

CASE # C15-2010-0069

ROW-10451756

TP-0210120138

**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: 2709 East 13th St.

LEGAL DESCRIPTION: Subdivision – Henry Ulits

Lot(s) 7 Block 2 Outlot 30 Division B

I Jim Bennett as authorized agent for MKKN Development

 affirm that on 6/13, 2010, hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A two family dwelling providing a front street setback of ¹⁰15 ft. & rear of 5 feet
in a SF-3 district. lot 7 - two family residential
(zoning district) & not 15' to the rear

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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 narrow side of this lot does not have frontage on to a street. The adjoining lots (8&9) do not have frontage to a street. When these lots are developed all the structures will provide the 25 ft. setback from the narrow side and will be accessed by a common driveway along the narrow side front.

HARDSHIP:

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

this subdivision plat was approved in 1912 and lots 9 & 9 do not front a street. In order to get access to the street it must come thru lot seven which will provided the 25ft. setback in order to allow for the common drive to be constructed. Lot 7 also has a large 44 inch oak tree located in the center portion of the lot, which makes it difficult to place the structure from 13th St.

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

This lot layout without street frontage is confined to the three lot

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 adjoining lots will be developed with similar new construction and will share a common drive .

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:

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:

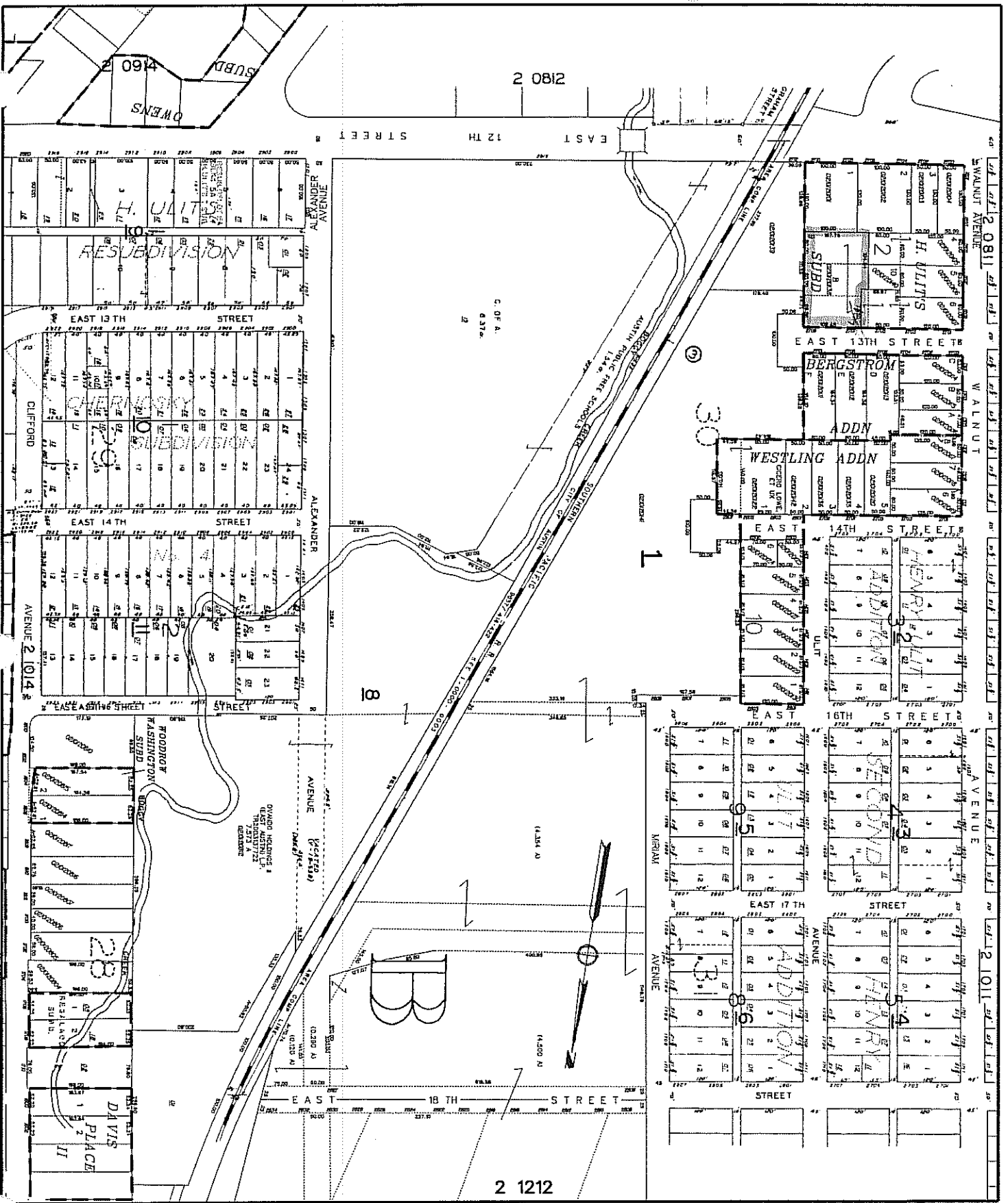
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

