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

DATE: Monday, December 10, 2012 Jeff Jack	CASE NUMBER: C15-2012-0142
Michael Von Ohlen	
Nora Salinas	
Bryan King	
Fred McGhee	
Melissa Hawthorne	
Sallie Burchett	
Cathy French (SRB only)	
APPLICANT/OWNER: Kevin Smith	
ADDRESS: 2702 12TH ST	
VARIANCE REQUESTED: The applicant had minimum lot size requirement of Section 25 to 2,750 square feet for Lot 2C and from 3,5 Lot 2D in order to erect a Cottage Special L Residence – Neighborhood Plan zoning dis The Land Development Code states that the special use is 3,500 square feet for a lot that adjoins a lot that is (i) zoned "SF-3"; (ii) had feet; and (iii) is developed as a single-family	5-2-1444 (B) (2) from 3,500 square feet 500 square feet to 2,625 square feet for Jse on each lot in an "SF-3-NP", Family strict. (Chestnut Neighborhood Plan) e minimum lot area for a cottage at is located in an "SF-3" district and s a lot area of at least 5,750 square
BOARD'S DECISION: POSTPONED TO J. REQUIRED, NEED TO CORRECT ADDRESS	
FINDING:	
 The Zoning regulations applicable to the pr because: 	operty do not allow for a reasonable use
2. (a) The hardship for which the variance is r	equested 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	
impair the use of adjacent conforming prop	erty, and will not impair the purpose of
the regulations of the zoning district in which	in the property is located because:
1 July 1 Jol Mile	William Man O to
Susan Walker	Jeff Jack
Executive Liaison	Chairman

Chestnut Neighborhood Plan Contact Yearn

December 6, 2012

City of Austin Board of Adjustment 301 West 2nd St. Austin, Texas 78701

Case Number: C15-2012-0142

Dear Board of Adjustment,

lam writing to express the support of the Chestnut Neighborhood Plan Contact Team for the applicant's variance request for the lot at 2706 E 12th St. We support the following variance:

-Decrease the minimum lot size requirement of Section 25-2-1444 (B) (2) from 3,500 square feet to 2,750 square feet for Lot 2C and from 3,500 square feet to 2,625 square feet for Lot 2D in order to erect a Cottage Special Use on each lot in an "SF-3-NP", Family Residence Neighborhood Plan zoning district.

The Chestnut NPCT has met with the applicant to discuss this development, and support him in his variance request:

Best wishes,

Greg Goeken

Chair

Chestnut NPCT 830-613-5553

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- 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;
 nd:
- 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.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

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	Case Number: C15-2012-0142 - 2710, 2712 E 12th Street Contact: Susan Walker, 512-974-2202 Public Hearing: Board of Adjustment, January 14, 2013 MAPLY BLOCK Your Name (please print) 2504 NEW YOR IS DOUK Your address(es) affected by this application Signature Daytime Telephone: 214-563-2628 Comments: 1N FAVOR Comments: 1N FAVOR

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Imber: C15-2012-0142 - 2710, 27 I: Susan Walker, 512-974-2202 Hearing: Board of Adjustment, Ja Please print) TRalph Mayner ss(es) affected by this application Signature Signature	If you use this fo City of Austin-Pla Susan Walker P. O. Box 1088	Daytime Te	Your ada	Case Conti Publi Pour Nar
er, 512-974-2202 erd of Adjustment, January 1 May year Fr y this application gnature 8 = 3 3 4 9 3 Somment, it may be returned & Development Review Department	se this form to c		TRUPP ress(es) affected b	Number: C15-2 act: Susan Walk c Hearing: Boan ne (please print)
10, 2712 E 12 ¹ 22 ent, January 1 2	comment, it m	ignature S	by this applicated	2012-0142 27 er, 512-974-22 rd of Adjustm
	ay be returned It Review Depa	4858 648	Mr evet L	10, 2712 E 12 ⁰ 02 ent, January 1

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Walker, Susan

To:

laura mcquary

Cc:

Jose Minguell, AIA; Ray McQuary

Subject:

RE: C15-2012-0142

Laura,

You are correct. Mr. Kevin Smith came in this morning after noticing that he had listed the wrong address on the application. Because of this...this case will NOT be heard on Monday and new notices indicating the correct address and lot highlighted on the map will have to be sent out.

This case will be moved to the January 14th hearing.

