

# CITY OF AUSTIN

## Board of Adjustment/Sign Review Board

## Decision Sheet

**DATE: Tuesday, December 10, 2012**

**CASE NUMBER: C15-2012-0133**

\_\_\_\_\_ Jeff Jack  
 \_\_\_\_\_ Michael Von Ohlen  
 \_\_\_\_\_ Nora Salinas  
 \_\_\_\_\_ Bryan King  
 \_\_\_\_\_ Fred McGhee  
 \_\_\_\_\_ Melissa Hawthorne  
 \_\_\_\_\_ Sallie Burchett  
 \_\_\_\_\_ Cathy French (SRB only)

**APPLICANT: Pablo Toboada**

**OWNER: Tony Browning**

**ADDRESS: 1800 HOLLY ST**

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 2 feet 4 inches along the east property line in order to maintain a carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

**BOARD'S DECISION: Nov 13, 2012** The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to December 10, 2012, Board Member Bryan King second on a 7-0 vote; **POSTPONED TO December 10, 2012.**

**Dec 10, 2012 - POSTPONED TO JANUARY 14, 2013 PER APPLICANT**

## FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

**Susan Walker**  
**Executive Liaison**

**Jeff Jack**  
**Chairman**

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

**DATE:** Tuesday, November 13, 2012

**CASE NUMBER:** C15-2012-0133

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen **Motion to pp to Dec 10, 2012**  
\_\_\_\_ Nora Salinas  
\_\_\_\_ Bryan King **2<sup>nd</sup> the motion**  
\_\_\_\_ Fred McGhee  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ Sallie Burchett  
\_\_\_\_ Cathy French (SRB only)

**APPLICANT:** Pablo Toboada

**OWNER:** Tony Browning

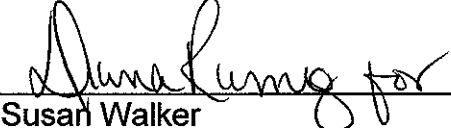
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3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

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

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

## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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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.

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Case Number: C15-2012-0133 - 1800 Holly Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 13th, 2012

David Plutowski, RE

Your Name (please print)

☒ I am in favor  
☐ I object

1805 Haskell St.

Your address(es) affected by this application

*[Signature]*

Signature

11-2-12

Date

Daytime Telephone: (512) 567-7303

Comments: I support this variance to

decrease minimum side yard setback. with these narrow 50 ft lots, it is very difficult to improve property, specifically add a carport. the impacts of reducing this side yard set back are minimal, if not negligible.

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

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

**Case # C15-2012-0133**  
**1800 Holly Street**  
**Public Hearing BOA, November 13, 2012**

**A survey of the neighborhood surrounding the property at 1800 Holly Street shows many homes in which the carport has been built next to or near the fence line, within the 5 foot setback. A rough estimate would be that one in 7 homes has a similar condition.**

**To get a more accurate count, we have walked the two streets north and south and east and west of 1800 Holly (Haskell Street to the south, and Garden St to the north). Within the two block area north and south, and east and west of 1800 Holly St. we found 13 homes that have a driveway next to the fence line and a carport structure within the 5 foot setback.**

**These homes are as follows:**

**1806 Holly**  
**1809 Holly**  
**1904 Haskell**  
**1802 Haskell**  
**1801 Haskell**  
**1711 Haskell**  
**1705 Haskell**  
**1703 Haskell**  
**1711 Garden**  
**1903 Garden**  
**1904 Garden**  
**1905 Garden**  
**1907 Garden**

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**Case Number: C15-2012-0133 – 1800 Holly Street**

**Contact: Susan Walker, 512-974-2202**

**Public Hearing: Board of Adjustment, November 13th, 2012**

*Caroline Perdon*

Your Name (please print)

*1707 Haskett St Austin TX*

Your address(es) affected by this application

*[Signature]*

Signature

Date

*11/13/12*

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**

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**Public Hearing: Board of Adjustment, November 13th, 2012**

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

*ROBERT D MARTINEZ*  
 Your Name (please print)

*1904 CHADEN ST WHT A*  
 Your address(es) affected by this application

Signature

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

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**Contact: Susan Walker, 512-974-2202**

**Public Hearing: Board of Adjustment, November 13th, 2012**

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

Your Name (please print) JOE CORNELI

Your address(es) affected by this application 1801 Holly St.

