

BOA GENERAL REVIEW COVERSHEET
REVISED

CASE: C15-2022-0002

BOA DATE: September 12th, 2022

ADDRESS: 5413 Guadalupe St
OWNER: 5413 Guadalupe LLC

COUNCIL DISTRICT: 4
AGENT: Marek Hnizda

ZONING: MF-4-CO-NP (North Loop)

LEGAL DESCRIPTION: LOT 16&21 BLK 1 NORTHFIELD ANNEX NO 2

VARIANCE REQUEST: Land Development Code: Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*):

- a) (C) (1) (a) from height limitations to increase the height limit from two (2) stories and 30 feet (maximum allowed) to three (3) stories and 30 feet (requested) for a building located 50-ft or less from property in an SF-5 or more restrictive zoning district
- b) (C) (2) (a) from height limitations to increase the height limit from three (3) stories and 40 feet (maximum allowed) to four (4) stories and 40 feet (requested) **and**
Section 25-2-1064 (Front Setback):
- c) (1) (a) to decrease the front setback from 25 feet (minimum required) to 15 feet

SUMMARY: erect three story condominiums and associated improvements

ISSUES: existing adjacent buildings have similar setbacks

	ZONING	LAND USES
<i>Site</i>	MF-4-CO-NP	Multi-Family
<i>North</i>	CS-CO-NP	General Commercial Services
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	MF-3-NP; SF-3-NP	Mutli-Family; Single-Family
<i>West</i>	MF-3-NP; SF-3-NP	Mutli-Family; Single-Family

NEIGHBORHOOD ORGANIZATIONS:

- Austin Independent School District
- Austin Lost and Found Pets
- Austin Neighborhoods Council
- Central Austin Community Development Corporation
- Friends of Austin Neighborhoods
- Homeless Neighborhood Association
- Neighborhood Empowerment Foundation
- North Austin Neighborhood Alliance
- North Loop Neighborhood Association
- North Loop Neighborhood Plan Contact Team
- Preservation Austin
- SELTexas
- Sierra Club, Austin Regional Group

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
E-2

DATE: Monday July 11, 2022

CASE NUMBER: C15-2022-0002

Y Thomas Ates
 Y Brooke Bailey
 Y Jessica Cohen
 Y Melissa Hawthorne
 Y Barbara McArthur
 Y Ryan Nill
 Y Darryl Pruett
 - Agustina Rodriguez OUT
 - Richard Smith OUT
 Y Michael Von Ohlen
 Y Nicholl Wade
 - Kelly Blume (Alternate) N/A
 Y Carrie Waller (Alternate)
 Y Marcel Gutierrez-Garza (Alternate)

APPLICANT: Rao Vasamsetti

OWNER: 5413 Guadalupe LLC

ADDRESS: 5413 GUADALUPE STREET

VARIANCE REQUESTED The applicant is requesting a variance(s) from the Land Development Code Section 25-2-492 (Site Development Regulations) from setback requirements to decrease the minimum Interior Side Yard Setback from 5 feet (required) to 4 feet (requested), in order to erect a three story condominium in a “MF-4-CO-NP”, Multi-Family-Conditional Overlay-Neighborhood Plan zoning district (North Loop Neighborhood Plan).

BOARD’S DECISION: BOA MEETING JUNE 13, 2022 APPLICANT NO SHOW - The public hearing was closed by Madam Chair Jessica Cohen, Board member Jessica Cohen motions to postponed to July 11, 2022; Board member Brooke Bailey seconds on a 11-0, vote; POSTPONED TO JULY 11, 2022. JULY 11, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board member Jessica Cohen motions to postpone to September 12, 2022; Board member Melissa Hawthorne seconds on a 11-0 vote; POSTPONED TO SEPTEMBER 12, 2022.

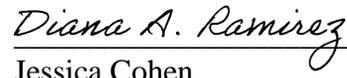
FINDING:

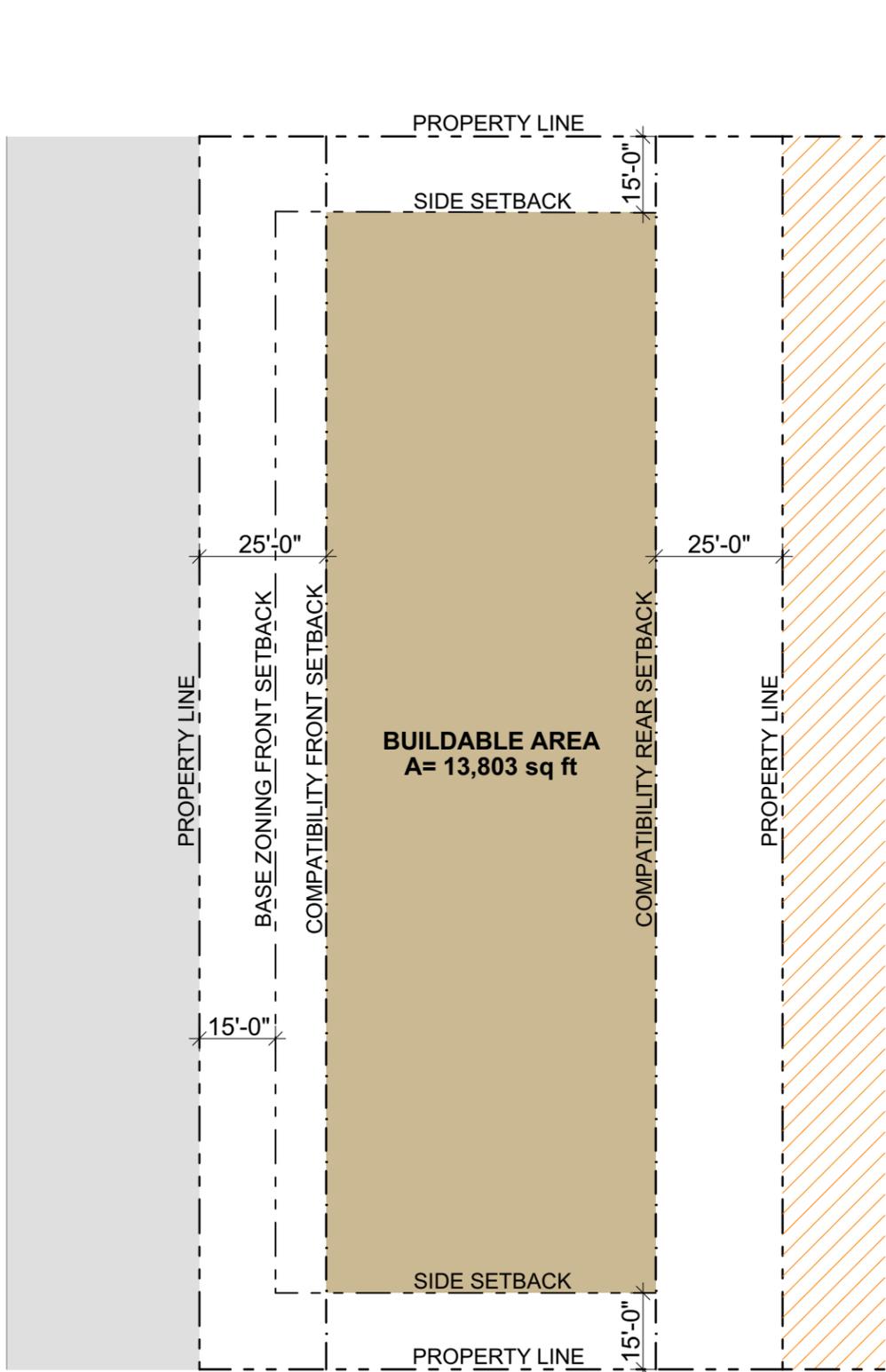
1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

(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

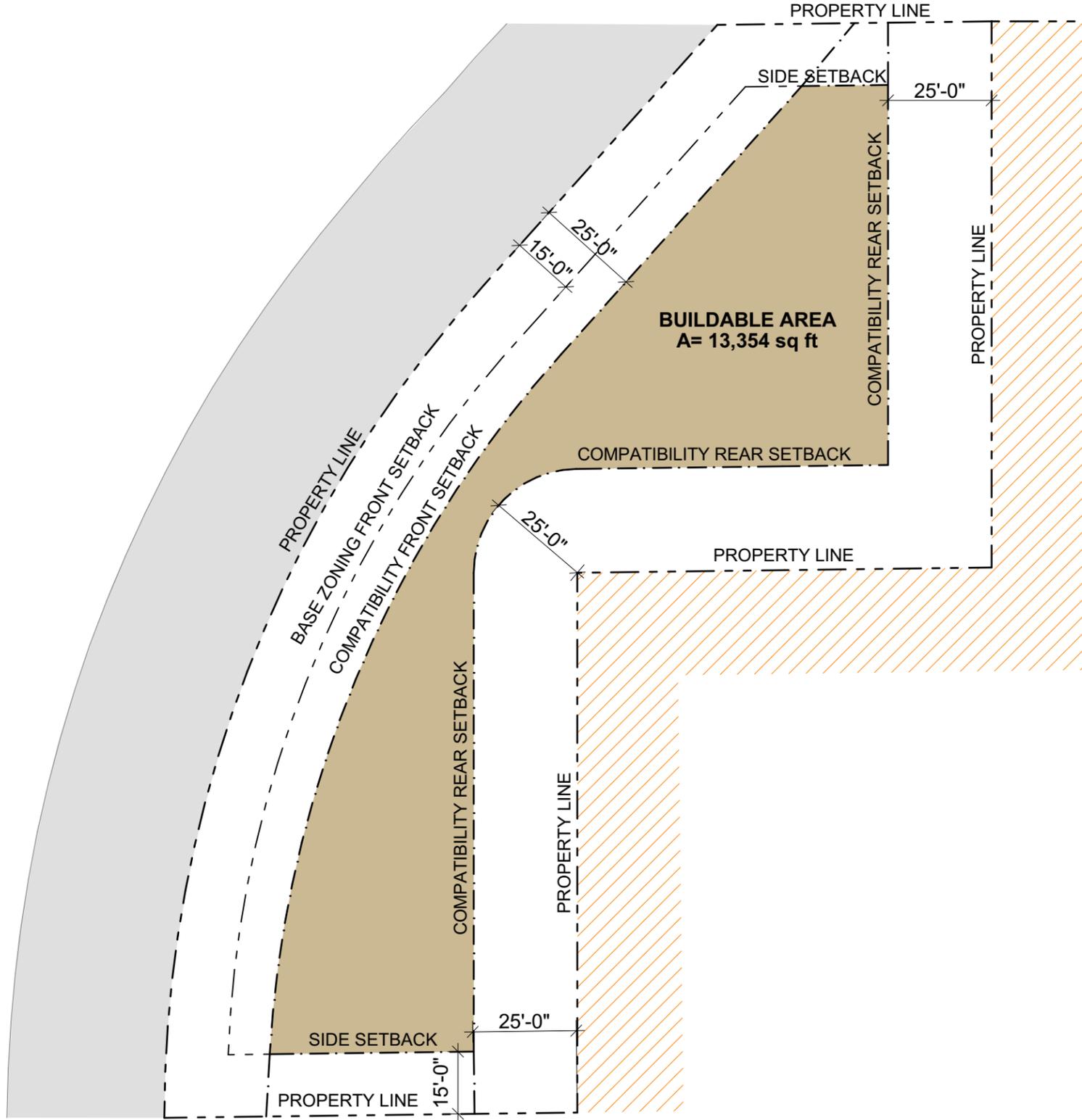


PROPERTY AREA = 27,873 SF

TYPICAL MF-4 PROPERTY

SCALE: 1/32" = 1'-0"

1



PROPERTY AREA = 27,873 SF

5413 GUADALUPE ST

SCALE: 1/32" = 1'-0"



GDLP
 5413 GUADALUPE STREET
 Austin, Texas 78751

ARCHITECTURE

Webber + Studio, Inc.

