

CASE# C15-2014-0123
ROW# 11198925
TAX# 0204060701

**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: 205 Attayac Street Unit B, Austin, TX 78702

LEGAL DESCRIPTION: Subdivision – S 48FT OF LOT 11 BLK 9 OLT 19 DIV O GARY & PECK SUBD

Lot(s) _____ Block _____ Outlot _____ Division _____

I/We Brandon Testa on behalf of myself/ourselves as authorized agent for
John Forsythe affirm that on August 4, 2014,

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

I am requesting a variance for Small Lot Amnesty because the site is 220 square feet too small to qualify.

I am requesting a front setback reduction from 25 feet to 5 feet in order to stay in line with the neighboring site, as well as to give us enough depth in which to fit a new single family home on this empty Legal Lot.

in a East Cesar Chavez district. (SF-3-NP)
(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 property was subdivided prior to March 14, 1946 and has "Legal Lot" status. The property is identical in size and shape to the neighboring site which was developed in 2008. The property is a perfect example of the Green Alley Demonstration Projects goals to: a) Activate alleys to increase public safety; b) Encourage compact neighborhoods; c) Encourage residents to "adopt" and care for alleys. Additionally, the site is only 220 square feet short of qualifying for Small Lot Amnesty, which has been adopted by the ECC neighborhood.

HARDSHIP:

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

The property fronts an alley and is a perfect example of the Green Alley Demonstration Projects goals.

The property is 220 square feet short of qualifying for Small Lot Amnesty. The property is a Legal Lot.

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

The majority of the homes in the area are on full size 48 ft X 138 ft lots. This property is a "Legal Lot" and was subdivided prior to the March 14, 1946 "Grandfather Date."

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 ECC neighborhood has adopted Small Lot Amnesty and encourages the construction of alley flats.

Many of the alley flats in the neighborhood are built and maintained at 0 - 5 ft alley setbacks. (See Exhibit B)

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:

The amount of traffic volume generated by this site will be minimal.

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:

Vehicles will be parked on-site.

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

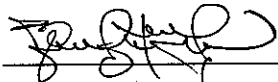
The proposed structure is a single-family residence, on a single-family lot, in a single-family neighborhood.

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

I believe this to be non-applicable to my request.

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.

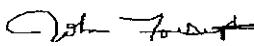
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address _____

City, State & Zip 206 Waller Street, Austin, TX 78702

Printed Brandon Testa Phone _____ Date August 4, 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 _____

City, State & Zip 11809 Landsdowne Road, Austin, TX 78754

Printed John Forsythe Phone _____ Date August 4, 2014



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0123
 Address: 205 ATTAYAC STREET, UNIT B



