

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

DATE: Monday, March 9, 2015

CASE NUMBER: C15-2015-0035

☐ Y ☐ Jeff Jack - Chair
☐ Y ☐ Michael Von Ohlen
☐ Y ☐ Melissa Whaley Hawthorne - Vice Chair
☐ Y ☐ Sallie Burchett
☐ OUT ☐ Ricardo De Camps
☐ OUT ☐ Brian King
☐ Y ☐ Vincent Harding
☐ Y ☐ Will Schnier - Alternate
☐ Y ☐ Stuart Hampton - Alternate

APPLICANT: John Taylor

OWNER: Kacee Jackson

ADDRESS: 2007 12TH ST

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum street side yard from 15 feet (required) to 5 feet (requested) in order to construct a single family home next to an unimproved right of way in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Rosewood)

BOARD'S DECISION: The public hearing was closed on Board Member Sallie Burchett motion to Postpone to April 13, 2015, Board Member Will Schnier second on a 7-0 vote; **POSTPONED TO APRIL 13, 2015.**

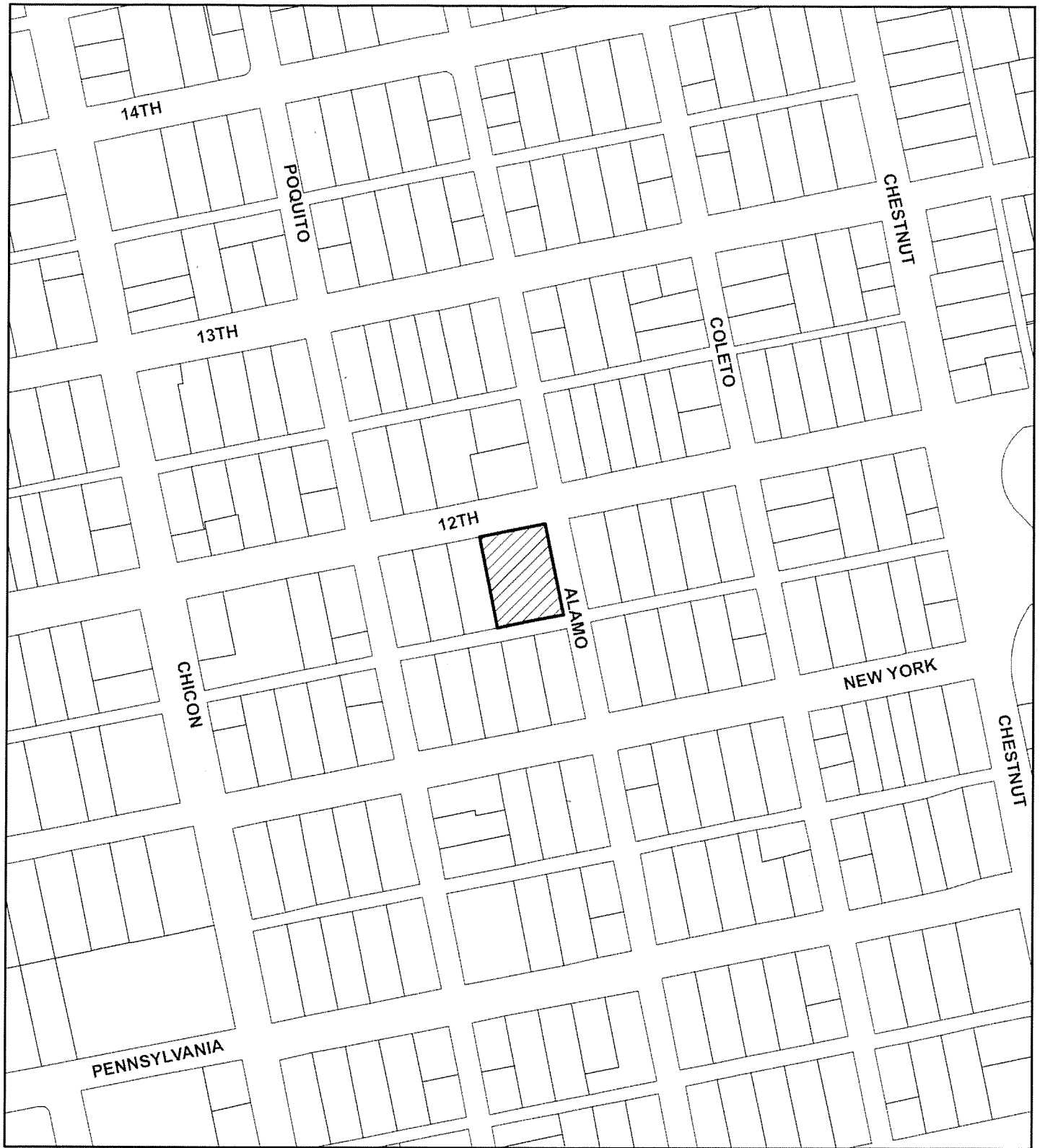
FINDING:

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



SUBJECT TRACT



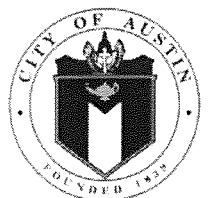
PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0035

Address: 2007 E 12TH STREET

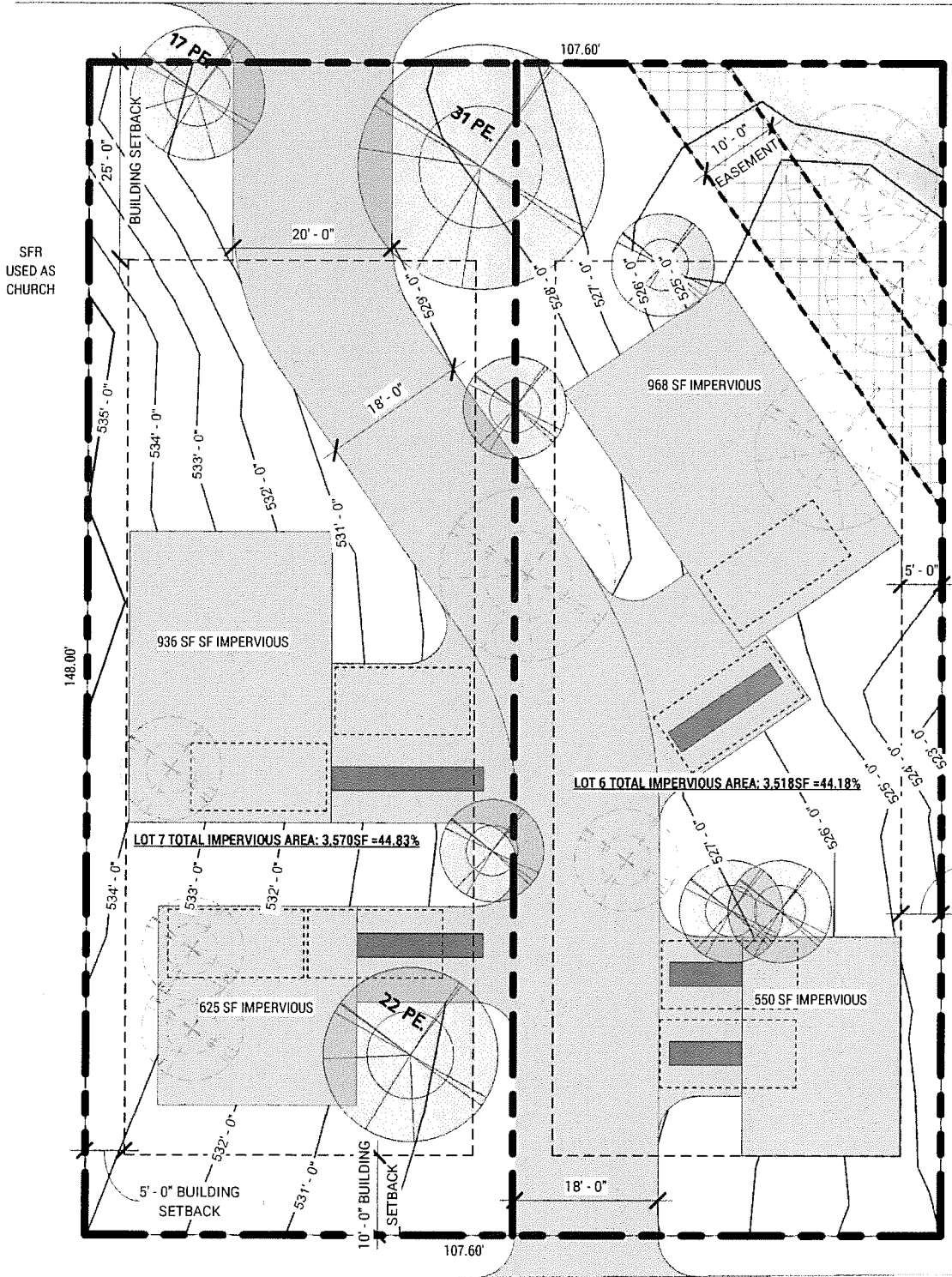


1" = 200'

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.

