

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

**DATE:** Monday, October 14, 2013

**CASE NUMBER:** C15-2013-0097

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen(RECUSED)  
\_\_\_\_ Nora Salinas  
\_\_\_\_ Bryan King **Motion to Postpone**  
\_\_\_\_ Fred McGhee  
\_\_\_\_ Melissa Hawthorne **2<sup>nd</sup> the Motion**  
\_\_\_\_ Stuart Hampton - Sallie Burchett(OUT)  
\_\_\_\_ Cathy French (SRB only)

**APPLICANT:** Cayce Weems

**OWNER:** SAME AS APPLICANT

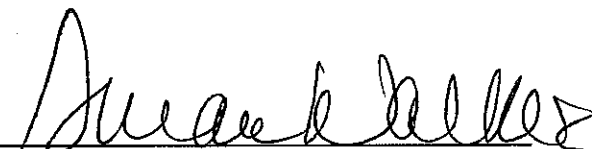
**ADDRESS:** 403 SAN SABA ST

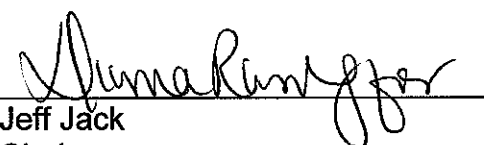
**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 10 feet in order to move a single-family residence onto the lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

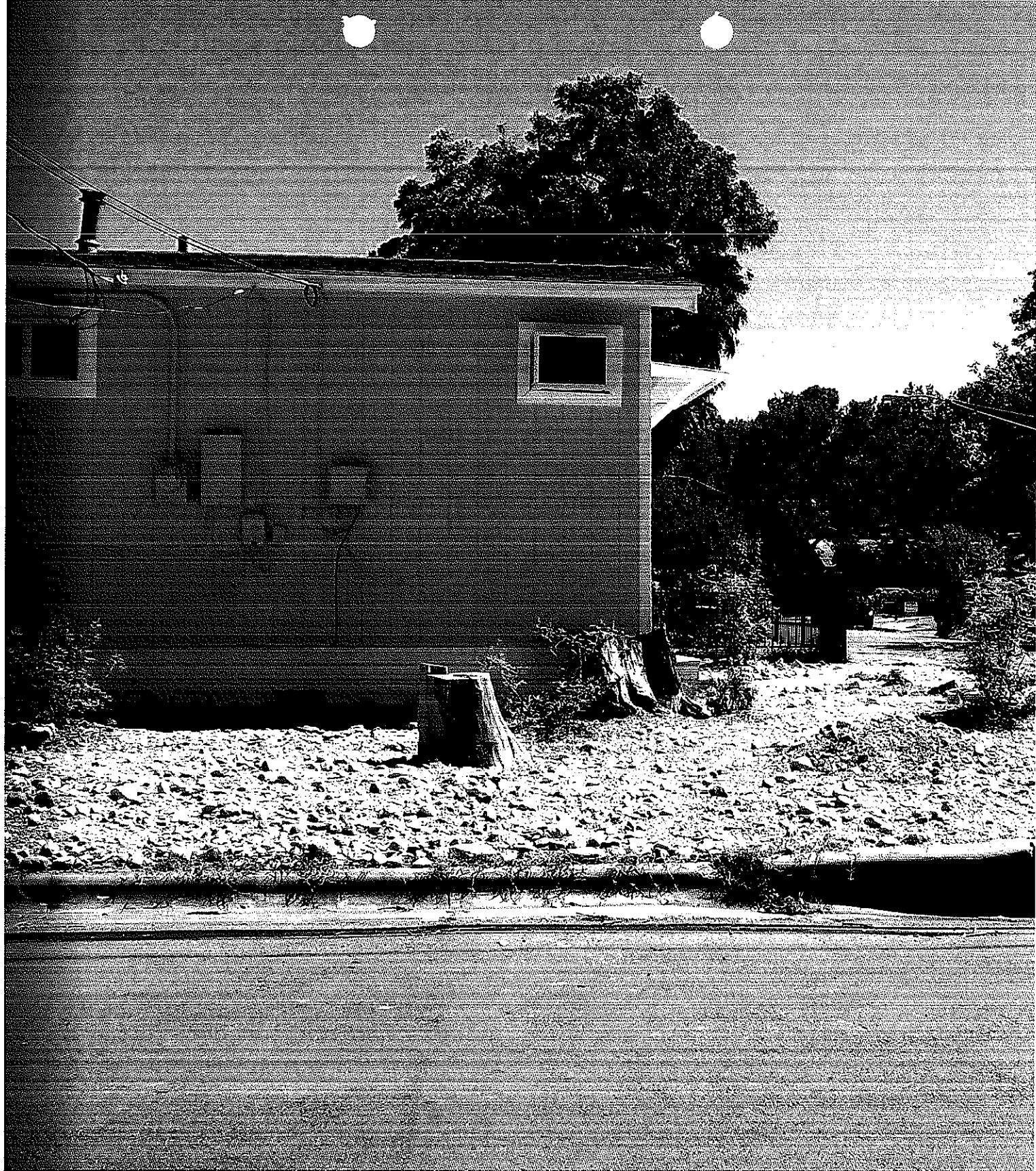
**BOARD'S DECISION:** The public hearing was closed on Board Member Bryan King motion to Postpone to November 14, 2013, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO November 14, 2013 (RE-NOTIFICATION REQUIRED).

