

# CITY OF AUSTIN

## Board of Adjustment

### Decision Sheet

**DATE: Monday February 12, 2018**

**CASE NUMBER: C15-2018-0005**

<input checked="" type="checkbox"/>	Y	Brooke Bailey
<input checked="" type="checkbox"/>	Y	William Burkhardt
<input type="checkbox"/>	-	Christopher Covo (OUT)
<input checked="" type="checkbox"/>	Y	Eric Goff
<input checked="" type="checkbox"/>	Y	Melissa Hawthorne
<input checked="" type="checkbox"/>	Y	Bryan King
<input checked="" type="checkbox"/>	Y	Don Leighton-Burwell
<input checked="" type="checkbox"/>	Y	Rahm McDaniel
<input checked="" type="checkbox"/>	Y	Veronica Rivera
<input checked="" type="checkbox"/>	Y	James Valadez
<input checked="" type="checkbox"/>	Y	Michael Von Ohlen
<input checked="" type="checkbox"/>	Y	Kelly Blume (Alternate)
<input type="checkbox"/>	-	Martha Gonzalez (Alternate)
<input type="checkbox"/>	-	Pim Mayo (Alternate)

**OWNER/APPLICANT: Evan & Kristina Baehr**

**ADDRESS: 2605 8TH ST**

**VARIANCE REQUESTED:** The applicant has requested a variance from Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Subsection 2.1 (*Maximum Development Permitted*) to increase the maximum floor to area ratio from 0.4 to 1.0 (required, permitted) to 0.44 to 1.0 (requested) in order to add a 37 square foot elevated hallway to connect the main portion of the home to an existing detached air conditioned living space previously built as an art studio located above the garage in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**BOARD'S DECISION: Feb 12, 2018** The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to March 12, 2018, Board Member Bryan King second on an 11-0 vote; **POSTPONED TO MARCH 12, 2018.**

**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:



## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

## 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 # _____	ROW # _____	Tax # _____
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### Section 1: Applicant Statement

Street Address: 2605 W. 8<sup>th</sup> St (AMENDED APPLICATION)

Subdivision Legal Description:

Lot 12A Colla Henry Home Tract Amended Plat of lots 11, 12, 13 & 14 (6,363 SF lot)

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF3-NP

I/We Kristina and Evan Baehr

on behalf of myself/ourselves as

authorized agent for ourselves

affirm that on

Month February , Day 22 , Year 2018

, hereby amend our application for a hearing before the Board of Adjustment

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

Please see attached page.

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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:

Please see attached page.

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### Hardship

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

Please see attached page.

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

Please see attached page.

### 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 page.

**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:

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2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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

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

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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: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Name (typed or printed): Kristina and Evan Baehr

Applicant Mailing Address: 2605 W. 8<sup>th</sup> St

City: Austin

State: Texas

78703

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: \_\_\_\_\_

Owner Name (typed or printed): K

Owner Mailing Address: 2605 W 6<sup>th</sup> St

City: Austin

State: Texas

Zip: 78703

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

### Section 5: Agent Information

Agent Name: N/A

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).

We met with WANG on February 5, 2018, and with the Board of Adjustment on February 12, 2018.  
We plan to meet again with WANG on March 6, and again with the Board of Adjustment on March 12.  
The attached supplement has been revised to incorporate the Board's feedback at the February meeting.

**Baehr Application for 37 SF Hallway  
Supplement Amended 2.26.18  
for March Meeting of the Board of Adjustment**

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

LDC subchapter F Section 2.1 Maximum Development Permitted (FAR) to allow increase from 2,545.2 SF (39.99%) to 2,816 SF (44%) FAR for an enclosed elevated hallway connecting house to existing room above garage. The 430.7 SF garage FAR exemption is reduced to 200 SF credit when adding the 430.7 SF back into the FAR calculations, so the 44% FAR is a technical number, not a true 4% FAR increase. The 37 SF hallway adds less than 1% FAR.

**Reasonable Use**

**The zoning regulations applicable to the property do not allow for a reasonable use because:**

The existing residence was permitted via building permits 2010-077527 (primary residence) and 2010-077528 (detached garage) for a 2 story residence w/ detached garage + art studio. The art studio space was permitted via 2010-077528. The art studio space is currently accessible by an outside staircase. The house was permitted at 43% IC and 39.99% FAR. The TCAD lot size of 6,363 SF allows 2,545 SF (40%) FAR.

The zoning regulations allow the conversion of the space above the garage into FAR-exempted habitable space (small bedroom and bathroom). We are asking for a variance in order to remove the exterior staircase and add a 37 SF enclosed hallway connecting the primary residence's 2nd floor to the existing space above the garage. The proposed 37 SF hallway will not be visible from the street and would allow us to remain in our home.

The hallway, in lieu of the outside staircase, is reasonable access and will benefit the neighborhood, the city, and us as homeowners. Our neighbors have indicated that they much prefer that the space above the garage be accessible from inside the home as opposed to from the outside. Interior access from the master bedroom would ensure the attic space could not be available now, nor in the future, for outside rental by strangers. Short term (or even long term) rentals of detached rooms can result in excessive noise, nuisance, additional cars on the street, and overall undesirable density in the neighborhood. The city has attempted to regulate short-term rentals for these very reasons, and we support stricter control of rental units within single-family neighborhoods. For our part, the hallway will allow us space for our twin babies so that we can stay in a neighborhood we love.

The attic space above the garage was contemplated and recognized on the 2010 building permit as part of the proposed build out of the overall single-family project. The converted space would be exempt from FAR and can be converted by right. We believe it is reasonable to utilize this space as a bedroom but also believe its accessibility is key to its use. The proposed elevated hallway provides an improved (and safer) means of ingress and egress compared to the exterior, dedicated stairway (which is subject to weather elements).

## Hardship

### a) **The hardship for which a variance is required is unique to the property in that:**

We face at least two hardships: denial of the variance would result in an overly strict application of Subchapter F resulting in undue burden placed on the applicant, and, denial of the variance would be contrary to the stated desires of the neighborhood, our adjacent neighbors, and the Code itself.

#### i. **The strict application of the Subchapter F Ordinance to this case is contrary to its purpose because we seek to remove structural mass rather than add to it.**

The Subchapter F Ordinance appears to be intended to reduce scaling and oversize, as § 1.1 provides:

INTENT. This Subchapter is intended to minimize the impact of new construction, remodeling, and additions to existing buildings on surrounding properties in residential neighborhoods by defining an acceptable buildable area for each lot within which new development may occur. The standards are designed to protect the character of Austin's older neighborhoods by ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods.

