

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

DATE: Monday, September 17, 2012

CASE NUMBER: C15-2012-0100

☒ Y Jeff Jack
☒ Y Michael Von Ohlen
☒ Y Stuart Hampton - Nora Salinas out
☒ Y Bryan King **2nd the Motion**
☒ Y Fred McGhee
☒ Y Melissa Hawthorne **Motion to PP Oct 8, 2012**
☒ Y Heidi Goebel
Cathy French (SRB only)

APPLICANT: Lisa M. & Kimbrough Gray

OWNER: Lisa Gray

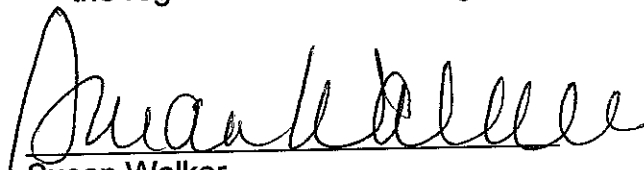
ADDRESS: 4708 BULL CREEK RD

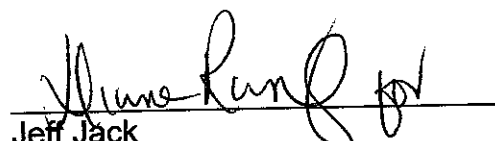
VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-492 (D) from 50 feet to 49.51 feet in order to subdivide one lot into two lots and erect a single-family residence on each lot in an "SF-2", Single-Family Residence zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to October 8, 2012, Board Member Bryan King second on a 6-1 vote (Board member Fred McGhee nay); **POSTPONED TO October 8, 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

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Case Number: C15-2012-0100 - 4708 Bull Creek Road

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17th, 2012

DORNA BETH McERMICK

Your Name (please print)

☐ I am in favor
☒ I object

ALMENDALE NEIGSBOR HOOD PRES.

Your address(es) affected by this application

Dorna Beth McErnick 9-13-12

Signature

Date

Daytime Telephone: 512-453-2696

Comments:

The neighbors in the area are opposed to subdividing the lot for two smaller lots to build two smaller houses on possibly rent property.

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, September 17th, 2012

Robert McDougall

Your Name (please print)

☒ I am in favor of this object

4606 Bull Creek Rd

Your address(es) affected by this application

[Signature]

Signature

9/14/12

Date

Daytime Telephone: (512) 467-7168

Comments: Please do not grant this

variance - two houses should not be rezoned into a lot designed for one house. The historic look and feel of the neighborhood should be preserved.

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P. O. Box 1088

Austin, TX 78767-1088

17 September 2012

Susan Walker
PO Box 1088
Austin, TX 78767-1088

Juli and Walter Cummings
1296 Kapiolani #1208E
Honolulu, HI 96814

RE: Case # C15-2012-0100

Dear Ms. Walker,

As I said earlier on the phone today, my husband is in the military, thus we are temporarily living in another state until his assignment is complete. The notice of public hearing was therefore delayed in the mail to us and we did not receive the notice until Friday, 17 September 2012, at which time I called your office immediately. Thank you for returning my call today.

We are writing to protest the Variance Request pertaining to splitting a lot located at 4708 Bull Creek. We live in this neighborhood, and chose it for several reasons, one of which was for the aesthetic beauty of the modestly sized homes on older, more spacious lots.

When lots in an old, established subdivision such as ours are allowed to be split in order for investors or others to place an additional entirely new residence on the property, the neighborhood begins to lose not only its property values, but also its character. For people who wish to have smaller sized lots with residences that lie much closer together, there are other neighborhoods to choose from. We see no valid reason to begin to drastically alter the make up of an established neighborhood by allowing this type of lot splitting to occur. It will forever alter the neighborhood, and may begin an unwanted trend that is not in anyone's best interest, save for the present property owners of this lot.

For further questions, please feel free to contact us at the information below.

Sincerely,

Juli and Walter Cummings

254-630-2596
j_kindseth@hotmail.com

-

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, September 17th, 2012

Becky Deaver
 Your Name (please print)

<input checked="checked" type="checkbox"/> I am in favor <input type="checkbox"/> I object

4701 Bull Creek Road
 Your address(es) affected by this application

[Signature] 9/18/12
 Signature Date

Daytime Telephone: 512/474.5791

Comments: _____

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

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17th, 2012

Your Name (please print)

TITO VILLEGAS

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Your address(es) affected by this application

4708 BULL CREEK RD.

Signature

[Handwritten Signature]

Date

09-08-12

Daytime Telephone: 512-302-3762

Comments: I HOPE THE HOMES THEY

BUILT ARE LARGER THAN

1000 SQ. FT.

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

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17th, 2012

CYNTHIA WERRATT

Your Name (please print)

4607 PLACID PLACE

Your address(es) affected by this application

WERRATT

Signature

9-7-12

Date

Daytime Telephone: **459-4003**

Comments: **TWO MUCH DEVELOPMENT ALREADY.**

A FOX ON DAWD WEEKLY.

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

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, September 17th, 2012

ELIZABETH NEWTON
Your Name (please print)

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

4607 Placid Place
Your address(es) affected by this application

Susan Walker 8-8-12
Signature Date

Daytime Telephone: 512 459 4003

Comments:

Developers are destroying the
character of our neighborhood
through this lawsuit.

