

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

DATE: Monday, December 10, 2012

CASE NUMBER: C15-2012-0141

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

APPLICANT/OWNER: Micheal Hide

ADDRESS: 1336 BONHAM TER

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 5 feet in order to erect a detached accessory structure for a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

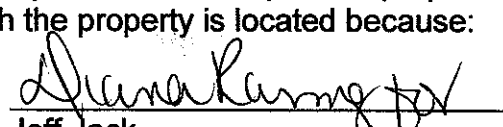
BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to January 14, 2013 to obtain support letter of adjacent property owner and to meet with neighborhood associations, Board Member Nora Salinas second on a 7-0 vote; **POSTPONED TO JANUARY 14, 2013 TO OBTAIN SUPPORT LETTER OF ADJACENT PROPERTY OWNER AND TO MEET WITH NEIGHBORHOOD ASSOCIATIONS.**

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

Daniel & Eiko Lowell
1317 Kenwood Ave
Austin, Texas 78704

26 December 2012

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

RE: Case Number: C15-2012-0141
1336 Bonham Terrace, Lot: 2 Block: 46

Gentlemen:

The purpose of this letter is to confirm that my neighbor, Michael Hide, has discussed with me his plans to construct a studio adjacent to the present structure, 1336 Kenwood Ave. I have no objection to the proposed structure nor the building process. I rely upon the competent authorities to have adequately reviewed the proposal and that it meets with all code requirements. Mr. Hide and I have a good relationship as neighbors and there are no outstanding issues.

Sincerely,



Daniel A. Lowell

Cc: Michael Hide

C15-2012-0141



SRCC Neighborhood Assoc.
P.O. 40632
Austin, TX 78704
www.srccatx.org

Susan Walker, Planner
City of Austin
Planning and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor
Austin, TX 78704

Marc Davis
[REDACTED]

Carol Martin
[REDACTED]

Garret Nick
[REDACTED]

Les Case
[REDACTED]

January 7, 2013

RE: 1336 Bonham Terrace

Dear Susan,

It has come to our attention that SRCC did not make it clear that we approved of the proposed construction project in our previous letter regarding Michael Hide's property located on 1336 Bonham Terrace.

This letter is to clarify that the SRCC Zoning Committee does indeed support the construction of the proposed structure with a 5 foot setback from the side of the property facing Kenwood Ave.

In our previous letter, we stated that, since the original subdivision platt showed that the Bonham Terrace side of the property was always considered the front of the property, Mr. Hide should be allowed to build the proposed structure with a 5 foot setback from the Kenwood Ave. side of the property. If the Planning and Development Review Department continues to insist that the Kenwood Ave. side of the property should be considered the front and is therefore subject to the 25 foot setback restriction, then we support a variance to reduce the 25 foot setback requirement to 5 feet so that Mr. Hide can build the structure in the proposed location.

Sincerely,

Jean Mather, Chair
SRCC Zoning Committee

C15-2012-0141



SRCC Neighborhood Assoc.
P.O. 40632
Austin, TX 78704
www.srccatx.org

Marc Davis
[REDACTED]

Carol Martin
[REDACTED]

Garret Nick
[REDACTED]

Les Case
[REDACTED]

Susan Walker, Planner
City of Austin
Planning and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor
Austin, TX 78704

October 8, 2012

RE: 1336 Bonham Terrace

Dear Susan,
The Zoning Committee met on August 23 and again on September 26 with Michael Hide of 1336 Bonham Terrace. He had been denied a building permit.

The property forms a triangle at the intersection of Bonham Terrace and Kenwood Avenue. Staff insisted that the address should be on Kenwood since it is the shortest side of the triangle. If so, the setbacks would have to be reconfigured.

At our second meeting on September 26, Michael Hide brought a copy of the original subdivision platt for Travis Heights which explained the difference. The platt clearly shows that the triangle had originally been two lots facing onto Bonham. The original owner had combined them into one. It was clear to the Zoning Committee that the setback on Kenwood would follow the side of lot setback provisions. It also explains how Beverly Laws had used the Bonham address since his neighbors knew him at least 40 years ago.

The other problem: a corner of the existing garage extends beyond the property line. Michael Hide traced the appraisal district's records and found that the garage was in place in 1926. It should be grandfathered.

