

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

DATE: Monday, November 14, 2011

CASE NUMBER: C15-2011-0120

____ Jeff Jack
____ Michael Von Ohlen **2nd the Motion**
____ Nora Salinas
____ Bryan King **Motion to PP to Dec 12, 2011**
____ Susan Morrison
____ Melissa Hawthorne
____ Heidi Goebel
____ Cathy French (SRB only)

OWNER/APPLICANT: Deborah C., Evans

ADDRESS: 703 BOULDIN AVE

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 11 feet in order to erect a suspended stairway to the existing single family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan).

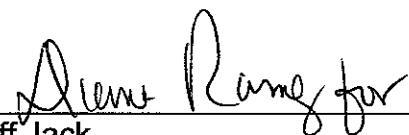
BOARD'S DECISION: The public hearing was closed on Board Member Bryan King motion to Postpone to December 12, 2011, Board Member Michael Von Ohlen second on a 7-0 vote; **POSTPONED TO December 12, 2011.**

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 Liaison



Jeff Jack
Chairman

PUBLIC HEARING INFORMATION

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- 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
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Case Number: C15-2011-0120 – 703 Bouldin
Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 14th, 2011

MARILYN BLACKSHEAR
HAROLD H. BLACKSHEAR

Your Name (please print)
806 BOULDIN AVE, AUSTIN, TX

307 FAULSTON DR. SAN ANTONIO, TX 78216-3410

Your address(es) affected by this application

Marilyn Blackshear
11/4/11

Date

Signature

Daytime Telephone: **210 3413923**

Comments: **KEEP UP THE GOOD WORK!**

SWB

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

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 14th, 2011

Ralph H. Clunard

Your Name (please print)

811 + 901 Bouldin Ave

Your address(es) affected by this application

Ralph H. Clunard

Signature

Date

Daytime Telephone: 281 497 2032

Comments:

The 25' setback must be maintained for conformity w/ visual appearance of the neighborhood

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, November 14th, 2011

Judith E. Fowler
Your Name (please print)

☒ I am in favor ☐ I object
--

700 Bouldin Ave
Your address(es) affected by this application

Judith E. Fowler 11/8/11
Signature Date

Daytime Telephone: 512-658-0446

Comments: THE APPLICANT SENT ME
INFORMATION ABOUT THE NEED FOR A
VARIANCE. I AGREE WITH
THE NEED AND FEEL IT IS IN
KEEPING WITH THE NEIGHBORHOOD
PRIORITIES.

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Case Number: C15-2011-0120 – 703 Bouldin

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 14th, 2011

Alex Guerra

Your Name (please print)

610 Bouldin Ave

Your address(es) affected by this application

11-8-11

Date

Signature

Daytime Telephone: (512) 442-0751

Comments:

Ms. Evans visited me in my home. I have no objection to granting the variance unless it will impact the construction of sidewalks.

If you use this form to comment, it may be returned to:

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Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 14th, 2011

Michael de Luna

Your Name (please print)

700 Bouldin Ave Austin, TX 78704

Your address(es) affected by this application

Signature Michael de Luna

Date

11-8-11

Daytime Telephone: 512 913 3040 cell

Comments: Special Consideration necessary why - because in this neighborhood certain properties are above street level and others are below street level - building construction is always a challenge - in this case the variance is appropriate Thank you

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Case Number: C15-2011-0120 - 703 Bouldin

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 14th, 2011

William Weaver

Your Name (please print)

900 Bouldin Ave

Your address(es) affected by this application

Signature [Signature] Date 7-11-2011

Daytime Telephone: 512 518 3325

Comments:

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Case Number: C15-2011-0120 – 703 Bouldin

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 14th, 2011

Cara Lynn Bush

Your Name (please print)

801 Bouldin Ave

Your address(es) affected by this application

Cara Lynn Bush

Signature

Date

Daytime Telephone: 214 693 4223

Comments:

There is no existing structure at this address so this is for NEW construction.
703 Bouldin is an empty lot.
New construction should conform to Code.
There is no variance needed and the requested setback is way too close to the street.

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Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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 11' from the property line and not more than 5' wide.

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

Boulder 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.

