

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

DATE: Monday, July 8, 2013

CASE NUMBER: C15-2013-0066

Y ___ Jeff Jack
 Y ___ Michael Von Ohlen
 Y ___ Will Schnier - Nora Salinas-ABSENT
 Y ___ Bryan King
 Y ___ Fred McGhee
 Y ___ Melissa Hawthorne
 Y ___ Sallie Burchett
 - ___ Cathy French (SRB only)

APPLICANT: Donna, Carter

OWNER: Thomas Hubbard

ADDRESS: 303 BRENTWOOD ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the common wall for a duplex residential use requirement of Section 25-2-773 (D) (1) (a) from 49 feet 6 inches to 15 feet 7 inches in order to erect an addition to create a duplex residential use in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Highland Neighborhood Plan) The Land Development Code states that the two units must have a common floor and ceiling or a common wall that extends for at least 50% of the maximum depth of the building, as measured from the front to the rear of the lot.

BOARD'S DECISION: The public hearing was closed on Board Member Bryan King motion to Postpone to August 12, 2013, Board Member Michael Von Ohlen second on a 7-0 vote; **POSTPONED TO AUGUST 12, 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

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: C15-2013-0066 - 303 Brentwood Street
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, July 8th, 2013

Bill Glover
Your Name (please print)

I am in favor
 I object

507 Brentwood
Your address(es) affected by this application

Bill Glover
Signature

7-5-13
Date

Daytime Telephone: (512) 477-0888

Comments:

This helps keep records of the process from comments copies into city

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

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: C15-2013-0066 - 303 Brentwood Street
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, July 8th, 2013

Dean Samkowski
Your Name (please print)

I am in favor
 I object

6506 Chesterfield Ave
Your address(es) affected by this application

[Signature]
Signature

4.9.13
Date

Daytime Telephone: 287.9843

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

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: C15-2013-0066 – 303 Brentwood Street
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, July 8th, 2013

MARK & SARA MADERA

Your Name (please print)

I am in favor
 I object

305 Brentwood St Austin, TX

Your address(es) affected by this application

Mark & Madera

Signature

Sara Madera

Date

July 8, 2013

Daytime Telephone:

Comments:

Please see attached statements (2 pages)

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

July 8, 2013

COMMENTS TO THE CITY OF AUSTIN BOARD OF ADJUSTMENT REGARDING
CASE NUMBER C15-2013-0066 (303 BRENTWOOD STREET 78752)

My name is Mark Madera. My wife Sara Madera and I have owned the adjacent property at 305 Brentwood Street for thirty- five years. We resided there for several years and have leased it to various tenants since about 1986. I am a licensed architect and builder specializing in residential remodeling and additions, so I have some knowledge of the property in question, the neighborhood, and the issues involved.

My wife and I understand that the subject property is currently under-utilized and ripe for Improvements. We are not opposed to the general idea of this; however, we have some questions and concerns, the answers to which will determine whether we are opposed or not to the granting of this variance.

1. From the plans provided it is not clear how many bedrooms are proposed, i.e. how many occupants will likely be living there. Is it anticipated that there will be two families there or will it more likely be six or more unrelated individuals? This is especially important because of the parking arrangement provided. Although the long driveway leading to the proposed garage will accommodate several cars, parking a single car in the driveway will prevent other cars from moving. The likely result of this is that many resident's cars will be parked on the street in front of this property and the neighboring properties. The site plan seems to indicate that more convenient parking could be provided on either side of the proposed driveway.
2. Although the property is not in the hundred-year flood plain, the properties along the south side of Brentwood St. in this block from Guadalupe St. to Chesterfield are subject to flooding during a heavy rain due to water overflowing the curb at Guadalupe and along Brentwood. This water flows thru the back yards including the subject property and eventually drains to the east. Many times we have seen water over a foot deep in our back yard. Our main concern is that the proposed improvements do not impede the movement of this water, especially by a privacy fence or other improvements which often occur after the permitted work is complete. We are extremely concerned that the flooding of our property is not made worse by this construction. In addition, a note on the plans indicates that the floor elevation of the proposed garage will be determined later. It is important that the garage be built higher than the flood area.. Also, the plans seem to indicate that the main part of the addition will have an under floor crawl space which will be enclosed not by a stucco skirt but by an open wood lattice with hardware cloth. During a flood this might allow water to flow under the house.

