

H04/1

EVANS

55TH

54TH

MIDDLE FISKVILLE

AIRPORT

MARTIN

53RD

BRUNING

EILERS

CLARKSON

52ND

53RD HALF

53RD

## NOTIFICATIONS

CASE#: C15-2018-0029

LOCATION: 5300 1/2 Middle Fiskville Rd.



SUBJECT TRACT



PENDING CASE



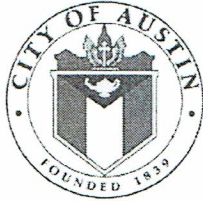
ZONING BOUNDARY

1" = 153'

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

# H04/2

## 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: 5300 1/2 Middle Fiskville Road, Austin, TX 78751

Subdivision Legal Description:

The Highlands

Lot(s): 18-20 Block(s): 27

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: CS-V-CO-NP

I/We Vincent Gerard & Associates, Inc. on behalf of myself/ourselves as  
authorized agent for HSU CHI KAO & Verizon Wireless affirm that on  
Month June, Day 12, 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: Ancillary equipment and generator for a Wireless Telecommunication Facility



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

25-2-492 - minimum front yard setback requirement for CS zoning (10')

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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:

The code requires a 10' front street setback on an irregular shaped tract, which is not usable for any other land use except wireless telecommunications or temporary storage. Verizon's equipment will be smaller unmanned outdoor cabinets and an emergency generator, which is different from typical large commercial structures.

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### Hardship

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

The physical characteristics of the property consist of roadway frontage on the front side, railroad frontage on the rear side, and a triangular shape on the edge of the platted lot, making it a hardship due to the physical characteristics of the legal lot.

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

This tract has setbacks that will prohibit full deployment of the emergency backup generator for communications during power outages and compliance with the additional ground space necessary for a second carrier within the existing setbacks.

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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:

Other tracts in the immediate area employ large 1-2 story commercial structures that extend to the property lines. Our variance request includes smaller unmanned equipment cabinets and a generator, both of which will be screened from public right-of-way by landscaping, required by code.

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## 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

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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

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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

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

N/A

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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:  Date: 05/22/2018

Applicant Name (typed or printed): Vincent Gerard & Associates, Inc. for Verizon Wireless

Applicant Mailing Address: 1715 S. Capital of Texas Highway #207


City: Austin State: TX Zip: 78746

Phone (will be public information): (512) 328-2693

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

**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: 05/22/2018

Owner Name (typed or printed): HSU CHI KAO (Chi-Kao Hsu)

Owner Mailing Address: 5306 Middle Fiskville Road

City: Austin State: TX Zip: 78751

Phone (will be public information): (512) 290-7365 (512) 933-9000

Email (optional – will be public information):

**Section 5: Agent Information**

Agent Name: Vincent G. Huebinger, Vincent Gerard & Associates, Inc.

Agent Mailing Address: 1715 S. Capital of Texas Highway #207

City: Austin State: TX Zip: 78746

Phone (will be public information): (512) 328-2693

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).

Please see attached cover letter and exhibits.



5804 Tri County Parkway  
Schertz, TX 78154

To Whom it may concern:

I, Tim Caletka (Principal Const. Engineer-Verizon Wireless) hereby authorize Vincent Gerard & Associates to file and pull all appropriate documents, permits and applications with respect to Verizon permits on our projects. Vincent Gerard & Associates is an authorized agent for Verizon Wireless.

Thank You,

A handwritten signature in blue ink, which appears to read 'Tim Caletka', is written over a horizontal line.

Tim Caletka –Sr. Construction Engineer



H04/7

VINCENT GERARD & ASSOCIATES, INC.

