



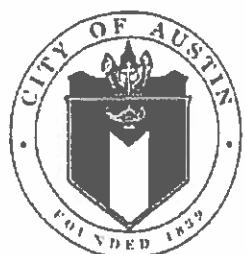




-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2016-0128
LOCATION: 2300 Holly Street



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" = 151'



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

12/3
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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 # 45-2016-028 ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 2300 Holly Street, Austin, TX 78702

Subdivision Legal Description:

Bensons Subdivision

Lot(s): 5 Block(s): D

Outlot: 51 Division: 0

Zoning District: SF3-NP

I/We Kay Frances Humphreys on behalf of myself/ourselves as
authorized agent for Kay Frances Humphreys affirm that on
Month September, Day 30, 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: new two story, ~1,600sf, 2 BR, 2 Bath, single family home, owner occupied.

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

Section 25-2-492 Site Development Regulations: Street Side Yard Setback = 15'

Requesting Street Side Yard Setback = 9'

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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:

- * Development while protecting 3 heritage/protected trees (31"Cypress, 30"Pecan, & 23"Pecan) and conforming to 15' Street Side Yard Setback requirements leaves allowable building width of ~15.8', resulting in a long narrow house (15.8'wide x 73.3'long = 1158sf footprint).
- * Total developmental loss = 24.7% when Lot5 is compared to identical sized interior lot without heritage tree issues.
- * Moving house location does not reasonably solve multiple constraining issues.

Hardship

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

- * Protected trees and their location are unique to this property (corner Lot5) and due to their location limit buildable area to sweet spot in the middle of 3 trees.
- * My proposed building footprint works very hard to protect 1/2CRZ and preserve >50% CRZ of heritage/protected trees (31" Cypress = 62.8%, 30" Pecan = 52.1%, 23" Pecan = 67.6%)
- * All recommendations by City Arborist Keith Mars were followed. (see attached e-mail)

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

- * Many corner lots in this older neighborhood have existing Street Side Yard Setback < 15'.
- * Corner lots of the same dimensions, w/out heritage tree issues, have available front building width = 28.5' (48.5' - 15' - 5' = 28.5')
- * Interior lots of the same dimensions, w/out heritage tree issues, have available front building width = 38.5' (48.5' - 5' - 5' = 38.5')

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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:

- * The Street Side Yard Setback variance is not sought to build a larger home that could be built on this corner Lot5 without heritage/protected tree issues.
- * The variance is sought to build a modest owner occupied ~1,600sf home on Lot5.
- * The overall size of the home is in keeping with modest scale of homes historically present in the neighborhood.

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:

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:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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

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: Kay Humphreys Date: 09/30/2016

Applicant Name (typed or printed): Kay Frances Humphreys

Applicant Mailing Address: 2300 Holly Street

City: Austin State: TX Zip: 78702

Phone (will be public information): _____

Email (optional – will be public information): _____

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: _____ Date: 09/30/2016

Owner Name (typed or printed): Kay Frances Humphreys

Owner Mailing Address: 2300 Holly Street

City: Austin State: TX Zip: 78702

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

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).

REASONABLE USE:

* Hypothetical Development Comparison: 7,194sf, Interior Lot vs. Corner Lot5 w/Protected Trees & AE Easement
4539sf - Interior Lot = 2 (5') side yard setbacks, 20.25' front setback averaging, 5' alley back setback
= 63.1% buildable area

2759sf - Corner Lot5 = 4539sf - 1780sf (1191+300+289)
= 38.4% buildable area

10' extra street side yard setback = 1191sf

w/ heritage tree issues = 300sf not in any setback

w/ 20' AE Easement on rear setback = 289sf not in any setback (*see copy AE Lena Lund e-mail*)

24.7% Comparable Development Loss Corner Lot5 = (63.1% - 38.4% = 24.7%)

* Moving the house to the back of Lot 5

- disrupts the prevailing set back & urban pattern of homes in neighborhood

- eliminates impact to 30" Pecan, does not improve impacts to 31" Cypress & 23" Pecan due to 20' AE Easement

HARDSHIP:

(a) Although there is no similar allowance for residential development, for commercial development there is allowance for setback of building in order to protect a heritage tree.

