

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet  
D-9**

**DATE: Monday June 14, 2021**

**CASE NUMBER: C15-2021-0048**

☐ Y ☐ Thomas Ates  
☐ Y ☐ Brooke Bailey  
☐ Y ☐ Jessica Cohen  
☐ - ☐ Melissa Hawthorne **RECUSING**  
☐ Y ☐ Don Leighton-Burwell  
☐ Y ☐ Rahm McDaniel  
☐ Y ☐ Darryl Pruett  
☐ Y ☐ Agustina Rodriguez  
☐ - ☐ Michael Von Ohlen  
☐ Y ☐ Nicholl Wade  
☐ - ☐ Vacant  
☐ - ☐ Kelly Blume (Alternate)  
☐ Y ☐ Carrie Waller (Alternate)  
☐ - ☐ Vacant (Alternate)

**APPLICANT:** Stephen Drenner

**OWNER:** Austin Hedge 35 Borrower, LLC

**ADDRESS:** 8300 IH 35 SVRD SB

**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from the Land Development Code, Section 25-6-472 (*Parking Facility Standards*) Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 1.5 spaces and 1.5 spaces + 0.5 spaces per bedroom (required) to 1 spaces (requested) in order to complete a Multi-Family residential structure providing 226 units of significantly Affordable housing in a “CS-MU-CO-NP”, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan zoning district. (Georgian Acres Neighborhood Plan)

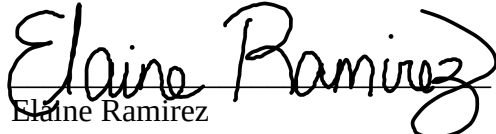
**BOARD’S DECISION:** **May 10, 2021 POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES; June 14, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Rahm McDaniel motions to postpone to July 12, 2021; Board Member Don Leighton-Burwell seconds on a 9-0 vote (Board Member Melissa Hawthorne recused); POSTPONED TO JULY 12, 2021.**

**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

Diana Ramirez for

Jessica Cohen  
Chairman

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**D-8**

**DATE: Monday May 10, 2021**

**CASE NUMBER: C15-2021-0048**

☐ - ☐ Thomas Ates  
☐ Y ☐ Brooke Bailey  
☐ Y ☐ Jessica Cohen  
☐ - ☐ Melissa Hawthorne RECRUISING  
☐ Y ☐ Don Leighton-Burwell  
☐ Y ☐ Rahm McDaniel  
☐ Y ☐ Darryl Pruett  
☐ - ☐ Agustina Rodriguez  
☐ Y ☐ Michael Von Ohlen  
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**APPLICANT:** Stephen Drenner

**OWNER:** Austin Hedge 35 Borrower, LLC

**ADDRESS:** 8300 IH 35 SVRD SB

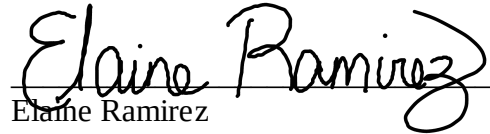
**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from the Land Development Code, Section 25-6-472 (*Parking Facility Standards*) Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 1.5 spaces and 1.5 spaces + 0.5 spaces per bedroom (required) to 1 spaces (requested) in order to complete a Multi-Family residential structure providing 226 units of significantly Affordable housing in a “CS-MU-CO-NP”, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan zoning district. (Georgian Acres Neighborhood Plan)

**BOARD’S DECISION:** May 10, 2021 **POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES**

**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

Diana Ramirez for  
Don Leighton-Burwell  
Chairman

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2021-0048

**BOA DATE:** May 10<sup>th</sup>, 2021

**ADDRESS:** 8300 N IH 35 SVRD SB

**COUNCIL DISTRICT:** 4

**OWNER:** Austin Hedge 35 Borrower LLC

**AGENT:** Stephen Drenner

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

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

**VARIANCE REQUEST:** reduce the number of required parking spaces from 1.5 spaces and 1.5 spaces + 0.5 spaces per bedroom to 1 spaces

**SUMMARY:** complete a Multi-Family residential structure providing 226 units of significantly affordable housing

**ISSUES:** conversion of an existing hotel building

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

## **NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District

Austin Lost and Found Pets

Austin Mayan Collective

Austin Neighborhoods Council

Bike Austin

Friends of Austin Neighborhoods

Georgian Acres Neigh. Assn.