Sincerely,

Jean Mather, Chair
SRCC Zoning Committee

Walker, Susan

From: Marc Davis [REDACTED]
Sent: Thursday, January 10, 2013 11:59 AM
To: Walker, Susan
Cc: Michael Hide; Jean mather; Carol Martin
Subject: Clarification of SRCC's Support for 1336 Bonham Terrace variance
Attachments: Support for 1336 Bonham Terrace Addendum (final).pdf; Support for 1336 Bonham Terrace (final).pdf; ATT5711544.txt

Re: C15-2012-0141

Susan,

I just wanted to pass along this letter of clarification/support from SRCC for Michael Hide's construction on his property at 1336 Bonham Terrace. I think there was some confusion about our initial letter and Jean wanted to make it clear before this case goes to the BOA on Monday.

If you can, please see that the members of the board have this when considering the case. I have also included the original letter that Jean sent in October (now on letterhead) in case it's needed.

Thank you!

Marc Davis
SRCC President

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.

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.

Case Number: C15-2012-0141 - 1336 Bonham Terrace

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, December 10th, 2012

DAN PRIEST

Your Name (please print)

1300 BONHAM TER

Your Address(es) affected by this application

Dan Priest 12-5-12

Signature

Date

Daytime Telephone: 512 5810959

Comments: In Travis Co standard set-backs combined with the tree stumps are impractical and harmful as many lots are extremely irregular in shape and size over all height restrictions even further diminish reasonable development.

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

☒ I am in favor
☐ I object

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Case Number: C15-2012-0141 – 1336 Bonham Terrace
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, December 10th, 2012

Gary Pretz
 Your Name (please print)

☒ I am in favor
☐ I object

Your address(es) affected by this application

1336 Bonham

Susan Walker
 Signature

12-6-12
 Date

Daytime Telephone: _____

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

PUBLIC HEARING INFORMATION

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Case Number: C15-2012-0141 - 1336 Bonham Terrace

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, December 10th, 2012

Dave Wedggett

Your Name (please print)

133a Bonham Ter

Your address(es) affected by this application

Susan Walker

Signature

12-16-12

Date

Daytime Telephone: 512-442-2533

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

☒ I am in favor
☐ I object

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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 # C15-2012-0141
ROW # 1085675
TP-0302030301

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: 1336 Bonham Terrace

LEGAL DESCRIPTION: Subdivision - Travis Heights

Lot(s) 1&2 Block 46 Outlot _____ Division _____

I/We Michael Hide on behalf of myself/ourselves as
authorized agent for

_____ affirm that on October 15
2012,

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

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

A 14' x 14' (200 sq/ft) Kanga Room Systems studio to be used as a work at home office space.

in a SE-ND 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.

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:

Our lot forms a triangular shape, and according to Darren Cain (in the residential review department), the shortest side is considered the 'front' of the property for purposes of building setbacks. This would make the side along Kenwood the 'front' instead of the longer Bonham Terrace side which is where the address has been since the house was built in 1926 (It was originally 2 lots with both sides fronting Bonham Terrace). By considering the Kenwood side as the 'front' we would not be able to place any structure in the side yard due to the 25ft setback rule. We are unable to locate the proposed structure in either of the other two corners of the property due to an existing detached garage along the Bonham side, and putting it in the actual front yard (the corner at Bonham and Kenwood) would be unsightly, inconvenient, and detract greatly from the curb appeal of the property and the neighborhood.

Additionally there would be issues with the setbacks in that corner as well due to the high angle of the lot, and overlapping setbacks between the 'front' and 'side' edges.

HARDSHIP:

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

Due to the triangular shape of the lot and existing structures, there is only one reasonable location for the proposed structure. Placing it in front of the house in plain view of the street would diminish the curb appeal of the property and the neighborhood. Building this structure on other properties with similar square footage but on a "traditional" rectangular shaped lot would likely not be an issue. This is a problem for us only because of the irregular shape of our lot, and is a hardship as we are not able to get reasonable use out of our property compared with other property owners in this neighborhood.

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

Most lots in the neighborhood are rectangular in shape and have a clear 'front' and 'back' yard. The shape of our lot and position of the house leaves those designations up for interpretation, and therefore inhibit the reasonable use of our 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 proposed location of the structure is behind a 6' privacy fence and would not be visible from the street or the neighboring property along Kenwood, and will not significantly alter the appearance of the property, nor restrict any use of the adjoining lot.

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.