EAST 12TH STREET



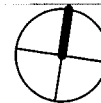
ADDRESS: 2007 EAST 12TH STREET
 ZONING: LR-MU-NP
 SITE AREA: TCAD .3656 Acres/ 15,925 sf
 EACH LOT AREA: 15,925/2=7,962.5
 NEIGHBORHOOD: ROSEWOOD
 NEIGHBORHOOD PLAN: YES
 COMBINING DISTRICT: MIXED-USE
 INTENDED USE: TWO FAMILY RESIDENTIAL USE
 FLOODPLAIN: NO
 RESIDENTIAL DESIGN STANDARDS: YES
 SF-3 ZONING REGULATIONS:
 (TWO FAMILY RESIDENTIAL USE)
 MIN LOT SIZE: 5,750SF (7,000SF)
 MIN LOT WIDTH: 50FT
 MAX HEIGHT: 40FT OR 3 STORIES
 FRONT YARD SETBACK: 25FT
 STREET SIDE YARD SETBACK: 15FT
 INTERIOR SIDE YARD SETBACK: 5 FT
 REAR SIDE YARD SETBACK: 10FT
 MAX BUILDING COVERAGE: 40%
 MAX IMPERVIOUS COVER: 45% = 3,583.1SF /LOT
 MAX F.A.R.: 0.4:1
 LDC 25-2 SUBCH. F APPLIES
 REQUIRED PARKING:
 (APPENDIX A - 2 FAMILY RESIDENTIAL):
 2 SPACES PER DWELLING

ALAMO STREET - NOT OPEN

1 Site Plan
 1" = 20'-0"

0' 5' 10' 20'

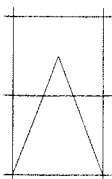
20' ALLEY



2007 EAST 12TH
 JACKSON RESIDENTIAL

03.04.15

A1



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NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION

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LOGAN ARCHITECTURE

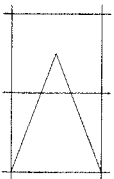
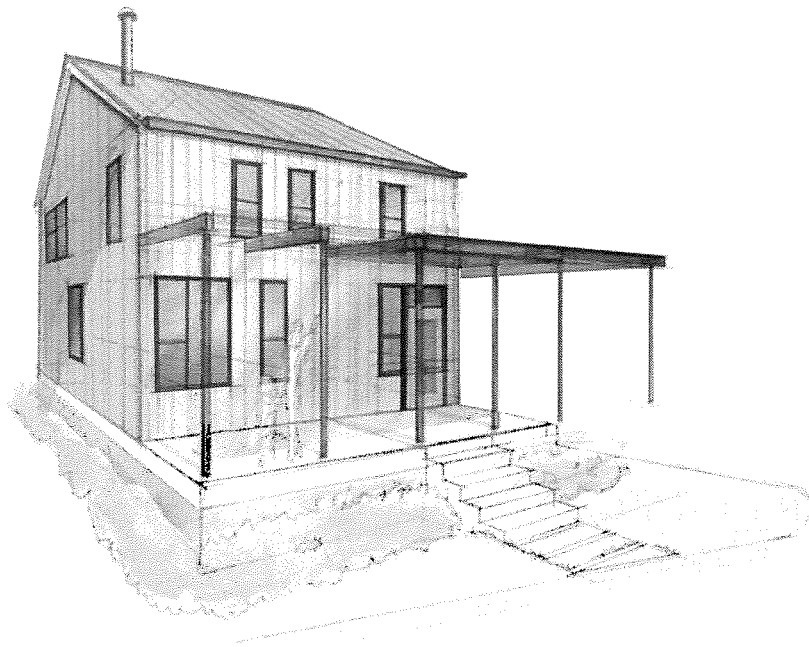
2007 EAST 12TH JACKSON RESIDENTIAL

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03.04.15

A2

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LOGAN ARCHITECTURE

2007 EAST 12TH JACKSON RESIDENTIAL

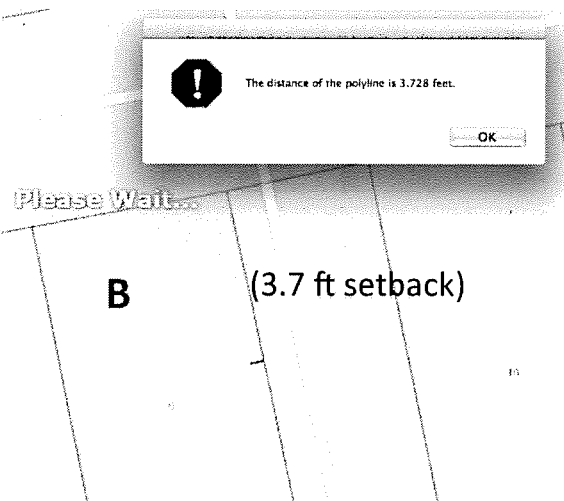
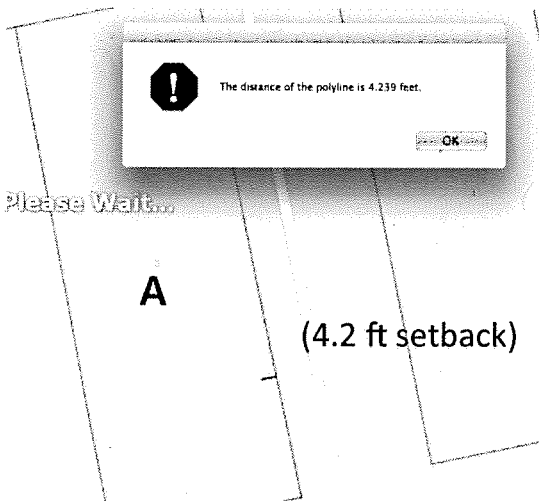
NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION

03.04.15

A3

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Neighboring Lots – Side Street Setback



Aerial View



From: **Taylor** jtaylorjackson@gmail.com
Subject: Re: Transportation Question
Date: January 15, 2015 at 8:53 PM
To: Austin, Lee Lee.Austin@austintexas.gov

Hi Lee,

Thank you this info. It's exactly what I was looking for.

Taylor

On Jan 13, 2015, at 6:51 PM, Austin, Lee <Lee.Austin@austintexas.gov> wrote:

Hi Taylor,

In general, the Austin Transportation Department does not build local streets; we rely on builders to build our local streets for us. While we will retain the current Alamo St right of way for pedestrian or bicycle connectivity, there are currently no plans to complete Alamo Street between East 12th Street and New York Avenue. I hope this is of use for you.

Thank you,

A. Lee Austin, P.E.
Traffic Engineering Division
Transportation Department
Austin, TX
512-974-7681

-----Original Message-----

From: Taylor [mailto:jtaylorjackson@gmail.com]
Sent: Thursday, January 08, 2015 10:07 AM
To: Austin, Lee
Subject: Transportation Question

Hi Lee,

I hope this note finds you well. Both Andy Halm and Amber Mitchell suggested I contact you, and I left you a voicemail this morning.

I have a property (2007 E 12th Street) that is abutted by a street (Alamo) that was never opened. It's currently just a grassy drainage easement. Because city plat maps show a street, I am required to abide by a 15 ft side street building setback as opposed to the normal 5 ft side yard setback. I am applying for a variance, and verifying that the city has no plans to build out the street will help my case. Would you be able to provide any information to that end, or to point me in the right direction?

Feel free to give me a ring if that's more convenient; 512.461.4255. Thanks for your input.

Kind regards,

Taylor

revised

CASE# 2015-0035
ROW# _____
TAX# _____

**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: 2007 E 12th Street 78702

LEGAL DESCRIPTION: Subdivision – Foster Lot(s) 6 & 7 Block 15 Outlot 58
Division B

I/We John Taylor Jackson on behalf of myself/ourselves as authorized agent for

Kace Jackson affirm that on January, 22,

2015 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

Erect a two-family dwelling (Single Family Residence plus Accessory Dwelling Unit) with a 5'

street setback. (Alamo Street, adjacent to the property, was never built out).

in a LR – MU – NP 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:

Alamo Street is closed and the city has no plans to build the street. Alamo Street functions

vacant land. A "Right of Way Vacation" is not applicable because an open drainage easement runs the length of the closed street. A 15 foot setback serves no purpose because no street exists.

