

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2014-0151
ROW # 11 236626
ROLL 0400001015

**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: 1414 Eva Street

LEGAL DESCRIPTION: Subdivision - Swisher

Lot(s) 16&pt15 Block 3A Outlot _____ Division _____

I/We Vicki Faust on behalf of myself/ourselves as authorized agent for

KIMBERLY CAVENDISH affirm that on SEPT 19, 2014

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

A Bed & Breakfast

in a SF-3 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: 25-2-782(I)-requires 1000 feet between B&B's. Using the accepted standard measurement, "as the crow flies/door to door" this property is 941 feet from the KimberModern. It is 1019 feet away using the quickest walking or driving route. It is 1069 as crow flies but still on the lot, just not door to door. Yet the property is in a separate neighborhood on the west side of Congress opposite the KimberModern.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that: This property is a perfect B&B location. It's adjacent to retail businesses, one block west of South Congress, located at a busy intersection. B&B parking and square footage requirements are easily met due to it's corner location and larger lot size. It is an ideal buffer between business & residential; a rare find west of congress where there are aren't any existing B&B's.

(b) The hardship is not general to the area in which the property is located because: Most properties are lacking either the square footage or the access to get the required parking/rooms available to meet the bed and breakfast requirements. Larger more embedded properties are more affordable yet less desirable as a business and more invasive to the neighborhood.

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 was purchased as a short term rental investment with hopes of converting it to a bed & breakfast. The variance will allow this improvement and significantly enhance the appearance of the corner while being a totally self-sufficient and not impair the adjacent properties in any way. The B&B location still follows the spirit of the 1000 ft distance requirement becoming the first B&B in the area west of Congress.

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:

NA

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:

NA

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

NA

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

NA

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 Vicki Faust Mail Address 1503A Nickerson St.

City, State & Zip Austin, TX 78704

Printed VICKI FAUST Phone (512) 217-3686 Date 9.19.14

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 Kimberly Gaudish Mail Address 1503A Nickerson St.

City, State & Zip Austin, TX 78704

Printed Kimberly Gaudish Phone (512) Date 9.19.14

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

DATE: Monday, July 9, 2012

CASE NUMBER: C15-2012-0078

- Y Jeff Jack
- Y Michael Von Ohlen - Motion to Grant
- Y Nora Salinas
- Y Bryan King
- Y Susan Morrison - 2nd the Motion
- Y Will Schneir - Melissa Hawthorne absent
- Y Heidi Goebel

APPLICANT: Vicki Faust

ADDRESS: 1414 EVA ST

VARIANCE REQUESTED: The applicant has requested a variance from the minimum spacing requirement of Section 25-2-782 (l) from 1,000 feet to 941 feet in order to remodel an existing residence to create a Bed and Breakfast Residential Use in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan) The Land Development Code states that a Bed and Breakfast Residential Use must be more than 1,000 feet from an existing Bed and Breakfast Residential Use.

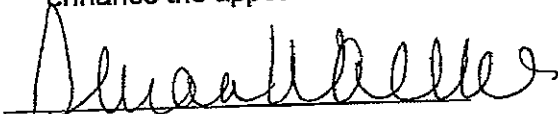
BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with friendly amendment to meet parking requirements and not return to BOA for parking variance, Board Member Susan Morrison second on a 6-1 vote (Board Member Bryan King nay); **GRANTED WITH FRIENDLY AMENDMENT TO MEET PARKING REQUIREMENTS AND NOT TO RETURN TO BOA FOR PARKING VARIANCE.**

FINDING:

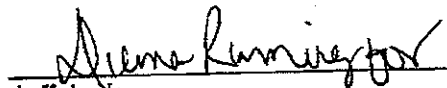
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Susan Walker
Executive Liaison



Jeff Jack
Chairman

YAHOO! MAPS

1- 1414 Eva Street - Potential B&B

2- KimberModern

1414 Eva St, Austin, TX 78704-3009

Distance - address to address
941 feet



When using any driving directions or map, its a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning

YAHOO! MAPS

1- 1414 Eva Street - Potential B&B

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Distance - back of each Lot
1069 feet



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YAHOO! MAPS

1- 1414 Eva Street - Potential B&B

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1414 Eva St, Austin, TX 78704-3009

