

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

**DATE: Tuesday, November 13, 2012**

**CASE NUMBER: C15-2012-0130**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Cathy French (SRB only)

**APPLICANT: Lacey Duke**

**OWNER: Hemmasi Majid**

**ADDRESS: 2507 16TH ST**


**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-1406 (5) (a) from 2,500 square feet to 1,876 square feet in order to erect a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan)

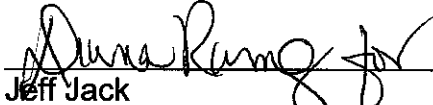
The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 8 feet in order to erect a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan)

**BOARD'S DECISION: POSTPONED TO DECEMBER 10, 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

CASE # C15-2012- ROW # 108448  
0130

**CITY OF AUSTIN APPLICATION  
TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING  
VARIANCE**

TP-0210111414

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 2507 East 16th Street / Austin, TX 78702

LEGAL DESCRIPTION:

Lot(s): THE WEST 28 FEET OF LOT 1, AND THE WEST 28 FEET OF THE NORTH 15.33 FEET OF LOT 2 Block: 15 Outlot: 32 & 33 DIV B GLENWOOD ADDITION 1904 Division: A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP OF RECORD IN VOLUME 2, PAGE 154, OF THE PLAT RECORDS, TRAVIS COUNTY, TEXAS.

I/We NATHAN MAULDING & LACEE DUKE on behalf of myself/ourselves as authorized agent for HEMMASI MAJID, SEYED MIRI affirm that on September 24, 2012, hereby apply for a hearing before the Board of Adjustment for consideration to:

X ERECT    ATTACH    COMPLETE    REMODEL    MAINTAIN

WE ARE REQUESTING PERMISSION TO BE GRANTED SMALL LOT AMNESTY FOR A SUBSTANDARD VACANT LOT, LEGALLY SUBDIVIDED PRIOR TO 1995, SO THAT A SINGLE FAMILY RESIDENCE CAN BE ERECTED. THE LOT IS 1876 SQFT, WHICH IS 24.96% SMALLER THAN WHAT IS THE LEGAL MINIMUM TO BUILD ON IN A RESIDENTIAL SF3-NP DISTRICT UNDER SMALL LOT AMNESTY DESIGNATION. IN ADDITION, IN ORDER TO ACHIEVE OUR IDEAL HOME DESIGN AND THE BEST USE OF THE LOT, WE REQUEST THAT OUR FRONT SETBACK BE REDUCED TO 8 FEET, AS THE SUPPLEMENTAL MATERIAL WILL SHOW AN AVERAGE OF 15 FEET FRONT SETBACKS EXISTS IN NEIGHBORING HOMES AROUND THIS LOT AND AN 8 FOOT SETBECK REQUEST IS COMPLIANT WITH

THE SPECIAL NEEDS OF THIS UNIQUE LOT. FURTHERMORE, OUR BUILDING DESIGN WILL COMPLY WITH THE OTHER TRADITIONAL SETBACKS OF 5 FEET ON EITHER SIDE AND 10 FEET IN THE REAR, NEEDING NO ADJUSTMENTS.

**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:

CURRENT RESIDENTIAL ZONING REGULATION DOES NOT ALLOW OWNER TO BUILD A SMALL SINGLE FAMILY RESIDENCE ON THE LOT BECAUSE THE PROPERTY IS UNDER THE MINIMUM 2500 SQFT. APPLICANT IS THEREBY REQUESTING SMALL LOT AMNESTY ZONING FOR THIS 1876 SQFT. LOT SO THAT A RESIDENCE CAN BE BUILT. WITHOUT BEING GRANTED A VARIANCE THE PROPERTY CANNOT BE USED AS A RESIDENCE, AS IT IS ZONED AND INTENDED TO BE.

