

#### **NOTIFICATIONS**

CASE#: C15-2016-0093 LOCATION: 2911 East 3rd Street

This product is for informational purposes and may not have been prepared for or be suitable for legal engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



CASE#	015-2016	-0093
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## 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: 2911 E 3rd St.
LEGAL DESCRIPTION: Subdivision – Hartwell Sec 1.
Lot(s) 7 Block 3 Outlot 29 Division
I/We_Phil Moncada on behalf of myself/ourselves as authorized agent for
Agustin Zavaletaaffirm that on _July, _13th,
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 ERECTATTACH X COMPLETEREMODELMAINTAIN
Request variances to base zoning district to build a duplex (minimum lot width).
in a <u>SF-3-NP (Govalle)</u> district.  (zoning district)
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.

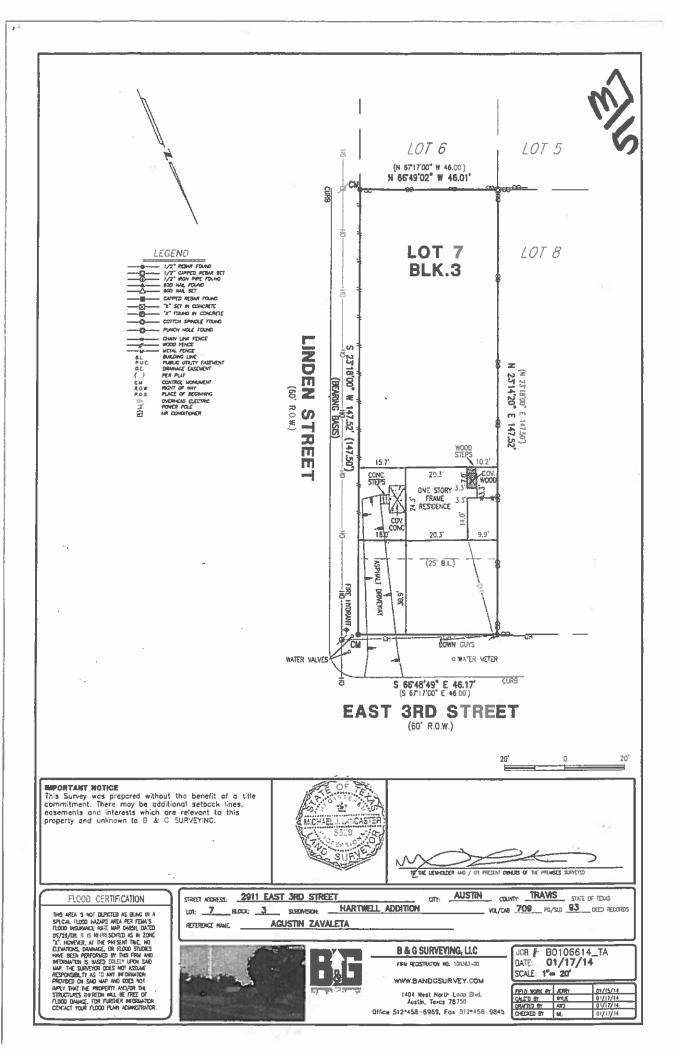
Updated 10/15

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):



REASONABLE USE:
1. The zoning regulations applicable to the property do not allow for a reasonable use because:
Variances are needed for minimum lot area and width in order to build desired duplex.
HARDSHIP;
2. (a) The hardship for which the variance is requested is unique to the property in that:
Building a duplex will follow current pattern of neighborhood development while allowing maximum use o
property. It will also contribute to current improvements in area.
(b) The hardship is not general to the area in which the property is located because:
Several lots in immediate vicinity currently have duplexes.
AREA CHARACTER:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:
Duplexes are permitted in SF-3-NP and several exist in the area. The building of a duplex will not impair any
Adjacent property and / or zoning district regulations because it is common to the area.
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 reasonable 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:
<u>\</u>	J/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:
7	I/A
4.	The variance will run with the use or uses to which it pertains and shall not run with the site because:
N	OTE: 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.
	PLICANT CERTIFICATE — I affirm that my statements contained in the complete plication are true and correct to the best of my knowledge and belief.
٥	med WWW Mail Address 1301 \$ IH 35 Ste 204
City	y, State & Zip Austin, Texas 7874
Prin	nted Phil Moncada Phone 512-627-8815 Date
OV are	VNERS CERPIFICATE—I affirm that my statements contained in the complete application true and correct to the best of my knowledge and belief.
Sig	med Mail Address 8104 Posten Ln
City	/, State & Zip Austin, Texas 78744
Prir	nted AGUST: D ZAVALETA Phone S12. 633-4337 Date 7 13 16



