

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

DATE: Monday, June 9, 2014

CASE NUMBER: C15-2014-0082

☒ Y Jeff Jack
☒ Y Michael Von Ohlen
☒ Y Ricardo De Camps
☒ Y Bryan King
☒ Y Stuart Hampton
☒ Y Melissa Hawthorne
☒ Y Will Schnier - Sallie Burchett (absent)

APPLICANT: Wesley Haynie

OWNER: Fairis Wicks

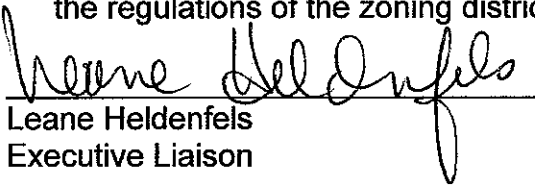
ADDRESS: 4701 CREEKWOOD RD

VARIANCE REQUESTED: The applicant has requested variances to Section 25-2-492 (D) (*Site Development Regulations*) to: decrease the minimum lot size from 5,750 (required) to 3,902 square feet (requested); and decrease the minimum lot width from 50 feet (required) to 35 feet (requested); and decrease the front setback from 25 feet (required) to 15 feet (requested); and decrease the maximum impervious cover limit from 45% (required) to 65% (requested); and decrease the maximum building cover limit from 40% (required) to 55% (requested) in order to subdivide the property and construct a single family home in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (MLK)

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to July 14, 2014, Board Member Ricardo De Camps second on a 7-0 vote; **POSTPONED TO JULY 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

Cover Letter

Hello There,

My name is Wesley T. Haynie. I was born in Odessa, TX where I grew up and graduated from Odessa High School. For college I came here to Austin and attended the University of Texas and received a Bachelors of Architecture in 2013. After graduating, I began working for Drothouse Design, a small East Austin design, fabrication and construction firm.

In school, it became my dream to design, develop and build my own home, wishing that could be here in Austin. I have a chance to reach my goal and join the East Austin community. I am under contract with Fairis Denice Wicks to purchase the rather small property of:

**4701 Creekwood Road
Austin, TX 78723**

In the late 1990s and early 2000s, the property was still a part of the adjacent lot of 4703 Creekwood, which Ms Wicks and her then husband owned. In 2003, as part of the Austin Clean Water Project – (ACWP) Lower Fort Branch, the City of Austin had 4701 Creekwood annexed into its own property, to make it possible to run a waste water line through the newly created lot. Since then, Ms Wicks has sold the lot of 4703 Creekwood and is now trying to sell the lot in question to myself.

The problem the lot of 4701 Creekwood faces is that the area was **zoned as SF-3 prior to it being annexed**. It cannot meet all of those requirements. In particular, the minimum lot size of 5,750 SQ FT as well as minimum frontage of 50 feet makes it impossible to develop this plot of land. **4701 Creekwood has a lot size of 3902 SQ FT** and width of 85 feet along the street. Due to the odd triangular shape of the lot, once you set back 25 feet and respect the waste water easement, the frontage can be no larger than 40 feet.

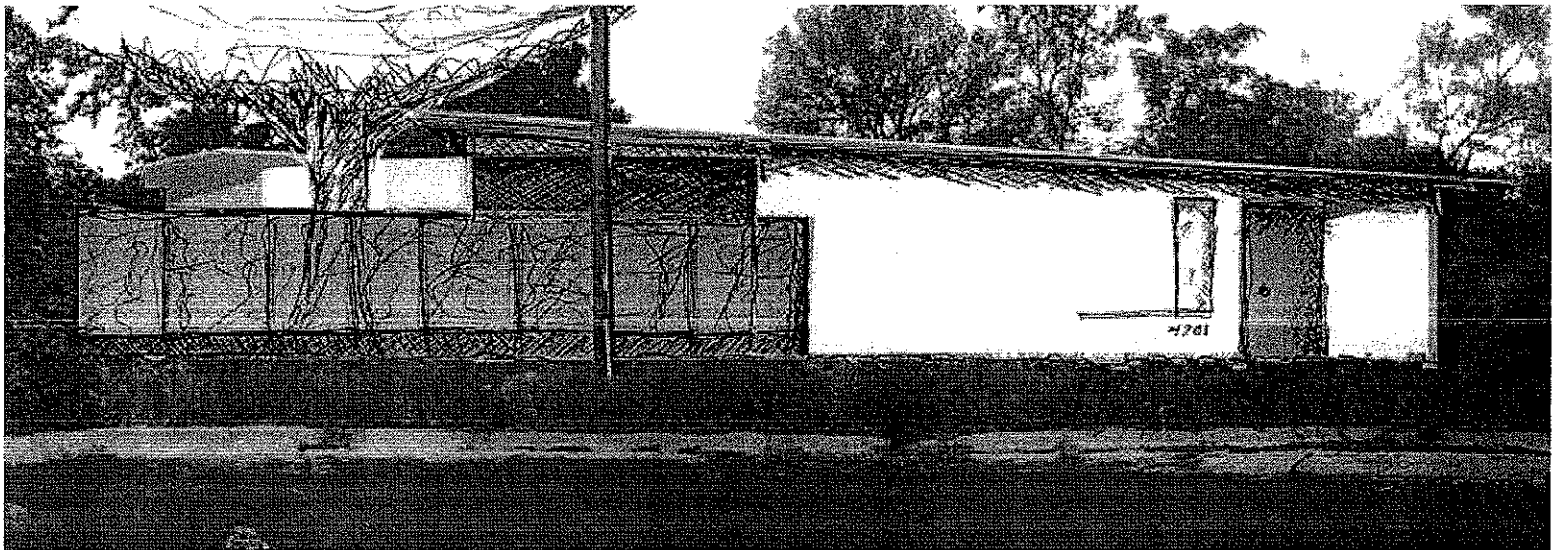
To be able to build my home in a meaningful way, I must attain two key variances from the Austin Board of Adjustment at the June 9th hearing. The **variances are for the minimum lot size and minimum frontage**, which the site does not allow my home to meet. If I was granted just these two variances, I could build a home, though be it a small one. So, I also hope to get a **minor decrease in the front set back from 25' to 15'**, which Austin Energy has advised me is doable. This would increase my homes buildable SQ FT by 30%; a worthwhile amount for such a small home to begin with. All of the variances I am seeking to obtain would still be in adherence with SF-4A zoning, which is adjacent to the property, and I feel would mean my building would still be cohesive with the area character. I have been advised by the city that attaining variances as opposed to attempting to rezone the lot would be the better route to take, and is why I am here. I have spoken with the East MLK Combined Neighborhood Association and laid out all of my plans to them, and they were excited about my plan and supported getting variances as opposed to rezoning.

So in sum, I hope to obtain three variances: a decrease in minimum lot size, a decrease in minimum frontage as well as a decrease in minimum setback.

