

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

DATE: Monday, October 11, 2010

CASE NUMBER: C15-2010-0108

____y____ Jeff Jack
____y____ Michael Von Ohlen **Motion to PP to Nov 8, 2010**
____y____ Nora Salinas
____y____ **Melissa Hawthorne**
____y____ Leane Heldenfels, Chairman
____y____ Clarke Hammond, Vice Chairman **2nd the Motion**
____y____ Heidi Goebel

APPLICANT: Rebecca Abdallah

ADDRESS: 613 ALLEN ST

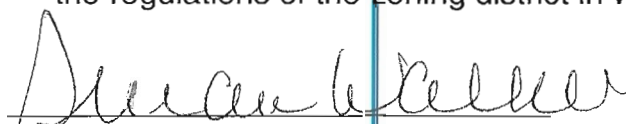
VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum rear yard setback of Section 25-2-492 (D) from 10 feet to 5 feet in order to maintain and change the use of a building to create a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Govalle Neighborhood Plan)


BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to POSTPONE TO November 8, 2010 requesting additional information on permit history, parking, add variance for side setback, Board Member Clarke Hammond second on a 7-0 vote; POSTPONED TO November 8, 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

OWNER		Foe A. Lawrence	ADDRESS		613 Allen Street
PLAT	270	LOT	1	BLK	2
SUBDIVISION		Pipkin Addn			
OCCUPANCY		Storage			
BLD PERMIT #		122012	DATE	5-20-71	OWNERS ESTIMATE \$864.00
CONTRACTOR		owner		NO. OF FIXTURES	
WATER TAP REC #		Exist	SEWER TAP REC #		Exist
Frm acc bldg. 864 sq. ft.					

Permit history
5-20-1971

The building affected by this variance is used as a single-family residence and is in direct violation of city code. The people that live at that address are not good neighbors. They have lawn parties and drink alcohol late into the weekday nights. On weekend nights, the get-togethers begin around 11 pm and fill our neighborhood streets with parked cars. They justify their parties and gatherings as an Art studio and post handouts on utility poles advertising classes yet no one from our neighborhood attends these classes. They have put up their own "No Parking" sign on their lot, letting the neighborhood know not to park there. In 2008, during "South by Southwest", they held live band performances which started at 9 am and continued past the 10:00 curfew until Austin Police Department arrived and made them shut down their concert.

After the "South by Southwest" incident, our neighborhood began calling 311 and filing complaints with the City of Austin Code Compliant officers. It has taken 3 years for the city to start its process and I request that the Board of Adjustments not allow this variance.

Accepting this variance would only allow these tenants to continue disrupting our neighborhood. On the other hand, if this variance were to be denied then the tenants would have to move since, the building they are occupying is not a single-family residence. I can only hope that the next tenants will be conscious of our neighborhood and use the storage building that is there in the manner that it was constructed.

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: C15-2010-0108 – 613 Allen

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 11th, 2010

DATE
Your Name (please print)

☐ I am in favor
☒ I object

ADDRESS
Your address(es) affected by this application

SIGNATURE

Signature

DATE

Date

Daytime Telephone: (512) 335-1784

Comments:

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

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

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Public Hearing: Board of Adjustment, October 11th, 2010

GEORGIA TAYLOR

Your Name (please print)

3305 HIGHLAND

Your address(es) affected by this application

Georgia Taylor by POA daughter 9-20-10
Charlotte Haysworth Sample

Date

Daytime Telephone: 512 4130333

Comments: Mrs. Michelle Morris

next door to the property
I am sure when they had
murder out of doors, no one
could stop because they
played music so loud. I
know already lives there

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 11th, 2010

Saldana to meet with
Mario Rocha

Your Name (please print)

611 Tillery

604 Allen

Your address(es) affected by this application

Signature

Date

Daytime Telephone: *512-384-2449*

Comments:

☐ I am in favor
☒ I object

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

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

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: 613 Allen Austin, TX 78702

LEGAL DESCRIPTION: Subdivision - _____

Lot(s) 1 Block 2 Outlot 15
Division A PIPKIN ADDN

I/We Rebecca Abdallah on behalf of myself/ourselves as
authorized agent for

Rebecca Abdallah 5/17/10 5:37 PM
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Property owner _____ affirm that on
Friday June 18th, 2010,

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

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☒ MAINTAIN

A building and change the use to a single family residence 5' from rear instead of 10'

5' side yard from 5' → 4.8'

in a SF3 district
(zoning district)

(Bovalle H.P.)

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

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's 5' too close to the property line.

Rebecca Abdallah 6/18/10 9:43 AM

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Rebecca Abdallah 6/18/10 9:43 AM

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HARDSHIP:

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

The building was built in 1971, and I bought it in 2005. It has an efficiency apartment in the back of the studio, which is suitable for living. I believe that it was built 5' from the property line because it was previously a commercial property. At some point the zoning was changed, so now as a residential property, it's too close to the property line.

Rebecca Abdallah 8/5/10 1:39 AM

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

The building has been in its place for nearly 40 years. It's been up-kept and remains in good shape. It would be an incredible waste of energy, money, and resources, with an unnecessary environmental impact to move it. It's on a slab foundation, which would further complicate such a process.

