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1

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

**DATE: Monday, July 13, 2015**

**CASE NUMBER: C15-2015-0090**

\_\_\_\_ Angela Atwood  
\_\_\_\_ Michael Benaglio  
\_\_\_\_ William Burkhardt  
\_\_\_\_ Vincent Harding  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ Don Leighton-Burwell  
\_\_\_\_ Melissa Neslund  
\_\_\_\_ James Valadez  
\_\_\_\_ Michael Von Ohlen

**APPLICANT: Jim Bennett**

**OWNER: Sal Martinez**

**ADDRESS: 2710 & 2712 EAST 4TH ST**

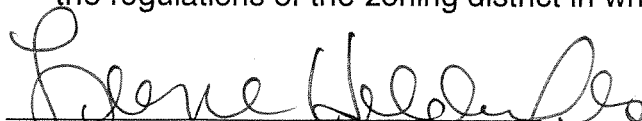
**VARIANCE REQUESTED:** The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum lot size from 5,750 square feet (required) to 2,419 square feet for 2710 E. 4th and 2,242 square feet for 2712 E. 4th (requested, existing) in order to construct a single family home on each lot in an "SF-3-NP", Family Residence zoning district. (Holly)

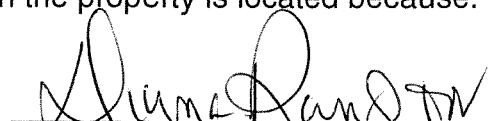
**Note:** The Holly Neighborhood Plan does permit small lot amnesty for existing lots up to 2,500 square feet in size, however, these lots are too small to qualify for that exemption.

**BOARD'S DECISION: POSTPONED TO August 10, 2015 AT THE STAFF'S REQUEST TO RENOTIFY**

**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

  
\_\_\_\_\_  
Vincent Harding  
Chairman



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0090  
Address: 2710 & 2712 E FOURTH STREET



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.

1" = 200'

LS  
3

CASE # CL5-2015-0090

ROW # 11367 574

TAX # 0202 1108 213, 20

TCAD

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: 2710 & 2712 East Fourth Street

LEGAL DESCRIPTION: Subdivision – D. C. Pace Addition (C8i20150008)

Lot(s) Part of 27, 28, & 29 Block \_\_\_\_\_ Outlot 12 Division O

I Jim Bennett as authorized agent for MX 3 Homes, LLC

\_\_\_\_\_ affirm that on 2/23/2015 hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN 2205

Construct a single family dwelling providing a total lot area of ~~2419~~ sq. ft. for 2710 E 4<sup>th</sup> St. and request a variance to construct a single family residence providing a total lot area of ~~2242~~ sq. ft. for 2712 E. 4<sup>th</sup> St

2215

\_\_\_\_\_ in a SF-3 NP (zoning district) (Holly)

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.

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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 variance requested is a minimal departure from the requirements, and the property is zoned for residential use.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:  
The lots are grandfather lots; with legal lot determinations. Without a variance the lots cannot be developed with any use including residential.

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

The majority of the lots in the area comply with the stand lot size.

**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 will not alter the character of the area because the lots are small lots, which will limit the size of the proposed construction and will be compatible with the neighborhood.

**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:

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5/5

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 Jim Bennett Mail Address 11505 Ridge Dr.

City Austin, State Texas, & Zip 78748

Printed : Jim R. Bennett Phone: (512) 282-3079 \_\_\_\_\_ Date:

**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 Sal Martinez Mail Address 1703 W. Koenig Lane

City, State & Zip Austin TX 78756

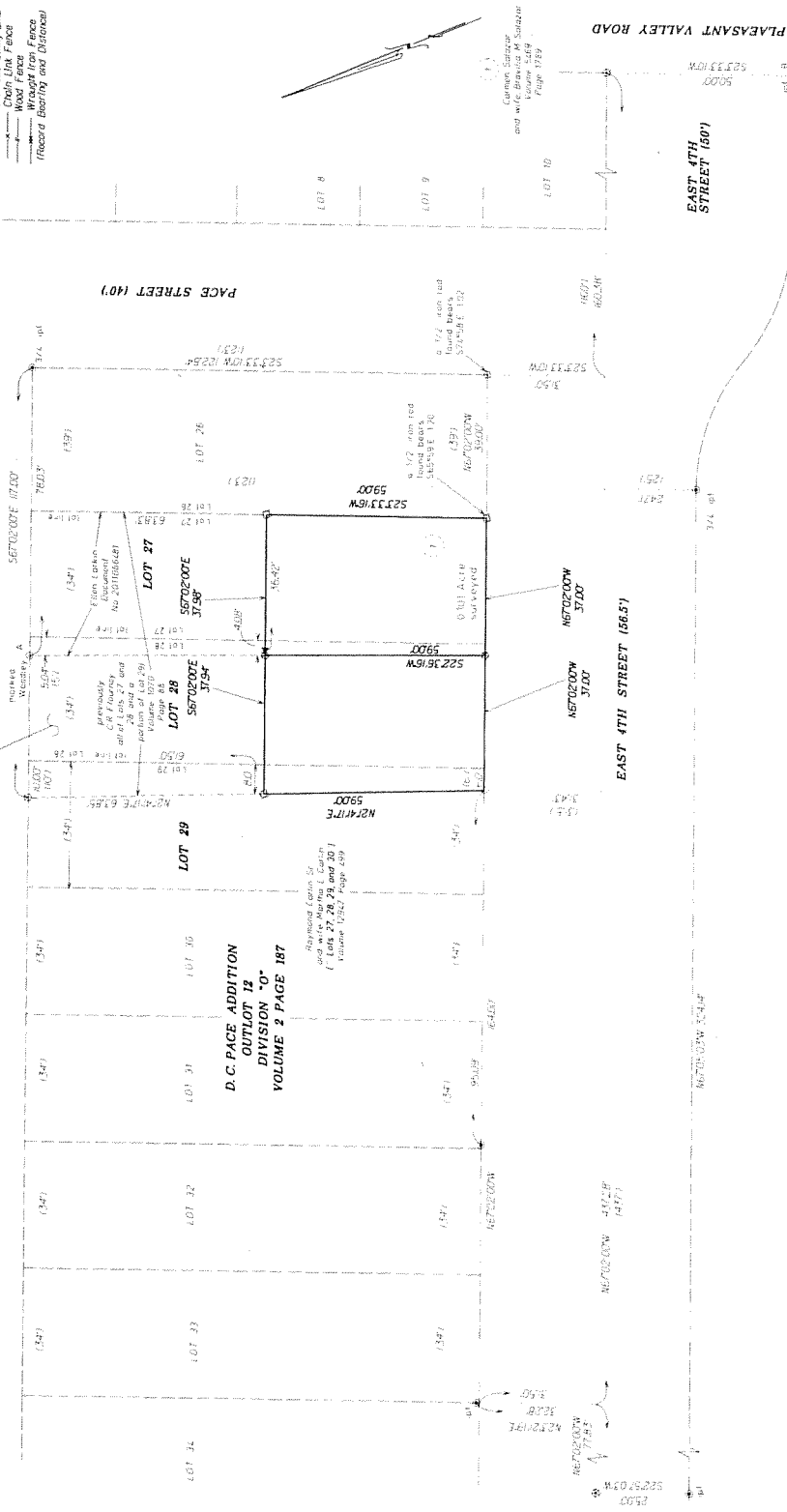
Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date 512. 290. 2700 03/24/2015  
Sal Martinez

Orientation for this survey is based on a bearing of S 94° 10' 12" E between points A and B labeled herein.

SCALE 1"=20'

SANTA ROSA STREET (60')

- LEGEND**
- 1/2" Iron Rod Found
  - 1/4" Iron Rod Found
  - PK Nail Found
  - 1/2" Iron Rod Set with Plastic Cap Marked "Holt Carson, Inc."
  - Overhead Utility Line
  - Wood Fence
  - Wrought Iron Fence (Record bearing and distance)

