

CASE # C15-2012-0127

TP-0243100216

ROW-10841448

**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 ~~John~~ Katerina Smolenkova ^{Per} Quest Wall Street Ltd 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:

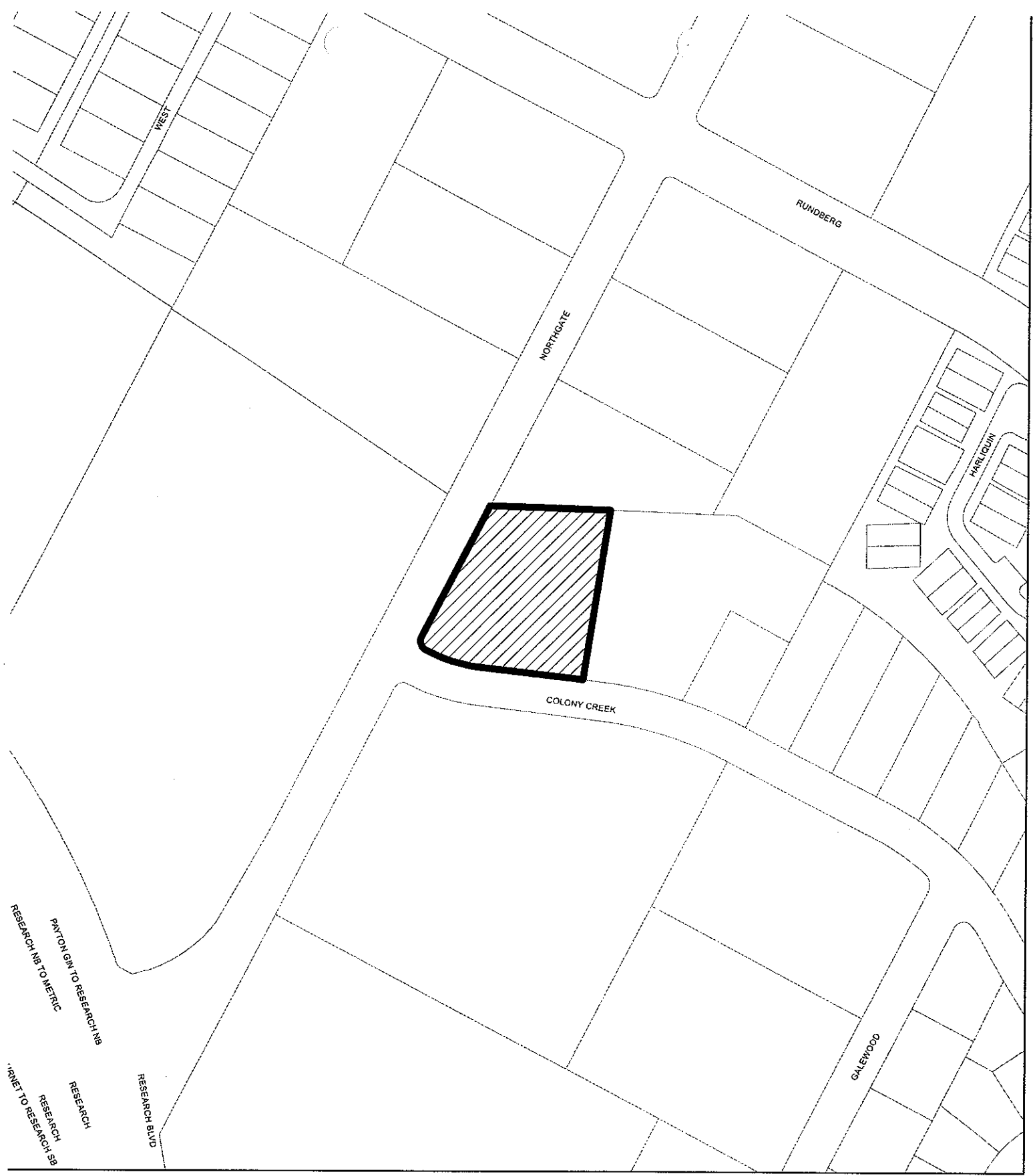
- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property 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.



