

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

DATE: Monday, May 11, 2015

CASE NUMBER: C15-2015-0052

☐ Y ☐ Jeff Jack - Chair
☐ Y ☐ Michael Von Ohlen
☐ Y ☐ Melissa Whaley Hawthorne - Vice Chair - Motion to PP to June 8, 2015
☐ Y ☐ Sallie Burchett
☐ - ☐ Ricardo De Camps (OUT)
☐ Y ☐ Brian King - 2nd the Motion
☐ Y ☐ Vincent Harding

APPLICANT: Letty Mcgarrahan

OWNER: Marcelo Vera

ADDRESS: 106 AND 108 COMAL ST

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the front setback from 25 feet (required) to 15 feet (requested); and to**
- B. decrease the rear setback from 10 feet (required) to 5 feet (requested); and to**
- C. decrease the side setback from 5 feet (required) to 3.5 feet (requested); and to**
- D. increase the building cover from 40% (required) to 55% (requested); and from**
- E. Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 (Maximum Development Permitted) to increase square footage from 2,300 square feet (required) to 2,500 square feet (requested)**

in order to construct a new single family home in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

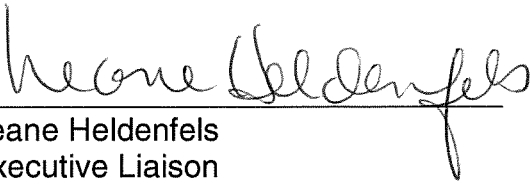
NOTE: The East Cesar Chavez Neighborhood Plan allows for Small Lot Amnesty lots of 2,500 square feet or greater to be developed with a Single Family use, the area of these combined lots is 3,820 square feet. In addition, the plan allows for Small Lot Amnesty lots to have up to 65% impervious cover which the proposed use of this lot will meet.

BOARD'S DECISION: POSTPONED TO May 11, 2015 AT THE APPLICANT'S REQUEST; May 11, 2015 The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to June 8, 2015, Board Member Bryan King second on a 6-0 vote; POSTPONED TO JUNE 8, 2015.

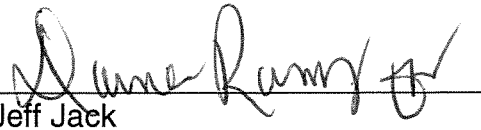
FINDING:

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

C 15-2015-0052

Heldenfels, Leane

From: Letty McGarrahan <~~edandlettymcgarrahan@yahoo.com~~>
Sent: Tuesday, May 26, 2015 12:12 PM
To: Heldenfels, Leane
Subject: Re: 106/108 Comal support letter from East Cesar Chavez Neighborhood Planning Com.

Yes, thank you Leane. Please postpone to July 13th meeting.
Letty

On Friday, May 22, 2015 10:34 AM, "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov> wrote:

Well, I'm supposed to send the notice language to staff on Tues. Do you want to postpone again to July 13th meeting so we make sure and get it correct?
Leane

From: Letty McGarrahan [mailto:~~edandlettymcgarrahan@yahoo.com~~]
Sent: Tuesday, May 19, 2015 3:29 PM
To: Heldenfels, Leane
Subject: Re: 106/108 Comal support letter from East Cesar Chavez Neighborhood Planning Com.

Oh no, I meant within the existing perimeters of existing homes.
But existing is over 40% at 106.

So most likely will need the increased impervious coverage.

But as soon as I have a dimensioned plan with calculations, I will let you know.

What is my deadline for the June meeting?

Letty

On Tuesday, May 19, 2015 3:10 PM, "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov> wrote:

Ok – great, so may be able to withdraw all the pending requests. That would be wonderful. Advise when you're certain -
Leane

From: Letty McGarrahan [mailto:edandlettymcgarrahan@yahoo.com]
Sent: Tuesday, May 19, 2015 3:07 PM
To: Heldenfels, Leane
Subject: Re: 106/108 Comal support letter from East Cesar Chavez Neighborhood Planning Com.

Thanks, Leane.

Working to make plan work with the existing perimeters.

Thank you so much for all your help.

Letty



May 19, 2015

Board of Adjustment
City Council Chambers
301 W. 2nd Street

RE: 106 and 108 Comal setback and lot size variances

Dear Board Members,

The East Cesar Chavez Neighborhood Planning Team is writing in support of Marcelo Vera's request for setback and lot size variances so that he may build a new home across two small lots in our neighborhood. Mr. Vera met with the ECCNPT at our monthly meeting in April 2015 and addressed concerns about building compatibility, parking, and historic preservation.

The ECCNPT members in attendance voted in support of Mr. Vera's request for reduced setbacks and increased impervious coverage, to the limits allowed by Small Lot Amnesty.

Mr. Vera's variance request is in line with the following sections of our Neighborhood Plan, which read as follows:

"Section 3, Goal 2, Objective 3: Provide additional opportunities to increase housing opportunities in the neighborhood"

We hope that you join us in support of this variance.

Sincerely,

Ken Johnson
Chair
East Cesar Chavez Neighborhood Planning Team
CC: ECCNPT via e-mail

Heldenfels, Leane

From: Letty McGarahan <~~edandlettymcgarahan@yahoo.com~~>
Sent: Tuesday, May 19, 2015 3:00 PM
To: ken j; Heldenfels, Leane
Cc: mcasias45@gmail.com; Thompson Jeff (KTAUS)
Subject: Re: 106/108 Comal support letter from East Cesar Chavez Neighborhood Planning Com.

Thank you.

After meeting with all of you on April 15th, we are looking into trying to renovate the 2 existing homes and adding (stairs and elevator) in between both 106 and 108 Comal with a 2nd story addition over both.

106 (the home next to alley) would become a carport (only 1 story) with the front porch staying as is, and a bedroom suite in front portion. 108 would become another bedroom suite with front and back entry and mudroom.

As soon as we have a dimensioned working plan with square footage, we will take back and meet with a City Planner and contact you once again for plan review.

The existing home at 106 is already at about 43% impervious coverage, while 108 is about 32% impervious coverage. Combining both lots and with the 6 foot addition between both homes brings impervious coverage to about 40%.

This plan seems more neighbor friendly since existing homes are closer to the street and alley. The existing home setback in front (Comal Street) is 7 feet and alley existing building setback is approximately 9 feet.

We would not extend to the north (existing north building setback is 14 feet, 6 inches). We would extend the carport 1 foot to the west making the west setback 10 feet.

