

CASE # C15-2011-0120
TP- 010201-02-22
ROW # 10661053

01-0201-0233

**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: 703 Bouldin Avenue, Austin, TX 78704

LEGAL DESCRIPTION: Subdivision -

Lot(s) 2 Block , Outlot , Division Bennight division

We James and Deborah Evans on behalf of ourselves affirm that on September 29, 2011, we hereby apply for a hearing before the Board of Adjustment for consideration to: (check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

1) An exterior, curving, suspended stairway leading to the front door/main entrance to our single-family home. We are requesting permission to extend the stair to a point that is no more than ~~12~~ ¹¹ from the property line and not more than 5' wide.

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

Bouldin Creek Neighborhood Plan

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:

This property, being a smaller city lot, having never been built on before, contains many mature trees, and has attached to it a restrictive covenant preventing our home from extending beyond a certain line on the property (so as not to encroach on the downtown view enjoyed by the up-hill neighbor) leaving only a 40' x 46' area on which to build (according to the survey provided to us at the time we purchased the property).

The suspended stair that we wish to build at the front of our home carefully curves around a 28" heritage oak. In so doing, it extends into the set back zone by approximately 9-10 feet and purposefully avoids impacting any 1/2 critical root zones. We have presented our plans to the Bouldin Creek Zoning Committee, and that committee presented our proposed plans to the Bouldin Creek Steering Committee. Both committees have stated that they will not oppose the variance for the stairway (see attached response).

HARDSHIP:

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

The lot that we have purchased has not previously been built on (to my knowledge). The buildable area is reduced to less than 1/3 of the entire land that we own by a combination of zoning requirements and other site restrictions - including a restrictive covenant and several mature trees.

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

Due to the sloping nature of the property and our desire to build a green home, we have designed a home with the main level (living, dining, kitchen) on the second floor. Therefore, the main entrance to our home is at the second level. In order to create an appealing entrance to our home that fits the design and style of the home, we are proposing the suspended, exterior stair. The stair extends into the setback zone because of our desire to save as many trees on the property as possible and due to the restrictive covenant on the property. To my knowledge, no other property within the 300-yard radius is subject to a restrictive covenant.

I do not believe that the zoning requirement was meant to block the erection of such a stair; additionally, our neighbors find the look of the stair appropriate for the location and the home.

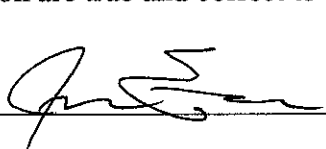
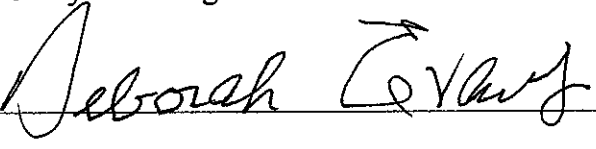
AREA CHARACTER:

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 design for our home was driven by our desire to live a green, urban lifestyle downtown. The proposed stairway is a beautiful design feature of the home and its only effect will be to enhance the home's urban curb appeal.

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.

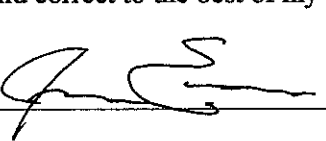
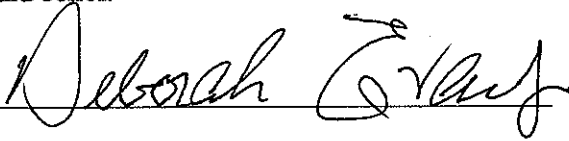
Signed:  

Mail Address: 2206 Stamford Lane

City, State & Zip: Austin, TX 78703

Printed: James & Deborah Evans Phone: (512) 633-7652 Date: 9/26/2011

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:  

Mail Address: 2206 Stamford Lane

City, State & Zip: Austin, TX 78703

Printed: James & Deborah Evans Phone: (512) 633-7652 Date: 9/26/2011



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2011-0120
 LOCATION: 703 Bouldin Ave



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.

