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

DATE:	Thursday, November 14, 2013	CASE NUMBER: C15-2013-0115
Y	Jeff Jack	
Y	Michael Von Ohlen Motion to PP to De	ec 9, 2013
Y	Stuart Hampton	
Y	Bryan King	
Y	Fred McGhee 2 <sup>nd</sup> the Motion	
Y	Melissa Hawthorne	
Y	Sallie Burchett	
	Cathy French (SRB only)	

OWNER/APPLICANT: Gregory Brooks and Neal B. Kassanoff

**ADDRESS: 4201 WILSHIRE PKWY** 

VARIANCE REQUESTED: The applicant has requested a variance from Section 25-2-774 (C) (2) in order to erect a two-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Upper Boggy Creek Neighborhood Plan) The Land Development Code states that for a two family residential use the second dwelling unit must be located at least 15 feet to the rear of the principal structure.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to December 9, 2013, Board Member Fred McGhee second on a 7-0 vote; POSTPONED TO DECEMBER 9, 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:

\$usan 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;
- 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.

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	Dewy D. Mulkinson	Daytime Telephone: (5/2) 152728 C  Comments: We own 421044212W/shikeR	John Will 11-8-2013 Signature 11-8-2013	Your Name (please print)  Your Name (please print)  1212 (1) 1561Re PK Alastin, 7K 78722  Your address(es) affected by this application	Case Number: C15-2013-0115 – 4201 Wilshire Parkway Contact: Susan Walker, 512-974-2202 Public Hearing: Board of Adjustment, November 14th, 2013

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Daytime Telephone \$05 345-0640
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Your address(es) affected by this application
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Virginia Whitehead DIamin Gavor
Public Hearing: Board of Adjustment, November 14th, 2013
Case Number: C15-2013-0115 - 4201 Wilshire Parkway

### AFFIDAVIT

STATE OF FLORIDA

COUNTY OF DADE

My name is EUY . . . . I live at 507 KNGFSH 2D NORTH Plan RCH FL. I am of the age of eighteen (18) years and am of sound mind and memory. 331 8wn property in Wilshire Woods on Wilshire Parkway at 4209 Wilshire Parkway.

I have received documents regarding Mr. Neil B. Kassanoff's wish to build an addition of a rental income residence at 4201 Wilshire Parkway. I am opposed to the document and the building of this residence because of the following reasons:

- 1. This addition would be in an area of single-family dwellings.
- 2. There is no space on Wilshire Parkway that could accommodate multi-families.
- 3. Wilshire Woods is designated as a Historical District and the addition of a 432 square foot rental income residence in the front yard of 4201 Wilshire Parkway would certainly detract from the overall look of our Historic District.
- 4. The location of this proposed property would effectively block the view of Patterson Park now enjoyed by multiple single-family property owners on the Parkway.
- 5. The additional parking that would occur with an additional family would cause increased traffic congestion and it would create concerns for the neighbors not being able to see activities in the park that could be of some danger to the neighborhood.

Additionally, the following is important to me:

In testimony whereof, I herewith set my hand on this the \_\_\_\_\_\_\_ day or November 2013.

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Susan Walker P. O. Box 1088

Austin, TX 78767-1088

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Comments:  CASE NUMBER: NRD -2013-0078 PR-13-0636  CASTROL: ALYSON MCGEE, 5712-974-7810/  PUBLIC HEALING: QT728, 7513 HISTORIC  LANDMARK COMMISSION	Case Number: C15-2013-0115 – 4201 Wilshire Parkway Contact: Susan Walker, 512-974-2202  Public Hearing: Board of Adjustment, November 14th, 2013  **ELLY C.   LAPEM//

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RE: 4201 Wilshire Pkwy - Proposed Second Dwelling Unit Austin, TX 78722

To the City of Austin Board of Adjustments,

We thank you for considering this request for a variance submitted for hearing on November 14, 2013.

