

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).

CASE #

ROW #

C15-2014-0009

11061426

TP-022101-01-45

CITY OF AUSTIN
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: 1601 W 39 Half Street, Austin 78756

LEGAL DESCRIPTION: Subdivision -

Lot(s) 1 Block 5 Division Pleasant Grove Addition

I/We Tim McCabe on behalf of myself/ourselves as authorized agent for

McCabe Development, LLC Series JML 1

affirm that on DEC, 3, 2013,

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

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

A duplex in accordance with MF3 and SF3 guideline

2 units - 3 br - 2 1/2 bath, Open Living/dining/kitchen and children's playroom per unit with a two car garage per unit.

in a MF 3 district.
(zoning district)

25' front → 15'
Seiders Avenue

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:

LDC 25-1-21 (41) (b) requires that the 25' front yard setback be off Seiders Ave., a dead end street. Given the existing character of the area and the location of a heritage tree on the site, the property should maintain primary frontage on 39 1/2 St.

HARDSHIP:

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

The lot has frontage on both Seiders Ave. and 39 1/2 St. Although dual street frontage is common, this property is unique in that it was originally composed of two lots - each fronting 39 1/2 St. When the lots were combined, the shorter side of the lot and front yard setback became Seiders Ave., imposing a hardship unique to this property. A front yard on Seiders Ave. prohibits our home from preserving a neighborhood feel and facing other single family homes on 39 1/2 St., an established and active roadway. Instead, the property will be forced to face Seiders Ave., a street that is flanked by apartment parking lots and dead ends into a dumpster area/large parking lot.

Additionally, a heritage tree is located on the northwest corner of the site, off 39 1/2 Street. A proposed building on this portion of the site must be set back from 39 1/2 Street to avoid damaging the tree. If a 25' front yard setback is imposed on Seiders, the site will be encumbered by large setbacks on two sides of the property.

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

The hardship is unique because the property has frontage on both 39 1/2 St. and Seiders Ave., with the short lot line location triggering a front yard setback on Seiders Ave. All other properties in the area front 39 1/2 St. Also, the heritage tree is unique to this specific property.

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 variance request preserves the character of the area as much as possible by ensuring that the front of the homes face 39 ½ St., while also ensuring that access is taken from the alley and Seiders Ave. (a dead end and less busy roadway). By facing the homes towards 39 1/2 St., the character of the neighborhood is better preserved. The north side of 39 ½ St. is all single family homes, and we prefer to face those homes with the front of our home. If the variance request is not granted, the front of the homes would face Seiders and access would come from 39 ½ St. By granting the variance, we ensure that the neighborhood character of the nearby single family homes is preserved and access would come off a less busy roadway (the alley and Seiders Ave.). Seiders is also primarily developed with multifamily and commercial uses, making our variance request consistent with the character of that side of the project.

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:
-
-

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:

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:

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:

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 Tim McCabe Mail Address: PO Box 5236

