

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

DATE: Monday July 08, 2019

CASE NUMBER: C15-2019-0040

<input checked="" type="checkbox"/>	William Burkhardt
<input checked="" type="checkbox"/>	Jessica Cohen
<input checked="" type="checkbox"/>	Ada Corral
<input checked="" type="checkbox"/>	Melissa Hawthorne
<input checked="" type="checkbox"/>	William Hodge
<input checked="" type="checkbox"/>	Don Leighton-Burwell
<input type="checkbox"/>	Rahm McDaniel
<input checked="" type="checkbox"/>	Darryl Pruett
<input type="checkbox"/>	Veronica Rivera
<input checked="" type="checkbox"/>	Yasmine Smith
<input checked="" type="checkbox"/>	Michael Von Ohlen
<input checked="" type="checkbox"/>	Kelly Blume (Alternate)
<input type="checkbox"/>	Martha Gonzalez (Alternate)
<input type="checkbox"/>	Denisse Hudock (Alternate)

APPLICANT: Leah Boho

OWNER: Artesia 2018 Investments, LLC

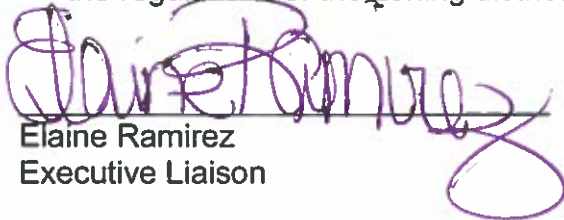
ADDRESS: 8300 IH 35 SVRD SB

VARIANCE REQUESTED: The applicant is requesting a variance(s) to decrease the minimum site area requirement of Subchapter E, Article 4, Mixed Use Combining District, Section 4.2.1 (D)(6)(c) (District Standards) from a minimum requirement of 210,800 square feet (required) to 130,0680 square feet (requested) in order to construct a Multi-Family use in a "CS-MU-CO-NP", General Commercial Services –Mixed Use – Conditional Overlay –Neighborhood Plan zoning district. (Georgian Acres Neighborhood Plan). The Land Development Code requires that in an MU combining district that is combined with general office (GO), Community Commercial, (GR) General Commercial Services (CS), or Community Services – Liquor Sales (CS-1) base district, the minimum site area for each dwelling unit is: (i) 800 square feet, for an efficiency dwelling unit; (ii) 1,000 square feet, for a one bedroom dwelling unit; and (iii) 1,200 square feet, for a dwelling unit with two or more bedrooms.

BOARD'S DECISION: July 8, 2019 POSTPONED TO AUGUST 12, 2019 BY APPLICANT DUE TO SHORTAGE OF A BOARD MEMBER

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:


Elaine Ramirez
Executive Liaison


William Burkhardt
Chairman



June 27, 2019

Leah Boho
8300 N Ih 35 Svrd Sb
Austin TX, 78753

Property Description: LOT 2 DINERSTEIN ADDN NO 2 (COMMERCIAL PERSONAL PROPERTY)

Re: C15-2019-0040

Dear Leah,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) to decrease the minimum site area requirement of Subchapter E, Article 4, Mixed Use Combining District, Section 4.2.1 (D)(6)(c) (District Standards) from a minimum requirement of 210,800 square feet (required) to 130,0680 square feet (requested);

In order to construct a Multi-Family use in a "CS-MU-CO-NP", General Commercial Services – Mixed Use – Conditional Overlay –Neighborhood Plan zoning district. (Georgian Acres Neighborhood Plan).

Austin Energy does not oppose request provided any proposed and existing improvements are in compliance with AE clearance criteria requirements, The National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners/applicants expense. Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Eben Kellogg, Property Agent

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050

BOA REVIEW COVERSHEET

CASE: C15-2019-0040

BOA DATE: July 8, 2019

ADDRESS: 8300 N IH 35 SVRD SB

COUNCIL DISTRICT: 4

OWNER: Artesia 2018 Investments LLC

AGENT: Leah Bojo

ZONING: CS-MU-CO-NP (Georgian Acres)

LEGAL DESCRIPTION: LOT 2 DINERSTEIN ADDN NO 2 (COMMERCIAL PERSONAL PROPERTY)

