

B7  
1

**CASE NUMBER: C15-2010-0127**

\_\_\_\_\_ Jeff Jack  
 \_\_\_\_\_ Michael Von Ohlen  
 \_\_\_\_\_ Nora Salinas  
 \_\_\_\_\_ Bryan King  
 \_\_\_\_\_ Leane Heldenfels, Chairman  
 \_\_\_\_\_ Clarke Hammond, Vice Chairman  
 \_\_\_\_\_ Heidi Goebel

**APPLICANT: Jim Wittliff**

**OWNER: Robert T Brandt**


**ADDRESS: 5512 EVANS AVE**

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-773 (B) (1) from 7,000 square feet to 6,250 square feet in order to maintain a duplex residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (North Loop Neighborhood Plan)

**BOARD'S DECISION: POSTPONED TO December 13, 2010 (Additional variance needed -side yard setback)**

**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

CASE #

C15-2010-0127

07  
2

ROW #

10502202

CITY OF AUSTIN

TP-0225100412

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: 5512 Evans

LEGAL DESCRIPTION: Subdivision - The Highlands

Lot(s) 20-21

Block 33

Outlot

Division

I Jim Wittliff / Land Answers, Inc. on behalf of myself as authorized agent for Robert T. Brandt  
affirm that on September 30, 2010,

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

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☒ MAINTAIN

(A) A duplex land use on a lot that contains 6,250 square feet of land area (minimum 7,000 square feet of land area required for a duplex use) and (B) a side yard setback of 4.6 feet near the southern side property line (5 feet required).

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

North Loop H.P.

**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):**

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### REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
- (A) The property consists of two legally platted lots which are each entitled to be developed with a single family residential land use, but together, the two platted lots do not meet the minimum lot size requirement for a duplex use. The structure has been configured as a duplex since at least 1999, and the new owner would like to utilize the structure in its existing configuration.
- (B) The existing structure was moved onto this site in 1983. The City approved a layout inspection on Dec. 27, 1983 for the building placement.

### HARDSHIP:

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

- (A) The property owner is elderly and lives out of state, and purchased the property for investment purposes. At the time of purchase, he relied on the Travis Central Appraisal District classification, MLS listing property data, and the physical appearance of the property, all of which showed the property to be a duplex residential use. It was not until after he purchased the property and attempted to obtain a second electric meter that he found out that the property is only authorized to support one single family residence, based on the lot size of 6,250 square feet.
- (B) The layout inspection was approved for this structure on Dec. 27, 1983. Apparently, the structure encroached 0.4 feet into the side yard setback, despite the City's layout inspection.

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

Surrounding properties either meet minimum lot size requirements for duplex use, or are used as single family residences (many with small lot amnesty). Most surrounding property owners have properly permitted improvements, and therefore comply with City regulations.

### 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:
- A) 1 - The Northloop Neighborhood Plan endorsed small lot amnesty, and the majority of surrounding lots do not meet current minimum lot size regulations.
- A) 2 - According to the adjacent property owner, this property has existed as a duplex since at least 1999 (two entry doors, two AC units, two distinct living units).
- A) 3 - This property is located at the terminus of Evans Drive, and is bordered by the Southern Pacific railroad tracts, an abandoned alleyway, and two residential properties, both of which support this variance request. The property is tucked out of the way and is barely visible from the surrounding neighborhood.
- A) 4 - This property complies with FAR requirements and impervious cover requirements for SF-3 zoning.
- B) This structure has existed in its current location for the past 27 years, after being relocated to this site in 1983, and having an approved City of Austin layout inspection, which was intended to verify the proper placement of the building on the site.

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**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:

N/A

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:

N/A

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

N/A

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

Sep 29 10 12:22p

Bob Brandt

501-922-4434

P. 1

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N/A

**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 3606 Winfield Cove

City, State & Zip Austin, TX. 78704

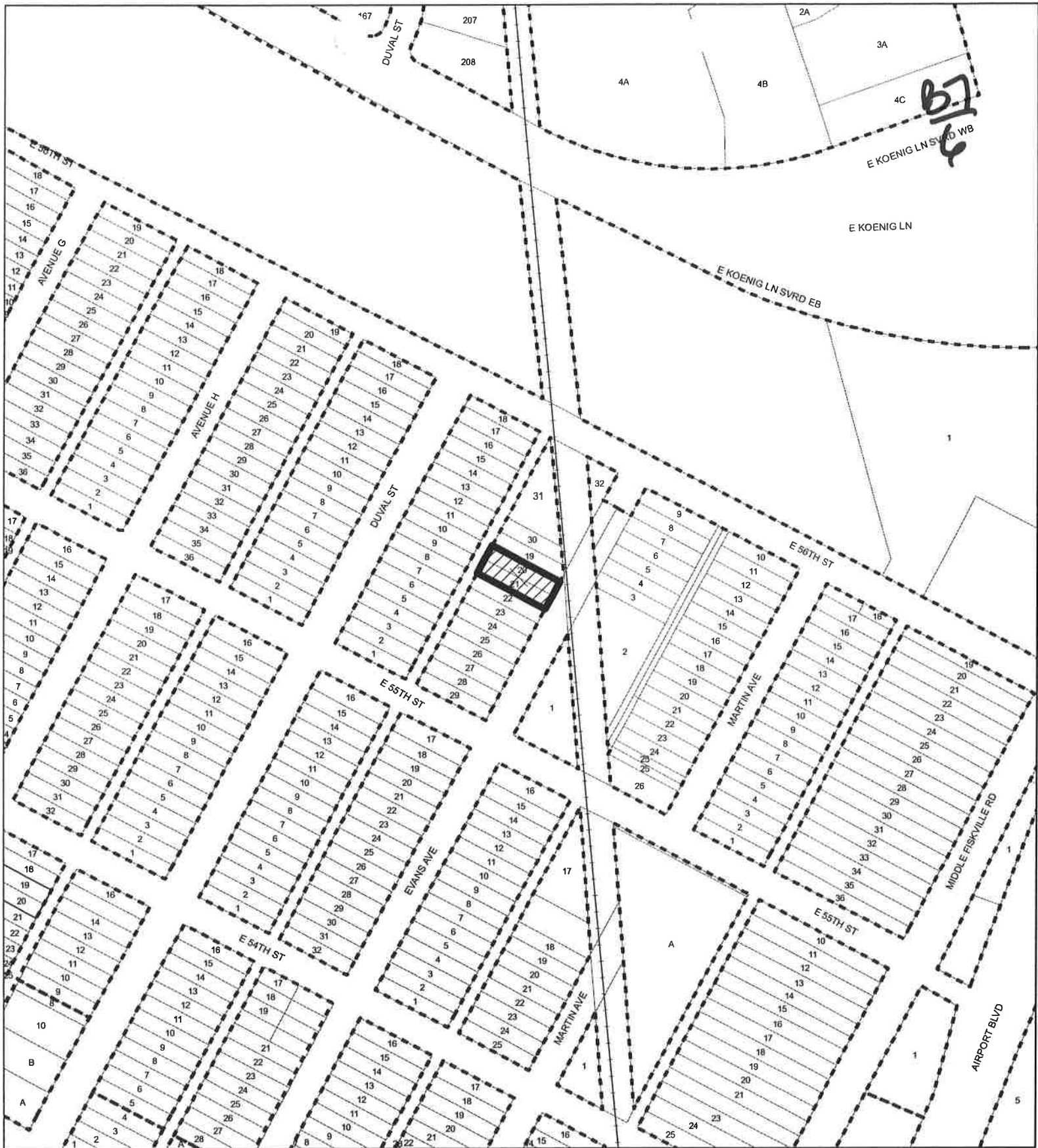
Printed Jim Wittliff Phone 512-416-6611 Date 9/30/2010

**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 Robert T. Brandt Mail Address 19 Sanchez Point

City, State & Zip Hot Springs, AR. 71909

Printed Robert T. Brandt Phone 512-350-0599 Date 10/1/2010



## BOARD OF ADJUSTMENTS

CASE#: C15-2010-0127

LOCATION: 5512 EVANS AVE

GRID: K 26

MANAGER: SUSAN WALKER



SUBJECT TRACT



ZONING BOUNDARY



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

**Dixon Land Surveying  
SURVEY PLAT**

OWNER: JAMES REESE AND JULIE REECE J7051

**B7  
7**

**LEGAL DESCRIPTION:**  
LOTS 19, 30 AND 31, BLOCK 33, THE HIGHLANDS, AN ADDITION  
IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF  
RECORDED IN BOOK 3, PAGE 55, OF THE PLAT RECORDS OF TRAVIS COUNTY,  
TEXAS.

THE PROPERTY SURVEYED HEREON IS SUBJECT TO:  
RESTRICTIVE COVENANTS RECORDED IN 295/197 AND 870/452, DEED RECORDS AND  
3/55, PLAT RECORDS;  
WASTEWATER EASEMENT RIGHTS RECORDED IN 9088/408 AND 9251/451, REAL  
PROPERTY RECORDS;  
STORM DRAINAGE EASEMENT RIGHTS RECORDED IN 1550/223, DEED RECORDS;  
SANITARY SEWER EASEMENT RIGHTS RECORDED IN 1172/98, DEED RECORDS;  
ALL TRAVIS COUNTY, TEXAS.

State of Texas:  
County of Travis:

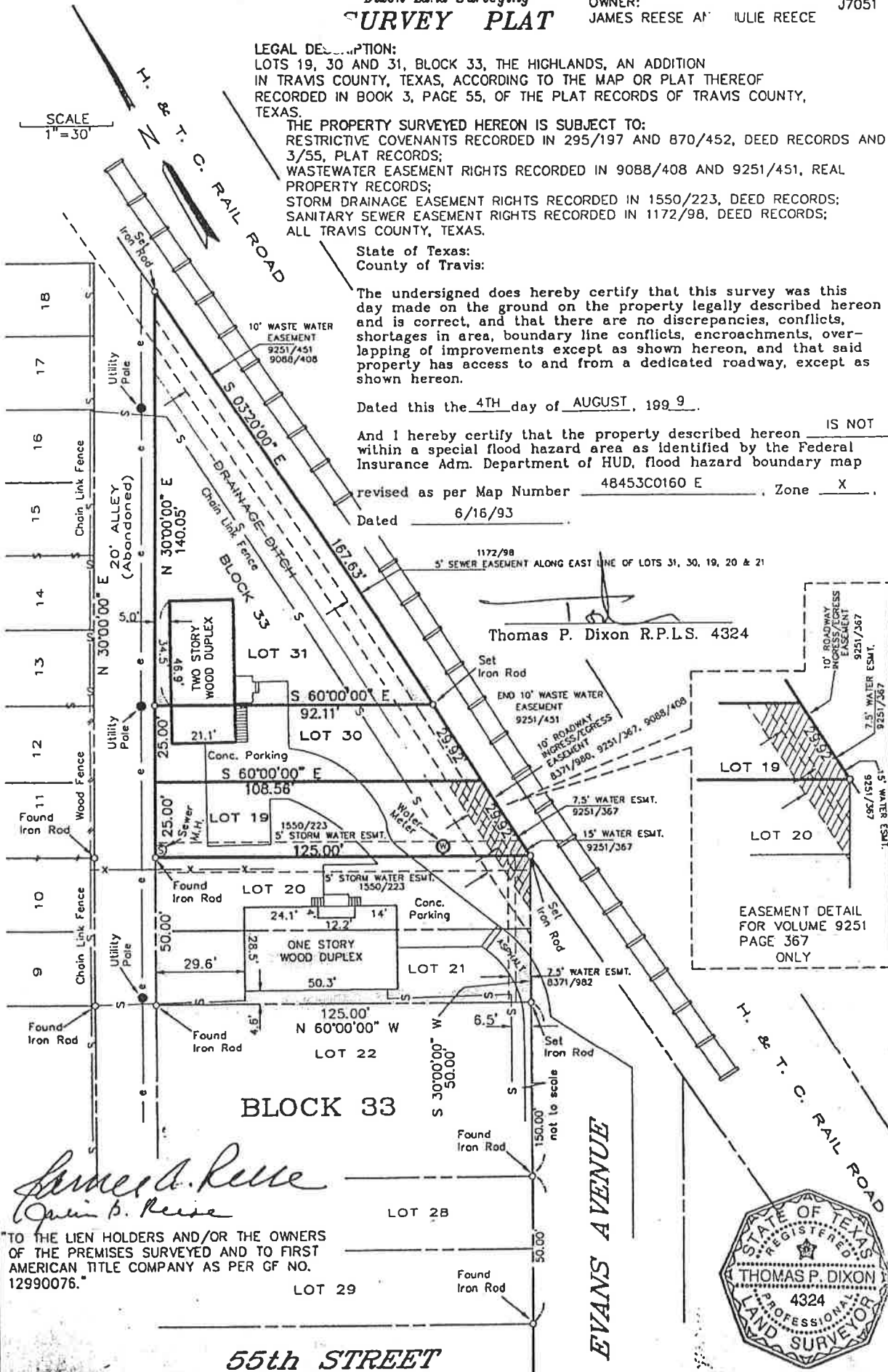
The undersigned does hereby certify that this survey was this  
day made on the ground on the property legally described hereon  
and is correct, and that there are no discrepancies, conflicts,  
shortages in area, boundary line conflicts, encroachments, over-  
lapping of improvements except as shown hereon, and that said  
property has access to and from a dedicated roadway, except as  
shown hereon.

