

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

**DATE: Monday, August 12, 2013**

**CASE NUMBER: C15-2013-0079**

Y  Jeff Jack **Motion to PP Sept 16, 2013**  
 Y  Will Schnier - Michael Von Ohlen (out)  
 Y  Nora Salinas  
 Y  Stuart Hampton - Bryan King (out)  
 Y  Fred McGhee  
 Y  Melissa Hawthorne **2<sup>nd</sup> the Motion**  
 Y  Sallie Burchett  
 -  Cathy French (SRB only)

**OWNER/APPLICANT: Rogelio Lozano**

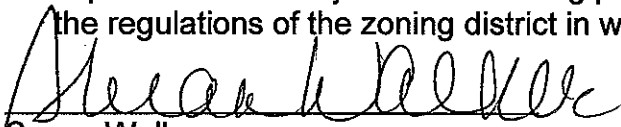
**ADDRESS: 612 BISSONET LN**

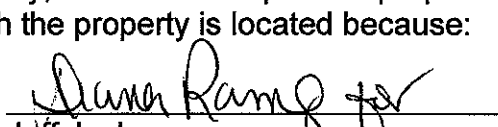
**VARIANCE REQUESTED:** The applicant has requested a variance to increase the maximum gross floor area for a two-family residential use requirement of Section 25-2-774 (7) (a) from 850 total square feet to 903 total square feet in order to remodel a detached accessory structure to create a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Highland Neighborhood Plan)

**BOARD'S DECISION:** The public hearing was closed on Board Member Jeff Jack motion to Postpone to September 16, 2013, Board Member Melissa Hawthorne second on a 7-0 vote; **POSTPONED TO SEPTEMBER 16, 2013. (RE-NOTIFICATION NEEDED)**

**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

**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](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: C15-2013-0079 - 612 Bissonet Lane  
 Contact: Susan Walker, 512-974-2202  
 Public Hearing: Board of Adjustment, August 12th, 2013

Gerald & Leatha Manson  
 Your Name (please print)

I am in favor  
 I object

609 Bissonet Lane  
 Your address(es) affected by this application

Leatha Manson  
 Signature Date 8-6-13

Daytime Telephone: 512-453-4046

Comments: This is a neighbor hood of one family home's who do not feel the need to be building two family homes & duplexes in the yard. The front trailers in the yard are bad enough.

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

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, 2<sup>nd</sup> Floor (One Texas Center).

CASE # C15-2013-0079

ROW # 10978159

TP-023411-13-03

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

*Revised*

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 612 BISSONET LN AUSTIN TX 78752

LEGAL DESCRIPTION: Subdivision - \_\_\_\_\_ LOT 3 BLK A TEMPO NORTH  
Lot(s) 3 Block A Outlot \_\_\_\_\_  
Division TEMPO NORTH

I/We ROGELIO LOZANO on behalf of myself/ourselves as authorized agent for

MY SELF  
affirm that on JUNE 19, 2013

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

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

A CHANGE OF USE TO CREATE A TWO FAMILY RESIDENTIAL USE WITH 903 SF INSTEAD OF 850 SF

in a SF-3-NP \_\_\_\_\_ district HIGHLAND N.P. zoning district

*918.09*

**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 change of use to create a two family residential use with 903 sf instead of 850sf in a SF-3-NP

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**HARDSHIP:**

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

The building is only 53 s.f. larger than it's suggested. We purchased the property in 2002 with out knowing that the apartment in the rear did not have a permit for it to be habitable. It does not affect the property presence in any way As I found out during this permit process that it had all applicable permits for it to be build but not habitable. It's been the apartment for my senior citizen parents to live in which is small enough as it is. Having to reduce the apartment will not only reduce their living space but also force them to look for another place to live while we make the modifications that are suggested. We don't have any need for a car garage or don't have any other use for this building. I proffer for it to stay as have had it for the last 10 years and also allow me to be close and take care of my senior parents.

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

Most of the houses are single family and have a car garage in front of their houses, as for our property the garage is in the rear with driveway from the back street. We have plenty of parking.

