

CG-2016-0125

1/11



S I T E S P E C I F I C S

December 20, 2016

Ms. Leane Heldenfels
Board of Adjustment Liaison
City of Austin Development Services Department
P.O. Box 1088
Austin, Texas 78767

Re: **2110 Haskell variance request**

Dear Ms. Heldenfels,

We have submitted a request for two variances. At this time we would like to request to be re-considered at the next public meeting.

We have additional information that we would like the board to consider in our case.

- We are dropping the request for screening because the RV will no longer be stored under the Trellis.
- We have added dimensions, setbacks, and the critical zone for the heritage tree to the site plan.
- We met with the City arborist about the location of the trellis. The Pecan tree is a heritage tree. His team reviewed the as-built survey and has responded with the attached email. They would prefer that the trellis stay where it is located now. We only have 4 feet between the tree trunk and the post of the Trellis. The owner will be interring into a 5 year maintenance plan for the tree.
- We have 4 signatures from the neighbors approving the trellis location.

Thank you for your time,

B. J. Cornelius
Site Specifics
512-472-5252

700 North Lamar Blvd., Suite 200A
Austin, Texas 78703

Call 512 472-5252
Fax 512 472-2224
info@sitespecificsaustin.com

Subject **2110 Haskell**
From Bahoosh, Dylan <Dylan.Bahoosh@austintexas.gov>
To bj@sitespecificsaustin.com [REDACTED]
Date 2016-12-16 14:49



Hello,

This is a follow-up to your walk-in inquiry this morning regarding the unpermitted trellis at this address. I consulted with a fellow reviewer and it doesn't look like you have any other place to move the trellis. At this point I would recommend leaving the structure in place. Once possible solution might be to explore removing the posts on the fence line and cantilevering over the setback. This would likely involve strengthening the posts near the tree, in which case any excavation would need to be conducted via airspace.

You'll need to fill out and submit a retroactive tree permit. This can also cover proposed changes to the structure to adapt it to compliance. Our reviewers will likely prescribe a 5 year tree care for the impacted heritage oak.

Let me know when you begin this process and I will assist you through it.

Thank you,

Dylan Bahoosh

Environmental Review Specialist

City of Austin Development Services Department

One Texas Center, 4th Floor

505 Barton Springs Road

Office: 512-974-2776



Development
SERVICES DEPARTMENT

Building A Better Austin Together

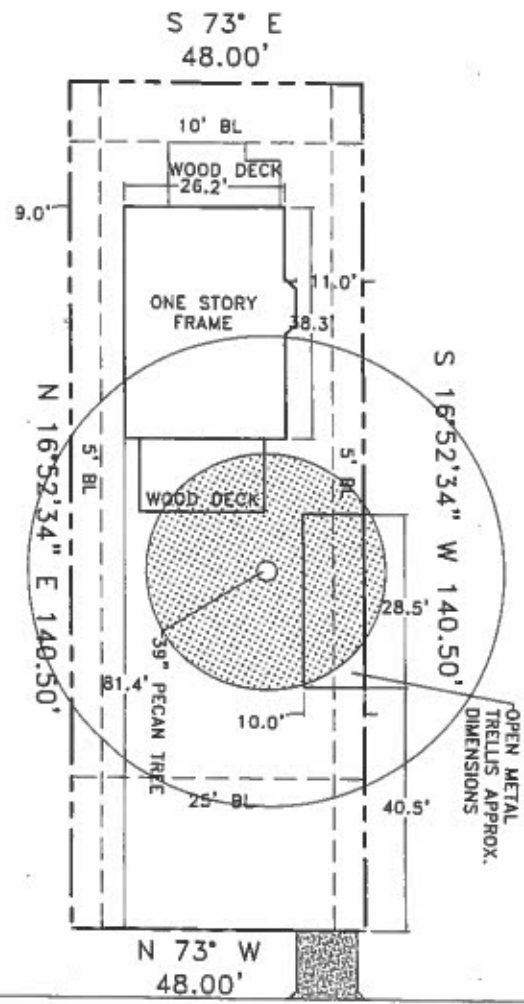
Follow us on Facebook at Nature in the City

www.austintexas.gov/trees

We want to hear from you! Please take a few minutes to complete our online customer survey.

