

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

DATE: Monday, December 10, 2012

CASE NUMBER: C15-2012-0145

☒ Y _____ Jeff Jack
☒ Y _____ Michael Von Ohlen **Motion to PP to Jan 14, 2013**
☒ Y _____ Nora Salinas
☒ Y _____ Bryan King
☒ Y _____ Fred McGhee **2nd the Motion**
☒ Y _____ Melissa Hawthorne **ABSENT – WILL SCHNIER -ALTERNATE**
☒ Y _____ Sallie Burchett
☐ - _____ Cathy French (SRB only)

APPLICANT/OWNER: S. Kevin Smith

ADDRESS: 1200 COTTON ST

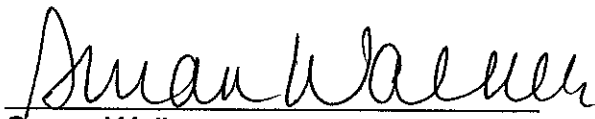
VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-1424 (A) (4) from 10 feet to 5 feet in order to erect an Urban Home in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to January 14, 2013, Board Member Fred McGhee second on a 7-0 vote; POSTPONED TO JANUARY 14, 2013.

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

15-2012-0145

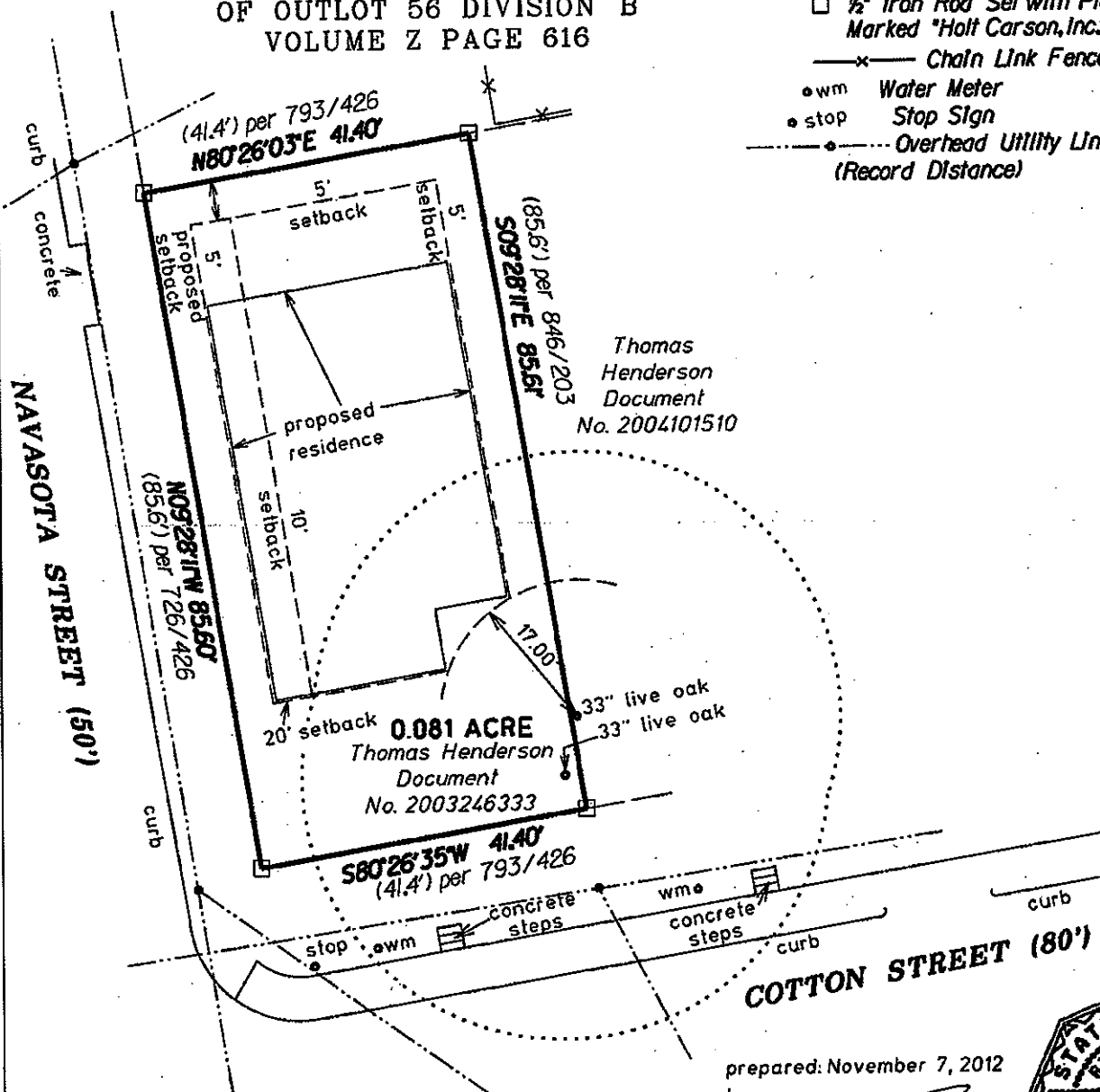
EXHIBIT MAP OF
0.081 ACRE OF LAND OUT OF LOT 1, BLOCK NO. 7, GEO. L. ROBERTSON'S SUBDIVISION OF OUTLOT 56, DIVISION B, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME Z PAGE 616 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN TRACT CONVEYED TO THOMAS HENDERSON BY DEED RECORDED IN DOCUMENT NO. 2003246333 OF THE TRAVIS COUNTY OFFICIAL PUBLIC RECORDS. LOCATED AT 1200 COTTON STREET.

Elia Pease
Volume 11459
Page 1204

SCALE: 1"=20'

LOT 1
BLOCK NO. 7
GEO. L. ROBERTSON'S SUBDIVISION
OF OUTLOT 56 DIVISION B
VOLUME Z PAGE 616

- LEGEND**
- 1/2" Iron Rod Set with Plastic Cap Marked "Holt Carson, Inc."
 - x— Chain Link Fence
 - wm Water Meter
 - stop Stop Sign
 - Overhead Utility Line (Record Distance)



Thomas
Henderson
Document
No. 2004101510

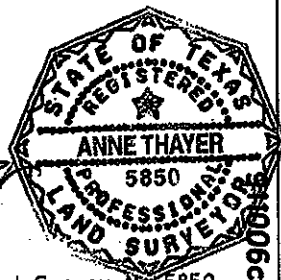
0.081 ACRE
Thomas Henderson
Document
No. 2003246333

HOLT CARSON, INC.
1904 FORTVIEW ROAD
AUSTIN, TX 78704
(512) 442-0990

see survey plat 911006a
for bearing basis and
off-site survey evidence

prepared: November 7, 2012
by:

Anne Thayer
Registered Professional Land Survey No. 5850



Kevin Smith

From: [REDACTED]
Sent: Sunday, January 13, 2013 10:20 PM
To: susan.walker@austintexas.gov
Cc: [REDACTED]
Subject: 1200 Cotton - Setback Variance Request

Hi Susan -

Kevin Smith contacted me regarding his request for a variance from the setback requirements that apply to his property at 1200 Cotton Street within the Robertson Hill Neighborhood in Central East Austin. I live within a block of his property and am the current President of the Robertson Hill Neighborhood Association. He has requested that I write to you to inform you of our discussions.

Recently, Kevin and I discussed his property and the basis of his variance request. It's my understanding that Kevin owns and plans to build his home on the lot at 1200 Cotton. To construct his house while minimizing any impact on the heritage trees growing on the lot, he will need to obtain a variance from the existing 10-foot setback requirement for a portion of his planned home that will be facing Navasota Street. I have seen a diagram that he forwarded to me with a detailed written description depicting the planned home and the portion of it that would extend into the area on his lot restricted by the existing setback requirement. I also forwarded Kevin's information to the Robertson Hill Neighborhood Association listserve to inform other neighborhood folks and to ask them to respond to me with their thoughts and any concerns.

The listserve distribution reaches out to about 80 email addresses of individuals that reside in Robertson Hill. I received multiple responses. All were in support of the variance with the condition that it does not interfere with the future construction of a sidewalk on the Navasota Street side of Kevin's lot. When I relayed this question to Kevin, he consulted with City staff and other experts to assure to me and others that the requested setback variance would not pose a problem regarding the future construction of a side walk.

Though we didn't have time for a formal vote, I feel confident that I was able to gather the general position of the neighborhood folks and in particular those that are inclined to weigh in on important matters. After hearing Kevin's followup regarding the sidewalk issue, all responses were voicing support for Kevin's request. I am unaware of anyone in opposition to the City granting his variance request.

I truly appreciate Kevin's effort to reach out to the neighborhood folks and appreciate the opportunity to give feed back on this issue. I look forward to having him as a new neighbor. Please contact me if you have any questions or need anything further. Thank you for serving the City.

Sincerely,

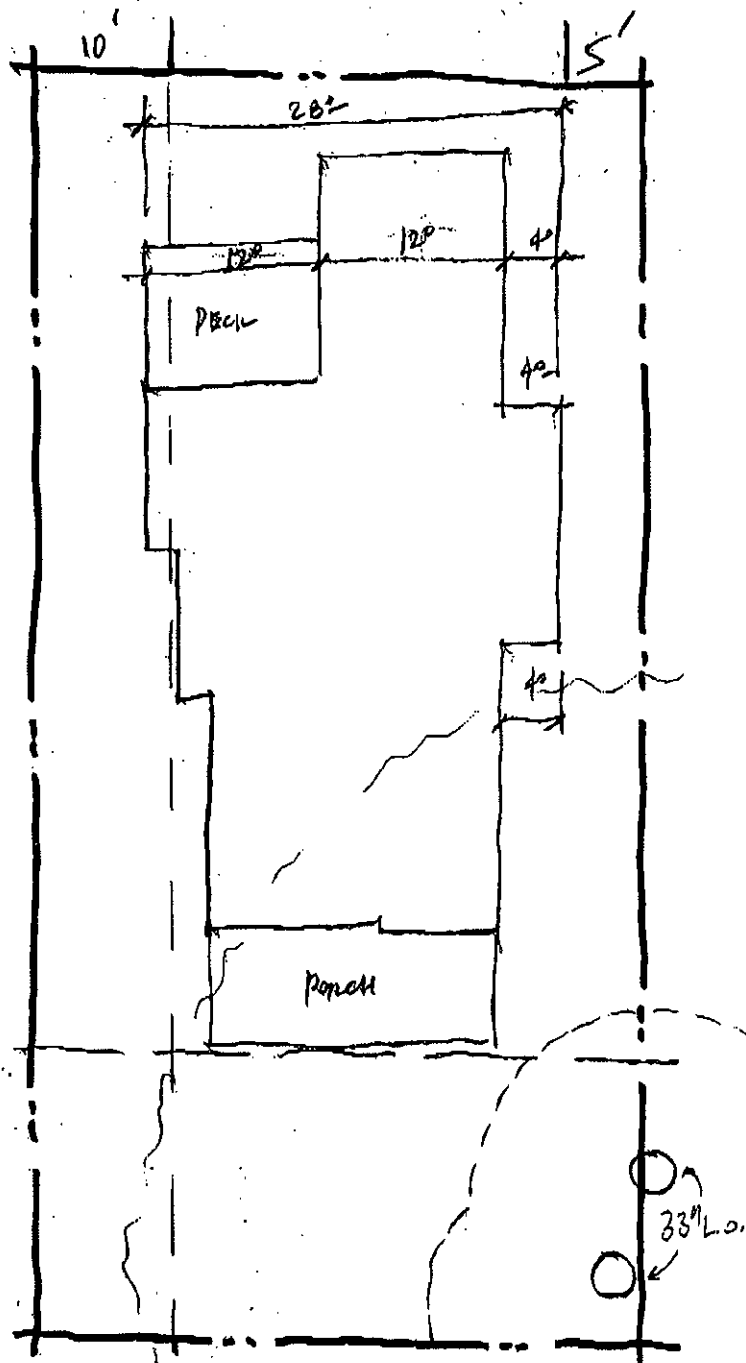
Stan

Stanton Strickland

President, Robertson Hill Neighborhood Association

President, Organization of Central East Austin Neighborhoods

NAVASOTA ST.



200 COTTON ST.

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 #

ROW #

C15-2012-0145

10856785

TP-0207080318

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: 1200 COTTON STREET

LEGAL DESCRIPTION: Subdivision – 41.4' X 84.6' out of the West 125' of

Lot(s) 1 Block 7 Outlot Division GEORGE L. ROBERTSON SUB

I/We KEVIN SMITH on behalf of myself affirm that on 11/08/2012,

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

(check appropriate items below)

x ERECT ATTACH COMPLETE REMODEL MAINTAIN

Reduce the street side setback from 10' to 5' to construct a portion of a single family residence within the setback in order to protect to the fullest extent two large oak trees located on this small lot

in a SF3-NP district.
(zoning district)

Urban Home
1424(A)(4)

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 lot is only 41.4' in width and 84.6' in depth. The property contains two large oak trees of 108" and 103" circumference (34" and 33" diameter respectively). Due to the location of the oaks and the street side setback requirement of 10' the front of the lot can accommodate only a 10' to 15' width of a single family house while preserving the goal of protecting the trees to the fullest extent.

HARDSHIP:

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

The occurrence of trees of this significance are rare and not found on most lots in general, and protecting the trees to the fullest extent desired by the City Arborist and Tree Ordinance do not allow for placement of a structure on a significant portion of the lot due to the small size of the existing lot. Allowing a reduction in the street side setback from 10' to 5' will allow for greater protection of the tree while simultaneously allowing the placement of a single family structure.

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

Many of the existing single family lots found in East Austin are smaller than the current minimum lot standards. This lot is located in Central East Austin which has adopted both Small Lot Amnesty, Urban Home, and other Special Infill Options to help the City achieve their goals for Infill and Sustainability. While trees of this significance are rarely found on any lot, the existence of such trees on an extremely small lot creates problems that are unique to that specific property.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The property directly adjacent on the East side is a vacant lot and the property. The property is a corner lot so there is no property located directly adjacent to the South or to the West. The property located directly adjacent to the North is a commercial property zoned LO-MU-NP and does not have the same characteristics as a residential property in the community. This commercial property (1191 Navasota) is completely

surrounded by SF3-NP zoning. If a commercial property located in a largely residential district does not alter the character of the overall then a reduction in the street side setback on a single family residential lot will not have an adverse impact on the character of the area, the use of adjacent properties nor impair the purpose of the zoning district.

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  Mail Address 9009 N FM 620, #1215

City, State & Zip AUSTIN, TX 78726

Printed KEVIN SMITH Phone 512-964-3864 Date 11/07/12

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 9009 N FM 620, #1215

City, State & Zip AUSTIN, TX 78726

Printed KEVIN SMITH Phone 512-964-3864 Date 11/07/12

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:

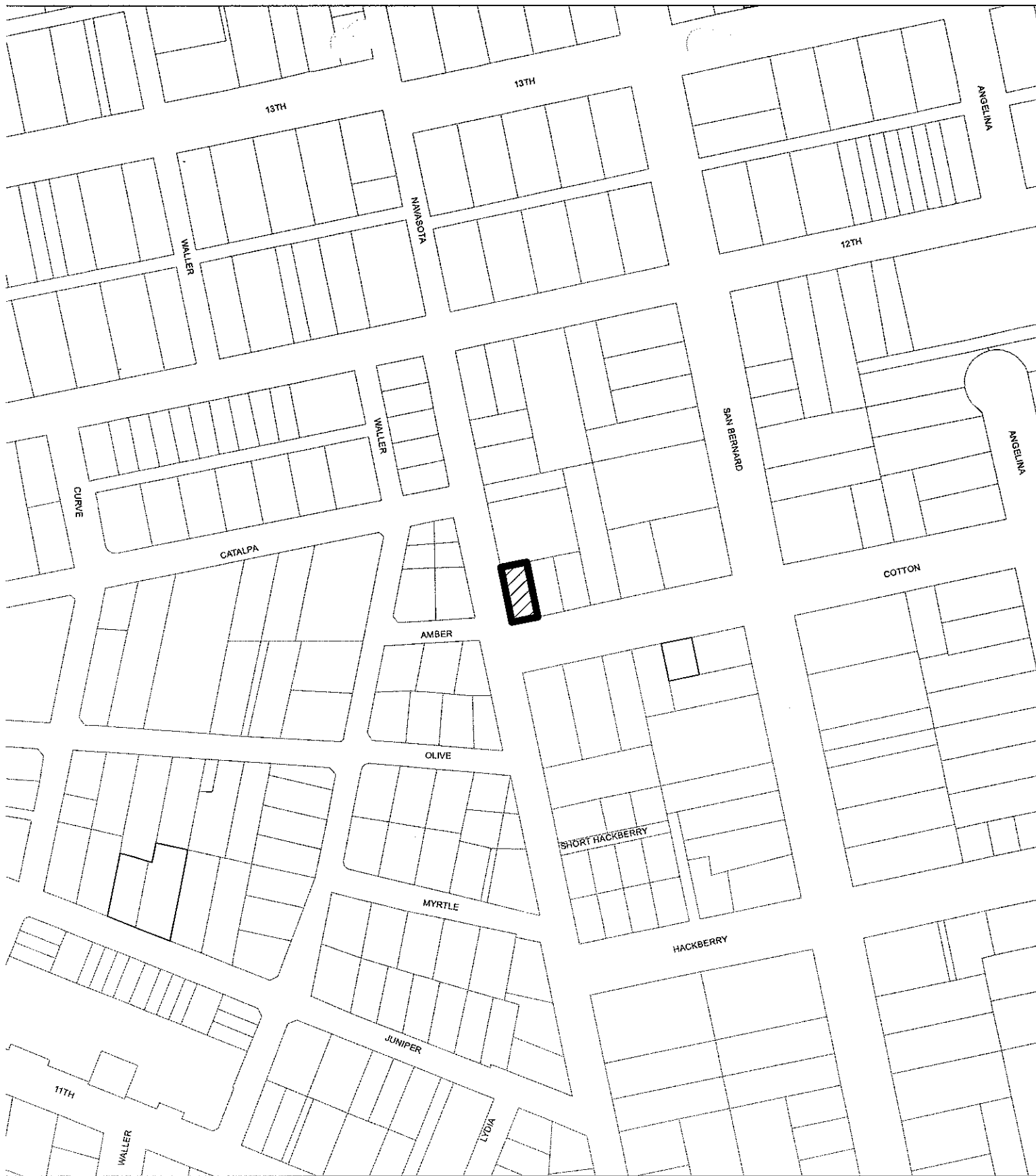
General Requirements:

- 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.

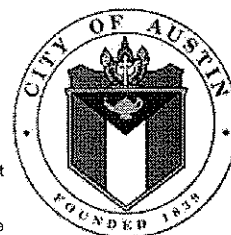


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0145
LOCATION: 1200 Cotton Street



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.