City, State & Zip Austin, Texas 78763

Printed: Tim McCabe, McCabe Development Phone 512-658-7700 Date December 3, 2013

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

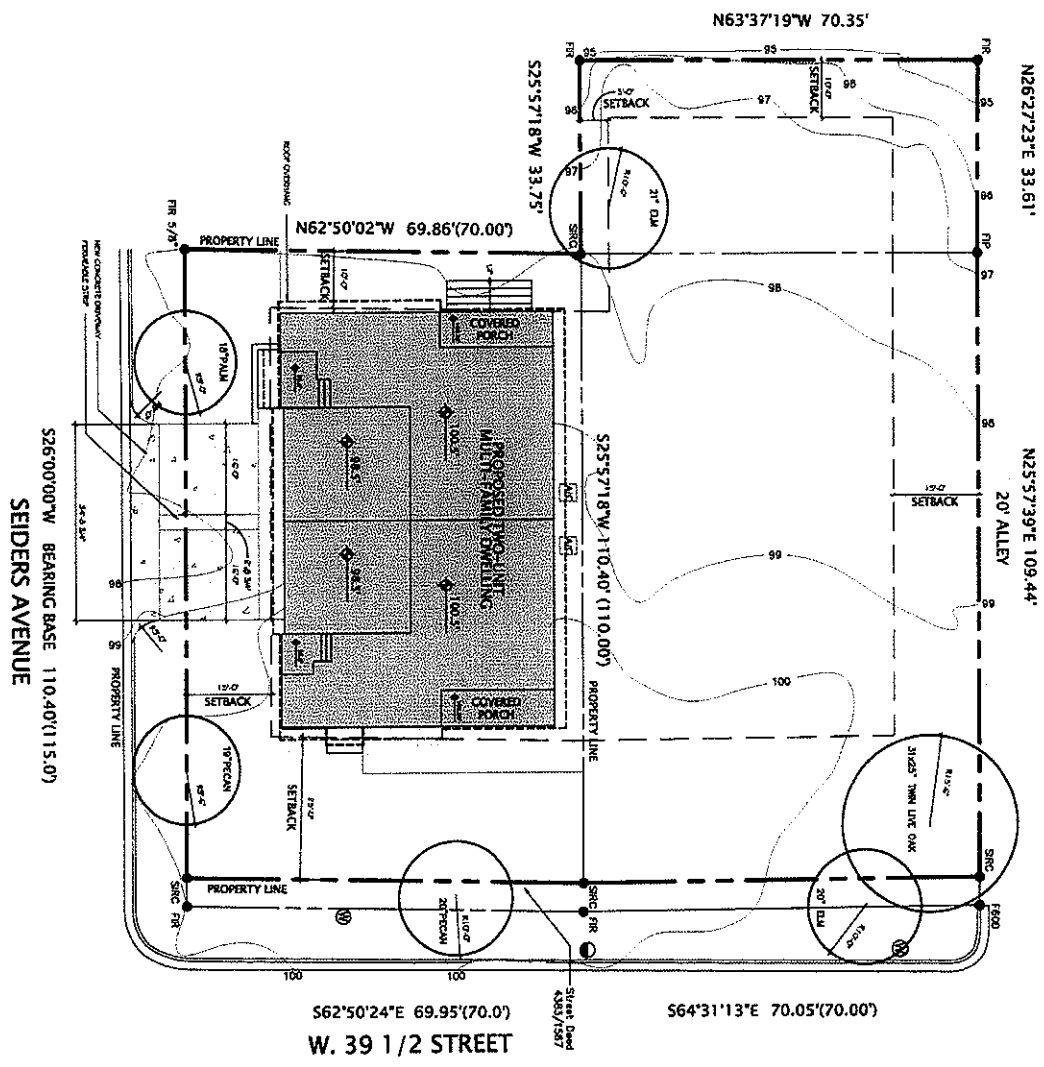
Signed Tim McCabe, McCabe Development Mail Address: PO Box 5236

