

CITY OF AUSTIN

Board of Adjustment/Sign Review Board

Decision Sheet

DATE: Monday, March 10, 2014

CASE NUMBER: C15-2014-0025

_____ Jeff Jack
 _____ Michael Von Ohlen
 _____ Ricardo De Camps
 _____ Bryan King
 _____ Fred McGhee
 _____ Melissa Hawthorne
 _____ Sallie Burchett

OWNER/APPLICANT: Melissa Nelson

ADDRESS: 4904 LOUIS AVE

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum front yard setback requirement of Section 25-2-492 (D) from 25 feet to 15 feet in order to erect a new single family residence in an SF-3-NP, Family Residence Neighborhood Plan Zoning District (MLK-183 Neighborhood Plan).

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to March 14, 2014, Board Member Bryan King second on a 7-0 vote; **POSTPONED TO APRIL 14, 2014.**

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:

Leane Heldenfels
Executive Liaison

Jeff Jack
Chairman

SUMMARY OF SPECIAL USES CHOSEN IN ADOPTED NEIGHBORHOOD PLANS

SPECIAL USES CHOSEN IN ADOPTED NEIGHBORHOOD PLANS As of October 2012

Neighborhood Plan/Planning Area	Neighborhood-Wide				Property Specific			
	Small Lot Amnesty	Cottage Lot	Urban Home	Secondary Apartments	Corner Store	Neighborhood Urban Center	Residential Infill	Mixed-Use Building
Bouldin Creek NP								Yes
Brentwood/Highland Combined NP								
Brentwood	Yes		Subdistrict	Yes		Yes		
Highland	Yes	Subdistrict		Yes		Yes		Yes
Central Austin Combined NP								
Hancock	Yes					Yes		Yes
North University				**See NCCD				**See NCCD
West University	Yes							Yes
Central East Austin NP	Yes		Subdistrict	Subdistrict		Yes		Yes
Central West Austin Combined NP								
WANG	Yes							
Windsor Road	Yes							
Chestnut NP	Yes	Yes	Yes	Yes		Yes		Yes
Crestview/Wooten Combined NPA								
Crestview	Yes					Yes	Yes	Yes
Wooten	Yes	Subdistrict	Subdistrict	Subdistrict		Yes		Yes
Dawson NP		***	***	Yes				Yes
East César Chávez NP	Yes			Yes				Yes
East MLK Combined NP								
MLK	Yes	Subdistrict	Subdistrict			Yes	Yes	Yes
MLK-183	Yes	Subdistrict	Subdistrict	Subdistrict		Yes	Yes	Yes
Pecan Springs/ Springdale	Yes	Subdistrict	Subdistrict	Subdistrict		Yes	Yes	Yes

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: C15-2014-0025

Contact: Leane Heldenfels, 512-974-2202

Public Hearing: Board of Adjustment, March 10th, 2014

Anne Jorgensen
Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application

5003 1st Ave

Daytime Telephone: (315) 469-8790

Anne Jorgensen
Signature

3-3-14
Date

Comments:

outside normal range

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

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 # C 15-2014-0025
11078239

TP 0209191212

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: 4904 Louis Avenue, Austin, TX 78721

LEGAL DESCRIPTION: Subdivision - W 52' OF LOT 5 BLK 2 MASONFIELD

Lot(s) 5 Block 2 Outlot _____ Division MASONFIELD

I/We Melissa Nelson on behalf of myself/ourselves as authorized agent for

myself affirm that on 1/17/14, I,

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

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

New one (1) story wood frame single family residence with

2 bedrooms & 1 bath

front street sb. from 25' → 15'

in a SF-3 - NP district.
(zoning district)

MLK-183 N.P

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 lot is very small, 50' x 50' & 2,695 sqft, the traditional setback of 25' makes it impossible to build anything on this lot.

HARDSHIP:

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

This lot is the only lot facing Louis Avenue on Block 2 Masonfield.

The other two homes face the cross streets and have an average of 12.5' side yard setback, which are the sides facing Louis Avenue.

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

Most (if not all) lots are much bigger than this lot.

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 home that was existing when we purchased the property had a setback of 14'9". We are asking for the same, so the look of the street will only be bettered by a brand new home in the place of a dilapidated one.

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 Melissa Nelson Mail Address 4904 Louis Avenue
City, State & Zip Austin, Texas 78721
Printed Melissa Nelson Phone 512-944-6516 Date 1/17/14

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 Melissa Nelson Mail Address 4904 Louis Avenue
City, State & Zip Austin, Texas 78721
Printed Melissa Nelson Phone 512-944-6516 Date 1/17/14

One Stop Shop
505 Barton Springs Rd
(512) 974-2632 – phone
(512) 974-9112 – phone
(512) 974-9109 – fax
(512) 974-9779 – fax



Austin Energy
Building Service Planning Application (BSPA)

This form to be used for review of Building Permit only
For use in One Stop Shop Only

Responsible Person for Service Request		<u>Melissa Nelson</u>	
Email	<u>melissa@socialwaterproofing.com</u>	Fax	<u>—</u>
Phone		<u>512-944-6516</u>	
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Remodeling
Project Address		<u>4904 Louis Avenue, Austin, TX 78721</u> OR	
Legal Description		<u>W 52' of Lot 5 BLK 2 Masonfield</u> Lot <u> </u> Block <u> </u>	
Who is your electrical provider?		<input checked="" type="checkbox"/> AE <input type="checkbox"/> Other <u> </u>	
<input checked="" type="checkbox"/> Overhead Service	<input type="checkbox"/> Underground Service	<input type="checkbox"/> Single-phase (1Ø)	<input type="checkbox"/> Three-phase (3Ø)
Location of meter		<u>Temporary Pole</u>	
Number of existing meters on gutter		<u>1</u> (show all existing meters on riser diagram)	
Expired permit #		<u> </u>	
Comments		<u>New Single Story</u>	
BSPA Completed by (Signature & Print Name)		Date	Phone
<u> </u>		<u> </u>	<u> </u>
Approved <input type="checkbox"/> Yes <input type="checkbox"/> No		<u> </u>	
AE Representative		Date	Phone
<u> </u>		<u> </u>	<u> </u>

Application expires 180 days after the date of approval

AE APPROVED

DEC 27 2013
361-208
JGM

All structures etc. must maintain 7'5"
clearance from AE energized power
lines. Enforced by AE & NESC codes.

