

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

DATE: Monday, July 11, 2011

CASE NUMBER: C15-2011-0074

Y Jeff Jack
 Y Michael Von Ohlen **Motion to Postpone Aug 8, 2011**
 Y Nora Salinas
 Y Bryan King
 Y Leane Heldenfels, **Chairman 2nd the Motion**
 Y Clarke Hammond, **Vice Chairman**
 Y Heidi Goebel

APPLICANT: Katherine Ertle

OWNER: Benjamin Ertle

ADDRESS: 705 OAKLAND AVE


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 north property line in order to erect a garage addition to a single family residence in an "MF-4-NP", Multi-Family – Neighborhood Plan zoning district. (Old West Austin Neighborhood Plan)

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postponed to August 8, 2011 for better plan due to safety issues, Board Member Leane Heldenfels second on a 7-0 vote; **POSTPONED TO August 8, 2011 FOR BETTER DESIGN OF PLAN DUE TO SAFETY ISSUES.**

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 Liaison


Leane Heldenfels
Chairman

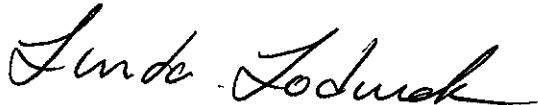
January 17, 2011

Kate Ertle
705 Oakland Avenue
Austin, TX 78703

Dear Kate,

We have no problem with you building the garage indicated in your letter, assuming that it is only one story and that no large trees are affected.

Sincerely,

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

Linda Lodwick
707 Oakland Avenue

July 6, 2011

Board of Adjustment

Re: 705 Oakland, case number: C15-2011-0074

Dear Board of Adjustment Members,

Members of the Old West Austin Zoning Committee have met or corresponded with Mrs. Ertle many times over the last several months concerning her request for a variance to construct a garage at 705 Oakland Ave. We have been impressed with the amount of time and work that they have put into converting a duplex to single family and restoring the home in a sensitive manner. This is now a family home with children that will be attending Mathews Elementary, something else that is important to the neighborhood. We also understand that none of this is basis for a variance. The hardship is the difficulties of this lot. There is no alley to bring a driveway/garage from, as there is in much of Old West Austin, and there is a mature Elm blocking the only place to have a garage in the rear. The owners have worked hard to minimize the impact of the requested garage by moving it back from the front line of the house and keeping the size to a minimum. Because of the efforts of the homeowner to find an alternative, their willingness to engage the neighborhood, and the support of the neighbors most affected, the Old West Austin Zoning Committee does not oppose this request .

Respectfully,

Brooke Bailey

OWANA Zoning Committee

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: C15-2011-0074 - 705 Oakland Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, July 11th, 2011

Dr Lewis Hawk
 Your Name (please print)

I am in favor
 I object

709 West Lynn Austin, TX 787103
 Your address(es) affected by this application

[Signature]
 Signature

Daytime Telephone: _____
 Date *5 Feb 11*

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 78767-1088

CASE # C15-2011-0074

ROW # 10606173

CITY OF AUSTIN TP-0108031111
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: 705 Oakland Avenue,
Austin, Texas 78703

LEGAL DESCRIPTION: Subdivision --
Smoot

Lot(s) South 39' of Lot 7 and North 12' of Lot 8
Block A Outlot Division Terrace Park

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

Benjamin & Katherine Ertle affirm that on May 19, 2011,

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

(check appropriate items below)

X ERECT X ATTACH COMPLETE REMODEL MAINTAIN

Erect an attached single-family garage at the north side of our home. Garage will be approximately 11.5' wide by 25' long. I would like to reduce the side setback from 5' to 0' to erect this garage. I would also like to eliminate existing side decking and external staircase to use space for proposed garage.

in a residential district.
(zoning district)

MF-4-HP
Old West Austin N.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

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:

Neighborhood was developed in the early 1900s and because of its vicinity to downtown and the nature of the homes built in the neighborhood, space between homes was limited. Without a variance, proposed garage cannot be constructed.

