CITY OF AUSTIN Board of Adjustment Decision Sheet

DATE: Monday December 11, 2017	CASE NUMBER: C1	5-2017-0067
Brooke BaileyWilliam BurkhardtChristopher 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: Jeff Mosley and Hector Avila

OWNER: Sheila Stallings

ADDRESS: 702 ZENNIA ST

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

A. the minimum lot width from 50 feet (required) to 34 feet (requested, existing); and to

B. the minimum lot size from 5,750 (required) to 2,584 (requested, existing) in order to add a 2nd story accessory residential use to the current 1 story commercial use in a "CS-CO-NP", General Commercial Services - Conditional Overlay - Neighborhood Plan zoning district. (North Loop)

BOARD'S DECISION: Dec 11, 2017 POSTPONED TO JANUARY 8, 2018

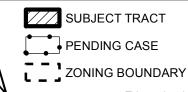
FINDING:

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





NOTIFICATIONS

CASE#: C15-2017-0067 702 ZENNIA STREET

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.



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, <u>click here to Save</u> 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>C15-2017-0067</u> ROW # 11824	132 Tax# 0224070319
Section 1: Applicant Statement	
Street Address: 702 ZENNIA STREET, AUSTIN TX 7 Subdivision Legal Description: MURRAY PLACE	8751
	Block(s): B
Outlot: Zoning District: CS-CO-NP (NOTH)	Division:
I/We JEFF MOSLEY authorized agent for SHEILA STALLINGS	on behalf of myself/ourselves as
Month November , Day 10 , Year 20 Board of Adjustment for consideration to (select app	
○ Erect ○ Attach ○ Complete ● Remode Type of Structure: <u>Commercial building to Neighborn</u>	

Portion of the City of Austin Land Development Code applicant is seeking a variance from:
25-2-1504 Neighborhood Mixed Use Building Regulations
Minimum Lot Size of 5,750' and Minimum Lot Width of 50'
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:
North Loop Neighborhood Plan (Section 6) designates 702 Zennia (Tract 4c) as eligible to be
developed as a neighborhood mixed use building special use but the lot is less than the
minimum size and width prescribed by the Land Development Code.
Hardship
a) The hardship for which the variance is requested is unique to the property in that:
702 Zennia has been in its current configuration since at least as far back as September 1959, long before the neighborhood plan designated it as eligible for Neighborhood Mixed Use.
b) The hardship is not general to the area in which the property is located because:
Most of the tracts designated as eligible for Neighborhood Mixed Use in the North Loop
Neighborhood Plan are not smaller than the minimum lot size and width.

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:

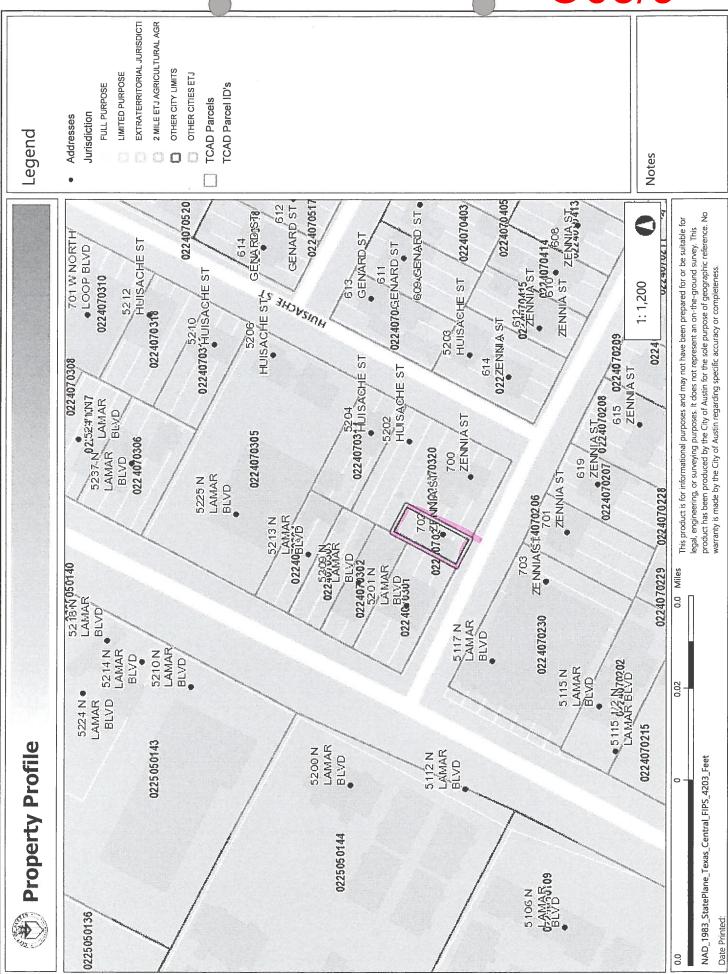
<u>th</u>	ne adjacent property to the West is commercial (CS-CO-V-NP); directly across the street to be South is a mixed use development (CS-MU-V-CO-NP); adjacent property to the South and
	orth is residential (SF-3-NP) and the owner has provided a letter of support for this variance equest.
	44001.
kin	ng (additional criteria for parking variances only)
aria en	est for a parking variance requires the Board to make additional findings. The Board may gran ince to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, dix A with respect to the number of off-street parking spaces or loading facilities required if it 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 inconsiste with the objectives of this Ordinance because:
 I.	The variance will run with the use or uses to which it pertains and shall not run with the site because:

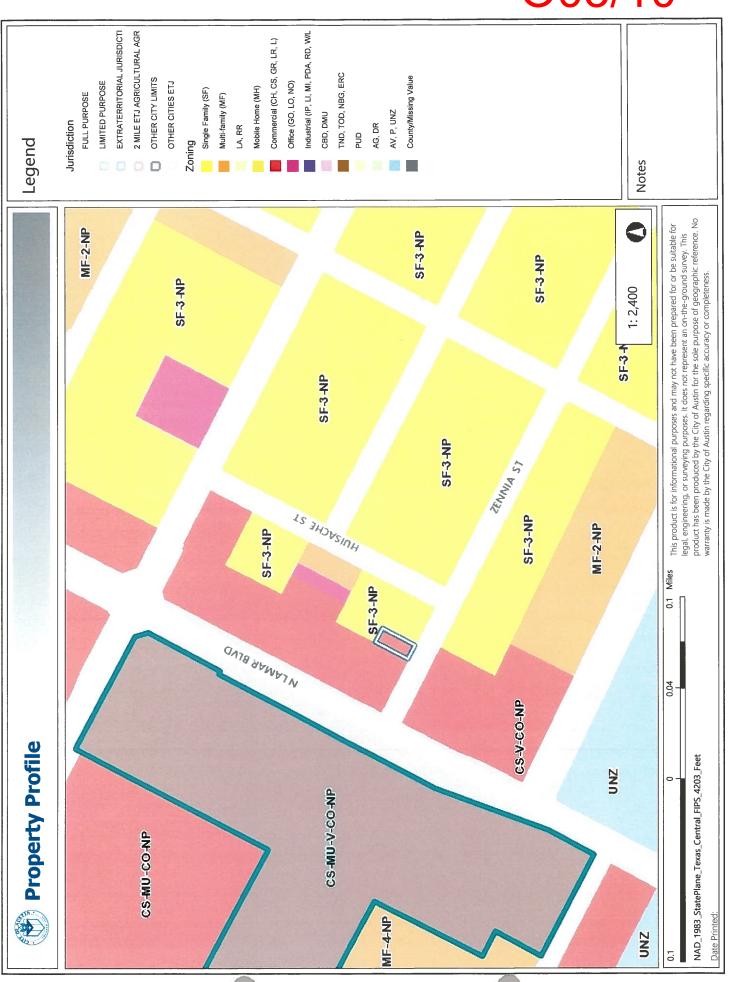
Section 3: Applicant Certificate

my knowledge and belief.	ete application are true	and correct to the best of
Applicant Signature:		Date: <u>////3//</u>
Applicant Name (typed or printed): JEFF MOSLE	1	
Applicant Mailing Address: 1601 SWEETBRIAR A		
City: AUSTIN		
Phone (will be public information):		
Email (optional – will be public information):		
Section 4: Owner Certificate		
I affirm that my statements contained in the comple my knowledge and belief.	-	
Owner Signature: See also consider. Owner Name (typed or printed):	mod	Date:
Owner Name (typed or printed):		
Owner Mailing Address: 7805 RIDGELINE		
City: AUSTIN		
Phone (will be public information):		
Email (optional – will be public information):		
Section 5: Agent Information		
Agent Name: <u>HECTOR AVILA</u>		
Agent Mailing Address:		
City:	State:	Zip:
Phono (will be public information):		
Section 6: Additional Space (if applied	cable)	
Please use the space below to provide additional in referenced to the proper item, include the Section a	nformation as needed. I and Field names as wel	o ensure the information is (continued on next page).
		The second secon

Section 3: Applicant Certificate

I affirm that my statements contained in the comple my knowledge and belief.	ete application are true	and correct to the best of
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 my knowledge and belief		
Owner Signature: Mila Besters fall	Rup TTE	Date: 100/30017
Owner Name (typed or printed): SHEILA BIRDEN	9	
Owner Mailing Address: 7805 RIDGELINE		
City: AUSTIN		
Phone (will be public information): (513) 3#	7-7436	
Email (optional – will be public information):		
Section 5: Agent Information		
Agent Name: HECTOR AVILA		
Agent Mailing Address:		
City: AUSTIN	State: TX	Zip:
Phone (will be public information):		
Email (optional – will be public information):		
Section 6: Additional Space (if appl	icable)	
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Please use the space below to provide additional referenced to the proper item, include the Section	information as needed. and Field names as we	To ensure the information is ell (continued on next page).





ORDINANCE NO. <u>020523-31</u>

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICTS ON APPROXIMATELY 614.97 ACRES OF LAND GENERALLY KNOWN AS THE NORTH LOOP NEIGHBORHOOD PLAN AREA ("NORTH LOOP") AND TO CHANGE THE BASE ZONING DISTRICTS ON 101 TRACTS OF LAND IN NORTH LOOP.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to each base zoning district within the property and to change the base zoning districts on 101 tracts of land within the property described in File C14-02-0009, as follows:

Approximately 614.97 acres of land, in the City of Austin, Travis County, Texas, more particularly described and identified in the attached Exhibit "A", (the "Property"),

generally known as the North Loop Neighborhood Plan (NP) combining district, locally known as the property bounded by Koenig Lane on the north, IH-35 on the east, Lamar Boulevard on the west and 45th Street, Red River Street and 51st Street on the south, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The base zoning districts for the 101 tracts of land are changed from family residence (SF-3) district, multifamily residence low density (MF-2) district, multifamily residence medium density (MF-3) district, limited office (LO) district, general office (GO) district, neighborhood commercial (LR) district, community commercial (GR) district, community commercial-conditional overly (GR-CO) combining district, general commercial services (CS) district, general commercial services-conditional overlay (CS-CO) combining district, commercial-liquor sales (CS-1) district, and commercial-liquor sales-conditional overlay (CS-1-CO) combining district to family residence-neighborhood plan (SF-3-NP) combining district, multifamily residence low density-neighborhood plan (MF-2-NP) combining district, multifamily residence medium density-neighborhood plan (MF-3-NP) combining district, multifamily residence moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district, neighborhood office-neighborhood plan (NO-NP) combining district, limited office-neighborhood plan (LO-

NP) combining district, limited office-mixed use-neighborhood plan (LO-MU-NP) combining district, limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district, limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district, general office-mixed use-conditional overlayneighborhood plan (GO-MU-CO-NP) combining district, neighborhood commercialconditional overlay neighborhood plan (LR-CO-NP) combining district, neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district, neighborhood overlay-neighborhood use-conditional plan (LR-MU-CO-NP) commercial-mixed combining district, community commercial-mixed used-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district, community commercial-conditional overlayneighborhood plan (GR-CO-NP) combining district, general commercial servicesconditional overlay-neighborhood plan (CS-CO-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, commercial-liquor sales-conditional overlay neighborhood plan (CS-1-CO-NP) combining district, and public-neighborhood plan (P-NP) combining district, as more particularly described and identified in the chart below.

TRACT	ADDRESS	FROM	TO
1a	5607 LAMAR BV N	CS	CS-CO-NP
1a	5501 LAMAR BV N	CS & GR	CS-CO-NP
1b	600 NELRAY BV	CS	CS-CO-NP
1c	5555 LAMAR BV N	CS, CS-1, &	CS-CO-NP, CS-1-
		LO	CO-NP
1d	700 NELRAY BV	LO	LO-MU-NP
2	707, 709 NELRAY BV; 0 LAMAR BV N (LOT 38	CS	CS-CO-NP
	NORTHFIELD ADDITION); 5403, 5409, 5415, 5417 LAMAR		
	BV N		
3	5301, 5319 LAMAR BV N	CS	CS-CO-NP
4a	701 NORTH LOOP BV E	CS	CS-MU-CO-NP
4a	5237, 5241 LAMAR BV N; 5253 LAMAR BV N (LOT 18-19,	CS	CS-CO-NP
	20-21 LOT 22 *LESS 987 SF INTO ROW BLK B MURRAY		
	PLACE)		
4b	5225 LAMAR BV N	CS, LR, LO,	
		MF-3	NP, LO-MU-NP, MF-
			3-NP
-4c	0 LAMAR BV N (LOT 6-7 BLK B MURRAY PLACE); 0	CS	CS-CO-NP
*:	LAMAR BV N (LOT 8-9 BLK B MURRAY PLACE); 5201 &		
	5209 LAMAR BV N; 702 ZENNIA ST		OC CO ND
5a	5101, 5115, 5117 LAMAR BV N; 620 51 ST W	CS	CS-CO-NP
5b	703 ZENNIA ST	LO	LO-NP
6	703, 705 NELRAY BV ; 702, 704, 710, 712 FRANKLIN BV	SF-3	MF-3-NP

PART 4. Secondary apartment special use is permitted on lots in residential districts within the boundaries of the NP combining district as set forth in Sections 25-2-1462 and 25-2-1463 of the Code

PART 5. Corner store special use is permitted on lots in residential districts within the boundaries of the NP combining district as set forth in Sections 25-2-1482 through 25-2-1485 of the Code.

PART 6. Tracts 2, 3, 4a, 4b, 4c, 5a, 5b, 9 through 22, 24, 25a, 25b, 26a, 26b, 26c, 27a, 27b, 28 through 35, 36a, 36b, 36c, 37, 38, 39a, 39b, 39c, 40, 41a, 41b, 42 through 49, 51 through 58, 59a, 59b, 60, 61, 66 through 69, 84, and 99 may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the Code:

PART 7. Tracts 1a, 1b, 1c, 11 through 22, 24, 25a and 25b may be developed as neighborhood urban center special use as set forth in Sections 25-2-1521 through Section 25-2-1524 of the Code.

PART 8. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions.

1. The following uses are conditional uses on Tracts 1a, 1b, 1c, 2, 3, 4a, 4b, 4c, 5a, 8, 9, and 10:

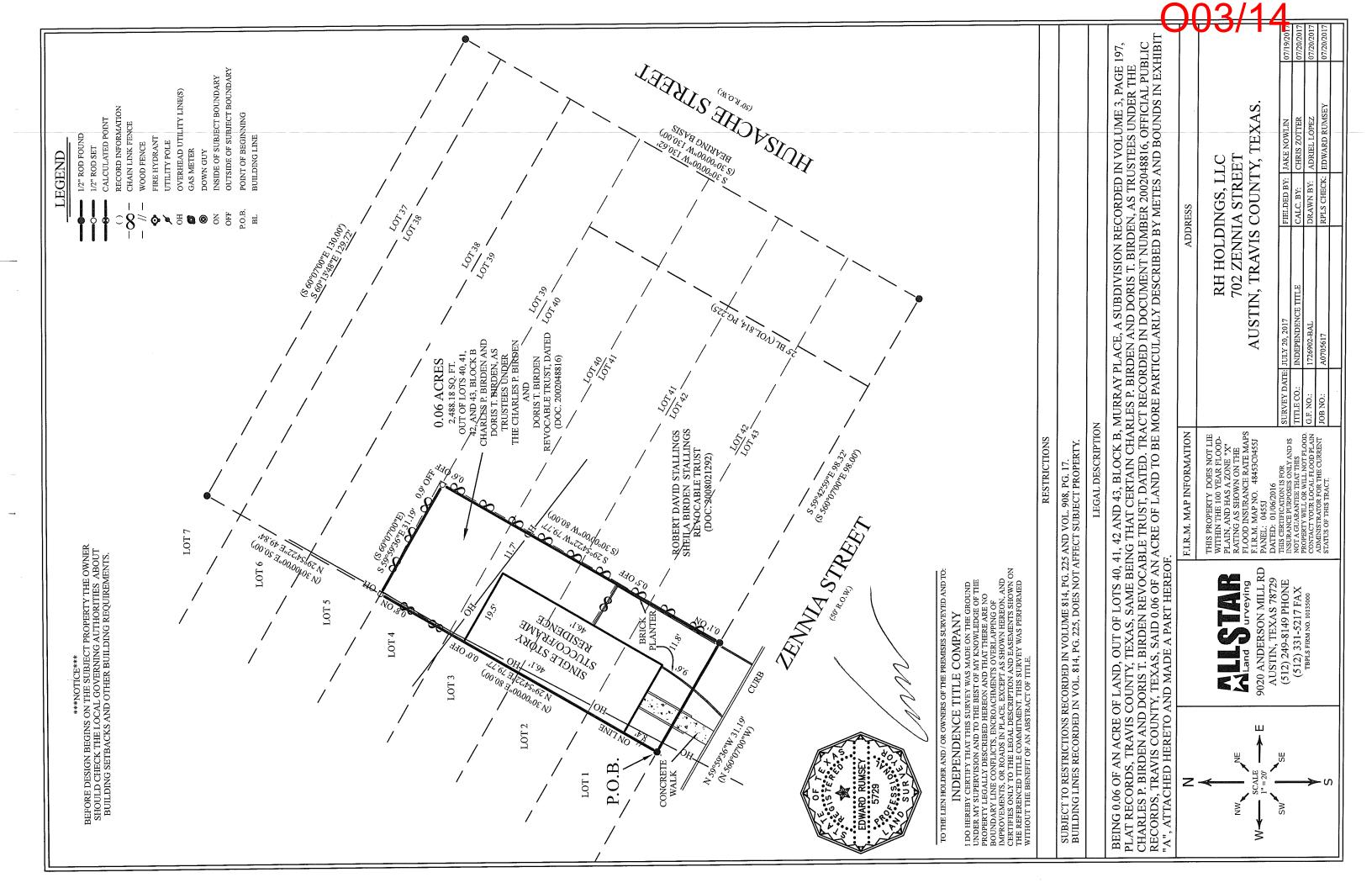
Adult oriented businesses
Automotive sales
Commercial blood plasma center
Convenience storage
Equipment sales
Vehicle storage

Agricultural sales and services Campground Construction sales and services Equipment repair services Kennels

2. The following uses are prohibited uses on Tracts 11 through 22, 23a, 23b, 23c, 23d, 24, 25a, 25b, 26a, 26c, 27a, 28, 29, 30, 32, 33, 34, 36b, 36c, 37, 38, 39a, 39c, 80a, 85, 86a, 86b, 86c, 86d, 87, 88a, 89b, 91, 92b, 93, 94, 95a, 95b, 96, 97, and 98:

Adult oriented businesses Residential treatment

Pawn shop services Transitional housing



LEGAL DESCRIPTION EXHIBIT "A"

BEING 0.06 OF AN ACRE OF LAND, OUT OF LOTS 40, 41, 42 AND 43, BLOCK B, MURRAY PLACE, A SUBDIVISION RECORDED IN VOLUME 3, PAGE 197, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING THAT CERTAIN CHARLES P. BIRDEN AND DORIS T. BIRDEN, AS TRUSTEES UNDER THE CHARLES P. BIRDEN AND DORIS T. BIRDEN REVOCABLE TRUST, DATED. TRACT RECORDED IN DOCUMENT NUMBER 2002048816, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.06 OF AN ACRE OF LAND TO BE MORE PARTICULARLY DESCRIBED AS BEGINNING at an iron rod found in the northerly right-of-way line of Zennia Street, at the southeast corner of lot 1, Block B, of said subdivision, same being the southwest corner of said lot 43, for the southwest corner hereof;

THENCE North 29 degrees 54 minutes 22 seconds East, along the easterly line of Lots 1, 2, 3 and 4, Block B, of said subdivision, along the westerly line of said Lots 40, 41, 42 and 43, 79.77 feet to an iron rod set at the common corners of Lots 5, 6, 39 and 40, Block B, of said subdivision, for the northwest corner hereof;

THENCE South 59 degrees 59 minutes 36 seconds East, along the common line of said Lots 39 and 40, 31.19 feet to an iron rod set in said line, for the northeast corner hereof; THENCE South 29 degrees 54 minutes 22 seconds West, through said Lots 40, 41, 42 and 43, 79.77 feet to an iron rod found in said right-of-way line, same being in the southerly line of said Lot 43, for the southeast corner hereof, from which an iron rod found at the southeast corner of said Lot 43 bears, South 59 degrees 42 minutes 59 seconds East, 98.32 feet; THENCE North 59 degrees 59 minutes 36 seconds West, along said right-of-way line and the southerly line of said Lot 43, 31.19 feet to the POINT OF BEGINNING.

THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ATTACHED SURVEY PLAT (BY SEPARATE INSTRUMENT), ONLY.

Date TX R.P.L.S #5729 Edward Rumsey Job # A0705617

07/20/2017