




-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## NOTIFICATIONS

CASE#: C15-2016-0099

57 SAN MARCOS 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.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 208'



## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

M/2

## 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 # C15-2016-0099 ROW # \_\_\_\_\_ Tax # \_\_\_\_\_

### Section 1: Applicant Statement

Street Address: 57 San Marcos Street Austin, TX 78702

Subdivision Legal Description:

S 62.5Ft of Lot 1 Less SW Triangle of Blk 2 OLT 54 & 55 DIV O Elm Grove Addn. ( see Legal Lot Status Attached as exhibit)

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: GR-MU-CO-NP (Small Lot 2500 Sq. ft allowed in East Cesar /Chavez NP)

I/We Michael R. McHone on behalf of myself/ourselves as  
authorized agent for Savage Trust and Cavitt Wendlandt affirm that on  
Month August, Day 9, 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: single family residence

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

1. Section 25-2-492 (D) (Site Development Regulations) to decrease the minium lot width from 50 ft (required/permitted to 0 feet (requested) (see attached survey and 25-1-22 MEASURMENTS); and to  
Please see Section 6 Additional Space page 7

34/3

## 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 current irregular lot was created by the construction of IH 35 and has been in this configuration for over 40 years and the strict application of the Land Development Code prohibits its reasonable its developement as a neighborhood compatible single family home.

### Hardship

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

The current irregular shaped lot was created by the construction of IH 35 (see deed 1976/63) and is a legal lot as determined by Legal Lot Status C81-2016-0057.

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

Most lots in the Neighborhood do not front on IH 35 frontage/access road.

my  
4

### 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:

Many lots in the neighborhood are developed with small homes and the proposed single family home is compatible with the adjacent property uses.

### Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

### Section 3: Applicant Certificate

my  
5

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

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Name (typed or printed): Michael R. McHone

Applicant Mailing Address: P. O. Box 8142

City: Austin State: Tx. Zip: 78713

Phone (will be public information): (512) 554-8440

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: \_\_\_\_\_ Date: \_\_\_\_\_

Owner Name (typed or printed): see attached signed

Owner Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

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

### Section 5: Agent Information

Agent Name: Michael R. McHone

Agent Mailing Address: P. O. Box 8142

City: Austin State: TX Zip: 78713

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).

2. Section 25-2-735 (D) (1)(Festival Beach Sub-District Regulations) to increase the maximum impervious cover from 40% to 45% (requested); and to

3. Section 25-2-779 (D)(1) (Small Lot Single Family Residential Use) to decrease the minimum lot size from 3600 square feet (required) to 2,472 square feet (requested/existing); and to

Additional Space (continued)

34

4. (G) to decrease the minimum front setback from 15 feet (required/permitted) to 10 ft (requested) in order to build a new single family home in a GR-MU-CO-NP; Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan zoning district (East Cesar Chavez, Festival Beach Sub-district Waterfront Overlay)

SAVE



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**Development Services Department  
Land Status Determination  
Legal Tract Platting Exception  
Certification**

**March 01, 2016**

**File Number: C8I-2016-0057**

**Address: 57 SAN MARCOS ST**

**Tax Parcel I.D. #0203040601**

**Tax Map Date: 07/16/2015**

The Development Services Department has determined that the property described below and as shown on the attached tax map:

Is a **LEGAL TRACT** consisting of the South 62.5 feet of lot 1, less SW triangle Block 2, O.L. 55, Division "O", Elm Grove, City of Austin, Travis County, Texas, created prior to Mar 14, 1946 (Grandfather Date) as evidenced by deed recorded in Volume 774, Page 336 of the Travis County Deed Records on Jan 09, 1945 being the same property as currently described in deed recorded in Document #2012071760 of the Travis County Deed Records on May 7, 2012 and is eligible to receive utility service.