Ms. Evans,

On August 31, 2011, your architect Will Burkhardt showed the Bouldin Creek Neighborhood Association (BCNA) Zoning Committee preliminary plans for a residence at 703 Bouldin Ave. The plans showed a three-story, single-family residence with the primary living spaces on the second floor. It is our understanding that you will be applying for a variance from the Board of Adjustment in order to construct an exterior stairway from grade to the second level. The planned stair would encroach on the front yard setback, curving around an existing 26" oak tree. It is also our understanding that a similar stairway could be constructed utilizing grading and fill without requiring a variance but that earthen fill is not an option in order to avoid damage and encroachment on the root zone of the tree. There may be design or aesthetic issues in play as well. With the exception of the stair, the remainder of the proposed structure would comply with required setbacks.

The Zoning Committee recommended that the association not oppose a front setback variance in order to construct the exterior stair as shown to the committee. On September 12, 2011 the Steering Committee of BCNA voted to accept the Zoning Committee's recommendation. Should there be substantial design changes that impacted the stairway, setbacks, or protected trees, the association reserves the right to reconsider its position. BCNA did not specifically evaluate whether there is an adequate hardship related to the site and application. We did consider the likely impacts or the proposed variance on the neighbors and the character of the neighborhood. We wish you the best with your application and look forward to welcoming you to the neighborhood.


For purposes of disclosure, Will Burkhardt is a member of the BCNA Zoning Committee. However, the committee's recommendation was made by other members of the committee. In addition, the recommendation is non-binding and the position of the neighborhood was determined by the Steering Committee which is comprised of our elected officers. Will Burkhardt is not a member of the Steering Committee nor was he present at the September 12 meeting in which the vote was taken.

We would appreciate if you would let us know when you are scheduled for a hearing and provide us a copy of the submitted application for our records. Thank you for taking the time to consult with the association.

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

Travis Central Appraisal District
 P.O. Box 149012
 Austin, Texas 78714
 Internet Address: www.travisad.org
 Main Telephone Number (512) 834-8317
 Appraisal Information (512) 834-8318
 TDD (512) 836-3328

