

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

DATE: Monday, May 10, 2010

CASE NUMBER: C15-2010-0038

☐ Y ☐ Jeff Jack
☐ Y ☐ Michael Von Ohlen **2nd the Motion**
☐ Y ☐ Nora Salinas
☐ Y ☐ Bryan King
☐ Y ☐ Leane Heldenfels, Chairman
☐ Clarke Hammond, Vice Chairman absent
☐ Y ☐ Heidi Goebel
☐ Y ☐ Melissa Hawthorne alternate **Motion to PP to June 14, 2010**

APPLICANT: JON J., NOTARTHOMAS

ADDRESS: 2400 WILSON ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 6 feet 7 ¾ inches to building and to 3 feet 4 ¼ inches to the stair/landing from the property line in order to remodel an existing accessory structure to create a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Dawson Neighborhood Plan)

The applicant has requested a variance to decrease the minimum separation requirement of Section 25-2-774 (C) (2) (a) from 15 feet to 8 feet 10 inches in order to remodel an existing accessory structure to create a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. The Land Development Code states that the second dwelling unit must be located at least 15 feet to the rear of the principal structure. (Dawson Neighborhood Plan)

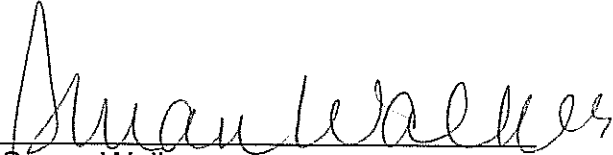
The applicant has requested a variance from Section 25-2-774 (C) (4) in order to have an entrance 6 feet 7 ¾ inches from the property line in order to remodel an existing accessory structure to create a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.. The Land Development Code states that the second dwelling unit may not have an entrance within 10 feet of a lot line. (Dawson Neighborhood Plan)

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to June 14, 2010, Board Member Michael von Ohlen second on a 7-0 vote; **POSTPONED TO JUNE 14, 2010.**

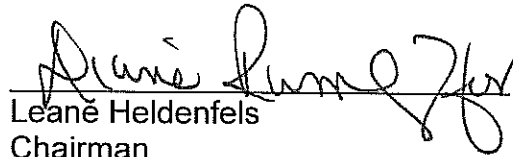
FINDING:

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:



Susan Walker
Executive Liaison



Leane Heldenfels
Chairman

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.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or 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.

Case Number: C15-2010-0038 – 2400 Wilson Street

Contact: Susan Walker, (512) 974-2202

Public Hearing:

Board of Adjustment, May 10, 2010

CAROLYN M. MILLER

Your Name (please print)

3406 Euclid Ave

Your address(es) affected by this application

Carolyn M. Miller

Signature

5/3/2010

Date

Daytime Telephone: 512-478-8772

Comments: Currently, the number of
RESIDENT VEHICLES parking curb-side
creates very dangerous blind spots,
illegally parked vehicles, etc. Adding
2-family to single-family residential
zones contributes to this already
dangerous & dangerous driving situation.
APD does nothing to maintain/uphold current
restrictions/laws - Single family only!

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/2nd Floor

C/O Susan Walker

P. O. Box 1088

Austin, TX 78767-8810

NOE
No Variances Please

☐ I am in favor
☒ I object

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: 2400 Wilson St.
Austin, TX 78704

LEGAL DESCRIPTION: Subdivision - OLT 16817
LIVE OAK GROVE

Lot(s) 9A Block 2 Outlot _____
Division _____

I/We JON NOTERITHOMAS on behalf of _____
myself/ourselves as authorized agent for

SELF

affirm that on 3/3/2010

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

ERECT ATTACH COMPLETE ☒ REMODEL ☒ MAINTAIN

An accessory structure
& change use to two
family residential use

in a SF3-NP district.
(zoning district)

W/ a rear yard
(Dawson) setback of 3'

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

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):

REASONABLE USE:

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

of the uniqueness of the lot dimensions; at 70' width, the
depth of this corner lot is atypically shortened, creating a lack
of space, particularly in a situation even more affected by the
distance requirement between structures required per IRC.

