




21-1



-  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 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.

C15-2016-0111

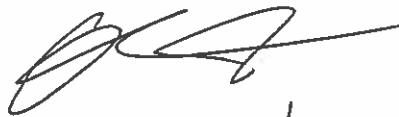
11/2

BOARD OF ADJUSTMENT -  
REQUEST FOR RECONSIDERATION -  
904 ETHEL ST

CLARIFICATION OF EVIDENCE -

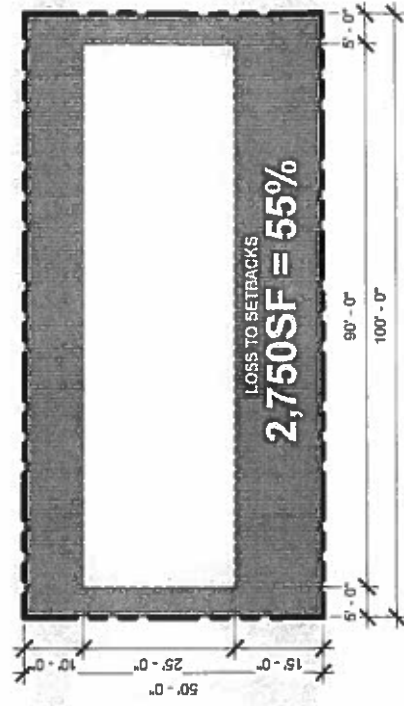
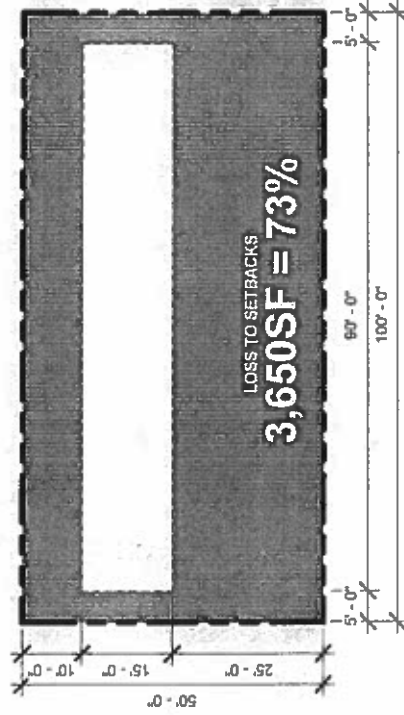
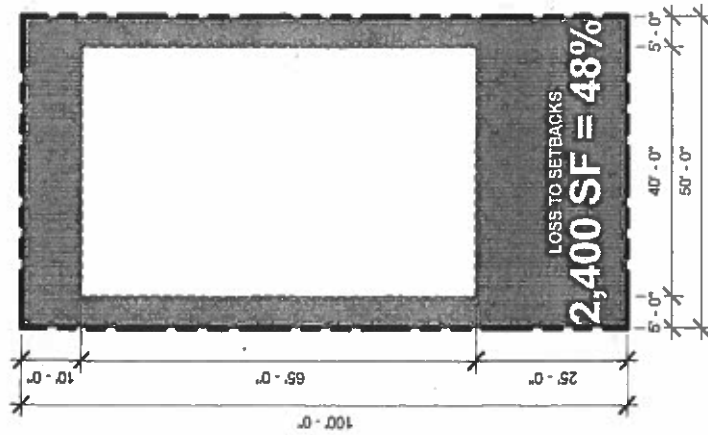
- 1) Brian Bowers, owner of 902 Ethel, was present at the meeting but was unfamiliar with the process and did not know that he needed to sign up to speak in order to file a motion of support for the property. There are only two adjacent neighbors to the site, and one is an STR Type II. As a resident and adjacent neighbor, his testimony is an important item to consider when rendering judgement
- 2) Ginny Catania, owner of 903 Ethel, is willing to sign a letter of support. Her desire is to have another family to the neighborhood.
- 3) This is NOT A SPEC - For some reason, Commissioner King made comments once the public discussion was closed was that this was a speculative venture. The fact that this was represented to be a speculative development may have swayed certain commissioners. It should be noted that this is not a speculative venture and attempt for my wife and our son can move back into the neighborhood so that I can walk him to Zilker Elementary where I would like him to attend school in a few years
- 4) The 1600 sq ft FAR limitation was not requested by the opposition, their main objection was to the impervious cover request of 65%. I am willing to concede any additional impervious cover in lieu of retaining 0.4 FAR which is the minimum sufficient enough to host a family of 4-5.
- 5) FAR restrictions were never intended to be part of the discussion so I was never presented any opportunity to provide additional testimony why a 1600 ft FAR calculation causes additional hardship to a young growing family.
- 6) We intend to have more children which makes 1600 ft unreasonable when the two nearest houses that are resided in by families with children are 2322 & 2620 sq ft respectively of heated/cooled space
- 7) This meeting was delayed to the November hearing from an earlier meeting at the motion of Commissioner Von Ohlen who requested additional detail of the building to be constructed. He was not present at the last meeting and was unable to weigh in on the evidence. Since the original request was at his request, it would only be fair to at least let him weigh in on the evidence
- 8) The evidence packet was delivered at the meeting and the board may not have had time to properly review the evidence in advance of the meeting.
- 9) The only testimony in opposition of the variance request are from neighbors that do NOT live in the adjacent area of Okie Heights

We are willing to accept a limitation of the original request to a 45% impervious cover, 15 front yard set back. We would like to build the proposed FAR as in the evidence packet but can live with 0.4 FAR as originally requested by commissioner Hawthorne.

  
11/28/16



Austin Stowell  
KEEP Real Estate  
905 NUECES ST  
Austin, TX 78701



TYPICAL LOT

504 ETHEL - WITHOUT VARIANCE

504 ETHEL - WITH VARIANCE

3/15



**REQUIRED PARKING (APPENDIX A): 2 SPACES**



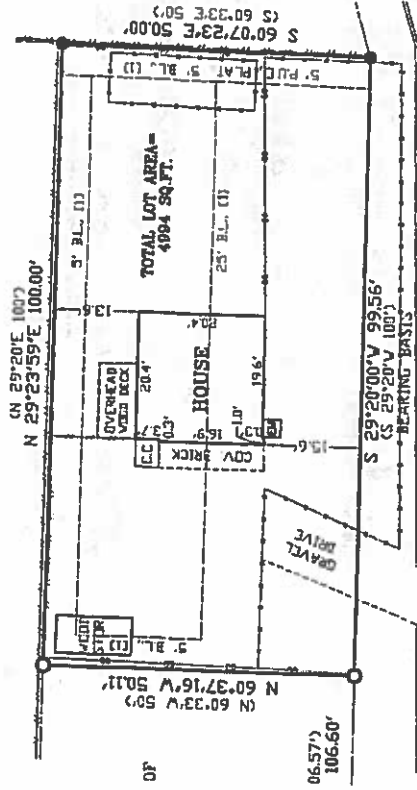
## ETHEL STREET SITE STUDY

பெரிய அளவுக்குள்ளேயே இருக்கிறார்கள். இது மிகவும் ஆபத்தானது.