Nos gustaría escuchar de usted. Por favor, tome un momento para completar nuestra encuesta

1/13



HASKELL STREET
(60' ROW)

DATE	1/13/13
DRAWN BY	ML
CHECKED BY	ML
SCALE	AS SHOWN
SHEET	1 OF 1

HASKELL STREET
AUSTIN TEXAS

Before

700 North Lamar, Suite 200A
Austin, Texas 78703

Phone: 512-472-0232
Fax: 512-472-2224

SITE SPECIFICS



I, Nona Niland, am the owner of the property located at 2110 Haskell Street and I am applying for variances from the Board of Adjustments regarding 1) Section 25-2-893 and 2) Section 25-2-493 of the City of Austin Land Development Code. The variances would allow me the ability to 1) screen my recreational vehicle with solid planters and tall planting in lieu of 6 foot wood or masonry fence, and 2) retain my existing trellis constructed 0' from the side property line.

By signing this form, I understand that I am declaring my support of the variances being requested.

Property Owner Name (Printed)	Address	Signature
Hanson Little	2109 Haskell St	<i>Hanson Little</i>
Alexandra Miller	2113 Haskell St	<i>Alexandra Miller</i>
Matt Jones	2102 Haskell	<i>Matt Jones</i>

5/17

12/5

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

DATE: Monday, December 12, 2016

CASE NUMBER: C15-2016-0125

Y ___ Brooke Bailey
 N ___ Michael Benaglio
 N ___ William Burkhardt
 N ___ Eric Goff
 N ___ Melissa Hawthorne
 Y ___ Bryan King **Motion to Deny**
 Y ___ Don Leighton-Burwell
 Y ___ Rahm McDaniel **2nd the motion**
 N ___ Melissa Neslund
 Y ___ James Valadez
 N ___ Michael Von Ohlen
 - ___ Kelly Blume (Alternate)

APPLICANT: B.J. Cornelius

OWNER: Nona Niland

ADDRESS: 2110 HASKELL ST

VARIANCE REQUESTED: The applicant has requested variance(s) from:

- A. Section 25-2-492 (D) (Site Development Regulations) to decrease the side setback from 5 feet (required) to 0 feet (requested); and to**
- B. Section 25-2-893 (B) (7) (Accessory uses for a Principal Residential Use) to allow storage of a recreational vehicle on the property that is not located within an enclosed building or is not screened from public view by either a solid wood or masonry fence**
- in order to erect a metal trellis and use solid wood fence on three sides, existing trees and metal planters with bamboo as RV screening at a single family residence in a "SF-3-NP", Family Residence, Neighborhood Plan zoning district. (Holly)**

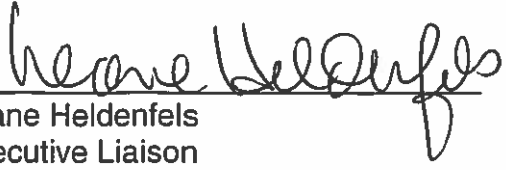
BOARD'S DECISION: The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Rahm McDaniel second on a 5-6 vote (Voting aye were: Board members Bailey, King, Leighton-Burwell, McDaniel and Valadez. Voting nay were: Board members Benaglio, Burkhardt, Goff, Hawthorne, Neslund and Von Ohlen); **DENIED.**

FINDING:

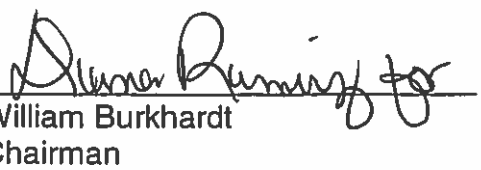
1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:

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:

21
6



Leane Heldenfels
Executive Liaison






William Burkhardt
Chairman

117



NOTIFICATIONS

CASE#: C15-2016-0125
 LOCATION: 2110 Haskell Street

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



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" = 141'



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

15/1

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 # <u>CL5-2016-0125</u> ROW # <u>11633460</u>	Tax # <u>0200080311</u> <u>ICAD</u>
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Section 1: Applicant Statement

