



Board of Adjustment General/Parking Variance Application

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WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # _____	ROW # _____	Tax # _____
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Section 1: Applicant Statement

Street Address: 2408, 2410, 2414, 2418, 2422 and 2428 E. 7th Street

Subdivision Legal Description:

Lots 2-6, Block 9 of the Lincoln Place Subdivision of Outlots 23 and 23 1/2 Division A

Lot(s): 2-6 Block(s): 9

Outlot: 23 and 23 1/2 Division: A

Zoning District: CS-CO-NP

I/We Richard Suttle on behalf of myself/ourselves as authorized agent for DC-2422 LLC affirm that on Month December, Day 8, 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: Office

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

~~25-2-1063(C)(1) to increase height limit from 2 stories and 30' to 3 stories and 35' in height, 25-2-1063(C)(2) to increase height limit from 3 stories and 40' to 4 stories and 45' in height & 25-2-1063(C)(3) to increase height limit from 40' plus one foot for each 10' of distance in excess of 100' from property zoned SF-5 or more restrictive to 58'. We are only asking for an additional 5' in height in this zone as well~~ CONTINUE TO ADDITIONAL SPACE:

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 triggering single-family zoned properties are located north of the alley on Coronado Street. The triggering properties are essentially surrounded by CS and GR zoned commercial properties. The subject property is uniquely shaped as a shallow wedge, having a long narrow angled configuration with approximately 255.8 linear feet running west to east adjacent to East 7th Street, with an average depth of approximately 91.8 feet running north to south with the short leg 64 feet deep. This shallow wedge shape is the result of a very significant right-of-way dedication (approximately 40%) required by the city to shift East 7th Street from the original city grid of 150' deep to its current configuration.~~ CONTINUE TO ADDITIONAL SPACE:

Hardship

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

~~With the recent court ruling, the COR Ordinance has been overturned and now a site plan extension, redesign of the entire structure, and the mass timber order will need to be canceled. The resulting penalties are necessary if this variance isn't granted. The requested variance would allow the site to achieve just an additional 5' in height and would allow for the project to continue to feature a superior grade mass timber structure. Unlike the other CS zoned properties along East 7th Street,~~ CONTINUE TO ADDITIONAL SPACE:

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

~~No other CS zoned property in this area along East 7th Street have a site plan in review and weren't relying on the COR Ordinance. The unique configuration of the site provides very little room for development so the additional 5' and removal of the story limitation would allow for a better mixed-use project. Also, the mass timber project requires additional depth and would not have been designed without the COR Ordinance. Lastly, the subject property is directly adjacent to the Metro Rail line and~~ CONTINUE TO ADDITIONAL SPACE:

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The variance request is for only an additional 5' with the removal of the story limitation which would have been allowed under the COR Ordinance. The character of the area will be maintained and the intent of the compatibility setback will be upheld. The variance will allow the project to deliver on the City's vision for development in an Imagine Austin Comprehensive Plan along a Core Transit Corridor (E. 7th Street). The variance will ensure that the project provides a high quality mass timber structure which is a sustainable, low-carbon alternative to concrete and steel.

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: 12/06/2023

Applicant Name (typed or printed): Richard Suttle

Applicant Mailing Address: 100 Congress Ave., Suite 1300

City: Austin State: TX Zip: 78701

Phone (will be public information): 

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: 12/06/2023

Owner Name (typed or printed): DC-2422 LLC

Owner Mailing Address: 2120 E. 7th Street, #200

City: Austin State: TX Zip: 78702

Phone (will be public information):

Email (optional – will be public information): 

Section 5: Agent Information

Agent Name: Richard Suttle

Agent Mailing Address: 100 Congress Ave., Suite 1300

City: Austin State: TX Zip: 78701

Phone (will be public information): 

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).

Portion of Code Continued: since current entitlements would allow up to 53' in this zone.

Additional Space (continued)

Reasonable Use Continued: The total site area of the property is 23,086.8 square feet, with 15,000 square feet being removed for right-of-way dedication. The building area is restricted in three zones by compatibility, the closest to a maximum of 2 stories and 30' in height, 3 stories and 40' in height in another zone, and 53' in height in the area nearest the intersection of 7th and Pedernales. A variance for an additional 5 feet/no story limitation across the whole site is being requested.

The City of Austin has designated East 7th Street as a Core Transit Corridor. A site plan was submitted on March 13, 2023 and is currently in review under SP-2023-0113C. The proposed project was designed and submitted for Site Plan review to utilize the COR Ordinance #20221201-056 which would have allowed an additional 5' in height as the subject property is an appropriate location for a mixed-use development.

However, with the recent Court ruling on November 14th, 2023 overturning the COR Ordinance, the ability to utilize this ordinance is no longer an option. The current zoning regulations applicable to the property weaken the reasonable use envisioned by the City for this Core Transit Corridor site.

Hardship a) Continued: which are significantly deeper lots, this property is uniquely shaped as a shallow wedge, having a narrow configuration along East 7th street from the significant right-of-way dedication. The subject property abuts the Metro Rail Line to the west.

The mass timber designed into the project is a pre-manufactured product, highly coordinated plumbing holes which has a very long lead time of 9-12 months. This has already started and progressed considerably. The project has gone through shop drawings on structural, coordinated holes through beams, and secured its place in the production line, so unfortunately there is very little time to wait to see if the COR Ordinance or something similar ends up getting approved after the court rulings have been finalized. Redesign forces the project to abandon mass-timber, forfeit significant deposit and design money, and to build this structure from high-carbon concrete because of the shallower floor to floor options. Lastly, because of the significant weight difference this change in structural systems will require a redesign all the way to the foundation footings, this is a huge issue of both money and time and greatly affects our tenants move in dates with the schedule.

The constraints described above uniquely impact the site and weaken the reasonable use envisioned by the city by reducing the project's ability to help meet the City's goals of density on Transit Corridors and sustainable design, as well as greatly affecting multiple businesses in Austin.

This variance request, if approved, will maintain the character and scale appropriate for this neighborhood while providing growth of existing businesses.

Hardship b) Continued: less than a half mile from the Plaza Saltillo Station, so this clearly meets the City's goals of more density on mass transit and Core Transit Corridors.