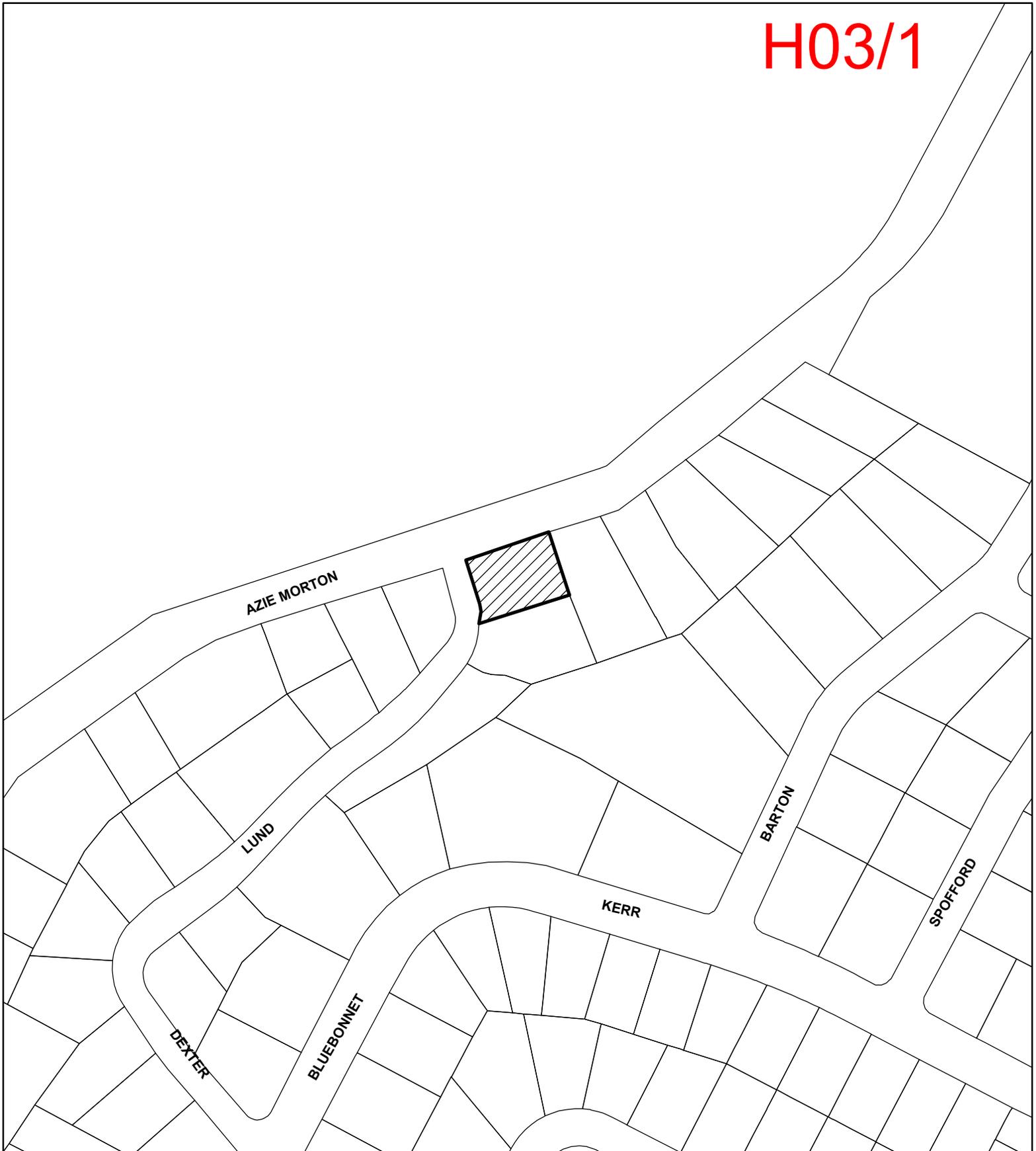


H03/1



**NOTIFICATIONS**

CASE#: C15-2018-0028  
LOCATION: 809 Robert E. Lee Rd./Azie Morton



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 167'

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 # _____
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### Section 1: Applicant Statement

Street Address: 809 Robert E Lee / Azie Morton

Subdivision Legal Description:

LOT 5 BLK I SOUTH LUND PARK SEC 1

Lot(s): 5 Block(s): 1

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

Zoning District: SF-3

I/We Richard Hamer on behalf of myself/ourselves as

authorized agent for Brandon and Kara David affirm that on

Month June, Day 10, 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: Single Family Residence

## 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 existing structure was built in 1961 as a duplex, with a carport located underneath the structure. The proposed new structure shall exist in the same location, with essentially the same roof height, ridge line and same building scale as the existing structure. The granting of this variance will preserve the scale, location and building height similar to pre existing 1961 structure, because it will allow the owner to build INTO the site, not substantially BUILD UP out of the site.

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

RR2. SUBCHAPTER F: BASEMENT EXEMPTION

- B. A habitable portion of a building that is below grade if:
- 2. 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.

## 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:

809 Robert E Lee (Azie Morton) is located at the corner of Robert E Lee (Azie Morton) and Lund streets. The lot contains significant slope from the east to the west side of the lot. The Front Yard Setback designation is off of Lund Street, however the existing and proposed structures face and take access from Robert E Lee. Due to the topography that exists along the front yard setback line, this property is not eligible for a basement exemption, if the owner is seeking to mimic the existing FF elev, roof height and ridge line of the 1961 structure.

### Hardship

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

This corner lot's configuration, building setbacks (that feel opposite to how the property has always been developed), and the lots steep cross slope. provide a perfect storm of hardships, specific to the basement exemption section of the code as it relates to this lot. All other basement exemption requirements are easily met by the proposed design.

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

This property is an Outlier. It has the unique characteristics of being a steeply sloping, corner lot that has a front yard setback that runs through the cross slope of the lot, along the more narrow property line and has a side setback, on the flatter longer property line. I believe the code is well crafted to deal with 98% of basement exemptions. However, this lot, and all of it's variables combine for a set of circumstances that the building code could not account for.

