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

D	ATE: Monday, March 10, 2014	CASE NUMBER: C15-2014-0037					
	Jeff Jack - Chair Michael Von Ohlen Melissa Whaley Hawthorne - Vic Sallie Burchett Michael Von Ohlen Brian King Dr. Fred McGhee Ricardo De Camps	e Chair					
Αl	APPLICANT: George Ensle						
01	OWNER: Ricardo Rojo						
Αſ	ADDRESS: 2411 2ND ST						
m fe 27	VARIANCE REQUESTED: The applicant is requesting a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 from 10 feet to 6.8 feet (existing) in order to expand the footprint of 240 square foot, 1-car garage by 270 square feet and add a 2nd floor (not to exceed 550 square feet) to be used as an accessory apartment in an SF-3-NP Family Residence Zoning District (Holly).						
В	BOARD'S DECISION: POSTPONED TO APRIL14, 2014.						
Fil	NDING:						
1.	The Zoning regulations applicable to the because:	property do not allow for a reasonable use					
2. (a) The hardship for which the variance is requested is unique to the property in							
(b) The hardship is not general to the area in which the property is locate							
3.	The variance will not alter the character impair the use of adjacent conforming p the regulations of the zoning district in v	of the area adjacent to the property, will not roperty, and will not impair the purpose of which the property is located because:					
	ane Heldenfels ecutive Liaison	Jeff Jack Chairman					

25-2-1463 SECONDARY APARTMENT REGULATIONS.

- (A) A secondary apartment is not permitted in combination with a cottage or urban home special use.
- (B) A secondary apartment must be located in a structure other than the principal structure. The apartment may be connected to the principal structure by a covered walkway.
- (C) A secondary apartment:
- (1) must be contained in a structure other than the principal structure;
- (2) must be located:
- (a) at least 15 feet to the rear of the principal structure; or
- (b) above a detached garage;
- (3) may be connected to the principal structure by a covered walkway;
- (4) may not have an entrance within 10 feet of a lot line;
- (5) unless the secondary apartment has vehicular access from a rear alley, it must be served by a paved driveway, and the portion of the driveway that crosses the front yard must be at least 9 feet and not more than 12 feet wide;
- (6) may not exceed a height of 30 feet, and is limited to two stories; and
- (7) may not exceed a gross floor area of:
- (a) 850 total square feet; or
- (b) 550 square feet on the second story, if any.
- (D) Impervious cover for the site may not exceed 45 percent.
- (E) Building cover for the site may not exceed 40 percent.
- (F) Other than in a driveway, parking is prohibited in the front yard.

Source: Ord. 000406-81; Ord. 031120-44; Ord. 031211-11; Ord. 041118-59.

Heldenfels, Leane

From: Sent:	Thursday, March 13, 2014 12:20 PM		
To:	Heldenfels, Leane		
Cc:	george emisions architects.com		
Subject:	Fwd: 2411 E 2nd St		
Hello Leane,			
I was hoping to add these emails of support to my file for the BOA. My next door neighbor whom expressed reservations about my project was concerned that his property taxes would rise as a result. It is my understanding that it will not affect his taxes because he is over 60 and thus his taxes are capped. His other concern, about his tree, is not an issue as its branches do not appear to be in the way. I believe the photos sent to you by my architect George Ensle show more than adequate space. Please let me know if I there is anything else I may need for my next hearing on 4/14.			
Thank you,			
Rick Rojo			
On Sun, 3/9/14, Eric Goff <	erio.goff@gmail.com>-wrote:		
> From: Eric Goff <e< th=""><td></td></e<>			
> Subject: Fwd: 2411 E 2nd St			
> To: "reperience yarrooneering			
> Date: Sunday, March 9, 201	4, 4:20 PM		
> Support from my landlord.			
> Forwarded			
> message			
> From: Derrick			
> Bonyuet-Lee < compact to the state of the			
>			
> Date: Sun, Mar 9, 2014 at 4:	19 PM		
> Subject: Re: 2411 E 2nd St			
> To: Eric Goff < Grant			
>			
> Sure, I support Rick's project as well. This will definitely improve			
> the neighborhood by adding additional living space which is needed to			
> keep costs down			
>			
	Rick since no sure if he welcomes		
.> unsolicited emailsD >			
> Sent from my iPhone			
> On Mar 9, 2014, at 1:24 PM	, "Eric Goff" <c< td=""></c<>		
> wrote:			

> Deffice,					
> If you're interested, Rick across the way is planning to build a			,		
> garage apartment and would be another local tenant. I think the plans					
> are for one bedroom.					
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> Forwarded message					
> From: Eric Goff					
> < CHICAGO COMP					
> Date: Sun, Mar 9, 2014 at 1:23 PM					
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>					
> Subject: 2411 E 2nd St					
> To: " <mark>τομοτιακ_{ιω} yellooc som."</mark>					
> < 10010010011					
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> To Whom It May Concern:					
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> I, Eric Goff, a renter at 2500 E 2nd St, support Rick Rojo's plan to					
> build a garage apartment caddy corner from my house. Rick's a good					
> neighbor, and the plan seems like a good improvement. I look forward					
> to having even more neighbors across the way once someone lives in the					
> apartment.					
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> Thanks,					
> Eric Goff2500 E 2nd St					
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- appearing and speaking for the record at the public hearing;
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 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.

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Public Hearing: Board of Adjustment, March 10th, 2014 March 2 Rosarikez 2407 E. 2nd St. +2609 E. 3rd Street Your address(es) affected by this application Marse Rosaries Signature Daytime Telephone: (572) 477-2619 Comments: He grantmark lunis Leane Heldenfels P. O. Box 1088 P. O. Box 1088

Heldenfels, Leane

From:

rick rojo «rojorick@yahoo.com»

Sent:

Thursday, March 13, 2014 3:32 PM

To:

Heldenfels, Leane

Subject:

RE: 2411 E 2nd St

I attended the Holly Neighborhood Coalition meeting on March 3. They expressed interest in providing more affordable housing in Holly. I am on their agenda for April where I will present my Site Plan. They seemed very receptive to my project. Thank you for your help.

