




N



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

**NOTIFICATIONS**  
CASE#: C15-2016-0045  
LOCATION: 70 Julius Streek



1" = 165'

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# C15-2016-0045  
ROW# 11515714  
TAX# 0200100104

m2  
2/2

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: 70 Julius St., Austin, TX 78702

LEGAL DESCRIPTION: Lot 17 BLK 7 OLT 41-42 OLT 53 DIV O RILEYS SUBD

I, LA48-84, LLC, on behalf of myself, affirm that on 2/22/16, 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

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.

Zoning: SF-3-NP (Holly), water front overlay (Festival Beach)  
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. (a) The zoning regulations applicable to the property do not allow for a reasonable use because: The property was platted in 1937 with a total lot size of 5,098.61sf. This is 652sf less than the SF-3 standard minimum lot size of 5,750sf for which the lot is currently zoned as. This minimum lot size also applies to the Council approved changes to the ADU regulations. The owner is requesting a variance for the lot size to make improvements on the lot by constructing a single-family residence (approx. 1100sf) on Julius St. and an accessory dwelling unit (approx. 500sf) in the rear of the property.

(b) The variance is not general because: The hardship, reasonable use, and area of character are specific to the subject site.

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**HARDSHIP:**

2. The hardship for which the variance is requested is unique to the property in that: The lot was platted in 1937 as part of the O Riley's subdivision. A lot cannot add any additional acreage because it is an interior lot. Thus, the size cannot be increased to meet the minimum lot size requirement. Further, the City's recent code language regarding ADUs fails to recognize lots that are smaller than 5,750sf. Smaller lots can meet the intent of the ADU ordinance, which promotes increased affordable housing within the city's inner core. Smaller lots should be allowed to erect accessory dwelling units since a secondary structure is allowed per SF-3 performance standards. The variance will uphold the spirit of the ADU ordinance as well as the rights prescribed by the LDC in SF-3 zoning.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property. It 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 variance will not alter the character of the area adjacent to the subject property. There are many properties in the surrounding area that have similar lot sizes that have been granted building permits for the construction of accessory dwelling units.

**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.

5/32

**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 70 Julius Street

City, State & Zip Austin, TX 78702

Printed LA48-84, LLC Phone 512-422-1612 Date 2-22-16

**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 70 Julius Street

City, State & Zip Austin, TX 78702

Printed LA48-84, LLC Phone 512-422-1612 Date 2-22-16

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5/1

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 LA 48-84 [Signature] Mail Address 3901 Bennedict Lane

City, State & Zip Austin, TX 78746

Printed LA48-84, LLC Phone 512-422-1612 Date 2-22-16

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 LA 48-84 [Signature] Mail Address 3901 Bennedict Lane

City, State & Zip Austin, TX 78746

Printed LA48-84, LLC Phone 512-422-1612 Date 2-22-16



1/12/2016

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6/2

**REISSUED**  
**CERTIFICATE OF OCCUPANCY**

DEVELOPMENT SERVICE DEPARTMENT  
CITY OF AUSTIN, TEXAS

BUILDING PERMIT NO: 113842

ORIGINAL DATE: JULY 28, 1969

LEGAL DESCRIPTION AS ON ORIGINAL DOCUMENT: A.V RILEY

ZONING: RESIDENCE

THIS IS TO CERTIFY THAT, THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED BELOW WAS INSPECTED AT THE TIME OF THE ORIGINAL DATE FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR USE LISTED BELOW.

ADDRESS: 70 Julius

USE: RESIDENCE

OWNER/BUILDER: H.H MARTIN

REMARKS: REMODEL AND REPAIR RESIDENCE AND BRING TO MIN STDS.

*Dick Arzola*

Carl Wren, Building Official

BY:

**PLEASE NOTICE**

'NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION, OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISES, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISES.

THE CITY OF AUSTIN DOES NOT ASSUME ANY RESPONSIBILITY OR LIABILITY BY REASON OF THE INSPECTION, OR REINSPECTION, OF THE PREMISES; OR THE ISSUANCE OF THIS "CERTIFICATE OF OCCUPANCY"; OR BY REASON OF ANY APPROVAL OR DISAPPROVAL.'

## RE: 70 Julius St. - Need for Land Status Determination?

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1/13

Casillas, Michelle <Michelle.Casillas@austintexas.gov>

Wed 1/13/2016 1:27 PM

To Mindy Briggs <[REDACTED]>

No. It is a legal lot out of a recorded subdivision. Volume 3, page 140.

Thanks,  
M

Sincerely,  
Michelle R. Casillas  
City of Austin / DSD  
Development Assistance Center  
Senior Planner  
(512)974-7623 office  
(512)974-2934 fax  
[Michelle.Casillas@austintexas.gov](mailto:Michelle.Casillas@austintexas.gov)

Supervisor: Christopher Johnson  
[Christopher.Johnson@austintexas.gov](mailto:Christopher.Johnson@austintexas.gov)

**From:** Mindy Briggs [mailto:[REDACTED]]  
**Sent:** Wednesday, January 13, 2016 1:23 PM  
**To:** Casillas, Michelle  
**Subject:** 70 Julius St. - Need for Land Status Determination?

