




N

 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2016-0084
LOCATION: 2003 Arpdale 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 services.



1" = 113'

L2
2

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

DATE: Monday, August 8, 2016

CASE NUMBER: C15-2016-0084

☐ y ☐ Brooke Bailey
☐ y ☐ Michael Benaglio
☐ y ☐ William Burkhardt
☐ y ☐ Eric Goff **2nd the Motion**
☐ y ☐ Melissa Hawthorne
☐ n ☐ Bryan King
☐ y ☐ Don Leighton-Burwell
☐ - ☐ Rahm McDaniel (out)
☐ y ☐ Melissa Neslund
☐ y ☐ James Valadez
☐ y ☐ Michael Von Ohlen **Motion to PP to Feb 13, 2016**
☐ y ☐ Kelly Blume (Alternate)

OWNER/APPLICANT: Scott Jacobs

ADDRESS: 2003 ARPDAL ST

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

A. decrease the minimum side setback from 5 feet (required/permitted) to 4.4 feet (requested, existing); and to

B. decrease the minimum rear setback from 10 feet (required/permitted) to 5.5 feet (requested, existing); and to

C. Section 25-2-774 (Two-Family Residential Use) (C) (2) (a) to decrease the minimum distance a second dwelling unit must be located from the primary structure from 10 feet (required) to 6 feet (requested/existing)

in order to permit occupancy of an existing accessory structure and covered deck for use as a 2nd dwelling unit in a "SF-3", Family Residence zoning district.

BOARD'S DECISION: POSTPONED TO FEBRUARY 13, 2017 BY APPLICANT (RE-NOTICE NEEDED)

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:



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

12/3

Board of Adjustment General/Parking Variance Application

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

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

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

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

For Office Use Only

Case # C15-2016-0084 ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 2003 Arpdale St

Subdivision Legal Description:

W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

Lot(s): W 55FT OF LOT 16

Block(s): 8

Outlot: _____

Division: _____

Zoning District: SF-3

I/We Scott Jacobs on behalf of myself/ourselves as
authorized agent for Scott Jacobs affirm that on
Month July, Day 22, 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: Accessory Dwelling Unit

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

Property Setback Requirement LDC 25-2-492

L2
4

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:

The existing accessory structure was constructed in 1949 and remodeled at least once in the 1990's. The exact year is unknown. Permit history suggests work on the accessory structure began in 1990 and ended in 1997. The accessory structure is the primary reason I purchased the property in 2011. I was not informed that the accessory structure was not compliant with city code. If the structure is forced to be compliant with setback requirements, it will need to be demolished completely.

Hardship

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

I purchased the property with the intention of having a second dwelling unit in order to accomodate the housing needs of extended familu. Demolition of the accessory dwelling unit would create fewer options for my family and unnecessary environmental hazards for my neighbors.

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

It was reasonable to awssume the property I purchased was compliant with current city code. I have no intention to modify the structures on the property which have existed with the current footprint for approxiamtely 20 years. The set back issues were brought to my attention by a city of Austin code enforcement officer and since that time I have been working to seek a resolution that will create the least disruption for my neighbors and my self.

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:

L2
5

The front residence, built in 1949, and rear residence have existed in their current configuration since the 1990's and, such as, have been in keeping with the character of the area adjacent to the property.

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:

This is an existing structure and has been used as an accessory dwelling for well over 10 years. No additional traffic or parking changes will occur.

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:

This is an existing structure and has been used as an accessory dwelling for well over 10 years. No additional traffic or parking changes will occur.

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

This is an existing structure and has been used as an accessory dwelling for well over 10 years. No additional traffic or parking changes will occur.

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

This is an existing structure and has been used as an accessory dwelling for well over 10 years. No additional traffic or parking changes will occur.

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: 5/26/16

Applicant Name (typed or printed): Scott Jacobs

Applicant Mailing Address: 2003 Arpdale St. Unit B

City: Austin State: TX Zip: 78704

Phone (will be public information): (214) 908-0770

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: [Signature] Date: 5/26/16

Owner Name (typed or printed): Scott Jacobs

Owner Mailing Address: same as above

City: _____ State: _____ Zip: _____

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): _____

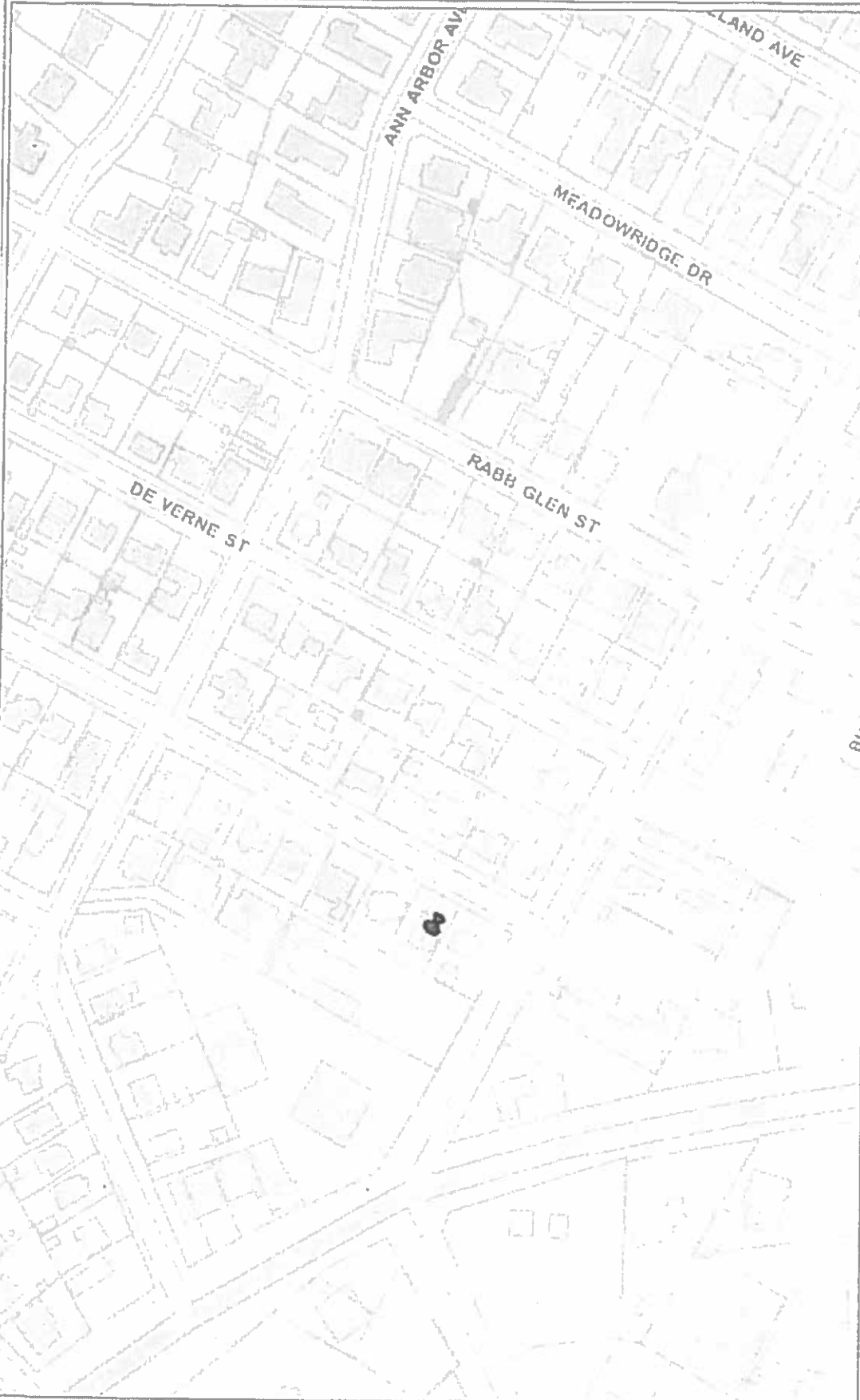
Section 6: Additional Space (if applicable)

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).








Please do not cash the application fee until necessary. I believe that I can get over 80% of my neighbors to support this application for variance.

