

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

DATE: Monday, July 11, 2011

CASE NUMBER: C15-2011-0072

Y Jeff Jack
 Y Michael Von Ohlen
 Y Nora Salinas
 Y Bryan King 2nd the Motion
 Y Leane Heldenfels, Chairman
 Y Clarke Hammond, Vice Chairman
 Y Heidi Goebel Motion to Postpone to Aug 8, 2011

OWNER/APPLICANT: Ricky Moura

ADDRESS: 806-1/2 13TH ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side street setback from 15 feet to 0 feet at the closest point in order to erect a two story addition to a single-family residence in an "MF-4-NP", Multi-Family – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-492 (D) from 5,750 square feet to 5,040 square feet (existing) in order to erect a two story addition to a single-family residence in an "MF-4-NP", Multi-Family – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

The applicant has requested a variance to increase the maximum building coverage requirement of Section 25-2-492 (D) from 40% to 54.56% in order to erect a two story addition to a single-family residence in an "MF-4-NP", Multi-Family – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 58.2% in order to erect a two story addition to a single-family residence in an "MF-4-NP", Multi-Family – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

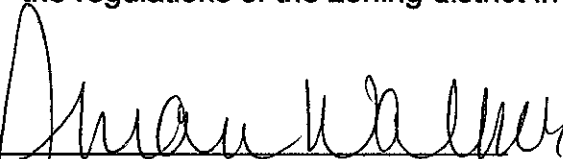
The applicant has requested a variance to the maximum floor to area ratio requirement of Subchapter F; Article 2; Subsection 2.1 from 2300 square feet to 2750 square feet in order to erect a two story addition to a single-family residence in an "MF-4-NP", Multi-Family – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

BOARD'S DECISION: The public hearing was closed on Board Member Heidi Goebel motion to Postpone to August 8, 2011 for more information/drawings, Board Member Bryan King second on a 7-0 vote; **POSTPONED TO August 8, 2011 for more information/drawings.**


FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

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



Susan Walker
Executive Liaison



Leane Heldenfels
Chairman

Revised

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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

CASE # CIS-2011-0072
ROW # _____

**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: 806 1/2 East 13th Street

Formatted: Superscript

LEGAL DESCRIPTION: Subdivision -- Is a LEGAL TRACT consisting of the east 22.5 feet of lot 46 and the west 22.5 feet of lot 45, Outlot 41, Division B, SAVE AND EXCEPT that portion conveyed to the State of Texas by deed recorded in volume 1974, Page 526, Travis County Deed Records, created prior to March 14, 1946 (Grandfather date) as evidenced by deed recorded in Volume 755, Page 12 of the Travis County Deed Records on Feb 12, 1945 being the same property as currently described in deed recorded in Document # 2006144684 of the Travis County Deed Records on Jul 28, 2006 and it is eligible to receive utility service.

Lot(s) 45, 46 Block _____ Outlot 41 Division B

I/We Ricky Moura on behalf of myself/ourselves as authorized agent for

_____ affirm that on June 14, 2001

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

in a MF-4 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:

—Due to the era in which my home was built, (The Great Depression), my home was designed with very little storage space. Initially, a separate storage shed was installed on my property behind the home to accommodate this shortcoming. Due to my home's proximity to downtown, this attracted vagrants and was eventually torn down for safety reasons. I am currently forced to rent storage space away from my home for many of my personal possessions. I would like to increase the size of my home in order to add storage space that is both conveniently accessible, and under my supervision. Unfortunately, a portion of this lot was acquired by the Dept. of Transportation via eminent domain in order to construct the northbound I-35 frontage road. The result is that my lot is now oddly triangular. In order to add footage to my home while conforming to the 10'0" setback requirement, the shape of the house would also have to be triangular. Not only would a triangular home be of questionable resale value, but any added living area would be nearly unusable. Reducing the setback requirement to 0'0" along the carport/storage side of the home and 5'0" at the rear of the home would allow me to increase the square footage of my home while also creating usable added living area for storage.

