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

DATE: Monday, August 8, 2011	CASE NUMBER: C15-2011-0086
Jeff Jack Michael Von Ohlen Nora Salinas Bryan King Leane Heldenfels, Chairman Clarke Hammond, Vice Chairman	
Heidi Goebel	
ABBLIOANT B OTLI	

APPLICANT: Douglas Gibbins

OWNER: Zod Bozurgmehr

ADDRESS: 201 34TH ST

VARIANCE REQUESTED: <u>201 E 34th Street</u> — The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-774 (B) from 7,000 square feet to 5,871.2 square feet in order to subdivide one lot into two lots and maintain a two-family residential use in an "SF-3-NCCD-NP", Family Residence — Neighborhood Conservation Combining District — Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 18 feet 11 inches in order to subdivide one lot into two lots and maintain a two-family residential use in an "SF-3-NCCD-NP", Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 6 feet 6 inches in order to subdivide one lot into two lots and maintain a two-family residential use in an "SF-3-NCCD-NP", Family Residence — Neighborhood Conservation Combining District — Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4 feet 10 inches in order to subdivide one lot into two lots and maintain a two-family residential use in an "SF-3-NCCD-NP", Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 8 feet 5 inches in

order to subdivide one lot into two lots and maintain a two-family residential use in an "SF-3-NCCD-NP", Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

3307 Helms Street – 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 2,980.5 square feet in order to subdivide one lot into two lots and maintain a single-family residence use in an "SF-3-NCCD-NP", Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 9 feet 2 inches in order to subdivide one lot into two lots and maintain a single-family residence use in an "SF-3-NCCD-NP", Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 1 foot in order to subdivide one lot into two lots and maintain a single-family residence and detached garage use in an "SF-3-NCCD-NP", Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

BOARD'S DECISION: POSTPONED TO October 10, 2011 FOR FURTHER DISCUSSION BETWEEN APPLICANT AND NEIGHBORHOOD ASSOCIATIONS

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

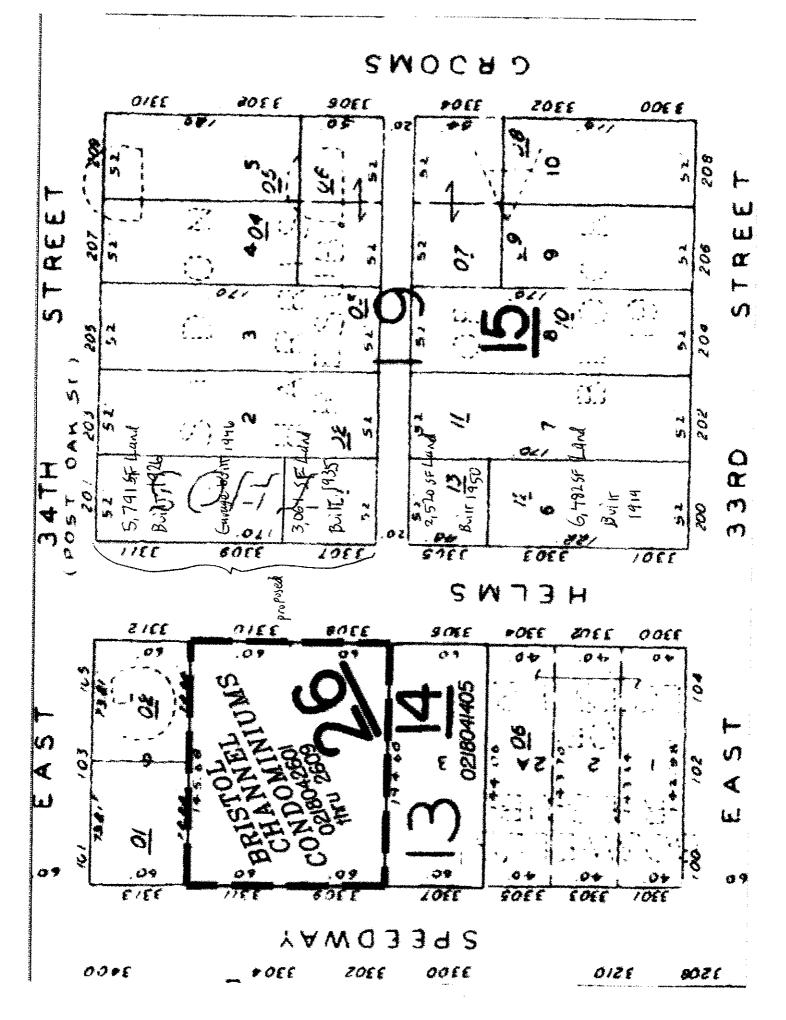
Executive Liaison

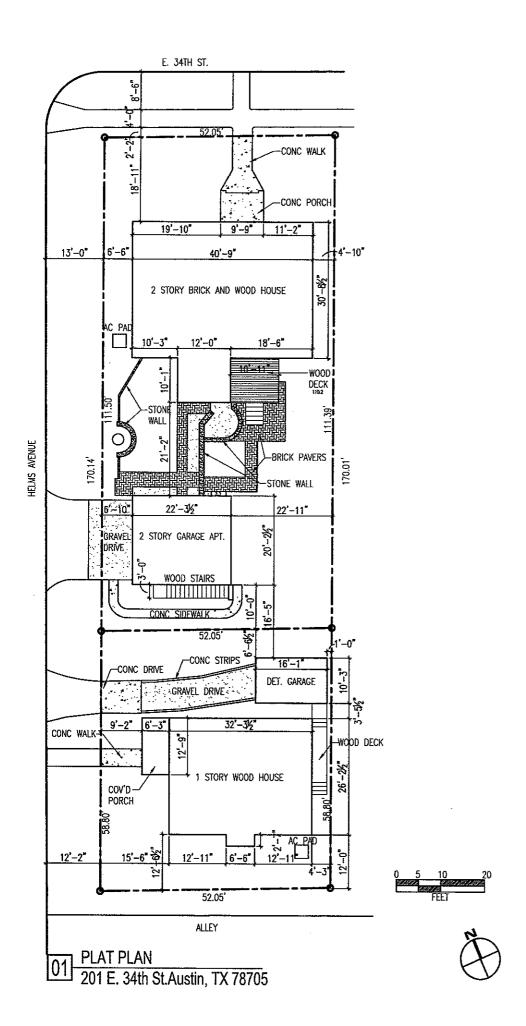
₋eane Heldenfels

Chairman

"September 20, 2011

Impervious Cover Calcu Address: 201 E. 34th St. Austin, TX 78705	lator	Lot Total Area (S N. Lot S. Lot	F) 8852 5791.46 3060.54
Impervious Cover	<u>Measure</u>	<u>Adjustme</u>	nt Subtotal
N. House			1372.3
Conc Porch			35.5
N. Sidewalk			71.0
Deck	110.2	50'	% 55.1
N. AC pad			9.0
Garage			450.5
Garage Stairs	51	509	
Garage Conc walk			78.7
N. Paver walkway N. Stone Walls			283.4
North Subtotal			59.7
North Subtotal			2440.7
S. House			863.3
Covered Porch			80.0
S. Garage			165.3
Conc Walk			36.8
S. AC Pad			9.0
Conc Drive			65.4
Conc Strips			22.0
Deck	68.5	50%	% 34.3
South Subtotal			1276.1
North+South Total			3716.8
% Totals			
	Maximum		
	Impervious	_	
	Coverage for SF-3	Impervious	
	<u> </u>	Coverage Ratio	Meets
Whole Lot	45%	42.0%	Standards
		F-444	Meets
N. Portion	45%	42.1%	Standards
S. Portion	45%	41.7%	Meets Standards
	Maximum		
	Building		
	Coverage for	Impervious	
<u> </u>	SF-3	Coverage Ratio	Meets
Whole Lot	40%	31.2%	Standards
	***************************************	7	Meets
N. Portion	40%	31.5%	Standards
0 D "			Meets
S. Portion	40%	33.6%	Standards





