

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 # C15-2012-0142
ROW # 10856754
TP-0210120103

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: 2702 E 12th STREET

LEGAL DESCRIPTION: Subdivision – RESUBDIVISION OF HENRY ULIT'S

Lot(s) 2 Block 2 Outlot 29-30 Division B

I KEVIN SMITH, on behalf of myself as authorized agent for

ARMER + SMITH CAPITAL GROUP, LLC affirm that on 11/01/2012,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

25-2-1444 (B) (2)

3500 → 2750-2C

3500 → 2625-2D

in a SF3-NP district. (Chestnut)
(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.

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 plat is approved by the City of Austin, and recorded, but the Residential Building Review department will not issue a Building Permit due to the size of my lot in comparison to the adjacent lot.

HARDSHIP:

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

Other plats for Cottage Lots that go through the City of Austin's approval process and are approved by the City of Austin are allowed to be issued a Building Permit as long as they meet all of the impervious cover, building cover, and setbacks requirements. My property is being denied such a permit

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

The property is located in the Chestnut neighborhood of the City of Austin. The Chestnut Neighborhood Plan has adopted most of the Special Uses available to a neighborhood including Small Lot Amnesty, Cottage Lot, Urban Home, Secondary Apartment, Neighborhood Urban Center, and Mixed Use Building.

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 property directly adjacent on the West side is a vacant lot and the property directly adjacent to the East is a single family residence. The property two lots to the East is zoned TOD. The ability to construct a

single family cottage on the Cottage Lot will not have an adverse impact on adjacent 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:

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:

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:

N/A

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

N/A

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.

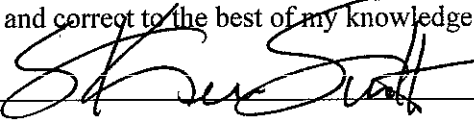
APPLICANT CERTIFICATE -- I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address P.O. BOX 203535

City, State & Zip AUSTIN, TX 78720

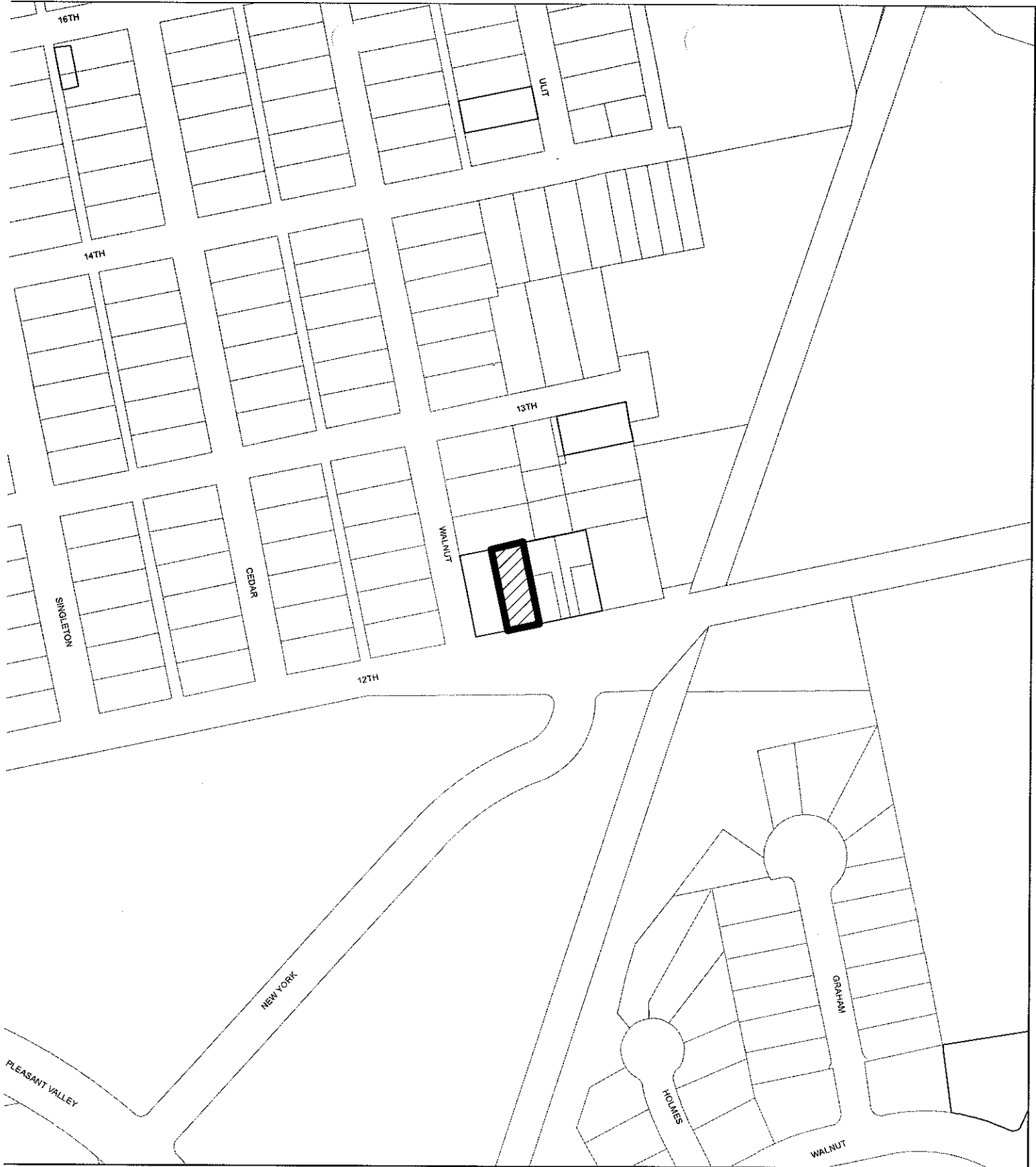
Printed KEVIN SMITH Phone 512-964-3864 Date 11/01/12

