

SUBJECT TRACT

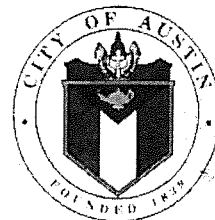


PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0115
Address: 101 W 32ND ST



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1" = 200'

CASE# C15-2015-0115
ROW# 11347118
TAX# 0216040313 mg
2

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: 101 WEST 32ND ST. AUSTIN TEXAS 78705

LEGAL DESCRIPTION: Subdivision – UNIVERSITY HEIGHTS

Lot(s) 1 Block 1 Outlot 74 Division D

I/We DAVID BIVEN on behalf of myself/ourselves as authorized agent for

_____ affirm that on MAY 31, 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

MAINTAIN A PRIVACY WALL WHICH CURRENTLY BORDERS THE RESIDENTIAL PROPERTY LISTED ABOVE
AND SPEEDWAY AVENUE. WE SEEK A VARIANCE OF CODE 25-2-899 BECAUSE PORTIONS OF THE WALL
EXCEED THE HEIGHT REQUIREMENTS IN THIS CODE SECTION.

in a SF-3-NCCD-NP district. (North University)
(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):

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REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

A HEIGHT LIMIT FOR THE PRIVACY FENCE OF 6 TO 8 WOULD NOT ALLOW THE PROPERTY TO MAINTAIN PRIVACY IN OUR HOME. THE HOME SITS ATOP A HILL AND THE YARD DROPS APPROXIMATELY 4 FEET FROM THE BEGINNING OF FENCE LINE TO THE END. A HEIGHT OF 6 FEET AT THE BACK OF THE HOME WOULD GIVE PASSERBYS ON A BUSY STREET AND SIDEWALK VIEWS INTO THE WINDOWS AND YARD OF THE HOME. ADDITIONALLY THE YARD SLOPES DOWN TO THE SIDEWALK FROM THE SIDE OF THE PROPERTY MEANING THAT THE HEIGHT OF THE FENCE FROM THE INTERIOR YARD IS SHORTER THAN THE HEIGHT MEASURED FROM THE EXTERIOR SIDE. IN ORDER FOR THE FENCE TO STAY LEVEL FROM FRONT TO BACK ALONG THE STEEP GRADIENT, THE FENCE HEIGHT MUST GO UP IN CONJUNCTION WITH THE PROPERTY SLOPE.

HARDSHIP:

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

THIS HARDSHIP IS UNIQUE TO THIS PROPERTY BECAUSE OF THE UNIQUE PHYSICAL CHARACTERISTICS OF THE LOT AND THE PROXIMITY TO BUSY STREETS:

1. THE PROPERTY SITS ATOP A HILL AND THE YARD DROPS APPROXIMATELY 4 FEET FROM THE BEGINNING OF FENCE LINE TO THE END. SINCE OUR PROPERTY GRADING CHANGES 4-5FT FROM THE FRONT YARD TO THE BACK, THE FIRST FLOOR BEDROOM WINDOWS ARE LEVEL WITH THE FRONT YARD AND ~4FT ABOVE GROUND IN THE BACKYARD. THIS ROOM FACES NOT ONLY SPEEDWAY BUT ALSO ONCOMING TRAFFIC FROM 32ND ST. THE WALL OFFERS PRIVACY FROM ONCOMING HEADLIGHTS AND TRAFFIC NOISE FROM SPEEDWAY AND 32ND EAST OF SPEEDWAY.
2. BEING ON THE CORNER OF SPEEDWAY AND 32ND, PUTS THE PROPERTY AT A UNIQUE DISADVANTAGE OF HAVING TO MAINTAIN PRIVACY NOT JUST FROM A SINGLE NEIGHBOR, BUT ALL TRAFFIC (PEDESTRIAN, AUTO, BIKE) RUNNING NORTH/SOUTH ON SPEEDWAY AND TRAFFIC MOVING WEST TOWARDS SPEEDWAY ON 32ND ST.

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

1. THIS PROPERTY IS THE ONLY PROPERTY SITTING AT THIS HEIGHT AND SLOPING DOWN AT SUCH A STEEP ANGLE ALONG THE SPEEDWAY CURVE.
2. THIS PROPERTY IS A CORNER LOT WITH MEANINGFUL TRAFFIC ALONG THE PROPERTY LINE.

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 WALL IS ONE OF SEVERAL WALLS CURRENTLY BUILT FOR THE PROPERTIES IN THE NEIGHBORHOOD ALONG SPEEDWAY. IN FACT, THE CURRENT WALL SEEMS TO FLOW SEAMLESSLY SOUTH ON SPEEDWAY WITH ANOTHER WALL RUNNING ALONG THE PROPERTY SOUTH OF OUR PROPERTY. ONLY A SMALL PORTION OF THE WALL IS OVER THE HEIGHT REQUIREMENT AND DROPPING THE HEIGHT DOWN AT JUST THAT SECTION WILL ACTUALLY DIMINISH THE BEAUTY OF THE CURRENT STRUCTURE WHICH IN ITS CURRENT STATE IS LEVEL AND SMOOTH, DROPPING DOWN SLOWLY ALONG THE CURVE OF THE PROPERTY SLOPE. THE WALL SEAMLESSLY ABUTS THE LIMESTONE ENTRANCES INTO THE NEIGHBORHOOD. THE WALL SITS ATOP THE ORIGINAL FENCE LINE FROM WHEN THE PROPERTY WAS PURCHASED; AND WILL EVENTUALLY BE COVERED IN IVY SIMILAR TO OTHER WALLS IN THE NEIGHBORHOOD. AFTER CONSTRUCTING THE WALL, SEVERAL NEIGHBORS EXPRESSED THEIR APPRECIATION THAT THE OLD DILAPIDATED FENCE AND WALL WERE REMOVED AND THE NEW WALL WAS ERECTING, GIVING PRIVACY TO NOT ONLY OUR PROPERTY BUT ALSO TO THE NEIGHBORHOOD FROM THE CONSTANT FLOW OF TRAFFIC, BIKERS AND WALKERS ALONG SPEEDWAY.

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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 David M Biven Mail Address 101 W 32ND STREET

City, State & Zip AUSTIN, TX, 78705

Printed DAVID M BIVEN Phone 5122844640 Date 5/31/2015

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 David M Biven Mail Address _____

City, State & Zip _____

Printed SAME AS ABOVE Phone _____ Date _____

mg
5

WEST 32ND STREET PLATTED AS 32ND STREET (155' R.O.W.)

12/9

N 60°00'22" W 70.64'

(ASSUMED BEARING BASIS)

N 30°00'00" E 135.92' (135.80')

LOT 3

LOT 1
BLK. 1

ONE STORY
FRAME & BRICK
RESIDENCE

STONE COLUMN

STONE COLUMN

CONCRETE

WOOD STEPS

CONCRETE DRIVEWAY

STONE WALL

S 29°55'20" W 135.46' (135.20')

SPEEDWAY OR UNIVERSITY AVENUE

(155' R.O.W.)

N 89°54'33" W 60.16' (60.00')

LOT 21

LOT 22

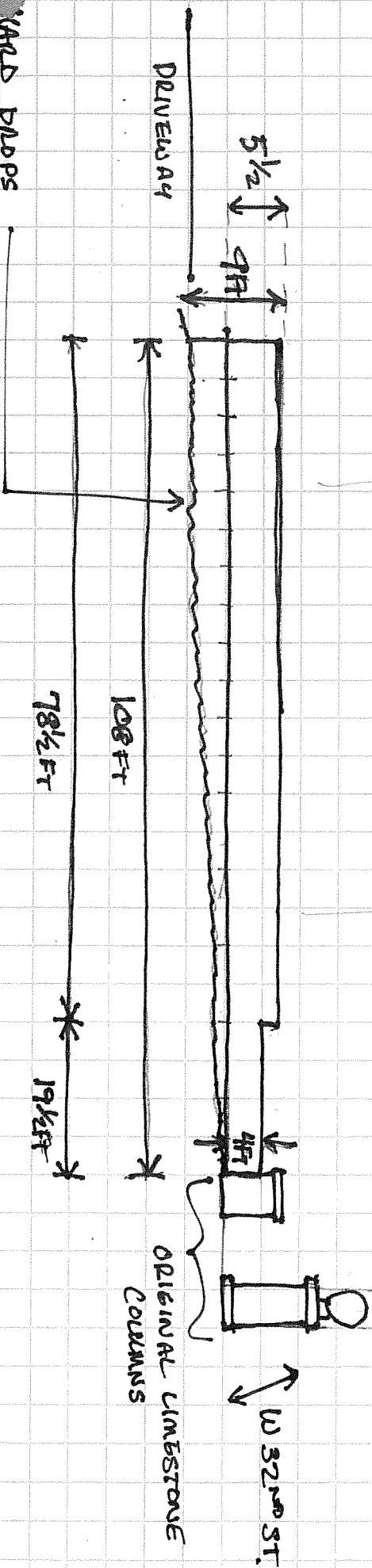
20 0 20 40 60 Feet

YOUR DEDICATED TEAM OF REAL ESTATE PROFESSIONALS

BT

SPEEDWAY @ 32ND ST

SOUTH ← NORTH

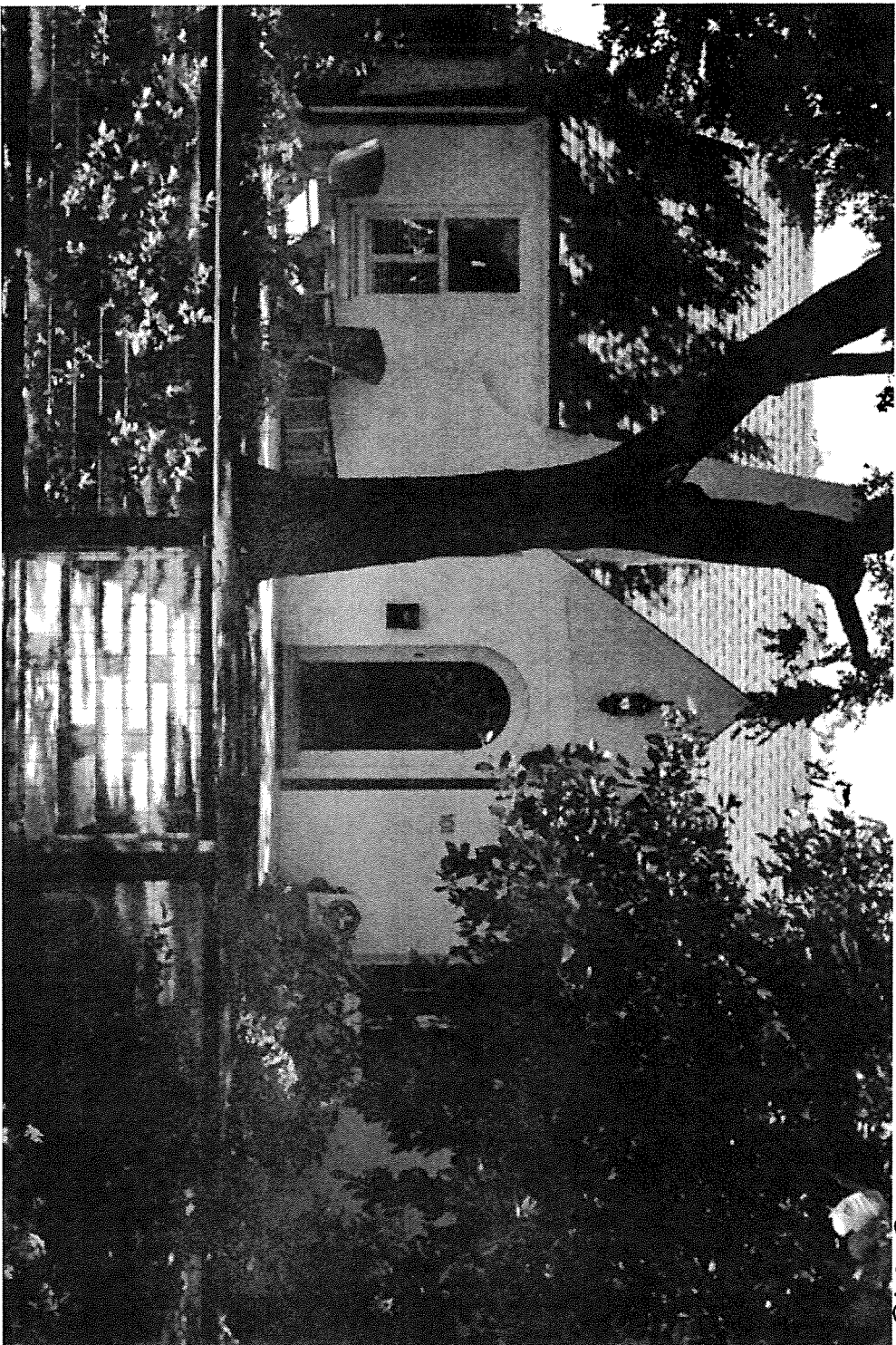


YARD DROPS
4 FT FROM
BEGINNING TO
END OF WALL

INSTALL CONCRETE BLOCK WALL
12-18 INCH FOOTING / BASE
LEVEL WITH FRONT YARD - 4 FT HIGH AT START MOVING TO 5 1/2 FT
TO REMAIN LEVEL w/ HOUSE BACK / SOUTH END IS 19 FT
WALL BUILT ON TOP OF ORIGINAL FEELER LINE

6/18

05-2015-0115



101 West 32nd Street

David Biven - Owner/Occupier

515
215

Details

Mailing Date: July 30, 2015

Case Number: C15-2015-0115

Please be advised that the City of Austin has received an application for a variance from the Land Development Code.

Applicant:	David Michael Biven, (512) 284-4640
Owner:	Same
Address:	101 W 32ND ST

Variance Request(s): The applicant has requested a variance(s) from:

A. Section 25-2-899 (D) (*Fences as Accessory Uses*) to exceed the average height of six feet or a maximum height of seven feet for a solid fence constructed along a property line; and to

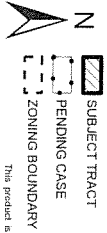
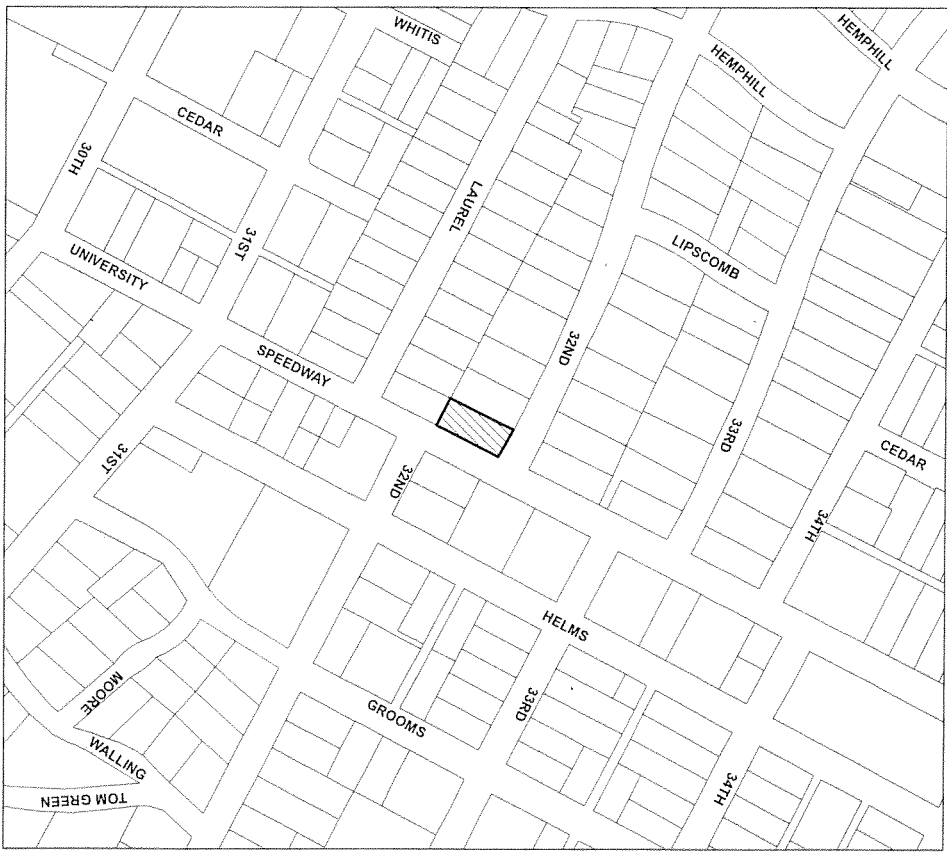
B. Ordinance #040826-58, Part 6, General Provisions, 10. Fences, to locate a fence in a front yard higher than four feet and more solid than 1 to 1.5 ratio

in order to construct a wall as tall as 9 feet along the property line of this lot in an "SF-3-NCCD-NP", Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University)

212

Location

- Property is located on the SW corner of West 32nd Street and Speedway



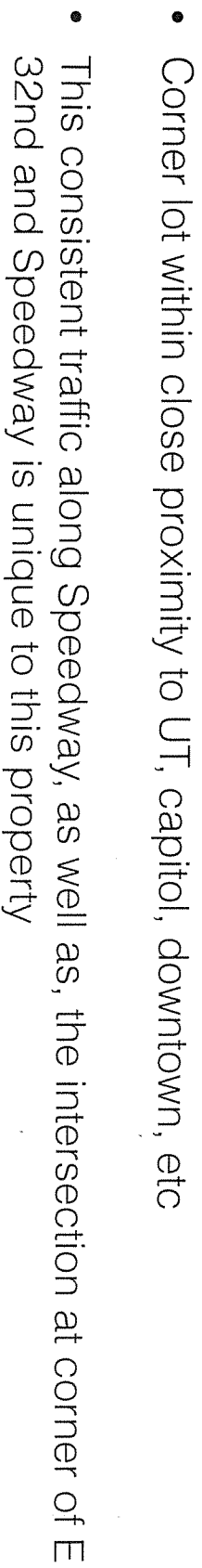
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Location



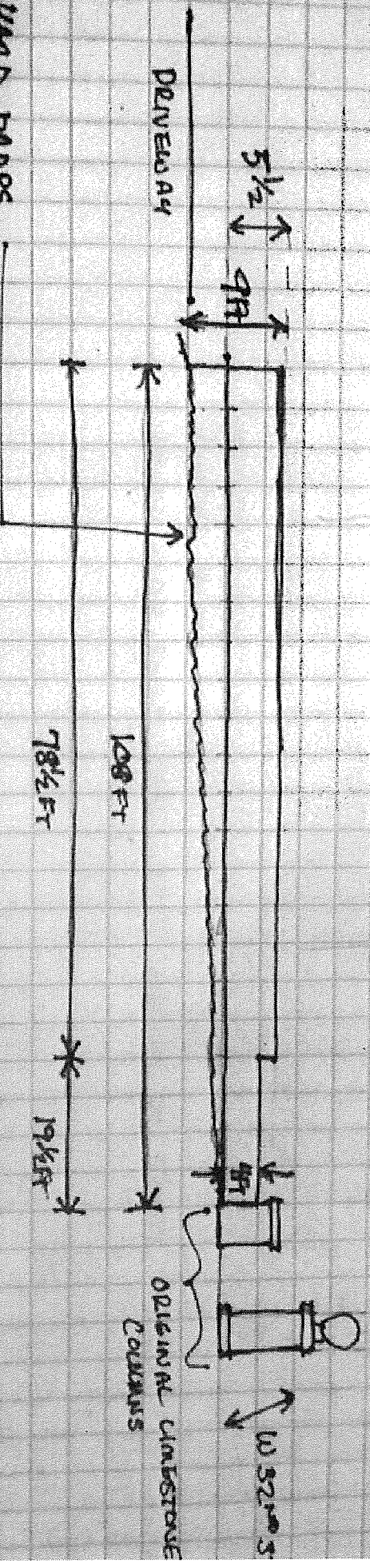
5/2

History

- We purchased this house on 9/21/2013
- The first renovation projects completed was a new privacy wall along Speedway
- This wall was built on the existing location of a wood fence with a limestone base
- This previous fence was not level and was also starting to fail in some areas
- The new wall upgraded the aesthetic appeal of the property and also provided much needed privacy along one of the main thoroughfares in the neighborhood
- The wall was designed to match the look and feel of the neighborhood, specifically the wall on the adjacent property to the south
- Although we were unaware of the height limitation for this project, the wall was designed to effectively obstruct traffic views into the house while also staying level across the property to enhance the aesthetic appeal

5/15

Submitted Plans



WALL DROPS
4ft FROM
BEGINNING TO
END OF WALL

INSTALL CINDER BLOCK WALL
12-18 INCH FOOTING / BASE
LEVEL WITH FLOOR WALL - 4 FT HIGH AT START ABOVE TO 5 1/2 FT
TO REMAIN LEVEL w/ HOUSE BACK / SOUTH END IS 29 FT
WALL BUILT ON TOP OF ORIGINAL FENCE LINE

3/15

Original from Speedway

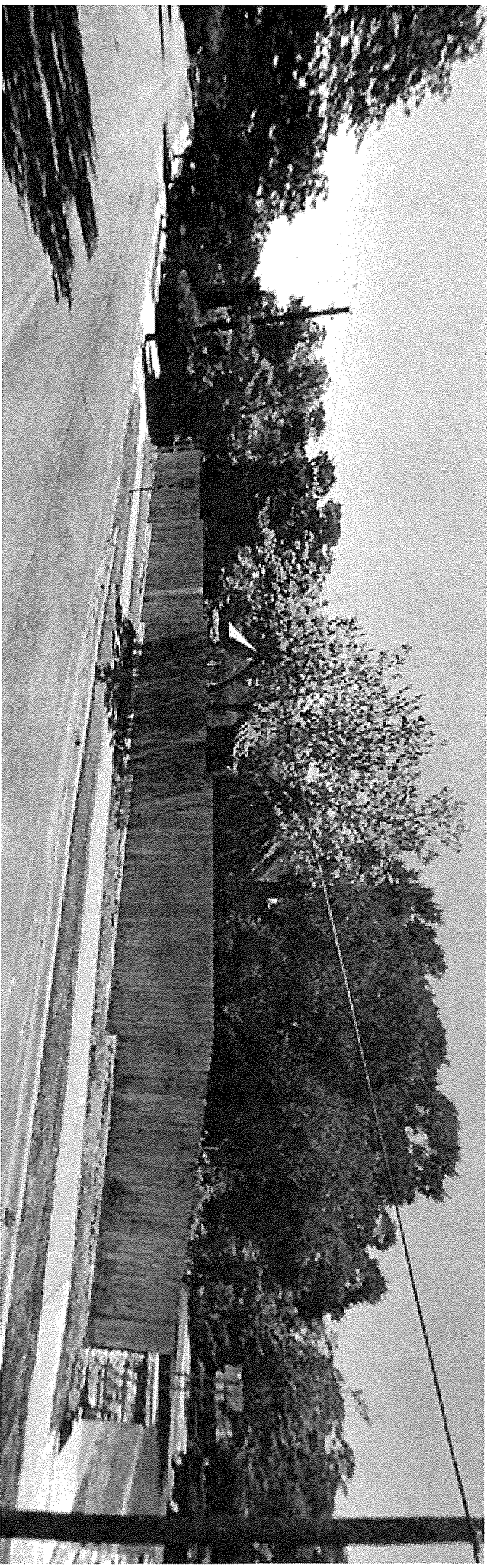


image from google maps

- Corner lot is along Speedway, a main north south thoroughfare to the university
- Property grading drops 4ft from north side of fence to south side
- Original fence did not take into account the lot grading, was in need of repair, was not level, did not provide appropriate privacy, and was also much taller in the front yard than the new wall

Updated from Speedway

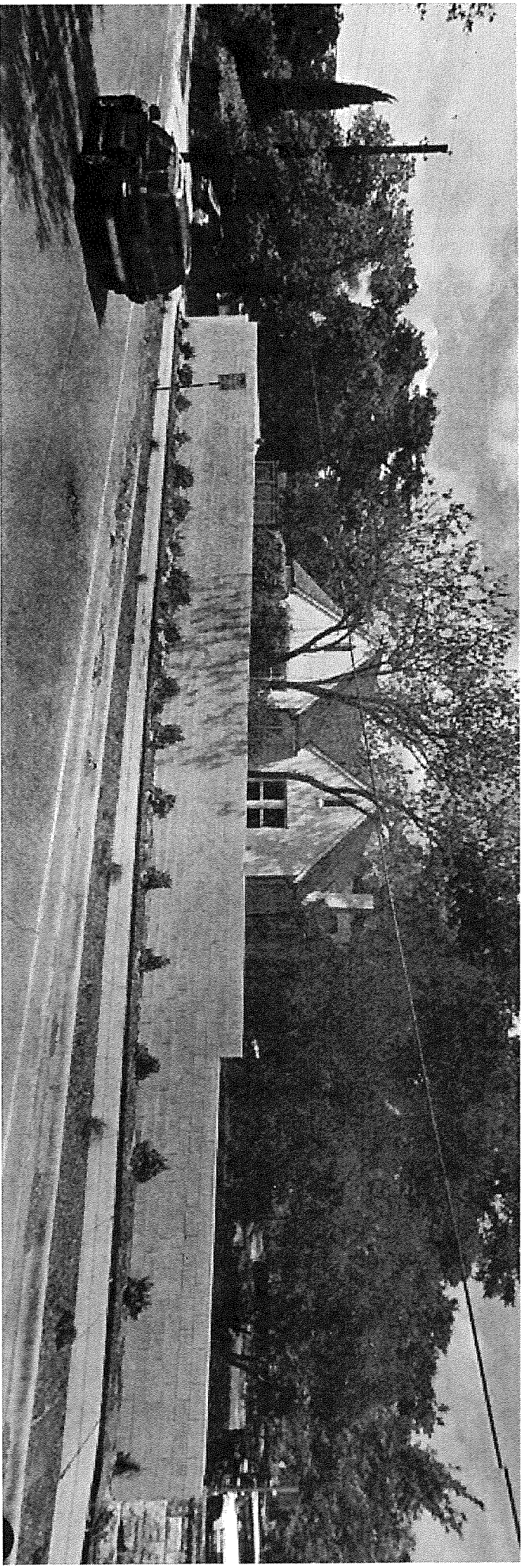


image from google maps

- New wall is built on existing fence line but is level across the entire yard, provides much needed privacy in the living rooms and bed rooms and also better fits the look of the neighborhood (matching the adjacent neighbor and allowing for better view of front yard and 32nd street)

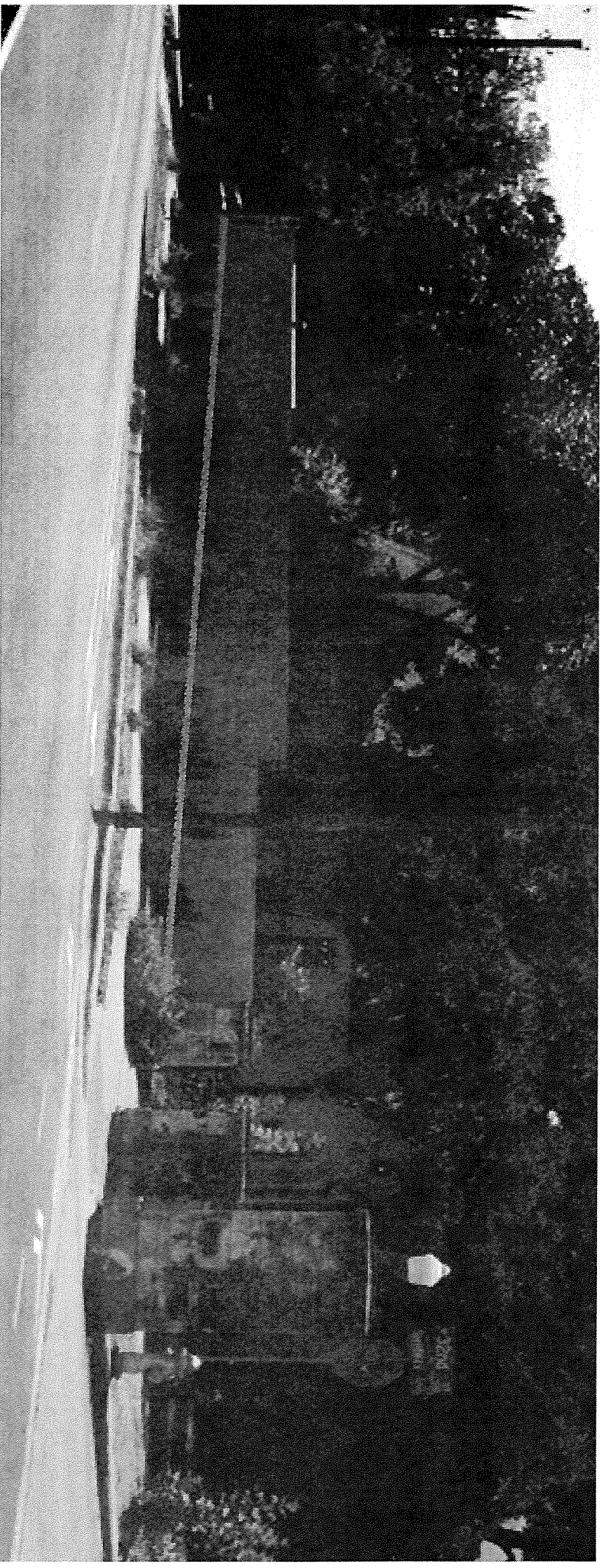
5/3



5/18

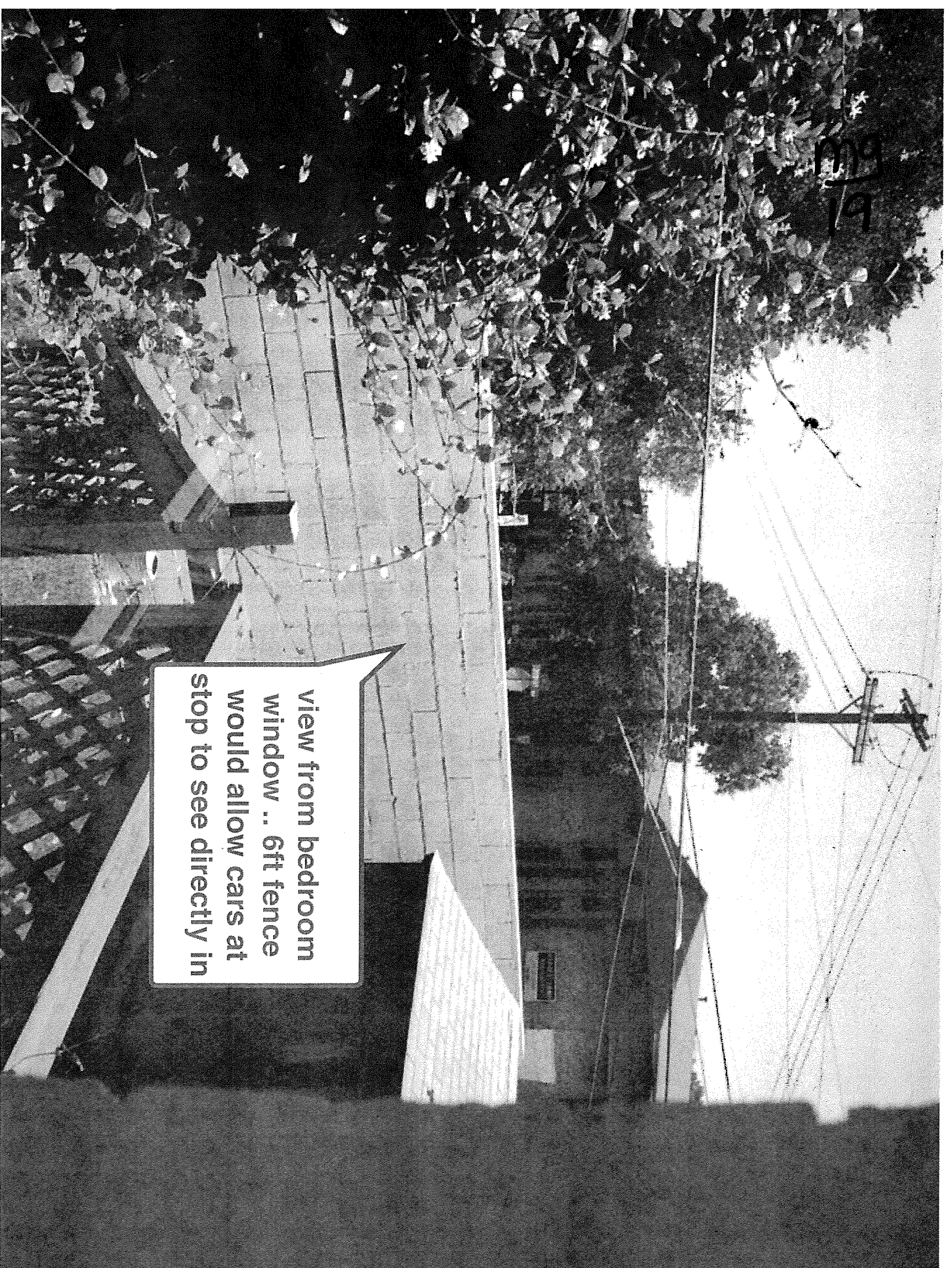
Uneven Lot

- Lot slopes downward ~4ft from the north to south end of the wall
- Keep the wall level enhances the aesthetics and maintains privacy in the back of the house
- The house is built level to the front yard so back of house is ~4ft higher than backyard



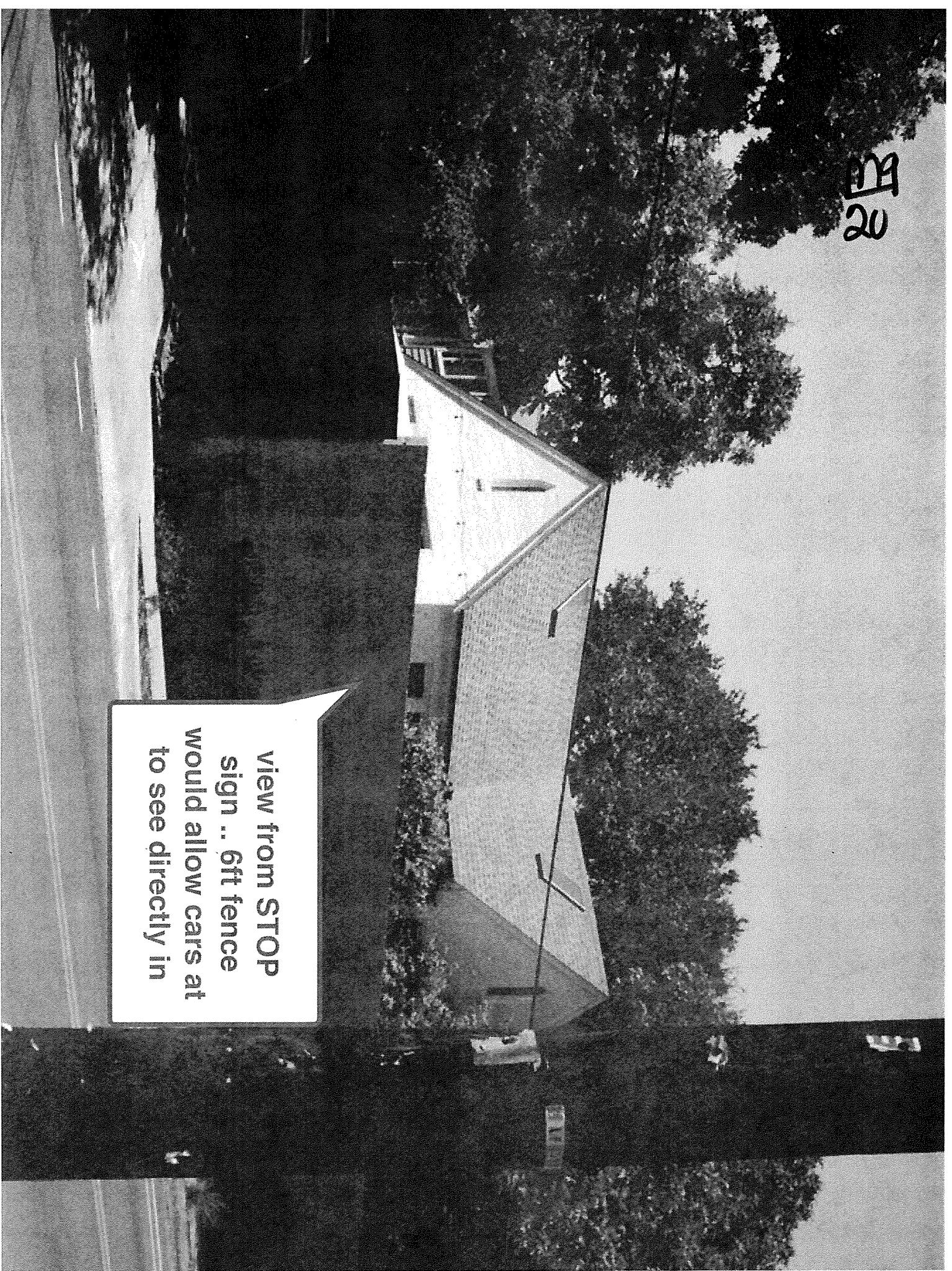
09
19

view from bedroom
window .. 6ft fence
would allow cars at
stop to see directly in



179
20

view from STOP
sign .. 6ft fence
would allow cars at
to see directly in



2/3



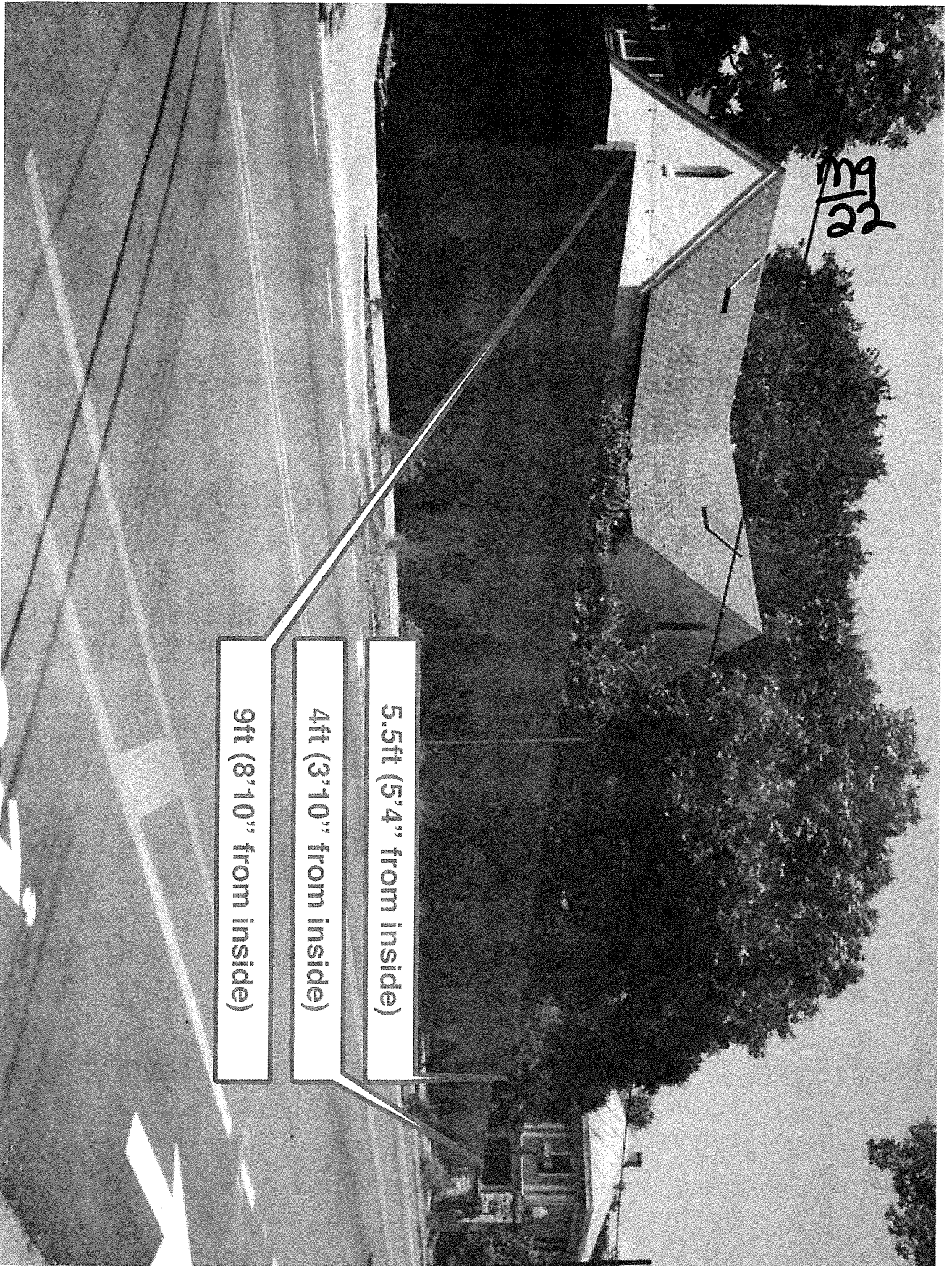
view from bedroom window .. 6ft fence would not block headlights from shining into room

6/12/22

5.5ft (5'4" from inside)

4ft (3'10" from inside)

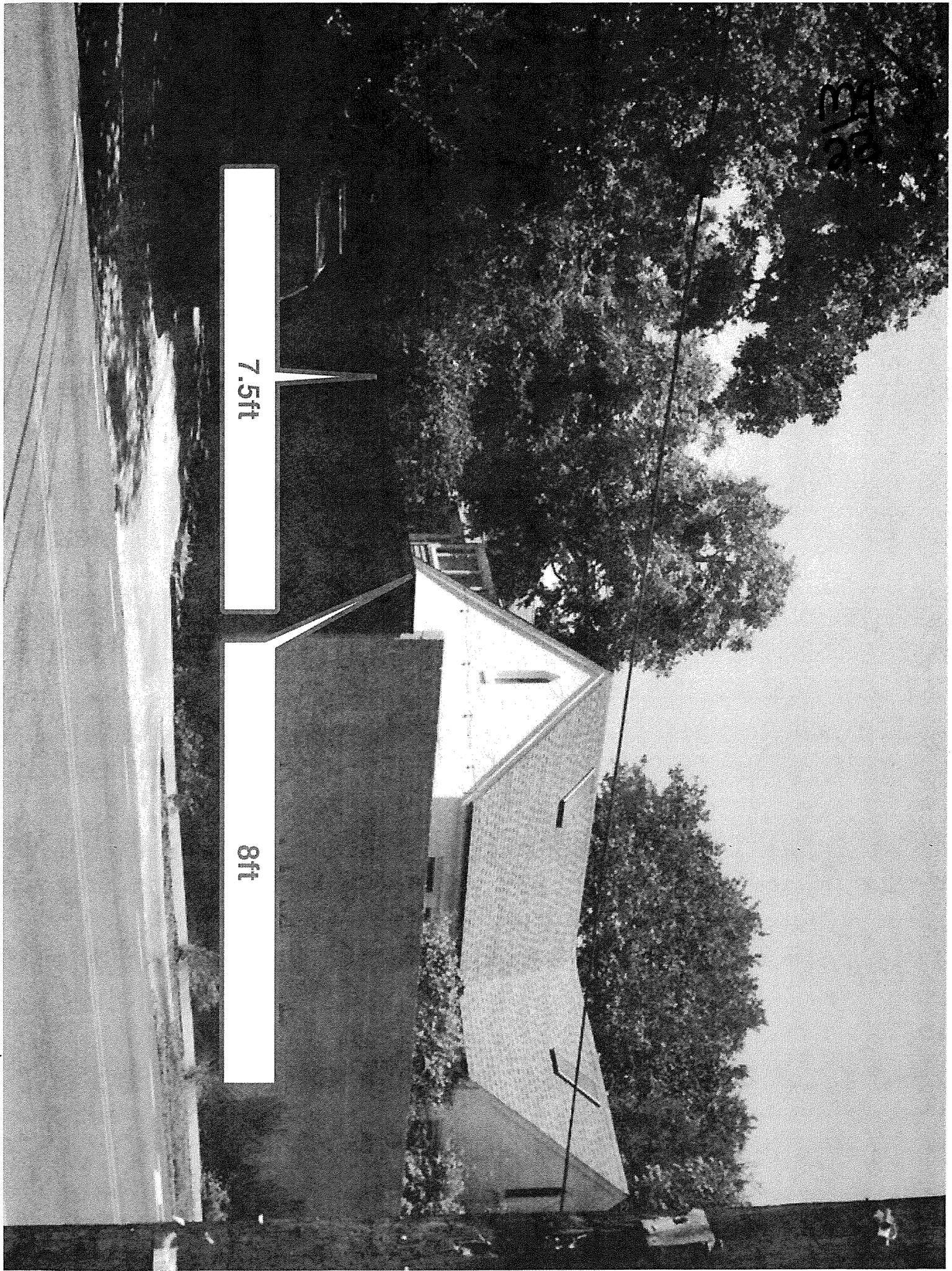
9ft (8'10" from inside)



3/11/23

7.5ft

8ft

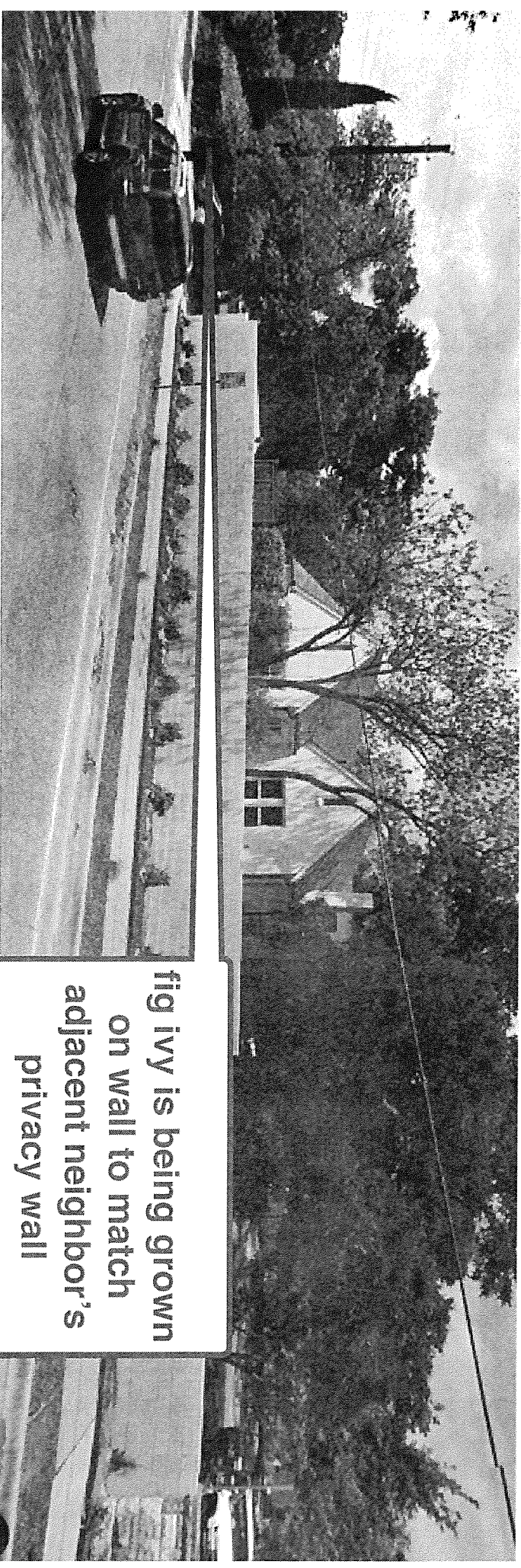




new fence is 6'6" (6in
below neighbor's
existing fence)

m/25

Aesthetics



- New wall is built on new solid footing, is level across the entire yard, provides much needed privacy in the living rooms and bed rooms, and also better fits the look of the neighborhood (matching the adjacent neighbor and allowing for better view of front yard and 32nd street)
- image from google maps

6/26

Key Points

- Reasonable Use:
 - The 6ft fence height restriction generally offers enough height to provide privacy for residents; this corner lot, with 4ft of grading change, alongside a busy street, does not allow for privacy with a 6ft fence
- Hardship:
 - Corner lot with 4 feet of height difference along fence line from north to south side of property
 - Busy street / Intersection / STOP sign in line sight of bedroom window
- Area Character
 - Matches neighbors wall along Speedway
 - Enables privacy in house

bll
c/lc

Summary

- Although we were unaware of the height limitation for this project, the wall was designed to effectively obstruct traffic views into the house while also staying level across the property to enhance the aesthetic appeal
- This project and the many other renovations done to the property have all been upgrades improving not only the property, but also Aldridge Place as a whole
- Since completion we have received overwhelmingly positive feedback and believe we have the support of the broader Aldridge Place community and North University Neighborhood Association
- We sincerely appreciate your time and consideration