

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

Amended

CASE # C15-2012-0027
ROW # 10722431

CITY OF AUSTIN *TP-021502-03-01*
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 706 W 26th Street

LEGAL DESCRIPTION: Subdivision – B Graham _____

Lot(s) 1 Block _____ Outlot 60 Division D

I/We James P. Smith on behalf of myself/ourselves as authorized agent for
Alumni Corp of Eta Chapter of Delta Sigma Phi Fraternity affirm that on 3/12/2012

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL X MAINTAIN

An 8th ft Fence

in a MF-4 NP district.
(zoning district)

NOTE: 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 support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
2. A 6ft fence does not provide adequate protection from Vandalism, and discouragement for climbing.

HARDSHIP:

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

There are currently two vacant fraternity houses next to ours. These houses are boarded up. They have been vandalized with grafetti and most of the upstairs windows are broken from rocks being thrown. In the past year our house has been broken in twice. Each time they broke in through the back of the house by scaling our 6 ft fence. Also, we have contacted the police multiple times recently because the neighbors renting the house behind us belong to a different fraternity. On one occasion they used a pellet gun to shoot out our security flood lights. On another occasion they shot a pellet through an upstairs window. The police have not been able to stop this. An 8ft fence makes scaling much more difficult and thus discourages it. Likewise with the 8ft fence, the renters behind us cannot simply shoot our lights and windows out as easily as putting the gun out the window. They must leave cover and stand in the yard. With the multi-story apartments next to them, I doubt they would risk this.

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

the fraternity has a large backyard.

AREA CHARACTER:

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:

The fence separating the Tejas property from the Littlefield Condos at 2808 Rio Grandsois already 8 ft high. It lines up with the height of our fence. Also, there are multiple other properties within a couple blocks of our property that have 8ft fences at 2811 Salado. In the 2500 block of Rio Grande, 2510 Leon and 2317 Shoal creek

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 Section 479 of Chapter 25-6 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 reasonable require strict or literal interpretation and enforcement of the specific regulation because:

NA

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:

NA

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


NA

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

NA


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.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 706 W 26th Street
City, State & Zip Austin TX 78705

Printed James Braeutigam _____ Phone 512-837-5093 _____ Date 02/21/12 _____

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 706 W. 26th Street
City, State & Zip Austin TX

Printed James Braeutigam _____ Phone 512-837-5093 _____ Date 02/21/12 _____

TaxNetUSA: Travis County Property Information

Property ID Number: 208134 Ref ID2 Number: 02150203010000

Owner's Name **ALUMNI CORP OF ETA CHAPTER****Property Details**Mailing Address OF DELTA SIGMA PHI FRAT
PO BOX 50052
AUSTIN, TX 78763-0052

Location 706 W 26 ST 78705

Legal S 115FT OF W 100FT OF LOT 1 OLT 60&64 DIV D
GRAHAM SUBD

Deed Date	07091984
Deed Volume	09782
Deed Page	00998
Exemptions	
Freeze Exempt	F
ARB Protest	F
Agent Code	1439710
Land Acres	0.2640
Block	
Tract or Lot	1
Docket No.	
Abstract Code	S05145
Neighborhood Code	72004

Value Information**2011 Certified**

Land Value	511,060.00
Improvement Value	188,940.00
AG Value	0.00
AG Productivity Value	0.00
Timber Value	0.00
Timber Productivity Value	0.00
Assessed Value	700,000.00
10% Cap Value	0.00
Total Value	700,000.00

Data up to date as of 2012-02-01

AGRICULTURAL (1-D-1)

APPOINTMENT OF AGENT FORM

FREEPORT EXEMPTION

HOMESTEAD EXEMPTION FORM

PRINTER FRIENDLY REPORT

PROTEST FORM

RELIGIOUS EXEMPTION FORM

PLAT MAP

Value By Jurisdiction

Entity Code	Entity Name	2010 Tax Rate	Assessed Value	Taxable Value	Market Value	Appraised Value
0A	TRAVIS CENTRAL APP DIST		700,000.00	700,000.00	700,000.00	700,000.00
01	AUSTIN ISD	1.242000	700,000.00	700,000.00	700,000.00	700,000.00
02	CITY OF AUSTIN	0.481100	700,000.00	700,000.00	700,000.00	700,000.00
03	TRAVIS COUNTY	0.485500	700,000.00	700,000.00	700,000.00	700,000.00
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	0.078900	700,000.00	700,000.00	700,000.00	700,000.00
68	AUSTIN COMM COLL DIST	0.094800	700,000.00	700,000.00	700,000.00	700,000.00

