



**NOTIFICATIONS**

CASE#: C15-2017-0032  
LOCATION: 4606 Avenue C



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



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" = 243'



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

## 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 # _____	ROW # _____	Tax # _____
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### Section 1: Applicant Statement

Street Address: 4606 Avenue C

Subdivision Legal Description:

Hyde Park Annex

Lot(s): 18 Block(s): 8

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

Zoning District: North Hyde Park NCCD

I/We Mary Neuburger on behalf of myself/ourselves as authorized agent for \_\_\_\_\_ affirm that on

Month May , Day 12 , 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: Exemption

Type of Structure: Exemption from additional parking

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

25-3-83 (d) provisions of 2 off-street parking spaces

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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 city requirement for an additional 2 parking spaces was triggered by my addition of 317 square feet (bringing house total to 2471) to my recently purchased home on 4606 Avenue C. The house had no compliant spots because of the nature of the lot (described below). The city of Austin zoning review approved architect's site plan (drawn in consultation with professional permitter) with 2 new spots (see attached). Upon further review in consultation with the Hyde Park Neighborhood association, the new spots are in violation of North Hyde Park zoning ordinance no. 20050818-064 (p. 6, sect. 11, b and c). Addition is in final stages of completion.

**Hardship**

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

The 1912 house at 4606 Ave. C was moved to its current lot in 1980 and live oak (now heritage tree) was planted near house and in path of curb cut. The site has no room for driveway or parking except in front yard and there is no place for parking except for where car is currently (see attached) in a shared driveway space that leads up to tree and is in city ROW. Any additional spots would encroach on front yard and violate above noted Hyde Park ordinance.

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

Most (if not all) other lots in the neighborhood have space to allow for driveway next to house and tandem parking if needed. The curb cut leading up to heritage tree seems to be unusual as well.

\_\_\_\_\_  
\_\_\_\_\_

## 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:

Allowing the variance will preserve, and not alter, the character of the neighborhood.

Side-by-side parking would not fit with historic character of house, street, and neighborhood. It is in violation of neighborhood ordinance, but also would not increase net parking as it would take away from street parking.

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## 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:

Avenue C on the 4600 block is a dead-end and there is no adjacent commercial or other activities that would increase parking for the area. City and neighborhood codes severely limit increased residential density.

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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:

This would not add to, but only maintain, existing street parking volume. Avenue C is not a through street, but it is a wide street and street parking does not inhibit the flow of traffic.

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

No safety hazard is created by allowing for existing parking situation to continue. See attached letter of support from street inhabitants.

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

No change of use is foreseen. If change is made, it would trigger parking review.

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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: Mary Neuburger Date: 05/10/2017

Applicant Name (typed or printed): Mary Neuburger

Applicant Mailing Address: 4606 avenue C

City: Austin State: Texas Zip: 78751

Phone (will be public information): (512) 698-9698

Email (optional – will be public information): [REDACTED]

**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: Mary Neuburger Date: 05/10/2017

Owner Name (typed or printed): Mary Neuburger

Owner Mailing Address: 4606 Aveunue C

City: Austin State: Texas Zip: 78751

Phone (will be public information): (512) 698-9698

Email (optional – will be public information): [REDACTED]

**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).

To summarize and expand on what is above, this variance asks for an exemption from the addition of parking to be in compliance with city and neighborhood parking requirements that call for 2 off-street parking spaces. The property was effectively 'grandfathered' into its existing parking situation, but the recent addition of 317 square feet triggered compliance (adding 300 sq. feet is

## Additional Space (continued)

the threshold for requiring compliance in North Hyde Park NCCD). Unfortunately project had initially moved forward with improper permits and it was already significantly advanced to make it too difficult to scale back the project to avoid parking requirement at the time of final (and corrective) proper permitting. Still working with an architect and professional permitter, who met with the city on several occasions, the site plan for the addition was approved on April 7, 2017. It seemed that we had come up with a compliant plan in all regards and I moved forward to complete the project in good faith. Still, I had my own concerns about the parking plan, which encroached seriously upon my front yard and seemed out of character for Hyde park and central Austin. With that in mind, I met with the Hyde park Neighborhood Association development committee, which recommended that I apply for a variance and ask for an exemption from creating any additional parking spaces. They pointed out that my current site plan was in violation of North Hyde Park zoning ordinance no. 20050818-064 (part 6, section 11, b and c (i and iii)). (See below). As the addition is in it final stages of completion, this is the only option at present. they shared my concerns about the character of the neighborhood, and the health of my live oak tree if there was additional parking (or digging) in its root zone (critical or not).

