

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

DATE: Tuesday, November 13, 2012

CASE NUMBER: C15-2012-0128

____ Jeff Jack
____ Michael Von Ohlen
____ Nora Salinas
____ Bryan King
____ Fred McGhee
____ Melissa Hawthorne
____ Sallie Burchett
____ Cathy French (SRB only)

APPLICANT: John Hussey

OWNER: Tressa Granger Piekarz

ADDRESS: 1204 VALDEZ ST

VARIANCE REQUESTED: The applicant has requested a variance from Section 25-2-1463 (C) (2) (a) in order to erect a secondary dwelling unit that is not at least 15 feet to the rear of the principal structure in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Montopolis Neighborhood Plan) The Land Development Code states that a secondary apartment must be located at least 15 feet to the rear of the principal structure.

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to January 14, 2013, Board Member Michael Von Ohlen second on a 7-0 vote; **POSTPONED TO JANUARY 14, 2013.**

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

Walker, Susan

From: PODER Austin, Texas [REDACTED]
Sent: Sunday, January 13, 2013 12:13 PM
To: Walker, Susan
Subject: Fwd: 1204 Valdez Drive
Attachments: 2_Unit_Layout_Staggered.pdf

----- Forwarded message -----

From: **PODER Austin, Texas** <[REDACTED]@poder-texas.org>
Date: Sun, Jan 13, 2013 at 12:06 PM
Subject: 1204 Valdez Drive
To: [REDACTED]

Hello Susana Walker- Members of the Montopolis Neighborhood Contact Team and Montopolis Neighborhood Association met with the agent and owner of 1204 Valdez Drive, Case#C15-2012-0128 to discuss the case (John Hussey, Bobbie Jo Cornelius, & Tressa Granger) on January 9th. We reached an agreement with applicant for a new site plan layout of the property. I am attaching the new site plan layout. Thank you, Susana Almanza, President Montopolis Neighborhood Contact Team and Montopolis Neighborhood Association

--
PODER
P.O. Box 6237
Austin, TX 78762-6237
www.poder-texas.org

--
PODER
P.O. Box 6237
Austin, TX 78762-6237
www.poder-texas.org

LOT 10

(S 34°05' W
S 33°59'02" W

55')
55.00'

(5' p.u.e.)

10' B.L. PER ZONING

17" HACKBERRY

EXISTING/
PERMITTED
MODULAR
UNIT

CO

FFE MIN. 482.0

17" HACKBERRY

104.70'

104.60'

(5' p.u.e.) & 5' B.L. PER ZONING

PROPOSED
MODULAR
UNIT

(S 55°55' E
S 55°46'24" E

(104.70')
104.70'

LOT

LOT 16

(N 55°55' W

N 55°44'43" W

120 LF 4" S&W 40 PWD
WASTEWATER LINE AT 25 MIN.
INSTALL CLEANOUTS AS SHOWN

REMOVE EXISTING CONCRETE AT
BUILDING LINE

14" TALLOW
16" TALLOW

9" HLB

Extg.
Concrete
Slab

25' B.L. PER ZONING

5/8" WATER SERVICE (100
LB SCH-80 PVC)

NEW CONCRETE TO CORRECT
EXISTING APPROACH & SLAB
FOR PARKING

INSTALL WATER SERVICE
WITH 5/8" METER

CONNECT PROPOSED 6" PRIVATE
WASTEWATER SERVICE LINE TO
EXISTING CLEANOUT

Extg. Cleanouts

Extg. 4" Conc. Sidewalk

Back of Curb

Extg. Conc. Approach
to remain

VALDEZ STREET

(50' R.O.W.)

EXTG. 6" WW SERVICE LINE

EXTG. 12" C.I. WATERLINE

SERVICE CONNECTION TO EXISTING
WATER LINE

EXTG. WW MANHOLE
ID-225269

EXTG. 6" CONC
WASTEWATER LINE
PROP 4-7185

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;
- and:

- 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.

Case Number: C15-2012-0128 - 1204 Valdez Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 13th, 2012

EDWARR ROUSSEAU

Your Name (please print)

☒ I am in favor
☐ I object

Your address(es) affected by this application

1211 WARGAS RD AUSTIN TX 78741

Signature

Date

Daytime Telephone: *512 496 4450* *11-2-2012*

Comments:

If you use this form to comment, it may be returned to:

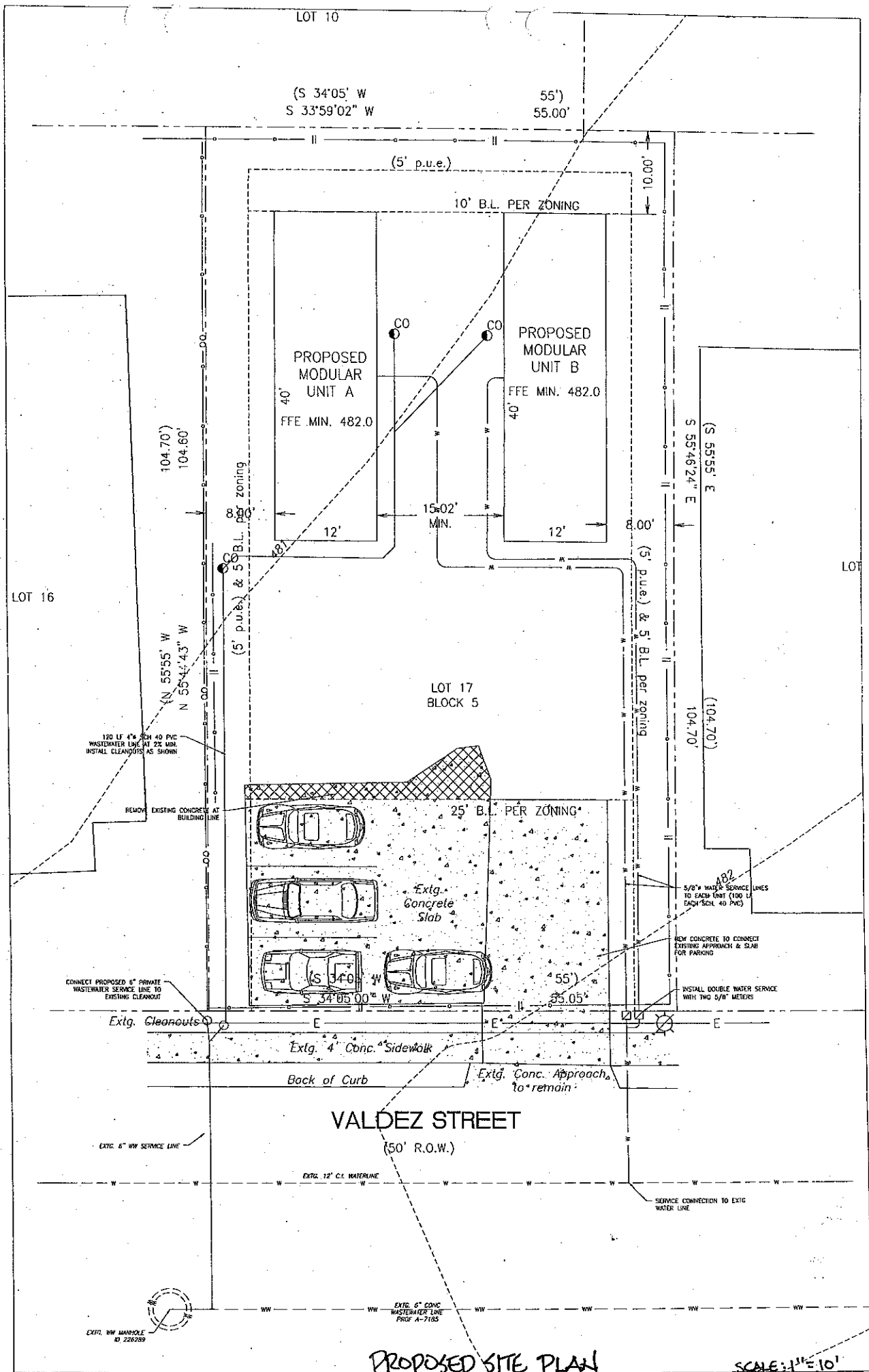
City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

PETITION FOR VARIANCE 1204 VALDEZ STREET

September 19, 2012

We, the undersigned, have been informed of the intentions and plans by the owner, Tressa Granger to develop the property located at 1204 Valdez St Austin. We feel the request for variance from spacing requirements for the secondary dwelling unit is reasonable and will not alter the character of the area adjacent to the area and in fact will enhance the continued improvements of our street and neighborhood. We like the cottages and think they look very nice. We appreciate your consideration in this matter and show our support and hope you will approve the change requested.

| Printed Name | Signature | Address | Phone |
|---------------|----------------------|-----------------|----------------|
| JOE MORENO | <i>Joe Moreno</i> | 1202 VALDEZ ST. | (512) 386-9641 |
| PETE CORTER | <i>Pete Corter</i> | 1110 VALDEZ | 845-7506 |
| NICOLAS CORAL | <i>Nicolas Coral</i> | 1107 VALDEZ | 247-1679 |
| JOSE GUERRA | <i>Jose Guerra</i> | 1206 VALDEZ ST | 512 385-4391 |
| Flavia Arzate | <i>Flavia</i> | 1205 Valdez st | 422-7158 |
| Carla Corter | <i>Carla</i> | 1106 VALDEZ ST | 512-276-2072 |



Subject: Variance hearing exhibit
From: Tressa Granger (tlpiekarz@icloud.com)
To: tlpiekarz@yahoo.com;
Date: Friday, November 9, 2012 5:40 AM

X 23

1202 begonia
1303 Lilly
1300 carnation terrace

6303, 6406, 6809, 6810 , 6815 Porter

6605 galindo
1008 Valdez
6601 and 6603 Felix
1010 , 1204 Vargas

506 thrasher
6312 , 6314 el merando @ montopolis

6009 6204 6208 club terraces
Hogan 6110
~~For sale 6201 hogan~~
6206 Felix

6408 CRUZ

Tressa

Subject: 6713 Cruz
From: Tressa Granger (tpiekarz@icloud.com)
To: tpiekarz@yahoo.com;
Date: Thursday, November 8, 2012 1:59 PM



