

46
1

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

DATE: Monday, July 13, 2015

CASE NUMBER: C15-2015-0096

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

OWNER/APPLICANT: Ken Jordan
ADDRESS: 808 30TH ST

VARIANCE REQUESTED: The applicant has requested a variance from Section 25-2-774 (C) (Two-Family Residential Use):

A. (2) (a) to decrease the space and location that a second dwelling unit can be located in relation/distance from the principal structure from 15 feet to the rear (required) to 1 foot adjacent to (requested, existing); and to

B. (4) to decrease the distance the entrance of a second dwelling unit can be from a lot line from 10 feet (required) to 5 feet (requested, existing); and to

C. (5) to provide a driveway that crosses the front yard to be not more than 12 feet wide (required) to 13 feet wide (requested, existing); and to

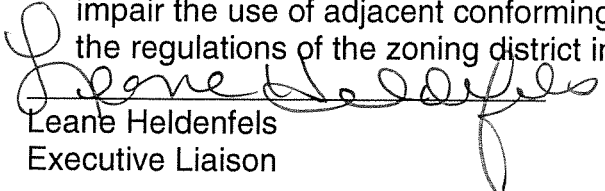
D. (7) (a) to increase the maximum gross floor area of the second dwelling unit from 850 square feet (required/permitted) to 1,001 square feet (requested, existing)

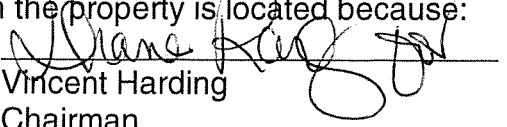
in order to change the use of 2 of the existing structures from day care to two-family residential use in an "SF-3-CO-NP", Family Residence – Combining District - Neighborhood Plan zoning district. (West University)

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


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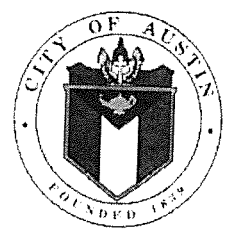
 N

 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

CASE#: C15-2015-0096
Address: 808 W 30TH ST



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'

CASE# C15-2015-00916
ROW# 1136 7676
TAX# 0217021108

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3

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: 808 W 30th St.

LEGAL DESCRIPTION: Subdivision -Oakwood

Lot(s) 29-31 Block _____ Outlot 72&75 Division D _____

I/We Ken Jordan, Harma Jordan on behalf of myself/ourselves authorized agent for

self affirm that on 5/15, 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)

___ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL X MAINTAIN

A one story building erected in 1972. Previously used as a child care center, now to be used as a
single family residence.

in a SF-3-NP district. (West Austin University
(zoning district) Austin)

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):

66
4

REASONABLE USE:

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

The current regulations make this building unusable for anything other than the current use of a child care center.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
This is an existing building. It exists on the lot in a specific location, size and layout. This building exists only on this property.

(b) The hardship is not general to the area in which the property is located because:
The hardship is due to this building being built on this particular lot and then the regulations changing.

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:

This variance will allow the property to more closely conform to the character of the area. It will allow a use change from a child care center to a single family residence as is most of the other property in the area.

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:

NA

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:

NA

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

NA

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

NA

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 Ken Jordan Mail Address 808 W 30th St.

City, State & Zip Austin TX 78705

Printed Ken Jordan Phone 512.472-3037 Date 5/15/15

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

Signed Ken Jordan Mail Address 808 W 30th St.

City, State & Zip Austin TX 78705

Printed Ken Jordan Phone 512.472-3037 Date 5/15/15

5/15

Northwest corner of
 of Lot 23 and W 24th of Lot 24)
 Walter Edwin Weber
 Volume 11387 Page 538

519

WEST 30 1/2 STREET (R.O.W. VARIES)

