






-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**NOTIFICATIONS**

CASE#: C15-2016-0111  
LOCATION: 904 Ethel St.



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" = 137'



## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

my 2

## Board of Adjustment General/Parking Variance Application

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

### For Office Use Only

Case # C15-2016-0111 ROW # 11602839 Tax # 0103030744

### Section 1: Applicant Statement

Street Address: 904 Ethel Street

Subdivision Legal Description:

North 100 Feet of Lot 7, John R. Shelton's resubdivision of portions of lots 1,2,6,7 and all of lot 2 of the J.L. Costley Subdivision

Lot(s): 7 Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF-3

I/We Jewels Nickells on behalf of myself/ourselves as  
authorized agent for Margaret Magness affirm that on  
Month September, Day 5, Year 2016, hereby apply for a hearing before the  
Board of Adjustment for consideration to (select appropriate option below):

☒ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: \_\_\_\_\_

Type of Structure: Single Family Home

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

LDC, 25-2-492(D) (Site Development Regulations)

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1/3

## Section 2: Variance Findings

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 supporting documents.

**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.**

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

### Reasonable Use

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

See Attachment A

### Hardship

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

See Attachment A

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

See Attachment A

my  
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### Area Character

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:

See Attachment A

### 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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

N/A

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:

N/A

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/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

### Section 3: Applicant Certificate

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

Applicant Signature: Jewels Nickells Date: 9/29/16

Applicant Name (typed or printed): Jewels Nickells

Applicant Mailing Address: 200 Lee Barton Drive, Suite 100

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 807-2906

Email (optional – will be public information): jnickells@drennergroupp.com

### Section 4: Owner Certificate

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

Owner Signature: See Agent Authorization Date: \_\_\_\_\_

Owner Name (typed or printed): Margaret Magness

Owner Mailing Address: PO Box 5242

City: Austin State: TX Zip: 78763

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

### Section 5: Agent Information

Agent Name: Jewels Nickells

Agent Mailing Address: 200 Lee Barton Drive, Suite 100

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 807-2906

Email (optional – will be public information): jnickells@drennergroupp.com

### Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

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Revised

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### Section 3: Applicant Certificate

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

Applicant Signature: [Signature] Date: 9-26-16

Applicant Name (typed or printed): Austin Stowell

Applicant Mailing Address: 905 Nueces St.

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 294-8468

Email (optional – will be public information): austin@keeprealestate.com

### Section 4: Owner Certificate

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

Owner Signature: See Agent Authorization Date: \_\_\_\_\_

Owner Name (typed or printed): Margaret Magness

Owner Mailing Address: PO Box 5242

City: Austin State: TX Zip: 78763

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

### Section 5: Agent Information

Agent Name: Austin Stowell

Agent Mailing Address: 905 Nueces St.

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 807-2906

Email (optional – will be public information): austin@keeprealestate.com

### Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

my  
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August 25, 2016

To Whom It May Concern:  
City of Austin

Re: 904 Ethel Street - 0.1124 acre piece of property located at 904 Ethel Street, Austin, Texas (the "Property");

As the record owner of the above referenced Property, I hereby authorize Jewels Nickells at Drenner Group to act as agent to submit the attached Demolition and Board of Adjustment Applications to the City of Austin, Texas.

Sincerely,

Owner:

Margaret Magness  
Margaret Magness  
PO Box 5242  
Austin, TX 78763

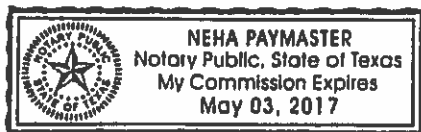
THE STATE OF TEXAS §

County of Travis §

BEFORE ME, the undersigned authority, on this day personally appeared Margaret Magness known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 26<sup>th</sup> day of August, 2016.

Neha Paymaster  
NOTARY PUBLIC



Neha Paymaster  
Typed or Printed Name of Notary

MY COMMISSION EXPIRES: May 03, 2017

ATTACHMENT A

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

The zoning regulations and associated site development regulations on the property do not allow for a reasonable use of the site because the percentage of the lot currently subject to mandatory setbacks would render the lot undevelopable. The existing structure was built in 1935 prior to the existing configuration of the lot and is 800 square feet. The structure is non-compliant and the lot is designated as a substandard lot as it consists of 4,896.05 square feet and does not meet the minimum lot size of 5,750 square feet per SF-3 zoning regulations. The lot existed in this configuration prior to adoption of the current minimum lot standards. Due to the setbacks the lot only allows for approximately 1,050 square feet of buildable area on a long skinny portion of the lot. The applicant is requesting a variance to Section 25-2-492(D) to reduce the front yard setback from 25 feet to 15.6 feet. This request is consistent with the setback of the existing structure that is similarly situated in size and location to adjacent structures.

