

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

**DATE: Monday, August 9, 2010**

**CASE NUMBER: C15-2010-0081**

<u>  </u> Y	Jeff Jack	2 <sup>nd</sup> the Motion
<u>  </u> Y	Michael Von Ohlen	Motion to PP to Sept 13, 2010
<u>  </u> Y	Nora Salinas	
<u>  </u> Y	Bryan King	
<u>  </u> Y	Leane Heldenfels,	Chairman
<u>  </u> Y	Clarke Hammond,	Vice Chairman
<u>  </u> Y	Heidi Goebel	

**APPLICANT: Joshua L., Rash**

**ADDRESS: 2846 SAN GABRIEL ST**

**VARIANCE REQUESTED:** The applicant have requested a variance to decrease the minimum lot size requirement of Section 25-2-774 (B) from 7,000 square feet to 6,500 square feet (existing) in order to remodel an existing duplex residential use to create a two-family residential unit and erect a single family residence on a lot in an "SF-3-CO-NP", Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (West University Neighborhood Plan)

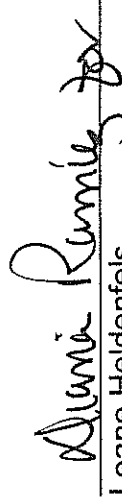
**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to POSTPONE to September 13, 2010 for better findings, physical features of lot, Board Member Jeff Jack second on an 7-0 vote; POSTPONED TO September 13, 2010.

**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

**Walker, Susan**

**From:** Benavidez, Sylvia  
**Sent:** Tuesday, August 31, 2010 12:10 AM  
**To:** Walker, Susan  
**Cc:** 'josh rash'; kristinrash@gmail.com  
**Subject:** FW: 2846 San Gabriel Case (No: C15-2010-0081)

Susan, FYI.....

**From:** S Anderson [mailto:sanderson1503@sbcglobal.net]  
**Sent:** Monday, August 30, 2010 10:51 AM  
**To:** joshrash@gmail.com  
**Cc:** Benavidez, Sylvia  
**Subject:** 2846 San Gabriel Case No: C15-2010-0081

*Sharon L. Anderson, Realtor*  
*Certified Real Estate Brokerage Mgr.*  
*Box 49629, Austin TX 78765*  
*(512) 474-2204*

August 30, 2010

Via Email

RE: Case No: C15-2010-0081 (2846 San Gabriel)

Dear Mr. Rash,

At your request, this letter is to confirm that Mr. Whitten will not oppose the proposed variance for your property at 2846 San Gabriel. After reviewing your plans, he finds your development idea for a single-family residence and garage apartment compatible with the neighborhood. Should Ms. Benavidez require a confirmation call, Mr. Whitten will be happy to accommodate. He extends good wishes for the project.

Sincerely,

Sharon Anderson

Copy: Sylvia Benavidez

8/31/2010

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: C15-2010-0081 – 2846 San Gabriel**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment Aug 09, 2010**

Tudy C REEVES  
Your Name (please print)

I am in favor  
 I object

2904 Pearl St.  
Your address (es) affected by this application

Tudy C. Reeves                      8-3-2010  
Signature                                      Date

Your Telephone: 805-238-2208

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you use this form to comment, it may be returned to:  
City of Austin-Planning & Development Review Department/ 2<sup>nd</sup> 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](http://www.ci.austin.tx.us/development).

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Case Number: C15-2010-0081 – 2846 San Gabriel

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment Aug 09, 2010

William G. Moseley, Daphne Moseley  
Your Name (please print)  I am in favor  
 I object

2845 SAN GABRIEL ST.

Your address (es) affected by this application

Wm Moseley, Daphne A Moseley 8/4/10  
Signature Date

Daytime Telephone: 619-840-3985

Comments: We are AGAINST ANY INCREASE  
in the density & more population  
by building more house on the same  
lot. This will affect the quality of  
life at my residence. This construction  
should NOT be Allowed!

CASE# C15-2010-0081

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C/O Susan Walker  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C15-2010-0081 – 2846 San Gabriel

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment Aug 09, 2010

ROBERT BOROWSKI

Your Name (please print)

I am in favor  
 I object

2838 PEARL STREET

Your address (es) affected by this application

Robert H. Borowski

Signature

29 July 09

Date

Daytime Telephone:

512/851-6995

Comments:

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

City of Austin-Planning & Development Review Department/ 2<sup>nd</sup> Floor

C/O Susan Walker

P. O. Box 1088

Austin, TX 78767-8810

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

CASE # C15-2010-0081  
ROW # 10465222

TP-0216010517 /  
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: 2846 San Gabriel St

LEGAL DESCRIPTION: Subdivision - Byrnes James

Lot(s) 15 Block 2 Outlot 71 Division D

We Josh Rash and Kristin Etter on behalf of ourselves affirm that on July 6  
, 2010, hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

our duplex into a single family residence (SF-3) with a detached secondary apartment. Specifically, we are seeking a variance to allow us to maintain and remodel the current structure on the back of the lot, which is a top-bottom duplex, into a detached garage with a secondary apartment on the top. In addition, we are going to erect a single family residence on the front of the lot.

