

CASE# C15-2014-0154  
ROW# 11236663  
TAX# 0202051301

**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: 95 Navasota St.

LEGAL DESCRIPTION: Subdivision -- Welch Subd

Lot(s) 1 Block 1 Outlot 35&46 Division: 0

I Jim Herbert on behalf of myself authorized agent for

Donald D. William affirm that on \_\_\_\_\_

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

Remodel Existing 1,920 sf Automotive Shop for change of use to professional offices - need variance

from parking requirements (5.6 spaces required per COA LDC)

in a CS-MU-CO-NP district. (East Cesar Chavez)  
(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:

N/A

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that: The existing buildings on the property do not leave room for parking. Also, because of Commercial Design Standards, the front building could not be removed to allow for parking for the rear building, and the proximity of the intersection greatly reduces the allowed locations for driveways.

(b) The hardship is not general to the area in which the property is located because: The lack of potential parking for a site is unique to this site.

**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:

This is correct - the office use is much better for the neighborhood and allowed under the neighborhood plan (East Cesar Chavez), when the current approved use, automobile services, a use would not be allowed under the neighborhood plan, or the current actual use, storage and offices for adjacent retail.

**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:

Traffic volumes are not expected to increase for offices over automobile garage when considering traffic of customer vehicles at an automobile garage.

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:

No, because parking will be typical street parking, as currently used for existing business. In addition, there is a potential for 3-4 on-street parking spaces in front of the business, on Navasota, which will be used for this business, when they are available, and the proposed site plan exemption will utilize the existing head-in parking for handicap parking.

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


No, parking will be typical on-street parking and the proposed handicap parking will be on-site, with sufficient access to building.

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

Any change of use in the future will require that the parking be re-evaluated. The site plan exemption that will follow this variance will include a stipulation that the approval for the variance will expire if the property's use changes with future development.

**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: 3608 Chapman Ln.

City, State & Zip: Austin, Texas 78744

Printed: Jim Herbert

Phone: 512-507-5957

Date: 9/24/14

**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  Mail Address 900 Windmill Run

City, State & Zip Wimberley, Texas 78676

Printed Donald D. William

Phone 512-426-9086

Date 9/25/14

Waterloo Surveyors Inc.  
**SURVEY PLAT**

J14189T

**OWNER:**  
DARIUS M. FISHER &  
JORDAN M. FRENCH

**ADDRESS:**  
1401 E. CESAR CHAVEZ STREET  
AUSTIN, TEXAS 78702

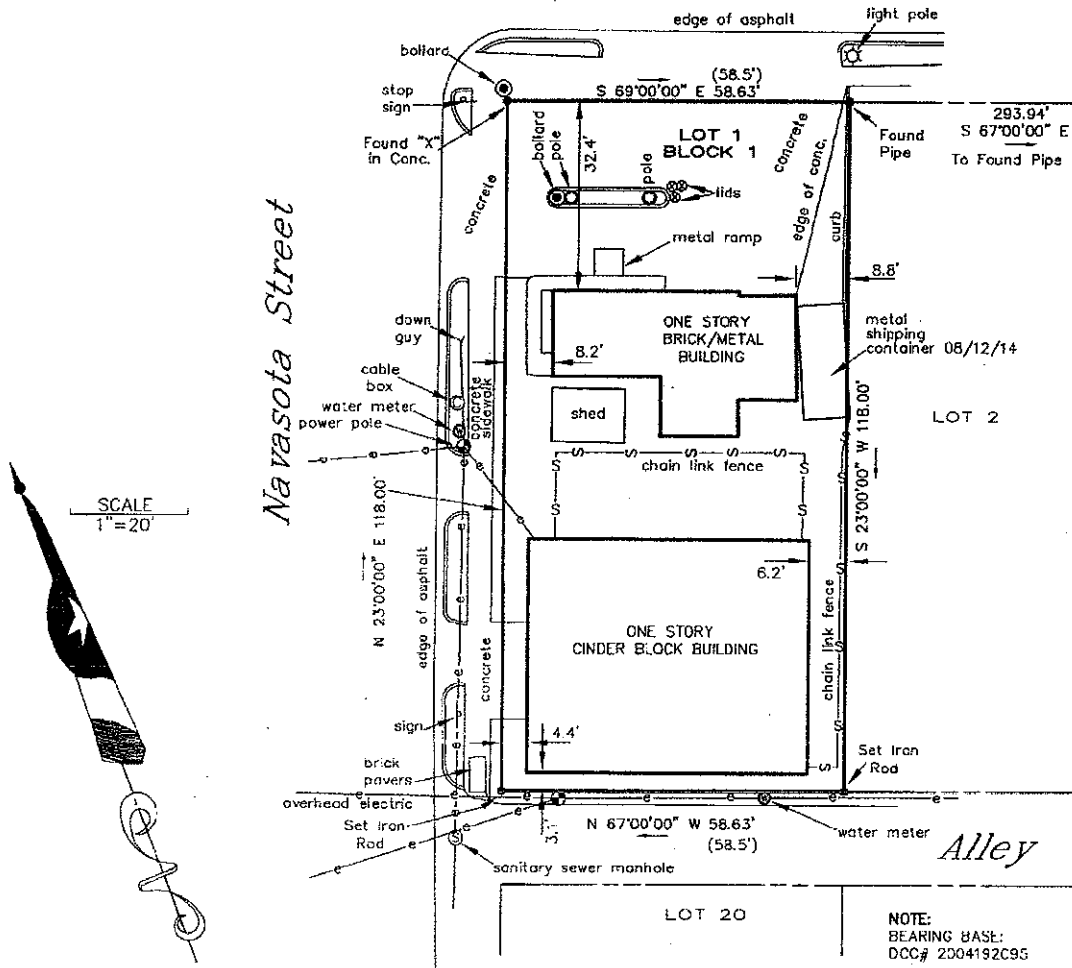
**LEGAL DESCRIPTION:**  
LOT 1, BLOCK 1, OF SUBDIVISION OF OUTLOTS 34 AND 46 DIVISION 0 AUSTIN, ALSO KNOWN AS WELCH SUBDIVISION, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 1, PAGE 28, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

THE UNDERSIGNED DOSE HEREBY CERTIFY TO STEWART TITLE GUARANTY COMPANY, DARIUS M. FISHER AND JORDAN M. FRENCH AS PER TITLE COMMITMENT NUMBER 01247-28818 HAVING AN EFFECTIVE DATE OF AUGUST 12, 2014 AT 8:00 AM.

AS PER GF# 01247-28818, LOT 1 IS SUBJECT TO:

- [1] EASEMENT RIGHTS AND RESTRICTIONS RECORDED IN VOLUME 1, PAGE 28, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.
- [2] INCLUDES ALL ITEMS, CONDITIONS AND STIPULATIONS AS SET OUT IN SAID TITLE COMMITMENT AND EASEMENTS WHICH ARE NOT RECORDED IN THE PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

*E. Cesar Chavez Street*



State of Texas:  
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category IS Condition II Survey.

I certify that the property shown hereon IS NOT within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD Flood hazard boundary map revised as per Map Number: 48453C0465H

Zone: X Dated: 09/26/2008

Dated this the 12TH day of AUGUST, 2014.

Thomas P. Dixon R.P.L.S. 4324

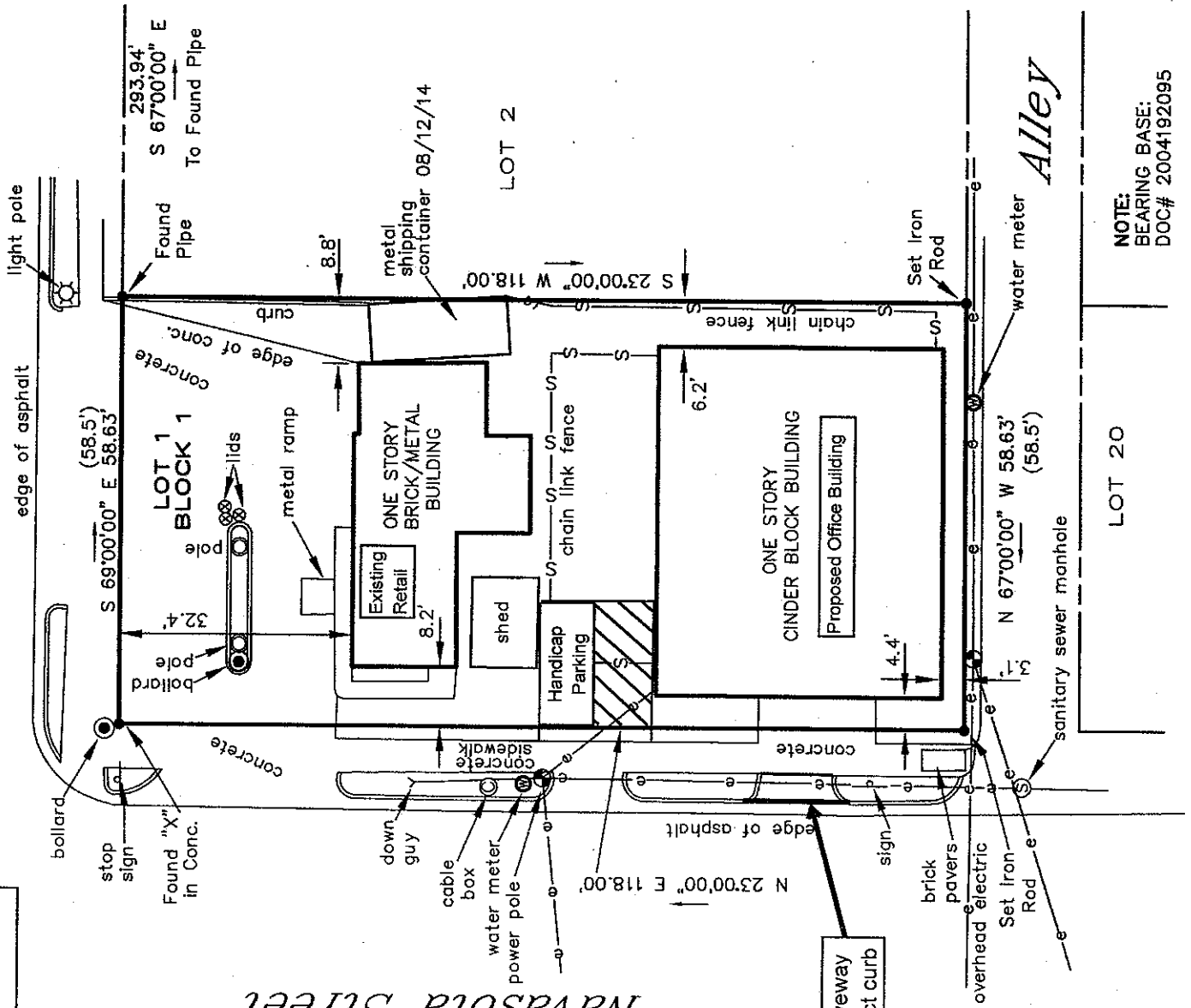


*E. Cesar Chavez Street*

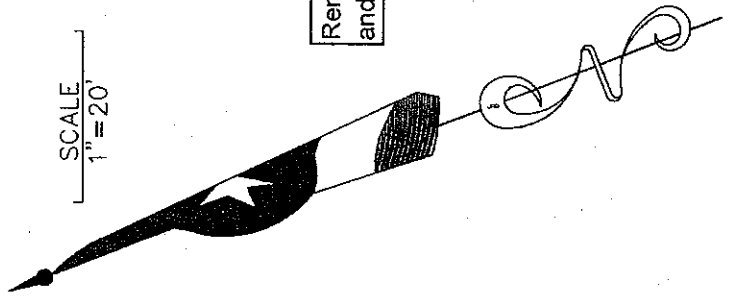
*Navasota Street*

*Alley*

Proposed Site Plan Exemption  
Improvements



SCALE  
1" = 20'



NOTE:  
BEARING BASE:  
DOC# 2004192095

LOT 20

LOT 2

LOT 1  
BLOCK 1

Darius Fisher  
93 Navasota St. Austin, TX 78702

Dear sir or madam,

I am pleased to hear the news that you are planning to remodel the old service station at the corner of Navasota and Cesar Chavez streets to replace it with a professional office. This is a fine use of the property and much more fitting of the neighborhood.

While I do not have any on-site parking I can let you use for an off-site parking permit, I'm in full support of a variance from the Board of adjustments from requiring five spaces of on-site parking for the change of use to professional office space.

To the new owners of the commercial lot: Welcome to the neighborhood, but you should get a variance as I don't have any parking I can provide you.

Regards,

A handwritten signature in black ink, appearing to be 'Darius M Fisher', written in a cursive style.

Darius M Fisher

New Orleans Po Boy and Gumbo Shop  
Chef Darold Gordon  
1701 E Cesar Chavez St, Austin, TX 78702  
(512) 406-9237

Dear sir or madam,

I am pleased to hear the news that you are planning to remodel the old service station at the corner of Navasota and Cesar Chavez streets to replace it with a professional office. This is a fine use of the property and much more fitting of the neighborhood.

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Regards,

Darold Gordon

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