A1

LDGAH AKCH FECTUHE  
LMLL Gmmdm Lmmd J dgmmd m PMX 512 500 5578


$$\frac{K}{4}$$



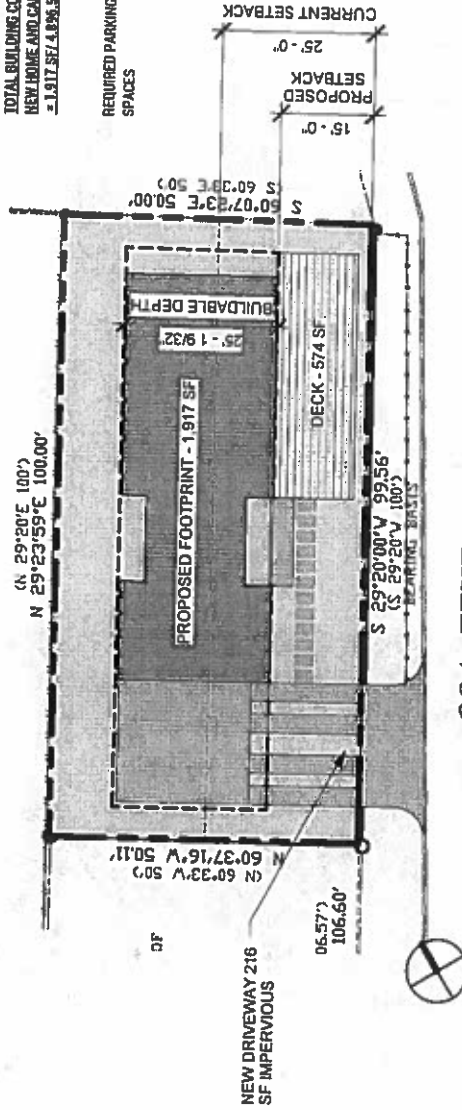
## 904 ETHEL STREET (50' R.O.W.) EXISTING SITE PLAN

**SITE AREA CALCULATIONS**  
 ADDRESS: 904 ETHEL ST  
 TX 76704  
 LEGAL DESCRIPTION: N 100 FT OF LOT 7  
 SHELTON JOHN R  
 TCAD PROPERTY ID: 103368  
 NEIGHBORHOOD: ZILKER  
 ZONING: SF-3-NP  
 SITE AREA: 4,896.05 SF (TCAD), 4,994.57 SF (MEASURED)  
 PROPOSED IMPERVIOUS COVER: MAX 45%  
 NEW HOUSE = 2,107 SF  
 DRIVEWAY = 216 SF  
 OUTDOOR PATIO AND STEPS = 150 SF  
 OUTDOOR WOOD DECK = 548 SF  
 TOTAL NEW = 2,747 SF  
 TOTAL PROPOSED IMPERVIOUS COVER = 2,747 / 4,994.57 = SF: 55.0%

**E.A.R. CALCULATIONS: MAX 2,300 SF**  
 PROPOSED L1 = 2,107 - 400 = 1,707 SF  
 PROPOSED L2 = 590 SF  
 TOTAL PROPOSED FLOOR AREA: 2,297 SF

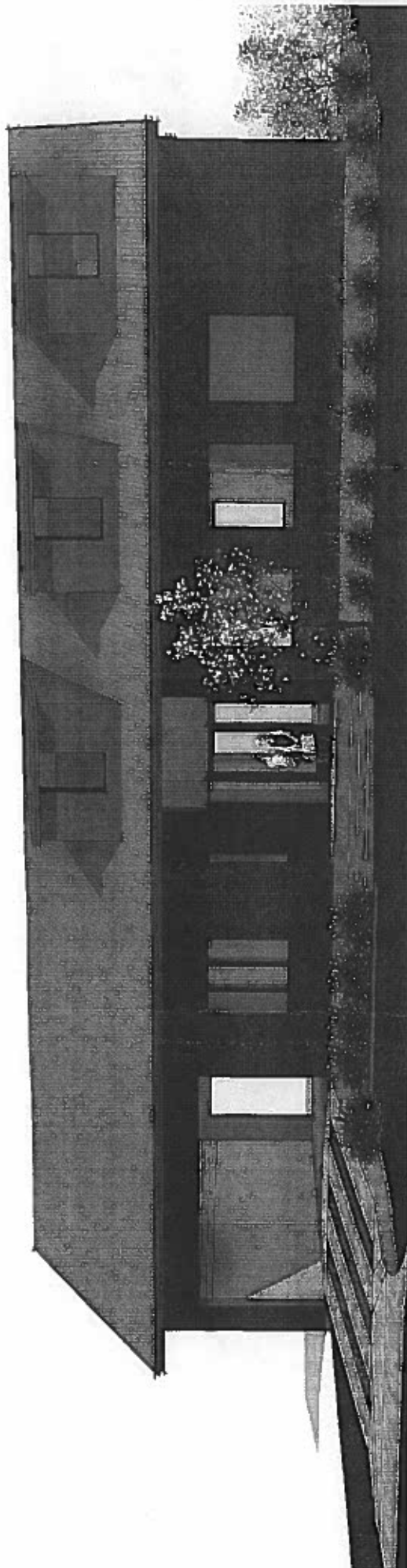
**TOTAL BUILDING COVERAGE: MAX 40%**  
 NEW HOME AND CARPORT: 1,917 SF  
 = 1,917 SF / 4,896.05 SF = 39.2%

