







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-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

### NOTIFICATIONS

CASE#: C15-2015-0136  
LOCATION: 93 Robert T. Martinez 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.



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CASE # C15-2015-0136

Row 11412595

Roll 0201090616

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT ~~AND~~ ?  
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 93 Robert T. Martinez Street

LEGAL DESCRIPTION: Subdivision – Driving Park Addition

Lot(s) 9 Block A Outlot Division

I Jim Bennett as authorized agent for Tom Hatch

affirm that on May 6, 2015 hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A single family dwelling providing a side street setback of 10 ft.

in a SF-3NP (Holly) (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.

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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:

This lot is an older platted lot that does not meet the current lot width requirements. All other requirement can be met except for the side street setback

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:  
The lot is a platted lot with a 48 ft. width. There is a double trunk 18" and 23" Pecan tree located on the East side of the lot and a 15 ft side street setback would encroach into the half critical root zone. Most of the other older homes were built when the ordinance required only a 10 ft.

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

The narrow width, the large trees on this lot, and being a corner lot distinguishes this site.

**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 fact that most of the structures in this area are built with a 10ft. or less side street setback and this structure will not be out of character, the variance will allow for a design that will be compatible with other homes in the 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:

THE NEW HOME WILL UTILIZE AN EXISTING

CHURN COIT AN WILLOW STREET.

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, State & Zip Austin, TX 78748

Printed Jim Bennett Phone 512-282-0079 Date 5/3/15

**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 [Signature] Mail Address 1102 B. EAST 8<sup>th</sup> STREET

City, State & Zip AUSTIN, TEXAS 78702

Printed TOM HATCH Phone 512-431-7466 Date MAY 4, 2015

SCALE: 1"=20'

FLOOD ZONE CLASSIFICATION: This property lies within Zone X (areas determined to be outside the 100 year flood plain) according to Federal Emergency Management Agency Flood Insurance Rate Map Panel No 4845300165H, dated September 26, 2008.

# Legend

- ⊕ 1/2" Iron Rod Found
- ⊕ 1/2" Iron Pipe Found unless noted
- ⊕ 1/2" Iron Pipe Found with plastic cap imprinted as noted hereon
- ⊕ Calculated Point
- ⊕ Water Meter
- ⊕ Gas Valve
- ⊕ Telephone Manhole
- ⊕ Sanitary Cleanout
- ⊕ Sign as noted hereon
- ⊕ Air Conditioner
- ⊕ Wire Fence
- ⊕ Overhead Utility Line
- ⊕ Tree "Crown" and Tree Tag Number
- ⊕ Spot Elevation (Record Distance)

## TREE LISTING

- 701 19" Live Oak
- 702 13" and 16" American Elm
- 703 18" and 23" Pecan
- 704 7" Hackberry
- 705 6" Hackberry
- 706 8" and 10" Box Elder

EAST FIRST STREET (60' R.O.W.)

ROBERT T. MARTINEZ JR. STREET (60' R.O.W.)  
(Canadian Street per Plat)

WILLOW STREET (60' R.O.W.)

LOT 7  
BLOCK "A"  
OUTLOT 39  
DRIVING PARK ADDITION  
VOLUME 2 PAGE 206

LOT 10  
BLOCK "A"  
OUTLOT 39  
DRIVING PARK ADDITION  
VOLUME 2 PAGE 206

NOTES  
1) This survey was completed without the benefit of a current title commitment, and therefore this plat may be subject to restrictions and easements not shown hereon.  
2) NAVD 1988 elevations shown hereon are based upon post processed static GPS observations.

Temporary Benchmark  
triangle cut on inlet  
NAVD 1988 Elevation: 461.42'

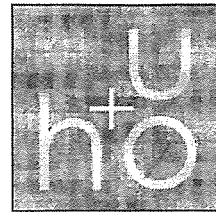
PREPARED: JANUARY 5, 2015

BY *Holt Carson*  
Holt Carson  
Registered Professional Land Surveyor No. 5166

MAP OF TOPOGRAPHIC SURVEY OF  
LOT 9, BLOCK A, OUTLOT 39, DRIVING PARK ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS,  
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 206 OF  
THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.  
LOCATED AT 93 ROBERT T. MARTINEZ JR. STREET.

