

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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 # C15-2013-0067
ROW # 10963096
TP-0401020807

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: 1701 South Third St, Austin, TX 78704

LEGAL DESCRIPTION: Subdivision - Sam T Hill

Lot(s) 6 Block _____ Outlot _____ Division _____

I/We Vincent P. Hauser, Architect on behalf of myself/ourselves as authorized agent for
Jerry Tredemeyer, Owner of 1701 South Third St affirm that on May 9,
2013,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

a duplex w/ a lot size of 6,900 sq ft

in a SF3-NP district. Boulder Creek N.P.
(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:
 - a. The proposed duplex cannot be built, even if all other regulations are adhered to because of the existing lot size. The current zoning regulations specifying the minimum lot size for a duplex were enacted after the construction of the existing structure c. 1930. In our opinion, the technical application of the minimum lot size in this neighborhood conflicts with the intent of the minimum lot size requirement of the code, denying reasonable use.
 - b. There are duplexes in the neighborhood that have been constructed on lots smaller than the 7,000 sf minimum lot size. These are noted on the attached map.
 - c. Note: the size of the existing lot is estimated to be approx 6,997.8 sf per TCAD or approx 6,900 sf per a recent survey by Holt Carson , Inc.

HARDSHIP:

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

The technical application of the minimum lot size in this neighborhood conflicts with our understanding of the likely intent of the minimum lot size requirement of the code, which was probably intended to apply more specifically to new subdivision development.

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

The hardship is unique to a very small number of properties, including 1701 South Third St. The lot was platted prior to 1930, prior to the current zoning requirements proscribing minimum lot size. An even smaller number of these lots are corner lots for which duplex construction complying with Subchapter F is possible.

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 proposed construction will comply with all other aspects of the zoning code, including Subchapter F requirements. The single family form - "flat" duplex design of the proposed construction will complement the highly varied but predominantly single-family character of the neighborhood. The proposed construction is intended to comply with the voluntary guidelines of the Bouldin Creek Neighborhood Plan including the use of single family form and by providing detached garages.

Other

The Owner has owned, remodeled and operated a similar duplex at 1501 Bouldin for over a dozen years and has a demonstrated history of being a good neighbor and responsibly managing the property.

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:

na

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:

na

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

na

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

na

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 *Vincent P. Hauser* Mail Address 1412 Collier, Suite C

City, State & Zip Austin, TX 78704

Printed Vincent P. Hauser Phone 512-452-3041 Date May 9, 2013

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 *Jerry Fredemeyer* Mail Address 1000 Bouldin Ave
City, State & Zip Austin, TX, 78704

Printed Jerry Fredemeyer Phone 512-789-3597 Date 5/9/13

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:

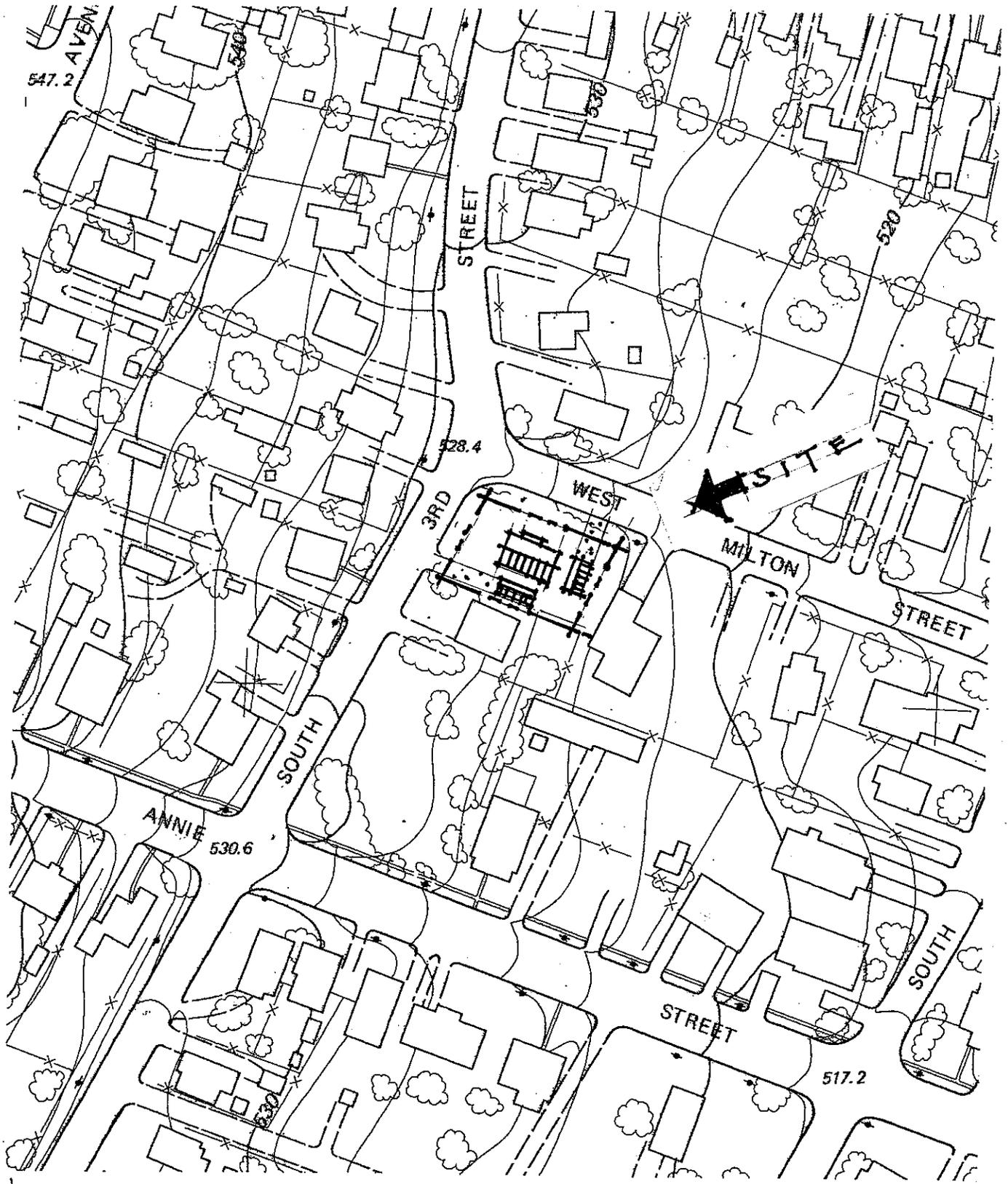
- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property 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.



