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

DATE: Monday, June 13, 2011	CASE NUMBER: C15-2011-0055
Jeff Jack Michael Von Ohlen Nora Salinas Bryan King Leane Heldenfels, Chairman Clarke Hammond, Vice Chairman Heidi Goebel Melissa Hawthorne	
APPLICANT: Allison N Carr	
OWNER: Andrew Bergad	
ADDRESS: 1100 8TH ST	
VARIANCE REQUESTED: The applicant has minimum off-street parking requirement of spaces to 2 off-street parking spaces in ord an "LO-H-NP", Limited Office – Historic – No NP") zoning district.	Section 25-6 from 3 off-street parking er to erect a Secondary Apartment in
The applicant has requested a variance to destroy setback requirement of Section 25-2-492 (D) wood deck to remain for an existing single-Limited Office – Historic – Neighborhood PI district.	in order to allow an existing covered family residence in an "LO-H-NP",
BOARD'S DECISION: POSTPONED TO J INFORMATION, PICTURES, SUPPORT LETT	
 The Zoning regulations applicable to the probecause: (a) The hardship for which the variance is re (b) The hardship is not general to the area in The variance will not alter the character of the regulations of the zoning district in which the regulations of the zoning district in which the susan Walker 	equested is unique to the property in that: n which the property is located because: ne area adjacent to the property, will not erty, and will not impair the purpose of

Chairman

Executive Liaison



May 2, 2011

Re: Support for Zoning Change & Variance at 1100 East 8th Street

Honorable Mayor, City Council Members, Planning Commissioners and Urban Renewal Board Members:

At a regular meeting of the Organization of Central East Austin Neighborhoods (OCEAN) held on April 11, 2011, the Directors of OCEAN unanimously affirmed the position of the Guadalupe Association for an Improved Neighborhood (GAIN) in support of the application for a zoning change and parking variance requested by the owners of 1100 East 8th Street, Alli Carr and Andrew Bergad. As expressed in GAIN's letter of support dated February 26, 2011, the down-zoning from LO to SF-3 will put the property in compliance with the Future Land Use Map of the Central East Austin Neighborhood Plan.

OCEAN urges you to grant the zoning change and variance as requested. If you have any questions, please do not hesitate to contact me.

Stanton Strickland, President

Organization of Central East Austin Neighborhoods

(512) 419-8110

originalstanton@yahoo.com

GAIN- Guadalupe Association for an Improved Neighborhood

1111 East 8th Street - Austin, Texas 78702

512-479-6275

February 26, 2011

To Whom It May Concern:

The board of directors and membership of the Guadalupe Association for an Improved Neighborhood (GAIN) met on February 26, 2011 and voted unanimously to support a change in zoning for 1100 East 8th Street, from LO-H-NP to SF-3-H-NP and voted unanimously to support a request for a variance from onsite parking requirements, reducing required spaces from 3 vehicles to 2.

It is our understanding that the owners of the property, Alli Carr and Andy Bergad, intend to construct a secondary garage apartment/studio and have determined that the current zoning of Limited Office does not allow that use. The change in zoning from LO to SF-3 is in accord with the FLUM of the adopted Central East Austin Neighborhood Plan and conforms to the actual use of the property as it has been solely residential for several years. Residents and property owners who attended the meeting and who expressed their views by email were unanimously in support of the change in zoning to Single-Family.

The addition of a secondary apartment requires a total of 3 parking spaces be provided on the site; 2 for the main residence and 1 for the secondary unit. However, the property currently lacks any parking spaces. The new garage apartment will provide 2 spaces, whereas currently there are none. It was noted that the topography and the existence of large trees make it difficult, if not impossible, to provide three parking spaces on that site. Adjacent neighbors, property owners and nearby residents noted that the lot has streets on two sides where additional offsite parking is available. Waller Street, in particular, is wide and provides safe, curbside parking. For these reasons, GAIN directors and members expressed unanimous support for the owners' request for a variance reducing required parking from 3 to 2 spaces.

It is our hope that, because the zoning change is in accord with the FLUM of the adopted neighborhood plan, City staff will be able to schedule the case for the Planning Commission directly after receiving the application rather than requiring the request come from the neighborhood plan contact team, OCEAN. If this is not permissible, GAIN will support the owners request through OCEAN.

Sincerely

H. Michael Guajardo, President

Guadalupe Association for an Improved Neighborhood

ORDINANCE NO. 20110526-091

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1100 EAST 8TH STREET IN THE CENTRAL EAST AUSTIN NEIGHBORHOOD PLAN AREA FROM LIMITED OFFICE-HISTORIC LANDMARK-NEIGHBORHOOD PLAN (LO-H-NP) COMBINING DISTRICT TO FAMILY RESIDENCE-HISTORIC LANDMARK-NEIGHBORHOOD PLAN (SF-3-H-NP) COMBINING DISTRICT.

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 change the base district from limited office-historic landmark-neighborhood plan (LO-H-NP) combining district to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district on the property described in Zoning Case No. C14-2011-0020, on file at the Planning and Development Review Department, as follows:

Lot 12, Block 3, Outlots 2 and 3, Division B, George L. Robertson Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 1, Page 4(A) of the Plat Records of Travis County, Texas (the "Property"),

locally known as 1100 East 8th Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. Except as specifically provided in Part 3 of this ordinance, the Property may be developed and used in accordance with the regulations established for the family residence (SF-3) base district, and other applicable requirements of the City Code.

PART 3. The Property is subject to Ordinance No. 20011213-042 that established the Central East Austin neighborhood plan combining district.

PART 4. This ordinance takes effect on June 6, 2011.

PASSED AND APPROVED

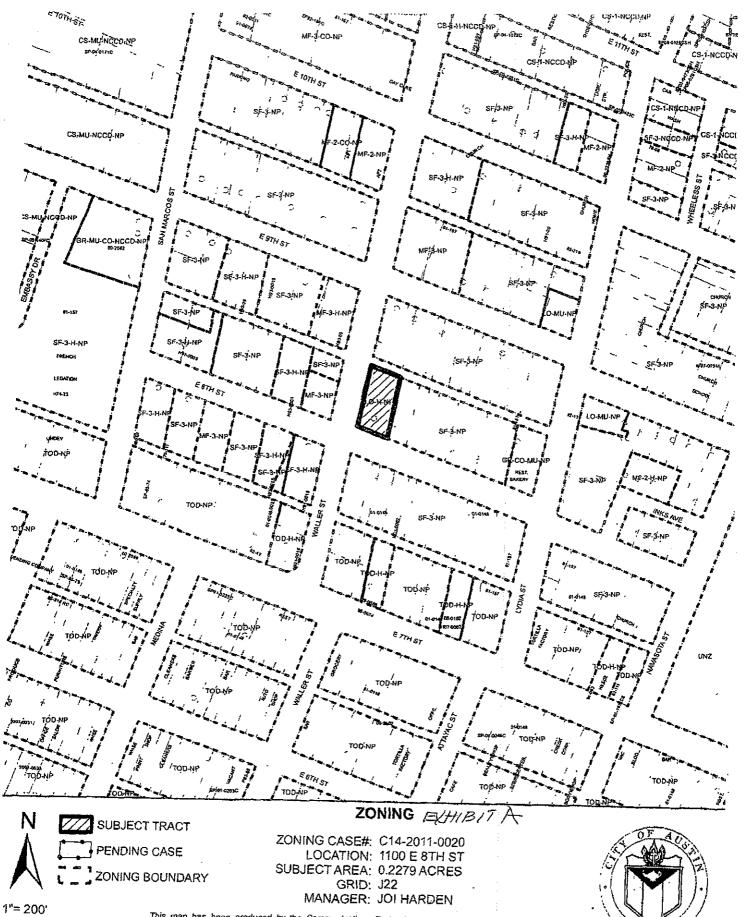
May 26 , 2011

Lee Leffingwell Mayor

APPROVED:

Karen M. Kennard
City Attorney

Shirley A. Gentry City Clerk



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.

CASE# (15-2011-0055)
ROW# 10589743

CITY OF AUSTIN TP-6205070317 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: 1100 E. 8 th St.
LEGAL DESCRIPTION: Subdivision - George L. Robertson Subdivision
Lot(s) 13 Block 3 Outlot 2 and 3 Division B
I, <u>Allison Carr</u> on behalf of myself as authorized agent for <u>Andrew A.</u> <u>Bergad</u> , affirm that on <u>March 15</u> , 2011, hereby apply for a hearing before the Board of Adjustment for consideration to:
(check appropriate items below)
X ERECT ATTACH COMPLETE REMODEL MAINTAIN
Secondary garage apartment/studio
Secondary garage apartment/studio Parking Variance from 3->2 0715+vert
of 5treet parking
in a lot currently in the process of being rezoned from "LO-H-NP" to a SF-3-H-NP"
district. (zoning district) Central East austu
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 property has no onsite parking and is zoned LO-H-NP. Owner is requesting a downzoning of the property to SF-3-H-NP in order to provide a garage and garage apartment. The proposed SF-3 use with garage apartment requires three (3) off-street parking spaces, however, the property does not have sufficient space for such parking spaces and under its current LO-H-NP zoning, has been allowed to operate with zero (0) off-street parking spaces.

HARDSHIP:

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

The existing topography of the lot makes required SF-3 off-street parking impossible, however, the lot modifications for a garage with two (2) parking spaces can be provided for the lot, but there is not room for a third parking space.

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

The subject lot's topography is unique to this residence and only a few other residences within the neighborhood, and is further restricted due to the historic nature of the main residence.

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 modifications to the subject property will be self-contained behind the main residence and will not impact adjacent properties due to use of retaining walls entirely on the subject property. Additionally, the addition of two (2) off-street parking spaces will increase off-street parking for the property from its current zero (0) off-street parking spaces.

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:

A zoning change request is being submitted simultaneously with this variance request to downzone the property from "LO-H-NP" to "SF-3-H-NP", thereby reducing the trip generation for the property and its use. Additionally, the downzoning is consistent with the FLUM adopted for the Central East Austin Neighborhood Plan which shows SF-3 as the preferred planned zoning for the property.

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:

The current use is being allowed with zero (0) off-street parking provided; The downzoning will only be pursued if the variance request is granted. Absent the variance, off-street parking for the property's current use will continue, which will cause greater congestion.

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 variance will decrease on street parking associated with this property's use, thereby decreasing safety hazards due to on street parking around the property.

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

The variance is only sought in conjunction with downzoning to "SF-3-H-NP" and can be made contingent on uses allowed within that zoning category.

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 Allin Can	Mail Address: 1100 E. 8th St.
City, State & Zip Austin, Texas 78702	512-945-0188
Printed Allison Carr	Phone 303-947-9359 Date
OWNERS CERTIFICATE – I affirm that me are true and correct to the best of my knowledge Signed Regard	
City, State & Zip <u>Austin, Texas 78702</u>	
Printed Andrew A. Bergad	Phone <u>303-947-9359</u> Date





