

CASE # CIS-2014-0004
ROW-11061356
TP-04000006-14

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: 304 & 306 West Milton St.

LEGAL DESCRIPTION: Subdivision – Gus F. Baker

Lot(s) E. 22' of lot 8 & w. 3' of lot 9, and e. 32' of lot 9 Block B
Outlot Division

I Jim Bennett as authorized agent for Eustolio Vasquez & Jose Castro

 affirm that on 11/7/13 hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A single family dwelling at 304 W. Milton providing a lot width of 32' & a total lot area of 3360 sq. ft., and to erect a single family dwelling at 306 W. Milton providing a lot width of 25' & a total lot area of 2625 sq. ft.

 in a SF-3 NP district.
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
the substandard condition of these structures do not warrant repair, but instead requires replacement.

HARDSHIP:

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

The tracts are grandfather tracts and the size and shape have not changed. Without a variance the owners would have to continue to live in substandard conditions. Due to the condition of the existing structures an attempt to repair would result in a new residence. The replacement structures will be similar in size of the existing structures

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

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 dilapidated structures will be removed and new structures will be constructed. The surrounding neighbors support the variance

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

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 Jan Bennett Mail Address 11505 Ridge Dr
City, State & Zip Austin, TX 78740
Printed Jan Bennett Phone 282-3079 Date 11/15/13

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 Dora Vasquez Jose M. Castro Mail Address 304 W. Milton
City, State & Zip Austin, TX 78704
Printed DORA VASQUEZ Phone 512 Date 11/15/13
JOSE M. CASTRO 294-4001
DONATO CASTRO

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 Eustolio Vasquez Mail Address 306 W. Milton St.

City, State & Zip Austin, TX 78704

Printed DORA VASQUEZ Phone 512 296 4001 Date 11/15/13

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

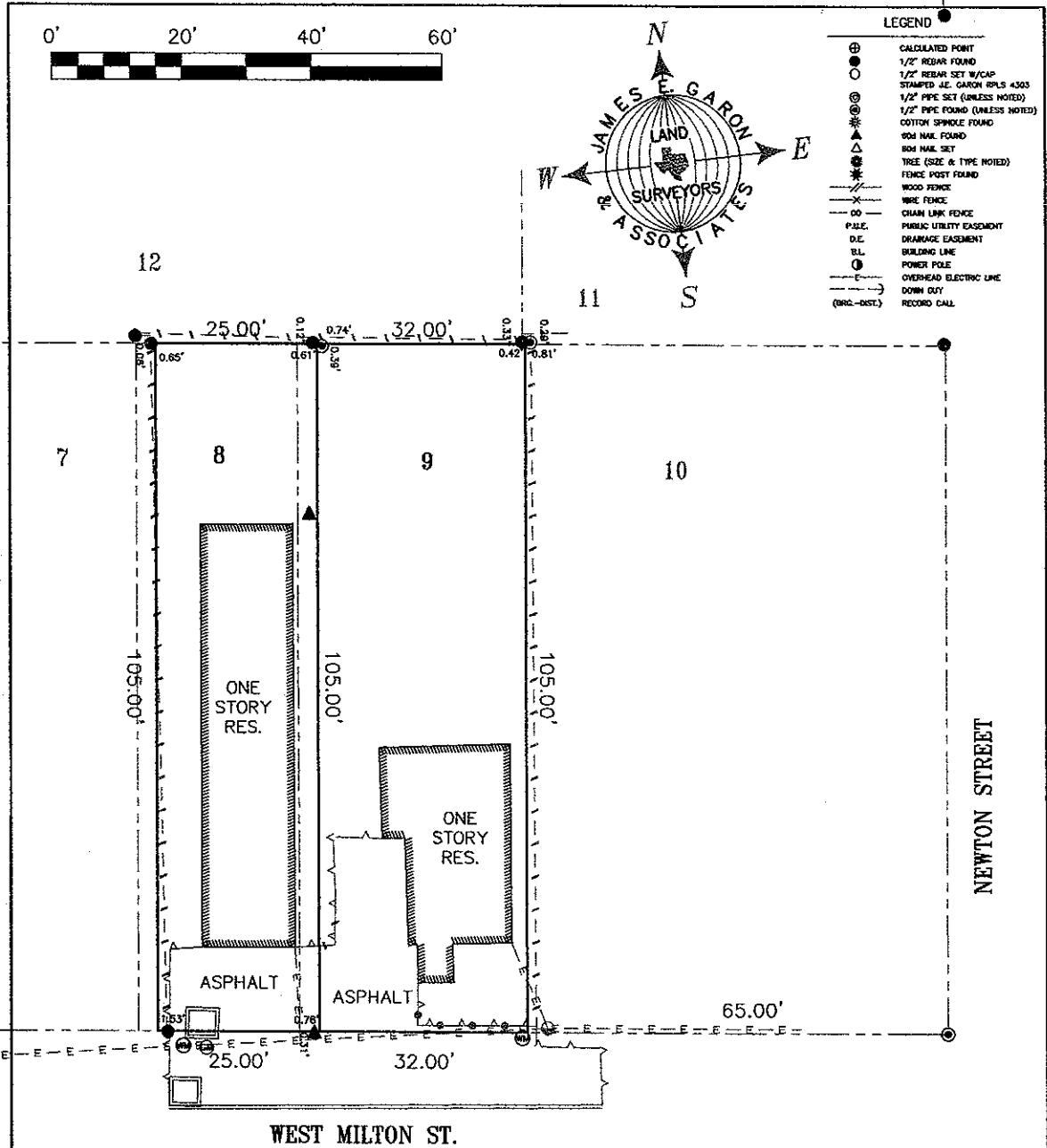
Signed Eustolio Vasquez Mail Address 306 W. Milton St.

