




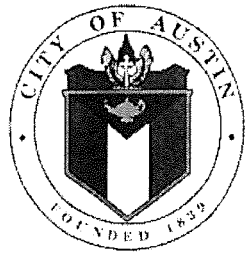
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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2015-0114
 LOCATION: 1134 Chicon 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.

1" = 134'

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made

CASE# C15-2015-0114
ROW# 11385895
TAX# 0206090815 **ms 2**

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: 1134 Chicon Street

LEGAL DESCRIPTION: Subdivision - Part of

Lot(s) 1 Block _____ Outlot 61 Division _____

I/We Donna Carter on behalf of myself/ourselves as authorized agent for
James and Eva Hill affirm that on 03 June 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
a second new unit to an existing structure creating a duplex dwelling
under 25-2-773- (B)(1) which requires a minimum lot area of 7,000 SF
on a 6,834 square foot lot

in a ~~SF-3 NP~~ district. MF-4-NP (Central East Austin)
(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):

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REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
See Attached
-
-

HARDSHIP:

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

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

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:

See Attached

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:

Not Applicable

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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:

Not Applicable

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

Not Applicable

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

Not Applicable

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 Donna D. Carter Mail Address 817 W. 11th

City, State & Zip Austin, TX 78701

Printed Donna D. Carter Phone 512.476.1812 Date 11 May 2015

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

X Signed James O. Hill Mail Address 450 415 NW 34th Ave.

City, State & Zip Fort Lauderdale, FL 33311

Printed James O. Hill Phone (954) 583-1136 Date May 13-15

mf
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1. REASONABLE USE:

- a. **The zoning regulations applicable to the property do not allow for a reasonable use because:**
 - i. The property has been determined to be eligible for utility service.
 - ii. The property is zoned Mf-4 NP, however the lot does not meet MF lot area requirement.
 - iii. The lot, part of an outlot of a larger tract from which several lots were created over time, is described by metes and bounds.
 - iv. The parcel has received utility service since at least 1932; however, it is not clear whether the lot description in 1932 matches the later descriptions as the only positive notations on the recorded deeds are how far north the new lot extends. The east west dimension changes from approximately 122 to 129 feet depending on documents.

The abovefacts allow the property to be developed under SF-3 NP zoning regulations.

However, the resulting lot, commonly referred to as 1134 Chicon St. Austin, Texas, using the conservative measurements and leaving an approximately 10' strip of land on the west side which is not listed as alley or city of Austin right of way, nor is it included in adjacent property deed, is 6,834 SF, or 166 square feet short of the lot size required to build a duplex dwelling unit.

The land that is not included in any deeds is approximately 578 square feet. Should it be determined that it is an alley that has been vacated and half belong to each of the adjacent property owners, the resulting 289 SF would be enough to meet the duplex requirements for the lot at 1134 Chicon.

The Owner wishes to retain the existing dwelling unit (or reconstruct the façade, should deterioration prove detrimental to the long term health of the overall construction) and build a second dwelling unit on the smaller lot which seems a reasonable use in a predominantly SF-3 neighborhood.

The regulations do not take into consideration the changes in surveying, conveying and recording of lot information over time. The alternatives is a resubdivision to change the lot line between 1134 and 1136 Chicon. This change would result in 2 duplex sized lots. However, it also opens up the possibility of a combined development using the MF-4 development code.

The resubdivision requires the participation of at least 6 lots, 5 different property Owners, the city of Austin (to determine if the "no-mans" land is truly city property and therefore must be

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vacated) with the concomitant time and expense. When complete it would allow this development or the MF-4 development to proceed anyway.

The current regulation does not allow a development that would otherwise be allowed if all the records matched and the property had been platted recently.

2. HARDSHIP:

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

The other properties on the Chicon Street affected by the discrepancy already meet the requirements for duplex lot area and have had no need to investigate the lot area discrepancies. The property is one of 2 privately owned MF-4 zoned lots. The other lot, adjacent to this one, meets the duplex requirement and is owned by the same family. This lot has an existing structure on it that the Owner wishes to retain, which complicates development should the Owner be forced to use the MF-4 zoning.