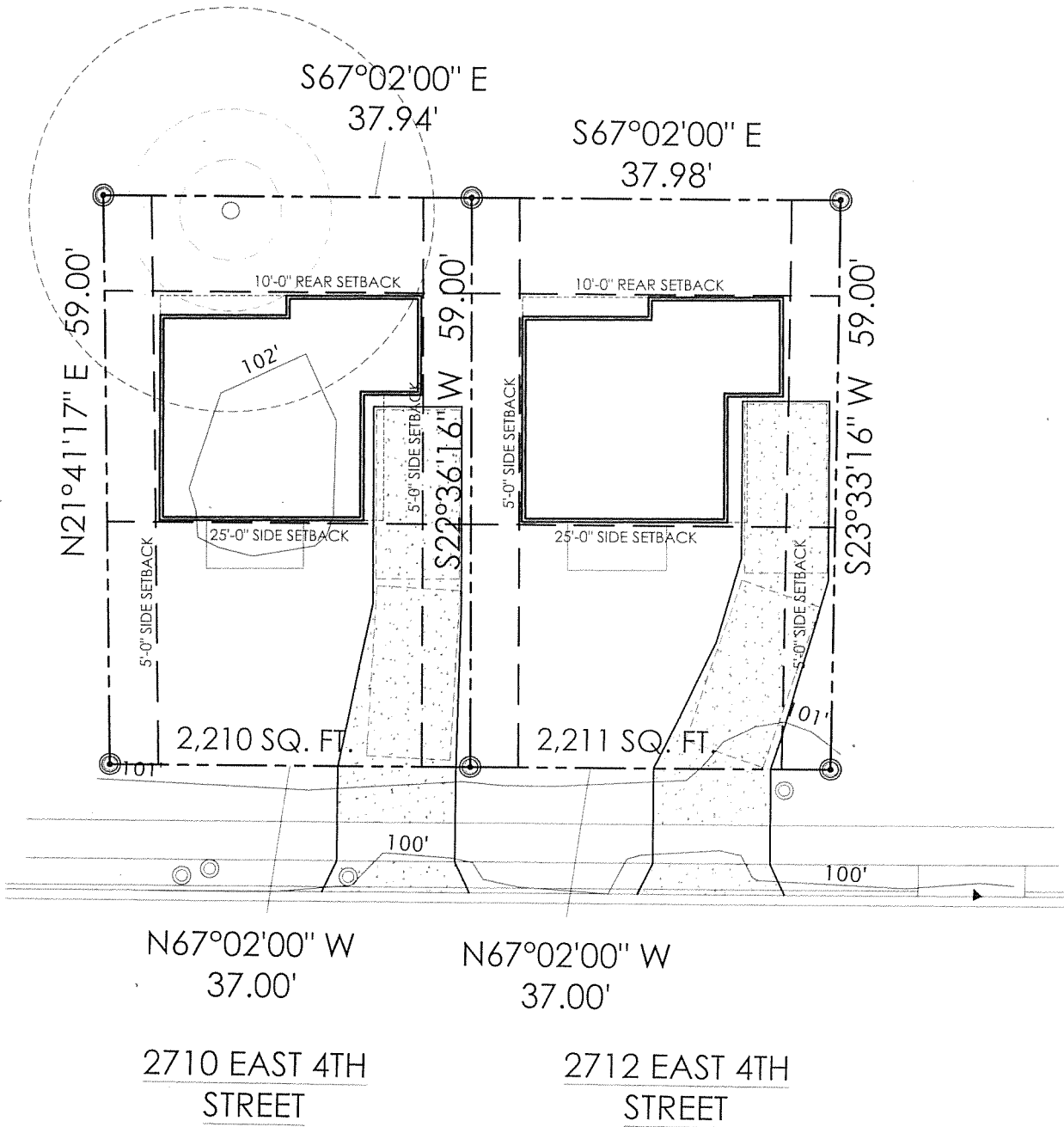


HOLT CARSON, INC.  
1902 FORTVIEW ROAD  
AUSTIN, TX 78702  
(512) 422-0990

Copyright 2016  
953028  
Texas Licensed Surveying Firm No. 0050700

5/9

515



Vol. 2

675-

40 St.

34	40	37	39	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
34	40	37	39	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
34	40	37	39	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
34	40	37	39	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
34	40	37	39	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
34	40	37	39	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
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34	40	37	39	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
34	40	37	39	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
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34	40	37	39	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
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34	40	37	39	37	36	35	34	33	32	31	3																														