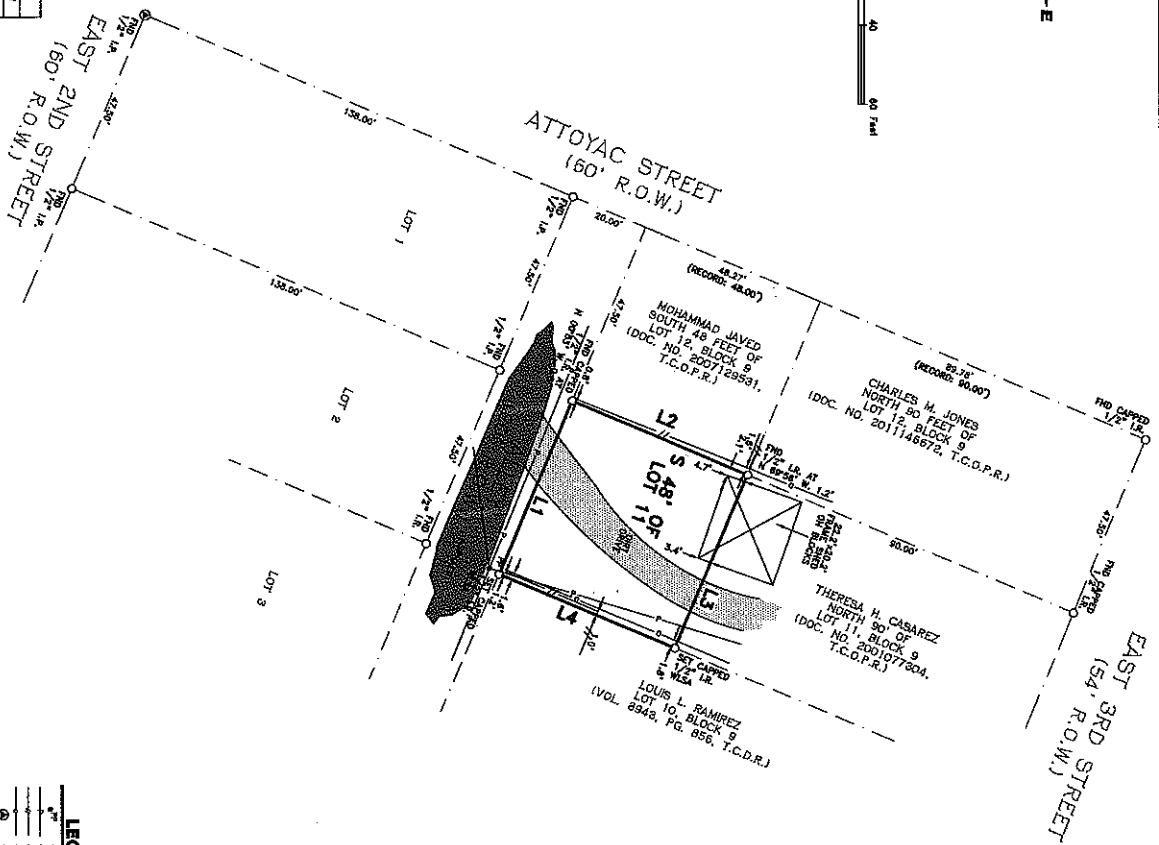
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.

1" = 200'



LINE	DISTANCE	BEARING
L1	42.20'	N 89°40'41" W
L2	48.27'	N 23°15'00" E
L3	48.27'	S 66°40'41" E
L4	48.27'	S 67° E
RECORDS	48.27'	S 23°15'00" W



DATE	REASON

LEGEND

— POUND NAIL
 --- OFFSHORE POUND NAIL
 --- WOOD PILE
 --- CONCRETE PILE
 ○ CENTER POINT

REVISIONS

Windrose Services
 1410 General Center Dr.
 Austin, Texas 78744

Land Austin
 Telephone: (512) 336-2100
 Fax: (512) 336-2170
 Email: land@windrose.com
 Website: www.windrose.com

NICHOLAS JENSEN
 0441
 SURVEYOR

STATE OF TEXAS
 SURVEYOR

DATE: 7/27/14
 SHEET: 1 OF 1

GENERAL NOTES

- 1) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A RECENT TITLE COMMITMENT AND THE FOUNDATION LINES AND RECORDS THEREON DO NOT AFFECT SUCH COMMITMENT.
- 2) ALL DIMENSIONS ARE BASED ON THE RECORDED PLAN, UNLESS OTHERWISE NOTED.
- 3) ALL DIMENSIONS AND BOUNDARY LINES ARE BASED ON RECORDED PLANS, UNLESS OTHERWISE NOTED.
- 4) THE SURVEY PROPERTY IS LOCATED IN THE "UNINCORPORATED" AREA OF THE TOWN OF ATTOYAC, TEXAS. THE SURVEY PROPERTY IS NOT SUBJECT TO ANY FEDERAL, STATE, OR LOCAL EASEMENTS, RIGHTS, OR INTERESTS.
- 5) THE SURVEY PROPERTY IS NOT SUBJECT TO ANY FEDERAL, STATE, OR LOCAL EASEMENTS, RIGHTS, OR INTERESTS.
- 6) THE SURVEY PROPERTY IS NOT SUBJECT TO ANY FEDERAL, STATE, OR LOCAL EASEMENTS, RIGHTS, OR INTERESTS.

**SURVEY OF
 SOUTH 48' OF LOT 11, BLOCK 9
 MCGARY AND PECK SUBDIVISION
 OUTLOT NO. 19, DIVISION 'O'
 CITY OF AUSTIN
 VOLUME T, PAGE 273, T.C.P.R.
 TRAVIS COUNTY, TEXAS**



**Planning and Development Review
Land Status Determination
Legal Tract Platting Exception
Certification**

October 02, 2009

File Number: **C8I-2009-0213**

Address: **205 ATTAYAC ST Unit B**

Tax Parcel I.D. # **0204060714**

Tax Map Date: **07/02/2001**

The Watershed Protection and Development Review Department has determined that the property described below and **as shown on the attached tax map:**

Is a **LEGAL TRACT** consisting of the **South 48' of Lot 11 Block 9 N G Shelley Subdivision**, created prior to **Mar 14, 1946** (Grandfather Date) as evidenced by deed recorded in Volume **725**, Page **546** of the **Travis County Deed Records** on **Nov 17, 1943** being the same property as currently described in deed recorded in **Document #2009146630** of the **Travis County Deed Records** on **Aug 27, 2009** and is eligible to receive utility service.

Additional Notes/Conditions:

NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivision 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: _____

Daniel Word, Representative of the Director
Planning and Development Review

Map Attachment

ISSUANCE
07/09/2009 160

ADDRESSES
AUSTIN COMMUNITY COLLEGE
AUSTIN RD
CITY OF AUSTIN
TRAVIS COUNTY

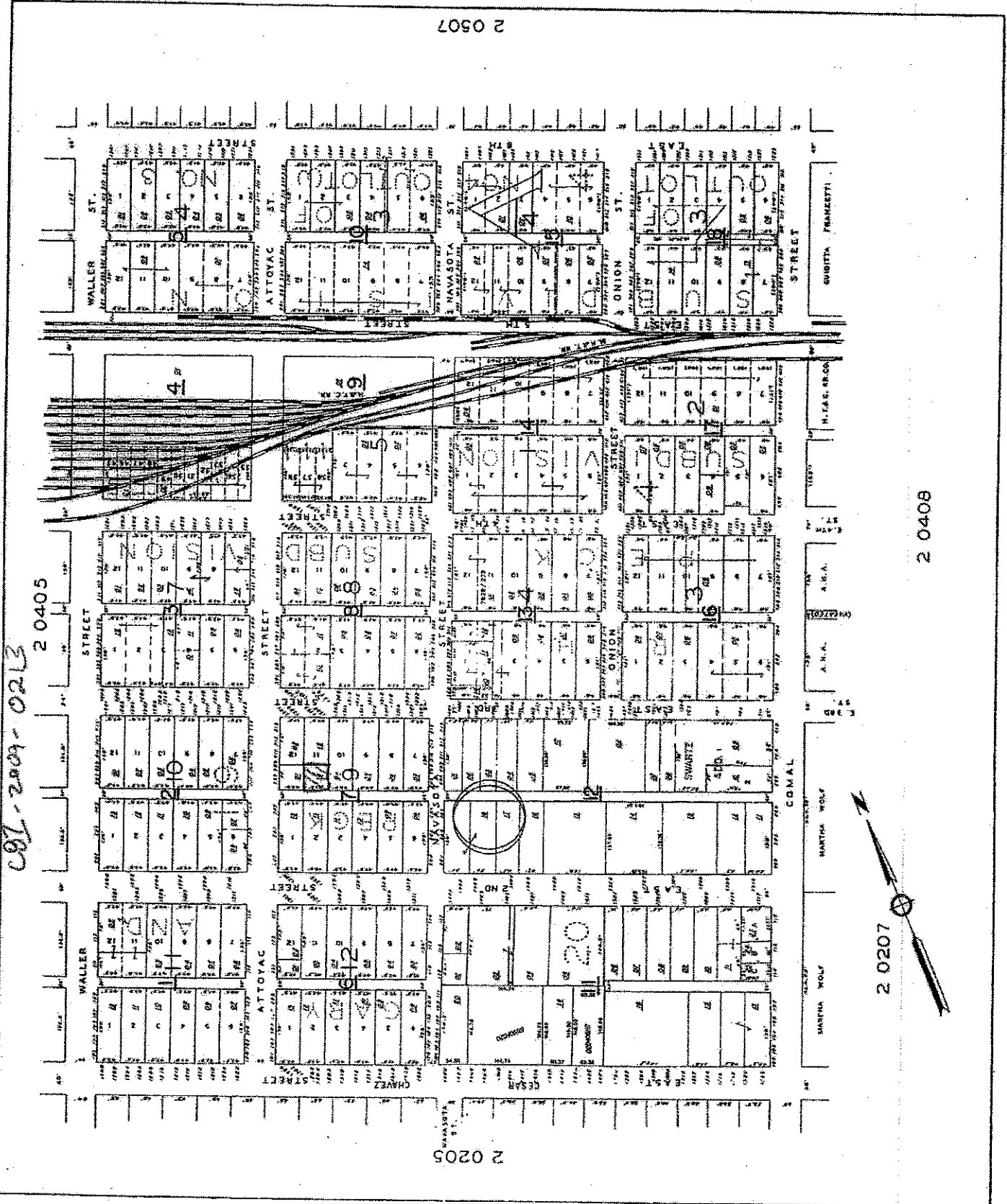
TRAVIS CENTRAL APPRAISAL DISTRICT
6314 Cross Park Drive
Austin, TX 78754
P.O. Box 149012
Austin, TX 78714
Internet Address WWW.TRAVISCAD.ORG
Fax Number (512)835-5371
Main Telephone Number (512)834-9377
Appraisal Information (512)834-9128
TDD (512)836-3328