**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: 06/11/2018

Applicant Name (typed or printed): Brandon David

Applicant Mailing Address: 809 Robert E Lee / 809 Azie Morton

City: Austin State: TX Zip: 78704

Phone (will be public information): (414) 467-3764

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: 06/11/2018

Owner Name (typed or printed): Brandon David

Owner Mailing Address: 809 Robert E Lee / 809 Azie Morton

City: Austin State: TX Zip: 78704

Phone (will be public information): (414) 467-3764

Email (optional – will be public information): 

**Section 5: Agent Information**

Agent Name: Richard Hamer

Agent Mailing Address: 1404 Norwalk Lane Unit 108

City: Austin State: TX Zip: 78703

Phone (will be public information): (512) 573-5704

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).

When my wife and I bought this 1961 home, we fell in love with its location, and the neighborhood. We loved the feel of the neighborhood, and its proximity to the best of what Austin has to offer. We initially explored options of renovating a portion of the existing structure, so that we could preserve the look and feel of the house. However, upon analysis of the existng soil conditions, our geotech

## Additional Space (continued)

and Structural Engineer indicated to us the the soil conditions were EXTREMELY poor, which have caused the existing foundation to crack and heave. They strongly advised not working with the existing foundation, by adding any additional load to it. So we re-evaluated the project, and decided that in order to add additional SF to the existing 1968 SF home, we were going to need to start from the ground up. So I directed my architect, to help us create a new building that provided the additional SF that we needed, by building into the site. This would allow us to keep the main / upper level at aprox. the same finish floor elevation, which also would allow us to closely mimic the existing structures ridge line, roof height and building scale.

**SAVE**

H03/7



SCALE: 1" = 20'

**Legend**

- X-Iron Rod Found
- X-Iron Pipe Found
- ◇ X-Iron Rod Set with plastic cap
- ★ Cotton Spindle Found
- Wire Fence
- Wood Board Fence
- Iron Pipe
- (Record Bearing and Distance)

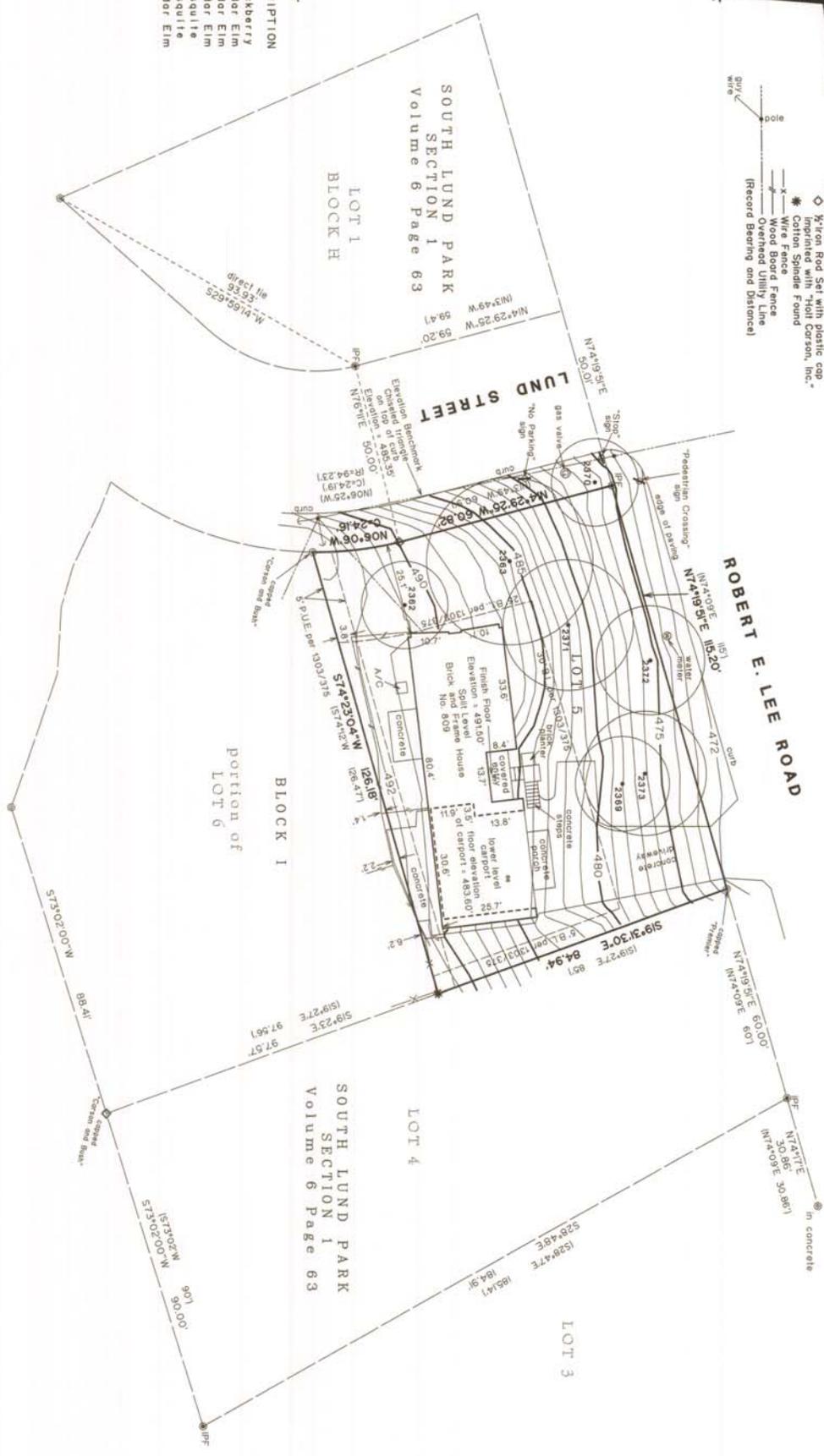
NOTE:  
1. Tree "crowns" shown hereon are drawn as a function of one inch of trunk diameter equals one foot of "crown" radius.

