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

	CASE # CLS-2010-0060 ROW # 10 439917 CITY OF AUSTIN TO - 04000 41005 APPLICATION TO BOARD OF ADJUSTMENT GENERAL VARIANCE/PARKING VARIANCE				
	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				
20	I/We <u>Carlos and Kelly Gonzalez</u> 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)				
	X_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 <u>SF-3-NP</u> 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. 6th 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 vard 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. 6th 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.)

Bo res fin	equest for a parking variance requires the Board to make additional findings. The pard may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with spect to the number of off-street parking spaces or loading facilities required if it makes addings of fact that the following additional circumstances also apply: 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:
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:

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 h ST. City, State & Zip NSTEN, TEXAS 18722
Printed CARLOS + KELLY GONZALEZ Phone 512.481.8127 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 40th ST.
City, State & Zip AVSTIN, TEXAS 78722
Printed CARLOS GONZALEZ Phone 512, 981, 8127 Date 05, 13, 2010





LOCATION: 1700 S 6TH ST

GRID: H21

MANAGER: SUSAN WALKER

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

TOUTHURS FULL FOR THE PARTY OF T くらばり # 10236774

Tree Ordinance Review Application City of Austin

Founded by Congress, Republic of Texas, 1839 Watershed Protection and Development Review Department

ON DED TO

One Texas Center, 505 Barton Springs Road P.O. Box 1088, Austin, Texas 78767 Paid: YearNo Phone: (512) 974-1876 Fax: (512) 974-3010 Receipt Number: Inspection Date: This application requests (specify all that apply): a removal of a protected-size tree; proposed development exceeding allowable standard; for encreachment within the critical removal of more than 30% of a protected-size tree's crc vir. Additional tree information may be obtained from the Land Develo ment Code (25-8). Environmental Criteria Manual (Section 3), or the City of Austin Urban Forestry web page (http://www.ci.austin.br.us/frees/). Please attach an aerial drawing that Includes the location of trees, I roposed development, and utilities. The application and payment (check to the City of Austin for \$25 per that can be mailed or delivered to the above address. Payment must be made prior to City personnel completing this application. If relevant, indicate the Address of Property (including zip code): 1700 S. 6th STREET, AUSTIN TX 78704 Name(s) of Owner and Applicant ___BILL KELLAS APILICANT : CARLOS GONZALEZ Building Permit Number (if applicable): Telephone Number _ 817 903 8127 817.922. Fax Nurr zer: Type of Tree: LIVE DAK Location in Lot MIDDLE FRONT Tree Trunk(s) Circumference at 4 1/2 Feet Above Ground (inches): UN KIND OWN General Condition: AVERAGE Reason for Request: LOOKING Q PUTFINU(1) SINGE FIMILY RES WOULD LIKE TO KEEP TREE (BUTLE AROUND) BUT WOULD LIKE TO KNO Y TREE SET BACK PEQ. THANKS Owner/applicant Signature TO BE COMPLETED AFTER DETERMINATION FROM CITY ARBI RIST PROGRAM PERSONNEL Resolution: Approved I *Approved With Conditions I Denied I Stat dory Benial More Information Required Asiorist Comments: 9- FEET OF TRUST TRUTK (3) PR RECOUTERS PRINTING TO BE PERFORMED BY A "Conditions of Approval: None; As described within Arborist C Imments (see above); and/or. *Owner/Applicant Signature Date

City of Austin

Austin's Community-Owned Electric Utility

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.