A SUBDIVISION OF THE NORTHERN  
HALF OF OUTLOT NO. 12 IN DIVISION "O"  
OF THE OUTLOT IN THE GOVERNMENT  
TRACT ADDJOINING THE CITY OF  
AUSTIN TRAVIS COUNTY TEXAS

Teus abraços e pensamentos me  
chegam aqui, me fazem  
sorrir, me dão ânimo. Te me





2. 1/2. Ellegers Addition to town

60	Fourth St.		
155 ft		6	
200	Fourth St.	20	

The State of Texas # Before me, J. W. Hunt, a notary public, in and for Travis County, Texas, on this day personally appeared Ernst W. Pflieger, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and purposes and consideration therein expressed. He acknowledged and read it over, at his own request, in the presence of J. W. Hunt, Notary Public, Travis County, Texas. 1909

Seal

Filed Book 25, 1909 at 2 P.M.  
 Recorded Book 25, 1909 at 8 P.M.

1/2. 1/2. Ellegers Addition to town

10/15



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

**January 07, 2015**

File Number: **C8I-2015-0008**

Address: **2710 E 4TH ST & 2712 E 4<sup>th</sup> ST**

Tax Parcel I.D. **#0202110821 & 0202110820** Tax Map Date: **10/24/2014**

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 **the first tract: West 31 ft. lot 28 and South 59 ft. of East 8 ft. average lot 29, Outlot 12, Division O, D. C. Pace Addition, second tract; South 59 ft. lot 27 and South 59 ft. of East 4 ft. average lot 28, Outlot 12, Division O, D. C. Pace Addition** in the current deed, recorded on **May 27, 1976**, in **Volume 5469, Page 1789, Travis County Deed Records**. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **May 27, 1976**, in **Volume 5469, Page 1789, 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 **Jul 13, 1950**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

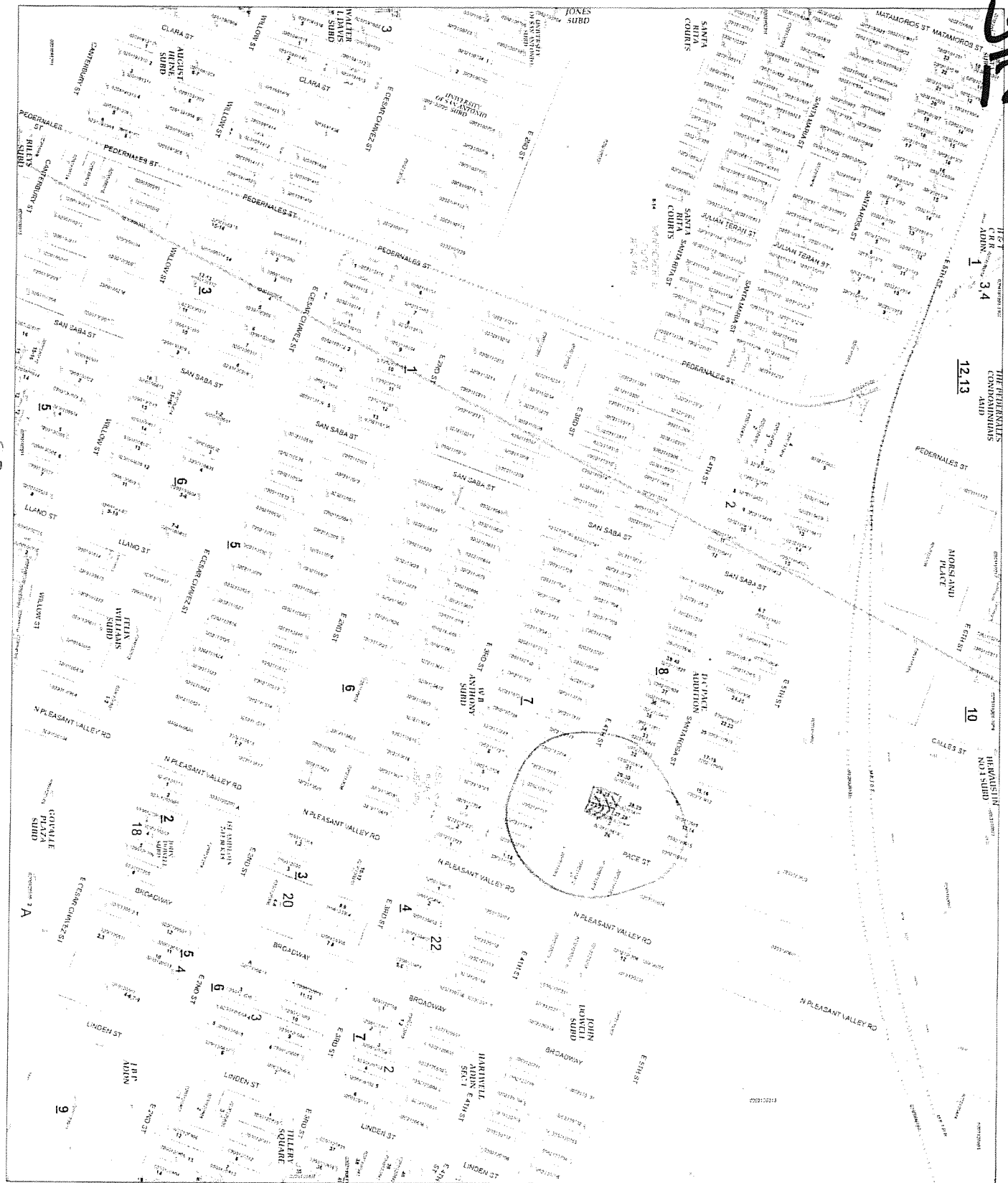
Additional Notes/Conditions: Affidavit of Heirship for 2710 E 4<sup>th</sup>, Document number 2008106848, Recorded on June 25, 2008.

