

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

DATE: Monday, January 14, 2019

CASE NUMBER: C15-2018-0046

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

APPLICANT: Lila Nelson

OWNER: Frank Chef and Sharon Shuppert

ADDRESS: 1800 MARTIN LUTHER KING JR BLVD

VARIANCE REQUESTED: The applicant has requested variance(s) from Article 10, Compatibility Standards Section 25-2-1062 (Height Limitations and Setbacks for Small Sites):

A. (B) (2) to decrease the required setback from a property on which a use permitted in SF-5 or more restrictive zoning district is located from 15 feet (required) to 0 feet (requested); and to

B. (D) (1) to increase the height limitations for a structure that is 50 feet or less from a property on which a use permitted in an (SF-5) or more restrictive zoning district is located from two-stories and 30 feet (required, permitted) to three stories and 30 feet (requested)

in order to erect a medical office and five multifamily residential units in an "LO-MU-V-NP", Limited Office - Mixed Use – Vertical Mixed Use - Neighborhood Plan zoning district. (Upper Boggy Creek)

Note: the current zoning requires that one of the five multifamily units be designated as affordable.

BOARD'S DECISION: POSTPONED TO November 8, 2018 (6:00PM) BY APPLICANT; Nov 8, 2018 POSTPONED TO DECEMBER 10, 2018 REQUESTED BY APPLICANT; Dec 10, 2018 The public hearing was closed on Board Member Eric Goff motion to Postpone to January 14, 2019, Board Member Melissa Hawthorne second on an 11-0 vote; POSTPONED TO January 14, 2019. (RE-NOTICE)

RENOTIFICATION: The applicant has requested variance(s) from Article 10, Compatibility Standards Section 25-2-1062 (Height Limitations and Setbacks for Small Sites):

A. (B) (2) to decrease the required setback from a property on which a use permitted in SF-5 or more restrictive zoning district is located from 15 feet (required) to 5 feet (requested) for the building and 0 feet (requested) for the proposed at-grade parking, landscaping, solid fence; and to

B. (D) (1) to increase the height limitations for a structure that is 50 feet or less from a property on which a use permitted in an (SF-5) or more restrictive zoning district is located from two-stories and 30 feet (required, permitted) to three stories and 33 feet (requested)

in order to erect a medical office and five multifamily residential units in an "LO-MU-V-NP", Limited Office - Mixed Use – Vertical Mixed Use - Neighborhood Plan zoning district. (Upper Boggy Creek)

Note: the current zoning requires that one of the five multifamily units be designated as affordable, further it would otherwise permit 40' height with 0' setback if these compatibility standards did not also have to be met.

BOARD'S DECISION: JAN 14, 2019 The public hearing was closed on Board Member Melissa Hawthorne motion to Grant with conditions no balconies and no roof top terraces, Board Member Veronica Rivera second on an 8-3 vote (Board members Bryan King, Don Leighton-Burwell, James Valadez nay); MOTION FAILS DUE TO LACK OF VOTES, VARIANCE REQUEST DENIED.

EXPIRATION DATE: January 14, 2020

FINDING:

- 1. The Zoning regulations applicable to the property do not allow for a reasonable use because: property is located in transit corridor, structure is zoned more of a commercial field due to configuration adjacent to east is being built on that zoning along the corridor.**
- 2. (a) The hardship for which the variance is requested is unique to the property in that: reduction compatibilities setback to 5ft along east property is alignment with residential structure, to have property capped out at 33ft height allows 1ft greater than residential property that could be built any day of the week on that property**

(b) The hardship is not general to the area in which the property is located because: zoning MU went down the street and residential structure that hold more of commercial look in nature became next to property

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: as the structure will be built to the design standards 5ft setback same as residential structure to the rear will only be allowed as tall as 33ft.



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman

ATX Permit and Consulting, LLC

4408 Spicewood Springs Rd. Ste. 400
Austin, Texas 78759

phone: (512) 657-7349

email: [REDACTED]

January 24, 2019

Board of Adjustments Members
City of Austin
301 W. 2nd St.
Austin, TX 78701

Subject: Letter Requesting Reconsideration for case file C15-2018-0046
1800 E Martin Luther King Blvd.

Dear Chairman and Board Members,

Please accept this letter as a formal Request for Reconsideration for the variances requested for the above referenced case file. I have also enclosed a letter from the Owner, Sharon Shuppert.

The justification for this request is that we have new and clarified evidence to present to you which we hope will earn a renewed interest in the proposed medical office with residential units including one affordable.

We have scaled down the project and now providing two options in this packet for consideration. We have adequate parking and confirmation from Transportation they will push back the RPP along Salina to north of the alley allowing approximately 3 general parking spaces. See email from Ryan Royal.

One option is a two-story building with a roof line compatible with the single family use building to the east. For those Members that desire to see the massing at the transit corridor street, we are providing a 3-story option that reflects the massing at MLK. We realize if the members prefer the 3-story option we will need to re-notice; however, we felt it important to address as many of the Member's comments as possible. Elevations and floor plans are attached.

As you know, we have LO-MU-V-NP zoning. During the course of obtaining the zoning, an investor/builder developed two single family units on the previously vacant MF-3 zoned lot to the east. This of course triggered the compatibility issue. Given the commercial style and height of the SF building (Building A) to the east at 1802 MLK, we believe this proposed project will be without conflict. Additionally, it easily fits in with the new Magnolia Mixed Use project under construction at 1707 MLK. The owner of the second dwelling (1802-B) facing the alley has signed in support of this project.

Our goal is to satisfy the Board Members and obtain your support. We thank you in advance for your time.

Lila Nelson, Applicant
ATX Permit & Consulting.

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

COMPATIBILITY STANDARDS (section 25-2-1062). We are seeking a variance from Compatibility regulations in general EXCEPT to _____

decrease the required setback on the eastern property line where the use is SF-5 or more restrictive zoning district from 15 ft to 5 ft (requested) for the building and 0 feet (requested) for parking, landscaping and solid fence; and to allow height of 33 feet (requested).

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 current use of 1800 E MLK is single family. Zoning was approved by City Council on Sept 20, 2018 to LO-MU-V-NP. Martin

Luther King is a major transit corridor and the single family use of this lot is no longer viable. The reasonable use includes office and residential units including (in this case) an affordable unit. All of which would provide increased densities close to the urban core which is what the corridor is intended to be by the City, Zoning, the Neighborhood Associations and the Community.

There has been no opposition to the proposed project.

Hardship

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

The property to the east is zoned Commercial MF-3 and was vacant when the Owner of 1800 E MLK purchased the property and _____

began the zoning process. Then a builder developed SF use which triggered the compatibility issue. This was completely unexpected. Once built, the SF use to the east is very large and some say commercial in nature. Surrounding properties are eligible and expected to be redeveloped to Mixed Use-Vertical.

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

The property most affected today by the existence of a SF use in the middle of the area is the subject property.

There is a large Mixed Use - Vertical project under construction across the street at 1707 MLK called The Magnolia.

1/24/19

Dear Members of the Board,

Thank you for reconsidering our project. Our goal is to build a medical clinic which offers holistic and integrative treatment modalities. In addition, we wish to build 5 apartments. We are very flexible on the size and configuration and wish to meet not only your ideas of how our project will integrate with the neighborhood now, but also how it is evolving.

In the last 2 meetings, we heard “overbuilt” and “under-parked”. So, we went back to the drawing board with a new architect and came up with 2 building concepts which we feel will address your concerns. At the same time, we wish to meet the intention of the Neighborhood Plan and City Plan for the development along MLK core transit corridor.

We have scaled down the size of the building from 6,000 square feet to less than 4500 square feet. We have maintained 9 parking places which exceeds VMU requirements by 4 parking spaces. One option spreads out the building, covering the majority of the lot, keeping the height below 33'. Our other option moves the massing to the front of the lot, covering just over half of the lot, and building up to 3 stories. We feel this design best meets the design concepts of the VMU along a core transit corridors. That said, it would require a variance to allow us to build to 40'.

