

CIT-2014-0135
CASE# CI4-2014-0116
ROW# 11214894
TAX# 187661 0200120606

**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: 2911 E 3rd St

LEGAL DESCRIPTION: Subdivision – HARTWELL Sec. 1

Lot(s) 7 Block 3 Outlot 29 Division _____

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

AGUSTIN ZAVALETA affirm that on August, 07,

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

(check appropriate items below and state what portion of the Land Development Code you are seeking a variance from)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

OPTION 1: Request a lot variance(s) to Section 25-2-232 (D) (2) (Small Lot Subdivision) to preserve/update/ with addition to existing ca. 1937 house and Build new house at southern portion of lot.

OPTION 2: Request variances to Base Zoning district (25-2-773 Duplex Residential) (B.1 & B.2, decrease Minimum Lot Width 50' to existing (47'), and Minimum Lot Size 7,000 SF to existing (6,785 SF). Variance to 25-2-492 (D) (Site Development Regulations) decrease the minimum lot width from 50' to existing (47')

in a SF-3-NP district. (Garalke)
(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:

1) VARIANCE TO MINIMUM SITE DEVELOPMENT REGULATIONS TO MEET 25-4-232 SMALL LOT

SUBDIVISION, C-1 (a) &(b) MINIMUM LOT AREAS. A lot variance is needed to subdivide the property and create (2) single family homes as is consistent with adjacent lot and other corner lots in neighborhood.
OR

2) VARIANCE UNDER 2-4-492 SITE DEVELOPMENT REGULATION, LOT MINIMUM WIDTH OF 50' TO 47'(existing) is sought in order to comply with the base zoning district (SF-3) regulations for DUPLEX RESIDENTIAL.

HARDSHIP:

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

1.) Current lot size does not meet new site development regulations for minimum lot size and minimum lot widths for subdivision of lot; so that the preservation of Austin ca. 1937 house could be done with minimal changes; while increasing single family inventory with minimal waste.

2.) Lot is Substandard Lot and currently does not comply with requirements of zoning district requirement of minimum lot size and minimum lot width, a characteristic that is common in the neighborhood and immediate vicinity.

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

1.) & 2.) Other lots in area are being combined; reducing the amount of existing housing for the more dense multi family units. Areas new developments are generally to increase family units instead of incorporating two family residence either through duplex, small lot sub division, and/or secondary apartment. There is support by the neighborhood and historic preservation to preserve the single family residence and increase family residence housing either through duplex, small lot sub division, and secondary apartment.

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:

1) & 2.) The variances required in this case involves preserving the character of the area from the 1930s and the adding of an additional structure to lot does not impair any adjacent property and/or zoning district regulations because it continues existing neighborhood patterns of development.

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:

Required parking can be met with off street parking.

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:

N/A

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

N/A

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

N/A

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 8104 POSTEN

City, State & Zip Austin, TX 78744

Printed Michael Benitez Phone 512.576.8015 Date 08/13/2014




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 8104 Posten Ln

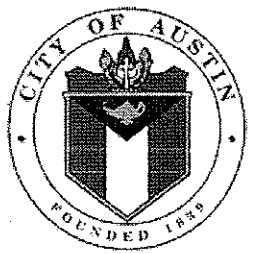
City, State & Zip Austin, TX 78744

Printed Agustin Zavaleta Phone 512.366.4337 Date 08/13/2014



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0135
 Address: 2911 E 3RD ST



1" = 200'

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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.

**Govalle/Johnston Terrace Neighborhood Contact Team
Strength Through Unity**

July 9, 2014

To whom it may Concern,

On June 21st, 2014 the Review Committee for the Govalle/Johnston Terrace Neighborhood Contact team heard a presentation by Michael Benitez on the property at

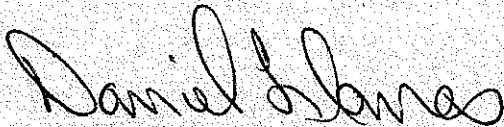
**2911 E. 3rd St. – zoned SF3
seeking to change to SF4 and subdivide into 2 lots**

in order to add on to existing building and the construction of an additional house to the subdivided property.

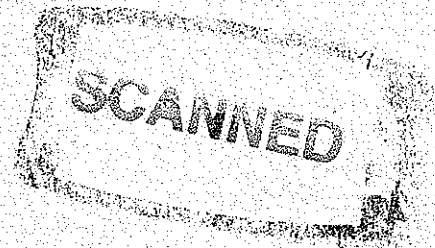
After review and discussion the Review Committee recommends **support for the change and subdivision application.**

Please feel free to contact me with any questions or comments.

Thank you,



Daniel Llanes, Chair
Govalle/Johnston Terrace Neighborhood Contact Team
512-431-9665
dllanesrb@earthlink.net



**Govalle/Johnston Terrace Neighborhood Contact Team
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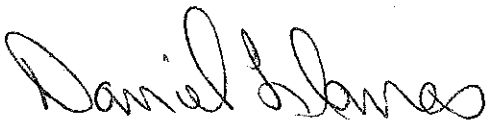
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Thank you,



Daniel Llanes, Chair
Govalle/Johnston Terrace Neighborhood Contact Team
512-431-9665
dllanesrb@earthlink.net

August 27, 2014

Board of Adjustment, City of Austin
PO Box 1088
Austin, Texas 78767

Re: Variance requested for 2911 E 3rd Street

Dear Commissioners:

My name is Michael Benitez here to represent Agustin Zavaleta, the owner at 2911 E 3rd Street.

