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 **SUBJECT TRACT**

 **PENDING CASE**

 **ZONING BOUNDARY**

NOTIFICATIONS

CASE#: C15-2017-0004
LOCATION: 700 Bouldin Ave.



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" = 125'

15
2

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

DATE: Monday, January 9, 2017

CASE NUMBER: C15-2017-0004

☐ Y ☐ Brooke Bailey
☐ Y ☐ Michael Benaglio
☐ Y ☐ William Burkhardt
☐ Y ☐ Eric Goff **2nd the Motion**
☐ Y ☐ Melissa Hawthorne **Motion to PP to 2-13-17 (notification error/lack full board)**
☐ late ☐ Bryan King
☐ Y ☐ Don Leighton-Burwell
☐ Y ☐ Rahm McDaniel
☐ - ☐ Melissa Neslund **OUT**
☐ Y ☐ James Valadez
☐ - ☐ Michael Von Ohlen **OUT**
☐ - ☐ Kelly Blume (Alternate) **NOT AVAILABLE**

OWNER/APPLICANT: BRUCE GRIFFING AND DEBRA MONTICCILO

ADDRESS: 700 BOULDIN AVE

VARIANCE REQUESTED: The applicant has requested a variance(s) from Subchapter F: Residential Design and Compatibility Standards, Article 3, Section 3.3.3 (Gross Floor Area – Porch, basement and attic exemptions) (B) (2) to increase the level the first story is above the average elevation at the intersections of the minimum front yard setback line and the side property lines from 3 feet above that intersection point (required/permitted) to 5.5 feet above that intersection point (requested) in order to be able to exclude the basement area from the calculation of gross floor area in the construction of a new single family home in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek)

BOARD’S DECISION: January 9, 2017 POSTPONED TO February 13, 2017 BY STAFF DUE TO NOTIFICATION ERROR

RENOTIFICATION NOTIFICATION ERROR: The applicant has requested a variance(s) from Subchapter F: Residential Design and Compatibility Standards, Article 3, Section 3.3.3 (Gross Floor Area – Porch, basement and attic exemptions) (B) (2) to increase the level the first story is above the average elevation at the intersections of the minimum front yard setback line and the side property lines from 3 feet above that intersection point (required/permitted) to 5.5 feet above that intersection point (requested) in order to exclude the basement area from the calculation of gross floor area in the construction of a new single family home in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek)

5/3

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Leane Heldenfels
Executive Liaison

William Burkhardt
Chairman



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

LS
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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 # C17-007-0004 ROW # 11646274 Tax # 0102021020
TRADE

Section 1: Applicant Statement

Street Address: 700 Bouldin Avenue

Subdivision Legal Description:

Post Oak Street Addition

Lot(s): 1 Block(s): _____

Outlot: _____ Division: _____

Zoning District: SF-3-NP (Bouldin Creek)

I/We Bruce Griffing and Debra Monticciolo on behalf of myself/ourselves as
authorized agent for _____ affirm that on

Month December, Day 12, 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: Residence

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

McMansion 4.4.5.3 2)requirement that the finished floor of the first story is not more than 3 feet above the average elevation.... This is required in order to be allowed a basement exemption. We seek a variance to allow the finished floor to be 8.5 feet above the average, thus 5.5 feet above the number allowed in 4.4.5.3 2).

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:

Due to the extreme slope of the lot, application of 4.4.5.3 2) results in a first floor roof that is at grade level on the SW corner of the house. We want to raise the level of the first floor 5.5 feet above the limit given in 4.4.5.3 2). This is just enough to allow windows at the SW corner of the house, though they will be just above grade.

Hardship

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

The slope of the lot from the NE corner (Bouldin and Post Oak) to the SW corner is large. This, combined with the fact that this is a corner lot with the setbacks coming from the short side (Post Oak), make it impossible to use the basement exemption. If the setbacks were from the Bouldin side, the a much smaller variance would be necessary. The original 1938 house did face Bouldin, but this was not noted in the plat.

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

The topography in the area is quite variable from lot to lot, but this lot is extreme.

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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:

Despite the added 5.5 feet, the roof of the planned house will be significantly below the roof of the house immediately adjacent on Post Oak and quite a bit lower than the houses to the South on Retama. The house across immediately across Post Oak is also a two story house of height similar to the planned house. The variance will make no change in the exterior appearance of the house compared to the house that we would build in the absence of a variance - in that case we would not face the elevation restriction.

