






-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2016-0078
 LOCATION: 705 Lydia Street



1" = 153'

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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2/2

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday, July 11, 2016

CASE NUMBER: C15-2016-0078

☒ Y Brooke Bailey
☒ Y Michael Benaglio
☐ N William Burkhardt
☒ Y Eric Goff
☒ Y Melissa Hawthorne 2nd the Motion
☐ N Bryan King
☒ Y Don Leighton-Burwell
☒ Y Rahm McDaniel
☐ N Melissa Neslund
☒ Y James Valadez
☒ Y Michael Von Ohlen Motion to Grant failed, DENIED
☐ Kelly Blume (Alternate)

**OWNER: Mark Rogers (Guadalupe Neighborhood Development Corp.)
ADDRESS: 705 LYDIA ST**

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-1461 Secondary Apartment (*Special Use Infill Options - Secondary Apartments*) to decrease the minimum lot area from 5,750 square feet (required) to 4,131 square feet (requested) in order to build a new single family residence and second dwelling unit on this lot in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Central East Austin)

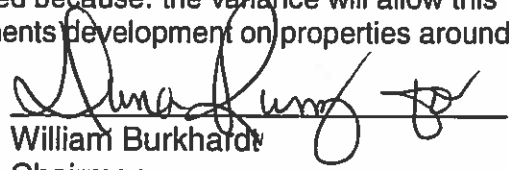
BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 8-3 vote (Board members William Burkhardt, Bryan King, Melissa Neslund nay); DENIED.

EXPIRATION DATE: JULY 11, 2017

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: regulation related to lot size deprives this property of the reasonable use of erecting a primary residence and a secondary apartment
2. (a) The hardship for which the variance is requested is unique to the property in that: no other undeveloped existing lots in the area that have less than required lot area
(b) The hardship is not general to the area in which the property is located because: no other vacant lots in the area immediately north of the Plaza Saltillo TOD have less than the minimum required 5,750 sq feet and are surrounded by more intensely developed property
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 variance will allow this property to be developed in a way that compliments development on properties around it with the exception of minimum lot area


Leane Heldenfels
Executive Liaison


William Burkhardt
Chairman



Guadalupe Neighborhood Development Corporation
813 East 8th Street - Austin, Texas 78702

(512) 479-6275 (512) 478-9949 fax
gndc@sbcglobal.net

12/3

July 18, 2016

Re: Appeal to reconsider Case C15-2016-0078, 705 Lydia Street for reduced minimum lot size.

Dear Board of Adjustment Members:

On behalf of the Guadalupe Neighborhood Development Corporation, GNDC, I am writing to request that you reconsider our application for a variance to reduce the minimum lot size at 705 Lydia Street, Case C15-2016-0078. As you will recall, the board discussed this case at length and with one more favorable vote the variance would have been approved.

I have attached new evidence that I think, when considered together with the documents that I provided previously, warrant the case be reconsidered.

I am providing additional evidence related to:

- Minimum lot sizes in the immediate area that are developed with single family homes.
- The significant number of single-family zoned properties with two houses or two housing units in the immediate area.
- The intensity of zoning adjacent to our site and in the surrounding neighborhood.

I believe this evidence will clarify the hardship related to our case and enhance the argument that reducing the minimum lot size required for a secondary apartment on this property compliments the existing neighborhood.

Thank you for your consideration in this matter.

Sincerely,


Mark C. Rogers

CITY OF AUSTIN DEVELOPMENT WEB MAP

2/15



Legend

Lot Lines

Streets

Building Footprints

Named Creeks

Lakes and Rivers

Parks

County

Lot ID

Block ID

Lot Line

Zoning Text

Zoning (Large Map Scale)

0.12

TOD, Commercial and Multi-Family Zoning

705 Lydia

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 THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

CITY OF AUSTIN DEVELOPMENT WEB MAP



Legend

- Lot Lines
- Streets
- Building Footprints
- Named Creeks
- Lakes and Rivers
- Parks
- County

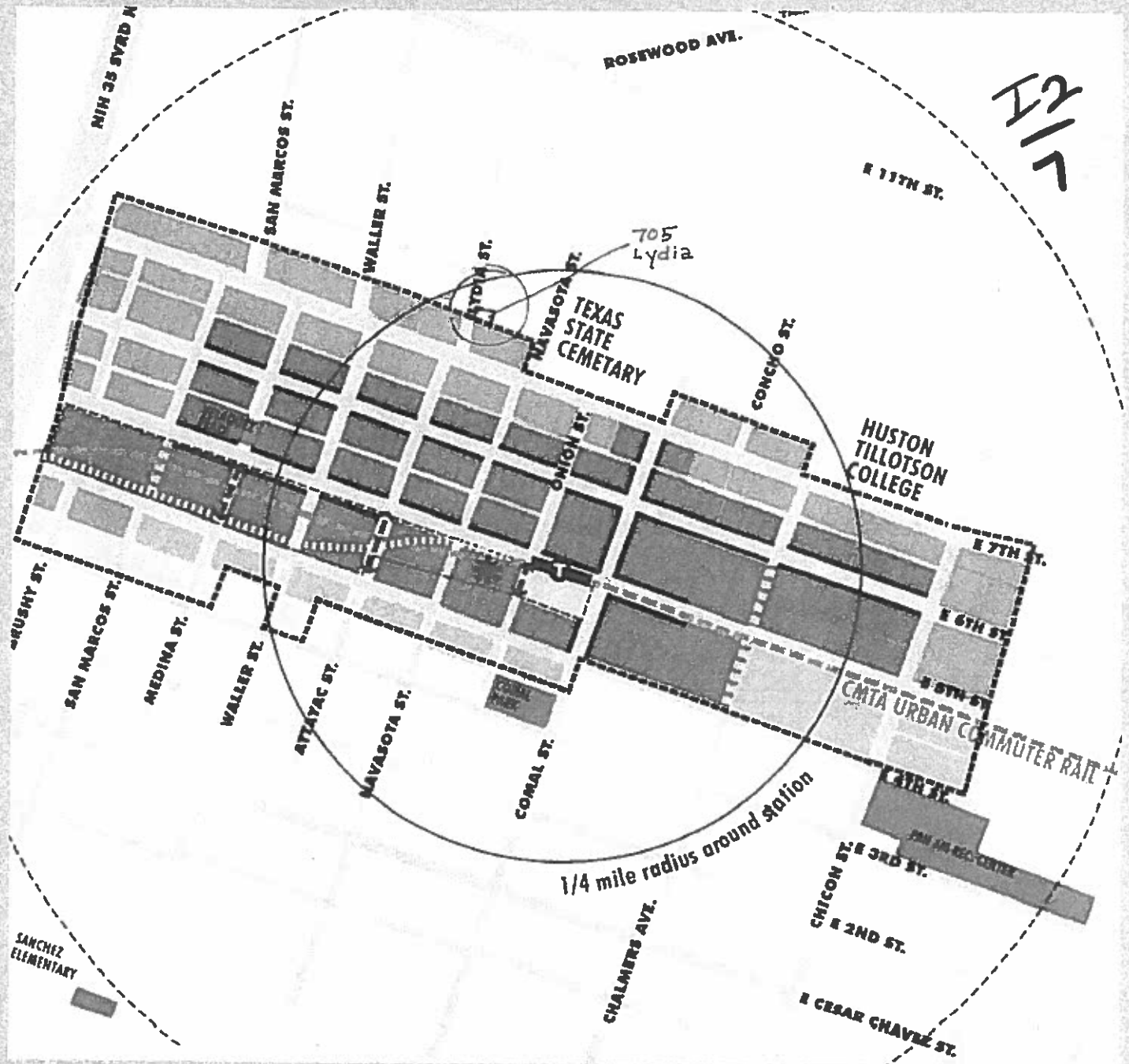
705 Lydia

Lots with
2 units of
housing

12
6

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 THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

LAND USE AND DESIGN CONCEPT PLAN



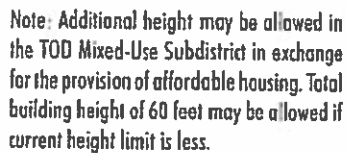
LEGEND

- LOW DENSITY RESIDENTIAL
- TOD MIXED USE (showing active edges)
- CORRIDOR MIXED USE
- LIVE/WORK FLEX
- EXISTING CITY PARKLAND
- POTENTIAL OPEN SPACE
- POTENTIAL PASEOS

- SALTILLO DISTRICT REDEVELOPMENT AREA (Capital Metro)
- PLAZA SALTILLO
- EXISTING STREETS
- POTENTIAL STREETS
- TOD DISTRICT BOUNDARY
- METRORAIL STATION
- POTENTIAL FUTURE RE-ALIGNMENT OF RAIL LINE