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



(RECONSIDERATION REQUEST)

DATE: Monday, January 12, 2015	CASE NUMBER: C15-2014-0135
Y Jeff Jack - Chair	
Y Michael Von Ohlen	
Y Melissa Whaley Hawthorne - Vice Chair -	- 2 <sup>nd</sup> the Motion
Y Sallie Burchett	
Y Ricardo De Camps	
Y Brian King - Motion to Grant	
Y Vincent Harding	
*	
APPLICANT: Michael Benitez	
OWNER: Augustine Zavaleta	

ADDRESS: 2911 3RD ST

VARIANCE REQUESTED: The applicant has requested a variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum lot width from 50 feet (required) to 47 feet (requested) and to decrease the minimum lot size from 5,750 (required) to 3,392.5 square feet (requested) in order to either subdivide the property into two lots or construct a second dwelling unit in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Govalle)

The applicant has requested a variance to Section 25-2-774 (B) and (C) (7) (Two-family Residential Use) to decrease the minimum lot area from 7,000 square feet (required) to 5,785 square feet (requested) and to increase the gross floor area of the second dwelling unit from 850 square feet (required) to 1,200 square feet (requested) in order to construct a two family residential use in an "SF-3-NP", Family Residence — Neighborhood Plan zoning district. (Govalle)

The applicant has requested a variance to Section 25-2-773 (B) (1) and (2) (Duplex Residential Use) to decrease the minimum lot area from 7,000 square feet (required) to 5,785 square feet (requested) and to decrease the minimum lot width from 50 feet (required) to 46 feet (requested) in order to construct a duplex unit in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Govalle)ther

BOARD'S DECISION: The public hearing was closed on Board Member Jeff Jack motion to Deny (applicant no show), Board Member Bryan King second on a 5-2 vote (Board member Michael Von Ohlen, Ricardo De Camps nay); DENIED.

**RECONSIDERATION REQUEST:** The applicant has requested a variance(s) to Section 25-2-492 (D) (Site Development Regulations):



A. to decrease the minimum lot width from 50 feet (required) to 47 feet (requested) and;

B. to decrease the minimum lot size from 5,750 (required) to 3,392.5 square feet (requested) in order to either subdivide the property into two lots or construct a second dwelling unit in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Govalle) The applicant has requested a variance to Section 25-2-774 (B) and (C) (7) (Two-family Residential Use); C. to decrease the minimum lot area from 7,000 square feet (required) to 5,785 square feet (requested) and;

D. to increase the gross floor area of the second dwelling unit from 850 square feet (required) to 1,200 square feet (requested)

in order to construct a two family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Govalle).

Nov 10,2014 Board Member Bryan King motion to Reconsider request, Board Member Michael Von Ohlen second on a 6-0 vote; RECONSIDERED; the public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to January 12, 2015, Board Member Bryan King second on a 6-0 vote; POSTPONED TO January 12, 2015.

Jan 12, 2015 The public hearing was closed on Board Member Bryan King motion to Grant A. and B. of Section 25-2-773 (B) (1) and (2) (Duplex Residential Use) A. to decrease the minimum lot size to 6,785 square feet and B. to decrease the minimum lot width to 46 feet, applicant's request for variances to Section 25-2-774 was withdrawn with no Board consideration, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED A. AND B. OF SECTION 25-2-773 (B)(1) AND (2) (DUPLEX RESIDENTIAL USE) – A. TO DECREASE THE MINIMUM LOT SIZE TO 6,785 SQUARE FEET AND B. TO DECREASE THE MINIMUM LOT WIDTH TO 46 FEET, APPLICANT'S REQUEST FOR VARIANCES TO SECTION 25-2-774 WAS WITHDRAWN WITH NO BOARD CONSIDERATION.