HARDSHIP:

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

My property is the only 45' wide or narrower lot in the surrounding area that is cut into a triangle approximately half way through its depth. Because of the unique dimensions of my lot, increasing overall square footage to 2300sf or less does not result in increased usable living area. A small reduction in setback of and increasing overall square footage to 2750sf would allow me to overcome the limiting contours of the property. Without these changes, I am greatly inconvenienced, and unnecessarily burdened financially because of my lack of storage space. Additionally, the home's shortcoming adversely affects its value with regard to other homes in the area, and puts me at a disadvantage for possible future resale.

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

. Any other lot in the surrounding area is either square, much wider or angled less invasively at a corner rather than through the middle of the property. All other scenarios allow for much greater flexibility with regard to adding living 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 lot adjacent to my proposed variance is maintained as a permanent easement to the Northbound I-35 frontage road. This land is owned by the Dept. of Transportation and will never be built upon.

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:

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 _____ Mail
Address rmversace@yahoo.com

City, State & Zip Austin, TX
78702

Printed Ricky Moura Phone 512-294-3330
Date 05/11/11

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 Ricky Moura Mail Address 806 1/2 E. 13th Street
rmversace@yahoo.com

City, State & Zip Austin, TX 78702

Printed Ricky Moura Phone (512) 294-3330 Date 7/9/11

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:

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;

and:

- 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.

Case Number: C15-2011-0072 – 806 ½ E 13th Street
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, July 11th, 2011

Rosalie B. Chilea
 Your Name (please print) _____
 908 East 14th _____
 Your address(es) affected by this application _____

I am in favor
 I object

Rosalie B. Chilea
 Signature _____
July 3, 2011
 Date _____

Daytime Telephone: 327 6634

Comments: _____

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

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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

CASE # C15-2011-0072
ROW # 10606162

CITY OF AUSTIN TP-02-0906-0111
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: 806 1/2 East 13th Street

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LEGAL DESCRIPTION: Subdivision – Is a LEGAL TRACT consisting of the east 22.5 feet of lot 46 and the west 22.5 feet of lot 45, Outlot 41, Division B, SAVE AND EXCEPT that portion conveyed to the State of Texas by deed recorded in volume 1974, Page 526, Travis County Deed Records, created prior to March 14, 1946 (Grandfather date) as evidenced by deed recorded in Volume 755, Page 12 of the Travis County Deed Records on Feb 12, 1945 being the same property as currently described in deed recorded in Document # 2006144684 of the Travis County Deed Records on Jul 28, 2006 and it is eligible to receive utility service.

Lot(s) 45, 46 Block _____ Outlot 41 Division B

I/We Ricky Moura on behalf of myself/ourselves as authorized agent for

_____ affirm that on June 14, 2001

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

erecting a two story
addn providing a

0' side street
setback
at the
closest
point

in a MF-4 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:

My house was build in 1935 and it has no storage space, the previous owner had a shad in the back, however the drug addicts of the area used jump the fence to sleep in it, so I had to remove from the property. So, building a storage are above the carport is a perfect location because I Have a lot that next door from the Interstate 35; nothing will ever being build in between my lot and the Hwy. Because of the cut that the State made to my property, I don't have enough space to add living area to my house, so I need to get 4'6" of the set back to build and some time in the future.

HARDSHIP:

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

The configuration of the lot is very strange; it is on the top of the hill next to the HWY 35 in triangle shape

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

All other lots in the area are square.

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 lot next to me belongs to the State; nothing will ever be build there. I have around 50' in between the access road of IH 35 and the property line of my house.

