

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2024-0040

BOA DATE: Thursday, November 14th, 2024

ADDRESS: 600 Cumberland Rd,
2610 & 2612 S 1st St

COUNCIL DISTRICT: 3

OWNER: Chris Affinito

AGENT: Leah M. Bojo

ZONING: GR-V-ETOD-DBETOD & GR-ETOD-DBETOD

LEGAL DESCRIPTION: LOT 1 LESS E 10FT BLK A OAK RIDGE HEIGHTS SEC 1

VARIANCE REQUEST:

- (H) Compatibility Requirements (3) Any structure that is located less than 50 feet from any part of a triggering property may not exceed 60 feet (maximum allowed) to 2 feet -4 27/32 inches – 5 feet 6 inches (requesting)
- (H) Compatibility Requirements (4) (a) from compatibility buffer to decrease the from 25 feet (minimum width allowed) to 2 feet -4 27/32 inches – 5 feet -6 inches (requesting).

SUMMARY: erect condominium residential building

ISSUES: shape of lot & narrow lot

	ZONING	LAND USES
<i>Site</i>	GR-V-ETOD-DBETOD; GR-ETOD-DBETOD	Community Commercial-Vertical Mixed-Use-Density Bonus ETOD-Equitable Transit-oriented development
<i>North</i>	LO-V-ETOD-DBETOD	Limited Office-Vertical Mixed-use-Equitable Transit-Oriented Development-Density Bonus ETOD
<i>South</i>	LO-V; SF-3	Limited Office-Vertical Mixed-Use; Single-Family
<i>East</i>	CS-V-CO-ETOD-DBETOD-NP	General Commercial Services-Vertical Mixed-Use-Combined Overlay-Equitable Transit-Oriented Development-Density Bonus ETOD
<i>West</i>	SF-3	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

- Austin Independent School District
- Austin Neighborhoods Council
- Friends of Austin Neighborhoods
- Galindo Area Patriotic Porch Party
- Galindo Elementary Neighborhood Assn.
- Homeless Neighborhood Association
- Perry Grid 614
- Preservation Austin
- Save Our Springs Alliance
- South Central Coalition



October 30, 2024

Leah Bojo
600 Cumberland Rd
Austin TX, 78704

Property Description: LOT 1 LESS E 10FT BLK A OAK RIDGE HEIGHTS SEC 1

Re: C15-2024-0040

Dear Leah,

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 25-2-654(H) at 600 Cumberland Road.

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.

Rosemary Avila, Planning Officer
Infrastructure Support Services | Austin Energy
4815 Mueller Blvd
Austin, TX 78723
(512) 972-8488
Rosemary.avilla@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

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 #	C15-2024-0040	ROW #	13413777	Tax #	0404041214
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Section 1: Applicant Statement

Street Address: 600 Cumberland Road, 2612 S. 1st Street and 2610 S. 1st Street

Subdivision Legal Description: TCAD IDs: 0404041214, 0404041213, 0404041212
Lots 1, 2 and 3, Block A of the Oak Ridge Heights Section 1 Subdivision

Lot(s): 1, 2, 3 Block(s): A

Outlot: _____ Division: Section 1

Zoning District: GR-V-ETOD-DBETOD and GR-ETOD-DBETOD **Council District: 3**

I/We Leah M. Bojo on behalf of myself/ourselves as authorized agent for Notional Cumberland LP affirm that on Month October, Day 9, Year 2024, 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: Condominium Residential Building

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

LDC, Section **25-2-654 Density Bonus ETOD (DBETOD) Combining District Regulations of Article 3 - Additional Requirements for Certain Districts, Division 5-Combining and Overlay Districts, (H)(3) (Compatibility Requirements)** to decrease the 60' height setback distance from 50' from a triggering property to 2'-4 27/32" to 5'-6" (varies) from a triggering property.

LDC, Section **25-2-654 Density Bonus ETOD (DBETOD) Combining District Regulations of Article 3 - Additional Requirements for Certain Districts, Division 5-Combining and Overlay Districts, (H)(4)(a) (Compatibility Buffer)** to decrease the minimum width of a compatibility buffer from 25' to 2'-4 27/32" to 5'-6" (varies).

