

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, January 13, 2014

CASE NUMBER: C15-2014-0004

____ Jeff Jack
____ Michael Von Ohlen
____ Will Schnier
____ Bryan King
____ Fred McGhee
____ Melissa Hawthorne
____ Sallie Burchett
____ Cathy French (SRB only)

APPLICANT: Jim Bennett

OWNER: Dora Vasquez

ADDRESS: 304 and 306 West MILTON ST

VARIANCE REQUESTED: 304 W Milton – The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-492 (D) from 50 feet in width to 32 feet in width and to decrease the minimum lot size requirement of Section 25-2-492 (D) from 5,750 square feet to 3,360 square feet in order to erect a single family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

306 W Milton - The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-492 (D) from 50 feet in width to 25 feet in width and to decrease the minimum lot size requirement of Section 25-2-492 (D) from 5,750 square feet to 2,625 square feet in order to erect a single family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

BOARD'S DECISION: POSTPONED TO February 10, 2014

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
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:


Leane Heldenfels
Executive Liaison


Jeff Jack
Chairman

Walker, Susan

From: Kevin Lewis <[REDACTED]>
Sent: Sunday, January 12, 2014 1:05 PM
To: Walker, Susan; Ramirez, Diana
Cc: [REDACTED]
Subject: BOA postponement on 304 and 306 West Milton St.

RE: case C15-2014-0004, item E5

Dear Ms. Walker and Ms. Ramirez,

Regarding Jan. 13, 2014 BOA agenda item E5, 303 and 306 West Milton St., the Bouldin Creek Neighborhood Association Steering Committee met with the owners' representative Leticia Vasquez and developer Sherry Tate as a courtesy Jan. 6. At that meeting we explained that per our standard practice, the Steering Committee could not offer an opinion until she had presented to our Zoning Committee. We discussed the case briefly, but took no action.

We asked Ms. Tate to request a postponement of the hearing to the February BOA meeting. Please confirm whether or not you have received any such request.

If no such request from the owners' reps has been made, the BCNA would request a postponement to the February 2013 BOA meeting. Please confirm either way.

Best,
Kevin Lewis

Kevin Lewis
President 2014
Bouldin Creek Neighborhood Association

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern *(it may be delivered to the contact person listed on a notice)*; or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2014-0004 – 304 & 306 W Milton
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, January 13th, 2014

THOMAS G. EARNEST
 Your Name (please print)

1507 NEWTON ST
 Your address(es) affected by this application

[Signature]
 Signature

2-Jan-14
 Date

Daytime Telephone: 512-601-3434

Comments: This property is now under
new ownership: (F, however, Big
time!)
(Oct 25, 2013)
Michael J. Segalotto
Kathryn P. Rosenthal
8600 N. Madrone Trail
Austin, TX 78737

If you use this form to comment, it may be returned to:
 City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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Case Number: C15-2014-0004 – 304 & 306 W Milton

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 13th, 2014

Derek Urbaniak
Your Name (please print)

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> Object

403 W Milton

Your address(es) affected by this application

[Signature]
Signature

1/3/14
Date

Daytime Telephone: (512) 773-1725

Comments:

See attached letter.

If you use this form to comment, it may be returned to:
City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2014-0004 – 304 & 306 W Milton

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 13th, 2014

David Tripp GARZA

Your Name (please print)

401 W. Monroe

Your address(es) affected by this application

David Tripp Garza

Signature

1/5/2014

Date

Daytime Telephone: 512-442-6662

Comments: Object to density of housing without adequate off-street parking.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Case Number: C15-2014-0004 – 304 & 306 W Milton
Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 13th, 2014

Armandina Flores

Your Name (please print)

1607 Newton St., Austin, TX 78704

Your address(es) affected by this application

Armandina Flores

Signature

1-9-14

Date

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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Case Number: C15-2014-0004 – 304 & 306 W Milton

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 13th, 2014

LISA NICKLE

Your Name (please print)

1605 NEWTON ST 78704

Your address(es) affected by this application

01.6.14

Date

Signature

Daytime Telephone:

(512) 444-3152

Comments:

**THIS APPEARS TO BE NEW
CONSTRUCTION AND I WOULD NOT
CONSTITUTE A HARD SHIP.**

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

CASE # C15-2014-0004

ROW-11061352

TP-04000006-14

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: 304 & 306 West Milton St.