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17th, 2012

Gwen Ashba

Your Name (please print)

4615 Bull Creek Rd Austin TX 78731

Your address(es) affected by this application

[Signature]

Signature

Sept 16, 2012

Date

Daytime Telephone: *(512) 459-5935*

Comments:

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, September 17th, 2012

Your Name (please print)

David Timmon

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Your address(es) affected by this application

4703 Placid Pk

David Timmon

Signature

Date

Daytime Telephone:

451-4845

Comments:

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17th, 2012

Your Name (please print)

KATI TIMMONS
4703 Placid

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Your address(es) affected by this application

4703 Placid

Signature

9.15.12

Daytime Telephone:

512.825.7746

Comments:

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Public Hearing: Board of Adjustment, September 17th, 2012

Larry Allan
Your Name (please print)



2900 Perry Lane
Your address(es) affected by this application

[Signature]
Signature

9/15/12
Date

Daxime Telephone: *512-917-7595*

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Case Number: C15-2012-0100 - 4708 Bull Creek Road

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17th, 2012

18104 5450
Your Name (please print)

2800 Perry Lane
Your address(es) affected by this application

Susan A. Sater
Signature

9/15/12
Date

Daytime Telephone: 750-2696

Comments:

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

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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Case Number: C15-2012-0100 - 4708 Bull Creek Road

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17th, 2012

TITO VILLEGAS

Your Name (please print)

4708 BULL CREEK RD

Your address(es) affected by this application

[Signature]

Signature

09-15-12

Date

Daytime Telephone: 512-308-3762

Comments:

HOPE THEY BUILT A
HOME LARGER THAN 1000 sq.ft.

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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Case Number: C15-2012-0100 - 4708 Bull Creek Road

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17th, 2012

Rebecca Bernhard

Your Name (please print)

4603 Placid Pl

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 512-320-8300

Comments:

This is totally OK w/ me.



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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Case Number: C15-2012-0100 – 4708 Bull Creek Road

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17th, 2012

Jace Rountree
Your Name (please print)

4708 Bull Creek Road
Your address(es) affected by this application

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
--

Jace Rountree
Signature

Date

Daytime Telephone: *453-0635*

Comments:

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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Case Number: C15-2012-0100 - 4708 Bull Creek Road

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17th, 2012

Staff Counts

Your Name (please print)

4207 Placid Place

Your address(es) affected by this application

[Signature]

Signature

7-16-12

Date

Daytime Telephone: *512-256-8604*

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

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Case Number: C15-2012-0100 – 4708 Bull Creek Road

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17th, 2012

Rebecca Waldrop

Your Name (please print)

4800 Placid Place

Your address(es) affected by this application

Rebecca Waldrop

Signature

Daytime Telephone: 334-4188

9-16-12

Date

Comments:

☒ I am in favor
☐ I object

If you use this form to comment, it may be returned to:
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Susan Walker
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Austin, TX 78767-1088

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Case Number: C15-2012-0100 - 4708 Bull Creek Road

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17th, 2012

GAYLE ENDSELY

Your Name (please print)

4615 Bull Creek Rd, Austin, TX 78731

Your address(es) affected by this application

Gayle Endseley

Signature

Sept. 16, 2012

Date

Daytime Telephone: (512) 459-5935

Comments:

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

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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Case Number: C15-2012-0100 - 4708 Bull Creek Road

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17th, 2012

Mahan Farman-Farmanian

Your Name (please print)

4706 Placid Place

Your address(es) affected by this application

Mahan Farman-Farmanian

Signature

Date

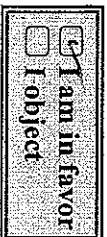
Daytime Telephone:

424-4693

Comments:

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Case Number: C15-2012-0100 - 4708 Bull Creek Road
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, September 17th, 2012

Maagie Huet
 Your Name (please print)



4602 Placid Place
 Your address(es) affected by this application

Maagie Huet
 Signature

9/16/12
 Date

Daytime Telephone: *512-654-6444*

Comments:

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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Case Number: C15-2012-0100 - 4708 Bull Creek Road

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17th, 2012

Joseph W. Hawkins

Your Name (please print)

4619-A Bull Creek Rd. 78731

Your address(es) affected by this application



[Signature]

Signature

9/16/12

Date

Daytime Telephone: 505-507-9979

Comments:

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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Case Number: C15-2012-0100 – 4708 Bull Creek Road
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, September 17th, 2012

Elizabeth Newton
 Your Name (please print)

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

4607 Reed Place
 Your address(es) affected by this application

Elizabeth Newton 9/15/2012
 Signature Date

Daytime Telephone: 512 (459-4003)

Comments:

I am withdrawing my original objection.

Elizabeth Newton

P.S. I agree with the owners of the property

that building a new lot in front of the other in

back of the lot but would look out of character

for the neighborhood

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City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # CS-2012-0100
ROW # 10814987
TP# 0128 001314

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: 4708 Bull Creek Rd

LEGAL DESCRIPTION: Subdivision - WIDEMAN SUBD

Lot(s) 3 Block _____ Outlot _____ Division _____

I/We Lisa Gray on behalf of myself/ourselves as authorized agent for

_____ affirm that on _____, _____,

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

(check appropriate items below)

 ERECT ATTACH x COMPLETE REMODEL MAINTAIN

Complete a subdivision with a 5.88 inch variance at the narrowest point of where the 50' requirement is measured on each lot (at 75 feet from the front lot line) so that we can have 2 side-by-side lots that fit better with the neighborhood rather than a flag lot that would meet all code with no variance.

in a SF-2 district.
(zoning district)

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.