Signature [Signature] Date \_\_\_\_\_

Daytime Telephone: 977-931-3315

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

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

CASE #  
ROW #

C15-2012-0133  
10841513

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

TP-0202 070618

**WARNING: Filing of this appeal stops all affected construction activity.**

PLEASE:  
APPLICATION MUST  
BE TYPED WITH ALL  
REQUESTED  
INFORMATION  
COMPLETED.

STREET ADDRESS: 1800 HOLLY ST

LEGAL DESCRIPTION: Subdivision -  
POPES RESUBDIVISION

Lot(s) 18 Block 8 Outlot 48  
Division 0

I/We PABLO TABOADA on behalf of myself/ourselves as  
authorized agent for

TONY BROWNING affirm that on September 25, 2012

Deleted:

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL ☒ MAINTAIN

A 28 FEET LONG AND 10'4" WIDE CARPORT BUILT ON THE DRIVEWAY  
OF 1800 HOLLY. THE FOUR 6"X6"EASTERN POSTS SUPPORTING THE  
CARPORT ARE ONLY 28 INCHES FROM THE PROPERTIES EASTERN  
BOUNDARY AND FENCE LINE. INSIDE THE 60" SETBACK REQUIREMENTS.

in a SF3 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

**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 AT 1800 HOLLY WAS BUILT IN SUCH A WAY THAT THE DRIVEWAY IS LOCATED IN THE ONLY POSSIBLE LOCATION WITHIN THE FIVE FOOT SETBACK REQUIREMENTS, AND ADJACENT TO THE PROPERTY LINE ON THE EASTERN PORTION OF THE LOT.

Deleted: \_\_\_\_\_

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:  
A ROOF COVERING A PORTION THE DRIVEWAY TO PROTECT CARS FROM HAIL DAMAGE IS IN THE ONLY POSSIBLE LOCATION GIVEN THE LOCATION AND PLACEMENT OF THE DRIVEWAY ITSELF. ALLOWING FOR THE USE OF THE 5 FOOT SETBACK ON THE EASTERN PROPERTY LINE WOULD PLACE THE POSTS HOLDING THE CARPORT CLOSER TO THE MIDDLE OF THE DRIVEWAY ITSELF, AND WOULD NOT ALLOW FOR ITS INTENDED USE

- (b) The hardship is not general to the area in which the property is located because:  
MANY HOUSES IN THE NEIGHBORHOOD HAVE BEEN SITUATED IN THEIR LOTS AS TO ALLOW FOR A DRIVEWAY AND STILL HAVE A FIVE FOOT SETBACK FROM ADJACENT PROPERTIES

**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:

ATTACHED PHOTOGRAPHS OF THE CARPORT AT 1800 HOLLY WILL SHOW THAT IT WAS MADE WITH GOOD BUILDING STANDARDS, AND THAT IT DOES NOT APPEAR TO AFFECT THE NEIGHBORING PROPERTY IN ANY ADVERSE WAY. OTHER ATTACHED PHOTOS SHOW THAT MANY HOUSES IN THE SAME STREET, (AT LEAST 12 EXAMPLES WERE FOUND) THAT HAVE A SIMILAR SITUATION WITH THE DRIVEWAY ADJACENT TO THE NEIGHBORING PROPERTY, AND A CARPORT HAVING BEEN BUILT WITHIN THE 5 FOOT SETBACK REQUIREMENTS.

---

**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:
- 

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:
- 

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:
- 

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

**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 P. Taboada Mail  
Address 710 LYDIA ST  
City Austin State TX & Zip 78702

Sept 25 Date 2012

Printed

PABLO TABOADA

Phone

512 619-3315

**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 \_\_\_\_\_

[SEE ATTACHED LETTER]

