

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2023-0043

**BOA DATE:** November 13<sup>th</sup>, 2023

**ADDRESS:** 1904 Chicon St

**COUNCIL DISTRICT:**

**OWNER:** 1904 Chicon St LLC

**AGENT:** Thrower Design - Ron Thrower

**ZONING:** CS-NP (Upper Boggy Creek)

**LEGAL DESCRIPTION:** S 49.66FT OF LOT 5-6 BLK 4 DIV B JOHNS C R SUBD

**VARIANCE REQUEST:** decrease the minimum lot width from 50 feet to 49 feet

**SUMMARY:** construct a surface parking lot

**ISSUES:** lot is not legally platted; insufficient roadway frontage

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-NP	General Commercial Services
<i>North</i>	MF-3-NP	Multi-Family
<i>South</i>	CS-NP	General Commercial Services
<i>East</i>	MF-3-NP; CS-1-MU-V-CO-NP	Multi-Family; General Commercial Services-Mixed Use-Vertical Mixed-Use
<i>West</i>	MF-3-NP	Multi-Family

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Blackland Neighborhood Assn.  
 Del Valle Community Coalition Non- Profit  
 East Austin Conservancy  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Preservation Austin  
 SELTexas  
 Upper Boggy Creek Neighborhood Planning Team



November 1, 2023

A. Ron Thrower  
P.O. Box 41957  
Austin, TX 78704

Property Description: S 49.66FT OF LOT 5-6 BLK 4 DIV B JOHNS C R SUBD

**Re: C15-2023-0043**

Dear Ron,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance request from LDC Section 25-2-492 at 1904 Chicon St.

**Austin Energy does not oppose the request**, provided that any proposed or existing improvements follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

[https://library.municode.com/tx/austin/codes/utilities\\_criteria\\_manual?nodeId=S1AUENDECR\\_1.10.0CLSARE](https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE)

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

**Cody Shook, Planner III**

Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6881  
[Cody.Shook@austinenenergy.com](mailto:Cody.Shook@austinenenergy.com)



# Board of Adjustment General/Parking Variance Application

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)  
For submittal and fee information, see [austintexas.gov/digitaldevelopment](http://austintexas.gov/digitaldevelopment)

**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 # **C15-2023-0043** ROW # **13219459** Tax # **0211091704**

## Section 1: Applicant Statement

Street Address: 1904 Chicon Street

Subdivision Legal Description:

DIV B JOHNS C R SUBD

Lot(s): 5-6

Block(s): 4

Outlot: \_\_\_\_\_

Division: B

Zoning District: CS-NP (Upper Boggy Creek NP)

**Council District: 1**

I/We Thrower Design, LLC (Ron Thrower & Victoria Haase) on behalf of myself/ourselves as authorized agent for 1904 Chicon St LLC affirm that on Month October, Day 3, Year 2023, 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: Surface parking lot

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

25-2-492 - Site Development Regulations (D) - to reduce the minium lot width from 50ft (required) to 49ft (requested) for a CS zoned property.

## 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 Property does not meet the minimum lot width requirement of the CS zoning district and the property is not legally platted but rather is the result of an unplatted land division that occurred after the City's jurisdiction over subdivisions in this area, thus rendering the property ineligible for an exemption from platting without a variance. State law requires an exemption from platting for construction to be approved; without the requested exemption, no development can occur on the property, rendering the property useless.

### Hardship

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

Most properties in the vicinity maintained configuration of the original platte lot and therefore have dimensions that comply with established site development parameters such as lot width and lot size, etc. This property is one of few that has been denied the ability to achieve legal status through the platting process due to insufficient roadway frontage (less than 50ft).

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

Most properties in the vicinity maintained the configuration according to the original plat and therefore have dimensions that comply with established site development parameters such as lot width and lot size, etc. This property is one of few that has been denied the ability to achieve a legal status through the platting process due to insufficient roadway frontage (less than 50ft).