With your help obtaining the Small Lot Amnesty will help:

1) with the increased impervious coverage to:

be able to add ramp from carport to back door with a back porch and a paved driveway from alley to carport.

2) with the small lot setbacks:

not sure that we will need them since existing home is at 7 feet on front and 9 feet on alley side, we are not going beyond the existing building setbacks. Just on the west side, where carport will extend 1 foot (but according to survey that will put us at a 10 foot setback).

Thank you, and as soon as we finish drawing (and calculating) a working plan that meets the owner's program, we will contact you to look at plan and elevations.

Sincerely,

Letty and Ed McGarahan

On Tuesday, May 19, 2015 1:04 PM, ken j <texaskenjohnson@gmail.com> wrote:

Hi Leane -

C15-2015-0052

Heldenfels, Leane

From: Marjorie Hook ~~marjoriehook@gmail.com~~
Sent: Friday, May 08, 2015 12:36 PM
To: Heldenfels, Leane; ~~james@arbollindo.com~~
Subject: Variance support for 614/618 Blanco

Dear Leane:

My name is Marjorie Hook. I'm the owner of 613 Blanco Street, which is across the street from the proposed development at 614 and 618 Blanco streets.

I am writing today to ask that you grant a variance to Arbollindo LLC and Mr. James Schoenbaum for the construction of the project known as the Stonewall in the Castle Hill Local Historic District (CHLHD).

I've owned my home for over 20 years. I vividly remember the home that once occupied 614 Blanco. I also remember the day that it first burned in 1995. Since that time, the neighbors who surround the property have lived for two decades with empty lot that has at times been blighted.

A few years ago, I was part of a group of residents that sought to establish the Castle Hill Local Historic District. We did so to avoid further loss of the historic character of our neighborhood. We also wanted to create design standards that would ensure the development on these particular lots would be compatible with the exiting historic homes and structures

Mr. Schoenbaum has taken great care to ensure that his project is compatible with the surrounding homes. I attended several meetings to see his proposed project and felt that it achieved the goal of our entire district to have compatible new construction that would not detract from the character of our neighborhood.

I understand it is rare to obtain a variance, but I know this project is very deserving. Part of the reason that Mr. Schoenbaum is in this situation is due to the conflicts within the Castle Hill design standards. The CHLHD code that is triggering compatibility for this property is outside the intention of the ordinance.

We as residents face the hardship of losing a really fine example of how new infill construction can blend with the historic fabric of an urban neighborhood. I ask the Board of Adjustment to grant the requested variance. The residents of Blanco Street have waited a LONG time for such a project.

Sincerely,

Marjorie Hook
613 Blanco Street
512-954-0898

C15-2015-0052
~~000~~

Heldenfels, Leane

From: ken j <texaskenjohnson@gmail.com>
Sent: Monday, May 11, 2015 3:00 PM
To: Letty McGarrahan
Cc: Heldenfels, Leane; mcasias45@gmail.com; Thompson Jeff (KTAUS)
Subject: Re: 106/108 Comal support letter from East Cesar Chavez Neighborhood Planning Com.

Hi Letty -

Sorry for the delayed letter, my volunteer hours have been stretched very thin the last few weeks/months.

Leane - During the April 15, 2015 meeting, the ECCNPT voted to support the applicant's request for modified impervious coverage and modified setbacks for 106/108 Comal, in line with the small lot amnesty development restrictions. I'll send along an official letter shortly, but this should help for the BOA discussion tonight.

Thanks,
Ken Johnson
Chair
East Cesar Chavez Neighborhood Planning Team

On Mon, May 11, 2015 at 1:30 PM, Letty McGarrahan <edandlettymcgarrahan@yahoo.com> wrote:

Ken,
I just checked with Leane at the City and they(or us) still have not received a letter in support for 106/108 Comal (April 15th Neighborhood Planning Meeting voted in our favor).
We go before the BOA tonight, May 11th.
Thank you,
Letty McGarrahan

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

DATE: Monday, April 13, 2015

CASE NUMBER: C15-2015-0052

_____ Jeff Jack - Chair
_____ Michael Von Ohlen
_____ Melissa Whaley Hawthorne - Vice Chair
_____ Sallie Burchett
_____ Ricardo De Camps
_____x_____ Brian King (OUT)
_____x_____ Vincent Harding (OUT)
_____ Will Schnier - Alternate
_____ Stuart Hampton - Alternate

APPLICANT: Letty Mcgarrahan

OWNER: Marcelo Vera

ADDRESS: 106 AND 108 COMAL ST

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 - D. increase the building cover from 40% (required) to 55% (requested); and from
 - E. Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 (Maximum Development Permitted) to increase square footage from 2,300 square feet (required) to 2,500 square feet (requested)
- in order to construct a new single family home in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

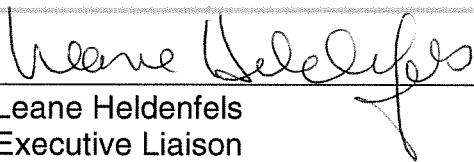
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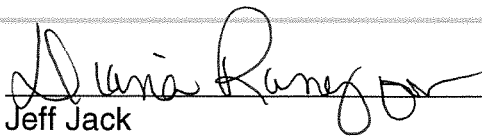
BOARD'S DECISION: POSTPONED TO May 11, 2015 AT THE APPLICANT'S REQUEST

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

Heldenfels, Leane

From: Letty McGarrahan <~~leane.heldenfels@cityofaustin.gov~~ and Letty McGarrahan <letty.mcgarrahan@yahoo.com>
Sent: Thursday, April 09, 2015 3:14 PM
To: Heldenfels, Leane
Cc: Marcelo Vera; Jeff.Thompson@kantar.com
Subject: Re: 2015-000043 BA, C15-2015-0052 - 106 & 108 Comal

Hi, Leane,

The owner, Marcelo Vera, has no problem with postponing case C15-2015-0052, 106 and 108 Comal Street until the May BOA meeting.

Being a very active member of our neighborhood, G.A.I.N. (Guadalupe Association for an Improved Neighborhood), we know the importance of neighborhood support.

We will meet with the East Cesar Chavez Neighborhood Planning Committee on April 15.
Mr. Thompson, please send us time and place for your meeting.

Thank you for all your time and guidance, Leane.

