




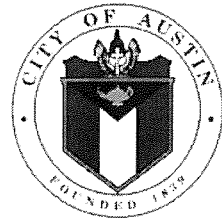
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2015-0052
Address: 106 & 108 COMAL ST

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.



CASE# C15-2015-0052
ROW# 11309205/362060
TAX# 0204061129/0204061129

CITY OF AUSTIN TcAD ✓
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: 106 and 108 Comal Street

LEGAL DESCRIPTION: Subdivision – Tract C & Tract B (of
Government Tracts adjoining City of Austin)

Lot(s) _____ Block _____ Outlot 20 Division O

I/We Letty/Ed McGarrahan on behalf of myself/ourselves as
authorized agent for

Marcelo Vera affirm that on Feb.26, 2015,

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)

X ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

Combine 106 Comal Street (1,785.96sf) and 108 Comal Street (2,034.sf) into one lot to

to create a small lot (3,820.sf) to build a single-family residence. And other design
requirements of a small lot, or SF.4

in a SF-3-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:

As two separate lots 106 Comal (1,785.96sf) and 108 Comal (2,034sf) do not meet the

Small Lot Amnesty Minimum Size Requirement per East Cesar Chavez NP. (The existing residences are Non-Complying and need too much work).

HARDSHIP:

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

Under the East Cesar Chavez NP as Small Lot must have a minimum area of 2,500 sf. As
two separate lots 106 and 108 Comal do not meet the minimum area requirement.

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

The East Cesar Chavez NP provided Small Lot Amnesty to existing lots with a minimum
Of 2,500 square feet. (106 and 108 are smaller)

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 existing Zoning of SF-3-NP will remain in place. A single family residence is what
Will be constructed as per the SF-3-NP zoning.

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:

N/A

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:

N/A

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

N/A

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

N/A

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 Letty McGarran Mail Address 1105 E. 8th St.

City, State & Zip Austin, Texas 78702

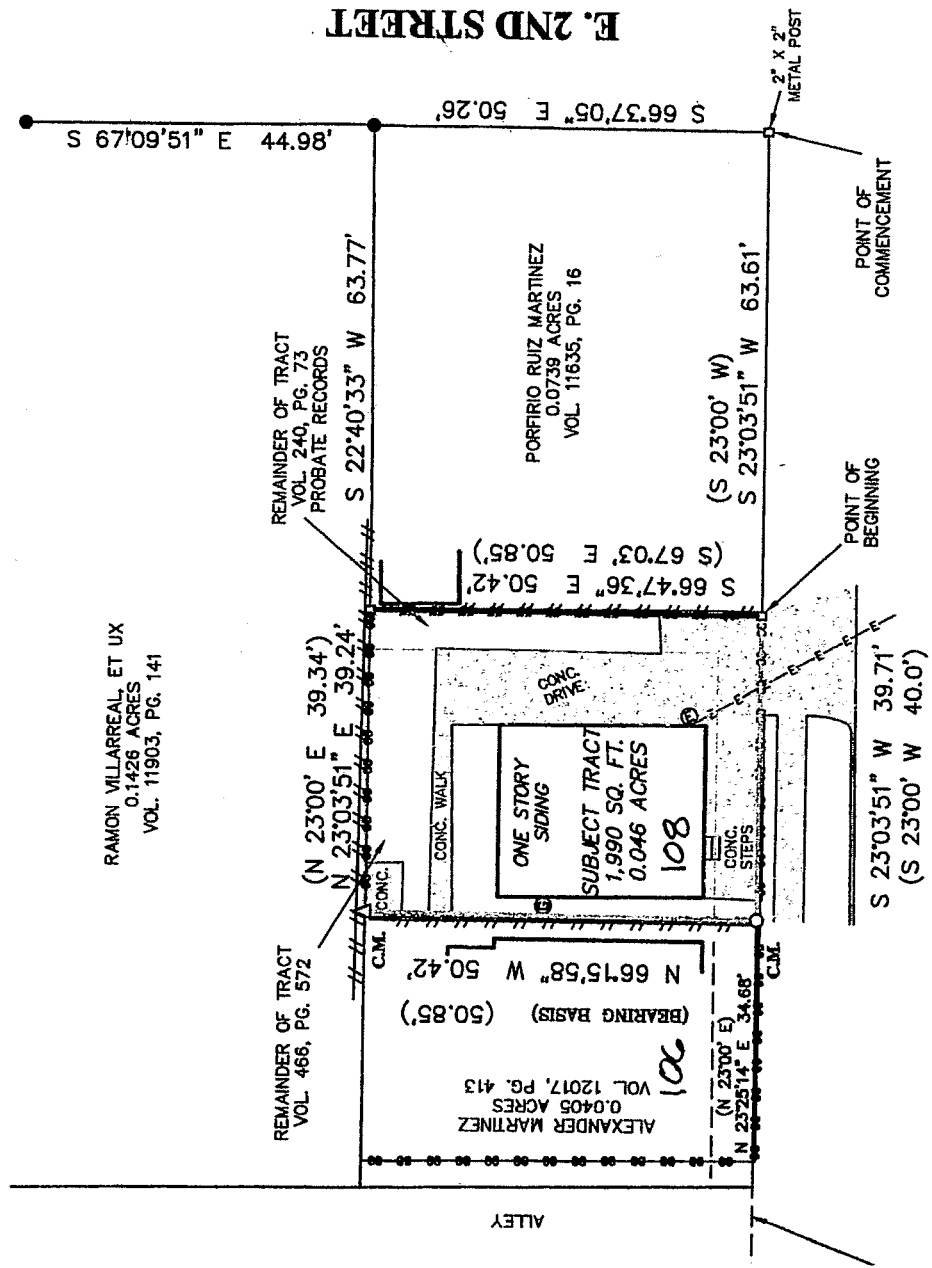
Printed Letty McGarran Phone 512-657-4247 Date 2/26/15

