

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).

ROW

CASE # C15-2014-0086
ID # 11157548
TAX Roll # 0208001712

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: 604 W 11th Street

LEGAL DESCRIPTION: Subdivision ORIGINAL CITY

Lot(s) 2 Block 131 Outlot Division

I/We LS Johnston Architects on behalf of myself/ourselves as authorized agent for

Theodore Siff affirm that on 4/17/14,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL X MAINTAIN

Change of use from office to secondary apartment for a 3 story, 1030 sf building and erected 2' from the rear property line as permitted in DMU zoning. The structure was permitted and completed construction before Subchapter F was adopted in 2006.

Subchapter F requires minimum 5' rear yard setback, maximum 2 story height and maximum 850 s.f.. We are asking for variances for rear yard setback, height and square footage

in a DMU-H 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 existing building was permitted and built as a studio/office. Change from office to a less intensive, residential use should not be prohibited by standards that did not exist when the structure was built.

HARDSHIP:

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

604 W 11th St is an owner occupied residential use in a DMU zoned area. A secondary structure on the site was built as an office. The owner wants to make it a less intensive, more residential secondary apartment use. It's impossible to meet to meet Subchapter F requirements.

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

There are very few residential uses left in the DMU zoning area and very few, if any, office uses becoming residential. Conversion from residential to office is more typical of 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:

The property is DMU-H and was reviewed by the Landmark Commission before it was built and continues to be reviewed and approved by the landmark Commission as being appropriate for the character of the area. DMU zoning permits single family and secondary apartment uses.

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:

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 Linda Johnston Mail Address 1313 E 6th Street
City, State & Zip Austin Texas 78702

Printed Linda Johnston Phone 512-478-4952 Date 4/16/14

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 Theodore Siff Mail Address 604 W 11th Street
City, State & Zip Austin Texas 78701

Printed Theodore Siff Phone 512-657-5414 Date 4/16/14

Heldenfels, Leane

From: Linda Johnston ~~LS Johnston Architects~~
Sent: Thursday, May 29, 2014 4:12 PM
To: Heldenfels, Leane
Subject: 604 w 11th st BOA additional information
Attachments: DMU Council Resolution 5.22.14.PDF; 604 w 11th site survey.pdf

Hi Leane,

Attached is a council resolution that would basically make Subchapter 7 requirements not override DMU zoning. Since all the variances we are asking for are subchapter 7 restrictions, I think this is relevant for the board to consider. Also attached is a site plan with adjacent uses described. The total impervious cover is 40%. I'm also sending by 2 separate emails, photographs of all sides of the building.




See you in July.

Thanks,

Linda

Linda Johnston, AIA
L S Johnston Architects
1313 E. 6th Street
Austin, Texas 78702
512- 478-4952 voice
512- 478-4972 fax



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0086
Address: 604 W 11TH STREET



1" = 200'

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

RESOLUTION NO.

WHEREAS, a stated goal of the Downtown Austin Plan is to increase the number of residents living downtown; and

WHEREAS, the Imagine Austin Comprehensive Plan points out that building codes designed solely for new construction lead to expensive retrofits for existing buildings, discouraging the sustainable practice of adaptive reuse; and

WHEREAS, the Downtown Mixed Use (DMU) Zoning District is intended to be applied to development that includes any combination of office, retail, commercial, and residential uses, is compatible with the downtown area, and may be used as a transition between the downtown area and surrounding districts; and

WHEREAS, residential use is the least intense of the uses allowed in DMU zoning districts; and

WHEREAS, one effect of certain site development regulations, as applied to residential uses in DMU zoning is that existing, legally built commercial structures cannot easily transition to residential use, instead requiring expensive and time-consuming variances from the Board of Adjustment; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council initiates amendments to City Code Title 25 and directs the City Manager to work with stakeholders and to prepare code amendments to make it easier to transition existing structures from commercial use to residential use such that:

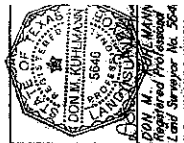
1. a broader range of residential uses are allowed in the DMU zoning district;
2. Subchapter F is not applicable in the DMU zoning district; and
3. Article 4 of Subchapter C of Chapter 25-2, is amended to allow greater opportunities for residential uses in the DMU zoning district.