HARDSHIP:

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

1) No back alley for rear parking or garage. Other streets in the area have back alleys. 2) House was built 12.5' from property line which does not allow enough room to erect an attached garage without a variance. 3) Lot has multiple large trees and we do not want to cut down any large trees to build a garage. We currently have tree number 1833 (16" C ELM) which prevents us from building behind the house. 4) Wastewater line previously created an easement. Wastewater recently abandoned as part of West 5th and 6th Area Sanitary Sewer Replacement Program

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

We converted our home from a duplex to single family residence. At the time the house was built (1935), duplexes normally were not built with garages. Those with garages were built either as a single-family house, newly built or "grandfathered" in because codes have changed since the early 1900s.

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 proposed garage will be in keeping with the style of our home and the adjacent homes (also built by the same architect in 1935). We currently share a driveway with our neighbor (Linda & Bill Lodwick) and the proposed garage will not alter the driveway nor its use in any way. The proposed garage is replacing area currently used by a deck and stairs.

We believe this garage will actually be a positive image to our street. It is a good example of a single family home in a family-friendly and business-friendly community. Old West Austin is a historical neighborhood where we want to encourage single family residences.

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 *Katherine Ertle*

Mail Address 705 Oakland Avenue

City, State & Zip Austin, Texas 78703

Printed Katherine Ertle Phone (512) 394-9520 Date May 19, 2011

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 *Benjamin Ertle Katherine Ertle* Mail Address 705 Oakland Avenue



City, State & Zip Austin, Texas 78703

Printed Benjamin Ertle and Katherine Ertle Phone (512) 394-9520 Date May 19, 2011

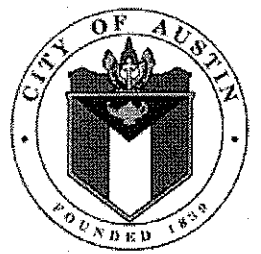


BOARD OF ADJUSTMENTS



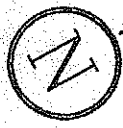
-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2011-0074
 LOCATION: 705 Oakland Avenue
 GRID: H23
 MANAGER: Susan Walker



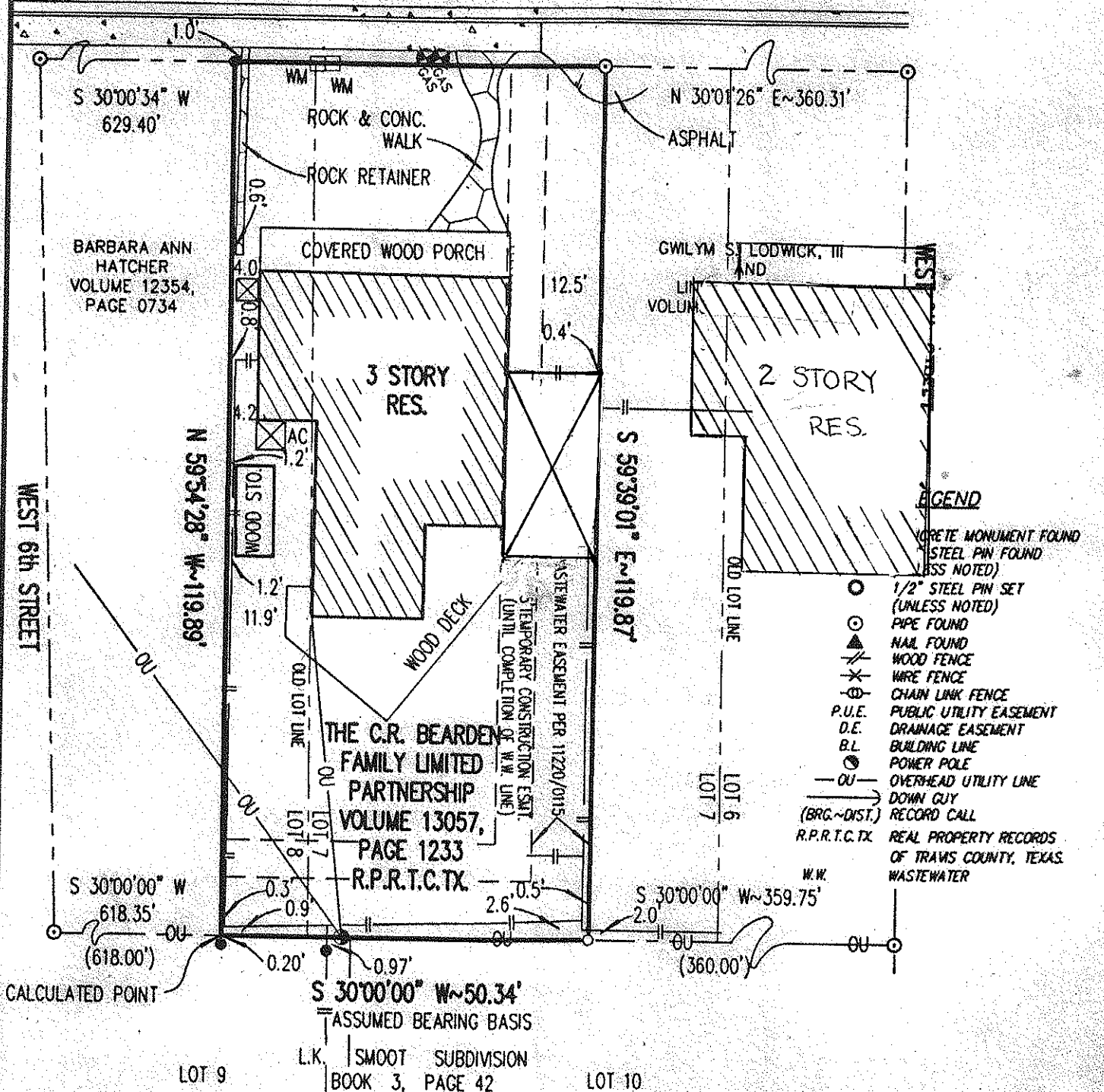
This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

SCALE: 1"=20'



OAKLAND AVENUE

N 30°01'07" E ~50.88'



- LEGEND**
- CONCRETE MONUMENT FOUND
 - ⊙ STEEL PIN FOUND (ASS NOTED)
 - 1/2" STEEL PIN SET (UNLESS NOTED)
 - PIPE FOUND
 - ▲ NAIL FOUND
 - ⊘ WOOD FENCE
 - ⊗ WIRE FENCE
 - ⊙ CHAIN LINK FENCE
 - P.U.E. PUBLIC UTILITY EASEMENT
 - D.E. DRAINAGE EASEMENT
 - B.L. BUILDING LINE
 - ⊙ POWER POLE
 - OU— OVERHEAD UTILITY LINE
 - DOWN GUY
 - (BRG.~DST.) RECORD CALL
 - R.P.R.T.C.TX REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
 - W.W. WASTEWATER





TO THE OWNER AND/OR LIENHOLDER AND AUSTIN TITLE Co.
 THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY STATES THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND THAT VISIBLE AND APPARENT IMPROVEMENTS, UTILITIES AND/OR ROADWAYS ARE SHOWN HEREON, AND THAT EXCEPT AS SHOWN HEREON, THIS PROPERTY HAS ACCESS TO AND FROM A PUBLIC ROADWAY. THIS SURVEY IS IN COMPLIANCE WITH THE MINIMUM STANDARDS AS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.



LOT 9 L.K. SMOOT SUBDIVISION BOOK 3, PAGE 42 LOT 10

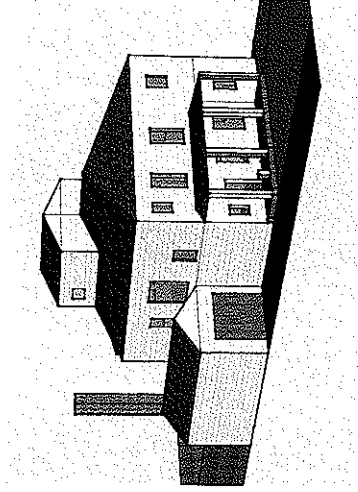
Adjacent Neighbors



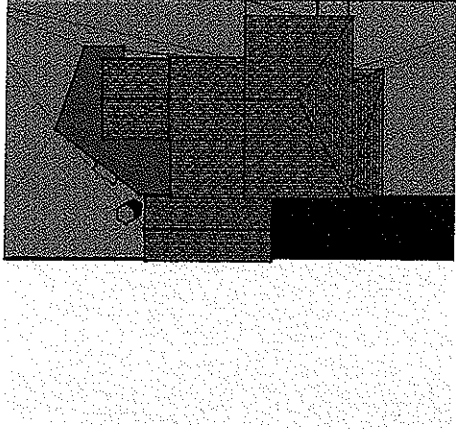
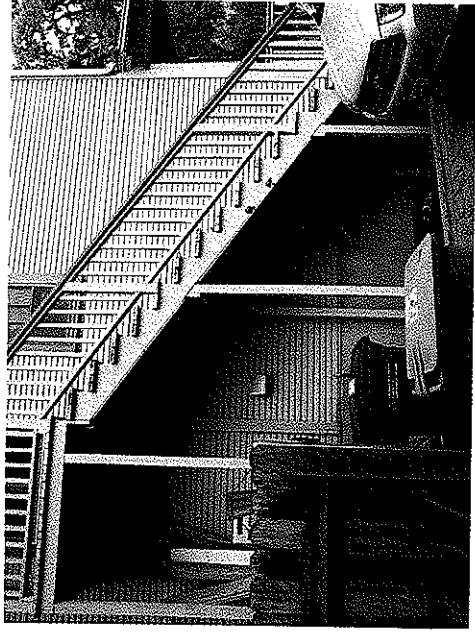
- Our house 
- Neighbors Yes 
 - 617, 702, 704, 705, 707 Oakland
 - 616, 700, 702, 704, 710 Pressler
- Neighbors No 
- Vacant lots/renters 
 - 700, 701, 703 Oakland

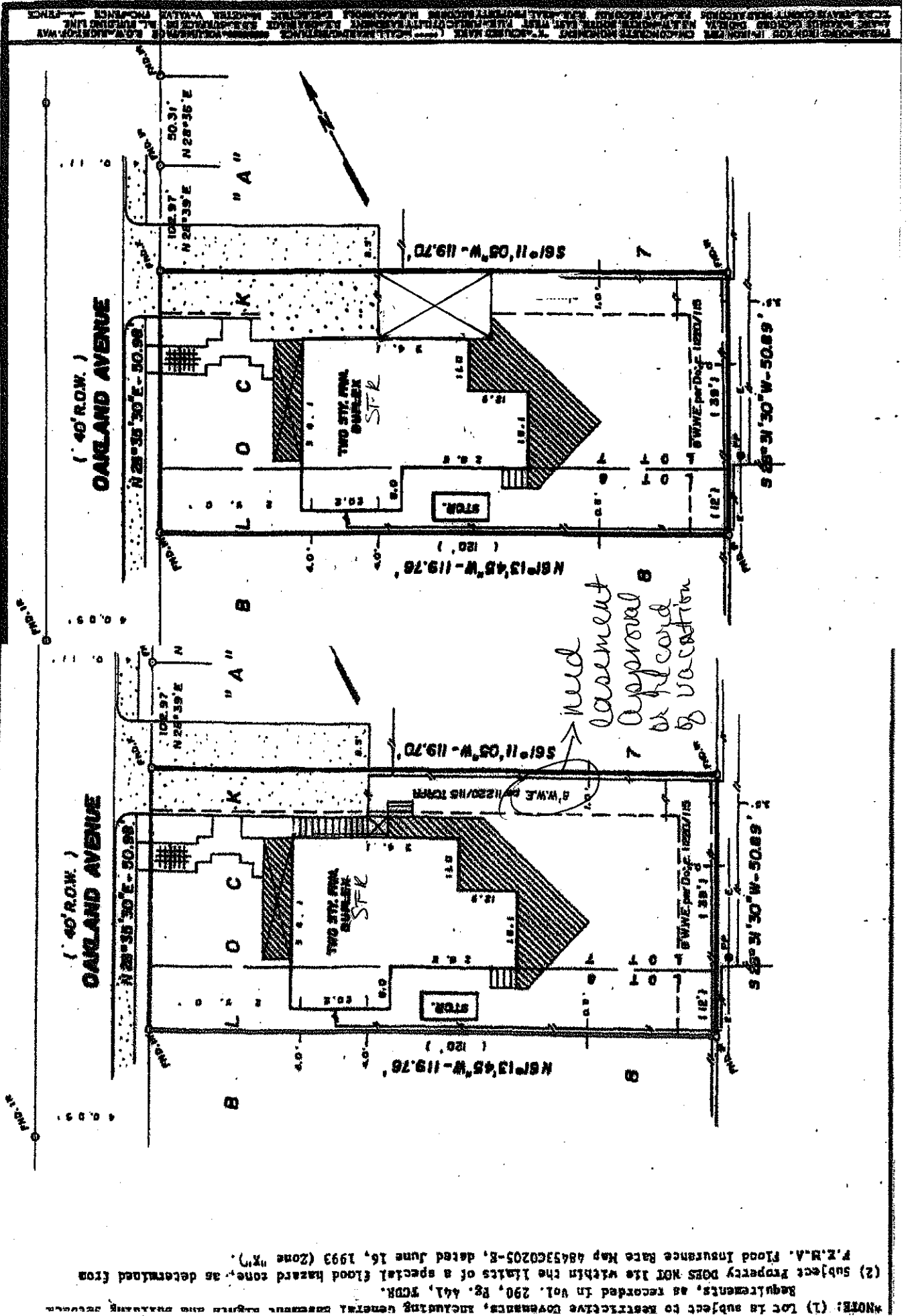
What we want to do

- Remove side decking
- Remove side staircase



- Build 11.5' x 25' one-car garage



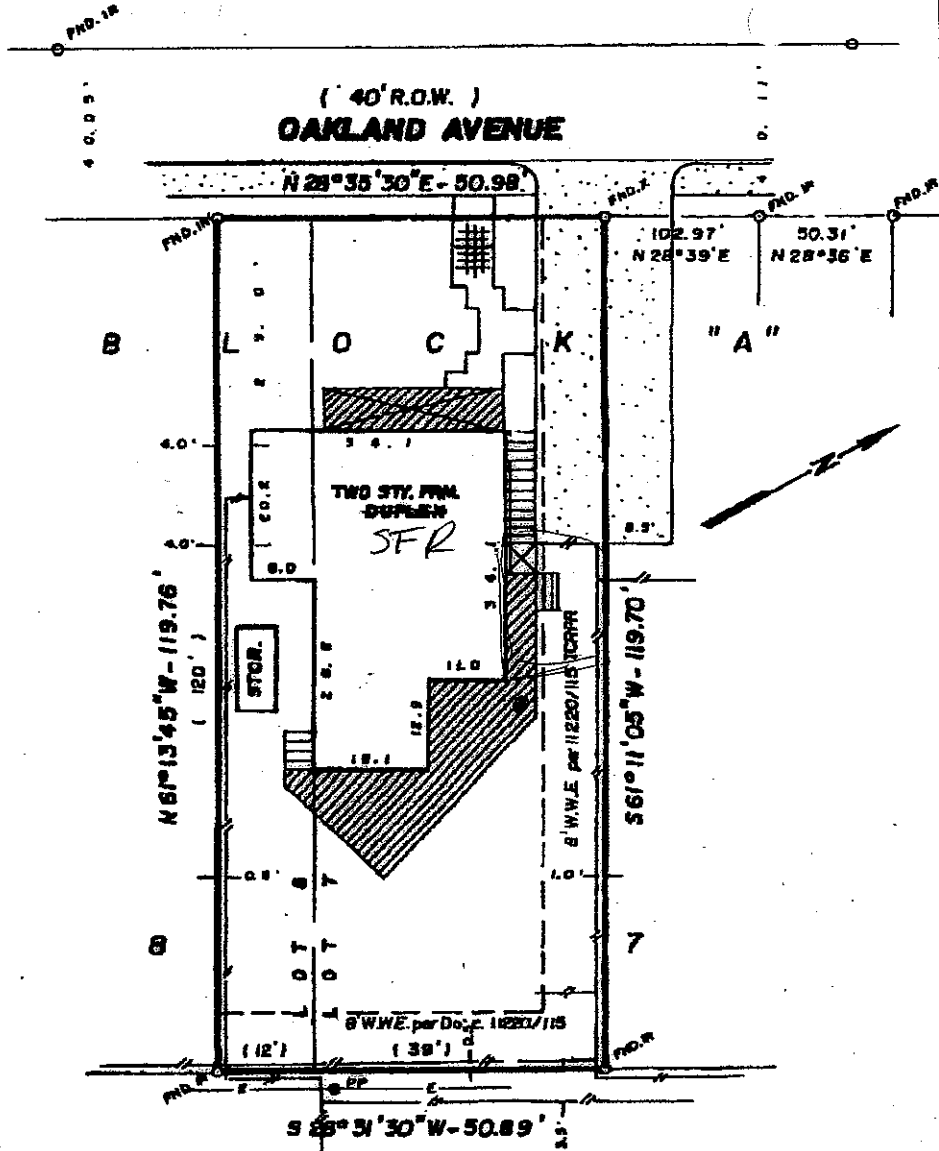


Proposed

Current

NOTE: (1) Lot is subject to restrictive covenants, including general easement rights and parking spaces. Requirements, as recorded in Vol. 290, Pg. 441, RCDR.
 (2) Subject Property DOES NOT lie within the limits of a special flood hazard zone, as determined from F.I.M.A. Flood Insurance Rate Map 484530205-B, dated June 16, 1993 (Zone "X").

*NOTE: (1) Lot is subject to Restrictive Covenants, including General Easement Rights and Building Setback Requirements, as recorded in Vol. 290, Pg. 461, TCRP.
(2) Subject Property DOES NOT lie within the limits of a special flood hazard zone, as determined from F.E.M.A. Flood Insurance Rate Map 48453C0205-E, dated June 16, 1993 (Zone "X").



PROBATIONER FOR 2011 (2011) FOR CHARGES FOR THE STATE OF TEXAS. THE ABOVE INFORMATION IS FOR YOUR INFORMATION ONLY. THE SURVEYOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY ANY OTHER SOURCE. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ENCROACHMENTS OR EASEMENTS. THE SURVEYOR HAS ALSO REVIEWED THE PLAT RECORDS AND HAS FOUND NO EVIDENCE OF ENCROACHMENTS OR EASEMENTS. THE SURVEYOR HAS ALSO REVIEWED THE PLAT RECORDS AND HAS FOUND NO EVIDENCE OF ENCROACHMENTS OR EASEMENTS.

LEGAL DESCRIPTION: The South 39' of Lot 7 and the North 12' of lot 8, Block A, TERRACE PARK, an addition in Travis County, Texas, according to the map or plat thereof recorded in Book 2, Page 242, Travis County Plat Records.

PURCHASER: TURQUARD **TITLE CO.:** GRACY
ADDRESS: 705 (A & B) OAKLAND AVENUE **G. F. NO.:** 03043270

I hereby certify that this plat represents a correct survey made upon the ground under my supervision on April 9, 2013, and that there are no encroachments upon subject property, except as shown hereon, and that all improvements and all visible and apparent easements are shown hereon, and that subject property has access to and from a dedicated roadway and that said survey conforms to current Texas Board of Land Surveying Standards.
Robert M. Sherrod, R.P.L.S., State of Texas No. 2519



G · E · O
A GEOGRAPHICAL LAND SERVICES CO.
4111 SPICEWOOD SPRINGS ROAD
SPICEWOOD BUSINESS CENTER
SUITE 1002
AUSTIN, TEXAS 78759
(512) 345-9GEO

DATE: 4-9-13 **FILE NO.:** 114 **BY:** [Signature]
SCALE: 1" = 10' **JOB NO.:** 0310617

[Handwritten signature]

Utility Easements



An employee-owned company
Texas Board of Professional Engineers Registration Number F-474

August 9, 2010

Mrs. Katherine Ertle
705 Oakland Avenue
Austin, Texas 78703

Re: Abandoned Utilities for 705 Oakland Avenue

Dear Mrs. Ertle:

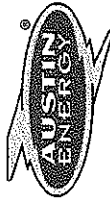
The purpose of this letter is to confirm that the sanitary sewer lines (#A822 and #80-2025) and sewer manhole (#31250) located in the rear of lot 705 Oakland Avenue were abandoned as part of the West 5th and 6th Area Sanitary Sewer Replacement Program, conducted under the Austin Clean Water Program. Please see the attached construction plan sheets which show the abandonment of these utilities.

If you have any questions regarding this project please contact me at (512) 327-8840. The City of Austin Project Manager for the project was Charles Muela, P.E.

Sincerely,

Francisco (Paco) Guerrero, P.E.
Project Manager

P.c.: Charles Muela, P.E., City of Austin
Eric Hofmaster, P.E., PBS&J



Austin's Community-Owned Electric Utility

City of Austin
Austin Energy

Town Lake Center • 721 Barton Springs Road • Austin, Texas 78704 - 1145

May 18, 2011

Ms. Katherine Ertle
705 Oakland Avenue
Austin, Texas 78703

Re: 705 Oakland Avenue
South 39' of Lot 7 and North 12' of Lot 8 Block A Terrace Park

Dear Ms. Ertle:

Austin Energy (AE) has reviewed your application for the above referenced property requesting a variance to erect and attached a single family garage at the north side of the property. Austin Energy has no conflicts with this application as requested and 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 322-6112.

Sincerely,

Christine Esparza
Public Involvement & Real Estates Services

Cc: Diana Ramirez and Susan Walker

What we promise to do

- Reflect the same period as the main house
- Maintain street trees
- Preserve the integrity of the original home built in 1935
- Maintain street setback lines (build 20' from front of house)
- Add outdoor lighting near garage
- Not change the existing driveway or curb cuts
- Protect all trees on our property and adjacent property
- Maintain consistent mass and scale

Hardships

- No back alley between Oakland and Pressler for rear parking/ garage
- Home originally a duplex and we have turned it into a single-family home
- Most single-family homes have garages in neighborhood and they did not typically build garages for multi-family properties in 1920's and 1930's
- All newly built homes have garages but we have remodeled the home rather than build new
- Lot has multiple large trees and this is only location for a garage without cutting down an elm tree
- Need a closed-in area for bikes, strollers, and one car
- Homes in area were built with minimal space between properties but our property has just enough for a single garage if variance is granted
- Property originally had wastewater line which prevented building along house. Wastewater line was recently abandoned