HOLT CARSON, INCORPORATED  
PROFESSIONAL LAND SURVEYORS  
1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
(512) 442-0990  
Texas License Surveying Registration No. 00050700  
© copyright 2015 A 840146

ALLEY (15')



hatch + ulland owen  
architects

1010 East 11th Street  
Austin, Texas 78702  
T: 512.474.8548  
F: 512.474.8643

www.huoarchitects.com

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93 Robert T. Martinez, Jr. Street  
Austin, Texas 78702

### Proposed Site Plan

Scale: 1/16" = 1'-0"

Date: 05.06.2015

### LEGEND

- PROPERTY LINE
- BUILDING FOOTPRINT
- REQUIRED SETBACKS
- ELECTRICAL LINES
- UTILITY POLE

AC

AC UNIT

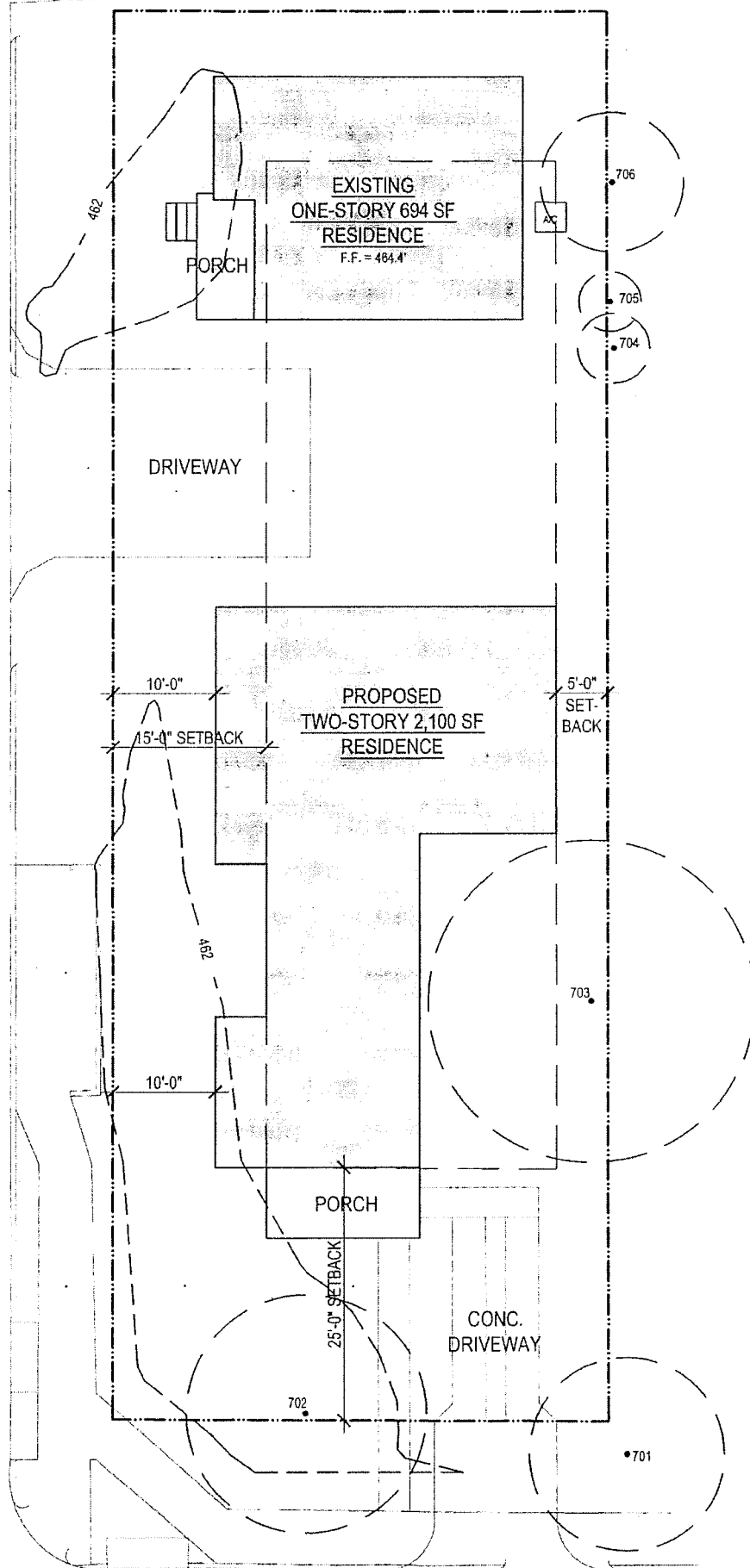
EXISTING GRADE

TREE SYMBOL W/ 1/2 C.R.Z.  
(CRITICAL ROOT ZONE)

### TREE LIST

- 701 19" Live Oak
- 702 13" and 16" American Elm
- 703 18" and 23" Pecan
- 704 7" Hackberry
- 705 6" Hackberry
- 706 8" and 10" Box Elder

ROBERT T. MARTINEZ JR. STREET (60' R.O.W.)



WILLOW STREET (60' R.O.W.)



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FAR Calculations					Total sq ft	
	Existing sq ft	new / added sq ft	Proposed Exemption	Other exemption		
1st Floor	694	1284.5			1978.5	
2nd Floor	0	716			716	
3rd Floor	0	0			0	
Area of Canopy >15'	0	0			0	
Ground Floor Porch w/ Habitable above*	0	0	Must follow article 3.3.3		0	
Ground Floor Porch w/ Habitable above*	0	0	Full Porch sq ft (3.3.3 A)		0	
Basement	0	0	200 sq ft (3.3.3 A.2)		0	
Attic	0	0	Must follow article 3.3.3		0	
Garage**	0	0	Must follow article 3.3.3		0	
Carport**	0	0	450 sq ft (3.3.2 B.2a)		0	
Accessory Building(s) detached	0	0	450 sq ft (3.3.2 A.3)		0	