Hi Michelle,

Could you let me know if a LSD is necessary for the property at 70 Julius St.?

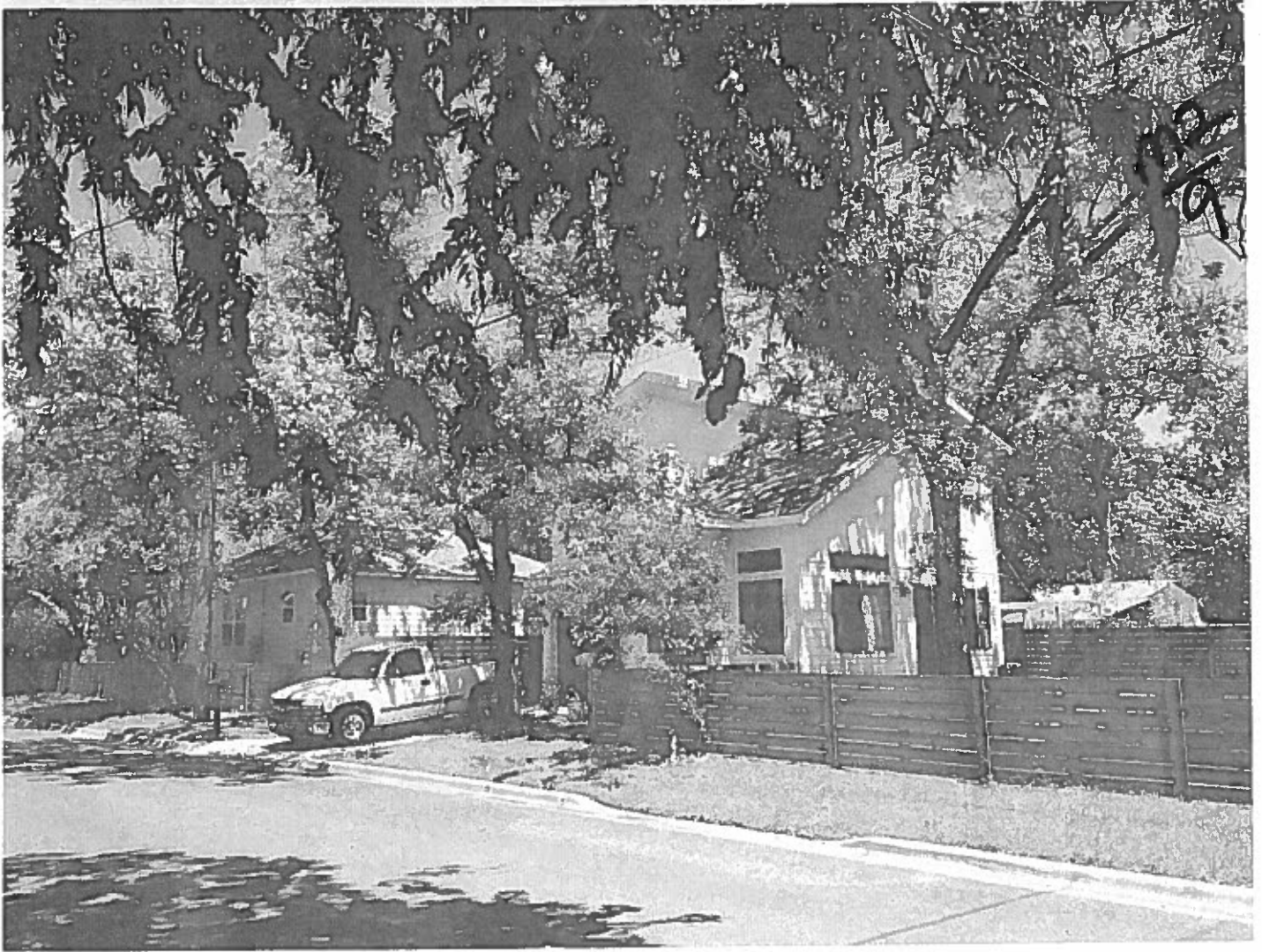
Kind regards,

**Mindy Briggs**  
Permit Partners, LLC  
105 W. Riverside, Ste 225  
Austin, TX 78704  
512.593.5361 o  
512.213.0261 f  
[www.Permit-Partners.com](http://www.Permit-Partners.com)



