

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

DATE: Monday, January 12, 2015

CASE NUMBER: C15-2015-0010

____ Jeff Jack - Chair
____ Michael Von Ohlen
____ Melissa Whaley Hawthorne - Vice Chair
____ Sallie Burchett
____ Ricardo De Camps
____ Brian King
____ Vincent Harding

APPLICANT: Nikelle Meade

OWNER: BETHANY A BARTEL

ADDRESS: 2910 RIO GRANDE ST

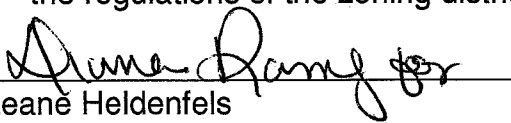
VARIANCE REQUESTED: The applicant has requested a Special Exception under Section 25-2-476 (*Special Exception*) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the side yard setback from 5 feet (required) to 0 feet (requested) in order to maintain an existing garage structure constructed over the property line at 2908 Rio Grande more than 10 years ago in an "SF-3-NP", Family Residence Zoning District. (West University)

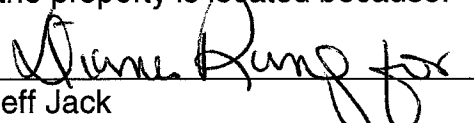
BOARD'S DECISION: POSTPONED TO February 9, 2015 AT THE APPLICANT'S REQUEST

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

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


Leane Heldenfels
Executive Liaison


Jeff Jack
Chairman

Heldenfels, Leane

From: McDonald, John
Sent: Monday, January 12, 2015 6:04 PM
To: Meade, Nikelle; Heldenfels, Leane; Guernsey, Greg; Lloyd, Brent
Subject: RE: 2910 Rio Grande

Nikelle,
My apologies. I must have overlooked this today. The encroaching garage qualifies for an Exception from Compliance under 25-1-365. Any notes, disclaimers or conditions that need to be placed for the record having to do with the encroaching garage can be done under the existing PR folder in AMANDA for a permanent record.

Respectfully,
John M. McDonald
Development Services Manager
Residential Plan Review/PDRD
974-2728 - Office
john.mcdonald@austintexas.gov

From: Meade, Nikelle [Nikelle.Meade@huschblackwell.com]
Sent: Monday, January 12, 2015 4:46 PM
To: McDonald, John; Heldenfels, Leane; Guernsey, Greg; Lloyd, Brent
Subject: 2910 Rio Grande

Guys,

Can you please, please let me know if I can to withdraw the BOA special exception case that is on tonight's agenda? Has the 25-1-365 exemption request been approved?

Nikelle Meade
Partner

HUSCH BLACKWELL LLP
111 Congress Avenue, Suite 1400
Austin, TX 78701-4093
Direct: 512.479.1147
Fax: 512.226.7373
Nikelle.Meade@huschblackwell.com
huschblackwell.com
[View Bio](#) | [View VCard](#)

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. Any comments received will become part of the public record of this case.

Case Number: C15-2015-0010, 2910 Rio Grande

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, January 12th, 2015

Susan Rodenlo

Your Name (please print)

☐ I am in favor
☒ I object

615 W. 30th St. Austin, TX. 79707

Your address(es) affected by this application

Leane Rodenlo

Signature

1-2-2015

Date

Daytime Telephone: (432) 557-7678

Comments: House Demo was

~~not~~ necessary.

D

Note: any comments received will become part of the public record of this case

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or scan and email to leane.heldenfels@austintexas.gov

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Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, January 12th, 2015

Don Mullins

Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application

3007 Wacklyton St

Signature

Date

Daytime Telephone:

(512) 796-9878

Comments:

There is NO Garage on 2910. I need more information.

