

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

DATE: Monday March 12, 2018

CASE NUMBER: C15-2018-0006

- Y Brooke Bailey
- N William Burkhardt
- Y Christopher Covo
- Y Eric Goff
- Melissa Hawthorne (out)
- Y Bryan King
- Y Don Leighton-Burwell
- Rahm McDaniel (out)
- Y Veronica Rivera
- N James Valadez
- Y Michael Von Ohlen
- Y Kelly Blume (Alternate)
- Y Martha Gonzalez (Alternate)
- Pim Mayo (Alternate)

APPLICANT: Patrick Ousey

OWNER: Murray Williams

ADDRESS: 1710 BOULDIN AVE

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

- A) decrease the minimum side setback from 5 feet (required) to 1 foot 10 inches (requested, existing on 1st floor); and to
- B) decrease the minimum rear setback from 10 feet (required) to 2 feet (requested, existing on 1st floor)

in order to reconstruct an existing accessory 1940's era structure that is currently used as a pool house and add a 2nd floor of additional living space while keeping the original footprint in a SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek)

BOARD'S DECISION: March 12, 2018 The public hearing was closed on Board Member Veronica Rivera motion to Postpone to April 9, 2018, Board Member Bryan King second on a 9-2 vote (Board members William Burkhardt and James Valadez nay); **POSTPONED TO APRIL 9, 2018.**

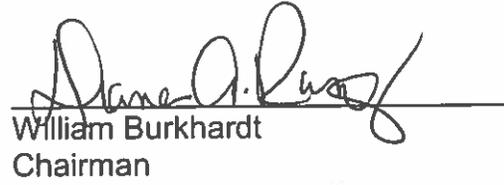
FINDING:

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:



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman



NOTIFICATIONS

CASE#: C15-2018-0006
LOCATION: 1710 Bouldin Ave.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 166'

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.



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 # _____

Section 1: Applicant Statement

Street Address: 1710 Bouldin Avenue, Austin TX, 78704

Subdivision Legal Description:
LOT 15 AIRDALE ADDITION, VOLUME 526, PAGE 1, AUSTIN, TRAVIS COUNTY, TEXAS

Lot(s): 15 Block(s): _____

Outlot: _____ Division: _____

Zoning District: BOULDIN, SF-3

I/We PATRICK OUSEY on behalf of myself/ourselves as authorized agent for WILLIAM SCROGGIE & MURRAY WILLIAMS affirm that on Month January, Day 8, Year 2018, 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 Structure, renovation of ground floor, addition of second floor

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

25-2-963 (E)(1)(b): A person may increase the height of a building that is a noncomplying structure based on a height requirement of this title if the increase is made to a portion of the building that complies with the yard setback requirements of this title. We are requesting variance from those side and rear yard setback requirements set forth in that title (25-2-492).

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:

This proposal intends to preserve the original footprint of the existing accessory structure, but the addition of even a small second story within that footprint is severely restricted. This type of addition, building type and form is otherwise reasonable for the area.

Hardship

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

The accessory structure proposed to be modified was constructed in 1940, predating the LDC, and is built within the required yard setbacks, which is not common to all lots in the area.

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

Not all structures in the area are of the same 1940s era, nor are they necessarily non-compliant with their respective setbacks. There may be some with similar circumstances, but this hardship does not typify the surrounding area.

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:

Throughout the design of this proposal, special care was given to develop a proposal which is sensitive to the context. This proposal will not impact any tree, natural feature, neighboring structure, view, utility, fenceline, or goal of the regulations of the greater zoning district.

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:

N/A

- 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:

N/A

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

N/A

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

N/A

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: P. Ousey Date: 9 JAN 2018

Applicant Name (typed or printed): Patrick Ousey, AIA

Applicant Mailing Address: 2300 S Lamar Blvd, #105

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 469-0775

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: William Scroggie Murray Williams Date: 1-9-18

Owner Name (typed or printed): William Scroggie & Murray Williams

Owner Mailing Address: 1710 Bouldin Avenue

City: Austin State: TX Zip: 78704

Phone (will be public information): (917) 721-0942

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Patrick Ousey

Agent Mailing Address: 2300 S Lamar Blvd, #105

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 469-0775

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).

Accompanying the requests regarding the accessory structure is a request to recognize the non-complying condition of the principal residence and wood deck. Each are built within the required side yard setback, but are not legally recognized as existing, non-complying. We are seeking a special exception for these existing encroachments.

January 08, 2018

ATTN:
Board of Adjustments, City of Austin

LETTER OF VARIANCE FINDINGS
PROJECT ADDRESS: 1710 Bouldin Avenue, Austin TX, 78704



To whom it may concern,

It is the intent of this letter to provide a comprehensive statement of findings pertaining to the General Variance Application for 1710 Bouldin Avenue. Please refer to the attached application as referenced. This project is a proposal to renovate and add a second floor to a small existing single-story accessory structure at the rear yard of the property. This proposal is not for an ADU, and it is not the intention of the Homeowner to collect rent or otherwise profit from this development - it is for their personal use only.

It is a major goal of the proposal to develop a responsible design sensitive to the character of the immediate context. Proportion has been kept compact and height to a minimum in order to be sympathetic to the principal residence and surrounding properties, and to mitigate any potential increase to street presence. Additionally, the proposed fundamental form and finish materials are to match those of the principal residence. It should also be noted that this proposal would not impact any tree, natural feature, neighboring structure, view, utility or other improvement local to the site or any adjacent property.

For the above reasons of contextual sensitivity, as well as the incentive to disturb as little of the adjacent yard, pool and principal residence as possible, it was determined that retaining the existing footprint and adding a second floor to the existing accessory structure was the least invasive and most efficient method of expansion.