lot size 7,000 → 6,500

This property is in a SF-3 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 it prevents us from being able to maintain our current structure. A reasonable use for our lot is to preserve the current structure and convert the bottom into a garage while maintaining the habitable space above. Currently, a secondary apartment is allowable city-wide on lots that are 7000 square feet. Thus, because our lot is 6500 square feet, we are 500 square feet short from being able to keep our back structure as a secondary apartment which is a reasonable use for our property.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that the location of the structure in relation to lot configuration lends itself into becoming a detached structure to compliment a single family residence in the front. Specifically, the current structure is set back 93.5 feet from the front property pin and 11 feet from the back property pin. Additionally, because our property has alley access, the current structure is perfectly positioned to be converted into a detached garage. In terms of physical constraints, because the top is already situated for living, we would like to maintain that use without having to demolish a quality livable space already in place.
- (b) The hardship is not general to the area in which the property is located because there are no other lots in our area that only have a back structure. Our neighborhood is comprised of large multi-family structures, commercial buildings and single family residences, many with detached secondary apartments and/or structures in the rear. Therefore, our property is one of the only properties in the area with a single structure on the back of 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. Our requested variance will not alter the character of the area adjacent to the property because a single family residence with a secondary apartment backs up to our property in the alley way and is prevalent throughout our neighborhood. In addition, our requested variance will not impair the use of the adjacent conforming properties because our lot is abutted by commercial, multi family and many single family structures with secondary apartments. Thus, erecting a single family residence and maintaining the current structure as a detached garage and secondary apartment above fits into the character of our diverse neighborhood. Finally, the requested variance will not impair the purpose of the zoning regulations of the zoning district in which our property is

located because we are seeking to convert an existing non-compliant duplex into a single family residency. Moreover, our lot size of 6500 square feet is only 500 square feet short of not having to seek a variance for a secondary apartment.

**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:

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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:

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**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.

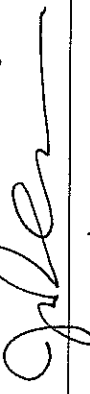
**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 2846 San Gabriel  
City, State & Zip Austin, TX 78705



Printed Josh Rash Phone 484.2532 Date 7.6.10

**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  Mail Address 2846 SAN GABRIEL

City, State & Zip AUSTIN, TX 78705

Printed JOSH RASH Phone 484.2532 Date 7.6.10

### **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

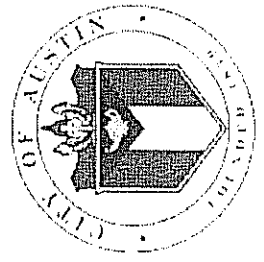
Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.



-  SUBJECT TRACT
-  ZONING BOUNDARY

**BOARD OF ADJUSTMENTS**

ZONING CASE#: C15-2010-0081  
 LOCATION: 2846 SAN GABRIEL ST  
 GRID: J25/J24  
 MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

SURVEY OF THE PROPERTY LOCATED AT: 2846 SAN GABRIEL STREET, AUSTIN, TEXAS, BEING DESCRIBED AS FOLLOWS: LOT 15, BLOCK 2, JAMES BYRNES SUBDIVISION, OF OUTLOT 71, DIVISION D, CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3, PAGE 72 PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

REFERENCE: GF NO. 14663-09-00132  
 BUYER: " "  
 SELLER: SAN GABRIEL LTD., A TEXAS LIMITED PARTNERSHIP  
 LENDER: AS ASSIGNED  
 TITLE CO.: NORTH AMERICAN TITLE COMPANY  
 UNDERWRITER: STEWART TITLE GUARANTY COMPANY

FOR RESTRICTIONS AFFECTING THIS LOT  
 SEE VOL. 755, PG. 190

MAP SYMBOLS:  
 E — UTILITY LINE  
 ⊙ — IRON PIPE FOUND  
 ▲ — PK. NAIL FOUND  
 CM — CONTROL MONUMENT  
 ( ) — RECORD DATA FROM PLAT  
 R.O.W. — RIGHT-OF-WAY

15' ALLEY

(N 05°54'00" E 50.00')  
 (N 06°29'35" E 49.87')

PLAT NORTH  
 SCALE: 1" = 20'