CONTINUED

3. The existing houses in the neighborhood are almost entirely single-story with eight-foot wall construction. The proposed addition would be two-story with ten-foot walls on each floor. The plans seem to indicate that this will (barely) comply with the maximum building envelope mandated by the "McMansion ordinance". However, this will definitely result in a new structure which will loom over our existing single-story house, especially since both structures are located on or near the five foot side setback line. If the proposed structure were to have eight or even nine-foot walls, the looming effect would be greatly reduced. Is it possible to require this as part of approving this variance?
4. The proposed site plan shows an air conditioning pad to the east side of the property. Will this be required to be located as indicated, or might it actually end up a few feet from our property? Also, the existing structure does not have central air conditioning. If this changes, where will the condensing unit be located? This is important to us because, again, our existing structure is so close and because the main living room opens to a courtyard enclosed by the boundary-line fence.
5. Is there a designated area for trash and recycling containers? This is of particular importance to us for the same reasons stated in the previous item.
6. What will be the location of the yard sewer line? Will a common line serve both the new and existing dwelling units? This is of particular interest to us because there has been a recurring problem with the existing line being non-functional for long periods of time, resulting in sewage ponding in the side yard adjacent to our property.
7. Lastly, in the application under "VARIANCE FINDINGS/ HARDSHIP 2.(b) the applicant states that The hardship is not general to the area in which the property is located because: "The other houses in the area are more centered on the width of their lots and are also closer to the street. The layout of the existing house is therefore different from the predominant style. " Our house is definitely not centered on the width of the lot, and the existing structure on the subject property is located very close (within a foot or two) to the front building setback line, as is our house and most of the houses on the block. Thus the applicant's statement seems dubious.

We hope these items will be of interest to you as you make your findings and decision in this case. We also hope that these concerns may be addressed by the applicant so that we may be able to be good neighbors and support the application. Lacking that, we must regretfully oppose this application for a variance.

Thank you for your time.

Sincerely,

Mark and Sara Madera
2408 Pruett St. Austin, TX 78703
(512) 469-0894 madera@texas.net

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

ROW

CASE # C15-2013-0066
ROW# 10963090
TP-0229110608

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: 303 Brentwood St, Austin, TX

LEGAL DESCRIPTION: Subdivision - Plaza Place

Lot(s) 8 Block K Outlot _____ Division _____

I/We Donna D. Carter on behalf of myself/ourselves as authorized agent for

Thomas K. Hubbard affirm that on 05 May 2013,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN 15'7"

a dwelling unit, attached to an existing dwelling unit to form one duplex unit with a common wall of 10'-0", located on a legally subdivided 9,662.70 square feet lot.

in a SF-3 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:

they do not anticipate a shared enclosed integral part of each unit acting as the required common wall. In addition they do not anticipate changing community goals that encourage sustainability by re-use of existing structures by requiring substantial reconstruction of an existing structure to accommodate the required common walls or ceiling.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that: the location and configuration of the existing residence, driveway, and area currently being used for the carport are unique to this site.

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

The other houses in the area are more centered on the width of their lots and are also closer to the street. The layout of the existing house is therefore different from the the predominant style.

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:

This preserves the existing house and its relationship to the street in its entirety. All additions are to the rear of the structure and do not change it.

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:

NOT APPLICABLE

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:

NOT APPLICABLE

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

NOT APPLICABLE

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

NOT APPLICABLE

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 Donna D. Carter Mail Address 817 W. 11th St.