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

- i. Most of the lots on Chicon meet the 7,000 SF requirement.
- ii. The development of a duplex is more in keeping with the character of the adjacent neighborhood to the south than a multifamily development.
- iii. The building of a duplex allows the existing structure to be retained, while allowing the family to accommodate all family members in the family owned structures.

3. AREA CHARACTER:

a. 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:

- i. This allows the retention of the existing structure and a new dwelling unit for out of town family members.
- ii. This allows the development of the property under SF-3 land development code instead of MF-4.
- iii. This fits into future land use plan (FLUM) for the neighborhood.
- iv. Allows an family to retain their historic roots in east Austin, which is one of the goals of the neighborhood plan.

4. PARKING:

a. Not Applicable

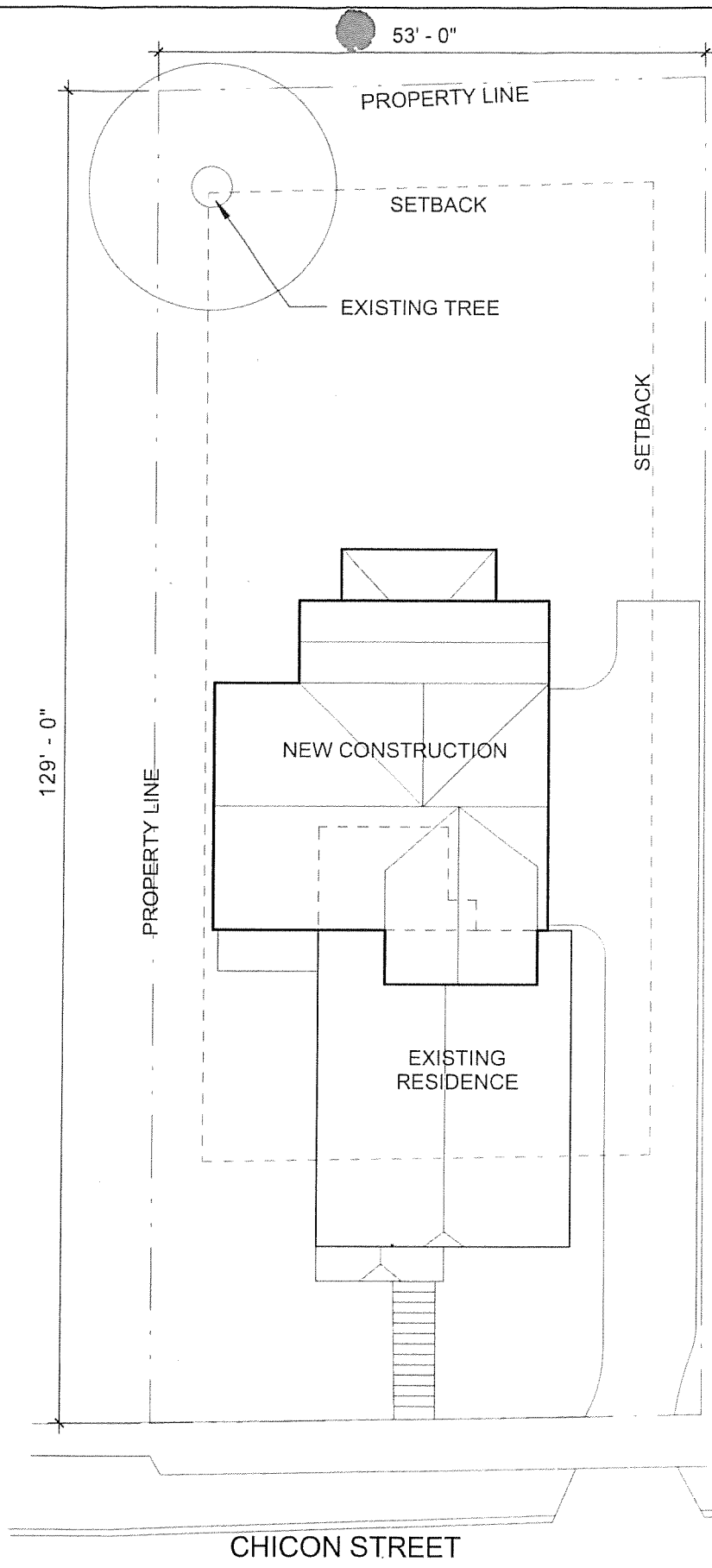