Improvement Information

Improvement ID

State Category

Description

169789

FRAT/SORORITY

Segment Information

Imp ID	Seg ID	Type Code	Description	Class	Effective Year Built	Area
169789	196594	1ST	1st Floor	C4	1952	3,200
169789	196595	2ND	2nd Floor	C4	1952	3,200
169789	793473	011	PORCH OPEN 1ST F	*4	1952	330
169789	793474	091	HVAC COMM RCL TON	**	1952	5
169789	793475	091	HVAC COMM RCL TON	**	1952	4

169789	793476	142	BATHTUB AVG	AVG*	1952	1
169789	793477	152	COMMODE AVG	AVG*	1952	1
169789	793478	162	LAVATORY AVG	AVG*	1952	1
169789	793479	172	SHOWER STALL AVG	AVG*	1952	1
169789	793480	192	WATER HTR AVG	AVG*	1952	1
169789	793481	531	OBS FENCE	WAS*	1952	1
169789	793482	611	TERRACE	CS*	1952	350
169789	3110616	SO	Sketch Only	SO*	0	175
169789	3110617	SO	Sketch Only	SO*	0	175

Total Living Area 6,400

Land Information

Land ID	Type Code	SPTB Code	Homesite	Size-Acres	Front	Depth	Size-Sqft
205730	LAND	B1	F	0.264	0	0	11,500

[show history](#)

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CITY OF AUSTIN
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WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 706 W 26th Street

LEGAL DESCRIPTION: Subdivision - S 115 ft of W100 ft Graham SWBD

Lot(s) _____ Block _____ Outlot _____ Division _____

I/We Delta Sigma Phi Alumni on behalf of myself/ourselves as authorized agent for
Delta Sigma Phi Fraternity affirm that on Jan 9, 2012,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☒ MAINTAIN

the 8ft privacy fence along the sides & rear
P.1-5

in a M-4 NP district.
(zoning district)

NOTE: 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 support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
the backyard has a Basketball Court storage of a B=B-Q Unit on wheels

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
the Fraternity and the club wear of the fraternity are the only type of property in the 700 block of W 26th street

- (b) The hardship is not general to the area in which the property is located because:
the fraternity has a large backyard

AREA CHARACTER:

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:
The Condo east of the property located on Rio Grande has a 8 foot fence on the south side of the property

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 Section 479 of Chapter 25-6 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 reasonable require strict or literal interpretation and enforcement of the specific regulation because:

n/a

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:

fence is located far enough from the street

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 8ft fence has eliminated much of the vandalism occurring in the backyard and to the back side of the fraternity house

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

N?A

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.

APPLICANT CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed James Braeutigam Mail Address Delta Sigma Phi
PO BOX 50052

