

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2019-0062

BOA DATE: November 7, 2019

ADDRESS: 1707 Astor Pl

COUNCIL DISTRICT: 1

OWNER: Enable Capital LLC

AGENT: Igor Dimitrijeviski

ZONING: SF-3-NP

LEGAL DESCRIPTION: LOT 57 OLT 19 DIV B GRANT PARK

VARIANCE REQUEST: Special Exception

SUMMARY: maintain a Single-Family residence

ISSUES: the structure was built in its configuration in 1963

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	SF-3-NP	Single-Family
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 Del Valle Community Coalition
 East Austin Conservancy
 East MLK Combined Neighborhood Plan Contact Team
 Friends of Austin Neighborhoods
 Friends of Northeast Austin
 Homeless Neighborhood Association
 Martin Luther King Neighborhood Association
 Neighborhood Empowerment Foundation
 Neighbors United for Progress
 Preservation Austin
 SEL Texas
 Sierra Club, Austin Regional Group

I-4/2



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2019-0062
LOCATION: 1707 Astor Place



1" = 154'

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.



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

I-4/3

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: _____

Subdivision Legal Description:

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: _____

I/We _____ on behalf of myself/ourselves as
authorized agent for _____ affirm that on
Month _____, Day _____, Year _____, 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: _____

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

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:

Hardship

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:

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:

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:

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:

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: _____ Date: 10/8/2019

Applicant Name (typed or printed): _____

Applicant Mailing Address: 4800 Steiner Ranch Blvd 20201

City: Austin State: TX Zip: 78732

Phone (will be public information): _____

Email (optional – will be public information): _____

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: 10/8/2019

Owner Name (typed or printed): _____

Owner Mailing Address: 2121 Lohmans Crossing Rd Suite 504-248

City: Lakeway State: TX Zip: 78734

Phone (will be public information): _____

Email (optional – will be public information): _____

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).

§ 25-2-476 - SPECIAL EXCEPTIONS.

- (A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (*Zoning*) if the board finds that the special exception meets the requirements of this section.
- (B) The Board shall grant a special exception under Subsection (A) of this section if:
- (1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;
 - (2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and
 - (3) the Board finds that:
 - (a) the violation has existed for:
 - (i) at least 25 years; or
 - (ii) at least 10 years, if the application for a special exception is submitted on or before June 6, 2017;
 - (b) the use is a permitted use or a nonconforming use;
 - (c) the structure does not share a lot with more than one other primary residence; and
 - (d) granting a special exception would not:
 - (i) alter the character of the area;
 - (ii) impair the use of adjacent property that is developed in compliance with city code; or
 - (iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.
- (C) A special exception granted under this section:
- (1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;
 - (2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and
 - (3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.
- (D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (*Noncomplying Structures*).

Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126; [Ord. No. 20160519-057, Pt. 2, 5-30-16](#).

LAND TITLE SURVEY

Address 1707 ASTOR PLACE Reference D.R. HORTON
Lot No. 57, OUTLOT 19, DIVISION B, GRANT PARK, an addition in the City
of AUSTIN in TRAVIS County, Texas, of record in Volume 6,
Page 107, of the Official Public Records of TRAVIS County, Texas.

SCALE 1"=40'

RESTRICTIVE COVENANTS
AND EASEMENTS

1. Restrictions recorded in Volume 1418, Page 472, Volume 1484, page 181 and Volume 1702, Page 412, Deed Records of Travis County, Texas, Document No(s). 2001069322, 2001079869, 2014087937 and 2019063901, Official Public Records of Travis County, Texas and those set out on the plat recorded in Volume 6, Page 107, Plat Records of Travis County, Texas, DO AFFECT the subject lot.
10. b. Visible and apparent easements on or across the subject property as described in Schedule A DO AFFECT the subject lot.
10. d. All easements, building setback lines, restrictions and dedications as set out on the plat recorded in Volume 6, Page 107, Plat Records of Travis County, Texas, DO AFFECT the subject lot.
10. e. Grade Requirement Release recorded in Volume 2698, Page 277, Deed Records of Travis County, Texas, executed by AT. Washington and wife, Bette Jo Washington to the City of Austin, DOES AFFECT the subject lot.

The property described hereon is contained within Flood Zone "X" as identified on FIRM Map No. 48453C0470K, effective date January 5, 2016, as published by the Federal Emergency Management Agency, the purpose of which is for flood insurance only.

