

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

**DATE:** Monday, January 13, 2014

**CASE NUMBER:** C15-2014-0013

☐ Y ☐ Jeff Jack  
☐ Y ☐ Michael Von Ohlen  
☐ Y ☐ Will Schnier  
☐ Y ☐ Bryan King 2<sup>nd</sup> the Motion  
☐ Y ☐ Fred McGhee Motion to PP to 2-10-14  
☐ Y ☐ Melissa Hawthorne  
☐ Y ☐ Sallie Burchett  
☐ - ☐ Cathy French (SRB only)

**APPLICANT:** Rey Cedillos

**OWNER:** Chunn Phap HOA Buddhist Temple

**ADDRESS:** 203 PROVINES DR

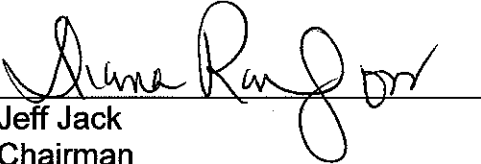
**VARIANCE REQUESTED:** The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 78% in order to pave a gravel parking lot for a religious assembly use in an "SF-2-NP", Single Family Residence – Neighborhood Plan zoning district. (North Lamar Neighborhood Plan)

**BOARD'S DECISION:** The public hearing was closed on Board Member Fred McGhee motion to Postpone to February 10, 2014, Board Member Bryan King second on a 7-0 vote; **POSPONED TO February 10, 2014.**

**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:

  
Leane Heldenfels  
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: C15-2014-0013 - 203 Provines Drive**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, January 13th, 2014**

Flint Bourgeois  
 Your Name (please print) for 10601 North Lamar, LLC

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Your address(es) affected by this application

10601 North Lamar  
[Signature] 1/2/2014  
 Signature Date

Daytime Telephone: 210-424-8013

Comments: \_\_\_\_\_

OPPOSE VARIANCE

**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



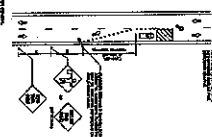
NOTES

1. DEMOLISH EXISTING RESIDENTIAL DETACHED KITCHEN.
2. CONSTRUCT NEW RESIDENTIAL DETACHED KITCHEN.
3. EXISTING RESIDENCE
4. REST ROOMS FOR (88 S.F.)

ITEM	DESCRIPTION	QUANTITY	UNIT
1	DEMOLITION	1	LOT
2	CONSTRUCTION	1	LOT
3	EXISTING	1	LOT
4	REST ROOMS	1	LOT

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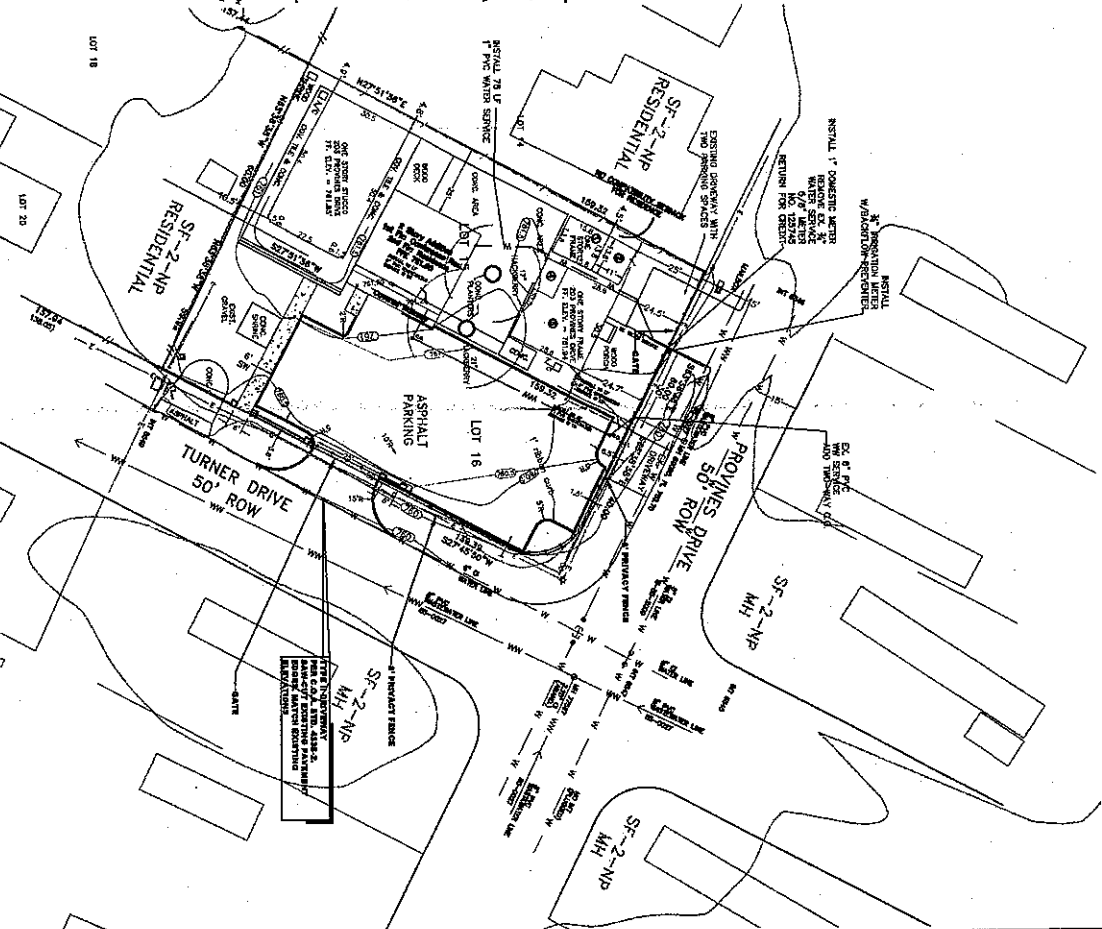
ITEM	DESCRIPTION	QUANTITY	UNIT
1	DEMOLITION	1	LOT
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3	EXISTING	1	LOT
4	REST ROOMS	1	LOT