June 12, 2017

Board of Adjustment  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

**RE: Variance Request to Front Yard Setback Requirement for Verizon Wireless**  
**Site name: Candyland: 5300 ½ Middle Fiskville Road**

Dear Board of Directors,

On behalf of our client, Verizon Wireless, we are respectfully submitting a variance request to allow encroachment into the required 10' front yard setback in CS zoning. Verizon is seeking to construct a new wireless telecommunication facility on an irregular shaped tract of land, and the preferred plan (3 concepts attached) shows the emergency power backup generator and a second carrier's equipment to be 6' within the 10' required front yard setback. Below are the details for the reasonable use, hardship, and area character associated with this proposed project.

**Reasonable Use:**

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

After reviewing multiple Verizon site candidates in this search ring in order to provide adequate neighborhood expanded coverage and capacity to Verizon customers, no other sites were available that would comply with the site location distance listed in Section 25-2-839 (F) of the Austin Land Development Code for setbacks from residential zoning and uses. We could not find rooftops or existing vertical structures in the immediate area that would allow a necessary height for adequate neighborhood coverage or replacement. This site was the only option zoned appropriately that would meet the tower setbacks and allow a 75' monopole to work without exceptions or waivers. With an existing sign on the triangular site obstructing the equipment area placement, it was decided by Verizon to purchase and remove the sign. With the sign removed, the site area equipment and generator still could not comply with the required setbacks. Verizon decided to request a reasonable use and hardship from the BOA for the equipment area and the backup emergency generator due to the physical characteristics of the property.

The code requires a 10' front street setback on an irregular shaped tract, which is not usable for any other land use except wireless telecommunications or temporary storage. Further reasonable use was limited due

**LAND PLANNING, DEVELOPMENT & ZONING CONSULTANTS**  
**1715 SOUTH CAPITAL OF TEXAS HIGHWAY • SUITE 207 • AUSTIN, TEXAS 78746**  
**VINCENTGERARD.COM • (512) 328-2693**

to the applicable code requirement for additional antenna array for other carriers. Section 25-2-839 (E) (2) states, “*The tower must be of monopole construction and designed to accommodate at least two antenna array*.” The current site and land use does not have additional parking or space to provide adequate expansion without a variance. In order to provide backup emergency generator power to the site and neighborhood during power outages, a variance to encroach the 10’ front yard setback is essential. The site area is limited, but the location complies with Section 25-2-839. The variance would provide a benefit of emergency power for Verizon, as well as space for a second carrier on this site, as required by 25-2-839(E)2. Therefore, reasonable use and emergency communications is limited without the benefit of the variance.