ORDINANCE NO. 20081120-026

AN ORDINANCE AMENDING ORDINANCE NO. 040826-58 TO CLARIFY CERTAIN USES IN THE COMMERCIAL DISTRICT AND CORRECT AN EXHIBIT FOR THE PROPERTY GENERALLY IDENTIFIED AS THE RESIDENTIAL DISTRICT LOCATED WITHIN THE NORTH UNIVERSITY NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN AREA, AND REZONING AND CHANGING THE ZONING MAP FROM NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (NCCD-NP) COMBINING DISTRICT TO NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (NCCD-NP) COMBINING DISTRICT.

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

PART 1. Ordinance No. 040826-58 (the "Original Ordinance") zoned property and established a neighborhood conservation-neighborhood plan combining district to approximately 234.87 acres of land in the City of Austin, Travis County, Texas, generally known as the North University conservation-neighborhood plan combining district ("NUNA") and more particularly described and identified in Zoning Case No. C14-04-0022. The Original Ordinance was amended by Ordinance No. 20070111-077 in Zoning Case No. C14-06-0186.

PART 3. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from neighborhood conservation-neighborhood plan (NCCD-NP) combining district to neighborhood conservation-neighborhood plan (NCCD-NP) combining district on approximately 234.87 acres of land described in Zoning Case No. C14-04-0022, on file at the Neighborhood Planning and Zoning Department, and generally identified in the map attached as Exhibit "A" incorporated into this ordinance, (the "Property"), 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.

PART 4. The Original Ordinance is amended as shown in this Part.

A. District 1A was inadvertently omitted from Exhibit "C" of the Original Ordinance. A new Exhibit "C" that identifies this District 1A is substituted for the original Exhibit "C" and made a part of the Original Ordinance. It is attached to this ordinance as Exhibit "B".

- B. A group residential use is prohibited in the San Jacinto District as reflected in Part 5 Section 1(c) of the Original Ordinance. In Part 5(2) the NUNA NCCD Districts table for the commercial zoning districts is amended to remove the P designation for group residential use under the column labeled San Jacinto 4, as shown below in this Part 4.
- C. An off-site accessory use is a conditional use in the Adams Park 3 district and a permitted use at 3000 Hemphill Park only in the Adams Park 3A district. This use designation was inadvertently reversed in the NUNA NCCD Districts table. The table is amended to correct this error as shown below in this Part 4.

NUNA NCCD DISTRICTS	Speedway 2	Speedway 2	Speedway 2A	Adams Park 3	Adams Park 3A	San Jacinto 4	Guada- lupe 5	Transition 6
	CS/LR	LO/NO						
Residential Uses								
Bed & Breakfast (Group 1)	Р	Р	P	Р	Р	Р	Р	Р
Bed & Breakfast (Group 2)	Р	Р	Р	Р	Р	Р	Р	Р
Condominium Residential	ρ	Р	Р	Р	Р	Р	С	Р
Duplex Residential		Р	Р	P				Р
Group Residential	-4		Р	P(2)	P(5)	Þ	P	
Mobile Home Residential								
Multifamily Residential	Р		Р	Р	Р	Р	Р	Р
Retirement Housing (Small Site)	Р	P	Р	Р	Р	Р	Р	P
Retirement Housing (Large Site)	С		С	С	С	c	Р	С
Single-Family Attached Residential	••	-u						
Single-Family Residential	Р	Р	Р	Ρ	Р	Р		Р
Small Lot Single-Family Residential	**		Р	**				
Townhouse Residential	**	Р	Р	Р				
Two-Family Residential	Р	Р	Р	Р	Р	Р		Р
Commercial Uses	2	2	2A	3	3A	4	5	6
Administrative and Business Offices	Р	P	Р	Р	Р	·p	Р	Р

NUNA NCCD DISTRICTS	Speedway 2	Speedway 2	Speedway 2A	Adams Park 3	Adams Park 3A	San Jacinto 4	Guada- lupe 5	Transition 6
Agricultural Sales and								
Services			••					
Art Gallery	Р		Р		Р	Р	Р	
Art Workshop			Р	**	Р	С	Р	P
Automotive Rentals							P(2)	
Automotive Repair Services							P(2)	
Automotive Sales							P(2)	• •
Automotive Washing (of any type)							P(2)	
Building Maintenance Services								
Business or Trade School		••	Р		С	С	С	
Business Support Services					P(1)	P(1)	P(2)	
Campground								
Carriage Stable								
Cocktail Lounge					P(10)	C(2)		••
Commercial Blood Plasma Center								
Commercial Off-Street Parking	<u></u>	4-6						(
Communications Services	Р		P		Р	Р	Р	Р
Construction Sales and Services								
Consumer Convenience Services	Р		Р		Р	Р	Р	••
Consumer Repair Services	Р		Р		Р	Р	Р	
Convenience Storage								
Drop-Off Recycling Collection Facility			-	••				
Electronic Prototype Assembly			Р					***
Equipment Repair Services								
Equipment Sales								
Exterminating Services								

NUNA NCCD DISTRICTS	Speedway 2	Speedway 2	Speedway 2A	Adams Park 3	Adams Park 3A	San Jacinto 4	Guada- lupe 5	Transition 6
Financial Services	••		Р				Р	
Food Preparation	Р		P		Р	P	Р	
Food Sales	P(4)		Р		P(4)	P/C	P(3)	
Funeral Services				-				
General Retail Sales (Convenience)	Р		Р		Р	Р	P	
General Retail Sales (General)	P/C(13)		Р		Р	Р	P	
Hotel-Motel	Р		Р	**	Р	Р	Р	С
Indoor Entertainment			Р					
Indoor Sports and Recreation			Р		С	С	С	
Kennels								
Laundry Services						4.0	P(11)	
Liquor Sales							P(10)	
Marina								
Medical Offices								
Exceeding 5000 sq. ft. gross floor area			P(6)		С	С	Р	
Medical Offices								
not exceeding 5000 sq. ft. gross floor area	Р		р		Р	Р	Р	·
Monument Retail Sales								
Off-Site Accessory Parking			С	P(12) <u>C</u>	P(12) G	С	С	
Outdoor Entertainment								
Outdoor Sports and Recreation		••			С		С	•••
Pawn Shop Services			P(4)					
Personal Improvement Services	P		Р		Р	Р	р	
Personal Services	Р		Р		Р	Р	P	Р
Pet Services			Р		Р	P	Р	
Plant Nursery					С	С	С	
Printing and Publishing							Р	

