

## 810 ½ San Marcos Street

### § 25-2-472 - BOARD OF ADJUSTMENT VARIANCE AUTHORITY.

- The Board of Adjustment shall hear and decide a request for a variance from a requirement of this chapter, or a Neighborhood Conservation Combining District adopted under this chapter, except as otherwise provided by the Code.

Source: Section 13-2-833 (1); Ord. 990225-70; Ord. 031211-11; Ord. 20101216-095.

### • § 25-2-473 - VARIANCE REQUIREMENTS.

(A) A variance from the requirements of this chapter, or a Neighborhood Conservation Combining District adopted under this chapter, may be granted under this division if, because of special circumstances of a property, the strict application of this chapter deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.

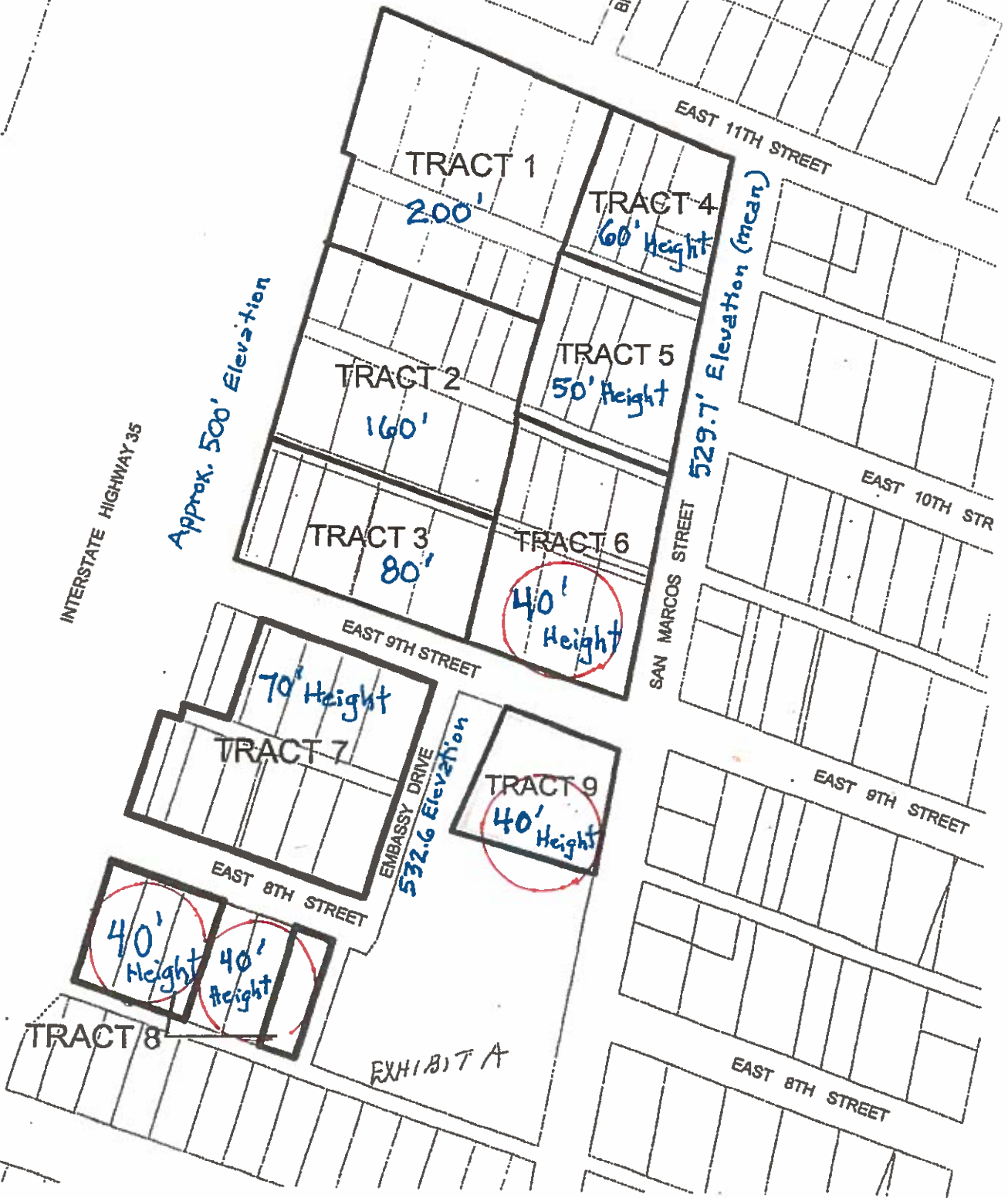
**(B) A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or on the district in which the property is located.**