City, State & Zip Austin TX 78763-0052

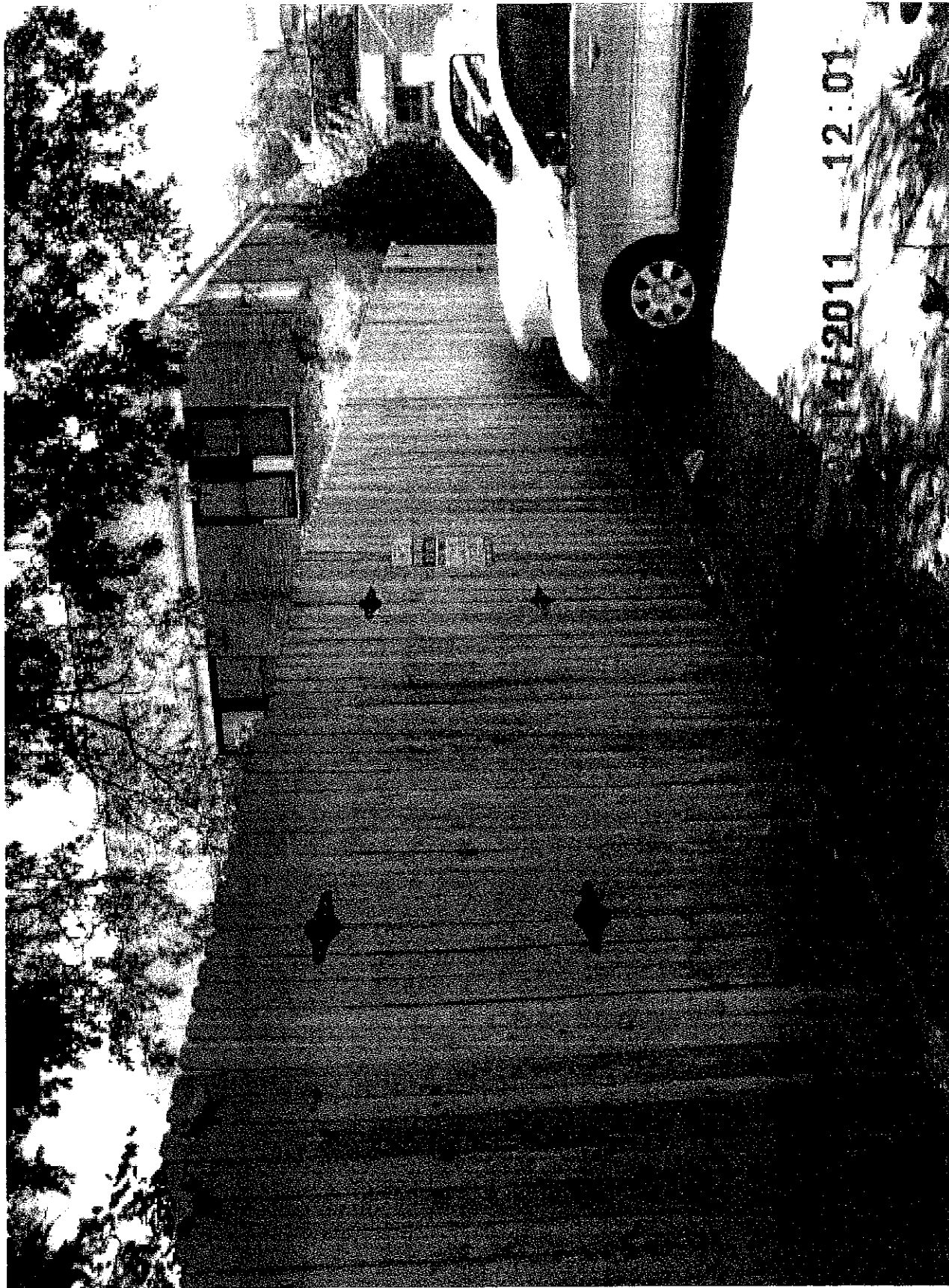
Printed James Braeutigam Phone 512-837-5093 Date 1/9/2012

OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed James Braeutigam Mail Address Delta Sigma Phi
PO Box 50052

