

CASE # C15-2012-0123
ROW-10 827088
TP-0204052002

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: 1103 East 6th Street

LEGAL DESCRIPTION: Subdivision – M.A. Taylor

Lot(s) 21 Block 4 Outlot _____ Division _____

I/We Jim Bennett as authorized agent for Suma Pizza, LLC.

_____ affirm that on 8/28, 2012, hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

An existing commercial building to create a restaurant providing no paved off street parking spaces, 8 spaces are required

_____ in a T.O.D. - 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:

Older non-complying building cannot be maintained with a change of use unless necessary variances are obtained. With no consideration for change in use the building or a portion of the building might have to be removed which would change the character, fabric, and the historic culture of the neighborhood.

HARDSHIP:

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

This building was built prior to the parking requirements of the city and is built with zero lot line with little or no space available to provide any parking. It would be an undue hardship to remove this building to create parking. This site is located on a T.O.D. street.

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

There are some older buildings in the area that do not provide parking, and some are not developed with zero lot lines that do provide limited parking.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The variance will not change the character of the area but will be maintaining an existing building that due to its age blends with the character of the neighborhood and the change of use is supported by the neighborhood association and neighbors.

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:

This is a small gourmet pizza restaurant that will be supported by the residential and commercial neighborhood that is in the T.O.D. area and where biking and walking is a common practice.

- 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:

Loading and unloading will not change as a result of this change of use. There is alley access at the rear of the site that can be used for loading.

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

In as much as this site has been used commercially, this change of use should not change any conditions of the site.

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

Any change of use requiring additional parking would have to come back to the board for approval.

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 11505 Ridge Dr.

City, State & Zip Austin, TX. 78748

Printed Jim Bennett Date 8/20/12

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 Rosa E. Santos Mail Address 403 Springdale

City, State & Zip Austin, TX. 78702

Printed ROSA SANTOS Phone 563-1052 Date 9-13-12

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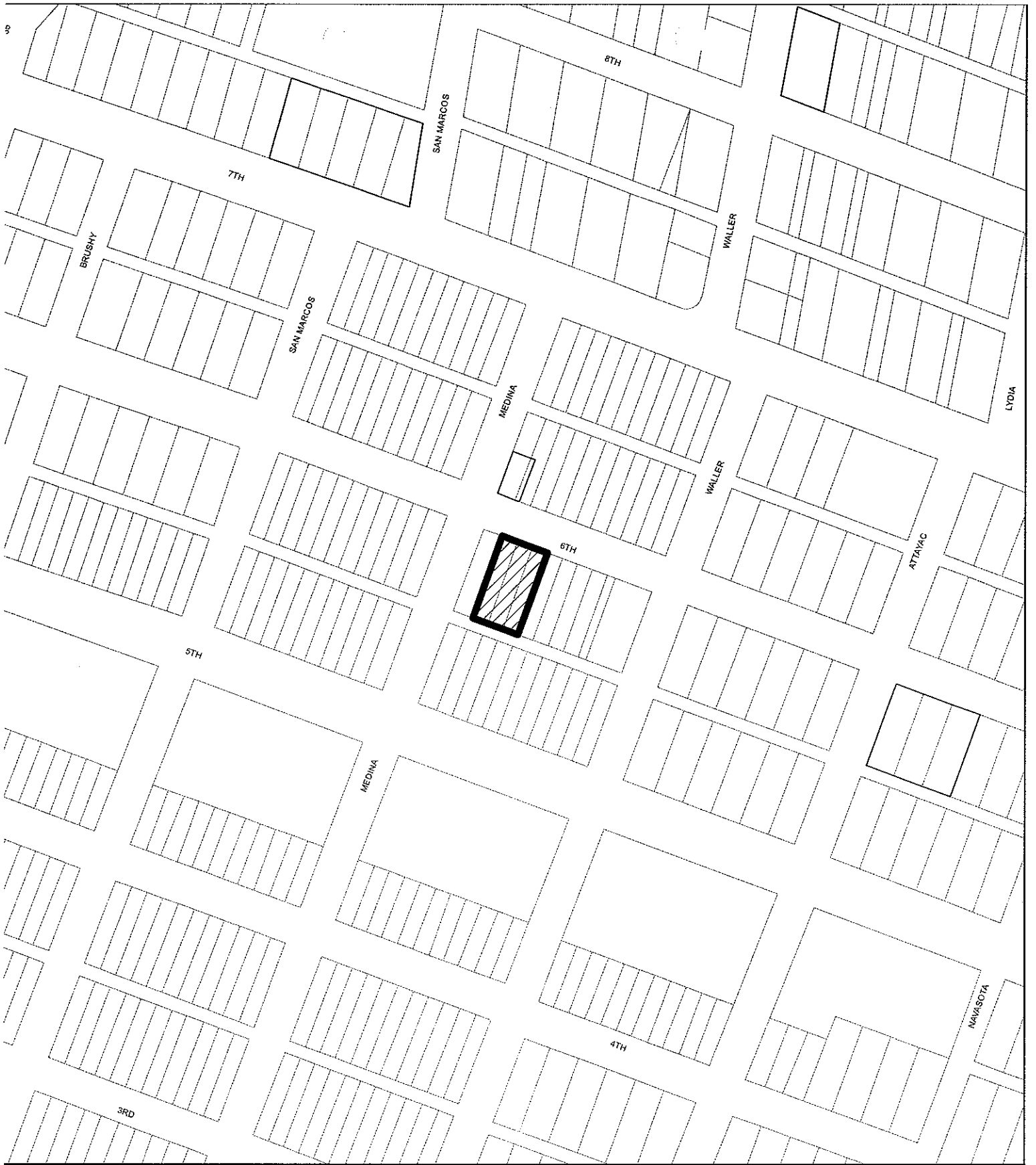
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Phone _____

