



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2017-0032
LOCATION: 4606 Avenue C



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" = 243'



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

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 # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 4606 Avenue C

Subdivision Legal Description:

Hyde Park Annex

Lot(s): 18 Block(s): 8

Outlot: _____ Division: _____

Zoning District: North Hyde Park NCCD

I/We Mary Neuburger on behalf of myself/ourselves as
authorized agent for _____ affirm that on
Month May ☐, Day 12 ☐, Year 2017 ☐, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☒ Other: Exemption

Type of Structure: Exemption from additional parking

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

25-3-83 (d) provisions of 2 off-street parking spaces

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 city requirement for an additional 2 parking spaces was triggered by my addition of 317 square feet (bringing house total to 2471) to my recently purchased home on 4606 Avenue C. The house had no compliant spots because of the nature of the lot (described below). The city of Austin zoning review approved architect's site plan (drawn in consultation with professional permitter) with 2 new spots (see attached). Upon further review in consultation with the Hyde Park Neighborhood association, the new spots are in violation of North Hyde Park zoning ordinance no. 20050818-064 (p. 6, sect. 11, b and c). Addition is in final stages of completion.

Hardship

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

The 1912 house at 4606 Ave. C was moved to its current lot in 1980 and live oak (now heritage tree) was planted near house and in path of curb cut. The site has no room for driveway or parking except in front yard and there is no place for parking except for where car is currently (see attached) in a shared driveway space that leads up to tree and is in city ROW. Any additional spots would encroach on front yard and violate above noted Hyde Park ordinance.

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

Most (if not all) other lots in the neighborhood have space to allow for driveway next to house and tandem parking if needed. The curb cut leading up to heritage tree seems to be unusual as well.

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:

Allowing the variance will preserve, and not alter, the character of the neighborhood.

Side-by-side parking would not fit with historic character of house, street, and neighborhood. It is in violation of neighborhood ordinance, but also would not increase net parking as it would take away from street parking.

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:

Avenue C on the 4600 block is a dead-end and there is no adjacent commercial or other activities that would increase parking for the area. City and neighborhood codes severely limit increased residential density.

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:

This would not add to, but only maintain, existing street parking volume. Avenue C is not a through street, but it is a wide street and street parking does not inhibit the flow of traffic.

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

No safety hazard is created by allowing for existing parking situation to continue. See attached letter of support from street inhabitants.

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

No change of use is foreseen. If change is made, it would trigger parking review.

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: Mary Neuburger Date: 05/10/2017

Applicant Name (typed or printed): Mary Neuburger

Applicant Mailing Address: 4606 avenue C

City: Austin State: Texas Zip: 78751

Phone (will be public information): (512) 698-9698

Email (optional – will be public information): [REDACTED]

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: Mary Neuburger Date: 05/10/2017

Owner Name (typed or printed): Mary Neuburger

Owner Mailing Address: 4606 Avenue C

City: Austin State: Texas Zip: 78751

Phone (will be public information): (512) 698-9698

Email (optional – will be public information): [REDACTED]

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

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).

To summarize and expand on what is above, this variance asks for an exemption from the addition of parking to be in compliance with city and neighborhood parking requirements that call for 2 off-street parking spaces. The property was effectively 'grandfathered' into its existing parking situation, but the recent addition of 317 square feet triggered compliance (adding 300 sq. feet is

Additional Space (continued)

the threshold for requiring compliance in North Hyde Park NCCD). Unfortunately project had initially moved forward with improper permits and it was already significantly advanced to make it too difficult to scale back the project to avoid parking requirement at the time of final (and corrective) proper permitting. Still working with an architect and professional permitter, who met with the city on several occasions, the site plan for the addition was approved on April 7, 2017. It seemed that we had come up with a compliant plan in all regards and I moved forward to complete the project in good faith. Still, I had my own concerns about the parking plan, which encroached seriously upon my front yard and seemed out of character for Hyde park and central Austin. With that in mind, I met with the Hyde park Neighborhood Association development committee, which recommended that I apply for a variance and ask for an exemption from creating any additional parking spaces. They pointed out that my current site plan was in violation of North Hyde Park zoning ordinance no. 20050818-064 (part 6, section 11, b and c (i and iii)). (See below). As the addition is in it final stages of completion, this is the only option at present. they shared my concerns about the character of the neighborhood, and the health of my live oak tree if there was additional parking (or digging) in its root zone (critical or not).

