

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

CASE # C15-2010-0121
ROW # 10502070
TP-0204081019

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: 1708 E. 6th, Austin, TX, 78702

LEGAL DESCRIPTION: Subdivision – MORSE AND SMITH RESUBDIVISION

Lot(s) 34 Block _____ Outlot _____ Division _____

I/We Juan Valera on behalf of myself/ourselves as authorized agent for

Carmen Valera affirm that on September 19, 2010,

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

(check appropriate items below)

 ERECT ATTACH COMPLETE X REMODEL MAINTAIN

Allow for a parking variance for a restaurant to be located at 1708 E. 6th St. Due to site constraints including the existing building location on the lot, and the lot size itself, the required parking of 9 spaces as dictated by the City of Austin LDC is not feasible. 4 spaces can be provided onsite.

in a TOD-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:

The location of the existing building restricts parking configurations significantly, and to accommodate the required parking, demolition of the existing building would be required. The building was built in 1920 and considered historic, according to the Plaza Saltillo TOD Regulating Plan, and its demolition would significantly alter the character of the area. The sample parking plan (attached) or similar design, would serve to maintain the character of the area. We would like to note, that there is an existing parking lot which currently allows for approximately 5 spaces, however it is currently not up to current standards. The addition of an unloading zone for an accessible parking space reduces this to the proposed 4 spaces. Also there are 2 additional and existing street spaces directly in front of the property, and street parking is allowed on E. 6th St. Current zoning allows for the proposed use, however the location of the historic building precludes compliance with current City of Austin parking regulations.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that: This is an existing historic building and to achieve the required parking would require its demolition.

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

Older buildings with similar uses were established before the current parking requirements were instated. Few of these existing buildings would satisfy current regulations. New construction in the area on a vacant lot has more flexibility since existing buildings onsite do not constrain design.

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:

Additional paving would only be around 800 sf, and serve primarily as driveway to the existing parking area. If this variance is approved, the view of the building from E. 6th St. would remain virtually unchanged, thus maintaining the character of area. All adjacent properties share the same zoning.

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 location of the property within the Transit-Oriented Development (TOD) suggests that many of the customers will arrive by means other than cars. The Plaza Saltillo TOD Station Area Plan (SAP) designates the area within 1/2 mile of the station to be the "(TOD) Station Area". This lot is located less than 1/4 mile from the station. Parking on E. 6th street, is allowed and encouraged by The Plaza Saltillo TOD Station Area Plan (SAP). There are two spaces available directly in front of the building. Lastly the small size of the project will not generate significant traffic and this restaurant use will be served by the local neighborhood

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:

Parking and loading area will be provided onsite with access from the rear. Also parking along E. 6th St. is currently allowed.

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


The parking behind the building would allow for the customers to arrive via rear access which is an area of a low traffic volume travelling at low speeds. Additionally, E 6th St. is of sufficient width to allow for street parking without impeding emergency vehicles.

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

A change in use would require that additional parking be provided or that another parking variance be requested.

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.
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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 2301 E. 7th St.
City, State & Zip Austin, TX 78702
Printed Juan Valera Phone (512) 264-4282 Date 7/26/10

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 Carmen Valdez Mail Address 1708 E. 6th

City, State & Zip Austin TX 78702

Printed Carmen Valdez Phone 512-775-6656 Date 9/20/16

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.

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:

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

Hardship:

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.
- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character:

Application must demonstrate to the Board how 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 zoning regulations of the zoning district in which the property is located.

