

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

DATE: Monday, February 9, 2015

CASE NUMBER: C15-2015-0024

☐ Y ☐ Jeff Jack - Chair
☐ Y ☐ Michael Von Ohlen
☐ Y ☐ Melissa Whaley Hawthorne - Vice Chair **2nd the Motion**
☐ - ☐ Sallie Burchett
☐ - ☐ Ricardo De Camps
☐ Y ☐ Brian King
☐ Y ☐ Vincent Harding **Motion to PP to March 9, 2015**
☐ - ☐ Will Schnier - Alternate
☐ Y ☐ Stuart Hampton - Alternate

APPLICANT: Erika Levack

ADDRESS: 4206 WILDWOOD RD

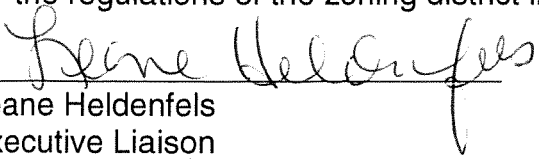
VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

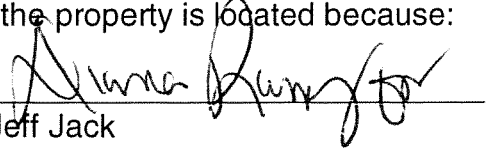
- A. decrease the minimum street side yard setback from 15 feet (required) to 0 feet (requested); and to**
B. decrease the minimum rear yard setback from 5 feet (required) to 4.5 feet (requested)
in order to maintain a recently constructed shed in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Upper Boggy Creek)

BOARD'S DECISION: The public hearing was closed on Board Member Vincent Harding motion to Postpone to March 9, 2015, Board Member Melissa Hawthorne second on a 6-0 vote; **POSTPONED TO MARCH 9, 2015.**

FINDING:

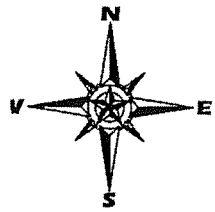
1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter 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