These code amendments should include, but not be limited to, rear setbacks, building height, and allowable interior space for an accessory unit and should be brought to Council within 120 days.

ADOPTED: _____, 2014 **ATTEST:** _____

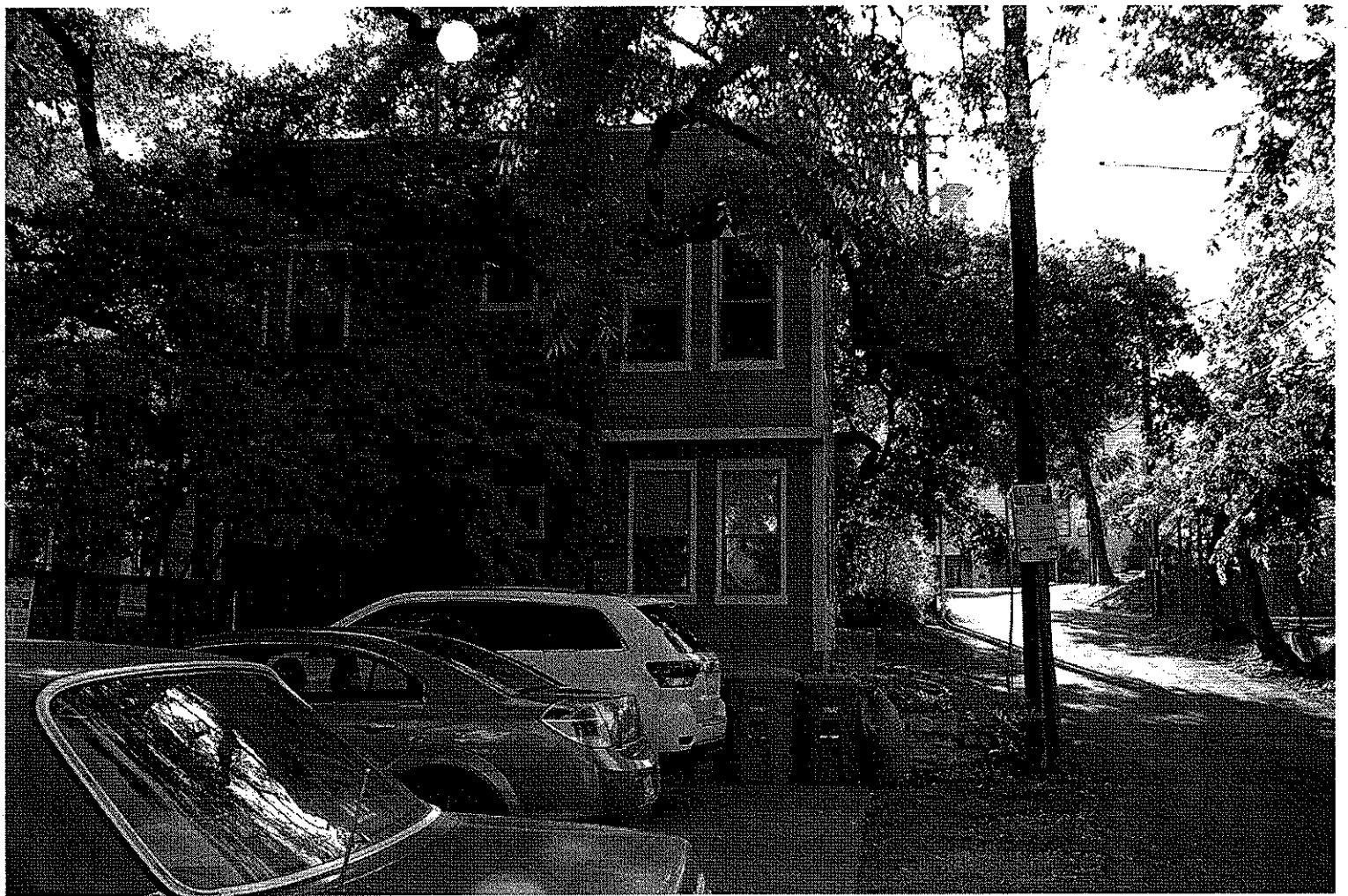
Jannette S. Goodall