Totals	694	2000.5	450 sq ft (3.3.2 B.1)***		2694.5	
Total Gross Floor Area					2694.5	
Total Gross Floor Area / lot area * 100 =					Floor-to-Area Ratio (FAR)	
					39.55%	

\*Ground Floor Porch exemption: A ground floor porch, including a screened porch, may be exempted, provided that the porch is not accessible by automobile and is not connected to a driveway, and the exemption may not exceed 200 square feet if a porch has habitable space or a balcony above it.

\*\*Garage and carport exemptions (in relation to primary structure): Exemptions must follow the code as outlined in Title 25.3 Subchapter F 3.3.2. Each amount listed (450 or 200) is the maximum exclusion allowed per the article designated. Note Article 3.3.2 C. An applicant may receive only one 450 square foot exemption per site under paragraph A. An applicant who receives a 450 square foot exemption may receive an additional 200-foot exemption for the same site under paragraph B, but only for an attached parking area used to meet minimum parking requirements.\*

\*\*\*Ordinance article 3.3.2 B.1 is the only 200 sq ft exemption that may be combined with a 450 sq ft exemption. Otherwise only one 450 exemption or one 200 sq ft exemption may be taken

Basement exemption: Habitable portion of a building that is below grade may be exempted if the habitable portion does not extend beyond the first-story footprint and is below natural or finished grade, whichever is lower, and it is surrounded by natural grade for at least 50% of its perimeter wall area and the finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.