On Thu, 3/13/14, Heldenfels, Leane < Leane. Heldenfels@austintexas.gov > wrote:

Subject: RE: 2411 E 2nd St

To: "rick rojo" < rojorish@yahou.com>

Date: Thursday, March 13, 2014, 2:34 PM

Ok - thanks for talking to him, he's

called several times I'm glad you've allayed his fears, concerns.

I will print out the emails below and will put them in your file/Board packet for April 14th meeting. Did you say there wasn't a neighborhood association contact you could find? Do you need my help in tracking that info down? Also, see below - it's the Code reference George used to determine you didn't need to have the 15' building separation between the house and the garage to add a 2nd story. I will have a copy of this section in your file, too, so that should answer the Chair's question/concern about that. Sorry I couldn't find it fast enough the other day at the meeting - I'm just now getting a little more familiar w/ the Code and where to find things - hopefully I'll get better (started in Jan). I'm providing a copy of this in your file for the Board's reference as well, so hopefully you're meeting the other provisions - I think George advised you are.

Take care -

Leane

25-2-1463 SECONDARY APARTMENT REGULATIONS.

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- (6) may not exceed a height of 30 feet, and is limited to two stories; and
- (7) may not exceed a gross floor area of:
- (a) 850 total square feet; or
- (b) 550 square feet on the second story, if any.
- (D) Impervious cover for the site may not exceed 45 percent.

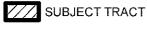
(E) Building cover for the site may not exceed 40 percent. (F) Other than in a driveway, parking is prohibited in the front yard. Source: Ord. 000406-81; Ord. 031120-44; Ord. 031211-11; Ord. 041118-59. ----Original Message----From: rick rojo Sent: Thursday, March 13, 2014 12:20 PM To: Heldenfels, Leane Cc: garage comments and a comment of the comment of Subject: Fwd: 2411 E 2nd St Hello Leane, I was hoping to add these emails of support to my file for the BOA. My next door neighbor whom expressed reservations about my project was concerned that his property taxes would rise as a result. It is my understanding that it will not affect his taxes because he is over 60 and thus his taxes are capped. His other concern, about his tree, is not an issue as its branches do not appear to be in the way. I believe the photos sent to you by my architect George Ensle show more than adequate space. Please let me know if I there is anything else I may need for my next hearing on 4/14. Thank you, Rick Rojo --- On Sun, 3/9/14, Eric Goff wrote: > From: Eric Goff From: Eric Goff From: Bubject: Fwd: 2411 E 2nd St > To: "rejoined for the state of the state <rojorick@yahoo.com> > Date: Sunday, March 9, 2014, 4:20 PM > Support from my landlord. > > ----- Forwarded > message -----> From: Derrick > Bonyuet-Lee Sun, Mar 9, 2014 at 4:19 PM > Subject: Re: 2411 E 2nd St > To: Eric Goff < To Building To Building To Sure, I support Rick's project as well. This will definitely improve > the neighborhood by adding additional living space which is needed to > keep costs down > > Feel free to forward this to Rick since no sure if he welcomes > unsolicited emailsD > > Sent from my iPhone > On Mar 9, 2014, at 1:24 PM, "Eric Goff" wrote: > > > Derrick. > If you're interested, Rick across the way is planning to build a > garage apartment and would be another local tenant. I think the plans > are for one bedroom. > > -------- Forwarded message --------- > From: Eric Goff > < --------> Date: Sun, Mar 9, 2014 at 1:23 PM

> > Subject: 2411 E 2nd St > To: "rejanck@yanoo.com"

> <reicrick@path.com.< th=""><th></th></reicrick@path.com.<>	
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> To Whom It May Concern:	
>	
 I, Eric Goff, a renter at 2500 E 2nd St, support Rick Rojo's plan to > build a garage apartment caddy house. Rick's a good neighbor, and the plan seems like a good improvement. I look forward to having even more neighbors across the way once someone lives in the > apartment. 	/ corner from my
> to having ever more neighbors across the way once someone lives in the > apartment.	
> >	
> Thanks, > Eric Goff2500 E 2nd St	
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ZONING BOUNDARY

CASE#: C15-2014-0037 LOCATION: 2411 E 2ND STREET

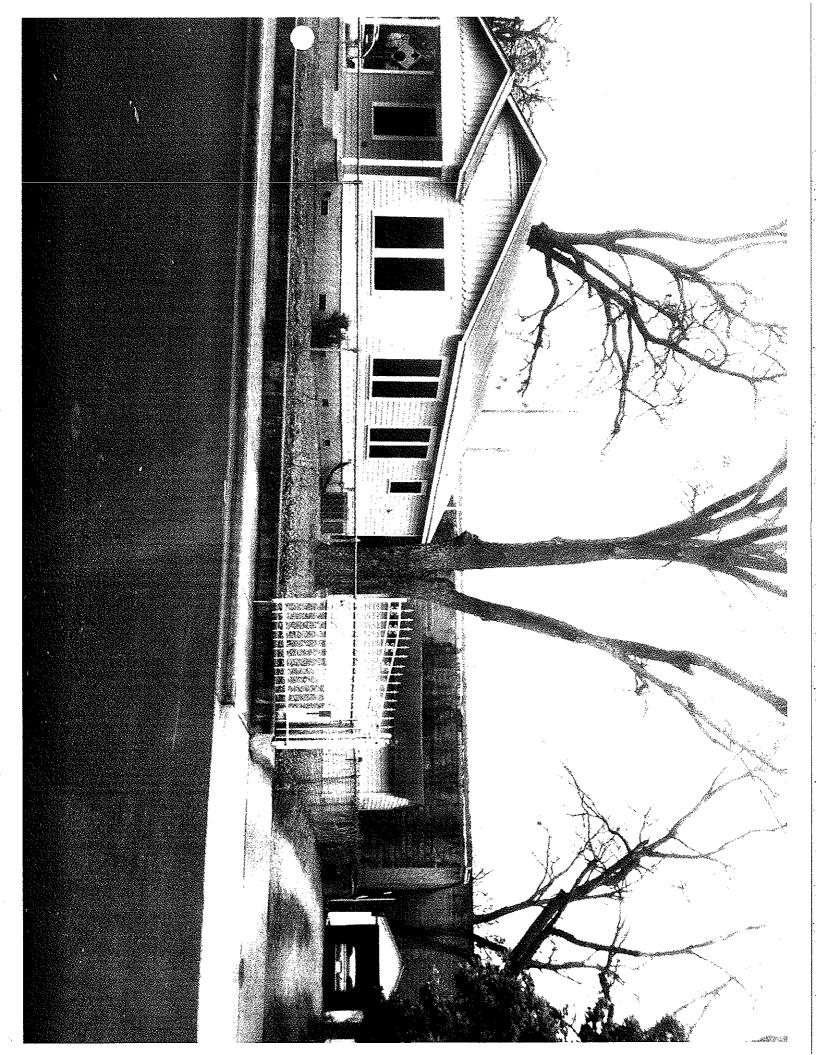
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