Due to the unique geometry of my corner lot, and the placement of the main structure, I am seeking a variance in order to build a 450 square foot second dwelling unit. According to the code, a secondary dwelling unit is allowable <u>fifteen feet behind the main structure</u>. This would not be possible on my lot. The lot is, nonetheless, sufficiently large (8,000 square feet) to allow a second dwelling unit.

The designer, Gregory Brooks and I have carefully chosen a space that is within building set backs, and clear of the critical root zones of the heritage tree on this lot. The building is in fact proposed for the only location that would allow us to keep all smaller trees as well.

The hardship in this case is that the original home, built in the 1940's, was located in the very back corner of the lot. There is no available space to add a second unit to the rear, as outlined in the City regulations for a second residence.

Attached are letters of support from nearby residents, most of which are homeowners a block or less away. Six letters are provided by homeowners with direct and adjacent views of the property.

Please note that we have already met with the City Historical Appropriateness Committee, and they have stated in meeting notes that they are planning to approve the proposal at the upcoming Nov. 18th meeting.

Thank you for your attention to this request.

Sincerely,

Neal Kassanoff
Owner, 4201 Wilshire Pkwy.

Austin 78722 (512) 669 2028

Dan Brotman 4204 Wilshire Pkwy Austin, TX 78722

To the Board of Adjustments,

I am writing to express my support for the proposed variance at 4201 Wilshire Pkwy.

As a homeowner in the neighborhood, I am in favor of anyone who is making improvements to their lot. Neal Kassanoff has already committed to improving his existing structure, and I would look forward to "phase two" of those improvements. I live directly across the street from the lot in question, and I would look forward to the new addition to my current view.

I think it is reasonable to provide a variance on the 4201 lot because the shape of the lot is unique, as is the size. There is ample space on this lot so that an additional structure would not be awkward or obtrusive. The writers of the current code simply did not have this type of lot in mind when establishing parameters for secondary residences.

Please approve this variance, as it is beneficial to both the home owner and the neighborhood.

Sincerel

Dan Brotman

November 5, 2013

To Whom It May Concern,

I reside directly across the street from Neal Kassanoff. He has been a fantastic neighbor and home owner for the many years I have known him. I am very much in favor of his request to add a second structure to what appears to already be a double lot. The new structure will add value to the street and has been very tastefully designed. I support the need for a variance and feel that high density living is a perfect way to create a vital and vibrant urban core and should be embraced by the City of Austin. I would be happy to provide any further information upon request.

Kindest Regards,

Meghan Hughes

Homeowner 4200 Wilshire Parkway Austin, TX 78722 512/852.2393

### Nancy McNab 4203 Wilshire Pkwy Austin, TX 78722

To the Board of Adjustments:

I have lived at 4203 Wilshire Pkwy for ten years, directly next door to the proposed project at 4201 Wilshire Pkwy. Neal Kassanoff shared architectural drawings with me and the other neighbors, and I think that the project would be attractive and in keeping with the look of the neighborhood. I am favor of the placement of the structure, as well as use of limestone and other elements that match the main house. I support the request for variance, and ask that you approve.

Sincerely,

Nancy McNab

From: Gary Smith

Subject: Re: Checking in about project Date: November 12, 2013 3:00:39 PM CST To: Neal Kassanoff

Cc: David Phillips ≤dip@ Reply-To: was@

I will reply with positive enthusiasm. Is email ok?

On 11/12/13 1:47 PM, Neal Kassanoff wrote:

Hi Gary,

I have not heard from you about the variance for which I am applying.

It sounded like you liked the proposal when I first presented it. Is this still the case? If you have reservations, please let me know.

Our meeting with the board of adjustments comes this Thursday, so I am in the homestretch for lining up documentation of support. Whatever your position, I am open to discussion.

Thanks, Neal 512 669 2028

W. Gary Smith Design 141 West 28th Street, #300

New York, NY 10001

512-585-6368

http://www.wgarysmith.com/design/

1510 Wilshire Blvd Austin, TX 78722

.07 November 2013

To the Board of Adjustments:

Neal Kassanoff has shown me the plans for his new structure at 4201 Wilshire Pkwy. I support his request for a variance as he has indicated that the purpose of this addition to his home is to provide living quarters for guests. The design that Neal proposes is consistent with the overall look and feel of other homes in the neighborhood.