#### **FINDING:**

- 1. The Zoning regulations applicable to the property do not allow for a reasonable use because: variance to minimum site development regulations to meet 25-4-232 small lot, lot is size of duplex use is only 3% short
- (a) The hardship for which the variance is requested is unique to the property in that:1937 house & subdivision took place prior to current development regulations(b) The hardship is not general to the area in which the property is located because:because it's a corner lot
- 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:

surrounding lots are of equal size and developed in a compatible nature

Leane Heldenfels

**Executive Liaison** 

Jeff Jack

Chairman

#### \* PRINT THIS REPORT AND PRESENT IT AT THE TIME OF UPDATE SUBMITTAL \*



City of Austin Residential Permit Application

## Master Comment Report



Property: 2911 E 3RD ST

Case #: 2016-055994 PR

Case Manager: Daniel Word

Original Submittal Date: May 13, 2016
Application Expiration: November 9, 2016
Comment-report Sent: June 17, 2016

Comment-report #:

Manager Contact: Daniel.Word@austintexas.gov

This report includes all staff comments received to date concerning your most recent residential permit application submittal. The comments may include requirements, recommendations, and/or information.

The application will be approved when <u>ALL</u> comments from each review discipline have been addressed. Your application is considered disapproved until the update process occurs. (Additional comments may be generated as a result of information or design changes provided in your update.)

Please contact your case manager or appropriate reviewer(s) if you have any questions, concerns, or require additional information about this report to schedule an appointment so that your concerns can be addressed. Please understand that you CANNOT meet with your reviewer(s) during General Information Walk-in Hours – we DO NOT take walk-ins for projects under review; you must schedule an appointment with your reviewer.

#### Requirements:

- Prepare a separate document OR use this report to explain how each comment is being addressed. Include the document with this Master Comment Report upon time of re-submittal.
- Submit 3 separate sets of updated drawings (assembled and stapled) correctly sized and to-scale (according to original intake requirements).
- Label all additional reviewer-specific paperwork accordingly.
- If information on the application changed from the initial submittal, you must provide a new application with the
  appropriate revisions.
- If revisions of the site plan are required, the small format set must be re-stamped by Austin Energy and Austin Water Utility as necessary.

#### **Update Fees and Submittal:**

It is required that you submit all documents requested for the update together. Residential Review will NOT accept informal updates for any case – NO EXCEPTIONS. If there are remaining comments to be addressed on this comment report, it will be REJECTED which will incur a review update fee (\$342.00 plus 4% development surcharge) on all subsequent update submittals. Invoices will use the billing information obtained during Intake. The fee must be paid at the Cashier on the first ( $1^{st}$ ) floor of the One Texas Center (OTC) before the update will be accepted. Your update must be formally submitted to the Residential Intake desk on the second ( $2^{nd}$ ) floor of the OTC during Intake hours (MWF 8a – 11p, W 1p – 3p).

#### Update Deadline (LDC 25-1) and extensions:

It is the responsibility of the applicant or his/her agent to update this application. The final update to clear all comments must be submitted by the application expiration date. Otherwise, the application will automatically expire. If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline. Contact your case manager to request an extension. Note that an extension may be granted only one (1) time and must be requested prior to expiration.

#### Online Reference:

Your project information is available online:

http://www.austintexas.gov/page/interactive-development-review-permitting-and-inspection

### Residential Zoning Review - Daniel Word - 512-974-3341

**X**1

BOA variance is expired. Must seek new variance for lot size (7000 sq ft minimum), lot width (50 ft minimum). Submit approved decision sheet from BOA with update.

