

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

**DATE:** Monday, November 14, 2013

**CASE NUMBER:** C15-2013-0099

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

**APPLICANT:** Melynda Nuss and Jose Skinner

**OWNER:** same as applicant

**ADDRESS:** 2308 2ND 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 1.5 feet (along the south property line) in order to erect an outdoor staircase for an accessory structure in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 4.5 feet (at the closest point) in order to erect an outdoor staircase and maintain a portion of an existing accessory structure in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

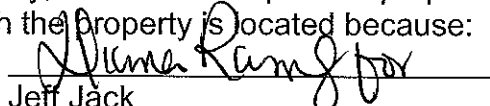
**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to November 14, 2013, Board Member Melissa Hawthorne second on a 7-0 vote; **POSTPONED TO November 14, 2013.**

**BOARD'S DECISION: POSTPONED TO DECEMBER 9, 2013 AS 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: Monday, October 14, 2013**

**CASE NUMBER: C15-2013-0099**

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

**APPLICANT: Melynda Nuss and Jose Skinner**

**OWNER: same as applicant**

**ADDRESS: 2308 2ND ST**

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

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

## Walker, Susan

---

**From:** Melynda Nuss <[REDACTED]>  
**Sent:** Saturday, October 19, 2013 2:10 PM  
**To:** Walker, Susan  
**Subject:** Re: Board of Adjustments -- Hearing -- 2308 S. 2nd St.

Hi Susan --

This is Lynda Nuss from 2308 S. 2nd St. I noticed that our application for adjustment has been reset to Thursday, November 14th. I'm scheduled to be out of town on the 14th. I wonder if we could be put on the schedule for December 9th meeting.

Also, I understand that the Board has the ability to project pictures on a screen? Can we bring a presentation on a stick drive?

I hope you're enjoying the fall weather.

Best,

Lynda Nuss

On Aug 1, 2013, at 9:47 AM, Walker, Susan wrote:

> Yes. :)

>

> Susan Walker

> Senior Planner

> Planning & Development Review Department

> Phone: 512-974-2202

> Fax: 512-974-6536

> -----Original Message-----

> From: Melynda Nuss [mailto:[REDACTED]]

> Sent: Wednesday, July 31, 2013 6:22 PM

> To: Walker, Susan

> Subject: Re: Board of Adjustments -- Hearing -- 2308 S. 2nd St.

>

> Excellent! Thanks. So we're scheduled for 9-16-2013?

>

> On Jul 31, 2013, at 3:20 PM, Walker, Susan wrote:

>

>> Never mind! Sorry! I found it!

>>

>> Susan Walker

>> Senior Planner

>> Planning & Development Review Department

>> Phone: 512-974-2202

>> Fax: 512-974-6536

>>

>> -----Original Message-----

>> From: Melynda Nuss [mailto:[REDACTED]]

## 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](http://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:** C15-2013-0099 - 2308 S 2<sup>nd</sup> Street  
**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, September 16th, 2013

Diana Seidel  
 Your Name (please print) ☐ I am in favor  
☒ I object

709 Fletcher Street, Austin, TX  
 Your address(es) affected by this application 78704

[Signature] 9/6/2013  
 Signature Date  
 Daytime Telephone: 512-809-6459

Comments: I object to changing the sideyard setback from 5' to 1.5' and the rear yard setback from 10' to 4.5'. This would not be being thoughtful of the neighbors.

**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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- is the record owner of property within 500 feet of the subject property or proposed development; or
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**Case Number:** C15-2013-0099 – 2308 S 2<sup>nd</sup> Street

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

**Public Hearing:** Board of Adjustment, September 16th, 2013

Your Name (please print)

Rita Rosas

☒ I am in favor  
☐ I object

2208 S. 3RD ST.

Your address(es) affected by this application

*[Signature]* Rosas

9-9-13

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

**Walker, Susan**

---

**From:** Melynda Nuss [REDACTED]  
**Sent:** Thursday, August 29, 2013 12:40 PM  
**To:** Walker, Susan  
**Subject:** Re: 2308 South 2nd Street

C15-2013-0099

**Importance:** High

Oh wait -- This is better:

On Aug 28, 2013, at 5:06 PM, Walker, Susan wrote:

Melynda,

I am trying to do notification for the variance request to be heard by the Board of Adjustment on 9-16-13. Can you give me the closest dimensions to the property line so I can send out proper notification?