1" = 400' MAP
SCALE
2 0201

MAP NO.
2 0406

1" = 400' MAP
REFERENCE
2 0201

2 0507



091-2009-023

2 0405

2 0205

2 0207

2 0408

EXHIBIT A

Buyer has the right to begin filling for small lot amnesty and any and all other necessary zoning variances required to develop this site at buyers expense upon execution of this contract. If for any reason buyer's variance hearing is postponed seller will automatically extend closing to October 24th 2014.

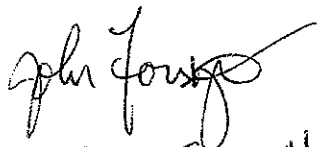
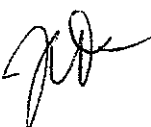
Seller agrees to work to remove the encroachment from the property (small wooden structure, on the northwest corner of the property) before the September 25th closing date. If for any reason the seller can't remove the encroachment by the closing date, then the contract will automatically be extended until October 24, 2014

If the October 24th deadline come and goes and either the buyer or the seller has not been successful in resolving their task. Then they will come together and try and continue to work through the process of getting there task resolved or if one party decides not to continue the process, the contract will be void.

Buyer


BRANDON TESTA

Seller


John Forsythe¹ 

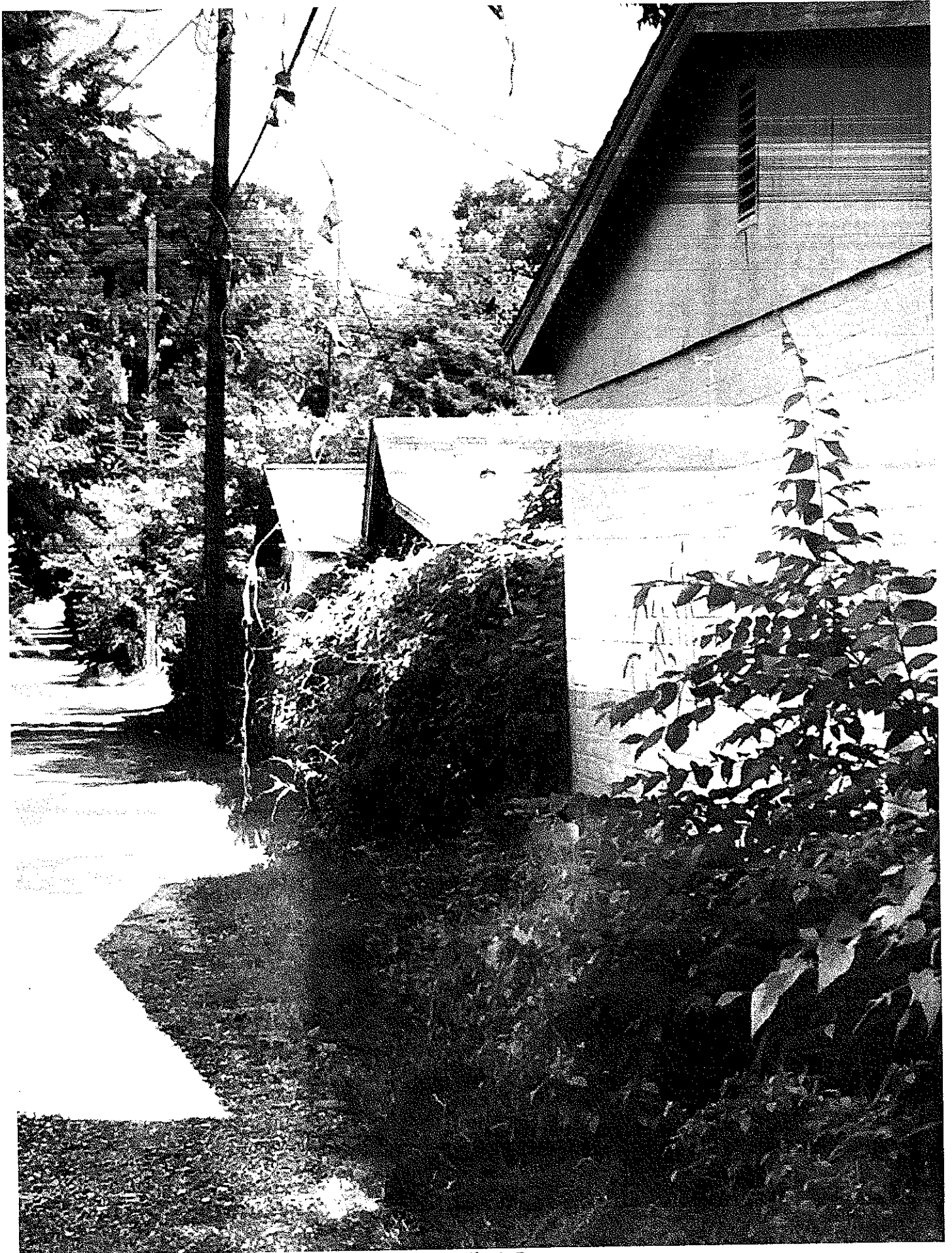


EXHIBIT B - HOUSES BUILT AT ZERO LOT LINE
ON ALLEY BETWEEN E. 2ND & E. 3RD / ATTAYAC & WAWER

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

DATE: Monday, July 9, 2007

CASE NUMBER: C15-2007-0062

Y Greg Smith
 Y Michael Von Ohlen
 Y Herman Thun (1st)
 Y Bryan King (2nd)
 Y Leane Heldenfels, Vice-Chairman
 Y Frank Fuentes, Chairman
 Y Dorothy Richter

APPLICANT: Michael, Garrison