**REQUIRED PARKING (APPENDIX A): 2 SPACES**

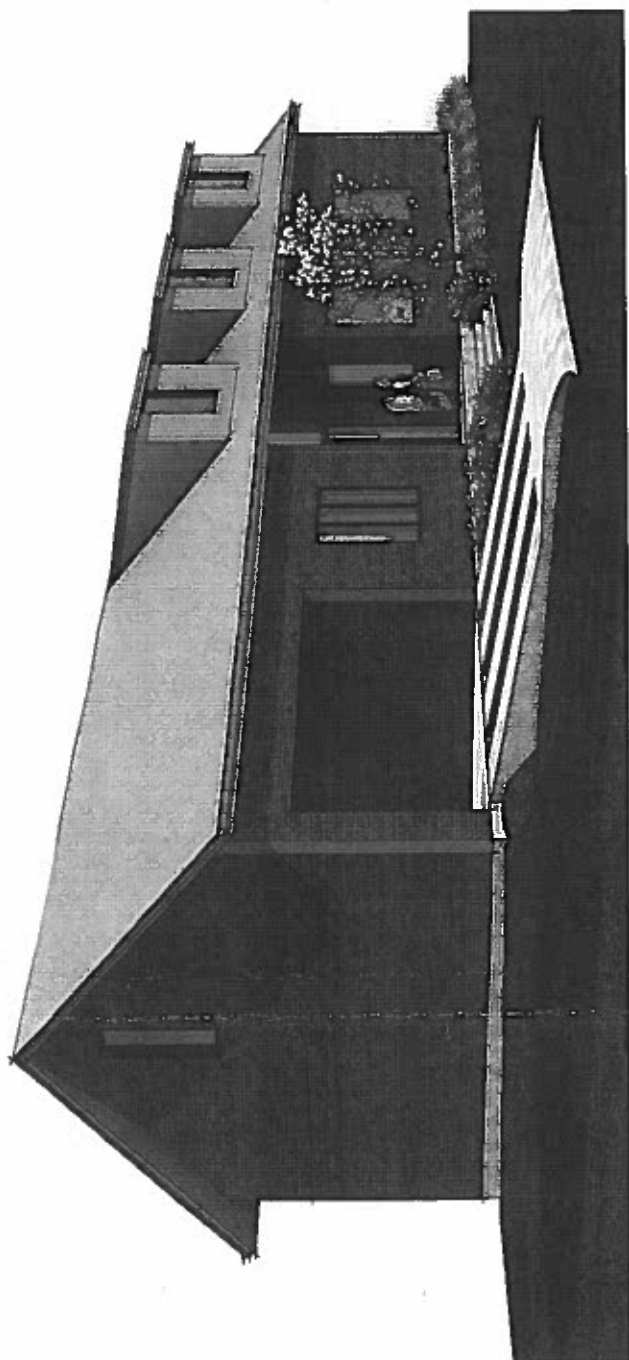


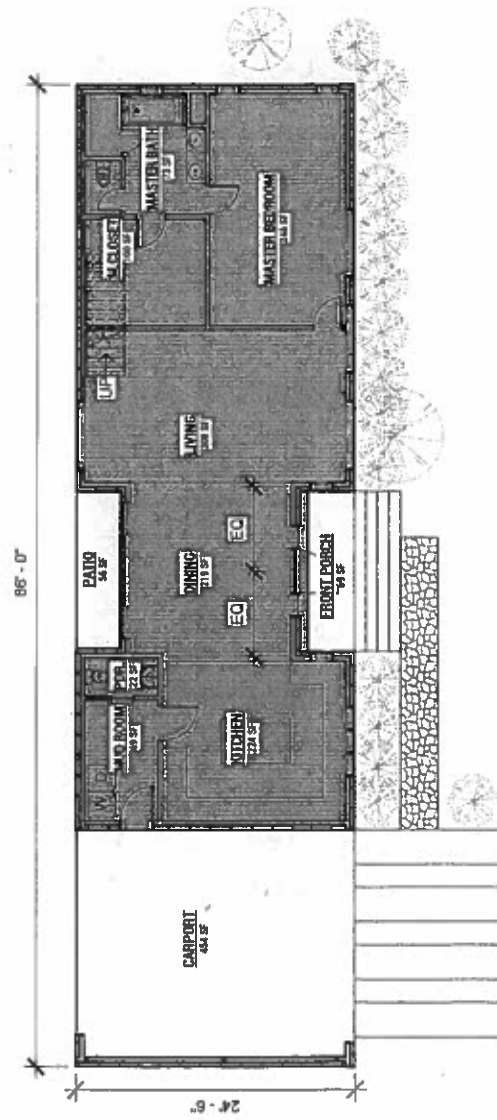
## 904 ETHEL STREET (50' R.O.W.) PROPOSED SITE PLAN

5/2/21

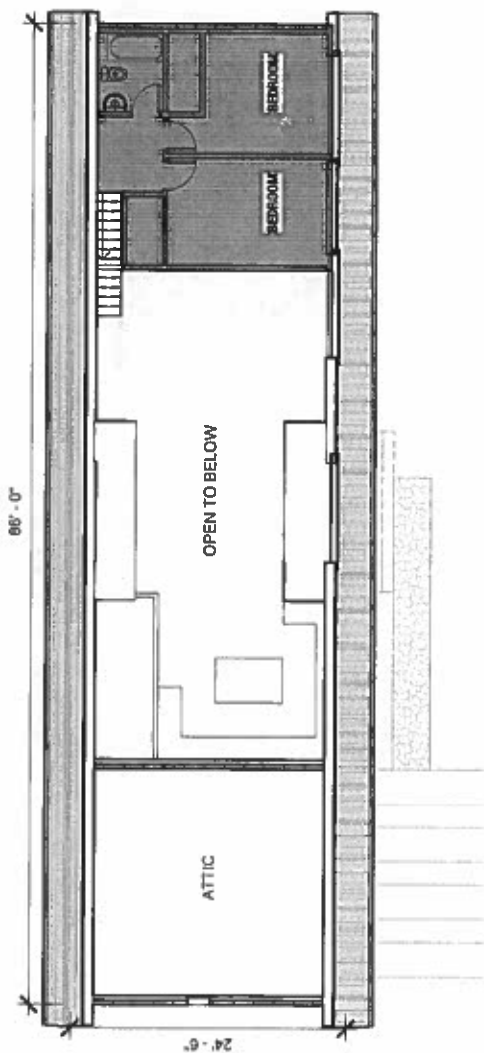


17/5



$\frac{14}{8}$ 

12/6



KJ  
10

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

**DATE: Monday, November 14, 2016**

**CASE NUMBER: C15-2016-0111**

☐ Y ☐ Brooke Bailey  
☐ Y ☐ Michael Benaglio  
☐ Y ☐ William Burkhardt  
☐ Y ☐ Eric Goff  
☐ Y ☐ Melissa Hawthorne **Motion to Grant**  
☐ Y ☐ Bryan King  
☐ Y ☐ Don Leighton-Burwell **2<sup>nd</sup> the Motion**  
☐ - ☐ Rahm McDaniel **OUT**  
☐ Y ☐ Melissa Neslund  
☐ Y ☐ James Valadez  
☐ - ☐ Michael Von Ohlen **OUT**  
☐ 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;** Nov 14, 2016 The public hearing was closed on Board Member Melissa Hawthorne motion to Grant Items A and B with condition to limit to 1,600 square feet and Deny Item C, Board Member Don Leighton-Burwell second on a 10-0 vote: **GRANTED ITEMS A AND B WITH CONDITION TO LIMIT TO 1,600 SQUARE FEET AND DENIED ITEM C.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: site has been in this configuration for long time, it's a substandard lot, should be able to be developed

21  
11

**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:

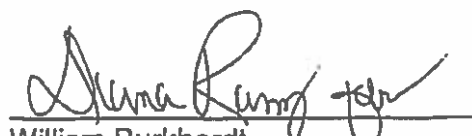
- A. decrease the minimum lot area from 5,750 square feet (required) to 4,994.57 square feet (requested, existing); and to
  - B. decrease the front setback from 25 feet (required) to 15 feet (requested, existing); and to
  - C. increase the maximum impervious cover from 45% (required/permitted) to 65%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

K1  
12



## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

4/13

## 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 # C15-2516-0111 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)

## 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

K/15

**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

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**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

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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

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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

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

N/A

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Revised

14/14

### 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: [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).

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171

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

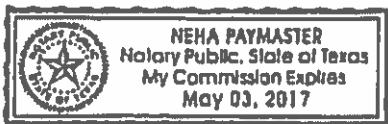
THE STATE OF TEXAS §

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

KJ  
18

**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

X/19

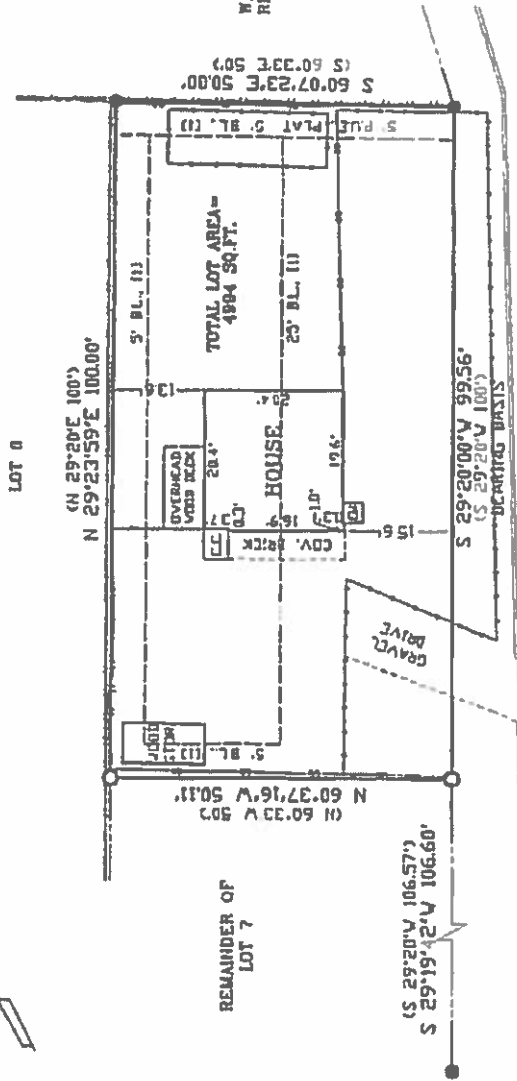
## ATTACHMENT A

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.