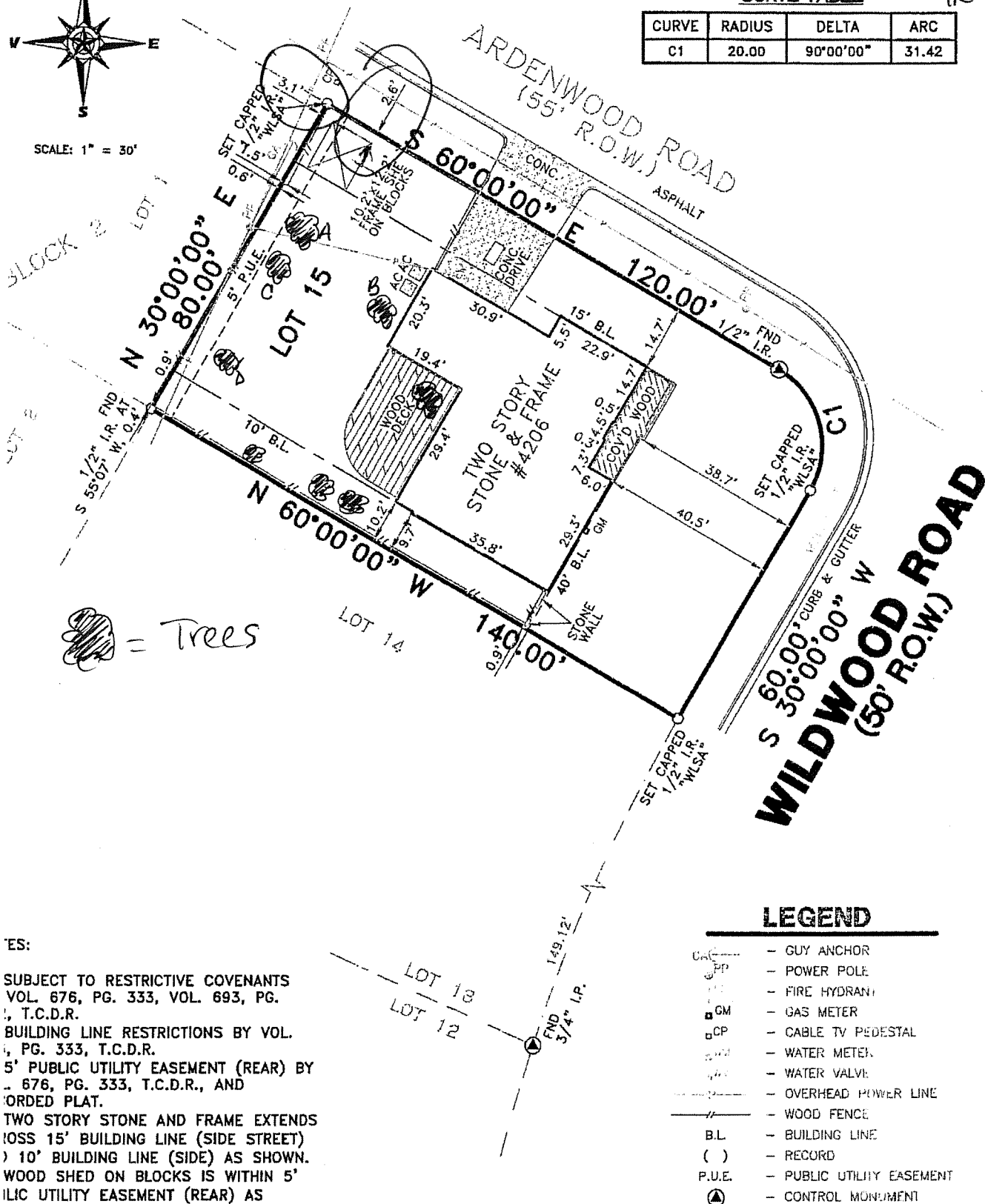

Jeff Jack
Chairman

DRAWN IN TREES
TABLE IN BACKYARD

CURVE	RADIUS	DELTA	ARC
C1	20.00	90°00'00"	31.42
















SCALE: 1" = 30'



ES:

SUBJECT TO RESTRICTIVE COVENANTS
VOL. 676, PG. 333, VOL. 693, PG.
1, T.C.D.R.
BUILDING LINE RESTRICTIONS BY VOL.
1, PG. 333, T.C.D.R.
5' PUBLIC UTILITY EASEMENT (REAR) BY
VOL. 676, PG. 333, T.C.D.R., AND
RECORDED PLAT.
TWO STORY STONE AND FRAME EXTENDS
ACROSS 15' BUILDING LINE (SIDE STREET)
10' BUILDING LINE (SIDE) AS SHOWN.
WOOD SHED ON BLOCKS IS WITHIN 5'
PUBLIC UTILITY EASEMENT (REAR) AS

LEGEND

-  - GUY ANCHOR
-  - POWER POLE
-  - FIRE HYDRANT
-  - GAS METER
-  - CABLE TV PEDESTAL
-  - WATER METER
-  - WATER VALVE
-  - OVERHEAD POWER LINE
-  - WOOD FENCE
-  - BUILDING LINE
-  - RECORD
-  - PUBLIC UTILITY EASEMENT
-  - CONTROL MONUMENT

**BOA Variance Application Addendum:
4206 Wildwood Road, Austin, TX, 78722**

1. Shed: Northwest corner of lot:

View from the shed in its current location, on the northwest section on the lot (Ardenwood Road).
Note that it does not impair use of the adjacent conforming property shown (4207 Bradwood Road).



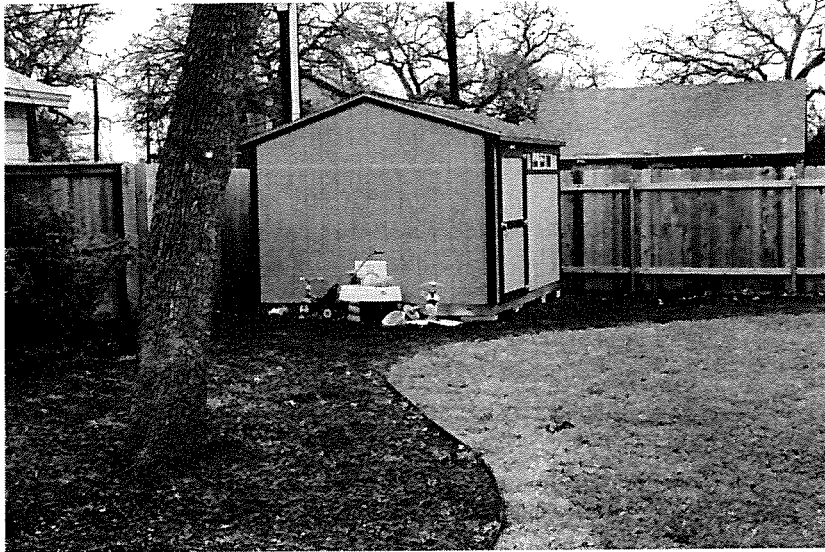
2. View from Ardenwood Road:

The shed does not encumber or restrict any views from the street, nor does it impair use of the adjacent conforming property shown (4207 Bradwood Road).