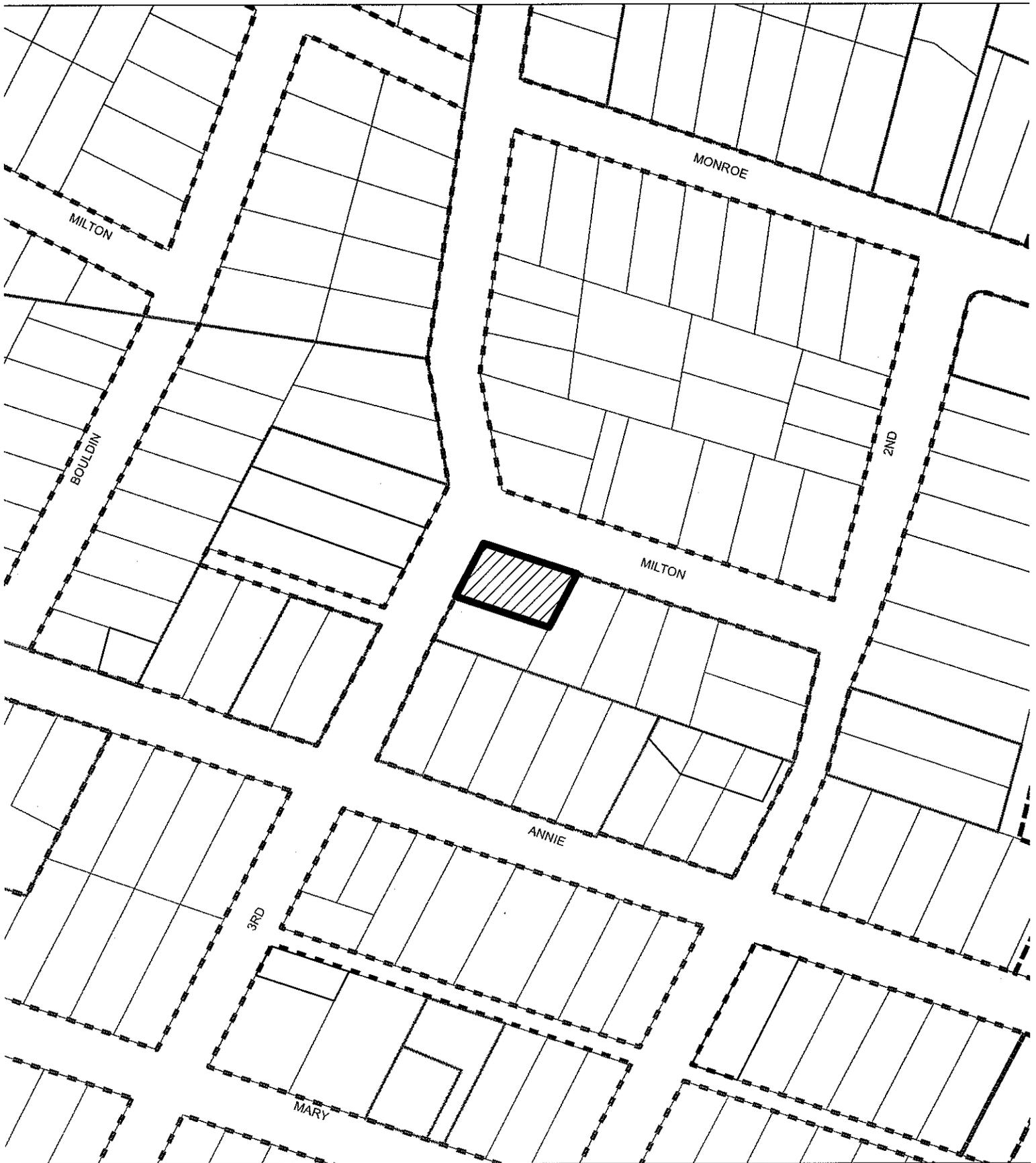
SITE LOCATION MAP ~ 1701 S. 3RD

SCALE: 1" = 100'

HAUSEN ARCHT

5/9/13

BVA



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2013-0067
 LOCATION: 1701 South Third St



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.

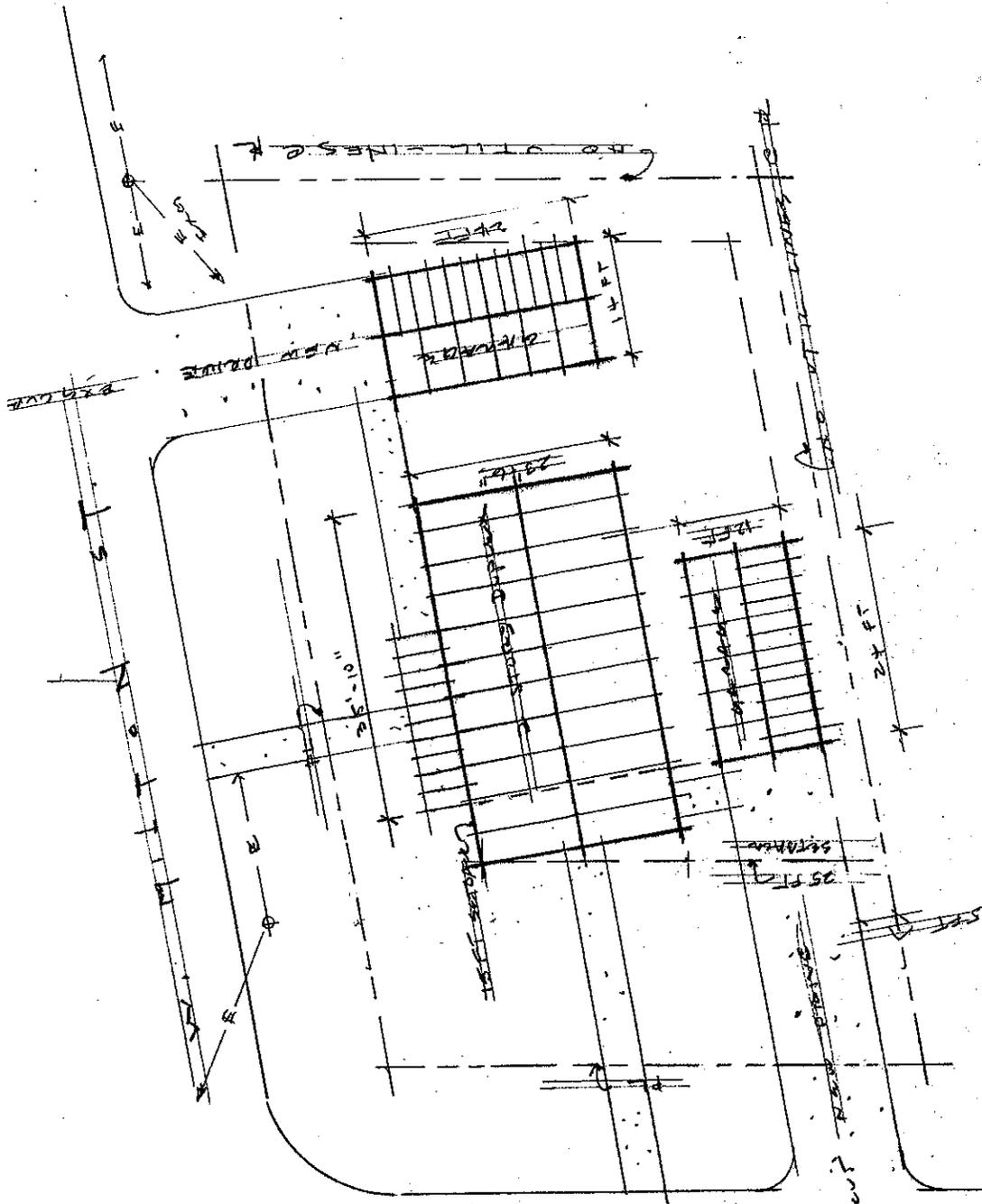
This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1721 SOUTH THIRD STREET



