# O02/1

## CITY OF AUSTIN Board of Adjustment Decision Sheet

#### DATE: Monday July 9, 2018

CASE NUMBER: C15-2018-0024

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

**APPLICANT: Jim Witliff** 

**OWNER: Susan R Pollo** 

ADDRESS: 1219 BICKLER RD

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-774 (Two-Family Residential Use) (C) (5) to:

A) (a) to decrease the size of a second dwelling from not to exceed 1,100 total square feet or a floor-to-area ration of .15(1,542 for this lot), whichever is smaller (required) to 2,500 square feet (requested/1,050 square feet existing primary home); and to

B) (b) to increase the size of the 2nd story from 550 square feet (required/permitted) to 1,250 square feet (requested)

in order to permit a second dwelling unit to be added in the rear of this single lot in a "SF-3-NCCD-NP", Family Residence – Neighborhood Conservation Combining District - Neighborhood Plan zoning district. (South River City)

**BOARD'S DECISION:** BOA July 9, 2018 The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to August 13, 2018, Board Member Melissa Hawthorne second on a 11-0 vote; POSTPONED TO AUGUST 13, 2018. (RE-NOTICE)



#### 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:

o Q. Qer

Leane Heldenfels Executive Liaison

William Burkhardt Chairman



From: Sent: Tuesday, July 31, 2018 10:24 AM To: Heldenfels, Leane Subject: RE: Renotice for 1219 Bickler

Leane,

Please postpone this case to the September agenda. We are scheduled to meet with the South River city Citizens neighborhood, but that meeting is after August 13<sup>th</sup>.

Thank you,

Jim Wittliff



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, <u>click here to Save</u> 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 # 15-2019-0024 ROW # 11941	1359 Tax # 0301020507
Section 1: Applicant Statement	
Street Address: <u>1219 Bickler Rd.</u> Subdivision Legal Description:	
Lot 33, Woodlawn Addition	
Lot(s): <u>33</u>	
Outlot: Zoning District: <u>SF-3-NCCD-NP</u>	_ Division:
I/We <u>Jim Wittliff/Land Answers, Inc.</u> authorized agent for <u>Bill Luce</u>	
	2018 , hereby apply for a hearing before the
Board of Adjustment for consideration to (select	appropriate option below):
●Erect ○Attach ○Complete ○Rem	odel O Maintain O Other:
Type of Structure: Single Family Residence	



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

LDC 25-2-774(c)(5): "The second dwelling unit may not exceed 1,100 square feet"

#### **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:

LDC 25-2-774(c)(5) assumes the "first residence" on the property will be the larger residence, entitled to 0.25 or more FAR. According to TCAD, the existing house on this property contains 1,050 square feet, which is less than the maximum allowable size for the second residence. The existing structure also has a 98 square foot covered porch, which is exempt from FAR. The property owner wished to construct a 2,500 to 3,000 square feet residence on the rear of the property,which will serve as the "first residence," rather than demolishing the existing home, building a larger home on the front, and a second residence on the rear.

#### Hardship

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

Most lots that are being developed as Two Family Residential already have the larger home in the front.

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

There are very few lots eligible for Two Family Residential that have the smaller home already built on the front of the property.



#### 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 rear home will be two stories/ 30 feet/ 3,000 square feet, which is typical of many of the home sizes in Travis Heights. Additionally, approval of this variance will not set a precedent, since the BOA has previously approved an identical variance for the property at 1400 Newning.

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

- 1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:
- 2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
- 3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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