**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:

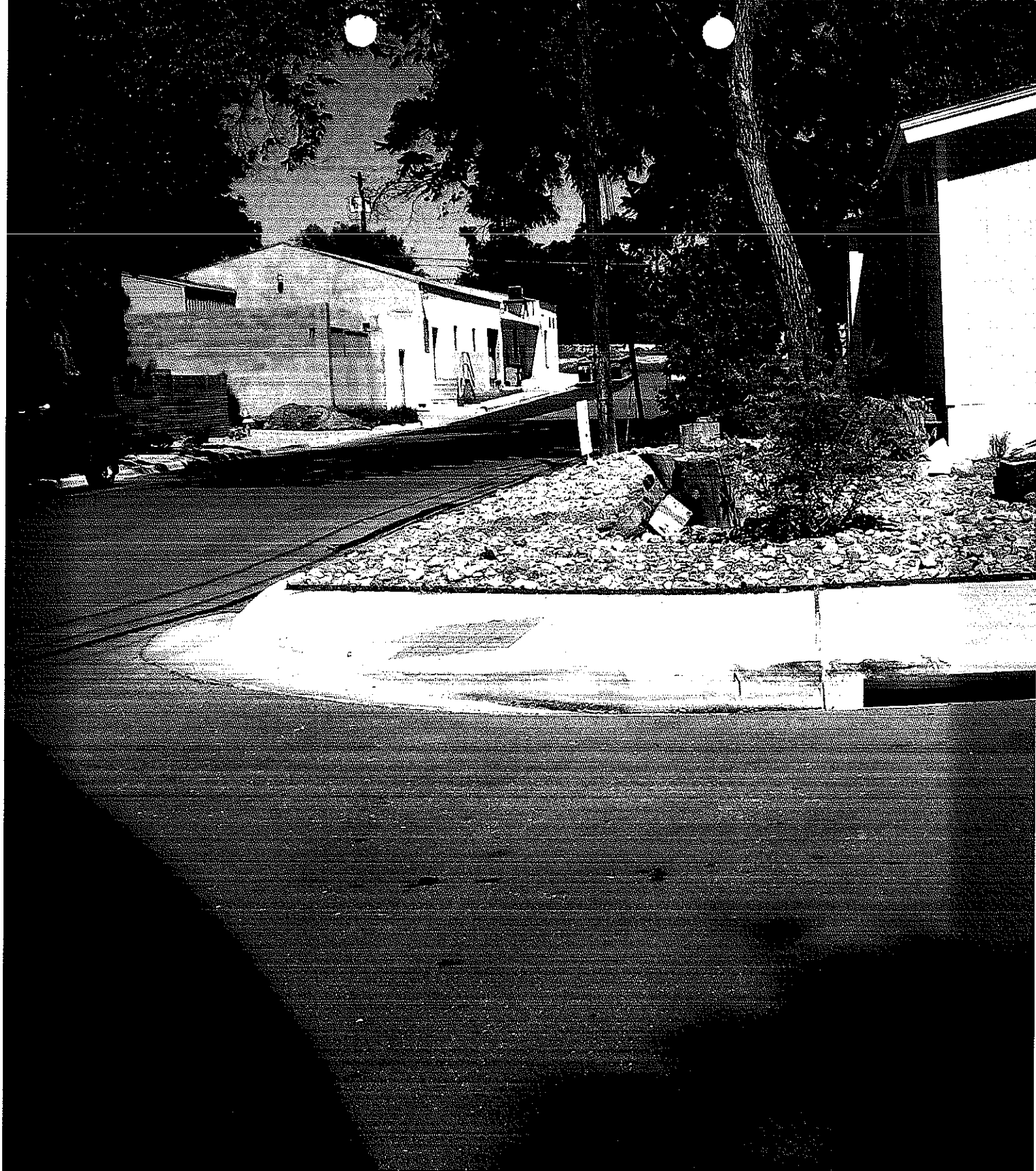
  
Susan Walker  
Executive Liaison

  
Jeff Jack  
Chairman



C15-2013-0097