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 Marcelo Vera Mail Address 607 Oakwood Dr.

City, State & Zip Buda, Texas 78610-9340

Printed MARCELO VERA Phone 512-657-8994 Date 2/26/15

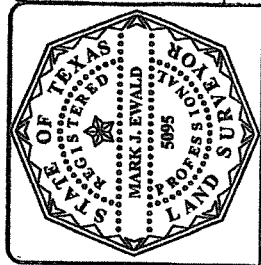


ACCEPTED BY: _____

I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

Mark J. Ewald

MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095



DATE: 10/27/2014

NOTE: BEARINGS SHOWN HEREON ARE BASED ON RECORD PLAT INDICATED BELOW.

NOTE: THE SIGNING SURVEYOR HAS NOT PROVIDED A CURRENT TITLE COMMITMENT AND THERE MAY BE EASEMENTS, RIGHTS OF WAY OR OTHER INSTRUMENTS OF RECORD WHICH MAY AFFECT THIS PROPERTY WHICH ARE NOT SHOWN ON THE FACE OF THIS SURVEY.

THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS, AGREEMENTS, AND/OR SETBACK LINES (IF ANY) AS FOLLOWS: PLAT CUBNET A, SLIDE 104, PLAT RECORDS, AND VOLUME 538, PAGE 733, DEED RECORDS OF TARRANT COUNTY, TEXAS.

