

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 # C15-2010-0091

ROW # 10467091

CITY OF AUSTIN

TP- 0100031608

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: 1406 Bouldin Avenue

LEGAL DESCRIPTION: Subdivision – N 45' of Lot 1 & 2, Block A

Lot(s) _____ Block _____ Outlot _____ Division Capital Heights Addition

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

Roderick Harbeck affirm that on July 16th, 2010,

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

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL X MAINTAIN

1. Arbor/Trellises erected for the purpose of vegetative screening/buffering within the 5-foot north setback adjacent to City of Austin alleyway.

2. Original Storage Sheds situated at the northwest property corner within the 5-foot north and west setbacks.

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

(Bouldin Creek)

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:

City of Austin land development code does not offer special consideration for substandard sized lots with regard to setbacks of outbuildings and landscape structures.

Additionally, the land development code does not offer protection by means of visual screening/buffering between residential properties as is required in its commercial compatibility standards.

HARDSHIP:

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

1. The subject property is a substandard lot by today's zoning requirements and is only 4,187 square feet in area.

2. Regarding Arbor/Trellises; following the construction of the Pre-McMansion home situate 904 Jewell Street the owners of the subject property have been deprived of the quiet enjoyment of their properties outdoor living area as their entire rear yard (approx. 29' x 45') is now overlooked by the new home which was permitted four days prior the McMansion Ordinance. At the time, the subject property was offered no protection by the City of Austin regarding this situation and consequently elected to erect a landscape structure to alleviate the problem and to defend the properties resale value due to the obstruction.

3. Regarding Storage Sheds; these outbuildings were erected by the original property owner who built the home in 1947 and have been maintained by the current property owner since purchasing the property from the original owner in 1999. Also, we have received written confirmation from the adjacent neighbor that they have existed since his purchase back in 1982.

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

Today's Zoning Requirements and enacted McMansion Ordinance "are designed to protect the character of Austin's older neighborhoods by ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods", minimizing the impact on surrounding properties.

The subject property is a substandard lot and the only lot in the entire Jewell Street block that was subdivided/configured in an opposite direction to its neighbors. The subject property shares its interior side and rear yard with three neighbors, while other lots share only two adjacent side yard neighbors with the City alleyway at the rear.

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. We have received the signed acceptance of all eleven surrounding property owners in support of this proposed variance granting these specific improvements.

2. The vast majority of properties in the surrounding area of a similar vintage are consistently nonconforming with regards to rear and side setbacks of both buildings and outbuildings.

3. Chief Engineer Carl D. Wren of the City of Austin Fire Department has confirmed that in his opinion the fire code does not prohibit these specific items and that the adjacent areas are not a buildable property line and consequently there is no exposure.

4. Additionally, let it be known, that Senior Planner Sylvia Benavidez of the City of Austin Planning Department has confirmed that in her opinion a building permit is not required for neither the Arbor/Trellises nor Storage Sheds on the subject property.

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:

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:

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 _____

City, State & Zip _____

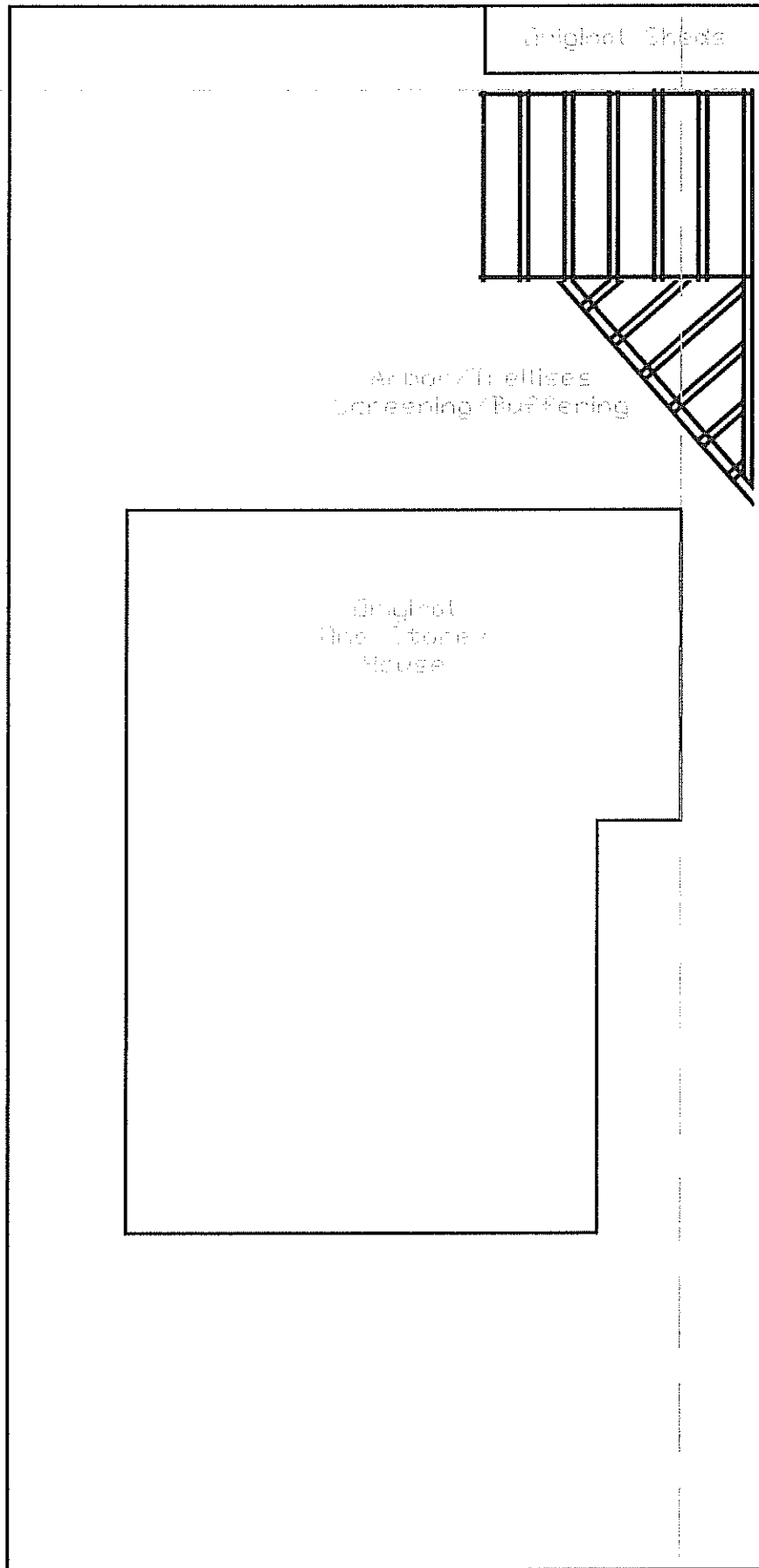
Printed _____ Phone _____ Date _____

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 Rod Harbeck Mail Address P.O. Box 2339

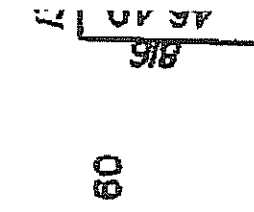
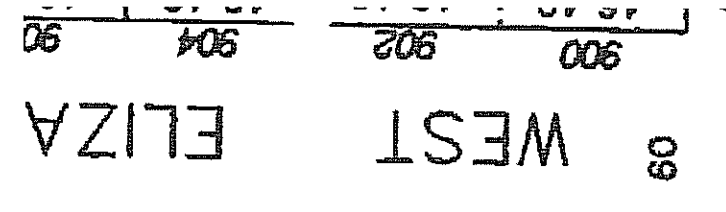
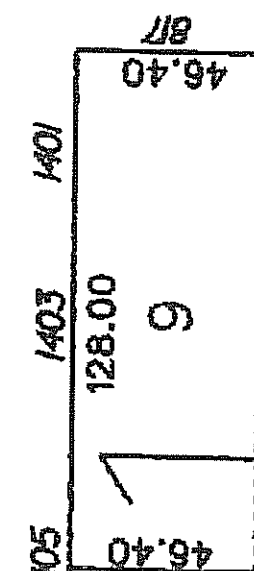
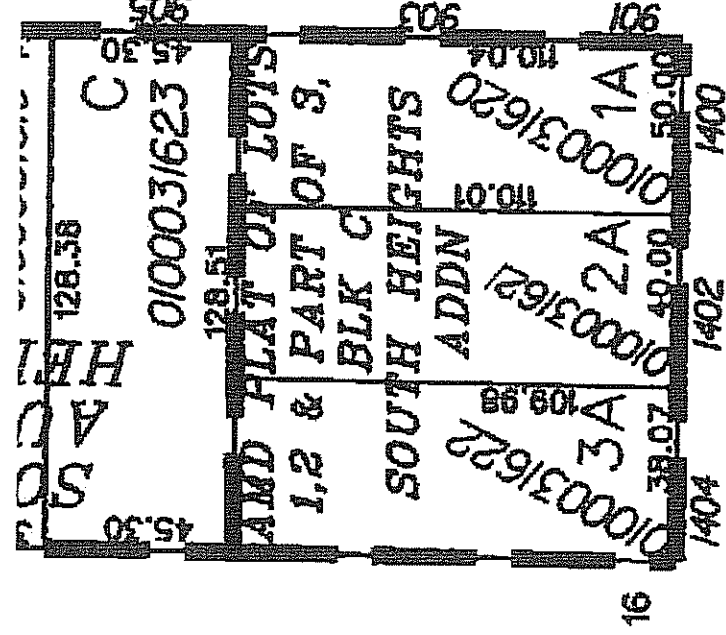
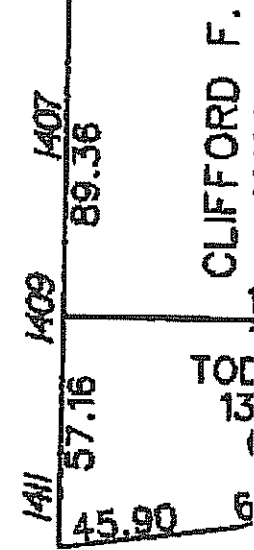
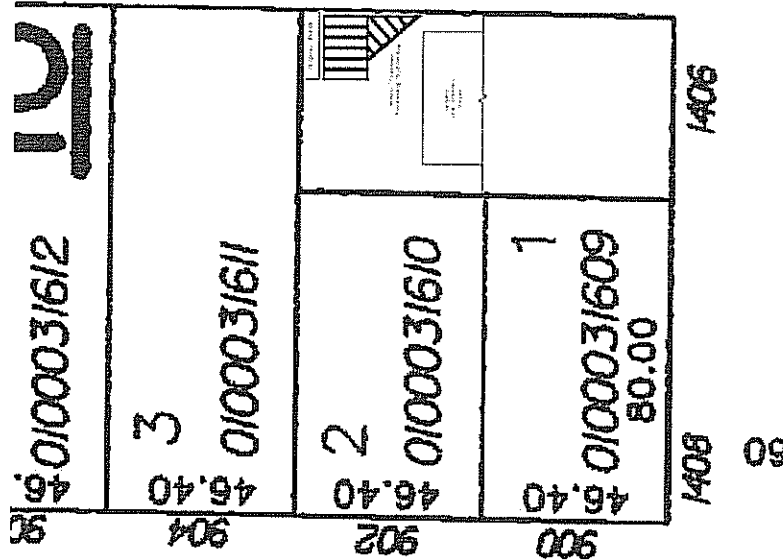
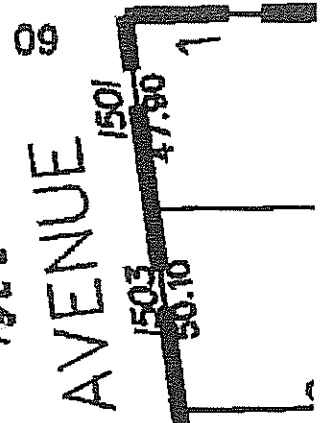
City, State & Zip AUSTIN, TEXAS 78768

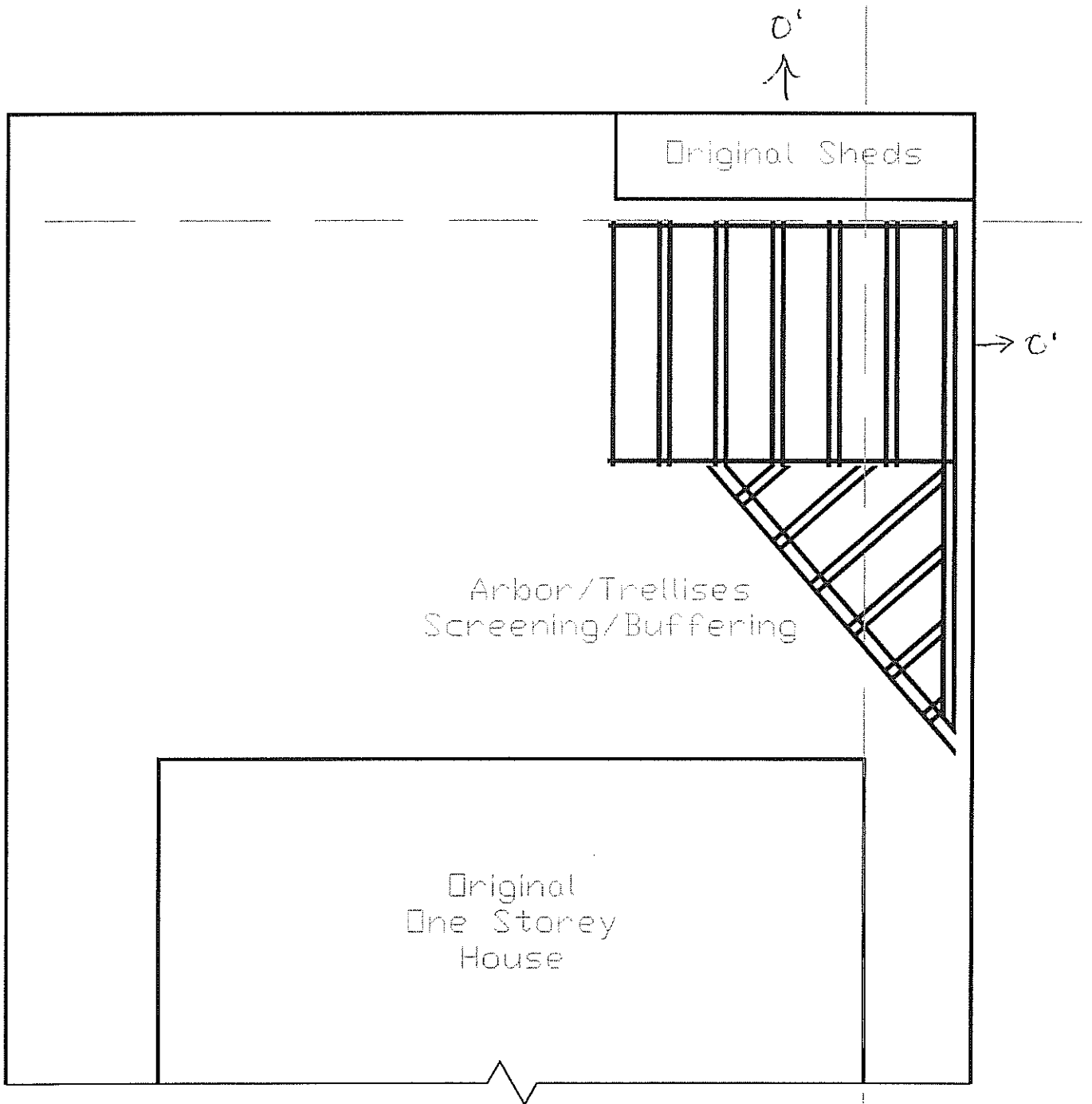
Printed ROD HARBECK Phone (512) 851-2341 Date 07/21/10



Bouldin Ave.

C15-2010-mma1







City of Austin

Austin's Community-Owned Electric Utility

www.austinenenergy.com

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

July 20, 2010

Roderick Harbeck
1406 Bouldin Avenue
Austin, Texas
rodHarbeck@hotmail.com

Re: 1406 Bouldin Avenue
Lot 1 & 2, Blk A Capital Heights Addition

Dear Mr. Harbeck,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to maintain arbor, trellises and storage sheds within the setbacks. Austin Energy has no conflicts with this application provided owner/applicant meets AE clearance criteria requirements as well as be in compliance with the National Electric Safety Code and OSHA as 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,

A handwritten signature in cursive script that reads "Robert K. Long, Jr.".

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

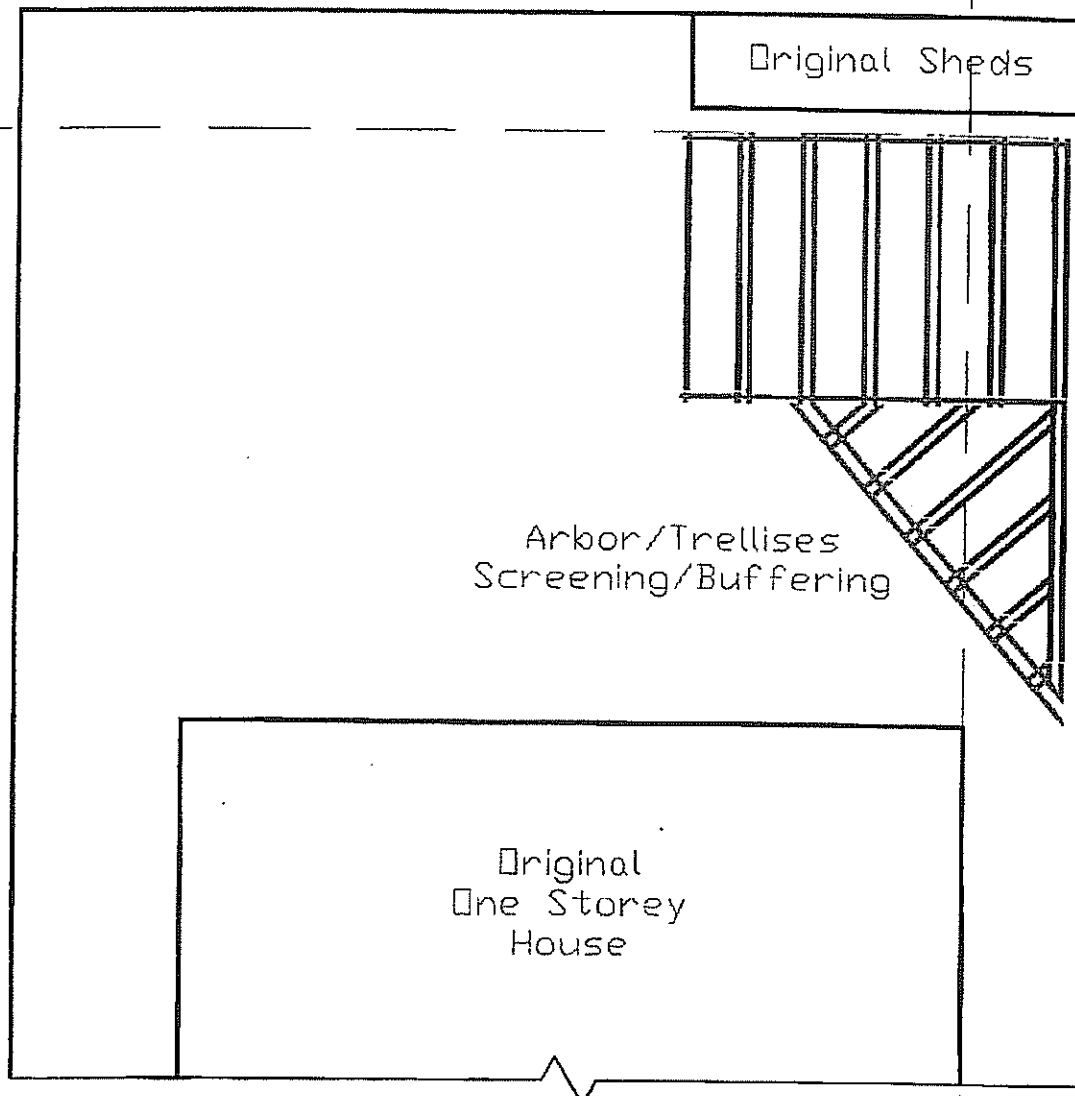
Cc: Diana Ramirez and Susan Walker

Austin Energy has reviewed this plan for 1906 Boulder
and approves/disapproves the variance requested before the Board of Adjustment. Any changes to
this plan must be approved by Austin Energy.

AUSTIN ENERGY

R. Long
BY

Date

7-21-10

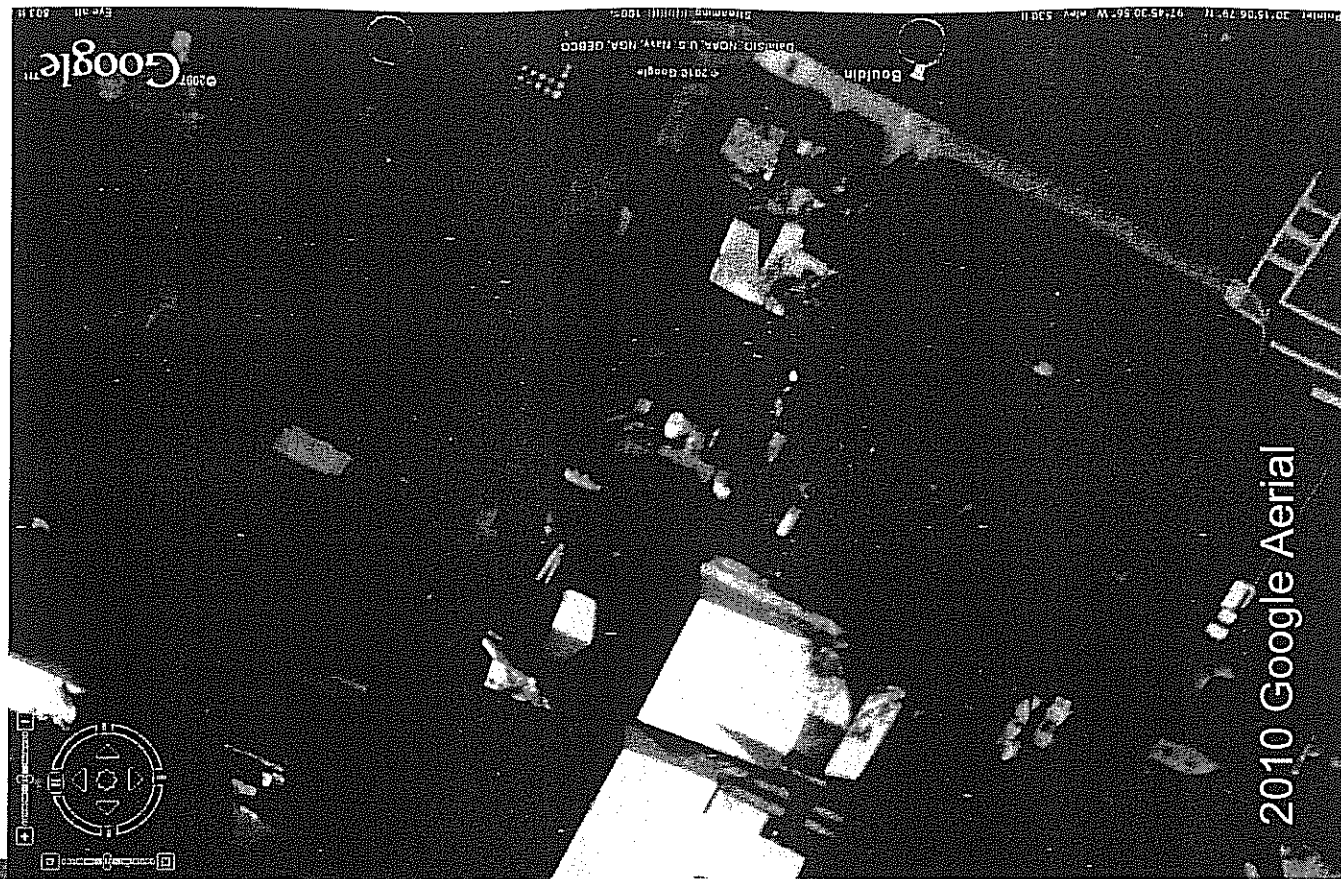
Boulder Ave.



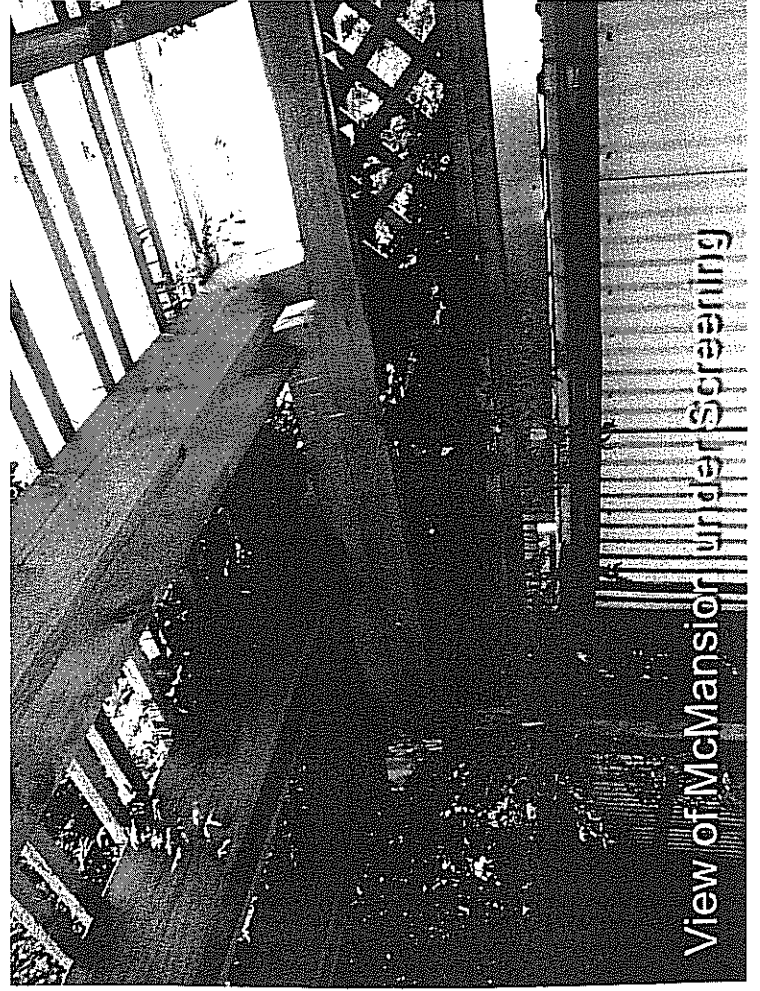
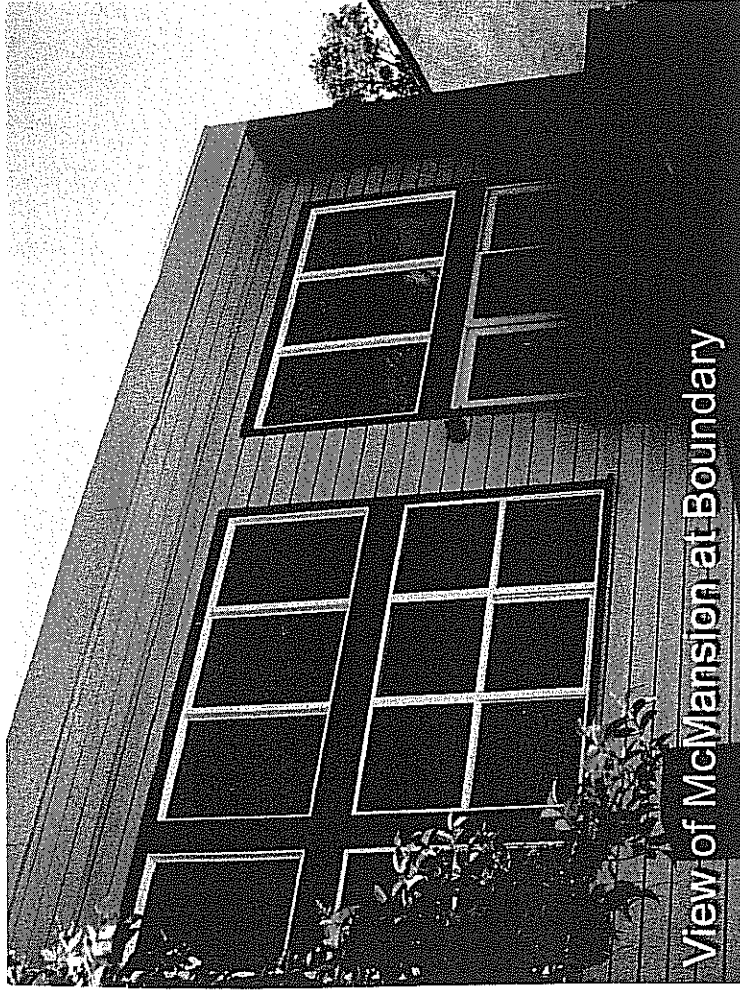
1997 COA Aerial

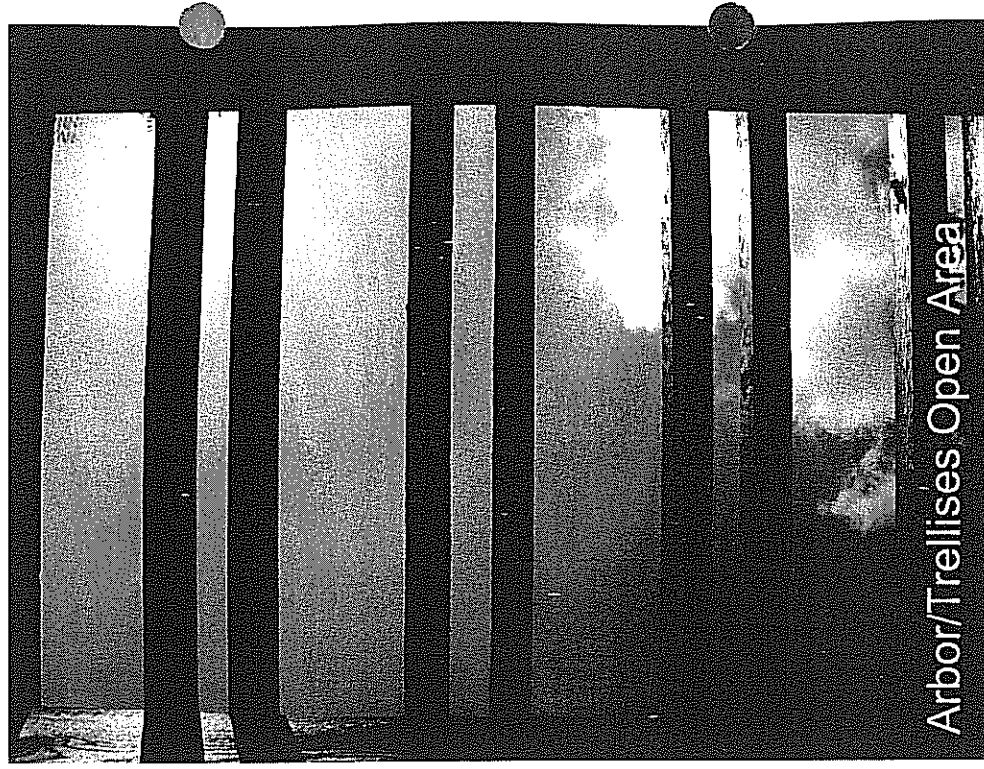
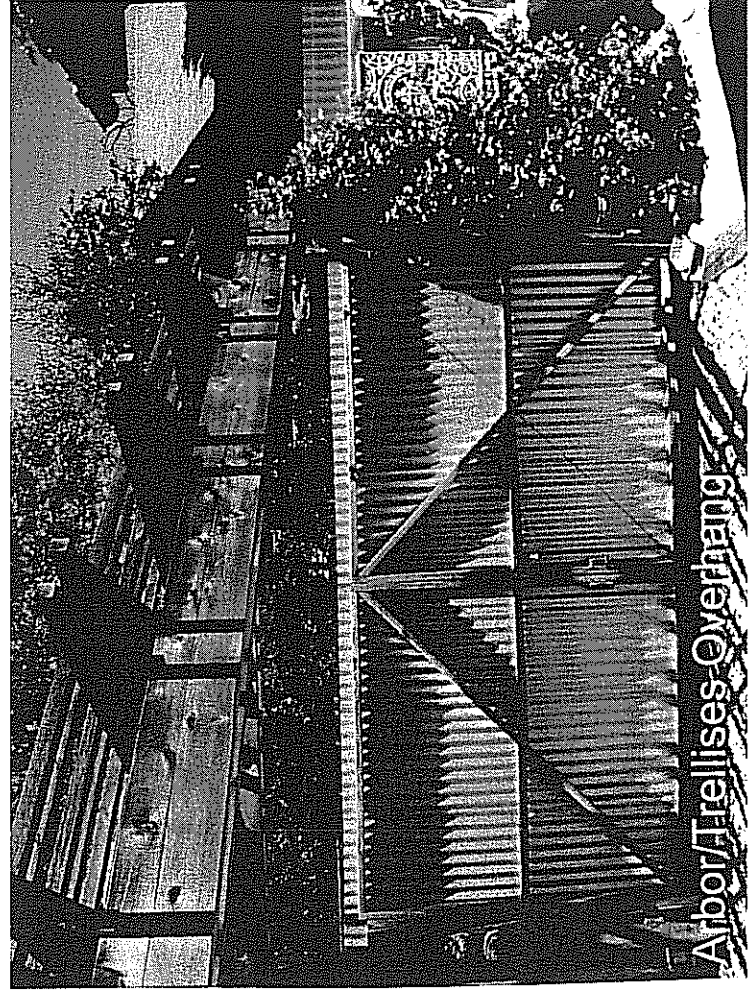
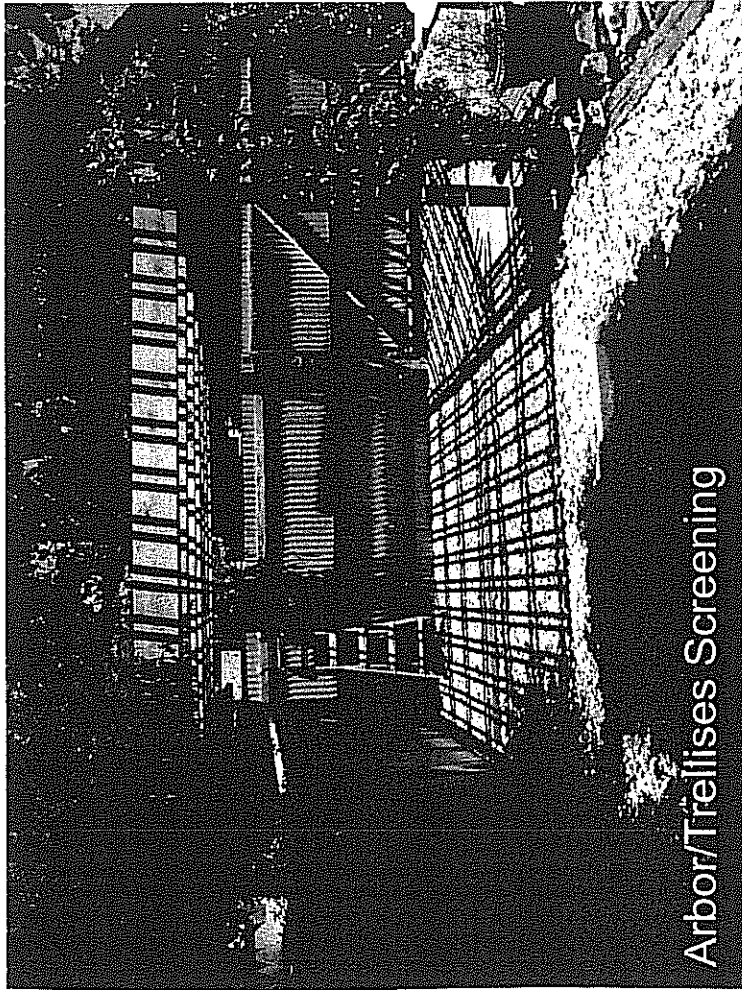


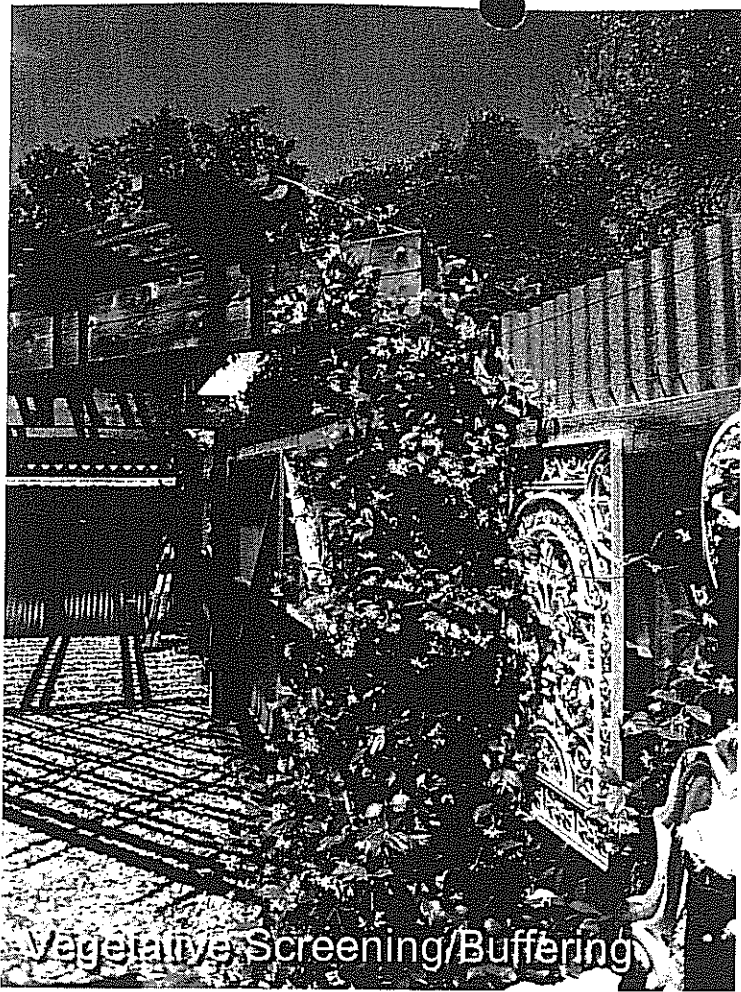
2003 COA Aerial



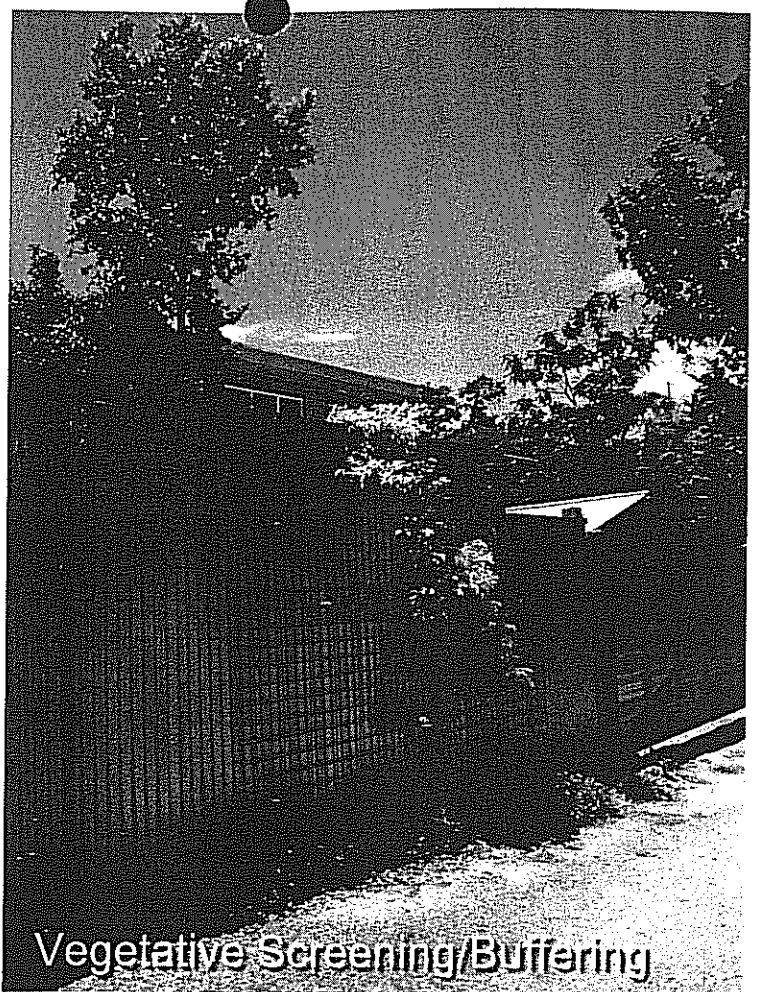
2010 Google Aerial



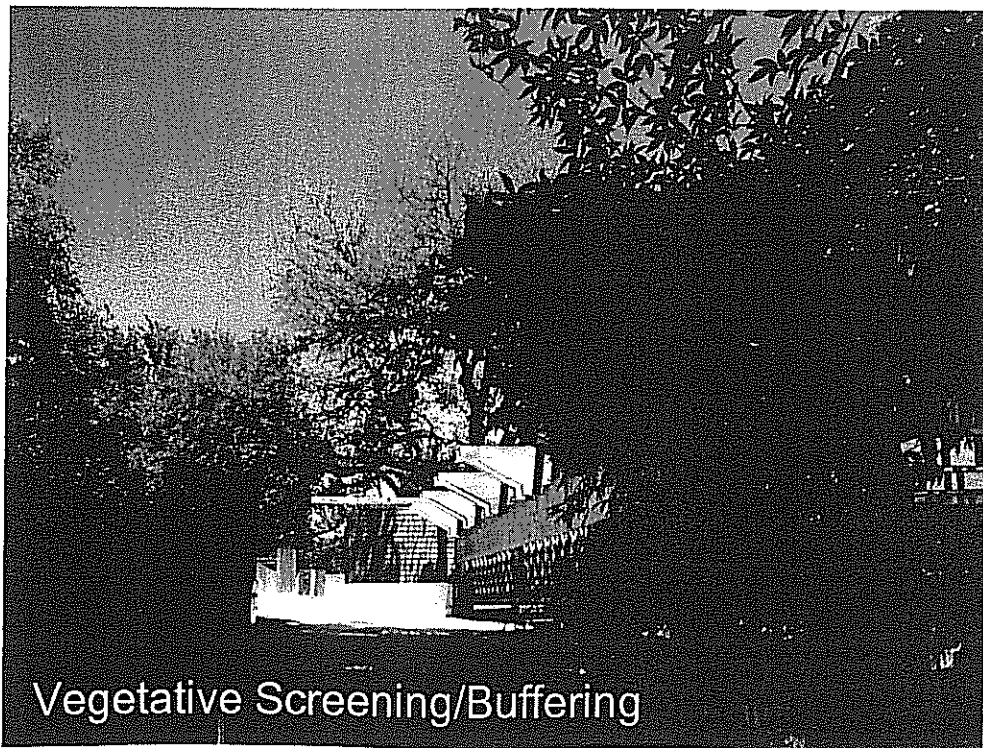




Vegetative Screening/Buffering

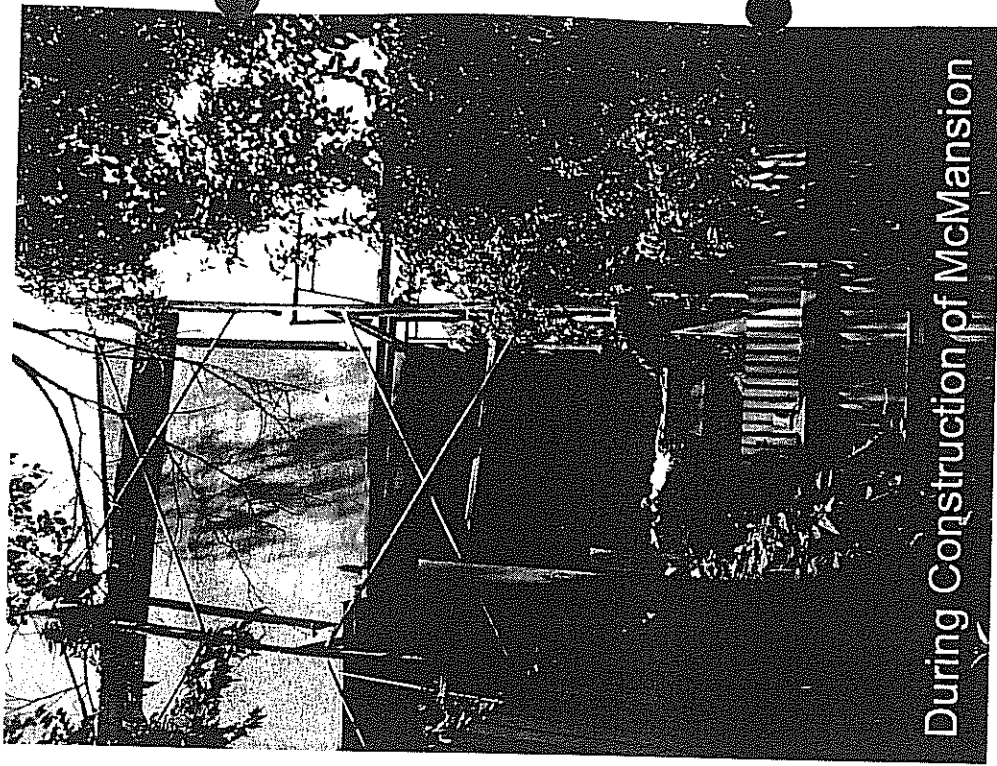
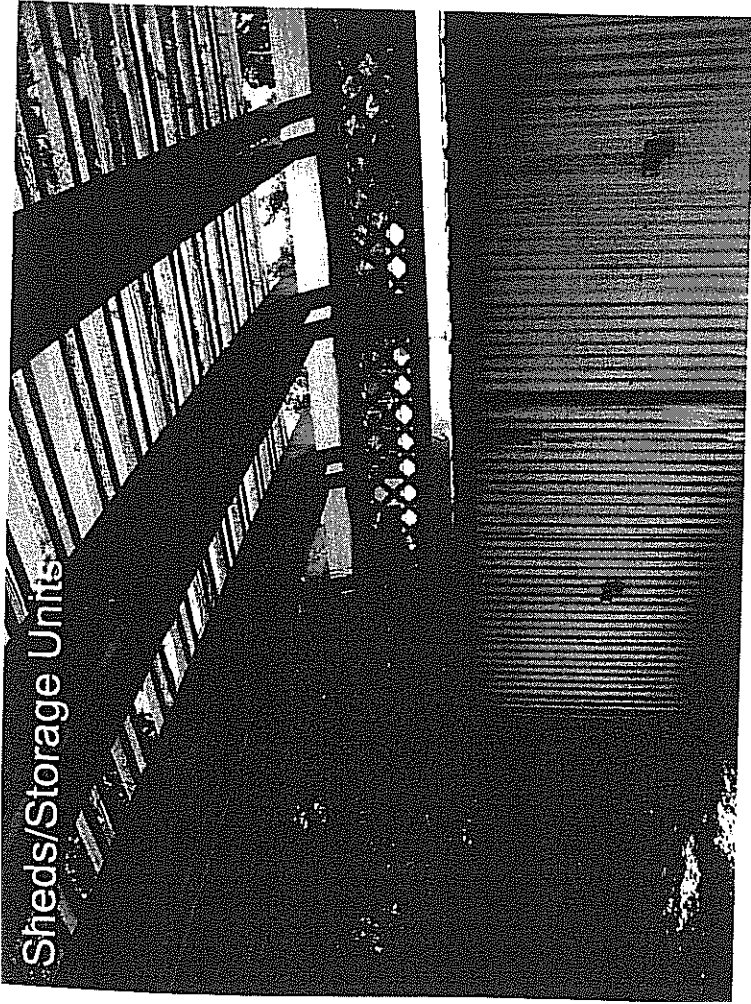


Vegetative Screening/Buffering

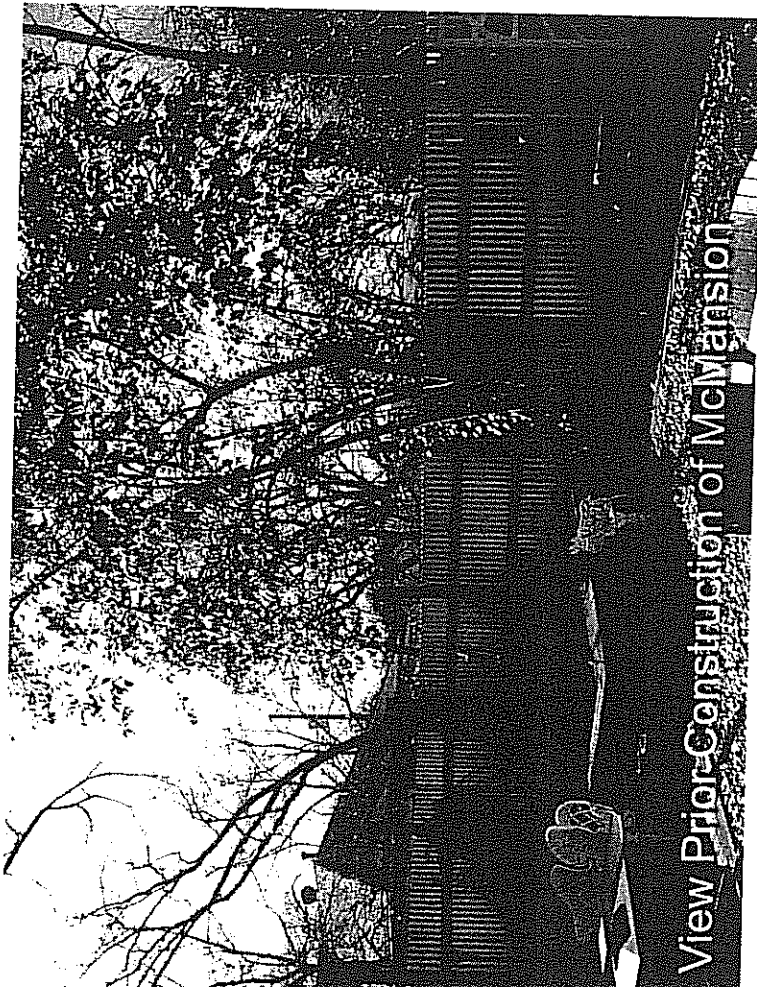


Vegetative Screening/Buffering

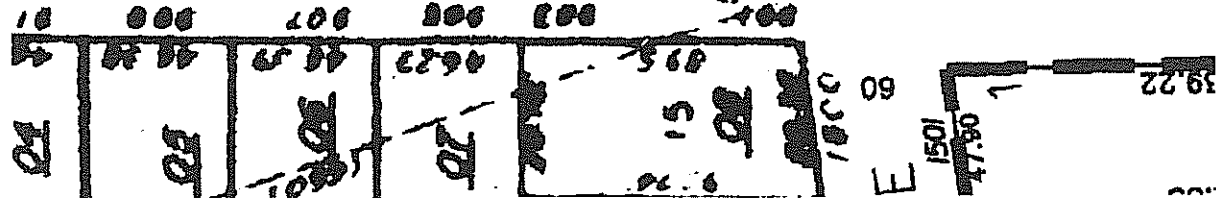
Sheds/Storage Units



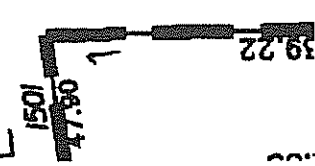
During Construction of McMansion



View Prior Construction of McMansion



900 Jewell Street
902 Jewell Street
904 Jewell Street
1404 & 1402 Bouldin Avenue
1407 & 1409 Bouldin Avenue
1411 Bouldin Avenue
905 West Elizabeth Street
907 West Elizabeth Street
909 West Elizabeth Street



Surrounding Property Owners in Support of Defendant's Arbor/Trellises

June 28th, 2010

Name: Harry Webster

Address: 902 Jewell Street

Phone: (512) 444-6562

RE: Existing Storage Units- 1406 Bouldin Avenue, 78704

To whom it may concern:

I Harry Webster hereby affirm that the sheds/storage units abutting the property line in the rear yard of the property situate 1406 Bouldin Avenue Austin, which is directly adjacent to my rear property line have existed in one form or another since my purchase of the property in 1982.

Thanking you for your time and consideration.

Sincerely,

Harry Webster

JULY 5, 2009

Name: MARTHA L. DAVIES

Address: 900 JEWELL ST

Phone: 512.451.2939

RE: Proposed Variance- 1406 Bouldin Avenue, 78704

To whom it may concern:

I M. L. DAVIES hereby affirm that I have no objection to the Arbor/Trellises constructed in the rear yard of the property situate 1406 Bouldin Avenue Austin, which is also adjacent to the common alleyway between Bouldin Avenue and South Fifth Street. Additionally, I lend my support to the acceptance of the proposed variance granting these specific improvements.

As an adjoining neighbor to the subject property, I deem the above referenced improvements beneficial to our mutual privacy; quiet enjoyment of one's property ought to be appreciated and protected by the neighborhood.

Thanking you for your time and consideration.

Sincerely,

M. L. Davies 7.5.09

5/9, 2009

Name: Harry Webster
Address: 902 Jewell
Phone: 512 444 6562

RE: Proposed Variance- 1406 Bouldin Avenue, 78704

To whom it may concern:

I Harry Webster hereby affirm that I have no objection to the Arbor/Trellises constructed in the rear yard of the property situate 1406 Bouldin Avenue Austin, which is also adjacent to the common alleyway between Bouldin Avenue and South Fifth Street. Additionally, I lend my support to the acceptance of the proposed variance granting these specific improvements.

As an adjoining neighbor to the subject property, I deem the above referenced improvements beneficial to our mutual privacy; quiet enjoyment of one's property ought to be appreciated and protected by the neighborhood.

Thanking you for your time and consideration.

Sincerely,

Harry Webster

May 9, 2009

Name: OSCAR ROS

Address: 904 JEWELL

Phone: (832) 687-6915

RE: Proposed Variance- 1406 Bouldin Avenue, 78704


To whom it may concern:

I OSCAR ROS hereby affirm that I have no objection to the Arbor/Trellises constructed in the rear yard of the property situate 1406 Bouldin Avenue Austin, which is also adjacent to the common alleyway between Bouldin Avenue and South Fifth Street. Additionally, I lend my support to the acceptance of the proposed variance granting these specific improvements.

As an adjoining neighbor to the subject property, I deem the above referenced improvements beneficial to our mutual privacy; quiet enjoyment of one's property ought to be appreciated and protected by the neighborhood.

Thanking you for your time and consideration.

Sincerely,


OSCAR ROS

May 9, 2009

Name: Aaron McIntyre & Emily Burdett

Address: 1404 Boulder Ave

Phone: 512 350 6974 / 512 296 6678

RE: Proposed Variance- 1406 Bouldin Avenue, 78704

To whom it may concern:

I, Aaron McIntyre / Emily Bundett hereby affirm that I have no objection to the Arbor/Trellises constructed in the rear yard of the property situate 1406 Bouldin Avenue Austin, which is also adjacent to the common alleyway between Bouldin Avenue and South Fifth Street. Additionally, I lend my support to the acceptance of the proposed variance granting these specific improvements.

As an adjoining neighbor to the subject property, I deem the above referenced improvements beneficial to our mutual privacy; quiet enjoyment of one's property ought to be appreciated and protected by the neighborhood.

Thanking you for your time and consideration.

Sincerely,

y, *Ann Mobley*
Ann Mobley

May 9, 2009

Name: Clifford Hall
Address: 1409 Bouldin Ave
Phone: (512) 448-1989

RE: Proposed Variance- 1406 Bouldin Avenue, 78704

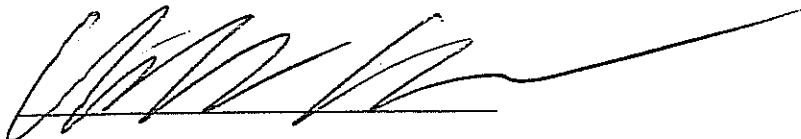
To whom it may concern:

I Clifford Hall hereby affirm that I have no objection to the Arbor/Trellises constructed in the rear yard of the property situate 1406 Bouldin Avenue Austin, which is also adjacent to the common alleyway between Bouldin Avenue and South Fifth Street. Additionally, I lend my support to the acceptance of the proposed variance granting these specific improvements.

As an adjoining neighbor to the subject property, I deem the above referenced improvements beneficial to our mutual privacy; quiet enjoyment of one's property ought to be appreciated and protected by the neighborhood.

Thanking you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clifford Hall', written over a horizontal line.

May 25, 2009, 2009

Name: Wende Parks

Address: 1411 Bouldin Ave.

Phone: 512 686 5199

RE: Proposed Variance- 1406 Bouldin Avenue, 78704

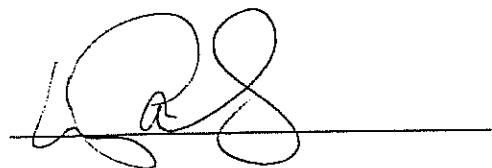
To whom it may concern:

Wende Parks hereby affirm that I have no objection to the Arbor/Trellises constructed in the rear yard of the property situate 1406 Bouldin Avenue Austin, which is also adjacent to the common alleyway between Bouldin Avenue and South Fifth Street. Additionally, I lend my support to the acceptance of the proposed variance granting these specific improvements. *to this property specifically.*

As an adjoining neighbor to the subject property, I deem the above referenced improvements beneficial to our mutual privacy; quiet enjoyment of one's property ought to be appreciated and protected by the neighborhood.

Thanking you for your time and consideration.

Sincerely,

A handwritten signature, appearing to be 'Wende Parks', is written over a horizontal line.

7/3/2009

2010
July

Name: Julius Hanna

Address: 905 W. E. C. ZABETH ST.

Phone: 512 659 5674

RE: Proposed Variance- 1406 Bouldin Avenue, 78704

To whom it may concern:

I, Julius Hanna hereby affirm that I have no objection to the Arbor/Trellises constructed in the rear yard of the property situate 1406 Bouldin Avenue Austin, which is also adjacent to the common alleyway between Bouldin Avenue and South Fifth Street. Additionally, I lend my support to the acceptance of the proposed variance granting these specific improvements.

As an adjoining neighbor to the subject property, I deem the above referenced improvements beneficial to our mutual privacy; quiet enjoyment of one's property ought to be appreciated and protected by the neighborhood.

Thanking you for your time and consideration.

Sincerely,

Julius Hanna

7/3/10, 2009

Name: LUKE BORDERS

Address: 907 ELIZABETH

Phone: (512) 673-7511

RE: Proposed Variance- 1406 Bouldin Avenue, 78704

To whom it may concern:

I, LUKE BORDERS hereby affirm that I have no objection to the Arbor/Trellises constructed in the rear yard of the property situate 1406 Bouldin Avenue Austin, which is also adjacent to the common alleyway between Bouldin Avenue and South Fifth Street. Additionally, I lend my support to the acceptance of the proposed variance granting these specific improvements.

As an adjoining neighbor to the subject property, I deem the above referenced improvements beneficial to our mutual privacy; quiet enjoyment of one's property ought to be appreciated and protected by the neighborhood.

Thanking you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'LB' or 'LUKE BORDERS', written over a horizontal line.

9 May, 2009

Name: John Welch

Address: 909 W. ELIZABETH

Phone: 441-6318

RE: Proposed Variance- 1406 Bouldin Avenue, 78704

To whom it may concern:

I John Welch hereby affirm that I have no objection to the Arbor/Trellises constructed in the rear yard of the property situated 1406 Bouldin Avenue Austin, which is also adjacent to the common alleyway between Bouldin Avenue and South Fifth Street. Additionally, I lend my support to the acceptance of the proposed variance granting these specific improvements.

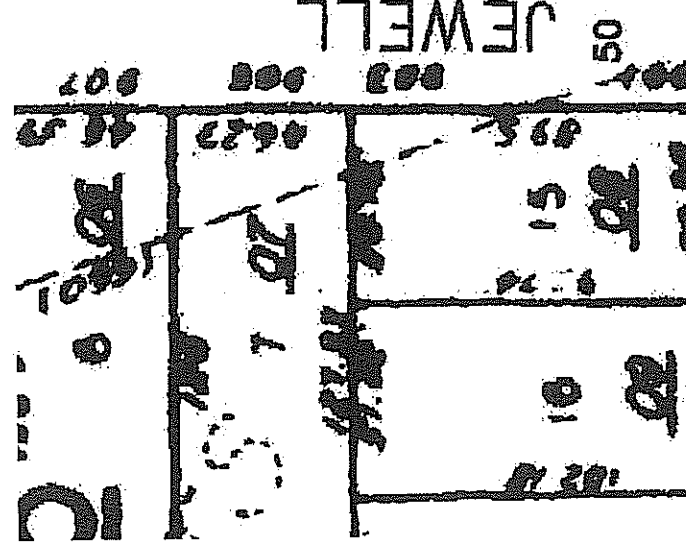
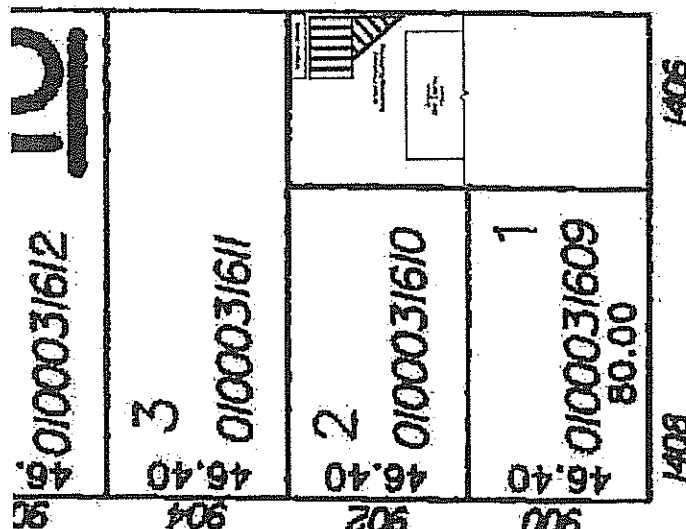
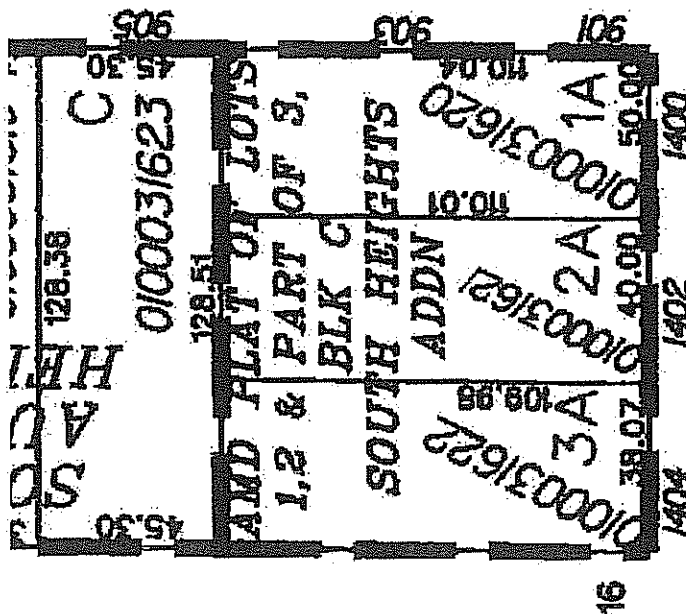
As an adjoining neighbor to the subject property, I deem the above referenced improvements beneficial to our mutual privacy; quiet enjoyment of one's property ought to be appreciated and protected by the neighborhood.

Thanking you for your time and consideration.

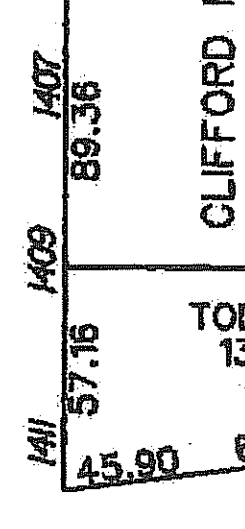
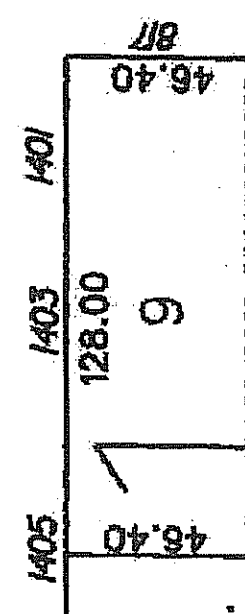
Sincerely,

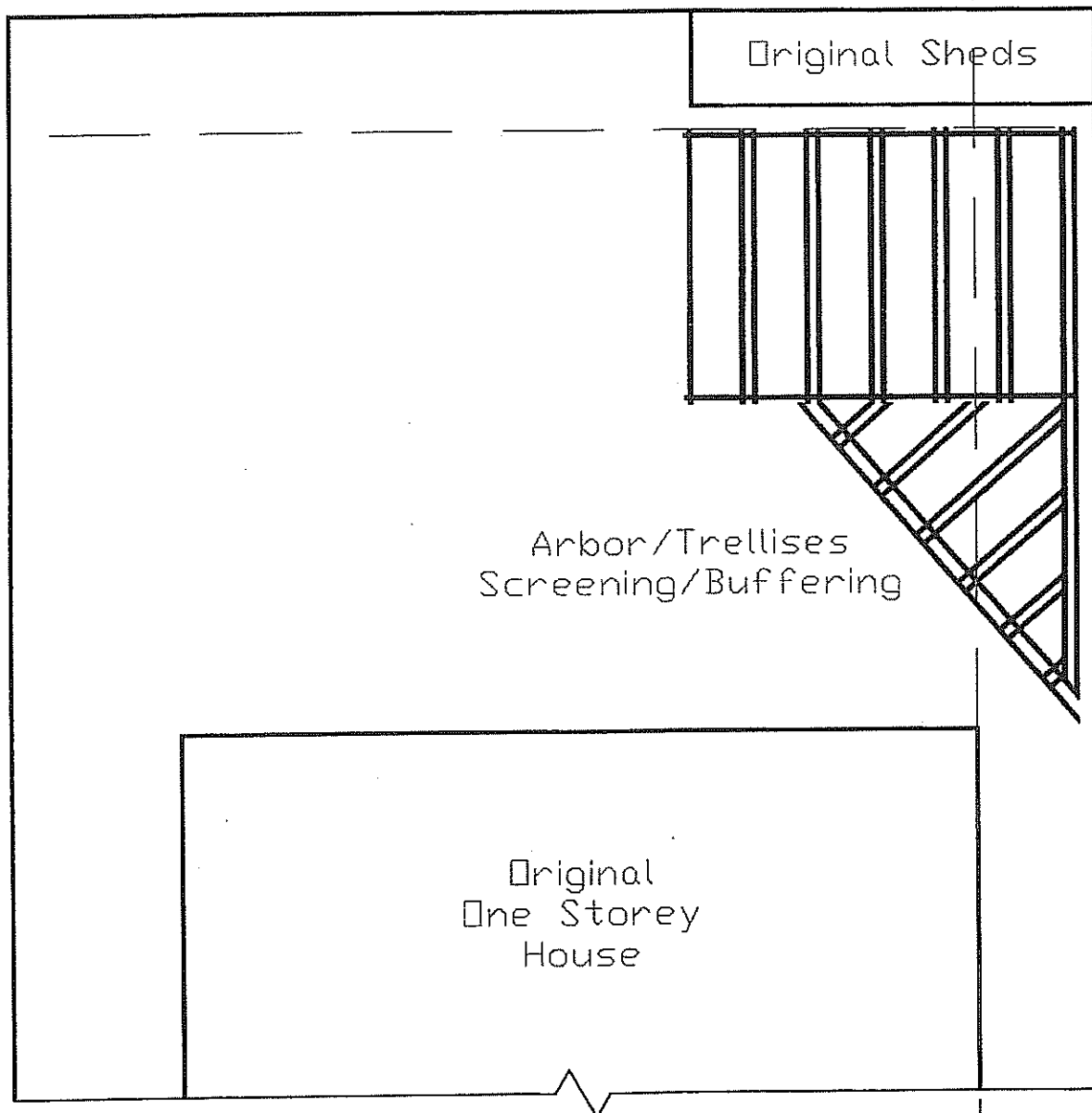
John Welch

WEST ELIZA



WEST ELIZA





NetUSA: Travis County Property Information

Property ID Number 100162 Ref ID Number 01000316090006

Owner's Name HARBECK RODERICK JOHN

Mailing Address PO BOX 2339
AUSTIN, TX 78768-2339
Location 1406 BOULDIN AVE 78704
Legal N 45 FT OF LOT 1-2 BLK A CAPITAL HEIGHTS

Property Details

Deed Date 11272001
Deed Volume 00000
Deed Page 00000
Exemptions HS
Freeze Exempt F
ARB Protest F
Agent Code 0
Land Acres 0.0961
Block A
Tract or Lot 1-2
Docket No.
Abstract Code S02329
Neighborhood Code K0300

Value Information

2010 Preliminary
Land Value 216,000.00
Improvement Value 68,052.00
VAC Value 0.00
VAC Productivity Value 0.00
Timber Value 0.00
Timber Productivity Value 0.00
Assessed Value 284,052.00
10% Cap Value 0.00
Total Value 284,052.00

Data up to date as of 2010-06-15

AGRICULTURAL (T-D-1) APPOINTMENT OF AGENT FORM FREEPORT EXEMPTION HOMESTEAD EXEMPTION FORM
PRINTER FRIENDLY REPORT PROTEST FORM RELIGIOUS EXEMPTION FORM (TIFF) FLAT MAP (PDF) FLAT MAP

Value By Jurisdiction

Entity Code	Entity Name	2009 Tax Rate	Assessed Value	Taxable Value	Market Value	Appraised Value
0A	TRAVIS CENTRAL APP DIST	0.000000	284,052.00	284,052.00	284,052.00	284,052.00
01	AUSTIN ISD	1.202000	284,052.00	269,052.00	284,052.00	284,052.00
02	CITY OF AUSTIN	0.420900	284,052.00	284,052.00	284,052.00	284,052.00
03	TRAVIS COUNTY	0.421500	284,052.00	227,242.00	284,052.00	284,052.00
2J	TRAVIS CO HEALTHCARE DIST	0.067400	284,052.00	227,242.00	284,052.00	284,052.00
68	AUSTIN COMM COLL DIST	0.094600	284,052.00	279,052.00	284,052.00	284,052.00

Improvement Information

Improvement ID 100143 State Category A1 Description 1 FAM DWELLING

Segment Information

Imp ID	Seg ID	Type Code	Description	Class	Effective Year Built	Area
100143	100158	1ST	1st Floor	WW4	1947	1,384
100143	348911	011	PORCH OPEN 1ST F	*4	1947	36
100143	348912	095	HVAC RESIDENTIAL	**	1947	1,384
100143	348913	251	BATHROOM	**	1947	1
100143	348914	512	DECK UNCOVERED	*4	1947	190
100143	2310385	531	OBS FENCE	CAA*	1947	1
100143	2310386	539	FENCE FV	F-V*	1947	1
100143	2310387	612	TERRACE UNCOVERD	*4	1947	35
100143	2540822	612	TERRACE UNCOVERD	*4	1947	40
100143	2540823	612	TERRACE UNCOVERD	*4	1947	36
Total Living Area						1,384

Land Information

Land ID	Type Code	SPTB Code	Homesite	Size-Acres	Front	Depth	Size-Sqft
100169	LAND	A1	T	0.096	0	0	4,187

show history

NetUSA: Travis County Property Information

Property ID Number 100163 RefID2 Number 01000316090000

Owner's Name DAVIES CHRISTOPHER S & MARTHA

Mailing Address 3317 PERRY LN
AUSTIN, TX 78731-5330

Location 900 JEWELL ST 78704

Legal S 80 FT OF LOT 1 BLK A CAPITAL HEIGHTS

Property Details

Deed Date	12161986
Deed Volume	10016
Deed Page	00922
Exemptions	
Freeze Exempt	F
ARB Protest	T
Agent Code	2490
Land Acres	0.0858
Block	A
Tract or Lot	1
Docket No.	
Abstract Code	S02329
Neighborhood Code	K0300

Value Information

	2010 Preliminary
and Value	192,000.00
Improvement Value	7,826.00
G Value	0.00
G Productivity Value	0.00
Imber Value	0.00
Imber Productivity Value	0.00
Assessed Value	199,826.00
0% Cap Value	0.00
otal Value	199,826.00

Data up to date as of 2010-06-15

AGRICULTURAL (1-D-1)	APPOINTMENT OF AGENT FORM	FREEPORT EXEMPTION	HOMESTEAD EXEMPTION FORM
PRINTER FRIENDLY REPORT	PROTEST FORM	RELIGIOUS EXEMPTION FORM	(TIFF)
		PLAT MAP	(PDF)
			PLAT MAP

Value By Jurisdiction

Entity Code	Entity Name	2009 Tax Rate	Assessed Value	Taxable Value	Market Value	Appraised Value
0A	TRAVIS CENTRAL APP DIST	0.000000	199,826.00	199,826.00	199,826.00	199,826.00
01	AUSTIN ISD	1.202000	199,826.00	199,826.00	199,826.00	199,826.00
02	CITY OF AUSTIN	0.420900	199,826.00	199,826.00	199,826.00	199,826.00
03	TRAVIS COUNTY	0.421500	199,826.00	199,826.00	199,826.00	199,826.00
2J	TRAVIS CO HEALTHCARE DIST	0.067400	199,826.00	199,826.00	199,826.00	199,826.00
68	AUSTIN COMM COLL DIST	0.094600	199,826.00	199,826.00	199,826.00	199,826.00

Improvement Information

Improvement ID	State Category	Description
100144	A1	1 FAM DWELLING

Segment Information

Imp ID	Seg ID	Type Code	Description	Class	Effective Year Built	Area
100144	100159	1ST	1st Floor	WA3-	1948	752
100144	348915	011	PORCH OPEN 1ST F	*3-	1948	144
100144	348916	251	BATHROOM	**	1948	1
100144	348917	531	OBS FENCE	CAS*	1948	1

Total Living Area 752

Land Information

Land ID	Type Code	SPTB Code	Homesite	Size-Acres	Front	Depth	Size-Sqft
100170	LAND	A1	F	0.086	0	0	3,737

show history