

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, May 10, 2010

CASE NUMBER: C15-2010-0041

_____ Jeff Jack
_____ Michael Von Ohlen
_____ Nora Salinas
_____ Bryan King
_____ Leane Heldenfels, Chairman
_____ Clarke Hammond, Vice Chairman
_____ Heidi Goebel
_____ Melissa Hawthorne

APPLICANT: Jae Park

ADDRESS: 1808 & 1810 SPRINGDALE RD

VARIANCE REQUESTED: The applicant has requested a variance from the minimum compatibility setback requirement of Section 25-2-1063 (B) (2) from 25 feet to 0 feet in order to construct a drive-thru Restaurant use (with drive-in service) and detention pond in an "GR-MU-CO-NP", Community Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. The Land Development Code states that a person may not construct a structure 25 feet or less from property on which a use permitted in an "SF-5" or more restrictive zoning district is located. (MLK Neighborhood Plan)

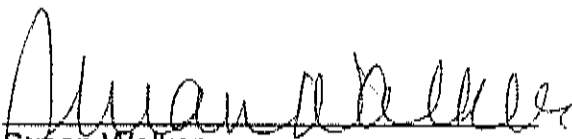
The applicant has requested a variance from the minimum compatibility setback requirement of Section 25-2-1067 (G) from 25 feet to 0 feet in order to construct a drive-thru Restaurant use (with drive-in service) in a "GR-MU-CO-NP", Community Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. The Land Development Code states that unless a parking area or driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a lot on which a use permitted in an "SF-5" or more restrictive zoning district is located. (MLK Neighborhood Plan)

BOARD'S DECISION: POSTPONED TO JUNE 14, 2010


FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
 - (b) The hardship is not general to the area in which the property is located because:

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:



Susan Walker
Executive Liaison



Leane Heldenfels
Chairman

Written comments must be submitted to the board or commission (or 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.

Case Number: C15-2010-0041 - 1808 & 1810 Springdale

Contact: Susan Walker, (512) 974-2202

Public Hearing:

Board of Adjustment, May 10, 2010

to be scheduled date of public hearing is 5-20-10-09

Louise DIGGS

Your Name (please print)

I am in favor
 I object

4608 OAK CLIFF DR

Your address(es) affected by this application

Louise Diggs

5/4/10

Date

Daytime Telephone: *512 976 0140*

Comments: *From Matt in favor of the proposed change to concerning the application from Grand Development Co. re: 4608 & 4610 Springdale Rd. Lot: 2x3, Parcel 19, Division B, Subdivision 1 Grant Park. To the Board I object due to the reason of how the property is owned. Sub. 101 of Grand's rules. All businesses at this location, the County plans to have building*

If you use this form to comment, it may be returned to:

AGRO,
City of Austin-Planning & Development Review Department/ 2nd Floor

C/O Susan Walker

P. O. Box 1088

Austin, TX 78767-8810

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 development or change. 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 is required.

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.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or 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.

Case Number: C15-2010-0041 – 1808 & 1810 Springdale
 Contact: Susan Walker, (512) 974-2202

Public Hearing:
 Board of Adjustment, May 10, 2010

Doris Eresch
 Your Name (please print)

I am in favor
 I object

4613 Oak Cliff Dr,
 Your address(es) affected by this application

Stevie Eresch
 Signature Date 5-3-10

Daytime Telephone: 512 928-1167

Comments: I am President of the
 Oak Ridge Neighborhood Club
 and we have met with Mr.
 Park before and expressed
 to him about the support on
 MKK + Springdale, we can not
 get out of our great history of
 and by 3D on 7 on week days
 the rest is extra we planned for
 the intersection of Oak Cliff and Springdale
 If you use this form to comment, it may be returned to:
 City of Austin-Planning & Development Review Department/ 2nd Floor
 C/O Susan Walker
 P. O. Box 1088
 Austin, TX 78767-8810
 we are very much
 against adding another
 business at this intersection

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2010-0041
ROW # 10419670
TR# 0212200709
10

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

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

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 1808 & 1810 Springdale Road, Austin, TX 78721

