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

DATE: Monday, May 13, 2013	CASE NUMBER: C15-2013-0036
Jeff Jack Michael Von Ohlen Nora Salinas Bryan King Fred McGhee Melissa Hawthorne absent Sallie Burchett Cathy French (SRB only)	
APPLICANT: Darby A. Noonan	
OWNER: Luis Sentis & Adela Ben-Yakar	
ADDRESS: 1512 29TH ST	
VARIANCE REQUESTED: The applicant has requirement of Section 25-2 inches in order to erect an addition to an existing "SF-3-NP", Family Residence – Neighborhood PI	2-774 (C) (2) (a) from 15 feet to 4 g two-family residential use in an
BOARD'S DECISION: POSTPONE TO JUNE 10, 20	13
FINDING:	
The Zoning regulations applicable to the property because:	do not allow for a reasonable use
2. (a) The hardship for which the variance is reques	ted is unique to the property in that:
(b) The hardship is not general to the area in which	ch the property is located because:
3. The variance will not alter the character of the are impair the use of adjacent conforming property, a the regulations of the zoning district in which the	and will not impair the purpose of
Juan Walker Jeff.	Juna Rue to

Chairman

Executive Liaison

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.

Susan Walker P. O. Box 1088 Austin. TX 78767-1088
If you use this form to comment, it may be returned to: City of Austin-Planning & Development Review Department/ 1st Floor
Comments:
Daytime Telephone $512-478-6007$
15/0
Your address (or) affected by this application
Your Name (please print)
Public Hearing: Board of Adjustment, May 13th, 2013
Case Number: C15-2013-0036 - 1512 W 29th Street

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: C15-2013-0036 - 1512 W 29th Street Contact: Susan Walker, 512-974-2202 Public Hearing: Board of Adjustment, May 13th, 2013 REGO AHE Vour Name (please print) I am in favor	Case Num Contact: \$ Public He Public He Pour Name (pl Address(e) Austin, TX 78
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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;
- 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.

Austin, TX 78767-1088

P. O. Box 1088

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.

Walker, Susan

From:

Joyce Basciano <

Sent:

Monday, May 06, 2013 2:44 PM

To: Cc: Walker, Susan Ramirez, Diana

Subject:

C15-2013-0036 1512 W 29th St

Hello Susan,

Would you or Diana see that this email is included in the BOA members' packets? I just received notification of this hearing Saturday May 4, 2013 and it's my understanding that the deadline for submitting materials to the BOA for the packets is 5 pm the following Monday, which is today.

Please let me know that you received this in time for inclusion in the packet.

Thank you,

Joyce Basciano

Chair Jack and Members of the Board of Adjustment,

The Bryker Woods Neighborhood Association Board of Directors **opposes** this variance request. For a **substantial deviation from code** there needs to be an articulated hardship. We are having trouble discerning a real hardship in this case.

In addition, there are 4 permits for previous projects on this site that are still open.

Also, as we understand the code, an agreement for the carport's incursion into the public utility easement on the west side of the house is required before the building permit can be approved. It is our understanding that this issue should have been resolved before applying for a variance. There is no agreement in the file.

There is a question about the second floor "emergency doors" between the structures. Shouldn't the doors swing outward from the structures if they are intended to allow emergency egress?

Finally, the cottage is a separate dwelling. Should it ever be rented is there enough on-site parking?

Thank you for your service to the community.

Joyce Basciano

Bryker Woods Neighborhood Association

CASE#<u>C15-2013-003</u>C ROW#<u>10926788</u> TP-0118011018蓋

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: 1512 West 29th Street, 78703
LEGAL DESCRIPTION: Subdivision – <u>Bryker-Woods</u>
Lot(s) 29 Block Outlot Division
I on behalf of myself as authorized agent for
Luis Sentis and Adela Ben-Yakar affirm that on March 18, 2013,
hereby apply for a hearing before the Board of Adjustment for consideration to:
(check appropriate items below)
X ERECT ATTACH COMPLETE X REMODEL MAINTAIN
This application seeks to obtain a variance of the 15' separation to 4" between the main residence and a renovated garage built in 1937. Reason for request: to connect buildings
for rare and emergency access only from second floors of both buildings. Note!
impervious cover has been brought down substantially in this solution to meet code, as well as FAR being maintained at or below maximum.
in a SF3-NP 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:

The property consists of a two-story house with a two-story cottage located behind it. The owner wishes to SEMI-CONNECT connect the two structures in order to allow rare or for emergency connection between the structures. One facility does not depend on the other for function, power, water or sewer except for main connections underground. The non-conforming garage structure was renovated under permit in 2010 from the original garage construction in 1937 (at which time side and rear yard setbacks did not exist). The garage/auxiliary building does not meet, and has never met, setback requirements, and may not unless bulldozed. The Owner has made every effort over the past three years to have the property designed and constructed to code with the express intent to comply with the meanings and intentions of the "McMansion Ordinance," while carefully maintaining the scale and appropriate character of existing residential setting.