Living on the east side, I have watched 3 story houses with balconies and roof top decks crop up in every neighborhood. Small lots are being developed with not one, but two houses. Density is happening, and, according to everything we've read in the Land Development Code, it seems to be the intent of the city to produce a more pedestrian friendly city with increased use of mass transit. We want to be in step with the future plans for our city and build, not for what we see today, but for what we see in 5 years.

Thank you for your consideration.

Sincerely,
Sharon Shuppert & Frank Cheff

Lila Nelson

From: [REDACTED]
Sent: Thursday, January 24, 2019 3:20 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: street parking on Salina for 1800 E MLK

Good Afternoon Ms. Nelson,

I apologize for my delayed response, having looked at the survey for your project at the northeast corner of Martin Luther King Blvd and Salina Street. Do to the commercial applications being considered I believe the best course of action would be to push back the RPP signs to north of the alley. This will open up the southeast curb) of Salina Street (south of the alley for your commercial business and tenants. Please let me know what the Board of Adjustments says and I will proceed with the changes. I hope you have a great weekend.

Best Regards,

Ryan Royal

Permit and Licensing Review Analyst
Parking Enterprise Division
Austin Transportation Department
1111 Rio Grande St
Austin, TX 78701
(512) 974-5161

Information Weblinks

Residential Permit Parking Website: www.austintexas.gov/rpp
Commercial Loading Permit Website: www.austintexas.gov/cvlp
Affordable Parking Program Website: www.austintexas.gov/affordableparking

From: Lila Nelson [REDACTED]
Sent: Tuesday, January 22, 2019 10:07 AM
To: Al-Hajeri, Joseph <[REDACTED]> Royal, Ryan <[REDACTED]>
Cc: Shar Shar Shuppert <[REDACTED]> Frank Cheff <[REDACTED]>
Subject: RE: street parking on Salina for 1800 E MLK

Hi Ryan, we are in the process of requesting reconsideration for a new hearing before the COA Board of Adjustments for a variance for our project. Not a parking variance; however, we want to include all parking solutions in the Board Member's packet. That packet is due EOD this Thursday, January 24.

We apologize for the short timeframe. We were only given 10 days. Could you please take a look at our situation and give me a call. Or I can meet with you briefly if that would be better.

Thank you very much for your time. Please call me any time.

Lila Nelson
Principal
A T X Permit & Consulting

1/24/19

Dear Members of the Board,

Thank you for reconsidering our project. Our goal is to build a medical clinic which offers holistic and integrative treatment modalities. In addition, we wish to build 5 apartments. We are very flexible on the size and configuration and wish to meet not only your ideas of how our project will integrate with the neighborhood now, but also how it is evolving.

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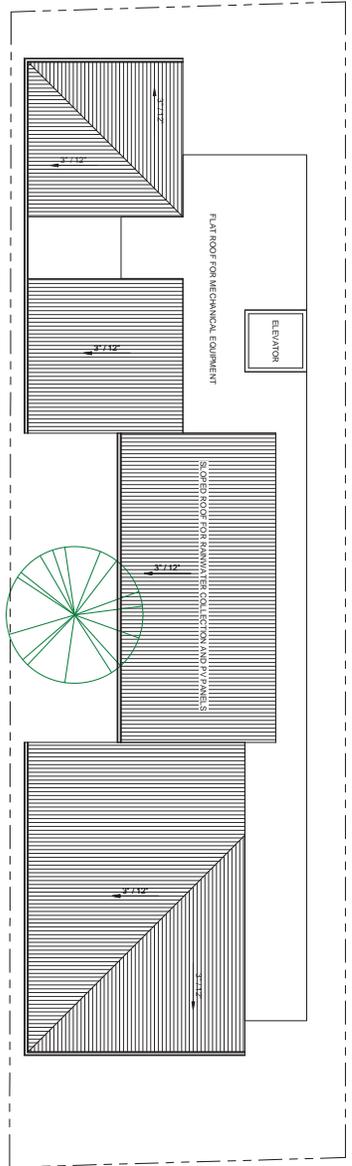
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Thank you for your consideration.

Sincerely,
Sharon Shuppert & Frank Cheff

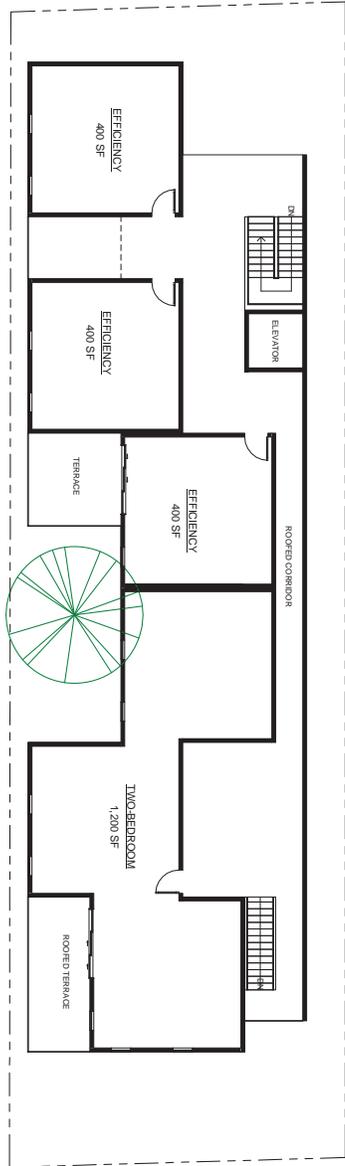
3 ROOF PLAN

SCALE: 1/8" = 1'-0"



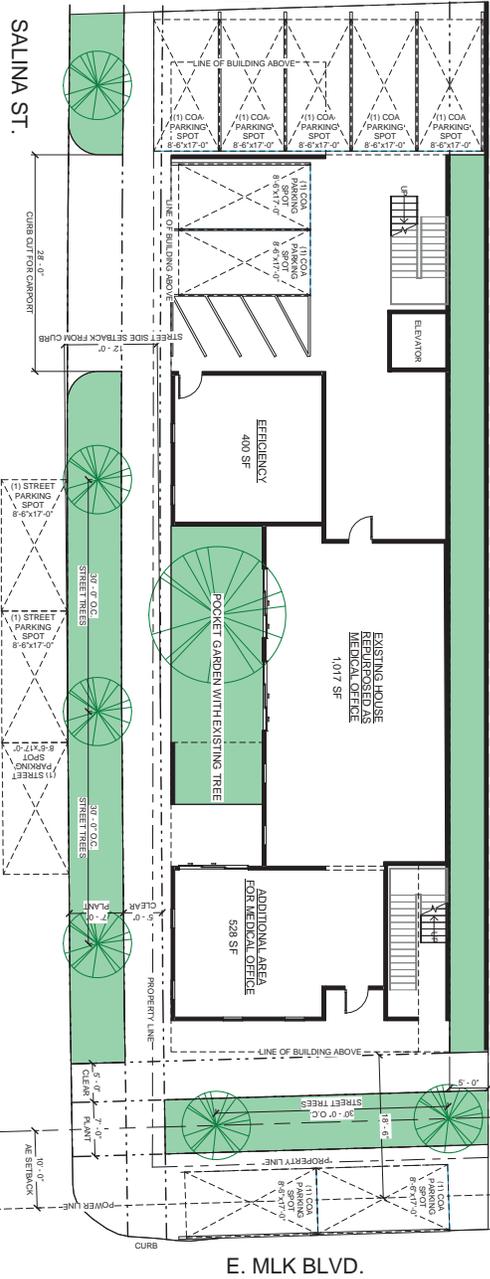
2 SECOND FLOOR

SCALE: 1/8" = 1'-0"



1 FIRST FLOOR

SCALE: 1/8" = 1'-0"



USE	AREA
MEDICAL OFFICE	529 SF
ADDITIONAL AREA FOR MEDICAL OFFICE	1,017 SF
EXISTING HOUSE REPURPOSED AS MEDICAL OFFICE	1,245 SF
RESIDENTIAL	400 SF
EFFICIENCY	400 SF
EFFICIENCY	400 SF
EFFICIENCY	400 SF
TWO-BEDROOM	2,200 SF
TOTAL AREA	4,248 SF