VARIANCE REQUEST: decrease min. site area requirement of Subchapter E

SUMMARY: remodel into apartment units

ISSUES: required minimum site area allows for fewer units of new converted hotel to apartment units




	ZONING	LAND USES
<i>Site</i>	CS-MU-CO-NP	General Commercial Services; Mixed Use
<i>North</i>	MF-3-CO-NP	Multi-Family
<i>South</i>	MF-4NP; CS-CO-NP	Multi Family; General Commercial Services
<i>East</i>	GO-NP; GR-CO-NP	General Office; Community Commercial
<i>West</i>	MF-3-CO-NP	Multi-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District; Austin Neighborhoods Council; Bike Austin; Friends of Austin Neighborhoods; Georgian Acres Neigh. Assn.; Go Austin Vamos Austin – North; Hill Country Conservancy; Homeless Neighborhood Association; Neighborhood Empowerment Foundation; North Growth Corridor Alliance; North Lamar/Georgian Acres Combined Neighborhood Plan Contact Team; SEL Texas; Sierra Club, Austin Regional Group

P-5/5



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2019-0040

LOCATION: 8300 N IH 35 SB



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

P-5/6

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: 8300 N Interstate 35 Service Road Southbound

Subdivision Legal Description:

Dinerstein Addition No. 2

Lot(s): 2 Block(s): _____

Outlot: _____ Division: _____

Zoning District: CS-MU-CO-NP

I/We Leah M. Bojo on behalf of myself/ourselves as
authorized agent for Artesia 2018 Investments, LLC 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: Hotel

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

Site area requirements listed in Article 4.2, Mixed Use Zoning Districts [§ 25-2, Subchapter E, Article 4.2.1.D.6.C] to be reduced from 210,800 SF to 130,680 SF.

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 Mixed Use Zoning District Standards do not allow for a reasonable use of existing building stock to provide affordable multifamily use. The developer would like to provide 10% of the units at 60% MFI, however the zoning district standards would require the existing building to be demolished and reconstructed with fewer units, meaning that level of affordability cannot be offered.

Hardship

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

The hardship incurred by the conversion of the existing building stock into a multifamily use is that the required minimum site area for the proposed number of units on the existing building's site area would require that a new structure to be constructed with fewer units, when a functional building exists on the site, or that a portion of the units not be given a certificate of occupancy and instead their doors would have to be locked and truly cannot be occupied.

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

The hardship is not general to the area because conversion of an existing hotel building into affordable multifamily residences is not frequent in the Georgian Acres neighborhood.

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:

The variance will not alter the character of the area because the building exists today and has existed since 1981. The adjacent property to the north, that wraps around the west of the property, is a multifamily residence and the property to the south is a hotel. Using the existing hotel building for multifamily use is consistent with the area. Multifamily use is permitted in the current mixed use zoning. Conversion of use on this site aligns with the Austin Strategic Housing Blueprint's goal of relaxing strict regulations in order to provide affordable housing.

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

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

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

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

N/A

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): Leah M. Bojo.

Applicant Mailing Address: 200 Lee Barton Drive

City: Austin State: Texas Zip: 78704

Phone (will be public information): (512) 807-2918

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): ARTESIA 2018 INVESTMENTS LLC

Owner Mailing Address: 1000 E Cesar Chavez Street

City: Austin State: Texas Zip: 78702

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Leah M. Bojo

Agent Mailing Address: 200 Lee Barton Drive

City: Austin State: Texas Zip: 78704

Phone (will be public information): (512) 807-2918

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).

See attached summary letter.

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: 6.16.19

Applicant Name (typed or printed): Leah M. Bojo.

Applicant Mailing Address: 200 Lee Barton Drive

City: Austin State: Texas Zip: 78704

Phone (will be public information): (512) 807-2918

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:  Date: _____

Owner Name (typed or printed): ARTESIA 2018 INVESTMENTS LLC

Owner Mailing Address: 1000 E Cesar Chavez Street

City: Austin State: Texas Zip: 78702

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Leah M. Bojo

Agent Mailing Address: 200 Lee Barton Drive

City: Austin State: Texas Zip: 78704

Phone (will be public information): (512) 807-2918

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).

See attached summary letter.

