






-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2016-0049
LOCATION: 206 San Marcos St



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 the accuracy or completeness of the information.

1" = 159'

LH

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

DATE: Monday, July 11, 2016

CASE NUMBER: C15-2016-0049

☐ Y ☐ Brooke Bailey
☐ Y ☐ Michael Benaglio
☐ Y ☐ William Burkhardt
☐ Y ☐ Eric Goff
☐ Y ☐ Melissa Hawthorne Motion to approve postponement by applicant to Aug 8th.
☐ Y ☐ Bryan King
☐ Y ☐ Don Leighton-Burwell 2nd the Motion
☐ Y ☐ Rahm McDaniel
☐ Y ☐ Melissa Neslund
☐ Y ☐ James Valadez
☐ Y ☐ Michael Von Ohlen
☐ - ☐ Kelly Blume (Alternate)

OWNER/APPLICANT: Jordan French

ADDRESS: 206 SAN MARCOS ST

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the minimum rear yard setback from 10 feet (required, permitted) to 1.8 feet (requested); and to
 - B. decrease the minimum side yard setback from 5 feet (required, permitted) to 1.3 feet (requested); and to
 - C. increase the maximum impervious cover from 45% (required, permitted) to 73% (requested); and to
 - D. decrease the minimum lot size from 5,750 square feet (required, permitted) to 2,420 square feet (requested, existing)
- in order to add a master suite addition to this existing home in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

NOTE: The East Cesar Chavez neighborhood plan allows a single family home on lots of 2,500 square feet or more, however this lot is slightly smaller. Further the plan allows for 65% impervious cover for small lots, but this lot cannot use that higher amount due to it's smaller than small lot size.

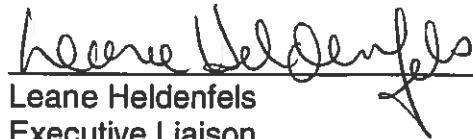
BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to July 11, 2016, Board Member Melissa Hawthorne second on a 10-0 vote; POSTPONED TO JULY 11, 2016. (RE-NOTICE REQUIRED); POSTPONED TO OCTOBER 10, 2016 BY APPLICANT

FINDING:


1. The Zoning regulations applicable to the property do not allow for a reasonable use because:

2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

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Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman

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

DATE: Monday, May 9, 2016

CASE NUMBER: C15-2016-0049

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

OWNER/APPLICANT: Jordan French

ADDRESS: 206 SAN MARCOS ST

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the minimum rear yard setback from 10 feet (required, permitted) to 1.8 feet (requested); and to
 - B. decrease the minimum side yard setback from 5 feet (required, permitted) to 1.3 feet (requested); and to
 - C. increase the maximum impervious cover from 45% (required, permitted) to 73% (requested); and to
 - D. decrease the minimum lot size from 5,750 square feet (required, permitted) to 2,420 square feet (requested, existing)
- in order to add a master suite addition to this existing home in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

NOTE: The East Cesar Chavez neighborhood plan allows a single family home on lots of 2,500 square feet or more, however this lot is slightly smaller. Further the plan allows for 65% impervious cover for small lots, but this lot cannot use that higher amount due to it's smaller than small lot size.

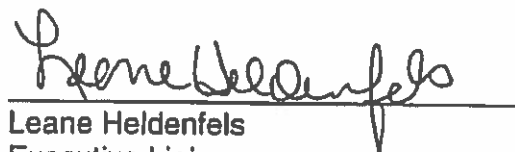
BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to July 11, 2016, Board Member Melissa Hawthorne second on a 10-0 vote; POSTPONED TO JULY 11, 2016. (RE-NOTICE REQUIRED)


FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

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- (b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:


Leane Heldenfels
Executive Liaison


William Burkhardt
Chairman

C15-2016-0049

Heldenfels, Leane

From: crfunh [REDACTED]
Sent: Wednesday, June 01, 2016 10:55 AM
To: Heldenfels, Leane
Subject: Re: 206 San Marcos Street Variance Hearing

VJ
6

Hi Leane,

This is in regards to the property in the subject line. We need to be taken off the July 11th docket and pushed to late October/early November.

Please let me know if anything is weed on my end to make this adjustment.