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:
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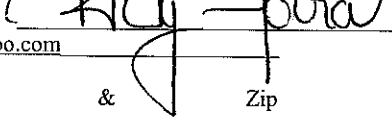
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
-
-

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:
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4. The variance will run with the use or uses to which it pertains and shall not run with the site because:
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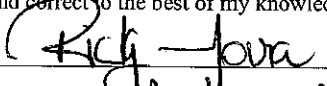
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

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 rmversace@yahoo.com
City, State & Zip Austin, TX
78702

Printed Ricky Moura Phone 512-294-3330
Date 05/11/11

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  Mail Address 806 1/2 E. Bth St
City, State & Zip Austin, TX 78702
Printed Ricky Moura Phone (512) 294-3330 Date 05/13/11

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.

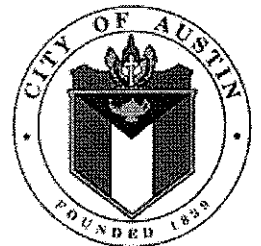


BOARD OF ADJUSTMENTS



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2011-0072
 LOCATION: 806 1/2 EAST 13TH 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.

max BC = 40% (2796)
max LC = 45% (3145)

1 Zoned MF-4

6990m lot size

Waterloo Surveyors, Inc. SURVEY FLAT

OWNER: FATEMEH GHARBI

ADDRESS: 808 EAST 13TH STREET

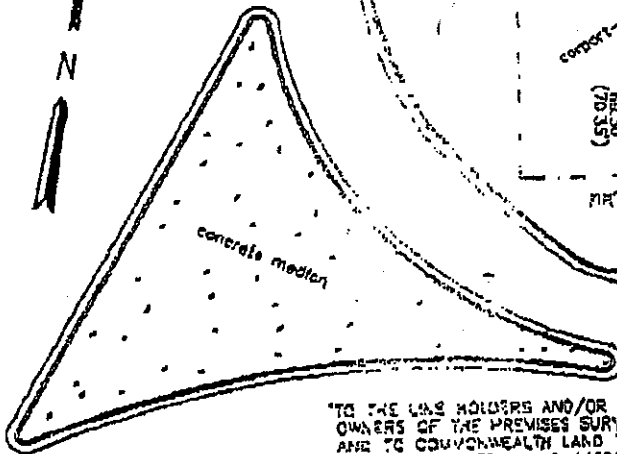
LEGAL DESCRIPTION: 0.11 ACRE OF LAND, MORE OR LESS, BEING THE EAST 22.5 FEET OF LOT 46, AND THE WEST 22.5 FEET OF LOT 45, OF OUTLOT 41, DIVISION B, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAN THEREOF, RECORDED IN VOLUME 2, PAGE 80, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT PORTION OF SUBJECT PROPERTY CONVEYED TO THE STATE OF TEXAS IN VOLUME 1674, PAGE 326, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

THE TRACT SHOWN HEREON IS SUBJECT TO EASEMENT RIGHTS AND RESTRICTIVE COVENANTS OF RECORD.

SCALE 1"=20'

LEGEND

F.I.R. FOUND IRON ROD



EAST 13TH STREET

TO THE L&L HOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO COMMONWEALTH LAND TITLE COMPANY AS SET OF NO. 142885MP.

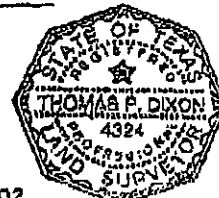
State of Texas County of Travis

The undersigned does hereby certify that this survey was this day made on the ground as the property legally described herein and is correct, and that there are no discrepancies, conflicts, or encroachments, overlapping of improvements except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

Dated this 3rd day of DECEMBER, 2003

And I certify that the property shown hereon is NOT within a special flood hazard boundary map revised as per Map Number 4845100186 E Zone X Date: JUNE 16, 1993

Thomas P. Dixon R.P.L.S. 4324



P.O. Box 180176, Austin, Texas 78716-0176 Phone: 481-9402

* Variance requested



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

May 12, 2011

Mr. Ricky Moura
806 ½ East 13th Street
Austin, Texas 78702

Re: 806 ½ East 13th Street
Lots 45-46 Outlot 41, Division B

Dear Mr. Moura,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to attached and remodel storage. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6112.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Esparza".

Christine Esparza
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker