

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
F-1

DATE: Monday May 09, 2022

CASE NUMBER: C15-2022-0035

____ Thomas Ates
____ Brooke Bailey
____ Jessica Cohen
____ Melissa Hawthorne
____ Barbara McArthur
____ Rahm McDaniel
____ Darryl Pruett
____ Agustina Rodriguez
____ Richard Smith
____ Michael Von Ohlen
____ Nicholl Wade
____ Kelly Blume (Alternate)
____ Carrie Waller (Alternate)
____ Marcel Gutierrez-Garza (Alternate)

APPLICANT: Mike Mchone

OWNER: DC+CJ San Pedro LLC, Cater Joseph

ADDRESS: 2609 SAN PEDRO ST

VARIANCE REQUESTED: The applicant is requesting variance(s) from the Land Development Code, *Article 3, Division 9 – University Neighborhood Overlay District Requirements, Section 25-2-757 (Setbacks; Compatibility) (E)* to decrease minimum 30 feet from the centerline of adjacent street (required) to 24 feet from the centerline of adjacent street (requested) in order to erect a Multi-Family SMART Housing Building in an “MF-4-NP”, Multi-Family-Neighborhood Plan zoning district. (West University Neighborhood Plan)

Note: Per LDC 25-2-757 SETBACKS; COMPATIBILITY (E) A building must be at least 12 feet from the front face of the curb of the adjacent street and at least 30 feet from the centerline of the adjacent street, 12 ft. from the face of curb for the required UNO Streetscape will be provided.

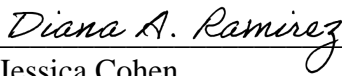
**BOARD’S DECISION: BOA MEETING MAY 9, 2022 POSTPONED TO JUNE 13, 2022
BY STAFF (AE DENIAL)**

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

 for
Jessica Cohen
Madam Chair



May 24, 2022

Mike Mchone
P.O. Box 8142
Austin TX, 78713

Property Description: W 74.9FT LOT 9 OLT 60&64 DIV D GRAHAM SUBD

Re: C15-2022-0035

Dear Mike,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from LDC 25-2-757(E) at 2609 San Pedro St.

Austin Energy does not oppose the request, provided that any proposed or existing improvements follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's 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.

Cody Shook, Planner II

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6602

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2022-0035

BOA DATE: May 9th, 2022

ADDRESS: 2609 San Pedro St

COUNCIL DISTRICT: 9

OWNER: DC+CJ 2609 San Pedro LLC

AGENT: Michael McHone

ZONING: MF-4-NP (West University)

LEGAL DESCRIPTION: W 74.9FT LOT 9 OLT 60&64 DIV D GRAHAM SUBD

VARIANCE REQUEST: decrease from at least 30 feet from the centerline of adjacent street (required) to 24 feet from the centerline

SUMMARY: erect Multi-Family Smart Housing

ISSUES: lot size compared to other lots in UNO

	ZONING	LAND USES
<i>Site</i>	MF-4-NP	Multi-Family
<i>North</i>	MF-4-CO-NP	Multi-Family
<i>South</i>	MF-4-NP	Multi-Family
<i>East</i>	MF-4	Multi-Family
<i>West</i>	MF-4-H-CO-NP	Multi-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

CANPAC

Central Austin Community Development Corporation

Friends of Austin Neighborhoods

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Preservation Austin

SELTexas

Shoal Creek Conservancy

Sierra Club, Austin Regional Group

University Area Partners

West Campus Neighborhood Association



May 9, 2022

Mike Mchone
P.O. Box 8412
Austin TX, 78713

Property Description: W 74.9FT LOT 9 OLT 60&64 DIV D GRAHAM SUBD

Re: C15-2022-0035

Dear Mike,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance. from LDC 25-2-757(E) at 2609 San Pedro Street.