Sincerely,
Letty McGarrahan

On Thursday, April 9, 2015 12:27 PM, "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov> wrote:

Hi Letty – see below request.
Would you be opposed to their request to postpone to 5/11 hearing?
Leane

From: Thompson, Jeff (KTAUS) [<mailto:Jeff.Thompson@kantar.com>]
Sent: Thursday, April 09, 2015 11:39 AM
To: Heldenfels, Leane
Cc: kanipe@gmail.com; texaskenjohnson@gmail.com
Subject: 2015-000043 BA, C15-2015-0052 - 106 & 108 Comal

RE: 2015-000043 BA, C15-2015-0052 Request for Variance (106, 108 Comal)

Board of Adjustments
301 W. 2nd Street
Austin, TX

Dear Board Members,

We would like to request a postponement for the case C15-2015-0052 to provide an opportunity for the owner and/or his agent to meet with the East Cesar Chavez Neighborhood Planning Team to explain the need for the proposed variances. Although I have talked to Ms. McGarrahan regarding her requests, we have not yet received all of the information we requested. Without this information, we cannot fully understand why current regulations do not allow for a reasonable use of the land.

Heldenfels, Leane

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Sent: Thursday, April 09, 2015 11:39 AM
To: Heldenfels, Leane
Cc: kanipe@gmail.com; texaskenjohnson@gmail.com
Subject: 2015-000043 BA, C15-2015-0052 - 106 & 108 Comal

RE: 2015-000043 BA, C15-2015-0052 Request for Variance (106, 108 Comal)

Board of Adjustments
301 W. 2nd Street
Austin, TX

Dear Board Members,

We would like to request a postponement for the case C15-2015-0052 to provide an opportunity for the owner and/or his agent to meet with the East Cesar Chavez Neighborhood Planning Team to explain the need for the proposed variances. Although I have talked to Ms. McGarrahan regarding her requests, we have not yet received all of the information we requested. Without this information, we cannot fully understand why current regulations do not allow for a reasonable use of the land.

The house at 106 Comal is currently occupied and we do not understand why the current use is unacceptable. We do not understand what is unique about this property that would require the owners to exceed current regulations and build a new home that is 2500 square feet, when there are dozens of examples of smaller buildings on the surrounding blocks that have functioned perfectly as family homes for over 100 years.

The East Cesar Chavez team has often welcomed redevelopment and we understand that to keep the neighborhood diverse and vibrant, there will be change. We are happy to see owners adapt historic homes to meet current and future needs; however, we need to understand more about the details of this project before we can support it.

Sincerely,

Jeff Thompson
Land Use Committee Chair

East Cesar Chavez Planning Team

D +1 (512) 314-1830
M +1 (512) 299-1581

Kantar Disclaimer

Hello Friends, neighbors and fellow Members:

It has come to my attention that Mr. Marcelo Vera is asking for a variance change to some property that he owns in east Austin.

I am asking to please deny this request or any that he may ask for because this house was taken under false pretense. The follow account is the reason I feel you should deny his request. I am all for affordability, but not if it is done by someone who takes advantage of certain people.

I like to introduce myself, my name is Alex Martinez I reside at 106 Comal st. and have for over 50 years. I am an original East Austin Neighborhood Planning team.

My parents also lived in the neighborhood for 50 plus years. He is actually my neighbor. I lost my mom almost two years ago so my dad is the one I take care of being right next door.

My parents worked hard to build a foundation and roots in east Austin. They purchased the house located on comal street many years ago and in time managed to purchase another house on the corner of 2nd and comal in the 80's. My parents passed the house down to me so that I would have a future and be set while raising my children, I try to be independent and not depend on other people because that is what my father was like. I never borrowed money from anyone and dealt with my debts as independently as possible.

In recent years I have had several family set backs to include my brothers death 3 years ago, to my moms death almost two years ago. Along with my wife being diagnosed with fibromyalgia , and Myotonin-protein kinase. With the illness that my wife was diagnosed with I was left being the sole provider for our family.

As time went by, my debt started piling up and I got deeply behind on my mortgage among other things. I tried several options to try to work things out with the mortgage company but still got to far behind. I ran out of resources that I could think of and was fixing to lose my house.

I finally decided to call upon my cousin Marcelo Vera for some help. I knew that he was my last resort and that he had the finances to do it.

Initially I asked him if he was interested in buying the house out right, he said that it was not worth it to him to buy it for what it was worth. So that was taken off the table.

The next option I gave him if he would loan me the money to pay off my mortgage company and I would pay him back with interest. He stated that he would pay off the loan and that I could stay there without paying anything , all I had to do was keep up the taxes and the insurance every year. When I was ready to move after my dad passed I would just move out and the house would be his. I told him that was not something I was interested in.

The third option was that if he could loan me the money to payoff what I owed and also have a little extra to fix a few things that needed repair and with those repairs in time when I was ready to sell the house would sell at a higher than market value.

We had this conversation several times. At which point I was still exploring other options. Time was running out and no other options were available other than my cousin.

Me and my wife called him and told him that we had to decided to borrow the money that we talked about and made it perfectly clear that it was a loan and that we needed to discuss the terms on how much I was to pay him back.

He said that was fine and that he would call me back to make arrangements on the deal.

He called me back a few days later and asked me to go sign a few papers and that he would than call me to discuss the terms of the deal. When I arrived at the location he was not there, but said he would call me to just go ahead and sign all that needs to be signed and he would take care of it.

I lost my property to a man I thought had integrity, instead he has greed. He owns numerous properties in the Austin and kyle area. He owns his owns trucking business.

I ask why a man with all this wealth still take advantage of a small home owner who tries to do all he can for his family.

I believed him because after all he was my cousin, and I felt he was an honest and dependable person.

Friends and neighbors I was taken by a greedy, selfish person who I trusted as a relative.

After I signed the papers his attorney asking for the keys to the property, I told him that he was making a mistake and that I would call my cousin to discuss. When I called Marcelo he denied saying anything and about the deal.

That is were we are at with this situation. I have had offers from other investors to buy my house, but I was not interested. My main is one to be close to my dad because I am the main care giver that watches over him, he is al I have left after my moms passed. After all it is my turn to take care of him until god takes him from us.

Also I do not want to lose the very first house my parents bought , at least not like this.

I know there will be a time that I will move out of east Austin, but I want to time to be when I am ready not when someone forces me out.

Again I ask that you please help with this request and not grant the variance change that he has requested.

My family is near having to move and possibly not having any where to go because my future has been taken from us and we will need to start over.

We are looking for options but currently have none.