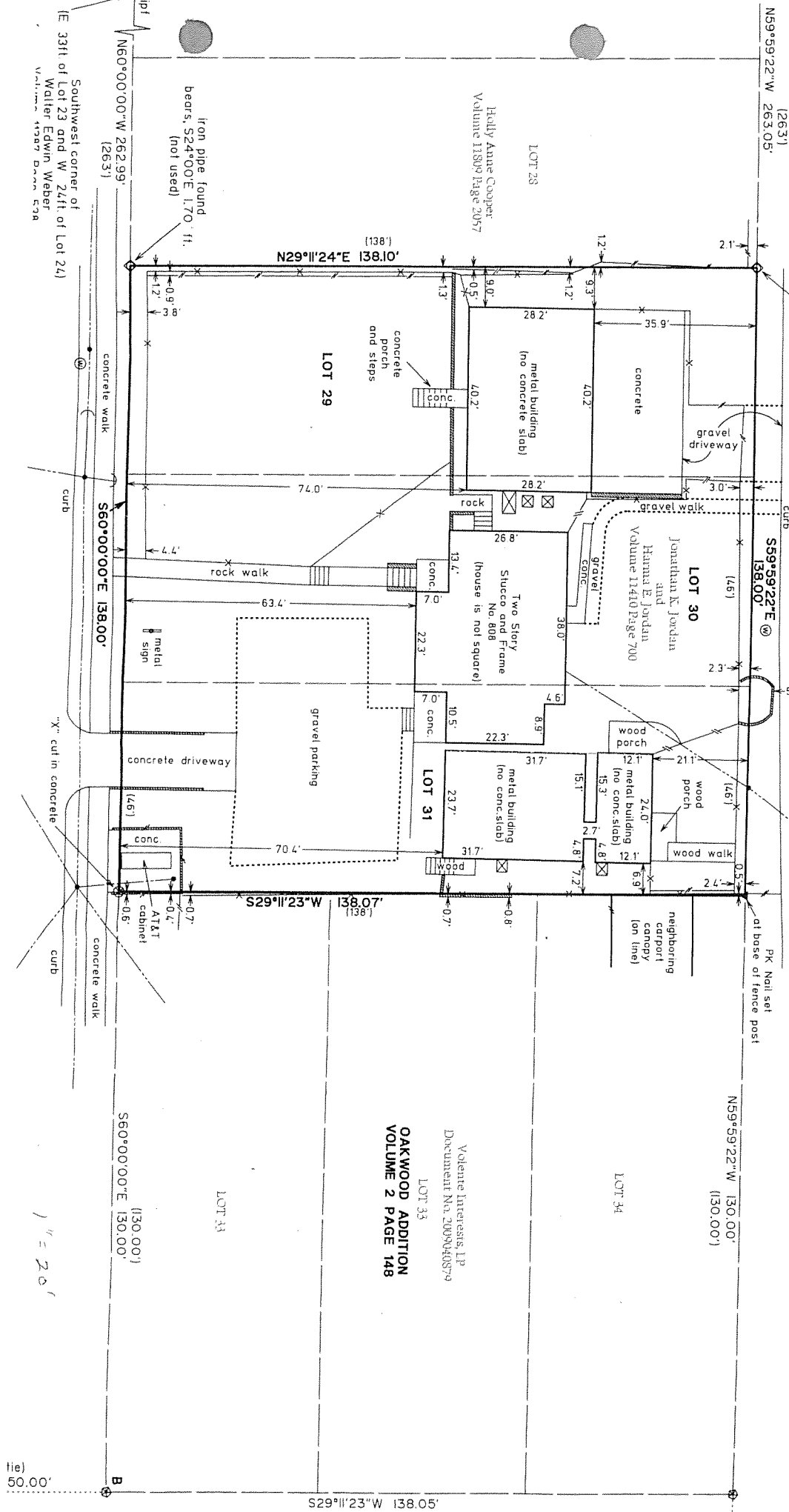
iron pipe found
 bears, S24°25'W 2.07 ft.
 (not used)

N59°59'22"W 263.05'
 (1263.1)

S59°59'22"E 138.00'
 (138.00')

N59°59'22"W 130.00'
 (130.00')

Volume Interest LP
 Document No. 2009040879
 LOT 33
 OAKWOOD ADDITION
 VOLUME 2 PAGE 148



He)
 50.00'

315
Brief History of 808 W 30th.

The original house was built in 1922 by then University of Texas Professor Castillo.

About 1972 it was sold and the new owner opened a Montessori school. To accommodate the school she erected two accessory buildings which were placed on either side of the original house.

