

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

**DATE: Monday, October 14, 2013**

**CASE NUMBER: C15-2013-0106**

\_\_\_\_\_ Jeff Jack  
\_\_\_\_\_ Michael Von Ohlen  
\_\_\_\_\_ Nora Salinas  
\_\_\_\_\_ Bryan King  
\_\_\_\_\_ Fred McGhee  
\_\_\_\_\_ Melissa Hawthorne  
\_\_\_\_\_ Stuart Hampton - Sallie Burchett (OUT)  
\_\_\_\_\_ Cathy French (SRB only)

**OWNER/APPLICANT: GABRIEL BARBA**

**ADDRESS: 913 ELIZABETH ST**

**VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-773 (B) (1) from 7,000 square feet to 6,103 square feet (existing) in order to remodel, maintain and erect a second story addition to an existing duplex residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)**

**The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-773 (B) (2) from 50 feet to 46.33 feet (existing) in order to remodel, maintain and erect a second story addition to an existing duplex residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)**

**The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.4 feet (existing) in order to remodel, maintain and erect a second story addition to an existing duplex residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)**

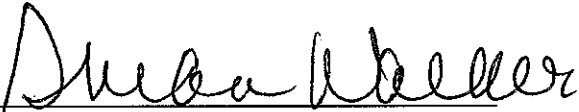
**BOARD'S DECISION: POSTPONED TO November 13, 2014 (RE-NOTIFIATION REQUIRED)**

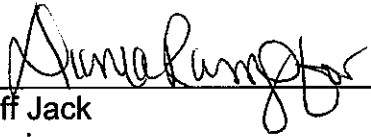
**FINDING:**

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: C15-2013-0106 - 913 W Elizabeth  
 Contact: Susan Walker, 512-974-2202  
 Public Hearing: Board of Adjustment, October 14th, 2013

*Maeem Smith*  
 Your Name (please print)  I am in favor  I object

208 W. 17th St, Austin, TX 78701  
 Your address(es) affected by this application

*[Signature]*  
 Signature *10/8/13*  
 Date

Daytime Telephone: 512-446-1312

Comments: *Property owner of 912 W Elizabeth*

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

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).

CASE # C15-2013-0106  
# 11013493

ROW

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

TP-0100031604

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

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

STREET ADDRESS: 913 W. ELIZABETH

LEGAL DESCRIPTION: Subdivision - SOUTH HEIGHTS

Lot(s) 7 Block C Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/~~We~~ GABRIEL BARBA on behalf of myself/~~ourselves~~ as authorized agent for

\_\_\_\_\_ affirm that on SEP. 9th, 2013

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

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

1. Request variance from minimum lot size requirement of 7,000 SF to existing 6,103 SF.

2. Request variance from minimum lot width of 50'-0" to existing 46.33'.

3. Request variance from sideyard setback of 5'-0" to existing  FT. 4.2

in a SF-3 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:  
Original structure (c.1939) was built on a smaller lot according to current zoning regulations. Has always been used as a  
Residential Duplex. Current Owner desires to maintain and build improvements in keeping with this zoning designation.

**HARDSHIP:**

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

The lot is land locked. It has been operating as a Residential Duplex since 1939.

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

It is the only Residential Duplex on this block.

**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 Addition will meet current Residential Design & Compatibility Standards and will not add any additional

Units (currently is operating as a 2 Unit Duplex.) Proposed (1) 2BR Unit and (1) 1BR Unit with common stair.

**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:

(Not requesting parking variance.)

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:

(Not requesting parking variance.)

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

(Not requesting parking variance.)

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

(Not requesting parking variance.)

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

Printed \_\_\_\_\_ Phone \_\_\_\_\_ 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 Gabriel Barba Mail Address 913 W. Elizabeth