As for the North Hyde Park zoning ordinance cited above the issues are the following.

Part 6, sect. 11, b - "access is limited to one curb cut". (My site plan more than doubles the size of the curb cut, effectively creating two).

Part 6, sect. 11, c (i) - driveway on street yard "may not exceed a width of 12' " (My site plan increased curb cut by 16', bringing the total to roughly 23').

Part 6, sect. 11, c (iii) - parking must not exceed "25% of width of front yard" (My site plan calls for a 17' width of parking area and my front yard is 50' wide, so the max parking width should be 12.5').

These ordinances are complicated to be sure, and I hope I have interpreted them correctly (with the help of my neighborhood association). I am not sure how this got by my permitter and architect, but they did work closely with the city in creating this plan. But regardless of ordinance interpretation, I would like to ask for this exemption based on the reality of my situation. The addition is complete, I am a mere 17 sq. feet over the trigger number for parking review, and the plan which was approved by the city is not acceptable to my neighborhood association or my neighbors (see attached letter). There are concerns about the character of the neighborhood, but also the health of my heritage tree, which will certainly be impacted by any change in its vicinity.

See attachments:

- 1) Picture of my house and current parking.
- 2) Picture of shared parking area with next-door neighbor.
- 3) Letter of support from all reachable residents of Avenue C.
- 4) Copy of first page of approved site plan, with parking highlighted.

SAVE

May 8, 2017

We the undersigned, residents of Avenue C on the 4600 block have been provided with the variance application for Mary Neuburger (4606 Ave C). We support this variance, which would allow her an exemption from creating additional off-street parking to her home at 4606 Ave. C, in spite of her recent addition of 317 square feet. The existing situation presents no hazard or parking problems on our street. Any significant increase in curb cut and use of her front yard for side-by-side parking would be to the detriment of the neighborhood. It would not be in the character of Hyde Park, would not increase parking on Ave. C (as it would decrease street parking), and it poses potential problems for a heritage live oak. In addition, allow it has passed city review, it is in potential violation of North Hyde Park zoning ordinance, no. 20050818-064 part 6, Sect. 11, b, and c (i and iii), concerning the width of the curb cut (over 12') and the percentage of front yard (over 25%) the parking spots would occupy. We hope you will support her application for this variance.

Name (signature)

Address

TREVOR QUINN

4605 AVE C

Harrison Korman

4610 AVE C

Brian B...

4601 AVE C

* [Signature]

4602 AVE C

* [Signature]

4604 Avenue

M. Sullivan

4606 AVENUE C

Carl J. Shepherd

4609 Ave C

Mark J...

4607 AVE. C

Daniel Tuel

4611 Ave. C

* Mary Neuburger

4606 AVE C

M03/8



M03/9





MURFFBADA
512-569-3289 | MURFFBADA.COM

TCAD LOT SIZE: 7,086 SF.
SURVEY LOT SIZE: 6,545 SF.
AVERAGED FOR CALCS: 6,815 SF.

1ST FLOOR FINISH ELEVATION: 671'-6"
2ND FLOOR FINISH ELEVATION: 644'-0"
AVERAGE GRADE: 650'-0" TO HOUSE: 679'-2"
3 PORCHES F.A.S. EXCEPT UNDER 20'-2.7, 3.5, 5
THE NEW CEMENT DRIVE: DRIVE SHALL BE ON GRADE. NO
REMOVAL OF TREES IN THE 1/2 C.Z. WILL BE
ALLOWED. TREE REMOVAL AND PRESERVATION WILL TAKE
PLACE THROUGH THE PHASE OF CONSTRUCTION.



