

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

DATE: Monday, March 12, 2012

CASE NUMBER: C15-2012-0032

Y ___ Jeff Jack
 Y ___ Michael Von Ohlen 2nd the Motion
 Y ___ Will Schnier - Nora Salinas absent
 R ___ Stuart Hampton Recused – Bryan King absent
 N ___ Susan Morrison
 Y ___ Melissa Hawthorne Motion to PP to April 9, 2012
 Y ___ Heidi Goebel
 - ___ Cathy French (SRB only)
 - ___ Dan Graham (SRB only)

APPLICANT: Jim Bennett

OWNER: Michael A Colennetta

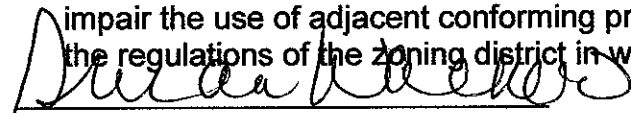
ADDRESS: 3902, 3904, 3906 WADFORD ST

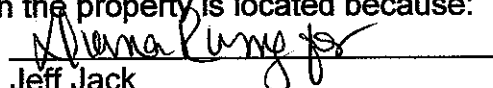
VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum compatibility setback requirement of Section 25-2-1067 (G) from 25 feet to 2.5 feet in order to erect driveway and parking for a commercial building in a "GR-MU-V-CO-NP", Community Commercial – Mixed Use – Vertical Mixed Use Building – Conditional Overlay – Neighborhood Plan zoning district. The Land Development Code states that unless a parking area of driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a lot that is: (1) in an SF-5 or more restrictive zoning district; or (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

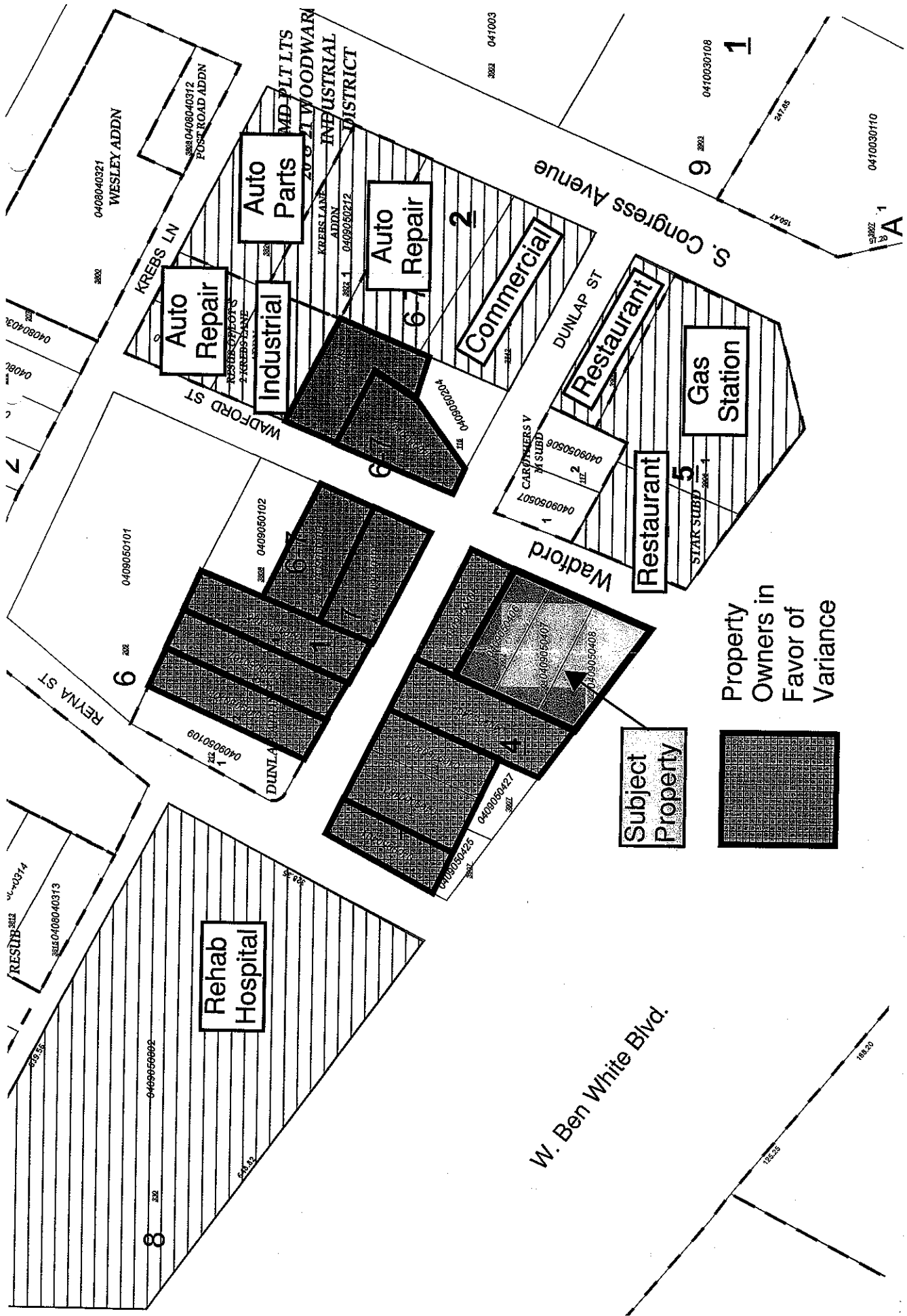
BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postponed to April 9, 2012, Board Member Michael Von Ohlen second on a 5-1 vote (Board member Susan Morrison nay and Stuart Hampton recused); **POSTPONED TO APRIL 9, 2012.**