LEGAL DESCRIPTION: Subdivision - GRANT PARK

Lot(s) 2 & 3 Block _____ Outlot 19 Division B GRANT PARK

I/We JAE PARK on behalf of myself/ourselves as authorized agent for

JAE PARK affirm that on MARCH 22, 2010,

hercby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

compatibility setback
25-20' for drive-thru
Restaurants

in a GR-MU-NP district.
(zoning district)

NOTE: 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 support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The current zoning of my property allows for a reasonable use of the property but the current use of one property adjacent to Lot # 3 of my property do not allow for a reasonable use of my property. The lot # 4 (1806 Springdale Road) is currently use as a residential with commercial zoning. Thus, 25 feet setback from residential use regulation does not allow for a reasonable use of my property. Please refer to the site plan for a detail drawing.

HARDSHIP:

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

All the adjacent properties are currently commercial uses only. The property at 1806 Springdale Road is the reason for applying for a variance on 25 feet setback because the primary use of the property currently is residential even though the current zoning for the property is commercial, LO-MU-NP.

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

My property is very unique in the area and it is the only vacant commercial lot providing access from both MLK and Springdale road. The area is clearly planned for commercial use when zoning changes implemented. It is very unique in that the adjacent property at 1806 Springdale road is using its property as a residential use when it is zoned for a commercial use. MLK and Springdale road are main roadways in the area and my property is situated in the corner of these two roads.

AREA CHARACTER:

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 area adjacent to the property is zoned for commercial use. All adjacent properties to the subject property are commercially zoned. Thus, the variance will not

impair the purpose of the regulations of the zoning district in which the property is located. Also, I have attached property owner's consent to removal of 25 feet setback from the property owner at 1806 Springdale road.

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 Section 479 of Chapter 25-6 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 reasonable 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

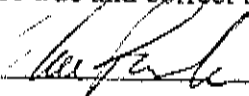
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

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.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed



Mail Address

10711 D-K Ranch Rd, 98759

City, State & Zip Austin, TX 78759

Printed JAE PARK Phone (512) 736-3317 Date 3/22/2010

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed [Signature] Mail Address 10711 D-K Ranch Rd

City, State & Zip Austin, TX 78759

Printed JAE PARK Phone (512) 736-3317 Date 3/22/2010

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
- (4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (6) Austin Energy approval



Board of Adjustments

CASE#: C15-2010-0041
 ADDRESS: 1810 SPRINGDALE RD
 GRID: M23
 MANAGER: SUSAN WALKER



 SUBJECT TRACT

 ZONING BOUNDARY

1" = 300'



This map has been produced by C.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Neighbor's Consent to a Variance to Remove 25 Feet Setback Requirement

February 5, 2009

To: City of Austin
Site Plans and Review Department

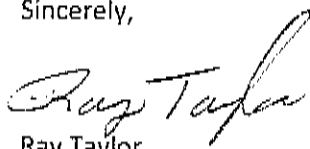
From: Ray Taylor
1806 Springdale Road
Austin, TX 78722

To Whom It May Concern:

My name is Ray Taylor. I am the property owner at 1806 Springdale Road. My property is right adjacent to Mr. Jae Park's property on Springdale Road. Mr. Jae Park is the owner of the properties at 4505, 4507 Martin Luther King and 1808, 1810 Springdale Road. I consent to Mr. Park's request on a variance to remove 25 feet setback requirement.

If you have any questions, please feel free to contact me at 1806 Springdale Road, Austin, TX 78722.
Thank you.

Sincerely,


Ray Taylor



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

March 18, 2010

Jae Park
4505 East Martin Luther King Blvd. (MLK Blvd. & Springdale Road)
Austin, Texas 78723

Re: 4505 East Martin Luther King Blvd.
Lot 3

Dear Mr. Park

Austin Energy (AÉ) has reviewed your application for the above referenced property requesting a boundary variance reduced setback along the property on lot 3 of the boundary between lot number 3 and lot 4. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6015.

Sincerely,

Ricky Jackson
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

P 1 10/12