**HARDSHIP:**

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

THE PROPERTY WAS UNIQUELY SUBDIVIDED OUT OF LOT 1 AND 2 OF BLOCK 15, CONSEQUENTLY CREATING A 1,876 SQFT LOT THAT BY CITY OF AUSTIN'S MINIMUM REQUIREMENTS IS TOO SMALL TO BE BUILT ON. THE HARDSHIP IS THAT WITHOUT THIS VARIANCE REQUEST BEING GRANTED, THIS LOT WILL FOREVER SIT VACANT, SUBJECT TO DEBRIS AND TRASH COLLECTION AS IT IS CURRENTLY, AND UNDEVELOPED IN A NEIGHBORHOOD THAT HAS OPTED TO SUPPORT INFILL AND URBAN DENSITY IN THE AUSTIN COMPREHENSIVE PLAN OF THE CHESTNUT NEIGHBORHOOD.

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

THE PROPERTY IS THE ONLY LOT UNDER 2,500 SQFT. ON THE BLOCK, SO NEIGHBORING PROPERTY OWNERS HAVE THE BENEFIT OF UTILIZING THEIR LAND AS A RESIDENTIAL HOMESTEAD. SMALL RESIDENTIAL LOTS ARE HOWEVER, NOT UNIQUE TO THE AREA. SEVERAL PROPERTIES IN THE CHESTNUT NEIGHBORHOOD CURRENTLY HAVE SMALL LOT AMNESTY STATUS.

**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:

WE ARE REQUESTING PERMISSION TO BUILD A SINGLE FAMILY RESIDENCE IN A NEIGHBORHOOD THAT IS ZONED RESIDENTIAL. THERE ARE NO INTENTIONS TO ALTER THE CHARACTER OF THE CHESTNUT NEIGHBORHOOD. RATHER, THE INTENT IS TO INFILL A VACANT LOT WITH A SMALL HOME THAT WILL SERVE AS THE OWNERS' PRIMARY HOMESTEAD. AS THE ATTACHED RENDERINGS WILL SHOW, THE REQUEST IS TO OBTAIN THE LEGAL PERMISSION TO BUILD A HOME IN SCALE TO THE LOT AND THE NEIGHBORS' HOMES. IT IS NOT A PROJECT TO MAXIMIZE SQUARE FOOTAGE FOR RESALE. EVERY ADJACENT PROPERTY IS ZONED AND BUILT AS SINGLE FAMILY RESIDENCES, AND THE REQUEST IS TO ALLOW A RESIDENCE TO BE BUILT, JUST AS THE ORIGINAL ZONING PLAN INTENDED. THE PROPERTY WILL NOT IMPAIR ACCESS OR USE OF ADJACENT PROPERTIES, BUT RATHER INFILL A NEIGHBORHOOD THAT HAS SEVERAL VACANT LOTS, BUT SUPPORTS URBAN DENSITY, EVEN THOUGH SMALL LOT AMNESTY ALLOWS UP TO 65% IMPERVIOUS COVERAGE. THE OWNER ONLY PLANS TO BUILD ON APPROXIMATELY 40-55% OF THE LOT SO THERE ARE GROUNDS FOR GARDENING AND TO KEEP THE HOME IN SCALE TO NEIGHBORING PROPERTIES.

**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:

NOT APPLICABLE (N/A)

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:

NOT APPLICABLE (N/A)

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

NOT APPLICABLE (N/A)

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

NOT APPLICABLE (N/A)