City, State & Zip Austin, TX 78704

Printed DORA VASQUEZ Phone 512 296-4001 Date 11/15/13

Leticia Vasquez -
512-296-4001

current survey



TO THE OWNERS, LIENHOLDERS AND GRACY TITLE COMPANY;

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS CORRECT AND THAT THERE ARE NO DISCREPANCIES, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A PUBLIC ROADWAY, EXCEPT AS SHOWN HEREON. THE UNDERSIGNED DOES FURTHER CERTIFY THAT THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE "X", SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, PANEL NO. 48453C0585H, EFFECTIVE SEPT. 26, 2008.



SEPT. 3, 2013



JAMES E. GARON & ASSOC.
PROFESSIONAL LAND SURVEYORS

P.O. Box 1917
Bastrop, Texas 78602
(512) 303-4185
www.jamesegarons.com
jgaron@austin.rr.com

REFERENCE: BLAKE SHORES

ADDRESS: 304 & 306 W. MILTON ST.; AUSTIN, TX.

LEGAL DESCRIPTION E. 22' LOT 8 & W. 3' LOT 9; E. 32' LOT 9, BLOCK "B"; GUS F. BECKER'S SUBDIVISION; VOL. 3, PG. 115 PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

FILE: server; Co\TRAVIS\SUBD\GUS BECKER\48113

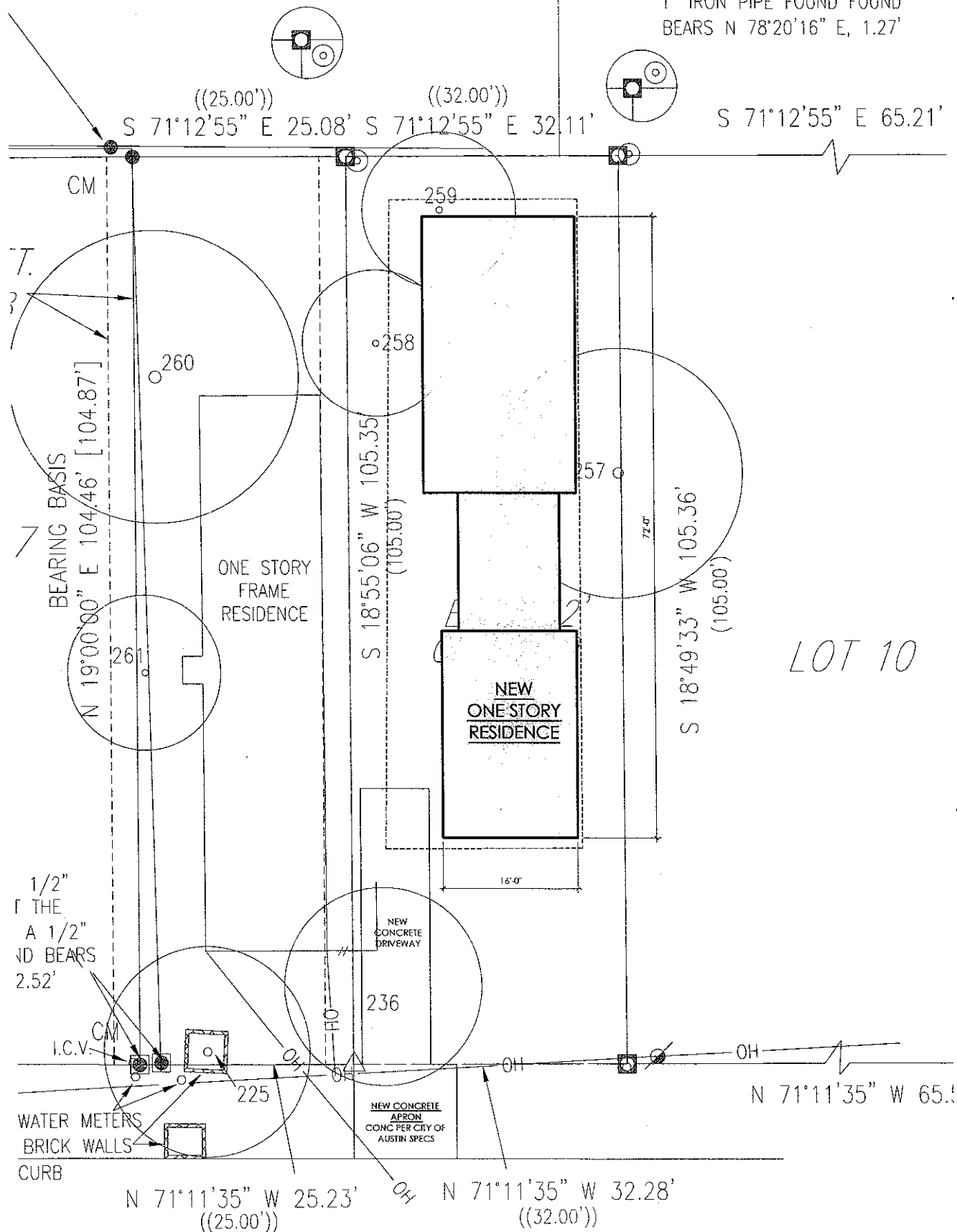
G.F. NO. 01247-12630; 12605

FIELD BOOK: B445, PG. 74

R FOUND
RNER,
R FOUND
W, 2.74'

FROM A CAPPED 1/2" REBAR
SET AT PROPERTY CORNER, A
1" IRON PIPE FOUND FOUND
BEARS S 50°08'38" E, 1.41'

FROM A CAPPED 1/2" REBAR
SET AT PROPERTY CORNER, A
1" IRON PIPE FOUND FOUND
BEARS N 78°20'16" E, 1.27'



SITE PLAN
Scale: 1/16"=1'-0"