This lot is atypical in that it narrows at the rear of the property by 11.76 inches. Most lots are a consistent width to the rear. Also, this lot is larger than most in the area; the vast majority of properties in the area are too small to subdivide based on net site area.

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:

These lots will maintain the SF-2 zoning so only houses can be built on them. This is one of the most restrictive residential zonings and will allow only one house on each lot, which comprises the majority of the neighborhood. Also, after subdivision, each of the lots will be over 8400 square feet; this is slightly larger than many of the lots in the area so is not creating out-of-character density.

Not approving the variance will leave only the option of creating a flag lot, which will not fit in with the character of the neighborhood. The reason for this variance request is so that these lots will look normal and fit in with neighborhood character. Being less than 6 inches off will be unnoticeable when you are at the properties in person.

<p>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.</p>

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 1701 Alegria Rd

City, State & Zip Austin, TX 78757

Printed Lisa Gray Phone 512-767-5710 Date _____

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 1701 Alegria Rd

City, State & Zip Austin, TX 78757

Printed Lisa Gray Phone 512-767-5710 Date _____

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (5) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

REQUIRED FINDINGS: All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable Use:

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

Hardship:

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.

- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character:

Application must demonstrate to the Board how 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 zoning regulations of the zoning district in which the property is located.

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

Board of Adjustment Staff:

**Susan Walker, Planner
974-2202**

**Diana Ramirez, Administrative Specialist, Board Secretary
974-2241**

Fax #974-6536

**Planning and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor**

**Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088**

4708 Bull Creek

Highland Village Church of Christ

75ft setback

25ft setback

BULL CREEK ROAD (60')

Lot 1 Block A
Highland Village
Section Four
Volume 18 Page 26

PLACID PLACE

BEARING BASIS
S60°00'00"E 148.46'
(S60°00'E 148.17')

LOT 2

WIDEMAN SUBDIVISION
Volume 5 Page 189

LOT 1

(N59°09'W 120.00')
N59°03'26"W 120.00'

IPF
N30°51'E 97.48'
N3°00'57"E 97.57'
IPF
N30°51'E 97.48'
N3°00'57"E 97.57'
IPF
N30°51'E 97.48'
N3°00'57"E 97.57'

(S60°00'E 170.94')
S60°00'00"E 170.94'

3A

3B

N59°08'34"W 172.60'
(N59°09'W 172.35')

