

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

CASE # C15-2013-0118
11026183
TP-041814-04-12

ROW

**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: 1015 West William Cannon Drive, Austin TX 78745

LEGAL DESCRIPTION: Subdivision - Southwest Mediplex Resubdivision

Lot(s) 1-B Block _____ Outlot _____ Division _____

I/We Michael Gatto on behalf of myself/ourselves as authorized agent for

Garden Terrace Housing Corporation affirm that on _____, _____,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

Reduce the number of required parking spaces to 54 to allow the construction of an additional 20 dwelling units.

in a MF-2-CO 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:

Since most of the residents do not own vehicles, zoning requires more parking than necessary - see attached parking data.

HARDSHIP:

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

This property is used as affordable housing for single adults many of whom were formerly homeless.

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

This is the only efficiency apartment affordable housing for single adults in the area.

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:

Most of the residents of Garden Terrace do not own vehicles, which obviates the need for more 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:

Previous variance (C15-02-023) reduced the parking requirement to 40 for 88 units or .45 spaces per unit, while this request is for 54 spaces for 123 units, or 0.44 spaces per unit.

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:

There is still ample parking on the site and there is an existing passenger pick-up and drop-off area.

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

There is still ample parking on the site and there is an existing passenger pick-up and drop-off area.

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 MF-2-CO and the use is multi-family residential.

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 *Michael Gatto* Mail Address 2108 EM Franklin Ave.

City, State & Zip Austin, TX 78723

Printed Michael Gatto Phone 512-220-4254 Date 9/27/13

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 *Walter Moreau* Mail Address 3036 S. First St.

City, State & Zip Austin, TX 78704

Printed Walter Moreau Phone 512-447-2026 Date 9/27/13

**PARTIAL TOPOGRAPHIC, TREE, & IMPROVEMENT LOCATION SURVEY
OF LOT 1-B, SOUTHWEST MEDIPLEX RESUBDIVISION, RECORDED IN
VOLUME 72, PAGE 62, TRAVIS COUNTY PLAT RECORDS
1015 WEST WILLIAM CANNON DRIVE**

- LEGEND**
- 1/2" IRON PIPE FOUND
 - 3/4" IRON PIPE FOUND
 - 1/2" REBAR SET
 - WOOD FRAME
 - CONCRETE FOUND
 - STEEL BEAM
 - AF CONTINGENT
 - CL CONCRETE FOUND
 - 1" REBAR SET
 - 2" REBAR SET
 - 3" REBAR SET
 - 4" REBAR SET
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 - 96" REBAR SET
 - 97" REBAR SET
 - 98" REBAR SET
 - 99" REBAR SET
 - 100" REBAR SET

