

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

**DATE:** Monday, January 12, 2015

**CASE NUMBER:** C15-2015-0001

☐ Y ☐ Jeff Jack - Chair  
☐ Y ☐ Michael Von Ohlen  
☐ Y ☐ Melissa Whaley Hawthorne - Vice Chair - 2<sup>nd</sup> the Motion  
☐ Y ☐ Sallie Burchett  
☐ Y ☐ Ricardo De Camps - Motion to PP to Feb 9, 2015  
☐ Y ☐ Brian King  
☐ Y ☐ Vincent Harding

**APPLICANT:** Jim Bennett

**OWNER:** Rosa E. Santis


**ADDRESS:** 1105 6TH ST

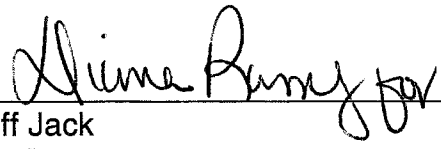
**VARIANCE REQUESTED:** Section 25-6-611 (A) (*Parking Requirements for a Transit Oriented Development District*) of Article 7, Off-street parking and Loading to decrease the parking space requirement from 60% of the parking spaces required by Appendix A, 6 spaces (required) to 0 spaces (requested) in order to change the use of an existing building in a "TOD-NP", Transit Oriented Development – Neighborhood Plan zoning district. (East Cesar Chavez)

**BOARD'S DECISION:** Jan 12, 2015 The public hearing was closed on Board Member Ricardo De Camps motion to Postpone to February 9, 2015, Board Member Melissa Hawthorne second on a 7-0 vote; **POSTPONED TO FEBRUARY 9, 2015.**

**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

## 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.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

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](http://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 the case.

**Case Number: C15-2015-0001, 1105 E. 6<sup>th</sup> Street**

**Contact:** Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

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

*Don't do it. D. Williams*

Your Name (please print)

☐ I am in favor  
☒ Object

Your address(es) affected by this application

*1111 E 6th St.*

Signature

Date

Daytime Telephone: *512 426 9086*

Comments:

*NOT enough parking in this area.*

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 fax to (512) 974-6305

Or scan and email to [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

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- and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
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**Public Hearing: Board of Adjustment, January 12th, 2015**

*John L. Carrazos*  
Your Name (please print)

☐ I am in favor  
☒ I object

*607 Walker St 78702*  
Your address(es) affected by this application

*John L. Carrazos*  
Signature

*1-5-15*  
Date

Daytime Telephone: *512 4220675*

Comments: *There is already Not enough parking on 60th 7th Walker St & surrounding streets.*

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 fax to (512) 974-6305

Or scan and email to [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 512-974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # C15-2015-0001

ROW # 11260495

TAX # 020405/2002  
(TCAD ✓)

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: 1105 E. 6<sup>TH</sup> STREET

LEGAL DESCRIPTION: Subdivision - M.A. Taylor

Lot(s) 20 Block 4 Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Jim Bennett as authorized agent for Rosa E. Santis affirm that on \_\_\_\_\_,