SCALE: 1"=20'



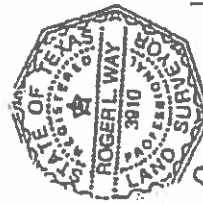
M.H. GRIZZARD  
RESUBDIVISION  
LOT B

### SURVEYOR'S NOTES

- (1) DOMESTIC RECORD INFORMATION  
(1) FOR VOL. 633, PG. 260.
- CASADONT RESEARCH PERFORMED BY ALL PORTS AND THE UNDERGROUND SURVEYOR WAS PERFORMED BY THE COUNTY OF TARRANT, TEXAS, JUNE 11, 2014, SCHEDULE B, PARAGRAPH 10.
- THIS MAP DOES NOT REFLECT BUILDING REDUCTIONS WHICH MAY BE IMPOSED BY THE LOCAL GOVERNMENT AUTHORITY OF TARRANT COUNTY'S ASSOCIATION.
- THIS LOT IS SUBJECT TO RESTRICTIVE COVENANTS AS STATED IN: VOL. 4, PG. 22; VOL. 633, PG. 260 & VOL. 647, PG. 260.
- THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS AND/OR CONDITIONS WHICH MAY APPLY ON THE PLAT OF RECORD.
- ALL PORTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

LEGEND

---	WOOD FENCE
---	CHAIN LINK FENCE
---	WIRE FENCE
---	OLD MOTOR
---	NEW RED FENCE
---	PIPE FENCE
---	BUILDING LINE
---	PUBLIC UTILITY
---	EASEMENT



### ALL POINTS SURVEYING

1714 FORTVIEW ROAD - SUITE 200  
AUSTIN TX. 78704

TEL. (512) 410-0071 - FAX: (512) 410-0199  
FIRM INCORPORATED 7/1/1989

JOHN A. SHENK'S RESUBDIVISION OF PORTIONS OF LOTS 12, 13, 14 AND ALL OF LOT 3 OF THE L. COOK'S SUBDIVISION

TO THE LANDLORDS AND/OR OWNERS OF THE PREMISES AND/OR INTERESTS IN THE PLAT

LOT No. \_\_\_\_\_ BLOCK \_\_\_\_\_ PHASE \_\_\_\_\_

SECTION \_\_\_\_\_ TRACT \_\_\_\_\_ COUNTY, TEXAS \_\_\_\_\_

CITY \_\_\_\_\_

SUBDIVISION / ADDITION \_\_\_\_\_

Book \_\_\_\_\_ Page(s) \_\_\_\_\_

Volume \_\_\_\_\_ Subdivision \_\_\_\_\_

Document No. \_\_\_\_\_ Official Public Records of \_\_\_\_\_ County, Texas \_\_\_\_\_

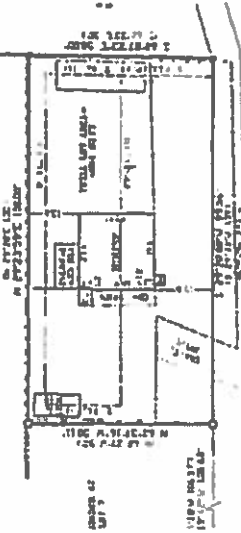
Address \_\_\_\_\_

The undersigned certifies that this survey was 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 evidence by the title company that this survey is correct to the best of the undersigned's knowledge and belief and that the property has been so and from a recent, correct as shown herein. There are no other discrepancies, conflicts, encroachments or overlapping of improvements or encroachments except as shown herein.

2/15



1  
AERIAL PLANS  
1" = 40' 0"

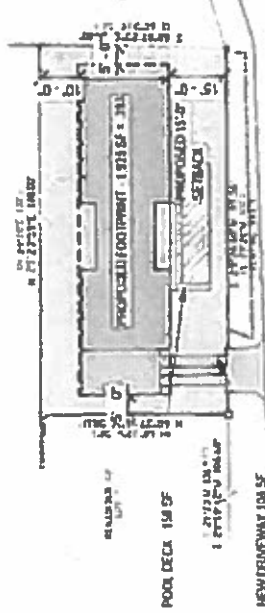


904 ETHEL STREET  
(NOT ASS)

## EXISTING SITE PLAN

**SITE AREA CALCULATIONS**  
ADDRESS: 904 ETHEL ST  
727864  
LEGAL DESCRIPTION: 1/4 SEC 10, T1N, R1E, S1/4  
SECTION 10, T1N, R1E, S1/4  
LOCAL PROPERTY ID: 10111111  
MEASURED: 100' 0" X 100' 0"  
SITE AREA: 10,000 SQ FT (TOTAL) 4,994 SQ FT  
(EXCLUDING)

NEW POOL: 1,075 SQ  
DRIVEWAY: 100 SQ  
POOL DECK AND COYING: 150 SQ  
TOTAL NEW: 2,125 SQ



904 ETHEL STREET  
(NOT ASS)

## PROPOSED SITE PLAN

**SITE AREA CALCULATIONS**  
ADDRESS: 904 ETHEL ST  
727864  
LEGAL DESCRIPTION: 1/4 SEC 10, T1N, R1E, S1/4  
SECTION 10, T1N, R1E, S1/4  
LOCAL PROPERTY ID: 10111111  
MEASURED: 100' 0" X 100' 0"  
SITE AREA: 10,000 SQ FT (TOTAL) 4,994 SQ FT  
(EXCLUDING)