I2/8

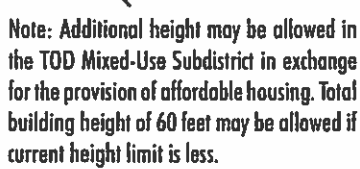


35 FEET
40 FEET
60 FEET

TOD DISTRICT BOUNDARY
METRO RAIL STATION



TRANSIT ORIENTED DEVELOPMENT STATION AREA PLANNING

$$\frac{I^2}{9}$$


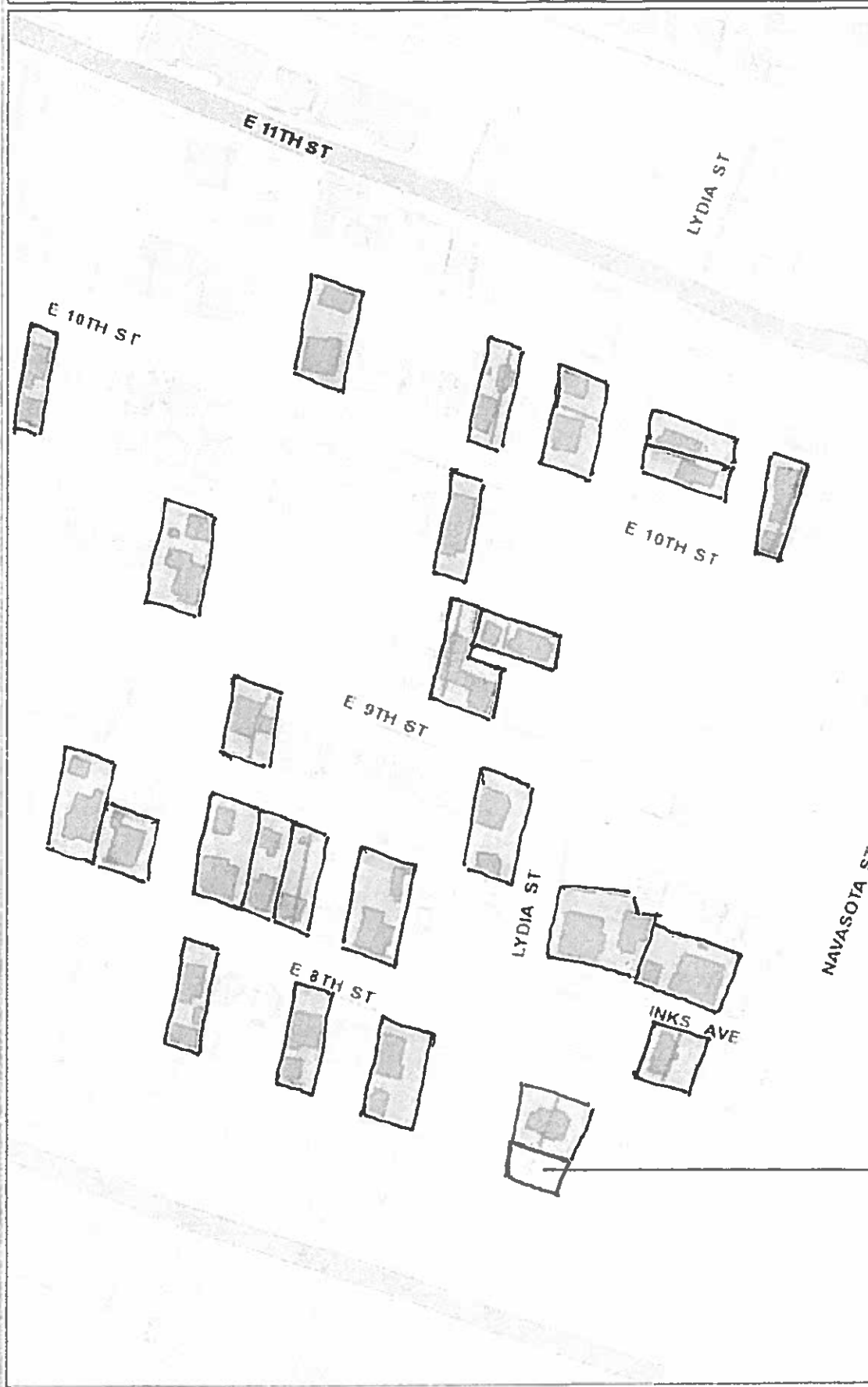
35 FEET
40 FEET
60 FEET

0 200 400 600 FEET



CITY OF AUSTIN DEVELOPMENT WEB MAP

12/10

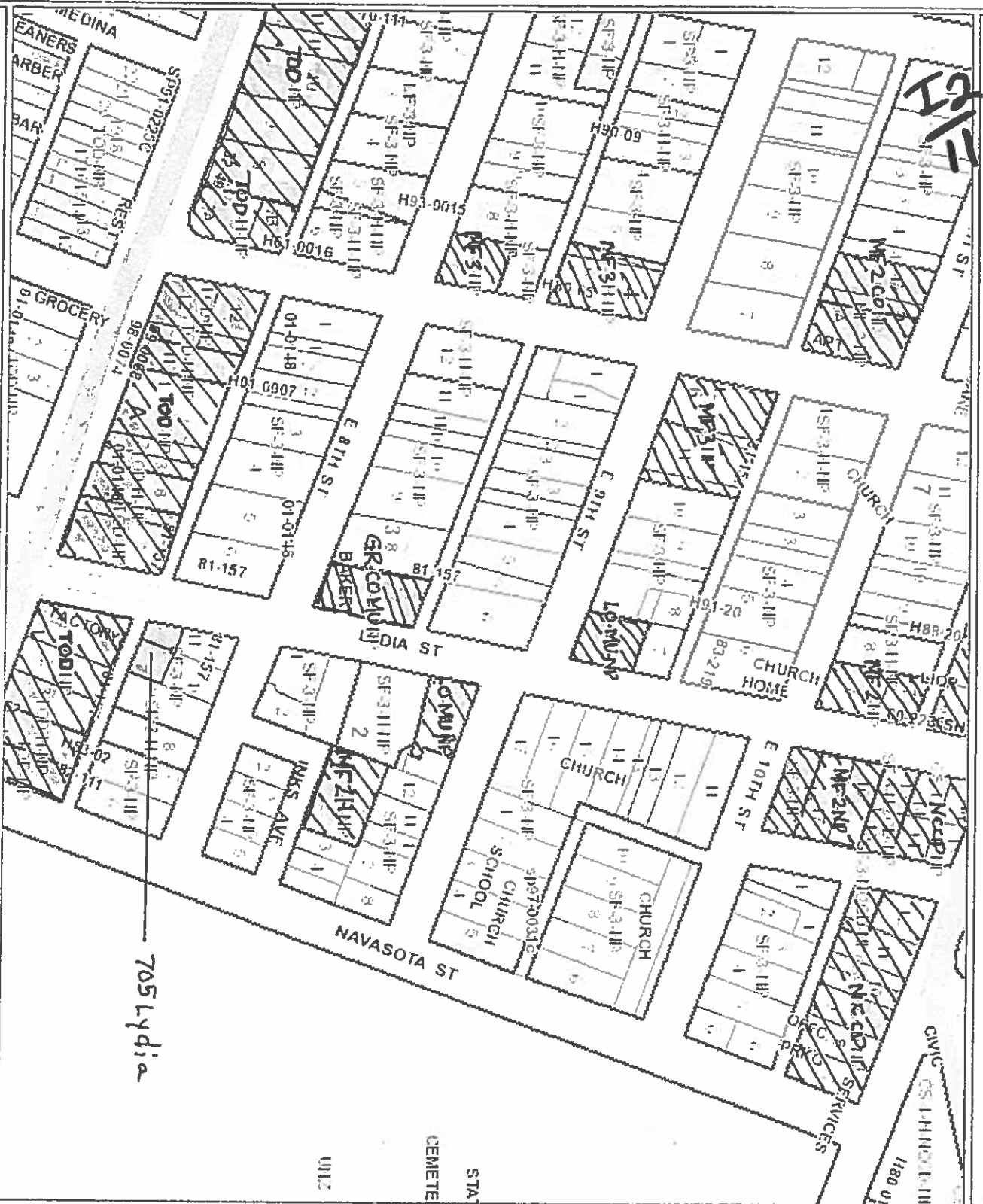


- Legend**
- Lot Lines
 - Streets
 - Building Footprints
 - Named Creeks
 - Lakes and Rivers
 - Parks
 - County
 - 705 Lydia
 - Lots with 2 units of housing

705 Lydia

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 THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

CITY OF AUSTIN DEVELOPMENT WEB MAP



- Legend**
- Lot Lines
 - Streets
 - Building Footprints
 - Named Creeks
 - Lakes and Rivers
 - Parks
 - County
 - Lot ID
 - Block ID
 - Lot Line
 - Zoning Text
 - Zoning (Large Map Scale
 - TOD, Commercial and Multi-Family Zoning
 - 705 Lydia



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

I2
12

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 # 15-2016-0078 ROW # 11549161 Tax # 0205070701
CADV

Section 1: Applicant Statement

Street Address: 705 Lydia Street, Austin, Texas 78702

Subdivision Legal Description:

S 50 ft of Lot 10-11 BLK 1 OLT 4 Division B

Lot(s): 10-11 (portions of)

Block(s): 1

Outlot: 4

Division: B

Zoning District: SF-3 NP (Central East Austin)

I/We Mark Rogers on behalf of myself/ourselves as
authorized agent for Guadalupe Neighborhood Development Corporation affirm that on
Month May, Day 26, 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: One primary single family residence and one secondary apartment.

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

City Code Chapter 25-4-174 - Lot Size

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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 regulation related to lot size deprives this property of the reasonable use of erecting a primary residence and a secondary apartment. This use is reasonable because a primary house and secondary apartment is permissible within the zoning designation & is common in the neighborhood around this lot. It is also permitted as a Neighborhood Plan Special Use Infill Option wherein a Secondary Apartment can be applied in combination with Small Lot Amnesty. In addition, the regulation does not allow for a reasonable use because the SF-3 zoning of surrounding lots allows two houses, two detached residential units, or a duplex. (continued)

Hardship

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

This variance is unique to the property because there are no other undeveloped existing lots in the area that have less than the required minimum lot area. This property is small because it is composed of a portion of two other lots. This fact also contributes to the uniqueness of the property. No other single family zoned vacant lots in the area have less than 5,750 square feet. (continued)

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

This hardship is not general to the area because no other vacant lots in the area immediately north of the Plaza Saltillo TOD have less than the minimum required 5,750 square feet and are surrounded by more intensely developed property and property that can be more intensely developed. All nearby properties are developed with, or can be developed with, two or more units without the need for a variance or zoning change.

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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 variance will allow this property to be developed in a way that compliments development on properties around it. With the exception of minimum lot area, the property will comply with all the zoning requirements of a conforming property. Construction of a primary and a secondary unit on the lot will in no way impair the use of adjacent conforming property or impair the purpose of the zoning district because it will provide housing in a quantity, at a scale, and with a design that serves the purpose of, and is permissible within, the zoning district. (continued)

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:

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

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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: Mark C. Rogers Date: 5/26/2016

Applicant Name (typed or printed): Mark C. Rogers

Applicant Mailing Address: 813 East 8th Street

City: Austin State: Texas Zip: 78702

Phone (will be public information): (512) 479-6275

Email (optional – will be public information): _____

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: Mark C. Rogers Date: May 26, 2016

Owner Name (typed or printed): Mark Rogers, Executive Director

Owner Mailing Address: 813 East 8th Street

City: Austin State: Texas Zip: 78702

Phone (will be public information): (512) 479-6275

Email (optional – will be public information): gndc@sbcglobal.net

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

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).

