1401 E 3RD STREET
AUSTIN, TX 78702

Case # C15-2020-0020

May 11, 2020
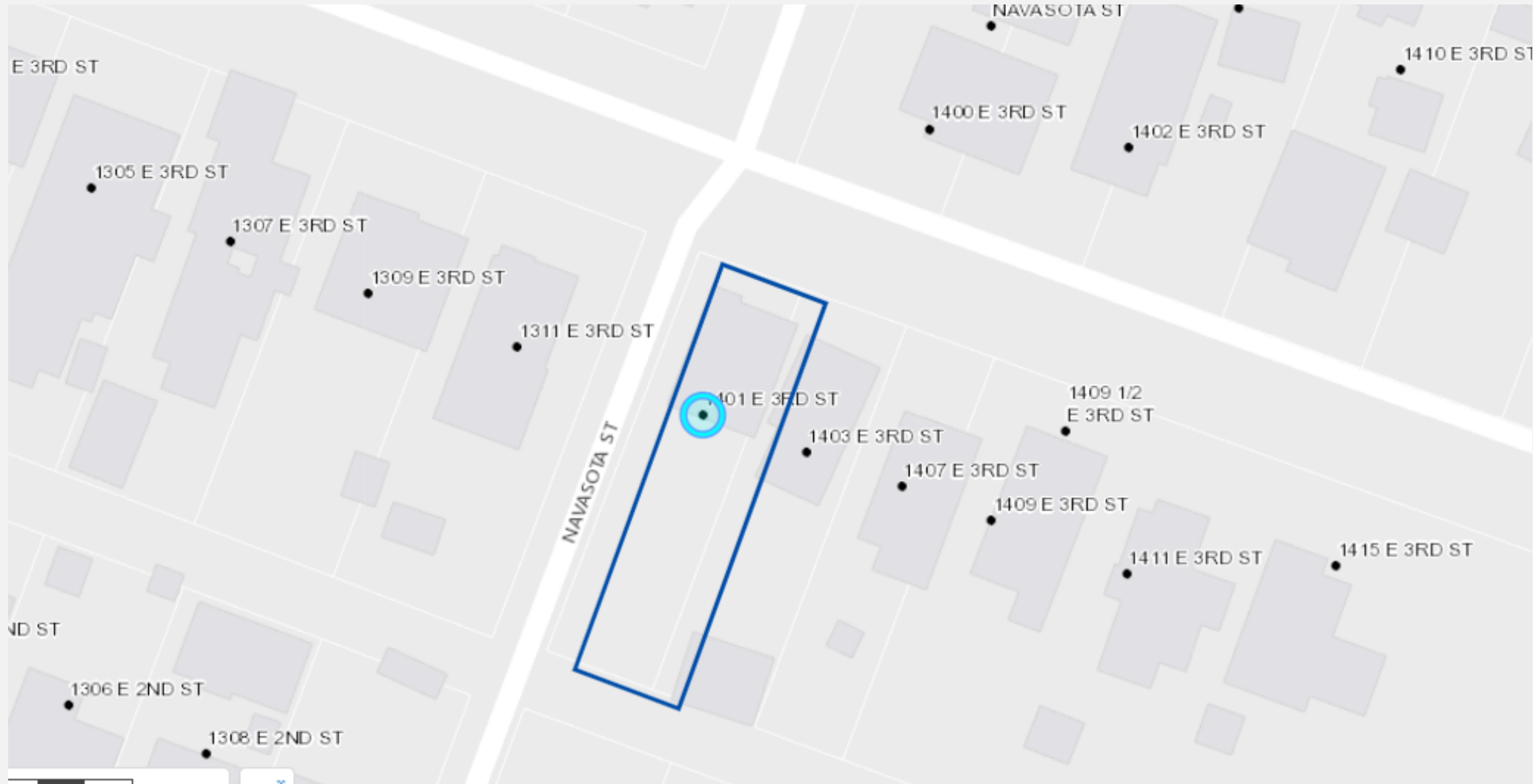
VARIANCE REQUEST

- BOA request for 1401 E 3rd St. to allow a 2.77' setback in the required 5' side setback.

REASONABLE USE

- The legal tract located at 1401 E. 3rd St. is 4,852 SF and has had on-site utility service and other improvements since 1926.

- The original residence was demolished in 2017 and a new residential permit application was submitted to city of Austin.

- Said application was approved by city of Austin and a new single-family residence was constructed in accordance with the approved plans.