Thank you,
Wes T. Haynie

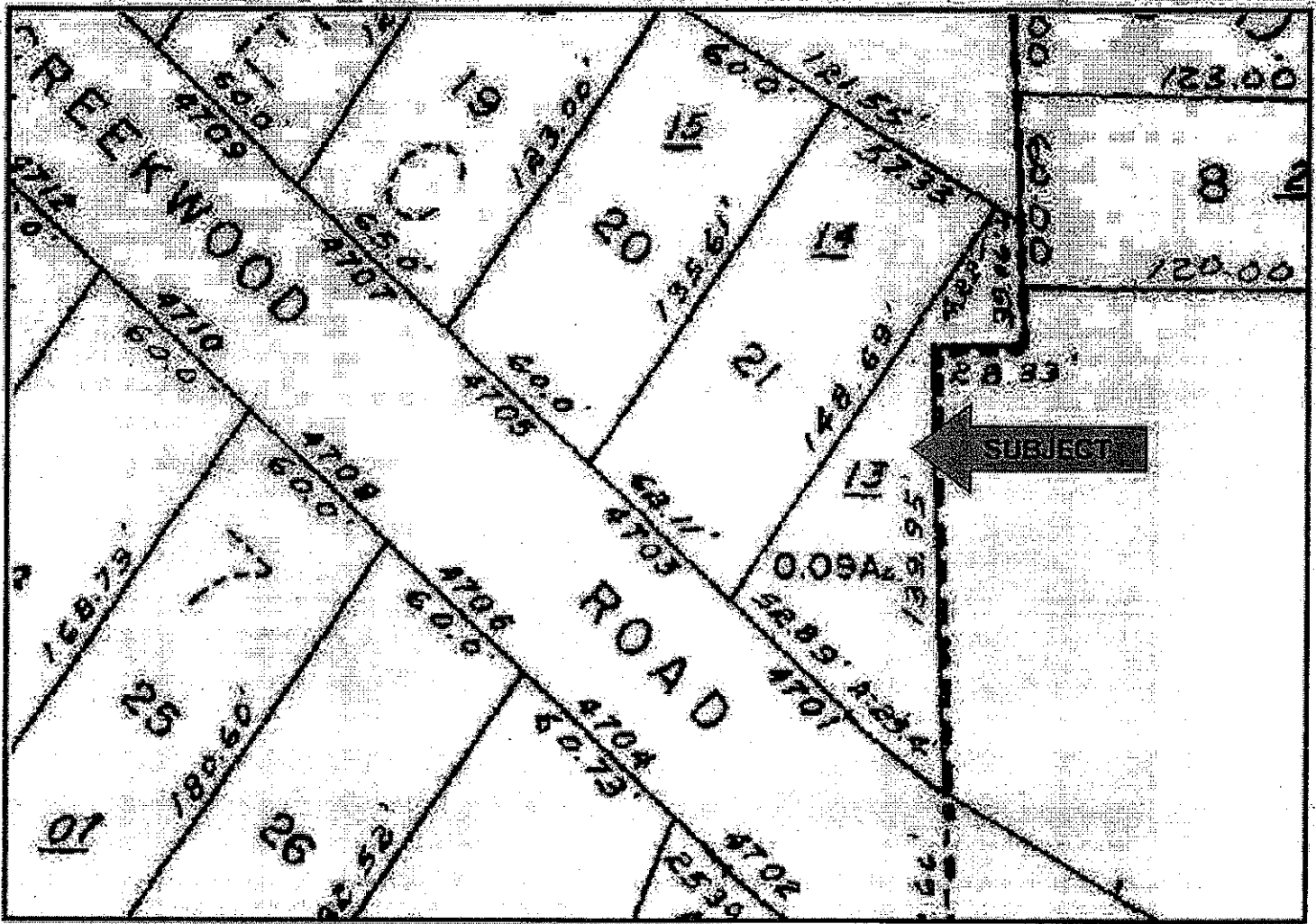
Wesley T. Haynie
Board Of Adjustment Hearing
June 9th, 2014
4701 Creekwood Rd
Austin, TX 78723

elevation





plat map



Wesley T. Haynie
 Board Of Adjustment Hearing
 June 9th, 2014
 4701 Creekwood Rd
 Austin, TX 78723

flood plain map



Wesley T. Haynie
Board Of Adjustment Hearing
June 9th, 2014
4701 Creekwood Rd
Austin, TX 78723

C19-2014-0082

**SURVEY OF A PORTION OF MANOR HILLS SECTION 7 OUT OF
THE HENRY W. ARNELL SURVEY, NO. 20, ABSTRACT 793
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

Exhibit A

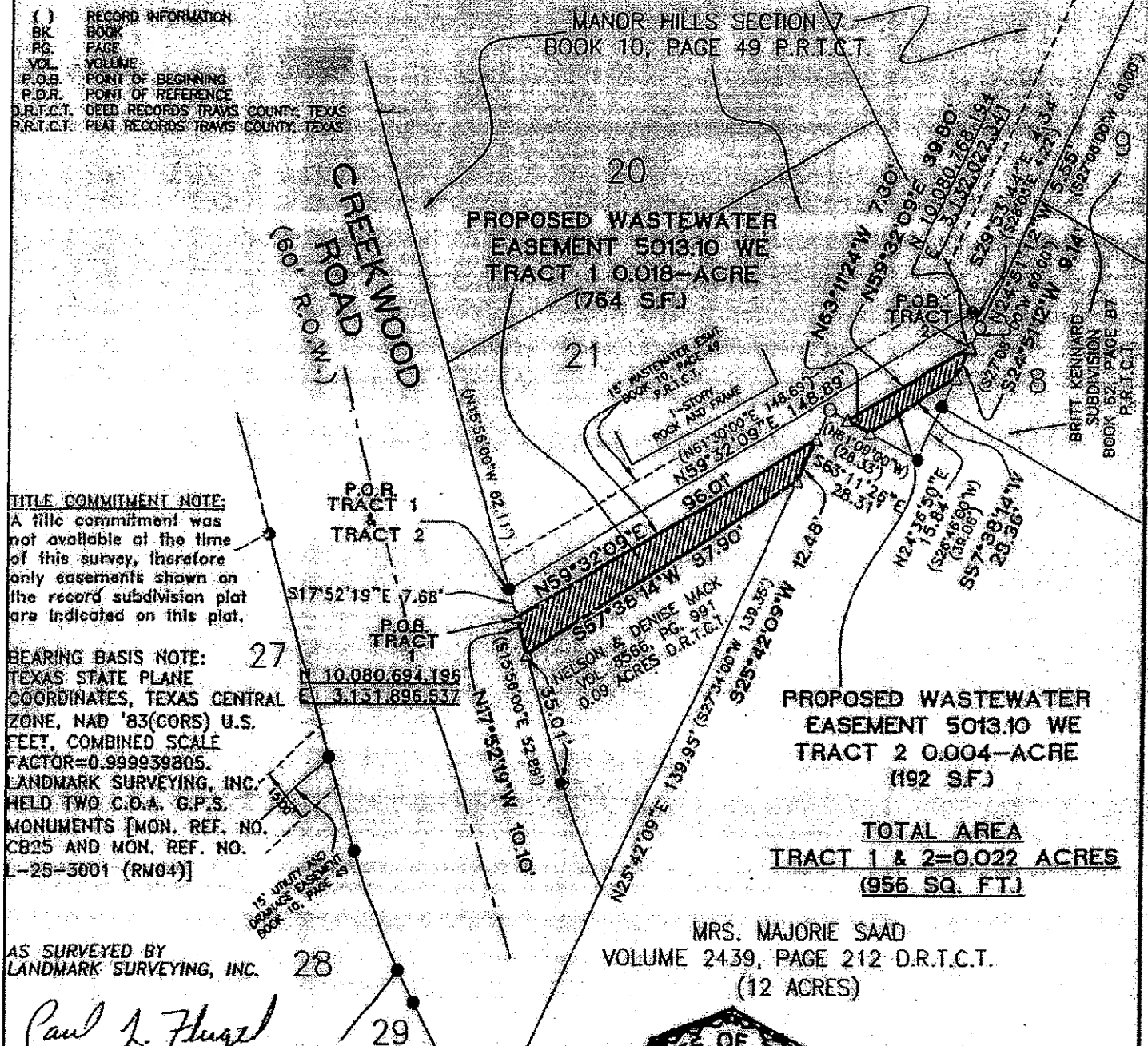
Page 4 of 4

LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD SET
- △ CALCULATED POINT
- ⊙ 3/4" IRON PIPE FOUND
- () RECORD INFORMATION
- BK. BOOK
- PG. PAGE
- VOL. VOLUME
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS



SCALE 1"=40'



AS SURVEYED BY
LANDMARK SURVEYING, INC.

Paul J. Flugel

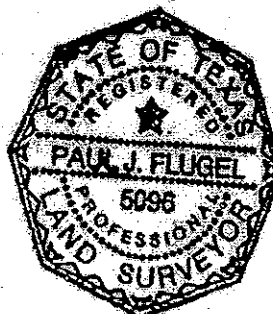
PAUL J. FLUGEL

Registered Professional Land Surveyor No. 5096

DATE : April 22, 2003

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL
SIGNATURE AND SEAL OF THE ABOVE SURVEYOR.