Susan Walker Senior Planner

Planning & Development Review Department

Phone: 512-974-2202 Fax: 512-974-6536

From: laura mcquary

Sent: Monday, December 03, 2012 12:05 PM

To: Walker, Susan

Cc: Jose Minguell, AIA; Ray McQuary

Subject: C15-2012-0142

Susan,

We received the Notice of Public Hearing for Case C15-2012-0142.

I need to point out that there is a big error on the variance request.

Kevin Smith is listed as the owner for 2702 E 12th, however this is incorrect. The owner for this property is Ray Jackson McQuary and he is not requesting a variance. Likewise Ray McQuary's property has been highlighted as the subject tract shown for this case. I think Kevin Smith should revise his application before the hearing.

Thanks,

Laura McQuary, a r c h i t e c t

Minguell-McQuary, llc 702 san antonio st. austin, texas 78701

512.577.2201

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 # (15-2012-0142 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.

	27/0 = 27/2
STREET ADD	ORESS: 2382 E 12 th STREET
LEGAL DESC	CRIPTION: Subdivision – RESUBDIVISION OF HENRY ULIT'S
Lot(s) 2	Block 2 Outlot 29-30 Division B
I <u>KEVIN</u>	SMITH , on behalf of myself as authorized agent for
<u>ARMER + SN</u>	AITH CAPITAL GROUP, LLC affirm that on 11/01/2012,
hereby apply fo	or a hearing before the Board of Adjustment for consideration to:
(check appropr	riate items below)
✓ ERECT_	ATTACHCOMPLETEREMODELMAINTAIN 25-2-1444 (P) (2)
	3500→ 2750- 2C
Ø	3500 = 2625-21)
in a <u>SF3-N</u>	district. (CUSHWL)

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.

Re Bo res	ARKING: (Additional criteria for parking variances only.) quest for a parking variance requires the Board to make additional findings. The ard may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with pect to the number of off-street parking spaces or loading facilities required if it makes dings 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
N	OTE: 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.
	PLICANT CERTIFICATE – I affirm that my statements contained in the complete olication are true and correct to the best of my knowledge and belief. Mail Address P.O. BOX 203535
Cit	y, State & ZipAUSTIN, TX 78720
Pri	nted <u>KEVIN SMITH</u> Phone <u>512-964-3864</u> Date <u>11/01/12</u>

OWNERS CE	ERTIFICATE – I affirm tl	nat my state	ments contained	in the complete ap	plication
are true and co	rreat to the best of my know	vledge and	belief.		
Signed	Dusto	Mai	l Address <u>P.O. B</u>	OX 203535	
City, State & Z	ipAUSTIN, T	<u> 78720</u>			
Printed	KEVIN SMITH	Phone	512-964-3864	Date 11/01/12	



201200161

PLAT DOCUMENT # __

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 ARMEN + SMITH CAPITAL GROUP LLC

RESUBDIVISION? \ Y \(\infty\) \(\infty\)

ADDITIONAL RESTRICTIONS / COMMENTS:

2012146030

RETURN:

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

PLAT FILE STAMP

FILED AND RECORDED

Aug 31, 2012 12:48 PM

BENAVIDESV: \$65.00

Dana DeBeauvoir, County Clerk Travis County TEXAS

NOTES.

1. No lot that ly w occupies until the structure is connected to the City of Austin water and "Satematicality systems."

2. All yelder and years relationable there were necessary to be in accordance with City of Austin water and recommenter of systems or graphs of price and specifications. All plane must be presented to the City of Austin Water and approved and contraction must be improved and approved and contraction must be improved by my city of Austin Austin and Contraction must be improved and contraction must be improved and contraction of the City of Austin Zening ordinance requirems.

1. Building affected tight spatial.

5. All declarge experiencis on private projecty shall be maintained by the property owner or ne ass b. Property owner shall frontly be accepted to declaring a deferment at may be necessary and shall not prohibit accept by geogrammental authorities.

7. The awner of this subdivision, and his of her executing and assigns, assumes responsibility for plans for construction-a subdivision, and her executing with applicable codes and requirements of the City of Austin, the owner, understandantly declared declared this subdivision or registring may be required perfect owners about profess, if plans are construct the subdivision do not comply with such codes, and requirements.

8. Prior to construction, except desponded stongs, family on any token the subdivision, a Site Development Permit must be admitted than after City vt Austin.