2406 Willow





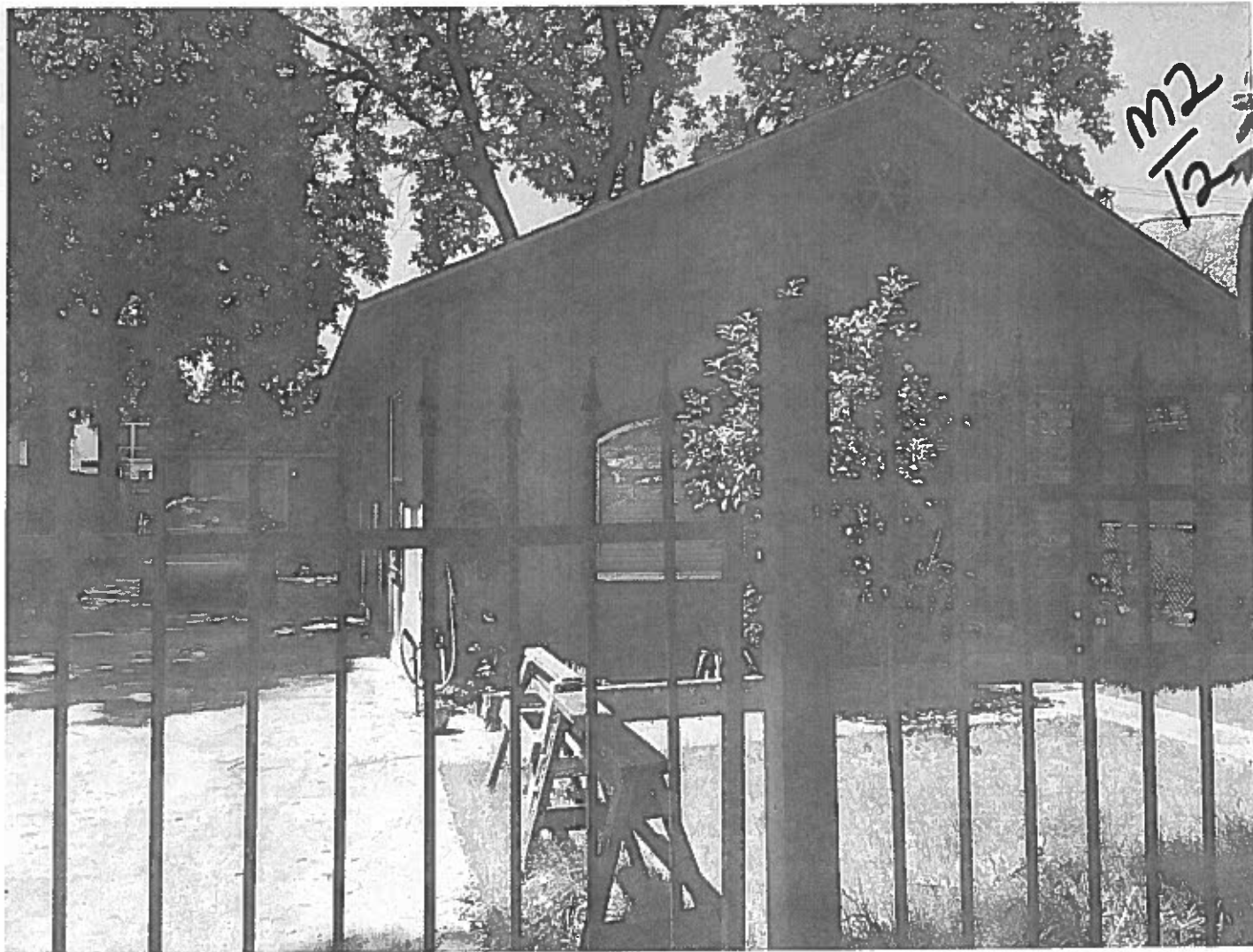
2601 WILLOW



2506 Willow



2318 CANTERBURY



FRONT OF 74 JULIUS





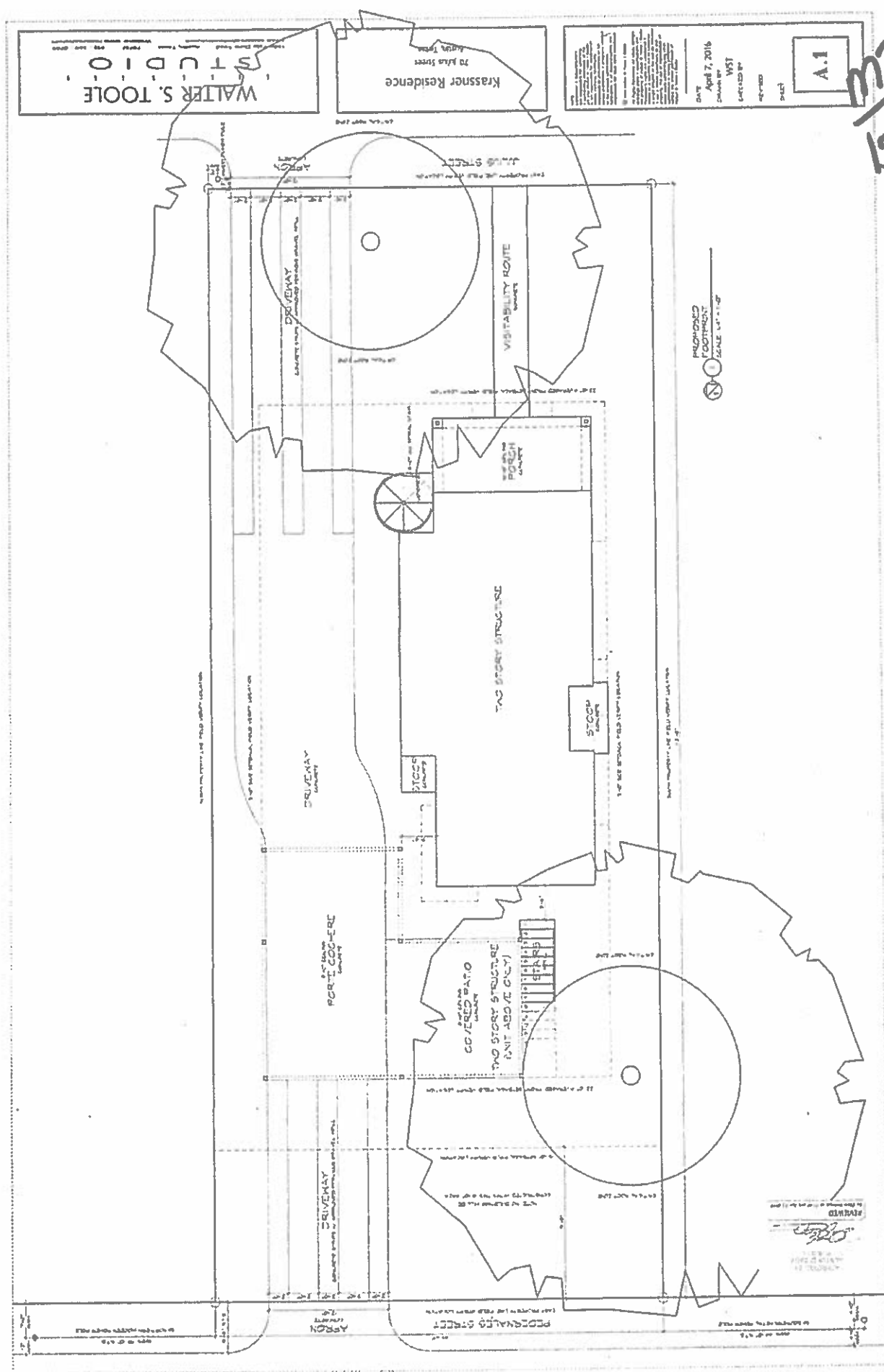
BACK OF 74 JULIUS

# 70 Julius St Lot Size Variance



- Purchased in June 2012
- Legal Substandard Lot
- Lot 17 Block 7 Riley's Subdivision
- Platted in 1937
- Lot size 5098.61 sq ft lot
- Zoned SF-3 NP – no NP restrictions

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## Summary

- The legal sub-standard lot size cannot be changed.
- Strict application of the written regulations deny a reasonable use of the lot due to the allowance of 2-family residential use within SF-3 zoning.
- There is no adverse impact on surrounding neighbors.
- The proposed unit will fit the area of character.
- The proposed site plan will fully comply with all applicable regulations.
