

PENDING CASE

ZONING BOUNDARY

CASE#: C15-2015-0121 LOCATION: 1306 West Avenue

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.



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CASE # C15 - 2015-0121 11389350 TCAD

## CITY OF AUSTIN APPLICATION TO BOARD OF ADJUSTMENT GENERAL VARIANCE/PARKING VARIANCE

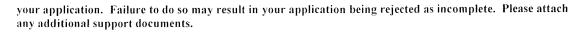
WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS 1306 WEST AVENUE				
LEGAL DESCRIPTION: Subdivision West Ave. Garden				
Lot(s) 7 Block A Outlot Division				
I Jim Bennett as authorized agent forMilestone Community Bldrs.				
affirm that on07/08/15 hereby apply for a hearing before the Board of Adjustment for consideration to:				
ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN				
A Multi-Family residential use providing a compatibility height from two stories or				
30 feet in height to a maximum of 60 feet in height and 60 feet in height when located				
Within 100 feet of SF 5 or more restrictive zoning. in a MF-4 Multi-family moderate high density (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





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 adjacent properties (The Austin Recreation Center and the ACC gymnasium) have an inconsistent zoning of SF-3 which would conflict with the intended use of our site.

#### **HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that: The current long term operational use of the adjacent properties allows for our intended use but the improper zoning of the same properties would limit the height allowance provided by our property's MF-4 status.

(b) The hardship is not general to the area in which the property is located because: All the surrounding properties are compatibly zoned for the area with the exception of the Austin Recreation Center and the ACC gymnasium. The two properties mentioned are improperly zoned SF-3 which would conflict with our use and prohibit the building over 2 stories.

#### AREA CHARACTER:

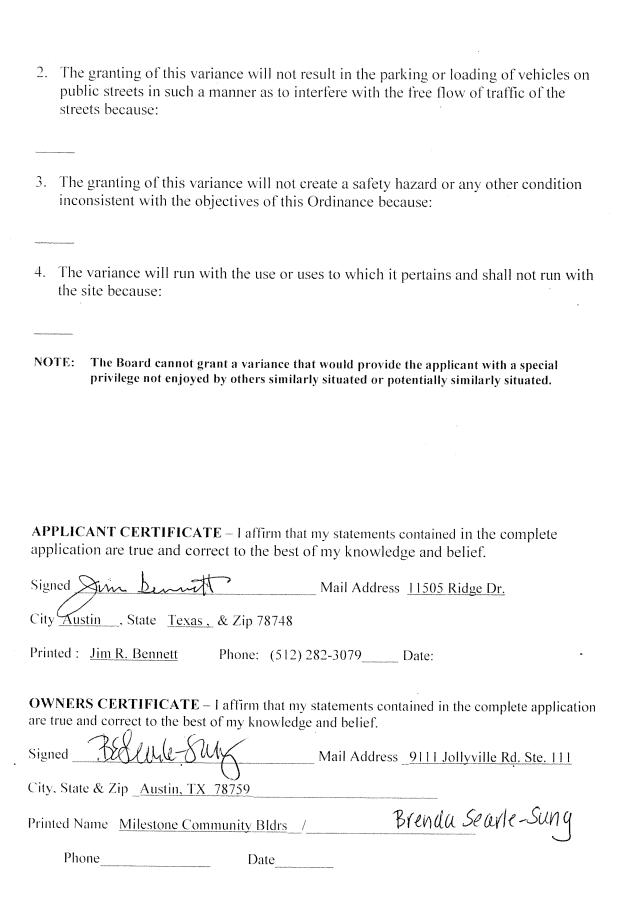
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

