

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2020-0012

BOA DATE: Mon. March 9, 2020

ADDRESS: 2645 W. 45th St

COUNCIL DISTRICT: 10

OWNER: Milestone Community Builders
(Garrett Martin)

AGENT: Ron Thrower

ZONING: SF-2

LEGAL DESCRIPTION: LOT 34 SHOAL VILLAGE SEC 2

VARIANCE REQUEST: decrease minimum lot width from 50 ft. to 34.5 ft.

SUMMARY: erect a single-family structure

ISSUES: irregularly shaped lot, legally platted in this configuration in 1950

	ZONING	LAND USES
<i>Site</i>	SF-2	Single-Family
<i>North</i>	SF-2	Single-Family
<i>South</i>	PUD	Single-Family
<i>East</i>	SF-2	Single-Family
<i>West</i>	SF-2	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 Bull Creek Road Coalition
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 North Austin Neighborhood Alliance
 Preservation Alliance
 SELTexas
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

I-1/2

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: 2645 W 45th Street

Subdivision Legal Description:

LOT 34 SHOAL VILLAGE SEC 2

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: SF-2

I/We Thrower Design, LLC on behalf of myself/ourselves as
authorized agent for Milestone Community Builders, LLC (Garrett Martin) affirm that on
Month January, Day 28, Year 2020, 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: One single-family residential structure

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

§ 25-2-492 - Site Development Regulations - to decrease the minimum lot width from 50 feet to (required) to 34.5ft. (requested).

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:

current regulations hinder the ability to build any single family home on the legally platted (1950) lot. The lot has a site area of 9,670.32 SF with frontage of 295.35 LF.

Hardship

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

The property is irregularly shaped and was legally platted in this configuration in 1950. In 1955, a house was constructed on the lot.

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

Most other platted lots in the 1950 subdivision are regularly shaped and can meet the requirements of current code or are legal, non-conforming to this current code regulation.

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 variance will allow for the construction of a single family home, which is what has always existed on this lot since 1955.

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:

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: 01/28/2020

Applicant Name (typed or printed): Thrower Design, LLC (A. Ron Thrower or Victoria Haase)

Applicant Mailing Address: P.O. Box 41957

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 476-4456

Email (optional – will be public information): [REDACTED]

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: 01/28/2020

Owner Name (typed or printed): Milestone Community Builders LLC (Garrett Martin)

Owner Mailing Address: 9111 JOLLYVILLE RD STE 111

City: Austin State: TX Zip: 78759

Phone (will be public information): 512 686 4986

Email (optional – will be public information):

Section 5: Agent Information

Agent Name: Thrower Design, LLC

Agent Mailing Address: P.O. Box 41957

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 476-4456

Email (optional – will be public information): [REDACTED]

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).

February 19, 2020

City of Austin - Board of Adjustment
C/O Elaine Ramirez – BOA Liaison
P.O. Box 1088
Austin, TX 78767

RE: BOA C15-2020-0012; 2645 W 45th Street

Dear Board Members,

The subject property is a single lot comprised of 0.222 acres (9,586 sq. ft.) located at the southeast corner of Bull Creek Road and W. 45th Street in Central Austin. The property was annexed by the City of Austin on March 14, 1946 and was legally platted as Lot 34 of the Shoal Village, Section Two Subdivision in April of 1950 (Exhibit A). The property has Single Family Residence Standard Lot (SF-2) zoning.

The property is an irregular, triangle shape with 295 feet of frontage on W. 45th Street. At the time of platting, the property met the size and dimensional requirements as set forth by the applicable subdivision and zoning codes in 1950. A house was constructed on the lot in the 1950's and existed for several decades until recently when structure was removed to allow for redevelopment. Architectural plans for a new single-family home are currently in review with the City of Austin.

Today's code classifies the subject property as a substandard lot due to the irregular shape and associated dimensions. Review comments were issued with City staff requiring a variance to the minimum lot width because the lot cannot meet the standard lot measurements that require at least 50 feet of width to be maintained for a distance of 50 feet starting from and extending behind the front setback line to the rear lot line as per 25-1-22 (C). Per Staff's requirement, we have requested a variance to decrease the lot width from 50 feet to 34.5 feet (Exhibit B) as this is the width that can be achieved per the definition of measurement.

However, LDC § 25-2-943 (B)(2) – SUBSTANDARD LOT allows for single-family residential use on a substandard lot that is recorded after March 14, 1946 so long as the property has:

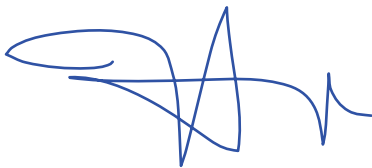
- (a) an area not less than 5,750 sq. ft. and
- (b) be not less than 50 feet wide at the street or at the building line.

The subject lot meets the requirements stated above with a lot area of 9,586 sq. ft. and a lot width of 295 ft. at the street and at least 120 ft. at the building line. As such, a variance should not be required.

None-the-less, staff has asserted that this legally platted lot must obtain a variance in order to develop anything on the property. A denial of the variance would render the lot undevelopable. Adding additional property to this lot in order to achieve compliance to the code is not possible as the property to the east is a platted lot from the same subdivision as the subject property and the property to the south is platted as a part of The Grove development.

We respectfully request a determination that is congruent with LDC § 25-2-943. Should you have any questions or concerns, please contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Victoria Haase', with a stylized, flowing script.

Victoria Haase

for Publication of the *Shahnameh* Vol. 1216 page 421 "Red Records"
"Emmeline of the King's Court."

15-2020-0012 -
Exhibit B

NOT FOR REGULATORY APPROVAL. PERMITTING OR

2645 W 45TH ST
LOT WIDTH EXHIBIT 1
02/04/2020

02/04/2020

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