We are requesting two variance option(s) today; the first: a lot variance to subdivide existing corner lot (147.5'x47'=6785 sf) and create two single-family homes on lots (73.75'x47'=3392.5sf). The current lot is located at the intersection of E 3rd Street and Linden. The home was originally located at 822 E. 53rd Street around 1938 and moved to 2911 E 3rd Street in 1963. The property is currently permitted for development types/Land uses for SF-3-NP, and in effort to develop property per COA development standards, base zoning regulations and a complete develop assessments; concerns were expressed about possibility of saving existing ca. 1937 house by neighborhood group and historic preservation (even though the house was found not to have neither architectural nor historic significance to warrant a designation as a historic landmark).

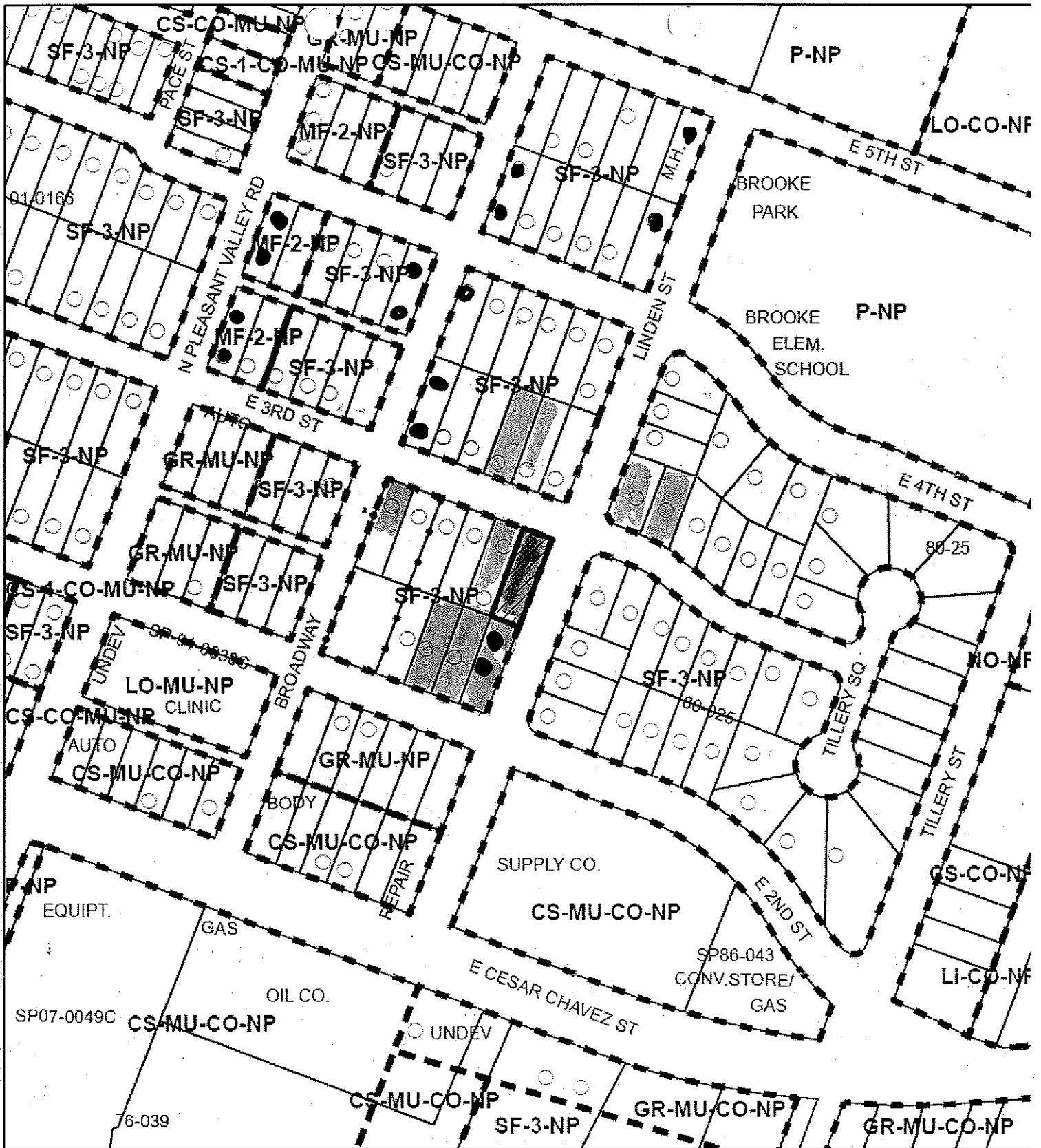
It was not till we reached Zoning Review that request was denied and determined it was a substandard lot that would require variances to construct any of the permitted two family dwelling designs. All comments/notes where discussed and options were reviewed by all interested parties and it was decided that we proceed with our 1st OPTION: subdividing current lot; to allow continued use of home and preserve a piece of Austin and/or 2nd OPTION: demo/move existing home with a variance to permit a 2nd dwelling on a substandard lot per current base zoning regulations.