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

Board of Adjustment Staff:

Susan Walker, Planner
974-2202

Diana Ramirez, Administrative Specialist, Board Secretary
974-2241

Fax #974-6536

Watershed Protection and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor

Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088

Agent Authorization Form

1708 E. 6th St.

Project

Carmen Valera

Print Name

Owner

Title - Owner/President/Other

of 1708 East 6th St., Austin, Texas 78702

Corporation/Partnership/Entity Name

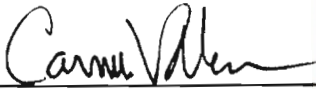
have authorized **Juan Valera, P.E.**

Print Name of Agent/Engineer

of **J. Valera Engineering**

Print Name of Firm

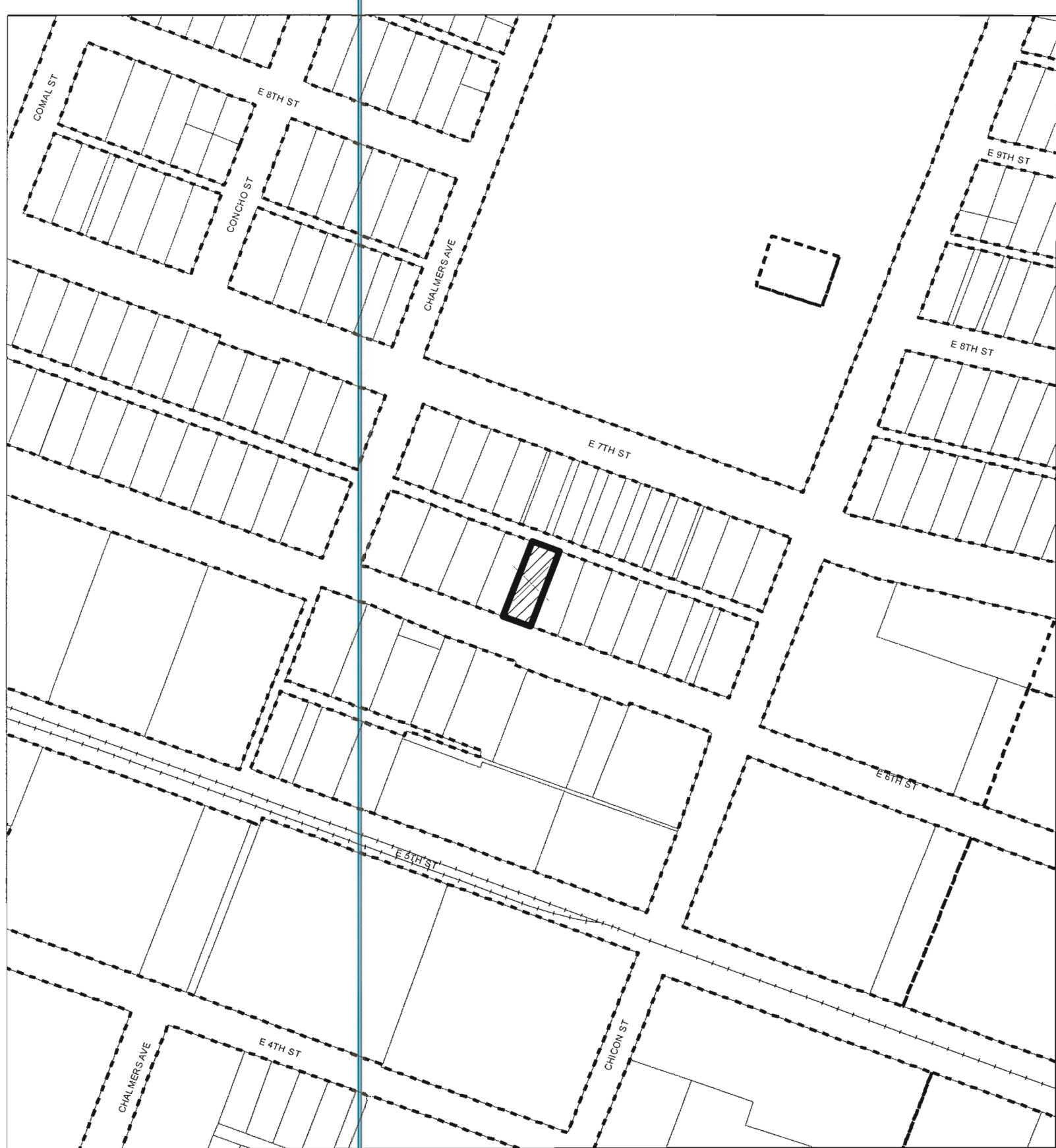
to represent and act on the behalf of the above named Corporation, Partnership, or Entity for the purpose of preparing and submitting plans and applications to the City of Austin for the review and approval consideration of development activities.