Reasonable Use (continued). The zoning regulations applicable to the property do not allow for a reasonable use because:

Adjacent property to the south, currently with a 2-story restaurant, is zoned TOD and allows 60' heights & dense mixed-use development. (continued)

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Additional Space (continued)

Reasonable Use (continued):

Northwest and across the street from 705 Lydia, a site plan application is on file for one lot at 1114 E. 8th Street, for development of 5 condominium units. TOD zoning immediately to the south allows a minimum lot size of 2,500 square feet and a 20' lot width and such a 2,500 square foot lot can be developed to have 8 or more housing units. A nearby duplex at 1211 Inks Avenue with 2 3-bedroom units is on one lot with about 6,650 square feet, less than the minimum lot size of 7,000 sqft. Building a main house and a small secondary apartment on this property conforms to uses enjoyed by other properties in the area & provides a better transition from the adjacent TOD zoning.

Without a variance, the owner of this property cannot develop the property to a level that matches even the lowest density available to, or currently being used on, the surrounding properties in the area also zoned SF-3.

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

This lot is surrounded by single-family and TOD zoned properties; all of which are, or could be, developed with two or more residential units. At least two nearby properties have or had two units on single lots with less than the required minimum area- 1211 Inks and the former 801 Lydia. No other vacant single-family zoned properties exist in the area around it that have less than the minimum area required for 2 units.

Area Character (continued): The contact team for the Central East Austin Neighborhood Plan, the Organization of Central East Austin Neighborhoods (OCEAN), the immediate neighborhood association, the Guadalupe Association for and Improved Neighborhood (GAIN), and the surrounding neighbors have been informed of GNDC's (the owner's) plans for this lot, and of this variance request and are supportive. Letters and other evidence of this support have been or will be provided.

Please see attached Lydia streetscape, site map and letters of support.





Guadalupe Neighborhood Development Corporation
813 East 8th Street - Austin, Texas 78702

(512) 479-6275 (512) 478-9949 fax

gndc@sbcglobal.net

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May 26, 2016

Re: Variance for minimum lot size for a Secondary Apartment at 705 Lydia Street

Dear Board of Adjustment Members:

I write to request your approval of a variance at 704 Lydia Street to reduce the minimum lot size for a secondary apartment from 5,750 square feet to 4,131 square feet. **No other variances are being requested.** With the variance, this SMART Housing will construct a primary, 2-story home with 3 bedrooms and 2.5 bathrooms and a fully accessible secondary home with 1 bedroom and 1 bathroom. The new "ADU" regulations established by City Council at the end of 2015 include an FAR of .15:1 that limit the secondary apartment at 705 Lydia to less than 620 square feet. GNDC will rent the secondary apartment for between \$400 and \$700 and the main house for between and \$700 and \$1,000 per month, depending on the size and income of the tenant households.

It is worth noting that since 2012 a little known provision in the Special Use Infill Options for Neighborhood Plan Combining Districts allows neighborhood planning areas to adopt secondary apartments in combination with small lot amnesty. Unfortunately this option is not clearly outlined in information provided by the City and very few people know about it. In this particular case, the requested variance is essentially the same thing as the "New Option", combining Small Lot Amnesty with the Secondary Apartment infill option. In recent months, both the neighborhood association, GAIN, and the Central East Austin Neighborhood Plan contact team, OCEAN, voted unanimously to support the variance. GAIN's letter is attached and OCEAN's is forthcoming.

GNDC, a Texas nonprofit, has been serving the people of East Austin for over 35 years and currently has a waiting list of over 700 households. This variance will allow GNDC to build one additional unit of housing to help address the pressing need for affordable housing in Central East Austin. GNDC will commit to permanent affordability for both units at 705 Lydia through a 99-year restrictive covenant with the City of Austin.

Thank you for your assistance,

Mark C. Rogers, Executive Director
Guadalupe Neighborhood Development Corporation



City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

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Neighborhood Housing and Community Development Department

February 3, 2014

S.M.A.R.T. Housing Certification

Guadalupe Neighborhood Development Corporation – 705 Lydia Street
(id#65639)

TO WHOM IT MAY CONCERN:

Guadalupe Neighborhood Development Corporation (development contact: Mark Rogers (512-479-6275) is planning to develop two (2) single-family units at 705 Lydia Street. The project is located in the Central East Austin Neighborhood Plan area. The units will be rental and subject to a five (5) year affordability term from the date of issuance of Certificate of Occupancy.

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 50% of the units will serve families at 50% Median Family Income (MFI) or below, and the other 50% serve families at 30% MFI or below, the construction will be eligible for 100% waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council.

The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees
Building Permit
Site Plan Review
Construction Inspection
Subdivision Plan Review

Concrete Permit
Electrical Permit
Zoning Verification
Land Status Determination
Building Plan Review

Mechanical Permit
Plumbing Permit

Prior to issuance of building permits and starting construction, the developer must:

- ♦ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating (Austin Energy: Bryan Bomer, 482-5449).
- ♦ Submit plans demonstrating compliance with accessibility and transit-oriented standards.

Before a Certificate of Occupancy will be granted, the development must:

- ♦ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ♦ Pass a final inspection to certify that Visitability and transit-oriented standards have been met.

The applicant must demonstrate compliance with S.M.A.R.T. Housing standards after the completion of the units, or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification.

Please contact (512) 974-3154 if you need additional information.


Javier V. Delgado

Neighborhood Housing and Community Development

Cc: Laurie Shaw, Capital Metro
Maureen Meredith, PDRD
M. Simmons Smith, PDRD
Bryan Bomer, AEGB
AWL Tapscott Office

John Umphress, AEGB
Gina Copie, NIICD
Chris Yanez, PARC
Heidi Kasper, AEGB
Danny McNabb, WPRD

Alma Nolen, PDRD
Gina Copie, NIICD
Stephen Castleberry, PDRD
A. Linseisen, PDRD
Cande Coward, PDRD



SUBJECT SITE

The Silo
Restaurant

vacant
single family
lot

Duplex

PLOT PLAN

1" = 60'

705 LYDIA STREET - AUSTIN, TEXAS 78702

12
20

1211 Inks Street
Duplex

2 houses on 1 lot

1114 East 8th Street
Vacant Lot with site
plan application for 5
units.

1205 E 8th Street
Vacant lot that can
support 2
housing units with-
out a variance.

Plaza Saltillo
TOD
60' Height

705 Lydia

1201 E 8th Street
Duplex



2/12

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SECONDARY APARTMENT

Applied Neighborhood-Wide or within Sub-Districts

LDC Chapter 25-2-1461 through 1463

DESCRIPTION

The Secondary Apartment special use permits a second dwelling unit of up to 1,100 square feet or 0.15 FAR, whichever is less, on a standard lot (currently a minimum area of 5,750 square feet under today's code). A maximum of 550 square feet is allowed on the second story. If chosen, this secondary unit is permitted in SF-1 through SF-3, SF-5, SF-6 and MF-1 through MF-6 zoning districts, and in the mixed use (MU) combining district. Currently, a two-family residential use is permitted city-wide on lots at least 5,750 square feet in the SF-3, SF-5 through MF-6 zoning districts. Choosing the Secondary Apartment special use opens up the opportunity for homeowners with SF-1 and SF-2 zoning districts to build a second unit.

The Secondary Apartment may be located above a detached garage, or at least 10 feet away from the principal single-family house. Regulations for the secondary apartment supersede base district regulations:

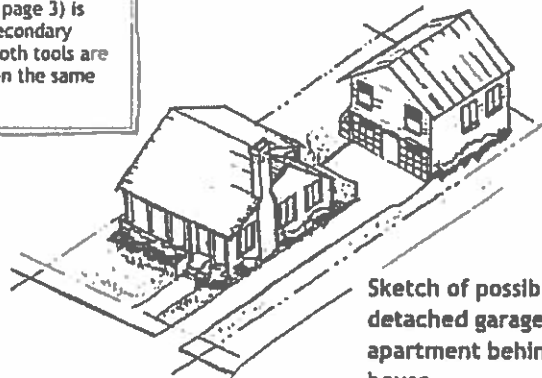
- **Parking:** One space required for the secondary apartment structure if said structure is greater than 0.25 miles from an activity corridor that is served by transit. If the secondary apartment structure is within 0.25 miles of an activity corridor served by transit, no parking is required for the secondary apartment.



Example of Secondary Apartment in Plum Creek, Kyle, Texas

NEW OPTION:

If small lot amnesty (see page 3) is selected in addition to Secondary Apartment special use, both tools are allowed in combination on the same lot.



Sketch of possible detached garage apartment behind main house.

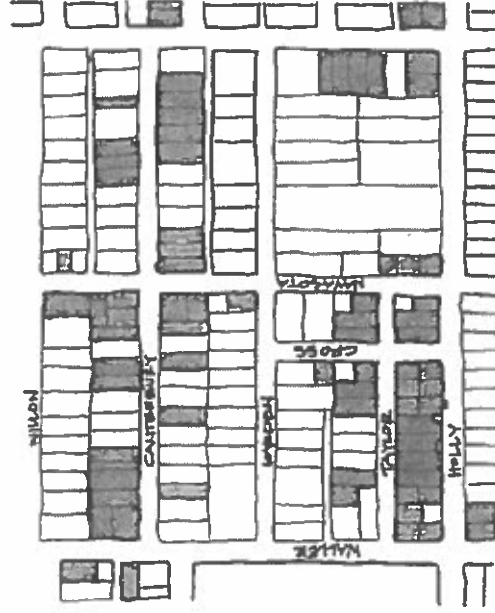
Applied Neighborhood-Wide Only
LDC Chapter 25-2-1406

Small lot amnesty permits construction or major renovation of existing single-family homes on **EXISTING** legally-created lots that do not meet current minimum lot standards. To qualify, the lot must have a minimum area of 2,500 square feet and a minimum width of 25 feet. This special use applies to all zoning districts and overlays that permit single-family homes. Under existing regulations that apply city-wide, an existing, legally-created lot less than 5,750 square feet that does not comply with current zoning regulations cannot be legally developed or have substantial improvements made to existing buildings (unless it is a qualified substandard lot (LDC 25-2-943) with a minimum lot area of 4,000 square feet and platted before March 15, 1946). Many legally subdivided lots in older parts of the city that do not meet current standards or do not qualify as substandard lots are sitting vacant or the homes on those lots are deteriorating because major improvements are not allowed.