SUBJECT TRACT
 DUPLEXES ON LOTS 2.7000 SF



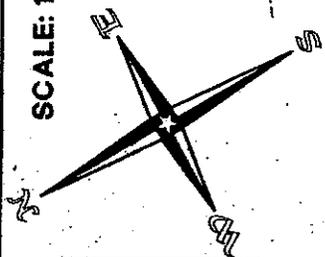
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AREA	TRIBUTARY
FOT	7000 SF
BUDG	2800 SF
ANDREW	
DUPLEX	172 SQ
UNIT 5	288
GRILL	316
TOT.	2352 SF
IMPONABLE ROAD	
DUPLEX	1037
GRASS	288
GRASS	330
DONNY'S	432
DONNY'S	186
SIDEWALKS	184
BIDMANVILLE	60
TOTAL	2488 SF
ARROW	3150 SF

MINERLEN - BUDGMEYER DUPLEX
 FOT JUNITA THRO'S
 VPM NEW 2012 1/40=1.0
 VILCENT P. HAVES B. ARCHT

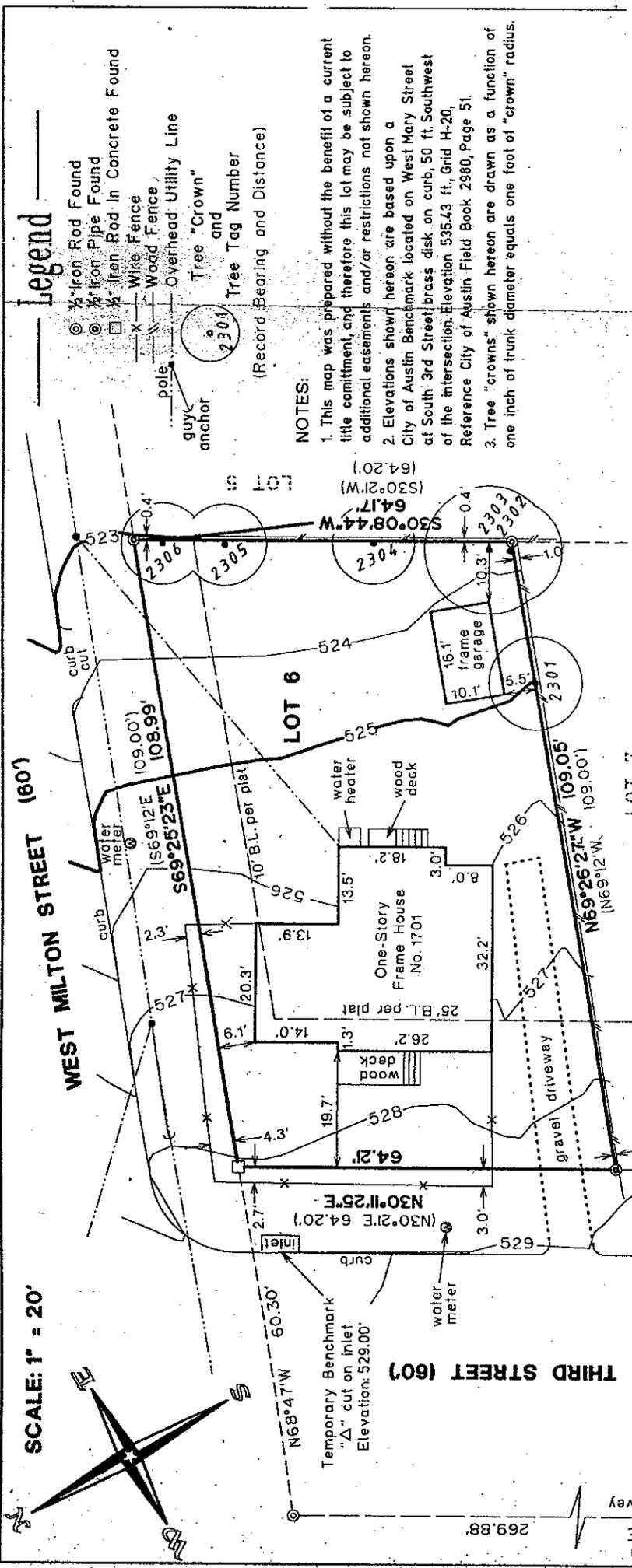


SCALE: 1" = 20'



