

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday June 11, 2018

CASE NUMBER: C15-2018-0022

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

APPLICANT: Jim Wittliff

OWNER: Paul C & Lisa P H Lin

ADDRESS: 4004 VALLEY VIEW RD

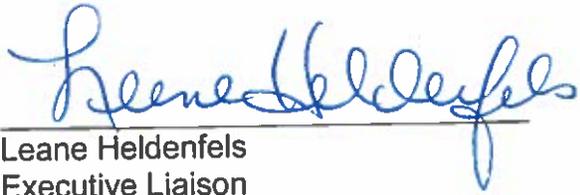
VARIANCE REQUESTED: The applicant has requested a variance(s) from Section 25-2-831 (College or University) (B) of Article 4 – Additional Requirements for Certain Uses, Division 3 – Civic Uses to decrease the minimum paved width of a street that this use must be located on from at least a 40 feet of paved width (required) to 30 feet of paved width (requested/existing on Valley View) in order to erect a new 7,400 square foot university dormitory for 20 students, an accessory use of the Texas Health Sciences University located directly behind the subject tract at 4005 Manchaca Road (located in an “LO”, Limited Office zoning district) that is located in a “SF-3”, Family Residence zoning district (subject tract).

BOARD’S DECISION: BOA meeting June 11, 2018 POSTPONED TO JULY 9, 2018 BY NEIGHBORHOOD ASSOCIATION AND ADJACENT NEIGHBORS

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:
(b) The hardship is not general to the area in which the property is located because:
3. 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:

006/2


Leane Heldenfels
Executive Liaison


William Burkhardt
Chairman



NOTIFICATIONS

CASE#: C15-2018-0022
LOCATION: 4004 Valley View



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 205'

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 # CL5-2018-0022 ROW # 11923857 Tax # 0406100122

Section 1: Applicant Statement

Street Address: 4004 Valley View

Subdivision Legal Description:

0.49 ACR of Lot 31 Teodore Low Heights

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

Outlot: _____ Division: _____

Zoning District: SF-3

I/We Jim Wittliff/Land Answers, Inc. on behalf of myself/ourselves as
authorized agent for Lisa and Paul Lin affirm that on

Month Select _____, Day Select _____, Year Select _____, 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: 7,400 square foot university dormitory

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

LDC 25-2-831(B): "A college or university site must be located on a street that has a paved width of at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet."

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:

There is no minimum sized dormitory presumed in LDC 25-2-831(B). We are proposing a small ten-room dormitory for only 20 students, most of whom will not own cars. Even if the dormitory were to someday be converted to apartments, it would generate less daily traffic than do either of the adjacent residential developments to the east or south. The intent of LDC 25-2-831(B) was to assure that college and university facilities do not overburden adjacent roadways. In fact, the original Code language in LDC 13-2-264 stated that the college or university, as an institution, must be located on a street with 40 feet of pavement width, (see additional space)

Hardship

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

This is a narrow property that is adjacent to the Texas Health Sciences University's classroom facilities. Due to the narrow width of the THSU site, there is no room to direct traffic from 4004 Valley View to Manchaca Road, because only five feet exists on each side of the existing classroom building. Therefore, creating a small dormitory that fronts on Valley View is the only housing option available to provide for the school's expanding student population needs.

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

There are no other proposed college or university facilities in the area.

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:

This is a very small (7,400 square foot) dormitory that will be primarily occupied by foreign students who do not own cars. The dormitory will provide a 25 foot compatibility setback from adjacent residences, and will only be 30 feet tall. Twelve parking spaces for the dormitory will be provided, but will not be used by the dorm's residents. In the event that Texas Health Sciences University ceased to exist as a University, the dormitory building will be converted to 10 two-bedroom apartments, which will generate fewer daily vehicular (see additional space)

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: _____ Date: _____

Applicant Name (typed or printed): Jim Wittliff/Land Answers, Inc.