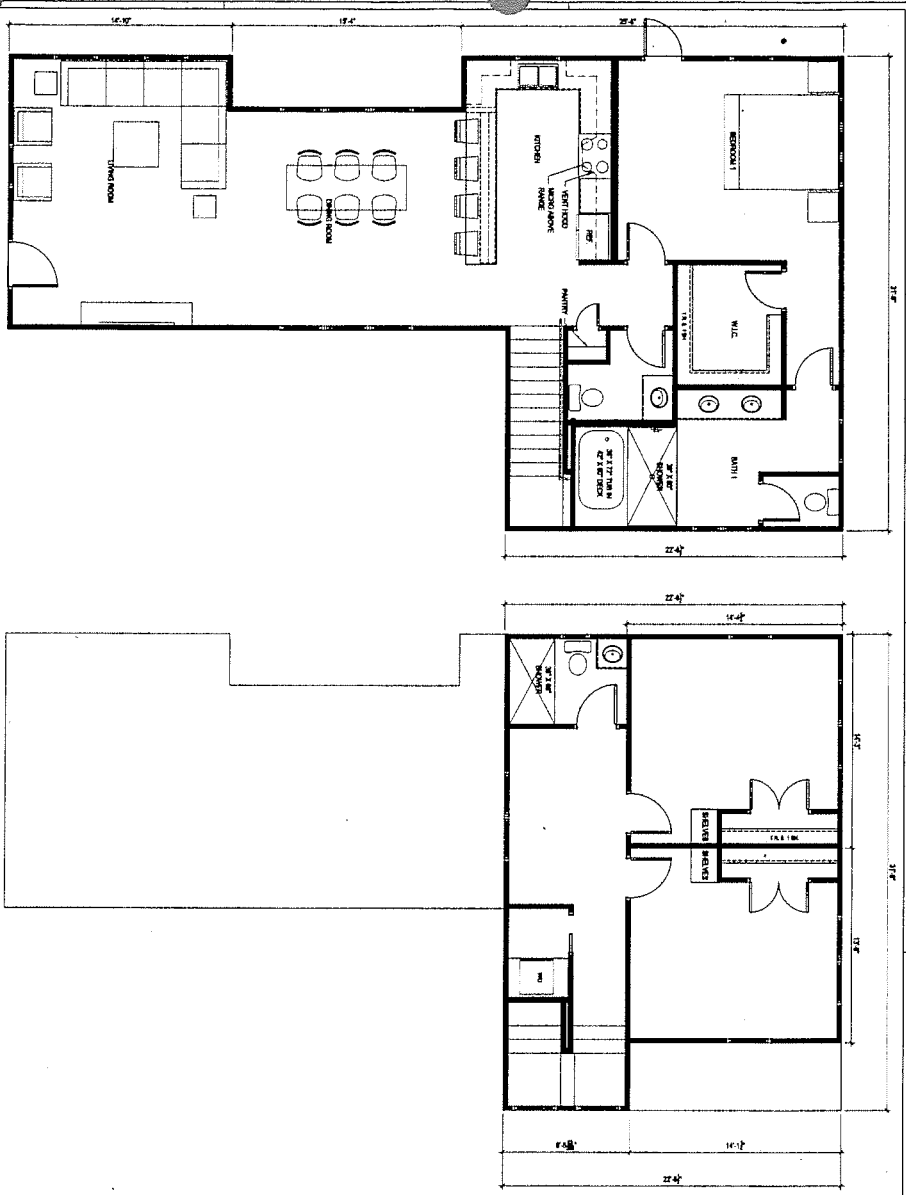
Habitable Attic exemption: A habitable portion of an attic may be exempted if: 1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater; 2. It is fully contained within the roof structure; 3. It has only one floor; 4. It does not extend beyond the footprint of the floors below; 5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and 6. Fifty percent or more of the area has a ceiling height of seven feet or less.