WEST MILTON STREET (60')

SOUTH THIRD STREET (60')



Legend

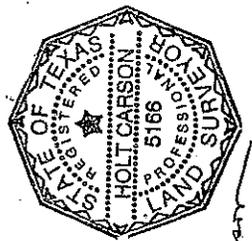
- ⊙ 1/2" Iron Rod Found
- ⊙ 3/4" Iron Pipe Found
- ⊙ 1" Iron Rod in Concrete Found
- X Wire Fence
- Wood Fence
- Overhead Utility Line
- Tree "Crown" and Tree Tag Number
- (Record Bearing and Distance)

NOTES:

1. This map was prepared without the benefit of a current title commitment, and therefore this lot may be subject to additional easements and/or restrictions not shown hereon.
2. Elevations shown hereon are based upon a City of Austin Benchmark located on West Mary Street at South 3rd Street, brass disk on curb, 50 ft. Southwest of the intersection. Elevation: 535.43 ft., Grid H-20, Reference City of Austin Field Book 2980, Page 51.
3. Tree "crowns" shown hereon are drawn as a function of one inch of trunk diameter equals one foot of "crown" radius.

TREE LISTING

2301	8"	Chinaberry
2302	9"	Chinaberry
2303	11"	Chinaberry
2304	7"	Unknown Species
2305	7"	Hackberry
2306	7"	Hackberry



MAP OF TOPOGRAPHIC SURVEY OF
LOT 6, SAM T. HILL SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 8 PAGE 9 OF TEH PLAT RECORDS OF TRAVIS COUNTY, TEXAS. LOCATED AT 1701 SOUTH THIRD STREET.

SAM T. HILL SUBDIVISION
 Volume 8 Page 9

PREPARED: May 30, 2008

BY

Holt Carson

Holt Carson

Registered Professional Land Surveyor No. 5166

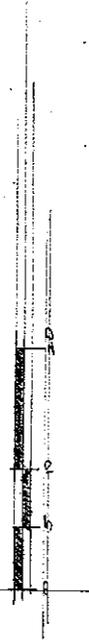
HOLT CARSON, INCORPORATED
PROFESSIONAL LAND SURVEYORS
 1904 FORTVIEW ROAD
 AUSTIN, TX 78704
 (512) 442-0990