AE cannot approve the request until a site plan is submitted showing the proposed construction on this lot and the distances between any proposed permanent structures and the existing overhead electric distribution facilities along San Pedro Street. Also, any proposed or existing improvements must follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's 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.

Cody Shook, Planner II

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6881



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2022-0035

LOCATION: 2609 SAN PEDRO 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" = 250'



Board of Adjustment General/Parking Variance Application

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)
 For submittal and fee information, see austintexas.gov/digitaldevelopment

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 # C15-2022-0035 ROW # 12907809 Tax # 0215020104

Section 1: Applicant Statement

Street Address: 2609 San Pedro

Subdivision Legal Description:

W. 74.9 Ft Lot 9 OLT 60 & 64 Div D Graham Subd.

Lot(s): W. 74.9 ft Lot 9

Block(s): _____

Outlot: 60 & 64

Division: D

Zoning District: MF-4 (University Neighborhood Overlay; UNO) Outer West Campus Sub-district

I/We Michael R. McHone on behalf of myself/ourselves as
 authorized agent for DC & CJ 2609 San Pedro LLC affirm that on
 Month Select, Day 31, Year 2022, 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: UNO Multifamily SMART Housing Building

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

25-2-757 (E) "A building must be at least 12ft from the front face of the curb of the adjacent street and at least 30ft from the centerline of the adjacent street".

Requesting a variance of 6 ft; can provide 24 ft.

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 UNO District LDC requirement of 25-2-757 (E) requirement of a building set back of 30ft from the center line of the 30 ft wide San Pedro Street prohibits the reasonable redevelopment use of 2609 San Pedro which is only 75.2 ft deep.

Hardship

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

2609 SanPedro created in 1928 (per TCAD) is only 4791 sq ft and can best meet the requirement of LDC by opting in to the requirement of the UNO district.

UNO is unique with the 30 ft from the center line on the adjacent street requirement.

San Pedro is a unique street in UNO in that it is a oneway 30ft or ROW street.

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

Most properties in UNO are much larger and either have more options for building placement or are not adjacent to a street with only 30 ft of ROW

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:

2609 San Pedro is located in the Outer West Campus Subdistrict of UNO. The new building on this property will comply with the provisions of UNO (wide well lighted streetscape, design guidelines, and SMART Housing). The area is fully developed with multifamily housing (many new UNO projects). Replacing the 90 year old substandard structure will be in keeping with the adopted Cental Austin Combined Neighborhood Plan and will not impair the use of adjacent properties.

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:

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:

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

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

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: *Michael R. McHone* Date: 3/31/2022

Applicant Name (typed or printed): Michael R. McHone

Applicant Mailing Address: P.O. Box 8142

City: Austin State: TX Zip: 78713

Phone (will be public information): (512) 554-8440

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: *Cater Joseph* Date: 03/14/2022

Owner Name (typed or printed): Cater Joseph, manager of DC+CJ 2609 San Pedro, LLC

Owner Mailing Address: 913 West 29th Street

City: Austin State: TX Zip: 78705

Phone (will be public information): 512.450.8091

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

Section 5: Agent Information

Agent Name: Michael R. McHone

Agent Mailing Address: P.O. Box 8142

City: Austin State: TX Zip: 78713

Phone (will be public information): (512) 554-8440

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).

G-2/11

Page 1 of 2

POPLAR
STREET

- LEGEND

- capped, marked
"Cunningham-Allen"

northeast
corner
of Lot 6,
Block 64

Bearing Basis
S06°06'16"W 363.90'

