

# I-1/AE COMMENTS



June 3, 2019

Jason Asbury  
1128 Lott Ave  
Austin TX, 78721

Property Description: LOT 1C GREEN VALLEY NO 1 RESUB LT 1 BLK 5

**Re: C15-2019-0030**

Dear Jason,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from

**Section 25-2-492 (Site Development Regulations) (D);**

To increase the Impervious Cover from 45% (required) to 50% (requested),  
In order to complete a Duplex in a "SF-3-NP", Single-Family Residence zoning district. (MLK-183 Neighborhood Plan)

Austin Energy does not oppose your request for impervious cover variance, provided any proposed and existing improvements are in compliance with AE clearance criteria requirements, The National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners/applicants expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

[https://library.municode.com/tx/austin/codes/utilities\\_criteria\\_manual?nodeId=S1AUENDECR\\_1.10.0CLSARE](https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE)

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

**Eben Kellogg, Property Agent**

Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6050

# BOA CASE REVIEW SHEET

**CASE:** C15-2019-0030

**BOA DATE:** June 10, 2019

**ADDRESS:** 1128 & 1130 Lott Ave

**COUNCIL DISTRICT:** 1

**OWNER:** Homex Partners

**AGENT:** Jason Asbury

**ZONING:** SF-3-NP (MLK-183 Neighborhood Plan)

**LEGAL DESCRIPTION:** LOT 1C GREEN VALLEY NO 1 RESUB LT 1 BLK 5

**VARIANCE REQUEST:** increase Impervious Cover from 45% to 50%

**SUMMARY:** to complete a Duplex

**ISSUES:** pole portion of Flag Lot was counted originally towards the Lot Size

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	SF-3-NP	Single-Family
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP	Single-Family

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District, Austin Neighborhoods Council, Bike Austin, Black Improvement Association, Claim Your Destiny Foundation, Del Valle Community Coalition, East Austin Conservancy, East MLK Combined Neighborhood Plan Contact Team, Friends of Austin Neighborhoods, Hill Country Conservancy, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Neighbors United for Progress, Preservation Austin, Reissig Group, SEL Texas, Sierra Club - Austin Regional Group, Springdale-Airport Neighborhood Association, United East Austin Coalition



**NOTIFICATIONS**

CASE#: C15-2019-0030

LOCATION: 1128 & 1130 Lott Avenue



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 333'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





**CITY OF AUSTIN**  
**Development Services Department**  
One Texas Center | Phone: 512.978.4000  
505 Barton Springs Road, Austin, Texas 78704

## Board of Adjustment General/Parking Variance Application

**WARNING: Filing of this appeal stops all affected construction activity.**

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. **If more space is required, please complete Section 6 as needed.** All information is required (if applicable).

### For Office Use Only

Case # \_\_\_\_\_ ROW # \_\_\_\_\_ Tax # \_\_\_\_\_

### Section 1: Applicant Statement

Street Address: 1128 and 1130 Lott Ave (flag lots attached to 1126 and 1132 Lott Ave)

Subdivision Legal Description:

Resubdivision of Lot 1, Block 5, Greenvalley 1

Lot(s): A,B,C,D Block(s): 5

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

Zoning District: SF -3

I/We Jason Asbury on behalf of myself/ourselves as authorized agent for The Home Concierge HomeX Partners & HA DeSilva affirm that on Month May, Day 8, Year 2019, 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: Duplex Housing

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

25-2-4891 to be allowed to exceed the maximum impervious cover of 45% to a maximum of 50%

\_\_\_\_\_

\_\_\_\_\_

**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:

The proerties in question are the flag on the flag lot. The lot size minus the flag pole have a requced lot size. The lot went through an expedited review and the massive elevation change was not fully realized. The flag pole and the lot in question have in excess of 50 feet for the 300 foot long lot. To meet the 15% maximum driveway the lot has been excavated to produce the 15% or less driveway.

\_\_\_\_\_

**Hardship**

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

These lots have a 50' elevation change in the 300 feet. The elevation change on these proerties had a effect on the construction of the buildings. The code allows that the driveway can only be 15% maximum for the fire department. The land locked lots were udeveloped due to a lack of access. The change to Flag Lot status allowed for devleopment with significant hardship due to elevation changes along with the flag lot utility rules.

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

Most of the lots in this area have been constructed upon. These lots were not developed due ot the elevation/platting issues.

\_\_\_\_\_

\_\_\_\_\_

**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 area is experiencing a redevelopment of single family homes and duplexes. Changing the impervious cover will not affect the character of the area. The elevation changes with the retaining wall structure will allow for more landscaping options that meet the area.

