

## CITY OF AUSTIN Board of Adjustment Decision Sheet

**DATE:** Monday July 13, 2020

**CASE NUMBER:** C15-2020-0029

**ITEM #** [REDACTED]

☐ - ☐ Brooke Bailey OUT  
☐ Y ☐ Jessica Cohen  
☐ - ☐ Ada Corral OUT  
☐ Y ☐ Melissa Hawthorne  
☐ Y ☐ William Hodge  
☐ Y ☐ Don Leighton-Burwell  
☐ Y ☐ Rahm McDaniel  
☐ Y ☐ Darryl Pruet  
☐ Y ☐ Veronica Rivera  
☐ Y ☐ Yasmine Smith  
☐ Y ☐ Michael Von Ohlen  
☐ Y ☐ Kelly Blume (Alternate)  
☐ Y ☐ Martha Gonzalez (Alternate)

**APPLICANT:** Ryan Bollum

**OWNER:** John Peet

**ADDRESS:** 1711 WATERSTON AVE

**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from Section 25-2-492 (Site Development Regulations) from

1. Setback requirements to decrease the minimum interior side setback from 5 feet (required) to 3ft. 6 in. (requested)
2. Setback requirements to decrease the minimum rear yard setback from 10 feet (required) to 5 feet (requested)
3. Building Cover requirements to increase from 40% (maximum allowed) to 55% (requested)
4. Impervious Cover requirements to increase from 45% (maximum allowed) to 65% (requested)


in order to construct an addition to an existing Single-Family residence in an "SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (Old West Austin Neighborhood Plan)

**BOARD'S DECISION:** July 13, 2020 **The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to August 10, 2020, Board Member Jessica Cohen seconds on a 11-0 vote; POSTPONED TO AUGUST 10, 2020.**

**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:

  
Elaine Ramirez  
Executive Liaison

  
Diana Ramirez  
Don Leighton-Burwell  
Chairman



## CITY OF AUSTIN

### Development Services Department

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

D-2/3

## 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: 1711 WATERSTON AVENUE, AUSTIN, TX 78703

Subdivision Legal Description:

E42.5FT OF N125FT OF LOT 10 BLK 14 MAAS ADDN

Lot(s): 10 Block(s): 14

Outlot: \_\_\_\_\_ Division: MAAS ADDN

Zoning District: SF3-NP

I/We RYAN BOLLUM on behalf of myself/ourselves as  
authorized agent for MOLLY ROSENBLATT AND JOHN PEET affirm that on  
Month July, Day 23, 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: SINGLE FAMILY WOOD FRAME ADDITION ON SLAB ON GRADE

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

25-2-492: INTERIOR SIDE YARD SETBACK OF 5' changed to 3.5' to accomodate carport,  
changed to 4.2' to accomodate east side setback at back house, and changed to 4.2' at west  
side setback at entire addition. BUILDING COVERAGE changed to 44%, IMPERVIOUS  
COVERAGE changed to 49%

## 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 COA protected trees and general tree canopy, in combo with small lot size and irregular  
subdivision, prevent the owners from adding the additional space they are afforded by COA  
zoning (2300sf gross floor area) that the neighborhood generally affords other owners. More  
generous side setbacks combined with slightly larger building and impervious coverages  
(which the code provides for small lots in 25-2-779) will allow the owners to build a  
predominantly single story addition that will SAVE the existing treen canopy

### Hardship

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

1. COA protected trees & additional canopy severely restrict buildable area in plan & elevation.
2. The lot has substandard width (43.1'), depth (125.2') and overall size (5401sf)

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

The property is substandard while most other properties in the neighborhood are not. The  
protected trees and tree canopy are specific constraints that apply only to the property. Not all  
homes in the area are situated next to historic homes. The area is not comprised of many  
irregular subdivisions.



## 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 the addition to be built predominantly on a single story, which is more respectful of the single story neighboring historic homes, more appropriate to the character of the area, and avoids the destruction of the existing tree canopy. The variance will afford this property the same rights as its neighbors without impairing use.

## 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: Ryan Bollom Digitally signed by Ryan Bollom  
Date: 2020.07.23 21:01:40 -05'00' Date: 07/23/2020

Applicant Name (typed or printed): RYAN BOLLUM

Applicant Mailing Address: 2601A S 2ND ST

City: AUSTIN State: TX Zip: 78704

Phone (will be public information): (832) 729-7962

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: John Peet Molly glazer Rosenblatt Date: 7/24/2020

Owner Name (typed or printed): John Peet, Molly Rosenblatt

Owner Mailing Address: 1711 Waterston Avenue

City: Austin State: TX Zip: 78703

Phone (will be public information): 215-806-6796

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).

