

Case# C15-2014-0033
Row ID# 11087755
TAX Roll# 0401070329

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JAN 08 2014

CITY OF AUSTIN

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
INTERPRETATIONS
PART I: APPLICANT'S STATEMENT
(Please type)

STREET ADDRESS: 2330 S. Lamar Blvd, Austin, TX 78704

LEGAL DESCRIPTION: Subdivision -

TRT Z TWENTY FOUR O ONE BLUEBONNET ADDN

Lot (s) _____ Block _____ Outlot _____ Division _____

ZONING DISTRICT: _____

I/WE Ellis Winstanley on behalf of myself/ourselves as
authorized

Agent for Lora Margaret Gilibreth affirm that on January

Day of 6, 20 14, hereby apply for an interpretation hearing before the Board of
Adjustment.

Planning and Development Review Department interpretation is: The project

located at 2330 S Lamar 78704 is not considered a remodel
because too much of the building has been demolished.

I feel the correct interpretation is: The project located at 2330 S Lamar
78704 is still a remodel under all applicable zoning and
other city codes.

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.

1. There is a reasonable doubt of difference of interpretation as to the specific intent of the regulations or map in that: section 1.2.3 of the zoning code
specifically qualifies Level III alterations, as defined
in the International Existing Building Code 2009 as remodels.
Nothing that has been performed at the site would make the
project less compliant with Section 25-5-2 than the day the
site plan exemption was approved.

2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because: _____
the project is a remodel under the zoning and building code

3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: _____
the property is compliant with all applicable codes; any
other citizen could do the same thing under city codes

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

Signed _____ Printed Ellis Winstanley for Abel's
FRR, LLC

Mailing Address 2815 Manor Rd

City, State & Zip Austin, TX 78722

Phone 512 222-0395

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

Signed _____ Printed Lora Margaret Gilbreth

Mailing Address _____

City, State & Zip _____

Phone _____

**REQUESTS FOR INTERPRETATION
(Appeal of an Administrative Decision)**

REQUIRED ITEMS FOR A COMPLETE APPLICATION:

The following items are required in order to file an application for interpretation to the Board of Adjustment.

- A completed application with all information provided. Additional information may be provided as an addendum to the application. ✓
- Standing to Appeal Status: A letter stating that the appellant meets the requirements as an Interested Party as listed in Section 25-1-131(A) and (B) of the Land Development Code. The letter must also include all information required under 25-1-132(C). ✓
- Site Plan/Plot Plan drawn to scale, showing present and proposed construction and location of existing structures on adjacent lots. ✓
- Payment of application fee for residential zoning or for commercial zoning. See Current Fee Schedule (<http://www.austintexas.gov/department/fees>) for Applicable Fees. Checks should be made payable to the City of Austin. ✓

An appeal of an administrative decision must be filed by the 20th day after the decision is made (Section 25-1-182). Applications which do not include all the required items listed above will not be accepted for filing.

If you have questions on this process contact Susan Walker at 974-2202.

**To access the Land Development Code, go to
<http://www.austintexas.gov/department/online-tools-resources>**

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CITY OF AUSTIN

January 8, 2014

Mr. Greg Guernsey
Director, Planning & Development Review
City of Austin
505 Barton Springs Road
Austin, Texas 78704

Re: ***Appeal of Administrative Decision/Request for Interpretation for 2330 S. Lamar Blvd, Austin, TX 78704***

Dear Mr. Guernsey,

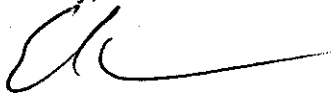
We are requesting an interpretation from the Board of Adjustments regarding the property located at 2330 South Lamar Boulevard.

For purposes of §25-1-131(A), we meet the requirements as an Interested Party in this matter as the applicant and the authorized agent for the record owner of the subject property.

It is our interpretation that the project in question is a remodel under all applicable city code provisions, and that no additional work has been performed that would alter the project in such a way as to negatively affect the status of the existing site plan exemption.

For these reasons and others, we respectfully request an appeal of the administrative decision and an interpretation from the Board of Adjustments.

