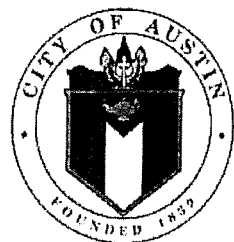


1" = 208'

NOTIFICATIONS

CASE#: C15-2016-0012
206 SAN MARCOS STREET



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.

LY
1/2

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

DATE: Monday, January 11, 2016

CASE NUMBER: C15-2016-0012

____ Brooke Bailey
____ Michael Benaglio
____ William Burkhardt
____ Eric Goff
____ Melissa Hawthorne
____ Don Leighton-Burwell
____ Melissa Neslund
____ James Valadez
____ Michael Von Ohlen
____ Kelly Blume (Alternate)
____ Rahm McDaniel (Alternate)

APPLICANT: David Cancialosi

ADDRESS: 206 SAN MARCOS ST

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the minimum rear yard setback from 10 feet (required, permitted) to 1.8 feet (requested); and to
- B. decrease the minimum side yard setback from 5 feet (required, permitted) to 1.3 feet (requested); and to
- C. increase the maximum impervious cover from 45% (required, permitted) to 73% (requested)

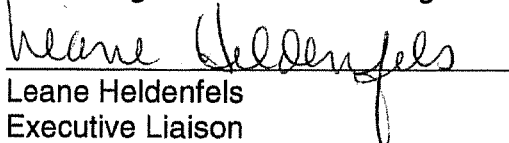
in order to add a master suite addition to this existing home on a 2,420 square foot lot in a "SF-3", Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

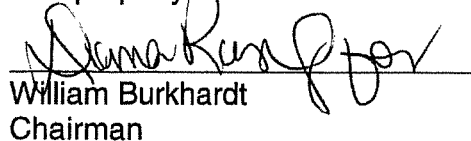
NOTE: the East Cesar Chavez neighborhood plan allows for 65% impervious cover for lots between 2,500 square feet and 3,500 square feet in size, this lot is slightly smaller.

BOARD'S DECISION: POSTPONED TO FEBRUARY 8, 2016 BY APPLICANT TO RESOLVE PENDING AUSTIN ENERGY ISSUES

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


William Burkhardt
Chairman

Heldenfels, Leane

C15-2016-0012 L4
3

From: Heidi Sauer <~~heidi@permit-partners.com~~>
Sent: Wednesday, January 06, 2016 11:51 AM
To: Heldenfels, Leane
Subject: BOA Hearing - 206 San Marcos/Postponement Request

Good Morning Leane,

206 San Marcos is on January 11th's BOA agenda, however we would like to formally request a postponement to the February 8, 2016 agenda. We are meeting with the East Cesar Chavez Neighborhood Association at their monthly meeting on 1/20/16 to discuss our variance request.

Please let me know if this is approved.

Also, as a separate question, what is the deadline for any case to be withdrawn from the BOA hearing and still receive a refund of the BOA application fee?

Kind Regards,

Heidi Sauer
Permit Partners, LLC
105 W. Riverside Suite 225
Austin, TX 78704
512.593.5361 o
512.213.0261 f
www.Permit-Partners.com

CASE# 45-206-0012
ROW# 11460783
TAX# 02-0405-0112

LY
54

**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: 206 San Marcos Street, Austin, TX 78702

LEGAL DESCRIPTION: Harrington's Subdivision of Lot 17 Division 0 Vol. X pg. 636

I, David Cancialosi, on behalf of myself, affirm that on December 15, 2015, hereby apply

for a hearing before the Board of Adjustment for consideration to:

SF-3-NP (East Cesar Chavez)
(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

To erect a rear master suite addition on existing SF3-zoned lot proposing a total of 73%
impervious cover on a 2,420 sq. ft. legal tract. And allow a 1.3 ft. side setback and a 1.8 ft.
rear setback.

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: the existing residence is recorded in TCAD as a 1906 structure with roughly 860 sq.
ft. HVAC. TCAD also references a 180 sq. ft. detached structure dated 1950. The
improvements plus an approximately 250 sq. ft. driveway exceeded the allowable 45%
maximum IC.

5/15

The owner attached the 1950 detached structure to create a master suite addition. The original 1,040 sq. ft. residential footprint is now roughly 200 sq. ft. larger, which equals 73% impervious cover.

The roughly 2,420 sq. ft. lot allows roughly 1,080 sq. ft. IC per SF3-zoning performance standards. The regulations do not allow reasonable development, as the existing legal tract (LSD DA-2013-0288, attached) received utility service in 1931 and has a deed recorded in 1973.

The owner remodeled an original detached structure into a master addition. This was attached to the primary structure and has a 1.3 ft. side and 1.8 ft. rear setback.

HARDSHIP:

2. The hardship for which the variance is requested is unique to the property in that: the roughly 2,420 sq. ft. lot is approximately 80 sq. ft. short of qualifying for the 65% impervious cover allowance per the design tool adopted by the neighborhood plan.