The strict application of the Ordinance in this particular case, however, does not accomplish that mission for three reasons:

- (i) the non-habitable hallway adds no mass or scale to the structure of the home;
- (ii) the removal of the current bulky staircase *removes* mass and structure; and
- (iii) the hallway will not be visible from the street in any event.

In these respects, the hardship is unique to our particular property. We inherited the bulky outdoor stairway when we purchased the home. We seek only to replace it with a sleeker, *less massive* entry point—which would *promote* the purpose of the Ordinance. And as one board member pointed out at the February meeting, because of the particular layout of our property, the

connection of the home to the room above the garage will not be visible from the street and therefore does not invoke the ordinance.

(Note that a prior proposal included an additional small dormer that would be visible to the street on the right side of the garage. That dormer is allowed by right and is FAR-exempt, without a variance, but has been removed to address Board members' concerns and reduce overall massing of the existing space.)

- ii. **The strict application of the Subchapter F Ordinance in this case is contrary to the desires of the neighborhood, which would prefer a connected rather than disconnected bedroom.**

There is no opposition to this request in the neighborhood, and, in fact, our adjacent and surrounding neighbors strongly *support* the variance. The West Austin Neighborhood Group, as well as our immediate neighbors on both sides, would prefer that the garage bedroom be connected by the hallway as opposed to an exterior staircase or staircase inside the garage. Indeed, WANG has not opposed this variance request on the condition (to which we have agreed) that the bedroom be accessible *only* by the hallway. Our immediate neighbors, David and Ryan McCorkle, have also expressed a strong preference that the bedroom be accessible only through our home. As set forth above, the replacement of the exterior staircase with the interior hallway will ensure that the bedroom will not be available - now or in the future - for outside rental by strangers, thereby protecting the neighborhood from excessive nuisance, density, and parking issues typically associated with for-profit rentals.

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

We are not aware of any other property in the area where the owners desire to connect a garage room to a main home by way of an elevated hallway. Nor are we aware of a property where the connection of a garage room to the main home would (i) *remove* mass, as opposed to add it; and (ii) not be visible from the street.

**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 elevated enclosed hallway will not alter the character of the area whatsoever, as it cannot readily be seen from the street. Nor can it have any impact on the use of the adjacent property.

And importantly, for the reasons set forth above, the variance will *promote* rather than *impair* the purpose of SubChapter F FAR Regulations, which are designed to prevent the additional of mass to existing structures in a way that affects the character of the neighborhood. Here, the replacement of the exterior bulky



staircase with the sleeker (and safer) interior elevated hallway will *reduce* structural mass.

Letters of Support

[REDACTED]

**Subject:** Re: Note in support of variance

To Whom It May Concern,

I am the immediate neighbor to the Baehr family home, located at 2605 W 8th St. I have reviewed the proposed renovation plan and support the variance on their property to allow for construction of a raised, uninhabited, conditioned hallway connecting their home to their garage apartment. We much prefer that the Baehrs take down the current staircase and replace it with the hallway so that the garage room is not accessible by an outside entrance.

Due to sight lines, this hallway will not be visible from the street, nor from my property, and so will not impact local aesthetics. It will, however, provide much needed space and relief for the growing Baehr family, granting them the opportunity to remain in the home, school, and community they love. It would also have the benefit of foreclosing short term rentals in the future for the garage apartment, which could prove to be a nuisance to us as neighbors.

Our neighborhood greatly benefits from the Baehr family's continued residence, as they have steadily nurtured friendships with neighbors, including myself and my family, in the years they've lived here, and our community is strengthened by neighbors such as them.

I have such trust in the Baehr family that my 7 year-old twins were long ago instructed to "run next door and ask the Baehrs for help" if ever an emergency arises that they don't know how to handle and where my husband, myself, or the adult in charge, are unavailable/incapacitated. As any parent will understand, this very simple instruction is, by far, the greatest evidence I can offer to my good opinion of the Baehr family's character and the value they add here to our local community.

Please approve the variance so they can stay put.

Sincerely,

Davi McCorkle  
2603 W 8th St  
Austin TX 78703

[REDACTED]  
**Sent:** Monday, February 05, 2018 9:41 AM

[REDACTED]  
[REDACTED] ... your neighbor

Hi Evan/Kristina,

Please consider this as a strong letter of support. I have reviewed the plan and am absolutely in agreement with the additional square footage and design. Please consider this as my approval of the variance and fully support the neighborhood and city in this process. Evan and Kristina are not only great neighbors, they are great stewards and supporters of Deep Eddy. My home is next door to the west and the addition will have no negative effect on my property or the surrounding area. Please grant the request, I would like to keep them as my neighbors!

Best,

John Lairsen

[REDACTED]  
512.789.7801  
Member, Luxury League  
ABJ Top Producer 2016

**From:** [REDACTED]  
**Sent:** Thursday, February 01, 2018 9:38 AM  
[REDACTED]  
**Subject:** Variance

Dear Kristina,

I have reviewed the proposal for adding a 37 square foot hallway to your home and fully support the neighborhood association and city granting a variance that will allow for the change. The additional hallway will blend into the existing façade (to the extent it is even visible at all from the street), and your home will continue to be beautiful. You and Evan are wonderful neighbors and community members, and it would be a loss to Deep Eddy if you were forced to move in order to accommodate your growing family,

Sincerely,  
Laurie Fitzgerald (2390 W. 8<sup>th</sup> Street)

Laurie Fitzgerald  
McKool Smith P.C.  
[REDACTED]  
512.692.8723

This message may contain communications subject to the attorney-client privilege and/or work product protection. If you have received it in error please delete it immediately and contact me.

[REDACTED]  
Sent: Thursday, January 11, 2018 10:07 PM

[REDACTED]  
Subject: Variance - note of support

Kristina,

Graeme and I have reviewed your plan to connect your house to the above-garage studio via an enclosed stairwell, and are very much in support of you being granted a variance for the project. We love having you as neighbors, and your beautiful and well-maintained home is a credit to the neighborhood. This does not look like it will alter the size, shape, or look of your home at all, and is certainly not something that could be objected to on visual grounds since it will not be noticeable from the street. It would be such a shame if your family were forced out of your house as it grows, and we hope you will stay in the neighborhood, supporting the public schools and so many neighborhood groups and clubs, as you have for so many years. We always love the gatherings at your house, and remember when you invited several streets of neighbors over for dessert and coffee one night, and everyone stayed to chat about the neighborhood's history and get to know each other. You have been ideal neighbors!