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1922

CLOSE WINDOW

DOWNLOAD MAP

PRINT CURRENT VIEW

Click on map
to:☒ zoom in ☐ re-center

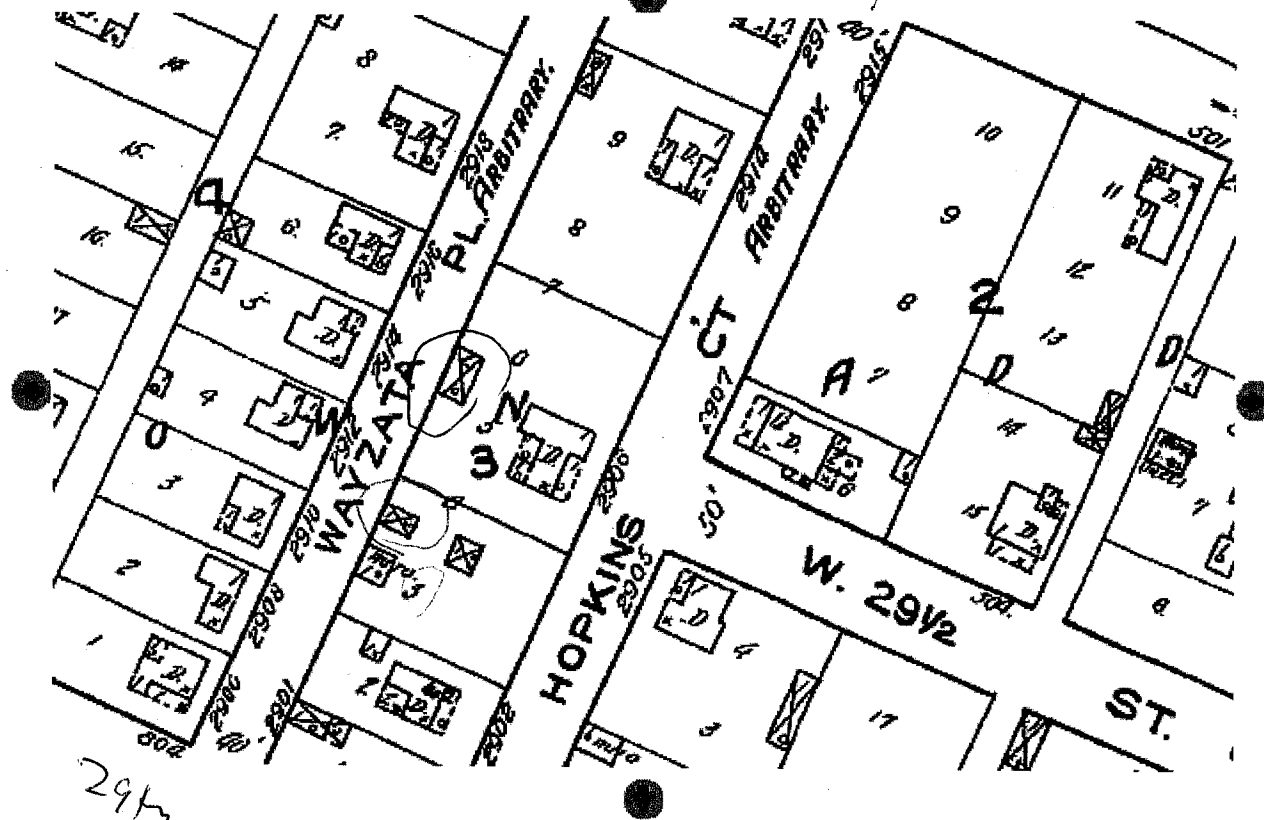
Zoom: 200%

Select window size for viewing:



Austin 1922, Sheet 87

Sanborn



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Case Number: C15-2015-0010, 2910 Rio Grande

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, January 12th, 2015

John Boardman

Your Name (please print)

☐ I am in favor
☒ I object

Heritage Neighborhood Assoc.

Your address(es) affected by this application

[Signature]

Signature

Jan 7, 2015

Date

Daytime Telephone: 512-771-4012

Comments: I am president of the Heritage Neighborhood Association, where this property lies, and on Jan. 7 the Heritage N.A. steering committee voted ~~unanimously~~ unanimously to oppose this variance.

