

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

DATE: Monday, October 14, 2013

CASE NUMBER: C15-2013-0104

_____ Jeff Jack
_____ Michael Von Ohlen **Motion to Postpone**
_____ Nora Salinas
_____ Bryan King
_____ Fred McGhee
_____ Melissa Hawthorne **2nd the Motion**
_____ Stuart Hampton - Sallie Burchett (OUT)
_____ Cathy French (SRB only)

OWNER/APPLICANT: KAREN BURKE

ADDRESS: 8101 SH 71 *West*

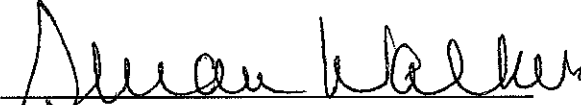
VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A from 6 off-street parking spaces to 4 off-street parking spaces in order to remodel to create office use in an "LO-NP", Limited Office – Neighborhood Plan zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to November 14, 2013, Board Member Melissa Hawthorne second on a 7-0 vote; **POSTPONED TO November 14, 2013.**


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



MEMORANDUM

TO: Jeff Jack, Board of Adjustment Chair
Board of Adjustment Members

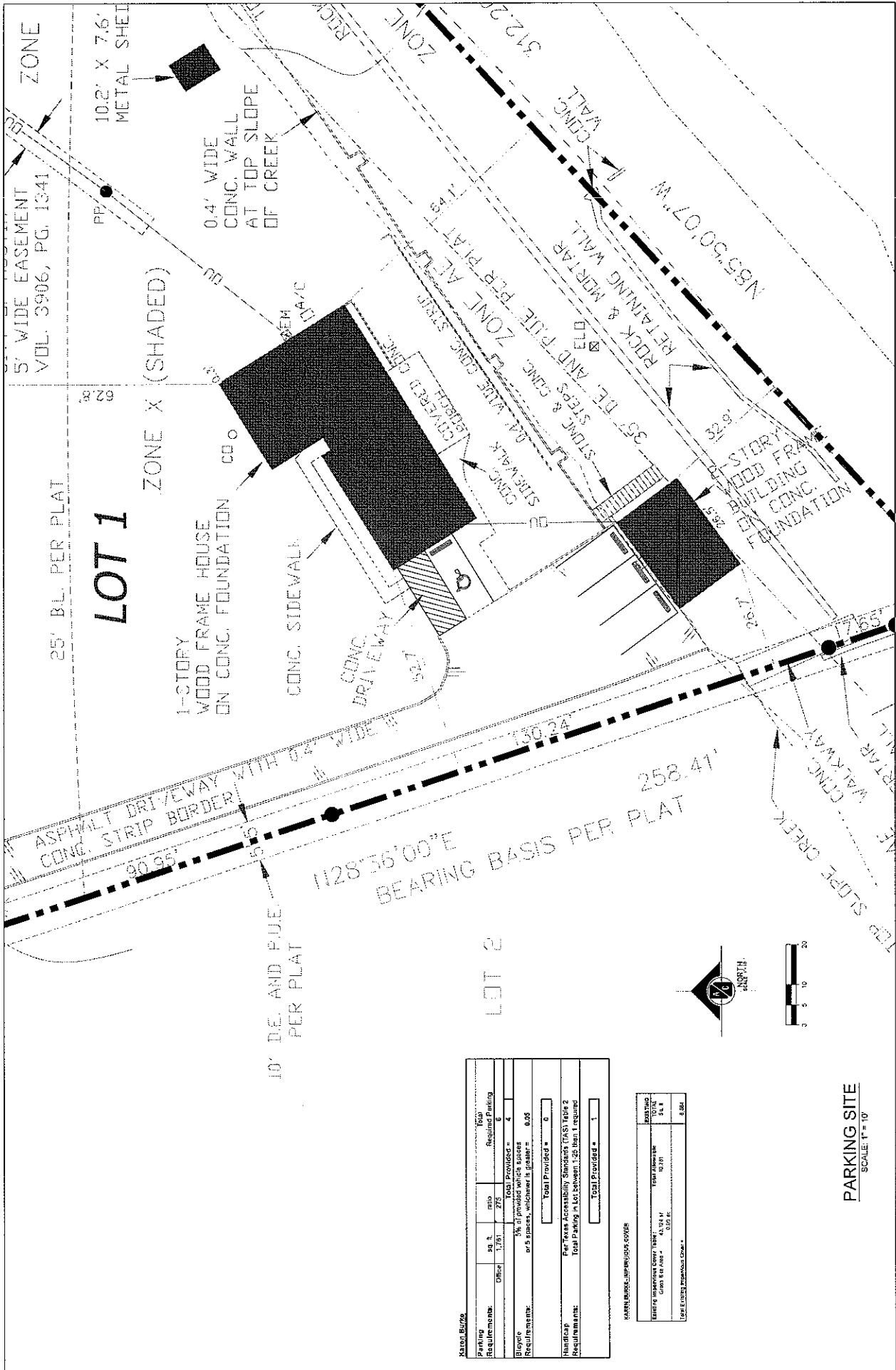
FROM: Christopher Johnson
Development Assistance Center Manager
Planning & Development Review Department