OWNER: Mohammad, Javed

ADDRESS: 205 ATTOYAC ST

*LOT
(Next door)*

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum lot size requirement of Ordinance 001214-20, Part 4 from 2500 square feet to 2280 square feet in order to erect a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

BOARD'S DECISION: GRANTED 7-0

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: small lot is only 48ft x 47.5ft=2280 sq.ft., small lot amnesty is approved for the east Cesar Chavez Neigh. for a minimum of 2,500 sq.ft.
2. (a) The hardship for which the variance is requested is unique to the property in that: lot is currently vacant, house was built on this lot before but, was removed decades ago. Lot only few hundred sq ft below small lot amnesty standards and without approval of this lot as small amnesty, lot would be unbuildable and would remain vacant.

(b) The hardship is not general to the area in which the property is located because: to build a small house of only 967 sq ft. that is compatible with the East Cesar Chavez neigh plan and is in keeping with many other small lots in the neighborhood.
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: all setbacks for SFD zoning on the lot will be maintained.



Tammie Williamson
Executive Secretary



Frank Fuentes
Chairman



City of Austin
Watershed Protection and Development Review Department
Land Status Determination
1995 Rule Platting Exception

June 05, 2007

File Number: **C8I-2007-0230**

Address: **205 ATTOYAC ST - Unit B**

Tax Parcel I.D. # **0204060701** Tax Map Date: **07/02/2001**

The Watershed Protections & Development Review 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.