Sincerely,

Chris French
crfunh@gmail.com
512-590-3612

CASE# C 15-2016-0049
ROW# 11516421
TAX# 0204050712
TCAD ✓

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: 206 San Marcos Street, Austin, TX 78702

LEGAL DESCRIPTION: Harrington's Subdivision of Lot 17 Division 0 Vol. X pg. 636

I, David Cancialosi, on behalf of myself, affirm that on December 15, 2015, hereby apply
for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development
Code you are seeking a variance from)

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

To erect a rear master suite addition on existing SF3-zoned lot proposing a total of 73%
impervious cover on a 2,420 sq. ft. legal tract. And allow a 1.3 ft. side setback and a 1.8 ft.
rear setback.

SF-3-NP (Erect Cedar Chavez)
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.

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: the existing residence is recorded in TCAD as a 1906 structure with roughly 860 sq.
ft. HVAC. TCAD also references a 180 sq. ft. detached structure dated 1950. The
improvements plus an approximately 250 sq. ft. driveway exceeded the allowable 45%
maximum IC.

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The owner attached the 1950 detached structure to create a master suite addition. The original 1,040 sq. ft. residential footprint is now roughly 200 sq. ft. larger, which equals 73% impervious cover.

The roughly 2,420 sq. ft. lot allows roughly 1,080 sq. ft. IC per SF3-zoning performance standards. The regulations do not allow reasonable development, as the existing legal tract (LSD DA-2013-0288, attached) received utility service in 1931 and has a deed recorded in 1973.

The owner remodeled an original detached structure into a master addition. This was attached to the primary structure and has a 1.3 ft. side and 1.8 ft. rear setback.

HARDSHIP:

2. The hardship for which the variance is requested is unique to the property in that: the roughly 2,420 sq. ft. lot is approximately 80 sq. ft. short of qualifying for the 65% impervious cover allowance per the design tool adopted by the neighborhood plan.

The design tool is intended to facilitate development on small inner city lots in order to allow reasonable development of single-family residential development. The lot's inability to meet the letter of the law while meeting the intent of the design tool is a hardship because the lot is being restricted from highest and best use via strict application of the written regulations.

Both the original residence and the detached accessory structure were put in place prior to the design tool adopted by the neighborhood plan and the neighborhood plan does not account for lots of smaller than 2,500 sq. ft., which should be allowed to develop or expand as necessary to accommodate growing families in the urban core.

The small lot size allows for extremely limited development. The owner desires a one story addition in order to maintain the original aesthetics.

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 the proposed master addition will be in keeping with its original square footage as well as the size of surrounding homes.

The house is surrounded by much larger two or three story homes on some portions of surrounding blocks. The homeowner's intent is to keep the existing residence as-is and maintain the existing attached master suite addition with no further development.

The property owner is open to Rain Barrels or other water catchment systems recommended by the Board.

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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:

See previous (page 2)

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

C15-2016-0049

1/10

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: _____ Date: _____

Applicant Name (typed or printed): _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

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: DocuSigned by: Jordan French Date: 5/10/2016

Owner Name (typed or printed): B3A356ECCDD3D4FA Jordan French

Owner Mailing Address: 206 San Marcos Street

City: Austin State: TX Zip: 78681

Phone (will be public information): _____

Email (optional – will be public information): _____

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).

ELECTRONICALLY RECORDED

2016005524

TRV

2

PGS

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

Jordan Michael French and Darius Fisher, ("GRANTOR"), for the consideration hereinafter stated, does GRANT, CONTRIBUTE and CONVEY unto 93 Navasota Holdings, LLC, a Texas limited liability company ("GRANTEE"), the following described real property, together with all improvements thereon, situated in Travis County, Texas (the "Property"):

BEING THAT CERTAIN LOT, TRACT OR PARCE OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

BY ACCEPTANCE OF THIS DEED, GRANTEE AGREES AND UNDERSTANDS THAT GRANTOR MAKES NO WARRANTY, EXPRESS OR IMPLIED, WITH RESPECT TO THE PROPERTY, AND GRANTOR EXPRESSLY EXCLUDES ANY WARRANTY AS TO THE FITNESS OF THE PROPERTY FOR A PARTICULAR USE OR AS TO THE MERCHANTABILITY OR HABITABILITY OF THE PROPERTY. GRANTEE ACCEPTS THE PROPERTY "AS IS, WHERE IS" WITH ALL FAULTS, IF ANY. THIS WARRANTY DISCLAIMER SHALL NOT DIMINISH THE LIMITED WARRANTIES AS TO TITLE MADE BY GRANTOR IN THIS DEED.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto GRANTEE, GRANTEE'S successors and assigns, forever.