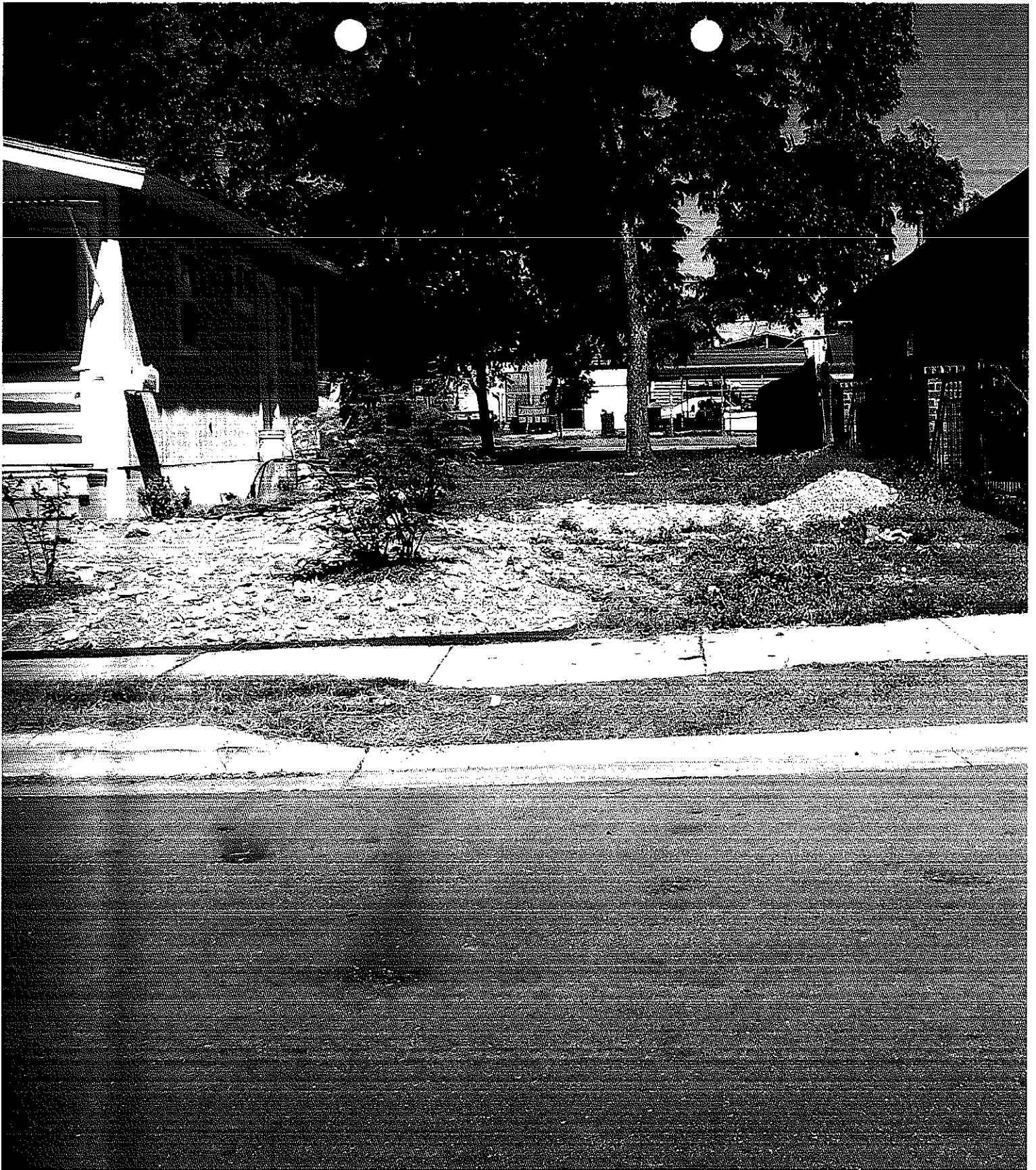
from Leon Hernandez



C15- 2013-0097

from Leon Hernandez





C15-2013-0097  
from Leon  
Hernandez



CIS-2013-0097  
from Leon  