CITY OF AUSTIN DEVELOPMENT WEB MAP

Surrounding
structures
L2
7



Legend

-  Lot Lines
-  Streets
-  Building Footprints
-  Named Creeks
-  Lakes and Rivers
-  Parks
-  County

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 THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

1997 Aerial

CITY OF AUSTIN DEVELOPMENT WEB MAP



8/15

Legend

- Lot Lines
- Streets
- Building Footprints
- Named Creeks
- Lakes and Rivers
- Parks
- County

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 THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

2/9

1000
De la Vega

DATE
MAY-25-2016
SHEET TITLE
FLOOR PLAN

DE LA VEGA PLAN DESIGN
203 CLAREMONT
SAN ANTONIO TX 78202
210-906-8312
DVL@LA-VEGA.COM
SCOTT JACOBS
2003 ARPDAL ST
AUSTIN, TX 78704

AREA
LIVING 500 SQ FT
COVERED DECK 235 SQ FT
TOTAL 735 SQ FT

002
1366

WOOD LINE
CHAIN LINE
UTILITY LINE
A/C UNIT
ELEC. METER
GAS METER
PIPE TND.
UTILITY POLE

SURVEYOR'S NOTES

(1) DONATES RECORD INFORMATION

(1) BUILDING LINE PER VOL. 821, PG. 408

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

ACCORDING TO FIRST AMERICAN TITLE INSURANCE CO. TITLE COMMITMENT OF INVESTMENT-ALSO THE WEST 50 FT. OF LOT 18 IS SUBJECT TO THE BUILDING LINES, EASES, RIGHTS AND RESTRICTIONS AS STATED IN VOL. 4, PG. 73

DEUT. RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR HAS LIMITED TO INFORMATION SUPPLIED BY FIRST AMERICAN TITLE INSURANCE CO. FOR COMMITMENT OF INVESTMENT-ALSO, PARAGRAPH NO. 10.

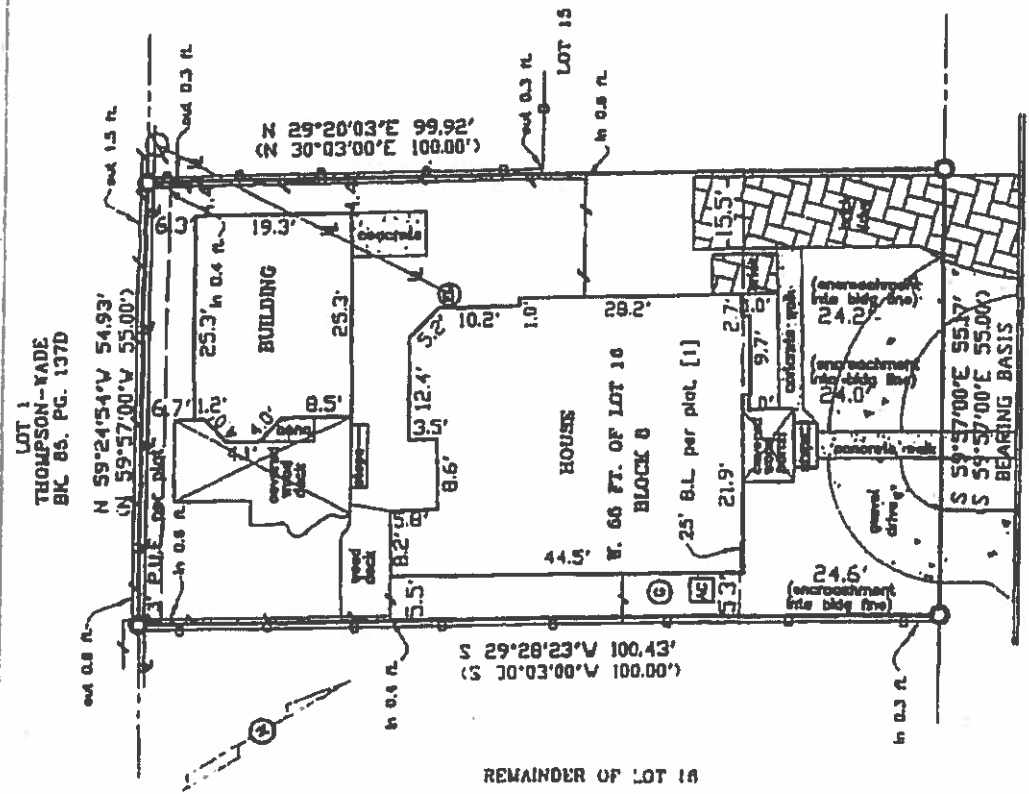
ALL POINTS DOES NOT HAVE OR WARRANT ANY FLOOD ZONE DETERMINATION.

THE DISTANCES BETWEEN LOT LINES AND FENCES (SHOWN HEREIN) ARE TO THE CENTER OF THE FENCE

Site Plan
design

A. C. de la Vega

7/3/07



2003 ARPDAL AVENUE
(50' R.O.W.)

[illegible]

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July 20th, 2016

Members of the Board,

I, Scott Jacobs, purchased 2003 Arpdale St. in 2011. I was not informed at the time of purchase that my accessory dwelling unit was not compliant with city of Austin building code.

According to the city of Austin aerial photographs, permit history of my property, and Travis County records, it appears that the second dwelling unit was originally constructed in 1949 most likely as a detached garage. This detached garage was converted to a dwelling unit sometime in the 1990's. In 2007, a new roof on the front house was permitted with the city of Austin. There are no expired permits connected to 2003 Arpdale St.

I am requesting 3 minor variances which are detailed in the evidence packet in order to maintain the existing footprint of the accessory dwelling structure which has been in the same place for 57 years.

I originally purchased 2003 Arpdale St. with the intention of having a housing option for my grandmother. She is living independently at age 92 but will soon need to downsize from the large house in which she currently resides. The accessory dwelling unit is intended for her, but I currently use it as my homestead for the time being since the main house is leased as a long term rental.

I respectfully ask the board to allow the accessory dwelling unit to remain in place.

Sincerely,



Scott Jacobs

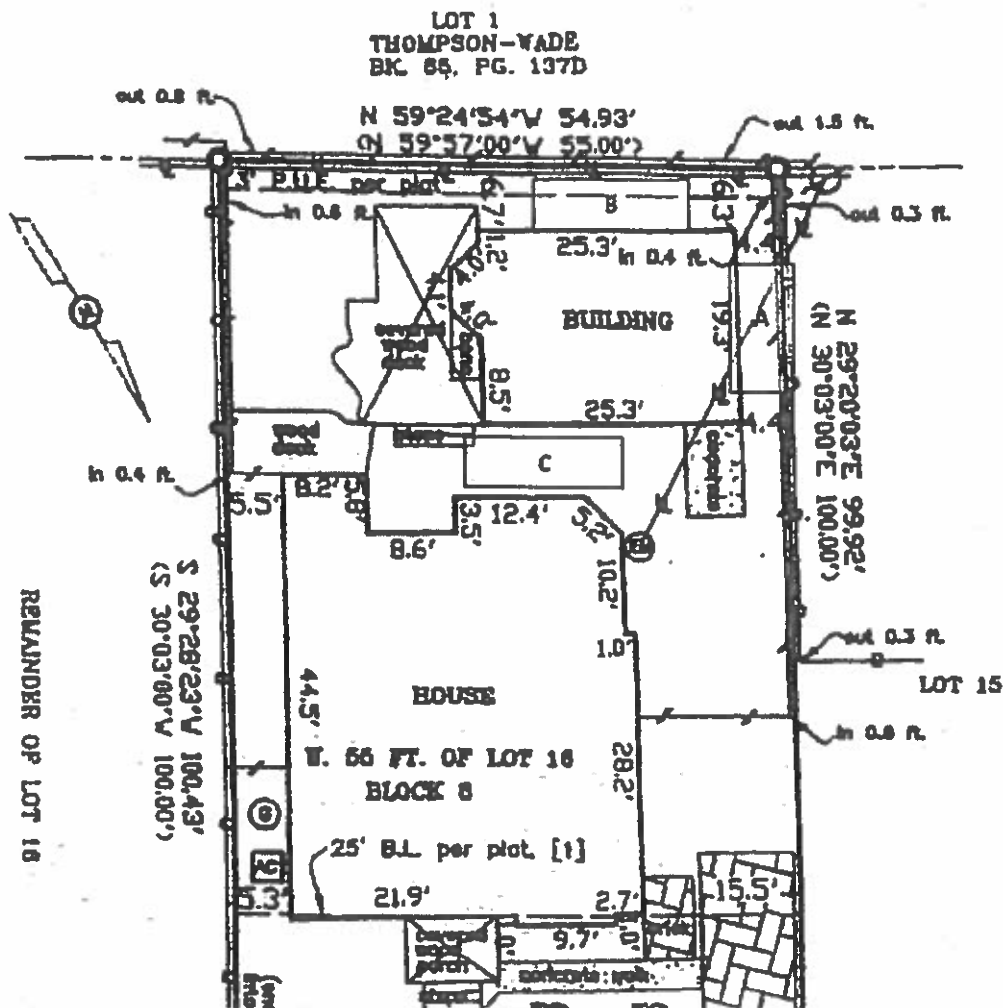
L2
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History of 2003 Arpdale Unit B