### **The Variance Must Be Denied Because:**

**Applicant states that using the mean elevation of San Marcos Street to calculate building height creates a hardship and denies them reasonable use of their property, Tract 9, of the NCCD. Yet, Tracts 1 through 6 of the same NCCD were developed using the same mean elevation of San Marcos Street, the same limitation, without any a variance.**

**Other properties within the NCCD have compatibility triggered by immediately adjacent properties and this property was very specifically called out in the NCCD to comply with compatibility. Granting the variance would grant privileges that are inconsistent with limitations on other properties in the NCC District.**

C14-00-2062  
East 11th St. NCCD  
South of East 11th St.



ORDINANCE NO. 010607-23

AN ORDINANCE AMENDING ORDINANCE NO. 910620-C TO REZONE AND CHANGE THE ZONING MAP FOR THE PROPERTY IDENTIFIED AS NINE TRACTS OF LAND OUT OF SUBDISTRICT THREE OF THE EAST 11<sup>TH</sup> STREET NEIGHBORHOOD CONSERVATION COMBINING DISTRICT FROM FAMILY RESIDENCE (SF-3-NCCD) NEIGHBORHOOD CONSERVATION COMBINING DISTRICT AND GENERAL COMMERCIAL SERVICES (CS-NCCD) NEIGHBORHOOD CONSERVATION COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE (CS-MU-NCCD) NEIGHBORHOOD CONSERVATION COMBINING DISTRICT FOR TRACTS ONE THROUGH EIGHT AND COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO-NCCD) NEIGHBORHOOD CONSERVATION COMBINING DISTRICT FOR TRACT NINE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Ordinance No. 910620-C is amended to rezone and change the base districts from family residence (SF-3-NCCD) neighborhood conservation combining district and general commercial services (CS-NCCD) neighborhood conservation combining district to general commercial services-mixed use (CS-MU-NCCD) neighborhood conservation combining district for Tracts 1 through 8 and community commercial-mixed use-conditional overlay (GR-MU-CO-NCCD) neighborhood conservation combining district for Tract 9 described in File C14-00-2062, as follows:

Nine tracts of land consisting of 9.95 acres of land more or less, locally known as the East 11<sup>th</sup> Street Neighborhood Conservation Combining District more particularly described in Exhibit "A" attached and incorporated into this ordinance, (the "Property")

located generally in the area bounded by East 11<sup>th</sup> Street on the north, the alley between East 8<sup>th</sup> Street and East 7<sup>th</sup> Street on the south, IH-35 South on the west, and San Marcos Street on the east, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. Except as modified in Parts 3 through 12, the Property is subject to the use and site development regulations established in Ordinance No. 910620-C.

**PART 3. Building Height**

(A) Except as otherwise provided in Subsections (B), (C), and (D), the maximum building height for each tract is as follows:

Tract Number	Height Limit (feet)
1	200
2	160
3	80
4	60
5	50
6	40
7	70
8	40
9	40

(B) On Tract 1, within 30 feet of East 11<sup>th</sup> Street the maximum building height is 60 feet.

(C) On Tract 3, within 30 feet of East 9<sup>th</sup> Street the maximum building height is 50 feet.

(D) On Tract 7, within 50 feet of East 9<sup>th</sup> Street the maximum building height is 50 feet.

**PART 4. Use Regulations**

(A) A residential use is permitted on the Property.

(B) The following uses are prohibited on the Property:

Service station	Automotive sales
Restaurant (drive-in, fast food)	Automotive washing (of any type)
Building maintenance services	Business or trade schools

(C) Transportation terminal use is prohibited as a use on Tracts 2, 3, and 5 through 9.

(D) An automotive rentals use and cocktail lounge use are prohibited on the Property except as an accessory use to a hotel/motel use.