LEGAL DESCRIPTION: Subdivision – Gus F. Baker

Lot(s) E. 22' of lot 8 & w. 3' of lot 9, and e. 32' of lot 9 Block B
Outlot Division

I Jim Bennett as authorized agent for Eustolio Vasquez & Jose Castro

 affirm that on 11/7/13 hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A single family dwelling at 304 W. Milton providing a lot width of 32' & a total lot area of 3360 sq. ft., and to erect a single family dwelling at 306 W. Milton providing a lot width of 25' & a total lot area of 2625 sq. ft.

 in a SF-3 NP district.
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
the substandard condition of these structures do not warrant repair, but instead requires replacement.

HARDSHIP:

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

The tracts are grandfather tracts and the size and shape have not changed. Without a variance the owners would have to continue to live in substandard conditions. Due to the condition of the existing structures an attempt to repair would result in a new residence. The replacement structures will be similar in size of the existing structures

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

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 dilapidated structures will be removed and new structures will be constructed. The surrounding neighbors support the variance

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

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 Jan Bennett Mail Address 11505 Ridge Dr
City, State & Zip Austin, TX 78740
Printed Jan Bennett Phone 282-3079 Date 11/15/15

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 Dora Vasquez Jose M. Castro Mail Address 304 W. Milton
City, State & Zip Austin, TX 78704
Printed DORA VASQUEZ Phone 512 Date 11/15/13
JOSE M. CASTRO 294-4005
DONATO CASTRO

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:

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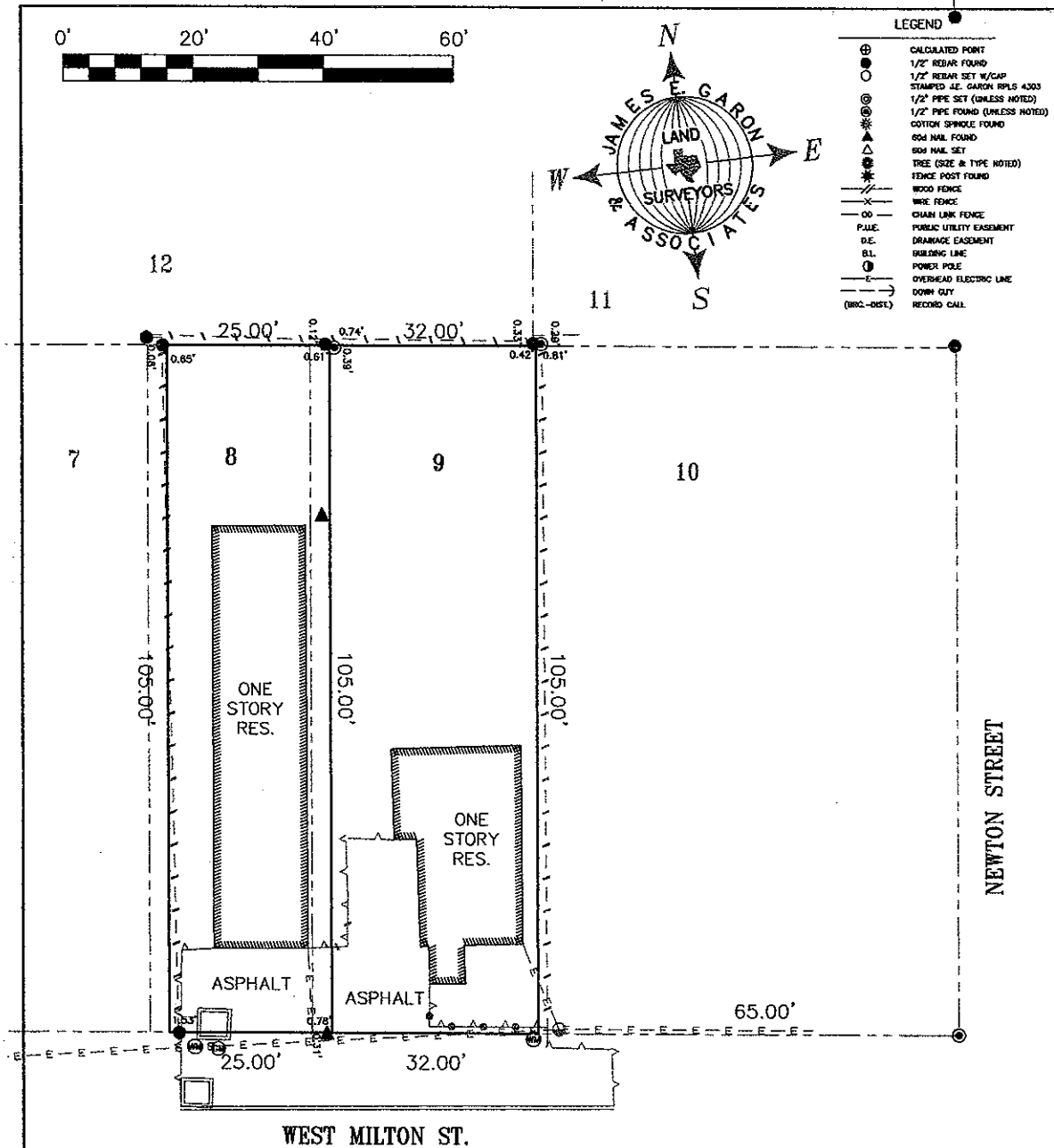
Signed *Eustolio Vasquez* Mail Address 306 W. Milton St.
City, State & Zip Austin, TX 78704
Printed DORA VASQUEZ Phone 512 296 4001 Date 11/15/13