- Structure was built in 1949
- Previous owner converted the garage to an ADU in the 90's
- Property was purchased in 2011
- Unaware the ADU was not compliant with Austin Code
- Intended use was to be my homestead and eventually serve as a residence for my aging grandmother
- Currently used as my homestead

Variance request for existing structure



Variance request to Section 25-2-492 (D)

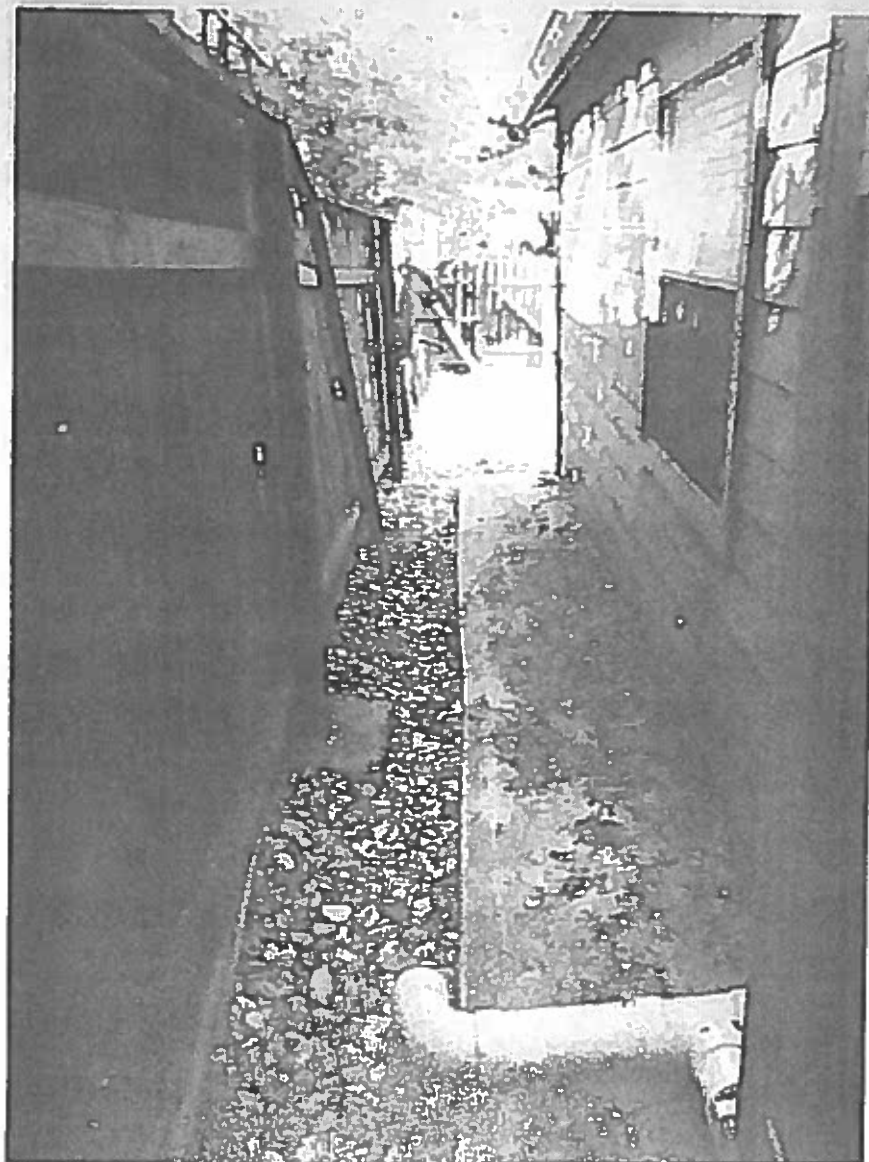
- A) Decrease the minimum side setback from 5ft to 4.4ft
B) Decrease the minimum rear setback from 10ft to 5.5ft

Variance request to Section 25-2-774 (C) (2) (a)

- C) Decrease the minimum distance a second dwelling unit must be located from the primary structure from 10ft to 6ft

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**A) Request to decrease the minimum
side setback from 5ft to 4.4ft**



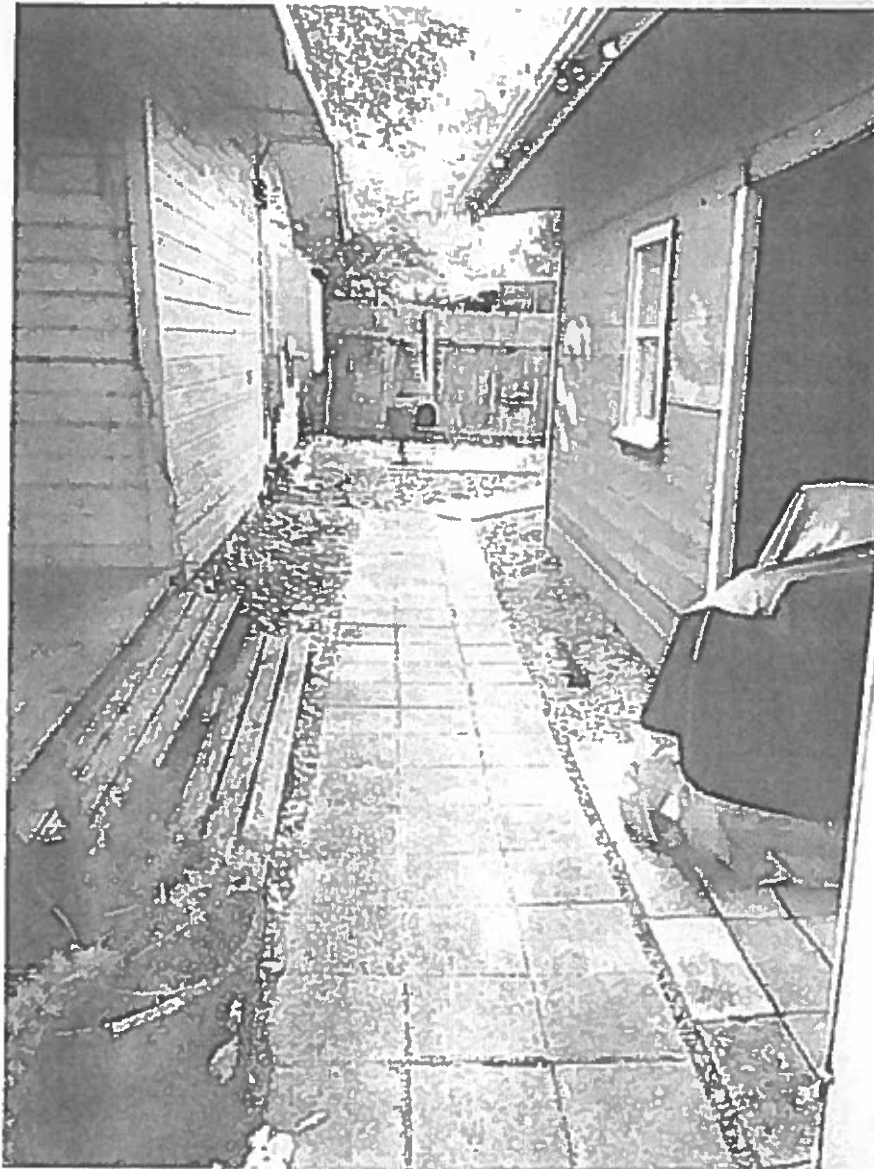
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**B) Request to Decrease the minimum
rear setback from 10ft to 5.5ft**