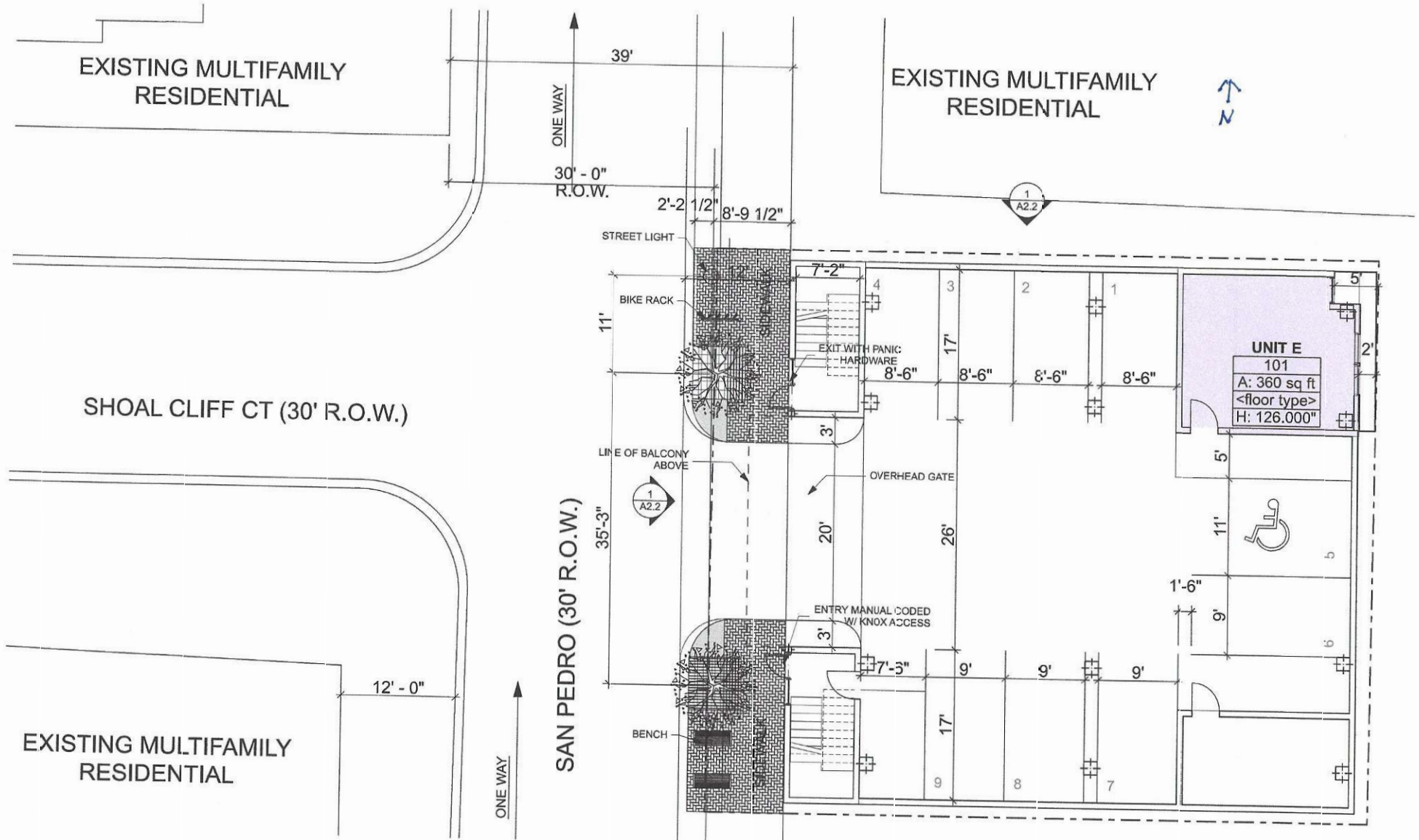
SALADO STREET (50')
("Solado Street" per plat)

HOLT CARSON, INC

1904 FORTVIEW ROAD AUSTIN, TX 78704
(512) 442-0990 105

Texas Licensed Surveying Firm No. 10050700

1059104



1 SITE PLAN
SCALE: 1" = 10'

MAKER
ARCHITECTS
1007 NEWING AVENUE
AUSTIN TEXAS 78704
512.587.6612

PROJECT
LIMELITE
2609 San Pedro Street
Austin,
Texas
78705

SHEET TITLE
SITE PLAN
A0.1
SCALE: 1" = 10'
DATE: 3/19/22
© 2018 MAKER ARCHITECTS LLC





Untitled Map


Write a description for your map.

