

CASE # C15-2011-0081

TP-021101074

ROW-10621152

**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: 1504 West Avenue

LEGAL DESCRIPTION: Subdivision - 12,680 square feet of Outlot No. 9, Division "E"

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

I/We Armbrust & Brown, PLLC on behalf of myself/ourselves as authorized agent for

Joseph A. Turner affirm that on March 17, 2011, hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN

Maintain the existing building. A reduction in code required parking from 11 spaces to 5 spaces is requested.

in a NO-H-CO district.  
(zoning district)

If your variance request is for a reduction in setbacks or height limits, please contact Christine Esparza with the Electric Utility at 322-6112 before filing your application with this office to discuss your request. The Electric Utility will recommend the board deny your request if it will result in an encroachment into an electric easement or a NESC violation.

**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:**

**REASONABLE USE:**1. The zoning regulations applicable to the property do not allow for reasonable use because:

Providing code required parking would require demolition of a portion of the existing historically zoned building, or it would require significant fill and additional impervious cover, which would be out of character with the other commercial properties and single family homes in the area.

**HARDSHIP:**

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

The frame structure for this building was constructed in 1889 (altered significantly in 1910) and was zoned historic in 1992 to permit the existing office. Structures built during this era were not required to provide parking. In addition, there is a retaining wall on the site that varies in height from 4 feet 10 inches to 9 feet 1 inch, which bisects the property and renders the area at the bottom inaccessible by vehicle. Photos of this area are shown in Exhibits A and B. It would require significant fill and additional impervious cover, in order for this area to be used as parking.

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

Most other sites in this area do not include retaining walls which render the back portion of the site inaccessible for vehicles. In addition, this site has been utilized as an office since 1992, when the NO-H-CO zoning was approved. The use for this site has not changed since that time.

**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 allow the owners to maintain the existing building and the amount of impervious cover limited by the zoning ordinance, so that the property is able to preserve the same character as the other commercial properties and single family residences in the area.

**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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

Traffic volumes are not proposed to increase, since this variance would allow the owners to maintain the existing improvements. Commercial zone parking spaces are provided on the street

in front of the building for deliveries. In addition, West Avenue in the vicinity of the site is lined with metered parking spaces, which visitors have been utilizing since 1992.

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:

There is currently commercial zone parking spaces located in front of the building for deliveries and metered parallel parking located along West Avenue, which visitors have been utilizing since 1992.

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

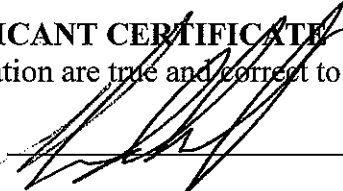
Commercial zone parking is provided in the front of the building for deliveries and metered parallel parking is located along West Avenue for visitors. In addition, there is some parking available on the property. Visitors and employees have been utilizing this parking scenario since 1992 and it has not caused a safety hazard or any other condition inconsistent with the objectives of this Ordinance.

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

a condition of the variance should be that it is tied to the office use.