Distance - walking using 'short cuts'
1019 feet



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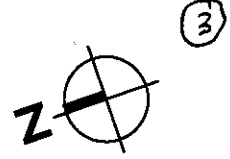
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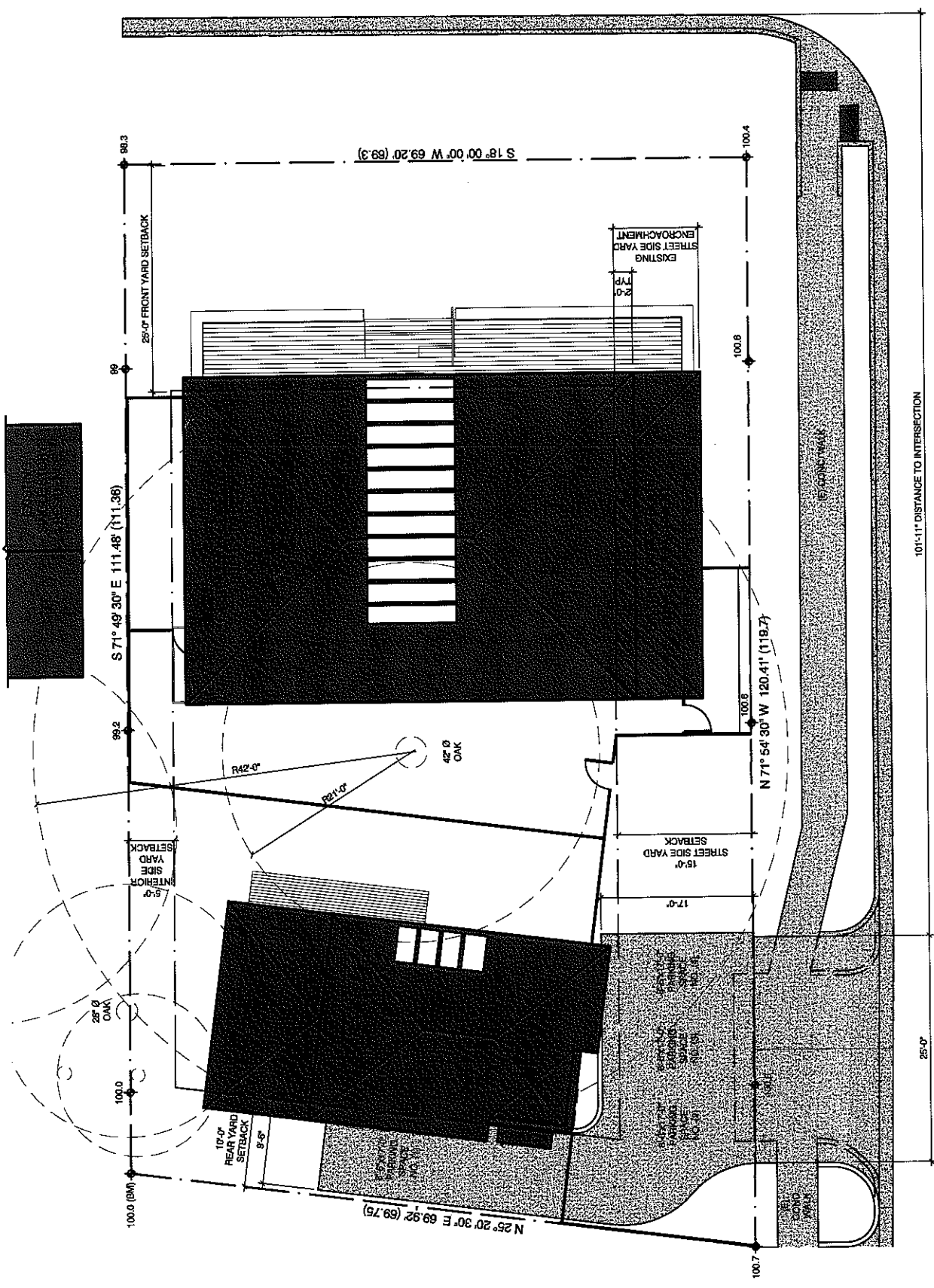
Distance - driving or walking -most direct route
1373 feet



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EVA STREET



ELIZABETH STREET

1 SITE PLAN

1 / 16 " = 1' - 0 "

1414 EVA STREET
LOT 16 & S 23.1 FT. OF LOT 15 BLK 3A SWISHER ADDITION
KIMBER CAVENDISH

MERZBAU
DESIGN COLLECTIVE
1401 E. 7TH STREET
Austin, Texas 78702
tel: 512.636.5900
jcschmell@merzbau.com

August 20, 2014

To Whom It May Concern:

I, Kimberly Cavendish, owner of 1414 Eva Street Austin, Texas 78704, give Vicki Faust the sole authority as my agent to represent me at the city for any and all concerns regarding the above said property.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kimberly Cavendish". The signature is written in dark ink and is positioned above the printed name.

Kimberly Cavendish

Prior Variance approval

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Board of Adjustment/Sign Review Board
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