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SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## NOTIFICATIONS

CASE#: C15-2016-0086

LOCATION: 1106 Mansell Avenue



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" = 121'



**CITY OF AUSTIN**  
**Development Services Department**  
One Texas Center | Phone: 512.978.4000  
505 Barton Springs Road, Austin, Texas 78704

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## Board of Adjustment General/Parking Variance Application

**WARNING: Filing of this appeal stops all affected construction activity.**

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, click here to Save the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

### For Office Use Only

Case # C15-2016-0086 ROW # 11563586 Tax # 0208180122  
TCAD ✓

### Section 1: Applicant Statement

Street Address: 1106 Mansell Avenue, Austin, Texas 78721

Subdivision Legal Description:

Single parcel located in Austin, Texas. The Single Parcel is surrounded by the Chernosky Neighborhood No. 7 as platted in 1943 in Travis County, Texas.

Lot(s): 1 Block(s): 0

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF-3-NP(MLK-183)

I/We Michael S Melfi on behalf of myself/ourselves as  
authorized agent for Jose L. Rios affirm that on  
Month June, Day 2, Year 2016, hereby apply for a hearing before the  
Board of Adjustment for consideration to (select appropriate option below):

☒ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: \_\_\_\_\_

Type of Structure: Single family residence.

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

Section 25-2-943 and Section 25-2-942

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## Section 2: Variance Findings

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 supporting documents.

**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.**

I contend that my entitlement to the requested variance is based on the following findings:

### Reasonable Use

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

The property is 3515 square feet and does not comply with the code and therefore a variance is required to build a single family dwelling. The home will keep within the existing code requirements and without the approval of this variance the land will remain unbuildable. Without a lot width and size variance the lot will remain unbuildable

### Hardship

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

Currently this property cannot be built upon as it does not comply with the code. Despite attempts to consult with professionals and documentation provided by the title company, it seems the lot will require a variance to begin building the home because of the unique circumstances of this lot. Had this lot complied with the code, building would be of no issue.

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

The circumstances are unique as all other properties are listed on the plat map. The property was subdivided in 1943, and not built upon until purchased in 2016 by Jose L. Rios. Taxes have been continuously paid on the property, but neither the landowners nor the city took the necessary steps to create a new subdivision to plat this single parcel of land and hence allow for a dwelling to be build on the property.

### Area Character

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:

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The plans are to build a single family home in line with the existing neighborhood. The single family residence will not change the character of the neighborhood, or impair adjacent or surrounding properties. In an effort to ensure this, we have spoken with Kevin Ludlow, contact for the East MLK Combined Neighborhood Association regarding this matter. Additionally, we have spoken with our adjacent neighbors and the surrounding area and gathered signatures from these individuals.

### 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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably 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

### Section 3: Applicant Certificate

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

Applicant Signature: Michael S. Melfi

Digitally signed by Michael S. Melfi  
DN: cn=Michael S. Melfi, o, ou, email=michaelsmelfi@gmail.com,  
c=US  
Date: 2016.06.02 11:43:58 -0400

Date: 06/02/2016

Applicant Name (typed or printed): Michael S. Melfi

Applicant Mailing Address: 4646 Mueller Blvd. #1050

City: Austin State: TX Zip: 78723

Phone (will be public information): (248) 340-6333

Email (optional – will be public information): michael@melfiassociates.com

### Section 4: Owner Certificate

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

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner Name (typed or printed): Jose L. Rios

Owner Mailing Address: 7305 Geneva Drive

City: Austin State: TX Zip: 78723

Phone (will be public information): (512) 800-9855

Email (optional – will be public information): jlrios10@gmail.com

### Section 5: Agent Information

Agent Name: Michael S Melfi

Agent Mailing Address: 4646 Mueller Blvd. #1050

City: Austin State: TX Zip: 78723

Phone (will be public information): (248) 340-6333

Email (optional – will be public information): michael@melfiassociates.com

### Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

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### Section 3: Applicant Certificate

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

Applicant Signature: Michael S. Melfi Digitally signed by Michael S. Melfi  
DN: cn=Michael S. Melfi, o=, email=michael@melfiassociates.com, c=US  
Date: 2016.06.22 11:13:58 -0400 Date: 06/02/2016