**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 not changing anything to the existing building exterior, witch meet all zoning regulations when it was initially build. We also don't see an increase on requesting additional variance to this rule as an apartment in the rear is not common 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  
\_\_\_\_\_  
\_\_\_\_\_

**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  Rogelio G. Lozano  Mail Address  612 BISONET LN

City, State & Zip  AUSTIN TX 78752

Printed \_\_\_\_\_ Phone  512 796-5176  Date  6/19/2013

**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 \_\_\_\_\_ Mail Address  SAME AS ABOVE

City, State & Zip  SAME AS ABOVE

Printed \_\_\_\_\_ Phone  512 796-5176  Date  6/19/2013

**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.

Signed

*[Handwritten Signature]*

Mail Address 612 BISONET LN

City,

State

&

Zip

AUSTIN TX 78752

Printed  
6/19/2013

Rogelio G. Lozano

Phone 512 796-5176

Date

**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 Address SAME AS ABOVE

City,

State

&

Zip

SAME AS ABOVE

Printed

6/19/2013

Phone 512 796-5176

Date

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- (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) ~~A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).~~
- (4)(3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)

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CS-MU-V-NP

CS-MU-V-NP

SF-3-NP

616

614

612

SF-3-NP

610

621

608

619

606

617

SF-3-NP

615

622

604

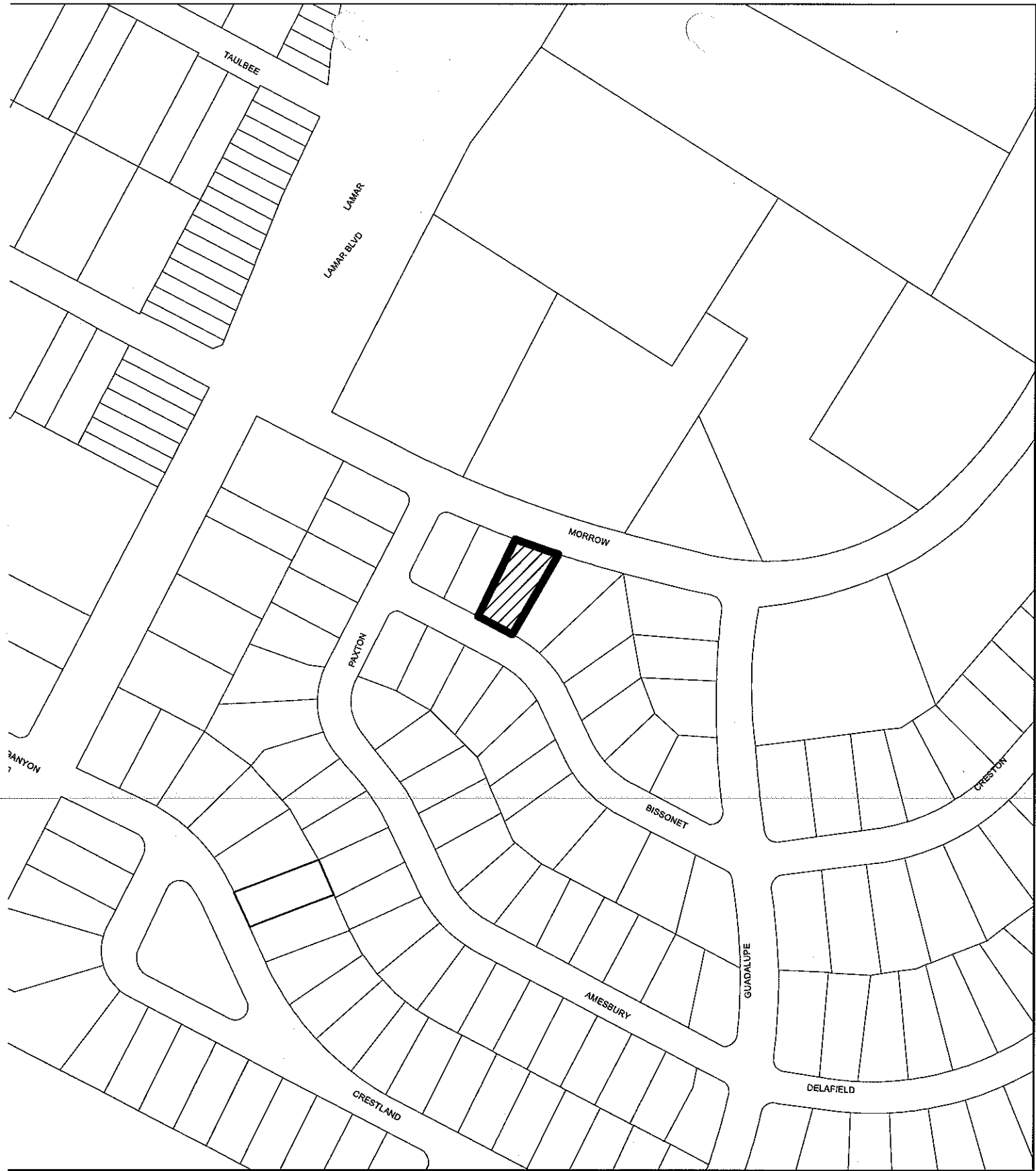
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SUBJECT TRACT