All easements of which I have knowledge and those recorded easements furnished by Title Resources Guaranty Company according to Commitment No. 141-190204108 effective June 12, 2019, are shown or depicted hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

I HEREBY STATE that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, overlapping of improvements, easements or right-of-ways, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

AS SURVEYED BY:
LANDMARK SURVEYING, LP
TEXAS FIRM REGISTRATION NO. 100727-00

Juan M. Canales, Jr.

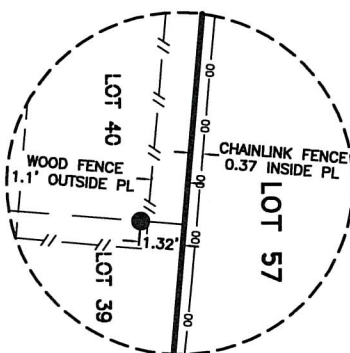
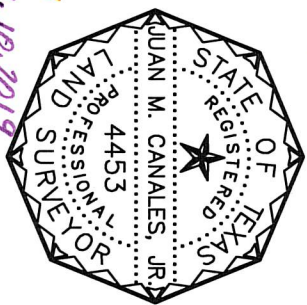
JUAN M. CANALES, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4453
STATE OF TEXAS
SURVEYED: JULY 2 & 9, 2019

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE OF THE ABOVE SURVEYOR.

CLIENT: D.R. HORTON, AMERICA'S BUILDER, Ref: Erin Keshnick
DATE: JULY 8, 2019
OFFICE: K. KAWAZOE
CREW: J. MALDONADO, A. SILVA, C. RINCON, K. KIZABI
F.B.: 1690/10.11
JOB: 94-0004-106-01
T:\ERIN KESHNICK\1707 ASTOR PLACE\1707 ASTOR PLACE - LAND TITLE.dwg

REVIEWED BY

JMC Initials *7.10.2019* Date



LEGEND

- 1/2" IRON ROD FOUND WITH ORANGE PLASTIC CAP STAMPED "RPLS 1908"
- 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "ATS"
- 1/2" UNCAPPED IRON ROD FOUND
- 1/2" IRON PIPE FOUND
- 1/2" IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "LANDMARK SURVEYING"
- RECORD INFORMATION
- PLAT RECORDS, TRAVIS COUNTY, TEXAS
- OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- DEED RECORDS, TRAVIS COUNTY, TEXAS
- BACK OF CURB
- RIGHT OF WAY
- CHAIN LINK FENCE
- WOOD FENCE
- ELECTRICAL OVERHEAD LINE
- MAILBOX
- PER VOL. 1418, PG. 472 & VOL. 1484, PG. 181, D.R.T.C.T.
- PROPERTY LINE
- GUY WIRE EASEMENT
- CONCRETE IMPROVEMENTS
- ROCK IMPROVEMENTS
- AIR CONDITIONER PAD

BASIS OF BEARING

TEXAS COORDINATE SYSTEM OF 1983 (CENTRAL ZONE-4203) NAD 83, (GORS) U.S. SURVEY FEET GEOD MODEL 12A.

NOTES

- ONLY THOSE BUILDING SETBACK LINES SHOWN, OR REFERENCED ON THE RECORD SUBDIVISION PLAT ARE SHOWN HEREON. THEREFORE, OTHER BUILDING SETBACK LINES THAT MAY AFFECT THIS LOT ARE NOT SHOWN HEREON.
- BUILDING SETBACK LINES MAY ALSO BE AFFECTED BY LOCAL ZONING ORDINANCES, RESTRICTIVE COVENANTS, ETC. THAT ARE NOT SHOWN HEREON.

REPRODUCTION OF THIS SURVEY IS EXPRESSLY FORBIDDEN. COPIES WITHOUT THE ORIGINAL SIGNATURE ARE VOID.

Landmark
SURVEYING, LP

2205 E. 5TH STREET
AUSTIN, TEXAS 78702
TEXAS FIRM REGISTRATION NO. 100727-00
PH: (512)328-7411 FAX: (512)328-7413
©Copyright LANDMARK SURVEYING 2019

Special Exception Request

Property: 1707 ASTOR PL; LOT 57 OLT 19 DIV B GRANT PARK

Description:

The applicant is requesting a Special Exception(s) from LDC Section 25-2-492 (D) (Site Development Regulations) from setback requirements to decrease the interior side yard setback from 5 feet (required) to 3 ft. 9 inches (requested) in order to maintain a Single Family Residential use that has been at this location for at least 25 years in a “SF-3-NP”, Single-Family Residence zoning district. (MLK Neighborhood Plan)

Supporting Evidence-Survey

I-4/10

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SCALE 1"=40'

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2. The subject lot is subject to the easements, restrictions, building setbacks, and other conditions and covenants recorded in the plat recorded in Volume 6, Page 107, of the Official Public Records of Travis County, Texas, DO AFFECT the subject lot.
3. The subject lot is subject to the easements, restrictions, building setbacks, and other conditions and covenants recorded in the plat recorded in Volume 2698, Page 277, of the Official Public Records of Travis County, Texas, executed by A.T. Washington and wife, Bette Jo Washington to the City of Austin, DO AFFECT the subject lot.