HARDSHIP:

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

Because of site constraints—and in order to prevent residents from backing onto 12th street—a

shared access drive will be constructed on the site. This drive will require 20' on the west side of the site. The combination of the 15' setback and the 20' drive would limit the structure to approximately 20' deep.

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

This section of Alamo Street is not constructed. Existing structures on adjacent sites have been

constructed in the setback.

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 adjacent land (Alamo Street) is vacant and is an open drainage easement. The surrounding lots

consist of single family residences.

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:

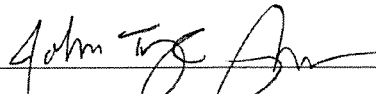
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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 212 Fletcher St

City, State & Zip Austin, TX 78704

Printed John Taylor Jackson Phone 512.461.4255 Date 1/22/2015

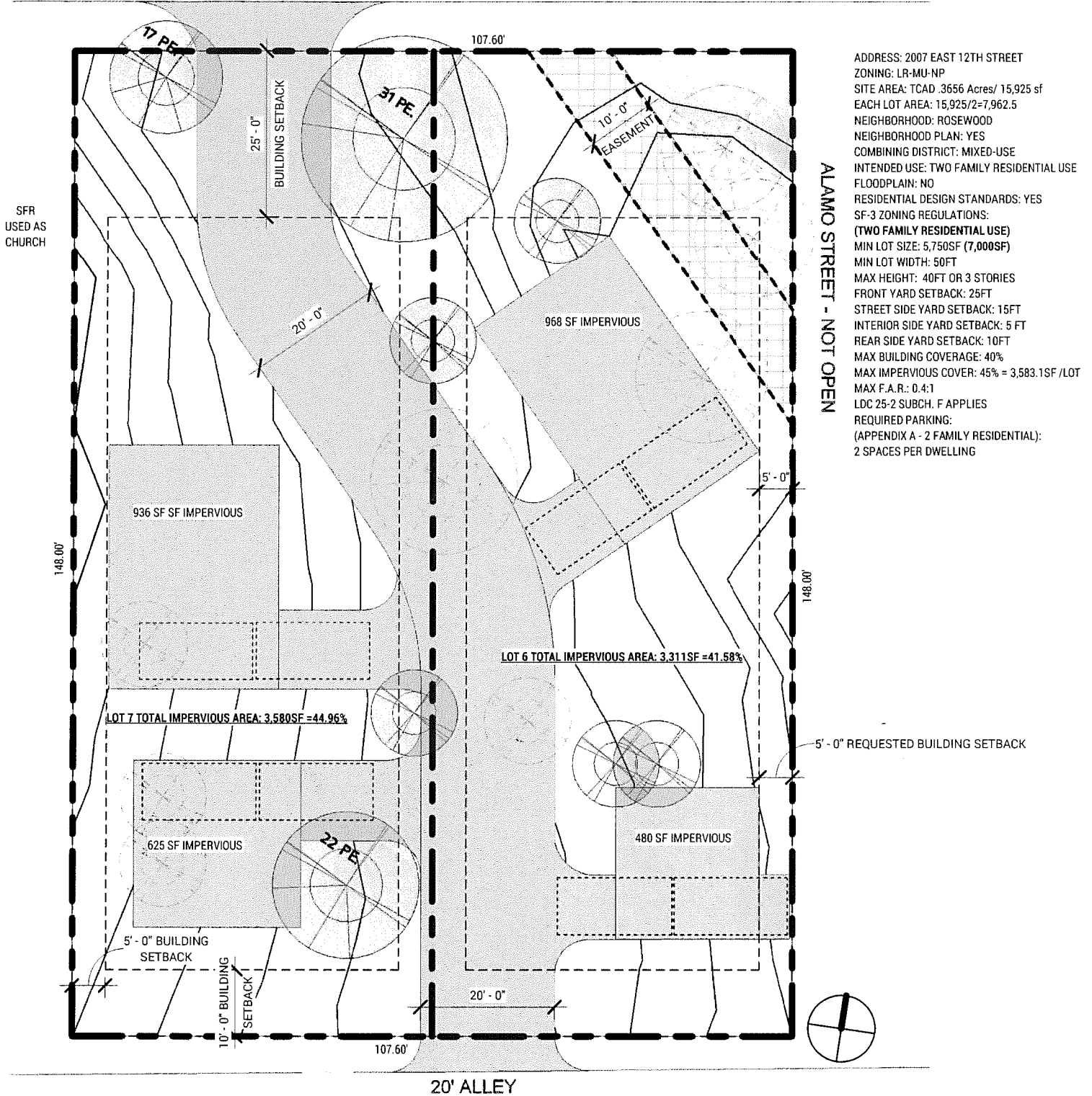
OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 8500 Adirondack Cove

City, State & Zip Austin, TX 78759

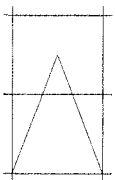
Printed Kacee Jackson Phone 512-789-2833 Date 10/20/2014

EAST 12TH STREET



1 Site Plan
1" = 20'-0"

0' 10' 20'



LOGAN ARCHITECTURE

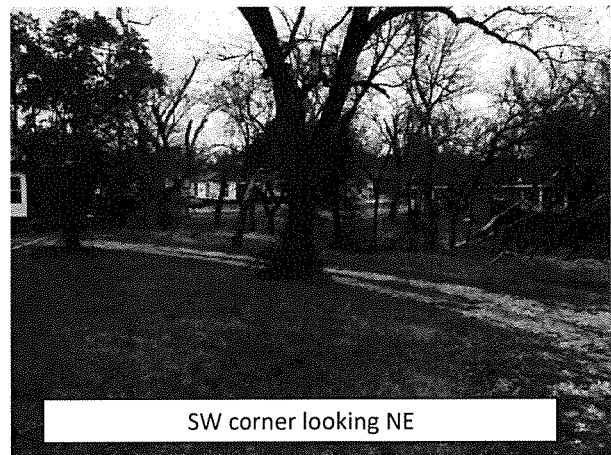
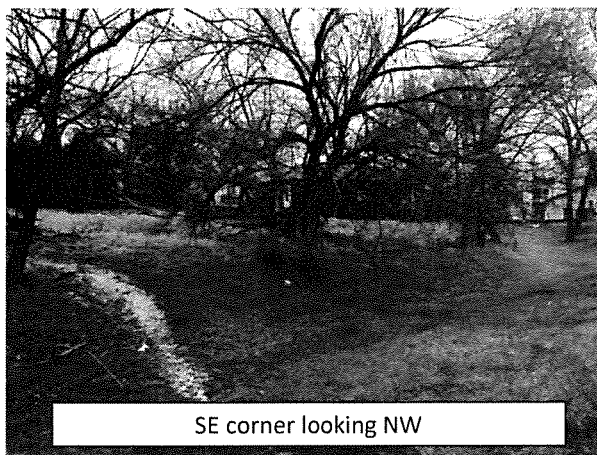
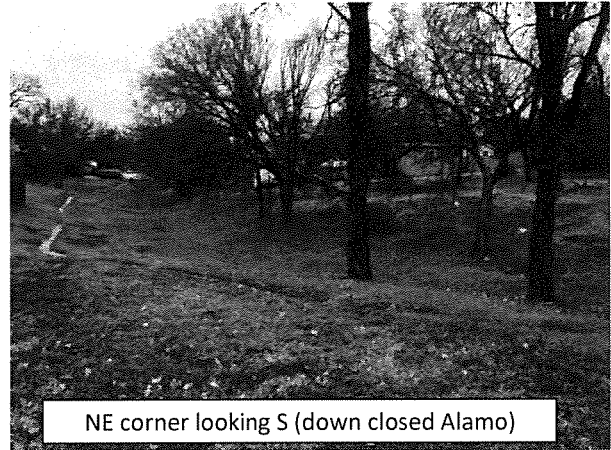
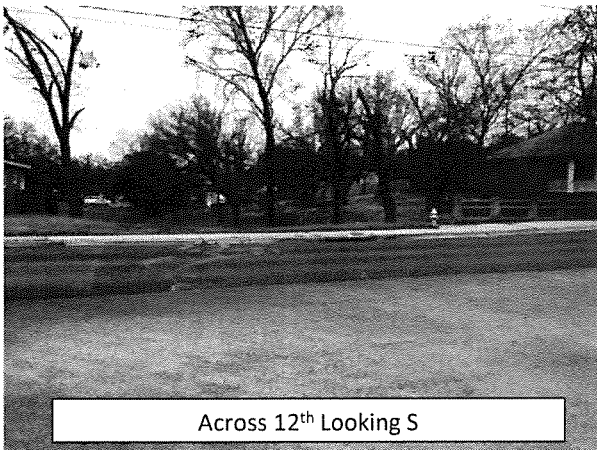
2007 EAST 12TH JACKSON RESIDENTIAL

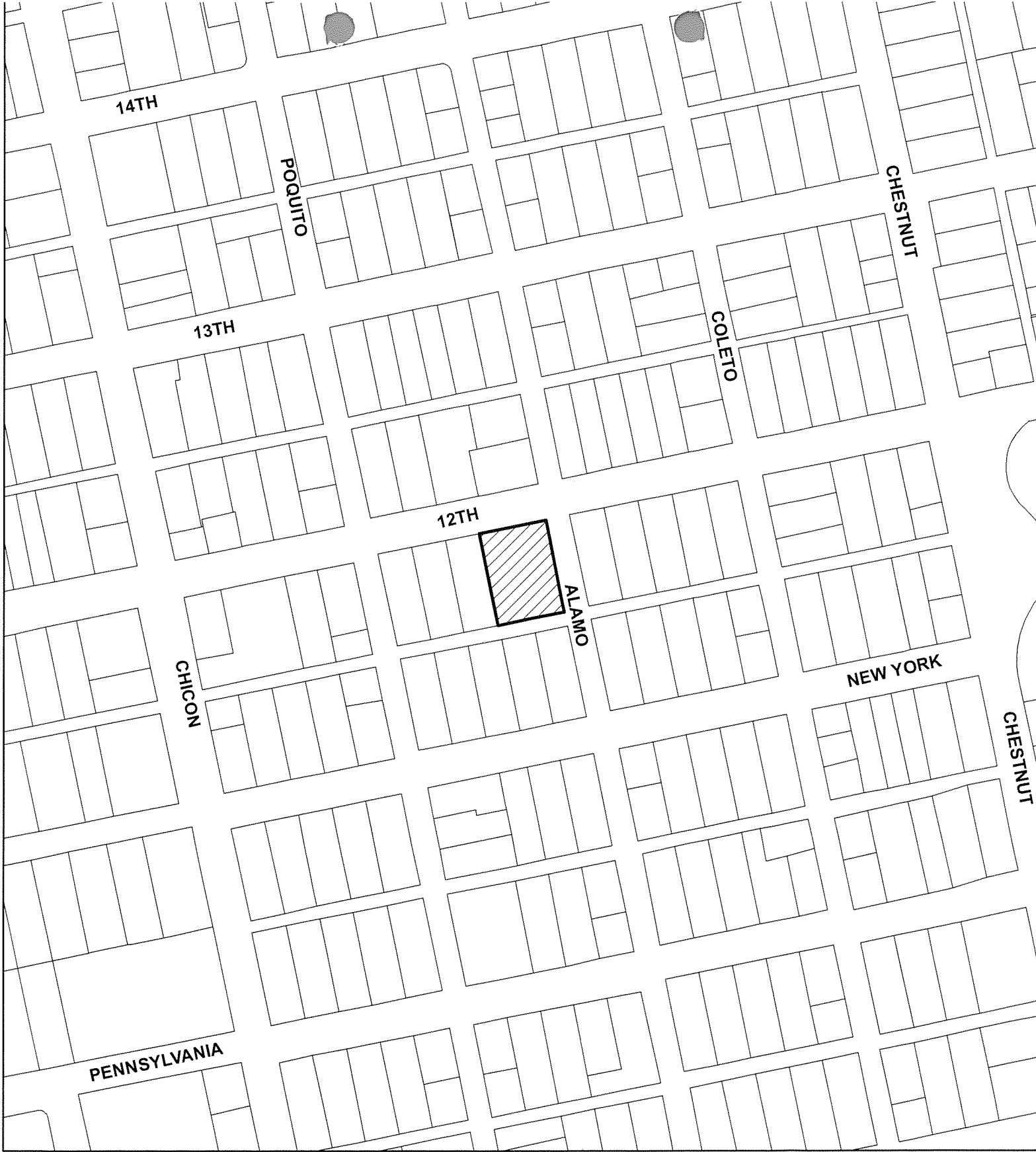
02.24.15




A1

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

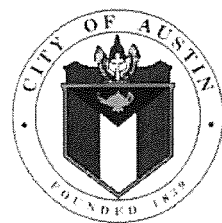
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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2015-0035
Address: 2007 E 12TH STREET



1 " = 200 '

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Revised

CASE# 05-205-0035
ROW# 11290632
TAX# 0268090904

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GENERAL VARIANCE/PARKING VARIANCE**

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HARDSHIP:

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

Because of site constraints—and in order to prevent residents from backing onto 12th street—a

shared access drive will be constructed on the site. This drive will require 20' on the west side of the site. The combination of the 15' setback and the 20' drive would limit the structure to approximately 20' deep.

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City, State & Zip Austin, TX 78704

Printed John Taylor Jackson Phone 512.461.4255 Date 1/22/2015

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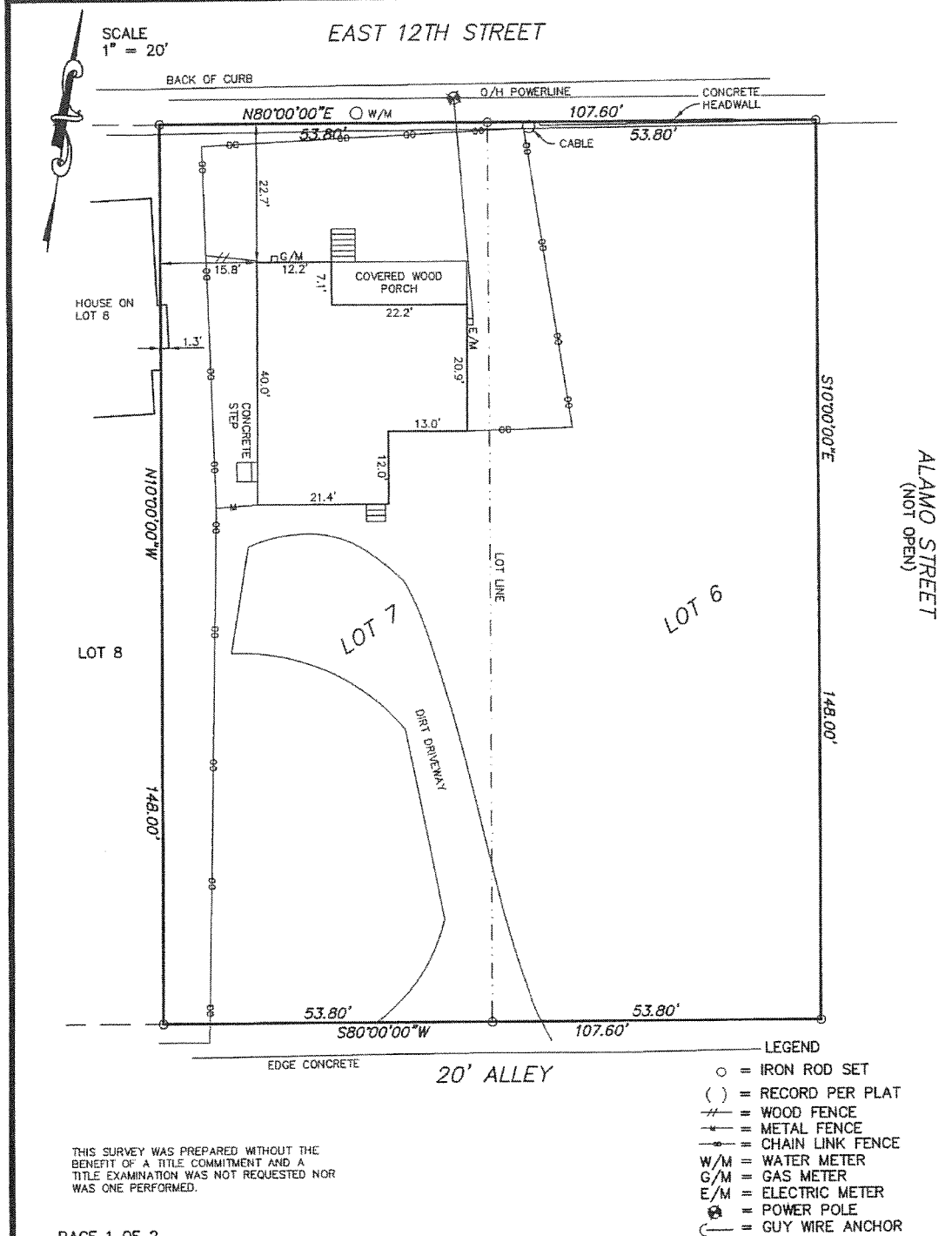
City, State & Zip Austin, TX 78759

Printed Kacee Jackson Phone 512-789-2833 Date 10/20/2014

CELCO SURVEYING
REG. # 10193975
TEL: 830-214-5109
FAX: 866-571-8323

SURVEY PLAT

2205 STONECREST PATH
NEW BRAUNFELS, TEXAS 78130
eddie@celcosurveying.com



ADDRESS: 2007 EAST 12TH STREET, AUSTIN, TEXAS.

LEGAL DESCRIPTION: LOTS 6 AND 7, BLOCK 15, SUBDIVISION OF OUTLOT NO. 58 IN DIVISION B, IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 1, PAGE 34, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

CERTIFICATION

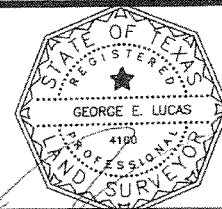
THE UNDERSIGNED DOES HEREBY CERTIFY TO THE PARTIES LISTED BELOW THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UPON THE GROUND OF THE PROPERTY SHOWN HEREON, AND THAT THERE ARE NO ENCROACHMENTS OF VISIBLE IMPROVEMENTS, EXCEPT AS SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A PUBLIC ROADWAY, EXCEPT AS SHOWN HEREON.

BUYER: N/A
TITLE CO: N/A
G.F.: N/A

LENDER: N/A

PLAN No.: 2014-1402

SURVEY DATE: SEPTEMBER 15, 2014

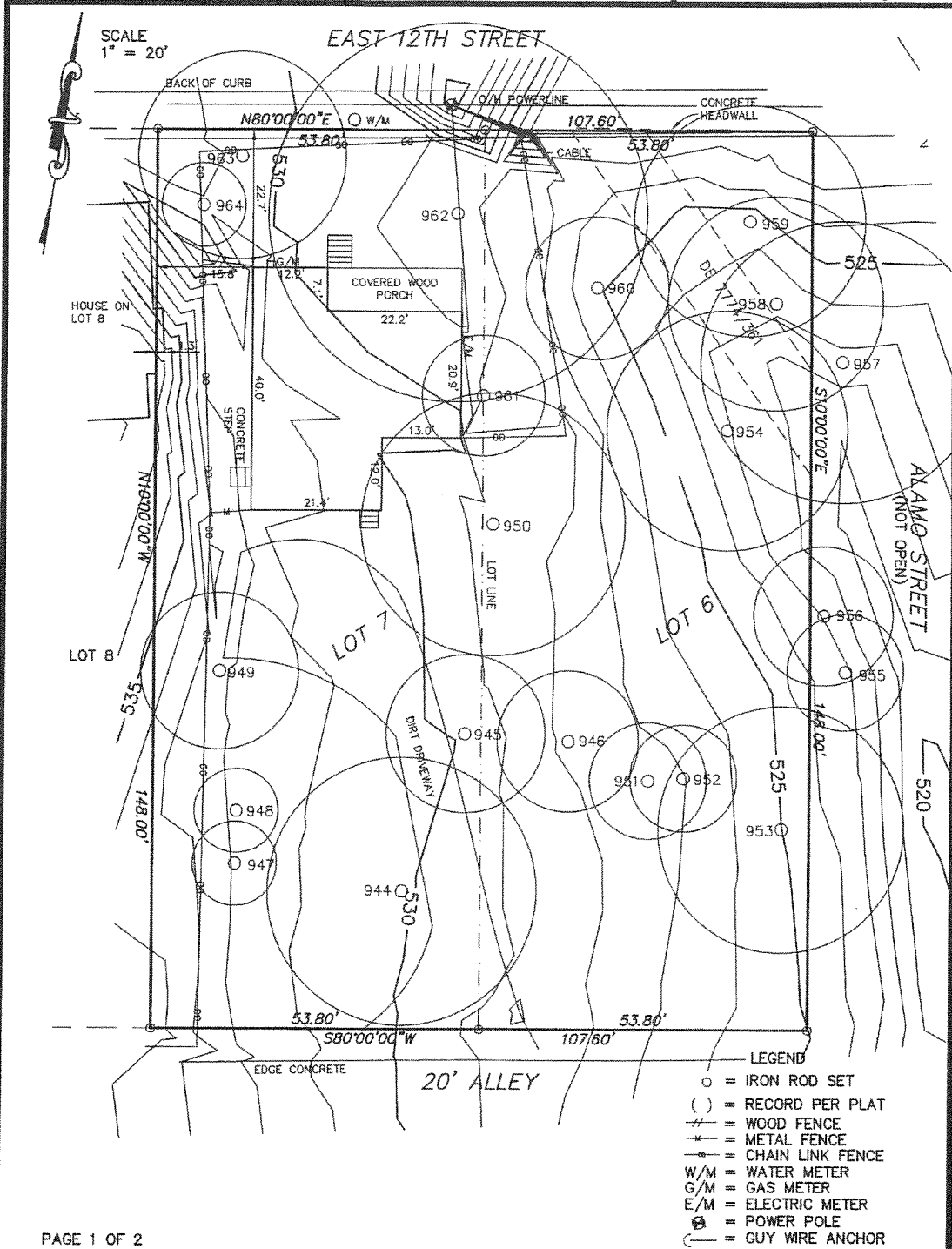


GEORGE E. LUCAS R.P.L.S. 4190

CELCO SURVEYING
REG. # 10193975
TEL: 830-214-5109
FAX: 866-571-8323

SURVEY PLAT

2205 STONECREST PATH
NEW BRAUNFELS, TEXAS 78130
eddie@celcosurveying.com



PAGE 1 OF 2

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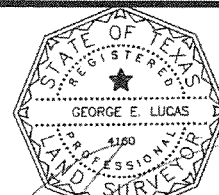
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BUYER: RUSSELL SPILLERS, TRUSTEE OF THE 2007 EAST TWELTH TRUST
TITLE CO: GRACY TITLE
G.F.#: 00100-1402

LENDER: N/A

PLAN No.: 2014-1402

SURVEY DATE: SEPTEMBER 15, 2014



GEORGE E. LUCAS R.P.L.S. 4160

CELCO SURVEYING
REG. # 10193975
TEL: 830-214-5109
FAX: 866-571-8323

SURVEY PLAT

2205 STONECREST PATH
NEW BRAUNFELS, TEXAS 78130
eddie@celcosurveying.com

SCALE
1" = 20'



TREE LIST

TAG NO	SIZE	TREE
944	22"	PECAN
945	13"	PECAN
946	11.6"	LIVE OAK
947	6.9"	HACKBERRY
948	6.9"	HACKBERRY
949	12.9"	PECAN
950	21.7"	PECAN
951	9.6"	HACKBERRY
952	8.8"	LIVE OAK
953	20.2"	LIVE OAK
954	19.8"	LIVE OAK
955	9.6"	UNKNOWN
956	8.5" & 6"	UNKNOWN
957	23.3"	LIVE OAK
958	17.7"	LIVE OAK
959	19"	UNKNOWN
960	11.8"	HACKBERRY
961	10"	PECAN
962	31.1"	PECAN
963	17"	PECAN
964	6.9"	LIVE OAK

PAGE 2 OF 2

ADDRESS: 2007 EAST 12TH STREET, AUSTIN, TEXAS.