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**1711 Waterston Avenue Addition BOA Postposted Case Summary and Revision**

Date: August 10, 2020  
Owners: Molly Rosenblatt and John Peet  
Case #: C15-2020-0029

Architect: Ryan Bollom, Principal, Low Design Office

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Postponed Case Summary

We presented our variance request for 3.5' side setbacks, a 5' back setback, an increase to building coverage of 55%, and an increase to impervious coverage to 65%. We have addressed the board's comments, as described below, and have revised our design concept. In light of our findings, we have:

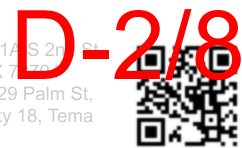
- Eliminated our request for a back setback
- Reduced our building coverage request to 44%
- Reduced our impervious coverage request to 49%, we will still provide rainwater collection to offset the increase
- Limited the 3.5' side setback request to only apply to the carport
- Reduced our side setback requests to 4.2' only at the specified locations shown in the attached drawings.

1) The board suggested we failed to show a hardship, and asked us to clarify.

According to the BOA Guidebook, pg 10: **"Trees may constitute a hardship, if they are required to be preserved or if an applicant wants to preserve them."**

John and Molly would like to preserve the existing tree canopy, which covers a majority of the lot. Considering the lot is already substandard in size, there is only approximately 700sf of irregular buildable area (including the existing house) that is not covered by the tree canopy. Since this area is small and irregular across the lot, it is not feasible to build two or more stories without affecting the canopy. John and Molly are allowed to build an additional 1482sf by right, according to their zoning (they had previously requested 1253sf). In order to do this while preserving trees, we are asking for slightly increased coverages and side setbacks.

2) The board suggested we look at alternative solutions and suggested we placed too much emphasis on the neighborhood design guidelines and desire to respect our neighbors with a shorter, 1 story design.



We have greatly reduced our variance requests by designing a habitable attic at the back portion of the addition where there is more available height under the tree canopy. We have encroached on the pecan tree's critical root zone from the north and south (adding more living space at the north and moving the back portion out of the previously requested setback) but is allowable according to Tree Review. There are two protected critical root zones which the design is trying to avoid, and has done so as suggested in consultation with COA Tree review.

3) The board suggested we should consider future owners of the property and their desire to build their own additions or landscape features.

We are not sure how to respond to this. Our design continues to be respectful of the neighborhood and neighbors, although now taller, and find it difficult to plan for future owners, especially considering a new land development code will be implemented sometime in the future. We feel our design continues to be much more respectful than a typical developer would build.

4) The board suggested the character of Clarksville has already changed to such an extent (pointing out the two story addition across the street) that it was less important to try and strictly adhere to the neighborhood design guidelines or respond to the historic homes situated next to the property.

While Clarksville has certainly changed, it is a Nationally Registered Historic district filled with historic homes. We believe there is still value in trying to preserve (or enhance) that history even if other residents or developers have chosen not to.

Thank you for your time and consideration.