Subchapter E (Design Standards and Mixed Use) of Title 25-2 (zoning), Section 1.4 (Minor Modifications) states that for a Heritage Tree, Subchapter E requirements may be modified to an extent in order to protect a Heritage Tree.

Source: Donna Galati, LEED Green Assoc., Senior Planner, Planning & Development Review Dept., 512.974.2733 (*see copy of e-mail*)

(b) While new construction has designed around other heritage trees on my city block, Lot5 is the only one whose building width is so significantly reduced by unique location of protected trees. (*See survey map*)

| | |
|---|--------------------------------|
| Lot 1/2 - 1 heritage tree & 2 protected trees | no development |
| Lot 3a - 2 heritage trees & 1 protected tree | 2453sf, building width = 32' |
| Lot 4a - 2 heritage trees | 1662sf, building width = 54' |
| Lot 5 - 2 heritage trees | 1600sf, building width = 15.8' |
| Lot 6 - 1 protected tree | 2320sf, building width = 36' |
| Lot 7/8 - 2 heritage trees & 1 protected tree | 2770sf, building width = 48' |
| | 810sf, building width = 44' |

AREA CHARACTER:

Homes on the same city block, Lots 3a, 4a, 5, 6, 7/8:

Richard Bagdonas & Tina Schweiger (new 2016)

69 Mildred (Lot 3a = 7153sf) 2453sf (hvac) 4br4bath, 473sf 2 car attached garage

Craig & Ana Hoverman (new addition & remodel 2016)

67 Mildred (Lot 4a = 7159sf) 1662sf (hvac) 3br2bath, plus 1 car attached carport

Kay Humphreys (proposed home, seeking variance)

2300 Holly (Lot 5 = 7194) 1600sf (hvac), 2br2bath,

John & Perrite Coursen (new 2014)

2304 Holly (Lot 6 = 7167sf) 2320sf (hvac) 3br3bath, swim pool, 320sf 1car attached garage

C J & Nick Sackman (new 2015)

2308a Holly (Lot 7/8 = 10694sf) 2770sf (hvac) 3br3bath, 480sf 2car attached garage

2308b Holly 810sf (hvac) 1br1bath, 256sf 1car attached carport

Other nearby homes:

Travis & Lauren Nottingham - 2214 Holly (6806sf) 1094sf (hvac) 2br1bath, 506sf 2 car detached garage

Frank Garcia - 66 Mildred (2763sf) 668sf (hvac) 2br1bath, 1 car detached carport

Carol Stall & Phil Thomas - 68 Mildred (3495sf) 1106sf (hvac) 2br2bath

Amy Bernhard & Jeffery Cooksey - 2219 Garden (2100sf lot) 552sf (hvac) 1br1bath

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7/11/12

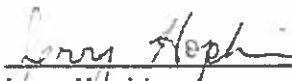
Dear City of Austin Employee:

Kay F. Humphreys is under contract to purchase our property (lot 5, block D, outlot 51, Div O, Bensons Subd.) at 2300 Holly Street. Please grant her access to any information you would normally grant to a property owner in order to do her pre-construction due diligence.