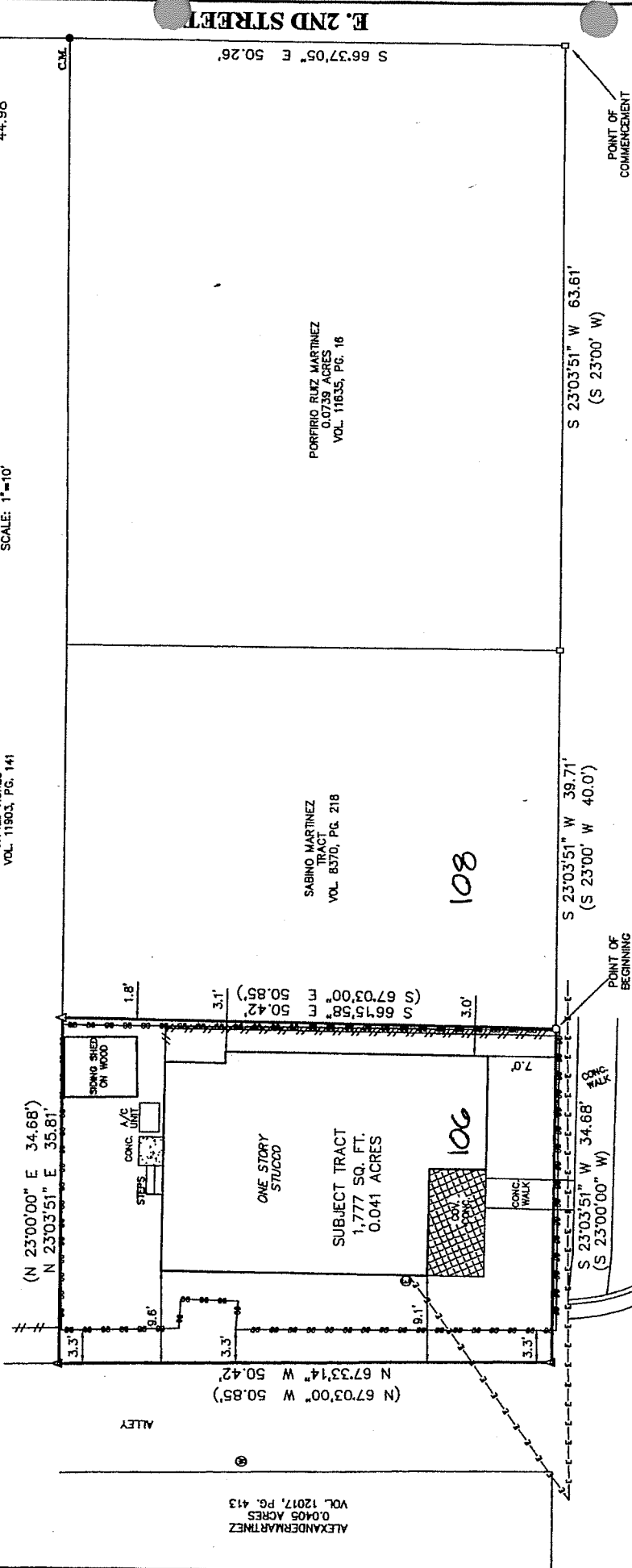


FLOOD ZONE INFORMATION: IT IS THE RESPONSIBILITY OF ANY INFORMATION PROVIDER TO VERIFY THE ACCURACY OF ANY FLOOD ZONE INFORMATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH INFORMATION MAY HAVE REGARDING THE WITHDRAWAL OF ANY FLOOD ZONE INFORMATION OF THIS PROPERTY. IT IS THE RESPONSIBILITY OF ANY INFORMATION PROVIDER TO VERIFY THE ACCURACY OF ANY FLOOD ZONE INFORMATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH INFORMATION MAY HAVE REGARDING THE WITHDRAWAL OF ANY FLOOD ZONE INFORMATION OF THIS PROPERTY. IT IS THE RESPONSIBILITY OF ANY INFORMATION PROVIDER TO VERIFY THE ACCURACY OF ANY FLOOD ZONE INFORMATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH INFORMATION MAY HAVE REGARDING THE WITHDRAWAL OF ANY FLOOD ZONE INFORMATION OF THIS PROPERTY.

RAMON VILLARREAL ET UX
0.1488 ACRES
VOL. 11803, PG. 141

(BEARING BASIS)
S 67°09'51" E
44.98'

SCALE: 1"=10'



ALEXANDER MARTINEZ
0.0405 ACRES
VOL. 12017, PG. 413

SABINO MARTINEZ
TRACT
VOL. 8370, PG. 218

PORFIRIO RUZ MARTINEZ
0.0739 ACRES
VOL. 11635, PG. 16

POINT OF COMMENCEMENT

POINT OF BEGINNING

NOTE: NO RESTRICTIVE COVENANTS OF RECORD HERE FOUND.

NOTE: BEARINGS SHOWN HEREON ARE BASED ON RECORD DEED INDICATED BELOW

COMAL STREET

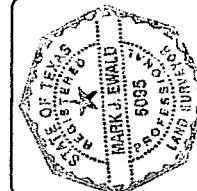
- LEGEND**
- 1/2" IRON ROD TO BE SET
 - 7/8" 1/2" IRON ROD
 - RECORD INFORMATION
 - CONTRASTED SURVEY
 - ENCLOSURE AT CORNER
 - CALCULATED POINT
 - SET AND NAIL
 - POWER POLE
 - OVERHEAD ELECTRIC
 - ROAD LINE
 - ROAD LINE

Westar Alamo
LAND SURVEYORS, LLC.
P.O. BOX 1038
HELENE, TEXAS 78023-1038
PHONE (214) 372-4666 FAX (214) 372-4666
G.F. NO. 11431016-BOK JOB NO. 622754 TITLE COMPANY/DEPENDENCE TITLE

Property Address:
106 COMAL STREET

Property Description:
Being 0.041 acre of land, more or less, being a portion of Order 280, Division 107 of the Government Survey of the City of Alamo, as shown on a map or plat, which is on file in the County Clerk's Office of the State of Texas, more or less, being that most property conveyed in a Warranty Deed recorded in Volume 12017, Page 421, Official Public Records, Third County, Texas, and 0.041 acre being more particularly described by name and bounded as stated herein.

Owner:
MARCELO VERA



MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, No. 5085. I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, No. 5085, do hereby certify that the foregoing is a true and correct copy of the original survey made on the ground under my supervision, and there are no discrepancies, omissions, or additions of any kind, or any improvement or modification of the same, to the best of my knowledge and belief, except as shown herein.

