

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

DATE: Monday, October 11, 2010

CASE NUMBER: C15-2010-0109

____y__ Jeff Jack 2nd the Motion
____y__ Michael Von Ohlen Motion to PP to Nov 8, 2010
____y__ Nora Salinas
____y__ Melissa Hawthorne
____y__ Leane Heldenfels, Chairman
____y__ Clarke Hammond, Vice Chairman
____y__ Heidi Goebel

APPLICANT: Jim Bennett

OWNER: Scott Mitchell

ADDRESS: 1211 LORRAIN ST

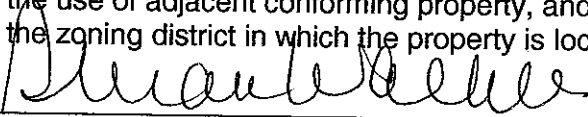
VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-513 (G) from 20 feet to 15 feet in order to erect an addition (covered porch) to a single family residence in an "MF-3-NP", Multi-family Residence – Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 10 feet in order to erect a second story addition to a single family residence and from 15 feet to 11 feet 9 inches in order to erect an accessory building (carport and guest house) in an "MF-3-NP", Multi-family Residence – Neighborhood Plan zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to POSTPONE TO November 8, 2010 requesting additional information on elevations, existing footprint, Board Member Jeff Jack second on a 7-0 vote; POSTPONED TO November 8, 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 Secretary


Leane Heldenfels
Chairman

CL15-2010-0109

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:
The addition of a front porch, a second story bump out, and the carport are common to this diverse neighborhood

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that the foot print of the house is existing and dictating the location of the porch and the window seat on the second level of the residence. ~~the location of the 19" Oak tree with the alignment of the residence is commanding the placement of the accessory structure.~~
(b) The hardship is not general to the area in which the property is located because:
Due to the location of the existing structures and trees on this site the improvements are specific to this site.

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:
This property is located between multi-family used property to the north and south, and most of the older homes in this older neighborhood have porches on the front and many are built with a lesser setback than is currently required. The amount of variance is minimal and should not have a negative impact on the character of the neighborhood

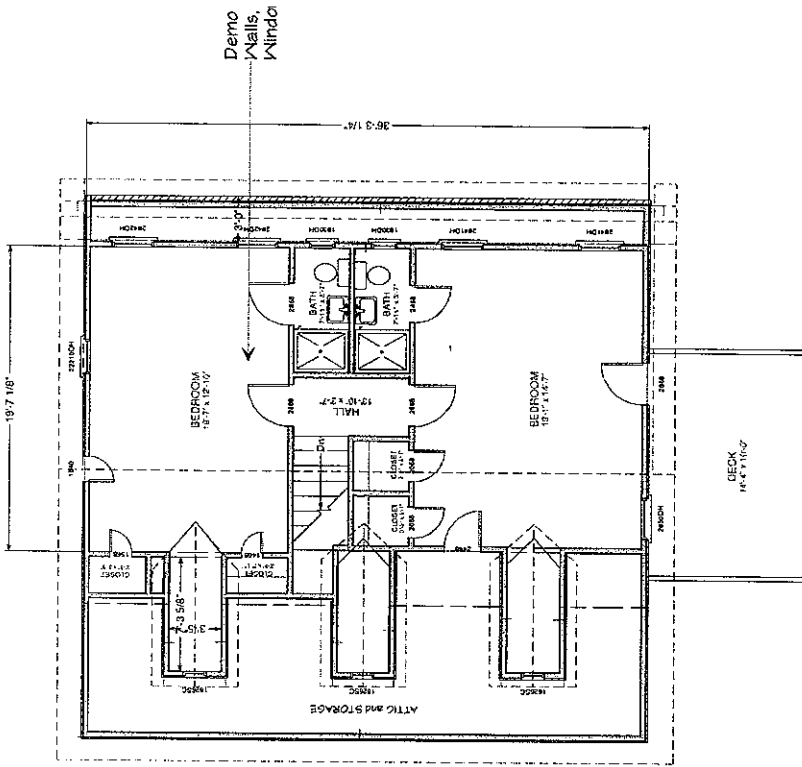
PARKING: (Additional criteria for parking variances only.)

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:

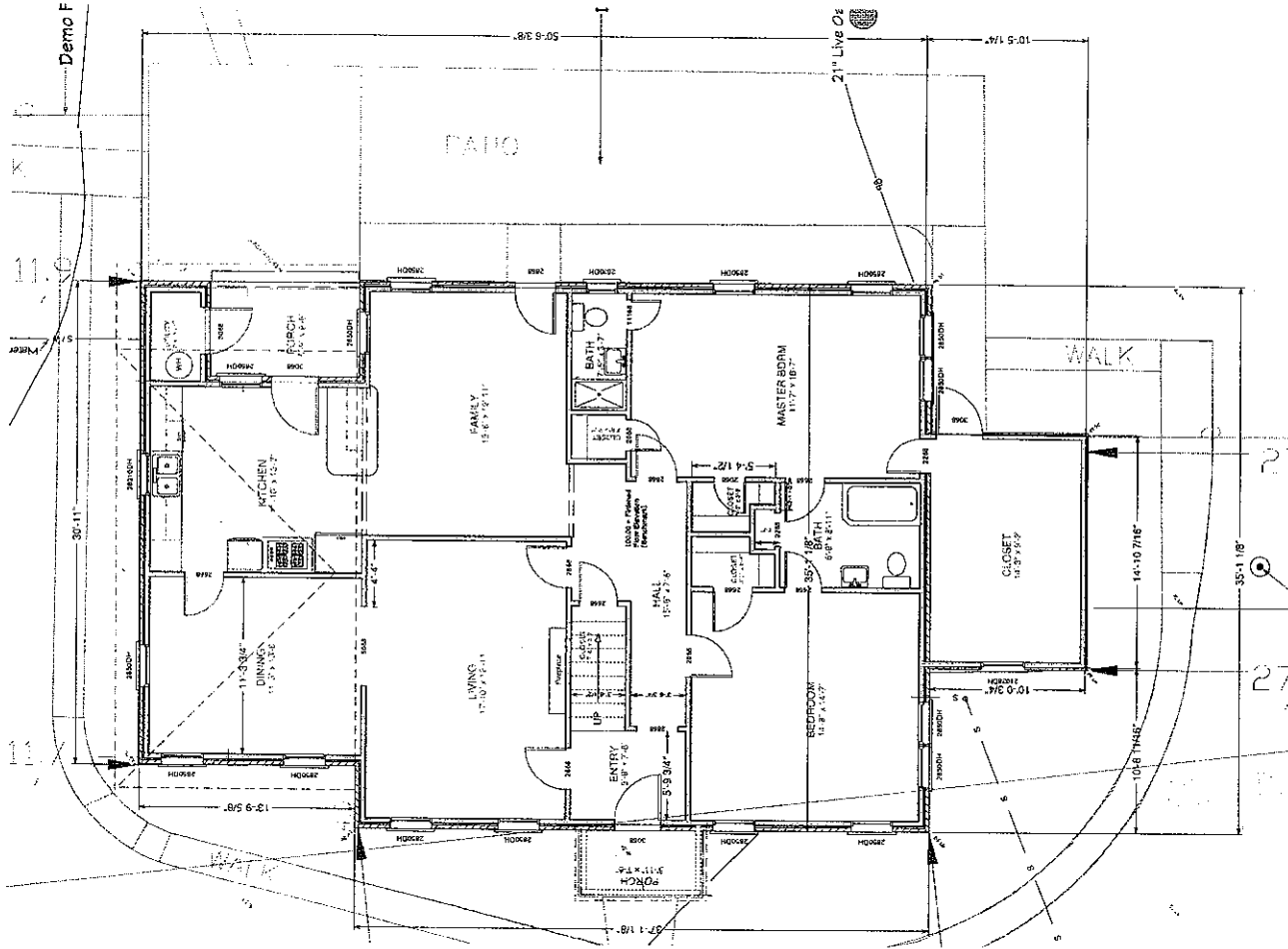
REQUEST FOR 3 VARIANCES

Q15-2010-0109

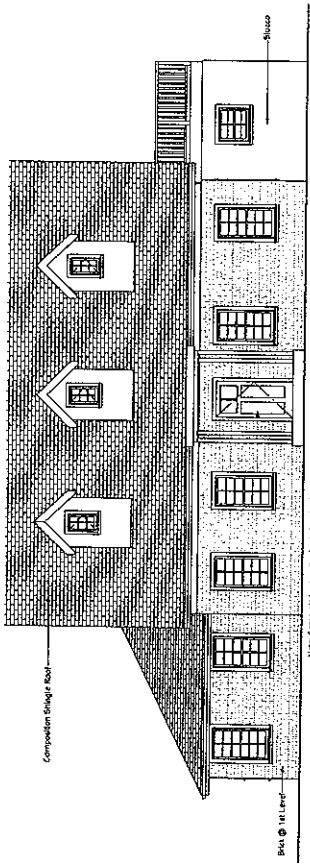
1. Variance request #1 is to allow an addition of a front porch to be built with a setback of 15' from the front property line. The existing 1938 home's front wall encroaches within the 25' setback regulation. The owner's desire a front porch on which they can see and visit with neighbors. Having a front porch fosters a sense of community within the neighborhood. See the attached City of Austin Neighborhood Plan Design Tools – Front Porches Extending into the Front Setback for New and Existing Single-Family Houses LDC-2-1602. The proposed front porch complies with these guidelines.
2. Variance request #2 is to allow the projection of a 2nd story room into the side setback. Note the existing home's footprint encroaches 3.1' on the required side setback line. Variance #2 asks for the encroachment of 1'-10" deep by 11'-11" wide 2nd level room to be cantilevered into the existing setback (1'-10" beyond the existing 1st level north wall line of the existing building. This cantilevered projection breaks up an otherwise flat wall plane on the north side of the house. It improves the aesthetics of the architecture similar to the reasons for the articulation rules that are incorporated in the "McMansion Ordinance".
3. Variance request #3 is to allow a front yard setback of 22'-2" for that small triangular shaped portion of the proposed 2nd story addition. The 2nd story is designed to be built on top of the existing 1st story wall and thus enables a desired simple load path to the existing foundation wall.



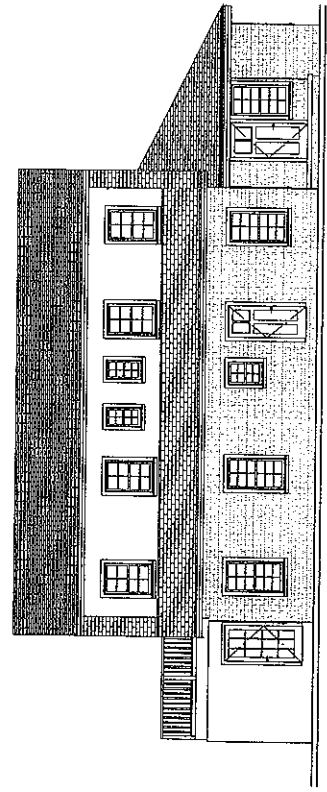
2ND LEVEL FLOOR PLAN of EXISTING HOUSE



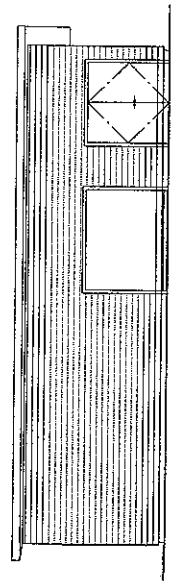
1ST LEVEL PLAN of EXISTING HOUSE



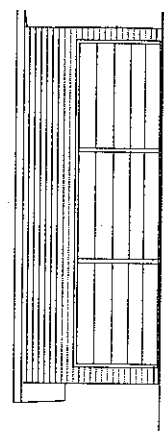
FRONT ELEVATION of EXISTING HOUSE



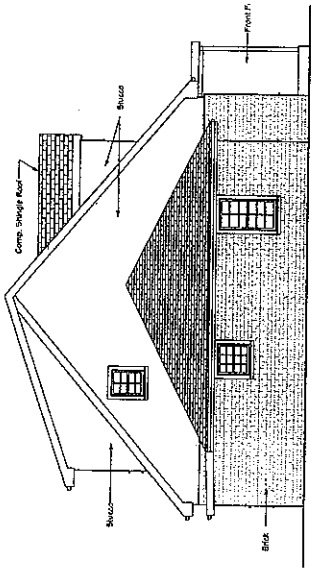
REAR ELEVATION of EXISTING HOUSE



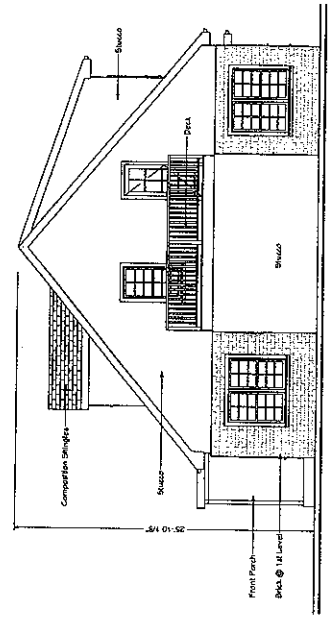
EAST ELEVATION of EXISTING GARAGE



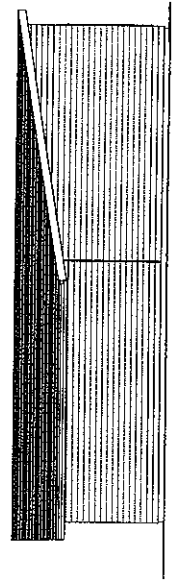
NORTH ELEVATION of EXISTING GARAGE



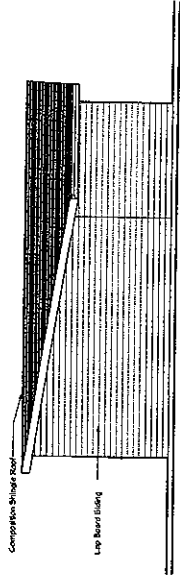
NORTH ELEVATION of EXISTING HOUSE



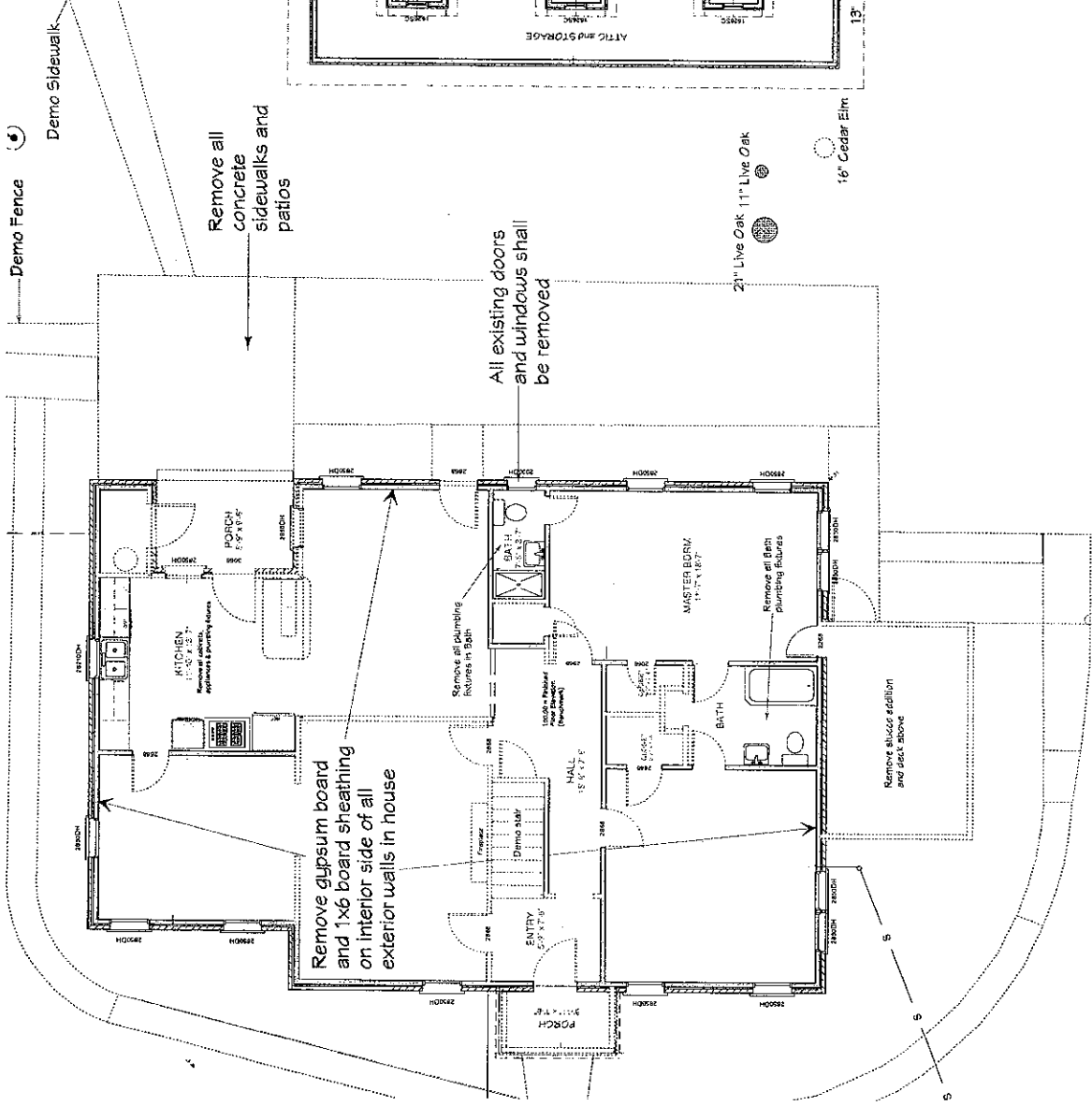
SOUTH ELEVATION of EXISTING HOUSE



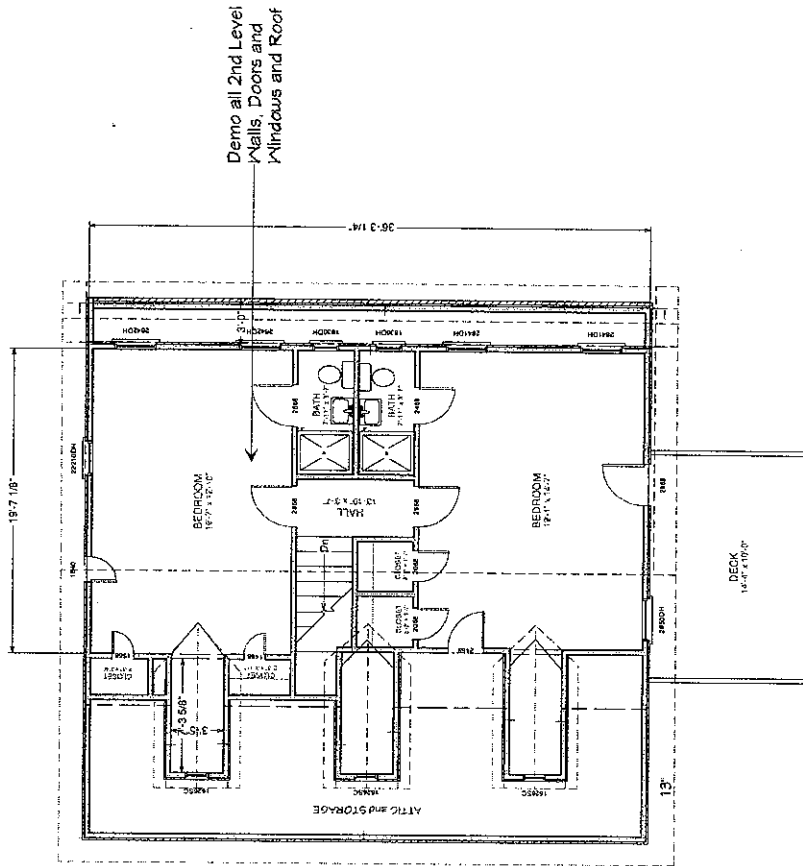
EAST ELEVATION of EXISTING GARAGE



SOUTH ELEVATION of EXISTING GARAGE



1ST LEVEL DEMOLITION FLOOR PLAN

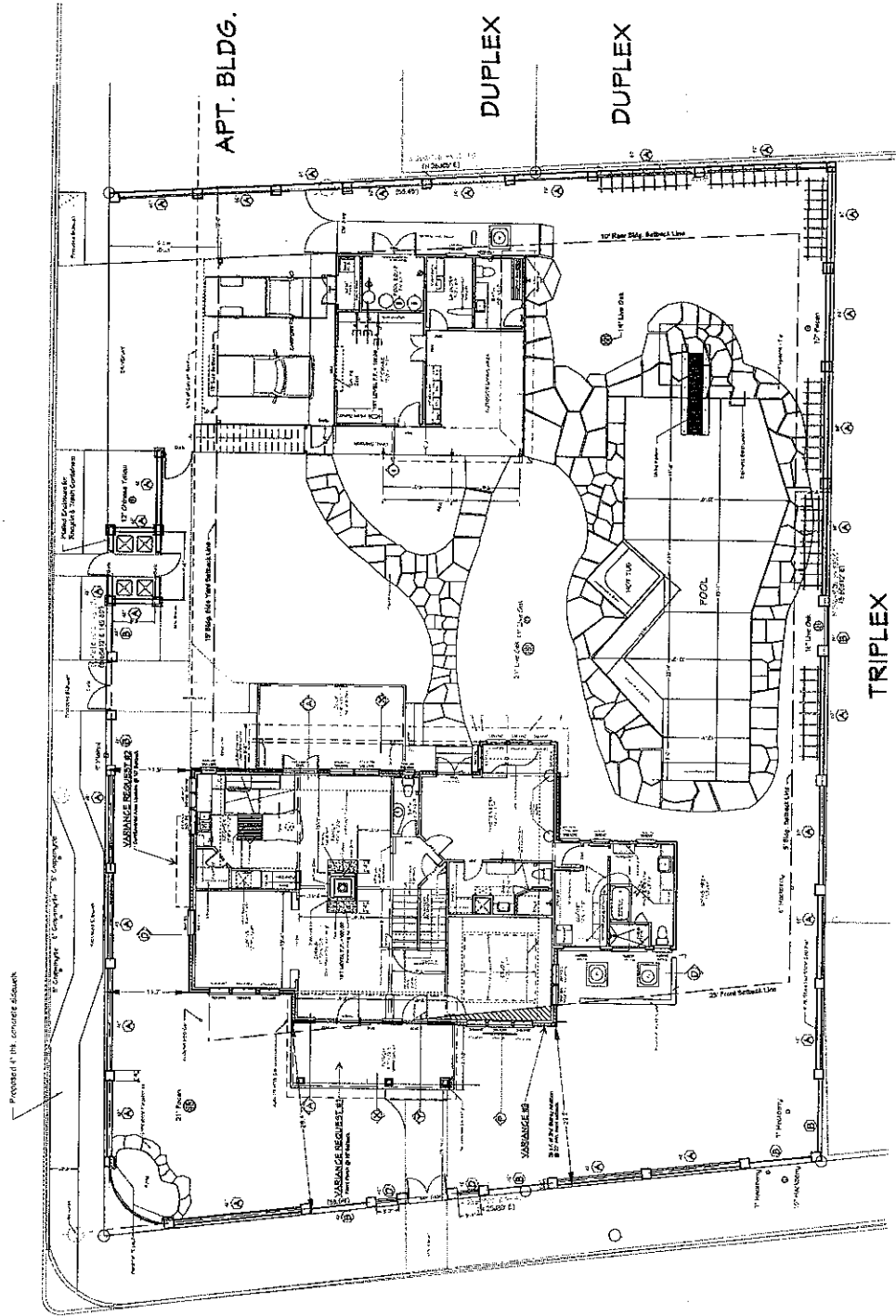


2ND LEVEL DEMOLITION FLOOR PLAN

DUPLEX +
APT.

SINGLE FAMILY RESIDENCE W/ GARAGE APARTMENT

West 13th St.
(64' R.O.W.)



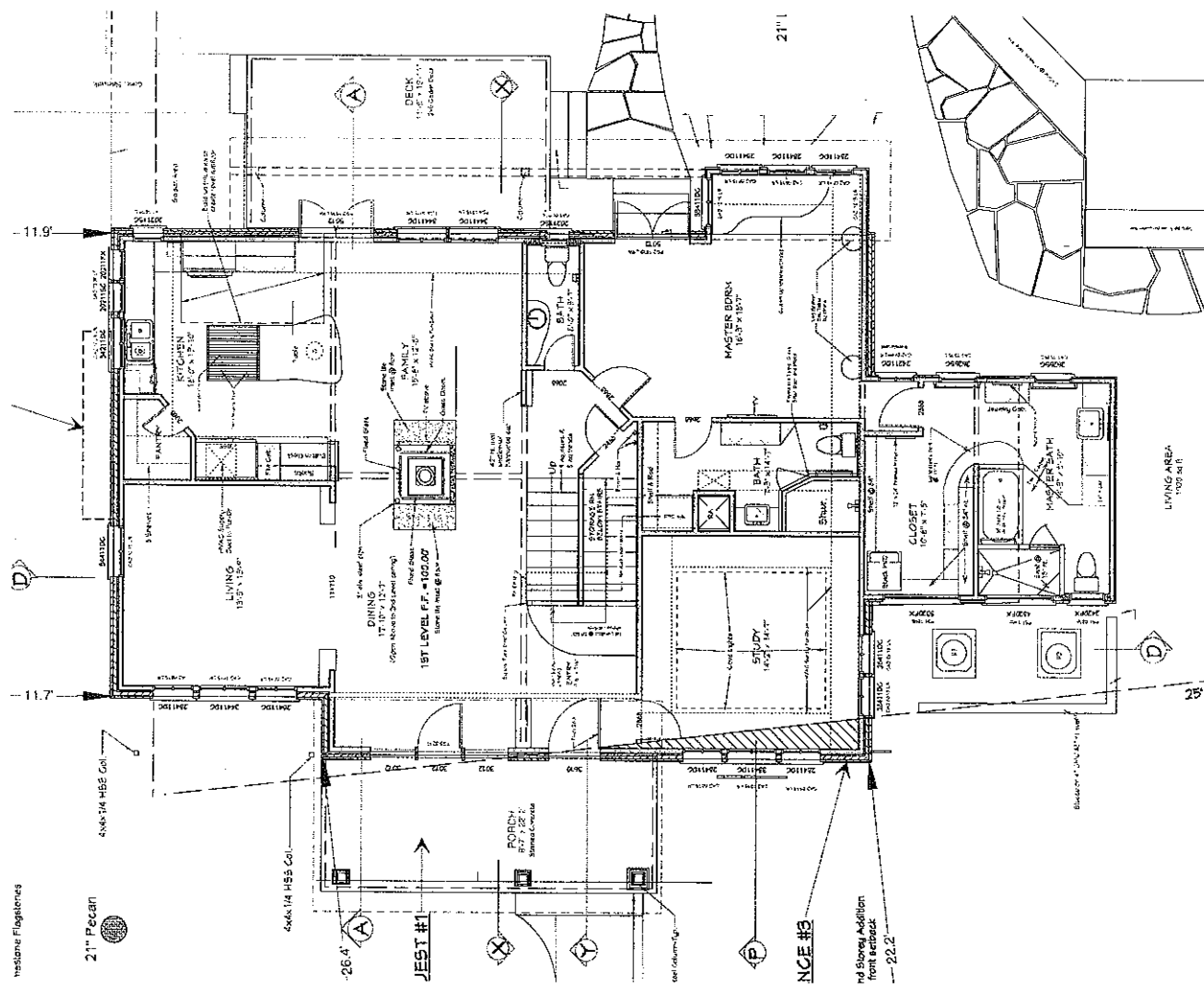
Lorrain St.
(60' R.O.W.)

APT. BLDG.

DUPLEX

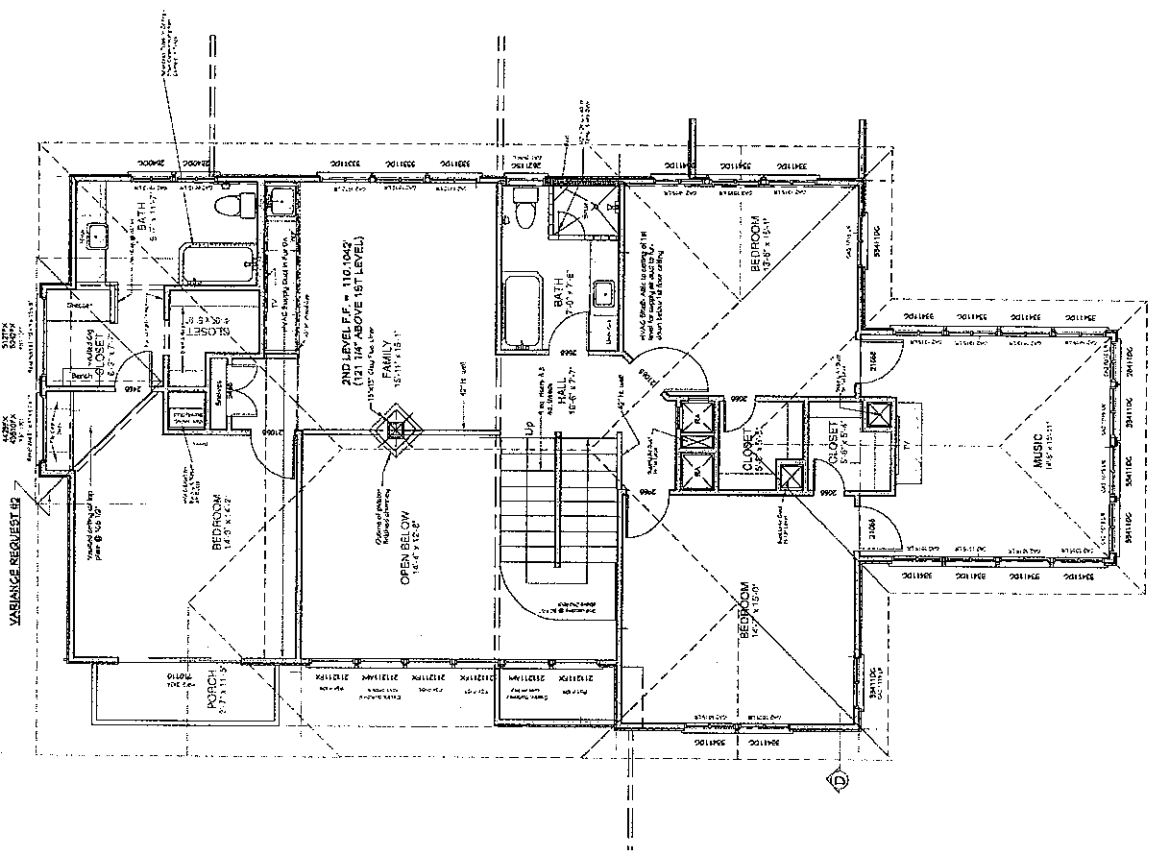
TRIPLEX

SITE PLAN OF PROPOSED PROJECT

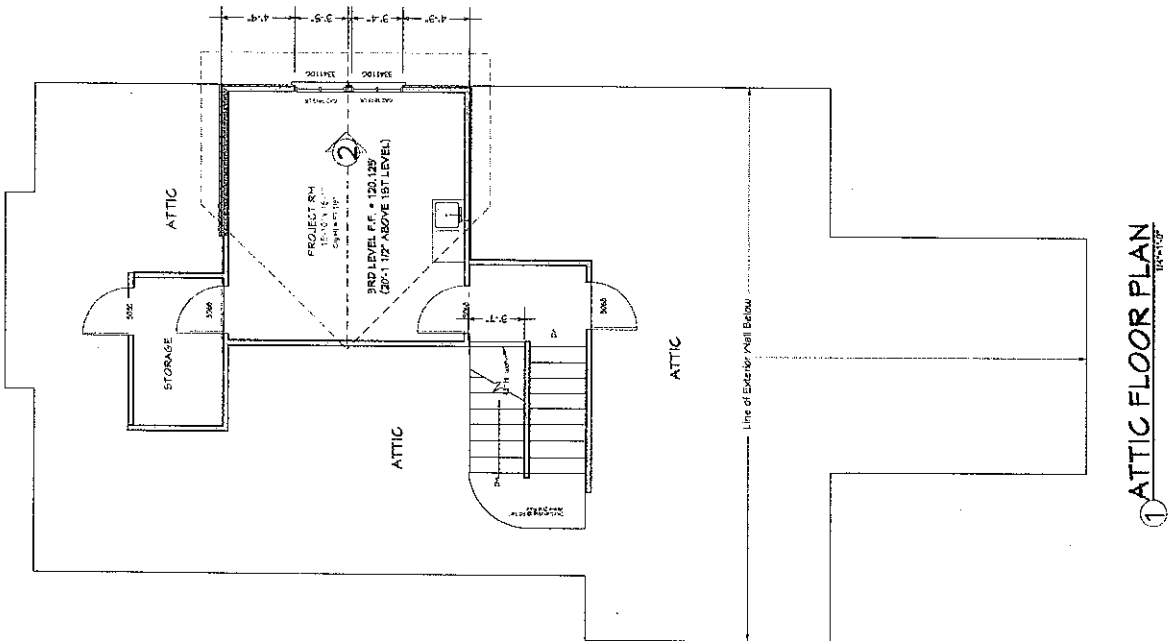
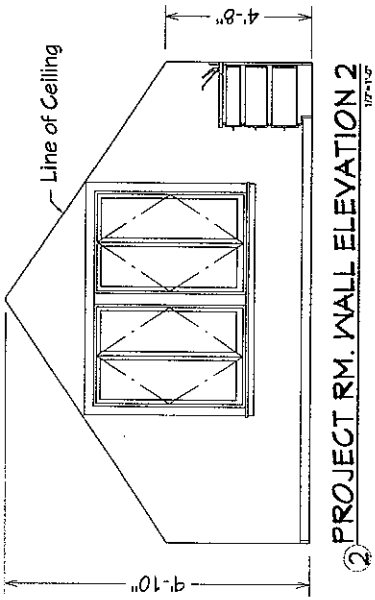


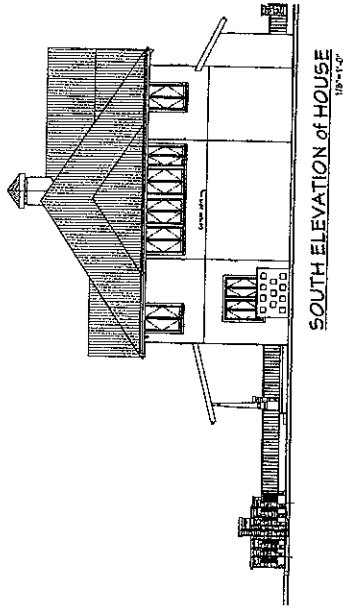
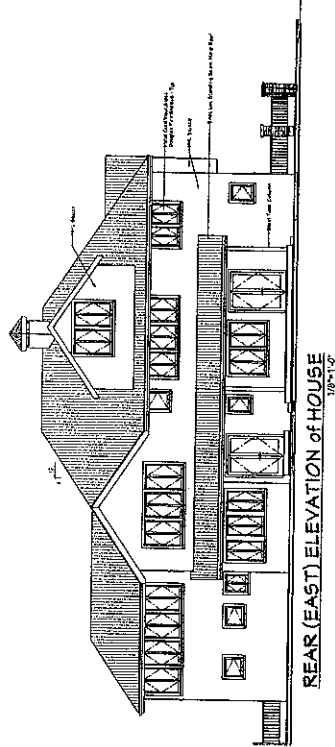
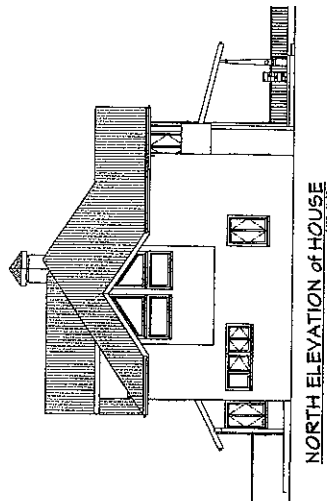
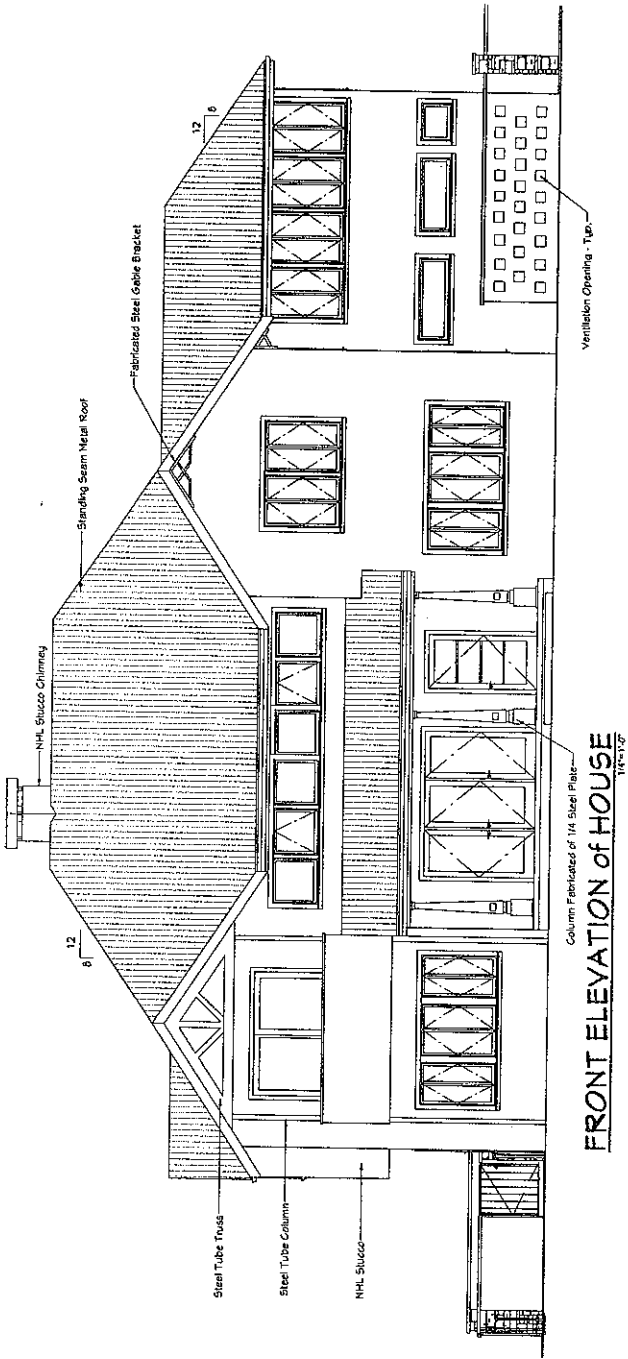
1ST LEVEL FLOOR PLAN of HOUSE - PROPOSED WORK

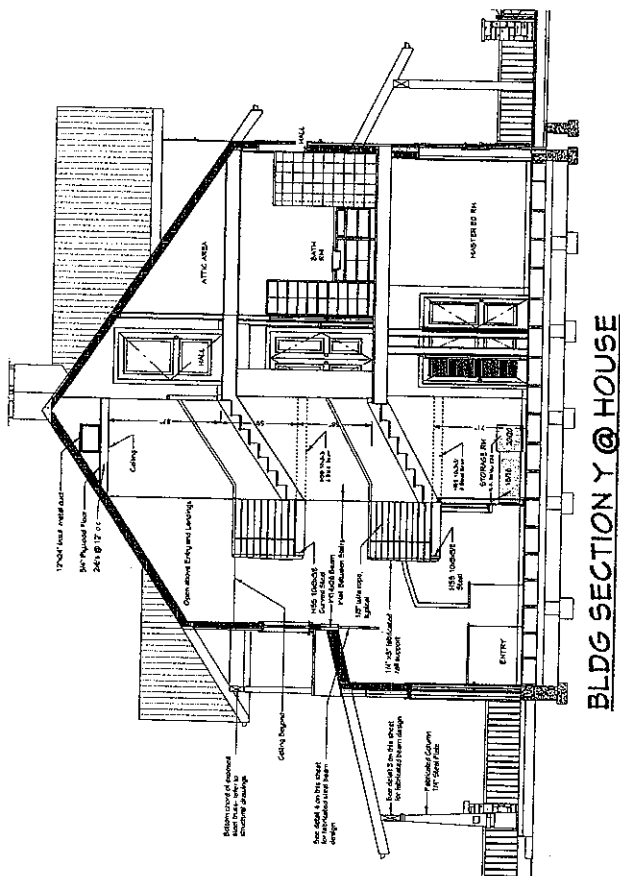
MAIN LOUSE



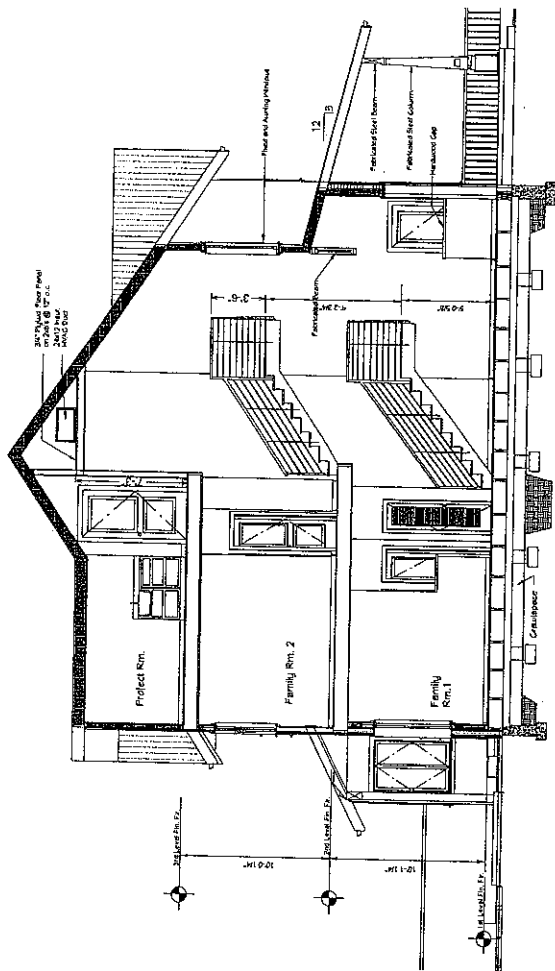
2ND LEVEL OF HOUSE - PROPOSED WORK



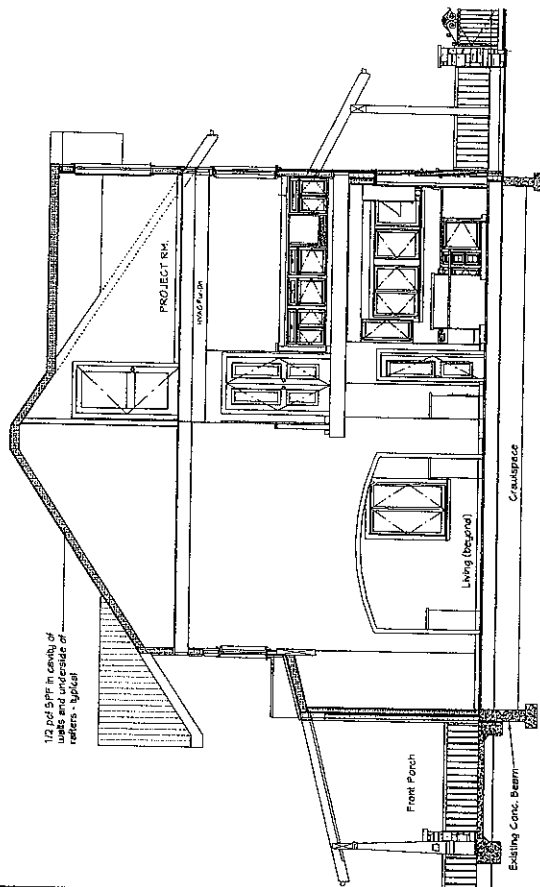




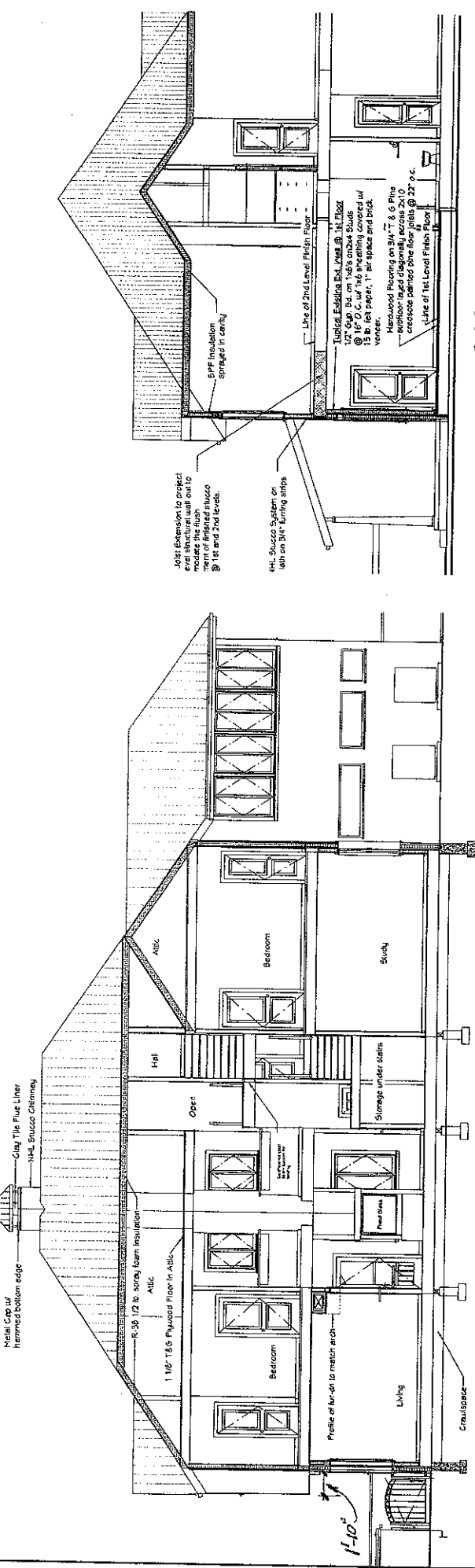
BLDG SECTION Y @ HOUSE



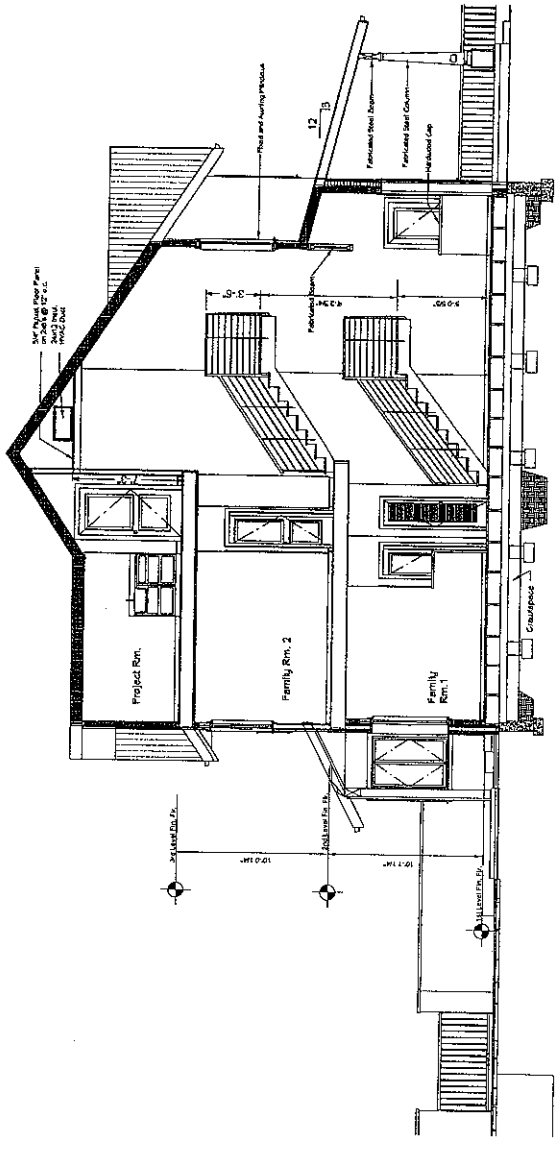
BLDG SECTION X @ HOUSE



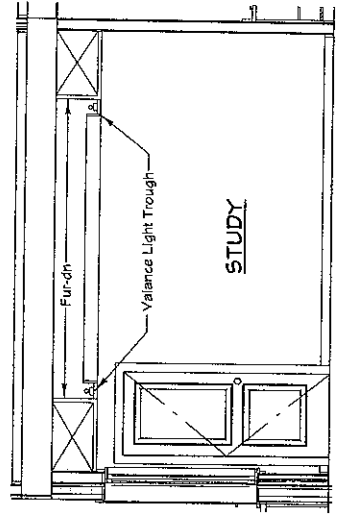
BLDG SECTION @ HOUSE



1 BLDG. SECTION D
1/4"=1'-0"

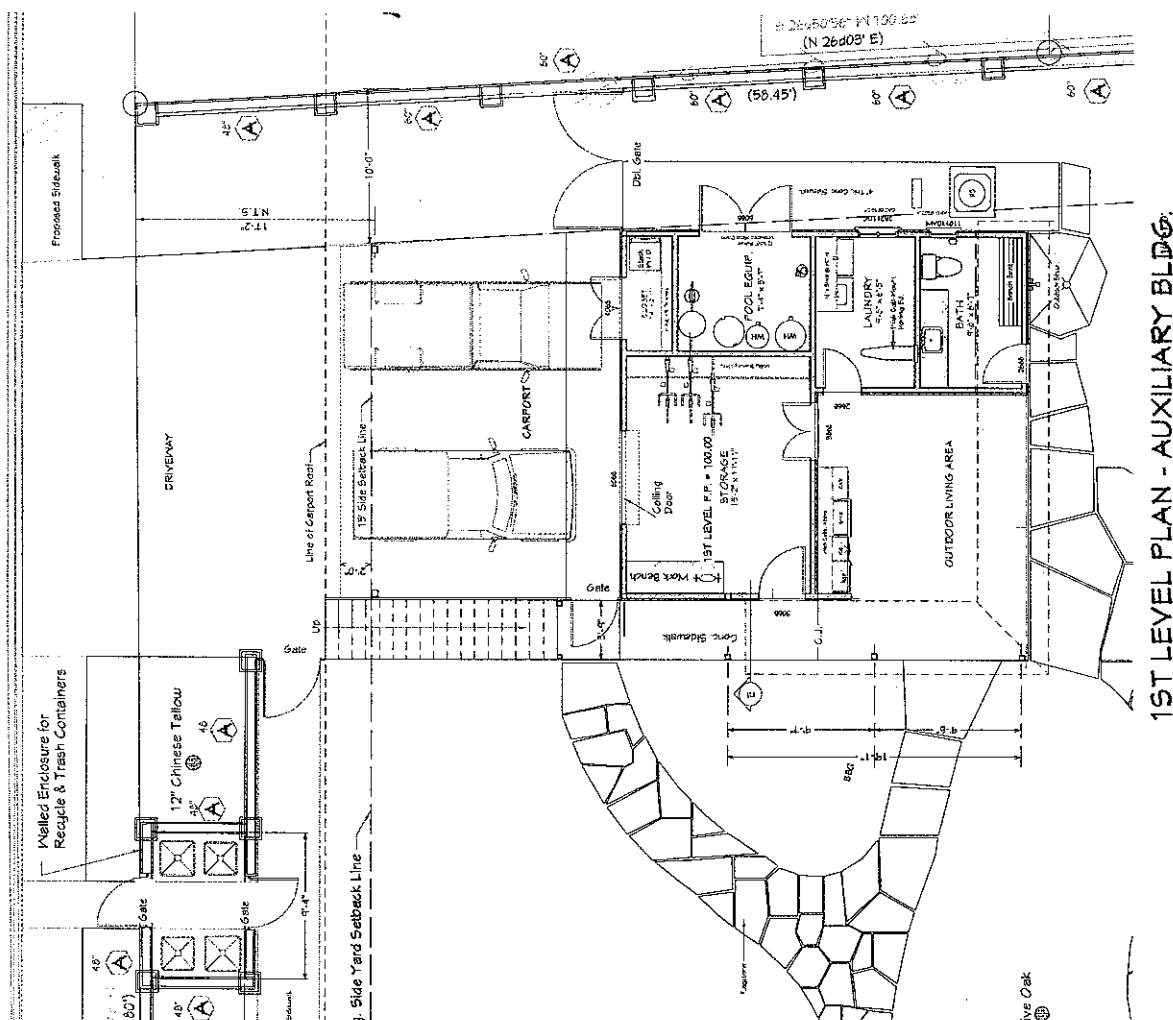


2 SECTION P
1/4"=1'-0"

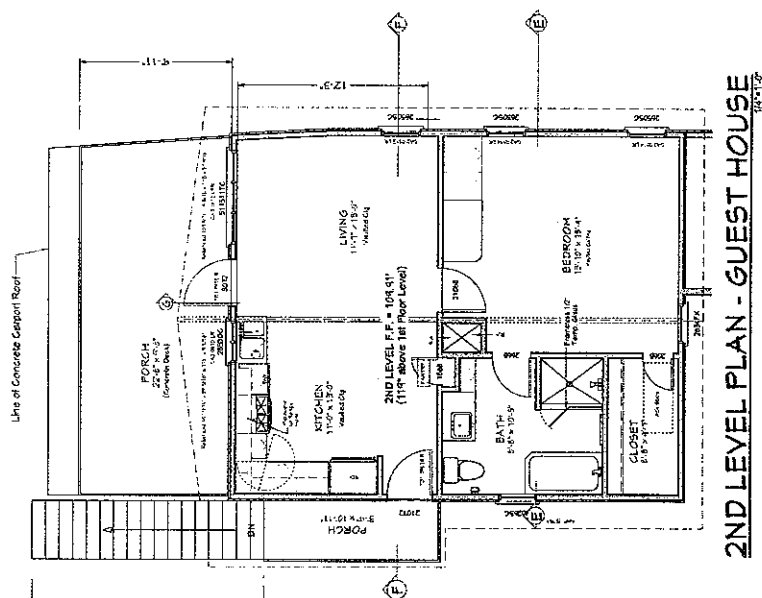


3 SECTION @ STUDY
1/4"=1'-0"

4 BLDG. SECTION X
1/4"=1'-0"

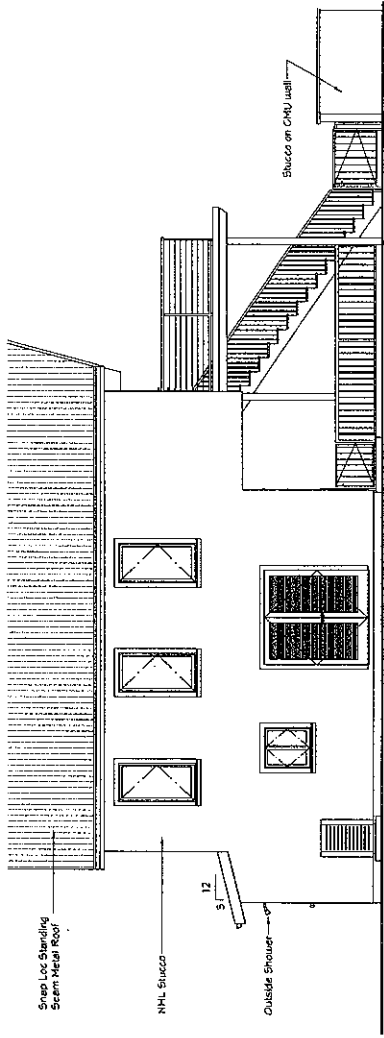


1ST LEVEL PLAN - AUXILIARY BLDG.

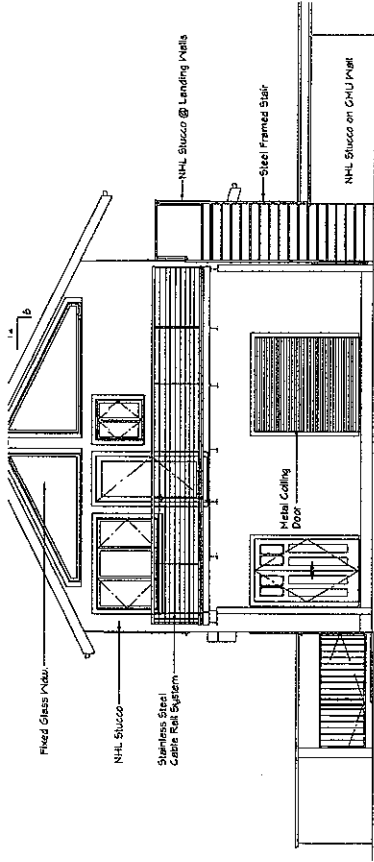


2ND LEVEL PLAN - GUEST HOUSE

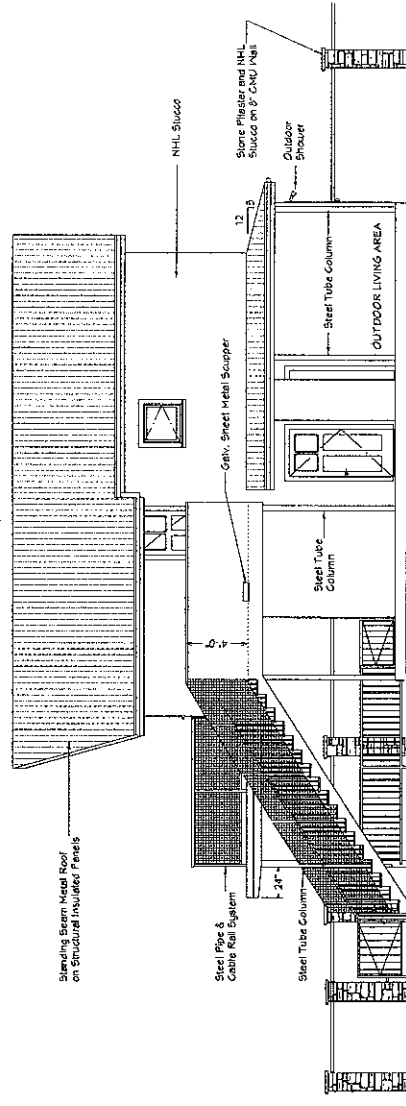
SECRET



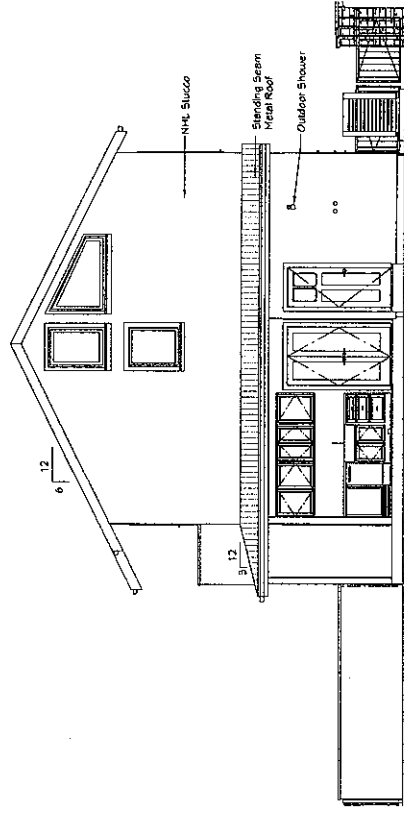
EAST ELEVATION of GUEST HOUSE



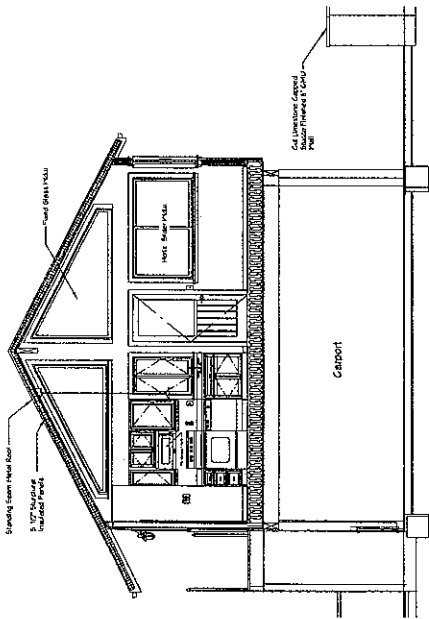
NORTH ELEVATION of GUEST HOUSE



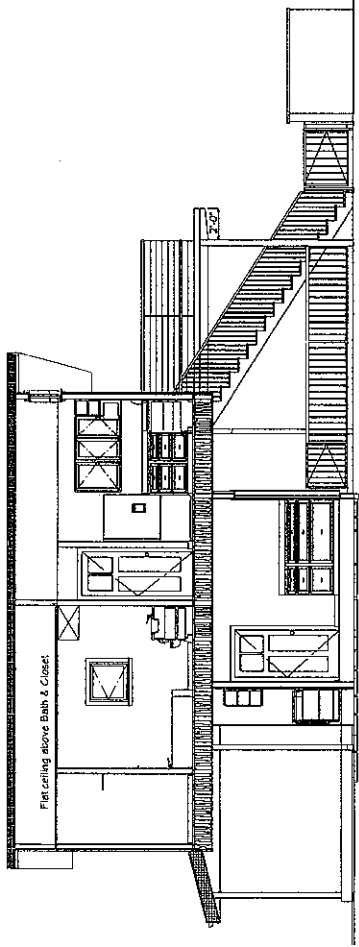
WEST ELEVATION of GUEST HOUSE



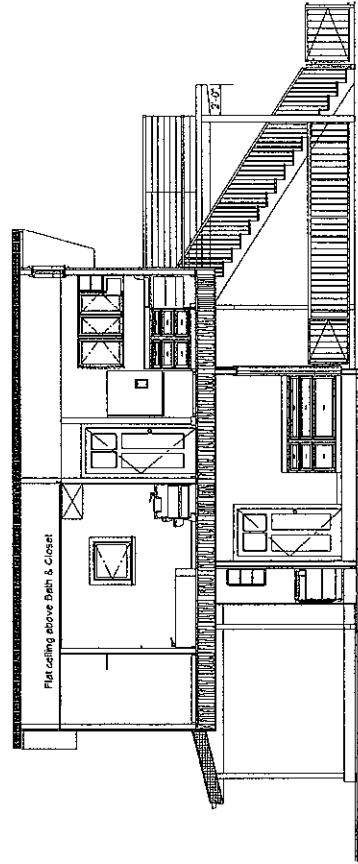
SOUTH ELEVATION of GUEST HOUSE



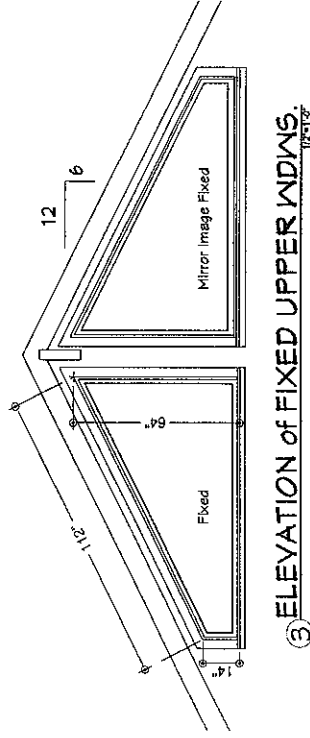
① BLDG SECTION
1/4" = 1'-0"



② BLDG SECTION
1/4" = 1'-0"

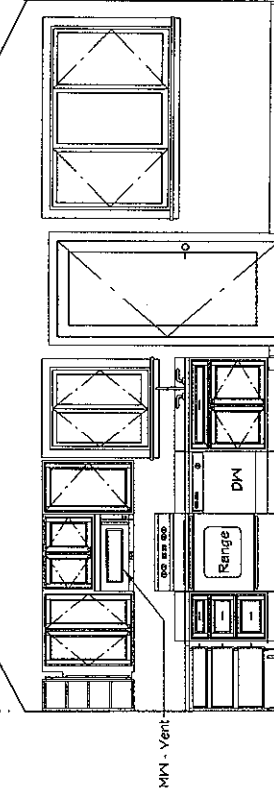
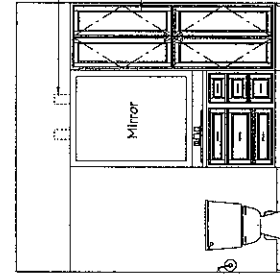
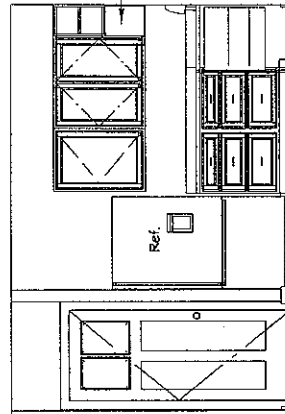


② BLDG. SECTION @ GUEST HOUSE
1/4" = 1'-0"



③ ELEVATION OF FIXED UPPER WINDOWS
1/2" = 1'-0"

See above detail 3 for fixed windows here



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: C15-2010-0109 – 1211 Lorrain Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 11th, 2010

David T. Bradford
Your Name (please print) 207 West 12th St.
 Austin, TX 78703

☐ I am in favor
☒ I object

Your address(es) affected by this application

Signature

Daytime Telephone: _____

Comments: _____

Date

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

City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-8810

BOARD OF ADJUSTMENT

City of Austin
Austin, Texas
C/O Sue Walker
Case: 1211 Lorrain

October 5, 2010

Dear Commissioners,

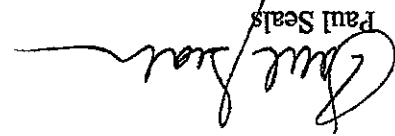
The Old West Austin Neighborhood Association (OWANA) has met and reviewed the plans with the owner and architect for 1211 Lorrain St. We understand they are requesting three variances and our position is to not oppose any of them based on the following qualifications:

- A. To our knowledge none of the nearby neighbors are opposing the variances.
- B. We are attempting to make our neighborhood, a more safe, pedestrian-friendly environment and the owners have agreed to add a pedestrian sidewalk on the 13th Street side of their property.

Based on these conditions we do not oppose the three requested variances.

Thank you,

Sincerely,



Paul Seals
Chair, OWANA Steering Committee

REQUEST FOR 3 VARIANCES

- Variance request #1** is to allow an addition of a front porch to be built with a setback of 15' from the front property line. The existing 1938 home's front wall encroaches within the 25' setback regulation. The owner's desire a front porch on which they can see and visit with neighbors. Having a front porch fosters a sense of community within the neighborhood. See the attached City of Austin Neighborhood Plan Design Tools - Front Porches Extending into the Front Setback for New and Existing Single-Family Houses LDC-2-1602. The proposed front porch complies with these guidelines.
- Variance request #2** is to allow the projection of a 2nd story room into the side setback. Note the existing home's footprint encroaches 3.1' on the required side setback line. Variance #2 asks for the encroachment of 1'-10" deep by 11'-11" wide 2nd level room to be cantilevered into the existing setback (1'-10" beyond the existing 1st level north wall line of the existing building. This cantilevered projection breaks up an otherwise flat wall plane on the north side of the house. It improves the aesthetics of the architecture similar to the reasons for the articulation rules that are incorporated in the "McMansion Ordinance".
- Variance request #3** is to allow the carport building with guest house on the 2nd level to be built to align with the footprint of the existing house setback on the north side. Note this is the setback line of the existing garage. This will be a 3'-1" encroachment into the 15' setback regulation, a side street setback of 11'-9". The variance protects more of the critical root zone of an existing 19" diameter Live Oak tree on the south side of the proposed building.

I hereby support the Mitchell's request for the 3 variances for their remodeling and additions project at 1211 Lorrain St., Austin, Texas 78703

Printed Name	Signature	Address	
ELIZABETH DOWLES	<i>[Signature]</i>	1300 LORRAIN ST.	498-0026
Susan Walker	<i>[Signature]</i>	1306 LORRAIN ST.	477-0036
Mary Morrison	<i>[Signature]</i>	1302 LORRAIN	476-9975
LENN BURCITENIA	<i>[Signature]</i>	1302 W. 13th ST	694-0060

CASE # 015-2010-0109
TR-0110011211
1204-10490868

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: 1211 Lorrain Street

LEGAL DESCRIPTION: Subdivision - Shelly Heights

Lot(s) 41.31' of 6 Block Outlot Division

I Jim Bennett as authorized agent for Scott & Brenda Mitchell
affirm that on 8/24, 2010, hereby apply for a hearing before the Board
of Adjustment for consideration to:

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN

An addition to an existing residence (a front porch) providing a front street setback of 15
ft. from the front property line, a second story addition providing a side street setback of
10 feet, and an accessory building (carport & guest house) providing a side street setback
of 11' 9"

in a SF-2-NP district. (Zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback
requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code.
The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the
Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine
Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your
request is for a reduction in setbacks or height limits.

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:

The addition of a front porch, a second story bump out, and the carport are common to this diverse neighborhood

HARDSHIP:

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

the foot print of the house is existing and dictating the location of the porch and the window seat on the second level of the residence. The location of the 19" Oak tree with the alignment of the residence is commanding the placement of the accessory structure.

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

Due to the location of the existing structures and trees on this site the improvements are specific to this site.

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:

This property is located between multi-family used property to the north and south, and most of the older homes in this older neighborhood have porches on the front and many are built with a lesser setback than is currently required. The amount of variance is minimal and should not have a negative impact on the character of the neighborhood

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 Jim Bennett Mail Address 11505 Ridge Dr

City, State & Zip Austin, TX 78748
Printed Jim Bennett Phone 282-3079 Date 8/4/10

OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

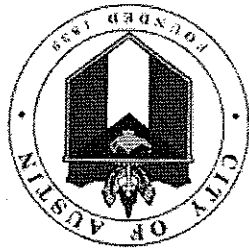
Signed George Scott Mitchell Mail Address 1002 Leveaux

City, State & Zip Austin, TX 78763

Printed George Scott Mitchell Phone 512 565 6640 Date 8-16-10

REQUEST FOR 3 VARIANCES

1. Variance request #1 is to allow an addition of a front porch to be built with a setback of 15' from the front property line. The existing 1938 home's front wall encroaches within the 25' setback regulation. The owner's desire a front porch on which they can see and visit with neighbors. Having a front porch fosters a sense of community within the neighborhood. See the attached City of Austin Neighborhood Plan Design Tools – Front Porches Extending into the Front Setback for New and Existing Single-Family Houses LDC-2-1602. The proposed front porch complies with these guidelines.
2. Variance request #2 is to allow the projection of a 2nd story room into the side setback. Note the existing home's footprint encroaches 3.1' on the required side setback line. Variance #2 asks for the encroachment of 1'-10" deep by 11'-11" wide 2nd level room to be cantilevered into the existing setback (1'-10" beyond the existing 1st level north wall line of the existing building. This cantilevered projection breaks up an otherwise flat wall plane on the north side of the house. It improves the aesthetics of the architecture similar to the reasons for the articulation rules that are incorporated in the "McMansion Ordinance".
3. Variance #3 is to allow the carport building with 2nd level apartment to be built to align with the footprint of the existing house setback on the north side. This will be a 3'-2" encroachment into the 15' setback regulation. The variance facilitates greater level of protection to an existing 19" diameter Live Oak tree on the south side of the proposed building. The critical root zone of the protected tree is less impacted by the granting of this variance.

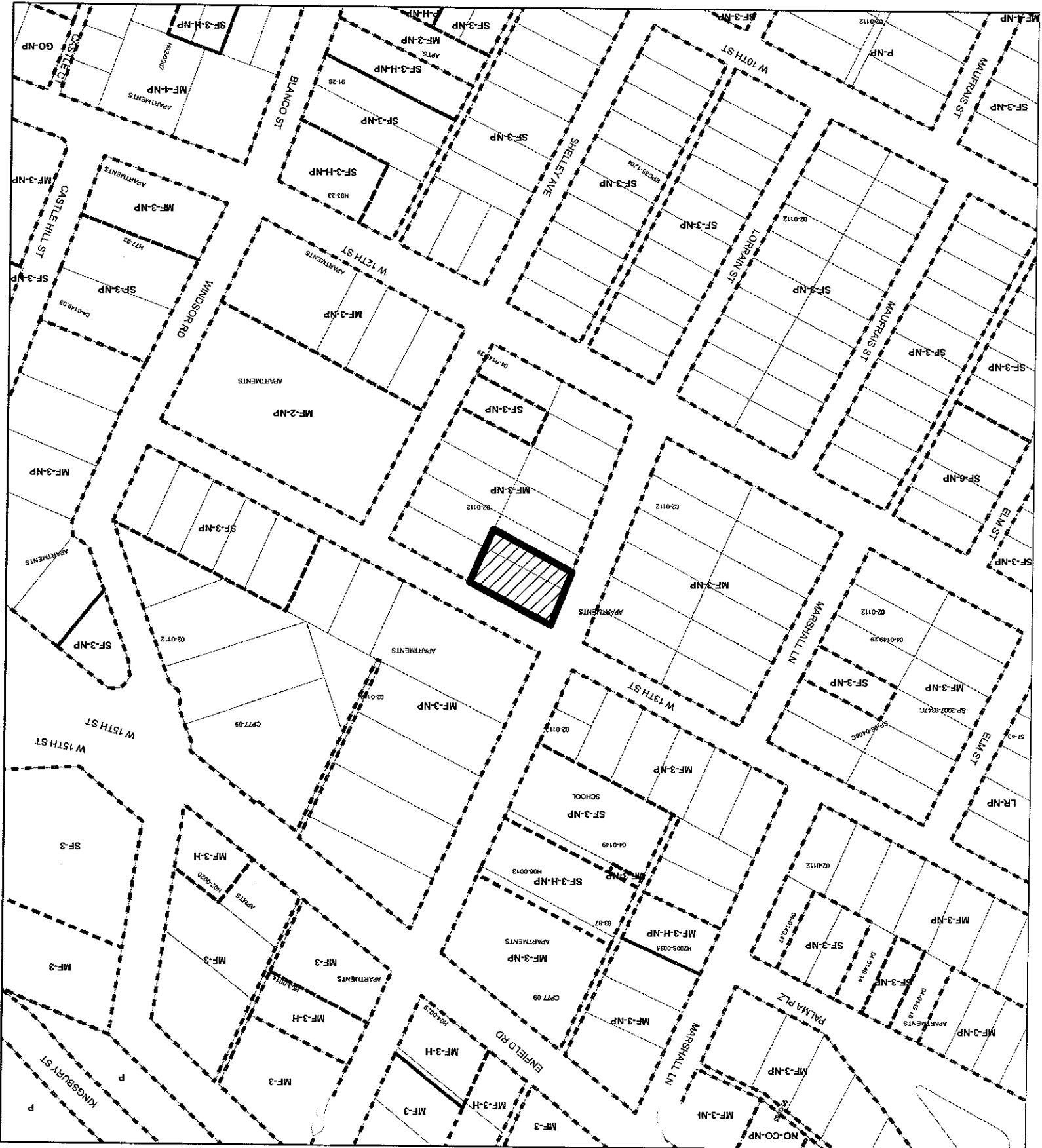


This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

CASE#: C15-2010-0109
LOCATION: 1211 LORRAIN ST
GRID: H23
MANAGER: SUSAN WALKER

BOARD OF ADJUSTMENTS

SUBJECT TRACT
ZONING BOUNDARY



5' Crapenigle
5' Crapenigle

4' VENTURA

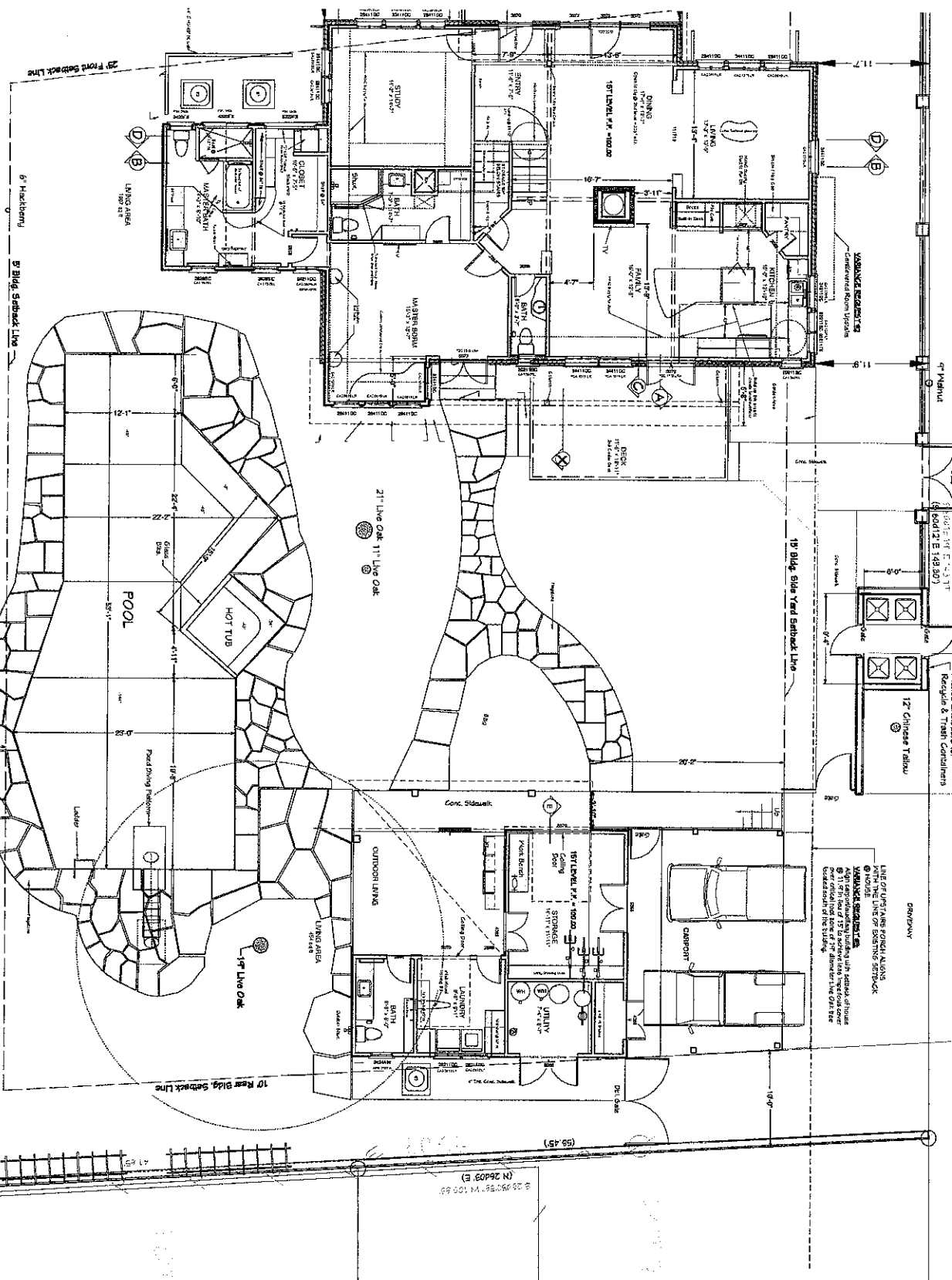
12' CHICAGO TAILW

Medical Enclosure for Regional & Train Conditions

DRIVEWAY

LINE OF UPLIFTS PORCH ALONG WITH THE LINE OF SKATING SETBACK

ADJUST APPROXIMATELY BUILDING WITH SETBACK OF HOUSES
① 11' FROM LINE OF 15' TO 20' SETBACK LINE IMPROVED COVER
② 11' FROM LINE OF 15' TO 20' SETBACK LINE IMPROVED COVER
③ 11' FROM LINE OF 15' TO 20' SETBACK LINE IMPROVED COVER



APARTMENT BUILDING

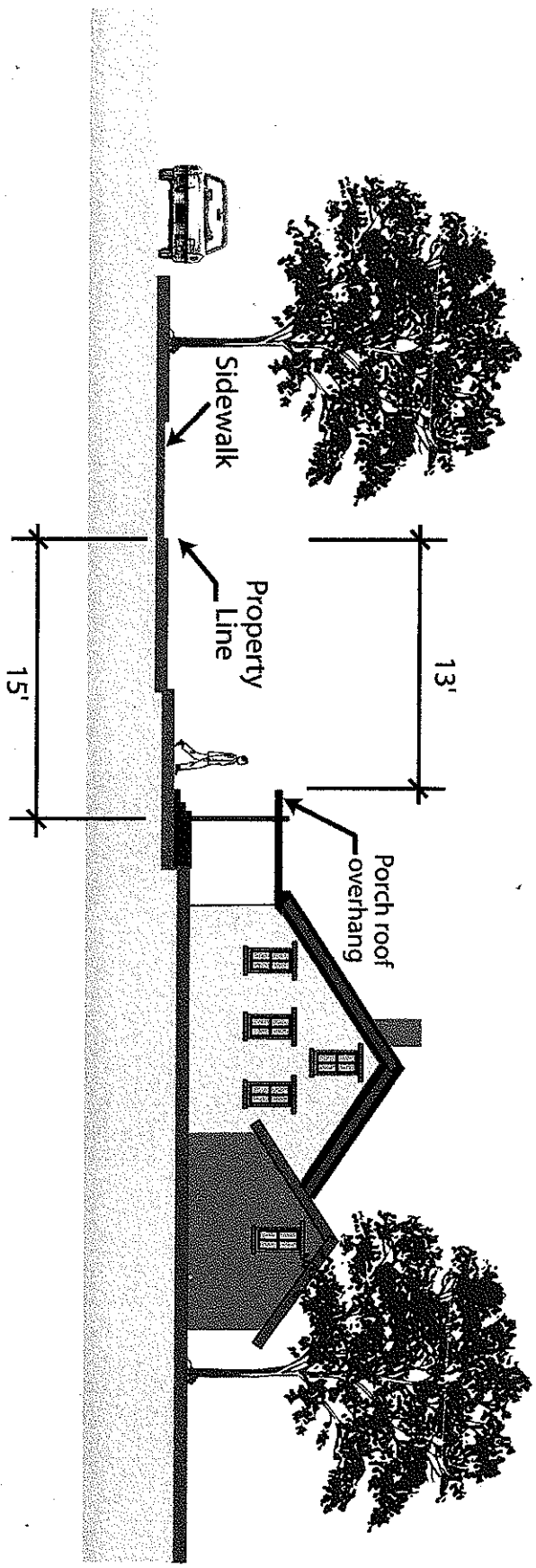
SINGLE FAMILY RESIDENCE

5

Continue **NEIGHBORHOOD PLAN DESIGN TOOLS**

Front Porches Extending into the Front Setback for New and Existing Single-Family Houses
LDC 25-2-1602

Covered and uncovered front porches shall be allowed to extend within 15 feet (15') of the front property line.
Porch roof overhangs may extend no more than two feet (24") into the setback.
Support columns—but not walls—are allowed within the footprint of the porch.



SINGLE FAMILY RESIDENCE

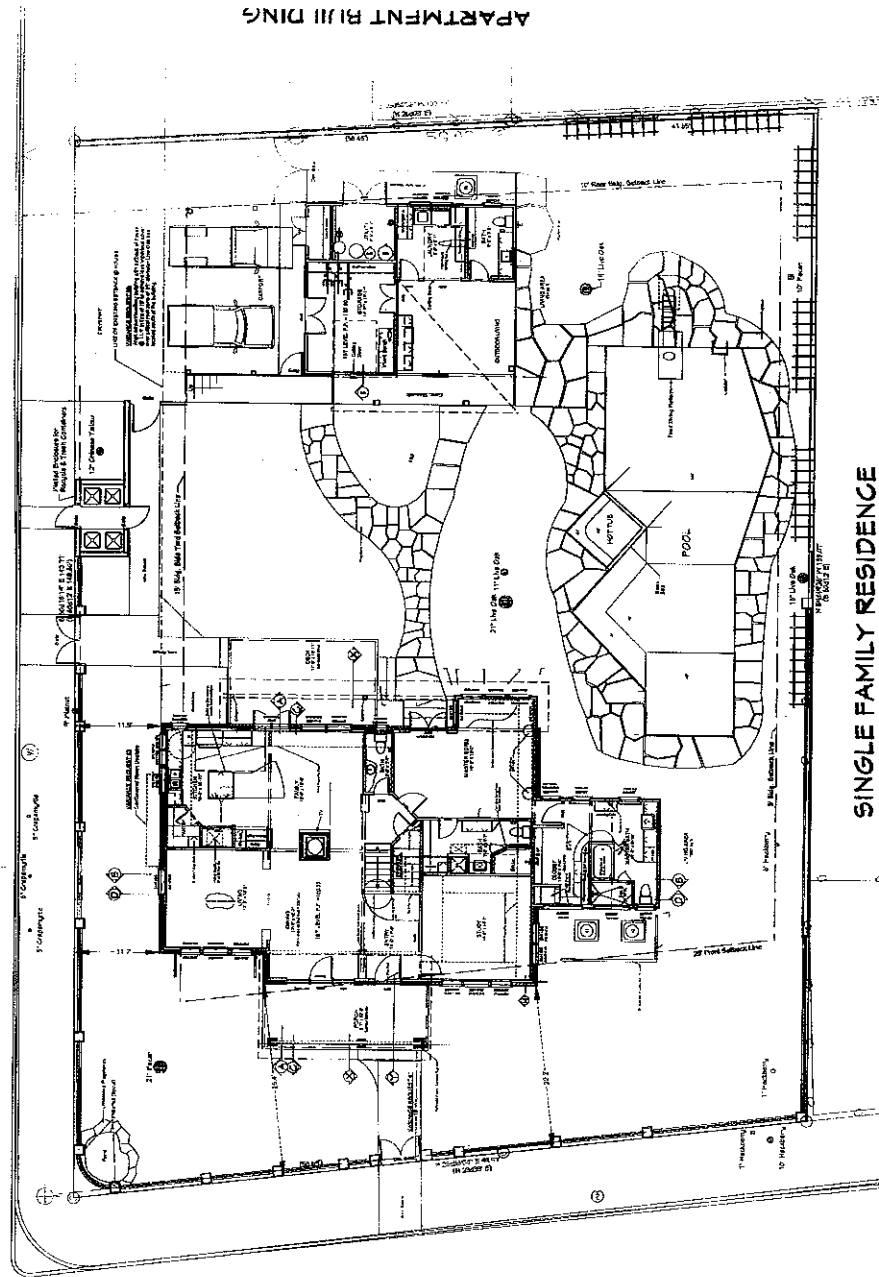
SINGLE FAMILY RESIDENCE W/ GARAGE APARTMENT

West 13th St.
(64' ROW)

Lorrain St.
(60' ROW)

APARTMENT BUILDING

SINGLE FAMILY RESIDENCE



SITE PLAN
1/8" = 1'-0"



015-2010-0109
1211 Lorrain St

A1.01

Sheet 2 of 16

Client:	Scott & Brenda Mitchell
Address:	1211 Lorrain St., Austin, Texas 78703
Project:	ADDITIONS AND REMODELING
Phase:	NO EXISTING RESIDENCE FOR
Scale:	1/8" = 1'-0"
Date:	8-17-10

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Austin, Texas 78703
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