Both options would include off street parking requirements, setback requirements, and maintain impervious coverage of up to 55% per Sec 25-2-556 (FAMILY RESIDENCE DISTRICT REGULATIONS)

Sincerely,



Michael Benitez
512.576.8015



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

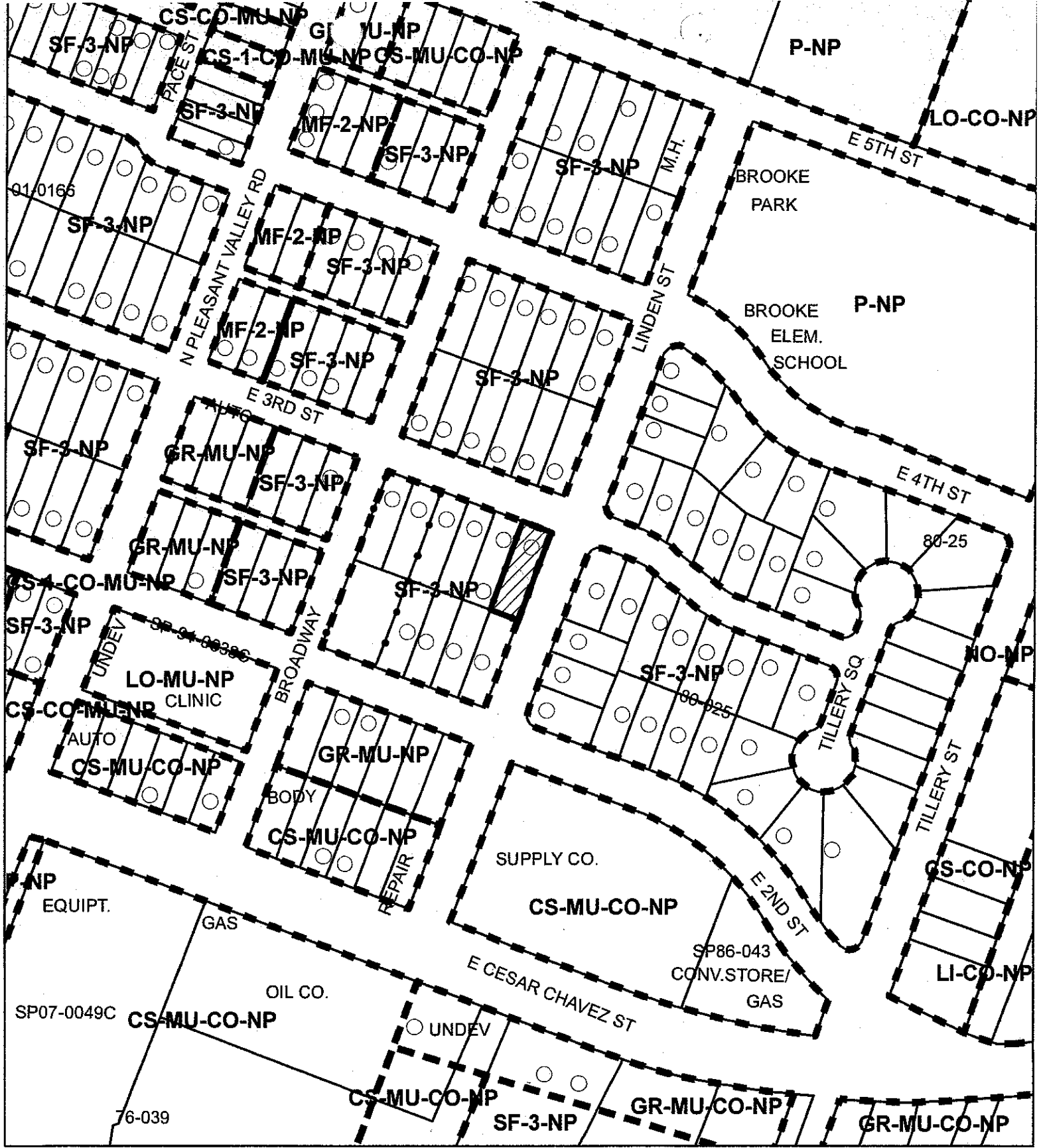
ZONING CASE
C14-2014-0116






1" = 200'

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-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE
C14-2014-0116

