

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2020-0013

**BOA DATE:** Mon. March 9, 2020

**ADDRESS:** 2700 E. 5<sup>th</sup> St

**COUNCIL DISTRICT:** 3

**OWNER:** 2700 East 5<sup>th</sup> JV, LLC.

**AGENT:** Leah Bojo

**ZONING:** CS-MU-CO-NP

**LEGAL DESCRIPTION:** 1.74 AC OF OLT 12 DIVISION A

**VARIANCE REQUEST:** Compatibility Height Requirements

**SUMMARY:** erect a four story building

**ISSUES:** irregularly shaped lot

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-MU-CO-NP	General Commercial Services; Mixed Use
<i>North</i>	CS-CO-MU-NP	General Commercial Services; Mixed Use
<i>South</i>	LI-CO-NP	Limited Industrial
<i>East</i>	CS-MU-CO-NP	General Commercial Services; Mixed Use
<i>West</i>	CS-MU-CO-NP	General Commercial Services; Mixed Use

## **NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Barrio Unido Neighborhood Assn.  
 Bike Austin  
 Capital Metro  
 Del Valle Community Coalition  
 East Austin Conservancy  
 El Concilio Mexican-American Neighborhoods  
 Friends of Austin Neighborhoods  
 Greater East Austin Neighborhood Association  
 Guadalupe Neighborhood Development Corporation  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Neighbors United for Progress  
 Parque Zaragoza Neighborhood Association  
 Preservation Austin  
 SELTexas  
 Sierra Club, Austin Regional Group  
 Tejano Town



February 21, 2020

Leah Bojo  
2700 E 5th St  
Austin TX, 78702

Property Description: 1.74 AC OF OLT 12 DIVISION A

**Re: C15-2020-0013**

Dear Leah,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the maximum allowable compatibility Height requirements of Article 10, Compatibility Standards, Division 2 – of the LDC; Development Standards, Section 25-2-1063 (C) (2) (Height Limitations and Setbacks for Large Sites) from 40 feet (maximum allowed) to 56 feet (requested)

In order to erect four story (requested, three story is maximum allowed) Office Building in a "CS-MU-CO-NP", General Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

Austin Energy does not oppose the height variance requested, 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://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES> (see - Page 92) - 1.10.0 Clearance and Safety Requirements.

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



## 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 # \_\_\_\_\_

### Section 1: Applicant Statement

Street Address: 2700 E. 5th Street, Austin, TX 78702

Subdivision Legal Description:

Government Outlots of the City of Austin, Travis County, Texas

Lot(s): a 1.74 portion of Block(s): \_\_\_\_\_

Outlot: 11 and 12 Division: A

Zoning District: CS-MU-CO-NP

I/We Leah M. Bojo on behalf of myself/ourselves as  
authorized agent for 2700 EAST 5TH JV, LLC affirm that on  
Month February, Day 11, Year 2020, 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: Four story office building



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

25-2-1063 (C)(2) Height Limitation and Setbacks for Large Sites to allow four stories and 56 feet of height 62 feet from the triggering properties, the single family use located at 2605 E 5th St and the civic use located at 2607 E 5th St.

## 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 neighborhood plan designates E 5th Street with commercial mixed-use zoning and rezoned the subject property and adjacent properties to GR and CS base districts to allow for office and other commercial uses with 60' of height. In this case, there is a single family use located at 2605 E 5th Street and a small civic use located at 2607 E 5th Street that trigger the compatibility height maximums in 25-2-1063 onto the subject site. Applying the compatibility height maximums to this uniquely shaped site when being developed as mid-rise commercial use make 25% of the buildable area impossible to build and create an inconsistency in the urban form for the area.

### Hardship

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

The property is adjacent to East 5th Street to the south and to railroad right-of-way that curves along the northern property boundary creating a generally triangular lot. Due to the shape there is minimal design flexibility making a constraint like this one highly impactful. If the property were a standard shape, the development could potentially accommodate the height maximum, but having to notch into the site at the location of the triggering properties renders it unreasonable to develop with a mid-rise commercial use.

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

Most lots within this area of the neighborhood are smaller rectangular tracts of land laid out in a grid. Approval of this variance allows this larger, triangularly shaped lot to make reasonable use of the site in regards to building layout and to fulfill the neighborhood's adopted goals for this street.

**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 allow development of this site in accordance with the CS base district (General Commercial Services) which is the intended character of the site. The uses that are triggering the compatibility height restriction are also zoned for commercial use, GR-MU-CO-NP (Community Commercial - Mixed Use - Conditional Overlay - Neighborhood Plan). No adjacent properties will be impaired or affected by the variance.

**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:

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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:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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

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**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: Leah M. Bojo Date: \_\_\_\_\_

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

Applicant Mailing Address: 200 Lee Barton Dr. Suite 100

City: Austin State: TX 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: See agent authorization Date: \_\_\_\_\_

Owner Name (typed or printed): 2700 EAST 5TH JV, LLC

Owner Mailing Address: 2906 Medical Arts Street

City: Austin State: TX Zip: 78705

Phone (will be public information): (512) 835-4890

Email (optional – will be public information): [REDACTED]

**Section 5: Agent Information**

Agent Name: Leah M. Bojo

Agent Mailing Address: 200 Lee Barton Dr., Suite 100

City: Austin State: TX 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).