Note: any comments received will become part of the public record of this case

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
 Leane Heldenfels
 P. O. Box 1088

Austin, TX 78767-1088

Or scan and email to leana.heldenfels@austintexas.gov

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Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, January 12th, 2015

Betsy Greenberg

Your Name (please print)

☐ I am in favor
☒ I object

3009 Washington Sq

Your address(es) affected by this application

1/7/2015

Signature

Date

Daytime Telephone: **512 689 7538**

Comments: **Do not grant a variance for this property.**

Note: any comments received will become part of the public record of this case

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P. O. Box 1088

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Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, January 12th, 2015

John Boardman

Your Name (please print)

☐ I am in favor
☒ I object

Heritage Neighborhood Assoc.

Your address(es) affected by this application

[Signature]

Signature

Jan 7, 2015

Date

Daytime Telephone: 512-771-4012

Comments: I am president of the Heritage Neighborhood Association, where this property lies and on Jan 7 the Heritage N.A. meeting voted ~~unanimously~~ unanimously to oppose this variance.

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If you use this form to comment, it may be returned to:

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Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or scan and email to leana.heldenfels@austintexas.gov

Special Exception

CASE# C15-2015-0010
ROW# 11261488
TAX# 0217021505 + 506

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT (TCADV)
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: 2910 Rio Grande ³ 2908 Rio Grande

LEGAL DESCRIPTION: Subdivision – Brown Leander Addn

Lot(s) 6 Block 3 Outlot 72 Division D

I/We Nikelle Meade on behalf of myself/ourselves as authorized agent for

Bethany Bartel affirm that on December 8, 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

Special exception from setback requirements to allow construction of a single family residence on a lot where the neighbor's garage is encroaching over the lot line. The encroachment has existed for at least 10 years.

in a SF-3-CONP district. (West University)
(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:

Special Exception; no findings necessary

HARDSHIP:

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

Special Exception

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

Special Exception

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:

Special Exception

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 Nikelle S. Meade Mail Address 111 Congress Avenue, Suite 1400

City, State & Zip Austin, Texas 78701

Printed Nikelle Meade Phone 512-479-1147 Date 12/8/2014

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 Bethany Bartel Mail Address 555 E. 5th No. 719

City, State & Zip Austin, Texas 78701

Printed Bethany Bartel Phone 512-479-1147 Date 12/8/2014

25-2-476 SPECIAL EXCEPTIONS.

(A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (Zoning) if the board finds that the special exception meets the requirements of this section.

(B) The Board shall grant a special exception under Subsection (A) of this section if:

(1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;

(2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and

(3) the Board finds that:

(a) the violation has existed for:

(i) at least 25 years; or

(ii) at least 10 years, if the application for a special exception is submitted on or before June 6, 2016;

(b) the use is a permitted use or a nonconforming use;

(c) the structure does not share a lot with more than one other primary residence; and

(d) granting a special exception would not:

(i) alter the character of the area;

(ii) impair the use of adjacent property that is developed in compliance with city code;

or

(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(C) A special exception granted under this section:

(1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;

(2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and

(3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126.

Area of Special Exception



SQUARE CUT
TOP/CURB
ASSUMED
ELEV.: 100.00

Image from 3/30/2003



Facing South

Image from 3/30/2003



Facing North

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:

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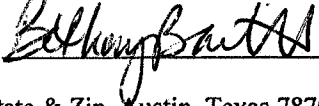
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 111 Congress Avenue, Suite 1400

