

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2019-0056

BOA DATE: October 14, 2019

ADDRESS: 1400 W. Oltorf St.

COUNCIL DISTRICT: 5

OWNER: Jerad Kolarik

AGENT: Eric Scheibe

ZONING: CS

LEGAL DESCRIPTION: .9752 AC LOT 13 BLK 1 FREDERICKSBURG ROAD ACRES

VARIANCE REQUEST: decrease minimum setback requirement and increase maximum compatibility height requirement

SUMMARY: erect a 45 foot tall Office/Retail use

ISSUES: adjacent SF-3 requirements, located within the CWQZ of West Bouldin Creek

	ZONING	LAND USES
<i>Site</i>	CS	General Commercial Services
<i>North</i>	CS-MU-CO	General Commercial Services-Mixed Use
<i>South</i>	SF-3; CS-MU-V-CO	Single-Family; General Commercial Services-Mixed Use
<i>East</i>	CS-NP	General Commercial Services
<i>West</i>	CS; SF-3	General Commercial Services; Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Friends of Austin Neighborhoods

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Perry Grid 614

Preservation Austin

SEL Texas

Sierra Club, Austin Regional Group

South Central Coalition

TNR BCP – Travis County Natural Resources

Zilker Neighborhood Association



September 30, 2019

Eric Scheibe
1400 W Oltorf St
Austin TX, 78704

Property Description: .9752 AC LOT 13 BLK 1 FREDERICKSBURG ROAD ACRES

Re: C15-2019-0056

Dear Eric,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from maximum allowable Compatibility Height requirements of Article 10, Compatibility Standards, Division 2 –Development Standards:

- to decrease the minimum setback requirement from Section 25-2-1063 (B) (2) (*Height Limitations and Setbacks from Large Sites*) from 25 feet to 0 feet along the south property line
- to increase the maximum compatibility height requirement of Section 25-2-1063 (C) (1) and (2) (*Height Limitations and Setbacks for Large Sites*) to 45 feet in height in order to erect a 45 foot Office/Retail use in a "CS", General Commercial Services zoning district.

Austin Energy does not oppose request provided any proposed and existing improvements are following 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.

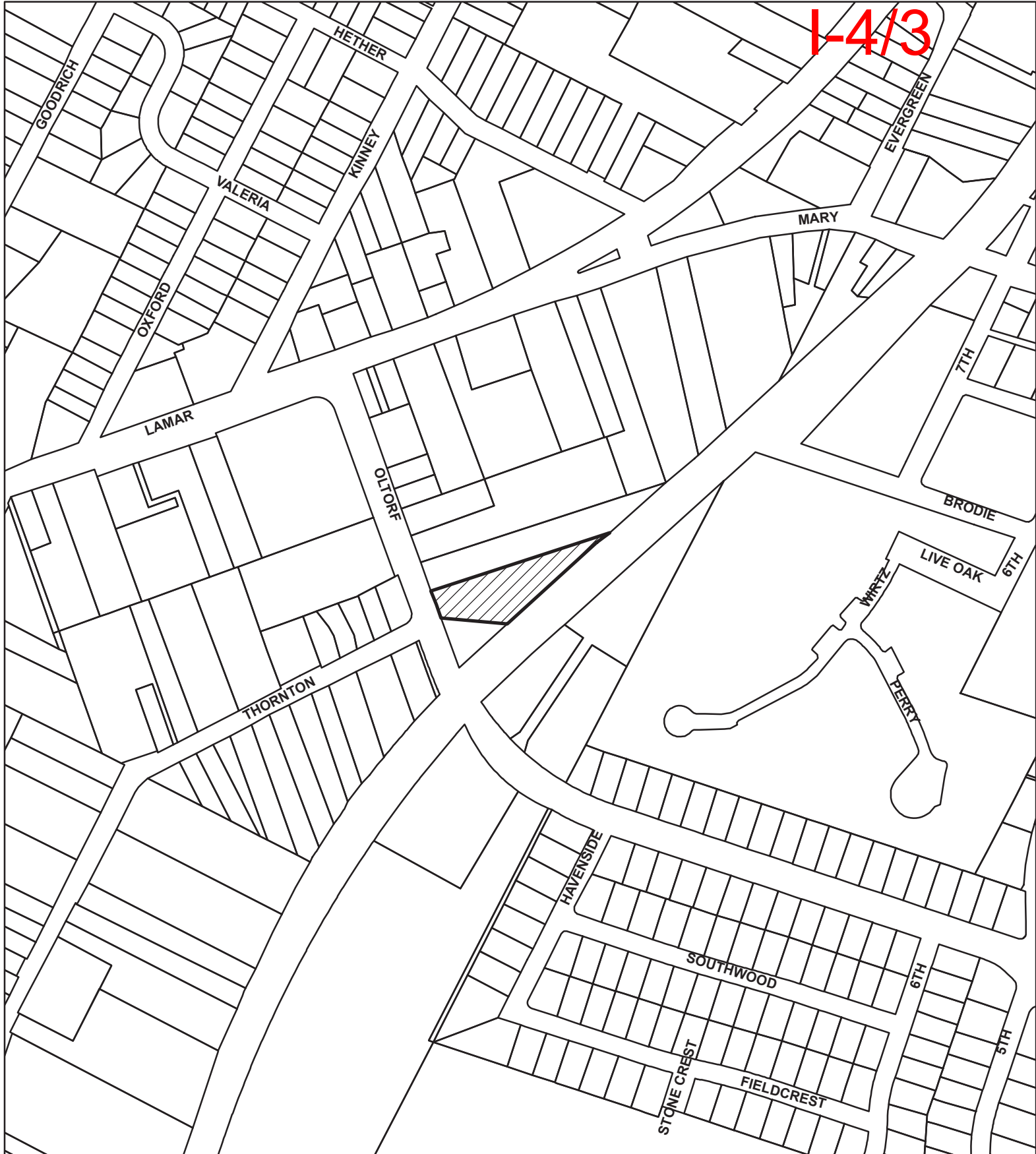
Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