Meg Kirkendall Rein

[REDACTED]  
512-550-1380

[REDACTED]  
Sent: Wednesday, January 10, 2018 5:45 PM  
Subject: Note in support of variance  
[REDACTED]

Kristina,

Michael and I fully support the neighborhood association and the city granting you and Evan a variance to build an enclosed hallway connecting your main house to your garage apartment. Ya'll are fabulous neighbors -- and thank you for all of your support of the Deep Eddy neighborhood Halloween party! And ya'll are tremendous contributors to our community more generally (your work with CASA is so critical). It's always a delight running into the Baehr family in the neighborhood. And I can't imagine a more pressing scenario for needing a variance -- unexpected twins are an usual circumstance to be sure!

The addition to your place wouldn't cause any detriment to the look or feel of the neighborhood. In fact, it would hardly be noticeable.

Please let me know if I can help in any way.

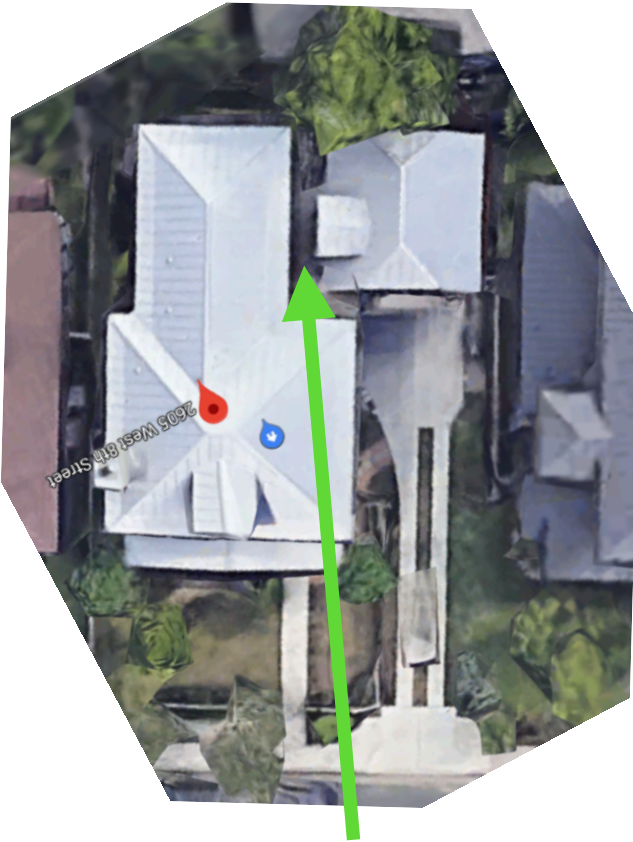
Best,  
Leah

Leah Buratti  
808 Wayside Dr.  
Austin, TX 78703  
512-888-4099

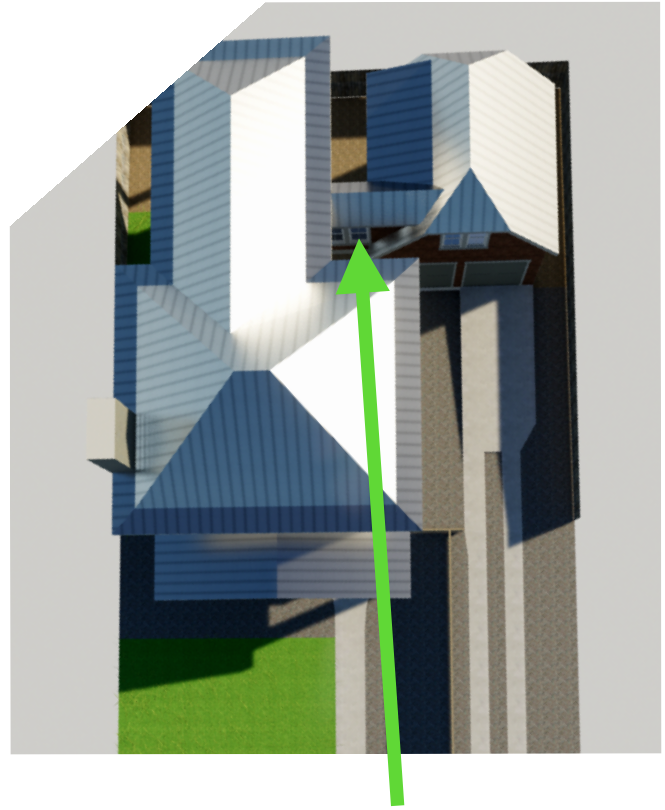
Renderings



## New Structure adds minimal mass from aerial view.



This is the current aerial shot. You can see the existing door roofline over the exterior door. This door exit begins the roof line for the to-be-constructed connection. The connector will extend the existing roof line.



This is the new rendering. The green arrows shows the extended door roofline that will connect to the main house. The extension basically extends that roof line about 10'.

## Old stairwell is large mass to be removed.



This is the existing stairwell to the second story garage apartment. This stairwell to be torn down, removing significant mass from the structure.

**New structure can barely be seen from the street view.**



Existing view of garage.



New view of garage with connector.





## 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 website:

[www.austintexas.gov/department/development-services](http://www.austintexas.gov/department/development-services)

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:** C15-2018-0005, 2605 W. 8<sup>th</sup> St.

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

**Public Hearing:** Board of Adjustment, February 12th, 2018

*NEAR BOTTOM*

Your Name (please print)

*2413 W. 9TH STREET*

Your address(es) affected by this application

*[Signature]*

Signature

Daytime Telephone: *512-923-0733*

Date

*2-20-18*

Comments:

*I'M SUPPORTIVE OF  
THIS REQUEST AS A MINIMUM  
DEPARTURE FROM CODE-MINIMUM  
REQUIREMENTS TO ACCOMMODATE  
THE OWNERS/RESIDENTS.*

**Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be sent via:**

**Mail:** City of Austin-Development Services Department/ 1st Floor  
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 seen by the Board at this hearing)

**Fax:** (512) 974-6305

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

004/19

004/20



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## NOTIFICATIONS

CASE#: C15-2018-0005  
LOCATION: 2605 W 8th 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" = 88'



## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

## Board of Adjustment General/Parking Variance Application

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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.

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### For Office Use Only

Case # C15-2018-0005 ROW # 115491403 Tax # 0111071014

### Section 1: Applicant Statement

Street Address: 2605 W. 8th St

Subdivision Legal Description:

Lot 12A Colla Henry Home Tract Amended Plat of lots 11, 12, 13 & 14 (6,363 SF lot)

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF3-NP (West Austin Neighborhood Group)

I/We Kristina and Evan Baehr on behalf of myself/ourselves as  
authorized agent for ourselves affirm that on  
Month December, Day 11, Year 2017, hereby apply for a hearing before the  
Board of Adjustment for consideration to (select appropriate option below):

☒ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: \_\_\_\_\_

Type of Structure: single family residential

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

Please see attached page.

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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:

Please see attached page.

---



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### Hardship

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

Please see attached page.