Tressa

Subject: 6713 Cruz
From: Tressa Granger (tlpiekarz@icloud.com)
To: tlpiekarz@yahoo.com;
Date: Thursday, November 8, 2012 2:00 PM



Tressa

Subject: 1011 Vargas

From: Tressa Granger (tlpiekarz@icloud.com)

To: tlpiekarz@yahoo.com;

Date: Thursday, November 8, 2012 2:14 PM

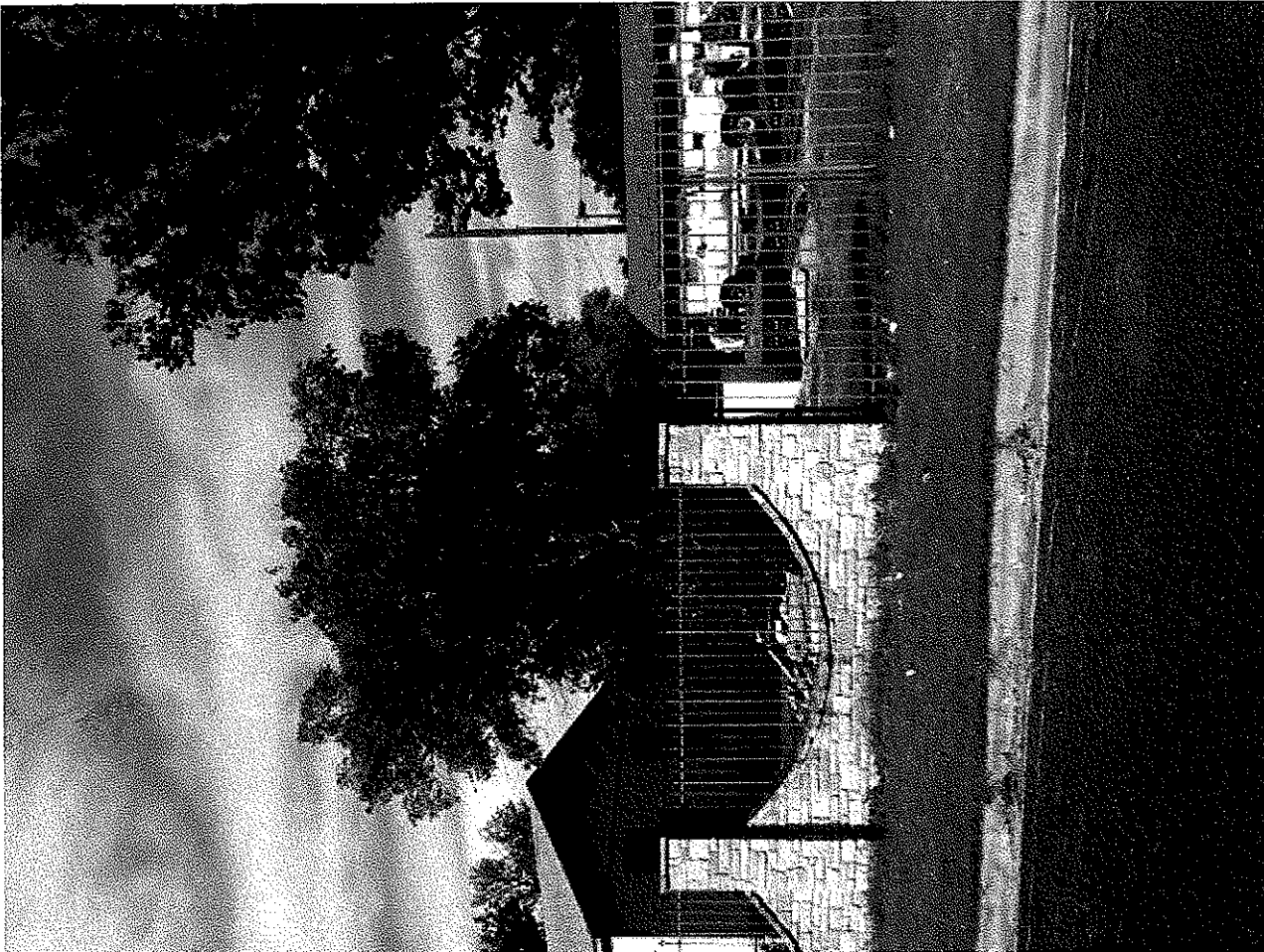


Tressa

11/8/2012

11/8/2012

Subject: 6600 galindo
From: Tressa Granger (tlpiekarz@icloud.com)
To: tlpiekarz@yahoo.com;
Date: Thursday, November 8, 2012 2:19 PM



Tressa

11/8/2012

11/8/2012

Subject: 6605 galindo
From: Tressa Granger (tlpiekarz@icloud.com)
To: tlpiekarz@yahoo.com;
Date: Thursday, November 8, 2012 2:01 PM



