

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).

Amended

CASE # 15-2010-0129

ROW # _____

IP# 020405-1107

**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: 1010 E. Cesar Chavez

LEGAL DESCRIPTION: Subdivision – N.G. Shelley Subdivision

Lot(s) 7 & 8 Block _____ Outlot _____ Division _____

I/We Ron Thrower on behalf of myself/ourselves as authorized agent for

_____ affirm that on _____, _____,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

An existing structure to be used as a mixed-use building special use Section 25-2-1504 of the Land Development Code anticipates Mixed-use Building Special Use to be new construction and does not anticipate the conversion of older existing structures to that use. The specific sections seeking a waiver are 25-2-1504(A) to allow for a building setback of 30' where 10' is maximum, and, 25-2-1504(C) to allow for 15% of the building frontage for awnings and to allow for 10% of the ground floor facade with doors and windows where 50% is the requirement.

in a CS-MU-CO-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:

Mixed-use building special use does not anticipate the conversion of older existing structures that can not be added on or moved to comply with the provisions.

HARDSHIP:

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

The existing structure is old and modifications or movement of the structure would remove the character and intent of the neighborhood plan. Additionally, a 23" Palm tree would need to be removed in order to comply with the setback.

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

This structure is the only proposed Mixed-use building special use in the area.

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 existing structure is to be maintained in the exact same configuration, location, and with the same architectural elevations and Mixed use building special use is encouraged in the area along commercial corridors.

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 1703 Holly St.

City, State & Zip Austin, TX 78702

Printed Cady Symington Phone 968-6932 Date 10/11/10

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) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) 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.
- (5) 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.

REQUIRED FINDINGS: All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable 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:

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  Mail Address 1703 Holly st.

City, State & Zip Austin, TX 78702

Printed Cody Symington Phone 512-468-6032 Date 10/11/10

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Signed A. Ron Thrown Mail Address P.O. Box 41957

City, State & Zip Austin, Texas 78704

Printed A. Ron Thrown Phone 512-476-4456 Date 10/11/10

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 _____ Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ Date _____