2. Modify sheet A-1 to reflect Type I driveway per Standard 433s-1 or 433s-1A. Submit affected sheet

with update.

https://www2.municode.com/library/tx/austin/codes/standards\_manual?nodeId=CITY\_AUSTIN\_TEXASST\_S ERIES\_400COST

3. If multiple Type I driveways are proposed, spacing must be provided per TCM 5.3.2. Modify sheet A.1 accordingly and submit affected sheet with update.

https://www2.municode.com/library/tx/austin/codes/transportation\_criteria\_manual?nodeId=TRCRMA\_S5DR

5.3.0DECR 5.3.2CRVATYDR

4. Compliance with sidewalk ordinance required. Show COA sidewalk along one of the two street frontages per Standard 432s-1 on sheet A-1 or contact Amber Mitchell in Development Assistance Center to request fee in lieu payment. If fee in lieu is chosen, provide approval memo from Amber and receipt of payment with update. Submit affected sheet with update.

https://www.municode.com/webcontent/municodenext/15309/400/432S-1.pdf

5. Label length of tent encroachment and line of intersection on west elevation (sheet A-2) and reference applicable tent exception by note as per 25-2 Subchapter F Art. 2.6.E. Submit affected sheet with update.

https://www2.municode.com/library/tx/austin/codes/land\_development\_code?nodeId=TIT25LADE\_CH25-

2ZO SUBCHAPTER FREDECOST ART2DEST S2.6SEPL

6. Pull "building line" to front eave of front porch on unit B as per 25-2 Subchapter F Art. 3.2. Adjust 40 ft tent sections accordingly. Amend all affected sheets and submit with update.

https://www2.municode.com/library/tx/austin/codes/land\_development\_code?nodeId=TIT25LADE\_CH25-2ZO\_SUBCHAPTER\_FREDECOST\_ART3DEME\_S3.2BULI



DATE:

06/26/15

TO:

City Of Austin Plan Review

ATTN:

Daniel Word

Master Comment Report '

REF:

2911 East 3rd Street

Austin. Texas

#### CASE# 2016-055994 PR

#### Residential Zoning Review: Rev. 1

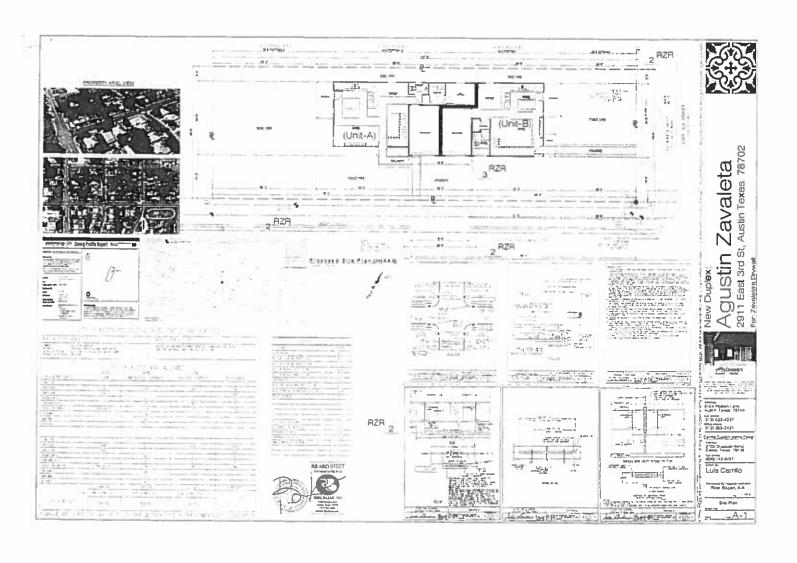
- 1. Comment Noted.
- Please refer to the revised plans reflecting the changes and details to accommodate this requirement.
- Please refer to the revised drawings reflecting one driveway to accommodate both units providing access to each garage.
- 4. I will get with Amber Mitchell in regards to being compliance with the requirements of the sidewalks.
- 5. Please see attach drawings showing the line of intersection of the tents.
- Please see attached revised drawings reflecting the changes on pulling the building line front the face façade.