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:

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Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Bruce Griffing Date: 12/12/16

Applicant Name (typed or printed): Bruce Griffing and Debra Monticciolo

Applicant Mailing Address: 5015 Ascot Parkway

City: Temple State: TX Zip: 76502

Phone (will be public information): (267) 679-7013

Email (optional – will be public information): brucegriffing@yahoo.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: Bruce Griffing Date: 12/12/16

Owner Name (typed or printed): Bruce Griffing and Debra Monticciolo

Owner Mailing Address: 5015 Ascot Parkway

City: Temple State: TX Zip: 76502

Phone (will be public information): (267) 679-7013

Email (optional – will be public information): brucegriffing@yahoo.com

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).

15/8

Bruce Griffing
Debra Monticciolo
5015 Ascot Parkway
Temple, TX 76502

December 12, 2016

Board of Adjustment
City of Austin
505 Barton Springs Road
Austin, TX 78704

We are planning to build a new house at 700 Bouldin Avenue – the corner of Bouldin and Post Oak. We plan to build an attractive house that is in scale with other houses in the area. We are requesting a variance, explained in more detail below, **solely due to the topography of the lot**. It has a significant slope, which makes it difficult to optimize our home structure. It is important to note that our house will look EXACTLY the same externally with or without the variance; that is, the variance will not affect the external appearance nor elevation of the house. We will be **well within the McMansion tent, setbacks and FAR requirements**, with or without the variance. But without the variance, we would not be able to build the basement. We believe that requests similar to ours have been granted in Bouldin in the past.

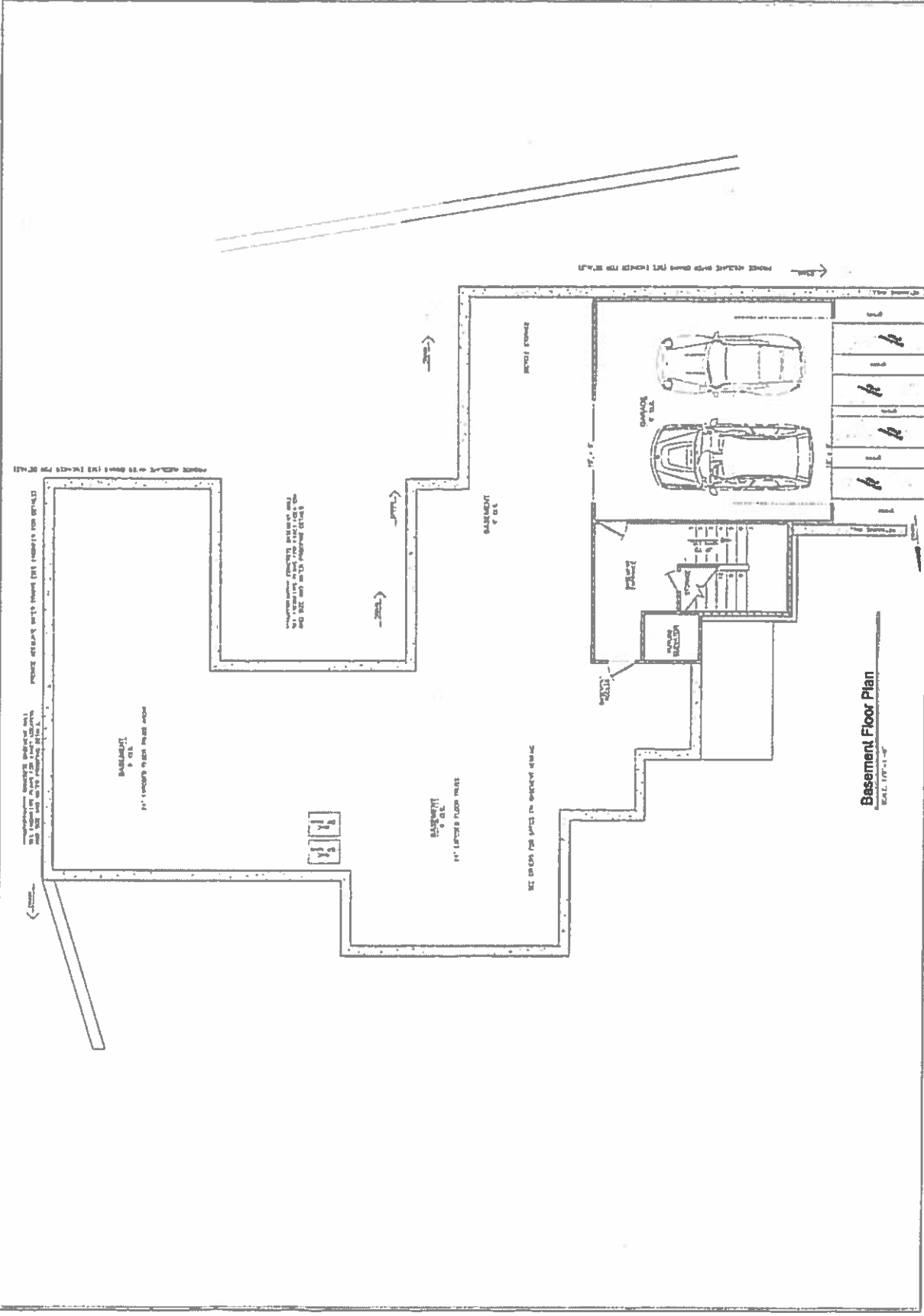
The hardship we face is related to the extreme slope of the lot. We want a basement for Bruce's woodworking and electronics hobbies, but McMansion 4.4.5.3 2) specifies the maximum allowable elevation of the first floor in the case of a basement exemption. If we follow that specification, the roof of the first floor comes out at grade level in the Southwest corner of the lot because the lot slopes up significantly toward that corner. We want to raise the level of the first floor by 5.5 feet above what 4.4.5.3 2) allows so we can have some windows in the SW corner of the house. Thus, we are requesting a variance. It will allow us to optimize the structure on our unique property and will NOT affect our neighbors, since the external appearance and elevation will be unchanged by this request. **Our neighbors are supportive**; we have the approval (with signatures) of our 13 nearest neighbors in this matter.