Sincerely,

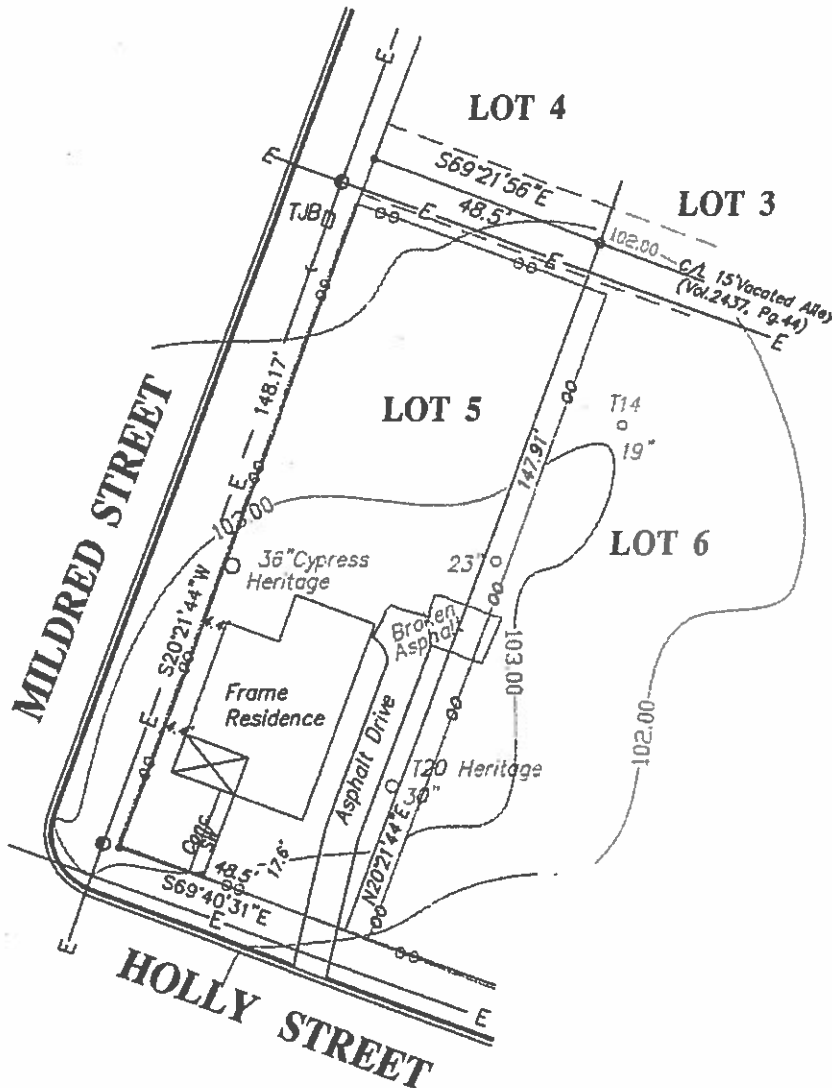


Michael Clinchard



Jerry Hopkins

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SUBJECT TO EASEMENT AS RETAINED IN ORDINANCE NO. 620315-C RECORDED IN VOL. 2337, PG. 44 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

I, Donald M. Cookston, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to

ROB CLINCHARD / THE LIEN HOLDERS AND/OR PROPERTY OWNERS

that this survey was made on the ground of the property described hereon (and/or by metes and bounds on attached sheet) and is correct and that there are no visible encroachments, except as shown hereon; and I do certify that, except as noted hereon, there are no overlapping of improvements, there are no discrepancies or conflicts in the boundary lines, there is no visible evidence of utility lines or rights-of-way on the ground, and the subject property has access to and from a dedicated roadway. This survey is being provided solely for the use of the named parties herein and no license has been created, expressed or implied, to copy the survey except as is necessary in conjunction with the original transaction; which shall take place within 6 months after the survey is provided.

LOT 5, BLOCK D, BENSON'S SUBDIVISION OF OUTLOT 51, DIVISION D, CITY OF AUSTIN, TEXAS,
TOGETHER WITH SOUTH 7.5' OF THE 15 FOOT ALLEY VACATED IN VOL. 2437, PG. 44, D.R.T.C., TEXAS

According to the map or plat recorded in Volume 3 Page 29 of the Plat
records of TRAVIS County, Texas.

Witness my hand and seal this 11TH day of JULY

Owner: ROB CLINCHARD

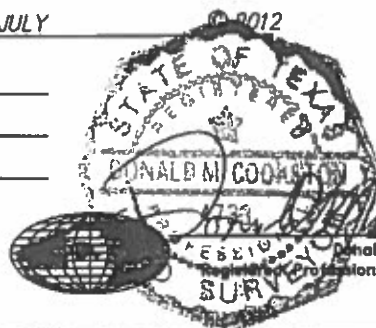
Address: 2300 HOLLY STREET, AUSTIN, TEXAS

GF No. 2422011667

SCALE: 1" = 30'

LEGEND

- CORNER FENCE POST
- IRON ROD FORM
- IRON ROD SET
- PIPE FOUND
- NAIL FOUND
- NAIL SET
- △ "X" FOUND ON CONC.
- WOOD FENCE
- WIRE FENCE
- CHAIN LINK FENCE
- PUBLIC UTILITY CANT.
- CHAIN LINK CANT.
- BUILDING LINE
- POWER POLE
- OVERHEAD ELCC. LINE
- TOWN LOT
- (BOLD) RECORD CALL