Thank you my friends and neighbors and committee members
Alex Martinez

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 application. 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 will be sent.

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.austintexas.gov/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. Any comments received will become part of the public record of this case.

Case Number: C15-2015-0052, 106 and 108 Comal Street

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, April 13th, 2015

Angelita B. Martinez
Your Name (please print)

☐ I am in favor
☒ object

106 Comal St
Your address(es) affected by this application

Angelita Martinez 04/07/15
Signature Date

Daytime Telephone: _____

Comments: HOUSE WAS PURCHASED UNDER
FALSE PRELENSE. ORIGINAL OWNER
WAS PROMISED A LOAN AND NEW
OWNER CHANGED HIS MIND. NEW OWNER
WAS ADVANTAGE OF OLD OWNER BECAUSE
OF RELATIONSHIP. THEY ARE COUSINS.
NOT A GOOD AND FAIR BUSINESS
MAN

Note: any comments received will become part of the public record of this case

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

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

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or scan and email to leana.heldenfels@austintexas.gov

Or fax to (512) 974-6305

PUBLIC HEARING INFORMATION

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Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, April 13th, 2015

Alexander Martinez

Your Name (please print)

☐ I am in favor
☒ I object

106 Comal St

Your address(es) affected by this application

[Signature]

Signature

04/10/15

Date

Daytime Telephone: _____

Comments: My cousin is a bad liar and unless I trust my person. He took this property from me after saying he would buy it from me otherwise made a deal through a loan. He is greedy and his intentions for this development is not what he says. Please do not grant this variance.

Note: any comments received will become part of the public record of this case

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

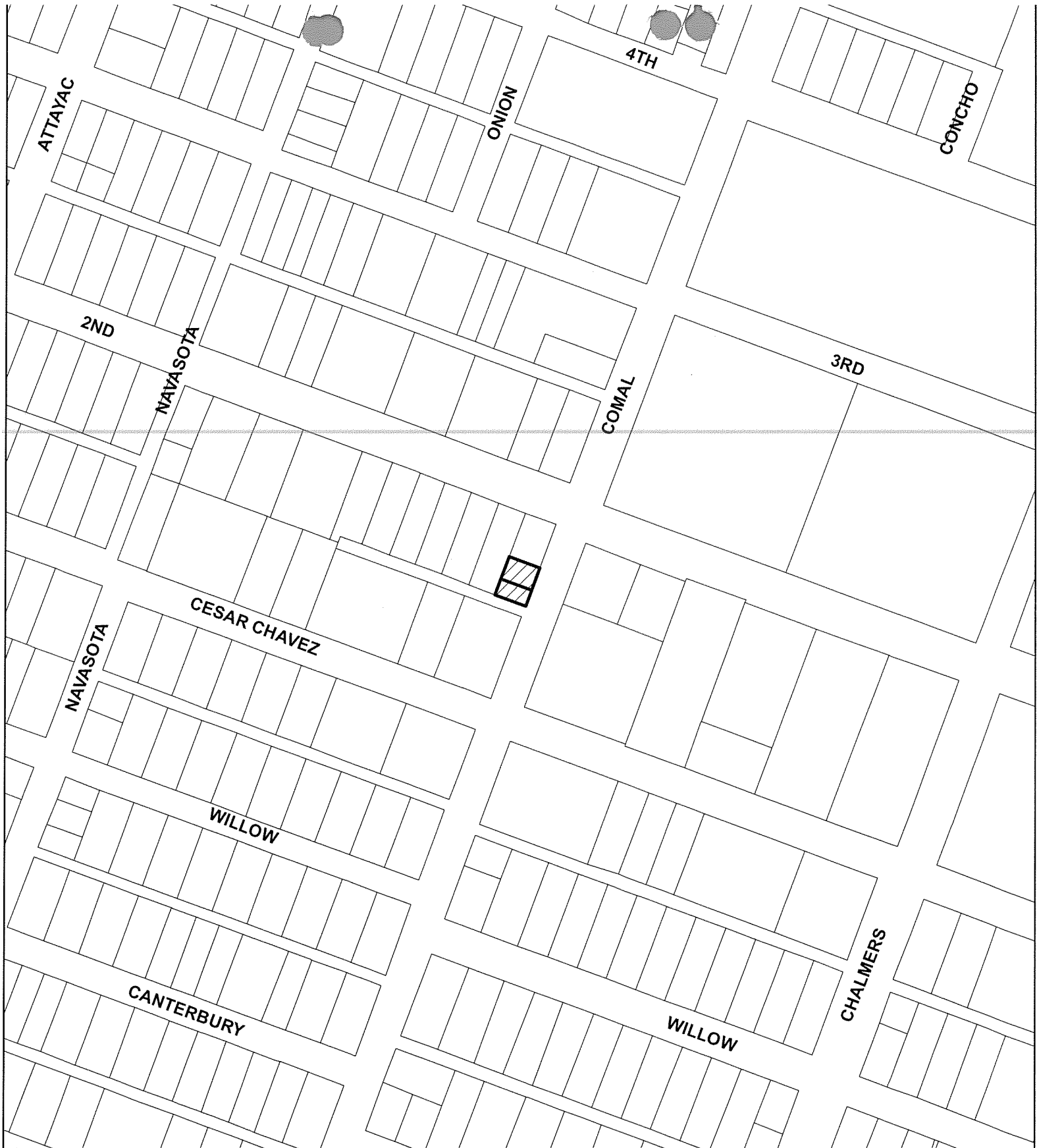
Leane Heldenfels




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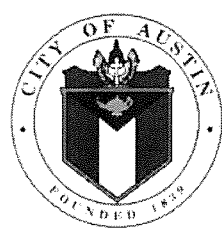
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2015-0052
Address: 106 & 108 COMAL ST

1" = 200'

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 and represents only the approximate relative location of property boundaries.

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



CASE# C15-2015-0052
ROW# 113092051362060
TAX# 0204061125/0204061124

CITY OF AUSTIN TCAD ✓
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: 106 and 108 Comal Street

LEGAL DESCRIPTION: Subdivision – Tract C & Tract B (of
Government Tracts adjoining City of Austin)

Lot(s) _____ Block _____ Outlot 20 Division O

I/We Letty/Ed McGarrahan on behalf of myself/ourselves as
authorized agent for

Marcelo Vera affirm that on Feb.26 , 2015 ,

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

(check appropriate items below and state what portion of the Land Development Code you are seeking a variance from)

X ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

Combine 106 Comal Street (1,785.96sf) and 108 Comal Street (2,034.sf) into one lot to

to create a small lot (3,820.sf) to build a single-family residence. And other design
requirements of a small lot, or SF.4

in a SF-3-NP district. (East Cesar Chavez)
(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:

As two separate lots 106 Comal (1,785.96sf) and 108 Comal (2,034sf) do not meet the

Small Lot Amnesty Minimum Size Requirement per East Cesar Chavez NP. (The existing residences are Non-Complying and need too much work).