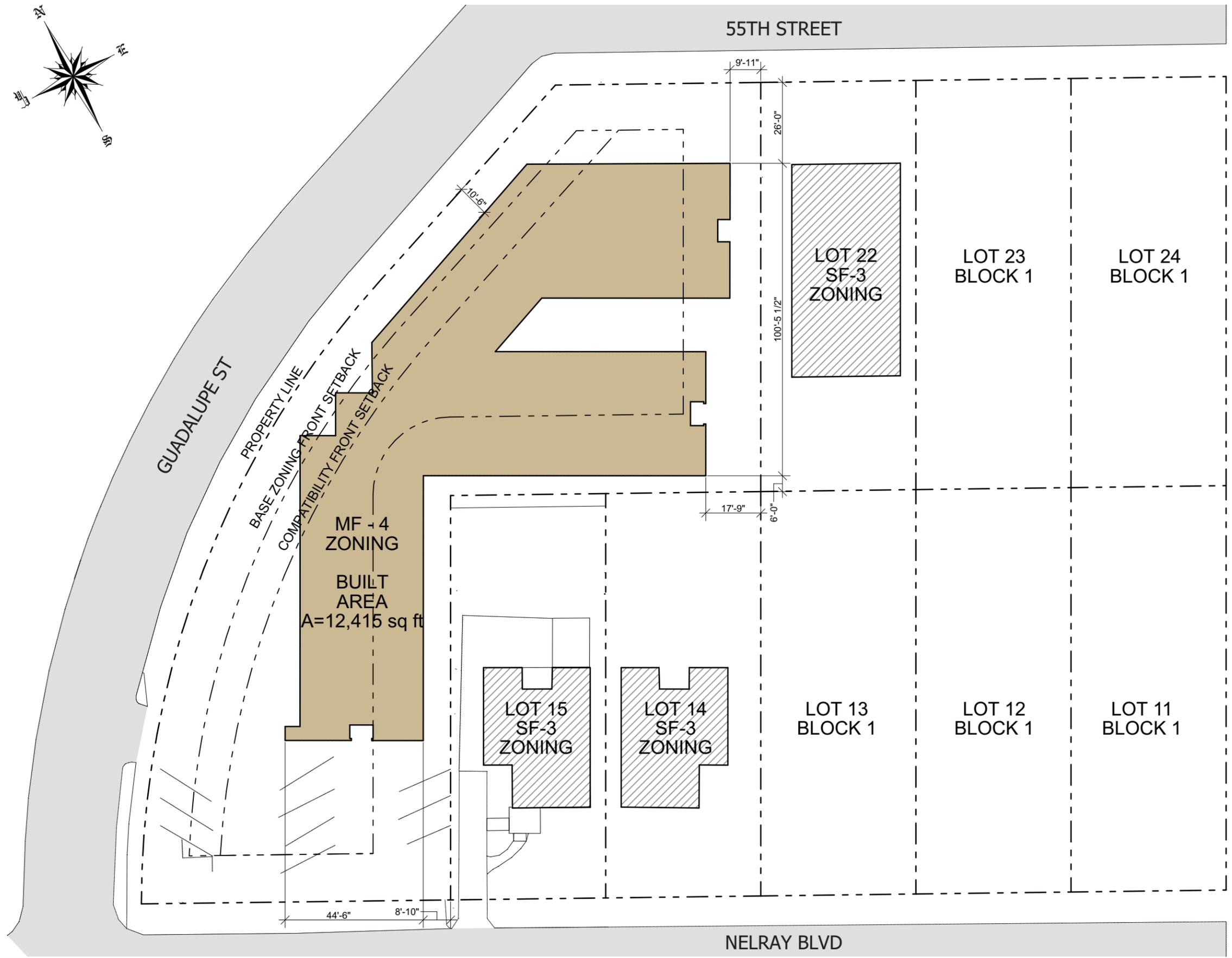
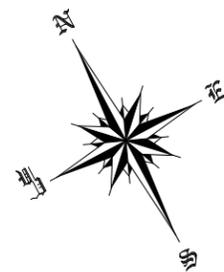
512.236.1032

1220 Lavaca Street
Austin, Texas 78701
Fax 512.236.1039

Tuesday, August 23, 2022

A01

BOARD OF ADJUSTMENTS:
COMPATIBILITY DIAGRAMS



GDLP
 5413 GUADALUPE STREET
 Austin, Texas 78751

ARCHITECTURE
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Tuesday, August 23, 2022

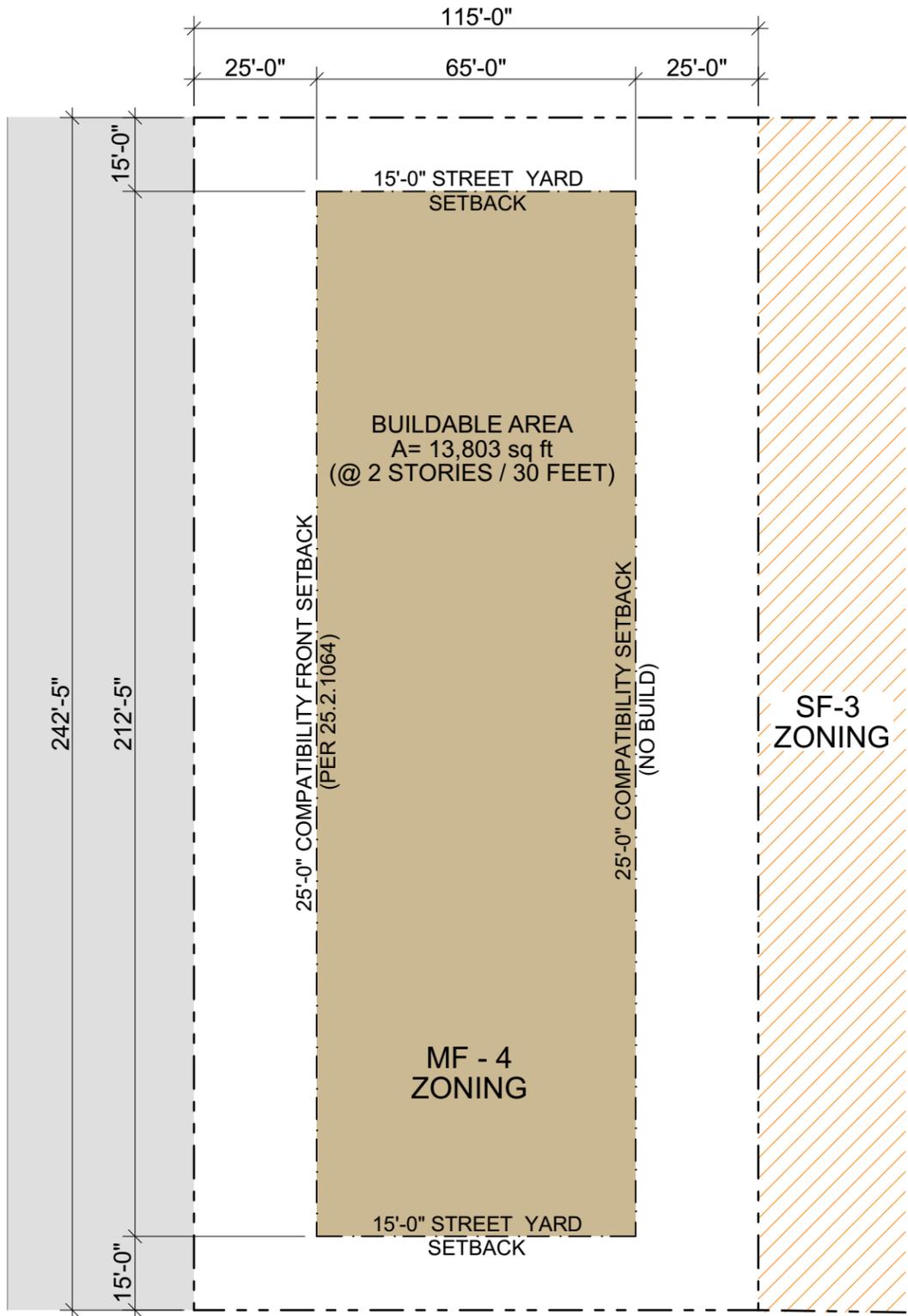
A02
 EXISTING CONDITIONS

EXISTING SITE PLAN

SCALE: 1/32" = 1'-0"

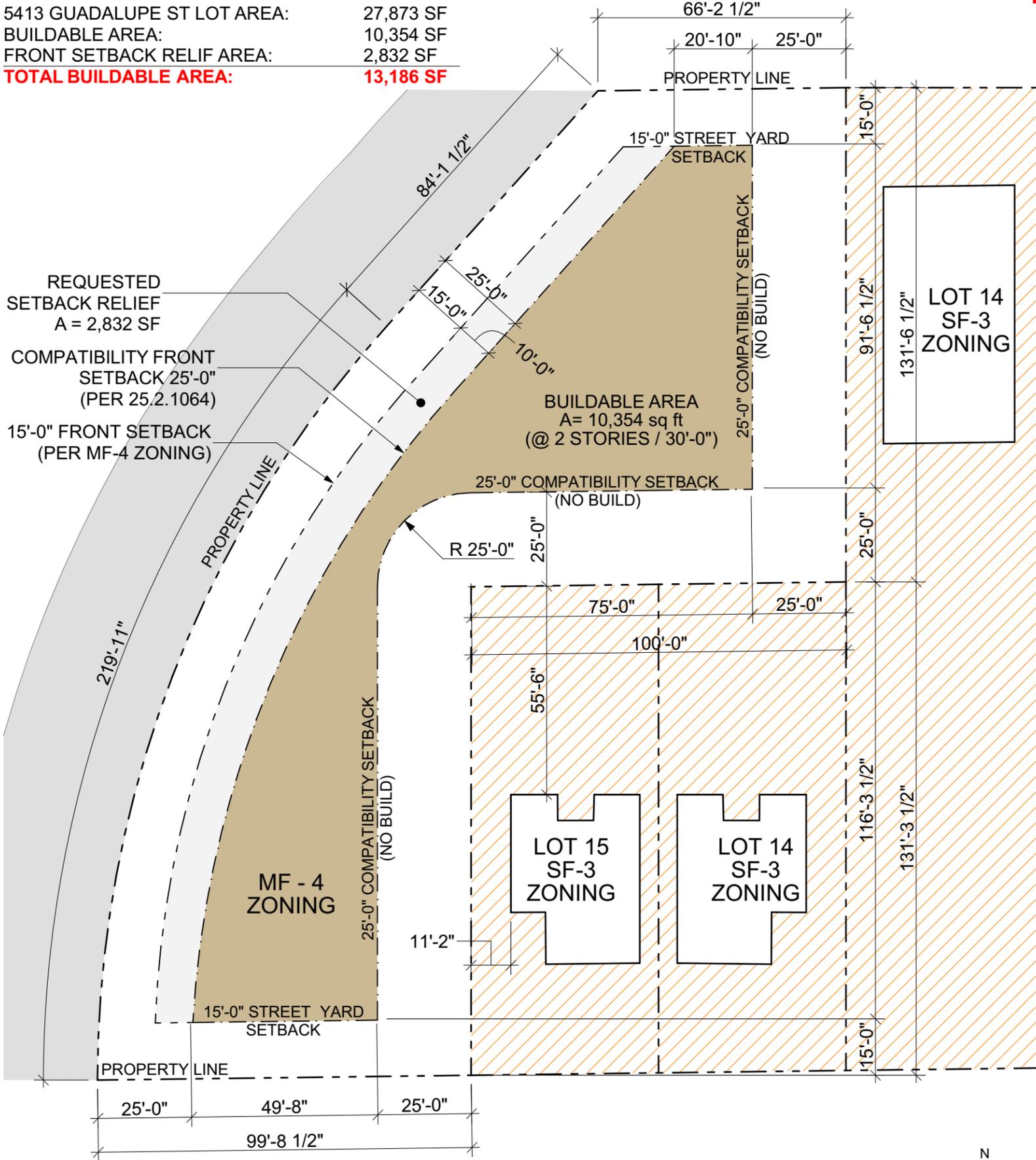


TYP. LOT AREA: 27,873 SF
 BUILDABLE AREA: 13,803 SF
TOTAL BUILDABLE AREA: 13,803 SF



TYPICAL MF-4 PROPERTY 1
 SCALE: 1/32" = 1'-0"

5413 GUADALUPE ST LOT AREA: 27,873 SF
 BUILDABLE AREA: 10,354 SF
 FRONT SETBACK RELIF AREA: 2,832 SF
TOTAL BUILDABLE AREA: 13,186 SF