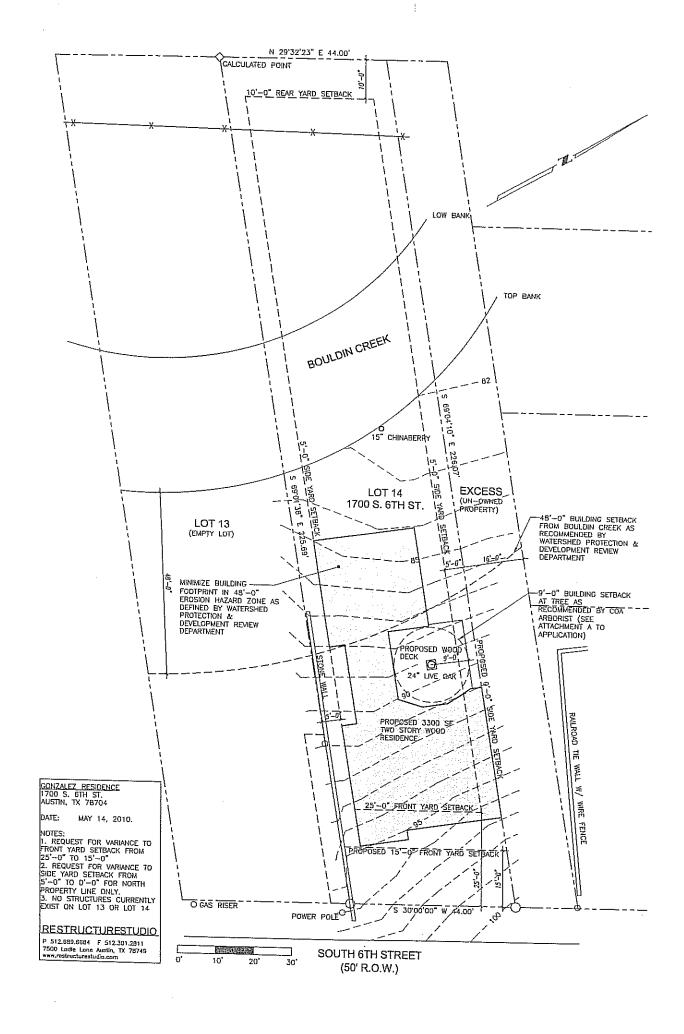
Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6522.

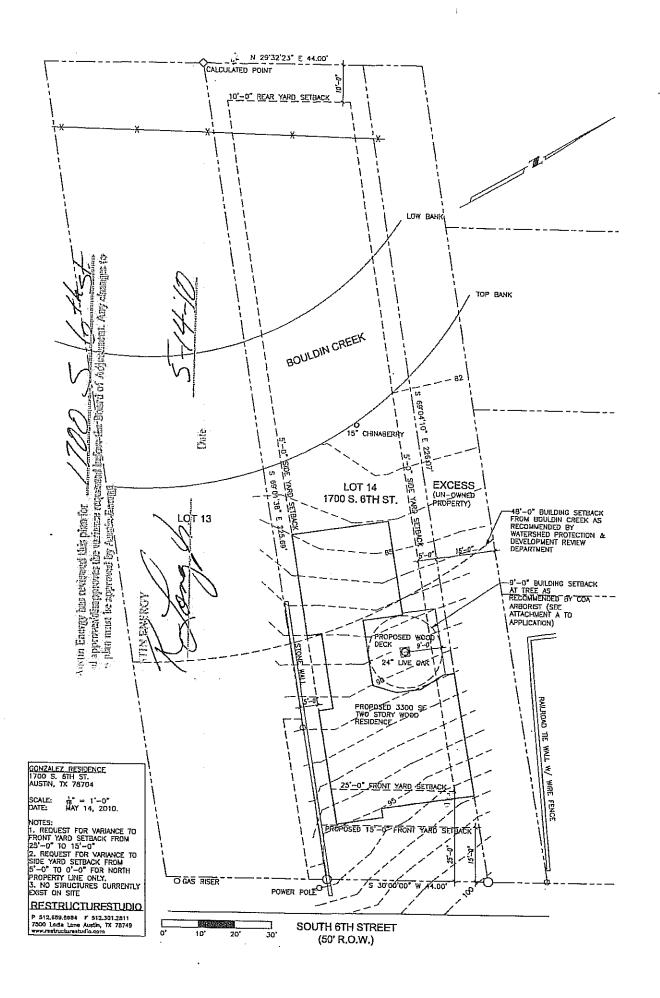
Sincerely,

Robert K. Long, Jr.

Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker





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.

