

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2023-0041

**BOA DATE:** November 13, 2023

**ADDRESS:** 1701 E Howard Ln

**COUNCIL DISTRICT:** 1

**OWNER:** Exten LLC -  
Rahim K. Marediva

**AGENT:** Rodney Bennett

**ZONING:** GR-MU

**LEGAL DESCRIPTION:** DESSAU DAVENPORT SUBD LOT 1

**VARIANCE REQUEST:** increase the maximum number of vehicle queue lanes from 8 to 12

**SUMMARY:** erect a gas station

**ISSUES:** size of lot, reduced buildable area due to a 50 ft CEF on North & 20 ft E.D.E on west

	ZONING	LAND USES
<i>Site</i>	GR-MU	Community Commercial – Mixed Use
<i>North</i>	GR-CO	Community Commercial – Combined Overlay
<i>South</i>	MF-4	Multi-Family
<i>East</i>	MF-4	Multi-Family
<i>West</i>	MF-2-CO	Multi-Family – Combined Overlay

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Lost and Found Pets  
 Friends of Austin Neighborhoods  
 Harris Branch Master Association, Inc.  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 North Gate Neighborhood Association  
 Pflugerville Independent School District



October 31, 2023

Rodney Bennett  
529 Evening Star  
Kyle, TX 78640

Property Description:

**Re: C15-2023-0041**

Dear Rodney,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance request from LDC Section 25-2-814(3) at 1701 E Howard Ln.

**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](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 III**

Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6881  
[Cody.Shook@austinenergy.com](mailto:Cody.Shook@austinenergy.com)



# 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](http://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 # **C15-2023-0041** ROW # **13212589** Tax # **0258361101**

## Section 1: Applicant Statement

Street Address: 1701 E HOWARD LN

Subdivision Legal Description:

DESSAU DAVENPORT SUBD

Lot(s): 1 Block(s): \_\_\_\_\_

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

Zoning District: GR-MU

**Council District: 1**

I/We RODNEY K. BENNETT on behalf of myself/ourselves as

authorized agent for Exten LLC affirm that on

Month September, Day 12, Year 2023, 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: 12 QUEUE LANES FOR A GAS STATION

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

25-2-814 - SERVICE STATION USE.

A service station use:

(3) may not have more than eight vehicle queue lanes.

\*\*\*WE ARE REQUESTING 12 QUEUE LANES\*\*\*

## 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:

1) THE LOT IS ENCOMBERED BY A 50' CEF SETBACK ON THE NORTH AND A 20' E.D.E. ON THE WEST, THUSLY REDUCING THE BUILDABLE AND QUEUEING AREAS 2) AS PREVIOUSLY EVIDENCED BY MULITPLE VARIANCE REQUESTS, THE CITY'S QUEUEING DESIGN IS OUTDATED.

### Hardship

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

THE SIZE OF LOT AND THE BUILDABLE AREA DO NOT MAKE IT FEASIBLE TO IMPLEMENT THE REQUIRED PARKING, DRIVE AISLES, AND LARGER QUEUEING AREAS

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

1) WE ARE REQUESTING ONLY 12 FUEL DISPENSERS WHERE AS THE CODE ALLOWS 16. 2) AT 12401 TECHRIDGE ( 3 MILES AWAY) THEY WERE APPROVED FOR 12 QUEUEING SPACES.

**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 ADJOINING NEIGHBOR IS COMMERCIAL. BECAUSE THE VEHICLES HAVE 3 DRIVE  
WAY AISLES TO ENTER AND EXIT THE SITE, THE QUEING CAN BE HANDLED ON SITE.

**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: Rodney K. Bennett Digitally signed by Rodney K. Bennett  
Date: 2023.09.15 14:14:10 -05'00' Date: \_\_\_\_\_

Applicant Name (typed or printed): RODNEY K. BENNETT

Applicant Mailing Address: 529 EVENING STAR

City: KYLE State: TEXAS Zip: 78640

Phone (will be public information): [REDACTED]

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: Inayat Maredhija Date: 09/14/2023

Owner Name (typed or printed): Exten LLC

Owner Mailing Address: 11700 Dessau Rd

City: Austin State: Texas Zip: 78754

Phone (will be public information): ([REDACTED])

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

### Section 5: Agent Information

Agent Name: RODNEY K. BENNETT

Agent Mailing Address: 529 EVENING STAR

City: KYLE State: TEXAS Zip: 78640

Phone (will be public information): ([REDACTED])

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).