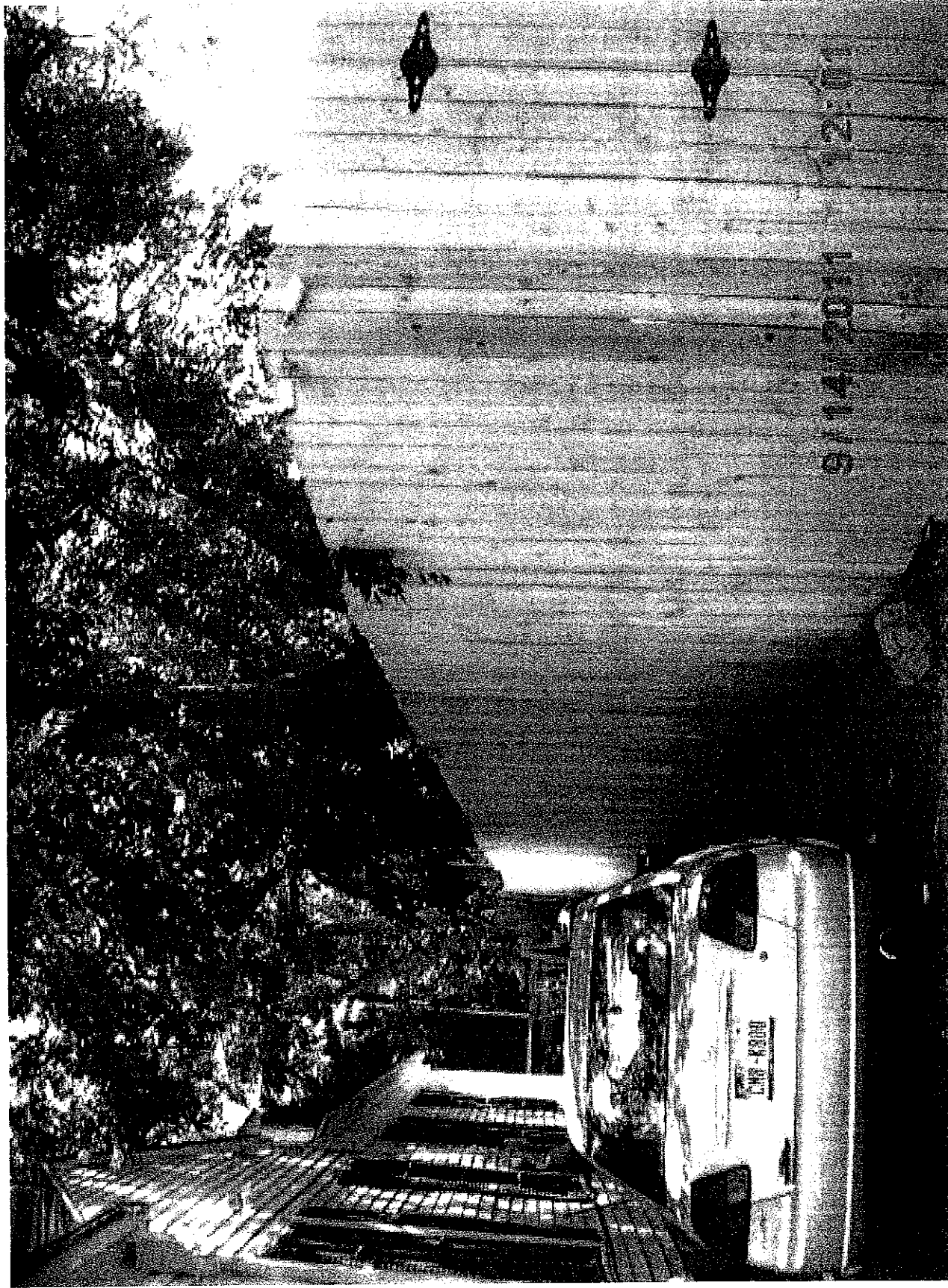
City, State & Zip Austin TX 78763-0052

Printed James Braeutigam Phone 512-837-5093 Date 1/9/2012



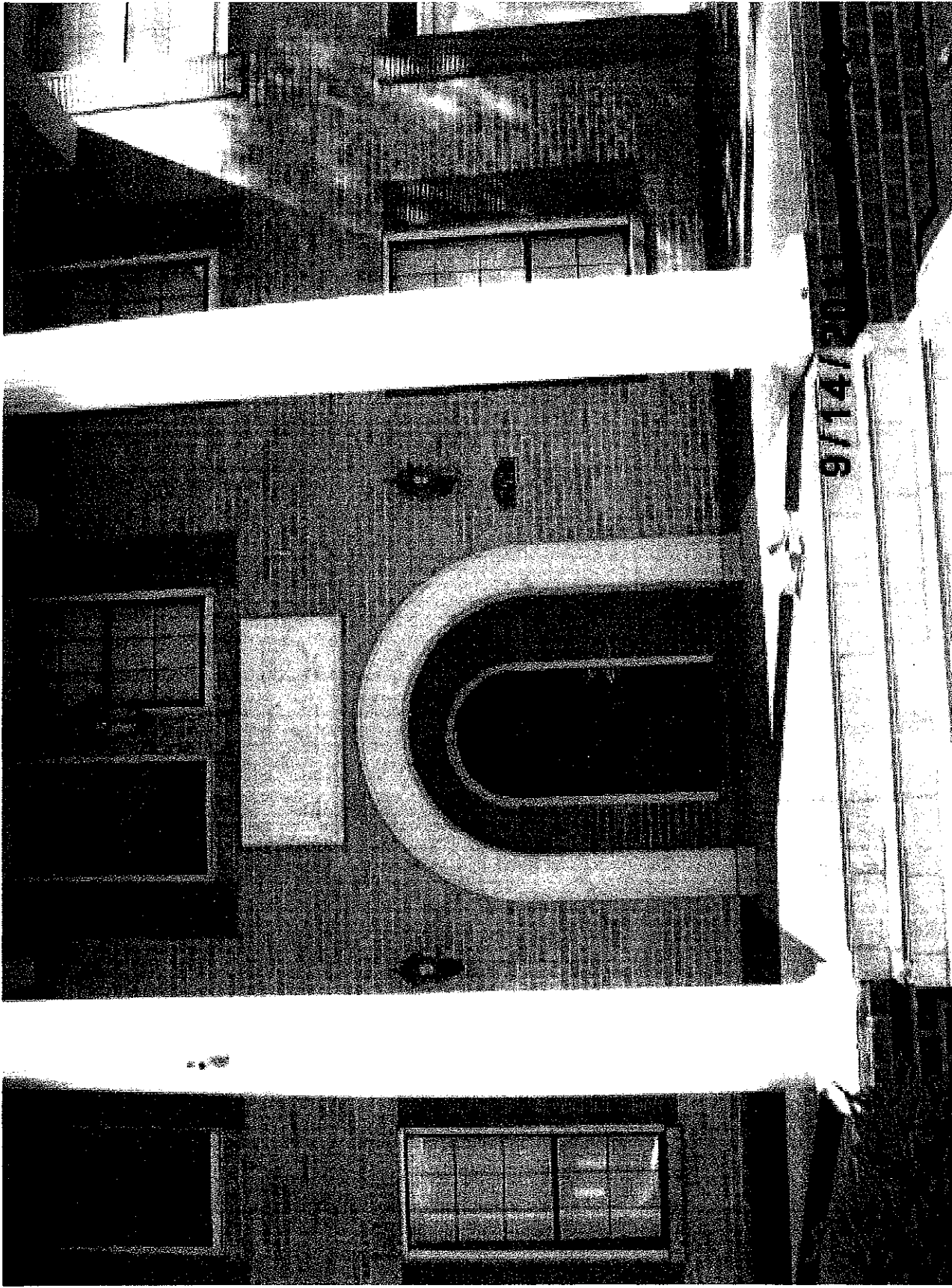