L2
16

C) Request to decrease the minimum distance between dwellings from 10ft to 6ft



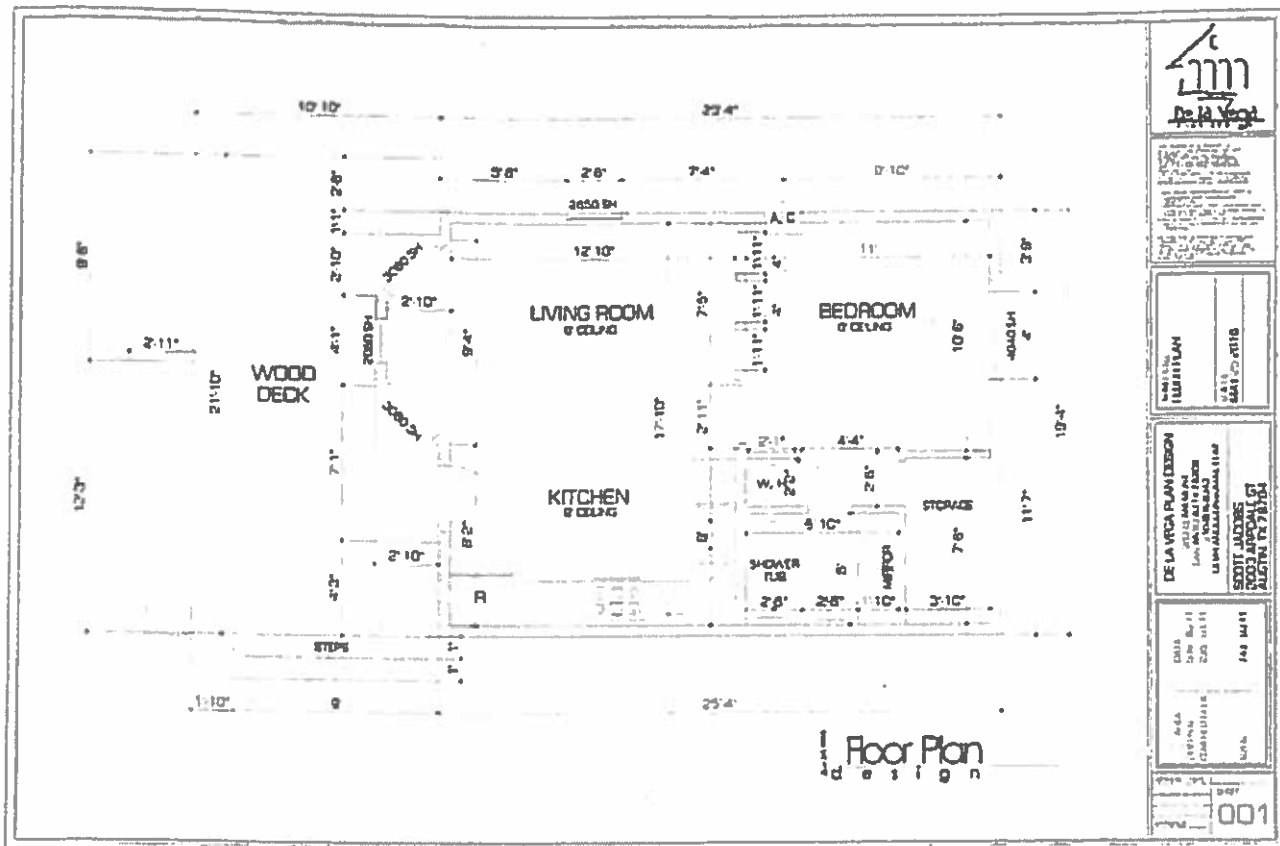
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17

Appendix

1. Site Plan
2. Floor Plan
3. Pictures
4. Signatures

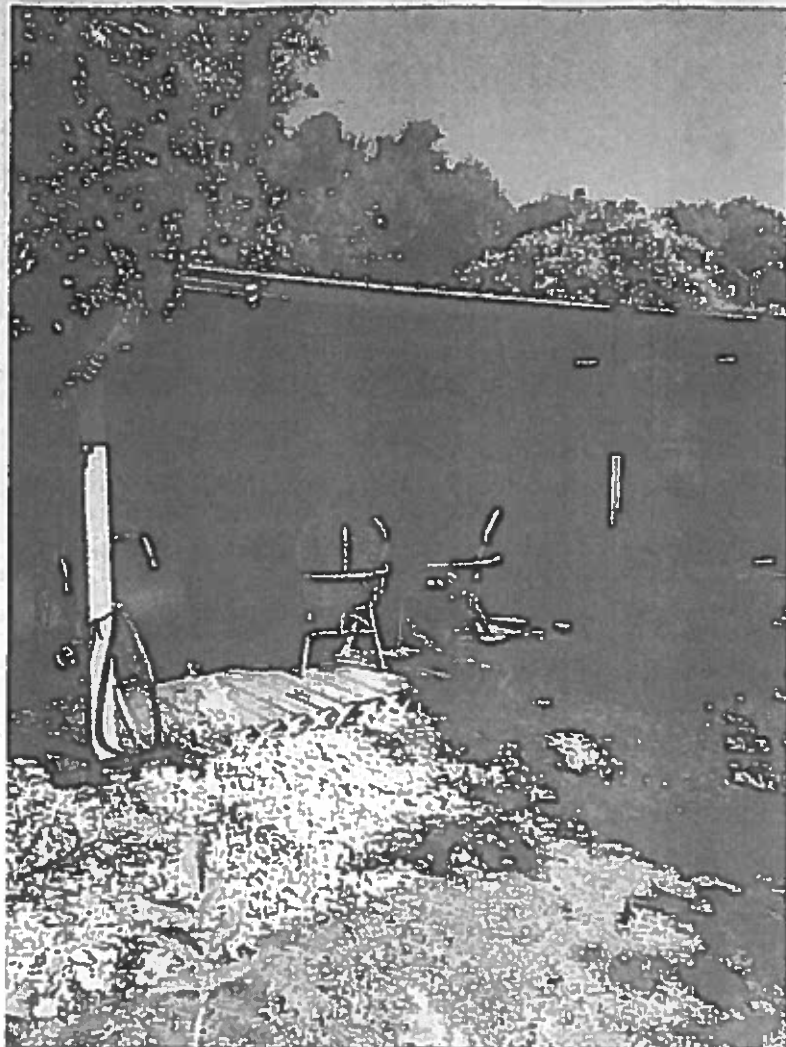
[illegible]

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20

Southeast corner of ADU



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Northeast corner of ADU



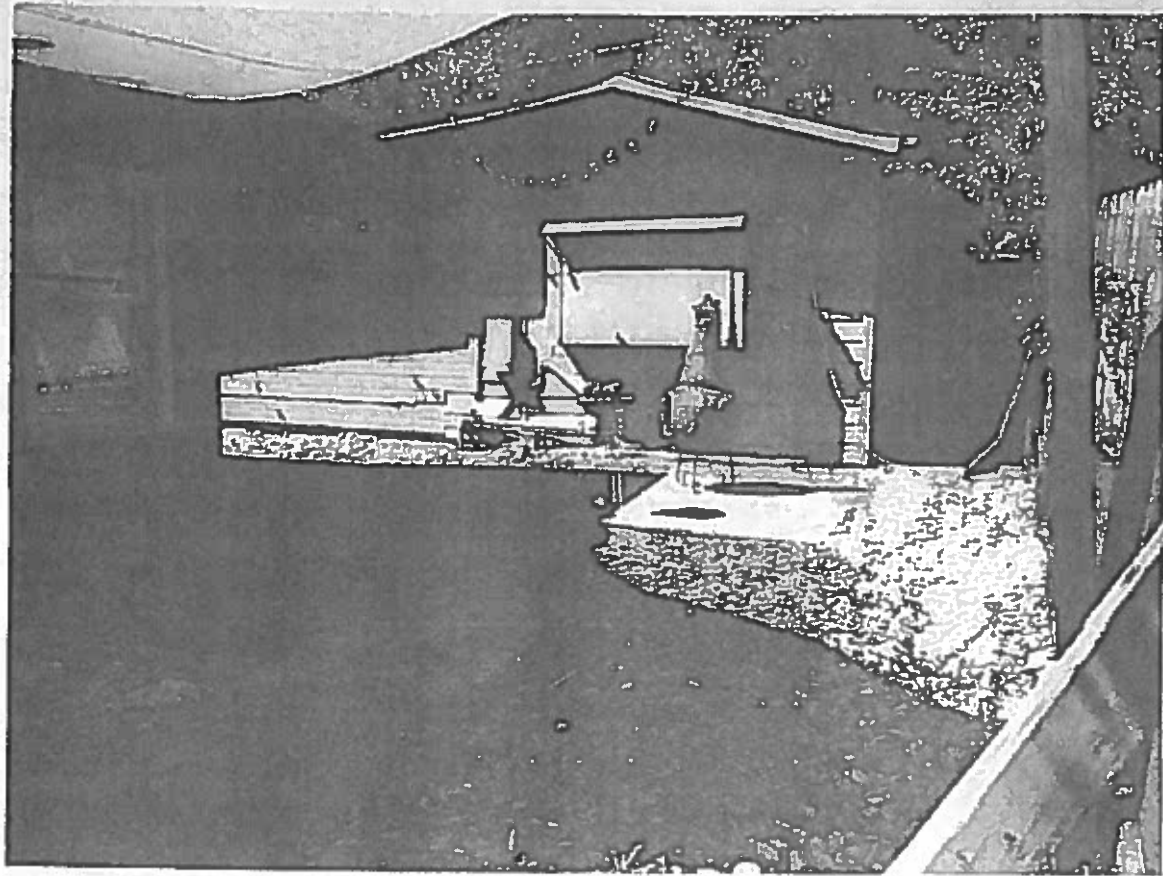
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North side of ADU