BOARD OF ADJUSTMENTS

CASE#: C15-2011-0055 LOCATION: 1100 E 8th Street

GRID: J22

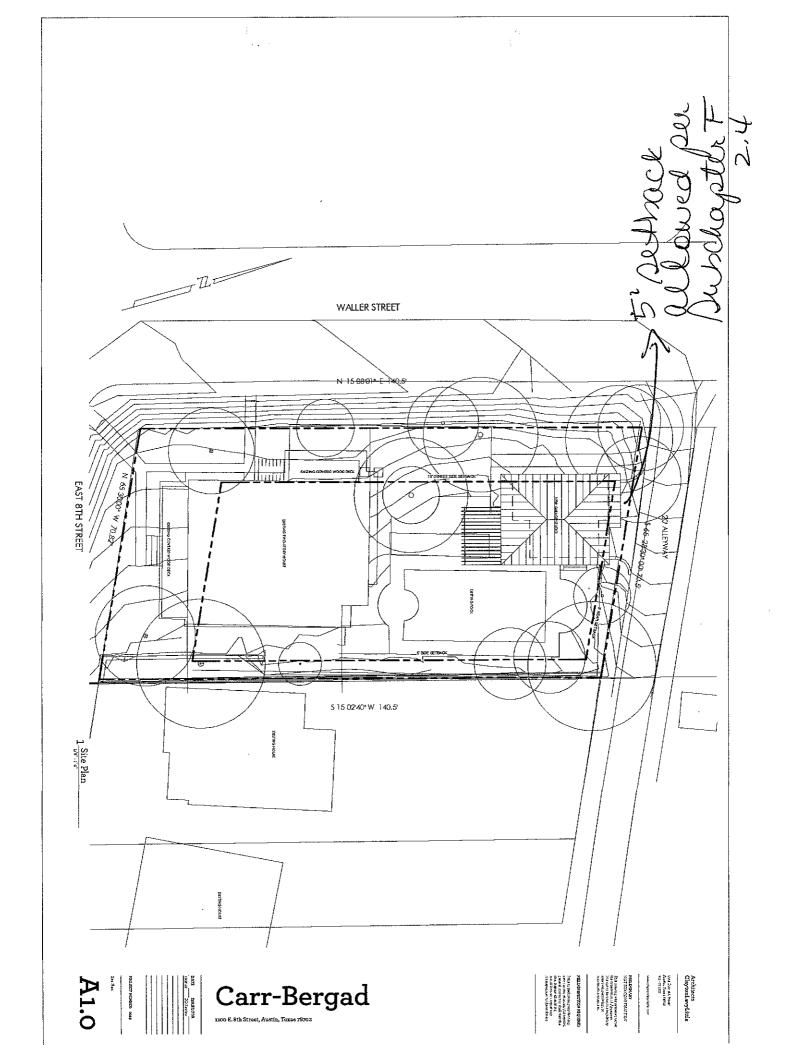
MANAGER: Susan Walker

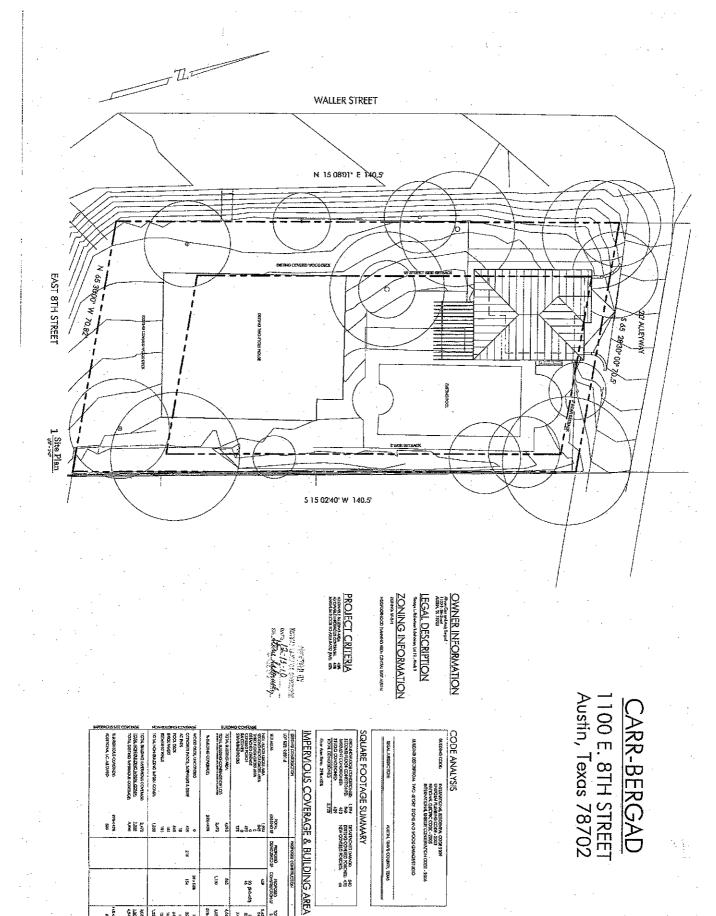


This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

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Carr-Bergad Garage/Studio

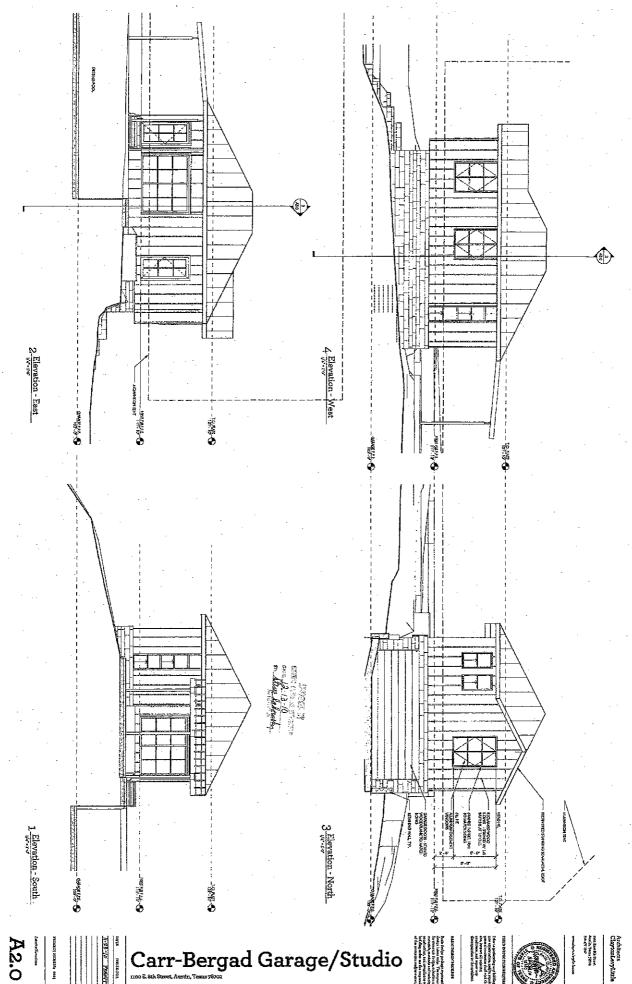
Carr-Bergad Garage/Studio

Too E. 8th Street, Austin, Texas 79702

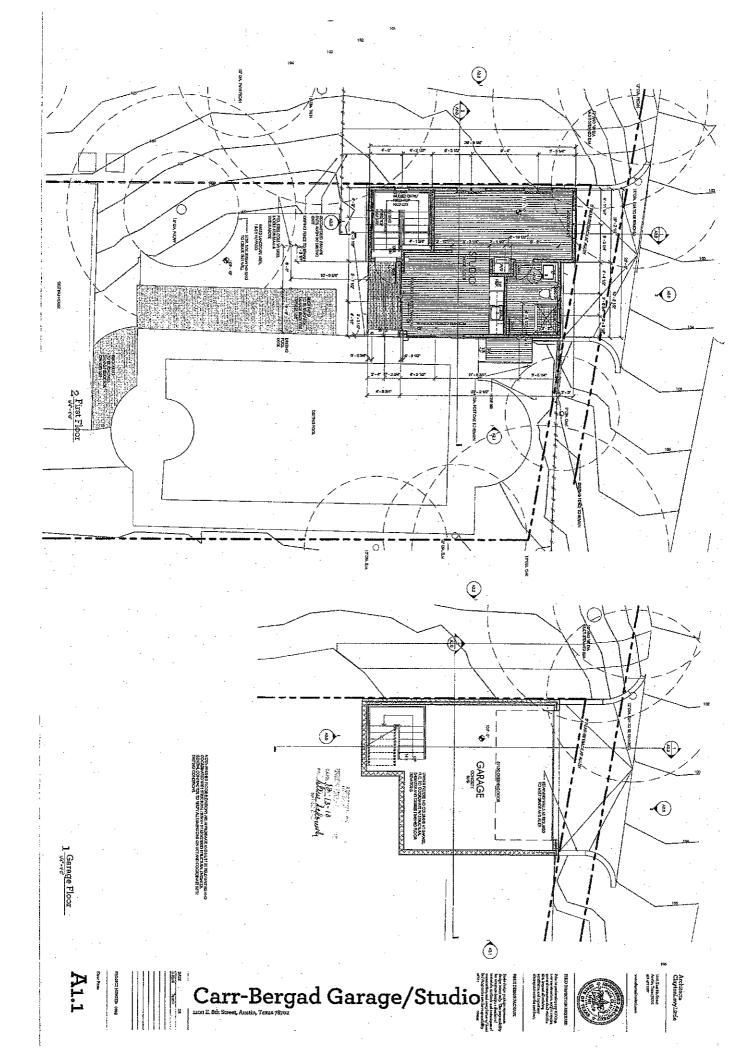


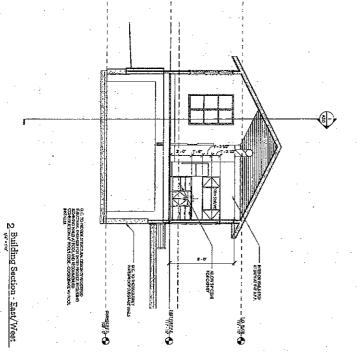