# 1711 WATERSTON AVENUE ADDITION

D-2/9

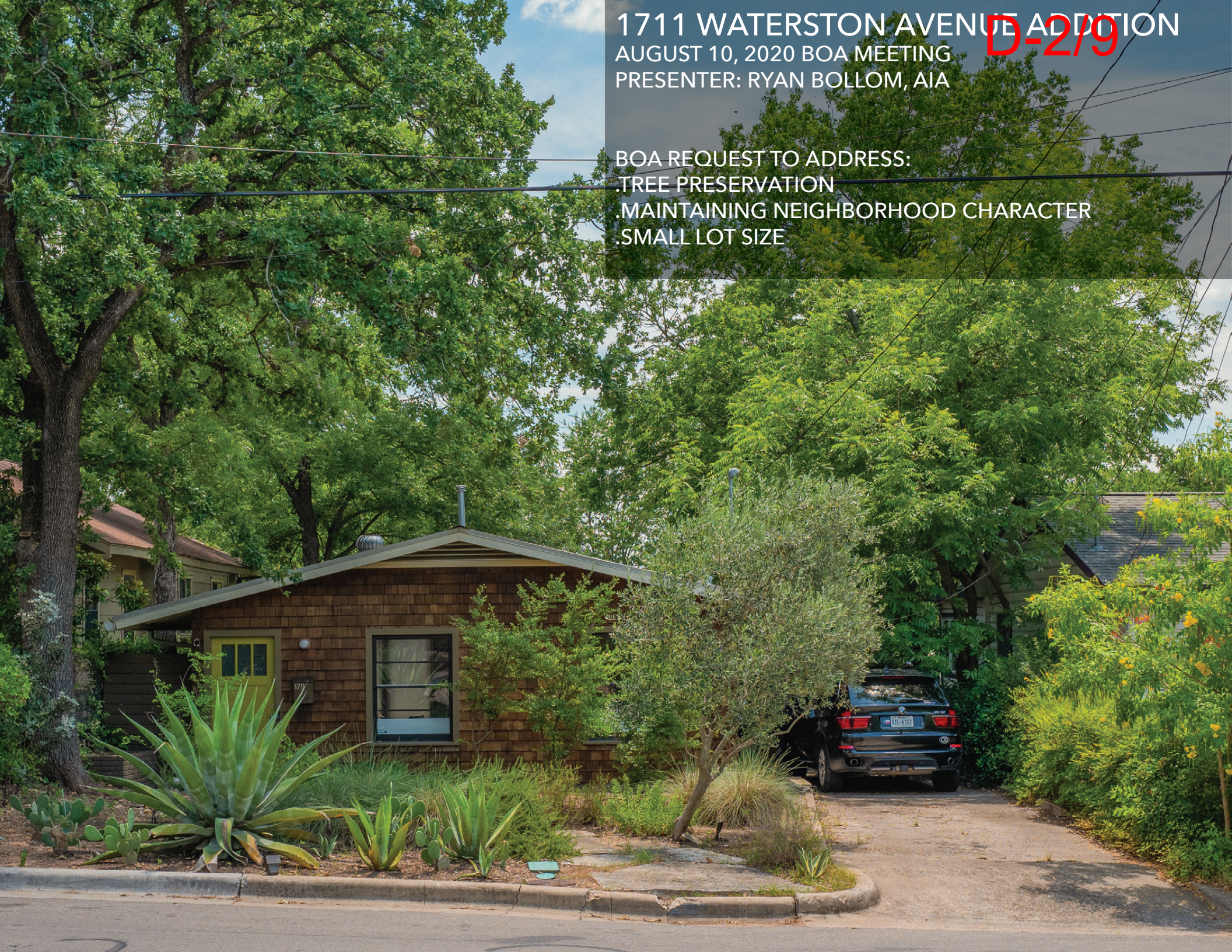
AUGUST 10, 2020 BOA MEETING  
PRESENTER: RYAN BOLLOM, AIA

BOA REQUEST TO ADDRESS:

.TREE PRESERVATION

.MAINTAINING NEIGHBORHOOD CHARACTER

.SMALL LOT SIZE





D-2/10



1711 WATERSTON AND NEIGHBORING MASS AND SCALE



NATIONAL REGISTER HISTORIC



NEIGHBOR TO EAST



NEIGHBOR TO WEST. HISTORIC



HISTORIC

DIRECT NEIGHBORS TO EAST AND WEST OF 1711 WATERSTON



Trees viewed from front



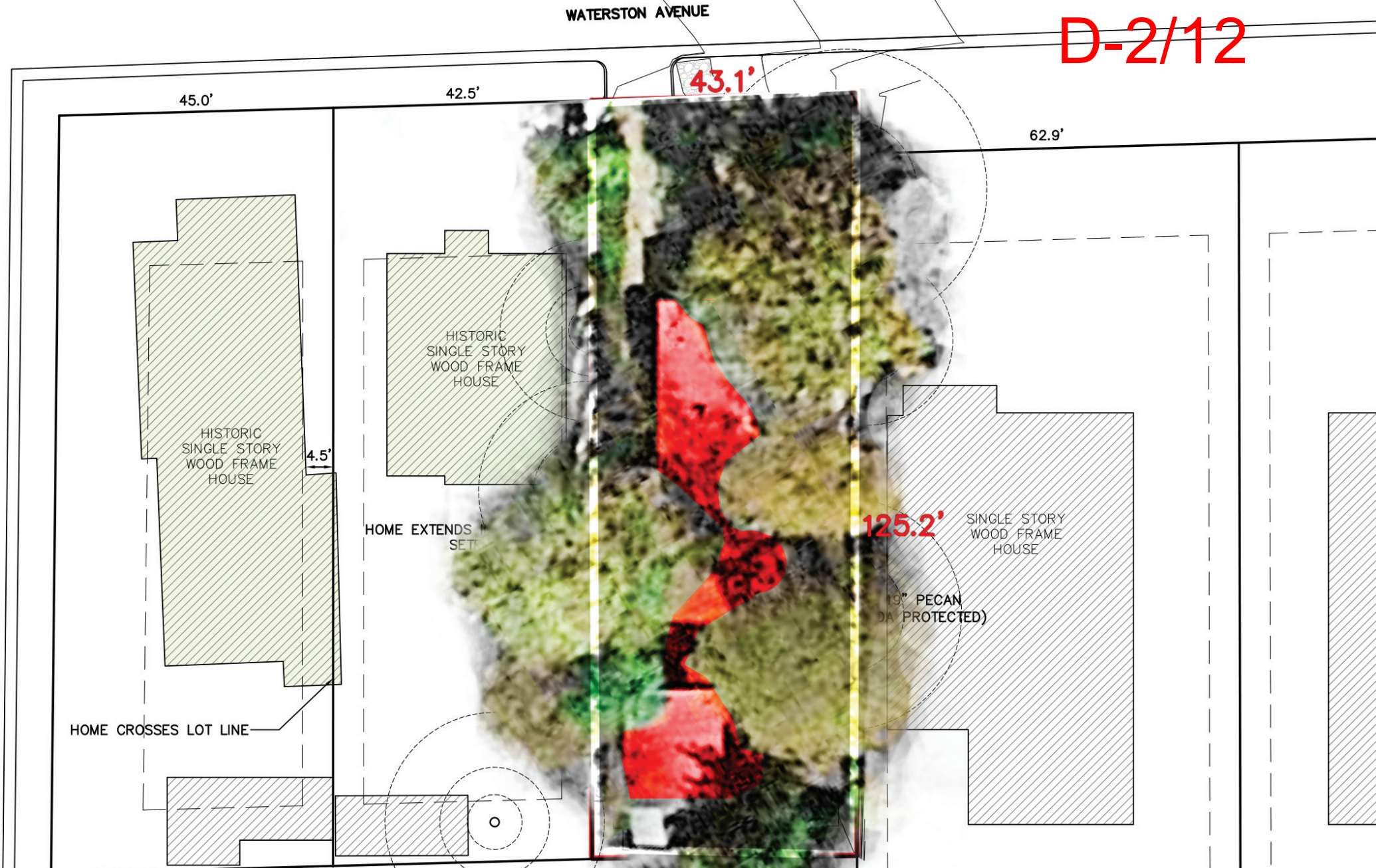
Trees viewed from back



## Site Photos

Existing tree coverage





Tree roots and canopy severely restrict buildable area and height. ONLY ~700sf OF BUILDABLE AREA IS NOT COVERED BY TREE CANOPY, MAKING BUILDING 2 STORIES IMPOSSIBLE WITHOUT ADVERSELY AFFECTING CANOPY. Code allows 1482sf addition.

Lot has substandard width (43.1'), depth (125.2') and overall size (5401sf).

All neighboring homes are 1 story.

Direct neighbors are historic with alterations. Also in close proximity to National Register Historic home.

## 1 Existing Plan

NTS

**Molly Rosenblatt and John Peet**

1711 Waterston Ave  
Austin, Texas 78703  
Mobile +1 215 806 6796

Designer

**Low Design Office**

2601A S 2nd St  
Austin, TX 78704  
Telephone +1 832 729 7962  
www.lowdo.net





## Clarksville

Lot is undersized and part of an irregular block subdivision that is unique to the neighborhood