Additionally we request a variance from Section 25-2-492(D) to increase the impervious cover from 45% to 65%. The requested increase in impervious cover will allow for the construction of a home.

The property is located in the Zilker Neighborhood which does not have an infill tool available to the applicant.

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

The front yard setback as currently enforced was never intended. Ethel Street was constructed after the dedication of the subdivision and construction of the existing structure. Unlike normal single family lots that sit in a perpendicular direction to adjacent roadways, this lot is situated in a horizontal direction significantly increasing the impact of the front yard setback.

The property for which the variance is requested is unique for three reasons: 1) The property is a substandard lot; 2) Due to the size of the lot, a 25-foot front yard setback would render the lot undevelopable; and 3) since the lot is substandard and there aren't any infill tools available on this site a variance would be required.

The footprint of the home directly north of the site is around 2,414 square feet. A house that size on this lot would leave the site with 49% impervious cover. The size of this lot makes it difficult for the applicant to build a home similar in size to the neighboring properties.

**3) The hardship is not general to the area in which the property is located because:**

The requesting property is a small lot that only allows for very limited development. The applicant would like to build a new single family residence that will maintain the character of the neighborhood. The orientation of this lot is not like any other lot on this block. Surrounding lots are all situated in the standard perpendicular orientation to adjacent streets. This property is the



ATTACHMENT A

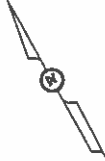
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only lot on the block that is both a substandard lot and situated in a horizontal position in comparison to Ethel Street. Additionally, the original plat (Volume 4 Page 22) was approved on April 9, 1938 and at the time had not planned for the Ethel Street right-of-way which would have made the front yard setback requirement from Treadwell Street.

**4) 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 requested variance will not have an impact on the character of the area, nor the adjacent conforming property. All adjacent structures are significantly larger than the existing structure and approximately 30% of the homes on the block are brand new. Having the ability to build a single family residence that is similar to the neighboring structures will seamlessly fit into the character of the neighborhood. The applicant will also maintain the 15.6 foot front yard setback consistent with adjacent properties so the adjacent properties would not be effected. Thus, the request will not impair the purpose of the envisioned setbacks or the character of the area.

SCALE: 1"=20'



LOT 6

(N 29°20'E 100.0')  
(S 29°20'W 100.0')

S 60°07'23"E 50.00'  
(S 60°33'E 50.0')

TOTAL LOT AREA =  
4894 SQ.FT.

HOUSE

CDV. BRICK

GRAVEL DRIVE

(S 29°20'W 106.57')  
(S 29°19'42"W 106.60')

S 29°20'00"W 99.56'  
(S 29°20'W 100.0')

BEARING BRACKS

W.H. CRIZZARD  
RESUBDIVISION  
LOT B

# LEGEND

- WOOD FENCE
- CHAIN LINK FENCE
- WIRE FENCE
- ELEC. METER
- IRON ROD FND.
- PIPE FND.
- B.L.
- BUILDING LINE
- P.U.E.
- PUBLIC UTILITY EASEMENT

## SURVEYOR'S NOTES

( ) DENOTES RECORD INFORMATION  
(1) PER VOL. 653, PG. 580.

EASEMENT RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY INDEPENDENCE TITLE COMPANY PER COMMITMENT G.F. #1822578-BOK, EFFECTIVE JUNE 9, 2016; SCHEDULE B, PARAGRAPH 10.

THIS MAP DOES NOT REFLECT BUILDING REQUIREMENTS WHICH MAY BE IMPOSED BY THE LOCAL GOVERNING AUTHORITY OR HOME OWNERS' ASSOCIATION.

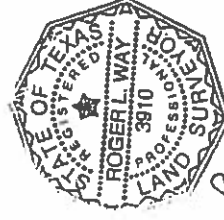
THIS LOT IS SUBJECT TO RESTRICTIVE COVENANTS AS STATED IN:  
VOL. 4, PG. 22; VOL. 653, PG. 580 & VOL. 967, PG. 258.

THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS AND/OR CONDITIONS WHICH MAY APPEAR ON THE PLAT OF RECORD.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

FIELD BOOK	DATE
DRAWING	10-30-14
SCN	

SURVEY DATE: 07-05-16  
JOB NO. 08R29616  
SCALE: 1"=20'



## ALL POINTS SURVEYING

1714 FORTVIEW ROAD - SUITE 200  
AUSTIN TX. 78704

TELE. (512) 440-0071 - FAX: (512) 440-0199  
FOR REGISTRATION # 1011860

JOHN R. SHELTON'S RESUBDIVISION OF PORTIONS OF LOTS 1,2,6,7 AND ALL OF LOT 2 OF THE J.L. COSTLEY'S SUBDIVISION

SUBDIVISION / ADDITION  
Book 22 Page(s) 72  
Volume 4 Document No. 4  
References: Official Public Records of County, Texas  
TBD

LOT No. NORTH 100' OF LOT 7 BLOCK PHASE  
SECTION TRAVIS COUNTY, TEXAS  
CITY AUSTIN

TO THE LENDERS AND/OR OWNERS OF THE PREMISES AND/OR INDEPENDENCE TITLE COMPANY

The undersigned certifies that this survey was this day made by me or under my supervision on the ground of the red property shown on the survey and after the exercise of reasonable care and in reliance on record searches by the title company that this survey is correct to the best of the undersigned's knowledge and belief and that the property has access to and from a roadway, except as shown hereon. There are no visible discrepancies, conflicts, shortages or overlapping of improvements or encroachments except as shown hereon.