Street Address: 2110 HASKELL STREET

Subdivision Legal Description:

DRIVING PARK ADDITION

Lot(s): 14 Block(s): K

Outlot: _____ Division: _____

Zoning District: SF-3-NP (Holly)

I/We BJ CORNELIUS (SITE SPECIFICS) on behalf of myself/ourselves as authorized agent for NONA NILAND (2110 HASKELL LLC) affirm that on

Month Select _____, Day Select _____, Year Select _____, 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: METAL TRELLIS STRUCTURE

11/9

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

SECTION 25-2-492 TO DECREASE THE 5-FOOT BUILDING SETBACK FOR THE METAL TRELLIS TO 0 FEET

SECTION 25.2.893 ACCESSORY USE FOR A PRINCIPAL RESIDENTIAL USE SCREENING REQUIREMENTS (SCREENING OF RV FROM PUBLIC VIEW WITH A SOLID WOOD OR MASONRY FENCE)

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:

PLEASE SEE ATTACHED LETTER

Hardship

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

PLEASE SEE ATTACHED LETTER

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

PLEASE SEE ATTACHED LETTER

K/10

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:

PLEASE SEE ATTACHED LETTER

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:

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: Bobbie Jo Cornelius Date: 10/12/16

Applicant Name (typed or printed): BOBBIE JO CORNELIUS

Applicant Mailing Address: 700 N. LAMAR BLDG. 200A

City: AUSTIN State: TX Zip: 78703

Phone (will be public information): 512 472 5252

Email (optional - will be public information): BJ@site specifics austin.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: Nona Niland Date: 10-10-16

Owner Name (typed or printed): NONA NILAND (2110 HASKELL LLC)

Owner Mailing Address: 210 LAVACA ST UNIT 3005

City: AUSTIN State: TX Zip: 78701

Phone (will be public information): _____

Email (optional - will be public information): _____

Section 5: Agent Information

Agent Name: BOBBIE JO CORNELIUS

Agent Mailing Address: 700 N. LAMAR BLDG. 200A

City: AUSTIN State: TX Zip: 78703

Phone (will be public information): 512 472 5252

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).

K/12

Code you are seeking a variance from:

This application to the Board of Adjustments is for consideration of a variance request from **Section 25-2-492** Site Development Regulations to decrease the 5 foot building set back requirement for the metal trellis from 5 feet to 0 feet.

and **25-2-893** accessory uses for a principal residential use screening requirements. The requirements state that the recreational vehicle should be screened from public view with a solid wood or masonry fence at least six feet high.

REASONABLE USE:

The zoning regulation applicable to the property does not allow for a reasonable use because:

A. The 5 foot building set back requirement:

There is a 39 inch heritage pecan tree located in the front yard. The house was constructed behind the tree, using up most of the back yard. Storing the recreational vehicle behind the house is not an option. In order to protect as much of the root zone as possible, the location for the RV was placed as close to the property line as possible, also being in line with the existing driveway so that the RV could be easily taken off site for trips and then placed back on the site. The Pecan tree is a self-trimming tree, meaning that when a limb dies, it falls off. With a tree this large and this old, this process is a constant issue. A tasteful metal trellis has been constructed above the RV only as large as needed to protect the RV and someone stepping out of the RV from falling limbs. The trellis does not shed any rain water, allowing the water to reach the roots of the Pecan. If the trellis were constructed 5 feet off the property line, the RV would be 5 feet closer to the Pecan tree.

B. The solid 6 foot wall for screening:

25-2-893 accessory uses for a principal residential use screening requirements. The requirements state that the recreational vehicle should be screened from public view with a solid wood or masonry fence at least six feet high.

The existing screening requirements for compatibility between a commercial use and residential use allows for more options. **25-2-1006.C** A person may comply with Subsection (A) by providing a yard, fence, berm, or vegetation.

There is a solid wood fence along the side property lines screening the RV from the neighbors on each side. We would like to provide vegetation as the screening between the RV and the view from the street. We would like to use two large planters with vegetation equaling the required 6 feet of height. If vegetation can be used between a commercial use and a single family home, it should be allowed as a buffer between a parked RV and the view from the street.