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**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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**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: Jason Asbury Digitally signed by Jason Asbury Date: 2019.05.09 12:27:14 -05'00' Date: 05/09/2019

Applicant Name (typed or printed): Jason Asbury

Applicant Mailing Address: 500 VFW Rd

City: Austin State: TX Zip: 78753

Phone (will be public information): (512) 339-3707

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.

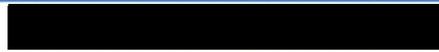
Owner Signature:  Date: 05/15/2019

Owner Name (typed or printed): HomeX Partners & HA DeSilva

Owner Mailing Address: 408 Dasher Dr

City: Austin State: TX Zip: 78734

Phone (will be public information): 512-808-9098

Email (optional – will be public information): 

**Section 5: Agent Information**

Agent Name: Jason Asbury

Agent Mailing Address: 500 VFW Rd

City: Austin State: TX Zip: 78753

Phone (will be public information): (512) 339-3707

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).

The development of the flag lots in this area have been a challenge from the elevation and utility issues. For the 100 feet of ROW that exists along Lott Ave to be used for development of 4 houses. The flag lot complicated this issue by taking 30 feet of the 100 feet leaves 35 feet to construct a home on the remaining land. Having the shared driveway (flag pole) allowed for the

**Additional Space (continued)**

construction of the duplex on one lot. Because of the flag lot regulation that driveway had to be 20' wide (for the combined flag lots) and have the back lot would have to have fire sprinklers. If the sprinklers were not used the driveway would have to be 25 feet wide. The fire regulations also stipulated that the driveway could only have a slope of 15%. These stipulation was only for the flag pole. The driveway on the upper lots once past the flag pole would not have to be a full width driveway. Though the elevation changes made this difficult. To aid in the elevation differences the lots were excavated to help lower the land to allow for less slope which also added to the height of the retaining walls. All of these changes made for a very challenging situation from the elevation changes along with the utilities for the flag lots. We have done everything possible to make this a great housing complex to add to the neighborhood developing this undeveloped land.

Multiple horizontal blue lines for additional text entry.



Jason Asbury P.E.  
 Arizpe  
 500 VFW Rd  
 Austin TX 78753  
 May 24, 2019

Board of Adjustment  
 Austin TX

Subject: 1128 and 1130 Lott Avenue Impervious cover to 50%

Dear Board of Adjustment Members,

This letter describes the nature of the construction challenges encountered at 1126 – 1132 Lott Avenue. There are 4 flag lots on this small property. The properties cumulatively are approximately 130 feet by 325' the two lots we are requesting a variance are at the upper flag lots( 1C/1128 and 1D/1130 respectively). 1128 and 1130 Lott Avenue. In trying to meet the requirement of the 45% impervious cover, according to the flag lot rules the impervious cover is calculated without the flag pole. As the flag pole cannot count for or against the impervious cover. We have complied with all code requirements except for the 45% impervious cover.

Grading of the lots proved to be an issue. Each lot was looked at as a single entity which was not what the flag lot requirements seems to want. However there is nothing in the code to prevent this view. Once the first lot was approved and constructed the driveway was re-evaluated. At that time the issue of the size of the driveway for the flag lot was questioned. The code allows for one of two options. Option one would be to construct a 25' wide driveway for AFD access or provide NFPA 13D sprinklers on the upper structures and construct only a 20 foot wide driveway. We have elected to construct the latter.

Once the evaluation of the driveway was completed with the road being at 15% maximum slope the structured had to be changed help with the extreme elevation changes. The 15% slope on the 20' driveway mean one foot of rise every 7 feet this change equated to an elevation change of between 11 to 12 feet along the front of the duplexes. In the first iteration of the duplex there was only 2 feet of separation of the units. This would leave 8 to 10 feet of elevation change. This was changed to 4 feet of separation after the first duplex was completed.



Board of Adjustment  
May 24, 2019  
Page 2

This is the lot prior to construction. A picture cannot truly show the hardship of the vertical change of over 50 feet of vertical rise along the property. While there were no protected trees on this property we have done everything to keep as many trees as possible.