HARDSHIP:

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

(very moderate) ~~the~~ unique lot dimensions have created a lack of space for building design, staying in the parameters of the IRC's distance requirement between structures

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

other corner lots do not face the same dimension configuration

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:

- ① the adjacent property is 2' feet into their own side setback,
② we are flexible w/ the ^{proposed} staircase: there is an existing entryway on that side of the 2nd structure, but we could exclude a staircase leading up to it, taking us further out of the back set-back.

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:

N/A ~ Appropriate number of spaces provided.

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

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 _____ Mail _____

Address 2400 Wilson St.

City, Austin State TX & 78704 Zip _____

Printed _____ Phone _____

512.636.3217 Date 3/3/2010

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 _____ Mail Address 2400 Wilson St.

City, State & Zip Austin, TX 78704

Printed _____ Phone 512.636.3217 Date 3/3/2010

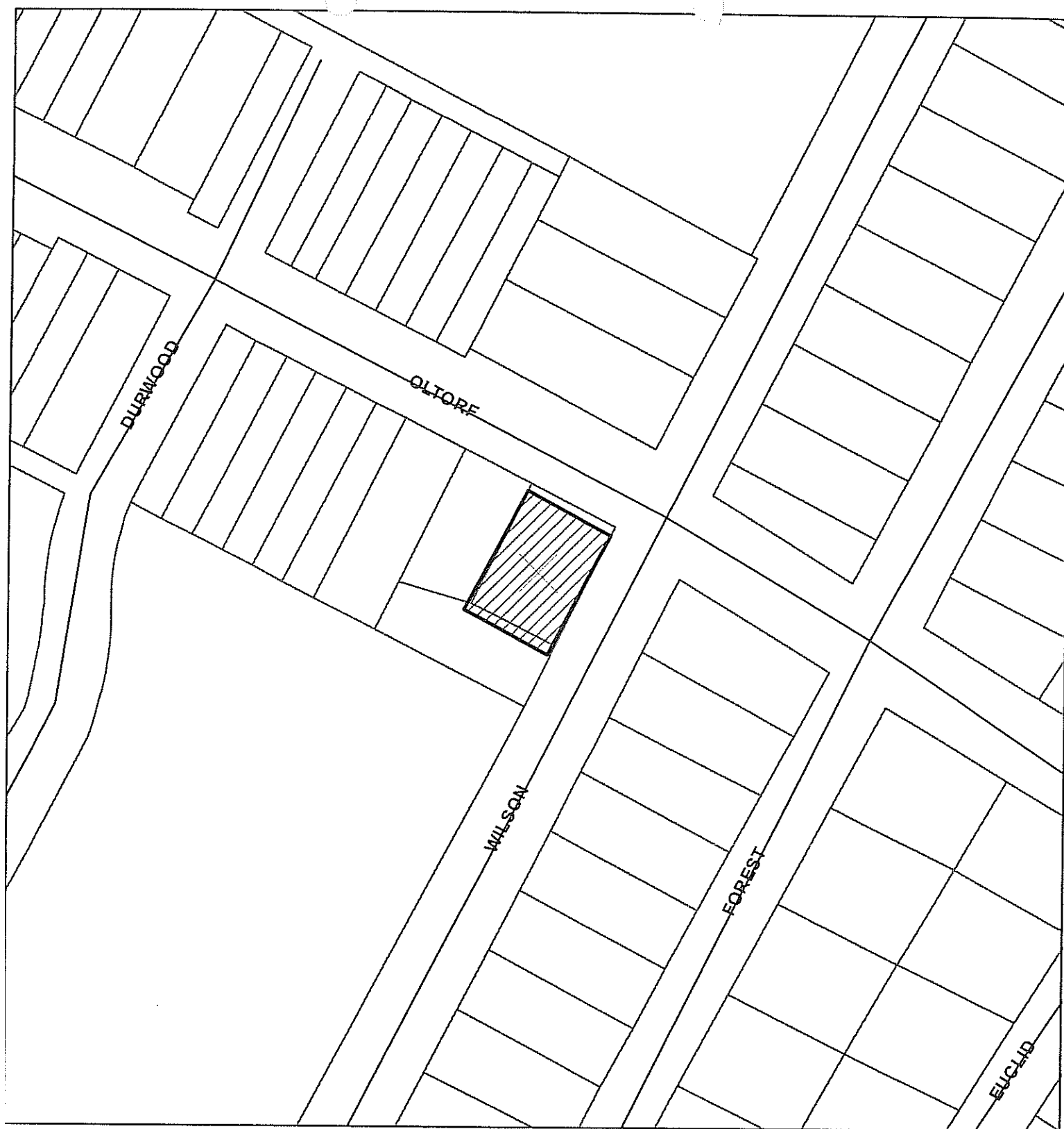
512.826.1574 - not a working #

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:



Board of Adjustments

 **SUBJECT TRACT**

 **ZONING BOUNDARY**

CASE#: C15-2010-0038
ADDRESS: 2400 WILSON ST
GRID: H20
MANAGER: SUSAN WALKER



1" = 100'

OPERATOR: R.PARKER

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
No warranty is made by the City of Austin regarding specific accuracy or completeness.

CITY OF AUSTIN

11/17/09

RESIDENTIAL PERMIT APPLICATION "A"

0912T725

 PR Number 2009-127394PR
 Building Permit No. _____
 Plat No. _____ Date 11-16-09
 Reviewer SPB

PRIMARY PROJECT DATA

 Service Address 2400 Wilson St. Austin, TX 78704 Tax Parcel No. _____
 Legal Description _____

 Lot 9A Block 2 Subdivision OUT 16217 LIVE OAK GROVE Section _____ Phase _____