**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:

the lot has been in the current configuration for decades, contributing to the established character of the area. The requested variance will maintain existing, established character.

**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:

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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:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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**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: A. Ron Thrower Date: 10/03/2023

Applicant Name (typed or printed): A. Ron Thrower

Applicant Mailing Address: P.O. Box 41957

City: Austin State: Texas Zip: 78704

Phone (will be public information): [REDACTED]

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: [Signature] Date: 10/03/2023

Owner Name (typed or printed): 1904 Chicon St. LLC

Owner Mailing Address: 1814 E MLK Jr Blvd

City: Austin State: Tx Zip: 78704

Phone (will be public information): [REDACTED]

Email (optional – will be public information): [REDACTED]

**Section 5: Agent Information**

Agent Name: Same as "Applicant" above.

Agent Mailing Address:

City:  State:  Zip:

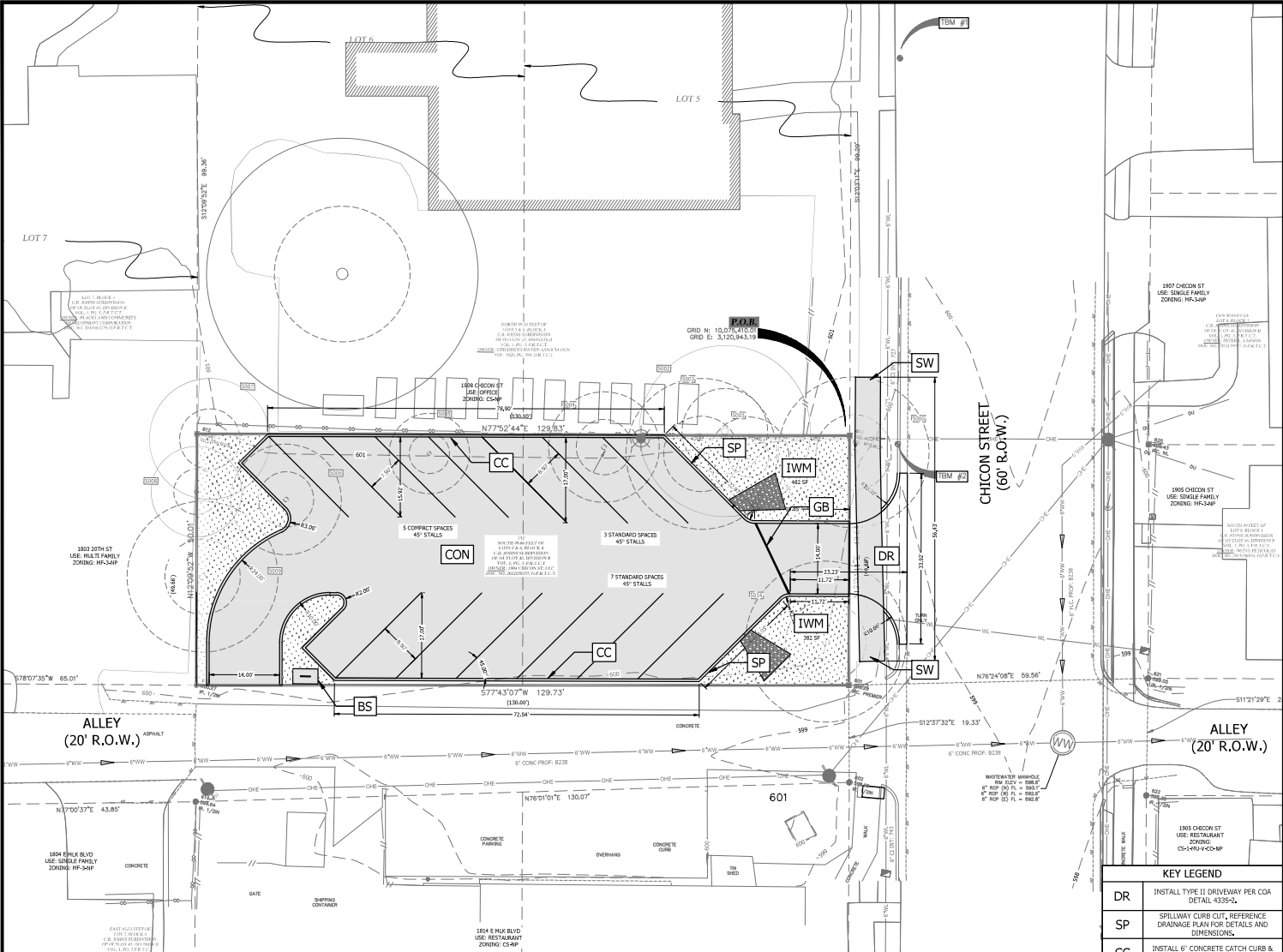
Phone (will be public information):