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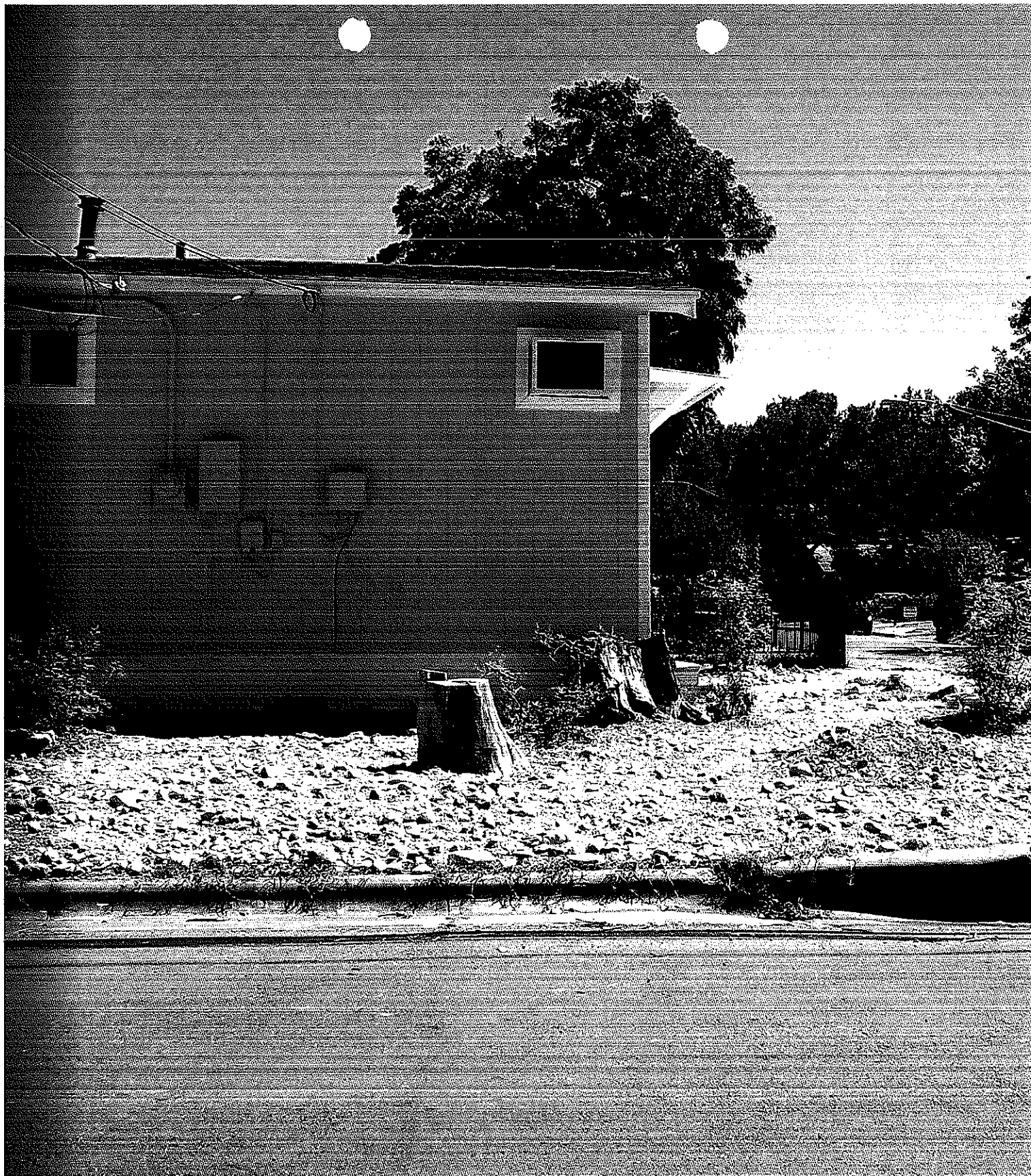
C15-2013-0097  
from Leon  
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from Leon  
blernandez





