

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

**DATE: Monday, March 12, 2012**

**CASE NUMBER: C15-2012-0001**

Y  Jeff Jack  
 Y  Michael Von Ohlen Motion to Grant  
 -  Nora Salinas- Will Schnier (Nora Absent – Will Recused)  
 Y  Bryan King – Stuart Hampton ( Bryan Absent)  
 Y  Susan Morrison  
 Y  Melissa Hawthorne 2<sup>nd</sup> the Motion  
 N  Heidi Goebel  
 -  Cathy French (SRB only)  
 -  Dan Graham (SRB only)

**APPLICANT: Jim, Wittliff**

**OWNER: Roger, Easley**

**ADDRESS: 813 13TH ST**

**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 8 feet in order to erect the front structure of a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)**

**BOARD'S DECISION: POSTPONED TO FEBRUARY 13, 2012 due to lack of quorum (No alternate available at hearing)**

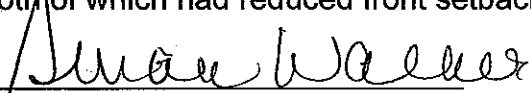
**FEB 13, 2012 POSTPONED TO MARCH 12, 2012 or Special Hearing (Could not get quorum for Special Hearing) because of lack of quorum. (Will Schneir recused himself.)**


**March 12, 2012 The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with friendly amendments that the vertical height of the new construction be approved by arborist to keep within the range of 5%, arborist requirement to include house be on piers including wooden deck and garage be no more than 18 feet off rear property line, Board Member Melissa Hawthorne second on a 5-1 vote (Board member Heidi Goebel nay and Will Schnier recused); DENIED.**

**PP TO APRIL 9, 2012 because of 5-1 decision per Rules of Procedure, Article 4, (F) (2) which states if a member is absent and the vote of that member added to the number voting for the applicant would equal the minimum number of affirmative votes, the motion shall be regarded as a vote to continue consideration to the next meeting.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: 49 inch diameter Live oak tree is located in the center of the lot, where the residential structure would normally be located, in order to protect the Critical root zone of this Heritage tree and develop this property with a two family residential use, it will be necessary to reduce the front building setback from 25 ft to 8 ft.
2. (a) The hardship for which the variance is requested is unique to the property in that: the 49 inch diameter Live Oak tree is located near the center of the property, this property originally contained two residences, these residences were built in 1909 and 1930 and surrounded the 49 inch Live Oak on three sides  
  
(b) The hardship is not general to the area in which the property is located because: none of the surroundings lots are encumbered with a large established Heritage tree in the center of their property, which prevents the standard home site location and setback.
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: there were originally two homes on the site, which were constructed in 1909 and 1930 and both of which had reduced front setbacks

  
\_\_\_\_\_  
Susan Walker  
Executive Liaison

  
\_\_\_\_\_  
Jeff Jack  
Chairman

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

**DATE: Monday, February 13, 2012**

**CASE NUMBER: C15-2012-0001**

\_\_\_\_\_ Jeff Jack  
\_\_\_\_\_ Michael Von Ohlen  
\_\_\_\_\_ Nora Salinas  
\_\_\_\_\_ Bryan King  
\_\_\_\_\_ Susan Morrison  
\_\_\_\_\_ Melissa Hawthorne  
\_\_\_\_\_ Heidi Goebel  
\_\_\_\_\_ Cathy French (SRB only)  
\_\_\_\_\_ Dan Graham (SRB only)

**APPLICANT: Jim, Wittliff**

**OWNER: Roger, Easley**

**ADDRESS: 813 13TH ST**

**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 8 feet in order to erect the front structure of a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

**BOARD'S DECISION: POSTPONED TO FEBRUARY 13, 2012**  
**FEB 13, 2012 POSTPONED TO MARCH 12, 2012**

**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

**CITY OF AUSTIN**  
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**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

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

**DATE:** Monday, January 9, 2012

**CASE NUMBER:** C15-2012-0001

\_\_\_\_\_ Jeff Jack  
\_\_\_\_\_ Michael Von Ohlen  
\_\_\_\_\_ Nora Salinas  
\_\_\_\_\_ Bryan King  
\_\_\_\_\_ Susan Morrison  
\_\_\_\_\_ Melissa Hawthorne  
\_\_\_\_\_ Heidi Goebel  
\_\_\_\_\_ Cathy French (SRB only)  
\_\_\_\_\_ Dan Graham (SRB only)

**APPLICANT:** Jim, Wittliff

**OWNER:** Roger, Easley

**ADDRESS:** 813 13TH ST

**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 8 feet in order to erect the front structure of a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

**BOARD'S DECISION:** POSTPONED TO FEBRUARY 13, 2012

**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**

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 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.

9741-6305

Case Number: C15-2012-0001 - 813 E 13<sup>th</sup> Street  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, January 9th, 2012

Your Name (please print) Narrell Pierce

I am in favor  
 Object

Your address(es) affected by this application  
901 East 12 St

Daytime Telephone: 512 477-8788  
Signature: [Signature] Date: 1/06/2012

Comments:  
Not appropriate for lot size. It should also be not that I placed a call into Susan and no call has been returned to date.