 If in a Planned Unit Development, provide Name and Case No.
 (attach final approved copies of subdivision and site plan)

If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.

Description of Work

☐ New Residence
☐ Duplex
☐ Garage attached ☐ detached
☐ Carport attached ☐ detached
☐ Pool

☒ Remodel (specify) RELOCATE from 3011 Bee Cave Rd. AUSTIN, TX 78746
☐ Addition (specify) _____

☐ Other (specify) _____

 Zoning (e.g., SF-1, SF-2...) SF3 N/P

 - Height of Principal building 17'6" ft. # of floors 1 Height of Other structure(s) 17'6" ft. # of floors 1

 - Does this site currently have water and wastewater availability? ☒ Yes ☐ No. If no, please contact the Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap application, or a service extension request.

 - Does this site have a septic system? ☐ Yes ☐ No. If yes, for all sites requiring a septic field you must obtain an approved septic permit prior to a zoning review.

 Does this site have a Board of Adjustment ruling? ☐ Yes ☒ No. If yes, attach the B.O.A. documentation

 Will this development require a cut and fill in excess of 4 feet? ☐ Yes ☒ No

 Does this site front a paved street? ☒ Yes ☐ No A paved alley? ☐ Yes ☒ No

 Is this property within the Residential Design and Compatibility Standards Ordinance Boundary Area? ☒ Yes ☐ No

VALUATIONS FOR REMODELS ONLY

 Building \$ 2500
 Electrical \$ 1000
 Mechanical \$ 1000
 Plumbing \$ 1000
 Driveway/ Sidewalk \$ _____
 TOTAL \$ 5000
 (Labor and materials)

VALUATIONS FOR NEW CONSTRUCTION OR ADDITIONS ONLY

 Lot Size 7,026 sq. ft.
 Job Valuation - Principal Building \$ _____
 (Labor and materials)
 Job Valuation - Other Structure(s) \$ 5000.00
 (Labor and materials)

TOTAL JOB VALUATION

(sum of remodels and additions)

 \$ 5000.00
 (Labor and materials)

PERMIT FEES

(For office use only)

NEW/ADDITIONS REMODELS

	NEW/ADDITIONS	REMODELS
Building	\$ _____	\$ _____
Electrical	\$ _____	\$ _____
Mechanical	\$ _____	\$ _____
Plumbing	\$ _____	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

