

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2024-0010

**BOA DATE:** Monday, March 11<sup>th</sup>, 2024

**ADDRESS:** 5413 Guadalupe St

**COUNCIL DISTRICT:** **4**

**OWNER:** Guadalupe Heights LLC

**AGENT:** Marek Hnizda

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

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

**VARIANCE REQUEST:** Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*):

(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

(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)

**Section 25-2-1064 (*Front Setback*):**

(1) (b) & (2) to decrease the front setback from 25 feet (minimum required) to 15 feet (requested) on a tract that adjoins property in an SF-5 or more restrictive zoning district and fronts on the same street **and**

**Section 25-2-1067 (*Design Regulations*):**

(G) (1) & (2) decrease driveway/parking setback from 25 feet (required) to 0 (zero) feet

**SUMMARY:** erect a Multi-Family building with associated improvements

**ISSUES:** unique shape of lot; existing adjacent buildings have similar setbacks

|              | <b>ZONING</b>    | <b>LAND USES</b>            |
|--------------|------------------|-----------------------------|
| <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 Neighborhoods Council  
 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



# 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 # **C15-2024-0010** ROW # **13279067** Tax # **0225090731**

## Section 1: Applicant Statement

Street Address: \_\_\_\_\_

Subdivision Legal Description:

\_\_\_\_\_

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

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

Zoning District: \_\_\_\_\_ **Council District: 4**

I/We \_\_\_\_\_ on behalf of myself/ourselves as  
authorized agent for \_\_\_\_\_ affirm that on  
Month , Day , Year , 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: \_\_\_\_\_

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) (3) reduce compatibility frontyard setback (25 feet) to base zoning: (15 feet requested) 25-2-1064 (1) (a), c) Allow on-site parking and vehicle maneuvering/turnaround in compatibility setback 25-2-1063 (G) (1&2) and LDC 25-6 APPENDIX A (tables of off-street parking and loading requirements).

## 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:

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### Hardship

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

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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 already non-conforming to the new setbacks which would be applied.

c) The unique shape of the lot also limits the allowable parking area based on the compatibility setbacks limits to the SF-3 neighbors, which would further impact neighborhood on-street parking.

**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:

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**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 this residential area. Although parking is now not required on the site, the neighborhood has expressed that they do not want additional parking loads on their streets. Allowing parking in the compatibility will allow the property to be "Fully" parked based on previous COA parking requirements.

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:

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

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

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### 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: Laxman Patil  Date: 02/09/2024

Applicant Name (typed or printed): Guadalupe Heights LLC

Applicant Mailing Address: 119 East 6th Street, #705

City: Austin State: TX Zip: 78701

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: Laxman Patil  Date: 02/09/2024

Owner Name (typed or printed): Guadalupe Heights LLC

Owner Mailing Address: 119 East 6th Street, #705

City: Austin State: TX Zip: 78701

Phone (will be public information): [REDACTED]

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): [REDACTED]

Email (optional – will be public information):

### Section 6: Additional Space (if applicable)

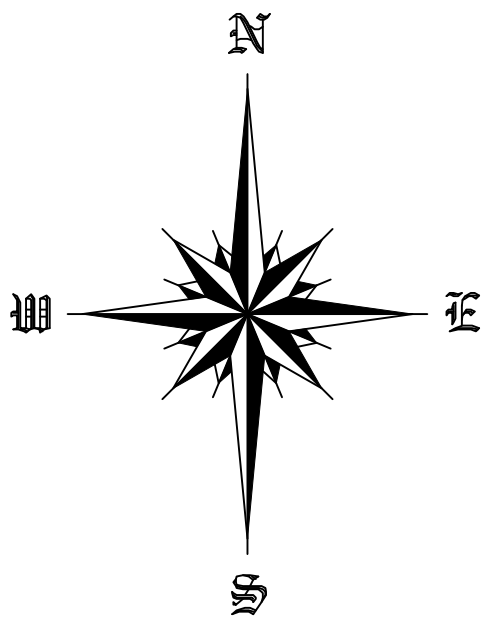
Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Reference previously granted variance case 2022-002.



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                             |
|  | Cleanout                              |
|  | Sanitary Sewer Manhole                |
|  | Water Valve                           |
|  | Water Meter                           |
|  | Light Pole                            |
|  | Electric Box                          |
|  | Down Guy                              |
|  | Utility Pole                          |
|  | Overhead Utilities                    |
|  | Underground Cable & Fiber Optics Line |
|  | Chainlink Fence                       |
|  | Wood Fence                            |
|  | 2" Concrete Planter                   |
|  | Back of Curb                          |
|  | Gutter                                |
|  | Edge of Asphalt                       |
|  | Gas Line                              |



LOT 16, BLOCK 1  
NORTHFIELD ANNEX NO. 2  
VOL. 4 PG. 232  
OFFICIAL PUBLIC RECORDS  
HAYES COUNTY TEXAS

0.79 Acres

Scale: 1" = 16'



AND

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.

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; Volume 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.

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.

LOT 21, BLOCK 1  
NORTHFIELD ANNEX NO. 2  
VOL. 4 PG. 232  
OFFICIAL PUBLIC RECORDS  
HAYES COUNTY TEXAS

LOT 15, BLOCK 1  
NORTHFIELD ANNEX NO. 2  
VOL. 4 PG. 232  
OFFICIAL PUBLIC RECORDS  
HAYES COUNTY TEXAS

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. 48453C0455J, 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. 2180025490. 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  
Aliant 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(a), 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

The logo for Rickman Land Surveying, LLC. It features the word "RICKMAN" in large, bold, black capital letters. Below it, "LAND SURVEYING, LLC" is written in a smaller, black, sans-serif font. To the right of the text is a stylized purple lightning bolt graphic that curves around itself.

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



LOCATION MAP (N.T.S.)