NUNA NCCD DISTRICTS	Speedway 2	Speedway 2	Speedway 2A	Adams Park 3	Adams Park 3A	San Jacinto 4	Guada- lupe 5	Transition 6
Professional Office	P	Р	Р	Р	Р	Р	Р	
Recreational Equipment Maint. & Stor.								
Recreational Equipment Sales								
Research Assembly Services								
Research Services		•	Р			**		
Research Testing Services					~-			
Research Warehousing Services								
Restaurant (General)	P(4)		P/C(7)		þ	Р	Р	
Restaurant (Limited)	Р		Р		Р	Р	Р	
Scrap and Salvage				*-				
Service Station			P(8)				P(2)	
Software Development	Р	Р	Р	Р	Р	ρ	Р	Р
Special Use Historic	С		c		С	С	Р	С
Stables								
Theater	P/C(13)		Р	<u></u>	Р	Р	Þ	
Vehicle Storage								••
Veterinary Services	P(4)		P(4)				Р	
ndustrial Uses	2	2	2A	3	3A	4	5	6
Basic Industry								
Custom Manufacturing	P(4)		P(4)		P(4)	P(4)	P(4)	
General Warehousing and Distribution								7-2
ight Manufacturing	<u></u>							
imited Warehousing and Distribution	••							
Recycling Center				••				
Resource Extraction								
Jrban Farm	Р	Р	P	Р	Р			Р
All Other Agricultural Uses								

NUNA NCCD DISTRICTS	Speedway 2	Speedway 2	Speedway 2A	Adams Park 3	Adams Park 3A	San Jacinto 4	Guada- lupe 5	Transition 6
Civic Uses	2	2	2A	3	3A	4	5	6
Administrative Services	P(4)	Р	P(4)	Р	Р	Р	Ρ	Р
Aviation Facilities								
Camp								
Cemetery		•-						
Club or Lodge						 .		
College and University Facilities			С			С	С	
Communication Service Facilities	С		Р		С	С	С	
Community Events							44	
Community Recreation (Private)			P(9)		С	С	С	
Community Recreation (Public)					С	С	С	
Congregate Living		С	С	С				
Convalescent Services								
Convention Center								
Counseling Services							Р	
Cultural Services	Р		Р		Þ	Р	Р	С
Day Care Services (Commercial)	С	С	С	С	С	С	С	
Day Care Services (General)	С	Р	С	Р	С	С	Р	
Day Care Services (Limited)	Р	Р	P	Р	Р	Р	Р	Р
Detention Facilities								
Employee Recreation								
Family Home		Р	Р	Р	Р	Р	Р	Р
Group Home, Class I (General)			Р	С	С	С	С	C
Group Home, Class I (Limited)			Р	Р	Р	Р	Р	Р
Group Home, Class II			С				С	
Guidance Services			С				С	
lospital Services								

NUNA NCCD DISTRICTS	Speedway 2	Speedway 2	Speedway 2A	Adams Park 3	Adams Park 3A	San Jacinto 4	Guada- lupe 5	Transition 6
(General)							iape o	
Hospital Services (Limited)			Р				С	
Local Utility Services	С	С	С	С	С	С	С	С
Maintenance and Service Facilities	4							
Major Public Facilities		<u></u>						
Major Utility Facilities								
Military Installations		[
Park and Recreation Services (General)								
Park and Recreation Services (Special)				44				
Postal Facilities	С		С				С	
Private Primary Educational Facilities			С	С	С	С	С	С
Private Secondary Educational Facilities				С	С	С	С	С
Public Primary Educational Facilities				С	Р	Р	Р	Р
Public Secondary Educational Facilities	•			С	Р	Р	Р	Р
Railroad Facilities								
Religious Assembly	Р	Р	Р	Р	Р	Р	Р	Р
Residential Treatment			С	С				
Safety Services	С		С	<u></u>	С	С	С	
Fransitional Housing							С	
Fransportation Terminal								
All other Civic Uses								
1) Limited to 5,000 Gross Square Feet			· .					
2) Limited to south of 29th St.								
3) Limited to 10,000 Gross Square Feet								
4) Limited to 2,500 Gross Square Feet								

NUNA NCCD DISTRICTS	Speedway 2	Speedway 2	Speedway 2A	Adams Park 3	Adams Park 3A	San Jacinto 4	Transition 6
(5) South of 30th St. only							
(6) Limited to 8,000 Gross Square Feet							-
(7) Conditional over 3500 Square Feet							
(8) Limited to 2,000 Gross Square Feet							
(9) Indoor only							
(10) Limited to CS-1 only							
(11) Permitted only at 3001 Guadalupe							 74.5
(12) Permitted at 3000 Hemphill Park only				•			
(13) P under 5,000GSF - C over 5,000 SF per tenant							

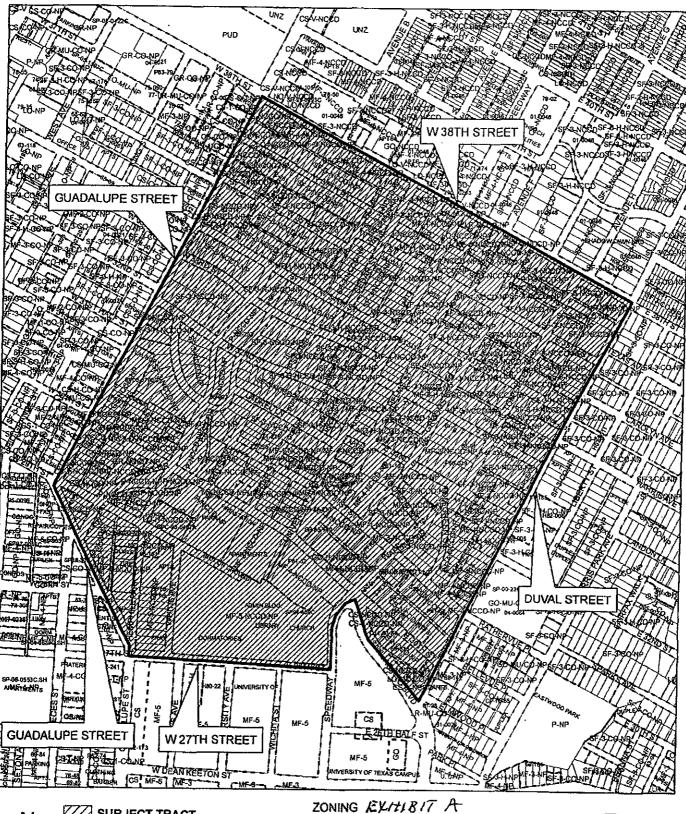
PART 5 Except as otherwise specifically provided in this ordinance, the Property in the NUNA plan area is subject to Ordinance No. 040826-58, as amended, that established the North University neighborhood conservation-neighborhood plan combining district.