Applicant Mailing Address: A3606 Winfield Cove

City: Austin State: Texas Zip: 78704

Phone (will be public information): (512) 416-6611

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: Paul C Lin Jan L Date: 4/4/2018

Owner Name (typed or printed): Lisa and Paul Lin/Texas Health Sciences University

Owner Mailing Address: 4004 Valley View

City: Austin State: Texas Zip: 78704

Phone (will be public information): (512) 914-8888

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Jim Wittliff/Land Answers, Inc.

Agent Mailing Address: 3606 Winfield Cove

City: Austin State: Texas Zip: 78704

Phone (will be public information): (512) 416-6611

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).

Reasonable Use:

which THSU complies with, based on it's frontage on Manchaca Road. Due to the small size of this project, site traffic will be well within the carrying capacity of Valley View and Fort View.

Additional Space (continued)

Area Character:

trips (65.9 trips/day) than do each of the two residential developments immediately east and south of the subject tract (76.6 trips/day/site). Therefore, we believe that the dormitory (or apartments) traffic would not overwhelm Valley View Road or Fort View, both of which have only 30 foot wide pavements. In addition, we will retain the existing residence on this site, to maintain the appearance of a residential neighborhood along Valley View.





AUSTIN WOODS AT MANCHACA 2009 LTD
DOC. 2009142479

CK & TL LP
DOC. 2004225602
(N 29°41'39"E 67.04')
N 29°49'27"E 67.16'



CITY OF AUSTIN
V. 12038, P. 1509

ALL POINTS SURVEYING

1714 FORVIEW ROAD - SUITE 200
AUSTIN TX. 78704

TELE.: (512) 440-0071 - FAX: (512) 440-0199

PITM REGISTRATION # 10118900

SURVEYOR'S NOTES

() DENOTES RECORD INFORMATION
[] BUILDING LINE PER CITY OF AUSTIN
CURRENT ZONING ORDINANCE.
THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS
AND/OR CONDITIONS WHICH MAY APPEAR ON
THE PLAT OF RECORD.
ALL POINTS DOES NOT MAKE OR WARRANT ANY
FLOOD ZONE DETERMINATION.

VALLEY VIEW
ENCLAVE
CONDOMINIUMS
33
LOT 33

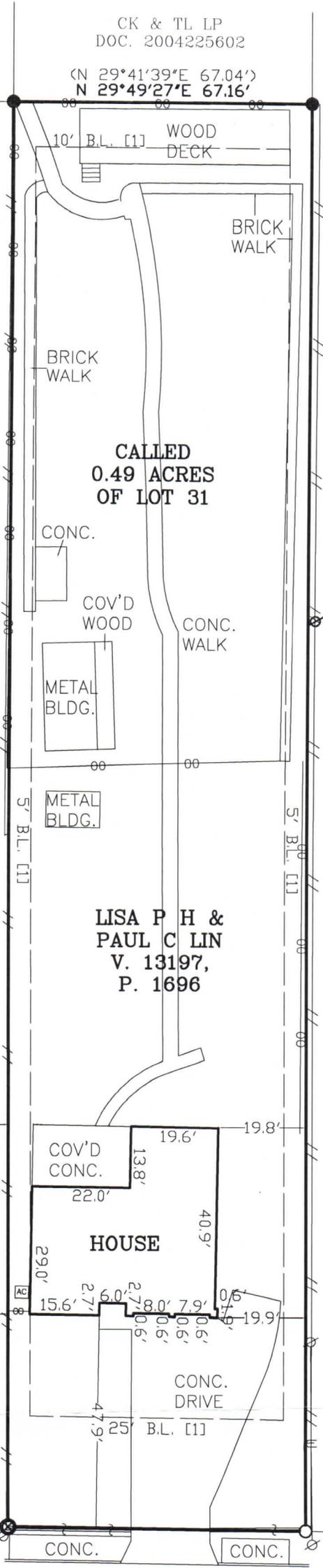
0.49 OF AN ACRE, MORE OR LESS, A PART OF
LOT 31, THEODORE LOW HEIGHTS SUBDIVISION,
A SUBDIVISION OF RECORD IN THE CITY OF
AUSTIN, TRAVIS COUNTY, TEXAS, AS RECORDED
IN VOLUME 445, PAGE 581, DEED RECORDS,
TRAVIS COUNTY, TEXAS.