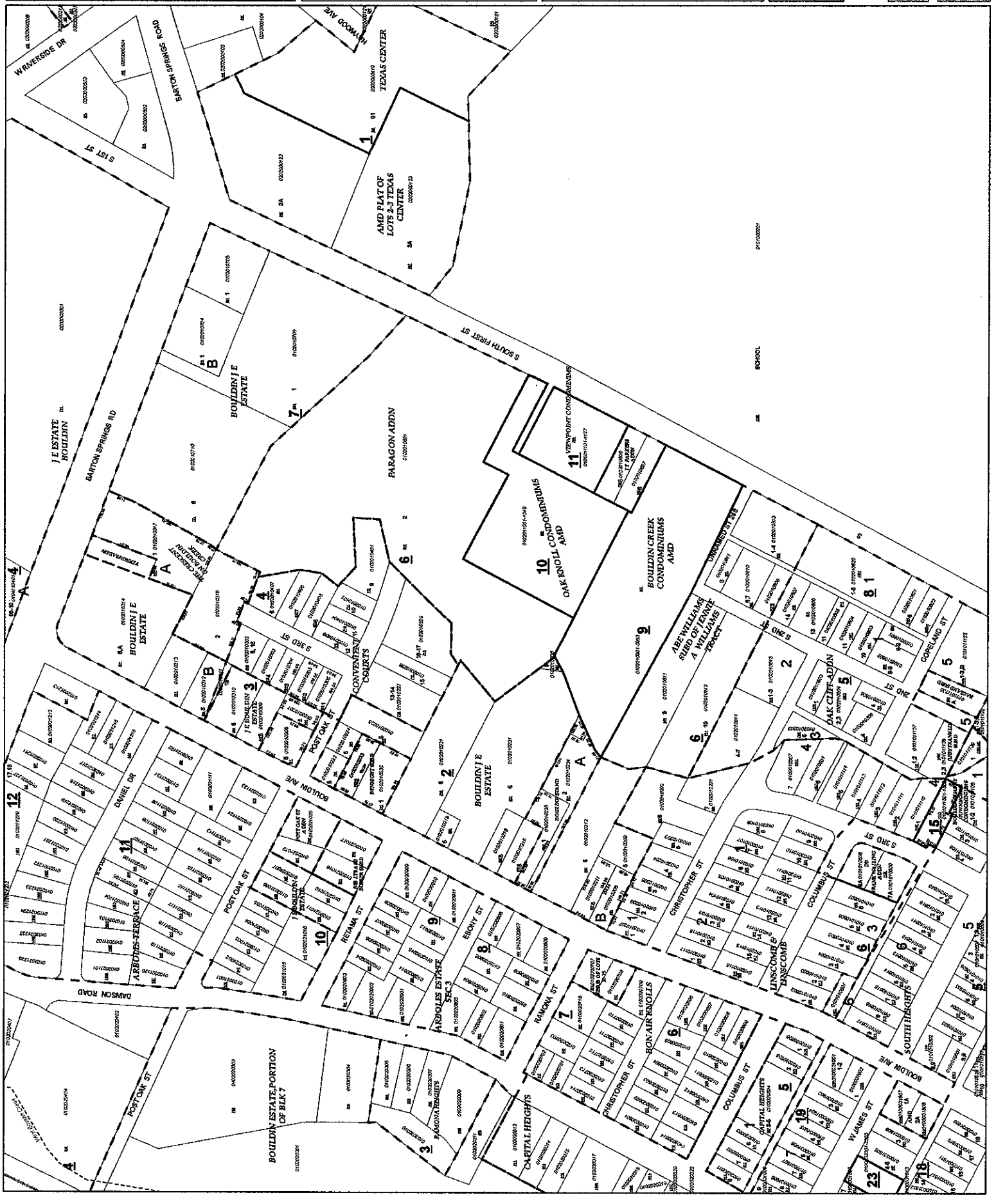
This tax map was compiled solely for the use of TCAD.
 Areas depicted by these digital products are approximate
 engineering standards. Conclusions drawn from this information
 are the responsibility of the user. The CAD makes no other
 warranties or guarantees about the accuracy, completeness,
 or adequacy of the information and expressly disclaims any
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 a legal document.

NAD 1983 StatePlane
 Texas Central FIPS 4203 Feet
 Projection: Lambert Conformal Conic

 Ratio = 100 scale map
 Thin = 1/8" scale map
 Bold = 1/4" scale map

10208	1001	2000	2000
10209	1002	1001	2001
10210	1003	1002	2002
10211	1004	1003	2003
10212	1005	1004	2004
10213	1006	1005	2005