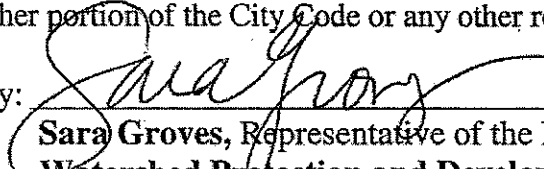
The parcel of land consists of five acres or less, and is described as being the **South 48 feet of Lot 12, Block 9, Gary & Peck Subdivision, Outlot 19, Division O** in the current deed, recorded on **Apr 21, 1981**, in **Volume 7387, Page 279**, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Apr 21, 1981**, in **Volume 7387, Page 279**, 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 **wastewater service on Aug 15, 1914**. 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:



Sara Groves, Representative of the Director
Watershed Protection and Development Review Department

~~1) need subdeck approval~~ ~~2) need ESP form~~
 Uranium granted CI 2007-0082

BP Number **PR-07-141752 -A**
 Building Permit No. **07-143305**
 Plat No. _____ Date **8-13-2007**
 Reviewer: *J. Williams*

~~3) exceeding plot coverage~~
CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "A"

~~4) exceeding FAR allowed~~
PRIMARY PROJECT DATA **205** *21a* **8/22/07**

START AUG 16TH, DUE AUG 13TH

Service Address ~~205 Attoyac Street~~ **ATTOYAC STREET** Tax Parcel No. _____
 Legal Description
 Lot: South 48 feet of Lot 12 Block 9 Outlot 19 Division "O" Subdivision Deck Addition Section _____ Phase _____
 If in a Planned Unit Development, provide Name and Case No. _____
 (attach final approved copies of subdivision and site plan)
 If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.
 Description of Work *New Two Story Res w/ deck, garage, & paved pool*
 New Residence Remodel (specify) _____
 Duplex _____
 Garage attached _____ detached _____ Addition (specify) _____
 Carport attached _____ detached _____ Other (specify) *Construction of a new two story house -*
 Pool _____
 Zoning (e.g. SF-1, SF-2...) **SF-3 -NP**
 - Height of Principal building 24.5 ft. # of floors 2 Height of Other structure(s) _____ ft. # of floors _____
 - Does this site currently have water and wastewater availability? Yes _____ No. If no, please contact the Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap application, or a service extension request.
 - Does this site have a septic system? _____ Yes No. If yes, for all sites requiring a septic field you must obtain an approved septic permit prior to a zoning review.
 Does this site have a Board of Adjustment ruling? Yes _____ No If yes, attach the B.O.A. documentation
 Will this development require a cut and fill in excess of 4 feet? _____ Yes No
 Does this site front a paved street? Yes _____ No A paved alley? Yes _____ No
 Is this property within the Residential Design and Compatibility Standards Ordinance Boundary Area? Yes _____ No

VALUATIONS FOR REMODELS ONLY

Building	\$ _____
Electrical	\$ _____
Mechanical	\$ _____
Plumbing	\$ _____
Driveway/ Sidewalk	\$ _____
TOTAL \$	_____
(labor and materials)	

VALUATIONS FOR NEW CONSTRUCTION OR ADDITIONS ONLY

Lot Size	<u>2280 sq.ft.</u>
Job Valuation - Principal Building	<u>\$133,500</u>
(Labor and materials)	
Job Valuation - Other Structure(s)	\$ _____
(Labor and materials)	
TOTAL JOB VALUATION	_____
(sum of remodels and additions)	
\$133,500	_____
(Labor and materials)	

PERMIT FEES (For office use only)

	<u>NEW/ADDITIONS</u>	<u>REMODELS</u>
Building	\$ <u>165.00</u>	\$ _____
Electrical	\$ <u>91.00</u>	\$ _____
Mechanical	\$ <u>59.00</u>	\$ _____
Plumbing	\$ <u>78.00</u>	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL \$	_____	_____

OWNER / BUILDER INFORMATION

OWNER	Name <u>Mohammad Javed</u>	Telephone (h) <u>478-4800</u> (w) <u>9474567</u>
BUILDER	Company Name <u>James L. Muncey and Laura Muncey</u> Contact/Applicant's Name <u>Mohammad Javed</u>	Telephone <u>750-1082</u>
DRIVEWAY/ SIDEWALK	Contractor _____	FAX _____ Telephone _____
CERTIFICATE OF OCCUPANCY	Name _____ Address _____	Telephone _____ City _____ ST _____ ZIP _____

If you would like to be notified when your application is approved, please select the method:
 telephone e-mail:
 947-4567 You may check the status of this application at www.ci.austin.tx.us/development/picrivr.htm