© copyright 2008 C 820094

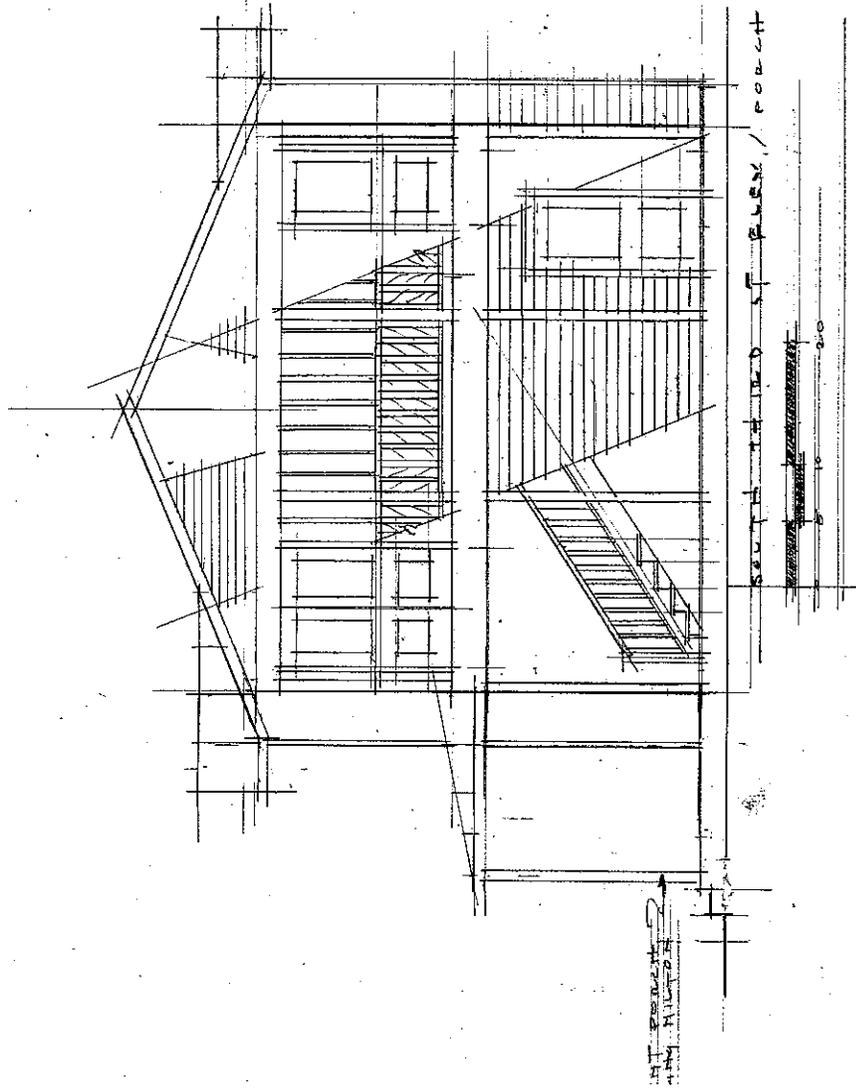
NOV 13 1954



PLAN OF BUILDING (2) ELEVATION

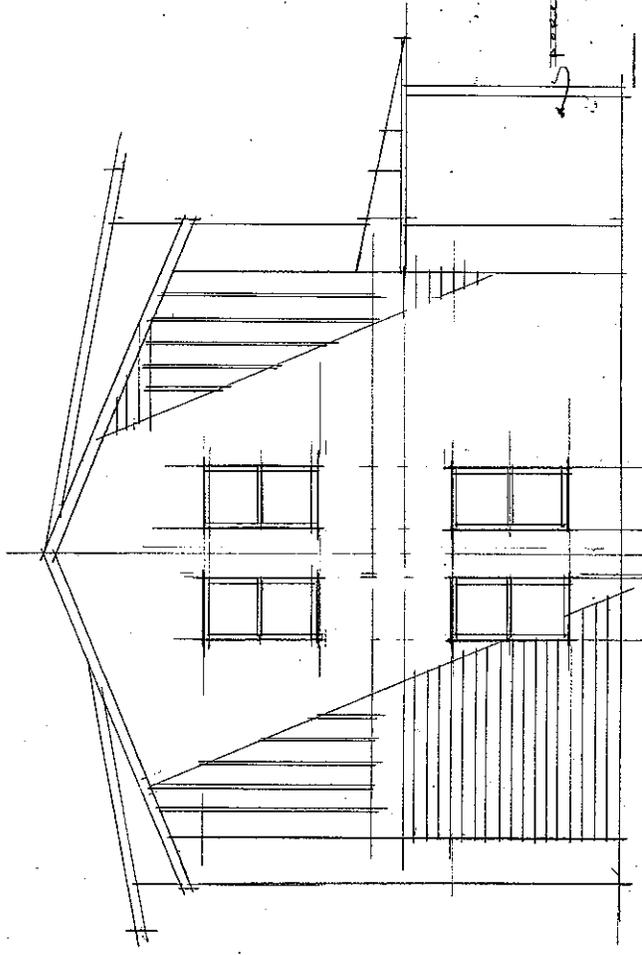


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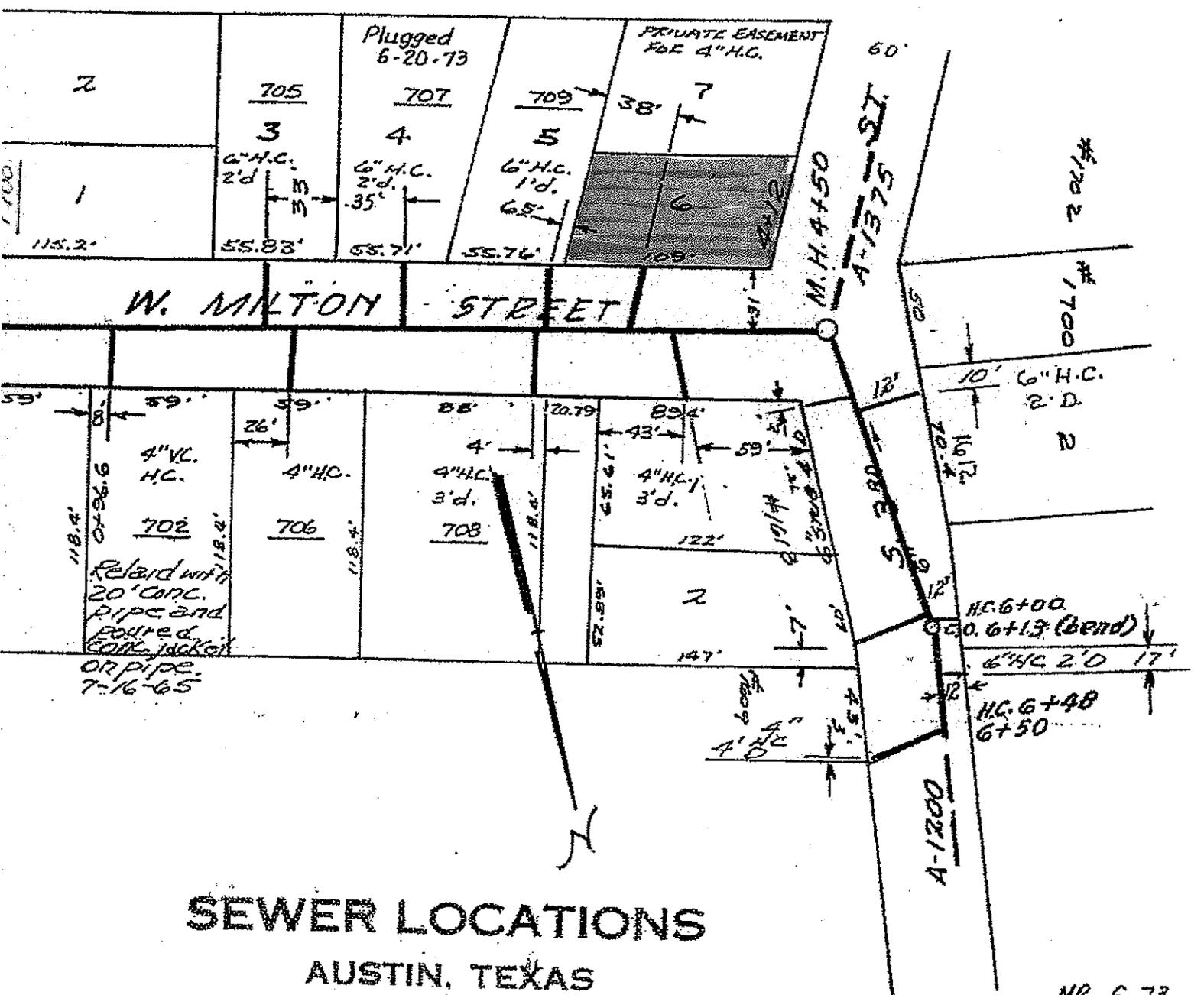