CIS-2013-0097  
from Leon  
Bernandez

October 8, 2013

Cayce Weems  
403 San Saba  
Austin, TX 78702

Case Number: C15-2013-0097

Variance Request: To decrease the side street setback from 15' to 10' for 403 San Saba so that an 816 sq ft house can be moved onto the property.

Board of Adjustment,

We, the undersigned neighbors of 403 San Saba, do not object to the above variance request, as most of the homes in our community are also 10' on the street side setback.

Name	Address	Date
<u>Mike Lopez</u>	<u>2519 E. 4th</u>	<u>10/08/13</u>
<u>Esmail Khleni</u>	<u>2521 E 4th St</u>	<u>10/08/13</u>
<u>Vilma Cifuentes</u>	<u>2601 E 4th St</u>	<u>10/08/13</u>
<u>Opelia Ramirez</u>	<u>2603 E. 4th St</u>	<u>10/8/13</u>

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

CASE #

ROW #

C15-2013-0097

1100 2049

TP-020211-08-24

**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: 403 San Saba St

LEGAL DESCRIPTION: N 77' of Subdivision - Chernosky

Lot(s) 1 Block 4 Outlot 11 Division 0

I, Cayce Weems, affirm that on September 16, 2013, hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

X MOVE    ATTACH    COMPLETE    REMODEL    MAINTAIN

My 816 sqft house onto this empty lot. The variance requested is 10 feet, instead of 15 feet for the corner lot street side setback. Thank you.

in a SF-3-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 relatively new 15-foot corner side setback requirements do not work well with the historically small and narrow lots of the Holly neighborhood, especially my lot at 403 San Saba, which is even smaller than the normal Holly lot.

**HARDSHIP:**

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

Unlike new construction where dimensions are changeable, my house is already built. In order for the driveway and house to fit on this narrow lot and to still stay away from the critical root zones of two protected trees, a variance is needed on the side setback.

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

This legal lot is smaller than normal. Protected tree locations are unique for each property. Not having the flexibility to change the dimensions of my existing house is also unique for this particular project.

**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:

For many years, the corner lot side setback was 10 feet. The Holly neighborhood is so historic that many houses in the neighborhood have side setbacks even less than 10 feet. The property directly to the South of 403 San Saba, for example, has a house with a 6-foot setback. A 10-foot corner street side setback would match very well with neighboring properties.

**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 Cayce Mail Address 1518 Barton Springs Rd, #6  
City, State & Zip Austin, TX 78704

Printed Cayce Weems Phone 512-961-6618 Date July 25, 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 Cayce Mail Address 1518 Barton Springs Rd, #6  
City, State & Zip Austin, TX 78704