Sincerely,

Grace Tsao

1510 Wilshire Blvd.

Carl Hereford 1604 Wilshire Blvd. Austin, TX 78722

To Whom It May Concern,

I am happy to support the variance for a secondary residence at 4201 Wilshire Pkwy. I live two doors away at 1604 Wilshire Blvd. I have reviewed the drawing and blueprints, and it seems perfectly reasonable to allow something to be built as drawn.

Sincerely,

Carl Hereford

C15-2013-0115

CHRISTINE TERRELL

I am very much in favor of Neal Kassanoff's proposed structure on his property. His architectural plan for an additional modest dwelling is a fine example of the sort of development I welcome in the neighborhood. Creating a dense urban core is vital to Austin's future—this is exactly the type of project a progressive City should embrace and actively encourage.

Sincerely,

Christine Terrell

4017 CHERRYWOOD RD. AUSTIN, TX 78722 512 796 9861 November 5, 2013

### Greetings:

We are writing in support of the variance application for 4201 Wilshire Parkway.

As neighbors and homeowners in the Wilshire Woods neighborhood since 1996, we support the general goals of Smart Growth infill development in central Austin, as long as such development respects and enhances the unique and special character of our neighborhood.

Having reviewed Mr. Kassanoff's architectural plans for the proposed secondary residence, it is clear that the siting of the existing house at the rear of the acute-angled corner lot creates a unique hardship which prevents creation of the secondary unit without a variance.

It is also clear from the plans that the proposed secondary residence, in its careful siting, single story height, and choice of materials, will be an asset to the existing house and street, and a fine, unobtrusive addition to our neighborhood.

For all these reasons, we urge the Board of Adjustments to approve this variance for 4201 Wilshire Parkway.

Sincerely,

Britan Schlinke

Britton and Naomi Schlinke

4009 Lullwood Road Austin, TX 78722 November 11, 2013

Neal Kassanoff 4201 Wilshire Parkway Austin, Texas 78722

Dear Neal:

Thank you for sharing your proposed plans for a secondary residence on your property. It looks like a well thought out addition to your lot.

As a 20 year resident of Wilshire Wood, I am happy to write in support of your project. Please let me know if you or anyone on the zoning commission needs additional input from me.

You may contact me at the address below, by phone at 512-451-5972 or by email at dshaas@prismnet.com

Debra Haas

1715 E 38° ½ st., Austin, TX 78722 (512) 905-2309

November 9, 2013

To Whom It May Concern:

I am a neighbor of Neal's and drive past his home on Wilshire Parkway daily. Neal has shown me his architectural renderings for the proposed addition/dwelling, and has discussed with me several times his ideas to improve his property. I was very impressed with the thought and work that has gone in to the project thus far. This is exactly the kind of well-designed architecture we need in our neighborhood. I am very much for this project.

Sincerely,

Wade Holloway

Woole Hollows



### W. Gary Smith Design, Inc.

From:

W. Gary Smith

Date:

November 14, 2013

Subject:

W66mb

4201 Variance

As the across-the-street homeowner, 4202 Wilshire Parkway, I fully support the variance being sought for 4201 Wilshire Parkway. It is clear from the architectural plans that this new structure will be a fabulous improvement to the neighborhood. It is always such a please when new additions to a neighborhood are made in such a way that the overall sense of place in the community is actually improved. This looks like it will really be a positive addition to the community.

I encourage the Board of Adjustments to approve this variance.