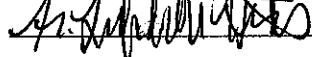
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1336 Bonham
Terrace

City, State & Zip Austin, TX
78704

Printed Michael Hide Phone 512.423.4652
Date October 15, 2012

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 1336 Bonham
Terrace

City, State & Zip Austin, TX
78704

Printed Michael Hide Phone 512.423.4652
Date October 15, 2012

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:

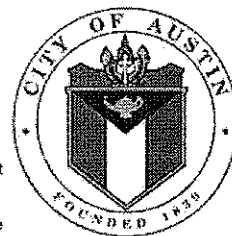


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0141
LOCATION: 1336 Bonham Terrace



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.

Easement rights as reserved on plot recorded in Volume 3, Page 15, Plat Records, Travis County, Texas, affect this lot.

Subject: 1336 Bonham Terrace

From: Jean mather <jeanmather3@gmail.com>

Date: 10/8/2012 11:43

To: Marc Davis <marc.davis@gmail.com>, Kent Anschutz <Kent@kentanschutz.com>, Russell Fraser <russell_fraser@msn.com>

CC: michael.hide@gmail.com

Development Assistance Center
City of Austin

The Zoning Committee of South River City Citizens met on August 23 and again on September 26 with Michael Hide of 1336 Bonham Terrace. He had been denied a building permit.

His property forms a triangle at the intersection of Bonham Terrace and Kenwood Avenue. Staff insisted that the address should be on Kenwood since it is the shortest side of the triangle. If so, the setbacks would have to be reconfigured.

At our second meeting on September 26, Michael Hide brought a copy of the original subdivision platt for Travis Heights which explained the difference. The platt clearly shows that the triangle had originally been two lots facing onto Bonham. The original owner had combined them into one. It was clear to the Zoning Committee that the setback on Kenwood would follow the side lot setback provisions. It also explains how Beverly Laws had used the Bonham address for at least 40 years as the neighbors can testify.

The other problem: a corner of the existing garage extends beyond the property line. Michael Hide traced the appraisal district's records and found that the garage was in place in 1926. It should be grandfathered.

Jean Mather, Chair
SRCC Zoning Committee
444-4153

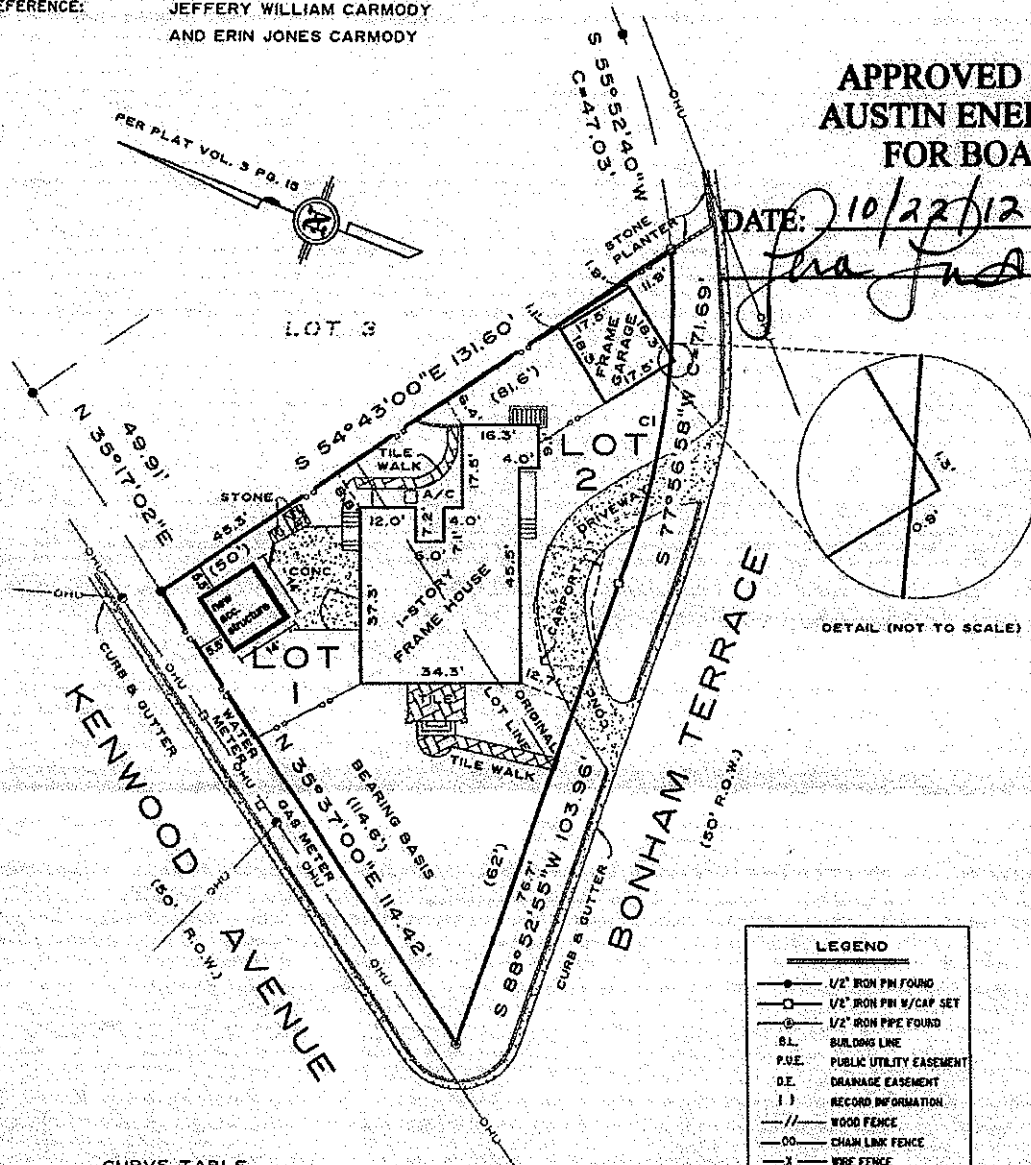
SURVEY PLAT OF: 1336 BONHAM TERRACE, AUSTIN, TEXAS, 78704.