Existing sq ft					New/Added sq ft		Total sq ft	
bldg 1		bldg 2	bldg 1	bldg 2				
a) 1st Floor Conditioned Area	694	1284.5			1978.5		1978.5	
b) 2nd Floor Conditioned Area		716			716		716	
c) 3rd Floor Conditioned Area					0		0	
d) Basement					0		0	
e) Attached Covered Parking (Total Garages and Carports)			0	0	0		0	
f) Detached Covered Parking (Total Garages or Carports)			0	0	0		0	
g) Covered Wood Decks (counted at 100%)					0		0	
h) Covered Patio					0		0	
i) Covered Porch	70	105			175		175	
j) Balcony (insert description here)					0		0	
k) Other - Specify ( )					0		0	
Total Building Area (TBA) (add a through k for all)					764	2105.5	2869.5	
Total Building Coverage (TBC) (from TBA subtr. if applicable b.					764	1389.5	2153.5	
Existing sq ft					New / Added sq ft		Total sq ft	
Driveway		366	197		64		563	
Sidewalks					64		64	
Uncovered Patio					0		0	
Uncovered Wood Decks (counted at 50%)					0		0	
AC pads and Concrete Flatwork		9	9		18		18	
Other (Pool Coping, Retaining Walls)		12						
Total Site Impervious Coverage (add TBC and k through p)					1151	1659.5	2798.5	
Pool							0	
Spa							0	
Building Coverage Information					Lot Area (SQFT)		6812.6	
Existing Building Coverage (see above A, sq. ft.)					764		11.21%	
Existing Coverage % of lot (A x lot area) x 100%					2153.5		31.61%	
Final Building Coverage (see above B, sq. ft.)					Final Coverage % of lot (B x lot area) x 100%			
Impervious Coverage Information					Existing Impervious Coverage (see above C, sq. ft.)		1151	
Existing Impervious Coverage % of lot (C x lot area) x 100%					Existing Coverage % of lot (C x lot area) x 100%		16.90%	
Final Impervious Coverage (see above D, sq. ft.)					Final Impervious Coverage (see above D, sq. ft.)		2798.5	
Final Impervious Coverage % of lot (D x lot area) x 100%					Final Coverage % of lot (D x lot area) x 100%		41.08%	