The structure, built in 1940, predates the Land Development Code and is constructed within the side and rear yard setbacks required by the sections given in the attached application. The addition of a second floor to such a non-compliant structure, while allowed, must conform to the required yard setbacks. This restriction in building form severely limits the use and efficiency of such an addition, and renders this approach infeasible. There are two alternative design approaches, each detrimental to the reasonable use of the existing structure and yard, and therefore also infeasible:

Partial demolition of existing structure: The non-compliant portion of the existing structure will remain single-story, and the rest of the structure will be demolished in order to expand the footprint into the available rear yard area. A second floor will still be added. This approach compromises the form and use of the existing structure and also impacts the foundation and plumbing of the existing pool. It is likely that the goals of character preservation and design efficiency will not be as well-achieved.

Total demolition and relocation of existing structure: In addition to the same issues of yard and pool impact inherent to the partial demolition described above, total demolition removes all reasonable use and value of the existing structure.

The hardships incurred by the alternative design approaches prove the worth and responsibility of the proposed second-floor addition. These are hardships unique to the property and, while structures of similar age exist in the surrounding neighborhood and may possibly exhibit similar non-compliance, these issues are specific and unpredictable and are not typical of the general area. It is also important to note that there are structures in the immediate area of similar height to the proposal that are built within required yard setbacks, affording those respective residents privileges which the project Homeowner may be denied without the approval of this Variance.

Respectfully,

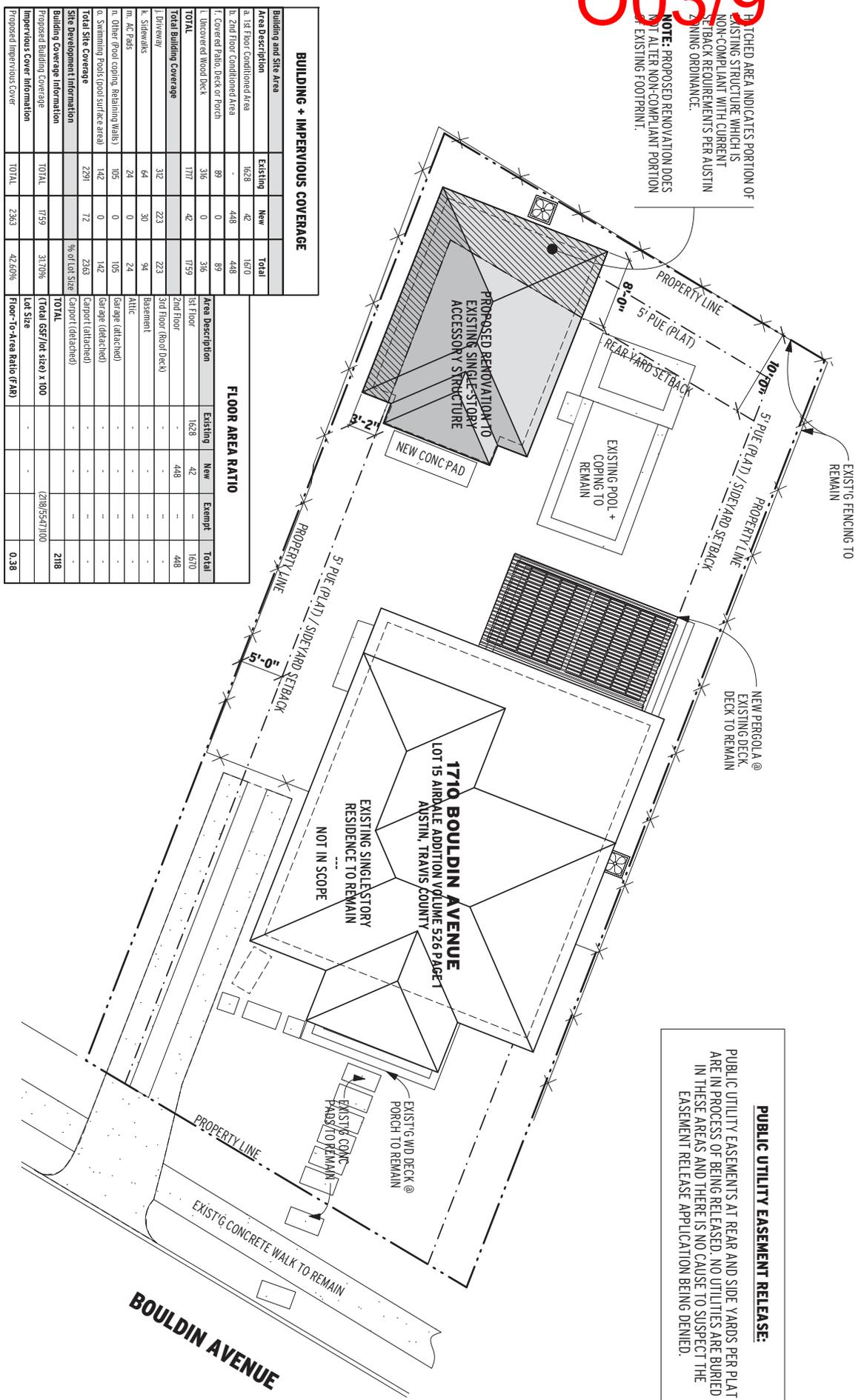
Patrick Ousey, AIA
Design Professional
Owners' Agent

William Scroggie
Homeowner

Murray Williams
Homeowner

003/9

DOTTED AREA INDICATES PORTION OF EXISTING STRUCTURE WHICH IS NON-COMPLIANT WITH CURRENT SETBACK REQUIREMENTS PER AUSTIN ZONING ORDINANCE.
NOTE: PROPOSED RENOVATION DOES NOT ALTER NON-COMPLIANT PORTION OF EXISTING FOOTPRINT.



PUBLIC UTILITY EASEMENT RELEASE:
 PUBLIC UTILITY EASEMENTS AT REAR AND SIDE YARDS PER PLAT ARE IN PROCESS OF BEING RELEASED. NO UTILITIES ARE BURIED IN THESE AREAS AND THERE IS NO CAUSE TO SUSPECT THE EASEMENT RELEASE APPLICATION BEING DENIED.