Lot <u>29-30-31</u>	Certificate Of Occupancy	Permit # <u>CP14-71-02</u>
Block _____	No <u>58622</u>	✓ Zoning <u>BB-1st.</u>
Subdv. <u>Oakwood Sub</u>	DEPARTMENT OF BUILDING INSPECTION	Plat <u>63</u>
City of Austin, Texas		
THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED BELOW HAS BEEN INSPECTED AND THE FOLLOWING OCCUPANCY THEREOF IS HEREBY AUTHORIZED.		
Address <u>808 West 30th Street</u>		
Use <u>Montessori Scientific Education</u>		
Owner of Land <u>Homa S. Weerasuria</u>		
Owner of Improvements _____ Address _____		
Contractor _____ Address _____		
Plumber _____ No. of Gas Meters _____		
Remarks <u>CERTIFIED FOR THE CARE OF: 70 children between the hours of 7:00 A.M. & 12:00 Midnight "Subject to compliance with the Special notes on Special Permit site plan approved by Planning Commission. Also there shall be no children kept on the 2nd Floor below Third Grade Level."</u>		
Date <u>8-18-72</u> By _____ cm		
BUILDING OFFICIAL		
OFFICE COPY		

SEE REVERSE SIDE

7/8

We bought the property in 1991, made some improvements and reopened the school in 1991 using only the two accessory buildings with the intention of living in the main house.



City of Austin

CERTIFICATE OF OCCUPANCY

BUILDING PERMIT NO. 1991-007143 BP

ISSUE DATE: 06/03/1991

BUILDING ADDRESS: 808 30 Street West A 00000

LEGAL DESCRIPTION: Lot: 29 Block: 11 Subdivision: OAKWOOD 1903

PROPOSED OCCUPANCY:

C-1000 Commercial Remodel

Remodel - Remodel Interior Of Existing Day Care School

BUILDING GROUP / DIVISION: E-3

REMODEL BUILDING SQUARE FOOTAGE: 0

SPRINKLER SYSTEM:

CODE YEAR:

CODE TYPE:

FIXED OCCUPANCY:

NON FIXED OCCUPANCY:

CONTRACTOR:

***** **CERTIFICATE OF OCCUPANCY** *****

THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED ABOVE HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR THE GROUP AND DIVISION OF OCCUPANCY LISTED ABOVE.

In 1993 a driveway was put in to accomodate the main house.

