


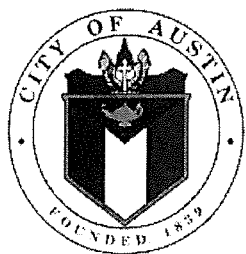




-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

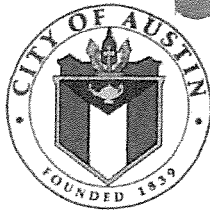
CASE#: C15-2016-0043
LOCATION: 83 Pedernales St.



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.

1" = 138'



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

2/3

Board of Adjustment General/Parking Variance Application

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # CG-2016-0043 ROW # 16500624 Tax # 0200100215
TCADV

Section 1: Applicant Statement

Street Address: 83 Pedernales Street, Austin TX 78702

Subdivision Legal Description:

0.0930 OF LOT 15-16 BLK 6 OLT 41-42 OLT 53 DIV O RIVERVIEW ADDN

Lot(s): LOT 15-16

Block(s): BLK 6

Outlot: OLT 41-42 OLT 53

Division: DIV O RIVERVIEW ADDN

Zoning District: SF-3-NP (Holly)

I/We Agustina Rodriguez on behalf of myself/ourselves as
authorized agent for Eliseo & Virginia Rodriguez affirm that on
Month March, Day 10, Year 2016, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☒ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: _____

Type of Structure: Wood frame residential structure

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

LDC Section 25-2-735 (D), which limits the total impervious cover on a lot to 40.00% within the Festival Beach Waterfront Overlay.

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Section 2: Variance Findings

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 supporting documents.

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.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

The application of the code to this small substandard lot prohibits the Owners from building a small house that materially improves the impervious cover and other conditions relative to the uninhabitable structure that was on the lot when purchased.

Hardship

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

The lot, purchased in 2014, is exceptionally small, and much smaller than a standard lot within Festival Beach Subdistrict. Prior to purchasing, Owners were required to obtain a Land Status Determination from DAC to establish its status as a recognized legal lot. This lot had been illegally subdivided by the original owners almost a century ago and is considered substandard since it measures 4,051 sq. ft. compared to the typical 5,750 sq. ft.

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

The majority of the properties in the area are the standard 5,750 sq. ft. lot size based on our observation and findings on TCAD GIS, with the exception of a handful. The Owner's lot size is 4,051 sq. ft. It is our understanding that the Land Development Code assumes "normal" lot size when enforcing limitations on impervious cover and other development restrictions.

Area Character

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 development will not alter, but will enhance the area character with its scale relative to the surrounding buildings. The proposed development is well within the McMansion building envelope and is more consistent in height with the immediately adjacent buildings. Our goal in designing this house was not to "max out" the building tent, but rather to only provide what is essential to the building Owners who will be the ones inhabiting the space. In addition, we will be providing a rain garden to off-set the effects of the 3% impervious cover overage.

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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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:

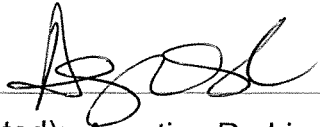
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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:

Section 3: Applicant Certificate

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

Applicant Signature:  Date: 03/14/2016

Applicant Name (typed or printed): Agustina Rodriguez

Applicant Mailing Address: 5013 Red Bluff Rd

City: Austin State: Texas Zip: 78702

Phone (will be public information): (512) 496-9358

Email (optional – will be public information): agustina @agimiagi.com

Section 4: Owner Certificate

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

Owner Signature:  Date: 03/14/2016

Owner Name (typed or printed): Eliseo Rodriguez

Owner Mailing Address: 1221 S Congress Ave, Apt. 217

City: Austin State: Texas Zip: 78702

Phone (will be public information): (713) 858-4352

Email (optional – will be public information): eliseo_rodriguez@hotmail.com

Section 5: Agent Information

Agent Name: Fred Hubnik

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): (512) 415-0054

Email (optional – will be public information): fred@e3team.com

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

As noted in the attached exhibits, the proposed design materially decreases the impervious cover from what was there before from 64% to 43%.

Additional Space (continued)

-Retaining the prior grandfathered structure was not an option because it was not habitable.

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-The owners intend to further enhance watershed protection by the installation of rain gardens and other landscaping improvements.

-We believe the variance would be consistent with the relevant Code provisions and the original Town Lake Corridor Study on which they are based, in that it would materially decrease the impervious cover and enhance watershed protection.

-There are 7 precedents of variance requests being granted for other properties within the Waterfront Overlay. The 2 listed below are both within Festival Beach:

---SP-2013-0169C: 1013 Lambie Street- Increase Impervious Cover from 40% to 66%

---N/A: 1211 Holly Street- Increase Impervious Cover from 40% to 47%

SAVE

Lot Size: 4,051 sq. ft.
Allowed Impervious Cover: 40 % (1,620 sq. ft.)