- **Front setback:** For lots adjacent to a legally developed lot with a front setback less than 25 feet, the minimum front yard setback is equal to the average of the front yard setbacks applicable to adjoining lots.
- **Other setbacks:** Must comply with base zoning district.
- **Parking:** Must comply with parking requirements for single-family uses.
- **Impervious Cover:** Maximum impervious cover is 65% for lots 4,000 square feet or less. For other lot sizes, maximum impervious cover determined by the base zoning district.
- **Building Coverage:** Must comply with base zoning district.
- **New in 2016:** Lots that are less than 5,750 square feet that have been aggregated (a structure has been built across one or more lot lines) cannot be disaggregated to allow separate structures on each lot.

If small lot amnesty is selected, the neighborhood can also choose to permit the Secondary Apartment Special Use (see page 7) on lots that qualify for small lot amnesty.

Formerly illegal small lots (East Cesar Chavez NP chose small lot amnesty).


$$\begin{array}{r} I2 \\ \hline 23 \end{array}$$



CITY OF AUSTIN - ZONING VERIFICATION LETTER

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For questions concerning zoning compliance or any development criteria contact the Development Assistance Center of the City of Austin at (512) 974-6370.

This letter is to verify that the parcel listed is covered by the listed zoning classification on the date the letter was created.

Party Requesting Verification

Name: Nicole Joslin
Mailing Address:
1210 Rosewood Ln
Austin, TX 78702

Tax Parcel Identification Number

Agency: TCAD
Parcel ID: 0205070701

Zoning Classification(s)

Find definitions at <http://www.austintexas.gov/page/zoning-districts>

SF-3-NP

Zoning Case Number(s)

Look up case info at https://www.austintexas.gov/devreview/a_queryfolder_permits.jsp

C14-01-0148

Zoning Ordinance Number(s)

Look up ordinances at <http://austintexas.gov/edims/search.cfm>

011213-42

For Address Verification visit:
<http://austintexas.gov/addressverification>

To access zoning ordinance documentation visit:
<http://austintexas.gov/edims/search.cfm>

To access zoning overlay documentation (Land Development Code Chapter 25-2 Division 6) visit:
<http://austintexas.gov/departmen/austin-city-code-land-development-code>
<http://austintexas.gov/departmen/zoning>

This letter was produced by the City of Austin Communication Technology Management Department on behalf of the Planning and Development Review Department.

I, RoxAnne Parker, of the Communications and Technology Management Department for the City of Austin, do hereby certify that the above information reflects the data and records on file in this office.

11/23/2015

61766



City of Austin
Watershed Protection & Development Review

LAND STATUS DETERMINATION
1987 RULE PLATTING EXCEPTION

10/27/2006

File Number: C8I-06-0498

Address: 705 LYDIA ST

Tax Parcel ID: 0205070701

Map Date: 03/16/2004

The Watershed Protections & Development Review 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.

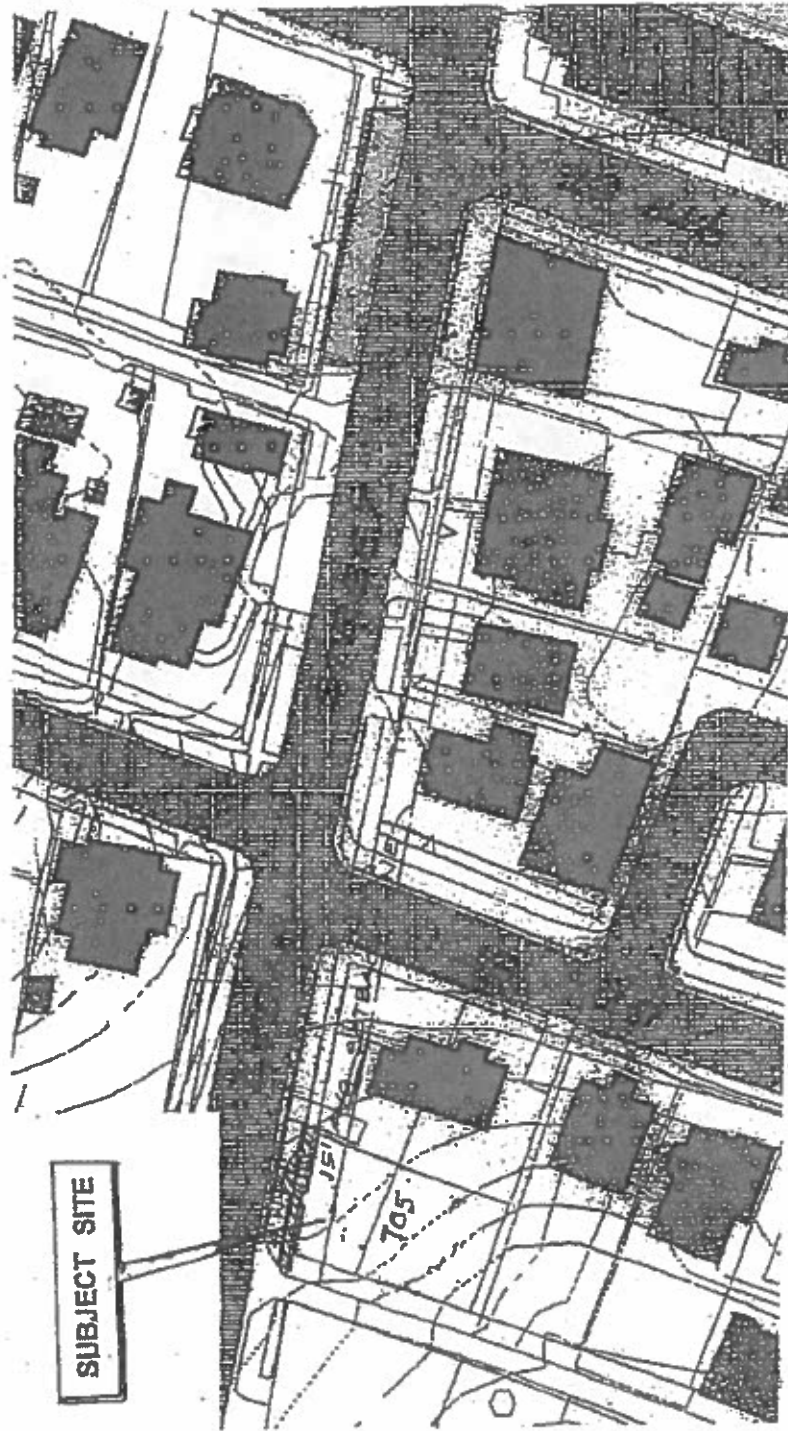
The parcel of land consists of five acres or less, and is described as being the South 50 feet of Lots 10 and 11, Block 1, Stuart and Mair Subdivision in the current deed, recorded on 06/08/2005, in Document #2005101289, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by the official 07/01/1993 tax plat map published by the Travis County Central Appraisal District. 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 01/26/1940. 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: 
SARA GROVES
Director (or representative)
Watershed Protections & Development Review

I2
26



PLOT PLAN

1" = 60'

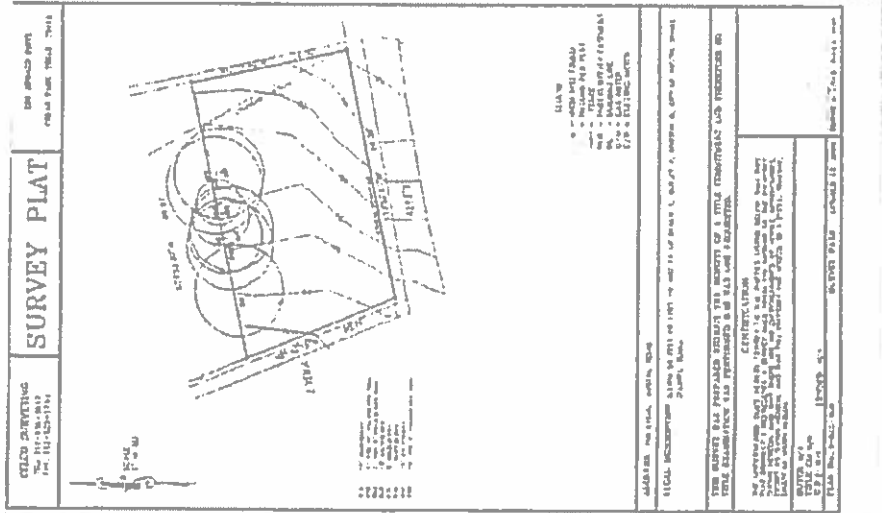
705 LYDIA STREET - AUSTIN, TEXAS 78702





705 LYDIA ST.

ACCESSORY DWELLING UNIT



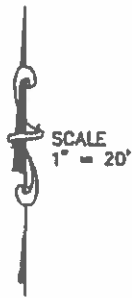
CELCO SURVEYING

TEL: 512-635-5847
FAX: 512-535-5730

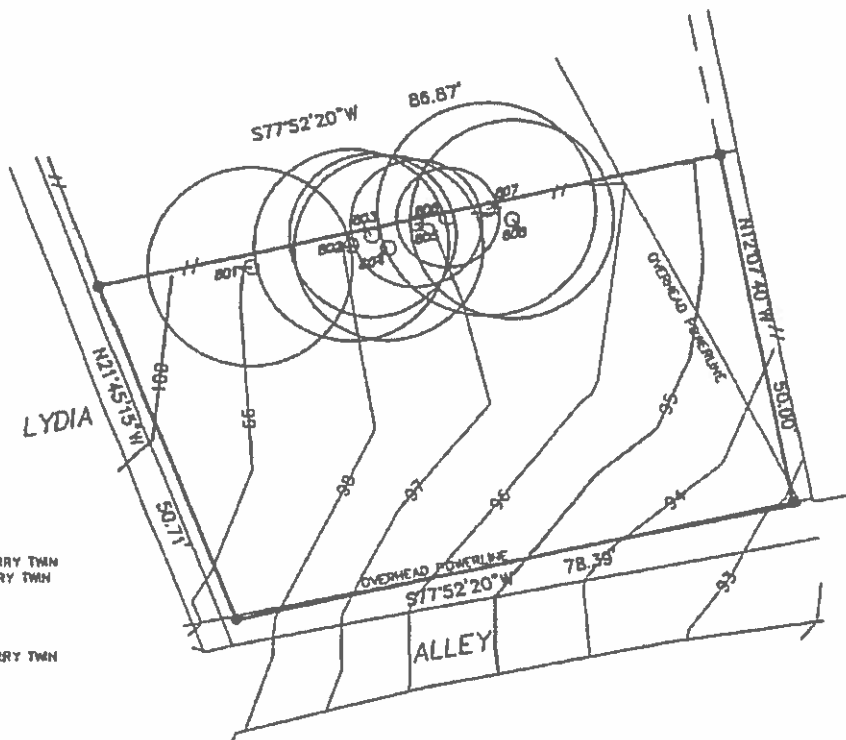
SURVEY PLAT

200 MONACO DRIVE
CEDAR PARK, TEXAS 78613

12
30



- 801 14" HACKBERRY
- 802 7" AND 10" HACKBERRY TWIN
- 803 5" AND 9" HACKBERRY TWIN
- 804 13" HACKBERRY
- 805 9" HACKBERRY
- 806 7" HACKBERRY
- 807 15" HACKBERRY
- 808 10" AND 8" HACKBERRY TWIN