Applicant Name (typed or printed): Michael S. Melfi

Applicant Mailing Address: 4646 Mueller Blvd. #1050

City: Austin State: TX Zip: 78723

Phone (will be public information): (248) 340-6333

Email (optional – will be public information): michael@melfiassociates.com

*manuel.hernandez @  
frooblestudio.com*

### Section 4: Owner Certificate

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

Owner Signature: Jose L. Rios Date: 06/21/2016

Owner Name (typed or printed): Jose L. Rios

Owner Mailing Address: 7305 Geneva Drive

City: Austin State: TX Zip: 78723

Phone (will be public information): (512) 800-9855

Email (optional – will be public information): jrios10@gmail.com

### Section 5: Agent Information

Agent Name: Michael S Melfi

Agent Mailing Address: 4646 Mueller Blvd. #1050

City: Austin State: TX Zip: 78723

Phone (will be public information): (248) 340-6333

Email (optional – will be public information): michael@melfiassociates.com

### Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

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CITY OF AUSTIN  
Development Services Department  
One Texas Center  
505 Barton Springs Road  
Austin, Texas, 78704

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RE: Request for Variance

To Whom It May Concern,

The property located at 1106 Mansell is a beautiful piece of property on the east side of Austin. Recently we purchased this land in the hopes of building a single-family residence to be part of the amazing communities and neighborhoods found on the east side of Austin. At the time of this purchase we felt we were being diligent by having the realtor and the architect physically walk the property with us, as well as take the time to do research on the property. However, despite these efforts we have found ourselves in serious hardship as an issue arose with the property that no one expected - currently this property cannot be built upon as it does not appear on the plat map. Further, despite the documentation provided by the title company, it seems the lot will require a variance as well to begin building the home.

You may be wondering how this situation came to be and it started back in 1943 when the property was first subdivided. At that time, this property was part of Chernosky Subdivision No. 7. At that time, lots 10 and 11 were two single lots with street fronts on Reyes. (See Exhibit A) In 1965 our current lot was deeded from one family member to another legally. From that point forward, the landowners always paid taxes on the property, however, no one ever did anything with the property. It was during this transaction that neither the landowners nor the city took the necessary steps to create a new subdivision to plat this single parcel of land and hence allow for a dwelling to be built on the property.

For the last sixty years the land has remained up to date on taxes and not built upon, until this year when we purchased the lot. Once the transaction was complete, we began the design and engineering process and were notified that the lot could not be built on since it was not appearing on the maps.

At this point, we had the opportunity to speak with the City of Austin, specifically Leane Heldenfels who is assisting us in the process of obtaining a variance based on the unique nature of this parcel of property and very uncommon. Further this various will provide us with the reasonable use of the property we intended upon purchasing - to build a single-family residence. Attached you will find renderings (see Exhibit B) for our proposed home as well as a floor plan (See Exhibit C)

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In granting of this variance, to provide for the ability to build a single-family residence, it will not change the character of the neighborhood, or impair adjacent or surrounding properties. In an effort to ensure this, we have spoken with Kevin Ludlow, contact for the East MLK Combined Neighborhood Association regarding this matter. Additionally, we have spoken with our adjacent neighbors and the surrounding area and gathered signatures from these individuals (see Exhibit D).

We thank you in advance for your consideration and willingness to assist us in this Variance Request.

Sincerely,



Michael S. Melfi



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## EXHIBIT "A"

Being a tract or parcel of land situated in the City of Austin, Travis County, Texas, and being a part of Lots 10 and 11, Block I in the Chamosky Subdivision No. 7, a recorded addition to said County, a plat of same being recorded in Volume 4 at Page 179 Plat Records of Travis County, Texas, and being the same tract of land conveyed to Mack G. Martinez in Volume 3061 at Page 1734 Deed Records of Travis County, Texas, and being more particularly described as follows:

Beginning at a 1/2-inch iron rod set for corner on the West line of Mansell Avenue, said corner bears South 28 degrees 36 minutes 00 seconds West a distance of 90.75 feet from the Northwest corner of Lot 10 Block I in said addition;