## Similar Type Equipment & Project

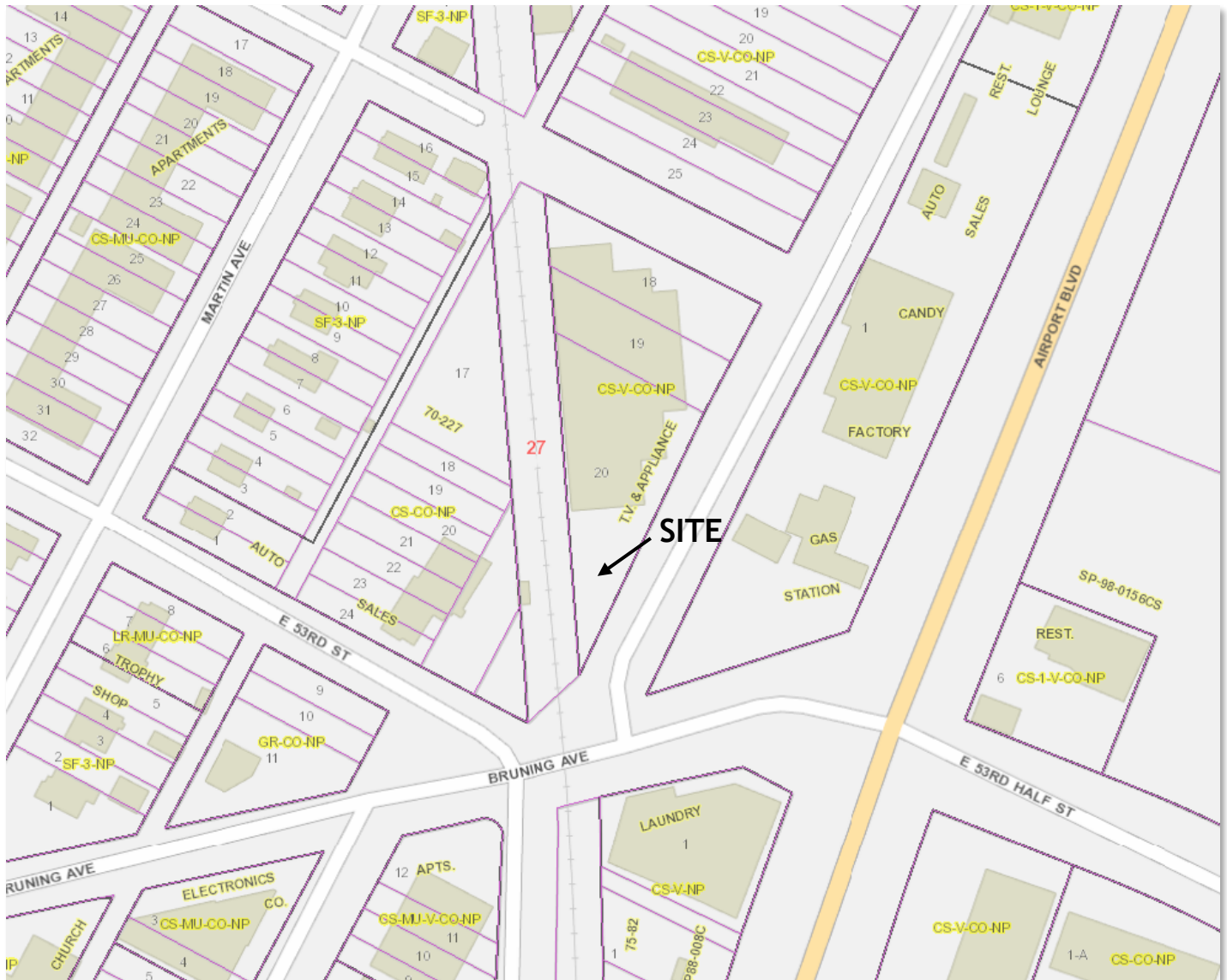




**Hardship:**

*This hardship for which the variance is requested is unique to the property:*

The physical characteristics of the site consist of roadway frontage on the front and railroad frontage on the rear. The property is triangular in shape (platted in The Highlands Subdivision), and the only viable area for Verizon is in the southern corner. The equipment we are requesting approval to encroach into the front setback are small, unmanned cabinets and a backup power generator. The site will be fenced for security purposes and screened by landscaping without altering the streetscape with major structures.



*This hardship is not general to the area in which the property is located:*

The area, as well as many others, have setbacks that would prohibit the equipment improvements from being constructed within the front road setback. It is not unique or isolated to this tract or this neighborhood and is not self-imposed.

## Area Character:

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

Other tracts in the immediate area employ large 1-2 story commercial structures that extend to the property lines. Our variance request includes smaller unmanned equipment cabinets and a generator, both of which will be screened from public right-of-way by landscaping, required by code. All of the surrounding land uses are currently office, retail and commercial.

## Current adjacent land use setbacks at Zero, Structure at Property line



## Parking:

Not applicable.

## Summary:

This request is a hardship based on a minimal departure to the setbacks for unmanned wireless equipment. The monopole structure is allowed based on the Telecommunications code 25-2-839; however, due to the physical characteristics of the tract, it is not possible to comply with the collocation aspects of the code for a second carrier and provide a necessary backup generator on the site without the variance. The parent tract has approximately 1,300 square feet of impervious cover remaining within their site development plan, and our proposed design's coverage would fall within that amount of square footage.