HARDSHIP:

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

The property is pre-existing non-conforming with two pre-existing hardships: a) the cottage was built in the 1930s, before setback codes were in place, and b) the pool and walks were built prior to the "McMansion" ordinance. The minimum side setback is 5 feet, and the existing cottage has a side setback of 2.7 feet. The minimum rear setback is 10 feet, and the existing cottage has a rear setback of 2.9 feet. The Architect has designed a plan that reduces the existing impervious coverage down to that which is allowed by code, as well keeping the FAR to the code maximum. Austin Power has signed off on the design scheme, and does not oppose the 4" separation proposal.

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

Few "out-buildings" or garages built in the 1930's remain. Many have been bulldozed to construct large homes that are insensitive to the scale and residential ambiance of historic neighborhoods. The garage structure, built in 1937, was constructed prior to any setback requirements while the property was still in the County. Every effort has been made to obtain the necessary and required permits as the garage has been renovated and converted to a bedroom with bathroom, living room with small dining and kitchenette. The design for the main residence guts a non-functional interior and repositions the gained square footage over existing impervious cover, in order to semi-connect to the rear building. In this way, the entirety of the development stays within the residential scale and meets all other zoning and building safety requirements. The hardship is

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 character of the area adjacent to the property will not be altered because the nonconforming structure in the proposed design is pre-existing and will not be altered. The "quaint cottage" look, feel and scale of the original building and site is preserved in the proposed design, and new architectural elements are introduced, which are in accord with the original motif of the neighborhood and existing building, both in building materials and details, but particularly in scale. The view from the street is unchanged as well, since the proposed addition is located behind the existing two-story house. The proposed design is for residential use, which is compliant with the use of adjacent properties. The approval of this variance would, in fact, enhance the purpose of the regulations of the zoning district in which the property is located. The property is currently non-conforming with regards to impervious coverage, at 57.3%. The maximum allowable impervious coverage for properties that are zoned SF-3 is 45%. The proposed design would bring the impervious coverage down to 44.88%. The proposed design also transforms the energy-inefficient house on the property into a modern, energy-efficient, and environmentally friendly example of why this ordinance exists, and shall focus on maintaining the "traditional neighborhood motif" of scale and style appropriateness.

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:

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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:

No changes, and we maintained the drive-in and drive-out headfirst circular driveway.

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:
No changes.
4. The variance will run with the use or uses to which it pertains and shall not run wi the site because:
No changes.
NOTE: The Board cannot grant a variance that would provide the applicant with a specia privilege not enjoyed by others similarly situated or potentially similarly situated.
APPLICANT CERTIFICATE – I affirm that my statements contained in the comple application are true and correct to the best of my knowledge and belief.
Signed Mail Address 4415-A Garnett St.
City, State & Zip Austin, TX 78745
Printed Darby Noonan Phone512-608-8092 Date03-18-2013

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 1512 West 29th St.

City, State & Zip Austin, TX 78703

Printed Luis Sentis Phone 650-906-1196 Date 3/18/13

ADELA BEN-ALAR 650 - 704 - 0764

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.

