

STATE OF TEXAS:

COUNTY OF TRAVIS:: KNOW ALL MEN BY THESE PRESENTS:

THE WE, B. W. MEIER, AND WIFE, ILENE MEIER, OWNERS OF LOT NO. 1, IN BLOCK NO. 4, OF ROSEDOWN, A RESUB-DIVISION OF BLOCK NO. 1, 4, 5 AND LOTS NOS. 1, 2, 3, 4 AND 5, IN BLOCK NO. 9, AND LOTS NOS. 1, 2, 3, 4 AND 5, IN BLOCK NO. 11, OF ROSEDOWN, IN THE CITY OF AUSTIN TRAVIS COUNTY, TEXAS ACCORDING TO A PLAT OF RECORD IN BOOK 4, PAGE 87, OF THE PLAT REC-RDS OF TRAVIS COUNTY TEXAS DO HEREBY ADOPT THIS AS OUR SUBDIVISION THEREOF TO BE KNOWN AS

I. L E N E M E I E R S U B D I V I S I O N

AND DO HEREBY DEDICATE TO THE PUBLIC ALL EASEMENTS
SHOWN HEREON.

WITNESS OUR HANDS ON THIS THE 14th DAY OF

June A. D. 1960

B. W. Meier Helen Meier

APPROVED FOR ACCEPTANCE June 28, 1960.

Hoyle M. Osborne HOYLE M. OSBORNE
DIRECTOR OF PLANNING

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING
COMMISSION OF THE CITY OF AUSTIN, *June 28, 1960.*

W. Dale Lewis, David B. Bannett

STATE OF TEXAS::

COUNTY OF TRAVIS::

I, EMILIE LIMBERG, COUNTY CLERK OF TRAVIS COUNTY,
TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRU-
MENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION,

WAS FILED FOR RECORD IN MY OFFICE ON THE 29

DAY OF June A. D. 1960 AT 2²⁵ O'CLOCK P M.,

AND FULLY RECORDED ON THE 29 DAY OF

June A. D. 1960 AT 2:30⁰ CLOCK *P* M., IN THE PLAT
RECORDS OF SAID COUNTY, IN BOOK 11, PAGE 48.

WITNESS MY HAND AND SEAL OF OFFICE ON THE DAY LAST

WRITTEN ABOVE.

EMILIE LIMBERG, COUNTY CLERK, TRAVIS COUNTY,
TEXAS.

BY Elise Pratt DEPUTY

OK S&W Sewer & Water 5/15/60
OK H&G Electric 6/15/60
OK Drainage ELM 6-15-60
OK Eng'g 6-15-60
OK Plumb 6-15-60
OK Elec 6-15-60
OK Gas 6-15-60
OK H&G Sewer & Water 6/15/60

STATE OF TEXAS::

COUNTY OF TRAVIS::

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED B. W. MEIER KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SIGNED TO THE FOREGOING INSTRUMENT, AND HE ACKNOWLEDGED THAT HE SIGNED IT FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED, AND ILENE MEIER, HIS WIFE, AND SHE HAVING BEEN QUESTIONED SEPARATELY AND APART FROM HER HUSBAND, AND HAVING THE SAME FULLY EXPLAINED, SHE ACKNOWLEDGED THAT SHE SIGNED IT FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED, AND THAT SHE DID NOT WISH TO RETRACT IT.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS

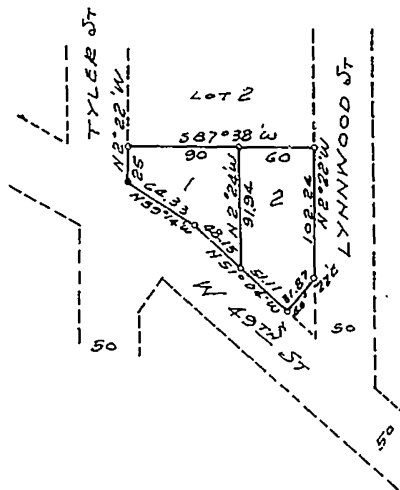
THE 14TH DAY OF JUNE A. D. 1966

Tracy Robinson
NOTARY PUBLIC, TRAVIS COUNTY, TEXAS.