HARDSHIP:

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

Under the East Cesar Chavez NP as Small Lot must have a minimum area of 2,500 sf. As
two separate lots 106 and 108 Comal do not meet the minimum area requirement.

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

The East Cesar Chavez NP provided Small Lot Amnesty to existing lots with a minimum
Of 2,500 square feet. (106 and 108 are smaller)

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 existing Zoning of SF-3-NP will remain in place. A single family residence is what
Will be constructed as per the SF-3-NP zoning.

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:

N/A

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

N/A

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 *Letty McGarran* Mail Address 1105 E. 8th St.

City, State & Zip Austin, Texas 78702

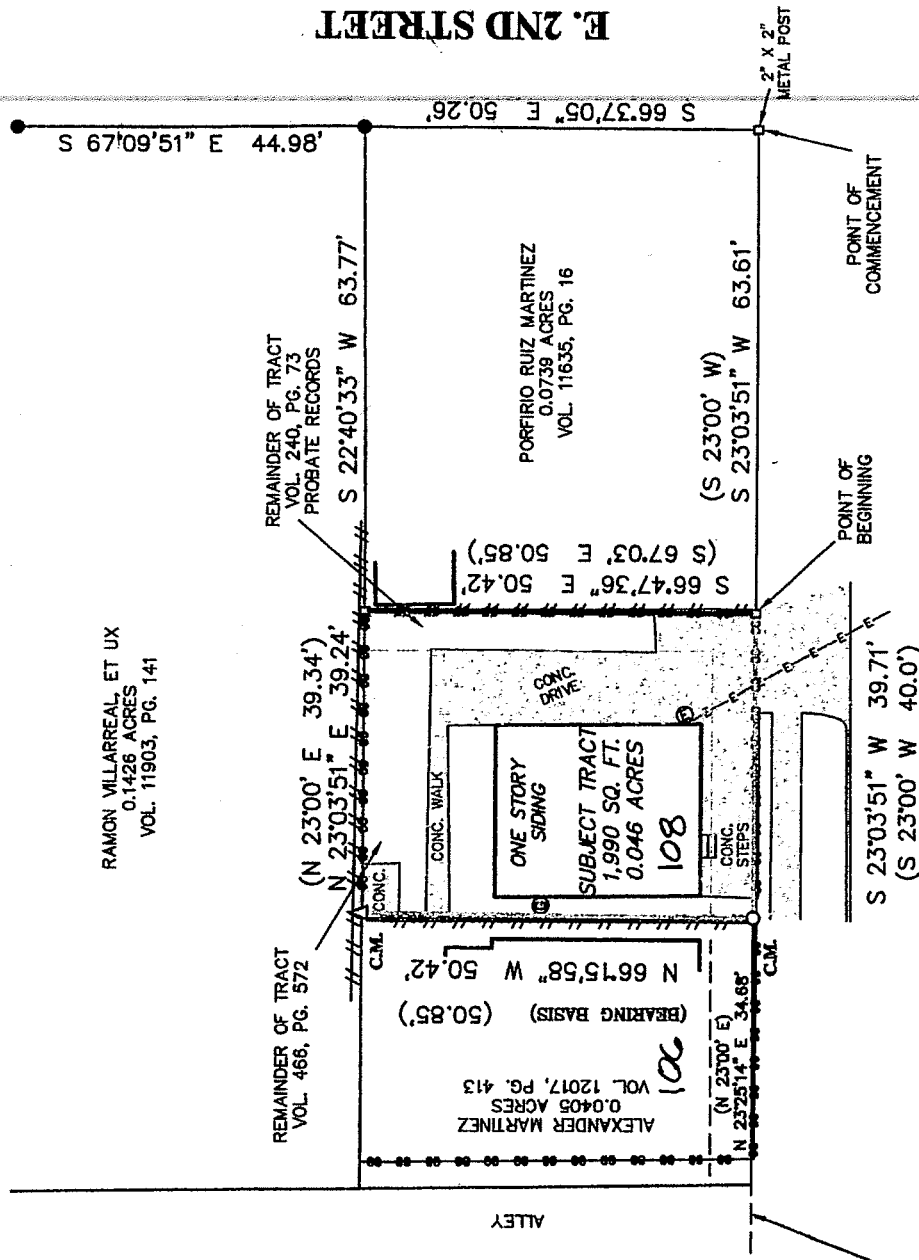
Printed Letty McGarran Phone 512-657-4247 Date 2/26/15

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 *Marcelo Vera* Mail Address 607 Oakwood Dr.

City, State & Zip Buda, Texas 78610-9340

Printed MARCELO VERA Phone 512-657-8994 Date 2/26/15



COMAL STREET

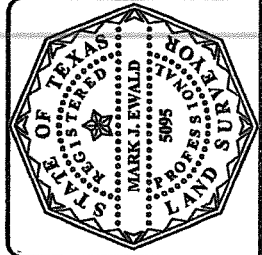
ACCEPTED BY:



NOTE: BEARINGS SHOWN HEREON ARE BASED ON RECORD PLAT INDICATED BELOW.

NOTE: THE SIGNING SURVEYOR WAS NOT PROVIDED A CURRENT TITLE COMMITMENT AND THERE MAY BE EASEMENTS, RIGHTS OF WAY OR OTHER INSTRUMENTS OF RECORD WHICH MAY AFFECT THIS PROPERTY WHICH ARE NOT SHOWN ON THE FACE OF THIS SURVEY.

THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS, AGREEMENTS AND/OR SETBACK LINES (IF ANY) AS FOLLOWS: PLAT CUMMET A, SLIDE 10A, PLAT RECORDS, AND VOLUME 558, PAGE 758, DEED RECORDS OF TARRANT COUNTY, TEXAS.



I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown hereon.