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

Austin, TX 78767-8810

C/O Susan Walker P. O. Box 1088 If you use this form to comment, it may be returned to:

For additional information on the City of Austin's land development process, visit our web site; www.ci.austin.tx.us/development.

tel uttalle	Comments: Me have have have have have have have hav
ALTH I am in favor ALTH XI object A by this application Signature Date	MAUNESA SURITH Your Name (please print) 1005 WEST MANY Your address(es) affected by this application Your Address (es) affected by this application Signature Daytime Telephone:
Case Number: C15-2010-0060 – 1700 S 6 th Street Contact: Susan Walker 512-974-2202 Public Hearing: Board of Adjustment, Jun 14, 2010	Case Number: C15-2010-0060 – 1700 S 6 th Street Contact: Susan Walker 512-974-2202 Public Hearing: Board of Adjustment, Jun 14, 20

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Austin, TX 78767-8810

חבר או ביין לופי אחזה החלה אחזה פילו פייים	
Contact: Susan Walker 512-974-2202 Public Hearing: Board of Adjustment, Jun 14, 2010	0
Ellen Gibbs	
Your Name (please print)	
1701 S. 6th	And the second s
Your address(es) affected by this application	
	06-08-2010
Signature	Date
Daytime Telephone: 495-4435	
Comments: These has hever bee	been a
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f you use this form to comment, it may be returned to: Jity of Austin-Planning & Development Review Department/ 2 nd Floor	rtment/ 2 nd Floor
C/O Susan Walker P. O. Box 1088	

Walker, Susan

Bradford Patterson [bradfordpatterson04@yahoo.com] From:

Sent: Wednesday, June 09, 2010 9:48 AM

To: Walker, Susan

Subject: 1700 South 6th St. C15-2010-0060, Neighborhood Assoc. Comments

Ms. Walker

Below is an email to the applicants for case C15-2010-0060 to be heard at the June 14th Board of Adjustment meeting. We do not oppose the front setback variance proposed however we do oppose the granting of a variance to eliminate the side setback. It should also be noted hat the property identified on the notification map is not the subject parcel which may have impacted who was notified and their understanding

Bradford Patterson Chair, Zoning Committee Bouldin Creek Neighborhood Association

---- Forwarded Message ----

rom: Bradford Patterson <bradfordpatterson04@yahoo.com>

o: KELLY GONZALEZ < carlosandkelly@me.com>

ent: Wed, June 9, 2010 12:43:07 AM

ubject: 1700 South 6th St. C15-2010-0060

elly & Carlos,

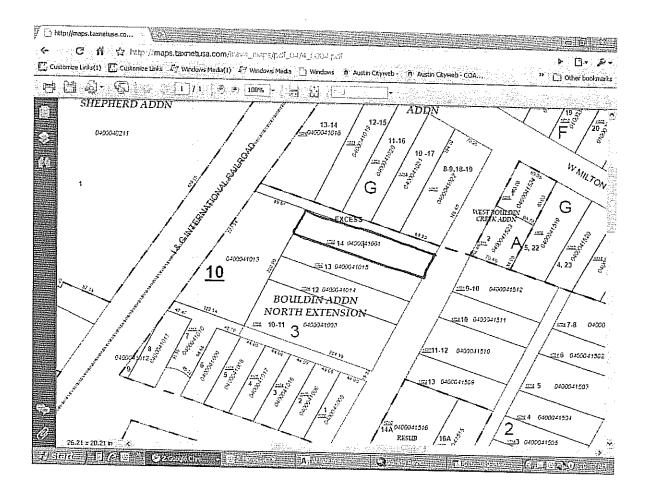
hank you for meeting with our Zoning Committee regarding the variance application for 1700 South 6th. Subsequent to our conversations we ave been contacted by a nearby property owner who intend to oppose the variances. We have also seen that the notice sent by the city contains map that does not identify the correct property that is subject to the variance. We have also been told that the required signage has not been osted at the site but this is not an aspect that we are in a position to confirm. Both of these items could be an issue with the board hearing the

