

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2025-0005

**BOA DATE:** March 10<sup>th</sup>, 2025

**ADDRESS:** 2136 E 7<sup>th</sup> St

**COUNCIL DISTRICT:** **1**

**OWNER:** Death & Taxes 512, LP

**AGENT:** G. Maximiliano Martinez, P.E.

**ZONING:** CS-CO-MU-NP (Central East Austin)

**LEGAL DESCRIPTION:** 92X129.9FT OLT 9 DIVISION B

**VARIANCE REQUEST: LDC:**

Section 25-6-471 (Off-Street Parking) (B) to reduce the minimum on-site accessible space from one (1) to zero (0)

and

Section 25-6-474 (Parking Facilities for Persons with Disabilities) (B) to reduce the minimum on-site accessible space from one (1) to zero (0)

**SUMMARY:** remodel an existing restaurant

**ISSUES:** main access is along E 7<sup>th</sup> St and there is an elevation difference of 10 feet between E 7<sup>th</sup> St and the alley. Existing slopes and relatively small site area do not allow for the construction of an accessible route.

	ZONING	LAND USES
<i>Site</i>	CS-CO-MU-NP	General Commercial Services-Conditional Overlay-Mixed-Use
<i>North</i>	SF-3-NP	Single-Family
<i>South</i>	CS-CO-MU-NP	General Commercial Services-Conditional Overlay-Mixed-Use
<i>East</i>	CS-MU-V-CO-NP	General Commercial Services- Mixed-use-Vertical Mixed Use-Conditional Overlay
<i>West</i>	CS-CO-MU-NP	General Commercial Services-Conditional Overlay-Mixed-Use

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Independent School District
- Austin Neighborhoods Council
- Blackshear-Prospect Hill
- Central Austin Concerned Architects
- Del Valle Community Coalition Non-profit
- East Austin Conservancy
- El Concilio Mexican-American Neighborhoods
- Friends of Austin Neighborhoods
- Homeless Neighborhood Association
- Organization of Central East Austin Neighborhoods
- Overton Family Committee
- Preservation Austin
- Save Our Springs Alliance



**CITY OF AUSTIN**  
**Development Services Department**  
Permitting & Development Center  
Phone: 512.978.4000  
6310 Wilhelmina Delco Dr, Austin, Texas 78752

## 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 #	<b>C15-2025-0005</b>	ROW #	<b>13462116</b>	Tax #	<b>0205101515</b>
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### Section 1: Applicant Statement

Street Address: 2136 E 7th St, Austin, Tx 78702

Subdivision Legal Description:

That certain tract of land out of Outlot 9, Division "B", in the City of Austin, Travis County, Texas, being the same property recorded in Volume 9550, Page 83, Real Property Records, Travis County Texas

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: 9 Division: B

Zoning District: CO-CO-MU-NP (Central East Austin) **Council District: 1**

I/We G. Maximiliano Martinez, P.E. on behalf of myself/ourselves as authorized agent for Death and Taxes 512 LP affirm that on

Month January, Day 28, Year 2025, 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: Existing Restaurant

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

25-6-471(B) - [A minimum of one on-site accessible space is require]. We are requesting the Board of Adjustments to grant a variance to recude the required minimum on-site accessible space to zero. 25-6-474(B) - [A minimum of one on-site accessible space is required on an accessible route]. We are requesting the Board of Adjustments to grant a variance to reduce the required minimum on-site accessible space to zero.

## 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 existing building (to be remodeled) has a finished floor elevation of 482' along E 7th St. The existing parking area's elevation is approximately 487'. Providing an on-site accessible parking space is not feasible because the accessible route can not be realistically achieved on-site. We will meet the accessible parking requirements by providing the required number of spaces next door at 2142 E 7th St. The proposed off-site accessible parking spaces are within 250 feet and on an accessible route, per 25-6-471(D).

### Hardship

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

The site's main access is along E 7th St and there is an elevation difference of 10' between E 7th St and the Alley. The existing slopes and relatively small site area do not allow for the construction of an accessible route from the existing parking area to the existing building entrance.

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

The subject site's Eastern neighbor is a corner development (2142 E 7th St) with ample space, flatter conditions, and driveways along E 7th and Pedernales that allow for ADA parking along E 7th St. The Western neighbor provided parking along E 7th as well. The scope of this project is to remodel the existing restaurant and keep the same use. The site layout will not be adjusted at this time and parking along E 7th St is not feasible. This is why we have proposed to provide the required accessible spaces at 2142 E 7th St.