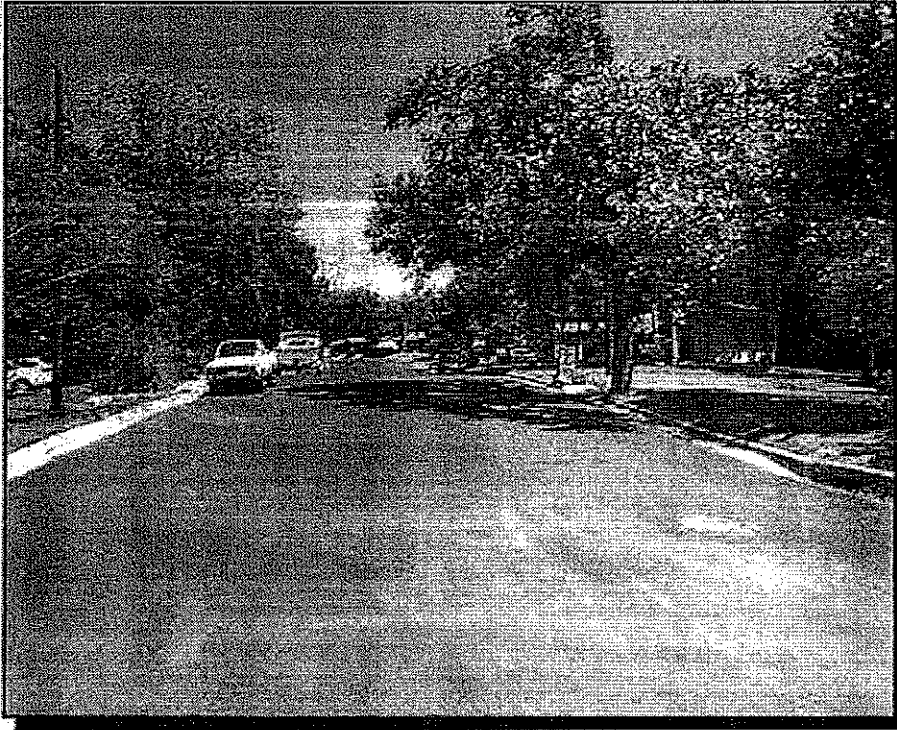
Client: Mr. & Mrs. Saad
Date: April 22, 2003
Office: L. KRAMER
Crew: S. LONDON
F.B.: 5708 & 5724
Disk: C:\dwg\A\KLOTZ\51st. & Manor\EASEMENTS\NELSON-MACK.DWG
PLOT: C:\London 1.001



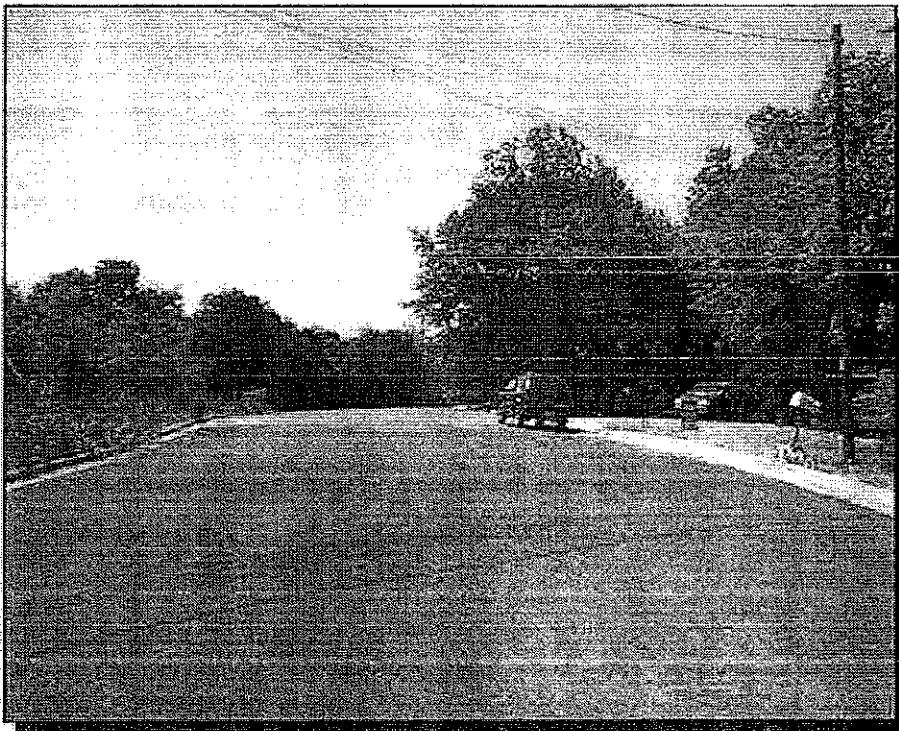
Landmark
SURVEYING, INC.

1301 S. CAPITAL OF TEXAS HWY.
BUILDING A, SUITE 231
AUSTIN, TEXAS 78746
PH: (512)328-7411 FAX: (512)328-7415

site photos



VIEW OF CREEKWOOD ROAD LOOKING NORTH.

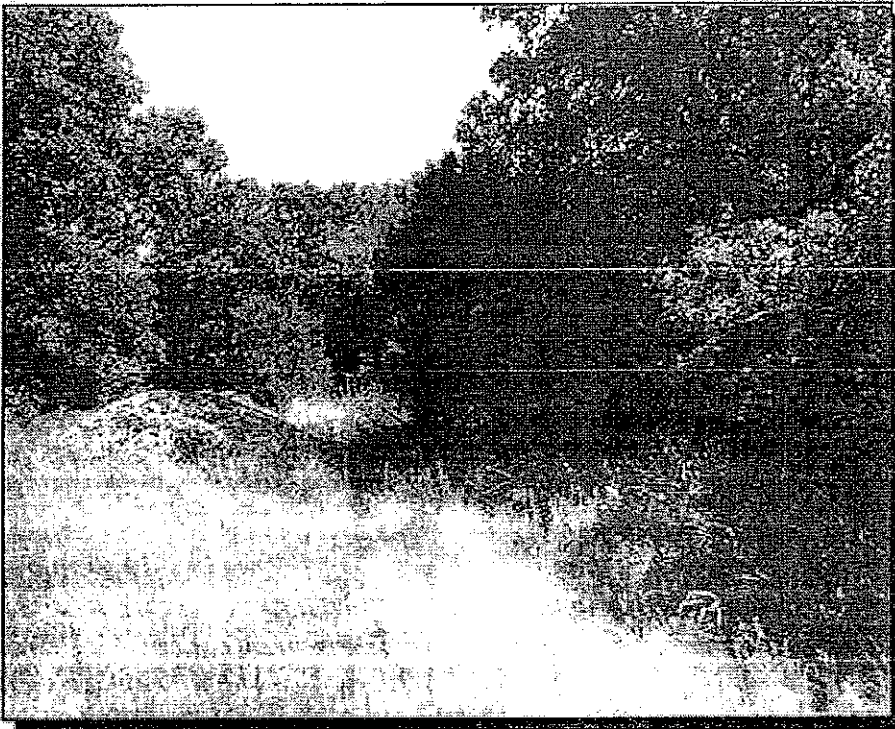


VIEW OF CREEKWOOD ROAD LOOKING SOUTH.

Wesley T. Haynie
Board Of Adjustment Hearing
June 9th, 2014
4701 Creekwood Rd
Austin, TX 78723



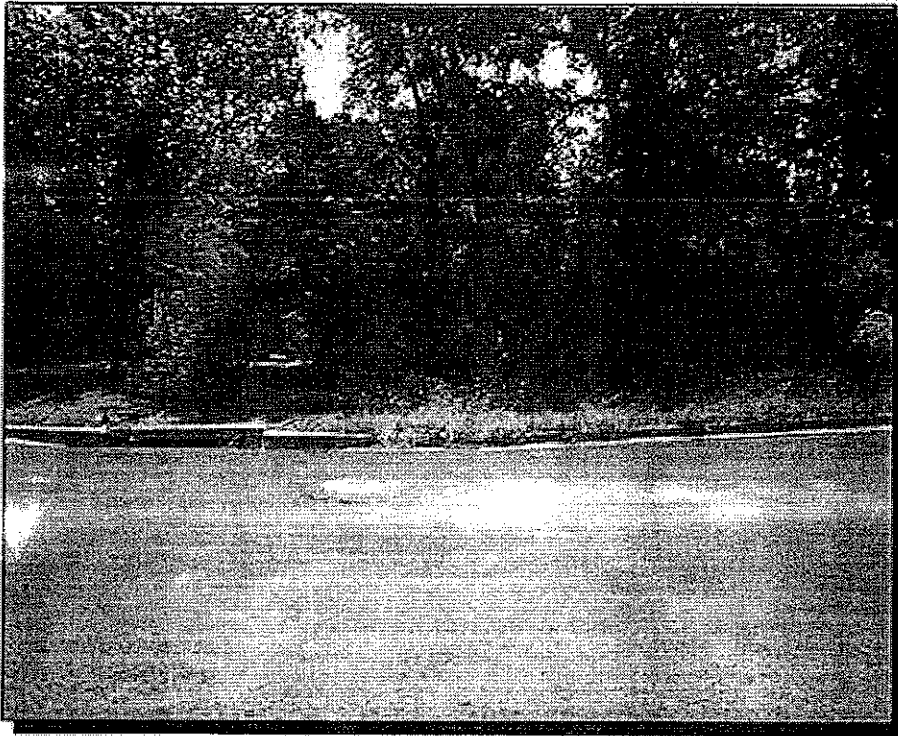
FRONT VIEW OF PROPERTY LOOKING EAST.