# O02/8

## 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.

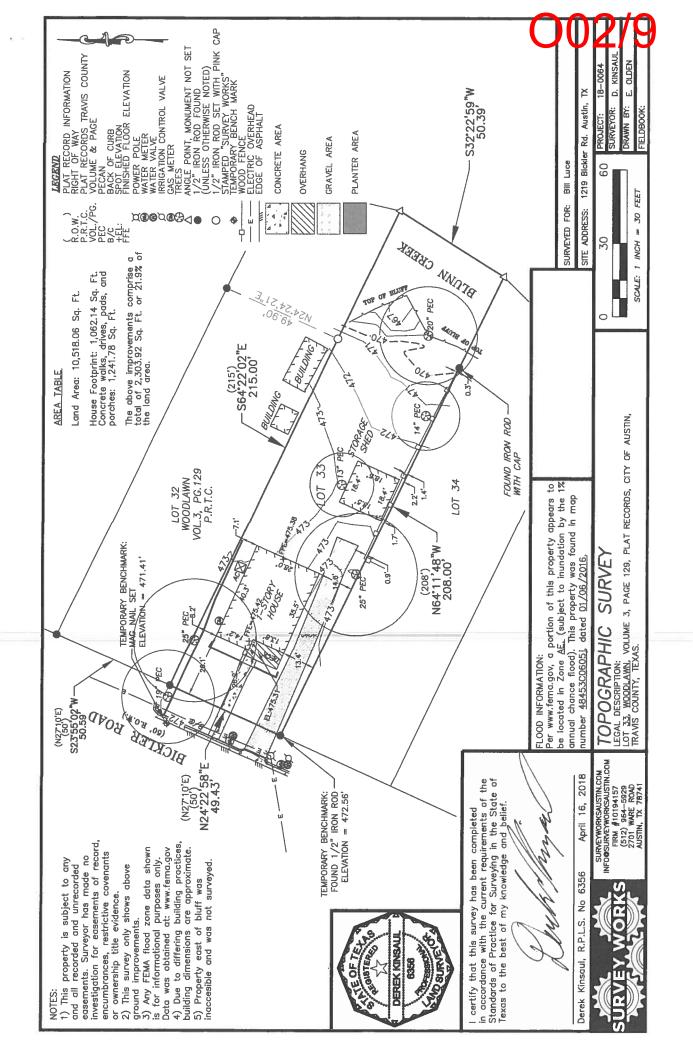
Applicant Signature:	4)	Date: 04/13/2018
Applicant Name (typed or printed): Jim Wittliff/Land	Answers, Inc.	
Applicant Mailing Address: 3606 Winfield Cove	U	
City: Austin		Zip: <u>78704</u>
Phone (will be public information): (512) 416-6611		
Email (optional - will be public information): landan	swers@sbcglobal.net	
Section 4: Owner Certificate		a fail and the
I affirm that my statements contained in the complete my knowledge and belief.		
Owner Signature: Augan Pale		Date: 04/13/2018
Owner Name (typed or printed): Susan Pollo		
Owner Mailing Address: 4400 Devision		
City: <u>Sealy</u>	State: Texas	Zip: 77474
Phone (will be public information):		
Email (optional – will be public information):		
Section 5: Agent Information		
Agent Name: Jim Wittliff/Land Answers		
Agent Mailing Address:		
City:		Zip:
Phone (will be public information):		
mail (optional – will be public information):		

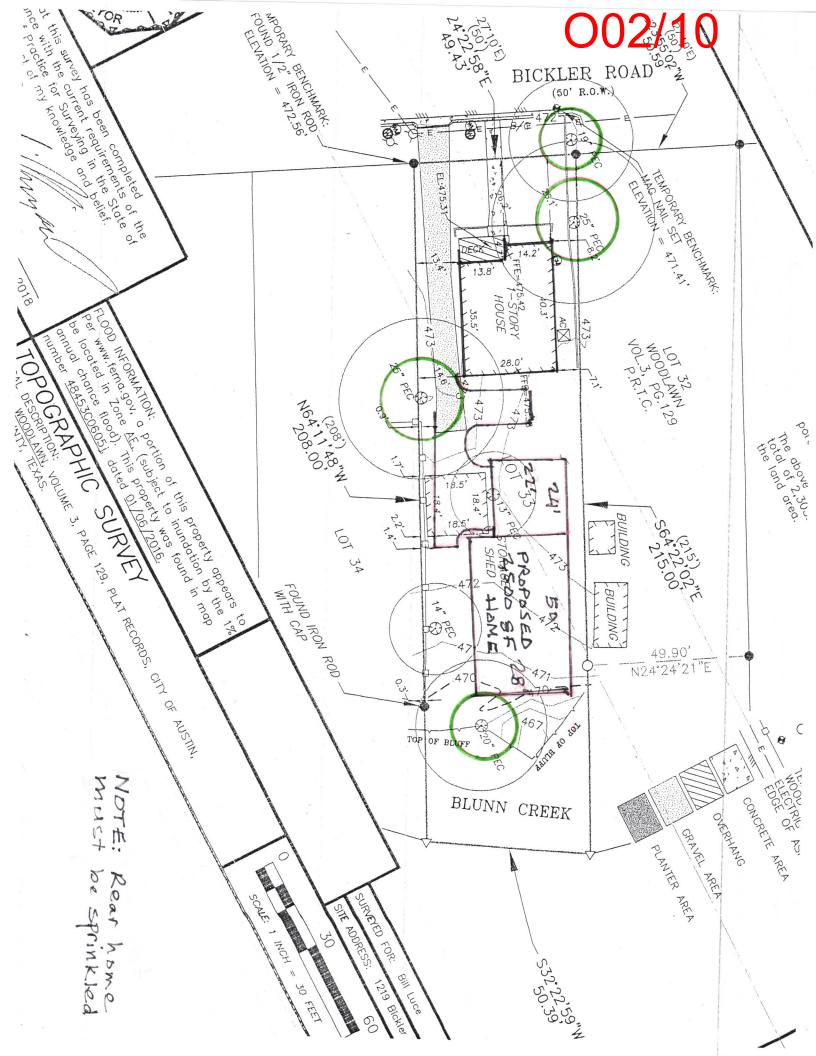
## Section 6: Additional Space (if applicable)