The property described herein is contained within Flood Zone "X" as identified on FEMA Map No. 48453C0470K, effective date January 8, 2013, as published by the Federal Emergency Management Agency, the purpose of which is for flood insurance only.

All easements of which I have knowledge and those recorded easements furnished by Title Resources Guaranteed Corporation, according to Commitment No. 1445302141, effective date January 14, 2013, are shown on this plat. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

I HEREBY STATE that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, overlapping of improvements, easements or other interests, and that the plat is an accurate representation of the property to the best of my knowledge.

AS SURVEYED BY
LANDMARK SURVEYING, LP
TEXAS FIRM REGISTRATION NO. 100727-00

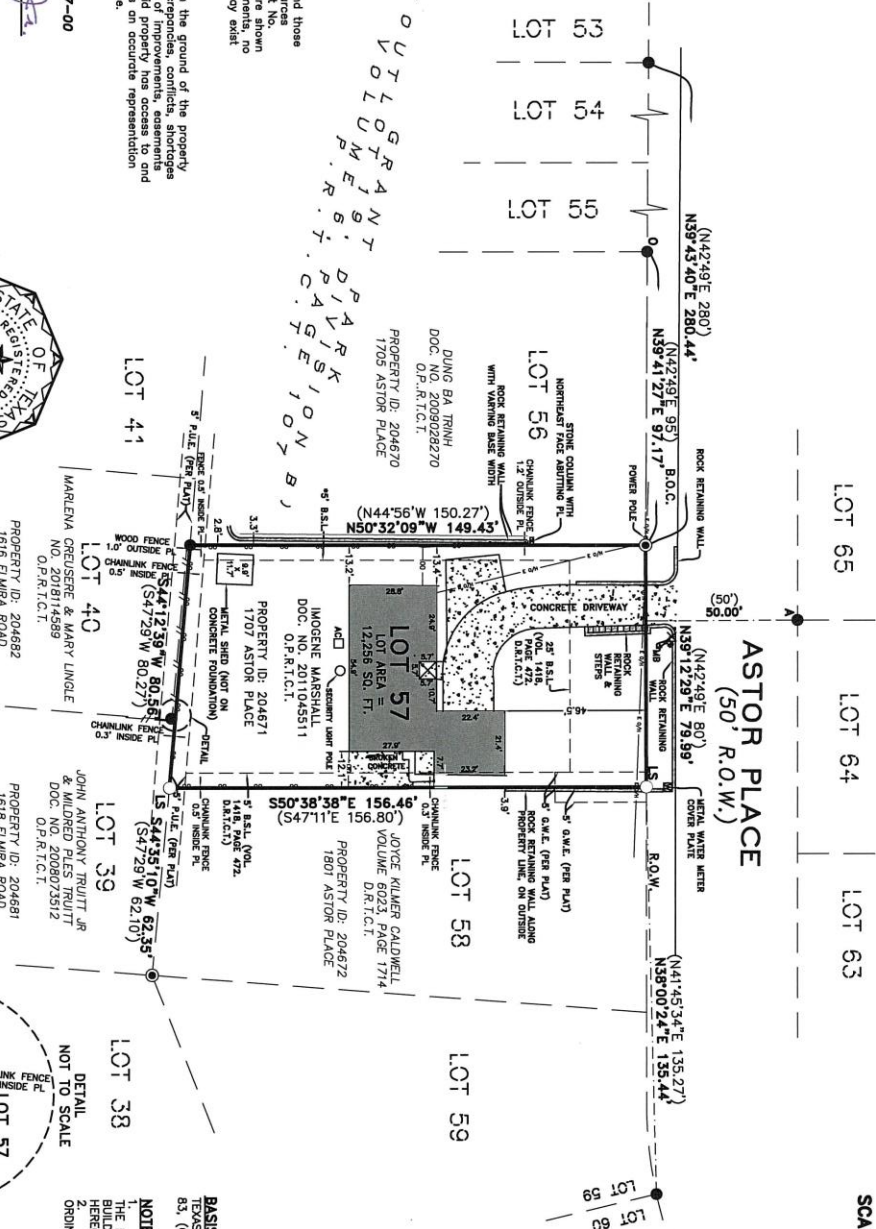
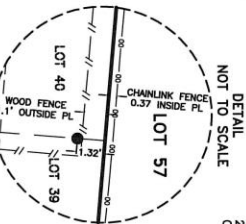
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DATE: JULY 8, 2019
OFFICE: 4. KAMODICE
FIRM: 1690/10,111
JOB: 84-0004-106-01
DISK: T:\ERIN KEESHNICK\1707 ASTOR PLACE\1707 ASTOR PLACE - LAND TITLE.dwg