3. View from the south part of the lot:

Moving the shed south by 12 feet would cause it to cover the critical root zone for the tree shown (a roughly 60 year old established post oak, distressed due to drought). It would also sit directly under the extensive canopies of two trees (see photo #5, and survey attachment with trees drawn in – Trees A and B), atop the steel edging shown here, and on top of several sprinkler heads.



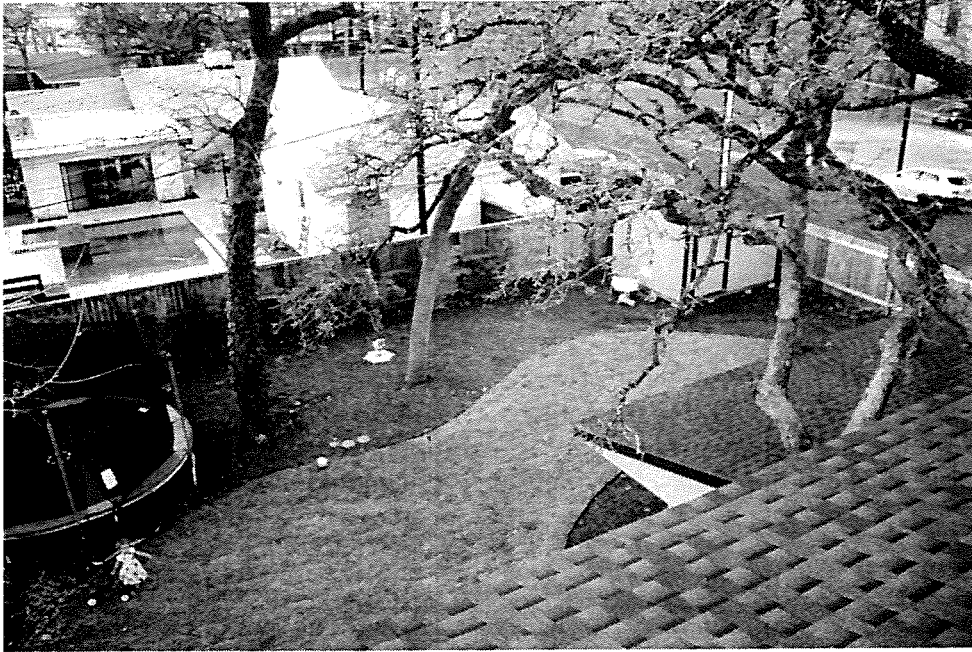
4. View from the north part of the lot:

Note again in the photo below, that the shed, moved 12 feet south, would sit on the critical root zone of the same post oak as the tree in the above photo, directly under its fragile canopy, and atop the steel edging shown.



5. View from the roof of the house:

The shed would sit directly under the tree canopy shown in the photo below if this variance is denied. Given the tree's age, the canopy is fragile and would significantly damage the shed should one or more of its limbs fall on the shed's roof.



Edneia Hathaway
4207 Bradwood Road
Austin, TX 78722

Monday, January 26, 2015

Board of Adjustments
City of Austin
Austin, TX

To whom it may concern,

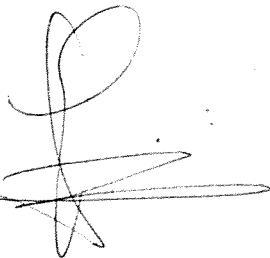
I am writing a letter in support of a variance application submitted by our neighbor, Erika Levack, to keep her backyard shed where it is currently located.

