

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # 015-2010-0060  
ROW # 10439917  
TP-0400041005

**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: 1700 S. 6th Street Austin, TX 78704

LEGAL DESCRIPTION: Subdivision - North Extension to Bouldin Addition

Lot(s) 14 Block 3

I/We Carlos and Kelly Gonzalez on behalf of ourselves as authorized agent for

1700 S. 6th Street affirm that on May 14, 2010,

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

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

a new residence with a variance for a front yard set-back of 15'-0" and a side yard setback on the north side of the property for 0'-0", for the property listed at 1700 S. 6th S t .

in a SF-3-NP district.  
(zoning district)

**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):**

**REASONABLE USE:**

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

We are requesting a front yard and side yard setback variance with the aim of minimally disrupting the erosion hazard zone of Bouldin Creek and to preserve a large Live Oak in the center of our lot.

**HARDSHIP:**

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

1700 S. 6<sup>th</sup> Street has Bouldin Creek running through the middle of the property, which has been documented to contain significant erosion issues. Per Jay Baker with the Department of Watershed Protection & Development Review Department, the recommended formula for determining the appropriate setback marking the erosion hazard zone for a residential home is 4ft back from the creek edge for every 1ft of creek depth. This will require us to set the majority of the home approximately 48ft from the creek, which only leaves us a length of 115ft of usable land. We have also been working with the City of Austin arborist, Michael Embesie to preserve a large Live Oak tree in the center of the lot. Per Mr. Embesie's feedback after he visited the property, he requested that we allow a 9ft radius around of base of the tree. (Please see Attachment A). Due to these unique hardships in constructing our home, we are requesting a variance to the front yard setback from the required 25'-0" to 15'-0" from the property line. Additionally, there is a portion of unclaimed land adjacent to the North property line which has been explained by Kevin Autry of The Watershed Protection & Development Review Department as a surveying error dating back to 1900. We are requesting a side yard setback variance on the northern side only from the required 5'-0" to 0'-0", as we would not be encroaching on another property owner.

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

We are requesting your consideration because the compounding challenges surrounding 1700 S. 6<sup>th</sup> make it circumstantially unique.

**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:

The portion of unclaimed land to the north of our lot remains unused and is in disrepair. We intend to maintain and care for this portion of unclaimed land, as it is adjacent to our property. None of the neighbors will be impacted as the side yard setback variance requested from 5'-0" to 0'-0" will still leave the additional 16'-0" "excess zone" between our property and the back of the adjacent properties. Additionally, the surrounding houses on S. 6th Street have various front yard setbacks, some of which are less than the current 25'-0" front yard setback requirement. Therefore, the requested front yard setback variance will not alter the character of 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:

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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:

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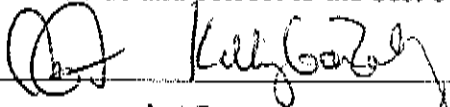
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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:


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

**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 1815 E. 40<sup>th</sup> ST.  
City, State & Zip AUSTIN, TEXAS 78722  
Printed CARLOS + KELLY GONZALEZ Phone 512.981.8127 Date 05.13.2010

**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 1815 E. 40<sup>th</sup> ST.  
City, State & Zip AUSTIN, TEXAS 78722  
Printed CARLOS GONZALEZ Phone 512.981.8127 Date 05.13.2010



**Board of Adjustments**



CASE#: C15-2010-0060  
 ADDRESS: 1700 S 6TH ST  
 GRID: H20  
 MANAGER: SUSAN WALKER

 **SUBJECT TRACT**

 **ZONING BOUNDARY**



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

# Attachment A

144

Kow ID  
# 10236774

# Tree Ordinance Review Application

## City of Austin



Founded by Congress, Republic of Texas, 1839  
Watershed Protection and Development Review Department  
One Texas Center, 505 Barton Springs Road  
P.O. Box 1088, Austin, Texas 78757  
Phone: (512) 974-1876 Fax: (512) 974-3010

Paid: Yes/No \_\_\_\_\_  
Receipt Number: \_\_\_\_\_  
Inspection Date: \_\_\_\_\_

This application requests<sup>1</sup> (specify all that apply):

- a removal of a protected-size tree;
- proposed development exceeding allowable standard: for encroachment within the critical root zone of a protected-size tree;
- removal of more than 30% of a protected-size tree's crown.

<sup>1</sup> Additional tree information may be obtained from the Land Development Code (25-8), Environmental Criteria Manual (Section 3), or the City of Austin Urban Forestry web page (<http://www.ci.austin.tx.us/trees/>).

Please attach an aerial drawing that includes the location of trees, proposed development, and utilities. The application and payment (check to the City of Austin for \$25 per tree) can be mailed or delivered to the above address. Payment must be made prior to City personnel completing this application. If relevant, indicate the amount to withdraw if an escrow payment is available.