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 applicable zoning regulations strictly applied do not allow for a reasonable use of the property due to the non-standard shape of the site and the exceptionally narrow (78') and irregularly shaped southern lot. The 25' buffer zone along the triggering (western) property line removes approximately 31% of the site area from development. The reduction in developable area does not allow for the geometric requirements of the parking garage for circulation. Additionally, the 60' maximum height setback reduces the numbers of dwelling units on floors 6-8 and makes those units unreachable due to the necessary location of the elevator and stair core.

Hardship

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

The hardship for which the variance is requested is unique to the property in that the property is located with frontage on S. 1st Street, which is identified as a Core Transit Corridor. As well as being within the ETOD boundary, S. 1st Street is identified as a roadway where development density, mix of uses, and transit facilities should encourage and support transit use.

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

The narrow width of the southern portion of the site (78') is unique along this corridor in that most of the adjacent properties with adjacent single-family zoning triggering properties have lot widths greater than 100'.

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:

S. 1st Street has a mixture of development density and uses. Within one block of the corner of S. 1st Street and Cumberland, there are four commercial use properties with less than 25' buffer to adjacent single family properties. S. 1st Street has multifamily buildings, commercial buildings and mixed-use in accordance with ETOD objectives. The project was designed with screened parking for the first three floors with residential uses starting on floor four. This is to ensure a level of insulation between adjacent uses and residences. The variance will also allow development of this site with transit-supportive uses in accordance with the intended character of the ETOD zoning district.

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: Leah M Bojo Date: 10/09/2024

Applicant Name (typed or printed): Leah M. Bojo

Applicant Mailing Address: 2705 Bee Caves Road

City: Austin State: Texas Zip: 78746

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: _____ Date: _____

Owner Name (typed or printed): See attached authorization

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

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).

Please see attached introduction letter for additional information.

September 30, 2024

To Whom It May Concern:
City of Austin

Re: 600 Cumberland Road, 2612 and 2610 S. 1st Street – Board of Adjustment application for the combined 0.519-acre property located at 600 Cumberland Road, 2612 S. 1st Street and 2610 S 1st Street, Austin, TX 78704 (the "Property")

As the record owner of the above referenced Property, I hereby authorize Leah M. Bojo at Drenner Group PC, or her designee, to act as agent to submit the Board of Adjustment application and related materials to the City of Austin, Texas and I attest to all submittal regulations.

Sincerely,
Notional Cumberland LP

Signed by:
Signature: Chris Affinito
B4F3FC68B5BEF4DD...
Name (print): Chris Affinito
Title: Manager

DRENNER GROUP

October 9, 2024

Board of Adjustment Members
Permitting and Development Center
Development Services Department
City of Austin
P.O. Box 1088
Austin, TX 78767

Via Electronic Delivery

Re: 2612 S 1st Street Board of Adjustment Variance – Board of Adjustment (“BOA”) variance request for the combined 0.519-acre property located at 600 Cumberland Road, 2612 S. 1st Street and 2610 S. 1st Street, Austin, Travis County, TX 78704 (the “Property”).

Dear Board of Adjustment Members:

As representatives of the owner of the Property, we respectfully submit the enclosed Board of Adjustment Variance application for the combined 0.519-acre property located at 600 Cumberland Road, 2612 S. 1st Street and 2610 S. 1st Street (TCAD IDs 0404041214, 0404041213 and 0404041212). The Property is currently platted as Lots 1, 2 and 3, Block A, Oak Ridge Heights Section 1 Subdivision, as recorded in Volume 4, Page 212 of the Plat Records of Travis County, Texas.

A Site Plan (SP-2021-0219C.SH) was approved on June 9, 2023 for a structure with 90 condominium residential units and approximately 3,687 SF of general retail sales and restaurant uses per the Affordability Unlocked program, which waives Compatibility restrictions. The development is certified as a for-rent S.M.A.R.T. housing project and is partnering with a Housing Finance Corporation (HFC). Effective July 15, 2024, Ordinance No. 20240516-003 rezoned the site from GR (Community Commercial) and GR-V (Community Commercial – Vertical Mixed Use Building) to GR-ETOD-DBETOD (Community Commercial – Equitable Transit Oriented Development – Density Bonus Equitable Transit Oriented Development) and GR-V-ETOD-DBETOD (Community Commercial – Vertical Mixed Use Building – Equitable Transit Oriented Development – Density Bonus Equitable Transit Oriented Development).

