

CASE # C15-2011-0093
TP-0243100216
ROW-10634102

**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: 9027 North Gate Blvd.

LEGAL DESCRIPTION: Subdivision -2nd Resub. of lot 2, Northgate Sec. one

Lot(s) A Block Outlot Division

I Jim Bennett as authorized agent for By The Lakes affirm that on 7/12/2011 , hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A portion of an existing commercial building to create a restaurant providing 71 off-street parking spaces (81 spaces are required).
in a GR-NP district.
(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:

6/27/11

(SR)

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

HARDSHIP:

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:

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:

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

City, State & Zip

Printed Phone Date

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

City, State & Zip

Printed Phone Date

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.

Required Findings:

The Board of Adjustment is also required to make findings discussed below in order to grant a variance. Applicants must provide the Board with proposed findings.

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.

SEAL

CONSULTANTS

KEY PLAN

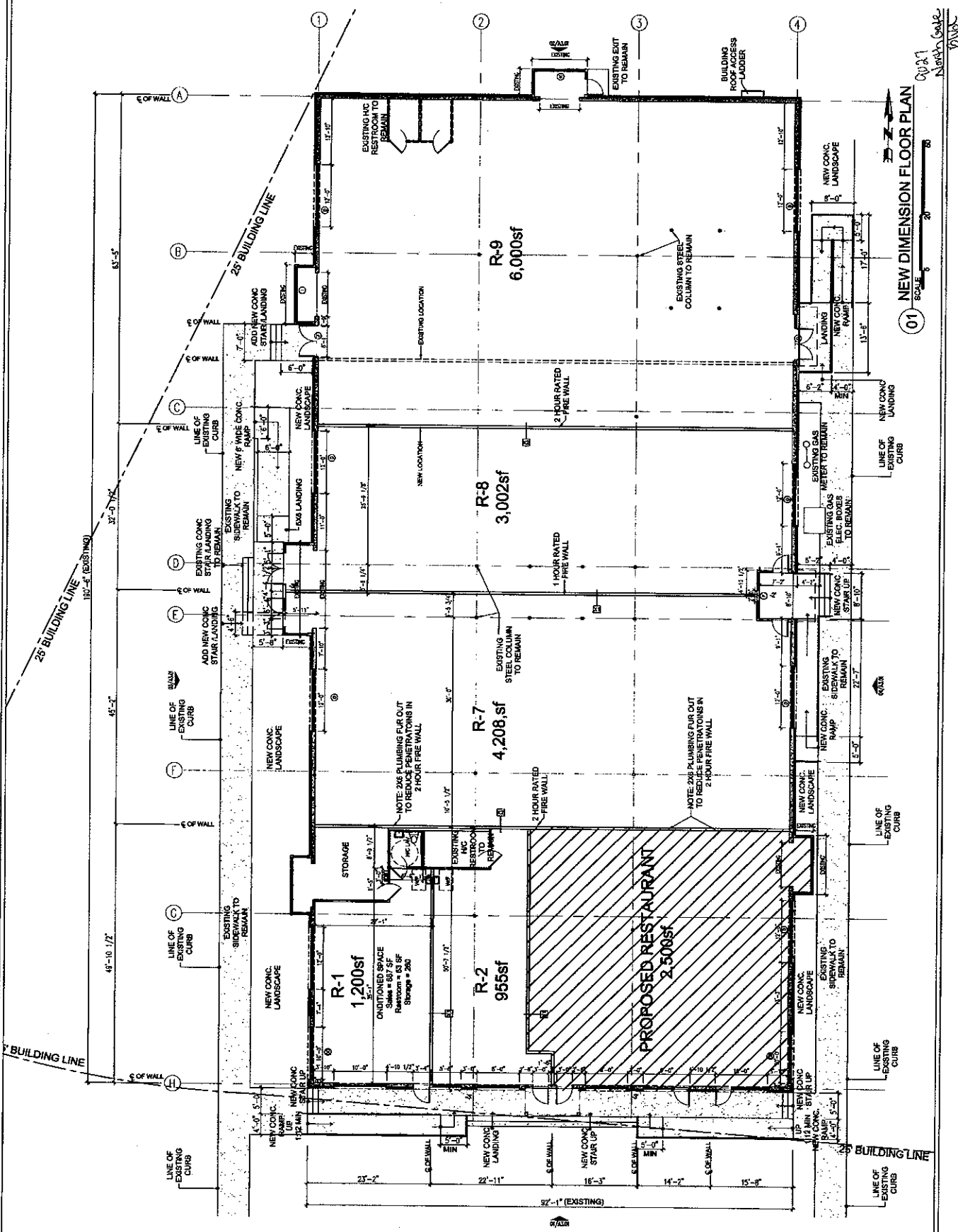
PROJECT NAME
**9027 NORTHGATE
 REMODEL**
 Austin, Texas

© marfordomestudio, Inc. 2011
 REVISION # _____ DATE _____

SHEET TITLE(S)
NEW BUILDING PLAN

REVISION DATE
 ISSUE DATE
 PROJECT NUMBER

A1.02



01 NEW DIMENSION FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 North Gate
 10/20/10

m (odm)
 909 West Mary St, Suite C
 Austin, Texas 78704
 T. 512.469.5850
 F. 512.542.0008
 www.markeodom.com