Address of Property (including zip code): 1700 S. 6<sup>th</sup> STREET, AUSTIN TX 78704

Name(s) of Owner and Applicant: BILL KELLAS / APPLICANT: CARLOS GONZALEZ

Building Permit Number (if applicable): \_\_\_\_\_

Telephone Number: 817 903 8127 Fax Number: 817.922.9925

Type of Tree: LIVE OAK Location on Lot: MIDDLE FRONT

Tree Trunk(s) Circumference at 4 1/2 Feet Above Ground (inches): UNKNOWN

General Condition: AVERAGE

Reason for Request: LOOKING @ PUTTING (1) SINGLE FAMILY RES WOULD LIKE TO KEEP TREE (BUILD AROUND) BUT WOULD LIKE TO KNOW TREE SET BACK REQ. THANKS

Owner/Applicant Signature: [Signature] Date: 02.13.09

TO BE COMPLETED AFTER DETERMINATION FROM CITY ARBORIST PROGRAM PERSONNEL

Resolution: Approved |  Approved With Conditions | Denied | Stay |  More Information Required

Arborist Comments: PLEASE PROVIDE PROPOSED SITE PLAN (1) PAY APPLICATION FEE (2) NO IMPACTS WITHIN 9- FEET OF TREE TRUNK (3) PRESCRIBED TREATMENT AND ANY REQUIRED PRUNING TO BE PERFORMED BY A CERTIFIED ARBORIST.

\*Conditions of Approval:  None  As described within Arborist Comments (see above); and/or,

Applicant agrees to plant NA container grown, City of Austin Class 1 tree (i.e. Live Oak, Cedar Elm, Mountain Laurel) on the lot prior to obtaining a Certificate of Occupancy. Trees are to be a minimum of two inches in caliper width. Prior to development, applicant agrees to supply a root zone mulch layer and maintain tree protection fencing (minimum five-foot, chain-link type) providing the utmost root zone protection.

Owner/Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_ City Arborist Signature: [Signature] Date: 20 FEB 09



## City of Austin

Austin's Community-Owned Electric Utility

[www.austinenergy.com](http://www.austinenergy.com)

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

May 14, 2010

Carlos and Kelly Gonzalez  
1700 South Sixth St.  
Austin, Texas 787304

Re: 1700 South Sixth St.  
Lot 14, Block 3, North Extension to Bouldin Addition

Dear Customers:

Austin Energy (AE) has reviewed your application for the above referenced property requesting a 15 foot front yard set back and 0 feet side yard set back. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

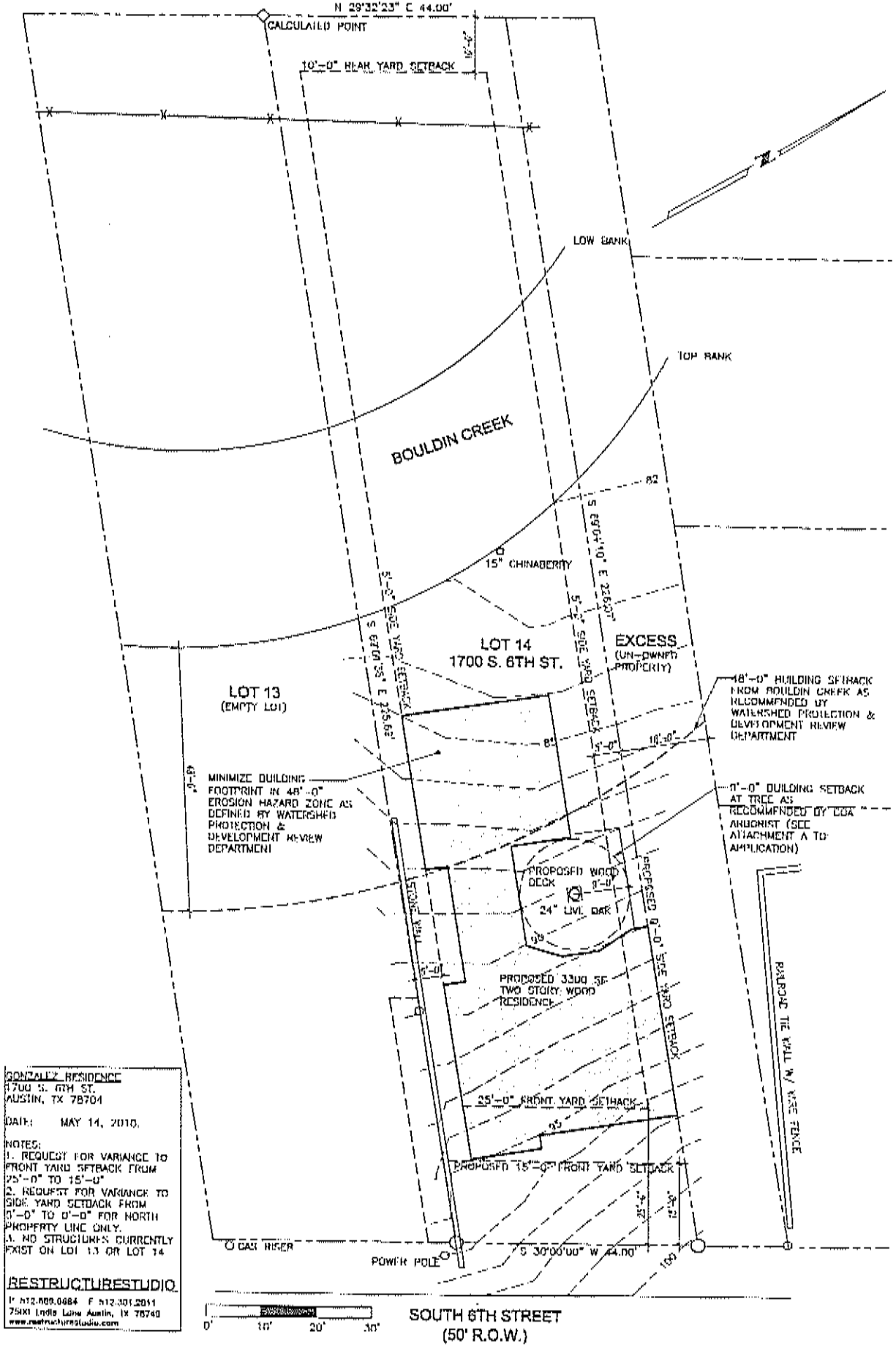
Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6522.

Sincerely,

Robert K. Long, Jr.  
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker





N 29°32'23" E 44.00'

CALCULATED POINT

10'-0" REAR YARD SETBACK

LOW BANK

TOP BANK

BOULDIN CREEK

15" CHINABERRY

LOT 14  
1700 S. 6TH ST.

EXCESS  
(UN-DOWNED PROPERTY)

LOT 13  
(EMPTY LOT)

MINIMIZE BUILDING FOOTPRINT IN 48'-0" EROSION HAZARD ZONE AS DEFINED BY WATERSHED PROTECTION & DEVELOPMENT REVIEW DEPARTMENT

48'-0" BUILDING SETBACK FROM BOULDIN CREEK AS RECOMMENDED BY WATERSHED PROTECTION & DEVELOPMENT REVIEW DEPARTMENT

9'-0" BUILDING SETBACK AT TREE AS RECOMMENDED BY ISA ARBORIST (SEE ATTACHMENT A TO APPLICATION)

PROPOSED WOOD DECK  
24" LEVEL OAK

PROPOSED 3300 SQ FT TWO STORY WOOD RESIDENCE

25'-0" FRONT YARD SETBACK

PROPOSED 15'-0" FRONT YARD SETBACK

RAILROAD TIE WALL W/ WIRE FENCE

**GONZALEZ RESIDENCE**  
1700 S. 6TH ST.  
AUSTIN, TX 78704

DATE: MAY 14, 2010.

NOTES:  
1. REQUEST FOR VARIANCE TO FRONT YARD SETBACK FROM 25'-0" TO 15'-0"  
2. REQUEST FOR VARIANCE TO SIDE YARD SETBACK FROM 0'-0" TO 0'-0" FOR NORTH PROPERTY LINE ONLY.  
3. NO STRUCTURES CURRENTLY EXIST ON LOT 13 OR LOT 14

