

C15-2015-0128

**CITY OF AUSTIN  
BOARD OF ADJUSTMENT/SIGN REVIEW BOARD  
DECISION SHEET**

Herman Thun, Chair (Motion to approve)      DATE: April 12, 2004  
 Barbara Aybar, Vice Chair (Second motion)  
 Lcane Heldenfels      CASE NUMBER : C15-03-110  
 Frank Fuentes  
 Betty Edgemond

APPLICANT: Shambala Corporation  
ADDRESS: 1701 Toomey Road

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum off-street parking space requirement of Section 25-6 Appendix A from 60 off-street parking spaces to 2 off-street parking spaces in order to maintain a Private Primary Educational Facility, Personal Improvement Service, Restaurant (General), General Retail Sales (Convenience), Administrative and Business office and Limited Warehouse uses in a "CS", Commercial Services zoning district. The Land Development Code requires 1.5 off-street parking spaces for each faculty or staff for a Private Primary Educational Facility, one off-street parking space for each 200 square feet of Personal Improvement use, one off-street parking space for each 75 square feet of gross floor area for a Restaurant (General) use, one off-street parking space for each 200 square feet of General Retail Sales (Convenience), one off-street parking space for each 300 square feet of Administrative and Business office use, and one off-street parking space for each 1000 square feet of Limited Warehouse use.

**BOARD'S DECISION: GRANTED 4-1 WITH CONDITION APPLICANT SHOW CITY LEASES FOR 47 OFF-SITE PARKING SPACES (2 LEASES OUTSIDE REQUIRED 1000 FEET DISTANCE); REQUIRE CASA DE LUZ TO POST SIGNS TELLING PATRONS WHERE OFF-SITE PARKING IS LOCATED.**

**FINDINGS:**


1. The Zoning regulations applicable to the property do not allow for a reasonable use because: to have the required parking spaces several buildings and improvements would be destroyed or required to move elsewhere which would destroy the property's character.
2. (a) The hardship for which the variance is requested is unique to the property in that: there is not sufficient land or funding to construct additional parking facilities to comply with the required number of spaces.  
  
(b) The hardship is not general to the area in which the property is located because: there are no other properties or organizations in the area that provide such unique and vital services to the surrounding community.

**EXHIBIT A**

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: the property has been in this use for over 13 years without the required number of parking spaces.

**PARKING:** (Additional criteria for parking variances only)

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 specified regulation because: the operation of the campus has been in effect for over 13 years without causing traffic problems.
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: there will be adequate parking and loading areas located on-site.
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because: there will be safe and ample parking and loading areas located on-site and off-site.
4. The variance will run with the use or uses to which it pertains and shall not run with the site because: there are no intended uses for the property other than the uses which have existing for numerous years.

  
\_\_\_\_\_  
Joseph Pantalion, Executive Secretary

\_\_\_\_\_  
Herman Thun, Chairperson

## **PARKING LOTS TO BE LEASED OR LICENSED TO CASA DE LUZ**

### **Carpenters Union Local 1266, attn. Mr. Conrad Masters**

- 400 Josephine Street (parking lot is at corner of Jessie and Butler streets)
- Dimensions: approx. 115 ft. x 115 ft. Area includes seven large trees and one 5x7 ft. storage shed, or 600+ sq. ft. per space, including circulation area.
- Number of spaces: 20 (expandable)
- Lease duration: January 1, 2004 – December 31, 2004
- Lease terms and conditions: renewable annually for three years, renegotiable thereafter
- Time period that spaces are available: 7:00 AM to 5:00 PM
- Special provisions: Casa de Luz agrees to pay for any initial improvements up to \$3,000, after which extra expenses will be negotiated.
- Parking surface: gravel, historically used as a parking lot for light-duty trucks and cars.
- Status of lease agreement: executed

