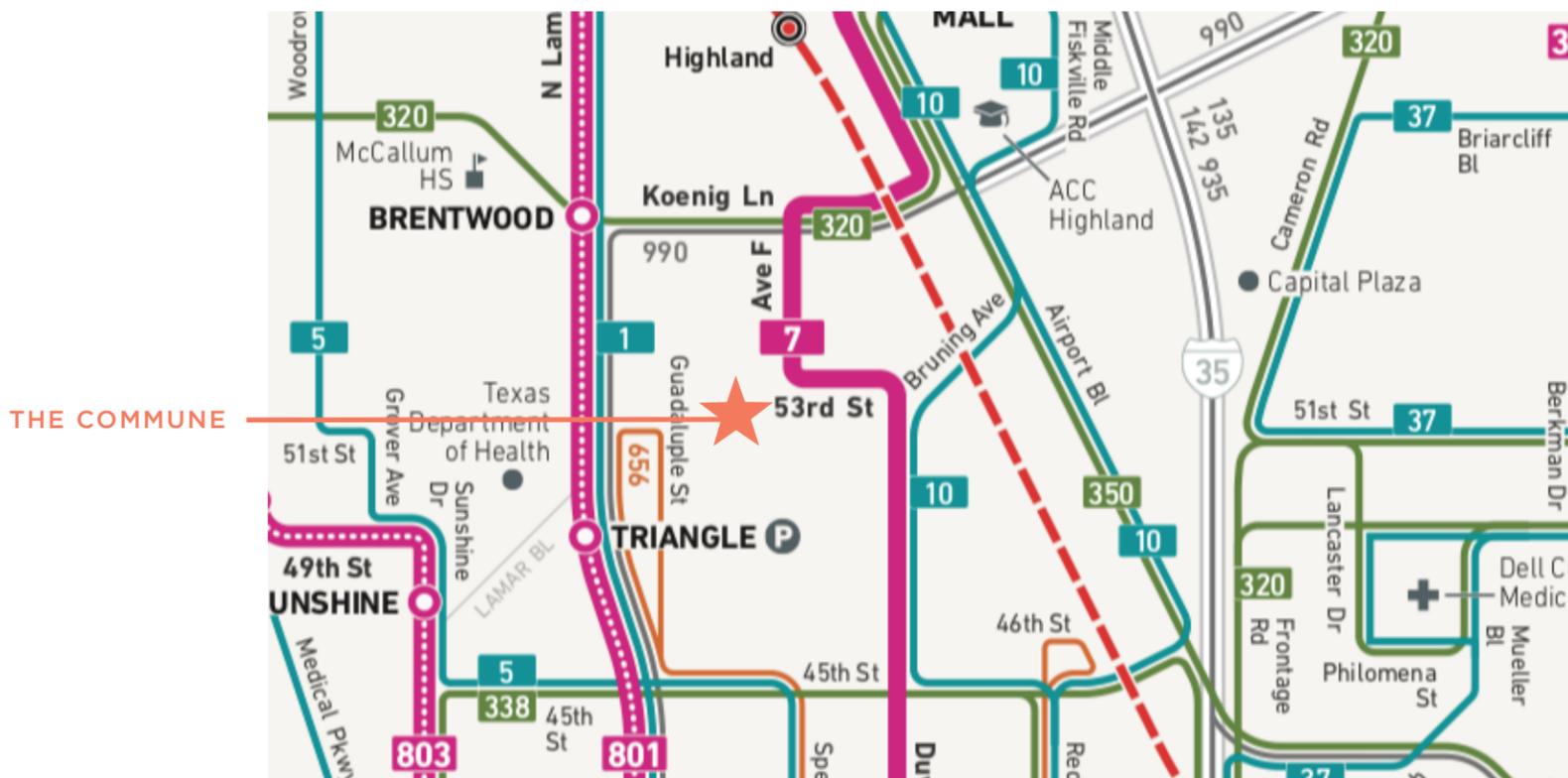
This address is served by the following routes:

MetroBus 1, 7, 10, 801
UT Shuttle 656

ALTERNATIVE TRANSPORTATION

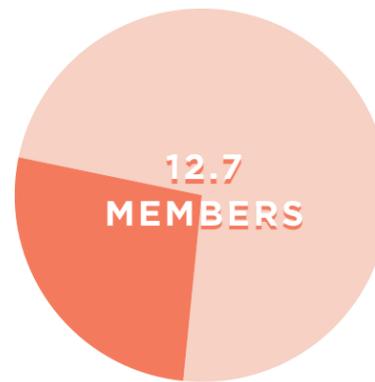
We will be offering a 10% discount to anyone living within a 2 mile radius of our address in order to encourage the following transportation methods and reduce the number of cars being parked at our business:

- Walking
- Bicycles/Scooters
- Public Transportation
- Rideshares (Uber, etc.)