BUILDING + IMPERVIOUS COVERAGE

Building and Site Area	Existing	New	Total
Area Description			
a. 1st Floor Conditioned Area	1628	42	1670
b. 2nd Floor Conditioned Area	-	448	448
f. Covered Patios, Deck or Porch	99	0	99
g. Uncovered Wood Deck	316	0	316
TOTAL	1777	42	1759
Total Building Coverage	312	223	223
k. Sidewalks	64	30	94
m. AC Pads	24	0	24
n. Other Pool Coping, Retaining Walls	705	0	705
o. Swimming Pools (pool surface area)	142	0	142
Total Site Coverage	2291	72	2363
Site Development Information			
Building Coverage Information	TOTAL	1759	31.70%
Proposed Building Coverage	TOTAL	1759	31.70%
Impervious Cover Information	TOTAL	2363	42.68%
Proposed Impervious Cover	TOTAL	2363	42.68%

FLOOR AREA RATIO

Area Description	Existing	New	Exempt	Total
1st Floor	1628	42	--	1670
2nd Floor	--	448	--	448
3rd Floor (Floor Deck)	--	--	--	--
Basement	--	--	--	--
Athletic	--	--	--	--
Garage (detached)	--	--	--	--
Garage (detached)	--	--	--	--
Carport (attached)	--	--	--	--
Carport (detached)	--	--	--	--
TOTAL	(Total GSF/lot size x 100)			218
Lot Size				(218/5547100)
Floor-To-Area Ratio (FAR)				0.38

SITE PLAN
 SCALE: 1/16" = 1'-0"



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 2300 S. LAMAR, #105
 AUSTIN, TEXAS
 7 8 7 0 4
 FABARCHITECTURE.COM