Sincerely,



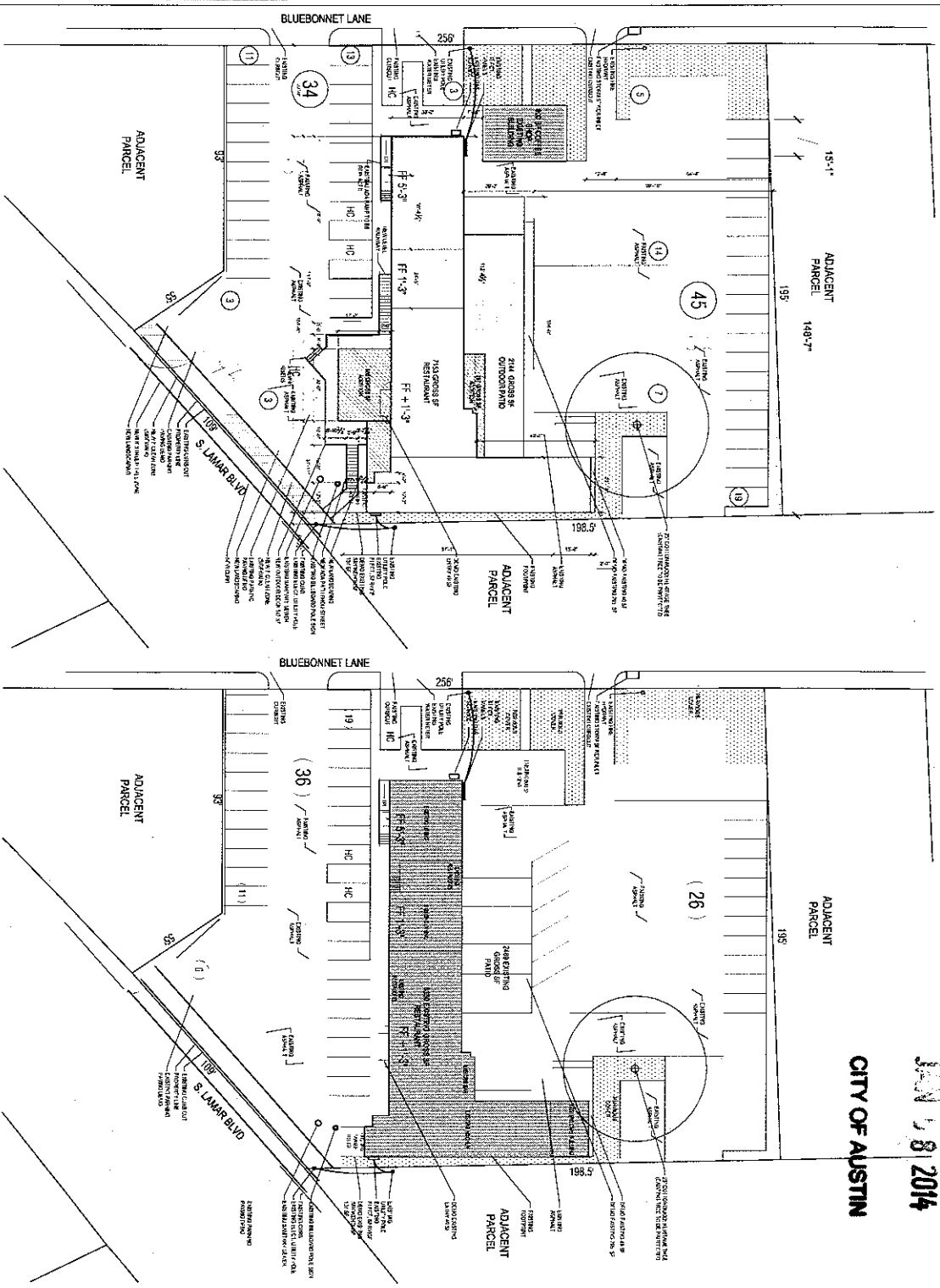
Ellis Winstanley, Abel's FRR, LLC

Cc: Susan Walker
Board of Adjustments
City of Austin

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JAN 18 2014

CITY OF AUSTIN



1/1 NEW SITE PLAN

1/1 EXISTING SITE PLAN

ALL SITE INFORMATION FOR INFORMATION PURPOSES AND PERMIT REVIEW
BASED UPON ON SITE OBSERVATIONS AND BUILDING INFORMATION PROVIDED
ADDITIONAL SURVEY INFORMATION SHOULD BE PROVIDED SO AS TO VERIFY
EXISTING CONDITIONS BEFORE PROCEEDING.

PROJECT DESCRIPTION	
A. SITE DESCRIPTION	EXISTING 1,026 ACRES SITE AT 2230 SOUTH LAMAR
B. SITE AREA	1,026 ACRES ±
C. EXISTING IMPERVIOUS COVER	4,480 SF (0.4%)
D. ALLOWABLE IMP COVER (LO)	3,136.7 (70%)
E. PROPOSED IMP COVER	3,882 SF (0.67%)
F. OCCUP. TYPE	RESTAURANT (A)
G. ZONING	LO
H. CONST. TYPE	TYPE V-9
I. EXISTING RESTAURANT	630 SF
J. GROSS AREA 800 SF (STORAGE)	
K. EXISTING ACCESSORY BUILDING	2,469 SF
L. EXISTING PATIO	8,119 SF (F+G+H)
M. GROSS ADDITION	0 SF
N. ADDITION PATIO	324 SF
O. GROSS PATIO	2,144 SF (F+H+N)
P. BUILDING DEMO	1,132 SF
Q. NET RESTAURANT SF	726 SF (F+M+N)
R. ADDITION BUILDINGS	1,034 SF (G+L+O)
S. NET NEW DEVELOPMENT	575 SF (P-I)
T. EXISTING SPRINKLERED	NO
U. PROPOSED SPRINKLERED	YES
V. BUILDING AREA UNDER TYPE INCREASE	8,000 SF PER LEVEL