## 2 Neighborhood Detail Plan

NTS

Owner

**Molly Rosenblatt and John Peet**

1711 Waterston Ave

Austin, Texas 78703

Mobile +1 215 806 6796

Designer

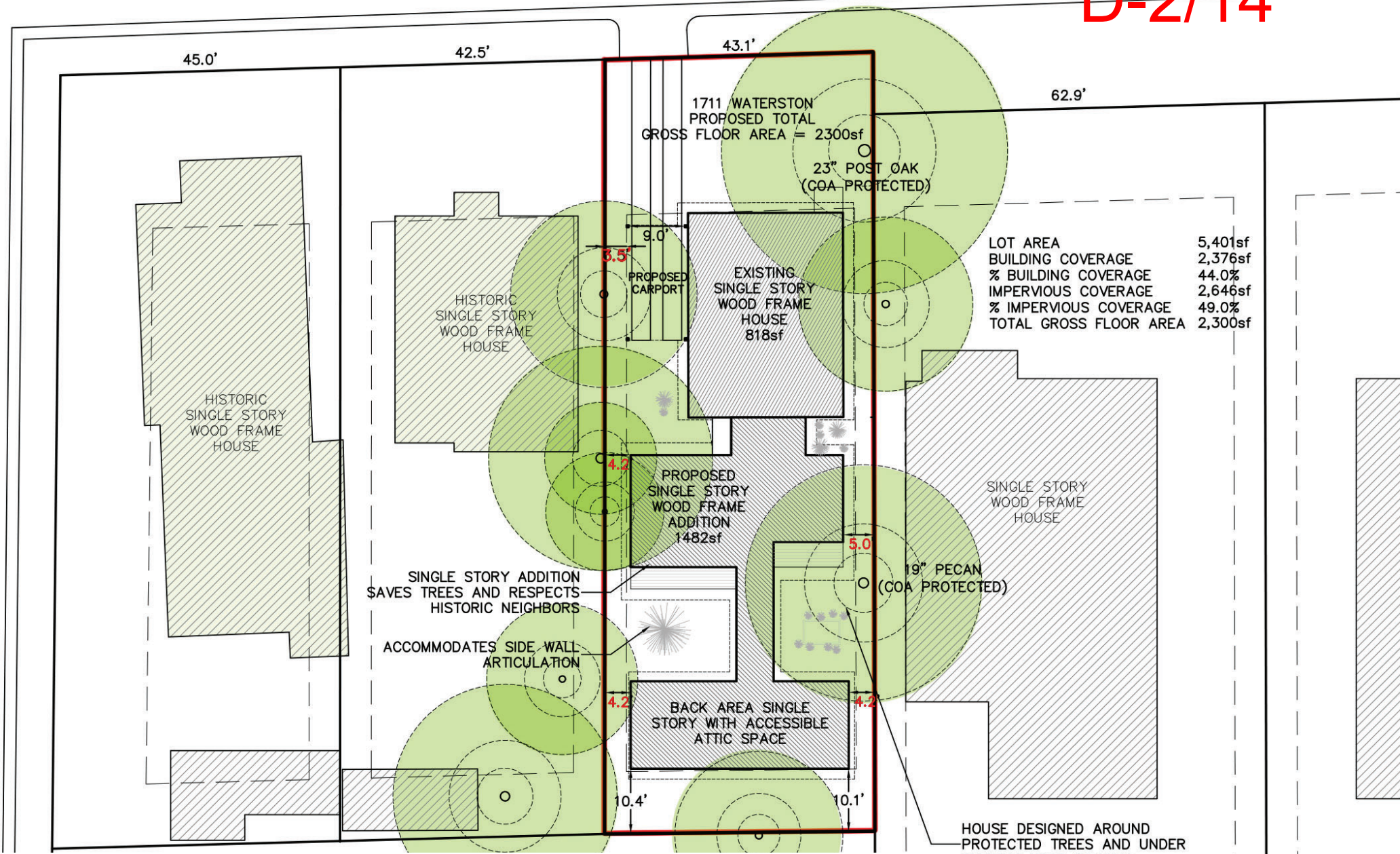
**Low Design Office**

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Telephone +1 832 729 7962

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Variance request reduced: We have included an accessible attic at the back portion of the house and moved it out of the back setback. We have requested a reduced building coverage of 44% and impervious coverage of 49%. We are only asking for adjustments to the side setback as shown and as follows:

To accomodate 9' wide carport requires 3.5' side setback

Allow 4.2' side setback at west and 4.2' side setback at east (back portion only). All setbacks requests already otherwise allowed in 25-2-779