I see two different options. I need to know how close to the side property line you will be with option 2 and to the rear because part of the structure already encroaches onto the rear setback.

Option one -- I need to know how close you are to the rear property line at the closest point.

Please provide this information to me as soon as possible so I can keep you on the schedule for 9-16-13.

Thank you,

**Susan Walker**  
**Senior Planner**  
**Planning & Development Review Department**  
**Phone: 512-974-2202**  
**Fax: 512-974-6536**

• Conversation started June 13



8:45am

**Melynda Nuss**

Hey John -- We're working on our remodel, and it looks like in order to be able to fix the 2nd floor entryway to the back house, we'll have to build stairs that go into one of the setbacks. The most elegant and practical design has an outdoor stair that goes up the south side of the building, on the side of our property closest to your house. We were wondering how much you guys would mind an infringement like that. The staircase is seldom used -- it's really just Jose's way up to his office. And we'd be happy to give you input into the design.

What do you think? Would that fit with what you're planning?

• July 6

7:46pm

**John Newbold-Knipp**

Sorry melynda....we've been a little busy the past month planning our wedding. I principle, it seems fine. Clearly, it would be preferable for us if it was on the back, but I know where that back door is and that would be pretty challenging to pull off. W could probably just landscape that area with some trees to take care of it. We can support you in this if, when the time comes for us to build, you can be flexible with trimming of trees on your property if they are blocking our view....sound fair?

July 6



8:52pm

**Melynda Nuss**

Extremely fair! And thanks for getting back to me. I figured you guys were busy with the wedding. Congratulations! There's an outside chance the Board of Adjustments will hear the variance application in August, but most likely they won't get to it until September, and we're not planning to start construction until November at the earliest. Let's get together sometime when y'all are back and we'll talk specifics. We can go through and see exactly how the stairway would fit with your plans, and what we can do with the trees and landscaping to make things work for you. It looks like you guys are having fun!

CASE #

ROW #

C15-2013-0099

11002077

TP-040203-05-13

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: 2308 S. 2nd St.

LEGAL DESCRIPTION: Subdivision – Loma Linda

Lot(s) 1 Block D Outlot Division

We, Melynda Nuss and Jose Skinner, \_  
affirm that on \_\_\_\_\_, \_\_\_\_\_,

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

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

an outdoor staircase within the setback area

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 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:

Our inability to get into the 2<sup>nd</sup> floor room safely inhibits our ability to use the property as a residence, the use for which it is zoned.

---

**HARDSHIP:**

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

The back house on our lot has a second story room which is currently accessible only by a handmade ladder, which is not safe and does not conform to code. However, because the 2<sup>nd</sup> story is only on the southwest corner of the house, and since that corner of the house is close to the setback limit on both the south and west sides our lot, we can not build a staircase that complies with the International Residential Code without building into one of the setbacks. On the north and east sides, ingress to the 2<sup>nd</sup> story is blocked by the roofline of other parts of the building, so it is not possible to build stairs on those sides.

The Code provides that stairs must be at least 36 inches wide, and that stair riser heights be no more than 7", and treads at least 11". A 36" wide stair on the south side would take 3' of the existing 5' setback. Because of the riser and tread qualifications, a staircase on the west side would need a landing to fit into the 12 1/2' space between the setback and the bathroom wall. This would take at least 6' of space, and infringe on the back setback of 10'.

---

Of the designs we've considered, we favor a simple staircase up the south side of the building. That design is more elegant and less intrusive. We also believe our neighbor on the south side has cleared the lot to build a large new structure. The staircase would be hidden from the street by the new building.