ZONING BOUNDARY

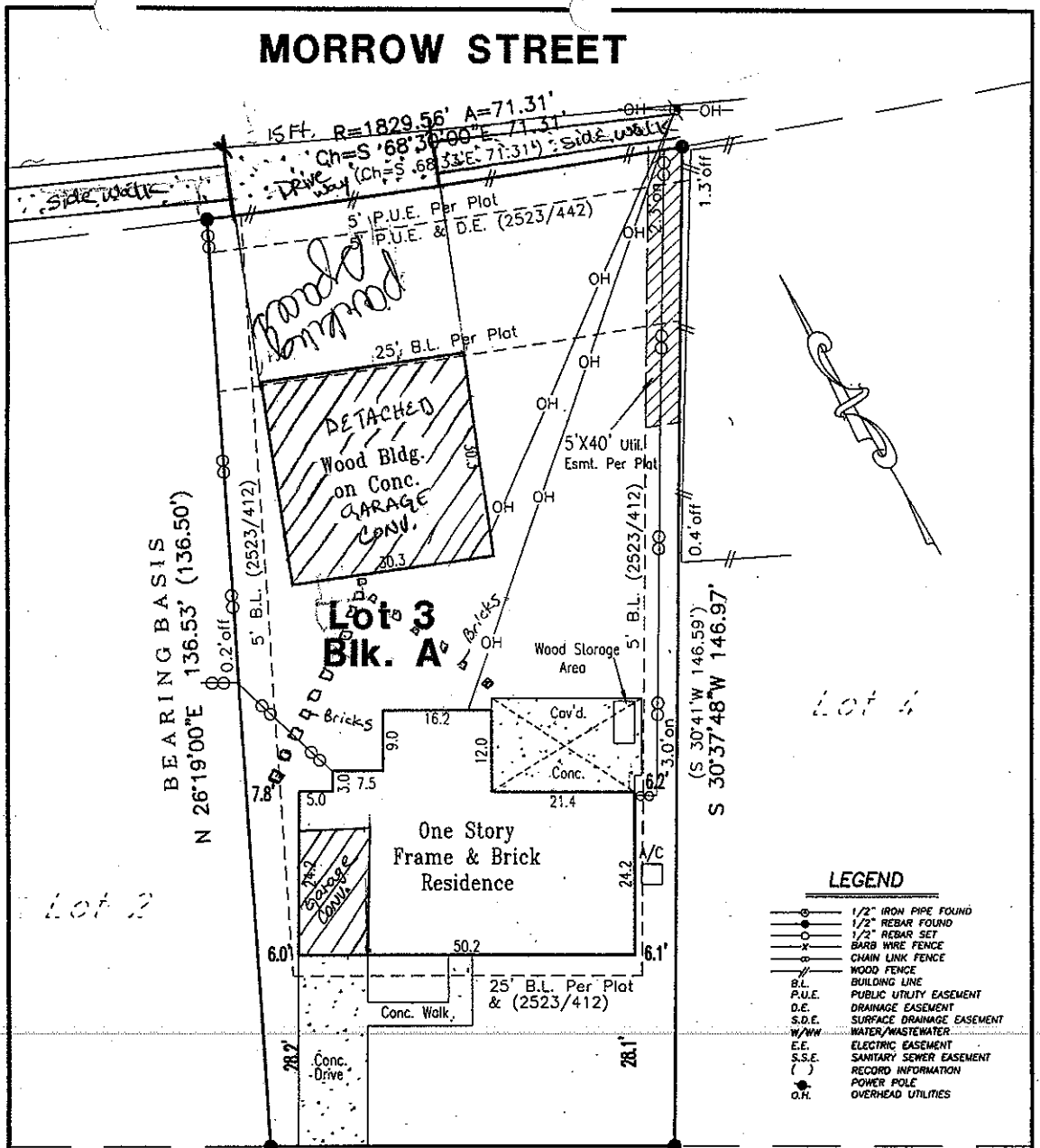
CASE#: C15-2013-0079  
 LOCATION: 612 Bissonet LN