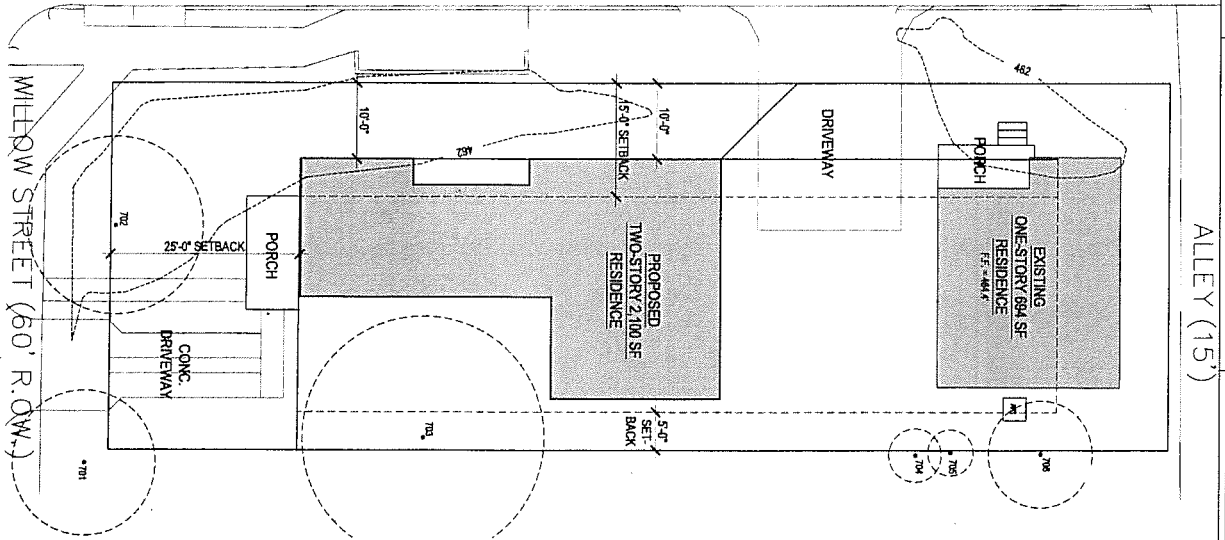
2/8/24

01 Final Floor Plan  
SCALE: 1/8" = 1'-0"

02 2nd Floor Plan  
SCALE: 1/8" = 1'-0"



ROBERT T. MARTINEZ JR. STREET (60' R.O.W.)



03 Architectural Site Plan  
SCALE: 1/8" = 1'-0"

**h+u**  
hatch + ueland  
architects  
1010 East 11th Street  
Austin, Texas 78702  
P: 512.474.4444  
F: 512.474.4444  
www.hatchueland.com

93 RT  
MARTINEZ

NOTES:  
1. The following information is for informational purposes only and does not constitute a contract. The contract is the set of documents prepared by the architect and signed by the owner.  
2. The architect is not responsible for the accuracy of the information provided by the owner or other third parties.  
3. The architect is not responsible for the construction of the project or the quality of the materials used.  
4. The architect is not responsible for the safety of the project or the safety of the people using the project.  
5. The architect is not responsible for the environmental impact of the project or the impact on the surrounding community.

DATE	DESCRIPTION
10/1/2023	Final Floor Plan
9/1/2023	2nd Floor Plan
8/1/2023	Architectural Site Plan
7/1/2023	Initial Floor Plan
6/1/2023	Initial Site Plan
5/1/2023	Initial Floor Plan
4/1/2023	Initial Site Plan
3/1/2023	Initial Floor Plan
2/1/2023	Initial Site Plan
1/1/2023	Initial Floor Plan
12/1/2022	Initial Site Plan

**A1.0**

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JANINE SISAK, ESQ.  
2204 WILLOW STREET  
AUSTIN, TX 78702  
(512) 293-6126

June 5, 2015

City of Austin Board of Adjustment  
515 Barton Springs  
Austin, Texas

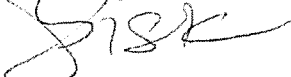
Re: Variance Request for 93 Robert T. Martinez

Dear Chairman and Board:

My name is Janine Sisak and I own the property on the same block and in close proximity to the referenced lot. Given the size of the large pecan tree near the property line and the fact that most houses along RT in this area are closer than 10' from the property line, I support Tom Hatch's request for a reduction in the 15' street side yard setback. This will allow the construction of a reasonably sized new home and protect the half critical root zone of the large pecan.

Thank you for your consideration.

Sincerely,



Janine Sisak

Holly Neighborhood Coalition Meeting Minutes  
June 1, 2015

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Eric Goff  
Elizabeth Walsh  
Greg Anderson  
Tom Hatch  
Ana DeFrates  
Rick Rojo  
Cynthia Valdadez-Mata  
Emily Phalan  
Michael Phalan  
Brian Kericho

Review of Agenda:

- Officer updates (Elections for Co-Chair, review of changes past and upcoming)
- \* • Presentation of a residential site plan from Tom Hatch for his property at the corner of Willow and Robert Martinez Streets.
- Presentation by East Cesar Chavez Neighborhood Planning Contact Team Representative and developer, Brian Carricho, about hotel planned.

Leadership Updates

- Vote taken with unanimous approval for Ana DeFrates to serve as Co-Chair with Cynthia Valadez-Mata.
- Michael Phalan is the new Treasurer
- Eric Goff has accepted the nomination for Secretary and elections will be held in July meeting.