FINDING:

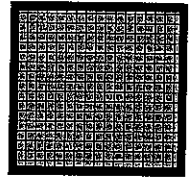
1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter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


Jeff Jack
Chairman

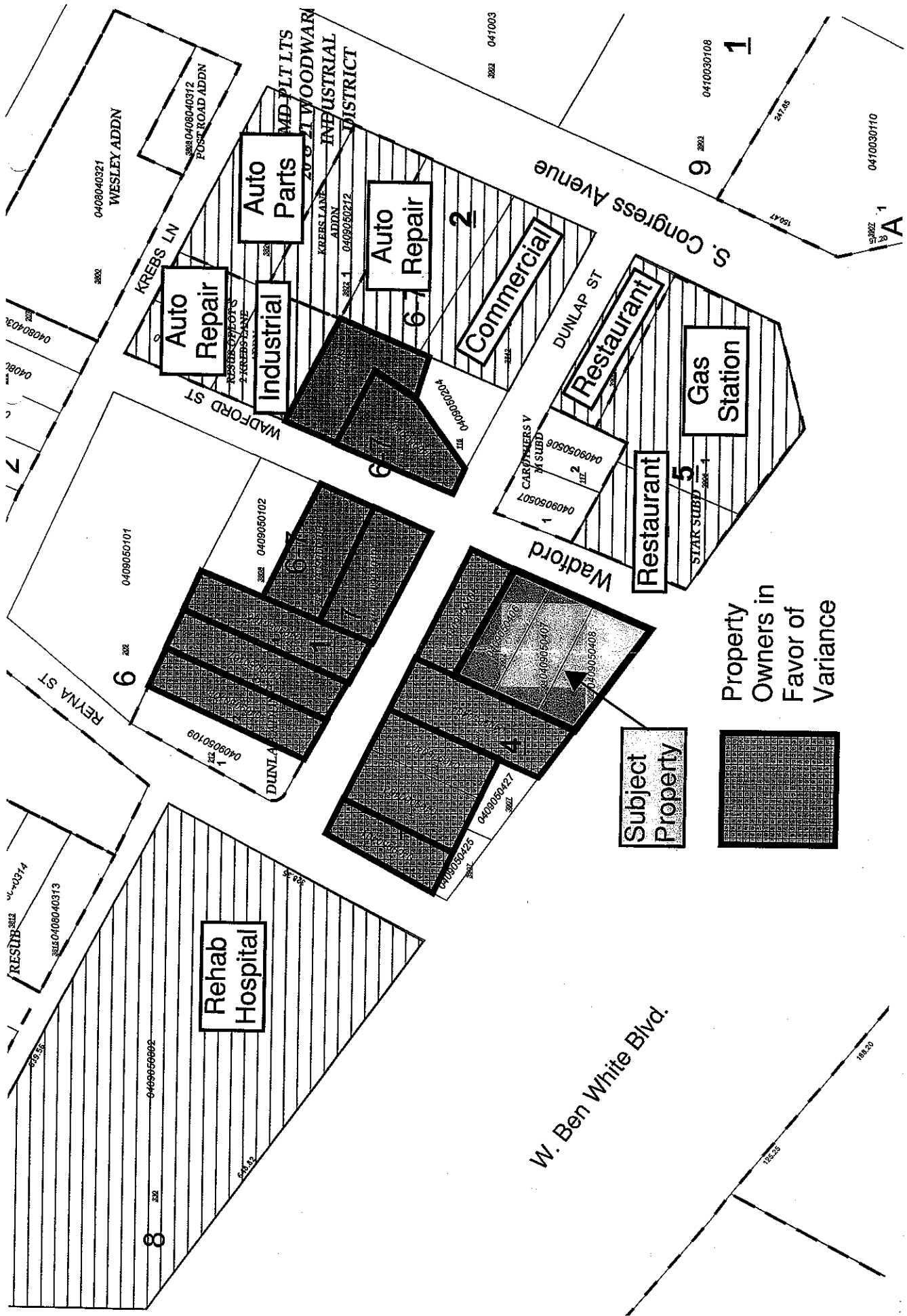


Property Owners in Favor of Variance



Subject Property

W. Ben White Blvd.



PUBLIC HEARING INFORMATION

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- 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.

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Case Number: C15-2012-0032 – 3902, 3904, 3906 Wadford St.
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, March 12th, 2012

William G. N. Wg

Your Name (please print) *Dan / 4 P St.*

3842, 3904 S Congress Ave. corner Dunlap Wadford

Your address (es) affected by this application

[Signature]

Signature

Daytime Telephone: *512 - 784 - 1726*

Signature

Date

3-5-12

Comments:

I am in favor
 I object

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



NOTICE OF PUBLIC HEARING LAND DEVELOPMENT CODE VARIANCE

Mailing Date: March 1, 2012

Case Number: C15-2012-0032

Please be advised that the City of Austin has received an application for a variance from the Land Development Code.

Applicant:	Jim Bennett,(512)282-3079
Owner:	The Dupont Group
Address:	3902, 3904, 3906 WADFORD STREET

Variance Request(s): The applicant has requested a variance to decrease the minimum compatibility setback requirement of Section 25-2-1067 (G) from 25 feet to 2.5 feet in order to erect driveway and parking for a commercial building in a "GR-MU-V-CO-NP", Community Commercial – Mixed Use – Vertical Mixed Use Building – Conditional Overlay – Neighborhood Plan zoning district. The Land Development Code states that unless a parking area of driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a lot that is: (1) in an SF-5 or more restrictive zoning district; or (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

This application is scheduled to be heard by the Board of Adjustment on March 12th, 2012. The meeting will be held at City Council Chambers, 301 West 2nd Street beginning at 5:30 PM.

You are being notified because City Ordinance requires that all property owners and utility account holders within 500 feet of the proposed development and affected neighborhood organizations be notified when an application is scheduled for a public hearing. If you have any questions concerning this application, please contact **Susan Walker of the Planning and Development Review Department at 512-974-2202** and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site www.ci.austin.tx.us/devreview/index.jsp.

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Case Number: C15-2012-0032 - 3902, 3904, 3906 Wadford St.
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, March 12th, 2012

FRANK L. SANCHEZ
 Your Name (please print)

I am in favor of the subject

3900 Wadford St.
 Your address (es) affected by this application

Frank Sanchez
 Signature
 March 12, 2012
 Date

Daytime Telephone: 512 444-1392

Comments: I object to the request in case number C15-2012-0032. I have not given any prior commitment or approval on this matter either written or verbal.

