

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2022-0060

BOA DATE: July 11th, 2022

ADDRESS: 1609 Matthews Ln

COUNCIL DISTRICT: 5

OWNER: CMCBH2 Company LLC

AGENT: Victoria Haase

ZONING: MF-2-CO

LEGAL DESCRIPTION: LOT 1 RESUB OF PT OF LOT 1 FITZHUGH J G & HENRY SUBD

VARIANCE REQUEST: a) decrease the setback from 25 feet to 7 feet on eastern property line and 13 feet on southern property line b) increase the height limit from two (2) stories and 30 feet to three (3) stories and 31 feet

SUMMARY: erect multi-family/townhouse dwelling units

ISSUES: heritage trees, critical water quality zone and public utility easements

	ZONING	LAND USES
<i>Site</i>	MF-2-CO	Multi-Family
<i>North</i>	SF-6-CO; CS	Single-Family; Commercial Services
<i>South</i>	DR	Development Reserve
<i>East</i>	SF-2	Single-Family
<i>West</i>	MF-2	Multi-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Friends of Austin Neighborhoods

Go Austin Vamos Austin 78745

Homeless Neighborhood Association

Matthews Lane Neighborhood Assn.

Neighborhood Empowerment Foundation

Onion Creek HOA

Preservation Austin

SELTexas

Sierra Club, Austin Regional Group

South Austin Neighborhood Alliance (SANA)



CITY OF AUSTIN
Development Services Department
Permitting & Development Center
Phone: 512.978.4000
6310 Wilhelmina Delco Dr, Austin, Texas 78752

D-6/2

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 # C15-2022-0060 ROW # 12952784 Tax # 0418170402

Section 1: Applicant Statement

Street Address: 1609 Matthews Lane, Austin, TX 78745

Subdivision Legal Description:

LOT 1 RESUB OF PT OF LOT 1 FITZHUGH J G & HENRY SUBD AND
NW 11.99FT AV OF LOT 2 RESUB OF PT LT 1 FITZHUGH J G & HENRY SUBD

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: MF-2-CO

Council District: 5

I/We Thrower Design, LLC on behalf of myself/ourselves as
authorized agent for CMCBH2 COMPANY LLC affirm that on
Month May, Day 12, 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: Mulifamily/townhouse form dwelling units

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

1. 25-2-1063 (B) (1) (Height Limitations and Setbacks for Large Sites) - from setback requirements to decrease the minimum setback from 25ft (minimum/allowed) to 7ft (requested) from the eastern property line and to 13ft (requested) from the southern property line in order to erect a 3 story multifamily/townhouse style building.
2. 25-2-1063 (C)(1) (a) (Height Limitations and Setbacks for Large Sites) - to increase the height limit from 2 stories and 30ft (maximum allowed) to 3 stories and 31ft (requested) in order to erect a 3 story multifamily/townhouse style building 50ft or less from the eastern and southern property lines.

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 compatibility regulations were intended to buffer single-family uses from commercial uses.

The triggering properties to the east and south of the subject tract have longstanding commercial uses that are not in need of the protections that compatibility buffers were intended to provide. The buildable area lost with adherence to compatibility requirements, environmental features, and public utility easements, on a lot of this size and dimension undermines reasonable use of property adjacent to commercial and industrial/warehouse uses and a rail-road.

Hardship

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

The site has 4 hertiage/protected trees, critical water quality zone and public utility easements that push developable area towards the triggering properties. The location of the trees creates challenge for building placement while also adhering to compatibility setbacks and height limitaions.

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

This propety is uniquely situated along a rail-road track, adjacent to two properties that have compatibility-triggering zoning but have long established commercial and industrial/warehouse uses. Restricting development based on the triggering property's zoning rather than established use does not further the purpose of the compatibility standards.

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 adjacent, compatibility-triggering properties have long-standing commercial and industrial/warehouses uses that are not intended to be buffered by compatibility regulations. Further, the MF-2 zoning district regulations are classified as "commercial" development that also do not trigger compatibility regulations on adjacent commercial uses and zoning districts.