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 # C15-2012-0001

ROW # 10692834

CITY OF AUSTIN

TP-0208060106

**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: 813 E. 13<sup>th</sup> Street

LEGAL DESCRIPTION: Subdivision – Original City of Austin

Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Outlot 41  
Division B

I Jim Wittliff / Land Answers, Inc. on behalf of myself as authorized agent for Roger Easely affirm that on November 1, 2011,

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

(check appropriate items below)

X ERECT \_\_\_ ATTACH \_\_\_ COMPLETE \_\_\_ REMODEL \_\_\_ MAINTAIN

A residence with an 8 foot front setback (25 feet front setback required).

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

Central East  
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 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: A 49 inch diameter Live Oak tree is located in the center of the lot, where the residential structure would normally be located. In order to protect the Critical Root Zone of this Heritage tree and develop this property with a Two Family Residential use, it will be necessary to reduce the front building setback from 25 feet to 8 feet. [Note: The property owner just rezoned this property from LR-NP to SF-3-NP, in order to build a new Two Family Residential use on the property. Under the LR zoning, the front building setback was required to be zero feet, under Austin's Commercial Design standards.]

**HARDSHIP:**

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

The 49 inch diameter Live Oak tree is located near the center of the property. This property originally contained two residences, as shown on the attached survey. These residences were built in 1909 and 1930, and surrounded the 49 inch Live Oak on three sides. In order to accommodate the tree, these residences were built with a zero foot front setback for the 1930 house at 813 ½ E. 13<sup>th</sup> Street, and an 8 foot front setback for the 1909 house at 813 E. 13<sup>th</sup> Street. The 1909 house has been demolished, and the 1930 house is scheduled to be demolished in 2012.

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

None of the surrounding lots are encumbered with a large established Heritage tree in the center of their property, which prevents the standard homesite location and setback.

**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:

There were originally two homes on the site, which were constructed in 1909 and 1930, and both of which had reduced front setbacks. The home built in 1930, which is scheduled to be demolished, has a front setback of zero feet, and in fact encroaches into the 13<sup>th</sup> Street right-of-way. The home built in 1909, which was recently demolished, had a front setback of 8 feet. Therefore, this proposed home with an 8 foot front setback will be in character with the prior established use of this site. This proposed setback will assist the property owner in complying with the City's Heritage Tree Ordinance critical root zone protection requirements, per the approved Tree Ordinance permit (attached). Per the attached petition, 26 of the surrounding property owners have endorsed this reduced front setback variance request, and the Swede Hill Neighborhood Association has issued a letter of support.

**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

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- 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

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- 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

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

N/A

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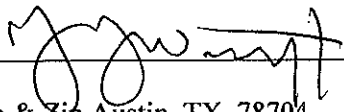
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**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**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 3606 Winfield Cove  
City, State & Zip Austin, TX. 78704

Printed Jim Wittliff Phone 512-416-6611 Date 9/30/2010

**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 813 1/2 E. 13<sup>th</sup> Street  
City, State & Zip Austin, TX. 78701

Printed Roger Easley Phone      Date 11/18/2011



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0001  
LOCATION: 813 E 13TH ST



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.



**City of Austin**

*Austin's Community-Owned Electric Utility*

[www.austlnenergy.com](http://www.austlnenergy.com)

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

November 15, 2011

Roger Easley  
813 E. 13<sup>th</sup> St  
Austin, Texas 78702  
Via email to: Jim Wittliff at [landanswers@sbcglobal.net](mailto:landanswers@sbcglobal.net)

Re: 813 E. 13<sup>th</sup> Street  
E. 64.2 ft of lot 29 OLT 41 DIV B

Dear Mr. Easley & Mr. Wittliff,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the front setback from 25 ft to 8 ft in order to construct a new residence. Austin Energy has does not oppose 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 322-6587.

Sincerely,

A handwritten signature in black ink, appearing to read "Lena Lund".