LOT 16

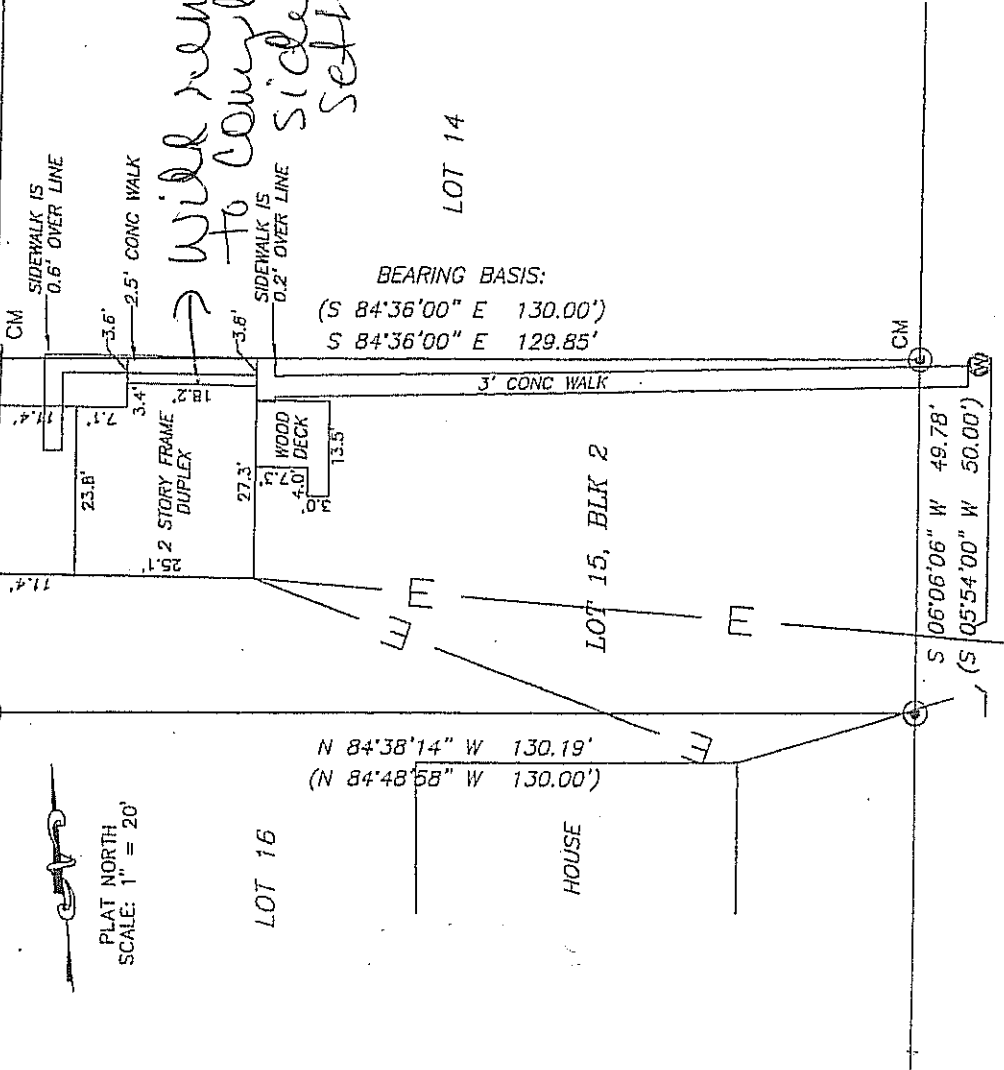
(N 84°38'14" W 130.19')  
 (N 84°48'58" W 130.00')

HOUSE

LOT 15, BLK 2

LOT 14

BEARING BASIS:  
 (S 84°36'00" E 130.00')  
 S 84°36'00" E 129.85'



SAN GABRIEL STREET  
 (50' R.O.W.)

THE UNDERSIGNED DOES HEREBY CERTIFY TO THE PARTIES LISTED ABOVE THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS ACCURATE, AND THAT THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY EASEMENTS OR ROADWAYS, EXCEPT AS SHOWN HEREON, AND THE SAID PROPERTY ABUTS A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON. THIS PLAT IS VALID ONLY FOR THIS TRANSACTION.  
 HARRIS-GRANT SURVEYING INC. 1700 SOUTH LAMAR BLVD, STE 332, AUSTIN, TEXAS 78704 PH. (512) 444-1781 FAX (512) 444-6123

*James M. Grant*

JAMES M. GRANT R.P.L.S. NO. 1919 MARCH 20, 2009  
 INVOICE NO. 44266 WORK ORDER NO. 42846  
 COPYRIGHTED HARRIS-GRANT SURVEYING, INC. 2009  
 C:\JGDWG\TITLES97\27772  
 C:\CAPLSON\2009\10HT\42846



# RASH RESIDENCE

2846 SAN GABRIEL STREET, AUSTIN, TEXAS 78705



## HURT PARTNERS ARCHITECTS

309 West 14th St Austin, TX 78701

T 512.473.0132

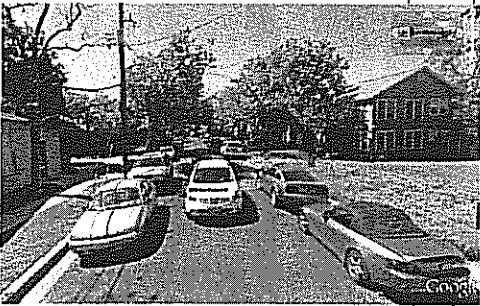
F 512.473.0136

[WWW.HURTPARTNERS.COM](http://WWW.HURTPARTNERS.COM)