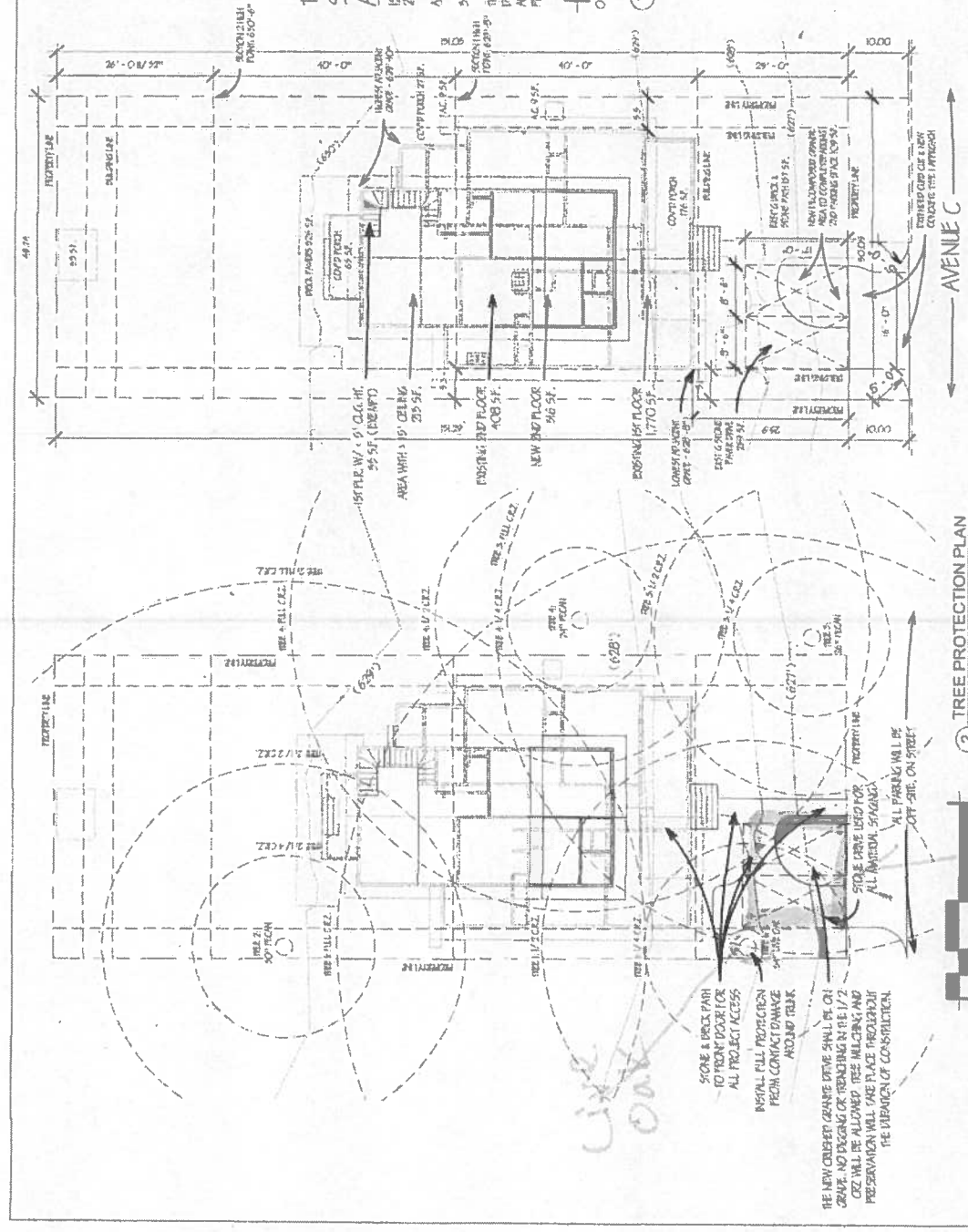
① SITE NEW
1/16" = 1'-0"