JUNE 8, 1966

I HEREBY CERTIFY THAT I SURVEYED
THE PROPERTY HEREON SHOWN AND SUB-
DIVIDED IT IN ACCORD WITH THE OR-
DIVANCES OF THE CITY OF AUSTIN,
TRAVIS COUNTY TEXAS.

DOAK RAINEY, P. S. AND P. E.



ILENE MEIER SUBDIVISION

SCALE 1" = 100'

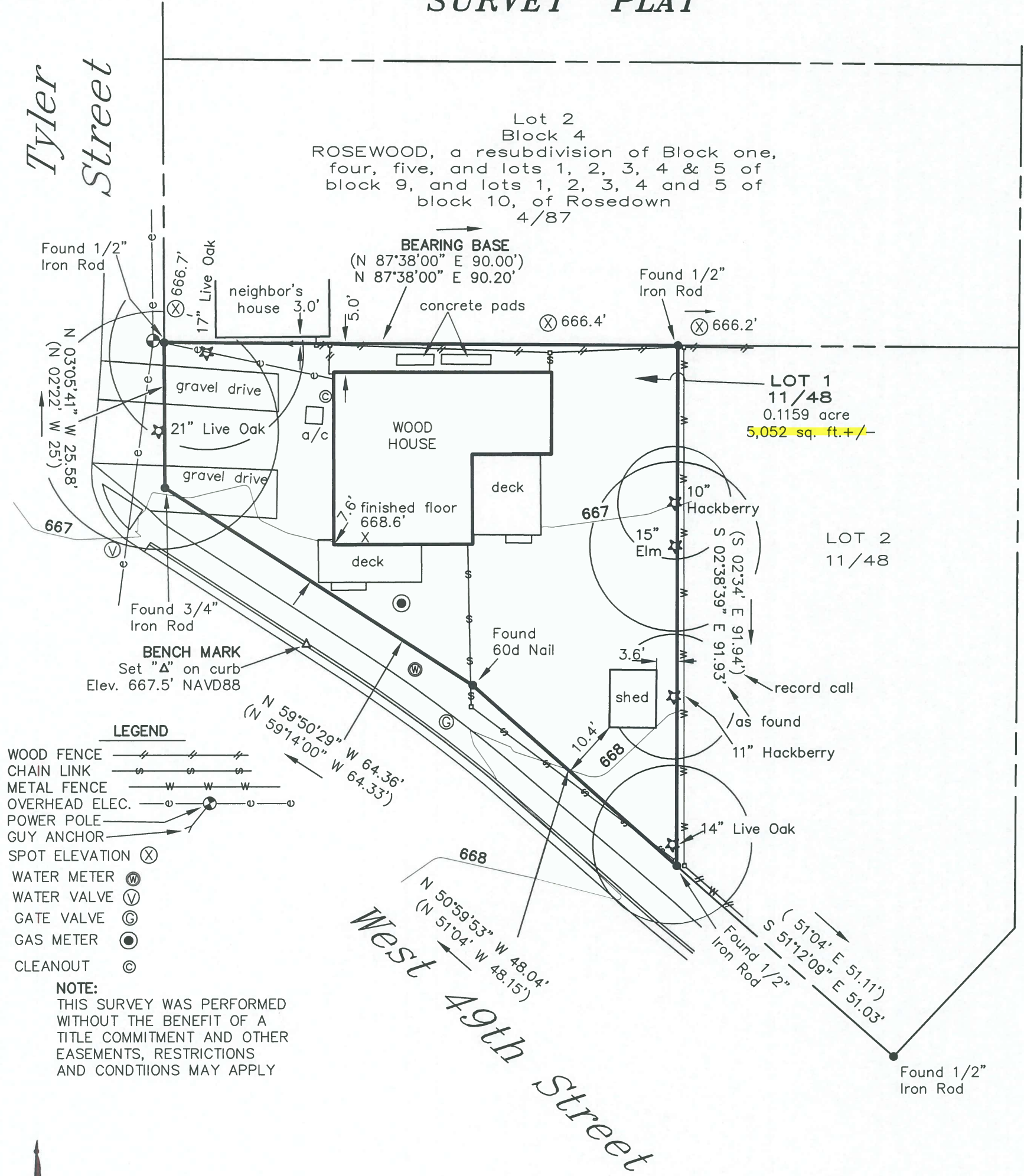
0 IRON STAKE

C85-60-65

ADDRESS:
2202 West 49th Street, 78756

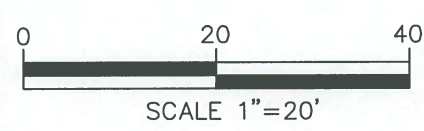
Waterloo Surveyors Inc.
SURVEY PLAT

J16169TT



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.