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: 06/09/2022

Applicant Name (typed or printed): Thrower Design, LLC

Applicant Mailing Address: PO Box 41957

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 476-4456

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: 06/09/2022

Owner Name (typed or printed): CMCBH2 COMPANY LLC

Owner Mailing Address: 3625 Bent Ridge Drive

City: Plano State: TX Zip: 75074

Phone (will be public information): (512) 476-4456

Email (optional – will be public information): 

Section 5: Agent Information

Agent Name: Thrower Design, LLC

Agent Mailing Address: PO Box 41957

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 476-4456

Email (optional – will be public information): 

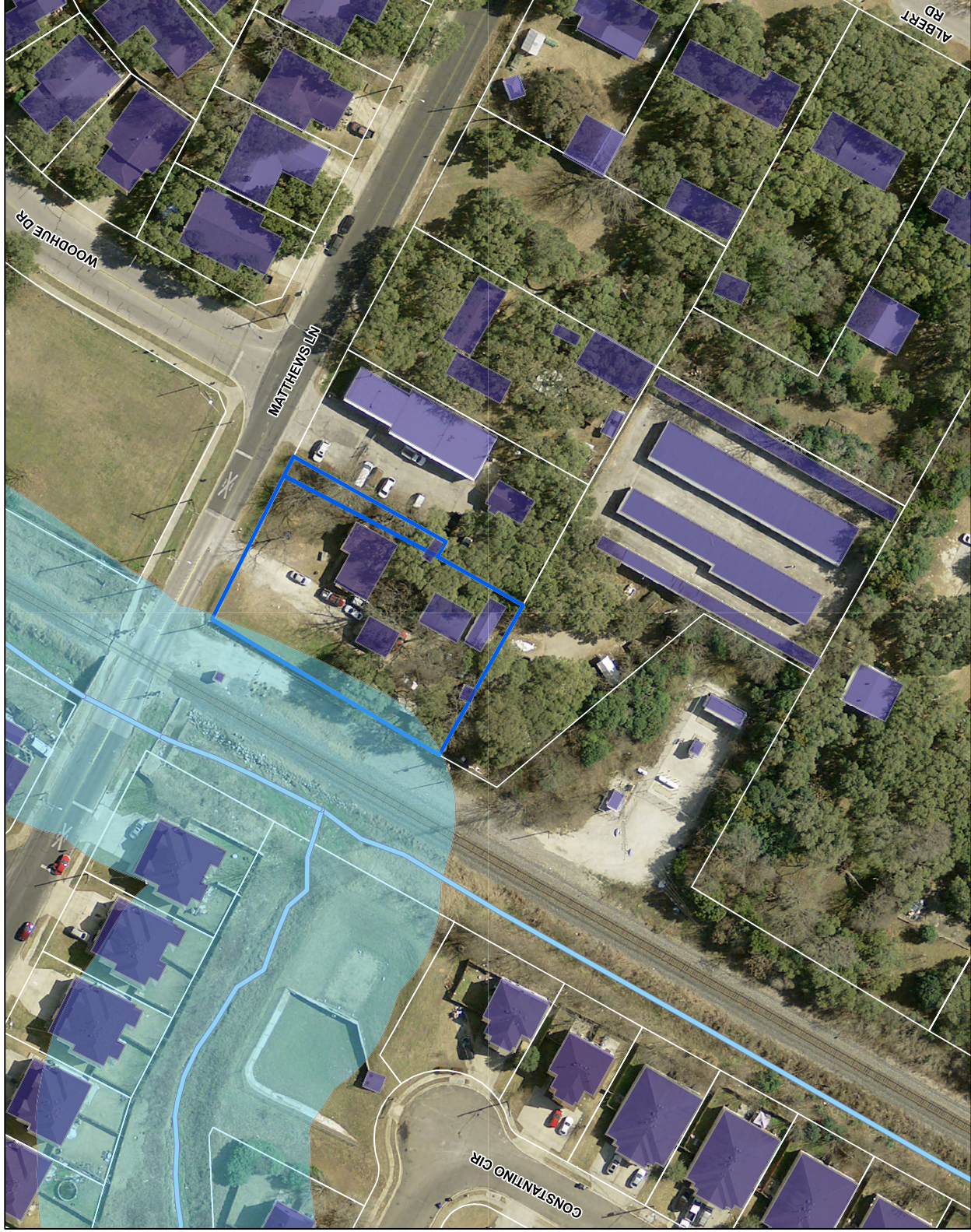
Section 6: Additional Space (if applicable)

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).