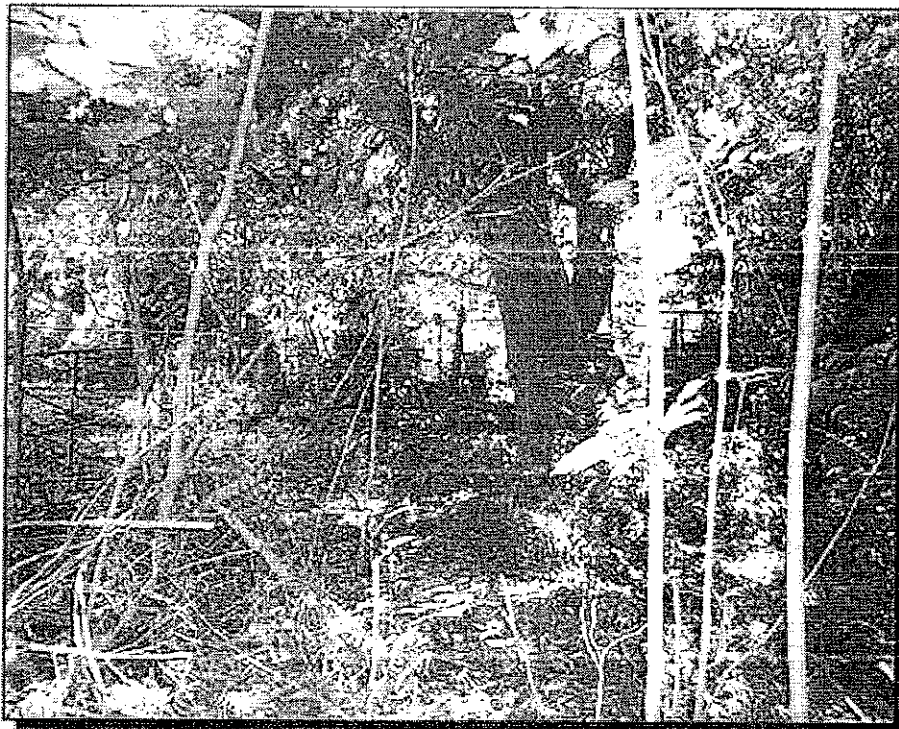
FRONT VIEW OF PROPERTY LOOKING EAST.

Wesley T. Haynie
Board Of Adjustment Hearing
June 9th, 2014
4701 Creekwood Rd
Austin, TX 78723

site photos

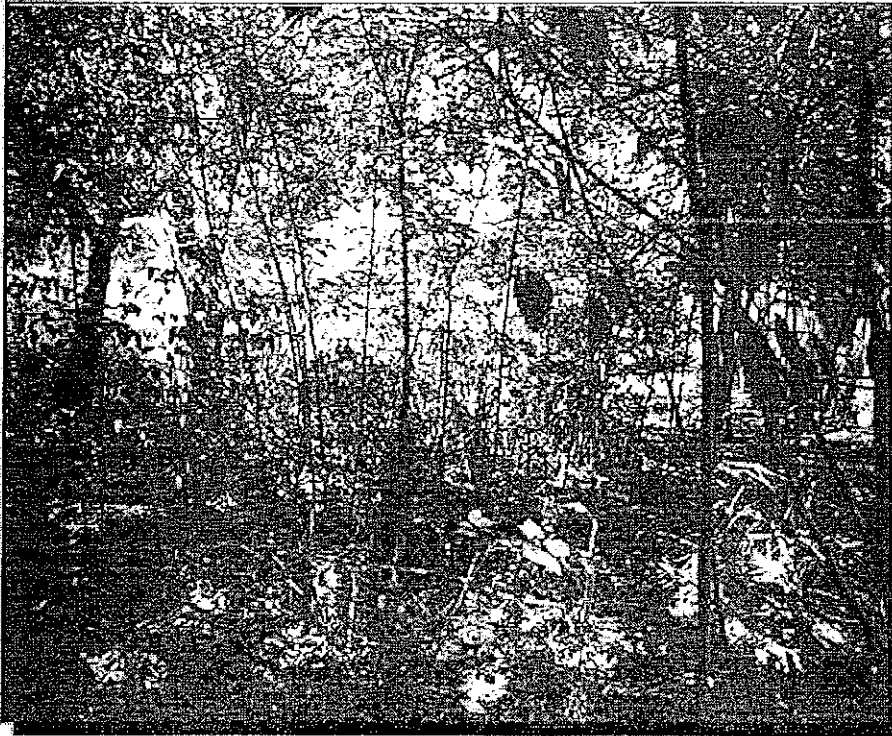


VIEW OF WASTEWATER EASEMENT LOOKING EAST.

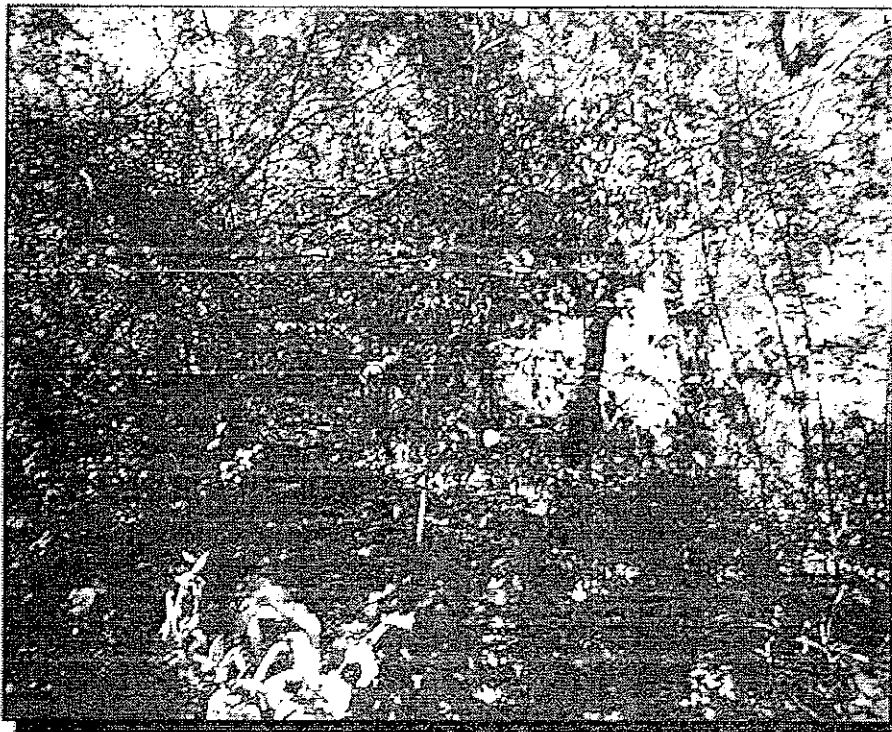


VIEW OF WASTEWATER EASEMENT LOOKING EAST.

Wesley T. Haynie
Board Of Adjustment Hearing
June 9th, 2014
4701 Creekwood Rd
Austin, TX 78723



VIEW OF WASTEWATER EASEMENT LOOKING WEST.



Wesley T. Haynie
Board Of Adjustment Hearing
June 9th, 2014
4701 Creekwood Rd
Austin, TX 78723



VIEW OF TEMPORARY STAGING AREA AND MATERIAL
STORAGE SITE LOOKING NORTHEAST.



VIEW OF TEMPORARY STAGING AREA AND MATERIAL
STORAGE SITE LOOKING SOUTHEAST.