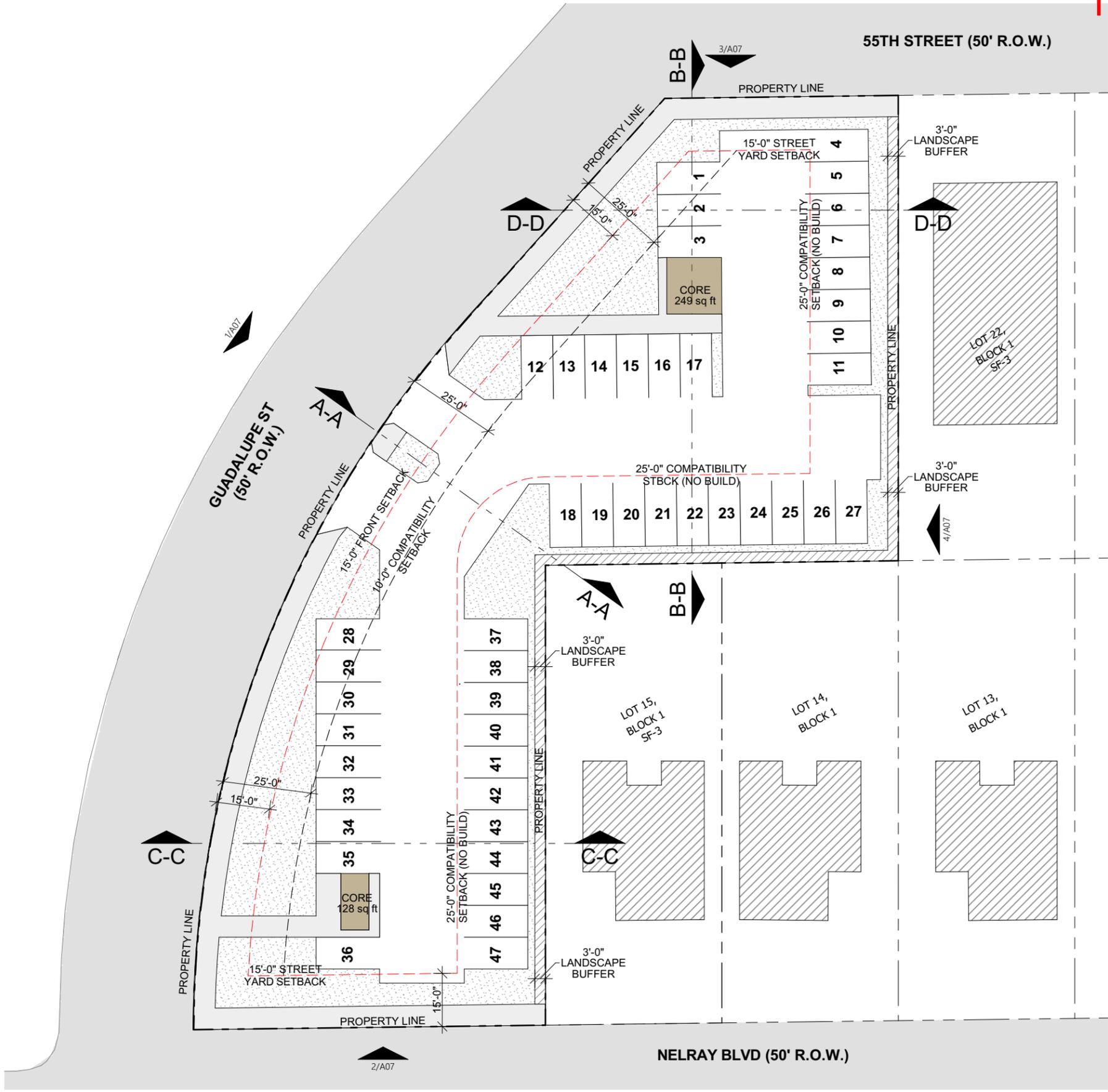
5413 GUADALUPE ST 2
 SCALE: 1/32" = 1'-0"

GDLP
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 Austin, Texas 78751

ARCHITECTURE
Webber + Studio, Inc.
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Tuesday, August 23, 2022

A03
 BOARD OF ADJUSTMENTS:
 COMPATIBILITY DIAGRAMS



GDLP
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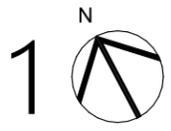
ARCHITECTURE
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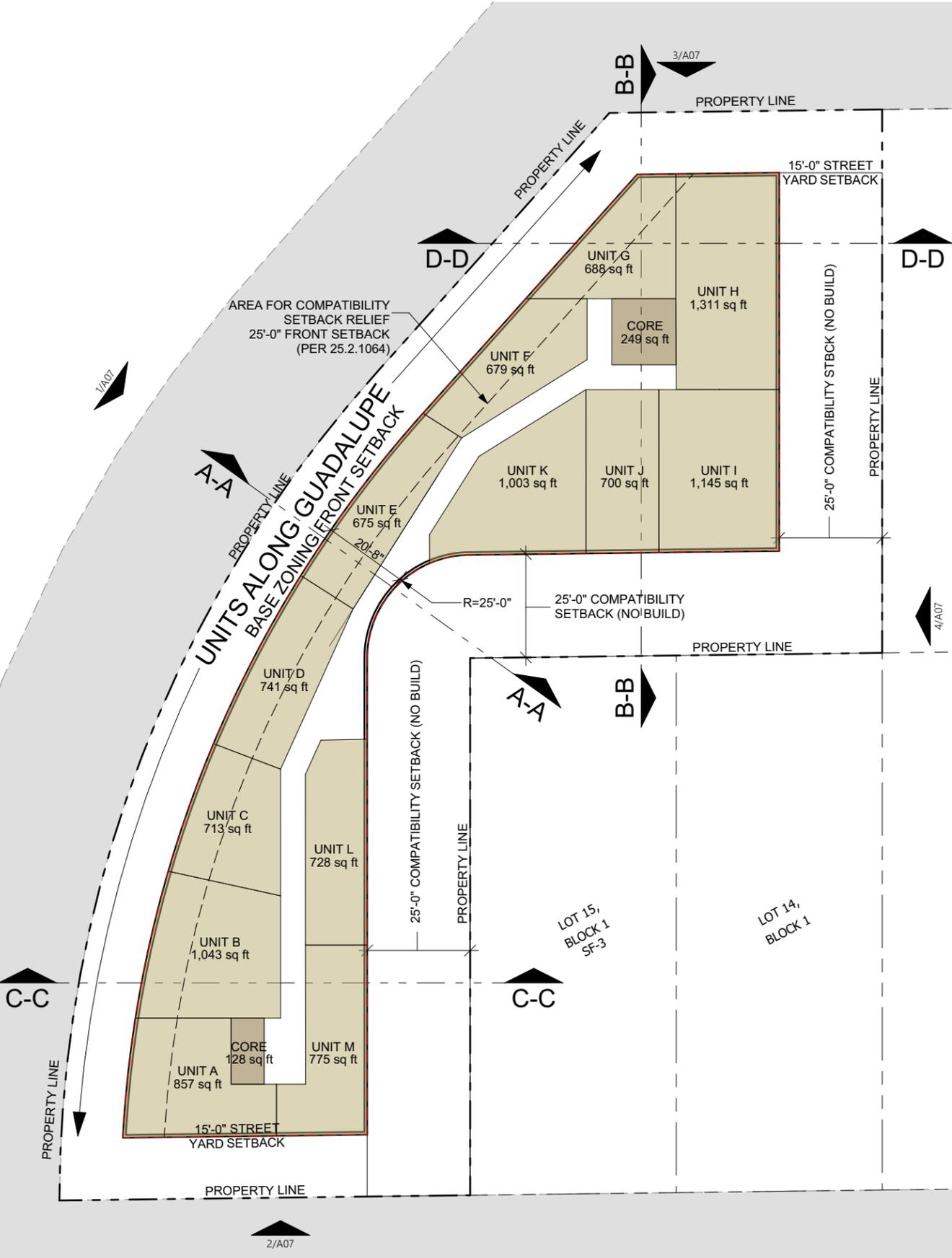
Tuesday, August 23, 2022

A04
 PARKING: GROUND FLOOR

GROUND LEVEL: PARKING

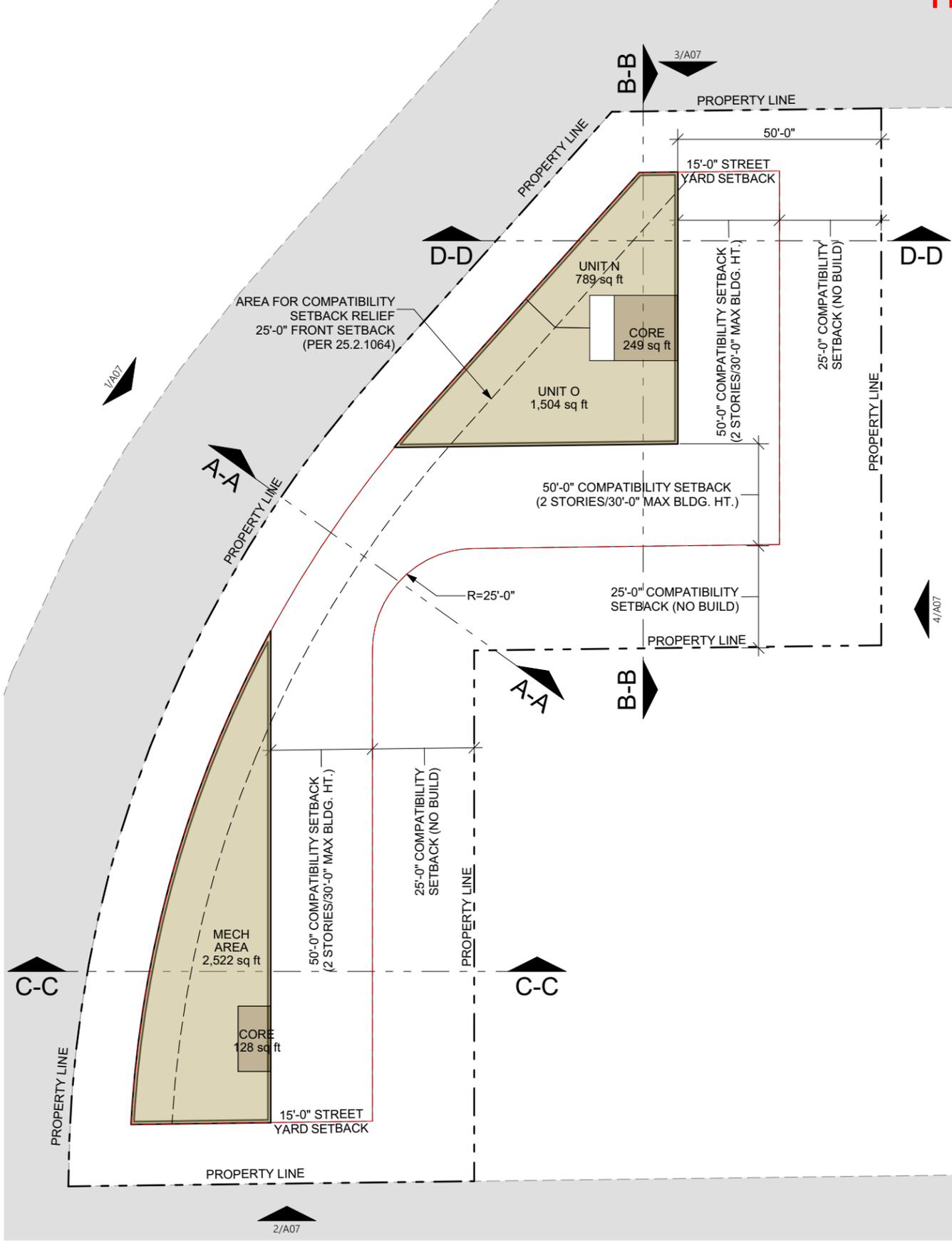
SCALE: 1/32" = 1'-0"





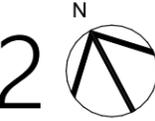
LEVEL 02 / 03: RESIDENTIAL UNITS

SCALE: 1/32" = 1'-0"



LEVEL 04: RESIDENTIAL UNITS

SCALE: 1/32" = 1'-0"