The S.M.A.R.T. Housing program requires that at least 50% of the units be set aside at an average of 60% MFI and the HFC requires that at least 90% of the units be set aside at an average of 80% MFI. Affordability Unlocked, however, requires that at least 50% of the units be set aside at a hard cap of 60% MFI with 20% of the total units also set aside at a hard cap of 50% MFI. The Affordability Unlocked program’s lack of averaging makes that project infeasible. Therefore, without the compatibility waiver that accompanies that program, the multifamily project, including the affordable units, is infeasible.

In order to reasonably develop the site with a multifamily structure, we are requesting a variance to the ETOD compatibility requirement set forth in LDC §25-2-654(H)(3) and (4)(a) that require a maximum structure height of 60’ within 50’ of a triggering property, and a compatibility buffer width of 25’. Our request is to reduce (H)(3) from 50’ to 2’4 27/32” to 5” 6” and to reduce (4)(a) to 2’4 27/32” to 5” 6”, with both varying along the irregular property line. In order to mitigate this reduced setback, we will provide additional landscaping between the fence line and the single family homes.

The purpose of the ETOD combining district is to enhance “transit-supportive uses, encourage more equitable land stewardship with increased bicycle, pedestrian and transit connectivity, housing options and opportunities” per §25-2-182(A). The approved structure provides an increased diversity of housing and a mix of uses within the designated ETOD boundary (within half a mile of Project Connect Austin Light Rail).

The applicable zoning regulations strictly applied do not allow for a reasonable use of the property due to the non-standard shape of the site and the exceptionally narrow (78’) and irregularly shaped southern lot. The 25’ buffer zone along the triggering (western) property line removes approximately 31% of the site area from development. The reduction in developable area does not allow for the geometric requirements of the parking garage for circulation. Additionally, the 60’ maximum height stepback reduces the numbers of dwelling units on floors 6-8 and makes those units unreachable due to the necessary location of the elevator and stair core.

The hardship for which the variance is requested is unique to the property in that the property is located with frontage on S. 1st Street, which is identified as a Core Transit Corridor. As well as being within the ETOD boundary, S. 1st Street is identified as a roadway where development density, mix of uses, and transit facilities should encourage and support transit use. The narrow width of the southern portion of the site (78’) is unique along this corridor in that most of the adjacent properties with adjacent single-family zoning triggering properties have lot widths greater than 100’.

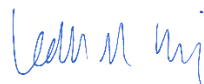
The variance will not alter the character of the area adjacent to the property. S. 1st Street has a mixture of development density and uses. Within one block of the corner of S. 1st Street and Cumberland, there are four commercial use properties with less than 25’ buffer to adjacent single-family properties. S. 1st Street has multifamily buildings, commercial buildings and mixed-use in accordance with ETOD objectives.

The use of adjacent properties will not be impaired. The project was designed with screened parking for the first three floors with residential uses starting on floor four. This is to ensure a level of insulation between adjacent uses and residences.

The variance will not impair the purpose of the zoning regulations of the zoning district in which the property is located as the variance will allow development of this site with transit-supportive uses in accordance with the intended character of S. 1st Street as a Core Transit Corridor and within the ETOD combining district. We have reached out to the neighborhood association to discuss our proposal.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo

CC: Elaine Ramirez, liaison to Board of Adjustment
Diana Ramirez, liaison to Board of Adjustment

DATE:	
DESCRIPTION:	
DELTA:	
DATE:	
DESCRIPTION:	
ISSUE:	

CLIENT: HEARTWOOD REAL ESTATE
PROJECT: SOUTH 1ST AND CUMBERLAND
2612 S 1ST ST.
SHEET TITLE: EXISTING CONDITIONS & DEMO PLAN

PROJECT NUMBER: 020059004
DRAWN BY: RM
DESIGNED BY: MZ
CHECKED BY: MZ
DATE: 2023/03/28
SHEET: 5 OF 32

APPROVED
Date: 03/29/2023

EXISTING CONDITIONS **DEMO PLAN**



TREE LIST

1347 2006088 330870 568.451 VO	HACKBERRY 11;
1348 2006088 330870 567.771 VO	HACKBERRY 11;
1349 2006088 330870 568.179 VO	HACKBERRY 14;
1350 2006079 330871 568.600 VO	HACKBERRY 9;
1351 2006088 330870 567.725 VO	PEARL 21 (ORAN);
1352 2006028 330880 568.844 VO	WHITE-HICKORY 9;
1353 2006088 330867 568.844 VO	HACKBERRY 17;
1354 2006070 330863 565.723 VO	HACKBERRY 14;
1355 2006020 330863 565.527 VO	CORN-BERRY 14 (2010 14);
1370 2006025 330867 568.947 VO	SUGAR-BERRY 17;

