

CASE # C15-2011-0039
ROW # 10574561

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

TR- 0216040910
3064 = 021604-0909
02-1604-0911

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 3000, 3004 Hemphill Park and 400, 402 W. 30th Street

LEGAL DESCRIPTION: Lots 12, 13, and 14, Block 9, Outlot 73, Div D, Fruth Addition subdivision

I/We Richard T. Suttle, Jr. with Armbrust & Brown, PLLC on behalf of myself/ourselves as authorized agent for La Familia Partnership, Ltd. affirm that on April 4, 2011, I, hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL X MAINTAIN

The owners would like to maintain the existing parking facility that has been in existence for approximately 25 years. The remaining variance required to maintain the existing parking facility "as is" is to Part 6.8.a. of the North University Conservation-Neighborhood Plan (NCCD-NP) combining district (Ordinance No. 040826-58) which states "Parking spaces must be solid pavement."

in a LO-NCCD-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:

When the request for Board of Adjustment variances related to this site was submitted previously in November 2010, all non-administrative variances had been requested.

However, Ordinance No. 20101216-095, which was approved in December 2010, designated the Board of Adjustment as the body to hear and decide variances to a NCCD.

Given this change, the North University NCCD has language that precludes City staff from making an administrative decision to allow an unpaved parking lot within this NCCD area. For this reason, this variance request is now before the Board of Adjustment.

The existing parking facility is unpaved and has been for approximately 25 years. The Neighborhood Conservation Combining District (NCCD) that was amended by the North University Neighborhood Association (NUNA) in 2008 allows the use of off-site accessory parking for the property, as shown in the attached ordinance. The intent of the NCCD amendment was to allow the parking lot to be maintained as is. Attached is a letter from NUNA supporting that the parking facility be maintained as is.

In order to maintain the existing parking facility "as is", a variance to maintain the existing non-paved parking spaces is requested.

HARDSHIP:

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

The parking lot is located across the street from Hemphill Park and a non-paved lot is more appropriate near the park. In addition, this parking facility has been utilized as such for approximately 25 years and there have been previous joint efforts by the owners and neighborhood association to maintain the parking facility through zoning and the NCCD.

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

This parking lot facilitates parking for a restaurant use across the street that is located in a single family house that was converted to a restaurant use in the 1960s. This situation is not common in this 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 off-site accessory parking use and parking facility has been in existence for approximately 25 years. Therefore, it will not alter the character of the area adjacent to the property. The NCCD allows the off-site accessory parking use and sought to permit the existing facility through the NCCD process.

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:

N/A

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:

N/A

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

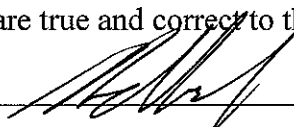
N/A

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

N/A

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 100 Congress Avenue, Suite 1300

City, State & Zip Austin, TX 78701

Printed Richard T. Suttle, Jr, Armbrust & Brown, PLLC

Phone 512-435-2300

Date April 4, 2011

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 See Attached Authorization Letter Mail Address P. O. Box 50325

City, State & Zip Austin, TX 78763

Printed La Familia Partnerships, Ltd. Phone 512-845-9201 Date April 4, 2011

September 27, 2010

City of Austin
Planning and Development Review Department
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

Re: 3000, 3004 Hemphill Park and 400, 402 W. 30th Street Board of Adjustment
Variance For the Property Legally Described as Lots 12, 13, and 14, Block 9,
Outlot 73, Division D, Fruth Addition subdivision

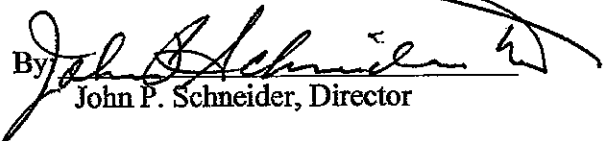
Dear Planning and Development Review:

Please accept this letter appointing Armbrust & Brown, PLLC as authorized agent for the undersigned in connection with the submittal of a board of adjustment variance request in connection with the above-referenced property. This appointment includes complete authority for Armbrust & Brown, PLLC to handle all aspects of the board of adjustment variance(s) for the property. All correspondence and contact should be directed thereto. Thank you for your assistance in connection with this matter.