City, State & Zip Austin, TX 78701

Printed Donna D. Carter Phone 5120476-1812 Date 9 May 2013

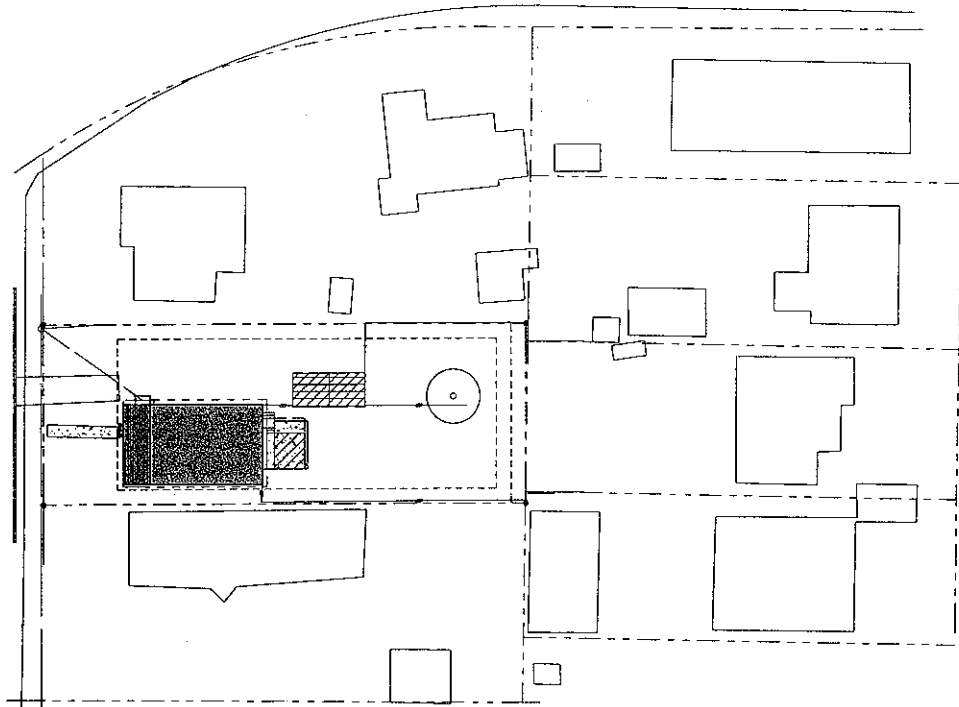
OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Thomas K. Hubbard Mail Address 11500 Oak View Dr.