Our home and lot are located directly behind (west of) 4206 Wildwood Road. The shed in question is located on their property adjacent to our garage, and does not obstruct use of our property, nor does it impair views of any sort. The Levacks do not have a garage, and their shed is positioned where a garage would normally go. Moving the shed to the middle of their yard would prevent them from building all of the vegetable gardens they talk about putting in, in the most ideal locations (which would also hurt us as potential recipients of fresh organic vegetables!).

We support approval of this application, so that the Levacks can move forward with their backyard plans.

Sincerely,

Edneia Hathaway

A handwritten signature in black ink, consisting of a large, stylized 'E' followed by a horizontal line and a small flourish.

4206 WILLOW RD

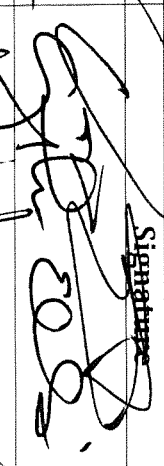
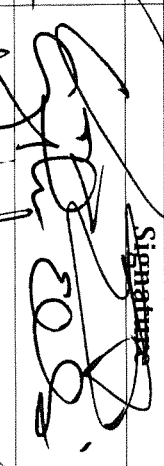
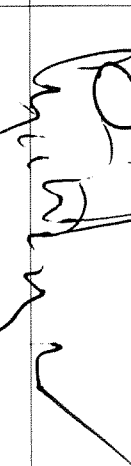
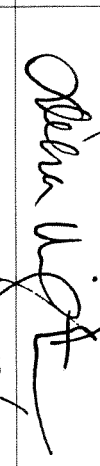
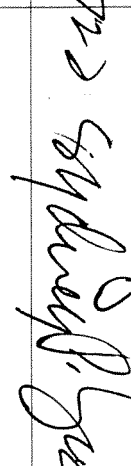

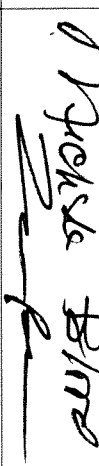
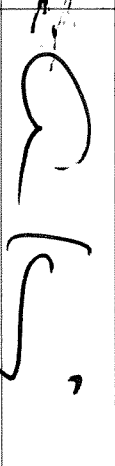



I, Erika Leveck, am applying for a variance from the Board of Adjustment regarding Section _____ of the Land Development Code. The variance would allow me the ability to Maintain our backyard shed in its current position in the North West corner of our backyard, within the property fence line. By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
John Beavers	4201 Leland Rd, Austin TX 78722	[Signature]
Tricia Mitchell	4102 Willow Rd 78722	[Signature]
Edna Hatha	4107 Bradwood R.	[Signature]
Isaiah Tibbs	1313 Ardenwood Rd	[Signature]
Bob Roberts	4205 Willow Rd	[Signature]
Scott Wiggman	1310 Crestwood Rd. 78722	[Signature]

NA Pres. 423-512-413

Petition in Support for Variance of Backyard Shed
at 4206 Wildwood Rd., Austin, TX 78722

Name	Address	Signature
DAVID ELKIS	4112 Lullwood Rd	
CYNTHIA ELKIS	Austin, TX 78722	
Cynthia Hyer	1402 Crestwood Rd. Austin, TX 78722	
Debra Winegarten	1402 Crestwood Rd Austin, TX 78702	
Sydney Hyer	1310 Ardenwood Rd Austin, TX 78722	
Debra Melnie Chapen	4204 Lullwood Rd 78722	
Michels & Fred Blood	4100 Bradwood Rd 78722	
Annet Kari Korinek	4204 Lullwood Rd 78722	
Caroline + Gary Bey	4205 Lullwood Rd 78722	