0 120 Feet
 Revision Date
6/17/2011

10201





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022020071

BOULDIN JE
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PARAGON ADDN

10
OAK KNOLL CONDOMINIUMS
AMD

11
VIEWPOINT CONDOMINIUMS

BOULDIN CREEK
CONDOMINIUMS
AMD

ABE WILLIAMS
SUBD OF JENNIE
A WILLIAMS
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BOULDIN JE
ESTATE

BOULDIN JE
ESTATE

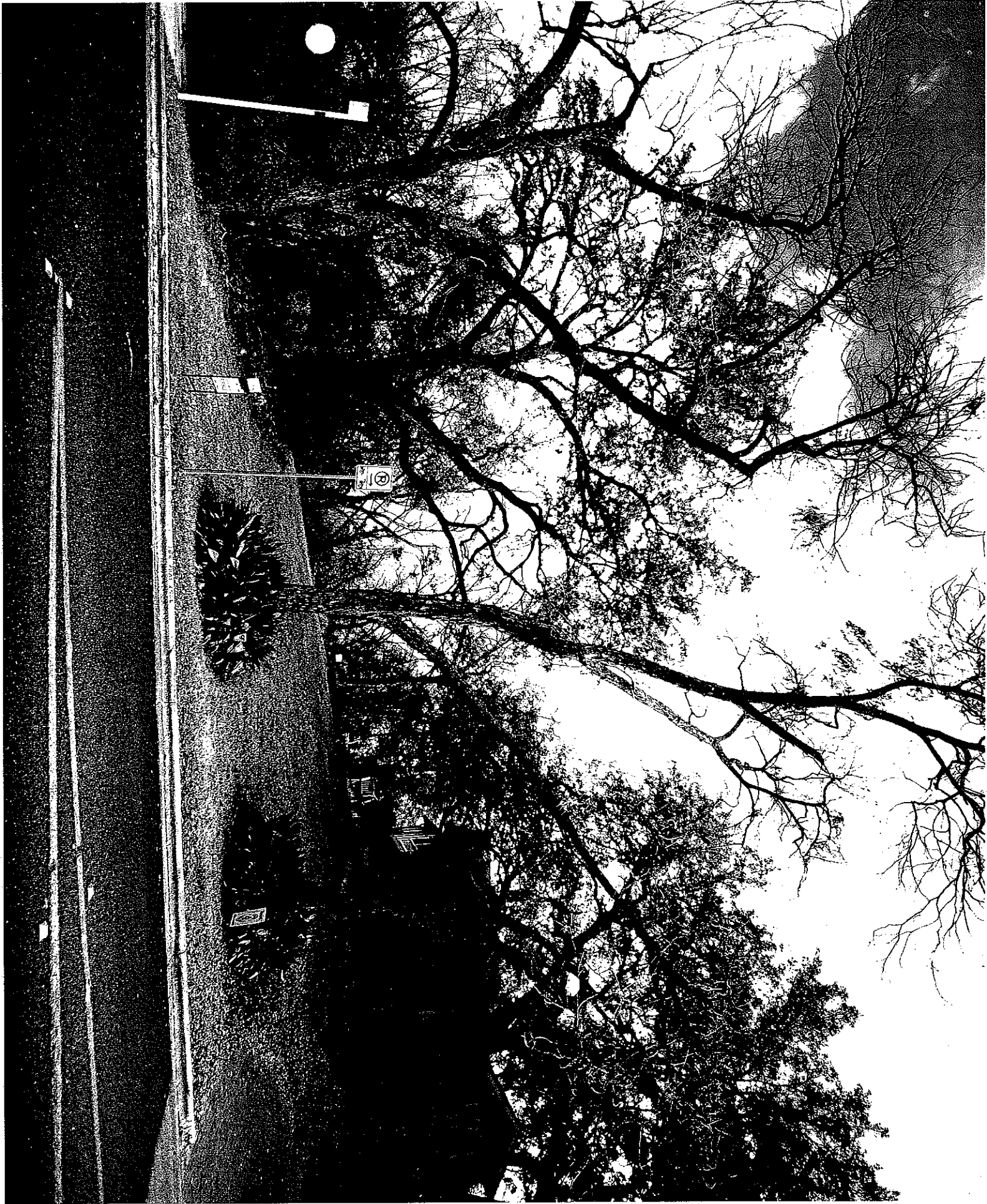
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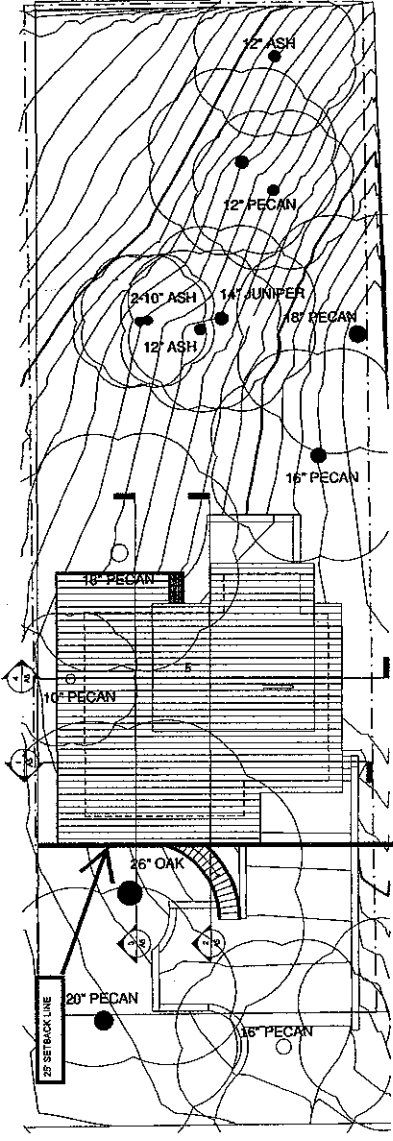
SCHOOL