FULL MEMBERSHIP CAPACITY



AVERAGE EXPECTED OCCUPANCY*

= 21% OF MEMBERSHIP CAPACITY
+ FULL STUDIO CAPACITY
(1 person per 7 studios)

At full capacity we expect our membership (dedicated desk and basic memberships), including studios, to be around 34 people. However, we expect the number of people physically occupying the space at any given time to be a fraction of that number.

Many of our members will work in industries which require them to move around a lot, and therefore, very few will be at The Commune all day, and many won't be there daily. These are people who travel for work, do site visits, meet clients in their homes, etc. These members may include:

- Architects
- Interior Designers
- Photographers
- Artists
- Graphic Designers
- Bloggers/Social Media Influencers
- Entrepreneurs

Small business owners and freelancers without their own place of business are drawn to co-working spaces for their many professional perks and often keep a membership for these perks regardless of frequency of usage. The Commune's perks will include:

- Business mailing address
- Mail delivery
- Conference space for meetings
- Photo studio access
- Printer and scanner access

* COMPARABLE BUSINESS ANALYSIS

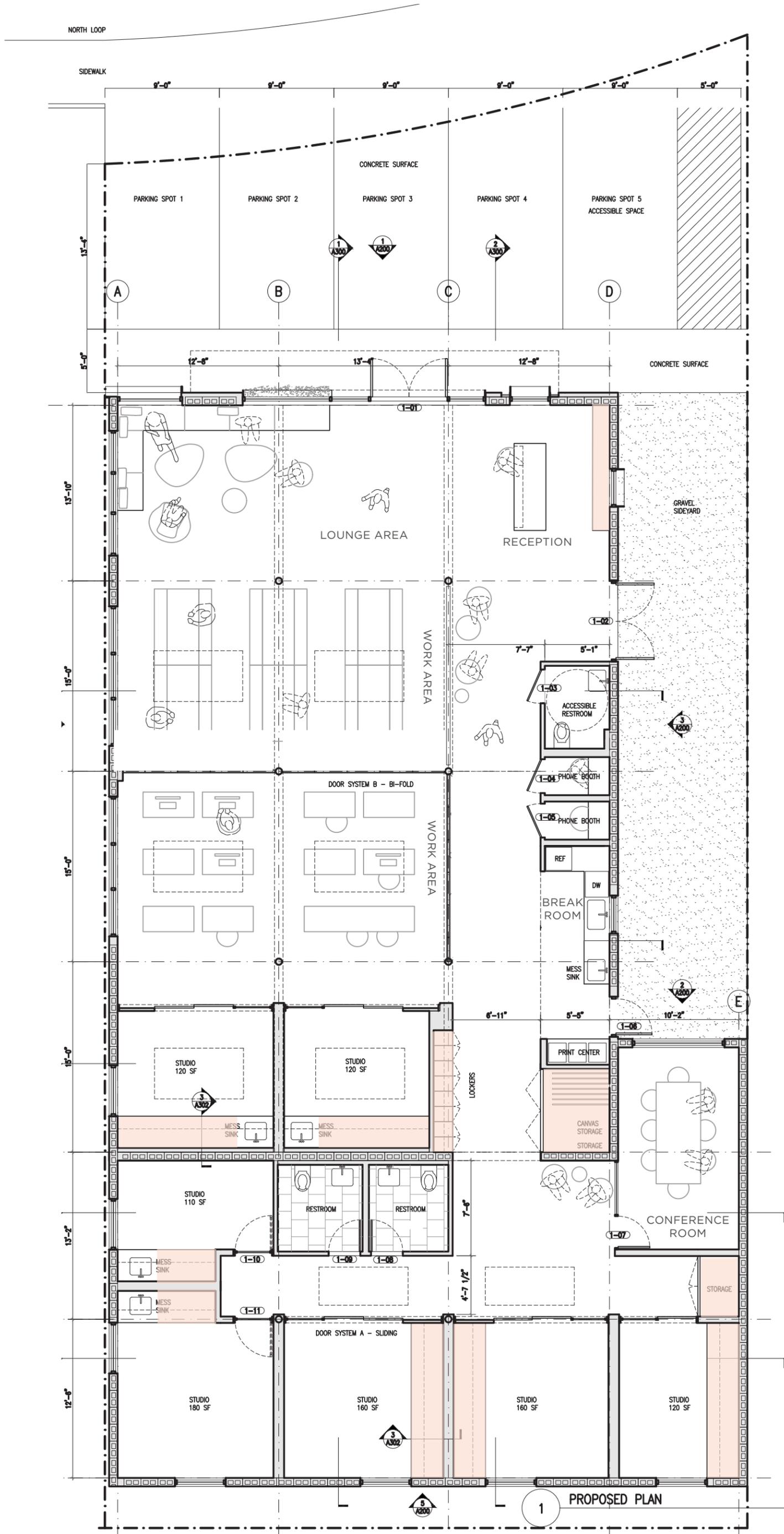
Owner Lauren Cunningham currently works at a creative co-working space in downtown Austin called The Refinery. This business model and its clientele are very similar to that of The Commune.