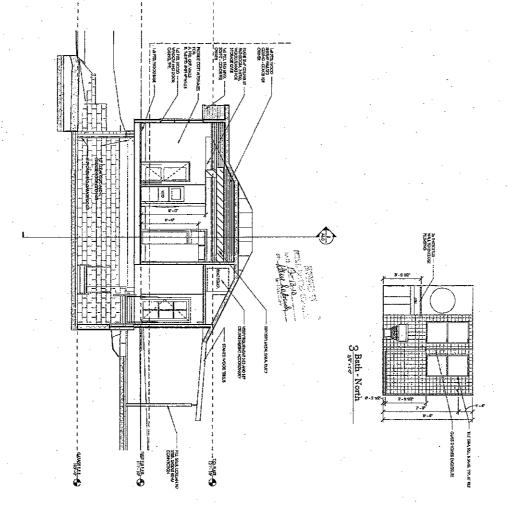












1 Building Section · North/South

Carr-Bergad Garage/Studio



Claudia Carey

From:

Allison Carr [allic4812@gmail.com]

Sent:

Wednesday, March 09, 2011 1:59 PM

To:

Claudia Carey; Paul Juarez

Subject:

Pictures of 1100 East 8th property - 1st set of pictures

Attachments:

1100 East 8th. - backyard.jpg; 1100 East 8th..jpg; 1100 East 8th. - alley.jpg







1100 East 8th. - 1100 East 8th..jpg 1100 East 8th. backyard.jpg ...

(3 MB)

