

SP-2014-0475C  
CASE # C15-2015-0020  
ROW 11275160  
ROLL 0423150422  
(TCADV)

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: 7405, 7409, and 7415 Cooper Lane

LEGAL DESCRIPTION: Subdivision – Amended plat of Lot 1&2, Muller Acres

Lot(s) 1A, 2A, &3 Block A Outlot      Division     

I Jim Bennett as authorized agent for MARVAL Property Investments,

LLC affirm that on 11/22/14      hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A SF-6 Condominium project providing a driveway setback of 0 feet from the North and South property lines; the driveway to be used **only** for pedestrian, bicycle and emergency access

SF-6-CO Townhouse and Condominium Conditional Overlay.  
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because: the compatible provisions of the ordinance do not provide for or give consideration for emergency access requirements.

**HARDSHIP:**

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

The recent zoning change and restrictive covenant have been approved by the neighbors, City Staff, Planning Commission and the City Council. These documents prescribe that a driveway be constructed at the north and south property lines and that it will be used only for pedestrian, bicycle and for emergency ingress and egress.

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

.this limited access is specific to this property and is not general to the area.

**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:

limiting this access rather than constructing a public street will direct traffic away from the adjoining neighborhood.

**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.

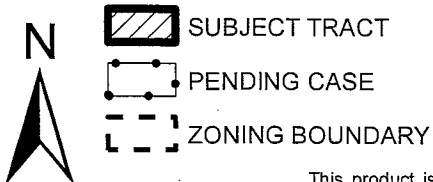
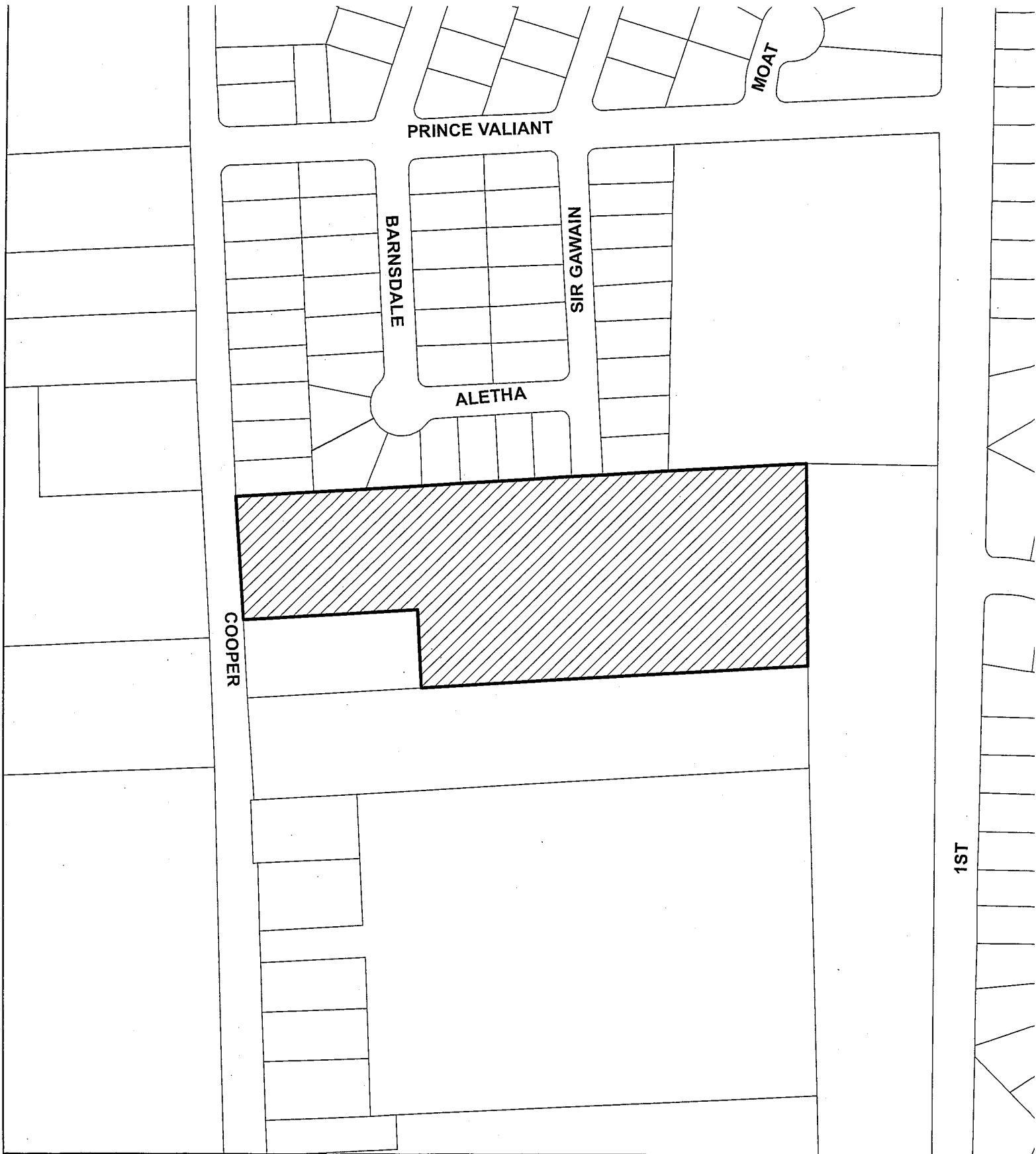
**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Jim Bennett Mail Address 11505 Ridge Dr.  
City Austin, State Texas, & Zip 78748