- The plot plan was accurate and was based on the accurate survey; however, an incorrect version of the survey was used to set the construction forms.
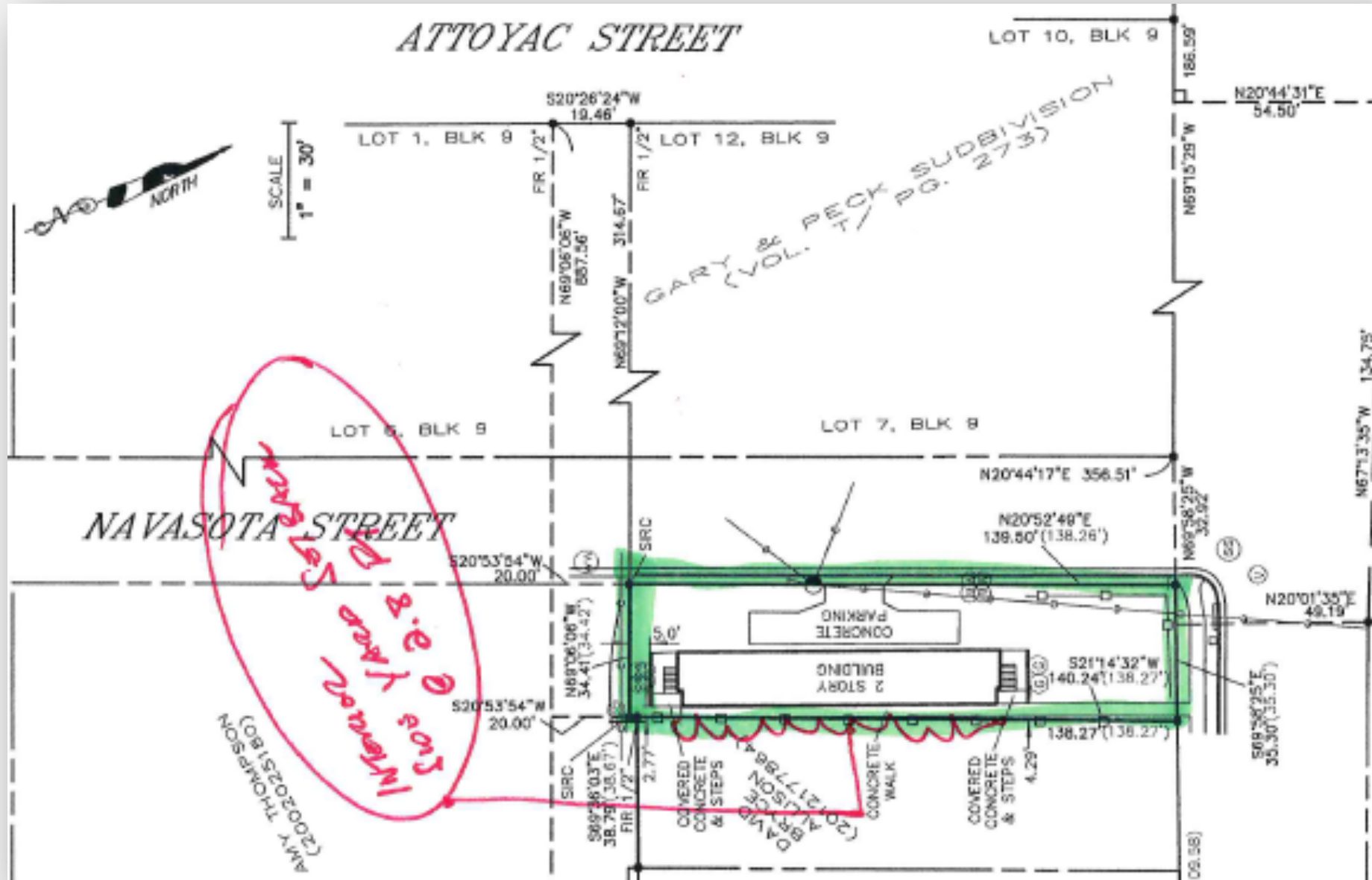
HARDSHIP

- A survey error based on confusing ROW widths in the adjacent alley created a 2.7' side yard setback during construction of the SFR & accessory apartment.

- This was not known until contractor called for final inspection and certificate of occupancy and preparation of the owner occupying the residence.

- Surveyor then surveyed entire block alley in order to understand where error was created.

- The intersection of the rear public alley and intersecting Navasota Street have varying widths. These intersecting ROWs allowed multiple opportunities for error.

NOT GENERAL TO THE AREA

- The new single-family residence has a varying encroachment into the 5' side yard setback, creating a side yard setback ranging from 2.77' to 4.0'.

- There are no known examples like this in the immediate area, but is probable in the larger east Austin geography.

- This small setback encroachment does not impair the intent of the zoning regulations, nor does it have any adverse impact on adjacent or surrounding properties.

- All inspections have passed except the building permit's final inspection. The Certificate of Occupancy can be granted if the variance is approved