**Additional Notes/Conditions:**

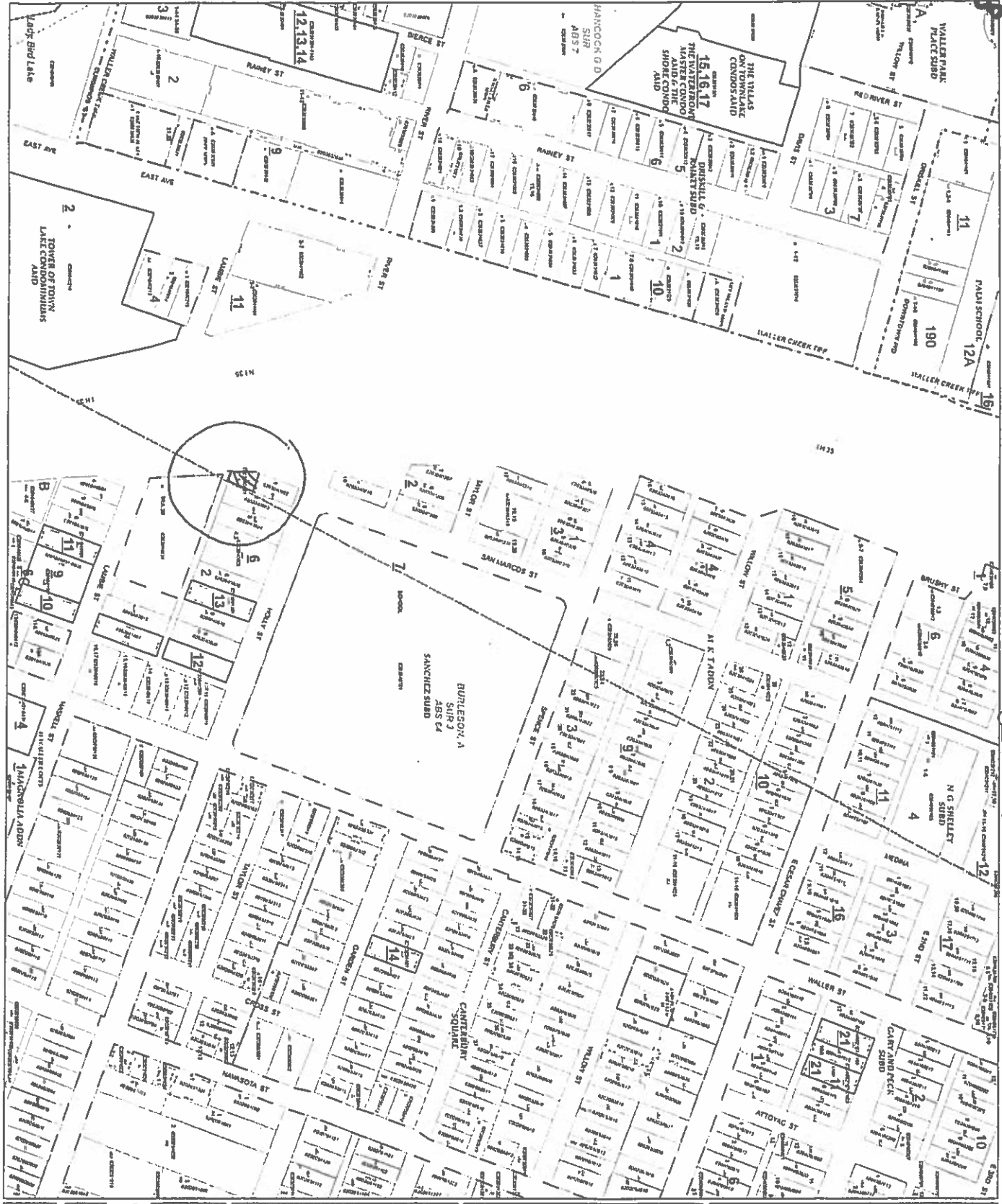
This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivision and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Michelle Casillas  
**Michelle Casillas, Representative of the Director  
Development Services Department**

**Map Attachment**

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CBT-2016-0057



<p><b>20304</b></p>	<p>Revision Date: 7/16/2015</p>	<p>NAD 1983 StatePlane Texas Central FIPS 4203 Feet Projection: Lambert Conformal Conic</p>	<p>This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily suitable for mapping, surveying or engineering standards. Conclusions drawn from the information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of the information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.</p>	<p><b>Travis Central Appraisal District</b> 6314 Cross Park Drive Austin, Texas 78754 Internet Address: <a href="http://www.traviscad.org">www.traviscad.org</a> Main Telephone Number (512) 834-8317 Appraisal Information (512) 834-8318 TDD (512) 836-3328</p> <p>P.O. Box 149012 Austin, Texas 78714</p>
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DEED

CONTROLLED ACCESS HIGHWAY FACILITY

STATE OF TEXAS

County of Travis

WHEREAS, the State Highway Commission has been authorized under House Bill 179, Acts of the 55th Legislature, Regular Session, 1957, to purchase land and such other property rights deemed necessary for the purposes of facilitating the construction, maintenance and operation of Controlled Access Highways; and,

WHEREAS, the purchase of the hereinafter described premises has been deemed necessary by the State Highway Commission for the purposes of facilitating the construction, maintenance and operation of a Controlled Access Highway facility;

KNOW ALL MEN BY THESE PRESENTS:

That Mr. T. R. Raven and wife, Sybil Raven

of the County of Travis, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of Three Thousand Five Hundred Seventy and No/100 DOLLARS, to Grantors in hand paid by the State of Texas, acting by and through the State Highway Commission, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day sold, and do by these presents grant, bargain, sell and convey unto the State of Texas, all that certain tract or parcel of land, situate in the County of Travis, State of Texas, and being more particularly described as follows, to-wit:

A part of Lot No. 1 in Block No. 2 of the Elm Grove Addition a subdivision of Outlots No. 54 and 55 in Division "0" in the City of Austin, Travis County, Texas, according to the map or plat of said subdivision of record in Book No. 2, page 241, of the Plat Records of Travis County, Texas, said part of Lot No. 1 as herein conveyed, being more particularly described by metes and bounds as follows;

