

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

DATE: Monday, January 12, 2015

CASE NUMBER: C15-2015-0005

☐ Y ☐ Jeff Jack – Chair 2nd the Motion
☐ Y ☐ Michael Von Ohlen
☐ N ☐ Melissa Whaley Hawthorne - Vice Chair
☐ Y ☐ Sallie Burchett
☐ Y ☐ Ricardo De Camps
☐ Y ☐ Brian King - Motion to Deny
☐ N ☐ Vincent Harding

APPLICANT: WILLIAM HODGE

OWNER: LARK MILLER

ADDRESS: 1210 ANGELINA ST

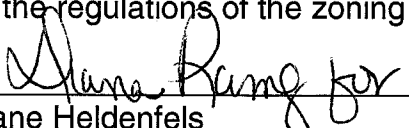
VARIANCE REQUESTED: The applicant has requested a variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

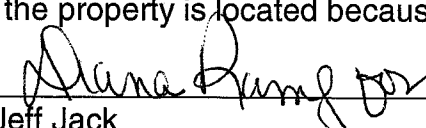
- A. decrease the minimum size lot from 5,750 square feet (required) to 1,129 square feet (requested); and to
B. increase the impervious cover from 45% (required) to 56% (requested); and to
C. decrease the front yard setback from 25 feet (required) to 10 feet (requested);
in order to construct a 761 square foot home in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly)

BOARD'S DECISION: The public hearing was closed on Board Member Bryan King motion to Deny (Applicant no show), Board Member Jeff Jack second on a 5-2 vote (Board Members Melissa Hawthorne and Vincent Harding nay); **DENIED (APPLICANT NO SHOW).**

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

Heldenfels, Leane

From: Louisa Brinsmade <~~lbrinsmade@gmail.com~~>
Sent: Friday, January 09, 2015 12:54 PM
To: Heldenfels, Leane
Cc: Bill Minor; Bruce Sheehan; Charlie Reckson; Kristine Garana; Louisa Brinsmade; Paula Reckson; Steve Macon; Swede Hill
Subject: BOA Case # M-4 C15-2015-0005

Leane Heldenfels

Planning and Development Review Department

RE: M-4 C15-2015-0005

Parcel address: 1210 Angelina Street

Date: January 9, 2015

Dear Ms. Heldenfels:

The Swede Hill Neighborhood Association (SHNA) would like to comment on the above referenced case for the members of the Board of Adjustment and City Staff.

First, however, please note that 1210 Angelina St. is erroneously listed as being part of the Holly neighborhood planning area. The actual planning area for this parcel is Central East Austin, and the representative planning team is OCEAN.

The applicant has requested a variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

A. decrease the minimum size lot from 5,750 square feet (required) to 1,129 square feet (requested); and to

B. increase the impervious cover from 45% (required) to 56% (requested); and to

C. decrease the front yard setback from 25 feet (required) to 10 feet (requested) in order to construct a 761 square foot home in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly)

The SHNA would like to offer its support for the three variances with the understanding that:

1. We support this case due to the pre-existence of this legal lot, and
2. This case should not be considered to establish neighborhood approval for the **creation** of substandard lots for home construction in Swede Hill.

Several adjacent neighbors have commented that the construction of a residence on that long-vacant lot will be a welcome addition to our neighborhood, and we at SHNA support their position.

Thank you for informing the members of the Board of Adjustment and City Staff of our comments.

Sincerely,

Louisa Brinsmade

Secretary, SHNA

512-350-9501

lcbmami@gmail.com

cc: SHNA Board of Directors

CASE# C15-2015-0005
ROW# 11260948
TAX# 0207080309
(TCADV)

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: 1210 ANGELINA ST 78702

LEGAL DESCRIPTION: Subdivision – JAMES O'REILLY
C 24.5' of E 46'

Lot(s) of LOT 7 Block 2 Outlot 38 Division B

I/We William Hodge AIA on behalf of myself/ourselves as authorized agent for
Lark Miller affirm that on October 20 2014,

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

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

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

a 761sf single-family dwelling on a 1129sf tract

Lot size

in a SF-3-NP district. (Central East Austin)
(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 minimum lot size (with small lot amnesty applied) is 2500sf, more than twice this tract's size, and the lot has no value without the ability to construct a dwelling.
-

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
this is the smallest such tract in the vicinity.
-

- (b) The hardship is not general to the area in which the property is located because:
this is the smallest such tract in the vicinity.
-

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 are dwellings to the north and south of this proposed development; the proposed front setback is in line with the setbacks of adjacent properties; the size of the proposed dwelling is equal to, or smaller than, the average dwelling size in the vicinity; no variances from setbacks or parking are proposed. The tract is currently vacant and has the potential to serve as a nuisance to properties in the general vicinity.

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:

no variances from parking requirements are sought; two parking spaces are proposed to be provided.

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:

no variances from parking requirements are sought; two parking spaces are proposed to be provided.

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

the construction of a dwelling on this site will comply with all required side- and rear-yard setbacks, thus creating no more of a fire hazard to surrounding properties than would a dwelling on a standard-size tract. Indeed, it is proposed that a dwelling on this lot would increase the safety of surrounding properties by eliminating the nuisance potential of a vacant lot.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

the constructed dwelling shall be permanent.

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 William Hodge AIA Mail Address 1706 W 6th St

City, State & Zip Austin, TX 78703

Printed William Hodge AIA Phone 512-786-9298 Date 10-20-2014

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 [Signature] Mail Address 14400 ROSSEAU ST

City, State & Zip AUSTIN, TX 78725-1742

Printed LARK MILLER Phone _____ Date 10-20-2014

GROSS FLOOR AREA 761sf (67%)