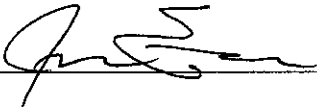
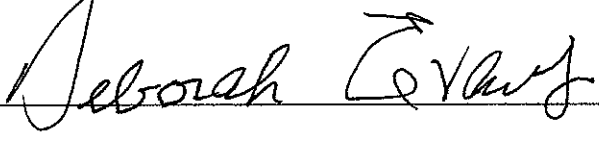
AREA CHARACTER:

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.

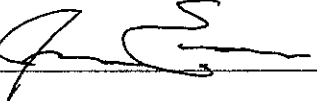
Signed:  

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

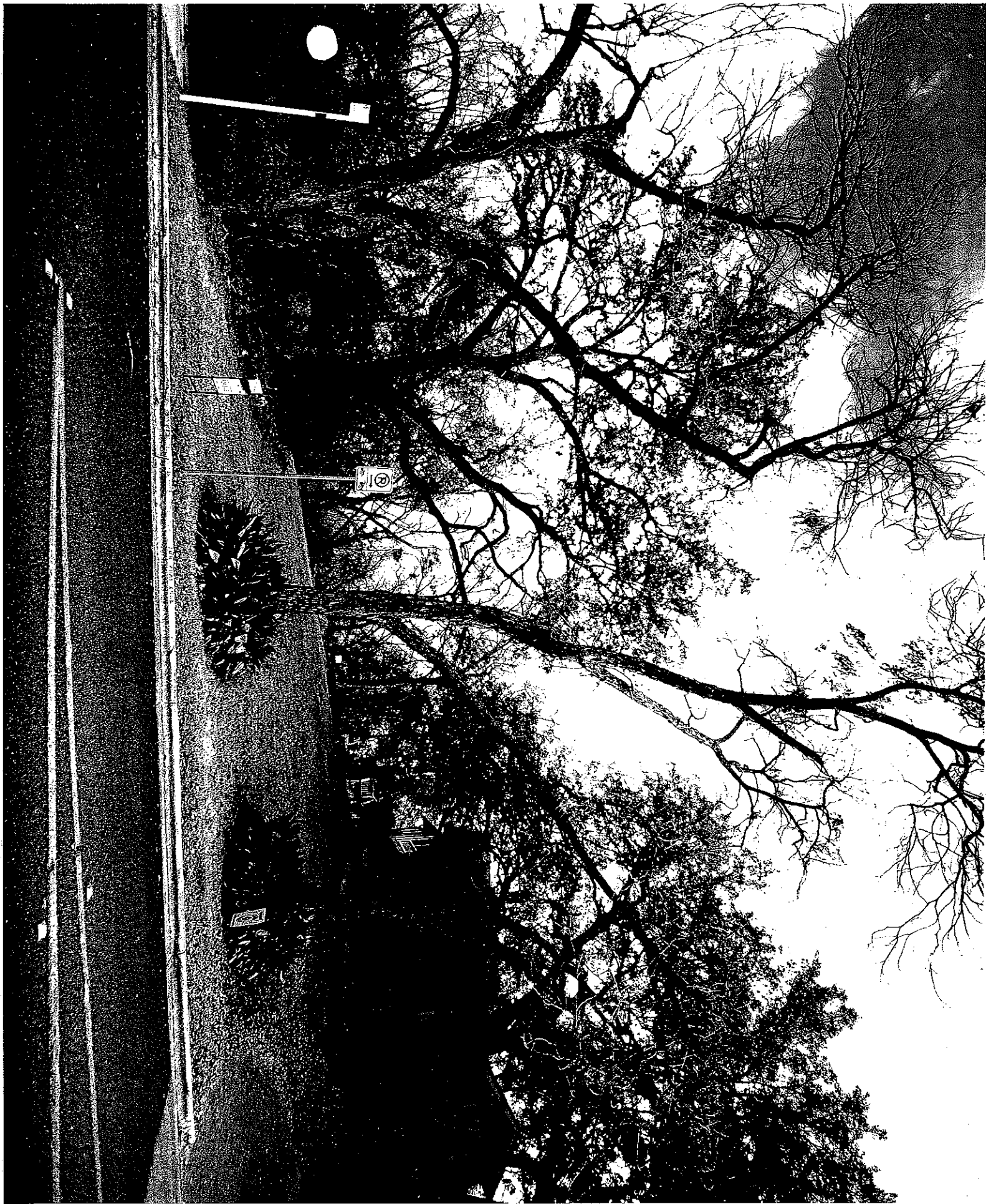
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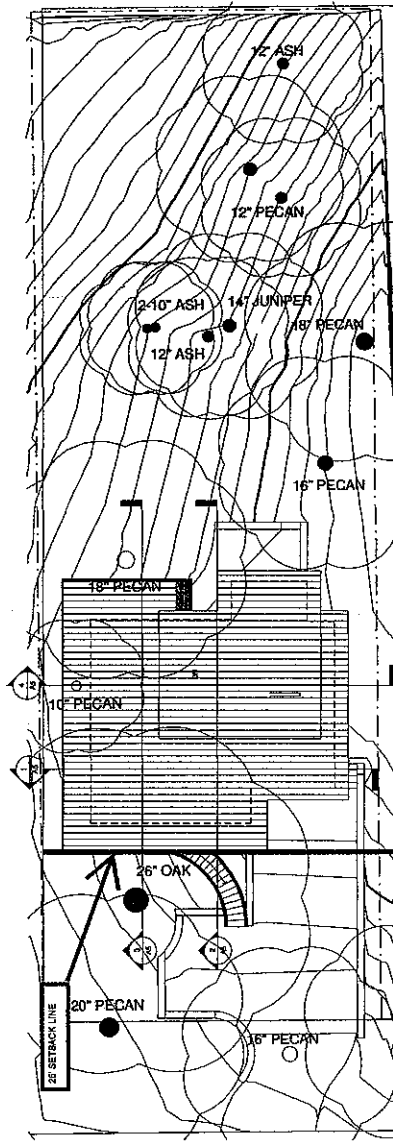
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SCHOOL