Go Austin Vamos Austin – North

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

North Growth Corridor Alliance

SELTexas

Sierra Club, Austin Regional Group



May 3, 2021

Stephen Drenner  
8300 N Ih 35 Svrd Sb  
Austin TX, 78753

**Re: C15-2021-0048**

Dear Stephen,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the Land Development Code,

**Section 25-6-472 (Parking Facility Standards) Appendix A** (*Tables of Off-Street parking and Loading Requirements*); to reduce the number of required parking spaces from 1.5 spaces and 1.5 spaces + 0.5 spaces per bedroom (required) to 1 spaces (requested) in order to complete a Multi-Family residential structure providing 226 units of significantly Affordable housing 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** the above variance request from parking space requirements, provided any proposed and existing improvements follow Austin Energy's 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>

If you have any questions about the following comments, please contact my office.

Thank you,

**Eben Kellogg, Property Agent**

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

E-3/7



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**NOTIFICATIONS**

CASE#: C15-2021-0048  
LOCATION: 8300 N IH 35 SVRD 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" = 250'



# 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: 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 Stephen Drenner on behalf of myself/ourselves as  
authorized agent for AUSTIN HEDGE 35 BORROWER LLC affirm that on  
Month March, Day 30, Year 2021, 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: Multifamily Residential



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

I am requesting a variance from the LDC §25-6, Appendix A, (Tables of Off-Street Parking and Loading Requirements), Multifamily Residential use to decrease the parking requirements for 1-bedroom and dwelling units larger than 1-bedroom to 1 space in order to complete a multifamily residential structure providing 226 units of significantly Affordable housing.

## 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 desired use of this property is a conversion from a hotel use to a deeply Affordable multifamily use. The parking requirements exceed the necessary parking for this particular use, and to provide such parking would reduce the density of the affordable project.

### Hardship

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

The hardship is incurred by the conversion of a hotel building into a dense Affordable multifamily use, thereby necessitating use of the existing structures on site. Accommodating current parking requirements would require a reduction in deeply affordable housing units.

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 of the conversion of an existing hotel building of this era into Affordable multifamily residences.

### 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's footprint and parking configuration will remain the way it has existed since 1981. The adjacent property to the north, and that warps to the west of the property, is a multifamily use and the property adjacent to the south is a hotel use.

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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:

By providing the project with the requested variance, 226 parking spaces will be provided which is adequate for a deeply Affordable housing project located less than 1/2 mile to bus transit.

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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:

The granting of this variance will not result in the parking or loading of vehicles on public streets. The site is designed in a manner that allows for pick-up and drop-off to happen on the site and no cars are able to be parked adjacent to the site.

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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 granting of this variance will not create any safety hazards due to the reduction of vehicle circulation and the restoration of the sidewalk and driveway aprons at the entrance and exit of the site.

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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 parking variance is only needed for the conversion of a hotel structure into a dense Affordable multifamily use and therefore the request is only being made in conjunction with the conversion of this structure.

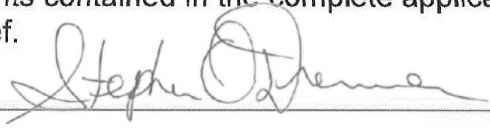
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**Section 3: Applicant Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature:  Date: 03/30/21

Applicant Name (typed or printed): Stephen Drenner

Applicant Mailing Address: 200 Lee Barton Drive, Suite 100

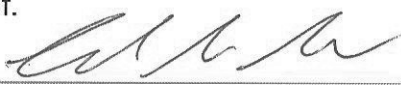
City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 807-2900

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: 03/30/21

Owner Name (typed or printed): AUSTIN HEDGE 35 BORROWER LLC

Owner Mailing Address: 1515 S CAP OF TX HWY STE 411

City: Austin State: TX Zip: 78746

Phone (will be public information):

Email (optional – will be public information):

**Section 5: Agent Information**

Agent Name: Stephen Drenner

Agent Mailing Address: 200 Lee Barton Drive, Suite 100

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 807-2900

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).