2014 hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

\_\_\_ERECT \_\_\_ATTACH \_\_\_COMPLETE \_\_\_XX\_\_\_REMODEL \_\_\_MAINTAIN

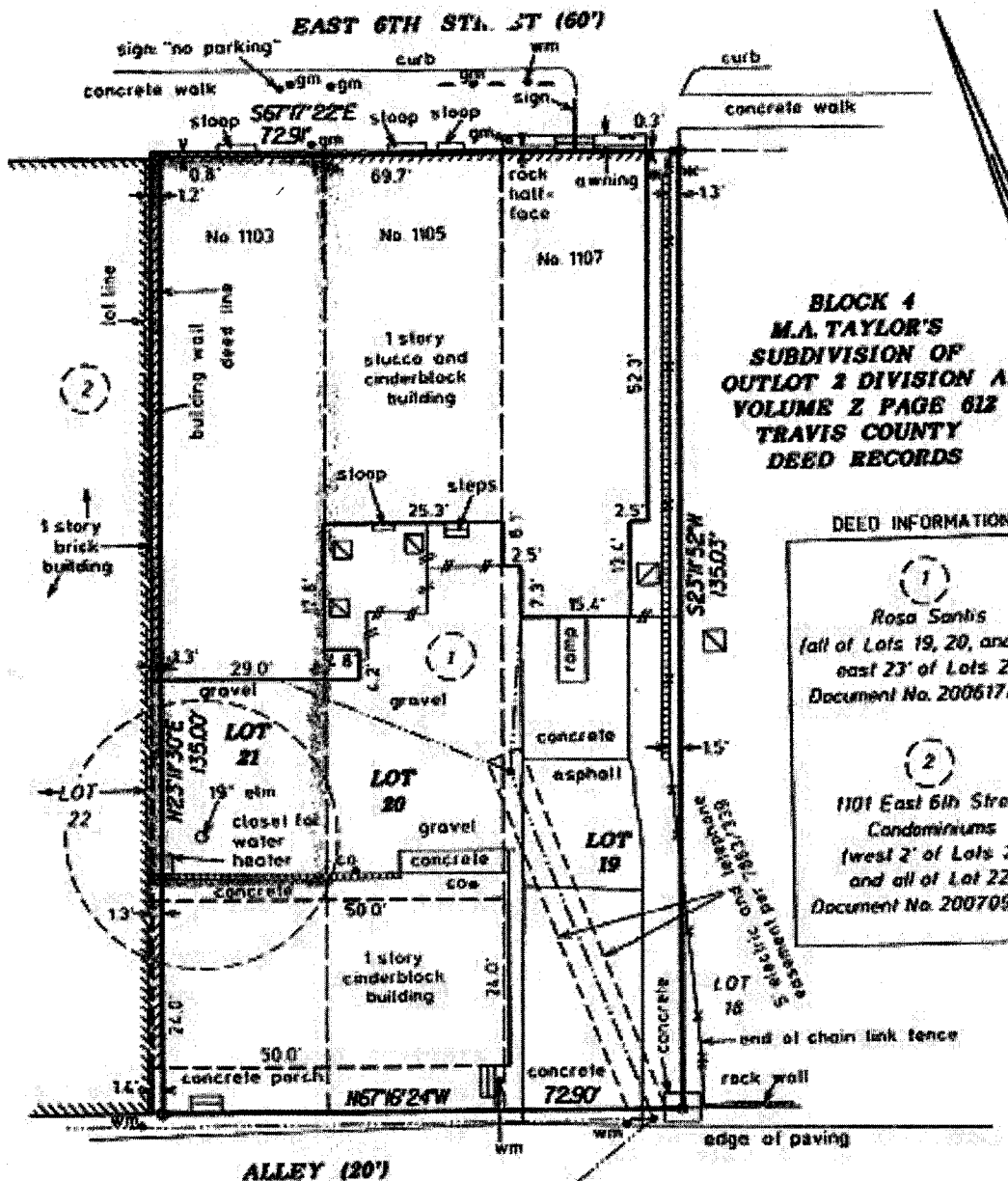
An existing commercial building to create a restaurant providing no paved off street parking spaces, 8 spaces are required in a T.O.D.-NP district.

(zoning district)

(East Cesar Chavez)


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.

**SCALE: 1"=20'**



**BLOCK 4  
M.A. TAYLOR'S  
SUBDIVISION OF  
OUTLOT 2 DIVISION A  
VOLUME 2 PAGE 612  
TRAVIS COUNTY  
DEED RECORDS**

## DEED INFORMATION

  
 Rosa Santos  
 (all of Lots 19, 20, and the  
 east 23' of Lots 21)  
 Document No. 2006178355

1101 East 6th Street  
Condominiums  
(west 2' of Lots 21  
and all of Lot 22)  
Document No. 2007091969

SURVEY MAP OF LOTS 19, 20 AND THE EAST 23' OF LOT 21, BLOCK 4, M.A. TAYLOR'S SUBDIVISION OF OUTLOT 2 DIVISION A, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2 PAGE 612 OF THE TRAVIS COUNTY DEED RECORDS LOCATED AT 1103, 1105, AND 1107 EAST 6TH STREET.