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 P.O. BOX 203535

City, State & Zip AUSTIN, TX 78720

Printed KEVIN SMITH Phone 512-964-3864 Date 11/01/12

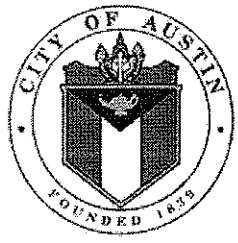


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0142
 LOCATION: 2702 E 12th 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.



TRV
2 PGS

201200161

PLAT DOCUMENT # _____

PLAT

PLAT RECORDS INDEX SHEET:

SUBDIVISION NAME: RESUBDIVISION OF LOT 2 BLOCK 2 HENRY
ULIT'S SUBDIVISION OF OUTLOTS 29 AND 30 DIVISION B

OWNERS NAME: ARMER + SMITH CAPITAL GROUP LLC

RESUBDIVISION? YES NO

ADDITIONAL RESTRICTIONS / COMMENTS:

2012146030

RETURN:

PLANNING AND DEVELOPMENT
505 BARTON SPRINGS 4TH FL
AUSTIN TX 78704

PLAT FILE STAMP

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Aug 31, 2012 12:48 PM

BENAVIDESV: \$65.00

201200161

Dana DeBeauvoir, County Clerk

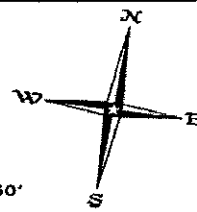
Travis County TEXAS

8.31.12

\$1450

201200161

RESUBDIVISION OF LOT 2 BLOCK 2 HENRY ULIT'S SUBDIVISION OF OUTLOTS 29 AND 30 DIVISION B



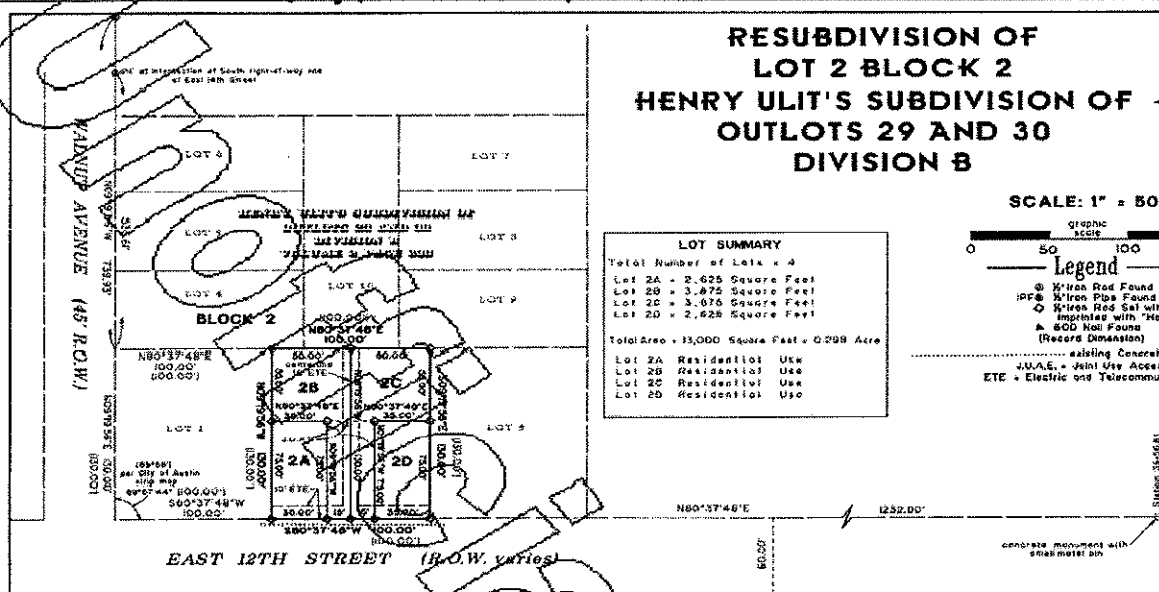
SCALE: 1" = 50'