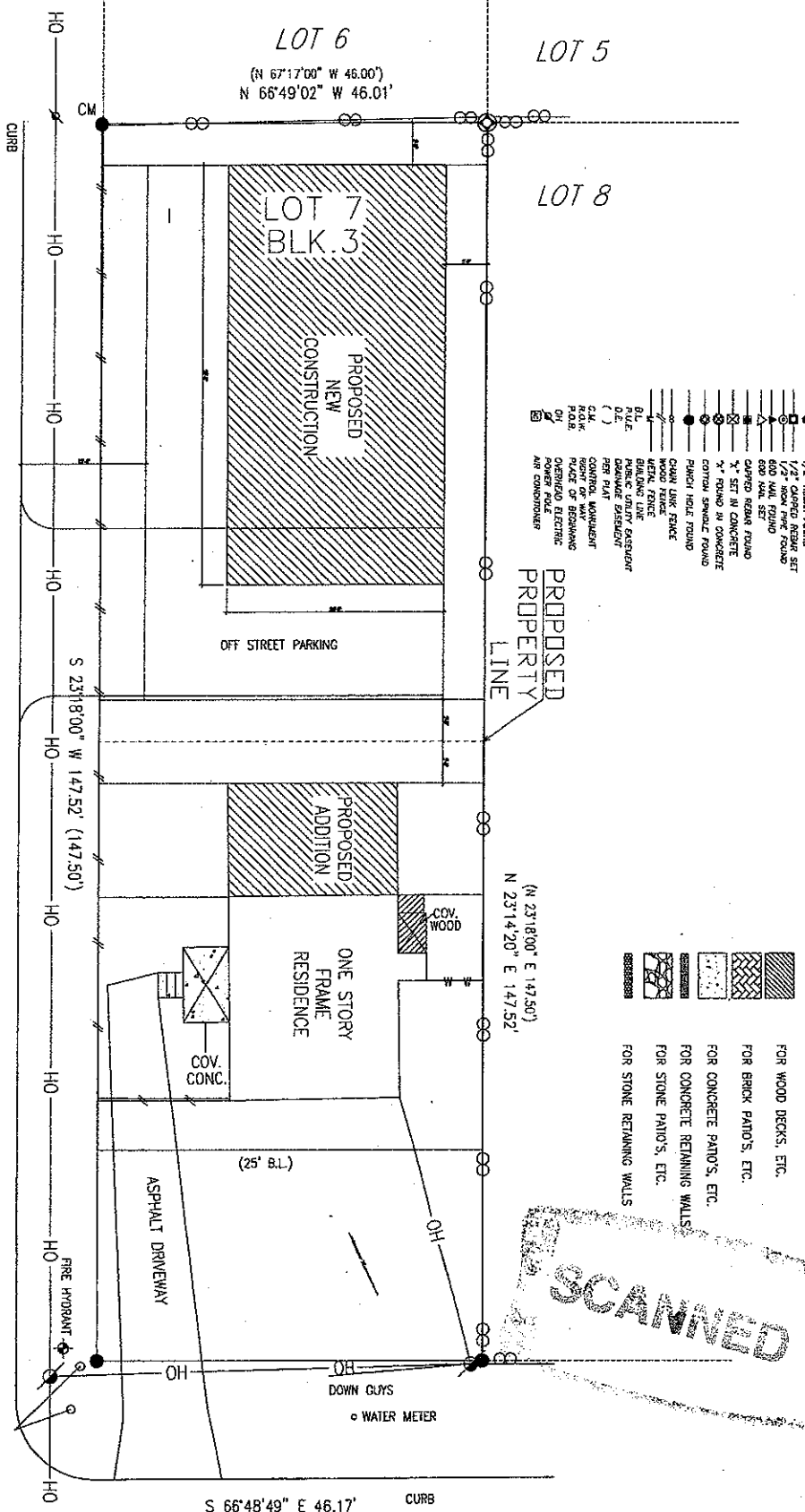


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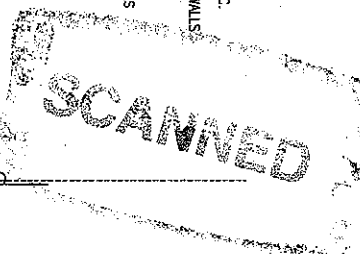
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STREET ADDRESS: 2911 EAST 3RD STREET
 LOT: 7 BLOCK: 3 SUBDIVISION: HARTWELL ADDITION CITY: AUSTIN COUNTY: TRAVIS STATE OF TEXAS
 REFERENCE NAME: AGUSTIN ZAVALAETA VOL/CAB 709 pg/SID 93 DEED RECORDS