OWNER / BUILDER INFORMATION

OWNER	Name <u>JUN NOTAR THOMAS (NOTAR THOMAS)</u>	Telephone (H) <u>512-784.6</u>
BUILDER	Company Name <u>SELF JUN NOTAR THOMAS</u>	Telephone (W) <u>512-732.0</u>
	Contact/Applicant's Name _____	Pager _____
DRIVEWAY/ SIDEWALK	Contractor _____	FAX _____
		Telephone _____
CERTIFICATE OF OCCUPANCY	Name _____	Telephone _____
	Address _____	City _____ ST _____ ZIP _____

If you would like to be notified when your application is approved, please select the method:

☒ telephone

☒ e-mail

 You may check the status of this application at www.ci.austin.tx.us/development/permit.htm

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "B"

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

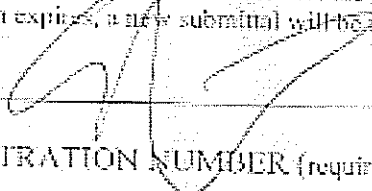
I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I understand that nothing may be built upon or over an easement. I further understand that no portion of any roof structure may overhang in any public utility or drainage easement.

I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE  DATE 11-16-2009

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction)

Rejection Notes/Additional Comments (for office use only):

SF3 N/p

Tcad - 0404020606 - 1939 Bldg -

RDS

Dawson N/p

Secondary Dpt Adopted -

Are both Dpt Approaches there? Yes

Service Address

Applicant's Signature

Date

CITY OF AUSTIN RESIDENTIAL PERMIT APPLICATION "C"

BUILDING COVERAGE

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities

	Existing	New / Addition
a. 1 st floor conditioned area	<u>1113</u> sq. ft.	_____ sq. ft.
b. 2 nd floor conditioned area	_____ sq. ft.	_____ sq. ft.
c. 3 rd floor conditioned area	_____ sq. ft.	_____ sq. ft.
d. Basement	_____ sq. ft.	_____ sq. ft.
e. Garage / Carport	_____ sq. ft.	_____ sq. ft.
<input type="checkbox"/> attached	_____ sq. ft.	<u>585 (NEW)</u> sq. ft.
<input checked="" type="checkbox"/> detached	_____ sq. ft.	_____ sq. ft.
f. Wood decks [must be counted at 100%]	_____ sq. ft.	_____ sq. ft.
g. Driveways	_____ sq. ft.	_____ sq. ft.
h. Covered patios	_____ sq. ft.	_____ sq. ft.
i. Covered porches	_____ sq. ft.	_____ sq. ft.
j. Balconies	_____ sq. ft.	_____ sq. ft.
k. Swimming pool(s) [pool surface area(s)]	_____ sq. ft.	_____ sq. ft.
l. Other building or covered area(s)	_____ sq. ft.	_____ sq. ft.
Specify _____	_____ sq. ft.	_____ sq. ft.

TOTAL BUILDING AREA (add a. through l.) 1113 sq. ft. 585 sq. ft.

TOTAL BUILDING COVERAGE ON LOT (subtract, if applicable, b., c., d., k. and l. if uncovered) 1698 sq. ft.
24 % of lot

IMPERVIOUS COVERAGE

include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	<u>1698</u> sq. ft.
b. Driveway area on private property	_____ sq. ft.
c. Sidewalk / walkways on private property	_____ sq. ft.
d. Uncovered patios	<u>120 + 30 = 150</u> sq. ft.
e. Uncovered wood decks [may be counted at 50%]	_____ sq. ft.
f. Air conditioner pads	_____ sq. ft.
g. Concrete decks	_____ sq. ft.
h. Other (specify) _____	_____ sq. ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.) 1848 sq. ft.
26.3 % of lot

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
 STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 2400 Wilson St. Austin, TX 78704

Applicant's Signature [Signature]