A-1 ARCHITECTURAL

MARY NEUBURGER
HOME ADDITION
4606 AVENUE C
AUSTIN, TEXAS 78751



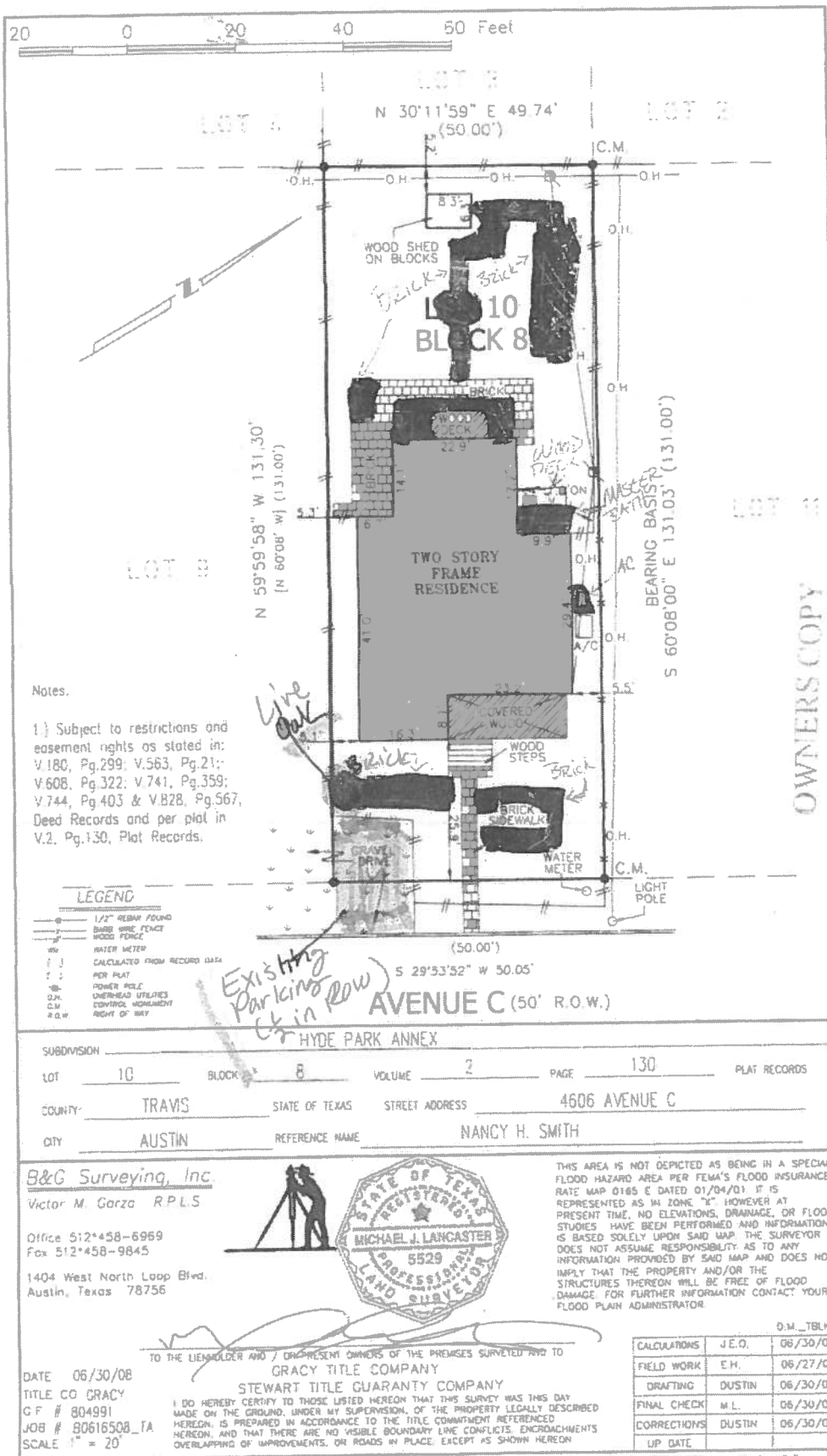
02 APR 2017



② TREE PROTECTION PLAN
1/16" = 1'-0"



PROPOSED
PARKING



5/12/2017

Dear Neighbor (or owner, or representative of owner of property in Hyde Park),

I am asking for signatures of residents within 300 feet of my home at 4606 Avenue C in support of a variance application that I recently submitted to the city of Austin.