REVIEWED BY
JMC
Initials Date 7.10.2019



LEGEND

- 1/2" IRON ROD FOUND WITH ORANGE PLASTIC CAP STAMPED "R.T.S. 1908"
- 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "A15"
- 1/2" UNCAPPED IRON ROD FOUND
- 1/2" IRON PIPE FOUND
- 1/2" IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "LANDMARK SURVEYING"
- (---) RECORD INFORMATION
- P.R.T.C.T. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS, TRAVIS COUNTY, TEXAS
- B.O.C. BACK OF CURB
- R.O.W. RIGHT OF WAY
- CHAIN LINK FENCE
- WOOD FENCE
- WATER METER
- ELECTRICAL OVERHEAD LINE
- MB MAILBOX
- * PER VOL. 1418, PG. 472 & VOL. 1484, PG. 181, D.R.T.C.T.
- PL PROPERTY LINE
- G.W.E. GUY WIRE EASEMENT
- CONCRETE IMPROVEMENTS
- ROCK IMPROVEMENTS
- AC AIR CONDITIONER PAD

NOTES
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TEXAS FIRM REGISTRATION NO. 100727-00
AUSTIN, TEXAS 78702
PH. (512)282-7411 FAX (512)282-7413
Copyright Landmark Surveying 2019

Supporting Evidence – Garage Build Permit from 1963.

I-4/11

OWNER	A. T. Washington	ADDRESS	1707 Astor Place				
PLAT	366	LOT	57	BLK.		DIV	
SUBDIVISION	Grant Park						
OCCUPANCY	Res.						
				OWNERS			
BLD PERMIT #	89040	DATE	8-13-63	ESTIMATE	12,000.00		
CONTRACTOR	Owner			NO. OF FIXTURES	10		
WATER TAP REC #	E 34030	SEWER TAP REC #	40337				
RESIDENCE							
Stone ven. res and atch garage							
4-5-73 135378 Alvin Phillips Remodel exist. res.							
10-15-75-152594-frn acc bldg. 108 sq ft. \$100.00							

Found in Austin Historical Center Archives Attached Garage is specifically mentioned in this permit.

I-4/12

Found in Austin Historical Center Archives

220 Littlefield Bldg.

J. O. GARRETT COMPANY
—Agency Established 1899—
INSURANCE BONDS

Phone GR 2-9211

220 Littlefield Bldg.

AT—CONTD

ASAP OFFER HUBERT MRS •

2105 GANN LA

2105 GANN LA

2107 MOZ-2-3424

2107 MOZ-2-3424

2108 KITTERIDGE CLARENCE

2108 KITTERIDGE CLARENCE

2109 CUNNINGHAM JOSEPH C

2109 CUNNINGHAM JOSEPH C

2111 VACANT

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207 HOLLINGSWORTH JESSE T •
GR-0560

119

ATTNAC ST—FROM 1200 E 1ST
NORTH TO E 7TH

102

ASTOR PL—FROM 4100 LESLIE
NORTH TO E 19TH

64

1601 KING HARVE D WA-3147

1602 KING HARVE D WA-3147

1603 KING HARVE D WA-3147

1604 KING HARVE D WA-3147

1605 KING HARVE D WA-3147

I-4/13

Supporting Evidence-Aerial Maps 1966 Overview



Found at the Austin History Center website at <http://library.austintexas.gov/ahc/aerial-photographs>

Supporting Evidence-Aerial Maps 1966 Zoomed



Supporting Evidence-Aerial Maps 1984 Overview



Found at the Austin History Center website at <http://library.austintexas.gov/ahc/aerial-photographs>

I-4/16

Supporting Evidence-Aerial Maps 1984 Zoomed



Found at the Austin History Center website at <http://library.austintexas.gov/ahc/aerial-photographs>