706 W. 26th Street
Case #

09/14/2011
Investigator DBaggett



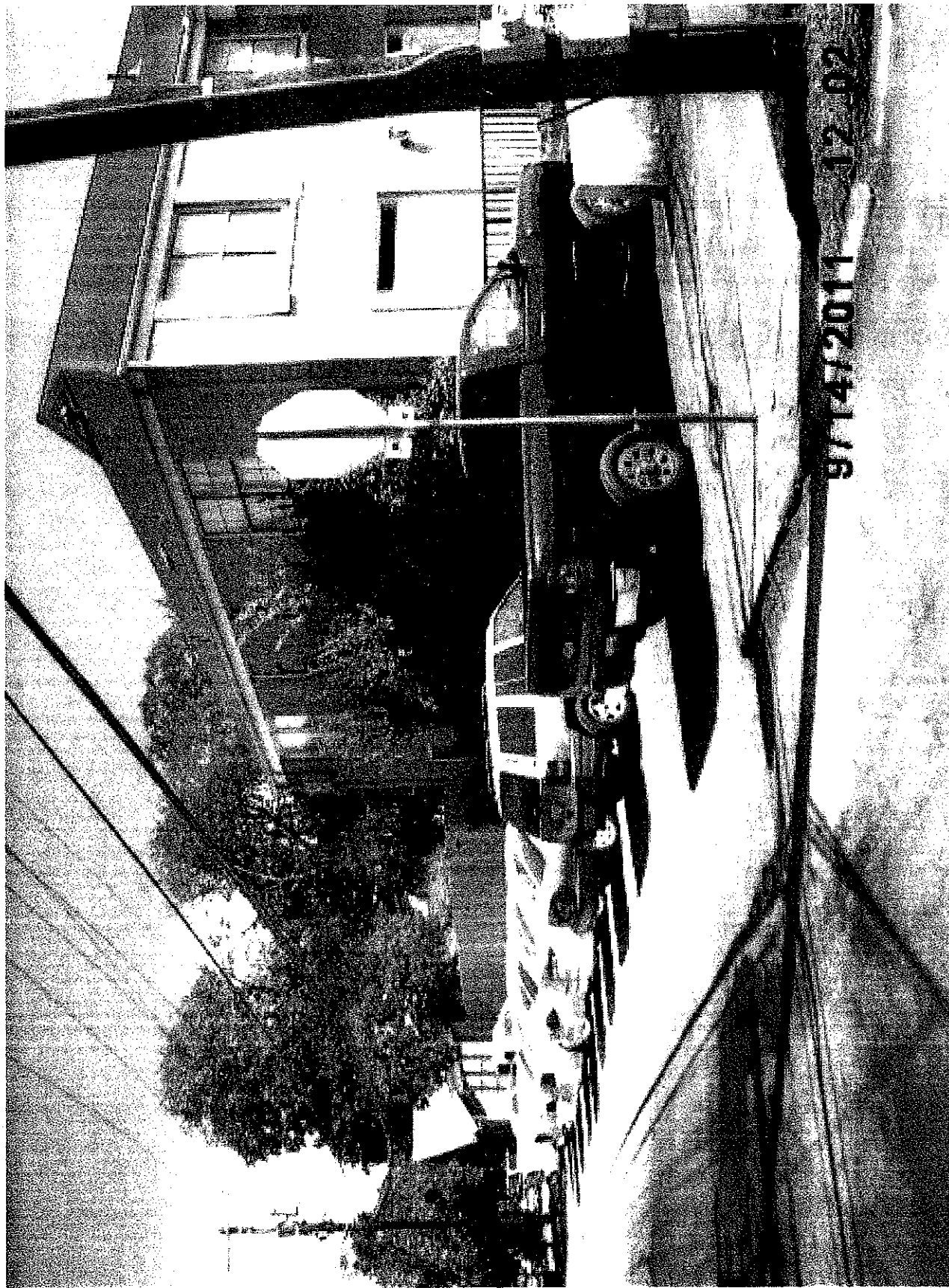
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