Dated this the 4TH day of AUGUST, 1999.

And I hereby certify that the property described hereon IS NOT  
within a special flood hazard area as identified by the Federal  
Insurance Adm. Department of HUD, flood hazard boundary map

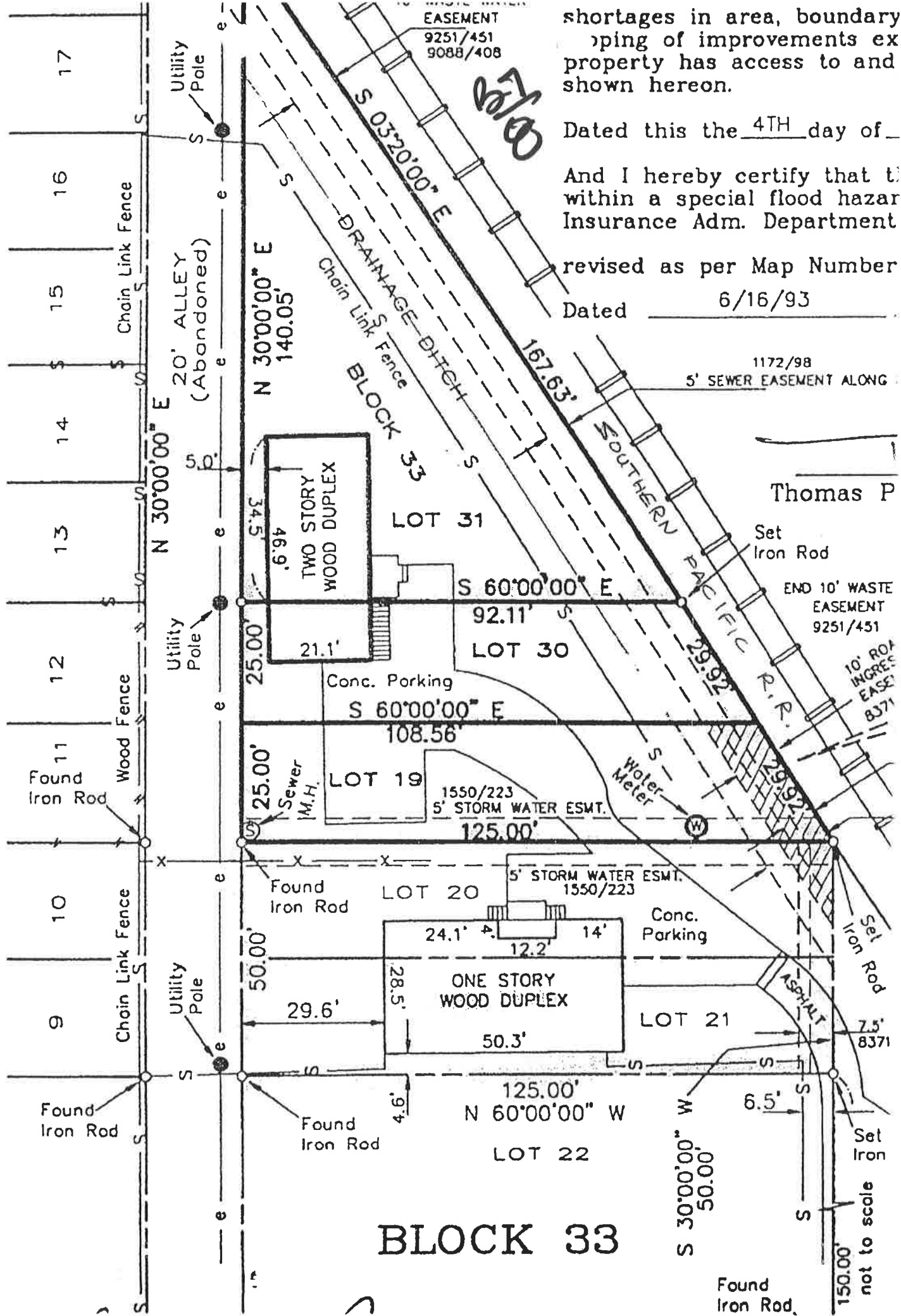
revised as per Map Number 48453C0160 E, Zone X.

Dated 6/16/93



TO THE LIEN HOLDERS AND/OR THE OWNERS  
OF THE PREMISES SURVEYED AND TO FIRST  
AMERICAN TITLE COMPANY AS PER GF NO.  
12990076.





shortages in area, boundary  
spacing of improvements ex  
property has access to and  
shown hereon.

Dated this the 4TH day of

And I hereby certify that t  
within a special flood hazar  
Insurance Adm. Department

revised as per Map Number

Dated 6/16/93

Thomas P



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9

**5512 Evans Ave.  
Board of Adjustment  
Variance Support**

By my signature below, I want to indicate my support for Mr. Brandt's variance request for 5512 Evans Ave., which will allow him to continue to use Lots 20 and 21 for a duplex. I understand that the combined Lots 20 and 21 do not meet the City of Austin's minimum lot size requirement of 7,000 square feet for a duplex use. However, this property has existed as a duplex for more than ten years, and I feel it's continued use as a duplex is appropriate and compatible in our neighborhood.

Larry Martinez  
Printed Name

[Signature]  
Signature

5506 Evans Ave      10-9-010  
Address                      Date

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**5512 Evans Ave.**  
**Board of Adjustment**  
**Variance Support**

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Julia Reese  
Printed Name

[Signature]  
Signature

5514 Evans  
Address

10/13/10  
Date



# City of Austin BUILDING PERMIT

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11

PERMIT NO: 1983-011243-BP  
5512 EVANS AVE

Type: RESIDENTIAL Status: Final  
Issue Date: 12/14/1983 EXPIRY DATE: 04/10/1986

LEGAL DESCRIPTION Lot: 21 Block: 34 Subdivision: HIGHLANDS THE						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY: Move Res On Lot Repair , Remodel And Addn To**		WORK PERMITTED: Relocation				ISSUED BY:			
TOTAL SQFT		VALUATION Tot Val Rem: \$ .00		TYPE CONST.	USE CAT. 2001	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE	# OF BATHROOMS		METER SIZE	

--	--	--	--	--	--	--	--	--	--

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	96.00	12/14/1983	Electrical Permit Fee	15.00	1/25/1984	Mechanical Permit Fee	39.00	3/6/1984
Plumbing Permit Fee	15.00	2/23/1984						
<b>Fees Total:</b>	<b>165.00</b>							

<b>Inspection Requirements</b>			
Building Inspection	Electric Inspection	Mechanical Inspection	Plumbing Inspection
Sewer Tap Inspection	Water Tap Inspection		

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection.  
A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

<b>Comments</b> **Res Create Carports W/112804 Wg38668 Smoke Detector Required Ok By Hersch*** Set New/Lp Overhd When Clr
--

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



# City of Austin BUILDING PERMIT

67  
12

**PERMIT NO:** 1983-011243-BP

**Type:** RESIDENTIAL

**Status:** Final

**5512 EVANS AVE**

**Issue Date:** 12/14/1983

**EXPIRY DATE:** 04/10/1986

LEGAL DESCRIPTION Lot: 21 Block: 34 Subdivision: HIGHLANDS THE						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY:		WORK PERMITTED: Relocation				ISSUED BY:			
Move Res On Lot Repair , Remodel And Addn To**									
TOTAL SQFT		VALUATION Tot Val Rem: \$ .00		TYPE CONST.	USE CAT. 2001	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE		# OF BATHROOMS		METER SIZE

Type	Date	Status	Comments	Inspector
101 Building Layout	12/27/1983	Pass	MIGRATED FROM PIER.	
102 Foundation	7/6/1984	Pass	MIGRATED FROM PIER.	
103 Framing	3/12/1984	Fail	MIGRATED FROM PIER.	
104 Insulation	3/12/1984	Fail	MIGRATED FROM PIER.	
105 Wallboard	3/12/1984	Fail	MIGRATED FROM PIER.	
112 Final Building	4/10/1986	Pass	MIGRATED FROM PIER.	
611 Water Tap	12/12/1984	Pass		

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## PROPERTY DETAILS

Number	Pre	Street	Street Type	Dir	Suite Type	Suite Number	City	State	Zip	Legal Desc
5512		EVANS					AUSTIN	TX	78751	Lot 21 Block 34 Subdivision HIGHLANDS THE

Lot: 21 Block: 34 Subdivision: HIGHLANDS THE

## FOLDER FEE

Fee Description	Fee Amount	Balance
Building Permit Fee	\$96.00	\$0.00

## PROCESSES AND NOTES

Process Description	Status	Schedule Date	Start Date	End Date	Assigned Staff	# of Attempts
101 Building Layout	Pass			Dec 27, 1983		1
102 Foundation	Pass			Jul 6, 1984		1
103 Framing	Fail					1
104 Insulation	Fail					1
105 Wallboard	Fail					1
112 Final Building	Pass			Apr 10, 1986		1
611 Water Tap	Pass			Dec 12, 1984		1

**From:** jreese@swbell.net [mailto:jreese@swbell.net]  
**Sent:** Monday, August 16, 2010 10:42 AM  
**To:** Guernsey, Greg  
**Subject:** 5512 Evans

I guess from what people are telling me that board of adjustments is a good idea. You had mentioned that you had a staff member that could help me with the application. I would like that. Since I don't even know what a site plan is I think the likely hood of my making mistakes is high.

Thanks  
 Julie Reese  
 350-0599

8/30/2010



67  
14

Northfield Neighborhood Association

November 5, 2010

Jim Wittliff  
Land Answers, Inc.  
3606 Winfield Cove  
Austin, TX. 78704

Subject: Variance Request for 5512 Evans

Dear Mr. Wittliff:

Thank you for your presentation of your variance request to the Northfield Neighborhood Association. As always, we encourage proactive communication with the community.

As I understand from the your presentation, the owner of 5512 Evans has applied for a variance with the City of Austin to accommodate a variance to maintain a duplex land use on a lot that contains 6,250 square feet of land area (minimum 7,000 square feet of land area required for a duplex use) in a SF-3 zoning district. From the discussion with the members in attendance, no significant issues were identified. And as you witnessed, the association members in attendance voted overwhelmingly in favor (without any nay votes) of supporting your variance application.

Therefore, I would like to express on behalf of the Association, that your variance request has the consensus support of our community. Please feel free to contact me should you have any questions or comments. I will also be happy to serve as the contact for the association should others need additional information.

Warmest Regards,

Michael Wong, CPSM, LEED AP  
President, Northfield Neighborhood Association  
(512) 345-7793 (office)  
(512) 944-6370 (cel)

5/15

## 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](http://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: C15-2010-0127 - 5512 Evans

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 8th, 2010

Ross Nicholson

Your Name (please print)

601 E. 56<sup>TH</sup> STREET

Your address (es) affected by this application

Ross Nicholson

Signature

Daytime Telephone: 452-7634

11/5/10  
Date

Comments:

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

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



5/12

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- is the record owner of property within 500 feet of the subject property or proposed development; or
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Case Number: C15-2010-0127 - 5512 Evans

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 8th, 2010

Betty Baer  
Your Name (please print)

☐ I am in favor  
☒ I object

5408 EVANS  
Your address (es) affected by this application

Betty Baer  
Signature

11-2-10  
Date

Daytime Telephone: 512-626-3253

Comments:

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

5912

# PUBLIC HEARING INFORMATION

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- is the record owner of property within 500 feet of the subject property or proposed development; or
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Case Number: C15-2010-0127 - 5512 Evans

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 8th, 2010

Zach Reich

Your Name (please print)

5515 Duval St.

Your address (es) affected by this application

*[Signature]*

Signature

Date

Daytime Telephone: 635-3695

Comments: This variance should be

applied across the board to the entire North Loop neighborhood.

☒ I am in favor  
☐ I object

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