Frank Sanchez
 3-12-2012

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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Case Number: C15-2012-0032 - 3902, 3904, 3906 Wadford St.
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, March 12th, 2012

Rebecca Sheller
 Your Name (please print)

I am in favor
 I object

209 Keebs Ln

Your address (es) affected by this application

Rebecca Sheller
 Signature

3/12/12
 Date

Daytime Telephone: 512 416-0129

Comments: *I am opposed to allowing a variance in a minimum compatibility setback between a commercial property (3 lots with esaudges) and an adjacent SF-3 residential property. The adjacent SF-3 owners, Mr. Thomas Sanchez do not support the proposed variance to allow the construction of a parking lot 2.5 ft from their entire south property line.*

If you use this form to comment, it may be returned to:

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 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, March 12th, 2012

MYRON SMITH
 Your Name (please print) I am in favor
 I object

209 KREBS LN
 Your address (if affected by this application)

Myron Smith
 Signature 3/10/2012
 Date

Daytime Telephone: 512.913.0957

Comments: I OBJECT TO GRANTING A VARIANCE THAT WOULD ALLOW PARKING WITHIN 2 1/2 FEET FROM THE ENTIRE SOUTH PROPERTY LINE OF A SE-3 ZONED PROPERTY. FURTHERMORE, THE OWNERS OF THE SE-3 ZONED PROPERTY LOCATED AT 3900 WADFORD, DO NOT SUPPORT THE REQUESTED VARIANCE.

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**Case Number: C15-2012-0032 - 3902, 3904, 3906 Wadford St.
 Contact: Susan Walker, 512-974-2202
 Public Hearing: Board of Adjustment, March 12th, 2012**

Rick Reynolds
 Your Name (please print)



211 Duvaler St
 Your address (es) affected by this application

[Signature]
 Signature

Daytime Telephone: *512-251-3148*

3/12/12
 Date

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

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, March 12th, 2012

Rick Reynolds
 Your Name (please print)

209 Dwyler St
 Your address (es) affected by this application



[Signature]
 Signature

3/12/12
 Date

Daytime Telephone: *512-751-3148*

Comments: _____

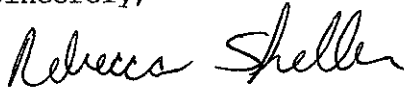
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 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

March 10, 2012

Dear Board of Adjustments,

As Board Members of the Dawson Neighborhood Plan Contact Team, we object to Board of Adjustments case #C15-2012-0032 that asks for a variance to reduce the minimum compatibility setback between a commercial property (currently 2 lots with GR-MU-V-CO-NP **and** 1 lot with CS-MU-V-CO-NP) and an adjacent residential property zoned SF-3 from 25 feet to 2.5 feet. The abutting residential property owners at 3900 Wadford, Mr. and Mrs. Frank Sanchez, do not support the variance. The proposed variance would allow the construction of a parking lot along the entire south side of this residential property.

Sincerely,



Rebecca Sheller



Myron Smith

Board Members
DNPCT

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, March 12th, 2012

Sandy McWilliam
 Your Name (please print) I am in favor I am in object

add enclosed are Plan Contact Team
 Your address (as affected by this application)

Sandy McWilliam
 Signature Date 3-12-12

Daytime Telephone: 512-256-4804

Comments: 1) Variance to reduce compatibility/life standards sets an unacceptable precedence.
 2) Neighbor on the north side (3500 ~~ward~~) opposes the variance. 3) other property owners nearby oppose this variance. 4) Application contains many errors for example indicating that adjacent neighbors support it. 5) No explanation why large portion of lot on south of building is un-
 If you use this form to comment, it may be returned to: *is un- touched,*
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 Susan Walker
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CASE # C15-2012-0032

TP-040905-04-065

ROW-10722497

040905-0407

040905-0408

**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: 3902,3904,&3906 Wadford St.

LEGAL DESCRIPTION: Subdivision - Fortview

Lot(s) portions of 7 Block Outlot Division

I Jim Bennett as authorized agent for The Dupont Group

 affirm that on 1/27/12, hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN

A commercial building providing a compatibility setback of 30 inches driveway and parking from then west property line.