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).





**LEGEND**

- BOUNDARY / RIGHT OF WAY
- OVERHEAD UTILITY LINE
- PROPOSED PERVIOUS COVER
- PROPOSED CONCRETE SIDEWALK
- PROPOSED OVERHEAD UTILITY
- PROPOSED ELECTRIC MANHOLE
- PROPOSED STORM MANHOLE
- PROPOSED AE TRANSFORMER
- TREE TO REMAIN
- TREE TO BE REMOVED

**GENERAL NOTES:**

- SURFACE ALONG ACCESSIBLE ROUTES MUST BE STABLE, FIRM, AND SLIP RESISTANT.
- ALL PARKING SURFACE SHALL BE 6" CONCRETE PAVEMENT ON 6" COMPACTED SUBGRADE PER GEOTECH.
- COMPLIANCE WITH THE COMMERCIAL AND MULTI-FAMILY RECYCLING ORDINANCE IS MANDATORY FOR MULTI-FAMILY COMPLEXES AND BUSINESSES AND OFFICE BUILDINGS.
- EACH COMPACT PARKING SPACE/ISLE WILL BE SIGNED "SMALL CAR ONLY". THE MIRRORRED GLASS WITH A REFLECTANCE GREATER THAN 20 PERCENT IS PROHIBITED.
- APPROVAL OF THESE PLANS BY THE CITY OF AUSTIN INDICATES COMPLIANCE WITH APPLICABLE CITY REGULATIONS ONLY. COMPLIANCE WITH ACCESSIBILITY STANDARDS SUCH AS THE 2010 STANDARDS FOR ACCESSIBLE DESIGN OR THE 2012 TEXAS ACCESSIBILITY STANDARDS WAS NOT VERIFIED. THE APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE ACCESSIBILITY STANDARDS.
- SLOPES ON ACCESSIBLE ROUTES MAY NOT EXCEED 1:20 UNLESS DESIGNED AS A RAMP [ANSI 403.2].
- ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50. [ANSI 403.2].
- ACCESSIBLE PARKING SPACES MUST BE LOCATED ON A SURFACE WITH A SLOPE NOT EXCEEDING 1:50. [ANSI 502.5].
- NONE OF THE ON-STREET SPACES ARE RESERVED FOR THE DEVELOPMENT AND MAY BE USED BY ANY MEMBER OF THE PUBLIC. THE DEVELOPER MUST BE AWARE THAT THEY CAN COUNT ON-STREET SPACES AT THEIR OWN RISK; THE SPACES MAY BE REMOVED AT ANY TIME FOR ANY REASON AND THE CITY OF AUSTIN WILL NOT RELOCATE THE DISPLACED ON-STREET PARKING. IN ADDITION, IF THE ADJOINING STREET APPLIES FOR AND RECEIVES RESIDENTIAL PERMIT PARKING, THE PARKING FOR THE DEVELOPMENT WILL NOT COUNT AS RESIDENTIAL PARKING AND THE RESIDENTS WILL NOT RECEIVE RESIDENTIAL PARKING PERMITS.
- THIS SITE IS COMPOSED OF 3 LOTS/TRACTS. IT HAS BEEN APPROVED AS ONE COESIVE DEVELOPMENT. IF PORTIONS OF THE LOTS/TRACTS ARE SOLD, APPLICATION FOR THE SUBDIVISION AND SITE PLAN APPROVAL MAY BE REQUIRED.
- EACH COMPACT SPACE/ISLE WILL BE SIGNED "SMALL CAR ONLY".
- ON-STREET PARKING COUNTED TOWARDS PARKING REQUIREMENTS REMAIN OPEN TO THE PUBLIC AND MAY NOT BE RESERVED FOR SOLE USAGE OF THE ADJOINING DEVELOPMENT. THE ADJACENT ON-STREET PARKING MAY BE REMOVED AT ANY TIME FOR ANY REASON AND THE DEVELOPER CANNOT COUNT THE SPACES AT THEIR OWN RISK. THERE WILL BE NO COMPENSATION FOR THE REMOVAL OF ON-STREET PARKING, COMMERCIAL ZONES, OR LOADING AREAS. SIGNAGE SHALL BE PROVIDED INDICATING OFF-SITE PARKING AS FOLLOWS: ONE SIGN SHALL BE PROVIDED AT THE OFF-SITE PARKING INDICATING THE PROPERTY OR USE WHICH IT SERVES, AND ONE SIGN SHALL BE PROVIDED ON THE SITE OF THE USE SERVED INDICATING THE LOCATION OF THE OFF-SITE PARKING.
- LEASED PARKING SPACES SHALL BE USED MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8AM AND 6PM FOR THE ADJACENT OFFICE USE DEVELOPMENT. REFERENCE 2022-0164289 DA FOR DETAILS.

