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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

### NOTIFICATIONS

CASE#: C15-2016-0051  
LOCATION: 1309 E 7th Street



1" = 199'

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.

C15-2016-0051

**Guadalupe Association for an Improved Neighborhood- GAIN**

1111 East 8th Street - Austin, Texas 78702

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June 27, 2016

Re: Case C15-2016-0051. GAIN opposition to variance at 1309 East 7<sup>th</sup> Street to reduce parking for a change of use to cocktail lounge.

Dear Board of Adjustment Members:

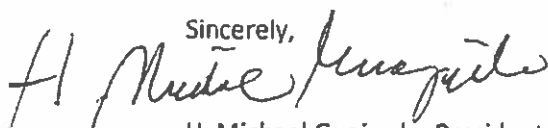
On June 25, 2016 at a regular meeting of the Guadalupe Association for an Improved Neighborhood, GAIN, the membership voted unanimously to oppose a variance requested by the Mr. Gino Troy III for 1309 East 7th Street, to reduce the minimum required parking from nine spaces to 4 spaces to coincide with a future change of use from office to cocktail lounge.

GAIN's membership understands that the property, because it is within the Saltillo TOD, is entitled to provide only 60% of the Austin Land Development Code's standard required parking. It is clear that, because of large trees, only 4 spaces can be provided on site. However, we are confident that the owner could locate the additional 5 spaces nearby and no variance would be necessary.

Our neighborhood is currently plagued by late hours parking by people going to nearby bars and restaurants. Parking enforcement of our Residential Parking Permit (RPP) zone ends at midnight. Parking patrol officers rarely enforce the RPP *at any time* in our neighborhood because it seems it is much easier for them to ticket vehicles parked in metered parking zones than to patrol our residential streets. As a result crime has increased dramatically within our residential neighborhood during the past several years during nighttime and early morning hours. Mr. Troy, who attended our meeting at our invitation, suggested a cocktail lounge at 1309 E. Street could accommodate as many as 100 patrons outdoors in addition to scores within the building. Nine spaces will not accommodate even one tenth of the vehicles transporting patrons to a bar at 1309 E. 7<sup>th</sup> Street on its busiest nights. The neighborhood residents, therefore, will oppose the conditional use permit for cocktail lounge should Mr. Troy seek it. We strongly believe he has selected an inappropriate use for that specific location.

We respectfully urge you not to grant a variance further reducing parking when it already would be totally inadequate even if it were to comply with code. Such a variance would set a terrible precedent, sending the wrong message to property owners within the Saltillo TOD.

Sincerely,



H. Michael Guajardo, President

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

**DATE:** Monday, May 9, 2016

**CASE NUMBER:** C15-2016-0051

☐ Y ☐ Brooke Bailey  
☐ Y ☐ Michael Benaglio  
☐ Y ☐ William Burkhardt  
☐ Y ☐ Eric Goff    **Motion to PP to July 11, 2016**  
☐ Y ☐ Melissa Hawthorne  
☐ Y ☐ Don Leighton-Burwell  
☐ Y ☐ Rahm McDaniel  
☐ - ☐ Melissa Neslund    **OUT**  
☐ Y ☐ James Valadez  
☐ Y ☐ Michael Von Ohlen    **2<sup>nd</sup> the Motion**  
☐ Y ☐ Kelly Blume (Alternate)

**APPLICANT:** FAYEZ KAZI

**OWNER:** Gino Troy

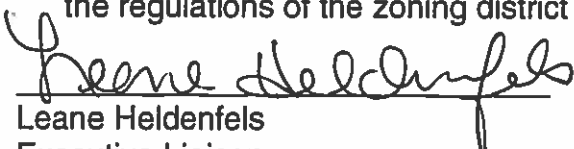
**ADDRESS:** 1309 7TH ST

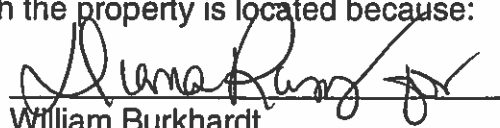
**VARIANCE REQUESTED:** The applicant has requested a variance from Section 25-6 Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 9 spaces (required, which per 25-6-611 is 60% of that prescribed for the proposed use) to 1 space (requested, 1 handicapped space is provided) in order to change the use of an existing 1,554 square foot structure from office to cocktail lounge use in a "TOD-NP", Transit Oriented District – Neighborhood Plan zoning district. (Central East Austin)

**BOARD'S DECISION:** The public hearing was closed on Board Member Eric Goff motion to Postpone to July 11, 2016, Board Member Michael Von Ohlen second on a 10-0 vote; POSTPONED TO JULY 11, 2016.

**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



**CITY OF AUSTIN**  
Development Services Department  
One Texas Center | Phone: 512.978.4000  
505 Barton Springs Road, Austin, Texas 78704

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## 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 # CL-2016-051 ROW # 11516497 Tax # 0205070605  
EAD ✓

### Section 1: Applicant Statement

Street Address: 1309 E 7th Street

Subdivision Legal Description:

LOT 5 BLK 2 OLT 3 DIVISION A

Lot(s): 5 Block(s): 2

Outlot: 3 Division: A

Zoning District: TOD - NP (Central East Austin)

① We Fayez Kazi on behalf of myself/ourselves as  
authorized agent for Gino Troy of DGT Management, LLC affirm that on  
Month March, Day 14, 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: Existing SF Home

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

LDC Section 25-6 Appendix A

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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:

This building was built in the early 1900s before there were any parking requirements. The building has history of previous non-residential use and the lack of parking has not created an apparent problem.