City, State & Zip Austin, Texas 78701

Printed Nikelle Meade Phone 512-479-1147 Date 12/8/2014

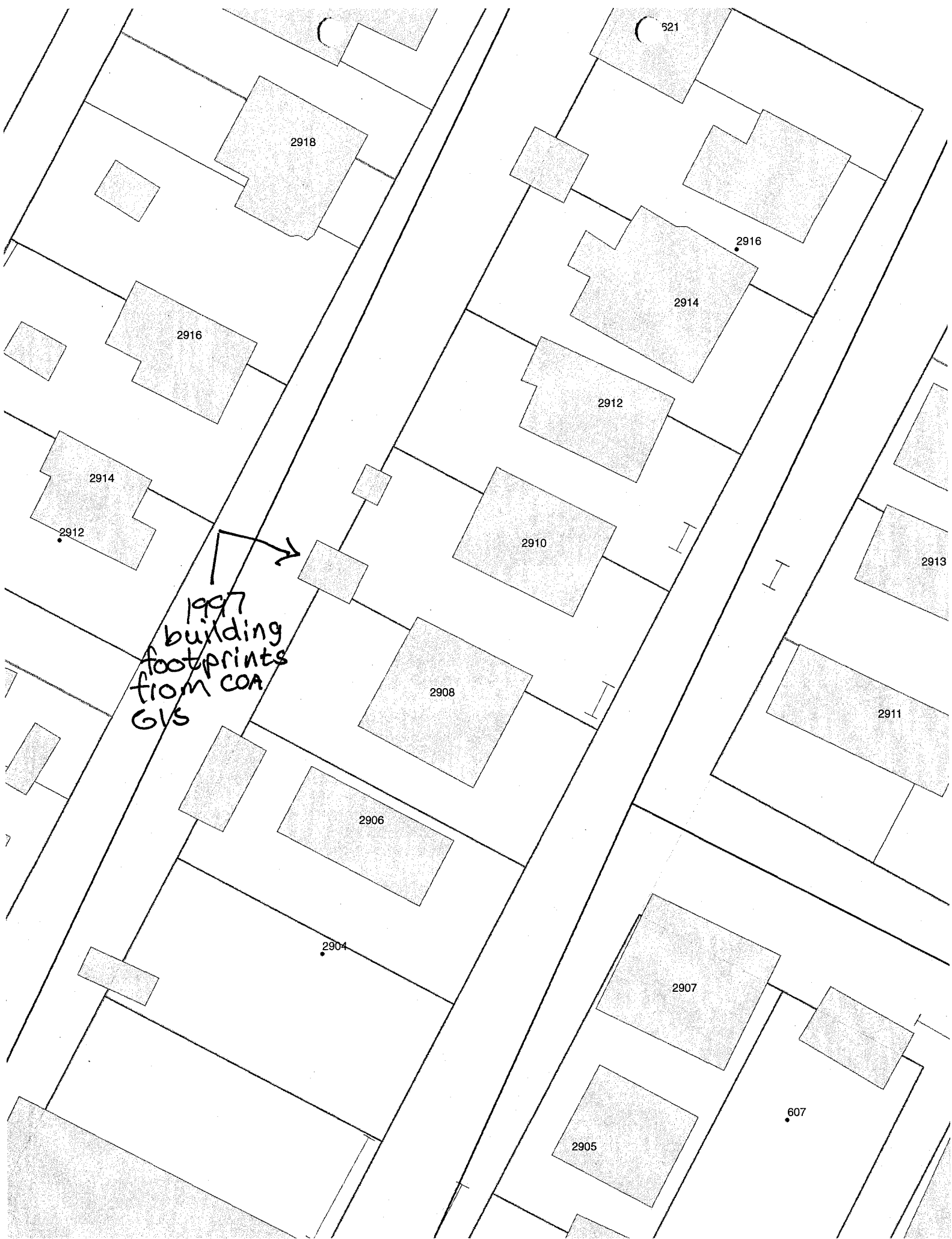
OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 555 E. 5th No. 719