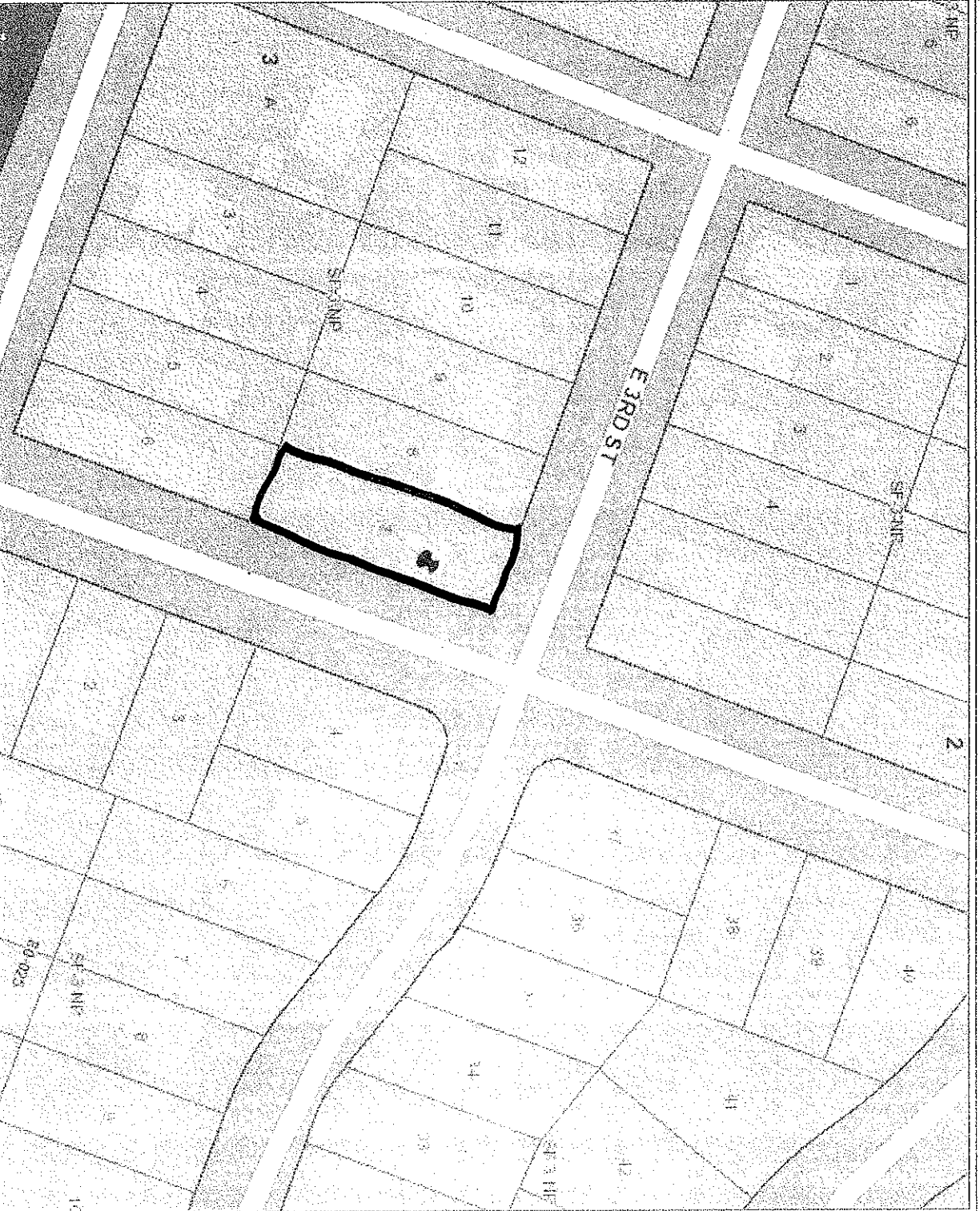
- LEGEND**
- 1/2" REBAR FOUND SET
 - 1/2" SLOTTED PAV. FOUND
 - 600 YAL. FOUND
 - 600 YAL. SET
 - CAPED REBAR FOUND
 - X SET IN CONCRETE
 - X FOUND IN CONCRETE
 - CORNER SPALLS FOUND
 - RANCH HOLE FOUND
 - CHAIN LINK FENCE
 - WOOD FENCE
 - WOOD FENCE
 - BUILDING LINE
 - PUBLIC UTILITY EASEMENT
 - PAVE. DAMAGE EVIDENT
 - PER FOOT
 - PER FOOT
 - PER FOOT
 - PLACE OF BEGINNING
 - OVERHEAD ELECTRIC
 - POWER POLE
 - AIR CONDITIONER

- FOR WOOD DECKS, ETC.
- FOR BRICK PATIOS, ETC.
- FOR CONCRETE PATIOS, ETC.
- FOR CONCRETE RETAINING WALLS
- FOR STONE PATIOS, ETC.
- FOR STONE RETAINING WALLS



CURB
 S 66°48'49" E 46.17'
 (S 67°17'00" E 46.00')
EAST 3RD STREET
 (60' R.O.W.)

CITY OF AUSTIN DEVELOPMENT WEB MAP



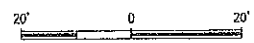
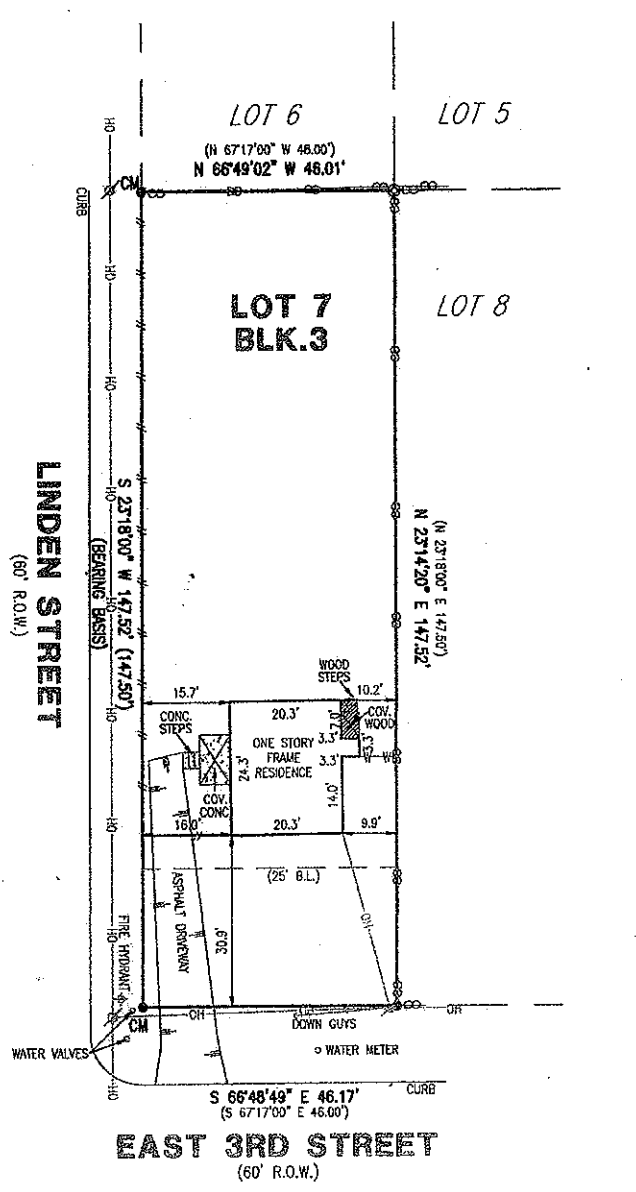
Legend	
	Lot Lines
	Streets
	Building Footprints
	Named Creeks
	Lakes and Rivers
	Parks
	County
	Lot ID
	Block ID
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	Zoning Text
	Zoning (Large Map Scale)
	Future Land Use
	Water
	Utilities
	Transportation
	Environmental Conservation
	Recreation & Open Space
	Civic