It is possible to build a staircase-with-landing on the west side. However, that staircase would be difficult to access (since the entrance would be squeezed in by the existing exterior wall of the bathroom), would destroy the existing 2<sup>nd</sup> story back porch, and would provide anyone going to the 2<sup>nd</sup> story an excellent view of the toilet through the clainstory windows we have planned for the bathroom. This design would also require a variance, since it does go into the back setback. As you can tell, this is not the design we favor.

We have good relations with the neighbor whose lot adjoins the south side of our property and we have tried to contact him via email and facebook to see if he would object to a staircase on that side of the property. (He has temporarily moved out of the property and into a condominium pending major construction he has planned for his own lot.) So far he has not responded to our emails. We will update this application when we hear from him.

---

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

Even in Bouldin Creek, most outbuildings are not this poorly designed. We are still puzzling over how someone could have built a second story room without thinking of how someone was going to get up there.

---

#### **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 staircase will be unobtrusive and used only by the homeowners to access their private home office.

---

#### **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:

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**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.

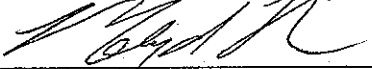
**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed \_\_\_\_\_ Mail Address \_\_\_\_\_

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

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

**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 2308 S. 2nd St.

City, State & Zip Austin, Tx 78704

Printed Melynda Nuss Phone 956-467 Date 7-2-13

8346



N



SUBJECT TRACT

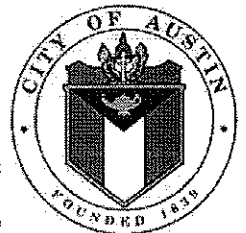


ZONING BOUNDARY

CASE#: C15-2013-0099  
LOCATION: 2308 S 2nd St

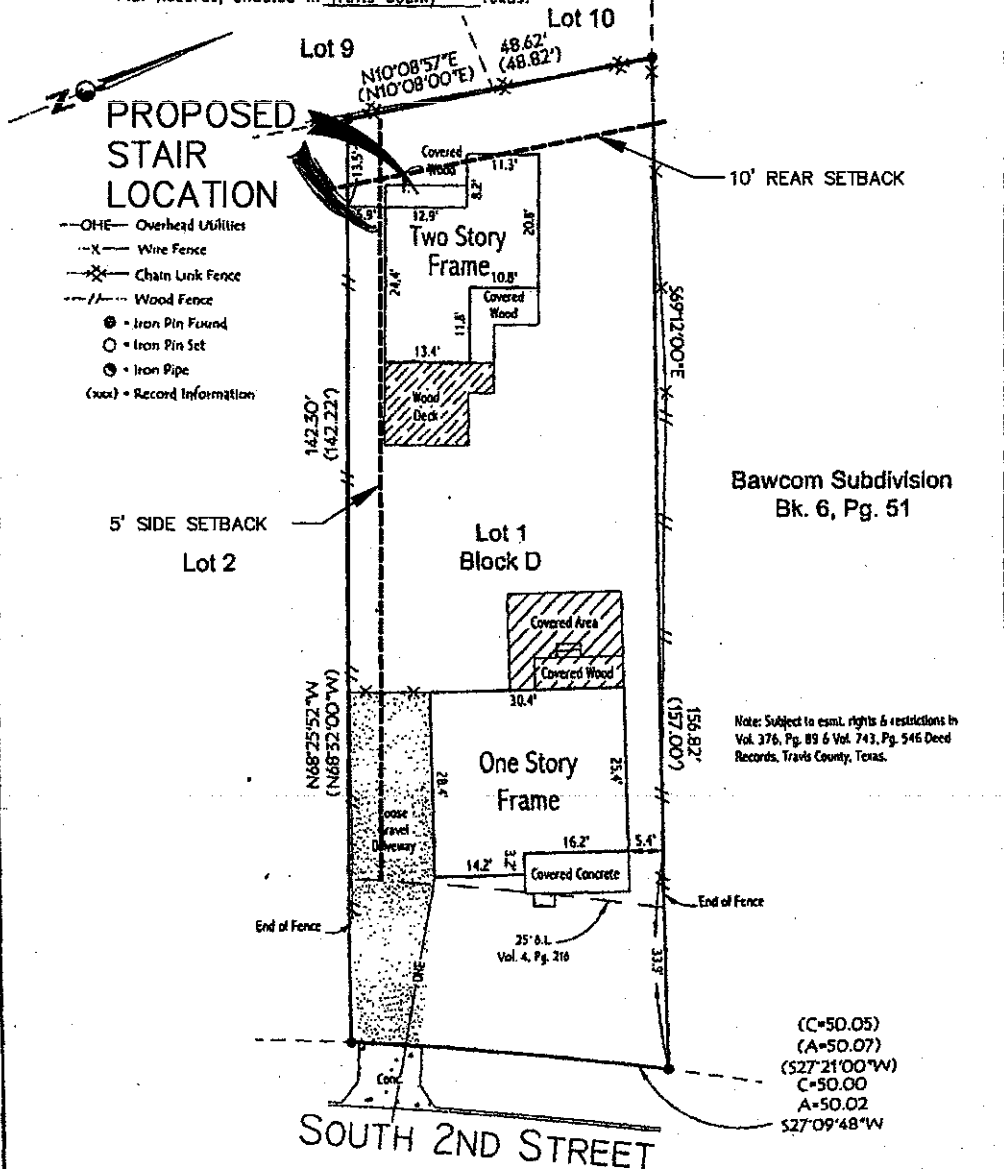
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.