Sincerely,

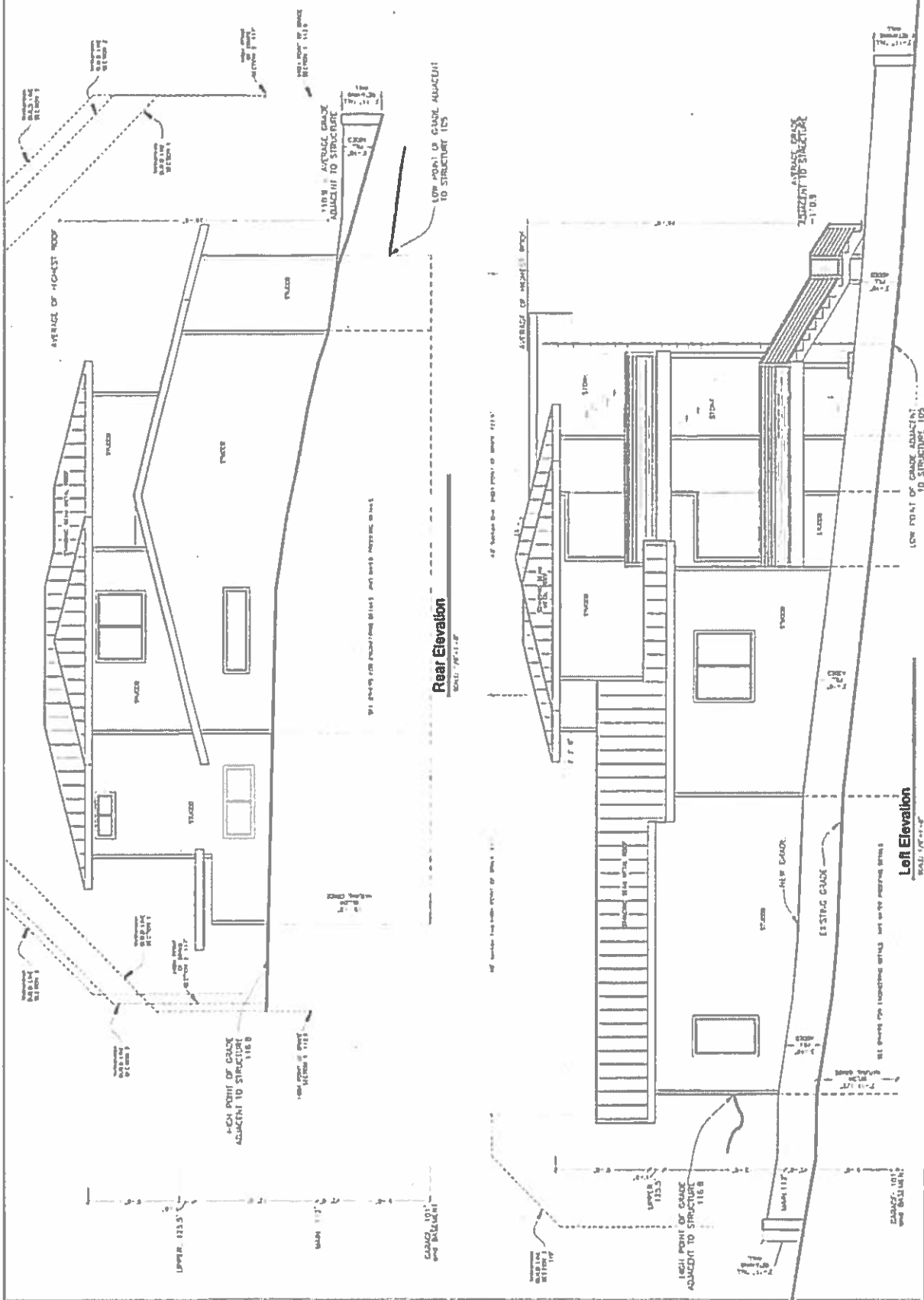


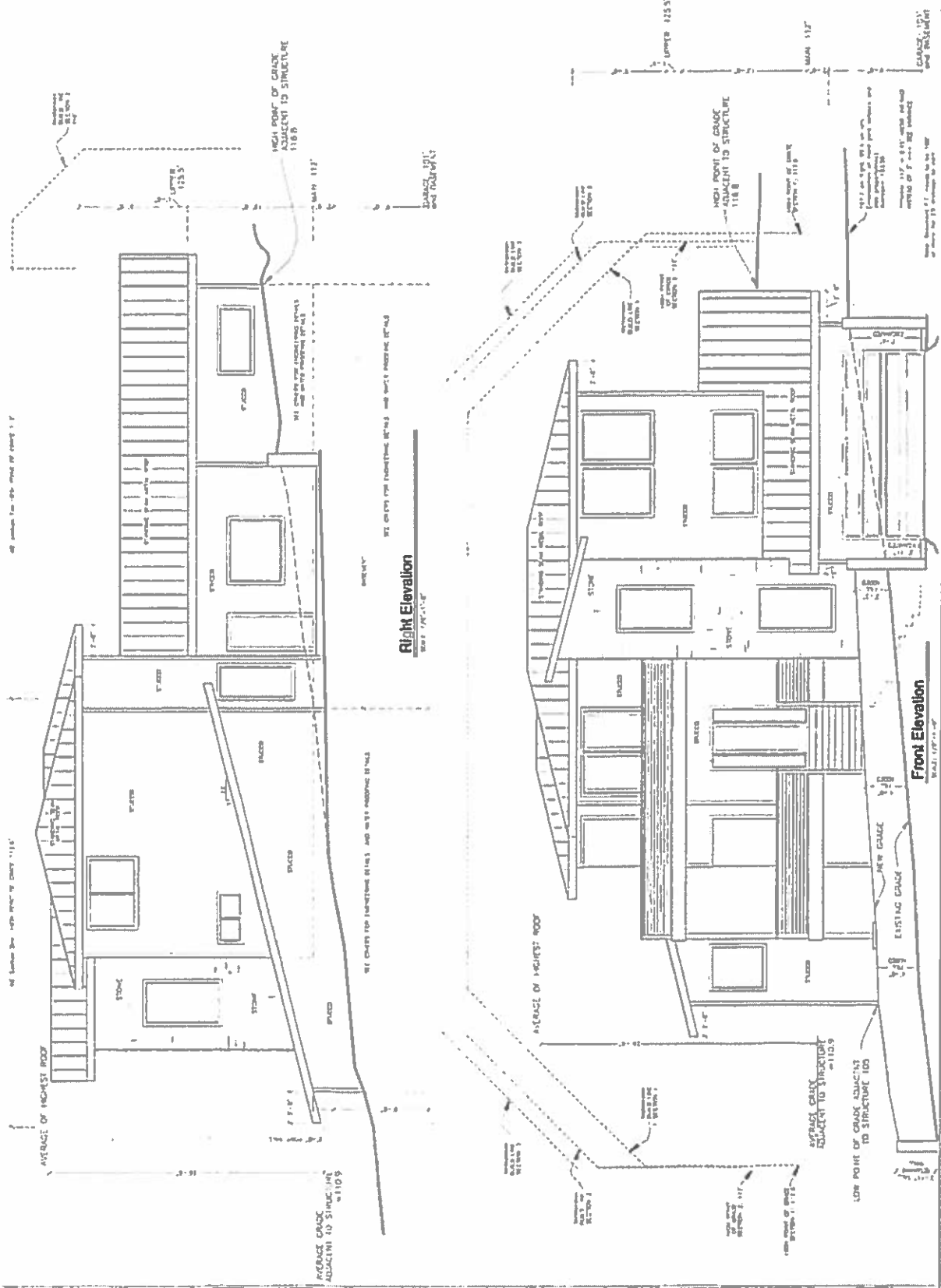