**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

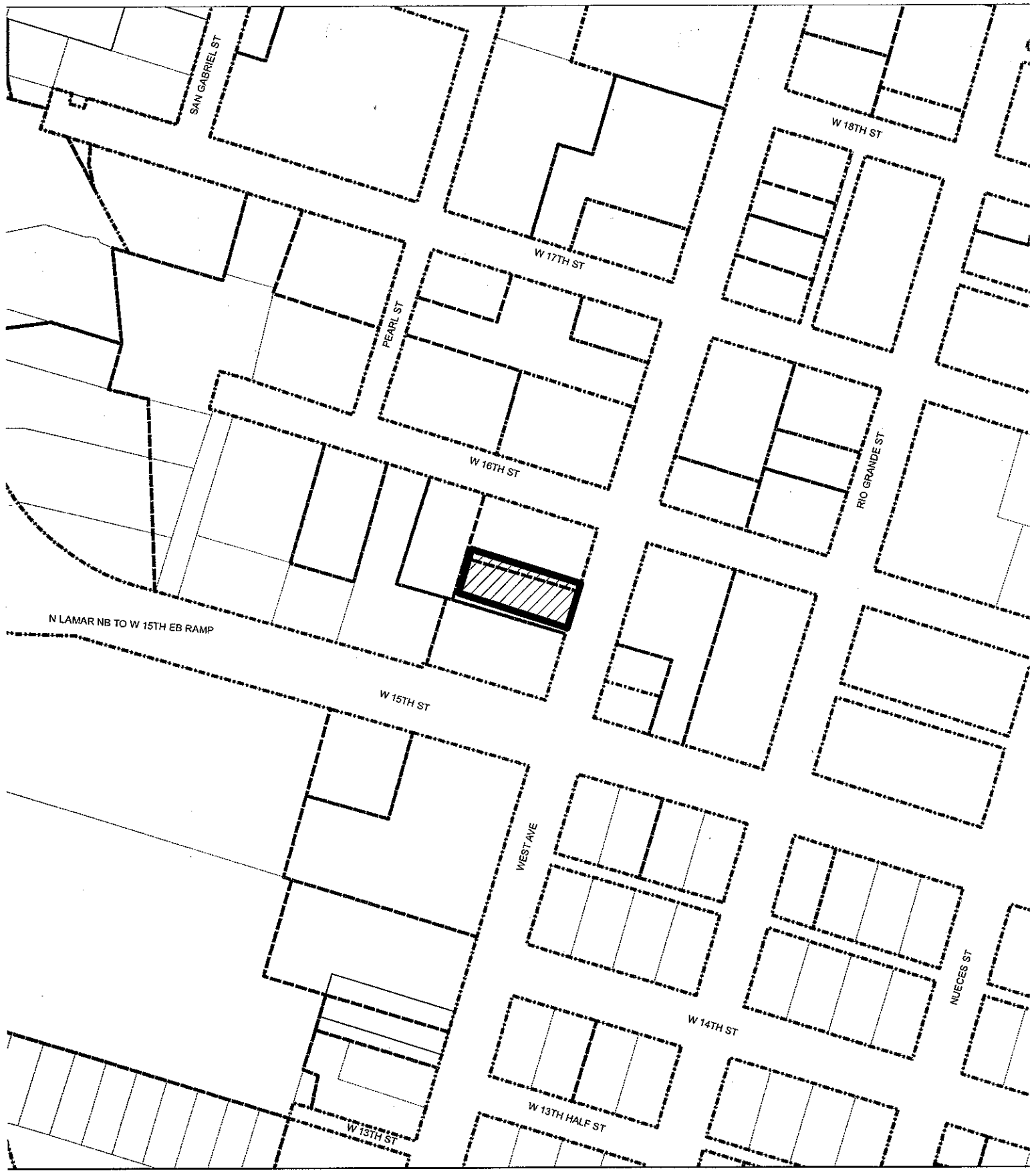
Printed Richard T. Suttle, Jr. Phone 512-435-2300 Date 3/18/11

**OWNER'S 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 1504 West Avenue



City, State & Zip Austin, TX 78701

Printed Joseph A. Turner Phone 512-474-4892 Date 10/21/10

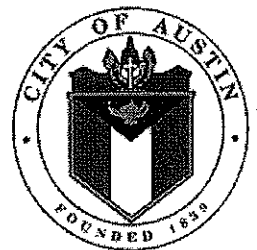


**BOARD OF ADJUSTMENTS**



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2011-0081  
 LOCATION: 1504 WEST AVENUE  
 GRID: J23  
 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.

## JUDGES HILL NEIGHBORHOOD ASSOCIATION

To: Board of Adjustment

Dear Sir/Madam:

In July, 2010 the Judges Hill Neighborhood Association took up the issue of the zoning non-compliance that existed at that time at 1504 West Avenue, a property owned by Mr. Joe Turner. At a meeting on July 15, as reflected in a communication to his attorney, Ms. Lynn Ann Carley, on July 19, the association resolved that "if the property at 1504 West Avenue were brought back into compliance with the existing conditional overlay for that property", then the association would "support an application for a variance to reduced the onsite parking requirements so that the property owner at 1504 West Avenue can obtain a Certificate of Occupancy for its current zoning." It appears from a letter of May 27, 2011 from Glenn Rhoades, Planner Senior at the Development Assistance Center of the City of Austin to Ms. Carley that the property is now in compliance with the overlay (Zoning Ord. No. 920220-G), and the Judges Hill Neighborhood Association therefore now writes to support a parking variance for the property for the purpose stated above.