Date 11.16.2009

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	Existing		New / Addition	
I. 1st Floor Gross Area		#		
a. 1 st floor area (excluding covered or uncovered finished ground floor porches)	<u>1113</u>	sq. ft.	<u>84187</u>	sq. ft.
b. 1 st floor area with ceiling height over 15 feet	<u>0</u>	sq. ft.	<u>0</u>	sq. ft.
c. TOTAL (add a and b above)	<u>1113</u>	sq. ft.	<u>84187</u>	sq. ft.
II. 2nd Floor Gross Area See note 1 below				
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)		sq. ft.		sq. ft.
e. 2 nd floor area with ceiling height > 15 feet		sq. ft.		sq. ft.
f. TOTAL (add d and e above)		sq. ft.		sq. ft.
III. 3rd Floor Gross Area See note 1 below				
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)		sq. ft.		sq. ft.
h. 3 rd floor area with ceiling height > 15 feet		sq. ft.		sq. ft.
i. TOTAL (add g and h above)		sq. ft.		sq. ft.
IV. Basement Gross Area				
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.		sq. ft.		sq. ft.
V. Garage				
k. attached (subtract 200 square feet if used to meet the minimum parking requirement)		sq. ft.		sq. ft.
l. <input checked="" type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure)	<u>0</u>	sq. ft.	<u>585</u>	sq. ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)		sq. ft.		sq. ft.
VII. TOTAL	<u>1113</u>	sq. ft.	<u>585</u>	sq. ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)	<u>1698</u>	sq. ft.
GROSS AREA OF LOT	<u>7026</u>	sq. ft.
FLOOR AREA RATIO (gross floor area / gross area of lot)	<u>24</u>	%

If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- a. It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- b. It only has one floor within the roof structure
- c. It does not extend beyond the floor print of the floors below
- d. It is the highest habitable portion of the building; and
- e. Fifty percent or more of the area has a ceiling height of seven feet or less.

1st Floor Development
Assistant Center, 505
Bartlett Springs Road



Kramer Service Center
2412 Kramer Lane, Bldg. "C"
Austin, Texas 78758
(512) 505-7206

Austin Energy
Electric Service Planning Application (ESPA)
(Please Print or Type)

St. Elmo Service Center
4411-B Monardes Drive
Austin, Texas 78744
(512) 505-7500

For Residential or Small Commercial "SERVICE ONLY" under 350 amps 1Ø or 225 amps 3Ø

Customer Name Sarah Dwyer Phone 512.484.6467
Address 2400 Wilson St Austin, TX 78704
Legal Description OLT 16 & 17 LIVE OAK GROVE
Lot 9A Block 2 Commercial/Residential? RES.

Service Main Size _____ (amps) Service Conductor _____ (type & size)
Service Length _____ (ft.) Number of Motors? _____ Multi-Fuel Y N
Overhead/Underground? _____ Voltage _____ ☐ Single-phase (1Ø) ☐ Three-phase (3Ø)
Total Square Footage _____ Total A/C Load _____ (# of units) _____ (Tons)
Largest A/C unit _____ (Tons) LRA of Largest A/C Unit _____ (amps)
Electric Heating _____ (kW) Other _____ (kW)