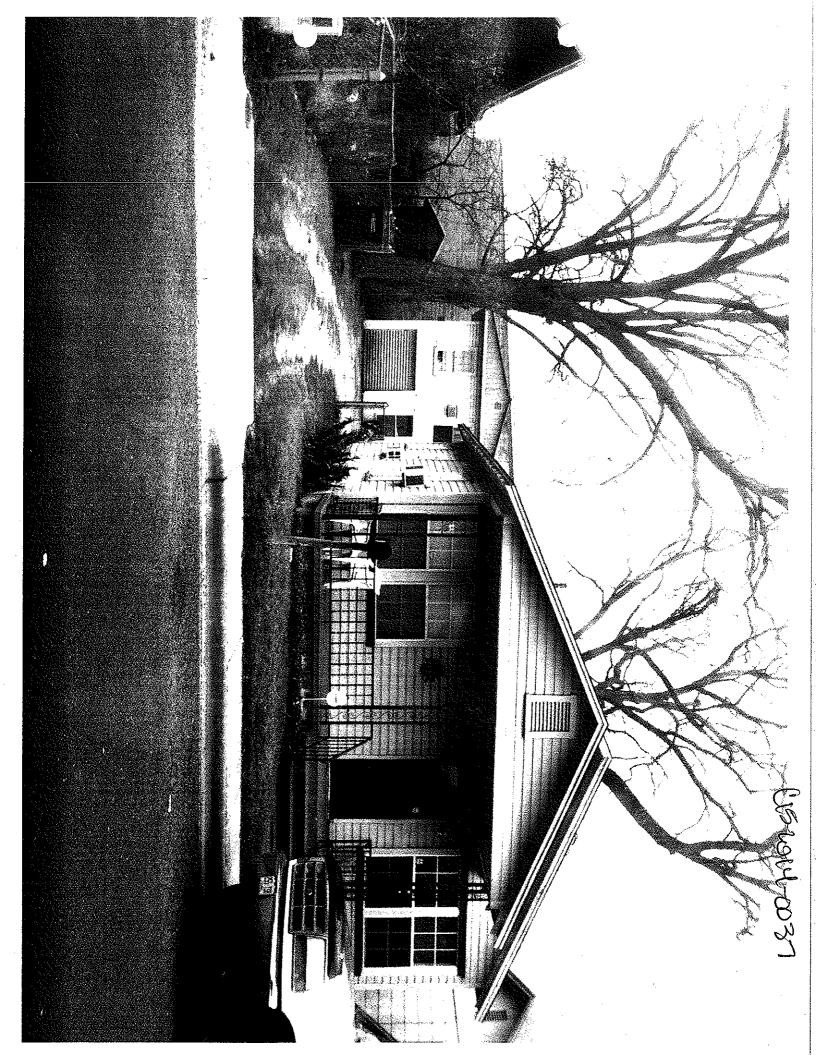
This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