Leah M. Bojo
direct dial: (512) 807-2918

DRENNER GROUP

June 10, 2019

Board of Adjustment Members
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: Austin Suites Board of Adjustment Variance– Board of Adjustment (“BOA”) variance request for the building located at 8500 N Interstate 35 Service Road Southbound in Austin, Travis County, Texas (the “Property”)

Dear Board of Adjustment Members:

As representatives of the owner of the Property, we respectfully submit the enclosed BOA variance application package for the Property currently known as the Austin Suites Hotel.

The Property is a 3.0 acre lot zoned General Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan (CS-MU-CO-NP). The proposed project proposes to convert the existing building stock, which has been a hotel use since 1981, into affordable multifamily residences targeting low-income individuals and families at 50% - 60% Median Family Income (MFI). The Property is located within the North Lamar Combined Neighborhood Planning Area. The tract is currently developed with a hotel. The developer would like to convert the existing 93,510 square foot hotel building with 218 rooms into a 218 unit multifamily building with 10% of units reserved at 50% MFI for 40 years. The market rate units would target 50% to 60% MFI residents.

We are seeking a variance from the site area requirements set forth in Article 4.2, *Mixed Use Zoning Districts* [§ 25-2, Subchapter E, Article 4.2.1.D.6] of the Land Development Code (LDC) in order to be able to occupy all 218 existing units. The MU combining district allows for a multifamily use and the existing minimum site area requirements for each dwelling unit are 800 square feet for an efficiency dwelling unit, 1,000 square feet for a one bedroom dwelling unit, and 1,200 square feet for a dwelling unit with two or more bedrooms. Under current code, the total site area requirement for the 218 unit project is 210,800 square feet. The existing building cannot comply with this requirement; we are asking that the site area requirements be reduced to 130,680 square feet.

In 2018, City staff supported the rezoning of this site to CS-MU, with the staff report citing that "this will provide additional housing opportunities in this area of the city." Council unanimously approved the rezoning of the property on August 23, 2018. The Austin Strategic Housing Blueprint encourages compact development and the relaxation of regulations in order to help

January 15, 2019

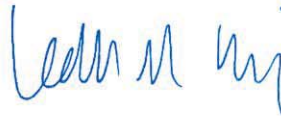
Page 2

utilize land for affordable housing. The minimum site area requirement does not allow for the reasonable use of the current building on this site to provide affordable multifamily housing at income levels set forth by the City of Austin Neighborhood Housing and Community Development Office.

There are various code provisions that would allow exemption from site area requirements, like the vertical mixed use overlay and provisions related to units less than 500 SF that are located on a Core Transit Corridor, a Future Transit Corridor, or in a Transit Oriented District. Unfortunately, those provisions are not applicable to this site due to its location. We have been in communication with the North Lamar Combined Neighborhood (Georgian Acres) regarding this case throughout the rezoning process and again in preparation for this application. They support use of the existing structure for residential use.

We ask that you grant this variance in order to convert this existing building stock into affordable multifamily residences with 10% of the units reserved for low-income individuals and families at 50% MFI. Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Regards,