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

We are not aware of any other families in the area which are expecting twins and need to remodel their home in order to accommodate a growing family, yet are constrained by an unobstructed non-habitable elevated hallway which does not add to size and scale of the residence.



**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:  Date: 1/8/18

Applicant Name (typed or printed): Kristina and Evan Baehr

Applicant Mailing Address: 2605 W. 8th St

City: Austin State: texas Zip: 78704

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: 1/8/18

Owner Name (typed or printed): Kristina and Evan Baehr

Owner Mailing Address: 2605 W. 8th St

City: Austin State: Texas Zip: 78704

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

**Section 5: Agent Information**

Agent Name: N/A

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).

We are meeting with WANG on January 2, 2018. We will provide an update to the BOA

~~Commission at the February BOA agenda as well as any additional letters of support we obtain.~~

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

LDC subchapter F Section 2.1 Maximum Development Permitted (FAR) to allow increase from 2,545.2 SF (39.99%) to 2,816 SF (44%) FAR for an enclosed elevated hallway connecting house to room above garage. The 430.7 SF garage FAR exemption is reduced to 200 SF credit when adding the 430.7 SF is added back into the FAR calculations, so the 44% FAR is a technical number, not a true 4% FAR increase. The 37 SF hallway adds less than 1% FAR.

### **Reasonable Use**

The zoning regulations applicable to the property do not allow for a reasonable use because:

The existing residence was permitted via building permits 2010-077527 and 2010-077528 for a 2 story residence w/ detached garage + art studio above garage. The house was permitted at 43% IC and 39.99% FAR. The TCAD lot size of 6,363 SF allows 2,545 SF (40%) FAR. We are asking for 2,816 SF FAR, or 44%, in order to add a 37 SF enclosed hallway connecting the primary residence's 2nd floor to the existing art studio above the garage. The reason we need the hallway is due to our unexpected twin pregnancy which adds considerable need for more space in our home. We do not and cannot afford to move. We love our neighborhood and want to stay in it. The elevated hallway would not be visible from the street and would allow us to remain in our home with our existing family.

### **Hardship**

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

The Subchapter F Ordinance appears to be intended to reduce scaling and oversize, no articulated homes. Our home only needs a non-habitable hallway enclosure which will not add mass or scale to the structure so we can access the remodeled twin baby's room from our upstairs bedroom. The announcement of twins in addition to our existing, growing family is a blessing but pushes our need for more creative space within the home. We currently office out of the house and cannot afford to remove any of the Square footage.



## 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 elevated enclosed hallway will not alter the area character. It will only add ~37 SF FAR and cannot readily be seen from the street. The overall FAR will be 2,816 SF FAR on a 6,363 SF lot, or 44% and will allow us to remain in our home while maintaining the spirit and intent of SubChapter F FAR regulations.

### **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:

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2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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

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

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**Subchapter F****Gross Floor Area**

This section is only required for projects located within the Residential Design and Compatibility Standards Ordinance Boundaries as defined and illustrated in Title 25-2 Subchapter F of the Land Development Code. The Gross Floor Area of each floor is measured as the area contained within the outside edge of the exterior walls.

	Existing Sq Ft	New/Added Sq Ft	Proposed Exemption (check article utilized)	Applied Exemption Sq Ft	Total Sq Ft
1 <sup>st</sup> Floor	1,349.00				1,349.00
2 <sup>nd</sup> Floor	1,196.00				1,196.00
3 <sup>rd</sup> Floor					0.00
Area w/ ceilings > 15'			Must follow article 3.3.5		0.00
Ground Floor Porch* (check article utilized)	233.00		<input checked="" type="checkbox"/> Full Porch sq ft (3.3.3 A) <input type="checkbox"/> 200 sq ft (3.3.3 A 2)	233.00	0.00
Basement			Must follow article 3.3.3B, see note below		0.00
Attic	433.70		Must follow article 3.3.3C, see note below	433.70	0.00
Garage**: (check article utilized)	Attached		<input type="checkbox"/> 200 sq ft (3.3.2 B 1)		0.00
	Detached	433.70	<input checked="" type="checkbox"/> 450 sq ft (3.3.2 A 1 / 2a) <input type="checkbox"/> 200 sq ft (3.3.2 B 2a / 2b)	433.70	0.00
Carport**: (check article utilized)	Attached		<input type="checkbox"/> 450 sq ft (3.3.2 A 3) <input type="checkbox"/> 200 sq ft (3.3.2 B 1)***		0.00
	Detached		<input type="checkbox"/> 450 sq ft (3.3.2 A 1)		0.00
Accessory Building(s) (detached)					0.00
Totals	3,645.40	0.00			2,545.00

TOTAL GROSS FLOOR AREA (add Total Sq Ft column) 2,545.00

(Total Gross Floor Area ÷ Lot Area) x 100 = 40 Floor-To-Area Ratio (FAR)

Is a sidewall articulation required for this project? Y ☒ N

(Yes, if: a wall, 15' tall or higher, within 9 feet of a side property line extends further than 36 feet in length per article 2.7.1)

Does any portion of the structure extend beyond a setback plane/exemption exhibit (aka "tent")? Y ☒ N

(If Yes, indicate applicable section of Subchapter F and length of protrusion on the drawings.)

**\*Ground Floor Porch exemption:** A ground floor porch, including a screened porch, may be exempted, provided that the porch is not accessible by automobile and is not connected to a driveway; and the exemption may not exceed 200 square feet if a porch has habitable space or a balcony above it.

**\*\*Garage and carport exemptions (in relation to primary structure):** Exemptions must follow the code as outlined in Title 25-2 Subchapter F 3.3.2. Each amount listed (450 or 200) is the maximum exclusion allowed per the article designated. Note: Article 3.3.2 C, "An applicant may receive only one 450-square foot exemption per site under paragraph A. An applicant who receives a 450-square foot exemption may receive an additional 200-foot exemption for the same site under paragraph B, but only for an attached parking area used to meet minimum parking requirements."

**\*\*\*Ordinance article 3.3.2 B 1** is the only 200 sq ft exemption that may be combined with a 450 sq ft exemption. Otherwise only one 450 exemption or one 200 sq ft exemption may be taken.

**Basement exemption:** A habitable portion of a building that is below grade may be exempted if the habitable portion does not extend beyond the first-story footprint and is below natural or finished grade, whichever is lower; and it is surrounded by natural grade for at least 50% of its perimeter wall area and the finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.

**Habitable Attic exemption:** A habitable portion of an attic may be exempted if: 1) The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater; 2) It is fully contained within the roof structure; 3) It has only one floor; 4) It does not extend beyond the footprint of the floors below; 5) It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and 6) Fifty percent or more of the area has a ceiling height of seven feet or less.