City Clerk

0446

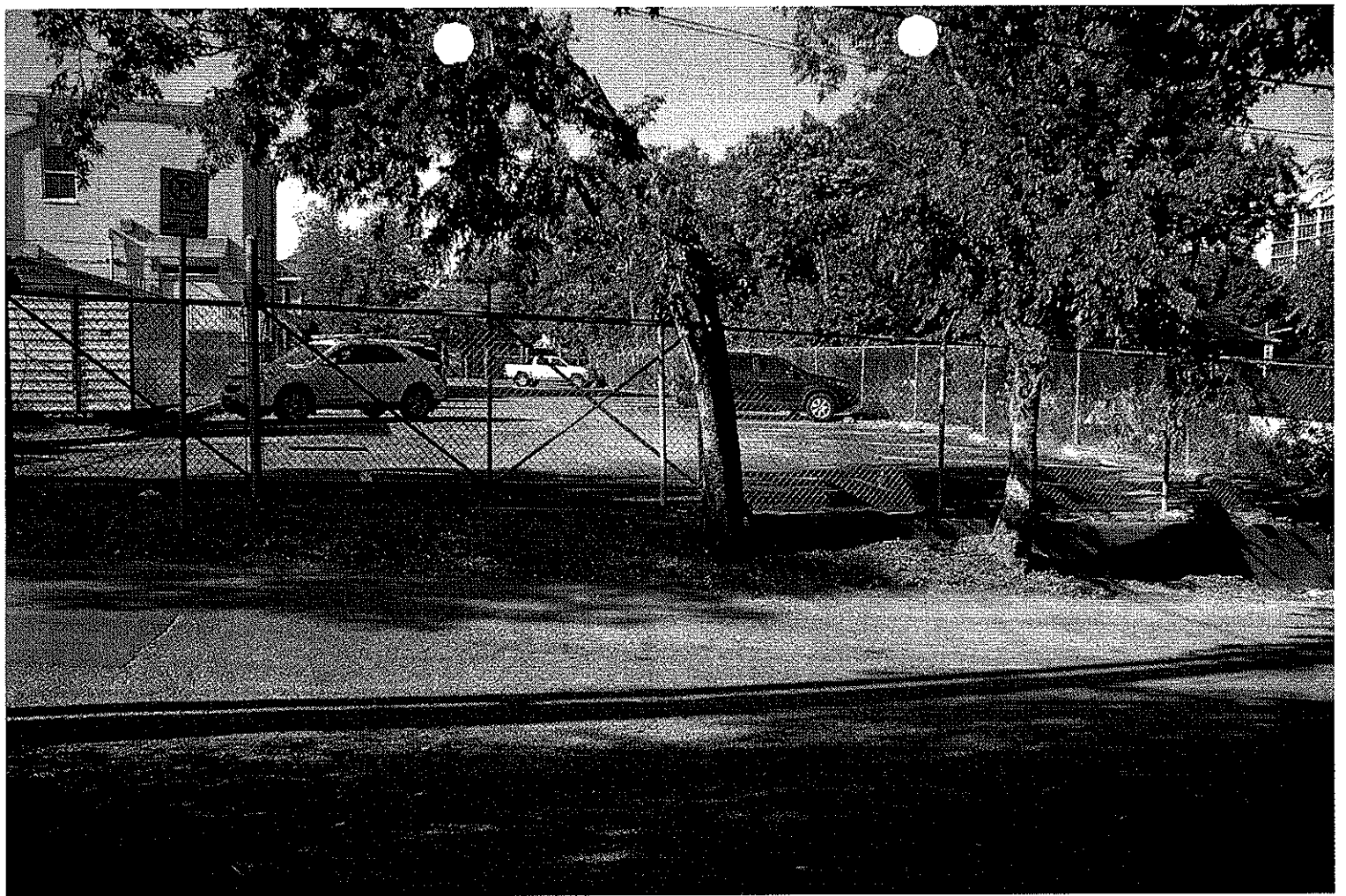


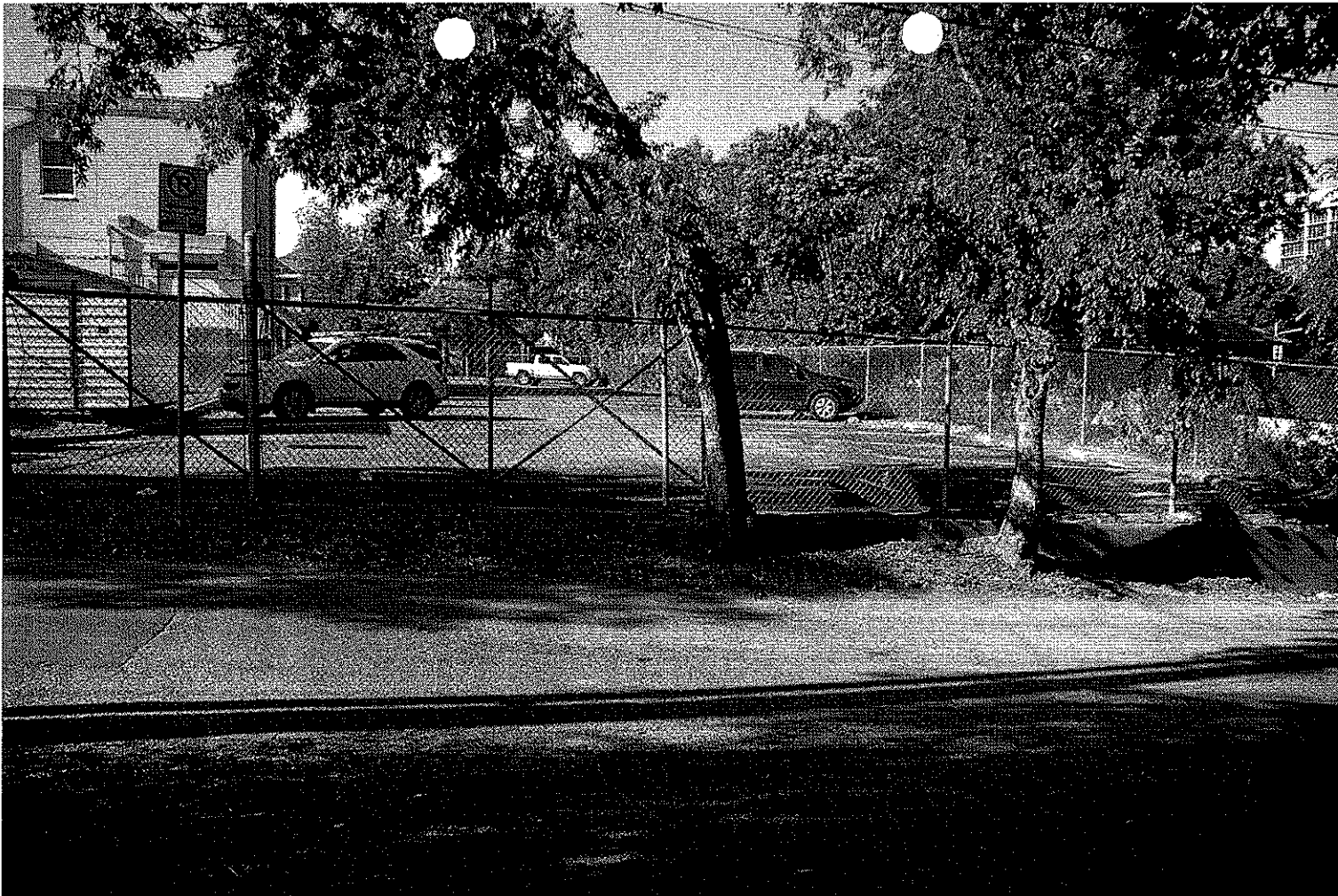
IRVEY OF
BLOCK 131,
CITY OF AUSTIN,
COUNTY, TEXAS