THESE NOTES ARE TO BE USED IN CONJUNCTION WITH THE SITE PLAN AND THE SPECIFICATIONS. THEY ARE NOT TO BE USED AS A SUBSTITUTE FOR THE SPECIFICATIONS. THE NOTES ARE TO BE USED TO CLARIFY THE SPECIFICATIONS AND TO PROVIDE ADDITIONAL INFORMATION. THE NOTES ARE TO BE USED TO CLARIFY THE SPECIFICATIONS AND TO PROVIDE ADDITIONAL INFORMATION.

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CONSTRUCTION NOTES: THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF AUSTIN, TEXAS, SPECIFICATIONS FOR THE CONSTRUCTION OF RESIDENTIAL DETACHED KITCHENS. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF AUSTIN, TEXAS, SPECIFICATIONS FOR THE CONSTRUCTION OF RESIDENTIAL DETACHED KITCHENS.

SITE PLAN APPROVAL: THE SITE PLAN HAS BEEN REVIEWED AND APPROVED BY THE CITY OF AUSTIN, TEXAS, FOR THE CONSTRUCTION OF THE PROPOSED RESIDENTIAL DETACHED KITCHEN AND REST ROOMS. THE SITE PLAN HAS BEEN REVIEWED AND APPROVED BY THE CITY OF AUSTIN, TEXAS, FOR THE CONSTRUCTION OF THE PROPOSED RESIDENTIAL DETACHED KITCHEN AND REST ROOMS.