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).

City of Austin | Board of Adjustment General/Parking Variance Application

09/11/2015 | Page 7 of 8





VFORMATION	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
) are expected to attend a public . However, if you do attend, you	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.
neighborhood or environmental	Case Number: C15-2018-0024, 1219 Bickler Road
rest in an application affecting	<b>Contact:</b> Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov <b>Public Hearing:</b> Board of Adiustment. Thursdav July 9. 2018
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ling to appeal the decision.	Daytime Telephone: $5(2 - 964 - 9207)$
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	seen by the board at this hearing:
the director of the responsible e decision. An appeal form may	Leane Heldenfels
lent.	Austin, TX 78767-1088
of Austin's land development	(Note: mailed comments must be postmarked by the Wed prior to
elonment-services	The neuring to be seen by the board at this neuring) $Fax: (512) 074-6305$

PUBLIC HEARING INFORMATI

Although applicants and/or their agent(s) are expected to attend a publ hearing, <u>you are not required to attend</u>. However, if you do attend, yc have the opportunity to speak FOR or AGAINST the propose application. You may also contact a neighborhood or environment organization that has expressed an interest in an application affectir your neighborhood.

During a public hearing, the board or commission may postpone o continue an application's hearing to a later date, or recommend approva or denial of the application. If the board or commission announces specific date and time for a postponement or continuation that is not late 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 wh 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 o 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 o
- the subject property or proposed development. A notice of appeal must be filed with the director of the responsibl

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 developme process, visit our website: www.austintexas.gov/department/development-services

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this viriance why make special exceptions now 2 It shald also be pointed out that, given the lot size of 1219 Brikler, there are numerous options for adding squar fortage that don't vernie a variance.

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PUBLIC HEARING INFORMATION	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
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your neighborhood.	Public Hearing: Board of Adjustment, Thursday July 9, 2018
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can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.	Daytime Telephone: 512-626-05037
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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.	Austin, TX 78767-1088
For additional information on the City of Austin's land development	(Note: mailed comments must be postmarked by the Wed prio
www.austintexas.gov/department/development-services	Fax: (512) 974-6305
	Email: leane.heldenfels@austintexas.gov

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seen by the Board at this hearing:

City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels P. O. Box 1088

Mail:

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For additional information on the City of Austin's land development www.austintexas.gov/department/development-services process, visit our website:

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Email: leane.heldenfels@austintexas.gov