AE APPROVED

DEC 11 2013
345-218
JGM

CITY OF AUSTIN DEVELOPMENT WEB MAP

Legend

Lot Lines

Streets

Building Footprints

Named Creeks

Lakes and Rivers

Parks

County

Building Footprints

Large Building

Building (100-4000)

Address Points

Lot Line

Easement Annotation

Easement Lines

Land Use Year 2010

Water (940)

Utilities (870)

Unknown (999)

Undeveloped (900)

Transportation (800)

Streets and

Single Family, (100)

Resource Extraction

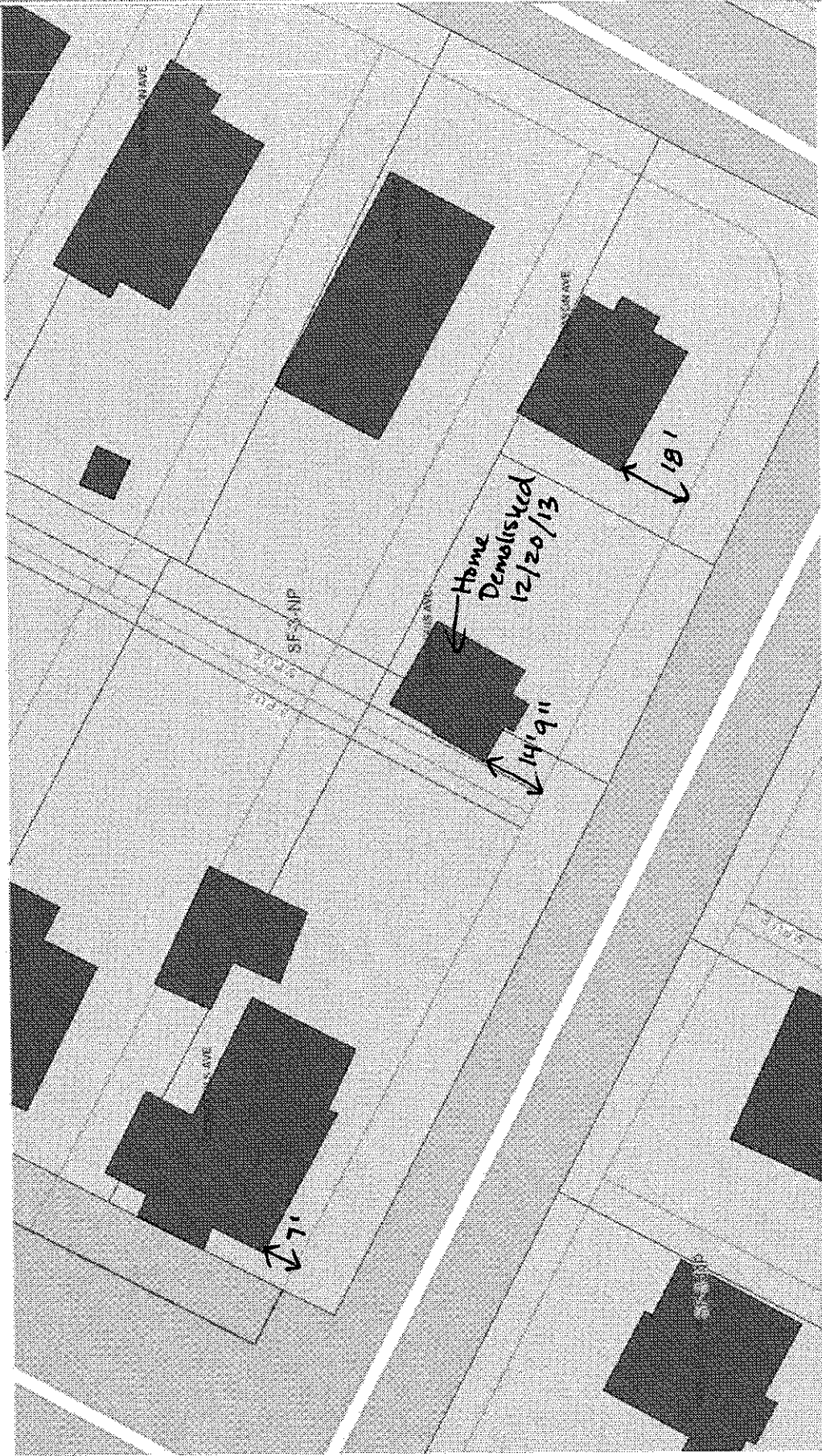
Open Space (700)

Office (400)

Multi-family (200)

Mobile Homes (113)

Large Lot Single-Fam



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 CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