Existing Primary Building Footprint:
Existing Secondary Building Footprint:
Existing Concrete Driveway & Hardscape:
Existing Total Area:
Existing Impervious Cover:

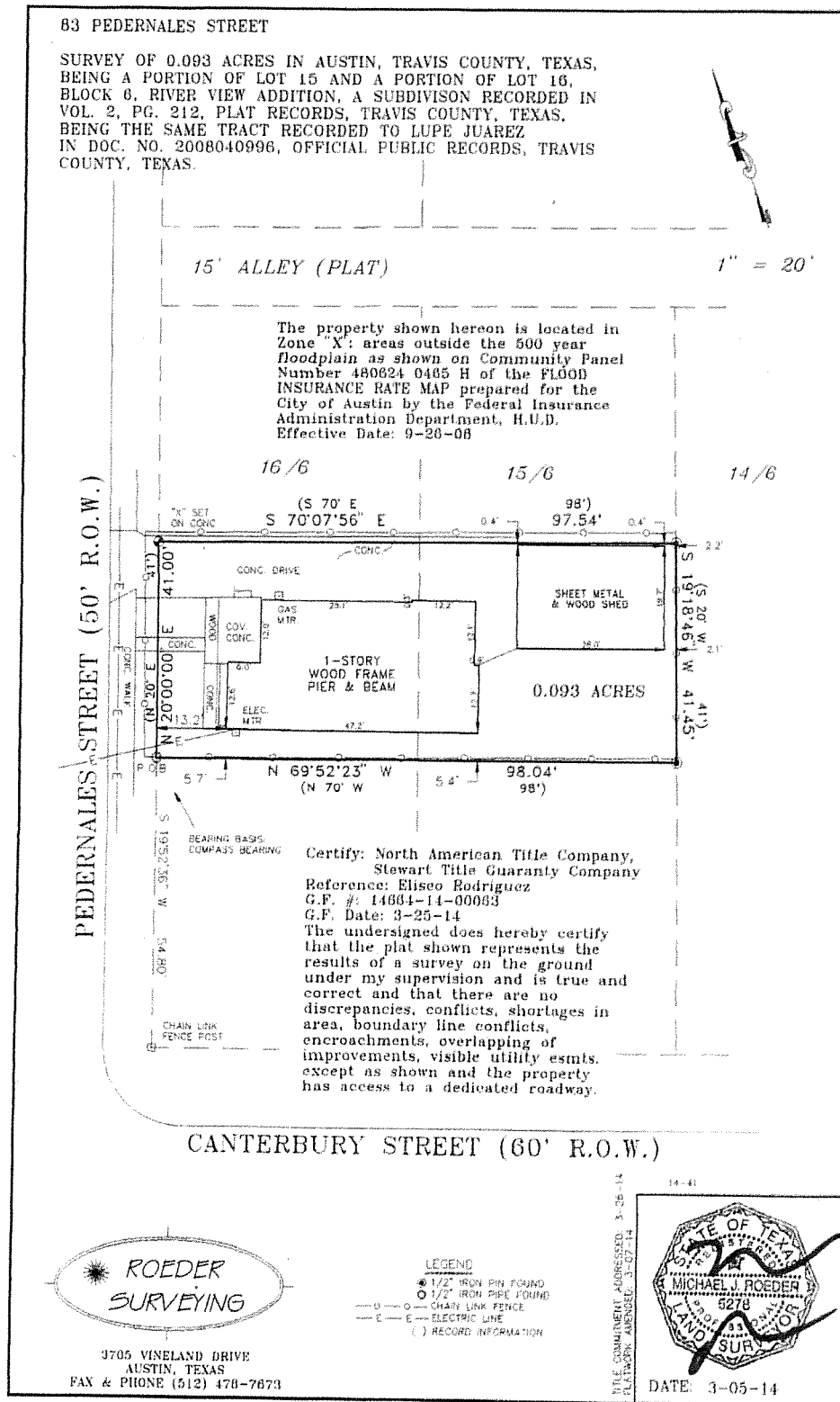
2 Existing Impervious Cover Calculations

64% (987 sq. ft. over)

1 Existing Survey
Scale: 1/32"=1'-0"

City of Austin Board of Adjustments:
Variance Request Proposal for 83 Pedernales St
March 28, 2016

Existing Conditions 1 of 10



*Lot areas and building footprints established by City of Austin GIS Map Viewer.
Extents of concrete driveways and hardscaping areas established by Google Earth and site visits.

81 Pedernales

Lot Size:	5,394 sq. ft.
Allowed Impervious Cover:	40% (2,158 sq. ft.)
Existing Primary Building Footprint:	1,045 sq. ft.
Existing Secondary Building Footprint:	257 sq. ft.
Existing Concrete Driveway & Hardscape:	1,752 sq. ft.
Existing Total Area:	3,054 sq. ft.
Existing Impervious Cover:	57% (896 sq. ft. over)