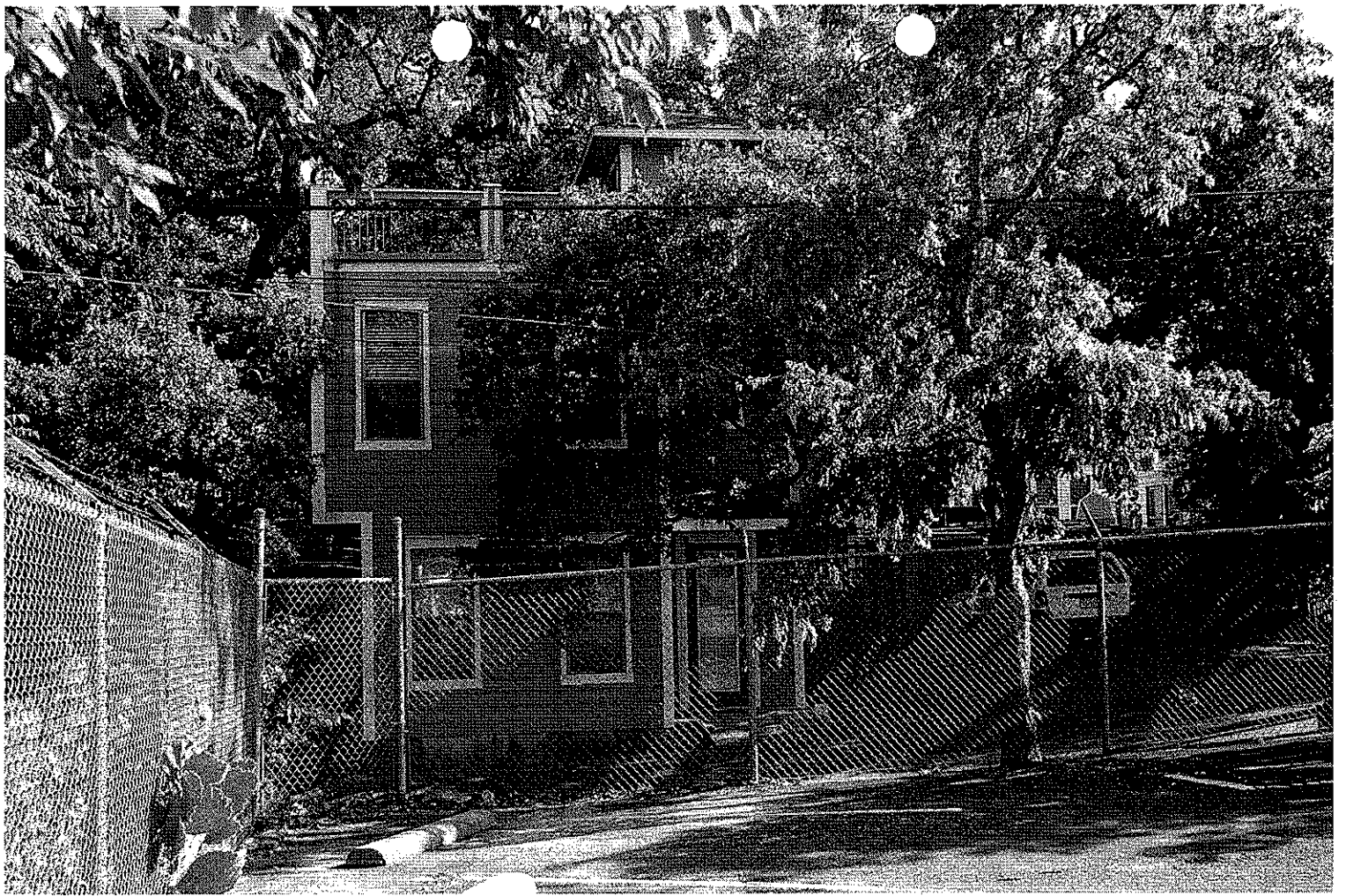
DOUG SEE LIG LAND SURVEYORS, P. C.
33802 Manchaca Road - Austin, Texas 78704 - Ph. (512) 440-0222