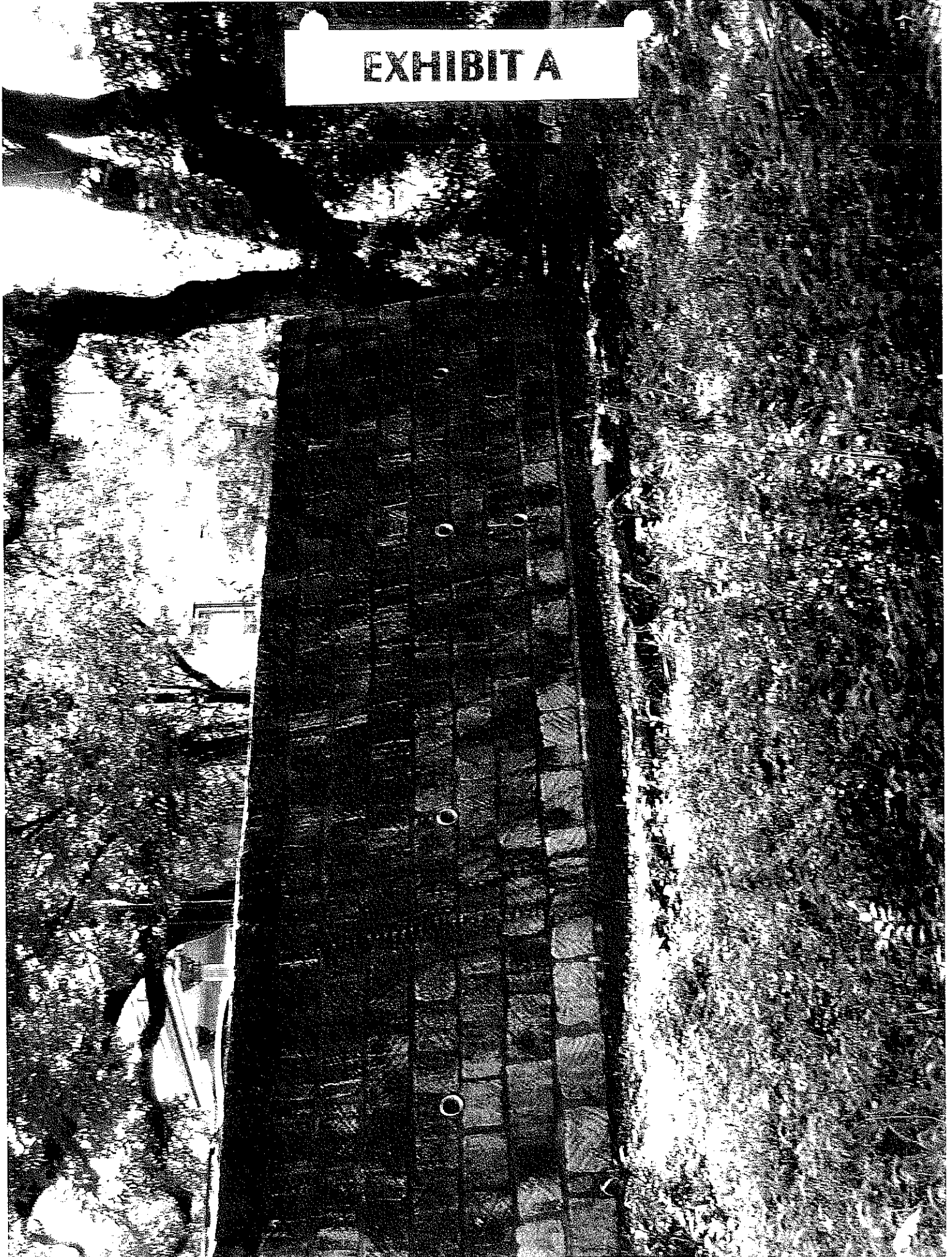
Thank you for your consideration.

Best regards,



Ben Schotz, President of the Judges Hill  
Neighborhood Association

**EXHIBIT A**



**EXHIBIT B**



October 21, 2010

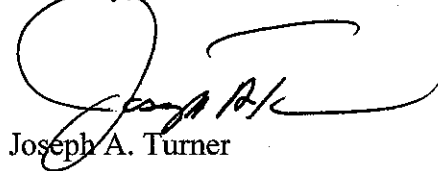
City of Austin  
Planning and Development Review Department  
505 Barton Springs Road, 1<sup>st</sup> Floor  
Austin, Texas 78704

Re: 1504 West Avenue, also known as 12,680 square feet out of Outlot 9,  
Division E, TCAD Parcel No. 02-1101-0714-0000, Travis County, Texas

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 for the above-referenced property. This appointment includes complete authority for Armbrust & Brown, PLLC to handle all aspects of the board of adjustment variance. All correspondence and contact should be directed thereto. Thank you for your assistance in connection with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph A. Turner", written over a large, stylized circular flourish.

Joseph A. Turner

401430-1 10/21/2010