### Hardship

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

There are critical root zones of three heritage trees in the backyard and two 17" pecan trees in the frontyard. There is limited opportunity to construct parking on this site. A single handicapped parking space and associated landing is able to be delineated between the root zones outside the half root zone.

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

New redevelopment has had to comply with the parking requirements. Other properties that have not been redeveloped in the neighborhood do not have parking as currently required or have non-compliant parking.

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### 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 opportunity to remodel will allow the existing building and neighborhood character to be maintained - instead of a teardown and dull redevelopment.

### 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:

This is a small building that will not generate significant traffic and will serve the local neighborhood.

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:

Street parking is not prohibited and can be used if necessary. There is ample street parking along Navasota north of E 7th and along E 6th East of Navasota.

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

There is ample alley access for emergency and service vehicles.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

Any change in the intended use would require that additional parking be provided or would result in additional parking variances.

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### 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: [Signature] Date: 03/15/2016

Applicant Name (typed or printed): Fayez Kazi

Applicant Mailing Address: 1210 Rosewood Ave

City: Austin State: TX Zip: 78702

Phone (will be public information): (512) 761-6161

Email (optional – will be public information): Fayez@Civiltude.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: [Signature] Date: 03/15/2016

Owner Name (typed or printed): Gino Troy of DGT Management, LLC

Owner Mailing Address: PO Box 340430

City: Austin State: TX Zip: 78734

Phone (will be public information): (512) 576-0785

Email (optional – will be public information): \_\_\_\_\_

### Section 5: Agent Information

Agent Name: Fayez Kazi

Agent Mailing Address: 1210 Rosewood Ave

City: Austin State: TX Zip: 78702

Phone (will be public information): (512) 761-6161

Email (optional – will be public information): Fayez@Civiltude.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).

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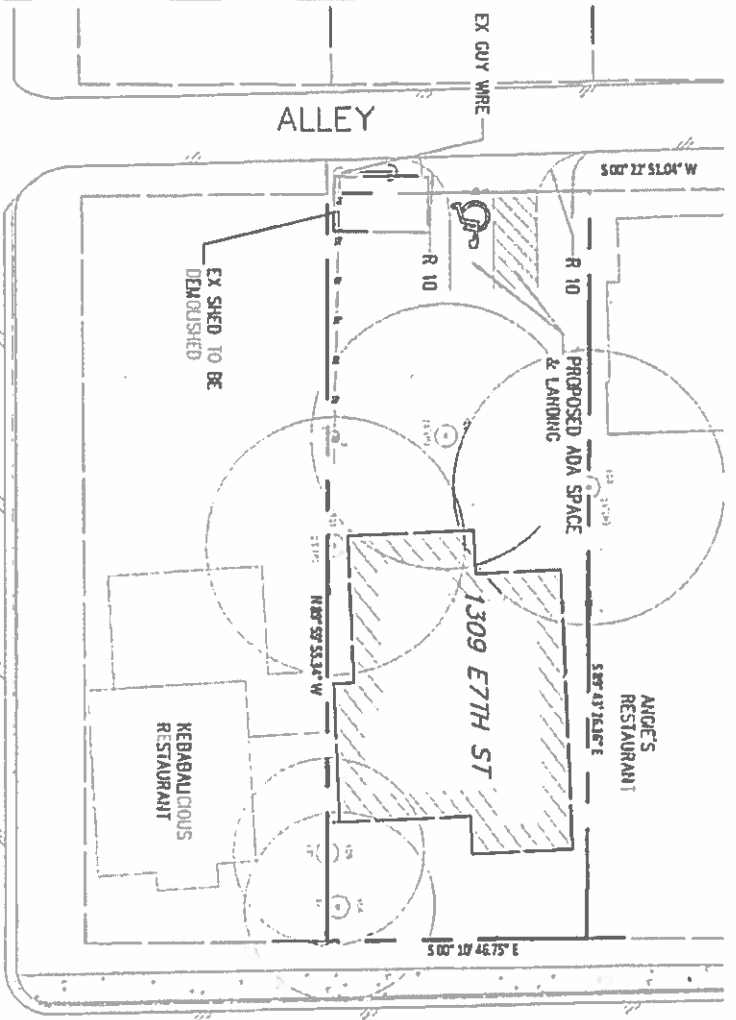
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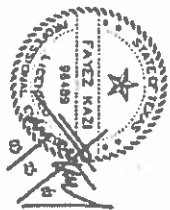
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TAG NO.	TREE DESCRIPTION
101	23" PECAN
102	24" PECAN
103	24" PECAN
104	17" PECAN
105	17" PECAN

NAVASOTA STREET



E 7TH STREET



**CIVILITUDE**  
ENGINEERS & PLANNERS  
9110 ROCKWOOD AVE., AUSTIN, TX 78752  
PHONE 512 761 6861 FAX 512 761 6157  
WWW.CIVILITUDE.COM

**E 7TH STREET ROAD  
PAVING VARIANCE EXHIBIT**

DATE: 04/22/2014  
SHEET: 1 OF 1