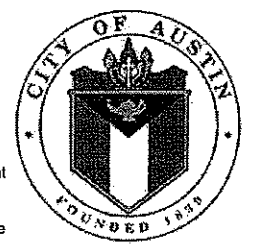
N



 SUBJECT TRACT

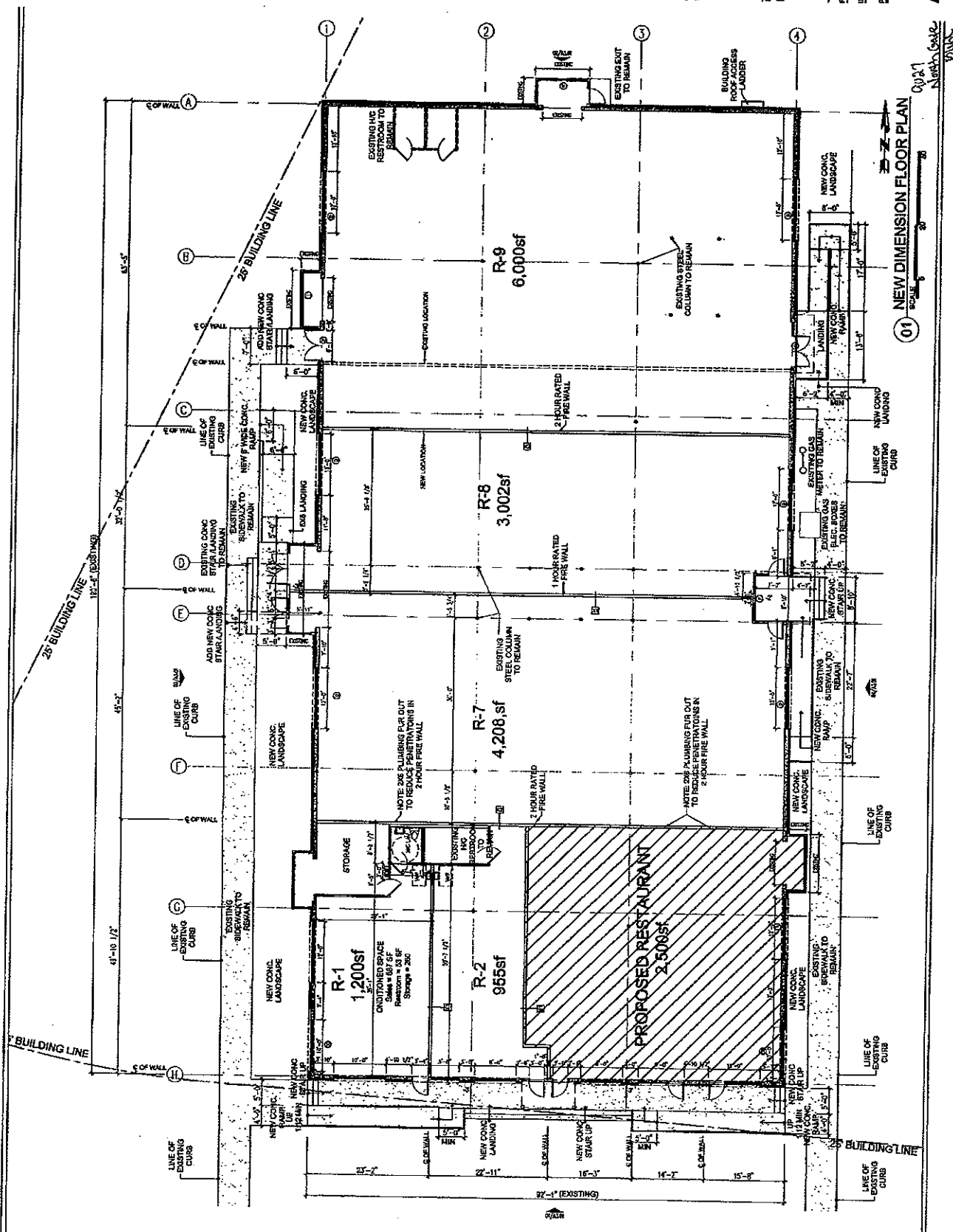
 ZONING BOUNDARY

CASE#: C15-2012-0127
 LOCATION: 9027 Northgate Blvd



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.



01 NEW DIMENSION FLOOR PLAN

Scale: 1/8" = 1'-0"
 Date: 01/21/11
 Designer: [Signature]