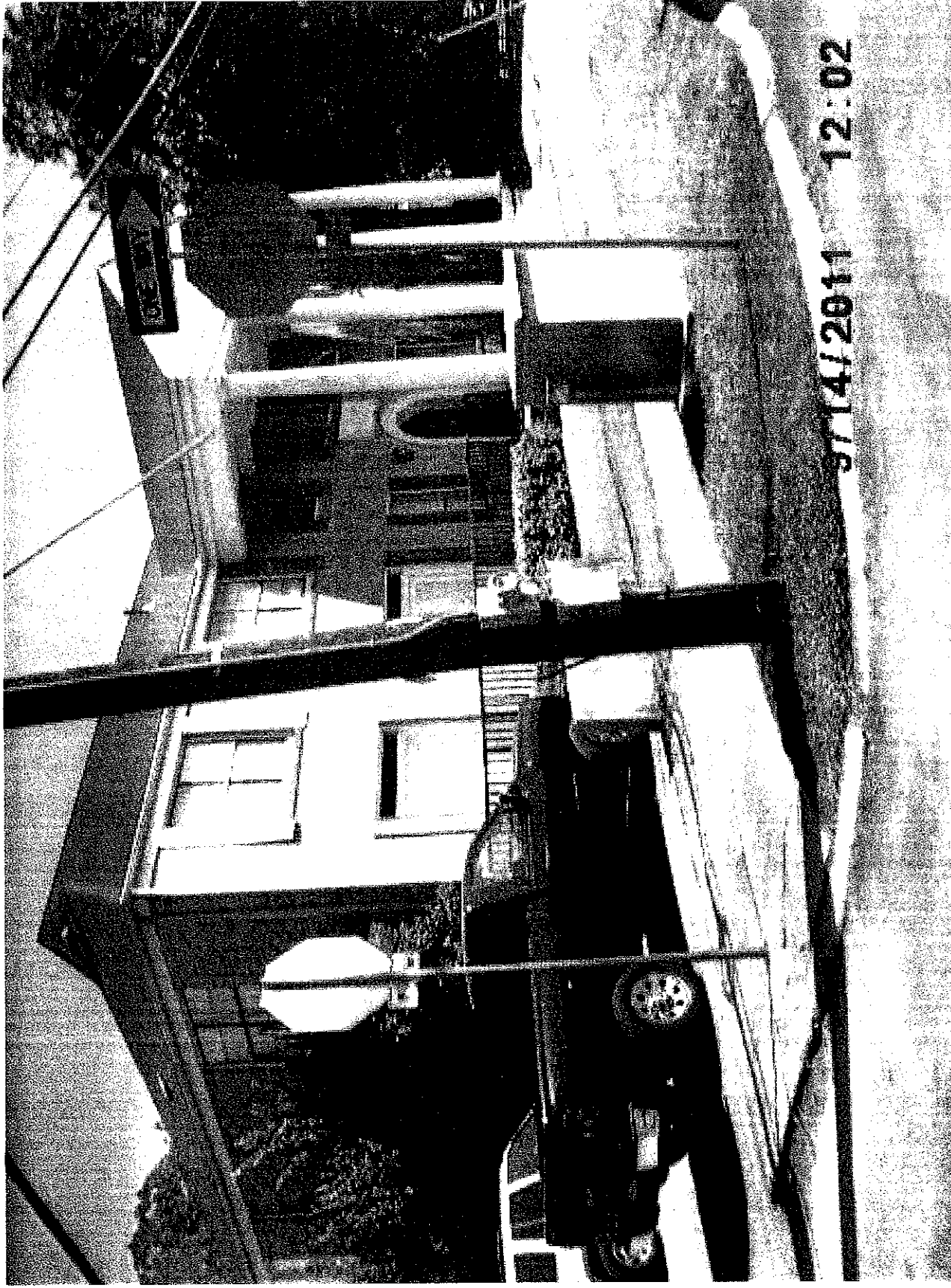
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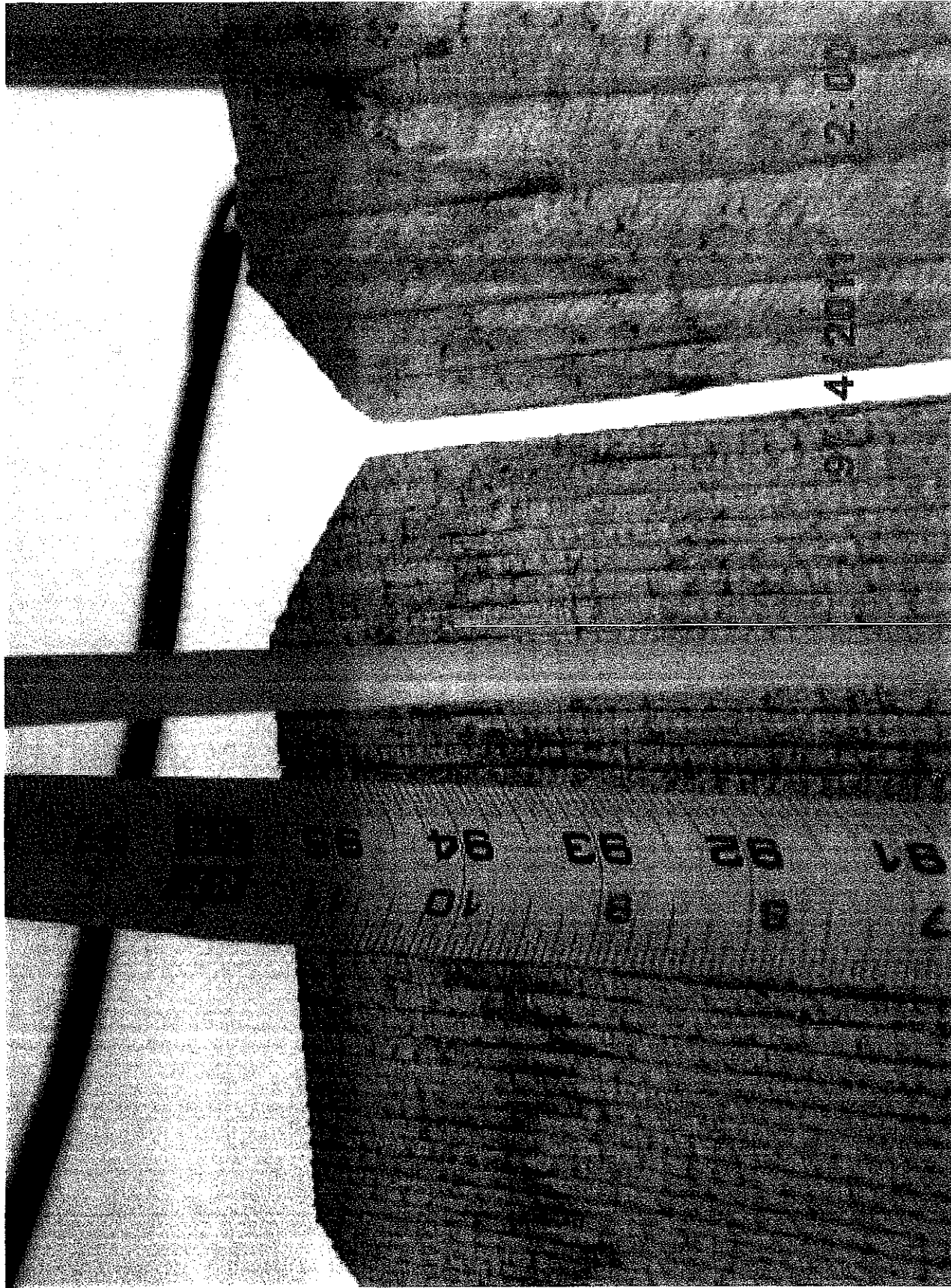
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