DATE: October 23, 2013

SUBJECT: 8101 W. SH 71
C15-2013-0104

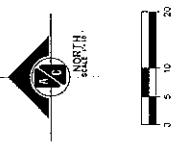
The property located at 8101 West SH 71, is located within the Barton Springs Contributing Zone portion of the Williamson Creek Watershed, with the main branch of Williamson Creek running along the south property line. Due to the proximity of the creek, all but a small portion at the northern corner of this lot lies within the Critical Water Quality Zone [CWQZ] which includes all land in the floodplain as well as all land within 200-ft of the centerline of the waterway per Land Development Code Sections 25-8-92 and 25-8-514(B). The northern 20-ft of the lot at the north corner of the lot that lies outside of the CWQZ is located within the Water Quality Transition Zone [WQTZ] per Section 25-8-93.

Under current code, no development is permitted within the CWQZ or WQTZ per Section 25-8-452 and 25-2-453, but existing improvements and paving may be maintained. Because the property is located within the Barton Springs Zone and subject to the Save Our Springs Ordinance, the Planning Commission does not have the authority to grant a variance from these restrictions. The property owner cannot obtain site plan approval for any additional parking on this lot without first obtaining approval of a Limited Adjustment to the Save Our Springs Ordinance by a three-quarters majority of the City Council per Section 25-2-518(B).



Section	Code	Ratio	Ratio	Total
Parking	1.01	275		Requires Parking
Requirements				6
Boys				Total Provided = 4
Requirements				or 5 spaces, whichever is greater = 0.05
				Total Provided = 0
Handicap				Per Texas Accessibility Standards (TAS) Table 2
Requirements				Total Parking in Lot (between 1:30:00 and 1:00:00)
				Total Provided = 1

Category	Value
Existing Impervious Cover *	8.8%
Per Texas Accessibility Standards (TAS) Table 2	10.3%
Total Impervious Cover *	19.1%



PARKING SITE
SCALE: 1" = 10'

C15-2013-0104

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.

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: CI5-2013-0104 - 8101 Highway 71 West
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 14th, 2013

Brandy Stewart
 Your Name (please print) I am in favor
 I object

7928 - B Hwy 71 West - 78735
 Your address(es) affected by this application

[Signature] 10/7/13
 Signature Date

Daytime Telephone: 512 458-9698

Comments: _____

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

CASE # C15-2013-0104

ROW # 11012950

CITY OF AUSTIN TP-0404400713
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: 8101 West Highway 71

LEGAL DESCRIPTION: Subdivision - Valley View Acres

Lot(s) 1 Block A Outlot _____
Division _____

I/We Jeff Ashorn / Austin Civil on behalf of
myself/ourselves as authorized agent for

Karen Burke
affirm that on August 28th, 2013,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

Revise parking for office use 6 Regd - 4 provided

in a LO-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:

The current property is zoned LO-NP. However the house is at 1761 ft and the required parking for office use is 6 spaces including 1 handicap space. There is currently only room for 4 spaces. There is an existing garage that could be used and the total number of spaces would be 6. However it would require tandem parking at the site. Exhibit is included

HARDSHIP:

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

Because the property is located in a Edwards Aquifer Contributing Zone and Barton Springs watershed we are unable to add any impervious cover to satisfy the parking requirements.

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

Because of the small size of the building and zoning, current impervious cover limits and the inability to increase our impervious cover to meet the zoning requirements

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 variance is only for parking. There will be no added impervious cover to site or changes to site that would affect adjacent properties.

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:

The zoning on the site requires 6 spaces. We currently can only provide 4 under current code. We do have an alternative that will allow 6 spaces but it requires the use of the existing garage and tandem parking but is not allowed by current regulations.

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:

The maximum number of vehicles traveling through the site at any one time would be 4. It is a negligible impact to current traffic on Hwy 71

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

The maximum number of vehicles traveling through the site at any one time would be 4. It is a negligible impact to the site.