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LEGEND

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IMPORTANT NOTICE
 This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to B & G SURVEYING.



[Signature]
 BY THE LICENSEE AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED

FLOOD CERTIFICATION
 THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP (FIRM), DATED 09/26/08. IT IS REPRESENTED AS IN ZONE "X". HOWEVER, AT THE PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED BY THIS FIRM AND INFORMATION IS BASED SOLELY UPON SAO MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED ON SAO MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAN ADMINISTRATOR.

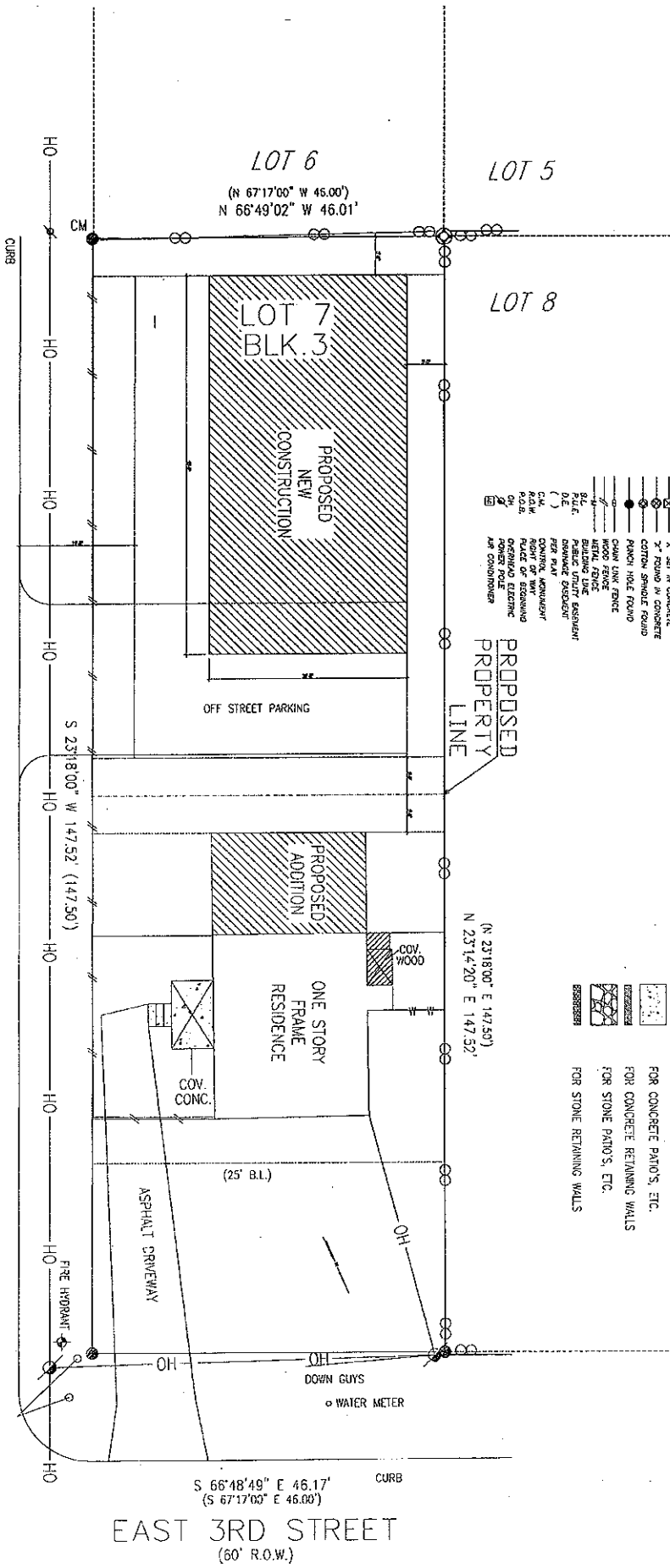
STREET ADDRESS: **2911 EAST 3RD STREET** CITY: **AUSTIN** COUNTY: **TRAVIS** STATE OF TEXAS
 LOT: **7** BLOCK: **3** SUBDIVISION: **HARTWELL ADDITION** VOL./CB: **709** PG./SLD: **93** DEED RECORDS
 REFERENCE NAME: **AGUSTIN ZAVALTA**