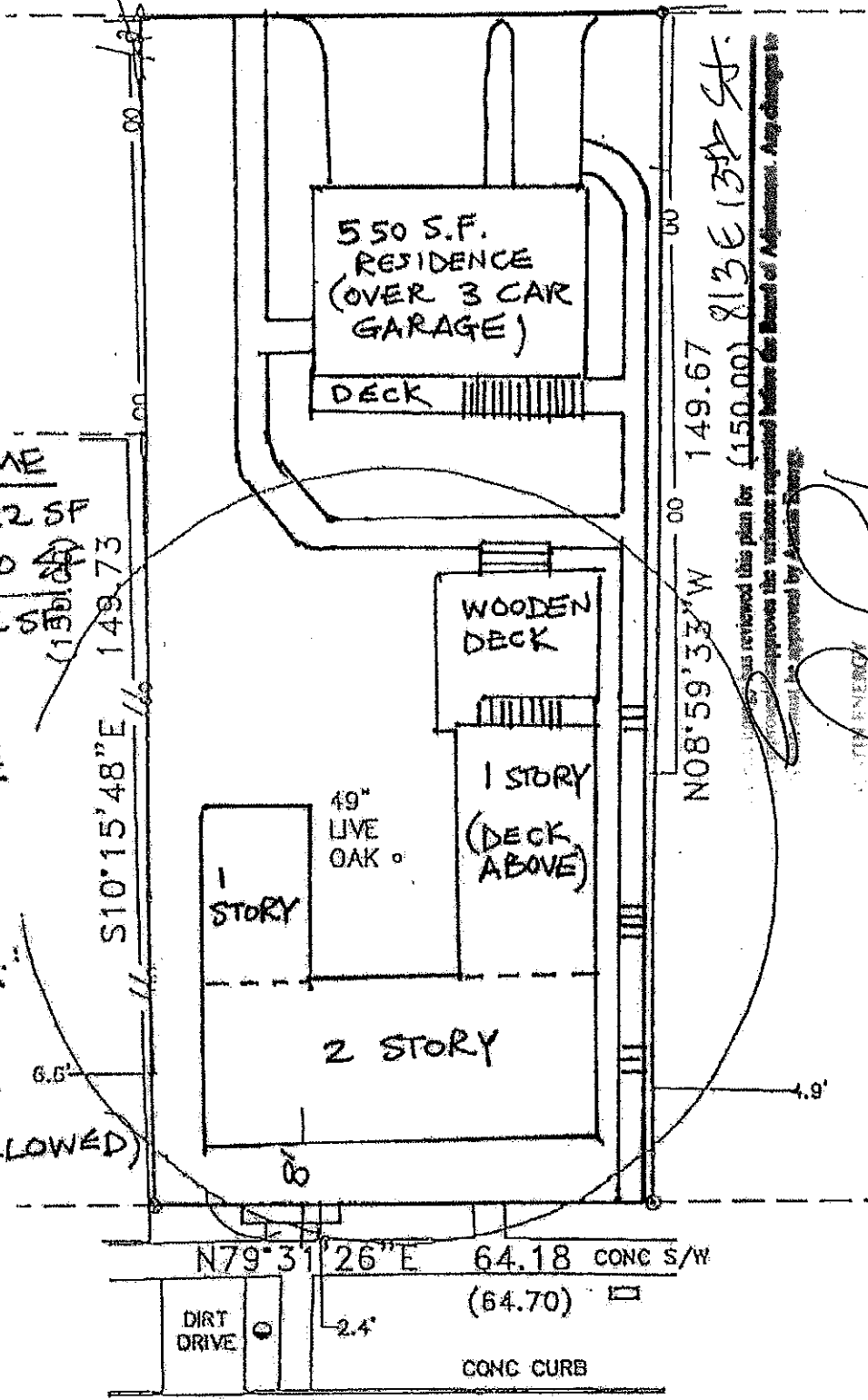
Lena Lund  
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

# PROPOSED REDEVELOPMENT PLAN 20' ALLEY

S79°36'54"W (67.50) 67.50

1" = 20'



This plan was reviewed this plan for (150.00) 813.67 SF.  
 The Board of Adjustment has approved the variance requested herein for Board of Adjustment. Any changes to  
 this plan must be approved by Austin Energy.

SOUTH ENERGY

11/15/11  
Date

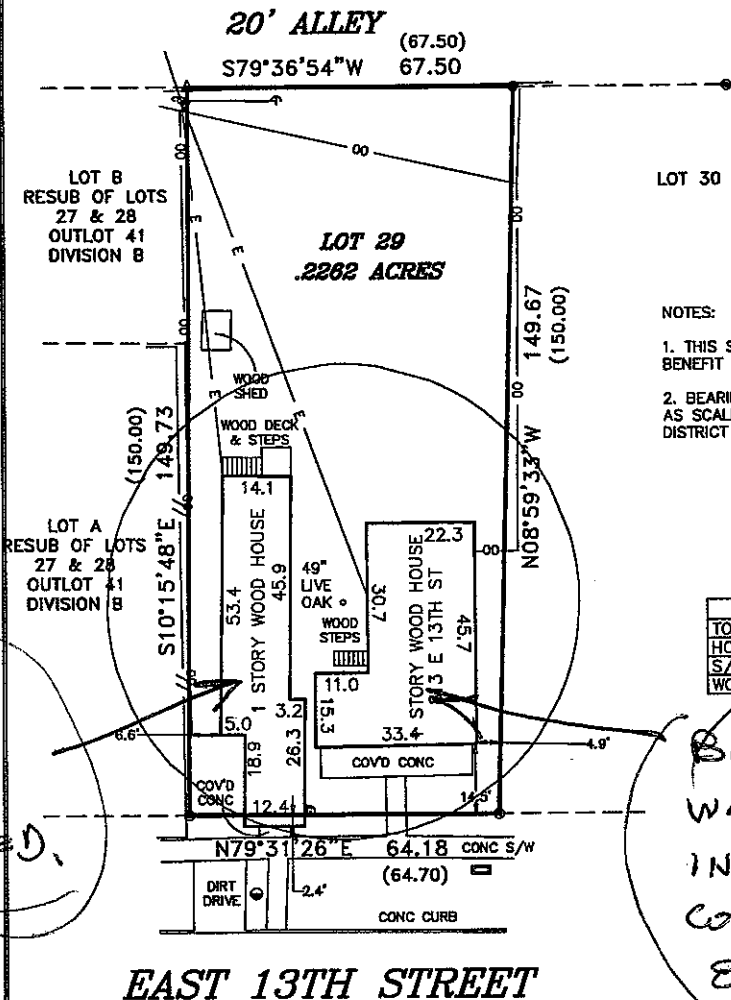
EAST 13TH STREET

# PRIOR SITE DEVELOPMENT

Plat of survey of property at 813 1/2 EAST 13TH STREET  
 described as Lot           , Block           , of             
 a subdivision of record in Map or Plat  
 Volume/Book/Cabinet            at Page(s)/Slide(s)            of the TRAVIS  
 County, Texas Plat Records. G.F. #            Dated:             
 Ref:           

\* THE EAST 64.2 FEET OF LOT 29 OUTLOT 41 DIVISION B AS RECORDED UNDER VOLUME 1, PAGE 39, PLAT RECORDS, TRAVIS COUNTY, TEXAS BEING THE SAME PROPERTY CONVEYED TO ROGER EASLEY IN VOL. 10358 PG. 585 OF THE TRAVIS COUNTY, TEXAS OFFICIAL RECORDS.