5/9

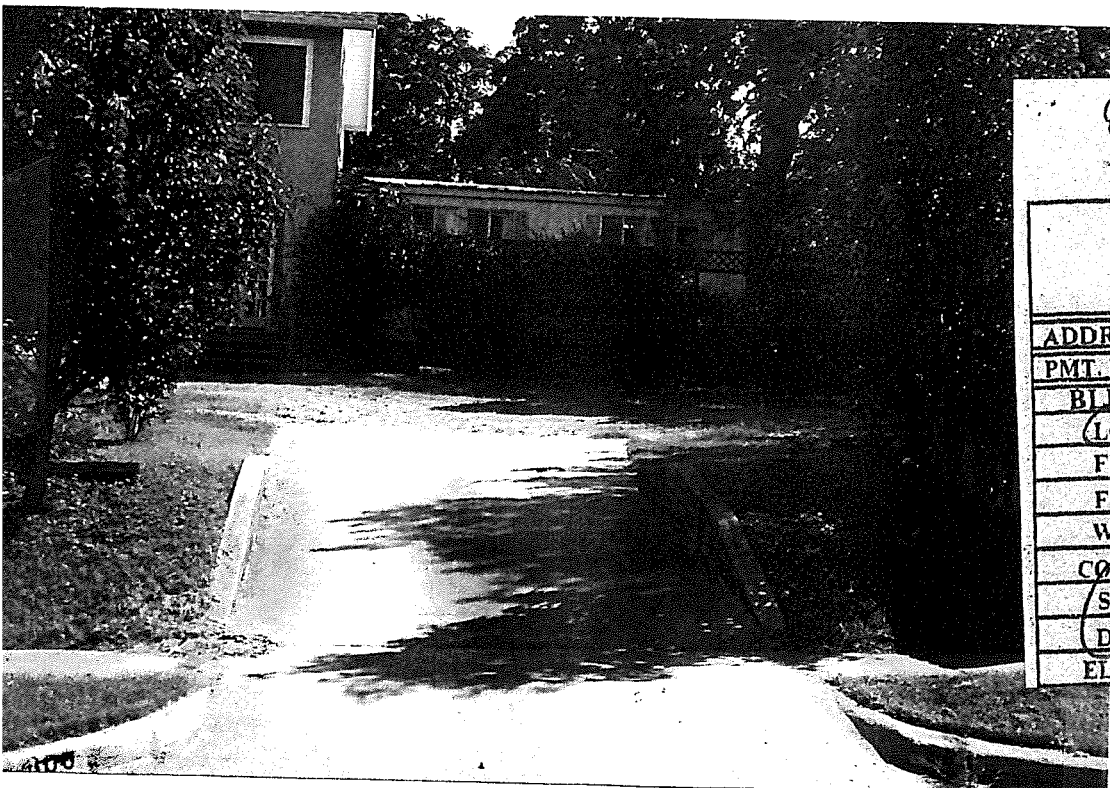
CITY OF AUSTIN - PROJECT PERMIT

PERMIT NO. 9305772		ADDRESS 808 30 STREET W		DATE 05/14/93	
SUBDIVISION DAKWOOD		PERMIT CLEAR REYNOLDS, S			
0043 FLAT	BLOCK 29-30	LOT			
ZONING SFF	HT. & AREA	12' DRIVEWAY APPROACH		PROPOSED OCCUPANCY	
REOD.	PARKING PROVD.	0000130		00002000.00	
SPECIAL PERMIT NO.	TOTAL SQ. FT.	VALUATION	TYPE CONST.	USE CAT.	GROUP
REMODEL					
WORK PERMITTED	BASEMENT	BUILDING DIMENSIONS		MIN. STD.	CHR
OWNER/CONTR. KEN JORDAN		PHONE		CONCRETE	
BUILDING					
ELECTRICAL					
MECHANICAL					
PLUMBING		12' DW/BLOCKER DRILLING			
SIDEWALK/DRIVE					
SIGN					
OTHER					
ARCH./ENGR.					

NOTICE

A LAYOUT INSPECTION IS REQUIRED PRIOR TO ANY CONSTRUCTION. IF CONSTRUCTION IS NOT STARTED WITHIN 180 DAYS THIS PERMIT IS VOID.

[Signature]
LAYOUT INSPECTOR



808 W 30
9305772

City of Austin PLANNING AND DEVELOPMENT DEPARTMENT		
ADDRESS		
PMT. NO		
BLDG.	DATE	INSPECTOR
(LO)	5/25	<i>[Signature]</i>
FN		
FR		
WB		
CONC.		
SP	DATE	INSPECTOR
(SP)	5/25	<i>[Signature]</i>
(DP)		
ELEC	DATE	INSPECTOR

In 1994 we finished remodeling the main house and moved into it.

7/6
10



City of Austin

CERTIFICATE OF OCCUPANCY

BUILDING PERMIT NO. 1993-003140 BP

ISSUE DATE: 11/17/1994

BUILDING ADDRESS: 808 30 Street West A 00000

LEGAL DESCRIPTION: Lot: 29 Block: 11 Subdivision: OAKWOOD 1903

PROPOSED OCCUPANCY:

R- 435 Renovations/Remodel
Remodel - Remodel Existing Residence

REMODEL BUILDING SQUARE FOOTAGE: 0

SPRINKLER SYSTEM:

CODE YEAR:

CODE TYPE:

FIXED OCCUPANCY:

NON FIXED OCCUPANCY:

CONTRACTOR:

***** **CERTIFICATE OF OCCUPANCY** *****
THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED ABOVE HAS
BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE
FOR THE GROUP AND DIVISION OF OCCUPANCY LISTED ABOVE.

We lived in the house (as we still do) and operated a child care center, afterschool and summer camp program from the accessory two buildings until about 2011.

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The school was closed. Whether it was closed permanently or temporarily would be decided later. We decided we did not want to reopen the school or lease it out for someone else to operate. We decided to use one of the accessory buildings as a single family residence.

