

**BOA GENERAL REVIEW COVERSHEET**

**CASE:** C15-2020-0037

**BOA DATE:** August 10<sup>th</sup>, 2020

**ADDRESS:** 43 N IH 35 SVRD NB

**COUNCIL DISTRICT:** 3

**OWNER:** Paul Stables

**AGENT:** James Schissler

**ZONING:** GR-MU-V-CO-NP

**LEGAL DESCRIPTION:** NE TRI OF LOT 4 LOT 5-6 LESS SW TRI BLK B OLT 54,55&71 DIV O LAMBIES R C RESUB OF VOSS

**VARIANCE REQUEST:** reduce required parking spaces from 15 to 11

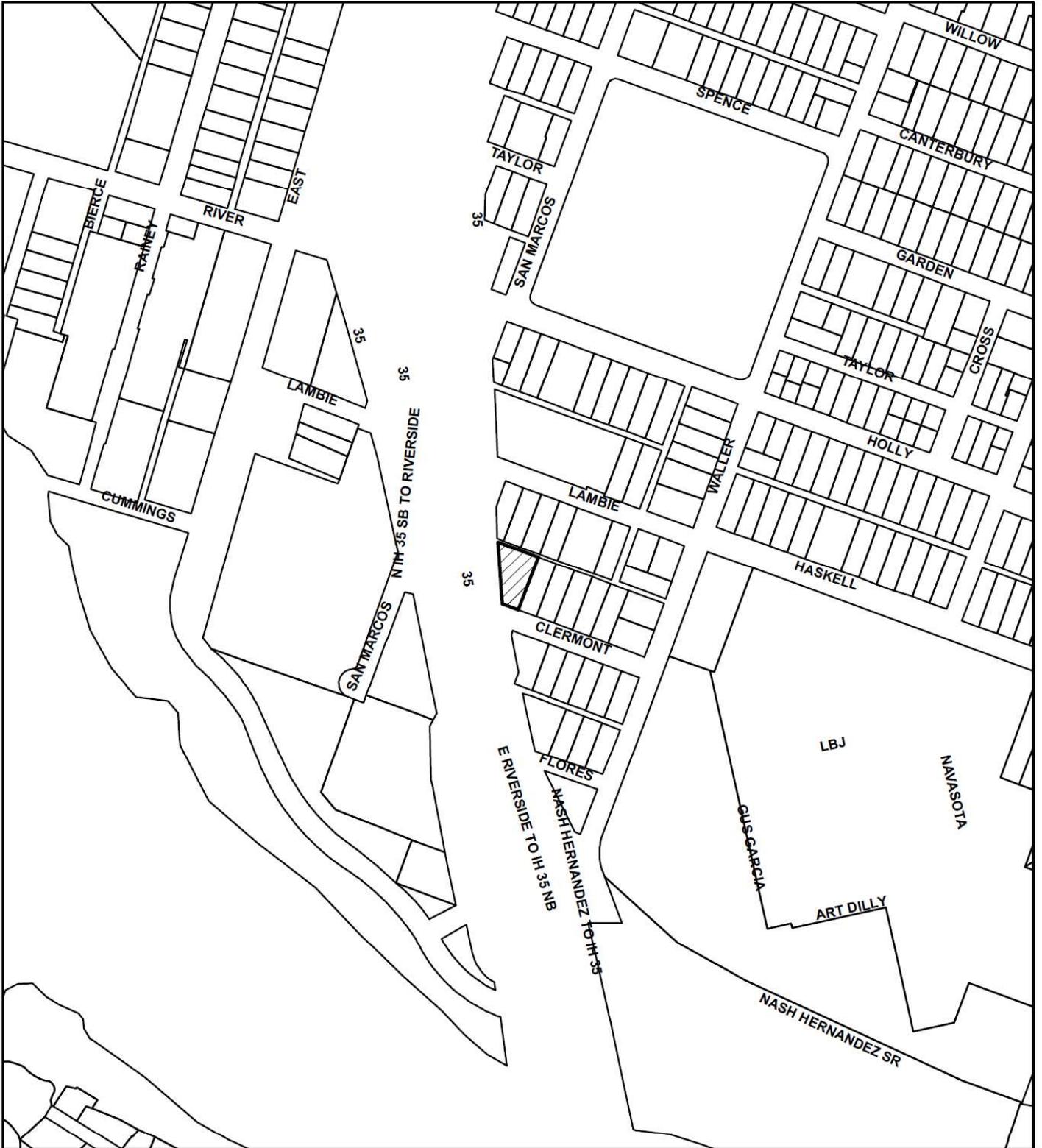
**SUMMARY:** erect a 5,820 sq. ft. Administrative Office Building