SCALE: 1" = 30'



**NOTES:**

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
2. BEARINGS ARE ORIENTED TO THE BEARING BASE AS SCALED FROM THE TRAVIS COUNTY APPRAISAL DISTRICT TAX MAP.

IMPERVIOUS AREA	
TOTAL SQUARE FEET	9854
HOUSE & SHED	2224
S/W & COVD CONC	232
WOOD DECK & STAIRS	88

BUILT IN 1930 - TO BE DEMOLISHED.

BUILT IN 1900 - WAS DEMOLISHED IN 2011 - FRONT COVERED PORCH HAD 8 FT. SETBACK.

**EAST 13TH STREET**

To: \_\_\_\_\_ exclusively.

The undersigned does hereby certify that the plat shown represents the results of a survey on the ground under my supervision and is true and correct and that there are no discrepancies, conflicts, shortages in area, boundary line conflict, encroachments, overlapping of improvements, visible utility easements, except as shown and the property has access to and from a dedicated roadway.

The property shown hereon is located in Zone X DESIGNATED AS AREAS OUTSIDE THE 500-YEAR FLOODPLAIN

as shown on Community Panel Number 480824-0465-H  
 of the FLOOD INSURANCE RATE MAP prepared for CITY OF AUSTIN  
 by the Federal Insurance Administration Department, H.U.D. Effective Date: SEPTEMBER 26, 2008

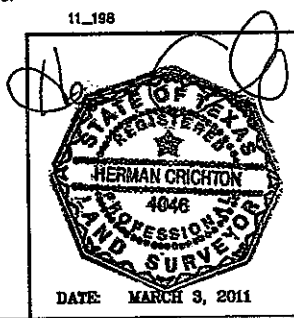
This information is based solely on said map and the surveyor does not assume responsibility as to any information provided and does not represent accuracy or inaccuracy of said map

This survey is copyright 2010 by Crichton and Associates, Inc., and is being provided solely for the use of the current parties and no license has been created, express or implied, to copy the survey except as is necessary in conjunction with this transaction only.



6448 HIGHWAY 290 EAST  
 AUSTIN, TEXAS 78723  
 (512) 244-3395  
 FAX (512) 244-9508

- LEGEND**
- 1/2" IRON PIN FOUND
  - 1/2" IRON PIN SET
  - ▲ NAIL FOUND
  - ⊕ POWER POLE
  - ⊕ GUY WIRE
  - ⊕ FIRE HYDRANT
  - ⊕ WATER METER
  - ⊕ WATER VALVE
  - ⊕ GAS METER
  - ⊕ SEWER CLEANOUT
  - ⊕ UTILITY PEDESTAL
  - ⊕ SANITARY SEWER MANHOLE
  - ⊕ GUY UTILITY WARNING SIGN
  - ⊕ CONC. PAD WITH ELEC.
  - WOOD FENCE
  - CHAIN LINK FENCE
  - WIRE FENCE
  - OVERHEAD ELECTRIC LINE
  - ( ) RECORD INFORMATION