4206 Willowood Petition, Continued - Page 2

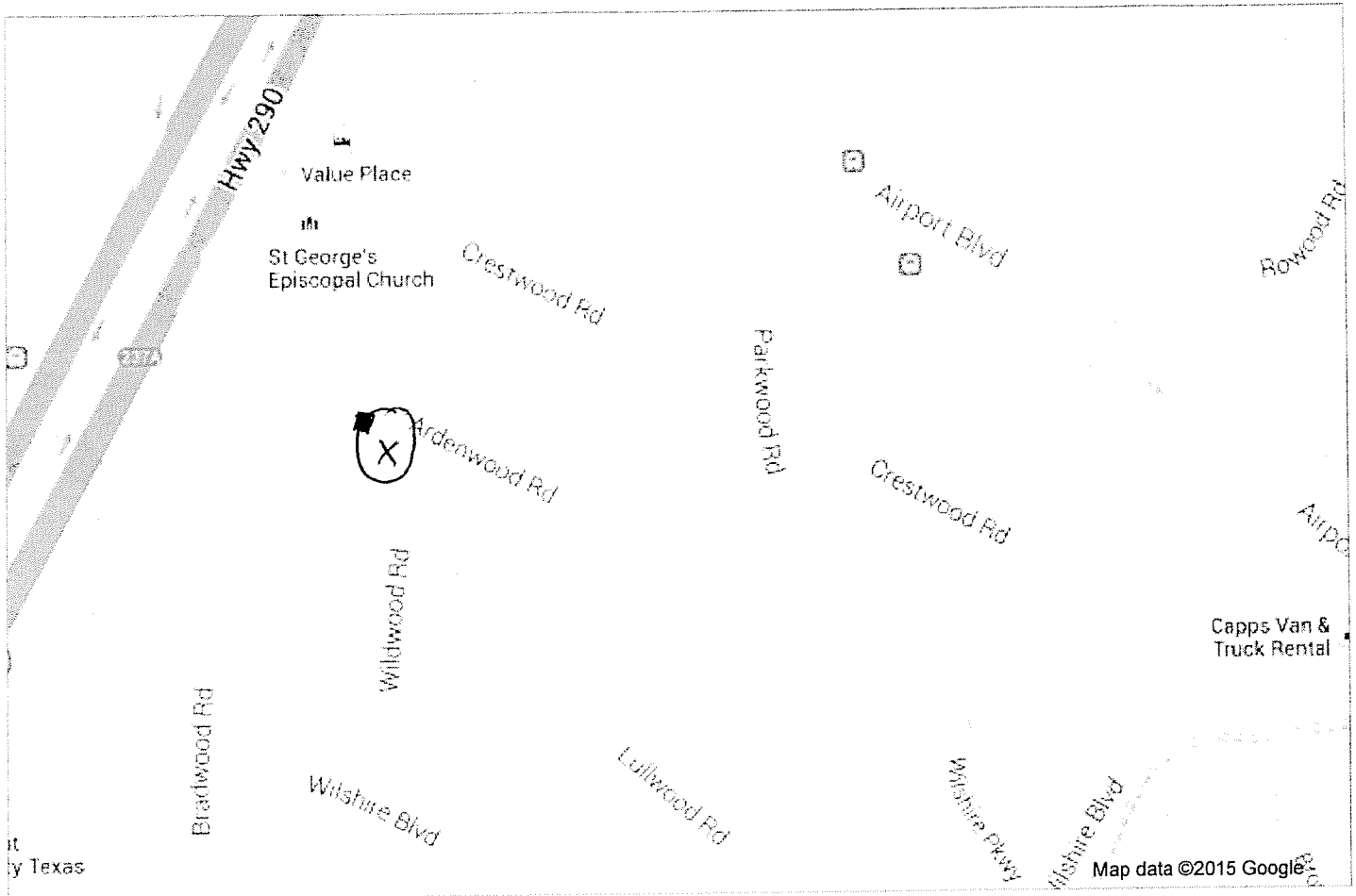
Name	Address	Signature
Kevin + Cheryl Cole	4101 Willowood Rd. Austin, TX 78722	Kevin + Cheryl Cole
Geoff Ruppel Nancy Monistallo	1311 Ardencroft Rd Austin 78722	Geoff Ruppel
Tommy Adams Brenda Sandoz	1305 Bradwood Austin 78721	Tommy Adams
Mike Doherty	4006 Bradwood	Mike Doherty
Scott Chastain	4004 Luwood	Scott Chastain
Leslie Carlson	1302 Ardencroft Rd	Leslie Carlson
Lori Levy	1205 Wiskre Blvd	Lori Levy
Julie Nelson	1305 Crestwood	Julie Nelson
JAY VELGOS	1304 Crestwood	JAY VELGOS

Your browser's current font size is not supported

To see all the details that are visible on the screen, use the "Print" link next to the map.