**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: 5310 HARMON AVE UNIT B

City, State & Zip AUSTIN, TX 78751

Printed NATHAN MAULDING & LACEE DUKE Phone 512-905-0271

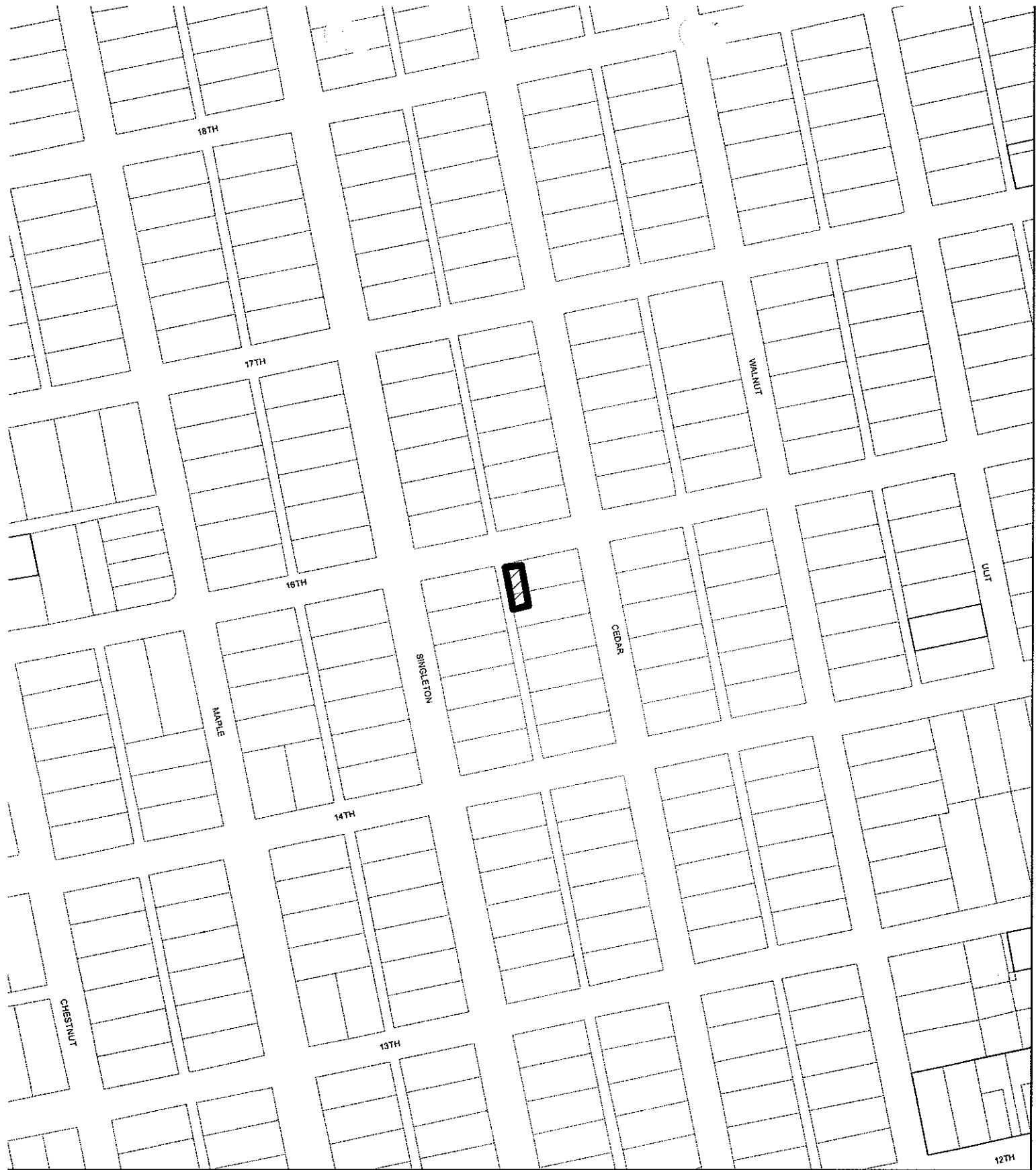
Date 9/24/12



**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 \_\_\_\_\_ Mail Address \_\_\_\_\_

City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_



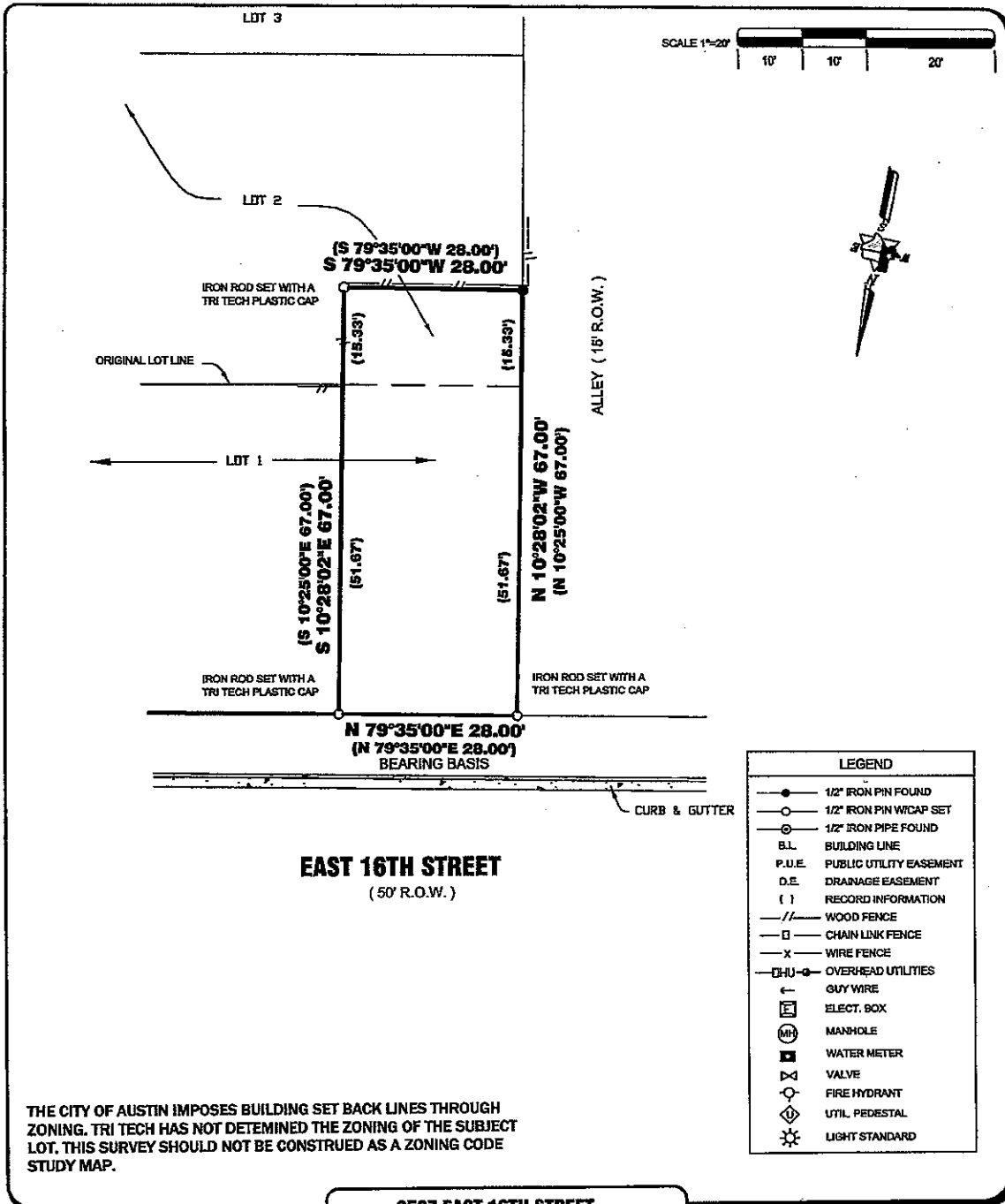
-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2012-0130  
 LOCATION: 2507 E 16th Street



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.



SCALE 1"=20'



LEGEND	
●	1/2" IRON PIN FOUND
○	1/2" IRON PIN W/CAP SET
⊙	1/2" IRON PIPE FOUND
B.L.	BUILDING LINE
P.U.E.	PUBLIC UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
( )	RECORD INFORMATION
—//—	WOOD FENCE
—□—	CHAIN LINK FENCE
—x—	WIRE FENCE
—HU—	OVERHEAD UTILITIES
↑	GUY WIRE
⊞	ELECT. BOX
⊕	MANHOLE
⊞	WATER METER
⊞	VALVE
⊞	FIRE HYDRANT
⊞	UTIL. PEDESTAL
⊞	LIGHT STANDARD

THE CITY OF AUSTIN IMPOSES BUILDING SET BACK LINES THROUGH ZONING. TRI TECH HAS NOT DETERMINED THE ZONING OF THE SUBJECT LOT. THIS SURVEY SHOULD NOT BE CONSTRUED AS A ZONING CODE STUDY MAP.

**2507 EAST 16TH STREET**

**PROPERTY INFORMATION**

**LEGAL DESCRIPTION**  
 THE WEST 28 FEET OF LOT 1, AND THE WEST 28 FEET OF THE NORTH 15.33 FEET OF LOT 2, BLOCK 15, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP OF RECORD IN VOLUME 2, PAGE 154, OF THE PLAT RECORDS, TRAVIS COUNTY, TEXAS.