PROPOSED REDEVELOPMENT PLAN  
20' ALLEY

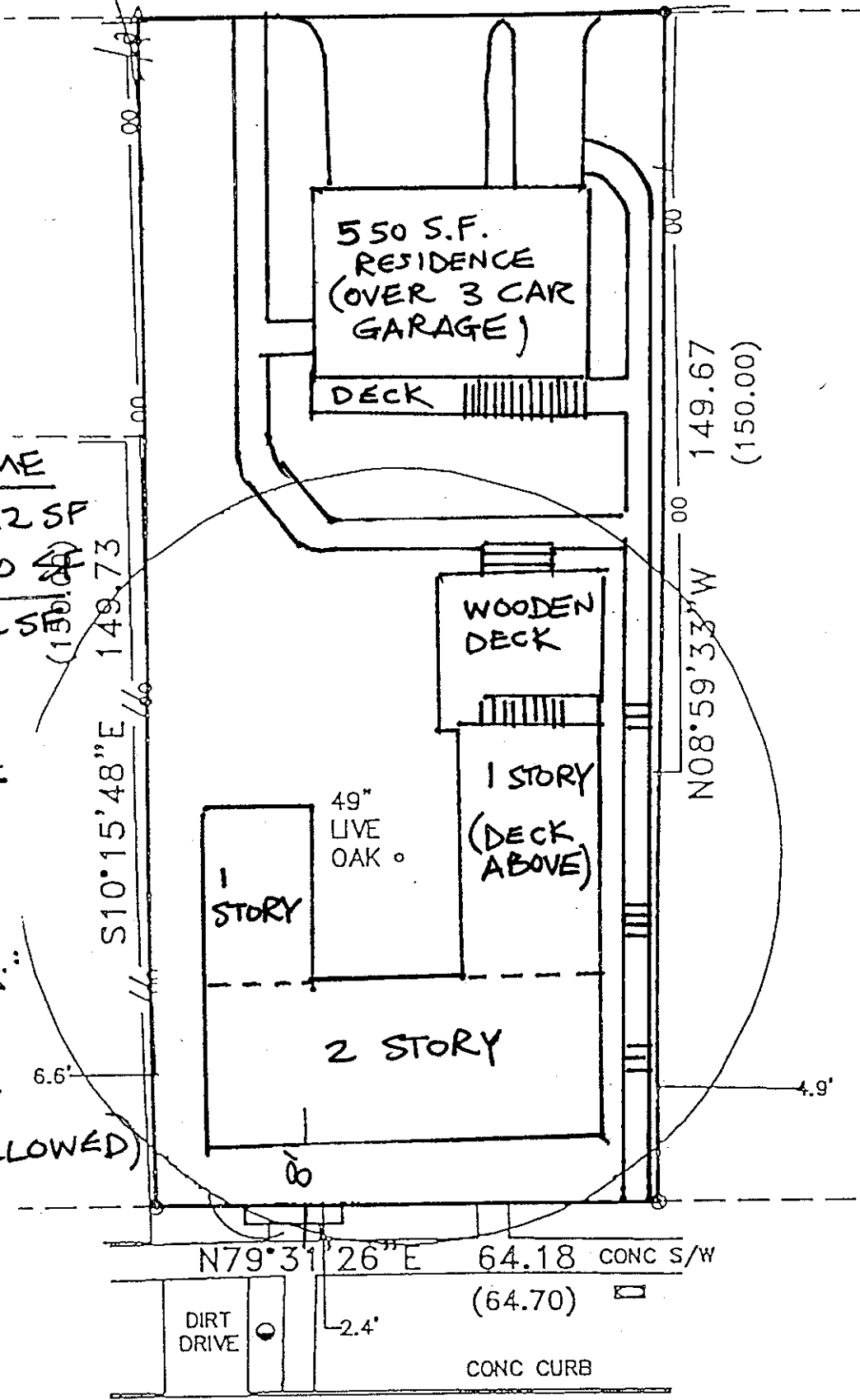
S79°36'54"W 67.50  
67.50

1" = 20'

FRONT HOME  
1ST FL: 1,822 SF  
2ND FL: 1,010 SF  
TOTAL: 2,832 SF  
(150)

REAR HOME  
550 S.F.

TOTAL F.A.R.:  
3,382 S.F. =  
0.34 FAR  
(0.4 FAR ALLOWED)



EAST 13TH STREET

**SWEDE HILL NEIGHBORHOOD ASSN.  
LETTER OF SUPPORT**

October 6, 2011

Jim Wittliff  
Land Answers, Inc.  
3606 Winfield Cove  
Austin, TX. 78704

**RE: Letter of Support for proposed rezoning and BOA variance for 813 E. 13<sup>th</sup> Street**

Dear Mr. Wittliff:

Based on the presentations that you made to the Swede Hill Neighborhood Association on June 7<sup>th</sup> and September 6<sup>th</sup>, 2011, and based on the petitions that you provided for the referenced rezoning and setback variance requests, which was signed by a total of 27 surrounding residents, Swede Hill N.A. voted unanimously on October 4th to also support your requests, and to issue this letter for your use in the Planning Commission, City Council and Board of Adjustment public hearings. We appreciate your willingness to meet with us proactively on these applications.

This letter will support a rezoning from LR-NP to SF-3-NP, to allow the property owner to construct a Two Family Residential Use on the property, and a Board of Adjustment variance request to reduce the front building setback line for an SF-3 use from 25 feet to eight feet, in order to preserve the 49 inch diameter Live Oak tree on the property.

Sincerely,



William Minor, President  
Swede Hill Neighborhood Association  
1000 E. 15<sup>th</sup> Street, Austin 78702  
512-657-6697  
swedehillna@gmail.com



## Jim Wittliff

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**From:** Mars, Keith [Keith.Mars@ci.austin.tx.us]  
**Sent:** Friday, May 06, 2011 09:32 AM  
**To:** landanswers@sbcglobal.net  
**Subject:** 813 1/2 E. 13th Street  
**Attachments:** 813 1-2 E. 13th street.pdf

Jim,

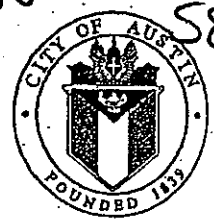
Attached is the approved with conditions tree permit in conjunction with demolition of the existing structure. I know demo will be challenging on this site given the lot dimensions and size of the tree. If you need to followup with any questions about tree preservation during demolition please let me know. It's worthwhile to hire an arborist before demolition to make sure the tree is cared for during demolition. This is a recommendation not a requirement. Please see the attached permit for requirements. Thanks.

Also, after looking over our previous correspondence I only have one change. Since the 1/2 critical root zone corresponds to the diameter of tree the correct 1/2 critical root zone for this tree is 24.50', not 20' as we previously discussed.

Thanks for your work and communication on this project.

Keith Mars  
Environmental Program Coordinator  
City Arborist Program  
City of Austin  
505 Barton Springs Road, 4th Floor  
Austin, TX 78704  
Phone: (512) 974-2755  
Fax: (512) 974-2423

10583308  
585T



# Tree Ordinance Review Application

## City of Austin

Founded by Congress, Republic of Texas, 1839  
Watershed Protection and Development Review Department  
One Texas Center, 505 Barton Springs Road  
P.O. Box 1088, Austin, Texas 78767  
Phone: (512) 974-1876 Fax: (512) 974-3010

Paid: Yes/No \_\_\_\_\_  
Receipt Number: \_\_\_\_\_  
Inspection Date: \_\_\_\_\_

This application requests<sup>1</sup> (specify all that apply):

- a removal of a protected-size tree;
- proposed development exceeding allowable standards for encroachment within the critical root zone of a protected-size tree;
- removal of more than 30% of a protected-size tree's crown.