21
13

THE HARDSHIP:

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

A. The 5 foot building set back requirement:

The existing pecan tree occupies most of the front yard, limiting the placement of the RV.

The solid 6 foot wall for screening:

The RV cannot go in the back yard due to the location of the house, which was based on the 39 inch Pecan tree taking up so much of the lot. The property is fenced on the sides and the view from the street should be screened with vegetation to look more like a front yard.

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

A. The 5 foot building set back requirement cannot be met. The tree is unique to this one lot.

B. The solid 6 foot wall for screening has been met on the side property lines. The other homes are closer to the street and have back yards for storage of an RV. Screening of the RV from the street is accomplished with planters and landscaping. This is a more natural look for the front yard.

AREA CHARACTER:

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:

A. 5 foot set back variance

The trellis is only stopping limbs falling. It is not shedding water towards the neighbor's property. It is only as large as it needs to be for its purpose, it is see through, and it is not blocking any emergency pathways to or from this home or the neighbor's home.

B. Screening with a 6 foot solid fence

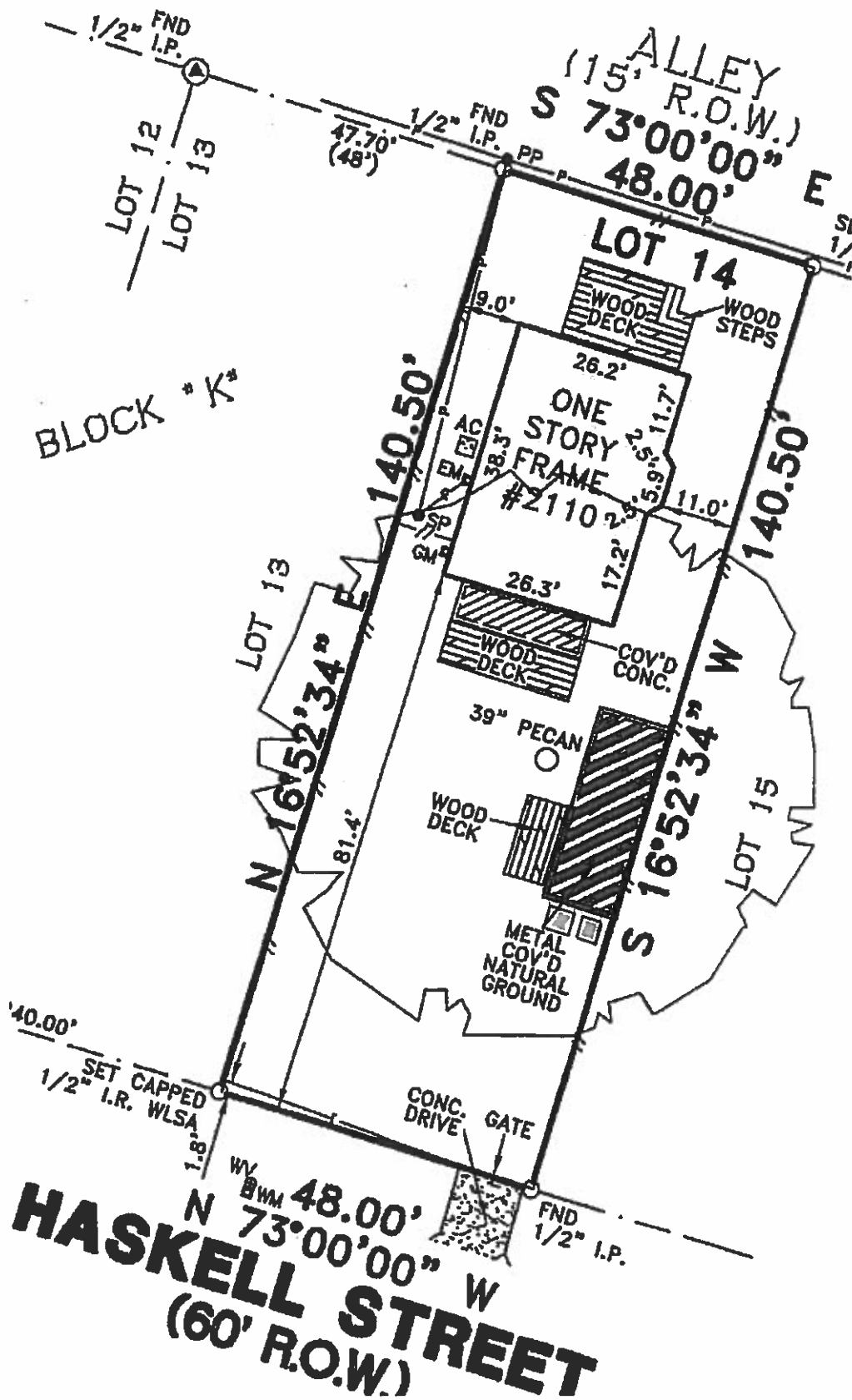
The RV is screened on two sides with a solid fence. Placing a fence in the front of the RV would look very unusual, since this is the front yard. The planters and shrubs are much more conforming to the neighborhood.