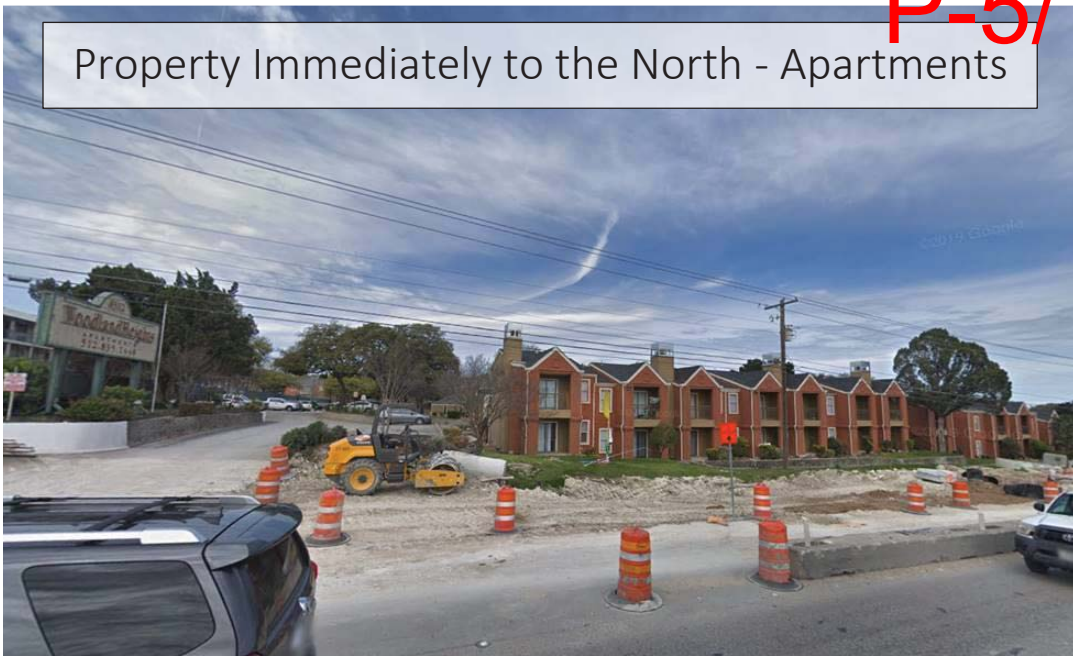
Leah M. Bojo
Drenner Group

cc: Jerry Rusthoven, Planning and Zoning Department (*via electronic delivery*)
Elaine Ramirez, Development Services Department (*via electronic delivery*)

Site Exhibit



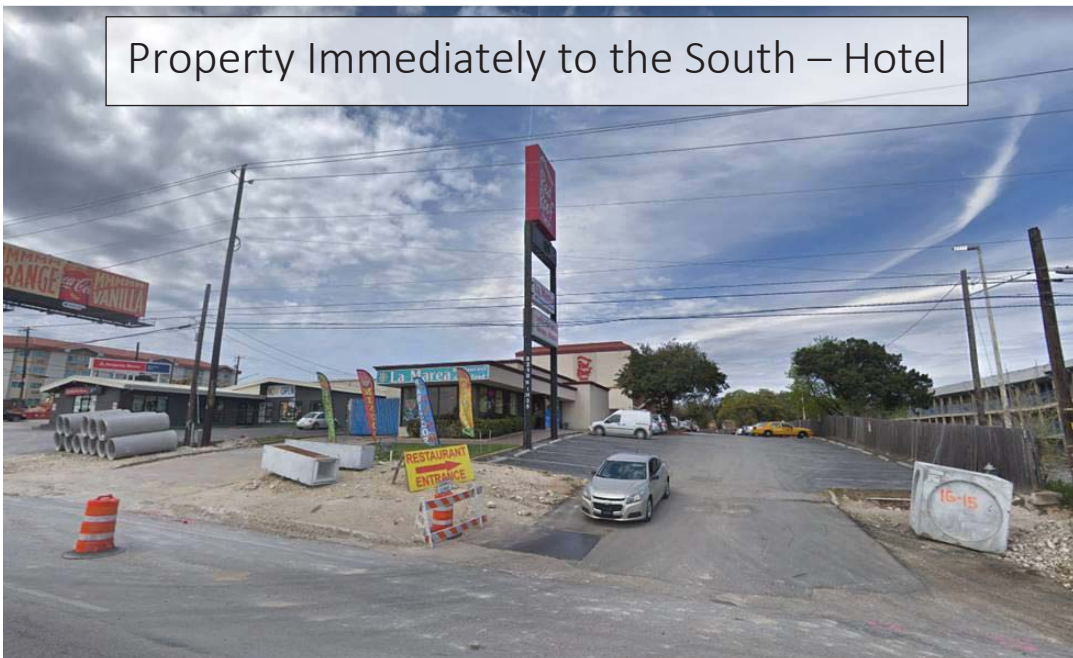
Property Immediately to the North - Apartments



Subject Site – Austin Suites Motel



Property Immediately to the South – Hotel





Subject Site – Austin Suites Motel





Subject Site – Austin Suites Motel





= 275sf 1x1 w/
kitchenette (60 units)

= 600sf 2x2 w/
kitchenette (22 units)