- LEGEND
- = IRON ROD FOUND
 - () = RECORD PER PLAT
 - = FENCE
 - PUE = PUBLIC UTILITY EASEMENT
 - BL = BUILDING LINE
 - G/M = GAS METER
 - E/M = ELECTRIC METER

ADDRESS: 705 LYDIA, AUSTIN, TEXAS

LEGAL DESCRIPTION: SOUTH 50 FEET OF LOTS 10 AND 11 OF BLOCK 1, OUTLOT 4, DIVISION B, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THEREFORE NO TITLE EXAMINATION WAS PERFORMED NOR WAS ONE REQUESTED.

CERTIFICATION

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BUYER: N/A
TITLE CO: N/A
G.F.#: N/A LENDER: N/A

PLAN No.: 6-072-SUR

SURVEY DATE: OCTOBER 22, 2008

GEORGE E. LUCAS R.P.L.S. 4180

98
12

1041 Hyde Street
Austin, TX

University of Toronto at Austin
Center for Sustainable
Development

Austin Community
College & Development Center

**Business Development
Development Corporation**

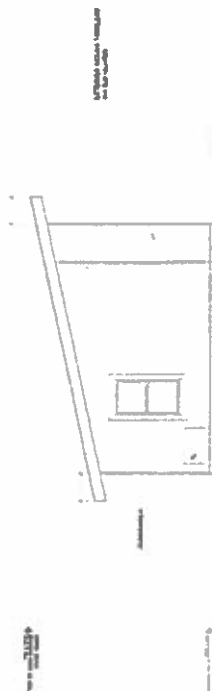
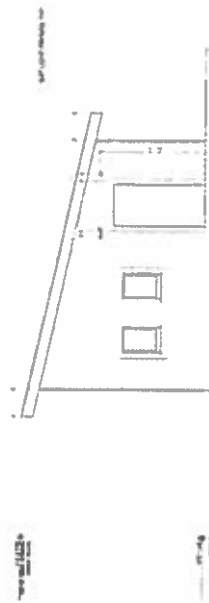
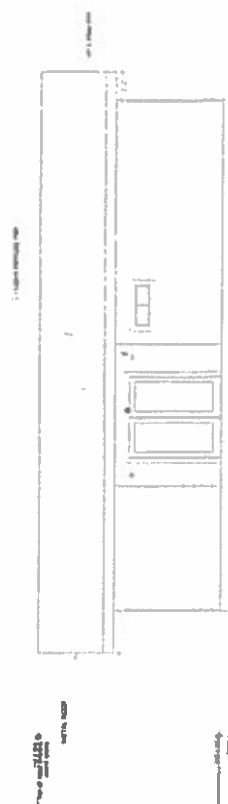
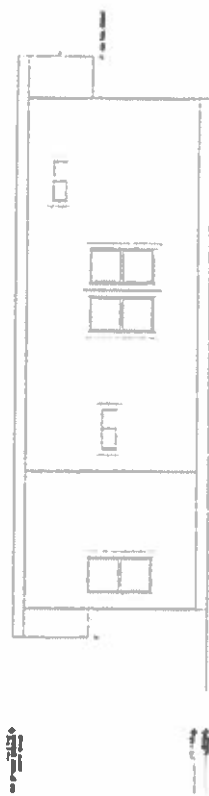
Advanced Ladder Climbers

1998
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 2029
 2030

Exterior Elevations

A-3

I2
31



I2
32

TWO HOUSES ON ONE LOT: ACCESSORY DWELLING UNITS AND HOUSING AFFORDABILITY

Stuart Harry Hersh shersh@austin.rr.com 512-587-5093

For most of Austin's history, a property owner could two houses or a duplex on any lot in Austin as long as the owner met zoning and building code regulations. Some lots could only have a single-family dwelling, because some owners put restrictions on their own land when they purchased it, sold it, or subdivided a large lot into smaller lots. These private restrictions were filed in the county deed records as restrictive covenants, deed restrictions, and subdivision plat notes.

MINIMUM LOT SIZE

On June 20, 1950, Austin's regulations for two houses on one lot changed. Most single-family neighborhoods were zoned "A", First Height and Area. All building permit applications for two houses on one lot filed after 6/20/50 could still be approved if the lot existed on 6/20/50. All lots created after 6/20/50 had to be at least 7,000 square feet in area in order for two houses to be built on an "A" lot. In "B" zoning districts (which were multi-family lots), the minimum lot size was 4,000 square feet for two houses on one lot. In "C" and "D" districts (commercial and industrial), the minimum lot size was 2,000 for two houses on one lot. These regulations were easy to understand and administer, and promoted rental housing throughout the City's single-family neighborhoods.

FAIR HOUSING

After Congress passed and President Lyndon Johnson signed the Fair Housing Act in 1968, Austin and many cities around the country no longer allowed two new houses on single-family zoned property or an additional house on property where there already was a single-family lot. The new Zoning Code adopted in 1983 did not permit two separate houses on single-family zoned property, and duplexes were allowed on "SF-3" zoned lots and MF zoned lots that were at least 7,000 square feet. Newly annexed property was generally zoned "SF-2", and two houses on one lot was not allowed in "SF-2". These standards were retained by the City Council in the Land Development Code adopted in 1988.

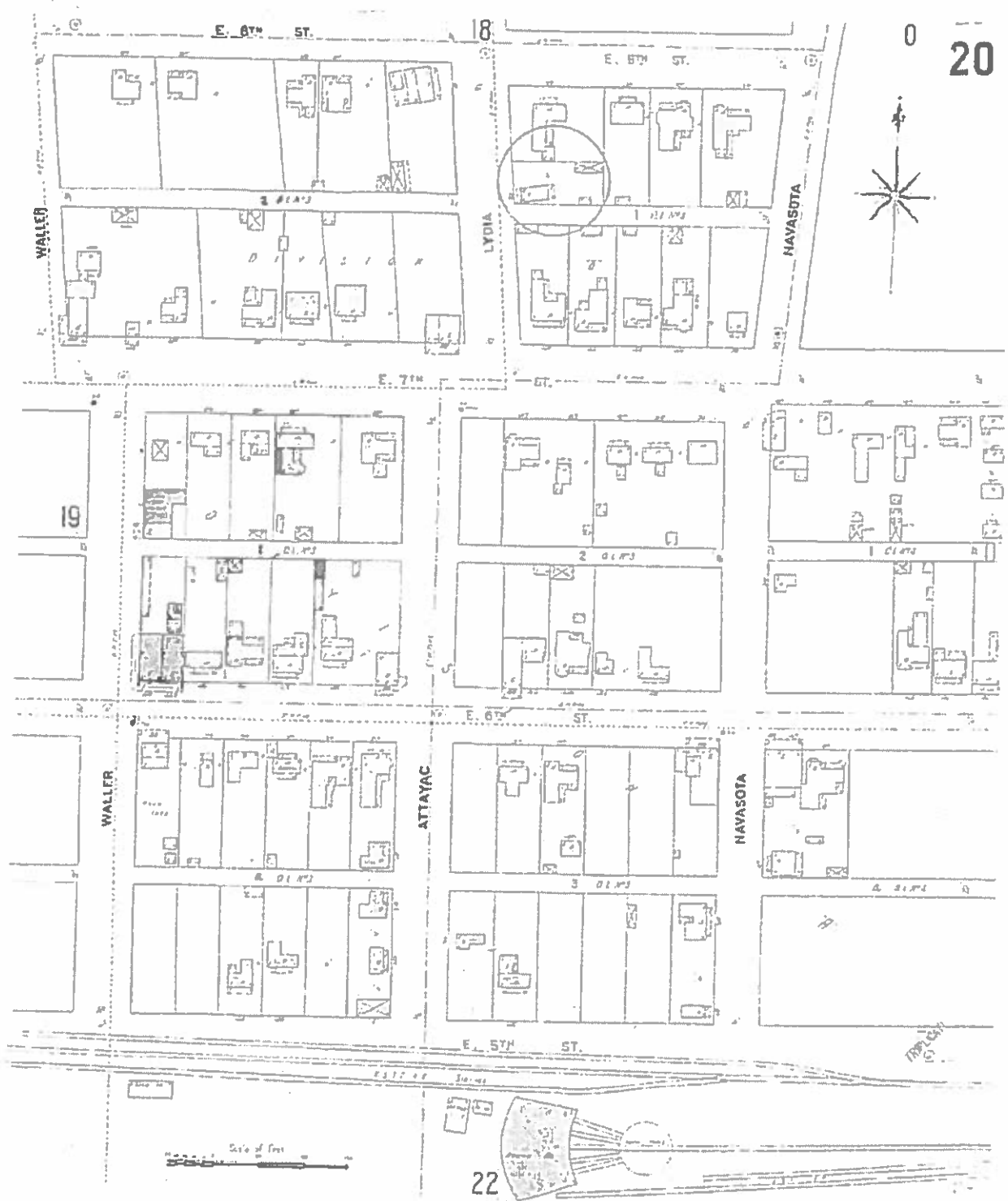
SIMPLIFIED LAND DEVELOPMENT CODE

A decade later, the City Council launched an initiative to make the language in the Land Development Code simpler (hence the name "Simplified Land Development Code") to understand and to make code changes consistent with Smart Growth principles then in vogue in the policy world. Two houses could once again be built on "SF-3" and MF zoned lots at least 7,000 square feet in area. In addition, two houses could be built on smaller lots if a Neighborhood Planning Team recommended and the City Council adopted a smaller lot standard as part of an adopted Neighborhood Plan. I have not been able to identify a single neighborhood plan where the City Council adopted a lot size standard different than the neighborhood recommended. I have not been able to identify a lot size standard that has been modified in any adopted neighborhood plan since the respective neighborhood plan was initially approved by the City Council.