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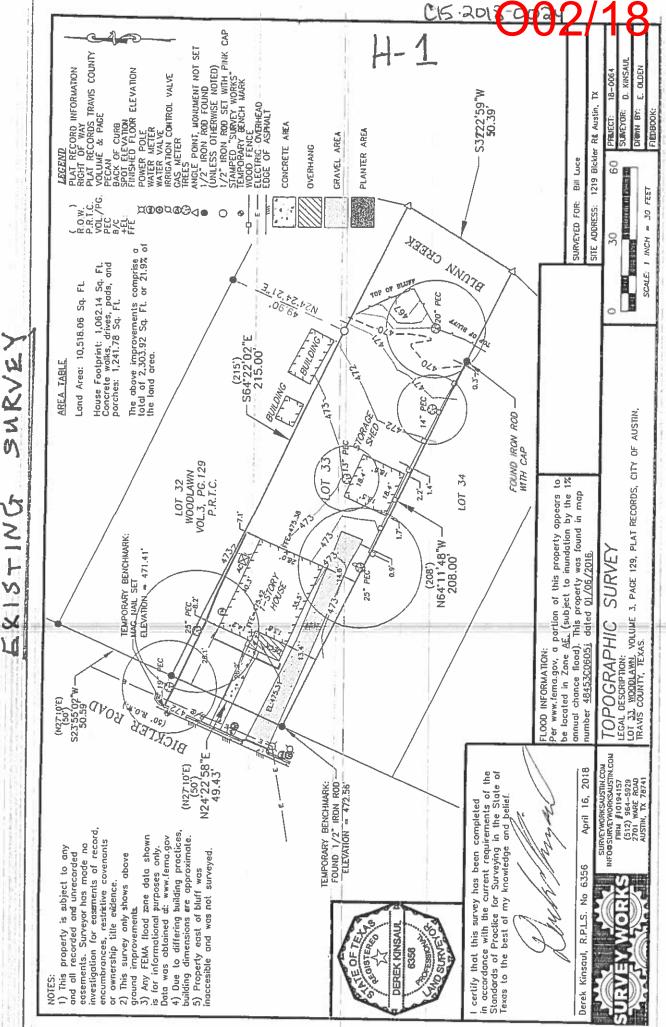
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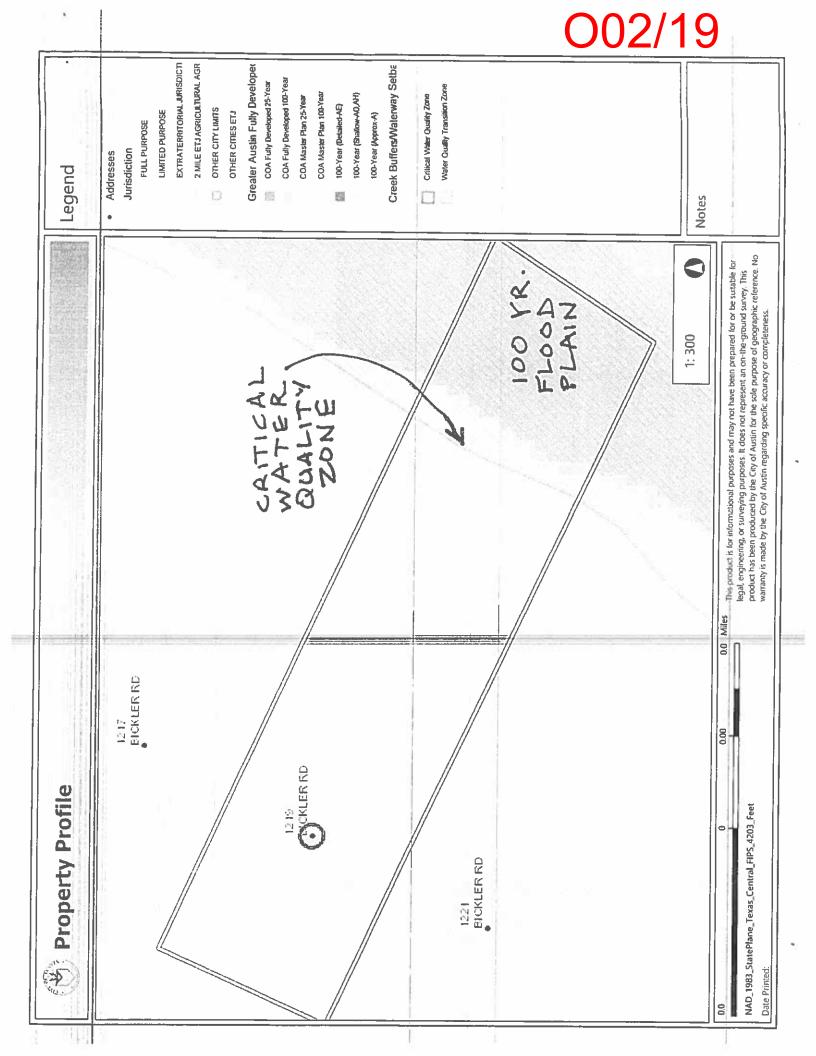
