



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'

46
2

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday, October 10, 2016

CASE NUMBER: C15-2016-0111

☒ Y ☐ Brooke Bailey
☒ Y ☐ Michael Benaglio
☒ Y ☐ William Burkhardt
☐ N ☐ Eric Goff
☐ O ☐ Melissa Hawthorne OUT
☒ Y ☐ Bryan King
☒ Y ☐ Don Leighton-Burwell
☒ Y ☐ Rahm McDaniel
☐ O ☐ Melissa Neslund OUT
☒ Y ☐ James Valadez
☒ Y ☐ Michael Von Ohlen
☒ Y ☐ Kelly Blume (Alternate)

APPLICANT: Austin Stowell

OWNER: Margaret Magness

ADDRESS: 904 ETHEL ST

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

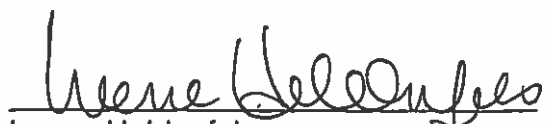
- A. decrease the minimum lot area from 5,750 square feet (required) to 4,994.57 square feet (requested. existing); and to
- B. decrease the front setback from 25 feet (required) to 15 feet (requested, existing); and to
- C. increase the maximum impervious cover from 45% (required/permitted) to 65% (requested)

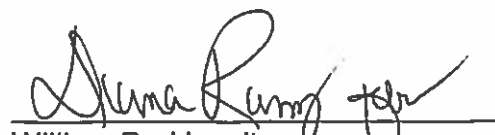
in order to erect a new single family residence in a "SF-3", Family Residence zoning district.

BOARD'S DECISION: Oct 10, 2016 The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to November 14, 2016, Board Member Bryan King second on a 9-1 vote (Board member Eric Goff nay); **POSTPONED TO NOVEMBER 14, 2016.**

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


William Burkhardt
Chairman

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CITY OF AUSTIN
Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

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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 # C15-2516-011 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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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

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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

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 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).

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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

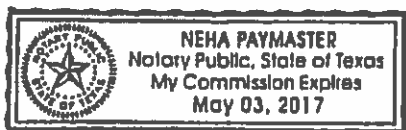
THE STATE OF TEXAS §

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 26th 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

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.

26
10

// WOOD FENCE
 CB CHAIN LINK FENCE
 X WIRE FENCE
 [] ELEC. METER
 ● CROWN ROOF FND.
 ○ PIPE FND.
 B.L. BUILDING LINE
 P.U.E. PUBLIC UTILITY EASEMENT

SURVEYOR'S NOTES

() DEMONSTRATES RECOVERED INFORMATION

[1] PER VOL. 651, PG. 580.

EASEMENT RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY UNDERSIGNED TITLE COMPANY PER COMMITMENT O.F. #1622878-BOK, EFFECTIVE JUNE 9, 2018; SCHEDULE B, PARAGRAPH 10.

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

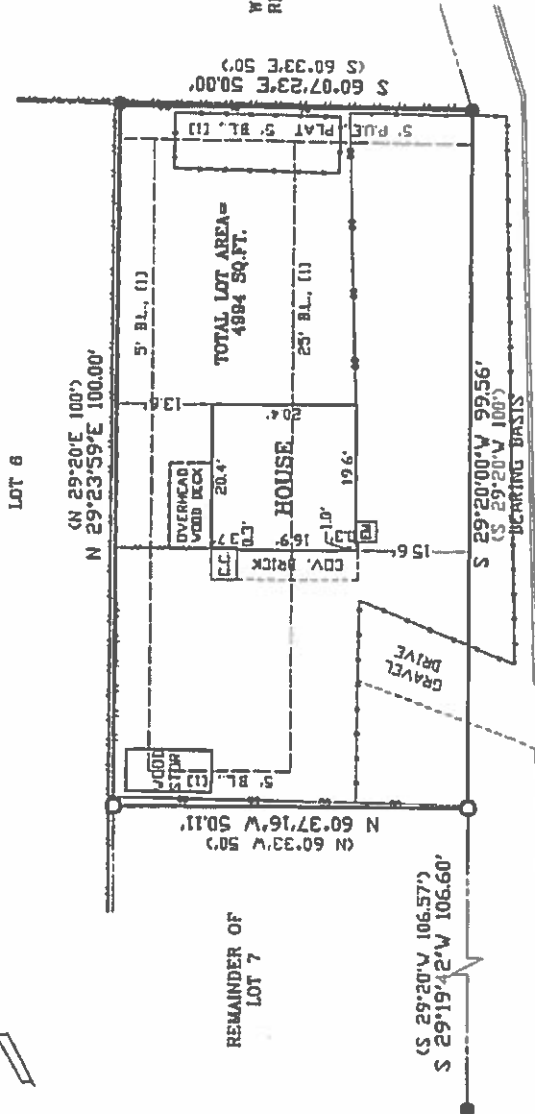
THIS IS SUBJECT TO RESTRICTIVE

COVENANTS AS STATED IN:
VOL. 4, PG. 22; VOL. 611, PG. 580 & VOL.
667, PG. 254.

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

ALL POINTS DOES NOT HAVE OR WARRANT ANY
LOOD ZONE DETERMINATION.

W.H. GRIZZARD
RESUBDIVISION
LOT B



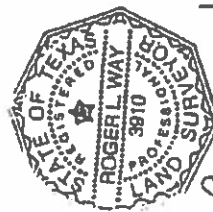
904 ETHEL STREET
(50' R.O.W.)

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

NORTH 100' OF LOT 7 _____ BLOCK _____
 LOT No. _____
 SECTION _____
 TRAILS _____
 CITY _____
 PHASE _____
 COUNTY, TEXAS _____
 SUBDIVISION / ADDITION _____
 Book _____ Page(s) 22 _____
 Volume 4 _____
 Document No. _____
 Plat Records _____
 Official Public Records of _____ County, Texas
 Plat number 180

TO THE LEASEHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR
INDEPENDENCE TRILL 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 ascertaining 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 herein. There are no visible encroachments, conflicts, easements or overlapping of improvements or improvements as shown herein.



