

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2021-0008

**BOA DATE:** January 11<sup>th</sup>, 2021

**ADDRESS:** 3708 Robinson Ave

**COUNCIL DISTRICT:** 9

**OWNER:** Sarah Haynie

**AGENT:** Joel Nolan

**ZONING:** SF-3-NP (Upper Boggy Creek NP)

**LEGAL DESCRIPTION:** LOT 26 BLK 2 OLT 29 DIV C UNIVERSITY PARK SUBD

**VARIANCE REQUEST:** amend existing Granted variance C15-2020-0065, to remove the condition related to STR's

**SUMMARY:** erect an Accessory Dwelling Unit

**ISSUES:** properties in neighborhood have STR's

	<b>ZONING</b>	<b>LAND USES</b>
<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>	CS-MU-V-CO-NP	General Commercial Services-Vertical Mixed Use

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Bike Austin  
 Cherrywood Neighborhood Association  
 Del Valle Community Coalition  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Neighbors United for Progress  
 Preservation Austin  
 SELTexas  
 Sierra Club, Austin Regional Group  
 Upper Boggy Creek Neighborhood Planning Team



## 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: 3708 Robinson Avenue

Subdivision Legal Description:

University Park Subdivision

Lot(s): 26 Block(s): 2

Outlot: 29 Division: C

Zoning District: SF-3

I/We Joel Nolan / Nolan Studio on behalf of myself/ourselves as  
authorized agent for Sarah Haynie affirm that on  
Month December, Day 11, 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: Accessory Dwelling Unit

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

I am requesting a variance from the Land Development Code Section 25-2-774 Two Family Residential Use for a SF-3-NP residential property for the requirement of the ADU to be at least 10' to the rear or side of the principal structure be changed to allow for the existing 6'-7 5/8" to remain and for the requirement to be above a detached garage not to apply to this lot.

## 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:

Building an accessory dwelling unit between the 10' offset and 5' side-yard setback results in an 8'-8 3/4" outside to outside / 7'-5" interior wide ADU and a limitation of 278.5 SF of buildable ground floor area.

### Hardship

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

The location of the existing house and protected tree on the site, and inability to connect a driveway to the existing detached garage structure due to impervious cover limitations on this lot.

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

The location of the detached garage and protected tree is unique to this lot.

**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 new ADU will not extend beyond any side or rear yard setbacks or be tall enough to breach the Subchapter F Tent limitations. We are only asking to build a new ADU that keeps the existing distance between the house and storage building as-is.

**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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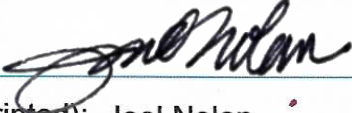
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**Section 3: Applicant Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature:  Date: 12/11/2020

Applicant Name (typed or printed): Joel Nolan

Applicant Mailing Address: 708 Rio Grande

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 330-4243

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: 12/11/2020

Owner Name (typed or printed): Sarah Haynie

Owner Mailing Address: 3708 Robinson Ave

City: Austin State: TX Zip: 78722

Phone (will be public information):

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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Address: 3708 Robinson Avenue, Austin Texas 78722

Applicant: Joel Nolan

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## **OVERVIEW OF REQUEST**

Land Development Code 25-2-774 Two Family Residential Use

C2a. The second dwelling unit must be located at least 10' to the rear or side of the principal structure

C2b. The second dwelling unit must be above a detached garage

Approval of this request would allow for the remodel & addition of an existing detached storage building:

1. To remain in its current location, closer than the required 10' offset from the principal structure
2. Allow for the new ADU to be built on the ground floor, not above a detached garage as required by the code above.
3. We want to remove the short term rental limitation set in place in previous approval
4. We would like to remove the buildable area limitation set in place in previous approval