CL5 2016-0125

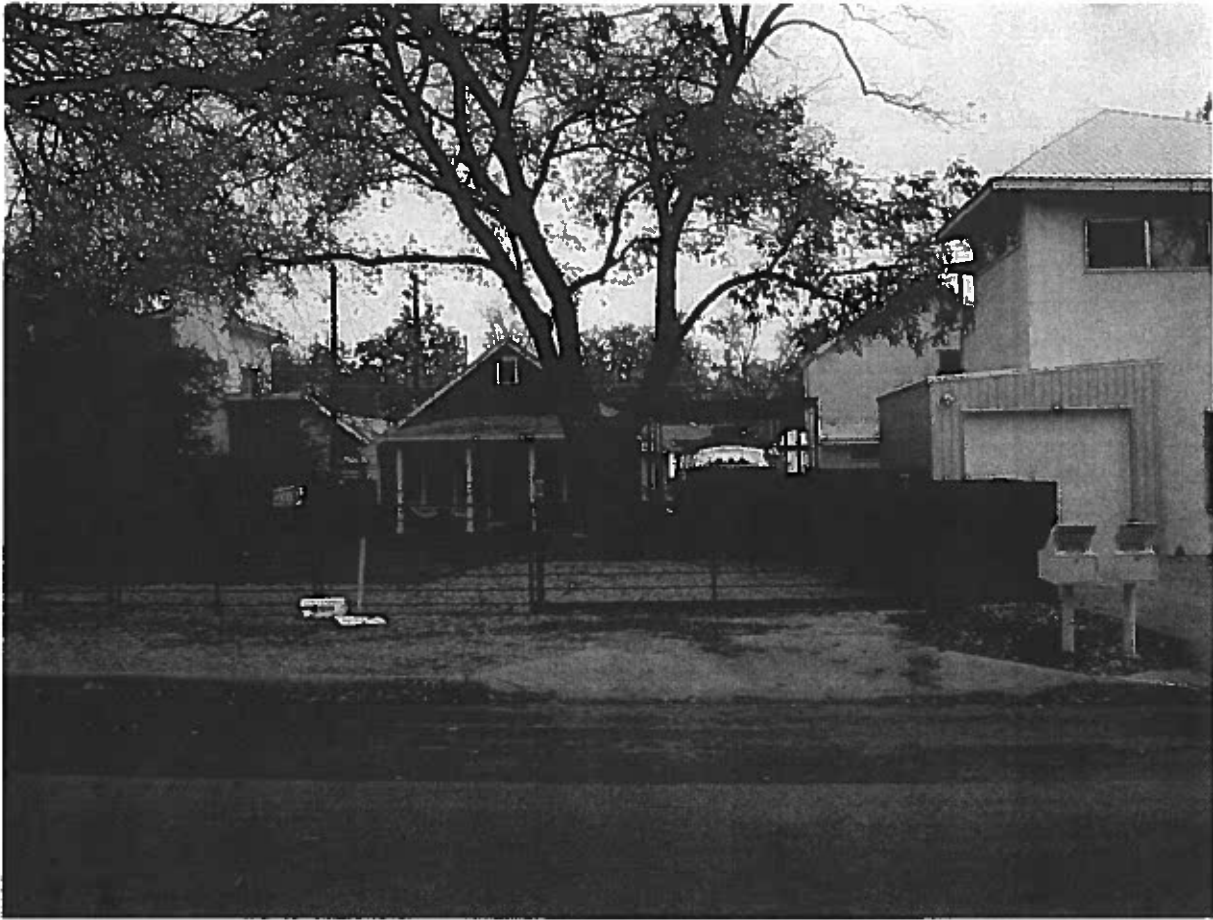
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2/14