85 Pedernales

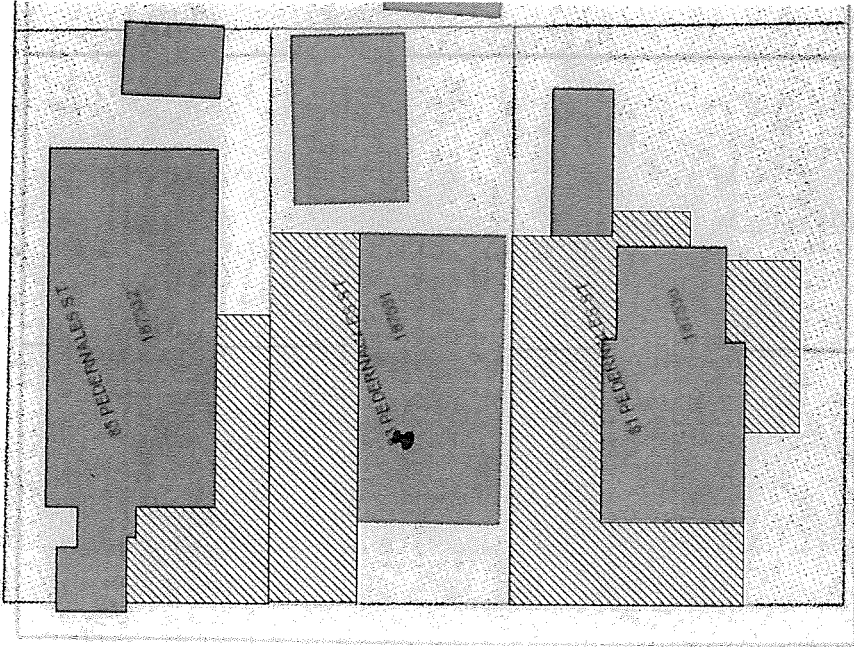
Lot Size:	4,468 sq. ft.
Allowed Impervious Cover:	40% (1,787 sq. ft.)
Existing Primary Building Footprint:	1,938 sq. ft.
Existing Secondary Building Footprint:	208 sq. ft.
Existing Concrete Driveway & Hardscape:	688 sq. ft.
Existing Total Area:	2,834 sq. ft.
Existing Impervious Cover:	63% (1,047 sq. ft. over)

3 Impervious Cover Calculations

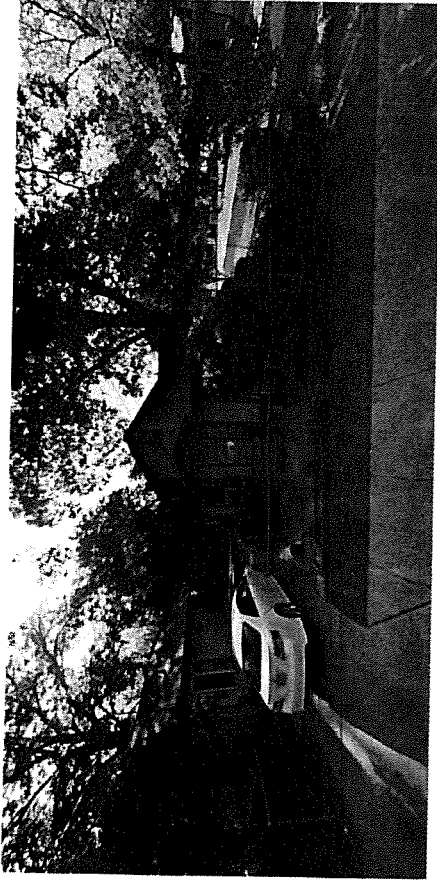
Scale: N/A



2 Plan Key
Scale: N/A



1 Surrounding Structures Exhibit
Scale: 1/8"=1'-0"



81 Pedernales



83 Pedernales



85 Pedernales

*Rain Garden area established by guidelines featured in City of Austin's http://www.austintexas.gov/sites/default/files/files/Watershed/growgreen/raingarden_factsheet.pdf.
Section 3, page 2 of 4:

- Calculate area that will contribute to run-off:
Area over Allowable Impervious Cover: 130 sq. ft.

- Divide area by 6 (since proposed rain garden is 6" deep):
Suggested Rain Garden Area: 22 sq. ft.
Proposed Rain Garden Area: 70 sq. ft.

3 Proposed Rain Garden Calculations

Scale: N/A

83 Pedernales

Lot Size:

4,051 sq. ft.
40 % (1,620 sq. ft.)

Allowed Impervious Cover:

Proposed Primary Building Footprint:
Proposed Concrete Driveway & Hardscape:
Proposed Total Area:

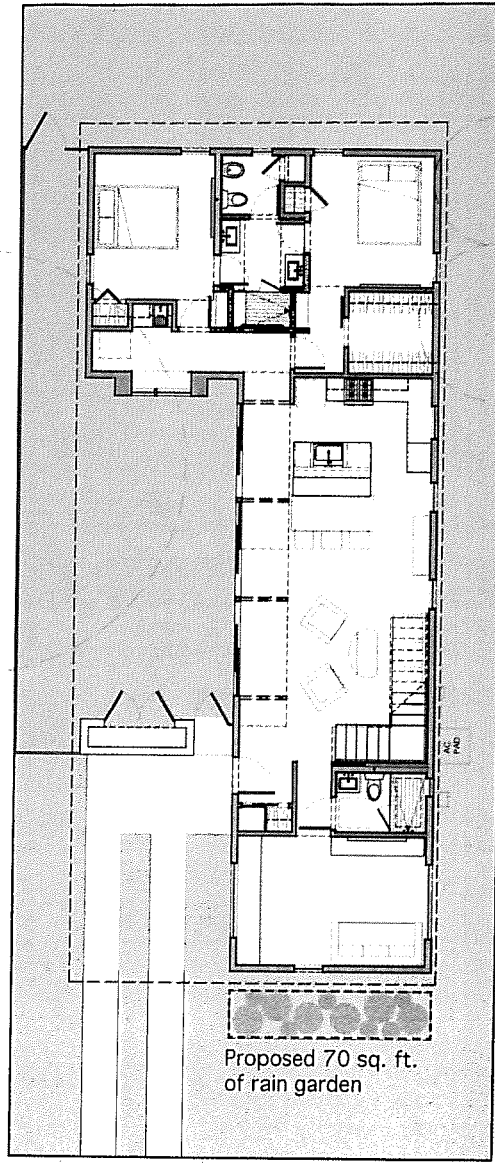
1,465 sq. ft.
285 sq. ft.
1,750 sq. ft.

Proposed Impervious Cover:

43% (130 sq. ft. over)

2 Proposed Impervious Cover Calculations

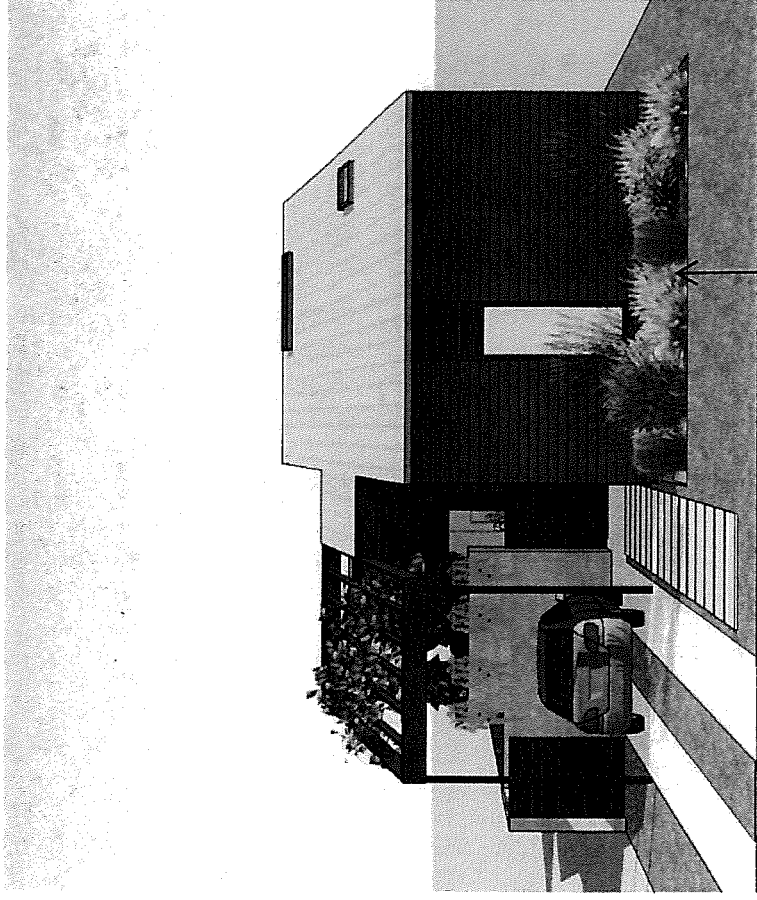
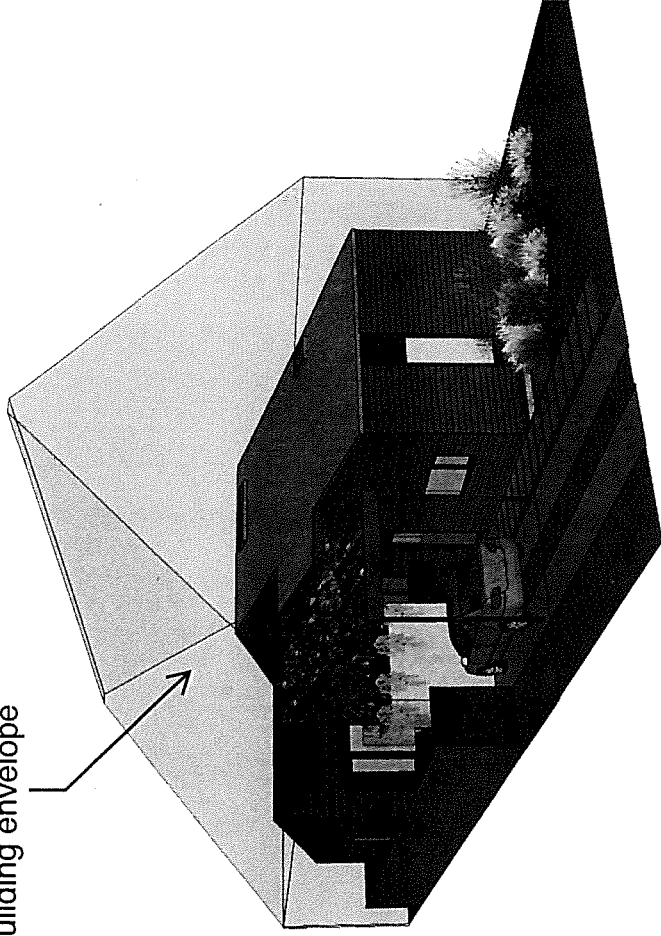
Scale: N/A



