

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

DATE: Monday September 18, 2017

CASE NUMBER: C15-2017-0046

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

OWNER/APPLICANT: Richard Weiss

ADDRESS: 1303 CESAR CHAVEZ ST Bldg A

VARIANCE REQUESTED: The applicant has requested variance(s) from Article 10, Compatibility Standards Section 25-2-1062 (Height Limitations and Setbacks for Small Sites) (B) to:

A. decrease the required setback from a property in an urban family residence (SF-5) or more restrictive zoning district or on which a use permitted in SF-5 or more restrictive zoning district is located from 18 feet (required) to 5 feet (requested) along the rear property line; and to

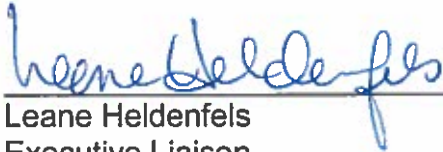
B. decrease the required setback from a property in an urban family residence (SF-5) or more restrictive zoning district or on which a use permitted in SF-5 or more restrictive zoning district is located from 18 feet (required) to 5 feet (requested) along the rear and east property lines

in order to erect a new 2 story residence and reconstruct and existing 2 story residence in a "CS-MU-CO-NP", General Commercial Services – Mixed Use - Conditional Overlay – Neighborhood Plan zoning district. (East Cesar Chavez)

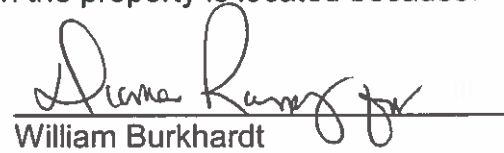
BOARD'S DECISION: Sept 18, 2017 The public hearing was closed on Board Member Bryan King motion to Postpone to October 9, 2017, Board Member Don Leighton-Burwell second on an 11-0 vote; POSTPONED TO OCTOBER 9, 2017.

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:

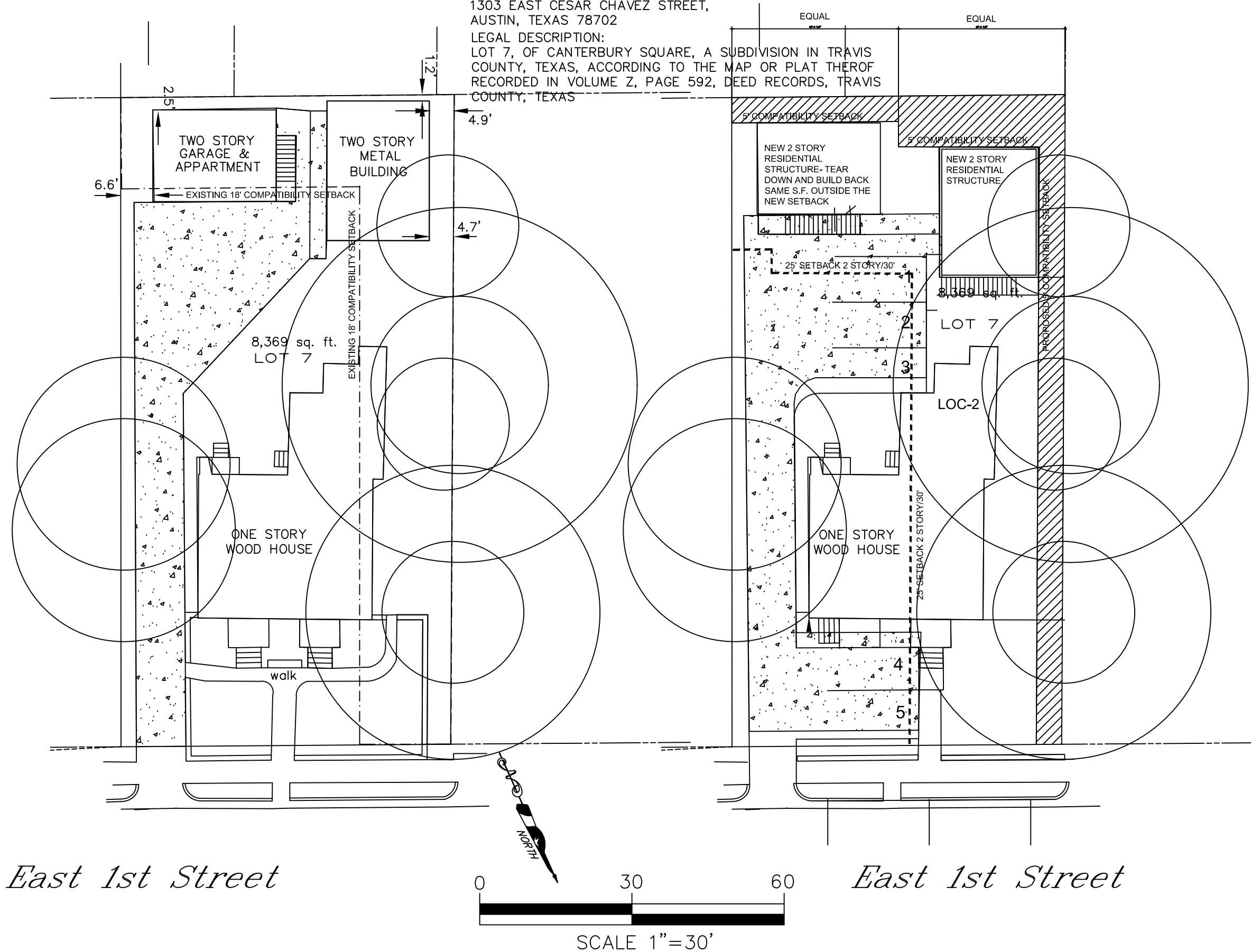


Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman

ADDRESS:
1303 EAST CESAR CHAVEZ STREET,
AUSTIN, TEXAS 78702
LEGAL DESCRIPTION:
LOT 7, OF CANTERBURY SQUARE, A SUBDIVISION IN TRAVIS
COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF
RECORDED IN VOLUME Z, PAGE 592, DEED RECORDS, TRAVIS
COUNTY, TEXAS



WEISS ARCHITECTUR
1905 CETONA COUF
AUSTIN TX 7874
(512) 447-6806 TE
(512) 851-2005 FA
WEISSARCHITECTURE.CO

1303 EAST CESAR CHAVEZ
AUSTIN TX 78702

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09/20/17

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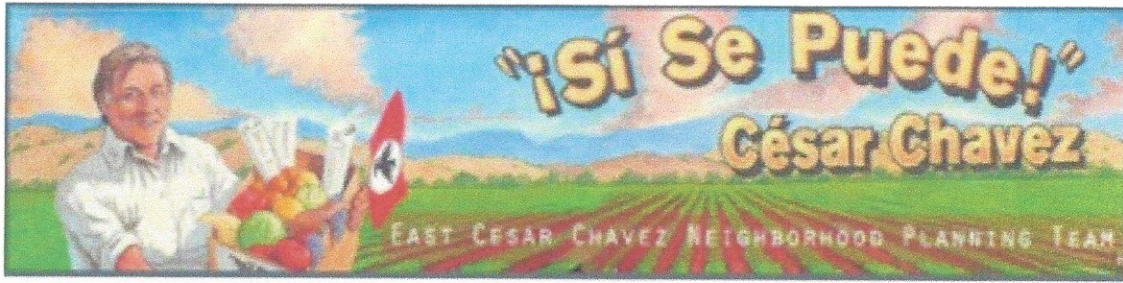
CHECKED BY: RV

REVISIONS:

NO.	DATE	REVIS.
1		
2		
3		

SHEET CONTENTS

SHEET:



September 25, 2017

Board of Adjustment
cc: Leane Heldenfels, Development Services Department
City of Austin

Re: ECCNPT Vote re: Case #C15-2017-09-18

Dear Members of the Board of Adjustment and Development Services Staff:

At our most recent meeting on Wednesday, September 20, 2017, the East César Chavez Neighborhood Plan Contact Team (ECCNPT) voted to support allowing applicant Richard Weiss a variance in the form of a decrease from the required 18-foot setback along the rear of the lot at 1303 E. César Chavez to a 5-foot compatibility setback along the rear south east corner, and a 10-foot compatibility setback in the rear south west corner of the lot.

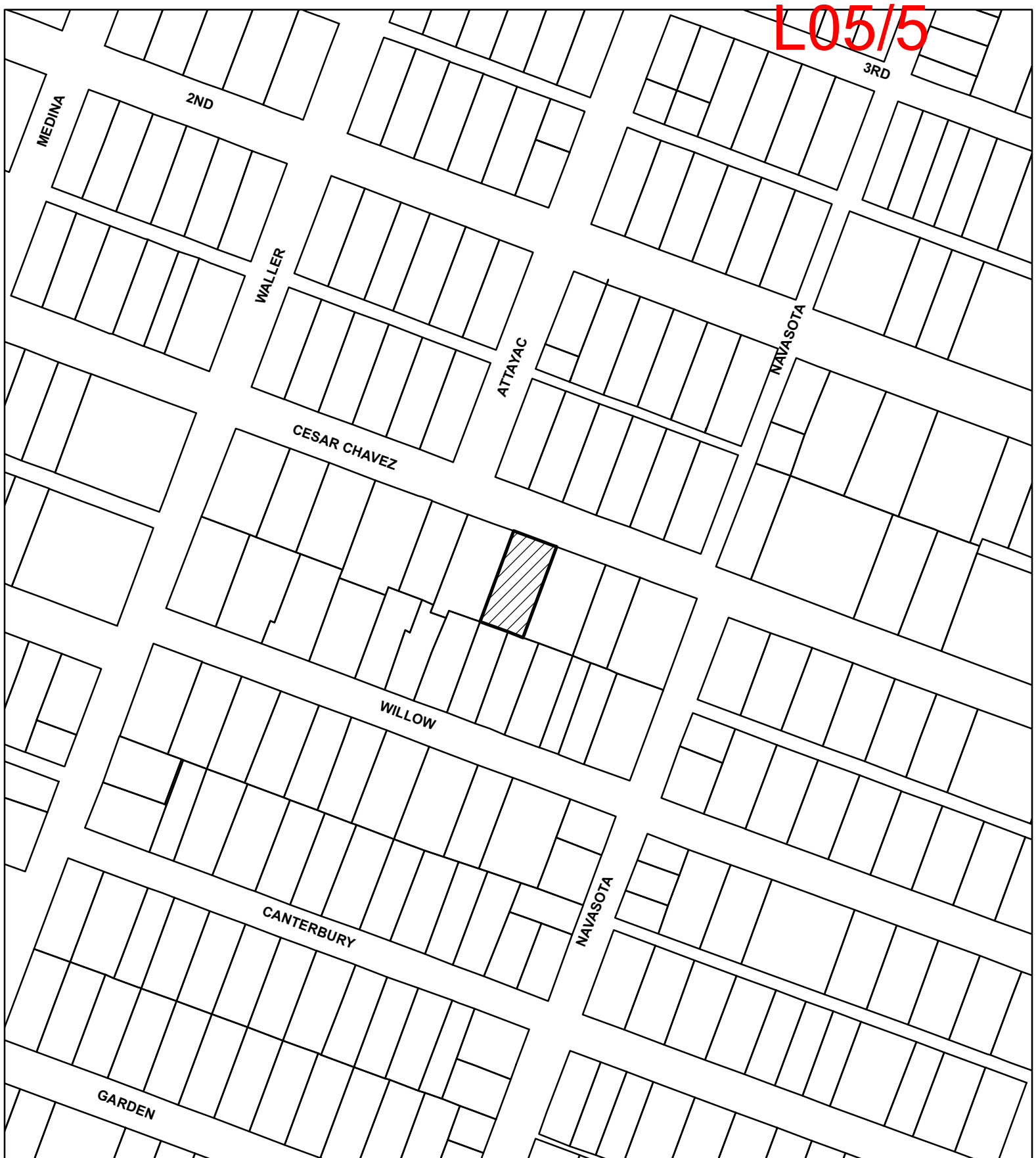
Without a variance, any new structure Mr. Weiss builds along the rear of the lot at 1303 E. César Chavez must adhere to current (18-foot) setback requirements. However, at the Sept. 20 ECCNPT meeting, Mr. Weiss proposed the aforementioned 5 and 10-foot setbacks as a compromise alternative to the 5-foot setbacks he initially requested for the purpose of tearing down existing older structures and rebuilding at the rear border of the lot. Unlike elsewhere in the neighborhood, there is no rear alley separating Mr. Weiss' lot from those on Willow St. immediately behind his.

The ECCNPT vote to support this revised proposal reflects the majority position's belief that the respective 5 and 10-foot setbacks do offer a good compromise, enabling Mr. Weiss to maximize land value while providing a 5-foot buffer between his proposed new 2-story structures and the neighboring properties on Willow St. to the rear.

Sincerely,

Alma Lyra
Chair, ECCNPT

L05/5



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2017-0046

LOCATION: 1303 E Cesar Chavez 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 specific accuracy or completeness.

1" = 167'



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: _____

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): [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: _____ 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).

ADDRESS:
1303 EAST CESAR CHAVEZ STREET,
AUSTIN, TEXAS 78702

LEGAL DESCRIPTION:
LOT 7, OF CANTERBURY SQUARE, A SUBDIVISION IN TRAVIS
COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF
RECORDED IN VOLUME Z, PAGE 592, DEED RECORDS, TRAVIS
COUNTY, TEXAS

DELTA BETWEEN EXISTING,
PROPOSED AND ALLOWABLE

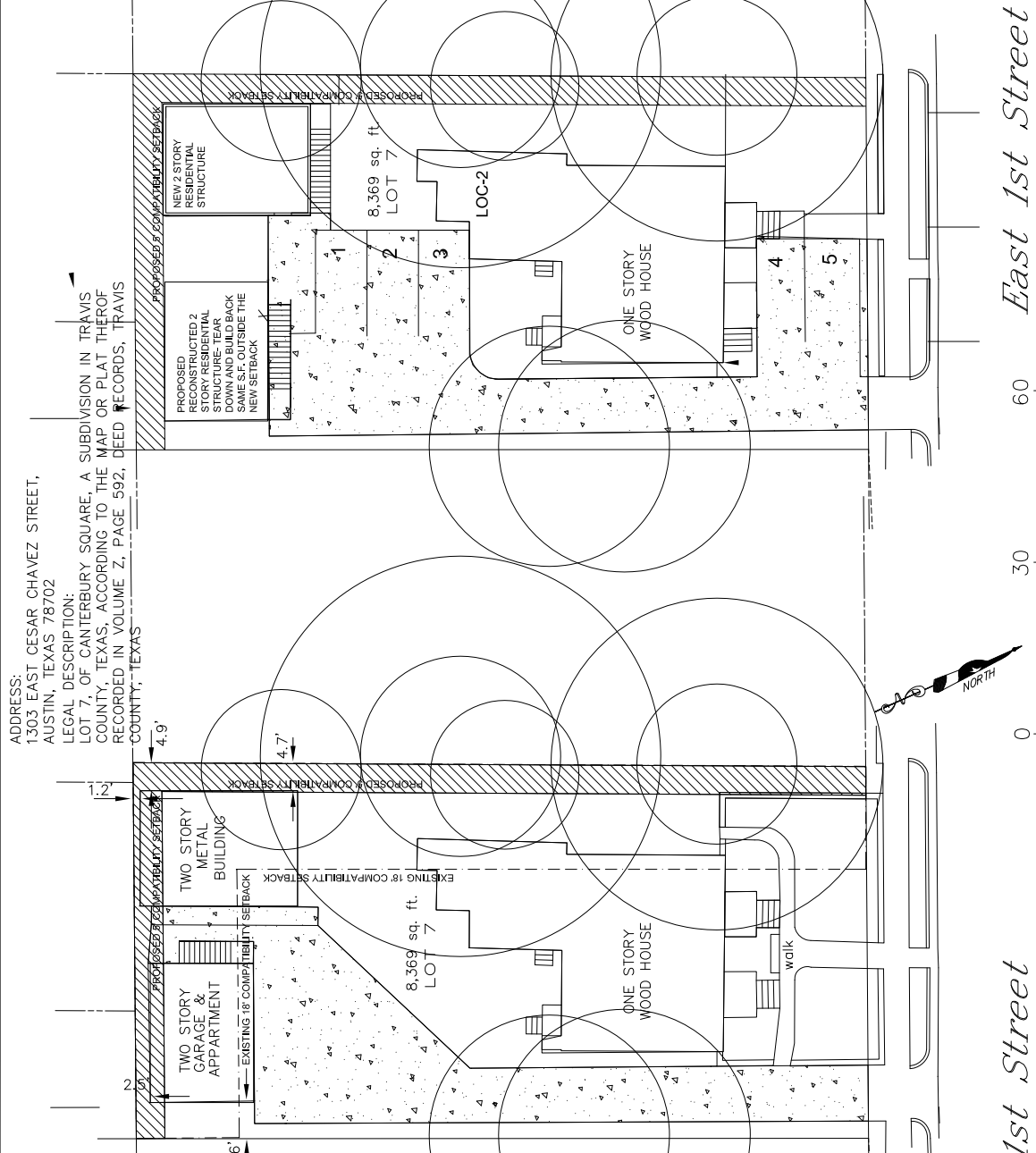
INCREASED IMP COVER	
EXISTING	4120 49%
PROPOSED	4687 56%
DELTA	567 7%
ALLOWABLE	7950 95%
INCREASED BUILDING COVERAGE	
EXISTING	1826 22%
PROPOSED	2316 28%
DELTA	490 5%
ALLOWABLE	7950 95%
INCREASED BUILDING SF	
EXISTING	2266 27%
PROPOSED	3246 39%
DELTA	980 23%
ALLOWABLE	16,738 200%

EXISTING SURVEY AND
CALCULATIONS

LOT SIZE	8,369
SIDEWALK	212
DRIVEWAY/ PARKING	1816
REAR STAIRS	20
FRONT HOUSE	1386
PORCHES/STAIRS	126
TWO STORY	440
GARAGE APARTMENT	440
GARAGE STAIRS	50
LOW WALL	60
TOTAL EXISTING	4120
IMPERVIOUS COVER	49.2%
BUILDING COVERAGE	
FRONT HOUSE	1386 S.F.
BACK APT GARAGE	440
BACK APT (2ND FLR)	440
TOTAL BUILDING	1826
COVERAGE	2266
TOTAL S.F.	
METAL STORAGE SHED	560 S.F.
PARKING REQUIREMENTS	
2- EFFICIENCIES	2 SPACES
1-1 BEDROOM	1.5 SPACES
TOTAL REQUIRED	3.5 SPACES
3 REQUIRED/ 3 PROVIDED	

PROPOSED SETBACKS AND
CALCULATIONS

LOT SIZE	8,369
SIDEWALK	18
DRIVEWAY/PARKING	2139
REAR STAIRS	30
FRONT HOUSE	1386
PORCHES/STAIRS	122
TWO STORY	440
GARAGE APARTMENT	440
GARAGE STAIRS	31
NEW DUPLEX	490
NEW STAIRS	31
TOTAL EXISTING	4687
IMPERVIOUS COVER	56%
BUILDING COVERAGE	
FRONT HOUSE	1386 S.F.
BACK APT (1ST FLR)	440
BACK APT (2ND FLR)	440
NEW DUPLEX (1ST FLR)	490
NEW DUPLEX (2ND FLR)	490
TOTAL BUILDING	2316
COVERAGE	3246
TOTAL S.F.	
METAL STORAGE SHED	560 S.F.
PARKING REQUIREMENTS	
5- EFFICIENCIES	5 SPACES
1-1 BEDROOM	1.5 SPACES
TOTAL REQUIRED	6.5 SPACES
5 REQUIRED/ 5 PROVIDED	



East 1st Street

East 1st Street



Waterloo Surveyors Inc.

J15173

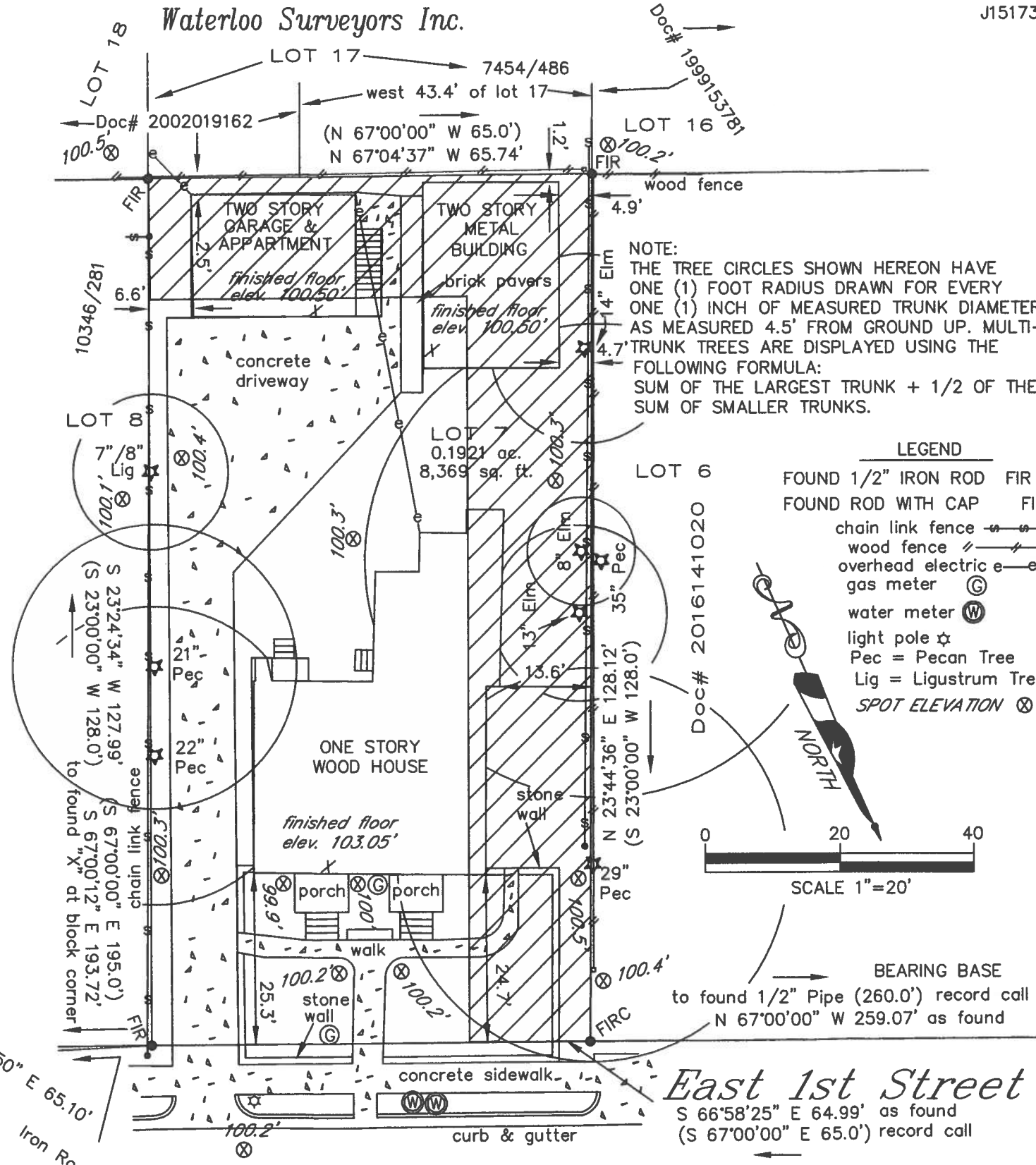
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1303 EAST CESAR CHAVEZ STREET,
AUSTIN, TEXAS 78702

EXISTING SURVEY AND
CALCULATIONS

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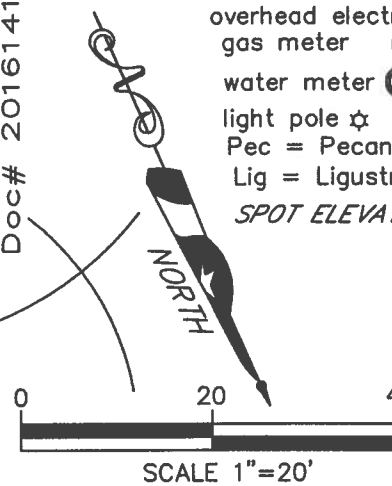


1303 EAST CESAR CHAVEZ
AUSTIN TX 78702



NOTE:
THE TREE CIRCLES SHOWN HEREON HAVE
ONE (1) FOOT RADIUS DRAWN FOR EVERY
ONE (1) INCH OF MEASURED TRUNK DIAMETER
AS MEASURED 4.5' FROM GROUND UP. MULTI-
TRUNK TREES ARE DISPLAYED USING THE
FOLLOWING FORMULA:
SUM OF THE LARGEST TRUNK + 1/2 OF THE
SUM OF SMALLER TRUNKS.

- LEGEND
- FOUND 1/2" IRON ROD FIR
 - FOUND ROD WITH CAP FIRC
 - chain link fence
 - wood fence
 - overhead electric
 - gas meter
 - water meter
 - light pole
 - Pec = Pecan Tree
 - Lig = Ligustrum Tree
 - SPOT ELEVATION



LOT SIZE	8,369
SIDEWALK	212
DRIVEWAY/	1816
PARKING	
REAR STAIRS	30
FRONT HOUSE	1386
PORCHES/ STAIRS	126
TWO STORY	
GARAGE APARTMENT	440
GARAGE STAIRS	50
LOW WALL	60
TOTAL EXISITNG	
IMPERVIOUS COVER	4120
%IMPERVIOUS COVER	49.2%

BUILDING COVERAGE	
FRONT HOUSE	1386 S.F.
BACK APT GARAGE	440
BACK APT (2ND FLR)	440
TOTAL BUILDING	
COVERAGE	1826
TOTAL S.F.	2266

METAL STORAGE SHED 560 S.F.

EXISTING BUT NOT COUNTED IN ANY
CALCULATIONS BECAUSE IT WAS
BUILT IN 1998-2000 BY A PVIOUS
OWNER WIHTOUT A PERMIT

PARKING REQUIREMENTS	
2- EFFICIENCIES	2 SPACES
1- 1 BEDROOM	1.5 SPACES
TOTAL REQUIRED	3.5*8=28

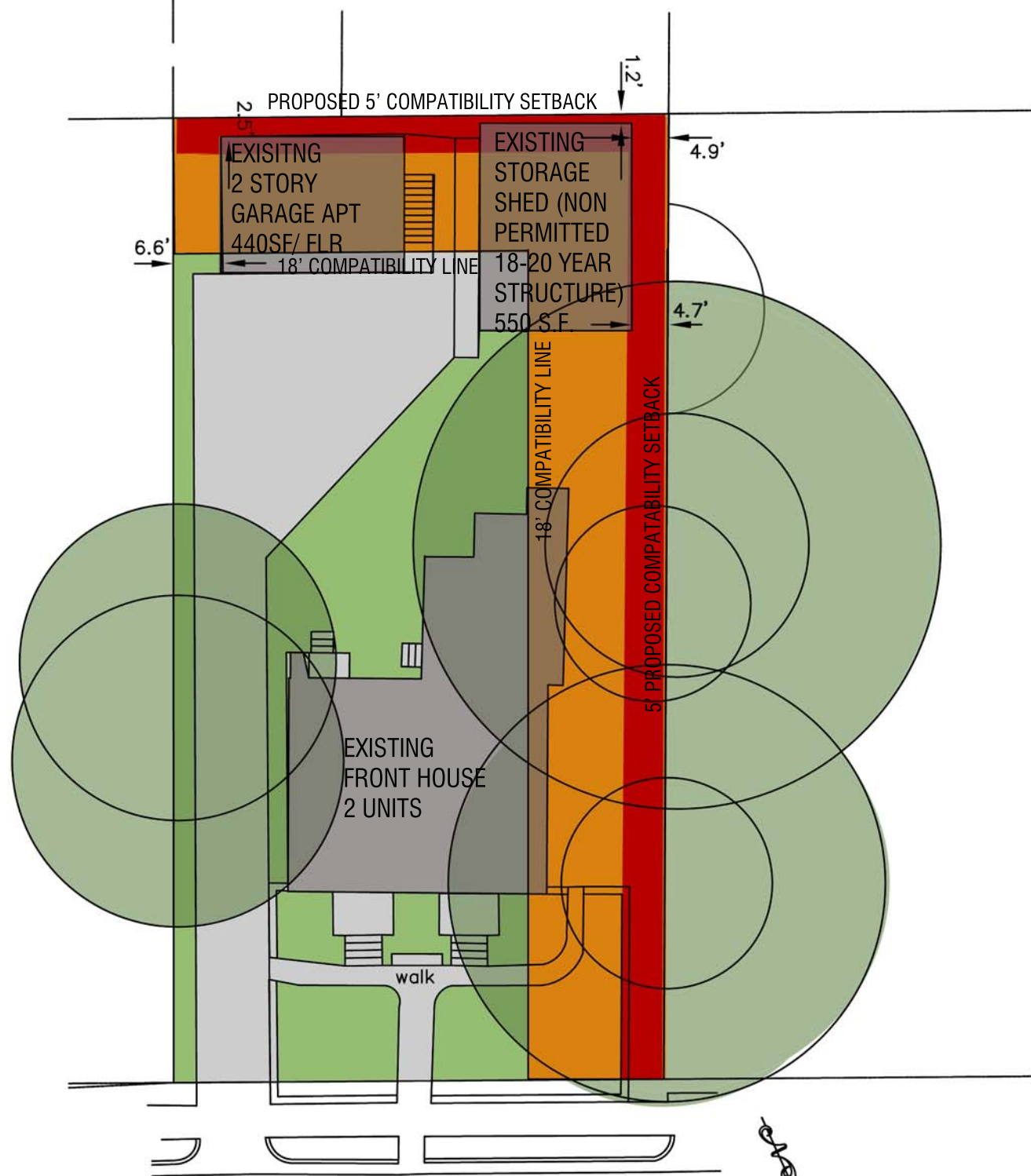
3 REQUIRED/ 3 PROVIDED

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 5 & 6 Condition II Survey.
And I certify that the property shown hereon IS NOT within a special
flood hazard area as identified by the Federal Insurance Adm. Department of HUD
Zone: X Dated: 01/06/2016
Dated this the 10TH day of JULY, 2017.

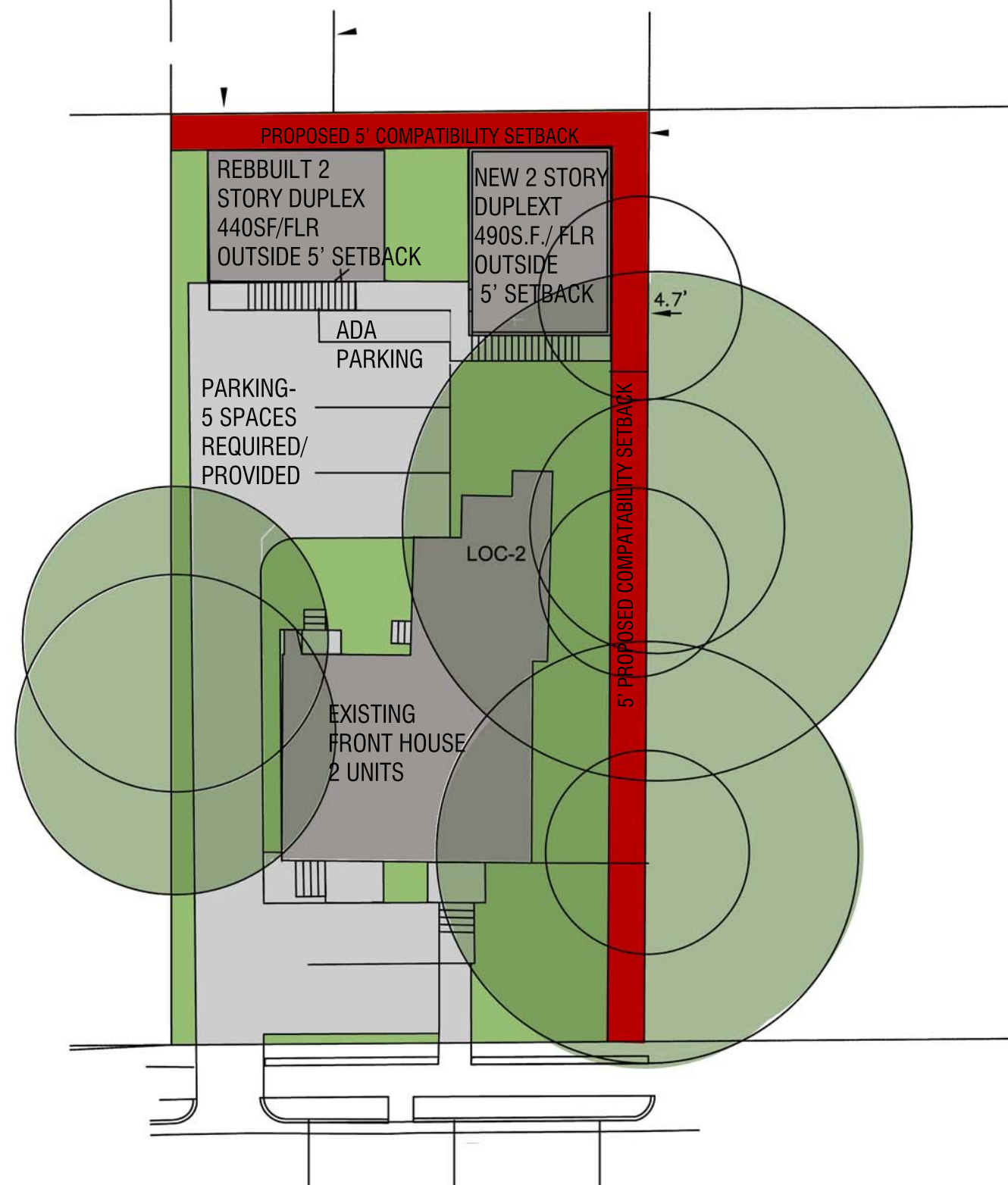
DATE ISSUED: 07/20/17		
DRAWN BY: REV		
CHECKED BY: REV		
REVISIONS:		
NO.	DATE	REVISION
1		
2		
3		
SHEET CONTENTS		
SHEET:		
1 OF 2		

EXISTING CONDITIONS



East 1st Street

PROPOSED VARIANCE



East 1st Street

PRELIMINARY - NOT FOR CONSTRUCTION | PRELIMINARY - NOT FOR CONSTRUCTION | PRELIMINARY - NOT FOR CONSTRUCTION | PRELIMINARY - NOT FOR CONSTRUCTION

WEISS ARCHITECTURE
WEISS ARCHITECTURE
1905 CETONA COURT
AUSTIN TX 78746
(512) 447-6806 TEL
(512) 851-2005 FAX
WEISSARCHITECTURE.COM

1303 EAST CESAR CHAVEZ
AUSTIN TX 78702

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CHECKED BY: RV

REVISIONS:		
NO.	DATE	REVISION
1		
2		
3		

SHEET CONTENTS:

SHEET 1

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
 - appearing and speaking for the record at the public hearing;
- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. **All comments received will become part of the public record of this case.**

Case Number: C15-2017-0046, 1303 E. Cesar Chavez

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, September 18th, 2017

Monte Davis ☒ I am in favor
Your Name (please print) ☐ I object

115 Waller Astin TX 78702
Your address(es) affected by this application

[Signature] 9/8/12
Signature Date

Daytime Telephone: 512-585-0043

Comments: I TRUST Richard Weiss

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be submitted via:

Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior the hearing to be received timely)

Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov