

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

**DATE: Monday, March 9, 2015**

**CASE NUMBER: C15-2015-0033**

☐ Y ☐ Jeff Jack - Chair  
☐ Y ☐ Michael Von Ohlen  
☐ Y ☐ Melissa Whaley Hawthorne - Vice Chair **2<sup>ND</sup> THE Motion**  
☐ OUT ☐ Sallie Burchett  
☐ OUT ☐ Ricardo De Camps  
☐ Y ☐ Brian King  
☐ Y ☐ Vincent Harding  
☐ Y ☐ Will Schnier – Alternate **MOTION TO pp TO 4-13-15**  
☐ Y ☐ Stuart Hampton - Alternate

**APPLICANT: William Hodge AIA**

**OWNER: Patriot Builders LP**

**ADDRESS: 1609 JJ Seabrook Drive**

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

**A. decrease the minimum lot width from 50 feet (required) to 49.74 feet (requested)**

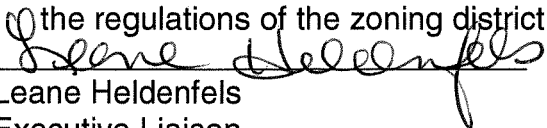
**B. decrease the minimum lot size from 5,750 square feet (required) to 2,450 square feet (requested)**

**in order to re-subdivide the property in its current configuration in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (MLK)**

**BOARD'S DECISION: The public hearing was closed on Board Member Will Schnier motion to Postpone to April 13, 2015, Board Member Melissa Hawthorne 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

## Heldenfels, Leane

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**From:** Katherine Winge <kathleenwinge@austinaquayoga.com>  
**Sent:** Tuesday, March 03, 2015 12:47 PM  
**To:** Heldenfels, Leane  
**Subject:** case# C15-2015-0033

Greetings Leane,

I have lived at 3902 E 16th St for the past 7 years and have seen this neighborhood change a lot. I received notification that there has been a application for variance in Land Development code at 1609 JJ Seabrook. It appears that someone has bought the land and now wants to divide it up and sell it but it falls short in the space requirements. Is this correct? If so, I object to re-zoning my neighborhood in order to densify the area.

Here are the reasons I do not want the decrease in minimum lot width and size requirements:

1. **Flooding:** I am at the bottom of the hill and rain water from all yards already washes through mine. As lots get paved over for these split new mini houses and larger luxury homes. Less land is exposed in the yards above me equals more water ripping through my garden.
2. **Taxes:** How will this affect my taxes? Due to intense "investment property" and house flipping taxes are sky rocketing.
3. **Traffic:** More people on our streets and looking for parking
4. **I enjoy living in a neighborhood,** not a urban street. I have concerns this will open a floodgate for more apartment-like urban living.

Please let me know any ways I can stop this re-zoning

Thank you,

Katherine Winge (512)415-9328

*"The heart has divine instincts; it just needs to be turned loose into the sky" -St. Teresa of Avila*

Austin Aqua Yoga  
<http://austinaquayoga.com/>  
Open Your Heart Yoga and Meditation  
<http://openyourheart yoga.net/>



SUBJECT TRACT



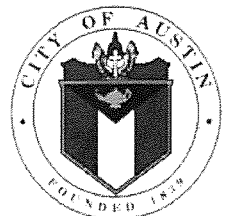
PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0033

Address: 1609 JJ SEABROOK DR



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# C15-2015-0033  
ROW# 11290583  
TAX# 02 111 90926

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: 1609 JJ Seabrook Dr, Austin 78723

LEGAL DESCRIPTION: Subdivision – 0.1505 AC OF OLT 20 DIVISION B

Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Outlot 20 Division B

I/We William Hodge AIA on behalf of myself/ourselves as authorized agent for  
Patriot Builders LP affirm that on 23 January 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 X MAINTAIN

a 49.25' lot width of an existing unplatted tract, a tract which is intended  
to be platted,

in a SF-3-NP district. (MLK)  
(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 tract is unplatted, and has never been built upon, and does not  
meet requirements for legal lot status due to its width, although other  
tracts of similar or lesser width have been built upon

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:  
the tract has never been built upon, and thus is unbuildable until  
platted, whereas other similarly situated tracts have been built upon

(b) The hardship is not general to the area in which the property is located because:  
most other tracts in the area have been built upon already

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**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 tract is in a residential area and the intended use is a single-family  
residence similar to those in the 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:
- 
-



SCALE: 1" = 50'

# J.J. SEABROOK ADDITION

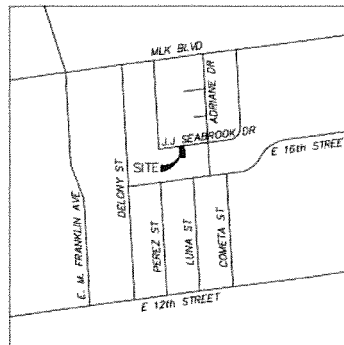
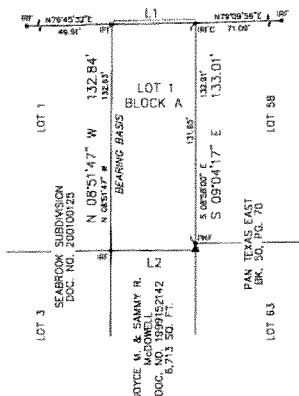
## J.J. SEABROOK DRIVE

(50' ROW)

LINE NO.	BEARING & DISTANCE
L1	ACTUAL N 80°08'08" E 49.26'
	RECORD N 80°14'02" E 49.25'
L2	ACTUAL S 82°12'33" W 49.74'
	RECORD S 80°33'17" W 49.48'

### LEGEND

1/2" IRON ROD FOUND  
1/2" IRON PIPE FOUND  
1/4" IRON PIPE FOUND  
1/2" IRON ROD FOUND W/CAP  
STANDARD WATERED RPLS 4324"  
▲ CALCULATED POINT  
(CENTER LINE OF SANITARY MANHOLE)  
..... PROPOSED SIDEWALK LOCATION



VICINITY MAP  
NOT TO SCALE

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

THAT, PATRIOT BUILDERS, LP, OWNER OF 0.1505 ACRE TRACT OF LAND DESCRIBED IN THE GENERAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2014082434, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, DOES HEREBY SUBDIVIDE SAID LAND PURSUANT TO CHAPTER 212.004 OF THE LOCAL GOVERNMENT CODE, TO BE KNOWN AS:

J.J. SEABROOK ADDITION

AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, A.D.

MATT WORRALL  
PATRIOT BUILDERS, LP  
214 SETTLERS VALLEY DRIVE  
PFLUGERVILLE, TEXAS 78660  
(512) 251-2512

STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MATT WORRALL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN CAPACITY THEREIN STATED FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

NOTARY PUBLIC FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES \_\_\_\_\_

(TYPE OR PRINT NAME)

THIS SUBDIVISION PLAT IS LOCATED WITHIN THE FULL PURPOSE JURISDICTION OF THE CITY OF AUSTIN ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, A.D.

ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT, CITY OF AUSTIN, COUNTY OF TRAVIS THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, A.D.

DIRECTOR  
WATERSHED PROTECTION & DEVELOPMENT REVIEW DEPARTMENT

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, A.D.

CHAIRPERSON

SECRETARY

### SURVEYOR'S CERTIFICATION:

I, EDWARD W. BRADFIELD, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THIS PLAT COMPLIES WITH TITLE 25 OF THE AUSTIN CODE OF 1981, AS CURRENTLY AMENDED, IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.

SNS ENGINEERING, INC.

EDWARD W. BRADFIELD, RPLS 5617  
12885 US HIGHWAY 183 NORTH, SUITE 101-B  
AUSTIN, TEXAS 78750

DATE

### FLOOD PLAIN NOTE:

THIS TRACT IS LOCATED IN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 100-YEAR FLOOD PLAIN OF ANY WATER WAY THAT IS WITHIN THE LIMITS OF STUDY OF THE FEDERAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL NO. 48453C0465H, DATED SEPTEMBER 26, 2008, FOR TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS.

### ENGINEERED BY:

ALBERT RUBIO, P.E.  
PERALES ENGINEERING, L.L.C.  
1706 WEST 6TH STREET  
AUSTIN, TEXAS 78703

DATE

14396-1

**SNS Engineering Inc.**  
Consulting Engineers • Land Planners • Surveyors

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Austin, Texas 78750

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656/73, 661/32

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