LEGAL DESCRIPTION:
LOT 1, ILENE MEIER SUBDIVISION, A ADDITION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 11, PAGE 48, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.



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 1B,3,6 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 flood hazard boundary map revised as per Map Number: 48453C0455J

Zone: X Dated: 01/06/2016
Dated this the 19TH day of JUNE, 2020.

Thomas P. Dixon R.P.L.S. 4324



§ 25-2-941 - NONCONFORMING USE DEFINED.

NONCONFORMING USE means a land use that does not conform to current use regulations, but did conform to the use regulations in effect at the time the use was established.

Source: Section 13-2-331; Ord. 990225-70; Ord. 031211-11.

§ 25-2-942 - USES CONFORMING ON MARCH 1, 1984.

The use of a building, structure, or property that conformed with the zoning regulations in effect on March 1, 1984 is a conforming use notwithstanding the requirements of this chapter.

Source: Section 13-2-340; Ord. 990225-70; Ord. 031211-11.

§ 25-2-943 - SUBSTANDARD LOT.

- (A) A substandard lot may be used for a nonresidential use that is permitted in the zoning district in which the lot is located if, except for minimum lot area, the use and development complies with the requirements of this title.
- (B) A substandard lot may be used for a single-family residential use if the use is permitted in the zoning district in which the lot is located and the lot complies with the requirements of this subsection.
 - (1) A substandard lot recorded in the county real property records before March 15, 1946 must:
 - (a) have an area of not less than 4,000 square feet; and
 - (b) be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is:
 - (i) not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot;
 - (ii) not more than 150 feet in length; and
 - (iii) maintained for access by the property owner.
 - (2) A substandard lot recorded in the county real property records after March 14, 1946 must:
 - (a) have an area of not less than 5,750 square feet; and
 - (b) be not less than 50 feet wide at the street or at the building line.
- (C) If a substandard lot is used with one or more contiguous lots for a single use or unified development, the requirements of this chapter apply to the aggregation of lots as if the aggregation were a single lot.
- (D) 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 requirement.