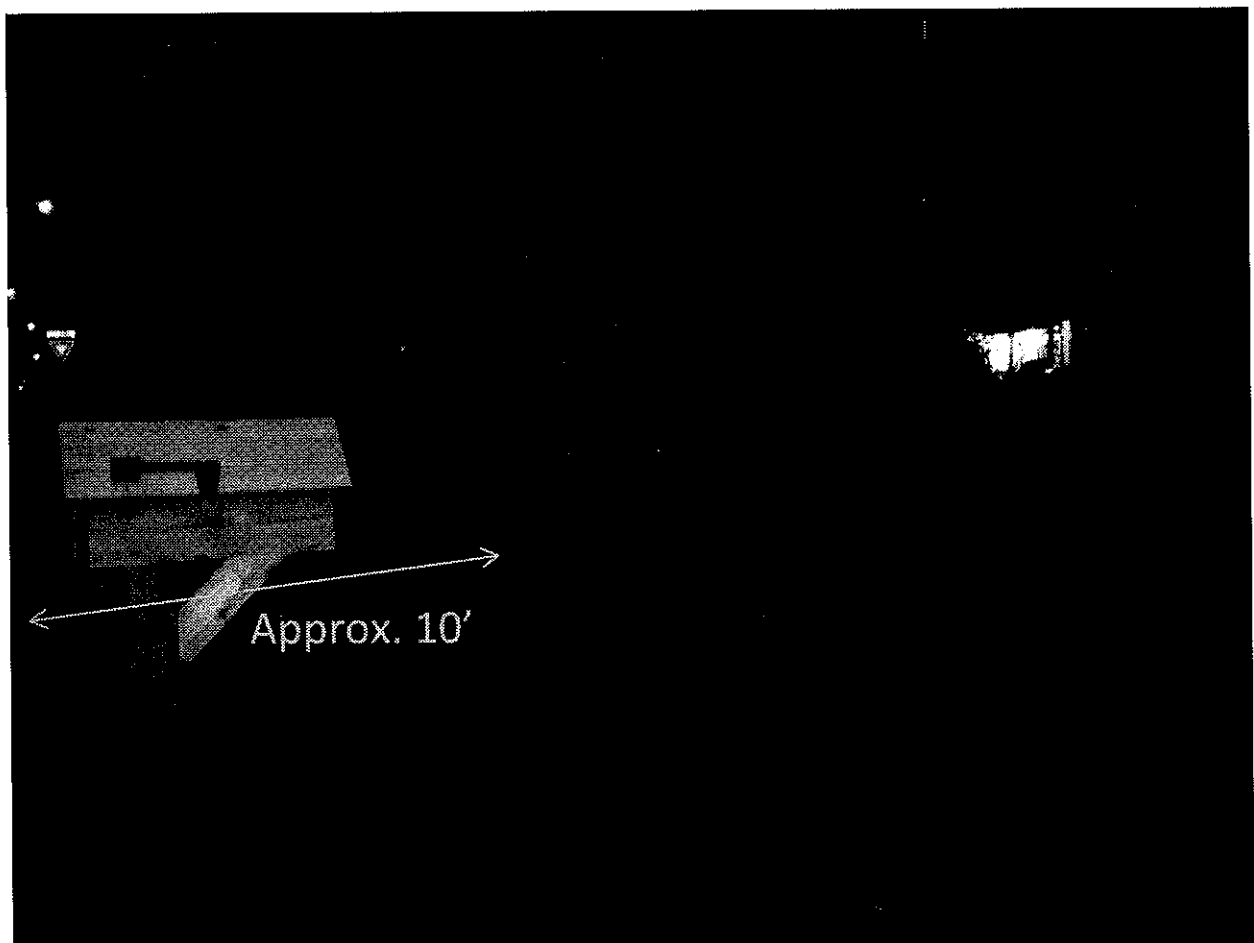
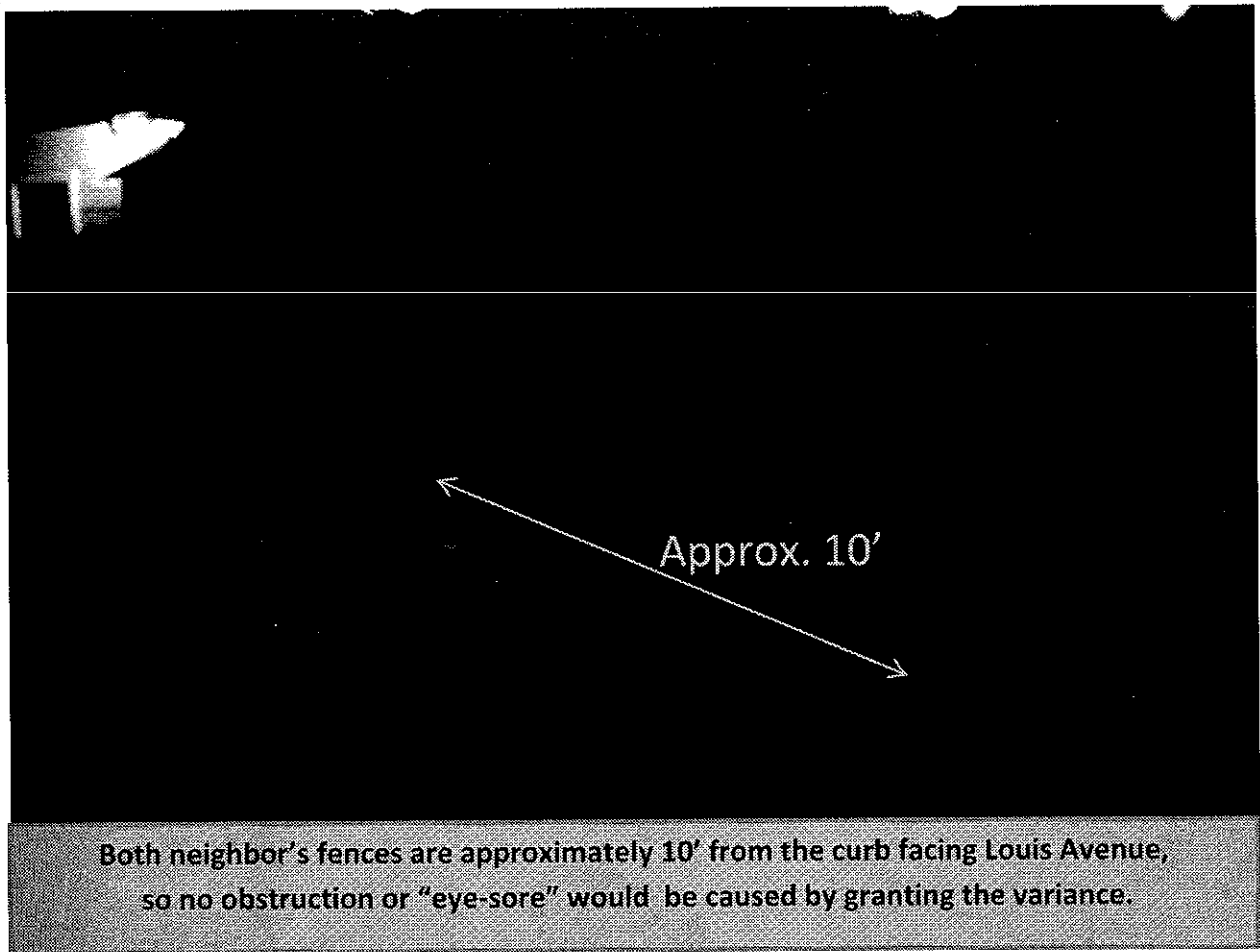


