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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2017-0011
 LOCATION: 1134 Chicon Street

1" = 117'

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.





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

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Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, click here to Save the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

For Office Use Only

Case # <u>C15-2017-0011</u>	ROW # <u>11673de3</u>	Tax # <u>0206090815</u> TRADV
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Section 1: Applicant Statement

Street Address: 1134 Chicon St.

Subdivision Legal Description: _____

Part of _____

Lot(s): 1 Block(s): _____

Outlot: 61 Division: _____

Zoning District: MF-4-NP (Central East Austin)

I/We Donna Carter on behalf of myself/ourselves as
 authorized agent for James and Eva Hill affirm that on
 Month February, Day 1, Year 2017, 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: Duplex

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

Attaching a second new unit to an existing structure creating a duplex dwelling under
25-2-773-(B)(1) which requires a minimum lot area of 7,000 SF on a 9,834 square foot lot.

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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:

See Attached

Hardship

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

See Attached

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

See Attached

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:

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See Attached

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:

Not Applicable

- 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:

Not Applicable

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

Not Applicable

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

Not Applicable

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: Donna D. Carter Date: 01/30/2017

Applicant Name (typed or printed): Donna D. Carter

Applicant Mailing Address: 817 W. 11th St.

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 476-1812

Email (optional – will be public information): cda@carterdesign.net

M/S

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: James O. Hill Date: 2-1-17

Owner Name (typed or printed): James O. Hill

Owner Mailing Address: 415 NW 34th Ave.

City: Fort Lauderdale State: FL Zip: 33311

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).

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1. REASONABLE USE:

- a. **The zoning regulations applicable to the property do not allow for a reasonable use because:**
 - i. The property has been determined to be eligible for utility service.
 - ii. The property is zoned Mf-4 NP, however the lot does not meet MF lot area requirement.
 - iii. The lot, part of an outlot of a larger tract from which several lots were created over time, is described by metes and bounds.
 - iv. The parcel has received utility service since at least 1932; however, it is not clear whether the lot description in 1932 matches the later descriptions as the only positive notations on the recorded deeds are how far north the new lot extends. The east west dimension changes from approximately 122 to 129 feet depending on documents.

The abovefacts allow the property to be developed under SF-3 NP zoning regulations.

However, the resulting lot, commonly referred to as 1134 Chicon St. Austin, Texas, using the conservative measurements and leaving an approximately 10' strip of land on the west side which is not listed as alley or city of Austin right of way, nor is it included in adjacent property deed, is 6,834 SF, or 166 square feet short of the lot size required to build a duplex dwelling unit.

The land that is not included in any deeds is approximately 578 square feet. Should it be determined that it is an alley that has been vacated and half belong to each of the adjacent property owners, the resulting 289 SF would be enough to meet the duplex requirements for the lot at 1134 Chicon.

The Owner wishes to retain the existing dwelling unit (or reconstruct the façade, should deterioration prove detrimental to the long term health of the overall construction) and build a second dwelling unit on the smaller lot which seems a reasonable use in a predominantly SF-3 neighborhood.

The regulations do not take into consideration the changes in surveying, conveying and recording of lot information over time. The alternatives is a resubdivision to change the lot line between 1134 and 1136 Chicon. This change would result in 2 duplex sized lots. However, it also opens up the possibility of a combined development using the MF-4 development code.

The resubdivision requires the participation of at least 6 lots, 5 different property Owners, the city of Austin (to determine if the "no-mans" land is truly city property and therefore must be

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vacated) with the concomitant time and expense. When complete it would allow this development or the MF-4 development to proceed anyway.

The current regulation does not allow a development that would otherwise be allowed if all the records matched and the property had been platted recently.

2. HARDSHIP:

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

The other properties on the Chicon Street affected by the discrepancy already meet the requirements for duplex lot area and have had no need to investigate the lot area discrepancies. The property is one of 2 privately owned MF-4 zoned lots. The other lot, adjacent to this one, meets the duplex requirement and is owned by the same family. This lot has an existing structure on it that the Owner wishes to retain, which complicates development should the Owner be forced to use the MF-4 zoning.