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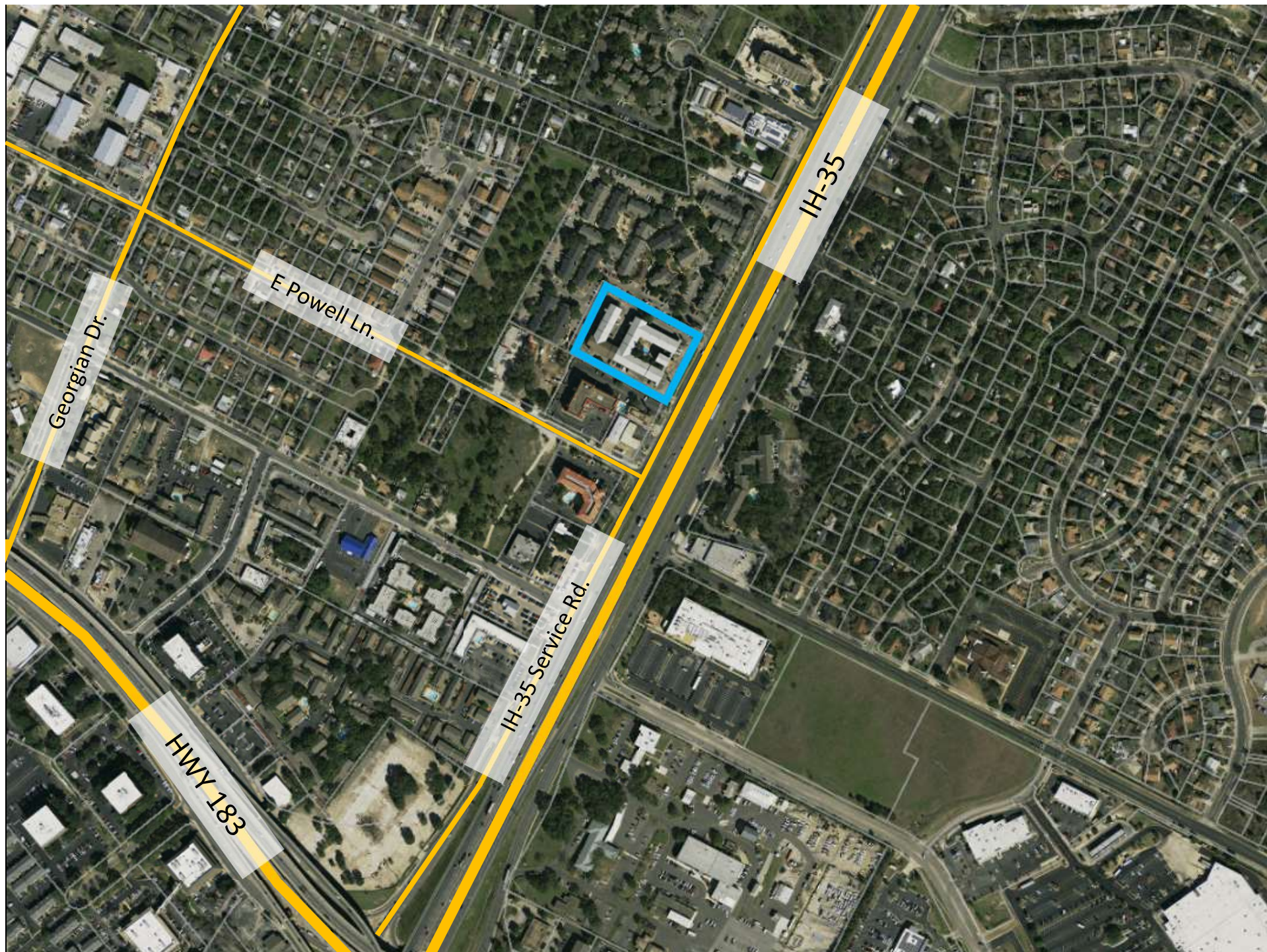
# 8300 N IH-35 SVRD SB