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

Eustolio Vasquez
Signed *Dora Vasquez* Mail Address 306 W. Milton St.
City, State & Zip Austin, TX 78704
Printed DORA VASQUEZ Phone 512 296-4001 Date 11/15/13

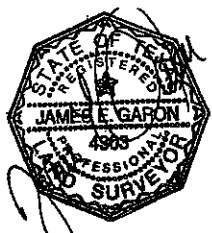
Leticia Vasquez -
512-296-4001

current survey



TO THE OWNERS, LIENHOLDERS AND GRACY TITLE COMPANY;

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS CORRECT AND THAT THERE ARE NO DISCREPANCIES, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A PUBLIC ROADWAY, EXCEPT AS SHOWN HEREON. THE UNDERSIGNED DOES FURTHER CERTIFY THAT THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE "X", SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, PANEL NO. 48453C0585H, EFFECTIVE SEPT. 26, 2008.



SEPT. 3, 2013



JAMES E. GARON & ASSOC.
PROFESSIONAL LAND SURVEYORS

P.O. Box 1917
Bastrop, Texas 78602
(512) 303-4185
www.jamesegaronsurvey.com
jgaron@austin.rr.com

REFERENCE: BLAKE SHORES

ADDRESS: 304 & 306 W. MILTON ST.; AUSTIN, TX.

LEGAL DESCRIPTION E. 22' LOT 8 & W. 3' LOT 9; E. 32' LOT 9, BLOCK "B"; GUS F. BECKER'S SUBDIVISION; VOL. 3, PG. 115 PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

