

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

C15-2011-0105
TP-0108031718
ROW-10651047

WARNING: Filing of this appeal stops all affected construction activity.

**PLEASE:
APPLICATION MUST
BE TYPED WITH ALL
REQUESTED
INFORMATION
COMPLETED.**

STREET ADDRESS: 916 W. Elizabeth St., Austin TX
78704

LEGAL DESCRIPTION: Being a portion of Lot Ten
(10), Block Nine (9), South Heights, a subdivision in
Travis County, Texas, according to the map or plate
thereof recorded in Volume 1, Page 112 of the Plate
Records of Travis County, TX

Lot(s) 10 Block 9 Outlot _____

Division South Heights

I/We Laura Thomas on behalf of myself/ourselves as authorized agent for

Laura Thomas affirm that on September 6, 2011,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN
Single Family residence

Erect new single-family residence to replace an existing one to be demolished. Request:
1) Variance to build on lot that is less than 50' wide (currently 46.23' wide). 2) Variance
to build on non-conforming lot of approximately 3,350 SF area that was previously
subdivided. 3) Variance to change street side yard setback from 15 ft. (per regulation) to
11.91 ft (matching location of west side of existing structure)

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

Boulder Creek 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:

1) Lot was originally platted at its current width. Minimum lot width of 50' for SF-3 is not possible to achieve. 2) Lot was previously subdivided and was made non-conforming. Requirement for minimum lot size makes this lot unbuildable. 3) Minimal size of lot in combination with front, rear, interior side yard and street side yard setback makes it difficult to build a house comparable with others in the neighborhood.

HARDSHIP:

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

With regard to lot size: Lot is greatly undersized as compared with nearby lots in the neighborhood. Original lot was subdivided by previous owner. Resultant lot is of a non-conforming size, and thus is difficult to build upon. With regard to street side yard setback: Existing residence is located at a distance that does not comply with SF-3 regulations for street side yard building line.

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

Generally, neighborhood lots are full sized and not sub-divided in half. Generally, lots are 5800 SF in this immediate area, while subject tract is 3350 SF. Lots are generally not non-conforming in size, and are therefore buildable. This lot is slightly narrower than the typical lots which are also less than 50' wide.

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 house will be of a size comparable to other new residences in the neighborhood. It will be smaller than some, including the newly built residence in the adjacent lot to the east. The front, rear and interior side yard of the proposed residence comply with the SF-3 zoning regulations and the house will appear from the fronting streets to conform with the pattern of development in the neighborhood. The existing structure at this address has same street side yard setback as is proposed herein, so the character of the street side yard will not be altered except that the proposed structure is two stories rather than one.

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:

N/A

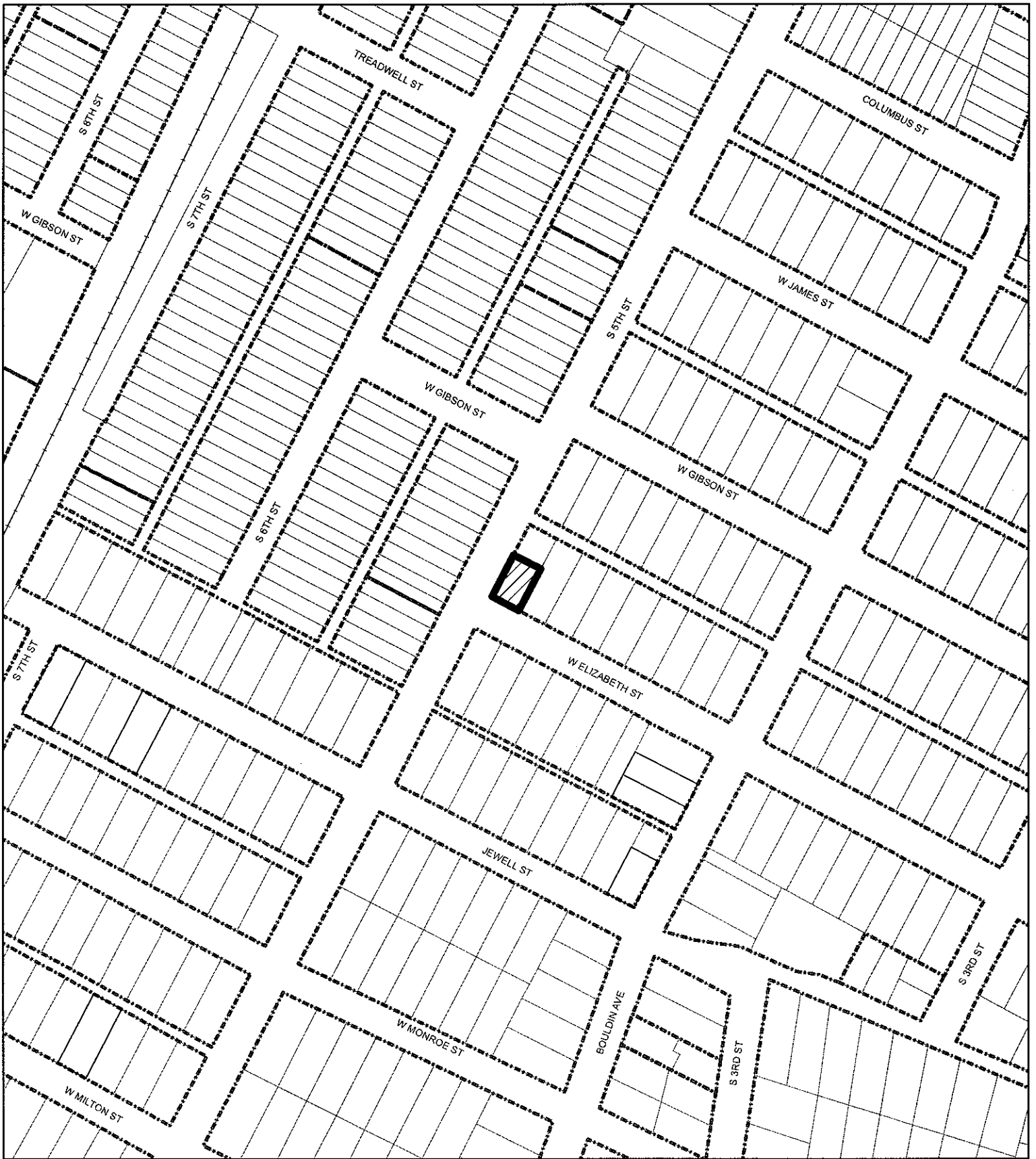
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

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 Laura Thomas
Mail Address 916 W. Elizabeth St.
City State & Zip: Austin TX 78704
Printed Laura Thomas
Phone 512-423-7667
Date September 6, 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 Laura Thomas
Mail Address 916 W. Elizabeth St.
City, State & Zip Austin TX 78704
Printed Laura Thomas
Phone 512.423.7667
Date September 6, 2011



BOARD OF ADJUSTMENTS

CASE#: C15-2011-0105
 LOCATION: 916 W ELIZABETH ST
 GRID: H21
 MANAGER: SUSAN WALKER



-  SUBJECT TRACT
-  ZONING BOUNDARY

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Walker, Susan

From: Bradford Patterson [bcpatterson05@sbcglobal.net]
Sent: Saturday, September 17, 2011 11:57 PM
To: 'Laura & John'
Cc: Walker, Susan
Subject: 916 West Elizabeth, BOA application

Laura & John,

I wanted to let you know that on September 12th, our officers voted to agree with the BCNA Zoning Committee recommendation which was in line with our discussion with you on August 31, 2011. I have not pulled a copy of your application from the city website yet so these comments are based on our discussion.

The BCNA Zoning Committee recommendation approved by the association's officers was to not oppose a street side yard setback variance that followed the existing setback on the west towards South 5th Street. It our understanding that the setback of the existing structure along this side is roughly 11.91 feet, or roughly 12 feet. Because of the small lot size and constraints, the association does not have concerns about a remodeling or new structure that maintained the existing setback. **We also do not have a problem with a variance to deal with the substandard width or overall size of the lot.** We do have quite a few substandard lots in the neighborhood due to the early platting.

Despite the constraints of the lot, we would be concerned with a variance that decreased the side yard setbacks below that of the existing structure. It's important to realize that with a corner lot, your setback on this side does impact the residents on the adjoining street.

It's our understanding that the current structure is roughly 600-700 square feet and that you are proposing something in the neighborhood of 1300-1400 square feet. Although this is a reasonable size residence for the neighborhood, obviously the small lot size does mean that a structure of that size is likely to appear rather large. We'd encourage your design to take advantages of first or second floor porches and pitched roofs or other methods to help the house appear smaller from the street and to blend overall with the character of the neighborhood.

In the unlikely event that your application varies significantly from our discussions, the association might have to reconsider its position. We'd also encourage you to garner as much support from your immediate neighbors as possible. If your immediate neighbors who would be impacted by the proposed construction were to voice notable concerns, we might also have to reconsider our position. We are not anticipating that happening so we wish you the best with the Board of Adjustment. Feel free to contact me with any questions and you'll note that I've copied Susan Walker on this email. We appreciate you consulting with us regarding your plans and application.

-Bradford Patterson
 Zoning Chair, Bouldin Creek Neighborhood Association
 512-936-2315 daytime #
 bradfordpatterson04@yahoo.com

From: Laura & John [mailto:laurajohn78704@gmail.com]
Sent: Tuesday, September 06, 2011 4:30 PM
To: Walker, Susan
Cc: Bradford Patterson
Subject: BOA application 9-6 submission

Hello Susan

9/23/2011



**City of Austin
Planning and Development Review
Land Status Determination
1995 Rule Platting Exception**

May 03, 2011

File Number: CSI-2011-0111

Address: 916 W ELIZABETH ST

Tax Parcel I.D. # 0100031718

Tax Map Date: 12/31/2009

The Watershed Protections & Development Review has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being a portion of Lot Ten (10), Block Nine (9), South Heights in the current deed, recorded on Nov 12, 1993, in Volume 12062, Page 4466, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on Nov 12, 1993, in Volume 12062, Page 4466, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by wastewater service on Jun 28, 1949. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By:


**Daniel Word, Representative of the Director
Planning and Development Review**



1 0003

Revision Date
12/31/2009

0 120 Feet

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet
Projection: Lambert_Conformal_Conic

Scale: 1" = 100 feet map
1" = 100 feet map
1" = 100 feet map

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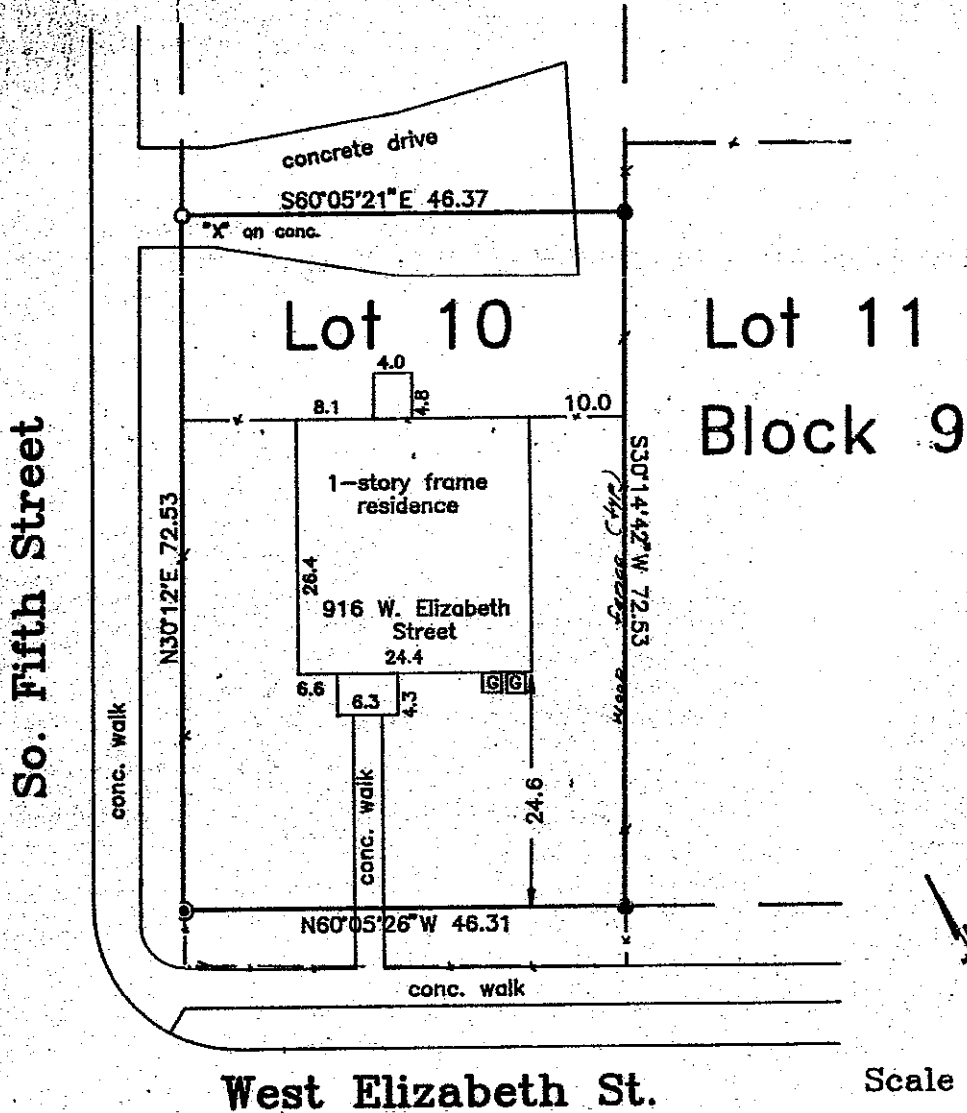
This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

Travis Central Appraisal District
8314 Cross Park Drive
Austin, Texas 78754

P.O. Box 149012
Austin, Texas 78714

Internet Address: www.traviscad.org
Main Telephone Number (512) 834-8317
Appraisal Information (512) 834-8318
TDD (512) 836-3328

Survey plat showing a portion of Lot 10 in Block 9 of South Heights as recorded in Volume 1, Page 112 of the Plat Records of Travis County, Texas



Scale 1" = 20'

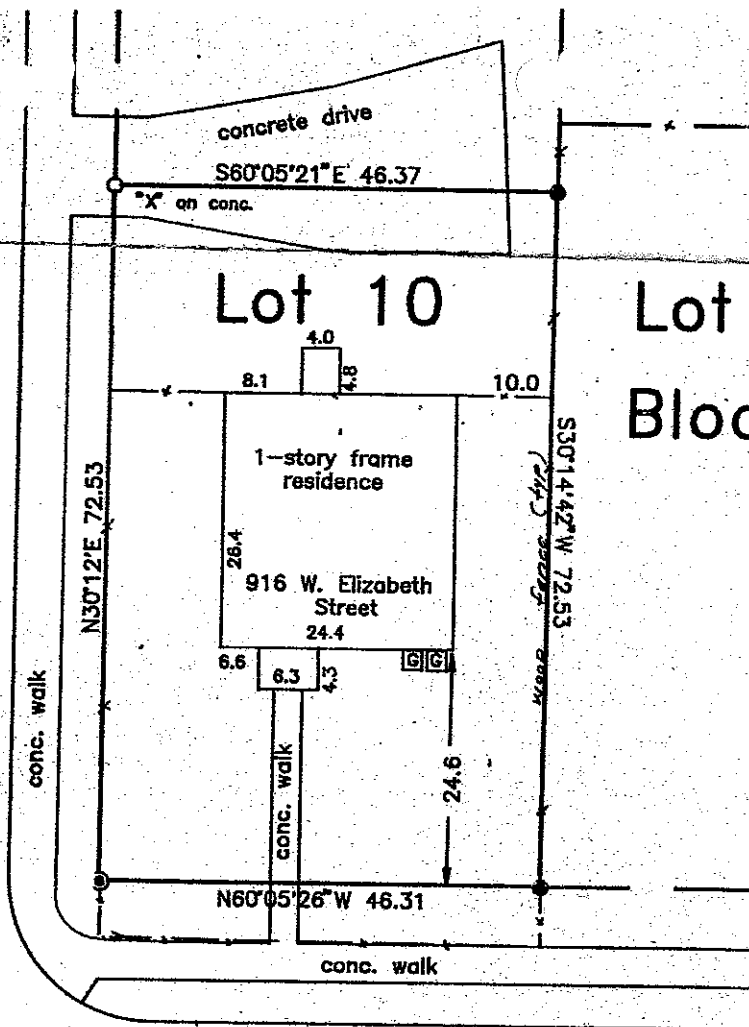
- Iron pin found
- ⊙ Iron pipe found
- ⊠ Gas meter

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that this plat accurately represents the results of an on-the-ground survey made under my supervision during November of 1993 and is correct to the best of my knowledge and belief. Except as shown hereon, there are no visible easements, protrusions, encroachments, discrepancies, nor shortages in area or boundary. Except as shown hereon, this tract does not lie within the

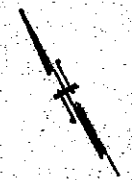
NOTE: There is a gas meter at the South corner of the house that serves the house which sits on the remainder part of Lot 10.

part 2

So. Fifth Street



Lot 11
Block 9

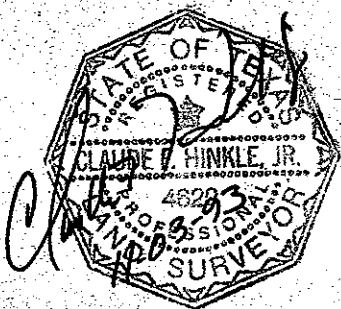


Scale 1" = 20'

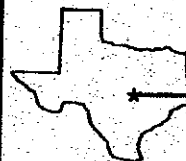
- Iron pin found
- ⊙ Iron pipe found
- ⊠ Gas meter

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that this plat accurately represents the results of an on-the-ground survey made under my supervision during November of 1993 and is correct to the best of my knowledge and belief. Except as shown hereon, there are no visible easements, protrusions, encroachments, discrepancies, nor shortages in area or boundary. Except as shown hereon, this tract does not lie within the limits of the 100-year flood plain as identified on the Flood Insurance Rate Map Panel No. 48453C0205 E, effective date June 16, 1993. This tract has access to a public road.

NOTE: There is a gas meter at the South corner of the house that serves the house which sits on the remainder part of Lot 10.



| | |
|----------------------|-------------------|
| File No.: 403P | Designed By: skjp |
| Job No.: 403-103 | Drawn By: skjp |
| Date: November, 1993 | Checked By: |
| Scale: 1" = 20' | Revised: |



AUSTIN SURVEYORS

2105 Justin Lane #111
 Austin, Texas 78757
 512-454-8806



Satellite View of My House

Note: This free street level "Find My House" service is available for addresses in the USA, Canada, France, Germany, Italy, Spain, Japan, Australia, and New Zealand. Additional countries will be added as Google Maps launches in other countries.

Example USA entry: 1234 MyStreet, MyCity, MyState Zipcode

916 w. elizabeth st., austin tx

Like 1,708 people like this. Be the first of your friends.

Fizber Street View allows visitors to view and navigate street level imagery. It's almost like walking down the actual street!

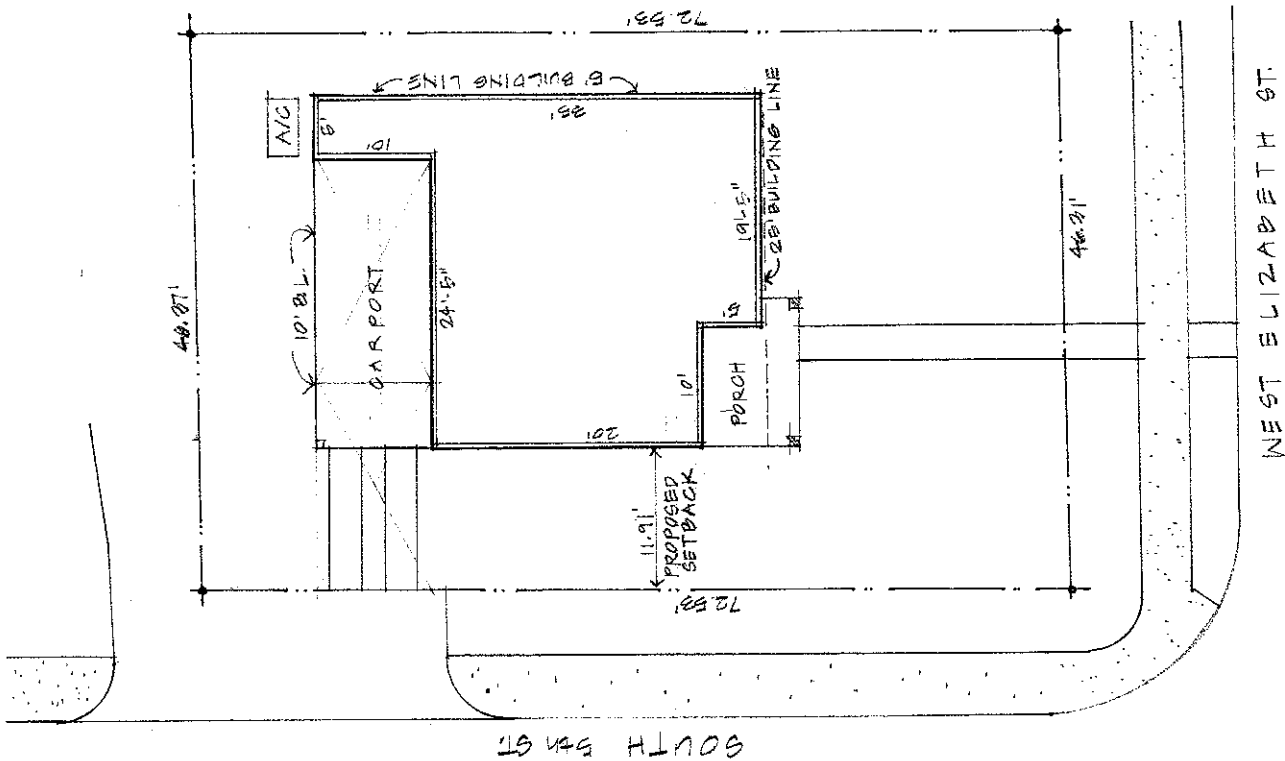
↓ Tick marks zoom in and out.

Map-Satellite-Hybrid selects view.



Imagery ©2011 CAPCOG -

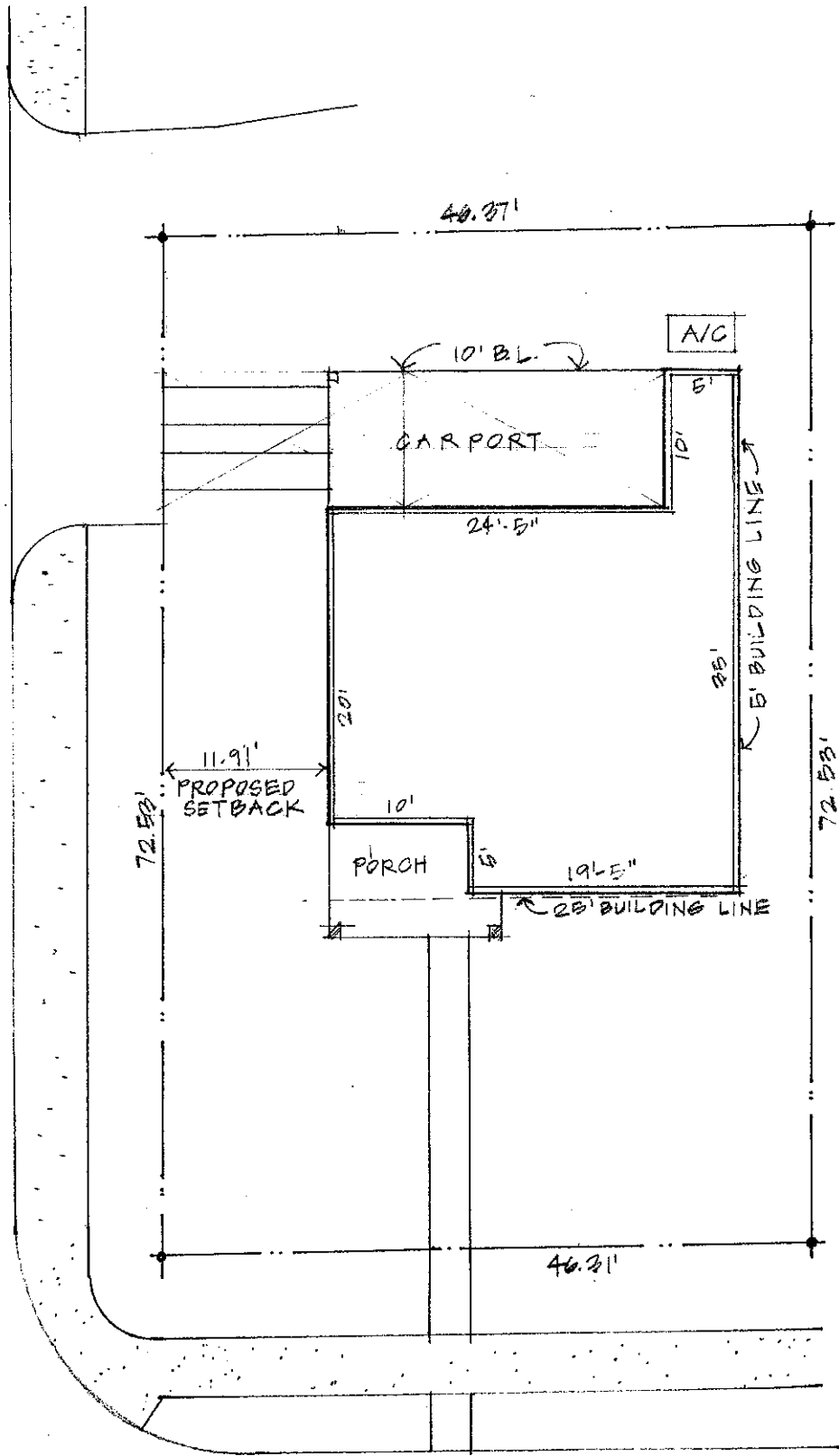




916 NEST ELIZABETH

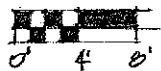


SOUTH 5th ST.



WEST ELIZABETH ST.

916 WEST ELIZABETH




September 6, 2011

Dear Board of Adjustment,

I wanted to let you know, in addition to this application, I also met with the BCNA (Bouldin Creek Neighborhood Association) zoning committee on August 31st. I shared with them a few site plan options – and they were comfortable with the site plan I have included in this application (leaving the west setback where it currently is with the existing house). Brad Patterson with the committee said he will email Susan Walker and myself a letter stating this. As I have not received the email yet, I have included this statement for the application submission.

Sincerely,


Laura Thomas