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.

# MORROW STREET



### LEGEND

- 1/2" IRON PIPE FOUND
- 1/2" REBAR FOUND
- 1/2" REBAR SET
- BARB WIRE FENCE
- CHAIN LINK FENCE
- WOOD FENCE
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- S.D.E. SURFACE DRAINAGE EASEMENT
- W/WW WATER/WASTEWATER
- E.E. ELECTRIC EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- ( ) RECORD INFORMATION
- P POWER POLE
- O.H. OVERHEAD UTILITIES

# BISSONET LANE

Subject to Restrictions as Stated in: Vol.2523, Pg.442; and Per Plat in Vol.16, Pg.32.

SUBDIVISION TEMPO NORTH

LOT: 3 BLOCK: A VOLUME 16 PAGE 32 PLAT RECORDS

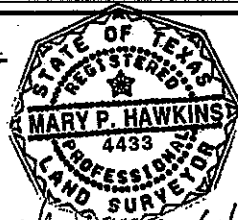
COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 612 BISSONET LANE

CITY: AUSTIN REFERENCE NAME ROGELIO LAZANO, ALFREDO LAZANO



**Dewey H. Burris & Associates, Inc.**  
Land Surveying Services

1404 West North Loop Blvd. 512\*458-6969  
Austin, Texas 78757 Fax: 512\*458-9845



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. 480524

PANEL 0160 E  
DATED: 6-6-93  
This certification is for insurance purposes  
only and is not a guarantee that this  
property will or will not flood. Contact your  
local floodplain administrator for the current  
status of this tract.

