

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

ROW

CASE # C15-2013-0078  
# 10978145

TP-0402010906

**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: 2007 S 1st Street, Austin, Texas 78704

LEGAL DESCRIPTION: Subdivision - LOT 4-5 BLK C BOULDIN JAMES E ADDN

Lot(s) 4-5 Block C Outlot \_\_\_\_\_ Division Bouldin James E Addm

I/We Lead Commercial on behalf of myself/ourselves as authorized agent for

Mary Jo Powell (Trustee) affirm that on May 30, 2013,

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

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

16 Read  
13 provided

in a CS-MU-V-CO-NP district.  
(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:  
It does not take into account our desire to keep a tree on the site.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:  
We do not want to remove a large oak tree for additional parking.

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

Most properties don't have a tree in the middle of their parking lot.

**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:

We are only 3 spots short and do not need any additional parking.

**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:

We are not looking to put any use that is above the 1 per 275 square feet parking requirement.

We are fine with restricting it to the parking uses in this category.

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:

We are not putting any use that require a high parking requirement and fine with

limiting the uses the City of Austin uses that require 1 per 275 square feet.

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

We will comply with all of the City safety rules and regulations.

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

It is intended to only be used to resolve only several parking spots short of the

requirement.

**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 \_\_\_\_\_

City, State & Zip 3906 N Lamar, Suite 201, Austin, Texas 78756

Tim Mooney

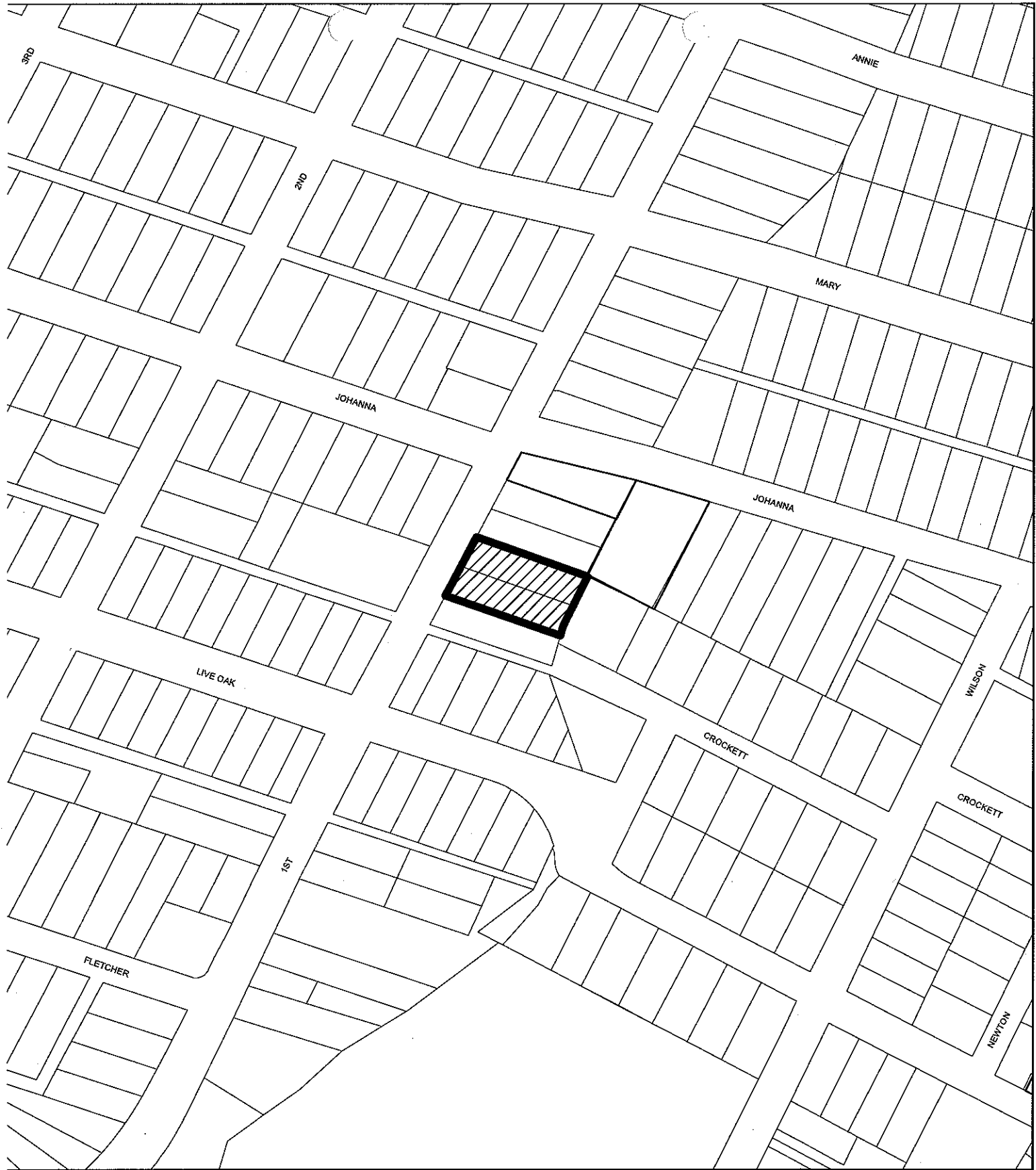
Printed Lead Commercial/ Phone 512-658-4916 Date 5-30-13