As for the North Hyde Park zoning ordinance cited above the issues are the following.

Part 6, sect. 11, b - "access is limited to one curb cut". (My site plan more than doubles the size of the curb cut, effectively creating two).

Part 6, sect. 11, c (i) - driveway on street yard "may not exceed a width of 12' " (My site plan increased curb cut by 16', bringing the total to roughly 23').

Part 6, sect. 11, c (iii) - parking must not exceed "25% of width of front yard" (My site plan calls for a 17' width of parking area and my front yard is 50' wide, so the max parking width should be 12.5').

These ordinances are complicated to be sure, and I hope I have interpreted them correctly (with the help of my neighborhood association). I am not sure how this got by my permitter and architect, but they did work closely with the city in creating this plan. But regardless of ordinance interpretation, I would like to ask for this exemption based on the reality of my situation. The addition is complete, I am a mere 17 sq. feet over the trigger number for parking review, and the plan which was approved by the city is not acceptable to my neighborhood association or my neighbors (see attached letter). There are concerns about the character of the neighborhood, but also the health of my heritage tree, which will certainly be impacted by any change in its vicinity.

See attachments:

- 1) Picture of my house and current parking.
- 2) Picture of shared parking area with next-door neighbor.
- 3) Letter of support from all reachable residents of Avenue C.
- 4) Copy of first page of approved site plan, with parking highlighted.

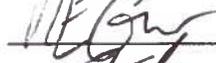
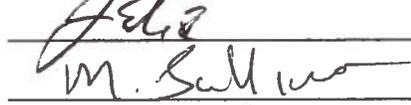
**SAVE**

May 8, 2017

We the undersigned, residents of Avenue C on the 4600 block have been provided with the variance application for Mary Neuburger (4606 Ave C). We support this variance, which would allow her an exemption from creating additional off-street parking to her home at 4606 Ave. C, in spite of her recent addition of 317 square feet. The exiting situation presents no hazard or parking problems on our street. Any significant increase in curb cut and use of her front yard for side-by-side parking would be to the detriment of the neighborhood. It would not be in the character of Hyde Park, would not increase parking on Ave. C (as it would decrease street parking), and it poses potential problems for a heritage live oak. In addition, allow it has passed city review, it is in potential violation of North Hyde Park zoning ordinance, no. 20050818-064 part 6, Sect. 11, b, and c (i and iii), concerning the width of the curb cut (over 12') and the percentage of front yard (over 25%) the parking spots would occupy. We hope you will support her application for this variance.

Name (signature)

Address

TREVOR QUINN 	4605 AVE C
Harrison Korman	4610 AVE C
Brin 	4601 AVE C
* 	4602 AVE C
* 	4604 Avenue
M. Sullivan	4606 AVENUE C
Carl J Shepherd	4609 Ave C
Mark 	4607 AVE. C
Daniel 	4611 Ave. C
* Mary Neuburger	4606 AVE C

M03/8



M03/9



**MURFF BADA**  
 512-569-3289 | MURFFBADA.COM

TCAD LOT SIZE: 7,086 SF.  
 SURVEY LOT SIZE: 6,545 SF.  
 AVERAGED FOR CALCS: 6,815 SF.

FIRST FLOOR FINISH ELEVATION: 671'-0"  
 SECOND FLOOR FINISH ELEVATION: 671'-0"  
 AVERAGE GROUND ADJACENT TO HOUSE: 672'-2"  
 3 PORCHES F.A.R. EXEMPT UNDER 20'-0", 1, 3, 3, 3  
 THE NEW CURBED DRIVE DRIVE SHALL BE ON GRADE NO  
 REASON OF SETBACKS IN THE 1/2 C.Z.E. WILL BE  
 ALLOWED. THE ALLOWING AND PRESERVATION WILL TAKE  
 PLACE THROUGH THE PHASES OF CONSTRUCTION.