**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 scope of this project is to remodel the existing restaurant and keep the same use. Records show that this site has operated as a restaurant since 1995. We are proposing to provide all required accessible parking spaces next door at 2142 E 7th St. Note that accessible spaces have never been located on-site as far as records show. The existing 1995 site plan (SP-95-0097T) proposed one accessible space across E 7th St at 2207 E 7th St, via an shared parking agreement.

**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:

The accessible parking spaces provided on 2142 E 7th St meet the cumulative total required accessible parking spaces required for each site and use (2136 E 7th St and 2142 E 7th St). Please refernce the attached site exhibit for the proposed parking layout.

- 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:

The required off-street parking spaces per 25-6-471 will be provided on-site at 2142 E 7th St. No off-site parking or loading is proposed with this development.

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

The proposed accessible spaces will be located within 250 feet of the subject use and located on an accessible route, per 25-6-471(D).

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

Parking requirements are required for land use and for sites themselves. This variance runs with the land use (restaurant).



# ALTA/NSPS LAND TITLE SURVEY

**Tract 1:** That certain tract of land out of OUTLOT 9, DIVISION "B", in the City of Austin, Travis County, Texas, being the same property conveyed to Merced Benitez and Graciela Benitez by Warranty Deed recorded in Volume 9550, Page 83, Real Property Records, Travis County, Texas; said tract being more particularly described by metes and bounds in Exhibit A attached hereto.

**Tract 2:** Being a 11,707 square foot tract, being out of and a part of OUTLOT 9, DIVISION "B" in the City of Austin, in Travis County, Texas, also being Lot 4, Block 31, GRANDVIEW PLACE, according to the map or plat thereof, recorded in Volume 3, Page 17, Plat Records, Travis County, Texas, said lot and tract being more particularly described by metes and bounds in Exhibit B attached hereto.

**FLOODPLAIN NOTE:**

**TRACT 1:**  
THIS TRACT LIES WHOLLY WITHIN THE LIMITS OF FLOOD HAZARD ZONE X, AS DEPICTED ON THE FEMA FLOOD INSURANCE RATE MAP PANEL NO. 48453C0465K, DATED JANUARY 22, 2020 FOR TRAVIS COUNTY, TEXAS. ZONE X IS NOT SUBJECT TO INUNDATION FROM THE 1% ANNUAL CHANCE EVENT COMMONLY REFERRED TO AS THE 100-YEAR FLOOD. THIS DOES NOT IMPLY THAT THIS LOT WILL NOT FLOOD NOR DOES IT CREATE A LIABILITY ON THIS SURVEYOR OR COMPANY IN ANY SUCH EVENT.

**TRACT 2:**  
THIS TRACT LIES WHOLLY WITHIN THE LIMITS OF FLOOD HAZARD ZONE X, AS DEPICTED ON THE FEMA FLOOD INSURANCE RATE MAP PANEL NO. 48453C0465K, DATED JANUARY 22, 2020 FOR TRAVIS COUNTY, TEXAS. ZONE X IS NOT SUBJECT TO INUNDATION FROM THE 1% ANNUAL CHANCE EVENT COMMONLY REFERRED TO AS THE 100-YEAR FLOOD. THIS DOES NOT IMPLY THAT THIS LOT WILL NOT FLOOD NOR DOES IT CREATE A LIABILITY ON THIS SURVEYOR OR COMPANY IN ANY SUCH EVENT.

**ZONING NOTES:**

**TRACT 1:** CITY OF AUSTIN - ZONING VERIFICATION LETTER DATED 10/24/2023  
ZONING CLASSIFICATION: CS-CO-MU-NP  
GENERAL COMMERCIAL SERVICES - CONDITIONAL OVERLAY - MIXED USE - NEIGHBORHOOD PLAN

**TRACT 2:** CITY OF AUSTIN - ZONING VERIFICATION LETTER DATED 10/24/2023  
ZONING CLASSIFICATION: CS-CO-MU-NP  
GENERAL COMMERCIAL SERVICES - CONDITIONAL OVERLAY - MIXED USE - NEIGHBORHOOD PLAN

**PARKING SPACES:**

**TRACT 1:**  
No discernible parking spaces.  
**TRACT 2:**  
11 REGULAR PARKING SPACES  
1 HANDICAPPED PARKING SPACE

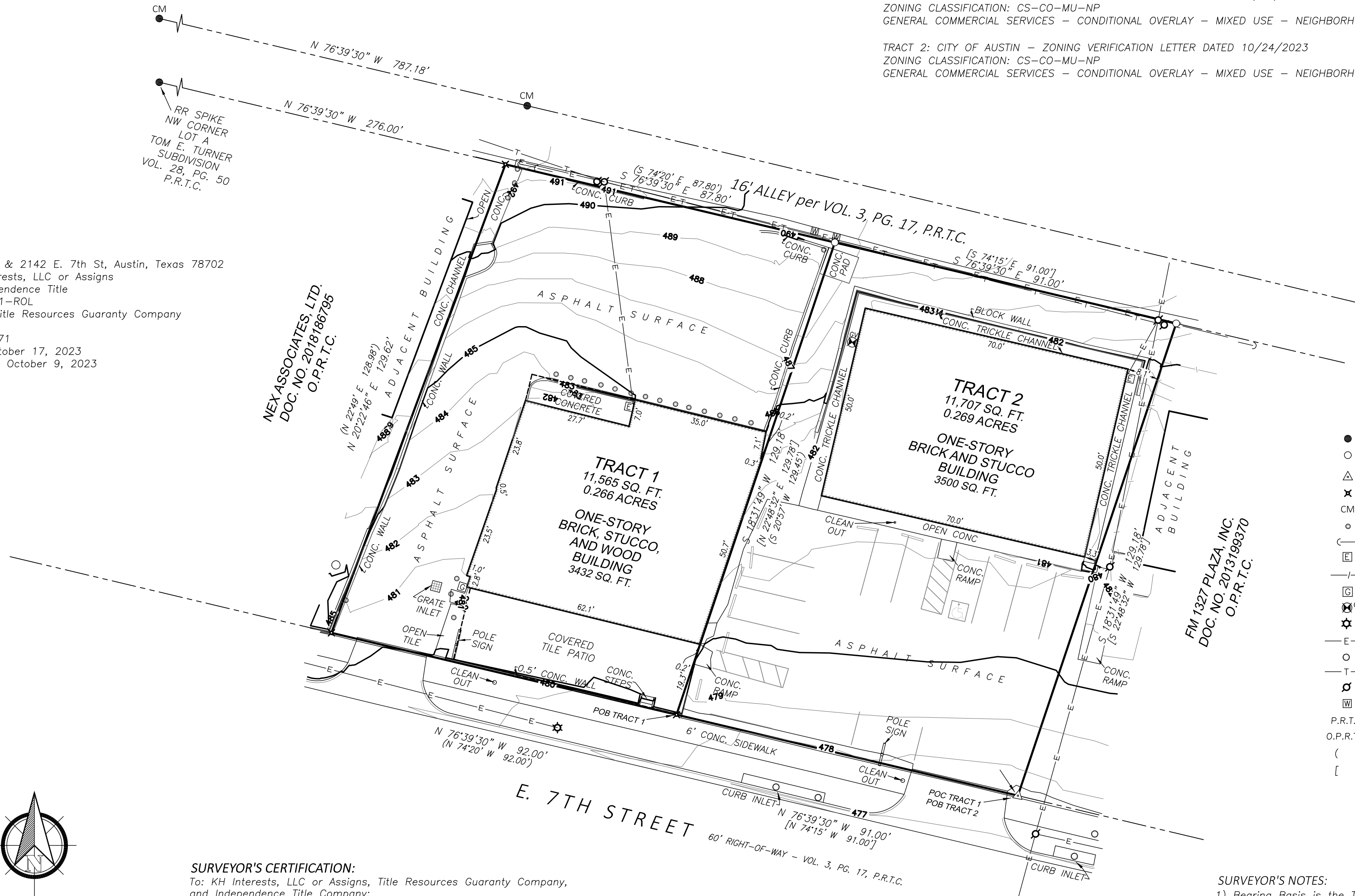
ADDRESS: 2134 & 2142 E. 7th St, Austin, Texas 78702  
BUYER: KH Interests, LLC or Assigns  
TITLE CO: Independence Title  
GF NO: 2337791-ROL  
UNDERWRITER: Title Resources Guaranty Company  
LENDER: TBD  
JOB NO: TC23071  
ISSUE DATE: October 17, 2023  
EFFECTIVE DATE: October 9, 2023

NEX ASSOCIATES, LTD.  
DOC. NO. 2018186795  
O.P.R.T.C.

FM 1327 PLAZA, INC.  
DOC. NO. 2013199370  
O.P.R.T.C.