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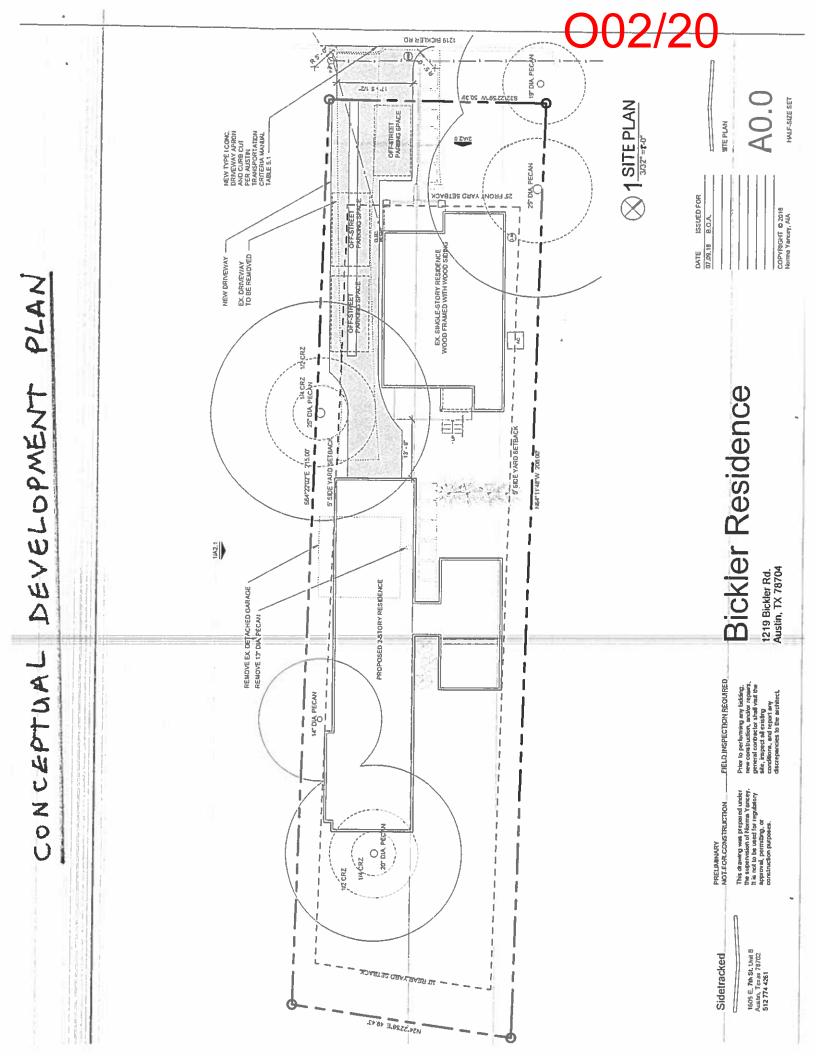
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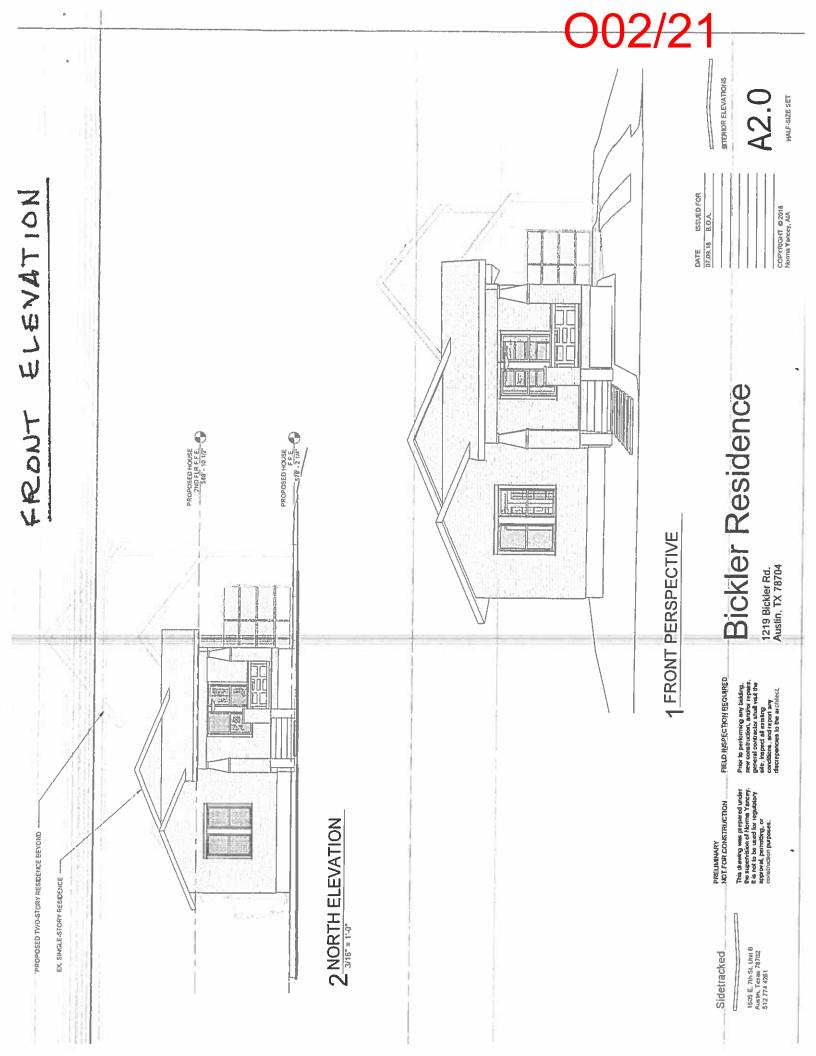