**TREE LIST**

TAG No.	DESCRIPTION
2362	12- Hackberry
2363	23- Cedar Elm
2369	13- Cedar Elm
2370	23- Cedar Elm
2371	18- Mesquite
2372	15- Mesquite
2373	17- Cedar Elm

**TOPOGRAPHIC SURVEY MAP OF**

LOT 5, BLOCK 1, SOUTH LUND PARK SECTION 1, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 6 PAGE 63 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, LOCATED AT 809 ROBERT E. LEE ROAD.

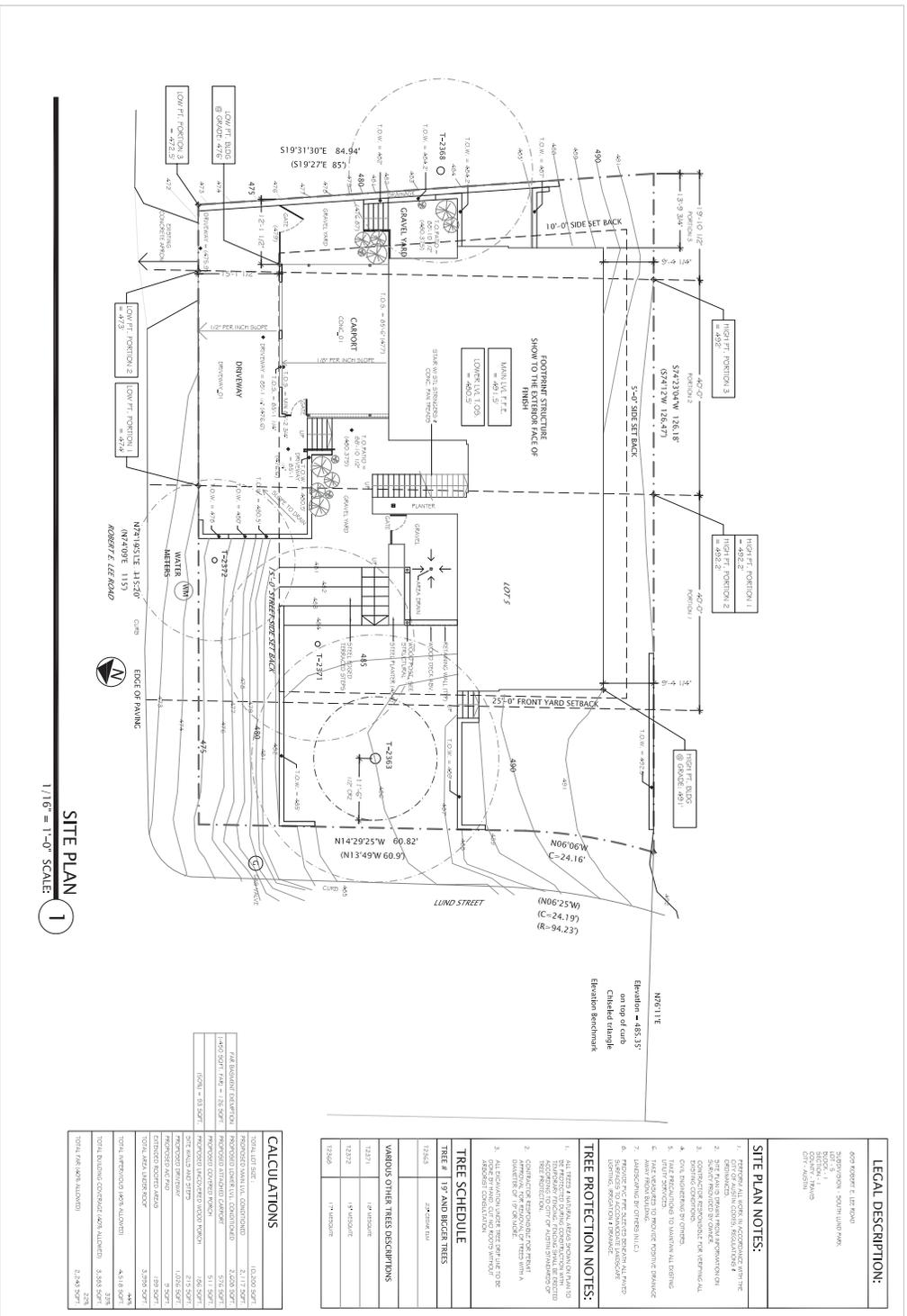


DATE: January 13, 2017  
BY: *[Signature]*



Holt Carson  
Registered Professional Land Surveyor No. 5166  
HOLT CARSON, INC.  
1904 Fortview Road  
Austin, Texas 78704  
www.hclsaustin.com  
Firm Registration 10058700





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

**LEGAL DESCRIPTION:**

809 ROBERT E. LEE ROAD  
LOT 1 & 2 300'x100' PWS  
SECTION 1  
TOWNSHIP 10N  
RANGE 9E  
COUNTY - TARRANT  
STATE - TEXAS

**SITE PLAN NOTES:**

1. REFER TO ALL OTHER DRAWINGS FOR THE COMPLETE SET OF CONSTRUCTION DETAILS.
2. THE PLAN SHALL BE MAINTAINED AS A RECORD DRAWING.
3. EXISTING CONDITIONS SHALL BE MAINTAINED UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS TO UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS TO UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS TO UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS TO UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS TO UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS TO UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS TO UNLESS OTHERWISE NOTED.

**TREE PROTECTION NOTES:**

1. ALL TREES WITH DBH 4" OR GREATER SHALL BE PROTECTED BY A TREE PROTECTION ZONE (TPZ) AS SHOWN ON THIS PLAN.
2. ALL TREES WITH DBH 4" OR GREATER SHALL BE PROTECTED BY A TREE PROTECTION ZONE (TPZ) AS SHOWN ON THIS PLAN.
3. ALL TREES WITH DBH 4" OR GREATER SHALL BE PROTECTED BY A TREE PROTECTION ZONE (TPZ) AS SHOWN ON THIS PLAN.
4. ALL TREES WITH DBH 4" OR GREATER SHALL BE PROTECTED BY A TREE PROTECTION ZONE (TPZ) AS SHOWN ON THIS PLAN.
5. ALL TREES WITH DBH 4" OR GREATER SHALL BE PROTECTED BY A TREE PROTECTION ZONE (TPZ) AS SHOWN ON THIS PLAN.