LEGEND	TREE LEGEND	NOTES
PROPERTY BOUNDARY	TREE PROTECTED	<p>1. WARNING: CONTRACTOR TO VERIFY ALL EXISTING UTILITIES VERTICALLY AND HORIZONTALLY PRIOR TO CONSTRUCTION. CONTRACTOR TO NOTIFY THE ENGINEER IMMEDIATELY OF ANY DISCREPANCIES.</p> <p>2. A PRECONSTRUCTION MEETING IS WITH THE ENVIRONMENTAL INSPECTOR IS REQUIRED PRIOR TO ANY SITE DISTURBANCE.</p> <p>3. LOCATE AND IDENTIFY THE WATER AND WASTEWATER SERVICES FOR EACH LOT AND ABANDON ALL WATER AND WASTEWATER SERVICES AT THE MAIN PER THE ABANDONMENT DETAIL.</p>
RIGHT OF WAY	TREE REMAIN	
STREET CENTERLINE		
SIDEWALK		
CURB AND GUTTER		
PROPOSED CONTOURS		
EXISTING CONTOURS		
EXISTING EASEMENT		
TO BE DEMOLISHED		

REVIEWED
March 30, 2023
Adrian Pap
Industrial Waste
Adrian Pap

REVIEWED
April 12, 2023
George R.
Austin Water
George R.

CITY APPROVAL

SITE PLAN RELEASE Sheet 5 of 29

FILE NUMBER: SP-2021-0219C.SH EXPIRATION DATE: _____

CASE MANAGER: SARA WILSON APPLICATION DATE: JUNE 21, 2021

APPROVED ADMINISTRATIVELY ON: _____

APPROVED BY PLANNING COMMISSION ON: _____

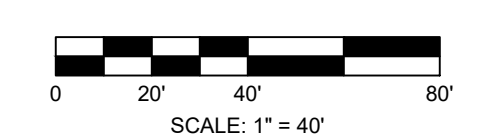
APPROVED BY CITY COUNCIL ON: **APPROVED**
Date: 03/29/2023

Under Section 112. of Chapter 25c. Of The Austin City Code

Director, Department of Planning and Development

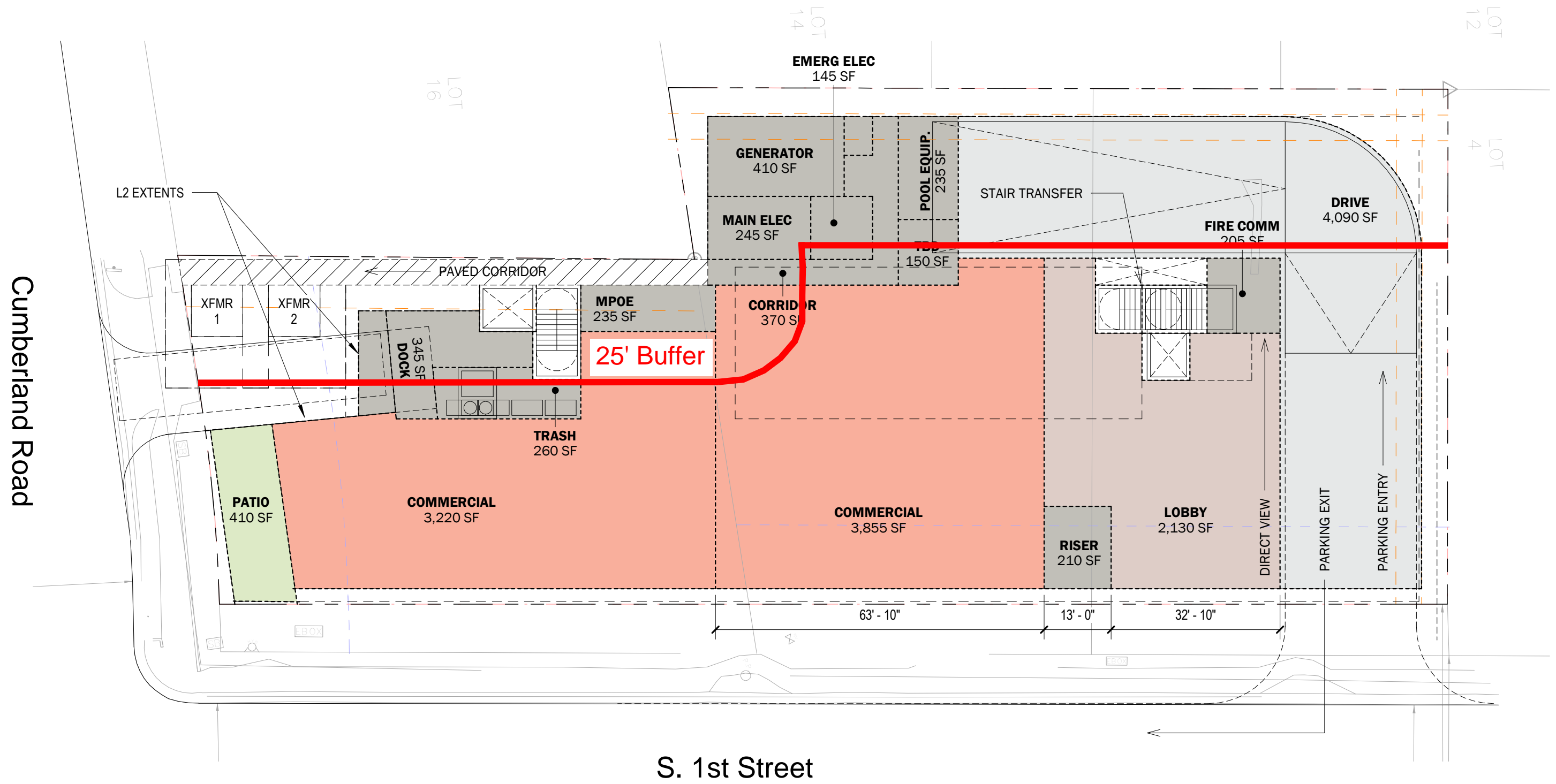
DATE OF RELEASE: _____ Zoning: GR-V & GR