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## ELECTRIC UTILITY NOTES

1. AUSTIN ENERGY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY AND OTHER OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR. AUSTIN ENERGY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER 25-8, SUBCHAPTER B OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
2. THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT SHALL PROVIDE AUSTIN ENERGY WITH ANY EASEMENT AND/OR ACCESS REQUIRED, IN ADDITION TO THOSE INDICATED, FOR THE INSTALLATION AND ONGOING MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRICAL FACILITIES. THESE EASEMENTS AND/OR ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDING AND WILL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH CHAPTER 25-8 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
3. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, REVEGETATION AND TREE PROTECTION. IN ADDITION, THE OWNER SHALL BE RESPONSIBLE FOR ANY INITIAL TREE PRUNING AND TREE REMOVAL THAT IS WITHIN TEN FEET OF THE CENTER LINE OF THE PROPOSED OVERHEAD ELECTRICAL FACILITIES DESIGNED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT. THE OWNER SHALL INCLUDE AUSTIN ENERGY'S WORK WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.
4. THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR MAINTAINING CLEARANCES REQUIRED BY THE NATIONAL ELECTRIC SAFETY CODE, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REGULATIONS, CITY OF AUSTIN RULES AND REGULATIONS AND TEXAS STATE LAWS PERTAINING TO CLEARANCES WHEN WORKING IN CLOSE PROXIMITY TO OVERHEAD POWER LINES AND EQUIPMENT. AUSTIN ENERGY WILL NOT RENDER ELECTRIC SERVICE UNLESS REQUIRED CLEARANCES ARE MAINTAINED. ALL COSTS INCURRED BECAUSE OF FAILURE TO COMPLY WITH THE REQUIRED CLEARANCES WILL BE CHARGED TO THE OWNER.

## SITE PLAN NOTES:

1. ALL IMPROVEMENTS SHALL BE MADE IN ACCORDANCE WITH THE RELEASED SITE PLAN. ANY ADDITIONAL IMPROVEMENTS WILL REQUIRE SITE PLAN AMENDMENT AND APPROVAL OF THE PLANNING AND DEVELOPMENT REVIEW DEPARTMENT.
2. APPROVAL OF THIS SITE PLAN DOES NOT INCLUDE BUILDING AND FIRE CODE APPROVAL NOR BUILDING PERMIT APPROVAL.
3. ALL SIGNS MUST COMPLY WITH REQUIREMENTS OF THE LAND DEVELOPMENT CODE (CHAPTER 25-10).
4. ADDITIONAL ELECTRIC EASEMENTS MAY BE REQUIRED AT A LATER DATE.
5. WATER AND WASTEWATER SERVICE WILL BE PROVIDED BY THE CITY OF AUSTIN.
6. A DEVELOPMENT PERMIT MUST BE ISSUED PRIOR TO AN APPLICATION FOR BUILDING PERMIT FOR NON-CONSOLIDATED OR PLANNING COMMISSION APPROVED SITE PLANS.
7. FOR DRIVEWAY CONSTRUCTION: THE OWNER IS RESPONSIBLE FOR ALL COSTS FOR RELOCATION OF, OR DAMAGE TO UTILITIES. FOR CONSTRUCTION WITHIN THE RIGHT-OF-WAY, A ROW EXCAVATION PERMIT IS REQUIRED.
8. SCREENING FOR SOLID WASTE COLLECTION AND LOADING AREAS SHALL BE THE SAME AS, OR OF EQUAL QUALITY TO, PRINCIPAL BUILDING MATERIALS.
10. ALL COMPACT PARKING TO BE SIGNED FOR SMALL CAR ONLY.

## IMPROVEMENTS TO ENCOURAGE CONNECTIVITY

- 1) UTILITIES IN THE DRIVE AISLES.
- 2) PROVIDE SHADED SIDEWALKS ALONG 100% OF THE BUILDING FACADE TO THE PRINCIPAL STREET. PROVIDE SHADED SIDEWALKS ALONG 100% OF DESSAU ROAD.