Mark J. Ewald

MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095

DATE: 10/27/2014



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

January 23, 2015

File Number: **C8I-2015-0020**

Address: **106 COMAL ST**

Tax Parcel I.D. #**0204061125**

Tax Map Date: **08/25/2014**

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 a **portion of Outlot #20, Division "O" of the Government tracts adjoining the City of Austin** in the current deed, recorded on **Sep 09, 1993**, in **Volume 12017, Page 413, Travis County Deed Records**. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Sep 09, 1993**, in **Volume 12017, Page 413, 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 **Aug 06, 1931**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

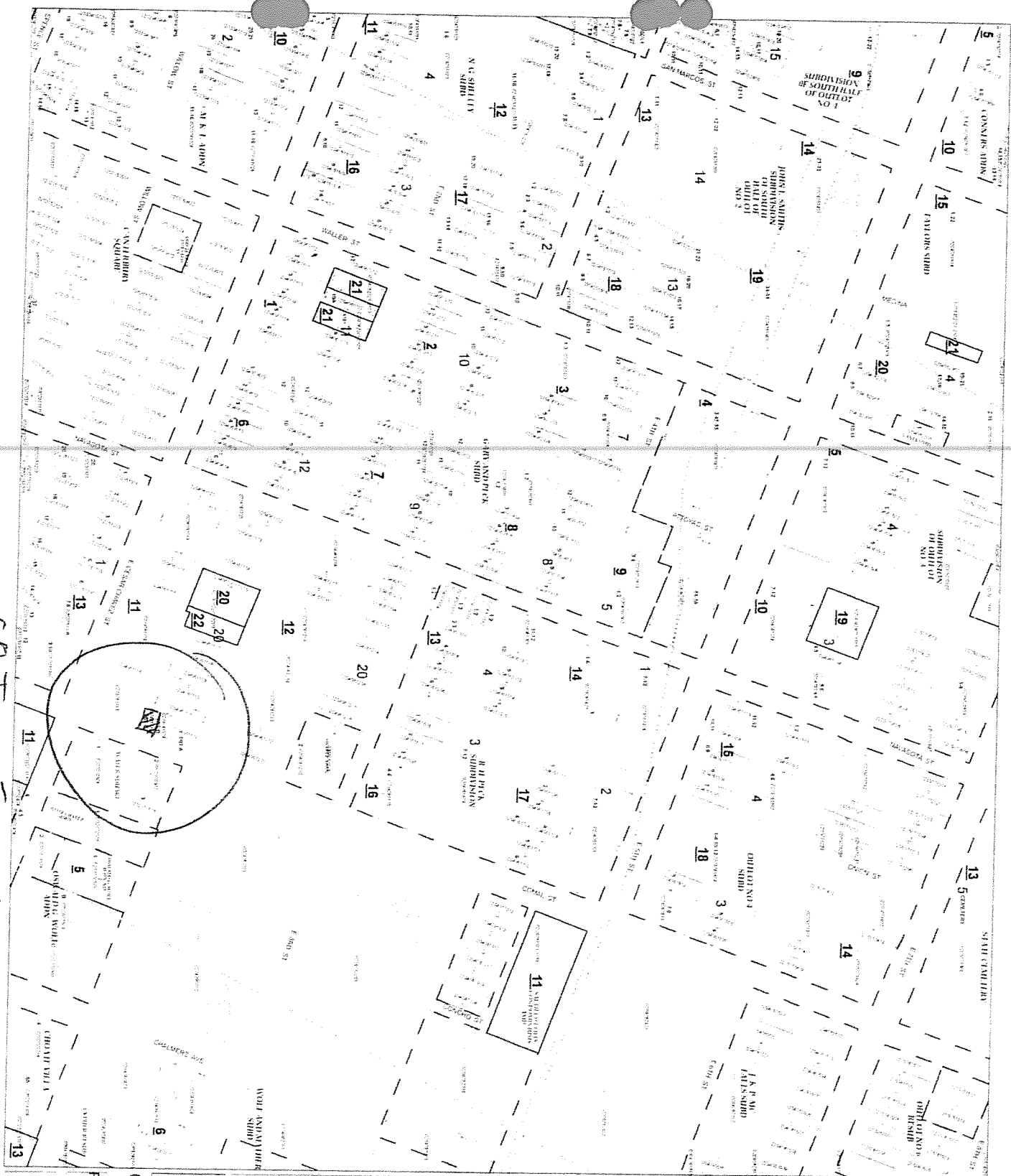
Additional Notes/Conditions:

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: _____

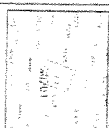
**Michelle Casillas, Representative of the Director
Planning and Development Review Department**



20406

Revision Date
8/25/2014

0 120 Fee



This map was compiled solely for the use of TCAD. Areas defined by these digital products are approximate and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

Travis Central Appraisal District
8314 Cross Park Drive P.O. Box 149012
Austin, Texas 78754 Austin, Texas 78714

Internet Address: www.traviscad.org
Main Telephone Number: (512) 834-9317
Appraisal Information: (512) 834-9318
TDD: (512) 834-9318



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

January 23, 2015

File Number: **C8I-2015-0019**

Address: **108 COMAL ST**

Tax Parcel I.D. **#0204061124**

Tax Map Date: **08/25/2014**

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 **that certain 2,034.00 square feet of land** in the current deed, recorded on **Jun 15, 1984**, in **Volume 8649, Page 819, Travis County Deed Records**. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Jun 15, 1984**, in **Volume 8649, Page 819, 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 **Aug 06, 1931**. 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**

REMAINDER OF TRACT
VOL. 466, PG. 572

(N 23°00' E 39.34')
(N 23°03'51" E 39.24')

REMAINDER OF TRACT
VOL. 240, PG. 75
PROBATE RECORDS

S 22°40'33" W 63.77'

51" E 44.98'

ALLEY

ALEXANDER MARTINEZ
0.0405 ACRES
VOL. 12017, PG. 413

ONE STORY
STILL COO
(50.42')
50.42'

ONE STORY
SIDING
SUBJECT TRACT
1,990 SQ. FT.
0.046 ACRES
108

S 66°47'36" E 50.42'
(S 67°03' E 50.85')

PORTERIO RUIZ MARTINEZ
0.0739 ACRES
VOL. 11635, PG. 16

(S 23°00' W)
(S 23°03'51" W 63.61')

S 66°37'05" E 50.26'

E. 2ND STREET

3°03'51" E
11.25

S 23°03'51" W 39.71'
(S 23°00' W 40.0')

COMAL STREET

POINT OF
BEGINNING

POINT OF
COMMENCEMENT

EXISTING SITE PLAN
106 + 108 COMAL

ACCEPTED BY:

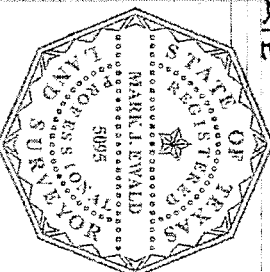
☐ ONLY 1 PARKING SPOT FTS

AS SEPARATE
LOTS

NOTE:
BEARINGS SHOWN HEREON ARE BASED ON RECORD PLAT INDICATED BELOW.