Luis Carrillo

Sincerely

Cell: 830.743.8487





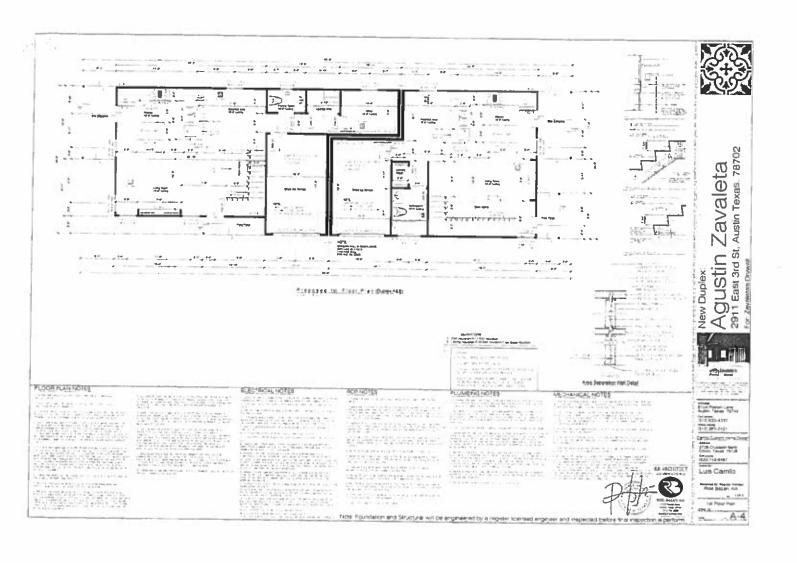


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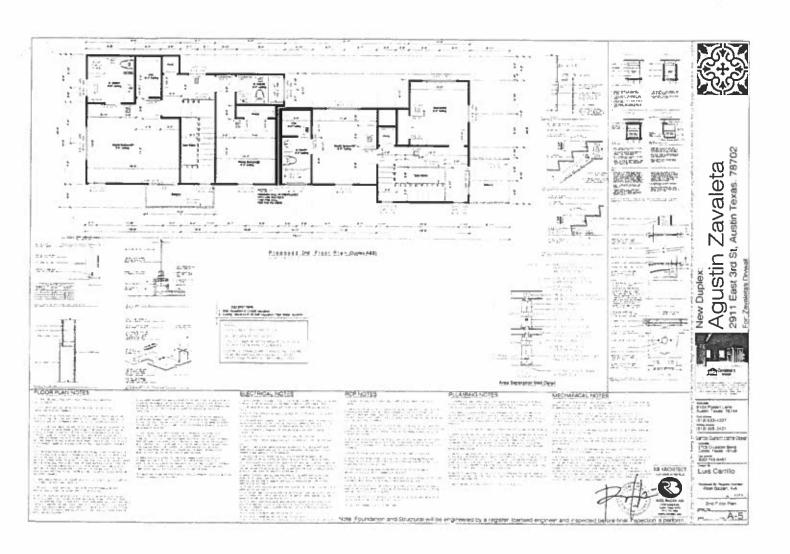


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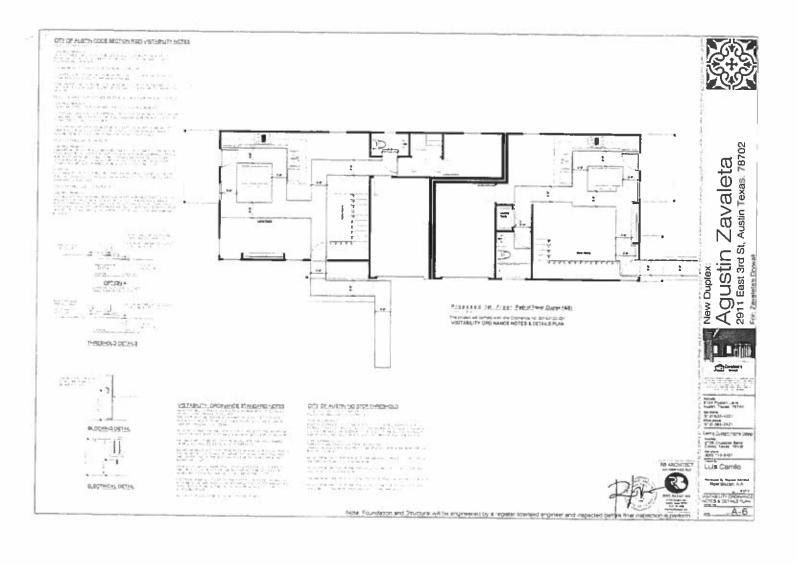