**TITLE CO.:** AUSTIN TITLE COMPANY

**G.F.#** AUT12005825    **EFFECTIVE DATE:** JULY 17, 2012

**SURVEYED FOR:** JUSTIN DOAK

**DRAWING INFORMATION**

**TRI-TECH JOB NO.:** AUS-PL1192-12

**DRAWN BY:** V. SEGUIN

**FIELD DATE:** JULY 26, 2012

**FLOOD INFORMATION**

**TRAVIS COUNTY F.I.R.M. NO.:** ?    **PANEL:** ?

**REVISION DATE:** SEPT. 26, 2008    **ZONE:** X

FLOOD INFORMATION PROVIDED HEREON IS BASED ON SCALING THE LOCATION OF THE SUBJECT TRACT ON THE FLOOD INSURANCE RATE MAPS. THE INFORMATION SHOULD BE USED TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS. WE ARE NOT RESPONSIBLE FOR THE F.I.R.M.'S ACCURACY. FLOOD INFORMATION IS SUBJECT TO LETTER OF MAP CHANGES.

**NOTES:**

RESTRICTIVE COVENANTS AND EASEMENT RIGHTS RECORDED IN VOLUME 2, PAGE 154, OF THE PLAT RECORDS AFFECT THIS LOT.

THIS SURVEY DOES NOT CONSTITUTE A RECORDS SEARCH BY THE SURVEYOR. THE ENCUMBRANCES OF RECORD, AS REFLECTED ON THIS SURVEY ARE BASED ON THE RECORDED MAP, PLAT AN EXCEPTIONS IN SCHEDULE B, PARAGRAPH 10 FROM THE TITLE REPORT LISTED HEREON.

OWNER/BUILDER MUST VERIFY MINIMUM PROPOSED FINISHED FLOOR REQUIREMENTS OF F.E.M.A. AND/OR LOCAL GOVERNMENT AUTHORITIES, INCLUDING APPLICABLE BENCHMARK DATUM AND ADJUSTMENT, PRIOR TO PLANNING AND/OR CONSTRUCTION.

ALL BUILDING LINES, RECORDED EASEMENTS, UNRECORDED EASEMENTS, BUILDING RESTRICTIONS (DEED RESTRICTIONS, ETC.) AND ZONING ORDINANCES (INCLUDING CITY OF AUSTIN), IF ANY, THAT AFFECT SUBJECT PROPERTY SHOULD BE VERIFIED.

**TRI-TECH SURVEYING COMPANY, L.P.**  
 Formerly Point-Line Services, Inc.  
 Formerly D. Seelig Land Surveyors, PC  
 Formerly Grandt Surveying, PC

**WWW.SURVEYINGCOMPANY.COM**

3802 Manchaca Road    Phone: (512) 448-0222  
 Austin, Texas 78704    Fax: (512) 448-0224  
 Phone: (512) 339-0866

**CERTIFICATION**

I, the undersigned registered professional land surveyor, do hereby state that the plat shown hereon represents a boundary survey made on the ground under my supervision of the tract or parcel of land, according to the map or plat thereof, indicated hereon.

THIS SURVEY IS VALID FOR THIS TRANSACTION ONLY. THIS SURVEY IS INVALID WITHOUT THE ORIGINAL EMBOSSED SURVEYORS SEAL AND SIGNATURE.

© 2012 TRI-TECH SURVEYING COMPANY, L.P.

**STATE OF TEXAS**  
**REGISTERED**  
**DAVID BELL**  
**3894**  
**PROFESSIONAL**  
**LAND SURVEYOR**





Location of a new SF-3 Construction  
(2509 E 16<sup>th</sup>) Image to follow.