Lot 3

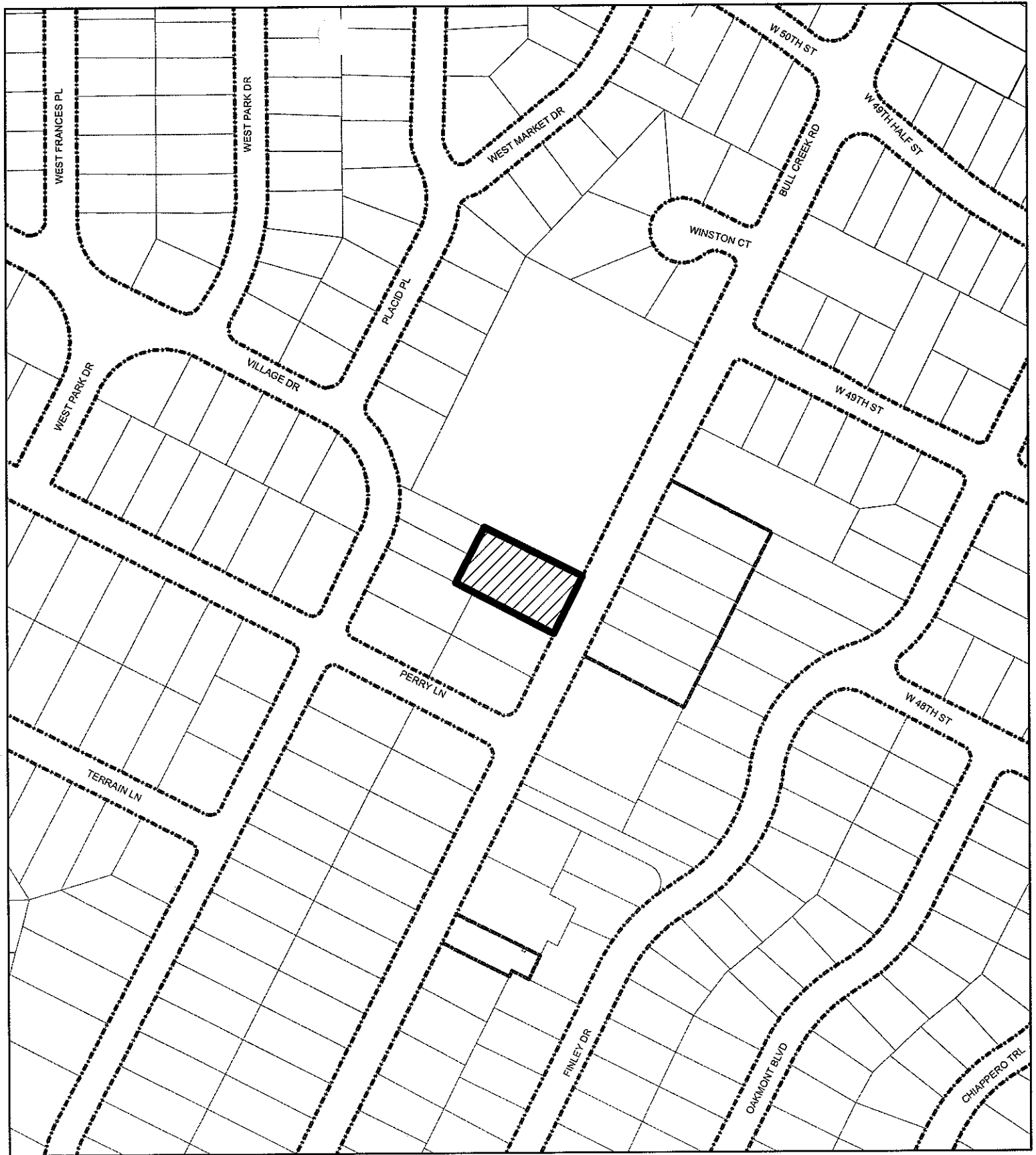
Block B

Lot 4

Highland Park Volume 4 Page 218

100.14'
100.00'
60.10'
S60°00'22"E
S30°03'00"W
(S30°03'W)

N30°02'00"E
60.90'



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0100
LOCATION: 4708 Bull Creek



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: [REDACTED]
Sent: Friday, August 31, 2012 12:18 PM
To: Walker, Susan
Subject: boa for 4708 Bull Creek

Here is the wording:

Although our lots will be wider than 50' at the front, the original lot narrows from 100.14' at the front to 97.57' at the rear. At the narrowest point measured at 75' per LDC 25-1-22(C), the lot width of each lot will be 49.51' rather than 50'

We will bring the new BOA form on Tuesday. Who did you say I need to give it to?

Thanks, Lisa
512-767-5710



SF-2

4706

2802

4703

4705

4707

4702

4708

SF-2

4712

BULL CREEK RD

SF-2

SF-3

4705

BOA – 4708 Bull Creek

1. The current land development code Section 25-1-22(C) says:

“Except as otherwise provided in this title, lot width is measured at the front setback line and at a distance of 50 feet to the rear of the front setback line.”

As the code as written it clearly states the lot width is measured at the front setback line and at a distance of 50 feet to the rear of the front setback line. Our subdivision meets this requirement.

Our plan was rejected by the city with the note:

"Per LDC 25-1-22(C) the lot width is measured at the front setback line and must be maintained for a distance of 50-feet to the rear of the front setback line."

And this interpretation was confirmed in the attached email.

The word ‘maintained’ is not mentioned in the code. In fact the code specifically says the width should be measured at the front setback and 50 feet to the rear of the front setback.

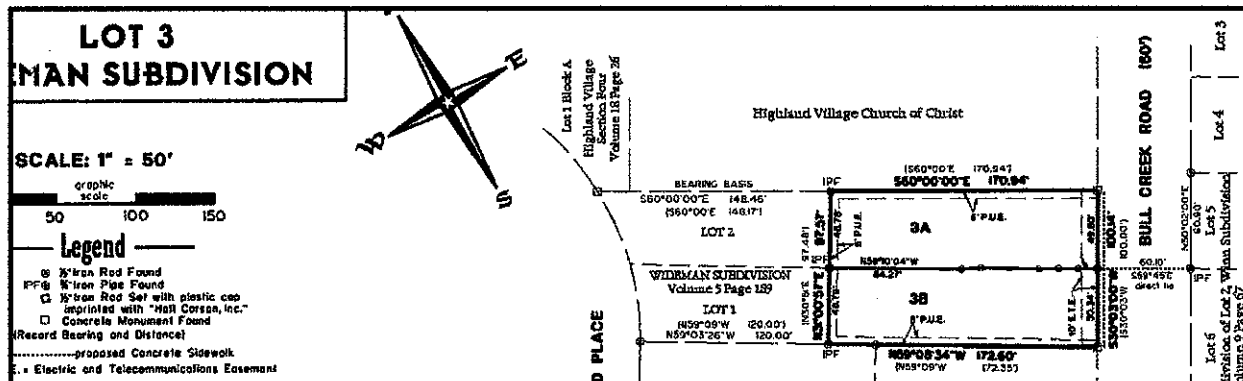
Additionally, we do not believe that this was an oversight. In fact the code in place in 1962 (see attached) specifically said that the lot should maintain a width of 50 feet. Here is that code:

"the shortest distance between side lot lines shall be not less than fifty feet at the front building line and at all points for a distance of fifty feet to the rear of the building line"