**RESTRUCTURESTUDIO**  
P 512.999.0684 F 512.301.2011  
2500 Lindero Lane Austin, TX 78740  
www.restructurestudio.com

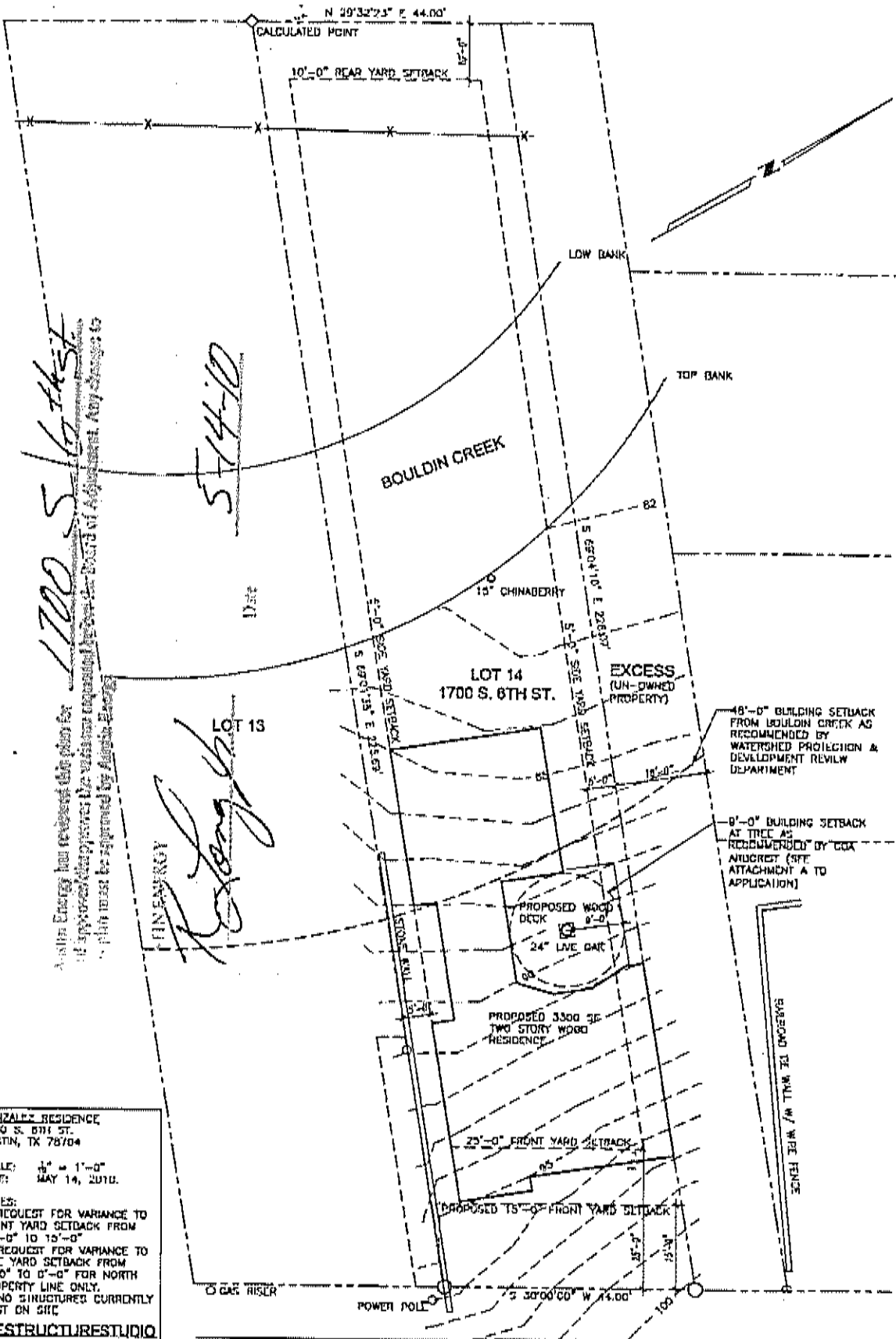


SOUTH 6TH STREET  
(50' R.O.W.)

GAS RISER

POWER POLE

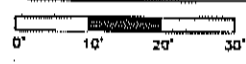
S 30°00'00" W 44.00'



Austin Energy has reviewed this plan for  
 its approval they reserve the right to request changes to  
 this plan must be approved by Austin Energy

1700 S. 6th St.  
 5/14/10  
 Date  
 R. Long

**GONZALEZ RESIDENCE**  
 1700 S. 6TH ST.  
 AUSTIN, TX 78704  
 SCALE: 1/4" = 1'-0"  
 DATE: MAY 14, 2010.  
 NOTES:  
 1. REQUEST FOR VARIANCE TO FRONT YARD SETBACK FROM 25'-0" TO 15'-0"  
 2. REQUEST FOR VARIANCE TO SIDE YARD SETBACK FROM 5'-0" TO 0'-0" FOR NORTH PROPERTY LINE ONLY.  
 3. NO STRUCTURES CURRENTLY EXIST ON SITE.  
**RESTRUCTURESTUDIO**  
 P 512.859.8884 F 512.301.2811  
 1500 Locke Lane Austin, TX 78749  
 www.restructurestudio.com



**SOUTH 6TH STREET**  
 (50' R.O.W.)

48'-0" BUILDING SETBACK FROM BOULDIN CREEK AS RECOMMENDED BY WATERSHED PROTECTION & DEVELOPMENT REVIEW DEPARTMENT  
 0'-0" BUILDING SETBACK AT TREE AS RECOMMENDED BY COX ARCHITECT (SEE ATTACHMENT A TO APPLICATION)

SAGROUD IR WALL W/ WIRE FENCE