**AUSTIN LAND DEVELOPMENT CODE SECTION 25-2-839**

A telecommunication tower that complies with the requirements of this subsection is a permitted use in an SF-6 or less restrictive district, except for an MH district.

- (1) The tower must be at least 200 feet from an MH district or use or an SF-5 or more restrictive district or use.
- (2) The tower, excluding antenna array, may not exceed the following height:
  - (a) 75 feet, for a tower less than 250 feet from an MH district or use or SF-5 or more restrictive district or use;

**SUBJECT SITE MEETS THIS REQUIREMENT**

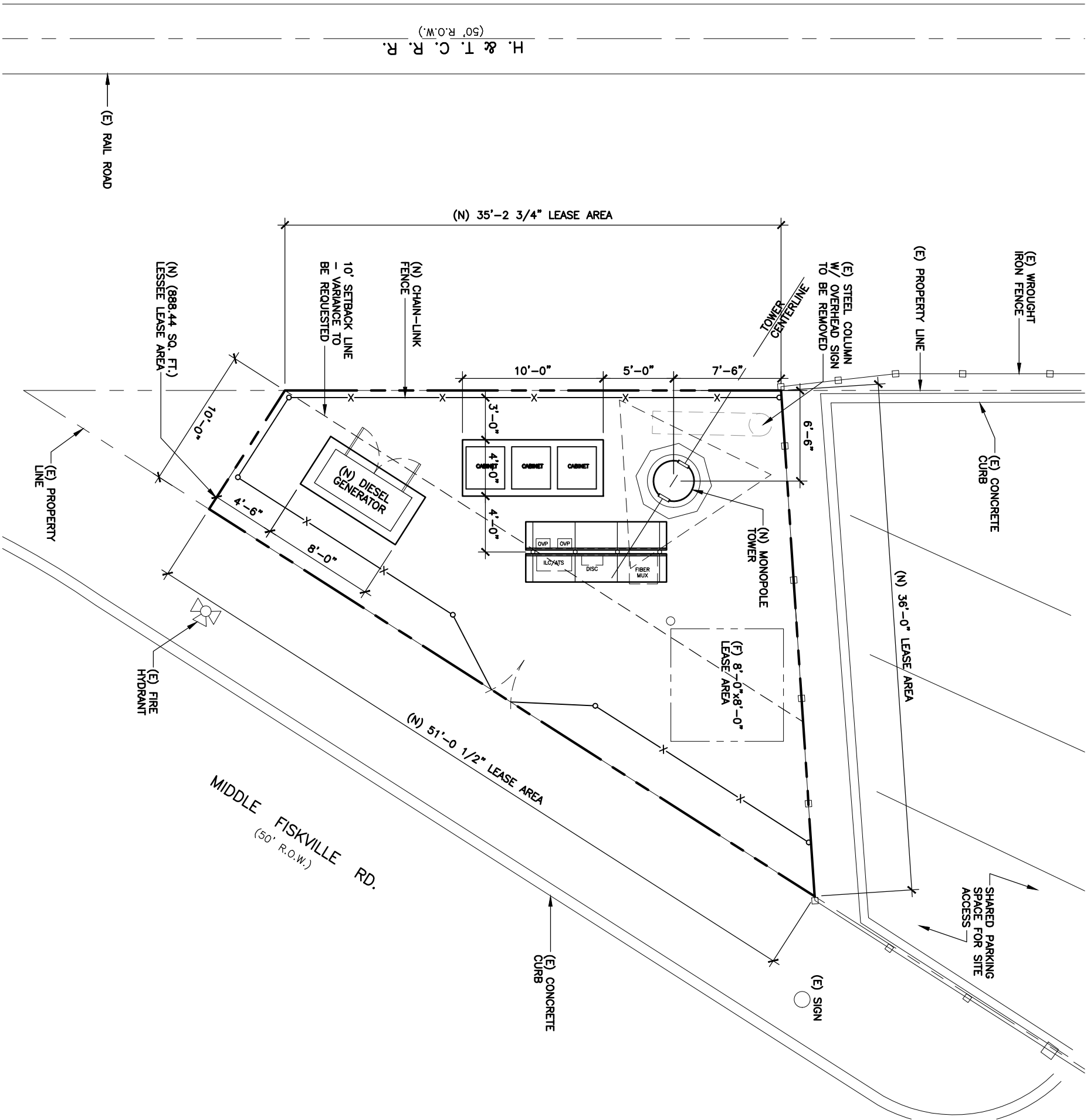
- (E) A telecommunication tower described in Subsection (F) or (G) must comply with the requirements of this subsection.
  - (1) The tower may not be located:
    - (a) on or within 300 feet of property that is zoned as a historic landmark (H) or historic area (HD) combining district or included in a National Register District;
    - (b) within 50 feet of a day care services (commercial) use; or
    - (c) within 50 feet of a dwelling unit.
  - (2) The tower must be of monopole construction and designed to accommodate at least two antenna array.