City, State & Zip Austin, Texas 78763

Printed: Tim McCabe, McCabe Development Phone 512-658-7700 Date December 4, 2013








1601 + 1603 W 39 1/2

1 SITE PLAN



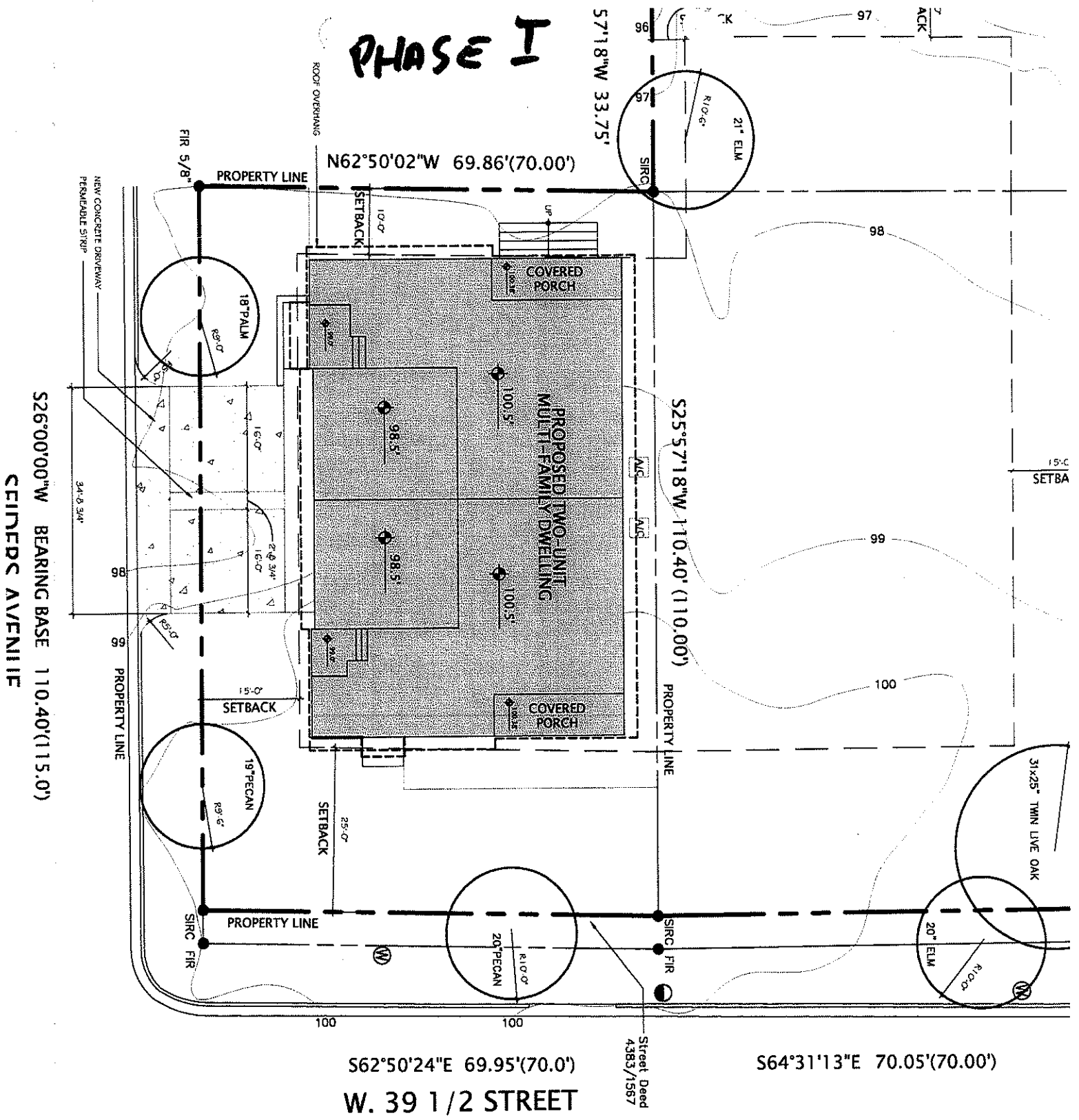
SCALE: 1/8\"/>



<p>TREE PROTECTION NOTES:</p> <ol style="list-style-type: none"> 1. ALL TREES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. TREES SHALL BE PROTECTED BY INSTALLING TREE PROTECTION BARRIERS. 2. ALL TREES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. TREES SHALL BE PROTECTED BY INSTALLING TREE PROTECTION BARRIERS. 3. ALL TREES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. TREES SHALL BE PROTECTED BY INSTALLING TREE PROTECTION BARRIERS. 4. ALL TREES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. TREES SHALL BE PROTECTED BY INSTALLING TREE PROTECTION BARRIERS. 									
<p>SITE PLAN NOTES:</p> <ol style="list-style-type: none"> 1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. 2. ALL UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. UTILITIES SHALL BE PROTECTED BY INSTALLING UTILITY PROTECTION BARRIERS. 3. ALL UTILITIES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. UTILITIES SHALL BE PROTECTED BY INSTALLING UTILITY PROTECTION BARRIERS. 4. ALL UTILITIES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. UTILITIES SHALL BE PROTECTED BY INSTALLING UTILITY PROTECTION BARRIERS. 									
<p>LEGEND:</p> <table border="0"> <tr> <td>PROPOSED 1/2" NOD ROD</td> <td>NR</td> </tr> <tr> <td>FOUND 1/2" NOD ROD W/CL</td> <td>SRIC</td> </tr> <tr> <td>UTILITY POLE</td> <td>  </td> </tr> <tr> <td>WATER METER</td> <td>  </td> </tr> </table>		PROPOSED 1/2" NOD ROD	NR	FOUND 1/2" NOD ROD W/CL	SRIC	UTILITY POLE		WATER METER	
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UTILITY POLE									
WATER METER									
<p>PROTECTED TREE</p> <p>19' DIA. MIN.</p> 									