Bruce Griffing
Debra Monticciolo

91/57



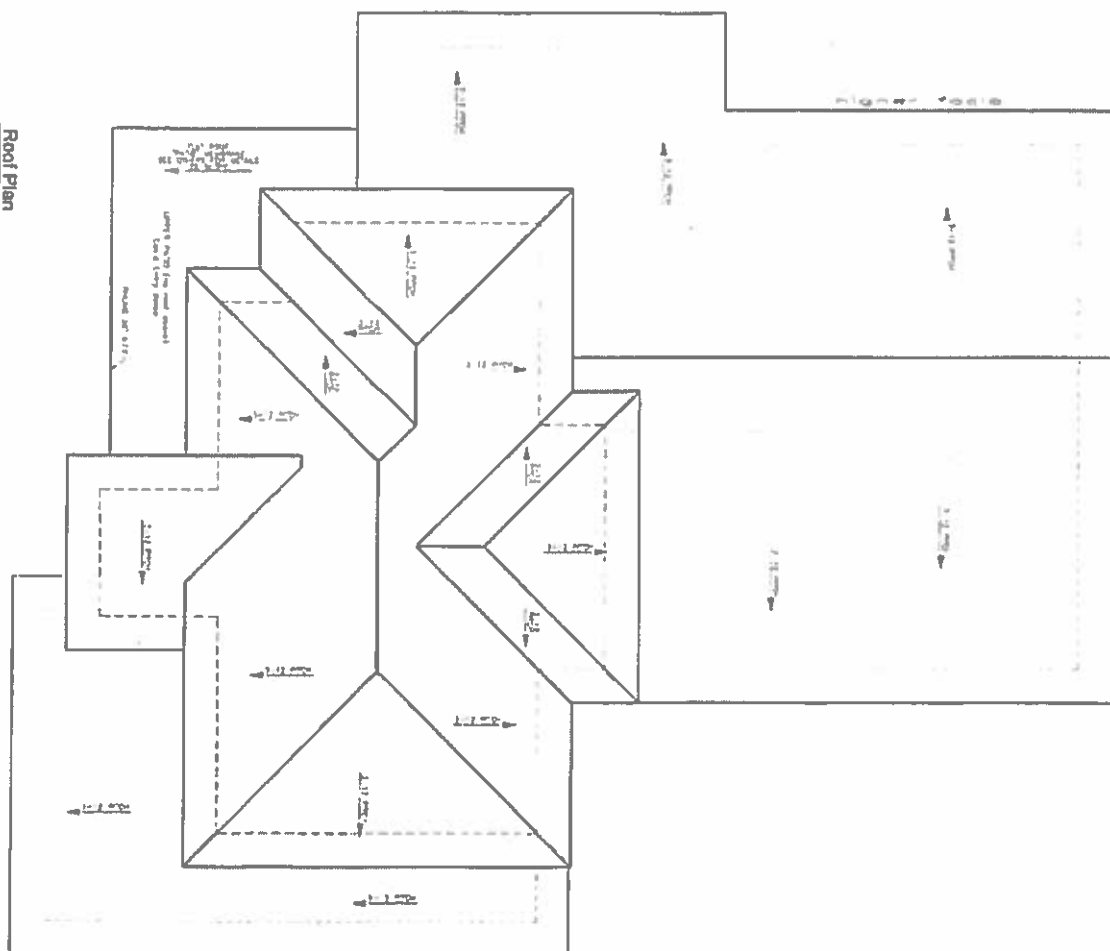
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Roof Plan
See Detail 4