I recently added 317 square feet to my home, bringing it to a total of 2410. Although I added no additional rooms (only expanded existing rooms) this triggered a need for addition parking on my lot. Unfortunately this is not possible given the size and configuration of my lot, and the position of a large heritage live oak on my front yard. My permit was approved and the addition is basically complete, but the parking issue is not resolved. The city is requiring me to add 2 side-by-side parking spots in my front yard, which is actually against North Hyde Park zoning ordinances (no. 20050818-064 Part 6, sect. 11, b, and c (I and ii)). The neighborhood association has advised me to file this variance to be exempt from changing any parking and to basically leave as is. The city consultant on this agreed that I had a good case, but apparently I need to pay \$2300 unless I get signatures from 80% of residents within a 300 foot radius. This is going to be difficult as it includes UT and other entities that I can't get in touch with to I really need all neighbors to help out! I am asking that you support my variance and provide a signature if you are willing.

It is imperative that I get the exact names (or at least one name) listed in TCAD as owners of these properties (or someone that can sign on behalf of the named trust or business).

For your house/property the listed name(s) is/are: Paul Russel

By signing here you indicate your support of the variance application of Mary Neuburger (4606 Ave. C) for an exemption from creating additional off-street parking on her lot, in spite of the addition of 317 square feet to her house. You agree that additional off-street parking is not needed on this quiet dead-end street and that having two parking spots on the front lawn is detrimental to the character of the neighborhood.

Name Paul Russel
Signature [Handwritten Signature]

Address of property in Hyde Park _____ 4601 Avenue C

Please sign, scan, and email to [Redacted]

Or put in mailbox of 4606 Ave. C (or take a picture and text to 512-698-9698)

Email me if you have any questions. Thank you so much for helping out!

Best,

Mary Neuburger

5/12/2017

Dear Neighbor (or owner, or representative of owner of property in Hyde Park),

I am asking for signatures of residents within 300 feet of my home at 4606 Avenue C in support of a variance application that I recently submitted to the city of Austin.

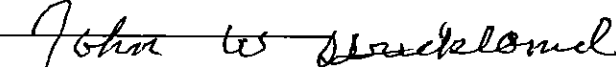
I recently added 317 square feet to my home, bringing it to a total of 2410. Although I added no additional rooms (only expanded existing rooms) this triggered a need for addition parking on my lot. Unfortunately this is not possible given the size and configuration of my lot, and the position of a large heritage live oak on my front yard. My permit was approved and the addition is basically complete, but the parking issue is not resolved. The city is requiring me to add 2 side-by-side parking spots in my front yard, which is actually against North Hyde Park zoning ordinances (no. 20050818-064 Part 6, sect. 11, b, and c (I and ii)). The neighborhood association has advised me to file this variance to be exempt from changing any parking and to basically leave as is. The city consultant on this agreed that I had a good case, but apparently I need to pay \$2300 unless I get signatures from 80% of residents within a 300 foot radius. This is going to be difficult as it includes UT and other entities that I can't get in touch with to I really need all neighbors to help out! I am asking that you support my variance and provide a signature if you are willing.

It is imperative that I get the exact names (or at least one name) listed in TCAD as owners of these properties (or someone that can sign on behalf of the named trust or business).

For your house/property the listed name(s) is/are: John W Strickland (trust)

By signing here you indicate your support of the variance application of Mary Neuburger (4606 Ave. C) for an exemption from creating additional off-street parking on her lot, in spite of the addition of 317 square feet to her house. You agree that additional off-street parking is not needed on this quiet dead-end street and that having two parking spots on the front lawn is detrimental to the character of the neighborhood.

Name John W. Strickland

Signature 

Address of property in Hyde Park 4600 Avenue B

Please sign, scan, and email to burgern@cityofaustin.org

Or put in mailbox of 4606 Ave. C (or take a picture and text to 512-698-9698)

Email me if you have any questions. Thank you so much for helping out!