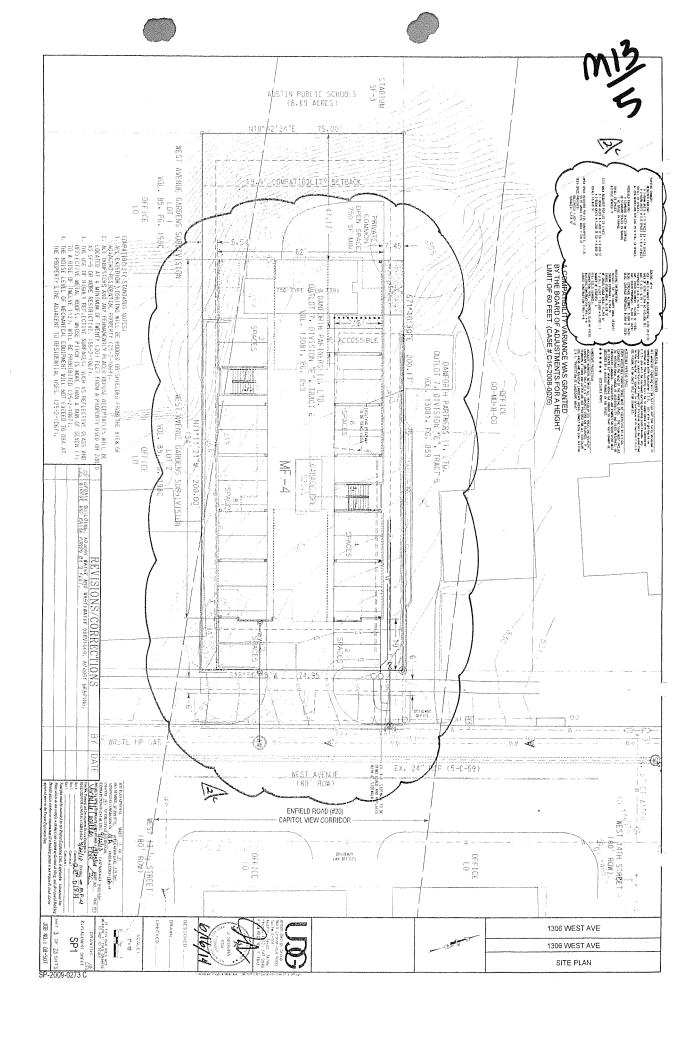
The current character of the neighborhood is predominately: Recreation, Office, LO-GO-MU-CS-H-CO-MF-4.

**PARKING:** (Additional criteria for parking variances only.)

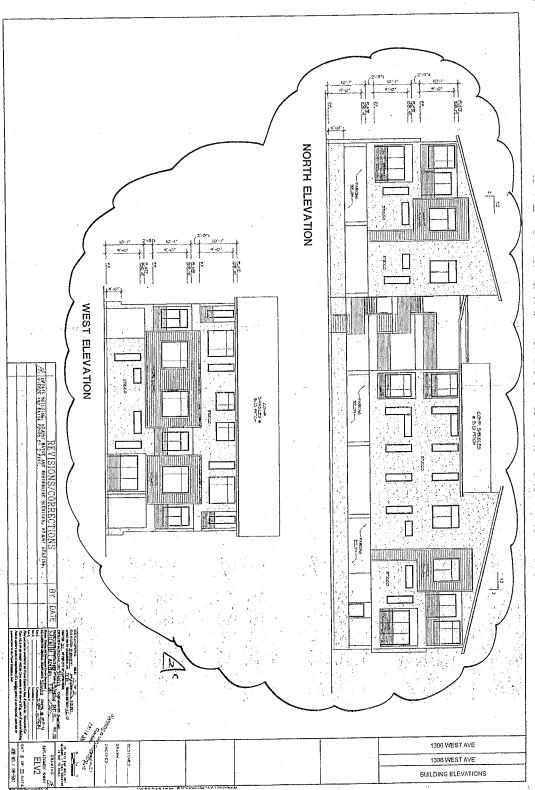
Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional 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:





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

DATE: Monday, June 9, 2008		CASE NUMBER: C15-2008-0076
Y_	Greg Smith (2 <sup>ND</sup> )	
Y	Michael Von Ohlen	
Y	Dorothy Richter	
Y	Bryan King (Motion to GRANT)	
Y	Leane Heldenfels, Vice-Chairman	
Y	Frank Fuentes, Chairman	
Y	Yolanda Arriaga	
OWNED.	Inu Violenno	

OWNER: Jay, Vickers

ADDRESS: 1306 WEST AVE

VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum compatibility height requirement of Section 25-2-1062 (D) from two stories or 30 feet in height to a maximum of 60 feet in height in order to erect a Multi-Family residential use in an "MF-4", Multi-Family Moderate-High density zoning district. The Land Development Code states that a person may not construct a structure that exceeds a height of (1) two stories or 30 feet if the structure is 50 feet or less from property: (a) in an "SF-5" or more restrictive zoning district; or (b) on which a use permitted in an "SF-5" or more restrictive zoning district is located.

