

0073

Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. If your request is for a reduction in setbacks or height limits, then you must receive approval from Austin Energy by contacting Eben Kellogg at (512)322-6587 or email eben.kellogg@austinenergy.com.

Please be advised that the Board only takes 16 new cases a month, therefore, first come, first served. Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 512-974-2580.

If you need assistance completing this application (general inquiries only) please contact Leane Heldenfels (lean.heldenfels@austintexas.gov), (512) 974-2202; 505 Barton Springs Road, 1st Floor, Development Assistance Center (One Texas Center).

CASE#
C15-2014-0073 Postponed
and Amended
6/13/14
ROW#11146913
Tax

#0100031609

**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: 900 Jewell St, Austin 78704

Legal description: The South eighty(80) feet of Lot 1, Block A, Capital Heights a subdivision
in the City of Austin, Texas of record
in Plat Book 2, Page 224 of the Travis County, Texas Plat Records.

LEGAL DESCRIPTION: Subdivision – _____ Lot(s) Block Outlot
Division _____ I/We _____ on behalf of myself/ourselves as authorized agent for
affirm that on April 30 2014, we, hereby apply for a hearing before
the Board of Adjustment for consideration to:

(check appropriate items below and state what portion of the Zoning Code you are seeking a variance from)

ERECT x ☐ ATTACH ☐ COMPLETE ☐ REMODEL x
MAINTAIN

Variances from Section 25-2-492(D)- Site Development Regulations:

1. Variance from 5750s.f. lot requirement to 3707s.f.(existing). ^{19.9'}
2. Front setback variance from 25' to retain existing setback of ~~19'9"~~ and avoid disturbance of large oak tree.
3. West setback variance from 5' to retain existing setback of ~~4'4"~~ ^{4.4'} and extend this wall another 6'.
4. East setback variance on side street(Bouldin Ave) from 15' to retain existing setback of ~~9'8"~~ ^{9.8'} and extend this wall another 6'.
5. Rear setback variance to retain existing 7'X10' shed at rear of property.

in a SF3NP
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: 1.) The Legal Lot constitutes only 3707 s.f. and thus should qualify for small lot exemption 2.) The small lot exemption is currently operational within 300' of the property at 1505 Bouldin and directly behind on S. 3rd St.(granted in 2004). The setback variances we seek are in accord with the majority of surrounding properties where most structures also encroach on setbacks, some to a greater extent. 3.) The existing

shed at the rear of the property would be an asset to retain and is in accord with several other surrounding properties. It is an attractive structure and has been in existence for a long time.

The neighbor to the west also has a shed in the rear of an identical small lot property.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that: The lot was created in the '40's and is currently subject to the same occupancy and taxing demands as the surrounding properties with large and small lots.

The low roof (about 6') at the rear of the house prevents use of the kitchen and spare room (both only 6 1/2' wide) as truly viable rooms. Thus, the 925 s.f. denomination of the property is misleading as not all those square feet are useful.

(b) The hardship is not general to the area in which the property is located because: Most properties have been able to expand and still receive variances from current setback requirements.

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 alterations are in proportion to the surrounding structures, being one story. Because of considerable plantings, the addition will hardly be visible from the side of the property. New siding and windows will be chosen to be compatible with what is already existing, so the front of the property will not noticeably change. Of course, the star of the property is the giant oak tree in front which will not be at all disturbed. If the house were demolished for a new structure, the oak tree would certainly be affected. As for adjacent conforming property--I cannot name one.

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 application. 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 will be sent.

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.austintexas.gov/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. Your comments will become part of the public record of this case.

Case Number: C15-2014-0073, 900 Jewel St.

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, June 9th, 2014

Carol Watts

Your Name (please print)

☐ I am in favor
☒ I object

1309 South 5th St. Austin TX 78704

Your address(es) affected by this application

Carol Watts

Signature

6/9/14

Date

Daytime Telephone: (512) 443-0277

Comments: I am against any decreases in the setbacks and variances that would set any precedents!! I am against any large houses (no mansions) and the loss of earth to concrete. We are increasing density at an alarming rate. It will add up with flooding & other problems.