SITE PLAN		REVISIONS:		TWO UNIT, MULTI-FAMILY DWELLING 1601 39 1/2 STREET Austin, Texas 78756	TIM CUPPETT ARCHITECTS 4300 Marathon Blvd. 512.450.0820 Austin, Texas
Sheet Number	BP 1	11.08.13	PERMIT		

PHASE I



526°00'00\"W BEARING BASE 110.40'(115.0')
CEINDEP AVENUE

1601 W 39 1/2
Phase I
currently under
Permit Review + BOA Hearing

One Stop Shop
505 Barton Springs Rd
(512) 974-2632 - phone
(512) 974-9112 - phone
(512) 974-9109 - fax
(512) 974-9779 - fax



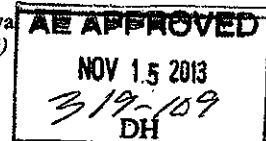
Austin Energy
Building Service Planning Application (BSPA)

This form to be used for review of Building Permit only
For use in One Stop Shop Only

Responsible Person for Service Request <u>Tim McLabe</u>	
Email <u>Tim@McLabeDevelopment.com</u>	Phone <u>512 658 7700</u>
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Remodeling	
Project Address <u>1601 W 39 1/2</u> OR	
Legal Description <u>Lot</u> <u>x Pleasant Grove Addition</u> Lot <u>1</u> Block <u>5</u>	
Who is your electrical provider? <input checked="" type="checkbox"/> AE <input type="checkbox"/> Other _____	
<input checked="" type="checkbox"/> Overhead Service <input type="checkbox"/> Underground Service <input type="checkbox"/> Single-phase (1Ø) <input type="checkbox"/> Three-phase (3Ø)	
Location of meter _____	
Number of existing meters on gutter _____ (show all existing meters on riser diagram)	
Expired permit # _____	
Comments <u>New Construction</u>	
BSPA Completed by (Signature & Print Name) _____ Date _____ Phone _____	
Approved <input type="checkbox"/> Yes <input type="checkbox"/> No	
AE Representative _____	Date _____ Phone _____

Application expires 180 days after the date of approval
(Any change to the above information requires a new BSPA)

All structures etc. must maintain 7'5"
clearance from AE energized power
lines. Enforced by AE & NESC codes.