2.5 feet

 in a CS-MU-V-CO-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:

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

The compatibility standards are designed to protect adjacent residential uses from commercial uses. In this case the adjoining property is zoned commercial and is currently being used for residential use. The adjoining owner supports the variance request

HARDSHIP:

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

Texdot installed the drive way cut along Ben White Blvd when Ben White was being constructed and the driveway and parking will align with the existing driveway. The adjoining property is in transition from the temporary residential use to commercial development in the future.

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

Single family use is not a customary and usual use when located on a busy commercialized urban stat highway.

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 adjacent property owner supports the compatibility setback for the driveway and parking. The variance only effects this property owner. The other properties along Ben White Blvd are zoned commercial and are used commercially.

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 Jim Bennett Mail Address _____

City, State & Zip 11505 Ridge Dr. Austin, TX 78748

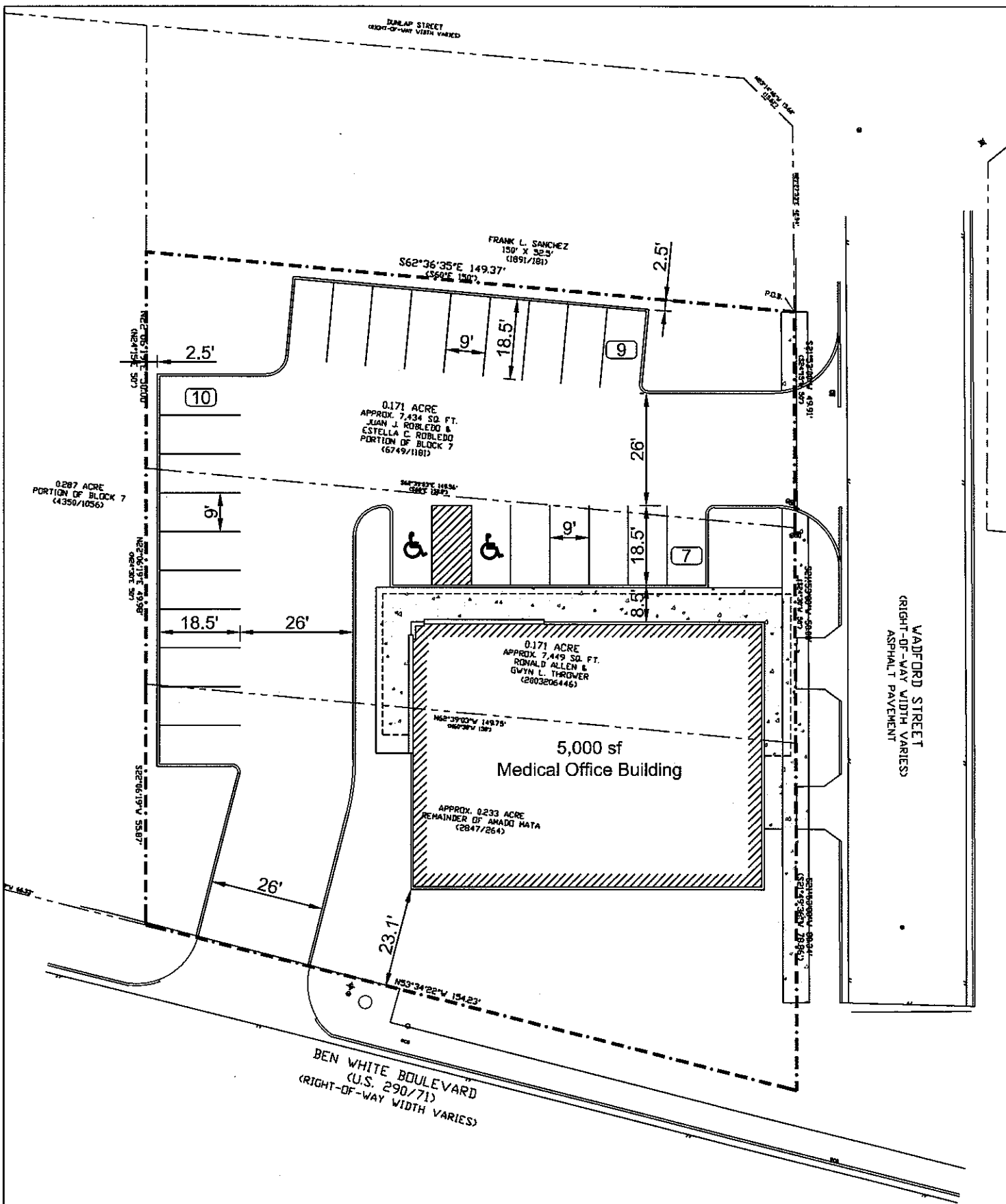
Printed Jim Bennett Phone 282-3079 Date 1/25/12

