

CASE # C15-2013-0025

ROW-10911824

TP-0101010602

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: 1103 Bouldin Ave.

LEGAL DESCRIPTION: Subdivision – South Heights Addition

Lot(s) 36'x104.8' Block 6 Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/ Jim Bennett as authorized agent for Authur Keen

\_\_\_\_\_ affirm that on 3/4/13, hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN SUBDIVIDE

A tract **maintaining** a street frontage of 36.28 ft., an existing side yard of 4ft. 6 inches, and increasing the lot size by 1,886.4 sq. ft. to create a total lot size of 5650sq. ft. \_\_\_\_\_ in a SF-3NP 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:

The residential use is existing on this but the ordinance does not give consideration to the improvement in lot size.

**HARDSHIP:**

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

The limited lot width frontage has existed since prior to 1977 and the side yard is existing and no change is proposed to change this condition. The increase in size of approximately 1886 sq. ft. will bring the lot into compliance with the minimum lot size. Additional land is not available to increase the lot width.

\_\_\_\_\_ (b) The hardship is not general to the area in which the property is located because:  
The existing lot size with the proposed enhancement are not general to the area.

**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 character of the area will not change because all conditions are existing with the exception of increasing the lot size.

**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:

\_\_\_\_\_

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:

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

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

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**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 Jim Bennett Mail Address 11505 Ridge Dr

City, State & Zip Austin, TX 78748

Printed Jim Bennett Phone 282-3079 Date 2/28/13

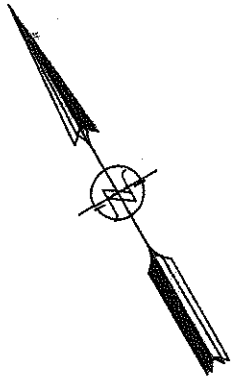
**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed A/K Mail Address 1103 Bouldin Ave

City, State & Zip Austin, TX 787

Printed ARTHUR KEEN Phone \_\_\_\_\_ Date 2/28/13

# COLUMBUS STREET



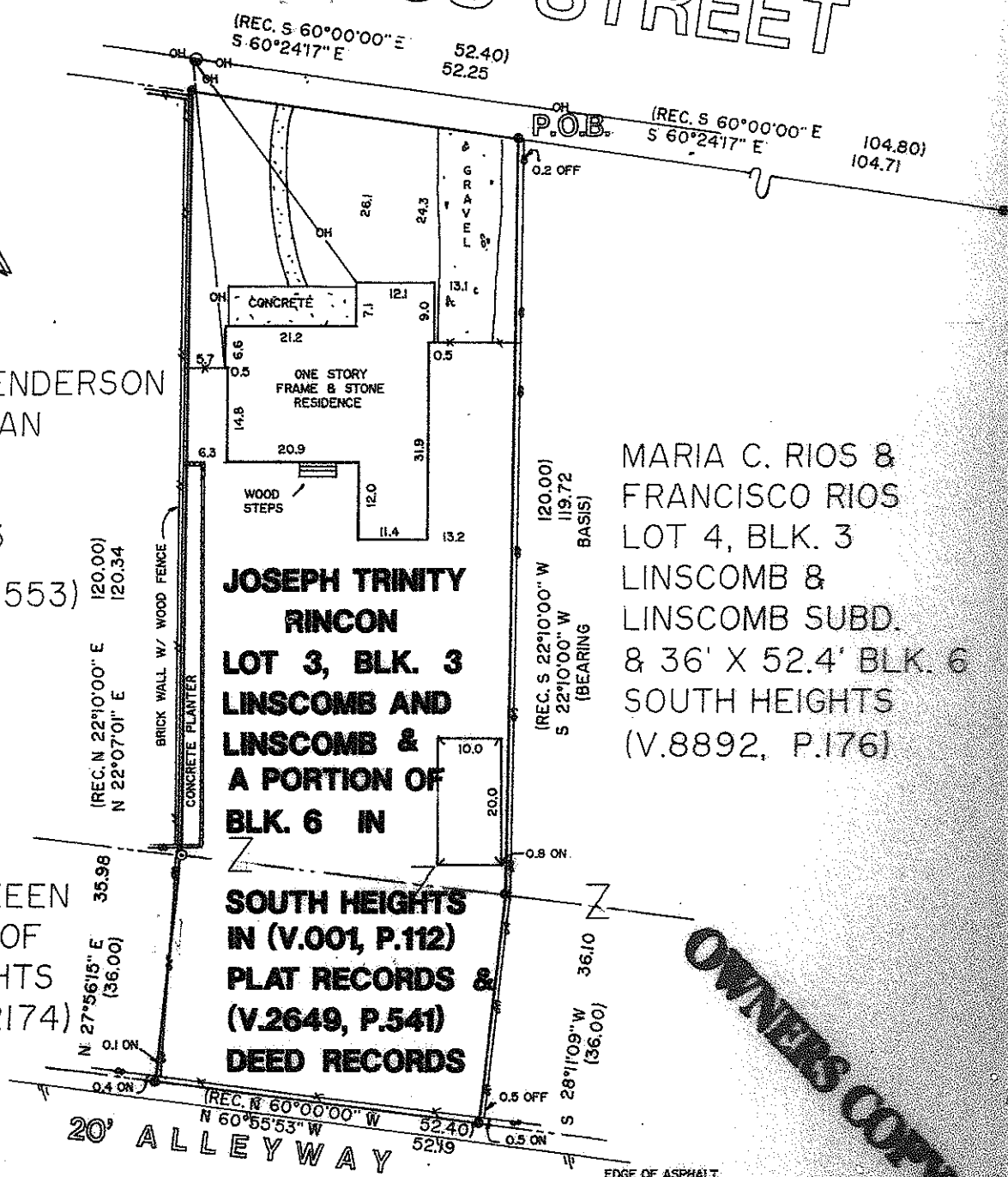
JASON D. HENDERSON  
JULIA GUZMAN  
HENDERSON  
LOT 2  
BLK. 3  
(V.13205, P.1553)