This survey was completed without the benefit of a current title commitment. This lot may be subject to restrictions and easements not shown herein.

PREPARED: August 17, 2012  
BY:

Anne Thayer  
Registered Professional Land Surveyor No 5850



**HOLT CARSON, INC.**

4004 FORTNEW ROAD AUSTIN TX 78704

- L664ND —  
 (X) Chiseled "X" Found  
 (P) Calculated Point  
 — Wood Fence  
 — Wrought Iron Fence  
 — Wire Fence  
 — Overhead Utility Line  
 gm. Gas Meter  
 co. Clean-Out  
 wm. Water Meter  
 — Brick Rock  
☒ Air-conditioning Unit and Pad

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:

Older non-complying building cannot be maintained with a change of use unless necessary variances are obtained. With no consideration for change in use the building or a portion of the building might have to be removed which would change the character, fabric, and the historic culture of the neighborhood.

HARDSHIP:

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

This building was built prior to the parking requirements of the city and is built with zero lot line with little or no space available to provide any parking. It would be an undue hardship to remove this building to create parking. This site is located on a T.O.D. street.

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

There are some older buildings in the area that do not provide parking, and some are not developed with zero lot lines that do provide limited parking.

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 is located because:

The variance will not change the character of the area but will be maintaining an existing building that due to its age blends with the character of the neighborhood and the change of use is supported by the neighborhood association and neighbors.

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:

This is a small ceviche house restaurant that will be supported by the residential and commercial neighborhood that is in the T.O.D. arced and where biking and walking is a common practice.

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:

Loading and unloading will not change as a result of this change of use. There is an alley access at the rear of the site that can be used for loading.

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

In as much as this site has been used commercially, this change of use should not change any conditions of the site.

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 requiring additional parking would have to come back to the board for approval.

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 will affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed [Signature] Mail Address 11505 Ridge Drive  
City, State & Zip Austin, TX 78748

Printed Jim Brown Phone 512-784-4961 Date \_\_\_\_\_

OWNER'S CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Rosa E. Santis Mail Address 403 Springdale Rd  
City, State & Zip Austin, TX 78702

Printed Rosa E. Santis Phone 512-563-1052 Date \_\_\_\_\_

SURVEY MAP OF LOTS 19, 20 AND THE EAST 23' OF LOT 21, BLOCK 4,  
 4A TAYLOR'S SUBDIVISION OF OUTLOT 2 DIVISION A, A SUBDIVISION  
 IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF  
 RECORDED IN VOLUME 2 PAGE 612 OF THE TRAVIS COUNTY DEED  
 RECORDS, LOCATED AT 1103, 1105, AND 1107 EAST 6TH STREET.

SCALE 1"=60'

PREPARED August 17, 2012  
 BY:

*Anne Thayer*

Anne Thayer  
 Registered Professional Land Surveyor

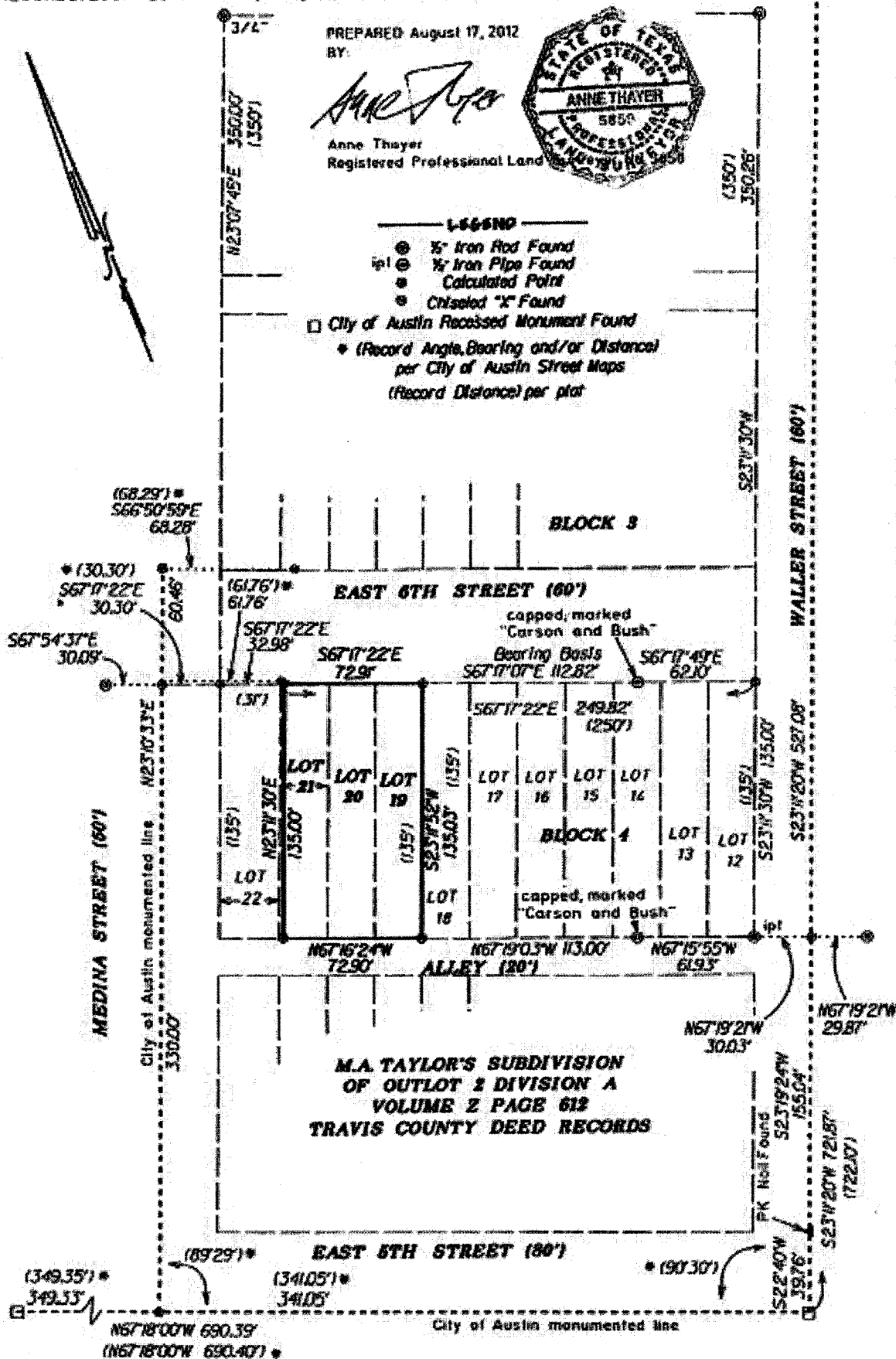


LEGEND

- 1/2" Iron Rod Found
- ⊙ 1/2" Iron Pipe Found
- Calculated Point
- ⊙ Chiseled "X" Found

□ City of Austin Recessed Monument Found

• (Record Angle, Bearing and/or Distance)  
 per City of Austin Street Maps  
 (Record Distance) per plat



HOLT CARSON, INC.



## ROSA SANTIS

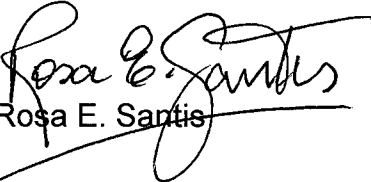
403 Springdale Rd  
Austin, TX 78702  
Phone: 512-563-1052  
[pssoffice@austin.rr.com](mailto:pssoffice@austin.rr.com)

Dear Commissioners:

I am the owner of the property located at 1103-1107 East 6<sup>th</sup> Street, Austin, TX 78702 (Block 4, Lots 19, 20 and the east 23' of Lot 21). I am authorizing Jim Bennett to act on my behalf to acquire the necessary permitting for this project.

You may direct any questions or additional concerns to me either by phone or via email.

Respectfully,



Rosa E. Santis

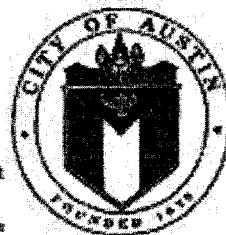


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0123  
LOCATION: 1103 E 6TH ST



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 the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin for the accuracy, completeness, or timeliness of the information contained herein.