CITY OF AUSTIN Board of Adjustment Decision Sheet

DATE: Monday February 11, 2019	CASE NUMBER: C15-2019-0005
Y Brooke Bailey	
Y William Burkhardt	
- Christopher Covo OUT	
Y Eric Golf	
Y Melissa Hawthorne	
Y Bryan King	
Y Don Leighton-Burwell	
- Rahm McDaniel OUT	
- Martha Gonzalez (Alternate)	
Veronica Rivera Laye	
Y James Valdez	
Y Michael Von Ohlen	
Y Kelly Blume (Alternate) (for CC)	
Y Ada Corral (Alternate) (for RM)	
(

APPLICANT: Joshua Inscoe

OWNER: Andrew Milam

ADDRESS: 7309 BENNETT AVE

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-774 (Two-Family Residential Use) (C) (2) to allow a second dwelling unit that should be located to the rear or side of the principal structure (required) to instead be located to the front of the principal structure (requested) in order to erect a new primary dwelling unit behind the existing dwelling unit "SF-3-NP", Family Residence zoning district. (St. John)

Note: the existing dwelling unit size is below the 1,100 square foot maximum size permitted for an additional dwelling unit on this lot.

BOARD'S DECISION: BOA Feb 11, 2019 The public hearing was closed on Board Member Brooke Bailey motion to postpone to March 11, 2019, Board Member Don Leighton-Burwell second on a 10-0 vote; POSTPONED TO MARCH 11, 2019.

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

BOA CASE REVIEW SHEET

CASE: C15-2019-0005 **BOA DATE:** February 11, 2019

ADDRESS: 7309 Bennett Avenue COUNCIL DISTRICT AREA: 4

OWNER: Andrew Milam AGENT: Joshua Inscoe

ZONING: SF-3-NP (St. John)

AREA: Lot 12, Block 15 St. Johns College Addition

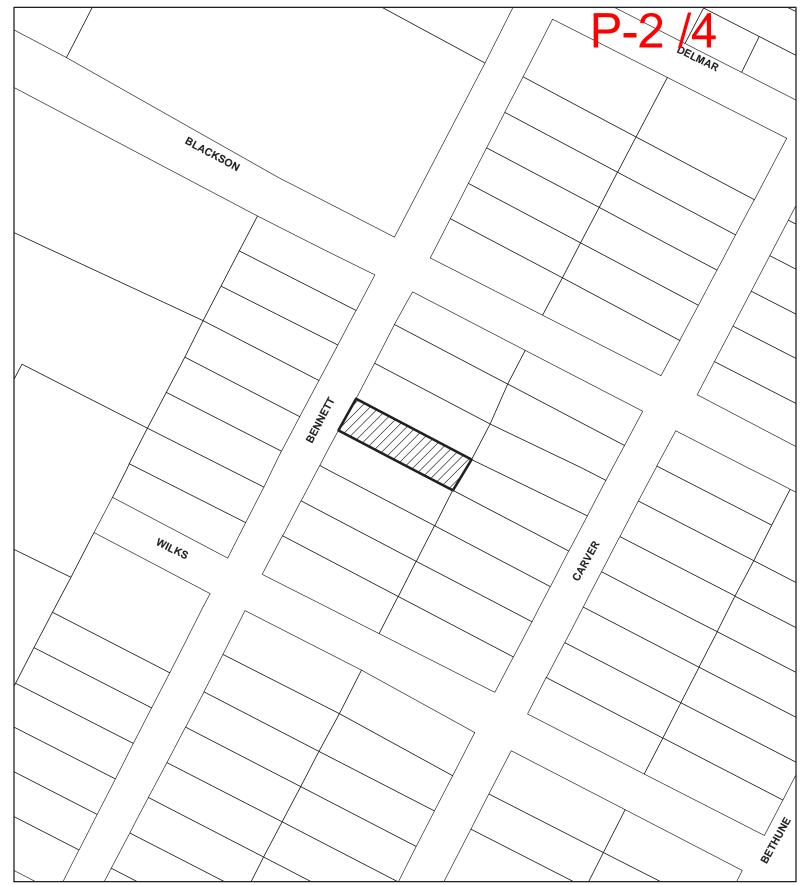
<u>VARIANCE REQUEST:</u> Section 25-2-774 (Two-Family Residential Use) (C) (2) (a) the second dwelling must be located at least 10 feet to the rear or side of principal structure

<u>SUMMARY:</u> New house to be erected behind the existing house which will become the 2^{nd} dwelling unit rather than the primary dwelling.