Lauren documented for one week (March 26 - 30, 2018) the number of members present each hour for 5 hours during normal business hours. Of 25 members who rent dedicated desks, an average of 5.2 people (21%) were present at any given time. We expect to have similar occupancy rates.

Hayley Swindell, owner of The Refinery, reviewed Lauren's analysis and agreed that this is representative of the general occupancy rates for The Refinery.

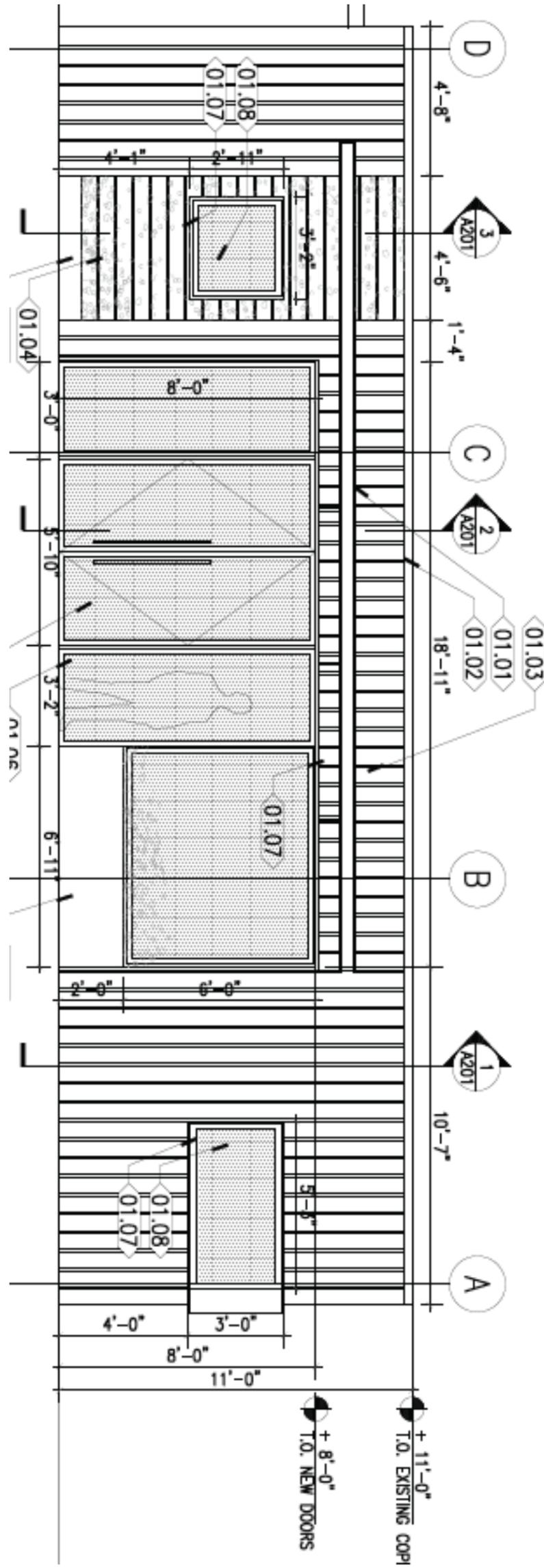
Hayley Swindell, Owner

The Refinery
612 Brazos St
Austin, Texas 78701
512 671 0035

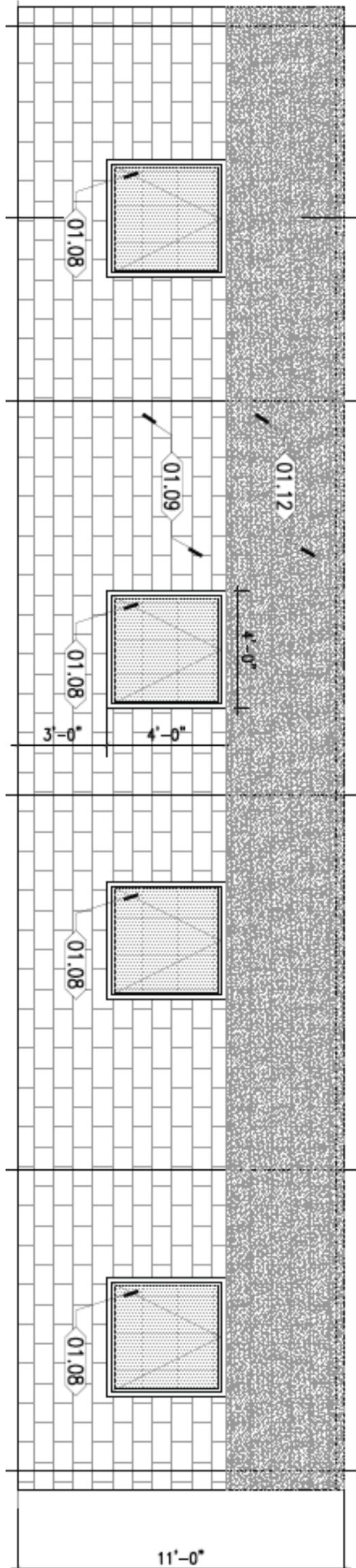


STORAGE
AREAS
HAVE BEEN
HIGHLIGHTED

NORTH ELEVATION



SOUTH ELEVATION

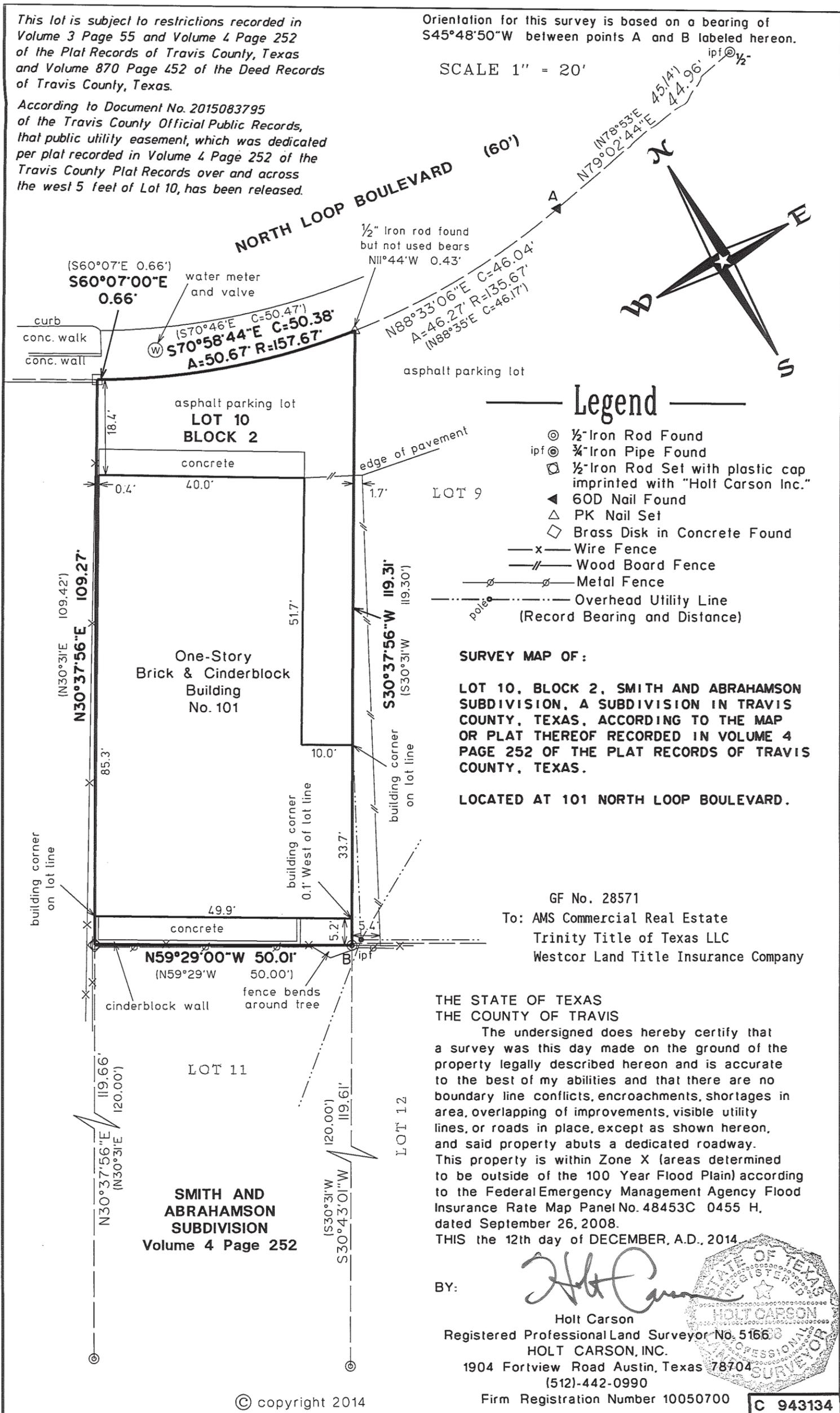


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Orientation for this survey is based on a bearing of S45°48'50"W between points A and B labeled hereon.