FILE: server; Co\TRAWS\SUBD\GUS BECKER\48113

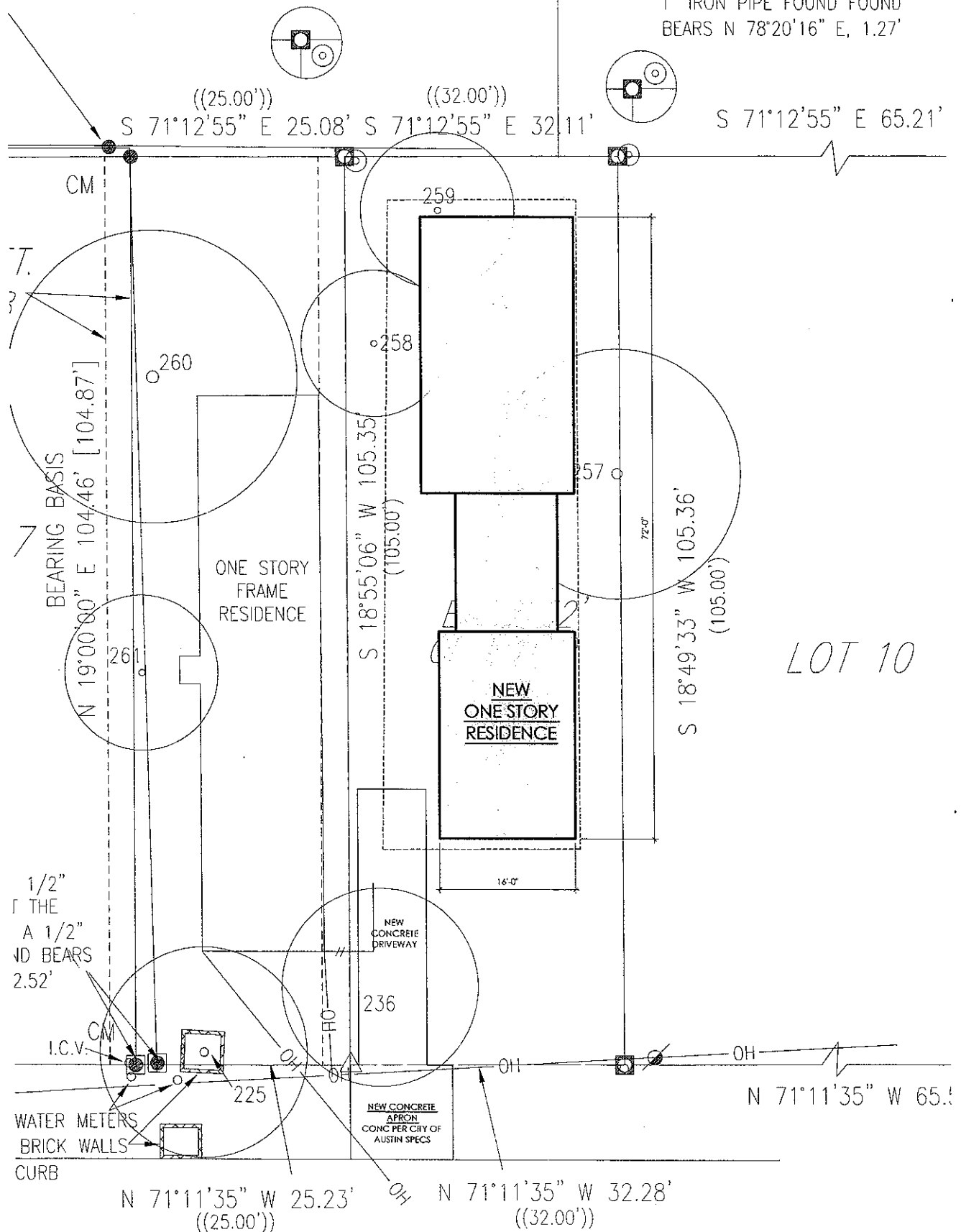
G.F. NO. 01247-12630; 12605

FIELD BOOK: B445, PG. 74

R FOUND
RNER,
R FOUND
W, 2.74'

FROM A CAPPED 1/2" REBAR
SET AT PROPERTY CORNER, A
1" IRON PIPE FOUND FOUND
BEARS S 50°08'38" E, 1.41'

FROM A CAPPED 1/2" REBAR
SET AT PROPERTY CORNER, A
1" IRON PIPE FOUND FOUND
BEARS N 78°20'16" E, 1.27'



LOT 10

SITE PLAN
Scale: 1/16"=1'-0"