ISSUES: Current $1,000 + \text{square foot house in front of the lot is in good condition for continued use as a <math>2^{\text{nd}}$ dwelling.

	ZONING	LAND USES
Site	SF-3-NP (St. John)	Residential
North	SF-3-NP (St. John)	Residential
South	SF-3-NP (St. John)	Residential
East	SF-3-NP (St. John)	Residential
West	SF-3-NP (St. John)	Residential

NEIGHBORHOOD ORGANIZATIONS: Austin Independent School District, Austin InnerCity Alliance, Austin Neighborhoods Council; Bike Austin; Claim Your Destiny Foundation, Friends of Austin Neighborhoods; Homeless Neighborhood Association; Neighborhood Empowerment Foundation; SEL Texas; Sierra Club, Austin Regional Group; St. John Neighborhood Association; St. John Neighborhood Contact Team





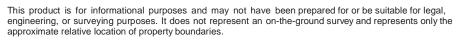






NOTIFICATIONS

CASE#: C15-2019-0005 LOCATION: 7309 Bennett Ave.





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 # _____ ROW # _____ Tax # _____ **Section 1: Applicant Statement** Street Address: 7309 Bennett Ave. Subdivision Legal Description: St. Johns College Addn Lot(s): 12 Block(s): 15 Outlot: Division: Zoning District: SF3 on behalf of myself/ourselves as I/We Joshua Inscoe authorized agent for Parkside Homes LLC affirm that on Month January , Day 6 , Year 2019 , hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below): Type of Structure: Dwelling

Portion of the City of Austin Land Development Code applicant is seeking a variance from: Ordinance No. 20151119-080 Section 25-2-774 Two family residential use **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: They do not take into accout maintaining the original house on the property to maintain the character of the existing neighboorhood. Hardship a) The hardship for which the variance is requested is unique to the property in that: We are wanting to build the primary residence in the back of the lot and count the front house as the ADU. This will allow us to preserve the original house. b) The hardship is not general to the area in which the property is located because: The original house located on the property has been maintained and is in good condition. Many of the houses in the neighborhood are not so fortunite. We would like to continue to maintain the house in its current form.

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:

We are looking to add to the neighboorhood and not degrade the character. This is why we are

	eaving the current house as is and are wanting to add the rear structure. This structure will not appair current or future use because we will adhear to all current set backs.
_	
Reque a varia Apper	ng (additional criteria for parking variances only) est for a parking variance requires the Board to make additional findings. The Board may grant ance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, addix A with respect to the number of off-street parking spaces or loading facilities required if it s 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:
_ _ _	

Section 3: Applicant Certificate

I affirm that my statements contained in the company knowledge and belief.	olete application are true ar	nd correct to the best of
Applicant Signature: Joshua Inscoe		Date: <u>01/09/2019</u>
Applicant Name (typed or printed): Joshua Insco	oe	
Applicant Mailing Address: 950 Westbank Drive	Suite 207	
City: Austin	State: <u>Texas</u>	Zip: <u>78746</u>
Phone (will be public information): (512) 943-94	53	
Email (optional – will be public information):		
Section 4: Owner Certificate		
I affirm that my statements contained in the comp my knowledge and belief.	olete application are true ar	nd correct to the best of
Owner Signature:		Date: <u>01/09/2019</u>
Owner Name (typed or printed): Andrew Milam		
Owner Mailing Address: 950 Westbank Drive S	Suite 207	
City: Austin	State: <u>Texas</u>	Zip: <u>78754</u>
Phone (will be public information): (512) 943-94	53	
Email (optional – will be public information):		
Section 5: Agent Information		
Agent Name: Joshua Inscoe		
Agent Mailing Address: 950 Westbank Drive	Suite 207	
City: Austin	State: <u>Texas</u>	Zip: <u>78746</u>
Phone (will be public information): (512) 943-94	53	
Email (optional – will be public information):		
Section 6: Additional Space (if app	licable)	
Please use the space below to provide additional referenced to the proper item, include the Section		

ORDERED BY:

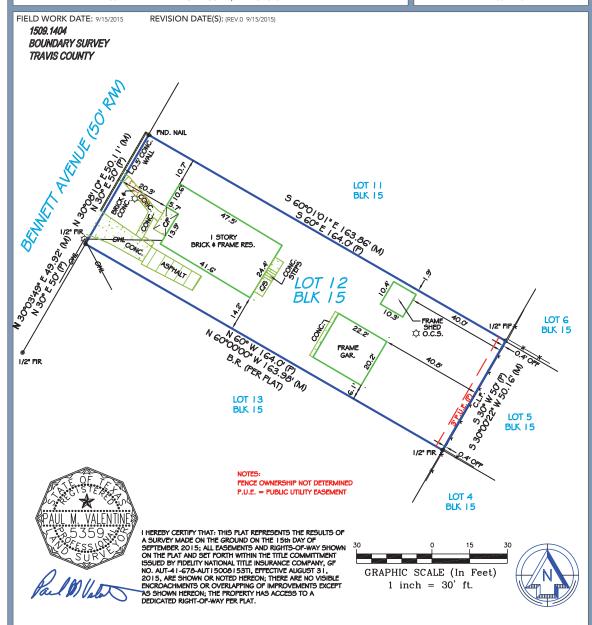






PROPERTY ADDRESS: 7309 BENNETT AVENUE AUSTIN, TEXAS 78752

SURVEY NUMBER: 1509,1404



Use of This Survey for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing hereon shall be Construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN THE CITY OF AUSTIN, COMMUNITY NUMBER 480624, DATED 09/26/08.

CLIENT NUMBER: AUT1500853

DATE: 9/15/2015

BUYER: Parkside Homes

SELLER: THE ESTATE OF ARTHUR WRIGHT, JR.

CERTIFIED TO: PARKSIDE HOMES; AUSTIN TITLE COMPANY; FIDELITY NATIONAL TITLE INSURANCE COMPANY

This is page 1 of 2 and is not valid without all pages.

POINTS OF INTEREST NONE VISIBLE

POWERED BY:





LB# 10193731 www.exacta365.com P. 281.763.7766 E. 281.763.7767 7416 Canal Drive Lake Worth, R. 33467

LEGAL DESCRIPTION:

LOT 12, BLOCK 15, ST. JOHN'S COLLEGE ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 4, PAGE 71, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

JOB SPECIFIC SURVEYOR NOTES:

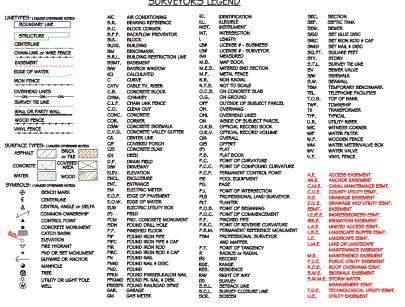
THE BEARING REFERENCE OF NORTH 60 DEGREES WEST IS BASED ON THE SOUTHERLY LINE OF LOT 12, BLOCK 15, OF ST JOHNS COLLEGE ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN VOLUME 4, PAGE 71, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

GENERAL SURVEYOR NOTES:

- 1. Firm Branch #10193731 is physically located at 7416 Canal Drive in Lake Worth. FL 33467.
- 2. The Legal description used to perform this survey was supplied by others. This survey does not determine or imply ownership.
- 3. Due to varying construction standards, house dimensions are approximate.
- 4. This survey is exclusively for the use of the parties to whom it is certified. It is not transferable to additional institutions or subsequent owners.
- 5. This property subject to any and all recorded and unrecorded easements. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants or ownership title evidence.
- 6. If there is a septic tank, well or drain field on this survey, the location of such items was shown to us by others and are not verified.
- 7. Any additions or deletions of this 2 page survey document are strictly prohibited. Use of this survey beyond the purpose of the transfer of title without written authorization of the signing surveyor is prohibited.
- 8. Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain such data was performed at www.fema.gov. 9. Dimensions are in feet and decimals thereof.
- 10. All pins marked as set are 5/8" or 1/2" diameter, 18" iron rebar, with "EXACTA" cap.
- 11. This survey only shows improvements found above ground. Underground footings, utilities and encroachments are not located on this survey map.
- 12. The information contained on this survey has been performed exclusively, and is the sole responsibility, of Exacta Surveyors. Additional logos or references to third party firms are for informational purposes only.
- 13. Points of Interest (POI's) are selected above- ground improvements which may be in contact with boundary, building setbacks or easement lines, as defined by the parameters of this survey. There may be additional POI's which are not shown, not called-out as POI's, or which are otherwise unknown to the parameters of this survey. There may be additional POI's which are not shown, not called out as POI's, or which are otherwise unknown to the parameters of this survey. There may be additional POI's which are not shown, not called out as POI's, or which are otherwise unknown to the parameters of this survey. There may be additional POI's which are not shown, not called out as POI's, or which are otherwise unknown to the parameters of the parametthe surveyor. These POI's may not represent all items of interest to the viewer.
- 14. Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements
- 15. House measurements should not be used for new construction or planning. Measurements should be verified prior to such activity.

LEGEND:

SURVEYOR'S LEGEND



ELECTRONIC SIGNATURE:

In order to "Electronically Sign" all of the PDFs sent by STARS, you must use a hash calculator. A free online hash calculator is available at

http://www.fileformat.info/tool/md5sum.htm. To Electronically Sign any survey PDF: 1. Save the PDF onto your computer. 2. Use the online tool at http://www.fileformat.info/tool/md5sum.htm to browse for the saved PDF on your computer. 3. Select the Hash Method as SHA. 4. Click Submit.

Your PDF is electronically signed if all of the characters in the SHA-1 code submitted by STARS matches the code which is produced by the hash calculator. If they match exactly, your PDF is electronically signed. If the codes do not match exactly, your PDF is not authentic.

PRINTING INSTRUCTIONS:

- 1. While viewing the survey in Adobe Reader, select the "Print" button under the "File" tab.
- 2. Select a printer with legal sized paper
- 3. Under "Print Range", click select the "All" toggle.
- 4. Under the "Page Handling" section, select the number of copies that you would like to print.
- 5. Under the "Page Scaling" selection drop down menu, select "None."
- 6 Uncheck the "Auto Rotate and Center" checkbox
- 7. Check the "Choose Paper size by PDF" checkbox.

TO PRINT IN BLACK + WHITE: 1. In the main print screen, choose "Properties".

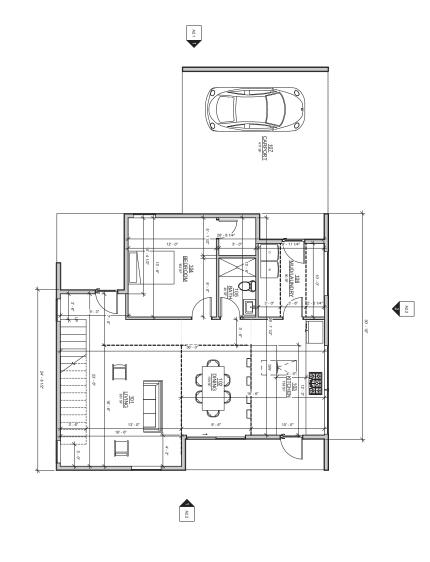
- 2. Choose "Quality" from the options.
- 3. Change from "Auto Color" or "Full Color" to "Gray Scale"

OFFER VALID ONLY FOR:

Parkside Homes



P-2/11



EXTERIOR FINISHES
-STANDING SEAM METAL ROOF
-BOARD AND BATTEN
-HARDIE LAP SIDING
-ALUMINUM FLANGED WINDOWS

INTERIOR FINISHES
EXPOSED CONCRETTE FLOORS (1ST FLOOR)
HARDWOOD FLOORS (2ND FLOOR)
CUSTOM CABINETS
QUARTIZ CAOUNTERS
DESIGNER FIXTURES
LEVEL 5 SMOOTH DRYWALL
SOLID CORE DOORS



	2155 SF	
	1076 SF	SECOND FLOOR
	1079 SF	FIRST FLOOR
Comments	Area	Name
	FLOOR AREA	

FIRST FLOOR PLAN

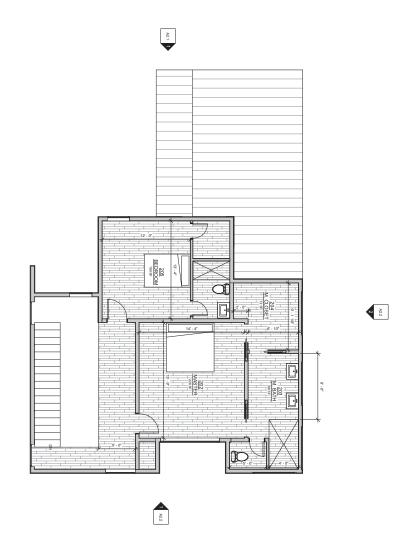
SCALE: I/4" = I'-0"

2018-06-12

7309 BENNETT

NOT FOR
REGULATORY
APPROVAL,
PERMITTING, OR
CONSTRCUTION





EXTERIOR FINISHES
-STANDING SEAM METAL ROOF
-BOARD AND BATTEN
-HARDIE LAP SIDING
-ALUMINUM FLANGED WINDOWS

INTERIOR FINISHES
EXPOSED CONGRETE FLOORS (1ST FLOOR)
HARDWOOD FLOORS (2ND FLOOR)
CUSTOM CABINETS
QUARTZ CACUNITERS
DESIGNER FAXTURES
LEVEL 5 SMOOTH DRYWALL
SOLID CORE DOORS



	FLOOR AREA	REA
Name	Area	Comments
FIRSTFLOOR	1079 SF	
SECOND FLOOR	1076 SF	
	2155 SF	

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

SECOND FLOOR

PLAN



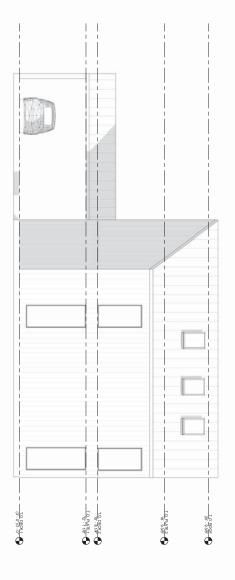
2018-06-12

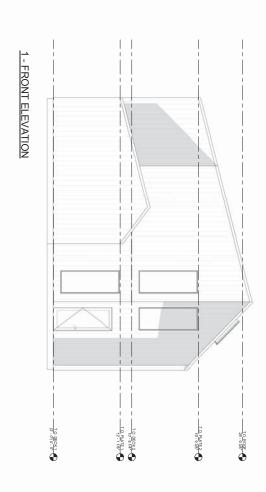
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2 - RIGHT ELEVATION





H2.1



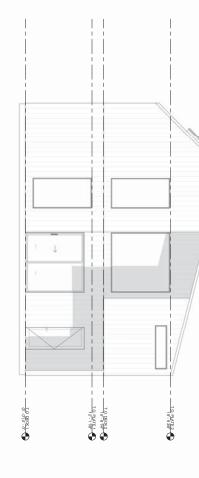
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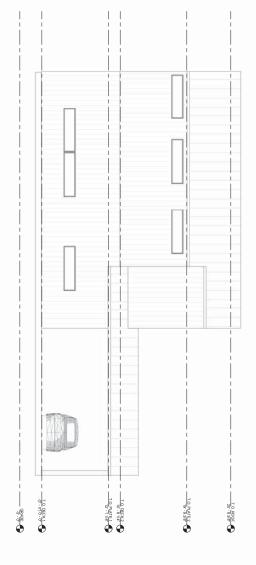
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1 - REAR ELEVATION



FLEVATIONS

2 - LEFT ELEVATION

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

2018-06-12

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CONSTRCUTION



1.0. ROOF 26-9 38

Proposed Dwelling Location