**ISSUES:** size of lot due to a triangular shape after TXDOT right-of-way purchase for IH-35

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-MU-V-CO-NP	Community Commercial; Mixed Use
<i>North</i>	GR-MU-CO-NP	Community Commercial; Vertical Mixed Use
<i>South</i>	CS-MU-V-CO-NP	General Commercial Services; Vertical Mixed Use
<i>East</i>	GR-MU-CO-NP	Community Commercial; Mixed Use
<i>West</i>	IH-35	Highway

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Independent School District
- Austin Lost and Found Pets
- Austin Neighborhoods Council
- Bike Austin
- Del Valle Community Coalition
- East Austin Conservancy
- East Cesar Chavez Neighborhood Association
- East Cesar Chavez Neighborhood Plan Contact Team
- East Town Lake Citizens Neighborhood Association
- 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
- Preservation Austin
- SELTexas
- Sierra Club, Austin Regional Group
- Tejano Town
- Waterloo Greenway



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**NOTIFICATIONS**

CASE#: C15-2020-0037  
LOCATION: 43 N IH 35 SVRD NB



1" = 333'

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.



# CITY OF AUSTIN

## Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

# C-2/3

## 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: 43 N IH 35 NB

Subdivision Legal Description:  
NE Triangle of Lot 4, Lots 5-6 Less SW Triangle, Block B RC Lambies Resubd iof Voss Addition  
Subdivision

Lot(s): 4 - 6 Block(s): B

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: GR-MU-V-CO-NP

I/We James M. Schissler on behalf of myself/ourselves as authorized agent for Cooe Yakka, LLC affirm that on Month July, Day 13, 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: 5820 SF Administrative Office Bldg. with reduced parking spaces

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

I am requesting a variance from the Land Development Code Chapter 25-6, Appendix A for a GR-MU-V-CO-NP commercial property to allow 11 parking spaces, which is less than the 15 parking spaces required after reductions.

**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 is not a request for variance from a zoning regulations, a rezoning case, C14-2019-0101, was approved to remove the restriction on administrative office from the property.

**Hardship**

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

The triangular shape of the remaining portions of the lots after TxDOT right-of-way purchase for IH 35 severely limits the size of the site and therefore the portion of the site that can be used for parking. The Waterfront Overlay also limits impervious cover to 70 percent, well below the 90 percent allowed by zoning.

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

Other lots on the block are rectangular shaped whereas this site is at the end of the block that had TxDOT right-of-way purchased for construction of IH 35. Approximately 47.5 percent of the original lots was purchased by TxDOT.

## 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 site is on the IH 35 frontage road and is adjacent to commercial property, the site is zoned to allow administrative office use so will not affect the adjacent uses. The adjacent properties are zoned for commercial uses.

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## 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:

The small administrative office building will not generate high traffic volumes and the location on IH 35 frontage road in downtown will facilitate alternate mobility options. A shower will be provided for tenant use to facilitate bicycle riding and alternate transportation options.

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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:

There are 11 parking spaces on the site, so 73 percent of the required parking is provided. The building is small enough to use City of Austin Resource Recovery for trash collection on Clermont Avenue, and Clermont Avenue has parking on both sides of the street.

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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:

The project includes a 10-foot wide shared use path along IH-35 frontage road to facilitate pedestrians and bicyclist access to the site from adjacent streets without entering the traffic lanes. A shower will be provided for tenant use.

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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:

The zoning ordinance for the property restricts the allowable uses by listing over 30 prohibited uses, including medical offices, general retail sales, consumer convenience services, restaurants, software development and all automotive related uses.