(E) The following uses are permitted on Tract 4:

- |                                     |                                |
|-------------------------------------|--------------------------------|
| Administrative and business offices | Indoor entertainment           |
| Arts and crafts studio (limited)    | Laundry services               |
| Arts and crafts studio (general)    | Medical offices                |
| Business support services           | Outdoor sports and recreation  |
| Communications services             | Personal improvement services  |
| Consumer convenience services       | Consumer repair services       |
| Commercial parking facilities       | Personal services              |
| Financial services                  | Pet services                   |
| Food sales                          | Professional offices           |
| Funeral services                    | Research services              |
| General retail sales (convenience)  | General retail sales (general) |
| Restaurant (limited)                | Hotel-motel                    |
| Restaurant (general)                | Indoor sports and recreation   |
| Service station                     | Club or lodge                  |
| Community parking facilities        | Cultural services              |
| Religious assembly                  | Guidance services              |
| Safety services                     | Hospital services (limited)    |
| Residential use                     | Transportation terminals       |

(F) The following are conditional uses on Tract 4:

- |                                   |                                |
|-----------------------------------|--------------------------------|
| Building maintenance services     | Business or trade school       |
| Community recreation              | Day care services (limited)    |
| College and university facilities | Day care services (commercial) |
| Communication service facilities  | Private education facilities   |
| Day care services (general)       | Public educational facilities  |

(G) Only residential uses are permitted within 60 feet of the east property line of Tracts 5 and 6 and the south property line of Tract 6.

(H) The following uses are permitted on Tract 9:

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| Administrative and business offices | Professional offices               |
| Community parking facilities        | Religious assembly                 |
| Safety services                     | Residential use                    |
| Arts and crafts studio (limited)    | Consumer convenience services      |
| Consumer repair services            | Financial services                 |
| Food sales                          | General retail sales (convenience) |
| Medical offices                     | Personal services                  |

Pet services  
Restaurant (general)  
Cultural services  
Hospital services (limited)

Restaurant (limited)  
Club or lodge  
Guidance services

(I) The following are conditional uses on Tract 9:

Community recreation  
Communication service facilities  
Day care services (limited)  
Private educational facilities

College and university facilities  
Day care services (general)  
Day care services (commercial)  
Public educational facilities

(J) Surface parking is prohibited within 30 feet of the east property lines of Tracts 5 and 6 and the south property lines of Tracts 3 and 6.

(K) Commercial off-street parking use is prohibited on Tracts 7 through 9. On Tracts 1 through 6, commercial off-street parking is prohibited except in a structured parking facility whose main purpose is accessory onsite parking for a principal use.

(L) Only residential uses are permitted on Tract 7.

**PART 5.** The floor to area ratio for Tracts 1 through 9 is as follows:

Tracts 1 through 7	3.6 to 1
Tracts 8 and 9	2 to 1

**PART 6.** A restaurant (general) use on Tract 9 may not exceed 1800 square feet.

**PART 7.** Ten percent open space shall be provided on Tracts 1 through 6, cumulatively.

**PART 8.** Impervious coverage and building coverage on Tracts 3 through 9 may not exceed 95 percent.

**PART 9.** On Tracts 1, 2, and 3, the distance between buildings that are greater than 60 feet in height must be at least 60 feet.

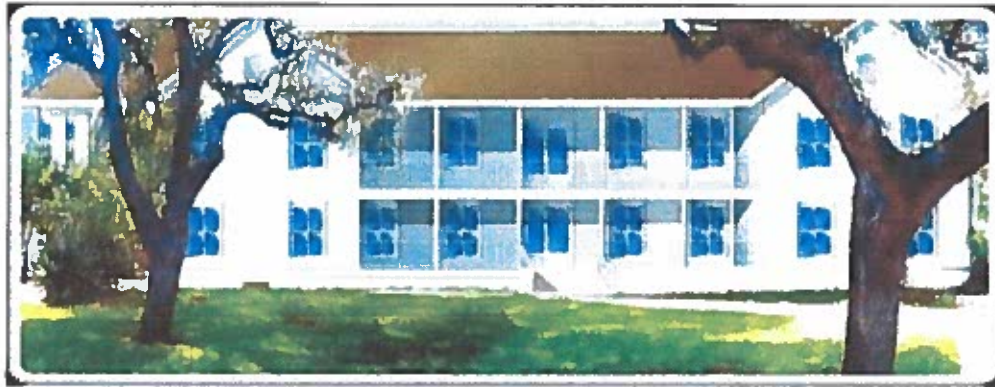
**PART 10.** A 30-foot pedestrian way must be located on Tract 1 or Tract 2 between the north property line of Tract 3 and a line that is 130 feet away from and parallel to the north property line of Tract 1.