City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

EMAIL → PTABOADA C @ YAHOO . com

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

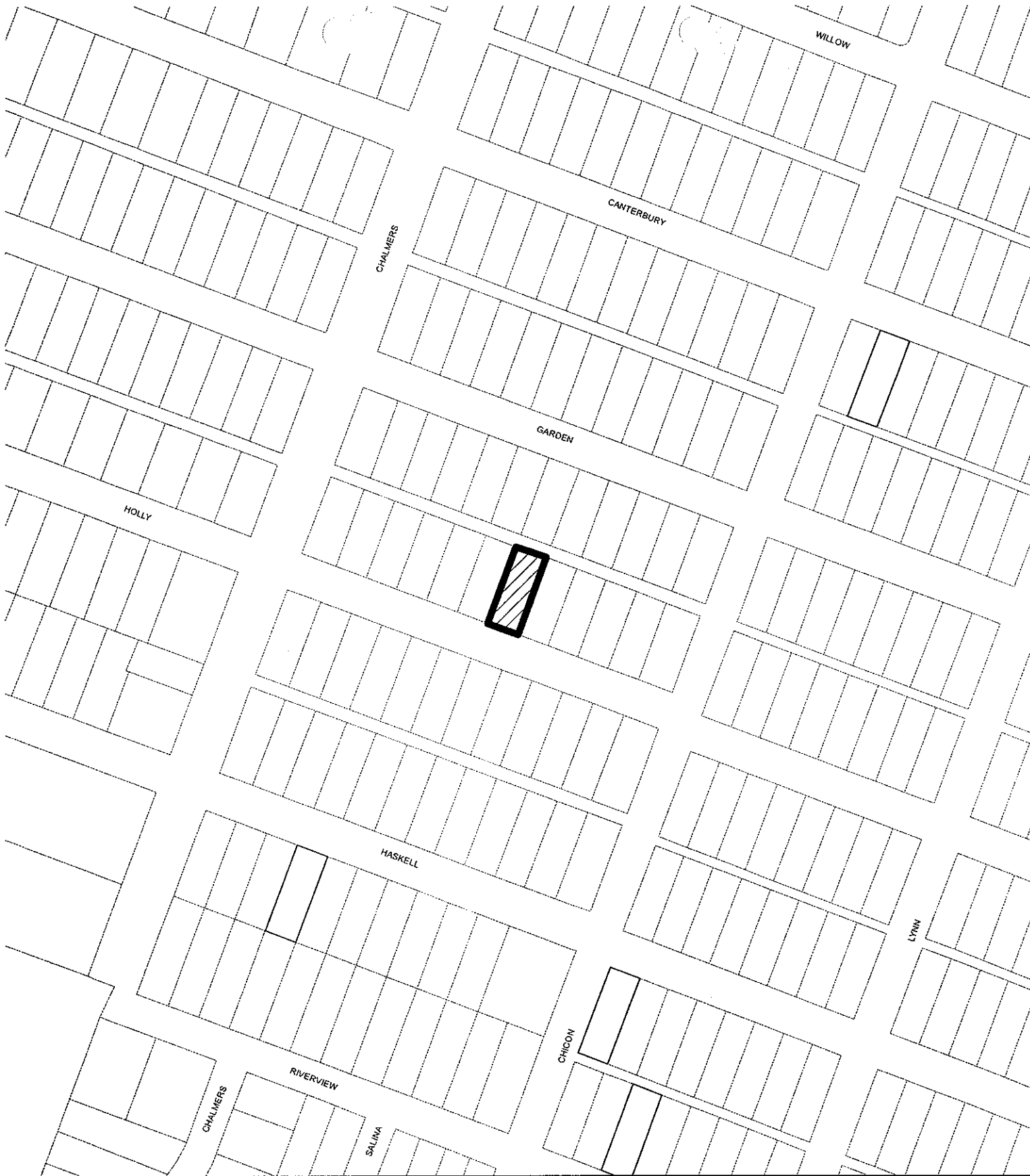
(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)


### 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.

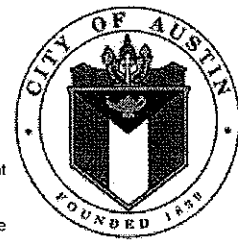
**SUBMITTAL REQUIREMENTS:** (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)



 SUBJECT TRACT

 ZONING BOUNDARY

CASE#: C15-2012-0133  
LOCATION: 1800 Holly 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.