LEGAL DESCRIPTION: LOTS 1 & 2, BLOCK 46, TRAVIS HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 3, PAGE 15, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

REFERENCE: JEFFERY WILLIAM CARMODY
AND ERIN JONES CARMODY

APPROVED BY
AUSTIN ENERGY
FOR BOA

DATE: 10/22/12



CURVE TABLE

CURVE	RADIUS	TAN.	LENGTH	DELTA
C1	157.5'	36.6'	72.33'	26°16'34"

LEGEND	
—●—	1/2" IRON PIN FOUND
—○—	1/2" IRON PIN W/CAP SET
—○—	1/2" IRON PIPE FOUND
—	B.L. BUILDING LINE
—	P.U.E. PUBLIC UTILITY EASEMENT
—	D.E. DRAINAGE EASEMENT
—	RECORD INFORMATION
—	WOOD FENCE
—	CHAIN LINK FENCE
—X—	WIRE FENCE
—OHU—	OVERHEAD UTILITIES
—	GUY WIRE

Restrictive Covenants recorded in Volume 3, Page 15, Plat Records of Travis County, Texas, affect this lot.

Easement rights as reserved on plat recorded in Volume 3, Page 15, Plat Records, Travis County, Texas, affect this lot.

This property is in Zone "X" of the F.E.M.A. Flood Insurance Rate Map for Travis County, Texas, Community Panel No. 480624 0170 E, Dated Jan. 19th, 2000.

THE STATE OF TEXAS TO THE LIEN HOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED
COUNTY OF TRAVIS AND TO NORTH AMERICAN TITLE CO. AND NORTH AMERICAN TITLE INSURANCE CORP.

The undersigned does hereby state that this survey was this day made on the ground of the property legally described hereon and to the best of his information, knowledge and belief is correct, and that there are no discrepancies, conflicts, shortages in area, visible utility line or roads in place, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

COPYRIGHT 2002 POINT-LINE SERVICES, INC.

Use of this survey for any other purpose or other parties shall be at their risk and undersigned is not responsible to others for any loss resulting therefrom.

Dated this the 8th day of November, 2002

Job No. 27481102 Scale: 1" = 30'

GF. No. 119736

POINT-LINE SERVICES, INC.

LAND & ENGINEERING SURVEYING
MELVIN LINDSEY, R.P.L.S., 1687

1501 CAPITAL OF TEXAS HWY. SOUTH SUITE A-236
AUSTIN, TEXAS 78746
TEL. (512) 520-9217 FAX (512) 520-6640

[Handwritten signature]