The applicant has requested a variance to increase the maximum compatibility height requirement of Section 25-2-1062 (3) to a maximum of 60 feet in height of order to erect a Multi-Family residential use in an "MF-4", Multi-Family Moderate-High density zoning district. The Land Development Code states that for a structure more than 100 feet but not more than 300 feet from property zoned "SF-5" or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned "SF-5" or more restrictive.

The applicant has requested a variance to increase the maximum floor-to-area ratio of Section 25-2-492 (D) from .75:1 to 1:1 in order to erect a Multi-Family residential use in an "MF-4", Multi-Family Moderate-High density zoning district. THIS VARIANCE WAS DENIED

BOARD'S DECISION: GRANTED 7-0 COMPATIBILITY HEIGHT VARIANCES ONLY, FLOOR-TO-AREA RATIO VARIANCE DENIED (NO HARDSHIP)

#### FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: adjacent property (the Austin Recreation Center) and the (ACC

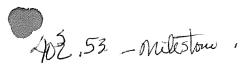
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  - (b) The hardship is not general to the area in which the property is located because: all the surrounding properties are compatably zoned for the area with the exception of the Austin Recreation Center and the ACC gymnasium.
- 3. The variance will 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 current character of the neighborhood is predominately, Recreation, Office, LO-GO-MU-CS-H-CO-MF-4

Bobby Ray

**Executive Secretary** 

Chairman



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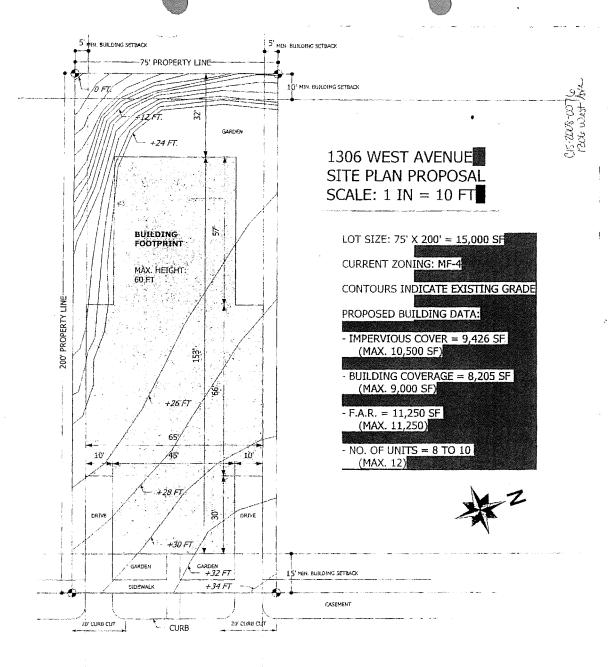
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#### FINDING:

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WEST AVENUE

C15-2008-0076 1206 West Ave



#### NOTICE OF PUBLIC HEARING LAND DEVELOPMENT CODE VARIANCE



Mailing Date: May 29, 2008 Case Number: C15-2008-0076

Please be advised that the City of Austin has received an application for a variance from the Land Development Code.

Owner: Jay Vickers Telephone: (512)699-7434

Address 1306 WEST AVE

Variance Request(s): The applicant has requested a variance to increase the maximum compatibility height requirement of Section 25-2-1062 (D) from two stories or 30 feet in height to a maximum of 60 feet in height in order to erect a Multi-Family residential use in an "MF-4", Multi-Family Moderate-High density zoning district. The Land Development Code states that a person may not construct a structure that exceeds a height of (1) two stories or 30 feet if the structure is 50 feet or less from property: (a) in an "SF-5" or more restrictive zoning district; or (b) on which a use permitted in an

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The applicant has requested a variance to increase the maximum floor-to-area ratio of Section 25-2-492 (D) from .75:1 to 1:1 in order to erect a Multi-Family residential use in an "MF-4", Multi-Family Moderate-High density zoning district.

This application is scheduled to be heard by the Board of Adjustment on June 09, 2008. The meeting will be held at City Council Chambers, 301 West 2<sup>nd</sup> Street beginning at 5:30 PM.

You are being notified because City Ordinance requires that all property owners within 300 feet of the proposed development and affected neighborhood organizations be notified when an application is scheduled for a public hearing. If you have any questions concerning this application, please contact Susan Walker of the Watershed Protection & Development Review Department at 974-2202 and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site www.ci.austin.tx.us/devreview/index.jsp.

