

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

DATE: Monday January 08, 2018

CASE NUMBER: C15-2018-0003

____ 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)

OWNER/APPLICANT: Adelaida J. Rodriguez

ADDRESS: 2111 9TH ST

VARIANCE REQUESTED: The applicant has requested variance(s) to:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum lot width from 50 feet (required) to 45 feet (requested, existing); and to

B. Section 25-2-774 (B) (Two-Family Residential Use) to decrease the minimum lot area from 5,750 square feet (required) to 5,644.35 square feet (requested, existing); and to

in order to erect a new single family residence and a second dwelling unit (ADU) in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Central East Austin)

BOARD'S DECISION: Jan 8, 2018 The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to February 12, 2018, Board Member Brooke Bailey second on a 11-0 vote; POSTPONED TO FEBRUARY 12, 2018.

FINDING:

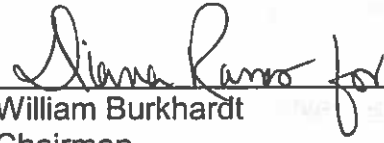
1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

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

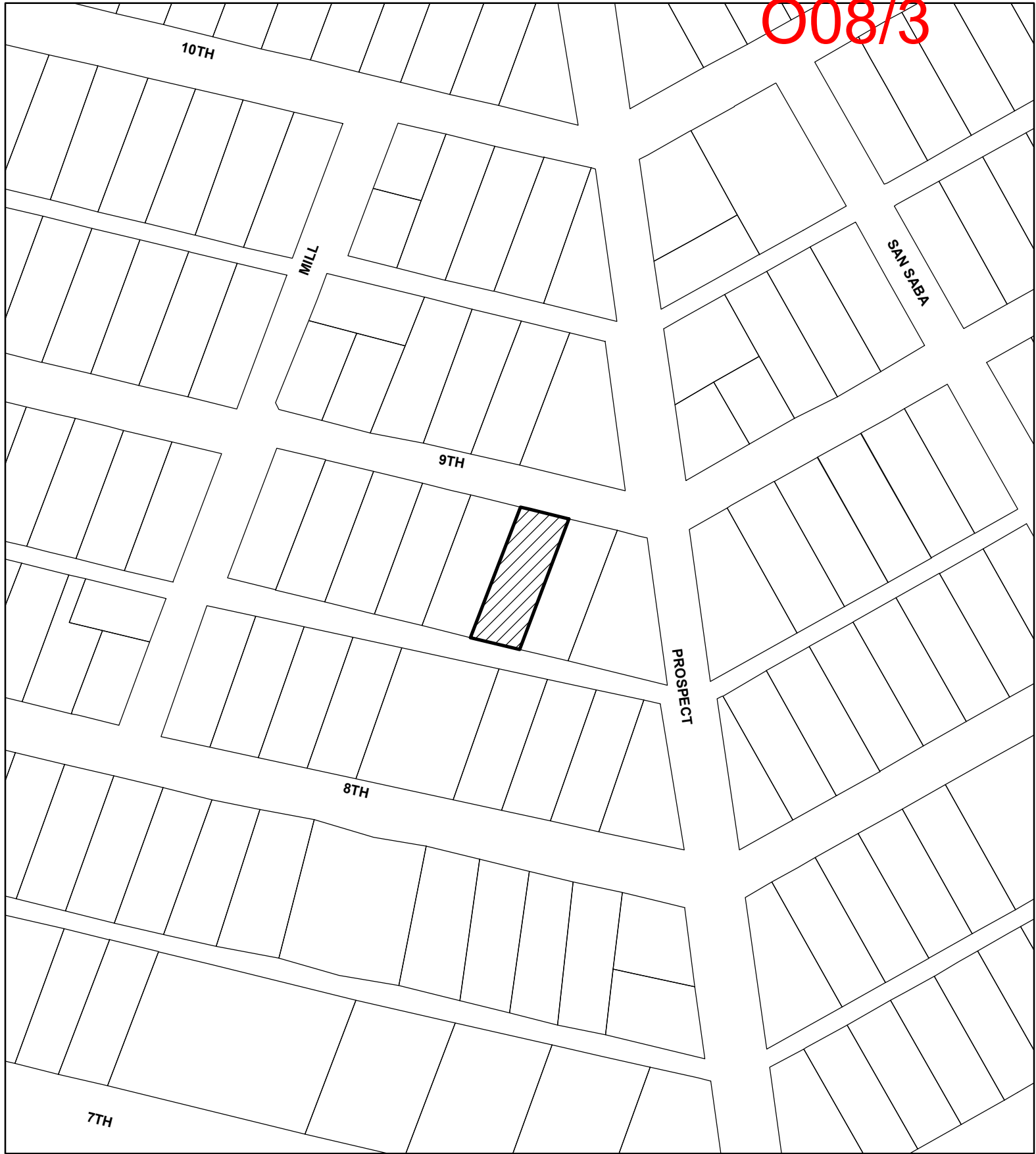
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:



Leane Heldenfels
Executive Liaison






William Burkhardt
Chairman



NOTIFICATIONS

CASE#: C15-2018-0003
LOCATION: 2111 E. 9th Street



-  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" = 114'



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 # C15-2018-0003 ROW # 11836218 Tax # 0205101006

Section 1: Applicant Statement

Street Address: 2111 E. 9th St. Austin Tx 78702

Subdivision Legal Description:
Grandview Place Dec. 10, 1913

Lot(s): 6 Block(s): 22

Outlot: _____ Division: _____

Zoning District: SF-3-NP (Central East Austin)

I/We Adeleida J. Rodriguez on behalf of myself/ourselves as
authorized agent for Self affirm that on

Month Select Dec., Day Select 08, Year Select 2017, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

Erect Attach Complete Remodel Maintain Other: 2nd dwelling

Type of Structure: New Single Family home with 2nd dwelling

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

492(D) Lot size 5,750 required, 5729.80 existing since 12/10/1913
5644.35 per survey from 1998

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:

My lot is only 106 feet smaller than required. It is reasonable for a substantially correct size lot to add a 2nd dwelling unit, as this is very common to my area.

Hardship

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

Even though it is slightly smaller, my lot does not have living trees, as nearby properties do. So a second dwelling unit could be achieved more easily on my lot even though it is slightly smaller.

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

Other similar lots near me do have trees that limit ability to add a 2nd dwelling unit, while mine does not.

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:

On my block and in my surrounding area there are several newer large homes and 2nd dwelling units

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: Adelaida J. Rodriguez Date: 12/08/2017

Applicant Name (typed or printed): Adelaida J. Rodriguez

Applicant Mailing Address: 2111 E. 9th St.

City: Austin State: Tx. Zip: 78702

Phone (will be public information): 512-803-1100

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: Adelaida J. Rodriguez Date: 12/08/2017

Owner Name (typed or printed): Adelaida J. Rodriguez

Owner Mailing Address: 2111 E. 9th St.

City: Austin State: Tx. Zip: 78702

Phone (will be public information): 512-803-1100

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).

The reason I am requesting a variance for my property is because I am selling it. I have had a few deals fall through because of the small shortage of feet needed on my lot to build a 2nd dwelling. which seems to

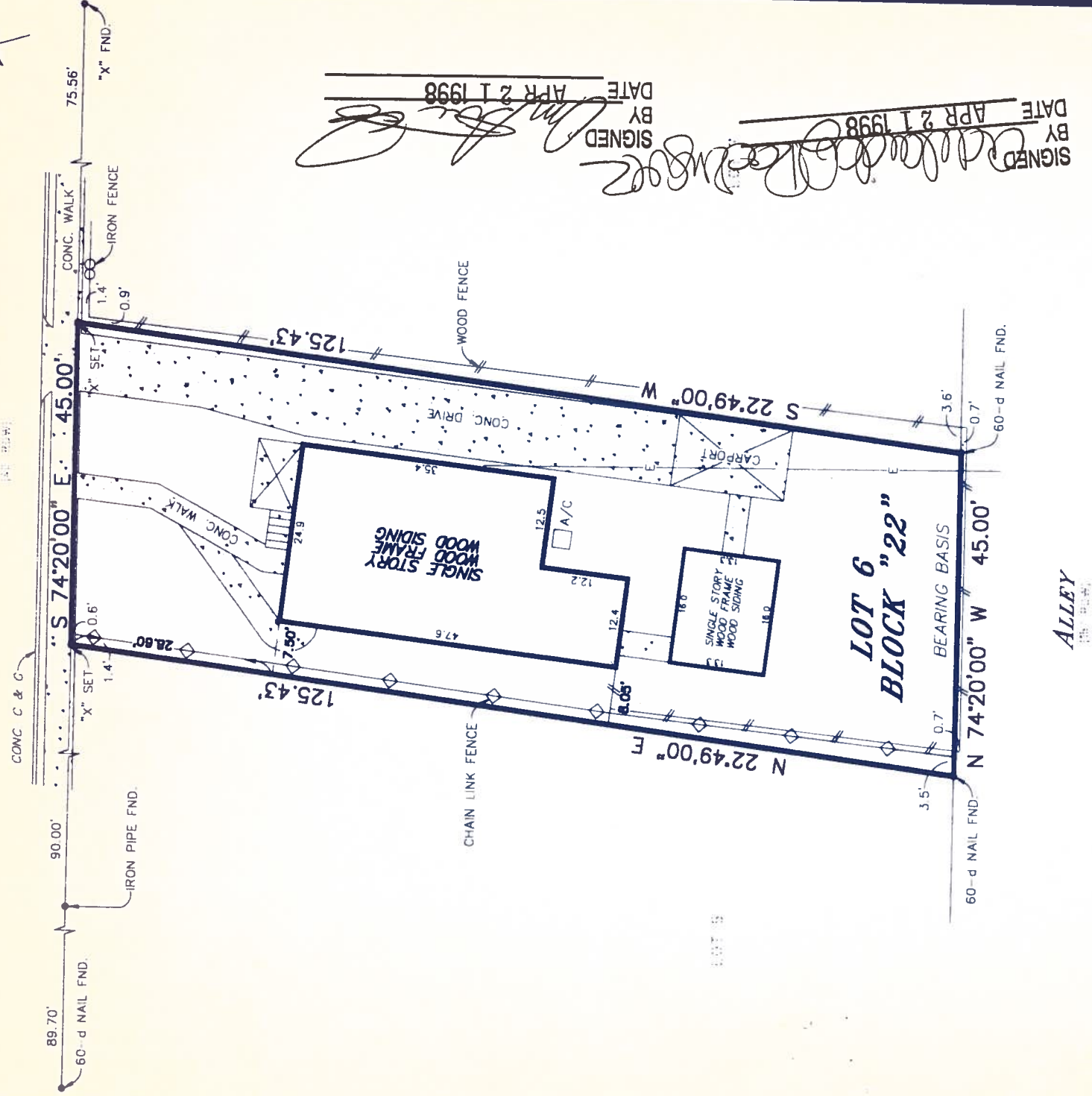
Additional Space (continued)

be the new trend in my neighborhood and has been for the last 10 yrs. I believe I'm one of maybe 4 other houses on my block that is still living in the house originally built on the lot. My house was built in 1930 and is in need of major repair. People have come and seen the property and they all say the same thing and they all seem to have the same plan. To demo the existing home and build a new family home ^{single} but with a 2nd dwelling. Because that is what the majority lots have in my neighborhood now. But because my lot is short a small amount of feet to build a 2nd dwelling no one seems to be interested. My house is old and like I said is in need of major repair something that I will not be able to do. That is why I'm asking for a variance to give someone the opportunity who has the capability to come into a fast changing neighborhood and build new. Someone who can contribute and make a difference in making the neighborhood better. The shortage of feet needed on my lot for a 2nd dwelling is very small. If granted the variance future owner will build a new single family home with a 2nd dwelling.

Thank You,
Adelaida Rodriguez



EAST NINTH STREET
(NINTH STREET PER PLAT)



Survey No. **98613**

PLAT OF SURVEY

SCALE: 1" = 20'

GF 98015757

Said lot is/is not in a special flood hazard area as identified by the Federal Emergency Management Agency on Community Panel No. **48453C_0165E** (ZONE X) Dated: **JUNE 16, 1993**

All corners are iron rod found unless otherwise noted. To the lien holders and/or the owners of the premises surveyed.



LOT NO **6** BLOCK NO **"22"**
 ADDITION OR SUBDIVISION **GRANDVIEW PLACE, VOLUME 3, PAGE 17**
 STREET ADDRESS **2111 EAST 9th STREET** COUNTY **TRAVIS**
 SURVEY FOR **MEIER MORTGAGE, INC.** CITY **AUSTIN**
 TO **ALAMO TITLE COMPANY & ALAMO TITLE INSURANCE OF TEXAS** REFERENCE **RODRIGUEZ & OYUELA**
 STATE OF TEXAS, COUNTY OF TRAVIS

I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS MADE THIS DAY ON THE GROUND AND IS TRUE AND CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, ENCROACHMENTS, SHORTAGES IN AREA, ENCROACHMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCESS TO A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

SNS ENGINEERING, INC.
 12466 Los Indios Trail, Suite 101
 Austin, Texas 78729

(512) 335-3944 * (512) 250-8685 (Fax)

JM

261/38

Date: 04-14-98

[Signature]

008/9

008/10

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 website:

www.austintexas.gov/department/development-services

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: C15-2018-0003, 2111 E. 9th St.

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

Public Hearing: Board of Adjustment, Mon January 8th, 2018

I am in favor
 I object

Benjamin Gomez
Your Name (please print)

2208 E. 9th Austin TX 78702
Your address(es) affected by this application

[Signature]
Signature

1/4/18
Date

713-858-4087
Daytime Telephone:

Comments:

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be sent 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 to the hearing to be seen by the Board at this hearing.)

Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

008/11

0003 H5

Lots With 2 Residences Within A Block Radius



2110 E. 9th St.



2115 E. 9th St.



2203 E. 9th St.

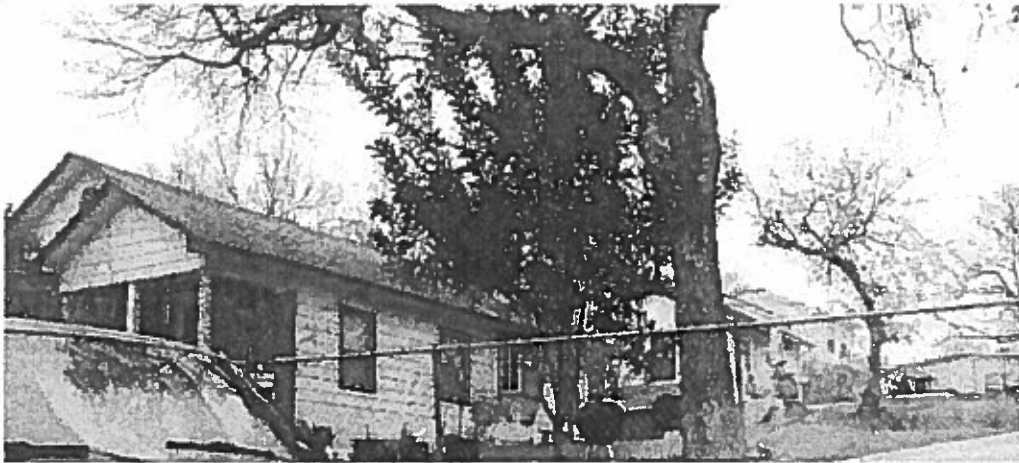


2209 E. 9th St.



2211 E. 9th St.

Lots With 2 Residences Within A Block Radius



2108 E. 8th St.

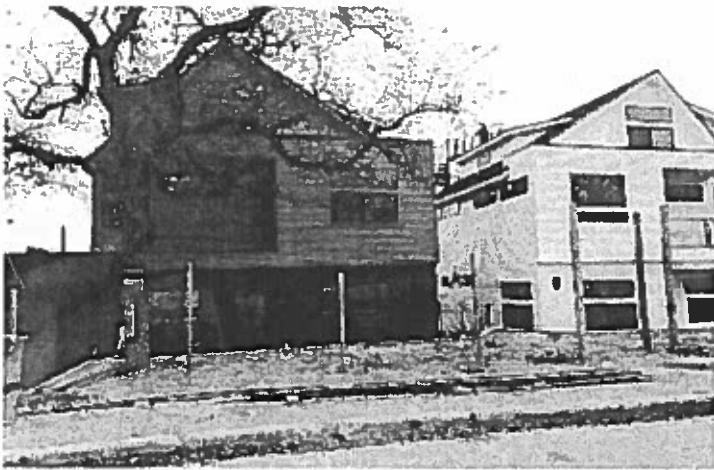


2111 E. 8th St.

New Construction



2014 E. 9th St.



2109 E. 8th St.



2107 E. 8th St.