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

CASE# (15-2013-0115)
ROW# 11026136
TP-021811-05-12

### 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: 4201 Wilshire Parkway
LEGAL DESCRIPTION: Subdivision- Wilshire Park
Lot(s) 16 Biock. Outlot. Division.
I/We. Gregory Brooks on behalf of myself/ourselves as authorized agent for
Neal Kassanoff affirm that on 9/23/2013
hereby apply for a hearing before the Board of Adjustment for consideration to:  (check appropriate items below)  X ERECT ATTACH COMPLETE REMODEL MAINTAIN
Proposed Second Dwelling
m a SF- 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 FINDING... I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of irridings):

### **REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

Section 25-2-774, C, 2, a Requires that a second dwilling must be located: to the rear of the principal structure.

### HARDSHIP:

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

The property is severely limited to any additional development due to (1) the existing house location being at the rear of the lot, (2) the unique triangulated corner lot geometry and setbacks, (3) a heritage tree location, (4) status as contributing to a historic character.

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

Other lots in the general area: (1) do not have the primary residence located at the rear of their lot, (2) do not have a triangulated corner lot. (3) do not have a lot size that qualifies for a second dwelling, (4) do not necessarily have a heritage tree restricting the buildable area.

### **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 second dwelling is not near an adjacent property, and is planned to enhance the historical character of the property and the neighborhood.

### 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 Mail Address 1605 Kerr Street
Austin, TX 78704
Printed Gregory Brooks Phone 512 659-8083 Date 9/23/2013
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 4201 Wilshire
Parkway, Austin TX 78722 City, State & Zip
Printed Neal Kassanoff Phone 512 419-0074
Date 9/23/2013