B & G SURVEYING, LLC
 FIRM REGISTRATION NO. 100363-00
 WWW.BANDGSURVEY.COM
 1404 West North Loop Blvd.
 Austin, Texas 78756
 Office 512*458-6969, Fax 512*458-9845

JOB #: **B0106614_TA**
 DATE: **01/17/14**
 SCALE: **1" = 20'**

FIELD WORK BY	JERRY	01/15/14
CALCD BY	WILE	01/17/14
DRAWN BY	LWS	01/17/14
CHECKED BY	ML	01/17/14

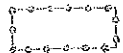
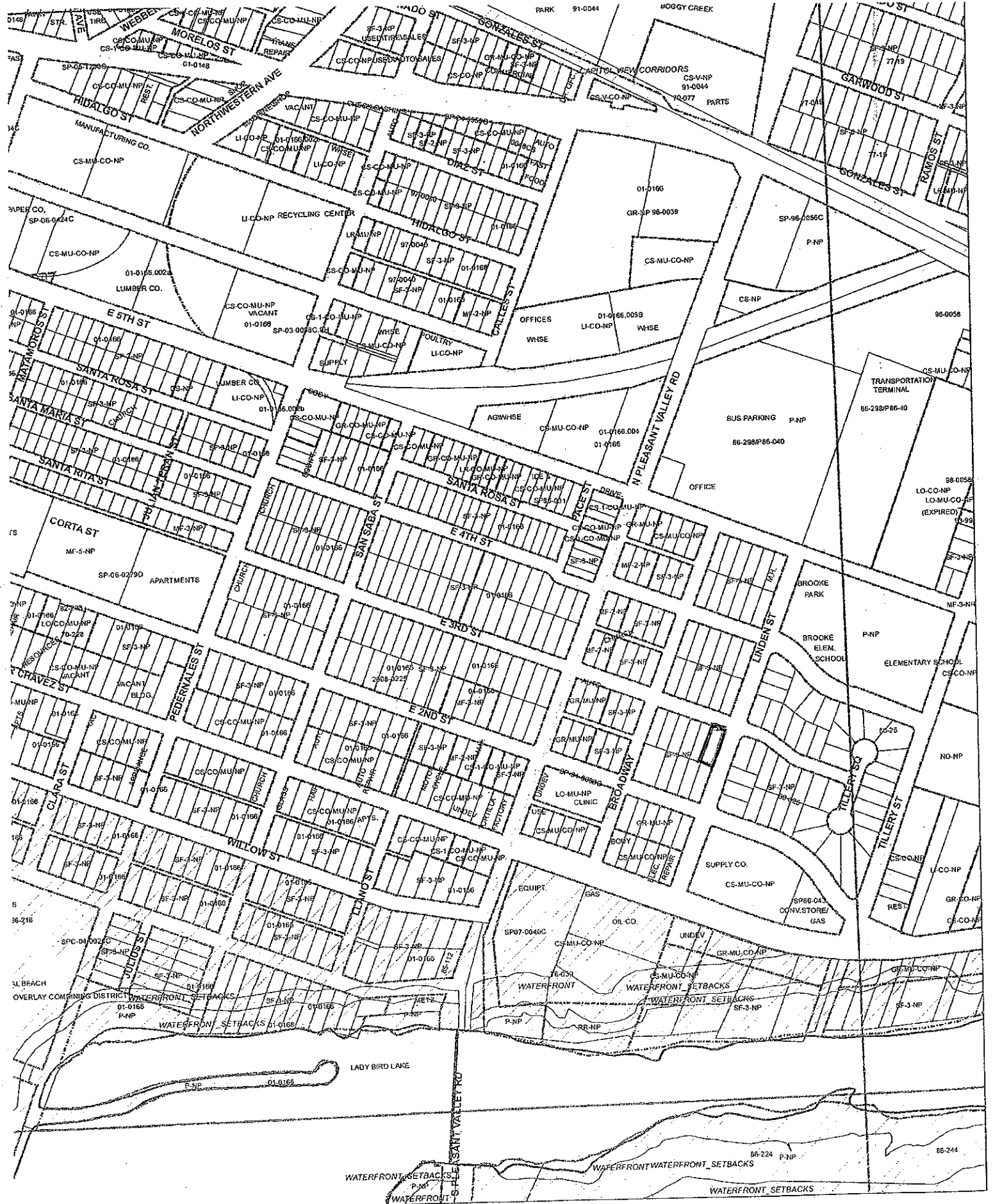


- LEGEND**
- 1/2" COPPER REBAR SET
 - 1/2" REBAR FOUND
 - 600 GAL POUND
 - CONCRETE REBAR FOUND
 - 1" SET IN CONCRETE
 - 7" FOUND IN CONCRETE
 - COTTON SHROUD FOUND
 - PUNCH HOLE FOUND
 - CHAIN LINK FENCE
 - WOOD FENCE
 - METAL FENCE
 - BRACING LINE
 - REBAR FOUND
 - REBAR FOUND
 - REBAR FOUND
 - PER PLAN
 - C.O.M.
 - CONTROL
 - PLATE OF RECORDING
 - OVERHEAD ELECTRIC
 - POWER POLE
 - AND CONDUIT

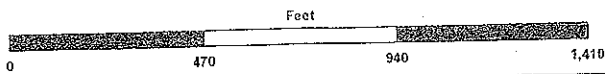
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 BLOCK: 3 SUBDIVISION: HARTWELL ADDITION
 VOL/CASE: 709 Pg/SID: 93 DEED RECORDS
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EAST 3RD STREET
(60' R.O.W.)