LEGAL DESCRIPTION: LOTS 6 AND 7, BLOCK 15, SUBDIVISION OF OUTLOT NO. 58 IN DIVISION B, IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 1, PAGE 34, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

CERTIFICATION

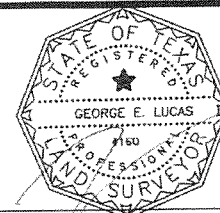
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BUYER: N/A
TITLE CO: N/A
G.P.#: N/A

LENDER: N/A

PLAN No.: 2014-1402

SURVEY DATE: SEPTEMBER 15, 2014



GEORGE E. LUCAS R.P.L.S. 4180

015-2015-0035

Variance Request

Prepared for the City of Austin Board of Adjustments

By: Taylor Jackson

Hearing Date: March 09, 2015

2007 East 12th Street

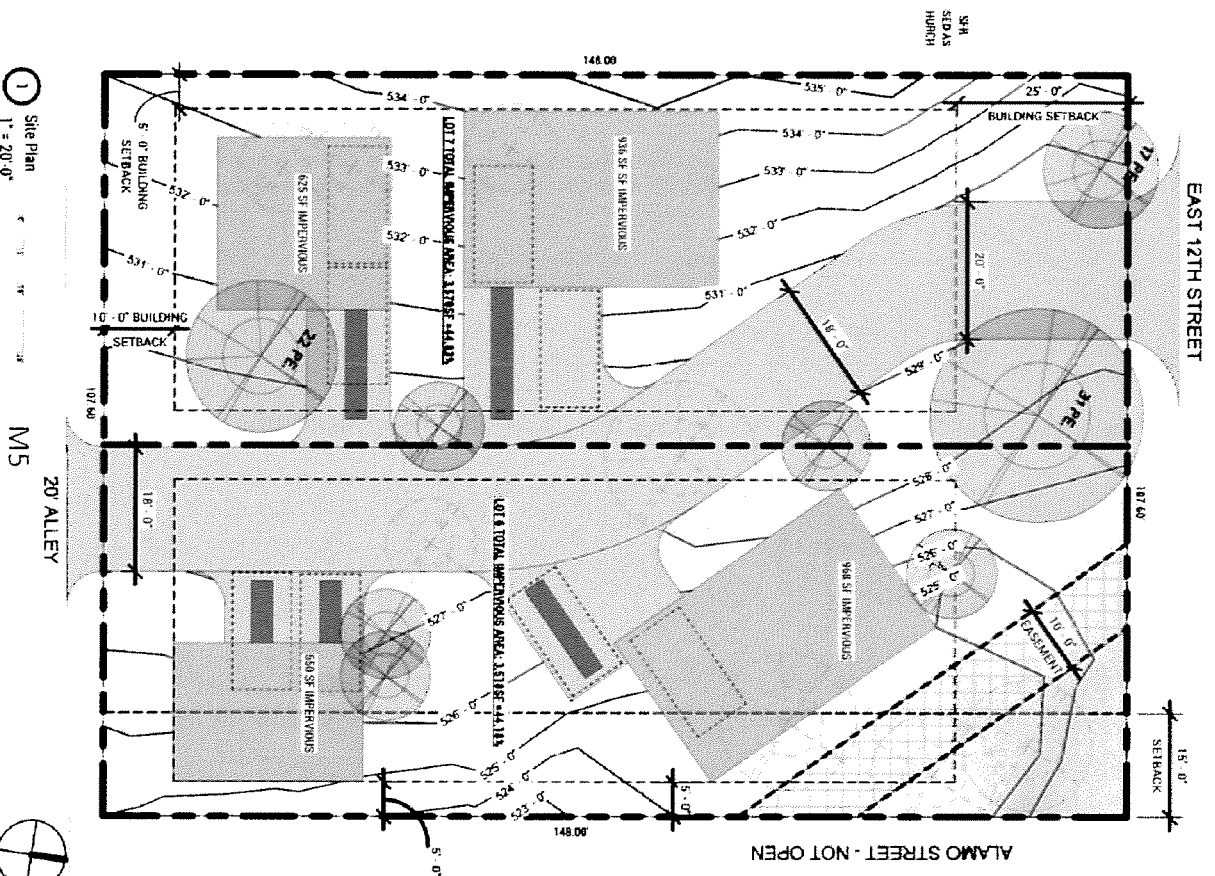
A request to reduce the side-yard setback to 5 feet

Why is this variance being requested?

Six Reasons:

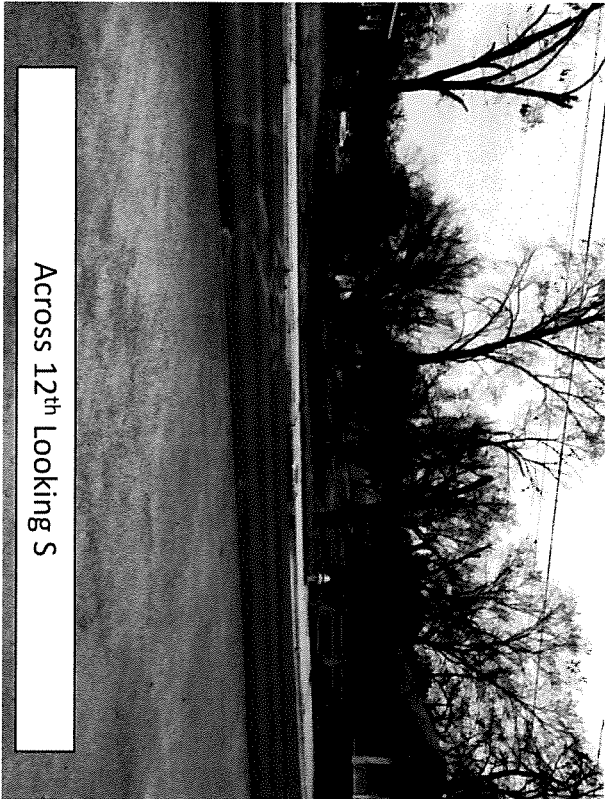
1. Proposed site plan ensures safer ingress and egress
2. Adjacent street (Alamo) is closed
3. City does not intend to build Alamo St
4. Adjacent structures are set back 5 feet
5. Design coheres with the character of surrounding structures
6. Proposed site plan does not impact neighboring properties

1. The proposed site plan ensures safer ingress and egress

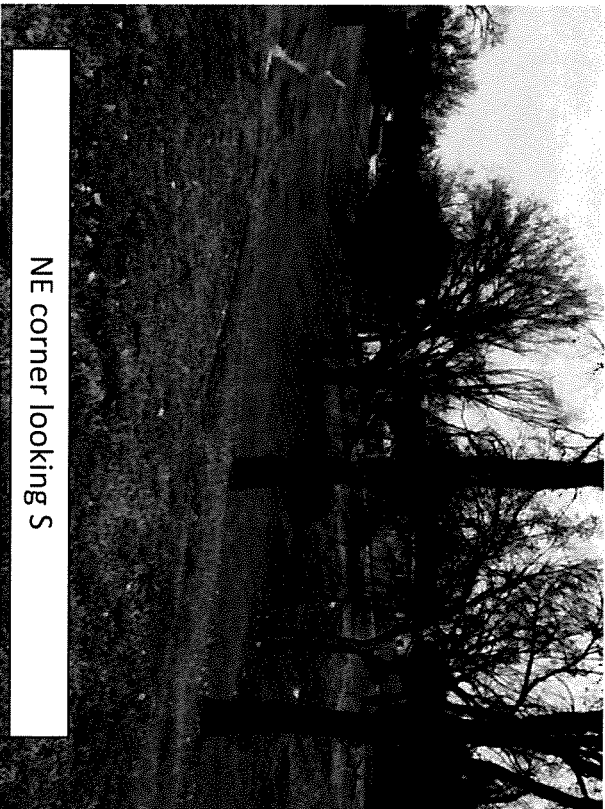


2. The adjacent street (Alamo) is closed

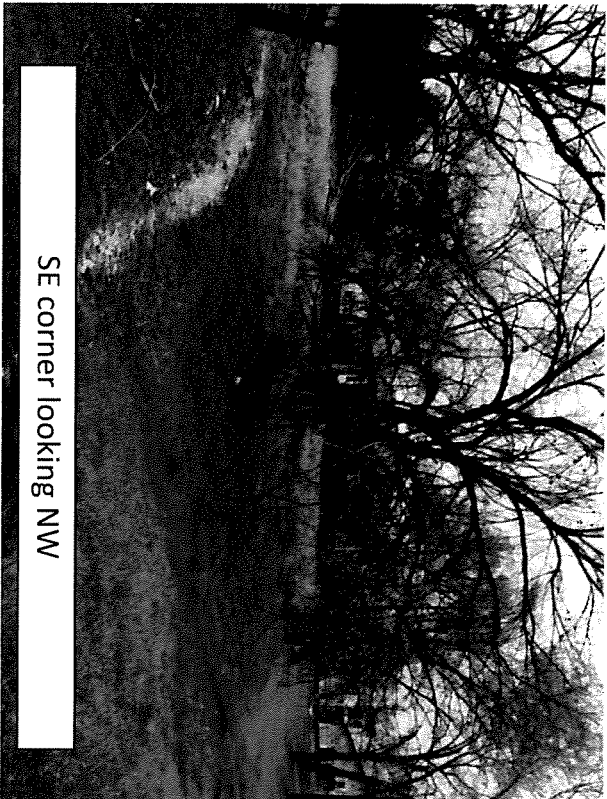




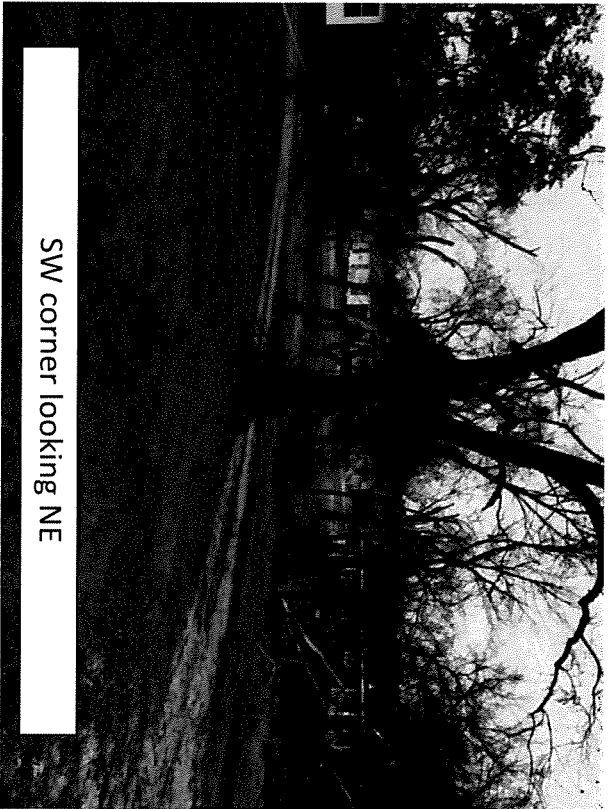
Across 12th Looking S



NE corner looking S



SE corner looking NW



SW corner looking NE

3. The city does not intend to build Alamo Street

Hi Taylor,

In general, the Austin Transportation Department does not build local streets; we rely on builders to build our local streets for us. While we will retain the current Alamo St right of way for pedestrian or bicycle connectivity, there are currently no plans to complete Alamo Street between East 12th Street and New York Avenue. I hope this is of use for you.

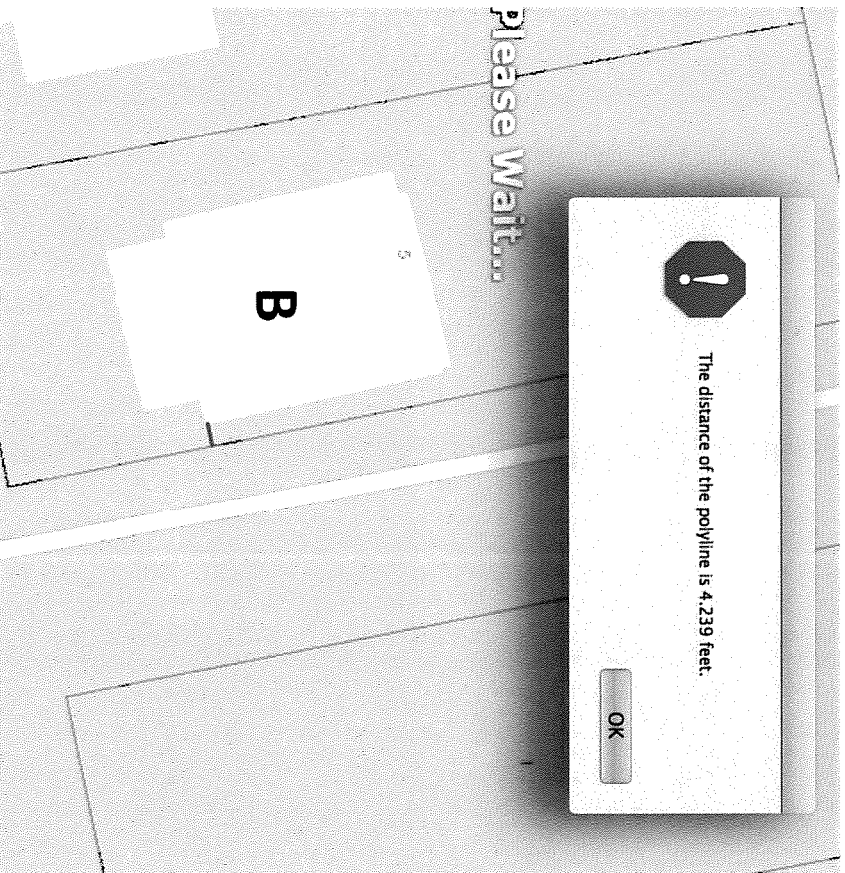
Thank you,

A. Lee Austin, P.E.
Traffic Engineering Division
Transportation Department
Austin, TX
512-974-7681

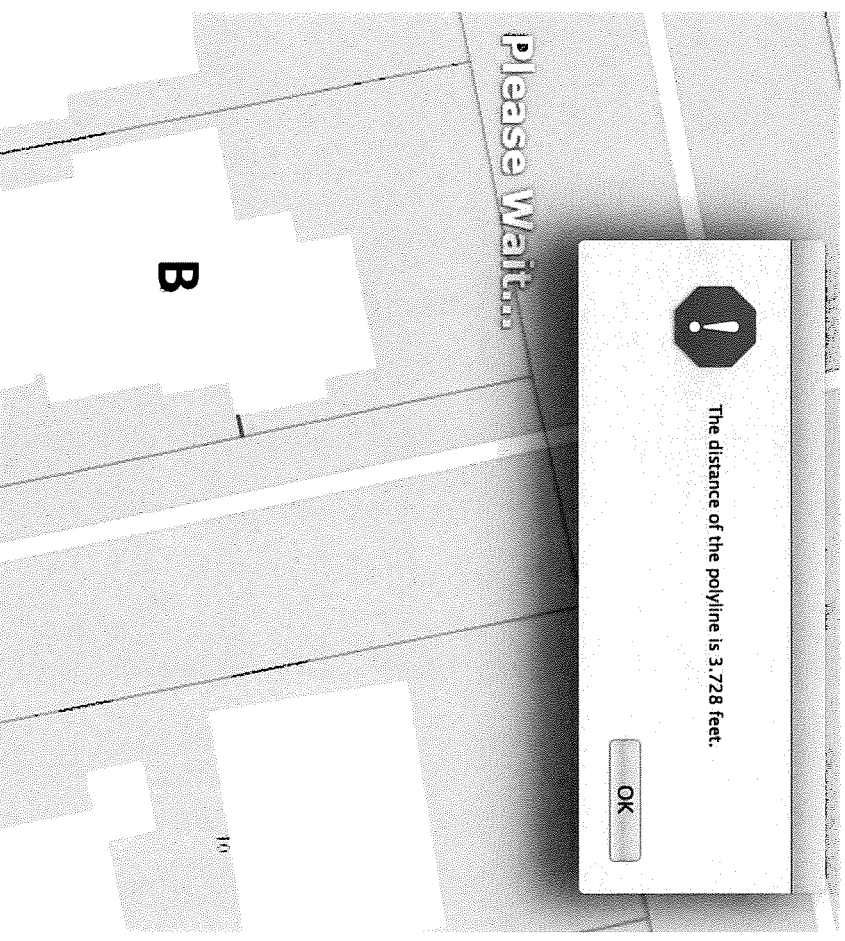
4. Adjacent structures are set back 5 feet



M5

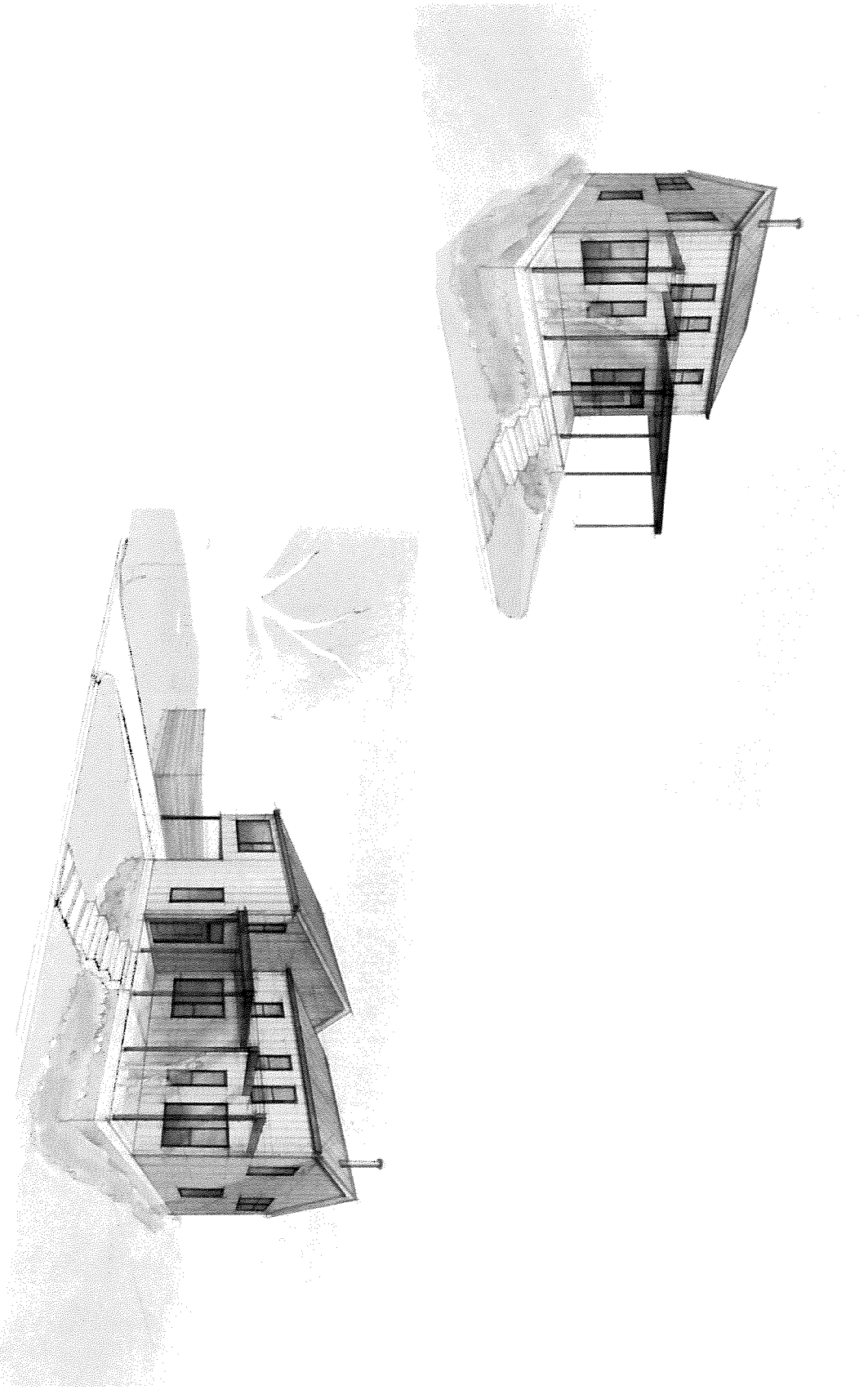


5 ft setback)



(5 ft setback)

5. Design coheres with the character of adjacent structures



6. The site plan does not impact neighboring properties

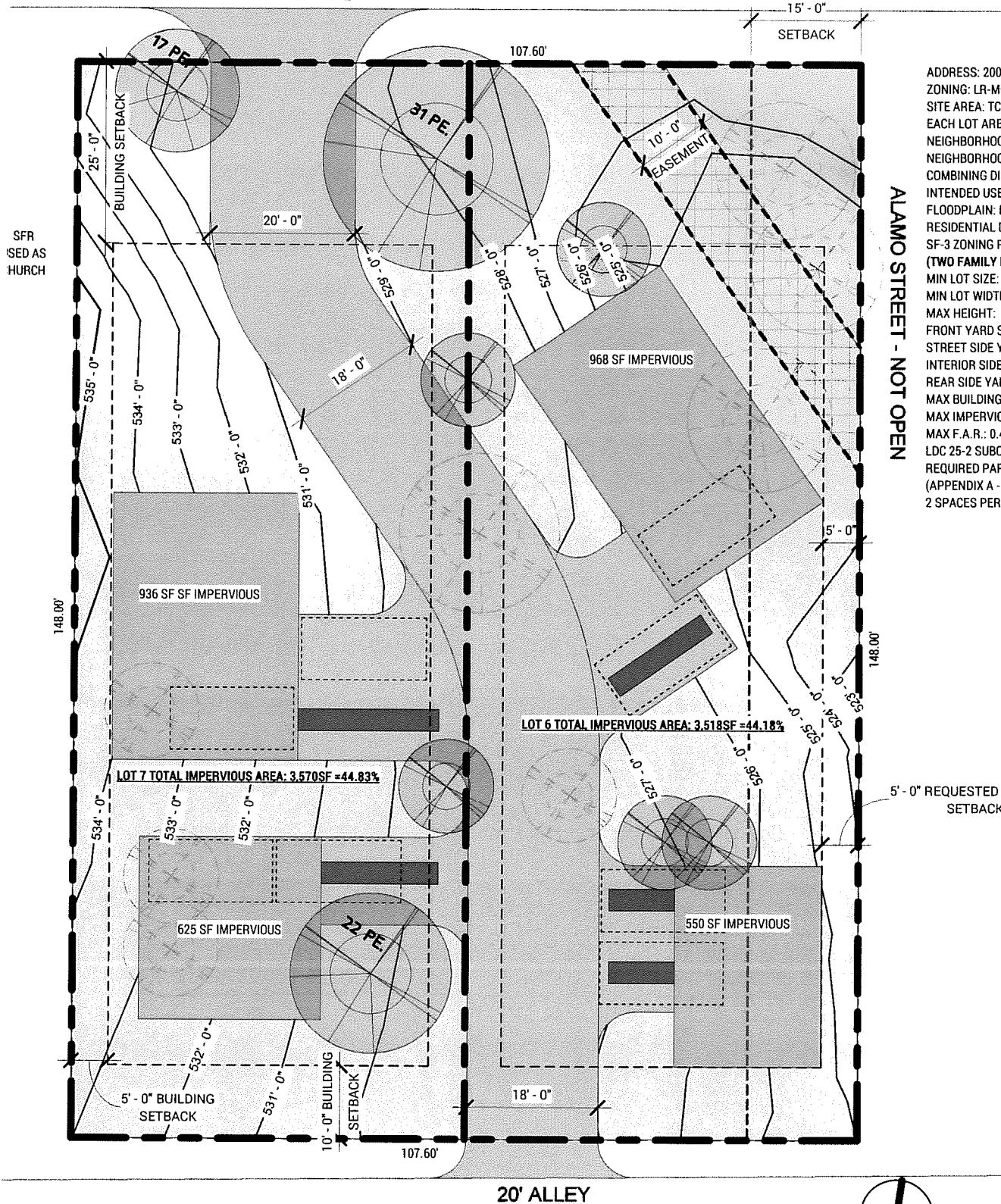


Variance Request

Prepared for the City of Austin Board of Adjustments

Thank You!

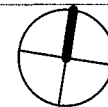
EAST 12TH STREET



ALAMO STREET - NOT OPEN

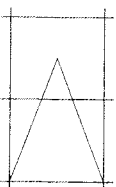
ADDRESS: 2007 EAST 12TH STREET
 ZONING: LR-MU-NP
 SITE AREA: TCAD .3656 Acres/ 15,925 sf
 EACH LOT AREA: 15,925/2=7,962.5
 NEIGHBORHOOD: ROSEWOOD
 NEIGHBORHOOD PLAN: YES
 COMBINING DISTRICT: MIXED-USE
 INTENDED USE: TWO FAMILY RESIDENTIAL USE
 FLOODPLAIN: NO
 RESIDENTIAL DESIGN STANDARDS: YES
 SF-3 ZONING REGULATIONS:
 (TWO FAMILY RESIDENTIAL USE)
 MIN LOT SIZE: 5,750SF (7,000SF)
 MIN LOT WIDTH: 50FT
 MAX HEIGHT: 40FT OR 3 STORIES
 FRONT YARD SETBACK: 25FT
 STREET SIDE YARD SETBACK: 15FT
 INTERIOR SIDE YARD SETBACK: 5 FT
 REAR SIDE YARD SETBACK: 10FT
 MAX BUILDING COVERAGE: 40%
 MAX IMPERVIOUS COVER: 45% = 3,583.1SF /LOT
 MAX F.A.R.: 0.4:1
 LDC 25-2 SUBCH. F APPLIES
 REQUIRED PARKING:
 (APPENDIX A - 2 FAMILY RESIDENTIAL):
 2 SPACES PER DWELLING

5'-0" REQUESTED BUILDING SETBACK



1 Site Plan
 1" = 20'-0"

0' 15' 10' 20'



LOGAN ARCHITECTURE

2007 EAST 12TH
 JACKSON RESIDENTIAL

03.08.15

A1

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

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