BOULDIN POOLHOUSE
SITE PLAN
 1710 BOULDIN AVENUE - VARIANCE REQUEST

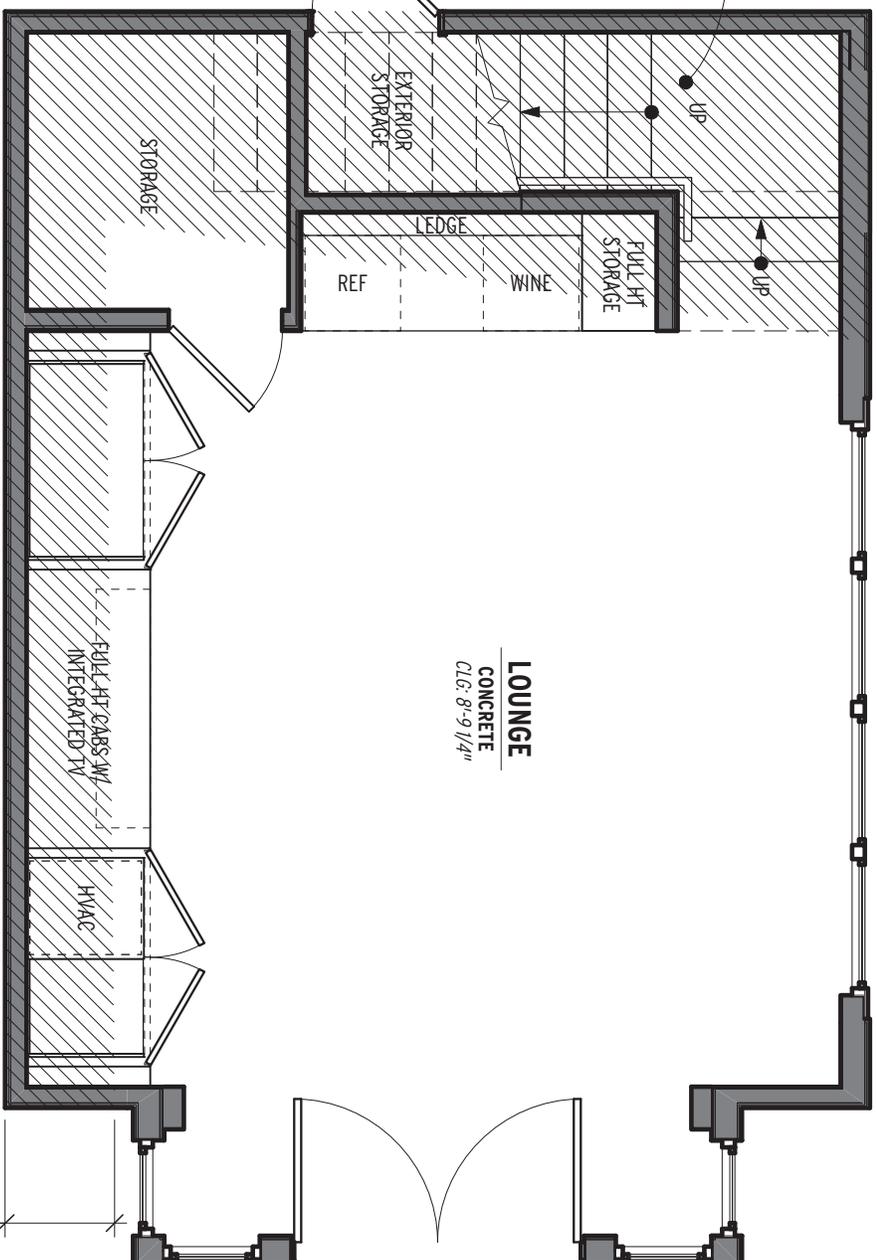
PAGE 1
 (OF 9)
 02.19.18

HATCHED AREA INDICATED
PORTION OF PROPOSAL WHICH
IS NON-COMPLIANT WITH
REQUIRED SETBACKS

6'-11" MAX PROJECTION
INTO REQUIRED YARD

PAGE 4

PAGE 7



2'-3" MAX PROJECTION
INTO REQUIRED YARD

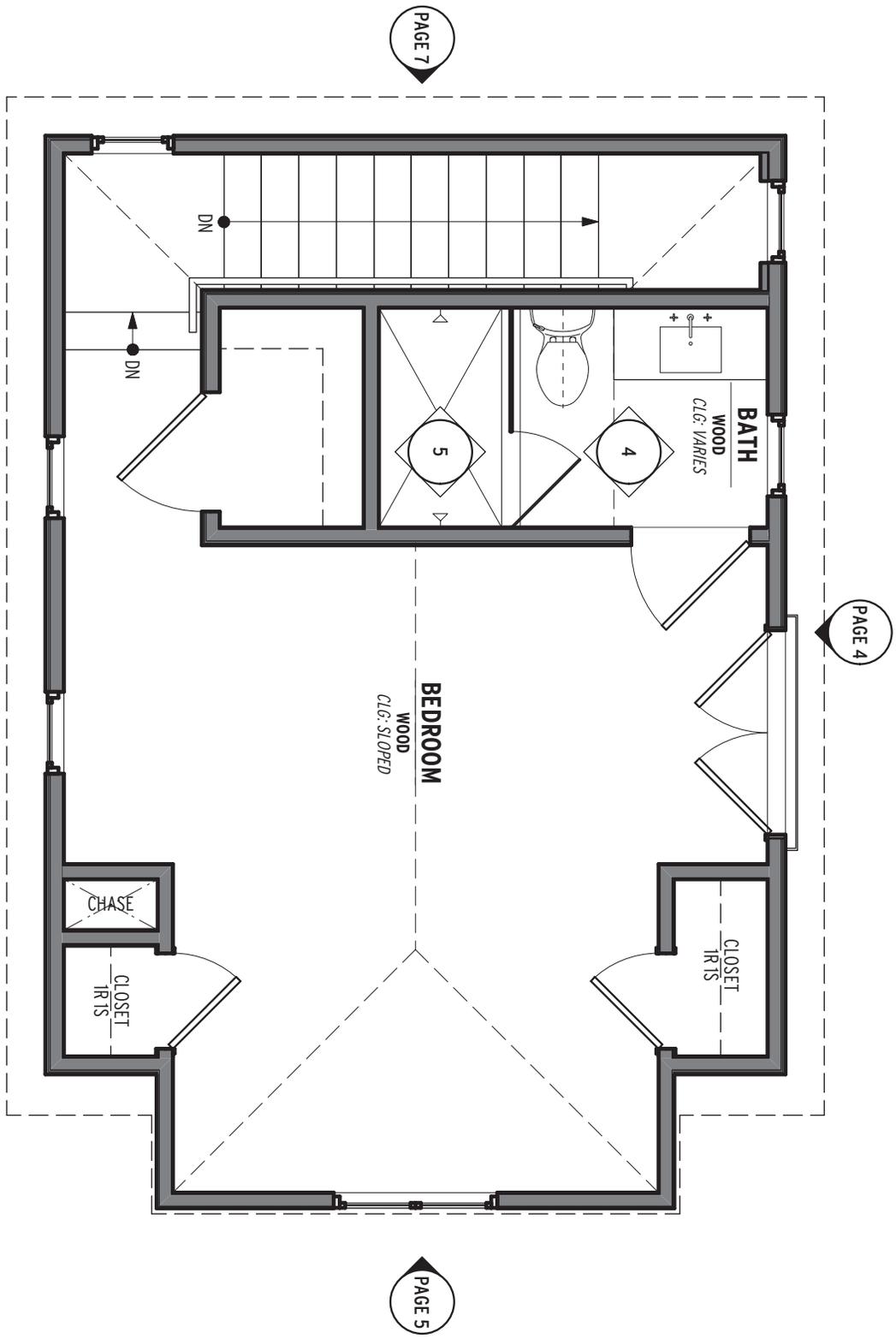
PAGE 5

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



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BOULDIN POOLHOUSE
FIRST FLOOR PLAN
1710 BOULDIN AVENUE - VARIANCE REQUEST



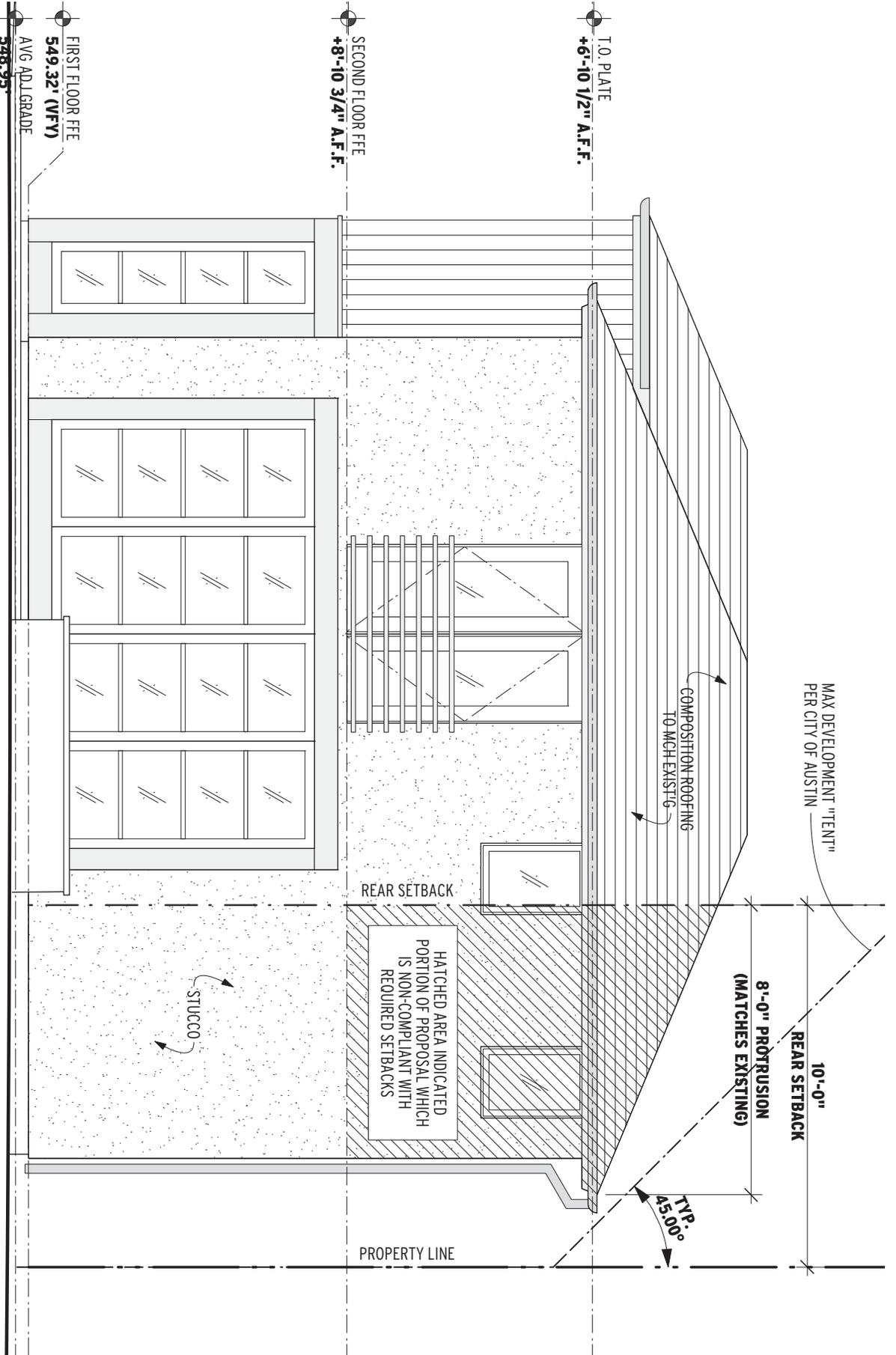
FIRST FLOOR
 SCALE: 1/4" = 1'-0"