1 Proposed Development

Scale: 1/8" = 1'-0"

Maximum permitted
building envelope



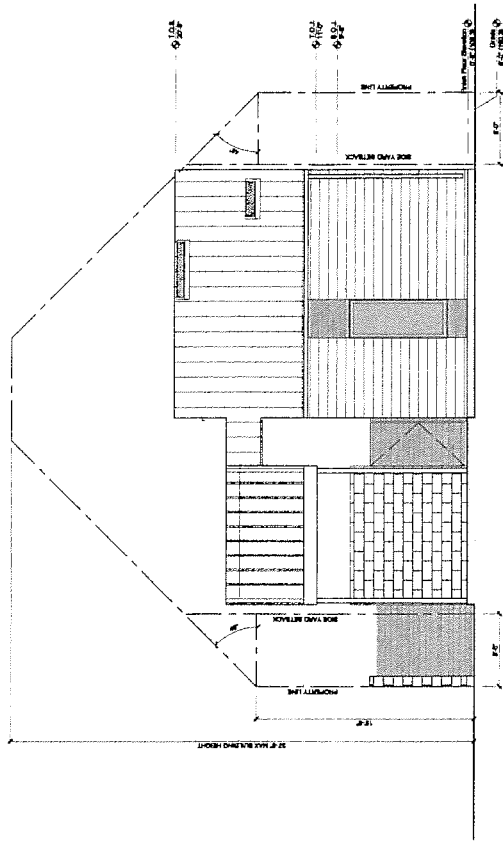
70 sq. ft. of proposed
rain garden to mediate
run-off. Refer to page
4 of 10 for calculations.

City of Austin Board of Adjustments:
Variance Request Proposal for 83 Pedernales St
March 28, 2016

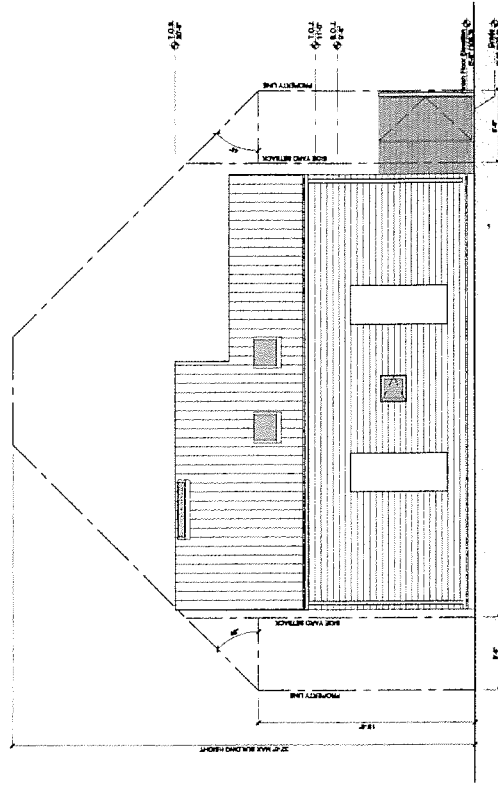
Proposed Development 6 of 10

12/35

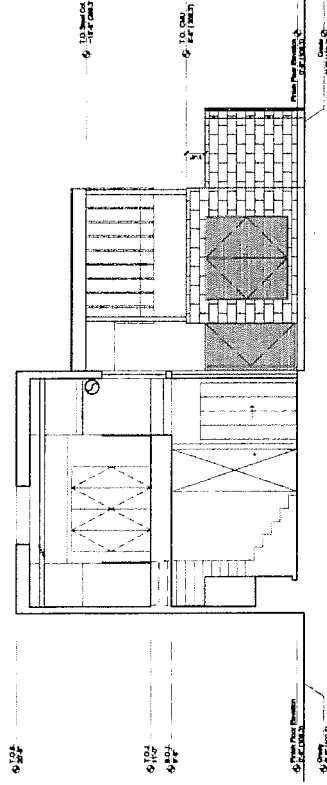
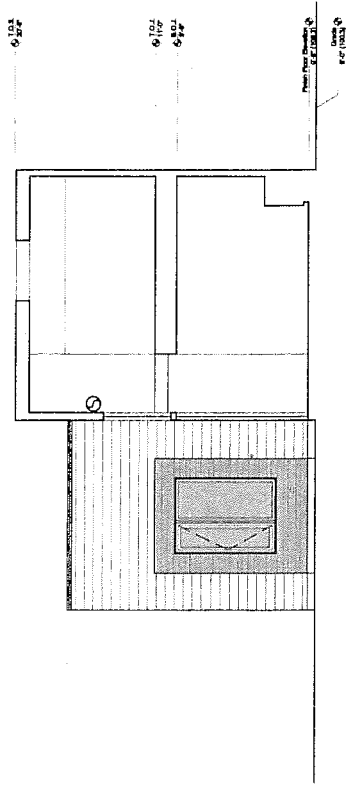
PROJECT: Rodriguez Residence 83 Pedernales St. Austin, TX, 78702 Permit Set Jan. 18, 2016 SET NUMBER: 01		SHEET TITLE: Exterior Elevations & Sections SHEET NO.:
DRAWN BY: Agustina Rodriguez 8003 Maple Ridge Rd. Austin, Texas 78702 Cell (512) 465-8008 Email: agustina@agustina.com	CHECKED BY: Fred Hubnik	DATE: 12/35