1800 Holly St.  
Case # 2012 090346

September 11, 2012  
Investigator: E. Hinojosa



1800 Holly St.  
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Case # 2012 090346

September 11, 2012  
Investigator: E. Hinojosa





1800 Holly St.  
Case # 2012 090346

September 11, 2012  
Investigator: E. Hinojosa

Tony Browning

3616 Far West Blvd. 117-182

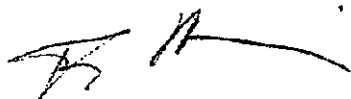
Austin, TX 78731

September 21, 2012

To whom it may concern,

Please allow Pablo Taboada to act as my agent to pull a permit or any other activity concerning the property at 1800 Holly St., Austin, TX. 78702.

Regards,

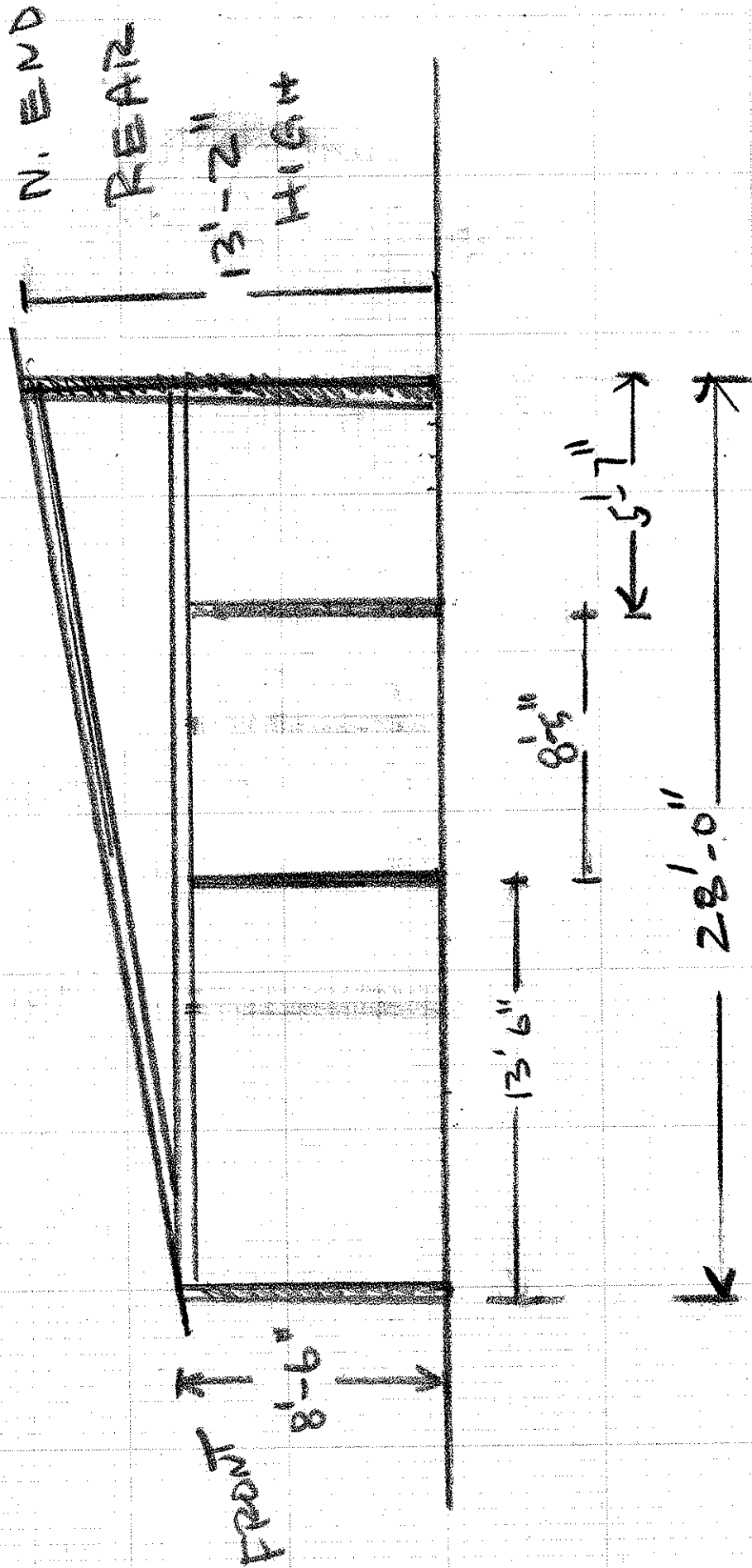
A handwritten signature in black ink, appearing to be 'TB' followed by a stylized flourish.