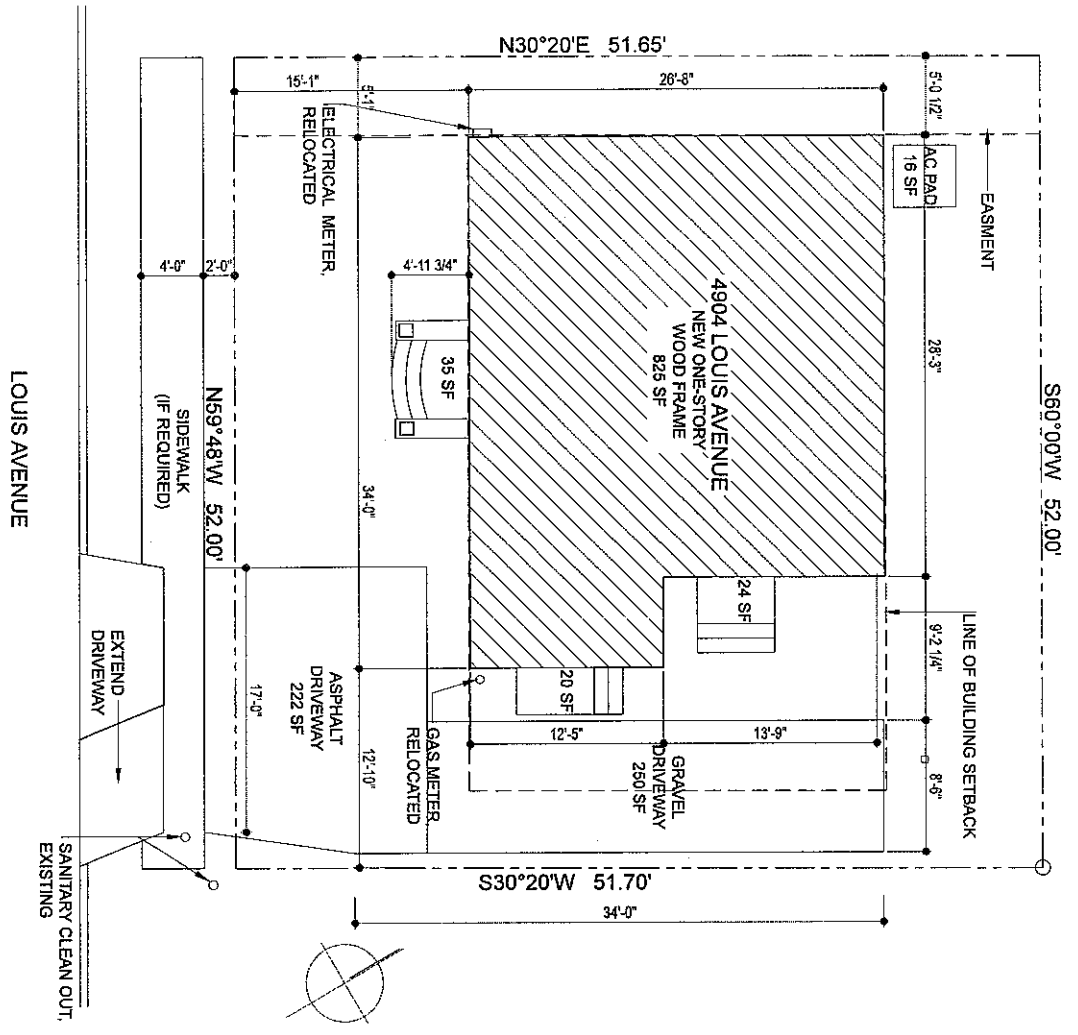
Home that was previously at 4904 Louis Avenue. Recently demolished (12/20/13).



Both neighbor's fences are approximately 10' from the curb facing Louis Avenue, so no obstruction or "eye-sore" would be caused by granting the variance.







NOTES:

DEVELOPMENT REGULATIONS

SF-3	REQUIRED	ACTUAL
MINIMUM LOT SIZE (square feet):	5,750	2,695
MINIMUM LOT WIDTH:	50'	50'
MAXIMUM DWELLING UNITS PER LOT:	-	-
MAXIMUM HEIGHT:	35'	18'-0"
MINIMUM SETBACKS	(see A0)	15'-1"
FRONT YARD:	15'	-
STREET SIDE YARD:	05'	5'-0 1/2"
INTERIOR SIDE YARD:	10'	10'-1"
REAR YARD:	40%	32%
MAXIMUM BUILDING COVERAGE:	45%	42%
MAXIMUM IMPERVIOUS COVERAGE:		