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BOULDIN POOLHOUSE
SECOND FLOOR PLAN
 1710 BOULDIN AVENUE - VARIANCE REQUEST

PAGE 3
 (OF 9)
 02.19.18



EXTERIOR ELEVATION - NORTH
 SCALE: 1/4" = 1'-0"

FIRST FLOOR FFE
 549.32' (VFV)
 AVG ADJ.GRADE
 546.95'

SECOND FLOOR FFE
 +8'-10 3/4" A.F.F.

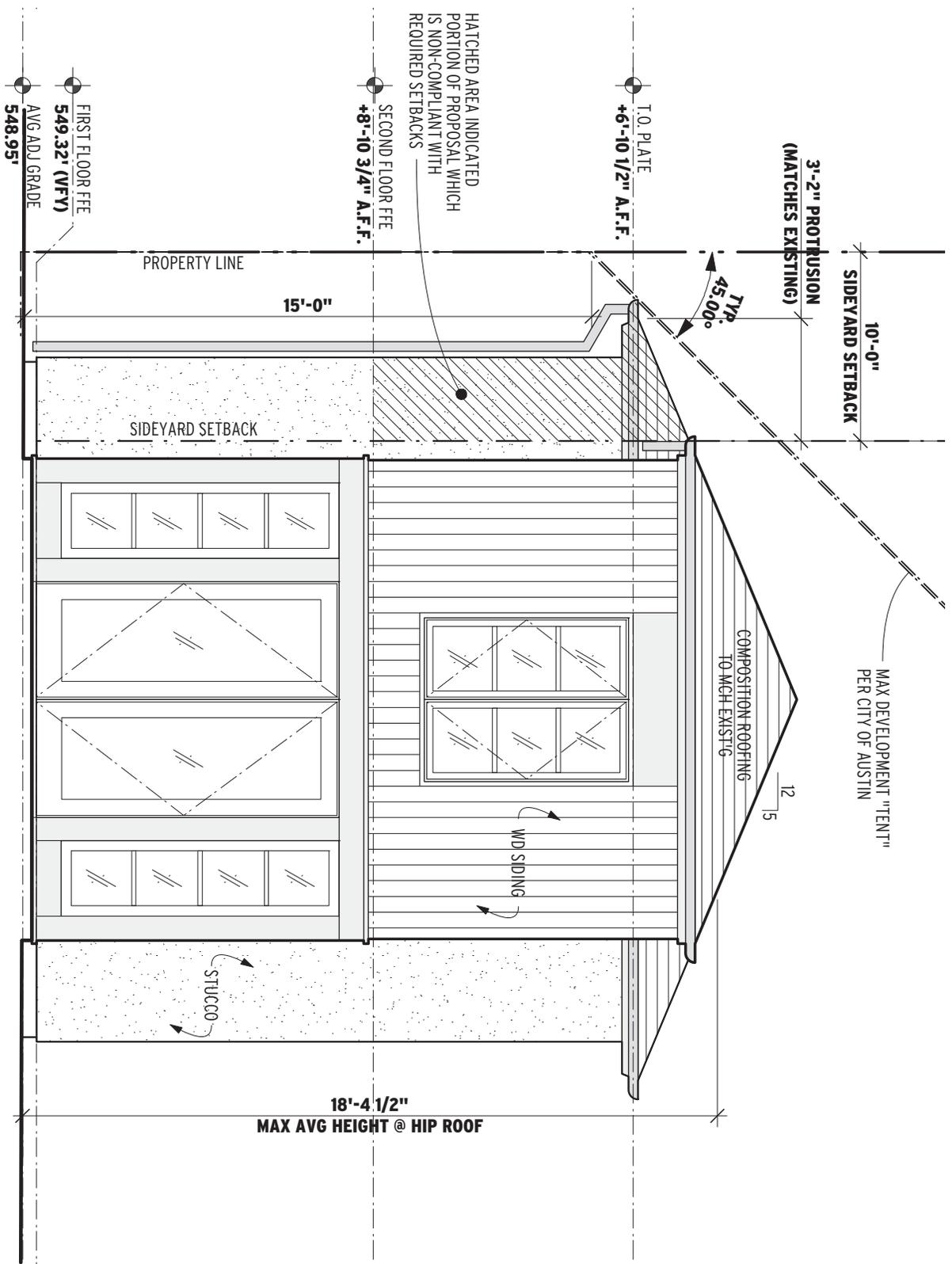
T.O. PLATE
 +6'-10 1/2" A.F.F.