Applicant's Signature

9/19/10

Date



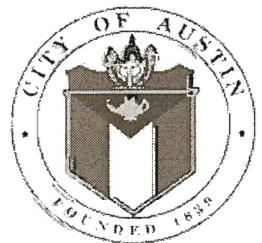
SUBJECT TRACT



ZONING BOUNDARY

BOARD OF ADJUSTMENTS

CASE#: C15-2010-0121
LOCATION: 1708 E 6TH ST
GRID: K22
MANAGER: SUSAN WALKER



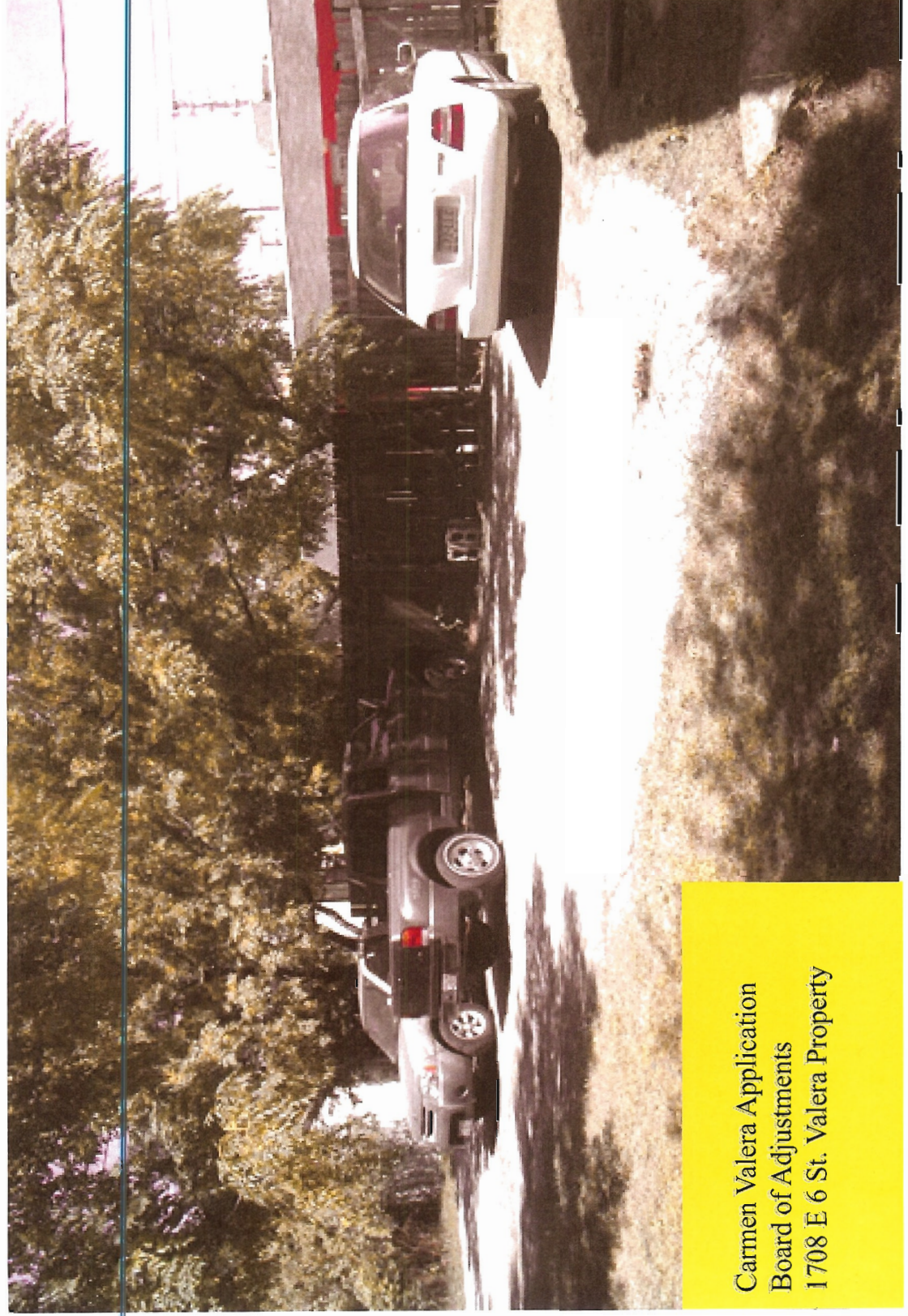
This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Exhibit 1. Street Parking in front of 1708 E. 6 St.