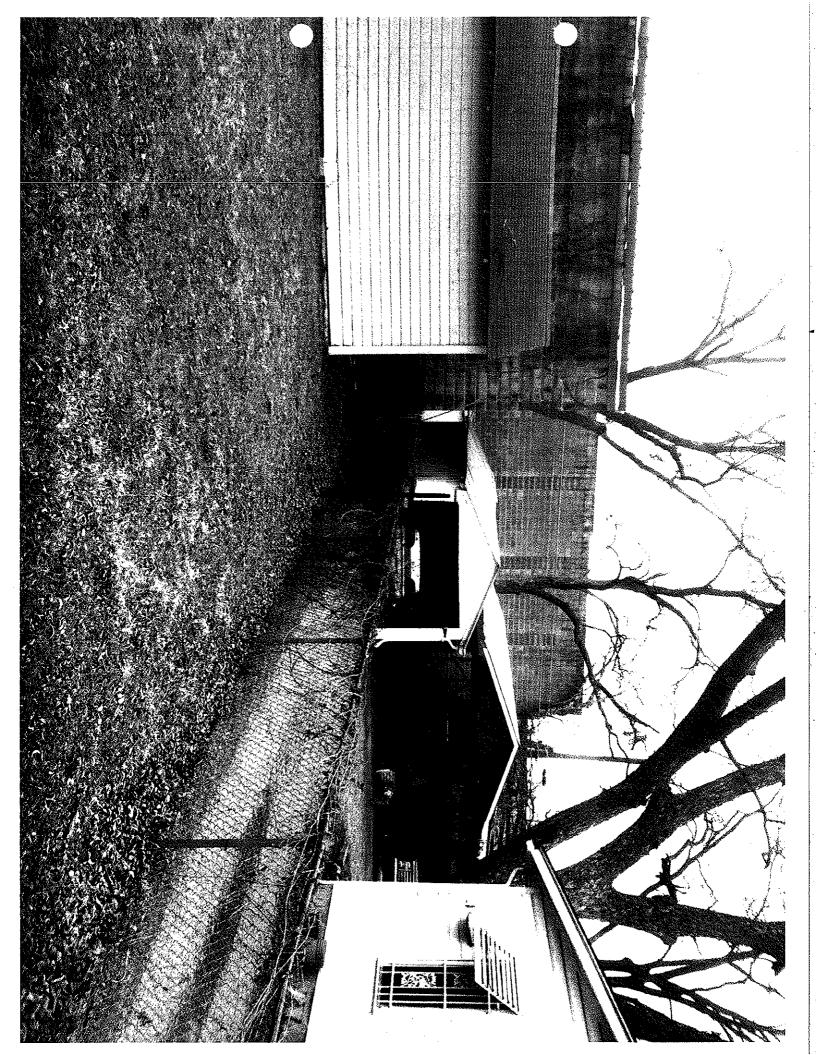


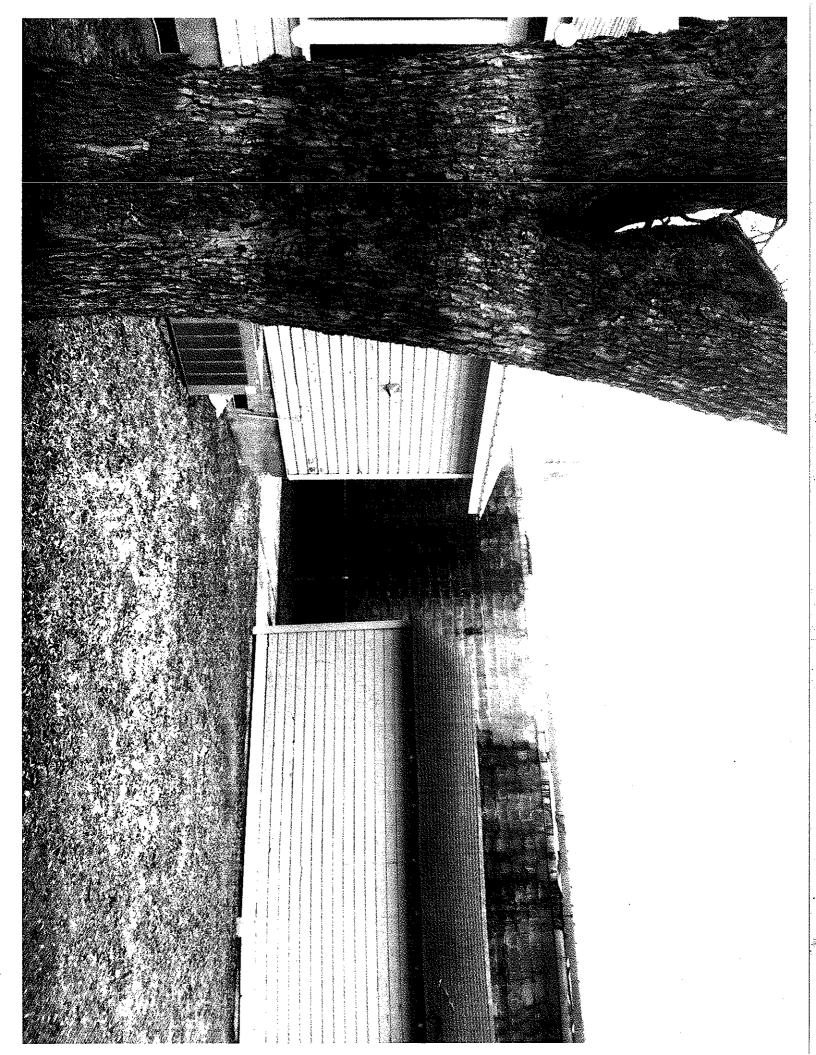
C15 alf-0037

TO WHOM IT MAY CONCERN:
I, ROSER GETTUD (HOMEOWNER
@ 7501 E. ZNDST. 78702), HOPEBY
DECLARE MY APPROVAL FOR NEIGHBOR
RICARDO ROJO'S PLAN TO BUILD A
CARACE/APARTMENT ON HIS PROPERTY
NEXT DOOR @ 2411 E. 2ND ST AS
LONG AS IT IS IN COMPLIANCE WITH
aty codes and AW VAPIANCES.
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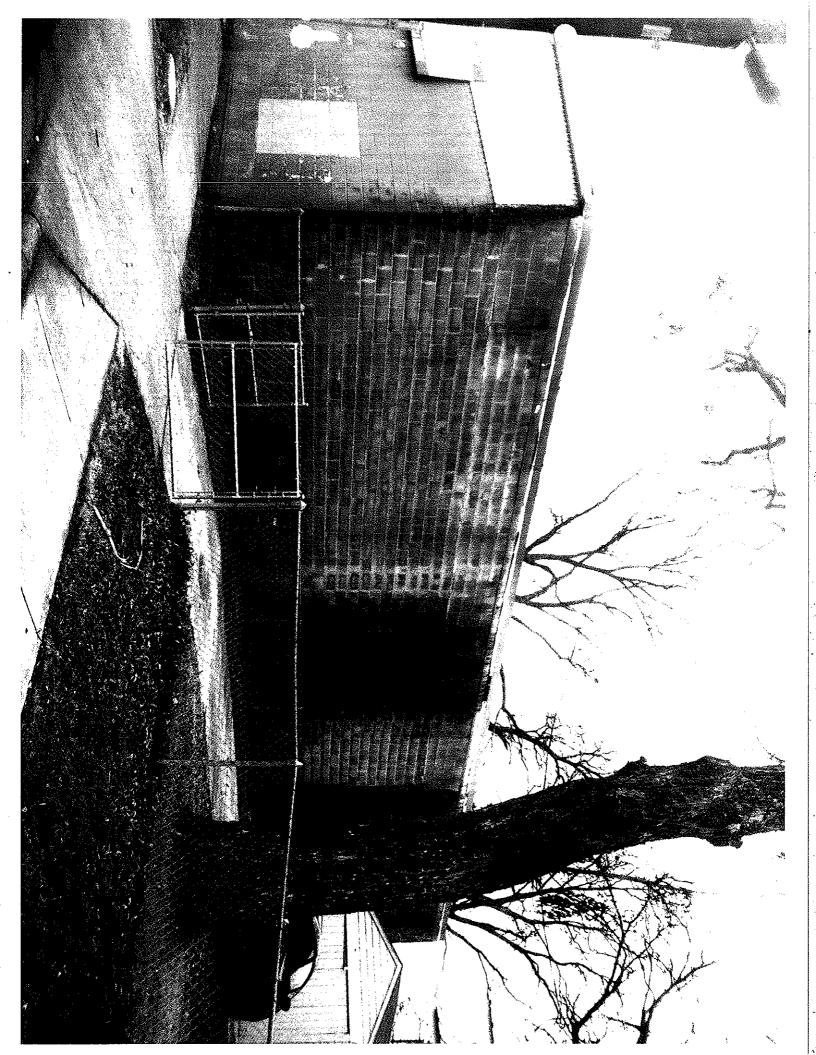