USE	QUANTITY	SPACES/QUANTITY	SPACES
MEDICAL OFFICE	1,545 SF	1/1,275 SF	5.6
EFFICIENCY	4 UNITS	1/1 UNIT	4
TWO-BEDROOM	1 UNIT	2/1 UNIT	2
SUBTOTAL (MINIMUM BONUS)			11.6
SUBTOTAL (MINIMUM BONUS + PARKING REQUIRED)			14.8
PARKING PROVIDED			9



1700 East 30th Street, Suite 101
 Phoenix, AZ 85016
 602.498.8888
 www.forsitestudio.com

CONSULTANTS

LEGEND

NOTES

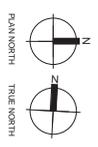
REVISIONS	NO.	DESCRIPTION	DATE

FOR INTERIM REVIEW
 BY: [Signature]
 DATE: 04/20/19

340 E. MLK BLVD.
FLOOR PLANS

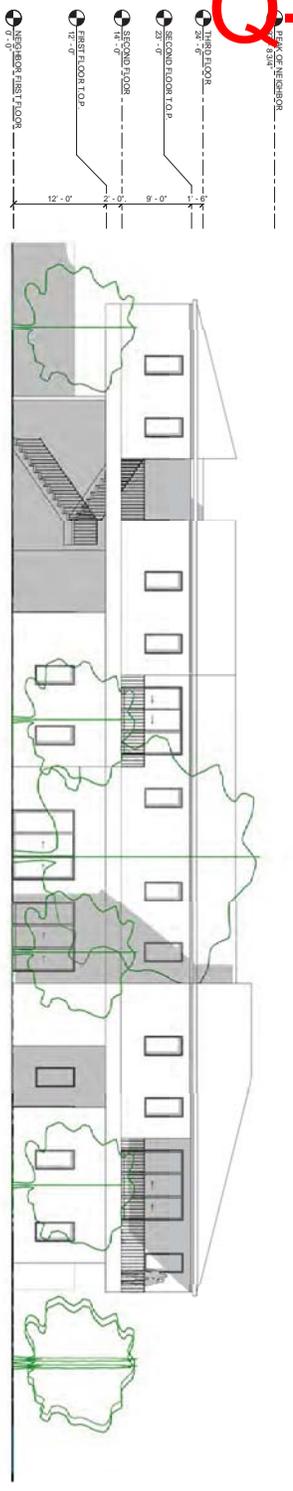
A3.10

SHEET
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 ISSUE DATE: 04/20/19
 DRAWN BY: [Name]

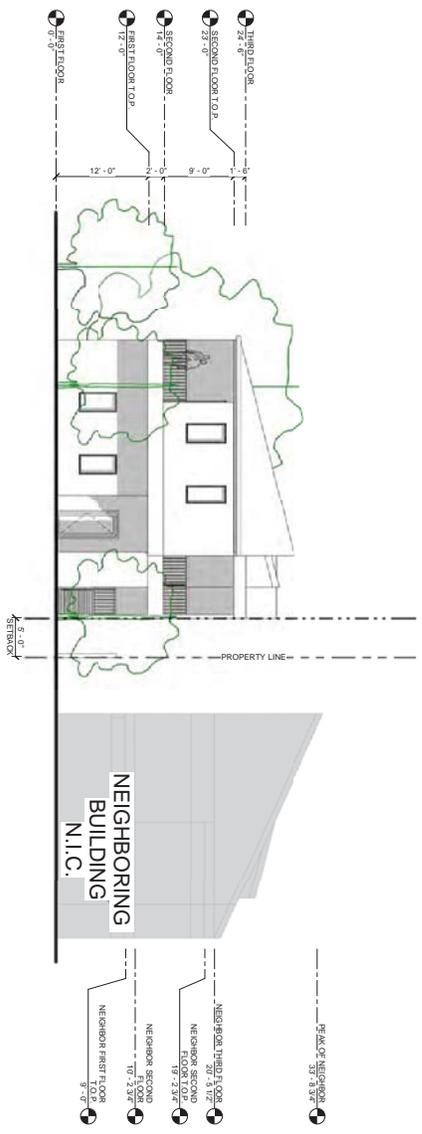


PLAN NORTH
 TRUE NORTH

KEYNOTE LEGEND



2] EAST ELEVATION
SCALE: 1/8" = 1'-0"



1] SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

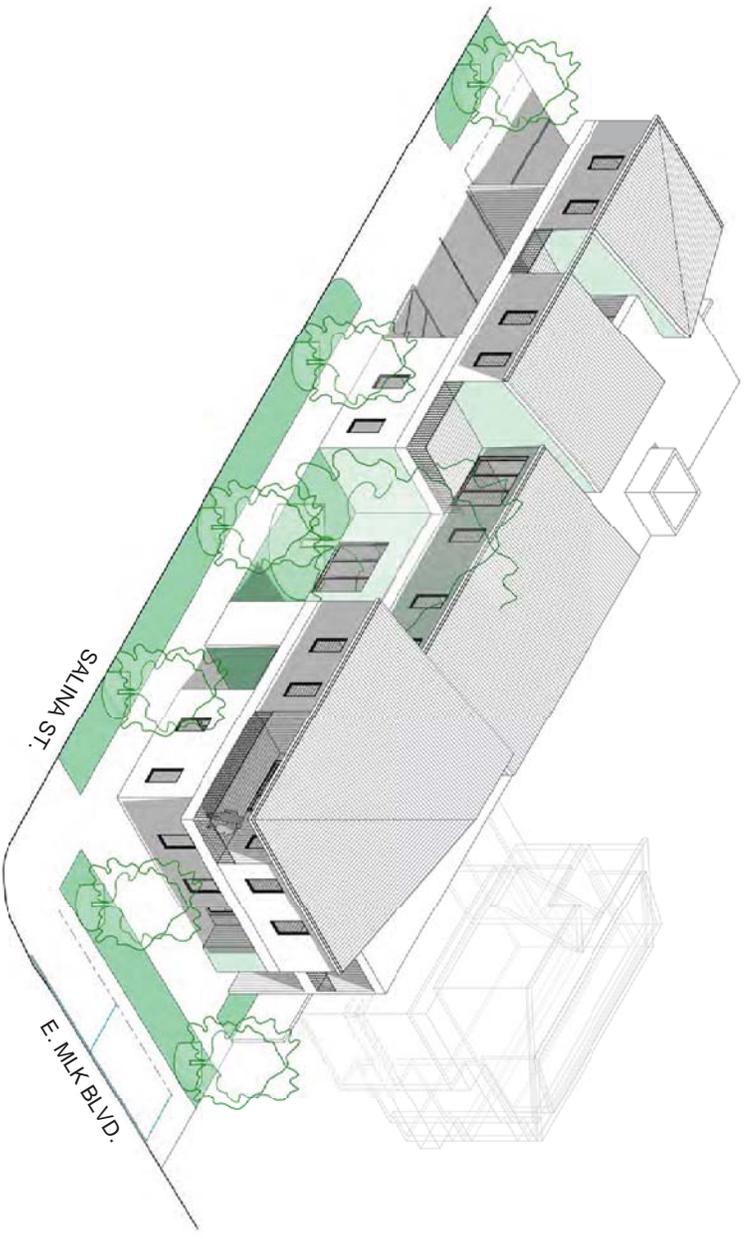
REVISIONS	NO.	DESCRIPTION	DATE

FOR INTERIM REVIEW
 PREPARED BY: [Name]
 CHECKED BY: [Name]
 RESPONSIBLE ARCHITECT
 [Name]
 2019

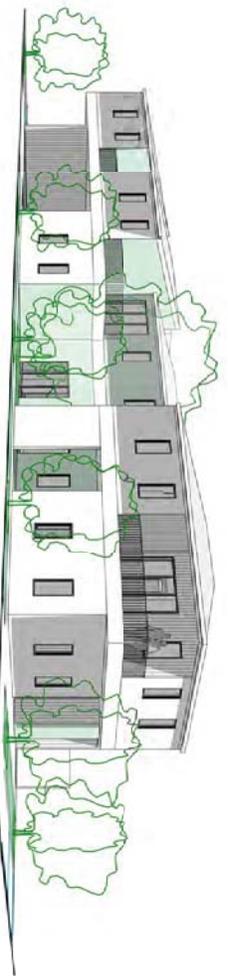
WELLNESS
 300 E. MAKALINDO
 ELEVATIONS

A4.10

SHEET
 SCALE FOR 24" X 36"
 SCALE FOR 11" X 17"
 ISSUE DATE
 JOB #
 DRAWN BY



2 AXON SCALE



1 CORNER PERSPECTIVE SCALE



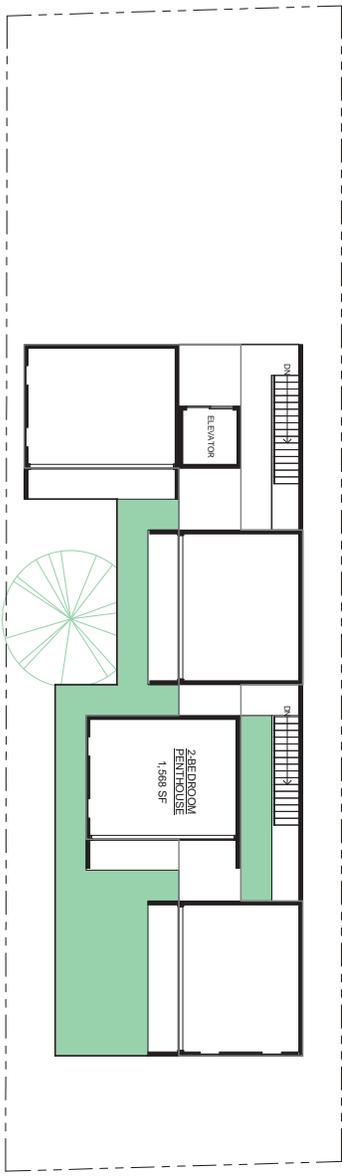


Q-1/14

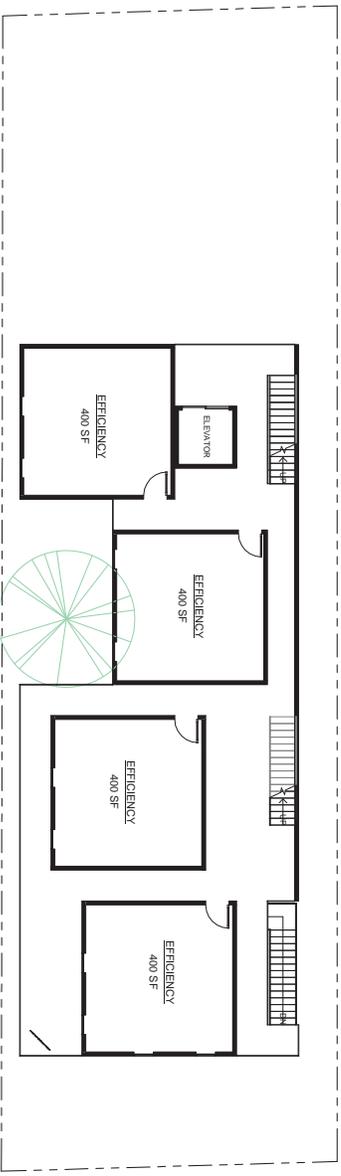




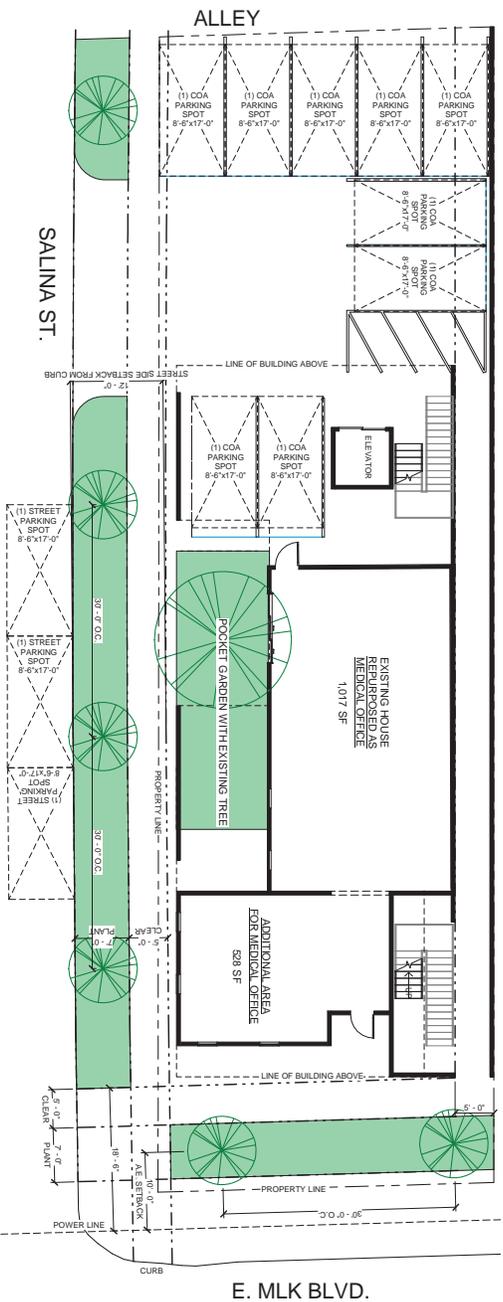
3 THIRD FLOOR
SCALE: 1/8" = 1'-0"



2 SECOND FLOOR
SCALE: 1/8" = 1'-0"



1 FIRST FLOOR
SCALE: 1/8" = 1'-0"



SQUARE FOOTAGE

COMMERCIAL	
ADDITIONAL AREA FOR MEDICAL OFFICE	528 SF
EXISTING HOUSE REPURPOSED AS MEDICAL OFFICE	1,017 SF
RESIDENTIAL	
2-BEDROOM PENTHOUSE	1,568 SF
EFFICIENCY	400 SF
EFFICIENCY	400 SF
EFFICIENCY	400 SF
GRAND TOTAL	4,713 SF



FORSITE STUDIO
 1714 E. 31st Street, Suite 101
 Phoenix, AZ 85016
 www.forsitestudio.com

CONSULTANTS

REVISION	DESCRIPTION	DATE
NO.		

LEGEND

NOTES

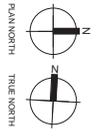
FOR INTERIM REVIEW
 BY: [Signature]
 RESPONSIBLE ARCHITECT
 DATE: 04/20/15

WELLSNESS

3100 E. MLK BLVD.
FLOOR PLANS

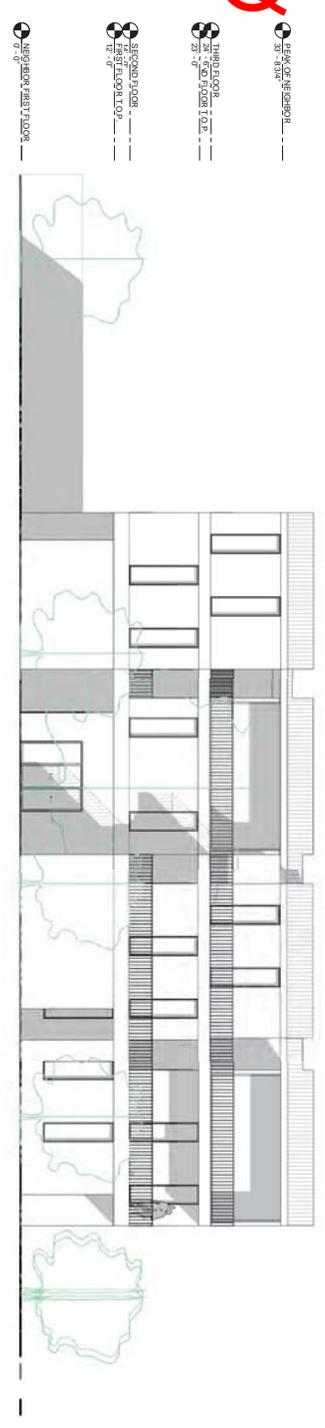
A3.10

SHEET
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 SCALE FOR ALL OTHERS: 1/4" = 1'-0"
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 DRAWN BY: [Signature]