**TREE SCHEDULE**

TREE #	1" DBH AND HIGHER TREES
12345	1" DBH AND HIGHER TREES
12346	1" DBH AND HIGHER TREES
12347	1" DBH AND HIGHER TREES
12348	1" DBH AND HIGHER TREES
12349	1" DBH AND HIGHER TREES
12350	1" DBH AND HIGHER TREES

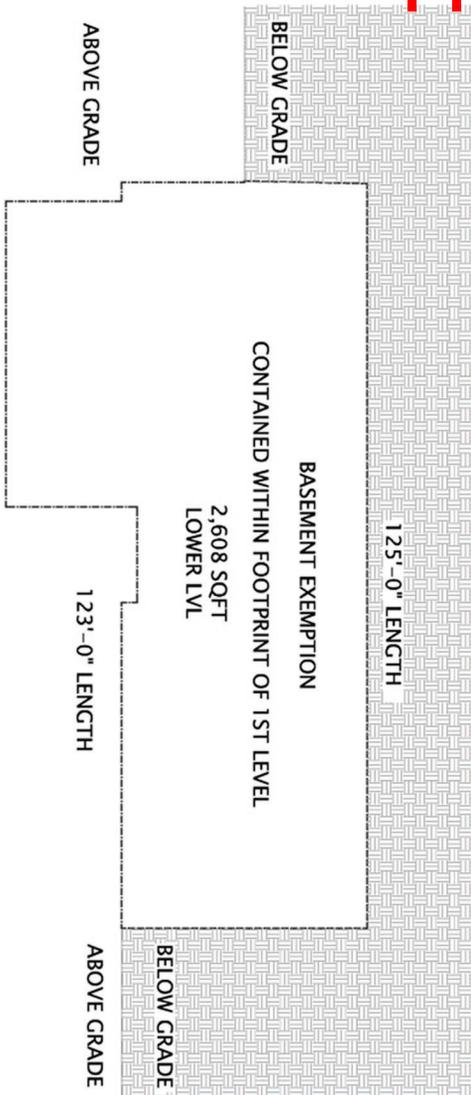
**VARIOUS OTHER TREES DESCRIPTIONS**

12351	1" DBH AND HIGHER TREES
12352	1" DBH AND HIGHER TREES
12353	1" DBH AND HIGHER TREES
12354	1" DBH AND HIGHER TREES
12355	1" DBH AND HIGHER TREES
12356	1" DBH AND HIGHER TREES

**CALCULATIONS**

TOTAL LOT AREA	10,000 SQ FT
PROPOSED DRIVEWAY AREA	2,117 SQ FT
PROPOSED DRIVEWAY AREA	2,000 SQ FT
PROPOSED DRIVEWAY AREA	575 SQ FT
PROPOSED DRIVEWAY AREA	160 SQ FT
PROPOSED DRIVEWAY AREA	215 SQ FT
PROPOSED DRIVEWAY AREA	1,026 SQ FT
PROPOSED DRIVEWAY AREA	189 SQ FT
PROPOSED DRIVEWAY AREA	3,898 SQ FT
TOTAL DRIVEWAY AREA	4,418 SQ FT
TOTAL DRIVEWAY AREA	5,535 SQ FT
TOTAL DRIVEWAY AREA	2,240 SQ FT