- There is no known opposition to my request.

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# Hardship

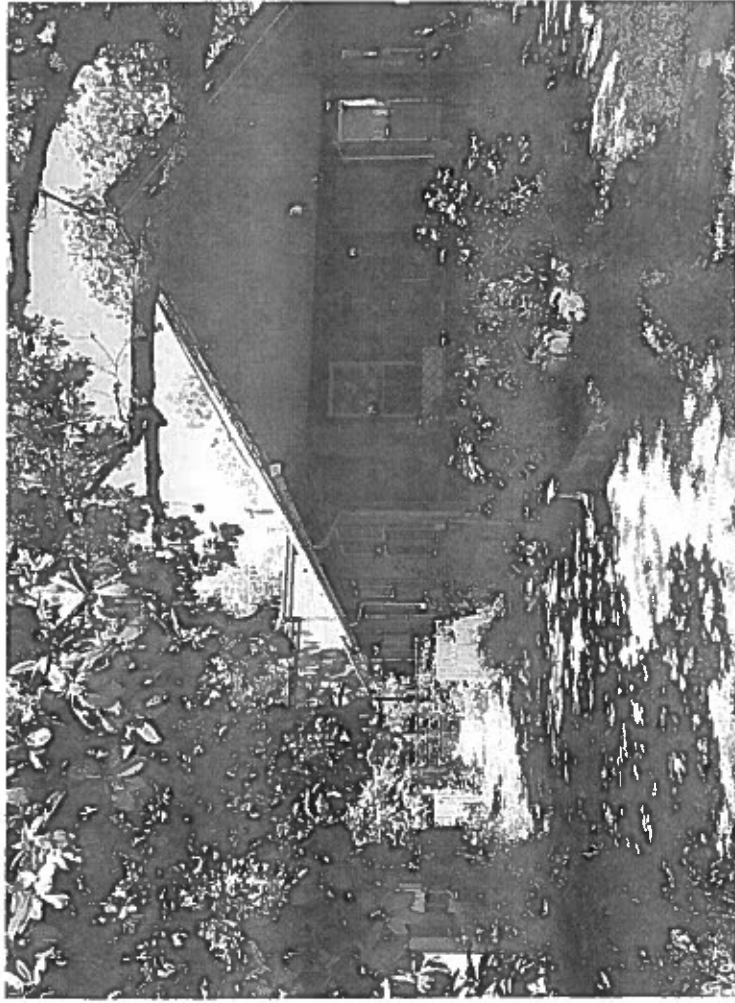
- Hardship derives from legal substandard lot platted 1937 allowed two residential dwelling units per zoning in place at that time.
- Because I cannot change the size of the legal substandard lot to meet current requirements, the city code restrictions since that time have made the original intent of the zoning on my lot not possible
- Board granted lot size variance to my neighbor at 74 Julius, which is a smaller lot than my own, and found reasonable justification at that time to do so.
- I believe the hardship the BOA approved of for 74 Julius and the hardship I am arguing in my case are very similar - not seeking special treatment

