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A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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 # \_\_\_\_\_

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

**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

the preexisting structure into a detached garage with a secondary apartment and construct a single family residence (SF-3). Specifically, we are seeking a variance to maintain the current two-family use 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 and expand on the front of the lot with a single family residence.

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.

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**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 preexisting property, which was developed in 1945, has been in a two-family use for over fifty years. Due to lot configuration and placement of the current structure, a reasonable use for the lot is to expand by erecting a single-family residence in the front while preserving the current structure in the rear and converting the bottom into a garage and maintain the top as habitable space. This would preserve the current two-family use on the lot by reconfiguring the placement of one of the dwellings for the two families which is a reasonable use for the property.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that the two-family structure already exists and its placement in relation to lot configuration limits expansion. Because of the established trees to the south and east, expansion in those directions is not possible without having to tear out multiple trees or significantly remove the canopies. Expansion to the west and north is prohibited because of the alley and setback requirements. Due to lot configuration and physical constraints, the only way to expand is to construct a separate structure on the front of the lot. Thus, without the requested variance, the expansion would require a change of use on the lot from an established two-family use to single-family use. Because the lot is placed in between a commercial zoned structure to the east, mixed-use zoned structures to the north, a large two-family duplex to the south and a two-family duplex with a single family residence to the west, without the variance, the lot would be the only single-family zoned residence of the contiguous neighbors.

(b) The hardship is not general to the area in which the property is located because there are no other properties in the area that have an established preexisting two-family structure in the rear of the lot with a large empty undeveloped portion in the front.

**AREA CHARACTER:**

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming properties, and will not impair the purpose of the

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regulations of the zoning district in which the property is located since the preexisting structure has been in existence since 1945 and the use has been established as two-family for over fifty years. The 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. The 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 the property in the alley way and this type of two-family use is prevalent throughout the neighborhood. In addition, the requested variance will not impair the use of the adjacent conforming properties because the lot is abutted by commercial, mixed-use and two-family structures. Thus, erecting a single-family residence and maintaining the current structure as a detached garage and secondary apartment above while keeping the two-family use fits into the character of the neighborhood. Finally, the requested variance will not impair the purpose of the zoning regulations of the zoning district in which the property is located because the proposed project will convert an existing non-compliant duplex into a single family residency with a detached garage and secondary apartment and will reconfigure the placement of the two families without changing the established two-family use.

**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:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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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 \_\_\_\_\_ Mail Address \_\_\_\_\_

City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

**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 \_\_\_\_\_

City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

### 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.)