The design tool is intended to facilitate development on small inner city lots in order to allow reasonable development of single-family residential development. The lot's inability to meet the letter of the law while meeting the intent of the design tool is a hardship because the lot is being restricted from highest and best use via strict application of the written regulations.

Both the original residence and the detached accessory structure were put in place prior to the design tool adopted by the neighborhood plan and the neighborhood plan does not account for lots of smaller than 2,500 sq. ft., which should be allowed to develop or expand as necessary to accommodate growing families in the urban core.

The small lot size allows for extremely limited development. The owner desires a one story addition in order to maintain the original aesthetics.

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 proposed master addition will be in keeping with its original square footage as well as the size of surrounding homes.

The house is surrounded by much larger two or three story homes on some portions of surrounding blocks. The homeowner's intent is to keep the existing residence as-is and maintain the existing attached master suite addition with no further development.

The property owner is open to Rain Barrels or other water catchment systems recommended by the Board.

CVS-2016-0012

4/6

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 reasonably 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  Mail Address 105 W Riverside Drive #225

City, State & Zip Austin, TX 78704

Printed David Cancialesi Phone 512-593-5361 Date December 15, 2015

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 Darius Fisher Mail Address 206 San Marcos St

City, State & Zip Austin TX 78702

Printed Darius Fisher Phone 914 413-1400 Date 12/16/2015

5/5

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 reasonably 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  Mail Address 105 W Riverside Drive #225

City, State & Zip Austin, TX 78704

Printed David Cancialosi Phone 512-593-5361 Date December 15, 2015

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 _____ Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ Date _____



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

August 07, 2013

File Number: C8I-2013-0288

Address: 206 SAN MARCOS ST

Tax Parcel I.D. #0204050712

Tax Map Date: 07/01/2013

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 lots 7 & 8, Block 3, in the subdivision of outlot No 17, Division O** in the current deed, recorded on **Jul 25, 2013**, in **Document #2013138922**, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Jul 24, 1973**, in **Volume 4686, Page 2010**, 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 Feb 17, 1931**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