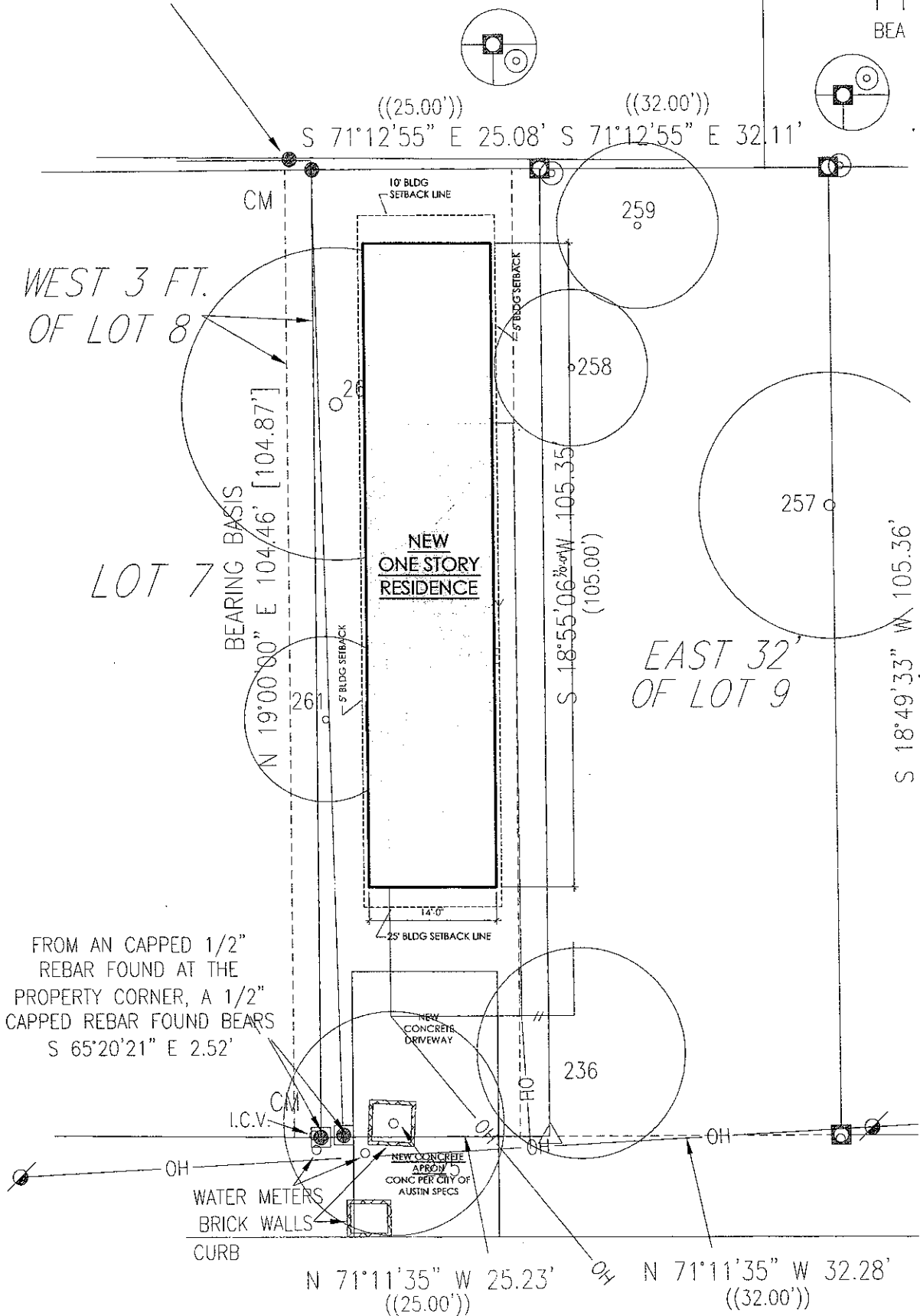
304 W MILTON
Austin, TX
78704

1312 Sq. Ft

FROM A 1/2" REBAR FOUND
AT PROPERTY CORNER,
ANOTHER 1/2" REBAR FOUND
BEARS N 35°53'08" W, 2.74'