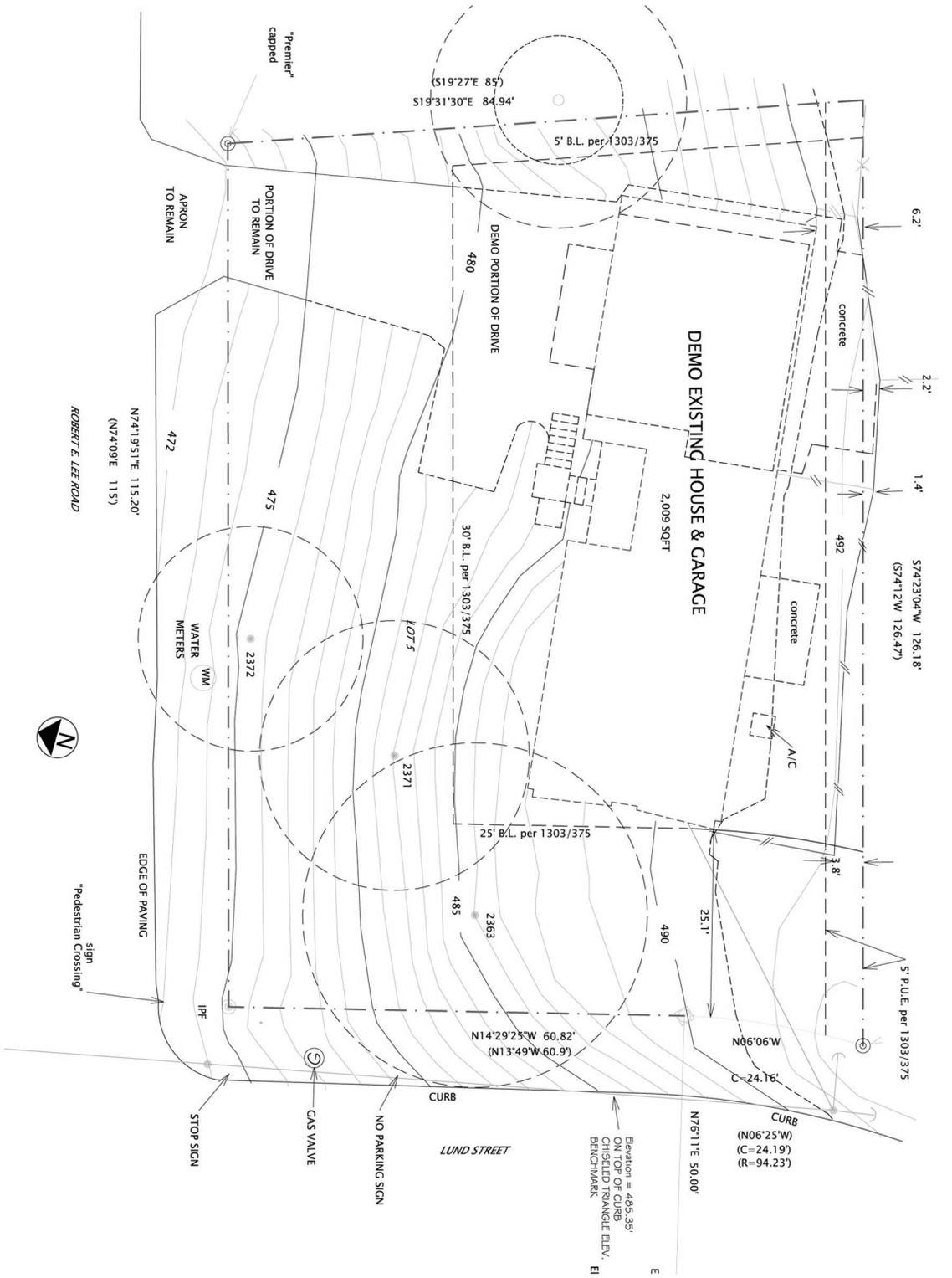
BASMENT EXEMPTION EXHIBIT

1" = 20'-0" SCALE: 

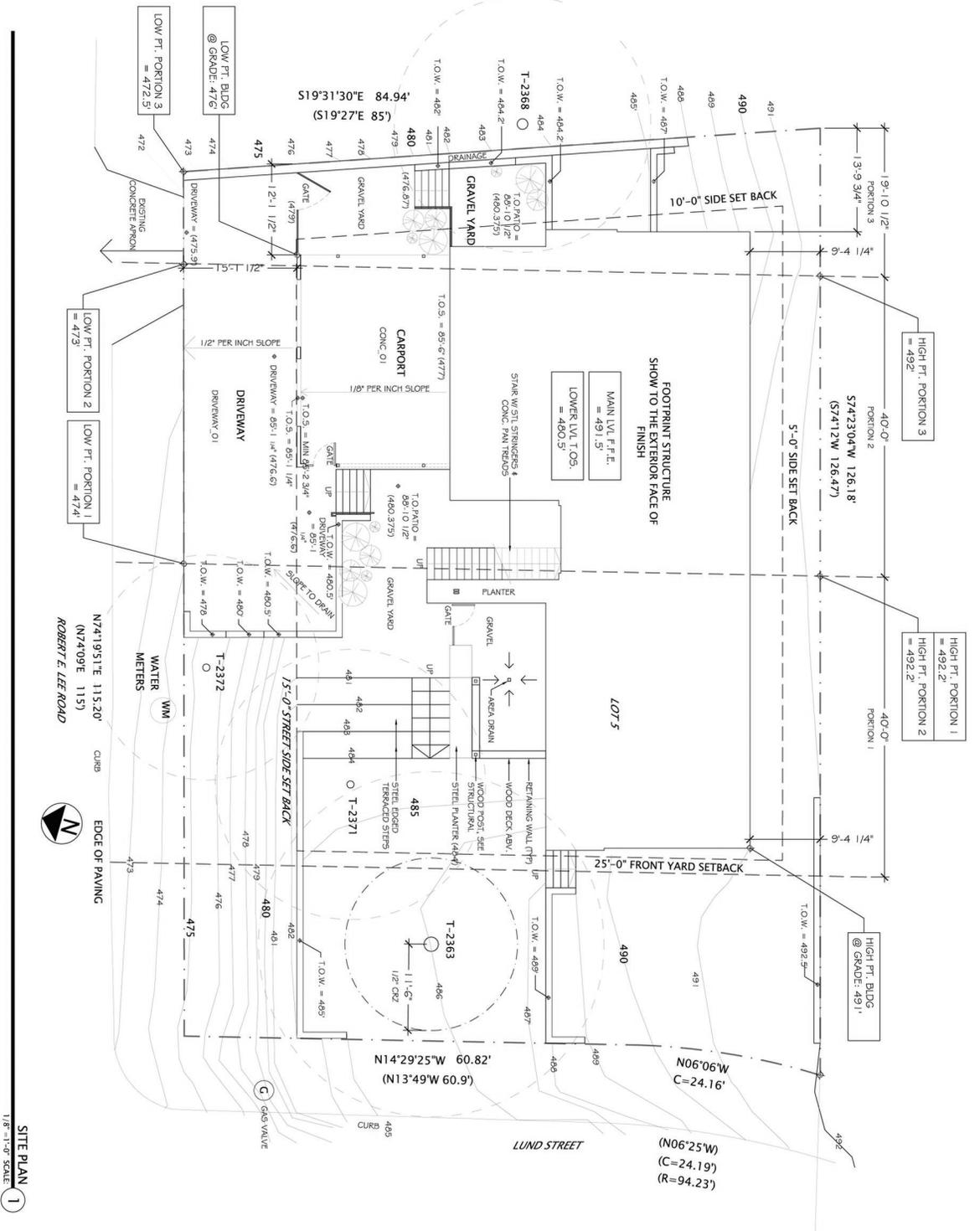
**SUBCHAPTER F: BASEMENT EXEMPTION**

B. A habitable portion of a building that is below grade if:

1. The habitable portion does not extend beyond the first-story footprint and is:
  - a. Below natural or finished grade, whichever is lower; and
  - b. Surrounded by natural grade for at least 50% of its perimeter wall area, if the habitable portion is required to be below natural grade under paragraph 1.a.
2. 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.