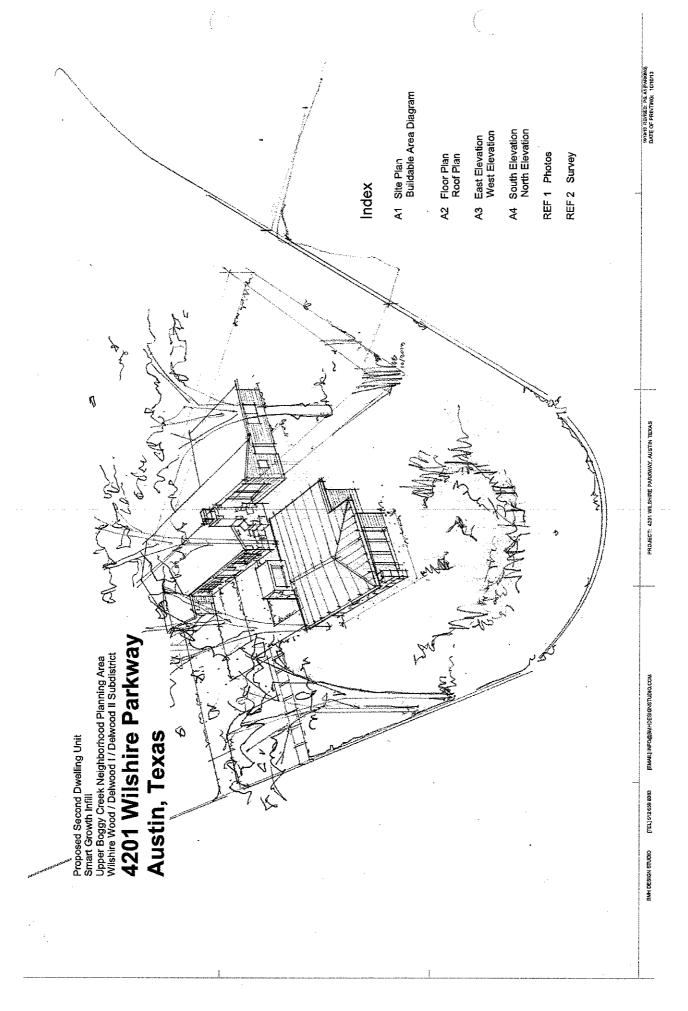
SUBJECT TRACT

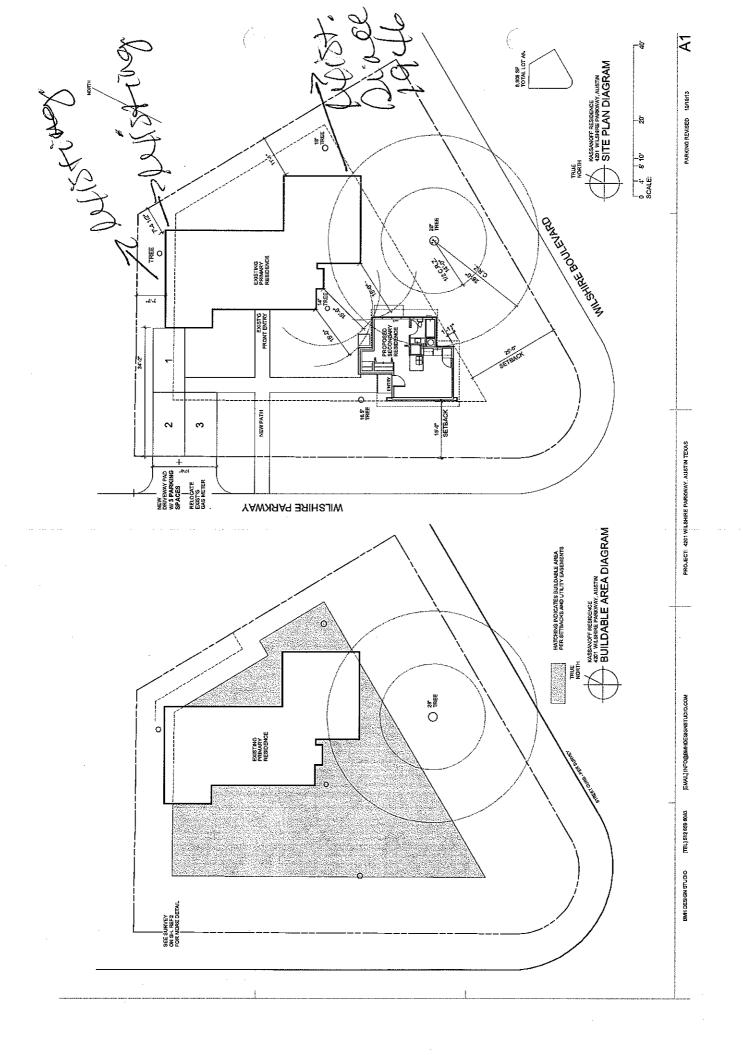
ZONING BOUNDARY

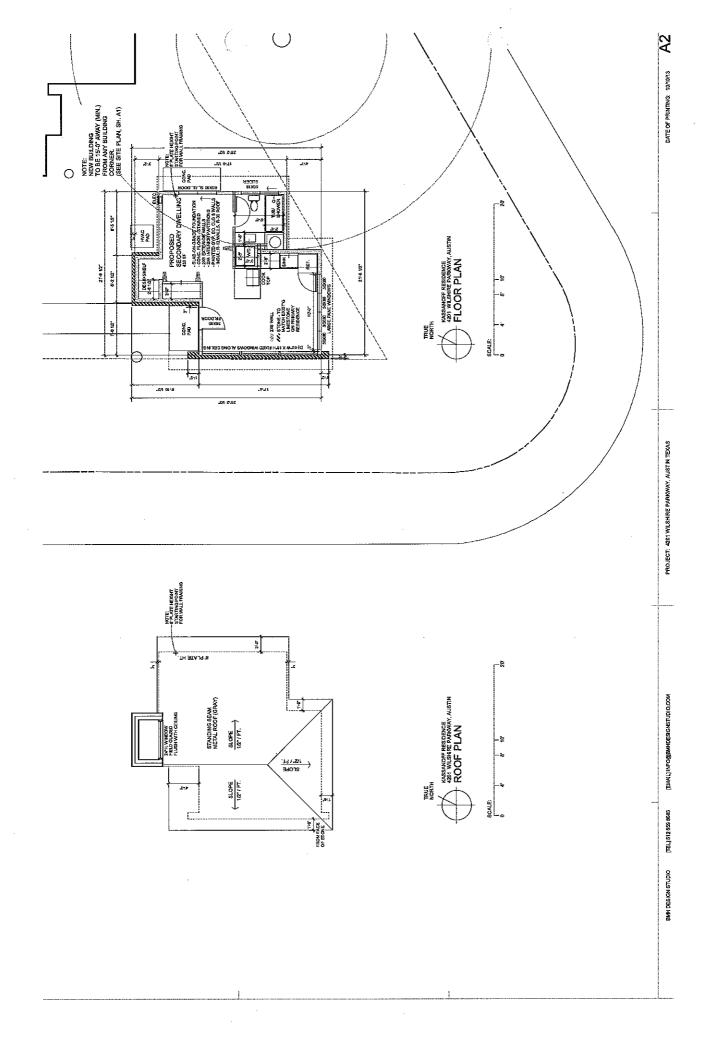
CASE#: C15-2013-0115 LOCATION: 4201 Wilshire Parkway