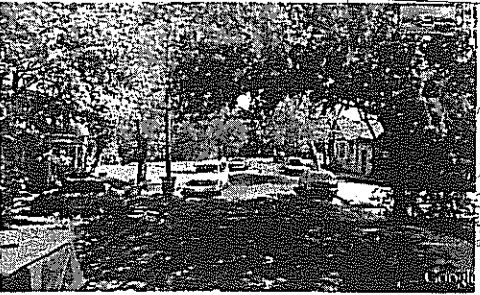
© COPYRIGHT 2013



AERIAL CONTEXT  
SITE

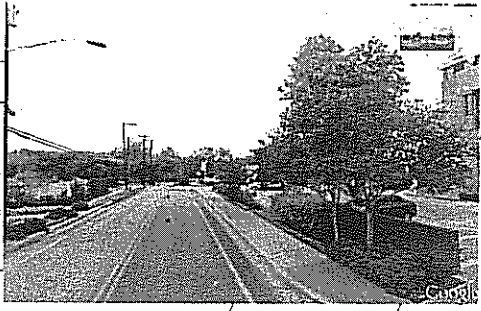
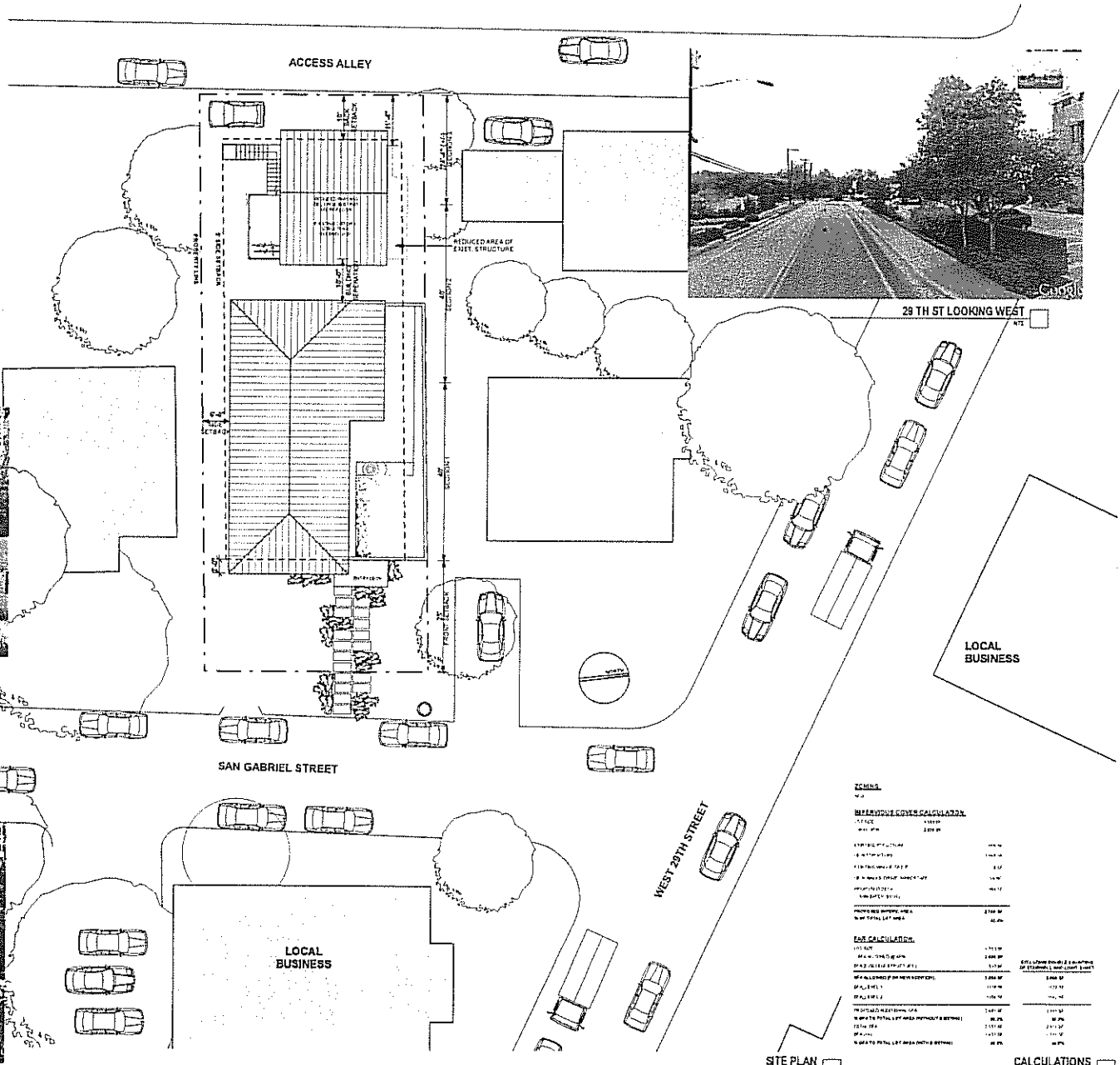