PART 6. This ordinance takes effect on December 1, 2008.

PASSED AND APPROVED

November 20 , 2008	§ Win Wy
•	Will Wynn Mayor
APPROVED: David Allan Smith City Attorney	ATTEST: Work Serie for Shirley A. Gentry City Clerk

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SUBJECT TRACT

ZONING BOUNDARY



PENDING CASE

ZONING CASE#: C14-04-0022

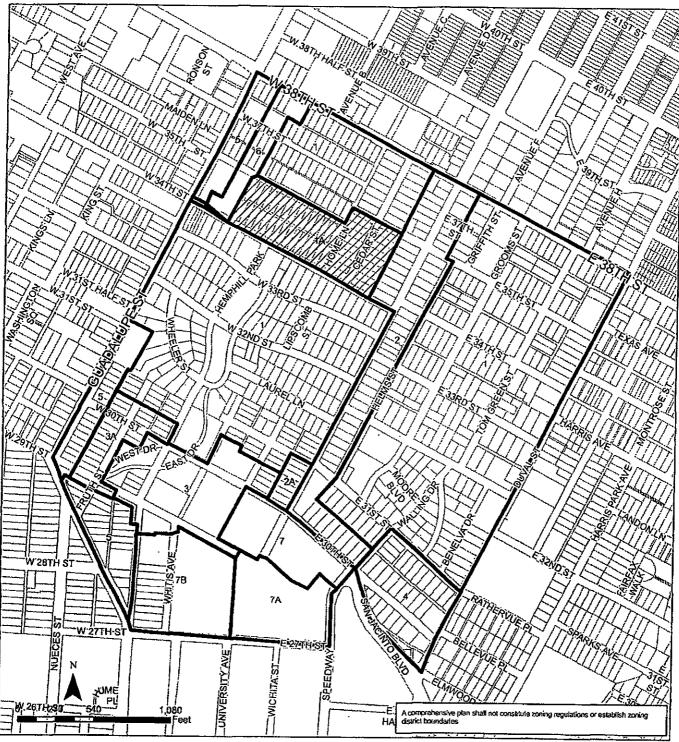
ADDRESS: NORTH UNIVERSITY NCCD. SUBJECTAREA: 234.870 ACRES

GRID: J24 & J25

MANAGER: W. RHOADES







North University Neighborhood **Conservation Combining District**

This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sale purpose of assisting in neighborhood planning discussions and decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

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City of Austin Neighborhood Planning and Zoning Dept.
Created on 10/03/2008
Replaces Exh "C"of Ord." 040 \$26-58

Key to Districts

1, Residential District East 1A, Residential District West

2-2A, Speedway District

3-3A, Adams Park District

6, Transition District

7, 7A, 7B Waller Creek/Seminary

5, Guadalupe District Central

EXHIBIT B

4, San Jacinto District

the soid premises unto the soid S. M. Alexender and wife, Ore Planteth Alexander, their consulty claiming or to claim the ser

any Post thereof.

Witness by hands this the 4th day of Jenuary, 1966.

L. C. Purnell

.10 U. S. Int. Rev. Stemps Con .

Lours May Purnell

STATE OF THEAS

NTY OF TRAVIS

Before me, the undersigned athority, on this day personally forest L. C. Turnell we to me to be the person whose me is subscribed to the trans in expense. nowledged to me the be executed the one for the purpose ond consideration therein

: and slao before ne on this day policy life of C. Purnell, known to me to be the person whom is subscribed to ... foreging trument, and having been exemined by me proving an apport from her husband, and having send fully explained to her, she, the feld tours my legell, coknowledged such trument to be her set and deed and declared that she had walingly signed the same for purposes and consideration merein expressed, and that she did by wish to retuct is on under my nend seed of office, this the loth day of Jenney, A. D. 1966

Vivien Stuert

otary Seal)

Notery Public, Trevis County, Texas

led for 2 and Jan. 10, 1946 at 3:15 P. M. Becarded Jan. 15, 1946 at 5:00 P.

ANYTH OF WARE

COUNTY OF TRAVES

KNOW ALL MEN BY THESE PRESENTS:

That I, ada Horton Huck, a widow, of Travis County, Texas, for and in consideration the natural love and affection which I have and bear for Catherine Hugh Smothers, wife or George Smothers, have granted, sold and conveyed and by these presents do grant, well and convey unto the seld Catherine Huck Smothers, of the County of Travis, in the State of Toxes, as here separate property and estate, all that certain tract of percel of land lyin and being situated in the City of Austin, Travis County, Texas, and described as follows, townit:

The North forty-eight (48) feet of Lot No. Siz (6) in Blook No. Nireteen (19) in Groces Addition in the City of Austin, Travis County, Texas, seconding to the map or plat of eals Addition recorded in Book 1, at page 59, of the Plat Records of Trevis County.

Texes, and being economicon of the sems property conveyed Rd. R. Buck by warranty deed or W. L. Bredfield et ux., deted November 4, 1927, of regard in Travia County, past Records. seld map or plat and said deed and the records thereof reference is here made for descrip

To have end to hold the above described presises, together with all and singular, rights and appurtenances thereto in anywise belonging, unto the said Counter above named, her separate property and estate, her helps or seatens, forever, and I do hereby blad ay my being, executors, and administrators to Warrant and Forever Defend, ell and singular, (arid presises upto the said Greatee, her heirs and semigne, against every person whosever lewfully element or to claim the same, or any part thereof.

Witness my hand this 21st day of December, A.D. 1945.

Ade Horton Husk

THE STATE OF THE AS

CUCKET OF THAVES

Before me, the undersigned suthcrity, on this day personally appeared Ade Horton Fuck, a widow, known to as to be the person whose ness is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consiseretion therein expressed.

Given under my hand and seel of office, this list day of December, A. D. 1945. Jene Sumere

(Notery Seal)

Notery Public in and for De la County, Teme Filed for Record Jen. 10, 1946 at 5:50 P. M. Recorded Jen. 15, 1946 at 5:15 P. M.

COLVERNING

KNOW ALL MEN BY THESE PRESENTS:

That The Lene Meler, a feme sole, of Trevis County, Texas, of the sum of Mitte standard and No/100 Dollars (\$1500.00) coats to head paid b the Grentee hereinsites name the receipt of which is here acknowled, and confes and for the payment of which no hat or lien, expended or implied, is retained, and further sum of Twenty-five Hundred and No. (\$2500,00) secured to be paid in eccordence with one certain promiseco purchase more note, of even dete herenith, ex by the Grantee herein, payable my request to the order the Austin Mational British Austin, T-xee, which in oution has this day edvenced to me the value of said the principal of note being payable in annual installments of \$250,000 more, the first and installments being due and payable on the lat day of January, installment of \$250.00 or more being due and payable on the lat day of Je

Walker, Susan

From:

Steven Tomlinson [steven@abporter.org]

Sent:

Monday, August 08, 2011 5:45 PM

To: Subject:

Douglas Gibbins; Mary Ingle; Laurence Miller; Walker, Susan Re: 201 E. 34th St - Board of Adjustment request to subdivide

Dear Susan Walker:

The North University Development Review Committee has voted unanimously to support Mr. Gibbins' request for the minimum set of variances needed to subdivide this property as the owners are requesting.