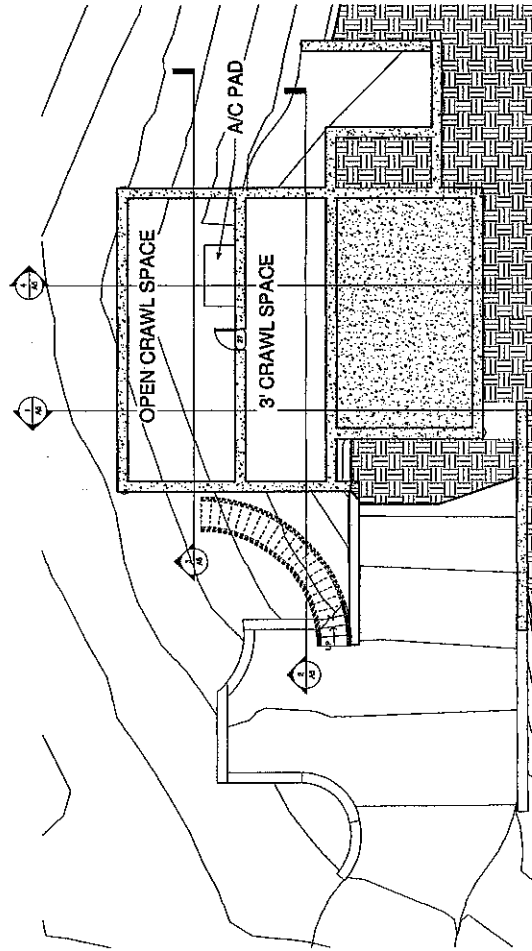
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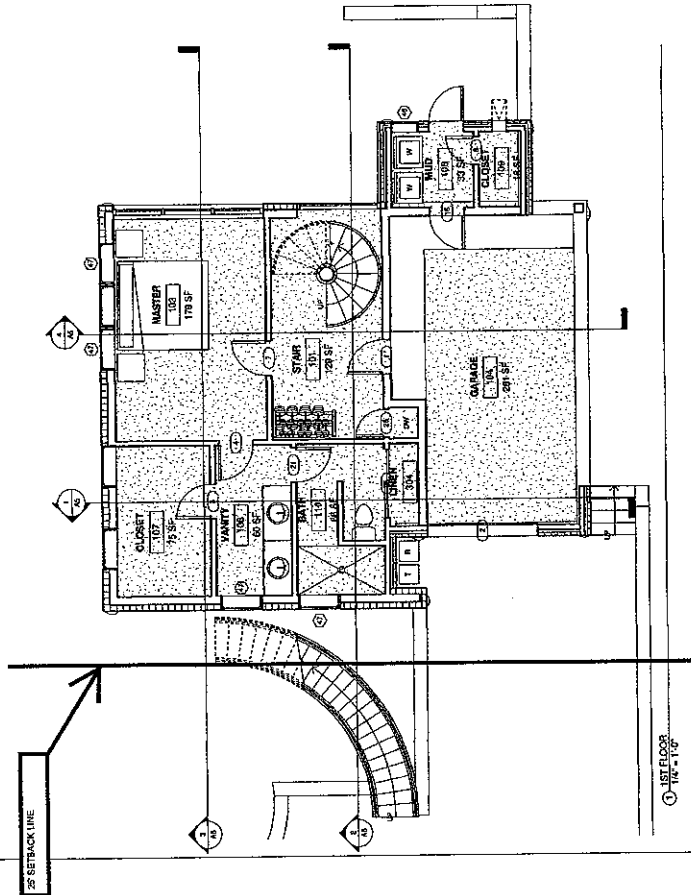
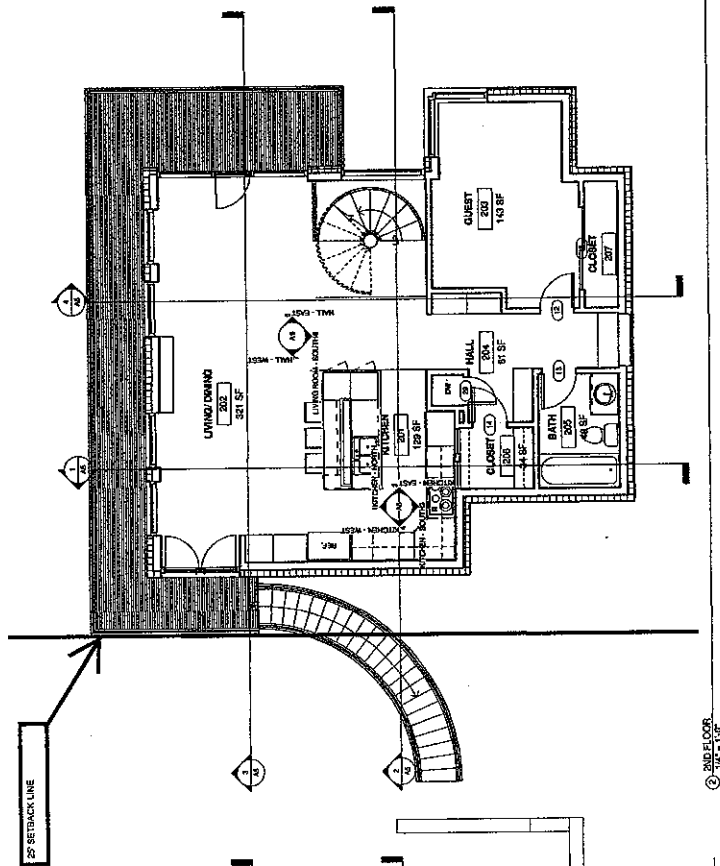