## Subchapter F

### Gross Floor Area

This section is only required for projects located within the Residential Design and Compatibility Standards Ordinance Boundaries as defined and illustrated in Title 25-2 Subchapter F of the Land Development Code. The Gross Floor Area of each floor is measured as the area contained within the outside edge of the exterior walls.

	Existing Sq Ft	New/Added Sq Ft	Proposed Exemption (check article utilized)	Applied Exemption Sq Ft	Total Sq Ft
1 <sup>st</sup> Floor	1,349.00				1,349.00
2 <sup>nd</sup> Floor	1,196.00	37.00			1,233.00
3 <sup>rd</sup> Floor					0.00
Area w/ ceilings > 15'			Must follow article 3.3.5		0.00
Ground Floor Porch* (check article utilized)	233.00		<input type="checkbox"/> Full Porch sq ft (3.3.3 A) <input type="checkbox"/> 200 sq ft (3.3.3 A 2)	233.00	0.00
Basement			Must follow article 3.3.3B, see note below		0.00
Attic	433.70		Must follow article 3.3.3C, see note below	433.70	0.00
Garage**: (check article utilized)	Attached	433.70	<input checked="" type="checkbox"/> 200 sq ft (3.3.2 B 1)	200.00	233.70
	Detached		<input type="checkbox"/> 450 sq ft (3.3.2 A 1 / 2a) <input type="checkbox"/> 200 sq ft (3.3.2 B 2a / 2b)		0.00
Carport**: (check article utilized)	Attached		<input type="checkbox"/> 450 sq ft (3.3.2 A 3) <input type="checkbox"/> 200 sq ft (3.3.2 B 1)***		0.00
	Detached		<input type="checkbox"/> 450 sq ft (3.3.2 A 1)		0.00
Accessory Building(s) (detached)					0.00
Totals	3,645.40	37.00			2,815.70

TOTAL GROSS FLOOR AREA (add Total Sq Ft column) 2,815.70

(Total Gross Floor Area ÷ Lot Area) x 100 = 44 Floor-To-Area Ratio (FAR)

Is a sidewall articulation required for this project? Y N

(Yes, if: a wall, 15' tall or higher, within 9 feet of a side property line extends further than 36 feet in length per article 2.7.1)

Does any portion of the structure extend beyond a setback plane/exemption exhibit (aka "tent")? Y N

(If Yes, indicate applicable section of Subchapter F and length of protrusion on the drawings.)

**\*Ground Floor Porch exemption:** A ground floor porch, including a screened porch, may be exempted, provided that the porch is not accessible by automobile and is not connected to a driveway; and the exemption may not exceed 200 square feet if a porch has habitable space or a balcony above it.

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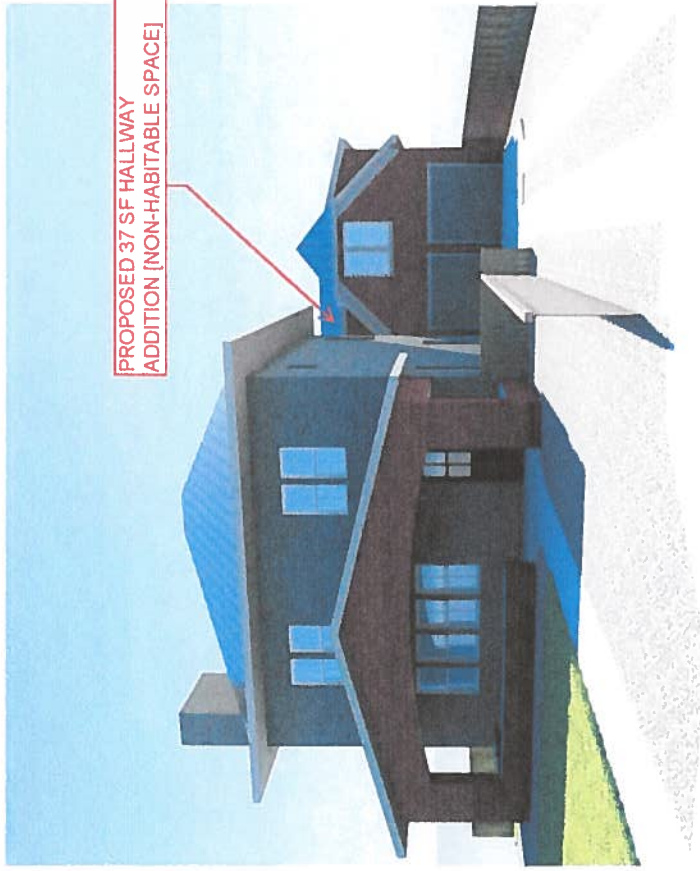
**Basement exemption:** A habitable portion of a building that is below grade may be exempted if the habitable portion does not extend beyond the first-story footprint and is below natural or finished grade, whichever is lower; and it is surrounded by natural grade for at least 50% of its perimeter wall area and the finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.

**Habitable Attic exemption:** A habitable portion of an attic may be exempted if: 1) The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater; 2) It is fully contained within the roof structure; 3) It has only one floor; 4) It does not extend beyond the footprint of the floors below; 5) It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and 6) Fifty percent or more of the area has a ceiling height of seven feet or less.





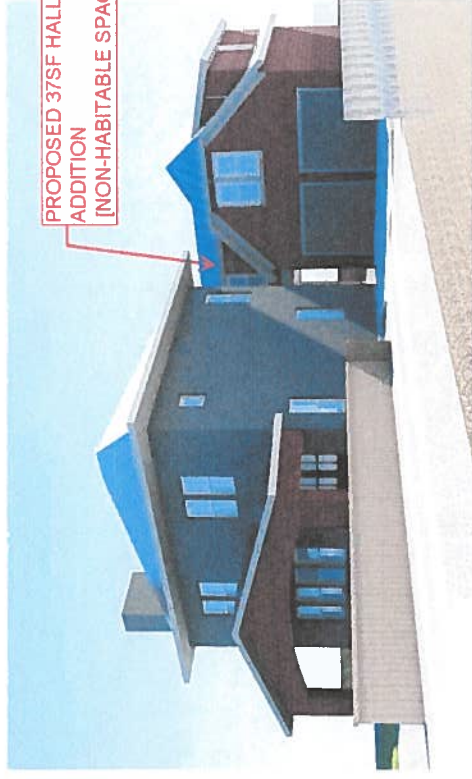
EXISTING STREET VIEW OF 2605 WEST 8TH STREET, 78703.