In the 40 years since the building was erected new rules concerning the placement and size of secondary residences were enacted. That is why we are here.

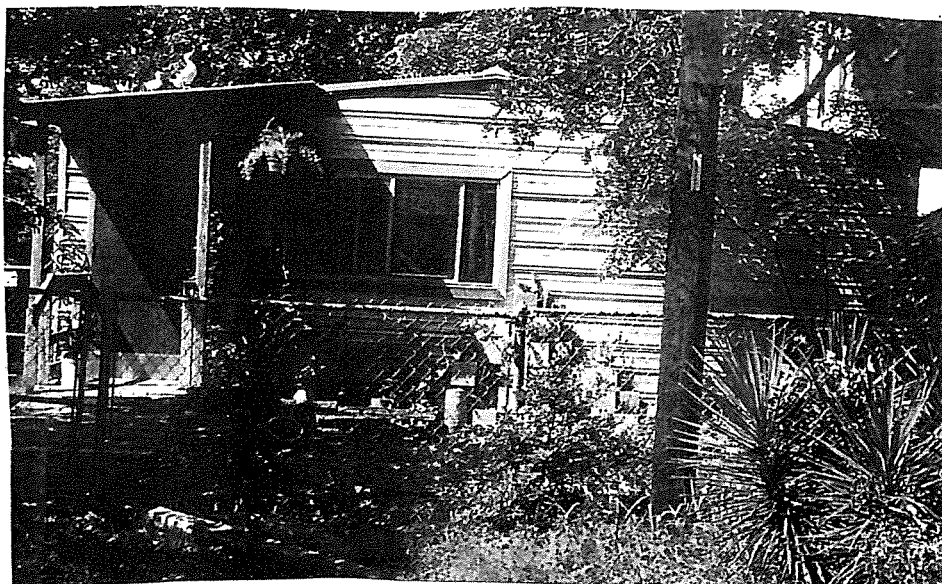
Other than the driveway none of the items in the variance request has changed since the building was constructed.

If this variance request is granted the result will be a single family residence large enough for 1 or two people in central Austin. Off street parking will be provided and nothing will look any different than it does today except perhaps an extra car or two parked in the parking area.