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

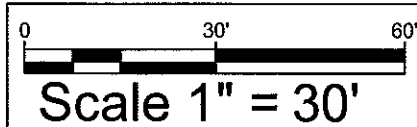
Signed A. Ron Thrown/Michael Mail Address P.O. Box 214

City, State & Zip Buda, TX 78610

Printed Michael A. Colanetta Phone (512) 496-8457 Date 1-26-12



Parking Required (1:200) = 25 Spaces
 Parking Provided = 26 Spaces



Austin MedSprings
 Layout #1
 01-30-2012
GARRETT-IHNE
 CIVIL ENGINEER

January 26, 2012

City of Austin
Board of Adjustment
P.O. Box 1088
Austin, Texas 78767

Subject: 3902, 3904, & 3906 Wadford Dr., Austin, 78704
Variance for construction in the setback

Dear Board Members,

I am the owner of 3813 Wadford Dr which is nearby the above referenced subject properties. The Owners of the subject property have explained that they are seeking a variance to allow for parking and or drives in the setback.

The property has had the use of a driveway to the Ben White frontage road for many years and the continued use of the existing driveway and the subsequent placement of parking and or drive within the setback has always been included in any development plans of the property.

Please accept this letter as my SUPPORT for the variances as they are requested.

Respectfully Submitted,

Name

Gladys L. Long

Address

1510 Betty Jo Dr
Austin, Texas 78704

January 26, 2012

City of Austin
Board of Adjustments
P.O. Box 1088
Austin, Texas 78767

Subject: 3902, 3904, & 3906 Wadford Dr., Austin, 78704
Variance for construction in the setback

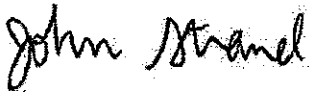
Dear Board Members,

I am the owner of 213 Dunlap which is approximately one-half (1/2) block from the subject properties. The Owners of the subject property have explained that they are seeking a variance to allow for parking and or drives in the setback.

The property has had the use of a driveway to the Ben White frontage road for many years and the continued use of the existing driveway and the subsequent placement of parking and or drive within the setback has always been included in any development plans of the property.

Please accept this letter as my **SUPPORT** for the variances as they are requested.

Respectfully Submitted,



John Strand
213 Dunlap
Austin, Texas 78704

DATE: January 20, 2012

FROM: Jim Lacey

207 Dunlap Street

Austin, Texas 78704

TO: Board of Adjustment
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: Variance for construction in the setback on 3902, 3904, & 3906 Wadford

Dear Board Members,

I am the adjacent landowner abutting and to the west of the above referenced addresses for which a variance is sought to allow for parking and / or drives to be within the setback. The property has had the use of a driveway to Ben White frontage road for many years and the use of the driveway and the subsequent placement of the parking and/or and drive within the setback has always been a consideration for any development of the property.

Please accept this letter as my SUPPORT for the variances as they are requested.

Respectfully Submitted,

James H. (Jim) Lacey
207 Dunlap St
Austin, Tx 78704

January 26, 2012

City of Austin
Board of Adjustment
P.O. Box 1088
Austin, Texas 78767

Subject: 3902, 3904, & 3906 Wadford Dr., Austin, 78704
Variance for construction in the setback

Dear Board Members,

I am the owner of 208 Dunlap St which is nearby the above referenced subject properties. The Owners of the subject property have explained that they are seeking a variance to allow for parking and or drives in the setback.

The property has had the use of a driveway to the Ben White frontage road for many years and the continued use of the existing driveway and the subsequent placement of parking and or drive within the setback has always been included in any development plans of the property.