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

The site is zoned LO-NP and the use is office. We are requesting a variance for the parking for the office use. Change in the use could remove the current restrictions. So the variance will carry only with the office use.

1. Neither present nor estimated 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:

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

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

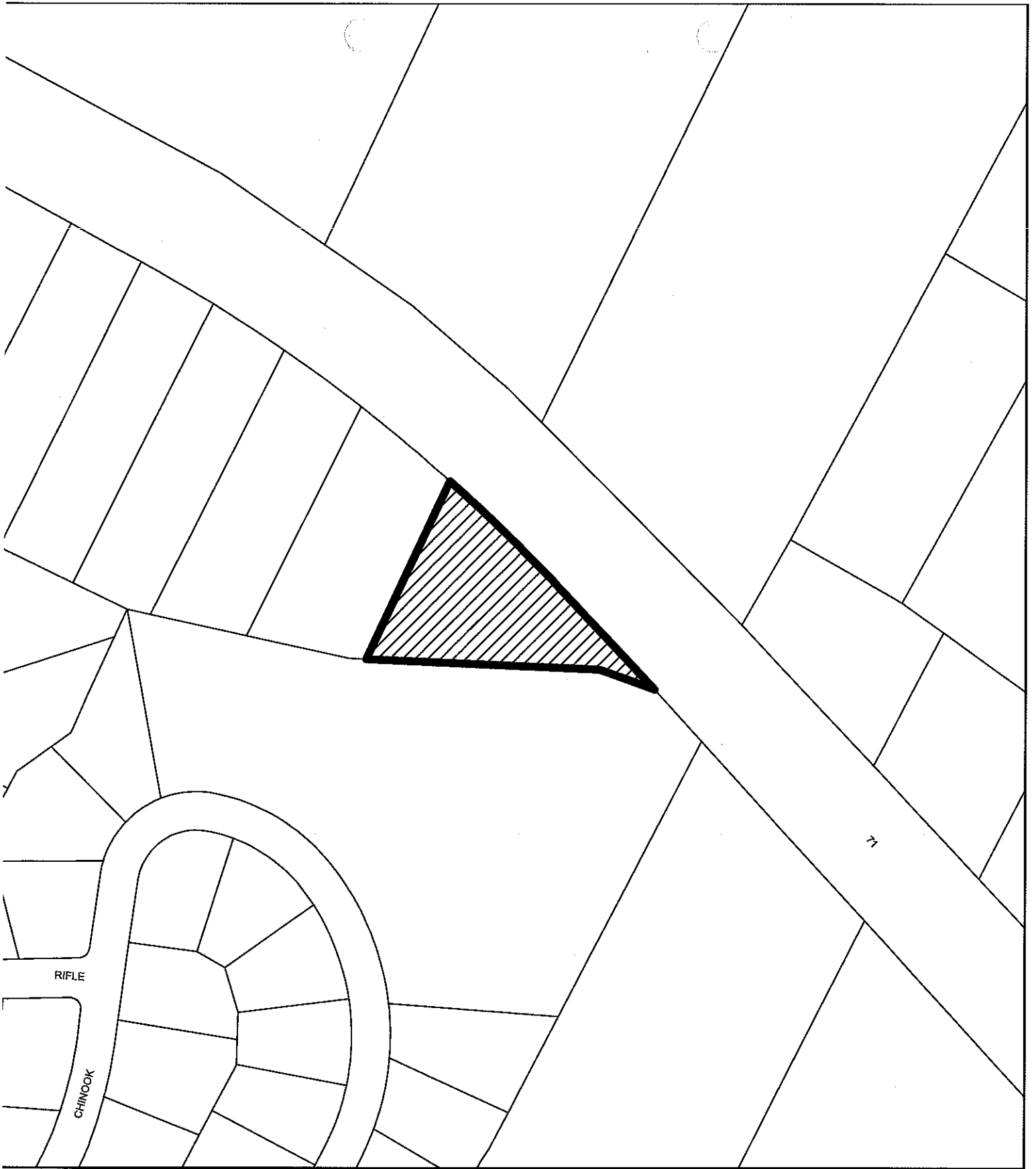
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

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 Karen R Burke Mail Address 8505 Spring Valley DR.
City, State & Zip Austin, TX 78736
Printed Karen Burke Phone 512-947-9880 Date 8.12.13

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 Karen R Burke Mail Address 8505 Spring Valley DR.
City, State & Zip Austin, TX 78736
Printed Karen Burke Phone 512-947-9880 Date 8.12.13