Tony Browning

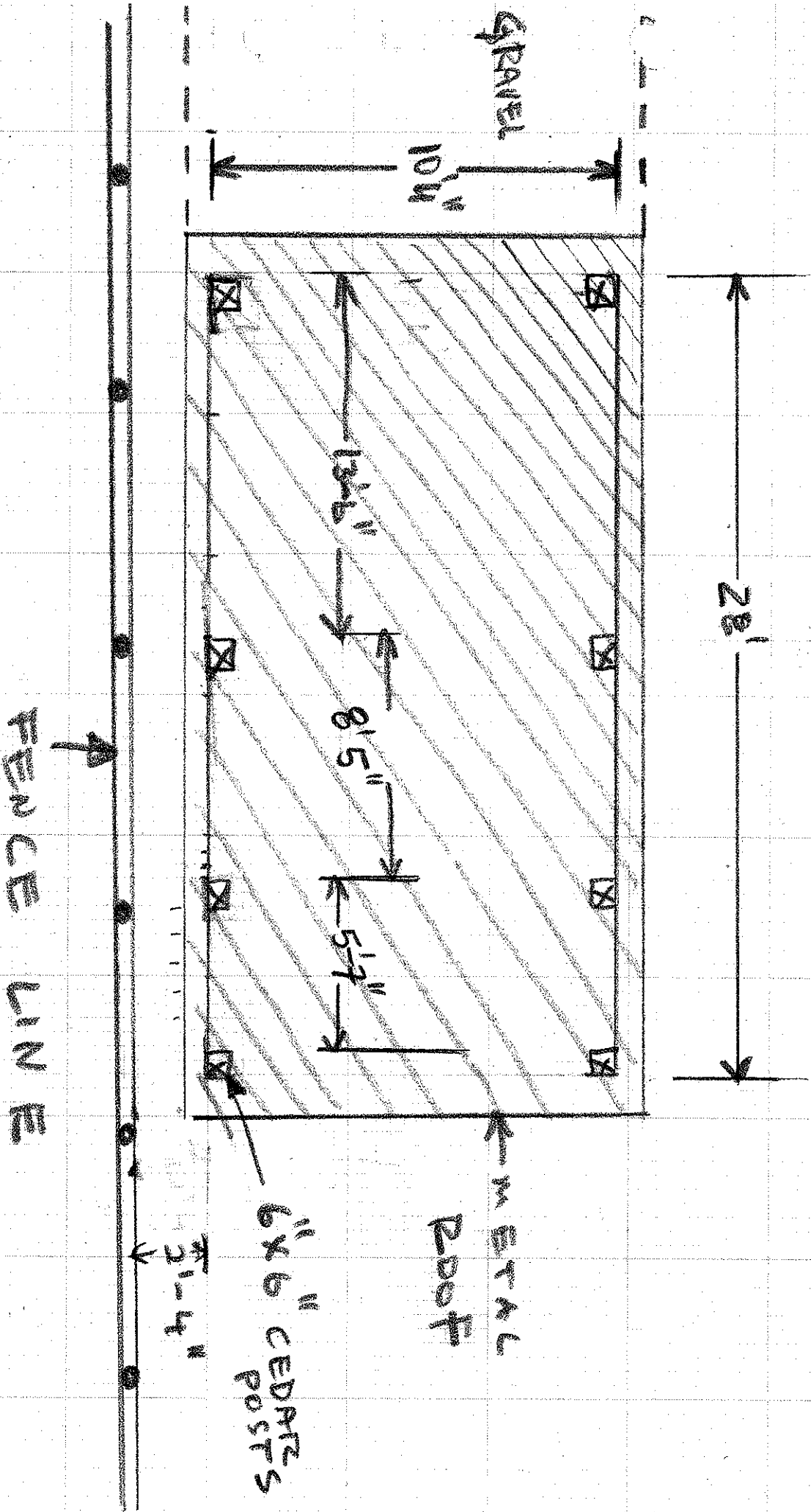
Owner

1-512-853-9885

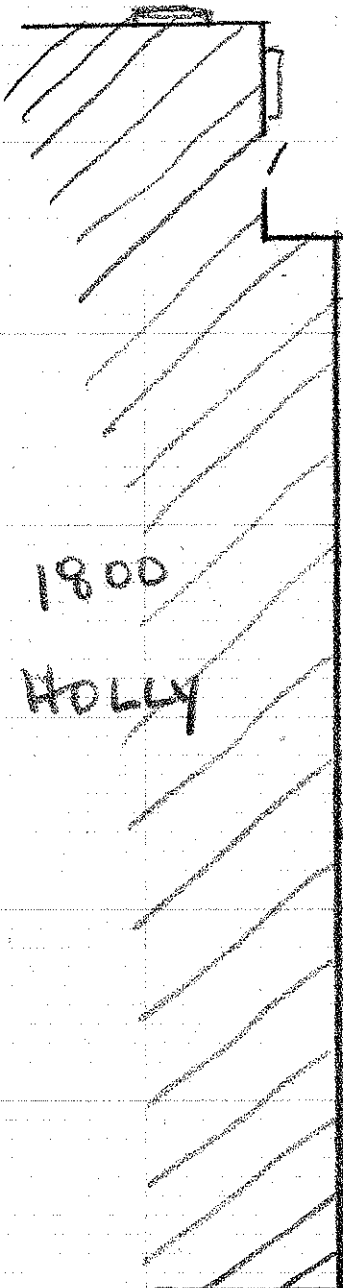
1800 HOLLY CARPORT  
SIDE VIEW  
ELEVATION



CARPORT 1800 HOLLY



PROPERTY  
LINE



1800  
HOLLY

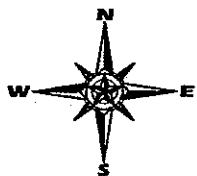


SPACE BETWEEN  
FENCE & POSTS  
= 2' 4"

CARPORT  
28' LONG  
10'4" WIDE

GRAVEL  
DRIVE

15'-7"