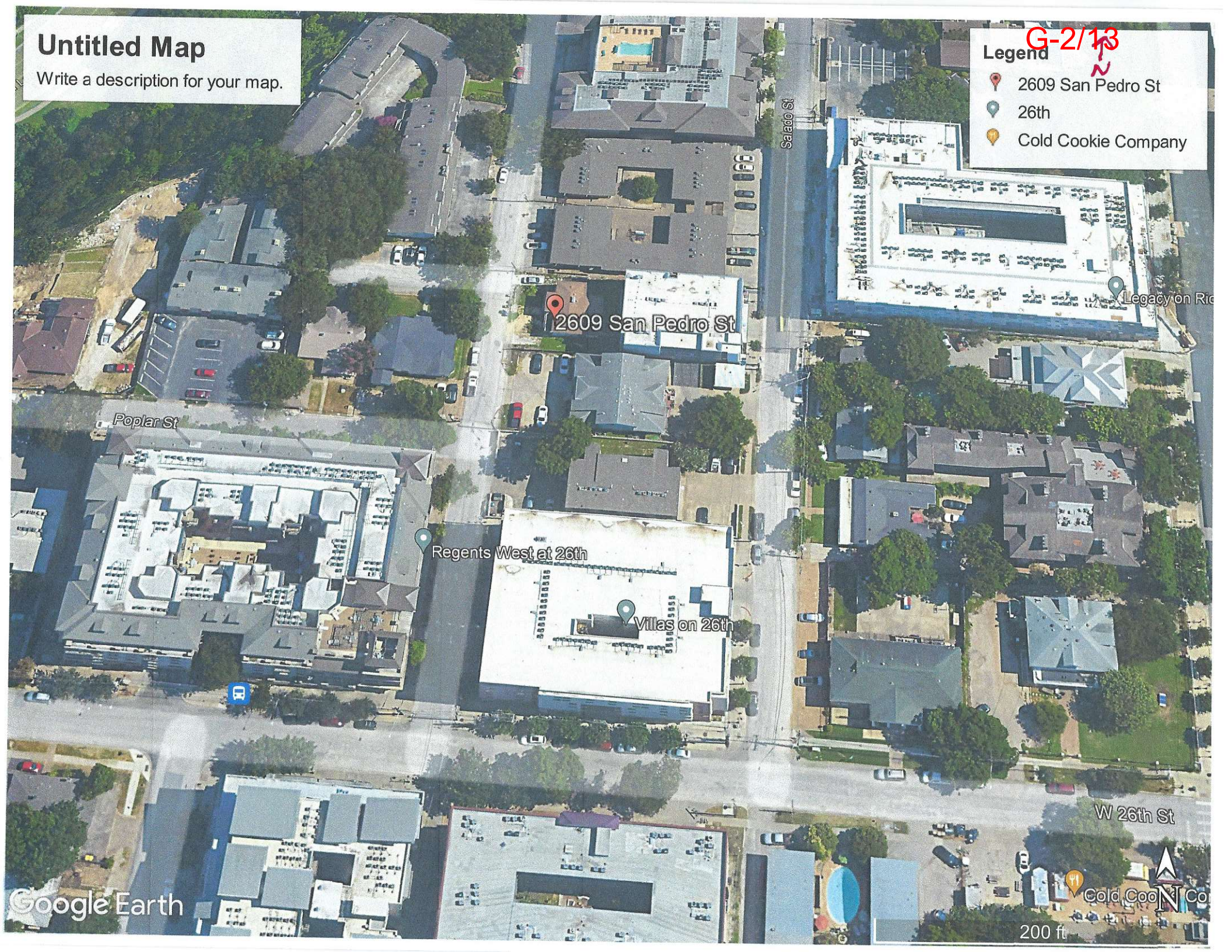
G-2/13

Legend

 2609 San Pedro St

 26th

 Cold Cookie Company



Untitled Map

Write a description for your map.