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

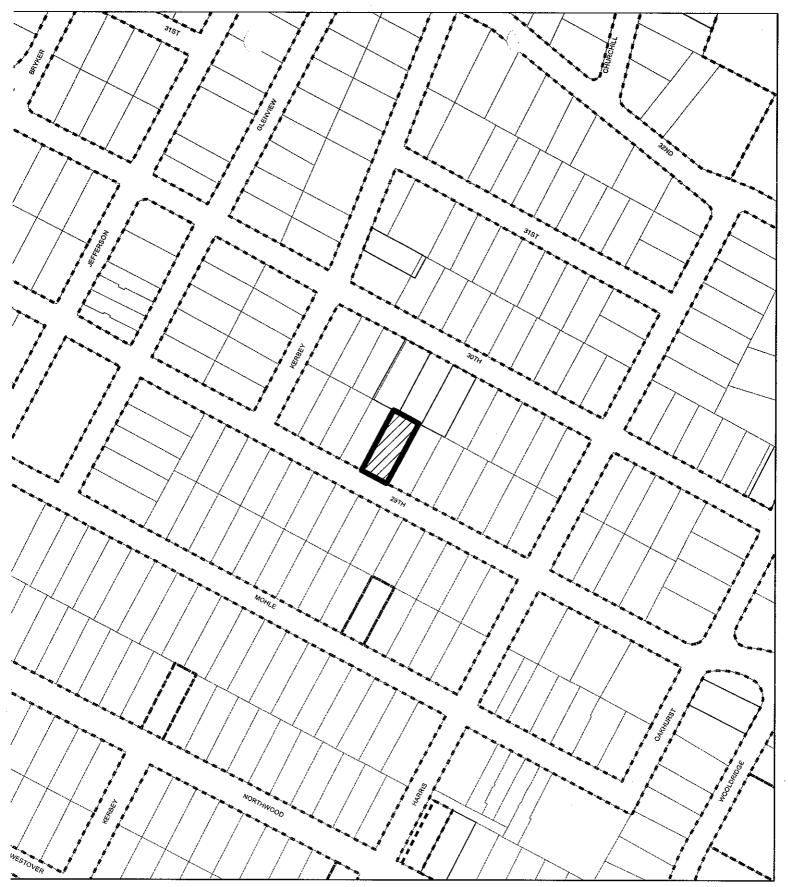
- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location 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.]





SUBJECT TRACT

ZONING BOUNDARY

CASE#: C15-2013-0036 LOCATION: 1512 WEST 29TH ST

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.





Updated response - Prelim BOA request for 1512-W. 29th

1 message

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

Tue, Mar 5, 2013 at 2:22 PM

To: darby@livingarchitecture.com, marley@livingarchitecture.com, "Walker, Susan" <Susan.Walker@austintexas.gov>, "Ramirez, Diana" <Diana.Ramirez@austintexas.gov>

Based on the additional information supplied by Living Architecture on the above referenced request, it is my understanding that the BOA request will be changed. The new request is for a variance to reduce the required separation between the main front residence and a secondary rear residence from 15 ft to 4 inches. Austin Energy does not oppose this request as proposed and shown on the attached red-stamped sketch provided the front structure is not attached to the rear structure. Any modifications and/or additions to the rear building must meet current clearance criteria. Austin Energy still opposes the previous request to reduce the rear and west side setbacks.

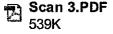
If you need any additional information, please let me know.

Lena Lund

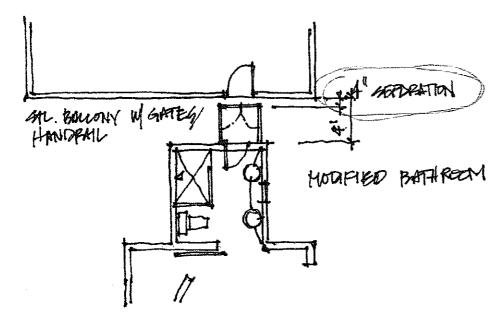
Austin Energy

Public Involvement/Real Estate Services

512-322-6587



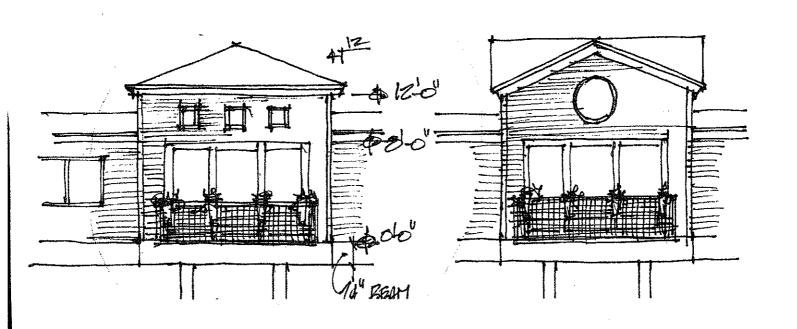
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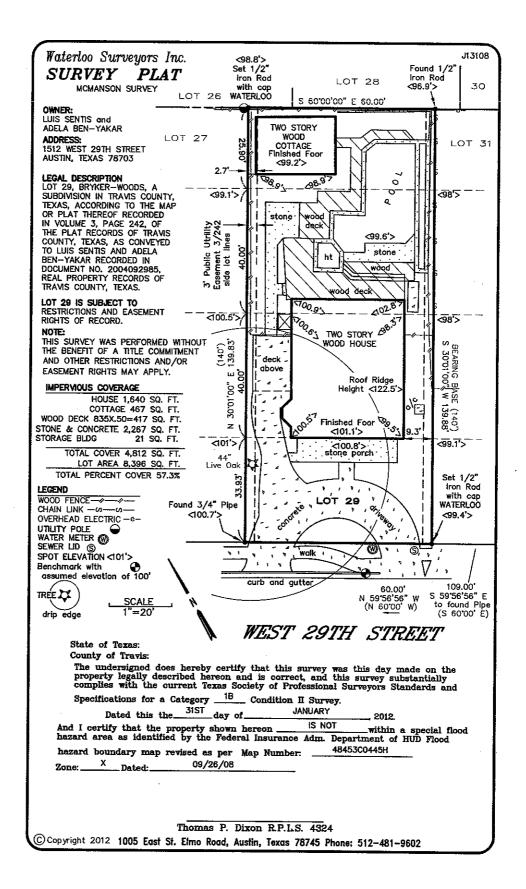