my  
-10



1 AERIAL PLAN  
1" = 40' 0"

## ETHEL STREET SITE STUDY

LOGAN ARCHITECTURE  
1001 E. 10th St. Suite 100 Austin, TX 78704  
512.444.1000

LOGAN ARCHITECTURE

904 ETHEL STREET, AUSTIN TX 78704

AUSTIN STONEWELL

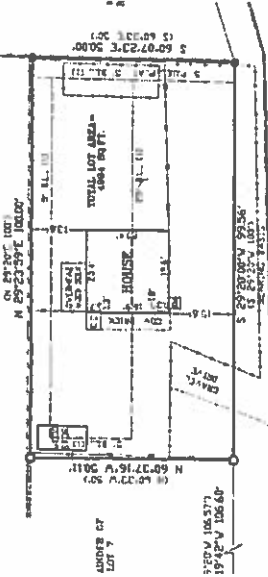
09/20/16

1001 E. 10th St. Suite 100 Austin, TX 78704  
512.444.1000

A1

09/20/16

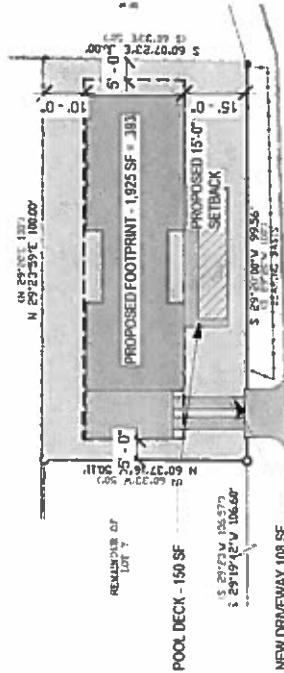
11/24



904 ETHEL STREET  
(90' ROW)

## EXISTING SITE PLAN

NEW HOUSE = 1,925 SF  
DRIVEWAY = 108 SF  
POOL DECK AND COPING = 150 SF  
TOTAL NEW = 2,183 SF



904 ETHEL STREET  
(90' ROW)

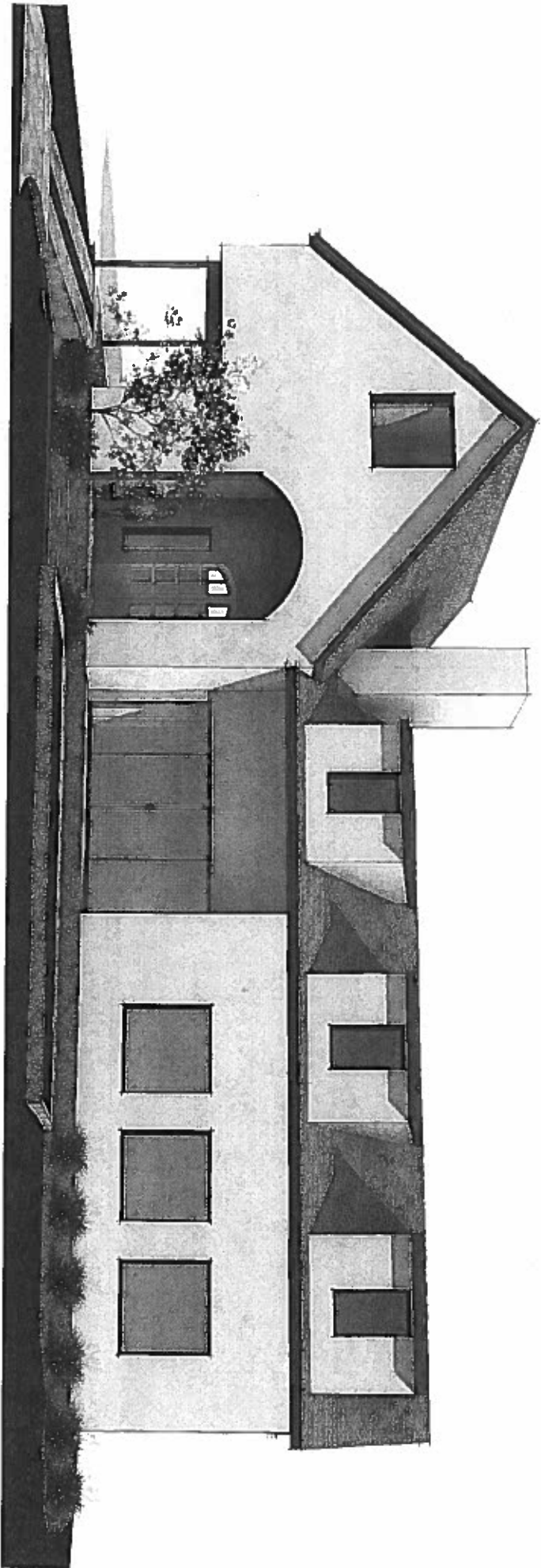
## PROPOSED SITE PLAN

2 SITE PLANS  
1" = 30' 0"

E.A.R. CALCULATIONS: MAX 2,300 SF  
PROPOSED ADDITION = 2,298 SF  
TOTAL PROPOSED SITE E.A.R.: 2,298 SF  
4.88% S.F. = 39.46% E.A.R.  
TOTAL BUILDING COVERAGE: MAX 40%  
NEW HOUSE AND CARPORT = 1,975 SF  
= 1.92% S.F./4.0% S.F. = 39.3%

REQUIRED PARKING (APPENDIX A): 2 SPACES  
- PROVIDED

52-12



1 FRONT PERSPECTIVE

LOGAN ARCHITECTURE  
1001 Woodland Ave. Suite 100 Austin, TX 78701-1001

# ETHEL STREET SITE STUDY

10.04.2011

544 ETHEL STREET, AUSTIN TX 78704

AUSTIN 8100000

09/17/10

with the Austin Architectural Commission, Planning Department, and City Council

© Logan Architecture, Inc.

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## Travis CAD

## Property Search Results &gt; 103368 MAGNESS MARGARET for Year 2016

## Property

## Account

Property ID: 103368 Legal Description: N 100 FT OF LOT 7 SHELTON JOHN R  
 Geographic ID: 0103030744 Agent Code:  
 Type: Real  
 Property Use Code:  
 Property Use Description:

## Location

Address: 904 ETHEL ST Mapsco: 614C  
 TX 78704  
 Neighborhood: ZILKER Old and Unremodeled Map ID: 010208  
 Neighborhood CD: L2000

## Owner

Name: MAGNESS MARGARET Owner ID: 102933  
 Mailing Address: PO BOX 5242 % Ownership: 100.000000000000%  
 AUSTIN, TX 78763-5242

## Exemptions:

## Values

(+) Improvement Homesite Value: + \$0  
 (+) Improvement Non-Homesite Value: + \$43,233  
 (+) Land Homesite Value: + \$0  
 (+) Land Non-Homesite Value: + \$320,000 Ag / Timber Use Value  
 (+) Agricultural Market Valuation: + \$0 \$0  
 (+) Timber Market Valuation: + \$0 \$0  
 (=) Market Value: = \$363,233  
 (-) Ag or Timber Use Value Reduction: - \$0  
 (=) Appraised Value: = \$363,233  
 (-) HS Cap: - \$0  
 (=) Assessed Value: = \$363,233

## Taxing Jurisdiction

Owner: MAGNESS MARGARET  
 % Ownership: 100.000000000000%  
 Total Value: \$363,233

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
01	AUSTIN ISD	1.202000	\$363,233	\$363,233	\$4,366.06
02	CITY OF AUSTIN	0.458900	\$363,233	\$363,233	\$1,666.87
03	TRAVIS COUNTY	0.416900	\$363,233	\$363,233	\$1,514.32
0A	TRAVIS CENTRAL APP DIST	0.000000	\$363,233	\$363,233	\$0.00
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	0.117781	\$363,233	\$363,233	\$427.82
68	AUSTIN COMM COLL DIST	0.100500	\$363,233	\$363,233	\$365.05
Total Tax Rate:		2.296081			
				Taxes w/Current Exemptions:	\$8,340.12

Taxes w/o Exemptions:

\$8,340.12

my  
14**Improvement / Building**

Improvement #1: 1 FAM DWELLING State Code: A1 Living Area: 800.0 sqft Value: \$43,233

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
1ST	1st Floor	WW - 3+		1935	400.0
2ND	2nd Floor	WW - 3+		1935	400.0
251	BATHROOM	..		1935	1.0

**Land**

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.1124	4896.05	0.00	0.00	\$320,000	\$0

**Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2017	N/A	N/A	N/A	N/A	N/A	N/A
2016	\$43,233	\$320,000	0	363,233	\$0	\$363,233
2015	\$82,565	\$285,000	0	367,565	\$0	\$367,565
2014	\$57,224	\$285,000	0	342,224	\$0	\$342,224
2013	\$36,671	\$285,000	0	321,671	\$0	\$321,671
2012	\$26,413	\$211,500	0	237,913	\$0	\$237,913

**Deed History - (Last 3 Deed Transactions)**

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	5/19/1997	WD	WARRANTY DEED	KUHN HELEN HOLDER	MAGNESS MARGARET	12946	01687	
2	3/30/1977	WD	WARRANTY DEED	HOLDER NORA J	KUHN HELEN HOLDER	05751	00380	
3	6/23/1972	WD	WARRANTY DEED		HOLDER NORA J	04375	01248	

**Questions Please Call (512) 834-9317**

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Website version: 1.2.2.3

Database last updated on: 8/25/2016 1:34 AM

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This site only supports Internet Explorer 6+, Netscape 7+ and Firefox 1.5+.

TAX CERTIFICATE  
Bruce Elfant  
Travis County Tax Assessor-Collector  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9473

NO 2255780

my  
15

ACCOUNT NUMBER: 01-0303-0744-0000

PROPERTY OWNER:

MAGNESS MARGARET  
PO BOX 5242  
AUSTIN, TX 78763-5242

PROPERTY DESCRIPTION:

N 100 FT OF LOT 7 SHELTON JOHN R

ACRES .1124 MIN% .000000000000 TYPE

SITUS INFORMATION: 904 ETHEL ST

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2015	AUSTIN ISD	*ALL PAID*
	CITY OF AUSTIN (TRAV)	*ALL PAID*
	TRAVIS COUNTY	*ALL PAID*
	TRAVIS CENTRAL HEALTH	*ALL PAID*
	ACC (TRAVIS)	*ALL PAID*
TOTAL SEQUENCE 0		*ALL PAID*
TOTAL TAX:		*ALL PAID*
UNPAID FEES:		* NONE *
INTEREST ON FEES:		* NONE *
COMMISSION:		* NONE *
TOTAL DUE ==>		*ALL PAID*

TAXES PAID FOR YEAR 2015 \$8,439.59

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2015 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 08/26/2016