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be available from the responsible department.	P. O. Box 1088 Austin, TX 78767-1088
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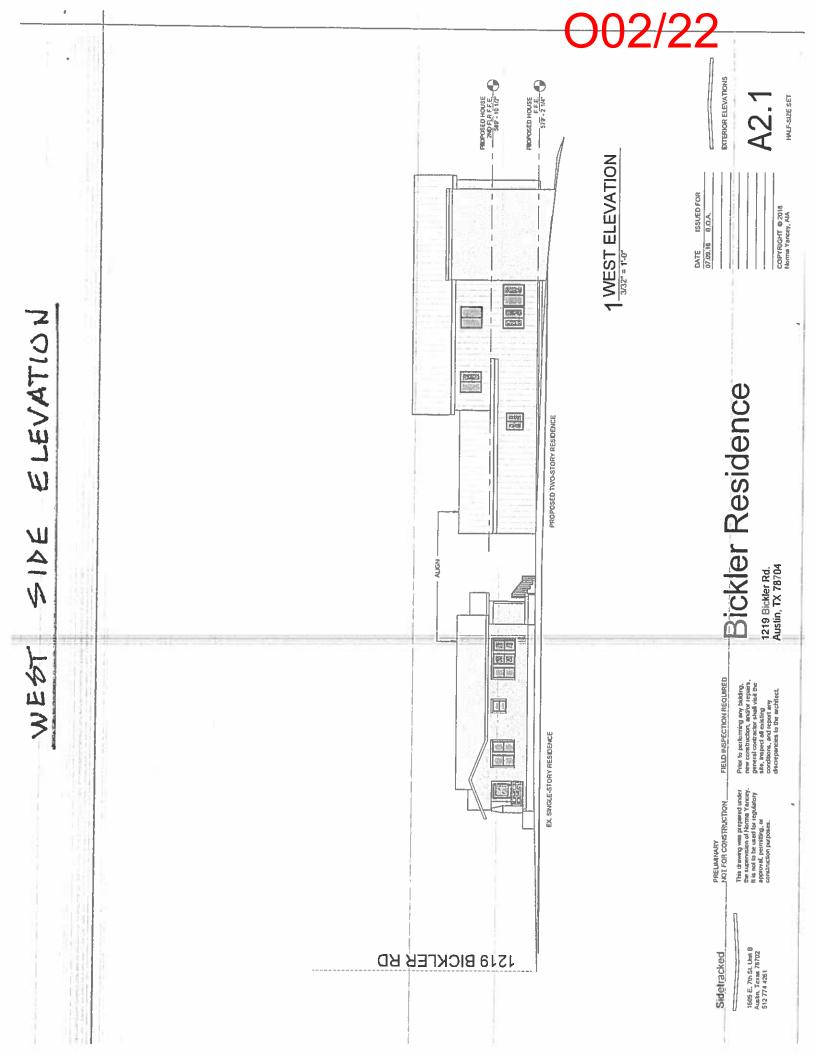