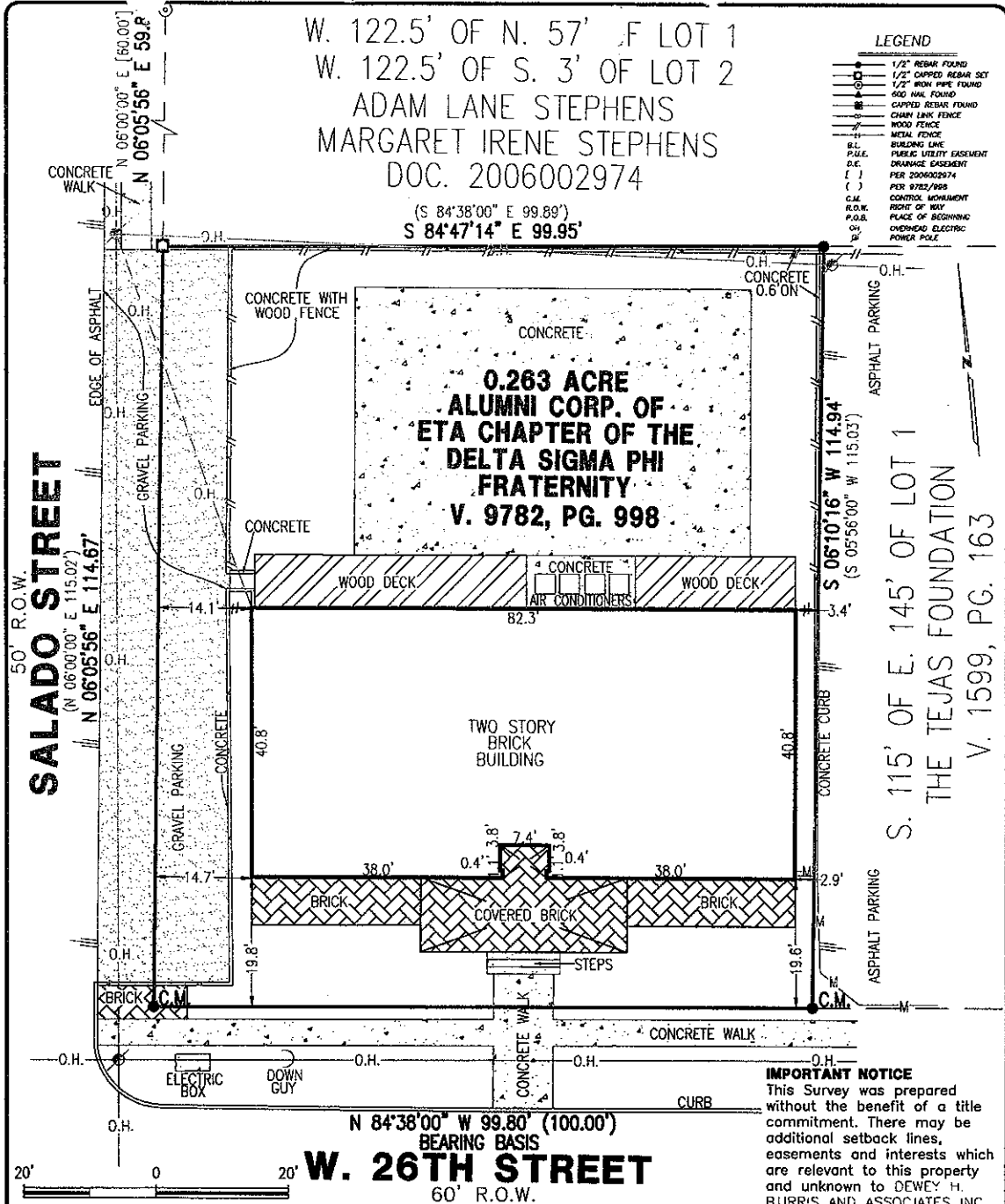
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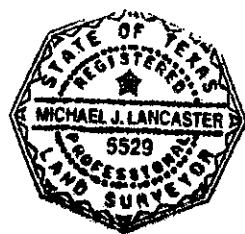
706 W. 26th Street
Case #

