

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

DATE: Monday, August 14, 2017

CASE NUMBER: C15-2017-0037

_____ Brooke Bailey
 _____ William Burkhardt
 _____ Christopher Covo
 _____ Eric Goff
 _____ Melissa Hawthorne
 _____ Bryan King
 _____ Don Leighton-Burwell
 _____ Rahm McDaniel
 _____ Veronica Rivera
 _____ James Valadez
 _____ Michael Von Ohlen
 _____ Kelly Blume (Alternate)
 _____ Martha Gonzalez (Alternate)
 _____ Pim Mayo (Alternate)

APPLICANT: Henry Juarez

OWNER: Sal Martinez

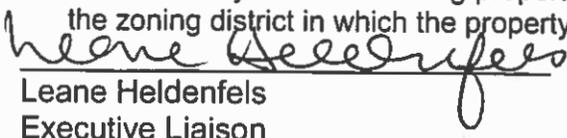
ADDRESS: 3012, 3014 East 14TH HALF ST

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-943 (D) (Substandard Lot) to permit a substandard lot that is aggregated with other property to form a site may not be disaggregated after August 6, 2007 to form a site that is smaller than the minimum lot area requirements (required) to be disaggregated (requested) in order to permit a new single family home on each lot and one additional dwelling unit on one lot in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Rosewood)

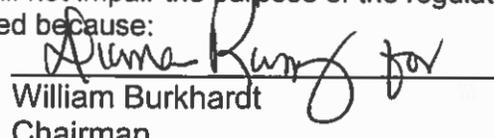
BOARD'S DECISION: July 10, 2017 POSTPONED TO AUGUST 14, 2017 BY APPLICANT; August 18, 2017 REQUESTING POSTPONEMENT TO SEPTEMBER 18, 2017 BY APPLICANT; Aug 14, 2017 POSTPONED TO SEPTEMBER 18, 2017 BY APPLICANT

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:



 Leane Heldenfels
 Executive Liaison



 William Burkhardt
 Chairman

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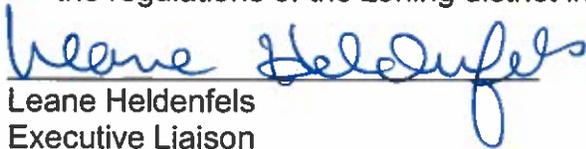
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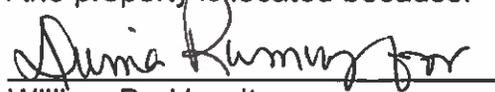
BOARD'S DECISION: POSTPONED TO AUGUST 14, 2017 BY APPLICANT

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:

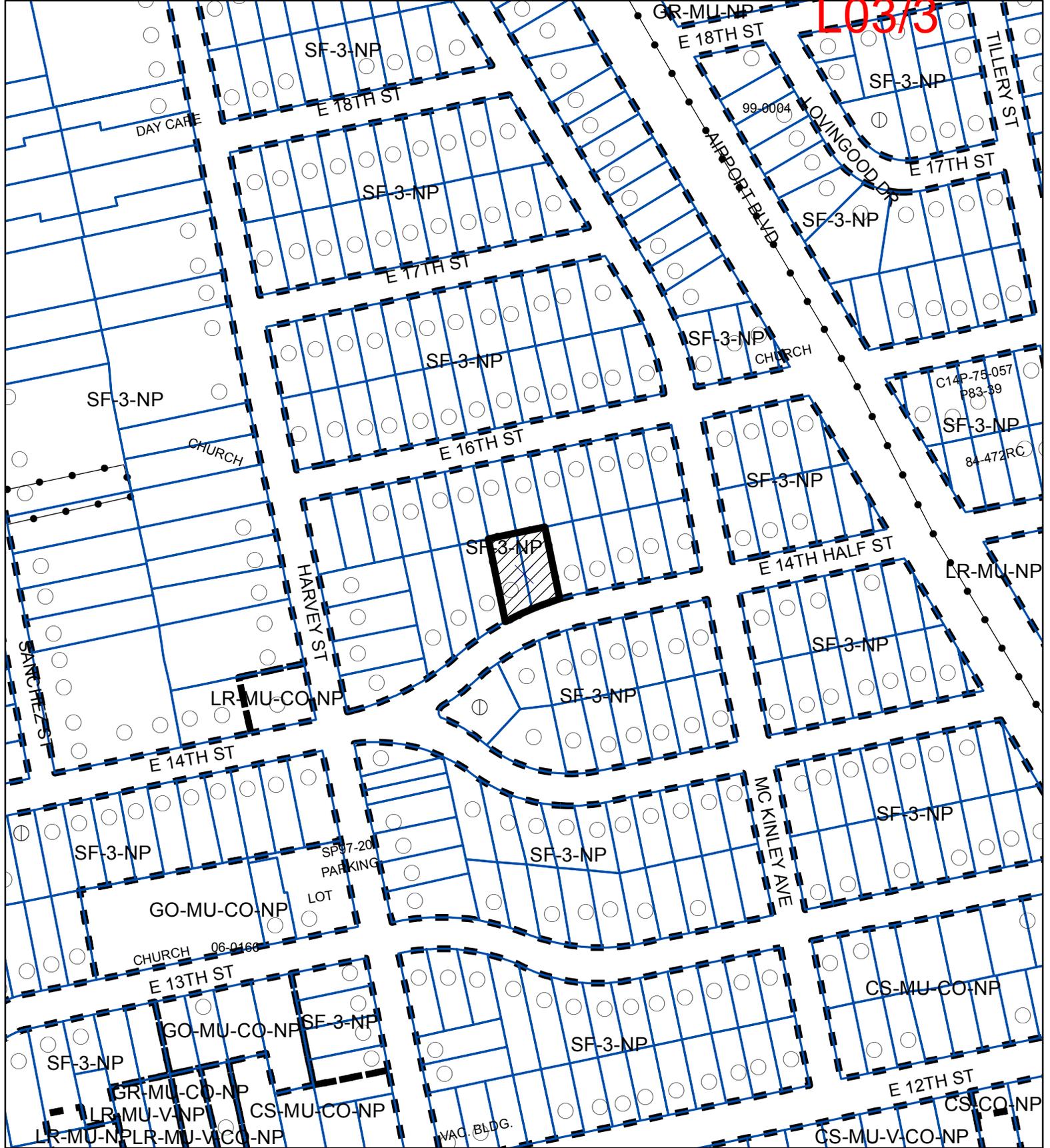


 Leane Heldenfels
 Executive Liaison



 William Burkhardt
 Chairman

L03/3



- SUBJECT TRACT
- ZONING BOUNDARY

PUBLIC NOTIFICATIONS

CASE#: PN-2017-074967

1" = 200'

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.





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 # _____

Section 1: Applicant Statement

Street Address: _____

Subdivision Legal Description:

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

Outlot: _____ Division: _____

Zoning District: _____

I/We _____ on behalf of myself/ourselves as
authorized agent for _____ affirm that on
Month _____, Day _____, Year _____, 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: _____

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

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:

Hardship

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:

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:

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

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: _____ 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): _____

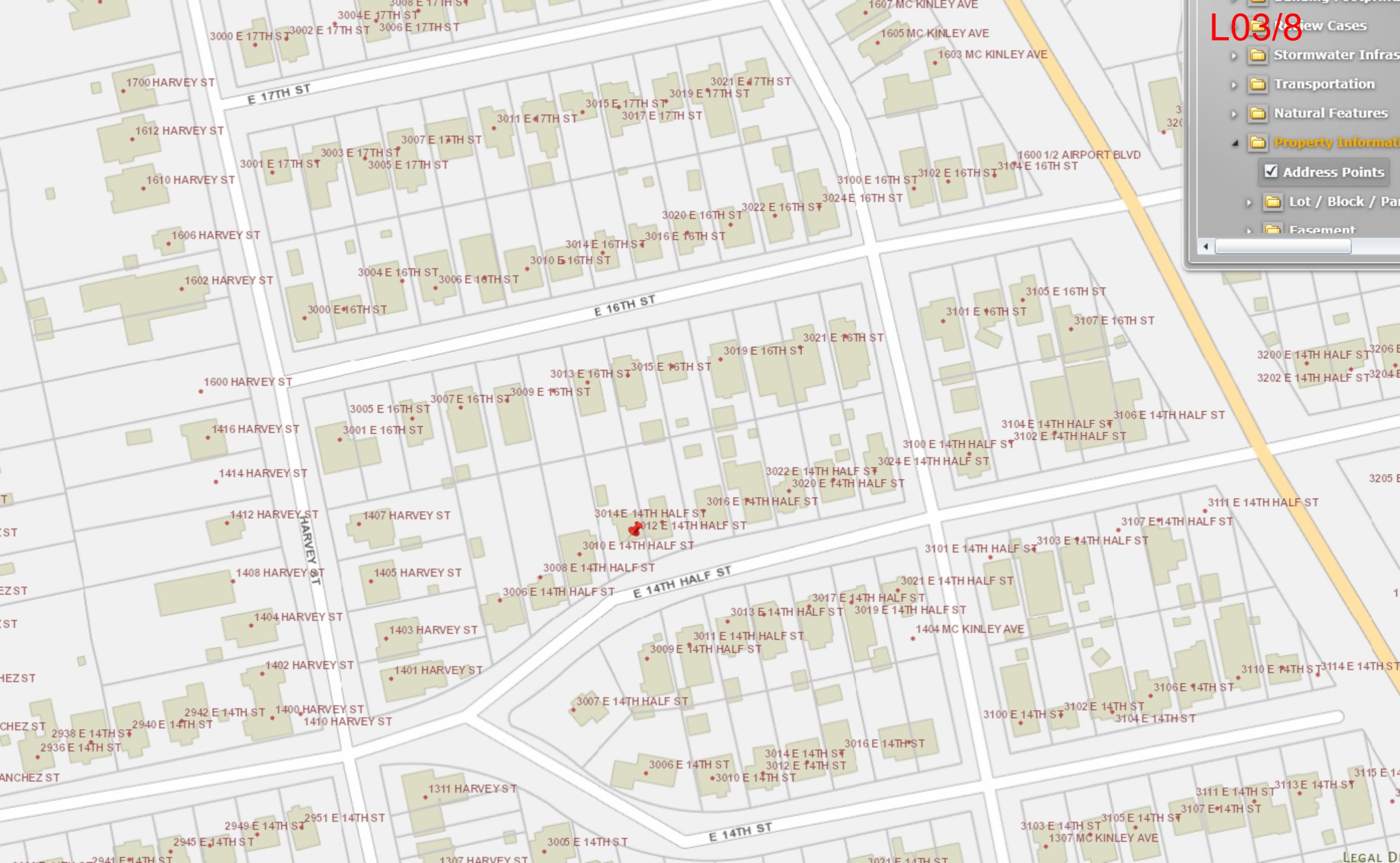
Section 6: Additional Space (if applicable)

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).

L03/8

View Cases

- Stormwater Infrac
- Transportation
- Natural Features
- Property Information**
 - Address Points
 - Lot / Block / Par
 - Easement



Address Matches

3012 E 14TH HALF ST, AUSTIN, TX	Score: 100	Address
3100 E 14TH HALF ST, AUSTIN, TX	Score: 68	Address
3101 E 14TH HALF ST, AUSTIN, TX	Score: 68	Address
3102 E 14TH HALF ST, AUSTIN, TX	Score: 68	Address
3019 E 14TH HALF ST, AUSTIN, TX	Score: 68	Address
3024 E 14TH HALF ST, AUSTIN, TX	Score: 68	Address
3021 E 14TH HALF ST, AUSTIN, TX	Score: 68	Address
3103 E 14TH HALF ST, AUSTIN, TX	Score: 68	Address
3107 E 14TH HALF ST, AUSTIN, TX	Score: 68	Address
3109 E 14TH HALF ST, AUSTIN, TX	Score: 68	Address

L03/9

- Review Cases
- Stormwater Infrastructure
- Transportation
- Natural Features
- Property Information**
 - Address Points
 - Lot / Block / Parcels
 - Easement



(126,087.32, 10,074,943.92)

0.01 Miles

LEGAL DISCLAIMER

3012 E 14th Half Surrounding Lot Information

Address Point	Street	Use	Lot Size (TCAD) sq ft	TCAD Prop ID
3000	E 16th	Single Family	5,256	200894
3001	E 16th	Single Family, 2 lots	10,684	200850
3002	E 16th	Single Family	5,221	200893
3004	E 16th	Single Family	5,221	200892
3005	E 16th	Single Family	5,312	200851
3006	E 16th	Single Family	5,221	200891
3007	E 16th	Single Family	5,303	200852
3008	E 16th	Single Family	5,221	200890
3009	E 16th	Single Family	5,303	200853
3010	E 16th	Single Family	5,221	200889
3011	E 16th	Single Family	5,298	200854
3012	E 16th	Single Family	5,221	200888
3013	E 16th	Single Family	5,298	200855
3014	E 16th	Single Family	5,221	200887
3015	E 16th	Single Family	5,394	200856
3016	E 16th	Single Family	5,221	200886
3017	E 16th	Single Family	5,289	200857
3018	E 16th	Single Family	5,221	200885
3019	E 16th	Single Family	5,284	200858
3020	E 16th	Single Family	5,221	200884
3021	E 16th	Single Family, 2 lots	10,569	200869
3022	E 16th	Single Family	5,221	200883
3024	E 16th	Single Family	4,594	200882
3101	E 16th	Single Family	5,282	200962
3102	E 16th	Single Family	5,223	200926
3103	E 16th	Single Family	5,296	200963
3104	E 16th	Single Family	5,060	200925
3105	E 16th	Single Family	5,314	200964
3107	E 16th	Single Family	6,329	200965
3006	E 14th Half	Single Family	8,444	200868
3007	E 14th Half	Single Family	8,415	200844
3008	E 14th Half	Single Family	No TCAD Profile	No TCAD Profile
3009	E 14th Half	Single Family	5,673	200845
3010	E 14th Half	Single Family	6,514	200866
3011	E 14th Half	Single Family	4,949	200832
3012	E 14th Half	Mobile Home, 2 lots	11,350	200865
3013	E 14th Half	Single Family	5,175	200833
3015	E 14th Half	Single Family	5,221	200834
3016	E 14th Half	Single Family	5,266	200864
3017	E 14th Half	Single Family	5,221	200835
3018	E 14th Half	Single Family	5,221	200863
3019	E 14th Half	Single Family	5,221	200836
3020	E 14th Half	Single Family	5,221	200862
3021	E 14th Half	Single Family	5,221	200837
3022	E 14th Half	Single Family	5,221	200861
3024	E 14th Half	Single Family	5,221	200860
3100	E 14th Half	Single Family	5,221	200969
3101	E 14th Half	Single Family	5,221	200979
3102	E 14th Half	Parking/Church	5,221	200968
3103	E 14th Half	Single Family	5,221	200980
3104	E 14th Half	Parking/Church	5,221	200967

3105	E 14th Half	Single Family	5,221	200981
3106	E 14th Half	Parking/Church	10,695	200966
3107	E 14th Half	Single Family	5,221	200982
3109	E 14th Half	Single Family	5,221	200983
3111	E 14th Half	Single Family	6,785	200984
3005	E 14th	Single Family	7,244	200815
3006	E 14th	Single Family	7,905	200843
3009	E 14th	Single Family	5,575	200816
3010	E 14th	Single Family	5,221	200842
3011	E 14th	Single Family	5,337	200817
3012	E 14th	Single Family	5,221	200841
3013	E 14th	Single Family	5,243	200818
3014	E 14th	Single Family	5,221	200840
3015	E 14th	Single Family	5,295	200819
3016	E 14th	Single Family	5,221	200839
3017	E 14th	Single Family	5,246	200820
3019	E 14th	Single Family	5,221	200821
3020	E 14th	Single Family, 2 lots	10,442	200838
3021	E 14th	Single Family	5,221	200822
3100	E 14th	Single Family	5,221	200992
3102	E 14th	Single Family	5,221	200991

L03/12



L03/13



From: [REDACTED]
Subject: Re: 3012 E 14th and Half Postponement Request Board of Adjustment Meeting
Date: Friday, August 04, 2017 8:37:27 AM
Attachments: [image001.png](#)

Good Morning Leane,

We have finally got a meeting set with the neighborhood on August 15th...a day after the BOA meeting. Hahaha, sorry to request (again) but i would like to postpone our case to the next meeting in Sept so we could have ample time to obtain the letter from the neighborhood contact team.

Thanks

Henry Juarez
Development Manager

[512-270-2900](tel:512-270-2900) (office)
[512-576-4399](tel:512-576-4399) (cell)
[512-373-8900](tel:512-373-8900) (fax)
mx3homes.com



On Mon, Jul 10, 2017 at 9:35 AM, Heldenfels, Leane [REDACTED] wrote:

Hi Henry – I will request postponement to the 8/14 Board hearing. Thanks for letting me know before 10 am.

Take care,

Leane Heldenfels, Planner Senior

Board of Adjustment Liaison

[City of Austin Development Services Department](#)

One Texas Center, 1st Floor, Development Assistance Center

505 Barton Springs Road

Office: [512-974-2202](tel:512-974-2202)



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We want to hear from you! Please take a few minutes to complete our [online customer survey](#).

Nos gustaría escuchar de usted. Por favor, tome un momento para [completar nuestra encuesta](#).

Scheduled Meeting Disclosure Information (not applicable to walk-in consultations from 9a-12p weekdays in the Development Assistance Center where I office): In accordance with City of Austin Ordinance 20160922-005, responsibility of written disclosure is required by visitors when attending a scheduled meeting with a City Official regarding a municipal question as defined within City Code 4-8-2 for compensation on behalf of another person. Development Services Department has elected to implement an electronic survey as the methodology to provide the opportunity to record information as required of the department under Section 4-8-8 (E) of the City Code. Individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions included in the department survey available at the following link: **DSD Survey**. Please note that all information provided is subject to public disclosure via DSD's open data portal.

From: [REDACTED]
Sent: Sunday, July 09, 2017 7:12 PM
To: Heldenfels, Leane
Subject: 3012 E 14th and Half Postponement Request Board of Adjustment Meeting

Good Afternoon Leane,

We have finally heard back from the neighborhood contact team and they will place us on their agenda. I would like to postpone our BOA request until the August 14th meeting in hopes of obtaining neighborhood support for our request. Please let me know if you have any questions or would like to discuss further.

Thank you!

Henry Juarez
Development Manager

[512-270-2900](tel:512-270-2900) (office)
[512-576-4399](tel:512-576-4399) (cell)
[512-373-8900](tel:512-373-8900) (fax)
mx3homes.com



On Wed, Jul 5, 2017 at 4:27 PM, Heldenfels, Leane [REDACTED] wrote:

Greetings 7/10 Board of Adjustment Applicants:

Please see attached 7/10 meeting agenda and Austin Energy Board report on agenda items.

If you would like to request to have your case postponed or withdrawn from the Board's agenda please **reply to just me (not all)** by 10 am Monday and advise.

I will then announce any known requests for postponement or withdraw at the beginning of the hearing, 5:30, and then these requests are voted on by the Board at that time.

If your case is proceeding on Monday please print out a copy of the agenda and bring to the hearing to keep track of cases as we will **not** have paper copies at the hearing.

The agenda and case back up are now posted online at the Board's website:

http://www.austintexas.gov/cityclerk/boards_commissions/meetings/15_1.htm

(If this link doesn't work go to austintexas.gov, click on government tab near top of page, click on Boards and Commissions small tab near top of page, highlight Board of Adjustment and click view website, open agenda folder to left of page, see the December 12 meeting materials).

Please go to the Board's website now and take a look at the back up material posted there.

If you see anything you've submitted that is either missing or not legible please bring 15 sets of that info to Monday's hearing. You can also see the packet page numbers that we've added to the evidence so you can know what page numbers the Board members may refer to during the hearing, feel free to print out all of your numbered case evidence so you have those page numbers, too.

Also, remember to go back to this link **after 3pm on Monday** to see any late back up that has been received on your case. This late back up will normally consist of replies received from our public notice mailing. Print out a copy of the late back up info for your reference and bring it to the hearing in the event that the Board has questions about any of the responses received.

You can bring a copy of all of the evidence you'd like to present on a usb flash drive to the hearing and the AV staff person can help you project it and run thru the info as you speak on your case. That staff prefers that you label your flash drive w/ your agenda number and give the drive to him ahead of your case being called so he can make sure it's able to be projected correctly when your case is called.

If you add any **new/revised information** to your presentation that is not in the packet so far, email me with a pdf of that new information on **Tuesday after the hearing**.

We can validate your parking stub from the garage below City Hall, so try to remember to bring it up with you. The garage entrance is off of Guadalupe.

We will issue decision sheets from the meeting on our website page for searching case and permit info 2 weeks after the hearing, so this month that will be by 6/26. Here's a link to the page where we'll file them:

https://www.austintexas.gov/devreview/a_queryfolder_permits.jsp

(If this link doesn't work go to austintexas.gov, click on development tab near top of page, then click on Search)

Once at this page you can input your case number or address, then click submit. Open the BA case and scroll down to attachments and see the final ds (decision sheet) there. You can print it out for use in a resubmittal for a permit, site plan or subdivision or email it to your code officer for any pending violation. **We will not send out a copy of the decision sheet.**

If your case is denied or if you don't agree with any part of the Board's decision (for example, a condition imposed on a granted case) you have until noon **Th 7/20** to request a reconsideration and provide new or clarified evidence to show how you feel the Board erred in its decision (see attached rules, cost for sending out re-notification of a reconsidered case is \$582.40 – check made out to the City of Austin will need to be dropped to my mailbox by close of lobby same day, Th 7/20).

If your case is postponed to the 8/14 hearing you'll have until end of day Tuesday 7/31 to email me any revised, additional evidence that we'll add to that meeting's advance packet along with all the evidence that was provided in the 7/10 packet and late back up.

I look forward to seeing you all on Monday – **reply just to me, not to all**, to advise if you have questions, concerns.

Leane Heldenfels

Board of Adjustment Liaison

[City of Austin Development Services Department](#)

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