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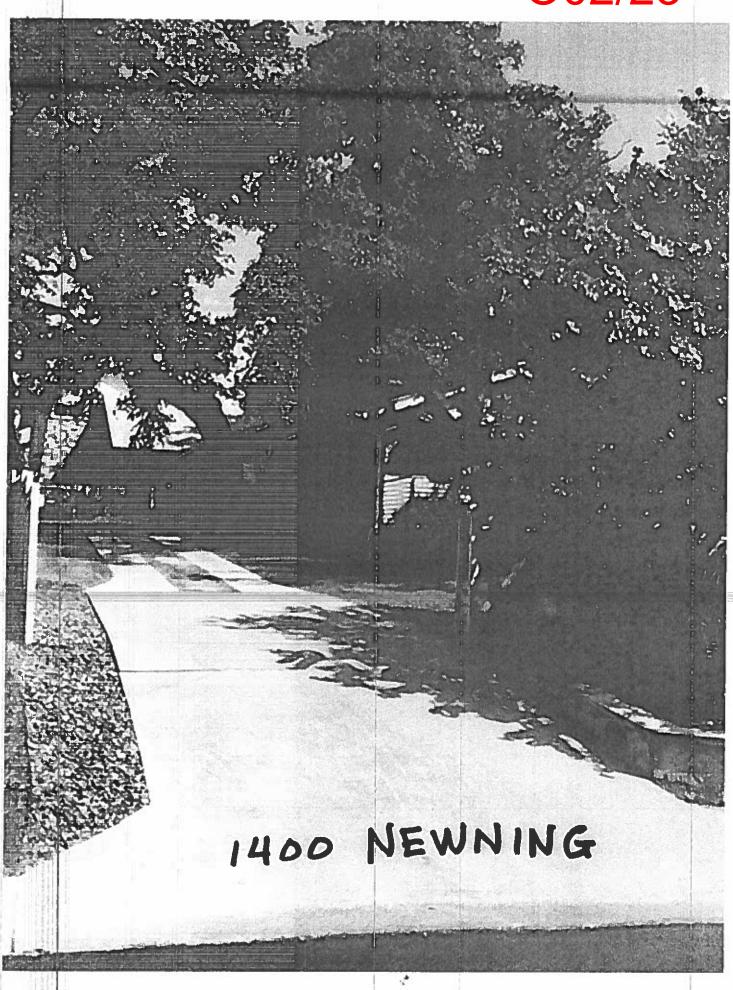