AREA OF WORK LEGEND

	AREA OF NEW FINISH-OUT - RETAIL
	PROPOSED RESTAURANT

CONSULTANTS

KEY PLAN

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

D. JAMES COLMAN ARCHITECT, INC. 2011
 REVISIONS & DATE

SHEET TITLE(S)
**NEW ARCHITECTURAL
 SITE PLAN**

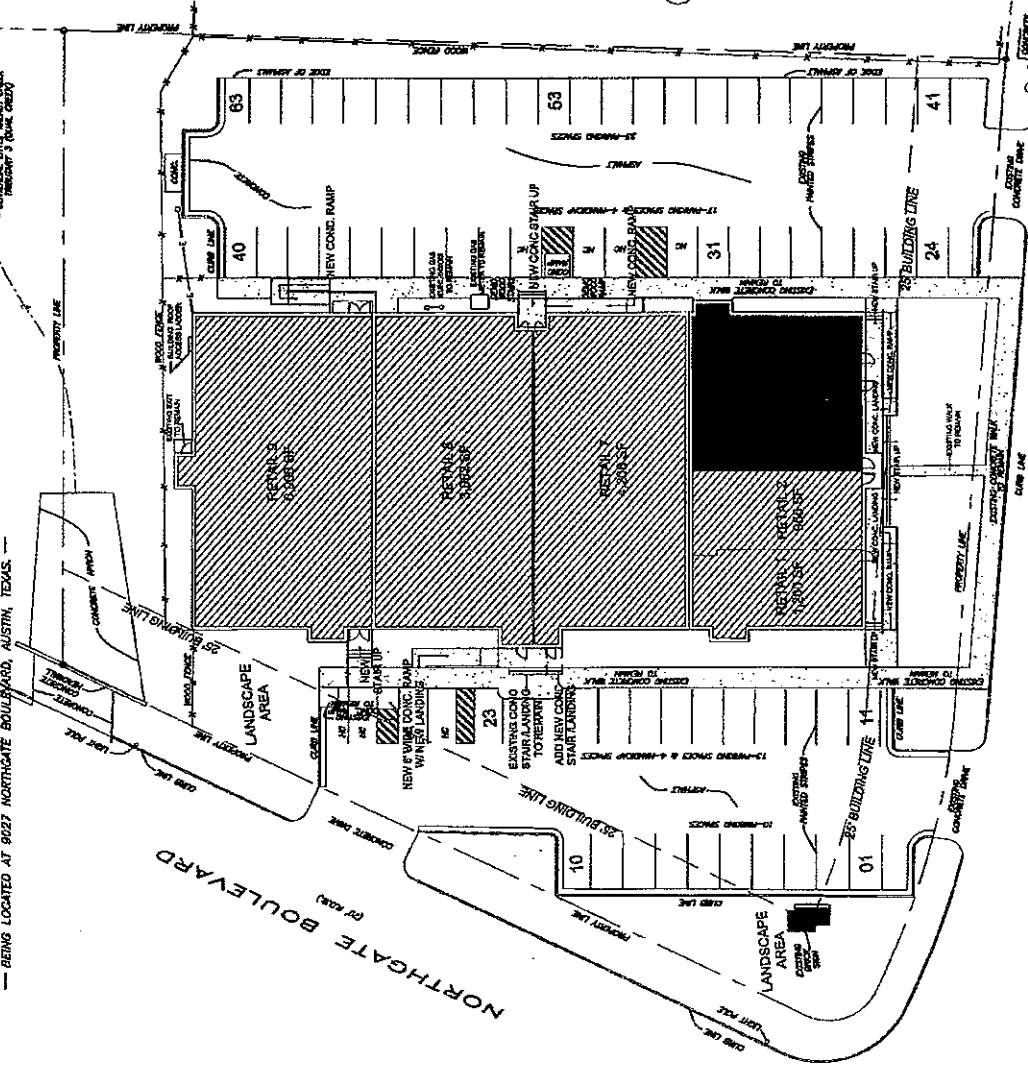
REVISION DATE
 ISSUE DATE: JUNE 14, 2011
 PROJECT NUMBER: 14.01.20

A0.02

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. LOT 3, NORTHGATE TERRACE SECTION ONE (40/40) TOWN OF NALSON, AC, AS RECORDED IN BOOK 75, PAGE 24, TRAVIS COUNTY PLAT RECORDS, 10/17/76

— BEING LOCATED AT 9027 NORTHGATE BOULEVARD, AUSTIN, TEXAS —

— SURVEY CLASS "URBAN"



LET 2, 2ND RESUBDIVISION OF LOT 2, NORTHGATE TERRACE SECTION ONE
 WOULD BE IN ACCORDANCE WITH THE CITY OF AUSTIN, TEXAS
 ORDINANCE 147726

01 NEW ARCHITECTURAL SITE PLAN

ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED

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ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED

9027 Northgate
 Drive

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

DATE: Monday, September 12, 2011

CASE NUMBER: C15-2011-0093

Jeff Jack
 Michael Von Ohlen
 Nora Salinas
 Bryan King
 Susan Morrison
 Melissa Hawthorne
 Heidi Goebel
 Cathy French (SRB only)

APPLICANT: Jim Bennett

OWNER: By the Lakes

ADDRESS: 9027 NORTHGATE BLVD

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A from 81 off-street parking spaces to 71 off-street parking spaces in order to remodel a portion of an existing commercial building to create a Restaurant use in a "GR-NP", Community Commercial – Neighborhood Plan zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with friendly amendment that the restaurant use does not exceed 2,500 sq ft., Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED with friendly amendment that the restaurant use does not exceed 2,500 sq ft. .

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the ordinance does not give any consideration for the amount of walk in traffic for this local taqueria restaurant, this location will be multiple use destination, this area is overwhelming developed with apartments and vehicle use will be greatly reduced as this center will be used by the local residents

2. (a) The hardship for which the variance is requested is unique to the property in that: this existing center is going through a makeover and the site is fully developed, no additional space to add extra parking

(b) The hardship is not general to the area in which the property is located because: this local center is in the middle of this very dense apartment developed area, only use that is not used for apartment is a convenience store approximately a block away

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 area of character will not change because this is an existing neighborhood retail center.

PARKING: (Additional criteria for parking variance only)

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation because: it is anticipated that a large number of clients to the taqueria will be from close neighbors who would walk to the restaurant, it is not anticipated that patrons would drive any distance to get to this taqueria restaurant
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: this site is developed and provisions for loading and unloading have been provided
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objective of this Ordinance because: parking is being provided and the adjacent streets are developed with sidewalks
4. The variance will run with the use or uses to which it pertains and shall not run with the site because: the variance being requested is for a restaurant in an existing center and any changes in the parking would require compliance or additional variance approved by this Board


Susan Walker
Executive Liaison


Jeff Jack
Chairman