Carmen Valera Application
Board of Adjustments
1708 E 6 St. Valera Property

Exhibit 2. Existing asphalt parking at the rear (north) of the 1708 E 6 St. house. Parking is adjacent to the alley between E 6 and E 7 Streets



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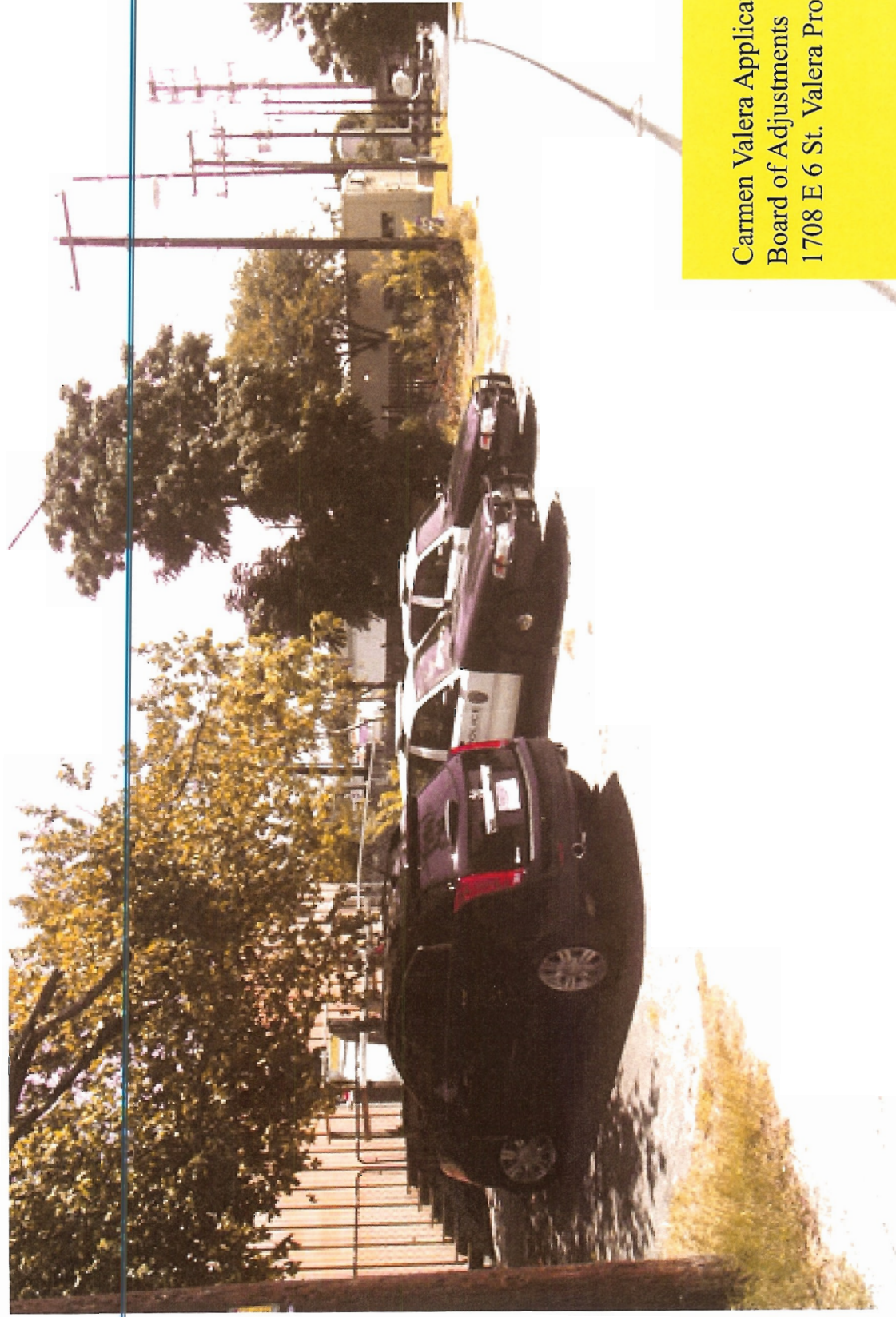
House
Location
to the
South of
Parking