Wesley T. Haynie
Board Of Adjustment Hearing
June 9th, 2014
4701 Creekwood Rd
Austin, TX 78723

SURVEY OF A PORTION OF MANOR HILLS SECTION 7 OUT OF THE HENRY WARNELL SURVEY, NO. 26, ABSTRACT 793 CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

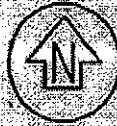
Exhibit A

Page 4 of 4

LEGEND

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- P.O.R. POINT OF REFERENCE
- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- P.L.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS

SCALE 1"=40'



28" POST OAK TREE
(APPROXIMATE LOCATION)

TITLE COMMITMENT NOTE:
A title commitment was not available at the time of this survey, therefore only easements shown on the record subdivision plat are indicated on this plat.

BEARING BASIS NOTE:
TEXAS STATE PLANE COORDINATES, TEXAS CENTRAL ZONE, NAD '83(CORS) U.S. FEET, COMBINED SCALE FACTOR=0.999939805. LANDMARK SURVEYING, INC. HELD TWO C.O.A. G.P.S. MONUMENTS [MON. REF. NO. CB25 AND MON. REF. NO. L-25-3001 (RM04)]

AS SURVEYED BY LANDMARK SURVEYING, INC. 28

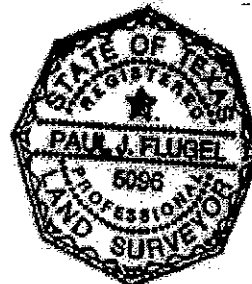
Paul J. Flugel

PAUL J. FLUGEL
Registered Professional Land Surveyor No. 5096
DATE: April 22, 2003

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE AND SEAL OF THE ABOVE SURVEYOR.

Check: 4/22/03
Date: 4/22/03
Draw: 4/22/03
P.L.: 5706 & 5724
D.B.: 5706 & 5724
C.O.A.: 5706 & 5724

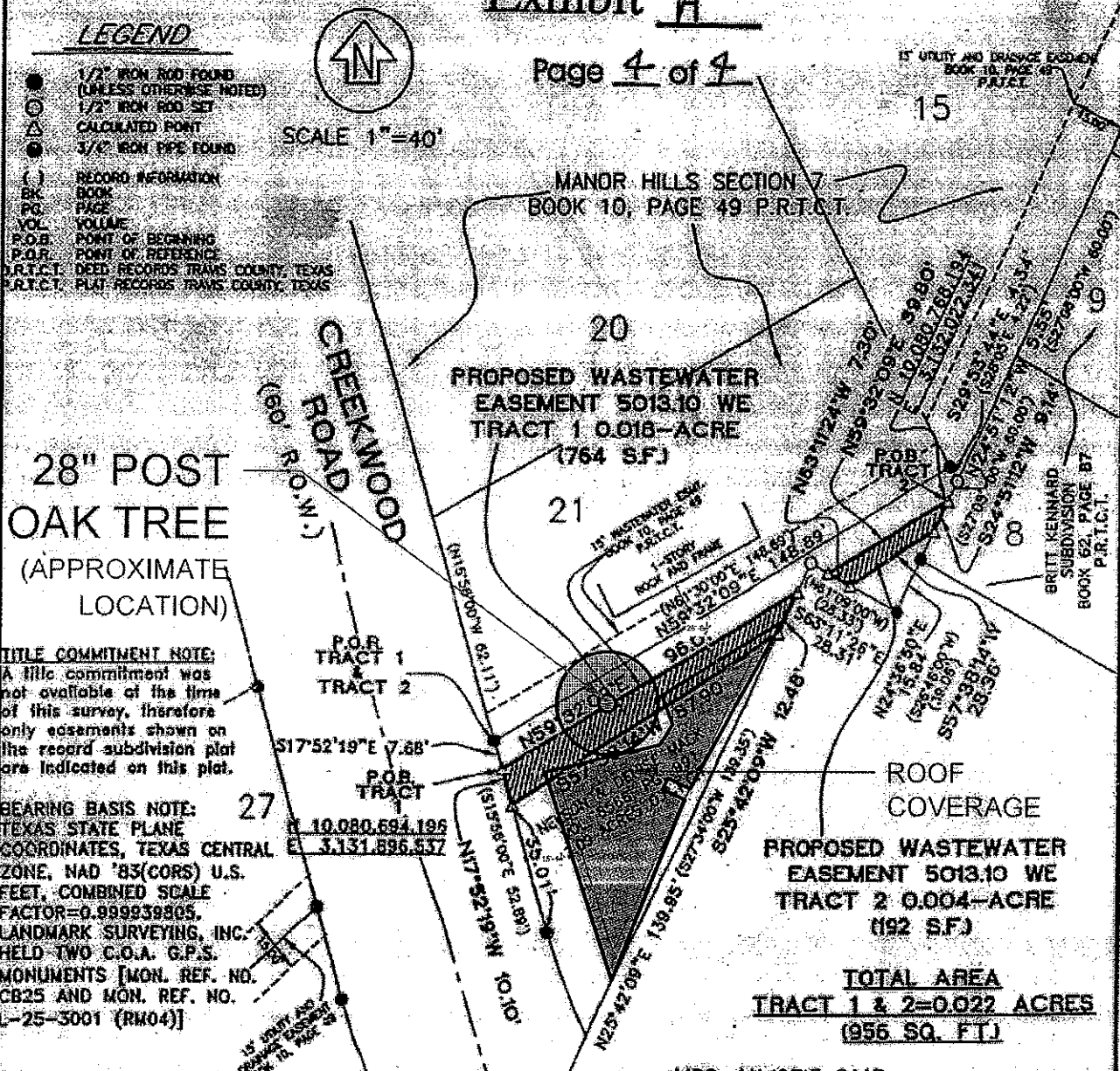
MRS. MAJORIE
VOLUME 2439, PAGE 2
(12 ACRES)



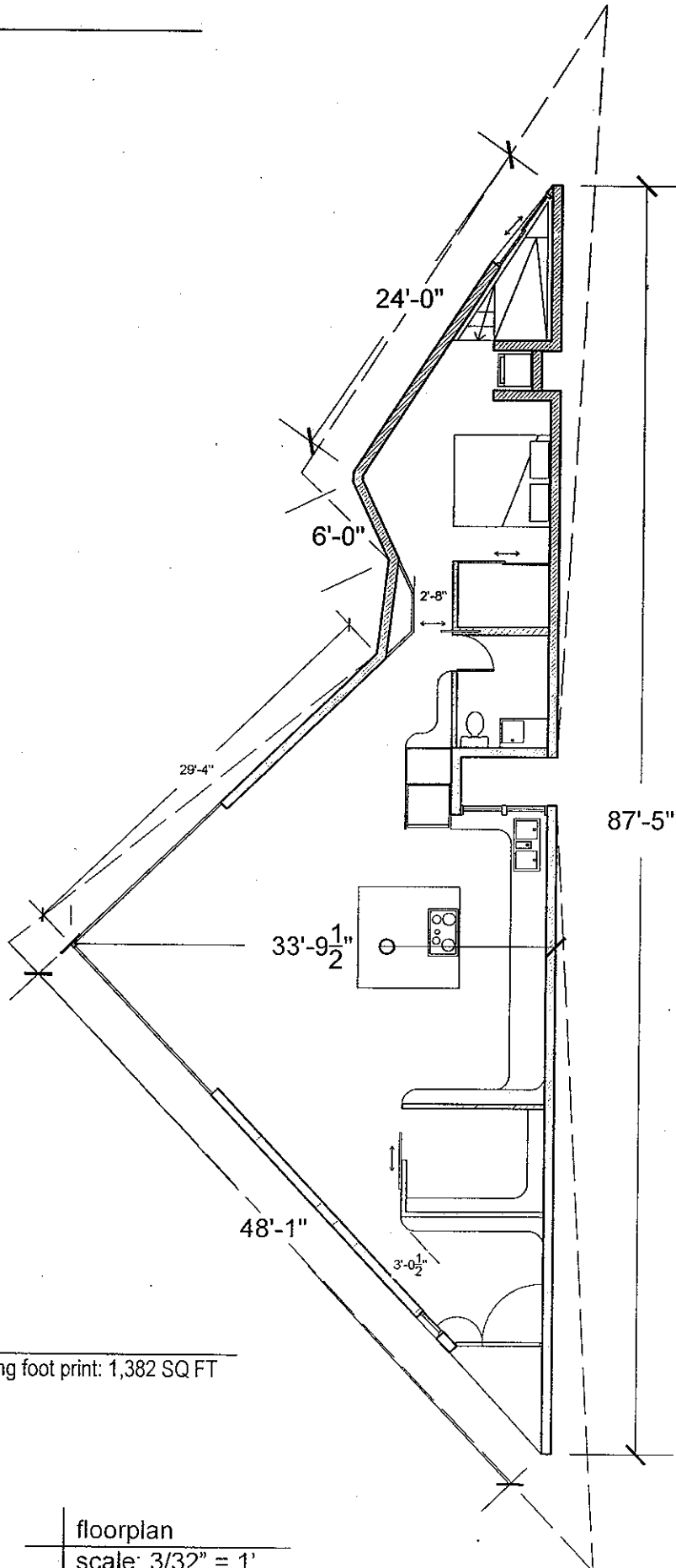
Landmark SURVEYING, INC.