G-2/14
Legend

- 📍 2609 San Pedro St
- 📍 Feature 1



Google Earth

© 2022 Google

6.09 ft

Mike McHone

From: Davis, Clarissa [REDACTED]
Sent: Tuesday, March 22, 2022 5:49 PM
To: Mike McHone
Cc: Barton-Holmes, Christine
Subject: RE: 2609 San Pedro

Mike,

I saw your voicemail. If the stairs are connected to the structure it is then considered one structure. We do not define things according to the IBC. Our interpretation is the above.

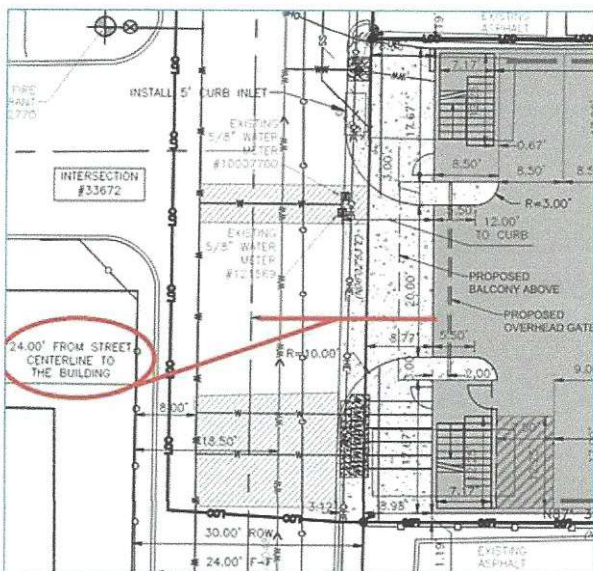
Clarissa Davis

Senior Planner, *Site Plan / Land Use Review*
 City of Austin Development Services Department
 Planning & Development Center, 6310 Wilhelmina Delco Drive
 Office: 512-974-1423



From: Davis, Clarissa
Sent: Tuesday, March 22, 2022 4:44 PM
To: Mike McHone [REDACTED]
Cc: Barton-Holmes, Christine <[REDACTED]>
Subject: RE: 2609 San Pedro

I highlighted the same measurements and building location on the submitted site plan and it does not adhere to the following: "A building must be at least 12 feet from the front face of the curb of the adjacent street and at least 30 feet from the centerline of the adjacent street."

**Clarissa Davis**

Senior Planner, *Site Plan / Land Use Review*

Mike McHone

From: Mike McHone [REDACTED]
Sent: Friday, January 7, 2022 3:12 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: 2609 Salado; SP-2021-0027 C

Hi Robert,

The following email from COA AFD Fire Marshal should help with the review of the project for 2609 Salado.
Let me know if you need additional information.

Best regards,

Mike

Cell: 512-554-8440

From: Vocke, Tom [REDACTED]
Sent: Wednesday, December 22, 2021 12:49 PM
To: Mike McHone
Subject: RE: 2609 Salado

Mike,

I took time to complete a site visit to the properties located between San Pedro(2605) and Salado(2604,2606). The properties are not built to 2021 standards and I do feel the addition of new properties with functioning alarm and sprinkler systems greatly increase the overall safety for the area. The dense population and the demographics of West campus make this area a constant concern for our staff. The addition of modern buildings reduces the risk, not just for the residents of the named properties but also for all the surrounding properties as well. We appreciate efforts to update older construction with safer buildings that provide more affordable housing.

Please let me know if there are questions or concerns that we can assist with.

Thanks Tom Vocke



Tom Vocke
Division Chief, Fire Marshal
Austin Fire Department
6310 Wilhelmina Delco Drive
Austin, TX 78752
(512) 974-0266 Office
(512) 787-6994 Cell