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

- i. Most of the lots on Chicon meet the 7,000 SF requirement.
- ii. The development of a duplex is more in keeping with the character of the adjacent neighborhood to the south than a multifamily development.
- iii. The building of a duplex allows the existing structure to be retained, while allowing the family to accommodate all family members in the family owned structures.

3. AREA CHARACTER:

a. 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:

- i. This allows the retention of the existing structure and a new dwelling unit for out of town family members.
- ii. This allows the development of the property under SF-3 land development code instead of MF-4.
- iii. This fits into future land use plan (FLUM) for the neighborhood.
- iv. Allows an family to retain their historic roots in east Austin, which is one of the goals of the neighborhood plan.

4. PARKING:

- a. Not Applicable

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

DATE: Monday, September 14, 2015

CASE NUMBER: C15-2015-0114

- Y Brooke Bailey
- Y Michael Benaglio
- Y William Burkhardt
- N/A Eric Goff
- Y Vincent Harding (Chair)
- Y Melissa Hawthorne (Vice-Chair) 2nd the Motion
- Y Don Leighton-Burwell
- OUT Melissa Neslund
- Y James Valadez
- Y Michael Von Ohlen Motion to Grant

APPLICANT: Donna Carter

OWNER: James Hill

ADDRESS: 1134 CHICON ST

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-773 (B) (1) (Duplex Residential Use) to decrease the minimum lot size for a duplex use from 7,000 square feet (required) to 6,834 square feet (requested) in order to create a duplex in a "MF-4-NP", Multi-Family Residence - Neighborhood Plan zoning district. (Central East Austin)

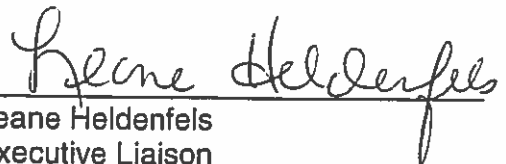
BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to September 14, 2015, Board Member Melissa Hawthorne second on a 8-0 vote; POSTPONED TO SEPTEMBER 14, 2015; SEPT 14, 2015 The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 8-0 vote; GRANTED.

FINDING:

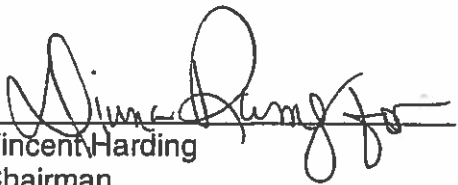
1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the property has been determined to be eligible for utility service, the property is zoned MF-4-NP
2. (a) The hardship for which the variance is requested is unique to the property in that: the other properties on the Chicon street affected by the discrepancy already meet the requirements for duplex lot area and have had no need to investigate the lot area discrepancies, the property is one of 2 privately owned MF-4 zoned lots
(b) The hardship is not general to the area in which the property is located because: most of the lots on Chicon meet the 7,000 sqft requirement
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: this allows the retention of the existing structure and a new dwelling unit for out of town family members

12/15



Leane Heldenfels
Executive Liaison



Vincent Harding
Chairman

SITE SURVEY

6/3

AUSTIN HOUSING
AUTHORITY
TRAVIS COUNTY APPRAISAL
DISTRICT
(ID# 0206090812)

MILTON ROBERTSON
(VOL. 13053, PG. 2010)