/e have discussed your application with both the Zoning Committee and Steering Committee of the Bouldin Creek Neighborhood ssociation. While we are familiar with the site, we do not have extensive information regarding the specific design of the single family sidence you propose. It is our understanding that the variances are being requested in order to construct the residence as far from the creek as ossible and to protect the substantial live oak tree on the parcel. Although we are not conclusively convinced for the need of the front variance e do not oppose the front setback variance as proposed at 15', provided it results in the preservation of the oak tree and construction further

'e are however opposed to the granting of the variance for the side setback. We do not believe that the creek or tree create a hardship to arrant elimination of the side yard setback. At 44 feet in width, the site is typical for the neighborhood. Although odd, the fact that there is an iclaimed 16 foot wide parcel of land immediately adjacent to the subject track is more of an opportunity than a hardship. We are concerned out precedent being set by the elimination of a side yard setback for new construction on a parcel with a typical width. Given the recumstances with the size of the unclaimed parcel and the creek location, it may be unlikely that it will ever be developed unless clear title is stermined. However we still have issues with the construction of a residence right up to the shared property line and thus oppose the side

e enjoyed meeting you and hope that you are able to work out your plans well enough that we can welcome you to the neighborhood in the ar future. We appreciate that you took the time to discuss the case with us even if you didn't receive the exact feedback that you desired.

radford Patterson nair, Zoning Committee ouldin Creek Neighborhood Association (BCNA)



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Signature Signature Signature Signature Signature Signature Signature Date Date Signature Signature Date Signature Signature Date Date Signature Signature Date D	SANDICA + TOWN Delecm Four Name (please print) (1101 (1) [Annie]	Case Number: C15-2010-0060 – 1700 S 6 Street Contact: Susan Walker 512-974-2202 Public Hearing: Board of Adjustment, Jun 14, 2010
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City of Austin-Planning & Development Review Department/ 2nd Floor

Austin, TX 78767-8810

P. O. Box 1088

C/O Susan Walker

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comments: I expert this variance of the respective in following the state of the leaves to the sugar to the s	Your address(es) affected by this application Signature Signature Daytime Telephone: 1512/497-4683	Your Name (please print) [CIO W. ANNIE ST	Case Number: C15-2010-0060 – 1700 S 6th Street Contact: Susan Walker 512-974-2202 Public Hearing: Board of Adjustment, Jun 14, 2010
the start of the s) come (1) Date	Lam in favor	0



1700 S. 6th St. Tree Permit

Embesi, Michael < Michael. Embesi@ci.austin.tx.us > To: Carina Coel < carina@restructurestudio.com >

Thu, May 20, 2010 at 10:29 AM

Thank you for your email and for attempting to minimize tree impacts by shifting the development as far from the tree as possible. Please ensure that all interested parties are aware that the Heritage Tree Ordinance requires a 12-foot buffer zone for a 24" diameter Live Oak tree. I have "Statutorily Denied" your request based upon possibilities to shift the development away from the tree. This possibility would include impacting areas within a setback and is to be assessed by the Board of Adjustment. Depending on the outcome of their assessment, and in consideration of the challenges of constructing a home on this property, a pier-and-beam (above grade) is encouraged to minimize impacts to the protected root zone; ensuring that no more than one pier is located at 9 feet from the tree trunk and all remaining impacts are further than 12-feet from the tree trunk. This type of modification allows foundation construction with negligible tree impacts. Additionally, if this tree preservation plan is approved, other requirements will include:

- a prescribed soil treatment from a certified arborist;
- any required pruning (no more than 10% of the live canopy) is to be performed by a certified arborist;
- any required underground utility trenching is to be a minimum of 20 feet from the tree trunk; and
- tree protection (i.e. 5-foot chain-link fencing) is to remain throughout the entirety of development activities.