SAN GABRIEL ST LOOKING SOUTH  
SITE



SAN GABRIEL ST LOOKING NORTH  
SITE

BUSINESS  
 MULTI-FAMILY  
 SUBJECT PROPERTY



29 TH ST LOOKING WEST  
SITE

**TERMS**

**NET DEVELOPEABLE SQUARE FOOTAGE**

EXISTING FOOTPRINT	1,000 SF	0%
NEW FOOTPRINT	1,000 SF	100%
TOTAL DEVELOPEABLE SQUARE FOOTAGE	2,000 SF	

**PERMITTED USES**

RESIDENTIAL SINGLE-FAMILY	1,000 SF	50%
RESIDENTIAL MULTI-FAMILY	1,000 SF	50%
TOTAL PERMITTED USES	2,000 SF	100%

**PERMITTED HEIGHTS**

EXISTING HEIGHT	10 FT	0%
NEW HEIGHT	10 FT	100%
TOTAL PERMITTED HEIGHTS	10 FT	100%

**PERMITTED SETBACKS**

EXISTING SETBACK	10 FT	0%
NEW SETBACK	10 FT	100%
TOTAL PERMITTED SETBACKS	10 FT	100%

**PERMITTED LOT COVERAGE**

EXISTING LOT COVERAGE	10%	0%
NEW LOT COVERAGE	10%	100%
TOTAL PERMITTED LOT COVERAGE	10%	100%

SITE PLAN  
SCALE 1/4" = 1'-0"

CALCULATIONS  
SCALE 1/4" = 1'-0"

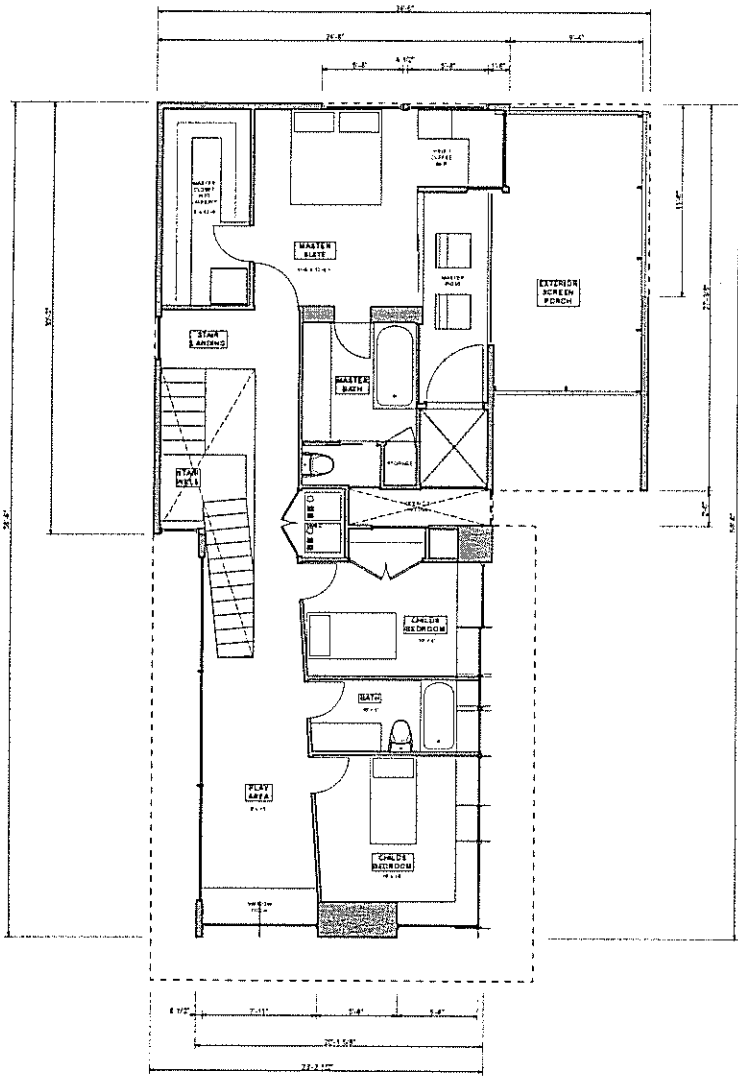
**HURT PARTNERS ARCHITECTS**  
 409 West 14th Street - Austin, Texas 78701  
 T: 512.473.9123  
 F: 512.473.9135  
 www.hurtpartners.com

**RASH RESIDENCE**  
 PROJECT NO. 2024-001  
 DATE: 10/20/24  
 DRAWN BY: J. RASH  
 CHECKED BY: M. HURT

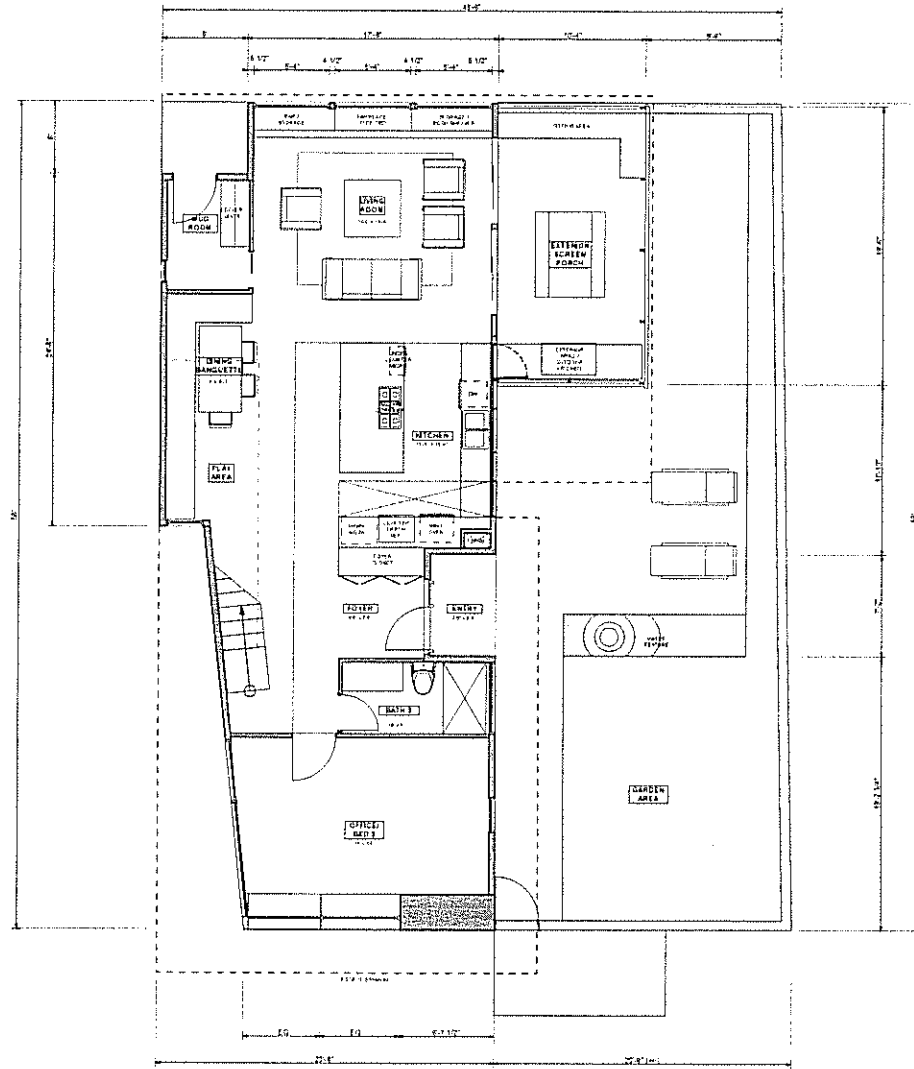
**PROJECT INFO**  
 - RUSH SET  
 - ALAUNT MEETING  
 - 07/16/2024



**A-101**



SECOND FLOOR  
SCALE 1/4" = 1'-0" **2**



GROUND FLOOR  
SCALE 1/4" = 1'-0" **1**

HURT PARTNERS ARCHITECTS

400 North 14th Street  
Austin, Texas 78701  
512.473.8153  
512.473.8133  
www.hurtpartners.com

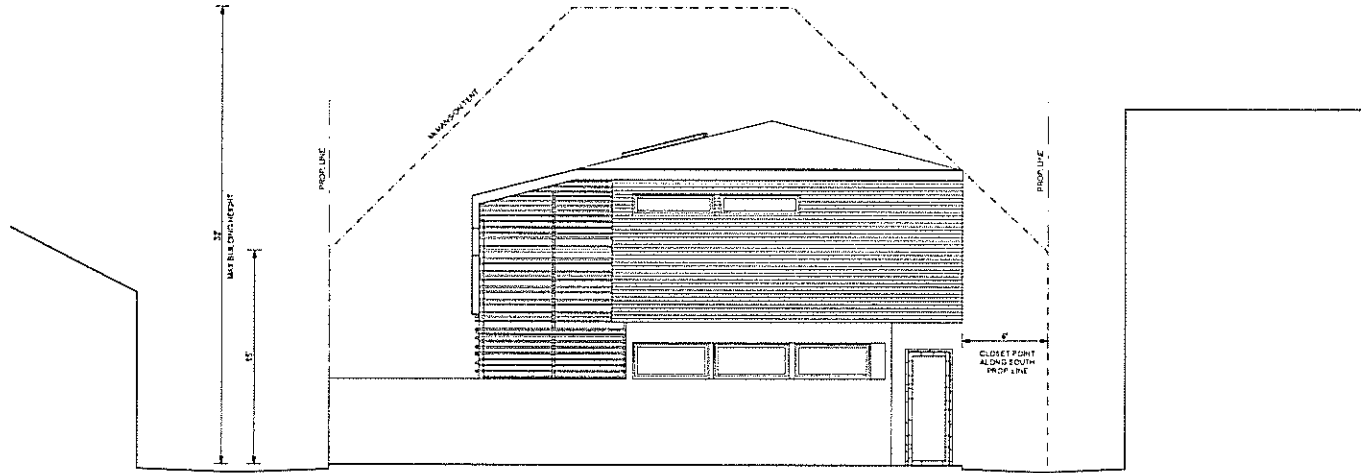
**RASH RESIDENCE**

PROJECT NAME: RASH RESIDENCE  
 ADDRESS: 1414 S. MARY ST. AUSTIN, TX 78704  
 CLIENT: RASH RESIDENCE LLC  
 DATE: 11/11/10  
 DRAWING NO: 101011-01

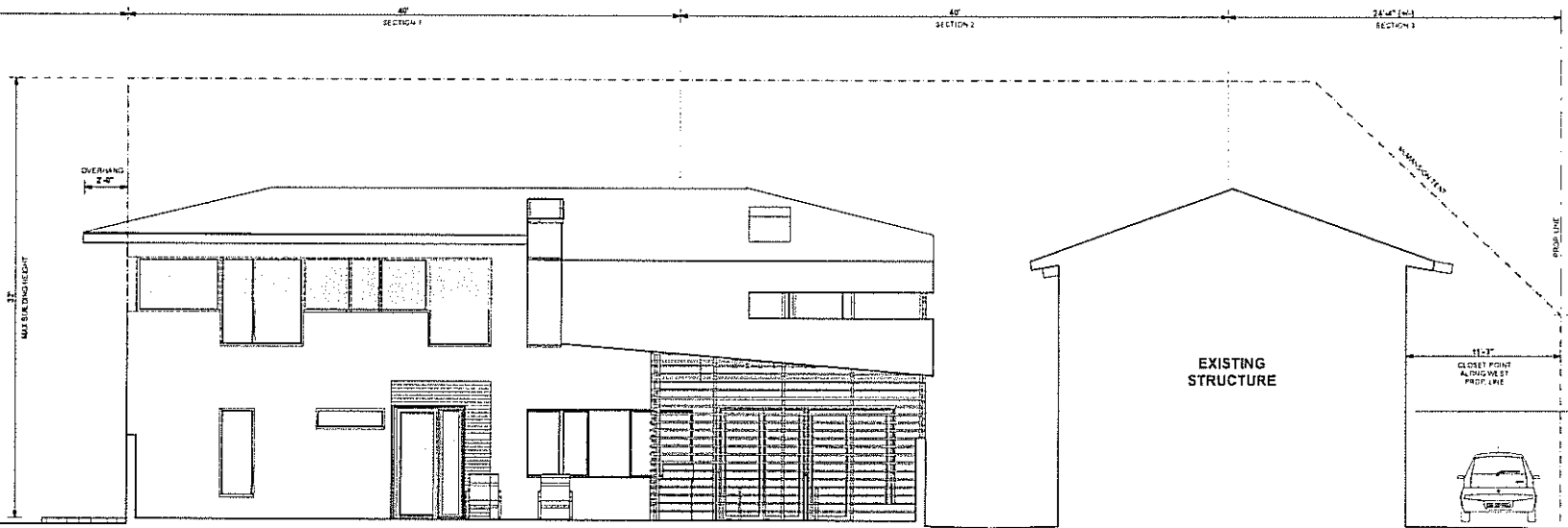
**PROJECT DATA**

PROJECT NO: 101011-01  
 DATE: 11/11/10  
 DRAWING NO: 101011-01

**FLOOR PLANS**



ELEVATION: WEST  
SCALE 1/4" = 1'-0"



ELEVATION: NORTH  
SCALE 1/4" = 1'-0"

**HURT PARTNERS ARCHITECTS**  
 408 WEST 54th Street Austin Texas 78701  
 T: 512.473.0123  
 F: 512.473.0139  
 www.hurtpartners.com