# SURVEY PLAT OF

Local Address: 2308 South 2nd Street Re: Skala  
 Legal Description: Lot 1, Block D, Loma Linda  
 a Subdivision of record in Volume 4 Page 216 of the Travis County, Texas  
 Plat Records, situated in Travis County Texas.



RE: GF# 002801334  
 TO: Chicago Title Insurance Company, Northland Funding Group,  
Jason Shiga & Holly Skala

STATE OF TEXAS:  
 COUNTY OF TRAVIS:

I, the undersigned, do hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no boundary line conflicts, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown hereon and certifies only to the legal description and easements shown on the referenced title commitment.

Dated, this the 25<sup>th</sup> day of April, 2006

*Steve H. Bryson*

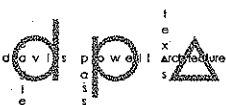
STEVE H. BRYSON, R.P.L.S. NO. 4248  
 STEVE H. BRYSON SURVEYING CO.  
 2499 Capital of Texas Hwy. S. Bldg. A, Ste. 203  
 Austin, Texas 78746 (512) 347-9505

Copyright 2006 Steve H. Bryson Surveying Company

SCALE: 1"=30'

The legally described property is not within a special flood hazard area as designated by the Department of Housing and Urban Development Federal Insurance Administration Flood Hazard Boundary Map No. 48433C-0210R for Travis County, Texas, dated 8-5-97. Located in Zone 1. This certification is for insurance purposes only and is not a guarantee that this property will or will not flood.