ALL POINTS SURVEYING
1714 FORTVIEW ROAD - SUITE 200
AUSTIN TX. 78704

TELE: (512) 440-0071 - FAX: (512) 440-0199
FEDERAL BUREAU OF INVESTIGATION / 10718000

FILE NAME	JS	DATE	10-30-11
DRAWING	SCN		

SURVEY DATE: 07-05-10
 Job No. 0872818
 SCALE: 1"=20'

$$\frac{64}{11}$$

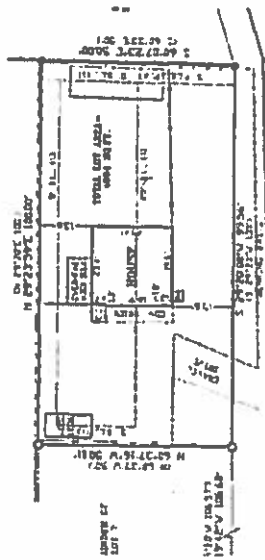


AERIAL PLAN
1" = 40' 0"

ETHEL STREET SITE STUDY

18.04.2006

18.04.2006

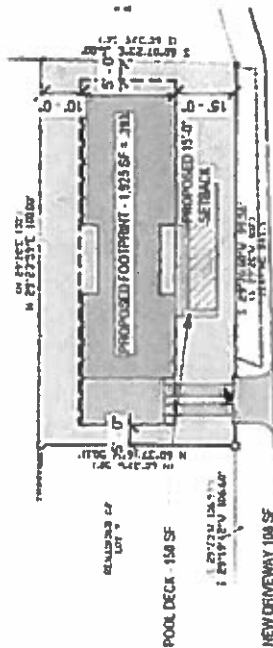


904 ETHEL STREET
(30' x 30')

EXISTING SITE PLAN

SITE AREA CALCULATIONS
ADDRESS: 904 ETHEL ST
TX 78784
LEGAL DESCRIPTION: 100 FT OF LOT 7
SHELTON ADDITION
TICAP PROPERTY (D. 103560)
ACCHONHOOD ZULIER
ZONING: SF 3 HP
SITE AREA: 4,896.05 SF (TICAP) - 4,994.57 SF
(MEASURE D)

NEW HOUSE: 1,875 SF
DRIVEWAY: 148 SF
POOL DECK AND COVER: 158 SF
TOTAL NEW: 2,181 SF



904 ETHEL STREET
(30' x 30')

PROPOSED SITE PLAN

EXISTING CALCULATIONS: MAX 2,300 SF
PROPOSED ADDITION: 2,294 SF
TOTAL PROPOSED SITE E.A.R.: 2,291 SF
2,291 SF - 482 SF E.A.R.
TOTAL BUILDING COVERAGE: MAX 483
NEW HOUSE AND PORCH: 1,915 SF
- 1,915 SF - 482 SF = 1,433 SF

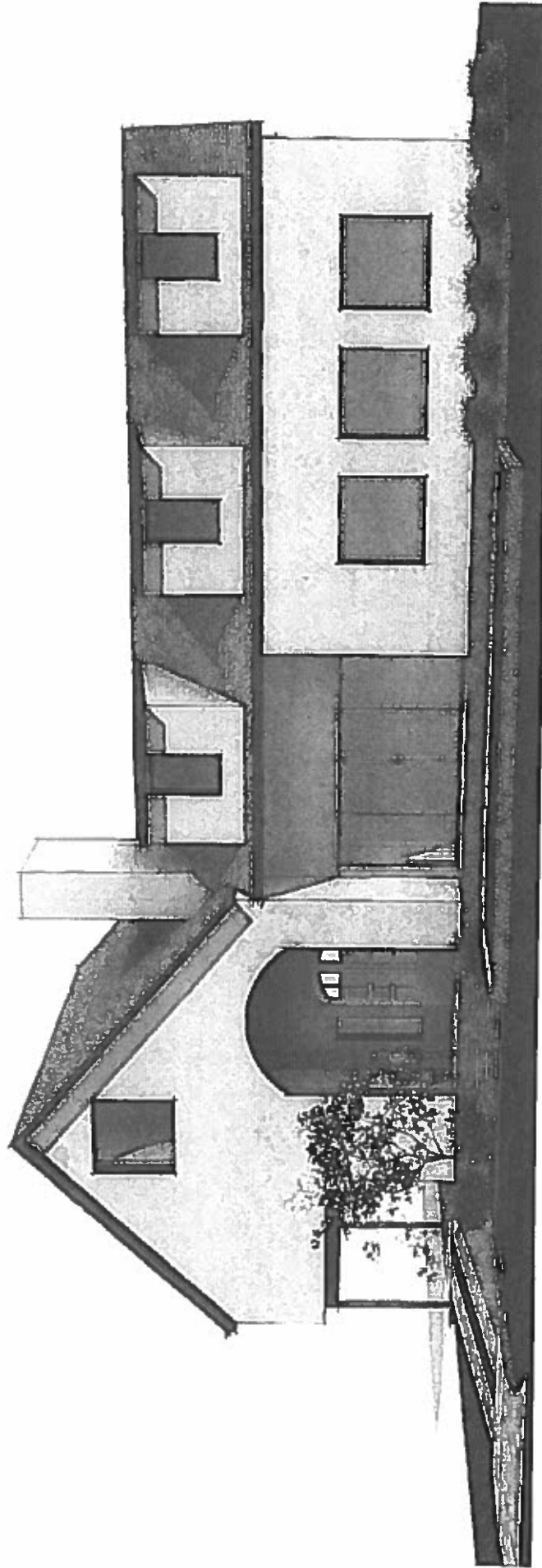
REQUIRED PARKING (APPROX A) 7 SPACES
PROVIDED

2 SITE PLANS
1" = 30' 0"

18.04.2006

A1

2/6



1 FRONT PERSPECTIVE



LEGEND
 1.00' SCALE
 1.00' SCALE
 1.00' SCALE

ETHEL STREET SITE STUDY

1.00' SCALE

1.00' SCALE

1.00' SCALE

1.00' SCALE

1.00' SCALE

1.00' SCALE

A2

16
13

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Travis CAD

Property Search Results > 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: 100.0000000000%
 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: 100.0000000000%
 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

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+.