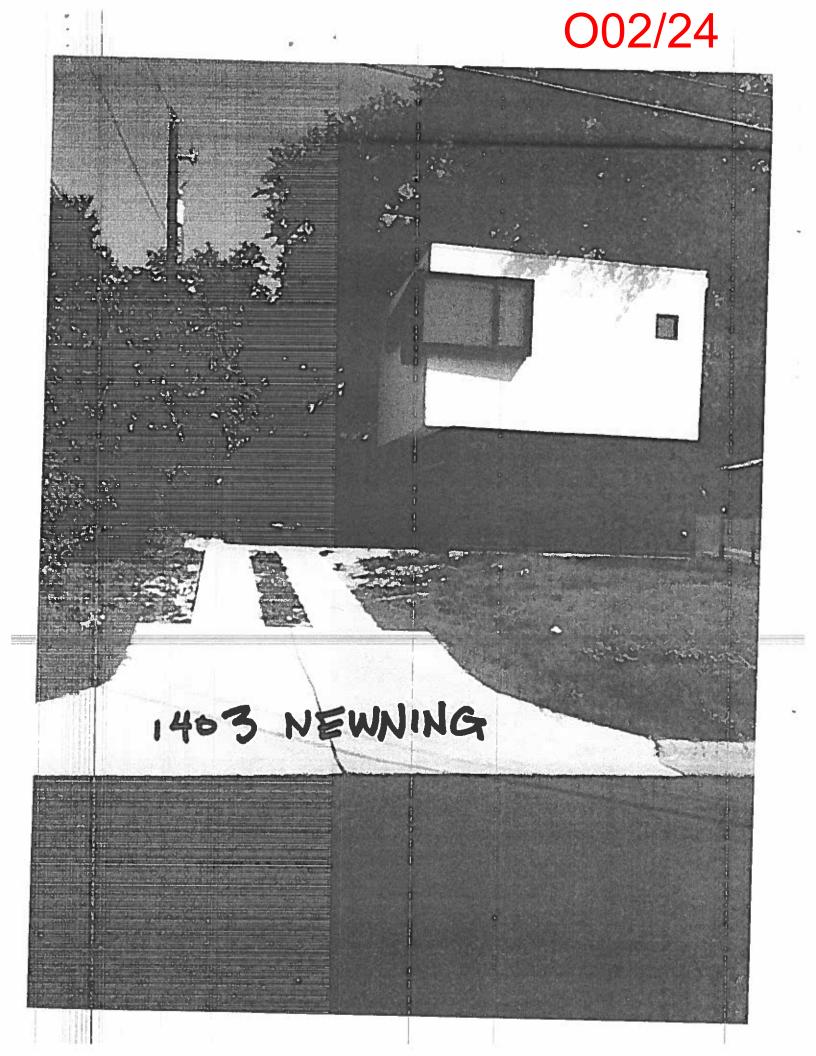






# 002/23





## 002/25

#### Land Answers

From: Sent: To: Cc: Subject: Attachments:

Kellogg, Eben <Eben.Kellogg@austinenergy.com> Thursday, July 05, 2018 3:28 PM Land Answers Heldenfels, Leane; Wilhite, Joan E; England, Pamela AE\_BOA\_20180705\_1219\_BICKLER\_RD AE\_BOA\_20180705\_1219\_BICKLER\_RD.pdf

Jim Wittliff - Land Answers, Inc. for Susan Pollo 1219 Bick er Road Austin Texas, 78704

Lot 33 – Woodlawn Addition. Vol. 3, Pg. 129 P.R.T.C.TX

Re: C15-2018-0024

Dear Jim,

July 5, 2018

Austin Energy (AE) has reviewed your application for the above referenced property, requesting variance(s) from the following section of the Land Development Code –

Section 25-2-774 (Two-Family Residential Use) (C) (5) A) (a)

to decrease the size of a second dwelling from not to exceed 1,100 total square feet or a floor-to-area ration of .15(1,542 for this lot), whichever is smaller (required) to 2,500 square feet (requested/1,050 square feet existing primary home);

and to B)(b) to increase the size of the 2nd story from 550 square feet (required/permitted) to 1,250 square feet (requested);

In order to permit a second dwelling unit to be added in the rear of this single lot in a "SF-3-NCCD-NP", Family Residence – Neighborhood Conservation Combining District Neighborhood Plan zoning district. (South River City)

Austin Energy does not oppose your application for the above variance(s), provided that all proposed and existing improvements are in compliance with Austin Energy clearance criteria requirements, the National Electric Safety Code (NESC) and OSHA. All removal or relocation of existing electric facilities will be at owners/applicants expense. If our service drop is recommended to be relocated, when you obtain a building permit, please speak with our Distribution Construction Leader, Joan Wilhite, at 512-505 7604, for the new location of your service.

Attached is a link to our clearance criteria. https://library.municode.com/tx/austin/codes/utilities\_criteria\_manual?nodeId=S1AUENDECR\_1.10.0CLSARE

Thank you,

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