[more](#) [Dismiss](#)

Google



(X) = 4206 WILDWOOD RD

■ = Shed



HAMLIN
TREE CARE

PROFESSIONAL ARBORISTS

January 27, 2015

Board of Adjustments
One Texas Center
505 Barton Springs Road
Austin, TX 78704

Dear Board,

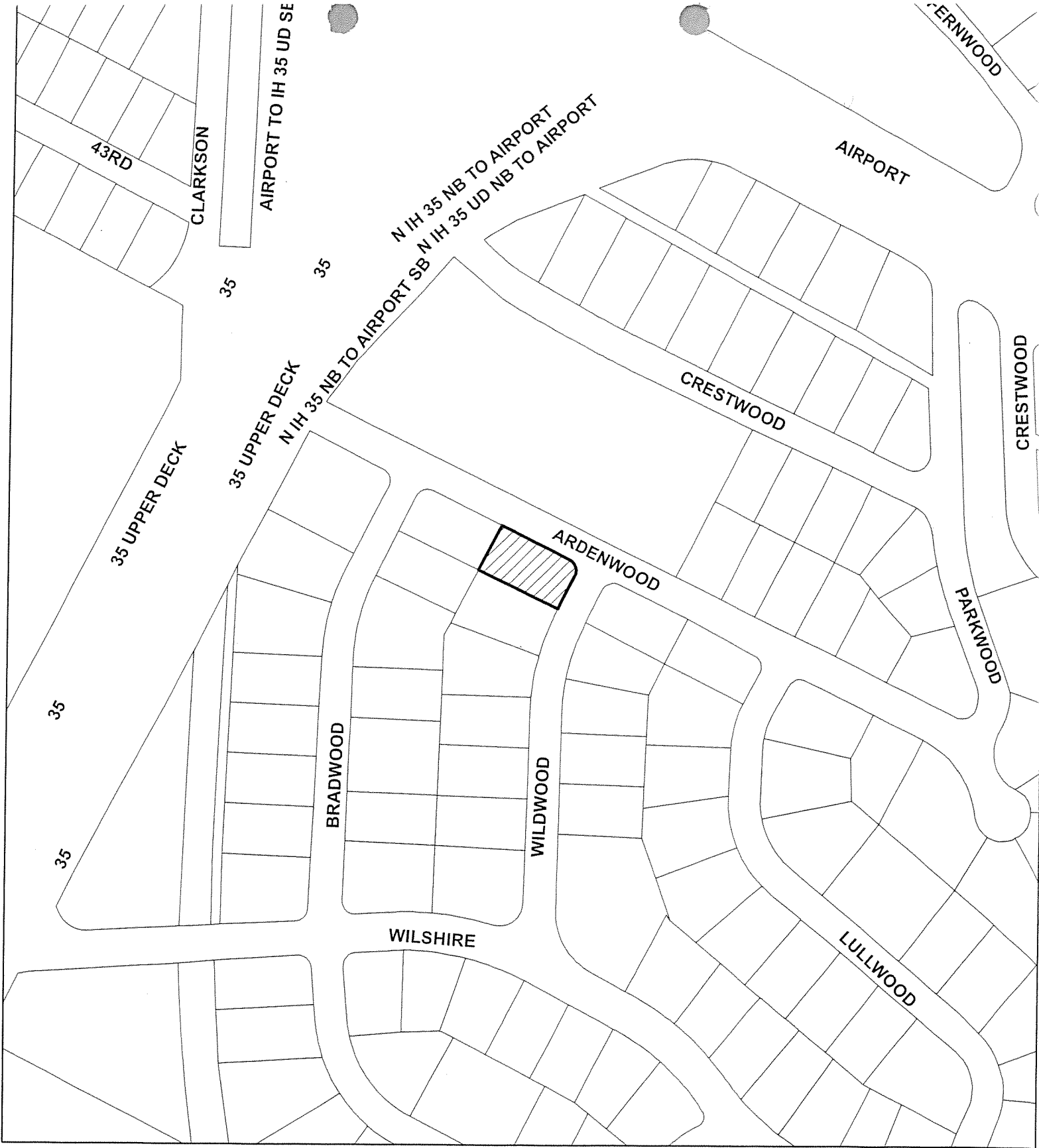
On Tuesday, January 27, 2015, I visited the residence of Erika and Brian Levack to assess the condition of trees on their property at 4206 Wildwood Road. At that time, I was made aware of a pending hearing with the Board of Adjustments related to the placement of a backyard shed.




