

CASE # C15-2015-0131  
ROW-10503692  
TAX 02-2903-0202

**CITY OF AUSTIN**  
**APPLICATION TO BOARD OF ADJUSTMENT**  
**GENERAL VARIANCE**

STREET ADDRESS: 5614 Adams Avenue – Austin, TX 78756

LEGAL DESCRIPTION: Subdivision – **Broadacres – Within the Brentwood Neighborhood**

Lot(s) 13 Block 1 Outlot \_\_\_\_\_ Division \_\_\_\_\_

I, Anna R. Lauri (Shore Break Consultants) on behalf of myself as authorized agent for, Samuel and Christina Shore, affirm that on September 29th, 2010, hereby apply for a hearing before the Board of Adjustment for consideration to:

*Issue a change of use for the existing garage/storage to a secondary apartment unit at 5614 B Adams Avenue in Austin, Texas. Additionally, as it pertains to this request a Variance is required to allow for the reduction of the current side yard setback Requirement of 5-feet to be reduced to a 2.8-foot side yard which is where the garage unit was originally constructed back 1948* in a SF-3 zoning district.

SF-3-NP

**BACKGROUND:**

Brentwood N.P.

The property located at 5614 Adams Avenue was purchased by Samuel and Christina Shore on December 31<sup>st</sup>, 2001. At the time of purchase, Mr. and Mrs. Shore were lead to believe that the structures on-site were constructed with appropriate permits and approvals. Prior to the purchase of this property, what was formerly used as a garage had been converted to a secondary apartment by the previous owner without proper City approval. At this time, there were also tenants occupying this "secondary apartment."

*Mr. and Mrs. Shore factored this monthly potential income into their decision to purchase the property and as such, moved forward with the acquisition of the property.*

*Recently, the tenants at the property smelled what they thought was a gas leak. Mr. Shore immediately got plumbing contractors on board to re-plumb the gas lines. When the inspectors came for sign-offs, it was noted that the secondary apartment or "B-Unit" was never properly approved or permitted.*

*At that time, Shore Break Consultants (authorized agent for Mr. and Mrs. Shore) submitted an application for "remodel" of the "garage" to a "secondary apartment". The application was essentially to make legal what was done prior to Mr. and Mrs. Shore taking over ownership of the property.*

*Because the existing side yard set back does not meet current development standards of five-feet, an application for a variance for a side-yard setback reduction required to allow for the this change of use to a secondary apartment.*

#### **REASONABLE USE:**

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

*Not only is the use of a secondary apartment allowed per Section 25.2.3.13 of the Austin Land Development Code in an SF-3 Zoning District, the adopted "Brentwood Neighborhood Plan" allows for such a use and encourages it. Many homes along Adams Avenue have converted their garages to secondary apartments or have separately built secondary apartments to fully maximize the use of their properties. Pictures of neighboring properties have been included in this application.*

*It can be assumed that the previous property owners wanted to do the same, but didn't fully understand the approval process required by the City for such a conversion and subsequent change of use. Mr. and Mrs. Shore are doing the back work to ensure that this secondary apartment structure is properly approved, permitted and inspected.*

*However, current day zoning and development standards are being placed on a structure, which was built in 1948. Because current standards are being required for a change of use to be granted, and the building has been on site since the site was developed, the current property owner is not permitted to utilize his property in the same manner that neighboring property owners are and have been for many years already.*

*Staying with the character of the neighborhood, on the same block there currently exists, three properties with secondary apartments, three duplexes and two other multi-family structures. There are only five single-family homes on the block.*

*Additionally, across the street from the subject property, there are two garages and a house that have 4 feet and three feet setbacks, respectively. Photos of some of these neighboring properties have been included in this application.*

**HARDSHIP:**

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

*Not granting this variance creates a hardship on the current property owners because this garage to secondary apartment conversion happened prior to their acquisition of said property. The work, which was subsequently done without, the proper permits or other approvals were not done by current owners or with their knowledge.*

*Further, the strict adherence of today's Land Development Code regulations deprives the property owner of privileges that are enjoyed by other property owners who own property in this area, which have the same zoning designation. Not granting this variance substantially limits the extent to which the property owner can and may utilize his property. Not only is the property owner not allowed to utilize his property in the manner which his neighbors are allowed to use theirs, doing so without a variance would require a rebuild of the structure to current development standards, because the structure for which the variance is being requested is an existing structure.*

*Finally, if the variance is not granted, the property owners will suffer a financial hardship due to the loss of rental income, while still being required to pay tax assessments on this structure.*

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

*Hardships, as listed above, are not general to where the property is located in the City, but to any property in which previous owners did not obtain proper City approvals and permits. The current property owners are seeking to do what is being required of the City today, because it was not previously done and potentially may not have been required when the garage to secondary apartment conversion took place.*

*Further, many properties within the City were developed to different development (and now out-dated) standards and should not be required to adhere to today's standards when there is no physical, material change occurring.*

**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 approval of this variance will in no way alter the character or impair the use of adjacent conforming properties or the surrounding areas because nothing on-site will be physically altered or changed. This approval seeks to allow for what has existed on this property site for greater than the nearly 10 years that the Shore family has owned this property.*

*Further, the approval of this variance will not impair the purpose of the regulations of the SF-3 Zoning District because such a use is permitted per Section 25.2.3.13 of the Austin Land Development Code. Additionally, In the Brentwood neighborhood, there are multiple residences along Adams Avenue, which incorporate the use of secondary apartments on their premises. The Brentwood Neighborhood plan specifically allows for such a use in LAND USE OBJECTIVE B2, which states:*

*“Allow single-family special use options that encourage affordable housing and preserves the character of single-family residential areas” and goes on to recommend that one such way this can be done, “Allow the secondary apartment special use option in the Brentwood Neighborhood.”*

**CLOSING REMARKS**

*The approval does not seek to physically change or alter any thing on site, but rather, make a previous unpermitted garage to secondary apartment conversion legal and safe. It is in Mr. and Mrs. Shore’s interest to make right what the previous property owners did wrong. Granting of this variance allows the property owner to continue utilizing the property in the manner it has existed in for a number of years.*

*The approval of this variance does not provide the applicant with any special privilege not enjoyed by adjacent and nearby residential property owners. The approval of this variance and change of use allows the current property owner continue to utilize their property to the highest potential.*

*As a note of safety, the wall adjacent to the property line along this side-yard setback has no openings and is constructed of materials, which are fire-rated and comply with building codes for residential units.*

*Finally, the denial of the requested side yard setback variance from 5-feet to 2’-9” creates a number of hardships on the property owner from financial hardships to not being afforded the same level use of the their property which has come to be a standard along Adams Avenue. The strict adherence of today’s Land Development Code regulations deprives the property owner of privileges that are enjoyed by other property owners who own property in this area, which have the same zoning designation. Not*



*granting this variance substantially limits the extent to which the property owner can and may utilize his property.*

**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 Anna R. Lauri

Mail Address: ~~5700 Tapadera Trace Lane Apt. 416~~

2201 S 5TH ST #108  
AUSTIN, TX 78704

City, State & Zip: ~~Austin, Texas 78727~~

Printed: Anna R. Lauri (Shore Break Consultants)

Phone: 512.243.7998 office or 949.813.9144 cell

Date 10/1/10

**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 Sam Shore

Mail Address: 5614 Adams Avenue

City, State & Zip: Austin, Texas 78756

Printed: Sam Shore

PHONE: 512.940.8644 H. OR 512.940.7172 WORK  
DATE:





5614  
ADAMS

'B' UNIT









B-UNIT