4904 LOUIS AVENUE
4904 Louis Avenue, Austin, TX 78721

A2

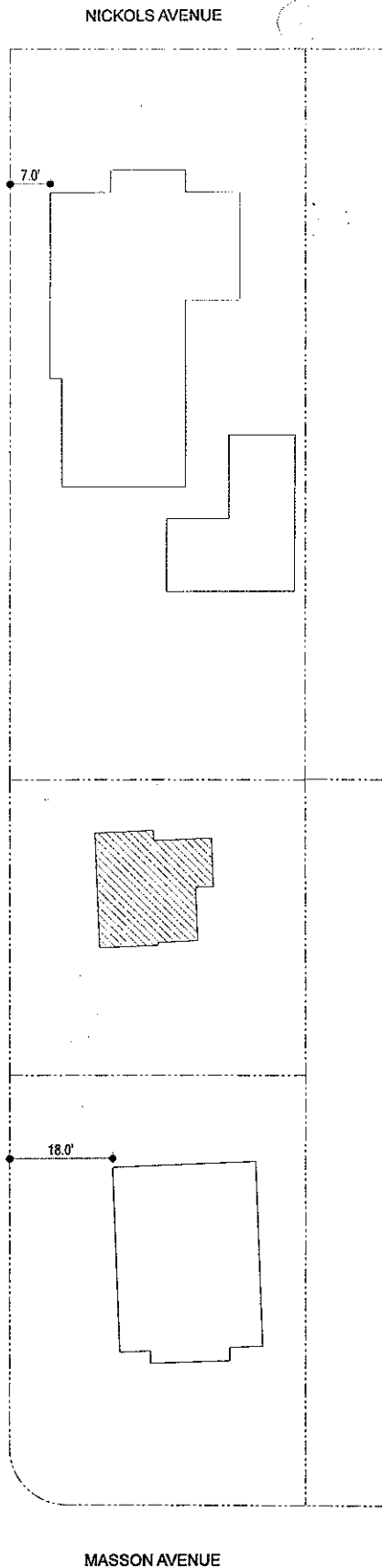
Steven Penn Bryan
8900 Colburn Drive, Austin, TX 78749
(512) 823-8899 spbryan@hotmail.com

DATE
NOVEMBER 18, 2013

SCALE
1/8" = 1' - 0"

SHEET

NOTES:



LOUIS AVENUE

MASSON AVENUE

STEVEN PENN BRYAN

8900 Colberg Drive, Austin, TX 78749
(860) 823-8898 spbryan@hotmail.com

4904 LOUIS AVENUE
4904 Louis Avenue, Austin, TX 78721

DATE

NOVEMBER 18, 2013

SCALE

1" = 20' - 0"

SHEET

A0

Steven Penn Bryan
 8900 Colberg Drive, Austin, TX 78748
 (512) 823-5898 spbryan@hotmail.com

4904 LOUIS AVENUE
 4904 Louis Avenue, Austin, TX 78721

DATE NOVEMBER 18, 2013
 SCALE 1/8" = 1' - 0"
 SHEET

A2

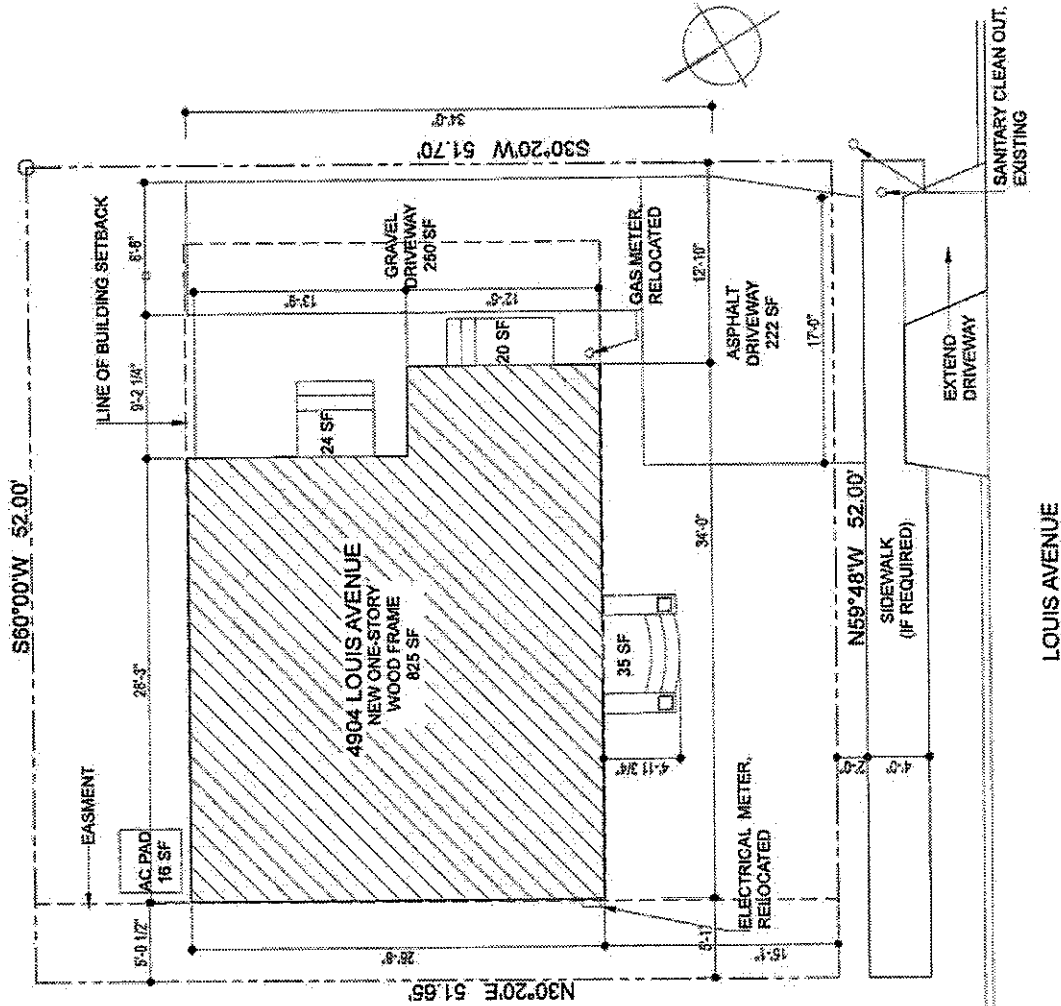
REVIEWED

DEC 27 2013

AUSTIN WATER UTILITY
 CONSUMER SERVICE DIVISION - TAPS

AE APPROVED
 DEC 27 2013
 361-208
 JGM

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.