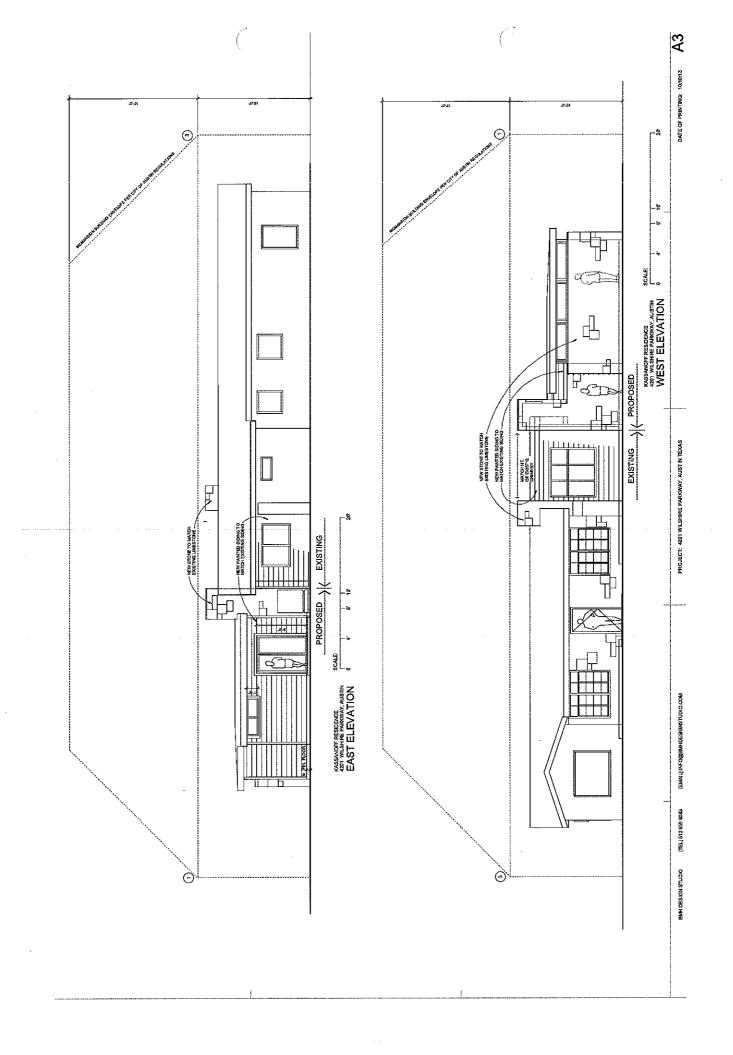
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