Sincerely,

LA FAMILIA PARTNERSHIP, LTD,
a Texas limited partnership

By: El Patron, LLC,
a Texas limited liability company,
its General Partner

By: 
John P. Schneider, Director

ORDINANCE NO. 040826-58

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE TO ESTABLISH THE NORTH UNIVERSITY NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (NCCD-NP) COMBINING DISTRICT FOR THE PROPERTY WHOSE BOUNDARIES ARE 38TH STREET TO THE NORTH, SAN JACINTO BOULEVARD AND 27TH STREET TO THE SOUTH, GUADALUPE STREET TO THE WEST AND DUVAL STREET TO THE EAST, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND TO MODIFY CERTAIN BASE DISTRICTS IN THE NCCD-NP.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to establish the North University neighborhood conservation-neighborhood plan (NCCD-NP) combining district and to add a NCCD-NP to each base zoning district within the property and to change the base zoning districts on 74 tracts of land on the property described in Zoning Case No.C14-04-0022, on file at the Neighborhood Planning and Zoning Department, as follows:

Approximately 234.87 acres of land in the City of Austin, Travis County, Texas, more particularly described and identified in the attached Exhibit "A" incorporated into this ordinance, (the "Property"),

generally known as the North University conservation-neighborhood plan combining district, locally known as the area bounded by 38th Street to the north, San Jacinto Boulevard and 27th Street to the south, Guadalupe Street to the west, and Duval Street to the east, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The base zoning of the 74 tracts shown in the chart below are changed from family residence (SF-3) district, multifamily residence low density (MF-2) district, multifamily residence medium density (MF-3) district, multifamily residence moderate-high density (MF-4) district, multifamily residence high density (MF-5) district, multifamily residence medium density-historic (MF-3-H) combining district, limited office (LO) district, general office (GO) district, general office-mixed use (GO-MU) combining district, neighborhood commercial (LR) district, general commercial services (CS) district, commercial-liquor sales (CS-1) district, and unzoned (UNZ) district to family residence

- d. Except for a single-family or two-family residential use, excess parking is prohibited.
 - e. This subsection applies to an existing single-family, duplex, or two-family residential. If 400 square feet or more are added to the conditioned gross building floor area, the use must comply with current parking regulations. This includes conversion of accessory space to habitable space.
 - f. A person may not reduce existing parking spaces to a number less than the number of spaces prescribed in the City Code for the present use nor may a person reallocate existing parking spaces to a new use unless the prior use is terminated or reduced in size.
 - g. For a multi-family use, a parking space must be provided for each bedroom in a dwelling unit.
 - h. For tandem parking, only one car may be parked behind one other. This provision includes a car parked in a garage or open parking area.
 - i. The following provision applies to required parking spaces.
 - 1) For a single-family residential use, tandem parking is permitted.
 - 2) For a multi-family use, tandem parking is permitted if both spaces are assigned to the same unit.
 - 3) For a duplex or two-family residential use, tandem parking is permitted if the use is less than 2,500 gross square feet.
 - j. This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.
 - k. The parking requirements in Title 25 and this ordinance apply to a two-family or duplex residential use that is converted from a singly-family use.
8. Driveways and parking access.
- a. A driveway that provides four or fewer required parking spaces may be designed with gravel surfacing or using driveway runners. The Director of the Watershed

Protection and Development Review Department must approve design and construction. Parking spaces must be solid pavement.

- b. Alley access is permitted if the access complies with applicable City regulations for turning and maneuvering into and out of parking spaces. The sum of the alley width and the distance between the property line and the parking space must equal 25 feet or more.
- c. The following provisions apply in all Districts except the Guadalupe District.
 - 1) Except as otherwise provided in the section, access to a site is limited to one curb cut. Except in the Residential District, a site that has 100 feet of frontage or more may have two curb cuts. In the Residential District, a site may have two curb cuts if the site has 100 feet of frontage or more and has two dwelling units.
 - 2) The width of a driveway for a single family residential use may not exceed:
 - i) 12 feet from the driveway apron to the building setback line for a one lane driveway;
 - ii) 18 feet for a two lane driveway; and
 - iii) 24 feet from the building setback line to a parking area.
 - 3) Except as otherwise provided in this subsection, for a commercial, civic, multifamily residential, or condominium residential use with three or more units, the maximum driveway width is the minimum allowed by the City Code. If the minimum width established by the Code is less than 20 feet, then the maximum width is 20 feet.
 - 4) A one-lane circular driveway is permitted on lots over 100 feet wide.
- d. Not more than a total of two driveway lanes are permitted in all street yards of a single-family, duplex or two-family residential use.

9. Accessory buildings.

Accessory buildings may not exceed 10 percent of the site area.

NORTH UNIVERSITY NEIGHBORHOOD ASSOCIATION

www.nuna-austin.org



October 14, 2010

Marc A. Ott, City Manager
Robert Goode, Assistant City Manager

Marc.Ott@ci.austin.tx.us
Robert.Goode@ci.austin.tx.us

Re: TRUDY'S PARKING LOT
407 West 30th Street

Dear Mr. Ott and Mr. Goode:

It has come to our attention that you are requiring the owners of the property at 407 W. 30th Street (Trudy's) to chain off their parking lot until the lot is brought into compliance with COA code.