After careful consideration, it is my professional opinion that the shed is best placed in its current position within their backyard, despite being outside of the building line. Moving it to within the limits of the building line would create a potentially dangerous situation, as it would sit directly beneath an expansive canopy of an established post oak that appears to be stressed and vulnerable due to drought conditions and the fact that it is nearing the end of its life span.

Please feel free to contact me with questions about this matter at any time.

Thanks very much,

John Gurasich
Hamlin Tree Care



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2015-0024
Address: 4206 WILDWOOD RD



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.

1" = 200'

CASE# C15-2015-0024
ROW# 11279305
TAX# 0218 111001

CITY OF AUSTIN (KCAD ✓)
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: 4206 Wildwood Road, Austin, TX 78722

LEGAL DESCRIPTION: Subdivision – Wilshire Wood, Section One

Lot(s) 15 Block 2 Outlot N/A Division N/A I/We Erika Levack and Brian Levack
on behalf of myself/ourselves as authorized agent for 4206 Wildwood Road, Austin, TX,
78722 affirm that on December 17, 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 X MAINTAIN

A moveable shed on cinderblocks, with dimensions of 10 feet x 12 feet. We'd like to main-
tain the shed in its current location, 12 feet beyond the building line and 18 feet from the the
property line.

in a residential district. SF-3-NP (upper boggy creek)
(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:

Following zoning regulations, the shed would prevent maximum utility of our backyard space, a privilege that is enjoyed by other neighbors in our subdivision, many of whom also have moveable sheds in their backyards.

HARDSHIP:

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

The property is located on a corner lot and, as I understand it, falls under stricter zoning restrictions than neighboring properties (e.g., building lines are set back further than on non-corner lots). If the shed in question becomes required by the BOA to be placed within the boundaries of the building line on the north side of the property, it would interfere with one of the 5 mature post oaks in the backyard area.

(b) The hardship is not general to the area in which the property is located because: The property has no garage (unlike most other homes in the subdivision) and requires a shed for storage. The existing mature oak trees in the backyard limit site placement of the moveable shed.

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 current location of the moveable shed does not impair use of the adjacent conforming property (on the corner of Bradwood Road and Ardenwood Road) because the shed sits within our property line and within the inside limits of an erected fence that defines our

property (see photo exhibit). The shed will also not impair the purpose of the regulations of the zoning district because it's final position will not fall within any zoned easements or setbacks.

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:

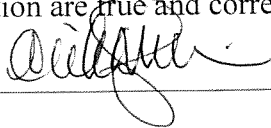
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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



Mail Address: 4206 Wildwood Road

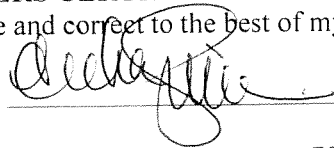
City, State & Zip: Austin, Texas, 78722

Printed: Erika Levack

Phone: (512) 373-3555 Date: December 17, 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