TWENTY FIRST CENTURY CHANGES

Following the adoption of the Simplified Land Development Code at the end of the Twentieth Century, City Councils further limited the size of two houses on one lot through a Two-Family Dwelling Ordinance and the McMansion Ordinance.

12
33



Original located at the Dolph Briscoe Center for American History, University of Texas at Austin

1900

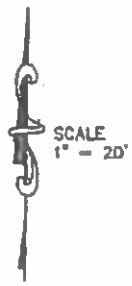
CELCO SURVEYING

TEL: 512-635-5847
FAX: 512-535-5730

SURVEY PLAT

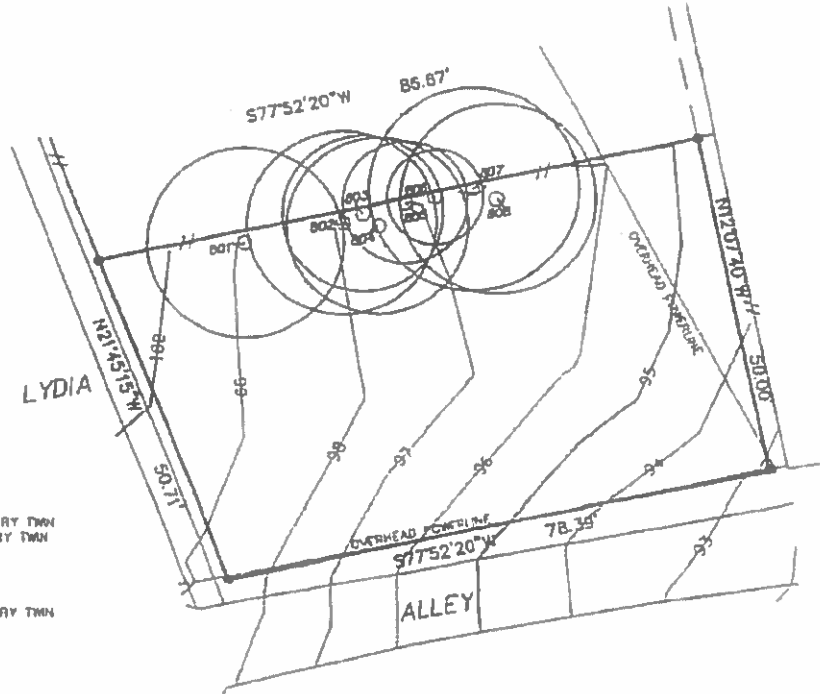
200 MONACO DRIVE
CEDAR PARK, TEXAS 78613

I2
34



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- 802 7" AND 10" HACKBERRY TWIN
- 803 5" AND 9" HACKBERRY TWIN
- 804 15" HACKBERRY
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- 806 7" HACKBERRY
- 807 15" HACKBERRY
- 808 10" AND 8" HACKBERRY TWIN



LEGEND

- - IRON ROD FOUND
- () - RECORD PER PLAT
- - FENCE
- PUE - PUBLIC UTILITY EASEMENT
- BL - BUILDING LINE
- G/M - GAS METER
- E/M - ELECTRIC METER

ADDRESS: 705 LYDIA, AUSTIN, TEXAS

LEGAL DESCRIPTION: SOUTH 50 FEET OF LOTS 10 AND 11 OF BLOCK 1, OUTLOT 4, DMSION B, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

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BUYER: N/A
TITLE CO: N/A
G.F.P: N/A

LENDER: N/A

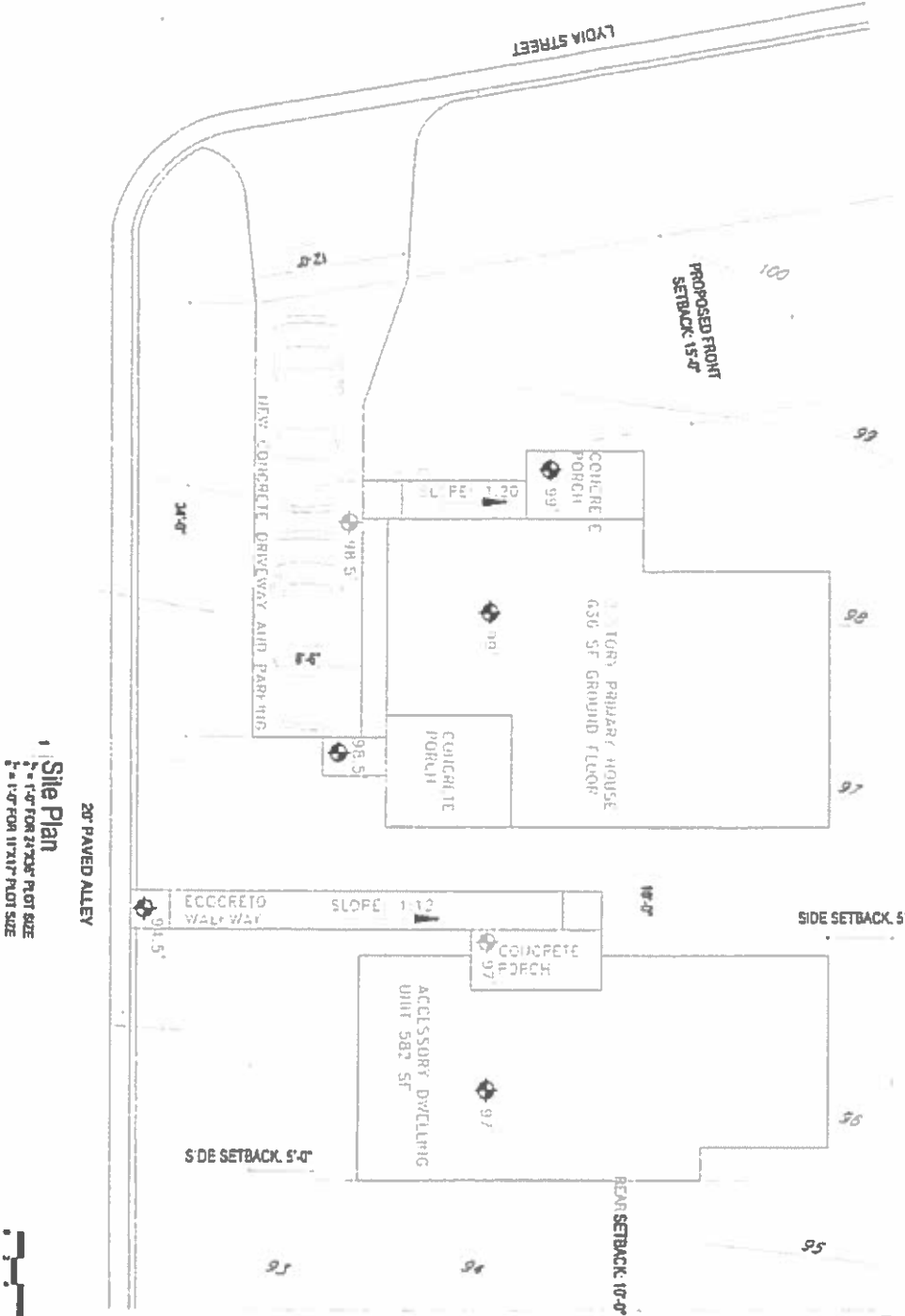
PLAN No.: 8-072-SUR

SURVEY DATE: OCTOBER 22, 2008

GEORGE E. LUCAS R.P.L.S. 4160

I2
35

705 LYDIA STREET



Site Plan
1'-0" FOR 24'x36' PLAT SIZE
1'-0" FOR 11'x17' PLAT SIZE

SITE INFORMATION	
TOTAL LOT SIZE	4,111.11 SF
APPROXIMATE COVER	
NEW PRIMARY HOUSE	636 SF
NEW PRIMARY HOUSE PORCH	114 SF
NEW ACCESSORY DWELLING UNIT	582 SF
NEW ACCESSORY DWELLING UNIT PORCH	114 SF
NEW DRIVEWAY	311 SF
TOTAL IMPROVEMENTS	1,757 SF
BUILDING COVERAGE	
NEW PRIMARY HOUSE	78.5%
NEW ACCESSORY DWELLING UNIT	5.8%
TOTAL BUILDING COVERAGE	12.1%