SUBJECT TRACT



ZONING BOUNDARY

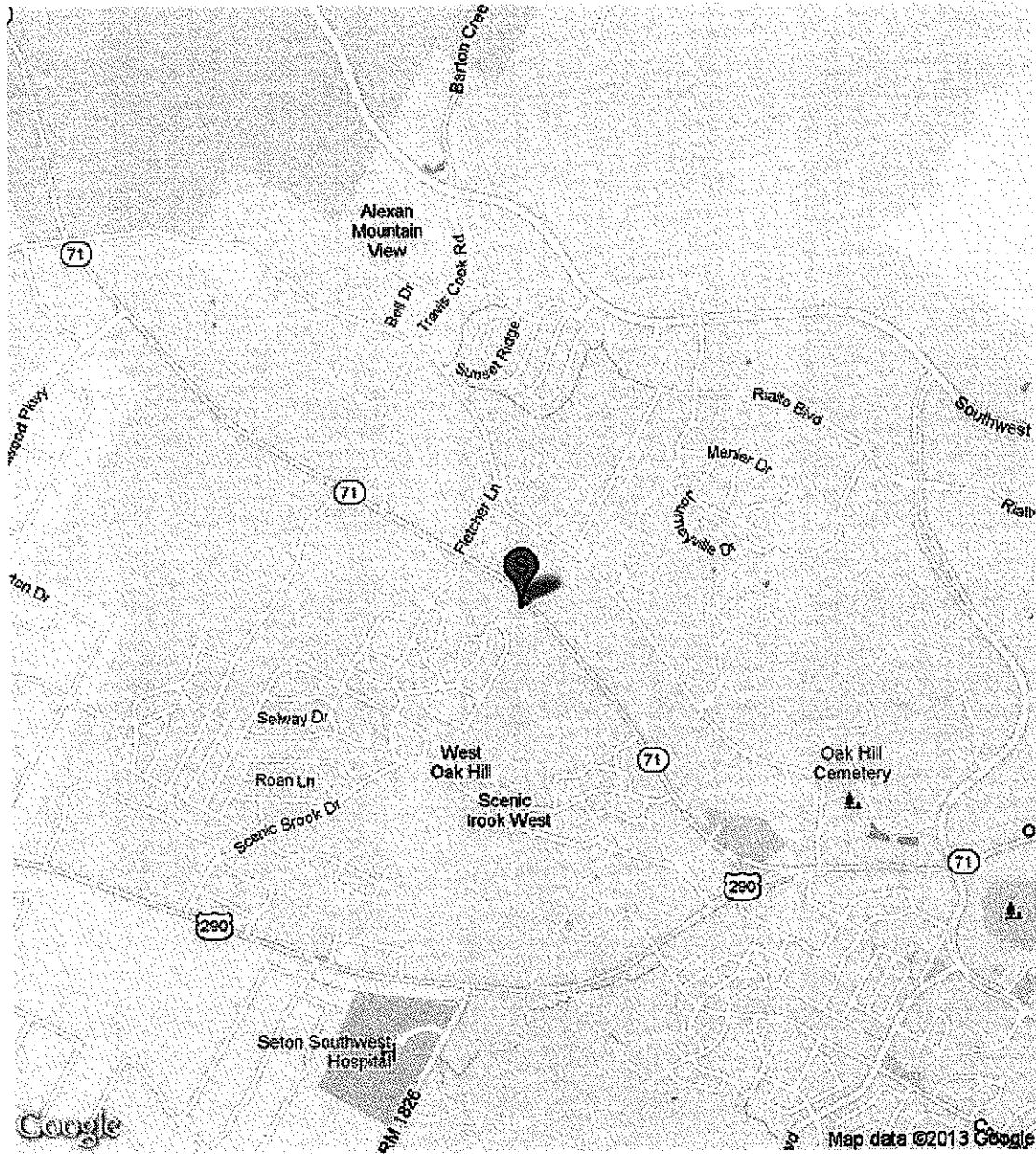
CASE#: C15-2013-0104
LOCATION: 8101 W Hwy 71



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.

Location Map



Aerial Map

Imagery is dated August 1, 2012



*The subject boundaries are not to be considered accurate; refer to the Survey in the addenda.

ZONING

LAND USE CONTROLS

Zoning Code

LO-NP

Zoning Description

Limited Office - Neighborhood Plan Combining District

IMPROVEMENTS DESCRIPTION

Development/Property Name:

8101 West Highway 71

Property Type:

Proposed Single-Family Office Conversion

GENERAL - MAIN HOUSE

Building Identification:

Main House

Construction:

Wood frame

Construction Quality:

Fair

Year Completed:

1970

Renovations:

None reported

Effective Age:

25 years

Remaining Useful Life:

25 years

Condition:

Fair