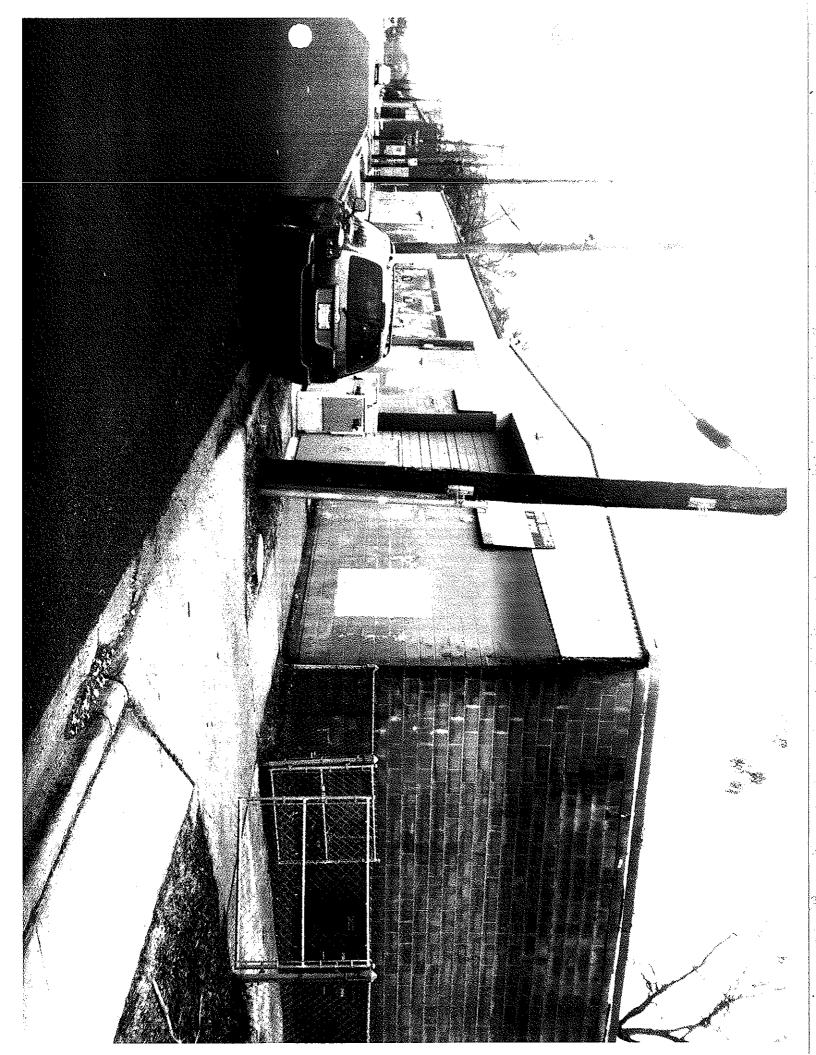




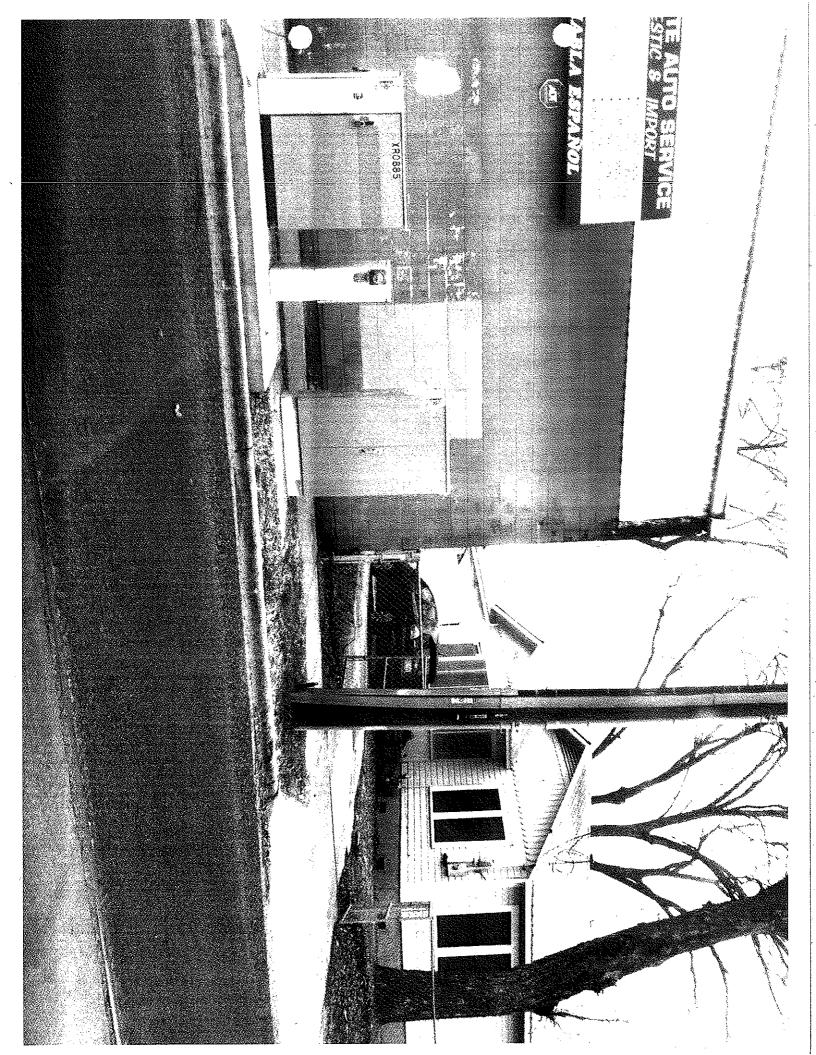












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Case Number: C15-2014-0037, 2411 E. 2nd St. Contact: Leane Heldenfels, 512-974-2202 Public Hearing: Board of Adjustment, March 10th, 2014 Francisco Rodviquez Your Name (please print) Your address(es) affected by this application Than Roads Rodviques Signature Daytime Telephone: 512-478 0 b28 Corner of the Project is May Corner of the Corner will (create traffer of Austin-Planning & Development Review Department 1st Floor City of Austin-Planning & Development Review Department 1st Floor City of Austin-Planning & Development Review Department 1st Floor City of Austin-Planning & Development Review Department 1st Floor City of Austin-Planning & Development Review Department 1st Floor City of Austin-Planning & Development Review Department 1st Floor City of Austin-Planning & Development Review Department 1st Floor City of Austin-Planning & Development Review Department 1st Floor City of Austin-Planning & Development Review Department 1st Floor City of Austin-Planning & Development Review Department 1st Floor City of Austin-Planning & Development Review Department 1st Floor City of Austin-Planning & Development Review Department 1st Floor City of Austin-Planning & Development Review Department 1st Floor City of Austin-Planning & Development Review Department 1st Floor City of Austin-Planning & Development Review Department 1st Floor