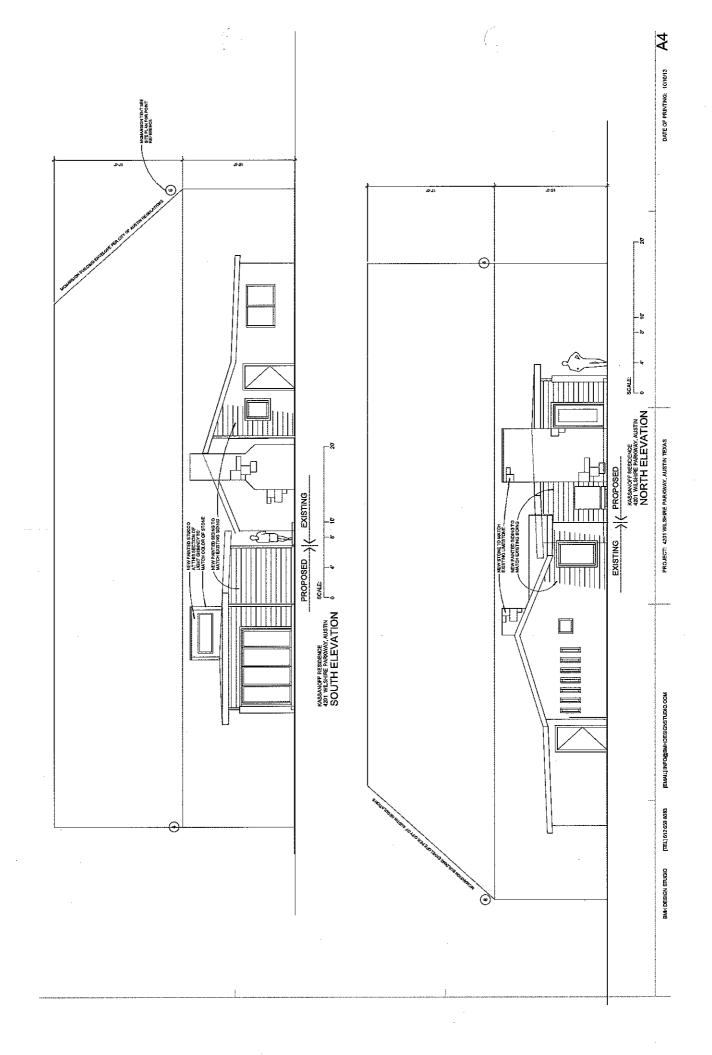


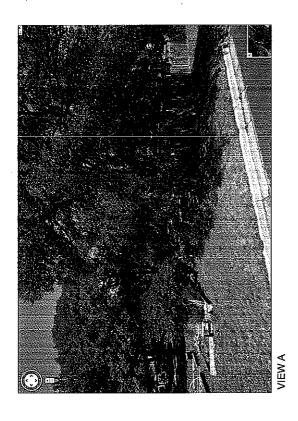


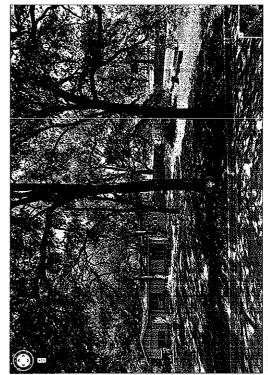


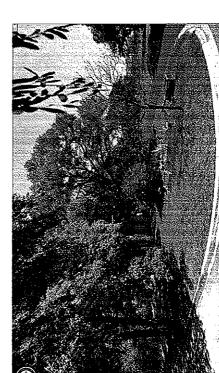






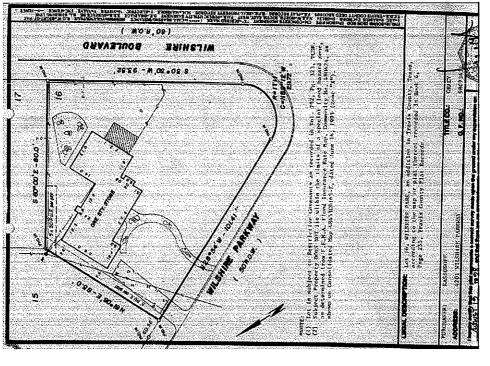






NEIGHBORHOOD PLAN

VIEW B



KASSANOFF RESIDENCE 4201 WILSHIRE PARKWAY, AUSTIN SJURVEY