ACDDC
1112 E 17th St
Austin, TX 78702
512.375.1212

705 Lydia St.

FOR REVIEW ONLY
NOT FOR
CONSTRUCTION

GNDC
Alley Flat

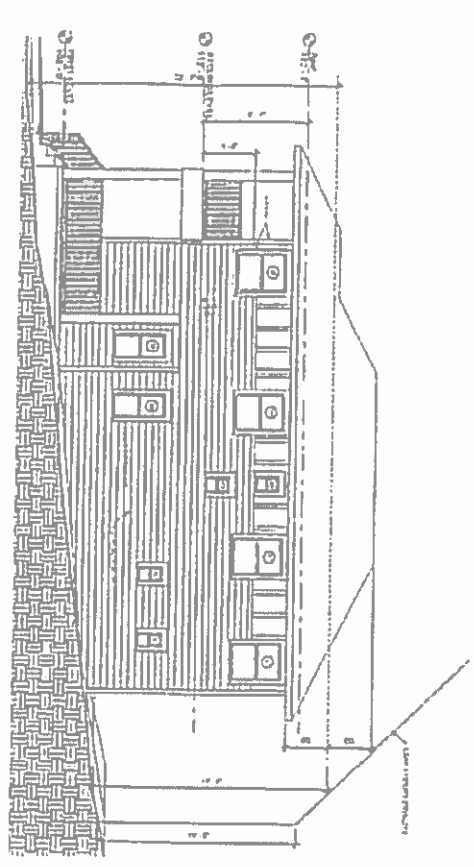
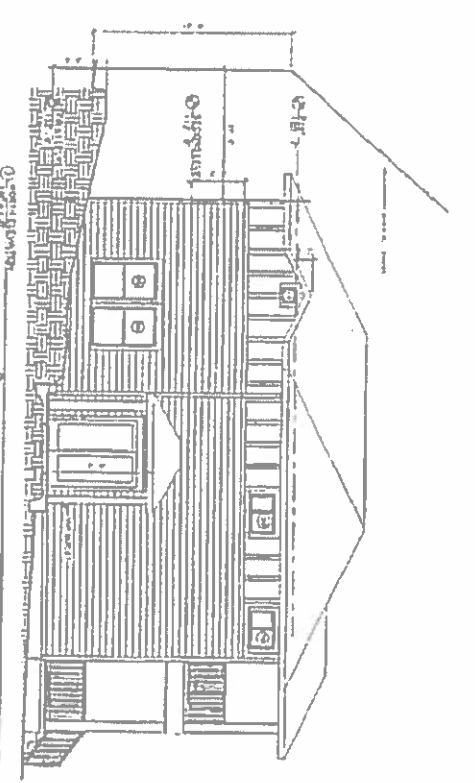
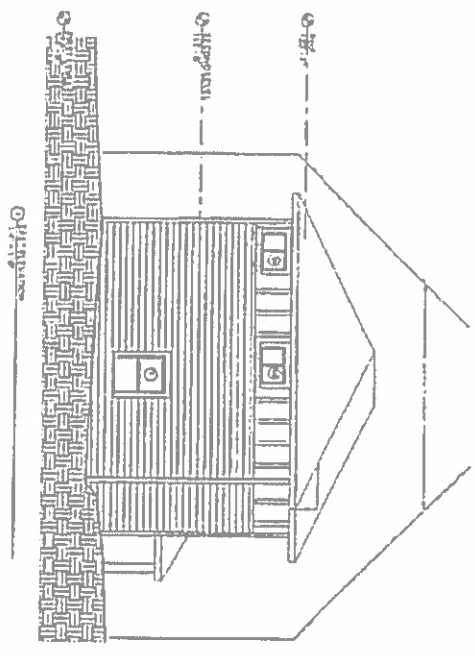
705 Lydia Street
Austin, TX 78702

SITE PLAN

A100

12/36

GENERAL NOTES			
1.	1.00	1.00	1.00
2.	2.00	2.00	2.00
3.	3.00	3.00	3.00
4.	4.00	4.00	4.00
5.	5.00	5.00	5.00
6.	6.00	6.00	6.00
7.	7.00	7.00	7.00
8.	8.00	8.00	8.00
9.	9.00	9.00	9.00
10.	10.00	10.00	10.00
11.	11.00	11.00	11.00
12.	12.00	12.00	12.00
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14.	14.00	14.00	14.00
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18.	18.00	18.00	18.00
19.	19.00	19.00	19.00
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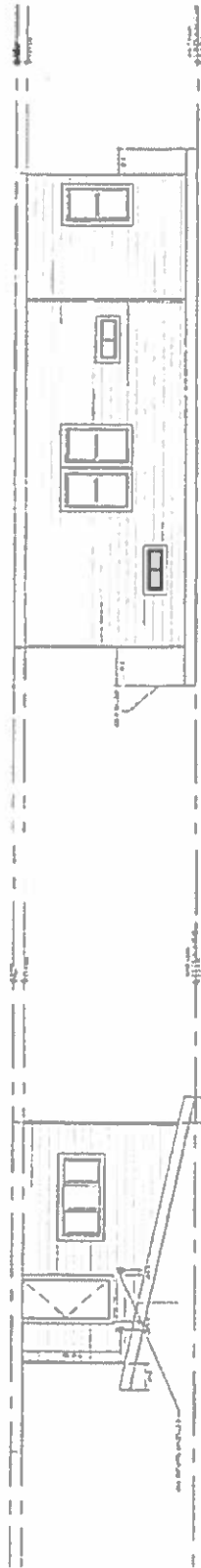
807 WALLER
AUSTIN, TEXAS 78702



L.S. Johnston
ARCHITECTURE / PLANNING
RENDERING
1111 East 10th Street
Austin, Texas 78702
Phone: 512.478.4800
Fax: 512.478.4872

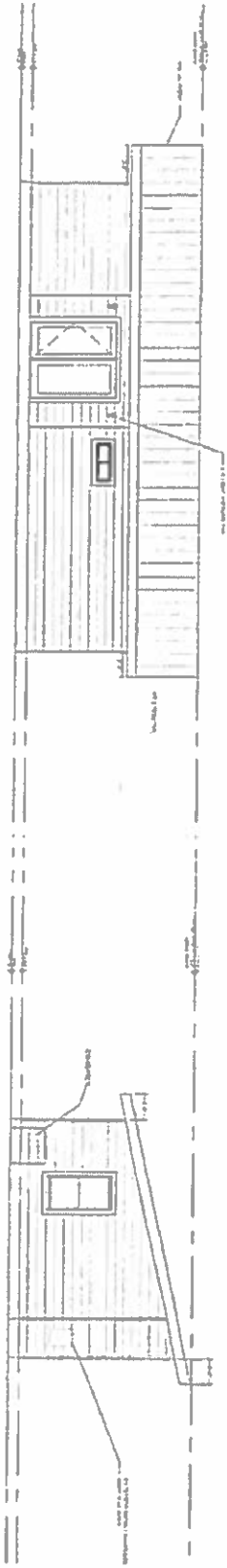
A6

I2
37



5 East Elevation

2 West Elevation



4 West Elevation

1 South Elevation

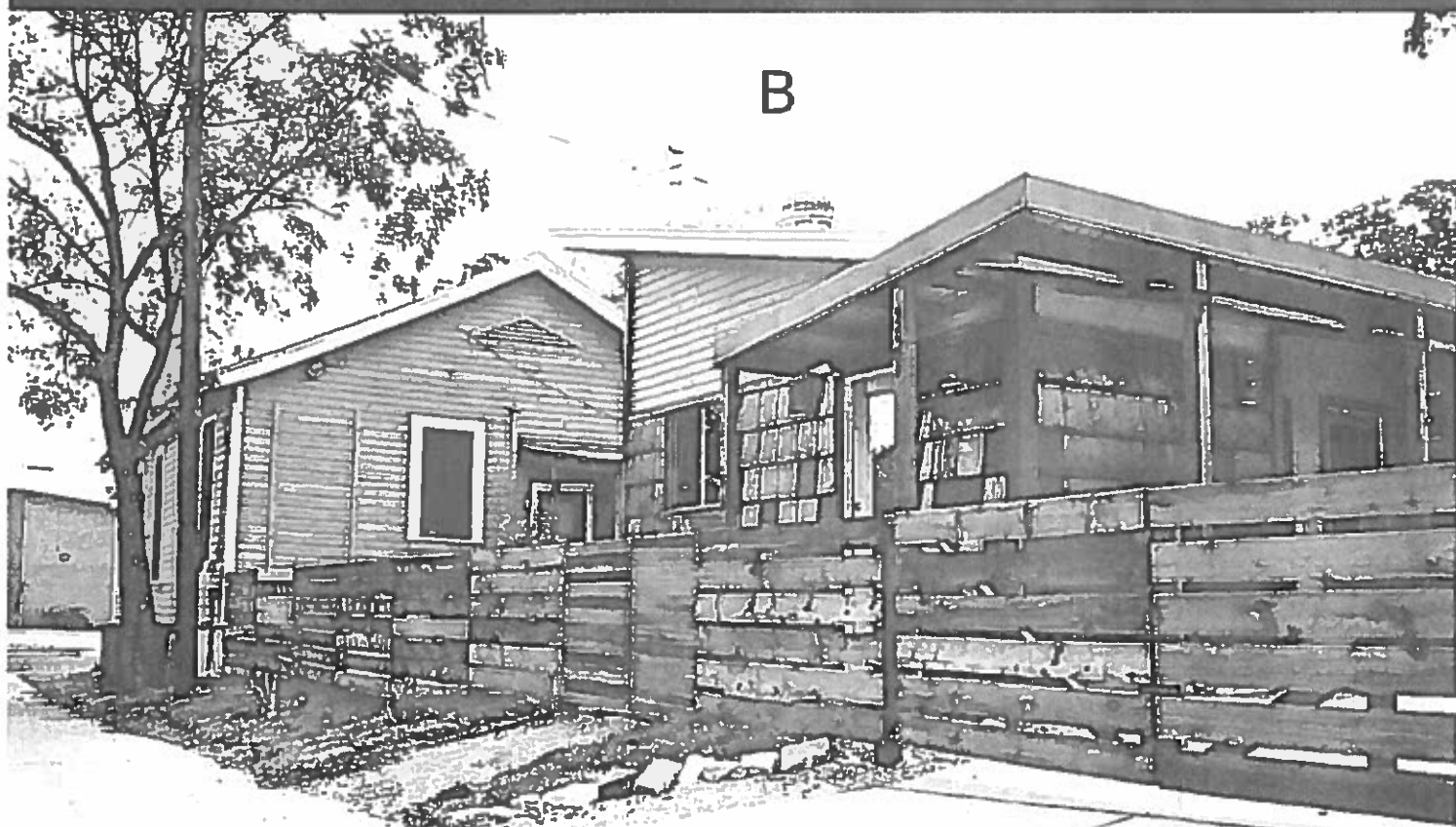
<p>ALLEY FLAT INITIALS</p>	
<p>UNIVERSITY OF TEXAS AT AUSTIN CENTER FOR SUSTAINABLE DESIGN</p>	
<p>ARCHITECTURAL DEPARTMENT UNIVERSITY OF TEXAS AT AUSTIN P.O. BOX 7800 AUSTIN, TEXAS 78713</p>	
<p>DATE: 10/1/00</p>	
<p>BY: [Signature]</p>	
<p>EXTERIOR ELEVATIONS</p>	
<p>A-3</p>	

12
1/32



A - Primary house
design proposed for
705 Lydia Street

B- Accessory dwelling
housing design pro-
posed for 705 Lydia
Street



904 B LYDIA ST. AUSTIN, TX 78702

Originally designed for the mother of the tenant of the front house, this fully accessible one-bedroom Alley Flat features a metal roof, a covered front porch, and a number of green building features earning it a 5 star AEGB rating. This unit is part of the growing housing stock of the Guadalupe Neighborhood Development Corporation and was designed in collaboration with students from the University of Texas School of Architecture.