**RASH RESIDENCE**  
 PROJECT NO. 1000000000  
 DATE: 07/14/2010

RDCC MET. AUGUST MEETING  
 07/14/2010


**EXIST. ELEVATIONS**  
  
 I AM A REGISTERED ARCHITECT  
 STATE OF TEXAS  
 NO. 0000000000  
 EXPIRES 08/31/2010

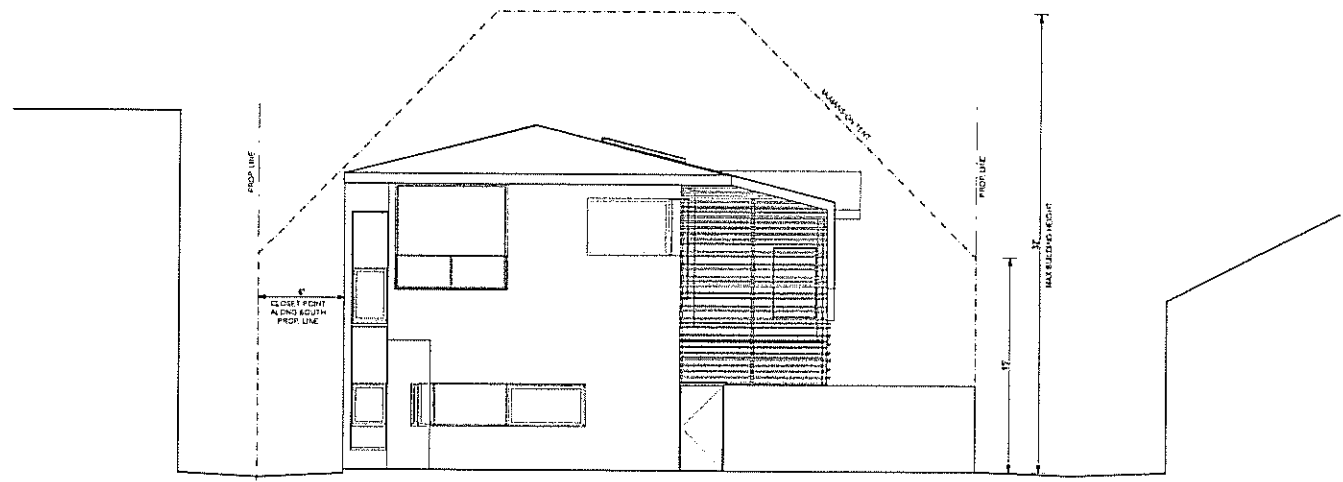
HURT PARTNERS ARCHITECTS

409 WEST 14th Street Austin Texas 78701  
 T 512.477.0112  
 F 512.477.0139  
 www.hurtpartners.com

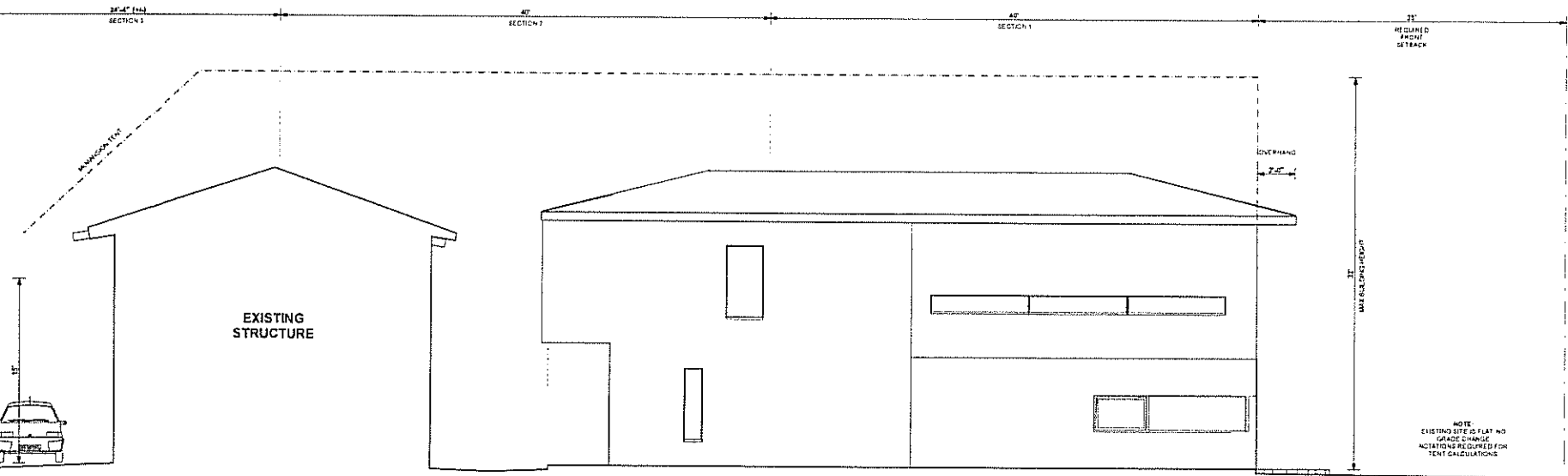
**RASH RESIDENCE**  
 PROJECT NO. 14-001  
 DATE: 08/14/16  
 DRAWN BY: J. HURT  
 CHECKED BY: J. HURT  
 SCALE: AS SHOWN

MISC. MET:  
 AUGUST MEETING  
 07/14/2016

**EXT. ELEVATIONS**  
  
 J. HURT  
 REGISTERED PROFESSIONAL ENGINEER  
 STATE OF TEXAS  
 NO. 14872  
 EXPIRES 08/31/18



ELEVATION: EAST  
 SCALE: 1/4" = 1'-0"



ELEVATION: SOUTH  
 SCALE: 1/4" = 1'-0"

NOTE:  
 EXISTING SITE IS FLAT NO  
 GRADE CHANGE  
 NOTATIONS REQUIRED FOR  
 TENT CALCULATIONS

**A-202**