PROPOSED STREET VIEW OF 2605 WEST 8TH STREET, 78703  
[EXISTING LANDSCAPING TO REMAIN BUT NOT SHOWN FOR CLARITY]



EXISTING STREET PERSPECTIVE VIEW OF 2605 WEST 8TH STREET, 78703



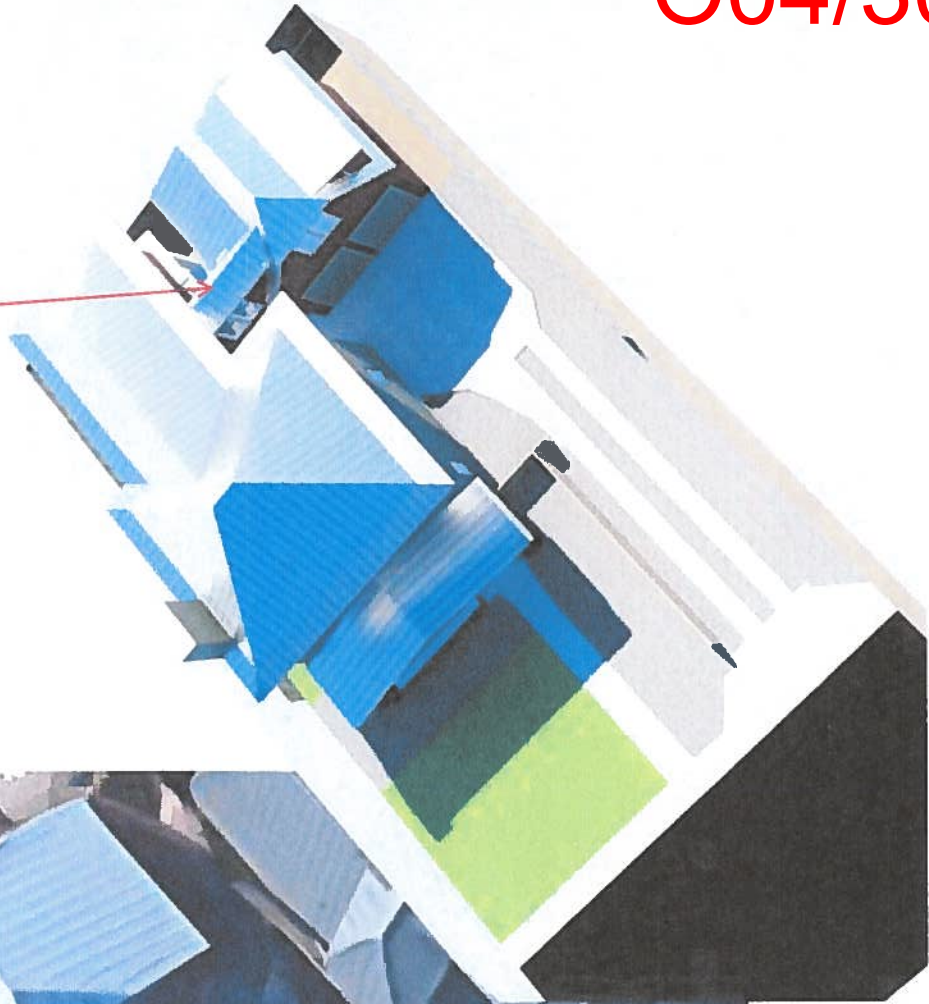
PROPOSED STREET PERSPECTIVE VIEW OF 2605 WEST 8TH STREET, 78703  
[EXISTING LANDSCAPING TO REMAIN BUT NOT SHOWN FOR CLARITY]



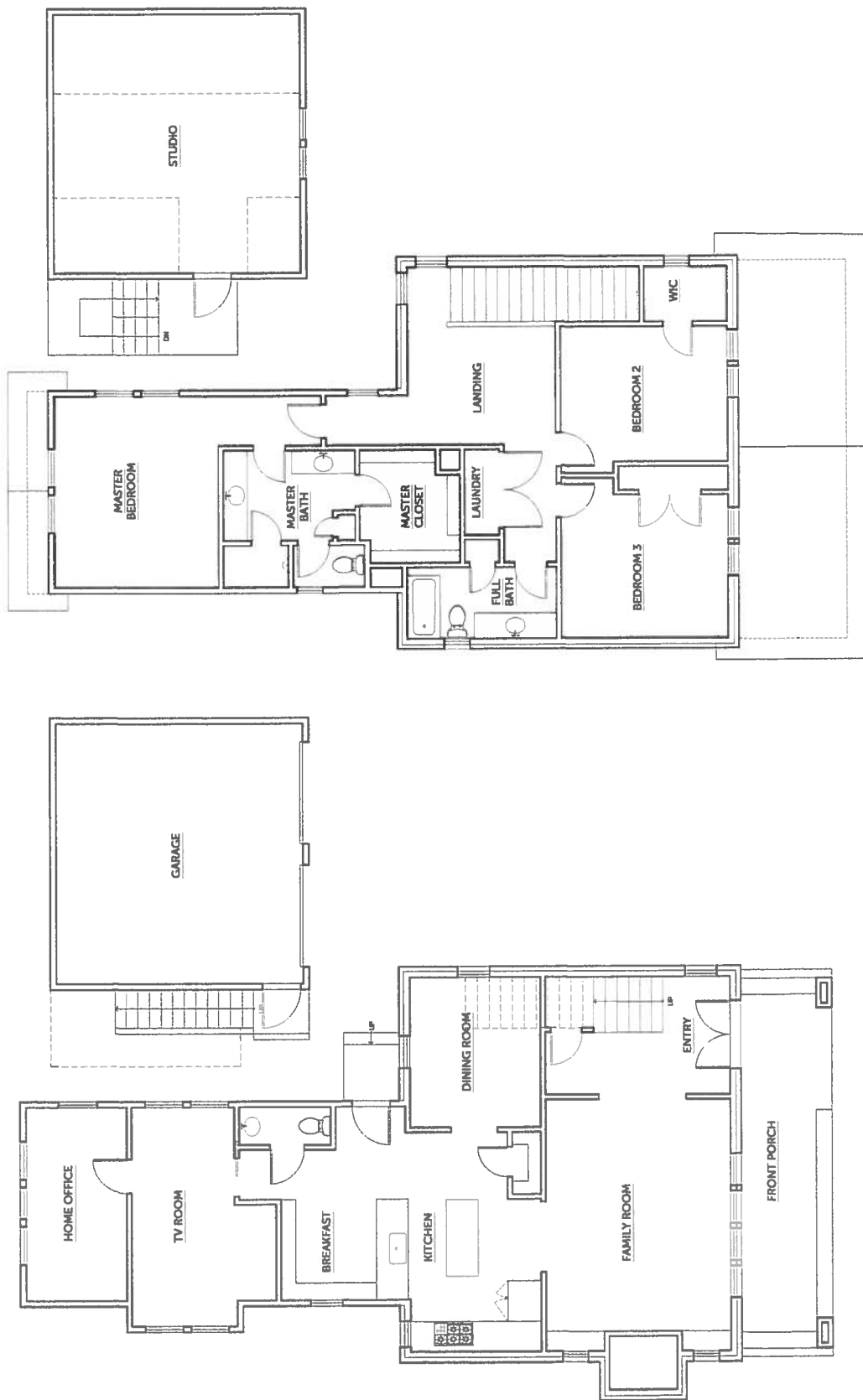


PROPOSED 37SF HALLWAY ADDITION  
[NON-HABITABLE SPACE]