**MAP SYMBOLS**

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD SET WITH PLASTIC CAP
- △ MAG NAIL FOUND
- ✕ PUNCH HOLE SET IN CONCRETE
- CM CONTROL MONUMENT
- BOLLARD
- └ DOWN GUY
- ⊞ ELECTRIC METER
- └ FENCE - ALUMINUM TUBE
- ⊞ GAS METER
- ⊞ GAS VALVE
- ⊞ LAMP POST
- OVERHEAD ELECTRIC LINE
- STORM SEWER MANHOLE
- OVERHEAD TELEPHONE LINE
- ⊞ UTILITY POLE
- ⊞ WATER METER
- P.R.T.C. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- ( ) RECORD INFORMATION - VOL. 9550, PG. 83
- [ ] RECORD INFORMATION - DOC. NO. 2009131288



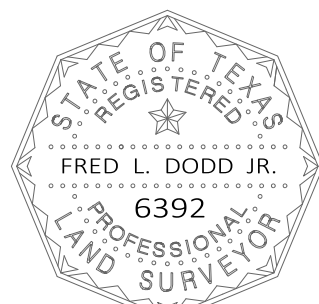
**SURVEYOR'S CERTIFICATION:**

To: KH Interests, LLC or Assigns, Title Resources Guaranty Company, and Independence Title Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-5, 6a, 7a, 7b, 7b1, 8-10, 13-14, and 16-19 of Table A thereof. The fieldwork was completed on 11/21/2023.

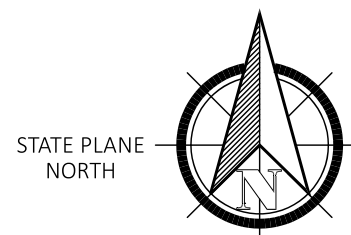
Date of Plat or Map: 11/21/2023

*Fred L. Dodd Jr.*  
FRED L. DODD, JR. R.F.L.S. NO. 6392  
DATE: 11/21/2023 JOB NO. TC23071



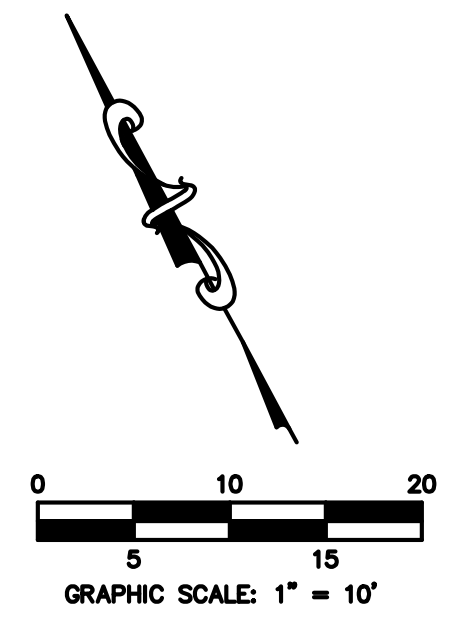
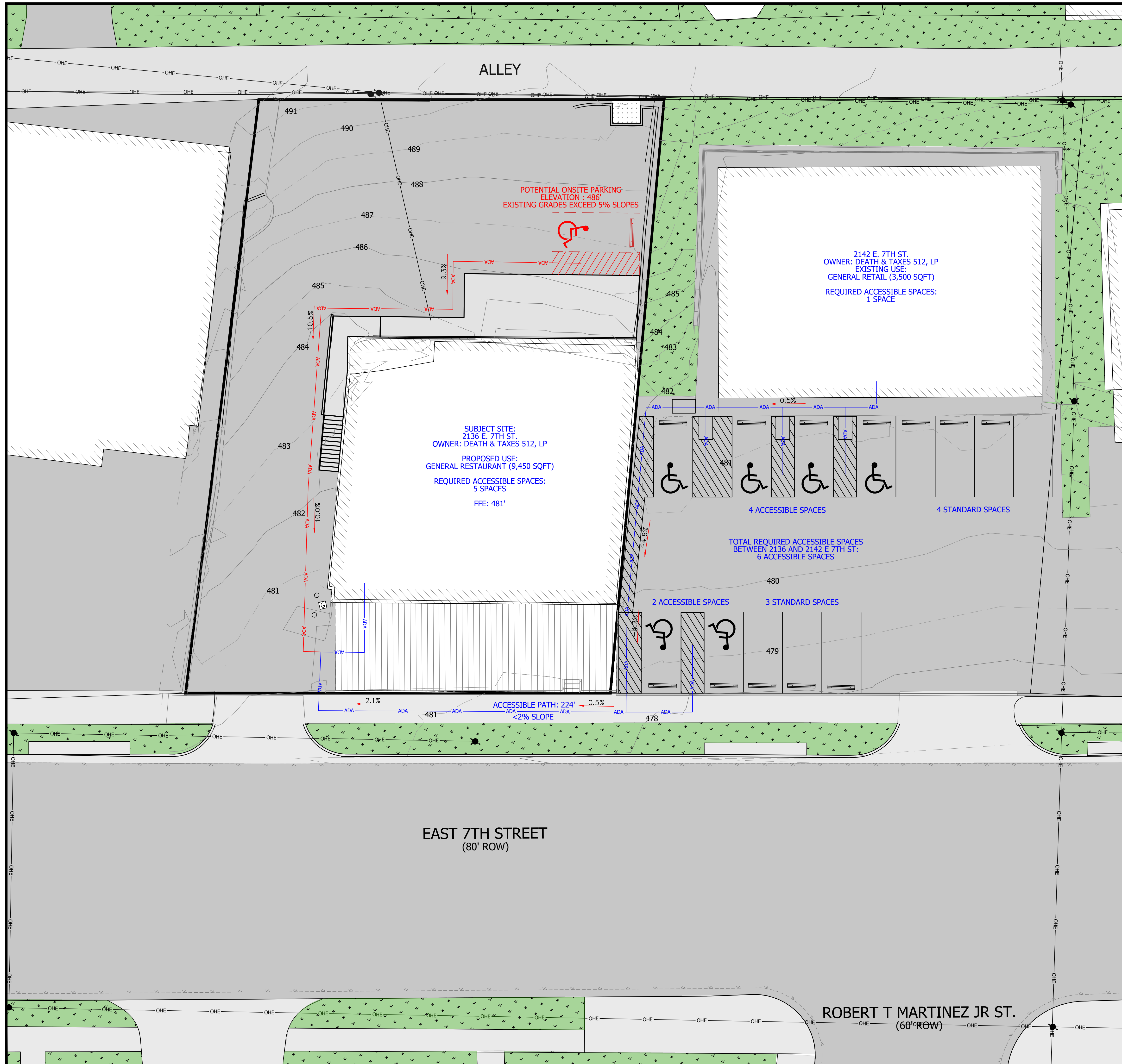
**SURVEYOR'S NOTES:**