L4
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TAX CERTIFICATE
Bruce Elfant
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

NO 2255780

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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.

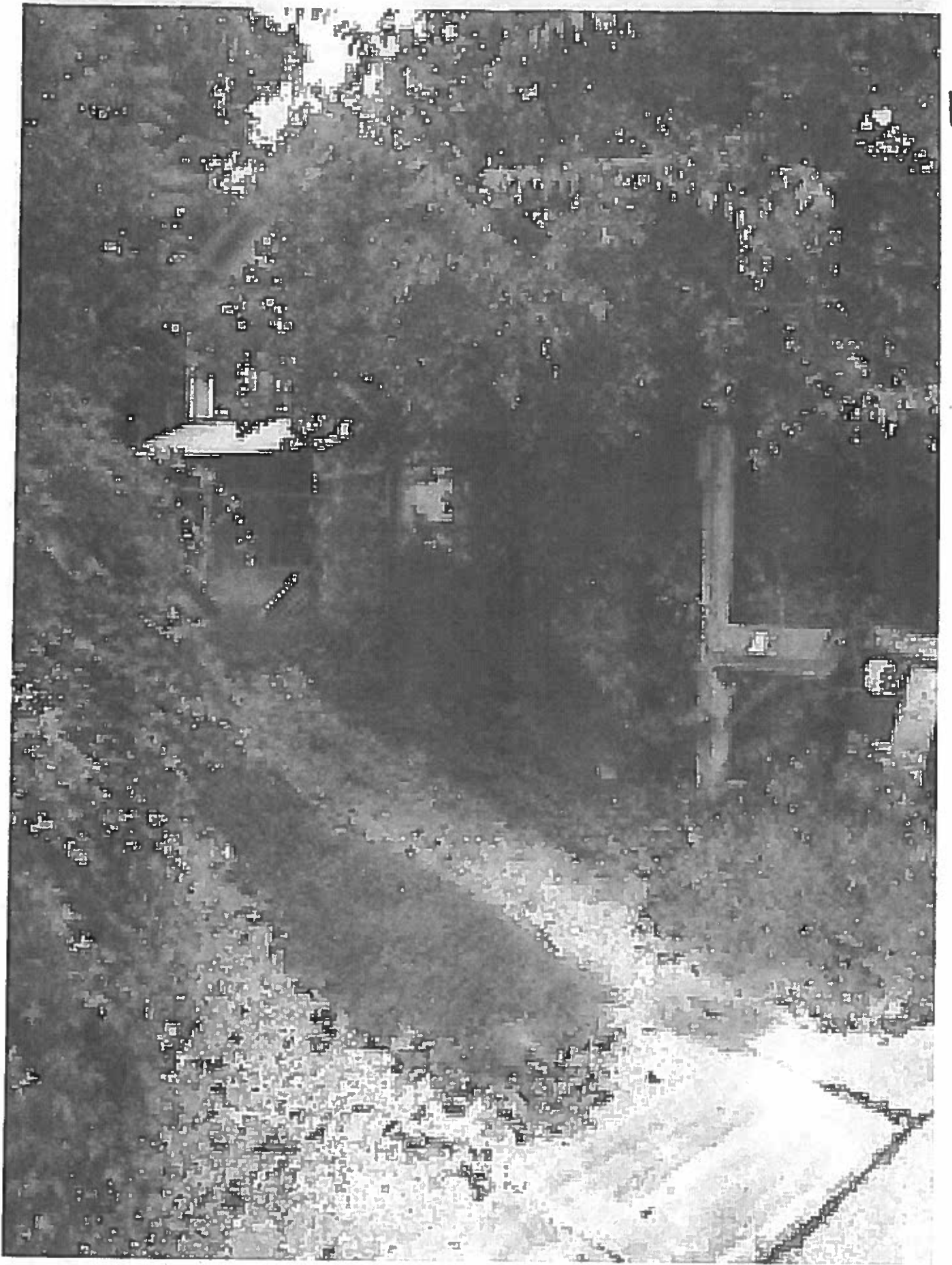
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 08/26/2016