NEW POOL: 1,075 SQ  
DRIVEWAY: 100 SQ  
POOL DECK AND COYING: 150 SQ  
TOTAL NEW: 2,125 SQ

2  
SITE PLANS  
1" = 20' 0"

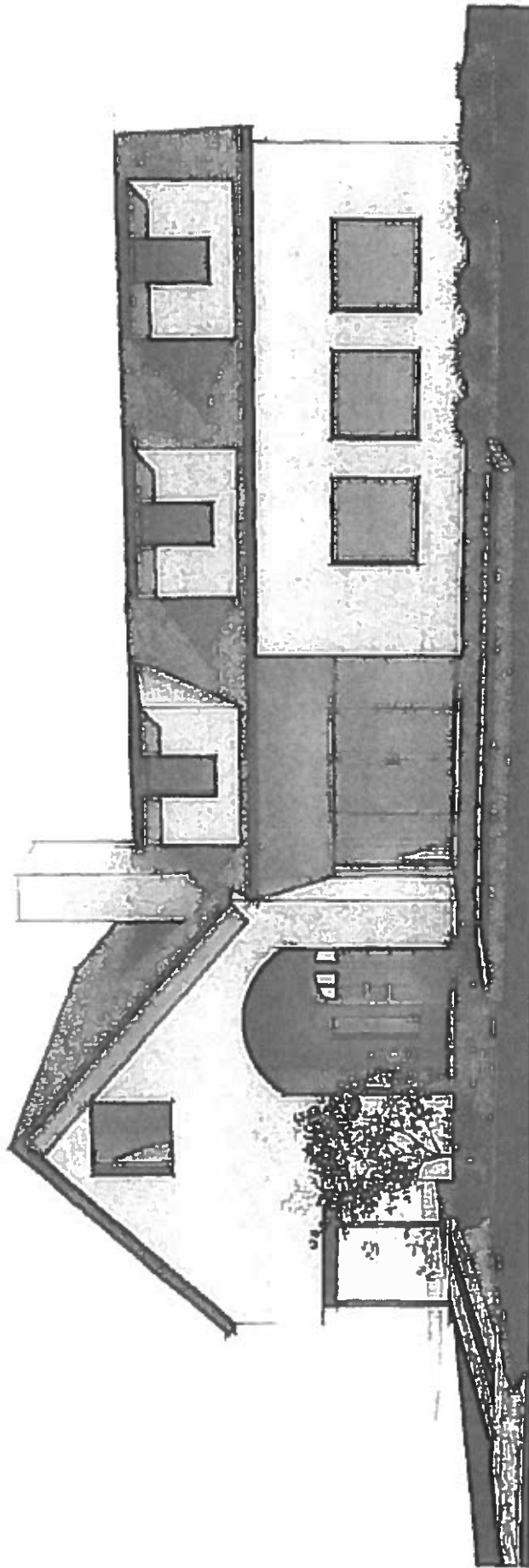
## ETHEL STREET SITE STUDY

1/4 SEC 10, T1N, R1E, S1/4

1/4 SEC 10, T1N, R1E, S1/4

A1

2/25



FRONT PERSPECTIVE



# ETHEL STREET SITE STUDY

10.10.2024

344 ETHEL STREET, AUSTIN, TX 78701

ARCHITECT

2023.11.16

with the client and planning to start the building

2023.11.16

© 2023 LIVING SOLUTIONS, LLC

A2

22/11

41  
23

## Travis CAD

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

<b>Property</b>			
<b>Account</b>			
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:			
<b>Location</b>			
Address:	904 ETHEL ST TX 78704	Mapsc:	614C
Neighborhood:	ZILKER Old and Unremodeled	Map ID:	010208
Neighborhood CD:	L2000		
<b>Owner</b>			
Name:	MAGNESS MARGARET	Owner ID:	102933
Mailing Address:	PO BOX 5242  AUSTIN TX 78763-5242	% Ownership:	100.0000000000%

## 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
<hr/>			
(=) Market Value:	=	\$363,233	
(-) Ag or Timber Use Value Reduction	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$363,233	
(-) HS Cap:	-	\$0	
<hr/>			
(=) 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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TAX CERTIFICATE  
Bruce Elfant  
Travis County Tax Assessor-Collector  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9473