DATE: 12/24/2014

MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5085



**City of Austin
Planning and Development Review
Land Status Determination
1995 Rule Platting Exception**

January 23, 2015

File Number: **C8I-2015-0020**

Address: **106 COMAL ST**

Tax Parcel I.D. #**0204061125**

Tax Map Date: **08/25/2014**

The Planning & Development Review Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

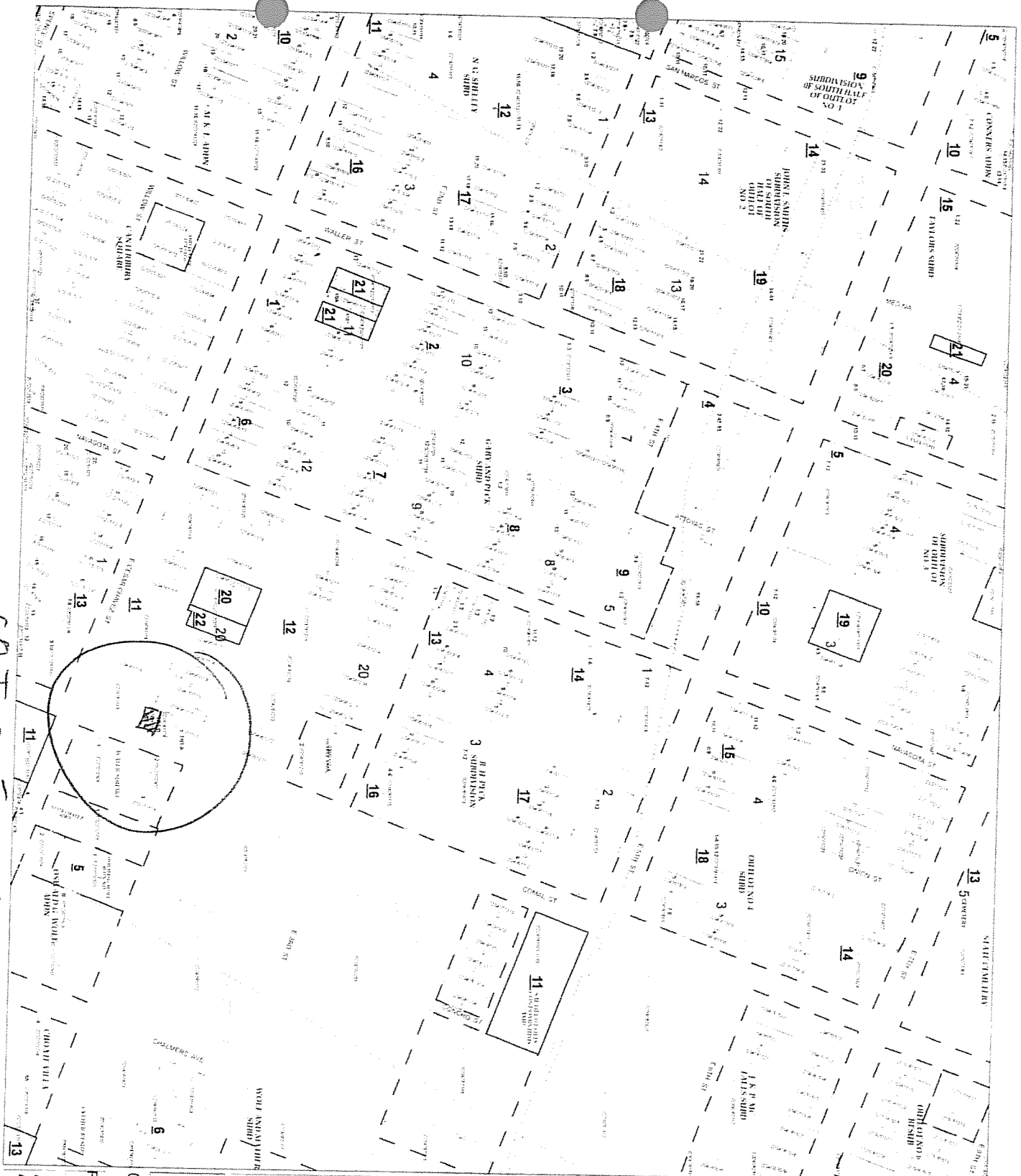
The parcel of land consists of five acres or less, and is described as being a **portion of Outlot #20, Division "O" of the Government tracts adjoining the City of Austin** in the current deed, recorded on **Sep 09, 1993**, in **Volume 12017, Page 413, Travis County Deed Records**. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Sep 09, 1993**, in **Volume 12017, Page 413, Travis County Deed Records**. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **water** service on **Aug 06, 1931**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: *Michelle Casillas*
**Michelle Casillas, Representative of the Director
Planning and Development Review Department**

COI-2015-0020



20406

Revision Date:
8/25/2014

0 120 Feet

NAD_1983_StatePlane
Texas_Central_FIPS_4203_Feet
Projection Lambert_Conformal Conic



This map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information, and expressly disclaims liability for any errors and omissions. This mapped data does not constitute a legal document.

