

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

CASE # C15-2012-0115

ROW # 10827004

TP-0102010308

**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: 611 Bouldin Avenue

LEGAL DESCRIPTION: 0.2288 AC OF LOT 5 BLK B BOULDIN J E ESTATE

I/We Hallie Ferguson on behalf of myself/ourselves as authorized agent for n/a affirm that on date hereby apply for a hearing before the Board of Adjustment for consideration to:

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

a rainwater collection tank in a SE-3 NP (zoning district) district.

(Bouldin Creek)

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:

**The house is located on a corner lot and, because of the front and side setbacks, placement of the tank on two sides of the house is prohibited by zoning code. The house, from the 1920s, already violates the side street setback by 5 feet, thus any accessory structure spatially relating to the placement of the house are problematic. Since the tank is 11' wide and requires 17' pad underneath it and the backyard is only 16' deep, any placement off the rear and side setbacks directly behind the house leaves no reasonable walk-through space between the house and the tank. In addition, placement directly behind the house troubles the City Arborist in that it conflicts with the critical root zones of a large, protected Pecan tree. Placement on the fourth side (the other side yard) would inhibit reasonable use of the only remaining private, recreational yard space. Therefore, the only remaining logical location for the tank is off the back right corner of the house, extending into the side setback. This placement also minimizes the impact on the protected Pecan tree.**

**HARDSHIP:**

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

**The unusually large spatial constraints of the setbacks on a corner lot combined with placement of the existing house within the side setback and locations of the protected trees on the lot are all unique to the property.**

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

**The location of protected trees on any lot are unique and, therefore, not general. Further, the grandfathered zoning violations of this historic urban home on a corner lot cannot be general to all homes in the 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:

**A rainwater tank is not a habitable structure and has no impact on the function or reasonable use of any neighboring properties. Further, because the view of it will be obstructed by an existing 8 foot high fence, the exceptional placement within the side street setback will not be readily apparent. Ultimately the rainwater tank will have a positive impact on adjacent properties by (1) irrigating protected trees and landscaping within the easements and setback areas (2) re-**

duce stormwater impact on neighboring properties and (3) serving as an example to the neighborhood for proactive water-conserving landscape irrigation techniques.

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because: *n/a*
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because: *n/a*
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because: *n/a*
4. The variance will run with the use or uses to which it pertains and shall not run with the site because: *n/a*

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

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

Signed

*Hallie Ferguson*

Mail Address 611 Bouldin Avenue, Austin, TX 78704

Phone (512) 633-7469

Printed

*Hallie Ferguson*

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

*Hallie Ferguson*

Mail Address 611 Bouldin Avenue, Austin, TX 78704

Phone (512) 633-7469

Printed

*Hallie Ferguson*

Date \_\_\_\_\_

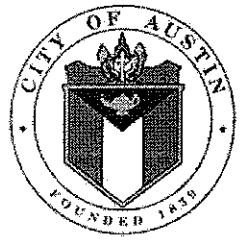


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0115  
 LOCATION: 611 BOULDIN AVENUE



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.austinenergy.com](http://www.austinenergy.com)

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

August 28, 2012

Hallie Ferguson  
611 Bouldin Avenue  
Austin, Texas 78704  
Via email to: [sara@bluegoldengineering.biz](mailto:sara@bluegoldengineering.biz)

Re: 611 Bouldin Avenue  
0.22 acres out of Lot 5, BLK B, JE Bouldin Estate

Dear Ms. Ferguson,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to erect a rainwater collection tank within the rear and south side setbacks. Austin Energy does not oppose this application as requested and shown on the attached red-stamped sketch provided any existing or future improvements meet AE clearance criteria requirements as well as be in compliance with the National Electric Safety Code and OSHA.

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".