SITE AERIAL
1134 CHICON ST

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N ➡



SUBJECT
PROPERTY



PRELIMINARY
NOT FOR
CONSTRUCTION

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8/18

A100

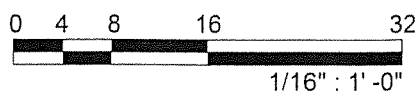
CARTER • DESIGN
ASSOCIATES
817 WEST ELEVENTH STREET
AUSTIN TEXAS 78701 (512) 476-1812
ARCHITECTURE PLANNING PRESERVATION

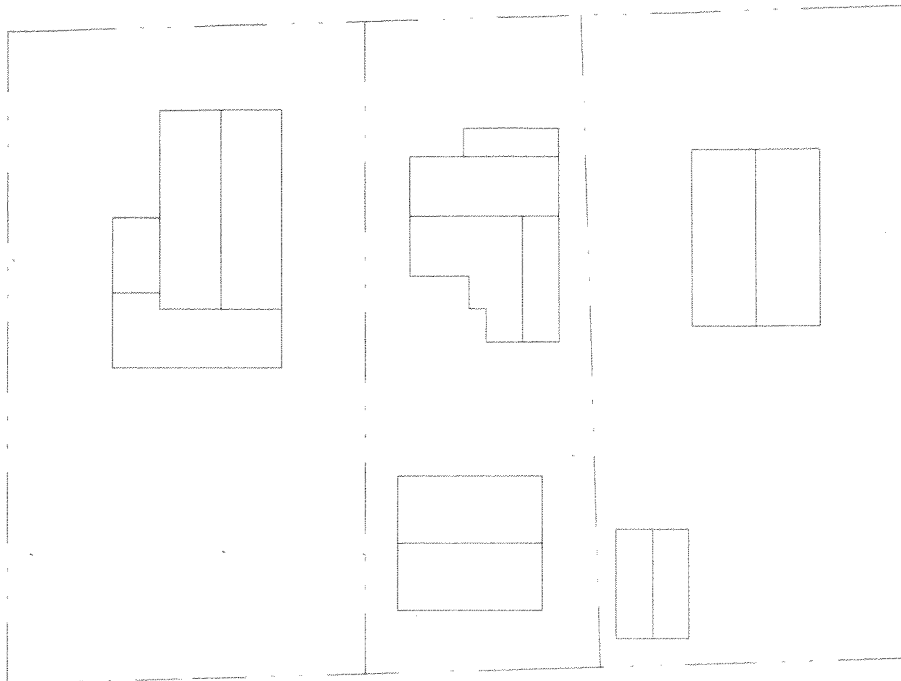
1134 CHICON ST.
AUSTIN, TEXAS
78702

ISSUE DATE:		2015 JUNE 5	
PROJECT NUMBER:		270205	
DRAWN BY:		JLM	
CHECKED BY:		DDC	
REVISIONS:			
NO	REFERENCE	ISSUED	

1

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





PRELIMINARY
NOT FOR
CONSTRUCTION

A101

CARTER • DESIGN
ASSOCIATES
817 WEST ELEVENTH STREET
AUSTIN TEXAS 78701 (512) 476-1812
ARCHITECTURE PLANNING PRESERVATION

1134 CHICON ST.
AUSTIN, TEXAS
78702

ISSUE DATE: 2015 JUNE 5

PROJECT NUMBER: 270205

DRAWN BY: JLM

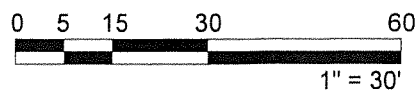
CHECKED BY: DDC

REVISIONS:

NO	REFERENCE	ISSUED

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SITE EXHIBIT
1" = 30'-0"



CHICON STREET



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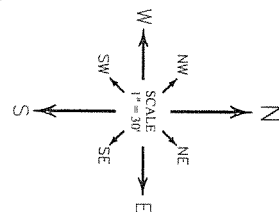
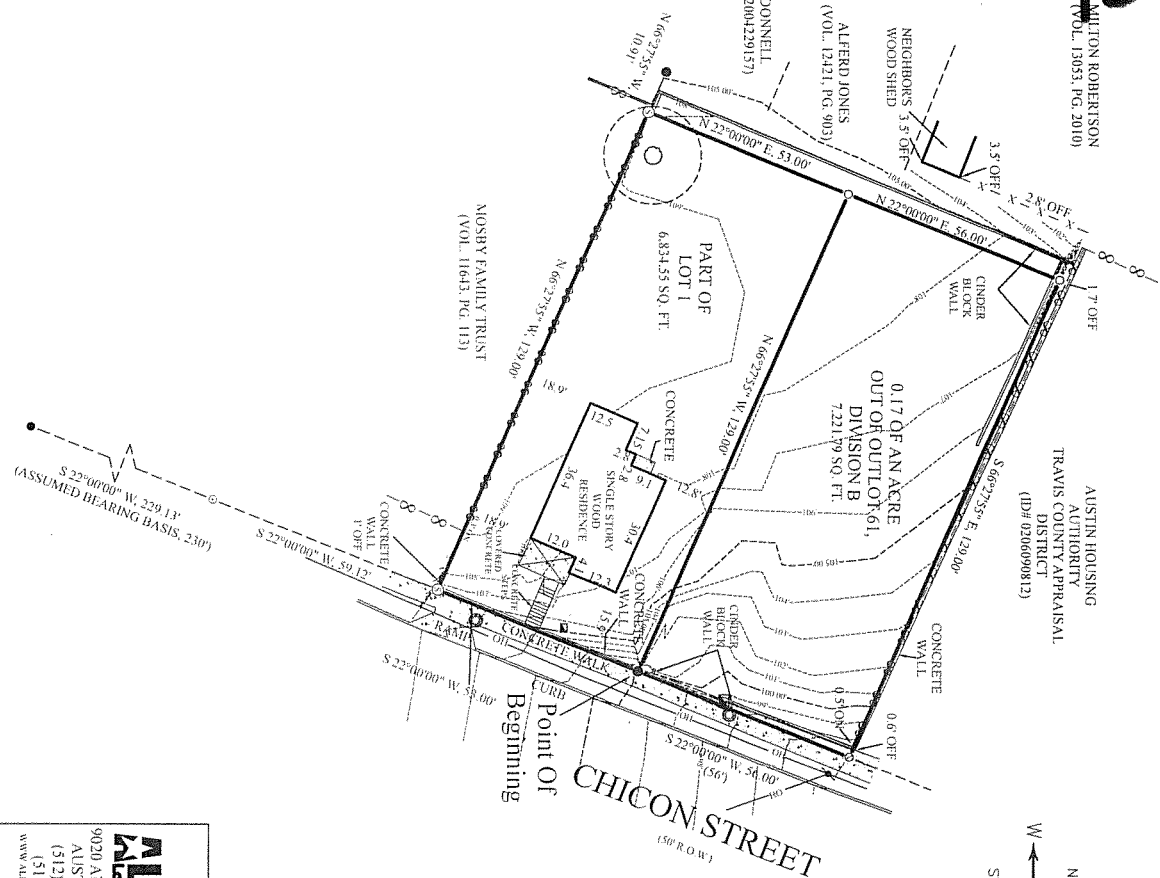
MILTON ROBERTSON
(VOL. 13053, PG. 2010)