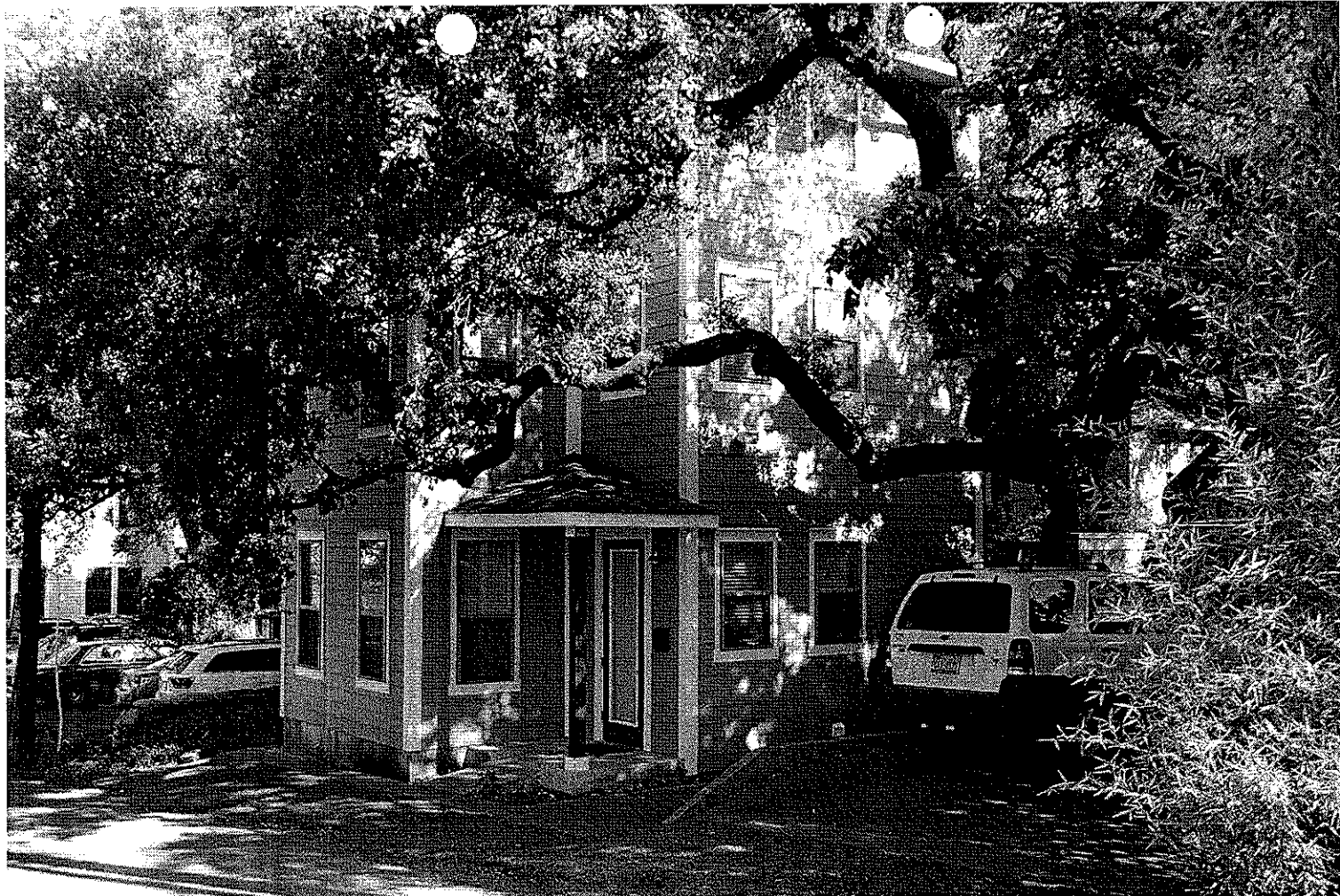


















Heldenfels, Leane

From: Linda Johnston ~~ljohnston@lsjohnston.com~~
Sent: Wednesday, June 25, 2014 3:53 PM
To: Heldenfels, Leane
Cc: Johnson, Christopher [PDRD]
Subject: FW: 604 W. 11th St

Here you go Leane. You might talk to Susan. She's been very helpful on this Thanks, Linda

Linda Johnston, AIA
L S Johnston Architects
1313 E. 6th Street
Austin, Texas 78702
512- 478-4952 voice
512- 478-4972 fax

From: Barr, Susan [mailto:Susan.Barr@austintexas.gov]
Sent: Friday, March 28, 2014 3:59 PM
To: Linda Johnston
Cc: Ted Siff
Subject: RE: 604 W. 11th St

Hi Linda,

My understanding of this project is that the FAR for the total site is under the allowed amount of 40.00%. So, going to the RDCC is not needed.

What is needed, though, is going to the BOA for the following:

1. Variance to the rear yard setback
 2. Variance to either 25-2-774 for the following:
 - a. Total sf greater than 850 sf
 - b. That it has a 3rd floor (secondary dwelling units are capped at a ground level and 2nd story)
- OR
3. Variance to 25-2-893 (D) Guesthouse that will not be used by occasional, non-paying guests.

Best Regards,

Susan

Susan E. Barr, AIA, LEED AP BD+C, CDT

Senior Planner
Planning and Development Review Department, City of Austin
(512) 974-2923
505 Barton Springs Rd, 2nd floor
Austin, TX 78704

** We are currently experiencing a high volume of activity. We make every effort to respond to you by the end of the next business day. Thank you in advance for your patience. **

NEW HOURS Effective January 28th, 2013
Intake: Mon 8-11am, Wed 8-11am & 1-3pm, Fri 8-11am
General Information Walk-Ins: Mon/Wed/Fri 8-11am