Beginning at a point in the west line of Lot No. 1; said point being in the east line of San Marcos Street and 109.4 feet S 22°45' W, of the northwest corner of Lot No. 1, the same being also the southwest corner of Block No. 2 at San Marcos and Holly Streets;

Thence S 0°10' W, 60.3 feet to a point in the south line of Lot No. 1 and the north line of an alley that bounds said Lot No. 1 on the south;

Thence N 67°00' W, with the south line of Lot No. 1, 23.2 feet to the southwest corner thereof, said corner being in the north line of an alley at San Marcos Street;

Thence N 22°45' E, with the west line of Lot No. 1 and the East line of San Marcos Street, 55.6 feet to the place of beginning and containing 0.0448 acre of land, more or less,

It is expressly understood and agreed that grantors  
are to only the following described improvements located on the  
above described premises, to wit:

- (1) One story frame residence
- (2) One car frame garage and storage room

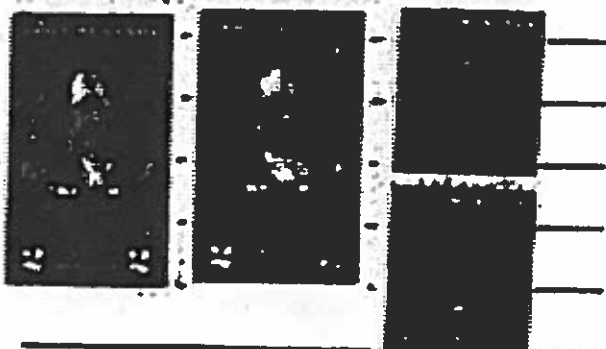
SUBJECT HOWEVER, to the limitation that in the event grantors fail or refuse,  
for any reason, to remove such above described improvements by February 1, 1939  
subject, however, to such extension of time as may be granted by the State in  
writing, the title to all or any part of such improvements not so removed, shall  
pass without further consideration to and rest in the State of Texas forever."

The Grantors reserve all of the oil, gas and sulphur in and under said land, but waive all rights of ingress and egress for the purpose of exploring, developing, mining or drilling for the same; however, nothing in this reservation shall affect the title and rights of the State to take and use, without additional compensation, all other minerals and materials thereon, therein or thereunder.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said State of Texas and its assigns, forever. And the Grantors, whether one or more, do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, to warrant and forever defend all and singular the said premises, unto the said State of Texas, and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

It is expressly understood that nothing contained herein shall be a limitation of any type on the fee-simple title conveyed by this instrument.

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on this 18th day of November, 19 69.



T. M. Raven  
T. M. Raven

Sylvia Raven  
Sylvia Raven

(44.40 U. S. Int. Rev. Stamp Can.)

SINGLE ACKNOWLEDGMENT

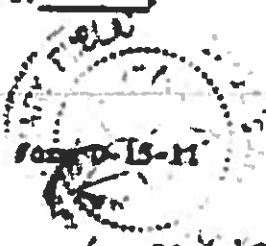
THE STATE OF TEXAS.

County of Travis

Before me, Leonard F. Martburger, a notary public in and for said County and State, on this day personally appeared T. M. Raven

known to me (or proved to me on the oath of \_\_\_\_\_) to be the person whose name \_\_\_\_\_ subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 18th day of November 19 69.



Leonard F. Martburger  
Leonard F. Martburger  
Notary Public in and for Travis County, Texas

1978 ME 88

WIFE'S SEPARATE ACKNOWLEDGMENT

THE STATE OF TEXAS,

County of Travis

Leonard F. Harbinger, a notary public in and for said County and State, on this day 10th appeared Sybil Rawn, wife of Leonard F. Harbinger, known to me (notary) to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she (he said Sybil Rawn) acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this the 10th day of November 1958

Leonard F. Harbinger  
 Leonard F. Harbinger  
 Notary Public in and for Travis County, Texas.

Filed Dec 4 1958  
 Recorded Dec 8 1958 at 9:40 A.M.

Parcel 142  
 County Travis  
 Highway No. Interstate 35  
 Control 15 Sec. 23 Job  
 Account or Federal No.  
 Between East 19th Street  
Colorado River in Austin  
**DEED**  
 CONTROLLED ACCESS HIGHWAY FACILITY BY

TO  
 THE STATE OF TEXAS  
FILED FOR RECORD  
at 9:40 A.M.  
 This day of DEC 4 1958 o'clock M.  
 A. D. 19 58  
MISS EMILIE LIMBERG  
 This 10th day of Nov 1958  
 A. D. 19 58 in Travis County, Texas, Records of Deeds, Book 1976 Page 6  
 Clerk Graybill Company  
 Deputy Graybill Company

THE STATE OF TEXAS }  
 County of Travis } I, MISS EMILIE LIMBERG, Clerk of the County Court, within and for the County and State aforesaid, do hereby certify that the within and foregoing instrument of Writing, with its Certificate of Authentication, was filed for record in my office on the 10th day of Dec A. D. 1958, at 2 o'clock P M., and duly recorded on the 9 day of Dec A. D. 1958 at 5:50 o'clock P M. in the 1976 DEED Records of said County, in Book No. 1976 Pages 6 to 6 inclusive.