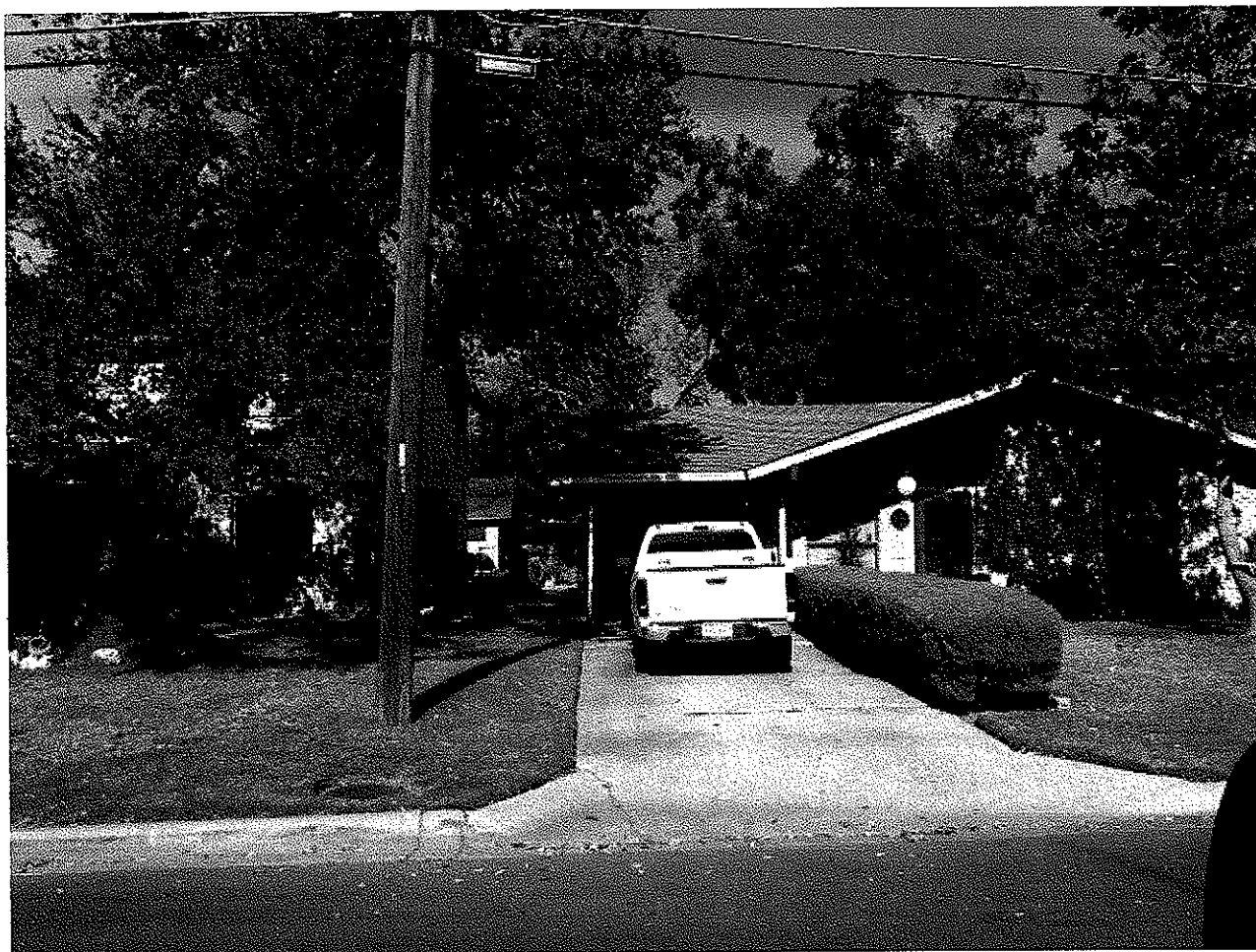
Tressa

Subject: 6404 santos
From: Tressa Granger (t1piekarz@icloud.com)
To: t1piekarz@yahoo.com;
Date: Thursday, November 8, 2012 2:30 PM