Front

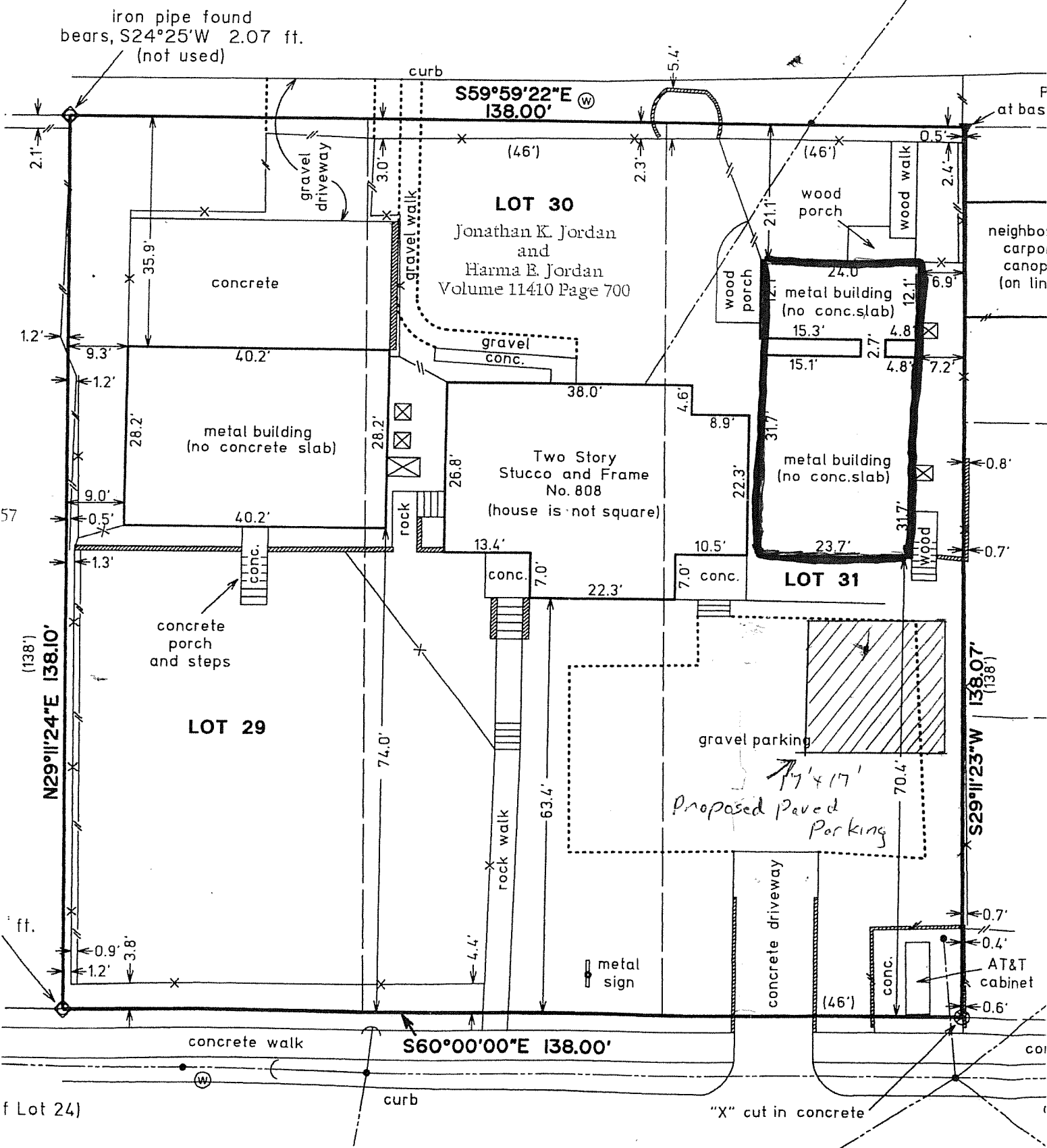
Back



ALLE

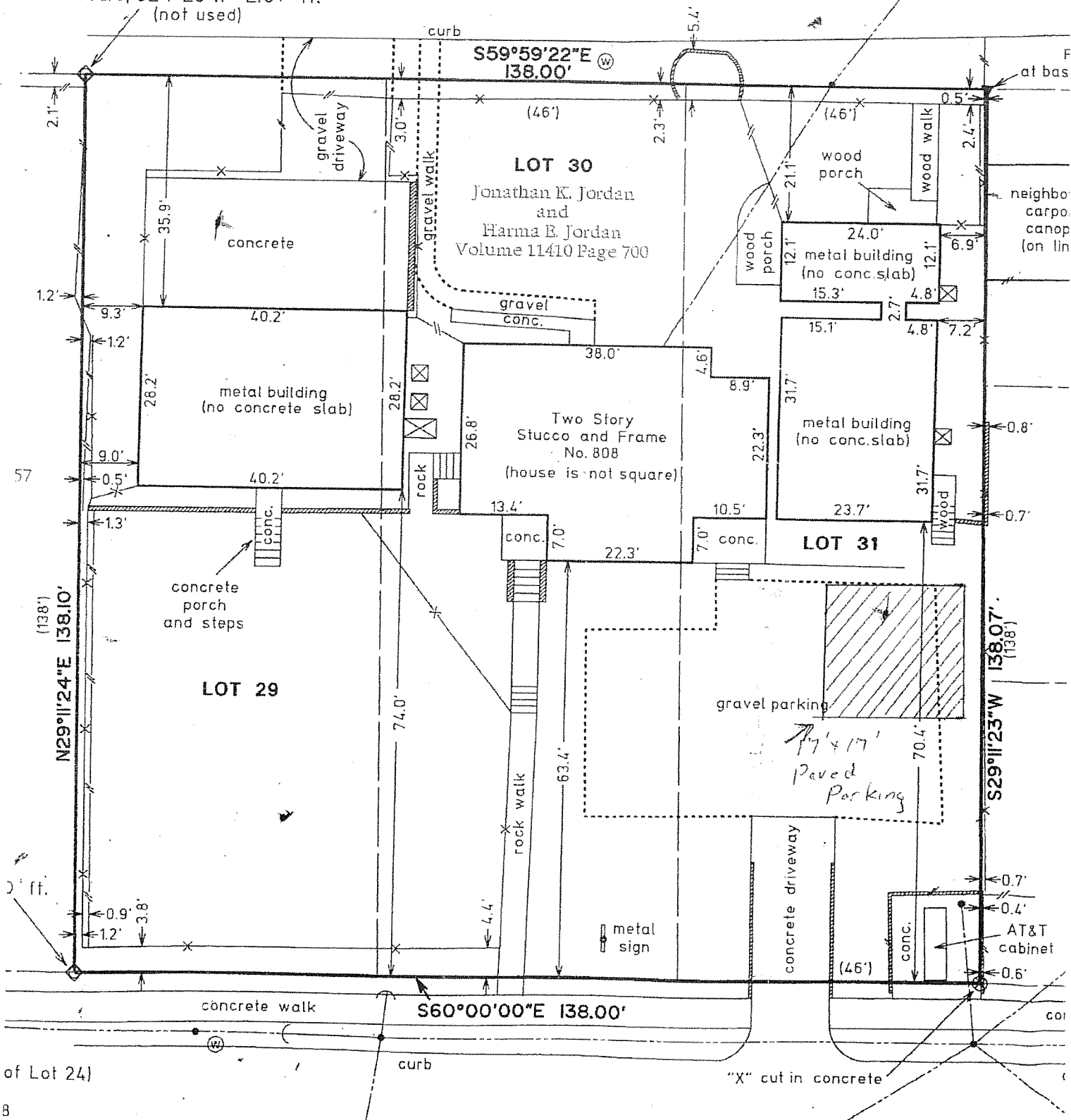
P156

WEST 30 1/2 STREET (R.O.W. VARIES)



44
13

iron pipe found
bears, S24°25'W 2.07 ft.
/ (not used)



315



I, Theresa & Ken Jordan, ~~am~~ ^{are} applying for a variance from the Board of Adjustment regarding Section 25-2-774C of the Land Development Code. The variance would allow ~~me~~ ^{us} the ability to Maintain a one story building erected in 1972 previously used as a childcare center wants to be used as a single family residence.

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Summer Maxwell	804 W 30th 1/2 St	Summer Maxwell
Samuel Maxwell	804 W. 30th 1/2 St	Samuel Maxwell
Bobby Smith	3013 West Ave.	Bobby Smith
Burrett Karsen	3015 West Ave.	<i>[Signature]</i>
Raul Pedersen	3019 West Ave	Raul Pedersen
Laura Creagh	3101 West Ave	<i>[Signature]</i>
Mark Brown	810 W 30th 1/2 St	<i>[Signature]</i>

3/15



I, Thana & Ken Jordan ^{are} ~~am~~ applying for a variance from the Board of Adjustment regarding Section 25-2-774C of the Land Development Code. The variance would allow ^{us} ~~me~~ the ability to maintain a one story building erected in 1972 previously used as a childcare center wants to be used as a single family residence.

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Marc McDaniel	808 W 30th & 811 W 31st	M. Jones
Sofia Martinez	901 W 30th	[Signature]
Chris Beer	809 W. 30th St.	[Signature]
DANA ANTHONY	709 W. 31st	Dana Anthony
Wanda Mendez	3009 West Av.	Wanda Mendez
TERESA HARRISON	2919 West Ave. 11th	[Signature]
Lindsay Crow	3018 West Ave.	Lindsay Crow

Heldenfels, Leane

From: Marc McDaniel ~~marc@marcmcdaniel.com~~
Sent: Friday, July 10, 2015 10:32 AM
To: Heldenfels, Leane
Subject: Child Craft, 808 W. 30th C15-2015-0096

44
15

Leanne Heldenfels
City of Austin
Land Development

Child Craft
808 W. 30th
C15-2015-0096

Questions, Clarifications & Comments:

- 0) I have no objection to converting the existing building on the east side of the parcel to a second dwelling unit for a single family used as it was presented to me by the owners. I will object to the conversion of use if the building is to be used as a duplex or stealth dormitory. It should be noted that the petition circulated by the applicants, and that I signed, only mentioned the conversion of use from a child care center to a single family residence. The petition omitted any mention of the other required variances for set backs, location of the entrance, driveway, and gross floor area.
- 1) It is not clear in the Notice of Public Hearing which buildings on the parcel (lots 29, 30, 31) are included in this variance. Do the requests for the different variances only apply to the only the one metal building on slab on the east side of the parcel and outlined in bold on the plot plan? Or do the variance requests apply to the entire parcel (Lots 29, 30, 31). Item D in the Notice of Public Hearing says "in order to change the use of 2 of the existing structures" This would suggest that the variance request is to convert 2 of the 3 structures on the parcel.
- 2) Does the applicant also need a variance for a 25' setback from 30 1/2 street instead of the 21.1 ft existing setback?
- 3) If the variances are granted, will they apply only to the existing structure, or will the variances carry forward if the applicant decides to build a new structure in the same location? If the existing structure is torn down, will any new structure on this parcel be required to meeting current development guidelines?
- 4) Since the three lots are one parcel, it is within code for the metal building on the west side (lot 29) to also be converted to a third dwelling unit? Or would it require re-sub dividing the lot and redevelopment with current setbacks?
- 5) Can a second dwelling unit be used as a duplex? Or does "single family" really mean "single family". This is not clear because Item D in the Notice of Public Hearing says "....change use of 2 of the existing structures from day care to 2 family residential use..." Does this mean 2 duplexes? Which 2 of the 3 existing structures on the parcel are part of the variance request? Only one structure is highlighted on the plot plan.
- 6) Is there a regulatory limit to the number of occupants for a secondary dwelling unit?
- 7) The applicant mentions that the hardship exists due to the building (circa 1972) "being built on this particular lot and then the regulations changing." Is this saying that there were not set-back requirements in 1972?

Heldenfels, Leane

From: sofia martinez [REDACTED]
Sent: Tuesday, July 07, 2015 12:02 PM
To: Heldenfels, Leane
Subject: Case Number C15-2015-0096

6/17

Hi,

I'm writing regarding a variance request with Case Number C15-2015-0096, for 808 W 30th St. There is a public hearing on July 13th in front of the Board of Adjustment.

The property owner has collected signatures in support of her request for a variance. She told us she wishes to convert a building that has been used as a child care building to a single family residence. She assured us that she will keep it small and not change the building itself; that in fact it will be a studio and will hold only one or two people.

I signed the petition because that seems a reasonable use of the building. However, I want to be clear that I and other signed this with the understanding that the building will not be added on to or expanded in any way. For example, we do NOT support the building being turned into a duplex. There is not enough space there to add more than one or two people, especially considering the owner's long term plans to convert another building on the lot to a residence and our street's existing 7+ so-called stealth dorms.

Thank you,
Sofia Martinez
901 W 30th (since 2000) 512 370-1886

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

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: C15-2015-0096, 808 W. 30th St.

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

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

David Adelman
Your Name (please print)

☒ I am in favor
☐ I object

2902 Pearl Street
Your address(es) affected by this application

[Signature] 7-8-15
Signature Date

Daytime Telephone: 210-391-2310

Comments:

I am supportive of this
variance.

If you use this form to comment, it may be returned by noon the day of the hearing to (if comments are not received by noon that may not been 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

PUBLIC HEARING INFORMATION

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Case Number: C15-2015-0096, 808 W. 30th St.

Contact: Leanne Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, July 13th, 2015

Betsy Greenberg

Your Name (please print)

3009 Washington Sq, Austin 78705

Your address(es) affected by this application

Betsy Greenberg

Signature

7-6-2015

Date

Daytime Telephone: 512-689-7537

Comments:

I support the preservation of the existing buildings and their return to single family use. Please support this variance request.

If you use this form to comment, it may be returned by noon the day of the hearing to (if comments are not received by noon that may not been seen by the Board at this hearing):

City of Austin-Development Services Department/ 1st Floor

Leanne Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

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

Heldenfels, Leane

44
20

From: sofia martinez [REDACTED]
Sent: Tuesday, July 07, 2015 12:02 PM
To: Heldenfels, Leane
Subject: Case Number C15-2015-0096

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