Printed Cayce Weems Phone 512-961-6618 Date July 25, 2013



SUBJECT TRACT

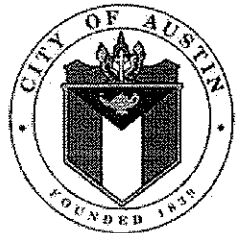


ZONING BOUNDARY

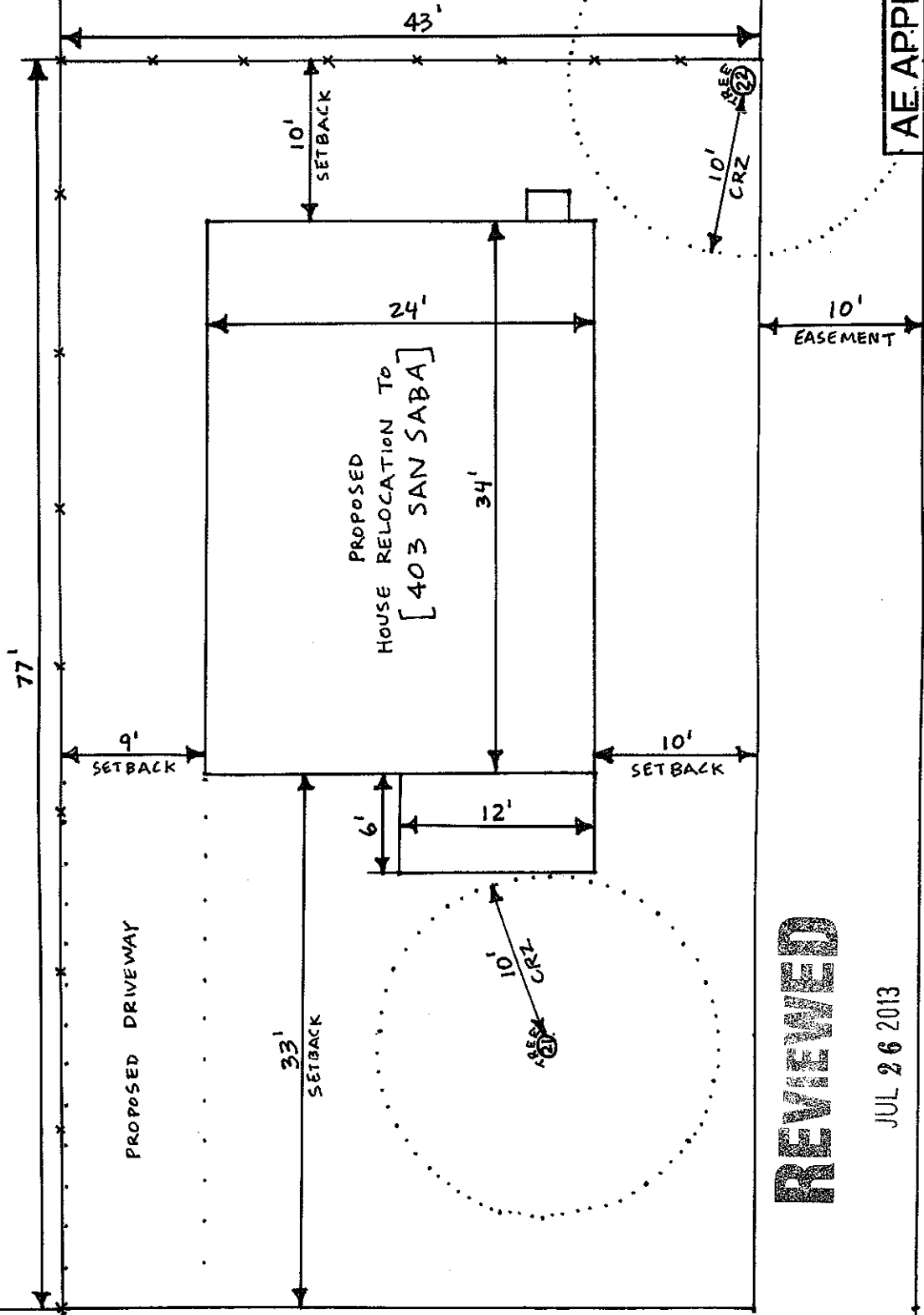
CASE#: C15-2013-0097  
LOCATION: 403 San Saba St

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.



# SITE PLAN



SANTA ROSA

**REVIEWED**

JUL 26 2013

AUSTIN WATER UTILITY  
CONSUMER SERVICE DIVISION - TAPS

SCALE 1" = 10'

SAN SABA

AE APPROVED

JUL 26 2013  
207-306  
DRB