Legend

- ⊙ Iron Rod Found
- ⊙ Iron Pipe Found
- Iron Rod Set with plastic cap imprinted with "Matt Carson, Inc."
- ▲ 600 Nail Pumps (Record Dimension)
- existing Concrete Sidewalk
- J.U.A.E. = Joint Use Access Easement
- ETE = Electric and Telecommunications Equipment

LOT SUMMARY	
Total Number of Lots = 4	
Lot 2A	= 2,625 Square Feet
Lot 2B	= 3,875 Square Feet
Lot 2C	= 3,075 Square Feet
Lot 2D	= 2,425 Square Feet
Total Area = 12,000 Square Feet = 0.299 Acre	
Lot 2A	Residential Use
Lot 2B	Residential Use
Lot 2C	Residential Use
Lot 2D	Residential Use



EAST 12TH STREET (B.O.W. varies)

concrete monument with stainless steel pin

This subdivision is located in the Full Purpose Jurisdiction of the City of Austin this the 28th day of August, 2012.

ACCEPTED AND AUTHORIZED for record by the Director, Planning and Development Review Department, City of Austin, County of Travis, this the 28th day of August, 2012, A.D.

[Signature]
Reg. Secretary, Director, Planning and Development Review Department

ACCEPTED AND AUTHORIZED for record by the Planning Commission of the City of Austin, Texas, this the 28th day of August, 2012, A.D.

[Signature]
Date: 28th day of August, 2012, A.D.
Secretary

THE STATE OF TEXAS
THE COUNTY OF TRAVIS
Dana Debeauvoir, Clerk of Travis County, Texas, do hereby certify that the foregoing instrument of WARRANTY AND RESUBDIVISION was filed for record in my office on the 28th day of August, 2012, A.D., by Kevin Smith and duly recorded on the 28th day of August, 2012, A.D., at Block 2 in the Official Public Records of said County and State in Document No. 201202692.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY this the 28th day of August, 2012, A.D.

DANA DEBEAUVOIR, COUNTY CLERK TRAVIS COUNTY, TEXAS

BY: *[Signature]*
Deputy



NOTE:
THE WATER AND/OR WASTEWATER EASEMENTS INDICATED ON THIS PLAT ARE FOR THE PURPOSE OF CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, UPGRADE, DECOMMISSIONING AND REMOVAL OF WATER AND/OR WASTEWATER FACILITIES AND APPURTENANCES. NO OBJECTS, INCLUDING BUT NOT LIMITED TO BENCHING, FENCES, RETAINING WALLS, TREES OR OTHER STRUCTURES ARE PERMITTED IN WATER AND/OR WASTEWATER EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN.

THE STATE OF TEXAS
THE COUNTY OF TRAVIS
KNOW ALL MEN BY THESE PRESENTS.

That, Armer + Smith Capital Group, LLC, acting by and through its Managing Member, Kevin Smith, owner of all of Lot 2, Block 2, Henry Ulit's Subdivision of Outlots 29 and 30, Division B, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 2 Page 230 of the Plat Records of Travis County, Texas, as conveyed to it by Warranty Deed recorded in Document Number 201202692 of the Official Public Records of Travis County, Texas, said subdivision having been approved for resubdivision pursuant to the public notification and hearing provision of Chapter 212.014, of the Local Government Code, do hereby resubdivide said Lot 2 in accordance with the attached map or plat shown hereon pursuant to Chapter 212 of the Texas Local Government Code, to be known as

RESUBDIVISION OF LOT 2 BLOCK 2 HENRY ULIT'S SUBDIVISION OF OUTLOTS 29 AND 30 DIVISION B

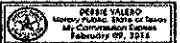
subject to any easements and/or restrictions heretofore granted, and not released.