THENCE South 28 degrees 36 minutes 00 seconds West and with the West line of Mansell Avenue a distance of 36.80 feet to a 1/2-inch iron rod found for corner;

THENCE South 28 degrees 36 minutes 00 seconds West and with the West line of Mansell Avenue a distance of 36.80 feet to a 1/2-inch iron rod found for corner;

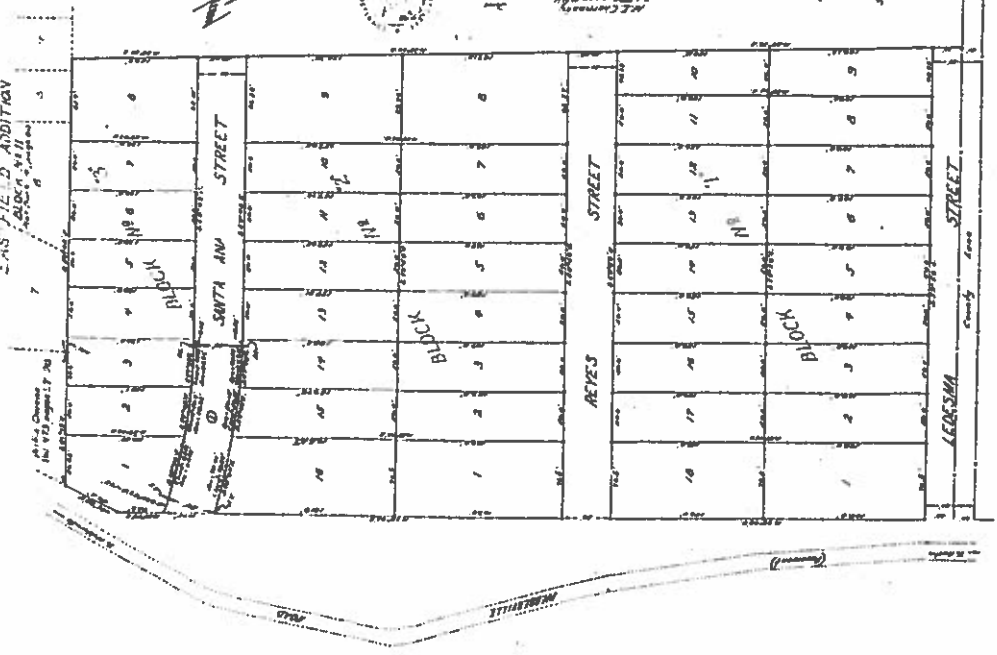
THENCE North 60 degrees 34 minutes 49 seconds West a distance of 95.35 feet to a 1/2-inch iron rod found for corner, corner being on the West line of Lot 11 Block I and the East line of Lot 12 Block I;

THENCE North 28 degrees 36 minutes 00 seconds East and with the West line of Lot 11 Block I a distance of 36.80 feet to a 1/2-inch iron rod set for corner;

THENCE South 80 degrees 34 minutes 49 seconds East a distance of 95.35 feet to return to the place of beginning and containing 0.08 acres of land.

# CHERNOSKY SUBDIVISION No 7-

AS PLANNED ADDITION



**STATE OF TEXAS**  
COUNTY OF TARRANT  
Know all men by these presents, that the undersigned, the Chernosky Subdivision No. 7, has been duly approved by the City of Dallas, Texas, and the same is hereby recorded for the purpose of giving notice to all persons of the facts herein stated, and for the purpose of establishing the same as a part of the public record.

**STATE OF TEXAS**  
COUNTY OF TARRANT  
Know all men by these presents, that the undersigned, the Chernosky Subdivision No. 7, has been duly approved by the City of Dallas, Texas, and the same is hereby recorded for the purpose of giving notice to all persons of the facts herein stated, and for the purpose of establishing the same as a part of the public record.