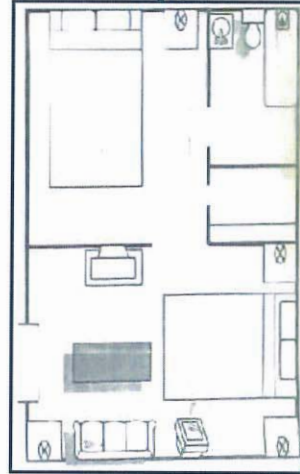
= 450sf 1x1 w/o
kitchenette (133
units total)

+ one 1x1 being used
as guest laundry

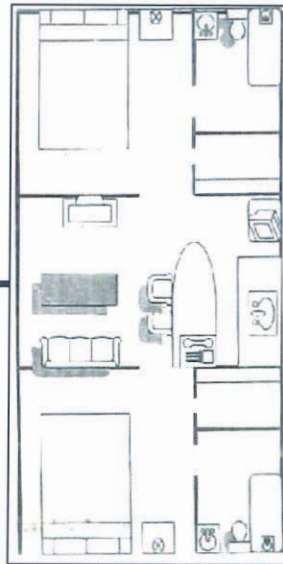
+ one 3 BR apt on the
3rd floor above lobby

+ one 2 BR apt on the
2nd floor above lobby

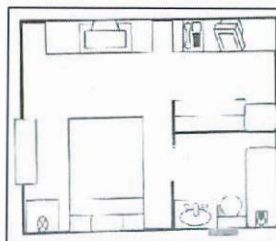
+ 1 meeting room on
the 3rd floor, back
side of property



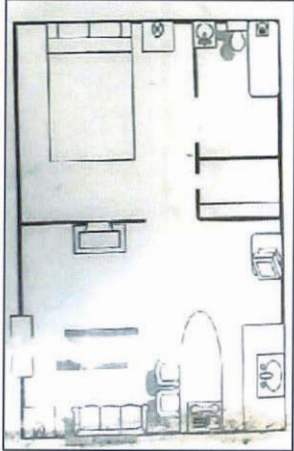
450sf 1x1 without kitchenette



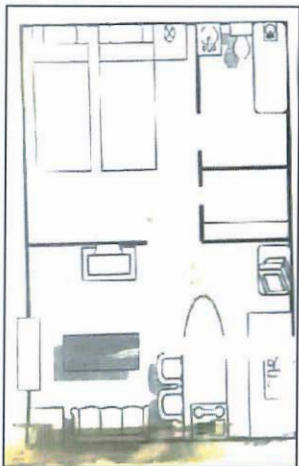
600sf 2x2 with
kitchenette



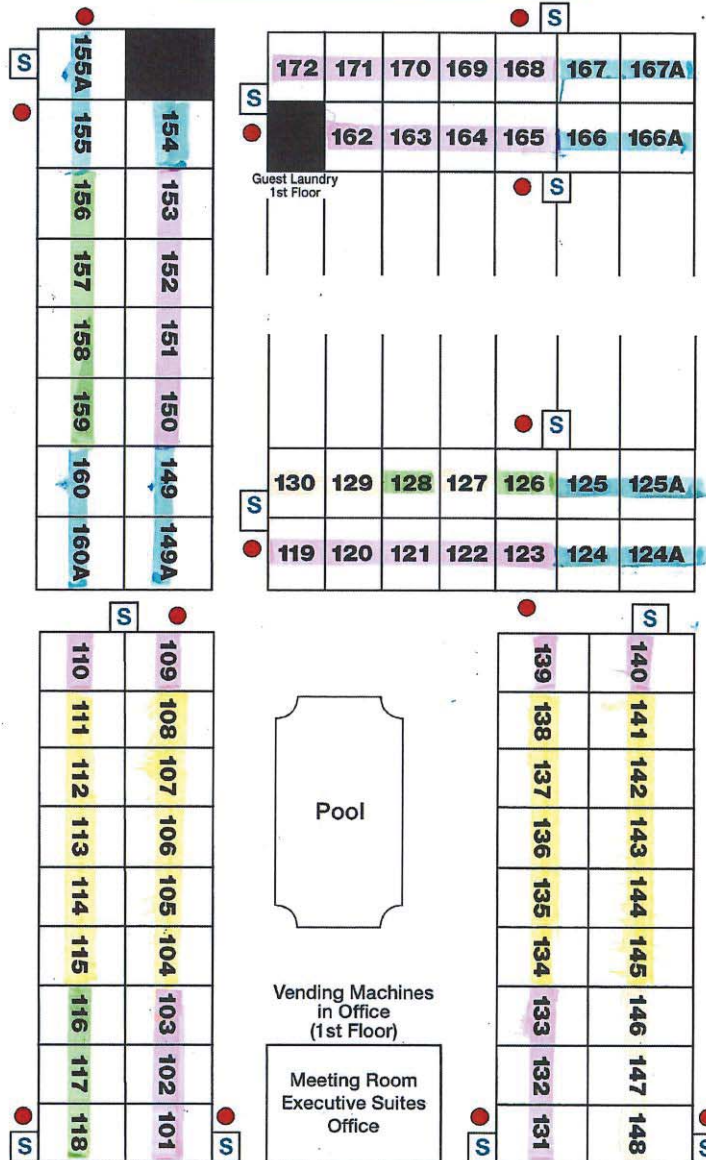
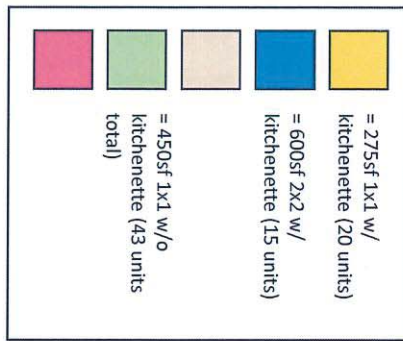
275sf efficiency with kitchenette