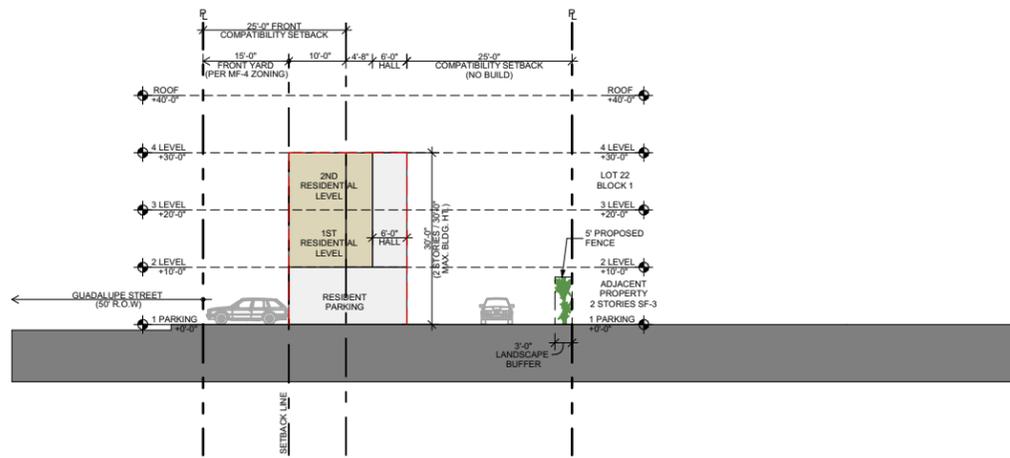


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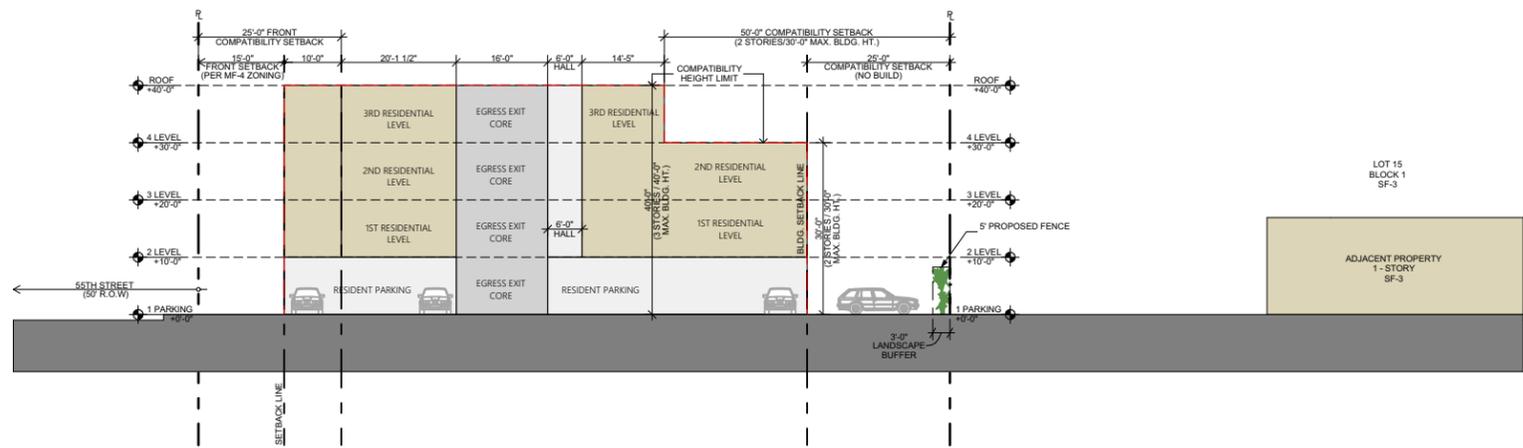
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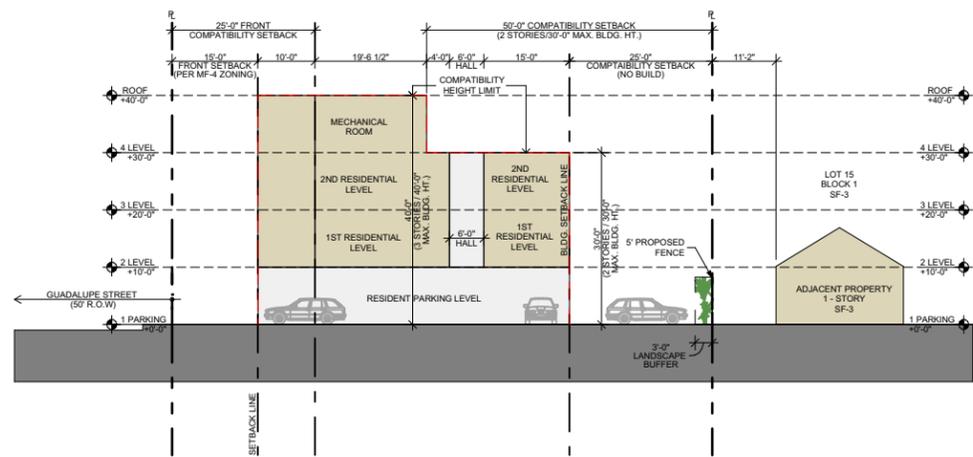
A05
 LEVEL 02 / 03 / 04:
 RESIDENTIAL UNITS



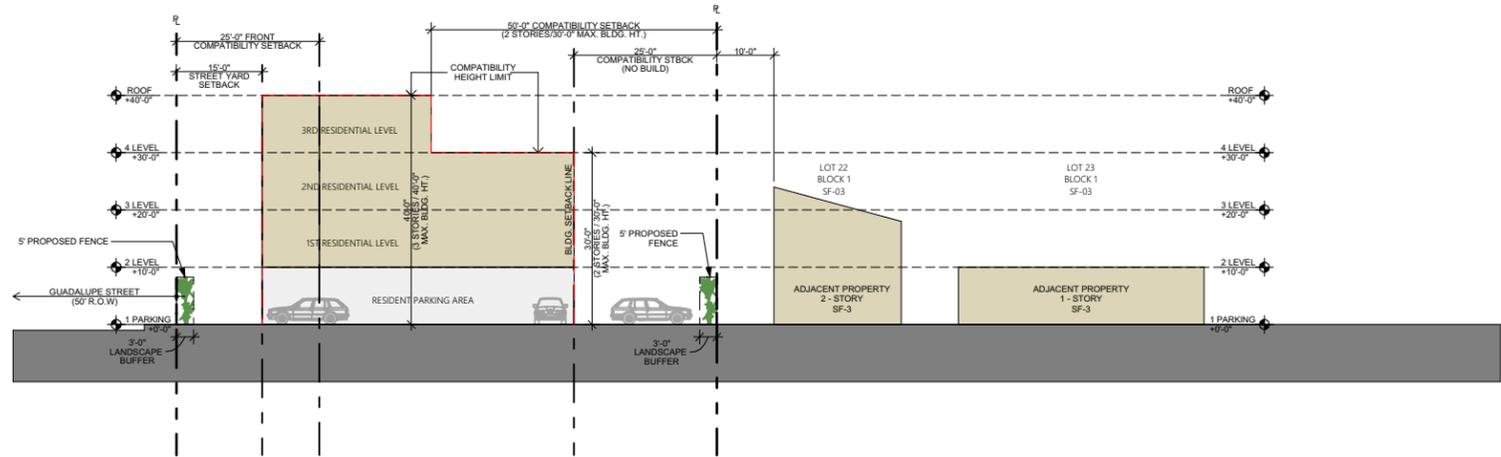
SECTION A-A
Scale: 1/32" = 1'-0"



SECTION B-B
Scale: 1/32" = 1'-0"



SECTION C-C
Scale: 1/32" = 1'-0"



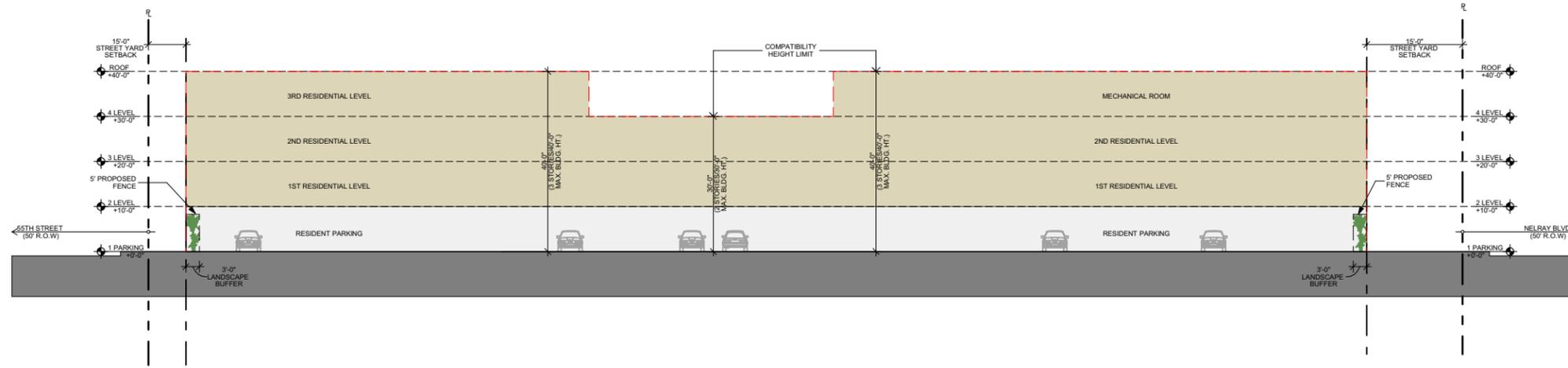
SECTION D-D
Scale: 1/32" = 1'-0"

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Tuesday, August 23, 2022

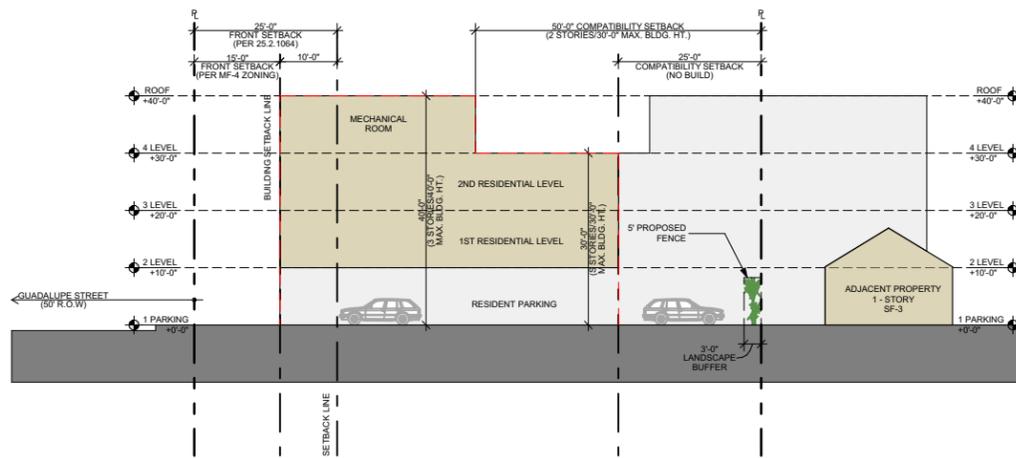
A06
SECCION A, B, C, D



NORTH ELEVATION

Scale: 1/32" = 1'-0"

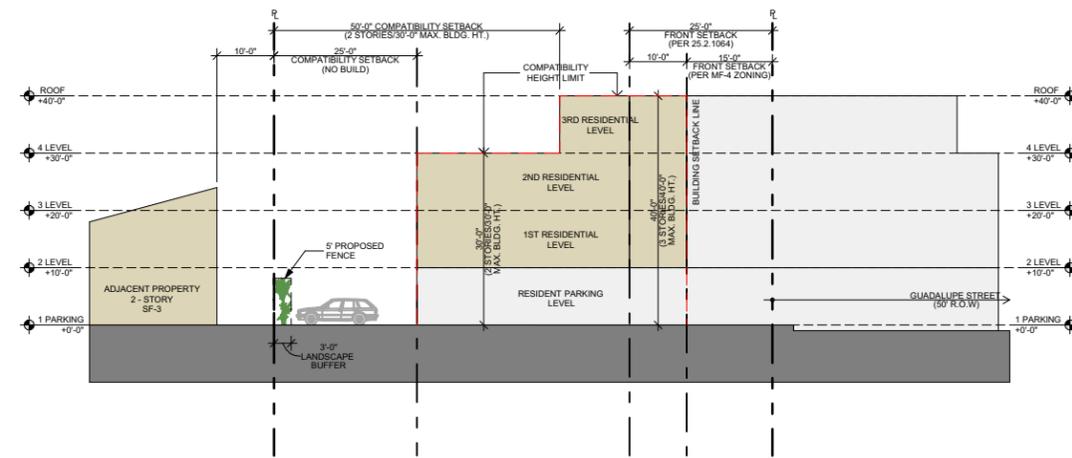
1



WEST ELEVATION

Scale: 1/32" = 1'-0"

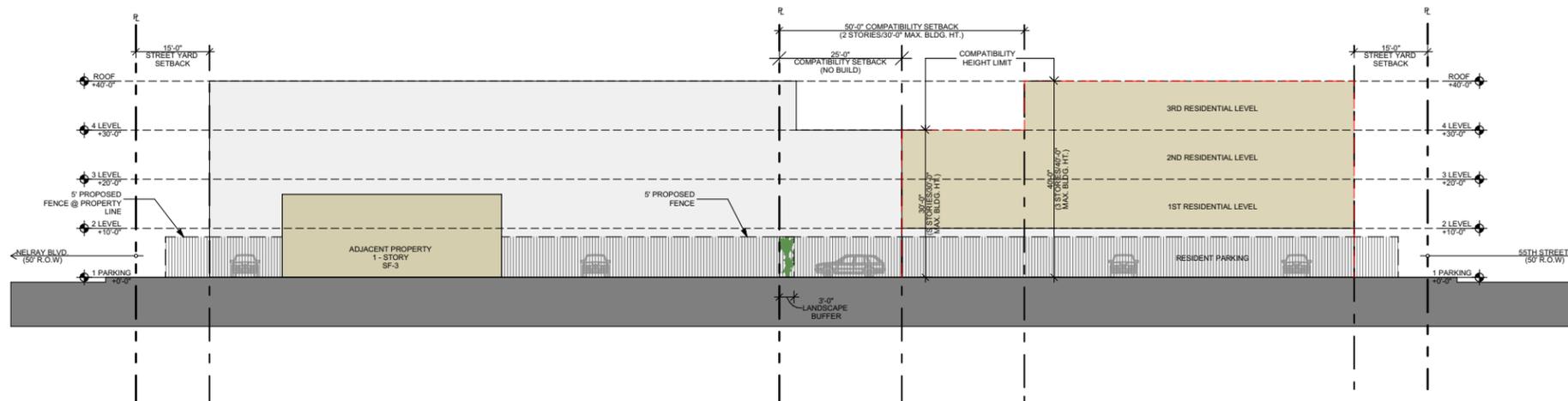
2



EAST ELEVATION

Scale: 1/32" = 1'-0"

3



SOUTH ELEVATION

Scale: 1/32" = 1'-0"

4

GDLP
 5413 GUADALUPE STREET
 Austin, Texas 78751

ARCHITECTURE

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1220 Lavaca Street
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Tuesday, August 23, 2022

A07

FAÇADES: NORTH, WEST, EAST, SOUTH



updated 8/10/2022 ITEM 5/11
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 # **C15-2022-0002** ROW # **12839535** Tax # **0225090731**

Section 1: Applicant Statement

Street Address: 5413 Guadalupe St (TCAD: 0225090731)

Subdivision Legal Description:

Lot 16&21 BLK 1 Northfield Annex No 2

Lot(s): Lot 16&21 Block(s): 1

Outlot: _____ Division: _____

Zoning District: MF-4-CO-NP, (North Loop) Council District: 4

I/We Marek Hnizda (Webber Studio Architects) on behalf of myself/ourselves as

authorized agent for Guadalupe Heights LLC affirm that on

Month August, Day 10, 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: Reduced Setbacks

Type of Structure: Multifamily Bulding over at grade parking and associated improvements.