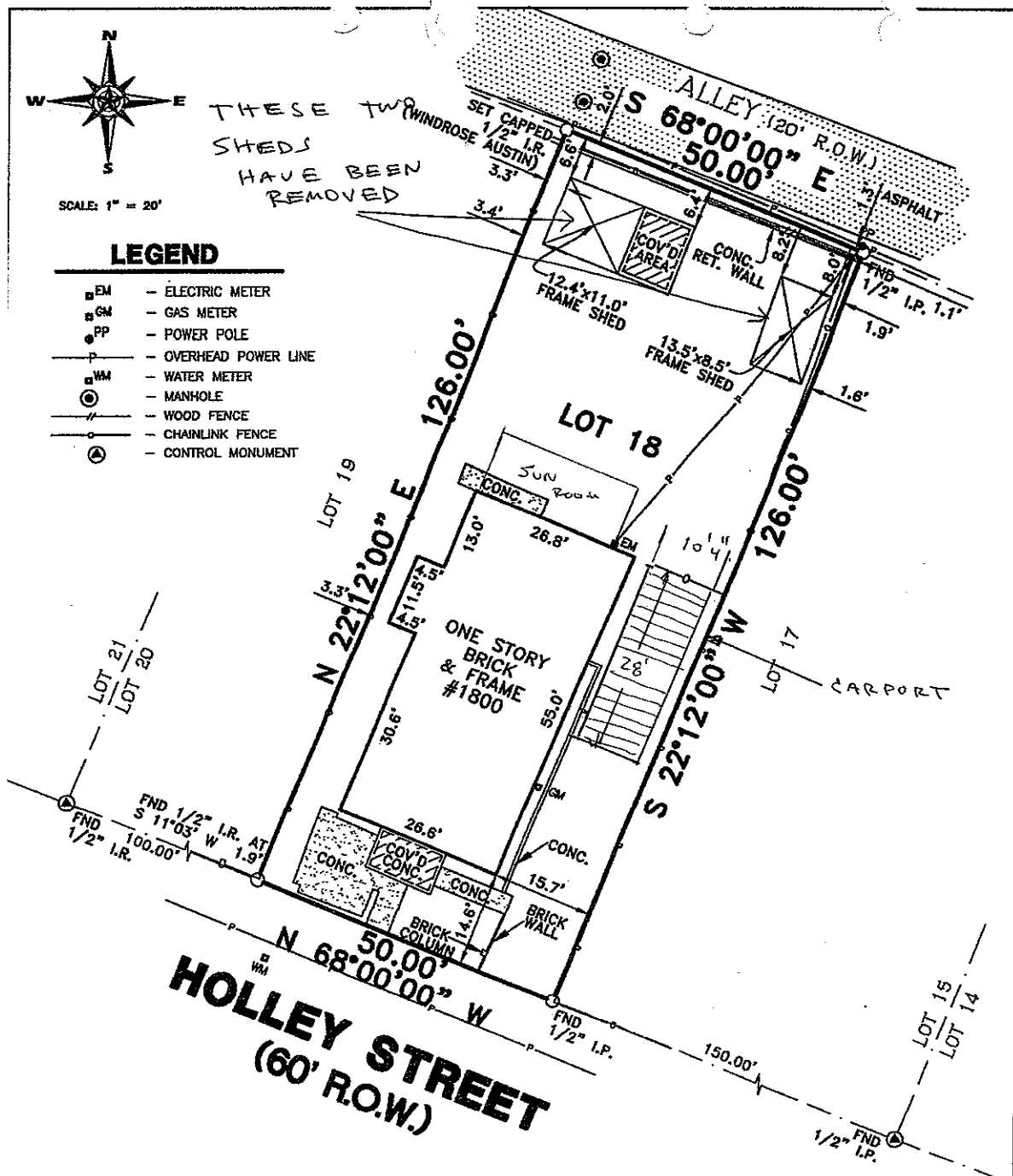


SCALE: 1" = 20'

### LEGEND

- EM - ELECTRIC METER
- GM - GAS METER
- PP - POWER POLE
- - OVERHEAD POWER LINE
- WM - WATER METER
- - MANHOLE
- - WOOD FENCE
- - CHAINLINK FENCE
- ⊙ - CONTROL MONUMENT

THESE TWO  
SHEDS  
HAVE BEEN  
REMOVED



**HOLLEY STREET**  
(60' R.O.W.)

ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED. ALL EASEMENTS AND BUILDING LINES ARE BASED ON THE RECORDED PLAT, UNLESS OTHERWISE NOTED. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN GF NO. CTA-03-C7A1100148750

#### SURVEY OF

LOT 18, POPE'S RESUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOL. 3, PG. 57, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X(SHADED)" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480624 0465 H, REVISED SEPTEMBER 26, 2008. FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

PURCHASER	TONY BROWNING	LENDER CO.	-
ADDRESS	1800 HOLLEY STREET, AUSTIN, TEXAS 78702	TITLE CO.	CHICAGO TITLE INSURANCE COMPANY

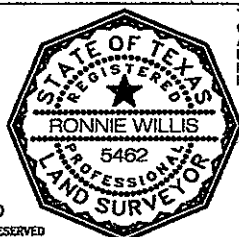