Fee Paid: \$10.00

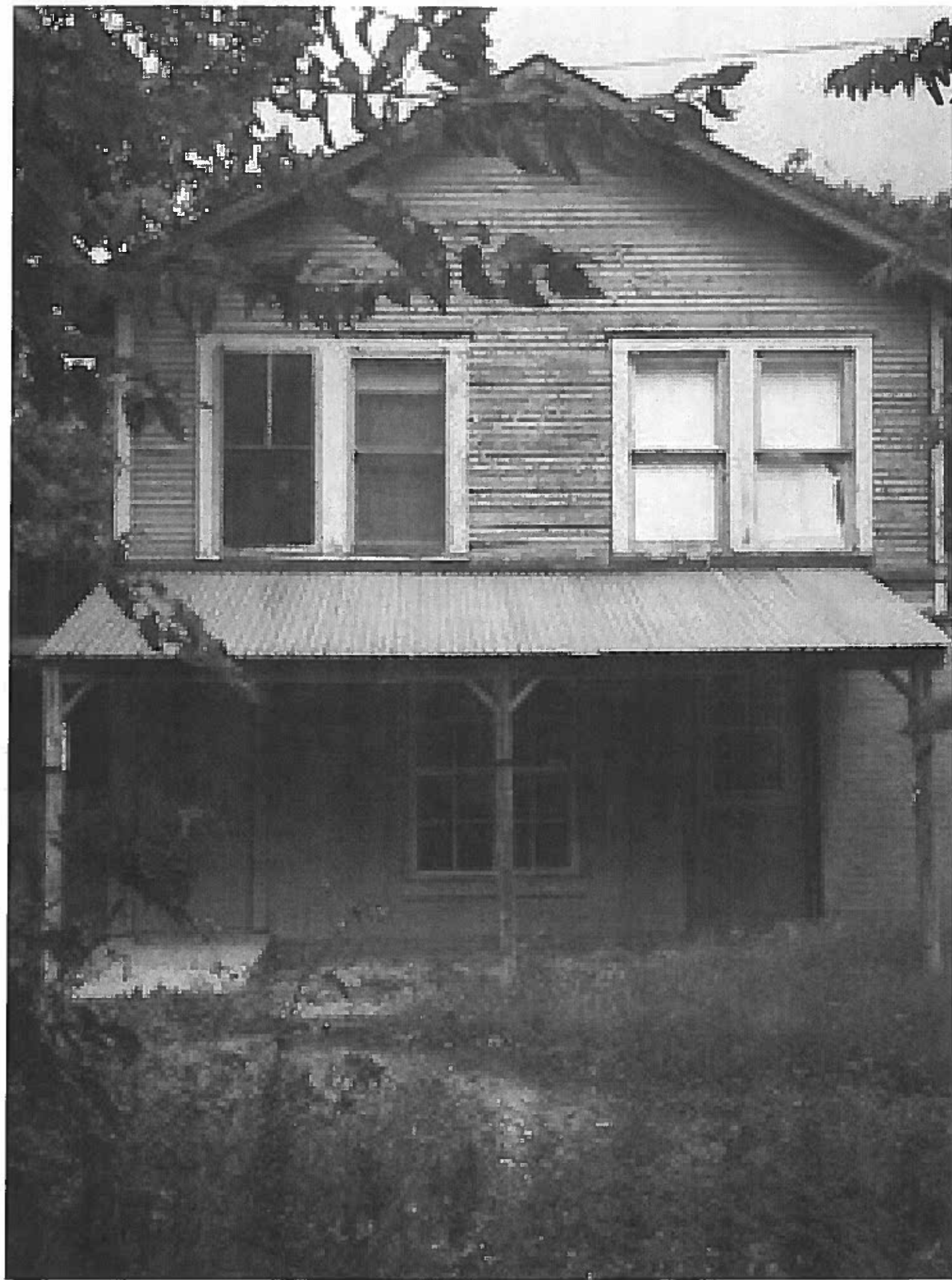
Bruce Elfant  
Tax Assessor-Collector

By: Larry Head

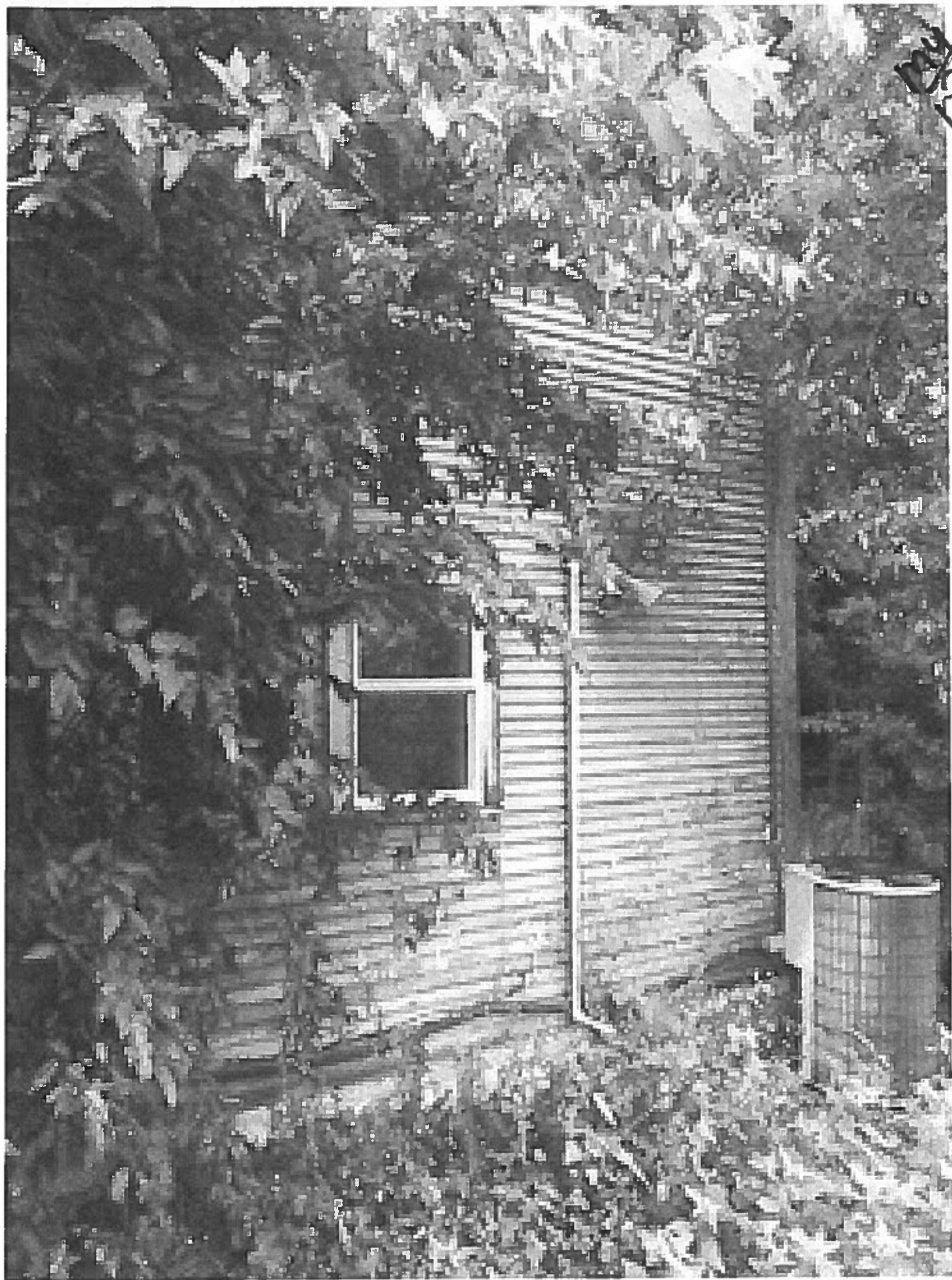


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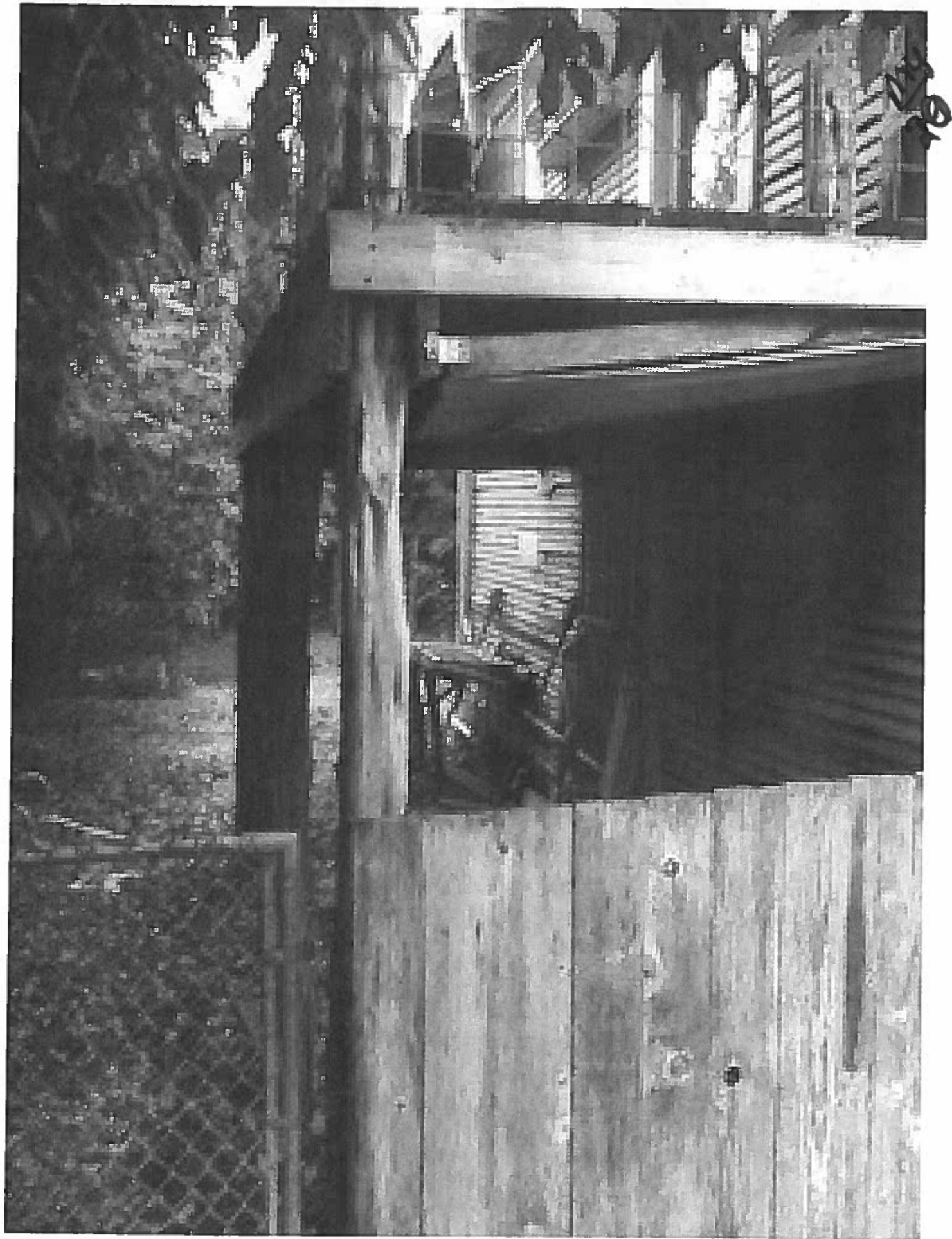
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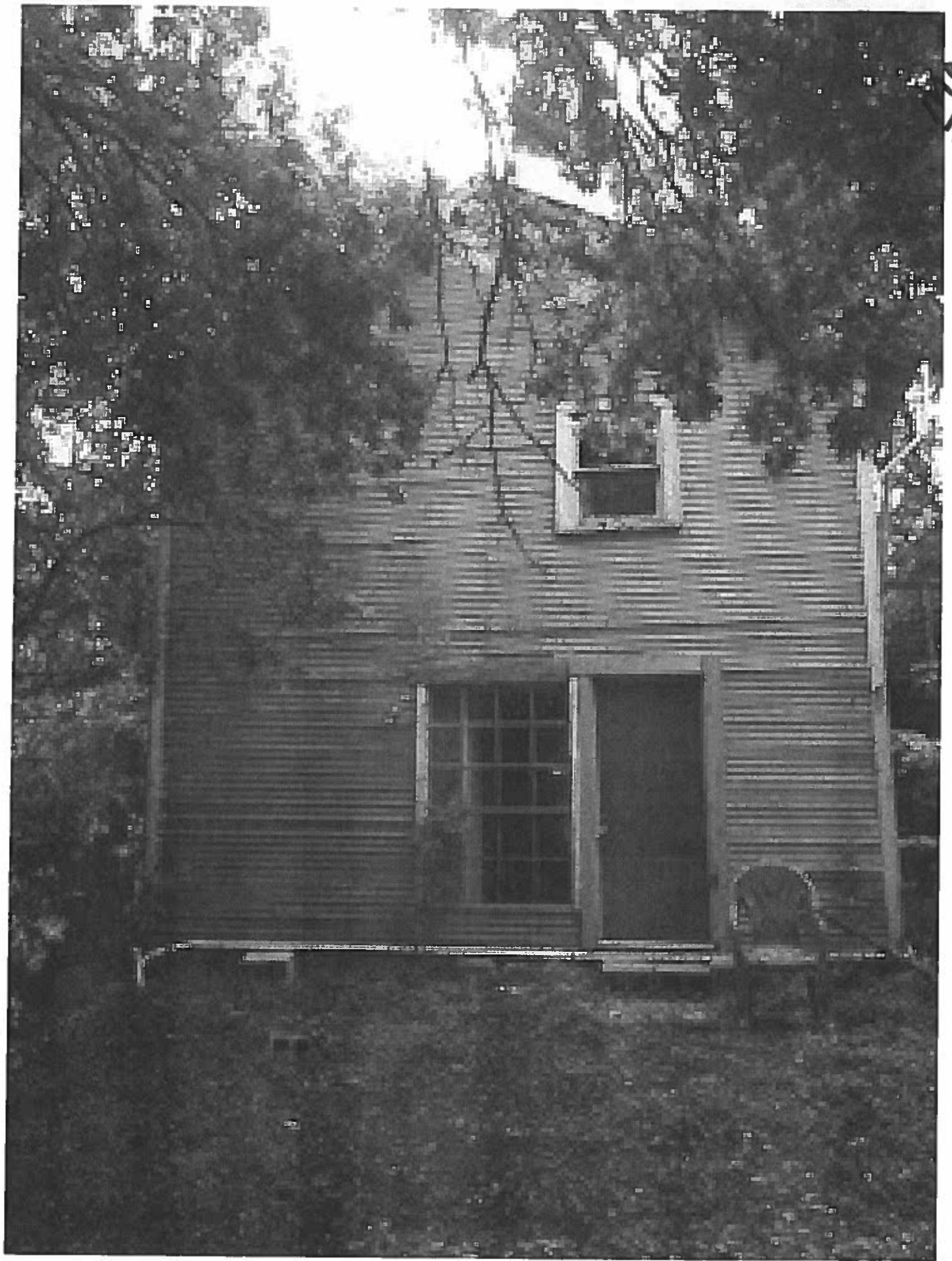


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6/12