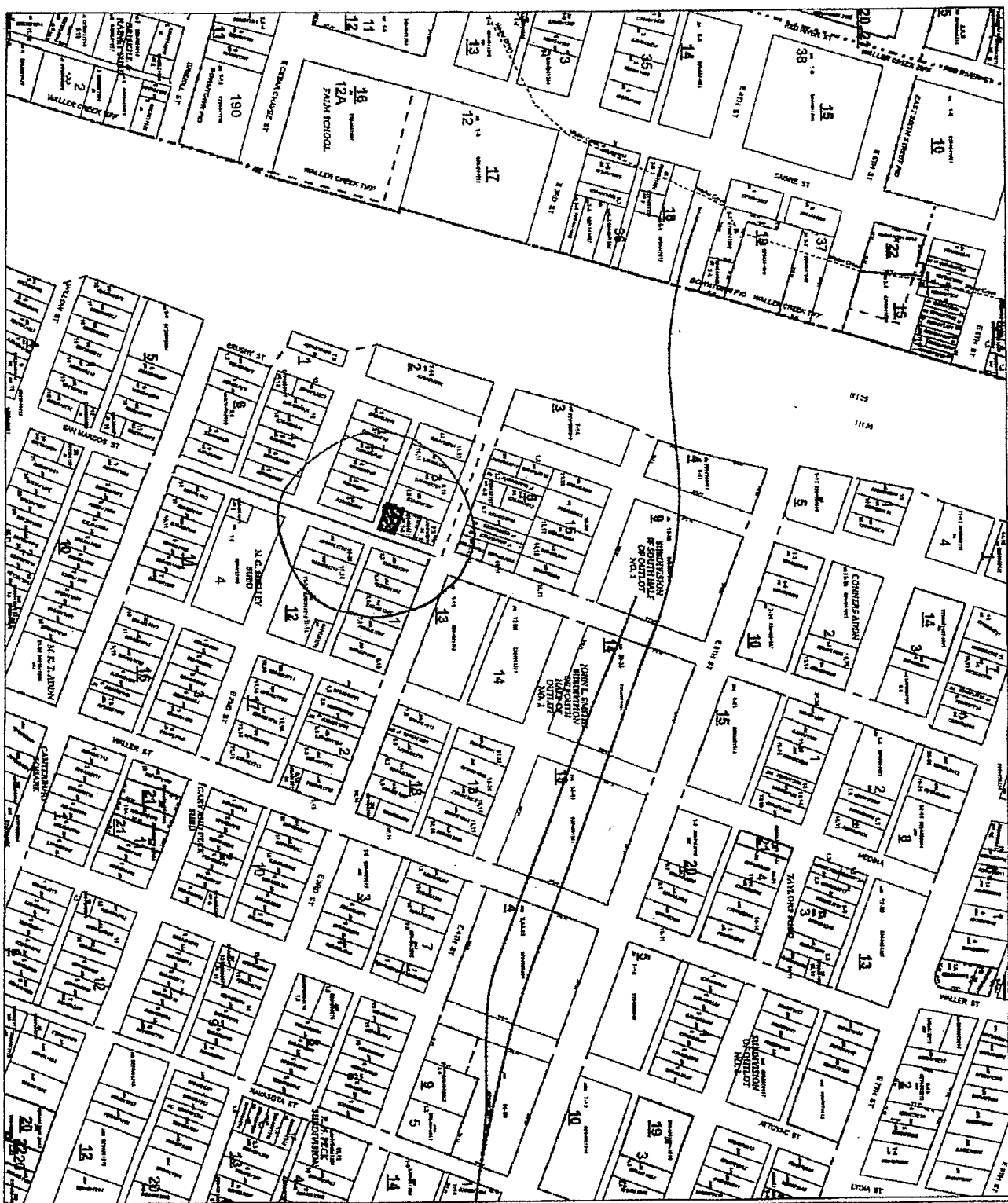
NONE

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**

575



181-2013-0288

20405

Revision Date:
7/1/2013

0 120 Feet

NAD 1983 StatePlane
Texas Central FIPS 4203 Feet
Projection: Lambert Conformal Conic

This map was prepared solely for the use of TCAD. Any use of this map for other purposes is at the user's risk. The TCAD makes no claim, promise or warranty about the accuracy, completeness or of equity of this information and expressly disclaims liability for any errors and omissions. The supplied data does not constitute a legal document.

Travis Central Appraisal District
8314 Cross Park Drive
Austin, Texas 78754
Internet Address: www.traviscad.org
Main Telephone Number: (512) 834-4317
Appraisal Information: (512) 834-4318
TDD: (512) 834-4318

Waterloo Surveyors Inc. SURVEY PLAT

J14631D

LEGAL DESCRIPTION:
BEING A PORTION OF LOTS 7 AND 8, BLOCK 3,
IN THE SUBDIVISION OF OUTLOT NO. 17, DIVISION
"O" IN THE CITY OF AUSTIN, TRAVIS COUNTY,
TEXAS ACCORDING TO THE MAP OR PLAT THEREOF
RECORDED IN VOLUME X, PAGE 939, DEED RECORDS,
TRAVIS COUNTY, TEXAS, AND DESCRIBED BY METES
AND BOUNDS IN DOCUMENT NUMBER 2013138922,
OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

FIR with
Cap "Holt Carson"

20' ALLEY

181.57'
S67°11'52"E

183.84'
S67°11'52"E

59.00'
S67°11'52"E

TO FIR
194.86'
N22°05'00"E

20.00'
S22°05'00"W

S22°05'00"W 41.02'

SAN MARCOS STREET

DOC# 2007017331
0.17 ACRES

Found
Square Bolt

S22°05'00"W
41.02'

ONE STORY
STUCCO,
WOOD AND
BRICK HOUSE

DOC #2013065510
0.0593 ACRES

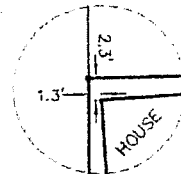
DOC #2013038383
0.0701 ACRES

95.97'
S22°05'00"W
BEARING BASE PER PLAT

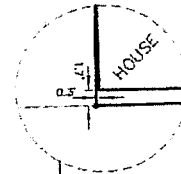
EAST 3RD STREET

S22°05'00"W
50.21'

DETAIL "A"
not to scale



DETAIL "B"
not to scale



AREAS:
IMPERVIOUS COVER: 1759.8 SQ FT 72.7%
NON IMPERVIOUS COVER: 660.4 SQ FT 27.3%
TOTAL LOT AREA: 2420.2 SQ FT

NOTE:
THIS SURVEY WAS PERFORMED
WITHOUT THE BENEFIT OF A
TITLE COMMITMENT AND OTHER
RIGHTS AND RESTRICTIONS MAY
APPLY.

State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the
property legally described hereon and is correct, and this survey substantially
complies with the current Texas Society of Professional Surveyors Standards and
Specifications for a Category 1B Condition II Survey.

Dated this the 17TH day of NOVEMBER, 2015.

SCALE
1" = 30'

LEGEND

1/2" FOUND IRON ROD FIR
1/2" SET IRON ROD SIR
1/2" FOUND IRON PIPE FIP
UTILITY LINE P P
WOOD FENCE —○—○—○—
METAL FENCE —x—x—x—x—

T.B.P.L.S. FIRM #10124400

Thomas P. Dixon R.P.L.S. 4324

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P.O. Box 160176, Austin, Texas 78716-0176 Phone: 481-9602

5/12