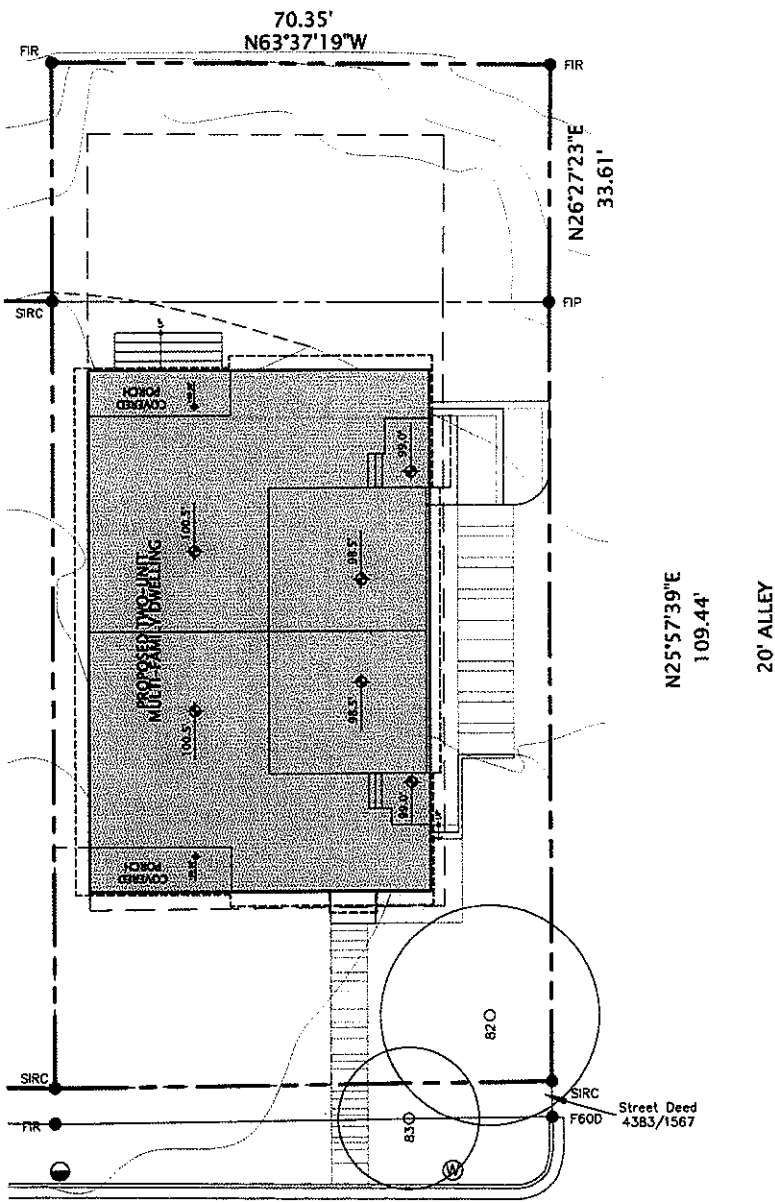


PHASE II 1603 Phase II

Sheet Number BP 1	SITING PLAN	
1601 39 1/2 STREET Austin, Texas 78756 TIM CUPPETT ARCHITECTS 4300 MARSHALL BLVD AUSTIN, TEXAS 78756		

- TREE PROTECTION NOTES:**
1. CRITICAL ROOT ZONE - IT, RADIUS PER ENTRY 1 OF PLAN.
 2. ALL TREES WITHIN CRITICAL ROOT ZONE TO BE PROTECTED DURING CONSTRUCTION WITH PROPERLY INSTALLED PROTECTIVE BARRIERS AND FENCING. ANY REMOVAL OF TREES SHALL BE APPROVED BY THE CITY OF AUSTIN DEPARTMENT OF TREE PROTECTION.
 3. CONTRACTOR RESPONSIBLE FOR PERMIT.
 4. ALL EXCAVATION UNDER TREE CRIP LINE TO BE PROTECTED WITH PROPERLY INSTALLED BARRIERS AND FENCING.
- SITE PLAN NOTES:**
1. EXISTING ALL WORK IS TO BE COMPLETED WITHIN THE CRITICAL ROOT ZONE.
 2. ALL EXISTING UTILITIES TO BE PROTECTED DURING CONSTRUCTION.
 3. CONTRACTOR RESPONSIBLE FOR VERIFYING ALL UTILITIES PRIOR TO EXCAVATION.
 4. CON. RESPONSIBILITY FOR OTHERS.
 5. TREE PROTECTION TO MAINTAIN ALL EXISTING UTILITY SERVICES.
 6. ALL EXCAVATION TO BE PROTECTED WITH PROPERLY INSTALLED BARRIERS AND FENCING.
 7. LANDSCAPING BY OTHERS (N.C.).
- LEGEND**
- FOUND 1/2" IRON ROD SIRC
 SET 1/2" IRON ROD W/CAV
 FENCE
 UTILITY POLE
 WATER METER
 PROTECTED TREE
 1" 9" DIA. MIN.

Requires full Site Plan submitted



SCALE 1/16" = 1'-0"

1 SITE PLAN

OWNER:
McCABE DEVELOPMENT, LLC

ADDRESS:
1601 W. 39 1/2 STREET

LEGAL DESCRIPTION:

0.4081 ACRES KNOWN AS THE EAST ONE-HALF (E. 1/2) OF LOT NO. TWO (2) AND THE WEST ONE-HALF (W. 1/2) OF LOT NO. 2 (2) AND THE NORTH THIRTY-THREE FEET (N. 33') OF THE WEST ONE-HALF (W. 1/2) OF LOT NO. ONE (1), BLOCK FIVE (5), PLEASANT GROVE ADDITION, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 2, PAGE 195, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAVE AND EXCEPT THE NORTH FIVE FEET (N. 5') OF LOT 2, BLOCK 5, AS CONVEYED TO THE CITY OF AUSTIN IN DEED DATED JULY 10, 1972, AND RECORDED IN VOLUME 4383, PAGE 1567, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