Rev 1 Correction 1
Rev 2 Correction 2
Rev 3 Correction 3

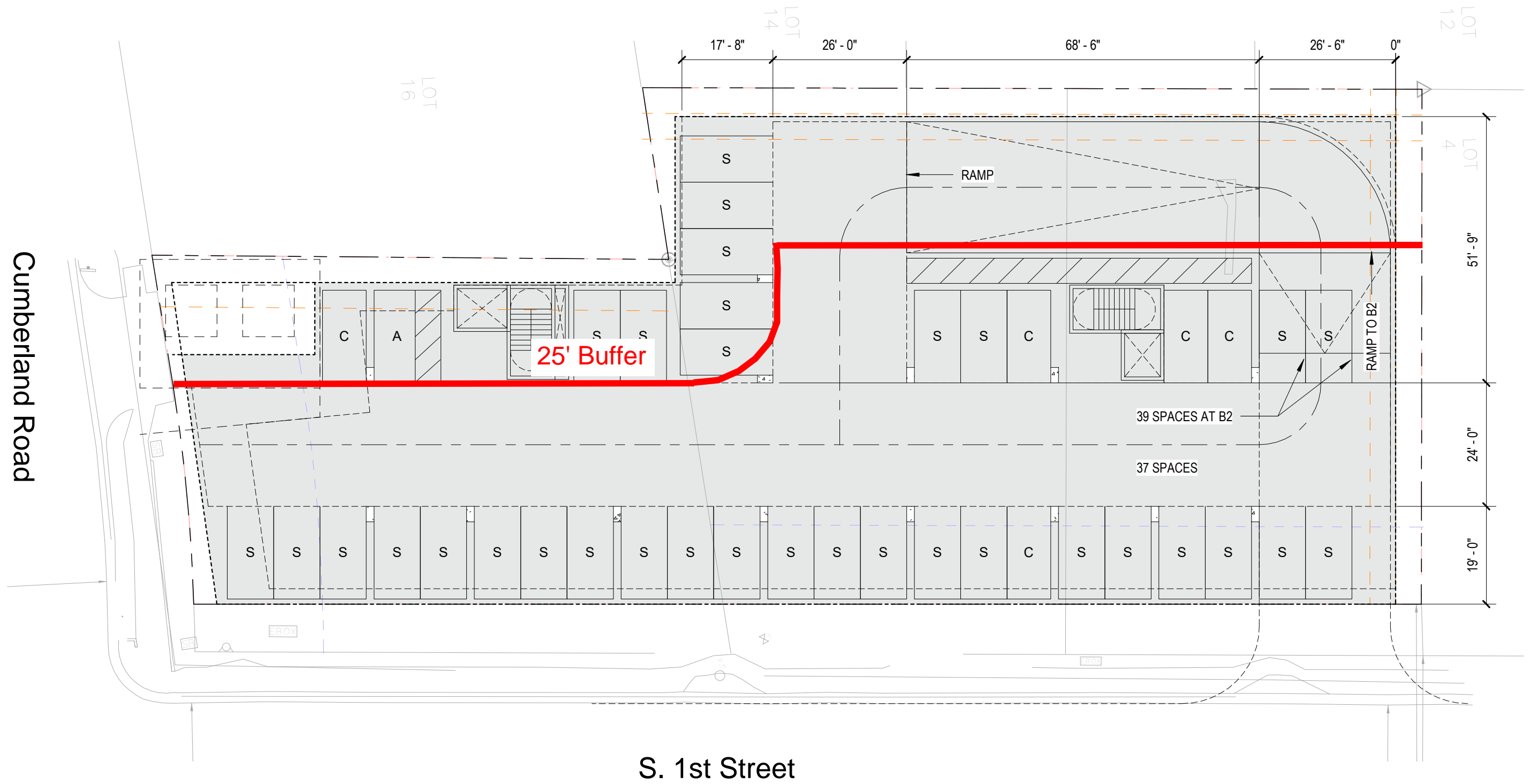


M:\PROJECTS\020059004\CAD\FROM ATWELLS\SHS CONSTRUCTIONS\1ST & C EXT.DWG 3/28/2023 3:46 PM BLANDRY

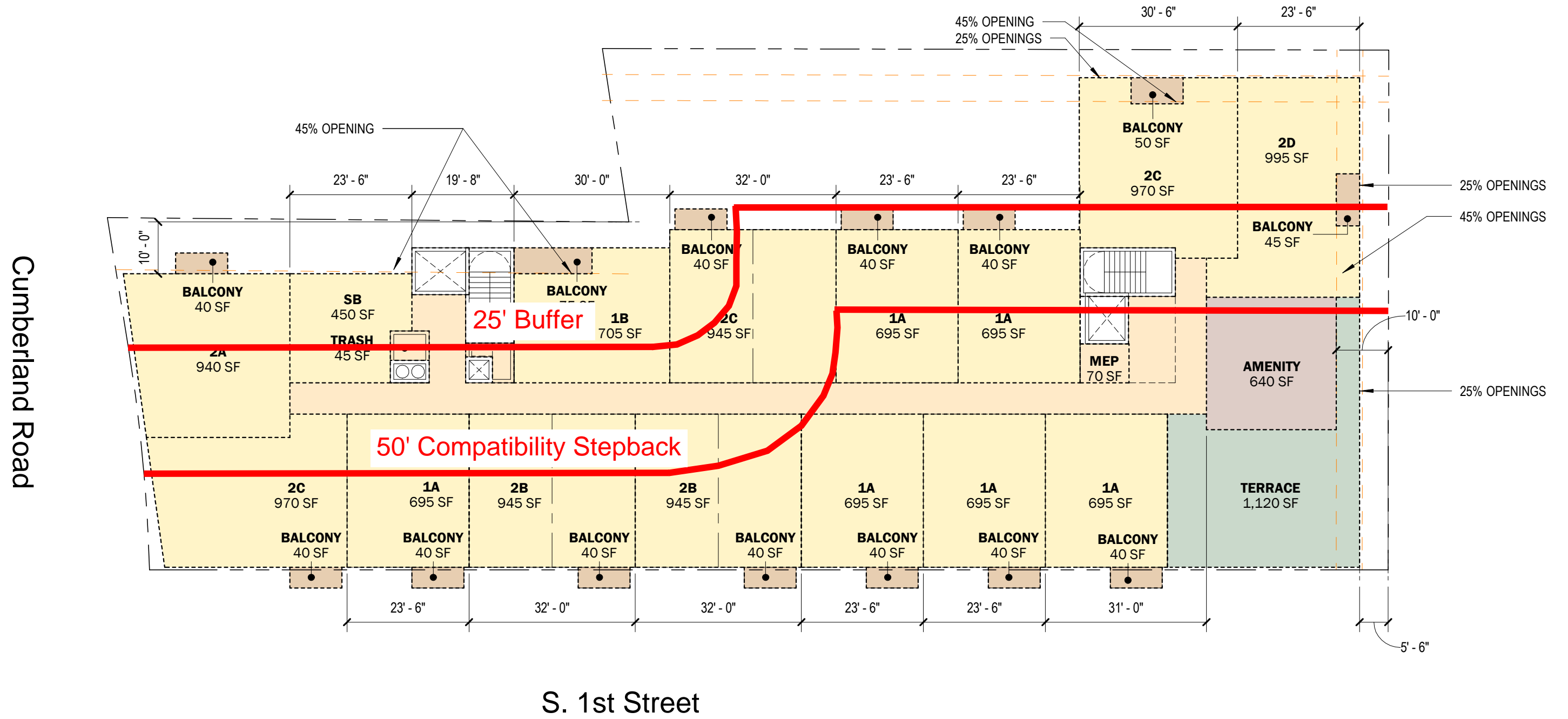
LEVEL 1



BASEMENT 1



LEVEL 8



AREA MATRIX

Monday, September 30, 2024

PERKINS — EASTMAN

LEVEL	600 CUMBERLAND													UNIT MIX								PARKING					
	A	B	C	D	E	F	G	H	J	K	L	M	N	P	UNITS PER LEVEL	STUDIO		1 BED		2 BED				PARKING PER LEVEL	STANDARD (9'X18')	ACCESSIBLE (8'X18'+5')	VAN ACCESSIBLE (8'X18'+8')
	PARKING	BUILDING GROSS (D+E+F+G+K)	RETAIL EXTERIOR	RETAIL	RETAIL SERVICE	RESI MAJOR VERTICAL PENETRATIONS	RESI SERVICE (DOCK & MEP)	RESI BALCONIES	RESI