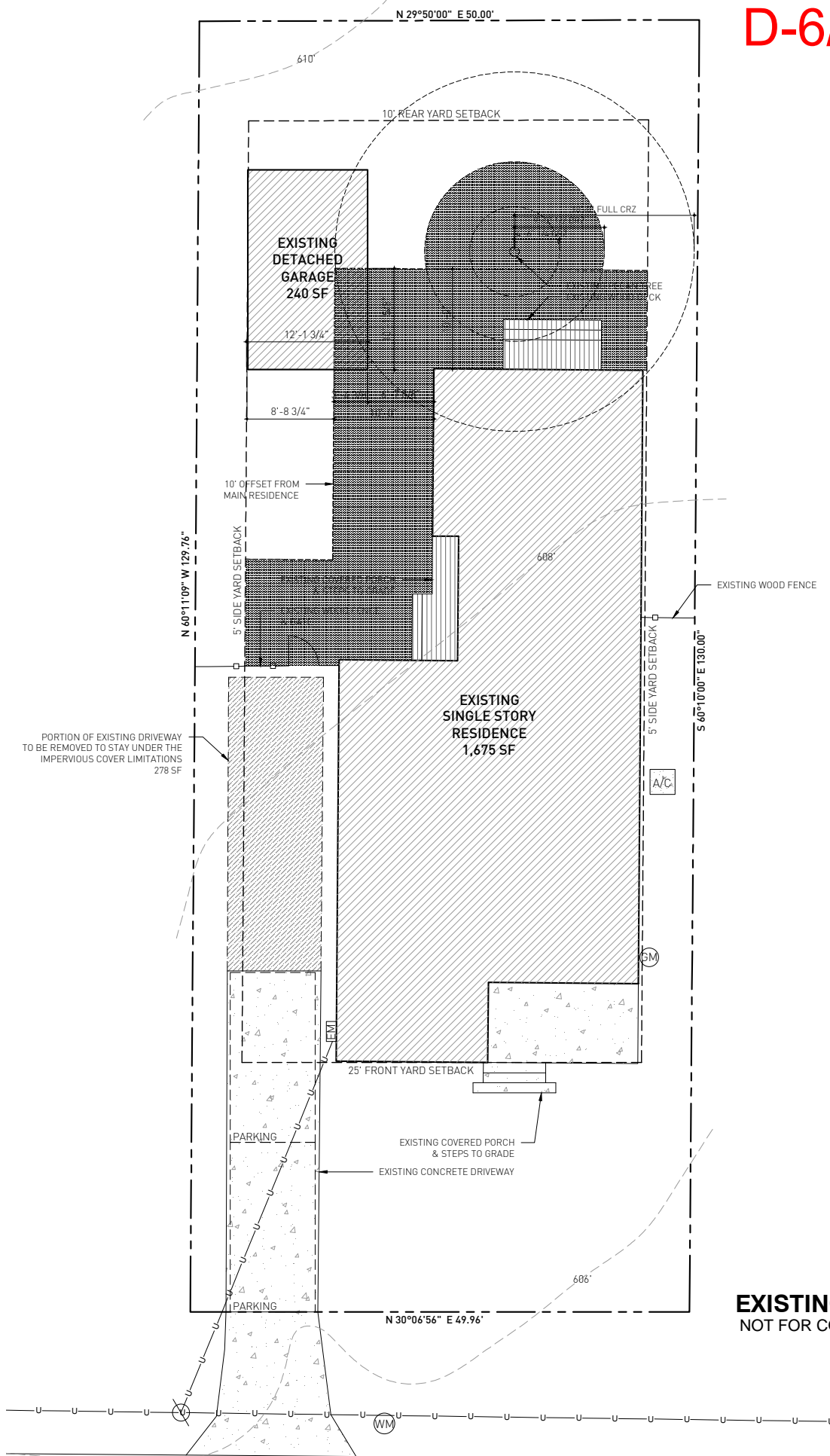
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- Existing Lot Size: **6,471 sf**
  - Existing Impervious Cover: **42%**
  - Proposed Impervious Cover: **40%**

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- Maximum size of new Accessory Dwelling Unit: **970 sf.**

The maximum size of an ADU to 1,100 square feet or **0.15 FAR** whichever is smaller