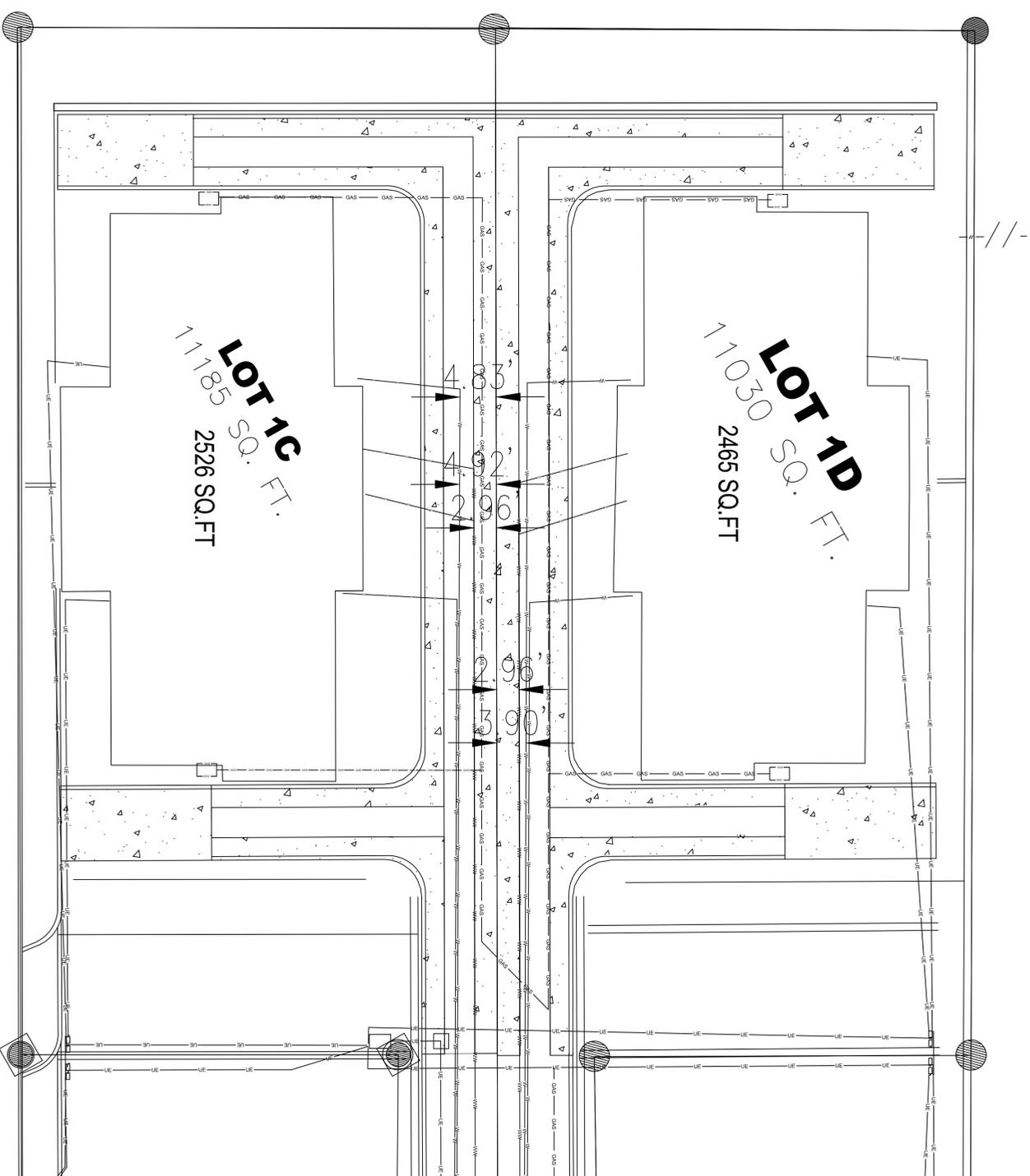


This is the current state of construction. All units have been started and are progressing. Once the impervious cover issue was calculated due to the many retaining walls on the property (the walls have been reduced significantly since the approved plan to meet impervious cover.

Sincerely,

Jason Asbury P.E.  
Arizpe  
Firm # - 0053

EXISTING ZONING	SF-3
EXISTING LOT 1C	11185 SQFT
TOTAL BUILDING COVERAGE	2526 SQFT
DRIVEWAYS AND SIDEWALK	1482 SQFT
TOTAL IMPERVIOUS COVER	4008 (46%)
EXISTING ZONING	SF-3
EXISTING LOT 1D	11030 SQFT
TOTAL BUILDING COVERAGE	2465 SQFT
DRIVEWAYS AND SIDEWALK	1499 SQFT
TOTAL IMPERVIOUS COVER	3964 (46%)