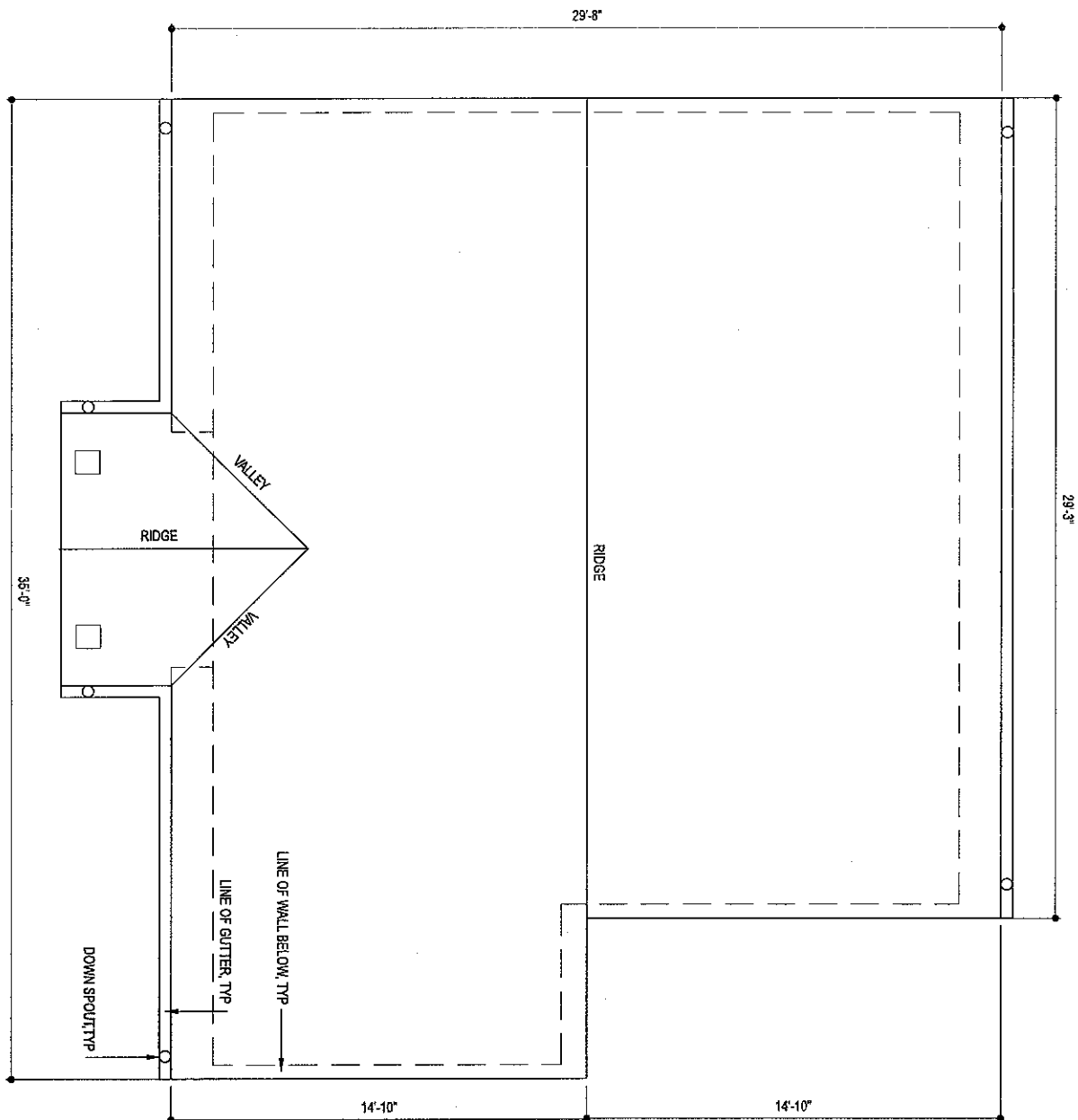
Stoyan Dan Dan

8900 Colberg Drive, Austin, TX 78749
(650) 823-8898 spbryan@hotmail.com

DATE
NOVEMBER 18, 2013

SHEET

A3



Steven Penn Bryan
 8600 Colberg Drive, Austin, TX 78749
 (650) 823-8888 spbryan@hotmail.com

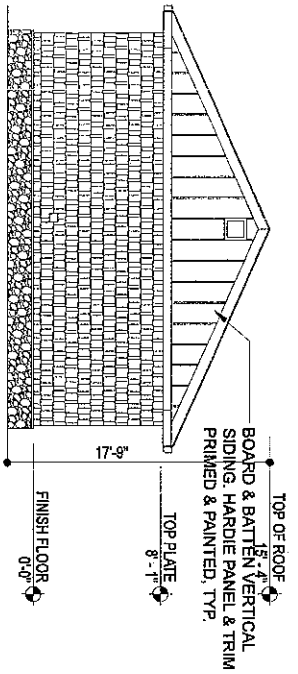
4904 LOUIS AVENUE
 4904 Louis Avenue, Austin, TX 78721