MARIA C. RIOS &  
FRANCISCO RIOS  
LOT 4, BLK. 3  
LINSOMB &  
LINSOMB SUBD.  
& 36' X 52.4' BLK. 6  
SOUTH HEIGHTS  
(V.8892, P.176)

ARTHUR A. KEEN  
36' X 104.8' OF  
SOUTH HEIGHTS  
(V.12758, P.2174)

**JOSEPH TRINITY  
RINCON  
LOT 3, BLK. 3  
LINSOMB AND  
LINSOMB &  
A PORTION OF  
BLK. 6 IN**

**SOUTH HEIGHTS  
IN (V.001, P.112)  
PLAT RECORDS &  
(V.2649, P.541)  
DEED RECORDS**



\*  
BEING LOT 3, BLK. 3, OF THE LINSOMB AND LINSOMB SUBDIVISION, TOGETHER WITH  
A PORTION OF BLOCK 6, SOUTH HEIGHTS IN (V.001, P.112) PLAT RECORDS AND  
(V.2649, P.541) DEED RECORDS TRAVIS COUNTY, TEXAS. (SEE EXHIBIT "A")

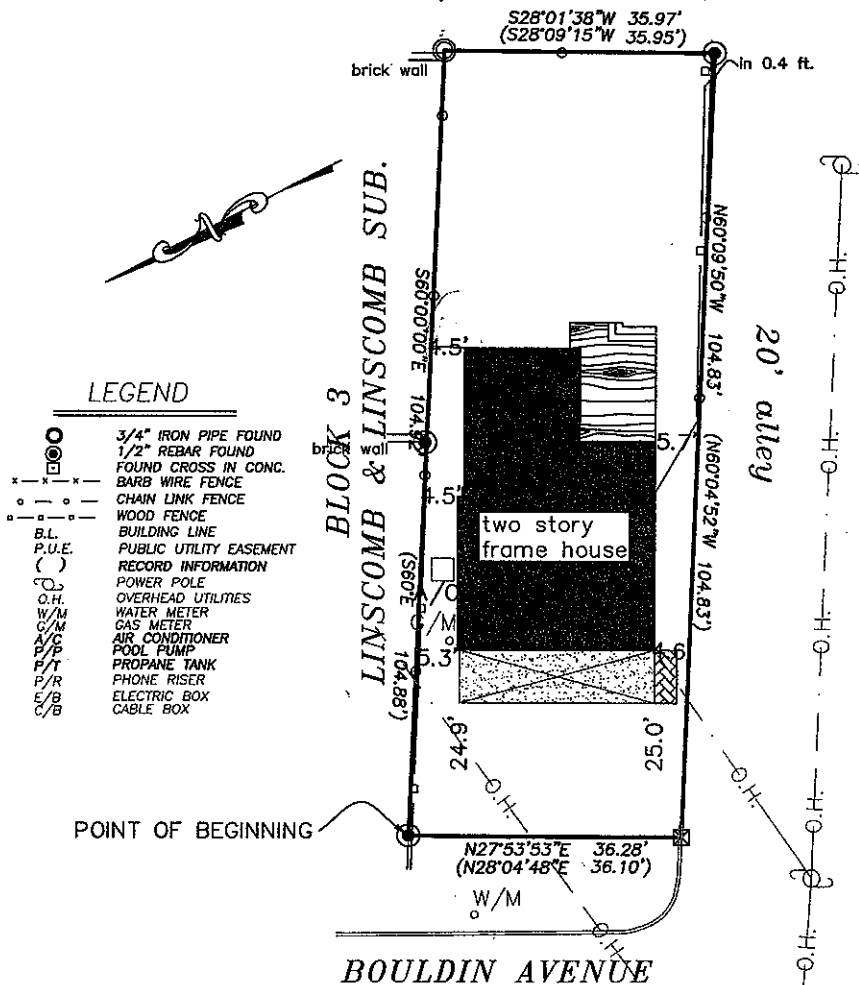
## LEGEND

1/2" IRON PIPE FOUND  
1/4" IRON PIPE FOUND

SUBDIVISION *			
LOT: _____	BLOCK: _____	CABINET VOLUME BOOK	3 157
COUNTY: TRAVIS	STATE OF TEXAS	STREET ADDRESS	811 COLUMBUS STREET
CITY: AUSTIN TX.	REFERENCE NAME	JOSEPH T. RINCON	

B&G Surveying, Inc.  
Victor M. Gorzo R.P.L.S.

REFERENCE# 03-437 REFERENCE NAME ARTHUR KEEN  
 STREET ADDRESS 1103 BOULDIN AVENUE  
 LOT SEE FIELD NOTES BLOCK 6 SUBDIVISION SOUTH HEIGHTS ADDITION  
 SECTION PHASE BOOK 1 PAGE 112 PLAT RECORDS  
 COUNTY TRAVIS STATE OF TEXAS CITY AUSTIN



RIVERCITY SURVEYING

This property does not lie within the 100 year floodplain, and has a zone X rating as shown on the flood insurance rate maps F.I.R.M. MAP No. 48453C  
 Panel 0205E Dated 06/16/93

This certification is for insurance purposes only and is not a guarantee that this property will or will not flood.

TO THE LIENHOLDER AND/OR OWNERS OF THE PREMISES SURVEYED AND TO ARTHUR KEEN  
 RMC VANGUARD