GRANTOR does hereby bind GRANTOR, GRANTOR'S heirs and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the Property unto GRANTEE, GRANTEE'S successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, subject however, to all restrictions, easements, mineral reservations and other matters of record, if any, which are of record and applicable to the Property.

Grantee's Mailing Address: 93 Navasota Holdings, LLC
c/o: Registered Agents Inc.
700 Lavaca Street, Suite 1401
Austin, TX 78701

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Executed on the date hereinafter stated to be effective January 1st, 2016.

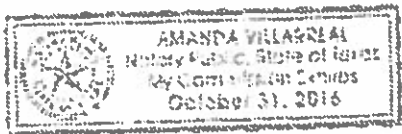
GRANTOR:

Jordan French
Jordan Michael French

Darius Fisher
Darius Fisher

THE STATE OF TEXAS §
COUNTY OF Travis §

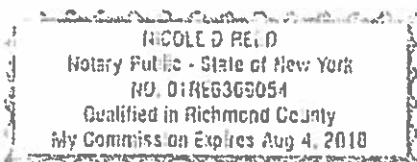
This instrument was acknowledged before me on the 18 day of November, 2015, by Jordan Michael French.



Amanda Villanueva
Notary Public, State of Texas

THE STATE OF New York §
COUNTY OF Richmond §

This instrument was acknowledged before me on the 8th day of January, 2016, by Darius Fisher.



Nicole D. Reid
Notary Public, State of New York

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS



DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS
January 14 2016 09:24 AM

FEE \$ 30.00 2016005524

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: Christopher Ryan French Date: 03/29/2016

Applicant Name (typed or printed): Christopher Ryan French

Applicant Mailing Address: 2404 Stirrup Drive

City: Round Rock State: TX Zip: 78681

Phone (will be public information): (512) 590-3612

Email (optional – will be public information): crfunh@gmail.com

Section 4: Owner Certificate

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

Owner Signature: _____ Date: _____

Owner Name (typed or printed): _____

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

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).

January 27, 2016

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14

RE: Board of Adjustment Variance - 206 San Marcos

Dear Neighbor,

I am seeking a variance from the City of Austin to allow my house to remain as-is. The approximately 850 SF house was built in 1908 and the shed was added in 1950. The city applied zoning many decades ago, but only applied impervious cover in the 1980s. The lot is a legal lot that was created and is only 2,480 SF. As such, it is too small to qualify for the neighborhood design tool which allows 65% impervious coverage. As for the house, the house and driveway combined consume the maximum of 45% impervious coverage allowance mandated by current SF-3 zoning code. The 1950's shed was recently changed into a master suite addition and was connected to the house. The house encroaches into the side and rear setbacks and is over the approximately 1,100 SF of allowable impervious coverage by a substantial amount - most of which existed before I attached the shed to the house to create the bedroom suite. Unless I remove the much need off-street parking, I will be forced to remove part of my house in order to comply with current zoning regulations - regulations which did not exist when the house was created nor until the 1980s.

My request is asking you to support my side and rear setback variance as well as my impervious cover variance so I may keep my house in the current footprint it has been in since 1950 and beyond.

If you support this request, please sign below so I may share with the City of Austin Board of Adjustments at the February 8, 2016 variance hearing. Should you have any questions please contact my Land Use Consultant, David Cancialosi, at 512-593-5368 or david@permit-partners.com.