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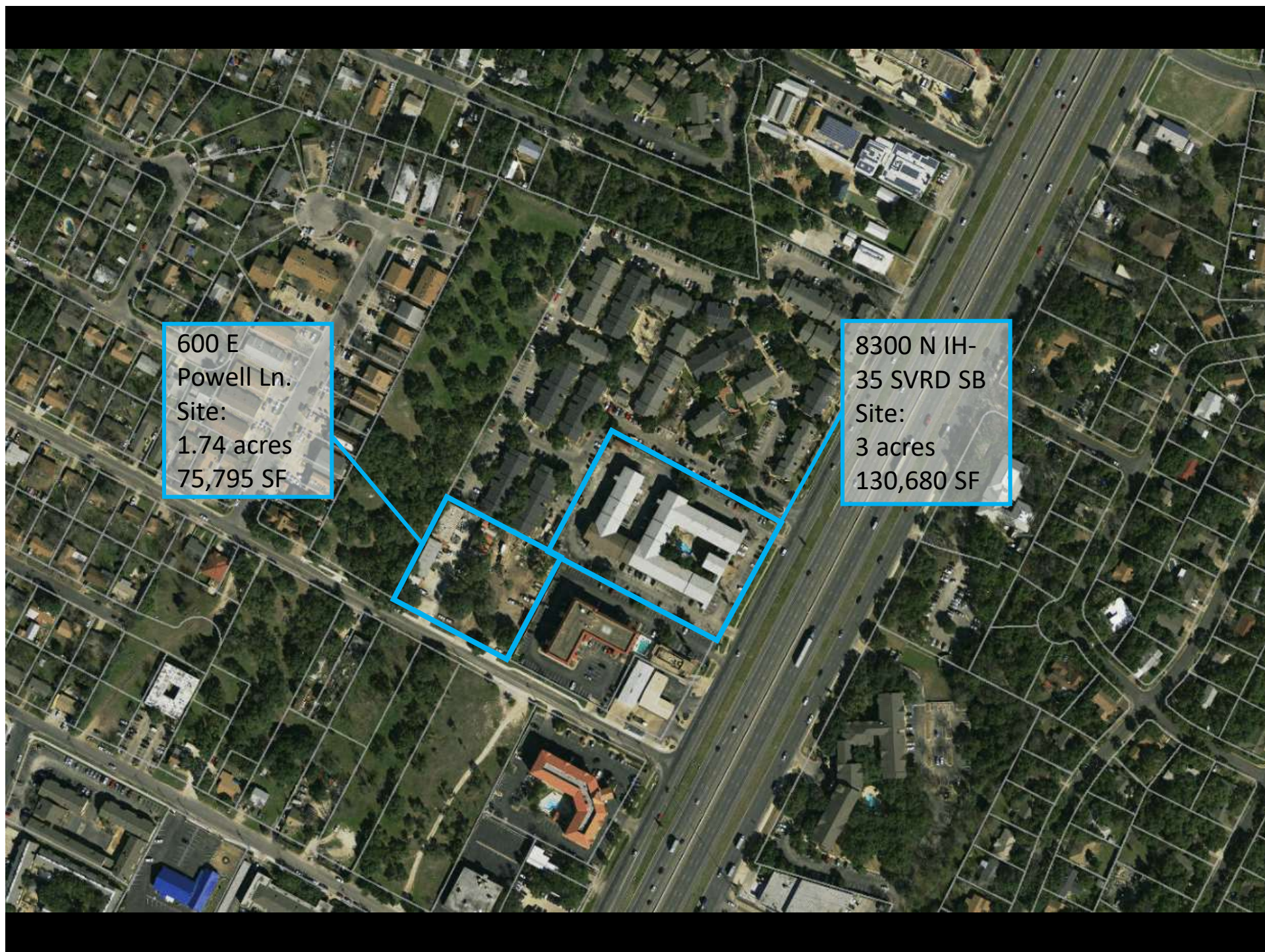
Board of Adjustment

May 10, 2021















# Project Summary

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- Reuse existing extended stay hotel building for a deeply affordable multifamily residential use
- 218 hotel units = 227 proposed residential units
  - 68 studios
  - 138 one-bedroom units
  - 21 two-bedroom units
- 50% of units @ 60% MFI
  - Affordable for 40 years
  - Affordable units will match overall unit mix







E-3/20















**From:** Past Chair  
**To:** [Ramirez, Elaine](#)  
**Subject:** D-8 C15-2021-0048 8300 N IH35 The Hedge  
**Date:** Monday, May 10, 2021 8:21:55 AM  
**Attachments:**

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\*\*\* External Email - Exercise Caution \*\*\*

Hi Elaine -

Could you pass this on? Thanks!

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Chair, Vice Chair, Boardmembers -

I apologize for the late communication. The neighborhood team did not receive notification of the hearing, nor did the owner or their agent reach out to us.

As the stream of requests for changes and exceptions continues for this redevelopment, I am increasingly concerned that this is not a robust project for this applicant. While the concept of affordable housing sounds wonderful, if it's not realistic to build, much less operate, you're setting up the community and the owner, and most important vulnerable low-income residents, for decades of failure and frustration.