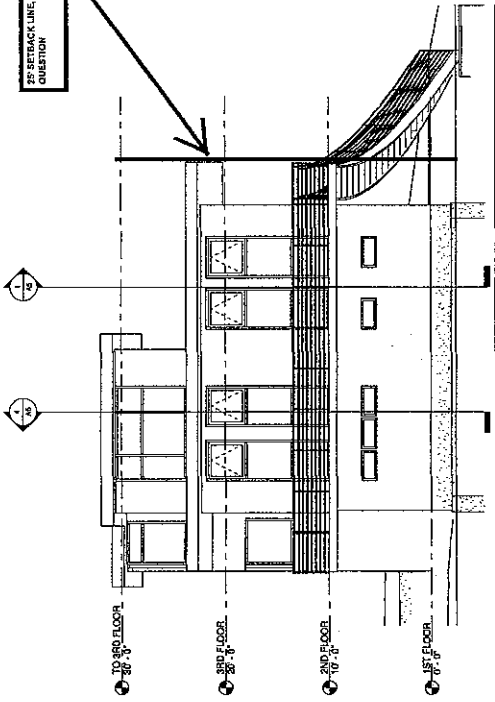
① SITE PLAN
3/16/10



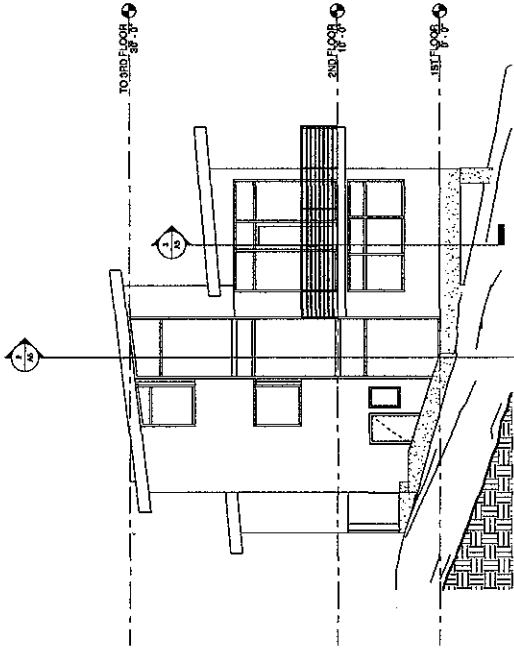
② FOUNDATION PLAN
3/16/10



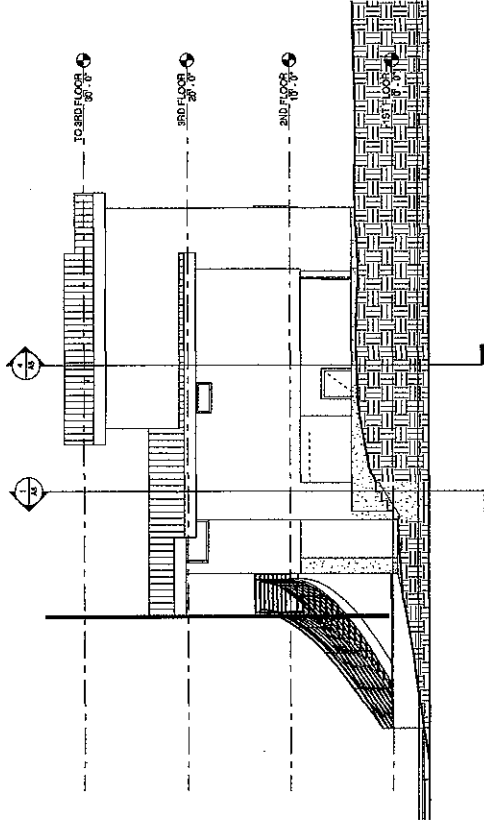
20' RETRACK LINE, STAIR ENCROACHMENT
QUESTION



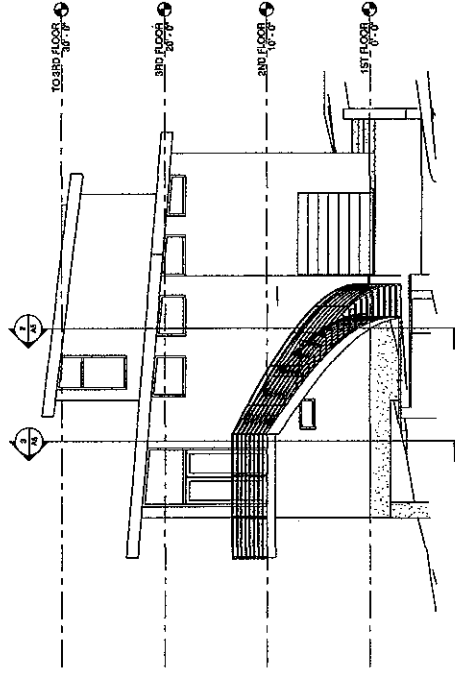
① NORTH ELEVATION
3/16" = 1'-0"



② EAST ELEVATION
3/16" = 1'-0"



③ SOUTH ELEVATION
3/16" = 1'-0"



④ WEST ELEVATION
3/16" = 1'-0"