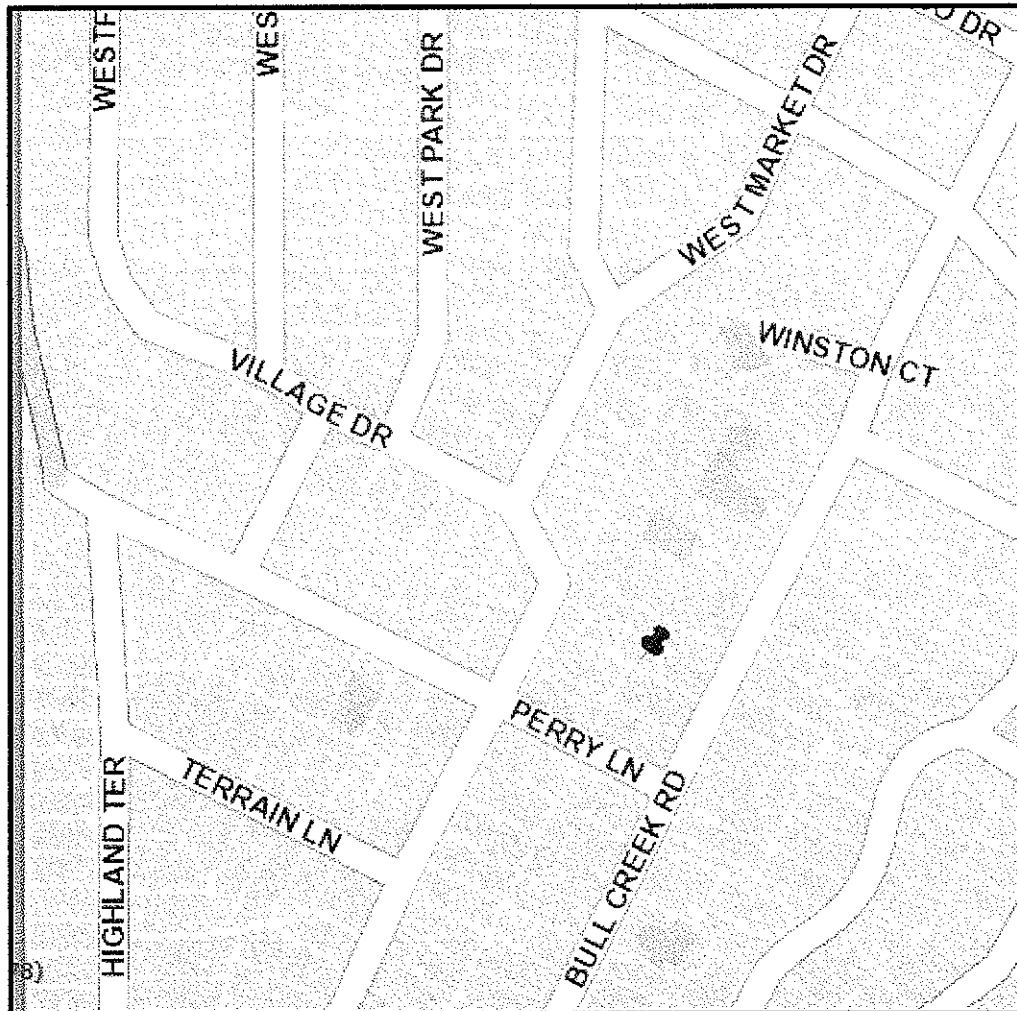
This language was specifically excised from the code when it was rewritten. If the goal was to have it maintain 50 feet, it does not make sense to specifically remove that language.

Furthermore, resubs have been approved that do not fit the ‘maintains’ interpretation as we will present.

2. Our lot is in character with the neighborhood. After subdivision each of the lots will be over 8400 square feet; this is more typical of lots in the area than the current configuration. Our lots are 50 feet wide at the front setback line and 50 feet to the rear of the front setback line. It is not smaller than 49 feet between these two points so they are not much thinner than other lots in the area. In fact, the 2 lots directly behind our lot continue our lot lines to the next street over (Placid Place), getting smaller to their front; basically they are even narrower than our proposed lots. As you can see below:



The current single lot is more out of character with the neighborhood because it is unusually large. Once divided it would be more in line with the size of lots currently in the neighborhood. Our lot is the large one with the red pin in it seen below:



3. It will not grant a special exception to this property. We are not asking for a special privilege. We are simply asking for the code to be enforced as it is written and not to enforce an additional requirement (that a lot maintains 50 feet) as this is not in the current code, was actually removed from the code, and other resubs like ours have been approved.

August 9, 2012

We, Lisa & Kimbrough Gray, are interested parties in the interpretation of LDC 25-1-22(C) with reference to our proposed re-subdivision C8-2012-0077.0A of our property at 4708 Bull Creek as per the attached plot plan.

Therefore we are submitting this BOA Interpretation application.

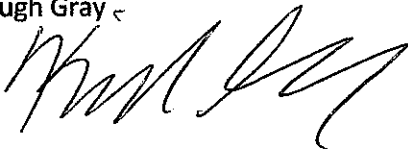
Attached is the email of the administrative decision / clarification dated August 8, 2012.

Sincerely,

Lisa Gray

A handwritten signature in black ink, appearing to be 'LG' or 'Lisa Gray' in a stylized cursive script.

Kimbrough Gray

A handwritten signature in black ink, appearing to be 'Kimbrough Gray' in a stylized cursive script.

Subject: Lot Width Code Clarification
From: Wahlgren, David (David.Wahlgren@austintexas.gov)
To: [REDACTED]
Cc: Sylvia.Limon@austintexas.gov; Susan.Walker@austintexas.gov;
Date: Wednesday, August 8, 2012 1:33 PM

Lisa,

Section 25-1-22(C) "Except as otherwise provided in this title, lot width is measured at the front setback line and at a distance of 50 feet to the rear of the front setback line." Is read, and has been interpreted through practice and policy for at least the last 19 years I have been here, as requiring a lot to meet the minimum lot width (which is measured at the front setback line and based on the zoning) and maintaining that width for a distance of 50'.

David Wahlgren

Development Services Process Coordinator

City of Austin

Planning & Development Review Dept.

P.O. Box 1088 (mail)

505 Barton Springs Rd. OTC, 4th Floor (visit)

Austin, TX 78704

(512) 974-6455 (ring)

(512) 974-3010 (fax)

david.wahlgren@ci.austin.tx.us (email)

<http://www.ci.austin.tx.us/development/> (web)

Improvements on properties



RESUBDIVISION OF LOT 3 WIDEMAN SUBDIVISION

SCALE: 1" = 50'

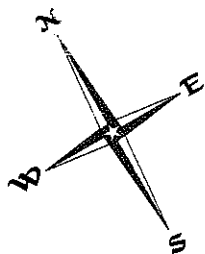


Legend

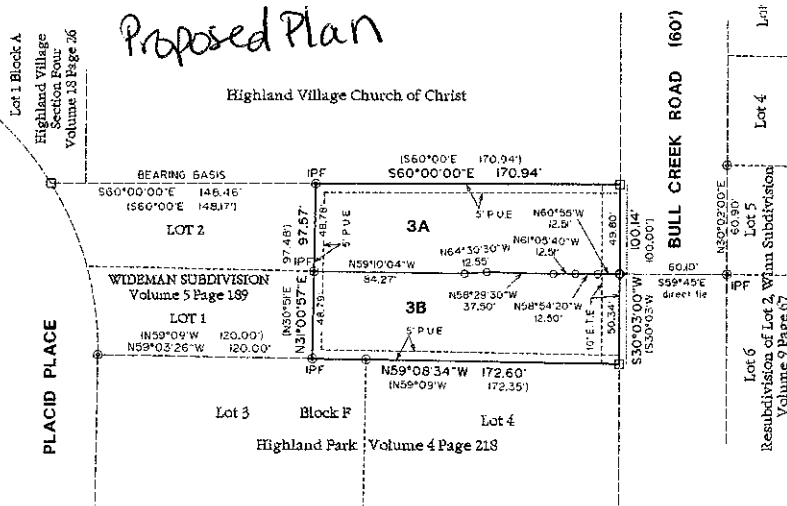
- ⊙ 1/2" Iron Rod Found
- IPF 1/2" Iron Pipe Found
- 1/2" Iron Rod Set with plastic cap imprinted with "Holt Corson, Inc."
- Concrete Monument Found
- (Record Bearing and Distance)
- proposed Concrete Sidewalk
- E.T.E. = Electric and Telecommunications Easement

LOT SUMMARY

Total Number of Lots = 2
 Lot 3A = 8,487 Square Feet
 Lot 3B = 8,492 Square Feet
 Total Area = 16,979 Square Feet = 0.390 Acre
 Lot 3A Residential Use
 Lot 3B Residential Use



4708 Bull Creek
Proposed Plan



THE STATE OF TEXAS
 THE COUNTY OF TRAVIS
 KNOW ALL MEN BY THESE PRESENTS:

That grayland, LLC, acting by and through its Managing Member, Lisa Gray, owner of all of Lot 3, Wideman Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 5 Page 189 of the Plat Records of Travis County, Texas, as conveyed to it by Warranty Deed recorded in Document Number 2012057231 of the Official Public Records of Travis County, Texas, said subdivision having been approved for resubdivision pursuant to the public notification and hearing provision of Chapter 212.016, of the Local Government Code, do hereby resubdivide said Lot 3 in accordance with the attached map or plat shown hereon pursuant to Chapter 212 of the Texas Local Government Code, to be known as

RESUBDIVISION OF LOT 3 WIDEMAN SUBDIVISION

subject to any easements and/or restrictions heretofore granted, and not released

WITNESS OUR HANDS this the ____ day of ____, A.D. 2012.

Lisa Gray -- Managing Member
 grayland, LLC
 1701 Alegria
 Austin, Texas 78757

THE STATE OF TEXAS
 THE COUNTY OF TRAVIS

I, the undersigned authority, on this the ____ day of ____, A.D., 2012, did personally appear Lisa Gray, known to me to be the person whose name is subscribed to the foregoing instrument of writing, and she acknowledged before me that she executed the same for the purposes and considerations therein expressed.

NOTARY PUBLIC _____

Printed Name _____

Commission Expires _____

This subdivision is located in the Full Purpose Jurisdiction of the City of Austin this the ____ day of ____, 2012.

THE STATE OF TEXAS
 THE COUNTY OF TRAVIS

I, Dana DeBeauvoir, Clerk of Travis County, Texas, do hereby certify that the foregoing Instrument of Writing and its Certificate of Authentication was filed for record in my office on the ____ day of ____, 2012, A.D., at ____ o'clock ____ M. and duly recorded on the ____ day of ____, A.D., at ____ o'clock ____ M. in the Official Public Records of said County and State in Document No. _____

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY this the ____ day of ____, 2012, A.D.

DANA DEBEAUVOR, COUNTY CLERK TRAVIS COUNTY, TEXAS

BY: _____
 Deputy

ACCEPTED AND AUTHORIZED for record by the Planning Commission of the City of Austin, Texas, this the ____ day of ____, 2012, A.D.

Chairperson _____ Secretary _____

APPROVED, ACCEPTED AND AUTHORIZED for record by the Director, Planning and Development Review Department, City of Austin, County of Travis, this the ____ day of ____, 2012, A.D.

Greg Guernsey, Director, Planning and Development Review Department

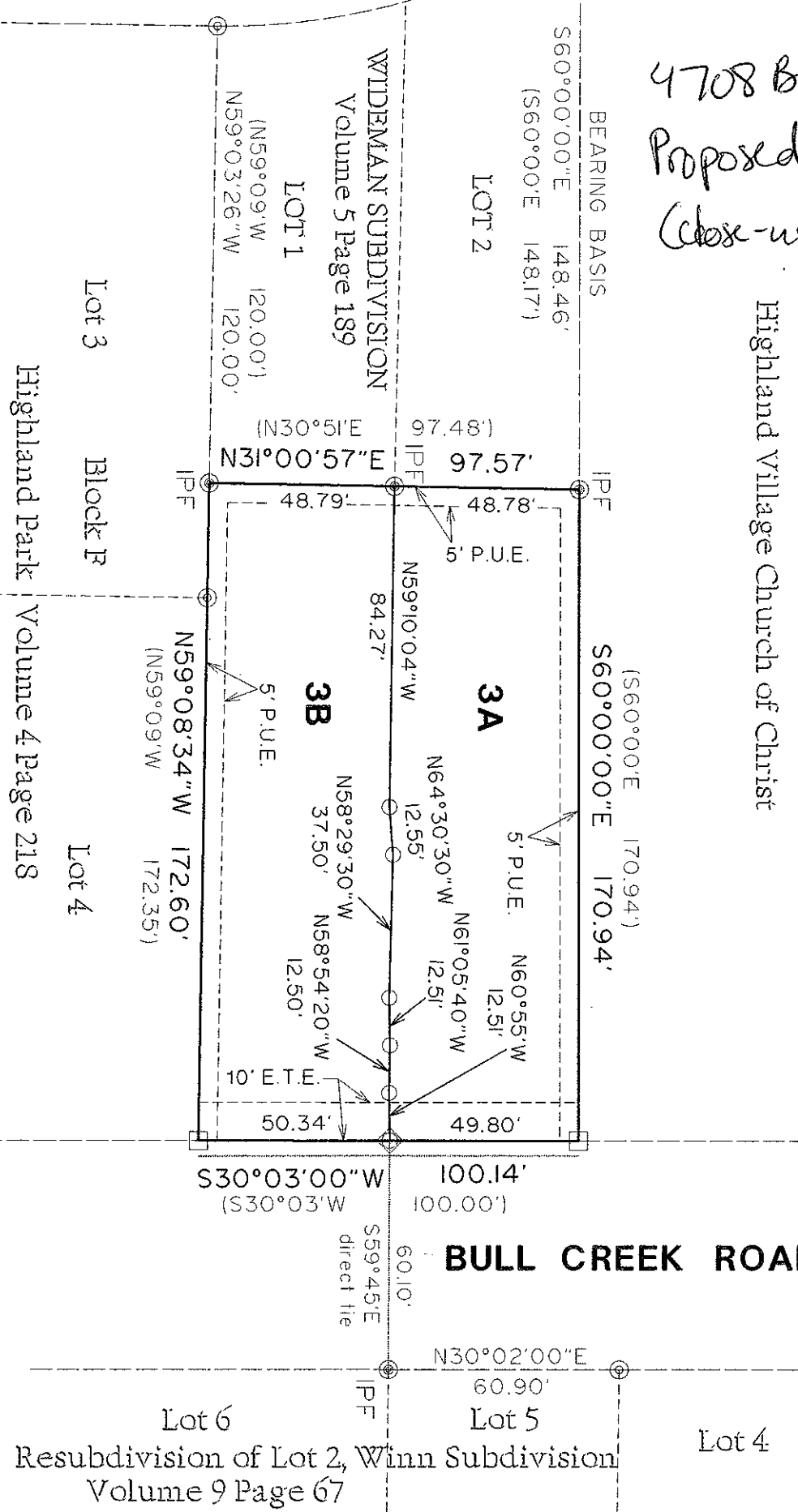
NOTE:
 THE WATER AND/OR WASTEWATER EASEMENTS INDICATED ON THIS PLAT ARE FOR THE PURPOSE OF CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, UPGRADE, DECOMMISSIONING AND REMOVAL OF WATER AND/OR WASTEWATER FACILITIES AND APPURTENANCES. NO OBJECTS, INCLUDING BUT NOT LIMITED TO, BUILDINGS, FENCES, RETAINING WALLS, TREES OR OTHER STRUCTURES ARE PERMITTED IN WATER AND/OR WASTEWATER EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN

PLACID PLACE

Highland X
Section 1
Volume 181

4708 Bull Creek
Proposed Plan
(close-up)

Highland Village Church of Christ



ORDINANCE NO. 621213-F

1962 LDC (see Part 4)

AN ORDINANCE AMENDING SECTIONS 23.11, 23.13, 23.32, AND 23.35 OF CHAPTER 23 OF THE AUSTIN CITY CODE OF 1954 CONCERNING PRELIMINARY PLANNING, PLATTING, BLOCK LENGTHS, AND LOT SIZES FOR PLATS AND SUBDIVISIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subparagraph (4) of Section 23.11 of Chapter 23 of the Austin City Code of 1954 is hereby amended by adding to said subparagraph (4) a new sentence which shall read as follows:

"Such topographical information, locations and dimensions shall be of sufficient accuracy as to permit the planning of water lines, sanitary sewer lines, storm drainage facilities, streets and other proposed improvements."

PART 2. That part of the fourth narrative sentence of Section 23.13 of Chapter 23 of the Austin City Code of 1954 is hereby amended by inserting the expression "Approved by the Director of Planning" immediately after the word "material" which appears as the eleventh word in said sentence.

PART 3. Section 23.32 of Chapter 23 of the Austin City Code of 1954 is hereby amended so that the same shall hereafter read as follows:

"Residential blocks shall not exceed twelve hundred feet in length unless such blocks are parallel to and adjacent to a thoroughfare, in which case such blocks shall not exceed fifteen hundred feet in length. Commercial and industrial block lengths may be up to two thousand feet in length provided the requirements of traffic circulation and utility service are met. Block lengths may be varied according to the requirements of circulation, utility service, topography and provisions of the master plan."

PART 4. Section 23.35 of Chapter 23 of the Austin City Code of 1954 is hereby amended so that the same shall hereafter read as follows:

Sec. 23.35 Lot Sizes.

"Where all lots of the subdivision are to be served immediately by a sewage-collecting system connected to a public sanitary sewer or a central disposal unit, the shortest distance between side lot lines shall be not less than fifty feet at the front building line and

at all points for a distance of fifty feet to the rear of the building line for interior residential lots. The minimum depth shall be one hundred fifteen feet; provided, that a decrease in depth may be made if the lot width is increased so as to provide a minimum lot area of five thousand seven hundred and fifty square feet. On cul-de-sac or curved streets, the minimum lot width at the front street property line shall be thirty-three feet measured along the chord of the arc. For residential corner lots, the shortest distance between side lot lines shall be not less than sixty feet at the front building line and at all points for a distance of fifty feet to the rear of the building line and the minimum area of corner lots shall be six thousand nine hundred square feet. For residential lots not served by a public sewerage system and located in a subdivision which will not be served immediately by a central disposal unit, the shortest distance between side lot lines shall be not less than sixty feet at the front building line and at all points for a distance of seventy five feet to the rear of the building line and the minimum lot area shall be nine thousand square feet."

PART 5. The rule requiring ordinances to be read on three separate days is hereby suspended. The fact that the present ordinance does not adequately regulate the above named subjects creates an emergency which, for the preservation of the safety, health and general welfare of the public requires that this Ordinance go into effect immediately; and it is therefore ordained that it shall be effective from the date of its passage as provided by the Charter of the City of Austin.

PASSED AND APPROVED

December 13, 1962

Sam E. Palmer
Mayor

APPROVED:

Doren R. Ennis
City Attorney

ATTEST:

Oliver Mosley
City Clerk

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared Eleanor Walker, Advertising Agent of The American-Statesman, a daily newspaper published in said County and State, who, being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit: December 21, 1962 and that the attached is a true copy of said advertisement:

Ordinance No. 621213-F

An ordinance amending sections 23.11, 23.13, 23.32, and 23.35 of Chapter 23 of the Austin City Code of 1954 concerning preliminary planning, platting, block lengths, and lot sizes for plats and subdivisions; suspending the rule requiring the reading of ordinances on three separate days; and declaring an emergency.

(Sgd) Eleanor Walker

SWORN AND SUBSCRIBED TO Before me, this the 21st day of December, A.D. 1962.

(Sgd) Lula Mae Waggoner
Notary Public in and
for Travis County, Texas

(Seal)

I, Elsie Woosley, City Clerk of the City of Austin, hereby certify that the above and foregoing ordinance was published as required by the City Charter, in the American-Statesman, a daily newspaper published in said City on December 21, 1962.



City Clerk, City of Austin, Texas

C15-2012-0100
ROW-10814987
TP-0128001314

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
INTERPRETATIONS
PART I: APPLICANT'S STATEMENT
(Please type)

STREET ADDRESS: 4708 Bull Creek, Austin, TX

LEGAL DESCRIPTION: Subdivision –

Wideman Subdivision

Lot (s) 3 Block _____ Outlot _____ Division _____

ZONING DISTRICT: _____

I/WE Lisa & Kimbrough Gray on behalf of myself/ourselves as authorized
agent for _____ affirm that on 10th

Day of August, 2012, hereby apply for an interpretation hearing before the Board of
Adjustment.

Planning and Development Review Department interpretation is:

The lot must be 50 feet wide at the front setback line and maintained until 50 feet to the rear of
the front setback line.

I feel the correct interpretation is:

The lot must be 50 feet wide measured at the front setback line and 50 feet wide 50 feet to the
rear of front setback line.

for a SFR

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.

1. There is a reasonable doubt of difference of interpretation as to the specific intent of the regulations or map in that: _____

See attached 'BOA - 4708 Bull Creek'


2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because: _____

See attached 'BOA - 4708 Bull Creek'

3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: _____

See attached 'BOA - 4708 Bull Creek'

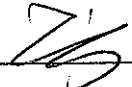
APPLICANT/AGGRIEVED PARTY CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Printed Lisa Gray

Mailing Address 1701 Alegria Rd

City, State & Zip Austin, TX 78757 Phone 512-767-5710

OWNER'S CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Printed Lisa Gray

Mailing Address 1701 Alegria Rd

City, State & Zip Austin, TX 78757 Phone 512-767-5710