NOTE:
THE SAVING SURVEYOR WAS NOT PROVIDED A CURRENT TITLE COMMITMENT AND THERE
MAY BE EASEMENTS, RIGHTS OF WAY OR OTHER INSTRUMENTS OF RECORD WHICH MAY
AFFECT THIS PROPERTY WHICH ARE NOT SHOWN ON THE FACE OF THIS SURVEY.

THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS, AGREEMENTS,
AND/OR SETBACK LINES (IF ANY) AS FOLLOWS: PLAT CACKET A, SIDE 164, PLAT
RECORDS, AND VOLUME 538, PAGE 735, DEED RECORDS OF KARNES COUNTY, TEXAS.



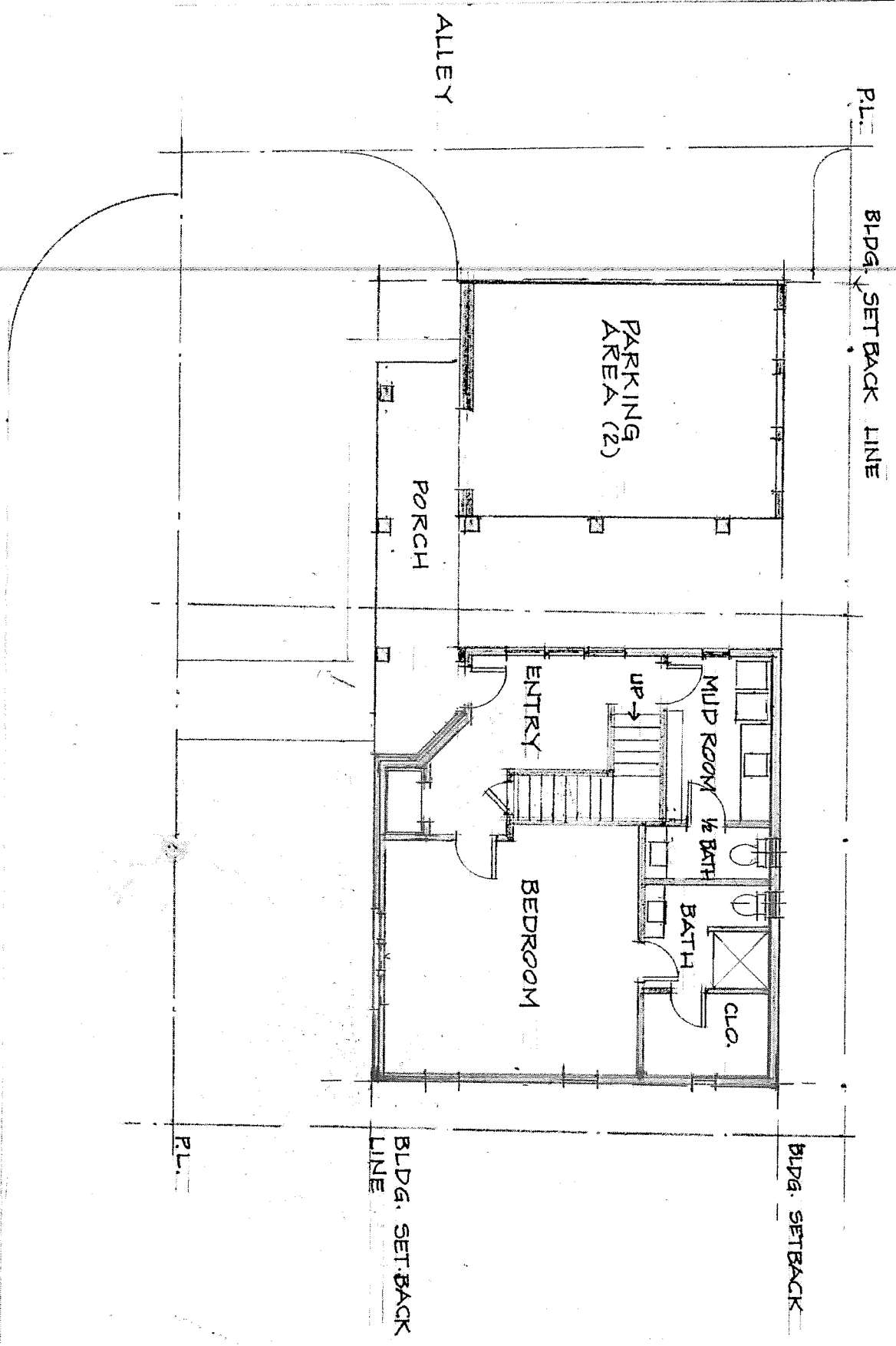
DATE: 10/27/2014

MARK J. EWALD
Registered Professional Surveyor
Texas Registration No. 5095

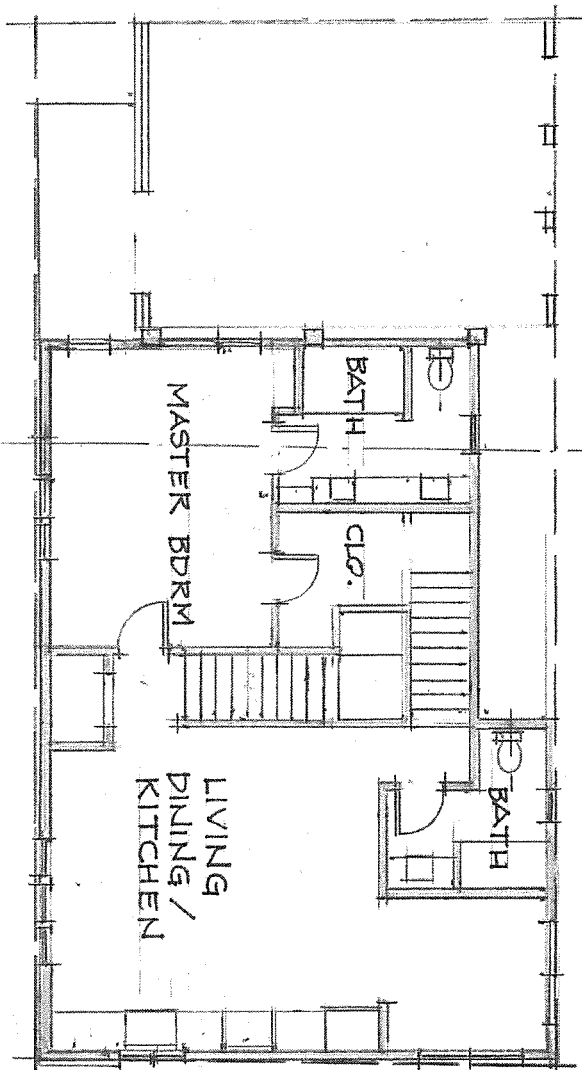
Mark J. Ewald

I, MARK J. EWALD, Registered Professional Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under supervision, and there are no discrepancies, conflicts, encroachments or other improvements, to the best of my knowledge and belief, except as shown

PROPOSED FLOOR PLAN: 106 & 108 COMAL STREET



PROPOSED 2ND FLOOR PLAN: 106 & 108 COMAL STREET



Cantu-McGarrahan, Architects
Letty Cantu- McGarrahan
1105 East 8th Street
Austin, Texas 78792

March 29, 2015

Re:
City of Austin Land Development Code Variance
Case Number: C15-2015-0052
106 and 108 Comal Street; Austin, Texas 78702

To Whom It May Concern:

In late January of this year, I contacted the City about the development process for combining lots 106 and 108 Comal.

The owners, Marcelo and Josephine (Nuncio) Vera had just received **Land Status Determination** for 106 and 108 Comal indicating that both parcels met the requirements of the Land Development Code.

Mr. and Mrs. Vera would like to combine 106 Comal Street (1,785.96sf) and 108 Comal Street (2,034sf) into one small lot (3,820sf) to be able to build a single-family home in a SF-3-NP zoning district. As two separate lots, 106 Comal (1,785.96sf) and 108 Comal (2,034sf) do not meet the **Small Lot Amnesty Minimum Size Requirement of 2,500sf** as per the East Cesar Chavez NP.

Combining lots 106 and 108 Comal, would give us a 74.39ft wide by 50.85ft deep lot. With SF-3 Setback Requirements, the buildable lot area would only be 59.35ft wide by 15ft deep. Hence, we are requesting the decrease in setbacks as per **Small Lot Design Requirements**.

Meeting the LDC off-street parking requirement for 2 vehicles, dictates the need to build a 2 story home. Since the owners are at retirement age, and take turns taking care of parents in their 80's and 90's, they need at least 3 bedrooms with visitable bathrooms. (This takes more square footage). It requires the need for an elevator to get to the living area on 2nd floor (more square footage). And, we need space for mechanical chases between floors.

All of the above requirements and needs is our reason in asking for an increase in square footage from 2,300.sf to 2,500.sf (Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 (Maximum Development Permitted)).

Thank you,

Letty McGarrahan

Heldenfels, Leane

From: Letty McGarrahan <~~edandletty.mcgarrahan@yahoo.com~~>
Sent: Monday, March 30, 2015 3:51 PM
To: Heldenfels, Leane
Subject: Re: Scanned document from HP ePrint user (106 and 108 Comal, Photo of Owners in early 60's)