COOKSTON & ASSOCIATES
SURVEYING & MAPPING
3305 Captain Ladd Court, Round Rock, Texas 78685
Office: (512) 278-2602 - FAX: (512) 389-3013

Donald M. Cookston
Registered Professional Land Surveyor, No. 4733

Heldenfels, Leane

From: kay humphreys <[REDACTED]>
Sent: Monday, November 28, 2016 9:36 AM
To: Heldenfels, Leane
Subject: Fw: Modify Set Back to Preserve Heritage Trees

m3
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From: Galati, Donna <Donna.Galati@austintexas.gov>
Sent: Wednesday, November 5, 2014 2:51 PM
To: Kay Humphreys
Subject: RE: Modify Set Back to Preserve Heritage Trees

Kay,

There is no similar thing for residential development.

Subchapter E (Design Standards and Mixed Use) of Title 25-2 (zoning) requires buildings to be pulled up to the sidewalk. Section 1.4 (Minor Modifications) states that for a Heritage Tree, Subchapter E requirements may be modified to any extent in order to protect a Heritage Tree. Other Minor Modifications allowed under Section 1.4 limit the modification to 10% of any numeric amount within Subchapter E. The numeric limit does not apply when protecting a Heritage Tree.

Therefore, if strict compliance with Subchapter E calls for a zero-front setback, the building may be set back in order to protect a Heritage Tree.

Thank you

Donna Galati, LEED Green Assoc.
Senior Planner
Planning & Development Review Dept.
512/974-2733

-----Original Message-----

From: Kay Humphreys <[REDACTED]>
Sent: Wednesday, November 05, 2014 1:18 PM
To: Galati, Donna
Subject: Modify Set Back to Preserve Heritage Trees

Donna Galati,

I attended an AEGB presentation where you presented information about changes/organization to COA Building Code. You mentioned modifying a set back for commercial development in order to protect a heritage tree. I did not catch the specifics of this. Can you send me the link for this item please. Is there a similar 'thing' for residential development?

Thank you,
Kay Humphreys
936.645.0145

Public Involvement/Real Estate Services

721 Barton Springs Road, Suite 102.4

Austin, TX 78704-1145

512-322-6587

512-322-6101 Fax

M3
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From: Lund, Lena

Sent: Monday, August 06, 2012 9:09 AM

To: 'blackdogboogie@hotmail.com'

Subject: Preliminary BOA review - 2300 Holly Street

Ms. Humphrey's,

I just wanted to update you on the above referenced request. The power lines we discussed adjacent to this property are transmission lines, which require a different working group to review for clearances. I have forwarded the request to the transmission reviewer and I will let you know as soon as I hear back from them.

Lena Lund

Austin Energy

Public Involvement/Real Estate Services

721 Barton Springs Road, Suite 102.4

Austin, TX 78704-1145

512-322-6587

512-322-6101 Fax

Heldenfels, Leane

From: kay humphreys [REDACTED]
Sent: Monday, November 28, 2016 9:34 AM
To: Heldenfels, Leane
Subject: Fw: Preliminary BOA review - 2300 Holly Street - setbacks

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From: Lund, Lena <Lena.Lund@austinenergy.com>
Sent: Thursday, August 9, 2012 1:22 PM
To: [REDACTED]
Subject: Preliminary BOA review - 2300 Holly Street - setbacks

Ms. Humphreys,

The following is a summary of the setbacks that are required by Austin Energy in order to provide clearances:

Adjacent to Holly St – the existing 17.6' clearance will need to be maintained

Adjacent to the rear property line – 20' setback required for any future development

Adjacent to Mildred Street – a minimum of 7.5' horizontal clearance from the outside conductor of the existing distribution electric line – this may require a larger than existing 4.4ft setback depending on the distance between the property line and the electric line.

Please share this information with your builder – let me know when you have your completed application for the Board of Adjustment and I will provide you with a letter stating the above setback requirements.

Thank you,

Lena Lund

Austin Energy

Heldenfels, Leane

From: kay humphreys <~~██████████@tango.com~~>
Sent: Monday, November 28, 2016 9:32 AM
To: Heldenfels, Leane
Subject: Fw: 2300 Holly Street, Austin, TX 78702
Attachments: tree_permit2300holly.pdf; survey12-134h.jpg; authorization.pdf

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From: kay humphreys <~~██████████@tango.com~~>
Sent: Saturday, July 14, 2012 1:21 PM
To: keith.mars@ci.austin.tx.us
Subject: 2300 Holly Street, Austin, TX 78702

Keith Mars, City of Austin Arborist,

Good to meet with you and talk about tree preservation issues for 2300 Holly. Below I tried to write down our discussion as best I could remember.