Mr. Gibbins and his clients and NUNA have all agreed that the variances granted should limit the 1' setback to the garage only and that the applicants waive any bonus FAR.

If these conditions are met, NUNA supports the minimum set of variances needed to subdivide this project.

Mary Ingle will be representing NUNA at the BOA hearing this evening.

Yours,

Steven Tomlinson

Chair, NUNA Development Review Committee Vice President NUNA acting in absence of President Laurence Miller

On Aug 5, 2011, at 3:20 PM, Douglas Gibbins wrote:

> Steven, Karen, Mary, Laurence, and Susan, > Please consider this my request to the COA's Board of Adjustment to > waive the bonus FAR for the entire property and have the 1' setback > apply only to the small and southern most garage (to be a part of the > future lot known as 3307 Helms) shown in the attached file "201 E 34th > Impervious Cover Drawing.2.pdf". > Susan Walker, is my understanding from our conversations that updates > to variance requests can be forwarded to the Board of Adjustment > members prior to the the hearing and that your office does this? > Also, have you identified which of the setback requirements written in > the 7/28/11 public notice are not required due to yard setback > averaging for the neighborhood? > Is it looking like the only variances needed are for the size of the > lots and the 1' setback on the on the garage? > Attached are the impervious cover and maximum building coverage > ratios. The improvements meet the requirements. > Douglas Gibbins > 512-587-1950 ph > For the property located > 201 E. 34th Street > Austin, TX 78705 > On Sat, Jul 30, 2011 at 11:22 AM, Steven Tomlinson <steven@abporter.org> wrote:

> On Sat, Jul 30, 2011 at 11:22 AM, Steven Tomlinson <steven@abporter.org> wrote:
>> Thanks for this note, Douglas. Let me see if we can get our Development Review
Committee and Executive Committee to take action online this upcoming week.
>>