# 1 Proposed Site Plan

NTS

Molly Rosenblatt and John Peet

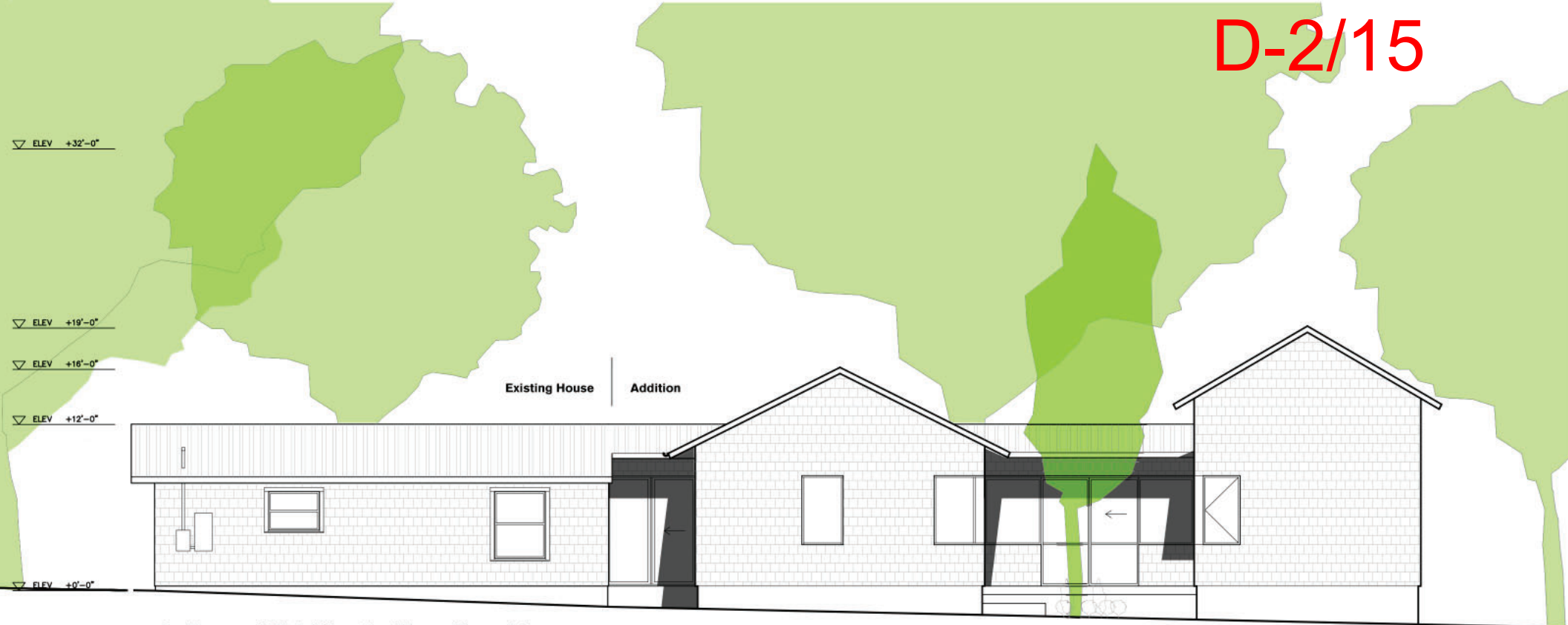
1711 Waterston Ave  
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Designer:

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**3 Proposed Side Elevation Viewed from driveway**

3/32" = 1'-0" printed on 8.5x11



**1 Existing Front Elevation Viewed from Street**

3/32" = 1'-0" printed on 8.5x11



**2 Proposed Front Elevation Viewed from Street**

3/32" = 1'-0" printed on 8.5x11



D-2/16



RENDERED DESIGN PROPOSAL



## Old West Austin Neighborhood Design Guidelines

### Residential Guidelines

#### Goal 1: Promote prevailing neighborhood character

- 1.1 Promote diversity of architectural styles
  - 1.1.1 Promote additions that reflect both the period of the addition and preserve the integrity of original structures
- 1.2 Maintain consistent mass and scale
- 1.3 Maintain historic land use patterns
  - 1.3.1 Maintain street setback lines
  - 1.3.2 Promote “back-buildings”
  - 1.3.3 Promote parking on the side or rear in lieu of front

#### Goal 2: Enhance the streetscape

- 2.1 Promote and maintain street trees
- 2.2 Minimize driveway width and curb cuts
- 2.3 Promote openness to the street
  - 2.3.1 Windows
  - 2.3.2 Porches
  - 2.3.3 Transparent fences
  - 2.3.4 Face garage doors away from the street
- 2.4 Promote and maintain sidewalks
- 2.5 Promote localized porch and walkway lighting

### 1.0 Residential guidelines

#### Goal 1: Promote prevailing neighborhood character

##### 1.2 Maintain consistent mass and scale



This

Not this

### 1.0 Residential guidelines

#### Goal 1: Promote prevailing neighborhood character

- 1.3 Maintain historic land use patterns
  - 1.3.2 Promote “back-buildings”