Leane,

The photo is of Mr. Luther Nuncio (Josephine Nuncio Vera's Deceased Dad). He is the East Austin purveyor Josephine mentions in her letter. Pretty well known, here in East Austin, died young of cancer.

The new residence will be occupied by Marcelo and Josephine (Nuncio) Vera.
They also take in their mom's Mrs. Nuncio and Mrs. Vera (in late 80's and 90's) to live with them.
Hence the need for elevator, and more than one accessible bathroom and 3 bedrooms.
Also, the stairs cannot be as steep as usual and more landings (in case electricity or elevator is out).

On Monday, March 30, 2015 1:35 PM, "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov> wrote:

Great – will he be occupying residence that you're building? I will print it out for the Board packet –
Leane

From: Letty McGarrahan [~~Photo: edandletty.mcgarrahan@yahoo.com~~]
Sent: Monday, March 30, 2015 11:40 AM
To: Heldenfels, Leane
Subject: Fw: Scanned document from HP ePrint user (106 and 108 Comal, Photo of Owners in early 60's)

Leane,

Josephine (Bennie, as she is referred to in East Austin) Nuncio Vera, sent me this historical photograph of her dad as a Meat Purveyor in the East Cesar Chavez Neighborhood Area.
Letty

On Monday, March 30, 2015 11:31 AM, "~~edandletty.mcgarrahan@yahoo.com~~" <~~edandletty.mcgarrahan@yahoo.com~~> wrote:

This email and attachment are sent on behalf of ~~bennievera@gmail.com~~

If you do not want to receive this email in future, you may contact ~~bennievera@gmail.com~~ directly or you may consult your email application for spam or junk email filtering options.

Regards,
HP Team



March 29, 2015

My name is Josefina Nuncio Vera, I was born and raised in East Austin Texas. The house that I was raised in is still owned by my mother. I went to Metz School all my elementary years and followed junior high at St. Mary's Cathedral and graduated from Holy Cross High School.

My father and mother, Luther and Josie Nuncio, owned and operated many businesses in East Austin, as a young man, my father learned and mastered the skill of meat purveyors, which supplied hotel and restaurants all through the Austin area. He opened his own wholesale meat purveyor business in 1964 and thrived for many years, he also opened Luther's BBQ in 1962, it was located at 5201 East 5th street in Austin, the BBQ stand was managed by Josie Nuncio until it closed in 1971, reopening in a different location on East 6th.

The Nuncio family is well established in East Austin

March 29 2015

My name is Marcelo Vera, my parents resided at 504 Navasota St in East Austin, TX. where I was born also, I attended Metz Elementary as a child, we moved to Montopolis where our father built our home at 1105 Valdez St. and went to Delores Catholic School. Moved to East 2nd street, where I attended Palm School. My grandparents Cayetano and Paulina resided at 106 Comal St., my other grandparents resided at 108 Comal St.. I have acquired properties at 106 & 108 Comal St. in East Austin.

The Vera and Martinez families have history and still reside in East Austin, Texas.