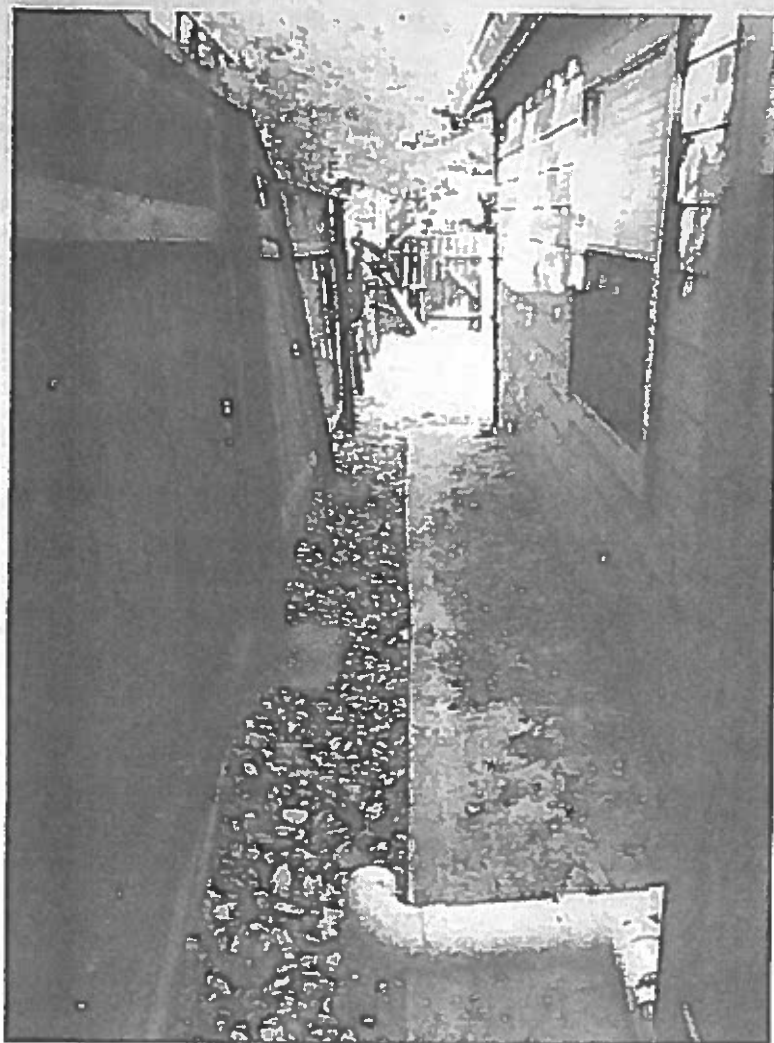
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Northwest corner of ADU



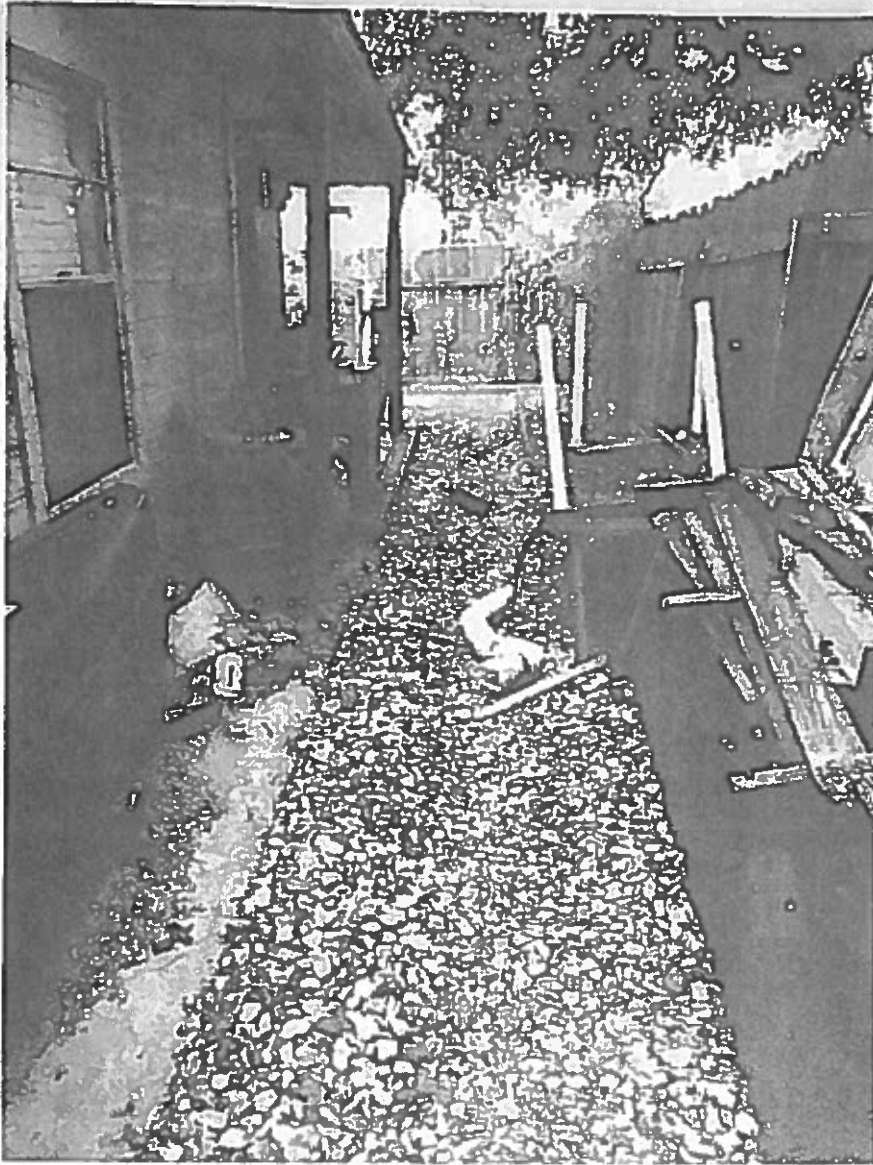
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West side of ADU



L2
25

South side of ADU



L2
26

Over 80% of the owners within 300ft are in support the variance request



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I, Scott Jacobs, am applying for a variance from the Board of Adjustment regarding Section 25-2.492 of the Land Development Code. The variance would allow me the ability to keep my backhouse which is currently in violation of set back requirements. The structure was built in 1949, but I inherited this problem when I bought the property in 2012.
By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name	Address	Signature
Bryan Campbell	2004 Apple St 75707	[Signature]
Lita Raymond	2513 Apple	[Signature]
Kelly Cottrell	2003 De Verne St Austin TX	[Signature]
Jessica/Michael Bryant	2007 De Verne 78704	[Signature]
Karen Sullivan	2007 Apple St 75707	[Signature]
Nessa Hobins	2010 Apple St	[Signature]
Jason O'Brien	2407 Ann Arbor Ave BI AUSTIN, TX 78757	[Signature]

512 795
5 8950

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Owners

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

Property Owner Name (Printed)	Address	Signature
ALEX DAVIES	2006 DEVERNE STREET 78204	<i>[Signature]</i>
Joe Joseph	1601 Robert E. Lee 78704	<i>[Signature]</i>
HELEN WEST	2000 ARPDAL ST 78704	<i>[Signature]</i>
Scott Jacobs	2003 Arpdale St	<i>[Signature]</i>

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~~Occupants~~



I, Scott Jacobs, am applying for a variance from the Board of Adjustment regarding Section 25-2-492 of the Land Development Code. The variance would allow me the ability to keep my backhouse which is in violation of a far set back requirements. The structure was built without a permit in 1949 and I inherited this problem when I purchased the house in 2017.
By signing this form, I understand that I am declaring my support for the variance being requested.
Tenant

Property Owner Name	Address	Signature
James Lovett	2002 Ardale St., Austin, TX 78704	[Signature]
Tim Collins	2002 Ardale St Austin TX 78704	[Signature]
MITCH PARISH	2302 BLUEBONNET ST	[Signature]
Lauran Gonzalez	2006 Ardale St. 78704	[Signature]

Done in Austin

L2
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By signing this letter, I support Scott Jacobs in his written request to the Board of Adjustment for 2003 Arpdale St. regarding Section 25-2-492 of the Land Development Code, which pertains to setback requirements highlighted below:

25-2-492 - SITE DEVELOPMENT REGULATIONS

- (A) The table in Subsection (D) establishes the principal site development regulations for each zoning district.
- (B) Except as provided in Subsection (C), if a requirement of Subsection (D) conflicts with another provision of this Title, the more restrictive regulation governs.
- (C) The requirements of the other provisions of this Subchapter supersede the requirements of Subsection (D), to the extent of conflict.
- (D) Site development regulation table.