SCHOOL

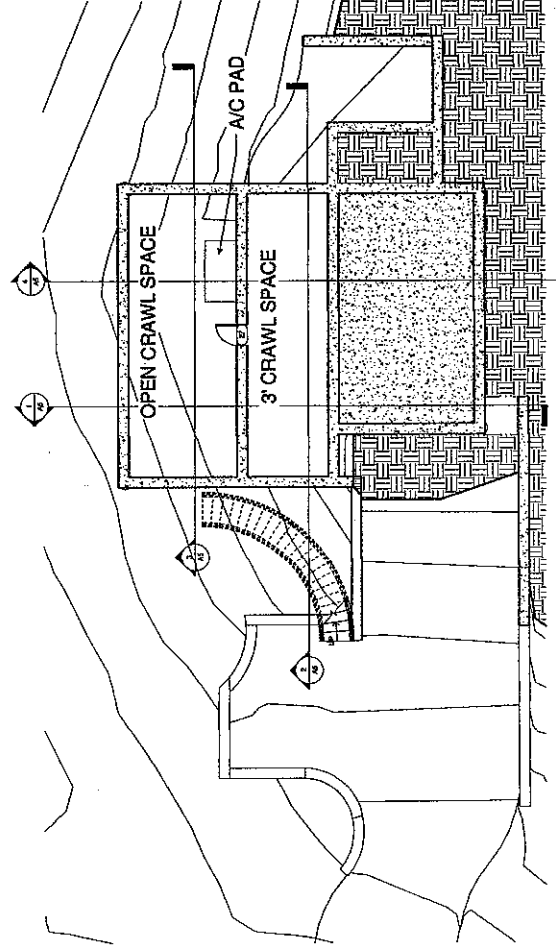
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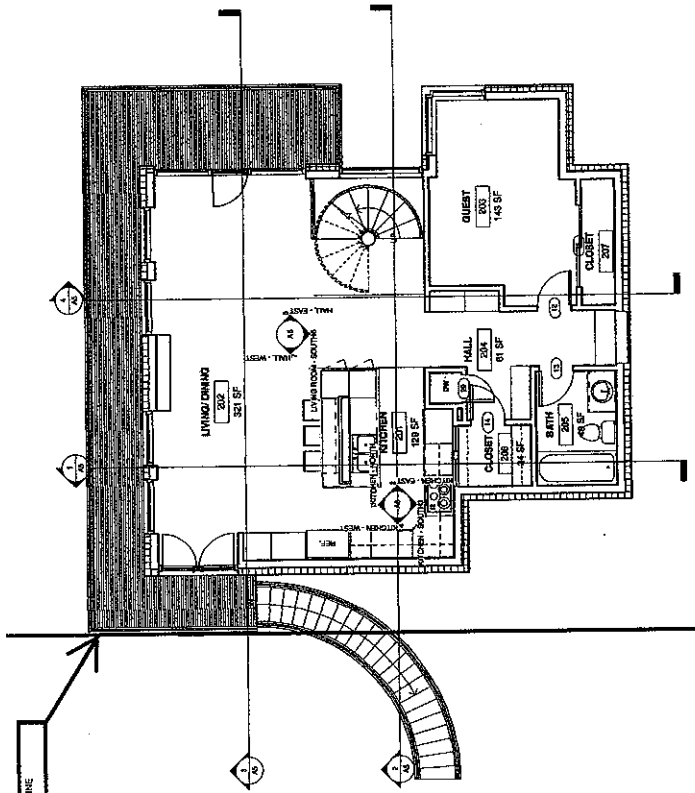