GARDEN TERRACE EXISTING CONDITION

(S7238E C-4880.53 A-482.71)
S7738.31E C-480.34 A-483.12
T-333
R-230.20, 20.18

WEST WILLIAM CANNON DRIVE

(S7238E C-4880.53 A-482.71)
S7738.31E C-480.34 A-483.12
T-333
R-230.20, 20.18

LOT 1-B

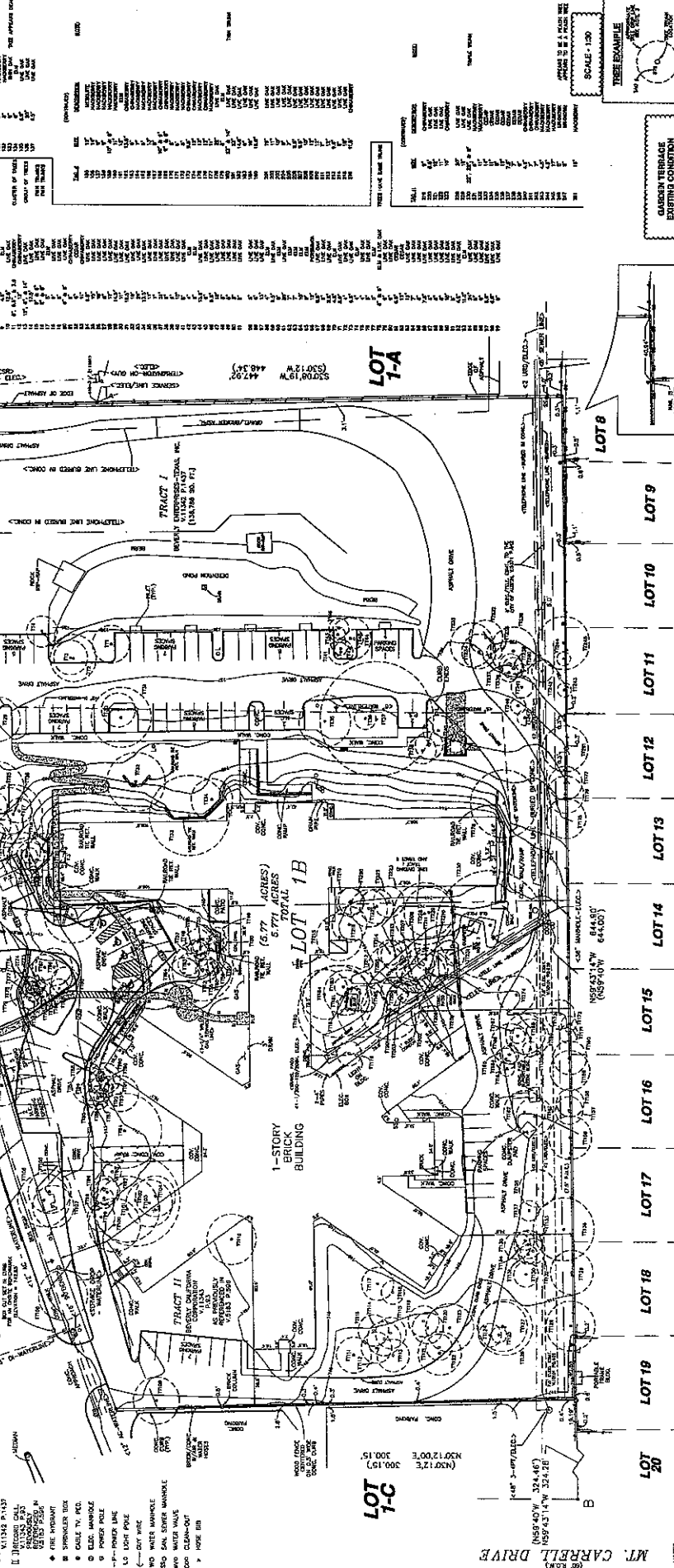
(S7238E C-4880.53 A-482.71)
S7738.31E C-480.34 A-483.12
T-333
R-230.20, 20.18