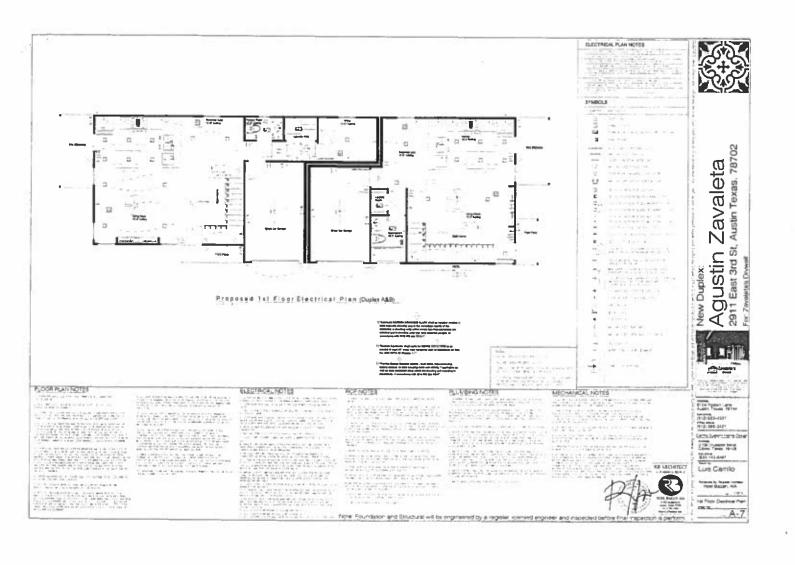




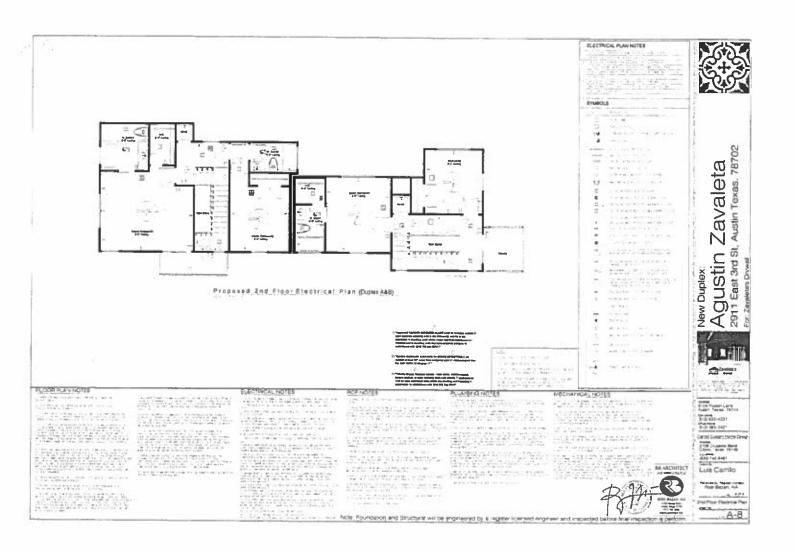
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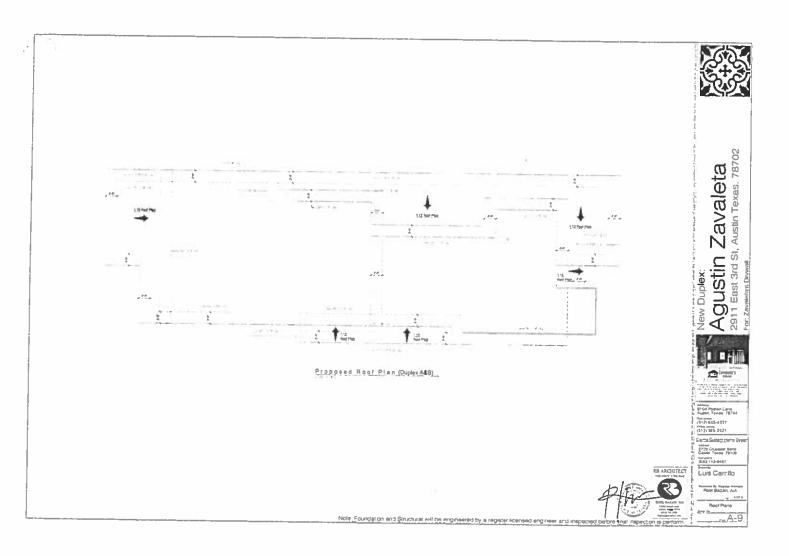