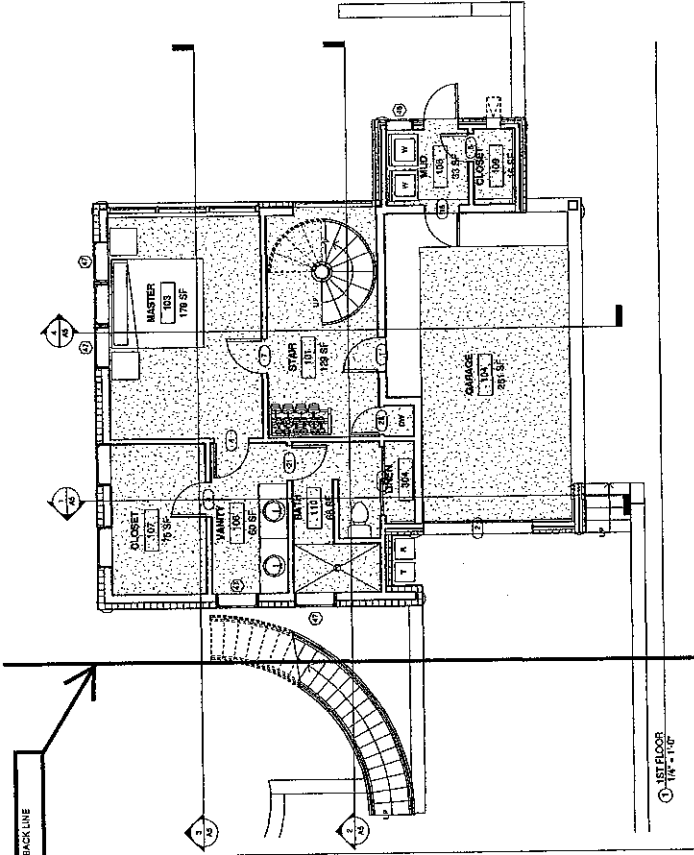
① SITE PLAN
3/18" = 1" = 0'



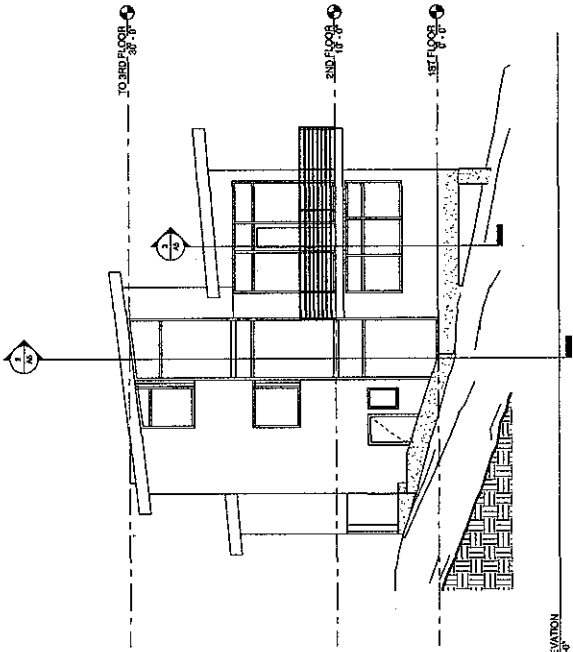
② FOUNDATION PLAN
3/16" = 1" = 0'