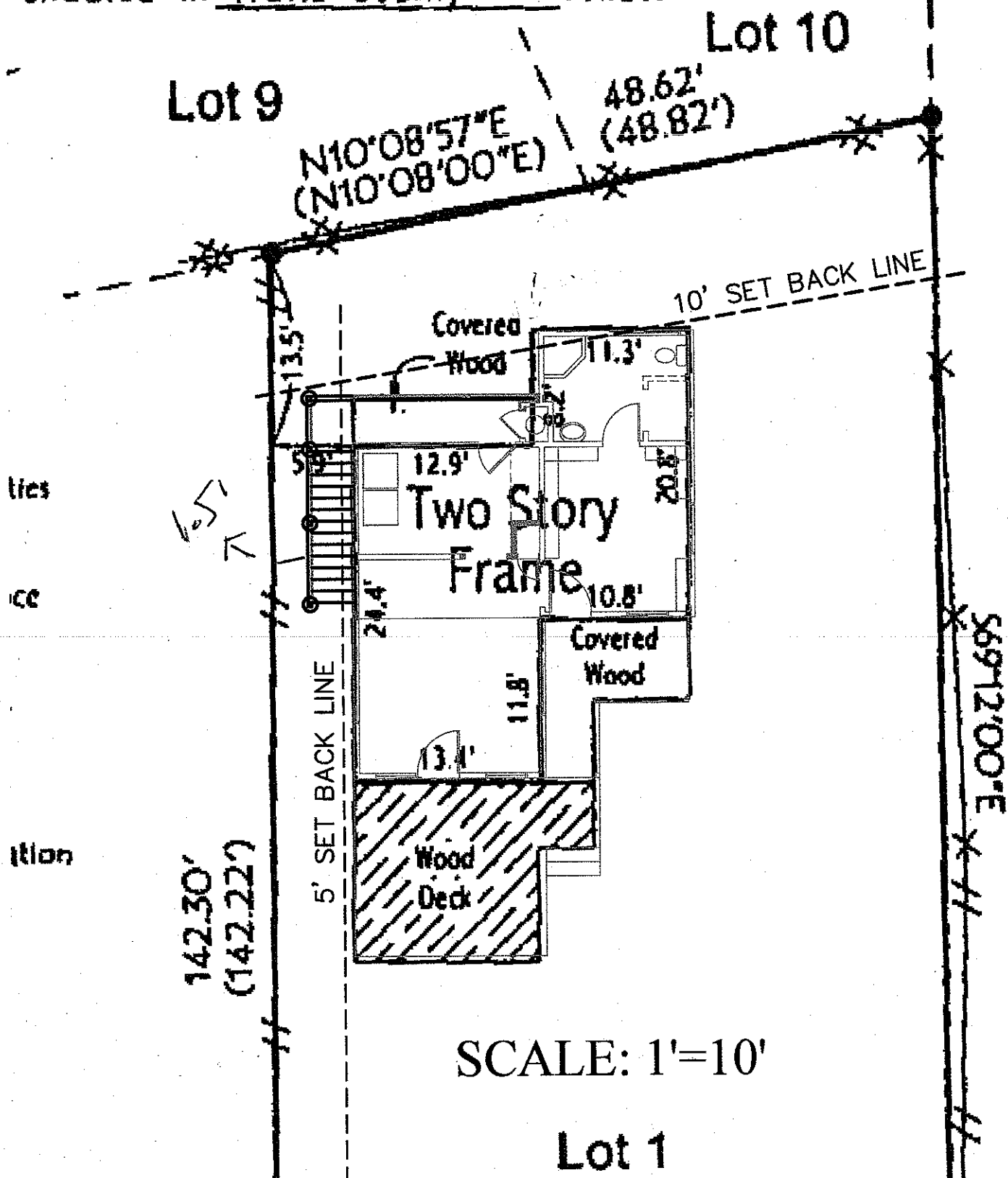
JOB NO: 06-096



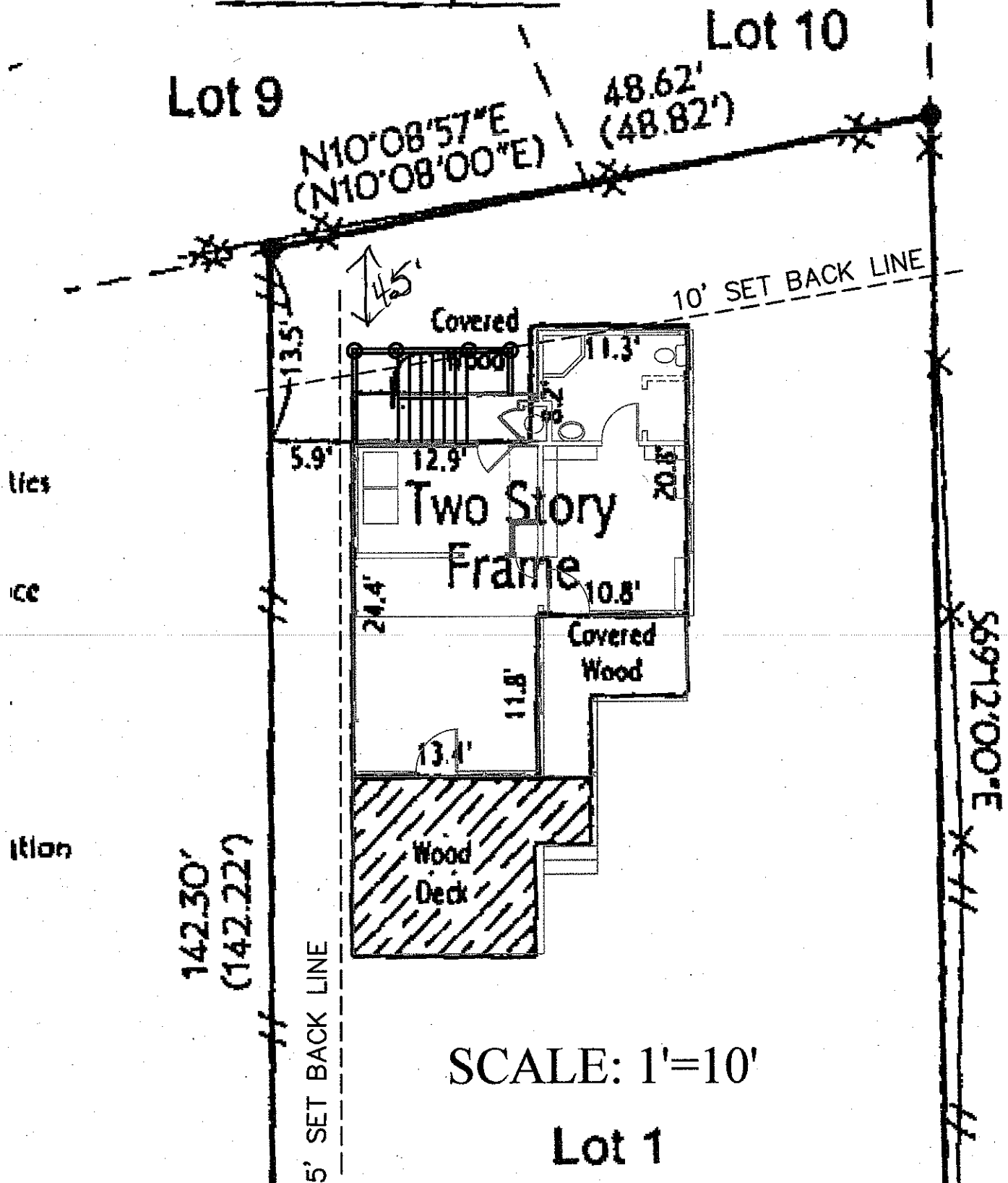
1152 ferry street suite b  
 eagle pass, tx 78552  
 830-757-6750  
 davispowellarchitect.com

ACCESSORY STRUCTURE IMPROVEMENTS  
 2308 2ND STREET  
 AUSTIN, TEXAS

7/1/13  
 VARIANCE REQUEST  
 EXISTING CONDITIONS  
 SHEET 1 OF 3



of record in Volume 4 Page 216, of the Travis  
situated in Travis County Texas.



Google

See all the details that are visible on the screen, use the "Print" link next to the map.







2300

2302

703

2304

2306

SF-3-NP

SF-3-NP

2311

2308

2310

SF-3-NP

2312

2313

704

SF-6-NP

702

700

608

LO-CO-NP

SF-3