I do hereby certify that this survey was this day made on the ground of the property legally described hereon and that there are no boundary line conflicts, encroachments, overlapping of improvements, or roads in place, except as shown hereon, and certifies only to the legal description and easements shown on the referenced title commitment.

FIELD WORK	HGP/LP	08/22/03
DRAFTING	SL	08/26/03
FINAL CHECK		
CORRECTIONS		
UP DATE		

DATE: 08/11/03  
 TITLE CO.: FIDELITY NATIONAL  
 G.P. #03-382107  
 SCALE 1"=20'

Office (512) 834-6099 Fax (512) 836-2349 2209 W. Parmer Lane Austin, TX. 78727

(Page 1 of 3)

DOC NO1

00055561

Special Warranty Deed  
TEXAS - Vendor's Lien

FILM CODE

00004373242

LYLES  
1103 Bouldin Ave.  
Austin, Texas 78704  
495-193160-703STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

4:49 PM 7655

7.00 INDX  
3 3 06/20/88  
19.40-CHK  
555.61-DOC

THAT SAMUEL R. PIERCE, JR., Secretary of Housing and Urban Development, of  
Washington, D. C., (hereinafter called "Grantor"), for and in consideration of the sum of ~~THIRTY-SIX THOUSAND FIVE~~  
~~HUNDRED AND NO/100~~ DOLLARS (\$ 36,500.00 ), to him/her paid and secured to be paid by ALBERT J.  
HARRIS, JR. (hereinafter called "Grantee(s)"), as follows:

Grantee's address: 1000 Capitol Center, 919 Congress Ave., Austin, Texas 78701

1. The sum of ~~ONE HUNDRED AND NO/100~~ DOLLARS (\$ 100.00 )  
of which is hereby acknowledged and the further sum of

~~THIRTY SEVEN THOUSAND SEVEN HUNDRED EIGHTY THREE AND NO/100~~ DOLLARS (\$ 37,783.00 )  
said amount secured by the execution and delivery by the Grantee(s) herein of one Note of even date herewith  
in the principal sum of ~~37,783.00~~ 37,783.00 payable to the order of

TROY &amp; NICHOLS, INC.

(mortgagee), it has been agreed that the amount toward the purchase price of the herein conveyed land, with the  
express understanding and agreement that Vendor's Lien would be retained herein to secure such sum and  
that superior title would vest in the Grantee(s) upon payment thereof; becoming due in monthly installments and bearing  
interest as in said Note specified; said Grantee(s) providing further for additional interest on all past due indebtedness,  
for acceleration of maturity, and for attorney's fees in the event of forced collection thereof; all as will  
appear more fully in Deed of Trust of even date therewith to JOHN L. CURRY, JR.,

Trustee; and a Vendor's Lien covering the hereinafter described property:

HAS GRANTED, SOLD and CONVEYED and by these presents does GRANT, SELL and CONVEY unto  
the said Grantee(s) of the city of Austin, County of Travis  
State of Texas, all that certain lot or parcel of land situated in the County of Travis  
State of Texas, described as follows, to wit:

Legal Description described in Exhibit "A" attached hereto and made  
a part hereof.

BEING the same property acquired by the Grantor pursuant to the provisions of the National Housing  
Act, as amended (12 USC 1701 et seq.) and the Department of Housing and Urban Development Act (79 Stat.  
667).

TO HAVE AND TO HOLD the above described property, together with all and singular the rights and  
appurtenances thereto in any way belonging, unto the Grantee(s) and to the heirs and assigns of said  
Grantee(s) forever, SUBJECT to and as AFFECTED by, however, all easements, covenants, restrictions,  
reservations, conditions and rights appearing of record; and SUBJECT to any state of facts which an accurate  
survey would show.

Previous edition is obsolete

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

FHA-2081-VL-1 (11-77)

10714 1577

(Page 2 of 3)

-2-

## Vendor's Lien - TEXAS

GRANTOR hereby binds himself/herself, his/her successors and assigns, to warrant and forever defend, with the exceptions stated above, all and singular, the said property unto the said Grantee(s) and to the heirs and assigns of said Grantee(s), against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by through, or under Grantor, but not otherwise.

BUT IT IS expressly agreed and understood that the vendor's lien is retained against the above described property and all improvements thereon, or hereafter to be placed thereon, until the above described note, and interest thereon, is fully paid, when this deed shall become absolute.

And in consideration of the advancement in cash by **JOY E. NICHOLS, INC.** of that portion of the purchase price of said property, as is evidenced by said note, the Grantor does hereby transfer and assign unto the said **JOY E. NICHOLS, INC.** the vendor's lien against said property and the superior title thereto to secure the payment of said note, without furthering.

IN WITNESS WHEREOF the undersigned on this 10th day of May, 1988, has set his/her hand and seal as **Chief Property Officer** of the **Office San Antonio, Texas**, for and on behalf of the said Secretary of Housing and Urban Development, under authority and by virtue of the Code of Federal Regulations, Title 24, Chapter II, Part 201, Subpart D, and the Federal Register, Volume 35, Page 16106 (10/14/70), as amended, \*but effective on this 10th day of June, 1988.

WITNESSES: Secretary of Housing and Urban Development

STATE OF TEXAS  
COUNTY OF BEXAR

Before me, the undersigned authority, on this day personally appeared **Dahlia C. Martinez**, known to me to be the duly appointed **Chief Property Officer** of the **Office San Antonio, Texas**, whose name is subscribed to the foregoing instrument dated **May 10, 1988** by virtue of the cited authority, and acknowledged to me that he/she executed the same as **Chief Property Officer** for and on behalf of **SAMUEL R. PIERCE, JR.**, the Secretary of Housing and Urban Development, for the purposes and consideration therein expressed.

Given under my hand and seal this 10th day of May A. D. 1988

**Eva A. Corbo**  
Notary Public in and for Bexar  
County, Texas



Previous edition is obsolete

AFTER RECORDING RETURN TO:  
John H. Eiles, Jr.  
P. O. Box 55  
Austin, Texas 78767

Return To:  
Security Title Co. P.O. Box 1266  
901 S. Lamar Ave.  
Austin, Texas 78746

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

10714 1578

(Page 3 of 3)

UNOFFICIAL COPY

## EXHIBIT "A"

34' by 100.8' of Block No. 1, of the City of Austin, Texas, as addition to the record in Book 1, Page 1, of the Public Records of Travis County, Texas, and being further described as follows: Block No. 1, of the City of Austin, Texas, as added by Walter Bohn to Richard C. Bohn, on October 25, 1977.

Being a part of Block No. 1, of the City of Austin, Texas, as added by Walter Bohn to Richard C. Bohn, on October 25, 1977, and being further described as follows: Block No. 1, of the City of Austin, Texas, as added by Walter Bohn to Richard C. Bohn, on October 25, 1977.

beginning at the southwest corner of Block No. 1, of the City of Austin, Texas, as added by Walter Bohn to Richard C. Bohn, on October 25, 1977, and being further described as follows: Block No. 1, of the City of Austin, Texas, as added by Walter Bohn to Richard C. Bohn, on October 25, 1977.

## STATE OF TEXAS

## COUNTY OF TRAVIS

I hereby certify that this instrument was FILED on the date and at the time stamped herein by me and was duly RECORDED, in the Volume and Page of the Record RECORDS of Travis County, Texas, on

FILED

JUN 1988 20 PM 4:15

DANA DE BEAUVOIR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

JUN 20 1988

COUNTY CLERK  
TRAVIS COUNTY, TEXASREAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

10714 1579

RECORD MEMORANDUM:  
At the time of recording, this instrument was found to be in compliance with the provisions of the Texas Constitution, and the instrument was duly recorded, in the Volume and Page of the Record RECORDS of Travis County, Texas, on



Lloyd Payne 1103 Bouldin Ave.

117 36'x104'

Sheahan Macken Tract

Move residence onto lot and repair.

38249 7-9-48

\$1000.00

Owner

J T PRIEST

J W LAWRENCE

The State of Texas (1)  
County of Travis (1)  
That we C C Linscomb  
both of the County of Travis  
being the owners of lot  
of land, more or less  
of a portion of the 1st  
the city of Austin, Texas  
made a Subdivision  
B, according to the  
attached, and the sh  
on said map or plat  
to the public use  
Witness our hands  
ember A D 1929

CHRISTOPHER STREET

BOULDIN STREET

SECOND STREET SOUTH

COLUMBUS STREET

MARY DAWSON

NO 1 - BLOCK "C"

SUBDIVISION OF LOT NO 4 BLOCK "B" OF THE  
ORIGINAL SUBDIVISION OF THE BOULDIN PORTION  
OF THE ISAAC DECKER LEA IN TRAVIS COUNTY  
FOR LINSOMB & LINSOMB

Block Nos. 1-16  
Proposed for Nos. 1-16  
Iron Slakes at all Corners  
Scale 1 inch = 50 feet  
AUSTIN TEXAS  
Surveyed April 19 & 20, 1929 By  
Capital Engineering Co  
324 Littlefield Bldg  
Austin Texas  
Revised Sept 26 1929 for approval by  
City Plan Commission by M P Hovey

FILED 9 AM OCT 1 1929  
RECORDED 3 PM OCT 2 1929

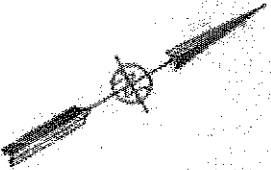
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County of Travis (1)  
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the city of Austin, Texas  
made a Subdivision  
B, according to the  
attached, and the sh  
on said map or plat  
to the public use  
Witness our hands  
ember A D 1929

Notary Seal Notary P.

Recommended to  
City Clerk

Approved By City  
H. L. Hovey  
City Clerk

# COLUMBUS STREET



JASON D. HENDERSON  
JULIA GUZMAN  
HENDERSON  
LOT 2  
BLK. 3  
(V.13205, P.1553)

JOSEPH TRINITY  
TRINITY  
LOT 3, BLK. 3  
LINSOMB AND  
LINSOMB 2  
A PORTION OF  
BLK. 3 IN

MARIA C. RIOS &  
FRANCISCO RIOS  
LOT 4, BLK. 3  
LINSOMB 8  
LINSOMB SUBD.  
8.36 X 52.4 BLK. 3  
SOUTH HEIGHTS  
(V.8692, P.178)

A. KEEN  
18' OF  
SOUTH HEIGHTS  
(V.82708, P.2174)

ALLEY .02

ALLEYWAY

BOUND LOT 3, BLK. 3 OF THE LINSOMB AND LINSOMB SUBDIVISION, TOGETHER WITH A PORTION OF BLOCK 3, SOUTH HEIGHTS IN N/DON, PLAT 16, AT RECONSTRUCTION, TEXAS, 1954, 9549 CERO RECORDS TRANS. COUNTY, TEXAS. SEE EXHIBIT 'A'.