Think I need a little clarification:

- * Where to use the 'air spade' tool. Got the 2' down but wanted to be sure that it was for any digging (plumbing, electrical, gas) or piers in the 1/2 CRZ (18' away from Heritage Cypress). Or is it for any digging (plumbing, electrical, gas) or piers in the CRZ (36' away from Heritage Cypress).
- * Regarding building within the existing foot print to avoid further impact on Cypress & Pecan, keep piers outside the 1/2 CRZ - is that a City Board of Adjustment issue as well?

Are there any issues that I misconstrued? Other issues that I missed all together?

Attached is my Tree Permit Application. I also attached a digital copy of authorization letter and a current survey. Please let me know if you need anything else from me.

Thank you for your time. Glad to see you think my trees are spectacular too.

Best,
Kay Humphreys & TANGO
936.645.0145

Consult Certified Arborist - like Don Gardner

- * remove vines
- * corrective pruning up to 25% of crown - 36" Heritage Cypress, 30" Heritage Pecan, 23" Protected Pecan
- * ANSI Standards: http://www.ansi.org/news_publications/media_tips/tree.aspx?menuid=7

with me

- * front yard set back = 25', currently ~<18'
- * side yard set back = 15', currently ~<4'

Curb Cut & Parking - ROW, Transportation Reviewer

- * drive way & tree conflict - support moving curb cut and parking to Mildred due to 30" Heritage Pecan
- * no closer than 18' from 36" Heritage Cypress

Hackberry

- * a public tree, short lived, in electrical lines
- * Keith will talk with Parks & Recreation regarding its removal by the city
- * I will replant mitigation tree, trees, from suggested list

Electrical to house - underground would be nice

Gas Meter - west of side of house

Water Meter - west of back of house

Sewer - comes from old alley, looks like 3 clean outs on west side of the house?

Go online to City of Austin: <http://www.austintexas.gov/>

- * City Board of Adjustments---Calendar---couldn't figure it out but have the contact person who schedules it all
- * Susan Walker - Planning and Development Review 512-974-2202

M3
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Heldenfels, Leane

From: kay humphreys <~~blackedge@cityofaustin.org~~>
Sent: Monday, November 28, 2016 9:34 AM
To: Heldenfels, Leane
Subject: Fw: 2300 Holly Street, Austin, TX 78702

M3
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From: Mars, Keith <Keith.Mars@austintexas.gov>
Sent: Tuesday, July 17, 2012 1:59 PM
To: kay humphreys
Subject: RE: 2300 Holly Street, Austin, TX 78702

Kay,

Thank you for the documents. I will answer your questions in order.

1. The airspade is for any excavation in the ½ critical root zones.
2. I imagine the pier locations are only a board of adjustment issue if the piers are in the setbacks.

I think you accurately captured our conversation based on the notes below. Please let me know when you are scheduled for Board of Adjustments. Thanks.

Keith Mars
Environmental Program Coordinator
City Arborist Program
City of Austin
505 Barton Springs Road, 4th Floor
Austin, TX 78704
Phone: (512) 974-2755
Fax: (512) 974-2423
www.cityofaustin.org/trees

- * avoid piers in 1/2 CRZ (1/2 diameter of tree = 18' Heritage Cypress, = 15' Heritage Pecan), minimum deviation with some reasonable allowance
- * use air spade tool up to 2' down when digging piers w/in 1/2 CRZ
- * no building closer than 10' from any tree
- * relocation of drive from Holly to Mildred - get recommendation regarding location, construction, materials

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Suggest Hardship (Heritage Trees) for deviation from set back requirements - City Board of Adjustment - Keith will go with me

- * front yard set back = 25', currently ~<18'
- * side yard set back = 15', currently ~<4'

Curb Cut & Parking - ROW, Transportation Reviewer

- * drive way & tree conflict - support moving curb cut and parking to Mildred due to 30" Heritage Pecan
- * no closer than 18' from 36" Heritage Cypress