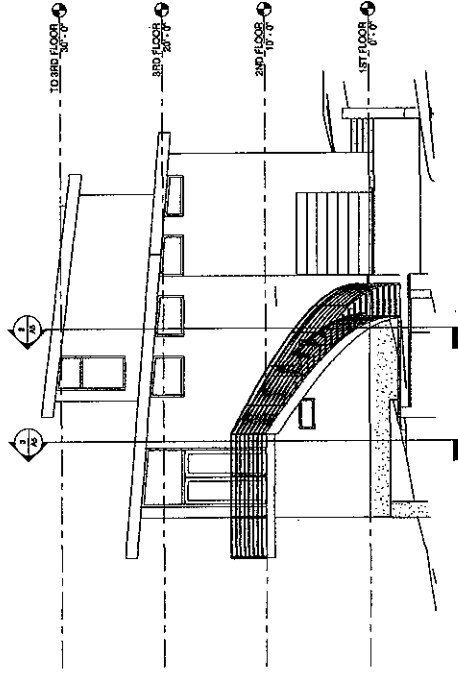
② 2ND FLOOR
1/8" = 1'-0"



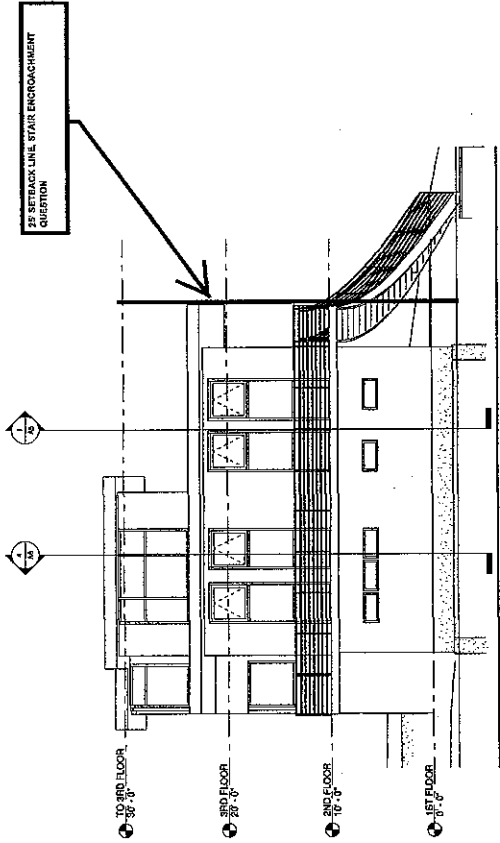
① 1ST FLOOR
1/8" = 1'-0"



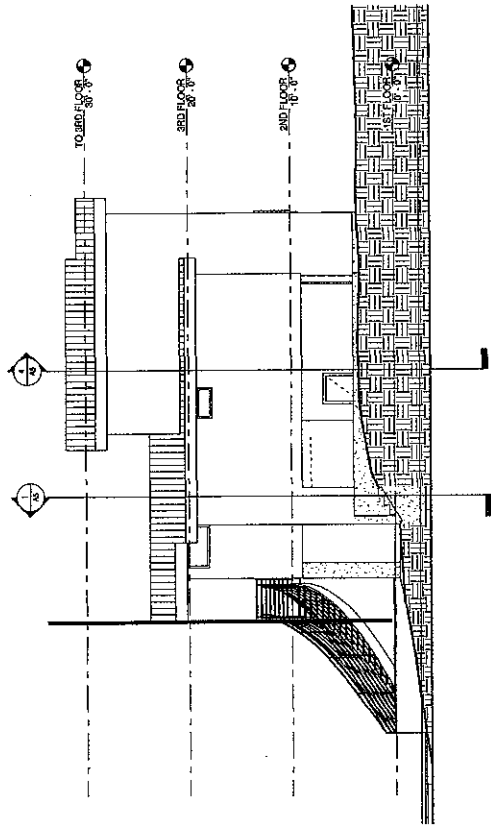
② EAST ELEVATION
3/16" = 1" @



③ WEST ELEVATION
3/16" = 1" @



① NORTH ELEVATION
3/16" = 1" @



④ SOUTH ELEVATION
3/16" = 1" @