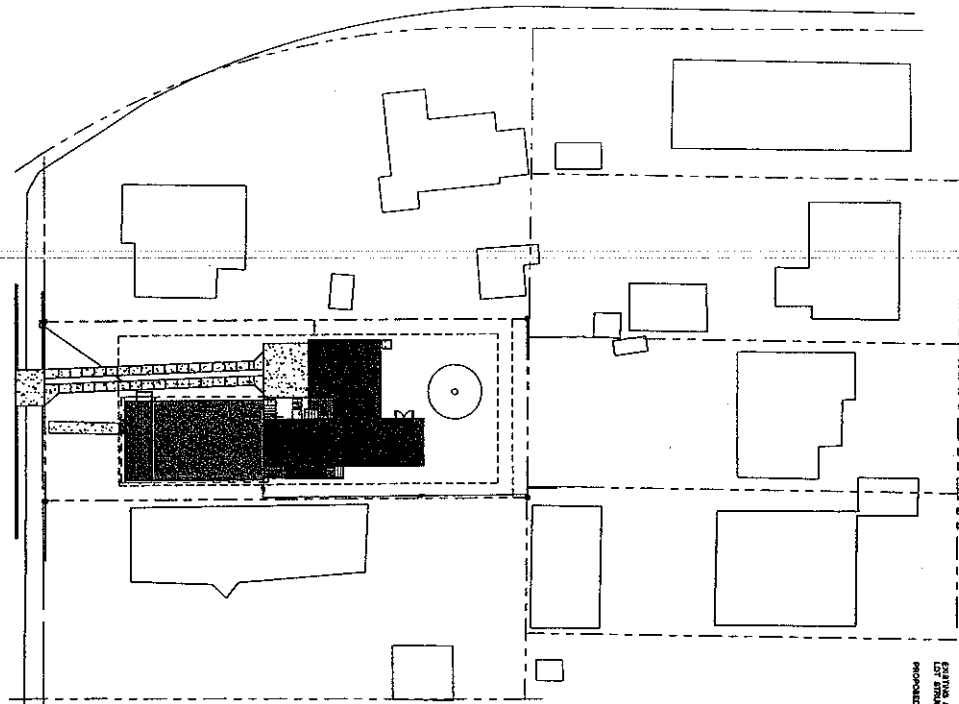
City, State & Zip Austin, TX 78759

Printed Thomas K. Hubbard Phone 331-5175 Date 5/10/13

2 EXISTING ARCHITECTURAL SITE PLAN - PRESENT CONSTRUCTION
1" = 20' 0"



1 ARCHITECTURAL SITE PLAN - PROPOSED CONSTRUCTION
1" = 20' 0"

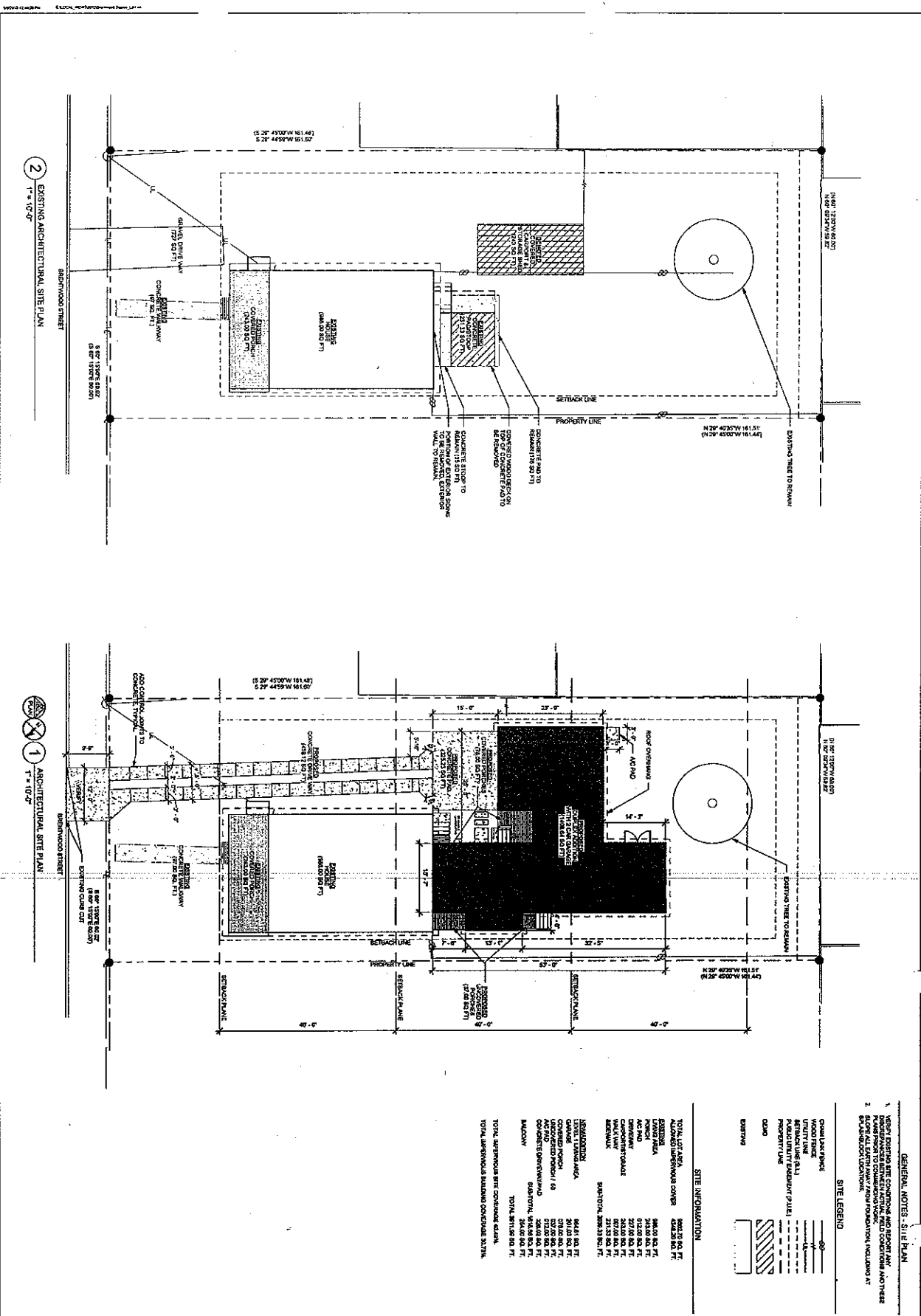


- SITE LEGEND**
- CHALK LINE FENCE
 - WOOD FENCE
 - UTILITY LINE
 - EXISTING WALL
 - PROPOSED EXISTING WALL
 - PROPERTY LINE
 - DEAD
 - EXISTING
 - EXISTING ADJACENT LOT STRUCTURE
 - PROPOSED

CARTER • DESIGN ASSOCIATES
 817 WEST ELEVENTH STREET
 AUSTIN TEXAS 78701 (512) 476-1812
 ARCHITECTURE PLANNING PRESERVATION

SITE PLAN WITH ADJACENT LOTS
BRENTWOOD DUPLEX

303 GREENTWOOD STREET
 AUSTIN, TEXAS 78702



2
1" = 10'-0"
EXISTING ARCHITECTURAL SITE PLAN

1
1" = 10'-0"
ARCHITECTURAL SITE PLAN

GENERAL NOTES - SITE PLAN

- VERIFY EXISTING SITE CONDITIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY UPON DISCOVERY.
- VERIFY ALL EXISTING UTILITIES FROM RECORDS INCLUDING UTILITY LOCATIONS.