CLOSED TUESDAY & THURSDAY (to perform reviews)

From: Linda Johnston ~~ljohnston@ljohnston.com~~
Sent: Friday, March 28, 2014 11:49 AM
To: Barr, Susan
Cc: Ted Siff
Subject: Re: 604 W. 11th St

Hi Susan,

I went back to check the sq ft on the construction documents on the home office. the plans show 515 sf 1st level, 445 sf 2nd level and 70 sf 3rd Total of 1030 sf which is less than the allowed 25% increase that can go to the Residential Design Committee (1062.5 sf). We'll measure to make sure the plans are right and not the values listed in TCAD which total to 1276 sf.

We still have variances for the alley setback and and the 3rd floor access to the roof deck. Does that kick us up to BOA?

Thanks,
Linda

Linda Johnston AIA, NCARB
LS Johnston Architects
1313 East Sixth Street
Austin, Texas 78702
512-478-4952

On Thu, Mar 27, 2014 at 5:14 PM, Barr, Susan <Susan.Barr@austintexas.gov> wrote:
Linda,

I wanted to follow up with you in regards to the subject property. If the variance is going to be sought for the secondary apartment provision, seeking a variance to the 2nd floor max sf of 550 will also need to be included.

If the variance is granted, it is only good for (1) year. As such, a building permit will need to be issued for the change of use. After speaking with John McDonald, we believe that the best way to do this would be via a life safety permit. Let's touch base if and when this project moves forward and gets a BOA approval.

Best Regards,

Susan

Susan E. Barr, AIA, LEED AP BD+C, CDT

Senior Planner
Planning and Development Review Department, City of Austin
(512) 974-2923

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