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**

512

CGI-2015-0002



20211

Revision Date: 10/24/2014

0 120 Feet

NAD\_1983\_StatePlane  
Texas\_Central\_FIPS\_4203\_Feet  
Projection\_Lambert\_Conformal\_Conic

0 120 Feet

This tax map was compiled solely for the use of TCAD. Areas depicted 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  
Austin, Texas 78754

P.O. Box 149012  
Austin, Texas 78714

Internet Address: [www.traviscad.org](http://www.traviscad.org)  
Main Telephone Number (512) 834-9317  
Appraisal Information (512) 834-9318  
TOD (512) 836-3329

## 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.austintexas.gov/devservices](http://www.austintexas.gov/devservices)

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**Case Number:** C15-2015-0090, 2710 and 2712 East 4<sup>th</sup> Street  
**Contact:** Leane Heldenfels, 512-974-2202, [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)  
**Public Hearing:** Board of Adjustment, July 13th, 2015

**Arezie D. Barrett**  
 Your Name (please print) ☒ I am in favor  
☐ I object

**2610 E. 3rd St, Austin, TX**  
 Your address(es) affected by this application

**D. Barrett** 7-22-15  
 Signature Date

Daytime Telephone: 512 267 6308

Comments:

*I understand the hearing was postponed to a date in August.*

If you use this form to comment, it may be returned up until noon the day of the hearing to (comments received after noon may not be seen by the Board at this hearing):

City of Austin-Development Services Department/ 1st Floor  
 Leane Heldenfels  
 P. O. Box 1088  
 Austin, TX 78767-1088  
 Fax: (512) 974-6305  
 Scan & Email to: [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

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**Case Number:** C15-2015-0090, 2710 and 2712 East 4<sup>th</sup> Street

**Contact:** Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

**Public Hearing:** Board of Adjustment, July 13th, 2015

*ELLEN CLARKINS (Clarkin)*

Your Name (please print)

2715 SANTA ROSA ST. AUSTIN TX 78702

Your address(es) affected by this application

*Elle Clarkin Clark* 7/12/15

Signature

Date

Daytime Telephone: 512 569 2936

Comments: *i'm opposed to setting a precedent in the neighborhood of splitting lots into smaller units to build multiple houses on this lot. The lot has no distinctive personality, with extremely few setbacks, the corner of the street and full lots running north/south and backing into houses on West Street lots would detract from the area. This variance would also increase traffic, combined with the lack of a front yard already exists. An alternate driveway connection would be made even worse. If not granted, the current layout of the property still allows for reasonable use and creates no hardship.*