CHUA PHAP HOA BUDDHIST TEMPLE  
203 PROVINCES DRIVE  
AUSTIN, TEXAS 78753

SITE PLAN

Cedillos & Wilson, LLC  
Civil/Environmental Consulting Engineers

DATE: April 20, 2013

PROJECT: CHUA PHAP HOA BUDDHIST TEMPLE

PROJECT LOCATION: 203 PROVINCES DRIVE, AUSTIN, TEXAS 78753

PROJECT DRAWING NO: CHUA-PHAP-HOA-001

PROJECT DRAWING DATE: April 20, 2013

PROJECT DRAWING SCALE: AS SHOWN

PROJECT DRAWING SHEET: 1 OF 1

415-2014-0013

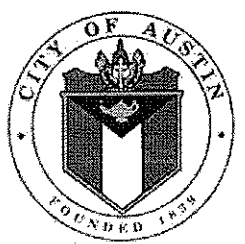


N

SUBJECT TRACT

ZONING BOUNDARY

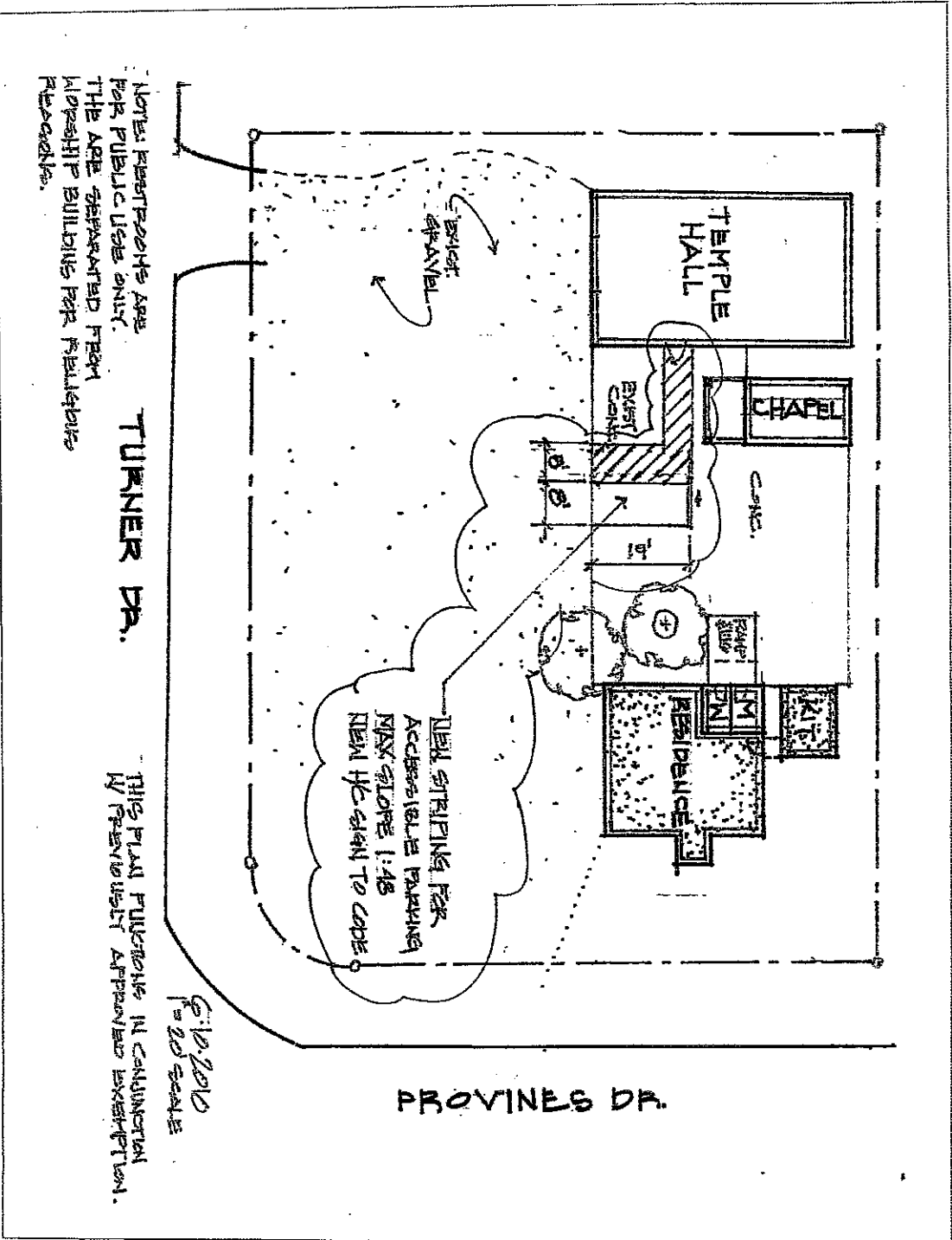
CASE#: C15-2014-0013  
LOCATION: 203 PROVINES DRIVE



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.

Site Plan



NORTH

ROW # C-15-2014-0013  
ROW-11061454  
TP-024521-06-15

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: 203 Provines, Austin Tx 78753

LEGAL DESCRIPTION: Subdivision - Mockingbird Hill

Lot(s) 15 & 16 Block E Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/ Rey Cedillos, P.E. on behalf of myself/ourselves as  
authorized agent for

Chun Phap Hoa Buddhist temple  
affirm that on December 6, 2013,

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

(check appropriate items below)

x ERECT    ATTACH    COMPLETE    REMODEL    MAINTAIN

7 pave an existing gravel  
parking lot  
78%

in a SF2 district.  
(zoning district)

**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 use is allowed in the zoning district.
- 

**HARDSHIP:**

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

In order to provide additional parking, Lot 16 needs to continue to be used as parking. The proposed improvements on Lot 16 consist of paving the existing gravel parking area with asphalt.

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

This site is limited to 45% impervious cover by zoning. The site plan is proposing 78 % impervious cover.

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**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 area was a rural area annexed by the City of Austin. It still does not have sidewalks, curb and gutter or a stormsewer system. The proposed improvements will not impair the use of adjacent property since the Buddhist Temple has been in the neighborhood since April 2012. The proposed improvements will not impair the zoning regulations of the zoning district because the impervious cover is existing. The improvements will be paving over existing impervious cover.

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**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:
- 

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:



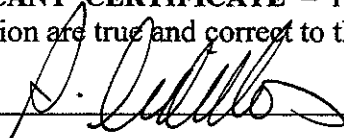
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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  Mail Address P.O. BOX 50362

City, State & Zip AUSTIN, TX 78763

Printed REY CEDILLOS Phone 512.306.1322 Date 12/6/13

**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  Mail Address 203 Provines Dr

City, State & Zip Austin TX 78753

Printed HOA HUYNH Phone (512) 425-0693 12/06/13  
(512) 425-0693