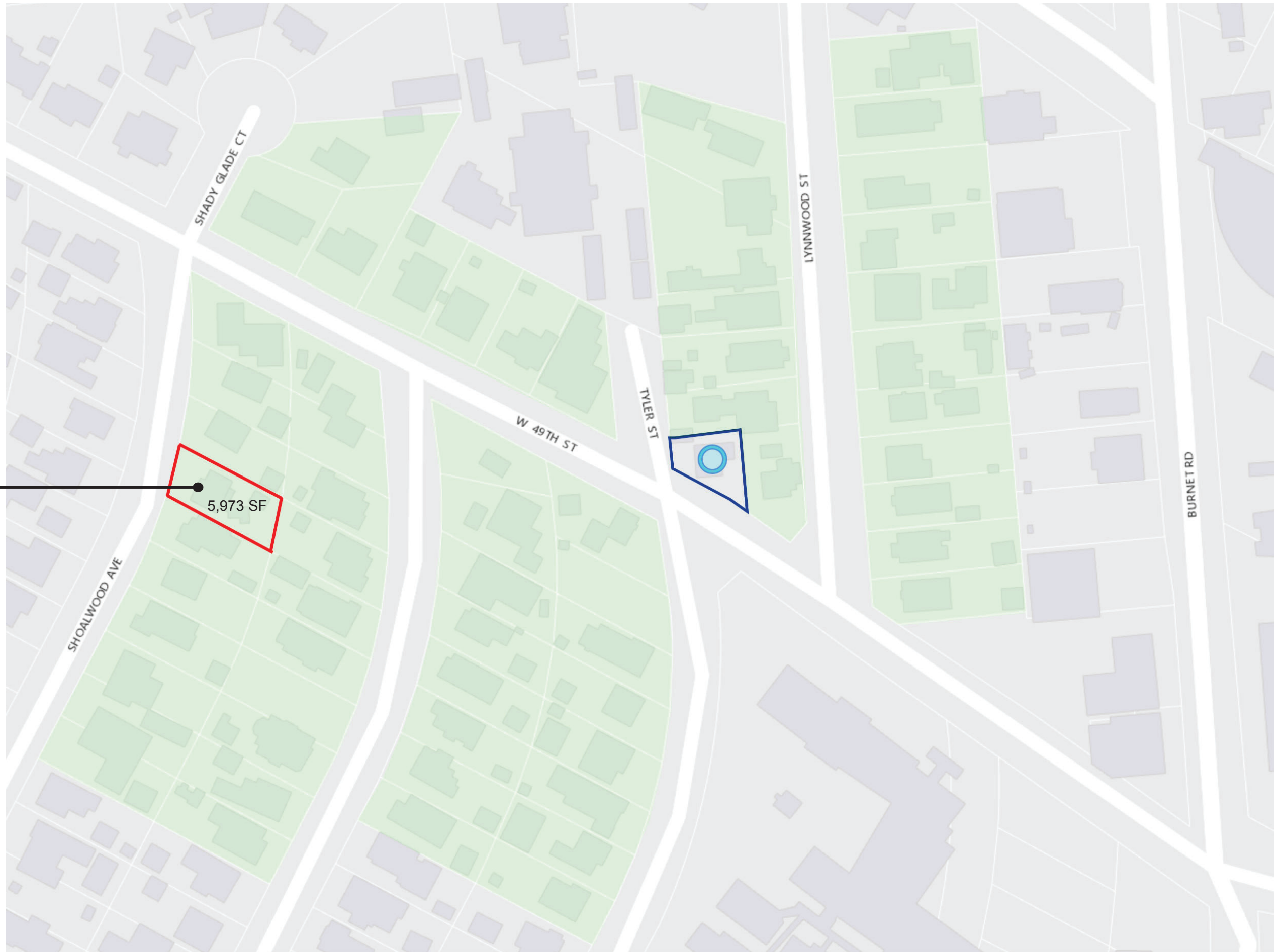
Source: Sections 13-2-334, 13-2-335, and 13-2-336; Ord. 990225-70; Ord. 031211-11; Ord. 20070726-131.

§ 25-2-947 - NONCONFORMING USE REGULATION GROUPS.

- (A) A Group "A" nonconforming use must comply with the regulations described in this subsection.
- (1) Except as provided in Subsections (B)(1) and (2), a Group "A" nonconforming use must comply with Group "B" nonconforming use regulations.
 - (2) A person shall discontinue a nonconforming use not later than 10 years after the date the use becomes nonconforming, if the use occurs:
 - (a) outside a structure; or
 - (b) in a structure valued at less than \$10,000.
 - (3) Maintenance or improvement of a structure is limited to that required by law to comply with minimum health and safety requirements. The value of an improvement described in this paragraph may not be used in determining the value of a structure.
- (B) A Group "B" nonconforming use must comply with the regulations described in this subsection.
- (1) A person may continue a nonconforming use and maintain an associated structure, except the person may not:
 - (a) increase the floor space or site area of a nonresidential use; or
 - (b) make a change that increases the amount of required off-street parking.
 - (2) A person may improve, enlarge, or structurally alter a structure if the cost does not exceed 20 percent of the value of the structure before the improvement.
 - (3) An improvement required by law to meet minimum health and safety requirements, or an improvement to a portion of a structure used solely for a conforming use may not be used in determining valuations under Subsection (B).
- (C) A Group "C" nonconforming use must comply with the regulations described in this subsection.
- (1) A person may continue a nonconforming use and maintain an associated structure.
 - (2) A person may expand the portion of a structure or site that is used for a nonconforming use, except:
 - (a) an expansion of the portion of the site must be on the same lot and may occur only one time; and
 - (b) an expansion may not increase the required off-street parking to more than 120 percent of that required for the use on the later of March 1, 1984 or the date the use became nonconforming.
 - (3) If a structure is used for a nonconforming conditional use that the Land Use Commission has not approved, a person may annually expend not more than 20 percent of the value of the structure to improve, enlarge, or structurally alter the structure.
- (D) A Group "D" nonconforming use must comply with the regulations described in this subsection.
- (1) A Group "D" nonconforming use must comply with Group "C" nonconforming use regulations.
 - (2) A nonconforming conditional use approved by the Land Use Commission may be replaced by a similar nonconforming conditional use if the Land Use Commission:
 - (a) reviews traffic generation, noise, hours of operation, number of employees, and other appropriate performance measures;
 - (b) determines that the replacement use will not more adversely affect surrounding uses than does the original use; and
 - (c) approves the replacement use.
- (E) Except as provided in Subsections (A)(3) and (B)(3), the value of a structure is the value established by the tax appraisal district.