>> Do you have a copy of the variance request updated to reflect the modifications — waive bonus FAR and 1' setback for garage only? As soon as I can forward this to the committee's I can request a motion and vote to support.

```
>> Steven
>> 512.576.2760.
>>
>> On Jul 29, 2011, at 1:35 PM, Douglas Gibbins wrote:
>>
>>> Karen, Mary, Laurence, Steven and Susan,
>>>
>>> The owners of the property would accept an amendment waiving the
>>> bonus FAR as well as one establishing the 1' setback to apply only
>>> to the existing garage at 3307 Helms. Greater impervious cover is
>>> not being requested.
>>>
>>> The existing improvements meet current impervious requirements both
>>> with the existing lots as well as if the variance is granted.
>>> Specifically, the north lot would have 5,871.2 sf with 2,440.7 SF of
>>> impervious cover = 41.57% and the south lot would have 2,980.3 SF
>>> with impervious cover of 1,276 SF 42.816%. For SF -3 lots the
>>> maximum impervious cover is 45%. Likewise the existing improvements
>>> meet the maximum building coverage limit. Hence, these issues are
>>> not mentioned in the notice letter.
>>> If any of you have concerns please let me know. We want to reach a
>>> collaborative solution so are going through this process with the
>>> BOA as per your guidance and previous offers of support.
>>>
>>> Douglas Gibbins
>>> 512-587-1950 ph
>>>
>>>
>>>
>>>
>>> On Wed, Jul 27, 2011 at 9:03 PM, Karen McGraw <mcgrawka@earthlink.net> wrote:
>>>> I am sending some notes because I believe this case sets some precedents for creating
small lots and i think the posting is somewhat incorrect as some of the setback variances
are not required.
>>>>
>>>> I personally think that memorializing condo regimes with substandard lot
subdivisions is a slippery slope. There are many of these situations in NUNA. It is kind
of a way to go backwards in time to lesser regulations. It is perfectly legal to maintain
the property the way as it is. The Condo regime is permitted under state law and has
nothing to do with local zoning and subdivision rules.
>>>>
>>>> The current lot which is 8,851 SF permits a total .4/1 FAR of 3,540 SF of buildings.
Creating the 2,980 SF substandard lot means that this tiny lot will qualify for a bonus
FAR of 2,300 SF. This would draw attention to it as a site to demo and put up a much
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larger structure. I know the owner is not interested in that today - but we have a saying in Hyde Park - "we don't zone people, we zone land". With the subdivision, the building limits will be 2,348 for the front lot and 2,300 for the rear lot or a total of 4,648 SF. So this variance could convey an additional 1,100 SF of building rights to this owner. >>>> Should NUNA want to support this, at least request that the BoA limit the FAR on the

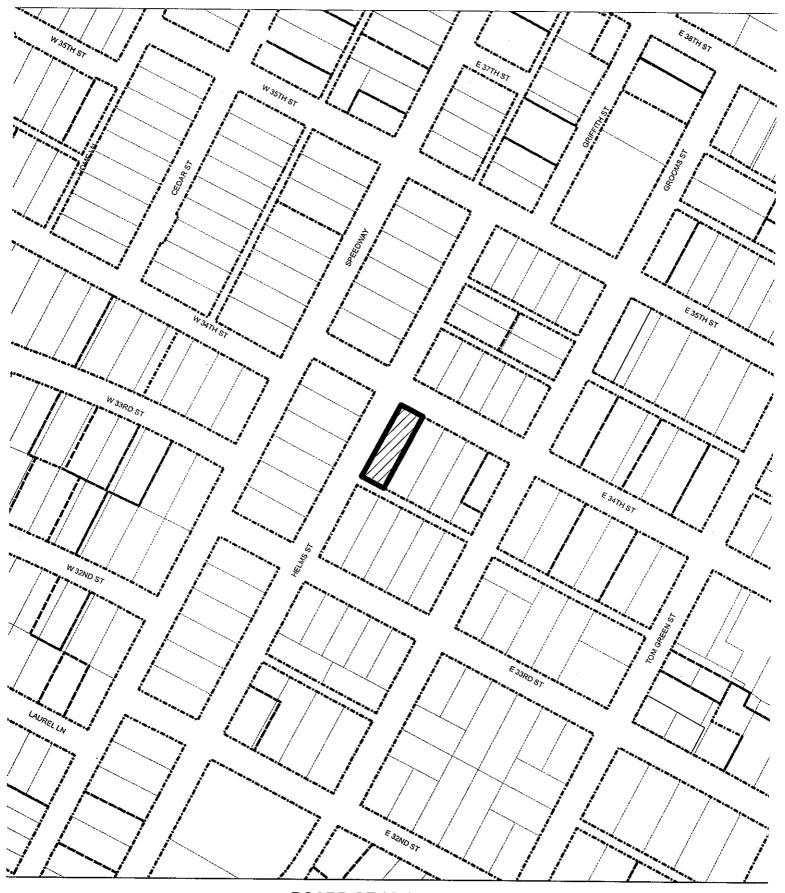
small lot to .4 FAR or 1,192 SF - not 2,300 SF. This 1,192 SF for the small lot in addition to the 2,348 for the front lot results in the total allowed to remain the same as today - 3,540 SF.

>>>> I do not see any information about impervious cover on the plans or notice. Is greater impervious cover being requested?

>>>> Also, since the front and street side yard setbacks are averaged in the North University NCCD, these setbacks do not require variances. Staff should be aware of this. These setbacks are not considered non-complying. Sylvia Benavidez answered this question for me recently. >>>>

>>>> The 1' setback being requested should be only for the garage - not for the entire lot line and not for the house. The way it is written I think it could apply to the house or a future (2,300 SF) house. >>>>

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>>>>
>>>> Karen McGraw AIA
>>>> 4315 Avenue C
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>>>>
>>>>
>>>>
>>>> On Jul 27, 2011, at 11:24 AM, Douglas Gibbins wrote:
>>>>
>>>> <Board of Adjustment Hearing Notice.DOC>
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> --
> <201 E 34th Impervious Cover Drawing.2.pdf><Impervious
> calculations.2.pdf>
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BOARD OF ADJUSTMENTS

CASE#: C15-2011-0086

LOCATION: 201 EAST 34TJ ST & 3307 HELMS ST

GRID: J25

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.

US-2011-0086

From:

Douglas Gibbins [douglas.gibbins@gmail.com]

Sent:

Friday, August 05, 2011 3:21 PM

To:

Steven Tomlinson

Cc: Subject: Karen McGraw; mary ingle; Laurence Miller; Walker, Susan Re: 201 E. 34th St - Board of Adjustment request to subdivide

Attachments:

201 E 34th Impervious Cover Drawing.2.pdf; Impervious calculations.2.pdf





201 E 34th Impervious npervious Cover Dr.calculations.2.pdf ...

Steven, Karen, Mary, Laurence, and Susan,

Please consider this my request to the COA's Board of Adjustment to waive the bonus FAR for the entire property and have the 1' setback apply only to the small and southern most garage (to be a part of the future lot known as 3307 Helms) shown in the attached file "201 E 34th Impervious Cover Drawing.2.pdf".

Susan Walker, is my understanding from our conversations that updates to variance requests can be forwarded to the Board of Adjustment members prior to the the hearing and that your office does this?

Also, have you identified which of the setback requirements written in the 7/28/11 public notice are not required due to yard setback averaging for the neighborhood?

Is it looking like the only variances needed are for the size of the lots and the 1' setback on the on the garage?

Attached are the impervious cover and maximum building coverage ratios. The improvements meet the requirements.

Douglas Gibbins 512-587-1950 ph For the property located 201 E. 34th Street Austin, TX 78705

On Sat, Jul 30, 2011 at 11:22 AM, Steven Tomlinson <steven@abporter.org> wrote: > Thanks for this note, Douglas. Let me see if we can get our Development Review Committee and Executive Committee to take action online this upcoming week.

> Do you have a copy of the variance request updated to reflect the modifications — waive bonus FAR and 1' setback for garage only? As soon as I can forward this to the committee's I can request a motion and vote to support.

> Steven

> 512.576.2760.

> On Jul 29, 2011, at 1:35 PM, Douglas Gibbins wrote:

>> Karen, Mary, Laurence, Steven and Susan,

>>

>> The owners of the property would accept an amendment waiving the

>> bonus FAR as well as one establishing the 1' setback to apply only to

>> the existing garage at 3307 Helms. Greater impervious cover is not

>> being requested.

>>

>> The existing improvements meet current impervious requirements both

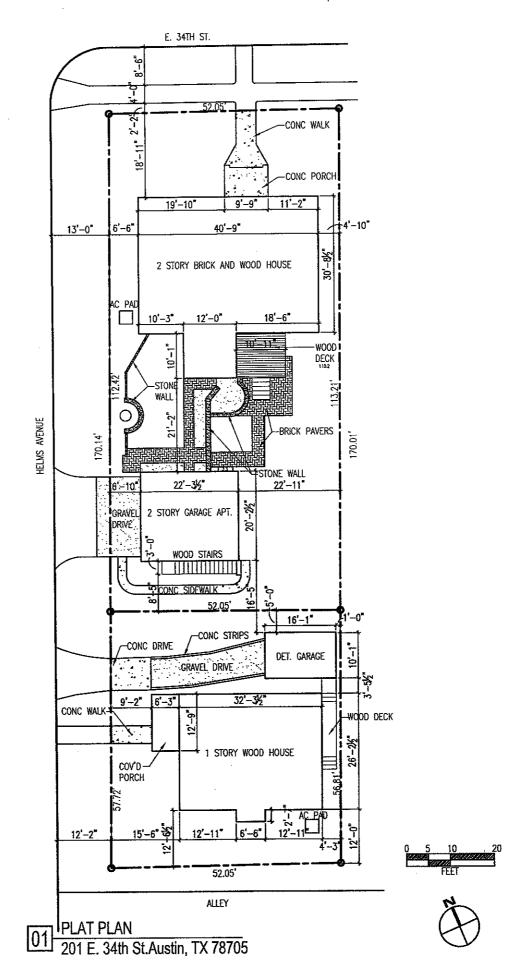
>> with the existing lots as well as if the variance is granted.

>> Specifically, the north lot would have 5,871.2 sf with 2,440.7 SF of

(15-2011-0084

```
>> impervious cover = 41.57% and the south lot would have 2,980.3 SF
>> with impervious cover of 1,276 SF 42.816%. For SF -3 lots the
>> maximum impervious cover is 45%. Likewise the existing improvements
>> meet the maximum building coverage limit. Hence, these issues are
>> not mentioned in the notice letter.
>>
>> If any of you have concerns please let me know. We want to reach a
>> collaborative solution so are going through this process with the BOA
>> as per your guidance and previous offers of support.
>>
>> Douglas Gibbins
>> 512-587-1950 ph
>>
>>
>>
>>
>> On Wed, Jul 27, 2011 at 9:03 PM, Karen McGraw <mcgrawka@earthlink.net> wrote:
>>> I am sending some notes because I believe this case sets some precedents for creating
small lots and i think the posting is somewhat incorrect as some of the setback variances
are not required.
>>>
      personally think that memorializing condo regimes with substandard lot subdivisions
>>> I
is a slippery slope. There are many of these situations in NUNA. It is kind of a way to go
backwards in time to lesser regulations. It is perfectly legal to maintain the property
the way as it is. The Condo regime is permitted under state law and has nothing to do with
local zoning and subdivision rules.
>>> The current lot which is 8,851 SF permits a total .4/1 FAR of 3,540 SF of buildings.
Creating the 2,980 SF substandard lot means that this tiny lot will qualify for a bonus
FAR of 2,300 SF. This would draw attention to it as a site to demo and put up a much
larger structure. I know the owner is not interested in that today - but we have a saying
in Hyde Park - "we don't zone people, we zone land". With the subdivision, the building
limits will be 2,348 for the front lot and 2,300 for the rear lot or a total of 4,648 SF.
  So this variance could convey an additional 1,100 SF of building rights to this owner.
>>> Should NUNA want to support this, at least request that the BoA limit the FAR on the
small lot to .4 FAR or 1,192 SF - not 2,300 SF. This 1,192 SF for the small lot in
addition to the 2,348 for the front lot results in the total allowed to remain the same as
today - 3,540 SF.
>>> I do not see any information about impervious cover on the plans or notice. Is greater
impervious cover being requested?
>>>
>>> Also, since the front and street side yard setbacks are averaged in the North
University NCCD, these setbacks do not require variances. Staff should be aware of this.
These setbacks are not considered non-complying. Sylvia Benavidez answered this question
for me recently.
>>>
>>> The 1' setback being requested should be only for the garage - not for the entire lot
line and not for the house. The way it is written I think it could apply to the house or a
future (2,300 SF) house.
>>>
>>>
>>> Karen McGraw AIA
>>> 4315 Avenue C
>>> Austin, TX 78751
>>> 512-917-1761 cell
>>>
>>>
>>>
>>>
>>>
>>> On Jul 27, 2011, at 11:24 AM, Douglas Gibbins wrote:
>>>
>>>> <Board of Adjustment Hearing Notice.DOC>
>>>
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>>>