5/32

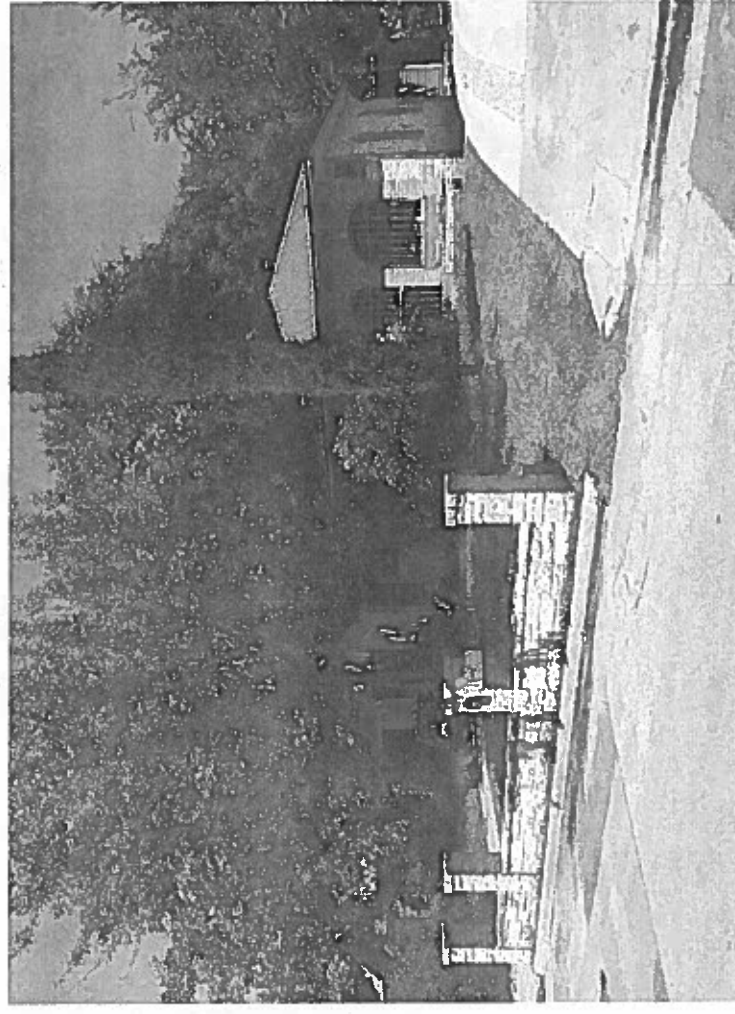
# Neighborhood Support

- All neighbors I've spoke with on Julius St in favor of proposed Lot Size variance.
- Multiple attempts to contact representatives of the Holly Neighborhood Association unsuccessful, but no opposition.
- Austin Energy does not oppose our variance request as per site plan drawing from previous slide.
- City arborist ok with proposed design.