<sup>1</sup> Additional tree information may be obtained from the Land Development Code (25-8), Environmental Criteria Manual (Section 3), or the City of Austin Urban Forestry web page (<http://www.ci.austin.tx.us/trees/>).

Please attach an aerial drawing that includes the location of trees, proposed development, and utilities. The application and payment (check to the City of Austin for \$25 per tree) can be mailed or delivered to the above address. Payment must be made prior to City personnel completing this application. If relevant, indicate the amount to withdraw if an escrow payment is available.

Address of Property (including zip code): 813 1/2 E. 13<sup>TH</sup> ST. AUSTIN, TX 78702

Name(s) of Owner and Applicant: ROGER EASLEY and JIM WITLIFF

Building Permit Number (if applicable): N/A

Telephone Number: 416-6611 Fax Number: 416-6610

Type of Tree: Live Oak Location on Lot: Center

Tree Trunk(s) Circumference at 4 1/2 Feet Above Ground (inches): 49" Diameter

General Condition: Diameter Good

Reason for Request: Demolition of Structure

Owner/Applicant Signature: [Signature] Date: 4/26/11

*\*see attached comments from Keith Mars regarding this tree.*

TO BE COMPLETED AFTER DETERMINATION FROM CITY ARBORIST PROGRAM PERSONNEL

Resolution: Approved • Approved With Conditions • Denied • Statutory Denial/More Information Required

Arborist Comments: IF Machinery is used to down house apply a 12 inch layer of mulch within the 1/2 critical root zone. Tree Fencing is needed where possible. Boards may be needed as well.

\*Conditions of Approval:  None;  As described within Arborist Comments (see above); and/or,  
 Applicant agrees to plant \_\_\_\_\_ container grown, City of Austin Class 1 tree (i.e. Live Oak, Cedar Elm, Mountain Laurel) on the lot prior to obtaining a Certificate of Occupancy. Trees are to be a minimum of two inches in caliper width. Prior to development, applicant agrees to supply a root zone mulch layer and maintain tree protection fencing (minimum five-foot, chain-link type) providing the utmost root zone protection.

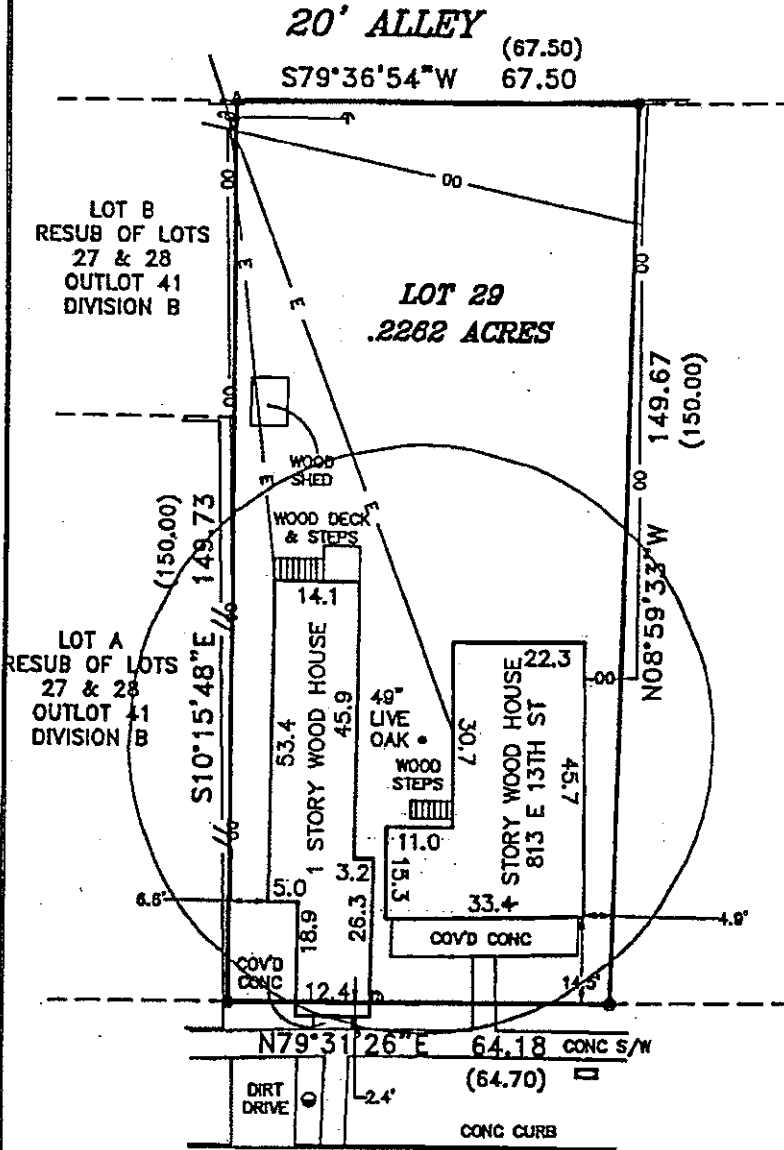
\*Owner/Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_ City Arborist Signature [Signature] Date 5/16/11

of survey of property at 813 1/2 EAST 13TH STREET  
 described as Lot \_\_\_\_\_, Block \_\_\_\_\_, of \_\_\_\_\_

Volume/Book/Cabinet \_\_\_\_\_ at Page(s)/Slide(s) \_\_\_\_\_ of the TRAVIS  
 County, Texas Plat Records. G.F. # \_\_\_\_\_ Dated: \_\_\_\_\_  
 Ref: \_\_\_\_\_

\* THE EAST 64.2 FEET OF LOT 29 OUTLOT 41 DIVISION B AS RECORDED UNDER VOLUME 1, PAGE 39,  
 PLAT RECORDS, TRAVIS COUNTY, TEXAS BEING THE SAME PROPERTY CONVEYED TO ROGER EASLEY IN  
 VOL. 10358 PG. 585 OF THE TRAVIS COUNTY, TEXAS OFFICIAL RECORDS.