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Heldenfels, Leane

C15-2014-0037

From:

Steven Yarak

Sent:

Thursday, March 06, 2014 4:44 PM

To:

Heldenfels, Leane

Subject:

Re: Variance Case #C15-2014-0037

Ms. Heldenfels,

I contacted you last week to express my support for Rick Rojo's request for a setback variance to construct a garage apartment at 2411 E 2nd St. I haven't heard anything from you or your office, even just to confirm receiving and recording my support. Please advise.

Thanks.

Sincerely,

Steven Yarak steven@yarak.org 512.423.1024

On Feb 28, 2014, at 11:05 AM, Steven Yarak ≪test learg> wrote:

- > Ms. Heldenfels,
- > We just spoke on the phone. I am a homeowner at 2403 E 2nd St and was given notice of this variance request by mail. As I mentioned on the phone, I'd like to record my support of Mr. Rojo's request for a setback variance to build an ADU on his property at 2411 E 2nd St.
- > All of our properties abut commercial uses which have no setbacks, so there can be no claim of "looming" or "shadows" or any of the other bogus claims that get trotted out to oppose new construction. We desperately need more housing in the neighborhood, and while ADUs don't provide much (just 1-2 bedrooms), it's pretty much all that's legal under the current code.
- > Thank you.
- _
- > -Steven
- >#CVETTEWVGT 6:5:018

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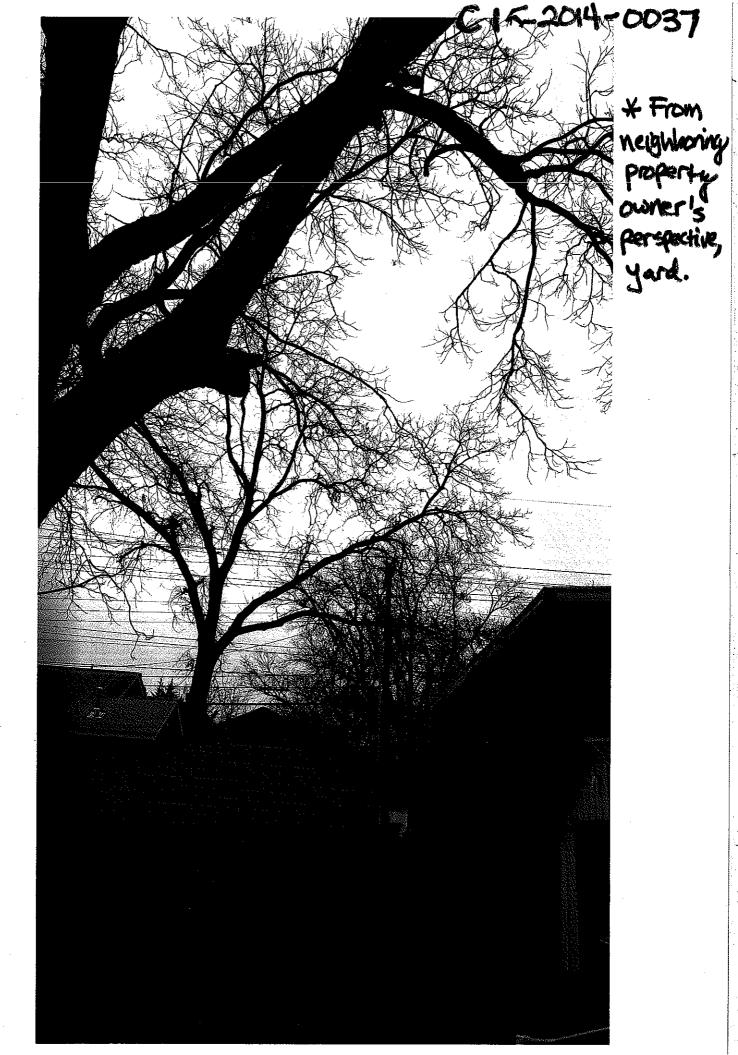
Austin, TX 78767-1088