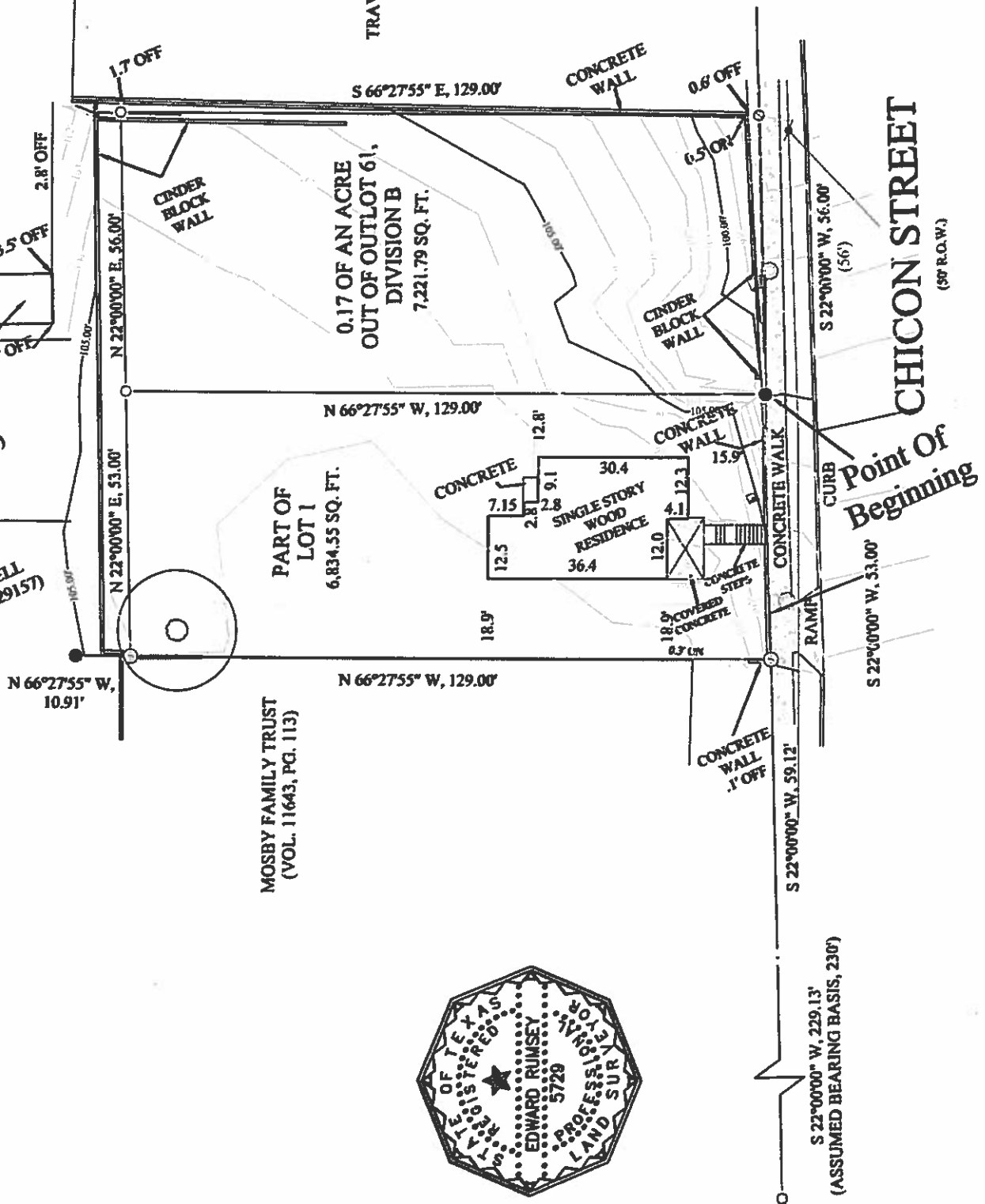
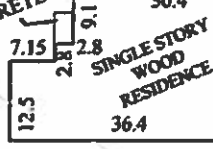
ALFERD JONES
(VOL. 12421, PG. 903)

RANDY DONNELL
(DOC. NO. 2004229157)

MOSBY FAMILY TRUST
(VOL. 11643, PG. 113)

PART OF
LOT 1
6,834.55 SQ. FT.