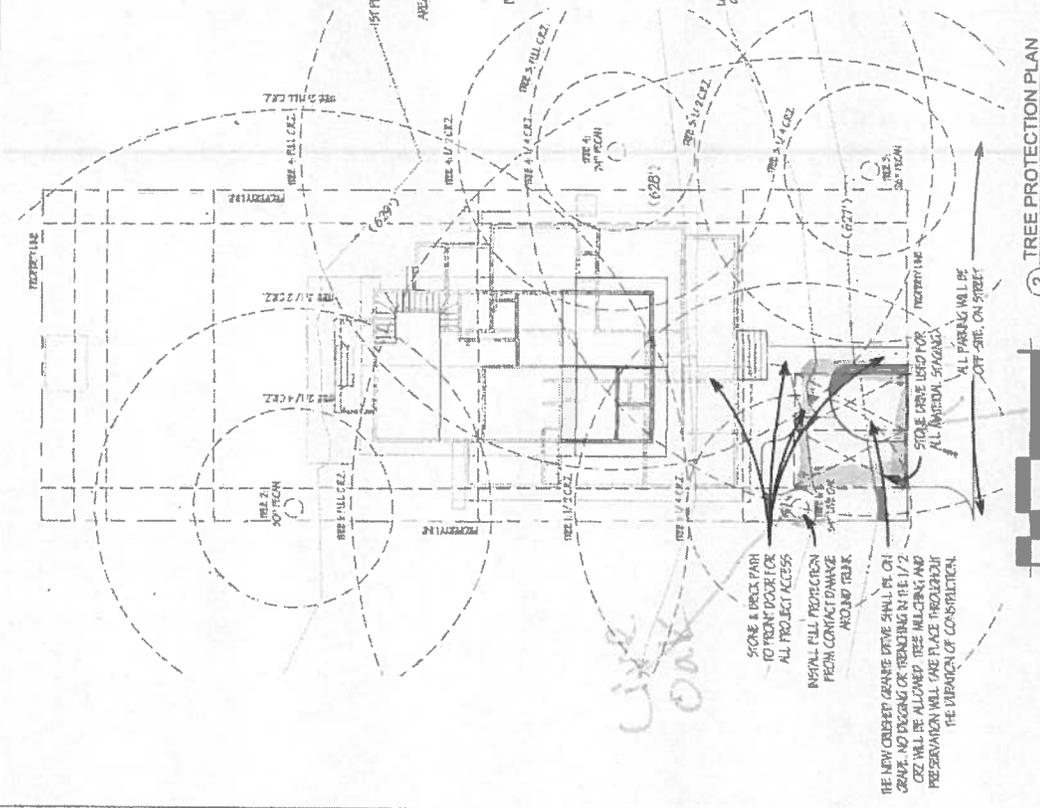
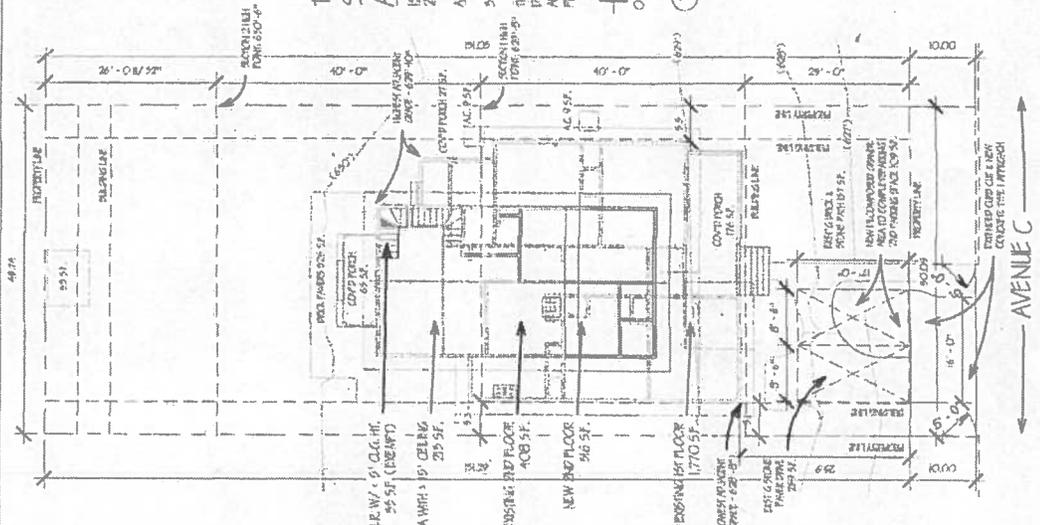
① SITE NEW  
 1/16" = 1'-0"

A-1 ARCHITECTURAL

MARY NEUBURGER  
 HOME ADDITION  
 4606 AVENUE C  
 AUSTIN, TEXAS 78751



02 APR 2017

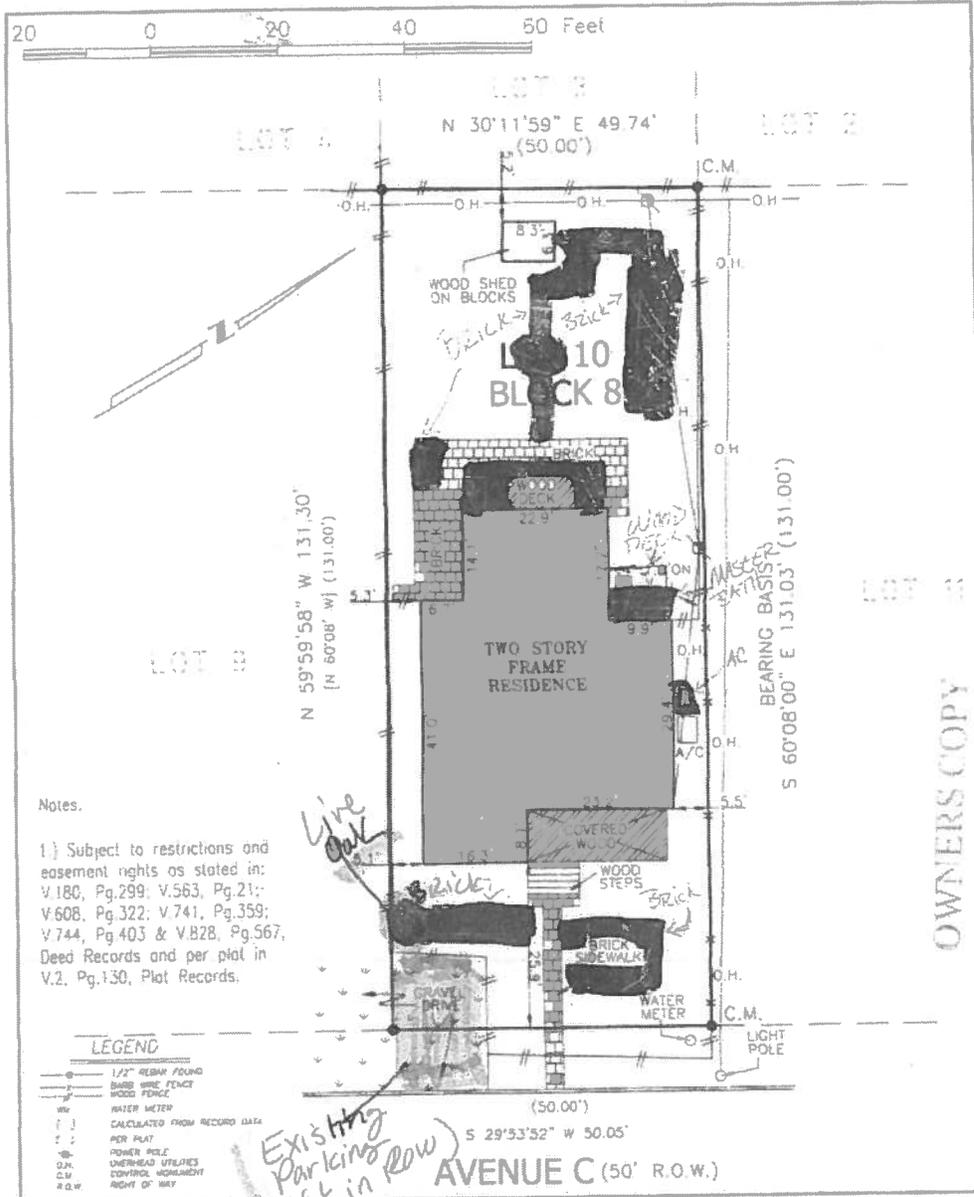


② TREE PROTECTION PLAN  
 1/16" = 1'-0"



SCORE & PRICK PAIR  
 TO FRONT DOOR FOR  
 ALL PROJECT ACCESS  
 INSTALL FULL PROTECTION  
 FROM CONTACT DAMAGE  
 AROUND TRUNK  
 THE NEW CURBED DRIVE DRIVE SHALL BE ON  
 GRADE. NO REASON OF SETBACKS IN THE 1/2  
 C.Z.E. WILL BE ALLOWED. THE ALLOWING AND  
 PRESERVATION WILL TAKE PLACE THROUGHOUT  
 THE PHASES OF CONSTRUCTION.

PROPOSED  
 PARKING



Notes.  
 1.) Subject to restrictions and easement rights as stated in: V.180, Pg.299; V.563, Pg.21; V.608, Pg.322; V.741, Pg.359; V.744, Pg.403 & V.828, Pg.567, Deed Records and per plat in V.2, Pg.130, Plat Records.

- LEGEND**
- 1/2" REBAR FOUND
  - SHARP WIRE FENCE
  - WOOD FENCE
  - WATER METER
  - CALCULATED FROM RECORD DATA
  - PER PLAT
  - POWER POLE
  - O.H. OVERHEAD UTILITIES
  - C.M. COUNTRIAL HIGHWAY
  - R.O.W. RIGHT OF WAY

OWNERS COPY

SUBDIVISION \_\_\_\_\_  
 LOT 10 BLOCK 8 VOLUME 2 PAGE 130 PLAT RECORDS  
 COUNTY TRAVIS STATE OF TEXAS STREET ADDRESS 4606 AVENUE C  
 CITY AUSTIN REFERENCE NAME NANCY H. SMITH

**B&G Surveying, Inc.**  
 Victor M. Garza R.P.L.S.  
 Office 512\*458-6969  
 Fax 512\*458-9845  
 1404 West North Loop Blvd.  
 Austin, Texas 78756



THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 0165 E DATED 01/04/01. IT IS REPRESENTED AS IN ZONE "X" HOWEVER AT PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED BY SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAIN ADMINISTRATOR.

DATE 06/30/08  
 TITLE CO GRACY  
 C/F # 804991  
 JOB # 80616508\_TA  
 SCALE 1" = 20'

TO THE LIENHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED AND TO GRACY TITLE COMPANY  
 STEWART TITLE GUARANTY COMPANY  
 I DO HEREBY CERTIFY TO THOSE LISTED HEREON THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND, UNDER MY SUPERVISION, OF THE PROPERTY LEGALLY DESCRIBED HEREON, IS PREPARED IN ACCORDANCE TO THE TITLE COMMITMENT REFERENCED HEREON, AND THAT THERE ARE NO VISIBLE BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OR OVERLAPPING OF IMPROVEMENTS, OR ROADS IN PLACE EXCEPT AS SHOWN HEREON.

		D.M._TBK
CALCULATIONS	J.E.O.	06/30/08
FIELD WORK	E.H.	06/27/08
DRAFTING	DUSTIN	06/30/08
FINAL CHECK	M.L.	06/30/08
CORRECTIONS	DUSTIN	06/30/08
UP DATE		

5/12/2017

Dear Neighbor (or owner, or representative of owner of property in Hyde Park),

I am asking for signatures of residents within 300 feet of my home at 4606 Avenue C in support of a variance application that I recently submitted to the city of Austin.

I recently added 317 square feet to my home, bringing it to a total of 2410. Although I added no additional rooms (only expanded existing rooms) this triggered a need for addition parking on my lot. Unfortunately this is not possible given the size and configuration of my lot, and the position of a large heritage live oak on my front yard. My permit was approved and the addition is basically complete, but the parking issue is not resolved. The city is requiring me to add 2 side-by-side parking spots in my front yard, which is actually against North Hyde Park zoning ordinances (no. 20050818-064 Part 6, sect. 11, b, and c (I and ii)). The neighborhood association has advised me to file this variance to be exempt from changing any parking and to basically leave as is. The city consultant on this agreed that I had a good case, but apparently I need to pay \$2300 unless I get signatures from 80% of residents within a 300 foot radius. This is going to be difficult as it includes UT and other entities that I can't get in touch with to I really need all neighbors to help out! I am asking that you support my variance and provide a signature if you are willing.

**It is imperative that I get the exact names (or at least one name) listed in TCAD as owners of these properties (or someone that can sign on behalf of the named trust or business).**

**For your house/property the listed name(s) is/are: Paul Russel**

By signing here you indicate your support of the variance application of Mary Neuburger (4606 Ave. C) for an exemption from creating additional off-street parking on her lot, in spite of the addition of 317 square feet to her house. You agree that additional off-street parking is not needed on this quiet dead-end street and that having two parking spots on the front lawn is detrimental to the character of the neighborhood.

Name Paul Russel  
Signature [Handwritten Signature]

Address of property in Hyde Park \_\_\_\_\_ 4601 Avenue C

Please sign, scan, and email to [Redacted]

Or put in mailbox of 4606 Ave. C (or take a picture and text to 512-698-9698)

Email me if you have any questions. Thank you so much for helping out!

Best,

Mary Neuburger

5/12/2017

Dear Neighbor (or owner, or representative of owner of property in Hyde Park),

I am asking for signatures of residents within 300 feet of my home at 4606 Avenue C in support of a variance application that I recently submitted to the city of Austin.

I recently added 317 square feet to my home, bringing it to a total of 2410. Although I added no additional rooms (only expanded existing rooms) this triggered a need for addition parking on my lot. Unfortunately this is not possible given the size and configuration of my lot, and the position of a large heritage live oak on my front yard. My permit was approved and the addition is basically complete, but the parking issue is not resolved. The city is requiring me to add 2 side-by-side parking spots in my front yard, which is actually against North Hyde Park zoning ordinances (no. 20050818-064 Part 6, sect. 11, b, and c (I and ii)). The neighborhood association has advised me to file this variance to be exempt from changing any parking and to basically leave as is. The city consultant on this agreed that I had a good case, but apparently I need to pay \$2300 unless I get signatures from 80% of residents within a 300 foot radius. This is going to be difficult as it includes UT and other entities that I can't get in touch with to I really need all neighbors to help out! I am asking that you support my variance and provide a signature if you are willing.

**It is imperative that I get the exact names (or at least one name) listed in TCAD as owners of these properties (or someone that can sign on behalf of the named trust or business).**

**For your house/property the listed name(s) is/are: John W Strickland (trust)**

By signing here you indicate your support of the variance application of Mary Neuburger (4606 Ave. C) for an exemption from creating additional off-street parking on her lot, in spite of the addition of 317 square feet to her house. You agree that additional off-street parking is not needed on this quiet dead-end street and that having two parking spots on the front lawn is detrimental to the character of the neighborhood.

Name John W. Strickland

Signature 

Address of property in Hyde Park 4600 Avenue B

Please sign, scan, and email to burgern@cityofaustin.org

**Or put in mailbox of 4606 Ave. C (or take a picture and text to 512-698-9698)**

Email me if you have any questions. Thank you so much for helping out!

Best,

Mary Neuburger

5/15/2017

We the undersigned residents of North Hyde Park support the application for a parking variance of Mary Neuburger, 4606 Avenue C. We understand that Ms. Neuburger has added 317 square feet to her house and that a plan to add 2 side-by-side parking spots was approved by the City of Austin as part of her permit. As this is in violation of North Hyde Park zoning ordinances (no. 20050818-064 Part 6, sect. 11, b, and c (I and ii)), we are supportive of Ms. Neuburger's application for an exemption from creating additional parking. This will not create a safety hazard or a parking problem in our neighborhood. Additional off-street parking is not needed on this quiet dead-end street and having two parking spots on the front lawn would be detrimental to the character of the neighborhood.

Name (signature) Jenny Connor Address 4529 Avenue B, Austin 78751

Name (signature) \_\_\_\_\_ Address \_\_\_\_\_

Dear Neighbor,

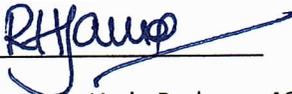
I am asking for signatures of residents within 300 feet of my home at 4606 Avenue C in support of a variance application that I recently submitted to the city of Austin. I recently added 317 square feet to my home, bringing it to a total of 2410. Although I added no additional rooms (only expanded existing rooms) this triggered a need for addition parking on my lot. Unfortunately this is not possible given the size and configuration of my lot, and the position of a large heritage live oak on my front yard. My permit was approved and the addition is basically complete, but the parking issue is not resolved. The city is requiring me to add 2 side-by-side parking spots in my front yard, which is actually against North Hyde Park zoning ordinances (no. 20050818-064 Part 6, sect. 11, b, and c (I and ii)). The neighborhood association has advised me to file this variance to be exempt from changing any parking and to basically leave as is. The city consultant on this agreed that I had a good case, but apparently I need to pay \$2300 unless I get signatures from 80% of residents within a 300 foot radius. I am asking that you support my variance and provide a signature if you are willing.

**It is imperative that I get the exact names (or at least one name) listed in TCAD as owners of these properties.**

**For your house the listed name(s) are/is: James and Robert Hayden**

By signing here you indicate your support of the application of Mary Neuburger (4606 Ave. C) for an exemption from creating additional off-street parking on her lot, in spite of the addition of 317 square feet to her house. You agree that additional off-street parking is not needed on this quiet dead-end street and that having two parking spots on the front lawn is detrimental to the character of the neighborhood.

Name ROBERT H. JAMES

Signature 

Address of property in Hyde Park 4601 Ave. B

Please sign, scan, and email to 

Or put in mailbox of 4606 Ave. C

Email me if you have any questions. Thank you so much for helping out!

LET ME KNOW (VIA EMAIL) IF YOU ARE A RENTER SO I CAN CONTACT YOUR LANDLORD.

Best,

  
Mary Neuburger

M03/16

5/12/2017

Dear Neighbor (or owner, or representative of owner of property in Hyde Park),

I am asking for signatures of residents within 300 feet of my home at 4606 Avenue C in support of a variance application that I recently submitted to the city of Austin.

I recently added 317 square feet to my home, bringing it to a total of 2410. Although I added no additional rooms (only expanded existing rooms) this triggered a need for addition parking on my lot. Unfortunately this is not possible given the size and configuration of my lot, and the position of a large heritage live oak on my front yard. My permit was approved and the addition is basically complete, but the parking issue is not resolved. The city is requiring me to add 2 side-by-side parking spots in my front yard, which is actually against North Hyde Park zoning ordinances (no. 20050818-064 Part 6, sect. 11, b, and c (i and ii)). The neighborhood association has advised me to file this variance to be exempt from changing any parking and to basically leave as is. The city consultant on this agreed that I had a good case, but apparently I need to pay \$2300 unless I get signatures from 80% of residents within a 300 foot radius. This is going to be difficult as it includes UT and other entities that I can't get in touch with to I really need all neighbors to help out! I am asking that you support my variance and provide a signature if you are willing.

It is imperative that I get the exact names (or at least one name) listed in TCAD as owners of these properties (or someone that can sign on behalf of the named trust or business).

For your house/property the listed name(s) is/are: Walter Kuhl and Sharon Harris

By signing here you indicate your support of the variance application of Mary Neuburger (4606 Ave. C) for an exemption from creating additional off-street parking on her lot, in spite of the addition of 317 square feet to her house. You agree that additional off-street parking is not needed on this quiet dead-end street and that having two parking spots on the front lawn is detrimental to the character of the neighborhood.

Name Walter Kuhl

Signature Walter Kuhl 6-3-17

Address of property in Hyde Park \_\_\_\_\_ 4603 Avenue B

Please sign, scan, and email to \_\_\_\_\_

Or put in mailbox of 4606 Ave. C (or take a picture and text to 512-698-9698)

Email me if you have any questions. Thank you so much for helping out!

Best,

Mary Neuburger