WITNESS MY HAND and seal of the county court of said county, the day last above written.  
Miss Limberg Deputy.  
 MISS EMILIE LIMBERG  
 Clerk County Court, Travis County, Texas

3/3

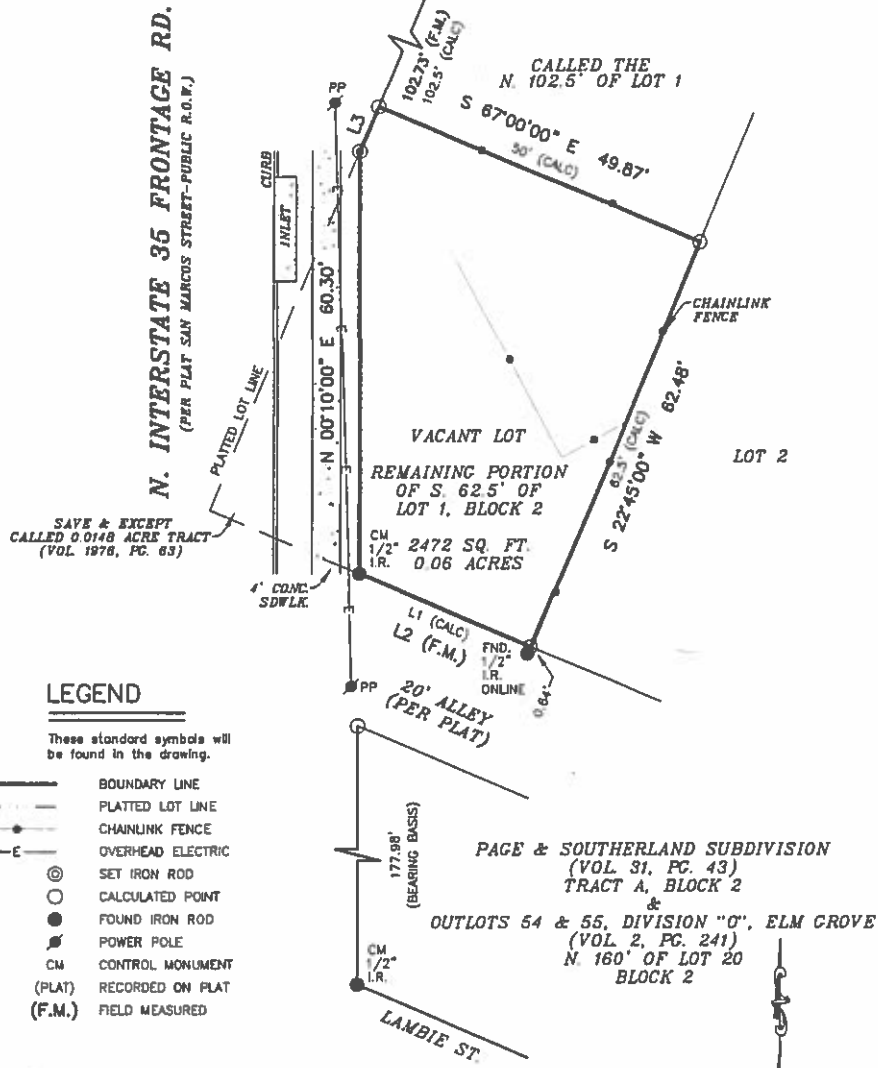
2 →

I H - 35 Access



136  
14

LINE	BEARING	DISTANCE
L1	---	26.80'
L2	N 67°00'00" W	26.71'
L3	N 22°45'00" E	6.90'



### LEGEND

These standard symbols will be found in the drawing.

- BOUNDARY LINE
- PLATTED LOT LINE
- CHAINLINK FENCE
- OVERHEAD ELECTRIC
- ⊙ SET IRON ROD
- CALCULATED POINT
- FOUND IRON ROD
- ⚡ POWER POLE
- CM CONTROL MONUMENT
- (PLAT) RECORDED ON PLAT
- (F.M.) FIELD MEASURED

**SURVEYOR'S NOTE.**  
BASIS OF BEARING, VOLUME 1978, PAGE 63,  
DEED RECORDS OF TRAVIS COUNTY, TEXAS.

At date of this survey, the property is in FEMA designated  
ZONE X SHADED as verified by FEMA map Panel No:  
48453C 0465 J, effective date of JANUARY 6, 2016.  
Exact designations can only be determined by a Elevation  
Certificate. This information is subject to change as a  
result of future FEMA map revisions and/or amendments.

The survey is hereby accepted with the  
discrepancies, conflicts, or shortages in area or  
boundary lines, encroachments, protrusions, or  
overlapping of improvements shown.