Fee Paid: \$10.00

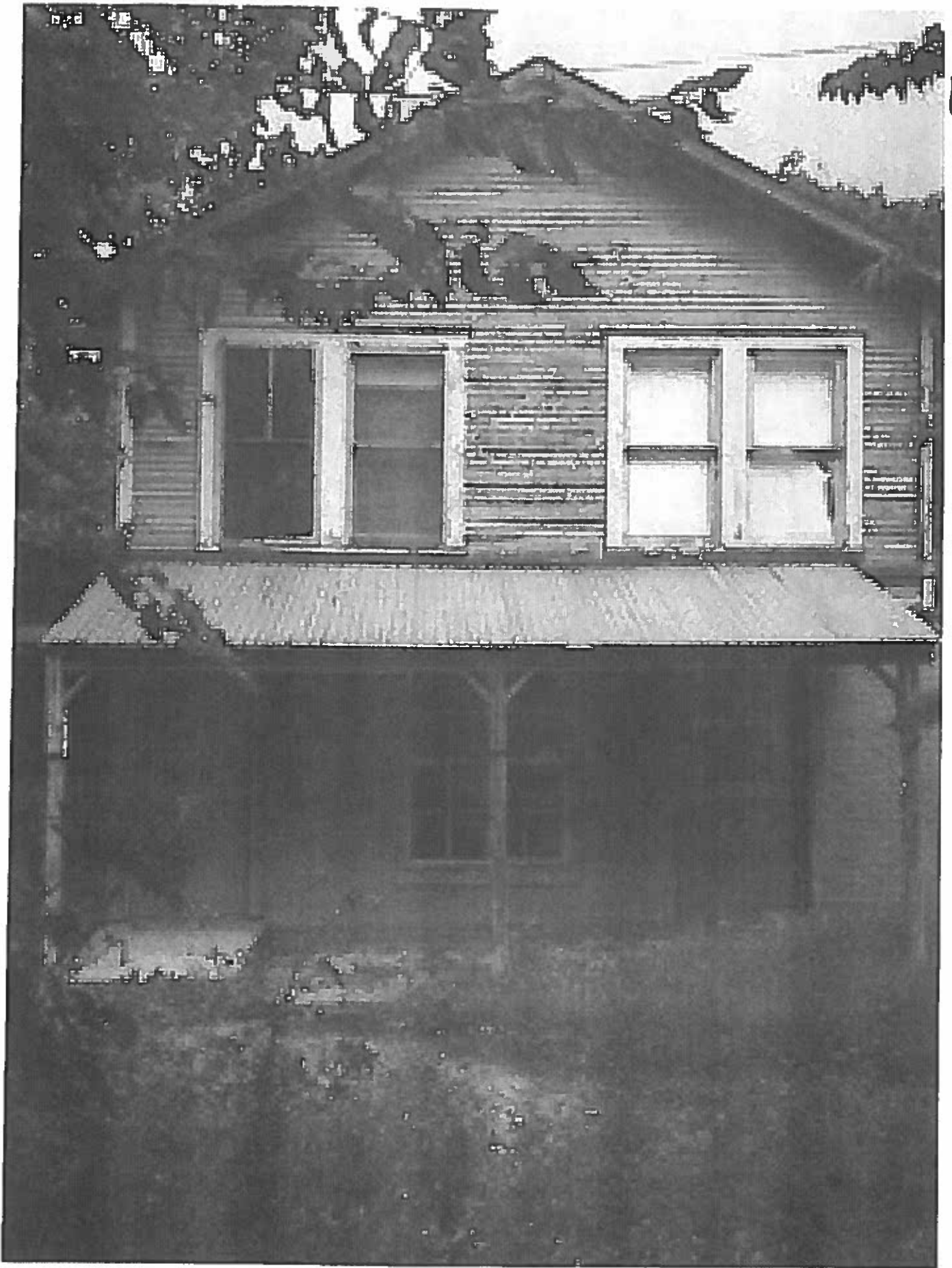
Bruce Elfant
Tax Assessor-Collector

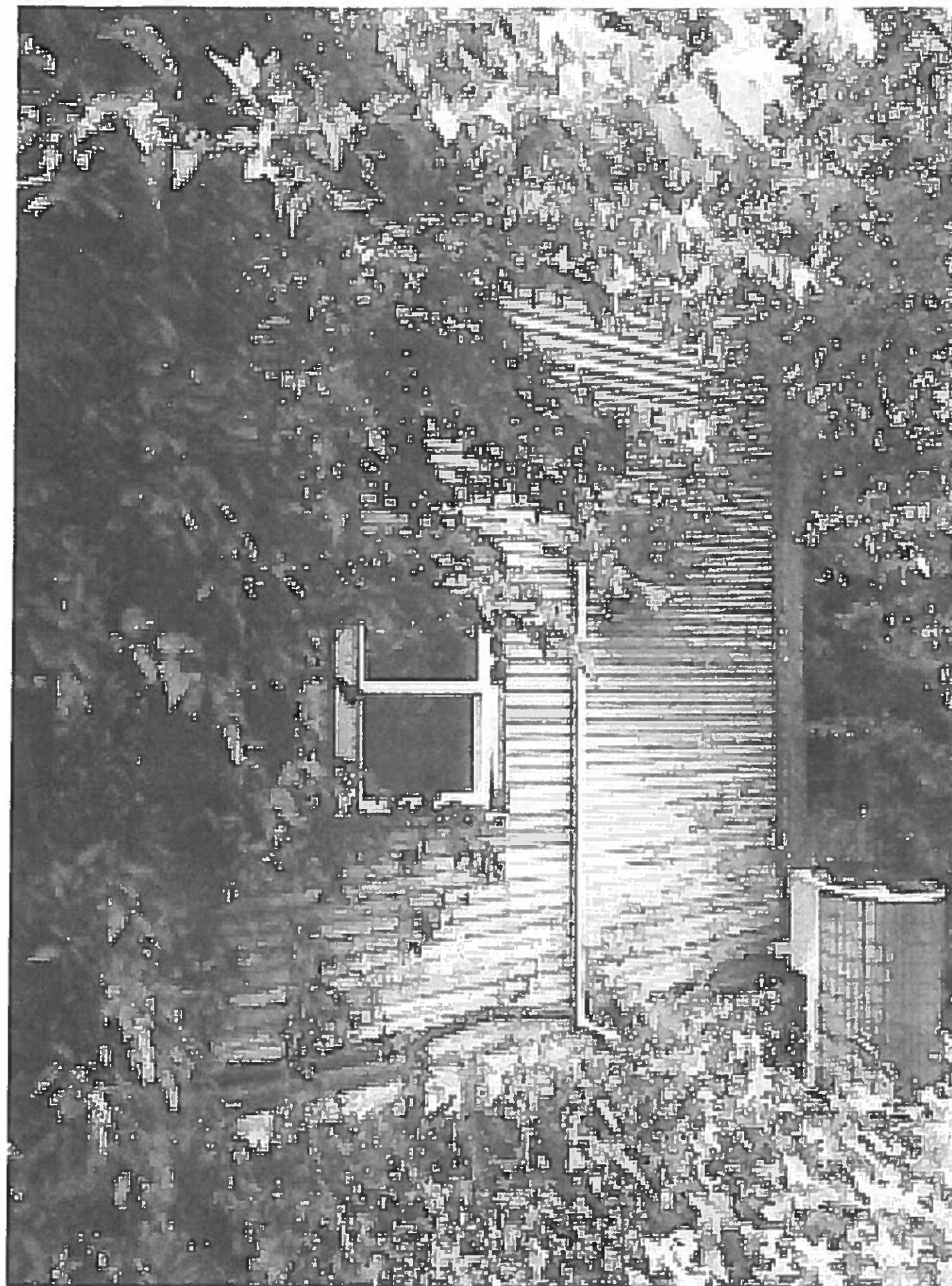
By: Gary Head

2/2



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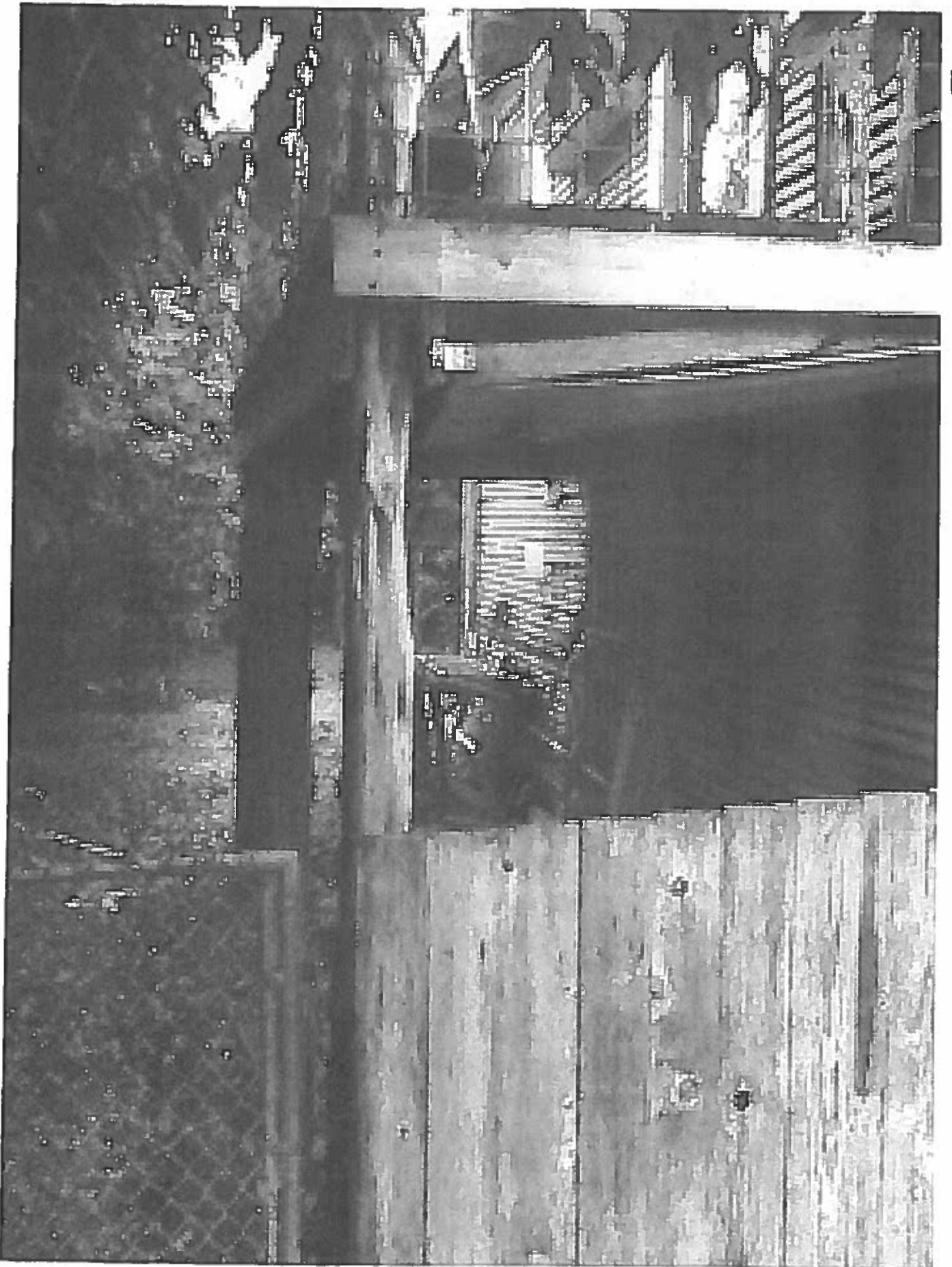


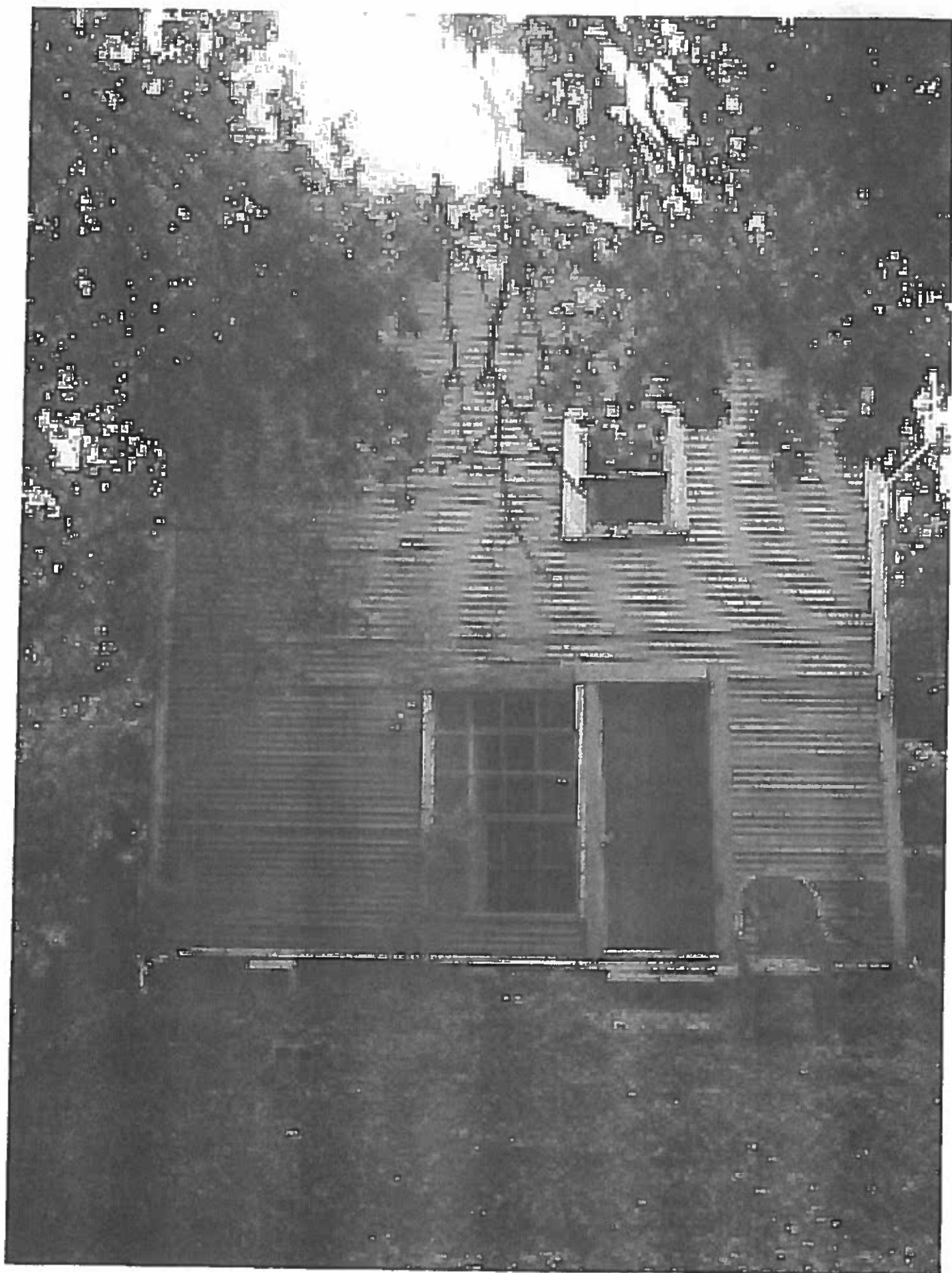
4/19



25/20

5/2

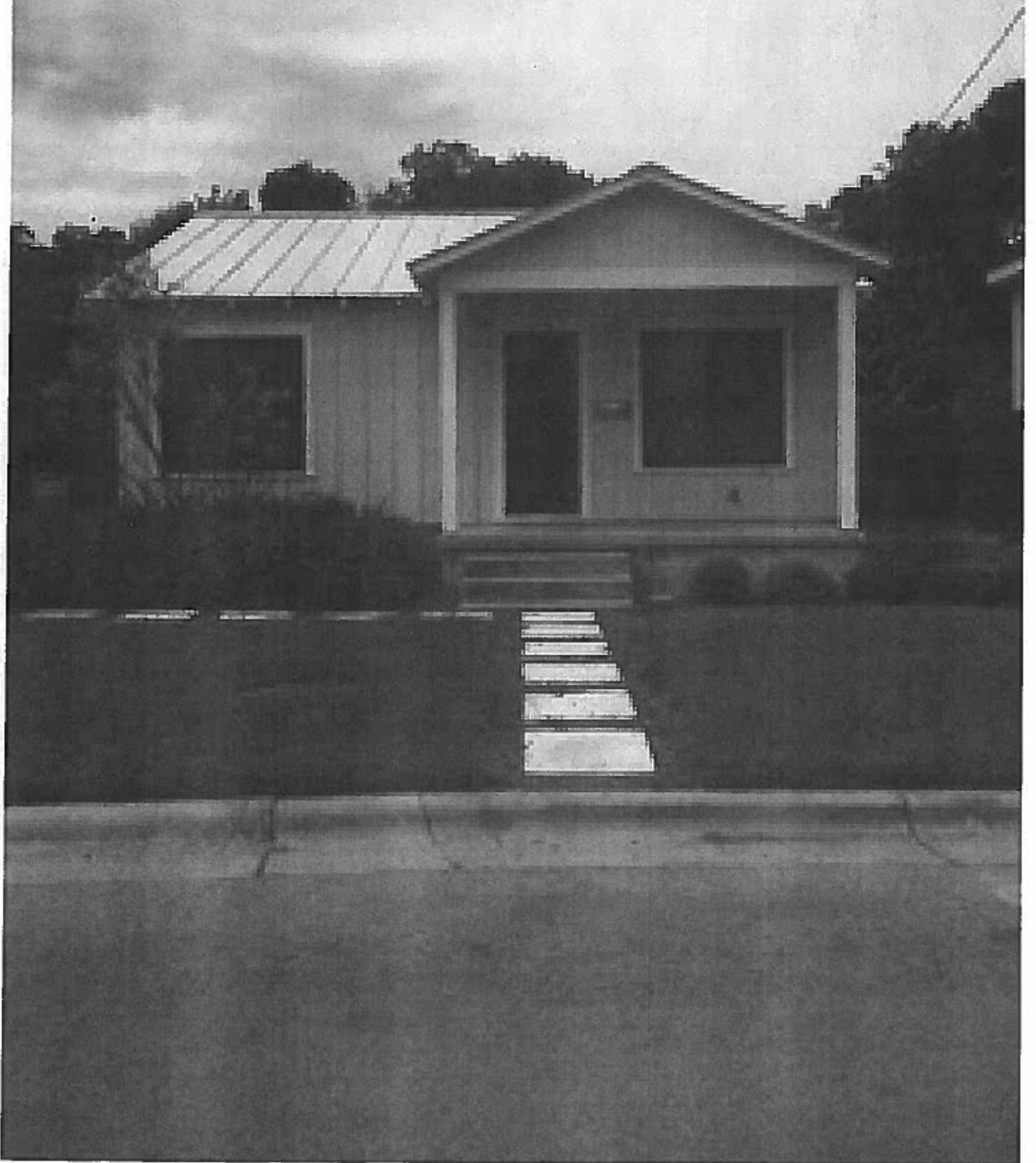




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C15-2016-0111

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PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2016-0111, 904 Ethel St.

