

CASE # C15-2011-0016

TP-0223080231

KOW-10549394

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: 102 East 52 nd Street

LEGAL DESCRIPTION: Subdivision – Smith and Abrahamson

Lot(s) 12 Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_

I Jim Bennett as authorized agent for Ben Garza

\_\_\_\_\_ affirm that on 12/28, 2010, hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A two family dwelling providing a total lot area of 6000 sq. ft.  
in a SF-3 - NP district. North Loop N.P.  
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

**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 duplex has existed for approximately 50 years or longer.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that: the lot contains 6000 sq.ft. and there is no available land that could be resubed and incorporated into this lot. The duplex has existed on this site since the current owner was a small child, and apparently was created by his father some 50 plus years ago.

- (b) The hardship is not general to the area in which the property is located because: the condition which this duplex was created does not exist on other lots 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 variance will not change the character of the area because this duplex has existed for a long period of time.

**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:

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:

\_\_\_\_\_  
\_\_\_\_\_

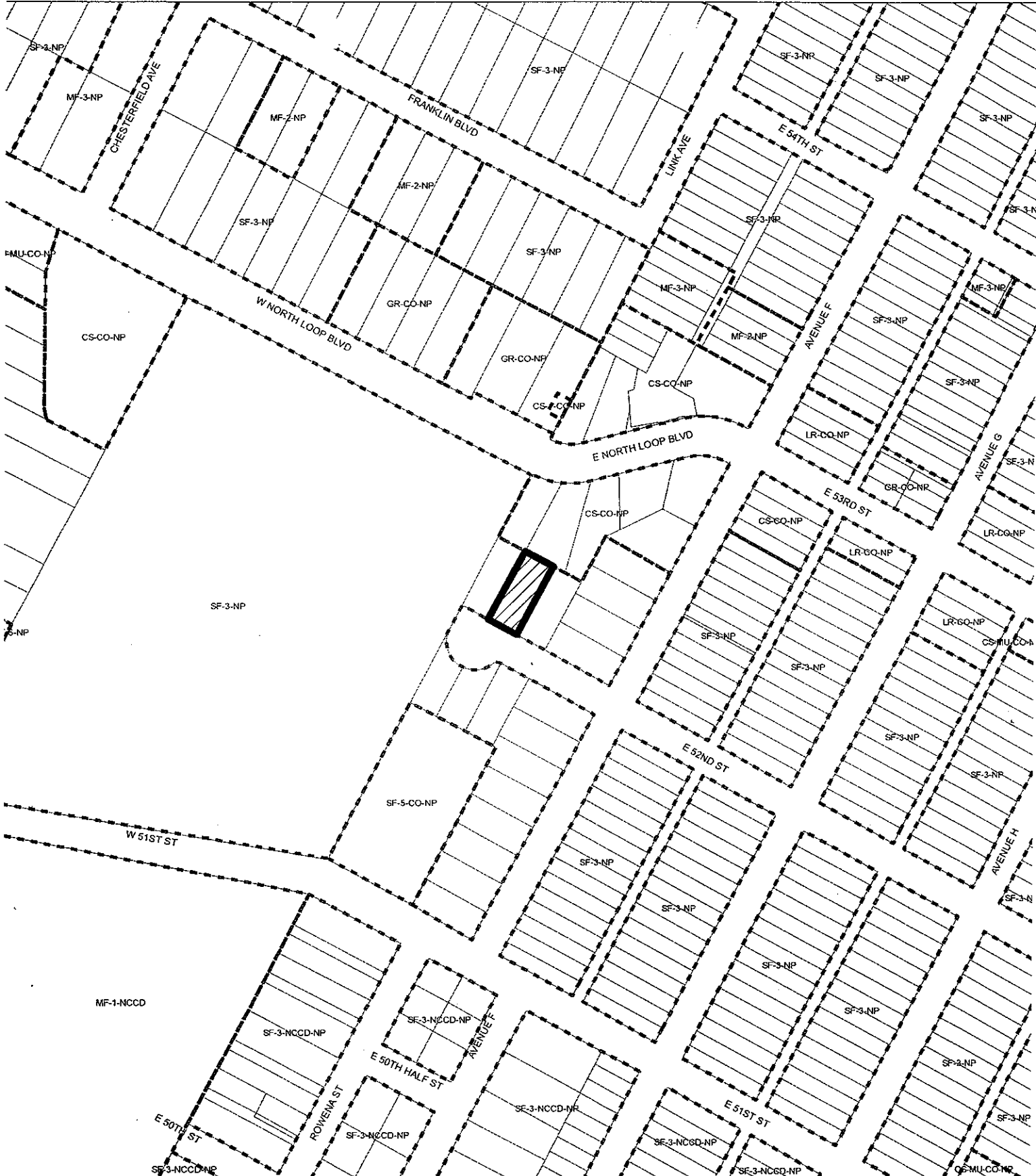
**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**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 *Jim Bennett* Mail Address 11505 Ridge Dr  
City, State & Zip Austin TX 78748  
Printed Jim Bennett Phone 282-3079 Date 10/15/10

**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 *B. Garcia III* Mail Address \_\_\_\_\_  
City, State & Zip \_\_\_\_\_  
Printed BEN GARCIA III Phone 5129642978 Date 11-15-10

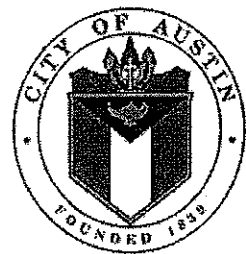


**BOARD OF ADJUSTMENTS**

CASE#: C15-2011-0016  
 LOCATION: 102 E 52ND ST  
 GRID: K26  
 MANAGER: SUSAN WALKER



 SUBJECT TRACT  
 ZONING BOUNDARY



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.