If you use this form to comment, it may be returned up until noon the day of the hearing to (comments received after noon may not be seen by the Board at this hearing):

City of Austin-Development Services Department/ 1st Floor  
Leane Heldenfels  
P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

5/15

## PUBLIC HEARING INFORMATION

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**Case Number: C15-2015-0090, 2710 and 2712 East 4<sup>th</sup> Street**  
**Contact:** Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)  
**Public Hearing: Board of Adjustment, July 13th, 2015**

Sam De Santo

Your Name (please print)

☐ I am in favor  
☒ I object

2711 East 3rd Street Austin, TX 78702

Your address(es) affected by this application

*Sam & Jo*

Signature

7/10/2015

Date

Daytime Telephone: (512) 465-2554

Comments: *I helped develop the Holly Neighborhood Plan and we envisioned people using the same things for family members who were too old to live alone or children. It is not for developers to come in and subdivide a lot and then flip it. That puts pressure on people who don't want to divide their lots, increases property taxes and is not in the spirit of the plan. If you use this form to comment, it may be returned up until noon the day of the hearing to (comments received after noon may not be seen by the Board at this hearing):*

City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

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**Case Number: C15-2015-0090, 2710 and 2712 East 4<sup>th</sup> Street**

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

**Public Hearing: Board of Adjustment, July 13th, 2015**

Maria C. Ramirez  
Your Name (please print)

☐ I am in favor  
☒ I object

2607 E 3rd St.  
Your address(es) affected by this application

Maria C. Ramirez 7/8/15  
Signature Date

Daytime Telephone (512) 477-2619

Comments: Lots are too small to build  
as requested. People know that  
our lots are too small in our area  
and not follow our neighborhood Plan.  
Please stop this trend in the Holly  
Neighborhood Plan. Also please mail  
out notices with more time to respond.  
Received 7/6/15 Thank you

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City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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

**Public Hearing: Board of Adjustment, July 13th, 2015**

Eudelia Lindsey

Your Name (please print)

☐ I am in favor

☒ I object

2606 E 3rd St

Your address(es) affected by this application

Eudelia Lindsey

Signature

7-8-15

Date

Daytime Telephone: 512 474-0868

Comments: The paperwork for this case was filed in February. We just got the notice this week. The application does not indicate the houses size. This small area will require more parking and will be a nuisance to the neighborhood.

**If you use this form to comment, it may be returned up until noon the day of the hearing to (comments received after noon may not be seen by the Board at this hearing):**

City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leane.heldenfels@austintexas.gov

# 5/18 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.austintexas.gov/devservices](http://www.austintexas.gov/devservices)

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. All comments received will become part of the public record of this case.

**Case Number:** C15-2015-0090, 2710 and 2712 East 4<sup>th</sup> Street  
**Contact:** Leanne Heldenfels, 512-974-2202, [leanne.heldenfels@austintexas.gov](mailto:leanne.heldenfels@austintexas.gov)  
**Public Hearing:** Board of Adjustment, July 13th, 2015

JACQUELINE WATSON

Your Name (please print)

☐ I am in favor  
☒ I object

2713 SANTA ROSA ST AUSTIN 78702

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: 512 441 0062 / 512 825 9731

Comments: THE SMALLER LOTS IN THE NEIGHBOR-  
HOOD ARE NOT CHARACTERISTIC OF OTHER  
LOTS IN THE NEIGHBORHOOD. I AM CONCERNED  
ABOUT INCREASED TRAFFIC FROM THE ADJUTANT  
HOUSE ON A SMALL STREET THAT ALREADY HAS  
TRAFFIC ISSUES. BY CONTRAST, DENIAL OF THIS  
VARIANCE DOES NOT CREATE A HARDSHIP, NOR WOULD  
IT AFFECT THE REASONABLE USE OF THIS PROPERTY

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 Austin, TX 78767-1088  
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