2/32



2318 Canterbury St (UP) 2601 Willow St (DOWN)

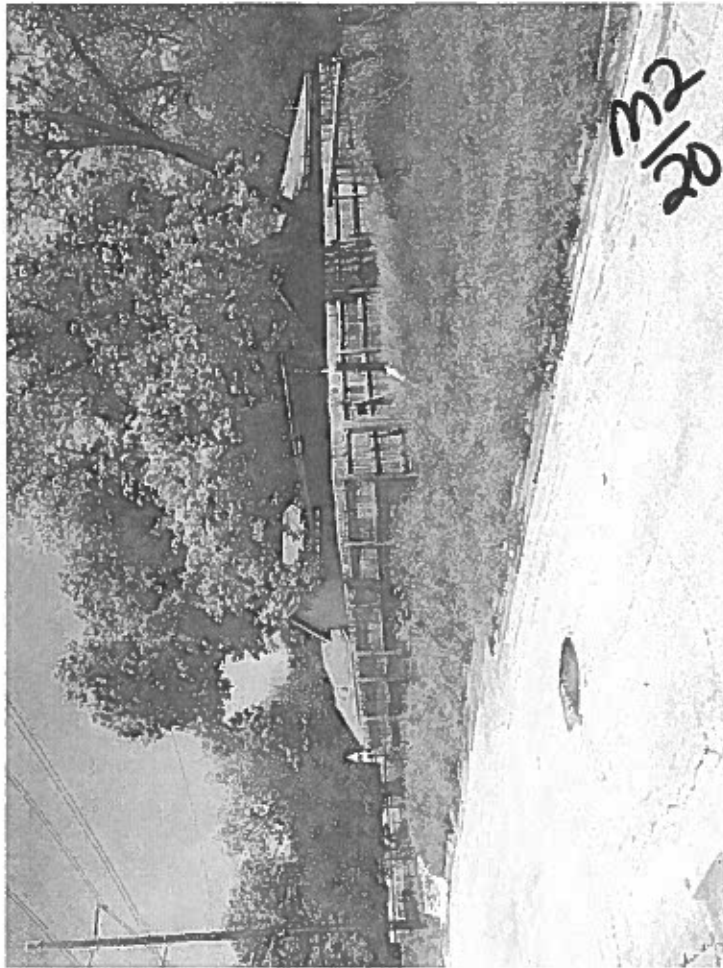


2406 Willow St (UP) 2605 Willow St (DOWN)



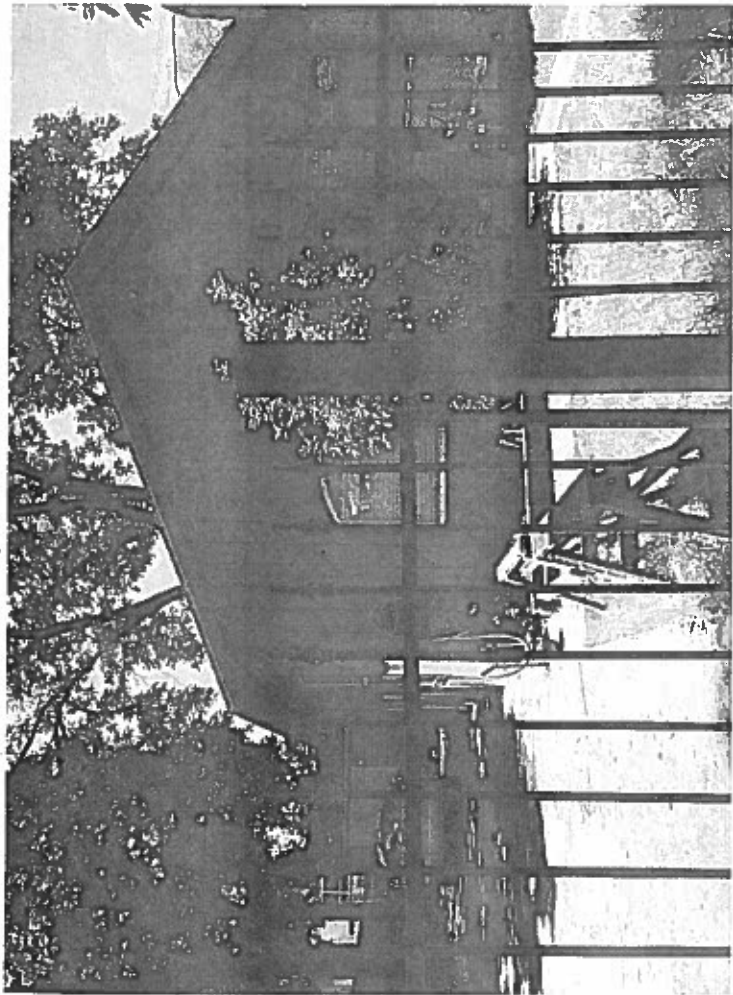


BACK

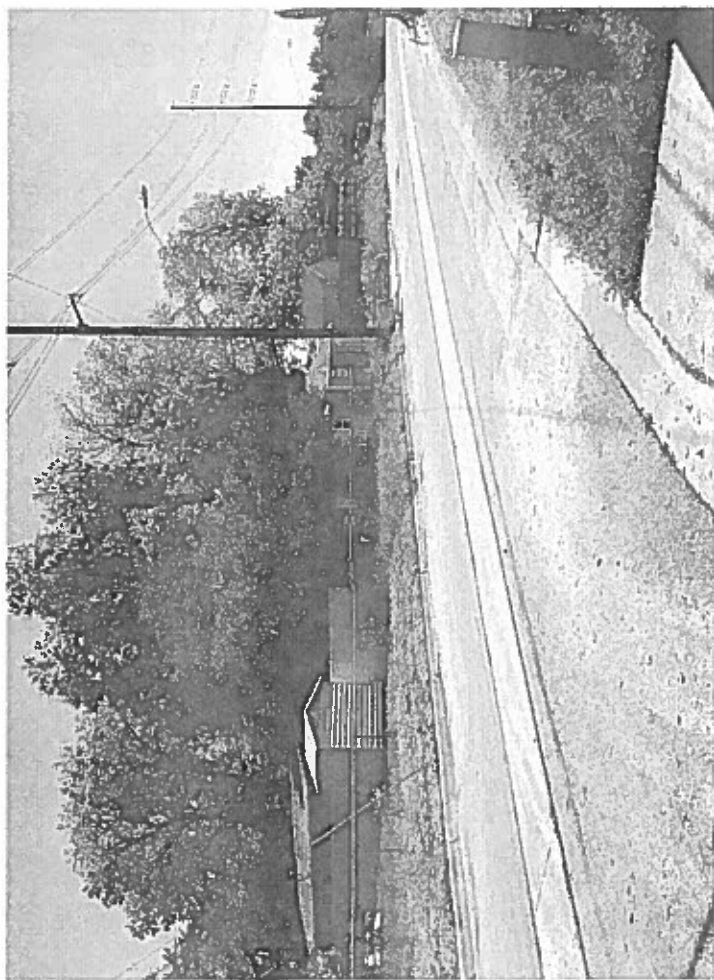


74 JULIUS

FEDERNALES STREET



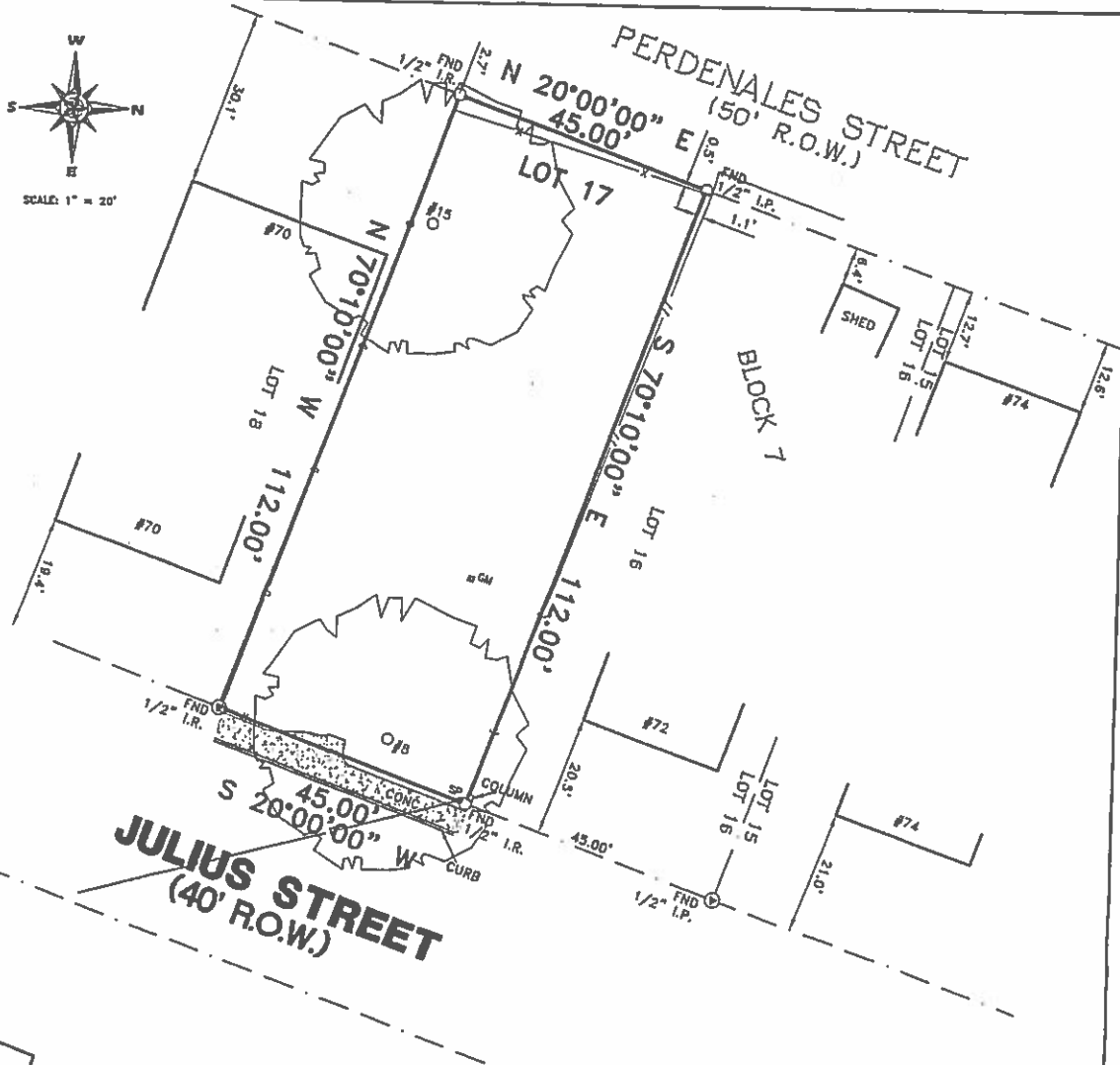
FRONT



2132



SCALE: 1" = 20'



**LEGEND**

- GM - GAS METER
- WF - WIRE FENCE
- WF - WOOD FENCE
- CF - CHAINLINK FENCE
- SP - SERVICE POLE
- OP - OVERHEAD POWER LINE
- RI - RECORD INFORMATION
- CM - CONTROL MONUMENT

**NOTES:**

- 1) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS, BUILDING LINES AND OTHER ENCUMBRANCES NOT SHOWN HEREON MAY AFFECT SUBJECT PROPERTY.
- 2) SUBJECT TO ALL APPLICABLE CITY OF AUSTIN DEVELOPMENT CODES AND ORDINANCES.
- 3) ALL BEARINGS ARE BASED ON AN ASSUMED BEARING OF S 20°00'00" W ALONG THE WEST RIGHT OF WAY LINE OF JULIUS STREET.