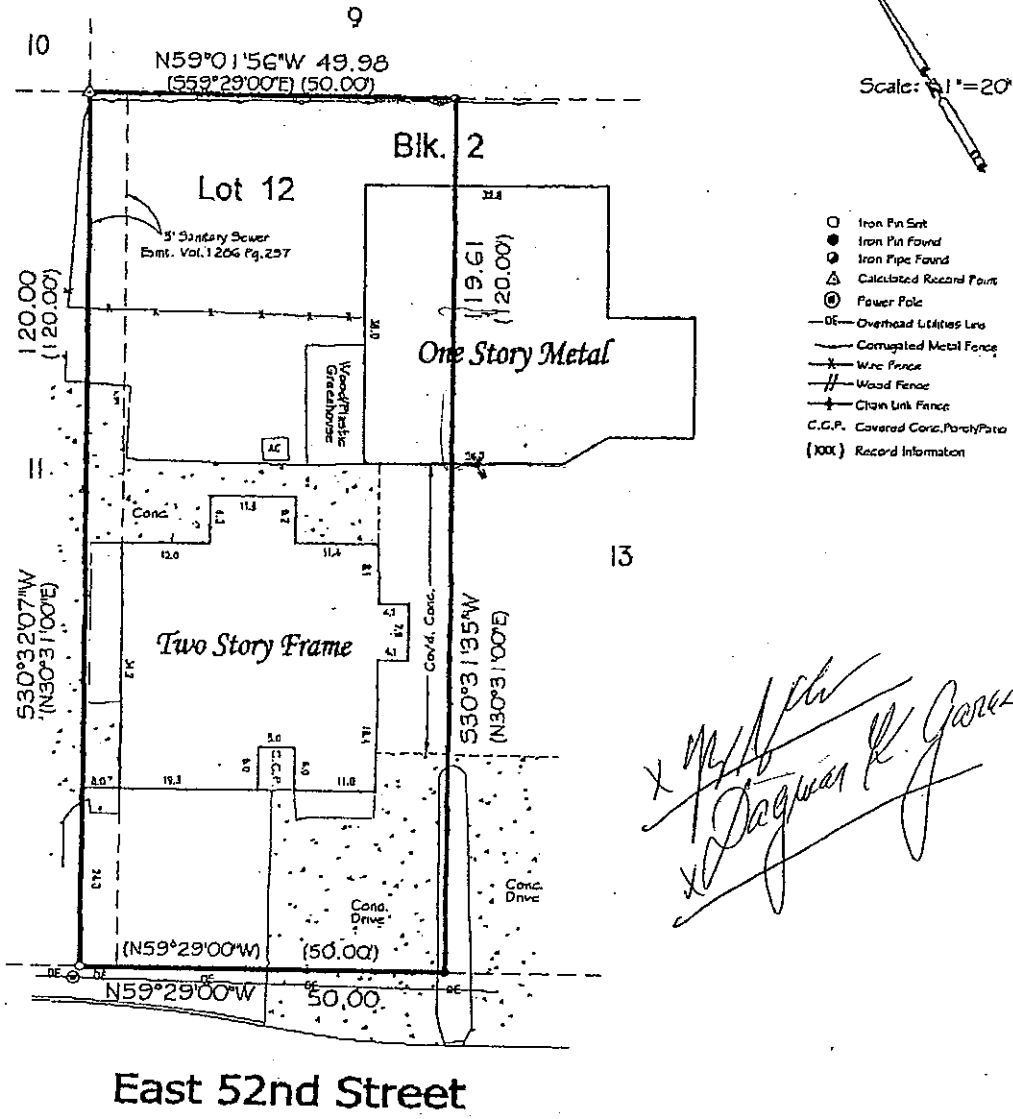
# SURVEY PLAT OF

Local Address: 102 East 52nd Street

Re: Ben Garza III and Dagmar Garza

Legal description: Lot 12, Block 2, Smith & Abrahamson Subdivision

a Subdivision of record in Book 4, Page 252, of the Plat Records of Travis County, Texas, Situated in the City of Austin, Travis County, Texas.



x *Ben Garza III*  
 x *Dagmar Garza*

GF No. 2516002071

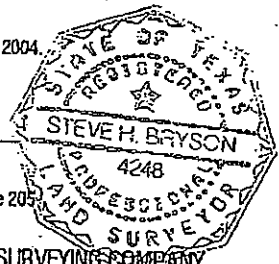
TO: LandAmerican Commonwealth Title of Austin, Inc., Chase Manhattan Mortgage Corporation,  
Ben Garza III, and Dagmar Garza

STATE OF TEXAS:  
COUNTY OF TRAVIS:

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

Dated, this the 27<sup>th</sup> day of Dec, 2004.

*Steve H. Bryson*  
 STEVE H. BRYSON — R.P.L.S. NO. 4248  
 STEVE H. BRYSON SURVEYING CO.  
 2499 Capital of Texas Highway So., Bldg. A, Suite 203  
 Austin, Texas 78746 (512) 347-8505



The legally described property is not within a special flood hazard area as designated by the Department of Housing and Urban Development Federal Insurance Administration Flood Hazard Boundary Map No. 48453G-0160E for Travis County, Texas, dated 6-16-93. Located in Zone "X". This certification is for insurance purposes only and is not a guarantee that this property will or will not flood.

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Job No. 04-503 (2lots)