NO 2255780

41/25

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

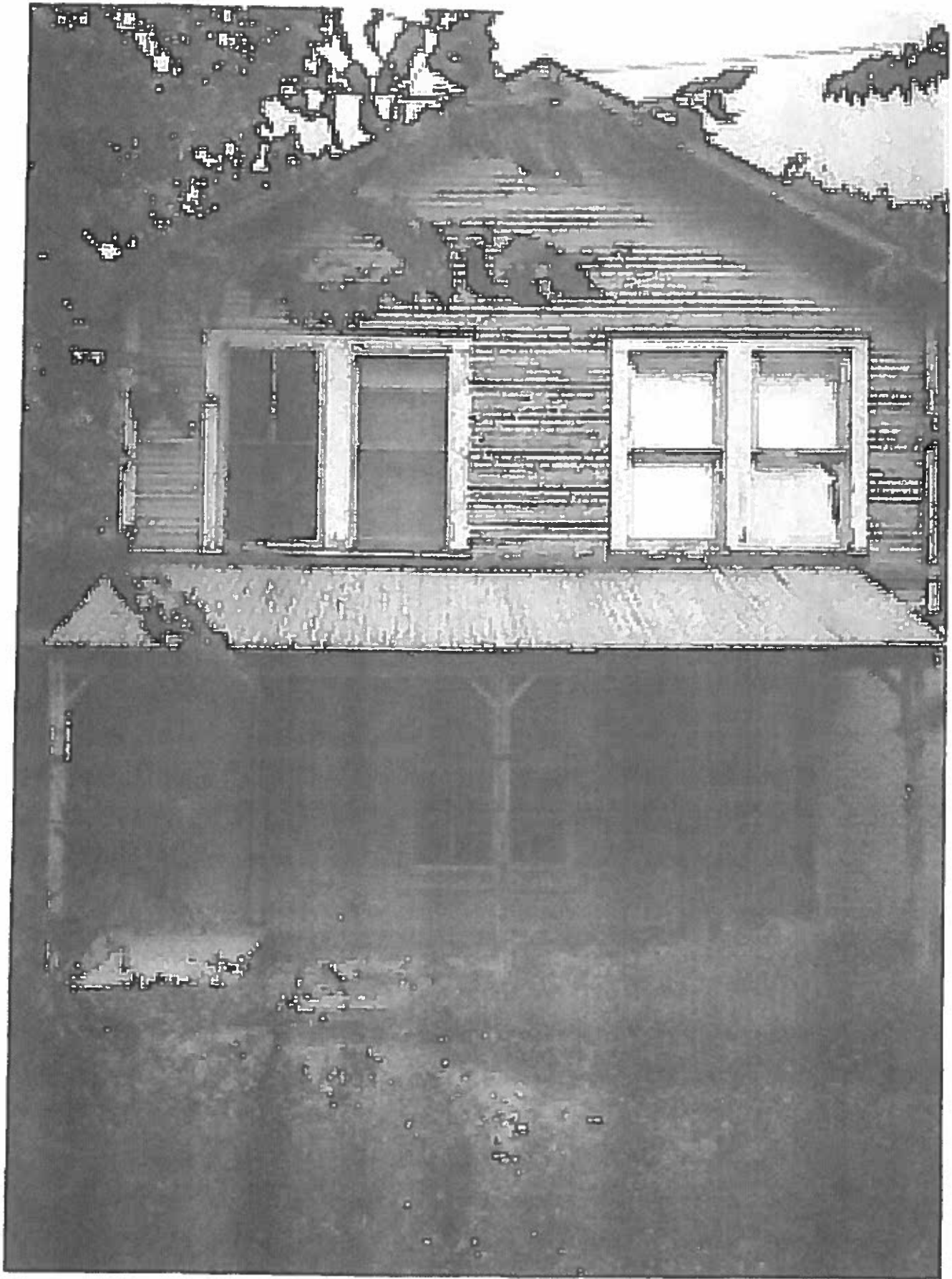
Fee Paid: \$10.00

Bruce Elfant  
Tax Assessor-Collector

By: Larry Head

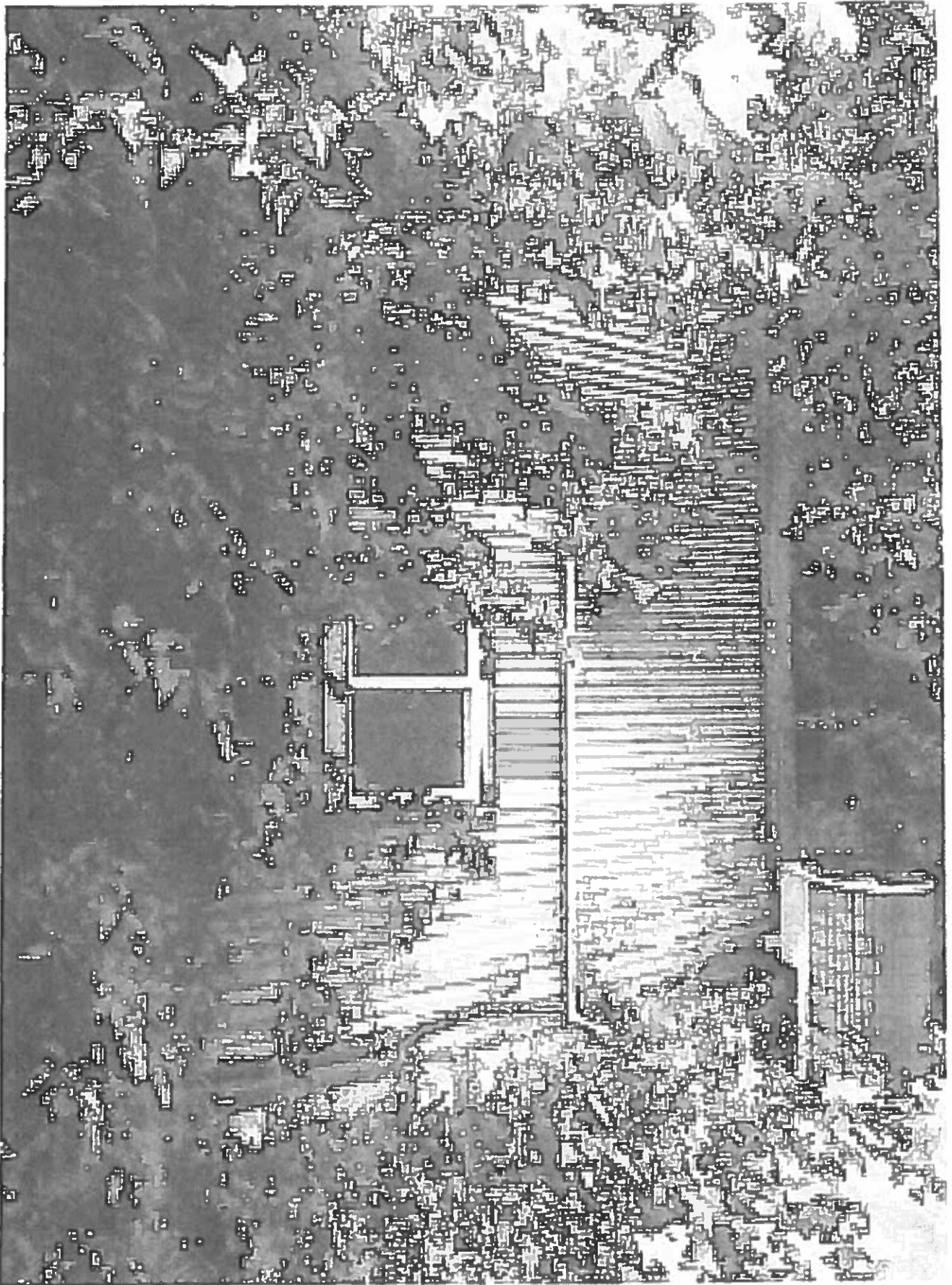
4/26





2/27

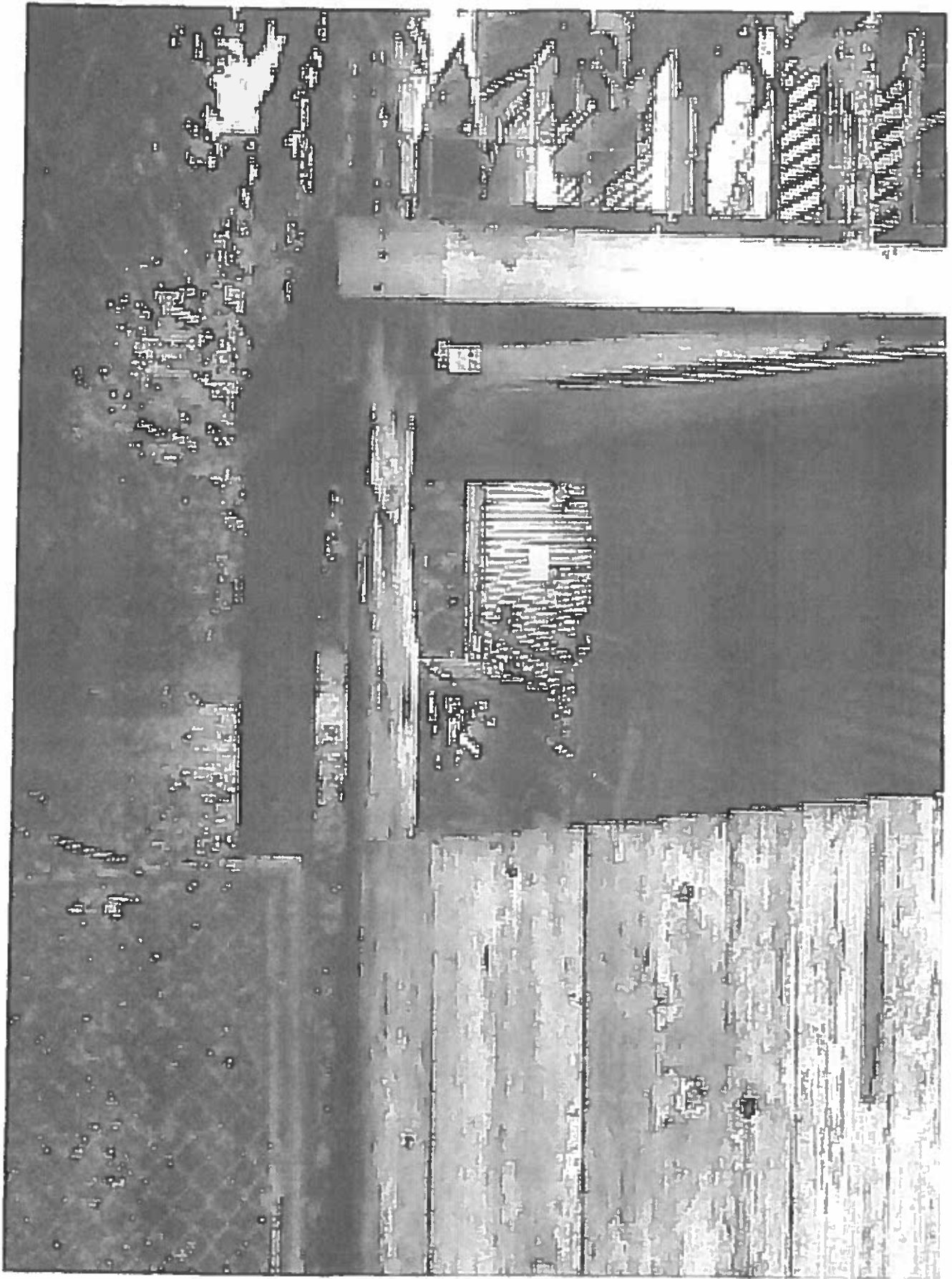
2/2



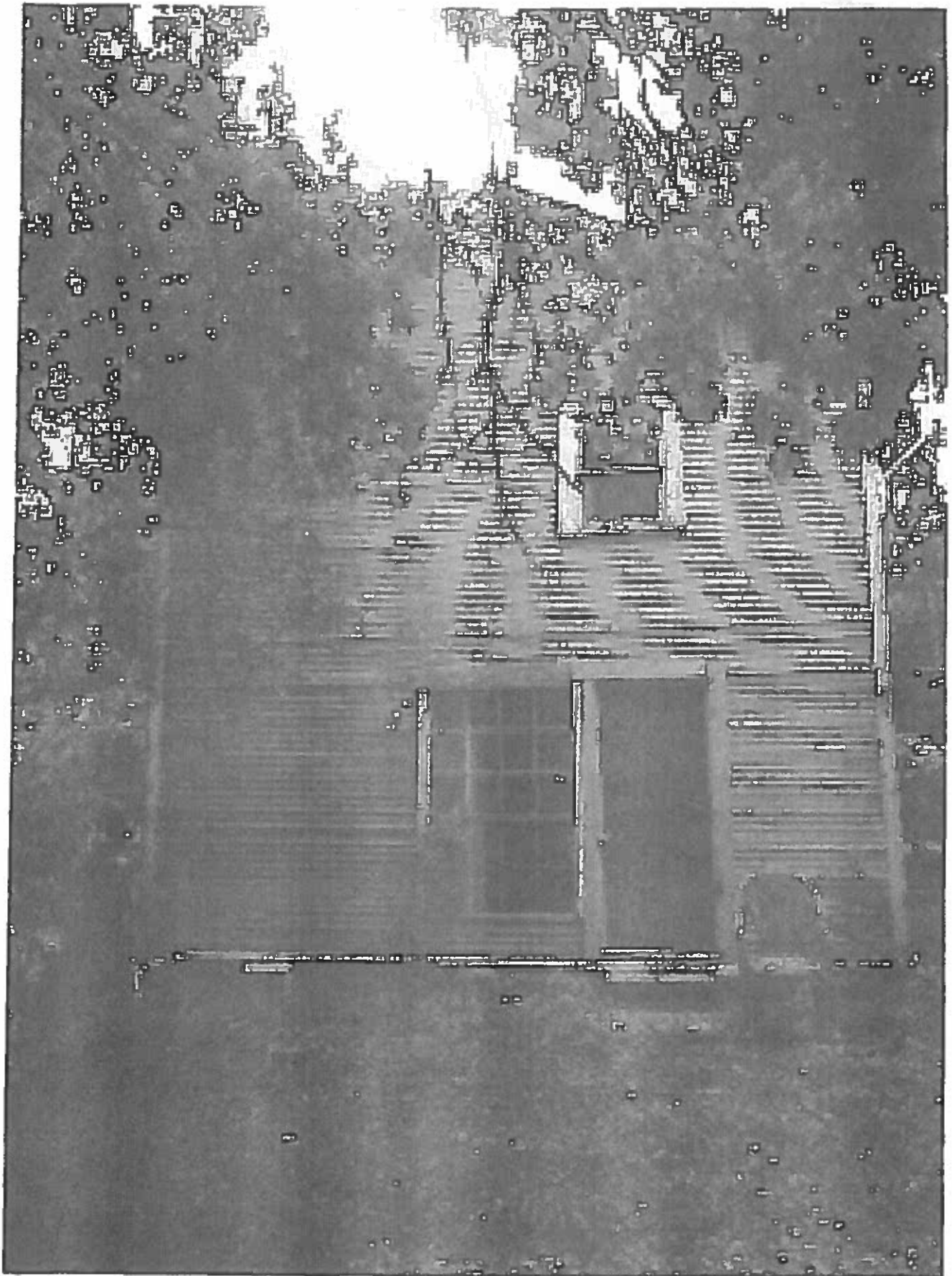


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29