The residents of Aldridge Place and surrounding neighborhoods of the North University Neighborhood Association (NUNA) are seriously concerned about the impact of this move on surrounding streets. We anticipate that the closure of Trudy's parking lot will exacerbate traffic congestion in our neighborhood and intensify competition for scarce on-street parking. This is exactly what our neighborhood is trying to avoid.

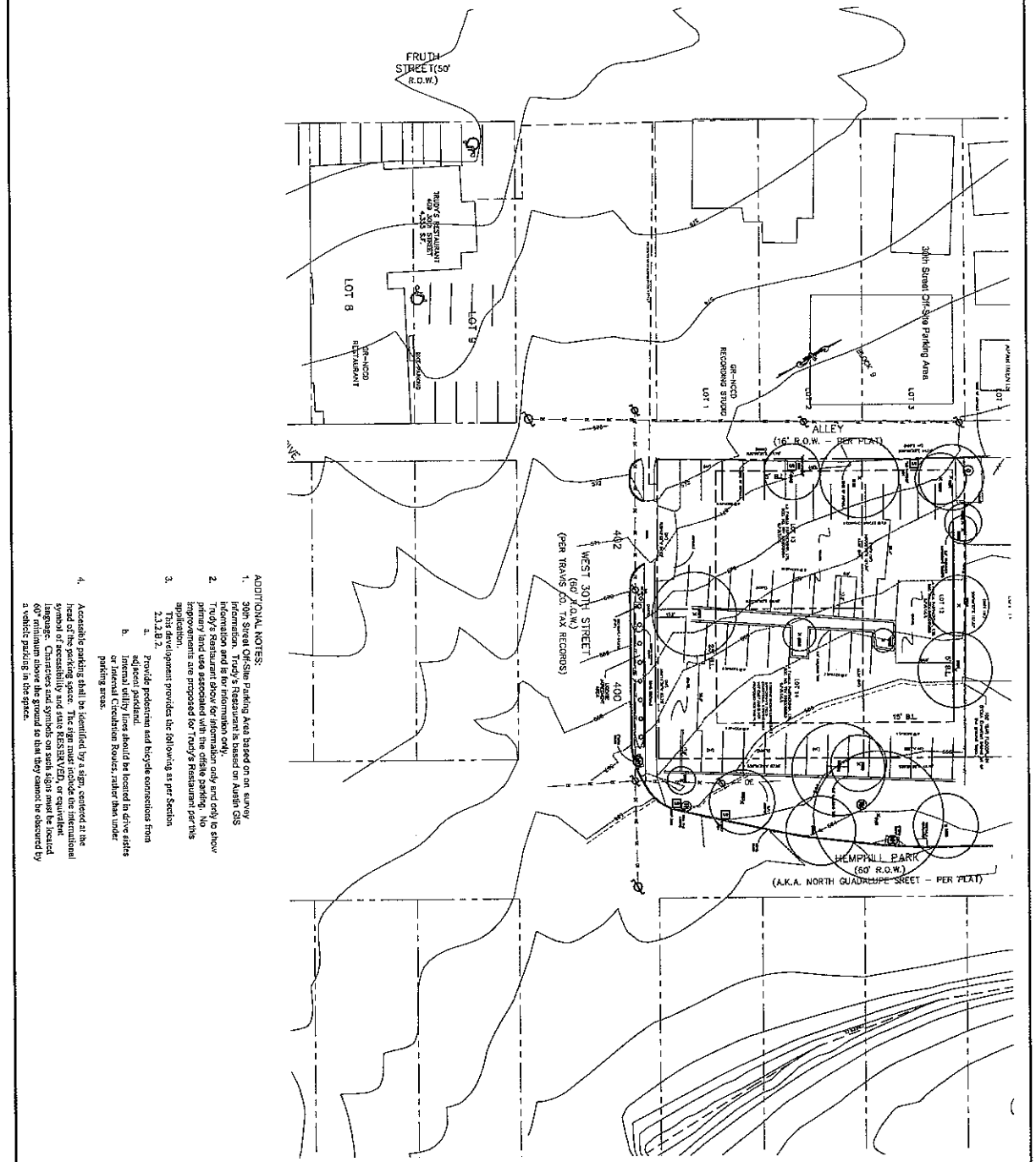
The General Membership of NUNA has repeatedly expressed its desire that Trudy's parking lot be permitted as is -- subject only to the condition of adding barriers to limit ingress and egress to the existing curb cuts. We do not want more paving or concrete on the site, nor do we want Trudy's to lose parking spaces that would increase parking and traffic on our residential streets.