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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: James M. Schissler Date: 7-13-2020

Applicant Name (typed or printed): James M. Schissler, P.E. c/o Civiltude, LLC

Applicant Mailing Address: 5110 Lancaster Ct

City: Austin State: TX Zip: 78723

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: [Signature] Date: 7/13/2020

Owner Name (typed or printed): Paul Stables c/o Cooe Yakka, LLC

Owner Mailing Address: PO Box 6464

City: Austin State: TX Zip: 78762

Phone (will be public information): (512) 826-1043

Email (optional – will be public information): \_\_\_\_\_

**Section 5: Agent Information**

Agent Name: same as applicant

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).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





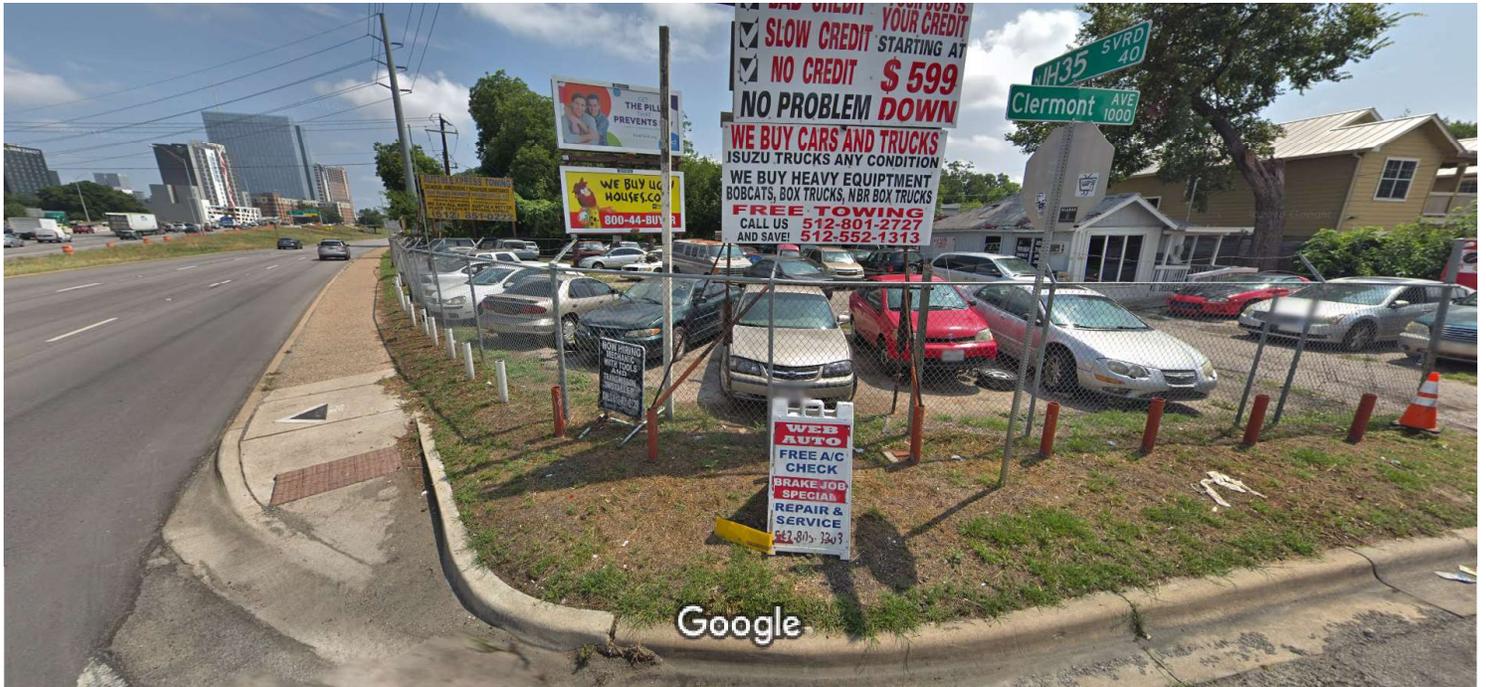
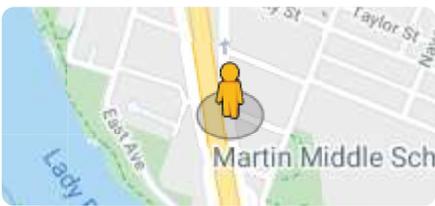