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

Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) a) (C) (1) (a) increase story limit (2 stories) within 30 feet height limit in (25-50 feet area): (3 stories requested) b) (C) (2) (a) increase story limit (3 stories) within 40 feet height limit in (50-100 feet area: (4 stories requested) c) (C) (3) reduce compatibility setback (25 feet) to base zoning: 15 feet (requested)

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 by-right base zoning requirements alone provide a vast reduction to the buildable and reasonable use of the property. Above and beyond the base zoning, the compatibility further reduces the reasonable use of the property, not only on the interior side which is adjacent of the SF lots, but also on the street side which faces Guadalupe Street and tries to provide a street front presence.

Hardship

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

We have estimated that a more typical lot of this size would have a "site-utilization" of about 50% with the base zoning and compatibility zoning applied, where as this property has a reduce ability of only 37%. Because of the left over nature of the property configuration, this site is at a steep disadvantage of reasonable use.

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

Typical properties adjacent to SF lots would still be able to yield a reasonable built area; however, because of the unique shape of this lot, (which is the result of combining the left over areas at the end of the two residential rows of buildings), as well as being zoned MF use, and facing a main street, the reasonable use simply does not come close to the existing yield of the building on site, which is already non-conforming to the new setbacks which would be applied.

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:

All relief variance requested is proposed to be resolved on-site and proposes to have a reduced impact of the development to the surrounding properties while still conforming to many of the compatibility and zoning requirements: 1) Retain compatibility massing limitations on the SF adjacent lot sides, while allowing parking below 2 and 3 stories of residential dwelling units, 2) reduce compatibility setback from the street side (Guadalupe) to allow for slightly better site utilization/ reasonable use of the property.

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:

No relief from parking requested as all required and proposed parking will be accommodated on-site, thus relieving impact to side street parking demand, especially in the residential areas.

- 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:

No relief from parking requested as all required and proposed parking will be accommodated on-site, thus relieving impact to side street parking demand, especially in the residential areas.

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

No relief from parking requested as all required and proposed parking will be accommodated on-site. In addition, the proposed site entry for parking will be from Guadalupe thus reducing a safety hazard form the residential side streets.

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

The proposed use of the property conforms to the base zoning and the base zoning limitations. The requested relief only relates to that of the compatibility requirements for this site.

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: Lapman Patil Lapman Date: 8/12/2022

Applicant Name (typed or printed): Guadalupe Heights LLC

Applicant Mailing Address: 119 E 6TH Street, #705

City: Austin State: TX Zip: 78701

Phone (will be public information): 806-470-9432

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: Lapman Patil Lapman Date: 8/12/2022

Owner Name (typed or printed): Guadalupe Heights LLC

Owner Mailing Address: 119 E 6TH Street, #705

City: Austin State: TX Zip: 78701

Phone (will be public information): 806-470-9432

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

Section 5: Agent Information

Agent Name: Marek Hnizda (Webber Studio Architects)

Agent Mailing Address: 1220 Lavaca Street

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 236-1032

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).

Ramirez, Diana

From: [REDACTED]
Sent: Thursday, June 23, 2022 1:04 PM
To: Ramirez, Elaine
Subject: RE: C15-2022-0002 / 5413 Guadalupe St

*** External Email - Exercise Caution ***

Hi Elaine,

We have paid the fee, but still need postponement to August agenda.

Thank you

Rao Vasamsetti, P.E.

President

**RCE RAO'S CONSULTING
ENGINEERS**

Ph:210-549-7557

Mob:832-620-0719

email: [REDACTED]

www.raosengineering.com

From: Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>

Sent: Thursday, June 23, 2022 12:57 PM

To: [REDACTED]

Subject: RE: C15-2022-0002 / 5413 Guadalupe St

Rao,
Will you be requesting a PostPonement? Please see my response below from this morning and let me know as soon as possible if you will be requesting a PostPonement? Or moving forward with the case for the July 11 mtg?

Respectfully,

Elaine Ramirez

Planner Senior / Board of Adjustment Liaison

City of Austin Development Services Department

6310 Wilhelmina Delco Dr, Austin, Texas 78752

Office: 512-974-2202



PER CITY ORDINANCE: All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).

Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)

From: Ramirez, Elaine
Sent: Thursday, June 23, 2022 10:20 AM
To: [REDACTED]
Subject: RE: C15-2022-0002 / 5413 Guadalupe St

Hi Rao,

You can request a PostPonement. You will need to write a letter requesting the PostPonement, to what date, and why you are requesting the Postponement. If you want to PostPone to August the date is Mon. August 8, 2022.

Please know that just because you are requesting the PostPonement does not guarantee the Board will grant the request, they still may decide to hear the case.

Someone will need to show up to the hearing **or** participate virtually (**must register by deadline, see below**) in case the Board denies the PostPonement request and wants to hear it at the scheduled July 11, 2022 BOA meeting. If you want to be available virtually by phone, then you need to send me information below ASAP, before 12p.m.

To participate virtually:

Applicants/Speaker Virtual registration: You have until **Friday, July 1st, before 3p.m.** to register if you would like to participate virtually. The following is for virtual speakers ONLY, e-mail me the following information and I will put you on the list to speak. **Deadline to register for virtual speakers is Friday, July 1st, before 3p.m.:**

If you will be speaking/giving presentation or be on the list for the Board to possibly call on you for questions I will need the following information:

No late virtual Speakers will be accepted after 3p.m. on Fri. 7/1/22.

1. Full name of speaker
2. Are you the applicant, owner, surveyor, architect, etc?
3. Are you the presenting the case to the Board (only one person can present case)
4. Address of BOA Case
5. Case #
6. A good phone number, if you have a landline this will be the best phone number to provide? It has to be the phone number that the Speaker will be calling from on Monday, July 11, 2022 to speak at the meeting (**it cannot be a different number, your call will not be accepted**). Once you send me the number it cannot be changed, it is sent to City Clerk's office to accept the calls
7. E-mail Address, it will need to be an e-mail address that the Speaker will be able to easily access his/her e-mails?

If you want to attend the meeting in-person you may do so, **DO NOT** provide me information above. **Please make sure all persons wishing to speak in-person at the hearing, sign up and register in the BOA Registration book the day of the meeting, Mon. 7/11/2022 at City Hall –Council Chambers; doors should open at 5p.m. to the public.**

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet
E-1**

DATE: Monday June 13, 2022

CASE NUMBER: C15-2022-0002

Y Thomas Ates
 Y Brooke Bailey
 Y Jessica Cohen
 - Melissa Hawthorne OUT
 Y Barbara Mcarthur
 Y Darryl Pruett
 Y Agustina Rodriguez
 Y Richard Smith
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 Y Nicholl Wade
 Y Kelly Blume (Alternate)
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 Marcel Gutierrez-Garza (Alternate)

APPLICANT: Rao Vasamsetti

OWNER: 5413 Guadalupe LLC

ADDRESS: 5413 GUADALUPE STREET

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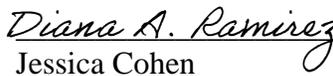
BOARD’S DECISION: BOA MEETING JUNE 13, 2022 APPLICANT NO SHOW - The public hearing was closed by Madam Chair Jessica Cohen, Board member Jessica Cohen motions to postponed to July 11, 2022; Board member Brooke Bailey seconds on a 11-0, vote; POSTPONED TO JULY 11, 2022.

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

From: [REDACTED]
To: [Ramirez, Elaine](#)
Subject: RE: C15-2022-0002 / 5413 Guadalupe St
Date: Thursday, June 23, 2022 1:04:21 PM
Attachments: [image002.png](#)
[image003.png](#)

*** External Email - Exercise Caution ***

Hi Elaine,

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Thank you

Rao Vasamsetti, P.E.

President

RCE_logo1_mail2



Ph:210-549-7557

Mob:832-620-0719

email: [REDACTED]
[REDACTED]

From: Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>

Sent: Thursday, June 23, 2022 12:57 PM

[REDACTED]

Subject: RE: C15-2022-0002 / 5413 Guadalupe St

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Office: 512-974-2202



Updated **ITEM 5/20**
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 # C15-2022-0002 ROW # 12839535 Tax # 0225090731

Section 1: Applicant Statement

Street Address: 5413 Guadalupe st (TCAD:0225090731)

Subdivision Legal Description:

LOT 16&21 BLK 1 NORTHFIELD ANNEX NO 2

Lot(s): 16 & 21 Block(s): 1

Outlot: _____ Division: _____

Zoning District: MF-4-CO-NP

I/We Rao Vasamsetti C/ Rao's Consulting Engineers on behalf of myself/ourselves as authorized agent for 5413 Guadalupe, LLC affirm that on Month October, Day 12, 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: reduced Setbacks

Type of Structure: Three story Condominiums and associated improvements

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

25-2-492 - SITE DEVELOPMENT REGULATIONS or 25-2-65 - MULTIFAMILY RESIDENCE MODERATE - HIGH DENSITY (MF-4) DISTRICT DESIGNATION. To reduce the side setback / interior setback required 5-ft to 4-6' , and required 25-ft separation from existing residential building we are able to provide 21'-6"

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:

As per the zoning requirements the building should be 25-ft from the existing residential building based on the current zoning use property allowed to use for proposed condominium development. we are maintaining 21.5' from the existing building

Hardship

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

majority of this area of the city will be transferring into MF or Commercial and these setbacks may not be applicable in the future, to save the existing trees along Guadalupe and not be able to access on to 55th street due to these challenges we are not able to provide full setbacks and requesting variance

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

The existing adjacent buildings have similar setbacks

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 proposed development may not change the character of the area adjacent to the property. it is well fit in with the exsiting zoning

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: A. Madhe Date: 12-6-2021

Applicant Name (typed or printed): Lendi Capital Group

Applicant Mailing Address: 26603 Circle Mill Lane

City: Katy State: Texas Zip: 77494

Phone (will be public information): [REDACTED]

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: 10/11/21

Owner Name (typed or printed): 5413 GUADALUPE LLC

Owner Mailing Address: 119 E 6TH ST #705

City: Austin State: TX Zip: 78701

Phone (will be public information): _____

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

Section 5: Agent Information

Agent Name: Rao's Consulting Engineers

Agent Mailing Address: 1908 Yaupon Trail Unit 206

City: Cedar Park State: TX Zip: 78613

Phone (will be public information): (210) 549-7557

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).