LOT No. 0.49 ACRE OF LOT 31
CITY _____ TRAVIS COUNTY, TEXAS

SUBDIVISION / ADDITION THEODORE LOW HEIGHTS
Volume: 445 Page: 581 Deed Records of Travis County, Texas
Reference: JIM WITTLIFF

* IMPORTANT NOTICE *

THIS SURVEY WAS PREPARED WITHOUT
THE BENEFIT OF A TITLE REPORT AND
DEPICTS ONLY THOSE BOUNDARIES,
EASEMENTS AND BUILDING LINES SHOWN
ON THE RECORDED PLAT. BOUNDARY
AMENDMENTS, ADDITIONAL EASEMENTS
AND SETBACKS MAY AFFECT THIS LOT.



LISA P H &
PAUL C LIN
V. 13197,
P. 1696

(S 59°59'23"E 319.24')
S 59°58'06"E 319.24'

N 60°00'00"W 317.99'
(N 60°00'00"W 317.81')
BEARING BASIS

S 30°53'36"W 66.99'
(S 30°55'03"W 66.99')



Roger L. Way

LEGEND

- WOOD FENCE
- WROUGHT IRON FENCE
- CHAIN LINK FENCE
- UTILITY LINE
- UTILITY POLE
- X FOUND
- IRON ROD FND.
- CALCULATED POINT
- B.L. BUILDING LINE

404 VALLEY VIEW ROAD

(50' R.O.W.)

FIELD WORK	JS	10-20-17
DRAWING	DJ	10-23-17

Job No.

10818817



Property Profile



Legend

1: 1,172



Notes

0.0 0 0.02 0.0 Miles
NAD_1983_StatePlane_Texas_Central_HPS_4203_Feet
Date Printed:

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006/11

SCALE: 1"=30'



4004 VALLEY VIEW DR.

TEXAS HEALTH SCIENCE UNIVERSITY

9033 SF BLDG'S = 0.42 FAR

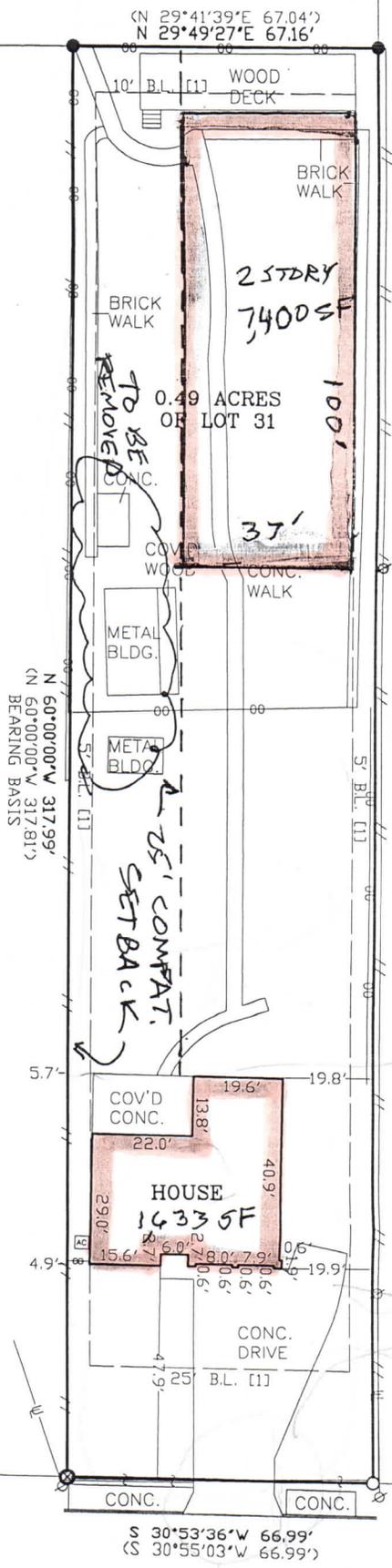
21,334 SF SITE AREA

CONCEPTUAL PLAN FOR LIBRARY, MUSEUM & DORMITORY

S 59°59'23"E 319.24'
S 59°58'06"E 319.24'