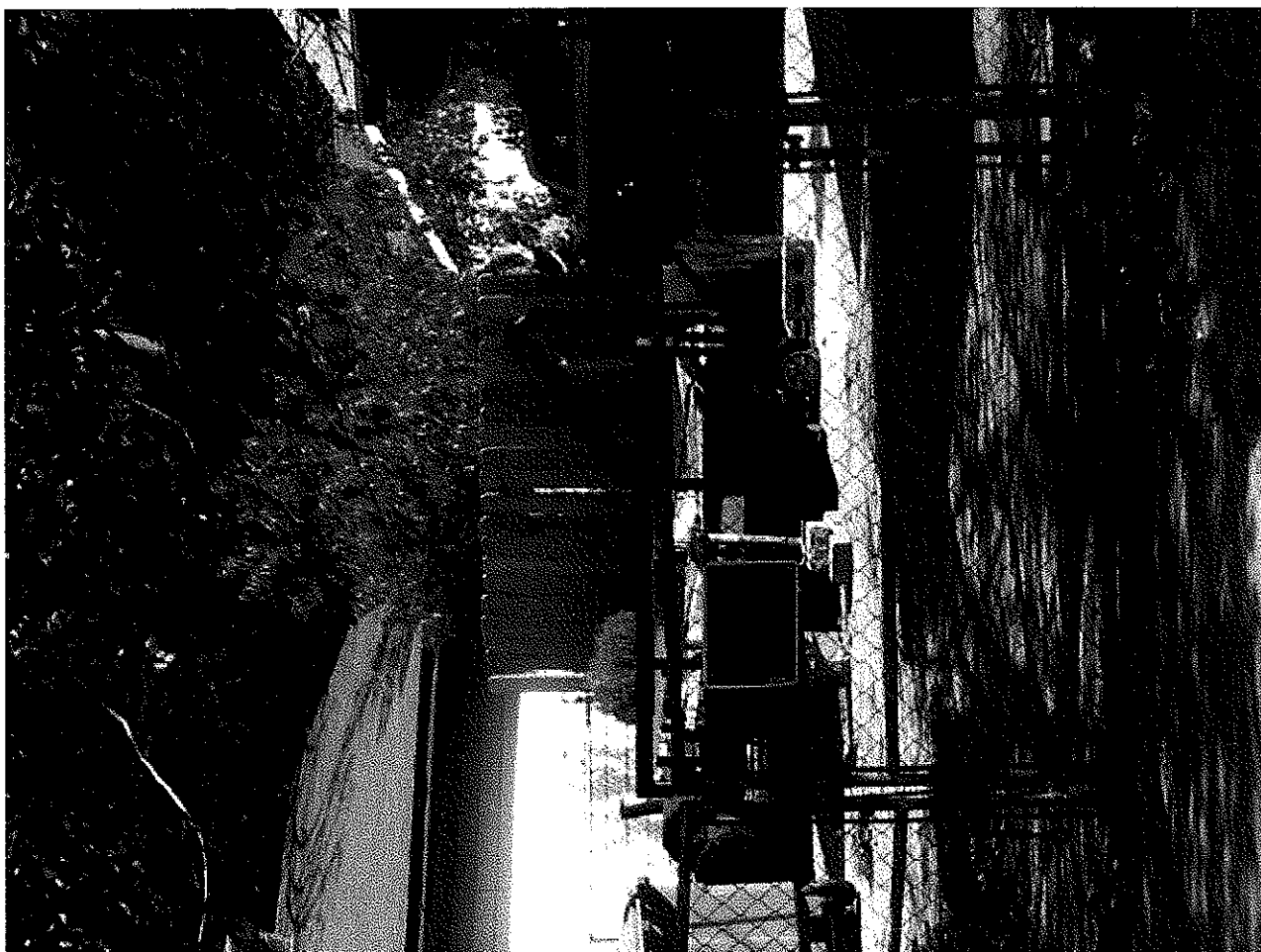
Tressa

Subject: 6404 santos
From: Tressa Granger (tlpiekarz@icloud.com)
To: tlpiekarz@yahoo.com;
Date: Thursday, November 8, 2012 2:30 PM



Tressa

Subject: 1303 Lilly
From: Tressa Granger (tlpiekarz@icloud.com)
To: tlpiekarz@yahoo.com;
Date: Friday, November 9, 2012 11:23 AM



Tressa

Subject: 6207 Richardson
From: Tressa Granger (tltiekarz@icloud.com)
To: tltiekarz@yahoo.com;
Date: Friday, November 9, 2012 11:00 AM



Tressa

Subject: 6207 Richardson
From: Tressa Granger (tlpiekarz@icloud.com)
To: tlpiekarz@yahoo.com;
Date: Friday, November 9, 2012 10:58 AM



Tressa

Subject: 6713 Cruz
From: Tressa Granger (tlpiekarz@icloud.com)
To: tlpiekarz@yahoo.com;
Date: Thursday, November 8, 2012 1:59 PM



Tressa

Subject: 6713 Cruz
From: Tressa Granger (tpiekarz@icloud.com)
To: tpiekarz@yahoo.com;
Date: Thursday, November 8, 2012 2:00 PM



Tressa

Subject: Variance 1
From: Tressa Granger (tlpiekarz@icloud.com)
To: tlpiekarz@yahoo.com;
Date: Thursday, November 8, 2012 4:27 AM



Tressa

11/9/2012

11/9/2012

Subject: V2

From: Tressa Granger (tlpiekarz@icloud.com)

To: tlpiekarz@yahoo.com;

Date: Thursday, November 8, 2012 4:27 AM



Tressa

11/9/2012

11/9/2012

Subject: V3

From: Tressa Granger (tpiekarz@icloud.com)

To: tpiekarz@yahoo.com;