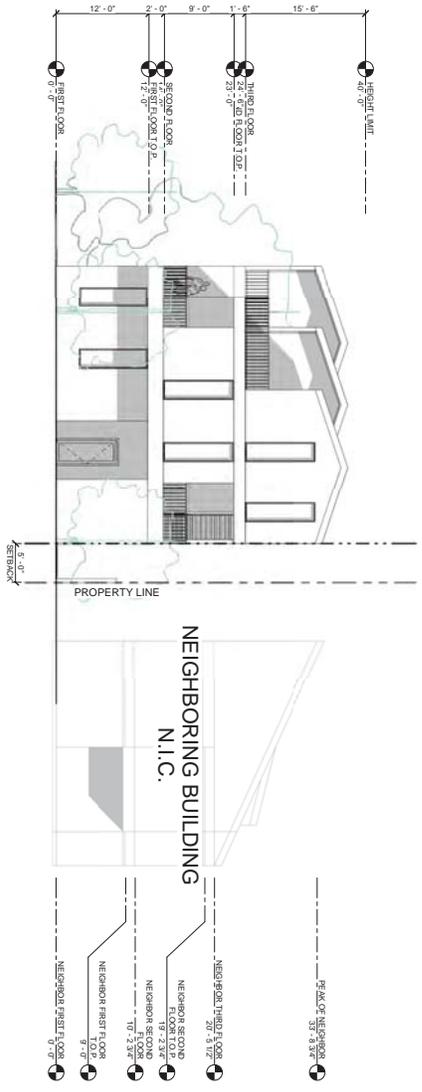


PLAN NORTH
 TRUE NORTH

KEYNOTE LEGEND



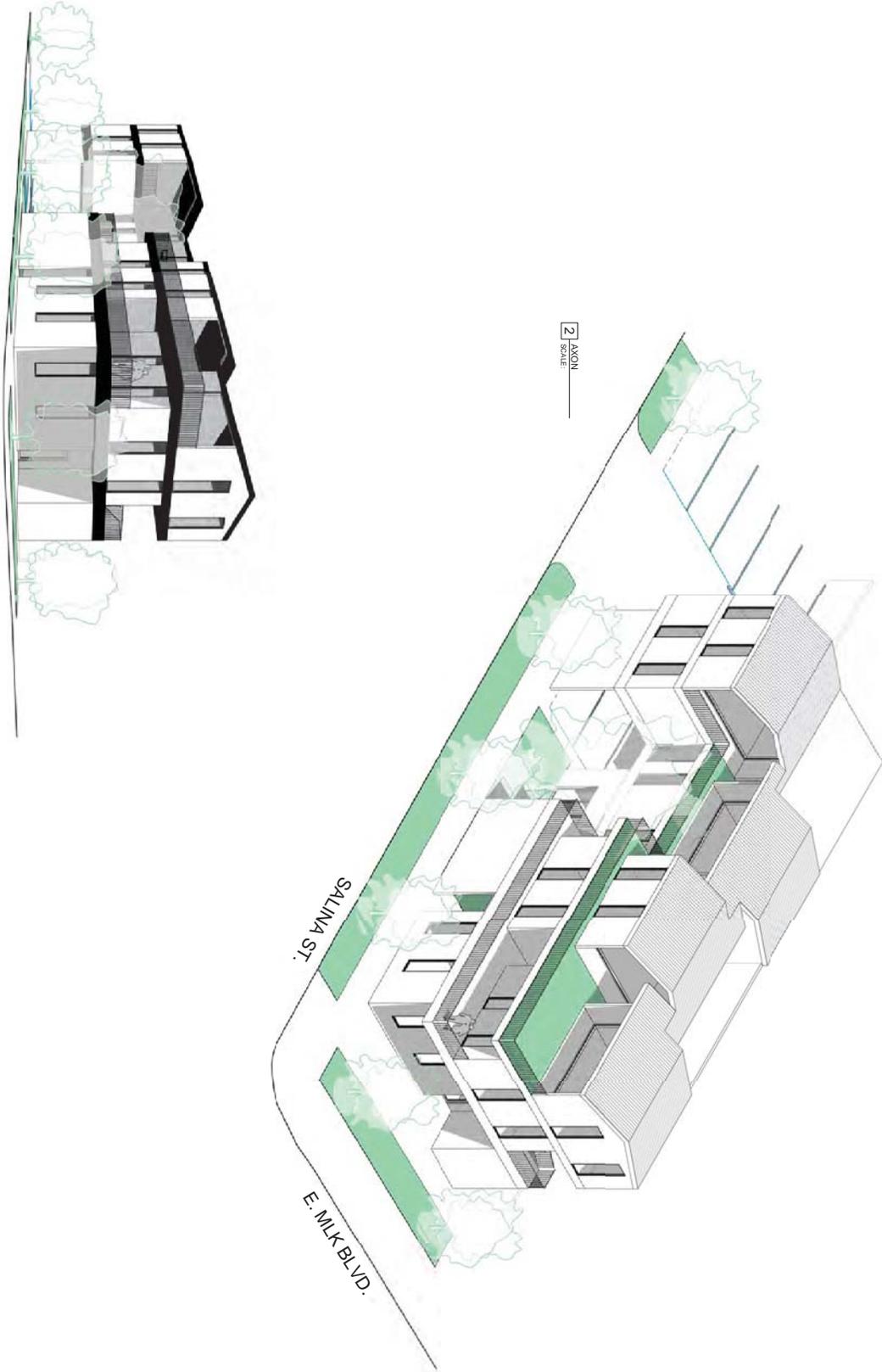
1 WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

REVISIONS	NO.	DESCRIPTION	DATE

FOR INTERIM REVIEW
 BY THE ARCHITECT FOR THE
 CITY OF PORTLAND
 RESPONSIBLE ARCHITECT
 JACOB RAY
 2019



REVISIONS	NO.	DESCRIPTION	DATE

FOR INTERIM REVIEW
 NOT FOR CONSTRUCTION
 RESPONSIBLE ARCHITECT
 JACOB RYAN
 2/20/19

**CITY OF AUSTIN
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DATE: Monday, December 10, 2018

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Note: the current zoning requires that one of the five multifamily units be designated as affordable.

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Nov 8, 2018 POSTPONED TO DECEMBER 10, 2018 REQUESTED BY APPLICANT;
Dec 10, 2018 The public hearing was closed on Board Member Eric Goff motion to**

Postpone to January 14, 2019, Board Member Melissa Hawthorne second on an 11-0 vote;
POSTPONED TO January 14, 2019. (RE-NOTICE)

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:



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman

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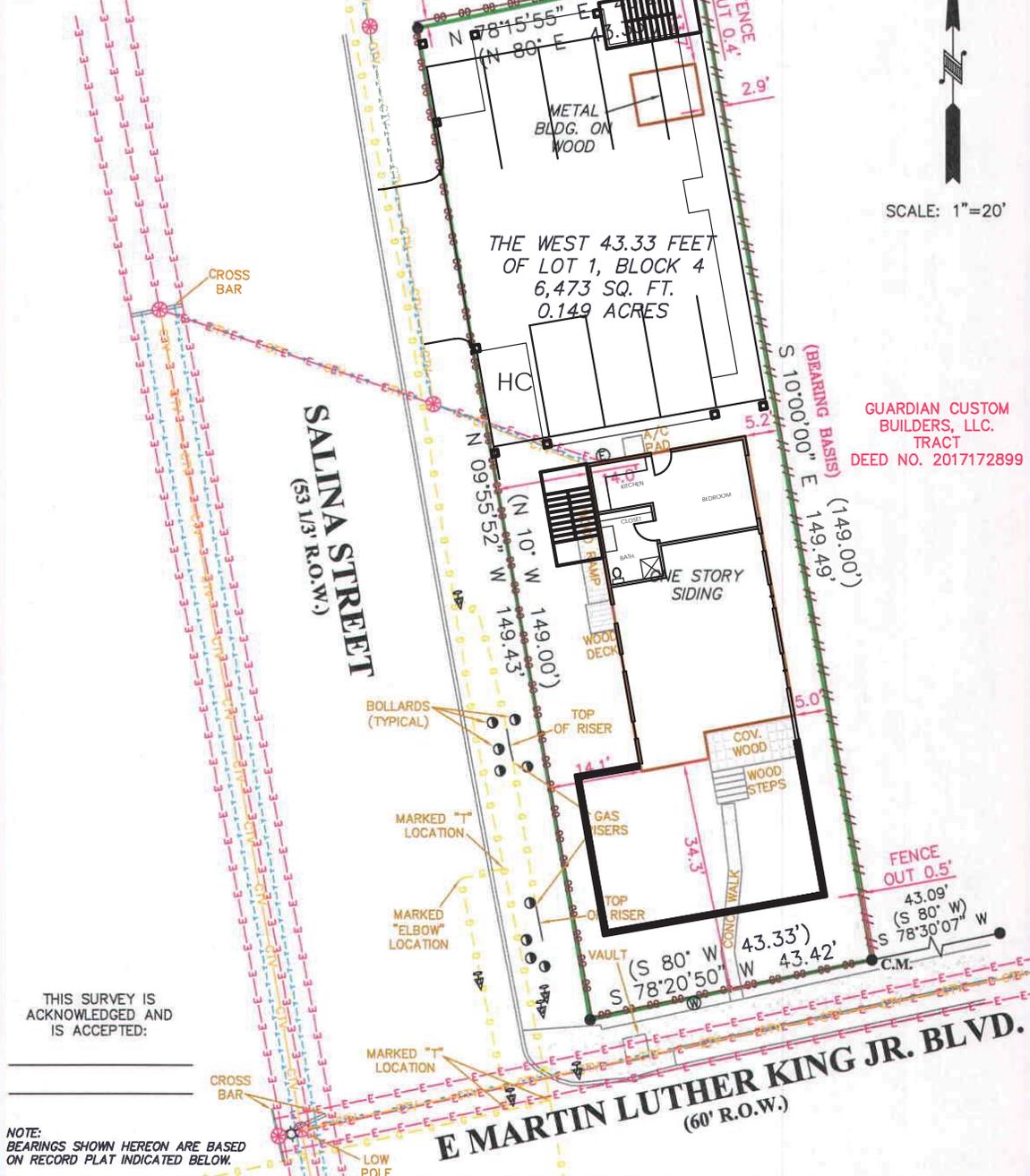
Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman

NOTE:
NO RESTRICTIVE COVENANTS OF RECORD WERE FOUND.

NOTE:
PRIOR SURVEY (WESTAR JOB NO. 80568) WAS USED FOR REFERENCE.



THIS SURVEY IS ACKNOWLEDGED AND IS ACCEPTED:

NOTE:
BEARINGS SHOWN HEREON ARE BASED ON RECORD PLAT INDICATED BELOW.

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. THE PROPERTY MADE THE SUBJECT OF THIS SURVEY APPEARS TO BE INCLUDED IN A FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48453C, Panel No. 0485 J, which is Dated 01/08/2016. By scaling from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <http://www.fema.gov/index.shtm>.



Property Address:
1800 E MARTIN LUTHER KING BOULEVARD

Property Description:
BEING THE WEST 43.33 FEET, MORE OR LESS, OF LOT 1, BLOCK 4, C.R. JOHN'S SUBDIVISION OUT OF LOT 45, DIVISION B TO THE CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 3, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

Owner:
FRANK CHEFF AND SHARON SHUPPERT

FIRM REGISTRATION NO. 10111700

Westar Alamo
LAND SURVEYORS, LLC.
P.O. BOX 1645 BOERNE, TEXAS 78008
PHONE (210) 372-8500 FAX (210) 372-9999

LEGEND

- - FND 1/2" IRON ROD
- () - RECORD INFORMATION
- C.M. - CONTROLLING MONUMENT
- - POWER POLE
- - POWER POLE/LIGHT
- - WATER METER
- - ELECTRIC METER
- - GAS VALVE
- - OVERHEAD ELECTRIC
- - WOOD FENCE
- - CHAIN LINK FENCE
- - "MARKED" GAS LINE
- - OVERHEAD TELEPHONE
- - OVERHEAD CABLE T.V.

DRAWN BY: JA/JS

I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

Mark J. Ewald

MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095

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

DATE: Monday October 08, 2018

CASE NUMBER: C15-2018-0046

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

APPLICANT: Lila Nelson

OWNER: Frank Chef and Sharon Shuppert

ADDRESS: 1800 MARTIN LUTHER KING JR BLVD

VARIANCE REQUESTED: The applicant has requested variance(s) from Article 10, Compatibility Standards Section 25-2-1062 (Height Limitations and Setbacks for Small Sites):

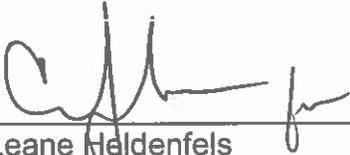
-
- A. (B) (2) to decrease the required setback from a property on which a use permitted in SF-5 or more restrictive zoning district is located from 15 feet (required) to 0 feet (requested); and to
 - B. (D) (1) to increase the height limitations for a structure that is 50 feet or less from a property on which a use permitted in an (SF-5) or more restrictive zoning district is located from two-stories and 30 feet (required, permitted) to three stories and 30 feet (requested)
- in order to erect a medical office and five multifamily residential units in an "LO-MU-V-NP", Limited Office - Mixed Use - Vertical Mixed Use - Neighborhood Plan zoning district. (Upper Boggy Creek)

Note: the current zoning requires that one of the five multifamily units be designated as affordable.

BOARD'S DECISION: POSTPONED TO November 8, 2018 (6:00PM) BY APPLICANT

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:



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman



Q-1/26

NOTIFICATIONS

CASE#: C15-2018-0046

LOCATION: 1800 E MARTIN LUTHER KING



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



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.

1" = 333'



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 # _____
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Section 1: Applicant Statement

Street Address: 1800 E Martin Luther King Blvd

Subdivision Legal Description:

W 43.33 ft of Lot 1 Blk 4 OLT 45 Div B Johns CR Subd

Lot(s): 1 Block(s): 4

Outlot: 45 Division: B Johns CR Subd

Zoning District: LO-MU-V-NP

I/We Lila Nelson, ATX Permit and Consulting on behalf of myself/ourselves as authorized agent for Frank Chef and Sharon Shuppert affirm that on Month September, Day 11, Year 2021, 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: Medical office and 5 residential apartments incl one affordable unit

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

Compatibility Standards. We are seeking a variance for the Compatibility of the adjacent single family use on the Commercial Zoned Lot located to the east (1802 E. MLK). The property to the east is zoned MF3 with a future land use plan of Mixed Use/Office which is the same as the subject property at 1800 E. MLK.

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 current use of 1800 E MLK is single family. Zoning was approved by City Council on Sept 20, 2018 to LO-MU-V-NP. Staff recommended this change. Martin Luther King Blvd is a major transit corridor and single family use is past the viable life for that land use. In addition, the reasonable use includes office and residential units including one affordable unit which would provide increased densities. This is what the corridor wants to be and what the neighborhood associations and the community seeks.

Hardship

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

The hardship in this case is a timing issue. Surrounding properties are eligible and expected to be redeveloped to Mixed Use-Vertical. We are a little ahead in the timing of redeveloping. It is a temporary condition. In our case the lot to the east is single family use although there are two SF use structures one of which is three stories or approximately 30 ft high. Without the variance we will not be able to build the residential units including the affordable unit.