**Tract 6 of the NCCD**  
**40 foot height using mean elevation of San Marcos Street**  
**Across East 9<sup>th</sup> Street from 810 ½ San Marcos, Tract 9**  
**AMLJ Eastside Apartments at NW corner of San Marcos & East 9<sup>th</sup> Street**  
**1<sup>st</sup> Story is below street level.**



**DRT 3-story design from around 2017 with one story below grade.  
Lym Miller Architecture**

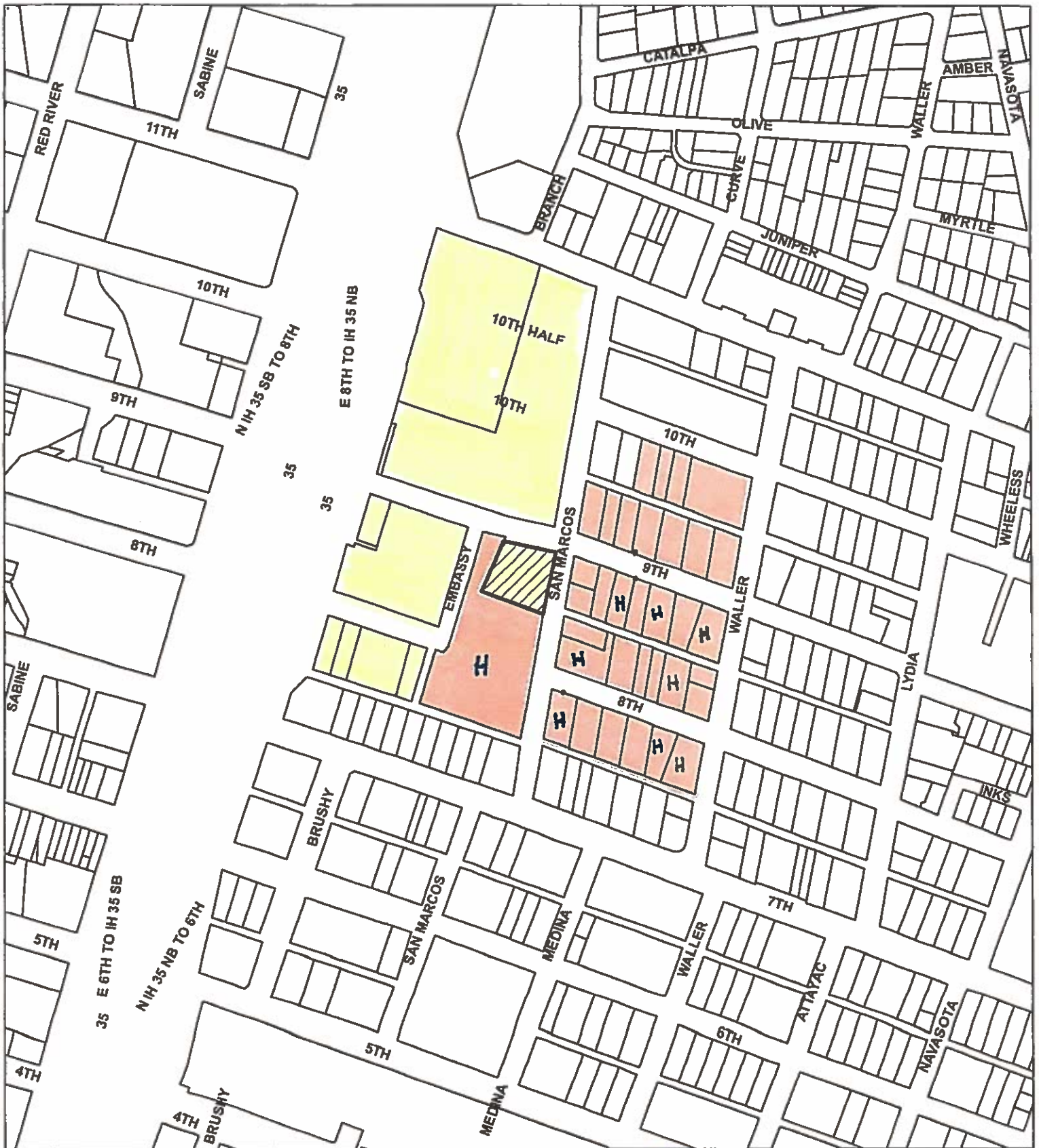


**DRT 3-story design with one story below grade from around 2010.  
16,000 square feet  
"Design respects the historic nature of the East Austin neighborhood."  
Hatch + Ulland Owen Architects**