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, October 10th, 2016

Ginny Catania

Your Name (please print)

903 Ethel St

Your address(es) affected by this application

[Signature]

Signature

Date

Oct 11/16

Daytime Telephone: 512-636-0034

Comments:

I can't even put a garage door on my horse; these bbs want to increase impervious cover violate McManion & setback rules. Forget it.

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Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

(Note: mailed comments must be postmarked by Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

24/6

PUBLIC HEARING INFORMATION

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- appearing and speaking for the record at the public hearing; and:
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- is the record owner of property within 500 feet of the subject property or proposed development; or
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Case Number: C15-2016-0111, 904 Ethel St.

Contact: Leanne Heldenfels, 512-974-2202, leanne.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, October 10th, 2016

Leanne Heldenfels
Your Name (please print)

☒ I am in favor
☐ I object

2011 PEACH TREE STREET

Your address(es) affected by this application

Leanne

Signature

10/10/16

Date

Daytime Telephone: 512/751-7394

Comments: MR. STOWELL IS MY FAVORITE
NEXT DOOR NEIGHBOR AND A GREAT
BUSINESS ASSOCIATE AND I AM VERY
CONFIDENT THAT HE WILL BUILD SOMETHING
THAT IS APPROPRIATE AND SENSITIVE TO
THE FABRIC OF THE NEIGHBORHOOD.

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Leanne Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leanne.heldenfels@austintexas.gov

216

Heldenfels, Leane

0111

From: James Harkrider [REDACTED]
Sent: Monday, October 10, 2016 10:36 AM
To: Heldenfels, Leane
Subject: 904 Ethel Street BOA Support Letter
Attachments: 904 Ethel Street_BOA Support Letter_10.10.16.jpg

6/24

Ms. Heldenfels,

Attached please find my signed BOA support letter in favor of the adjustment requested for 904 Ethel Street.

Please let me know if you have any questions.

Regards,

James H. Harkrider III
Partner

S T U D I O
D+FORM

153 West 27th Street, Suite 1001 New York City, New York 10001 Tel: 646 537 1764

902 Gardner Road, Studio 23 Austin Texas 78721 Tel: 512 645 0675

www.studiodform.com

PUBLIC HEARING INFORMATION

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Case Number: C15-2016-0111, 904 Ethel St.

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, October 10th, 2016

JAMES HARRIS

Your Name (please print)

☒ I am in favor
☐ I object

2011 PEACH TREE STREET

Your address(es) affected by this application

666

Signature

10/10/16

Date

Daytime Telephone: 512/751-7894

Comments MR. STOWELL IS MY FORMER

NEXT DOOR NEIGHBOR AND A CURRENT

BUSINESS ASSOCIATE AND I AM VERY

CONFIDENT THAT HE WILL BUILD SOMETHING

THAT IS APPROPRIATE AND SENSITIVE TO

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Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

2/3

Heldenfels, Leane

From: Craig Parker Builder [REDACTED]
Sent: Sunday, October 09, 2016 4:52 PM
To: Heldenfels, Leane
Subject: 904 Ethel BOA C-15 2016-0111
[REDACTED]

11/23

Hello Leane

I support the variances requested at 904 Ethel for minimum lot size and building set back.

Thank you

Craig Parker

809 Ethel

Owner of 905 Ethel

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Case Number: C15-2016-0111, 904 Ethel St.

Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov

Public Hearing: Board of Adjustment, October 10th, 2016

Dave van Heuven

Your Name (please print)

1403 Kinney

☒ I am in favor
☐ I object

Your address(es) affected by this application

Deca Signed by:
Dave van Heuven

10/7/2016

Signature

Date

Daytime Telephone: _____

Comments: _____

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Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

29/16

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Case Number: C15-2016-0111, 904 Ethel St.

Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov

Public Hearing: Board of Adjustment, October 10th, 2016

Dolores Spitzer for the Tucker Spitzer Trust

Your Name (please print)

606 Joespehine

☒ I am in favor
☐ I object

Your address(es) affected by this application

Designated by
Dolores Spitzer for the Tucker Spitzer Trust
AUSTIN, TEXAS 78704

10/7/2016

Signature

Date

Daytime Telephone:

Comments:

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Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

30/16

Heldenfels, Leane

From: Lorraine Atherton <[REDACTED]>
Sent: Thursday, October 06, 2016 3:18 PM
To: Heldenfels, Leane
Subject: 904 Ethel, C15-2016-0111
Attachments: 904 Ethel ZNA letter.pdf

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Re: 904 Ethel, C15-2016-0111

Hello, Leane.

Attached is ZNA's letter of opposition to the variances requested at 904 Ethel. Please include the attachment in the BoA backup and the Development Review file for this case.

To summarize, the Executive Committee of the Zilker Neighborhood Association (ZNA) is opposed to the variances because the applicant has not pursued other remedies besides a variance to restore the lot to a buildable size or to secure building permits to remodel the existing structure. Our preliminary research of Travis Central Appraisal District files has found 16 nearby properties that are below the minimum lot size. Nine, including the adjacent property, are less than a block away, and four have houses of less than 1,000 sf. Most of the houses on these lots have been maintained or remodeled; although many of them have other deficiencies (such as lot width of less than 50 feet), so far we have found no record of any variances. Clearly, other remedies have been available to these neighboring properties. We must conclude that a lot size variance would grant special privileges, significantly alter the established character of the immediate area, and impair the purpose of the zoning regulations. The ZNA Executive Committee therefore requests that the Board of Adjustment deny the lot-size and other variances.

Thanks,
L. Atherton
(512-447-7681)

Zilker Neighborhood Association

www.zilkerneighborhood.org • zilkerna@austin.rr.com
2009 Arpdale • Austin, TX 78704 • 512-447-7681

16
32

October 6, 2016

Re: 904 Ethel, C15-2016-0111

Dear Ms. Heldenfels,

The Executive Committee of the Zilker Neighborhood Association (ZNA) is opposed to the variance request for 904 Ethel to decrease the minimum lot size from 5,750 to 4,994.57 square feet. Our main concern is that the applicant has not pursued other remedies besides a variance to restore the lot to a buildable size or to secure building permits to remodel the existing structure. Our preliminary research of Travis Central Appraisal District files has found 16 nearby properties that are below the minimum lot size. Nine of these properties, including the adjacent property, are less than a block from 904 Ethel (see ZNA Exhibit A), and four of them have houses of less than 1,000 sf. Most of the houses on these lots have been maintained or remodeled; although many of them have other deficiencies (such as lot width of less than 50 feet), so far we have found no record of any variances. Clearly, other remedies have been available to these neighboring properties. We must conclude that a lot size variance would grant special privileges, significantly alter the established character of the immediate area, and impair the purpose of the zoning regulations. The ZNA Executive Committee therefore requests that the Board of Adjustment deny the variance. Our findings are listed below.

Reasonable use: A variance cannot be granted on the basis that the zoning regulation itself is unreasonable. That requires a zoning change (see "Area character" below). In this case, the applicant wishes to build a new house in an SF-3 zoning district under what appear to be SF-4A development standards; in other words, the applicant is requesting a zoning change. The applicant has not submitted any plan or elevations to the Development Review Department, but we can tell from the photographs that the property is very steep and probably covered with protected trees, which would likely require several variances for any new construction. The house proposed by the applicant would exceed the FAR limit and most likely several other McMansion limits, requiring still more variances. Ultimately, site conditions (not the zoning regulations) make this small lot essentially unbuildable. Its best use would probably be to recombine it with 1514 Treadwell, which is also a substandard lot, and build a second dwelling on the buildable area.

Hardship: A variance cannot be granted on the basis that the zoning regulation itself is a hardship. In this case, the application presents no hardship regarding the minimum lot size: it describes only the difficulties of permitting a house that is too large for its site. As noted in

the introductory paragraph, the existence of lots that do not meet the minimum lot size under current code is not unique to this property. The 16 addresses mentioned above are 809 and 811 Ethel; 1504, 1507, 1509, 1511, 1513, 1514, 1517, 1519 Treadwell; 806, 808, 905, 1001, 1002, and 1004 Kinney. West of Kinney, there are subdivisions that consist mostly of lots that are about 25 feet wide and do not meet the minimum lot size. These lots were designed to be sold in pairs to create a buildable lot. Much of the northern portion of the neighborhood was developed in this manner, with homeowners buying two or three or more modular lots to create home sites.

L6
33

Area character: The blocks immediately surrounding this site may be considered for special treatment, such as small-lot amnesty, when the current code revision process moves to the mapping or neighborhood planning stage, but that must be done through the public process, including all the affected properties. Until then, it must be assumed that individual variances granted piecemeal through the Board of Adjustment would establish the wrong precedent and significantly alter the established character of the area.

In the absence of a qualifying hardship, the ZNA Executive Committee does not support variances that would set a precedent for small-lot development in this area. The Board of Adjustment considered a similar variance request from the minimum lot size at 1107 Kinney (case C15-2011-0058). ZNA opposed that request, and the Board of Adjustment voted unanimously to deny the request at its hearing on June 13, 2011.

In the interests of preserving existing small, affordable housing options, the ZNA Zoning Committee would be willing to work with the owner to permit the renovation and reuse of the existing structure. Based on the evidence of surrounding properties, that can be done without a variance, but no one can know for sure unless the owner submits an actual plan to the Development Review Department. Since the Board of Adjustment is prohibited from granting "special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located," the ZNA Executive Committee must oppose the current variance.

Please include this letter in the Development Review file and the Board of Adjustment hearing materials for this case.

Sincerely yours,
Lorraine Atherton
on behalf of the Executive Committee
of the Zilker Neighborhood Association

ZNA Exhibit A

66
34



Area of
substandard lots
near 904 Ethel



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

NOTIFICATIONS

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

1" = 137'

This product is for informational purposes and may not have been created for or be suitable for legal, engineering, or surveying purposes. It does not represent an official survey and representation of the geographic location of property boundaries.

This product is a best practice, ITM for the purpose of geographic reference. No warranty is made by the City of Austin regarding the accuracy or appropriateness of this address.



Heldenfels, Leane

From: Joan Hughes
Sent: Thursday, October 06, 2016 8:01 PM
To: Heldenfels, Leane
Subject: C15-2016-0111, 904 Ethel St.

66
35

My name: Joan Hughes
My address: 808 Kinney Avenue
Phone: 512 484-8049

Comments:

I object to the variance request, part c.

I am assuming the lot size is 4994.57 sq feet. In order to build on this lot, then the required minimum lot size needs a variance. I am in favor of part a.

I am in favor of Part b, that the set back for a single family home can be 15 ft, which is the current setback of the current structure.

However, I object to Part c, a request for 65% impervious cover, as this is egregious and not mathematically fair.

With a minimum lot size of 5750, the 45% impervious cover would mean the maximum impervious cover would be 2587 square feet. I would be supportive of granting them the equivalent 2587 sq ft (45% of the minimum lot size 5750) impervious cover, which mathematically is 51.8% of the 4994 sq ft lot. That is the maximum impervious cover variance that would be fair to all the other households in the neighborhood and give them the exact impervious cover allotment they would legally have if their lot was a normal 5750 sq ft size.

If I had 65% impervious cover allotment (and my lot is not much larger than theirs at 5097 sq ft), I could build a second building on my lot, but alas I cannot because it is not allowed by law. If you allow them 65% variance, you better be ready to approve all the other requests in our neighborhood for similar variances.

Sincerely,
Joan Hughes