**TREE TABLE**

TAG#	SIZE/TYPE
8	22" OAK
15	22" OAK

ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED. ALL EASEMENTS AND BUILDING LINES ARE BASED ON THE RECORDED PLAT, UNLESS OTHERWISE NOTED. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN CF NO. -

**SURVEY OF**

LOT 17, BLOCK 7, RILEY'S SUBDIVISION OF BLOCK 7, OUT OF OUTLOT 53 DIVISION "D", CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 3, PAGE 140, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X(SHADOWED)" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480824 D465 H, REVISED SEPTEMBER 28, 2006. FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

PURCHASER LEE KRASSNER

ADDRESS 70 JULIUS STREET

LENDER CO. -

TITLE CO. -



**Windrose Land Services Austin**  
4120 Commercial Center Dr.  
Suite 300  
Austin, Texas 78744

TEL (512) 328-2100 FAX (512) 326-2770

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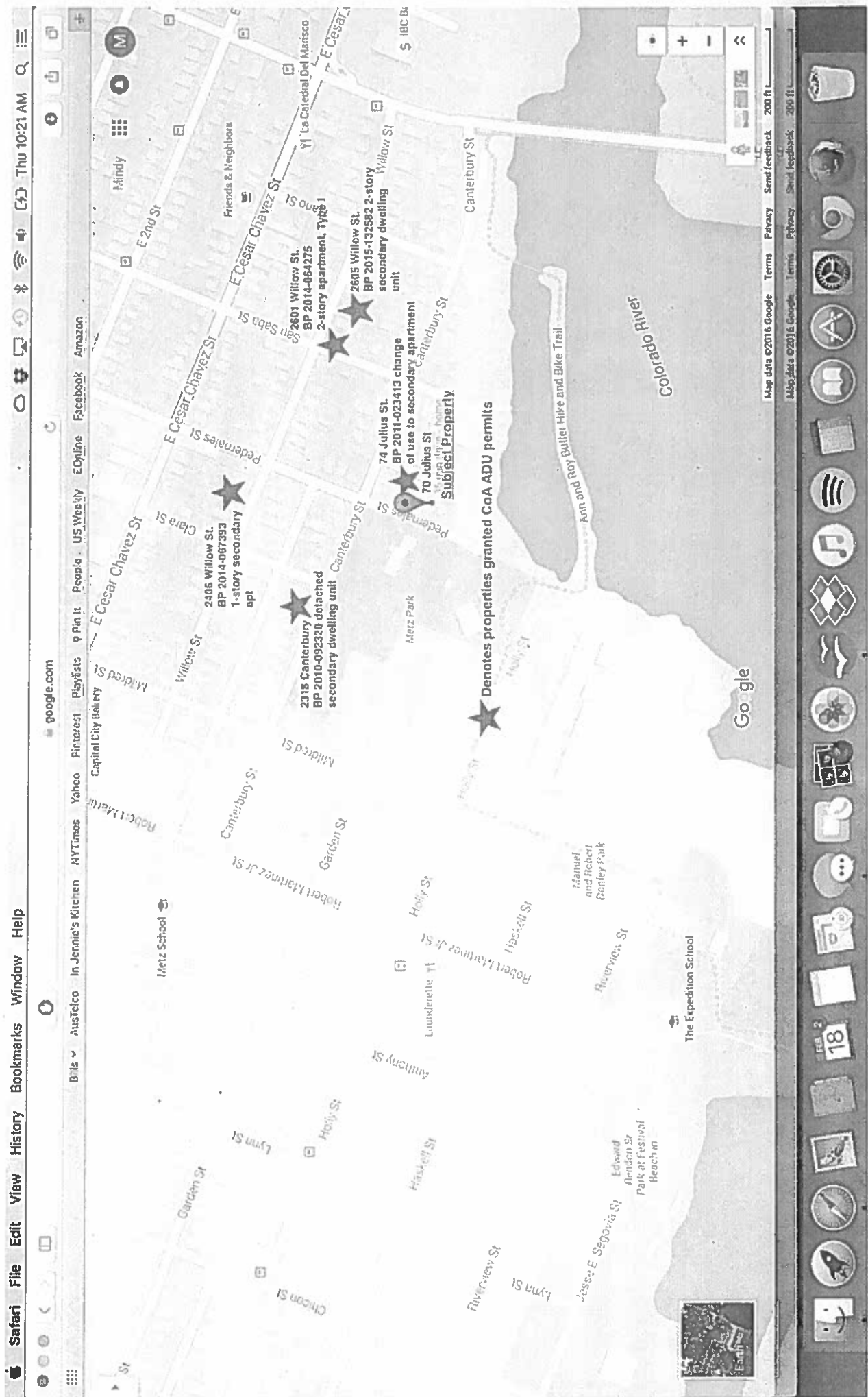


I do hereby certify that this survey was this day made on the ground and that this plat correctly represents the property legally described hereon (or on an attached sheet). That the facts found at the time of this survey show the improvements and that there are no encroachments apparent on the ground, except as shown.

*Michael Turner* 6/1/15

FIELD WORK	05/29/15	RW	DRAFTED BY	06/01/15	FD	CHECKED BY	06/01/15	MT
REVISION	10/08/15	MDL	ADDED NEAR ADJACENT SETBACKS			MAPSCO PAGE		JOB NO.
REVISION	-	-	-			615 H		30349





2/2/22