### GRAPHIC SCALE



I, RACHEL LYNN HANSEN, a Registered Professional Land Surveyor in the State of Texas,  
do hereby certify to AUSTIN TITLE

and FIDELITY NATIONAL TITLE INSURANCE COMPANY  
that the above map is true and correct according to an actual field survey, made by me on the ground or  
under my supervision, of the property shown hereon or described by field notes accompanying this drawing. I further  
certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except  
as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent  
discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way  
as of the date of the field survey. I further certify that this survey meets or exceeds the  
minimum standards established by the Texas Board of Professional Land Surveying (Section 663.18).

Borrower/Owner: BRIAN COPLAND  
Address: 37 SAN MARCOS ST., AUSTIN, TX 78702, GF No. AUT-22-688-AUT16001354TH  
**Legal Description of the Land:** The South 62.5' of Lot 1, Block 2, ELM GROVE ADDITION, a  
subdivision in Travis County, Texas, according to the map or plat of record in Volume 2, Page  
241, Plat Records of Travis County, Texas; SAVE AND EXCEPT that portion conveyed to the State  
of Texas in Volume 1978, Page 63, Deed Records of Travis County, Texas.

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN:  
VOLUME 2, PAGE 241, PLAT RECORDS, TRAVIS COUNTY, TEXAS

PROPERTY PHOTOGRAPH:



### FINAL "BOUNDARY" SURVEY

JOB NO.:	NO.	REVISION	DATE
1602034477	01	SCHEDULE A/B	03/11/16
DRAWN BY:	MN/SV		
APPROVED BY:	RLH		



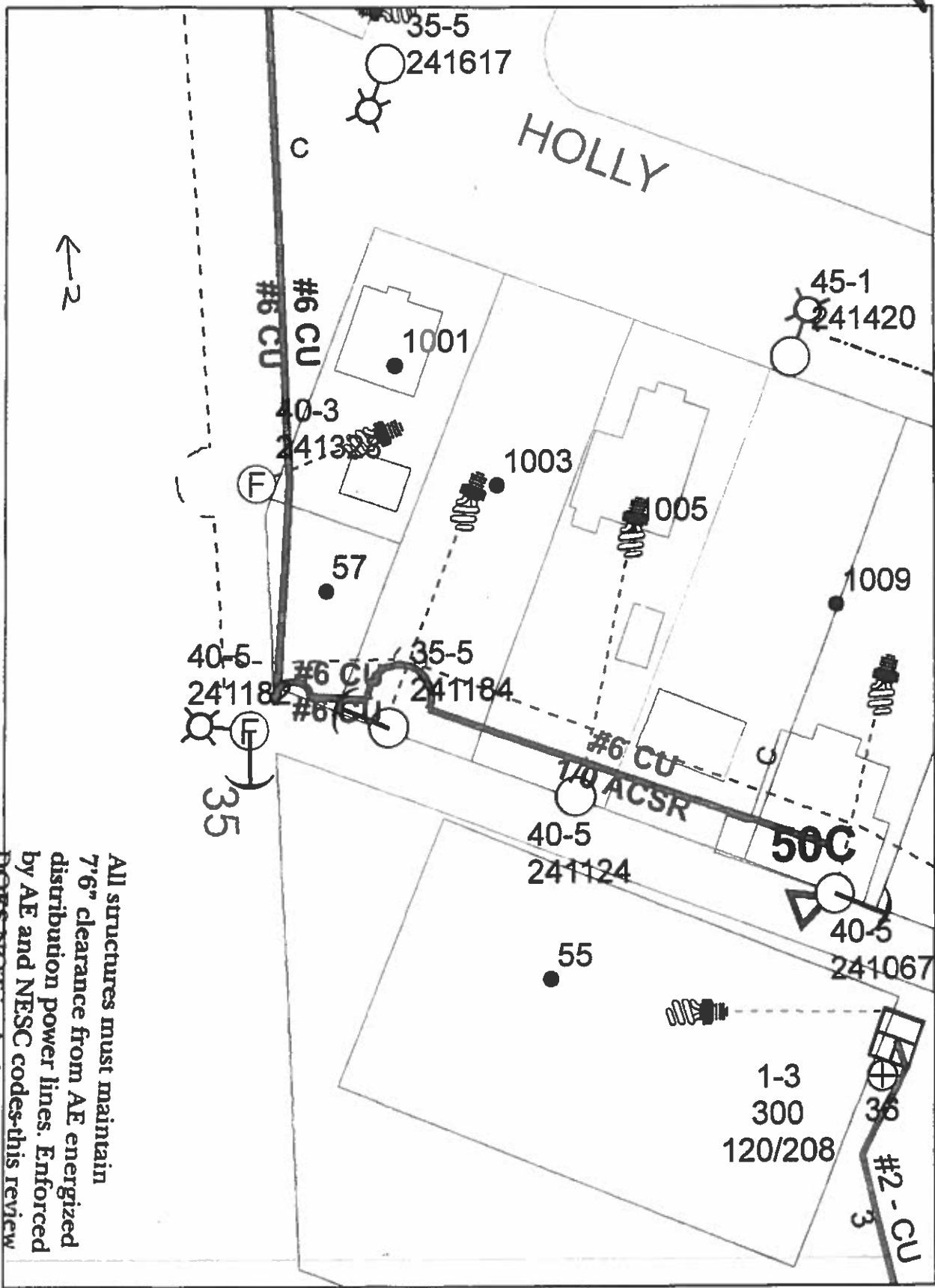
*Rachel Lynn Hansen*

RACHEL LYNN HANSEN, R.P.L.S.  
Registered Professional Land Surveyor  
Registration No. 6358