Please accept this letter as my **SUPPORT** for the variances as they are requested.

Respectfully Submitted,

Cole Alexander

Name Cole Alexander

Address 208 Dunlap St.
Austin, Texas 78704

January 26, 2012

City of Austin
Board of Adjustment
P.O. Box 1088
Austin, Texas 78767

Subject: 3902, 3904, & 3906 Wadford Dr., Austin, 78704
Variance for construction in the setback

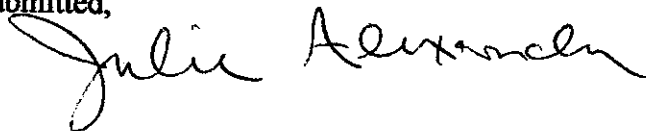
Dear Board Members,

I am the owner of 208 Dunlap St which is nearby the above referenced subject properties. The Owners of the subject property have explained that they are seeking a variance to allow for parking and or drives in the setback.

The property has had the use of a driveway to the Ben White frontage road for many years and the continued use of the existing driveway and the subsequent placement of parking and or drive within the setback has always been included in any development plans of the property.

Please accept this letter as my **SUPPORT** for the variances as they are requested.

Respectfully Submitted,



Name

Julie Alexander

Address

208 Dunlap St.
Austin, Texas 78704

January 26, 2012

City of Austin
Board of Adjustment
P.O. Box 1088
Austin, Texas 78767

Subject: 3902, 3904, & 3906 Wadford Dr., Austin, 78704
Variance for construction in the setback

Dear Board Members,

I am the owner of 210 Dunlap St which is nearby the above referenced subject properties. The Owners of the subject property have explained that they are seeking a variance to allow for parking and or drives in the setback.

The property has had the use of a driveway to the Ben White frontage road for many years and the continued use of the existing driveway and the subsequent placement of parking and or drive within the setback has always been included in any development plans of the property.

Please accept this letter as my **SUPPORT** for the variances as they are requested.

Respectfully Submitted,

Julie Alexander

Name

Julie Alexander

Address

210 Dunlap St
Austin, Texas 78704

January 26, 2012

City of Austin
Board of Adjustment
P.O. Box 1088
Austin, Texas 78767

Subject: 3902, 3904, & 3906 Wadford Dr., Austin, 78704
Variance for construction in the setback

Dear Board Members,

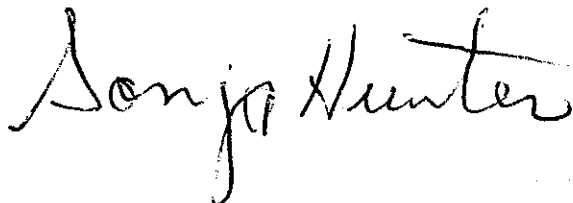
I am the owner of 3811 Wadford St. which is nearby the above referenced subject properties. The Owners of the subject property have explained that they are seeking a variance to allow for parking and or drives in the setback.

The property has had the use of a driveway to the Ben White frontage road for many years and the continued use of the existing driveway and the subsequent placement of parking and or drive within the setback has always been included in any development plans of the property.

Please accept this letter as my **SUPPORT** for the variances as they are requested.

Respectfully Submitted,

Name Sonja Hunter
Address 3811 Wadford St.
Austin, Texas 78704



January 26, 2012

City of Austin
Board of Adjustment
P.O. Box 1088
Austin, Texas 78767

Subject: 3902, 3904, & 3906 Wadford Dr., Austin, 78704
Variance for construction in the setback

Dear Board Members,

I am the owner of 210 Dunker St which is nearby the above referenced subject properties. The Owners of the subject property have explained that they are seeking a variance to allow for parking and or drives in the setback.

The property has had the use of a driveway to the Ben White frontage road for many years and the continued use of the existing driveway and the subsequent placement of parking and or drive within the setback has always been included in any development plans of the property.

Please accept this letter as my **SUPPORT** for the variances as they are requested.

Respectfully Submitted,

Cole Alexander

Name Cole Alexander

Address 210 Dunker St
Austin, Texas 78704