2507 E 16TH

E 16th St

E 16th St

Singleton Ave

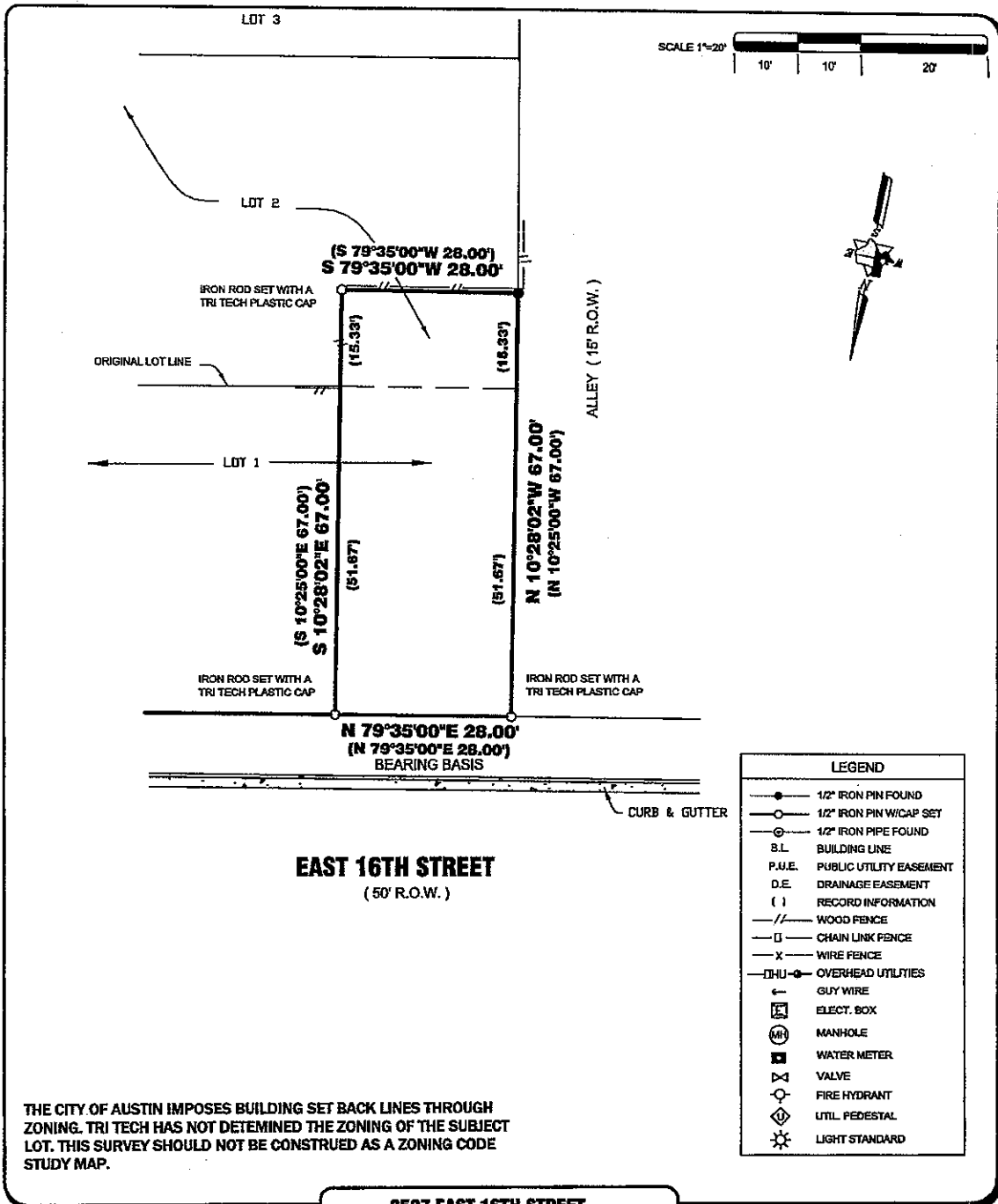
Cedar Ave

Cedar Ave

Map

Traffic

Traffic



THE CITY OF AUSTIN IMPOSES BUILDING SET BACK LINES THROUGH ZONING. TRI TECH HAS NOT DETERMINED THE ZONING OF THE SUBJECT LOT. THIS SURVEY SHOULD NOT BE CONSTRUED AS A ZONING CODE STUDY MAP.