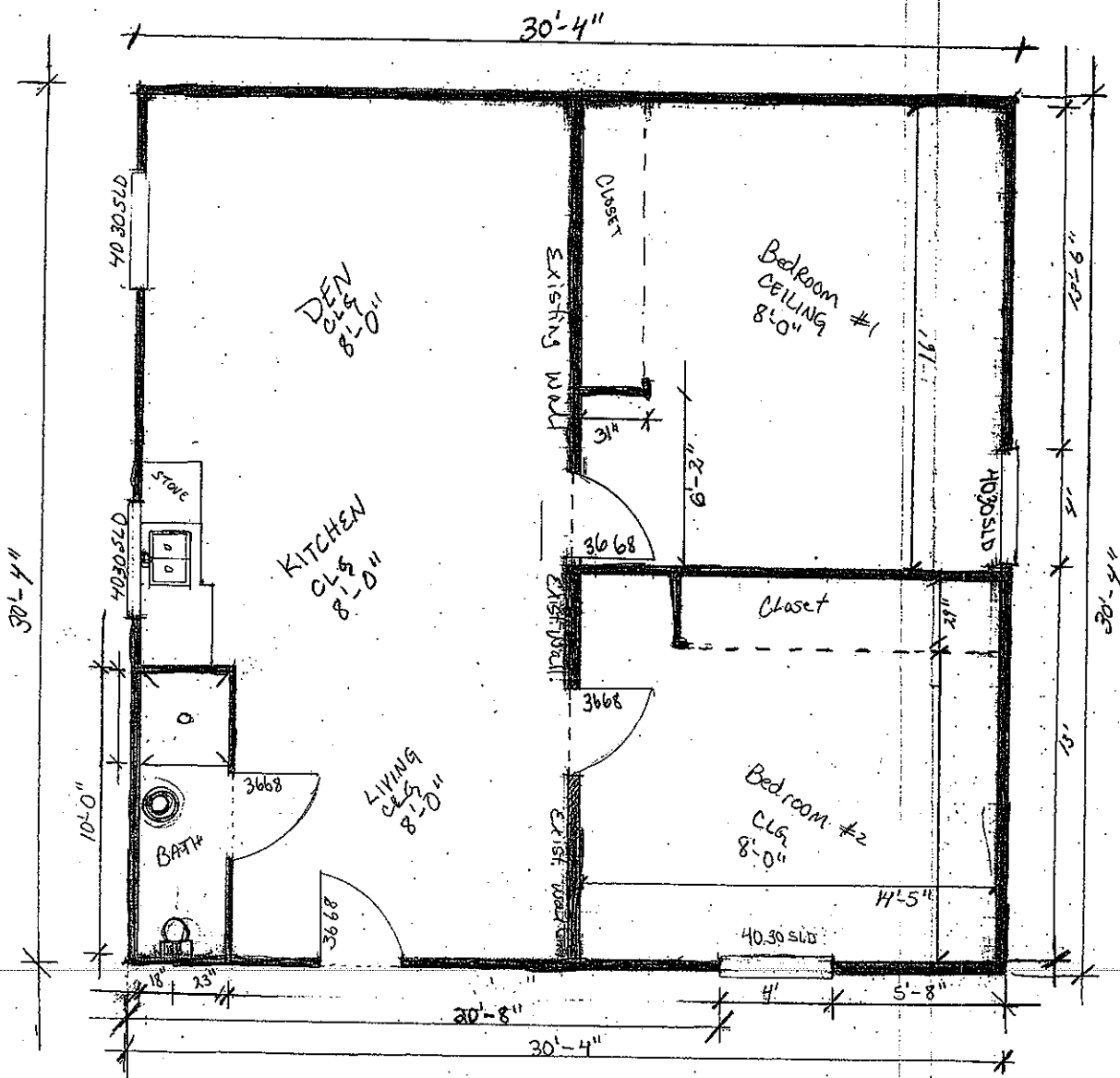
TO THE LIENHOLDER AND / OR OWNERS OF THE PREMISES SURVEYED AND TO

FIDELITY NATIONAL TITLE INSURANCE COMPANY

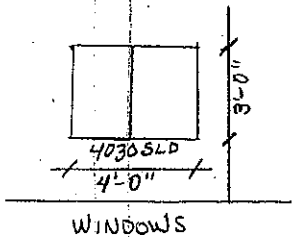
DATE 6-14-01  
TITLE CO FIDELITY  
G.F. # 01-53887  
JOB. No. B0607101.TA  
SCALE 1" = 20'

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. This survey is only to be used for this one transaction. Copying or reproducing without permission of Dewey H. Burris, Inc is prohibited.