Comments: _____

ESPA Completed by (Signature & Print name) _____ Date _____ Phone _____

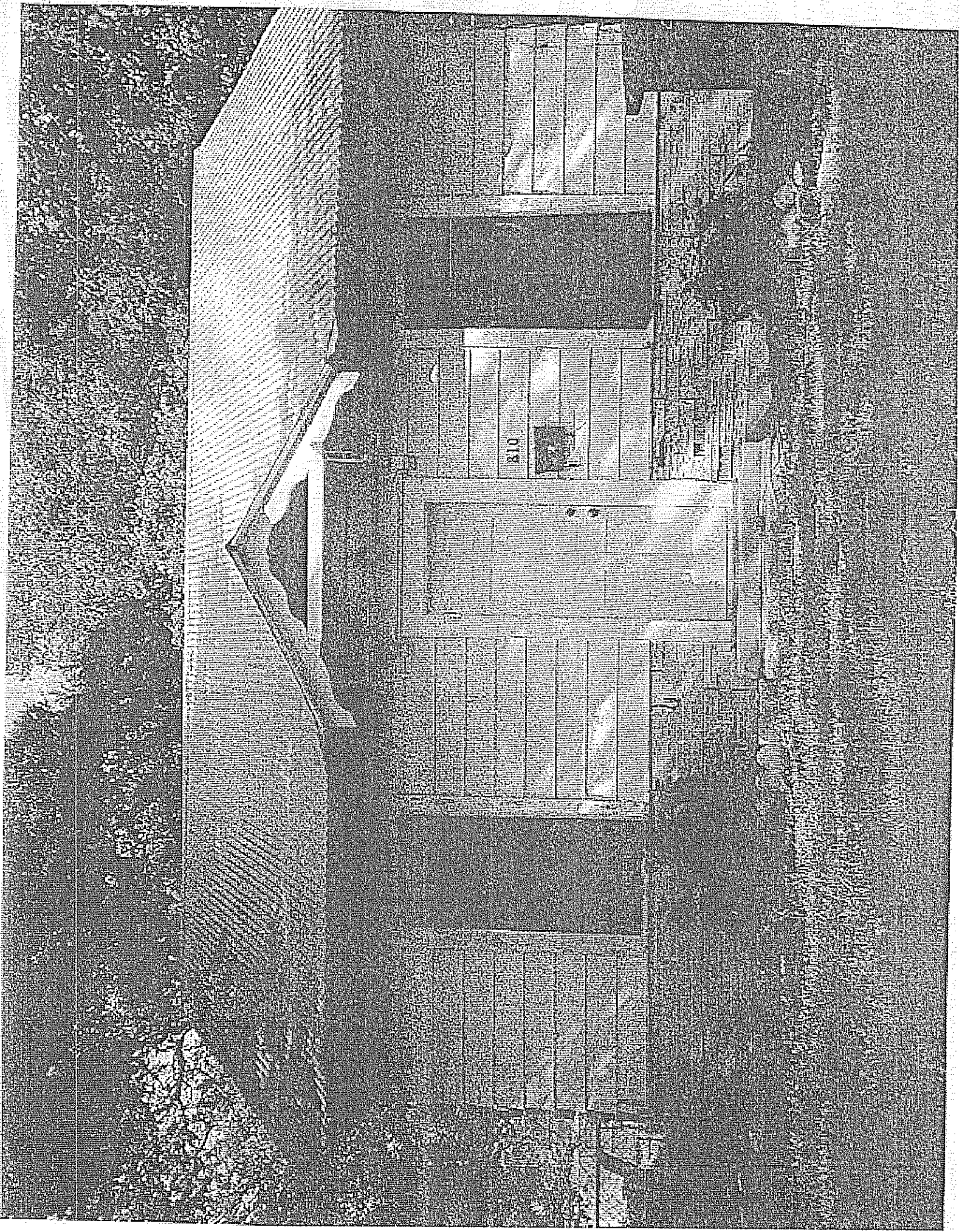
AE Representative _____ Date _____

Approved: ☐ Yes ☐ No (Remarks on back) Phone _____

Application expires 180 days after date of Approval

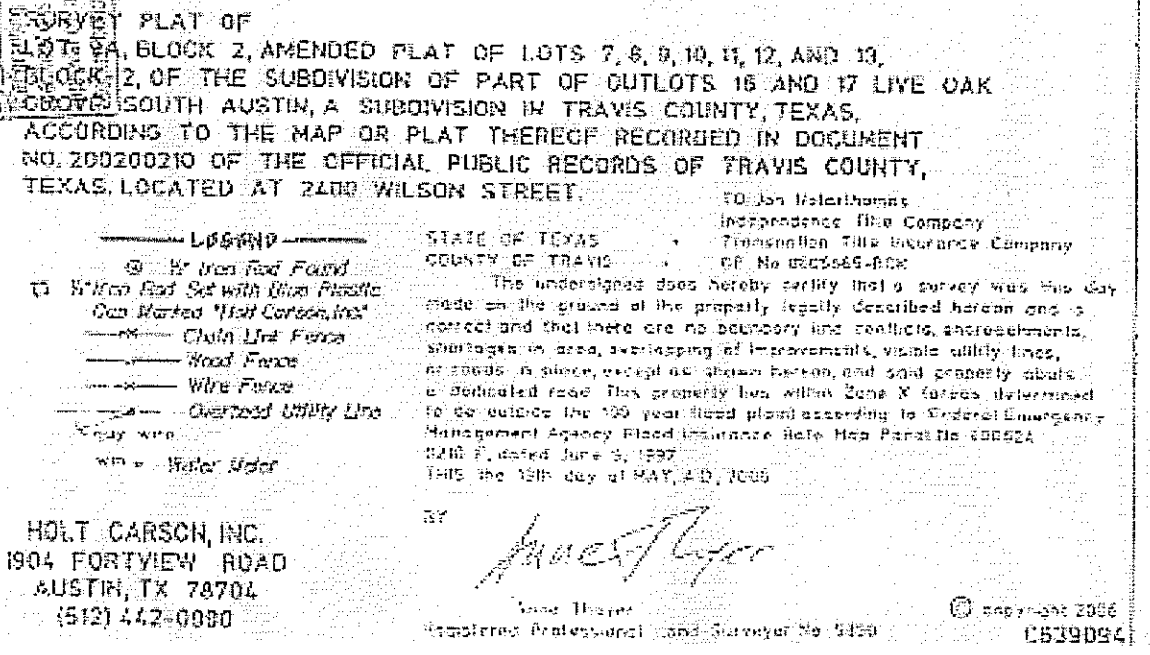
All structures etc. must maintain 7'5"
clearance from AE energized power
lines. Enforced by AE & NESC codes.

AE APPROVED
NOV 17 2009
321-310
JGM