- 1) Bearing Basis is the Texas State Plane Coordinate System, NAD83, Texas Central Zone, having a combined scale factor of 0.99994393.
- 2) Mapping symbols may be exaggerated for clarity.
- 3) At the time of survey no evidence of recent earth moving work, building construction, or building additions were observed in the process of conducting the fieldwork.
- 4) No proposed changes in street right of way lines, were found in preparation of this survey by the controlling jurisdiction nor evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.
- 5) Contours and elevations shown are referenced to the North American Vertical Datum of 1988 (NAVD88) Geoid 12b.



SCALE: 1 Inch = 20 Feet

**DODD SURVEYING & MAPPING CO., INC.**  
TBPELS FIRM NO. 10194646  
P.O. BOX 1695 LIBERTY HILL, TX 78642  
OFFICE: (512) 953-5705  
WWW.DODDSURVEYING.COM



NO.	DATE	DESCRIPTION



MAX@MILIANENGINEERING.COM  
 FIRM REG# F-22686  
 956.251.5146

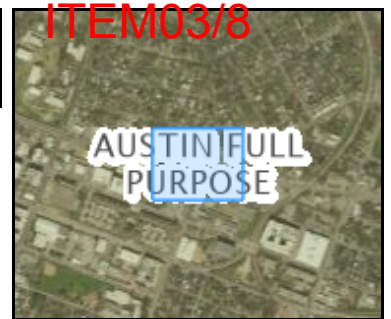
**THE REAGAN**  
 2136 E 7TH ST  
 AUSTIN, TRAVIS COUNTY, TEXAS 78702  
**BOARD OF ADJUSTMENTS EXHIBIT**



# Property Profile

## Site Area Map

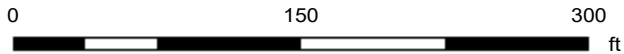
ITEM03/8



### Legend

- Property
- Addresses
- Jurisdiction
  - FULL PURPOSE
- Jurisdictions Fill
  - FULL PURPOSE

### Notes



1/29/2025

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. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.