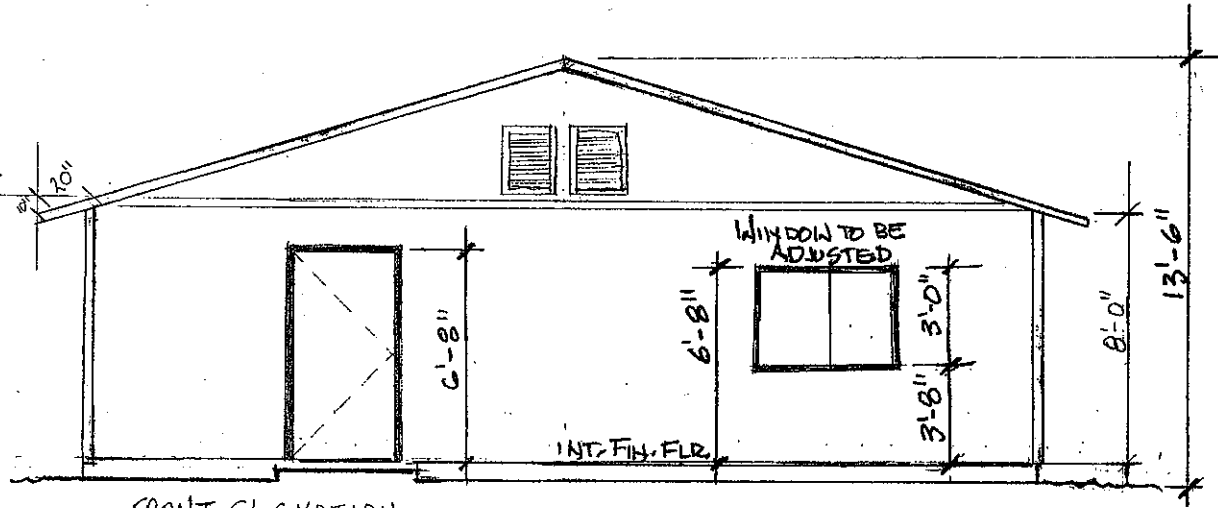
Cheryl_TBLK		
FIELD WORK	DERICK	6-13-01
DRAFTING	M.P.	6-14-01
FINAL CHECK	M.H.	6-16-01
CORRECTIONS		
UP DATE		



612 BISSONET LN  
 Accessory structure  
 Conversion  
**FLOOR PLAN**  
 Scale 1/4" = 1'-0"

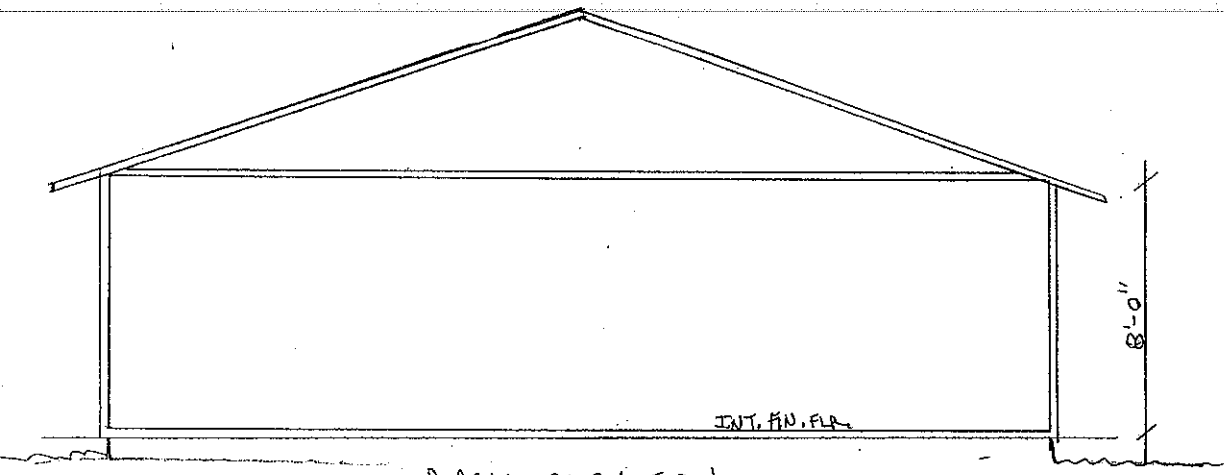


"Smoke Detector System- Hard wired, interconnected,  
 battery backup, at each sleeping room and vicinity.  
 In accordance with IBC 2006 Sec R313."



FRONT ELEVATION  
Scale 1/4" = 1'-0"

612 BISSONET LN



BACK ELEVATION  
Scale 1/4" = 1'-0"

612 BISSONET LN  
AUSTIN TX 78752