At services etc. must include "a" reference from SE completed power form. Initialed by ALE after 60 days.

MED

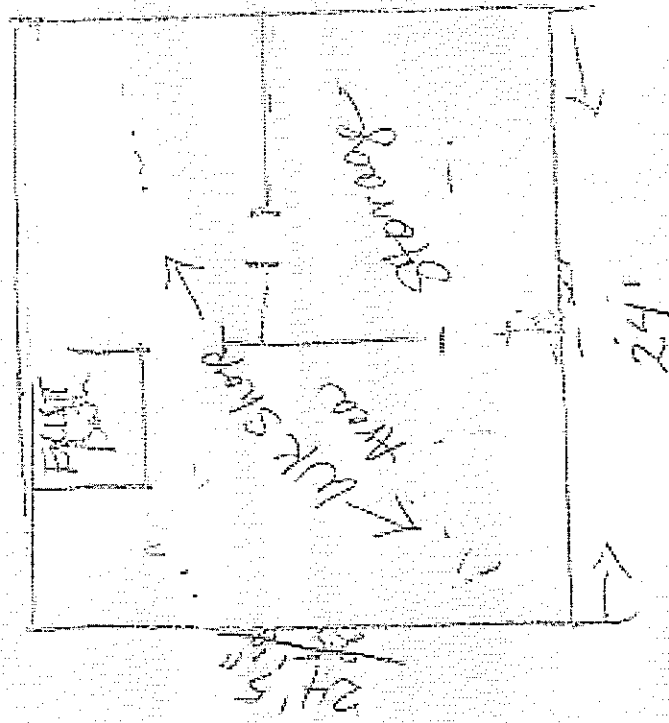


CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guernsey
Planning and Development Review Department
Date 11-17-09

CITY OF AUSTIN
APPROVED FOR PERMIT
CORA GRUBBS

Rebate from Sir Christopher
to 3811 Bee Cove Rd
to 2400 Wilson St.

For Plan



APPROVED FOR ZONING ONLY

H. H. Foster Home
 Moves
 Bay View
 7-22-09