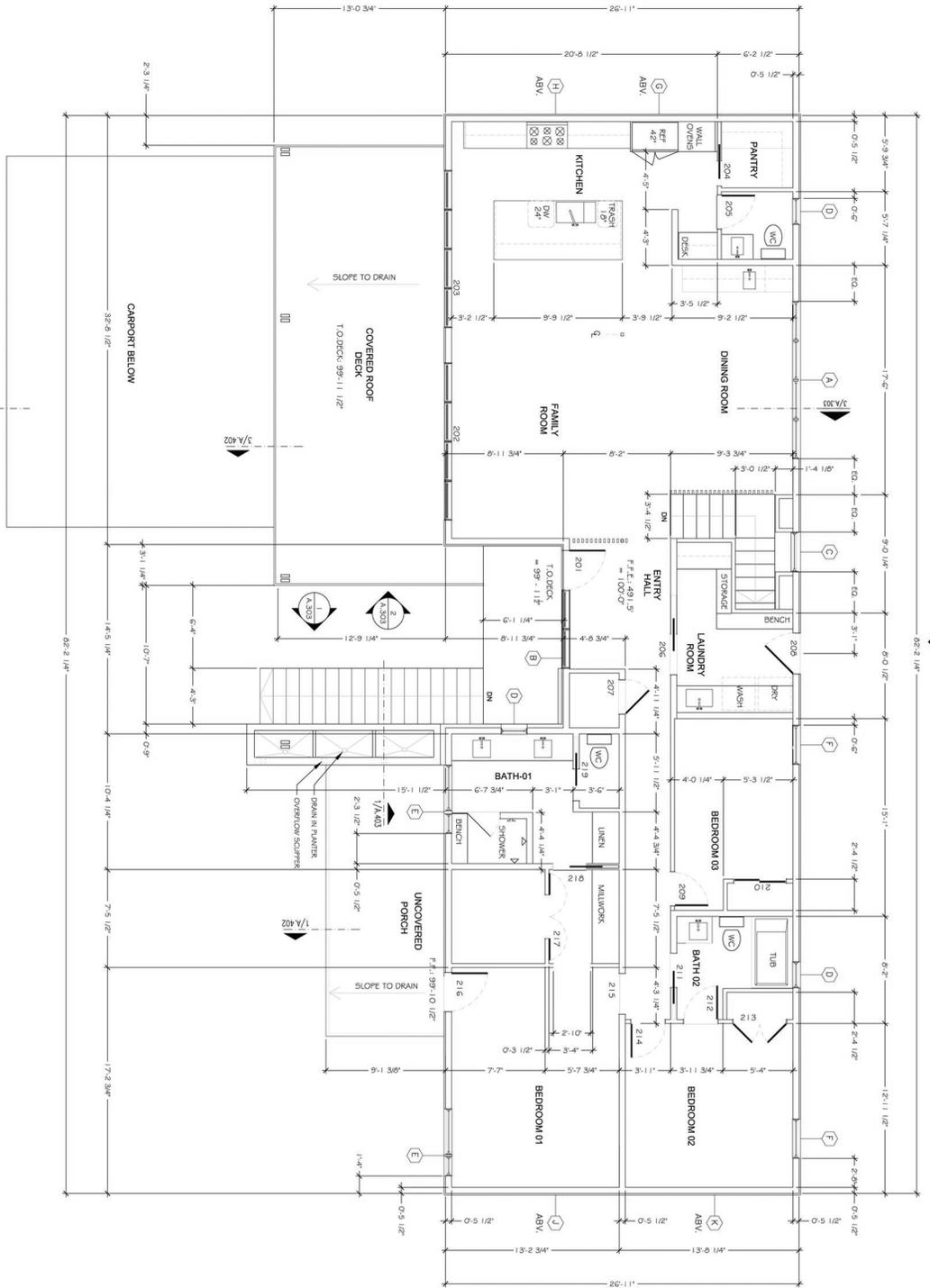


DEMO PLAN 2  
NOT TO SCALE



SITE PLAN 1  
1/8" = 1'-0" SCALE

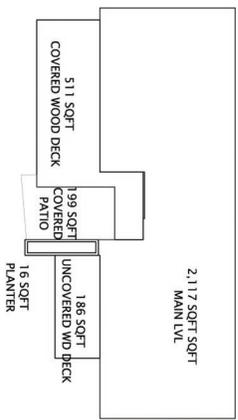
809 AZIE MORTON: Proposed Site Plan  
Board Of Adjustment\_2018