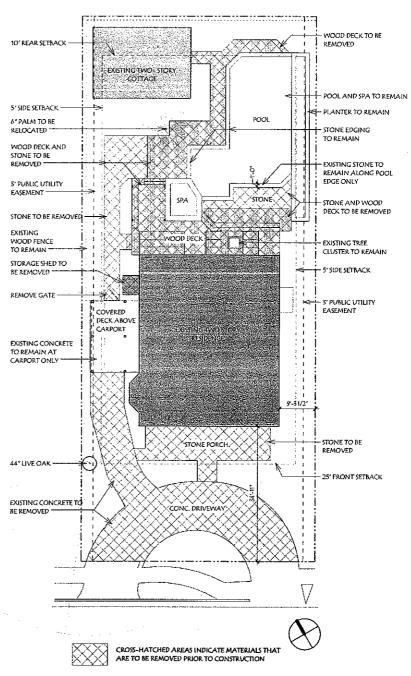
APPROVED BY AUSTIN ENERGY FOR BOA

DATE: 3 5 13

PROVIDED NOTHING
15 ATTACHED TO THE
STRUCTURE.







IMPERVIOUS COVERAGE HOUSE COTTAGE STORAGE BLDG. STONE/CONC. WOOD DECK TOTAL COVER LOT AREA
TOTAL PERCENT COVER

1,640 S.F. 467 S.F. 21 S.F. 2,267 S.F. 835X.50=417.5 S.F. 4,812.5 S.F. 8,396 S.F. 57.3%

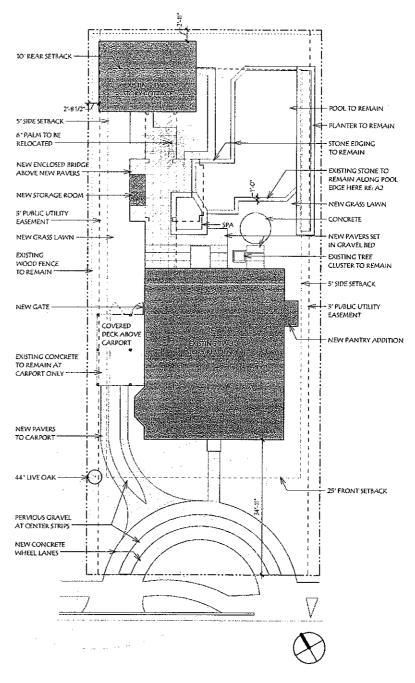
ELOOR TO AREA RATIO
HOUSE LOWER LEVEL
HOUSE, UPPER LEVEL
COTTAGE, LOWER LEVEL
GROSS FLOOR AREA
LOT AREA
FLOOR TO AREA RATIO

1,640 5.F. 758 5.F. 467 5.F. 450 5.F. 3,315 5.F. 8,396 5.F.