Source: Section 13-3-430; Ord. 990225-70; Ord. 991104-46; Ord. 991111-107; Ord. 030731-52; Ord. 031213-11; Ord. 041118-97; Ord. 20100813-084.

	LA	RR	SF-1***	SF-2	SF-3
MINIMUM LOT SIZE (square feet):	43,560	43,560	10,000	5,750	5,750
MINIMUM LOT WIDTH:	100	100	60	30	30
MAXIMUM DWELLING UNITS PER LOT:	1	1	1	1	**
MAXIMUM HEIGHT:	35	35	35	25	35
MINIMUM SETBACKS					
FRONT YARD	40	40	25	25	25
STREET SIDE YARD	25	25	15	15	15
INTERIOR SIDE YARD:	10	10	5	5	5
REAR YARD:	20	20	10	10	10
MAXIMUM BUILDING COVERAGE:	—	20%	35%	40%	40%
MAXIMUM IMPERVIOUS COVER:	—	25%	40%	45%	45%

Property Address	Owner Name	Owner Signature
2305 BLUEBONNET LN	ALLEN DANZIGER	Allen Danziger

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By signing this letter, I support Scott Jacobs in his variance request to the Board of Adjustment for 2003 Arpdale St. regarding Section 25-2-492 of the Land Development Code, which pertains to setback requirements highlighted below:

§ 25-2-492 - SITE DEVELOPMENT REGULATIONS

- (A) The table in Subsection (D) establishes the principal site development regulations for each zoning district.
- (B) Except as provided in Subsection (C), if a requirement of Subsection (D) conflicts with another provision of this title, the more restrictive regulation governs.
- (C) The requirements of the other provisions of this subchapter supersede the requirements of Subsection (D), to the extent of conflict.
- (D) Site development regulation table.

Source: Section 23-2-630; Ord. 990225-70; Ord. 991104-46; Ord. 000511-109; Ord. 030731-53; Ord. 031212-11; Ord. 041118-57; Ord. 20100819-054.

	LA	RR	SF-1***	SF-2	SF-3
MINIMUM LOT SIZE (square feet):	43,560	43,560	10,000	5,750	5,750
MINIMUM LOT WIDTH:	100	100	60	50	50
MAXIMUM DWELLING UNITS PER LOT:	1	1	1	1	**
MAXIMUM HEIGHT:	35	35	35	35	35
MINIMUM SETBACKS:					
FRONT YARD:	40	40	25	25	25
STREET SIDE YARD:	25	25	15	15	15
INTERIOR SIDE YARD:	10	10	5	5	5
REAR YARD:	20	20	10	10	10
MAXIMUM BUILDING COVERAGE:	-	20%	35%	40%	40%
MAXIMUM IMPERVIOUS COVER:	*	25%	40%	45%	45%

Property Address	Owner Name	Owner Signature
2001 Arpdale St.	Rebecca Heston	Designated by:  017AABCA889008...

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Scott Jacobs is requesting a variance from the Board of Adjustment regarding Section 25-2-492 of the Land Development Code, which pertains to setback requirements.

By signing this form, I understand that I am declaring my support for the variance being requested by Scott Jacobs.

Property Address	Property Owner Name	Signature
2103 Bluebonnet	Matt Jones	<div>Digitally signed by: Matt Jones DN: c=US, o=Bluebonnet, ou=Bluebonnet, cn=Matt Jones</div>

Do you have any questions? Feel free to contact me at scott.jacobs@yale.edu or 214-908-0770.

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Scott Jacobs is requesting a variance from the Board of Adjustment regarding Section 25-2-492 of the Land Development Code, which pertains to setback requirements.

By signing this form, I understand that I am declaring my support for the variance being requested by Scott Jacobs.

Property Address	Property Owner Name	Signature
2126 Goodrich Ave., Austin TX 78704	Jimi Teasdale	<div>Digitized by Jimi Teasdale E088082DAB8E2</div>

Do you have any questions? Feel free to contact me at scott.jacobs@yale.edu or 214-908-0770.

DocuSign Envelope ID: 2A35736C-9FDF-44D3-BDCA-2CD00B32111E

L2
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Scott Jacobs is requesting a variance from the Board of Adjustment regarding Section 25-2-492 of the Land Development Code, which pertains to setback requirements.

By signing this form, I understand that I am declaring my support for the variance being requested by Scott Jacobs.

Property Address	Property Owner Name	Signature
2012 Arpdale St.	Sean Kubicek	<div>Decoded by: Sean Kubicek KON020CIBAM</div>

Do you have any questions? Feel free to contact me at scott.jacobs@yale.edu or 214-908-0770.

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Scott Jacobs is requesting a variance from the Board of Adjustment regarding Section 25-2-492 of the Land Development Code, which pertains to setback requirements.

By signing this form, I understand that I am declaring my support for the variance being requested by Scott Jacobs.

Property Address	Property Owner Name	Signature
2002 Arpdale Street Austin, Texas 78704	Amy Hartman	<div>Digitally signed by <i>Amy Hartman</i> AC30E3A6C3040C</div>

Do you have any questions? Feel free to contact me at scott.jacobs@yale.edu or 214-908-0770.

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Scott Jacobs is requesting a variance from the Board of Adjustment regarding Section 25-2-492 of the Land Development Code, which pertains to setback requirements.

By signing this form, I understand that I am declaring my support for the variance being requested by Scott Jacobs.


Property Address	Property Owner Name	Signature
2406 Bluebonnet Lane Chianey Park Apartments Miller Properties	Grace Hubbard	<div>Digitally signed by: <i>Grace Hubbard</i> F0808F708000487</div>

Do you have any questions? Feel free to contact me at scott.jacobs@yale.edu or 214-908-0770.

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Scott Jacobs is requesting a variance from the Board of Adjustment regarding Section 25-2-492 of the Land Development Code, which pertains to setback requirements.

By signing this form, I understand that I am declaring my support for the variance being requested by Scott Jacobs.

Property Address	Property Owner Name	Signature
2011 Arpdale St.	River City Cap Partners	

Please return this signed form in the return envelope. Thanks!

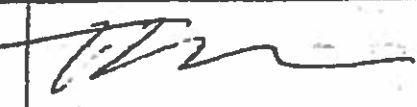
feel free to contact me if needed
at 512-638-6389

Do you have any questions? Feel free to contact me at scott.jacobs@yale.edu or 214-908-0770.

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Scott Jacobs is requesting a variance from the Board of Adjustment regarding Section 25-2-492 of the Land Development Code, which pertains to setback requirements.

By signing this form, I understand that I am declaring my support for the variance being requested by Scott Jacobs.

Property Address	Property Owner Name	Signature
2005 DeVerne St.	Thomas W. Brown Susan Eggert	 Susan Eggert

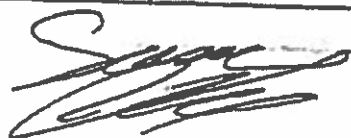
Please return this signed form in the return envelope. Thanks!

Do you have any questions? Feel free to contact me at scott.jacobs@yale.edu or 214-908-0770.

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• Scott Jacobs is requesting a variance from the Board of Adjustment regarding Section 25-2-492 of the Land Development Code, which pertains to setback requirements.

By signing this form, I understand that I am declaring my support for the variance being requested by Scott Jacobs.

Property Address	Property Owner Name	Signature
2340 S. Lamar	Samir Maamary	

Please return this signed form in the return envelope. Thanks!

Do you have any questions? Feel free to contact me at scott.jacobs@yale.edu or 214-908-0770.

L2
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Scott Jacobs is requesting a variance from the Board of Adjustment regarding Section 25-2-492 of the Land Development Code, which pertains to setback requirements.

By signing this form, I understand that I am declaring my support for the variance being requested by Scott Jacobs.

Property Address	Property Owner Name	Signature
2330 S. Lamar		

Please return this signed form in the return envelope. Thanks!


Lora Margaret Hilbert

Do you have any questions? Feel free to contact me at scott.jacobs@yale.edu or 214-908-0770.

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Scott Jacobs is requesting a variance from the Board of Adjustment regarding Section 25-2-492 of the Land Development Code, which pertains to setback requirements.