**LOTT AVE  
HOUSING COMPLEX**

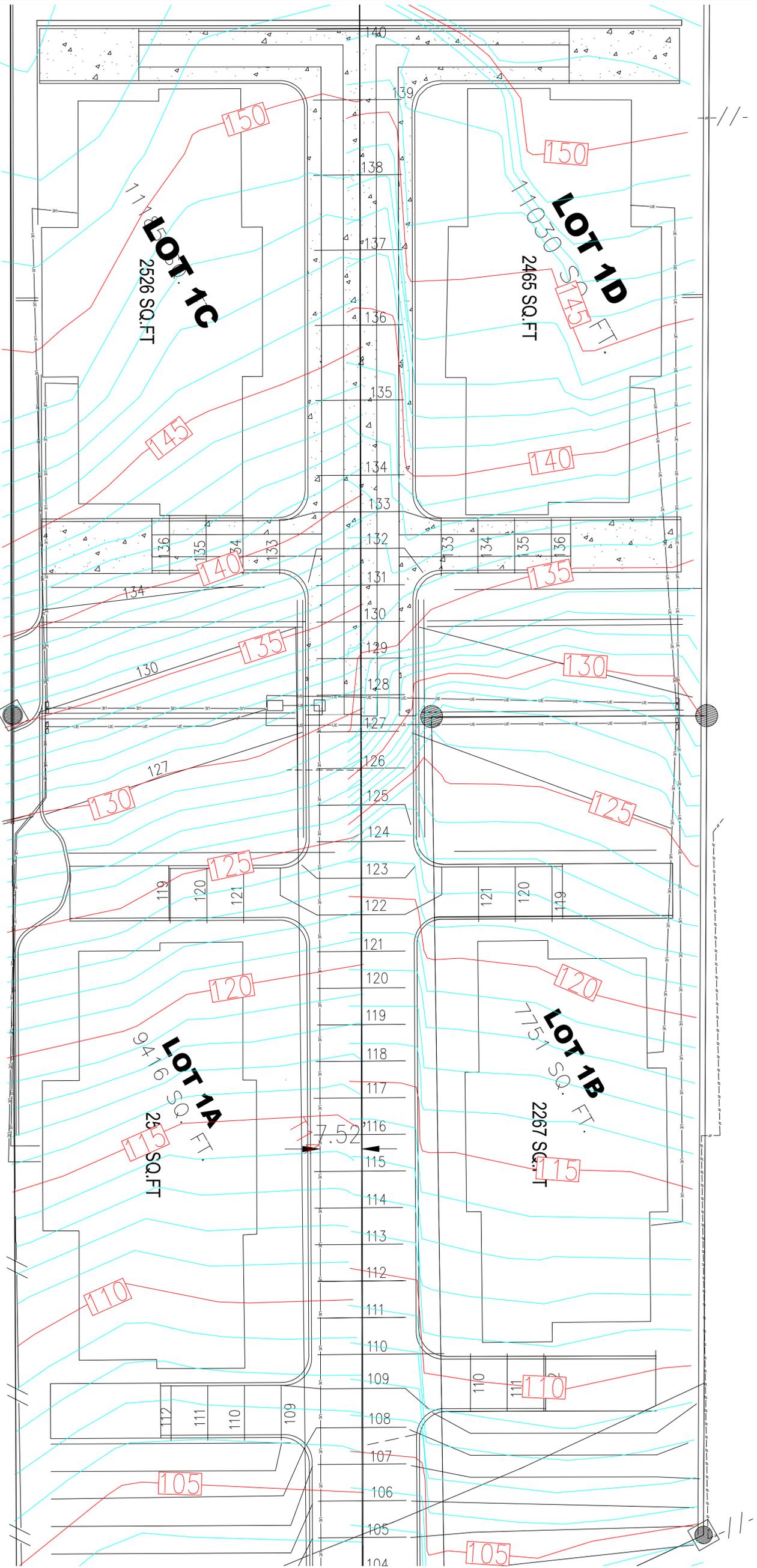


REVISIONS	
NO	DESCRIPTION

PROJECT: TAP PLAN  
 DRAWN BY: JTA  
 DATE: 04/22/2019  
 TITLE: IMPERVIOUS COVER LOTS C & D

**1 IMPERVIOUS COVER LOTS C & D**

SCALE: 1" = 10'  
 NORTH



1 SITE PLAN SHOWING PRE-CONSTRUCTION ELEVATIONS

SCALE: 1" = 10' NORTH

**ARIZPE**

500 VFW RD, AUSTIN TX 787583  
 P 512 339 3707  
 www.arizpe.com  
 TX FIRM REGISTRATION #F000053

**LOTT AVE HOUSING COMPLEX**



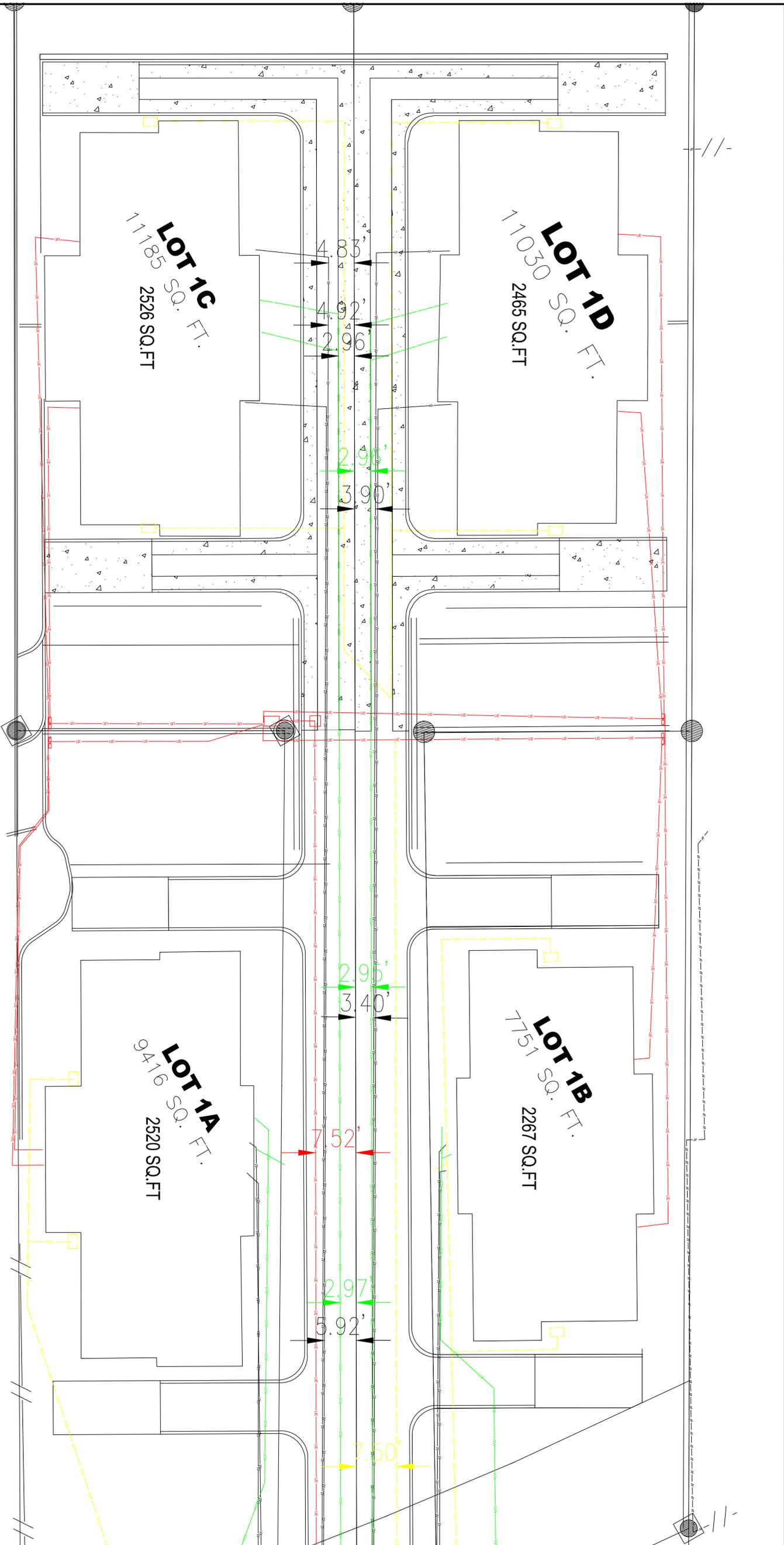
REVISIONS	NO	DATE	DESCRIPTION

PROJECT: TAP PLAN  
 DRAWN BY: JTA  
 DATE: 04/22/2019

**SITE PLAN SHOWING PRE-CONSTRUCTION ELEVATIONS**

**C-112**





**LEGEND**

- GAS LINE
- WATER LINE
- WASTEWATER LINE
- UNDERGROUND ELECTRIC
- GAS METER

**1** OVERALL UTILITIES PLAN

SCALE: 1" = 10'

NORTH

**LOTT AVE  
HOUSING COMPLEX**

**ARIZPE**

500 VFW RD. AUSTIN TX 787583  
 P 512 339 3707  
 www.arizpe.com

TX FIRM REGISTRATION #F000053

REVISIONS	
NO.	DESCRIPTION

PROJECT: TAP PLAN  
 DRAWN BY: JTA  
 DATE: 04/22/2019

TITLE: OVERALL UTILITIES PLAN

SHEET: **C-111**