P. O. Box 1088

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If you use this form to comment, it may be returned to: City of Austin-Planning & Development Review Department/ 1st Floor Leane Heldenfels
o must go up.
to build in their properties
Story houses, but I realize
comments: I am not really in
Daytime Telephone: 512 4721286
Your address(es) affected by this application [18000] A Surfactor 3-1-2014
Your Name (please print) Story States of State
Public Hearing: Board of Adjustment, March 10th, 2014 [VI am in favor]
Case Number: C15-2014-0037, 2411 E. 2 nd St. Contact: Leane Heldenfels, 512-974-2202



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

CASE #<u>C15-2014-0037</u> ROW # <u>11087928</u> TAKROL # 0202 100729

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: 2411 FAST 219 ST.
LEGAL DESCRIPTION: Subdivision - RESUB OF LOTS \$ 12 OF ALFF
Lot(s) 12 A Block Outlot Division
/We
RICAPPO D. ROJOaffirm that gin,
ereby apply for a hearing before the Board of Adjustment to consideration to:
check appropriate items below)
ERECTATTACHCOMPLETEREMODELMAINTAIN
CHANGE OF USE PROM FLYASTING GAPAGE
TO ADD 200 PLOOP OFFSATING STONDARY APAPT
NOT TO EXCERD 550/SF. ON 200 FLOOR
n a SF.3.N.P. Howflistrict.
(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.

I/We	on behalf of myself/ourselves as authorized
	agent for
	affirm that on,,
hereby apply for a hearing before the Boa	rd of Adjustment for consideration to:
(check appropriate items below)	
<u>x</u> ERECT _ATTACHCOMPL	ETE <u>x</u> REMODEL <u>x</u> MAINTAIN
Change of use from existing Garage to add second Feet on second floor and 850 Square Feet total.	floor creating Secondary apartment not to exceed 550 Square
	2/18 uplated

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 follow ing findings (see page 5 of application for explanation of findings):

REASONABLE USE:

(zoning

in a SF-3-NP-Holly district.

district)

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

Zoning regulations do not allow for any expansion of existing Garage footprint, and if moved 3.4 feet to meet the 10' rear lot setback, it would require the driveway to be moved as well, creating additional impervious cover in the root zone of the existing tree east of the House.

Due to the small size of the Line Secondary apartment cannot be located 15 to the man of the principal structure.

HARDSHIP:

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

Relocation of the Garage and driveway 3.4 feet would impact the root zone of existing tree and the rear entrance to the esisting house.

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

The lot is condiderably smaller than typical in the area.

AREA CHARACTER:

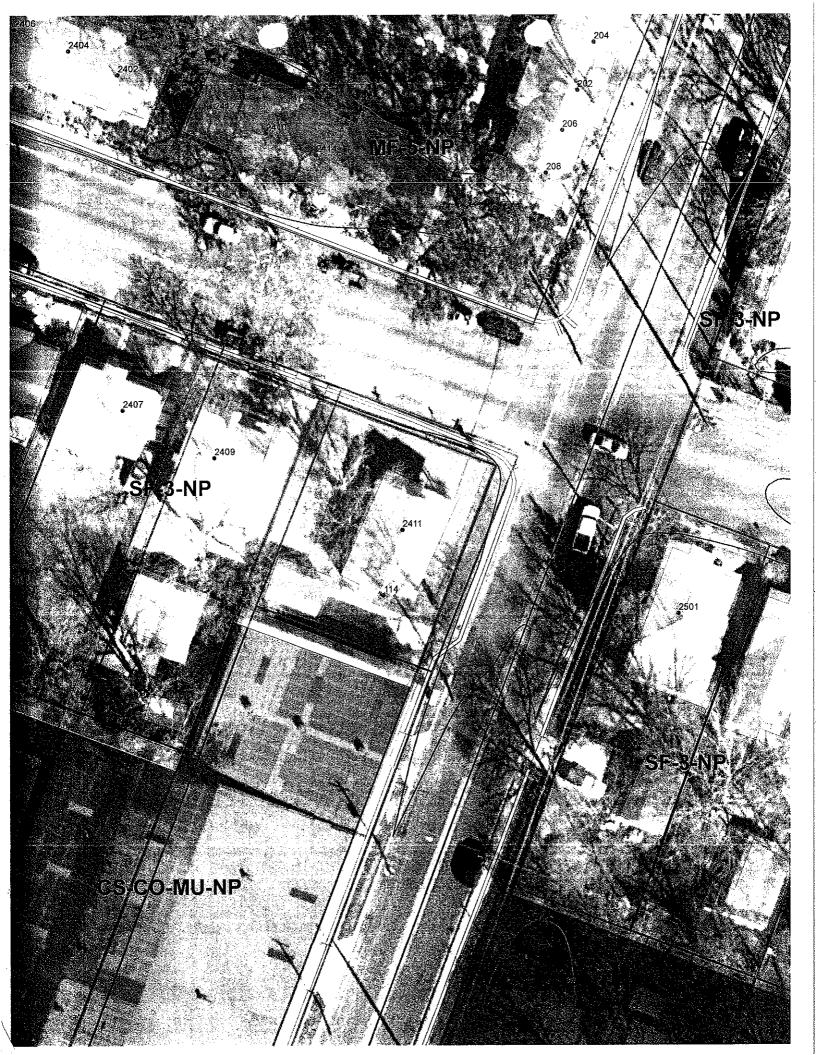
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

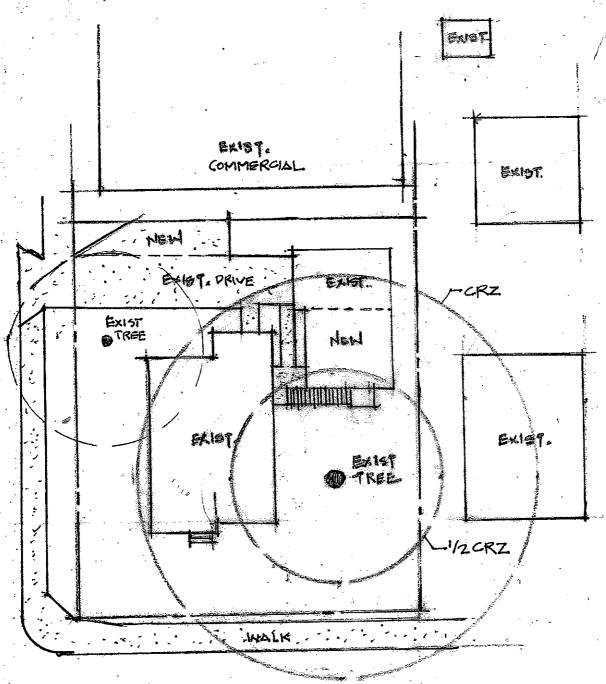
There is a tall existing commercial structure to the rear of the property with a solid wall, and there are several two story residences and apartment complexes in close proximity to the property.