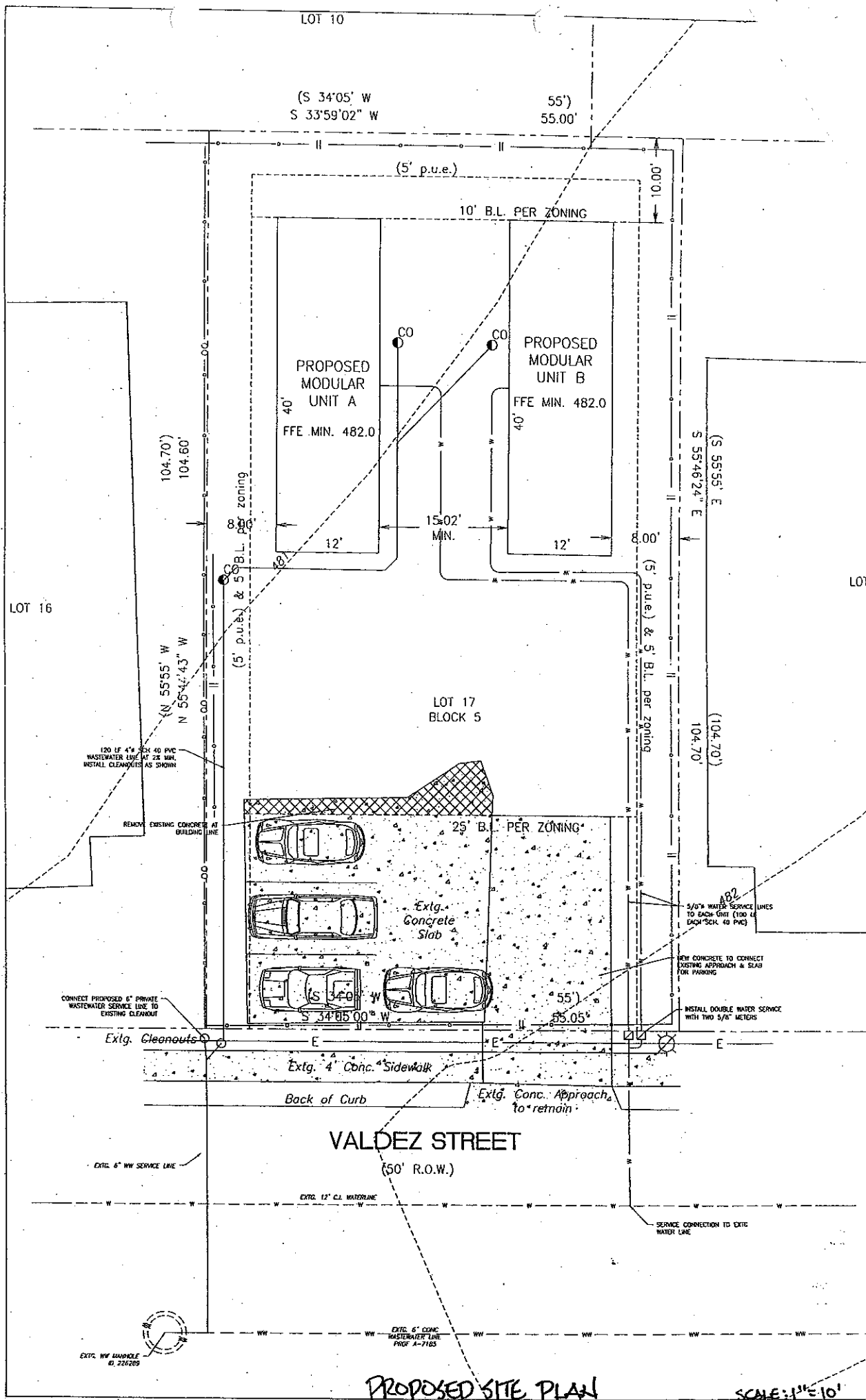
Date: Thursday, November 8, 2012 4:28 AM



Tressa

11/9/2012

11/9/2012



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 # C15-2012-0128
ROW # 10841455

TP-0307170709

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: 1204 Valdez Dr.

LEGAL DESCRIPTION: Subdivision - Chernosky Subdivision No. 16

Lot(s) 17 Block 5 Outlot _____ Division _____

I/We Site Specifics on behalf of myself/ourselves as authorized agent for

Tressa Granger Piekarz affirm that on Sept 24, 2012,

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

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

A secondary dwelling unit that is not at least 15' to the rear of the primary structure, 25-2-74(C)(2)(a), due to the general long and narrow shape of the 452 S.E., pre-constructed residential units, and the physical site constraints of building setbacks and existing trees.

in a SF-3-NP district.
(zoning district)

Montopole's N.P.

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:

This property is part of a neighborhood plan which promotes two dwelling units on lots 5750 or larger. This lot is 5758 square feet. The overlay allows the neighborhood to promote density and affordable housing. The zoning regulations for two dwellings require that one unit be a primary and in the front of the lot and the second unit be a secondary unit 15 feet behind the primary unit. The dwelling units proposed meet all of the zoning regulations except for the back separation between the two units. The proposed units were built for the Katrina victims and now they are on the market. Their shape, long and skinny, do not allow them to be placed on the lot with the required back separation. See proposed site plan.

HARDSHIP:

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

Unique to the property in that it is utilizing existing structures to create two small dwellings allowing affordable housing. The cost of development and taxes is spread between two units.

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

If a lot is developed with two units and the units are built on site, the units can be designed to conform to the requirements. By using the units that are already constructed, we are recycling the materials and are limited to the floor plans that exist in the market. We have complied with the intent of the separation by creating more separation between the units, allowing for a common patio area to be utilized by both units.