Source: Sections 13-1-333 and 13-2-344; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

Next smallest SF-3 lot
within 500 ft of
2202 W 49th Street





South Elevation - view from W 49th Street



East Elevation



North Elevation



West Elevation - view from Tyler Street

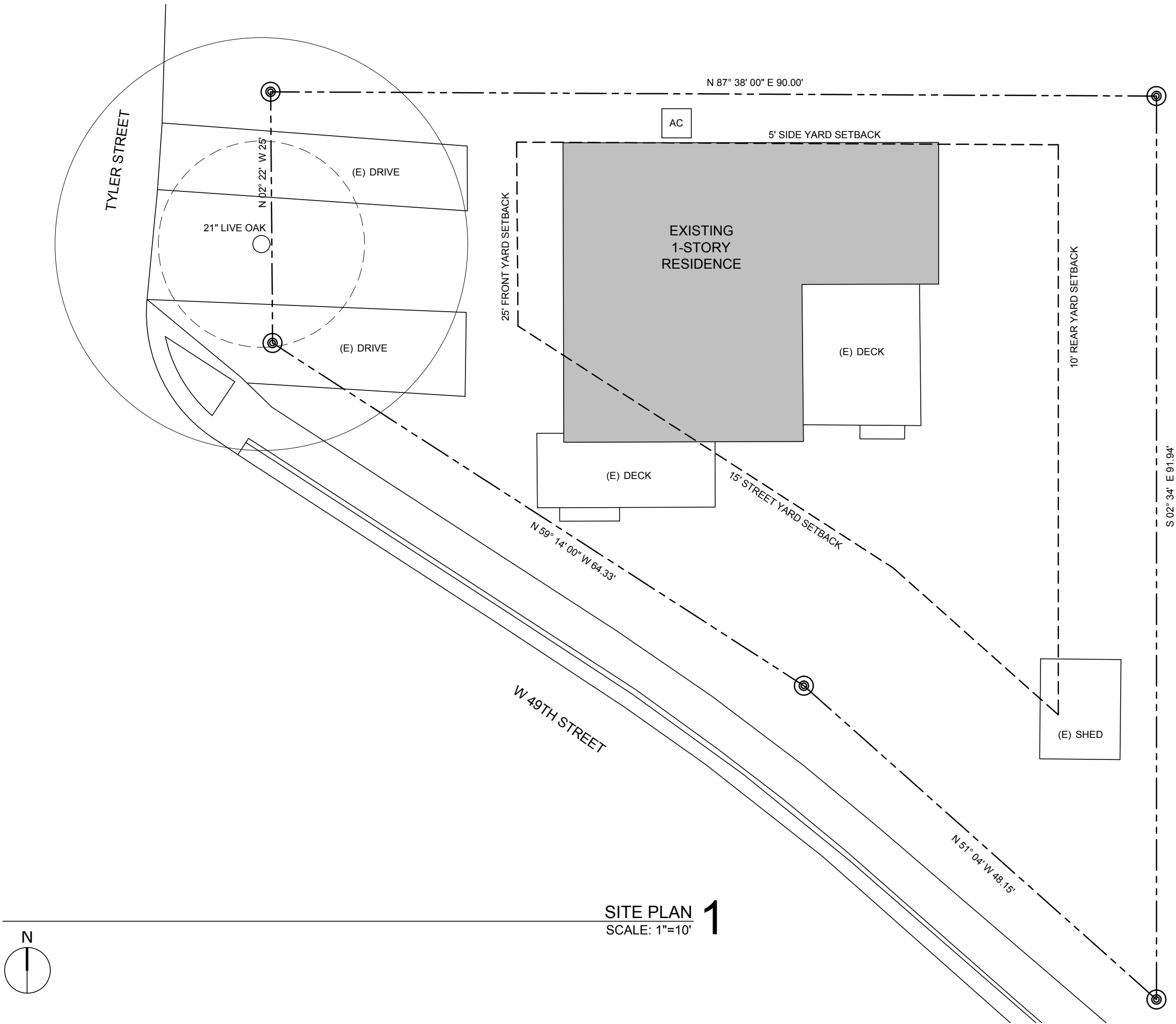


PLUCK ARCHITECTURE
HARMONY GROGAN, AIA
1608 TREADWELL STREET
AUSTIN, TX 78704
512-507-4096

NOT TO BE USED
FOR REGULATORY
APPROVAL,
PERMITTING, OR
CONSTRUCTION

PROJECT:
2202 W 49TH STREET
AUSTIN, TX 78756

DATE:
AUGUST 27, 2020



SITE PLAN 1
SCALE: 1"=10'

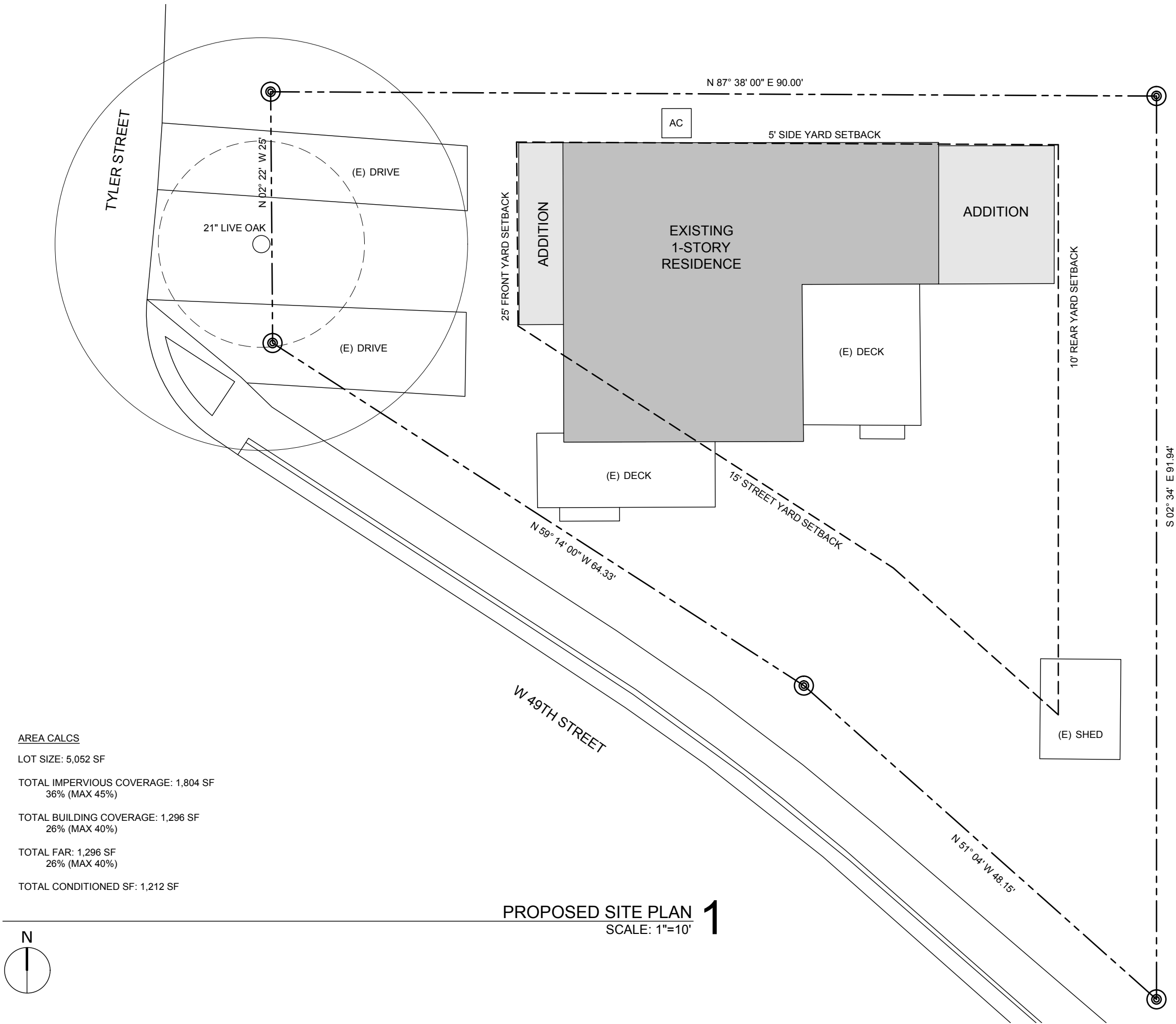


PLUCK ARCHITECTURE
HARMONY GROGAN, AIA
1608 TREADWELL STREET
AUSTIN, TX 78704
512-507-4096

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APPROVAL,
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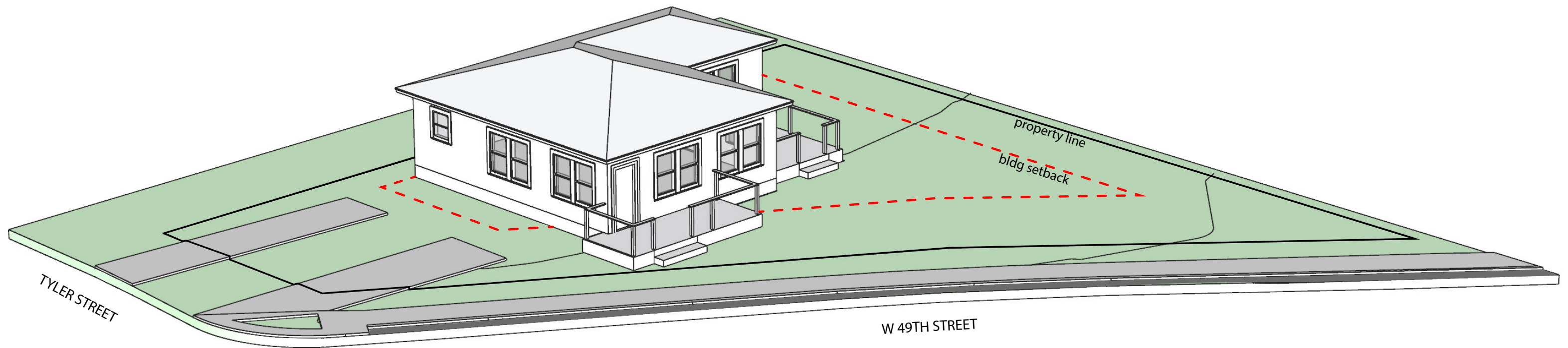
PROJECT:
2202 W 49TH STREET
AUSTIN, TX 78756

DATE:
AUGUST 27, 2020





Not to be used for permitting or construction.



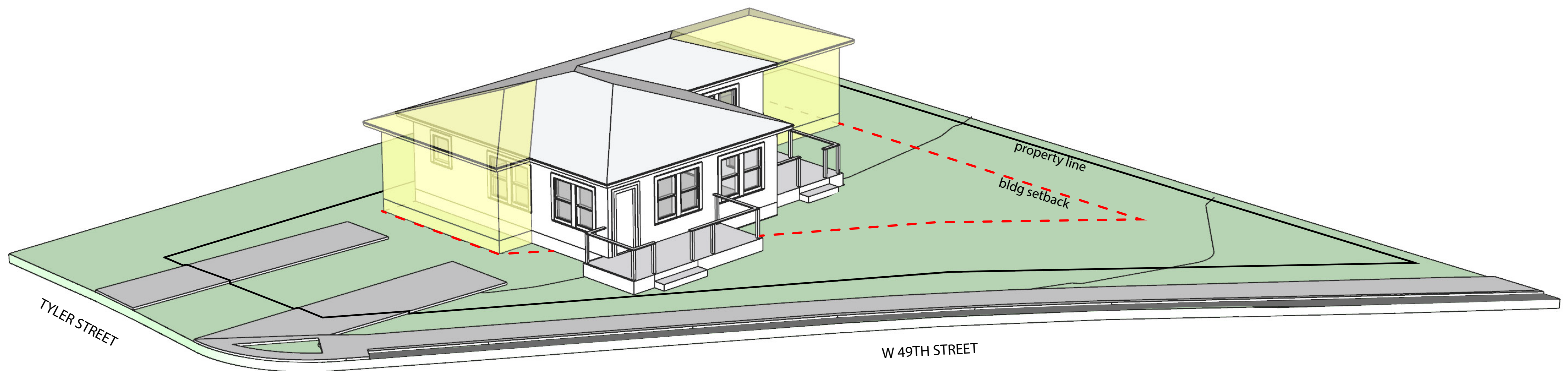
EXISTING

Roof Ridge HT: 13'-0"

D-1/22



Not to be used for permitting or construction.