450sf 1x1 with kitchenette








450sf 1x1 with kitchenette

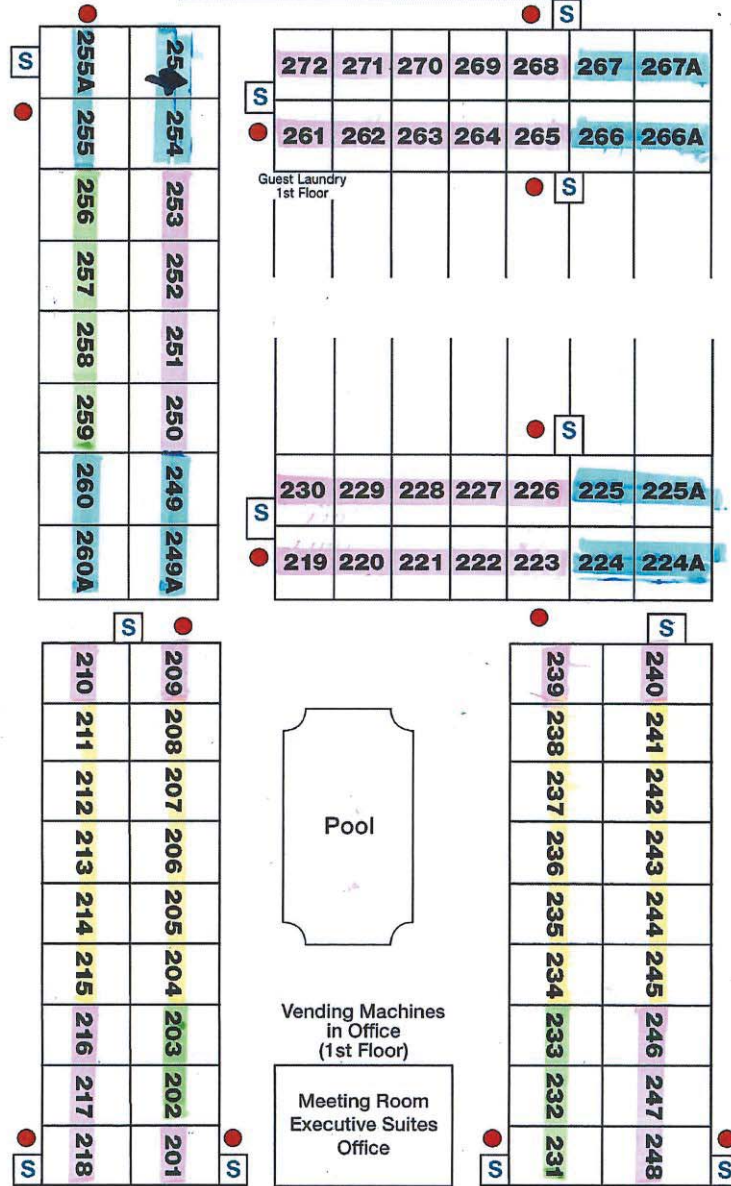


100 Series - 1st Floor

Legend








				
			= 275sf 1x1 w/ kitchenette (20 units)	= 600sf 2x2 w/ kitchenette (16 units)
				= 450sf 1x1 w/o kitchenette (44 units total)

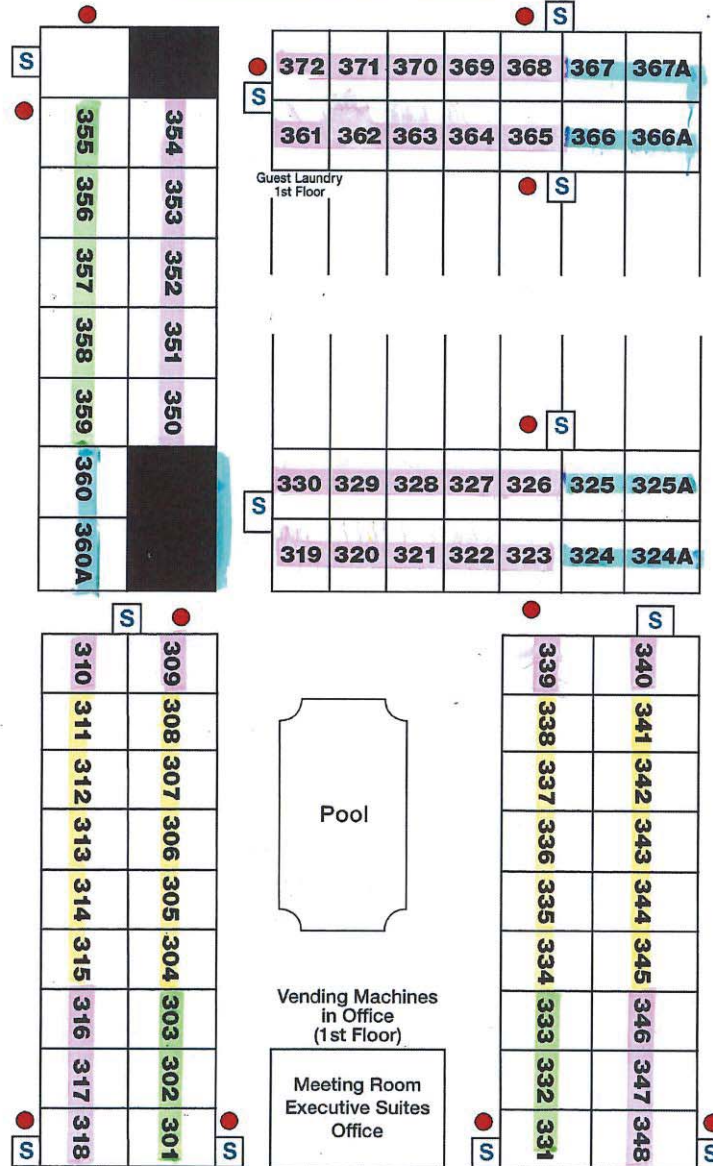


200 Series - 2nd Floor

Legend

S	= Stairs
●	= Fire Extinguishers

				
= 275sf 1x1 w/ kitchenette (20 units)				
= 600sf 2x2 w/ kitchenette (10 units)				
= 450sf 1x1 w/o kitchenette (46 units total)				



300 Series - 3rd Floor

Legend

S	= Stairs
●	= Fire Extinguishers

Leah Bojo

From: [REDACTED]
Sent: Wednesday, June 19, 2019 9:10 PM
To: Rye, Stephen
Cc: Leah Bojo
Subject: Support for Variance at Austin Suites Hotel

Dear Board of Adjustments and Mr. Stephen Rye,

I own two properties near the Austin Suites (108 E Powell Ln, 411 Primrose St) and as the outgoing vice chair of the North Lamar Georgian Acres Contact Team, am very familiar with this property and its proposed renovation by Artesia. I support the variance requested, provided that it is attached to the current structure / permit, not the land in perpetuity.

I speak for myself, not the Contact Team, which was not able to call a meeting with a quorum in time for an official vote on this issue.

Respectfully,

Colin Macdougall