**SUBJECT SITE STRUCTURE DOES MEET THIS REQUIREMENT; HOWEVER, NO SPACE IS AVAILABLE FOR A SECOND CARRIER & EMERGENCY GENERATOR WITHIN THE SITE WITHOUT THE BOA VARIANCE.**



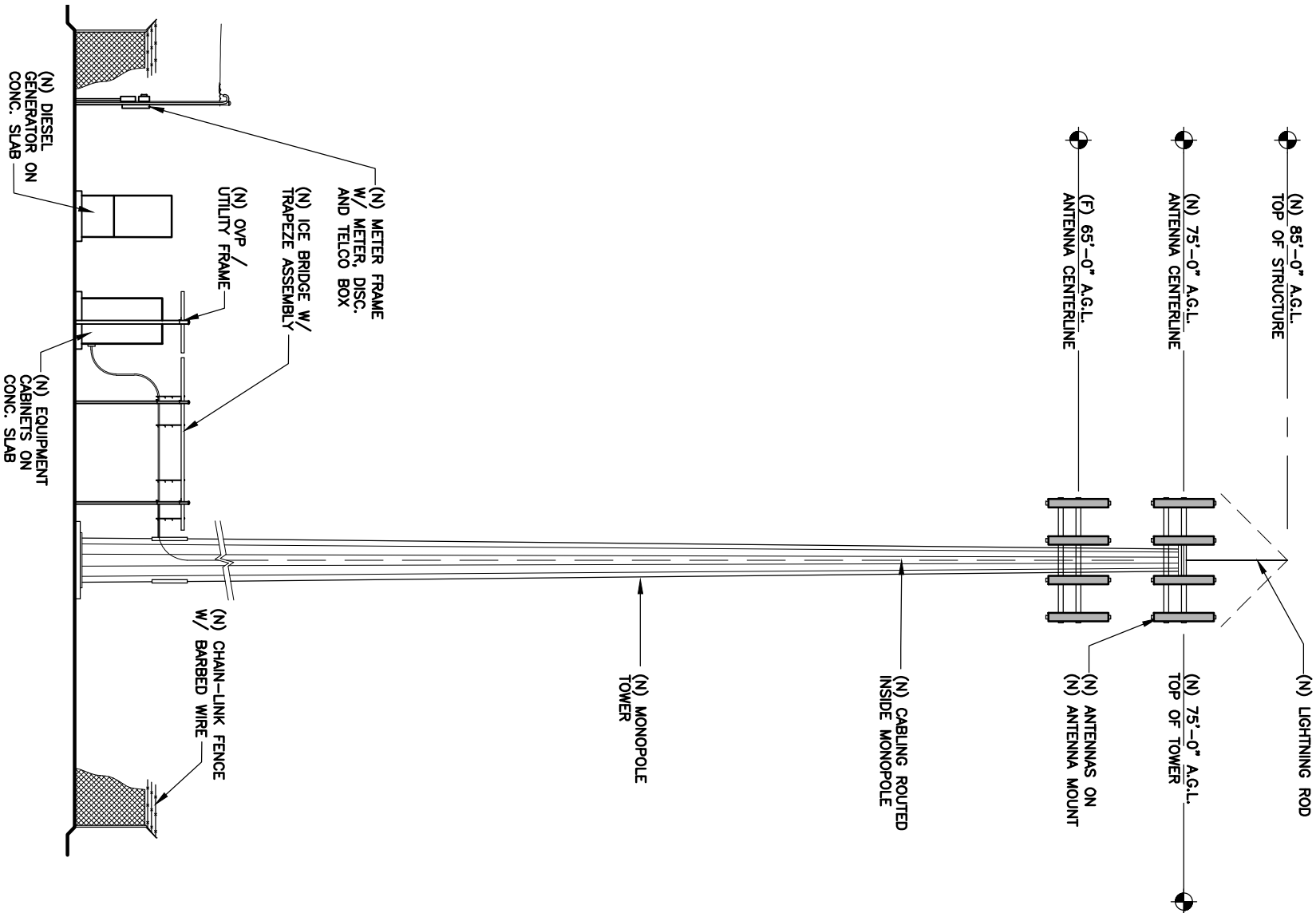


(N) = NEW LESSEE  
(E) = EXISTING  
(F) = FUTURE



**1 SITE PLAN**  
SCALE: 1/8" = 1'-0"  
NORTH

THESE DRAWINGS ARE THE PROPERTY OF VERIZON WIRELESS. THEY ARE INTENDED FOR THE EXCLUSIVE USE OF THIS PROJECT ONLY. ANY RE-USE OF THESE PLANS (DRAWINGS) WITHOUT THE EXPRESS WRITTEN CONSENT OF VERIZON WIRELESS IS PROHIBITED.											
verizon		<div>CANDYLAND</div> <div>***</div> <div>MIDDLE FISKVILLE RD.</div> <div>AUSTIN, TRAVIS COUNTY, TEXAS</div> <div>(308555)</div>				<div>THIS IS AN INCOMPLETE SET NOT FOR CONSTRUCTION OR PERMITTING.</div> <div>APPROPRIATE PROFESSIONAL SEAL WILL BE APPLIED TO FINAL CONSTRUCTION SET</div>				<div>ARCHCOMM, LLC.</div> <div>1006 Beckett</div> <div>San Antonio, Texas 78213</div> <div>(210) 308-9905</div> <div>TBPE NO. F-15659</div>	
		APPROVAL SIGNATURES				SHEET TITLE					
		LANDLORD									
		LEASING									
		CONSTRUCTION									
A1											



(N) = NEW LESSEE  
(E) = EXISTING  
(F) = FUTURE

1 SITE ELEVATION  
SCALE: N.T.S.

<div>verizon</div>		<div>CANDYLAND</div> <div>***</div> <div>5300 1/2 MIDDLE FISKVILLE RD. AUSTIN, TRAVIS COUNTY, TEXAS (308555)</div>		APPROVAL SIGNATURES		LANDLORD		LEASING		CONSTRUCTION		THIS IS AN INCOMPLETE SET NOT FOR CONSTRUCTION OR PERMITTING. APPROPRIATE PROFESSIONAL SEAL WILL BE APPLIED TO FINAL CONSTRUCTION SET		<div><div></div><div>ARCHCOMM, LLC. 1006 Beckett San Antonio, Texas 78213 (210) 308-9905 TBPE NO. F-15659</div></div> <div>SHEET TITLE</div> <div>SITE ELEVATION</div> <div>SHEET HISTORY</div> <div>08.15.17 ISSUE</div>		A2	
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