Note: Any responses received will become part of the public record of this case

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

Or Fax to (512) 464-2934

Or scan and email to leana.heldenfels@austintexas.gov

Heldenfels, Leane

From: Martha Davies <~~marthadavies@vhoo.com~~>
Sent: Tuesday, June 10, 2014 12:36 PM
To: Heldenfels, Leane
Subject: Re: postponement of 900 Jewell St

I will plan to be there on Monday July 14. I will resubmit the application unless there is another requisite form for this.

With respect to the rear neighbor's letter of objection, I should like to point out several issues he misstates:

1. The variance sought is immaterial to property alterations beyond the ones under consideration.
2. The shed predates the Mr. Harbeck's purchase, remodel and variances regarding his own property.
3. Mr. Harbeck has sought to have me remove the two trees in the back yard of 900 Jewell; he has never mentioned the shed. My neighbor to the west showed me that on Mr. Harbeck's property side major tree roots were severed, causing the neighbor's large tree to fall in a windstorm and create extensive damage to my house and roof.
4. The Bouldin Street side setback is original to 900 Jewell. Mr. Harbeck's reference to "the dogleg of the sidewall and roof line" is the original footprint of the house.

It is unfortunately true that Mr. Harbeck's water line does go along the west property line of 900 Jewell. It is possible that his gas line runs along the sidewalk on Bouldin, i.e., outside the 900 Jewell property. This will be identified by first-call before any work commences.

On Tuesday, June 10, 2014 10:11 AM, "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov> wrote:

Yes, just amend that one part. Sorry I didn't catch it – the chair has an eagle eye, I'm thorough but learning more each day that I have to be precise. Really I'm supposed to put just what people write on their application, but many times people are unclear about what exact ordinance they are varying from, so I'm used to interpreting the applications, but I need to be more careful.

After looking over the other packet material as they saw it last night, let me know if there's anything you want to delete/add/revise with the application and I can make those changes now that you are submitting a revised application (I remember one doc was confusing to another neighbor, was meant to be preliminary/not included).

Sorry for the delay in your case, we'll see you Mon 7/14 at 5:30 at Austin Energy Town Lake Center, 721 Barton Springs Road (this will be our meeting location in August and September as well – advise if you can't make July for whatever reason and we can put you on August – though I know you're anxious to get this done and move on with your permit application- just thought you may have vacation plans).

Take care –

Heldenfels, Leane

From: Martha Davies <~~martha.davies@yahoo.com~~>
Sent: Monday, June 09, 2014 10:43 PM
To: Heldenfels, Leane
Subject: Fw: Fwd: Board of Adjustment item M-4, case C15-2014-0073

On Monday, June 9, 2014 6:01 PM, Kevin Lewis <klewis849@gmail.com> wrote:

Martha, here is the letter I sent to the board.
Kevin Lewis
BCNA

----- Forwarded message -----

From: "Kevin Lewis" <klewis849@gmail.com>
Date: Jun 9, 2014 3:18 PM
Subject: Board of Adjustment item M-4, case C15-2014-0073
To: <Diana.Ramirez@austintexas.gov>
Cc: "Chad Kimbell" <chad.kimbell@yahoo.com>, "Catherine Mohin" <tncmohin@gmail.com>

To the Austin Board of Adjustment via City staff liaison Diana Ramirez:

Regarding case C15-2014-0073 at 900 Jewell Street., the Bouldin Creek Neighborhood Association has voted a position of non-opposition to the requested variance. Having met with the applicant and reviewed their application, we found valid, non-economic hardships with the existing conditions (existing home and a large heritage oak).

Our representatives will not be able to attend the meeting on this case, but please confirm this position has been forwarded to board members for their consideration.

Best,
Kevin Lewis
President
Bouldin Creek Neighborhood Association