SHEET
A-5
OF 1. SUTS
12/03/2018

Bruce Griffing and Debra Monticciolo
700 Boudin Ave, Austin, TX 78704

John Allen Design
512-773-3527
13740 Research Blvd (Hwy 193)
Suite J-2 Austin, Tx 78750

5/2/7

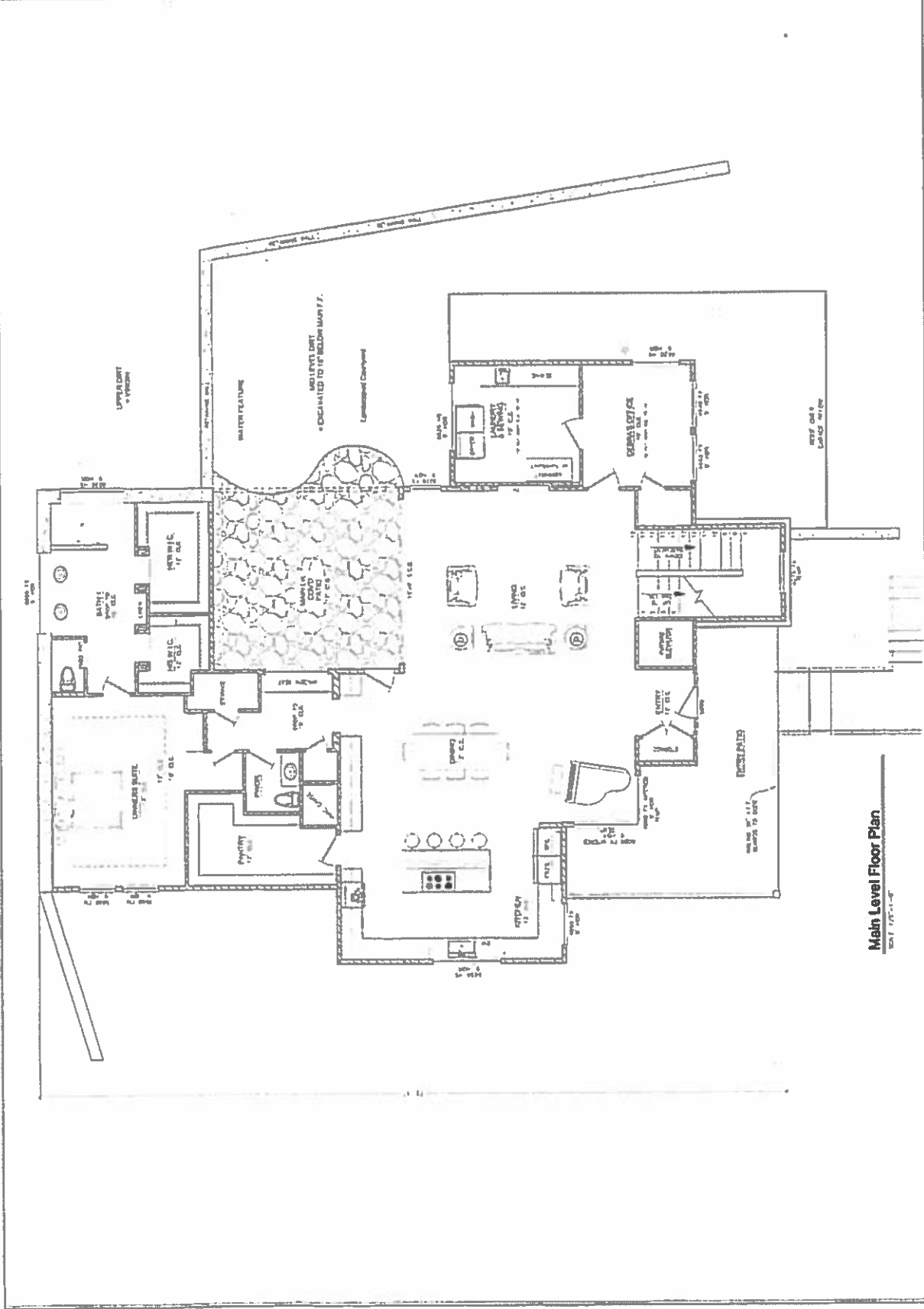
DATE: 8/10/02/03/21

SHEET 7 OF 10

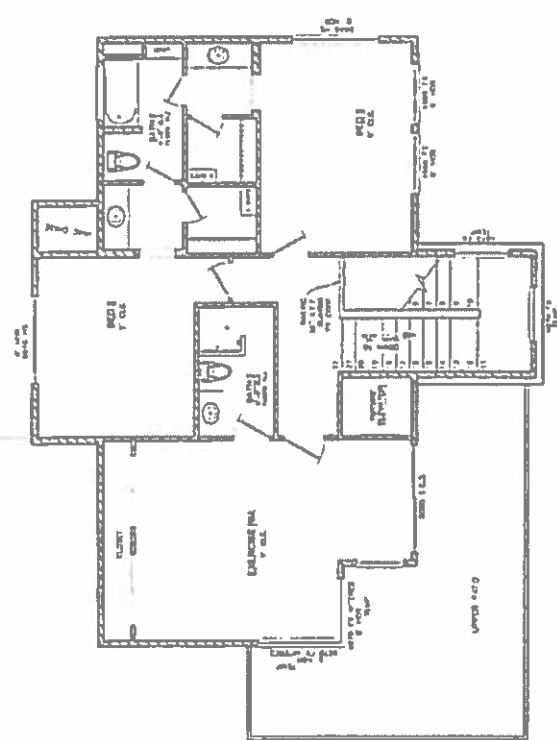
A-3

Bruce Griffing and Debra Monticciolo
700 Boudin Ave., Austin, TX 78704

John Allen Design
512-115-3521
15740 Research Blvd (HWY 193)
Suite J-2 Austin, TX 78758