SCALE: 1" = 30'



NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
2. BEARINGS ARE ORIENTED TO THE BEARING BASE AS SCALED FROM THE TRAVIS COUNTY APPRAISAL DISTRICT TAX MAP.

IMPERVIOUS AREA	
TOTAL SQUARE FEET	9854
HOUSE & SHED	2224
S/W & COVD CONC	232
WOOD DECK & STAIRS	88

## Jim Wittliff

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**From:** Mars, Keith [Keith.Mars@ci.austin.tx.us]  
**Sent:** Thursday, February 10, 2011 09:07 AM  
**To:** Jim Wittliff  
**Subject:** Re: 813 and 813 1/2 East 13th Street, Critical Root Zone Setback Requirements

Jim,

Thank you for the summary. My only change is regarding roots and airspading. Pier location should be relocated if roots greater than 3" are encountered.

Keith

Sent from my iPhone

On Feb 9, 2011, at 10:25 AM, "Jim Wittliff" <[landanswers@sbcglobal.net](mailto:landanswers@sbcglobal.net)> wrote:

Dear Keith,

Thank you for meeting me on site last week to discuss setback requirements from the approximately 40 inch diameter Live Oak tree on the property. As you recall, there are two existing homes on this lot. The home at 813 was constructed in 1900, and the home at 813 ½ was constructed in 1930. Both homes encroach significantly into the approximate 20 foot radius critical root zone. Estimated setbacks from the tree are approximately 7 feet to the north, 3 feet to the west, and 8 feet to the east. I have hired a surveyor to survey the locations of the tree, the footprint of both houses, and the foundation pier locations.

There is an existing demolition permit for 813 and 813 ½ is expected to also be demolished within the next few months. The new owner will construct a new structure in approximately the same locations as the existing buildings. Some building setbacks from the tree will likely be increased, but in no case will any of the building setbacks be less than the current structures provide.

Per our meeting, you indicated that you would agree to allow setbacks that are closer to the tree than the Standard Critical Root Zone setback of approximately 20 feet radius, with the following stipulations:

- 1) The building foundation must be pier and beam, not slab on grade, for all areas that fall within the approximately-20 foot radius critical root zone.

- 2) Wherever possible, pier locations should be in the same location as the existing piers. Where new pier locations are proposed, initial excavation to a depth of two feet should be done with an air spade, to minimize the likelihood of damage to significant roots. If the proposed pier location is found to contain a significant root (i.e., diameter over six inches), the pier location should be moved to a more suitable location.
- 3) Tree maintenance should occur prior to construction. This will include removing vines, and dead, diseased, or damaged branches.
- 4) Tree protection during construction should include armoring the trunk of the tree with 2 x 4's strapped to the trunk, fencing off as much of the critical root zone as possible, and preventing soil compaction for the other areas within the critical root zone by laying mulch and sheets of plywood over the soil surface.
- 5) Tree maintenance after construction should include a two year period of care by a certified arborist, to include soil aeration, fertilization, and monitoring the tree's general health.

If you feel that any modifications or additions need to be made to this list of conditions, please note them. Thank you for your advice and assistance to help the new property owner protect the health of this magnificent tree.

Sincerely,

Jim Wittliff

Land Answers, Inc.

3606 Winfield Cove

Austin, TX. 78704

(512) 416-6611

Fax (512) 416-6610

# LETTER OF REZONING AND SETBACK VARIANCE SUPPORT

Attn: Swede Hill Neighborhood Association  
City of Austin Zoning Review Staff  
City of Austin Planning Commission  
Austin City Council  
City of Austin Board of Adjustment

To Whom It May Concern:

We are neighbors living within 200 feet of 813 and 813 ½ East 13<sup>th</sup> Street. This property is also known as the Eastern 64.2 feet of Lot 29; Outlot 41, Division B, Original City of Austin. By our signatures below, we wish to register our opinions and support as follows:

1. This 9,626 sq. ft. property is currently developed as an SF-3 – Family Residence land use, and until recently, this property was used as a Two Family Residential use. Recently, one of the two existing residences on this property was demolished, due to severe deterioration. The remaining residence at 813 ½ E. 13<sup>th</sup> Street currently also has an approved demolition permit. The adopted Future Land Use Map for the Central Ease Austin Neighborhood Planning Area, which includes this property, calls for the future land use of this tract to be Single-Family. WE, THE SURROUNDING NEIGHBORS STRONGLY PREFER THAT THE FUTURE REDEVELOPMENT OF THIS PROPERTY REMAIN RESIDENTIAL.
2. Although the adopted Neighborhood Plan's Future Land Use Map calls for this property to be used as a Single-Family land use, the adopted Neighborhood Plan currently has the property commercially zoned as LR-NP. The LR-NP category does not allow this property to be redeveloped as a Two Family Residential Land Use. Therefore, we are requesting your support to allow this property to be rezoned from LR-NP to SF-3-NP, per the wishes of Mr. Roger Easley, the current property owner, and Mr. Ray Guidone, the proposed buyer, both of whom wish for the property to be redeveloped as a Two Family Residential land use, rather than as a commercial land use, in accordance with our wishes.
3. The property contains a beautiful 49 inch diameter Live Oak tree near the front center portion of this lot. The current property owner, the proposed buyer, and we the surrounding property owners all agree that this tree should be protected and preserved. The current property owner filed a Tree Ordinance Review Application with the City of Austin's Heritage Tree Arborist, Mr. Keith Mars, in May 2011. Mr. Mars laid out tree protection criteria associated with the redevelopment of this tract, which the current property owner and the proposed buyer are in agreement with. In order to protect the Critical Root Zone of this tree, it will be necessary to obtain a front yard setback variance for the residential redevelopment of this property. AS NEIGHBORS, WE URGE YOU TO SUPPORT AND APPROVE A BOARD OF ADJUSTMENT FRONT SETBACK VARIANCE, TO

REDUCE THE REQUIRED FRONT SETBACK FROM 25 FEET TO EIGHT FEET. We recommend approval of this setback variance for the following reasons:

- The existing residence at 813 1/2 E. 13<sup>th</sup> St. already has a front setback of zero feet, and the recently demolished residence at 813 E. 13<sup>th</sup> St. had a front setback of eight feet. These reduced front setbacks were used to protect the 49 inch Live Oak tree.
- If this property is developed commercially (under the existing LR-NP zoning), a front setback of zero feet will be required, per the City's Commercial Design Standards ordinance. However, if the property is rezoned to SF-3-NP, a 25 foot front setback will be required. Since our goals are to assure that the redevelopment of this site remains residential, and to protect the 49 inch Live Oak tree, we are urging your support of this front setback variance, to allow the proposed buyer to redevelop this tract as a Two Family Residential use. Because the owner must first rezone the property prior to requesting a Board of Adjustment front setback variance, we are urging you to support both the rezoning and the setback variance request, in order to allow the property owner and the neighborhood to redevelop this tract in a mutually-agreed and mutually beneficial manner.

Thank you for your consideration of our goals and objectives.

Sincerely,

James Morris  
Signature

Address: 1000 E. 13<sup>th</sup> Ave. 78702

James Morris  
Printed Name

-----  
S. Marie Baker  
Signature

Address: 807 E 14<sup>th</sup> St 78702

S. MARIE BAKER  
Printed Name

-----  
Ricky Moura  
Signature

Address: 806 1/2 E. 13<sup>th</sup> St 78702

Ricky Moura  
Printed Name

Kelvin  
Signature

Address: 807 EAST 14th Unit 305

KEVIN GWEA  
Printed Name

T Ruff  
Signature

Address: 817 E. 13th St.

Todd Ruff  
Printed Name

Andrew Roberts  
Signature

Address: 902 E 13th St

ANDREW ROBERTS  
Printed Name

Chris Keaver  
Signature

Address: 1007 E. 14th St

CHRIS KEAVER  
Printed Name

Colt Golden  
Signature

Address: 907 E 14th St

COLT GOLDEN  
Printed Name



[Signature]  
Signature

Address: 903 E. 14th

Bruce Sheehan  
Printed Name

[Signature]  
Signature

Address: 1305 WALLER ST #B

CHARLES RECKSON  
Printed Name

[Signature]  
Signature

Address: 810 E 13th ST

Sean Ryan  
Printed Name

[Signature]  
Signature

Address: 1206 Olander St.

Gretchen Burk  
Printed Name

[Signature]  
Signature  
[Signature]  
Printed Name

Address: 1009 E. 14th ~ 70702

Myer Kaplan  
Signature

Address: 909 E 13<sup>th</sup> St

Myer Kaplan  
Printed Name

Nelvin Grant  
Signature

Address: 906 E 13<sup>th</sup> St

Nelvin Grant  
Printed Name

Ann del Llano  
Signature

Address: 907 E. 13<sup>th</sup>

Ann del Llano  
Printed Name

Ellen Rinard  
Signature

Address: 808 E 13<sup>th</sup>

Ellen Rinard  
Printed Name

Adam Bior  
Signature

Address: 807 E 14<sup>th</sup> St

Adam Bior  
Printed Name

John

Address:

1305 A Walker St.

Signature

Steve McLean

Printed Name

R. S. S.

Address:

1001 E 13 St

Signature

Robert Seidenberg

Printed Name

Wm. Fred Harte

Address:

1001 E 13th St

Signature

Wm. Fred Harte

Printed Name

R. Cole

Address:

1006 E. 13th

Signature

Richard Cole

Printed Name

Stefanie Lindquist

Address:

1000 E 13th St

Signature

Stefanie Lindquist

Printed Name

Rick Antoine  
Signature

Address: 901 E. 13<sup>th</sup> St.

RICK ANTOINE  
Printed Name

[Signature]  
Signature

Address: 817 East 13<sup>th</sup> street

Ronnie R. Mendoza  
Printed Name

[Signature]  
Signature

Address: 813 1/2 E. 13<sup>th</sup>

ROGER EASLEY  
Printed Name

[Signature]  
Signature

Address: 806 1/2 E. 13<sup>th</sup>

Grabeul Alvarez  
Printed Name

\_\_\_\_\_  
Signature

Address: \_\_\_\_\_

\_\_\_\_\_  
Printed Name