09/14/2011
Investigator DBaggett



BEING 0.263 ACRE OF LAND, MORE OR LESS, BEING CALLED THE SOUTH 115' OF THE WEST 100' OF LOT 1 IN THE B. GRAHAM SUBDIVISION OF OUTLOT NO. 60 IN DIVISION "D" IN THE CITY OF AUSTIN, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGE 191, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING THAT SAME TRACT OF LAND CONVEYED TO ALUMNI CORPORATION OF ETA CHAPTER OF THE DELTA SIGMA PHI FRATERNITY IN VOLUME 9782, PAGE 998 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

[Signature]
TO THE LIENHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED



THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 0465 H, DATED 09/26/08. IT IS REPRESENTED AS IN ZONE "X". HOWEVER, AT THE PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAIN ADMINISTRATOR.

STREET ADDRESS: **706 WEST 26TH STREET** CITY: **AUSTIN** COUNTY: **TRAVIS** STATE OF TEXAS

REFERENCE NAME: **JAMES BRAEUTIGAM**



B & G SURVEYING, INC.
DEWEY H. BURRIS & ASSOCIATES, INC.
Surveyed by: Dewey H. Burris & Associates

JOB #: **R0201312_TA**
DATE: **02/09/12**
SCALE: **1" = 20'**

FIELD WORK BY	WILLIAM	02/08/12
CALC'D BY	TONI	02/09/12
DRAFTED BY	JOSE	02/09/12
CHECKED BY	MLL	02/09/12

WWW.BANDGSURVEY.COM
1404 West North Loop Blvd. Austin, Texas 78756
Office 512-458-6969, Fax 512-458-9845