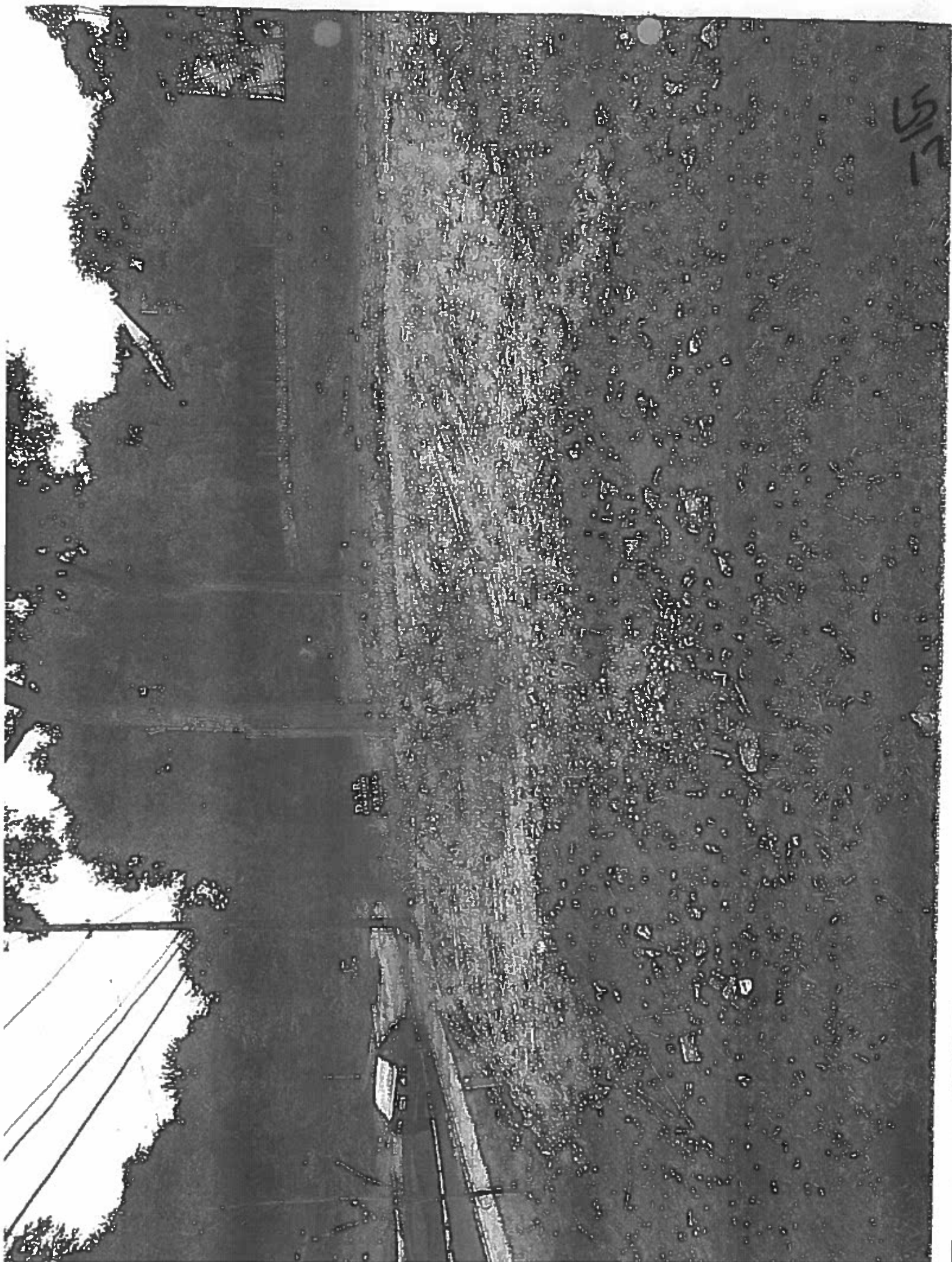


Main Level Floor Plan

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2nd Level Floor Plan







5/5

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LS
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BOULDIN AVE

OAK ST

Yes

Yes

Yes

Yes

Yes

Yes*

Yes*

promised
12/15

Yes

Yes

Vacant

Yes

Yes

Yes

Yes



Bruce Griffing &

McMansion

I, Debra Monticciolo, am applying for a variance from the Board of Adjustment regarding Section 4.4.5.3.2 of the Land

Development Code. The variance would allow me the ability to have a basement exemption on our highly sloping lot. _____

The variance would raise the allowed first floor elevation by 5.5 feet. _____

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

Property Owner Name (Printed)	Address	Signature
Kimberly Ciolli	904 Retama St	



Bruce Griffing &

McMansion

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

Property Owner Name	Address	Signature
Stan Wilson (condition on no ground water or watershed impacts)	906 Post Oak St.	<i>Stan Wilson</i>

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Bruce Griffing &

McMansion

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

Property Owner Name (Printed)	Address	Signature
<i>Debra Monticciolo</i>	<i>972 Oak Oak</i>	<i>[Signature]</i>
<i>Victoria Muddaugh</i>	<i>800 Bouldin</i>	<i>[Signature]</i>
<i>Carla Mason</i>	<i>906 Post Oak</i>	<i>[Signature]</i>

23/5