EXTERIOR AMENITY	RESI GROSS AREA (L+M+N)	RESI RENTABLE	RESI LOBBY & AMENITIES	RESI COMMON (HALLWAYS, STAIRS, MEP)	EFFICIENCY (L/B)		SA (470 SF)	SB (450 SF)	1A (695 SF)	1B (705 SF)	2A (940 SF)	2B (945 SF)	2C (970 SF)	2D (1,000 SF)				
ROOF		0								0																	
LEVEL 8	0	14,896	0	0	0	579	0	610	1,118	14,317	12,025	638	1,654	80.7%	15	0	1	6	1	1	2	3	1				
LEVEL 7	0	15,959	0	0	0	579	0	704	0	15,380	13,726	0	1,654	86.0%	17	0	1	7	1	1	2	3	2				
LEVEL 6	0	15,959	0	0	0	579	0	704	0	15,380	13,726	0	1,654	86.0%	17	0	1	7	1	1	2	3	2				
LEVEL 5	0	15,959	0	0	0	579	0	704	0	15,380	13,726	0	1,654	86.0%	17	0	1	7	1	1	2	3	2				
LEVEL 4	0	15,959	0	0	0	579	0	704	0	15,380	13,726	0	1,654	86.0%	17	0	1	7	1	1	2	3	2				
LEVEL 3	0	15,959	0	0	0	579	0	584	0	15,380	13,726	0	1,654	86.0%	20	6	1	7	1	1	0	2	2				
LEVEL 2	0	15,293	0	0	0	579	274	464	2,481	14,440	10,456	2,330	1,654	68.4%	15	4	1	4	1	1	0	2	2				
LEVEL 1	4,091	12,847	410	7,074	0	666	2,978	0	0	2,129	0	2,129	0	0.0%	0	0	0	0	0	0	0	0	0				
BASEMENT 1	18,729	0	0	0	0	0	0	0	0	0	0	0	0	0.0%	0	0	0	0	0	0	0	0	0	37	36	1	
BASEMENT 2	18,729	0	0	0	0	0	0	0	0	0	0	0	0	0.0%	0	0	0	0	0	0	0	0	0	39	38	1	
TOTAL	41,549	122,831	410	7,074	0	4,719	3,252	4,474	3,599	107,786	91,111	5,097	11,578	74.2%	118	10	7	45	7	7	10	19	13	76	74	2	0
															86%	8%	6%	38%	6%	6%	8%	16%	11%	100%	97%	3%	0%
																14%		44%		42%							
																17		52		49							
																								0.6 PARKING RATIO			