BLOCK *K*

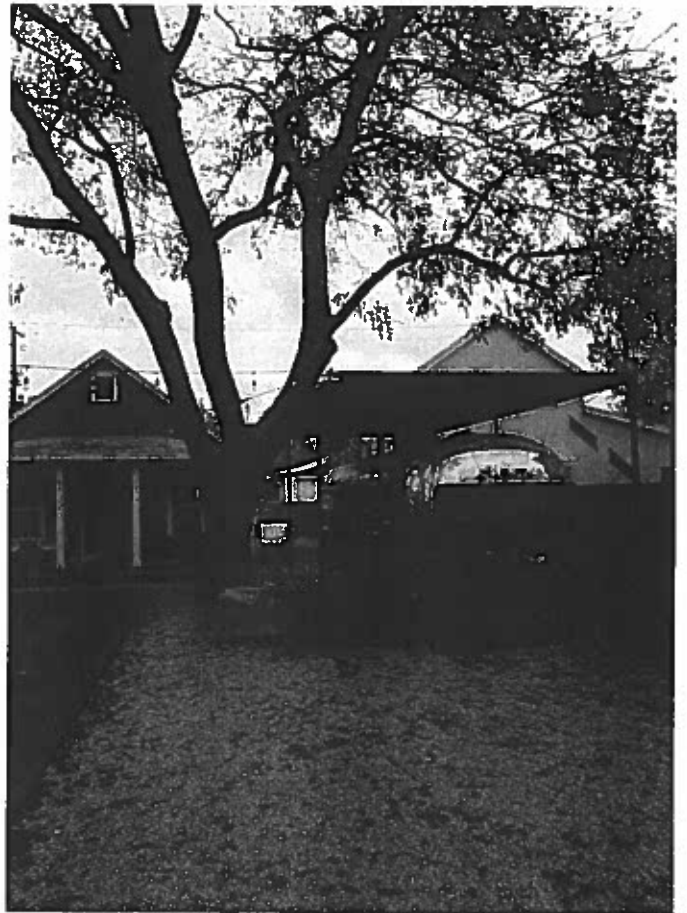


12/15





12/16





3/2

Google Earth



I, Nona Niland, am the owner of this property located at 2110 Haskell Street and I am applying for variances from the Board of Adjustments regarding 1) Section 25-2-893 and 2) Section 25-2-493 of the City of Austin Land Development Code. The variances would allow me the ability to 1) screen my recreational vehicle with solid planters and tall planting in lieu of 6 foot wood or masonry fence, and 2) retain my existing trellis constructed 0' from the side property line.

By signing this form, I understand that I am declaring my support of the variances being requested.

Property Owner Name (Printed)	Address	Signature
Hanson Little	2109 Haskell St	<i>Hanson Little</i>
Alexander Miller	2113 Haskell St	<i>Alexander Miller</i>
Matt Jones	2102 Haskell	<i>Matt Jones</i>

8/14

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: C15-2016-0125, 2110 Haskell Street

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

Public Hearing: Board of Adjustment, December 12th, 2016

ALEX M. MARTINEZ
Your Name (please print)

I am in favor
 I object

54 Southway
Your address(es) affected by this application

Alex M. Martinez
Signature
Date 5 DEC 16

Daytime Telephone: 512-926-4247

Cell: 512-935-1816

Comments:

This is second request that I know of to make the change to Section 25-2-492 (B) Open Ventures results of that request. The way East Austin is being zoned. All requests will probably be accepted. Very very sorry.

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

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 the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

5/15