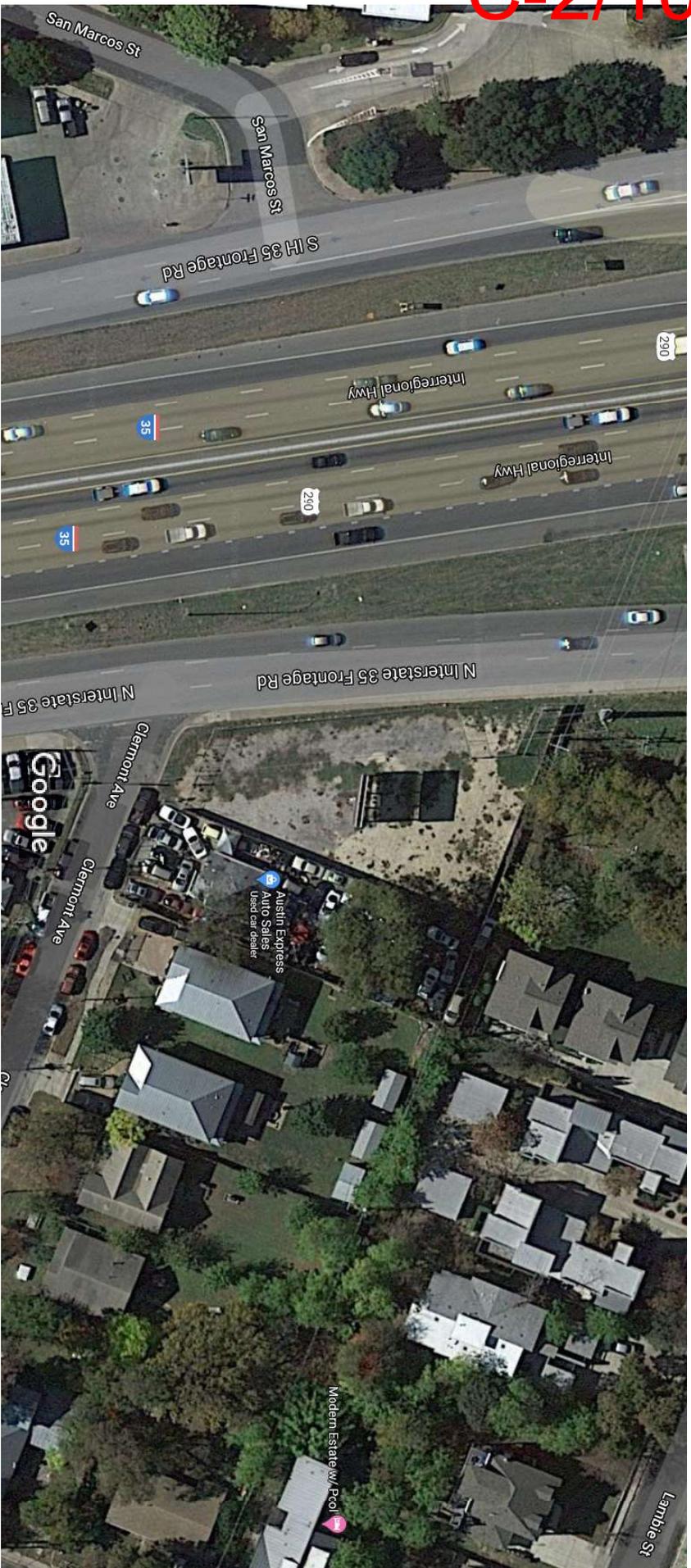
Image capture: Jun 2018 © 2020 Google

Austin, Texas



Street View





Imagery ©2020 CAPCOG, Map data ©2020 20 ft

-  Nueces Mosque Nueces Street, Austin, TX
-  6712 Haney Drive Austin, TX

 Home  
 11601 Tedford St, Austin, TX 78753



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**Re: Electric Transmission Comments - 1010 Clermont - SP-2019-0328C - Update 2**

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**Kellogg, Eben** <Eben.Kellogg@austinenergy.com>  
To: "Anderson, Robert" <Robert.Anderson@austintexas.gov>  
Cc: [REDACTED]

Mon, Jun 8, 2020 at 6:01 PM

Robert!