CONSULTANTS

AREA OF WORK LEGEND
AREA OF NEW FINISH-OUT - RETAIL
PROPOSED RESTAURANT

SEAL

KEY PLAN

PROJECT NAME
**9027 NORTHGATE
 REMODEL**
 Austin, Texas

DATE
 15/06/2011

SHEET TITLE
**NEW ARCHITECTURAL
 SITE PLAN**

REVISION DATE
 JUNE 14, 2011
 PROJECT NUMBER: M-01139

A0.02

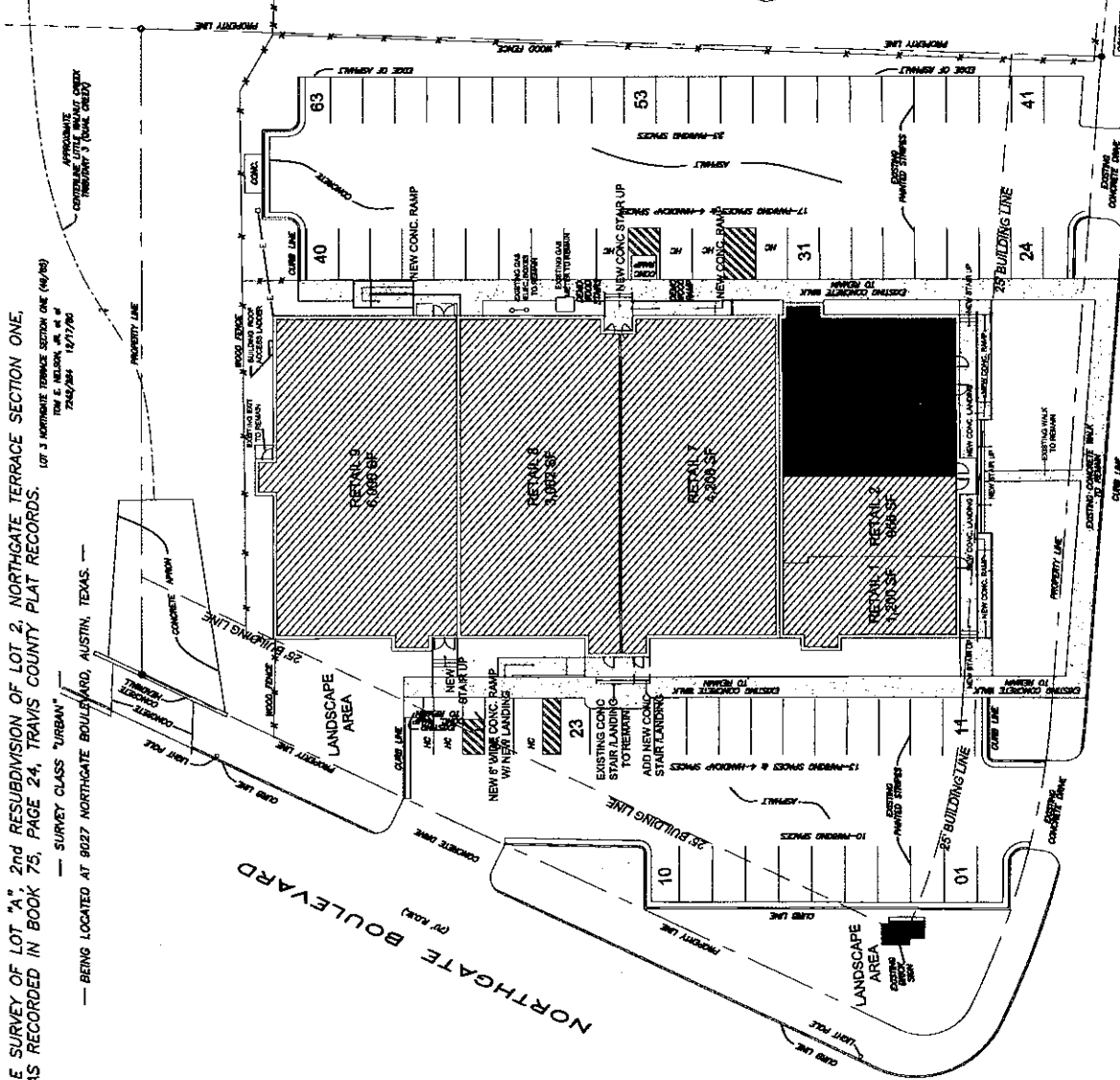
9027 North Gate
 Drive

ALTA/ACSM LAND TITLE SURVEY OF LOT "A", 2nd RESUBDIVISION OF LOT 2, NORTHGATE TERRACE SECTION ONE, AS RECORDED IN BOOK 75, PAGE 24, TRAVIS COUNTY PLAT RECORDS.

— SURVEY CLASS "URBAN"
 — BEING LOCATED AT 8027 NORTHGATE BOULEVARD, AUSTIN, TEXAS.

APPROXIMATE
 CONVEYANCE LITTLE WINDING DRIVE
 (PROPERTY OF JUDGE CREEK)

LOT 3 NORTHGATE TERRACE SECTION ONE (M/MS)
 TOM E. NELSON, JR. et al.
 7/24/2008 - 10/17/08



LOT 2 AND RESUBDIVISION OF LOT 2, NORTHGATE TERRACE SECTION ONE
 15/06/2011 M/17/MS



01 NEW ARCHITECTURAL SITE PLAN

ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.

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ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.

COLONY CREEK DRIVE
 (BY RIGHT)

DATE OF MEETING: November 11, 2010