GENERAL LEGEND	
—	PROPERTY LINE
—	LIMITS OF CONSTRUCTION
—	SILT FENCE
—	SILT FENCE & LOG
PUE	PUBLIC UTILITY EASEMENT
DE	DRY-PHASE EASEMENT
EE	ELECTRICAL EASEMENT
SE	SANITARY SEWER EASEMENT
WSL	WATER SURFACE ELEVATION
CMP	CONVULGATED METAL PIPE
—	EXISTING CONTOURS
—	ELEV. PROPOSED GRADING CONTOURS
UTILITY LEGEND	
—	FIRE HYDRANT
—	GATE VALVE
—	FLUID OR CAP
—	STORM SEWER MANHOLE
—	WASTEWATER MANHOLE
—	RAIN CLEANOUT
—	WATER LINE
—	WASTEWATER LINE
—	STORM SEWER LINE
—	GAS LINE
—	FLOW INDICATOR (SHOW TO RIGHT)
—	PROPOSED SERVICE TAP
—	WATER METER
—	IRRIGATION METER
—	STORM SEWER INLET
—	WATER SERVICE (SINGLE)
—	WATER SERVICE (DOUBLE)
—	UTILITY POLE
—	LIGHT POLE
—	OVERHEAD ELECTRIC
—	UNDERGROUND ELECTRICAL LINE
EROSION CONTROL LEGEND	
—	TREE (EXISTING)
—	TREE (TO BE REMOVED) (R)
—	TREE PROTECTION

SITE INFORMATION TABLE			
LOT AREA	77,711.04 SF	1.784 ACRES	
IMPERVIOUS COVER EXISTING	0 SF		
IMPERVIOUS COVER PROPOSED	58,547.45 SF	1.34 ACRES	
TOTAL IMPERVIOUS COVER	58,547.45 SF	1.34 ACRES (76.11%)	
ZONING	OR		
PROPOSED USAGE	GENERAL RETAIL SALES (CONVENIENCE), SERVICE STATION, CAR WASH (SELF-SERVE)		

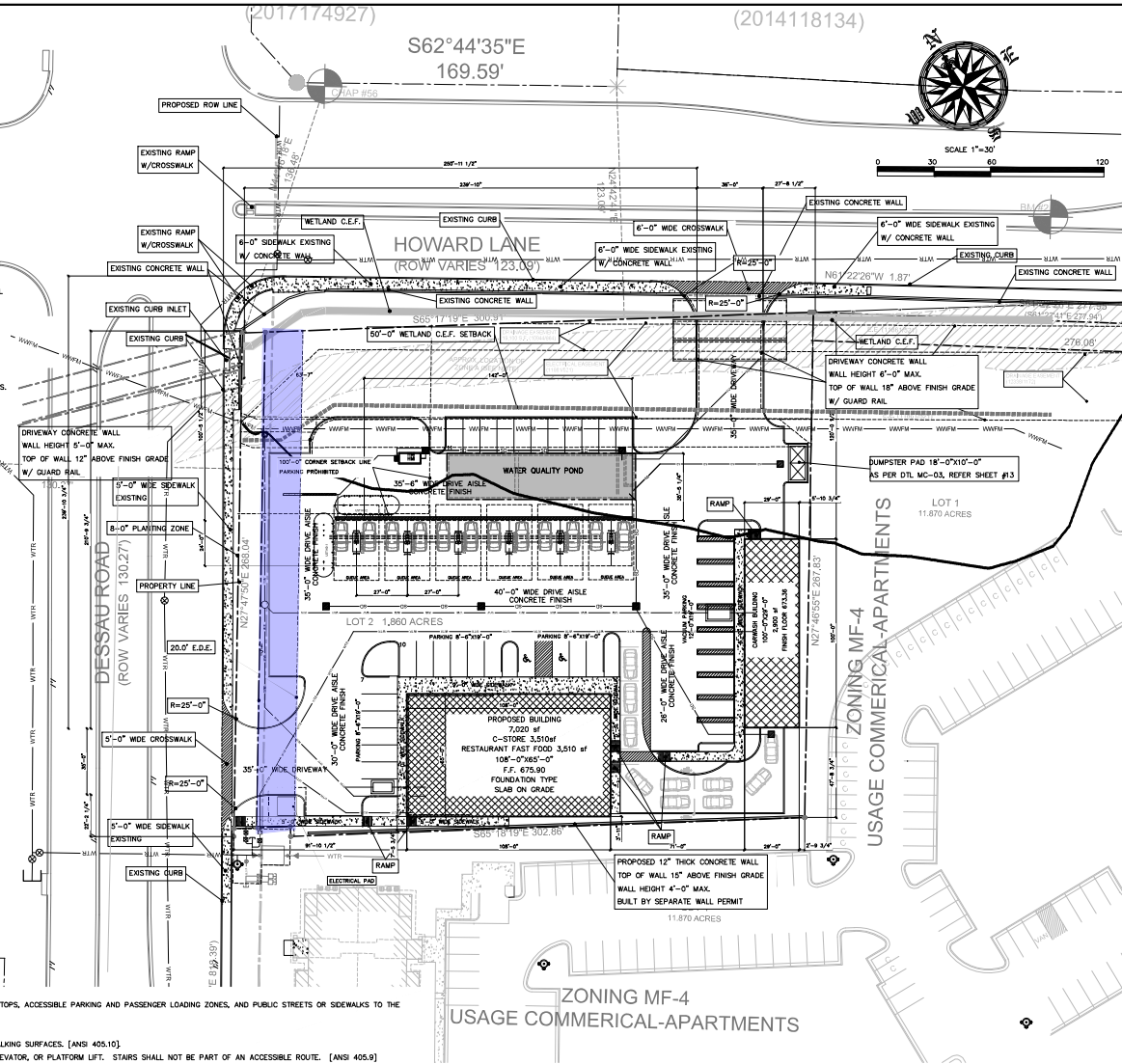
IMPERVIOUS COVER TABLE			
BUILDING	9,920.0 SF		
PARKING	44,862.47 SF		
SIDEWALK	3,664.98 SF		
TOTAL	58,547.45 SF	1.34 ACRES	75.11%
ALLOWABLE IMPERVIOUS COVER	80%		

BUILDING INFORMATION TABLE			
BUILDING COVERAGE	9,920.0 SF		
NUMBER OF STORIES	1		
TYPE OF CONSTRUCTION	II-B		
MAX. BUILDING HEIGHT	28'-0"		
ALLOWABLE BUILDING HEIGHT	60'-0"		
ALLOWABLE F.A.R.	11		
PROPOSED F.A.R.	11.0.735		

PARKING TABLE	
TOTAL PARKING SPACES REQUIRED	62
GENERAL RETAIL 3,510/4,275	13
RESTAURANT	47
CARWASH 2 SPACES	2
TOTAL PARKING SPACES PROVIDED	28
SUMMARY OF PARKING SPACES	
PROVIDED STANDARD SPACES	28
PROVIDED COMPACT SPACES	0
PROVIDED VACUUM SPACES	9
PROVIDED HANDICAP VAN	1
PROVIDED STANDARD HANDICAP	1
PROVIDED LOADING SPACE	1

## ACCESSIBLE SITE PLAN NOTE:

- 1) ACCESSIBLE ROUTES WITHIN THE BOUNDARY OF THE SITE MUST BE PROVIDED FROM PUBLIC TRANSPORTATION STOPS, ACCESSIBLE PARKING AND PASSENGER LOADING ZONES, AND PUBLIC STREETS OR SIDEWALKS TO THE ACCESSIBLE BUILDING ENTRANCE THEY SERVE. [BC1104.1]
- 2) ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50. [ANSI 403.3]
- 3) OUTDOOR RAMPS AND THEIR APPROACHES MUST BE DESIGNED SO THAT WATER WILL NOT ACCUMULATE ON WALKING SURFACES. [ANSI 405.10]
- 4) CHANGES IN LEVEL GREATER THAN 1/2 INCH MUST BE ACCOMPANIED BY MEANS OF A CURB RAMP, RAMP, ELEVATOR, OR PLATFORM LIFT. STAIRS SHALL NOT BE PART OF AN ACCESSIBLE ROUTE. [ANSI 405.9]
- 5) GROUND SURFACES ALONG ACCESSIBLE ROUTES MUST BE STABLE, FIRM, AND SLIP RESISTANT. [ANSI 302.1] SURFACE TEXTURE SHALL BE PROVIDED.
- 6) PARKING ACCESS AISLES MUST BE PART OF THE ACCESSIBLE ROUTE TO THE BUILDING OR FACILITY ENTRANCE AND MUST HAVE A RUNNING SLOPE NO GREATER THAN 1:20 AND A CROSS SLOPE NO GREATER THAN 1:50. [ANSI 502.5]
- 7) PARKED VEHICLE OVERHANGS MUST NOT REDUCE THE CLEAR WIDTH OF AN ACCESSIBLE CIRCULATION ROUTE TO LESS THAN 36". WHEN THE SIDEWALK TO A MINIMUM OF 5 FEET OR PROVIDE WHEEL STOPS 1.5 FEET FROM THE CURB. [ANSI 403.5, TABLE 403.5]
- 8) CURB RAMPS MUST BE PROVIDED WHENEVER AN ACCESSIBLE ROUTE CROSSES A CURB. [ANSI 406.1]
- 9) IF A CURB RAMP IS LOCATED WHERE PEDESTRIANS MUST WALK ACROSS THE RAMP, IT MUST HAVE FLARED SIDES. IF THE LEVEL LANDING AT THE TOP OF THE RAMP IS LESS THAN 48" WIDE, THE SLOPE OF THE FLARE MAY NOT EXCEED 1:12; OTHERWISE, THE MAXIMUM SLOPE OF THE FLARE IS 1:10. CURB RAMPS WITH RETURNED CURBS MAY BE USED WHERE PEDESTRIANS WOULD NOT NORMALLY WALK ACROSS THE RAMP. [ANSI 406.3, FIG. 406.3, TCM FIG. 4-1, 4-5]
- 10) CURB RAMPS AT MARKED CROSSINGS MUST BE WHOLLY CONTAINED WITHIN THE MARKINGS, EXCLUDING ANY FLARED SIDES. [ANSI 406.6]
- 11) EVERY ACCESSIBLE PARKING SPACE MUST BE IDENTIFIED BY A SIGN, CENTERED AT THE HEAD OF THE PARKING SPACE. THE SIGN MUST INCLUDE THE INTERNATIONAL SYMBOL OF ACCESSIBILITY AND STATE RESERVED, OR EQUIVALENT LANGUAGE. CHARACTERS AND SYMBOLS ON SUCH SIGNS MUST BE LOCATED 60" MINIMUM ABOVE GROUND SO THAT THEY CANNOT BE OBSERVED BY A VEHICLE PARKED IN THE SPACE.
- 12) APPROVAL OF THESE PLANS BY THE CITY OF AUSTIN INDICATES COMPLIANCE WITH APPLICABLE CITY REGULATIONS ONLY. COMPLIANCE WITH ACCESSIBILITY STANDARDS SUCH AS THE 2010 STANDARDS FOR ACCESSIBLE DESIGN OR THE 2012 TEXAS ACCESSIBILITY STANDARDS WAS NOT VERIFIED. THE APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE ACCESSIBILITY STANDARDS.
- 13) ALL SIDEWALK AND ACCESSIBLE ROUTE SHALL BE CONCRETE FINISH.



## EXTERIOR LIGHTING NOTE:

1. ALL EXTERIOR LIGHTING WILL BE FULLY CUT-OFF OR FULLY SHIELDED IN COMPLIANCE WITH SUBCHAPTER E 2.5.2. ALL SITE LIGHTING TO BE LOCATED ON THE BUILDING WILL BE IN COMPLIANCE WITH SUBCHAPTER E 2.5.2, AND WILL BE REVIEWED DURING BUILDING PLAN REVIEW. ANY CHANGE OR SUBSTITUTION OF LAMP/LIGHT FIXTURES SHALL BE SUBMITTED TO THE DIRECTOR FOR APPROVAL IN ACCORDANCE WITH SECTION 2.5.2.2.
2. EXTERIOR LIGHTING ABOVE THE SECOND FLOOR IS PROHIBITED IN THE G0, L0, GR, CS, OR CS-1 ZONING DISTRICTS, WHEN ADJACENT TO AN SF-5 OR MORE RESTRICTIVE ZONING DISTRICT (SECTION 25-2-585).

## FIGURE 42

CASE NO: SP-2023-0095C

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS. THE SEAL IS VALID FOR THE STATE OF TEXAS. THE SEAL IS VALID FOR THE STATE OF TEXAS. THE SEAL IS VALID FOR THE STATE OF TEXAS.

PROFESSIONAL STRUCTURAL ENGINEERS, INC.  
CONSULTING CIVIL AND STRUCTURAL ENGINEERS  
2008 W. PARKWAY LANE, SUITE 100, AUSTIN, TEXAS 78704

HOWARD DESSAU GAS STATION  
2008 W. PARKWAY LANE, SUITE 100, AUSTIN, TEXAS 78704

PROJECT: 30204

SHEET: 4 OF 22

DIMENSIONAL & FIRE SITE PLAN