1609 Matthews Lane
Austin, Texas 78745

Board of Adjustments
Variance Request Application Map
June 9, 2022

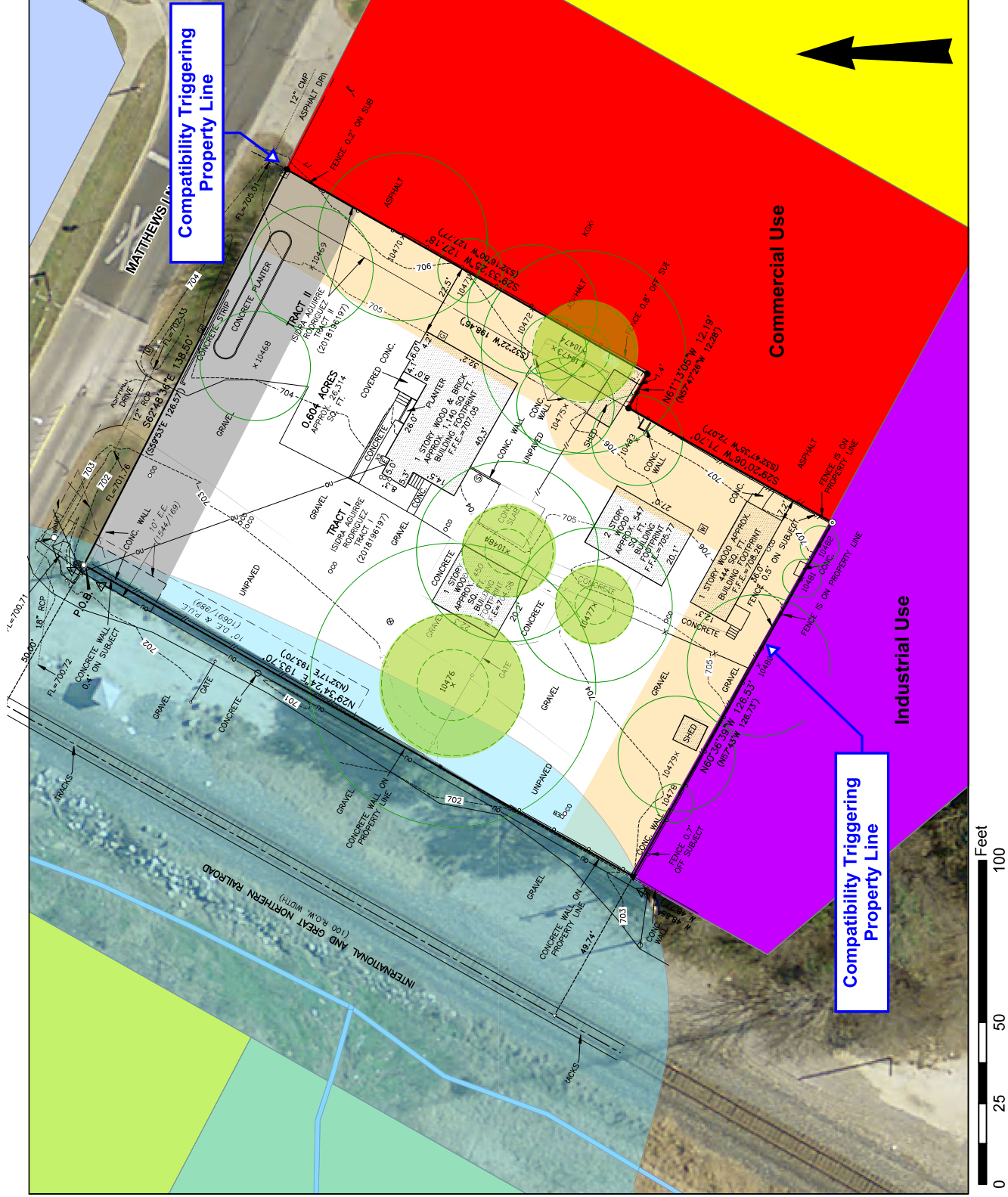
- Subject Tracts
- Creek Setbacks
- Creeklines
- Building Footprints (2017)



C15-2022-0062
1609 Matthews Lane, 78745

Board of Adjustments
Constraints Map
June 23, 2022

- 25ft Front Setback
- Creeklines
- Creek Setbacks (CWQZ)
- 25ft Compatibility Setback
- Land Use Inventory
- Single Family
- Mobile Home
- Large Lot Single Family
- Multifamily
- Commercial
- Mixed Use
- Office
- Industrial
- Resource Mining/Extraction
- Civic
- Open Space
- Parking/Transportation
- Streets & Roads
- Utilities
- Undeveloped
- Water
- <all other values>