SCALE 1" = 20'

According to Document No. 2015083795 of the Travis County Official Public Records, that public utility easement, which was dedicated per plat recorded in Volume 4 Page 252 of the Travis County Plat Records over and across the west 5 feet of Lot 10, has been released.



Legend

- ⊙ 1/2" Iron Rod Found
- ipf ⊙ 3/4" Iron Pipe Found
- ⊠ 1/2" Iron Rod Set with plastic cap imprinted with "Holt Carson Inc."
- ▲ 60D Nail Found
- △ PK Nail Set
- ⬡ Brass Disk in Concrete Found
- x- Wire Fence
- // Wood Board Fence
- o-o- Metal Fence
- .-.- Overhead Utility Line (Record Bearing and Distance)

SURVEY MAP OF:

LOT 10, BLOCK 2, SMITH AND ABRAHAMSON SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4 PAGE 252 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

LOCATED AT 101 NORTH LOOP BOULEVARD.

GF No. 28571
To: AMS Commercial Real Estate
Trinity Title of Texas LLC
Westcor Land Title Insurance Company

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

The undersigned does hereby certify that a survey was this day made on the ground of the property legally described hereon and is accurate to the best of my abilities and that there are no boundary line conflicts, encroachments, shortages in area, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and said property abuts a dedicated roadway. This property is within Zone X (areas determined to be outside of the 100 Year Flood Plain) according to the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 48453C 0455 H, dated September 26, 2008. THIS the 12th day of DECEMBER, A.D., 2014.

BY:

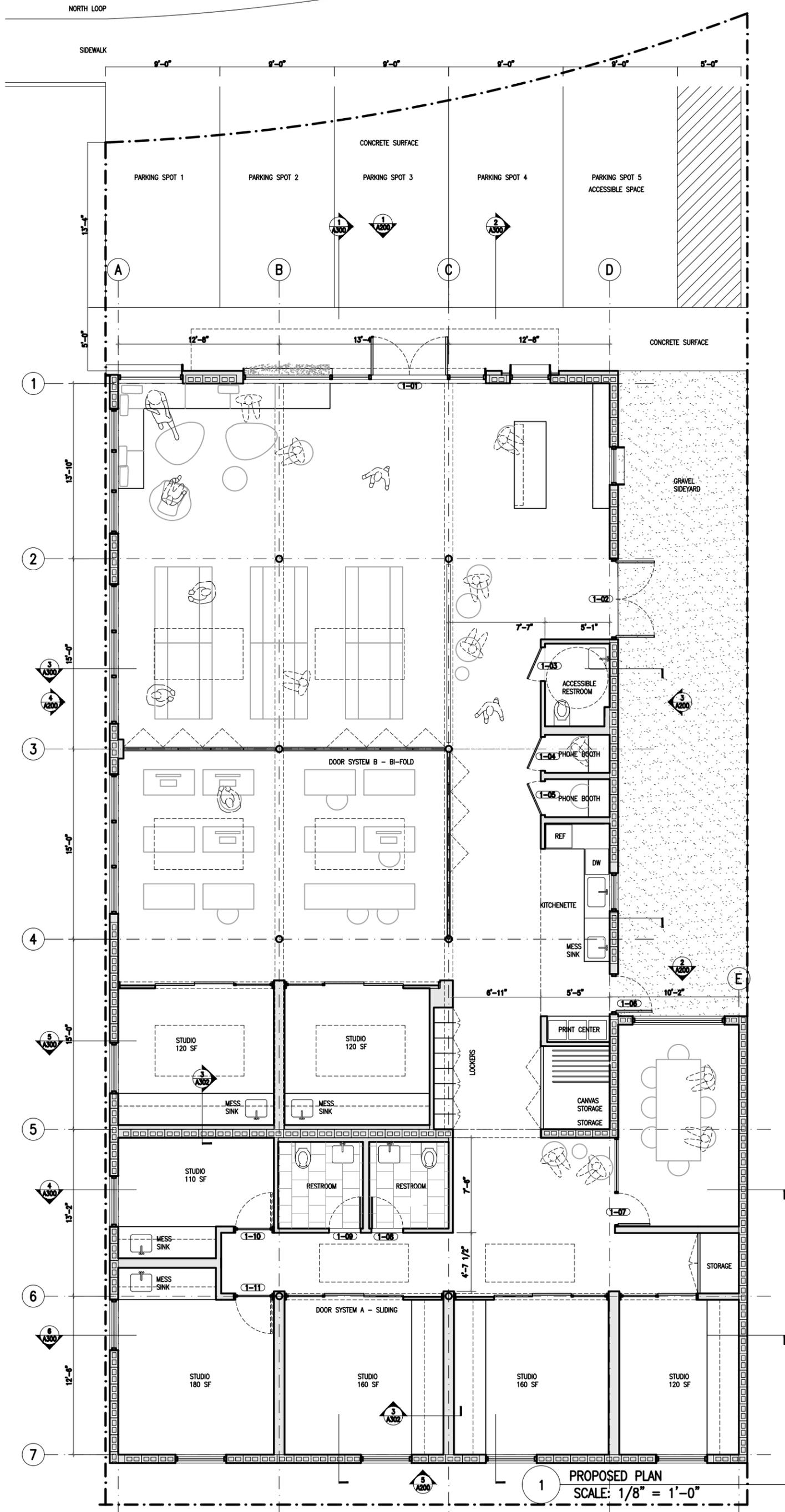
Holt Carson

Holt Carson
Registered Professional Land Surveyor No. 51668
HOLT CARSON, INC.
1904 Fortview Road Austin, Texas 78704
(512)-442-0990



Firm Registration Number 10050700

C 943134



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: C15-2018-0019, 101 E. North Loop
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, May 14, 2018

Monique Lee
Your Name (please print)

I am in favor
 I object

5110 AVE. G 78751
Your address(es) affected by this application

Monique Lee 5-7-18
Signature Date

Daytime Telephone: 512. 471 4123

Comments: _____

Comments must be returned by 10 am the day of the hearing 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 seen by the Board at this hearing)
Fax: (512) 974-6305
Email: leane.heldenfels@austintexas.gov

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: C15-2018-0019, 101 E. North Loop
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, May 14, 2018

ROXAN LEE
Your Name (please print)

I am in favor
 I object

5110 AVENUE G 78751
Your address(es) affected by this application

[Signature] MAY 7, 2018
Signature Date

Daytime Telephone: 512 482 0061

Comments: _____

Comments must be returned by 10 am the day of the hearing 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 seen by the Board at this hearing)
Fax: (512) 974-6305
Email: leane.heldenfels@austintexas.gov