FROM A CAPPED 1/2" REBAR
SET AT PROPERTY CORNER, A
1" IRON PIPE FOUND
BEARS S 50°08'38" E, 1.41'

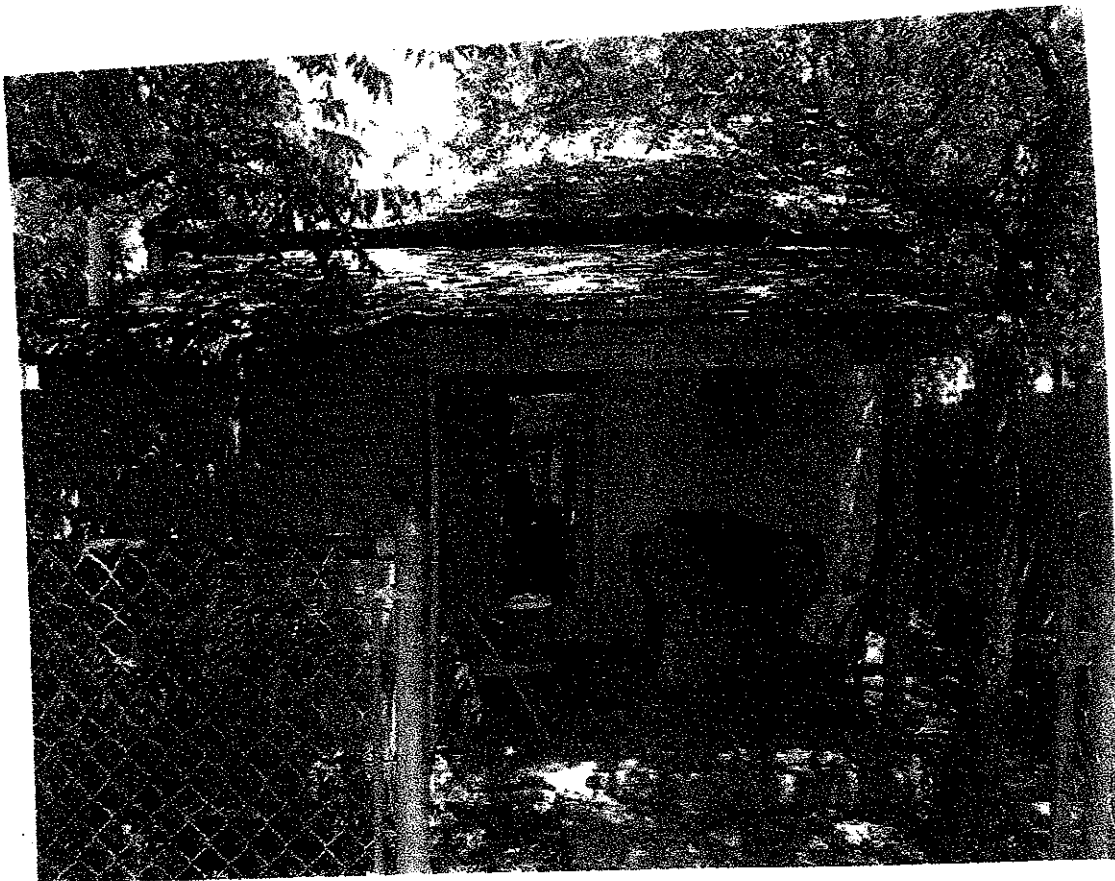
FROM
SET
1" I
BEA





306 W. Milton St.

Exterior Front



304 W. Milton St.

Exterior Front

November 4, 2014

My fellow friends and neighbors,

I am writing you this letter in hopes of gaining your support. My parents' home at 306 W. Milton St. and my brothers' home at 304 W. Milton St. are in dire need of replacement. The structures are literally falling apart. We have had several remodeling contractors come and offer bids for a complete remodel but all have said in good faith that it is not worth remodeling these structures and that we would actually save money by tearing down and rebuilding new and avoid a lot of headaches. When I went to the city to inquire about permits to build I come to find out that since these lots are so small we would have to be granted a variance from the planning commission in order to build. Our friend Sheila Cates and I received very helpful information and positive feedback from the city's development and review office after seeing our homes pics. Sheila has also been guiding us through this process and has been helping us in doing the right and necessary steps and by your support and the neighborhood association's support to make this a reality. My parents have lived here 25 YEARS and would like to continue making this their residence. We know that our chances of being granted this variance depends a lot from our fellow neighbors support and this is why we are asking for your help in backing this project. Please sign the attachment in favor of our new homes. I also personally think that by replacing those with a new home would also beautify our neighborhood. Thank you so much for your time and assistance.