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 Jeri Bennett Mail Address _____
City, State & Zip 11505 Ridge Dr Austin, TX 78748
Printed Austin, JIM BENNETT Phone 282-3079 Date 6/11/10

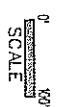
OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Mike Craddock Mail Address 11105 Pairway Lane
City, State & Zip Austin, Texas 78739
Printed MIKE CRADDOCK Phone 512-633-1788 Date 6-11-10
1788



4 - 400 MAP
REFERENCE
2 1011

MAP NO.
2 1012



TRAVIS CENTRAL APPRAISAL DISTRICT
 8314 Cross Park Drive P.O. Box 148012
 Austin, Tx 78754 Austin, Tx 78714
 Internet Address WWW.TRAVISCAD.ORG
 Main Telephone Number (512)834-9317 Appraisal Information (512)834-9138
 Fax Number (512)835-5371 TDD (512)836-3328

JURISDICTIONS
 AUSTIN COUNTY COLLEGE
 AUSTIN ISD
 CITY OF AUSTIN
 TRAVIS COUNTY

REVISIONS
 02/25/2004 890

June 17, 2010

Board of Adjustment
City of Austin, Texas

Re: Zoning Variance for Lot 7 of 2709 East 13th Street

Dear Board of Adjustment Members,

I am the General Partner of the South End MLK TOD, LLC which owns property (2712 East 12th Street) adjacent to the owners of Lots 7, 8, and 9 located at 2709 East 13th Street. For the past two years, we have worked together to make sure our respective development plans are compatible and conform to the Chestnut neighborhood character.

The purpose of this letter is to show support for the owners' desire to request a setback variance for Lot 7 on East 13th Street. They require a setback variance because the current setback of 25 ft along 13th Street - in conjunction with the following two issues inherent to this lot - will present a significant hardship for their development: (1) the 44" Heritage Oak that sits in the middle of Lot 7, and (2) the need to create a common driveway to access Lots 8 and 9, which are landlocked, leaves little to no area on Lot 7 to develop. Their request is to change the 25ft setback to 15ft along 13th Street and move the front yard setback of 25ft to face the common driveway, which is also the front yard setback for Lots 8 and 9. With their common driveway to access Lots 8 and 9, Lot 7 would essentially become a corner lot.

I encourage the BOA to approve this variance. These three lots have never been developed, are within one-quarter mile of the MLK train station, and currently are used as an illegal dumpsite - adversely affecting the neighbors and adjacent property owners. I feel that if this variance is not approved, development of these three lots would be severely limited.

Please contact me if you have any questions.

Sincerely,



Sean Garretson
General Partner
South End MLK TOD, LLC
sean@pegasusplanning.com
Cell 5812/300-7270

Board of Adjustments
City of Austin

Re: Zoning Variance for Lot 7 – East Side Duplex Development

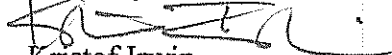
Dear Board of Adjustment Members,

My name is Kristof Irwin and I am an adjacent property owner to the owners of Lots 7, 8, and 9 located on 2709 East 13th Street.

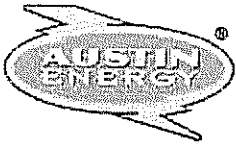
The purpose of this letter is to show support for the owners' desire to request a setback variance for Lot 7 on East 13th Street. They require a setback variance because the current setback of 25 ft along 13th Street in conjunction with two hardships (1) the 44" Heritage Oak that sits in the middle of Lot 7 and (2) the need to create a common driveway to access Lots 8 and 9, which are landlocked, leaves little to no area on Lot 7 to develop. Their request is to change the 25ft setback to 15ft along 13th Street and move the front yard setback of 25ft to face the common driveway, which is also the front yard setback for Lots 8 and 9. This change would make Lot 7's setbacks the same as a corner lot. With their common driveway to access Lots 8 and 9, Lot 7 is essentially a corner lot.