**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  Mail Address \_\_\_\_\_

City, State & Zip 11 LONE OAK TRL, Sunset Valley, Texas 78745

Printed Mary Jo Powell (Trustee) Phone 512-892-0382 Date 5-30-13



N



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0078  
 LOCATION: 2007 S 1st Street



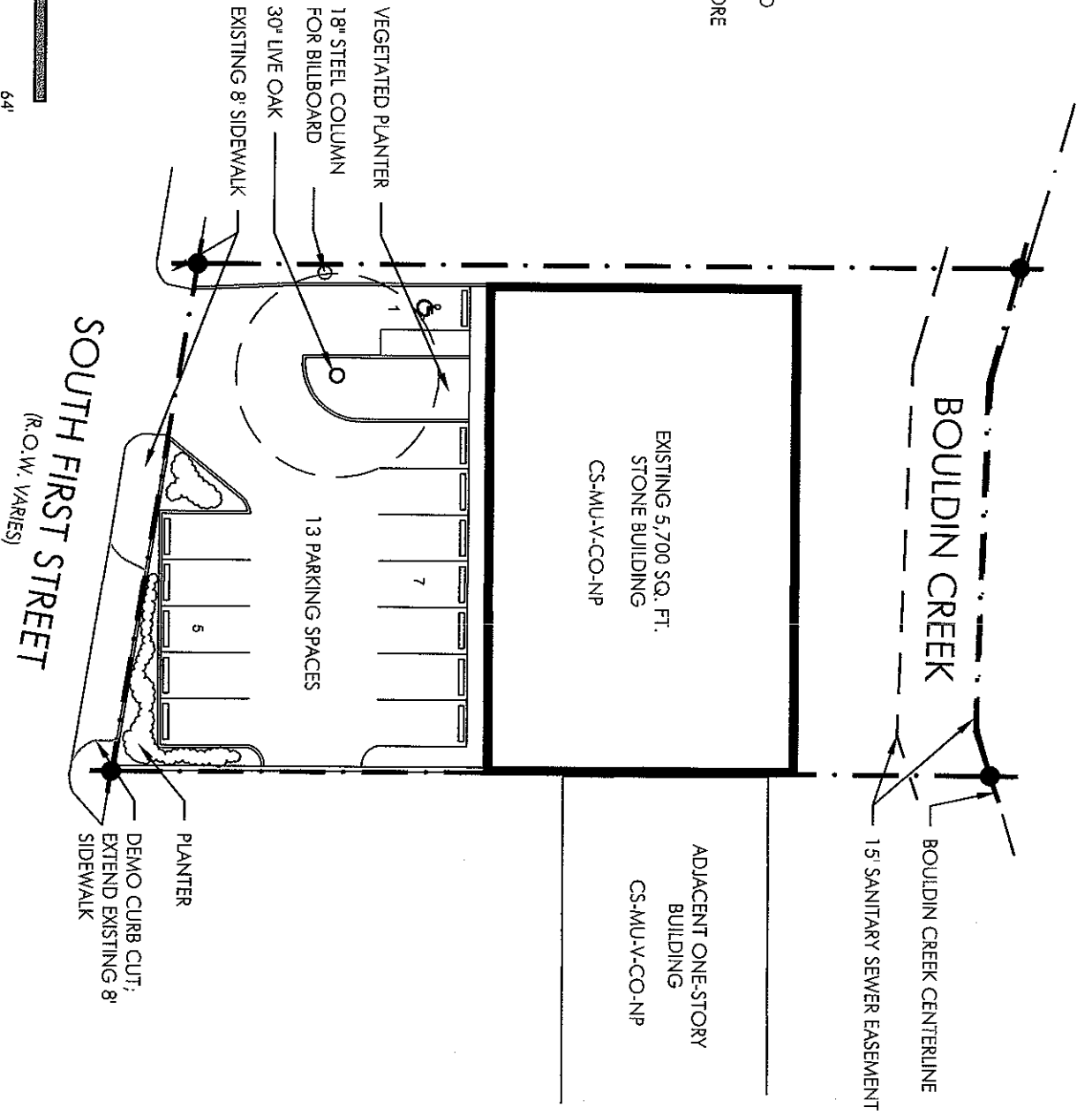
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.