Site Data Table		
SITE AREA	6,466.01 SQFT	0.148 AC.
EXISTING LAND USE	Vacant	
PROPOSED LAND USE	COMMERCIAL OFF-STREET PARKING	
ZONING	CS-NP	
MIN. SITE AREA	ALLOWABLE	PROPOSED
GROSS FLOOR AREA	5,750 SF	6,466.01 SF
BUILDING HEIGHT	12,932 SF	0 SF
F.A.R.	2:1 (12,932 SF)	0:1 (0 SF)
BUILDING COVERAGE	95% (6,142.7 SF)	0% (0 SF)
IMPERVIOUS COVER	95% (6,142.7 SF)	80% (5,172.8 SF)
FOUNDATION TYPE	N/A	

PARKING SUMMARY TABLE			
LAND USE	QUANTITY (SQFT)	PARKING RATIO	REQUIRED SPACES
COMMERCIAL OFFSITE PARKING	5,173	N/A	0.0
TOTAL	5,173		
TOTAL PARKING REQUIRED			
ON-SITE PARKING PROVIDED			
ADA ACCESSIBLE PARKING			
COMPACT SPACES			
STANDARD PARKING			
TOTAL BIKE PARKING REQUIRED			
5% OF TOTAL REQUIRED PARKING			
BIKE PARKING PROVIDED			
STANDARD SPACES			

**SUBCHAPTER E NOTES:**

- ALL EXTERIOR LIGHTING WILL BE FULL CUT-OFF AND FULLY SHIELDED IN COMPLIANCE WITH SUBCHAPTER E 2.5 AND WILL BE REVIEWED DURING BUILDING PLAN REVIEW. ANY CHANGE OR SUBSTITUTION OF LAMP/LIGHT FIXTURES SHALL BE SUBMITTED TO THE DIRECTOR FOR APPROVAL IN ACCORDANCE WITH SECTION 2.5.2.6.

Figure 34: Examples of fully-shielded light fixtures.