City, State & Zip Austin, Texas 78701

Printed Bethany Bartel Phone 512-479-1147 Date 12/8/2014

1997
building
footprints
from COA
GIS



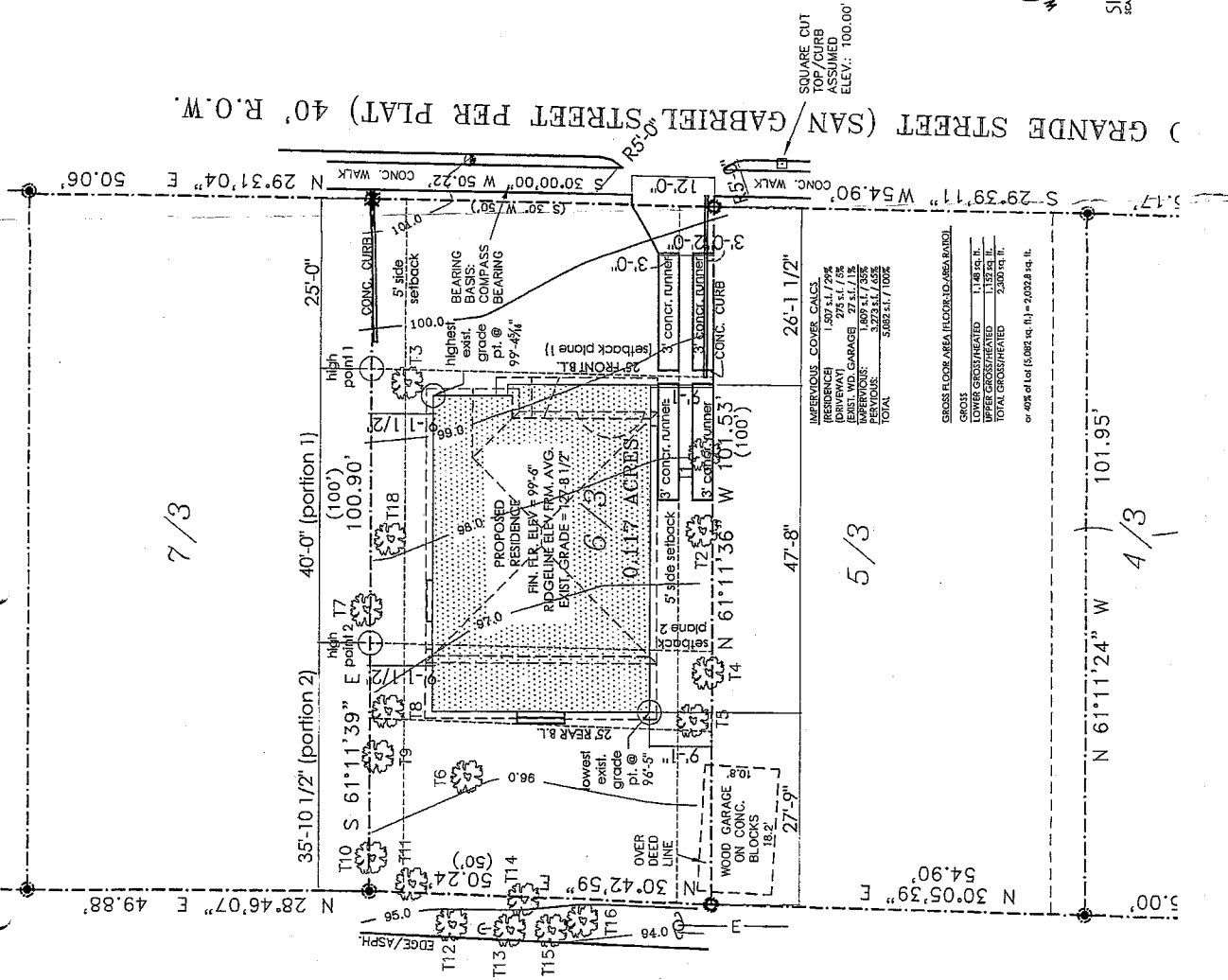




2916

2003
April

SALADO STREET (BROWN STREET PER PLAT) 40' R.O.W.



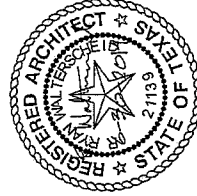
7/3

5/3

4/3



SITE PLAN
Scale: 1/8" = 1'-0"



PROJECT:
Lopez Residence
A-1
1 of 6
date: 06.21.14
project #: 13094

design visions of austin
512.583.0059
www.designvisionsofaustin.com

The Lopez Residence
2910 Rio Grande
Austin, TX

GENERAL NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TEXAS BUILDING CODES AND ALL APPLICABLE ORDINANCES.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT.
5. THE OWNER SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL COSTS ASSOCIATED WITH THE PROJECT.
6. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PREPARATION OF ALL DRAWINGS AND SPECIFICATIONS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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FOOTER SURVIVING
DATE: 06.21.14
THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PREPARATION OF ALL DRAWINGS AND SPECIFICATIONS.
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