For additional information on the City of Austin's land development process, please visit our web site www.ci.austin.tx.us/development.

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#### ORDINANCE NO. <u>20080110-088</u>

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1306 WEST AVENUE FROM FAMILY RESIDENCE (SF-3) DISTRICT TO MULTIFAMILY RESIDENCE MODERATE-HIGH DENSITY (MF-4) 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 family residence (SF-3) district to multifamily residence moderate-high density (MF-4) district on the property described in Zoning Case No. C14-2007-0219, on file at the Neighborhood Planning and Zoning Department, as follows:

A 15,001 square foot tract of land, more or less, out of Outlot 7, Division E, City of Austin, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

locally known as 1306 West Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. This ordinance takes effect on January 21, 2008.

#### PASSED AND APPROVED

January 10	, 2008 §	WMW4-
		Will Wynn
		Mayor
APPROVED:	ATTEST	: Shirily (1: Lenter
David Alla		Shirley A. Gentry
City Att	deney	City/Clerk /

M/3

### EXHIBIT A HOLT CARSON INC.

1904 FORTVIEW ROAD AUSTIN, TX 78704 TELEPHONE: (512) 442-0990 FACSIMILE: (512) 442-1084

**OCTOBER 3, 2007** 

FIELD NOTE DESCRIPTION OF 15,001 SQUARE FEET OR 75 FEET BY 200 FEET OF LAND, BEING A PART OF OUTLOT 7, DIVISION E OF THE CITY OF AUSTIN, AND BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED AS "TRACT 6" AS CONVEYED TO DANFORTH PARTNERS II, LTD. BY WARRANTY DEED RECORDED IN VOLUME 13081 PAGE 859 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron pipe found in the West right-of-way line of West Avenue for the Northeast corner of that certain tract of land described as "Tract 6" as conveyed to Danforth Partners II, Ltd. by Warranty Deed recorded in Volume 13081 Page 859 of the Real Property Records of Travis County, Texas, and also being the Southeast corner of that certain tract of land described as "Tract 5" as conveyed to Danforth Partners II, Ltd. by Warranty Deed Recorded in Volume 13081 Page 859 of the Real Property Records of Travis County, Texas, and being the Northeast corner and PLACE OF BEGINNING of the herein described tract, and from which a drill hole found in the top of a concrete wall bears, N 19 deg. 00' 23" E 152.41 ft.;

THENCE with the East line of said Danforth Partners II, Ltd. "Tract 6" tract and the West right-of-way line of West Avenue, S 18 deg. 50' 15" W 74.95 ft. to a calculated point for the Southeast corner of said Danforth Partners II, Ltd. "Tract 6" tract, and being the Northeast corner of Lot 2, West Avenue Gardens Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 85 Page 198C of the Plat Records of Travis County, Texas, and being the Southeast corner of this tract, and from which a ½" iron rod found for the Southeast corner of Lot 1, West Avenue Gardens Subdivision bears S 18 deg. 59' 46" W 118.00 ft.;

THENCE leaving the West right-of-way line of West Avenue with the South line of said Danforth Partners II, Ltd. "Tract 6" tract, N 71 deg. 11' 21" W 200.00 ft. to a calculated point for the Southwest corner of said Danforth Partners II, Ltd. "Tract 6" tract, and being the Northwest corner of said Lot 1, West Avenue Gardens Subdivision, and being the Southwest corner of this tract, and from which a ½" iron rod found bears S 18 deg. 54' 15" W 65.33 ft.;

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1306 WEST AVENUE AUSTIN, TEXAS 78701

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LEGAL DESCRIPTION:
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SITE VICINITY MAP (NTS) 18 HIBI

5P-2009-0273C

PREVIEWED)

PROJECT INFORMATION: GRID # J 23, MAPSCO PG #585

DEE 9.2 2013

CANCEL PRINCE

UP DATE REVIEW

EXTEND EXPLANATION

REWISON 11/25/2013 BY PISCE

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CHAPTER 25-8 OF THE LAND DEVELOPMENT CODE NO PORTION OF THIS SITE IS WITHIN A TIO-YEAR FLOODPILAN ACCORDING TO 928408 THIS SITE IS NOT LOCATED IN THE EDWARDS AQUIFER RECHARGE ZONE

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EXPINATION DATE SEP 1 3 2013

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C15-2008-0076 C17-2008-0048

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2. NOTES

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