SITE LEGEND

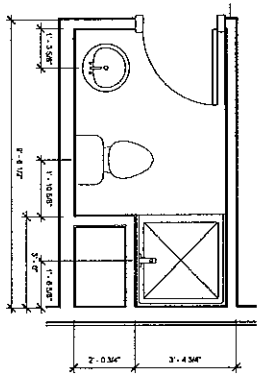
CHALK LINE	---
WOOD FLOOR	▨
EXISTING CONCRETE FLOOR	▩
EXISTING TREE TO REMAIN	○
PROPOSED UTILITY (ELECTRICITY, WATER, GAS)	---
PROPOSED PROPERTY LINE	---
EXISTING	---

SITE INFORMATION

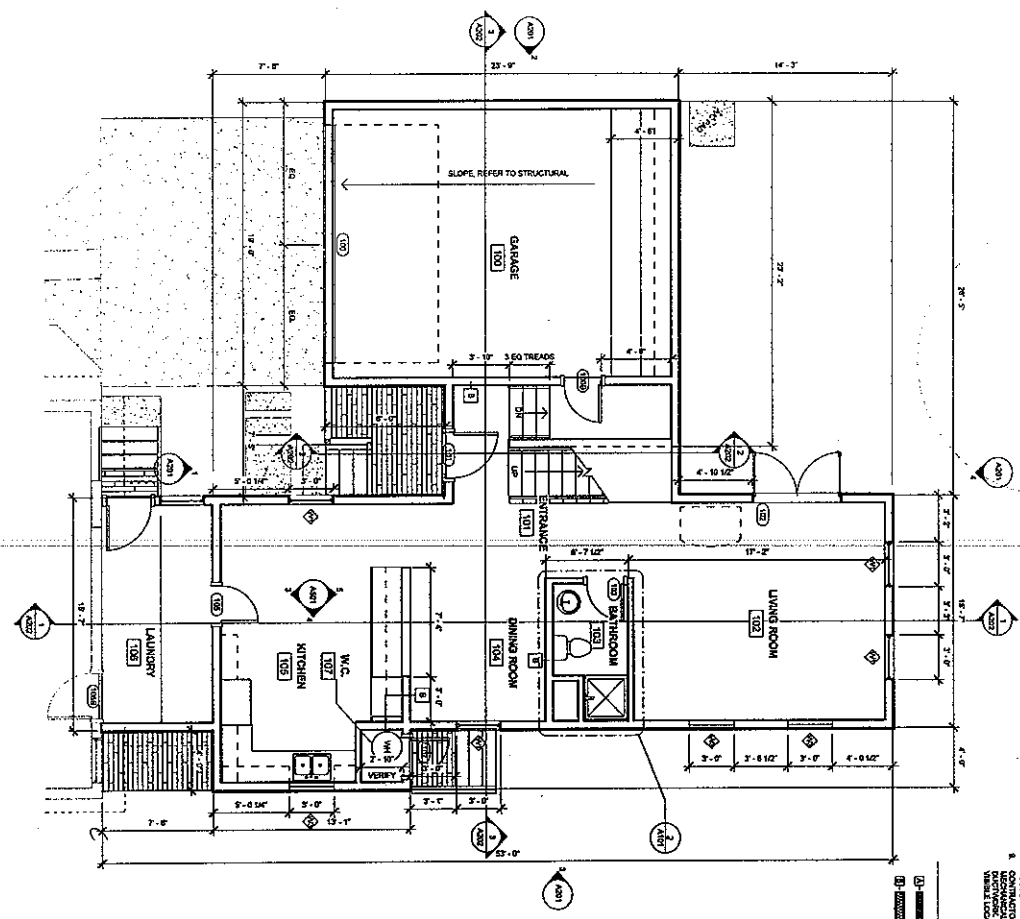
TOTAL LOT AREA	8622.00 SQ. FT.
ADJACENT IMPROVED CORNER	428.25 SQ. FT.
EXISTING AREA	215.00 SQ. FT.
PROPOSED	215.00 SQ. FT.
OVERLAP	277.00 SQ. FT.
CONCRETE FLOOR	241.00 SQ. FT.
WOOD FLOOR	215.00 SQ. FT.
ROOF OVERLAP	277.00 SQ. FT.
TOTAL IMPROVED CORNER	645.25 SQ. FT.
TOTAL IMPROVED CORNER AREA	645.25 SQ. FT.
CONCRETE FLOOR	241.00 SQ. FT.
WOOD FLOOR	215.00 SQ. FT.
ROOF OVERLAP	277.00 SQ. FT.
CONCRETE FLOOR	241.00 SQ. FT.
WOOD FLOOR	215.00 SQ. FT.
ROOF OVERLAP	277.00 SQ. FT.
TOTAL IMPROVED CORNER	645.25 SQ. FT.
TOTAL IMPROVED CORNER AREA	645.25 SQ. FT.

