

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

**DATE: Monday, November 8, 2010**

**CASE NUMBER: C15-2010-0126**

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

**APPLICANT: Ken, McWilliams**

**ADDRESS: 2514 HARRIS BLVD**

**VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 0 feet along the south property line in order to maintain a porte-cochere and from 5 feet to 0 feet in order to maintain and erect a second story addition to an existing accessory structure for a single-family residence in an "SF-3", Family Residence zoning district.**

**The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 5 feet in order to erect a second story addition to an existing accessory structure for a single-family residence in an "SF-3", Family Residence zoning district.**

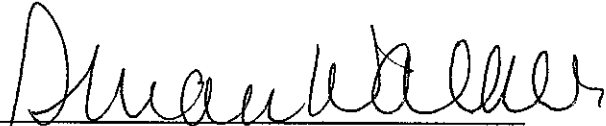
**The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 53% in order to maintain the existing impervious coverage on a lot for a single-family residence in an "SF-3", Family Residence zoning district.**


**BOARD'S DECISION: POSTPONED BY APPLICANT TO January 10, 2011**

**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

## 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: C15-2010-0126-2514 Harris Blvd**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, November 8th, 2010**

*Constance M. Vitz*  
 Your Name (please print)

I am in favor  
 I object

*Ramberton Heights Neighborhood Assoc.*  
 Your address(es) affected by this application

*Constance M. Vitz*      *11.5.10*  
 Signature      Date

Daytime Telephone: *512-477-2488*

Comments: *Our neighborhood association opposes all variance requests since they give unfair financial advantage to that homeowner.*

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**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

**PUBLIC HEARING INFORMATION**

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- 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.

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**Case Number: C15-2010-0130 – 2518 Harris Blvd**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, November 8th, 2010**

*Carollee M. Veltz*  
 Your Name (please print)  I am in favor  
 Not object

*Opposers Heights Neighborhood Association*  
 Your address(es) affected by this application

*Carollee M. Veltz* *11.3.10*  
 Signature Date

Daytime Telephone: *512-477-2488*

Comments: *Our N. D. opposes income guests since they give unfair financial advantage to that homeowner*

**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

November 5, 2010

Board of Adjustment  
Susan Walker  
P.O. Box 1088  
Austin, TX.

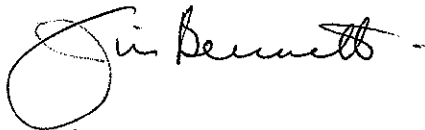
RE: Postponement Request

Dear Board Members,

As agent on Case C15-2010-0126, located at 2514 Harris Blvd. I am requesting a postponement of this case until your January 10, 2011 meeting. We are working with Austin Energy to resolve some issues with electrical lines.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jim Bennett". The signature is written in black ink and is positioned above the printed name.

Jim Bennett

CASE #

C15-2010-0126

ROW- 10502200

TP- 0115010202

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: 2514 Harris Blvd.

LEGAL DESCRIPTION: Subdivision - Pemberton Heights Sec 2

Lot(s) Part of 11 & 12 Block 8 Outlot \_\_\_\_\_ Division \_\_\_\_\_

I Jim Bennett as authorized agent for Ken McWilliams

\_\_\_\_\_ affirm that on Sept. 24, 2010, hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN

A garage / studio and a porte-cochere providing a side yard setback of zero feet on the south property line and providing an impervious cover of 53 % and to erect a second story addition to the existing structure providing a rear yard setback of 5 ft.

in a SF- 3 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 structures are existing as proposed in 1995. It would be unreasonable to be required to remove the structures.

**HARDSHIP:**

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

A variance was granted to erect the structures in 1995 (case C15-95-028). A building permit was issued and the construction was performed. The contractor failed to finalize the permit therefore the owner is required to secure a new permit to clear up the previous permit status. The second floor addition will be constructed on the existing structure, which is located at the 5 ft. setback.

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

This permit technicality is not general to the area, and two story units at the rear property line are not uncommon in the area.