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2022-0002

BOA DATE: June 13th, 2022

ADDRESS: 5413 Guadalupe St
OWNER: 5413 Guadalupe LLC

COUNCIL DISTRICT: 4
AGENT: Rao Vasamsetti

ZONING: MF-4-CO-NP (North Loop)

LEGAL DESCRIPTION: LOT 16&21 BLK 1 NORTHFIELD ANNEX NO 2

VARIANCE REQUEST: decrease the minimum Interior Side Yard Setback from 5 feet to 4 feet

SUMMARY: erect three story condominiums and associated improvements

ISSUES: existing adjacent buildings have similar setbacks

	ZONING	LAND USES
<i>Site</i>	MF-4-CO-NP	Multi-Family
<i>North</i>	CS-CO-NP	General Commercial Services
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	MF-3-NP; SF-3-NP	Mutli-Family; Single-Family
<i>West</i>	MF-3-NP; SF-3-NP	Mutli-Family; Single-Family

NEIGHBORHOOD ORGANIZATIONS:

- Austin Independent School District
- Austin Lost and Found Pets
- Austin Neighborhoods Council
- Central Austin Community Development Corporation
- Friends of Austin Neighborhoods
- Homeless Neighborhood Association
- Neighborhood Empowerment Foundation
- North Austin Neighborhood Alliance
- North Loop Neighborhood Association
- North Loop Neighborhood Plan Contact Team
- Preservation Austin
- SELTexas
- Sierra Club, Austin Regional Group



May 25, 2022

Lendy Capital Group
26603 Circle Mill Ln
Katy, TX 77494

Property Description: LOT 16&21 BLK 1 NORTHFIELD ANNEX NO 2

Re: C15-2022-0002

Dear Rao,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from LDC 25-2-492/25-2-65 at 5413 Guadalupe 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) 322-6881
Cody.Shook@austinenergy.com



NOTIFICATIONS

CASE#: C15-2022-0002
LOCATION: 5413 GUADALUPE STREET



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 250'

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.



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

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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 #	C15-2022-0002	ROW #	12839535	Tax #	0225090731
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Section 1: Applicant Statement

Street Address: 5413 Guadalupe st (TCAD:0225090731) & ~~508 Nelray (TCAD:0225090729)~~

Subdivision Legal Description:

LOT 16&21 BLK 1 NORTHFIELD ANNEX NO 2

Lot(s): 15,16 & 21

Block(s): 1

Outlot: _____

Division: _____

Zoning District: MF-4-CO-NP, ~~SF-3-NP~~ (North Loop)

Council District: **4**

I/We Rao Vasamsetti C/ Rao's Consulting Engineers on behalf of myself/ourselves as authorized agent for 5413 Guadalupe, LLC affirm that on Month October, Day 12, 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: reduced Setbacks

Type of Structure: Three story Condominiums and associated improvements

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

25-2-492 - SITE DEVELOPMENT REGULATIONS or 25-2-65 - MULTIFAMILY RESIDENCE MODERATE - HIGH DENSITY (MF-4) DISTRICT DESIGNATION. To reduce the side setback / interior setback required 5-ft to 4-6'

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:

As per the zoning requirements the building should be 30-ft from the existing residential building based on the current zoning use property allowed to use for proposed condominium development. we are maintaining 21.5' from the existing building.

Hardship

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

majority of this area of the city will be transferring into MF or Commercial and these setbacks may not applicable in future, without these reduced setbacks number of units will be reduced significantly

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

The existing adjacent buildings have similar setbacks

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 proposed development may not change the character of the area adjacent to the property. it is well fit in with the exsiting zoning

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: A. Madhe Date: 12-6-2021

Applicant Name (typed or printed): Lendi Capital Group

Applicant Mailing Address: 26603 Circle Mill Lane

City: Katy State: Texas Zip: 77494

Phone (will be public information): [REDACTED]

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: 10/11/21

Owner Name (typed or printed): 5413 GUADALUPE LLC

Owner Mailing Address: 119 E 6TH ST #705

City: Austin State: TX Zip: 78701

Phone (will be public information): _____

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

Section 5: Agent Information

Agent Name: Rao's Consulting Engineers

Agent Mailing Address: 1908 Yaupon Trail Unit 206

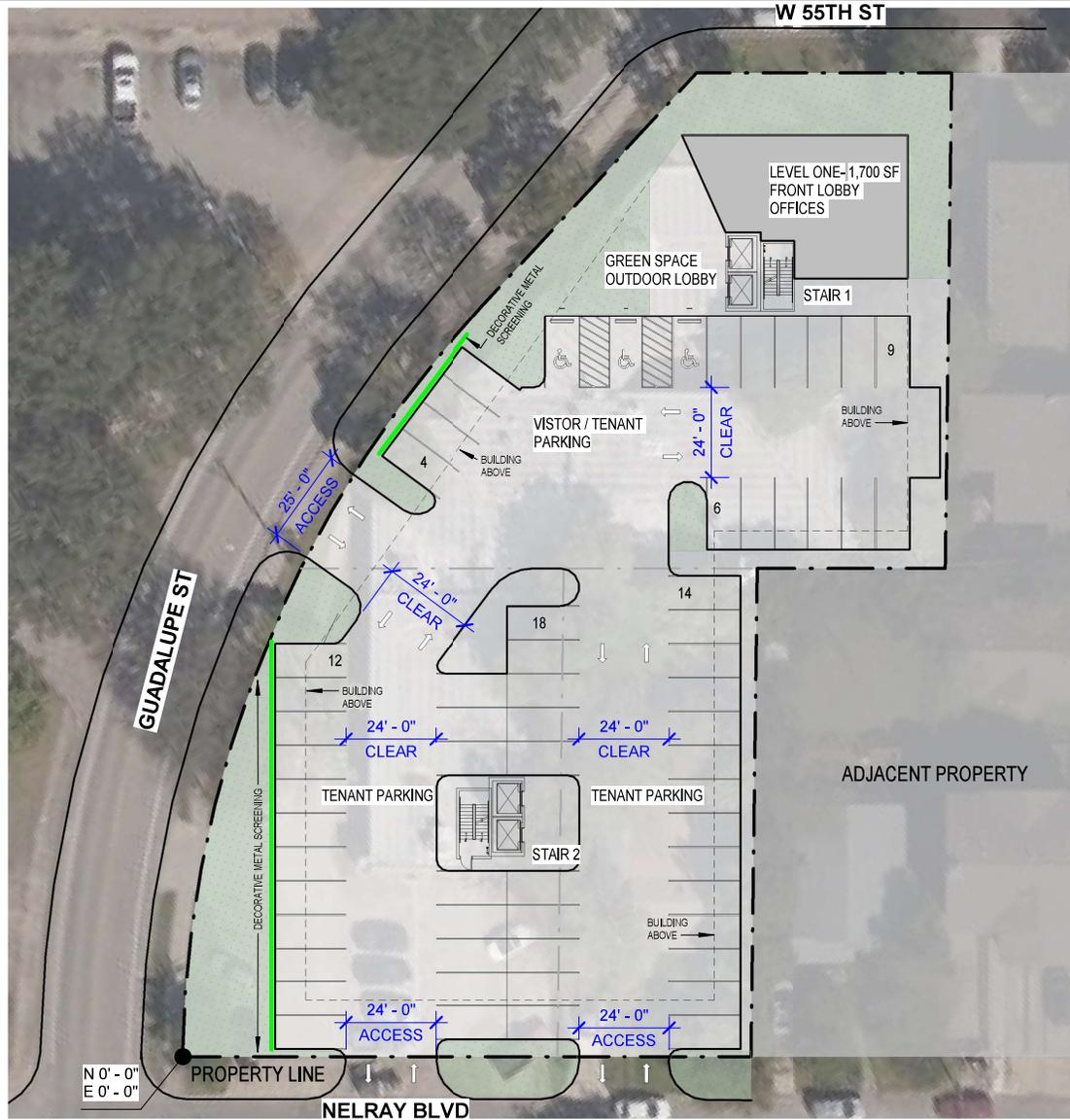
City: Cedar Park State: TX Zip: 78613

Phone (will be public information): (210) 549-7557

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).



DEVELOPMENT SYNOPSIS	
LEVEL 1	WELCOME CENTER VISITOR / RESIDENT PARKING (63 PARKING)
LEVEL 2	16 UNITS
LEVEL 3	16 UNITS

TOTAL UNITS : 32 UNITS
 TOTAL PARKING: 63 PARKINGS
 FLOOR TO FLOOR HEIGHT : 13' -6"



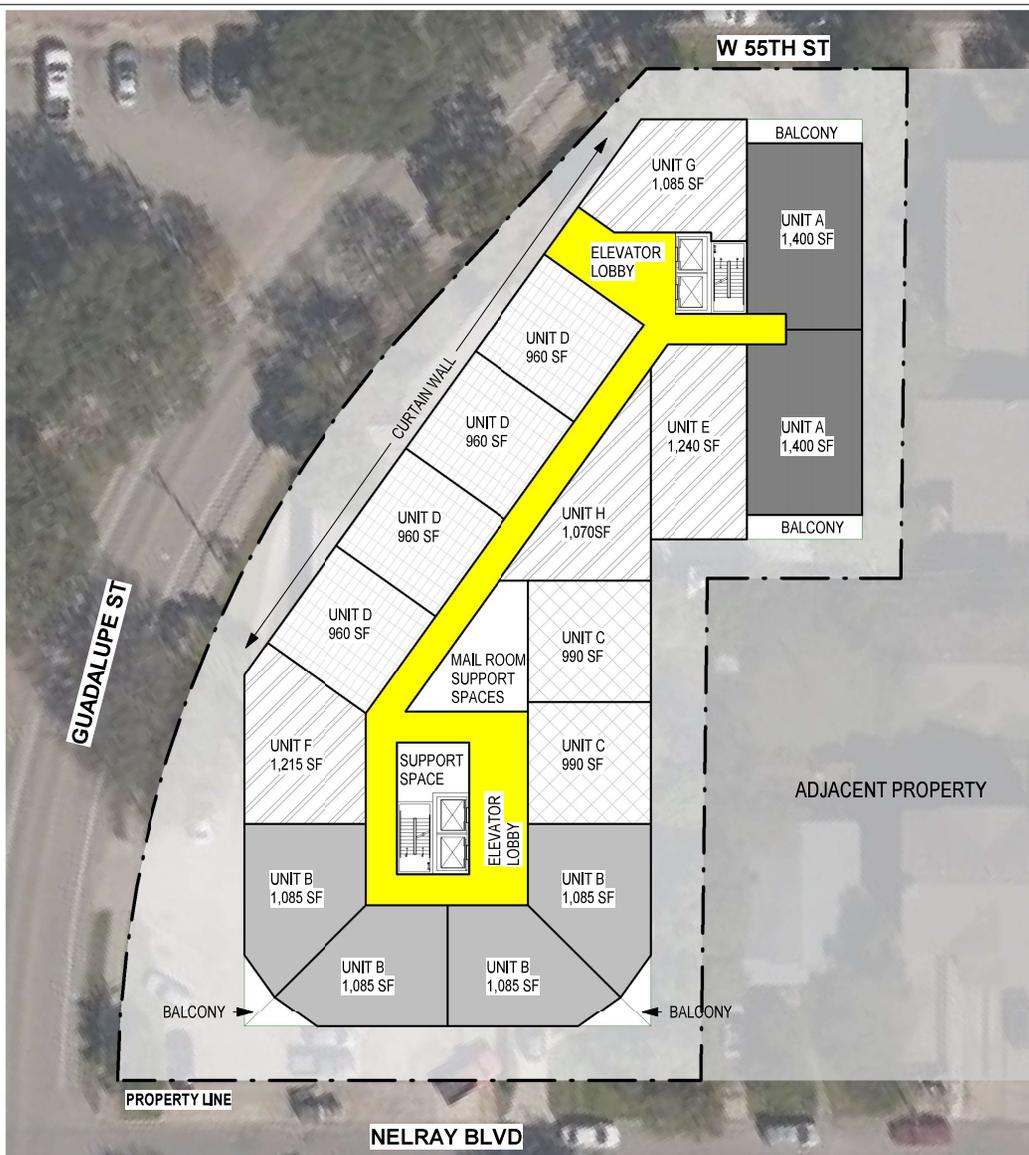
ELEMENT ARCHITECTS
 1250 Wood Branch Park Drive Ste 480 Houston, TX 77079
 Office Phone: (713) 874-0751 | www.elementarchitects.com