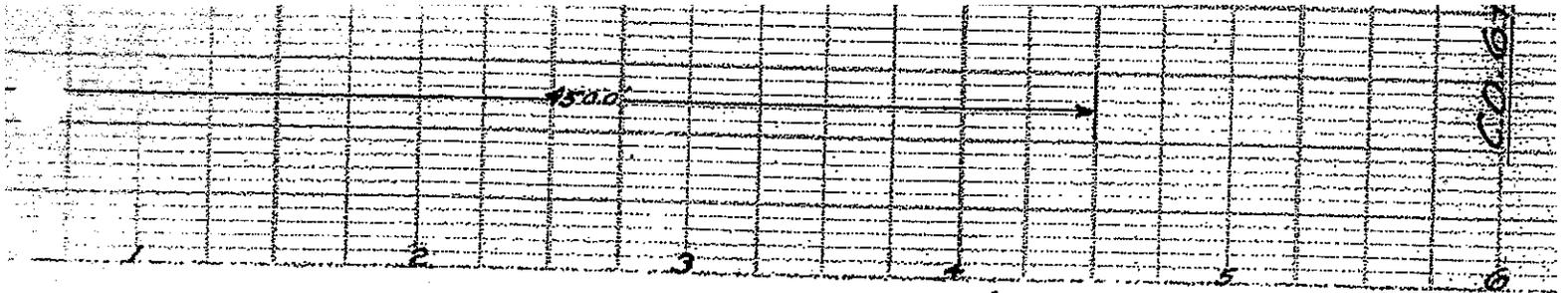
North East - West



4-11-13

North East - West





SEWER LOCATIONS
AUSTIN, TEXAS

MR 6-73

2N. CO. DATE _____ 831 321007 }
 7-16-65 831 32300 } 801 641
 P. 107 DATE 6-18-30 LOCATION MILTON ST. & 50.3 RD STREET
 9:37 DATE 7-73 FROM _____