0.17 OF AN ACRE
OUT OF OUTLOT 61,
DIVISION B
7,221.79 SQ. FT.



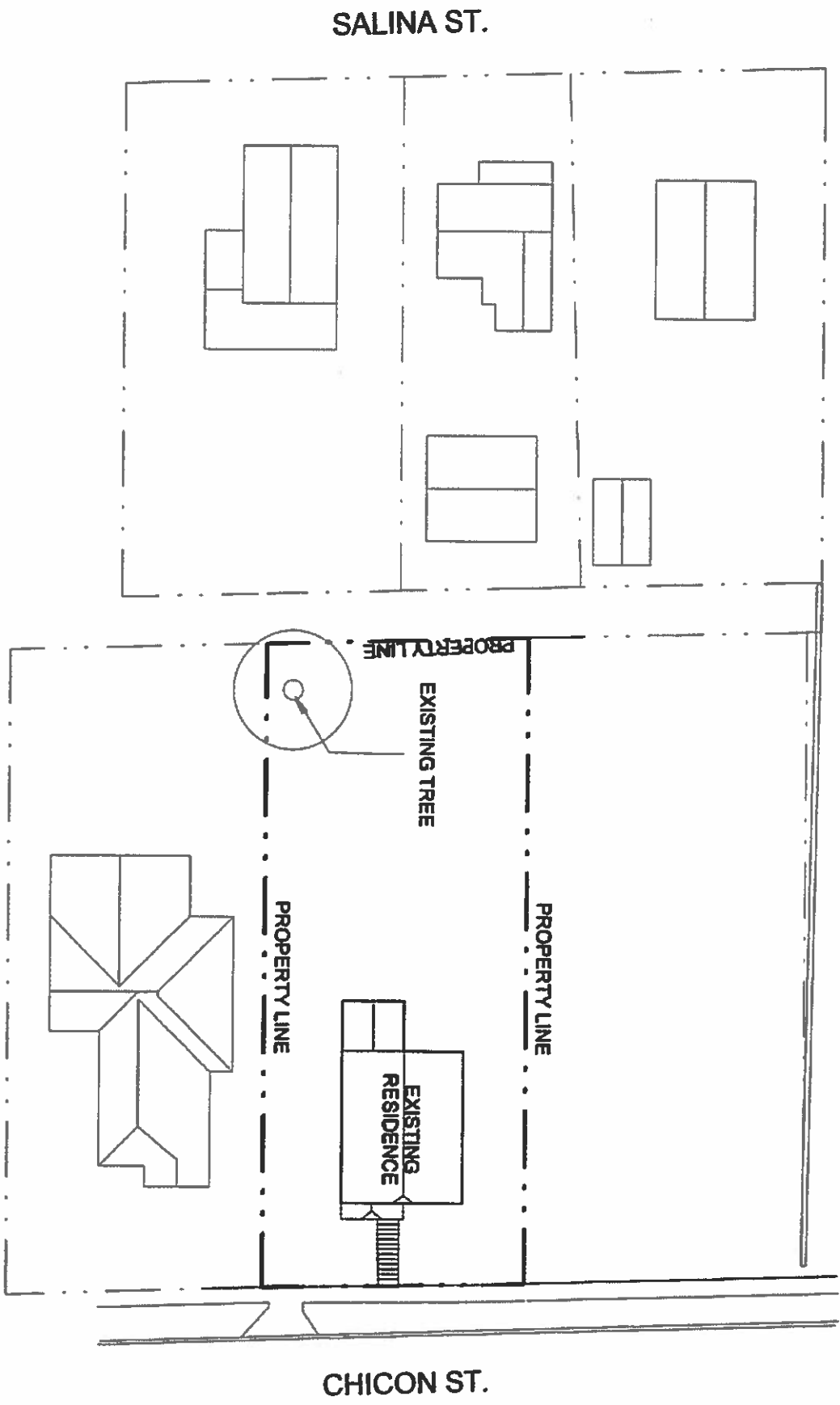
S 22°00'00" W, 229.13'
(ASSUMED BEARING BASIS, 230')

CHICON STREET
(50' R.O.W.)