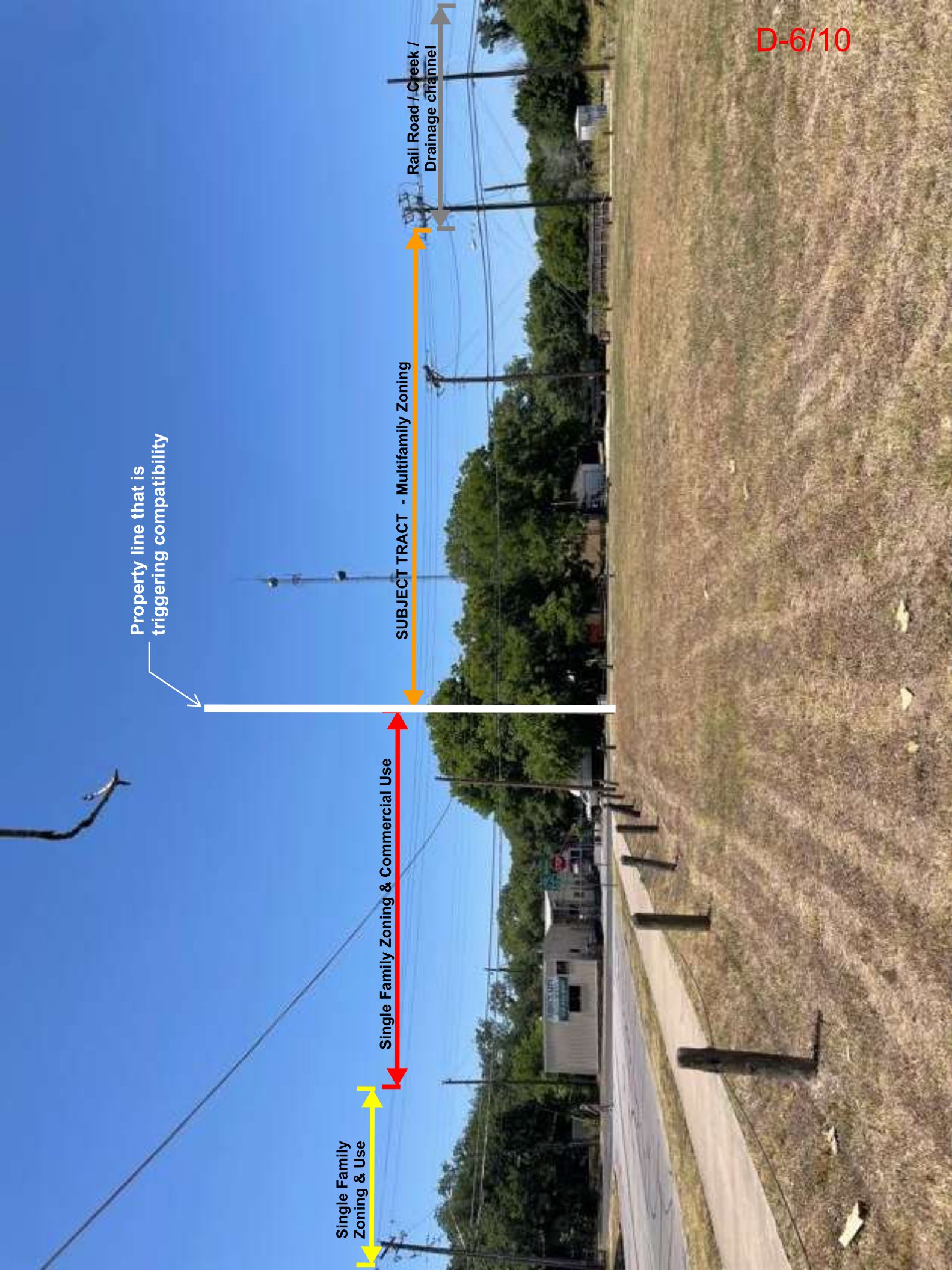
Property line that is triggering compatibility