3 West Elevation

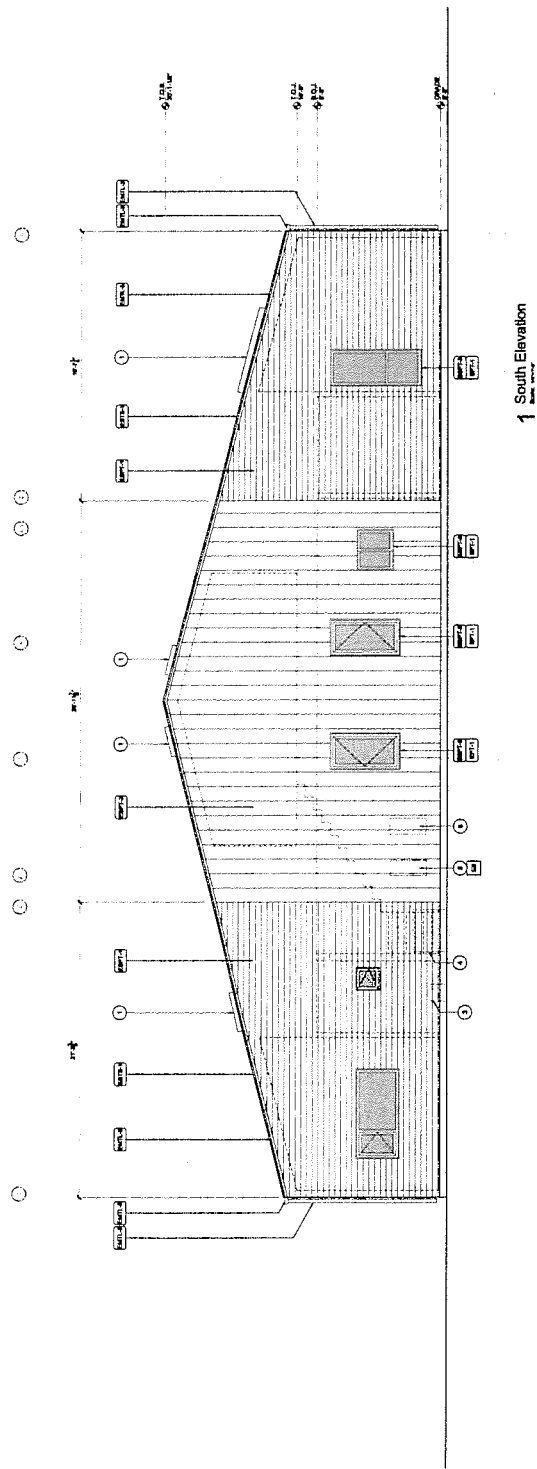
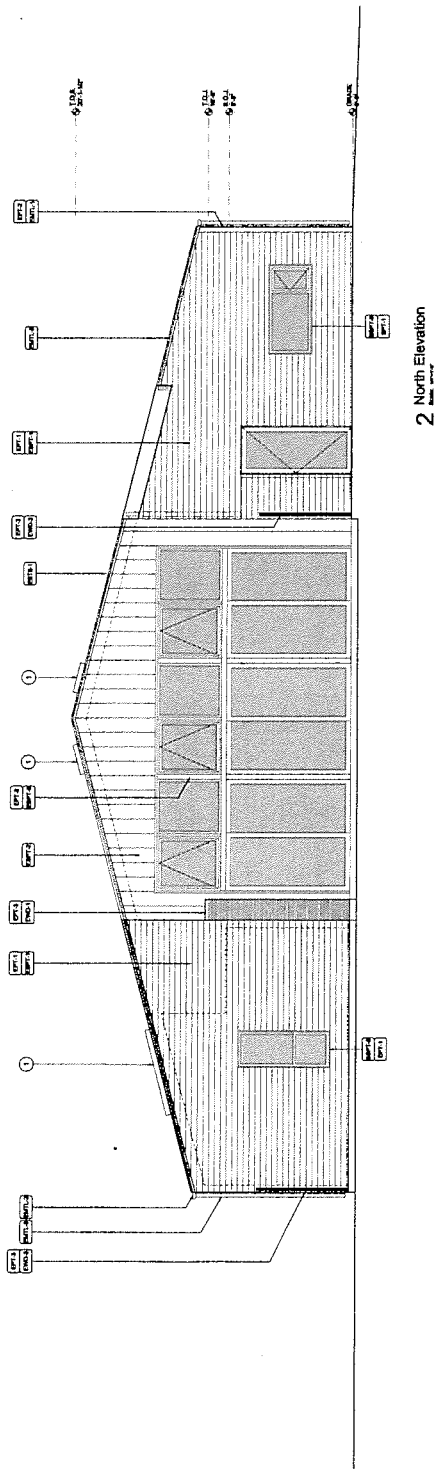