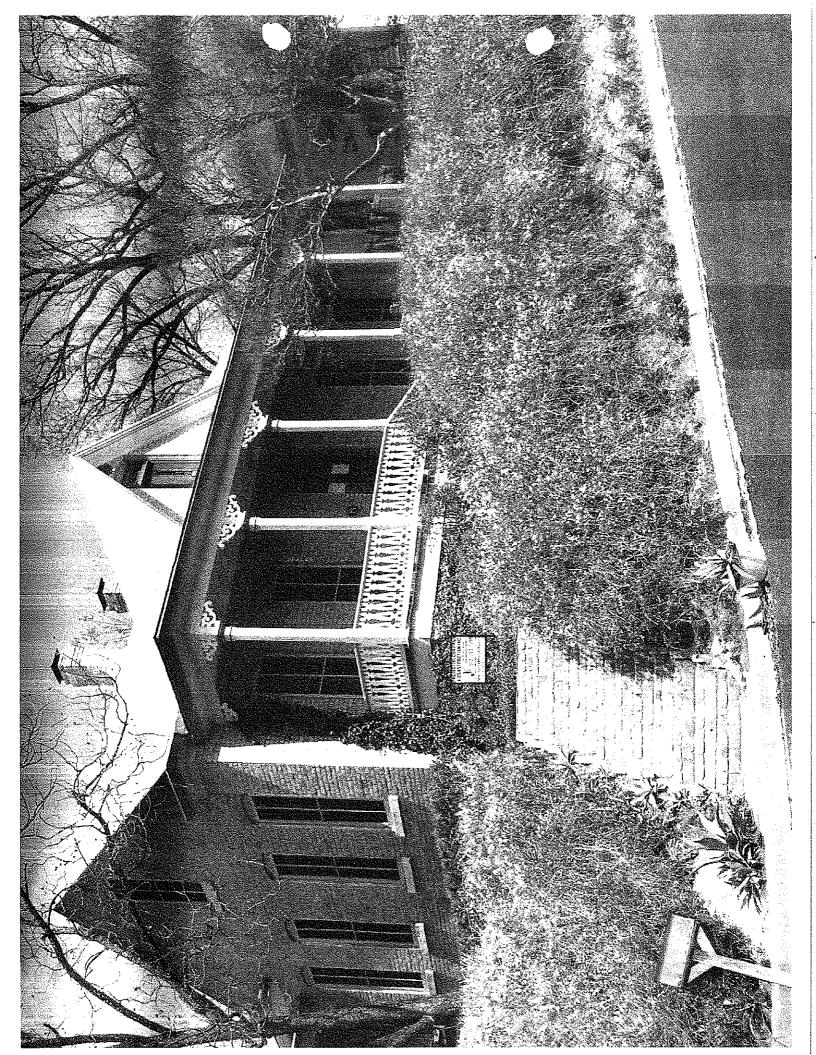
alley.jpg (3 ...

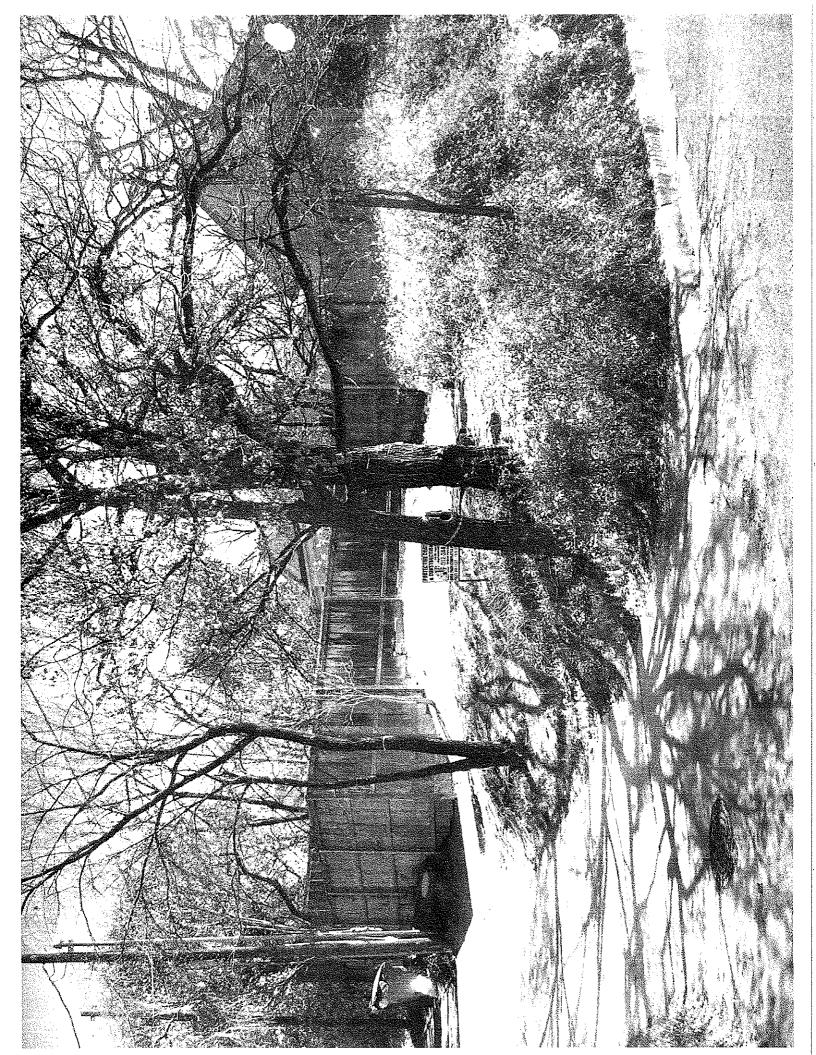
Hi Claudia,

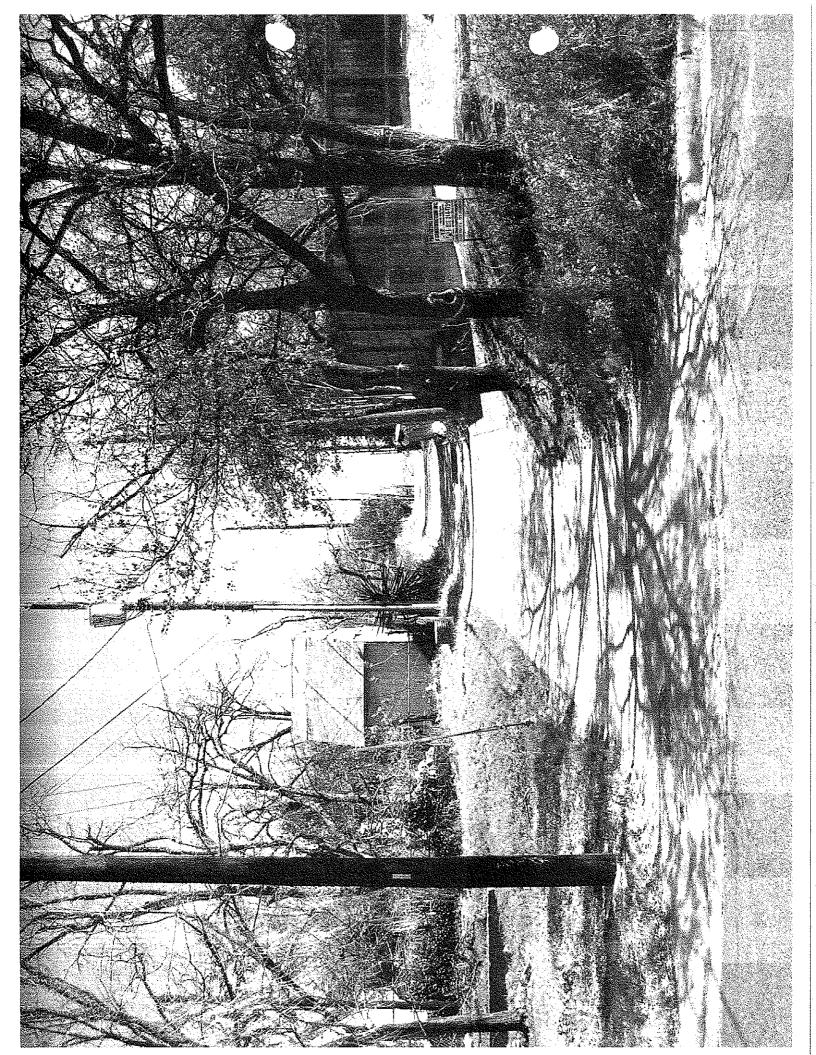
Here's the first set of pictures - this is all that would fit in this email so be on the lookout for additional emails with more pics. I took several to ensure we have good visuals.