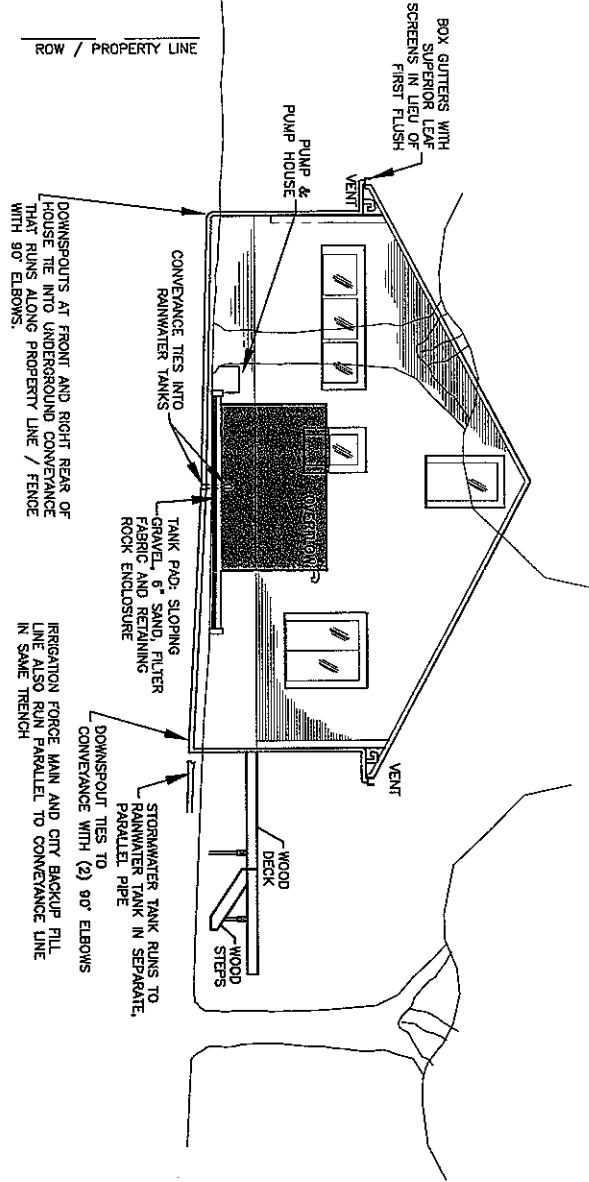
Lena Lund

Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

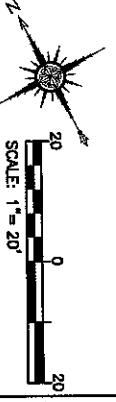
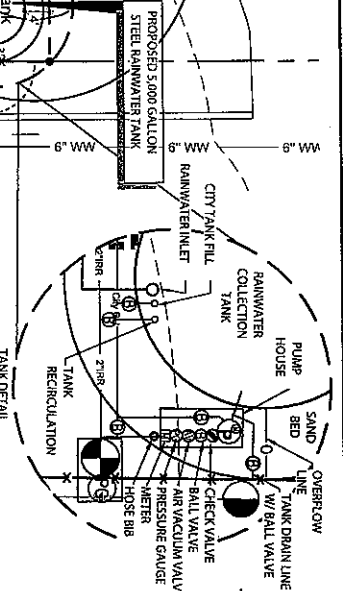
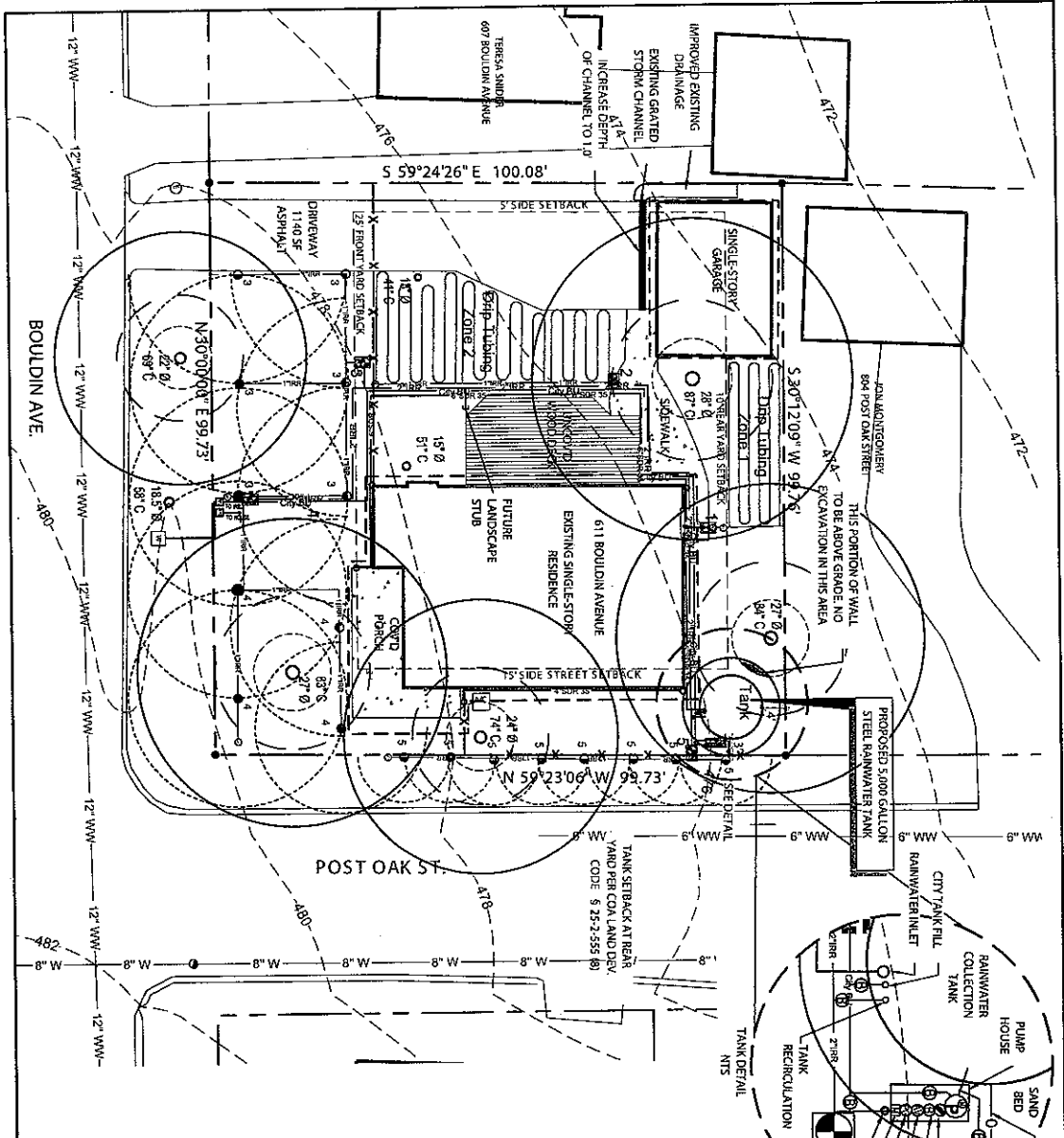
BACK OF CURB POST OAK ST.

ROW / PROPERTY LINE



Scale: 1/8" = 1'-0"

Sheet No. 2 of 2	<b>Ferguson Residence Rainwater Harvesting System</b>	 <b>BLUEGOLD</b> ENGINEERING <small>PROGRESSIVE RESOURCE SOLUTIONS AT WWW.BLUEGOLDENGINEERING.BIZ          FIRM #P-10192</small>	Designed By: SSE
	<b>TREE PERMIT EXHIBIT - TANK ELEVATION</b>		Drawn By: SSE & KS Completion: For Review Only Date: July 16, 2012

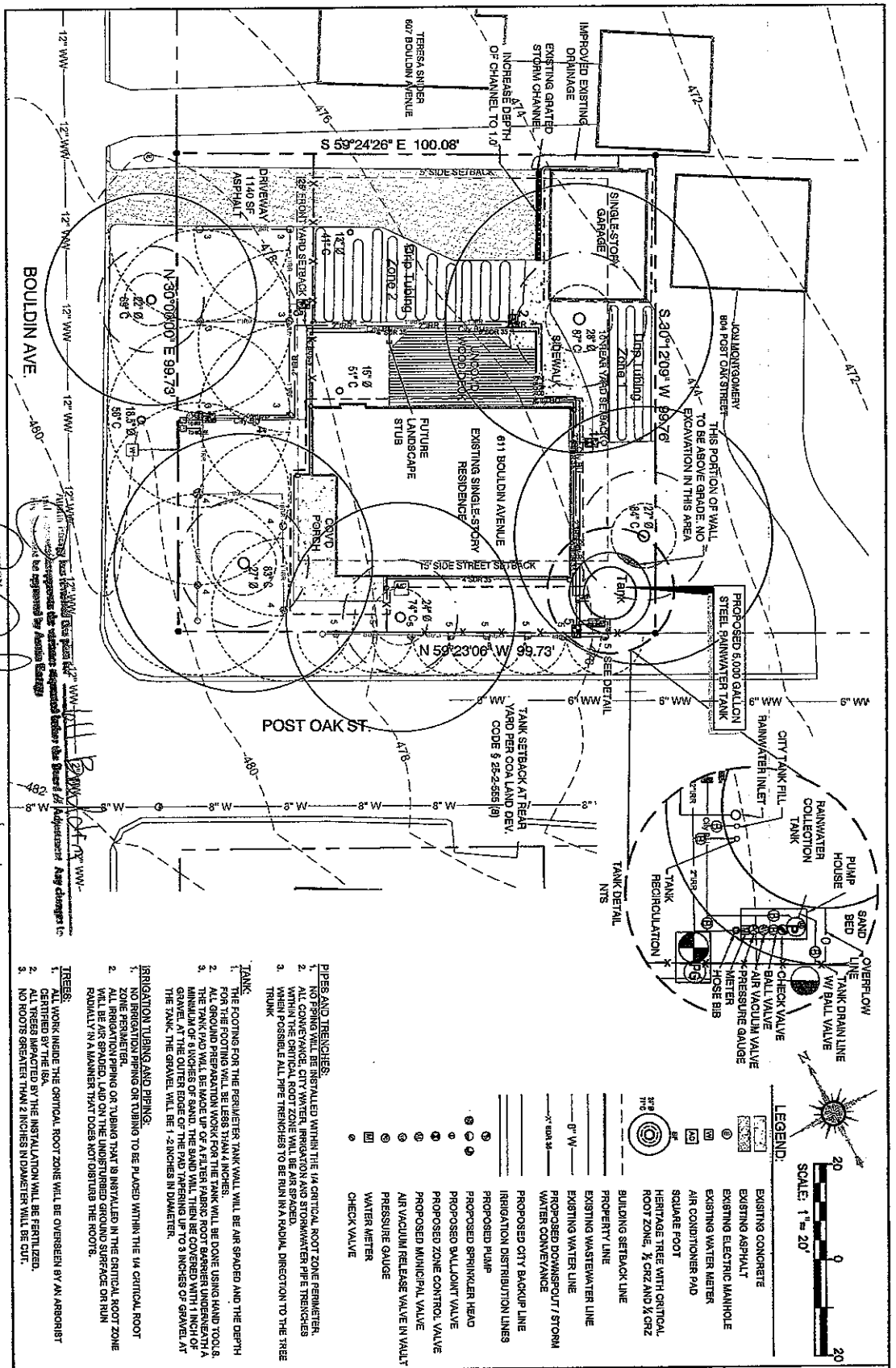


- LEGEND:**
- EXISTING CONCRETE
  - EXISTING ASPHALT
  - EXISTING ELECTRIC MANHOLE
  - EXISTING WATER METER
  - AIR CONDITIONER PAD
  - SQUARE FOOT
  - HERITAGE TREE WITH CRITICAL ROOT ZONE: 1/2 CRZ AND 1/4 CRZ
  - PROPERTY LINE
  - BUILDING SETBACK LINE
  - EXISTING WASTEWATER LINE
  - EXISTING WATER LINE
  - PROPOSED DOWNSPOUT / STORM WATER CONVEYANCE
  - PROPOSED CITY BACKUP LINE
  - IRRIGATION DISTRIBUTION LINES
  - PROPOSED PUMP
  - PROPOSED SPRINKLER HEAD
  - PROPOSED BALLJOINT VALVE
  - PROPOSED ZONE CONTROL VALVE
  - PROPOSED MUNICIPAL VALVE
  - AIR VACUUM RELIEF VALVE IN VAULT
  - PRESSURE GAUGE
  - WATER METER
  - CHECK VALVE

- PIPS AND TRENCHES:**
1. NO PIPING WILL BE INSTALLED WITHIN THE 1/4 CRITICAL ROOT ZONE PERIMETER.
  2. ALL CONVEYANCE, CITY WATER, IRRIGATION AND STORMWATER PIPE TRENCHES WITHIN THE CRITICAL ROOT ZONE WILL BE AIR SPADED.
  3. WHEN POSSIBLE, ALL PIPE TRENCHES TO BE RUN IN A RADIAL DIRECTION TO THE TREE TRUNK.

- TANK:**
1. THE FOOTING FOR THE PERIMETER TANK WALL WILL BE AIR SPADED AND THE DEPTH FOR THE FOOTING WILL BE LESS THAN 4 INCHES.
  2. ALL GROUND PREPARATION WORK FOR THE TANK WILL BE DONE USING HAND TOOLS.
  3. THE TANK PAD WILL BE MADE UP OF A FILTER FABRIC ROOT BARRIER UNDERNEATH A MINIMUM OF 8 INCHES OF SAND, THE SAND WILL THEN BE COVERED WITH 1 INCH OF GRAVEL AT THE OUTER EDGE OF THE PAD TREPPING UP TO 3 INCHES OF GRAVEL AT THE TANK. THE GRAVEL WILL BE 1-2 INCHES IN DIAMETER.

- IRRIGATION TUBING AND PIPING:**
1. ALL IRRIGATION PIPING OR TUBING TO BE PLACED WITHIN THE 1/4 CRITICAL ROOT ZONE PERIMETER.
  2. ALL IRRIGATION PIPING OR TUBING THAT IS INSTALLED IN THE CRITICAL ROOT ZONE WILL BE AIR SPADED, Laid ON THE UNDISTURBED GROUND SURFACE OR RUN RADIALLY IN A MANNER THAT DOES NOT DISTURB THE ROOTS.
- TREES:**
1. ALL WORK INSIDE THE CRITICAL ROOT ZONE WILL BE OVERSEEN BY AN ARBORIST.
  2. ALL TREES IMPACTED BY THE INSTALLATION WILL BE FERTILIZED.
  3. NO ROOTS GREATER THAN 2 INCHES IN DIAMETER WILL BE CUT.



I, *[Signature]*, certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am not aware of any facts or circumstances which would render this information misleading or incomplete.

Date: 8/28/12

- PIPES AND TRENCHES:**
- NO PIPING WILL BE INSTALLED WITHIN THE 14" CRITICAL ROOT ZONE PERIMETER.
  - ALL CONVEYANCE, CITY WATER, IRRIGATION AND STORMWATER PIPE TRENCHES WITHIN THE CRITICAL ROOT ZONE WILL BE AIR SPACED.
  - IF POSSIBLE ALL PIPE TRENCHES TO BE RUN IN A RADIAL DIRECTION TO THE TREE TRUNK.
- TANK:**
- THE FOOTING FOR THE PERIMETER TANK WALL WILL BE AIR SPACED AND THE DEPTH FOR THE FOOTING WILL BE LESS THAN 4 INCHES.
  - ALL GROUND PREPARATION WORK FOR THE TANK WILL BE DONE USING HAND TOOLS.
  - THE TANK PAD WILL BE OF SAND OR FINE GRAVEL. THE SAND WILL THEN BE COVERED WITH 1 INCH OF GRAVEL AT THE OUTER EDGE OF THE PAD TAPERING UP TO 3 INCHES OF GRAVEL AT THE TANK. THE GRAVEL WILL BE 1-2 INCHES IN DIAMETER.
- IRRIGATION TUBING AND PIPING:**
- NO IRRIGATION PIPING OR TUBING TO BE PLACED WITHIN THE 14" CRITICAL ROOT ZONE PERIMETER.
  - ALL IRRIGATION PIPING OR TUBING THAT IS INSTALLED IN THE CRITICAL ROOT ZONE MUST BE AIR SPACED AND LAPPED ON THE UNDISTURBED GROUND SURFACE OR RUN RADIALLY IN A MANNER THAT DOES NOT OBSTRUCT THE ROOTS.
- TREES:**
- ALL WORK INSIDE THE CRITICAL ROOT ZONE WILL BE OVERSEEN BY AN ARBORIST CERTIFIED BY THE ISA.
  - ALL TREES IMPACTED BY THE INSTALLATION WILL BE FERTILIZED.
  - NO ROOTS GREATER THAN 2 INCHES IN DIAMETER WILL BE CUT.

- LEGEND:**
- EXISTING CONCRETE
  - EXISTING ASPHALT
  - EXISTING ELECTRICAL MANHOLE
  - EXISTING WATER METER
  - AIR CONDITIONER PAD
  - SQUARE FOOT
  - HERITAGE TREE WITH CRITICAL ROOT ZONE, 1/2 CRZ AND 1/4 CRZ
  - BUILDING SETBACK LINE
  - PROPERTY LINE
  - EXISTING WASTEWATER LINE
  - EXISTING WATER LINE
  - PROPOSED DOWNSPOUT / STORM WATER CONVEYANCE
  - PROPOSED CITY BACKUP LINE
  - IRRIGATION DISTRIBUTION LINES
  - PROPOSED PUMP
  - PROPOSED SPRINKLER HEAD
  - PROPOSED BALL JOINT VALVE
  - PROPOSED ZONE CONTROL VALVE
  - PROPOSED MUNICIPAL VALVE
  - AIR VACUUM RELEASE VALVE IN VAULT
  - PRESSURE GAUGE
  - WATER METER
  - CHECK VALVE