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

I-4/3



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2019-0056

LOCATION: 1400 W OLTORF STREET



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

I-4/4

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: 1400 W Oltorf St

Subdivision Legal Description:

0.9752 AC, LOT 13, BLK 1, FREDERICKSBURG ROAD ACRES

Lot(s): 13 Block(s): 1

Outlot: _____ Division: _____

Zoning District: CS

I/We Eric Scheibe on behalf of myself/ourselves as
authorized agent for Little City Developments affirm that on
Month September, Day 9, Year 2019, 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: Commercial

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

LDC 25-2-1063 (B) - 25' structure setback.

LDC 25-2-1063 (C) - Height limitation setbacks.

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:

This property is zoned CS and the adjacent lot to the southwest is zoned SF-3. This adjacent zoning significantly impacts the development potential for this lot due to the Compatability Setback and Height requirements in the LDC. The lot to the south is owned by the City of Austin, zoned SF-3, and is a lot located within the channel of West Bouldin Creek. This southern lot will likely never be developed as it lies within the CWQZ, yet the code currently requires a compatability setback onto our property for buildings and parking. Our request is to have the compatability setbacks requirements removed from our property and/or project.

Hardship

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

- 1) Our property's total site area is 42,720.43 sf, but 26,176.81 sf is located within the CWQZ of W Bouldin Ck, and with the 25 ft compatability setbacks in place, our total developable area is limited to only 12,075.41 sf (28.3% of the original area).
- 2) Our property is adjacent to a property to the southwest that is currently zoned SF-3, which will likely never be built on as it is located completely within the CWQZ on W Bouldin Creek.

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

All other properties in the region of West Oltorf have more room to construct, as they are not limited by a (1) a CWQZ that consumes over half the lot total area; (2) compatability setbacks from a vacant and undevelopable city owned lot located in W Bouldin Creek.

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 lot to the southwest zoned SF-3 will likely never be built on as it is completely located within the CWQZ and is owned by the city. We are requesting that there are not setback requirements or limitations associated with this neighboring lot.

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: 09/09/2019

Applicant Name (typed or printed): Eric Scheibe

Applicant Mailing Address: PO BOX 161357

City: Austin State: Texas Zip: 78746

Phone (will be public information): (512) 263-0418

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: 09/09/2019

Owner Name (typed or printed): Jerad Kolarik

Owner Mailing Address: 2210 South 1st, Unit L

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 960-6885

Email (optional – will be public information):

Section 5: Agent Information

Agent Name: Eric Scheibe

Agent Mailing Address: PO BOX 161357

City: Austin State: TX Zip: 78746

Phone (will be public information): (512) 263-0418

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).

Date: 09/09/2019

From: Eric C. Scheibe, PE, CFM (Scheibe Consulting, LLC)

To: Board of Adjustments

Subject: **Oltorf Development – 1400 W Oltorf St.**

To whom it may concern:

This project is located within the city limits of the city of Austin and will be located at 1400 W Oltorf St., Austin, TX 78704. The property is a 0.98 Acre tract of land that is currently considered a legal lot as per a legal lot status determination made by the City of Austin. The property is described below:

0.9752 AC, LOT 13, BLK 1, FREDERICKSBURG ROAD ACRES

This development is subject to the review and permitting by the City of Austin. This tract currently has residential structures that are to be removed, with the goal of constructing one new commercial building. The zoning of this site is CS.

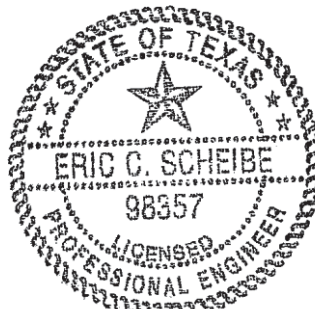
The property to the southwest is approximately 0.28 acres and located fully within W Bouldin Creek. It is owned by the city and is zoned SF-3, the only lot in along W Oltorf between S Lamar and the MO-PAC railroad that is zoned this way. This property will likely never be developed due to its size and location. On the south of this property lies MO-PAC railroad tracks, and another CS zoned property. The setbacks and height restrictions associated with developing a property adjacent to this property are therefore misrepresented. We are requesting that no setback and height restrictions are associated with this property.