KEY LEGEND	
DR	INSTALL TYPE II DRIVEWAY PER COA DETAIL 4335-2.
SP	SPILLWAY CURB CUT, REFERENCE DRAINAGE PLAN FOR DETAILS AND DIMENSIONS.
CC	INSTALL 6" CONCRETE CATCH CURB & GUTTER PER COA DETAIL 4305-1
GB	GRADE BREAK FOR DRAINAGE CONVEYANCE, REFERENCE GRADING DRAINAGE PLAN FOR DETAILS.
SW	APPROX. 50% OF COA STANDARD 5FT WIDE SIDEWALK PER DETAILS 4325-1
BS	CLASS III BICYCLE PARKING PER COA DETAIL 7105-1
CON	PROPOSED CONCRETE PARKING LOT
IWM	PROPOSED PERVIOUS AREA TO RECEIVE IMPERVIOUS RUNOFF. REFERENCE LANDSCAPE PLANS FOR DETAILS

DESCRIPTION

DATE

MILAN

1904 CHICON ST PARKING LOT  
1904 CHICON ST  
AUSTIN, TRAVIS COUNTY, TEXAS 78702

SITE PLAN

SHEET

10 OF 17

SP-2023-0000DT



## 1904 Chicon Street - BOA Application



Property

Addresses

Jurisdictions (No Fill)

Appraisal Districts

TCAD Parcels

Jurisdictions Fill

Jurisdiction

## Notes

10/3/2023

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C  
THE STATE OF TEXAS ( )

COUNTY OF TRAVIS ( ) KNOW ALL MEN BY THESE PRESENTS: that I, Euna Mae Taylor Berger joined herein by my husband, Oscar Berger, for and in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration to me in hand paid by D.C.Taylor, the receipt of which is hereby acknowledged and for the payment of which no lien of any character, either express or implied is retained against the herein conveyed property and for the further consideration of the execution and delivery by the said D.C.Taylor of his one certain promissory note bearing even date herewith in the principal sum of \$1000.00 payable to the order of Euna Mae Taylor Berger at Austin, Texas, on or before two years from the date thereof; said sum to bear interest at the rate of 5% per annum, interest payable annually; said note containing the usual acceleration and attorney's fee clauses, and secured by the vendor's lien herein retained; and for the further consideration of the assumption and promise to pay by the said D.C.Taylor of the balance due on that certain promissory note in the original principal sum of \$1000.00 executed by Grantors herein on September 19, 1946 payable to the order of Edmund Mortiz in monthly installments of twenty five (\$25.00) Dollars each and which note constitutes a first lien on the hereinafter described property and is more fully described in deed of trust of record in vol. 807, page 191-195 of the Travis County Deed Records; Grantee further agrees to keep the taxes paid on said property as they accrue and to keep the improvements situated thereon insured against loss by fire and/or windstorm in their highest insurable value with the loss

clause payable to the owner or holder of said note as her interests may appear;

Have granted, sold, and conveyed, and by these presents do grant, sell, and convey unto the said D. C. Taylor, of Travis County, Texas, all that certain lot, tract or parcel of land lying and being situated in the County of Travis, State of Texas, and more particularly described as follows; to-wit:

Being the South 49.66 feet of Lots Nos. Five and Six (6) in Block No. Four (5) of C. R. Johns Subdivision of Outlot No. Forty-Five (45) Division "B", in the City of Austin according to the map or plat of said subdivision of record in Vol. 1 Page 3 of the Plat Records of Travis County, Texas, and being a portion of the same property conveyed to Euna May Taylor by T. B. Paysinger, et ux by instrument dated July 2, 1928 and of record in Vol. 418, Page 637-638, Travis County Deed Records; said property fronting 49.66 feet on Chicon Street, City of Austin, and extending back from Chicon Street along an alley a distance of 130 feet.