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City, State & Zip _____
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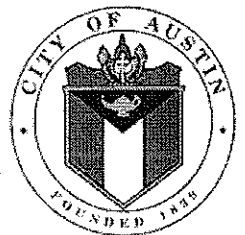


SUBJECT TRACT



ZONING BOUNDARY

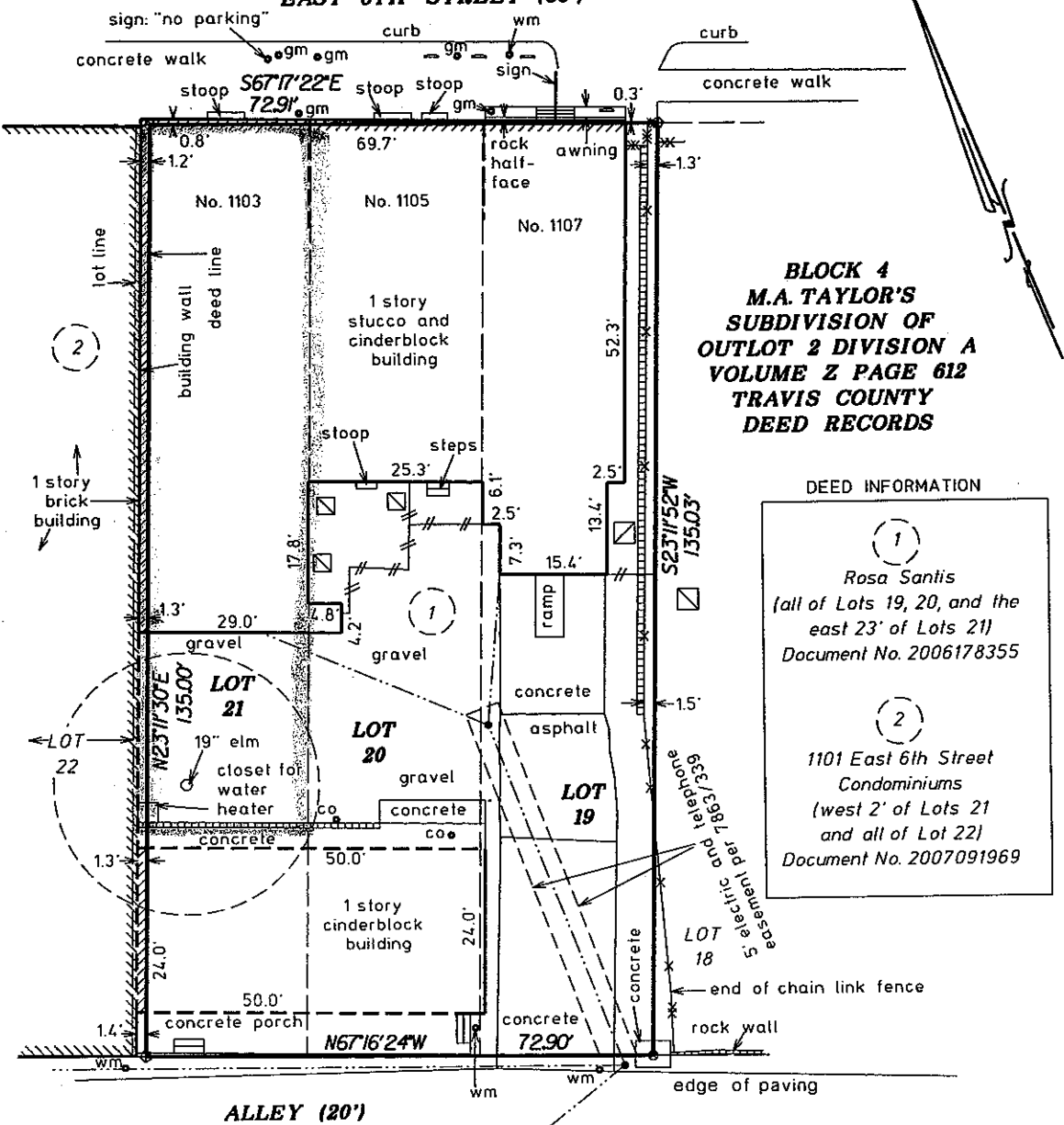
CASE#: C15-2012-0123
 LOCATION: 1103 E 6TH ST



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

EAST 6TH STREET (60')



**BLOCK 4
M.A. TAYLOR'S
SUBDIVISION OF
OUTLOT 2 DIVISION A
VOLUME Z PAGE 612
TRAVIS COUNTY
DEED RECORDS**

DEED INFORMATION

(1)
Rosa Santis
(all of Lots 19, 20, and the
east 23' of Lots 21)
Document No. 2006178355

(2)
1101 East 6th Street
Condominiums
(west 2' of Lots 21
and all of Lot 22)
Document No. 2007091969

SURVEY MAP OF LOTS 19, 20 AND THE EAST 23' OF LOT 21, BLOCK 4, M.A. TAYLOR'S SUBDIVISION OF OUTLOT 2 DIVISION A, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME Z PAGE 612 OF THE TRAVIS COUNTY DEED RECORDS. LOCATED AT 1103, 1105, AND 1107 EAST 6TH STREET.

This survey was completed without the benefit of a current title commitment. This lot may be subject to restrictions and easements not shown hereon.

- LEGEND**
- ⊗ Chiseled "X" Found
 - ⊕ Calculated Point
 - Wood Fence
 - Wrought Iron Fence
 - Wire Fence
 - Overhead Utility Line
 - gm Gas Meter
 - co Clean-Out
 - wm Water Meter
 - Bike Rack
 - ☐ Air-conditioning Unit and Pad

PREPARED: August 17, 2012
BY:



Anne Thayer
Registered Professional Land Surveyor No. 5850

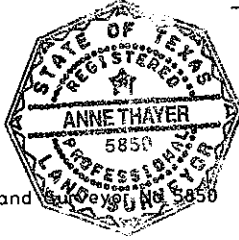
HOLT CARSON, INC.
1904 FORTVIEW ROAD AUSTIN, TX 78704
(512) 442-0990

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SCALE: 1"=60'

PREPARED: August 17, 2012
BY:

Anne Thayer



Anne Thayer
Registered Professional Land Surveyor

LEGEND

- ⊙ 1/2" Iron Rod Found
- ipf ⊙ 1/2" Iron Pipe Found
- ⊕ Calculated Point
- ⊗ Chiseled "X" Found
- City of Austin Recessed Monument Found
- * (Record Angle, Bearing and/or Distance) per City of Austin Street Maps
- (Record Distance) per plat