Thanks!

Alli







Claudia Carey

From:

Allison Carr [allic4812@gmail.com]

Sent:

Wednesday, March 09, 2011 2:07 PM

To:

Claudia Carey; Paul Juarez

Subject:

Pictures of 1100 East 8th property - 2nd set of pictures

Attachments:

1100 East 8th. - garage apt will go here.jpg; 1100 East 8th. - both sides of alley.jpg; 1100

East 8th. - empty lot across alley.jpg; 1100 East 8th. - front of next door house.jpg





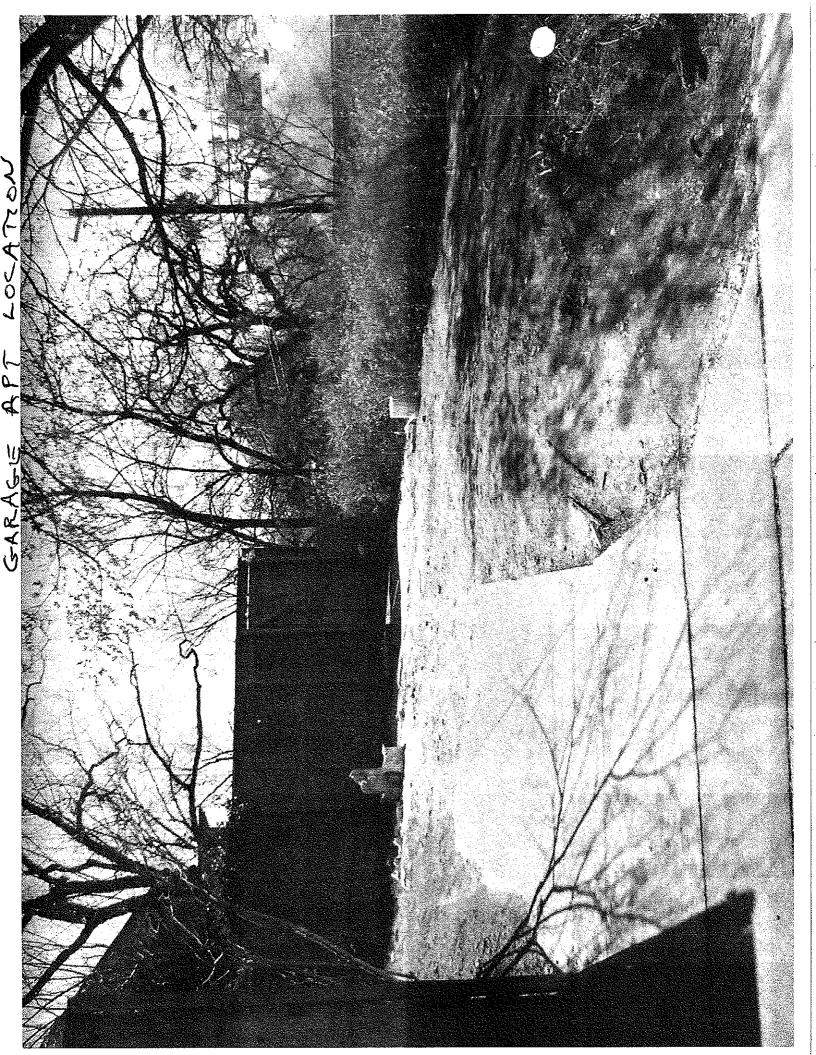


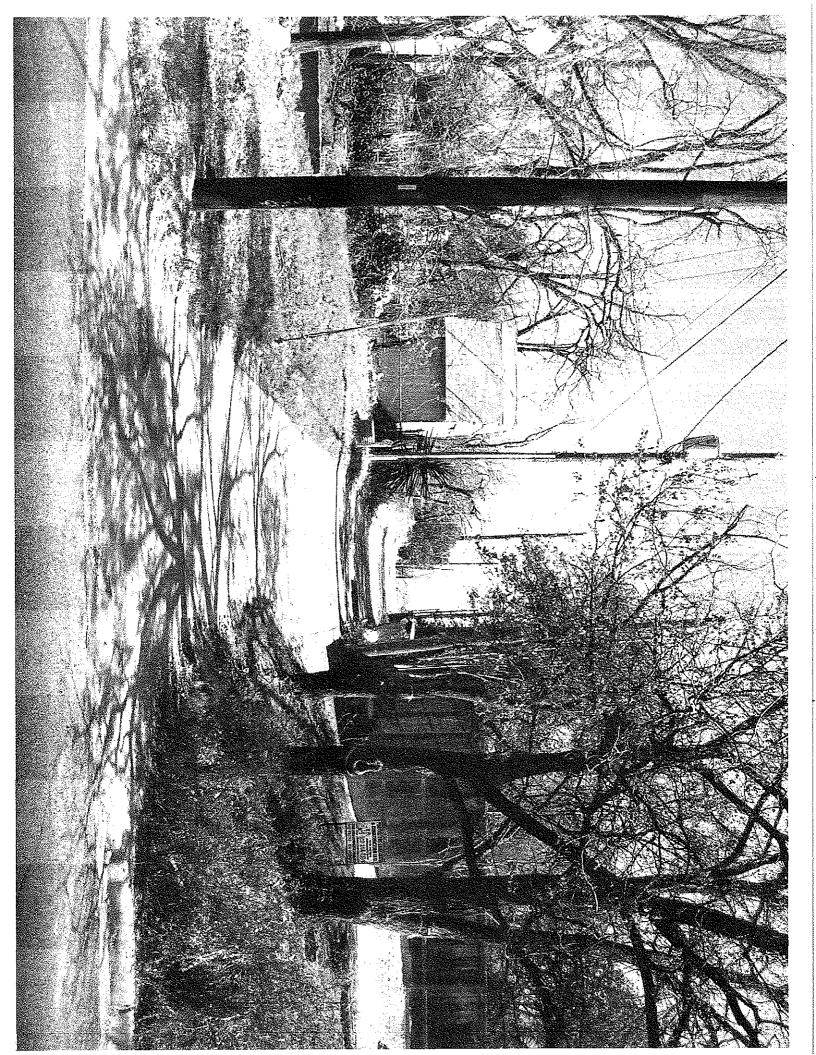


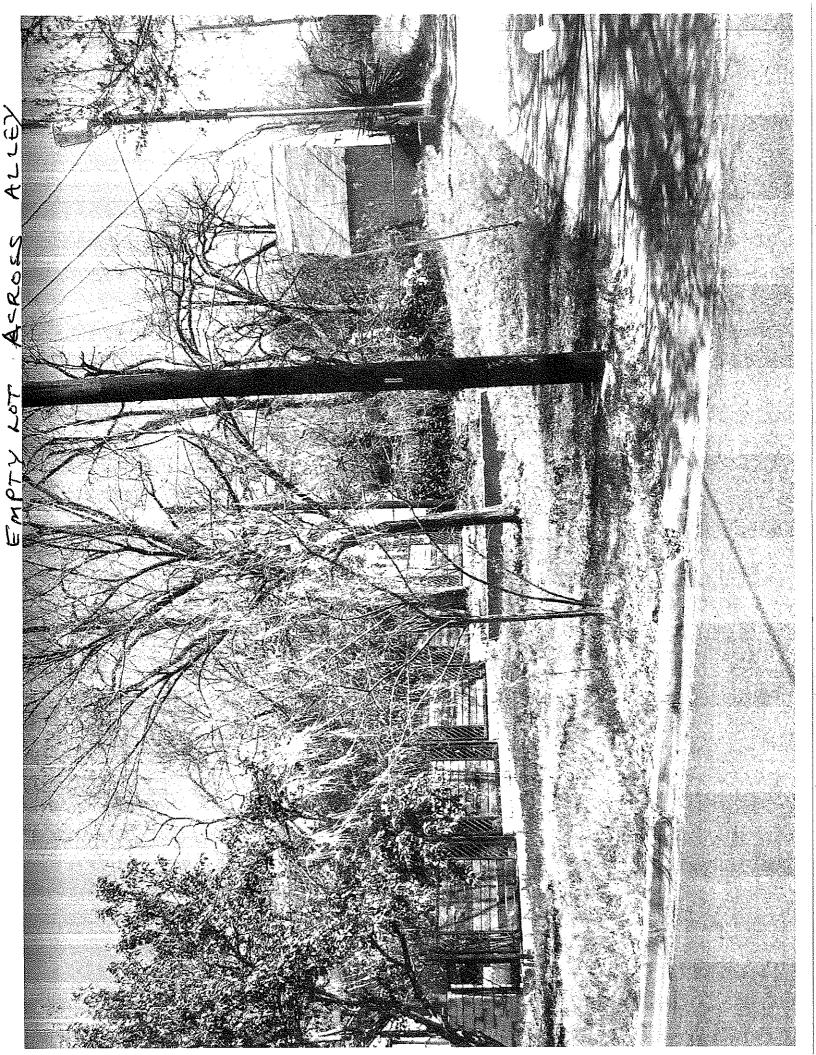
1100 East 8th. garage apt wi... 1100 East 8th. both sides of... 1100 East 8th. - empty lot acr...

1100 East 8th. - front of next...

Here's the 2nd set of pictures...







Claudia Carey

From:

Allison Carr [allic4812@gmail.com]

Sent:

Wednesday, March 09, 2011 2:12 PM

To:

Claudia Carey; Paul Juarez

Subject:

Pictures of 1100 East 8th property - 3rd and final set of pictures

Attachments:

back of house next door.jpg; 1100 East 8th. back yard - behing the fence is where new

garage-apt.jpg; 1100 East 8th.- hill on side of new structure.jpg; Alley to back.jpg