1701 S. Crd.

SAM T. HILL SUBDIVISION
 A portion of Block 5 of
 City of Austin
SAM B. HILL

THE STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS: That we Sam B. Hill and wife, Martha A. Hill, being the owners of a portion of the L W Bouville Homestead Tract and a portion of the James E. Bouville Estate, in the County of Travis, Texas, do hereby certify that the following is a true and correct copy of the plat of the subdivision of the above described property into lots numbered 1-5, inclusive as shown on this map and that we Thomas C. Boyd and wife, Lillian A. Boyd being the owners of a portion of the L W Bouville Homestead Tract and a portion of the James E. Bouville Estate, in the County of Travis, Texas, as described in a deed from Sam T. Hill to Thomas C. Boyd and wife, Lillian A. Boyd, recorded in Book 1847 Page 91, Travis County Records, and a portion of the L W Bouville Homestead Tract and a portion of the James E. Bouville Estate in the Isaac Decker League in the City of Austin, Travis County, Texas, as described in the deed from Sam B. Hill and wife, Martha A. Hill to Thomas C. Boyd and wife, Lillian A. Boyd, recorded in Book 1115 Page 332 Travis County Records, do hereby subscribe, and their heirs, assigns, do hereby subscribe, as shown on this map or plat.

And we hereto designate this subdivision as the Sam T. Hill Subdivision.

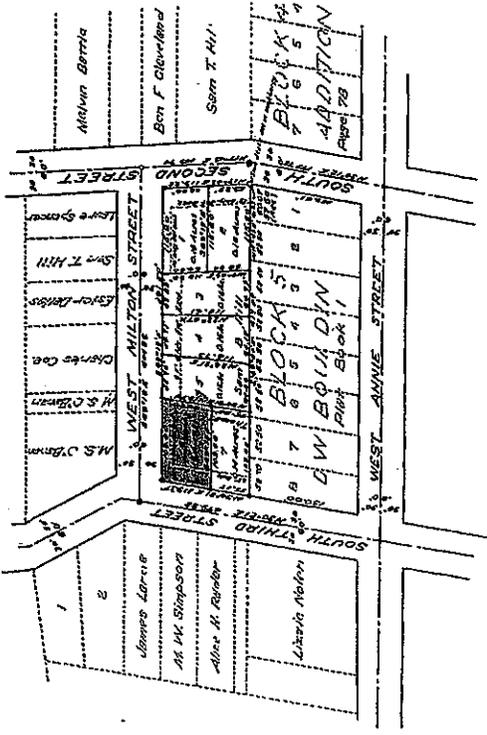
Witness our hands this 1 day of August A.D. 1956.

Sam B. Hill,
 Sam B. Hill
 Martha A. Hill
 Martha A. Hill

Total Area of Subdivision 110 Acres

THE STATE OF TEXAS
 COUNTY OF TRAVIS
 BEFO
 By, on this day personally at
 Myself A. Hill and Thomas
 All known to me, to be the per
 to the foregoing instrument as
 and executed the same in
 through my Special Agent
 the same in Book 5, Hill
 and Lillian A. Boyd, and
 their own and each, and they do
 the same for the purpose of
 proceed, and that they did
 Given under my hand and seal
 August 1, A.D. 1956

Notary Public,
 My
 Notary Public,



APPROVED FOR ACCEPTANCE
 Date: August 21, 1956,
 V. L. Whitehead
 V. L. Whitehead
 Director of Planning

Accepted and authorized for Record by the City Planning
 Commission City of Austin, this 21st day of August 1956
 The, Alan Mitchell
 Secretary

THE STATE OF TEXAS
 COUNTY OF TRAVIS
 I, Miss Emily Limberg, County Clerk of
 Travis County, Texas, do hereby certify that the
 A.D. 1956 or 10, Block 5, the within and foregoing plat or
 map of writing with its certificate of authentication was filed for
 record in my office and duly recorded on the 27 day of Aug., A.D.
 1956 or 10, Block 5, in the Plat Records of said County, in Book
 Page 9.
 Witness my hand and seal of office this 27 day of Aug., A.D. 1956
 County of Travis, Texas

FILED FOR RECORD
 At 10 o'clock, A.M. on the 27 day of Aug., A.D. 1956



Miss Emily Limberg
 Clerk, Travis County, Travis County, Texas
 By: Emily Limberg

LEGEND
 1. Lot
 2. Block
 3. City

Scale 1"=100'

PLAN 5851

This is to certify that
 Section 11 of the Subdivision
 19, 1953 have been compiled