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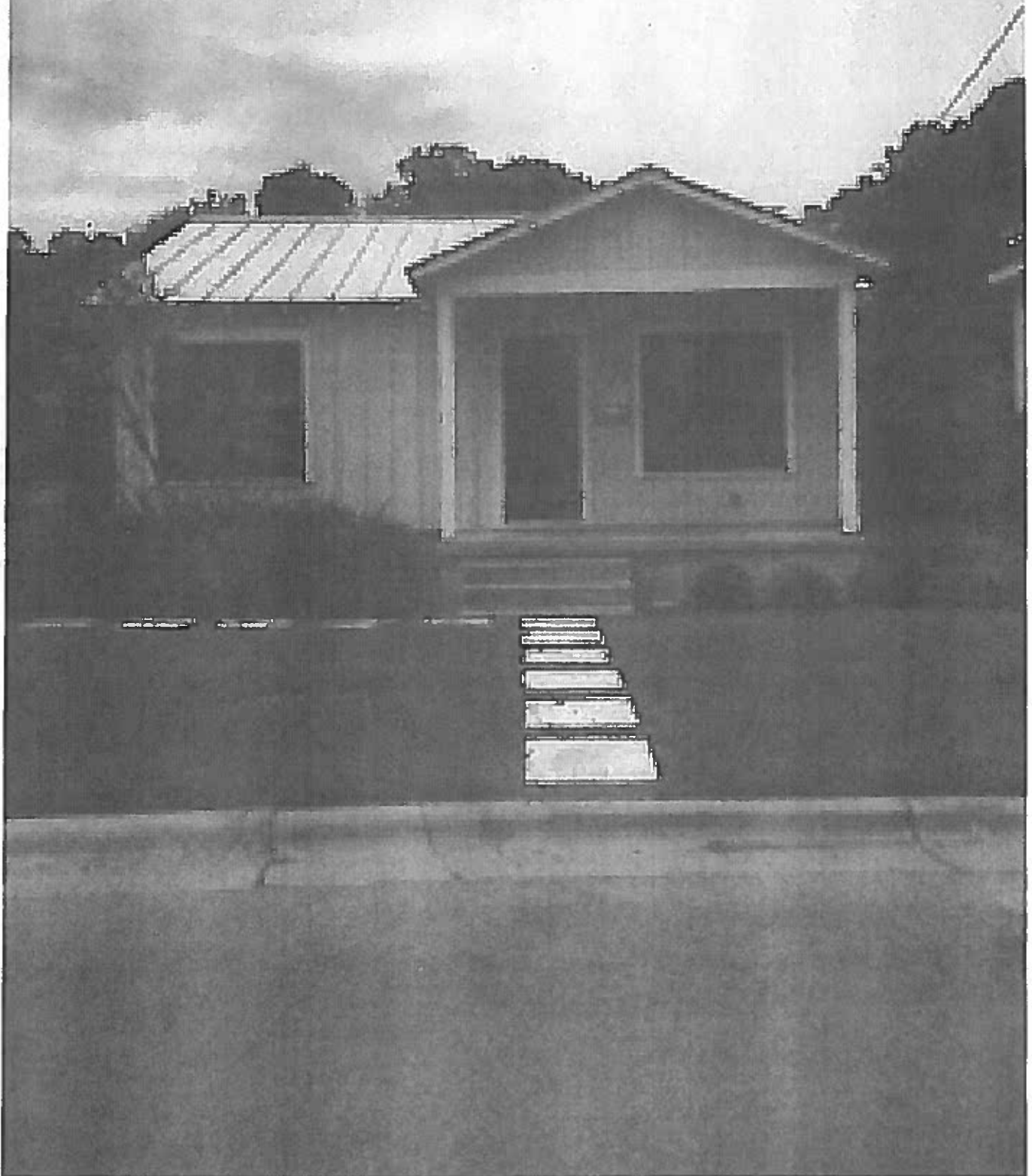


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31



C15-2016-0111

KJ  
32



## PUBLIC HEARING INFORMATION

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- appearing and speaking for the record at the public hearing; and:
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Case Number: C15-2016-0111, 904 Ethel St.