8. Prior to construction, except detached single-family on any levin inflavous-division, a Site Development Permit must be obtained from the City of Australia.

8. Prior to construction, except, detached from the City of Australia and Value and State and S

15. The owner/developer of this subdivision/laketty profiles Austin and/or occess required for the installation and oraging majorate statute (actilities within or atong the perfector of the subdivision required to provide electric service to the subdivision and will not be out of compliance with the City at Austin Land Development of the control of

12. The awner shall be responsible for installation of temporary less protection in addition, the owner shall be responsible themselved that is within ten feet of line center line of the proposed system provide electric service to this project. The owner shall include limits of construction for this project.

13. All signs shall comply with the Austin Sign Ordinance.

16. By approving this plat, the City of Austin assumes no ekligation is infrastructure in connection with this subdivision. Any subdivision intro the development of the folia in this subdivision is the responsibility of the eventual transfer of the folia in this subdivision is the responsibility and/or the entering of the folia fallure to construct thy required infrastructure only be just course for the City of days applications for a permits including building permits after plan approvats and/or certifici

15. Public sidewalks, built to City of Austin standards, are required along the following stre and as shown by a delived line on the face of the plat Cardinal Land-Trees sidewalks shall be in place prior to the lob baring equapita. Failure to censtruct the required sidewalks may result in the withholding of Carditather of Decupancy, Studing painting, of utility dehnections by the galvining body as utility company.

16. All streets will be constructed to City of Austin standards.

17. The landowner is responsible for previding the aubdivision infrastructure, including the water and wasteraler utility improvements.

16. No parties 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 Admirestration FIRM ganet 445320 (465), data Captember 36, 2001.

19. Erosion/Strömentation controls are required for all construction on each (of, including single family and duples construction, pursuant to the City of Austin Land Development Cade and the Environmental Criteria Manual (ECN).

CONTROMEROR UTILITIES WITHOUT SECURITY OF THE SUBMINISTRICT STYLE STATES OF THE STATES

22. Prior to construction on tota in this subdivision, definings plans with be submitted to the City of Avytin for review. Rotofull run-oil shall be held to the amount estating at undeveloped delates by ponding or other opproved methods.

22. Joint Access will be presided to East 12th Street from Lote 28 and 2C. The maintanance of the Joint Use Access diveway shall be the responsibility of the owners of the lote which are served by the Joint Use Access drivwng.

24. All resiziations and nates from the previous subdivisions, Henry Utilt's Subdivision of Outlets 29 and 30 Division 5 according to the maps or plate of reacrd in Volume 2 Page 230 of the Trajet Country Flat Secords, shall apply 10 this resubdivision plat.

25. This plat is to be developed as Cottage Use Lots per LDC 25-2-1444.

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

THE STATE OF TEXAS
THE COUNTY OF TRAVE
I, Holl Carson, un authorized under the tawa of the State of Texas to practice the
profession of autweying, and hereby cettify that this plot complies with Title 25 of the Austin City
Code, and is two and correct and suce expected from an actual survey of the properly made by
me or under my supervision on the ground.

Holk Gareen molt Careon " Registered Professional Land Surveyor No.5% HOLT CARSON, INC.

7-12-2012

1924 Partyley Read Assto, Texas 74794 (612)-442-0990

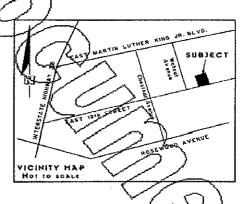
THE STATE OF JEXAS A
THE COURTY OF TRAVIS —
Lad inversy carbly that the engineering work being submitted herein compiler with all
provisions of the Taxas Engineering Practice Act, including Section 131.152(e); hereby
acknowledge that any mineepresentation regarding the earthleaten constitutes a visibility
of the Act, and may result in ariminal, this ans/or gaministralive penalties against me as
outhorized by the Act.

No portion of this subdivision is within the boundaries of the 100-year flood pion of any waterway litted is within the limits of alloy of the Federal Flood Administration FRM panel 48550 6455 M, dated Explember 26, 2008.









PAGE 2 01 2

CASE NUMBER C6-2012-0031. OA

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 Just Ray Dackson Sr.

Walker, Susan

From:

Kevin Smith <kevin@terrazacapital.com> Wednesday, November 07, 2012 9:22 PM

Sent: 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