LOT 1-A

(S7238E C-4880.53 A-482.71)
S7738.31E C-480.34 A-483.12
T-333
R-230.20, 20.18

LOT 1-C

(S7238E C-4880.53 A-482.71)
S7738.31E C-480.34 A-483.12
T-333
R-230.20, 20.18

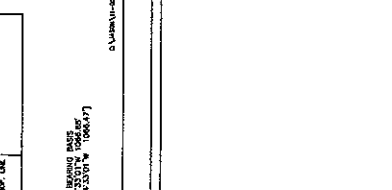


NOTES

- 1) THIS SURVEY WAS DONE IN ACCORDANCE WITH THE REQUIREMENTS OF A CURRENT TITLE COMMITMENT.
- 2) BEARINGS AND DISTANCES FOR THIS SURVEY ARE BASED ON A TRIANGLE FOUND IN A CORNER OF THE TRACT I, SOUTHWEST MEDIPLEX RESUBDIVISION, RECORDED IN VOLUME 72, PAGE 62, TRAVIS COUNTY PLAT RECORDS.
- 3) THE CENTER POINT OF THE TREE REPRESENTS THE APPROXIMATE CENTER OF THE TREE. THIS IS DETERMINED BY USING THE QUARTER OF THE DIAMETER OF THE TREE FOR THE RADIUS OF THE CIRCULAR CORNER OF THE QUARTER OF THE DIAMETER OF THE TREE.
- 4) THE BOUNDARY CORNER OF THE QUARTER OF THE DIAMETER OF THE TREE IS LOCATED ON THE CENTER OF THE TREE.
- 5) THIS SURVEY DOES NOT MATHEMATICALLY CLOSE BY 0.41'.
- 6) EXISTING CONCRETE FOUND.
- 7) TOTAL REGULAR PARKING SPACES: 23
- 8) TOTAL HANDICAP PARKING SPACES: 4
- 9) PORTABLE WOOD & METAL SHED ON SHED (15' x 10').
- 10) IT = TREE TAG.

AS SURVEYED BY:
RALPH HARRIS SURVEYOR, INC.
1405 HETHER ST. AUSTIN, TX. 78704
(512)444-1781

JAMES H. GIBBY REGISTERED PROFESSIONAL SURVEYOR
NO. 108847



TABLE

NO.	DESCRIPTION	DATE
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FOUNDATION COMMUNITIES SUPPORTIVE HOUSING SINGLE ROOM OCCUPANCY (SRO) PARKING SURVEY DATA

GARDEN TERRACE (103 EFFICIENCY UNITS)			
	12pm	6pm	AVG
Monday	20	21	
Tuesday	25	13	
Wednesday	21	14	
Thursday	22	25	
Friday	23	12	
Saturday	16		
Sunday	-	-	
Monday	19	16	
Tuesday	26	17	
Wednesday	20	17	
Thursday	21	16	
Friday	20	16	
Saturday			
Sunday			
average	21.2	16.7	18.9 vehicles
0.18 vehicles per unit			

SPRING TERRACE (140 EFFICIENCY UNITS)			
	12pm	6pm	AVG
	28	-	
	29	19	
	27	17	
	27	19	
	12	17	
	11	13	
	9	19	
	24	22	
	29	22	
	28	21	
	30	16	
	33	16	
	12	10	
	10	17	
	22.1	17.5	19.8 vehicles
0.14 vehicles per unit			

SKYLINE TERRACE (100 EFFICIENCY UNITS)			
	12pm	6pm	AVG
	27	31	
	28	29	
	32	32	
	23	27	
	31	29	
	34	26	
	26	40	
	31	28	
	29	29	
	45	25	
	27	26	
	27	24	
	30.3	28.6	29.5 vehicles
0.295 vehicles per unit			



City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department

June 13, 2013

S.M.A.R.T. Housing Certification
Foundation Communities Inc.- 1015 West William Cannon- Garden Terrace Phase III
(id #65499)

TO WHOM IT MAY CONCERN:

Foundation Communities Inc. (development contact: Walter Moreau (512)-610-4016 (o); walter.moreau@foundcom.org) has submitted a S.M.A.R.T. Housing application for the construction of a **20 unit multi-family** development at **1015 West William Cannon**. The project will be subject to a five (5) year affordability period after issuance of certificate of occupancy.

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since **100%** of the units (20 units) will serve households at or below **50%** Median Family Income (MFI), the development will be eligible for **100%** waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees
Building Permit
Concrete Permit
Electrical Permit
Mechanical Permit
Plumbing Permit

Site Plan Review
Misc. Site Plan Fee
Construction Inspection
Subdivision Plan Review
Misc. Subdivision Fee
Zoning Verification

Land Status Determination
Building Plan Review
Parkland Dedication (by
separate ordinance)

In addition, the development must:

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy. Contact Katherine Murray 482-5351).
- ◆ Pass a final inspection to certify that accessibility standards have been met.

The applicant must demonstrate compliance with the reasonably-priced standard after the completion of the units, or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification. **Please note that the applicant should contact Staff prior to submittal of site plan for pre-submittal meeting with review Staff.**

Please contact me at 974-3154 if you need additional information.