**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 construction has existed since prior to and after 1995 and has not created problems for the neighbors and 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 9/28/10

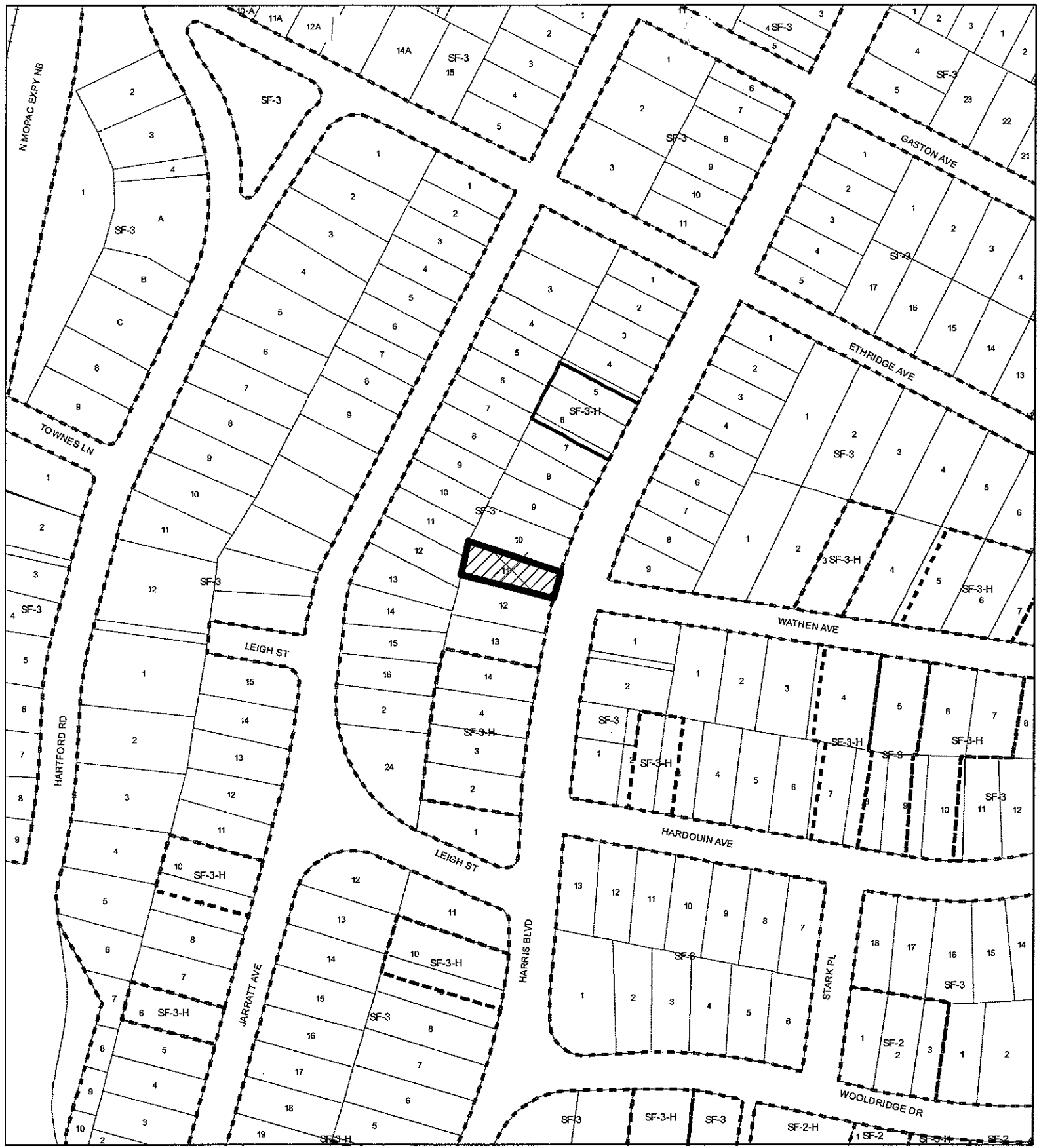
**OWNERS CERTIFICATE** - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Ken Williams Mail Address 6221 N. LAMAR Blvd.  
City, State & Zip Austin Tx 78752

Printed Ken Williams Phone 454-6561 Date 9-28-10



call 632-7951



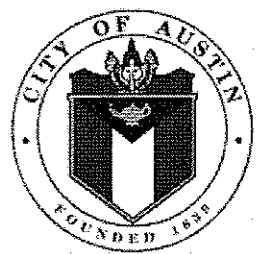


**BOARD OF ADJUSTMENTS**

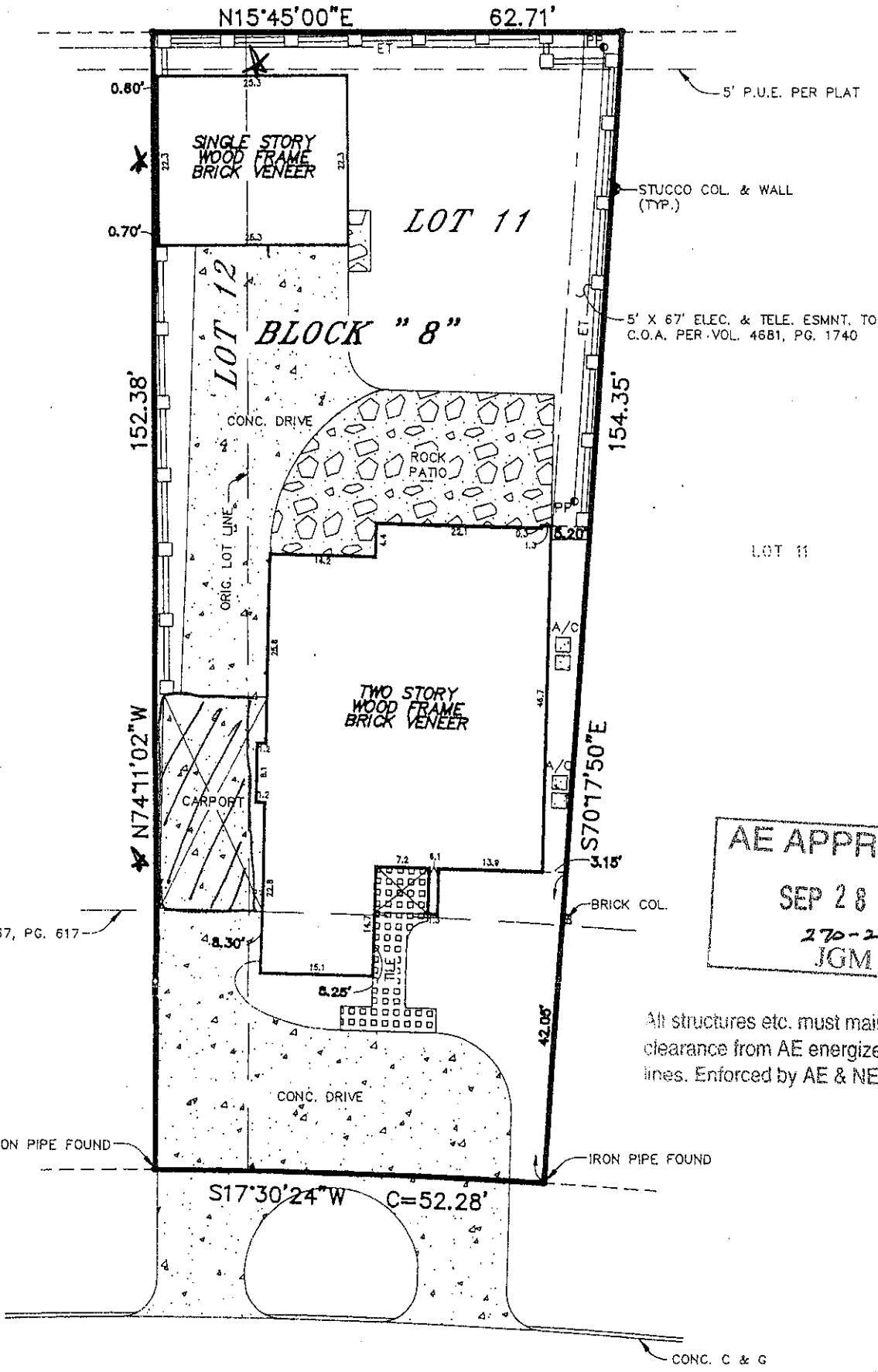


-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2010-0126  
 LOCATION: 2514 HARRIS BLVD  
 GRID: H24  
 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.



**AE APPROVED**  
 SEP 28 2010  
 270-204  
 JGM

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

**HARRIS BOULEVARD**  
 (70' ROW)

1995  
Secured Bldg Permit  
Never finished

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCES / PARKING VARIANCES

CASE # CIS-95-028

WARNING: Filing of this appeal stops all affected construction.

PLEASE USE BLACK INK

PART I: APPLICANTS STATEMENT

STREET ADDRESS: 2514 Harris Blvd., Austin, Tx. 78703

LEGAL DESCRIPTION: Subdivision - South 44.4 ft. of Lot 11 and North 12.5 ft. of 1  
Lot(s) ----- Block 8 Outlot ----- Division Pemberton He  
Section

I/We Ken McWilliams on behalf of myself ourselves as  
authorized agent for Ken McWilliams and wife Candy McWilliams affirm that on  
April 14 19 95, hereby apply for a hearing before the Board of Adjustment for  
consideration to:

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN - SUBDIVIDE

A garage/studio and a portecochere in a total lot area of 8,990 square feet and  
providing a side yard setback of zero (0) feet on the South lot line; and an  
impervious cover of 53%.

in a SF-3 zone.  
(zone 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:

REASONABLE USE:

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

Existing vegetation i.e. large trees impede the practical use of available  
building sites on the lot.

**HARDSHIP:**

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

Not Applicable: The variances requested are consistent with many other like properties in the neighborhood and are consistent with the character of the neighborhood.

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

See Item No. 3 and Attached Exhibits: A, B, C, (D and E equal Tax Plats)

See Attached Letter from Adjoining Neighbors.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the zoning district in which the property is located because:

There are numerous existing duplexes, duplexes with detached garage and third un above the garage; numerous homes with detached guest quarters, maids quarters, studios, offices, garage apartments, greenhouses, etc, all throughout the Pembert Heights Addition.

**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 107 of Chapter 13-5 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 reasonably require strict or literal interpretation and enforcement of the specified regulation because:

NA

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:

NA

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

NA

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

NA

**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 *Ken McWilliams* Mail Address 2514 Harris Blvd.

City, State & Zip Austin, Tx. 78752

Printed Ken McWilliams Phone 478-2410 Res. Date April 14, 1995  
459-6561 Ofc.

**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 *Ken McWilliams* Mail Address 2514 Harris Blvd.

City, State & Zip Austin, Tx. 78703

Printed Ken McWilliams Phone 478-2410 Res. Date April 14, 1995  
459-6561 Ofc.

**PART II: BUILDING OFFICIALS STATEMENT**

Applicant is requesting a variance to:

erect an accessory structure providing a  
side yard setback of 5 feet and providing a  
total impervious cover of 53%

Section 630 of Chapter 13-2, provides, requires, or allows:

requires a minimum side yard of 5 ft and  
permits a maximum impervious cover of 45%

DATE 4/14/95

BUILDING OFFICIAL *J. Bennett*

CITY OF AUSTIN  
BOARD OF ADJUSTMENT/SIGN REVIEW BOARD  
DECISION SHEET

DATE: May 8, 1995  
CASE NUMBER: 015-95-028

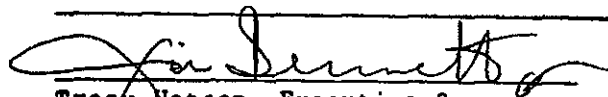
APPLICANT: Ken and Candy McWilliams  
ADDRESS: 2514 Harris Blvd.

VARIANCE REQUESTED: To erect an accessory structure providing a side yard setback of 0 feet and providing a total impervious cover of 53% in an "SF-3" Single Family Residence District.

BUILDING OFFICIAL'S DECISION: Section 13-2-630 requires a minimum side yard of 5 feet and permits a maximum impervious cover of 45%.

BOARD'S DECISION: Granted (4-0) due to the topography of lot. (Does not include rear yard setback.)

Chair abstaining from vote

  
Tracy Watson, Executive Secretary

  
George Harvey, Chairperson