**AMERISURVEYORS LLC**  
20079 Stone Creek Parkway Suite 11200 San Antonio, Texas 78258  
Phone (210) 463-3288 Fax (210) 463-3483

5/15



All structures must maintain  
7'6" clearance from AE energized  
distribution power lines. Enforced  
by AE and NESC codes-this review  
DOES NOT include transmission  
power lines.

# 57 SAN MARCOS

CONCEPT SITE PLAN  
1 SEPTEMBER 2016

LOT AREA: 2,477 SF

ZONING: GR-MU-CO-NP

SITE DEVELOPMENT STANDARDS:

MINIMUM LOT SIZE: 5,750 SF\*

MINIMUM LOT WIDTH: 50FT\*

MAX BLDG COVERAGE: 75%

MAX IMP COVERAGE: 90%

MAX FAR: 1:1

MAX HEIGHT: 60FT

SETBACKS: 10,10,0,0

ZONING: SF-3

SITE DEVELOPMENT STANDARDS:

MINIMUM LOT SIZE: 2,500 SF\*

MINIMUM LOT WIDTH: 25FT\*

MAX BLDG COVERAGE: 60%

MAX IMP COVERAGE: 65%

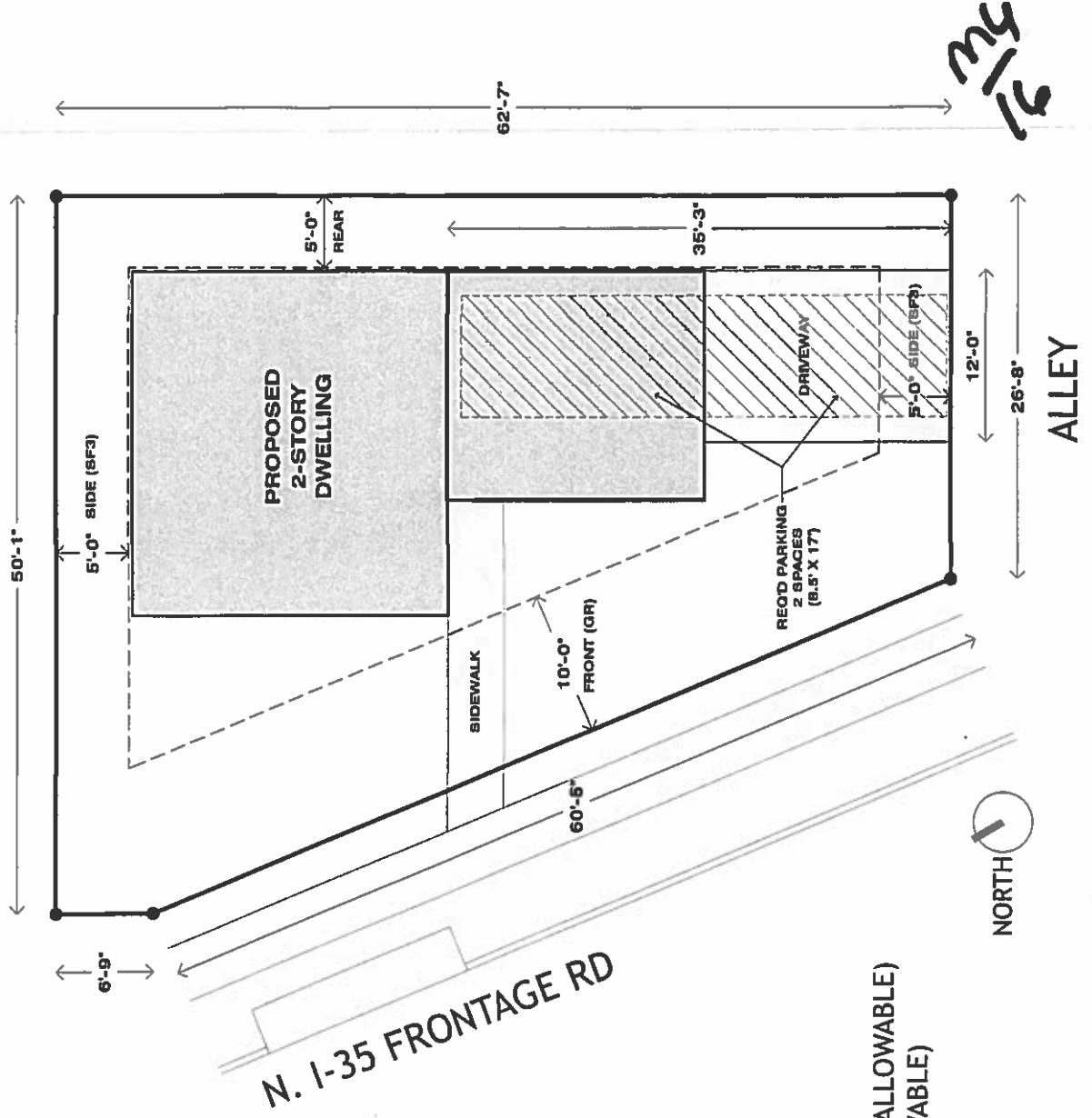
MAX FAR: 0.4: 1 or 2300SF

MAX HEIGHT: 32FT

SETBACKS: 25,15,5,10\*

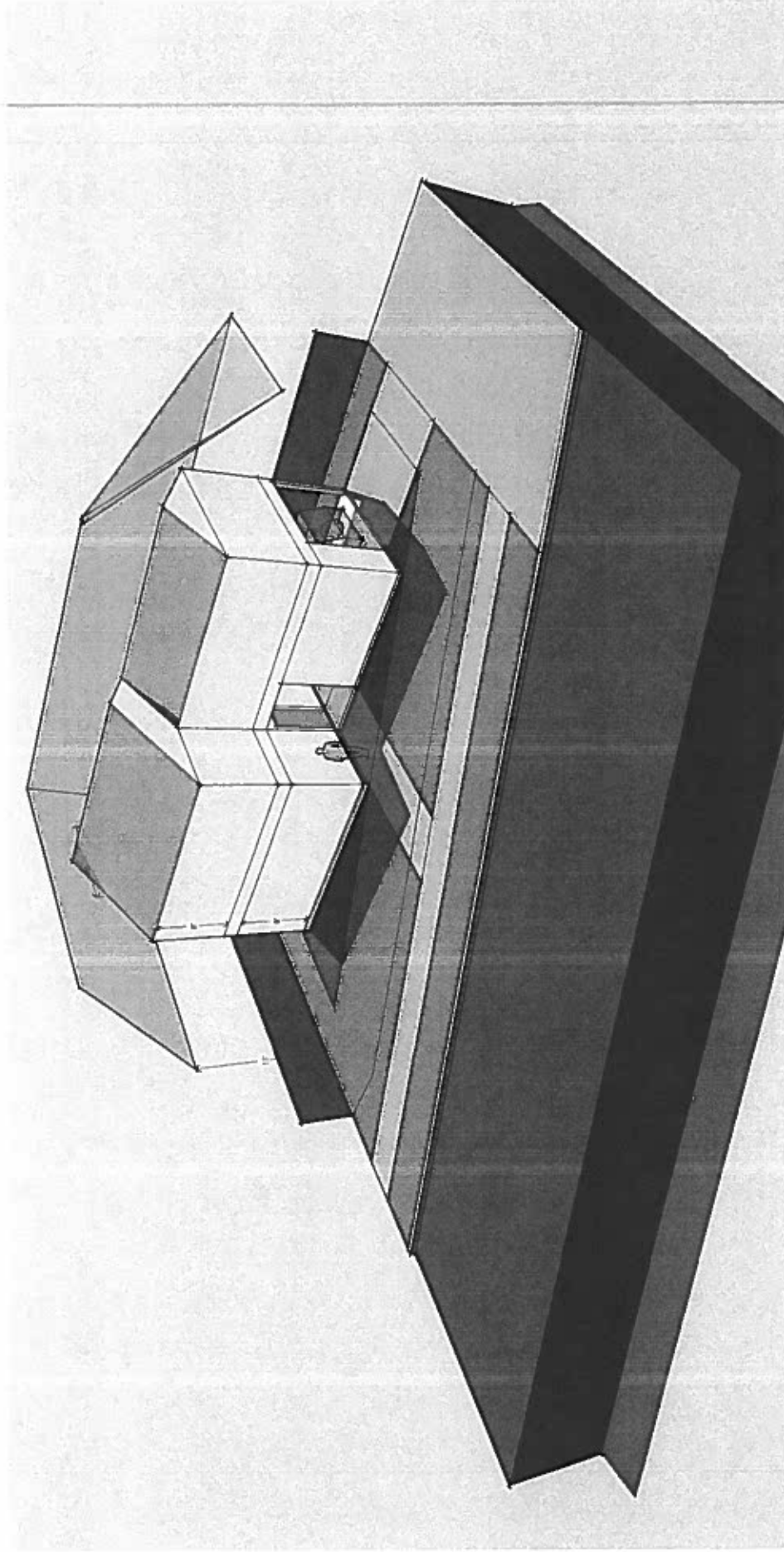
PROPOSED IMP COVERAGE: 45% (65% ALLOWABLE)

PROPOSED FAR: 1632 SF (2300 ALLOWABLE)