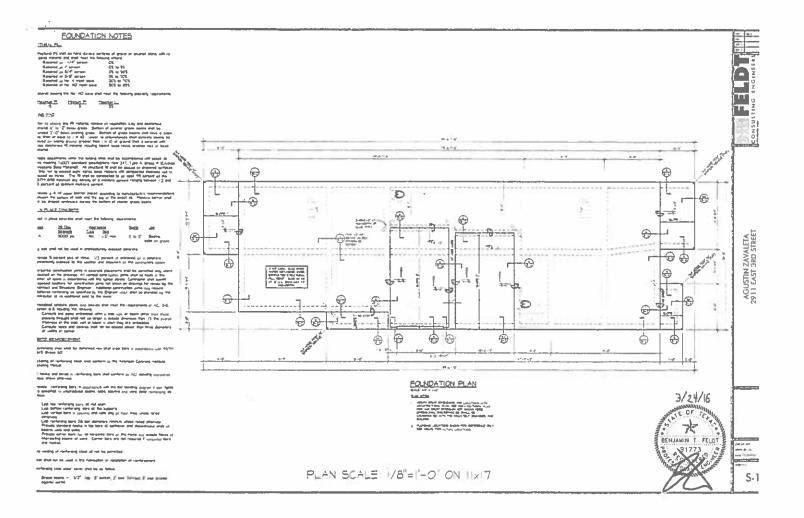




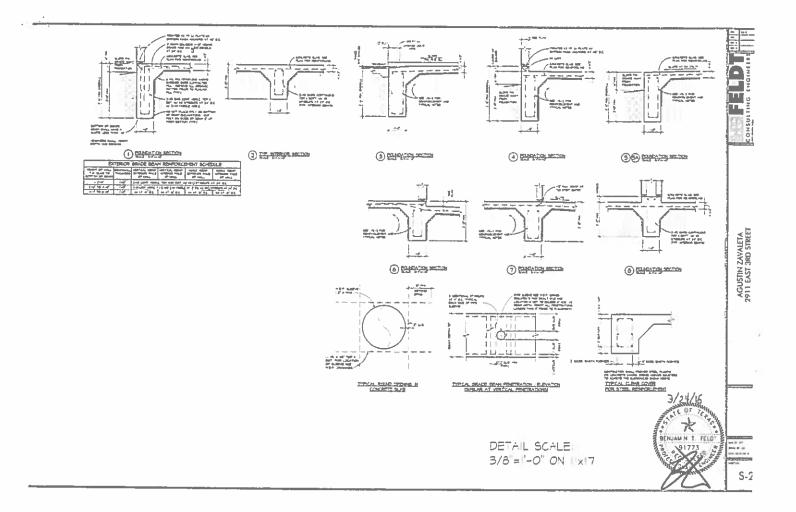


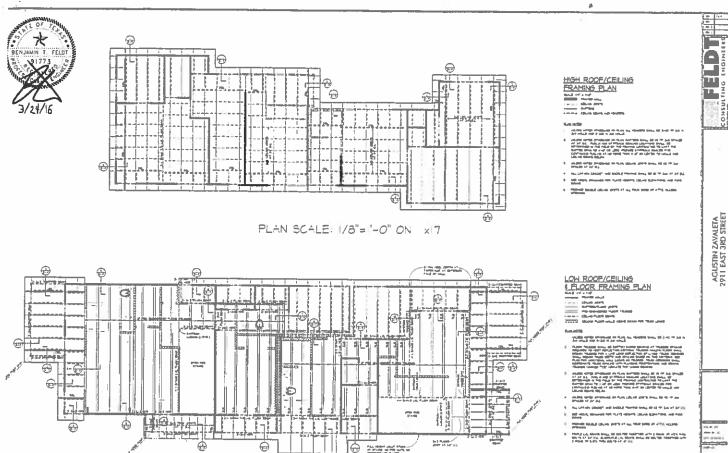












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