Thank you for your time and please contact me if I can assist you further,

Michael Embesi

City of Austin - Planning and Development Review Department

City Arborist

505 Barton Springs Road

Austin, TX 78704

Phone (512) 974-1876

Fax (512) 974-3010

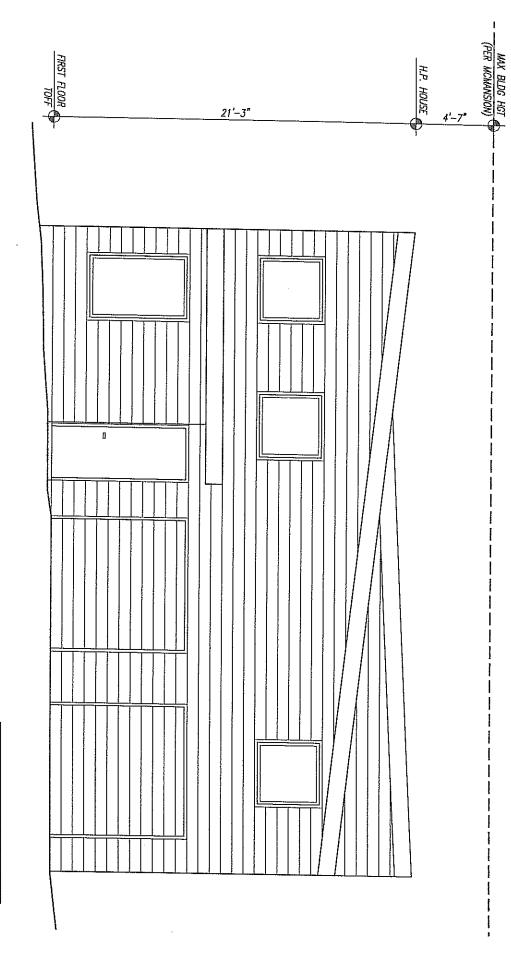
Web Site www.cj.austin.tx.us/trees



Mapsco Grid __

Tree Ordinance Review Application
Planting and Development Review Department
Inc Texas Center, 505 Barton Springs Road, 4th floor
Planting (512) 974-1876
Planting Road, 4th floor
Road, 4

Application request* (specify all that apply): Tree removal Development exceeding allowable standards for encroachment in the tree's critical root zone; Removal of more than 30% of a tree's crown.	* Refer to Land Development Code 25-8 (B)(1) and Environmental Criteria Manual (Section 3, App. F). Applicant understands that all impacts may threaten the health of the tree and that approval of this application does not guarantee favorable tree results.
Address and zip code of property: 1700 S. L-TH STREET 78 Name of owner or authorized agent: CARLOS GONZALEZ Building permit number (if applicable): N/A Telephone #: 512-961-8127 Fax #: 512-301-2611 E-mail: SENCY Type of Tree: L1 VE OAK Tree location on lot: M1DD Trunk size (in inches) at 4 ½ feet above ground: circumference (around) General tree condition: Good / Fair / Poor / Dead Reason for request: DF814N1N6 A SIN64E FAMILY KES) DENCE 9101 SETBACK PER M(CHREC EMBEZIE'S PENIEW 03/13/09. 05/14/10 Owner/ Authorized Agent Signature Date	LGATOFEESCO (A GNAIL, COM VE FROMT or diameter (across) <u>24</u> "
Proposed development projects should include an aerial drawing that includes the lo improvements (e.g. structure, driveway, utility and irrigation lines). This application is reviewed for tree impacts only; not for zoning or other applicable r City of Austin) must be made prior to City personnel completing this application. No	egulations. Payment (\$25 check to the fee is required for dead or diseased trees.
Application Determination – To be completed by City Arboris Approved *Approved With Conditions Denied Statuto Comments ASSESS FOSSESTLETTES TO SHIFT WHET THE SETE	
Heritage Tree(s) ☐ A heritage tree variance is required: ☐ Adminional Approval: ☐ None or ☐ As described within Arborist Commediations of Approval: ☐ None or ☐ As described within Arborist Commediation agrees to plant caliper inches of container grown City of Austrobationing a final inspection (if applicable). Trees are to have a minimum 2-in Oaks, Cedar Elm, Bald Cypress, Dessert Willow, Mountain Laurel, Texas Perior to development, applicant agrees to supply an 8-inch root zone mulch I fencing (chain-link, five-foot in height) throughout the project duration. Provide a receipt for remedial tree care and / or any required pruning as perfix No impacts are permitted within the tree ½ Critical Root Zone (ECM 3.5.2), in	in Appendix F trees on the lot prior to ch trunk diameter. Examples include rsimmon, Mexican Plum, etc. ayer and maintain tree protection
Applicant Signature Date City Arb	orist Signature Date

