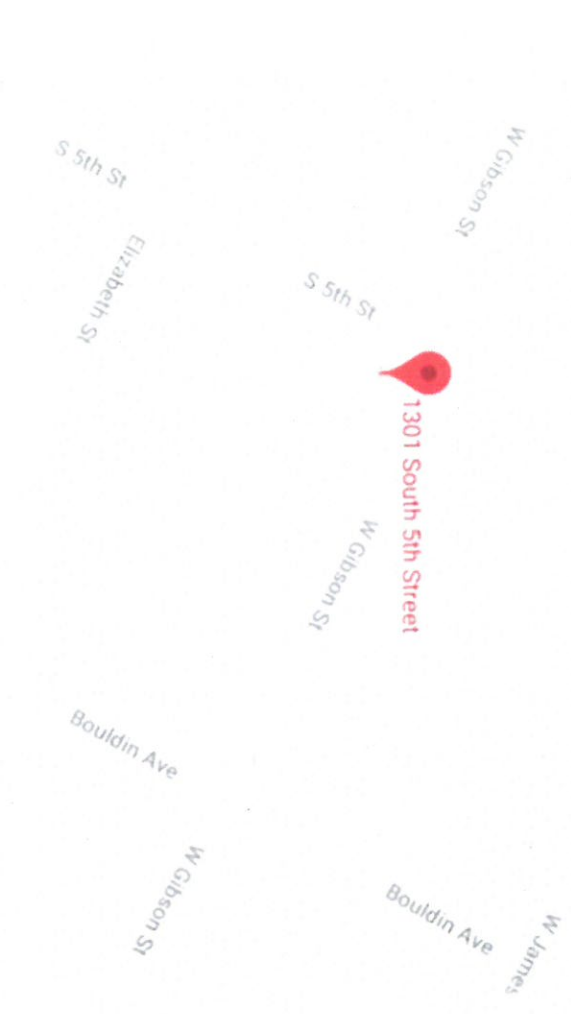




1301 S 5th St (corner lot: 68 ft along S 5th St and 46.4 ft along W Gibson St)



1303 S 5th St (non-corner lot: 60 ft along S 5th St and 46.4 ft along alley)



1940: 1301 & 1303 S 5th St houses built per TCAD records
 March 1946: COA Subdivision Policy in effect
 July/August 1946: Subdivision via deeds; No COA subdivision records
 June 2018: Current homeowners purchased 1301 S 5th St
 Nov 2018: Building Permit flagged Land Status Determination issue
 Nov 2018-March 2019: 80% surrounding neighbors' signatures support
 March 2019: Bouldin Creek Neighborhood Association support
 April 2019: BOA variances approved
 Feb 2020: Discover similar lots/homes without minimum lot width received approvals
 March 2020: Land Status Determination approved; revoked

\$25-4-2 Exception from Platting Requirements.

(D) In the full-purpose limits of the city, the director may except a parcel of land from the requirement to plat if the director determines that the parcel:

- (1) is five acres or less;
- (2) existed in its current configuration on January 1, 1995;
- (3) was receiving utility service that was authorized under the rules of the utility provider on January 1, 1995;
- (4) is located on an existing street; and
- (5) complies with the requirements of this title for roadway frontage; or has obtained a minimum lot width variance from the Board of Adjustment to satisfy the minimum frontage requirement.



I, Elizabeth Carey, am applying for a variance from the Board of Adjustment regarding Section _____ of the Land Development Code. The variance would allow me the ability to convert existing garage into kitchen/living space.











By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Cecily Parks	916 W. Gibson St. Austin TX 78704	
Mike Pizone	906 W. Gibson	
Sandra Mowery	911 W Gibson St	
THURST GUNTER	909 W. GIBSON ST	
Thomas Walhall	707 W. Gibson St	
Charles Mell Lawrence	913 W. Gibson St.	
Troy Weatherly	914 W. Gibson St.	