1301 E. CAPITAL OF TEXAS HWY.
BUILDING A, SUITE 231
AUSTIN, TEXAS 78746
PH: (512)325-2411 FAX: (512)325-2413

site: 3,902 SQ FT
building: 1,382 SQ FT
building coverage: 35.5 %



plan



building foot print: 1,382 SQ FT

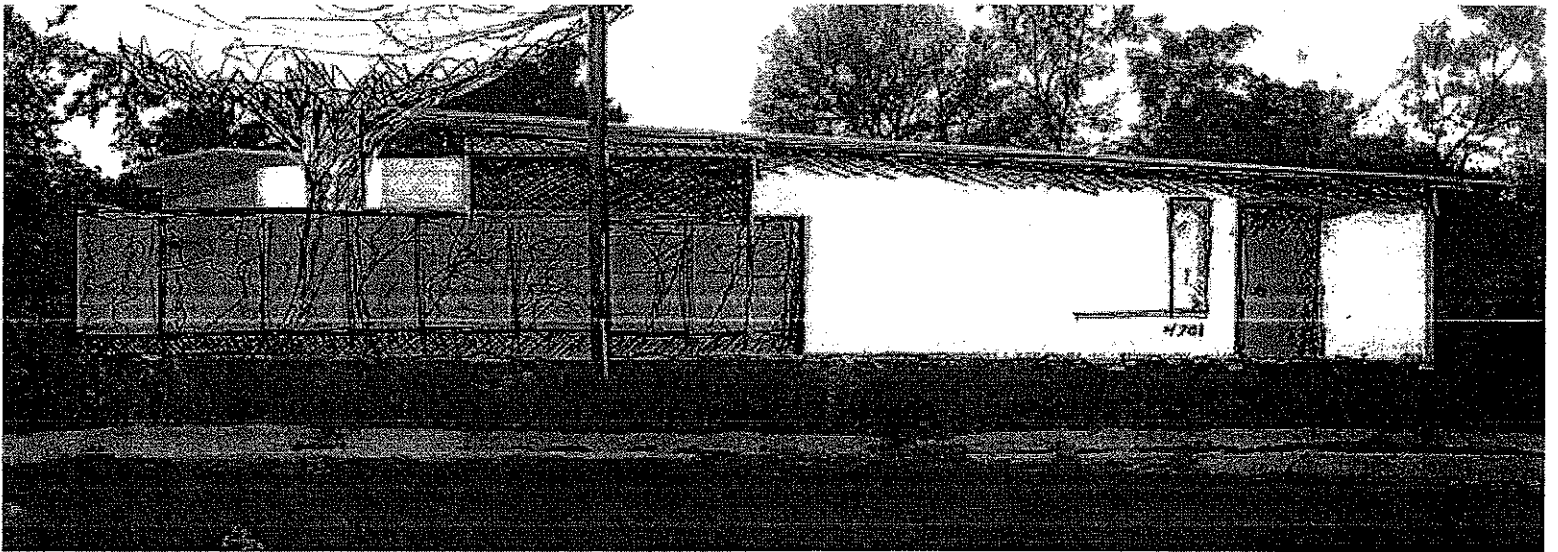
floorplan

scale: 3/32" = 1'

Wesley T. Haynie
Board Of Adjustment Hearing
June 9th, 2014
4701 Creekwood Rd
Austin, TX 78723

elevation

C15-2014-0082



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.

Case Number: C15-2014-0082, 4701 Creekwood Rd.

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

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

Clifford F. Masters

Your Name (please print)

4702 Creekwood Rd.

Your address(es) affected by this application

Clifford F. Masters

Signature

Daytime Telephone: 512-929-0747

Date

6-4-14

Comments:

I've lived here for 27 years and would be very unhappy to see a house built on the tiny lot across the street. To build around the two huge trees on the lot the house will not look at all like those in the neighborhood. I'm especially unhappy of the house only being set back 15 feet from the street.

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) 974-2934

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

☐ I am in favor
☒ I object

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.

Case Number: C15-2014-0082, 4701 Creekwood Rd.

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

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

Charles L. HARRIGONS

Your Name (please print)

Charles L. HARRIGONS

Your address(es) affected by this application

Charles L. HARRIGONS

Signature

Daytime Telephone: 512-457-0641

Date

6-2-14

Comments:

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) 974-2934

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

☐ I am in favor
☒ I object

CASE# C15-2014-0082
ROW# 1147293
TAX# 0216200313

**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: 4701 Creekwood Rd

LEGAL DESCRIPTION: Subdivision - MLK Combined Manor Hills

Lot(s) abs 793 Block sur 20 Outlot _____ Division Section 7

I/We Wesley T Haynie on behalf of myself/ourselves as authorized agent for
_____ affirm that on May 12, 2014,

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 ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

Minimum lot size, minimum frontage and required setback from front of property

in a SF-3-NP district. (MLK Combined)
(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:

The property in question was annexed from an adjacent property within SF-3 zoning, however the lot size

does not allow for the required lot size or frontage and the easements severely restrict buildable area.

HARDSHIP:

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

The triangular lot configuration and wastewater line that run through the site severely restrict building size

As well as the dimensions of the site does not allow for proper frontage.

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

This is unique from the area because the property was annex from the adjacent property in 2003

After the area had been zoned as SF-3.

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 variance will allow for the construction of a single family home which is cohesive with the adjacent
Area.

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 Wesley T. Haynie

Mail Address 7001 Bunnell Dr

City, State & Zip Austin, TX 78723

Printed Wesley T. Haynie

Phone 478-557-1616

Date 05/12/2014

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 Fairis Denise Wicks

Mail Address 941 Hesters Crossing #3805




City, State & Zip Round Rock, TX 78681

Printed Fairis Denise Wicks

Phone 512-435-1503

Date 05/10/2014



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0082
Address: 4701 CREEKWOOD RD



1" = 200'

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Heldenfels, Leane

From: Wes Haynie <~~Wes.Haynie@austintexas.gov~~>
Sent: Wednesday, May 21, 2014 11:32 AM
To: Heldenfels, Leane
Subject: Re: Lot size for Board of Adjustment Notice

Hello Leane,

I attended the E. MLK Combined Board meeting last night. Since I wasn't on the official agenda they couldn't give me an official answer, but the chair and other board members all seemed supportive and interested in the project and what I was wanting to do. I was pushing for them to be okay with the idea of sending back a letter to the city in response to the notification you will be sending, saying they were okay with me getting variances, but not sure what they will decide. They couldn't give me an official answer until the end of next month. So, if I get postponed until July, then I should be able to get a yes from them at that time.

The lot size on the listing is 3902 sq ft, but I believe TCAD showed it as more. However, I am not getting TCAD to work for me right now.

Do you think it would make my case harder to obtain any variances if I also tried to get the variances for impervious cover of (65%) and building coverage of (55%)? Having rear setback adjusted to (5') might be nice, but since that should fall in the weird triangle I cannot build on anyways, then I am not too concerned. By my calculations I could never get to a point where I would need more building coverage than (40%), due to site constraints, but it may be nice to have. The main set back I would like is a reduction in the front set back of (25') to whatever the city would be okay with. That setback more than any would increase my building sq ft. Sorry this is more of a series of questions than answers.