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

Much of the lots on E MLK have already been converted to commercial use.

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: Lila Nelson Date: 08/24/2018

Applicant Name (typed or printed): Lila Nelson, ATX Permit & Consulting

Applicant Mailing Address: 4408 Spicewood Springs Rd. Ste 400

City: Austin State: TX Zip: 78759

Phone (will be public information): (512) 657-7349

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: _____

Owner Name (typed or printed): see attached insert for Section 4

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Lila Nelson, ATX Permit & Consulting

Agent Mailing Address: 4408 Spicewood Springs Rd. Ste 400

City: Austin State: TX Zip: 78759

Phone (will be public information): (512) 657-7349

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).

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): _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

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: Frank Cheff & Sharon Shuppert Date: 8/24/2018

Owner Name (typed or printed): Frank Cheff & Sharon Shuppert

Owner Mailing Address: 2004 E. 14TH ST.

City: Austin State: TX Zip: 78702

Phone (will be public information): (512) 659-3226

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

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).

Board of Adjustment

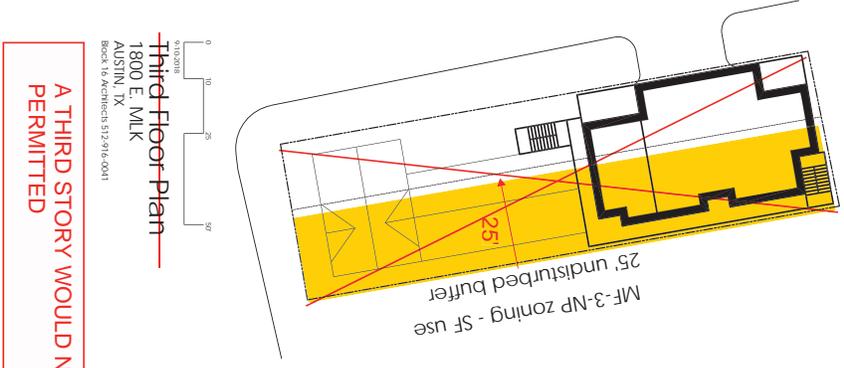
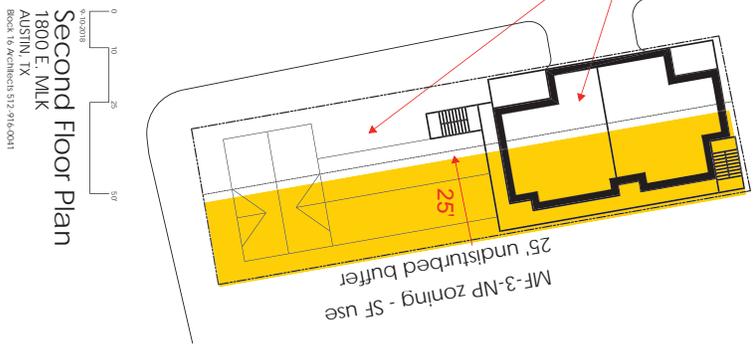
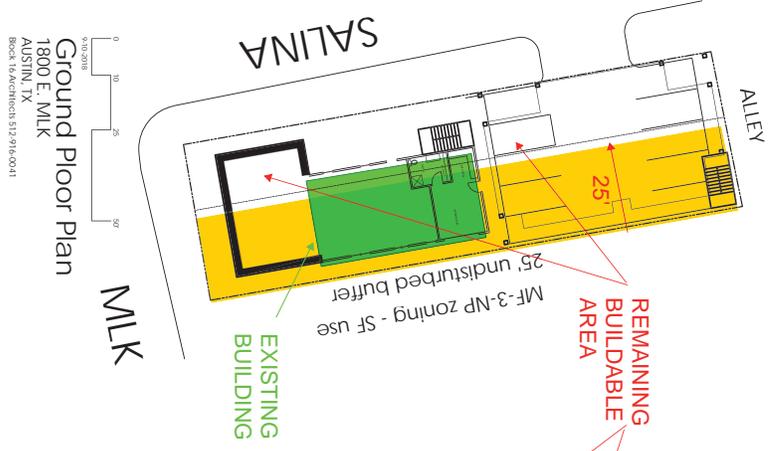
General Variance Application

**1800 E MLK
Austin, Texas**

- Completed Application
- Existing Site Plan / Survey
- Proposed Site Plan and Location of Use of structure on adjacent lots
- Case Manager comments for zoning case C14-2018-066 from MF-3-NP to LO-MU-NP
- Letter of support from Neighborhood Associations for zoning which has been approved
- Email (not to oppose) from Bo McCarver, Chair of Blackland CDC
- Support petition from neighboring property owners
- Color exhibit presenting addresses of owners signing petition
- Color exhibit of topography of the site and survey
- Color elevations of proposed building including illustration of effect if variance is not approved

Thank you for your time,
Lila Nelson
ATX Permit & Consulting

THE YELLOW SHADED AREAS DESIGNATE THE 25' UNDISTURBED BUFFER THAT WOULD BE REQUIRED IF THE COMPATIBILITY VARIANCE IS NOT APPROVED



A THIRD STORY WOULD NOT BE PERMITTED

Genia Cowart

From: [REDACTED]
Sent: Monday, September 24, 2018 3:00 PM
To: Genia Cowart
Subject: FW: Variance endorsement

Importance: High

From: Bo McCarver <[REDACTED]>
Sent: Wednesday, September 19, 2018 10:41 PM
To: Sharon Shuppert <[REDACTED]>
Cc: Frank Cheff <[REDACTED]>

Subject: Re: Variance endorsement
Importance: High

Sharon & All,

You should already have letters or e-mails from the Blackland Neighborhood Association (BNA) and the Upper Boggy Creek Planning Team (UBC) endorsing your development. Now that the city planning department is requiring a petition of surrounding properties to allow variances, you need endorsements from *surrounding properties*.

The Blackland CDC owns the property at 1804 E. MLK and does not oppose your variances insofar as they do not deviate from the project originally presented to BNA and UBC.

Bo McCarver, Ph.D, Chair
Blackland CDC
512-573-0786

On Sep 19, 2018, at 10:15 PM, Sharon Shuppert [REDACTED] wrote:

Hi Bo!

Sharon here, just chiming in. My understanding from Lila is that we need *letters* from the Blackland and Upper Boggy Creek Neighborhood Associations either supporting the variance or NOT opposing it. I do believe an email may suffice. I've cc'd Lila Nelson, our zoning expediter.

Lila, please reply and let us know if you need something different. Bo is willing to meet and sign the petition if that will suffice.

We are a bit under the gun here as the hearing is at 2:00PM Thursday (tomorrow) September 20th.

Thank you so much!
Sharon

Sharon L Shuppert, L.Ac., M.S., Dipl.OM
2911 Medical Arts St. #19B
Austin, TX 78705



I, Frank Chaff, Jr. & Juvon Support, am applying for a variance from the Board of Adjustment regarding Section 25 of the Land Development Code. The variance would allow me the ability to take advantage of the zoning allowed in the neighborhood per, approved by Oakland's Boggy Creek NAs, City Staff and the Planning Commission. Property Address is 1800 E MLK JR 78702

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Tommy C. Warren	1710 E. MLK 78702	<i>[Signature]</i>
Bobby S. Taylor	1709 E. MLK 1801	<i>[Signature]</i>
Carl Brunson	1801 E. MLK 1807	Bobby S. Taylor
Carl Brunson	1802 E MLK #2	<i>[Signature]</i>