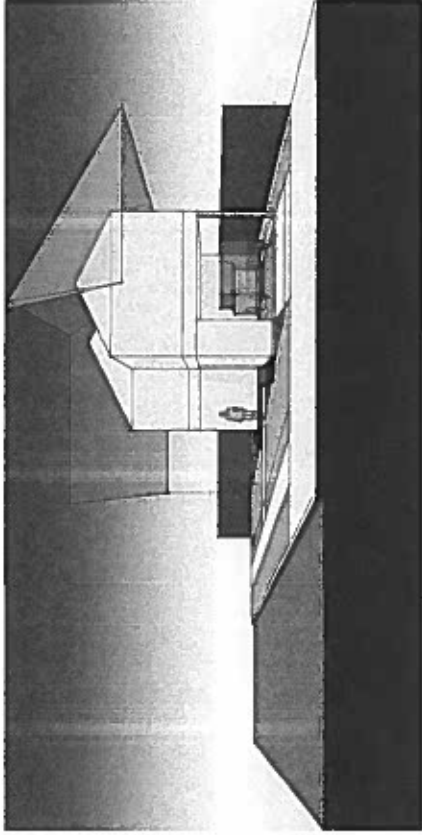


57 SAN MARCOS

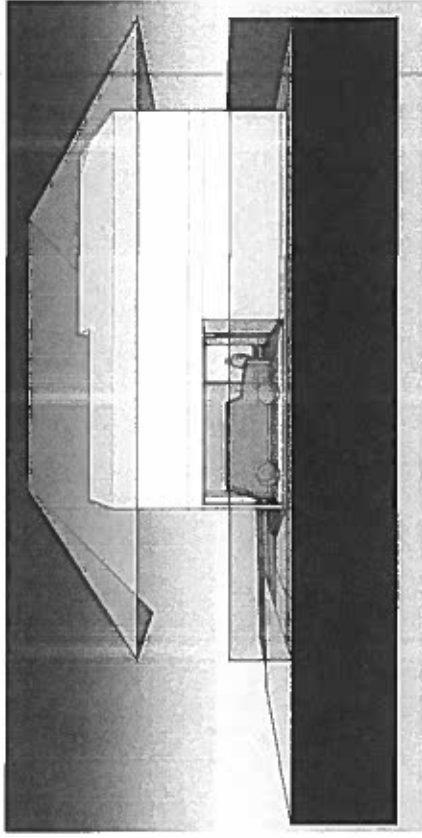


57  
1/2

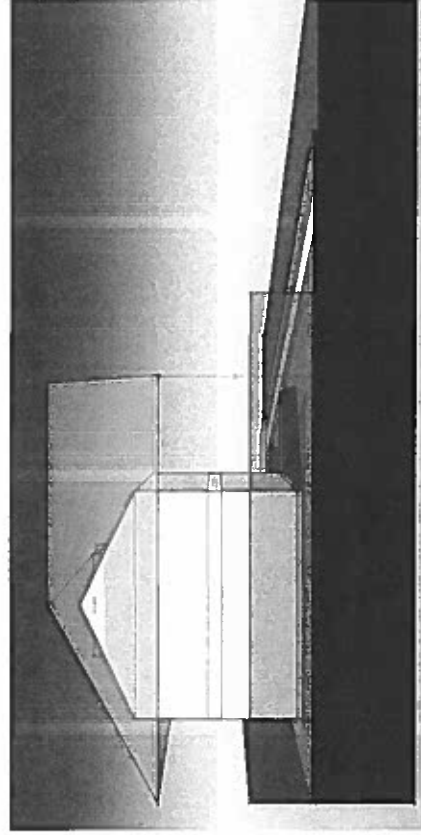
57 SAN MARCOS



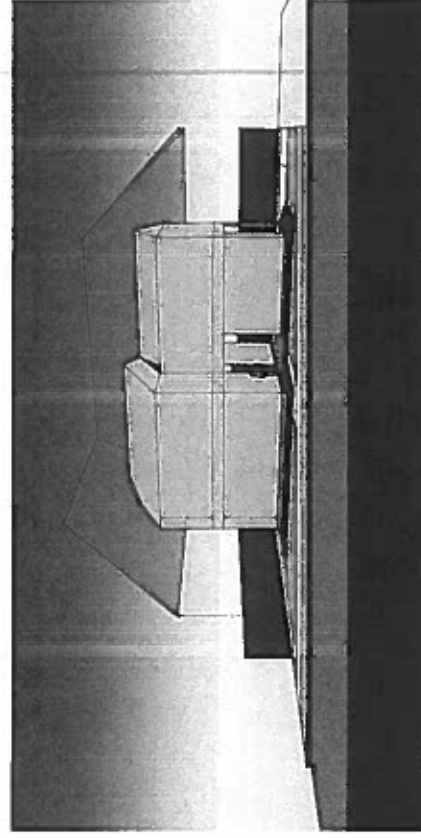
SIDE VIEW (RIGHT)



REAR VIEW



SIDE VIEW (LEFT)



FRONT VIEW

3/25