Single Family Zoning & Use

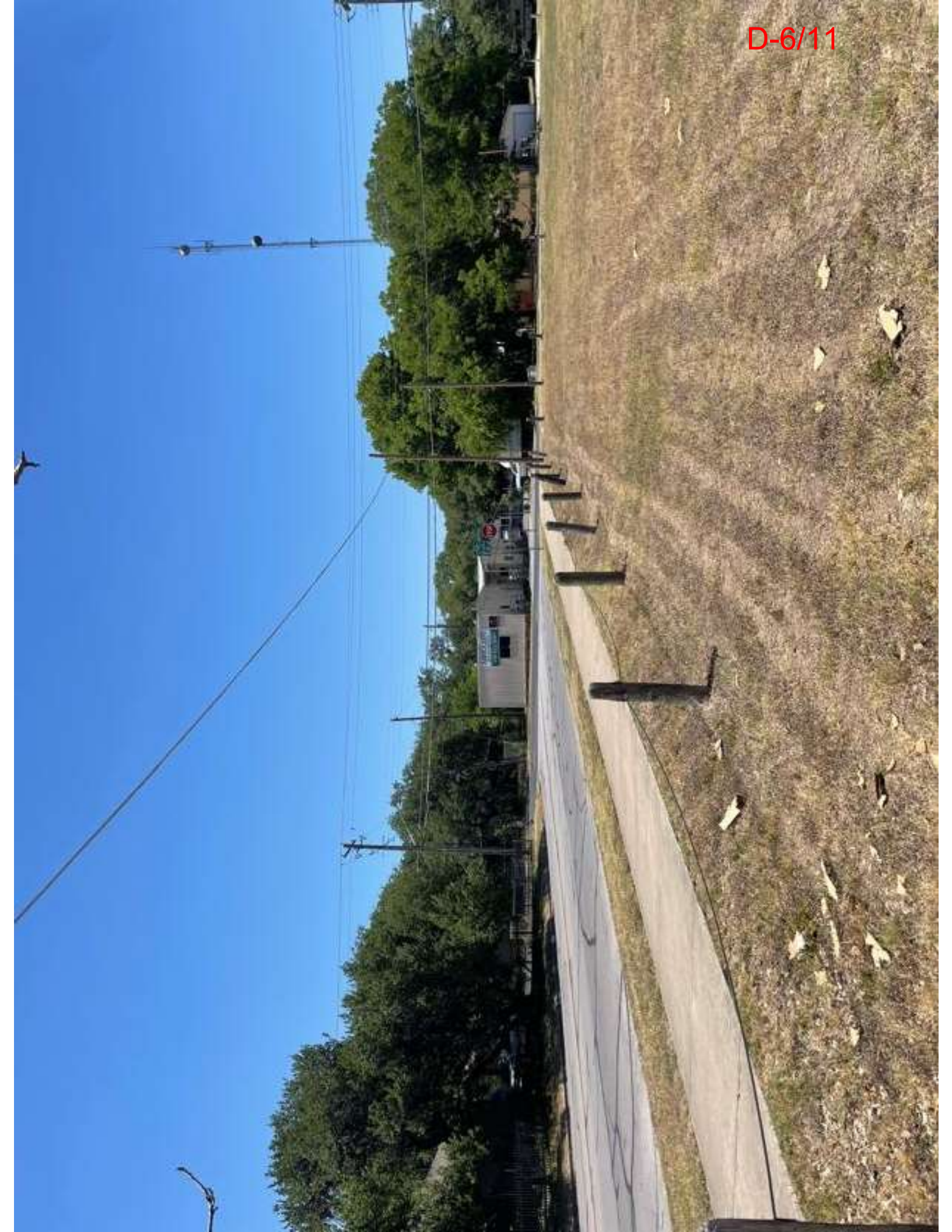
Single Family Zoning & Commercial Use

SUBJECT TRACT - Multifamily Zoning

Rail Road / Creek / Drainage channel