GUADALUPE CONDO

SITE PLAN



DATE: 11/15/2021



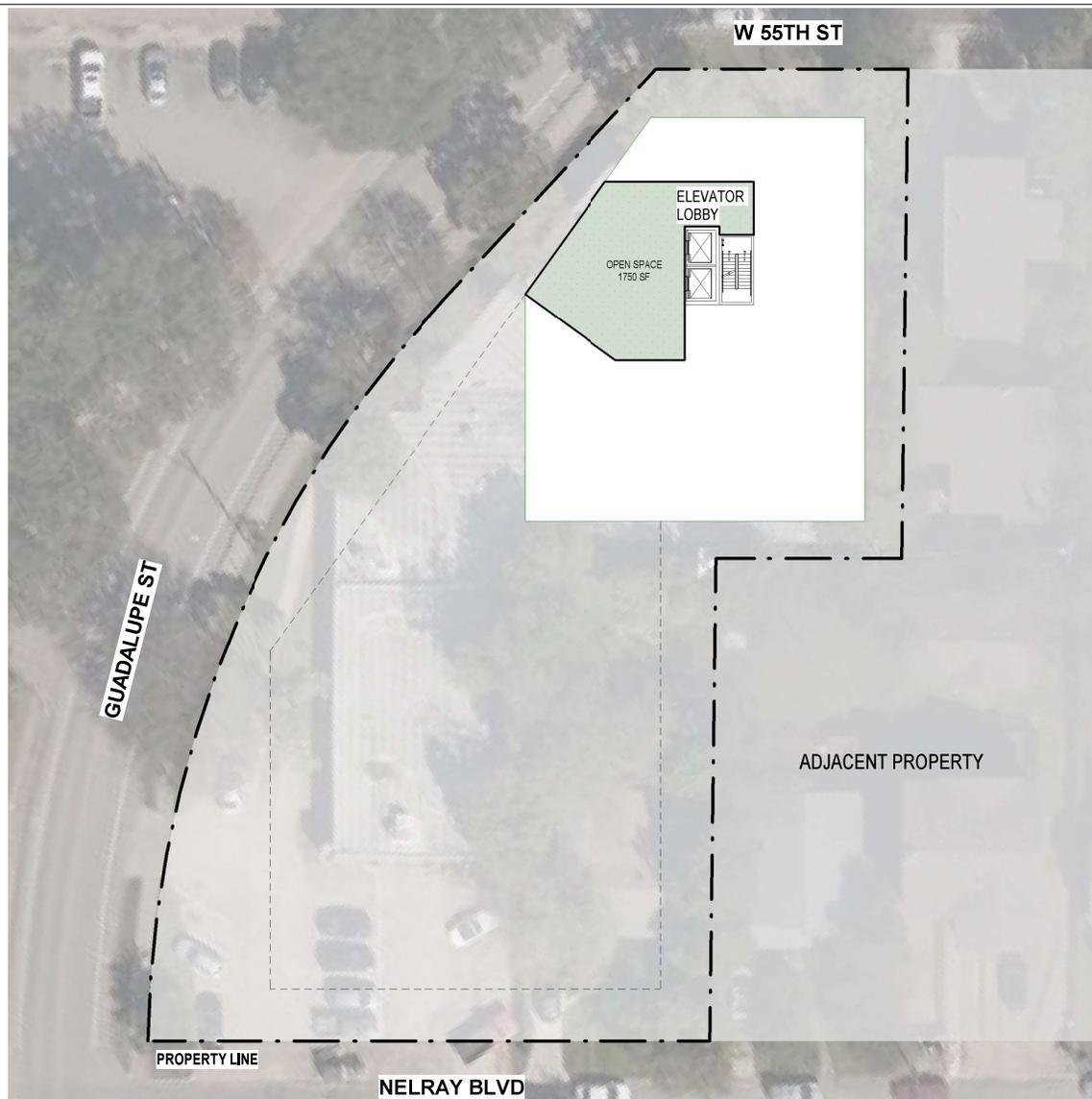
ELEMENT ARCHITECTS
 1250 Wood Branch Park Drive Ste 480 Houston, TX 77079
 Office Phone: (713) 874-0775 | www.elementarchitects.com

GUADALUPE CONDO

TYPICAL UNIT LAYOUT



DATE: 11/15/2021



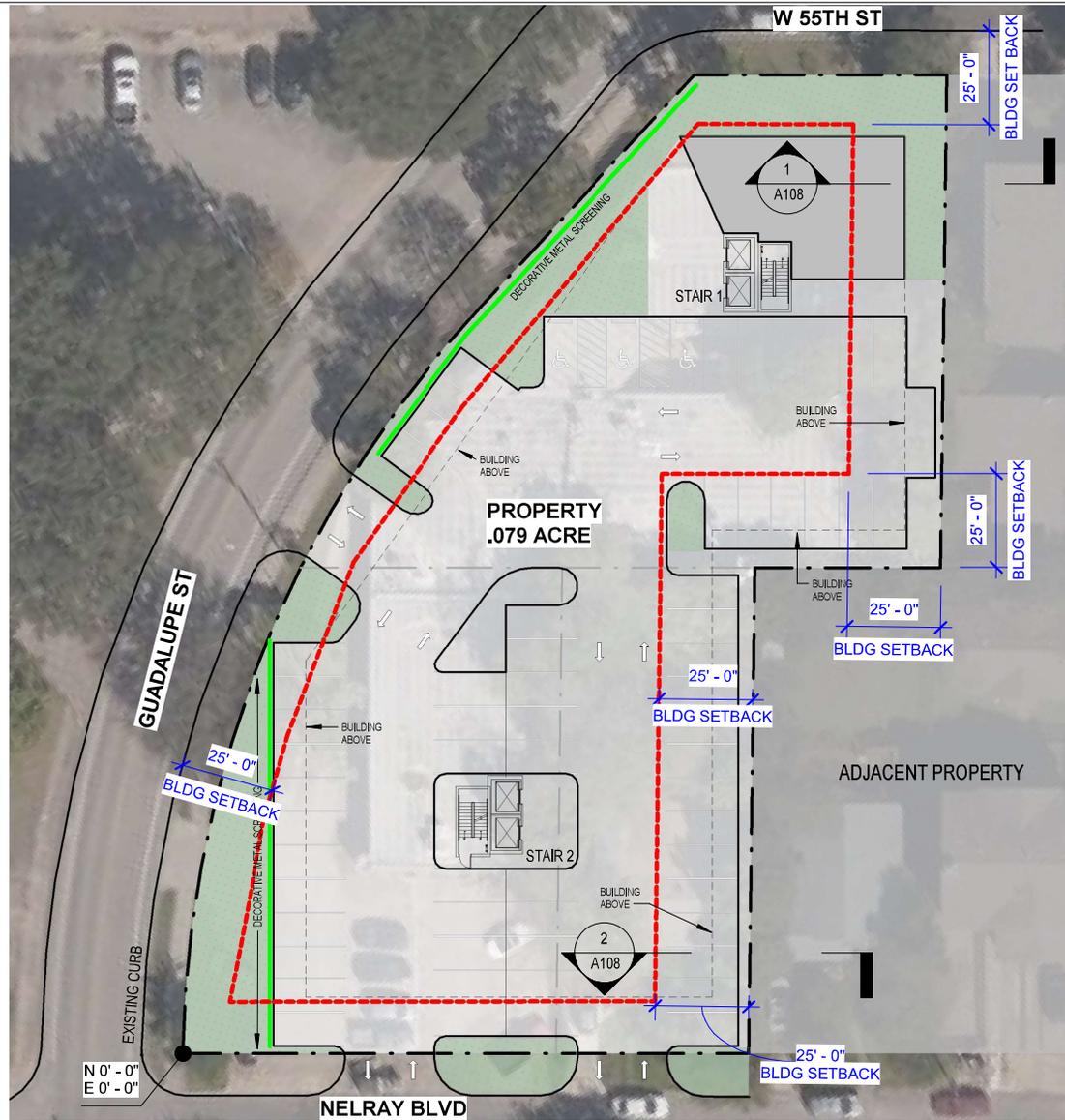
ELEMENT ARCHITECTS
1250 Wood Branch Park Drive Ste 480 Houston, TX 77079
Office Phone: (713) 874-0775 | www.elementarchitects.com

GUADALUPE CONDO

ROOF LAYOUT



DATE: 11/15/2021



GUADALUPE CONDO

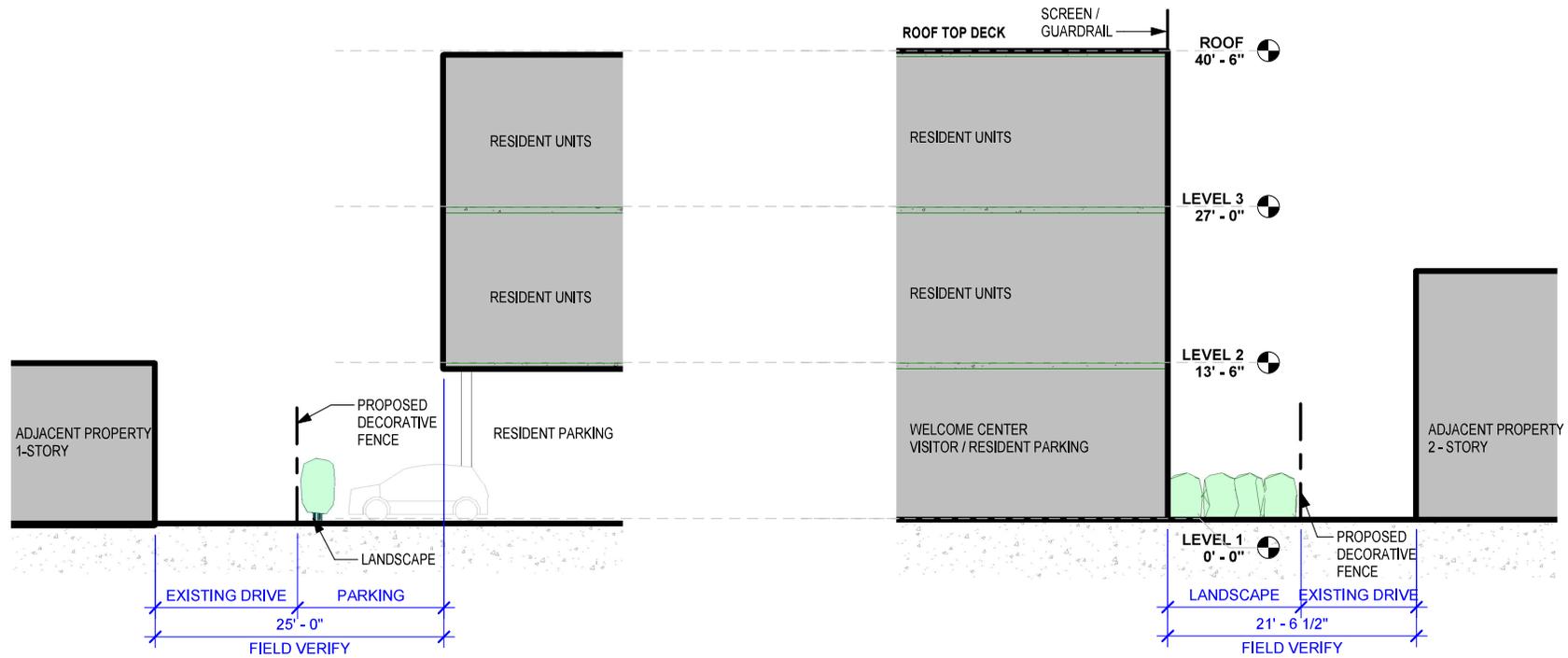


ELEMENT ARCHITECTS
1250 Wood Branch Park Drive Ste 480 Houston, TX 77079
Office Phone: (713) 874-0753 | www.elementarchitects.com

SITE PLAN - BUILDING
SETBACK



DATE: 11/15/2021



SECTION 2

1" = 10'-0"

SECTION 1

1" = 10'-0"

GUADALUPE CONDO

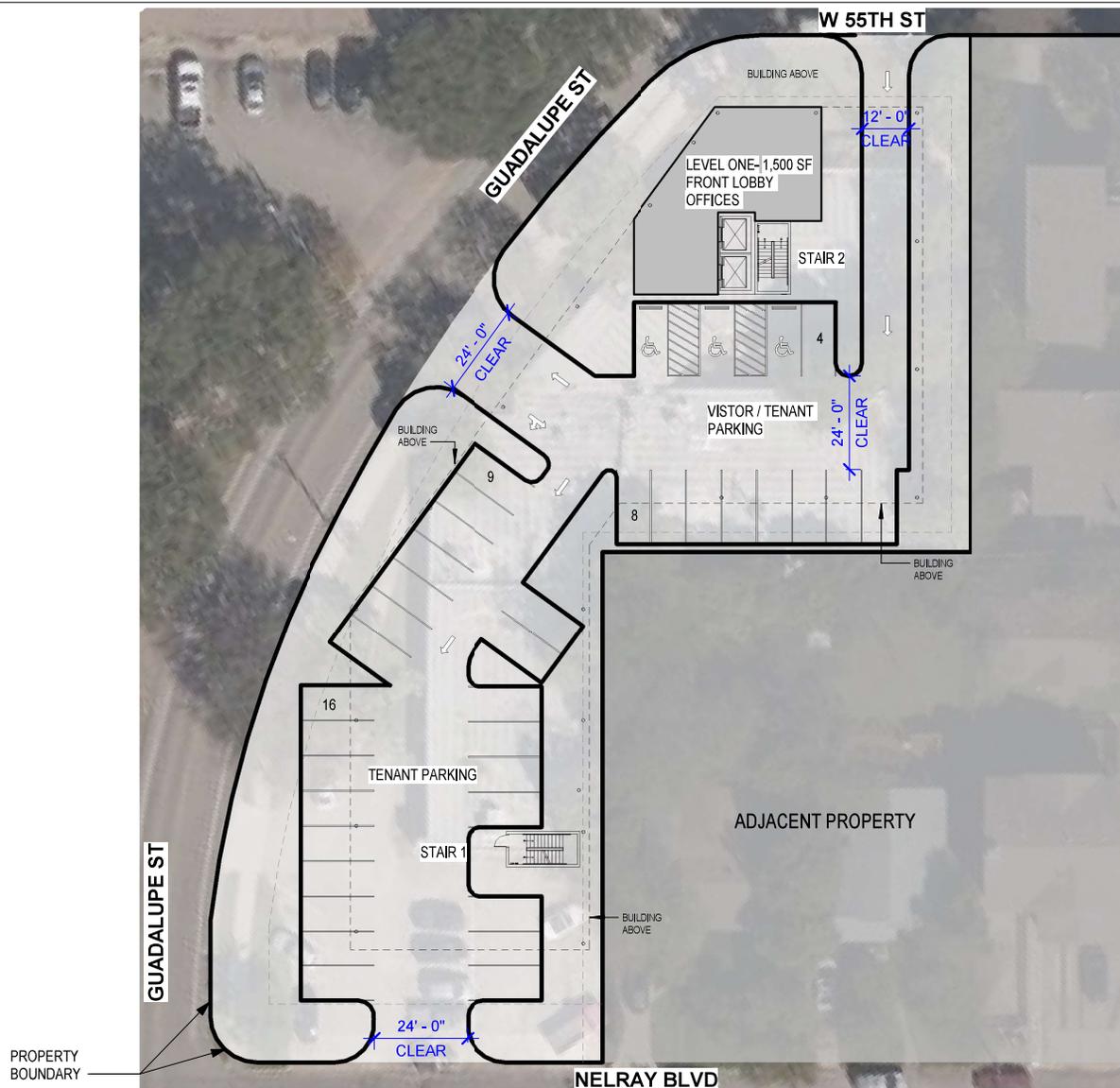


ELEMENT ARCHITECTS
1250 Wood Branch Park Drive Ste 480 Houston, TX 77079
Office Phone: (713) 874-0775 | www.elementarchitects.com