Disclaimer Statement about Contact Team: Ana DeFrates

- We are not recognized by the city as a group with formal recognition for issues such as variances. We are working on changing that, but it has been historically a contentions process.
- The way this works is that we can have a conversation about the issue, record the discussion in the minutes, along with those who have been
- Boundaries are Chicon on west side, the river, Pleasant Valley.
- The original intent was to establish an inclusive neighborhood association with goal of supporting a contact team.

\* Presentation of request for set-back variance by Tom Hatch

- Presented a site plan a residential home on a lot that now has a secondary unit in the back and an open lot in front.
- There is a larger heritage tree on the site that has been worked into the building plan. The building will not affect the critical root zone.
- In designing the building on the standard sized lot, accommodation of the tree represented a significant constraint on the use of the property for a reasonable dwelling. Mr. Hatch sought a setback variance to allow for more full use of the property.

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- The new building footprint is still consistent with other properties in the vicinity and otherwise conforms to all codes.
- In the future, Mr. Hatch intends to move into the home or the one behind it, where his son currently resides.
- There were some questions about the relationship between the house and the bus stop, and Hatch said that he would like to have windows facing the bus stop, generally favoring design that allows for eyes on the street and a neighborly pedestrian realm. The home also has a front porch and now garage in keeping with that principle.
- \* • We took an informal vote with unanimous approval and an invitation to participate with the HNC at any time.

#### East Side Hotel Development

Edie Cassell

- Came as a neighbor, concerned about the hotel planned at Waller and Cesar Chavez.
- She expressed a general desire that our two neighborhoods worked more together. She wished we were all one organization, and has wanted to come a long time. Anxious to get a better representation of this part of the neighborhood to have that representation.
- She emphasized that they are not opposed to hotels or development, just that "we don't want this particular project built on the site where it is slated." East Cesar Chavez has lots of empty lots and we want to support development – our plan supports it.
- She clarified that she is speaking from personal experience, not representing the rest of the neighborhood, though hundreds have signed petitions against it.
- She and other neighbors who live within about 500 feet are very concerned
  - concerned about traffic based on the size of the hotel and positioning.
  - Parking is another concern. As we become denser, it will be increasingly difficult to park, but that project in particular will have a burden.
  - Our neighborhood has a neighborhood plan that took years to develop and is 15 years old. It is a respected plan and we're trying to honor it. There are guidelines about types of development that are welcome. Something like this would be more suitable for 4<sup>th</sup>, 5<sup>th</sup>, or 6<sup>th</sup> street.
- October 28 meeting where there were 90 in attendance and with nearly unanimous opposition. People were shocked by the outcome of the vote back in December. Pio Renteria, running for Council at the time, skipped the meeting.
- Mixed Use and Office is legit
  - Greg Anderson expressed concern that permitted uses allow for even more car traffic, and that only 30% of hotel rooms are associated with a car.
  - Brian noted that they have designed in a plan for a B-cycle, showers for employees, "we want to try to be the best business for our employees and neighborhoods."

Brian Carrico

- Seeking a conditional use permit
- From our perspective we reached out to the land use committee in March last year and overall they did not see a problem with it. We put it under contract at the time. We met with Greater Peace Christian Church (they wrote a letter of support, and they were the only triggering use for a liquor license)
- Only had about 8 members on it at the time. There was a straw poll, 6-2 in support of the hotel.
- Did design and completed

City of Austin Board of Adjustment  
515 Barton Springs  
Austin, Texas

Re: Variance Request for 93 Robert T. Martinez

Dear Chairman and Board:

My name is Jerry Gorde and I own the property immediately next to the referenced lot. Given the size of the large pecan tree on the property line between us and the fact that most houses along RT in this area are closer than 10' from the property line, I support Tom Hatch's request for a 5' reduction in the 15' street side yard setback. This will allow the construction of a reasonably sized new home and protect the half critical root zone of the large pecan.

Thank you for your consideration.

Respectfully,

Jerry Gorde

A handwritten signature in black ink, appearing to be 'J. Gorde', written in a cursive style.