Rebecca Abdallah 8/5/10 1:16 AM

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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:

I would like to make the use of the building legal so that it can be used for its full potential, because it's fully equipped for occupancy. When I bought the property, it was a live/work studio space, and it's new knowledge to me that this use wasn't legal. Nothing on the building will change, so the variance will not alter the character or purpose of anything.

Rebecca Abdallah 6/18/10 9:45 AM

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Rebecca Abdallah 8/5/10 1:47 AM

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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:

The variance will not alter the traffic volume. There's more than enough parking on the lot for a resident

Rebecca Abdallah 6/18/10 9:47 AM

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Susan Groce 7/31/08 10:11 AM

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Rebecca Abdallah 8/5/10 1:52 AM

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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:

There is more than enough parking on the lot.

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

It hasn't posed any safety hazards in the past 39 years, and we would like for the building to remain as is.

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

The use of the land is the only thing I am asking a parking variance for. If the use changes, then the owner will have to come back in and apply for a new variance for whatever use it changes to in the future.

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 1180 Navasota Austin, TX
78702
City, State & Zip
Austin tx 78702

Printed Rebecca Abdallah Phone 512 350
7649 Date May 18, 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 Rebecca Abdallah Mail _____ Address 1180
Navasota
City, State & Zip Austin, TX
78702

Printed Rebecca Abdallah Phone 5123507649
Date _____

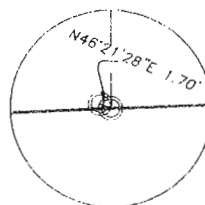
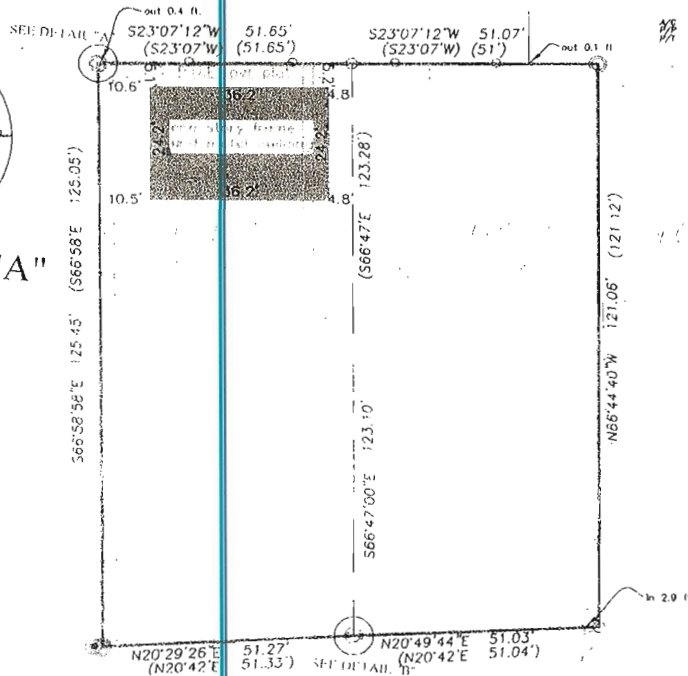
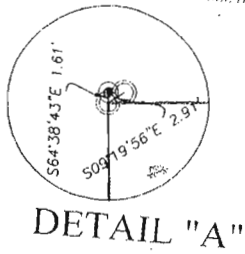
Rebecca Abdallah 8/5/10 1:56 AM

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Rebecca Abdallah 5/17/10 5:41 PM

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REFERENCE# 05-062 REFERENCE NAME REBECCA ABDALLAH
 STREET ADDRESS 611 & 613 ALLEN STREET
 LOTS 1 & 2 BLOCK 2 SUBMISSION PIPKIN ADDITION
 SECTION PHASE BOOK 4 PAGE 86 PLAT RECORDS
 COUNTY TRAVIS STATE OF TEXAS CITY AUSTIN



Rebecca Abdallah

Subject to private utility easements as recorded in Volume 10259,
 Page 129, Volume 10881, Page 401, Real Property Records,
 Travis County, Texas.

This property does not lie within
 the 100 year floodplain, and has a
 zone X rating as shown on
 the flood insurance rate maps F.I.R.M.
 MAP No. 48453C
 Panel 0165E Dated 06/16/93

This certification is for
 insurance purposes only and is
 not a guarantee that this
 property will or will not flood.

TO THE LIENHOLDER AND/OR OWNERS OF THE PREMISES SURVEYED AND TO
 REBECCA ABDALLAH

DATE 02/09/05 02/11/05
 TITLE CO. LANDAMERICA
 GF# 2422002333
 SCALE: 1"=30'

I do hereby certify that this survey was this day made on the ground of the
 property legally described hereon and that there are no boundary line conflicts,
 encroachments, overlapping of improvements, or roads in place, except as shown
 hereon, and certifies as to the legal description and easements shown on the
 referenced title commitment.

FIELD WORK	HGP/LP	02/09/05
DRAFTING	SL	02/10/05
FINAL CHECK		
CORRECTIONS		
UP DATE		



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.