MAIN LEVEL FLOOR PLAN 1  
1/4"=1'-0" SCALE

## 809 AZIE MORTON: Upper Level

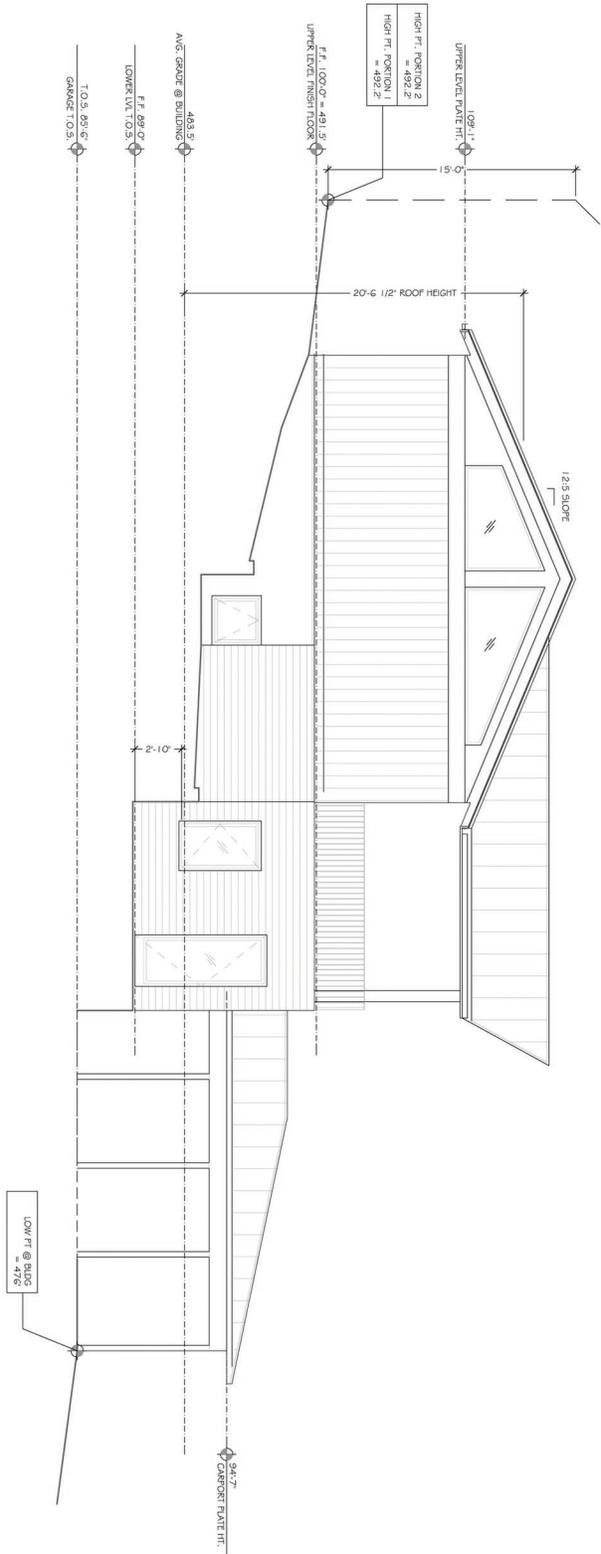
### Board Of Adjustment\_2018



SQUARE FOOTAGE PLAN MAIN LVL 3  
1"=20'-0" SCALE

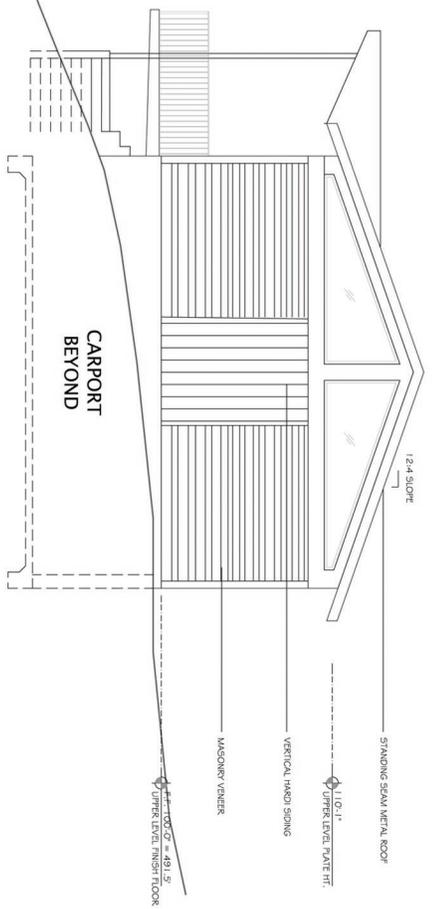




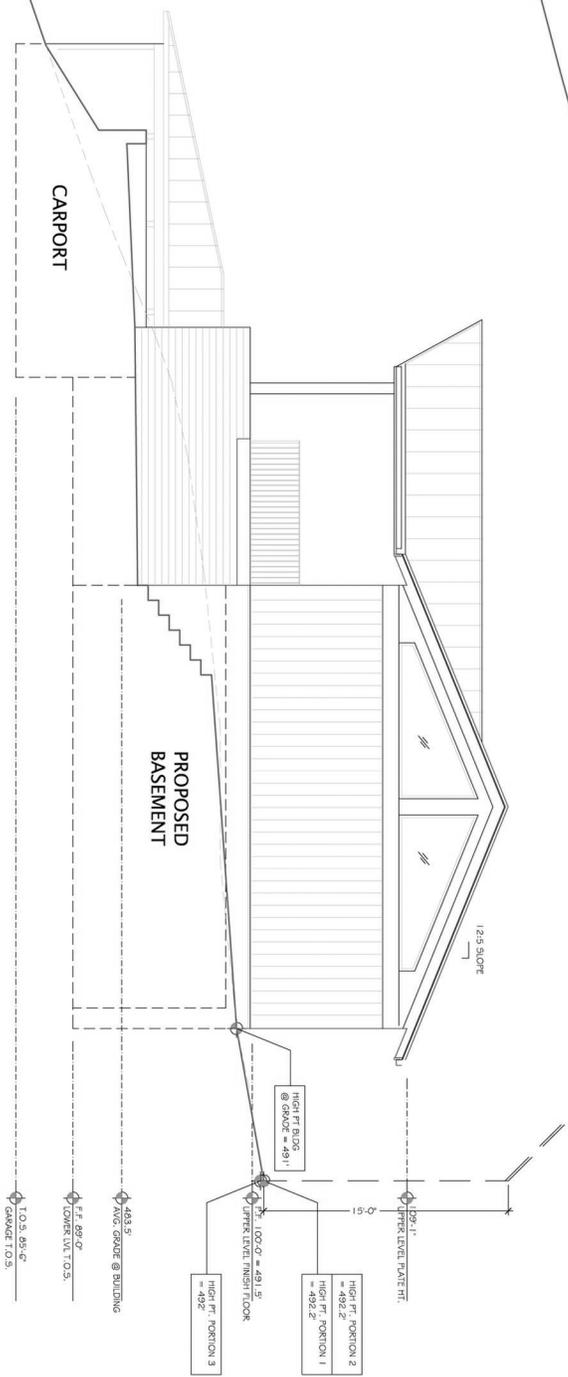


EXTERIOR ELEVATION ①  
 1/4" = 1'-0" SCALE

809 AZIE MORTON: Exterior Elevations  
 Board Of Adjustment\_2018



EXISTING - EXTERIOR ELEVATION 2  
1/4" = 1'-0" SCALE



PROPOSED - EXTERIOR ELEVATION 1  
1/4" = 1'-0" SCALE

809 AZIE MORTON: Exterior Elevations - Existing vs Proposed Lund Street  
Board Of Adjustment\_2018

H03/19



809 AZIE MORTON: Existing House  
Board Of Adjustment\_2018

H03/20



809 AZIE MORTON: Existing Lund Street  
Board Of Adjustment\_2018

H03/21



809 AZIE MORTON: Proposed Rendering  
Board Of Adjustment\_2018



I, Brandon & Kara David, am applying for a variance from the Board of Adjustment regarding Section RR2.SUBCHAPTER F: BASEMENT EXEMPTION B.2 of the Land Development Code. The variance would allow me the ability to still apply for the basement exemption by getting a variance to the following: section B. A habitable portion of a building that is below grade if: sub-section 2. 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.