City, State & Zip Austin, Texas 78704

Printed Gabriel Barba Phone (512) 771-2267 Date 9/9/2013

3811 Arrow  
Austin, TX  
78749



N



SUBJECT TRACT



ZONING BOUNDARY

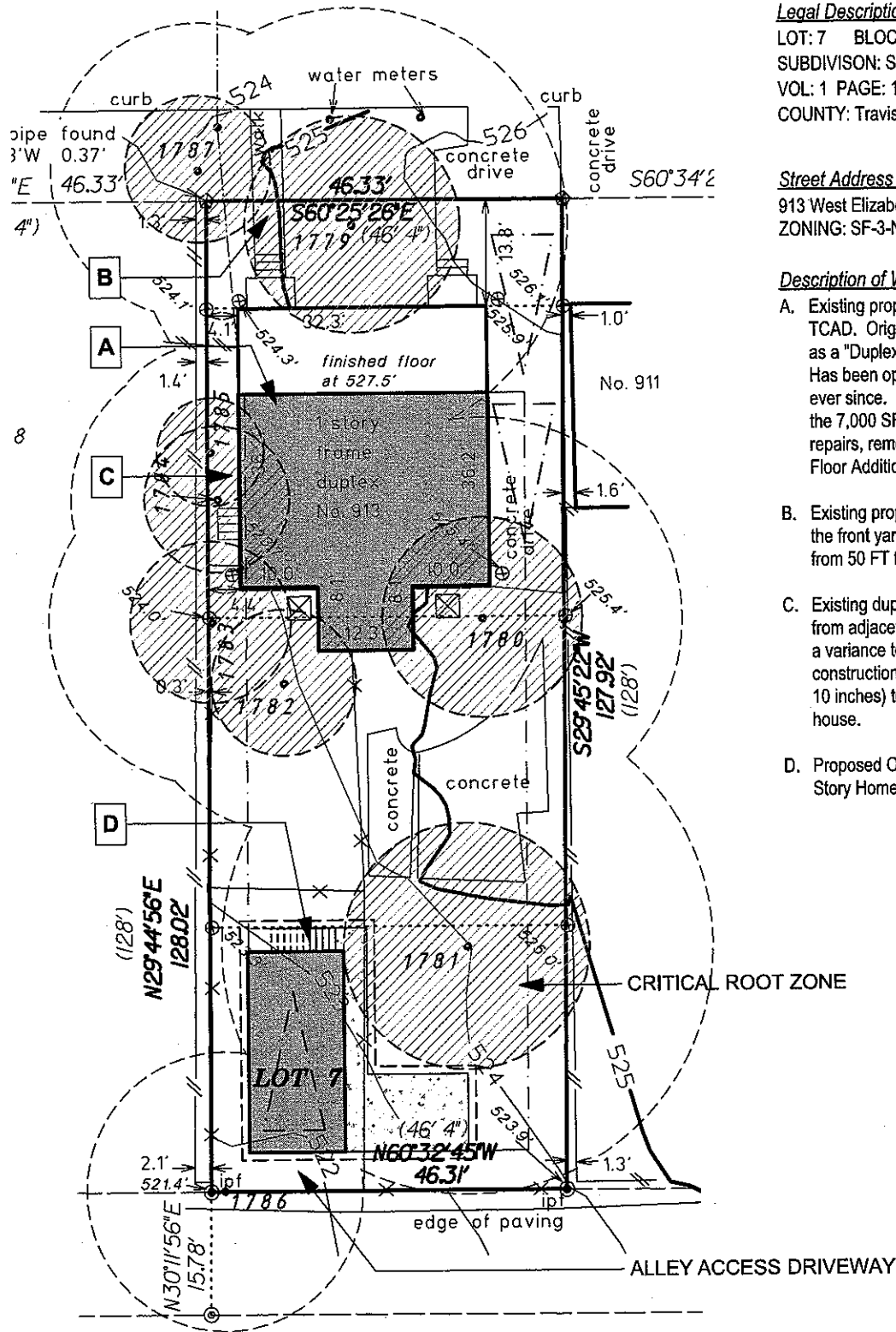
CASE#: C15-2013-0106  
 LOCATION: 913 W Elizabeth



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.

W. ELIZABETH



Legal Description:

LOT: 7 BLOCK: C  
 SUBDIVISION: South Heights  
 VOL: 1 PAGE: 1210F  
 COUNTY: Travis

Street Address & Zoning Classification:

913 West Elizabeth Street  
 ZONING: SF-3-NP

Description of Work:

- A. Existing property measures 6,103 SF per TCAD. Original structure was built in 1939 as a "Duplex" per City of Austin records. Has been operated as a Residential Duplex ever since. Owner requests a variance from the 7,000 SF Lot requirement to make repairs, remodel interior and build a Second Floor Addition.
- B. Existing property measures 46.33 FT across the front yard. Owner requests variance from 50 FT frontage requirement.
- C. Existing duplex was originally built 4.4 FT from adjacent property line. Owner requests a variance to build new second floor construction into sideyard setback (approx. 10 inches) to align directly on top of existing house.
- D. Proposed One Car Garage and Second Story Home Office.