Roger L. Way



SURVEYOR'S NOTES

() DENOTES RECORD INFORMATION
[1] BUILDING LINE PER CITY OF AUSTIN
CURRENT ZONING ORDINANCE.
THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS AND/OR CONDITIONS WHICH MAY APPEAR ON THE PLAT OF RECORD.
ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

0.49 OF AN ACRE, MORE OR LESS, A PART OF LOT 31, THEODORE LOW HEIGHTS SUBDIVISION, A SUBDIVISION OF RECORD IN THE CITY OF AUSTIN, TEXAS COUNTY, TEXAS, AS RECORDED IN VOLUME 445, PAGE 581, DEED RECORDS, TRAVIS COUNTY, TEXAS.

LOT No. 0.49 ACRE OF LOT 31
CITY: _____ TRAVIS COUNTY, TEXAS

SUBDIVISION / ADDITION: THEODORE LOW HEIGHTS
Volume: 445 Page: 581
Reference: JIM WITTLIFF, Deed Records of Travis County, Texas

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ALL POINTS SURVEYING
1714 FORTVIEW ROAD - SUITE 200
AUSTIN TX, 78704
TEL: (512) 440-0071 - FAX: (512) 440-0199
FIRM REGISTRATION # 10118900

JOB No.	10818817
FIELD WORK	JS 10-20-17
DRAWING	DJ 10-23-17

404 VALLEY VIEW ROAD
(50' R.O.W.)

- LEGEND**
- WOOD FENCE
 - WROUGHT IRON FENCE
 - CHAIN LINK FENCE
 - UTILITY LINE
 - UTILITY POLE
 - X FOUND
 - IRON ROD FND.
 - CALCULATED POINT
 - BUILDING LINE

From: [Heldenfels, Leane](#)
To: [Ramirez, Diana](#)
Subject: c15-2018-0022, 4004 Valley View june late back up
Date: Monday, June 11, 2018 10:23:40 AM

From: [REDACTED]
Sent: Monday, June 11, 2018 10:09 AM
To: Heldenfels, Leane
Cc: [REDACTED]
Subject: 4004 Valley View

Dear Leane,

South Lamar Neighborhood Association requests a postponement for the 4004 Valley View case. The applicant has not had any discussions with the neighborhood association or parties that have previously expressed interest in this case.

Kim Johnson Secretary.

--

Kim Johnson

[REDACTED]
512-657-0675

From: [REDACTED]
To: [Heldenfels, Leane](#)
Cc: [REDACTED]
Subject: Re: Case number C15-2018-0022, 4004 Valley View Road
Date: Thursday, June 07, 2018 4:27:46 PM
Attachments: [image001.png](#)

Dear Leane,

Thank you for submitting these comments for us. I live at 4008 Valley View, Unit E.

I'd like to add that with the development of the property at the end of Valley View, which to my understanding will be an apartment complex, we will most definitely see an upturn in the volume of traffic on this street. In addition, there are both a pre-school and a senior center between these 2 properties that generate a lot of foot traffic. I have concerns for the safety of both populations traveling on foot on a narrow street lined with parked cars on both sides. As it is, visibility is very poor for a driver; I've been surprised by pedestrians more than once coming out from between cars, and this will only get worse under the proposed variance for the 4004 property.

Thank you and kind regards,
Katherine Daniel

On Thu, Jun 7, 2018 at 3:29 PM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

Thanks for submitting your comments to the Board.

I will include them in the Board's late back up packet that they receive on the dais at Monday's meeting.