Travis Central Appraisal District
8314 Cross Park Drive
Austin, Texas 78754
P.O. Box 149012
Austin, Texas 78714
Internet Address: www.traviscad.org
Main Telephone Number: (512) 834-5317
Appraisal Information: (512) 834-9318
TCO: (512) 836-3328



**City of Austin
Planning and Development Review
Land Status Determination
1995 Rule Platting Exception**

January 23, 2015

File Number: **C8I-2015-0019**

Address: **108 COMAL ST**

Tax Parcel I.D. **#0204061124**

Tax Map Date: **08/25/2014**

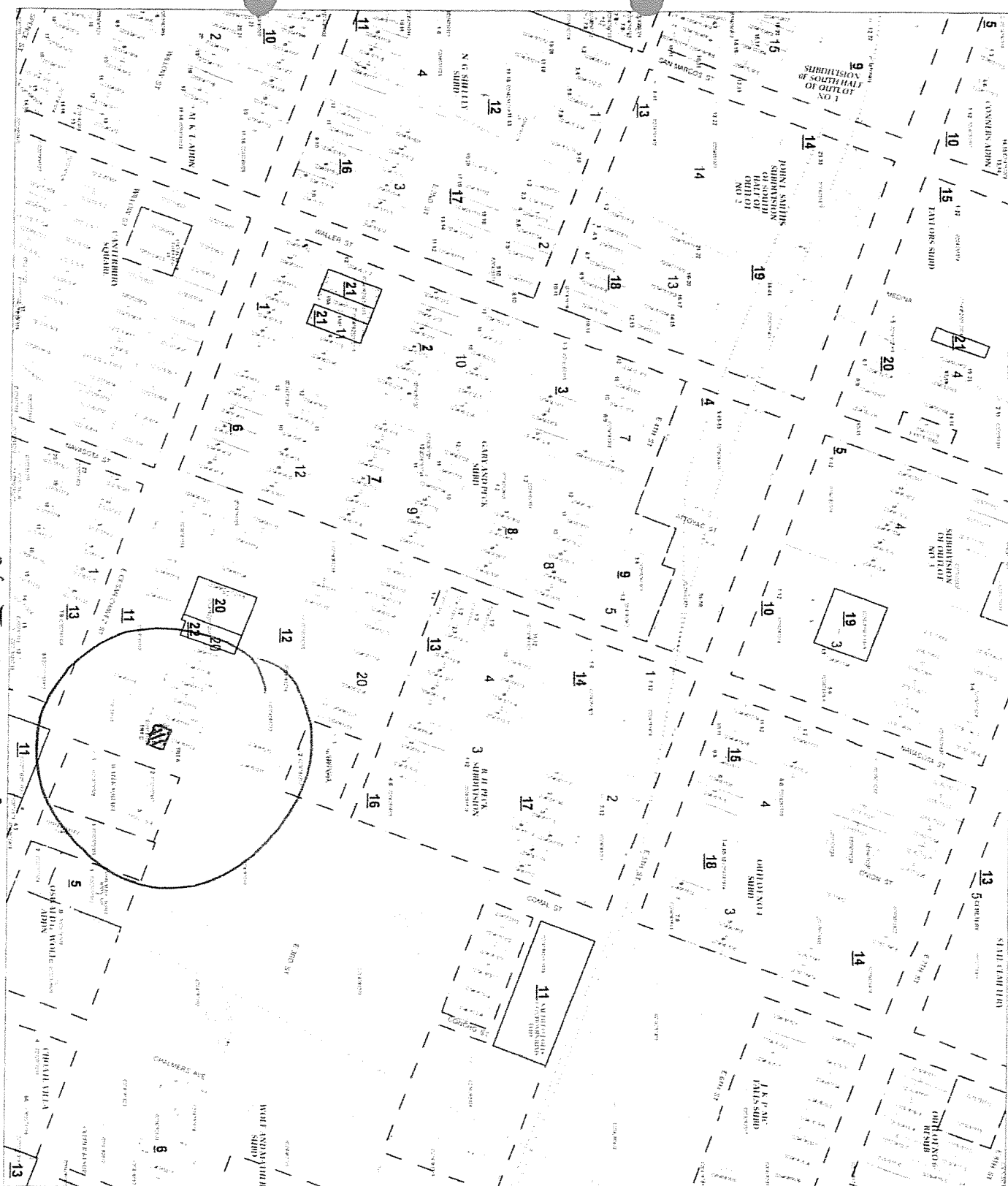
The Planning & Development Review Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being **that certain 2,034.00 square feet of land** in the current deed, recorded on **Jun 15, 1984**, in **Volume 8649, Page 819, Travis County Deed Records**. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Jun 15, 1984**, in **Volume 8649, Page 819, Travis County Deed Records**. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **water** service on **Aug 06, 1931**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: *Michelle Casillas*
**Michelle Casillas, Representative of the Director
Planning and Development Review Department**