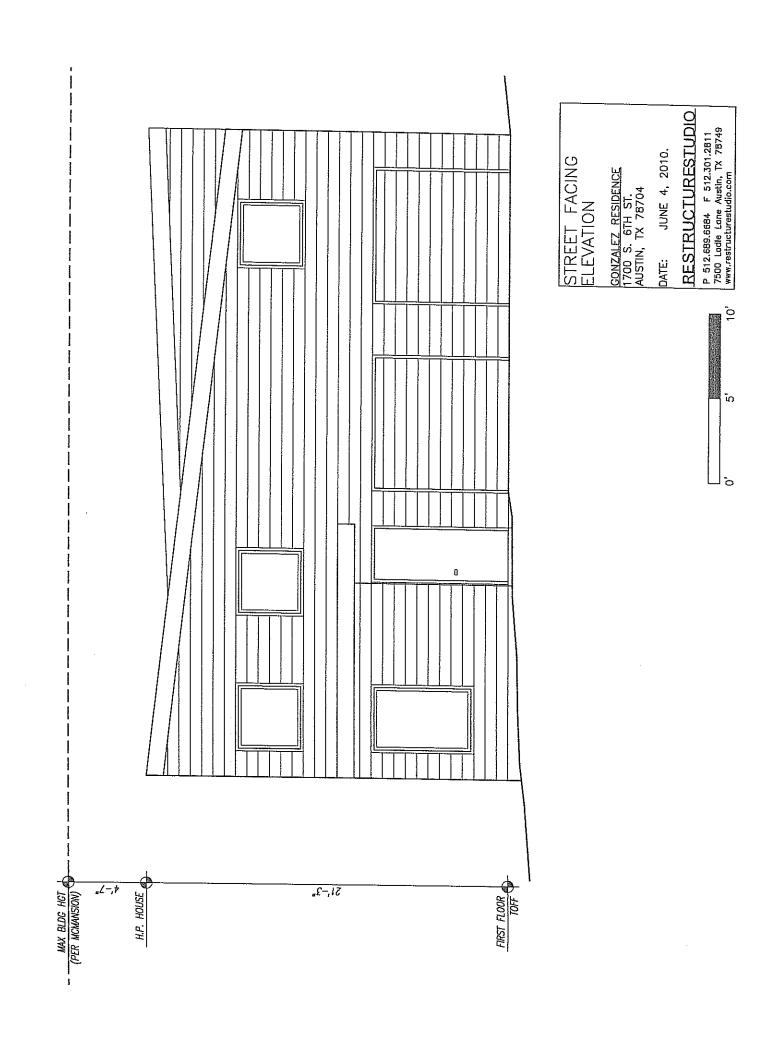


STREET FACING
ELEVATION

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

DATE: JUNE 4, 2010.

RESTRUCTURESTUDIO
P 512.689.6684 F 512.301.2811
7500 Lodie Lane Austin, TX 78749



Dear Neighbor,

Thank you for supporting our request to obtain a setback variance on our non-standard lot. We believe the modest request is both environmentally conscious and civically sensitive.

I am supportive of the variance request by the property owners at 1700 S. 6^{th} Street of a 15-foot setback on the east side and a 6" setback on the north side of the property. 3. 704 Son 5. 7. 8. MILTON 903 262 7490 Stowa. W. Milton 1017 903.245.5292 16/15/61/65 10. Nelson 1707 OMer_ W. Milton 16. 17. 18,

Dear Neighbor,

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194 CEIAIC CREST CIE. POUND ROCK TX 78665

eet Address
512 423 - 2110 Phone #