Take care,

Leane Heldenfels

Planner Senior – Board of Adjustment Liaison

[City of Austin Development Services Department](#)

One Texas Center, 505 Barton Springs Road, [1st Floor](#), Development Assistance Center

Walk-in hours 9a-12p M-F

Office: 512.974.2202 Cell: 512.567.0106 (*personal, for meeting day & after hours emergency use only*)



From: [REDACTED]
Sent: Wednesday, June 06, 2018 3:23 PM
To: Heldenfels, Leane
Cc: [REDACTED]
Subject: Case number C15-2018-0022, 4004 Valley View Road

Case number: C15-2028-0022. 4004 Valley View Road

Contact: Leane Heldenfels, 512-974-2002, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, June 11, 2011

Name: Judy Lambert, 4008 Valley View Road, Unit B (speaking for both 4006 (2 units), 4008 (6 units))

Daytime Phone: 512-796-1525

Comments:

Valley View Road is a narrow road and often parked on both sides of the street only allowing one way traffic.

This application states that the dorm residents will not have cars, but the applicant cannot guarantee that they will

not...plus in the plans it states they are providing 12 parking spaces not to be used by dorm residents.
Providing no

no provision for parking is unacceptable. In addition, the applicant cannot guarantee that the dorm residents will not

share with additional students to defray the cost of rent. In likelihood, the residential count would exceed 20.

The lot at 4004 Valley View is very narrow and current plan does not remove the existing structure which all

construction vehicles would have to navigate around if they could fit in at all. I believe the current structure needs

to come down to provide adequate access for the construction of a 7400 sq ft building and removal of this structure would

provide space for needed parking. The current structure is an eye sore anyway.

We don't believe the statement that this new structure 'will generate less traffic than adjacent residential developments' is true.

We are an adjacent 8 unit property. Adding a 20-resident dorm, library, and museum with only access in and out on Valley

View would potentially generate more traffic than all adjacent properties.

From: [REDACTED]
To: [Heldenfels, Leane](mailto:Leane.Heldenfels@austintexas.gov)
Cc: [REDACTED]
Subject: Case number C15-2018-0022, 4004 Valley View Road
Date: Wednesday, June 06, 2018 3:23:34 PM

Case number: C15-2028-0022. 4004 Valley View Road
Contact: Leane Heldenfels, 512-974-2002, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, June 11, 2011

Name: Judy Lambert, 4008 Valley View Road, Unit B (speaking for both 4006 (2 units), 4008 (6 units))

Daytime Phone: 512-796-1525

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We are an adjacent 8 unit property. Adding a 20-resident dorm, library, and museum with only access in and out on Valley

View would potentially generate more traffic than all adjacent properties.

From: [Heldenfels, Leane](#)
To: [Ramirez, Diana](#)
Subject: c15-2018-0022, 4004 Valley View july 9 advance packet
Date: Monday, June 11, 2018 12:10:38 PM

Diana – can you put this in the 7/9 advance packet since too late for late back up.

Thanks ,
Leane

From: [REDACTED]
Sent: Monday, June 11, 2018 12:07 PM
To: Heldenfels, Leane
Cc: [REDACTED]
[REDACTED] 4004 Valley View

Leane,

After speaking with Jim Johnson of SLNA, I am not opposed to their postponement request, since it will allow me to again meet with the neighborhood on June 21st

Please let me know what day the July BOA will be on.

Thank you,

Jim Wittliff

From: Heldenfels, Leane <Leane.Heldenfels@austintexas.gov>
Sent: Monday, June 11, 2018 10:23 AM
To: [REDACTED]
Subject: FW: 4004 Valley View

See below – it will be included in the Board’s late back up. I told the association I would let them know if you were or were not opposed to their request, advise when you decide. If you are not opposed they will not come tonight to speak toward their request below.

Take care,
Leane

From: [REDACTED]
Sent: Monday, June 11, 2018 10:09 AM
To: Heldenfels, Leane
Cc: [REDACTED]
Subject: 4004 Valley View

Dear Leane,

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Kim Johnson Secretary.

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Kim Johnson

[REDACTED]

512-657-0675