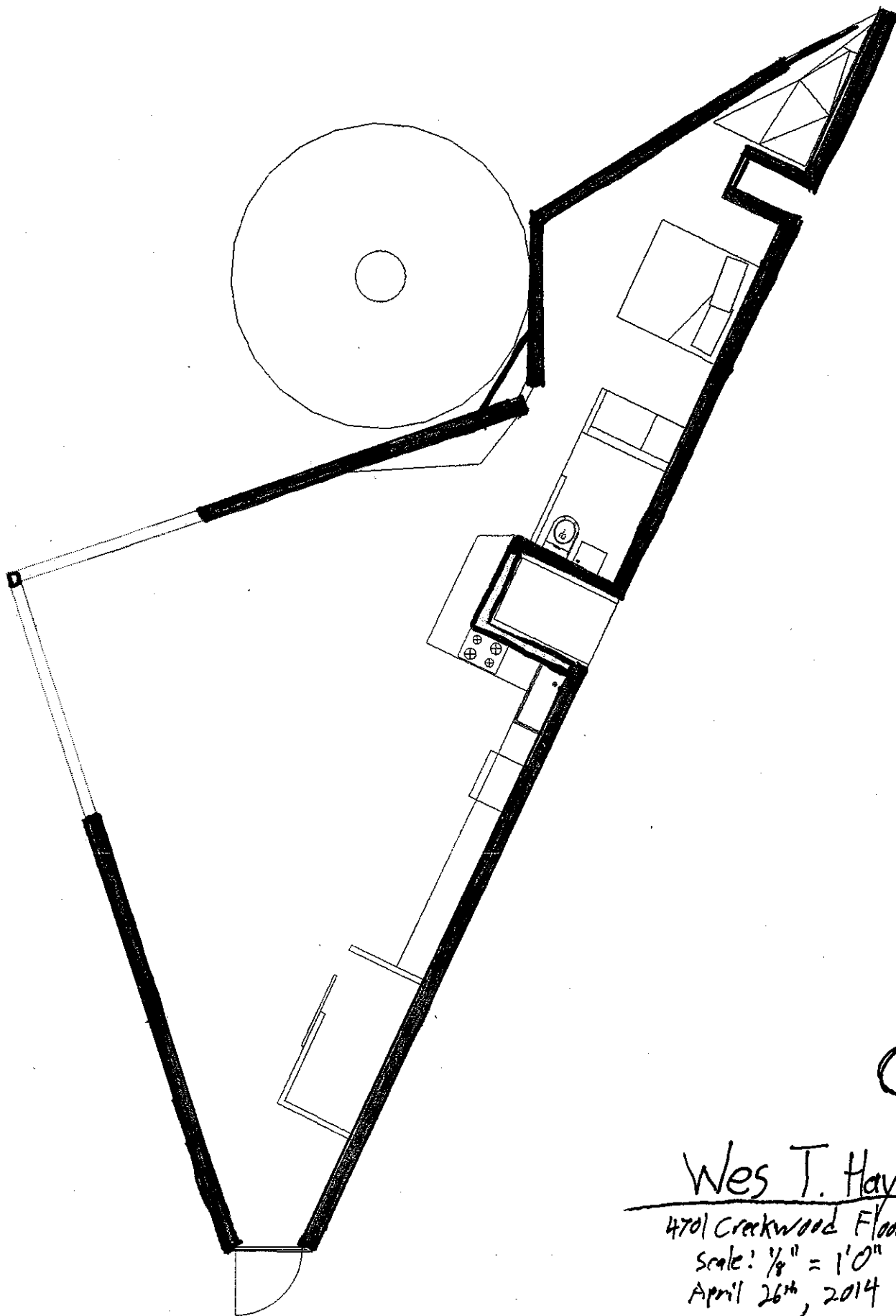
Thanks,
Wes T. Haynie

On Tue, May 20, 2014 at 10:16 AM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

Hi Wes – just cking, is the lot size 956 sf? Also, do you think you might need impervious cover (45%) or building cover (40%) variances? Rear setback (10') or side setback (each 5')?

Thanks –

Leane

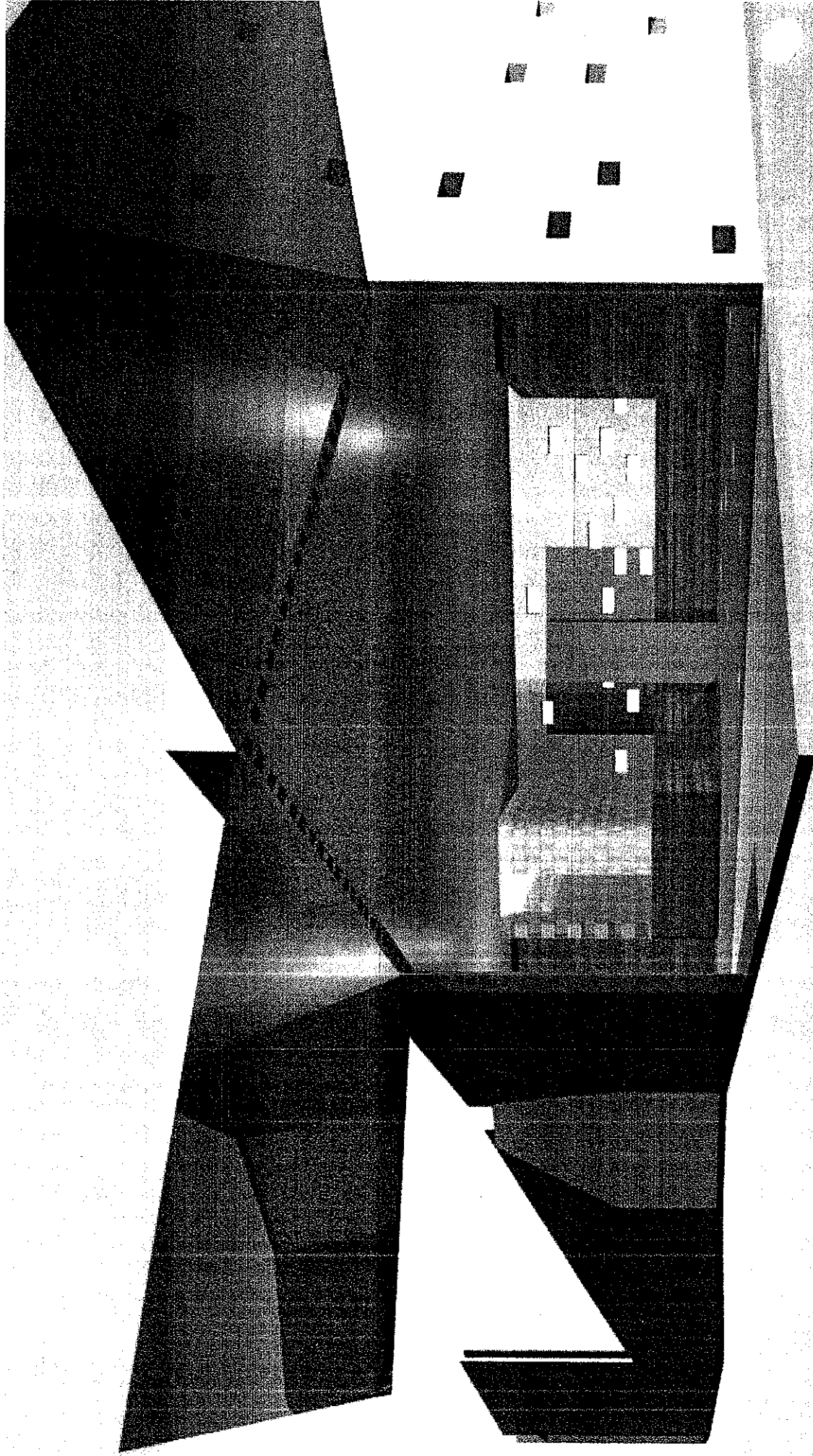


Wes T. Haynie

4701 Creekwood Floor Plan

Scale: $\frac{1}{8}'' = 1'0''$

April 26th, 2014



Wes T. Haynie
1701 Creekwood East Park
Sculpture
April 26th, 2014

**SURVEY OF A PORTION OF MANOR HILLS SECTION 7 OUT OF
THE HENRY W. ARNELL SURVEY, NO. 26, ABSTRACT 793
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