PROPOSED

Roof Ridge HT: 13'-0"

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2020-0042

BOA DATE: September 14th, 2020

ADDRESS: 2202 W. 49th St

COUNCIL DISTRICT: 7

OWNER: Jessie Patton-Levine

AGENT: Harmony Grogan

ZONING: SF-3

LEGAL DESCRIPTION: LOT 1 MEIER ILENE SUBD

VARIANCE REQUEST: exceed the 20% value of structure before improvements for a Nonconforming use

SUMMARY: remodel and addition to existing residence

ISSUES: small lot size

	ZONING	LAND USES
<i>Site</i>	SF-3	Single-Family
<i>North</i>	SF-3	Single-Family
<i>South</i>	SF-3	Single-Family
<i>East</i>	SF-3	Single-Family
<i>West</i>	SF-3	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 Bull Creek Road Coalition
 Central Austin Community Development Corporation
 Central Austin Urbanists
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Lower District 7 Green
 Neighborhood Empowerment Foundation
 North Austin Neighborhood Alliance
 Preservation Austin
 Rosedale Neighborhood Assn.
 SELTexas
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group



August 25, 2020

Harmony Grogan
2202 W 49th St
Austin TX, 78756

Property Description: LOT 1 MEIER ILENE SUBD

Re: C15-2020-0042

Dear Harmony,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the following section of the Land Development Code;

Section 25-2-947 (*Nonconforming Use Regulation Groups*) (B) (2)

to increase the improvement value from 20% of \$69,983 (allowed) to \$150,000 (requested);

In order to complete a remodel and addition to an existing single-family residence being in a "SF-3-NP" Single-Family Residence zoning district and the Rosedale Neighborhood planning area.

Austin Energy does not oppose the above variance request provided any proposed and existing improvements follow Austin Energy's clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners /applicants' expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action: <https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>

If you require further information or have any questions regarding the above comments, please contact our office.

Thank you for contacting Austin Energy.

Eben Kellogg, Property Agent

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2020-0042

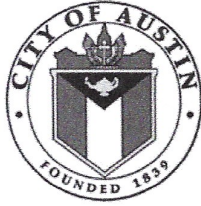
LOCATION: 2202 W 49th St

1" = 333'

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.





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 # _____

Section 1: Applicant Statement

Street Address: 2202 W 49th Street, Austin, TX 78756

Subdivision Legal Description:

LOT 1, ILENE MEIER SUBDIVISION

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

Outlot: _____ Division: _____

Zoning District: SF-3

I/We Harmony Grogan, AIA on behalf of myself/ourselves as
authorized agent for Jessie Patton-Levine affirm that on
Month August, Day 6, Year 2020, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☒ Remodel ☐ Maintain ☐ Other: Addition

Type of Structure: Single story residence

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

I am requesting a variance from the LDC 25-2-947(B)(2) Nonconforming Use for SF-3 residential property "a person may improve a structure if costs do not exceed 20% of the value of the structure before improvements" (per TCAD \$13,996) to \$150,000 to allow for an interior remodel and addition of 270 SF.

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 5,025 SF lot was subdivided in 1960 and is therefore a nonconforming use. Per LDC 25-2-947(B)(2), the existing 942 SF residence can only make improvements with costs capped at 20% of the value of the structure. TCAD lists the value as \$69,983, limiting any improvement costs beyond minimum health and safety measures to \$13,996. This limitation makes all but the smallest renovations or improvements impossible.

Hardship

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

The property is only 5,025 SF and therefore no improvements beyond minimum health and safety measures are allowed.

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

The property's small size is unique as surrounding SF-3 lots are larger and above the minimum lot size of 5,750 SF. The existing residence is in need of renovation and is only 942 SF, which is far less than the allowable square footage on neighboring lots.