

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

**DATE: Monday December 10, 2018**

**CASE NUMBER: C15-2018-0050**

<u>    </u> Y <u>    </u>	Brooke Bailey
<u>    </u> Y <u>    </u>	William Burkhardt
<u>    </u> Y <u>    </u>	Christopher Covo
<u>    </u> Y <u>    </u>	Eric Golf
<u>    </u> Y <u>    </u>	Melissa Hawthorne
<u>    </u> Y <u>    </u>	Bryan King
<u>    </u> Y <u>    </u>	Don Leighton-Burwell OUT
<u>    </u> - <u>    </u>	Rahm McDaniel
<u>    </u> Y <u>    </u>	Martha Gonzalez (Alternate)
<u>    </u> Y <u>    </u>	Veronica Rivera
<u>    </u> Y <u>    </u>	James Valdez
<u>    </u> Y <u>    </u>	Michael Von Ohlen
<u>    </u> - <u>    </u>	Kelly Blume (Alternate) OUT
<u>    </u> - <u>    </u>	Ada Corral (Alternate)

**OWNER/APPLICANT: Alex Finnell**


**ADDRESS: 2003 TILLOTSON AVE**


**VARIANCE REQUESTED:** The applicant has requested variance(s) to Section 25-2-774 (Two-Family Residential Use) (B) to decrease the minimum lot size from 5,750 square feet (required) to 5,382 square feet (requested) in order to permit a second dwelling unit to be added to this existing lot in an "SF3-NP", Family Residence – Neighborhood Plan zoning district. (Central East Austin)

**BOARD'S DECISION:** The public hearing was closed on Board Member Bryan King motion to Postpone to January 14, 2019, Board Member Don Leighton-Burwell second on an 11-0 vote; POSTPONED TO January 14, 2019. (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:

  
Leane Heldenfels  
Executive Liaison

  
William Burkhardt  
Chairman

OVERVIEW

This is to be a new ADU for my wife and I to live in full time.

CONCERNS THAT WERE RAISED AT LAST BOA HEARING

- a. The stair was located outside of the conditioned envelope so that it would not count against the FAR.
- b. The Washer, Dryer, and HVAC were located in the office so they would not count against the FAR on 2nd Floor main public living areas.
- c. With the outboard stair it seems like the individual floors could be used seperately .... like two units.
- d. Was the full bathroom on the ground floor necessary?

CONCERNS THAT WERE ADDRESSED:

- a. The stair is located in the conditioned envelope now. Adding 143 SF.
- b. The Washer, Dryer, and HVAC are upstairs adjacent to the bedroom / closet.
- c. The public areas moved to the ground floor with one larger upstairs bedroom and bathroom instead of two small bedrooms and bathrooms.
- d. The ground floor is served by a powder room. No bathing facilities.

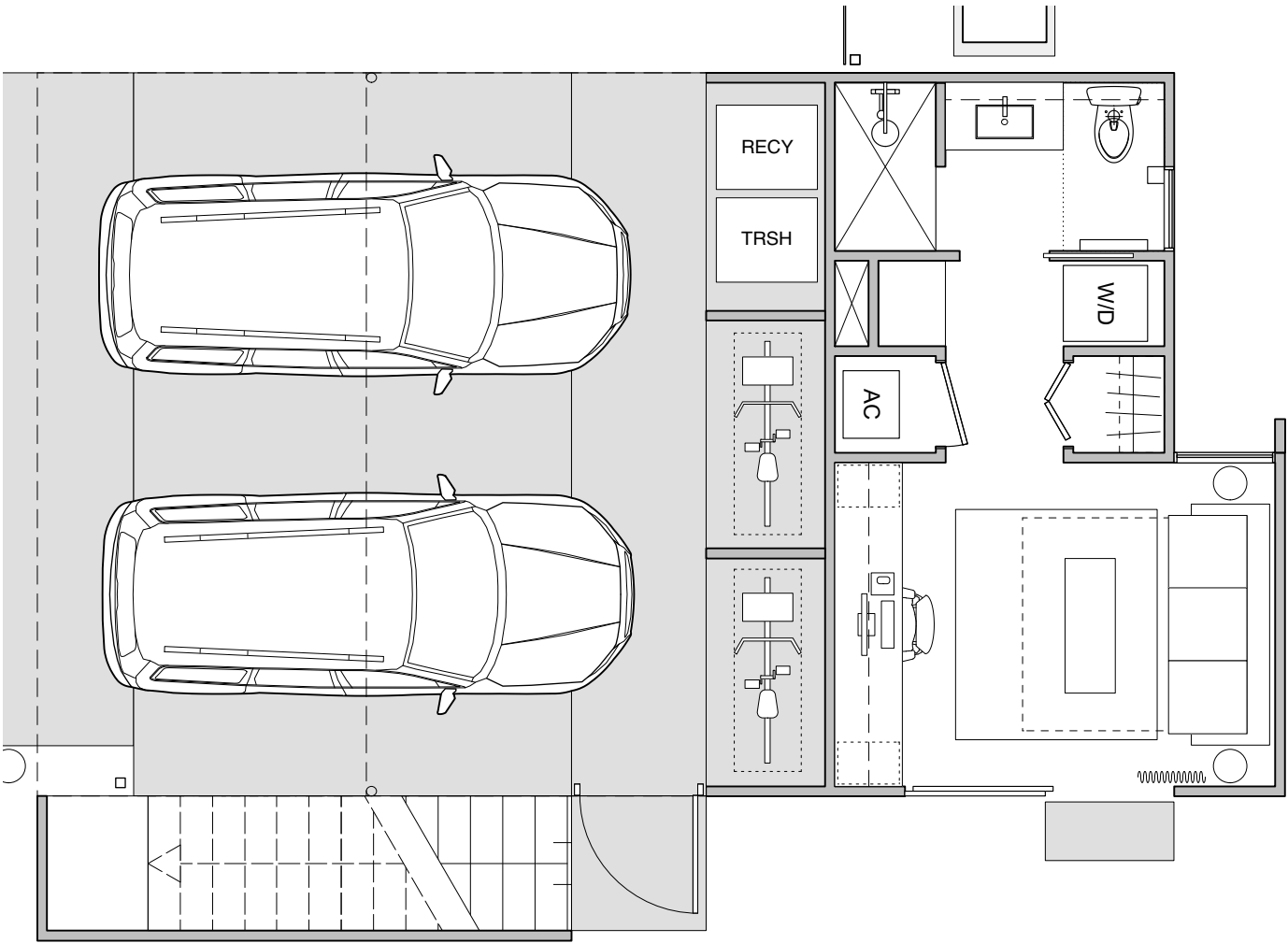
SITE DETAILS:

LOT AREA: 5,382 SF  
MAX FAR: 40% = 2,153 SF  
MAX ALLOWABLE CONDITIONED SF PER SUBCHAPTER F: 2,300 SF = 43% FAR EQUIVALENT  
MAX ALLOWABLE ADU FAR: 15% = 807 SF  
MAX IMPERVIOUS: 45% = 2,422 SF  
  
EXISTING FAR: 18% = 950 SF  
EXISTING IMPERVIOUS: 28% = 1,530 SF  
  
PROPOSED FAR: 36% = 1,900 SF  
PROPOSED ADU FAR: 18% = 950 SF  
PROPOSED IMPERVIOUS: 45% = 2,422 SF

VARIANCE REQUESTS:

- a. Section 25-2-774 (Two Family Residential Use) (B) to decrease the minimum lot size from 5,750 SF (required) to 5,382 SF (requested)
- b. Section 25-2-774 (Two Family Residential Use) (C) (5) (a) to increase the FAR of the second dwelling unit from .15 to .18 (requested)
- c. Subchapter F 2.7.1 Increase the unbroken length of a sidewall from 36 feet (max allowable) to 39.5 feet (requested)

In order to permit a second dwelling unit with an internal staircase to be added to this existing lot in an "SF3-NP" Family Residence - Neighborhood Plan zoning district. Central East Austin.

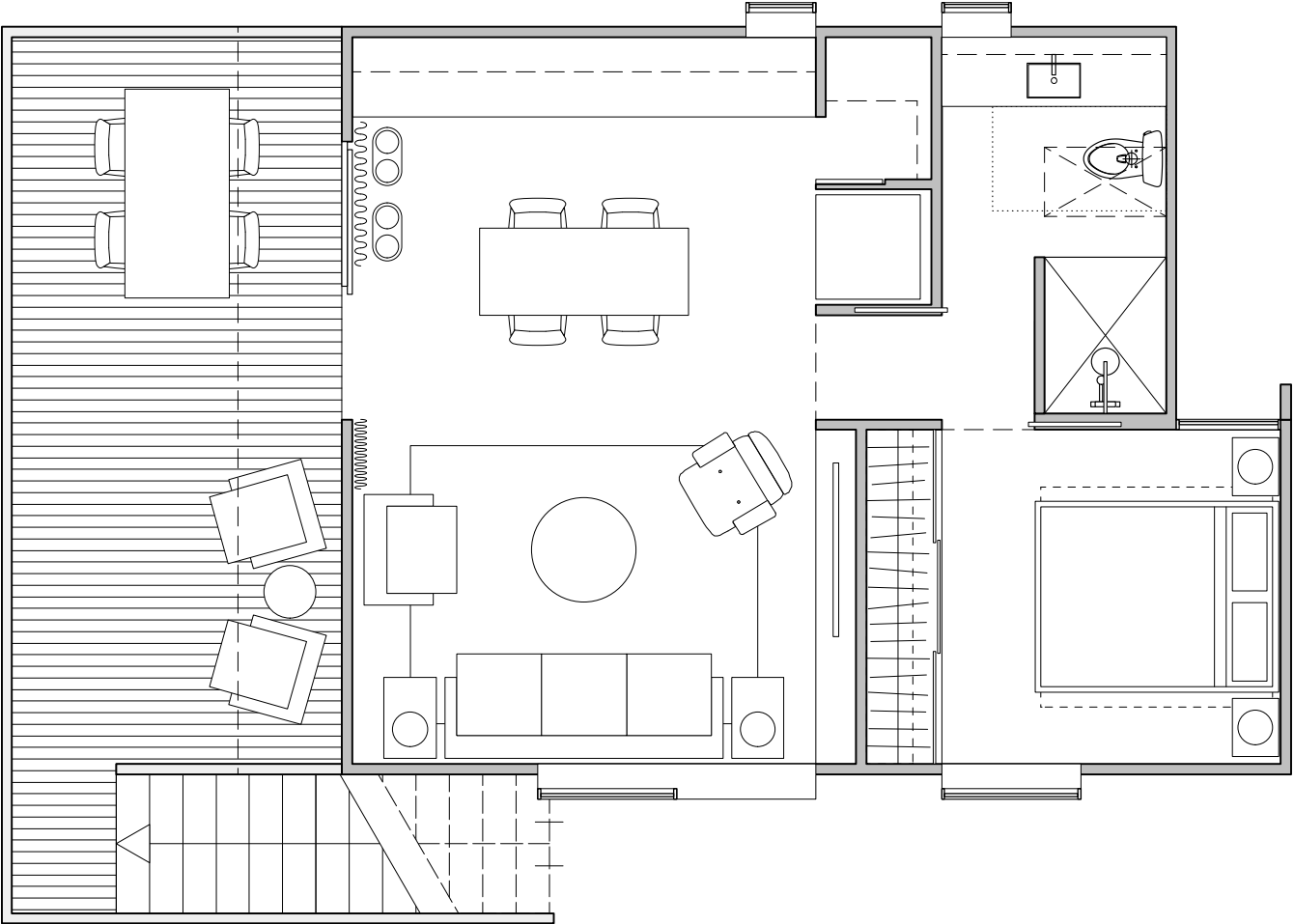


1

1st Floor - 257 SF Conditioned  
Scale: 3/16" = 1'-0"

PAGE 2 - ORIGINAL CONCEPT FLOORPLAN FROM DECEMBER MEETING

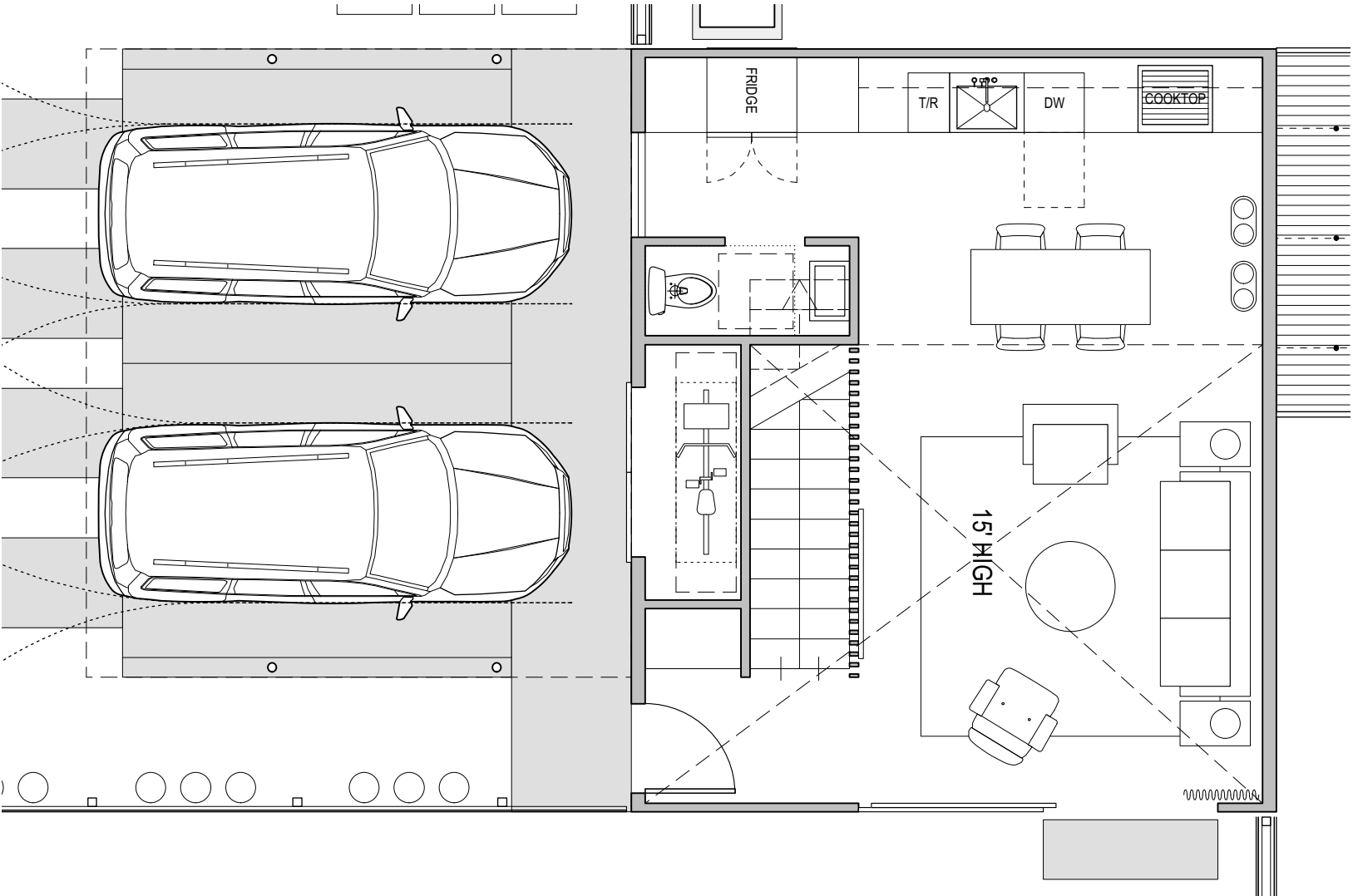
Total Conditioned Area Included Towards Site FAR = 807 SF = 15% FAR



2

2nd Floor - 550 SF Conditioned  
Scale: 3/16" = 1'-0"

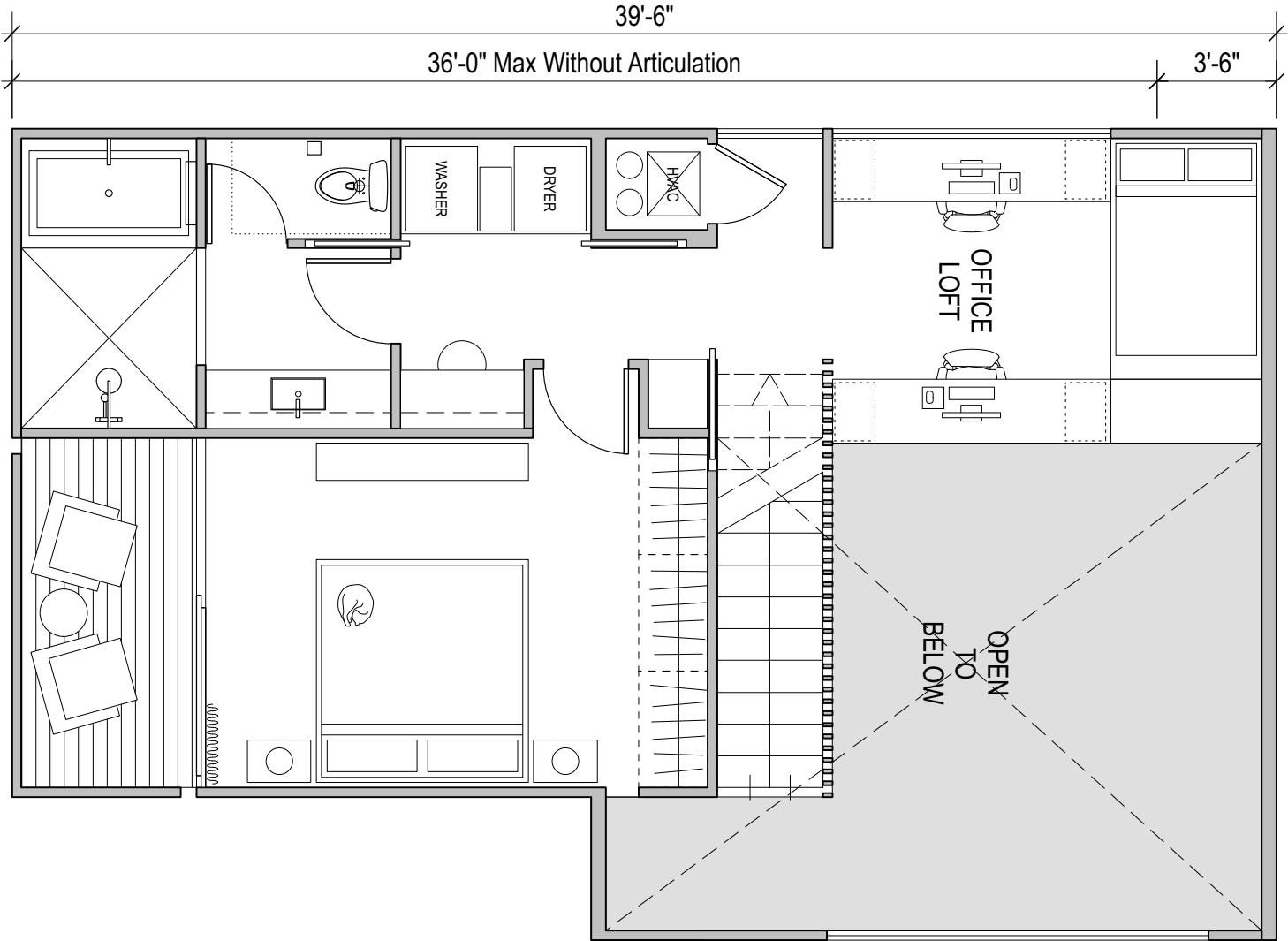
- CONCERNS THAT WERE RAISED:
- a. The stair was located outside of the conditioned envelope so that it would not count against the FAR.
  - b. The Washer, Dryer, and HVAC were located in the office so they would not count against the FAR on 2nd Floor main public living areas.
  - c. With the outboard stair it seems like the individual floors could be used seperately.... like two units.
  - d. Was the full bathroom on the ground floor necessary?



1 1st Floor - 550 SF Conditioned  
Scale: 3/16" = 1'-0"

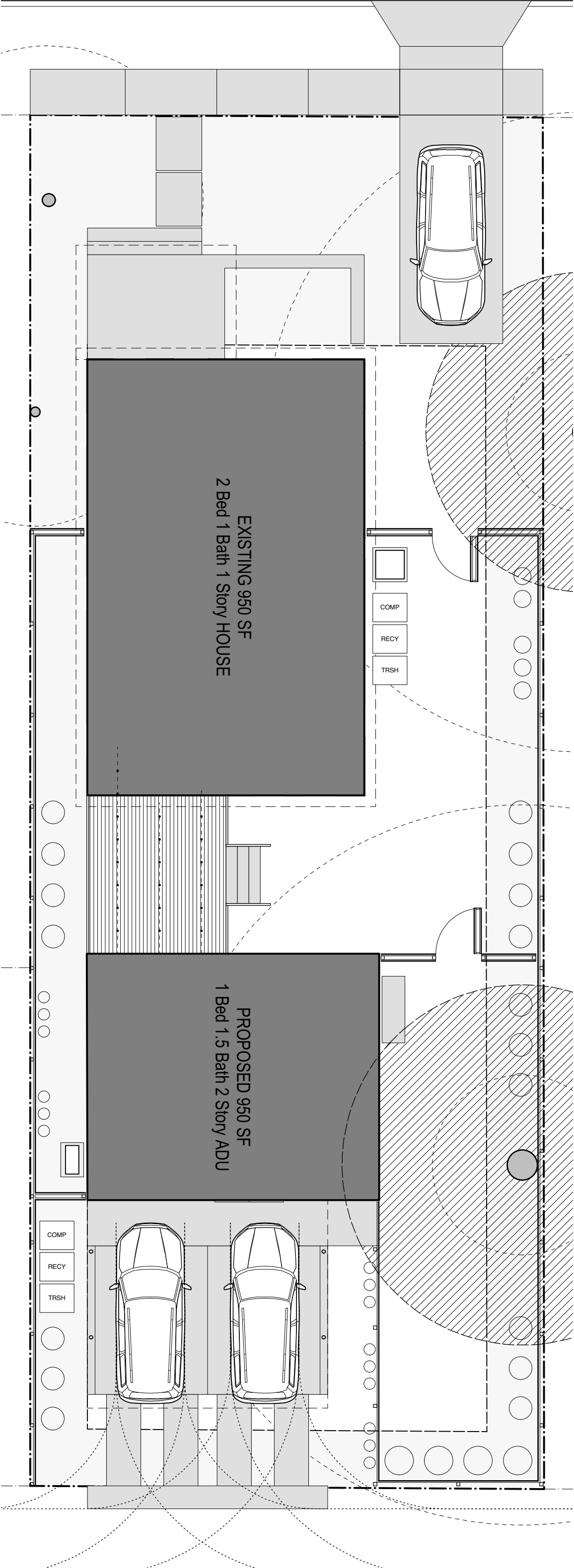
PAGE 3 - REVISED CONCEPT FLOORPLAN BASED ON COMMENTS

Total Conditioned Area Included Towards Site FAR = 950 SF = 18% FAR



2 2nd Floor - 400 SF Conditioned + 160 SF Loft (Not In FAR)  
Scale: 3/16" = 1'-0"

- CONCERNS THAT WERE ADDRESSED:
- a. The stair is located in the conditioned envelope now. Adding 143 SF.
  - b. The Washer, Dryer, and HVAC are upstairs adjacent to the bedroom / closet.
  - c. The public areas moved to the ground floor with one larger upstairs bedroom and bathroom instead of two small bedrooms and bathrooms.
  - d. The ground floor is served by a powder room. No bathing facilities.



Proposed Site Plan  
0  
Scale: 1:100

PAGE 4 - REVISED CONCEPT SITE PLAN BASED ON COMMENTS

Total Conditioned Area Included Towards Site FAR = 950 SF = 18% FAR

- OVERVIEW
- a. Proposed Site FAR = 36% (950 SF + 950 SF = 1,900 SF Conditioned)
  - b. Proposed Site IMPERVIOUS = 45% ( 2,422 SF)
  - c. Proposed 3 Bedrooms / 2.5 Bathrooms (2 Bedroom / 1 Bathroom + 1 Bedroom / 1.5 Bathroom)



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

### NOTIFICATIONS

CASE#: C15-2018-0050  
LOCATION: 2003 Tillotson Avenue



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" = 139'





## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

P-2/7

## 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: 2003 Tillotson Avenue, Austin, TX 78702

Subdivision Legal Description:

Lot 13, Block D, College Heights, A Subdivision of Outlots 8, 9, and 62, Division 'B', in the City of Austin, Travis County, Texas, as recorded in Vol. 3, Pg. 51, Plat Records, Travis County, TX.

Lot(s): 13 Block(s): D

Outlot: Subdivision Of Outlots 8, 9, and 62 Division: B

Zoning District: SF3-NP

I/We Alex Finnell on behalf of myself/ourselves as  
authorized agent for \_\_\_\_\_ affirm that on  
Month November, Day 12, 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: 807 square foot ADU - Accesory Dwelling Unit in an SF-3-NP Zoning District

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

Section 25-2-774 (Two-Family Residential Use) (B) to decrease the minimum lot area from 5,750 square feet (required) to 5,382 square feet (requested/existing) in order to permit a secondary dwelling unit in a "SF-3-NP", Family Residence - Neighborhood Plan zoning district. (Central East Austin)

## 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:

ADU's have been allowed and permitted recently on nearby lots that also were less than 5,750 Square Feet. Most recently, on October 9th of 2017, this board granted a variance for minimum lot size for Guillermo Sach Sanchez for his property located at 2017 East 11th St. I have the support of my neighbors and the local Blackshear / Prospect Hill Neighborhood Association in favor of allowing an ADU to be built on my property. Within 500 feet of my property there are 12 existing examples of two family residences on substandard lots: 1901, 1914, & 2001 Tillotson, 1126 & 1107 Lincon, 1915 Hamilton, 1900, 1910, 1914, & 2017 E. 11th, 1102 Prospect...

### Hardship

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

Our property at 2003 Tillotson Avenue is 368 SF below minimum required lot size fronting on a 50' ROW and with a 10' public alley off the back. Extreme topography along the North and East coupled with existing roadway boundaries across the West (Chicon St.) and South (E. 11th St.) unintentionally and unequally constrained my lot dimensions (lots within the subdivision are longer on the South side of 11th). Causing an otherwise standard lot to be sub "standard" size.

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

The majority of lots in this neighborhood are larger than 5,750 SF. Among the substandard lots there are many historic and contemporary examples of two family residential use. Most recently, in October of 2017, this board granted a variance for minimum lot size to 2017 East 11th Street in order to construct an ADU. That approved and this requested variance are in line with neighborhood support promoting ADUs to meet the City's housing needs and vision.



**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:

Most lots in the Blackshear neighborhood are larger than 5,750 SF and several nearby  
substandard lots are already approved for ADU's. The approval of this variance will not alter the  
character of the area adjacent to the property. My property would conform to existing city code  
requirements, including maximum impervious cover and FAR regulations. The ADU would  
have alley access with off street parking. And the approval of this variance would provide  
additional housing in conformance with Imagine Austin as supported by the neighborhood.

**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:  Date: 11.12.18

Applicant Name (typed or printed): Alex Finnell

Applicant Mailing Address: 2003 Tillotson Avenue

City: Austin State: TX Zip: 78702

Phone (will be public information): (512) 773-3379

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: 11.12.18

Owner Name (typed or printed): Alex Finnell

Owner Mailing Address: 2003 Tillotson Avenue

City: Austin State: TX Zip: 78702

Phone (will be public information): (512) 773-3379

Email (optional – will be public information): 

**Section 5: Agent Information**

Agent Name: \_\_\_\_\_

Agent Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

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

**Section 6: Additional Space (if applicable)**

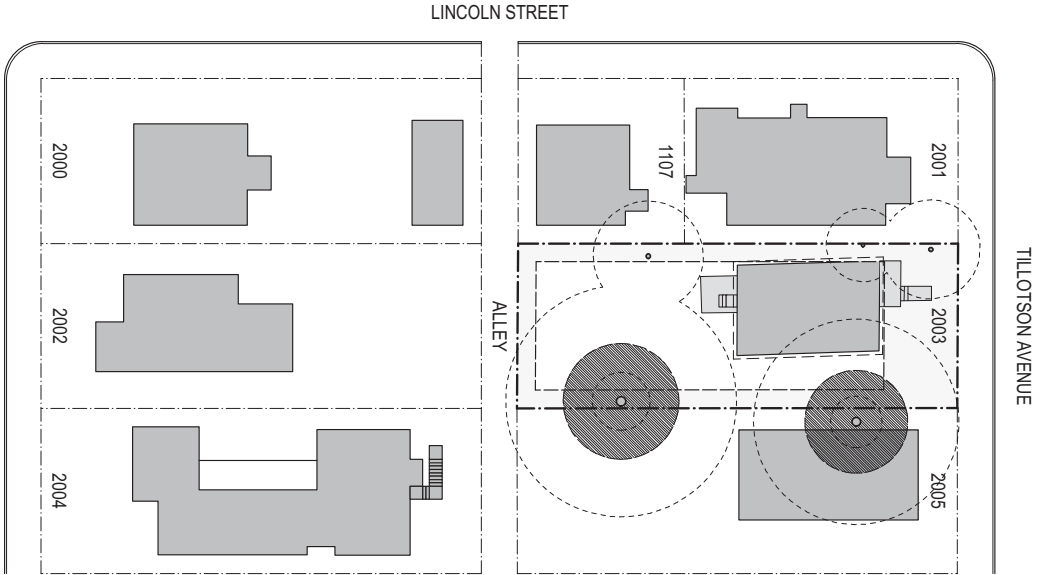
Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

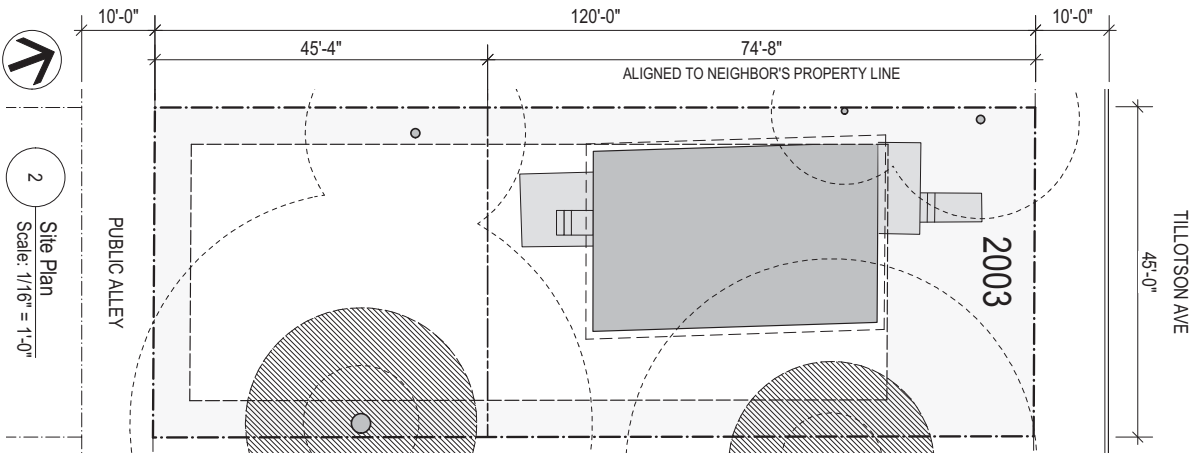




1 Block Site Plan  
Scale: 1/32" = 1'-0"



2 Site Plan  
Scale: 1/16" = 1'-0"

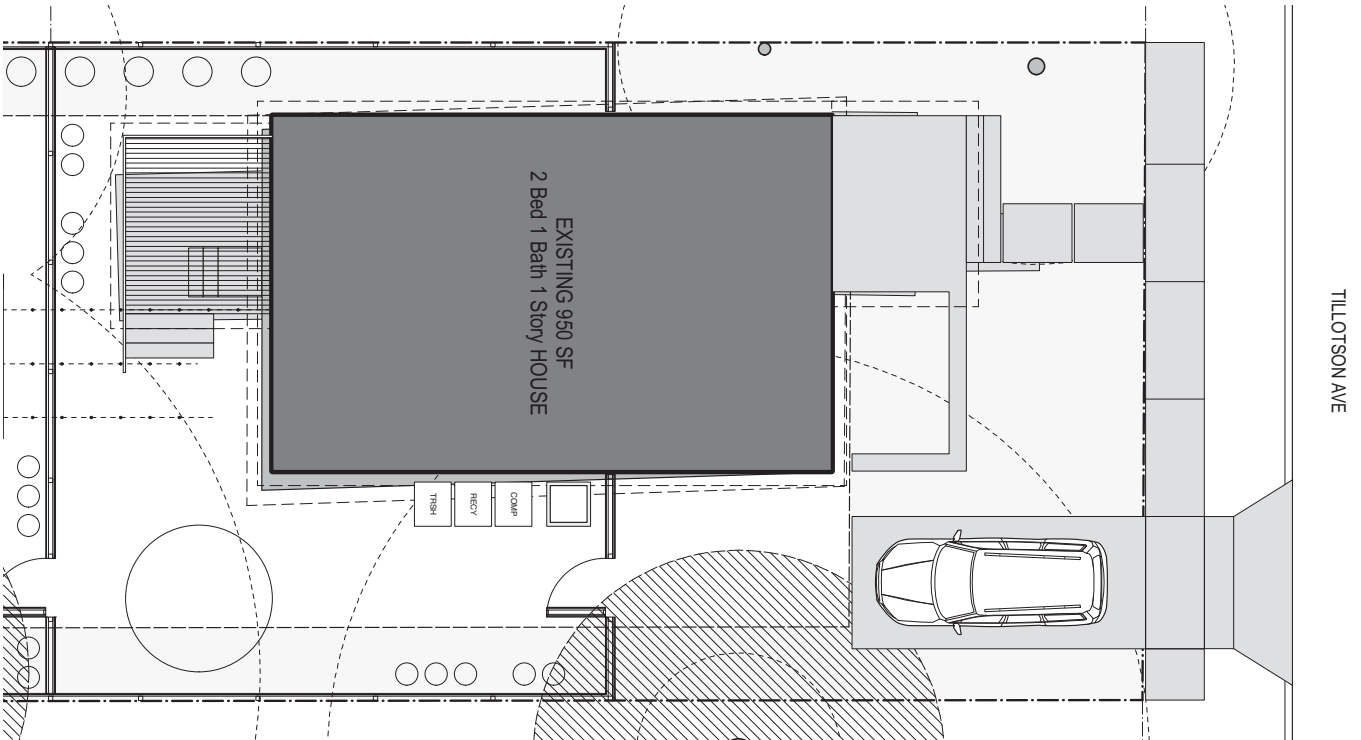


## 2003 TILLOTSON AVENUE - INFO

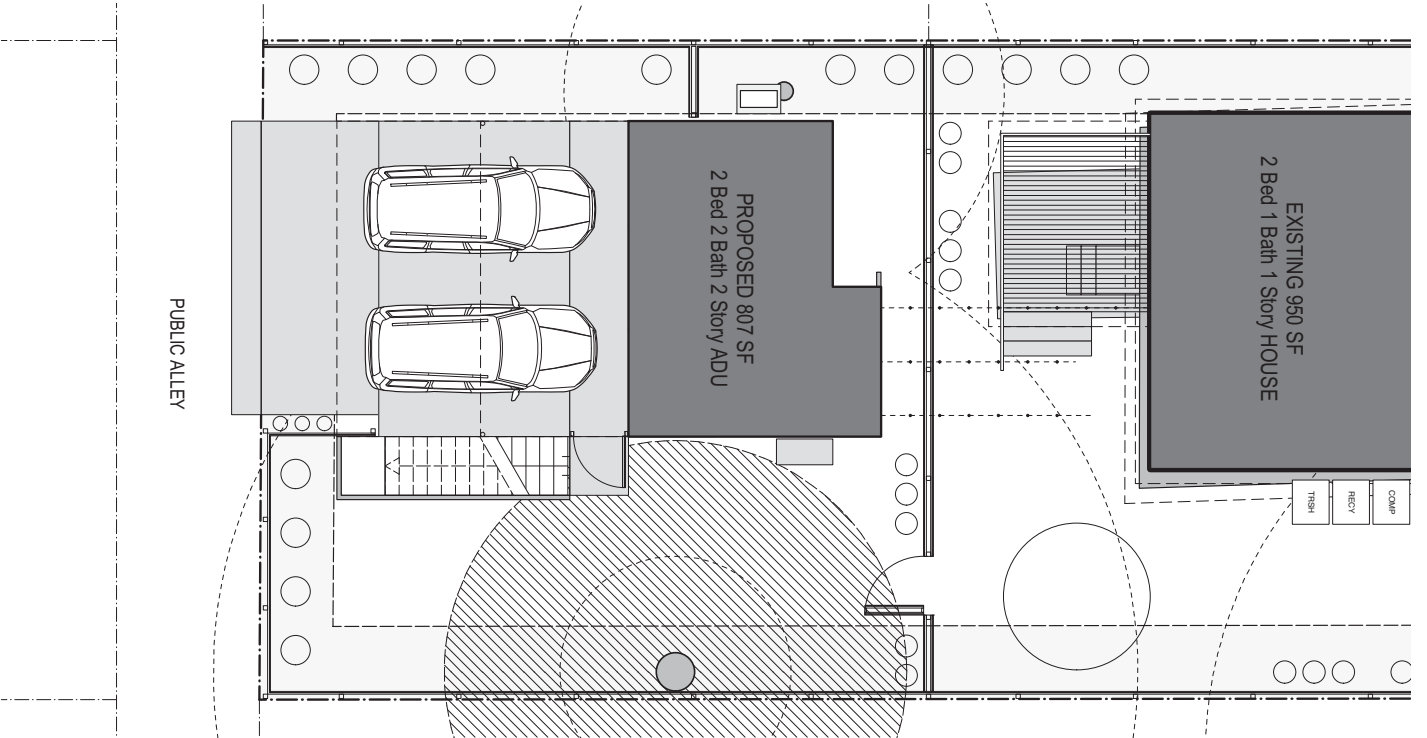
Lot Size: 5,382 SF  
40% FAR Allowable: 2,153 SF  
15% FAR Max ADU Size: 807 SF  
45% Impervious Allowable: 2,422 SF

Existing House: Apprx. 950 SF

Site slopes South to the alley, relatively level with two protected American Elm trees along the East property line.



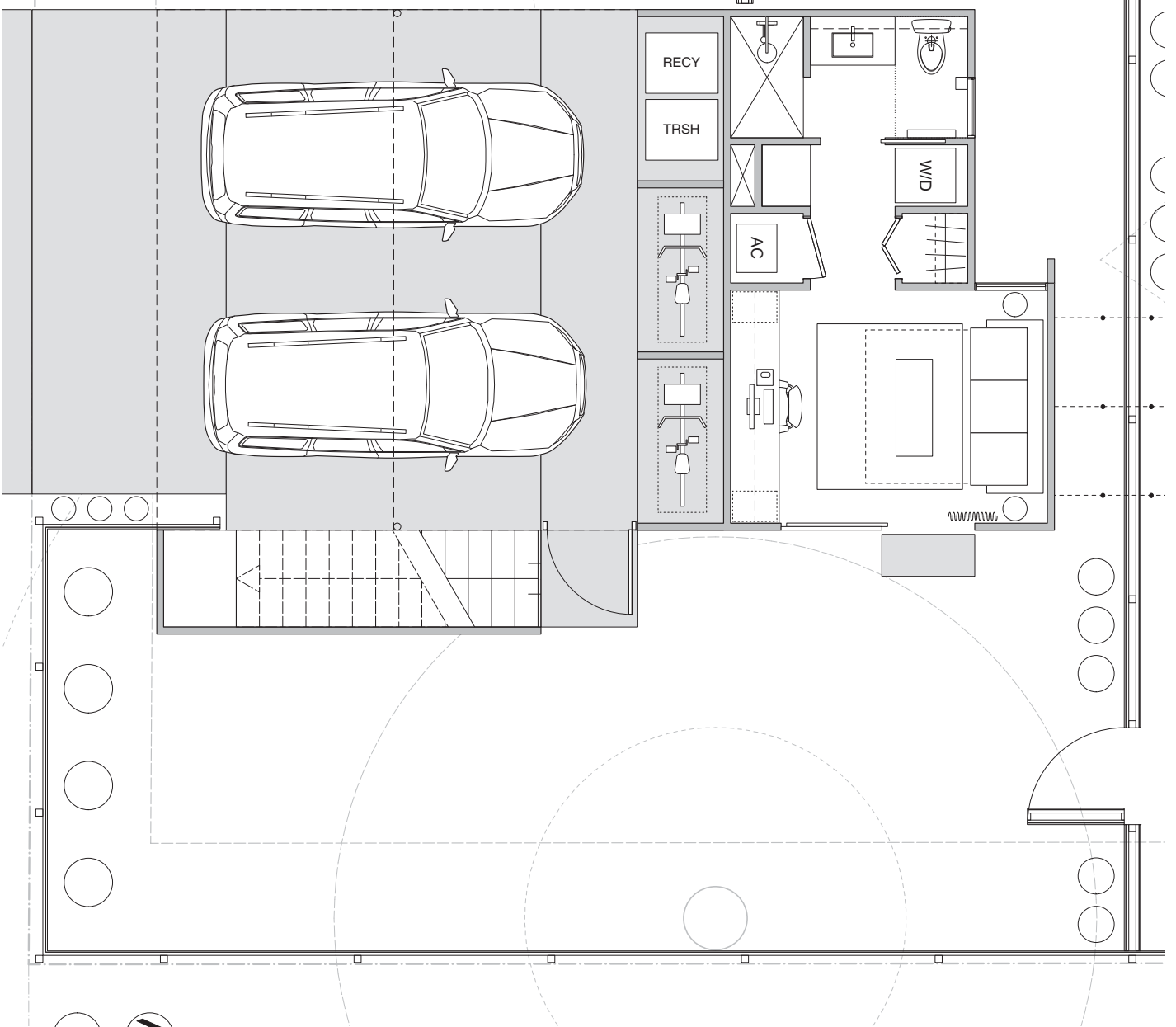
3 Front House Site Plan  
Scale: 1/8" = 1'-0"



4

Back House Site Plan  
Scale: 1/8" = 1'-0"

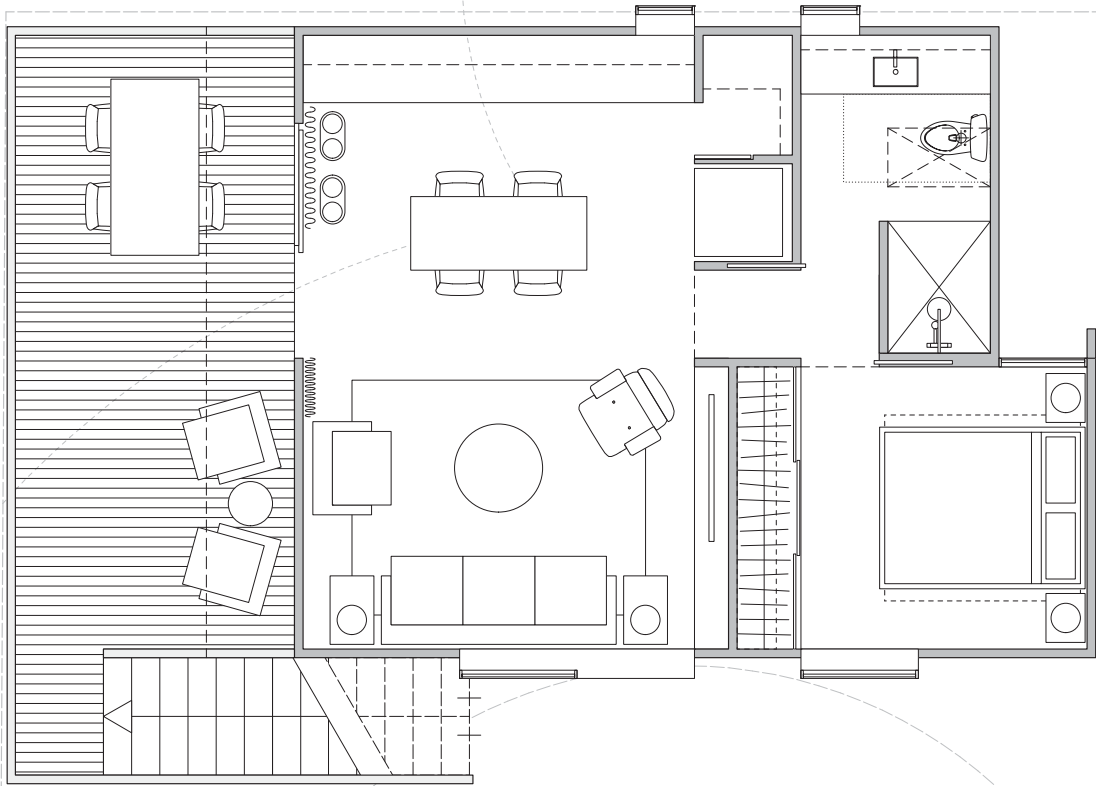


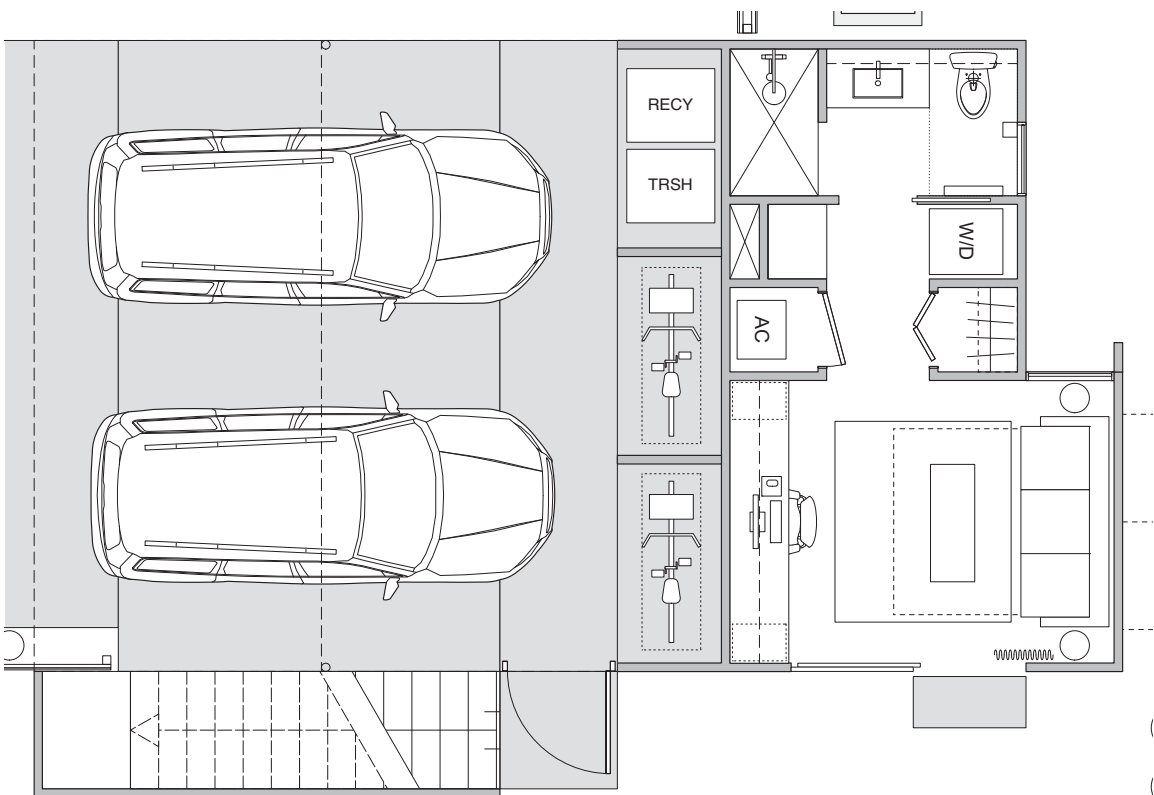


5

1st Floor - 250 SF Conditioned  
Scale: 1/4" = 1'-0"

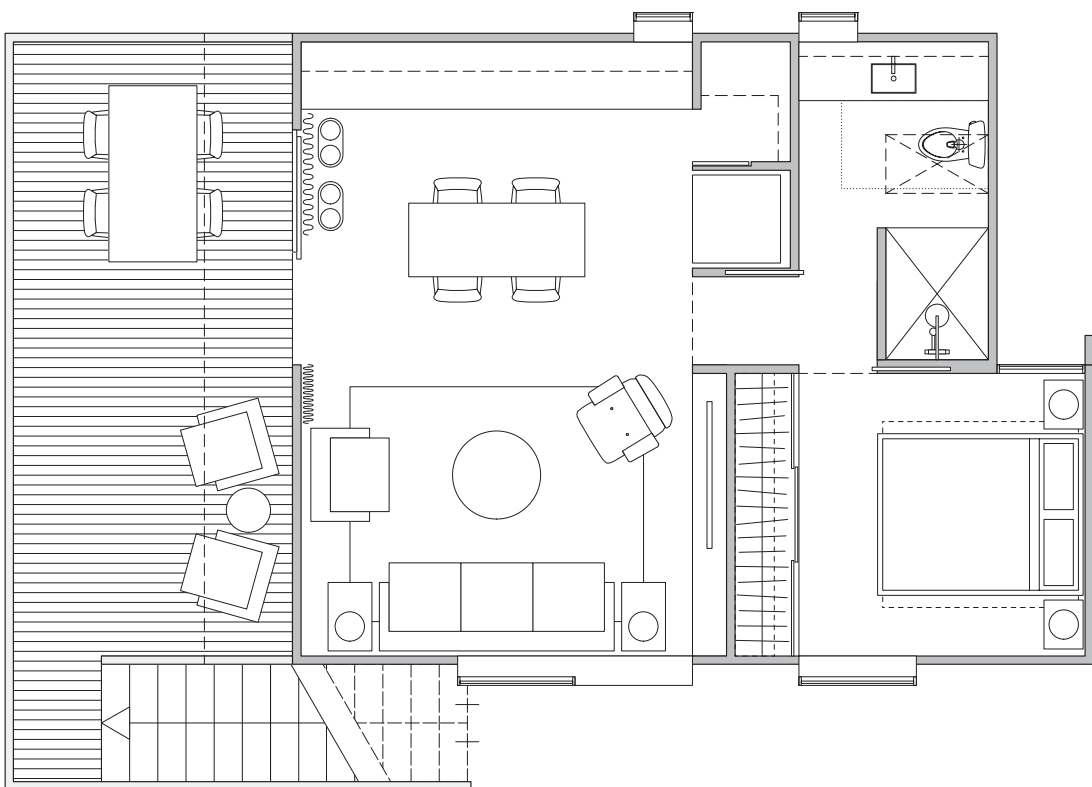






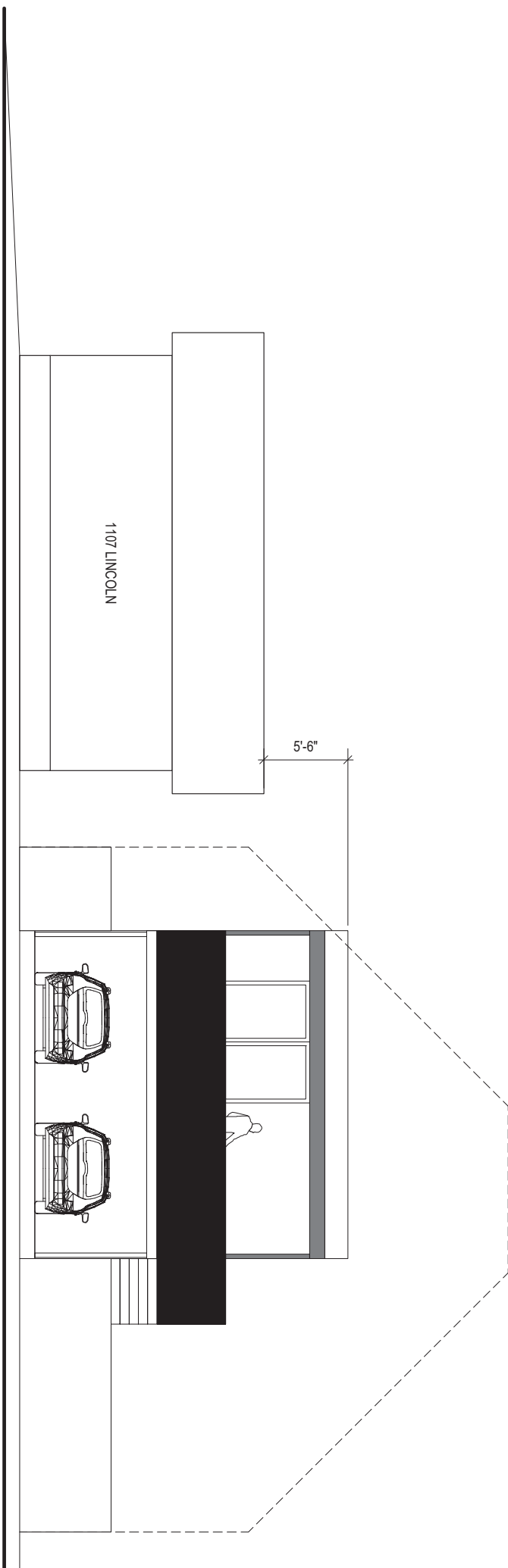
7

1st Floor - 250 SF Conditioned  
Scale: 1/4" = 1'-0"



8

2nd Floor - 550 SF Conditioned  
Scale: 1/4" = 1'-0"





COVER LETTER

Board of Adjustment Members:

Thank you for the opportunity to bring our hardship before you at the December 10, 2018 meeting and for your attention to our supporting documents. We realized a dream of becoming homeowners in 2008 after residing in Austin for 12+ years each. We chose our home in Blackshear-Prospect Hill because we value the unique character of this community. Over the past 10 years our home has been a safe haven from the rising cost of living in Austin. This experience along with observing the methods by which our neighbors actively support affordable housing led us to some exciting discussions about how we can use our skills to preserve our community for the future. Alex is a registered architect with experience building multi-generational, universally accessible houses in central Austin.

We desire to increase the stock of housing in our neighborhood in a way that prioritizes what we love about it: front porches, big trees, children playing outdoors/riding bikes/walking to school. Our best option for adding housing using the skills and resources Austin helped us build, while preserving the feel of our home, is the construction of a small apartment behind our existing house. In order to do that we need your help because our lot has a hardship.

Our property at 2003 Tillotson Avenue is 368 square feet below the minimum required lot size for the construction of an accessory dwelling unit (ADU). The topography coupled with roadway boundaries predating the building of our home in 1932 unintentionally and unequally constrained the lot dimensions causing an otherwise standard lot to be classified as sub-standard. Attached you will find a packet of materials that show what the apartment we wish to build will look like, how it will fit in with the existing structures nearby, evidence of support for this project from our neighborhood association, signatures from our neighbors, all required forms, and other documents we prepared for you to give context to our request for a variance to the minimum lot size. We hope these will assist you in completing your review and we look forward to speaking with you on December 10th.

Yours truly,  
Alex and Laura Finnell

§ 25-2-774. TWO-FAMILY RESIDENTIAL USE.

- (A) For a two-family residential use, the base zoning district regulations are superseded by the requirements of this section.
  - (B) For a two-family residential use the minimum lot area is equivalent to a standard lot.
  - (C) The second dwelling unit:
    - (1) must be contained in a structure other than the principal structure;
    - (2) must be located:
      - (a) at least 10 feet to the rear or side of the principal structure; or
      - (b) above a detached garage;
    - (3) may be connected to the principal structure by a covered walkway;
    - (4) may not exceed a height of 30 feet, and is limited to two stories;
    - (5) may not exceed:
      - (a) 1,100 total square feet or a floor-to-area ratio of 0.15, whichever is smaller; and
      - (b) 550 square feet on the second story, if any; and
    - (6) may not be used as a short term rental for more than 30 days in a calendar year if the second dwelling unit was constructed after October 1, 2015.
  - (D) Impervious cover for the site may not exceed 45 percent.
  - (E) Building cover for the site may not exceed 40 percent.
- Source: Section 13-2-255, Ord. 990225-70; Ord. 000511-108; Ord. 000831-65; Ord. 031211-11; Ord. 041118-59; Ord. No. 20151119-080, Pt. 1, 11-30-15.

Fig. 1 - City Of Austin Land Development Code - Two Family Residential Use

§ 25-2-57. FAMILY RESIDENCE (SF-3) DISTRICT DESIGNATION.

Family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

Source: Section 13-2-45; Ord. 990225-70; Ord. 031211-11.

Fig. 2 - City Of Austin Land Development Code - Family Residence (SF-3) District Designation

BACKGROUND

In 2001 during the creating and adoption of the current Central East Austin Neighborhood Plan, the area of Blackshear / Prospect Hill did not adopt special exemptions for Small Lot Amnesty regarding lot size that would have allowed the building of Accessory Dwelling Units (ADU's) on otherwise sub-standard lot sizes.

There was support in the neighborhood for preserving existing housing and encouraging infill along with other neighborhood improvements including improved lighting in streets and alleys. The plan states that it will be reviewed every 6 months. The plan adds that there is a need for re-approval and re-adoption in 3 - 5 years. There is a process in place for amending neighborhood plans. It does not appear that the guidance communicated in 2001 was intended to be in place in 2018 (and beyond).

Since 2001, the Blackshear / Prospect Hill Neighborhood Association has changed its position on the need and support of promoting ADU's as infill options to increase available housing. In the past two years alone the association has voted twice in favor of a variance to decrease the minimum lot size from 5,750 square feet in order to permit the building of an ADU.

Various projects and code changes have been in play between 2001 and present including Code Next and Proposition J which would have significantly altered the processes used to maintain and improve properties in Austin. Now we are in a window where there was not an update or amendment to the neighborhood plan and there is also not an updated/approved city-wide plan. The Central East Austin neighborhood planning area may submit updates to the 2001 plan, but that would be at an undetermined future date. To improve our property and support housing infill we are left with the option of requesting that the Board of Adjustment review our hardship case and grant a variance for minimum lot size needed for an ADU. This is in line with common practice in the Blackshear-Prospect Hill neighborhood and is supported by both the neighborhood association and a majority of neighbors within 300 feet.

OWNER / APPLICANT

Alex & Laura Finnell

ADDRESS

2003 Tillotson Avenue

VARIANCE REQUESTED

Requesting a variance to Section 25-2-774 (Two Family Residential Use) (B) to decrease the minimum lot area from 5,750 square feet (required) to 5,382 square feet (requested / existing) in order to permit a second dwelling unit in a "SF-3-NP" Family Residence - Neighborhood Plan zoning district. Central East Austin.

ESTABLISHMENT OF HARDSHIP / QUALIFICATION FOR VARIANCE

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

- ADUs are allowed and have been recently permitted on nearby lots smaller than 5,750 square feet, and the Blackshear / Prospect Hill Neighborhood Association is in support of this variance and the use of ADUs on substandard lots to provide additional housing.
- (a) The hardship for which the variance is requested is unique to the property in that: Due to the configuration of lot the size does not accommodate code requirements for city substandard lot size.
- (b) The hardship is not general to the area in which the property is located because: Most of the surrounding 912 lots in the Blackshear / Prospect Heights Neighborhood are larger than 5,750 square feet, and nearby substandard lots are already approved for ADU's.
- 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: Most of the surrounding lots are larger than 5,750 square feet, and multiple nearby substandard lots area already approved for ADU's. And historically, the use of ADU's as Outbuildings was common.

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**2003 TILLOTSON AVENUE**

**ESTABLISHMENT OF HARDSHIP / NEED FOR VARIANCE**

Blackshear / Prospect Hill Neighborhood has 912 Lots. The majority of which are larger than the 5,750 SF Minimum Required Lot Size for Two Family Residential.

The College Heights Subdivision inside of Blackshear Neighborhood was platted in 1913 from a portion of Outland Blocks 62, 8 and 9. The extent of the new subdivision was:

*Bound on the West by existing Chicon Street.*  
*Dissected on the South by existing 11th Street.*  
*Bound on the East by Steep Topography.*  
*Bound on the North by an existing Property (non-dedicated).*

Due to these constraints, the middle lots were divided of the available length resulting in uncommon and standard property dimensions of 45' wide by 120' long with an average lot area of 5,400 SF.

South of East 11th Street, lots are longer and a more typical dimension. Representative of Guillermo Sach Sanchez's recently granted 2017 BOA Variance for 2017 E. 11th Street with property dimensions of 45' wide by 125' long with an average lot area of 5,625 SF.

DECEMBER 10TH AGENDA. BOARD OF ADJUSTMENT CASE NUMBER: C15-2018-0050  
ALEX & LAURA FINNELL OF 2003 TILLOTSON AVENUE  
REQUESTING A HARSHIP VARIANCE TO DECREASE THE MINIMUM LOT SIZE FROM 5,750 SF TO 5,382 SF TO PERMIT AN ADU

Fig. 3 - College Heights Subdivision Plan 193 (Cedar Street to City Hall)

COLLEGE HEIGHTS

A Subdivision of Ontario's 2,904,000 Acres Division "D", Amnith, Twp., Co.

Surveyed by E. F. Madsen

March 1913

EXHIBIT 02 - ESTABLISHMENT OF HARDSHIP / NEED FOR VARIANCE









DECEMBER 10TH AGENDA: BOARD OF ADJUSTMENT CASE NUMBER: C15-2018-0050  
 ALEX & LAURA FINNELL OF 2003 TILLOTSON AVENUE  
 REQUESTING A HARDSHIP VARIANCE TO DECREASE THE MINIMUM LOT SIZE FROM 5,750 SF TO 5,382 SF TO PERMIT AN ADU

EXHIBIT 04 - EXISTING PRECEDENT OF TWO FAMILY RESIDENTIAL (HIGHLIGHTED IN YELLOW)



Fig. 2 - Example Of Two Family Residential / Backhouse / ADU



Fig. 3 - Example Of Two Family Residential / Backhouse / ADU



Fig. 4 - Example Of Two Family Residential / Backhouse / ADU



Fig. 5 - Example Of Two Family Residential / Backhouse / ADU



P-2/24

September 28, 2018

To: City of Austin Board of Adjustments;

Alex Finnell, 2003 Tilloston Ave.

Subject: Authorization for Alex Finnell to construct an Accessory Dwelling Unit (ADU) on a substandard lot at 2003 Tilloston Ave.

Please note that on September 27, 2018, the Blackshear-Prospect Hill

Neighborhood Association voted to allow Mr. Finnell to construct an ADU on his 5,382 square foot lot, provided he does not exceed 45% impervious cover and 0.4 floor area ratio.

As other substandard lots in the area have been granted permits for an ADU, this one will not be out of character. Blackshear-Prospect Hill Neighborhood Association is aware of the needs for more housing and approval of this variance will provide additional housing in conformance with Imagine Austin.

Sincerely,

*Liz McConnell*

Liz McConnell, President

Blackshear-Prospect Hill Neighborhood Association

Fig 1 - Official Letter Of Support From Blackshear / Prospect Hill Neighborhood Association

DECEMBER 10TH AGENDA: BOARD OF ADJUSTMENT CASE NUMBER: C15-2018-0050

ALEX & LAURA FINNELL OF 2003 TILLOTSON AVENUE REQUESTING A HARDSHIP VARIANCE TO DECREASE THE MINIMUM LOT SIZE FROM 5,750 SF TO 5,382 SF TO PERMIT AN ADU



Fig 2 - Scope Of Requested Support

ALEX & LAURA FINNELL - 2003 TILLOTSON AVENUE - NOVEMBER 2018		
VARIANCE APPLICATION - SIGNATURES IN SUPPORT		
#	ADDRESS STREET	PROPERTY OWNERS
1	1808 Tilloston Avenue	Suparna Patel & Nidhi Martinez
2	1812 Tilloston Avenue	Carveron Dore
3	1812 Tilloston Avenue	Rebecca Dore Properties
4	1813 Tilloston Avenue	Tiffany & Michael Buswell
5	1914 Tilloston Avenue	Jeff & Mary Martinez
6	1915 Tilloston Avenue	Rehabilitance Family Properties
7	1916 Tilloston Avenue	Peter Schosser
8	2000 Tilloston Avenue	Robert De La Rosa & Karen Sharkey
9	2001 Tilloston Avenue	Nel Peterson
10	2002 Tilloston Avenue	Donald Ward
11	2003 Tilloston Avenue	N/A - Alex & Laura Finnell
12	2004 Tilloston Avenue	Theresa Garcia
13	2005 Tilloston Avenue	Cheryl Whiffen
14	2006 Tilloston Avenue	Ed & Erin Amash
15	2007 Tilloston Avenue	Alex Finch
16	2008 Tilloston Avenue	Donald Abbott
17	2009 Tilloston Avenue	Martina & Juan Reyna
18	2010 Tilloston Avenue	Jana Sagar
19	2011 Tilloston Avenue	Regina & Jeff Hutchinson
20	2012 Tilloston Avenue	Laura Doremy
21	2013 Tilloston Avenue	Regina & Jeff Hutchinson
22	2014 Tilloston Avenue	Ed & Erin Amash
23	2015 Tilloston Avenue	Ed & Erin Amash
24	2016 Tilloston Avenue	Galia Kessessly
25	2017 Tilloston Avenue	Gerald & Vicki McIntyre
26	2018 Tilloston Avenue	Catherine & Harold Greenleaf
27	2019 Tilloston Avenue	Mark Vorberg
28	2020 Tilloston Avenue	Torric Enterprises
29	2021 Tilloston Avenue	Adam Bradford
30	2022 Tilloston Avenue	Eni & Gen Furukawa
31	2023 Tilloston Avenue	Ronald & Sandra Rix
32	2024 Tilloston Avenue	Cate Holdings / Zac Cahnano
33	2025 Tilloston Avenue	Wesley Barrow
34	2026 Tilloston Avenue	David Wagner
35	2027 Tilloston Avenue	Amanda Black
36	2028 Tilloston Avenue	Ramona Marston & Jeanne Burleson
37	2029 Tilloston Avenue	Snip Properties
38	2030 Tilloston Avenue	Neal Gilbreath & Christel

Fig 3 - Neighbor's Signatures of Support (Green)

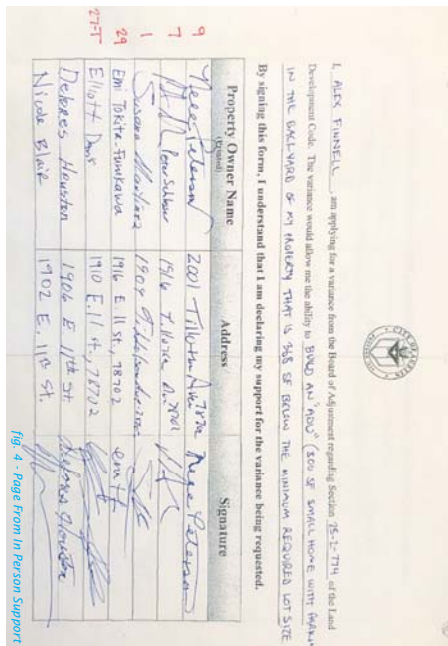


Fig 4 - Page From In Person Support

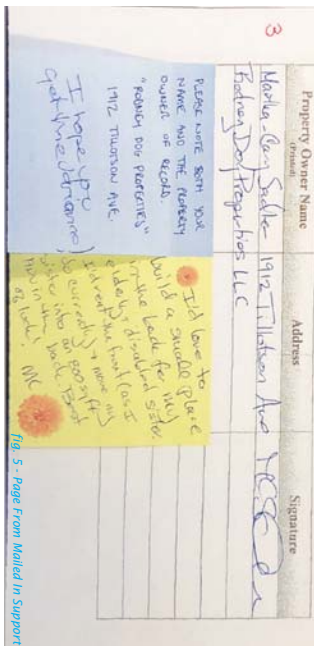


Fig 5 - Page From Mailed In Support

SUPPORT OF VARIANCE WITHIN NEIGHBORHOOD

On September 27th, the Blackshear / Prospect Hill Neighborhood Association voted in favor of supporting this variance with zero votes in opposition. In the years since the original neighborhood plan was adopted the local neighborhood has changed its position about the value and need for additional housing and has voted twice recently in favor of adding ADUs to existing sub-standard properties.

In May of 2017, the same neighborhood association voted in favor of Guillermo Sach Sanchez's similar variance request, which was subsequently approved by the board in October of 2017.

Signatures of support were received from 100% of homeowners who self occupy their properties. Many signatures were received via mailed in responses from off-site owners. And many additional signatures were received from current tenants or adjacent property owners outside of the stipulated 300' radius zone.

EXHIBIT 05 - DOCUMENTATION OF SUPPORT OF VARIANCE WITHIN NEIGHBORHOOD

WITH FRONT YARD BUILDING

SETBACK AVERAGING



EXHIBIT 06 - CURRENT PROPERTY SURVEY INCLUDING BOUNDARY, AS-BUILT, TOPOGRAPHIC & TREE LOCATION

**elcon merritt**  
**ATS**  
www.ats-engineers.com  
TEL: 419 834 2222, F: 419 350000  
4810 Piquette Ave. 200  
AUSTIN, TEXAS 78761

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FAX: 419 328-8266  
TEL: 419 328-8266

**ATS**  
Schedule Inspections and Surveys faster and easier with the "ATS GlobalWebApp" for Android-powered devices now available on the Google Play Store

fig. 1 - Survey





**GRANTING OF VARIANCE WOULD NOT ADVERSELY AFFECT EXISTING STREETSCAPE**

Adding an ADU with alley access and on-site parking would not have a noticeable visual impact on the street scape. The construction financing would make aesthetic and functional improvements possible for the front as well... sidewalk, driveway, landscaping, etc....

DECEMBER 10TH AGENDA: BOARD OF ADJUSTMENT CASE NUMBER: C15-201 8-0050

ALEX & LAURA FINNELL OF 2003 TILLOTSON AVENUE  
REQUESTING A HARDSHIP VARIANCE TO DECREASE THE MINIMUM LOT SIZE FROM 5,750 SF TO 5,382 SF TO PERMIT AN ADU

**EXHIBIT 07 - STREET VIEW (FRONT) OF EXISTING HOUSE AT 2003 TILLOTSON**





Fig. 1 - Alley Access

**GRANTING OF VARIANCE WOULD NOT ADVERSELY AFFECT EXISTING STREETSCAPE**

Adding an ADU with alley access and on-site parking would not have a noticeable visual impact on the street scape. The proposed ADU would not impinge on the existing heritage American Elm root zone.

DECEMBER 10TH AGENDA: BOARD OF ADJUSTMENT CASE NUMBER: C15-201 8-0050

ALEX & LAURA FINNELL OF 2003 TILLOTSON AVENUE  
REQUESTING A HARDSHIP VARIANCE TO DECREASE THE MINIMUM LOT SIZE FROM 5,750 SF TO 5,382 SF TO PERMIT AN ADU



Fig. 4 - Perspective View Of Location of Proposed ADU From Heritage American Elm on Left



Fig. 2 - View Across Backyard, Heritage American Elm on Right



Fig. 3 - View From Alley, Heritage American Elm on Right

**EXHIBIT 08 - BACK YARD OF EXISTING HOUSE AT 2003 TILLOTSON, PROPOSED SITING OF ADU**



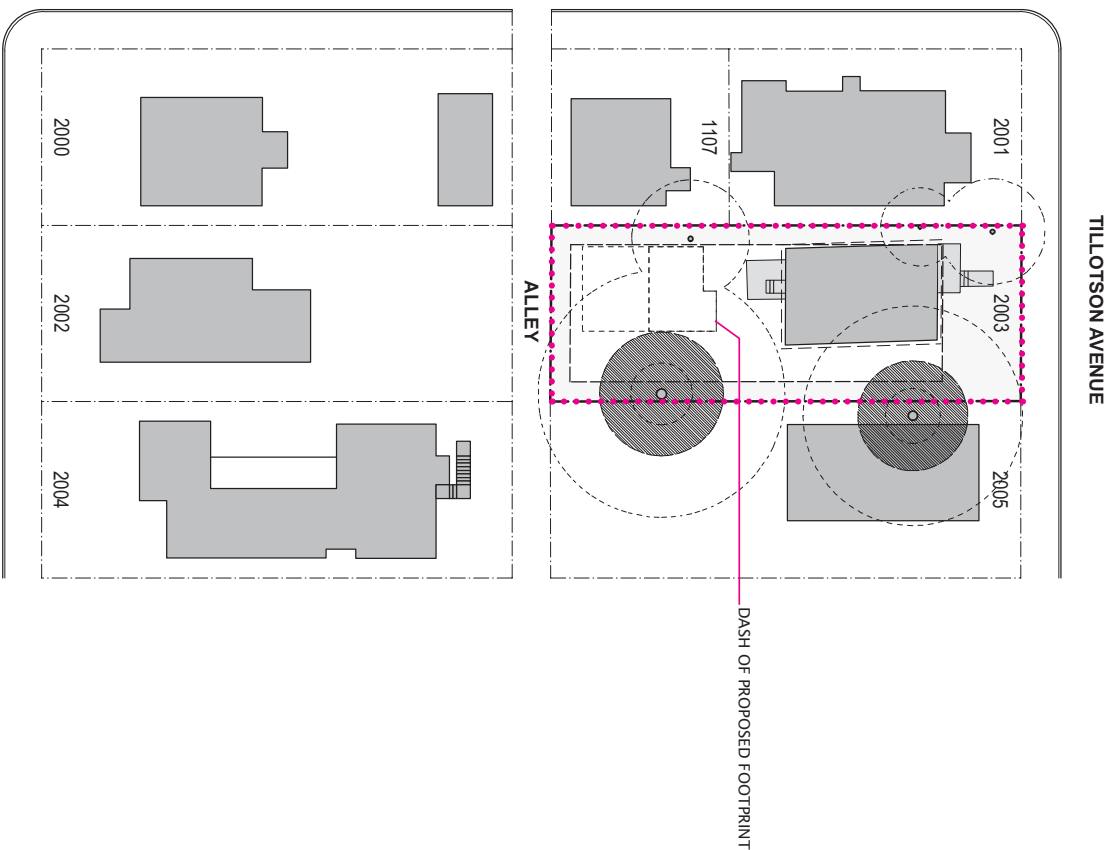


Fig. 1 - Block View of Adjacent Properties - Existing Condition

DECEMBER 10TH AGENDA: BOARD OF ADJUSTMENT CASE NUMBER: C15-2018-0050

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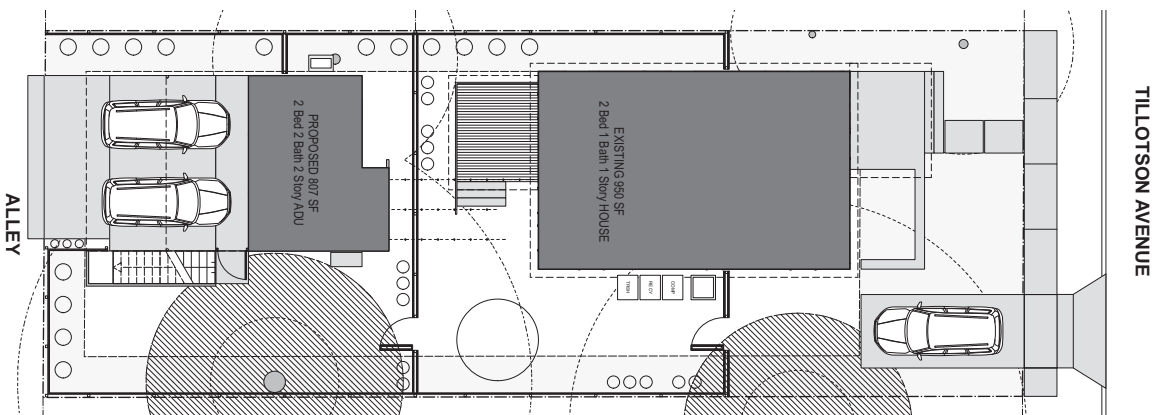


Fig. 2 - Site Plan of Proposed ADU Concept

**2003 TILLOTSON AVENUE - SITE & PROJECT INFO**

LOT SIZE: 5,382 SF

40% FAR Allowable: 2,153 SF

15% FAR Max ADU Size: 807 SF

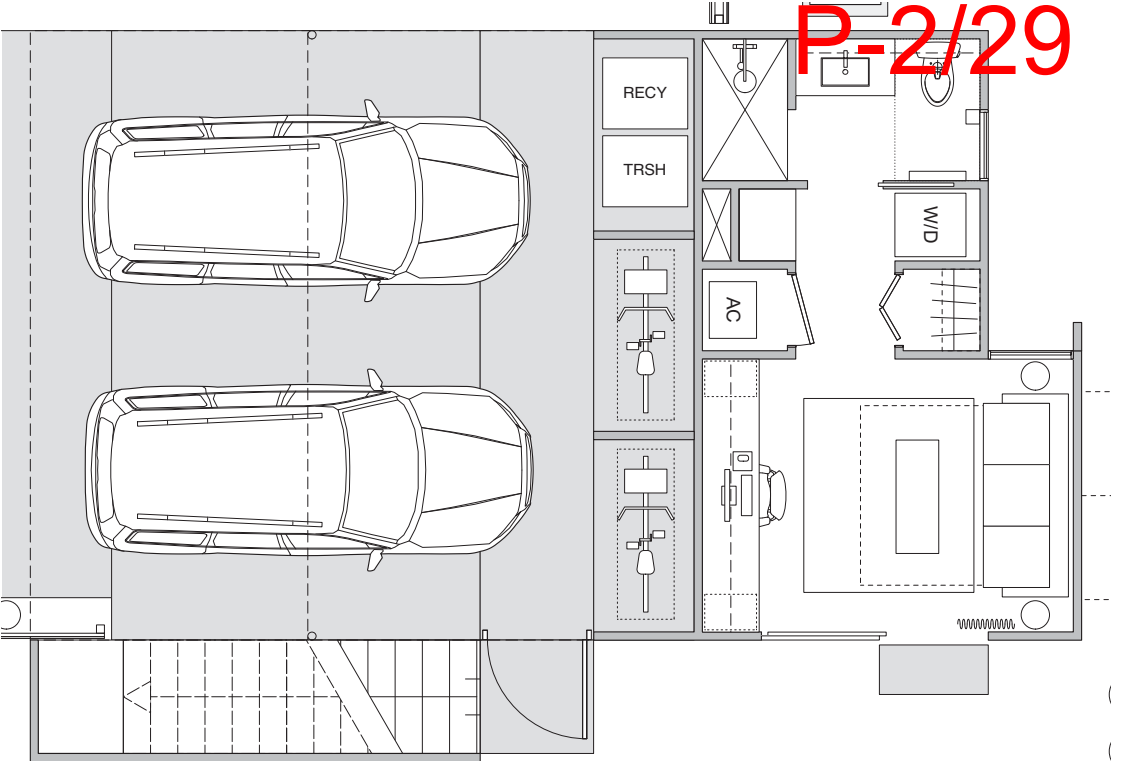
45% Impervious Allowable: 2,422 SF

Existing House: Approximately 950 SF (Two Bedroom / One Bath)

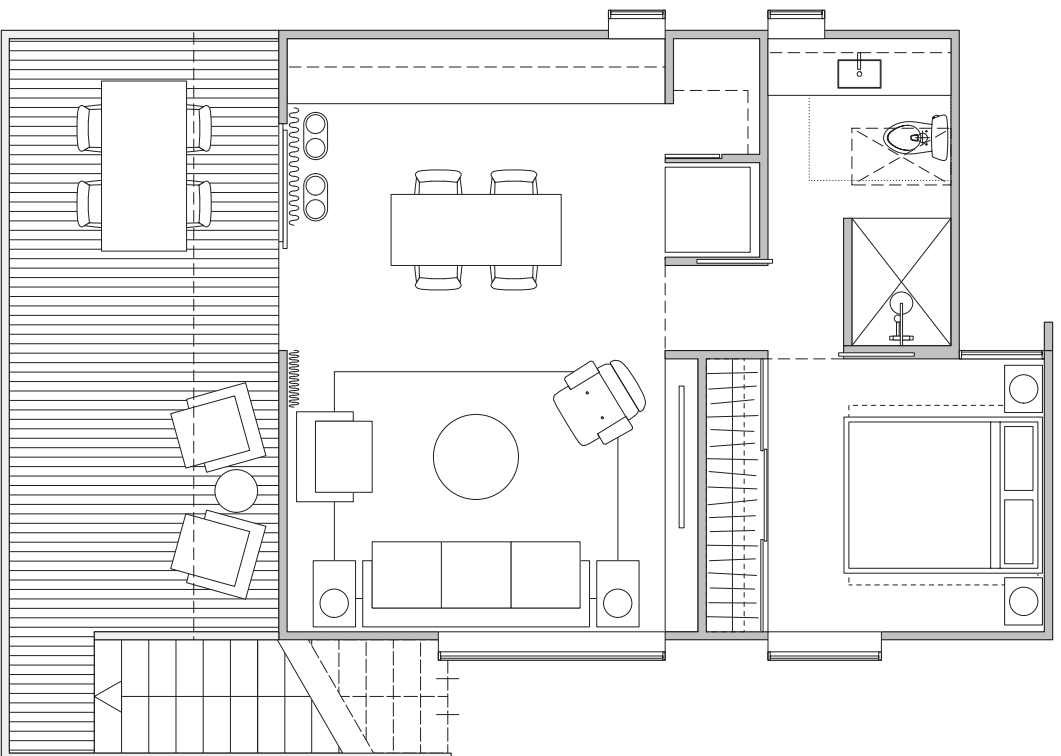
Proposed ADU: 807 SF (Two Bedroom / Two Bath / Two Story)

Proposed work not to exceed standard FAR (40%) or Impervious Cover Allowances (45%). ADU size to comply with standard 15% Max FAR restriction with no more than 550 SF of conditioned space on the second floor.

**EXHIBIT 09 - SITE PLAN OF PROPERTY / PROPOSED ADU CONCEPT**



1 1st Floor - 250 SF Conditioned



2 2nd Floor - 550 SF Conditioned

DECEMBER 10TH AGENDA: BOARD OF ADJUSTMENT CASE NUMBER: C15-2018-0050  
ALEX & LAURA FINNELL OF 2003 TILLOTSON AVENUE  
REQUESTING A HARSHIP VARIANCE TO DECREASE THE MINIMUM LOT SIZE FROM 5,750 SF TO 5,382 SF TO PERMIT AN ADU

Fig. 1 - Floor Plans of Proposed ADU Concept  
EXHIBIT 10 - FIRST & SECOND FLOOR PLANS OF PROPOSED ADU CONCEPT

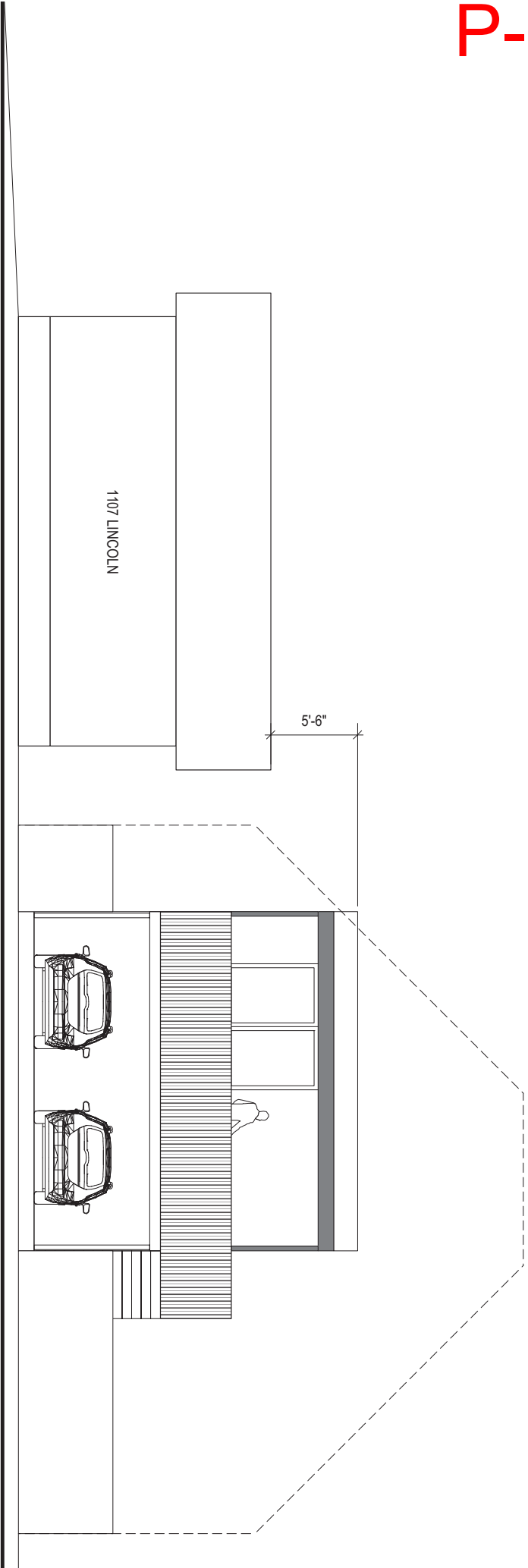


Fig. 1 - Height Comparison Diagram To Existing Neighboring Property

**GRANTING OF VARIANCE WOULD NOT ADVERSELY AFFECT EXISTING STREETSCAPE**

Adding an ADU with alley access and on-site parking would not have a noticeable visual impact on the street scape. The proposed ADU would not be significantly taller than the existing neighboring house at 1107 Lincoln Street.

DECEMBER 10TH AGENDA: BOARD OF ADJUSTMENT CASE NUMBER: C15-201 8-0050

**EXHIBIT 11 - HEIGHT COMPARISON DIAGRAM OF PROPOSED ADU TO EXISTING NEIGHBORING PROPERTY**

ALEX & LAURA FINNELL OF 2003 TILLOTSON AVENUE

REQUESTING A HARSHIP VARIANCE TO DECREASE THE MINIMUM LOT SIZE FROM 5,750 SF TO 5,382 SF TO PERMIT AN ADU

September 28, 2018

To: City of Austin Board of Adjustments;  
Alex Finnell, 2003 Tillotson Ave.

Subject: Authorization for Alex Finnell to construct an Accessory Dwelling Unit  
(ADU) on a substandard lot at 2003 Tillotson Ave.

Please note that on September 27, 2018, the Blackshear-Prospect Hill Neighborhood Association voted to allow Mr. Finnell to construct an ADU on his 5,382 square foot lot, provided he does not exceed 45% impervious cover and 0.4 floor area ratio.

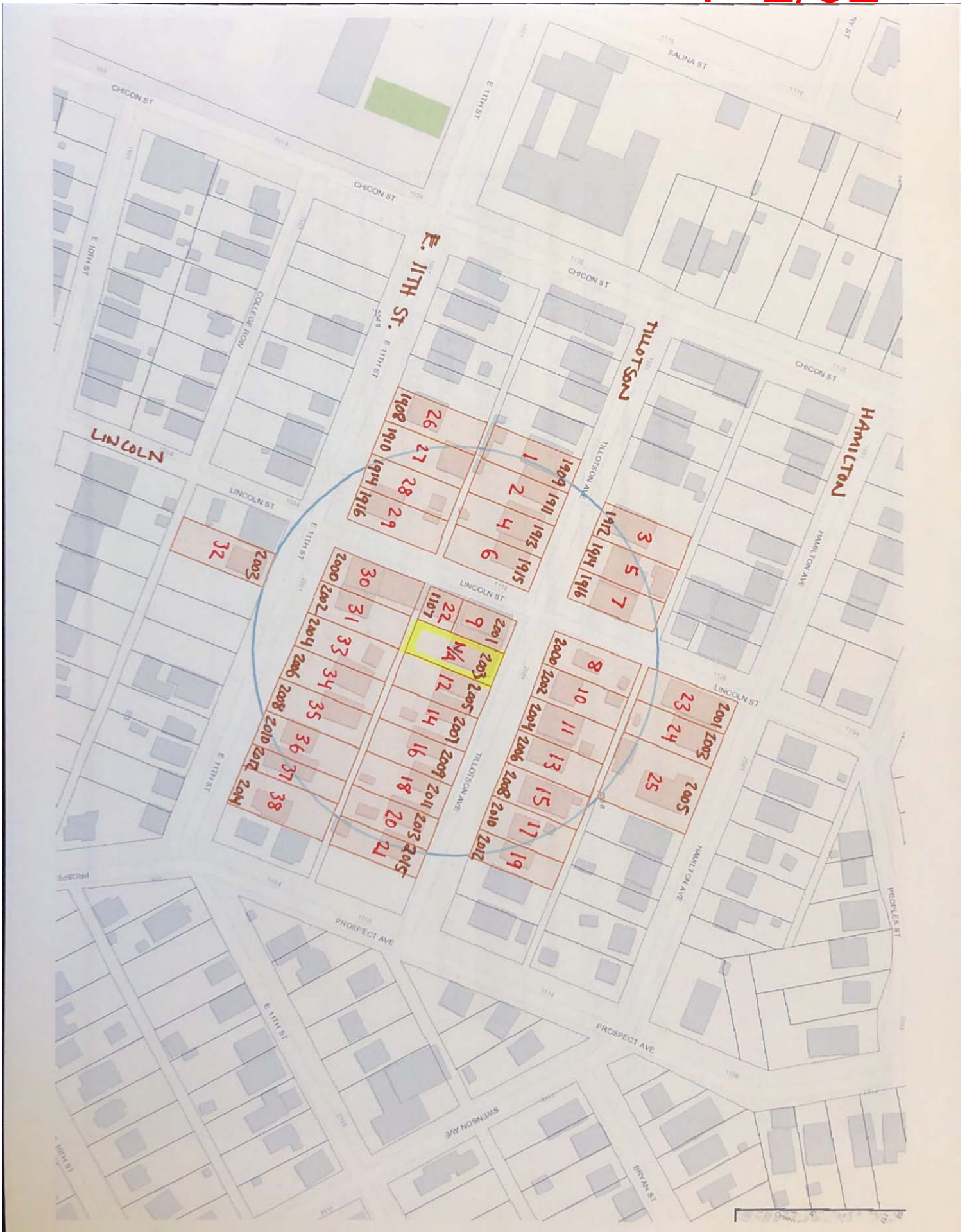
As other substandard lots in the area have been granted permits for an ADU, this one will not be out of character. Blackshear-Prospect Hill Neighborhood Association is aware of the needs for more housing and approval of this variance will provide additional housing in conformance with Imagine Austin.

Sincerely,

A handwritten signature in black ink, appearing to read "Liz McConnell". The signature is fluid and cursive, with the first name "Liz" and last name "McConnell" clearly distinguishable.

Liz McConnell, President

Blackshear-Prospect Hill Neighborhood Association







I, ALEX FINNELL, am applying for a variance from the Board of Adjustment regarding Section 25-2-714 of the Land Development Code. The variance would allow me the ability to BUILD AN "ADU" (800 SF SMALL HOME WITH PARKING) IN THE BACKYARD OF MY PROPERTY THAT IS 368 SF BELOW THE MINIMUM REQUIRED LOT SIZE.





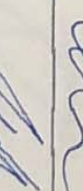

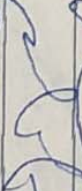
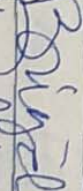
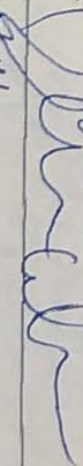
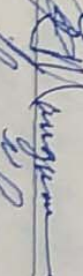

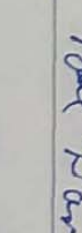

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
<u>Neel Coleman</u>	<u>2001 Tillotson Ave 78702</u>	<u>Neel Coleman</u>
<u>Alt Peter Schae</u>	<u>1916 E. 11th St. 78702</u>	<u>Alt Peter Schae</u>
<u>Susana Martinez</u>	<u>1908 Githalsen Ave 78702</u>	<u>Susana Martinez</u>
<u>Emi Tokita-Furukawa</u>	<u>1916 E. 11th St., 78702</u>	<u>Emi Tokita-Furukawa</u>
<u>Elliott Davis</u>	<u>1910 E. 11th St., 78702</u>	<u>Elliott Davis</u>
<u>Debrae Houston</u>	<u>1906 E. 11th St.</u>	<u>Debrae Houston</u>
<u>Nicole Blair</u>	<u>1902 E. 11th St.</u>	<u>Nicole Blair</u>




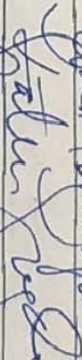
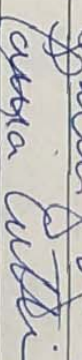
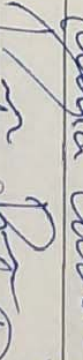
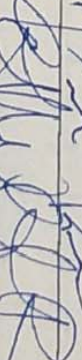
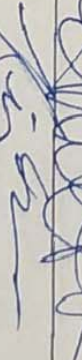
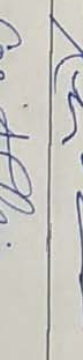




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27-T



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

Property Owner Name (Printed)	Address	Signature
David Huchel	1902 E 11 <sup>th</sup> St	
TBEARCELA	2004 TILLOTSON AVE	
LAUNA DOWNEY	2012 TILLOTSON AVE	
NOAH LEE	1017 TILLOTSON AVE	
Don WARR	2002 TILLOTSON AVE	
Juan Perya	2009 TILLOTSON AVE	
Carolyn Harold	2015 TILLOTSON AVE	
Neal Gilbreath	2014 E. 11 <sup>th</sup> St.	
Brigida Holmes	2010 E. 11 <sup>th</sup> St.	
Davis Wrenner	2006 E. 11 <sup>th</sup> St	
Tane Ruth Mangum	2000 E. 11 <sup>th</sup> St.	
Chris Logan	2001 E. 11 <sup>th</sup> St	
Paul Daryl	1817 E 11 <sup>th</sup> St	




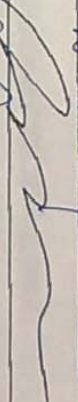


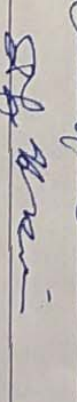
By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Mat McCall	1915 E 11 <sup>th</sup> , 78702	
Alex Foggett	R15 E 11 <sup>th</sup> 78702	
Garra Kenneth Rely	2001 Hamilton Ave, 78702	
KATIE HUGHES	2003 HAMILTON AVE 78702	
TANIA CUTTING	1911 TILLOTSON AVE	
Parker Douglass	1907 TILLOTSON AVE	
Elisabeth Webster	1912 Tillotson Ave	
Kristin Sullivan	2008 Tillotson Ave	
Corinda Duna	2002 E. 11 <sup>th</sup> Street	
J. Hargrett	2011 TILLOTSON	
Alex Fona	2007 TILLOTSON AVE	
Mike Russell	1913 TILLOTSON AVE	
Emalina Amash	2006 Tillotson Ave	

← ASD 2013



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

Property Owner Name (Printed)	Address	Signature
Jena Sijat	2010 Tillotson Ave	
Zac Catanzaro (cat's Holdings)	2003 E 11th St	
Amanda Reed	2008 Ellin St	
Sam Della Roun	2000 Tillotson Ave	
Christina Welch	2005 Hammett Ave	
Adam Bradford	1919 E 11th St	
Jeff Hoskins	1914 Tillotson	



I, ALEX FINNELL, am applying for a variance from the Board of Adjustment regarding Section 25-2-774 of the Land Development Code. The variance would allow me the ability to BUILD AN "ADU" (800 SF SMALL HOME WITH PARKING) IN THE BACKYARD OF MY PROPERTY THAT IS 368 SF BELOW THE MINIMUM REQUIRED LOT SIZE.

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

Property Owner Name (Printed)	Address	Signature
Mark Veraberg	1908 E. 14th Street	

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

33





**ALEX & LAURA FINNELL - 2003 TILLOTSON AVENUE - NOVEMBER 2018****VARIANCE APPLICATION - SIGNATURES IN SUPPORT**

#	ADDRESS	STREET	PROPERTY OWNERS	RENTAL
1	1909	Tillotson Avenue	Susanna Medi & Nabor Martinez	
2	1911	Tillotson Avenue	Cameron Dorsey	Tenant Signature
3	1912	Tillotson Avenue	Rodney Dog Properties	& Tenant Signature
4	1913	Tillotson Avenue	Tiffany & Michael Russell	
5	1914	Tillotson Avenue	Jeff & Mary Matese	
6	1915	Tillotson Avenue	Renaissance Family Properties	
7	1916	Tillotson Avenue	Peter Schlosser	
8	2000	Tillotson Avenue	Robert De La Rosa & Karen Sharkey	
9	2001	Tillotson Avenue	Nell Peterson	
10	2002	Tillotson Avenue	Donald Ward	
N/A	2003	Tillotson Avenue	N/A - Alex & Laura Finnell	
11	2004	Tillotson Avenue	Tiburcio Garcia	
12	2005	Tillotson Avenue	Cheryl Wahlgren	
13	2006	Tillotson Avenue	Ed & Ema Amash	
14	2007	Tillotson Avenue	Alex Finch	
15	2008	Tillotson Avenue	Donald Abbott	Tenant Signature
16	2009	Tillotson Avenue	Martha & Juan Reyna	
17	2010	Tillotson Avenue	Jena Sujat	
18	2011	Tillotson Avenue	Regina & Jeff Hutchinson	
19	2012	Tillotson Avenue	Laura Donnelly	
20	2013	Tillotson Avenue	Regina & Jeff Hutchinson	
21	2015	Tillotson Avenue	Carolyn Harold	
22	1107	Lincoln Street	Robert & Lenor Martinez	
23	2001	Hamilton Avenue	Gaila Kenneally	
24	2003	Hamilton Avenue	Gerald & Vickie Moultry	Tenant Signature
25	2005	Hamilton Avenue	Catherine & Harold Groendyke	
26	1908	11th Street	Mark Vornberg	
27	1910	11th Street	Tormic Enterprises	Tenant Signature
28	1914	11th Street	Adam Bradford	
29	1916	11th Street	Emi & Gen Furukawa	
30	2000	11th Street	Janet Ruth	
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34	2006	11th Street	David Wagner	
35	2008	11th Street	Amanda Black	
36	2010	11th Street	Ramona Mansion & Jeannie Burleson	Tenant Signature
37	2012	11th Street	Snap Properties	
38	2014	11th Street	Neal Gilbreath & Christel	

38	Properties
30	80% Required
30	Currently



## 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:** C15-2018-0050, 2003 Tillotson Avenue

**Contact:** Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)  
**Public Hearing:** Board of Adjustment, Mon December 10, 2018

*To Rely See CT*  
 Your Name (please print)

1916 E. 11<sup>TH</sup>

Austin, TX 78702

Your address(es) affected by this application

1

Signature

Date

Daytime Telephone:

(512) 633-4422

Comments:

THESE LOTS ARE NOT LARGE ENOUGH  
 TO ACCOMMODATE TWO STRUCTURES  
 AND PARKING, INCREASING  
 DENSITY THIS WAY DOES NOT  
 IMPROVE THE NEIGHBORHOOD.

Comments must be returned no later than 10am the day of the hearing to be seen by the Board at this hearing, you can send them:

**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 no later than the Wed prior to the hearing to be received in time for this hearing)

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

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

# PUBLIC HEARING INFORMATION

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- 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.

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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:** C15-2018-0050, 2003 Tilloston Avenue

**Contact:** Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)  
**Public Hearing:** Board of Adjustment, Mon December 10, 2018

*Charles E King*

Your Name (please print)

*1905 Tilloston Ave*

Your address(es) affected by this application

*Charles E King*

Signature

*12/4/18*

Date

Daytime Telephone: *512-913-5251*

Comments:

☐ I am in favor  
☒ I object

**Comments must be returned no later than 10am the day of the hearing to be seen by the Board at this hearing, you can send them:**

**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 no later than the Wed prior to the hearing to be received in time for this hearing)

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

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