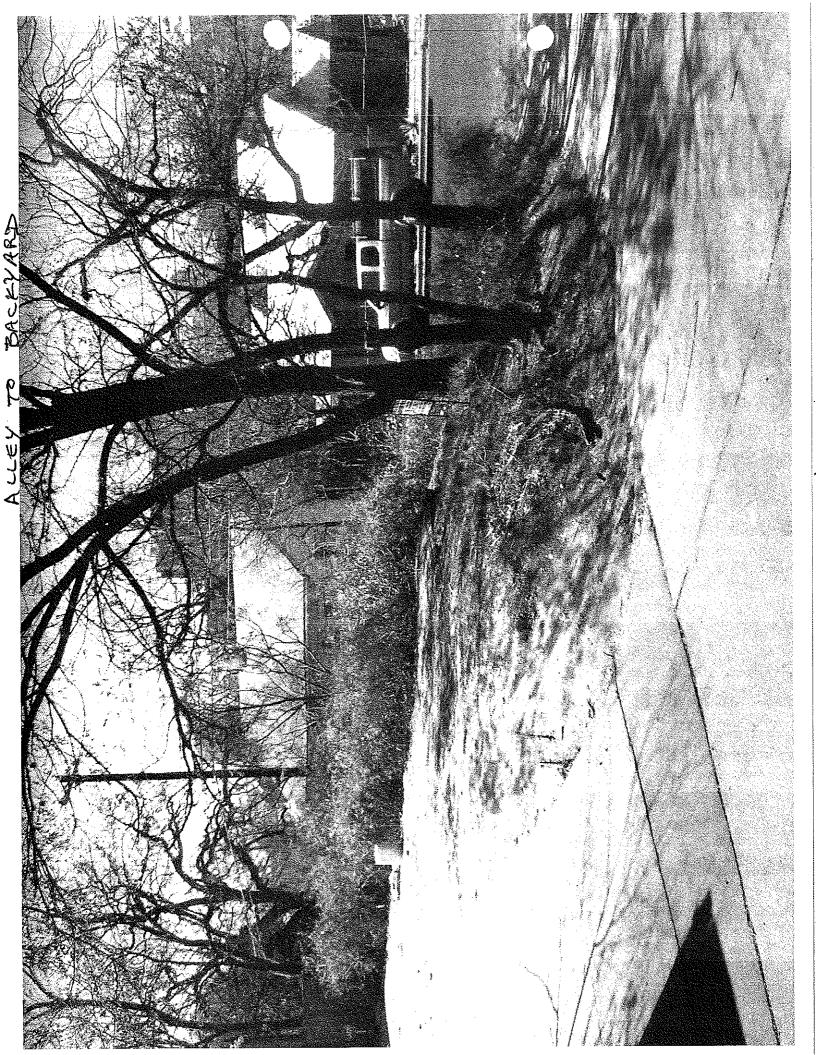




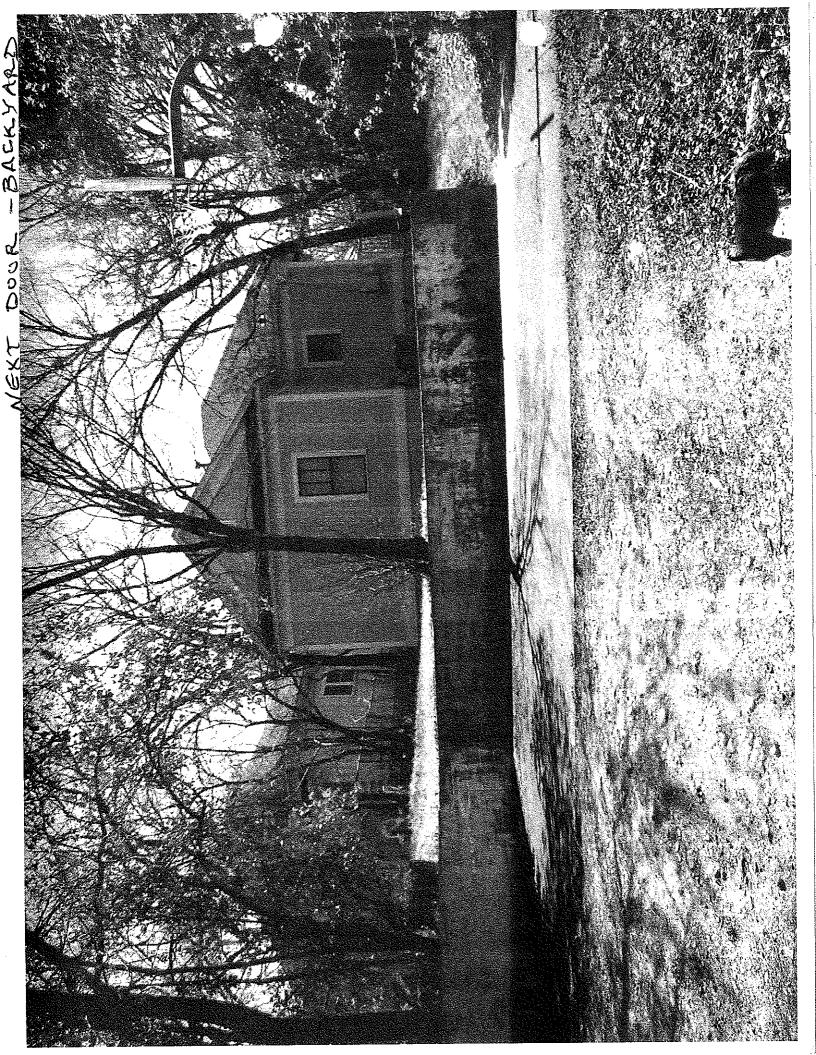
back of house next 1100 East 8th. back 1100 East 8th.- hill Alley to back.jpg (2 door.jpg (3... yard - beh... on side o... MB)

Here's the third and final set.

Thanks!







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;
- 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.

S this		Rongery Jan		Comments: Ne. 3h
3th, 2011 X I am in favor Description Description	Case Number: C15-2011-0055 – 1100 E 8 th Street Contact: Susan Walker, 512-974-2202 Public Hearing: Board of Adjustment, June 13th, 2011 ARRY & PAI BE WARSHAN WI an WI an W address(es) affected by this application Signature Signature Signature	Case Number: C15-2011-0055 – 1100 E 8 Contact: Susan Walker, 512-974-2202 Public Hearing: Board of Adjustment, J PARE # PAI be WASHAN ur Name (please print) ooo EAST 8-K ur address(es) affected by this application Signature Signature	mber: C15-20 Susan Walke earing: Boar # (A) be please print) E-MST (es) affected by	Case Number: C15-2011-0055 – 1100 Contact: Susan Walker, 512-974-2202 Public Hearing: Board of Adjustment LARRY & PAIBE WARSHY Your Name (please print) Your address(es) affected by this application Signature Signature

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 78767-1088