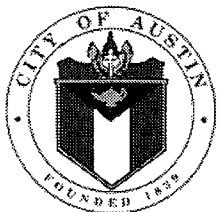
Printed : Jim R. Bennett Phone: (512) 282-3079 \_\_\_\_\_ Date:

**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 Michael Valenzuela, MANAGER Mail Address 104 TEXAS ASH COVE  
City, State & Zip MANHATTAN, TX 78652



CASE#: C15-2015-0020  
Address: 7405, 7409, 7415 COOPER LANE



1" = 200'

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.

**ORDINANCE NO. 20140828-114**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 7405, 7409 AND 7415 COOPER LANE FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from single family residence standard lot (SF-2) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district on the property described in Zoning Case No. C14-2014-0052, on file at the Planning and Development Review Department, as follows:

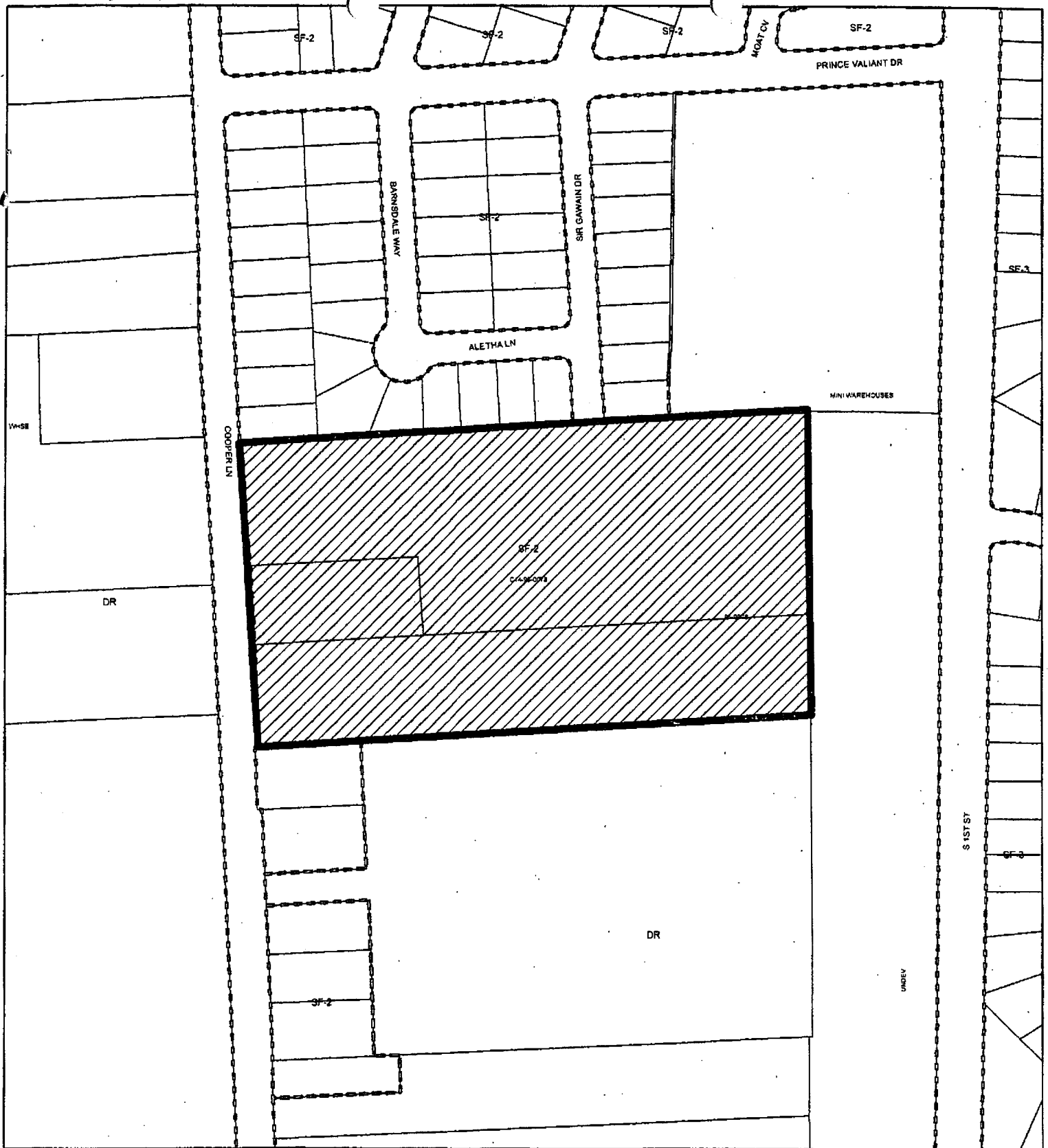
Lot 1A and 2A, Block A, Amended Plat of Lot 1 and Lot 2, Mueller Acres Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 200500167 of the Official Public Records of Travis County, Texas, and;