STUCCO

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BOULDIN POOLHOUSE
 EXTERIOR ELEVATION
 1710 BOULDIN AVENUE - VARIANCE REQUEST

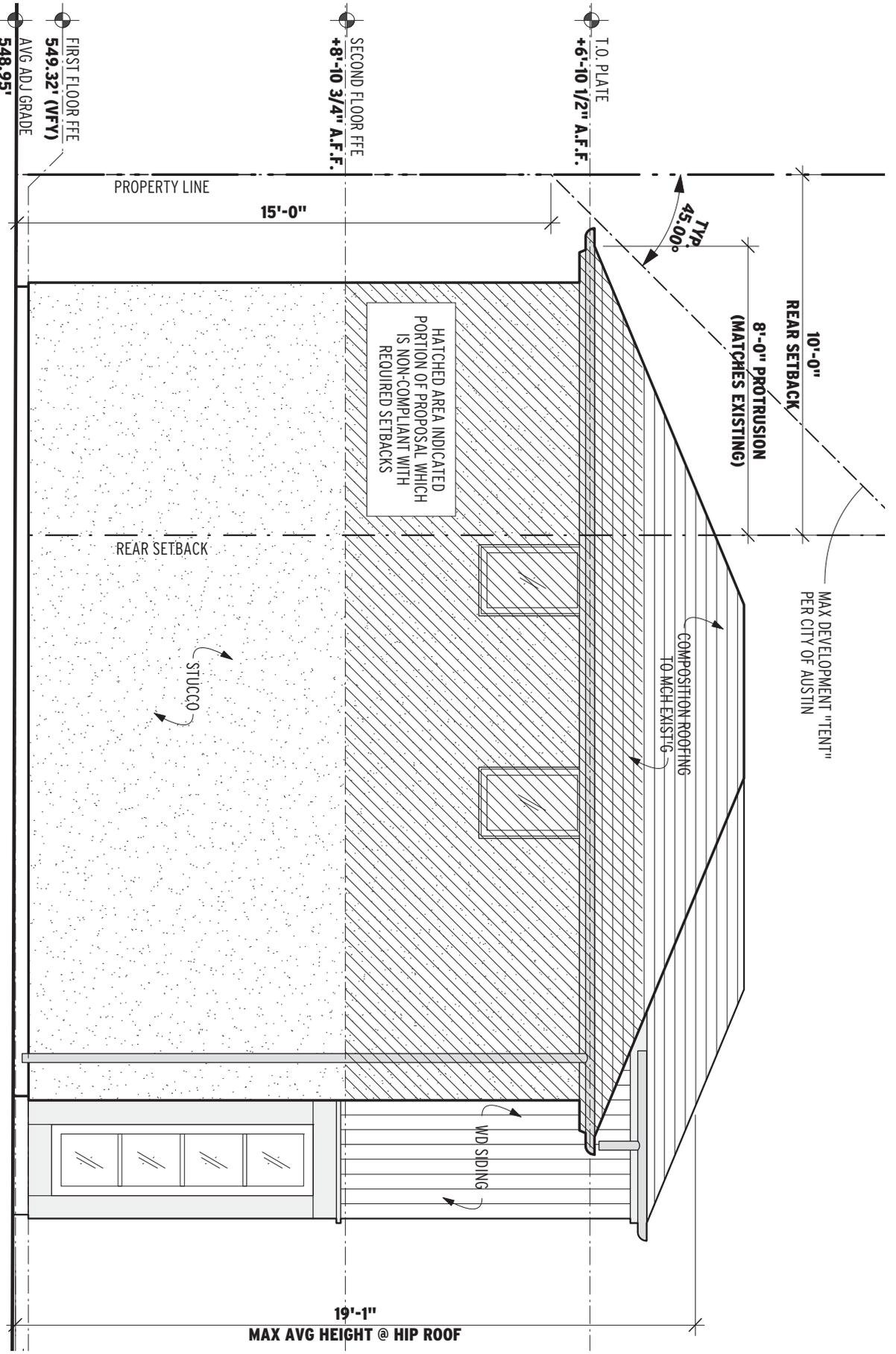


EXTERIOR ELEVATION - EAST
 SCALE: 1/4" = 1'-0"



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BOULDIN POOLHOUSE
EXTERIOR ELEVATION
 1710 BOULDIN AVENUE - VARIANCE REQUEST



