





SUBJECT TRACT



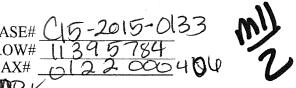


CASE#: C15-2015-0133

Address: 3806 BULL CREEK 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.

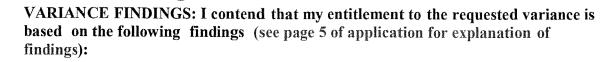




### CITY OF AUSTIN TO APPLICATION TO BOARD OF ADJUSTMENT GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.
STREET ADDRESS: 3806 Bull Creek Road
LEGAL DESCRIPTION: Subdivision - Oakmont Heights
Lot(s) 1 Block 11 Outlot Annex 2 Division Travis
County
I/We Todd Otto & Lisa Danielson on behalf of
myself/ourselves as authorized agent for Spirit Rock, LLC affirm
that on <u>July 8, 2015</u> , 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
New duplet on lot with an existing duplex
n a <u>SF-3</u> 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.



### **REASONABLE USE:**

REMOUNDED COE.
1. The zoning regulations applicable to the property do not allow for a reasonable use because:
Lot shape is irregular (triangular), lot shape is not allowing for reasonable use on building area.
HARDSHIP:
2. (a) The hardship for which the variance is requested is unique to the property in that:
What is unique about this property is that it's an irregular triangular shaped lot that is unique to this block area.
(b) The hardship is not general to the area in which the property is located because
Lots surrounding this property are all regular rectangle lots. This is the only triangular lot.
AREA CHARACTER:
3. The variance will not alter the character of the area adjacent to the property, will reimpair 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:
Duplex has been here since 1960. We are just requesting to rebuild what was already there.
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 make findings of fact that the following additional circumstances also apply:  1. Neither present nor anticipated future traffic volumes generated by the use of the sign or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:
Not Applicable

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:



JOV.	Applicable
3.	The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:
N <u>ot</u>	Applicable
4.	The variance will run with the use or uses to which it pertains and shall not run with the site because:
Not.	Applicable

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 8200 Neely
Drive #248

City, State & Zip Austin, TX 78759

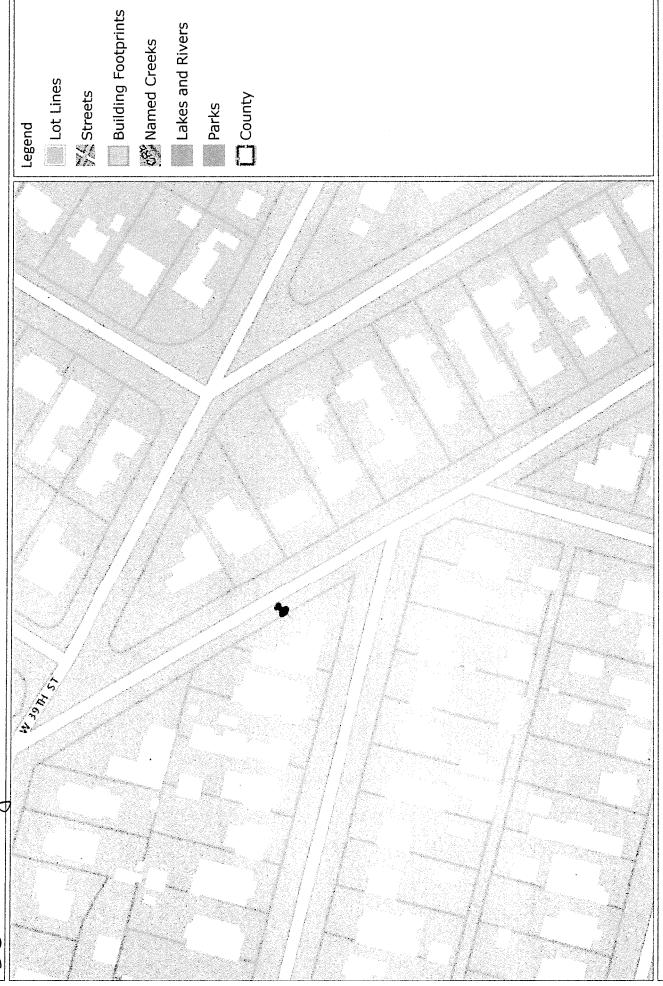
Printed <u>Todd Otto & Lisa Danielson</u> Phone <u>512-</u> 744-8503 <u>Date 7/16/2015</u>

**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 8200 Neely
Drive #248

City, State & Zip Austin, TX 78759

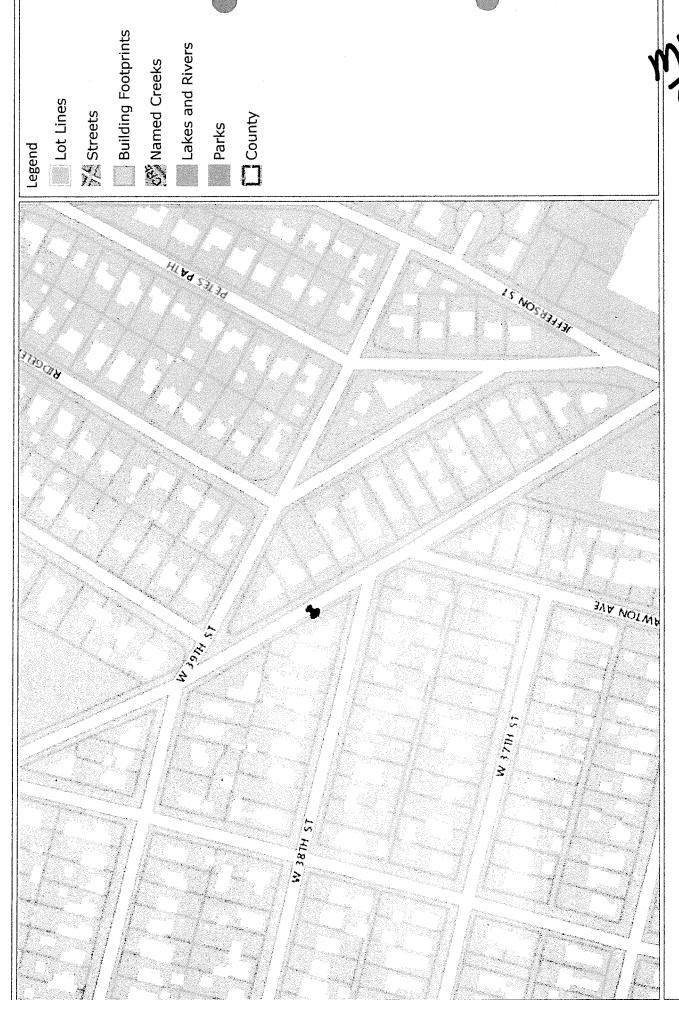
# SUCCOUNTY STUCKERITY OF AUSTIN DEVELOPMENT WEB MAP



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-CROUND SUI REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NOT THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.



## CITY OF AUSTIN DEVELOPMENT WEB MAP



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-GE REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

TOTAL IST FLOOR COND AREA
UNIT A CARPORT
UNIT B CARRORT
TOTAL COV FORCHES
TOTAL COV FARIOS SITE PLAN UNIT A DRIVEWAY & MALK UNIT B DRIVEWAY & MALK A/C FADS 3606 BULL CREEK ROAD LEGAL DESCRIPTION

OAKWON HEIGHTS

ANNEX NO 2 PROVIDE POSITIVE DRAINAGE AMAY FROM HOUSE AROUND ENTIRE STRUCTURE IN FLOOR GROSS AREA
2nd FLOOR GROSS AREA
TOTAL GROSS GROSS AREA
TOTAL GROSS GROSS AREA
TOTAL GROSS GROSS AREA OF LOT
FLOOR AREA RATIO
IMON O 4% of ot oraci fnished grades as called on Plan are Approximate and should be verified with Architectural and engineering plans TOTAL IMPERV. COVERAGE LOT SOLFT TOTAL BUILDING COV TOTAL BUILDING COVERAGE F.A.R. CALCULATIONS BUILDING COVERAGE IMPERVIOUS COV. proposed Synctures 81125 = 100.0% 3813 = 43,4% 665 H 55 988 91713 1831 1831 25:3 = 25.6%  $\frac{\partial}{\partial t} \tilde{a} \tilde{b} \tilde{a} \stackrel{\vec{a}}{\partial t} \frac{\vec{a}}{\partial t}$ AVERAGE GRADE HIGH FOINT GRADE LOW FOINT GRADE TOTAL AVERAGE GRADE 625 33 628 q 621 75 1256 65 SCALE : 120 4 6.0 9 2 COX S AZDIGE CLEVI DIL HIGH FOINT TENT 1- 626.6 0 HIGH FOINT GRADE=628.9 0.0 UNIT A 3806 BULL OREEK ROAD ONE STOR HIGH MOINT TWO STORY DUPLEX
HOLSE PRE L 650 15
AVG. HEIGHT ARD VE AVG.
GRADER 654 15/106 -5) 528°29'00'E 181.70' 34 MENACT PERCE 10.50 REAL MANAGEMENT PARTY THE 04000 40.9-76 15 0 15 0 15 0 63 813 2000 III. 13-0 85 oko jetoko a LON POINT GRADE-62715 27 e do HLTHSTEH LIG CHALLED ON A FROM THE BOTTOM CERTAIN 40'-C TENT 30-8 1-5 TENT 2 TOM- 625-25 AT SO DIT ON NORTHWEST CONCRET OF CONC 4/7/15 2° 0 AUSTIN • DESIGN • GROUP 3806 BULL CREEK ROAD

Structures LEGEND STANDARD LAND, TOPOGRAPHIC & TREE SURVEY TEMPORARY BENCHMARK SET 1/2" IRON ROD FOUND WITH NO CAP (UNLESS OTHERWISE NOTED) OTTO/CRAWFORD Address \_ 3806 BULL CREEK ROAD . Reference **(a)** Lot 1 Block 11, OAKMONT HEIGHTS ANNEX NO. 2 a subdivision in TRAVIS County, Texas 5/8" IRON PIPE FOUND 60D NAIL FOUND \_Page \_\_177 of the Plat Records of \_\_\_\_TRAVIS \_\_County, Texas BOOK 3, PAGE 177 (P.R.T.C.T.) BOOK 3, PAGE 148 (P.R.T.C.T.) (AS PER PLAT) WEST 39TH ST. 626.2 < > P.R.T.C.T. LINE BEARING DISTANCE
L1 N29'22'20"W 6.85'
(6 7') PLAT RECORDS, TRAVIS COUNTY, TEXAS R.O.W RIGHT-OF-WAY
F.F.E. FINISHED FLOOR ELEVATION \$74.27'30"E 44.09" UTILITY EASEMENT O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
REAL PROPERTY RECORDS
OF TRAVIS COUNTY, TEXAS R.P.R.T.C.T. OVERHEAD ELECTRIC/TELEPHONE LINE POWER POLE WITH GUY WIRE AND ANCHOR CONCRETE IMPROVEMENTS WOOD IMPROVEMENTS
WOOD PRIVACY FENCE
CRITICAL ROOT ZONE PER CITY
OF AUSTIN GUIDELINES
AIR CONDITIONER PAD SCALE: 1"=20 OAKMONT HEIGHTS 75 TREE LIST

MS = MULTI-STEM LAG = LIGUSTRUM
P = PECAN HB = HACKBERRY
(EST) = ESTIMATED RADIUS ANNEX NO. 2 BOOK 3, PAGE\177 WATER VALVE WATER METER (P.R.T.C.T.) CRITICAL ROOT ZONE TAG NUMBER & TRUNK DIAMETER 0.2 Outside STORM SEWER MANHOLE Property Line TREE JAG NO. DESCRIPTION 527.5 Ö GAS METER 8" HB (EST) 8" HB (EST) 10" BIRCH 16" P MS 8" 8" 7" 7" LAG 9" HB STREET SIGN LOT BREAK ON LINE (NOT TO SCALE) \*74BLOCK 11 oung by My Plan BUILDING LINES NOTES

1. ADDITIONAL BUILDING LINES AND EASEMENTS THAT MAY
AFFECT THIS LOT ARE NOT SHOWN HEREON.

2. ADDITIONAL BUILDING SETBACK LINES THAT MAY ALSO
BE AFFECTED BY LOCAL ZONING ORDINANCE REQUIREMENTS
AND RESTRICTIVE COVENANTS ARE NOT SHOWN HEREON. TODD N. OTTO AND LADONNA S. CRAWFORD DOC: #2014129434 Ď August 1 ee ee. 626.2 626.2 626.40 (O.P.R.T.C.T.)
TCAD GEO ID: 0122000406
3806 BULL CREEK ROAD 900 80 K FLOOD PLAIN NOTS
THE PROPERTY DESCRIBED HEREON IS CONTAINED WITHIN ZONE "X" AS SCALED FROM FIRM MAP NUMBER 4843L0445H, DATED SEPTEMBER 25, 2008, AS PUBLISHED BY THE FEDRAL EMERGENCY MANAGEMENT ACENCY, THE PURPOSE OF WHICH IS FOR FLOOD INSURANCE ONLY. D BOOM 10 (187) PORPOSE OF WHICH IS FOR FLOOD INSURANCE ONLY.

ON SITE TEMPORARY BENCH MARK

TBM(LS#79): SOUARE CUT ON TOP OF NORTHWEST

CORNER OF CONCRETE STORM DRAIN INLET LOCATED AT

THE SOUTHWEST CORNER OF WEST 39TH ST. AND BULL

CREEK ROAD INTERSECTION APPROXIMATELY 100' NORTH

OF CONCRETE BRYEWAY CENTERLINE OF OUR SUBJECT

TRACT WITH ADDRESS: 2806 BULL CREEK ROAD

ELEVATION = 626 26' (SEE UPPER LEFT DRAWING) 626.5 X × 626.8 1-Story Brick & Wood on Conc. Foundation 3806 Bull Creek Road TON PER PLAT ₩.628.2 7 VERTICAL BASIS OF CONTROL

GPS MONUMENT NO K-25-1001 (CB03) (3" BRASS DISK ON BOX CULVERT)
3" BRASS DISK FOUND ON BOX CULVERT ON WALLER CREEK ON THE EAST SIDE OF AVENUE F WITH EAST 45TH STREET INTERSECTION.
ELEVATION = 508.99'
COA CRID COORDINATES N (10.088.705.61.51 (13.18.803.00 (OST. SITE)) C.O.A. GRID COORDINATES N /10,085,395.49 E./3,118,803.09 (OFF SITE) GPS MONUMENT NO. CBSB (3" BRASS DISK ON CONCRETE TRAFFIC ISLAND)
3" BRASS DISK FOUND ON CONCRETE TRAFFIC ISLAND AT THE JUNCTION OF
WEST JATH STREET AND WEST 35TH STREET AT THE WEST OF SHOAL CREEK
EFFORTUM-270-64" ELEVATION =579.64' C.O.A. GRID COORDINATES N /10,085,028.06 E./3,112,116.43 (OFF SITE) RESTRICTIVE COVENANTS AND EASEMENTS
RESTRICTIVE COVENANTS AND EASEMENTS AS RECORDED IN BOOK 3, PAGE 177
OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS DO AFFECT THE SUBJECT LOT. OF THE PLAT RECORDS OF TRAMS COUNTY, TEXAS DO AFFECT THE SUBJECT LOT.

COMMITMENT NOTE

A TITLE COMMITMENT WAS NOT AVAILABLE AT THE TIME OF THIS SURVEY ALL EASEMENTS OF WHICH I HAVE KNOWLEDGE ARE
SHOWN OR DEPICTED HEREON OTHER THAN VISIBLE EASEMENTS, NO UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST
ARE SHOWN HEREON, NO ADDITIONAL RESEARCH OF EASEMENTS WAS PERFORMED BY LANDMARK SURVEYING, LP FOR THIS SURVEY.

HEREBY STATE THAT A SURVEY WAS MADE ON THE CROUND OF THE PROPERTY SHOWN HEREON, THAT THERE ARE NO
VISIBLE DISCREPANCES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, OVERLAPHNO OF IMPROVEMENTS,
EASEMENTS OR RIGHT-OF-WAY, EXCEPT AS SHOWN, THAT SAID PROPERTY HAS ACCESS TO AND FROM A PUBLIC.

ROADWAY, AND THAT THIS PLAT IS AN ACCURATE REPRESENTATION OF THE PROPERTY TO THE BEST OF MY KNOWLEDGE. WEST 38TH (60' R.O.W.) AS SURVEYED BY: LANDMARK SURVEYING, LP FIRM REGISTRATION NO. 100727-00 ST From M. Canala In. Registered Professional Land Surveyor No. 4453 2-26-75 Surveyed: February 11, 2015 This sketch is valid only if it bears the original signature of the above surveyor. CLIENT ITRUST REALTY, LLC
OATE FEBRUARY 1B, 2015
FEBRUARY 1B, 2015
STUDY 1B, 2015 SURVEYING, L FIRM REGISTRATION NO. 100727-2205 E. 5TH STREET AUSTIN, TEXAS 78702 Ph; (512)326-7413 FAX: (5/2)328-7413 ROSERTEN OF THE SIR SIRKPRIJEN Y ROADOOR TORIGE WITHOUT DRIENA TORIGE AND ROES SANO BOWAR

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### Board of Adjustments

September 14

2015

3806 Bull Creek Road

Dear Board of Adjustments,

Pertaining to 3806 Bull Creek Road, Austin, TX 78731

### REQUEST

I would like to request a variance to code 25-2-773 – Duplex Residential Use section B (2) that indicates that the minimum lot width be 50 feet. I request that I am granted your permission to construct a duplex with a lot width of 37'4" due to the irregular shape lot relative to the lot in the subdivision (triangle lot).

I contend that my entitlement to the requested variance is based on the following findings

### July 2014

- July 2014 In person appointment with a city reviewer Juan Camou
- To discuss removing existing old duplex and build a new duplex
- I brought the survey and wanted to go over all the city codes before purchasing the property to confirm that I would be able to build the duplex. Juan has assisted me on other duplex projects.
- I wanted to make sure I was following all the codes as it was an irregular shaped lot
- He told me that this lot would work for building a duplex and we confirmed it met the minimum lot area of 7,000 feet
- He knew that I wanted to be very thorough as it this was one of the most expensive properties I had purchased thus far.
- I am also interested in living in one side of the duplex and creating a condo regime.
- I received a yellow tag as proof that I had come in to discuss details for building of a new duplex with a city examiner
- Respectfully had he known, I am sure he would have told me, I am not sure exactly how it happened however, later I found out, there was a misinterpretation or an unknowingness of the lot width minimum. Had I known that day and had he told me I did not meet the lot minimum requirement, I would never had purchased the duplex, paid the architect and engineer for plans and specs and submitted them to the city along with their fee's
- 7/23/2014 My architect even drew up an example and sent over to Juan, before I purchased the duplex and Juan confirmed over conference call with my architect and me that the proposed plan new duplex plan would work

From: Lisa Danielson [mailto:lisadanielson10@gmail.com]

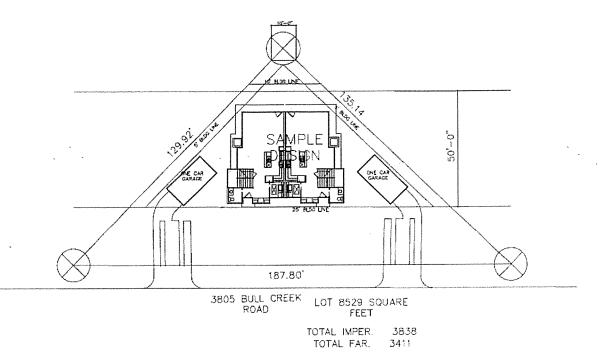
Sent: Wednesday, July 23, 2014 1:33 PM

To: Camou, Juan

Subject: RE: bull creek lot-revised Okay we want to make sure we are interpreting your notes

correctly. See attached and confirm. Thanks!





- He did reference the codes in an email to us and we all discussed the back property line and how to establish the rear boundary line.
- 5/22/15, I found out when I got my Residential Zoning Review for my permitting from Susan Barr, Juan's understanding of the code and how to measure the lot width on an irregular shaped lot was misinterpreted or he did not know or bring it up.
- There are very few Triangle lots.
- June of 2015, I had numerous phone conversations with Kathy Haught (Supervisor) and an in person appointment with Daniel Word (supervisor) discussing and talking about the interpretations and how to move through this, and the only way was to go in front of the board of adjustments which was suggested by all city parties.
- 6/3/2015 Kathy Haught over the phone and in an email discussed the importance of understanding this code and how to interpret it for irregular shaped lots as to the hardship that happens when it is misinterpreted

On Jun 3, 2015, at 2:16 PM, Haught, Kathy < Kathy. Haught@austintexas.gov > wrote:

We will certainly follow up with not only Juan, but the entire review section to be sure all are aware of the code sections. Unfortunately we cannot waive any fees of any kind. Kathy

On Jun 3, 2015, at 1:40 PM, Haught, Kathy < Kathy. Haught@austintexas.gov > wrote:

Hello Lisa,

John McDonald and I took a look at this today and feel there is no way around the Code requirements for the setback other than the option for BOA as the reviewer pointed out. I would be hopeful the BOA would be sympathetic to the physical restraints of the site.

Let us know if we can do anything else.

Kathy

- 6/3/2015 I asked Kathy about waiving the fee's if I did not go in front of the Board of Adjustments and was told that even though a mistake had been made on their part, Application fee, Electric, Demo, and Appointment fees could not be waived.
- After deciding to go in front of the Board of Adjustments, I reached out to neighborhood association through email on 7/8/2015. Did not receive response. Tried contacting them through phone to follow up, however their website indicated that it had not been updated since 2011 and did not have any contact information. I am not sure the website is updated.

### **CODES:**

### 25-1-22 - MEASUREMENTS.

W/3

- (A)
  - Lot area is the net horizontal area within the lot lines, excluding the portion of the lot:
  - that provides street access, if the lot is a flag lot; or
  - that is located below 492.8 feet of elevation above sea level, if the lot is adjacent to Lake Austin.
- (B)

  Lot depth is the horizontal distance between the mid-point of the front lot line and the midpoint of the rear lot line.
- (C) Except as otherwise provided in this title, lot width is measured at the front setback line and at a distance of 50 feet to the rear of the front setback line.

The width is checked at those two locations to make sure that the minimum width is maintained between those points.

- (D) In determining required yards and setbacks for an irregularly shaped lot or a lot bounded by only three lot lines, the rear lot line is:
  - (1) a line ten feet long;
  - (2) parallel to the front lot line; and
  - at the most distant location from the front lot line.
- (E)

  A distance from a structure to a line or location is measured from the exterior face of the nearest wall or vertical support of the structure to the line or location. For a structure that does not have a wall or vertical support, the building official shall determine the point of measurement

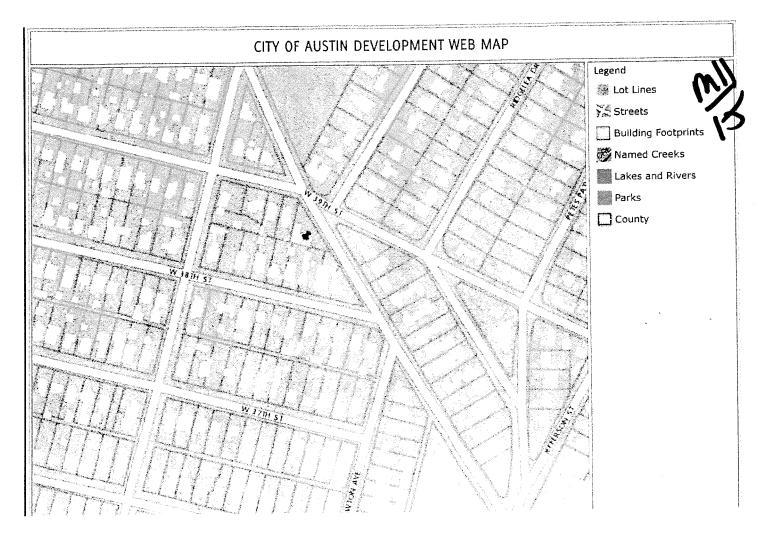
### 25-2-773 DUPLEX RESIDENTIAL USE.

- (A)

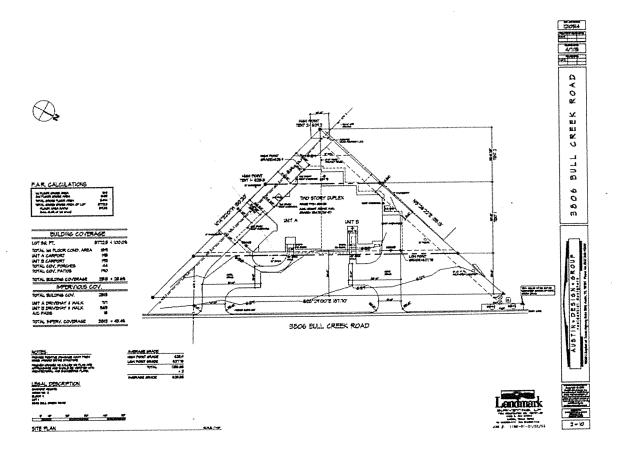
  For a duplex residential use, the base zoning district regulations are superseded by the requirements of this section.
- (B) For a duplex residential use:
  - (1) minimum lot area is 7,000 square feet;
  - minimum lot width is 50 feet;

### Hardship & Reasonable Use Bullet Points:

- The property has an existing legal description. It was legally platted this way in 1931 and has a duplex already sitting on it.
- I did not move the lot lines. As a matter of fact lot lines have never been moved.
- The property in question has lot size, and SF3 zoning for duplex.
- The lot area is a funky irregular triangle shape that is unique to the block area.
- If it wasn't such a strangely shaped lot, we would not be requesting the variance of the minimum lot requirement.
- Duplex residential use code is not friendly to triangular lots, it causes limitation.
- Lot shape is not allowing for reasonable use on building area
- I am not changing the character of the area. In fact I would like for my home to be similar in style to those in the neighborhood.
- The density is not increasing.
- I am not increasing the traffic.
- I am not increasing the number of units there are two units on there now.
- I am not asking to do something that is not already there. An existing duplex has been on this property since 1960.
- I am requesting to rebuild what is already there.
- Many of the properties on Bull Creek are Duplex/Condo Regime.
- Can't fix the lot width, and that is why asking for help.
- I am complying with the plans that I have submitted to the city. I have met the McMansion rules, parking rules, setback rules, and impervious cover rules.
- Austin Energy and Eben Kellog do not oppose the application for variance requested.
- I am not asking for variances of anything else. I can build around existing conditions, however I can't fix the width of the triangular irregular lot and that is why I am asking for help and requesting that this variance be approved.



Lot Lines in the area of my property



Site Plan

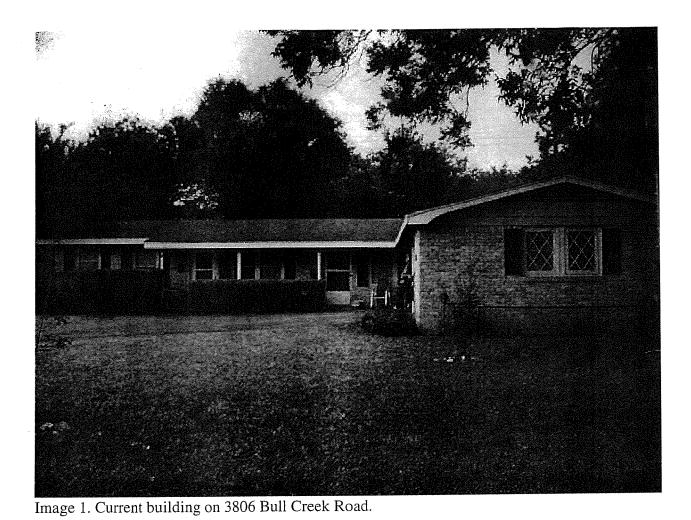






Image 2. Current building of 3806 Bull Creek Road beside two story homes.

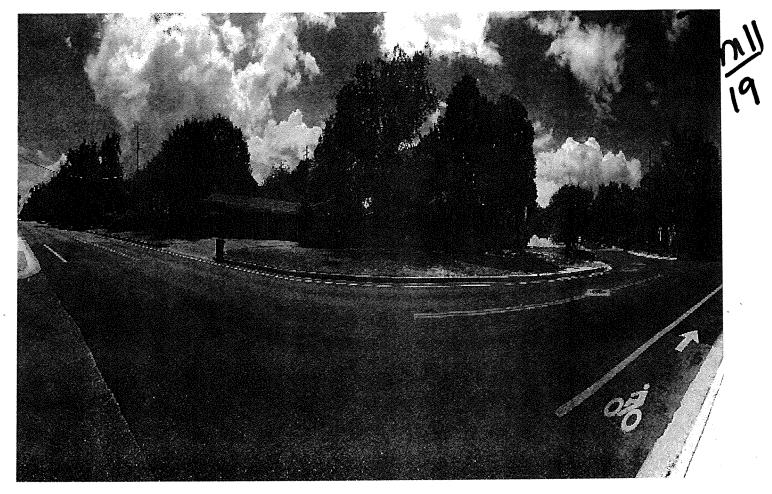
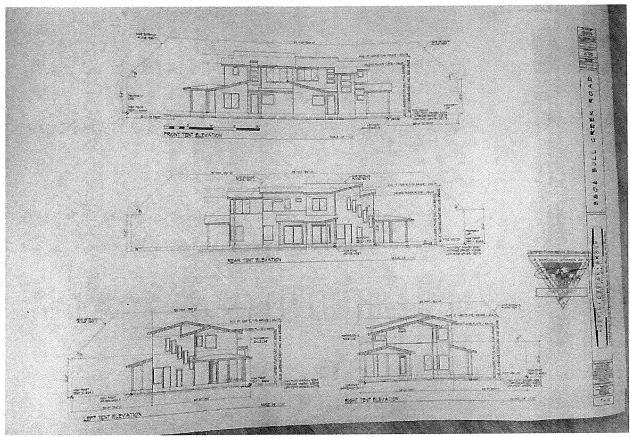


Image 3. Panoramic view of property.



100

Image 4. Elevation plan of intended home to be built on property.

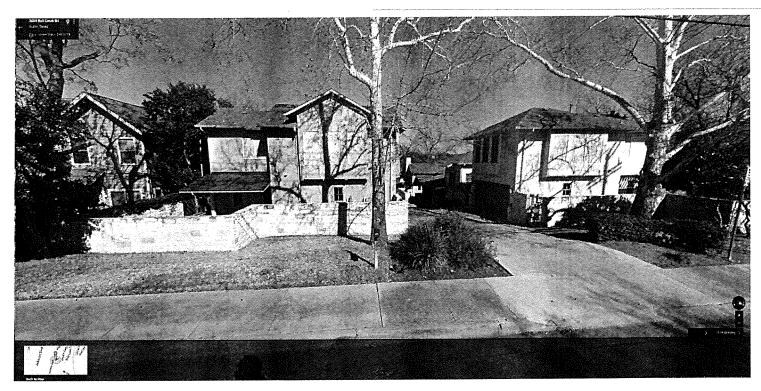


Image 5. Residential duplexes in the neighborhood, specifically located on Bull Creek Rd. across from my property

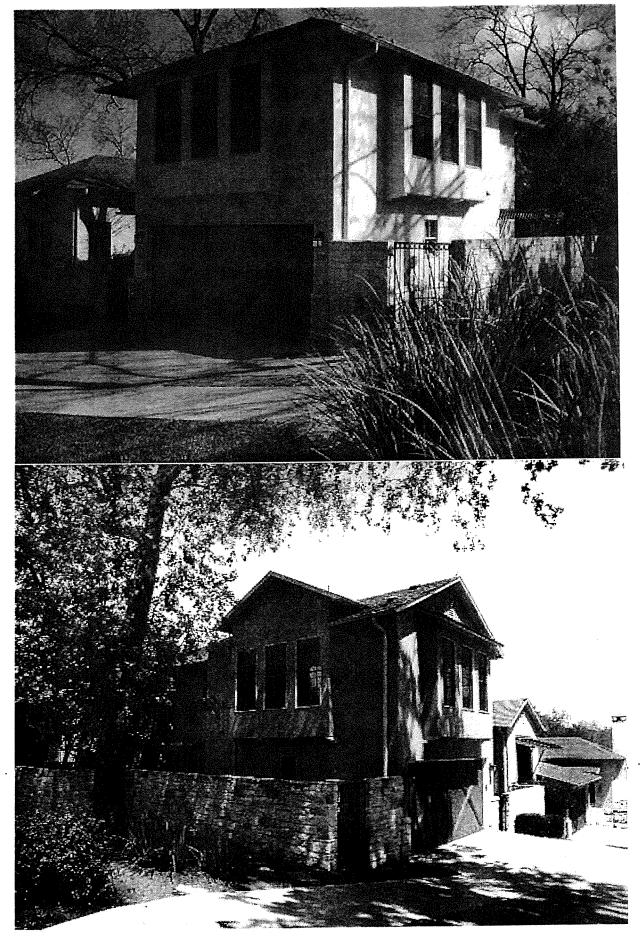
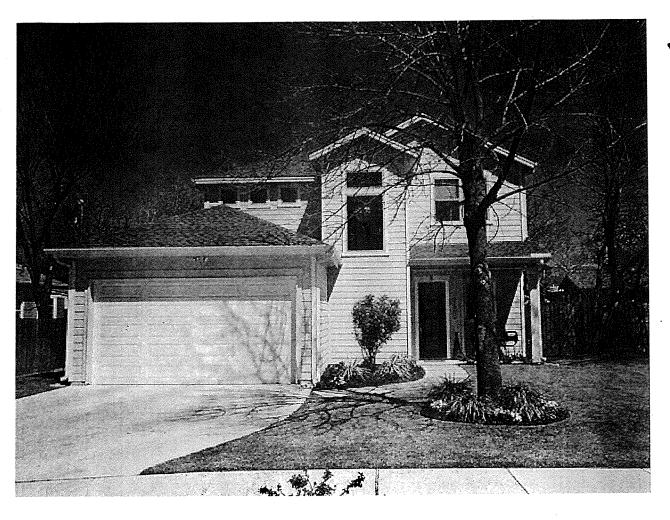


Image 6 & 7. Other examples of duplexes specifically located on Bull Creek Rd, across from my property.

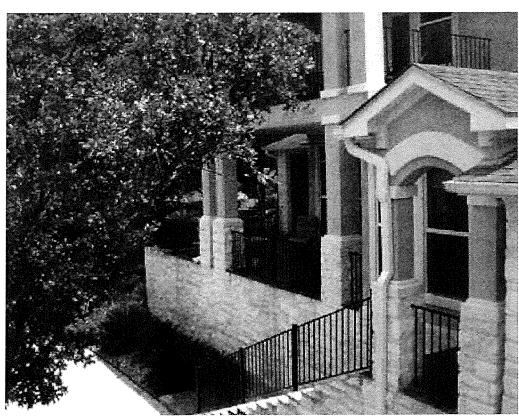
### Properties I have developed in Austin

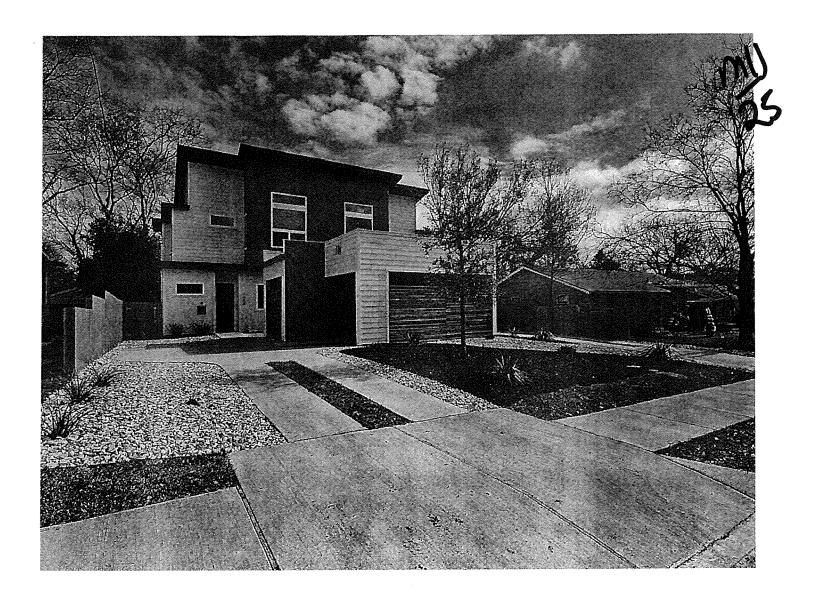












I have always have had a respect for the City of Austin planning and development, I am not upset about the mishap as I know it was not intentional. The planners over the past 10 years have been very nice and exceptionally valuable in teaching me over the years.

My intention is to show and share with you that I am a conscious person who is passionate and enjoys bringing beauty to neighborhoods. I know that duplex I would build on Bull Creek would bring beauty and be a much more attractive property and bring value to the neighborhood than what is currently there.

I am please requesting that I be granted the variance for the minimum lot requirement due to the irregular shape lot relative to the lot in the subdivision.

Thank you!

Lisa Danielson