Kevin Smith <kevin@terrazacapital.com>

RE: Additional information needed: street Side setback variance request - 1200 COTTON STREET

Lund, Lena <Lena.Lund@austinenergy.com>

Thu, Nov 8, 2012 at 10:35 AM

To: "Ramirez, Diana" <Diana.Ramirez@austintexas.gov>, "Walker, Susan" <Susan.Walker@austintexas.gov>

Cc: Kevin Smith <kevin@terrazacapital.com>

I spoke with Kevin Smith and his surveyor is preparing the survey which will show the location of the electric line – he will provide Austin Energy (AE) with a copy of this survey when it is available. Mr. Smith is aware of the clearance requirements and understands that any new construction must meet the clearances. AE does not oppose the request to reduce the side setback adjacent to Navasota Street provided the proposed improvements meet clearance criteria.

Lena Lund

Austin Energy

Public Involvement/Real Estate Services

721 Barton Springs Road, Suite 102.4

Austin, TX 78704-1145

512-322-6587

512-322-6101 Fax

From: Lund, Lena

Sent: Thursday, November 08, 2012 10:07 AM

To: 'Kevin Smith'

Cc: Walker, Susan; Ramirez, Diana

Subject: Additional information needed: street Side setback variance request - 1200 COTTON STREET

Kevin,

I have reviewed the information that you submitted regarding a request to reduce the west side setback from 10 feet to 5 feet adjacent to Navasota Street on the above referenced property. There is an overhead electric line adjacent to requested setback. In order for Austin Energy to approve this request any proposed improvements would need to meet current clearance criteria from existing electric facilities: Horizontal: 7'6" Vertical: 12'6".

Pease provide a survey drawing showing the location of the electric line and the property line.

Lena Lund

Austin Energy

Public Involvement/Real Estate Services

721 Barton Springs Road, Suite 102.4

Austin, TX 78704-1145

512-322-6587

512-322-6101 Fax

From: Kevin Smith [mailto:kevin@terrazacapital.com]

Sent: Thursday, November 08, 2012 9:16 AM

To: Lund, Lena

Subject: Street Side setback variance request - 1200 COTTON STREET

Lena,

Thank you for your time this morning. I am attaching a depiction of the property that show the current building envelope with the existing setback and also the requested street side setback. The BOA variance application is also attached in the same PDF document.

Please let me know if you have any questions or need any additional information.

Thank you again,

Kevin Smith

512-964-3864

kevin@terrazacapital.com



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512-964-3864

kevin@terrazacapital.com

SCALE 1"=20'

LOT 4

NAVASOTA STREET (60')

LOT 1

NAVASOTA STREET (60')

LOT 2

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LOT 45

NAVASOTA STREET (60')

HOLT CARSON, INC.
1902 FORTVIEW ROAD
AUSTIN, TX 78704
(512) 442-0990



By *Anne Thayer*
Anne Thayer
Registered Professional Land Surveyor No. 5850

© Copyright 2012

SURVEY PLAT OF
0.081 ACRES OF LAND OUT OF LOT 1, BLOCK NO. 7, GEO. L. ROBERTSON'S SUBDIVISION OF
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Elm Pease
1124' x 125'
Volume 1143 Page 1201

LOT 1
GEO. L. ROBERTSON'S SUBDIVISION
OF OUTLOT 56 DIVISION B
VOLUME 2 PAGE 616

Thomas Henderson
Deceased
Ma. 200326333
originally
Volume 733 Page 426

Thomas Henderson
Volume 733 Page 426
Hester Henderson and
Wm. Henderson and
Volume 865 Page 621

- LEGEND
- ① 1/4 Section Road
 - ② 1/2 Section Road
 - ③ 3/4 Section Road
 - ④ 1/4 Section Road
 - ⑤ 1/2 Section Road
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COTTON STREET (80')

1350' per plat

500' per plat

1500' per plat

1500' per plat

1500' per plat

1500' per plat