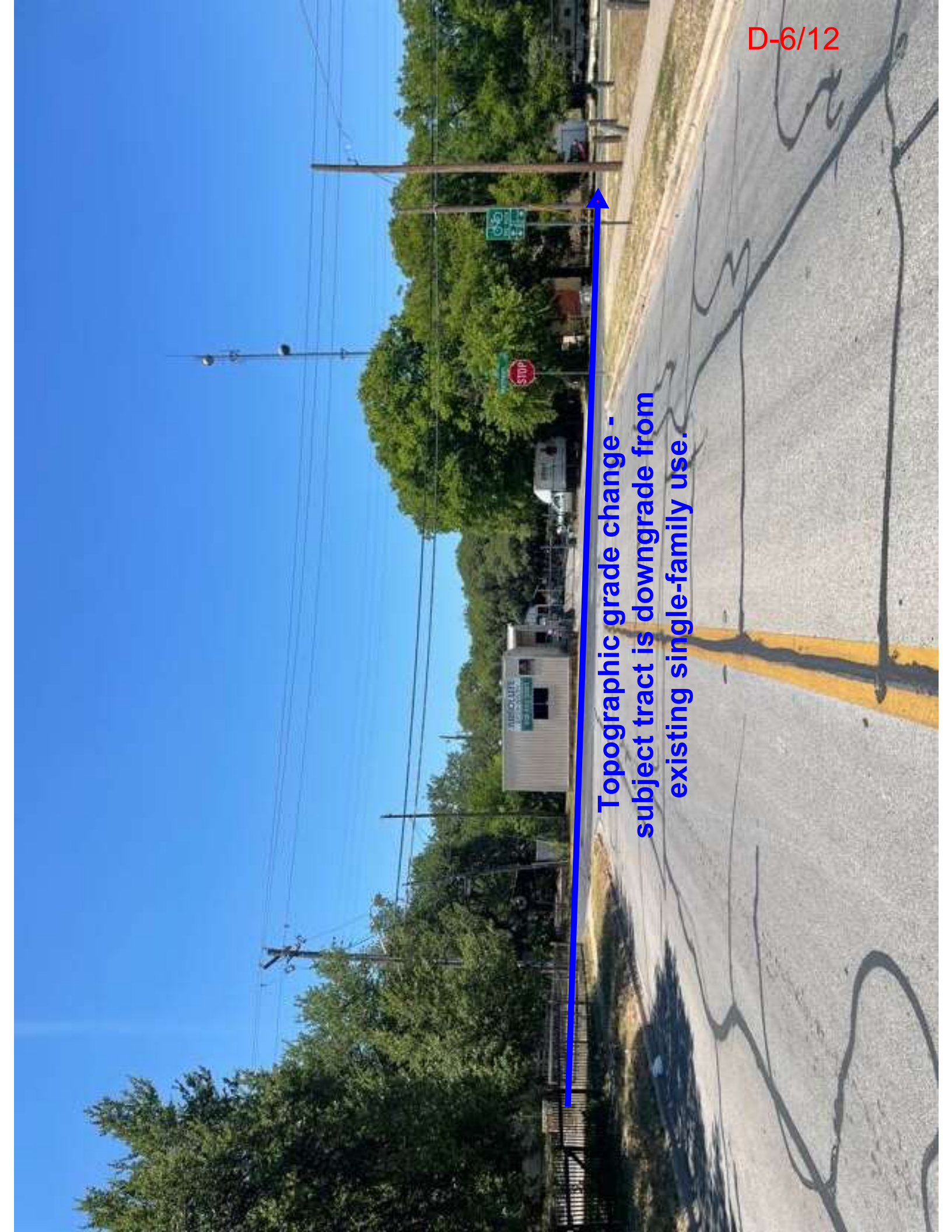


D-6/11

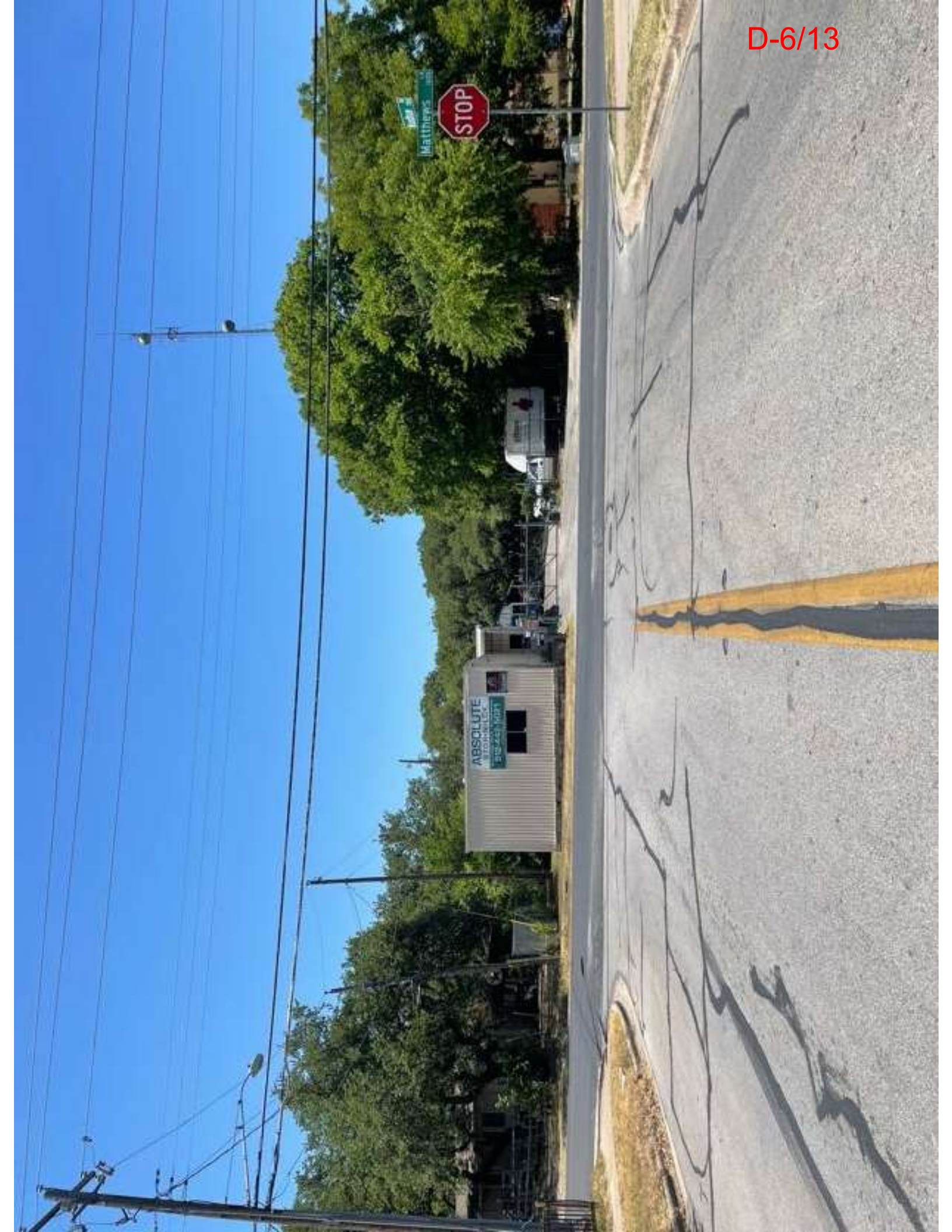


D-6/12

Topographic grade change -
subject tract is downgrade from
existing single-family use.