EXISTING BIRDS-EYE VIEW OF 2605 WEST 8TH STREET, 78703



PROPOSED BIRDS-EYE VIEW OF 2605 WEST 8TH STREET, 78703



1 EXISTING LEVELS 1 & 2 FLOOR PLANS



CONSTRUCTION MANAGEMENT  
402 CORRAL LANE  
AUSTIN, TEXAS 78745  
CHUCK 512-444-1380  
FAX 512-444-1790

402 CORRAL LANE  
AUSTIN, TEXAS 78745  
CHUCK 512-444-1380  
FAX 512-444-1790

RENOVATIONS  
AT THE

BAEHR  
RESIDENCE

2605 WEST 8TH STREET  
AUSTIN, TEXAS 78703



BAEHR

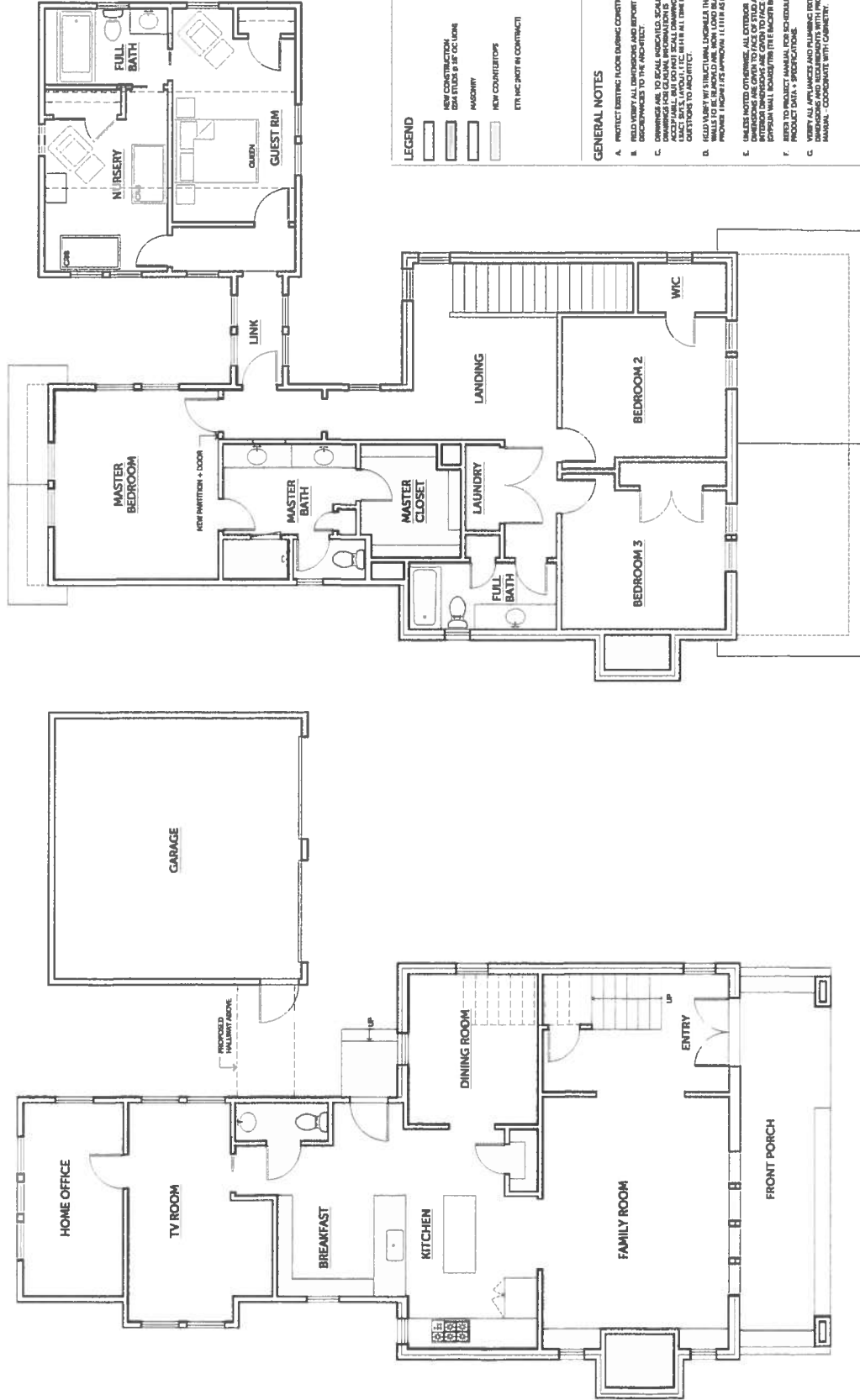
VARIANCE  
APPLICATION

12.14.2017

PROPOSED  
FLOOR PLANS

SHEET NO.

A4.0



1 PROPOSED LOWER LEVEL FLOOR PLAN

2 PROPOSED UPPER LEVEL FLOOR PLAN





CONSTRUCTION AMERICAN PROJECT BUILD  
DESIGN-BUILD  
412 CORRAL LANE  
AUSTIN, TEXAS 78745  
CHUCK: 512-444-1340  
FAX: 512-444-1790