Please let us know if you have any questions. We can be reached at (512) 263-0418.

Thanks,



Eric C. Scheibe, PE, CFM
Scheibe Consulting, LLC
TBPE FIRM #13880
PO BOX 161357
Austin, TX 78716

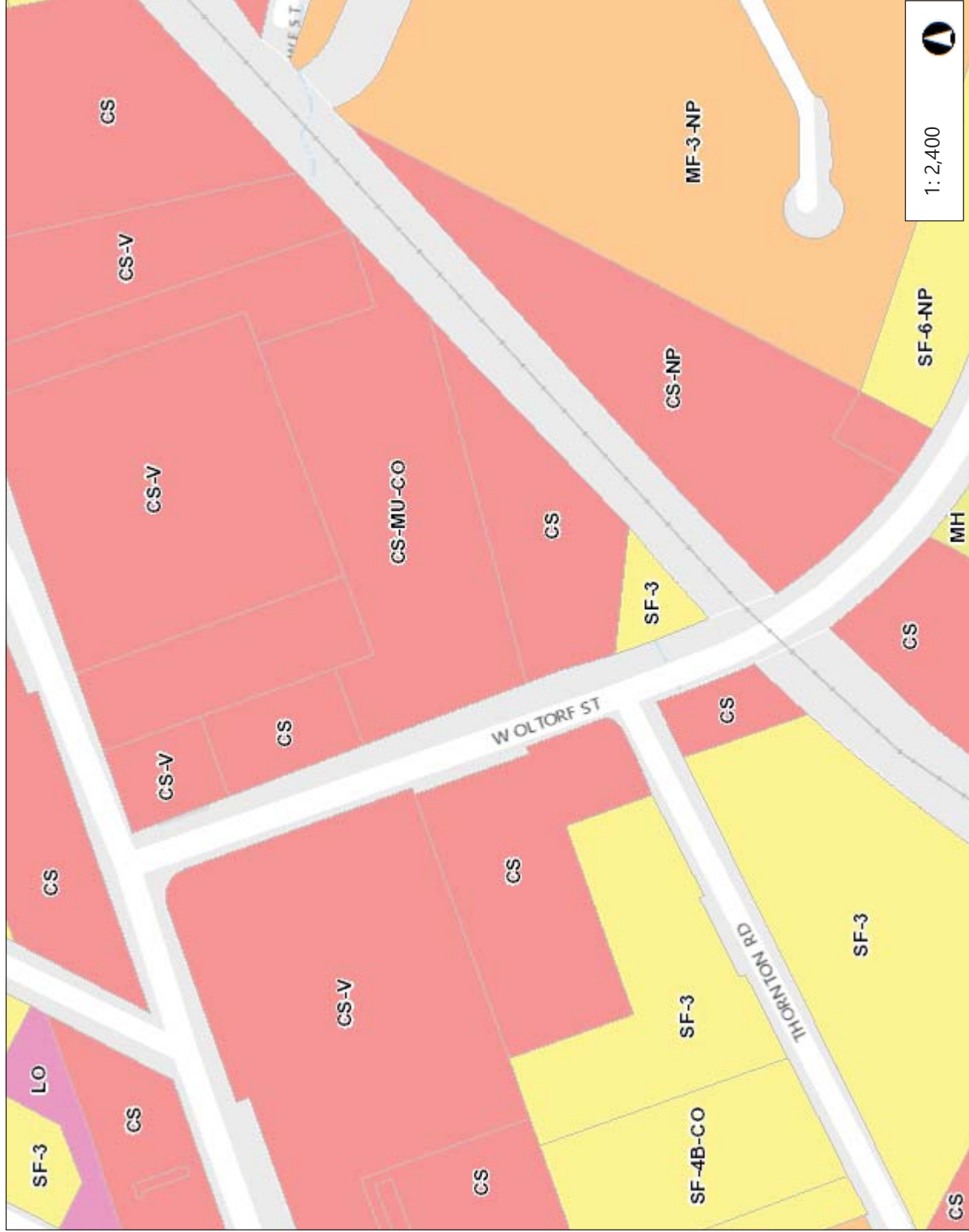


Enclosures:

1. Board of Adjustment General Variance Application
2. Site plan



Property Profile



Legend

Zoning

Single Family (SF)	Single-Family (MF)	LA, RR	Mobile Home (MH)	Commercial (CH, CS, GR, LR, L)	Office (GO, LO, NO)	Industrial (IP, LI, MI, PDA, RD, W/L)	CBD, DMU	TND, TOD, NBG, ERC	PUD	AG, DR	AV, P, UNZ	County/Missing Value

Notes

1: 2,400

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0.1 0 0.04 0.1 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