### **Affordability**

The applicant's presentation characterizes the development as "deeply affordable". This description is more typically used for households at 25-35% of MFI, not the 60% proposed here.

### **History of Deficiencies**

At the Sept 2019 BOA hearing, your backup included a list of recent code violations at the property, including significant structural issues. You were promised "if we get the variance, we will of course bring the building up to code". In fact, after the variance was granted, there were 29 more notices of violation in 2020 under the current owner, generally related to electrical work without permits. That is not a subtle or hidden violation: Are you an electrician? Is there a permit?

Additionally, the development services applications submitted for this property and the off-site parking property charitably could be characterized as error-ridden. Repeatedly, different applications stated different project characteristics for the same site, always somehow with the errors most economically favourable to the applicant. There were also several rounds of applications double-counting the off-site parking, despite reviewers calling attention to the issue.

### **Parking**

At the Sept 2019 BOA hearing to decrease the site area requirements, the Drenner staff person assured you that they "commit to meet parking requirements". Instead, they are back with the basically the same argument - the project they have invested in won't be profitable for them unless you change the rules - to ask for you to change the parking requirement. Their original

application seemed to suggest that anyone so strapped that they would live at this property probably wouldn't have a car anyways (and I guess don't any friends or family who might come visit). In fact 60% of MFI - about \$53,000 annual income for a family of three - is what professionals like teachers, medical technicians, etc make, folks who generally have do own vehicles, even when they live in areas which are safe and well-served by transit.

### **Pedestrian Access to Park and Transit**

At the Sept 2019 BOA hearing, the Drenner staff person described this multifamily development as located "on a high speed roadway 55mph". I've met in front of the site with APD highway enforcement command who agree with the characterization that vehicle speed on the access road is comparable to the main lanes, 65mph by their estimate. Attached is a photo of the shared use path along the access road which residents without cars would have to use to get to the park, bus stop, or anywhere. This is the completed infrastructure. According to TxDOT, there will be no guardrails between the vehicle lane and the bike/ped path. According to AAA, even at the more conservative 55mph, someone hit by a vehicle has more than 75% chance of dying.

As well, someone traveling along E Powell to and from The Hedge also has to pass the dumpsters for Hedge 2, from the same owner. Attached is a current photo. The landfill dumpster has not been in the screening enclosure since he's owned the property. He's added a nominal recycle dumpster (which is actually used for landfill trash) without any screening. Aside from the trash, this is a prime site for street prostitution. APD has pretty much stopped arresting for prostitution, but in 2020 pre-COVID there already were 26 arrests at this location, almost all in daylight hours. (For scale, this is over 40% of all the prostitution arrests in the city.) That issue is not wholly the applicant's doing, of course, but if the dumpster were in the enclosure, that screened space wouldn't be available for other activities.

An adult with no other housing option might take these safety risks on foot or by bicycle to get to work or other necessary tasks, but it's hard to imagine they would let their children go to the park or bus stop. An adult with access to any better options would probably not choose to live in these conditions. A bike-pedestrian easement from 8300 N IH35 to E Powell through property already legally tied to this development through the off-site parking agreement would remove the high speed roadway risk.

### **Area Character**

The applicant's presentation uses out-of-date aerials. Attached is a current photo of the apartment complex on the other side of E Powell Ln from The Hedge's off-site parking, shown on the applicant's aerial as a vacant lot. This complex has similar affordability targets for households below 60% MFI. At the same price point, it's hard to imagine someone choosing a bottom of the line renovation of an aging interstate motel over a brand new apartment with granite countertops, steel appliances, hard wood cabinets, open space, trees, and parking.

It is also unclear why the so-called urban core boundary is shown here. This arbitrary line, unrelated to any urban characteristics, is definitely a general hardship for residents and property owners north of 183. However, Council has repeatedly affirmed the disparate treatment of our area.

Thank you for your work.

Lisa Hinely



North Lamar/Georgian Acres neighborhood team  
<http://nlct.wordpress.com>

*As Austin's most international district, the North Lamar/Georgian Acres neighborhood plan contact team believes that every resident is a valued member of our community, deserves to be treated fairly and with respect, and that when some of our residents live in fear of contact with public officials it makes all of us less safe, and has a negative impact on our community.*

**CAUTION:** This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).