DATE
 NOVEMBER 18, 2013

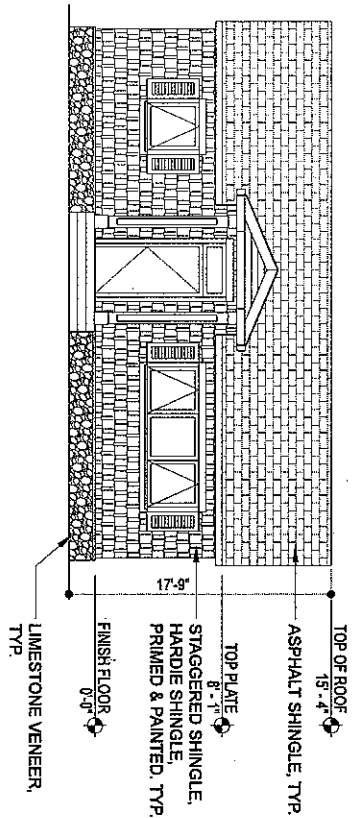
SCALE
 1/4" = 1' - 0"

SHEET

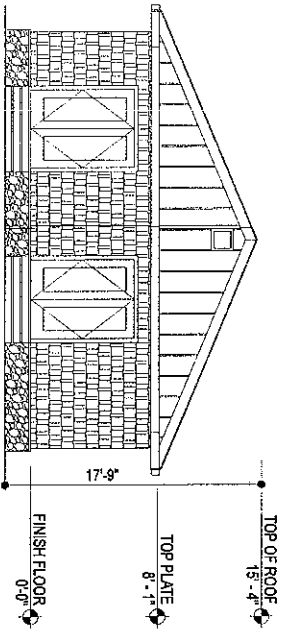
A4



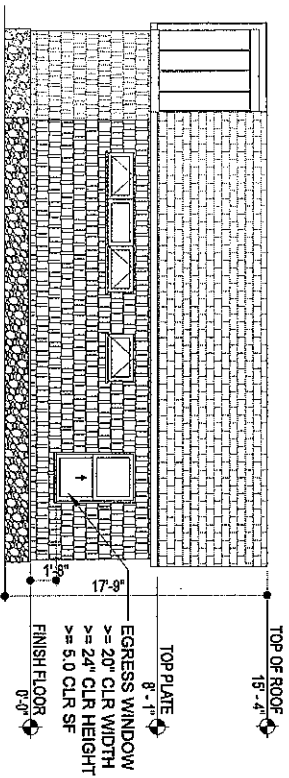
2 - SIDE ELEVATION (WEST)



1 - STREET ELEVATION (SOUTH)



4 - SIDE ELEVATION (EAST)



3 - REAR ELEVATION (NORTH)

4904 LOUIS AVENUE
 4904 Louis Avenue, Austin, TX 78721

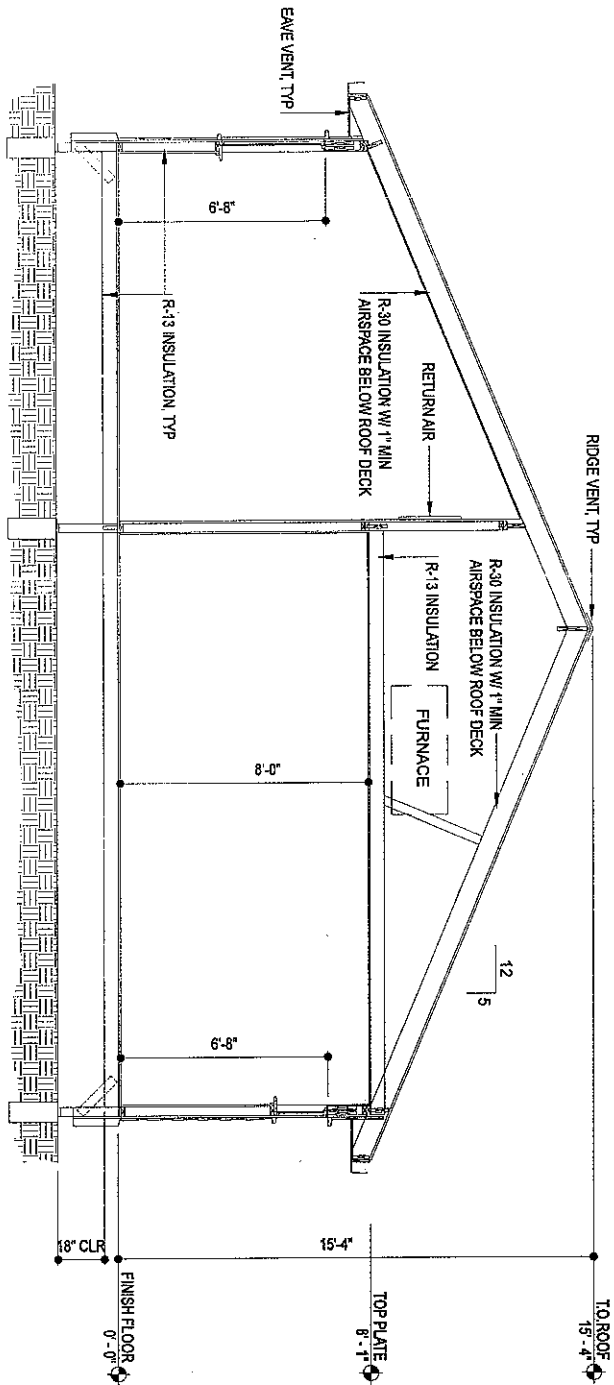
DATE
 JANUARY 15, 2014

SCALE
 1/8" = 1' - 0"

SHEET

A5

NOTES:



REVISION

Steven Penn Bryan

8900 Colberg Drive, Austin, TX 78749
(650) 823-8888 spbryan@hotmail.com

4904 LOUIS AVENUE
4904 Louis Avenue, Austin, TX 78721

DATE

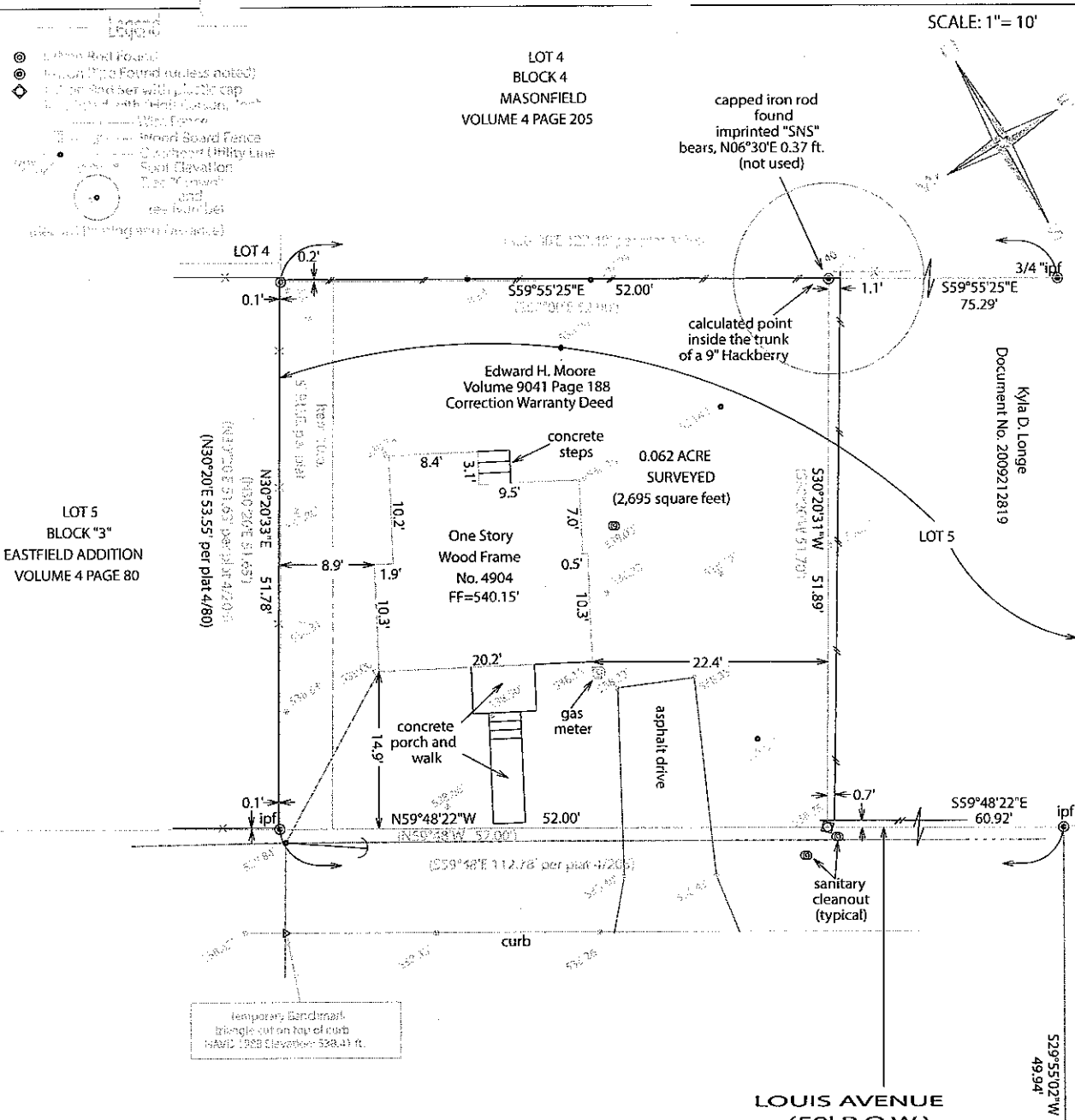
NOVEMBER 18, 2013

SCALE

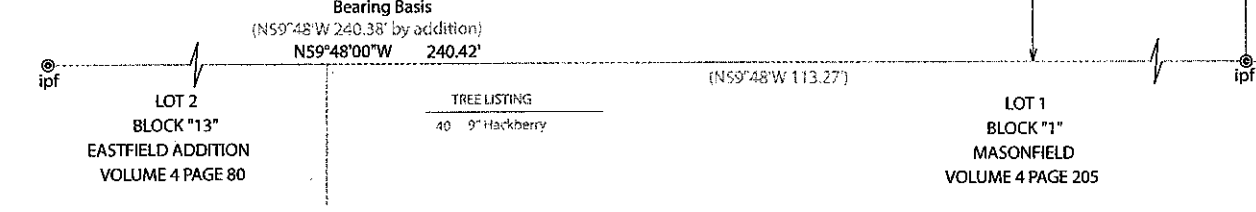
1/4" = 1' - 0"

SHEET

A6



MAP OF TOPOGRAPHIC SURVEY OF
 0.062 ACRE OF LAND, BEING A PORTION OF LOT 5, BLOCK 2, MASONFIELD,
 A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR
 PLAT THEREOF RECORDED IN VOLUME 4, PAGE 205 OF THE PLAT RECORDS
 OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN TRACT OF
 LAND AS CONVEYED TO EDWARD H. MOORE, JR. BY CORRECTION WARRANTY
 DEED RECORDED IN VOLUME 9041, PAGE 188 OF THE REAL PROPERTY RECORDS
 OF TRAVIS COUNTY, TEXAS.



- NOTES:
1. NAVD 1988 Elevations shown hereon are based upon post processed static GPS observations.
 2. Tree "crowns" shown hereon are drawn as a function of one inch of trunk diameter equals one foot of "crown" radius. Trees with multiple trunks are calculated by adding the diameter of the largest trunk plus half the diameter of the smaller trunks.