Sincerely,

Chris French

cc: David Cancialosi
Jordan French

4/15

NAME	ADDRESS / EMAIL	SUPPORT
Godelu. Candela	1001 E 2nd St - 78702	yes
Don Guzinsky	205 S. ...	yes
Stephen King	912 E. ...	yes
	502 N. ...	
Paul ...	906 E. ...	yes
...	2216 Haskell	yes
Charles Miller	1003 E 3rd St 78702	yes
Sally Korman - Caldwell	1009 E 7th St 78702 Theodore@theatre.org	yes
ELACHARY BIRD	911 E 2nd St Elizabeth@theatre.org	yes
ADAM REAVIS	1001 E 3rd St. 78702	YES



**City of Austin
Planning and Development Review
Land Status Determination
1995 Rule Platting Exception**

August 07, 2013

File Number: C8I-2013-0288

Address: 206 SAN MARCOS ST

Tax Parcel I.D. #0204050712

Tax Map Date: 07/01/2013

The Planning & Development Review Department 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 a portion of lots 7 & 8, Block 3, in the subdivision of outlet No 17, Division O in the current deed, recorded on Jul 25, 2013, in Document #2013138922, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on Jul 24, 1973, in Volume 4686, Page 2010, Travis County Deed Records. 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 Feb 17, 1931. 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: Michelle Casillas
Michelle Casillas, Representative of the Director
Planning and Development Review Department

20405

Revision Date: 7/1/2013

0 120

NAD 1983 StatePlane
Texas_Central_FIPS_4203_Feet
Projected Lambert Conformal Conic

This law may seem complicated, but the IRS and TCAR have developed a simple legal analysis to determine if you are self-employed. The IRS and TCAR have developed a simple legal analysis to determine if you are self-employed. The IRS and TCAR have developed a simple legal analysis to determine if you are self-employed.

Travis Central Appraisal District
6314 Green Park Drive P.O. Box 142012
Austin, Texas 78754 Austin, Texas 78721
Internet Address: www.traviscad.org
Main Telephone Number (512) 438-2217
Automated Collections (512) 231-4814
TDD (512) 438-2214

21
18

FIR with
Cap "Hall Corner"

20' ALLEY 56771527

FIR

DOC# 2007017331
0.17 ACRES

Found
Square Bolt

162.96'

EAST 3RD STREET

DETAIL "A"
not to scale

DETAIL "B"
not to scale

TO FIR
194.86'
N22°05'00"E

20.00'
52205'00"W

52205'00"W 41 02'

SAN MARCOS STREET

AREAS:		
IMPERVIOUS COVER:	1759.8 SQ FT	72.7%
NON IMPERVIOUS COVER:	660.4 SQ FT	27.3%
TOTAL LOT AREA:	2420.2 SQ FT	

NOTE:
THIS SURVEY WAS PERFORMED
WITHOUT THE BENEFIT OF A
TITLE COMMITMENT AND OTHER
RIGHTS AND RESTRICTIONS MAY
APPLY

State of Texas:
County of Travis

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B Condition II Survey.

Dated this the 17TH day of NOVEMBER 2015

LEGEND

1/2" FOUND IRON ROD FIR
1/2" SET IRON ROD SIR
1/2" FOUND IRON PIPE FIP
UTILITY LINE P P
WOOD FENCE O O O
METAL FENCE X X X X X

TEB P.L.S. FIRM #10124400

Thomas P. Dixon R.P.LS 4324

© Copyright 2015

P.O. Box 160176, Austin, Texas 78716-0176 Phone: 481-9602



4/20

Jan 20, 2016
Board of Adjustments
City of Austin
RE: ECCNPT Variance Request for 206 San Marcos St. Austin, Tx 78702.

Dear Members of the Board of Adjustment:

I am writing on behalf of the East César Chavez Neighborhood Planning Team in regards to case # **C15-2016-0049** involving the property at 206 San Marcos St.

On January 20, 2016 the ECCNPT **voted unanimously 11-0 to oppose** this variance request in its entirety based on incompatibility with the Neighborhood Plan, lack of any hardship for the requested variance, and a history of opposition to these types of requests.

Jose Valera

Jose Valera
Chair, ECCNPT

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April 25, 2016

Board of Adjustments,

We the members of Barrio Unido Neighborhood Association hereby submit this letter of support for the 206 San Marcos Street, Austin, TX 78702 variance. The variance does not disturb neighbors or create noise and looks aesthetically pleasing to those passing by. The homeowners have also collected ten (10) signatures from neighbors on their block and streets adjacent to them supporting the variance.

Sincerely,



Gavino Hernandez, Jr. / President
Barrio Unido Neighborhood Association