NUNA requests that the City of Austin allow Trudy's to continue to use the lot "as is" for a reasonable and fixed period of time while they negotiate the variances that will allow them to permit the lot as is.

Laurence Miller
President NUNA

Mayor Lee Leffingwell
Mayor Pro Tem Mike Martinez
Council Member Randi Shade
Council Member Laura Morrison
Council Member Sheryl Cole
Council member Chris Riley
Council Member Bill Spelman

Lee.Leffingwell@ci.austin.tx.us
mike.martinez@ci.austin.tx.us
Randi.Shade@ci.austin.tx.us
Laura.Morrison@ci.austin.tx.us
Sheryl.Cole@ci.austin.tx.us
Chris.Riley@ci.austin.tx.us
Bill.Spelman@ci.austin.tx.us



- ADDITIONAL NOTES:**
1. Information for this grading area based on on-site survey information. Trudy's Restaurant is based on Austin GIS information and is for information only.
 2. Trudy's Restaurant show for information only and only to show primary and use associated with the office parking. No improvements are proposed for Trudy's Restaurant per this site plan.
 3. This development provides the following as per Section 2.3.3.B.2.
 - a. Provide pedestrian and bicycle connections from adjacent parking areas to the building.
 - b. Pedestrian and bicycle connections should be located in drive alleys or Internal Circulation Routes rather than under parking areas.
 4. Accessible parking shall be identified by a sign, centered at the accessible parking space, and shall include the International Symbol of Access and the text: "ACCESSIBLE PARKING". Characters and symbols on such signs must be located 60" minimum above the ground so that they cannot be obscured by a vehicle parking in the space.

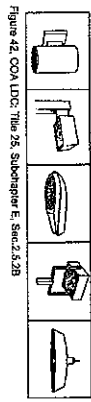


Figure 42. COA UDC, Title 25, Subchapter E, Sec. 5.2B

- GENERAL NOTES:**
1. All exterior lighting will be hooded or shielded from the view of adjacent residential property. (Section 25-2-204d.)
 2. All signs shall be located at a minimum of twenty (20) feet from a property used or zoned as SF-5 or more restrictive. (Section 25-2-108f.)
 3. The use of highly reflective surfaces, such as reflective glass and reflective metal roofs, which reflect more than a unit of 25% of visible light, shall be prohibited. (Section 25-2-108f.)
 4. The noise level of mechanical equipment will not exceed 70 dba at the property line adjacent to residential uses. (Section 25-2-108f.)
 5. Signs shall be provided in accordance with the following:
 - a. Signs shall be provided at the corner marking indicating the property or uses which it serves, and one sign shall be provided on the site of the use served, indicating the location of the off-site parking.
 - b. All exterior signs shall be illuminated in accordance with Subchapter E 2.5, and will be reviewed during building plan review. Any change or substitution of lamp/light fixtures shall be submitted to the Director for approval in accordance with Section 25.2.E.

NO.	DATE	DESCRIPTION
6188	UNSPECIFIED-8	
6189	UNSPECIFIED-10,15	
6190	UNSPECIFIED-4,4.4.5	
6191	UNSPECIFIED-12,12.12	
6192	UNSPECIFIED-12	
6193	UNSPECIFIED-17	
6200	UNSPECIFIED-11	
6201	UNSPECIFIED-3,7,8	
6202	UNSPECIFIED-8	
6203	UNSPECIFIED-12	
6204	UNSPECIFIED-4,6,7	

NO.	DATE	DESCRIPTION
6188	UNSPECIFIED-8	
6189	UNSPECIFIED-10,15	
6190	UNSPECIFIED-4,4.4.5	
6191	UNSPECIFIED-12,12.12	
6192	UNSPECIFIED-12	
6193	UNSPECIFIED-17	
6200	UNSPECIFIED-11	
6201	UNSPECIFIED-3,7,8	
6202	UNSPECIFIED-8	
6203	UNSPECIFIED-12	
6204	UNSPECIFIED-4,6,7	

30th STREET PARKING AREA
3000 HEMPHILL PARK
AUSTIN, TEXAS 78758
MASTER SITE PLAN



2525 Wallingwood Drive
 Bldg. 6 Ste 600
 Austin, Texas 78746
 (512) 364-0989

SCALE:	NA	#	REVISION	DATE
DATE:	September 28, 2010			
JOB:	1314-02			
DRAWN BY:	LA			
CHECKED BY:	LA			

SP-2010-017201
 2 OF 5