BUILDING SECTIONS



DATE: 11/15/2021



DEVELOPMENT SYNOPSIS	
LEVEL 1	WELCOM CENTER VISITOR / RESIDENT PARKING (37 PARKING)
LEVEL 2	10 UNITS
LEVEL 3	10 UNITS

TOTAL UNITS : 20 UNITS
 TOTAL PARKING: 37 PARKINGS
 FLOOR TO FLOOR HEIGHT : 13'-6"

GUADALUPE CONDO



ELEMENT ARCHITECTS
 1250 Wood Branch Park Drive Ste 480 Houston, TX 77079
 Office Phone: (713) 874-0775 | www.elementarchitects.com

SITE PLAN OPT 2

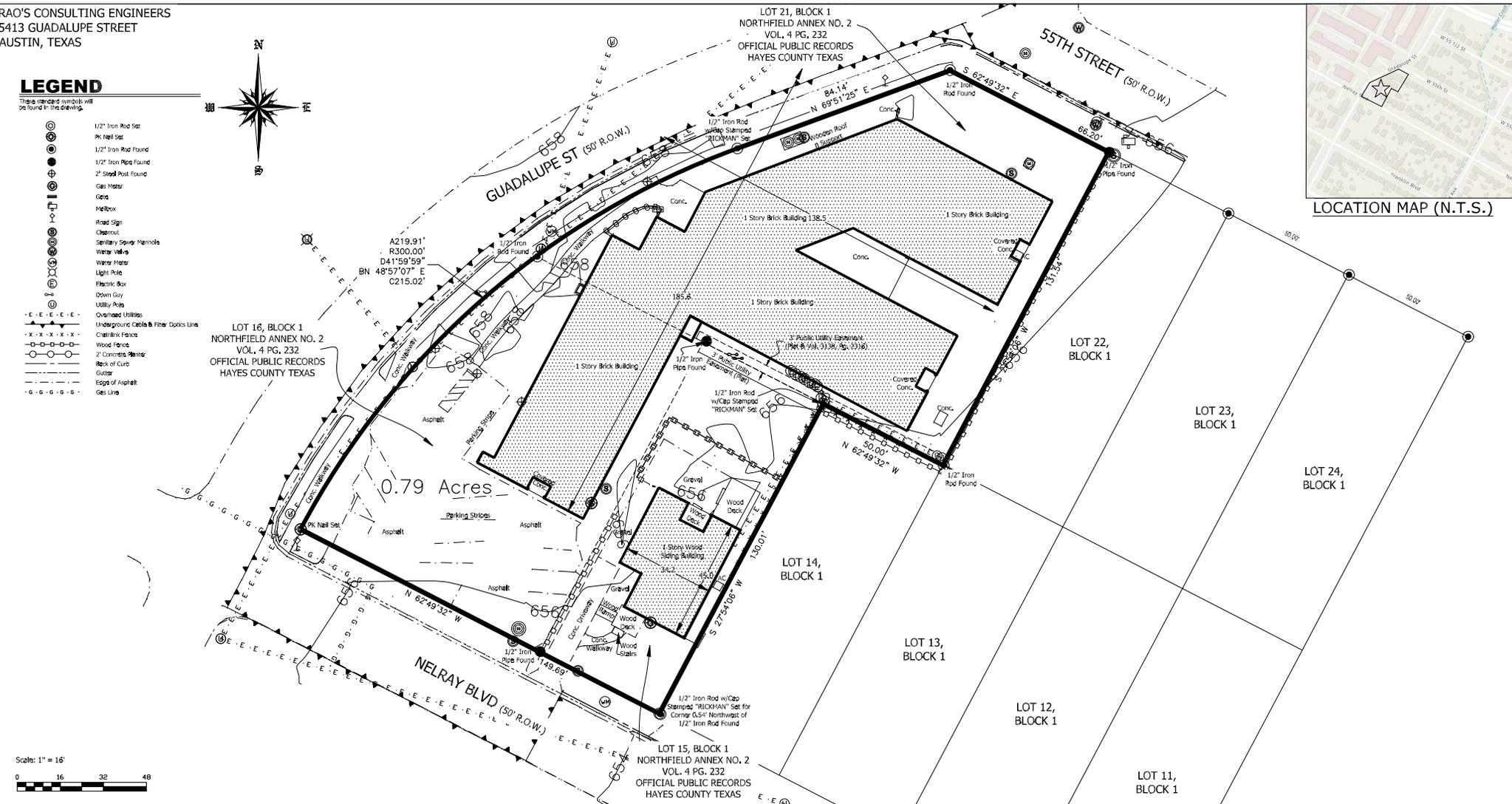


DATE: 09/21/2021

RAO'S CONSULTING ENGINEERS
5413 GUADALUPE STREET
AUSTIN, TEXAS

LEGEND

- These standard symbols will be found in the drawing:
- 1/2" Iron Rod Set
 - PK Nail Set
 - 1/2" Iron Rod Found
 - 1/2" Iron Pipe Found
 - 2" Steel Post Found
 - Gas Meter
 - Gate
 - Mailbox
 - Road Sign
 - Clearcut
 - Sanitary Sewer Mainline
 - Water Valve
 - Water Meter
 - Light Pole
 - Electric Box
 - Down Guy
 - Utility Pole
 - Overhead Utilities
 - Underground Cable & Fiber Optics Lines
 - Chainlink Fence
 - Wood Fence
 - 2" Concrete Retainer
 - Back of Curb
 - Gutter
 - Edge of Asphalt
 - Gas Line



ALTA/NSPS LAND TITLE SURVEY OF LOTS 16, AND 21, BLOCK 1, NORTHFIELD ANNEX NO. 2, ACCORDING TO PLAT RECORDED IN VOLUME 4, PAGE 232, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND DESCRIBED IN DEED TO 5413 GUADALUPE, LLC, OF RECORD IN DOCUMENT NO. 2016014900, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS,

COMMITMENT FOR TITLE INSURANCE: (Lot 15, Block 1)
Alliant National Title Insurance Company, Inc.
EFFECTIVE DATE: October 16, 2020
GF NO. 202003201
ISSUED DATE: October 28, 2020

1. The following restrictive covenants: Volumes 4, Page 232, Plat Records, Travis County, Texas.
10a. Public Utility Easement 3' in width along the rear property line of all lots per Plat; DOES AFFECT.

AND
LOT 15, BLOCK 1, NORTHFIELD ANNEX NO. 2, ACCORDING TO PLAT RECORDED IN VOLUME 4, PAGE 232, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND DESCRIBED IN DEED TO 5413 GUADALUPE, LLC, OF RECORD IN DOCUMENT NO. 2019064853, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

COMMITMENT FOR TITLE INSURANCE: (Lot 16 & Lot 21, Block 1)
Commonwealth Land Title Insurance Company
EFFECTIVE DATE: June 01, 2021
GF NO. 202102036
ISSUED DATE: June 14, 2021

10a. Public Utility Easement 3' in width along the rear property line of all lots per Plat, and partially released by Volume 3138, Page 2316, Deed Records, Travis County, Texas; DOES AFFECT. (Portion released is west 66.75 feet of northeast line of Lot 16 and the southwest line of Lot 21.

- TABLE A ITEMS
1. Monuments placed are as shown on the survey.
 2. The address assigned to the subject tract per Travis County Appraisal District is "5413 Guadalupe Street, Austin, Texas", for Lots 16 and 21, and "508 Nelray Blvd., Austin, Texas" for Lot 15.
 3. According to the Flood Insurance Rate Map (FIRM) No. 48453C0455, dated January 06, 2016, this property is located in Zone X: Areas determined to be outside the 0.2% annual chance floodplain.
 4. Gross Land Area is 0.79 Acres, more or less.
 5. Vertical relief with the source of information, contour interval, and datum are as shown on the survey.
 - 6(a). Zoning Report not provided to Surveyor.
 - 6(b). Zoning Report not provided to Surveyor.
 - 7(a). Exterior dimensions of all buildings is shown on the survey.
 8. All substantial features observed during the process of conducting the field work are shown on the survey.
 9. There are 9 Parking Spaces, none of which are designated as Handicapped Only Parking Spaces.
 - 11(b). Location of underground utilities shown is based on visible evidence and Texas 811 locate request No. 2100026490. All utilities marked as a result of this request by October 27, 2021, are shown hereon.
 16. Any recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork are shown on survey.

To Rao's Consulting Engineers, and its successors and/or assigns, and Alliant National Title Insurance Company, Inc.:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(b), 7(a), 8, 9, 11(b), and 16 of Table A thereof. The fieldwork was completed on November 02, 2021.

Date of Plat or Map: November 03, 2021
Amil M. Baker, Jr.
Amil M. Baker, Jr.
Registered Professional Land Surveyor No. 1469



Survey Notes:
1. Bearings Based on NAD83, Texas Central Zone (4203).
2. Surveyor has not investigated the existence of Design Guidelines or other unrecorded documents as may be promulgated by an Architectural Control Committee.

RICKMAN
LAND SURVEYING, LLC

TBPLS FIRM NO. 101919-00
419 BIG BEND
CANYON LAKE, TEXAS 78133
PHONE (830) 935-2457
WWW.RICKMANLANDSURVEYING.COM

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
 - appearing and speaking for the record at the public hearing;
- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

ITEM 5/38

Written comments must be submitted to the contact person listed on the notice before 9 a.m. the day of the public hearing to be added to the Late Back-up and viewed by the Board the night of the meeting. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2022-0002

Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov

Public Hearing: Board of Adjustment; June 13th, 2022

DONALD LIPINSKI

Your Name (please print)

I am in favor
 I object

308 NELRAY BLVD. AUSTIN, TX 78751

Your address(es) affected by this application



Signature

6/4/22

Date

Daytime Telephone: (512) 779-5201

Comments: I HAVE BEEN WAITING FOR THE DAY
FOR 17 YEARS FOR SOMEONE TO DEMO THAT
PROPERTY AND BUILD SOMETHING NEW.
THANKS!
PLEASE MAKE IT A NICE PROPERTY

If you will be using this form to comment, please return it via e-mail to:

Elaine Ramirez; 512-974-2202

Scan & Email to: Elaine.Ramirez@austintexas.gov

From: [Redacted]

*** External Email - Exercise Caution ***

C15-2022-0002
June 13th 2022
Elaine Ramirez
Please see attached.

Thanks
Glenn Page owner 705 Franklin Blvd. 78759.

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.

Written comments must be submitted to the contact person listed on the notice before 9 a.m. the day of the public hearing to be added to the Late Back-up and viewed by the Board the night of the meeting. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2022-0002
Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov
Public Hearing: Board of Adjustment; June 13th, 2022

Glenn PAGE
Your Name (please print) I am in favor I object

705 Franklin Austin TX 78751
Your address(es) affected by this application

[Signature] June 7 2022
Signature Date

Daytime Telephone: 512-299-6687

Comments:
Moving commercial properties
close to residential properties
is detrimental to the neighborhood.
There are enough irregularities
in this neighborhood already.
Board of Adjustments