4 East Elevation @ Courtyard



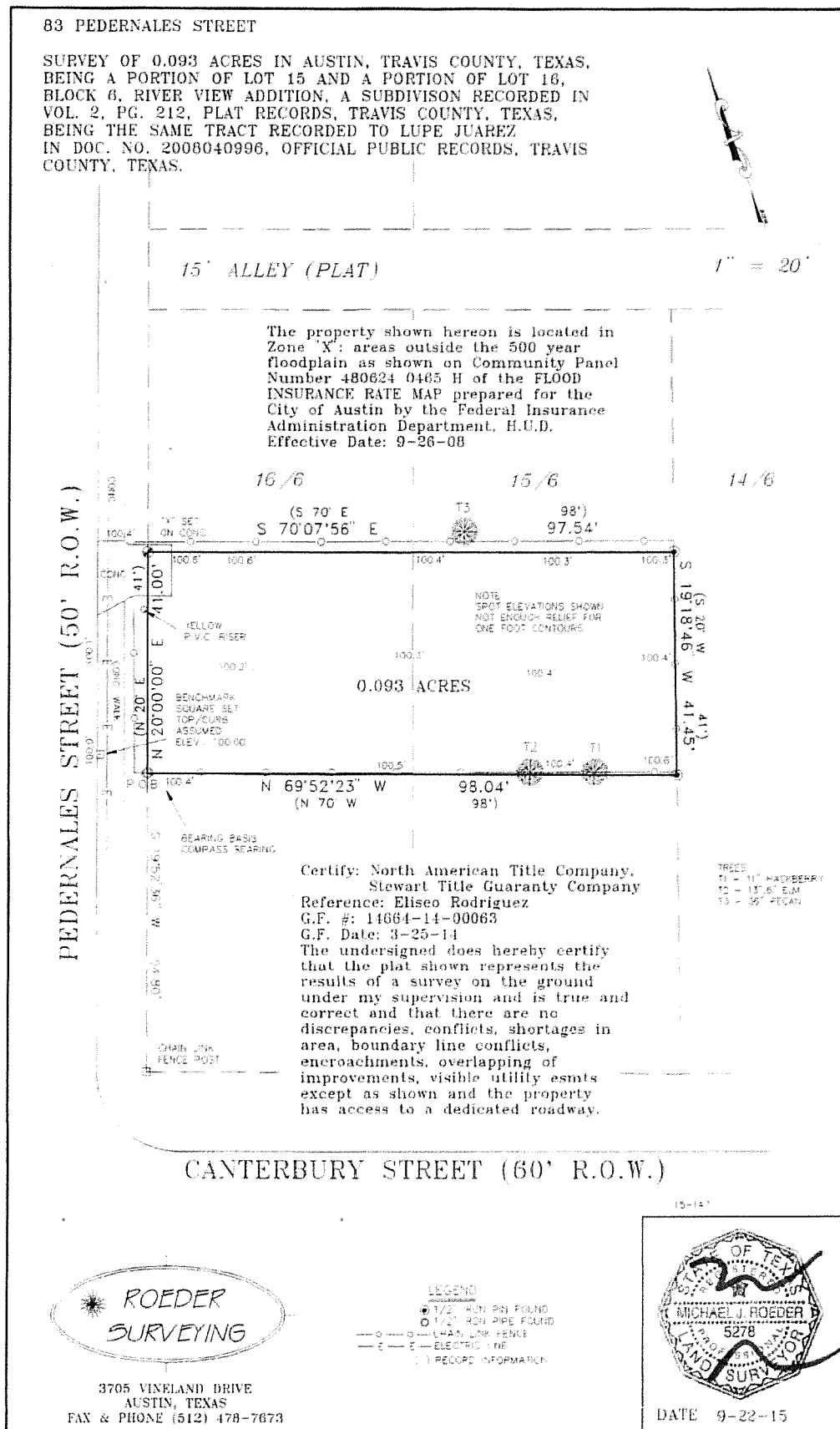
Proposed Development 7 of 10

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15/29

Tree & Topo Survey 9 of 10



City of Austin Board of Adjustments:
Variance Request Proposal for 83 Pedernales St
March 28, 2016

Date: March 28, 2016
CASE NUMBER: C15-2016-0043
CASE NAME: Rodriguez Residence
ADDRESS: 83 Pedernales
Austin Texas 78702
OWNER: Eliseo & Virginia Rodriguez
1221 S Congress Ave. Apt. 217
Austin Texas 78704
APPLICANT: Agustina Rodriguez
5013 Red Bluff Rd
Austin Texas 78702
ZONING: SF-3-NP

NEIGHBORHOOD PLANNING AREA: Holly

VARIANCE REQUEST: We wish to construct a 1,465 sq. ft. single-family residence development on a 4,051 sq. ft. site at 83 Pedernales which will decrease the impervious cover from 64% to 43%. As the property is within the Festival Beach Subdistrict of the Waterfront Overlay, this will require a variance from LDC Section 25-2-735 (D), which limits the total impervious cover on a lot to 40.00% within the Festival Beach Waterfront overlay. We believe the variance is warranted by the substantial hardship that would exist without a variance.