W. PARKING PROVIDED ON SITE	62 SPACES
X. NEW PARKING REQUIRED FOR RESTAURANT	7,677 SPACES (Q 75)
Y. ADDITION @ 17%	
Z. 20% PARKING REDUCTION	8,113 SPACES (S * 80%)
AA. T. STORAGE BUILDING (800 SF+1000)	8 SPACES (800)
AB. U. PARKING SPACES REQUIRED	98.63 SPACES (R+S+T)
AC. W. PARKING PROVIDED	78 SPACES

2230 SOUTH LAMAR
AUSTIN, TEXAS

opa

DESIGN STUDIO, INC.

1301 East 7th Street Suite 201
Austin TX 78702
512.588.7575
www.opastudio.com

NO.	DATE	REVISION	DESCRIPTION	BY
1				
2				
3				
4				
5				

A1
SITE PLAN



Planning and Development Review Department

P.O. Box 1088, Austin, Texas 78767

One Texas Center, 505 Barton Springs Road

Telephone: (512) 974-6370 Fax: (512) 974-2423



Tree Regulations Apply

Site Development Exemption Request

DA-2013-0091

Site Address:	S 2330 Lamar Austin, TX 78704		
Project Name:	Abel's Rib House		
Legal Description:	TRT 2 TWENTY FOUR 0 ONE BLUEBONNET ADDN		
Zoning:	LO	Watershed:	
Existing Land Use(s):	Restaurant		
Proposed Land Use(s):	Restaurant		
Brief /General Description of the Development being sought:			
Restaurant Remodel			

Attach a detailed description of the proposed development in a memorandum or letter and a site plat or survey plan that graphically indicates, but is not limited to,:

- | | |
|--|--|
| <input checked="" type="checkbox"/> existing trees | <input checked="" type="checkbox"/> limits of construction |
| <input checked="" type="checkbox"/> buildings | <input checked="" type="checkbox"/> type of construction |
| <input checked="" type="checkbox"/> parking areas | <input checked="" type="checkbox"/> location of construction |
| <input checked="" type="checkbox"/> roadways/streets | <input checked="" type="checkbox"/> accessible parking |
| <input checked="" type="checkbox"/> all areas of impervious cover levels (existing & proposed) | <input checked="" type="checkbox"/> access route |
| <input checked="" type="checkbox"/> erosion controls (i.e.: silt fencing, tree protection) | <input checked="" type="checkbox"/> on-site sewage (septic) systems and drain fields |

I, Margaret Gilbreth, do hereby certify that I am the
(PRINT NAME)

☒ Owner ☐ owner's agent (to act as the owner's agent, written authorization from the owner must be provided) of this described property, and in this capacity, submit this request for exemption from the site plan submittal requirements pursuant to Chapter 25-5-2 of the Austin City Code.

Furthermore, I certify and acknowledge that:

1. Although the proposed development does not require a formal site plan approval, it may require, prior to beginning any site work, the approval of the subdivision or issuance of a building, remodel, and/or demolition permit;
2. Although the proposed development complies with all applicable zoning regulations, it does not prohibit enforcement of restrictive covenants and/or deed restrictions;
3. The approval of this exemption request does not constitute authorization to violate any provisions of the Austin City Code or other applicable requirements, which includes the use or occupancy of the improvement.
4. The approval notice with paid receipt shall be clearly posted on-site and protected from the elements at all times.

Margaret Gilbreth Date: 2/7/13
Signature of Requester
Address: 2815 Manor Rd Austin, TX 78722
Telephone: 512 413-3792

Please indicate how you wish to receive a copy of the results of the review:

☐ FAX: ☒ E-mail Address: Please provide e-mail address on other side of form

DAC

Site Development Exemption

Revised: 10.22.2010

Departmental Use Only

Project Name: <i>Abels Rib Honor</i>		Case Number: <i>13-0091</i>		Applicant Name: <i>Margaret Giebroth</i>	
<input checked="" type="checkbox"/> If Required	Reviewer	Date	Comments		
<input type="checkbox"/> Site Plan			<input type="checkbox"/> SPOC*		
<i>[Signature]</i>					
<input type="checkbox"/> Transport			<input type="checkbox"/> SPOC*		
<i>[Signature]</i>					
<input type="checkbox"/> Drainage	<i>Genf Boer</i>	<i>3-4-13</i>	<input type="checkbox"/> SPOC*		
<i>OK</i>					
<input type="checkbox"/> Environ	<i>Kristen Weston</i>	<i>3-5-13</i>	<input type="checkbox"/> SPOC*		
<i>OK</i>					
<input checked="" type="checkbox"/> AFD	<i>S. Steakey</i>	<i>3-5-2013</i>			
APPROVED. NOTE: THIS 865 sq. ft. addition is AN INCREASE IN THE BUILDING FIRE AREA & WILL REQUIRE AUTOMATIC SPRINKLER PROTECTION OR FIRE-RESISTIVE SEPARATION OF THE 865					
<input checked="" type="checkbox"/> AWU	<i>Cory Harmon</i>	<i>3/5/2013</i>	<i>sq. ft. addition.</i>		
<i>N/A</i>					
<input checked="" type="checkbox"/> Plumbing	<i>Cory Harmon</i>	<i>3/5/2013</i>			
<i>N/A: with utilities illustrated</i>					
<input checked="" type="checkbox"/> AE		<i>3-4-13</i>			
<i>N/A</i>					

• SPOC – Single Point of Contact

<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Determined to be a <input type="radio"/> Revision <input type="radio"/> New Project
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Building permit required? ☐ Yes ☐ No ☐ N/A
Smart Housing Project? ☐ Yes ☐ No

Qualifies for exemption per Section 25-5-2(____)

Check all that apply:

- ☐ Review Fee(s) Not Required
- ☐ Site Plan Correction/ Exemption Review Fee
- ☐ Change of Use Review Fee
- ☐ Phasing Review: _____ phases
- ☐ Landscape Inspection: _____ acres
- ☐ Shared Parking Review