AUSTIN HOUSING
TRAVIS COUNTY APPRAISAL
DISTRICT
(ID# 0200090812)

ALFRED JONES
(VOL. 12421, PG. 903)

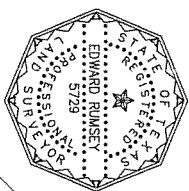
RANDY DONNEL
(DOC NO. 2004229157)

MOSBY FAMILY TRUST
(VOL. 11043, PG. 113)



ANGA PART OF LOT 1, SET APART TO TOM H. JONES, IN THE PARTITION OF THE JONES ESTATE IN OUTLOT 61, DIVISION "B", IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING THE NORTH 53 FEET OF THAT CERTAIN TRACT OF LAND CONVEYED TO HENRY WENDLAND BY DEED FROM MRS. D. DAUGHERTY, DATED OCTOBER 22, 1931, AND RECORDED IN VOLUME 473, PAGE 227, DEED RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE SAME PROPERTY DESCRIBED IN A DEED FROM HENRY WENDLAND TO ROBERT L. HANCOCK, DATED NOVEMBER 7, 1934, RECORDED IN VOLUME 512, PAGE 272, DEED RECORDS, TRAVIS COUNTY, TEXAS.

- LEGEND**
- 1/2" IRON PIPE FOUND
 - 1/2" REBAR FOUND
 - MAG NAIL SET
 - "S" STRIKE SET IN CONC.
 - 1/2" ROD SET
 - X - WIRE FENCE
 - CHAIN LINK FENCE
 - () RECORD INFORMATION
 - UTILITY POLE
 - OVERHEAD UTILITY LINES
 - OFF OUTSIDE OF SUBJECT BOUNDARY
 - ON INSIDE OF SUBJECT BOUNDARY
 - SEWER VALVE
 - WATER METER
 - 12" D.A.S.



Edward Runsey

TO THE HENRY JONES AND OR OWNERS OF THE PREMISES SURVEYED AND TO
INDEPENDENCE TITLE COMPANY
I DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE OF THE PROPERTY LEGALLY DESCRIBED HEREON AND THAT THERE ARE NO BOUNDARY LINE CONFLICTS, ENCROACHMENTS OVERLAPPING OR IMPROVEMENTS ON ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND NO OTHER DISCREPANCIES OR DISCREPANCIES SHOWN ON THE REFERENCED TITLE DOCUMENT.

FIRM MAP INFORMATION

ADDRESS

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAPS FIRM MAP NO. 484520165 E DATED: JUNE 16, 1993		
THIS CERTIFICATION IS FOR THE SURVEY OF THE LANDS AND NOT A GUARANTEE THAT THIS PROPERTY WILL OR WILL NOT FLOOD CONTACT YOUR LOCAL FLOOD PLAIN SPECIAL AGENT FOR FIRM MAP STATUS OF THIS TRACT		
ALLSTAR Land Surveying 9020 ANDERSON MILL RD AUSTIN, TEXAS 78729 (512) 249-8149 PHONE (512) 331-5217 FAX WWW.ALLSTARLANDSURVEYING.COM		
JAMES HILL SR. AND EVA HILL 1134 CHICON STREET AUSTIN, TRAVIS COUNTY, TEXAS		
SURVEY DATE: FEBRUARY 15, 2015	FIELD BY: CHRIS ZOTTER	02/14/2015
TITLE CO: INDEPENDENCE TITLE CO.	CALC BY: CHRIS ZOTTER	02/15/2015
GE NO: 079196A-ABD	DRAWN BY: DANIEL SMITH	02/15/2015
JOB NO: A1214H1 - A202511 - A0719907	CHECKED BY: DANIEL SMITH	02/15/2015
	RMS CHECK: EDWARD RUNSEY	02/15/2015