13 PARKING SPACES PROVIDED  
 ∴ 13 / .8 = 16.25 PARKS  
 PROVIDED PER URBAN CORE

1.1 PARK REQUIRED / KEY  
 ∴ 16.25 / 1.1 = 14.7 KEYS

**14 KEYS MAXIMUM**



**PRELIMINARY**  
 NOT FOR CONSTRUCTION  
 This drawing was prepared under the  
 supervision of Stephen V. Levy. It is  
 not to be used for regulatory approval  
 permitting, bidding, or construction  
 purposes.

**LEGAL DESCRIPTION:**

LOTS 4 AND 5, BLOCK C, JAMES E. BOULDIN ADDITION, RECORDED IN BOOK 1, PAGE 71, T.C.R.P.R. AS CONVEYED TO MARY JO POWELL, SOLE TRUSTEE OF THE EUGENE A. POWELL BYPASS TRUST, IN DOC. 20070529966, T.C.O.P.R.

**NOTES:**

1. ANY EASEMENTS AND BUILDING LINES AS PER TITLE COMMITMENT GF# 136673JM, EFFECTIVE FEBRUARY 21, 2013, BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, NO ADDITIONAL RESEARCH WAS DONE BY FLUGEL LAND SURVEYING FOR ANY EASEMENTS, OR CONDITIONS OF RECORD WHICH MAY AFFECT THIS PROPERTY. BUILDING LINES PER C.O.A, ZONING ORDINANCES MAY EXIST WHICH ARE NOT SHOWN HEREIN.

**NOTES CONCERNING SCHEDULE B:**

104. TERMS AND CONDITIONS IN UNRECORDED LEASE AGREEMENT, EVIDENCE BY MEMORANDUM OF LEASE RECORDED IN VOL. 5598, PAGE 838 DO AFFECT THE SUBJECT TRACT.

101. TERMS AND CONDITIONS IN UNRECORDED LEASE AGREEMENT, EVIDENCE BY MEMORANDUM OF LEASE RECORDED IN DOC. 1999019629 DO AFFECT THE SUBJECT TRACT.

TO: MARY JO POWELL AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

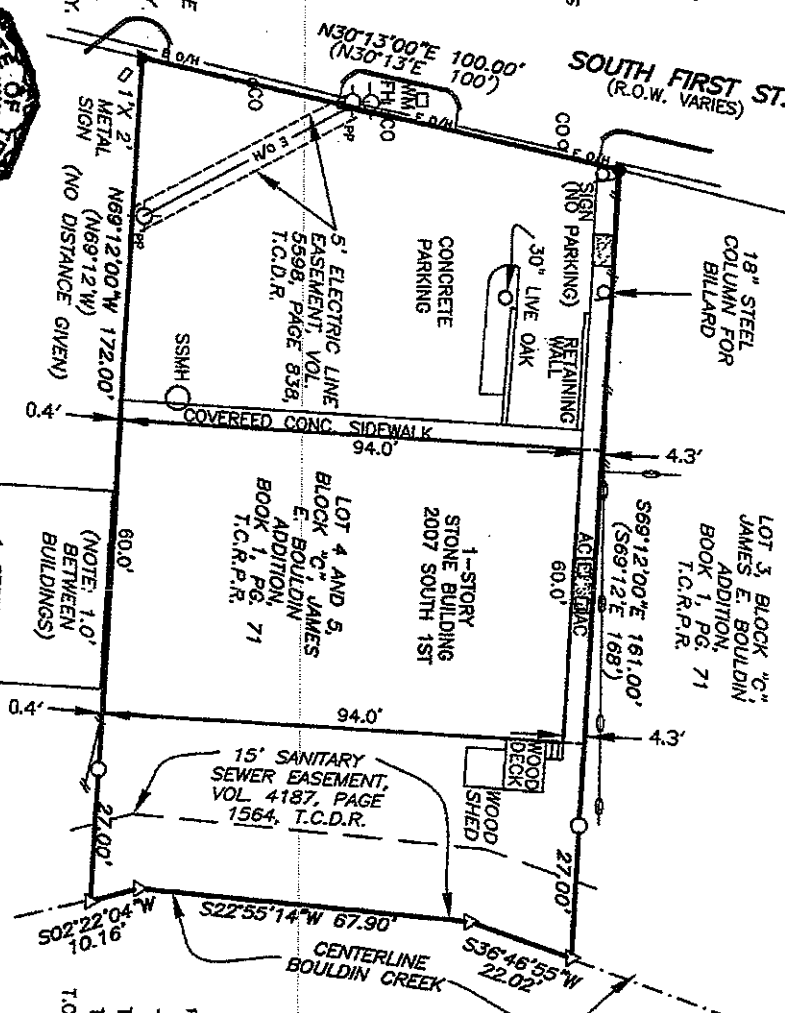
THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON UNDER MY DIRECTION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II LAND TITLE SURVEY.

AS SURVEYED BY:

*Paul J. Flugel*  
 PAUL J. FLUGEL  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5086  
 DATE OF SURVEY:  
 3/23/2013  
 FIRM NO. 10193637



**BEARING BASIS NOTE:**  
 C.O.A. PUBLIC WORKS  
 STREET CENTERLINE MAP  
 BARTON SPRINGS TO  
 JOHANNA  
 DRAWER R. NUMBER 11  
 6-24-1942



LOT 6, BLOCK "C", JAMES E. BOULDIN ADDITION, BOOK 1, PG. 71 T.C.R.P.R.

CLIENT: WGA  
 FIELD BOOK: 3, PAGE: 11  
 DRAWN BY: P.J.F.  
 PROJECT NO.: 015-2013  
 DATE: MARCH 28, 2013  
 FILE: 2007 SO 1ST TITLEDWG

FLUGEL LAND SURVEYING  
 14910 DORIA DRIVE  
 AUSTIN, TX 78728  
 (512) 633-3996

- LEGEND**
- △ CALCULATED POINT
  - 1/2" IRON ROD FOUND
  - 1/2" IRON SET WITH CAP
  - ▲ MAG NAIL SET
  - ( ) RECORD INFORMATION (PER SUBJECT PLAT AND C.O.A MAP)
  - WATER METER
  - SIGN
  - STORM SEWER MANHOLE
  - WASTEWATER CLEANOUT
  - FIRE HYDRANT
  - CONCRETE IMPROVEMENTS
  - WOOD FENCE
  - CHAIN LINK FENCE
  - UTILITY POLE
  - OVERHEAD ELECTRIC LINE
  - T.C.P.R.
  - T.C.D.R.
  - T.C.O.P.R.
  - TRAVIS COUNTY PLAT RECORDS
  - TRAVIS COUNTY DEED RECORDS
  - TRAVIS COUNTY OFFICIAL PUBLIC RECORDS



**Embese, Michael**

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To: tim@leadcommercial.com  
Subject: 2007 S 1st tree permit application



Thank you for your email and for your efforts to minimize impacts to this tree. This Heritage Live Oak tree has a thirty inch diameter trunk and is worthy of preservation through a parking variance request. It is located at 2007 South First Street, adjacent to the front row of parking at the former Powell Offset Printing Shop. This tree's root system is almost entirely covered by impervious cover and is a testimony to the ability of trees surviving in a harsh urban setting.

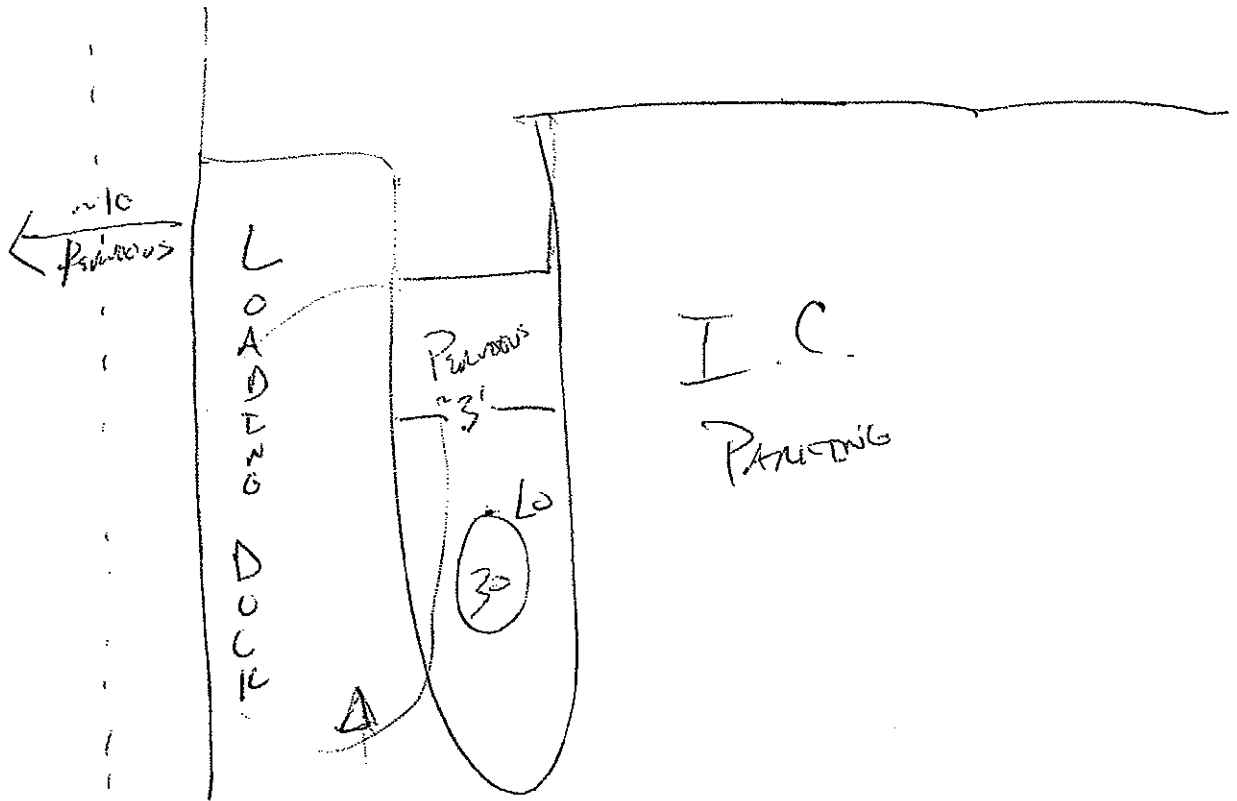
In the past, we have worked with you at Lead Commercial to identify the importance of trees within land development on many of your properties. We have also incorporated sound arboricultural practices to improve the longevity of the trees. My initial thoughts to improve the surroundings would be to eliminate existing impervious cover; most pertinently the area between the tree and the north building setback area. This is currently delineated as a loading zone, but improvements are possible to deliver nutrients to the root system in this area.

Please exhaust all reasonable possibilities to not only preserve the tree, but to improve the tree's critical root zone (~30 feet from the tree). Once this is completed, submit the proposed plans for my review to ensure compliance with the tree ordinance. The City Arborist Program is in support of a parking variance which would lead to adequate tree preservation and Lead Commercial working with us to aid in the long term health of the tree.

Thanks again and please contact me if I can assist you further,

Michael Embese  
City of Austin - Planning and Development Review Department  
City Arborist  
505 Barton Springs Road, Fourth Floor  
Austin, TX 78704  
Phone (512) 974-1876  
Fax (512) 974-3010  
Web Site <http://www.austintexas.gov/department/city-arborist>

# 1 Stay Bldg.



! MUST VALUABLE

Previous (Copy of the Record)  
REPARATIONS TO I.C.



OWNER Eugene A. Powell ADDRESS 2007 South 1st St.

PLAT 123 LOT 4-5 BLK. C

SUBDIVISION James E. Bouldin Addn

OCCUPANCY print Shop

BLDG. PERMIT # 144143 DATE 2-25-76 OWNERS ESTIMATE \$42,000.00

CONTRACTOR owner NO. OF FIXTURES See Plan

WATER TAP REC# SEWER TAP REC#

1 sty mas and stell Comm bldg. parking required  
6 spaces 5700 sq ft.

BID 2004