Given the proximity to the MLK train station and the desire of the Chestnut neighborhood to attract new residents, I encourage the BOA to approve this variance. These three lots have never been developed and currently provide unwanted foot traffic and a place to dump trash, adversely affecting the neighbors across the street. I feel that if this variance is not approved, development of these three lots would be severely limited.

Sincerely,



Kristof Irwin
512-497-3221



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

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

June 17, 2010

Mike Craddock
11105 Pairnoy Lane
Austin, Texas 78739
mcraddock12@yahoo.com

Re: 2709 E. 13th Street
Lt 7 Blk 2 OLT 30 DIV B Henry Ulits

Dear Mr. Craddock,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the front street setback to 15 feet in order to erect a two family dwelling. 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 322-6442.

Sincerely,

A handwritten signature in cursive script that reads "Sonny Poole".

Sonny Poole
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

Walker, Susan

From: Lund, Lena [Lena.Lund@austinenergy.com]
Sent: Monday, June 21, 2010 2:22 PM
To: mcraddock12@yahoo.com
Cc: Ramirez, Diana; Walker, Susan; Poole, Sonny; McNair, Joe
Subject: Revision to: PRELIMINARY BOA REVIEW - 2709 E. 13th St

Mr. Craddock,

I spoke with Sonny Poole regarding your request to reduce the following setbacks:

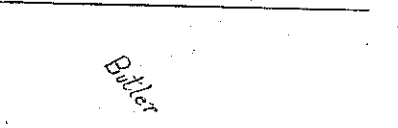
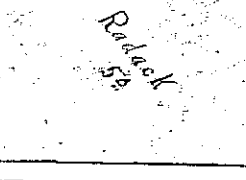
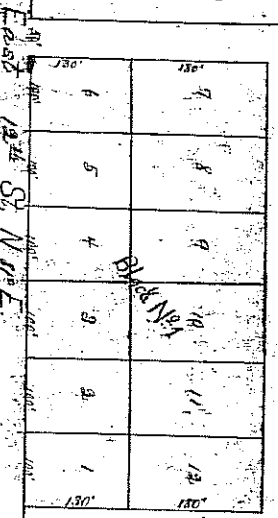
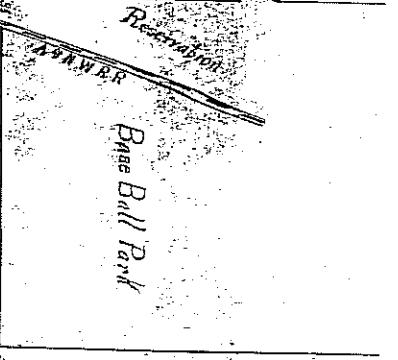
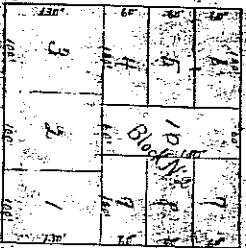
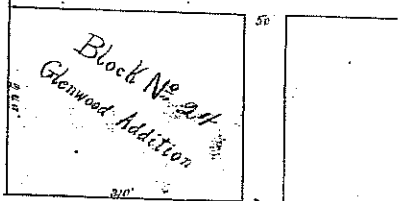
1. the front yard setback along the east property line to 20 feet
2. the street side yard setback to 10 feet
3. the rear yard setback along the west property line to 5 feet

Austin Energy (AE) has no conflict with these requests provided owner/applicant meets AE clearance criteria requirements as well as be in compliance with the National Electric Safety Code and OSHA.

As I mentioned on the phone, we will require a 10 foot electric easement for service. The person to contact at our St. Elmo Service Center regarding electric service design is Joe McNair who can be reached at 505-7526.

Please let me know if you need any additional information.

Lena Lund
Austin Energy
Public Involvement/Real Estate Services
721 Barton Springs Road, Suite 102.1
Austin, TX 78704-1145
512-322-6587
512-322-6101 Fax



Plat showing H. U. Ute's Subdivision of parts of
 Out-lots 29-30 Division B, Govt Tract
 City of Austin
 Scale of one inch

Filed for record in 1892 at 11 A. M.
 Recorded April 11, 1892 at 2:50 P. M.

I hereby release and dedicate for public use all lands as shown and described on this accompanying plat of my subdivision of parts of Out-lots Nos. 29 and 30 in Division B of the Govt. Tract of the City of Austin, Travis County, Texas, as more fully shown on the accompanying plat.

I, H. U. Ute, do hereby certify that the same were lawfully acquired by me.

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