Mail Address: 4206 Wildwood Road

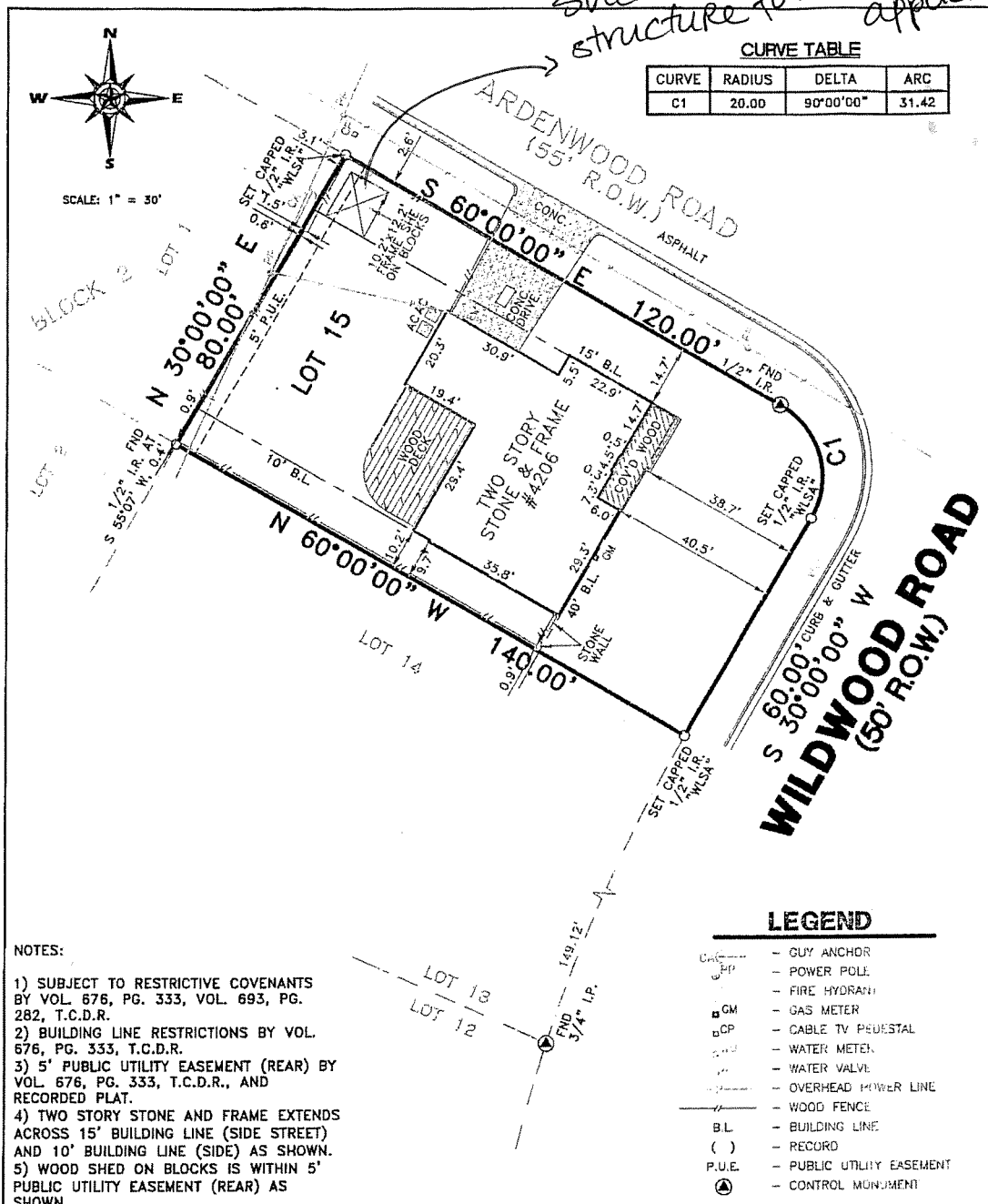
City, State & Zip: Austin, Texas, 78722

Printed: Erika Levack

Phone: (512) 373-3555 Date: December 17, 20

Brian Levack

shed structure for which variance application submitted



ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED. ALL EASEMENTS AND BUILDING LINES ARE BASED ON THE RECORDED PLAT, UNLESS OTHERWISE NOTED. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN GF NO. 201301559.

SURVEY OF
LOT 15, BLOCK 2, WILSHIRE WOOD SECTION ONE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 4, PAGE 153, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X(UNSHADED)" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480824 0465 H, REVISED SEPTEMBER 26, 2008. FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

PURCHASER	BRIAN ANDREW LEVACK AND ERIKA SINCLAIR LEVACK	LENDER CO.	PRIMELENDING
ADDRESS	4206 WILDWOOD ROAD, AUSTIN, TEXAS 78722	TITLE CO.	HERITAGE TITLE COMPANY OF AUSTIN, INC.

Windrose Land Services Austin
4120 Commercial Center Dr.
Suite 300
Austin, Texas 78744
TEL (512) 326-2100 FAX (512) 326-2770
©COPYRIGHT 2013 WINDROSE LAND SERVICES AUSTIN, ALL RIGHTS RESERVED

Michael Turner
REGISTERED LAND SURVEYOR
6444

I do hereby certify that this survey was this day made on the ground and that this plat correctly represents the property legally described hereon (or on an attached sheet). That the facts found at the time of this survey show the improvements and that there are no encroachments apparent on the ground, except as shown. Surveyor for Windrose Land Services Austin.

Michael Turner 9/23/14

FIELD WORK	09/18/14	RW	DRAFTED BY	09/23/14	JP	CHECKED BY	09/23/14	RW
REVISION	-	-	-	-	-	MAPSCO PAGE	JOB NO.	
REVISION	-	-	-	-	-	555 Z	27287	