20406

Revision Date
8/25/2014

0 120
Free

NAD_1983_StatePlane_
Texas_Central_FIPS_4203_Feet
Projection: Lambert_Conformal_Conic



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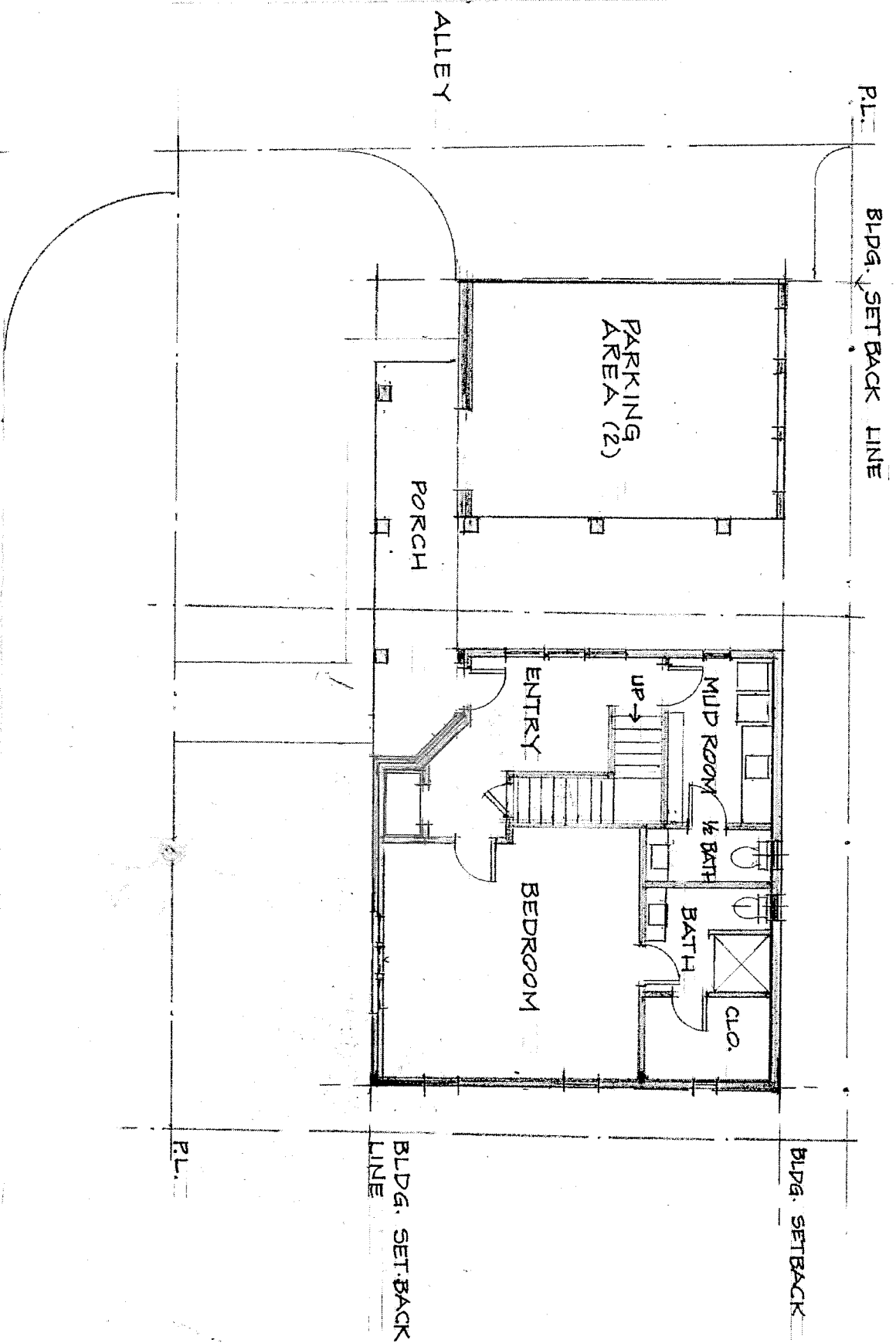
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3314 Cross Park Drive
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Internet Address: www.traviscad.org