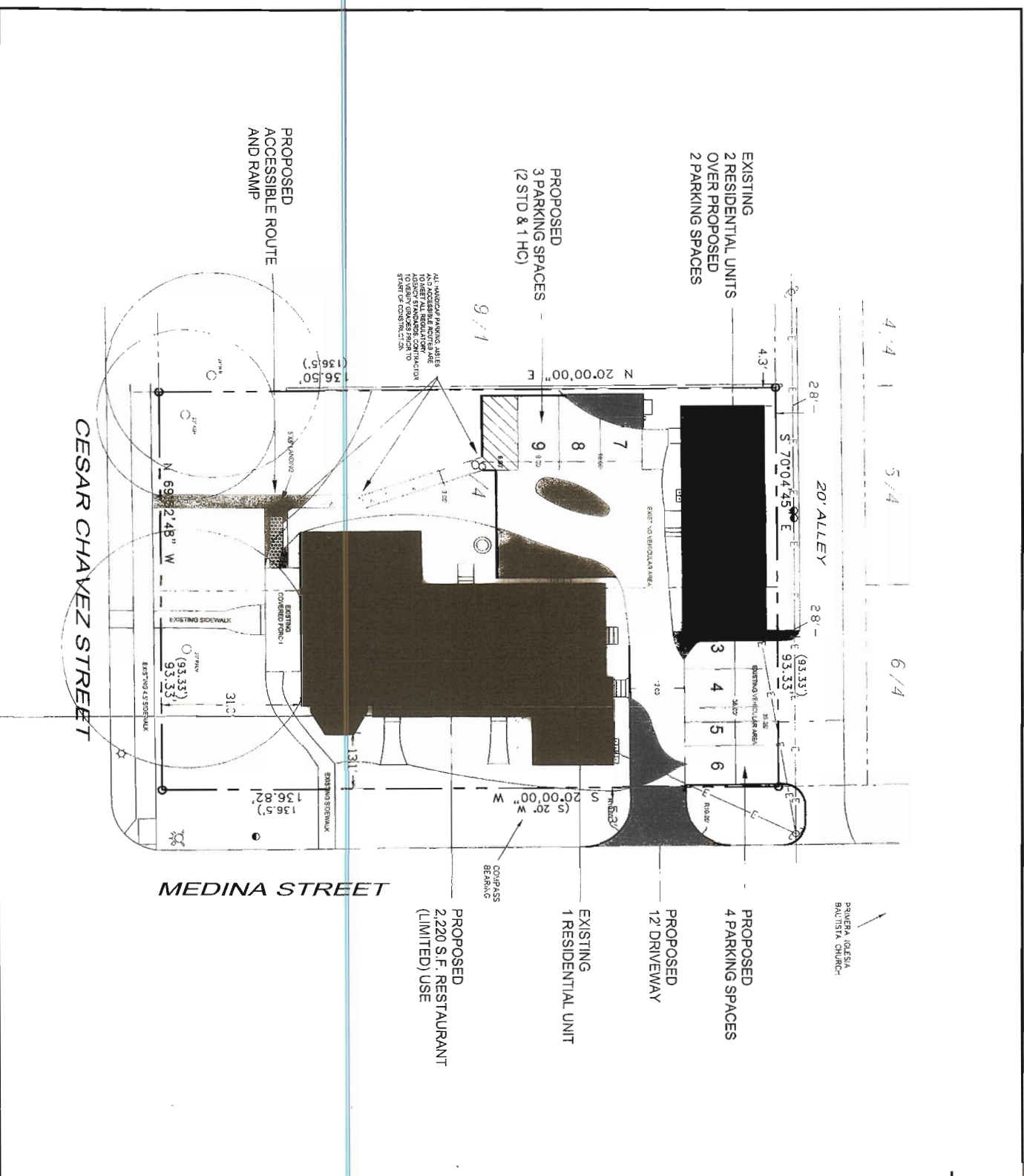
- SUBJECT TRACT
- ZONING BOUNDARY

BOARD OF ADJUSTMENTS

CASE#: C15-2010-0129
 LOCATION: 1010 E CESAR CHAVEZ ST
 GRID: J21
 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.



ALL HANDICAP PARKING SPACES SHALL BE CONFORMANCE WITH ADA 2010 STANDARDS FOR ACCESSIBLE DESIGN AND STANDARDS FOR ACCESSIBLE SIGNAGE AND SYMBOLS AND THE 2010 ADA STANDARDS FOR STATE AND LOCAL GOVERNMENTS



SCALE: 1" = 10'
SCALE: 1" = 10'

SITE CALCULATIONS

ITEM	DESCRIPTION	VALUE	UNIT
AREA	TOTAL LOT AREA	136,500	SQ. FT.
AREA	TOTAL BUILDING FOOTPRINT	136,500	SQ. FT.
PERCENT	TOTAL BUILDING FOOTPRINT AS PERCENT OF LOT AREA	100%	%
PERCENT	TOTAL BUILDING FOOTPRINT AS PERCENT OF LOT AREA (MINIMUM)	100%	%
PERCENT	TOTAL BUILDING FOOTPRINT AS PERCENT OF LOT AREA (MAXIMUM)	100%	%
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PERCENT	TOTAL BUILDING FOOTPRINT AS PERCENT OF LOT AREA (MAXIMUM)	100%	%

PROPOSED 2,220 S.F. RESTAURANT (LIMITED) USE

EXISTING 1 RESIDENTIAL UNIT

PROPOSED 12' DRIVEWAY

PROPOSED 4 PARKING SPACES

PAQUETA AGRESTA BAUTISTA CHURCH

EXISTING 2 RESIDENTIAL UNITS OVER PROPOSED 2 PARKING SPACES

PROPOSED 3 PARKING SPACES (2 STD & 1 HC)

PROPOSED ACCESSIBLE ROUTE AND RAMP

CESAR CHAVEZ STREET

MEDINA STREET

15-2010-0129
1010 E Cesar Chavez

SITE PLAN

1010 EAST CESAR CHAVEZ
SITE PLAN EXEMPTION
AUSTIN, TEXAS

Thorner Design
LAND PLANNERS
4004 SOUTH LAMAR BLVD • AUSTIN, TEXAS • 78745 • (512) 426-4466

SHEET NO
1
of 1

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Signed A. Ron Thrower Mail Address P.O. Box 41957

City, State & Zip Austin, TX 78704

Printed A. Ron Thrower Phone 476-4456 Date Oct. 11, 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 _____ Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ Date _____