Windrose Land Services Austin  
4120 Commercial Center Dr.  
Suite 300

Austin, Texas 78744

TEL (512) 326-2100 FAX (512) 326-2770

©COPYRIGHT 2011 WINDROSE LAND SERVICES AUSTIN, ALL RIGHTS RESERVED



THE UNDERSIGNED DOES HEREBY CERTIFY THAT A SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS ACCURATE TO THE BEST OF MY ABILITIES AND THAT THERE ARE NO BOUNDARY LINE CONFLICTS, ENCROACHMENTS, SHORTAGES IN AREA, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES, OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY ADJUTS A DEDICATED ROADWAY.

*R. Willis*

10/24/11

FIELD WORK	10/24/11	NG	DRAFTED BY	10/24/11	JP	CHECKED BY	10/24/11	RW
REVISION	10/28/11	MT	IMPROVEMENTS			MAPSCO PAGE		JOB NO.
REVISION	-	-	-			615 G		25208



CARPORT AT 1800 HOLLY



NEIGHBORHOOD HOUSE ON HOLLY ST. SHOWING CARPORT USE WITHIN THE 5 FOOT SETBACK REQUIREMENTS. (PLANTED AREA TO THE LEFT IS THE FENCE LINE)





HOUSE ON HOLLY STREET SHOWING A CARPORT BUILT ADJACENT TO THE PROPERTY LINE  
WITHIN THE 5 FOOT SETBACK.