Contact: Leanne Heldenfels, 512-974-2202, [leanne.heldenfels@austintexas.gov](mailto:leanne.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]* Date Oct 11/16

Signature

Date

Daytime Telephone: 512-636-0034

Comments:

I can't even put a garage door on my house - these folks want to increase inspections every violate McManion & set back rules. Forget it.

Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leanne 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: [leanne.heldenfels@austintexas.gov](mailto:leanne.heldenfels@austintexas.gov)

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## PUBLIC HEARING INFORMATION

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Contact: Leanne Heldenfels, 512-974-2202, [leanne.heldenfels@austintexas.gov](mailto: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

6/6 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 (AM VERY  
CONFIDENT THAT HE WILL BUILD SOMETHING  
THAT IS APPROPRIATE AND SENSITIVE TO  
THE FABRIC OF THE NEIGHBORHOOD.

Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be sent via:

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

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

Fax: (512) 974-6305

Email: [leanne.heldenfels@austintexas.gov](mailto:leanne.heldenfels@austintexas.gov)

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Heldenfels, Leane

0111

K1  
35

**From:** James Harkrider  
**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

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

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

Contact: Leane Heldenfels, 512-974-2202, [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

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

James Harkrider ☒ I am in favor  
Your Name (please print) ☐ I object

2011 PEACH TREE STREET  
Your address(es) affected by this application

[Signature] 10/10/16  
Signature Date

Daytime Telephone: 512/751-7894

Comments: MR. STOWELL IS MY FORMER  
NEST DOOR NEIGHBOR AND A CURRENT  
BUSINESS ASSOCIATE AND I AM VERY  
CONFIDENT THAT HE WILL FOLLOW THROUGH  
THAT IS APPROPRIATE AND SENSITIVE TO  
THE FABRIC OF THE NEIGHBORHOOD.

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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](mailto:leaneheldenfels@austintexas.gov)

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14/37

**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]

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, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

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

Dave van Heuven

☒ I am in favor  
☐ I object

Your Name (please print)

1403 Kinney

Your address(es) affected by this application

*Dave van Heuven*

10/7/2016

Signature

Date

Daytime Telephone:

Comments:

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Mall: 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: [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

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Contact: Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@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

Developed by  
Dolores Spitzer for the Tucker Spitzer Trust  
AUSTIN, TX 78767

10/7/2016

Signature

Date

Daytime Telephone:

Comments:

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Fax: (512) 974-6305

Email: [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

39/E

Heldenfels, Leane

.. KJ  
40

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

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

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.

*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.

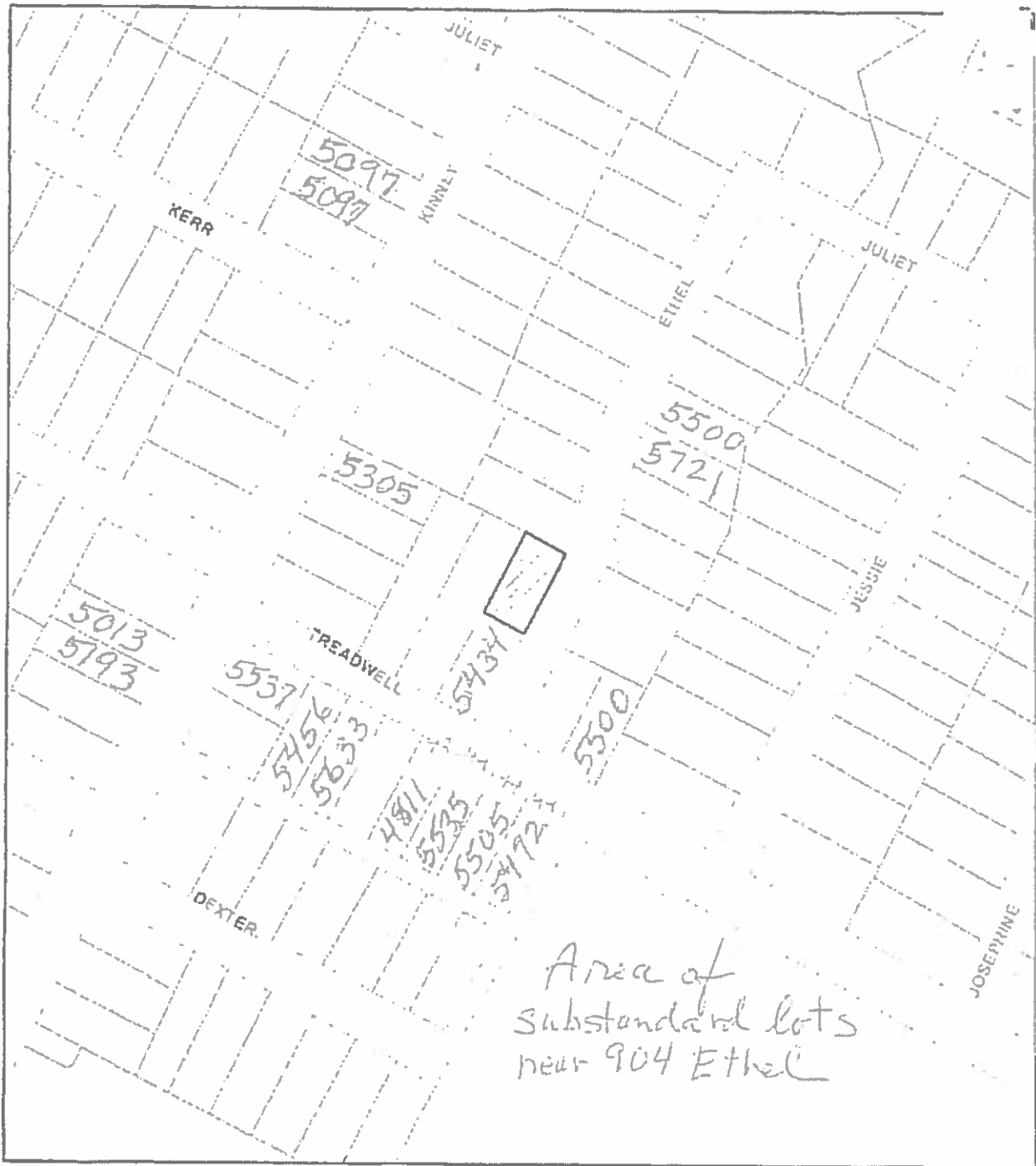
In the interests of preserving existing small, affordable housing options, the ZNA Zoning Committee would be willing to work with the owner to permit the renovation and reuse of the existing structure. Based on the evidence of surrounding properties, that can be done without a variance, but no one can 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

43



Area of  
substandard lots  
near 904 Ethel



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 137'

## NOTIFICATIONS

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



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Heldenfels, Leane

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12/44

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

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