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 alter the character of the area adjacent to the property because the two units combined are only 904 square feet, smaller than most of the single unit dwellings in the neighborhood__

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

| |
|---|
| <p>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.</p> |
|---|

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 John Hussey Mail Address 700 N. Lamar. Blvd. 200A
City, State & Zip Austin, Tx 78703
Printed John Hussey Phone 512-472-5252 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 Tressa Granger Piekarz Mail Address TLPIEKARZ@yahoo.com
City, State & Zip AUSTIN TX 78746

Printed TRESSA GRANGER Phone 512 751 7164 Date 9-21-12
PIEKARZ

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.

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.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (5) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

REQUIRED FINDINGS: All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable Use:

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

Hardship:

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.
- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character:

Application must demonstrate to the Board how 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 zoning regulations of the zoning district in which the property is located.

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

Board of Adjustment Staff:

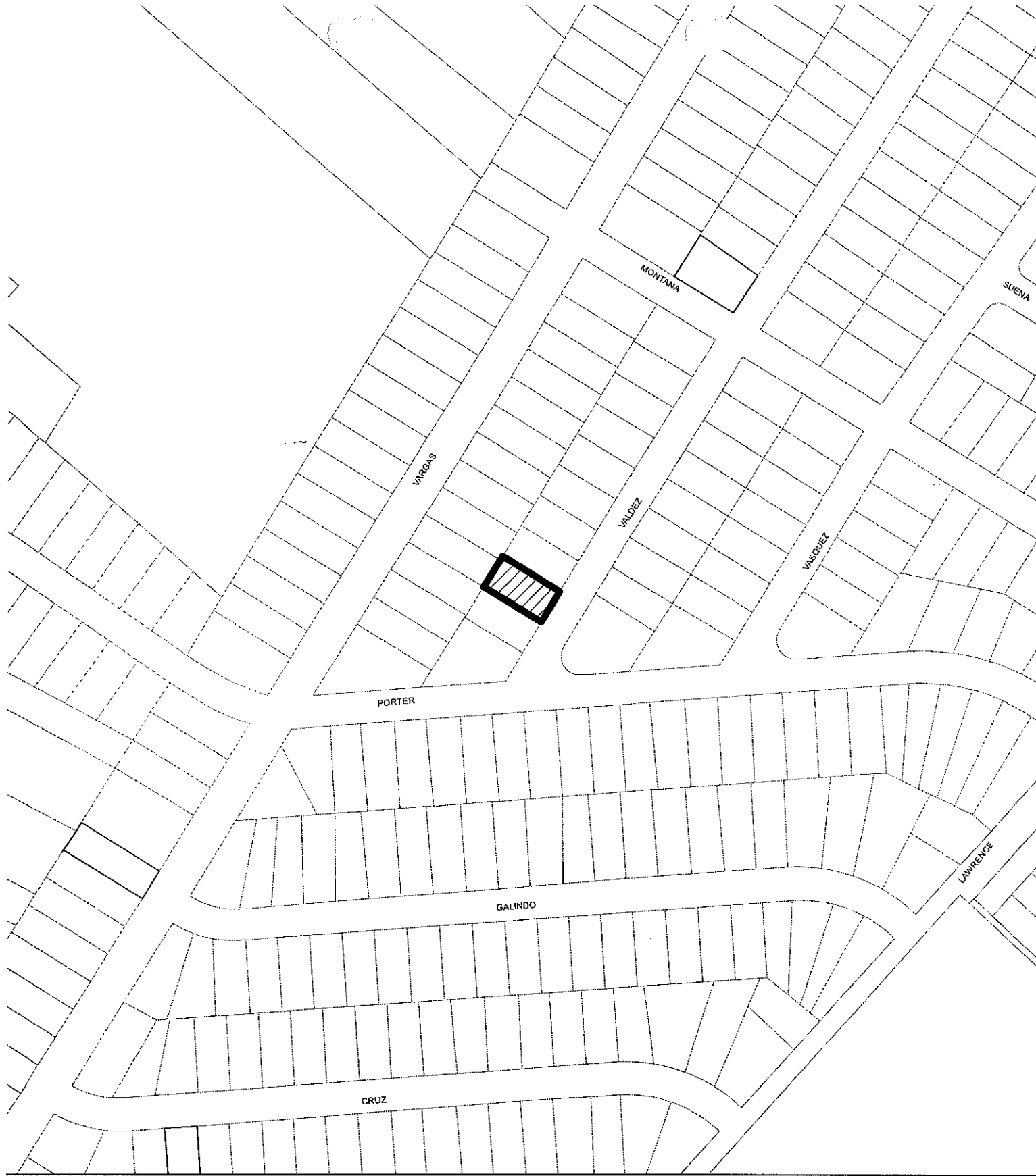
Susan Walker, Planner
974-2202

Diana Ramirez, Administrative Specialist, Board Secretary
974-2241

Fax #974-6536

Planning and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor

Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088

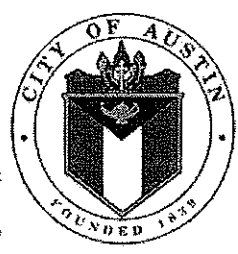


SUBJECT TRACT



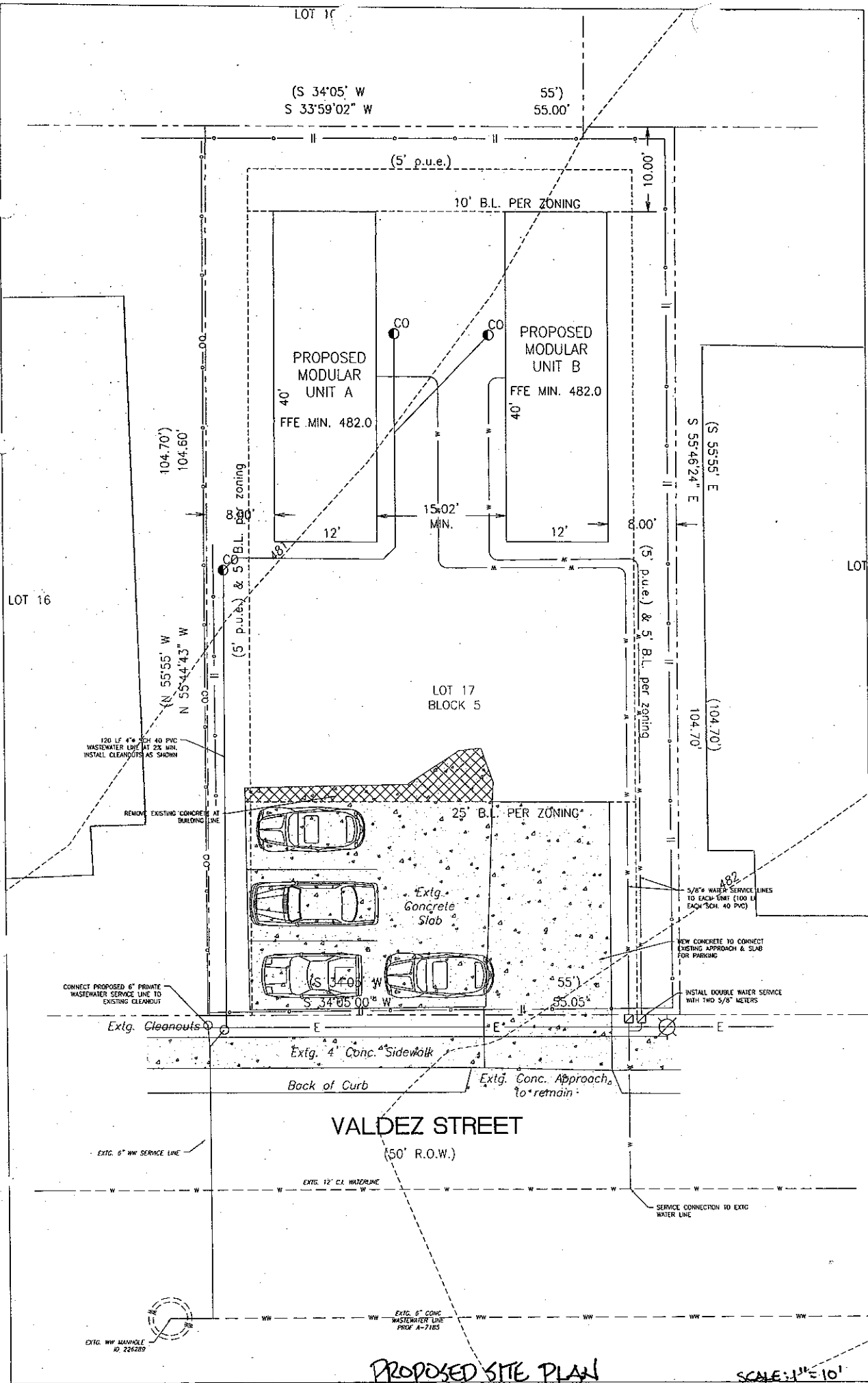
ZONING BOUNDARY

CASE#: C15-2012-0128
LOCATION: 1204 Valdez 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.



LOT 10

(S 34°05' W
S 33°59'02" W

55')
55.00'

(5' p.u.e.)

10' B.L. PER ZONING

LOT 16

104.70')
104.60'

(N 55°55' W
N 55°44'43" W

(5' p.u.e.) & 5' B.L. per zoning

481

LOT 17
BLOCK 5

25' B.L. PER ZONING

Extg.
Concrete
Slob

(S 34°05' W
S 34°05'00" W

55')
55.05'

(S 55°55' E
S 55°46'24" E

(104.70')
104.70'

(5' p.u.e.) & 5' B.L. per zoning

482

Extg. Cleanouts

Extg. 4' Conc. Sidewalk

Back of Curb

Extg. Conc. Approach
to retain

VALDEZ STREET

(50' R.O.W.)

EXTG. 6" WW SERVICE LINE

EXTG. 12" C.A. WATERLINE

SERVICE CONNECTION TO EXTG
WATER LINE

EXTG. WW MANHOLE
ID 226289

EXTG. 6" CONC
WATERWATER LINE
PROF A-7125

EXISTING SITE

SCALE: 1"=10'