**Tyndall Condominiums**  
**Entrance on Embassy Drive well below street level.**






**NOTIFICATIONS**

CASE#: C15-2019-0027

H = Historic Landmark

LOCATION: 810 SAN MARCOS STREET



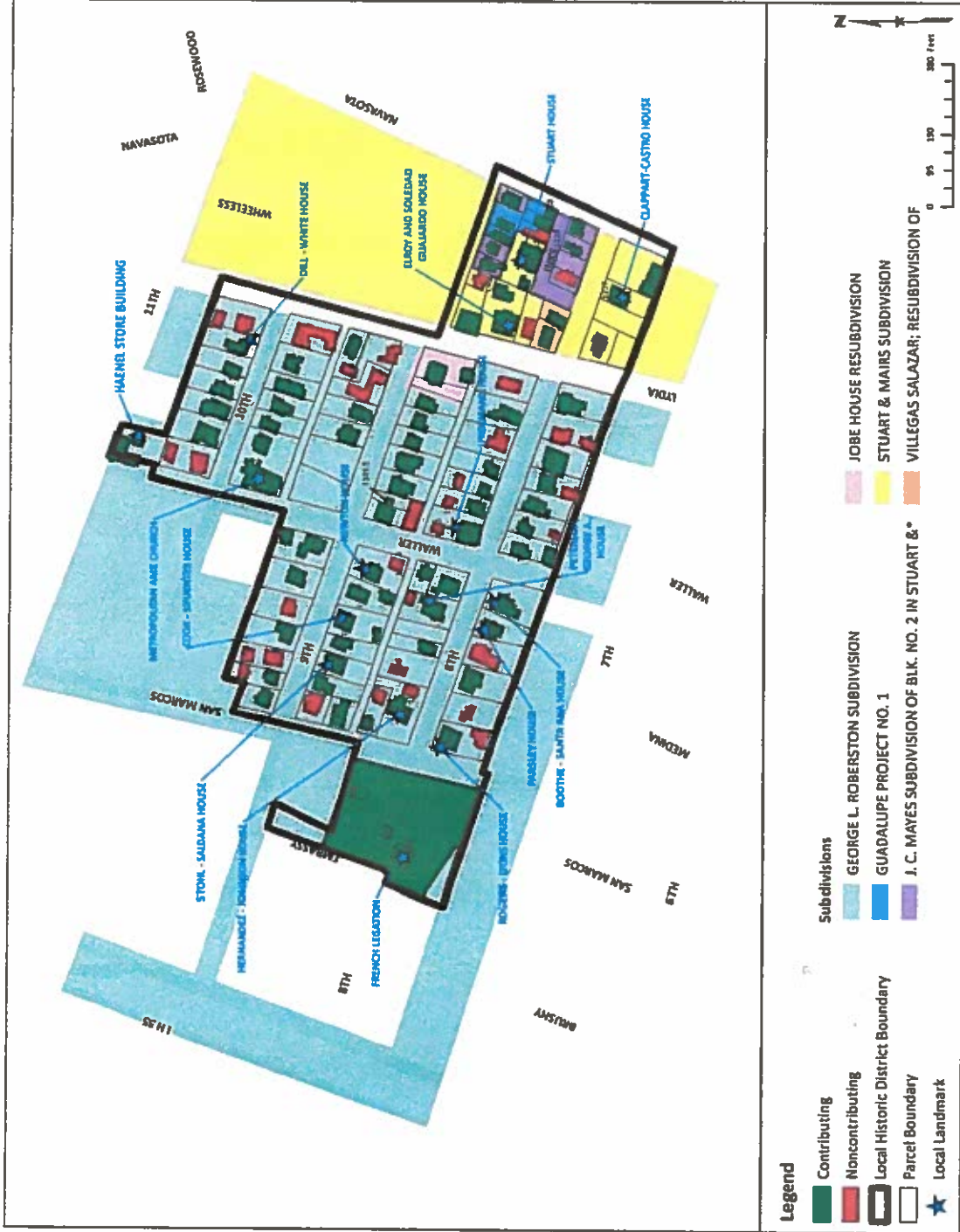
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 333'

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Map 1. Map of the Robertson/Stuart & Mair Historic District showing contributing and noncontributing status of resources on each parcel, as well as local landmarks within the district.