Thank you for putting this together. Great work.

**1010 Clermont - SP-2019-0328C -Approved by Austin Energy Electric Transmission.**

Below are my comments to the outstanding ET's

ADD THE FOLLOWING ELECTRIC TRANSMISSION NOTES TO COVERSHEET OR NOTE PAGE:

**Update 1: – ET 1. Comment pending** - Under Electric Utility Notes – Please revise note # 7. – to read as follows; Do not dig or grade within 25 feet of the transmission structures, including down guy anchors. Grading near electric transmission facilities must be coordinated with Austin Energy prior to commencement of grading. Call Andrew Perez at 512-505-7153 to schedule a meeting.

Please revise note # 19. – to read as follows;

Sprinklers are prohibited within 25 feet of transmission poles and structures.

**Update 2: – ET 1. Comment clear.**

ET 3. Identify the recording information and label the easement as follows on the plan: City of Austin Electric Transmission Easement Volume. 12622, Page. 1186, Official Public Records, Travis County, Texas.

**Update 1: – ET 3. Comment not clear.** “City of Austin” needs to be placed within site plan sheets

**Update 2: – ET 3. Comment clear.**

ET 4. The parking lot and ingress/egress shown on the site plan, within the easement should be built to handle the weight of the Condor (80,000 lbs) to ensure safety.

**Update 1: – ET 4 – Comment pending second submittal from Geotech.**

**Update 2: – ET 4. Comment clear.**

ET 7. Remove the handicap parking space to be outside the transmission easement.

**Update 1: – ET 7 – Comment not clear. Please contact this reviewer about this comment.**

**Update 2: – ET 7. Comment clear.**

Have a great evening. Cheers!

Eben Kellogg.

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**From:** Anderson, Robert <[Robert.Anderson@austintexas.gov](mailto:Robert.Anderson@austintexas.gov)>  
**Sent:** Monday, June 8, 2020 5:34:45 PM  
**To:** Kellogg, Eben <[Eben.Kellogg@austinenergy.com](mailto:Eben.Kellogg@austinenergy.com)>  
**Cc:** Jim Schissler [REDACTED]  
**Subject:** RE: Electric Transmission Comments - 1010 Clermont - SP-2019-0328C -

Eben,

Thank you. I see your report has several outstanding comments other than an ADA parking space. What I propose is this: I'm attaching your last comments below and have uploaded the plans and comment response report to a [box.com](https://austintexas.box.com/s/gusg344ic33lkulgizn6kr4tqzsa5zy6) link which you can access here: <https://austintexas.box.com/s/gusg344ic33lkulgizn6kr4tqzsa5zy6>

Go ahead and update your comments accordingly and send them back to me with your status (rejected/informal/approved). I will send the report and close out your review.

ADD THE FOLLOWING ELECTRIC TRANSMISSION NOTES TO COVERSHEET OR NOTE PAGE:

**Update 1: – ET 1. Comment pending** - Under Electric Utility Notes – Please revise note # 7. – to read as follows; Do not dig or grade within 25 feet of the transmission structures, including down guy anchors. Grading near electric transmission facilities must be coordinated with Austin Energy prior to commencement of grading. Call Andrew Perez at 512-505-7153 to schedule a meeting.

Please revise note # 19. – to read as follows;

Sprinklers are prohibited within 25 feet of transmission poles and structures.

ET 2. Show existing electric transmission facilities (lines and structures) located just north of the property, being in the 10' alley.

**Update 1: – ET 2 – Comment clear.**

ET 3. Identify the recording information and label the easement as follows on the plan: City of Austin Electric Transmission Easement Volume. 12622, Page. 1186, Official Public Records, Travis County, Texas.