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Scott Reichle	1212-A S. 5 th ST	SR
Gary Atwater	1003 W. Gibson St	GA
Catherine Lee Doar	914 W. Elizabeth St,	Catherine Lee Doar
Joanne Magwood	908 W. Elizabeth St	Joanne Magwood
Carol Watts	1308 So. 5 th St.	Carol Watts
Steven Wood	1302 S 5TH ST	Steven Wood
Jason Still	1303 S 6 th St	Jason Still
Joe Geffert	912 W. Gibson St	Joe Geffert
Molly White	1300 S. 5th	Molly White
Molly White	1206 S. 5th	Molly White
Sharon Knealy	1208 South 5th	Sharon Knealy
Casey Wenzel	1211 S. 6th	Casey Wenzel
Nelia Castillo	1305 S. 6th	Nelia Castillo

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
TLR Homes II, LLC	917 Sams	
TEP Homes II, LLC	515 Sams	
OTR CHAMBERS 11420M LARAY SMITH	912 W. ELIZABETH.	 I hereby declare that the property is under the jurisdiction of the variance
Harold & Brenda Lee	908 S W 28th St 1301 S. 6th St	
Linda L. Goldner	908 S W 28th St 78703	
LAURA THOMAS	916 W. ELIZABETH 78704	
David Foster	1303. S. 5th St 78704	
Jessamine Barker	915 W. Gibson 78704	
Michael Richard Doss Rives	910 W. Elizabeth 78704	
	905 W Gibson	



Date: April 2, 2019

TO: Board of Adjustment

Subject Case C15-2019-0017
1301 S. 5th St

Board Members,

The Bouldin Creek Neighborhood Association at it's April 1 Steering Committee Meeting voted to support the applicants variance request to decrease the area and setbacks for their existing lot in order to convert the current garage into livable space. Our support is conditional on the existing footprint of the house and garage being maintained.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Strange".

Paul Strange
VP External Affairs and Zoning Chair

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday April 08, 2019

CASE NUMBER: C15-2019-0017

<input checked="" type="checkbox"/>	Y	Ada Corral
<input checked="" type="checkbox"/>	Y	William Burkhardt
<input checked="" type="checkbox"/>	Y	Darryl Pruett
<input checked="" type="checkbox"/>	Y	Eric Golf
<input checked="" type="checkbox"/>	Y	Melissa Hawthorne
<input checked="" type="checkbox"/>	Y	Yasmine Smith
<input checked="" type="checkbox"/>	Y	Don Leighton-Burwell
<input type="checkbox"/>	-	Rahm McDaniel OUT
<input checked="" type="checkbox"/>	Y	Martha Gonzalez (Alternate) RM
<input checked="" type="checkbox"/>	Y	Veronica Rivera
<input checked="" type="checkbox"/>	Y	James Valdez
<input type="checkbox"/>	-	Michael Von Ohlen (left early)
<input type="checkbox"/>	-	Kelly Blume (Alternate) OUT
<input type="checkbox"/>	-	Alternate (Vacant)

OWNER/APPLICANT: Elizabeth Carey

ADDRESS: 1301 5TH ST

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:


- A. decrease the minimum lot area from 5,750 square feet (required) to 3,150.44 square feet (requested, existing); and to
 - B. decrease the minimum lot width from 50 feet (required) to 46.33 feet (requested, existing); and to
 - C. decrease the front setback from 25 feet (required) to 20.3feet (requested, existing); and to
 - D. decrease the rear setback from 10 feet (required) to 9.3 feet (requested, existing)
 - E. decrease the side street setback from 15 feet (required) to 13.3 feet (requested, existing)
- in order to convert the current garage/storage space into living space in a "SF-3-NP", Family Residence zoning district. (Bouldin)

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Grant with condition to limit to .4 FAR, Board Member Don Leighton-Burwell second on a 10-0 vote; **GRANTED WITH CONDITION TO LIMIT TO .4 FAR.**


EXPIRATION DATE: APRIL 8, 2020

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: house has been in its configuration other than slight alteration to the roofline, permit card has been issued, site will fall within the legal lot status due to utilities, it's been in this configuration since the mid's 60's.
2. (a) The hardship for which the variance is requested is unique to the property in that: the reuse of the existing structure and footprint of the structure are staying the same.
(b) The hardship is not general to the area in which the property is located because: many other lots that are standard size and corner configuration in the neighborhood
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: building with stay on its same configuration with slight modification in the roofline and repurpose interior space for general use to the unit.



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman



City of Austin
Development Services Department
Land Status Determination
1995 Rule Platting Exception

March 10, 2020

File Number: **C81-2020-0052**

Address: **1301 S 5TH ST**

Tax Parcel I.D.# **100179**

Tax Map Date: **03/10/2020**

The Watershed Protections & Development Review has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being **N 68 ft of Lot 9 Blk 9 South Heights** in the current deed, recorded on **June 29, 2018**, in **Document #2018103344**, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Aug 29, 1946**, in Volume **818**, Page **208**, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **wastewater** service on **May 02, 1946**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: *Jennifer Back*
Jennifer Back, Representative of the Director
Development Services Department