THE PROPERTY SURVEYED IS SUBJECT TO:

EASEMENT RIGHTS AND RESTRICTIVE COVENANTS RECORDED IN VOLUME 2, PAGE 195, PLAT RECORDS, AND VOLUME 8947, PAGE 934, REAL PROPERTY RECORDS, ALL TRAVIS COUNTY, TEXAS.

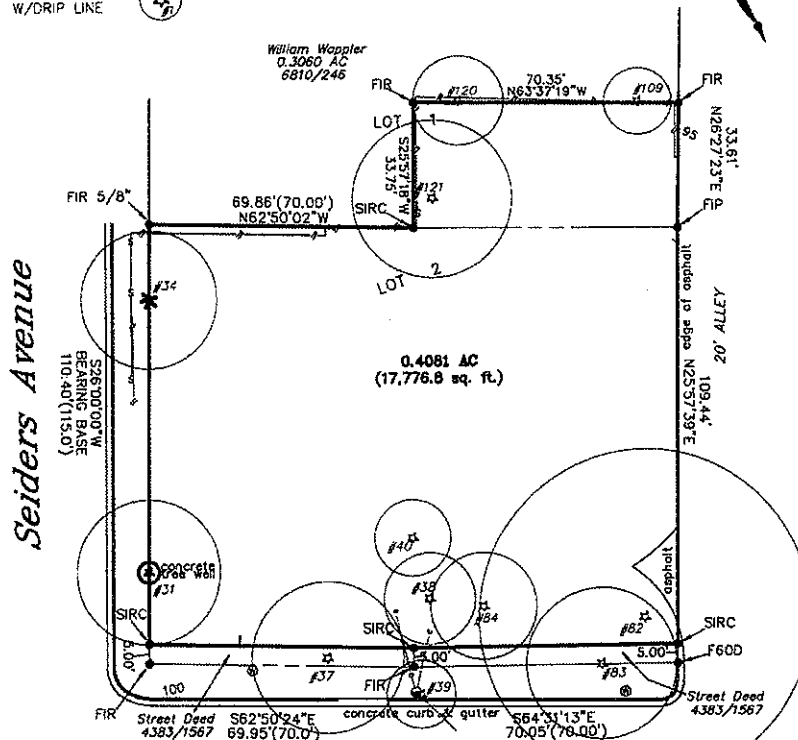
ALL ITEMS, CONDITIONS AND STIPULATIONS AS SET OUT IN SAID TITLE COMMITMENT AND EASEMENTS WHICH ARE NOT RECORDED IN THE PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

Waterloo Surveyors Inc.
SURVEY PLAT

J133238

LEGEND
FOUND 1/2" IRON ROD FIR
SET 1/2" IRON ROD W/CAP SIRC
LABELED "WATERLOO RPLS 4324"
WOOD FENCE ---
CHAIN LINK FENCE ---
UTILITY POLE & WIRE
ELECTRIC LINE ---
WATER METER (W)
(RECORD)
TREE SYMBOL:
W/DROP LINE

SCALE
1" = 30'



TREE LIST
SIZE TYPE
#31 18" pecan
#32 10" hackberry
#34 18" palm
#37 20" pecan
#38 12" shin oak
#39 9" hackberry
#40 10" pecan
#82 31x25" twin live oak
#83 20" elm
#84 14" shin oak
#109 9" hackberry
#120 9x5" chinaberry
#121 21" elm

State of Texas:
County of Travis:

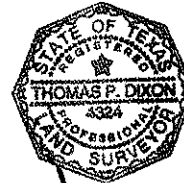
W. 39 1/2 Street

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 5 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: 48453CD465H

Zone: X Dated: SEPTEMBER 26, 2008

Dated this the 13TH day of NOVEMBER, 201 3



Thomas P. Dixon R.P.S. 4324



6412

6600

6408

6604

SF-2-NP

6608

6612

6616

6609

6613

SF-2-NP

6617