SITE PLAN - EXISTING 1/16" = 1'-0"

ISSUE DATE: 03/18/13 MARLEY PORTER
ARCHITECT AWN BY: DARBY NOONAN SIGNED BY: MARLEY PORTER

DESIGN COPYRIGHT All Design contained herein, plans, all Design contained herein, plans, etc. are property of the Architect and may not be reproduct the Architect and matthout expressed permission any form without expressed permission the Architect.	CONSTRUCTION GUIDE DOCUMENTS TO MASTRUCTION GUIDE DOCUMENTS PRINTED BY INTERNATE STATES OF THE CONSTRUCTION DOCUMENTS AND ARTHURS AND ARTH	REVISIONS	
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IMPERVIOLS COVERAGE
HOUSE
PANTRY ADDITION
NEW BRIDGE
COTTAGE
STONE/CONC.
PAVERS
TOTAL COVER
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TOTAL PERCENT COVER

1,640 S.F. 23 S.F. 452 S.F. 467 S.F. 878.63 S.F. 384X.80~307 S.F. 8,767.83 S.F. 44.88% ELOOR TO AREA RATIO HOUSE, LOWER LEVEL PANTRY ADDITION HOUSE, UPPER LEVEL COTTAGE, LOWER LEVEL COTTAGE, LOWER LEVEL GROSS FLOOR AREA LOT AREA FLOOR TO AREA RATIO

1,640 S.F. 23 S.F. 739.83 S.F. 467 S.F. 450 S.F. 3,319.83 S.F. 8,396 S.F. 39,54%

1) SITE PLAN - NEW

LIVING ARCHITECTURE

LIVING ARCHITECTURE

LOSSTRUCTON NANGEMENT

MARLEY PORTER

ARCHITECT

ARTONIOSO DR.

ARCHITECT

ARTONIOSO

DESIGNED BY: NANLEY PORTER

DIESCRED BY: NANLEY PORTER

DIESCRED BY: DALBY NOONAN

ARCHITECT

DRAWN BY: DALBY NOONAN

DRAWN BY: DALBY NOONAN

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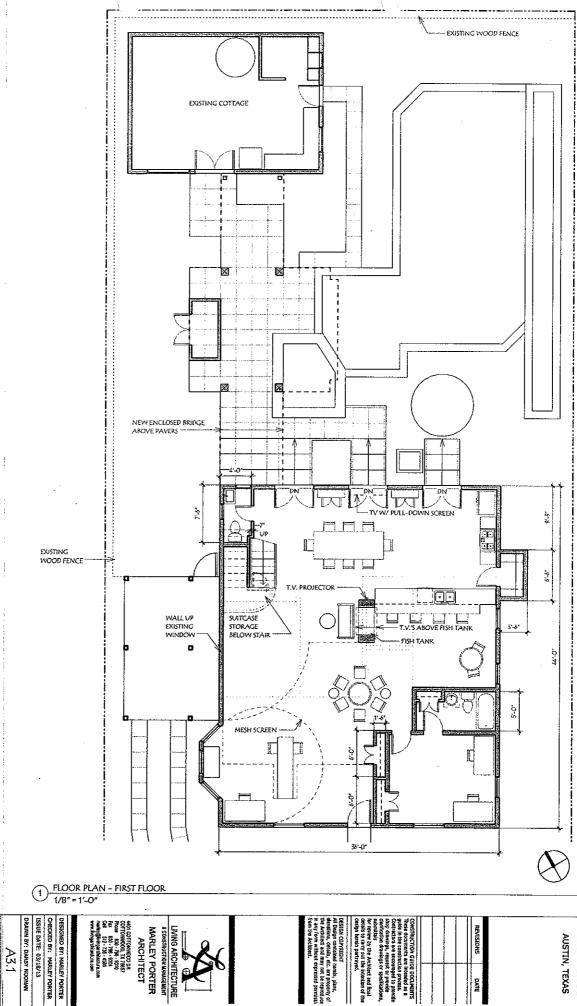
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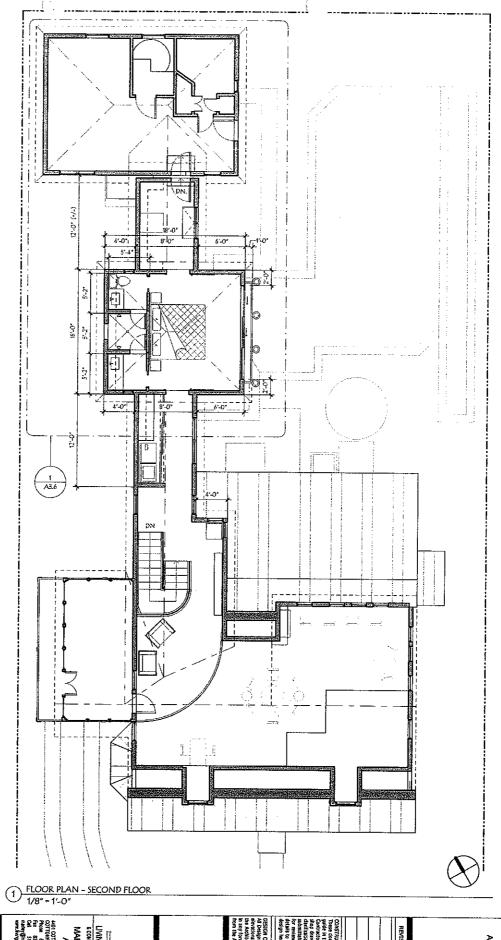
ARCHITECT