Hackberry

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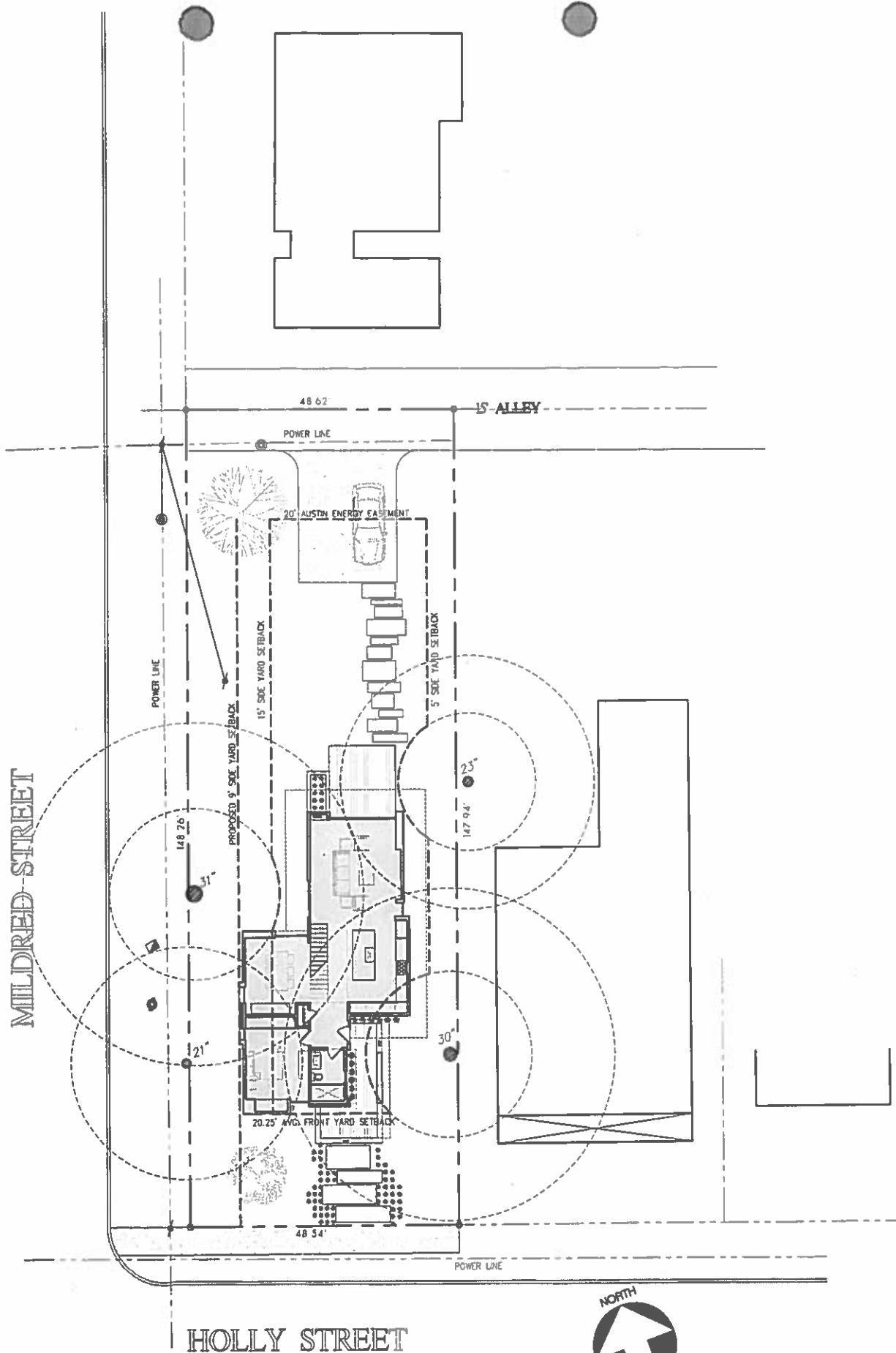
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Go online to City of Austin: <http://www.austintexas.gov/>

- * City Board of Adjustments---Calendar---couldn't figure it out but have the contact person who schedules it all
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SITE/ZONING PLAN
SCALE: 1/16" = 1'-0"