☆☆☆☆ AEGB

584 square feet
1 Bedroom
1 Bath
Single Story
Fully accessible



Completed in 2009

Designed by University of Texas School of Architecture

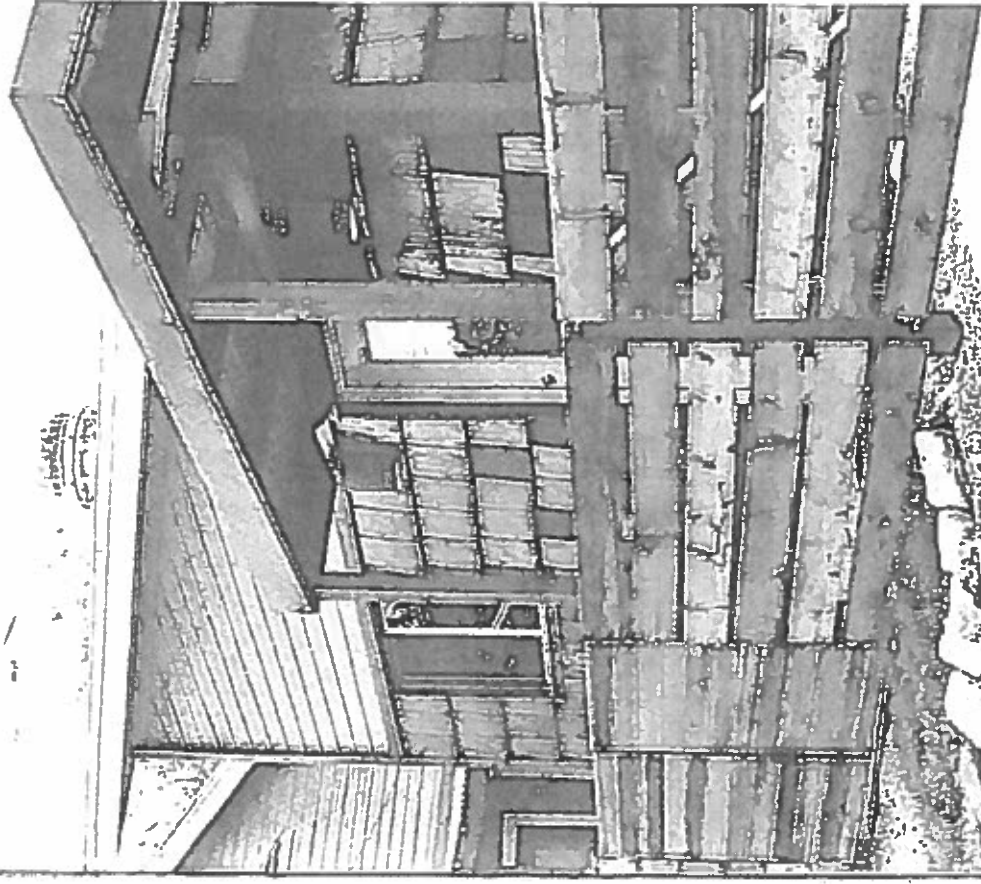
Constructed by Saklana Homes

Estimated Cost: \$85,000

This unit received subsidies from the City of Austin and is rented at 30% MFI and below for the foreseeable future.

Host Sponsor:

Liz Mueller and Michael Oden



39/12

PUBLIC HEARING INFORMATION

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An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices

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Case Number: C15-2016-0078, 705 Lydia Street

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, July 11th, 2016

GREG SHATTUCK

Your Name (please print)

1208 INKS AVE, AUSTIN 78702

Your address(es) affected by this application

Greg Shattuck

Signature

Date

Daytime Telephone: 512-771-8900

Comments: I Fully Support This

Project By GNDC.

Comments must be received by noon the day of the hearing to be seen by the Board at this hearing. They may be returned by:

Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

(note: mailed comments postmarked after the Wed prior to the hearing will not be received timely)

Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

4/13

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Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, July 11th, 2016

Maria Carmen Salas

Your Name (please print)

1112 E. 8th St.

Your address(es) affected by this application

Maria Carmen Salas

Signature

7-6-2016

Date

Daytime Telephone:

Comments:

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Mail: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

4/15

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Case Number: C15-2016-0078, 705 Lydia Street

Contact: Leane Heldenfels, 512-974-2202, lane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, July 11th, 2016

ED MCGARRAHAN

Your Name (please print)

1105 E 8TH STREET

Your address(es), affected by this application

Ed McGarrahan

Signature

7/3/16

Date

Daytime Telephone: 512-657-4247

Comments:

IN SUPPORT OF SHAL

SCALE AFFORDABLE HOUSING

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Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: lane.heldenfels@austintexas.gov

42/12

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Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov

Public Hearing: Board of Adjustment, July 11th, 2016

Your Name (please print)

Jan McGarahan

☒ I am in favor
☐ I object

Your address(es) affected by this application

1103 E. 6th

Austin, TX 78702

Signature

Date

Daytime Telephone: (512) 657-4247

Comments:

We are in support of 2 homes on this lot. Especially because it means more affordable housing.

Comments must be received by noon the day of the hearing to be seen by the Board at this hearing. They may be returned by:

Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

(note: mailed comments postmarked after the Wed prior to the hearing will not be received timely)

Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

5/3/17

Guadalupe Association for an Improved Neighborhood- GAIN

1111 East 8th Street - Austin, Texas 78702

12/44

June 14, 2016

Re: GAIN support for variance at 705 Lydia to reduce minimum lot size.

Dear Board of Adjustment Members:

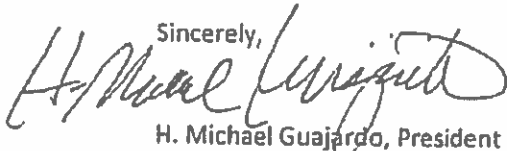
On February 6, 2016 at a regular meeting of the Guadalupe Association for an Improved Neighborhood, GAIN, the membership voted unanimously to support a variance requested by the Guadalupe Neighborhood Development Corporation (GNDC) for 705 Lydia Street, to reduce the minimum lot area to construct a secondary apartment from 5,750 to 4,131 square feet.

GAIN's membership understands that GNDC wants to build a main house and a secondary apartment on the lot. The new homes, if rented, will be affordable to households with incomes at or below 60% of the Austin median income and, if sold, will be sold to households with incomes at or below 80% of the Austin median income. The property will remain affordable for a 99-year period through a restrictive covenant that will be recorded in the public records of Travis County.

The request to allow 2 houses on a lot that is adjacent to a duplex, to the north, a vacant lot to the east that is able to have two houses, and across an alley from a 2-story restaurant is reasonable. The properties to the south are zoned TOD and can have mixed-use development with heights of 60 feet. We believe that having 2 houses at 705 Lydia will be an appropriate transition from the TOD zoning and will strengthen the residential fabric of the area.

GNDC's history of providing nicely designed, well-built and well-managed affordable housing is well known. GAIN respectfully requests that the Board of Adjustment approve the variance request. The proposed development will meet the Central East Austin Neighborhood Plan Goals: #2. "Create housing that is affordable, accessible, and attractive to a diverse range of people," #3. "Promote new development for a mix of uses that respects and enhances the residential neighborhoods of Central East Austin", and #9. "Ensure compatibility and encourage a complimentary relationship between adjacent land uses."

Sincerely,



H. Michael Guajardo, President

17
45

Heldenfels, Leane

From: OCEAN Contact Team <[REDACTED]>
Sent: Friday, June 24, 2016 6:59 AM
To: Heldenfels, Leane
Cc: Nathan Jones; Thomas Van Dyke, Sr.; Tracy Witte; Maegan Ellis; GNDC; Mike Guajardo; Paula Salinas
Subject: Letter of support for #C15-2016-0078
Attachments: OCEAN support for variance at 705 Lydia ST_04_27_2016.pdf

Dear Ms. Heldenfels,

Attached please find a letter of support from the Organization of Central East Austin Neighborhoods for the variance requested in case #C15-2016-0078. Thank you for including our communication in the back-up materials for the hearing!

Very kind regards,
Tracy Witte
Secretary, Organization of Central East Austin Neighborhoods

C15-2016-0078

12
46



Board of Adjustment
City of Austin

April 27, 2016

Re: O.C.E.A.N. support for variance at 705 Lydia Street

Dear Board of Adjustment:

The Organization of Central East Austin Neighborhoods (O.C.E.A.N.), the contact team for the Central East Austin Neighborhood Plan, writes to convey to you its support for the variance requested by the Guadalupe Neighborhood Development Corporation (GNDC) to reduce minimum lot size for development of an accessory dwelling unit at 705 Lydia Street from the required 5,750 square feet to 4,131 square feet. The owner of the property presented this variance request to the Guadalupe Association for an Improved Neighborhood, GAIN, the affected neighborhood association, on February 6, 2016 and received unanimous support. GAIN, as a member organization of OCEAN, presented the request to OCEAN members on February 29 and again on March 28, 2016. At the March meeting, OCEAN representatives voted unanimously to affirm GAIN's support for the requested variance.

Representatives on the board of directors of O.C.E.A.N. wish to make clear that contact team support for this variance is solely for this specific case and is related specifically to the property at 705 Lydia Street. OCEAN gives it support after considering the particular circumstances surrounding this variance request. These include the fact that the lot is an existing lot that has been in the same configuration for decades, and it is adjacent to a TOD core transit corridor, a duplex and a vacant duplex-sized lot. Having two single-family units on the smaller than standard size lot, while meeting all other development requirements, made sense in this specific context

In short, OCEAN lends its support for this variance for reasons that are unique to the request and its support is in no way a general acceptance of reduced minimum lot size for secondary apartments.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Jones", written over a horizontal line.

Nathan Jones, President, O.C.E.A.N.