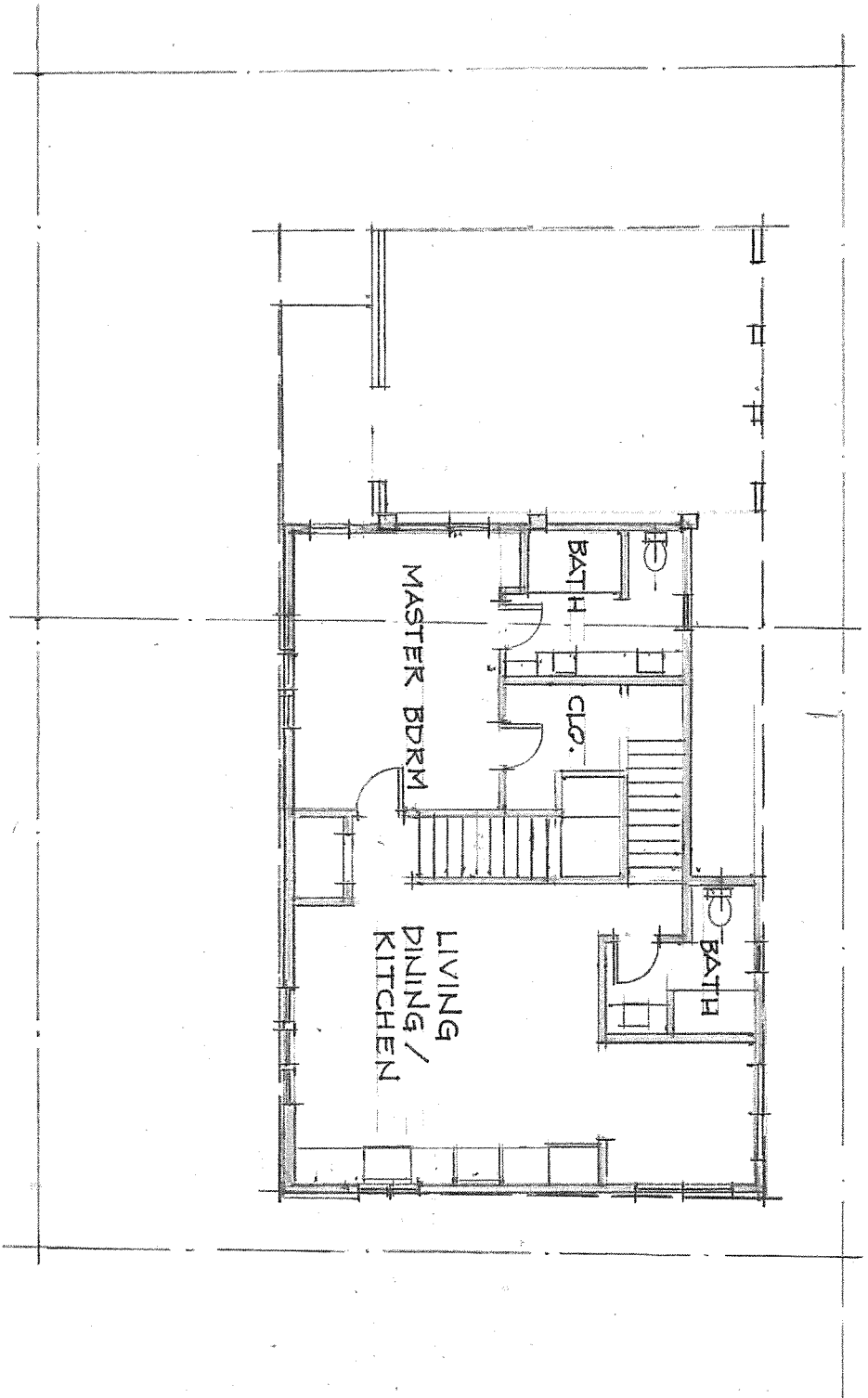
Internet Address: www.101010.com
Main Telephone Number (512) 834-9317
Appraisal Information (512) 834-9318
TDD (512) 855-3323



PROPOSED FLOOR PLAN:

106 & 108 COMAL STREET

PROPOSED 2ND FLOOR PLAN: 106 & 108 COMAL STREET



Cantu-McGarrahan, Architects
Letty Cantu- McGarrahan
1105 East 8th Street
Austin, Texas 78792

March 29, 2015

Re:
City of Austin Land Development Code Variance
Case Number: C15-2015-0052
106 and 108 Comal Street; Austin, Texas 78702

To Whom It May Concern:

In late January of this year, I contacted the City about the development process for combining lots 106 and 108 Comal.

The owners, Marcelo and Josephine (Nuncio) Vera had just received **Land Status Determination** for 106 and 108 Comal indicating that both parcels met the requirements of the Land Development Code.