C15-201-0086

"August 1, 2011

Le	ot Total Area (SF)	8852
N	5871.2	
S	. Lot	2980.3
<u>Measure</u>	<u>Adjustment</u>	Subtotal
		1372.3
		35.5
		71.0
110.2	50%	55.1
		9.0
		450.5
51	50%	25.5
		78.7
		283.4
		59.7
		2440.7
		863.3
		80.0
		165.3
		36.8
		9.0
		65.4
		22.0
68.5	50%	34.3
00.0	23,0	1276.1
		3716.8
	N	110.2 50% 51 50%

% Totals				
	Maximum			
	Impervious			
	Coverage for	Impervious		
	SF-3	Coverage Ra	tio	
				Meets
Whole Lot	45%		42.0%	Standards
				Meets
N. Portion	45%		41.6%	Standards
				Meets
S. Portion	45%		42.8%	Standards
	Maximum			
	Building			
•	Coverage for	Impervious		•
	SF-3	Coverage Ra	tio	
	_	-		Meets
Whole Lot	40%		31.2%	Standards
				Meets
N. Portion	40%		31.0%	Standards
				Meets
S. Portion	40%		34.5%	Standards
J. 1 J. 1.011	1070			

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.

THENETONE, WE OBJECT TO THE VARIANCES. 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 WITH THE HOMES IN THE NEIGHBOD, City of Austin-Planning & Development Review Department/ 1st Floor ☐ I am in favor Case Number: C15-2011-0086 - 201 E 34th St & 3307 Helms St Comments: THE ADDITIONAL FAMILY RESIDENCE 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 XI object THE SMALLER LOT IS NOT CONSISPENT WILL IMPACT NEIGHBUR HOSS PARKING Public Hearing: Board of Adjustment, August 8th, 2011 If you use this form to comment, it may be returned to: 512-917-0770 Contact: Susan Walker, 512-974-2202 P Your address(es) affected by this applig Signature 204 E 35Th Phillip Hompa Austin, TX 78767-1088 Your Name (please print) Daytime Telephone: listed on the notice. P. O. Box 1088 Susan Walker

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Case Number: C15-2011-0086 – 201 E 34th St & 3307 Helms St Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, August 8th, 2011

ROBERT KALER
Your Name (please print)

✓ I am in favor □ I object

207月光柱

Your address(es) affected by this application

Je of Lagarane

8-2-11

Daytime Telephone: 516. 322, 364

Comments: NVNA HAG MANY LOTA WINA 3
UNITO ON THEM. THE PROPER MA
16 THE CITY CLAPPIE 1ED THEM AG
MULTIFAMILY AND THAT VOIDE
THE COMPATIBILITY RECUIREMENTS
ON ADJO WING LOTA, THIS GOLVED
THAT PIG PROPILED

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

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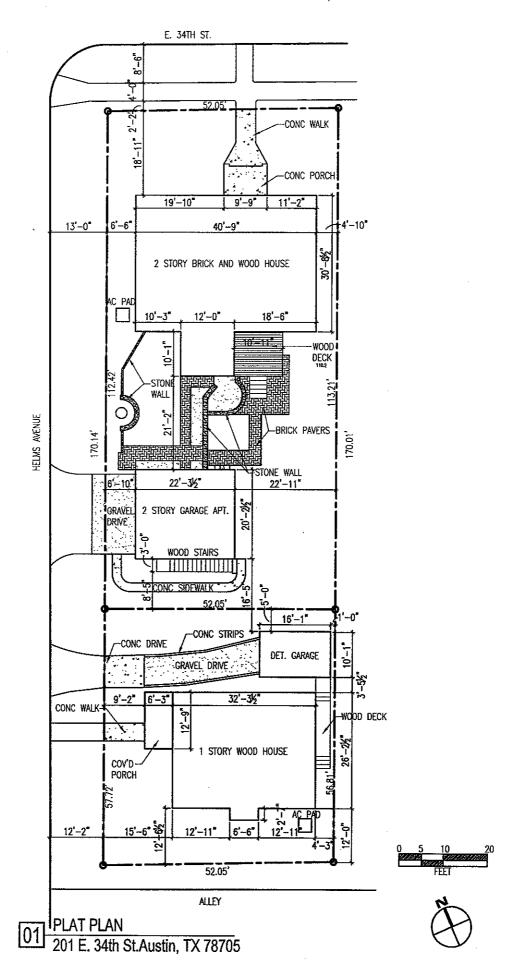
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If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # (1)-2011-0086 ROW # 10 62.1759
CITY OF AUSTIN TP-0218041501 APPLICATION TO BOARD OF ADJUSTMENT GENERAL VARIANCE/PARKING VARIANCE 02 -1804 - 2802 WARNING: Filing of this appeal stops all affected construction activity. 201 E 3444154
PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED 1NFORMATION COMPLETED. SEE ATTACHED. 02-1804-2803 STREET ADDRESS: 201 Eust. 340 ST. and 3307 Helm St. 201 E34th 2
STREET ADDRESS: 201 Eust. 340 St. and 3307 Helm St. 201 E 2944 L LEGAL DESCRIPTION: Subdivision -
Lot(s) Block Outlot Division I/We OUT (AS GINH) In behalf of myself/ourselves as authorized agent for the local hadrers & John affirm that on 6-10, 2010 hereby apply for a hearing before the Board of Adjustment for consideration to:
(check appropriate items below)
erect_attach_complete_remodel_maintain decrease the minimum lot size onl @, 5, 735 to & the Other @
in a SF-3-NCCD-NP Lin Order to resubdivide (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.
North University NP

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):

RE.	\mathbf{AS}	ON	١A	BL	E	USE:	