To have and to hold the above described property together withall and singular the rights and appurtenances thereto in anywise belonging unto the said D. C. Taylor, his heirs and assigns forever, and we do hereby bind ourselves, our heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the said D. C. Taylor, his heirs and assigns against everyyperson whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed and understood that the vendor's lien is retained against the herein conveyed property until the notes above mentioned and described are fully paid off and discharged when and where upon this deed shall become absolute.

Witness our hands, this the 30th day of November, 1948.

No Rep. shown

Euna Mae Taylor Berger  
Oscar Berger

THE STATE OF TEXAS #  
COUNTY OF TRAVIS #

BEFORE ME, the undersigned authority, on this day personally appeared Oscar Berger and wife, Euna Mae Taylor Berger, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Euna Mae Taylor Berger, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Euna Mae Taylor Berger, acknowledged such instrument to be her act and deed and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this the 30 day of November, 1948.

(Notary Seal)

Ruby G. Carlisle  
Notary Public, Travis County Texas.

Filed for record Dec. 1, 1948 at 1:20 P. M. ----- Recorded Dec. 2, 1948 at 8:15 A. M.

C

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THE STATE OF TEXAS #  
COUNTY OF TRAVIS #

KNOW ALL MEN BY THESE PRESENTS:

Whereas, that certain vendor's lien and deed of trust note described as follows:

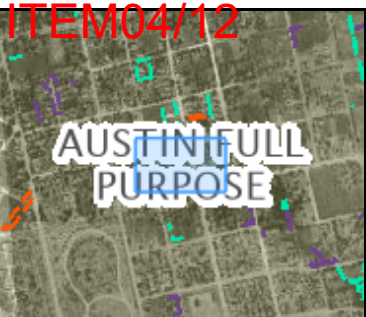
Being in the principal sum of Forty Two Hundred Dollars (\$4200.00), executed by Ridgetop Baptist Church by its Chairman of the Board of Deacons, Clerk, and Members of the Board of Deacons, being Trustees for said Ridgetop Baptist Church, dated July 9, 1945,





# Property Profile | 1940 Aerial

ITEM04/12



## Legend

- Property
  - Addresses
    -
  - Easement Annotation
    - - -
- Jurisdictions (No Fill)
  - FULL PURPOSE
- Appraisal Districts
  - TCAD Parcels
    -
- Jurisdictions Fill
  - Jurisdiction
    - FULL PURPOSE

## Notes

1940 Aerial



0 150 300 ft

10/24/2023

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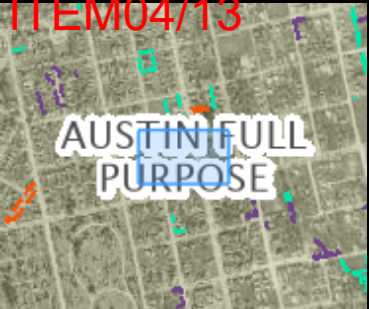




Property Profile

1958 Aerial

ITEM04/13



Legend

- Property
- Addresses
- Easement Annotation
- Jurisdictions (No Fill)
- Appraisal Districts
- TCAD Parcels
- Jurisdictions Fill
- Jurisdiction

Notes

1958 Aerial

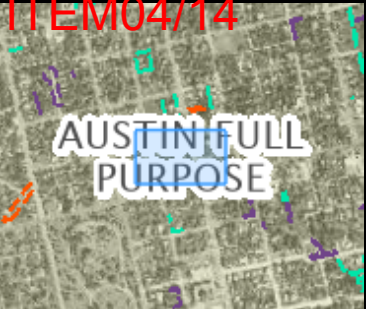


0 150 300 ft

10/24/2023

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Legend

- Property
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  - Jurisdiction
  - FULL PURPOSE