DRAWN BY: DALBY NOONAN

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pyxlight contained herein, plans, details, etc. are properly of ct and may not be reprodu t without expressed permits chilect.	DESIGN COPYRIGHT All Design contained devalions, details, et the Architect and ma in any form without of from the Architect.
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LIVING ARCHITECTURE

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MARLEY PORTER

ARCHITECT

401 COTTONWOOD DIS.

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Design contained barein, plant,

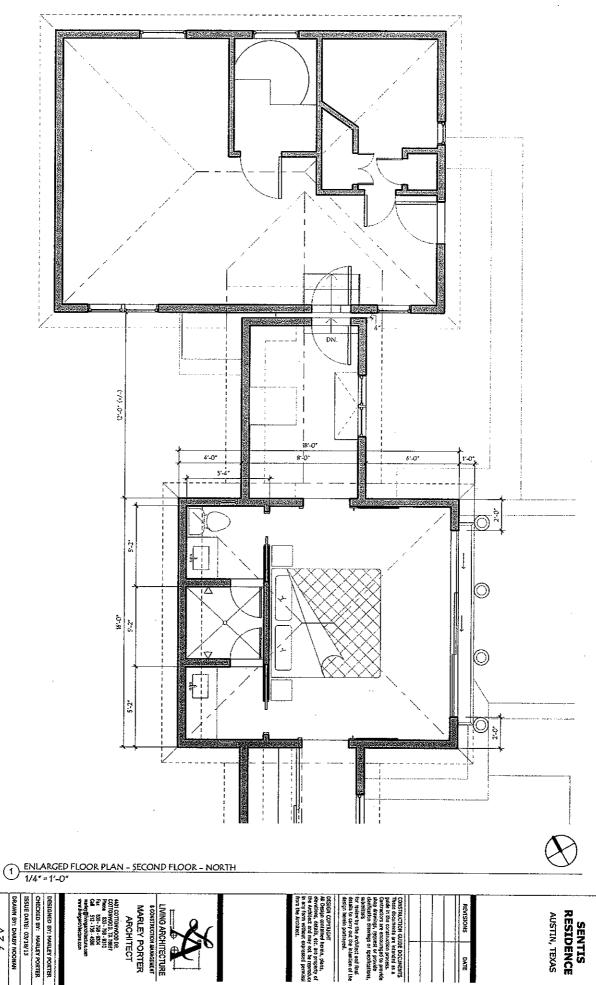
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any form without expressed permit

on the Architect.

CONSTRUCTION GUIDE DOCUMENTS
These documents are intended as a
pulie in the construction process
Contractors are encouraged to provide
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authorities
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DRAWN BY: DANBY NOOMAN

A3.6

2 WEST ELEVATION

1/8" = 1'-0" 1/8" = 1'-0" COTTAGE - FLOOR 2

6' - 33/16"

COTTAGE - FLOOR Ш SECOND FLOOR COTTAGE - FLOOR 2 6'-33/16" COTTAGE - ROOF 13' - 93/16" SECOND FLOOR 10'-0" FIRST FLOOR 0'-0" 17'-10" DESIGNED BY: MARLEY PORTER
CHECKED BY: MARLEY PORTER CONSTRUCTION GUIDE DOCUMENTS.
These documents are introded as a guide in the construction process.
Contractors are exchanged to pewide stop partings, request or pocification, statistical deviction of partings, request or pocifications, submittals. 4401 COTTOHWDOOD DR.
COTTOHWDOOD. TX 75657
Phone 850 - 753 - 3310
Fax 830 - 754 - 350
Fax 830 - 754 - 350
Cell 512 - 1756 - 4556
marrhy@livingardiaecture.com
whw.faxoparchiaecture.com LIVING ARCHITECTURE
A CONSTRUCTION MANGEMENT
MARLEY PORTER
ARCHITECT DRAWN BY: DARBY NOONAN ISSUE DATE: 03/18/13 SENTIS RESIDENCE A4.1

AUSTIN, TEXAS