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# DRENNER GROUP

February 11, 2020

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

Via Hand Delivery

Re: 2700 E. 5<sup>th</sup> Street Board of Adjustment Variance – Board of Adjustment (“BOA”) variance request for the property located at 2700 E. 5<sup>th</sup> Street 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 located at 2700 E. 5<sup>th</sup> Street in the Holly Neighborhood.

The Property is a 1.74-acre lot zoned General Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan (CS-MU-CO-NP). The site currently has a site development permit in review (SP-2019-0490C) for an office project. The Property is located within the Holly Neighborhood Planning Area. The tract is currently partially developed with a warehouse, temporary buildings and an asphalt parking area. The owner would like to construct a four-story, approximately 100,000 square foot office building with an associated parking structure.

We are seeking a variance from the compatibility height limitations set forth in §25-2-1063 (C)(2), *Height Limitation and Setbacks for Larger Sites* of the Land Development Code (LDC) in order to reasonably develop the site with a mid-rise office structure. The Property’s maximum height under the CS base district zoning allows for 60 feet. The nearby single family and civic uses (2605 and 2607 E 5<sup>th</sup> Street), though located on commercially zoned land (GR-MU-CO-NP) trigger compatibility standards on the Property. Due to the non-standard shape of the site, this height restriction highly constrains the western portion of the site.

As currently drafted in the revised land development code, compatibility will no longer affect this site. The compatibility standards are being revised in order to accommodate situations like this with a longer-term view based on planning principles and zoning, as opposed to current use. However, with a site plan under review at this time we are subject to this regulation and this hardship.

February 11, 2020

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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.

Sincerely,



Leah M. Bojo  
Drenner Group

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





Current Design: Compliant with Single-Family Zoning



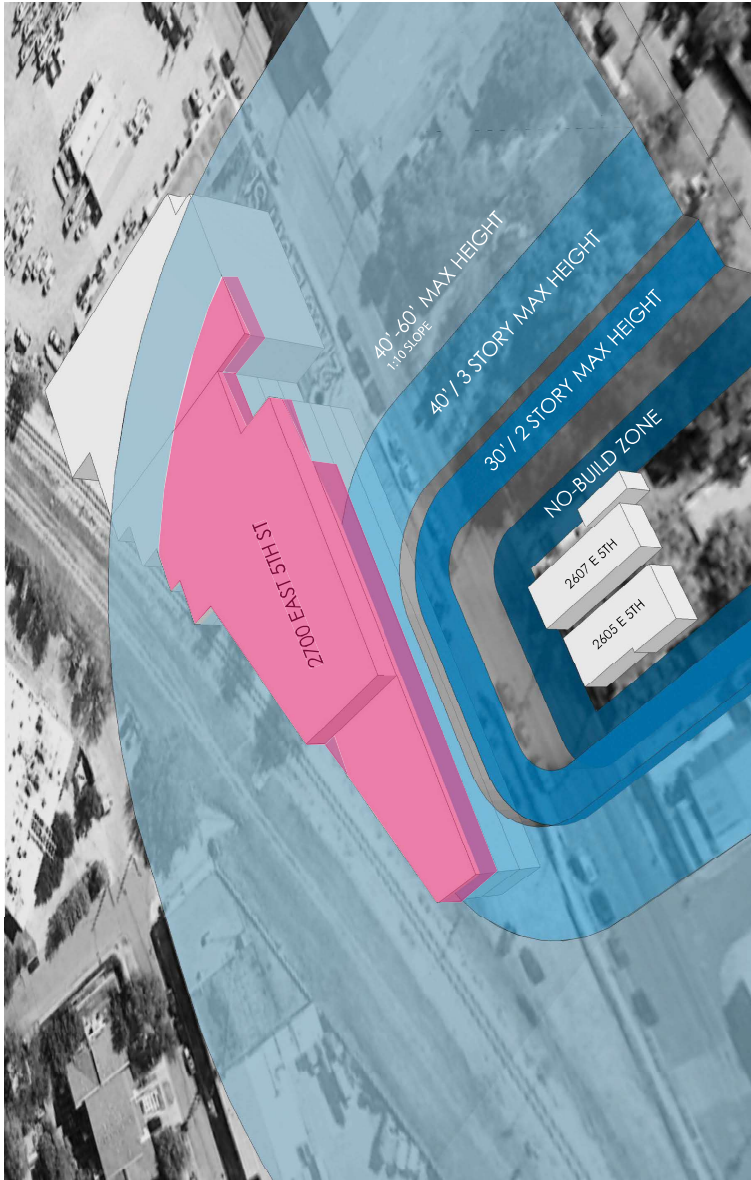
I-2/10

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2700 East 5th Street  
Compatibility Overlays

Effect of Compatibility Triggered By Uses



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2700 East 5th Street  
Compatibility Overlays