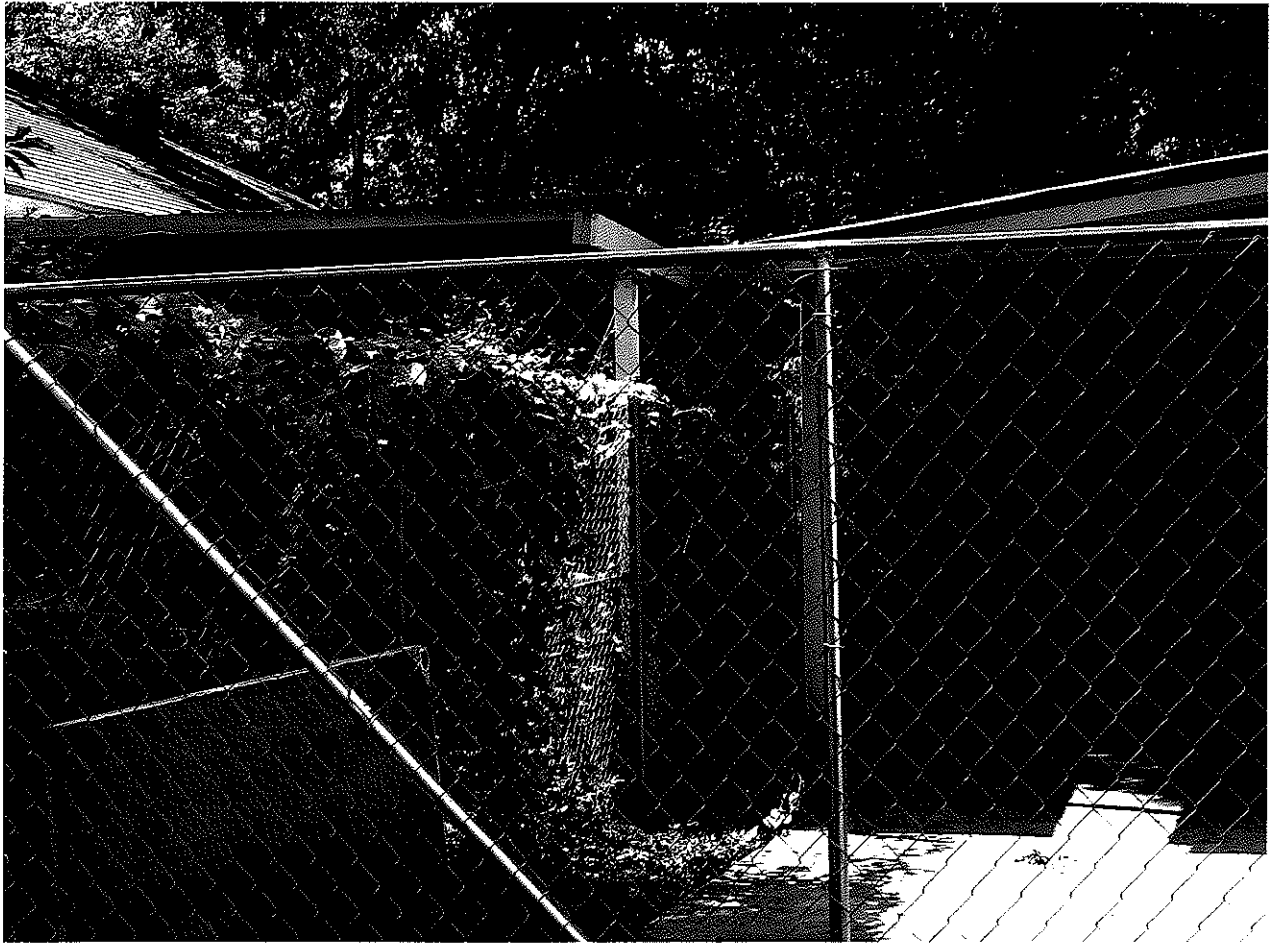


PHOTO SHOWING TWO HOUSES ON HOLLY STREET WITH  
CARPORTS BUILT ADJACENT TO THE PROPERTY LINE