Notes

1965 Aerial

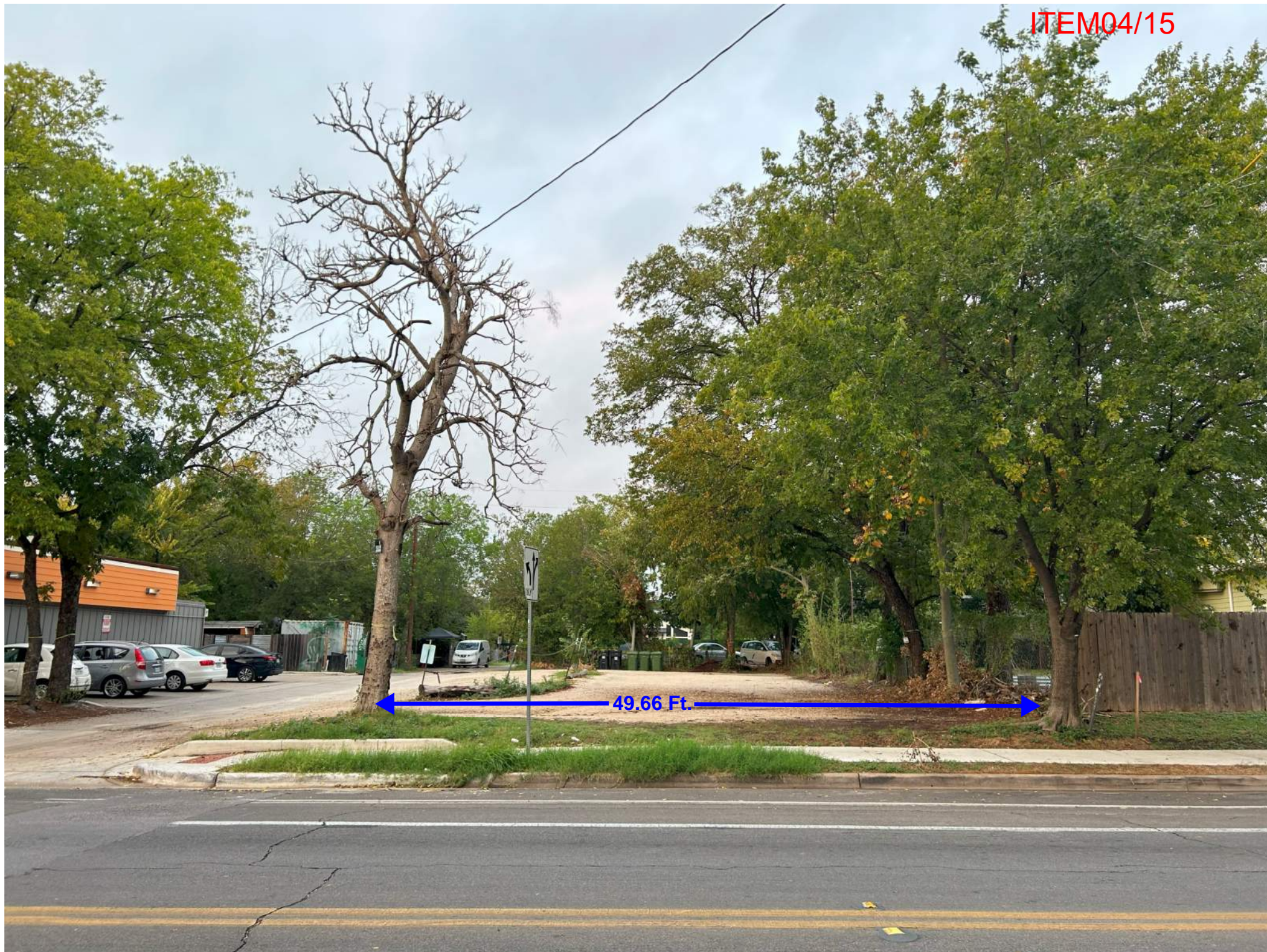


0 150 300 ft

10/24/2023

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ITEM04/17





ITEM04/18