Bruce Griffing &

McMansion

I, Debra Monticciolo, am applying for a variance from the Board of Adjustment regarding Section 4.4.5.3.2 of the Land

Development Code. The variance would allow me the ability to have a basement exemption on our highly sloping lot. _____

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

Property Owner Name (Printed)	Address	Signature
Bozy Snoffer	904 Post Oak A	
ALEX GUERRA	610 BOUNDIN AVE	
Hallie Ferauson	611 Bouldin Ave.	
Monica Gettins	701 Bouldin Ave	
FORTUNE ALEXANDER	705 Bouldin Ave	
Adrienne Strange	905 Post Oak St	

Heldenfels, Leane

C15-2017-0004 15/25

From: Burkhardt, William - BC
Sent: Tuesday, January 10, 2017 8:36 AM
To: Heldenfels, Leane
Cc: Ramirez, Diana
Subject: FW: M2 C15-2017-0004/700 Bouldin

Leane,

This note is from the chair of the Zoning Committee of the Bouldin Creek Neighborhood Association - will you include it in the case file please.

Thanks,
William

From: paul strange [REDACTED]
Sent: Monday, January 09, 2017 9:15 PM
To: William Burkhardt [REDACTED]
Subject: M2 C15-2017-0004/700 Bouldin

At Steering Committee tonight they asked if I'd remind the BOA that this applicant didn't come before the ZC even though they talked to a number of neighbors and there is no hardship involved with their variance request. 'Nuff said, I don't need to tell you guys how to do your jobs.
Happy New year.

William Burkhardt
Boards and Commissions

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