Mr. and Mrs. Vera would like to combine 106 Comal Street (1,785.96sf) and 108 Comal Street (2,034sf) into one small lot (3,820sf) to be able to build a single-family home in a SF-3-NP zoning district. As two separate lots, 106 Comal (1,785.96sf) and 108 Comal (2,034sf) do not meet the **Small Lot Amnesty Minimum Size Requirement of 2,500sf** as per the East Cesar Chavez NP.

Combining lots 106 and 108 Comal, would give us a 74.39ft wide by 50.85ft deep lot. With SF-3 Setback Requirements, the buildable lot area would only be 59.35ft wide by 15ft deep. Hence, we are requesting the decrease in setbacks as per **Small Lot Design Requirements**.

Meeting the LDC off-street parking requirement for 2 vehicles, dictates the need to build a 2 story home. Since the owners are at retirement age, and take turns taking care of parents in their 80's and 90's, they need at least 3 bedrooms with visitable bathrooms. (This takes more square footage). It requires the need for an elevator to get to the living area on 2nd floor (more square footage). And, we need space for mechanical chases between floors.

All of the above requirements and needs is our reason in asking for an increase in square footage from 2,300.sf to 2,500.sf (Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 (Maximum Development Permitted)).

Thank you,

Letty McGarrahan

Heldenfels, Leane

From: Letty McGarrahan <~~edandletty.mcgarrahan@yahoo.com~~>
Sent: Monday, March 30, 2015 3:51 PM
To: Heldenfels, Leane
Subject: Re: Scanned document from HP ePrint user (106 and 108 Comal, Photo of Owners in early 60's)

Leane,

The photo is of Mr. Luther Nuncio (Josephine Nuncio Vera's Deceased Dad). He is the East Austin purveyor Josephine mentions in her letter. Pretty well known, here in East Austin, died young of cancer.

The new residence will be occupied by Marcelo and Josephine (Nuncio) Vera. They also take in their mom's Mrs. Nuncio and Mrs. Vera (in late 80's and 90's) to live with them. Hence the need for elevator, and more than one accessible bathroom and 3 bedrooms. Also, the stairs cannot be as steep as usual and more landings (in case electricity or elevator is out).

On Monday, March 30, 2015 1:35 PM, "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov> wrote:

Great – will he be occupying residence that you're building? I will print it out for the Board packet –
Leane

From: Letty McGarrahan [~~cc: Leane.Heldenfels@austintexas.gov~~] <~~edandletty.mcgarrahan@yahoo.com~~>
Sent: Monday, March 30, 2015 11:40 AM
To: Heldenfels, Leane
Subject: Fw: Scanned document from HP ePrint user (106 and 108 Comal, Photo of Owners in early 60's)

Leane,

Josephine (Bennie, as she is referred to in East Austin) Nuncio Vera, sent me this historical photograph of her dad as a Meat Purveyor in the East Cesar Chavez Neighborhood Area.
Letty

On Monday, March 30, 2015 11:31 AM, "~~edandletty.mcgarrahan@yahoo.com~~" <~~edandletty.mcgarrahan@yahoo.com~~> wrote:

This email and attachment are sent on behalf of ~~leanever@gmail.com~~

If you do not want to receive this email in future, you may contact ~~leanever@gmail.com~~ directly or you may consult your email application for spam or junk email filtering options.

Regards,
HP Team



March 29, 2015

My name is Josefina Nuncio Vera, I was born and raised in East Austin Texas. The house that I was raised in is still owned by my mother. I went to Metz School all my elementary years and followed junior high at St. Mary's Cathedral and graduated from Holy Cross High School.

My father and mother, Luther and Josie Nuncio, owned and operated many businesses in East Austin, as a young man, my father learned and mastered the skill of meat purveyors, which supplied hotel and restaurants all through the Austin area. He opened his own wholesale meat purveyor business in 1964 and thrived for many years, he also opened Luther's BBQ in 1962, it was located at 5201 East 5th street in Austin, the BBQ stand was managed by Josie Nuncio until it closed in 1971, reopening in a different location on East 6th.

The Nuncio family is well established in East Austin

March 29 2015

My name is Marcelo Vera, my parents resided at 504 Navasota St in East Austin, TX. where I was born also, I attended Metz Elementary as a child, we moved to Montopolis where our father built our home at 1105 Valdez St. and went to Delores Catholic School. Moved to East 2nd street, where I attended Palm School. My grandparents Cayetano and Paulina resided at 106 Comal St., my other grandparents resided at 108 Comal St.. I have acquired properties at 106 & 108 Comal St. in East Austin.

The Vera and Martinez families have history and still reside in East Austin, Texas.