LEGEND	
	1/2" IRON PIN FOUND
	1/2" IRON PIN W/CAP SET
	1/2" IRON PIPE FOUND
	S.L. BUILDING LINE
	P.U.E. PUBLIC UTILITY EASEMENT
	D.E. DRAINAGE EASEMENT
	( ) RECORD INFORMATION
	// WOOD FENCE
	□ CHAIN LINK FENCE
	X WIRE FENCE
	OHU OVERHEAD UTILITIES
	GUY WIRE
	ELECT. BOX
	MH MANHOLE
	WATER METER
	VALVE
	FIRE HYDRANT
	UTIL. PEDESTAL
	LIGHT STANDARD

**2507 EAST 16TH STREET**

**PROPERTY INFORMATION**

**LEGAL DESCRIPTION**  
THE WEST 28 FEET OF LOT 1, AND THE WEST 28 FEET OF THE NORTH 15.33 FEET OF LOT 2, BLOCK 15, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP OF RECORD IN VOLUME 2, PAGE 154, OF THE PLAT RECORDS, TRAVIS COUNTY, TEXAS.

**TITLE CO.:** AUSTIN TITLE COMPANY

**G.F.#:** AUT12005825    **EFFECTIVE DATE:** JULY 17, 2012

**SURVEYED FOR:** JUSTIN DOAK

---

**DRAWING INFORMATION**

**TRI-TECH JOB NO.:** AUS-PL1192-12

**DRAWN BY:** V. SEGUIN

**FIELD DATE:** JULY 26, 2012

---

**FLOOD INFORMATION**

**TRAVIS COUNTY F.I.R.M. NO.:** ?    **PANEL:** ?

**REVISION DATE:** SEPT. 26, 2008    **ZONE:** X

FLOOD INFORMATION PROVIDED HEREON IS BASED ON SCALING THE LOCATION OF THE SUBJECT TRACT ON THE FLOOD INSURANCE RATE MAPS. THE INFORMATION SHOULD BE USED TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS. WE ARE NOT RESPONSIBLE FOR THE FIRM'S ACCURACY. FLOOD INFORMATION IS SUBJECT TO LETTER OF MAP CHANGES.

**NOTES:**

RESTRICTIVE COVENANTS AND EASEMENT RIGHTS RECORDED IN VOLUME 2, PAGE 154, OF THE PLAT RECORDS AFFECT THIS LOT.

THIS SURVEY DOES NOT CONSTITUTE A RECORDS SEARCH BY THE SURVEYOR. THE ENCUMBRANCES OF RECORD, AS REFLECTED ON THIS SURVEY ARE BASED ON THE RECORDED MAP, PLAT AND EXCEPTIONS IN SCHEDULE B, PARAGRAPH 10 FROM THE TITLE REPORT LISTED HEREON.

OWNER/BUILDER MUST VERIFY MINIMUM PROPOSED FINISHED FLOOR REQUIREMENTS OF F.E.M.A. AND/OR LOCAL GOVERNMENT AUTHORITIES, INCLUDING APPLICABLE BENCHMARK DATUM AND ADJUSTMENT, PRIOR TO PLANNING AND/OR CONSTRUCTION.

ALL BUILDING LINES, RECORDED EASEMENTS, UNRECORDED EASEMENTS, BUILDING RESTRICTIONS (DEEP RESTRICTIONS, ETC.) AND ZONING ORDINANCES (INCLUDING CITY OF AUSTIN), IF ANY, THAT AFFECT SUBJECT PROPERTY SHOULD BE VERIFIED.

**TRI-TECH SURVEYING COMPANY, L.P.**  
Formerly Point-Line Services, Inc.  
Formerly D. Seelig Land Surveyors, PC  
Formerly Brandt Surveying, PC

**WWW.SURVEYINGCOMPANY.COM**  
3802 Manchaca Road    Phone: (512) 448-0222  
Austin, Texas 78704    Fax: (512) 448-0224  
Phone: (512) 339-0808

**CERTIFICATION**

I, the undersigned registered professional land surveyor, do hereby state that the plat shown hereon represents a boundary survey made on the ground under my supervision of the tract or parcel of land, according to the map or plat thereof, indicated hereon.

THIS SURVEY IS VALID FOR THIS TRANSACTION ONLY. THIS SURVEY IS INVALID WITHOUT THE ORIGINAL EMBOSSED SURVEYORS SEAL AND SIGNATURE.

© 2012 TRI-TECH SURVEYING COMPANY, L.P.