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:





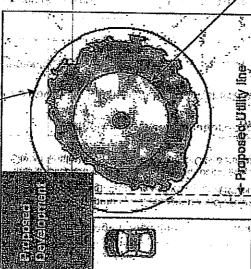
SITE PLAN 1/20"=1-0" 2411 BAST 2MP ST.

Tree & Natural Area Preservation

tree) basis, which entails evaluating the existing tree code is based on the fundamental precepts of sound urban forest management. Proposed development projects are evaluated on a case-by-case (and tree-byresources on a site, understanding the dynamics of trees and development impacts, and negotiating a solution that results in a development with a balanced mixture of free species and age. The goal of each review is to assure orestation, a final product is achieved which results in a The City of Austin Tree and Natural Area Preservation that, through a combination of preservation and rediversified and sustainable urban forest.

preservation evaluation. Protected trees and greater are classified as "protected size" and receive require a permit to remove them, impact the critical root zone (i.e. utility trench, sidewalk, driveway, irrigation Trees 19 inches in dlameter (60 inches in circumference) lines, foundation), or remove more than 30% of the enhanced canopy.

One foot from the tree trunk for each dameter inch of trunk size. Critical Root Zone (CRZ)



۵ Example: a tree with a 20 Ench diameter trunk has a 20-foot GRZ, and a 10-foot 1/2 CRZ.

Tree Protection

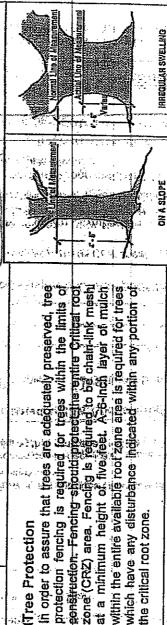
Free Preservation Design Criteria Environmental Criteria Manual

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dripline. The CRZ has been established to set a practical limit beyond which any loss of roots would not have a significant impaction a tree's trees slated for preservation have some encroachment on their chilical root zone. survival. Design constraints often dictate that Weighing this fact with what appears to be an to most trees, the following minimum design criteria (maximum A tree's root system ranges well beyond t allowable impacts) have been established; ■ 3.5.2 Critical Root Zone Impacts acceptable degree of risk

A minimum of 50% of the CRZ must_be . No cut or fill greater than four (4) inches rade, with natural preserved at natural ground cover, and

will be located closer to the tree trunk than the 34 CRZ



(floquing Disention)

Trunk Weasurements) Diameters of tree trunks are measured at 4 1/2 feet above grade. If the tree is on a slope measure from the high side. of the slope. Measure above or below unusual swells in the trae. the trunks; and the total diameter of the largest trunk. To determine the diameter of a multifunk runk to 1/4 the diameter of each additional trunk, measure all

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the critical root zone.

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For more information visit www.cl.austin.tx.us/trees.or contact the City Arborist at (512) 974-1876 or Michael Embesi@cl.austin.tx.us.

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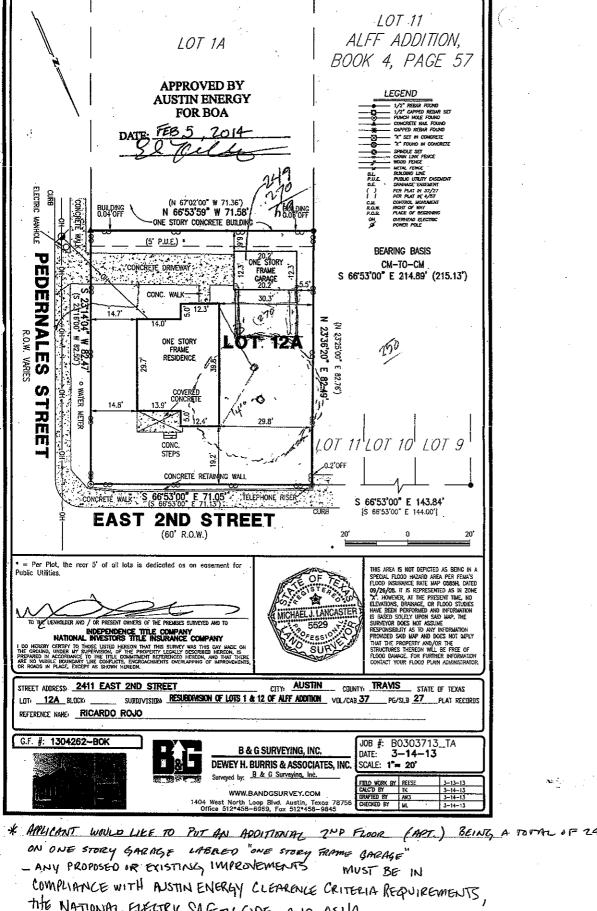
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CITY OF AUSTIN March Colombia Colomb

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* APPLICANT WOULD LIKE TO PUT AN ADDITIONAL 2ND FLOOR (APT.) BEING A TOTAL OF 24 FT. THE NATIONAL ELECTRIC SAFETY CODE, AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE,

- IF OUR SERVICE DROP IS RECLOMMENDED TO BE RELOCATED WHEN YOU OBTAIN A BUILDING PERMIT, PLANSE SPENKE W/ OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILLITE @ 512-505-7604