RENOVATIONS  
AT THE

BAHR  
RESIDENCE

2605 WEST 8TH STREET  
AUSTIN, TEXAS 78703



BAHR

VARIANCE  
APPLICATION

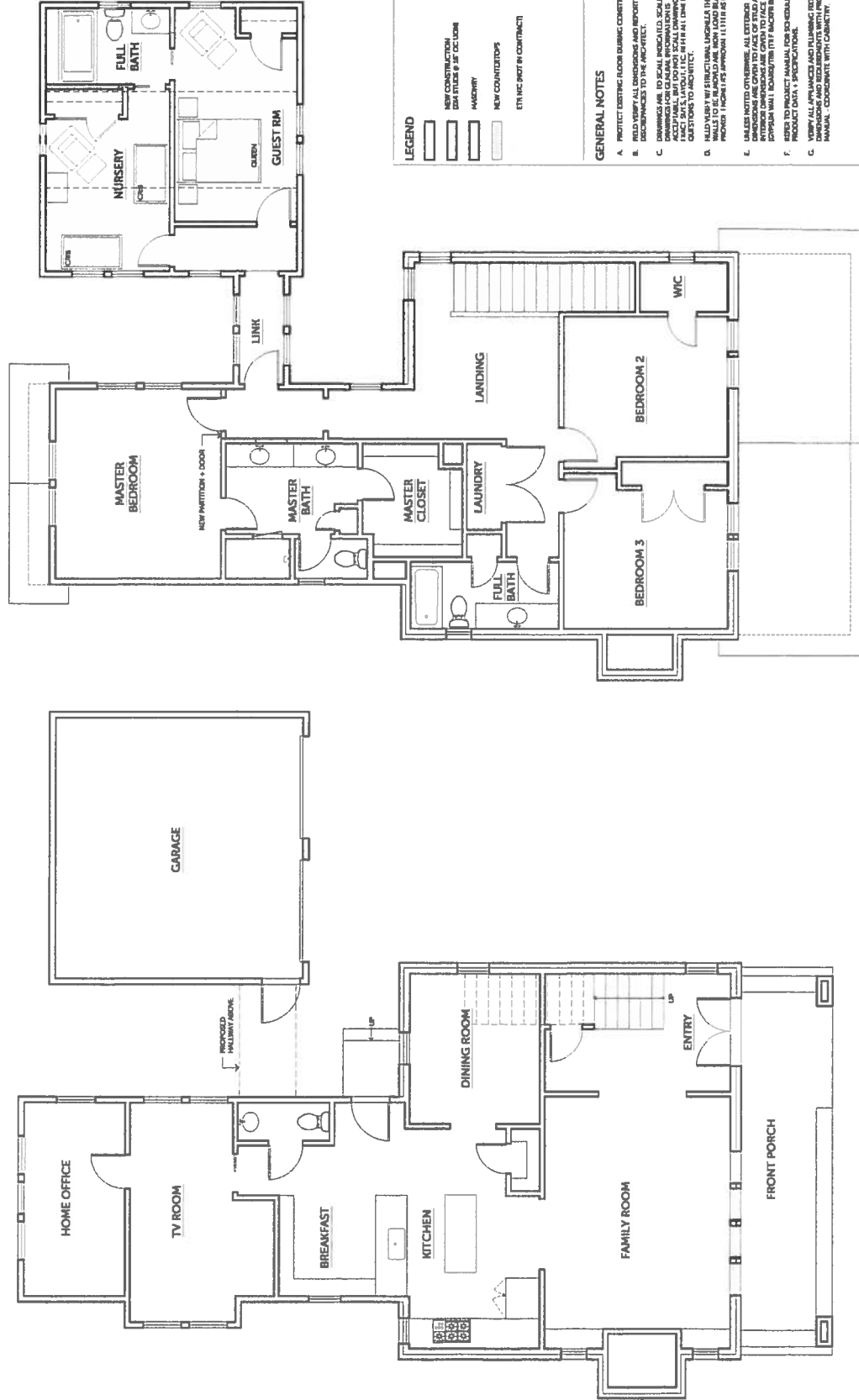
11.14.2027

PROPOSED  
FLOOR PLANS

SCALE: 1/4" = 1'-0"

SHEET NO.

A4.0



2 PROPOSED UPPER LEVEL FLOOR PLAN

1 PROPOSED LOWER LEVEL FLOOR PLAN



## 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 website:

[www.austintexas.gov/department/development-services](http://www.austintexas.gov/department/development-services)

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:** C15-2018-0005, 2605 W. 8<sup>th</sup> St.

**Contact:** Leane Heldentfels, 512-974-2202, [leane.heldentfels@austintexas.gov](mailto:leane.heldentfels@austintexas.gov)

**Public Hearing:** Board of Adjustment, February 12th, 2018

Leane Heldentfels

Your Name (please print)

809 Noeview Lane

Your address(es) affected by this application

Leane Heldentfels

Signature

2/5/18  
Date

Daytime Telephone: 512-923-5170

Comments: \_\_\_\_\_

☒ I am in favor  
☐ I object

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be sent via:

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

Leane Heldentfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be seen by the Board at this hearing)

**Fax:** (512) 974-6305

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

**From:** [REDACTED]  
**Subject:** Case Number C15-2018-0005  
**Date:** Saturday, February 03, 2018 6:40:29 PM

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My name is Brian Graham and my wife Deena and I reside at 709 Norwalk Lane, within 500 feet of the subject of this hearing. My phone number is (512) 740-7533.

We are IN FAVOR of the variance, for the following reasons:

A hall connecting the main home to the art studio above the garage at 2605 West 8th would be practically invisible from the street due to the way the side of the garage and home are situated. The garage is set back quite deeply which would make the connecting hallway very difficult to even see from the street. It would necessarily be completely within the setback plane. From an aesthetic point of view, it basically makes no difference. Since the primary purpose of the McMansion Ordinance at Subchapter F is to ensure appropriate aesthetics, the fact that the aesthetics would not change is noteworthy.

I assume the reason for a 10% variance request for a tiny 37 sf hallway is the assumption that the new hallway would cause the garage to no longer be "detached" within the meaning of Subchapter F Subsection 3.3.2.B.2. Actually according to your public hearing notice, the proposed hallway would not attach to the garage at all, but rather to "an art studio located above the garage." Clearly you agree that the art studio is distinct from the garage. Since the proposed connecting hall between the main home and the art studio above the garage would not constitute an attachment between the home structure and the garage itself, the garage in this case would continue to be detached from the main structure, and therefore should continue to fall within the 3.3.2.B.2 exception from gross floor area.

And last but not least, it's an art studio! Who doesn't love art.

Thank you for accepting our comments into the record.

Brian and Deena Graham

Sent from my iPad

**From:** [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** C-15-2018-0005; 2605 W 8th Street  
**Date:** Thursday, February 08, 2018 4:05:38 PM

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02-08-2018

Leane Heldenfels, Liaison  
Board of Adjustment  
City of Austin

Board of Adjustment:

The Board of Directors (BoD) of West Austin Neighborhood Group (WANG), at its regularly scheduled monthly meeting discussed with the applicants the above referenced variance request at 2605 W 8th Street.

After deliberation, the BoD voted unanimously to recommend to the Board of Adjustment our non-opposition to the requested variance with the understanding that the applicants intend to remove the outside staircase to the upper garage habitable space and that they will not, subsequent to the granting of the requested variance, install an internal staircase within the garage to access the upper level. It was also noted by the WANG BoD that there appears to be no close by neighbor opposition to the requested variance.

A member of the neighborhood association will attend the hearing on this matter on Monday 12 February to answer questions. Thank you for your service to the City.

Respectfully;

Blake Tollett, Zoning  
WANG