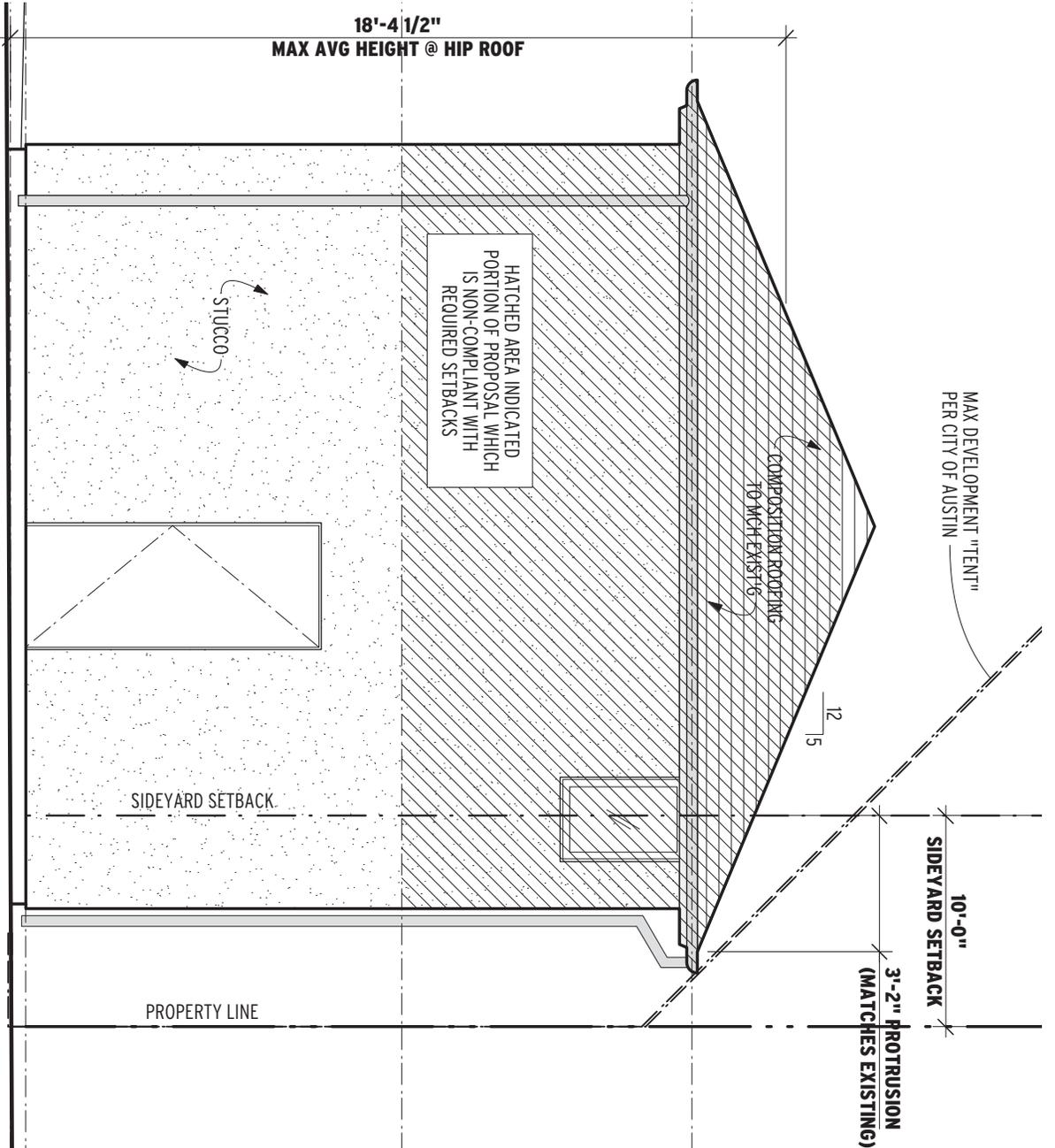
EXTERIOR ELEVATION - SOUTH
 SCALE: 1/4" = 1'-0"



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BOULDIN POOLHOUSE
EXTERIOR ELEVATION
 1710 BOULDIN AVENUE - VARIANCE REQUEST

EXTERIOR ELEVATION - WEST
SCALE: 1/4" = 1'-0"



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BOULDIN POOLHOUSE
EXTERIOR ELEVATION
1710 BOULDIN AVENUE - VARIANCE REQUEST



PERSPECTIVE - FROM SOUTH
NOT TO SCALE



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**BOULDIN POOLHOUSE
RENDERING**

1710 BOULDIN AVENUE - VARIANCE REQUEST



PERSPECTIVE - FROM SOUTH
NOT TO SCALE



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**BOULDIN POOLHOUSE
RENDERING**
1710 BOULDIN AVENUE - VARIANCE REQUEST