Lot 3, Block A, Mueller Acres Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 99, Page 89-90 of the Plat Records of Travis County, Texas (cumulatively referred to as the "Property")

locally known as 7405, 7409 and 7415 Cooper Lane in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:




- A. The maximum height, as defined by City Code, of a building or structure on the Property may not exceed two stories.
- B. The maximum height, as defined by City Code, of a building or structure on the Property may not exceed 26 feet.



# **ZONING**

**ZONING CASE#: C14-2014-0052**



-  **SUBJECT TRACT**
-  **PENDING CASE**
-  **ZONING BOUNDARY**

1" = 200'

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**Zoning Case No. C14-2014-0052**

**RESTRICTIVE COVENANT**

**OWNER:** Marval Property Investment, LLC, a Texas limited liability company

**ADDRESS:** 104 Texas Ash Cove, Manchaca, Texas 78652

**CONSIDERATION:** Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

**PROPERTY:** Lot 1A and 2A, Block A, Amended Plat of Lot 1 and Lot 2, Mueller Acres Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 200500167 of the Official Public Records of Travis County, Texas, and;

Lot 3, Block A, Mueller Acres Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 99, Page 89-90 of the Plat Records of Travis County, Texas (cumulatively referred to as the "Property").

WHEREAS, the Owner (the "Owner", whether one or more), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis ("NTA") memorandum from the Transportation Review Section of the Planning and Development Review Department (the "Department"), dated July 30, 2014. The NTA memorandum shall be kept on file at the Department.
2. An 8 foot fence shall be provided and maintained adjacent to the residential development on the northern property line.
3. An Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection Department or successor Department for review and approval. The IPM

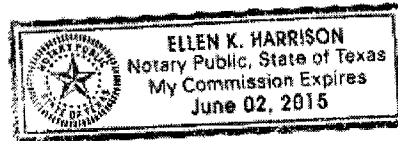
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 24<sup>th</sup> day of AUGUST, 2014, by Michael Valenzuela, Member of Marval Property Investment, LLC, a Texas limited liability company, on behalf of the company.

*Ellen K. Harrison*  
Notary Public, State of Texas

After Recording, Please Return to:  
City of Austin  
Law Department  
P. O. Box 1088  
Austin, Texas 78767  
Attention: J. Collins, Paralegal



SEAL

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

Aug 29, 2014 03:05 PM

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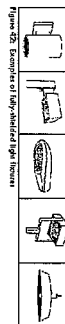
CLINTONB: \$34.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS





[illegible]

NQ	DATE	SIGNATURE	APPROVAL

**PELTON**  
LAND SOLUTIONS

7004 BEE CAVE ROAD  
BUILDING #2, SUITE #100  
AUSTIN, TX 78746  
PHONE: 512-831-7700  
TX FIRM NO 12207

(H1.2x; MILESTONE - COOPER LANE

## OVERALL SITE PLAN

**MILESTONE - COOPER LANE**  
AUSTIN, TRAVIS COUNTY, TEXAS

**MILESTONE**  
COMMUNITY BUILDERS

DEVELOPER: MILESTONE
DRAWN/DESIGNED BY: MRC
EIT/PROJECT MANAGER: AC
SRL PROJECT MANAGER: DLW
PROJECT #: MCD4453.01

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