

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

**DATE:** Tuesday, Feb11, 2013

**CASE NUMBER:** C15-2012-0135

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nora Salinas ABSENT – STUART HAMPTON  
\_\_\_\_ Bryan King  
\_\_\_\_ Fred McGhee  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ Sallie Burchett  
\_\_\_\_ Cathy French (SRB only)

**APPLICANT:** Jim Bennett

**OWNER:** Grit and Grace

**ADDRESS:** 4112 MEDICAL PKWY

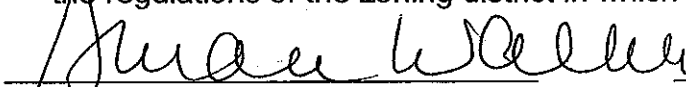
**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A from 88 off-street parking spaces to 19 off-street parking spaces in order to remodel the second floor of a commercial building to expand a Cocktail Lounge use in a "CS-1", Commercial – Liquor Sales zoning district.

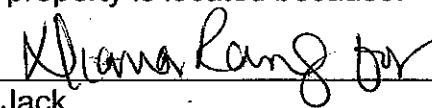
**BOARD'S DECISION:** POSTPONED TO February 11, 2013 PER APPLICANT

**FEB 11, 2013 POSTPONED TO MARCH 11, 2013 PER APPLICANT**

**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 #

C15-2012-0135  
TP-8221020723

ROW-10841535

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: 4112 Medical Parkway

LEGAL DESCRIPTION: Subdivision – Draught House

Lot(s) 1 Block A Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/ Jim Bennett as authorized agent for The Draught House

\_\_\_\_\_ affirm that on 9/20/12, hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

the second floor of an existing commercial building to expand an existing Pub and Brewery providing 19 paved off street parking spaces.

\_\_\_\_\_ in a \_\_\_\_\_ 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:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

This establishment has existed at this location since 1966, and the expansion will allow for the continuation of this use.

**HARDSHIP:**

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

Due to the existing developed condition of the site additional parking cannot be provided. The second floor is existing and a reasonable use to this site is to allow the expansion of this use.

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

The lot is an irregular shaped corner lot and is a fully developed site.

**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 use of the site will not change but will continued to serve the neighborhood as it has since 1966.

**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:

The increase in floor area does not mean that the numbers of patrons will necessarily create a higher demand for parking, but will probably be used by the existing patrons to serve their needs.

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 is an existing site and loading and unloading provisions are existing and the expanded floor area will not change existing conditions.

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

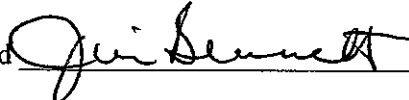
Driveways and parking spaces as well as circulation of the spaces are existing and the parking variance will not change these conditions.

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

Any change of use requiring additional parking would require a new variance from the Board.


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.

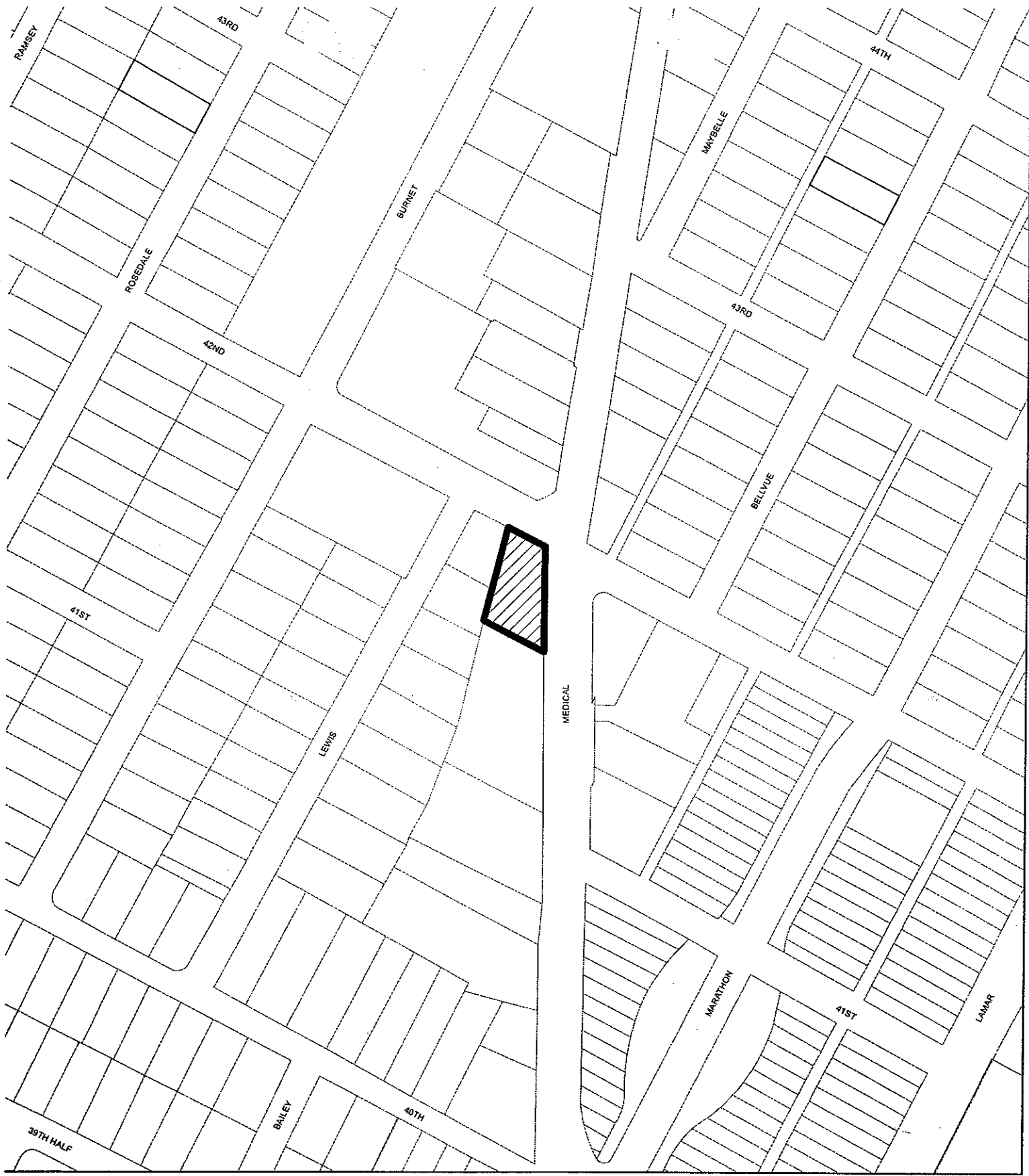
**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.



Signed  Mail Address 11505 Ridge Dr.  
City, State & Zip Austin, TX. 78748

Printed Jim Bennett Phone 282-3079 Date 9/20/12

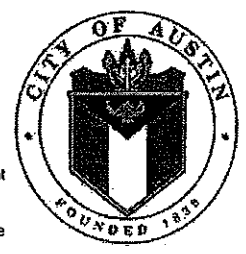
☒ **OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

☒ Signed  Mail Address 4112 Medical Parkway  
City, State & Zip Austin, TX



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2012-0135  
LOCATION: 4112 Medical Parkway



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.

**TaxNetUSA: Travis County Property Information**

Property ID Number: 217802 Ref ID2 Number: 02210207230000

Owner's Name **GRIT & GRACE****Property Details**

Mailing Address 4112 MEDICAL PKWY  
AUSTIN, TX 78756-3711

Location 4112 MEDICAL PKWY 78756

Legal LOT 1 BLK A DRAUGHT HOUSE SUBD

Deed Date 12131999

Deed Volume 00000

Deed Page 00000

Exemptions

Freeze Exempt F

ARB Protest F

Agent Code 2094

Land Acres 0.2820

Block A

Tract or Lot 1

Docket No. 1999161908TR

Abstract Code S04049

Neighborhood Code 39CEN

**Value Information****2012 Certified**

Land Value 368,490.00

Improvement Value 327,992.00

AG Market Value 0.00

Timber Market Value 0.00

Market Value 696,482.00

AG Productivity Value 0.00

Timber Productivity Value 0.00

Appraised Value 696,482.00

10% Cap Loss 0.00

Assessed Value 696,482.00

Data up to date as of 2012-09-04

AGRICULTURAL (1-D-1)

APPOINTMENT OF AGENT FORM

FREEPORT EXEMPTION

HOMESTEAD EXEMPTION FORM

PRINTER FRIENDLY REPORT

PROTEST FORM

RELIGIOUS EXEMPTION FORM

PLAT MAP

**Value By Jurisdiction**

Entity Code	Entity Name	2011 Tax Rate	Assessed Value	Taxable Value	Market Value	Appraised Value
0A	TRAVIS CENTRAL APP DIST		696,482.00	696,482.00	696,482.00	696,482.00
01	AUSTIN ISD	1.242000	696,482.00	696,482.00	696,482.00	696,482.00
02	CITY OF AUSTIN	0.481100	696,482.00	696,482.00	696,482.00	696,482.00
03	TRAVIS COUNTY	0.485500	696,482.00	696,482.00	696,482.00	696,482.00
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	0.078900	696,482.00	696,482.00	696,482.00	696,482.00
68	AUSTIN COMM COLL DIST	0.094800	696,482.00	696,482.00	696,482.00	696,482.00

**Improvement Information**

Improvement ID

State Category

Description

178759

RESTAURANT (SFR)

**Segment Information**

Imp ID	Seg ID	Type Code	Description	Class	Effective Year Built	Area
178759	207784	1ST	1st Floor	WW5	1968	1,989
178759	207785	2ND	2nd Floor	WW5	1968	2,013
178759	207786	UBSMT	Unfinished Basement	WW5	1968	180
178759	845849	011	PORCH OPEN 1ST F	*5	1968	90
178759	845850	413	STAIRWAY EXT	S*	1968	1
178759	845851	541	FENCE COMM LF	W4*	1968	146
178759	845852	551	PAVED AREA	AA*	1968	5,970
178759	4273025	541	FENCE COMM LF	W6*	2009	34
178759	4273026	011	PORCH OPEN 1ST F	*5	2009	56

Total Living Area 4,002

**Land Information**

Land ID	Type Code	SPTB Code	Homesite	Size-Acres	Front	Depth	Size-Sqft
215024	LAND	F5	F	0.282	0	0	12,283

[show history](#)

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ARB Protest F

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**Data up to date as of 2012-09-04**

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## PUBLIC HEARING INFORMATION

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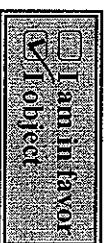
**Contact:** Susan Walker, 512-974-2202

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

*Deborah K. DeStefano*

Your Name (please print)

4114 Burnet Rd. Austin TX 78756



Your address(es) affected by this application

*Deborah K. DeStefano*

11/5/12

Signature

Date

Daytime Telephone:

512-799-4455 (cell)  
512-414-4935 (work)

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

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**Case Number: C15-2012-0135 - 4112 Medical Parkway**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, November 13th, 2012**

*Billie Jo Wilson*

Your Name (please print)

*4210 Medical Parkway*

Your address(es) affected by this application

*Billie Jo Wilson*

Signature

*11-14-12*

Date

Daytime Telephone: *512-452-4443*

Comments:



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**P. O. Box 1088**  
**Austin, TX 78767-1088**

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Case Number: C15-2012-0135 - 4112 Medical Parkway  
Contact: Susan Walker, 512-974-2202

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

*Patsy DelBalle*  
Your Name (please print)



*1302 W. 42*  
Your address(es) affected by this application

*805 1302 W. 42*  
Signature

Date

Daytime Telephone *410 810 84 7165*

Comments: *My home was the primary subject of the 42. I had my home. My neighbor complained about the noise they hear (noise, drunk people etc. My drive away into my house was blocked last week. I had to call a neighbor to move the car. The owner also of the full joint had no consideration for me. Not at night the noise kept me awake up. On Sat night people will turn on the back yard, go get in. 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  
*Chase. A beer house should not be in a neighborhood like Reseda*

*I am against this*  
*Patsy DelBalle*

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**Contact:** Susan Walker, 512-974-2202

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

Your Name (please print)

April Gregory



4102-B Lewis Ln 78756

Your address(es) affected by this application

Signature

Date

Daytime Telephone: (512) 740-6889

11/5/12

Comments:

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Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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**Contact:** Susan Walker, 512-974-2202

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

38TH & LAVAL LCE

Your Name (please print)

1005 W 38TH ST

Your address(es) affected by this application



Signature

Nov 5, 2012

Date

Daytime Telephone: 512-426-5136

Comments: PARKING IS VERY TIGHT IN

THE MEDICAL PARK.

ALL PROPERTIES, INCLUDING

BDS, MUST PROVIDE ADEQUATE

PARKING. THANK YOU.

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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.

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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](http://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:** C15-2012-0135 - 4112 Medical Parkway  
**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, November 13th, 2012

*Kenton and Catherine Heald*

Your Name (please print)

1205 W 42nd St.

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 303.507.6062

Comments: The bar already causes street congestion  
around my property which is next door (behind)  
the bar. Further expansion especially up and  
will all our significantly more noise. Please, the  
neighbors don't want more people and more noise

Thank you!

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