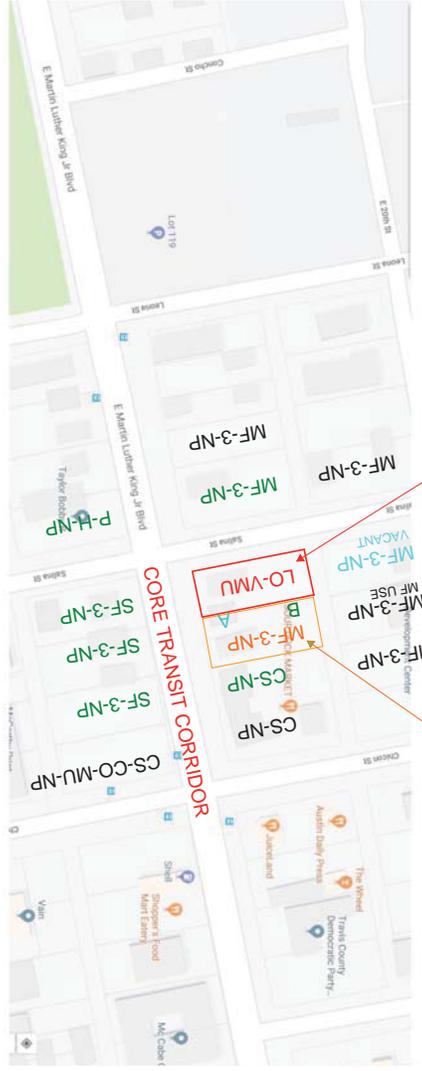


I, Justin Lietz, ^{the applicant} am applying for a variance from the Board of Adjustment regarding Section 2.5 of the Land

Development Code. The variance would allow me the ability to construct a building in the

area of the city of Milwaukee, Wisconsin. The property address is 1801 E. MLK JR 78702
 By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
CHUCK C. MARBEAL	1710 E. MLK ^{75th St}	[Signature]
BOBBY S. LAYTON	1709 E. MLK / 1801	[Signature]
[Signature]	1801 E. MLK King	Bobby S. Layton
JOSHUA GOEDER	1803 E. MLK	J. Goeder
JOSHUA GOEDER	1805 E. MLK	J. Goeder



SUBJECT PROPERTY
1800 EAST MLK

SF RESIDENTIAL USE
1802 EAST MLK UNITS A AND B

CORE TRANSIT CORRIDOR

EXISTING ZONING

LEGEND:

GREEN:
LETTER OF CONSENT FROM OWNER

BLUE:
INVESTOR OWNED PROPERTIES.
ATTEMPTS TO COMMUNICATE
WERE UNSUCCESSFUL. NO
RESPONSES.



SITE

EXISTING AERIAL



SUBJECT SITE

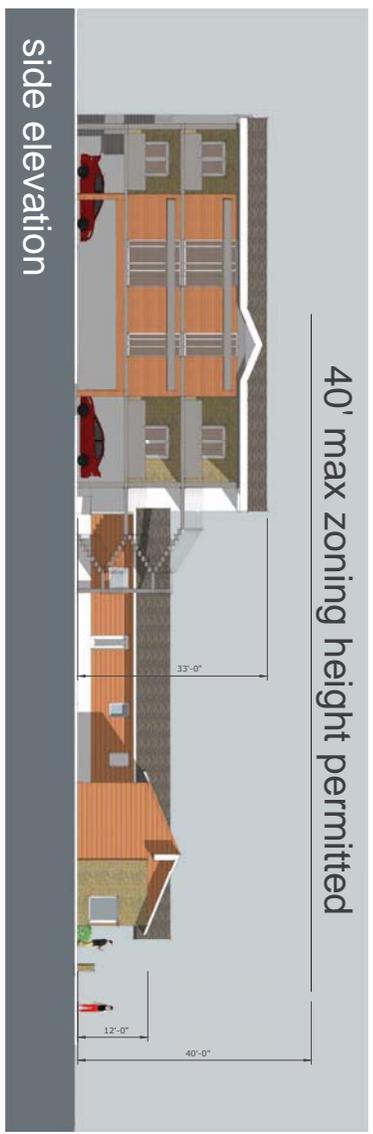
EXISTING NEIGHBOR TO EAST



SITE

SLOPE TO RIVER

GENERAL TOPOGRAPHY





P.O. Box 1645
Boerne, TX 78006

210•372•9500
Fax: 210•372•9999
Toll Free: 1•877•372•9500
Toll Free Fax: 1•877•372•0400

Invoice

Invoice No.: 80568

Invoice Date: 1/24/2018 2:40:46 PM

GF Number

Buyer

1800 E ML King Jr
Boulevard

Title Company

Independence Title DT Team
7900 Shoal Creek Blvd. 512-467-6060
2nd Floor Austin TX
78757

Ordered By

Independence Title Jennifer Bennett
7900 Shoal Creek Blvd. 512-467-6060
2nd Floor Austin TX
78757

DESCRIPTION	AMOUNT
Land Survey	\$445.00
Tax	\$36.71
Total	\$481.71

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend.** However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov/department/development-services

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: C15-2018-0046, 1800 E. MLK
Contact: Leane Heldenfels, 512-974-2202
Public Hearing: Board of Adjustment, Monday October 8, 2018

Your Name (please print)

DAVID KAMP

I am in favor
 I object

Your address(es) affected by this application

Signature

Date

Daytime Telephone:

420-5130

9.20.18

Comments:

Comments must be returned by 10am the day of the hearing if you wish the Board to see them at this hearing. You can return them by:

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 at this hearing)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

RE: 1800 E MARTIN LUTHER KING JR BLVD - CASE #C15-2018-0046

Dear Sirs and Madams,

My wife, Sharon Shuppert, and I own our home in the Chestnut Neighborhood, just 3/10th of a mile from our property at 1800 East Martin Luther King Jr. Blvd. We purchased our home in this neighborhood in 2003 and for 15 years, have felt an increasing connection to our local community. On February 9th, 2018, we purchase the property on MLK where we hope to build our vision.

Sharon is a licensed acupuncturist and Chinese Medicine practitioner and has long dreamt of opening a wellness center offering complementary and alternative health services and education to the community. By adding residential units, we will provide much needed housing in Austin's booming east side. It is our intention to build out a site that fits with the city's plan to create dynamic commercial-residential mixed-use along one of it's major transit corridors.

We have successfully engaged with the two neighborhood associations involved, Blackland and Upper Boggy Creek. We secured unanimous endorsements from both these N.A.s. These endorsements are, in no small part, due to the affordable housing component of our project, which exceeds VMU requirements at 20%. With your approval of these variance requests, we will be able to fulfill this agreement.

When we purchased the property at 1800 E. MLK Jr. Blvd., the lot next door was vacant. It was, and is, zoned MF-3. It was September, after the Planning Commission approval of our zoning change, when we discover that the adjacent property, 1802 E MLK, was developed with single family housing, triggering compatibility constraints. This is why we are appealing to the BOA to grant these variances.

We have reached out to the owners of all the properties surrounding ours, and have received their signatures of support for the variance (petitions are in your packets). We were able to contact the owner-developer of the adjacent property, 1802-A E. MLK, through his realtor. He declined to sign a petition, though he posed no opposition to our project. Mr. Carl Brunson of 1802-B, after reviewing the drawings for the building, not only signed the petition, but expressed excitement about the added value to the neighborhood.

We are dedicated to this neighborhood in which we live and plan to work. Our intentions are to add value to our neighborhood with a low impact project, offer health and wellness services, and provide much needed residential housing, including affordable housing. We would greatly appreciate your support by granting us the variances that will allow us to make our dream a reality.

Sincerely,
Frank Cheff


Mobile: 512-947-8883

[Phoenix & Dragon Acupuncture and Oriental Medicine](#)
Sharon Shuppert, L.Ac., Dipl.OM,
phoenixanddragon.net. 512-659-3226

Q-1/44

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- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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Case Number: C15-2018-0046, 1800 E. Martin Luther King
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, Monday January 14, 2019

4220 E 21
Your Name (please print) I am in favor
 I object

Your address(es) affected by this application
1700 E 21
1881 E 20

Signature **[Signature]** Date **1/7/19**

Daytime Telephone: **420-5126**

Comments: _____

Comments must be returned no later than 10am the day of the hearing to be seen by the Board at this hearing, they may be sent by:

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 received in time for this hearing)

Fax: (512) 974-6305
Email: leane.heldenfels@austintexas.gov