Exhibit 3. Alley parking for the property on 1713 E. 7 St (Apolo Used Cars)
This is the common alley between E 6 and E 7 Streets.



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Exhibit 4. Alley parking for the property on 1717 E. 7 St (Aztlán Studio)
This is the common alley between E 6 and E 7 Streets.



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Exhibit 5. Alley parking for the property on 1715 E. 7 St (Chiropractor's Office)
This is the common alley between E 6 and E 7 Streets.



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1708 E 6 St. Valera Property

REGULATING PLAN for the Plaza Saltillo TOD Station Area Plan (SAP)



4.2.11. Historic Zoning

The following properties will retain their Historic Landmark Combining District (H) designation:

- A.** 810 E. 5th Street
- B.** 1022 E. 7th Street, The Johnson House
- C.** 1204 E. 7th Street, The Briones House
- D.** 1306 E. 7th Street, The Sparks-Ledesma House
- E.** 1214 E. 7th Street, The Duncan-Washington House

4.2.12. Historic Properties along E. 6th Street

For the list of properties identified below, if a demolition permit application is submitted, in addition to the standard review conducted by City staff, the Historic Landmark Commission shall review the application.

- A.** 805 E. 6th Street
- B.** 809 E. 6th Street
- C.** 906 E. 6th Street
- D.** 910 E. 6th Street
- E.** 911 E. 6th Street
- F.** 1008 E. 6th Street
- G.** 1100 E. 6th Street
- H.** 1101 E. 6th Street
- I.** 1103-1107 E. 6th Street
- J.** 1111 E. 6th Street
- K.** 1200 E. 6th Street
- L.** 1201 E. 6th Street
- M.** 1204 E. 6th Street
- N.** 1209 E. 6th Street

- O.** 1221 E. 6th Street
- P.** 1300 E. 6th Street
- Q.** 1302 E. 6th Street
- R.** 1306 E. 6th Street
- S.** 1310 E. 6th Street
- T.** 1313 E. 6th Street
- U.** 1401 E. 6th Street
- V.** 1403 E. 6th Street
- W.** 1408 E. 6th Street
- X.** 1500 E. 6th Street
- Y.** 1511 E. 6th Street
- Z.** 1600 E. 6th Street
- AA.** 1618 E. 6th Street
- BB.** 1704 E. 6th Street
- CC.** 1705 E. 6th Street
- DD.** 1706 E. 6th Street
- EE.** 1708 E. 6th Street
- FF.** 1709 E. 6th Street
- GG.** 1809 E. 6th Street
- HH.** 1816 E. 6th Street