By signing this form, I understand that I am declaring my support for the variance being requested by Scott Jacobs.

Property Address	Property Owner Name	Signature
2008 Arpdale St.	GREG PITZER	


Please return this signed form in the return envelope. Thanks!

Do you have any questions? Feel free to contact me at scott.jacobs@yale.edu or 214-908-0770.

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Scott Jacobs is requesting a variance from the Board of Adjustment regarding Section 25-2-492 of the Land Development Code, which pertains to setback requirements.

By signing this form, I understand that I am declaring my support for the variance being requested by Scott Jacobs.

Property Address	Property Owner Name	Signature
2418 S. Lamar	Chris Petropoulos	

Please return this signed form in the return envelope. Thanks!

Do you have any questions? Feel free to contact me at scott.jacobs@yale.edu or 214-908-0770.

Heldenfels, Leane

From: Lorraine Atherton [REDACTED]
Sent: Friday, August 05, 2016 5:26 PM
To: Heldenfels, Leane
Subject: BoA Agenda M-1, C15-2016-0084, 2003 Arpdale
Attachments: 2003ArpdaleBoA letter.pdf

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Hello, Leane.

This is regarding the variance requested at 2003 Arpdale, C15-2016-0084, item M-1 on the Board of Adjustment agenda for August 8. The attached PDF contains my personal letter of opposition to the variances, a history of the property, and a copy of an aerial photo, for a total of 5 pages. Please let me know if I will have to provide copies for the Board members.

I would be very grateful if you would include these pages in the Board's backup material and in the file for this case.

Many thanks,

Lorraine Atherton
2009 Arpdale
(512-447-7681)

Lorraine Atherton
2009 Arpdale, Austin, TX 78704

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August 5, 2016

Board of Adjustment
City of Austin Watershed Protection and
Development Review Dept.

Re: Variance requests C15-2016-0084, 2003 Arpdale

Dear Chairman and Board Members:

As a homeowner on Arpdale Street, I am opposed to the variances requested by Scott Jacobs at 2003 Arpdale, C15-2016-0084, to allow an outbuilding remodeled without permits to be occupied as an accessory dwelling unit.

Dimensions of the property and variances required

Based on the photographs, survey, and site plan submitted by the owner, this lot is 5514 square feet and the impervious cover is more than 60%. City Code 25-2-492 (Site development regulations) requires a minimum lot size of 5750 sf and limits this site to 45% impervious cover.

I alerted the owner and City staff to these errors on August 1 and suggested that the variance application be withdrawn, corrected to reflect the actual lot size and other dimensions, and reposted with all the variances that will be required. If the application is not withdrawn by August 8, I request that the Board of Adjustment deny the requested variances because of the substandard lot size.

Deed restrictions and single-family status

I have owned and occupied the property at 2009 Arpdale since 1983. The same deed restrictions that apply to my property apply to 2003 Arpdale. In 1939, those restrictions prohibited the use of any outbuildings as residences, and they are still in effect. I have not found any other properties in this subdivision in violation of that deed restriction. According to the documentation listed in the attached history of the property, the Travis Central Appraisal District and the City of Austin have no record of the existence of a garage or other outbuilding at 2003 Arpdale, and the property has never been classified as anything other than a single-family residence.

Construction and use of the structure

The attached aerial photo from 1966 shows a small outbuilding in the back corner of the lot. Aerial photos from 1984 and 1987 show the same structure. No aerial photos or surveys are available between 1987 and 1997. The earliest evidence of an addition to the small outbuilding is the 1997 aerial photo supplied by Mr. Jacobs. Regardless of when the addition was built, it is clear to me that it was not used as a separate dwelling before the property was sold in 2007, less than 10 years ago. The owners shared the house with two other persons, they were all listed on the same mailbox at the front door, and some of them appeared to be related.

My recollection of the remodeling of 2003 Arpdale is that the house was "re-roofed" three times in the three or four years following the sale. A great deal of work was done under CoA building permit 07-141411, dated August 6, 2007. Several color aerial photos are available

from this period, beginning in 2006. They show a series of changes to the outbuilding, including the eastward extension of the roof over the deck.

Finally, TCAD recorded the sale to Jacobs in December 2012, and the CoA issued a permit for "window replacement" in January 2013. Again, from the street, it looked to me like the window replacement required a great deal of work on other parts of the property. When it was eventually completed, I was no longer able to tell who was living in the house, or if anyone was living there. It soon became clear that at least part of the property was being used as a commercial short-term rental. The attached history also lists the code enforcement cases from May 27, 2014, to March 22, 2016.

To summarize, I request that the Board deny the variances requested by Scott Jacobs at 2003 Arpdale, C15-2016-0084, first because the application contains errors that when corrected will require additional variances to satisfy the applicant's desire to create a second dwelling on his substandard lot; second, because the deed restrictions prohibit the use desired by the applicant; third, because the applicant has not established that the desired use existed before he purchased the property less than five years ago; and finally, because the application meets none of the required findings regarding reasonable use, hardship, and area character.

Thank you for your attention and for your service on the Board of Adjustment.

Sincerely yours,

L. Atherton

Lorraine Atherton
2009 Arpdale
Austin, TX 78704

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L2
4B

2003 Arpdale, History

(compiled by Lorraine Atherton, 2009 Arpdale)

- 1939 Records of Travis County, Vol. 621, page 408, De Rance C. Rabb, Restrictive covenants for Rabb Inwood Hills subdivision. Filed July 17, 1939.
"1. No . . . residence shall be constructed on said premises other than one detached single family dwelling, constructed of frame, brick or rock; the floor space to occupy not less than eight hundred square feet; shall not exceed two stories in height, with one, two or three car garage. . . . note exception: a two family dwelling will be permitted of same construction above mentioned, the floor space to occupy not less than 1400 square feet."
"3. No trailer, basement, tent, shack, garage, barn or other out-building shall be erected or placed on said premises herein conveyed as a temporary or permanent residence."
- 1949 Web site of Travis Central Appraisal District (TCAD), property information for 2003 Arpdale (downloaded July 27, 2016). TCAD disclaimer: The Travis Central Appraisal District makes no claims, promises or guarantees about the accuracy, completeness, or adequacy of this information and expressly disclaims liability for any errors and omissions.
1-family dwelling, 1049 square feet, built 1949, no garage or accessory building listed.
- 1950 Web site of City of Austin (CoA), water and wastewater connection permits for 2003 Arpdale, dated Jan. 25, 1950.
- 1954 CoA, "frame addn to res," May 14, 1954.
- 1966 aerial photo, Feb. 4, 1966, showing roof of small structure (size of one-car garage, carport, or shed) in back corner, aligned with west side of house
- 1984 aerial photo showing roof of small structure, same as 1966. Area east of structure is obscured by a tree, could be uncovered deck but there are no shadows indicating a building.
- 1987 aerial photo showing possible construction on back of house. **Outline of garage or shed roof is not visible.**
- 1990 TCAD, deed transaction, and CoA permits, 2003 Arpdale sold to Carrasco and Miller, May 1, 1990.
CoA permits for rebuild electric service, connect AC, gas test, plumbing inspection, install water heater in existing single-family residence, issued Oct. 23-25, 1990.
- 1997 aerial photo showing new circular driveway, flat roof on southwest corner of house, and extended roof on back structure.
CoA permit to replace breaker box, issued Oct. 7, 1997.
- 2003 aerial photo (color), Feb. 28, 2003, clearly shows differences in roof materials.
- 2006 aerial photo (color), Jan. 31, 2006, clearly shows differences in roof materials, extension of covered deck with highly reflective material.
- 2007 CoA land status determination requested by Gino Fuentes, issued Jan. 10, 2007.
TCAD, deed transaction, Carrasco and Miller to Gino Fuentes, Feb. 13, 2007.
TCAD, deed transaction, Fuentes to St. Johns Properties LLC, July 3, 2007. Survey also dated July 3, 2007, shows rectangular lot 55 x 100 feet.
CoA permit to "re-roof existing 1-story single-family res" issued Aug. 6, 2007.
TCAD, property information for 2003 Arpdale (July 27, 2016), 1-family dwelling, 430 square feet added to 1st floor in 2007, 102 square feet "porch open 1st f" built in 2007.

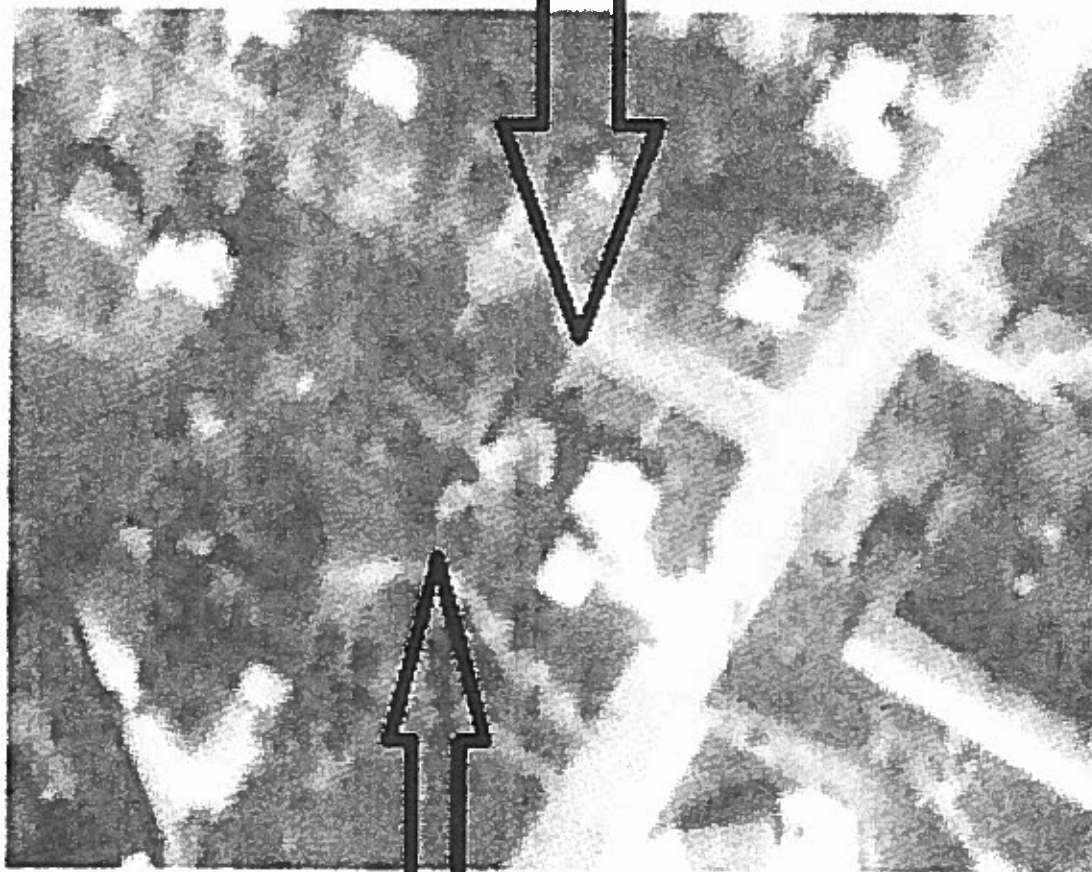
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- 2008 aerial photo (color), Jan. 31, 2008, showing new roof, tree still in front yard, change in deck material.
CoA tree removal permit, including photo of driveway and front of house. Application Aug. 25, 2008, approved May 13, 2009.
- 2009 aerial photo (color), Jan. 31, 2009, showing new roof, no tree, back yard fully built out.
aerial photo (color), Nov. 24, 2009, showing highly reflective material on covered deck.
- 2011 aerial photo (color), March 9, 2011, showing extension of covered deck and change in roofing material.
- 2012 TCAD, deed transaction, St. Johns Properties LLC to Scott Jacobs, Dec. 11, 2012.
- 2013 CoA permit for window replacement issued Jan. 14, 2013.
- 2014 Code Enforcement #2014-054367 CC, Structure condition complaint May 27, 2014.
Violation found and CV notice June 16, 2014. Voluntary compliance Aug. 15, 2014.
Code Enforcement #2014-057985 CC, Land use violation complaint June 3, 2014.
CoA permit to operate a Type 1 short-term rental issued July 18, 2014, expired Aug. 5, 2016.
Code Enforcement #2014-077692 CC, Work without permit complaint July 23, 2014.
aerial photo (color), Oct. 2, 2014, shows extension of deck covering with highly reflective material.
- 2015 aerial photo (color), July 13, 2015, shows extension of deck covering with highly reflective material.
Code Enforcement #2015-097060 CC, Land use violation complaint Aug. 11, 2015.
Code Enforcement #2015-097846 CC, Structure condition complaint Aug. 12, 2015.
Code Enforcement #2015-126466 CC, Land use violation complaint Oct. 19, 2015.
- 2016 Code Enforcement #2016-011910 CC, Land use violation complaint Feb. 4, 2016.
Austin Water violation, plumbing permit, issued Feb. 16, 2016.
Code Enforcement #2016-017415 CC, Land use violation complaint Feb. 18, 2016.
Violation found March 2, 2016. Contact performed and AH warning prep March 18, 2016.
Code Enforcement #2016-022576 CC, Land use violation complaint March 1, 2016.
Code Enforcement #2016-030858 CC, Land use violation complaint March 19, 2016.
Code Enforcement #2016-031406 CC, Land use violation complaint March 21, 2016.
Code Enforcement #2016-031290 CC, Land use violation complaint March 21, 2016.
Code Enforcement #2016-031964 CC, Work without permit complaint March 22, 2016.
CoA residential permit application, submitted by Jacobs May 25, 2016, with site plan based on 2007 survey. Master Comment Report issued June 27, 2016, requiring variances to change use from single family to two family.

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aerial photo, Feb. 4, 1966
(print M1-174, Texas Natural
Resources Information System)

2003 Arpdale



shed

PUBLIC HEARING INFORMATION

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Case Number: C15-2016-0084, 2003 Arpdale St.

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

Public Hearing: Board of Adjustment, August 8th, 2016

Mark Bentley

Your Name (please print)

2409 Ann Arbor Ave # B2

Your address(es) affected by this application

Mark Bentley

Signature

512-461-5375

Daytime Telephone:

Date

8.4.2016

Comments:

Comments must be returned by noon the day of the hearing in order 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 Wednesday prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

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Heldenfels, Leane

From: [REDACTED]
Sent: Monday, August 01, 2016 3:33 PM
To: Heldenfels, Leane
Subject: Case #C15-2016-0084
Attachments: Case Number C15_2016_0084.pdf

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RE: Case Number C15-2016-0084, 2003 Arpdale St
Public Hearing: Board of Adjustment, August 8th, 2016
Contact: Leane Heldenfels

Leane,

Attached I submit my **objection** to the land development code variance for the above mentioned case and address. It is unacceptable to bend the law for Scott Jacobs. He has no regards for his neighbors and just this past weekend his short term rental brought more people honking horns and partying loudly in the middle of the night. Unfortunately his neighbors bedroom window is very close. I don't know how they get any sleep.

Please respond to confirm receipt of the attachment.

Enjoy your day!
Annette Gardner
2006 Arpdale St

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Case Number: C15-2016-0084, 2003 Arpdale St.

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

Public Hearing: Board of Adjustment, August 8th, 2016

HELEN WEST

Your Name (please print)

2000 ARPDAL

Your address(es) affected by this application

Leane Heldenfels

Signature

Date

Daytime Telephone: 210/862-8092

Comments:

I have no problem with
now do I object to the
variances I sought by
Mr. Jacobus.

Comments must be returned by noon the day of the hearing in order 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 Wednesday prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

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Case Number: C15-2016-0084, 2003 Arpdale St.
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, August 8th, 2016

Your Name (please print)

2015 Arpdale

Your address(es) affected by this application

Signature Date

Daytime Telephone: 512 447 9388

Comments: 510x variance should be a

variance 10' of rear setback the

and:

Comments must be returned by noon the day of the hearing in order 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: leane.heldenfels@austintexas.gov

☒ I am in favor
☐ I object

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PUBLIC HEARING INFORMATION

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Case Number: C15-2016-0084, 2003 Arpdale St.

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

Public Hearing: Board of Adjustment, August 8th, 2016

Your Name (please print)

Leane Heldenfels

☐ I am in favor
☒ I object

Your address(es) affected by this application

2101 Arpdale St

Signature

[Signature]

Date

9-2-16

Daytime Telephone: 512 447 4138

Comments:

Comments must be returned by noon the day of the hearing in order 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: leane.heldenfels@austintexas.gov

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Case Number: C15-2016-0084, 2003 Arpdale St.

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

Public Hearing: Board of Adjustment, August 8th, 2016

Your Name (please print)

George Siddle

☐ I am in favor
☐ I object

Your address(es) affected by this application

2103 Arpdale

Signature

[Signature]

Date

Daytime Telephone: *512-447-4388*

Comments:

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

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