- The owners are a retired teacher and engineer whose health and age requires that substantially all of the habitable space of the home be on the ground floor. This limits our ability to reduce impervious cover by moving square footage to a second floor.
- The lot, purchased in 2014, is exceptionally small, and much smaller than a standard lot within Festival Beach Subdistrict. Prior to purchasing, we were required to obtain a **Land Status Determination** from DAC to establish its status as a recognized legal lot. This lot had been illegally subdivided by the original owners almost a century ago and is considered substandard since it measures 4,051 sq. ft. compared to the typical 5,750 sq. ft.
- As noted, the proposed design materially decreases the impervious cover from what was there before from 64% to 43%. The proposed design is also materially less impervious cover than the existing adjacent structures. Please refer to page 2 of 10 of the supporting documentation.
- Retaining the prior grandfathered structure was not an option because it was not habitable.

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- The owners intend to further enhance watershed protection by the installation of rain gardens and other landscaping improvements in order to off-set the effects of the 3% (130 sq. ft.) impervious cover coverage. The calculations to establish rain garden area was based on the city of Austin's Grow Green Fact Sheet in Section 3, page 2 of 4. We will be providing 48 sq. ft. more rain garden than the recommended 22 sq. ft. area for a 130 sq. ft. of impervious cover. Please refer to page 4 of 10 of the supporting documentation.
- We believe the variance would be consistent with the relevant Code provisions and the original Town Lake Corridor Study on which they are based, in that it would materially decrease the impervious cover and enhance watershed protection.
- The new structure will enhance the area character with its scale relative to the surrounding buildings. The proposed development is well within the McMansion building envelope and is more consistent in height with the immediately adjacent buildings. Our goal in designing this house was not to "max out" the building tent, but rather to only provide what is essential to the building Owners who will be the ones inhabiting the space. Please refer to page 5 of 10 of the supporting documentation.
- There are 7 precedents of variance requests being granted for other properties within the Waterfront Overlay, two of which are within Festival Beach. They are:
 - SP-2013-0169C: 1013 Lambie Street; Increase Impervious Cover from 40% to 66%.
 - Case no. N/A: 1211 Holly Street- Increase Impervious Cover from 40% to 47%.
 -
- Please refer to page 8 of 10 of supporting documentation to see a list of other approved Waterfront overlay Variances.

Thank you for your thoughtful consideration on this variance request to increase the allowable impervious cover of our lot by 3%.

Respectfully,

Agustina Rodriguez



Holly Neighborhood Coalition
Cynthia Valadez Mata, Co-Chair
2407 E. Cesar Chavez Street
Austin, TX 78702

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March 25, 2016

Board of Adjustment – City of Austin
505 Barton Springs Rd.
Austin, TX 78704

Dear Board of Adjustment for the City of Austin:

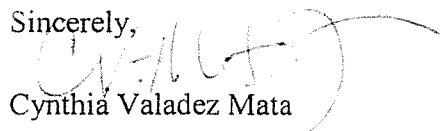
As a leading neighborhood association for the City of Austin's Holly neighborhood, the Holly Neighborhood Coalition submits this letter in support of the variance requested by the owner applicants of 83 Pedernales St., Austin, TX 78702.

The applicants, Virginia Rodriguez and her daughter Agustina Rodriguez, attended our monthly neighborhood meeting on Monday, March 7, 2016 to request support for a variance that would allow the applicants to build a home at 43 percent impervious cover, versus the allowable 40 percent.

Members of the holly Neighborhood Coalition voted unanimously to support this request because the small size of the lot does not otherwise allow for sufficient living space to exist on one story, which is something the homeowners require given their retirement age. Additionally, the homeowners have proactively proposed a water collection mechanism that will be both pleasing to the eye and will significantly mitigate water runoff. Lastly, we understand the 43 percent proposed impervious cover for this project to be a huge improvement over the 60+ percent impervious cover existing with the original structure.

For these reasons the Holly Neighborhood Coalition was happy to lend its support for this thoughtful project.

Sincerely,


Cynthia Valadez Mata
Holly Neighborhood Coalition Co-Chair



I, Eliseo F. Rodriguez, am applying for a variance from the Board of Adjustment regarding Section 25-2-735 D of the Land Development Code. The variance would allow me the ability to build at 43% impervious cover, instead of the allowable 40%. With this 3% variance, my wife and I can place the majority of our living space on one story (which is necessary given our retirement age).

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Lupe Enriquez	85 Pedernales	Lupe Enriquez
Tanie Rodriguez	81 Pedernales	X Tanie Rodriguez
Hennietta City	2712 Cank berry	X Hennietta City

20/39