WITNESS MY HAND this 17 day of July, A.D. 2012.

[Signature]
Kevin Smith, Managing Member for Armer + Smith Capital Group, LLC

THE STATE OF TEXAS
THE COUNTY OF TRAVIS
I, the undersigned authority, on this the 17 day of JULY, A.D. 2012, did personally appear Kevin Smith, known to me to be the person whose name is subscribed to the foregoing instrument of writing, and he acknowledged before me that he executed the same for the purposes and considerations therein expressed.

NOTARY PUBLIC *[Signature]*
Printed Name DEBBIE VALERO
Commission Expires 2-9-16



RESUBDIVISION OF LOT 2 BLOCK 2 HENRY ULIT'S SUBDIVISION OF OUTLOTS 29 AND 30 DIVISION B

NOTES:

1. No lot shall be occupied until the structure is connected to the City of Austin water and wastewater utility system.
2. All water and wastewater improvements must be in accordance with City of Austin water and wastewater design criteria and specifications. All plans must be presented to the City of Austin Water and Wastewater Utility Department for review and approval. All construction must be inspected by the City of Austin.
3. Building setbacks shall be in accordance with the City of Austin Zoning ordinance requirements.
4. No buildings, fences, landscaping, or other obstructions are permitted in drainage easements except as approved by the City of Austin.
5. All drainage easements on private property shall be maintained by the property owner or his assigns.
6. Property owner shall provide for access to utility easements as may be necessary and shall not prohibit access by governmental authorities.
7. The owner of this subdivision, and his or her successors, and assigns, assumes responsibility for plans for construction of subdivision improvements which comply with applicable codes and requirements of the City of Austin. The owner, undersigned, and his/her assigns, shall not be held responsible for any construction that does not comply with such codes and requirements.
8. Prior to construction, except detached single family on one lot in this subdivision, a Site Development Permit must be obtained from the City of Austin.
9. All streets, drainage, sidewalks, erosion control, and water and wastewater lines are required to be constructed and installed to City of Austin Standards.
10. Austin Energy has the right to cut, trim trees and shrubs and remove obstructions to the extent necessary to keep the adequate sight of overhead Austin Energy will perform all tree work in compliance with the City of Austin Land Development Code.
11. The owner/developer of this subdivision/lot may provide Austin Energy with any easement and/or access required for the installation and ongoing maintenance of overhead and underground electric facilities within or along the perimeter of the subdivision/lot. These easements/access are required to provide electric service to the building and will not be required to clear the site to be out of compliance with the City of Austin Land Development Code.
12. The owner shall be responsible for installation of temporary erosion control, revegetation and tree protection. In addition, the owner shall be responsible for any utility pruning and tree removal that is within ten feet of the center line of the proposed overhead electrical facilities designed to provide electric service to the project. The owner shall include Austin Energy's work within the limits of construction for this project.
13. All signs shall comply with the Austin Sign Ordinance.
14. By approving this plat, the City of Austin assumes no obligation to construct any infrastructure in connection with this subdivision. Any subdivision infrastructure required for the development of the lots in this subdivision is the responsibility of the developer and/or the owners of the lots. Failure to construct any required infrastructure to city standards may be just cause for the City of Austin applications for certain development permits including building permits, site plan approvals and/or certificates of occupancy.
15. Public sidewalks, built to City of Austin standards, are required along the following streets and as shown by a dotted line on the face of the plat: Cardinal Lane. These sidewalks shall be in place prior to the lot being occupied. Failure to construct the required sidewalks may result in the withholding of Certificates of Occupancy, building permits, or utility connections by the governing body or utility company.
16. All streets will be constructed to City of Austin standards.
17. The landowner is responsible for providing the subdivision infrastructure, including the water and wastewater utility improvements.
18. No portion of this subdivision is within the boundaries of the 100-year flood plain of any waterway that is within the limits of study of the Federal Flood Administration FIRM panel 48453C 0485 H, dated September 26, 2008.
19. Erosion/Sedimentation controls are required for all construction on each lot, including single family and duplex construction, pursuant to the City of Austin Land Development Code and the Environmental Criteria Manual (ECM).
20. Lot 2A, Lot 2B, Lot 2C, and Lot 2D of this subdivision shall have separate sewer taps, separate water meters, and their respective private water and sewer service lines shall be positioned or located in a manner that will not cross lot lines.
21. The owner of the property is responsible for maintaining clearances required by the National Electric Safety Code, Occupational Safety and Health Administration (OSHA) regulations, City of Austin rules and Texas state laws pertaining to clearances when working in close proximity to overhead power lines and equipment. Austin Energy will not render electric service unless required clearances are maintained. All costs incurred because of failure to comply with the required clearances will be charged to the owner.
22. Prior to construction on lots in this subdivision, drainage plans will be submitted to the City of Austin for review. Rainfall runoff shall be held to the amount existing at undeveloped status by ponding or other approved methods.
23. Joint Access will be provided to East 12th Street from Lots 2B and 2C. The maintenance of the Joint Use Access driveway shall be the responsibility of the owners of the lots which are served by the Joint Use Access driveway.
24. All restrictions and notes from the previous subdivisions, Henry Ulit's Subdivision of Outlots 29 and 30 Division B according to the maps or plate of record in Volume 2 Page 230 of the Travis County Plat Records, shall apply to this resubdivision plat.
25. This plat is to be developed as Cottage Use Lots per LDC 25-2-1444.