Sincerely,

Leticia Vasquez (Lvasquez80@gmail.com)

Eustolio & Atenedora Vasquez (my parents)

Jose M & Donato Castro (my brothers)

I am in support of the two new homes being built at 304 Milton & 306 Milton

Name

Address

Rogelio C Tamayo
James E Jacob
Shirley Capares
Walter Medlin

1810 Newton St.
305 W MILTON
400 W Milton
206 W. Milton
303 W Milton

Pete Vincent
Brett Smith
EMIE WEHMEYER

1604 Rama
403 Monroe

MANUEL CEREDES

406 W. MONROE
306 W. Monroe

John C. D. Keller, Jr
Haley Lebowitz

1510 Newton
1502 Newton St.

Carli van Zyl

1506 Newton St.

Jillie Williams

1609 Newton

Sam E Med

Katjo Grentempo

1610 Newton St.

D.P. Silva

402 W. MONROE - GUADALUPESIDE

Name _____

Address
310 W. M. / 78704
1602 Newton 78104
~~305 W. MONROE 78704~~

LUKAS BOUVRIE
D. MOORE
ISABELLE FAGUET

I am in support of the two new homes being built at 304 Milton & 306 Milton

Name

Linda Watson

Address

308 W. MILTON *LINDA WATSON*
50704



**City of Austin
Planning and Development Review
Land Status Determination
1995 Rule Platting Exception**

June 25, 2013

File Number: C8I-2013-0241

Address: 304 W MILTON ST

Tax Parcel I.D. #0400000614

Tax Map Date: 04/11/2013

The Planning & Development Review Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being **the East Thirty-Two (32') feet of lot Nine (9), Block B, Gus F Becker's Subdivision, of Block 2-B of the Swisher Addition** in the current deed, recorded on **Aug 14, 2003**, in **Document #2003190666**, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Jan 31, 1986**, in **Volume 8664, Page 572**, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **water service on Nov 04, 1930**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: *Michelle Casillas*

**Michelle Casillas, Representative of the Director
Planning and Development Review Department**



4000

Revision Date
4/11/2013


0 120 Fee

10208
10209
10210

Thin	= 100 scale mmp
Bold	= 400 scale mmp

Text
Project

NAD_1
kas_Cen
ction: La



StatePlan
PS_420
Conform

Z

nic	The An en an pr an an a
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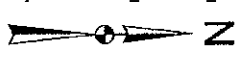
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Main Telephone Number (512) 834-9317
Appraisal Information (512) 834-3318
TDD (512) 834-3326



**City of Austin
Planning and Development Review
Land Status Determination
1995 Rule Platting Exception**

June 25, 2013

File Number: **C8I-2013-0242**

Address: **306 W MILTON ST**

Tax Parcel I.D. **#0400000615**

Tax Map Date: **04/11/2013**

The Planning & Development Review Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being the **East Twenty-Two (22') feet of Lot Eight (8) and the West Three (3) feet of Lot Nine (9), Block "B", Gus F Becker's Subdivision, of Block 2-B of the Swisher Addition** in the current deed, recorded on **May 15, 2001, in Document #2001076386, Travis County Deed Records**. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Jun 22, 1987, in Volume 10304, Page 0647, Travis County Deed Records**. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **water** service on **Nov 04, 1930**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: *Michelle Casillas*

**Michelle Casillas, Representative of the Director
Planning and Development Review Department**

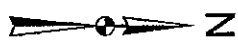


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Revision Date
4/11/2013

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