Javier V. Delgado
Neighborhood Housing and Community Development

Cc: Laurie Shaw, Capital Metro
Maureen Meredith, PDRD
M. Simmons-Smith, PDRD
Kath. Murry, Austin Energy
Robby McArthur, AWU

Bryan Bomcr, AEGB
Gina Copic, NHCD
Chris Yanez, PARD
Heidi Kasper, AEGB
Danny McNabb, WPDR

Hillary Granda, PDRD
Susan Kincl, NHCD
Stephen Castleberry, PDRD
George Zapalac, PDRD
Debra Fonseca, PDRD

*Previous
variance*

BOARD OF ADJUSTMENT (BOA)/SIGN REVIEW BOARD (SRB)

March 11, 2002

~~One Texas Center~~

505 Barton Springs Road, Room 325

CALL TO ORDER – 5:30 P.M.

___ * Herman Thun Chair	___ * Barbara Aybar	___ * Frank Fuentes	___ * Laurie Virkstis
___ * Betty Edgemond Vice-Chair	___ * Bruce Shelton (SRB Only)	___ * Cathy French (SRB Only)	___ * Wanda Penn (Alternate)
___ Dorothy Richter (Alternate)	___ * Leane Heldenfels (Alternate)	___ Leroy Vaughn (Alternate)	

ORDER OF PROCEDURE

1. Chair calls meeting to order
2. Staff presents the variance request
3. Chair calls on those FAVORING the request
 - a. Applicant's presentation (5 minutes)
4. Chair calls on those OPPOSING the request
 - a. Presentation (5 minutes)
If more than one wanting to speak, it is suggested
one person be selected as spokesperson
5. Applicant is given opportunity to answer objections stated (2 minutes)
Upon the motion of any member and a positive vote by a majority of
The Board, or upon a ruling by the Chair, these time limits may be equitably
extended.
6. The public hearing may be closed and no further testimony is taken from
the public (unless requested by the Chair).
7. Questions from the Board
8. When the public hearing is closed, the Board shall make a recommendation
9. If motion is for approval, findings of fact are stated in support of the approval

**CITIZENS WISHING TO SPEAK BEFORE THE BOARD MUST REGISTER BY
SIGNING IN WHERE INDICATED BY BOARD SECRETARY.**

Any interested party aggrieved by a decision of the Board of Adjustment may appeal the Board's decision to a District Court. The petition must be submitted within ten (10) days after the date the decision is filed in the Board's office (Local Government Code 211.011). Decisions of the Sign Review Board may be appealed to City Council.

POSTED: March 7, 2002

TIME: 3:00 P.M.

2. **C15-02-023** **LZT Architects for Garden Terrace Housing Corporation**
1015 West William Cannon

The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6, Appendix A from 93 off-street parking spaces to 40 off-street parking spaces in order to remodel an existing Convalescent Service use to a Multi-Family Residential use in an MF-1-CO", Multi-Family Residence-Conditional Overlay zoning district.

GRANTED 5-0 (H.T. & B.E. abstained and W.P. & L.H. stood in as alternates)

C. BOARD OF ADJUSTMENT PUBLIC HEARINGS

1. **C15-02-024** **David and Sunitha Downing**
1303 West 40th Street

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492(D) from 5 feet to 3 ½ feet in order to erect a two story addition to an existing single family in an "SF-3", Family Residence zoning district.

GRANTED 5-0

2. **C15-02-025** **Bill Malone, Jr.**
10904 D-K Ranch Road

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492(D) from 10 feet to 5 feet from the building (roof will extend 3 ½ feet further into the side yard setback) from the west property line in order to complete an addition to an existing single family residence in an "I-RR", Interim-Rural Residence zoning district.

GRANTED 4-1

3. **C15-02-026** **Marshall Durrett**
2610 Exposition Blvd.

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492(D) from 10 feet to 9.6 feet in order to maintain a single family residence under construction in an "SF-3", Family Residence zoning district.

GRANTED 5-0

4. **C15-02-027** **Kris Kasper for J. P. Hogan**
2803 San Jacinto