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

Property Owner Name (Printed)	Address	Signature
Lisa King Konetski	903 Lund St. Austin, TX 78704	



I, Brandon & Kara David, am applying for a variance from the Board of Adjustment regarding Section RR2.SUBCHAPTER F: BASEMENT EXEMPTION B.2 of the Land Development Code. The variance would allow me the ability to still apply for the basement exemption by getting a variance to the following: section B. A habitable portion of a building that is below grade if: sub-section 2. 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.

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

Property Owner Name (Printed)	Address	Signature
Maureen Lamb	2005 Bluebonnet Ln, A	<i>Maureen Lamb</i>



I, Brandon & Kara David, am applying for a variance from the Board of Adjustment regarding Section RR2.SUBCHAPTER F. BASEMENT EXEMPTION B.2 of the Land Development Code. The variance would allow me the ability to still apply for the basement exemption by getting a variance to the following: section B. A habitable portion of a building that is below grade if: sub-section 2. 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.

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

Property Owner Name (Printed)	Address	Signature
<u>Michael Kelley</u>	<u>902 Bluebonnet Ln 115 Aztec Wilson</u>	<u>[Signature]</u>



I, Brandon & Kara David, am applying for a variance from the Board of Adjustment regarding Section RR2.SUBCHAPTER F. BASEMENT EXEMPTION B.2 of the Land Development Code. The variance would allow me the ability to still apply for the basement exemption by getting a variance to the following: section B. A habitable portion of a building that is below grade if: sub-section 2. 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.

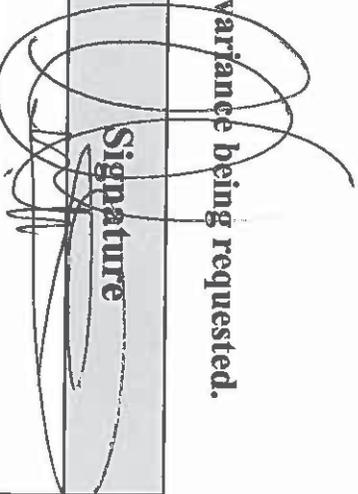
By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name <small>(Printed)</small>	Address	Signature
Frank Hyatt Barbara Hyatt	803 Azle Morton	<i>Barbara Hyatt</i>



I, Brandon & Kara David, am applying for a variance from the Board of Adjustment regarding Section RR.2.SUBCHAPTER F. BASEMENT EXEMPTION B.2 of the Land Development Code. The variance would allow me the ability to still apply for the basement exemption by getting a variance to the following: section B. A habitable portion of a building that is below grade if: sub-section 2. 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.

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

Property Owner Name (Printed)	Address	Signature
CONRAN BETAERANO	805 AZIE MORROW	



I, Brandon & Kara David, am applying for a variance from the Board of Adjustment regarding Section RR2.SUBCHAPTER F: BASEMENT EXEMPTION B.2 of the Land Development Code. The variance would allow me the ability to still apply for the basement exemption by getting a variance to the following: section B. A habitable portion of a building that is below grade if: sub-section 2. 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.

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

Property Owner Name (Printed)	Address	Signature
<u>Brenda Belbeckie</u>	<u>905 Fire Mountain Rd</u>	<u>[Signature]</u>



I, Brandon & Kara David, am applying for a variance from the Board of Adjustment regarding Section RR2.SUBCHAPTER F: BASEMENT EXEMPTION B.2 of the Land Development Code. The variance would allow me the ability to still apply for the basement exemption by getting a variance to the following: section B. A habitable portion of a building that is below grade if: sub-section 2. 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.

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

Property Owner Name (Printed)	Address	Signature
JOHN BRAND	900 BLUEBONNET LN. 78704	
Cynthia Trank	900 Bluebonnet Ln. 78704	



I, Brandon & Kara David, am applying for a variance from the Board of Adjustment regarding Section RR2.SUBCHAPTER F: BASEMENT EXEMPTION B.2 of the Land Development Code. The variance would allow me the ability to still apply for the basement exemption by getting a variance to the following: section B. A habitable portion of a building that is below grade if: sub-section 2. 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.

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

Property Owner Name (Printed)	Address	Signature
JAMES C. FREY	704 LUND ST.	



Brandon Davi [redacted]

Fwd: [Zilker List] Our BOA for 809 Azie Morton

Lynn Currie [redacted]

I support you in this and have no objections to the variance.

Lynn Currie
1607 Margaret St.
Austin, TX 78704

----- Forwarded message -----

From: [redacted]
Date: Fri, Jun 22, 2018 at 7:54 AM
Subject: [Zilker List] Our BOA for 809 Azie Morton
To: [redacted]



Hi everyone! My husband and I wanted to give the neighborhood a heads-up that we submitted to appear in front of the Board of Adjustments to apply for a variance for basement exemption. We're rebuilding our home at 809 Azie Morton (Robert E Lee) and intending to rebuild to closely mimic the existing structure of the home and keep the Zilker Mid-Mod feel. We were told that our neighbors within 500' from us will be getting letters from the city, but for everyone else in Zilker we wanted to make sure you know how to contact us if you have any questions.

For anyone that would like more details and a couple pics, here's a link to the letter we sent out last week to our immediate neighbors:

docs.google.com

809 REL NEIGHBOR LETTER

809 REL NEIGHBOR LETTER Hello! We're writing to our Azie Morton (Robert E Lee) and Zilker neighbors to introduce ourselves and ask a favor of support. For the past year we've been spending our time planning (and what seems like equal amounts of...

Thanks!
Kara & Brandon David

Visit Topic or reply to this email to respond.

You are receiving this because you enabled mailing list mode.

To unsubscribe from these emails, click here.

--
Lynn
---
Lynn Currie
Starling Homes + Remodels
www.starlingdevelopment.com
1107 S. 8th St. | Austin | Texas | 78704