**APPROVED BY CITY PLAN COMMISSION**  
Attest: *[Signature]*  
City Clerk

**APPROVED FOR ACCEPTANCE**  
Attest: *[Signature]*  
City Clerk

**THE STATE OF TEXAS**  
COUNTY OF TARRANT  
Know all men by these presents, that the undersigned, the Chernosky Subdivision No. 7, has been duly approved by the City of Dallas, Texas, and the same is hereby recorded for the purpose of giving notice to all persons of the facts herein stated, and for the purpose of establishing the same as a part of the public record.

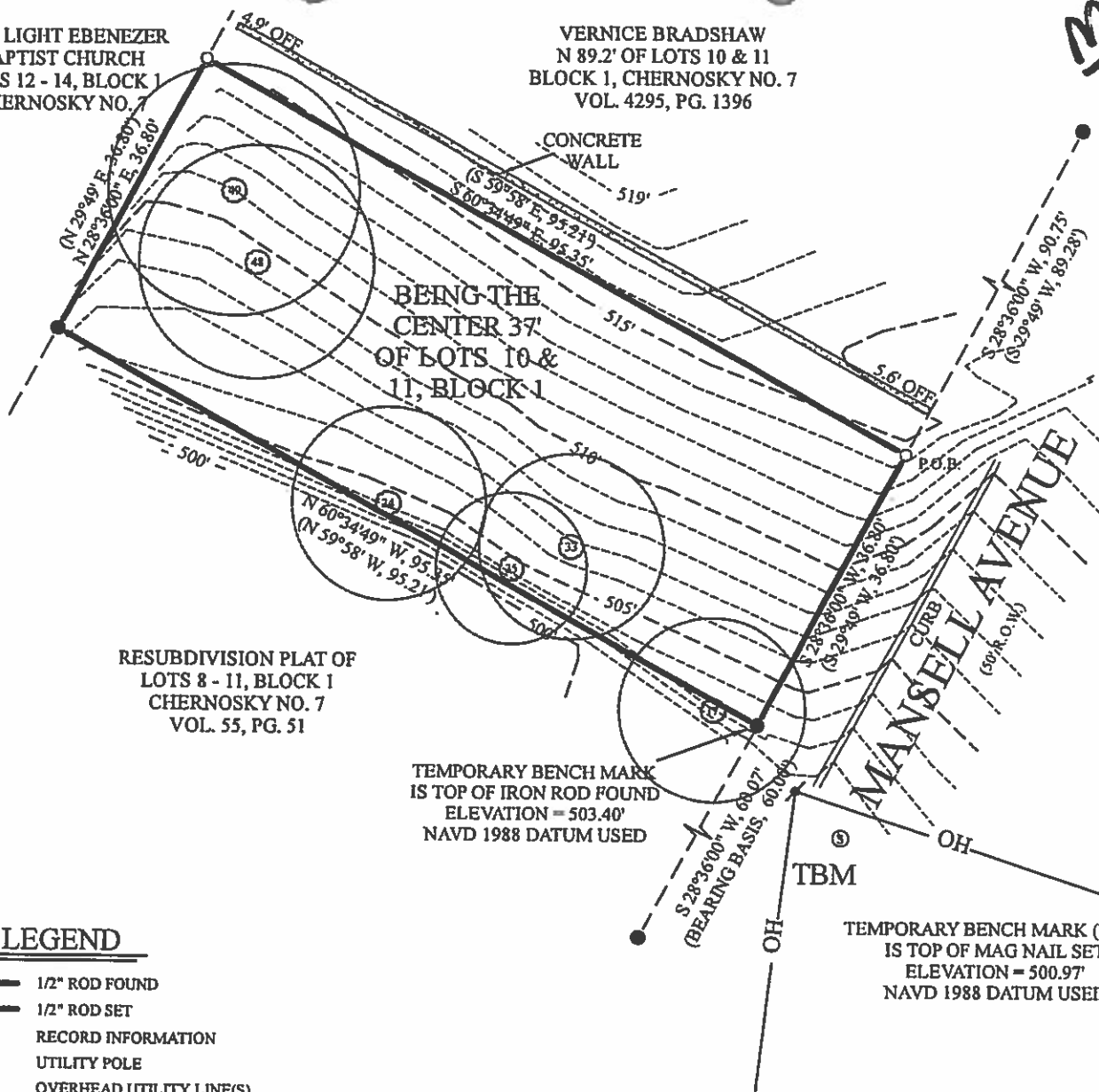
**CHARTER CITY**  
Know all men by these presents, that the undersigned, the Chernosky Subdivision No. 7, has been duly approved by the City of Dallas, Texas, and the same is hereby recorded for the purpose of giving notice to all persons of the facts herein stated, and for the purpose of establishing the same as a part of the public record.

**EASEMENTS**  
Know all men by these presents, that the undersigned, the Chernosky Subdivision No. 7, has been duly approved by the City of Dallas, Texas, and the same is hereby recorded for the purpose of giving notice to all persons of the facts herein stated, and for the purpose of establishing the same as a part of the public record.

Copy of Map and Plat to be filed in the office of the City Clerk.

NEW LIGHT EBENEZER  
BAPTIST CHURCH  
LOTS 12 - 14, BLOCK 1  
CHERNOSKY NO. 7

VERNICE BRADSHAW  
N 89.2' OF LOTS 10 & 11  
BLOCK 1, CHERNOSKY NO. 7  
VOL. 4295, PG. 1396



# LEGEND

- 1/2" ROD FOUND
- 1/2" ROD SET
- ( ) RECORD INFORMATION
- UTILITY POLE
- OH OVERHEAD UTILITY LINE(S)
- OFF OUTSIDE OF SUBJECT BOUNDARY
- P.O.B. POINT OF BEGINNING
- ⑤ MAG NAIL SET FOR TBM

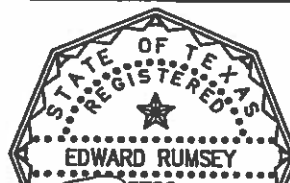
\*\*\*NOTICE\*\*\*

BEFORE DESIGN

BEGINS ON THE SUBJECT PROPERTY, THE OWNER SHOULD CHECK THE LOCAL GOVERNING AUTHORITIES ABOUT BUILDING SETBACKS AND OTHER BUILDING REQUIREMENTS

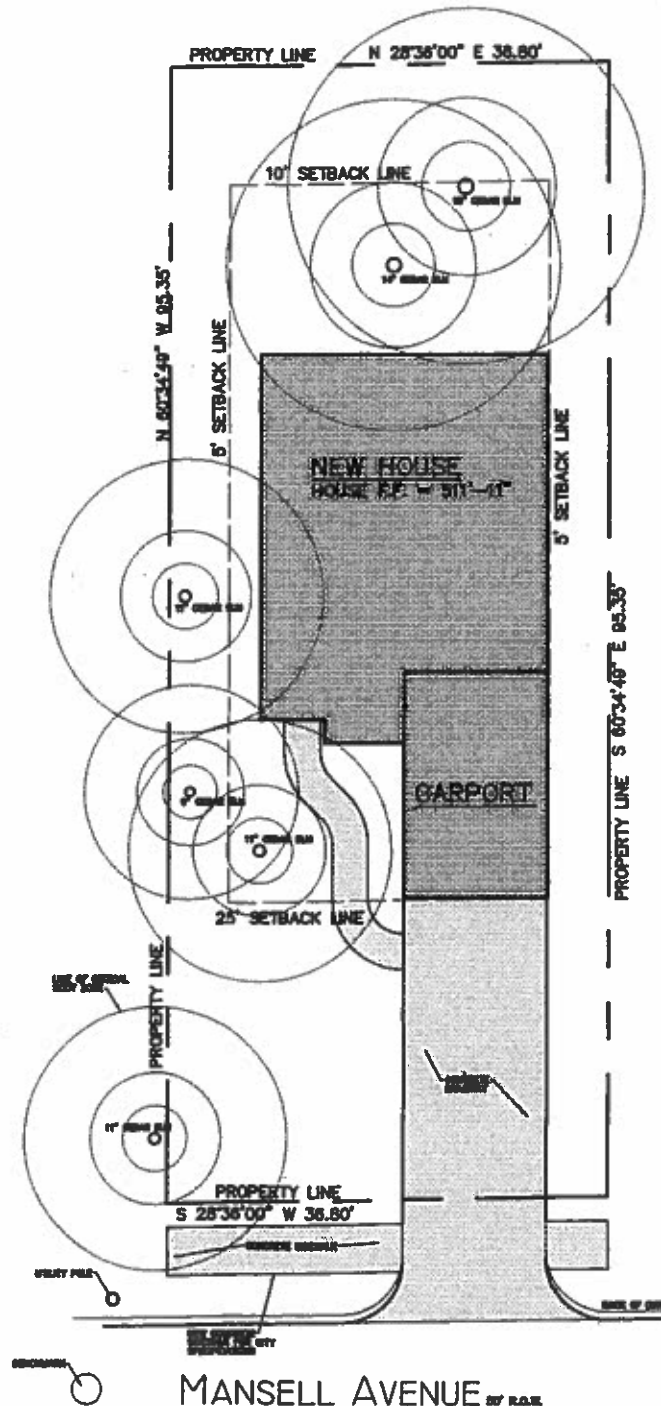
BEING THE CENTER 37 FEET OF LOTS 10 AND 11, BLOCK "1", CHERNOSKY SUBDIVISION NO. 7, AN ADDITION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOL. 4, PG. 179, PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING THE SAME LAND CONVEYED TO RICHARD SMITH IN DOC. NO 2013110058 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HEREON AND MADE A PART HEREOF.

COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 1106 MANSELL AVENUE  
CITY: AUSTIN REFERENCE NAME DON BURNS



THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS  
F.I.R.M. MAP NO.: 48453C0465J  
PANEL: 0465J  
DATED: 01/06/2016  
THIS CERTIFICATION IS FOR INSURANCE

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MANSELL AVENUE 20' R.O.W.

SITE PLAN  
1106 MANSELL AVENUE

**PRELIMINARY**  
Not for regulatory approval,  
permitting, or construction

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# FRONT ELEVATION 1106 MANSELL AVENUE

**PRELIMINARY**  
Not for regulatory approval,  
permitting, or construction

From: Kevin Ludlow <ludlow@gmail.com>  
Date: Tue, Jun 21, 2016 at 11:09 AM  
Subject: Re: East MLK Combined Neighborhood Support  
To: Michael Melfi <michael@melfiassociates.com>

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Michael,

Thank you for sending me all of the surveys and elevations for the subject property you are looking to build on. I also appreciated that you reached out to me on the phone to discuss the situation and answer all of my questions.

As the contact for the East MLK Combined Neighborhood Planning Contact Team (ELMKC-PC), we would love to see your project come to fruition. I believe that your house would not only be a pleasant addition to the neighborhood, but would also help to continue the trend of building homes that are environmentally considerate of the area.

I personally have a number of friends on Ledesma, the main street that intersects Mansell and reached out to them regarding your project. All were very enthusiastic about it and expressed their desire to see it built.

In short, you have the blessing of the contact team.

Please let me know if there is anything else we can help you with.

Thanks very much.

Kevin Ludlow






East MLK Combined Contact Team Rep

512-773-3968



I, \_\_\_\_\_, am applying for a variance from the Board of Adjustment regarding Section \_\_\_\_\_ of the Land Development Code. The variance would allow me the ability to \_\_\_\_\_

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









Property Owner Name (Printed)	Address	Signature
ROBERT CASTANEDA	4604 REYES ST.	
Mary Tunde	4606 REYES ST	Mary Tunde
Jayson Owens	4704 Reyes St	
Jae Myer	4708 Reyes St	Jae Myer
Adelyn Lee	4707 Reyes St	
Administrant	4707 Reyes St.	
Nichole Jackson	4708 Ledesma Rd	

mother owns house

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

Property Owner Name (Printed)	Address	Signature
Anthony L. Sims	4714 Ryley St	
Maric Joyel	1112 Mansell Ave. S	
Robert S. Medrano	1113 Mansell Ave.	
Sharon Rye	1107 Mansell Ave.	
Dannien Sclenoder	4704 Ledesma Rd	
Aaron Koss	4611 Ledesma	
Joshua Stief	4609 Ledesma	
Patrice Riggs	4605 <del>mansell</del> Reyes	

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