D-6/13



D-6/14



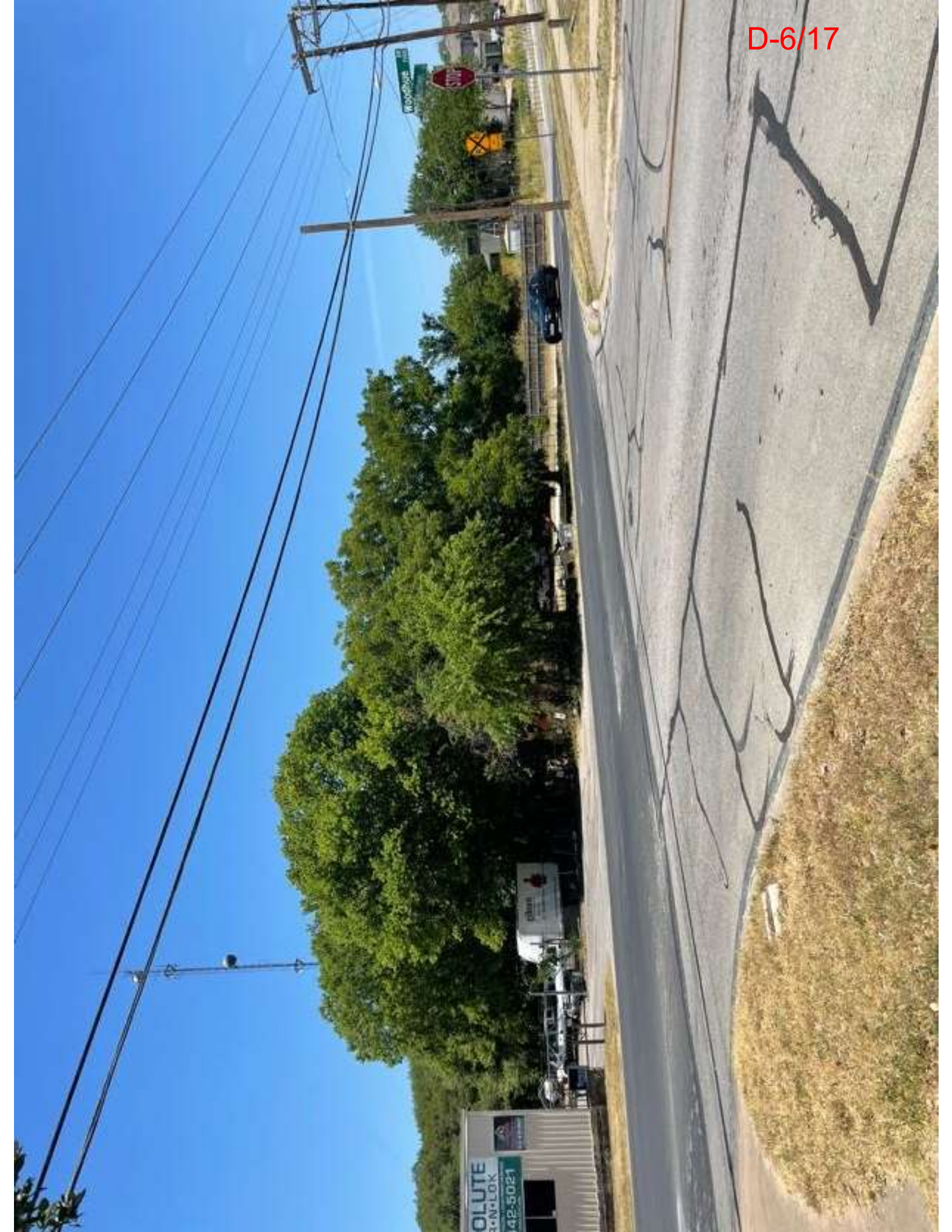
D-6/15



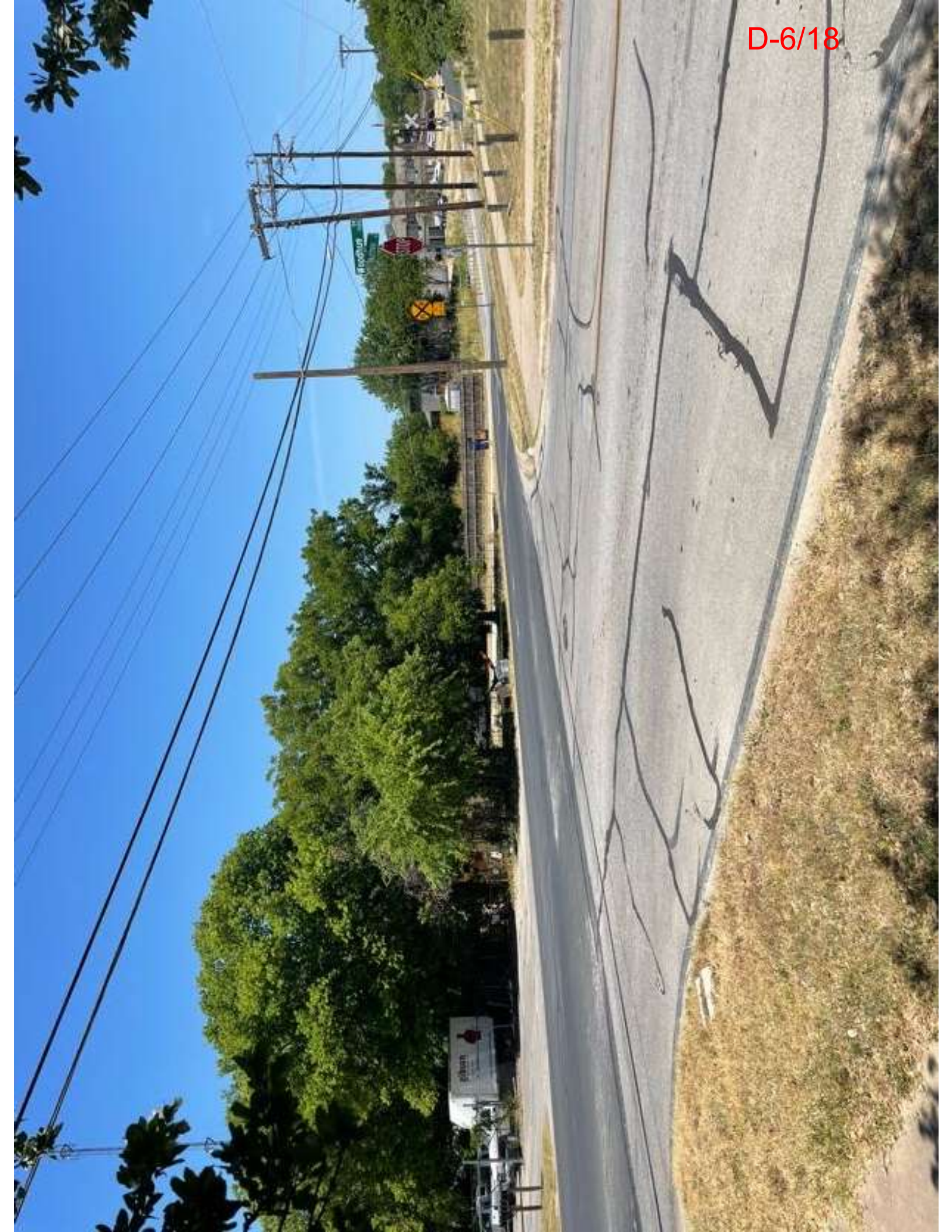
Single Family Use,
Single Family Zoning

Commercial Use, Single
Family Zoning

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D-6/18



D-6/19

Subject Tract



D-6/20



**Buildable Area Calculations - 1609 Matthews Lane
C15-2022-0060**

Overall Site	Site Area	Area Lost	% of whole
With Compatibility setbacks	26,312.63		
Tree Critical Root Zones		11,692	44%
Critical Water Quality Zone		2,528	10%
Total Area Lost		857	3%
		15,077	57%

Overall Site	Site Area	Area Lost	% of whole
With regular setbacks	26,312.63		
Tree Critical Root Zones		6,819	26%
Critical Water Quality Zone		2,528	10%
Total Area Lost		857	3%
		10,204	39%

Compatibility Height
Restrictions from Single
Family zoning and
COMMERCIAL use.

Compatibility Triggering
from Single Family
zoning and use.