003/18



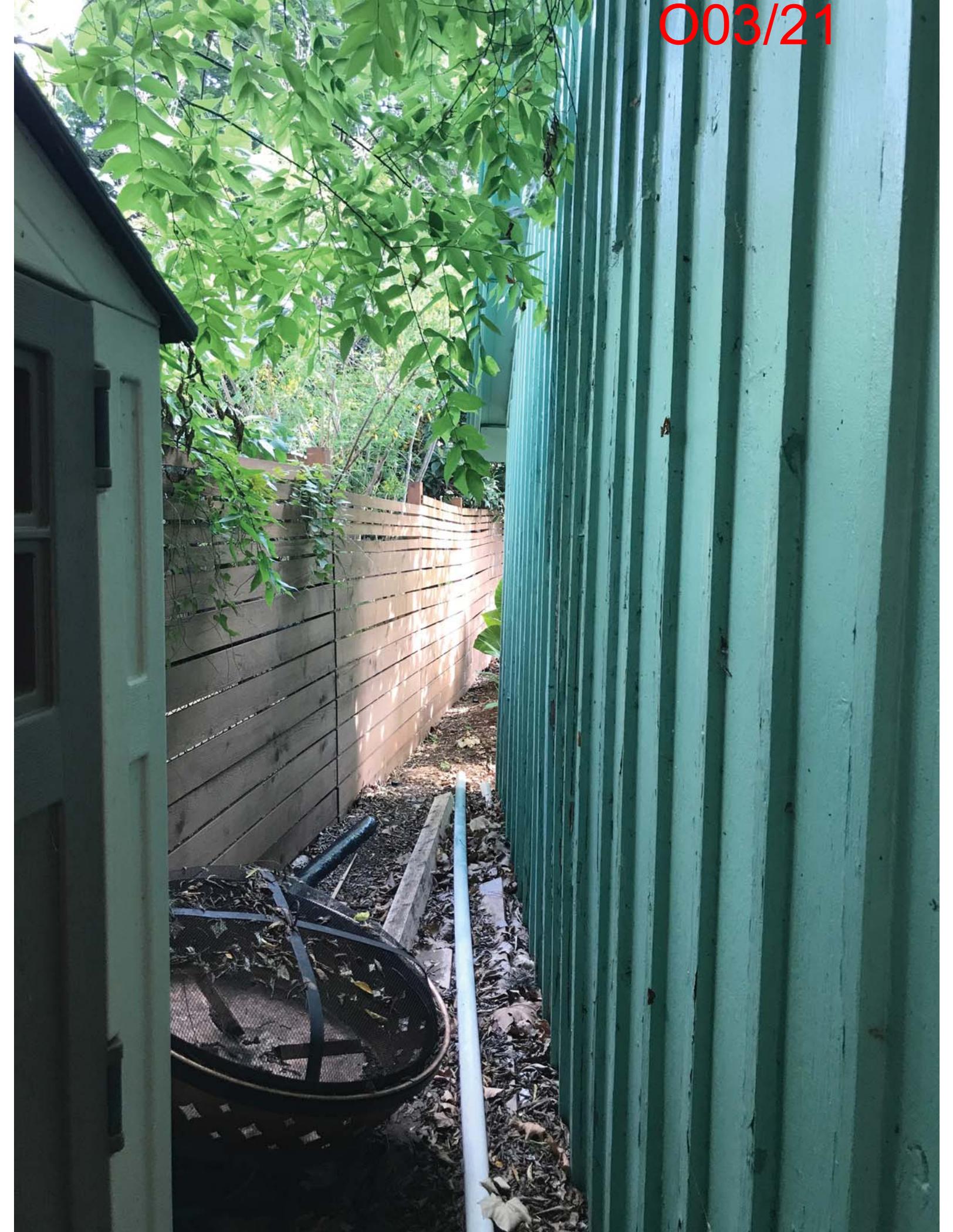
O03/19



003/20



003/21



From: [REDACTED]
Subject: Fwd: 1710 Bouldin Easement Release Application Packet
Date: Monday, February 26, 2018 11:36:44 AM

Hi Leane,

Just wanted to forward the below email from Kim Vasquez regarding our easement release as an FYI to the BOA. Everything looking good so far. Let me know if you need anything further on this.

Best,



Michael Varhalla, FAB Architecture
2300 S. Lamar, #105, Austin TX
Office 512.469.0775 • Fax 512.469.0570
[Visit Our Facebook](#)

Begin forwarded message:

From: [REDACTED]
Subject: RE: Easement Release Application Packet
Date: February 26, 2018 at 11:03:49 AM CST
To: [REDACTED]

Michael,

We've received the majority of the reviewers' comments, which have so far all been approvals. We are waiting to hear back from the remaining comments and the survey review.

Pending reviewers: Code Compliance, Google, Texas Gas, and Austin Transportation

Thanks,

Kim Vasquez | Property Agent Senior
Office of Real Estate Services
City of Austin
505 Barton Springs Rd, Ste 1350
Austin, TX 78704
512-974-9241
[REDACTED]

From: [REDACTED]
Sent: Monday, February 26, 2018 9:27 AM
To: [REDACTED]
Subject: Re: Easement Release Application Packet

Kim + Jacquelyn,
[a.link](#){margin:0;padding:0;border:none;text-decoration:none;} a:hover{ text-decoration: underline;}
We're going in to submit our final updates to our variance application at 1710 Bouldin Avenue and I just wanted to see if I could get an email update on the status of our easement release for that property. I'm not anticipating any hangups and I was hoping to get something written from you guys stating as much. I think we'll need that sort of assurance when we present our case to the Board of Adjustments. If you could please get that over to me, it would be a big help.

Thanks in advance,

Michael Varhalla, FAB Architecture
2300 S. Lamar, #105, Austin TX

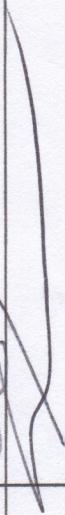


We, William Scroggie & Murray Williams, are applying for a variance from the City of Austin Board of Adjustment regarding Section 25-2-492 of the Land Development Code. The variance would allow us the ability to modify our existing accessory structure at the rear of our property, which is currently and will continue to be used as a poolhouse. The referenced section of the Land Development Code defines setbacks where building is prohibited. Our existing structure is built within those prohibited areas, but was built in 1940, predating the code. It is our intention to renovate the existing structure and add a second floor, with the critical goals of both preserving as much of the original structure as possible and being highly sympathetic to the character and scale of the neighborhood. We feel this variance will allow us to make much better use of our poolhouse, without compromising any neighboring property or affording us any unreasonable privileges, given our unique circumstance.

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

Property Owner Name (Printed)	Property Address	Signature
Diane + Tom Grodek	810 West Annie St Austin, TX 78704	Diane Grodek
P Bongzals	1707 Bouldin Ave, 78764	P Bongzals
Margaret Evins	1705 Bouldin Ave	Margaret Evins
Christine Cook	1709 Bouldin Ave	Christine Cook
Jodi + Dusen Egerton	1716 Bouldin Ave	Jodi Egerton
Katie Kaufmann	1714 Bouldin Ave	Katie Kaufmann
Todd Womack	808 W Annie St Austin TX 78704	Todd Womack
Brian LeBeauf	1712 Bouldin Ave, 78704	Brian LeBeauf

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

Property Owner Name (Printed)	Property Address	Signature
Gena Ferrabee	1713 Bouldin Ave	
SANDRON WILDE	1708 BOULVIN AVE	
LIZ WILDE	1708 BOULVIN AVE	LIZ WILDE
Carolyn Brady	1704 BOULVIN AVE	Carolyn Brady
Ilan Levitt	1700 Bouldin	IMZ
Maria Miller	1703 Bouldin Ave	
John Coacher	1705 Briar St	
Andrew DeFeo	1707 Briar St	
Craig Harter	1710 Briar St	Craig Harter
VINCENT SYDOR	1711 BRIAR ST.	
KIM MIZNER	1711 BOULVIN AVE	
Carol Kalledoff Speer	1704 Briar St	Carol Kalledoff Speer
Kenneth Jack Speer	1704 Briar St	J Speer