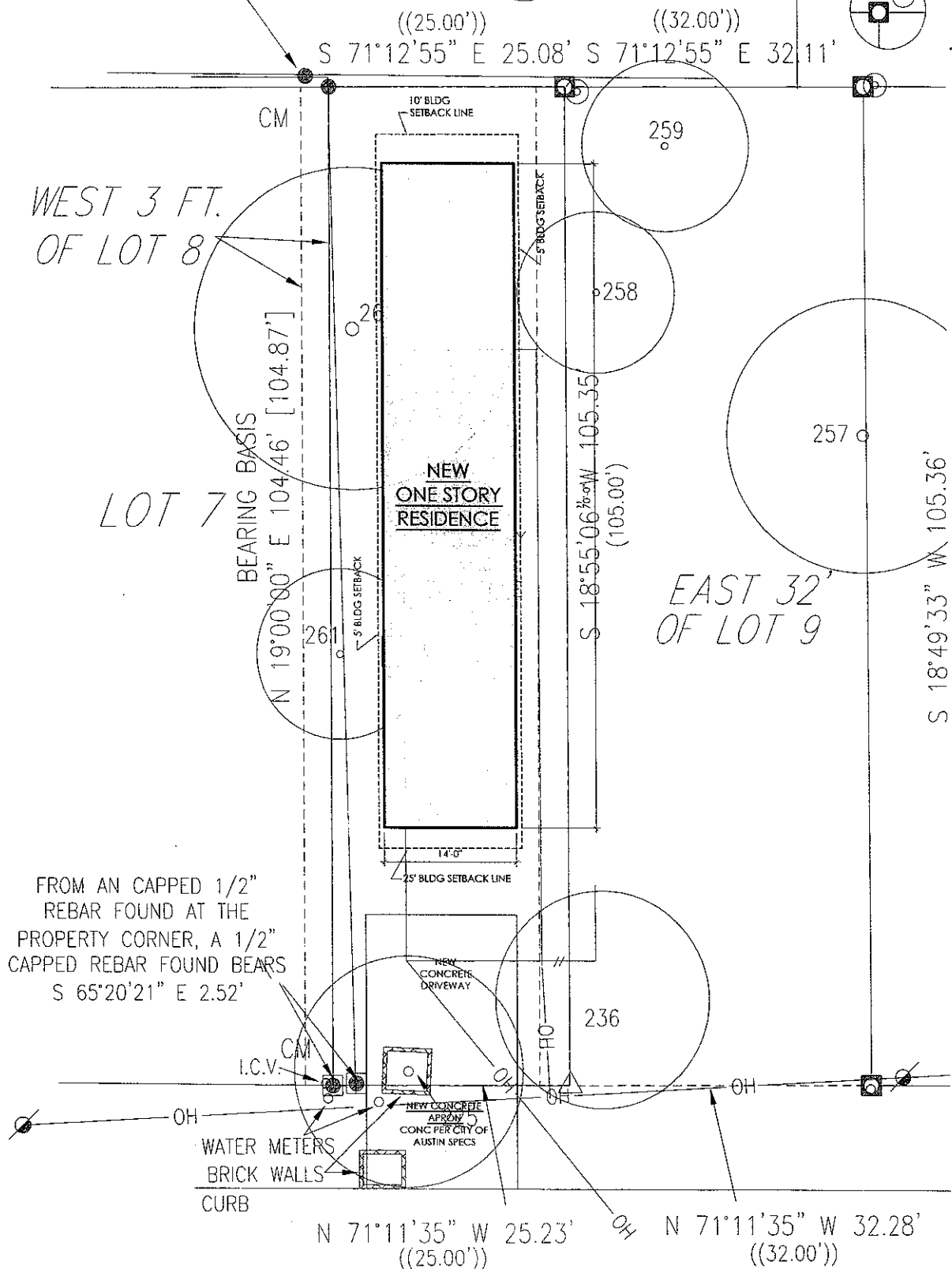
304 W MILTON
Austin, TX
78704

1312 Sg. Fk

FROM A 1/2" REBAR FOUND
AT PROPERTY CORNER,
ANOTHER 1/2" REBAR FOUND
BEARS N 35°53'08" W, 2.74'

FROM A CAPPED 1/2" REBAR
SET AT PROPERTY CORNER, A
1" IRON PIPE FOUND BEARS
S 50°08'38" E, 1.41'