<p>A100</p>	<p>ARCHITECTURAL SITE PLAN</p>	<p>BRENTWOOD DUPLEX</p> <p>301 BRENTWOOD STREET AUSTIN, TEXAS 78702</p>	<p>CARTER · DESIGN ASSOCIATES 817 WEST ELEVENTH STREET AUSTIN, TEXAS 78701 (512) 476-1812 ARCHITECTURE PLANNING PRESERVATION</p>		<p>ISSUE DATE: 14 MARCH 2013</p>
					<p>PROJECT NUMBER: 118591</p> <p>DRAWN BY: JMH</p> <p>CHECKED BY: DDC</p>

2 BATHROOM LEVEL 1
1/2" = 1'-0"



1 LEVEL 1 FLOOR PLAN
1/4" = 1'-0"



- GENERAL NOTES - FLOOR PLAN**
1. PRIOR TO ALL SHOWINGS, WRITTEN PERMISSION REQUIRED.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 4. ALL INTERIOR WALL PARTITIONS ARE 5/8" WOOD STUD WITH 1/2" GYPSUM BOARD ON BOTH SIDES.
 5. EXTERIOR WALL PARTITIONS ARE 1 1/2" WOOD STUD WITH 1/2" GYPSUM BOARD ON BOTH SIDES.
 6. EXTERIOR WALL PARTITIONS ARE 1 1/2" WOOD STUD WITH 1/2" GYPSUM BOARD ON BOTH SIDES.
 7. ALL INTERIOR WALL PARTITIONS ARE 5/8" WOOD STUD WITH 1/2" GYPSUM BOARD ON BOTH SIDES.
 8. ALL INTERIOR WALL PARTITIONS ARE 5/8" WOOD STUD WITH 1/2" GYPSUM BOARD ON BOTH SIDES.
 9. ALL INTERIOR WALL PARTITIONS ARE 5/8" WOOD STUD WITH 1/2" GYPSUM BOARD ON BOTH SIDES.
 10. ALL INTERIOR WALL PARTITIONS ARE 5/8" WOOD STUD WITH 1/2" GYPSUM BOARD ON BOTH SIDES.