THE STATE OF TEXAS
THE COUNTY OF TRAVIS
I, Holt Carson, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that this plat complies with Title 25 of the Austin City Code, and is true and correct and was prepared from an actual survey of the property made by me or under my supervision on the ground.

Holt Carson
Holt Carson
Registered Professional Land Surveyor No. 5166
HOLT CARSON, INC.
1994 Farley Road Austin, Texas 78720
(512)-412-0999



7-12-2012
Date

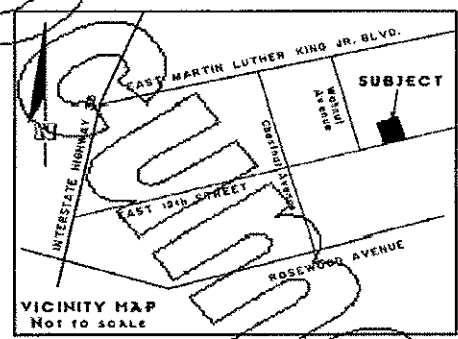
THE STATE OF TEXAS
THE COUNTY OF TRAVIS
I do hereby certify that the engineering work being submitted herein complies with all provisions of the Texas Engineering Practice Act, including Section 131.152(a), hereby acknowledge that any misrepresentation regarding this certification constitutes a violation of the Act, and may result in criminal, civil and/or administrative penalties against me as authorized by the Act.

No portion of this subdivision is within the boundaries of the 100-year flood plain of any waterway that is within the limits of study of the Federal Flood Administration FIRM panel 48453C 0485 H, dated September 26, 2008.

Kurt Prossner
Kurt Prossner P.E. No. 58101
PROSSNER and ASSOCIATES
3377 Park Springs Road
Austin, Texas 78720



7/12/12
Date



To who It May concern:

My name is Ray Jackson, Sr. and I live at 2704 E. 12th street and I support the request by Kevin Smith for a variance to allow cottage lots of less than 3,500 square feet in lot size to be adjacent to my property.

If you have any questions you may contact me at 512-699-2234.

Sincerely,

Ray Jackson Sr. 11/12/12

Ray Jackson Sr.

Walker, Susan

From: Kevin Smith <kevin@terrazacapital.com>
Sent: Wednesday, November 07, 2012 9:22 PM
To: Walker, Susan
Subject: 2702 East 12th street variance request
Attachments: Support Letter from Ray Jackson, Sr..pdf.pdf.pdf

Hi Susan,

I am attaching the letter of support from the adjacent lot neighbor, Ray Jackson, Sr., located at 2704 E 12th street. I will also be forwarding a letter of support from the Chestnut neighborhood association next week.

The answer to your question regarding the affected lots per the plat, lots 2C and 2D are the affected lots. Lot 2 D is 2,625 sq. ft. in size. Lot 2D is a total of 3,875 sq. ft. but only 2,750 sq. ft. excluding the flagpole. Both lots are greater than the minimum cottage lot size of 2,500 sq. ft..

Let me know if you have any questions and thank you for your help.

Sincerely,

Kevin Smith