1.	The zoning regulations applicable to the property do not allow for a reasonable use because:
<u>н</u>	ARDSHIP:
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:
	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:
PA	RKING: (Additional criteria for parking variances only.)
Bo res	quest for a parking variance requires the Board to make additional findings. The ard may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with pect to the number of off-street parking spaces or loading facilities required if it makes dings of fact that the following additional circumstances also apply: 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:
L	OTE: 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. PLICANT CERTIFICATE – I affirm that my statements contained in the complete
app	plication are true and correct to the best of my knowledge and belief.
Sig	ned Poul Mail Address 3267 Bee Gaves Rood # 107-15 y, State & Zip <u>Austin Tx 78746</u>
Cit	y, State & Zip <u>Austin Tx 78746</u>
Pri	nted Douglas Gibbins Phone 587-1950 Date 6/11/11
OV are	VNERS CERTIFICATE – I affirm that my statements contained in the complete application true and correct to the best of my knowledge and belief.
Sig	ned Mail Address 201 E. 345 ST.
Cit	y, State & Zip Ausin Tx 78765
Pri	nted Zod Bozurgmehr Phone 762-7080 Date 6/11

RE: City of Austin Application to Board of Adjustment General Variance

201 East 34th Street Austin, TX 78705 UNT 1 34TH & HELMS CONDOMINIUMS PLUS 50.0 % INT IN COM AREA

And

3307 Helms Street
Austin, TX 78705
UNT 2 34TH & HELMS CONDOMINIUMS PLUS 50.0 % INT IN COM AREA

I, Douglas Gibbins, on behalf of myself as authorized agent for Farzad Bozorgmehr, Vallerie Bauhaofer, and John White affirm that on June 10, 2011, hereby apply for a hearing before the Baord of Adjustment for the consideration to:

Maintain the property with the same zoning while allowing subdivision of the lot into two lots smaller than the minimum lot size the zoning allows in SF-3-NCCD-NP district.

VARIANCE FINDINGS

REASONABLE USE

The owners are deprived of fee simple ownership of single family properties enjoyed by neighbors due to the original and subsequent imposition of zoning ordinances on the property. The improvements (two free standing houses, one free standing garage with a second story living quarters, and a free standing single story garage) pre-date the ordinances that render the property non-conforming and not eligible for subdivision. It is reasonable that free standing, single family homes fronting different streets be allowed to have separate, fee simple ownership.

If subdivision is allowed, the properties will be fully conforming except for lot size with one being 5,735 SF and the other 3,081 SF. The larger lot would have a free standing single family home that has a detached garage with a second story living quarters. The second property would have a free standing single family home with a detached garage. This is a reasonable use that conforms with the character of the neighborhood.

2. HARDSHIP

The hardship on the property owners for this variance request are not general to the area. The single family improvements built in 1926, 1935, and 1946 pre-date the zoning ordinances that render the property non-conforming and not eligible for subdivision. Without the lot being subdivided, the owners cannot have fee simple ownership of single family homes without the undue burden of demolishing one of the well maintained, 76 + year old homes on the lot. Other neighbors have fee simple ownership for their free standing, single family homes. Notable are the similar homes next door at 200 East 33rd Street built 1919 with lot size 6,482 SF and 3305 Helms built 1950 with lot size 2,520 SF. Combined they are the other half of the block on the other side of the alley. These neighbors directly next door do not have this same hardship due to enjoying having a similar sized parcel subdivided into two lots.

3. AREA CHARACTER

Granting the variance will bring the historical use and future permitted use of the property to be in compliance with the character of the neighborhood. This single lot has three separate residential structures with one being a second story living quarters above a garage plus a second detached garage. As it exists as just one lot, it is not in compliance with the character of the neighborhood. If it were subdivided into two lots, it would be in compliance with the character of the neighborhood. Other similar lots have one primary residential structure, a garage and occasionally a living quarters combined with the garage. We are asking to have this property be granted a variance to minimum lot size so as to be subdivided so it is more like the rest of the neighborhood.

The variance, if granted, will not impair the use of adjacent conforming property since it makes this property more like the adjacent properties.

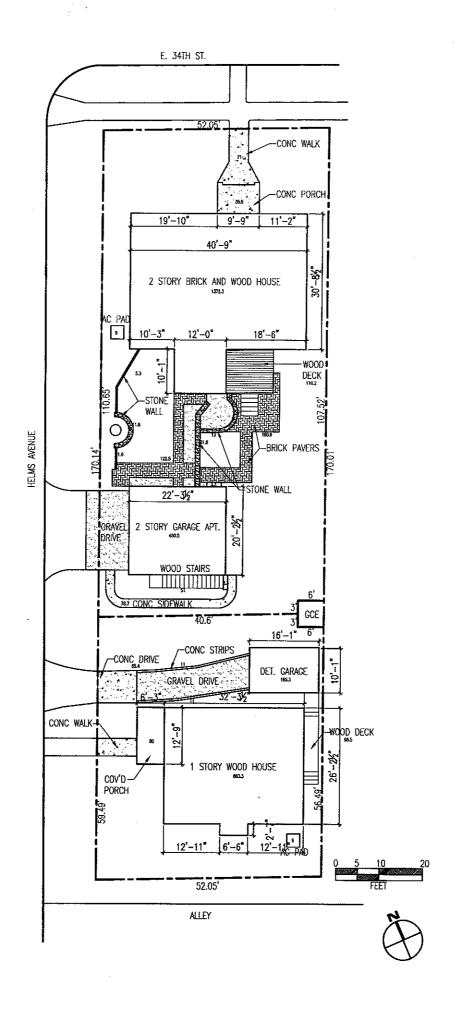
The variance, if granted, will not impair the purpose of the regulations of the zoning district in which the property is located because it makes the property/properties better comply with the zoning district site development standards.

PARKING

- 1. The improvements and use of the property are not altered should the variance be granted. Hence, there will not be a change in traffic volumes.
- The improvements and use of the property are not altered should the variance be granted. Hence, there will not be a change in parking or loading of vehicles on public streets.
- 3. The improvements and use of the property are not altered should the variance be granted. Hence, there will not be new safety hazards 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 it is a variance to the zoning district site development standards. If the variance is granted, the owners will promptly seek to subdivide the lot. There is no Change to

Parting or held GI have.



Impervious Cover Calculator

8852

5735

3081

S

Address:

201 E. 34th St. Austin, TX

for:

Zod Mehr

Lot Total

N. Portion

S. Portion

N. Lot

S. Lot

GCE	36		
Impervious Cover N. House Conc Porch	<u>Measure</u>	Adjustment	Subtotal 1372.3 35.5
N. Sidewalk Deck N. AC pad	110.2	50%	55.3 71 55.1 9
Garage Garage Stairs Garage Conc walk	51	50%	450.5 25.5 78.7
N. Paver walkway N. Stone Walls			283.4 59.7
North Subtotal			2440.7
S. House Covered Porch S. Garage Conc Walk S. AC Pad Conc Drive Conc Strips Deck	68.5	50%	863.3 80 165.3 36.8 9 65.4 22 34.25
South Subtotal			1276.05
North+South Total			3716.75
% Totals Whole Lot			41.99%

Note: North and South Portions do not include the "GCE" indicated on survey. If redrawn and split equally, this would add 18 sq ft of *pervious* cover to each lot.

42.56%

41.42%