WALL TYPES

- 1 1/2" WOOD STUD WITH GYPSUM BOARD
- 5/8" WOOD STUD WITH GYPSUM BOARD

A101

LEVEL 1 FLOOR PLAN

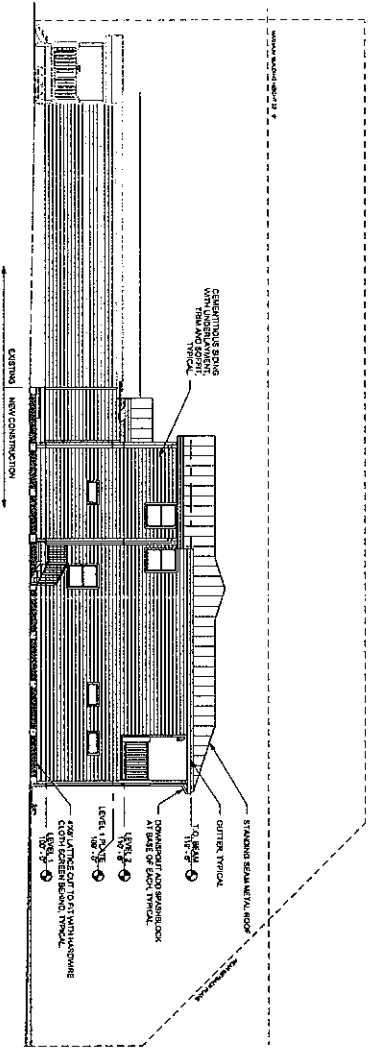
BRENTWOOD DUPLEX

303 BRENTWOOD STREET
AUSTIN, TEXAS 78702

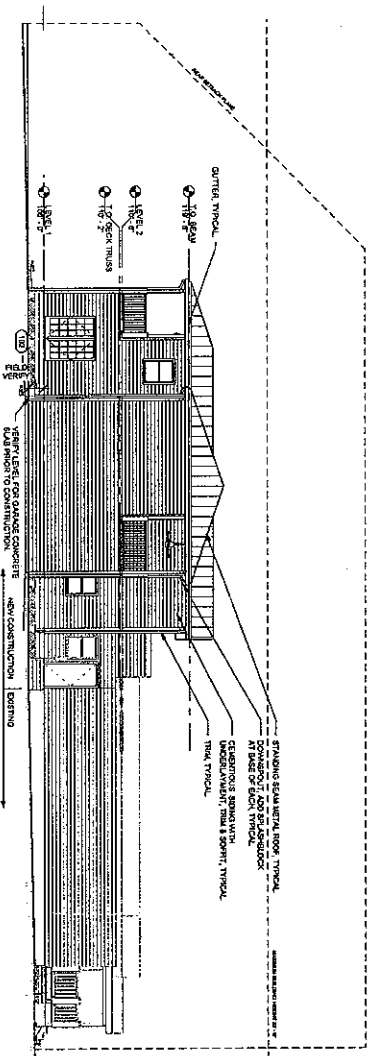
CARTER · DESIGN ASSOCIATES
617 WEST ELEVENTH STREET
AUSTIN TEXAS 78701 (512) 476-1812
ARCHITECTURE PLANNING PRESERVATION



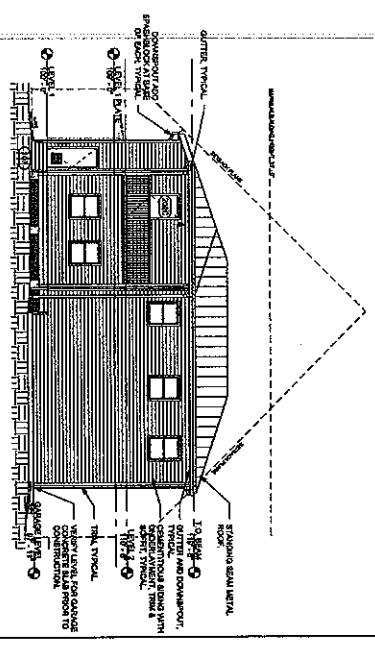
ISSUE DATE:	14 MARCH 2013	
PROJECT NUMBER:	118691	
DRAWN BY:	JLM	
CHECKED BY:	DOO	
REVISIONS:		
NO.	DESCRIPTION	DATE



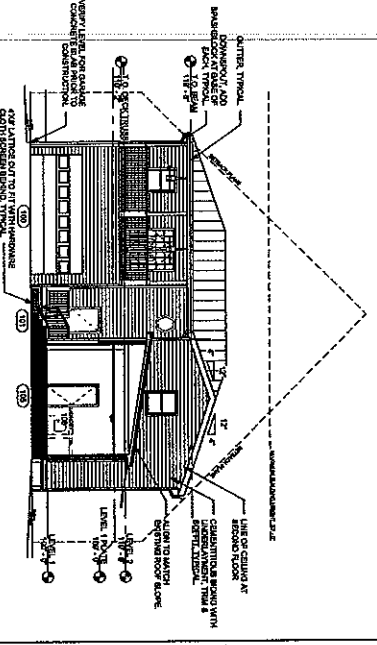
3 EXTERIOR ELEVATION - EAST
1/8" = 1'-0"