Exhibit A

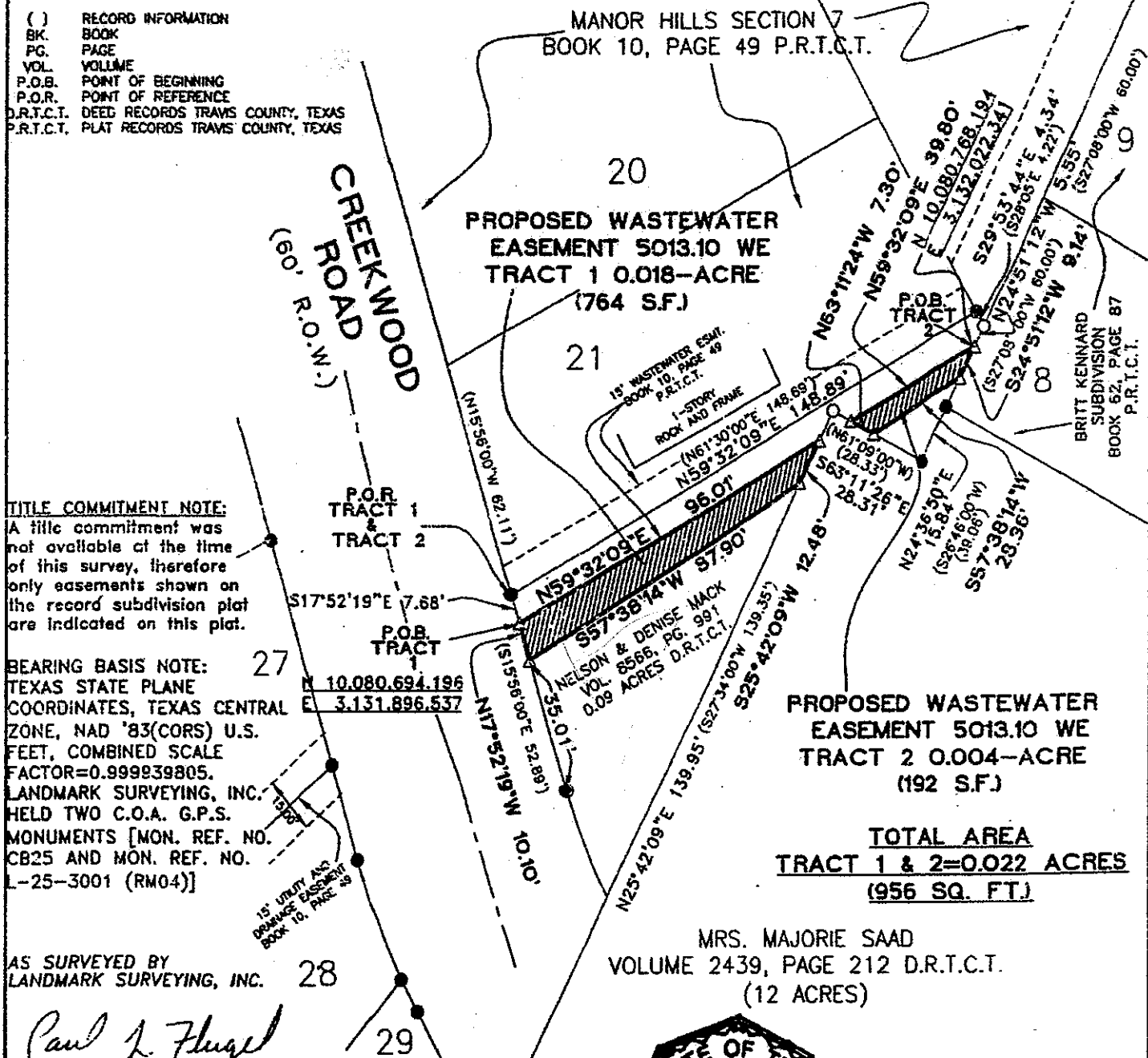
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- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS



SCALE 1"=40'

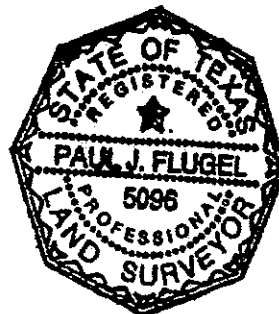
Page 4 of 4



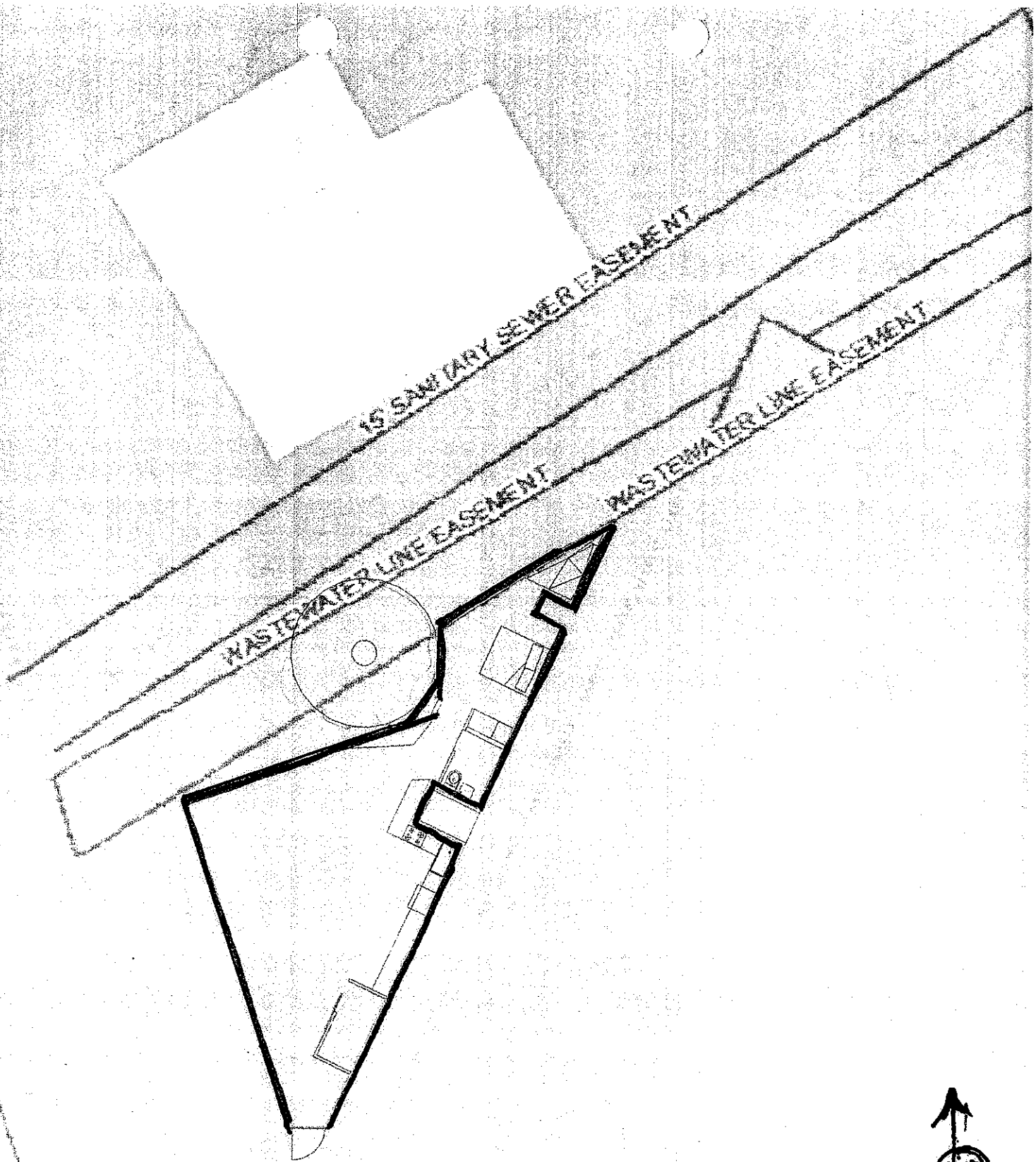
AS SURVEYED BY
LANDMARK SURVEYING, INC. 28
Paul J. Flugel 29
PAUL J. FLUGEL
Registered Professional Land Surveyor No. 5096
DATE : April 22, 2003

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE AND SEAL OF THE ABOVE SURVEYOR.

Client: Klotz, Inc.
Date: April 22, 2003
Office: L. KRAMER
Crew: S. London
F.B.: 5708 & 572A
D.B.: C:\dwg\14\KLOTZ\51st. & Manor\EASEMENTS\NELSON-MACK.DWG
To: S. London 9.001



Landmark
SURVEYING, INC.
1301 S. CAPITAL OF TEXAS HWY.
BUILDING A, SUITE 231
AUSTIN, TEXAS 78746
Ph: (512)328-7411 Fax: (512)328-7413



Wes T. Haynie
4701 Crackwood Site Plan
Scale: $\frac{1}{8"} = 1'0"$
April 24th, 2014