### **Binswanger Glass Company, attn. Mr. Jimmie Moore**

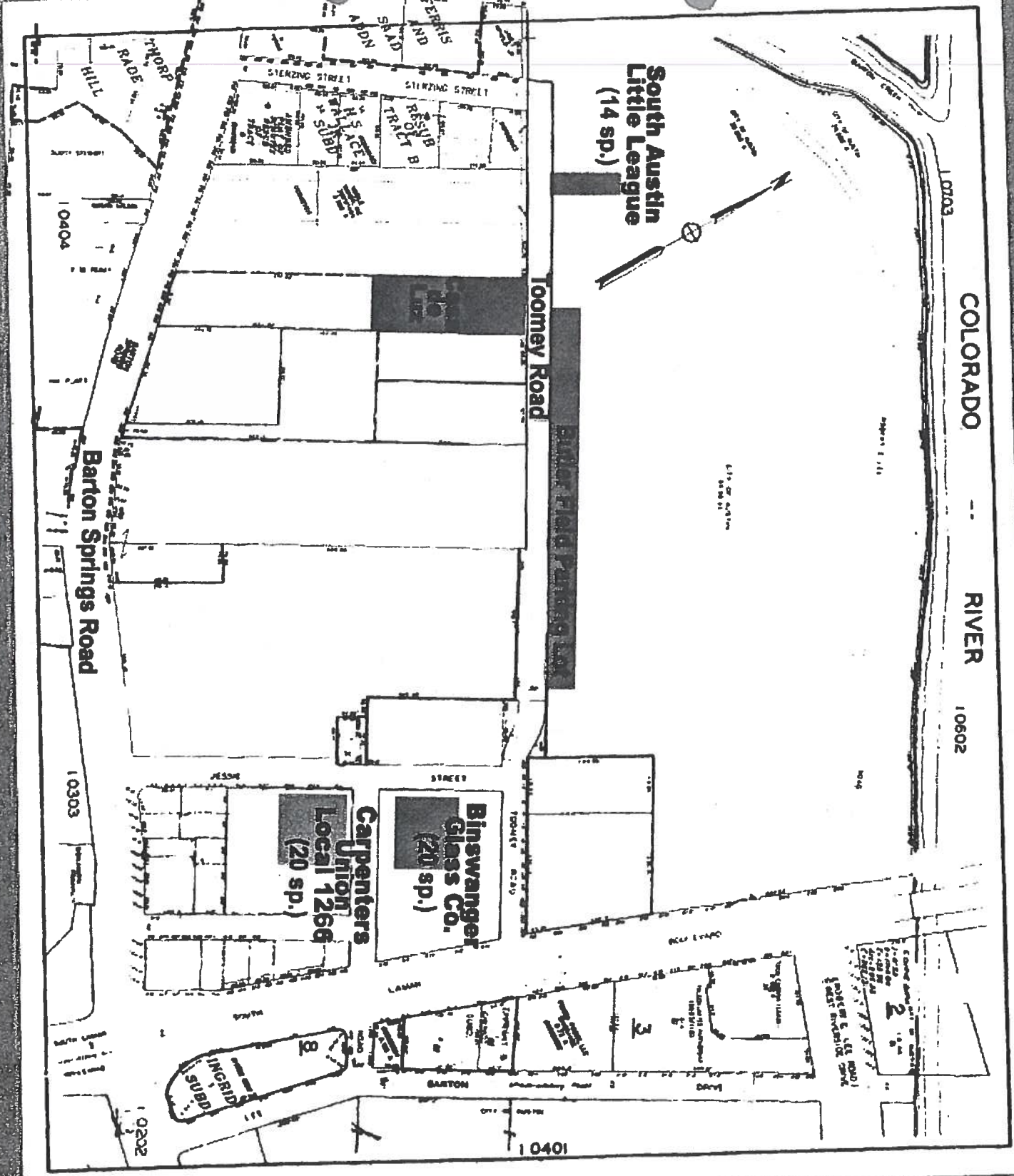
- 300 S. Lamar (parking lot is at corner of Toomey and Jessie streets).
- Dimensions: 110 ft. x 90 ft., or 495 sq. ft. per space, including circulation area
- Number of spaces: minimum of 20
- Lease duration: February 1, 2004 – unspecified termination date
- Time period that spaces are available: daytime and evenings
- Parking surface: asphalt, formerly used as a parking surface for medium- and light-duty trucks.
- Status of lease agreement (Letter of Intent signed, lease to be executed later this month)

### **South Austin Little League, attn. Mr. Ken Black**

Ken Black, President, South Austin Little League, 2403 Arpdale, Austin, TX, 78704

Austin Parks and Recreation Dept., Reeder Field Parking Lot, Toomey Road, north side

- Dimensions: 20 x 130+ ft., served by 22 x 130-ft. gravel drive, or 390 sq. ft. per space, including drive.
- Number of spaces: 14
- Lease duration: September 11, 2003 – September 10, 2004
- Lease terms and conditions: renewable annually
- Time period each day that spaces are available: 8:00 AM to 4:00 PM
- Parking surface: serviceable gravel, used for many years as a car parking lot
- Status of agreement: verbal agreement, comparable to agreement between Parks and Recreation Dept. and Capital Metro for the Butler Field parking lot. Casa de Luz contributes to the South Austin Little League in sufficient amounts to support an entire team for one year



COLORADO RIVER

10703

10602

Loomey Road

Barton Springs Road

South Austin  
Little League  
(14 sp.)

**Binswanger  
Glass Co.**  
(20 sp.)

**Carpenters  
Union  
Local 1266**  
(20 sp.)

10404

10303

10202

10401

**TRAVIS CENTRAL APPRAISAL DISTRICT**

8314 Cross Shore Drive P.O. Box 14992  
Austin, Tx 78734 Austin, Tx 78734  
Internet Address [WWW.TRAVISCAD.ORG](http://WWW.TRAVISCAD.ORG)  
Main Telephone Number (512) 834-9377 Appraisal Department (512) 834-9118  
Fax Number (512) 835-5377 TDD (512) 836-3328

MAP NO  
**10502**

SCALE  
1" = 100'

7" x 400" MAP  
REFERENCE  
10208

ASSOCIATION  
CITY OF AUSTIN  
AUSTIN, TEXAS  
A.C.C.  
STATE BOARD

EXHIBIT  
NO. 2020001 LAM

**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 application. 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 will be sent.

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](http://www.austintexas.gov/devservices).

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. 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: C15-2015-0128, 1701 Toomey Road**  
**Contact:** Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)  
**Public Hearing: Board of Adjustment, September 14th, 2015**

TOEDON DAVIS  
 Your Name (please print)

I am in favor  
 I object

1600 BRATES SPENGLER RD. #2501  
 Your address(es) affected by this application

Leane Heldenfels 9/8/15  
 Signature Date

Daytime Telephone: 512-330-2045

Comments: My objection to their request by appeal is because we feel that they have operated illegally ever since they have been at this location. They should not be granted any more time to either comply or shut down. The family needs a change of plans in compliance by stopping the day of the hearing to (comments received after noon may not be seen by the Board at this hearing):

City of Austin-Development Services Department/ 1st Floor  
 Leane Heldenfels  
 P. O. Box 1088  
 Austin, TX 78767-1088  
 Fax: (512) 974-6305  
 Scan & Email to: [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

the street for most of the days creating unauthorized loops, walks and using the adjoining property without consent.

Additional vision and laws on the city parks and not providing any of street leading and sometimes blocking the street by parking illegally in no parking small subject not paying for the parking that is intended.