FROM
SET
1" I
BEA



1 SITE PLAN
Scale: 1/16"=1'-0"

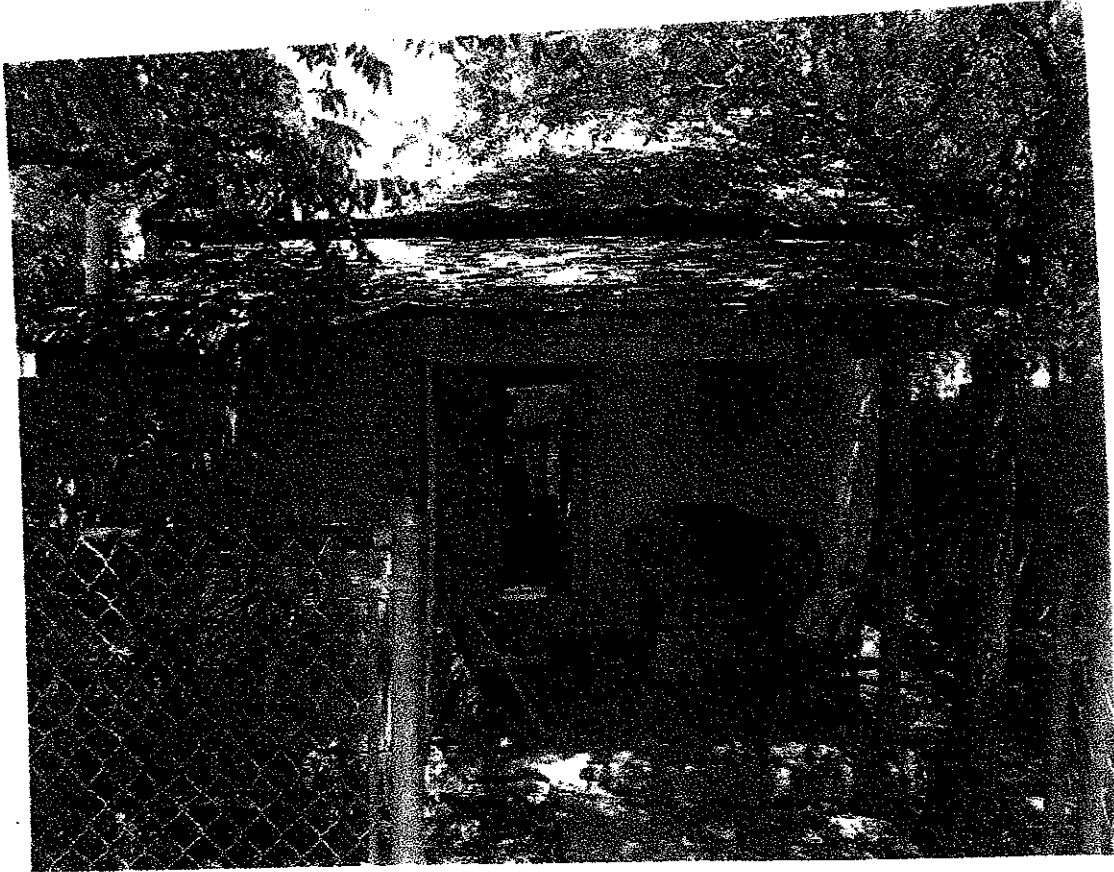
306 W MILTON
Austin, TX
78704

980 sq. ft



306 W. Milton St.

Exterior Front



304 W. Milton St.

Exterior Front

November 4, 2014

My fellow friends and neighbors,

I am writing you this letter in hopes of gaining your support. My parents' home at 306 W. Milton St. and my brothers' home at 304 W. Milton St. are in dire need of replacement. The structures are literally falling apart. We have had several remodeling contractors come and offer bids for a complete remodel but all have said in good faith that it is not worth remodeling these structures and that we would actually save money by tearing down and rebuilding new and avoid a lot of headaches. When I went to the city to inquire about permits to build I come to find out that since these lots are so small we would have to be granted a variance from the planning commission in order to build. Our friend Sheila Cates and I received very helpful information and positive feedback from the city's development and review office after seeing our homes pics. Sheila has also been guiding us through this process and has been helping us in doing the right and necessary steps and by your support and the neighborhood association's support to make this a reality. My parents have lived here 25 YEARS and would like to continue making this their residence. We know that our chances of being granted this variance depends a lot from our fellow neighbors support and this is why we are asking for your help in backing this project. Please sign the attachment in favor of our new homes. I also personally think that by replacing those with a new home would also beautify our neighborhood. Thank you so much for your time and assistance.

Sincerely,

Leticia Vasquez (Lvasquez80@gmail.com)

Eustolio & Atenedora Vasquez (my parents)

Jose M & Donato Castro (my brothers)

I am in support of the two new homes being built at 304 Milton & 306 Milton

Name

Address

Rogelio C Tamayo

1810 Newton St.

James E Jacob

305 W MILTON

Shirley Capares

400 W Milton

Walter Medlin

206 W. Milton

Leto Vincent

301 W Milton

Brett Smith

1604 Roma

EMIE WEHMEYER

403 Monroe

MANUEL CEREDES

406 - W. MONROE

John C. Keller, Jr

306 W. Monroe

Halper Leibowitz

1510 Newton

Carli van Zyl

1502 Newton St.

Julie Williams

1506 Newton St.

Sam E Med

1609 Newton

Katjo Grentampo

1610 Newton St.

J.P. Silva

402 W. MONROE - GUADALUPES

Name

Name

Address

Address 310 W. Milton 78704

1602 Newton 78704

~~305 W. MONROE 76704~~

LUKAS BOUVRIE

D. MOORE

ISABELLE FAGUET

308 W. MILTON ⁷⁰⁷⁰⁴ LINDA WATSON



**City of Austin
Planning and Development Review
Land Status Determination
1995 Rule Platting Exception**

June 25, 2013

File Number: C8I-2013-0241

Address: 304 W MILTON ST

Tax Parcel I.D. #0400000614

Tax Map Date: 04/11/2013

The Planning & Development Review Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being **the East Thirty-Two (32') feet of lot Nine (9), Block B, Gus F Becker's Subdivision, of Block 2-B of the Swisher Addition** in the current deed, recorded on **Aug 14, 2003**, in **Document #2003190666**, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Jan 31, 1986**, in **Volume 8664, Page 572**, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **water service on Nov 04, 1930**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Michelle Casillas

**Michelle Casillas, Representative of the Director
Planning and Development Review Department**

CGF-2013-0241



40000

Revision Date: 4/11/2013

0 120 Feet

NAD 1983 StatePlane
Texas_Central_FIPS_4203_Feet
Projection: Lambert Conformal Conic

Scale: 1" = 100 feet
1" = 100 feet
1" = 100 feet

This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate for mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

Travis Central Appraisal District
8314 Cross Park Drive
Austin, Texas 78754
Internet Address: www.traviscad.org
Main Telephone Number (512) 834-8317
Appraisal Information (512) 834-9318
TDD (512) 556-3225



**City of Austin
Planning and Development Review
Land Status Determination
1995 Rule Platting Exception**

June 25, 2013

File Number: C8I-2013-0242

Address: 306 W MILTON ST

Tax Parcel I.D. #0400000615

Tax Map Date: 04/11/2013

The Planning & Development Review Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being the **East Twenty-Two (22') feet of Lot Eight (8) and the West Three (3) feet of Lot Nine (9), Block "B", Gus F Becker's Subdivision, of Block 2-B of the Swisher Addition** in the current deed, recorded on **May 15, 2001, in Document #2001076386, Travis County Deed Records**. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Jun 22, 1987, in Volume 10304, Page 0647, Travis County Deed Records**. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **water service on Nov 04, 1930**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: *Michelle Casillas*

**Michelle Casillas, Representative of the Director
Planning and Development Review Department**



NAD_1983_StatePlane_
Texas_Central_FIPS_4203_Feet
Projection: Lambert_Conformal_Conic

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Travis Central Appraisal District