Point Of Beginning

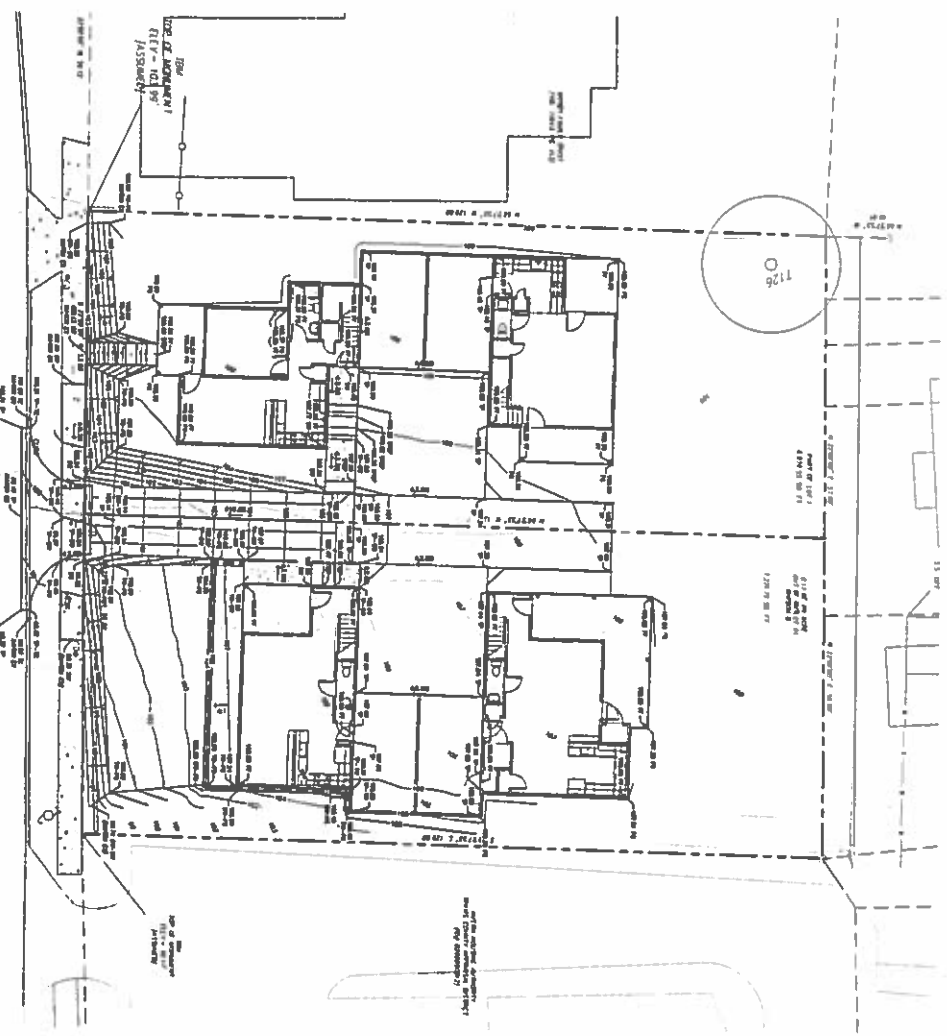
1/21

1134 CHICON ST. SITE EXHIBIT



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LEGEND

- EXISTING
- - - - - PROPERTY LINE
- - - - - ADJACENT PROPERTY LINE
- CONTOUR (1'-11\"/>

- ADJUSTMENTS
- BOTTOM OF WALL
- FINISH FLOOR
- EXISTING SURFACE
- PROPOSED SURFACE
- TOP OF CLIMB
- TOP OF CLIMB
- TOP OF WALL

GRADING PLAN
1136 CHICON STREET
AUSTIN, TEXAS 78702



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DATE: JAN. 09, 2