2 EXTERIOR ELEVATION - WEST
1/8" = 1'-0"



4 EXTERIOR ELEVATION - NORTH
1/8" = 1'-0"



1 EXTERIOR ELEVATION - SOUTH
1/8" = 1'-0"

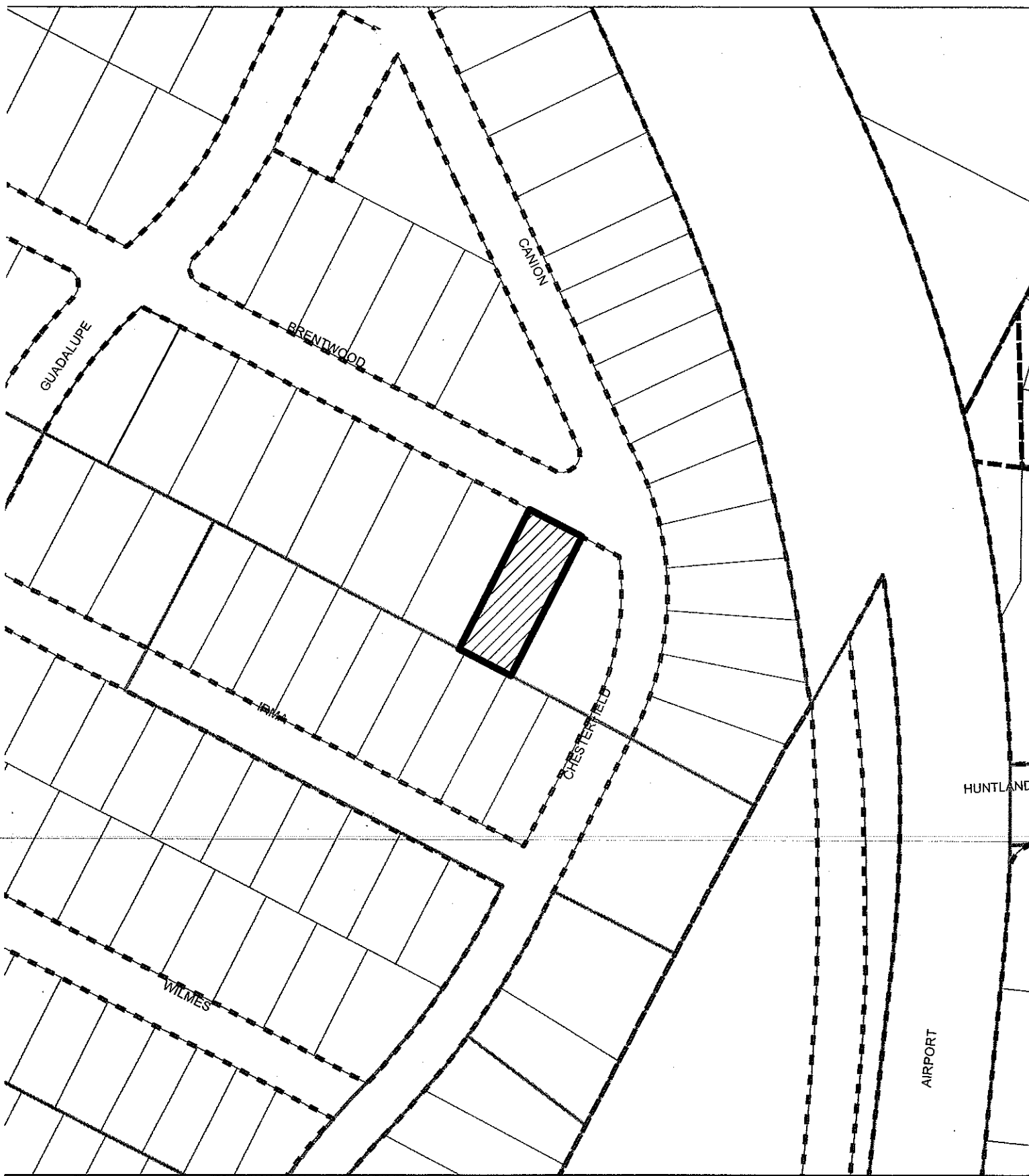
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PROJECT NUMBER:	11047
DRAWN BY:	LJM
CHECKED BY:	DCB
DATE:	
REVISIONS:	
NO.	DESCRIPTION





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 817 WEST ELEVENTH STREET
 AUSTIN TEXAS 78701 512 476-1812
 ARCHITECTURE PLANNING PRESERVATION

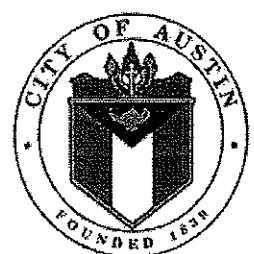
BRENTWOOD DUPLEX
 300 BRENTWOOD STREET
 AUSTIN, TEXAS 78701

EXTERIOR ELEVATIONS
A201



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2013-0066
 LOCATION: 303 Bretwood 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.