Pending Zoning Cases



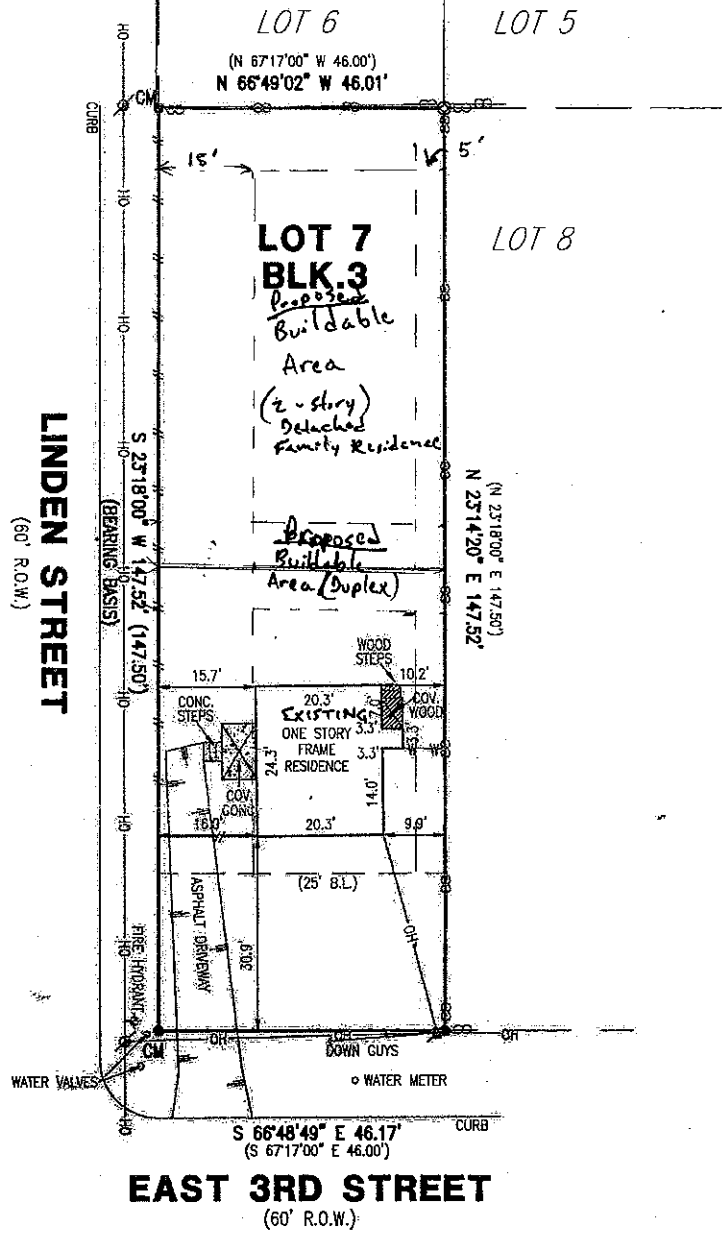
K21
Date: 5/19/2014



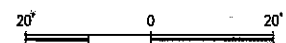
LEGEND

- 1/2" REBAR FOUND
- 1/2" CAPPED REBAR SET
- 1/2" IRON PIPE FOUND
- ▲— 600 NAIL FOUND
- △— 600 NAIL SET
- CAPPED REBAR FOUND
- X— "X" SET IN CONCRETE
- *— "X" FOUND IN CONCRETE
- COTTON SPINDLE FOUND
- FLUNCH HOLE FOUND
- CHAIN LINK FENCE
- /— WOOD FENCE
- /— METAL FENCE
- B.L.— BUILDING LINE
- P.U.E.— PUBLIC UTILITY EASEMENT
- D.E.— DRAINAGE EASEMENT
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- P.O.B.— PLACE OF BEGINNING
- OH— OVERHEAD ELECTRIC
- P.— POWER POLE
- A/C— AIR CONDITIONER

LINDEN STREET
(60' R.O.W.)



EAST 3RD STREET
(60' R.O.W.)



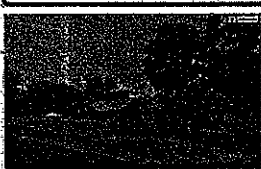
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BY THE LANDHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED

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JOB #: B0106614_TA	
DATE: 01/17/14	
SCALE: 1" = 20'	
FIELD WORK BY: JERRY	01/25/14
CALC'D BY: WYLE	01/17/14
DRAWN BY: WMS	01/17/14
CHECKED BY: ML	01/17/14