Best,

Mary Neuburger

Dear Neighbor,

I am asking for signatures of residents within 300 feet of my home at 4606 Avenue C in support of a variance application that I recently submitted to the city of Austin. I recently added 317 square feet to my home, bringing it to a total of 2410. Although I added no additional rooms (only expanded existing rooms) this triggered a need for addition parking on my lot. Unfortunately this is not possible given the size and configuration of my lot, and the position of a large heritage live oak on my front yard. My permit was approved and the addition is basically complete, but the parking issue is not resolved. The city is requiring me to add 2 side-by-side parking spots in my front yard, which is actually against North Hyde Park zoning ordinances (no. 20050818-064 Part 6, sect. 11, b, and c (i and ii)). The neighborhood association has advised me to file this variance to be exempt from changing any parking and to basically leave as is. The city consultant on this agreed that I had a good case, but apparently I need to pay \$2300 unless I get signatures from 80% of residents within a 300 foot radius. I am asking that you support my variance and provide a signature if you are willing.

It is imperative that I get the exact names (or at least one name) listed in TCAD as owners of these properties.

For your house the listed name(s) are/is: James and Robert Hayden

By signing here you indicate your support of the application of Mary Neuburger (4606 Ave. C) for an exemption from creating additional off-street parking on her lot, in spite of the addition of 317 square feet to her house. You agree that additional off-street parking is not needed on this quiet dead-end street and that having two parking spots on the front lawn is detrimental to the character of the neighborhood.

Name ROBERT H. JAMES

Signature RH James

Address of property in Hyde Park 4601 Ave. B

Please sign, scan, and email to 

Or put in mailbox of 4606 Ave. C

Email me if you have any questions. Thank you so much for helping out!

LET ME KNOW (via email) if you are a renter so I can
CONTACT YOUR LANDLORD.

Best,


Mary Neuburger

M03/16

5/12/2017

Dear Neighbor (or owner, or representative of owner of property in Hyde Park),

I am asking for signatures of residents within 300 feet of my home at 4606 Avenue C in support of a variance application that I recently submitted to the city of Austin.

I recently added 317 square feet to my home, bringing it to a total of 2410. Although I added no additional rooms (only expanded existing rooms) this triggered a need for addition parking on my lot. Unfortunately this is not possible given the size and configuration of my lot, and the position of a large heritage live oak on my front yard. My permit was approved and the addition is basically complete, but the parking issue is not resolved. The city is requiring me to add 2 side-by-side parking spots in my front yard, which is actually against North Hyde Park zoning ordinances (no. 20050818-064 Part 6, sect. 11, b, and c (i and ii)). The neighborhood association has advised me to file this variance to be exempt from changing any parking and to basically leave as is. The city consultant on this agreed that I had a good case, but apparently I need to pay \$2300 unless I get signatures from 80% of residents within a 300 foot radius. This is going to be difficult as it includes UT and other entities that I can't get in touch with to I really need all neighbors to help out! I am asking that you support my variance and provide a signature if you are willing.

It is imperative that I get the exact names (or at least one name) listed in TCAD as owners of these properties (or someone that can sign on behalf of the named trust or business).

For your house/property the listed name(s) is/are: Walter Kuhl and Sharon Harris

By signing here you indicate your support of the variance application of Mary Neuburger (4606 Ave. C) for an exemption from creating additional off-street parking on her lot, in spite of the addition of 317 square feet to her house. You agree that additional off-street parking is not needed on this quiet dead-end street and that having two parking spots on the front lawn is detrimental to the character of the neighborhood.

Name Walter Kuhl

Signature Walter Kuhl 6-3-17

Address of property in Hyde Park _____ 4603 Avenue B

Please sign, scan, and email to _____

Or put in mailbox of 4606 Ave. C (or take a picture and text to 512-698-9698)

Email me if you have any questions. Thank you so much for helping out!

Best,

Mary Neuburger