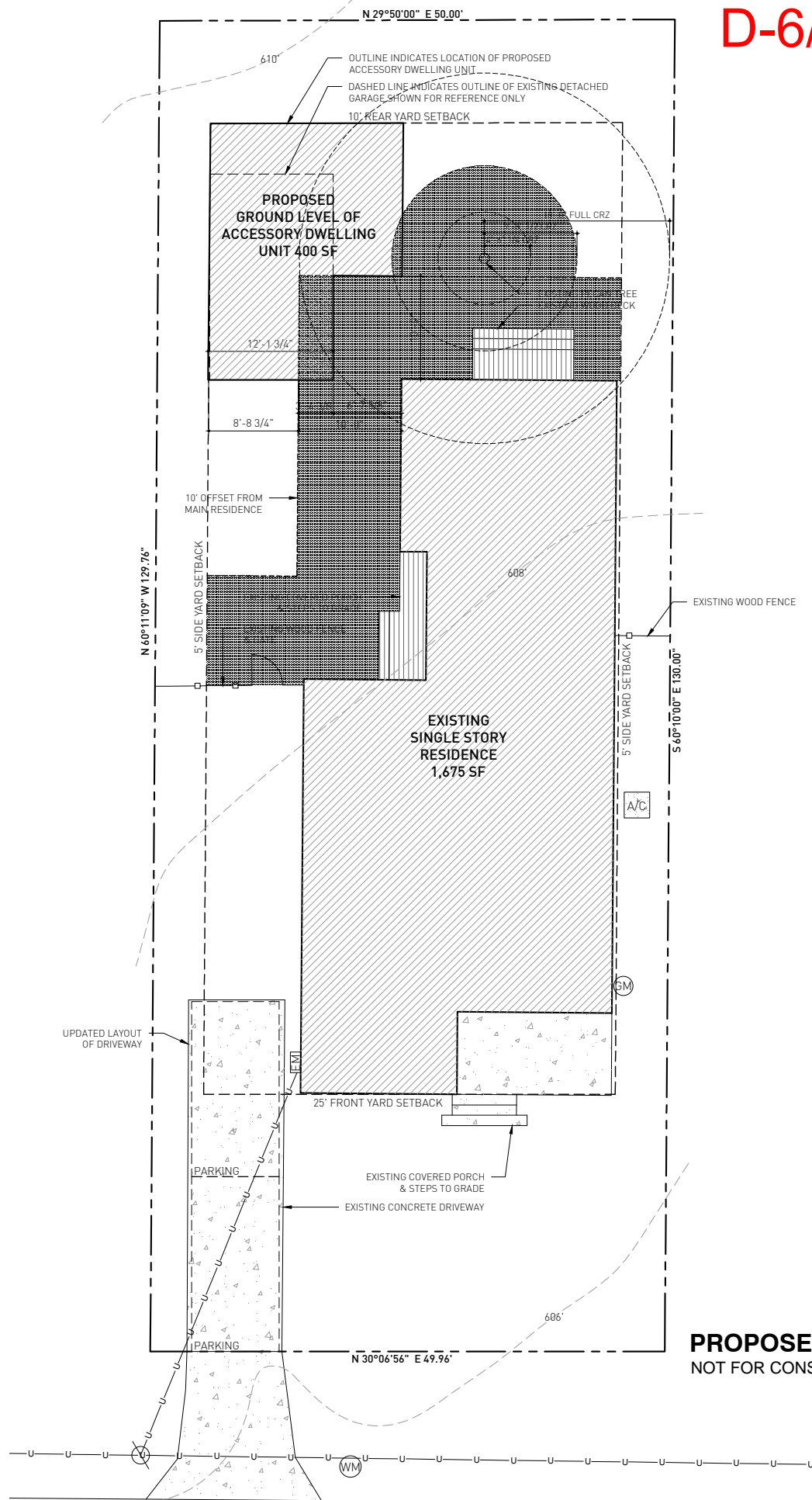
- Proposed size of new Accessory Dwelling Unit: **+/- 800 sf**





**EXISTING SITE PLAN**  
NOT FOR CONSTRUCTION

D-6/8



# PROPOSED SITE PLAN

## NOT FOR CONSTRUCTION





← PROTECTED 18" PECAN TREE

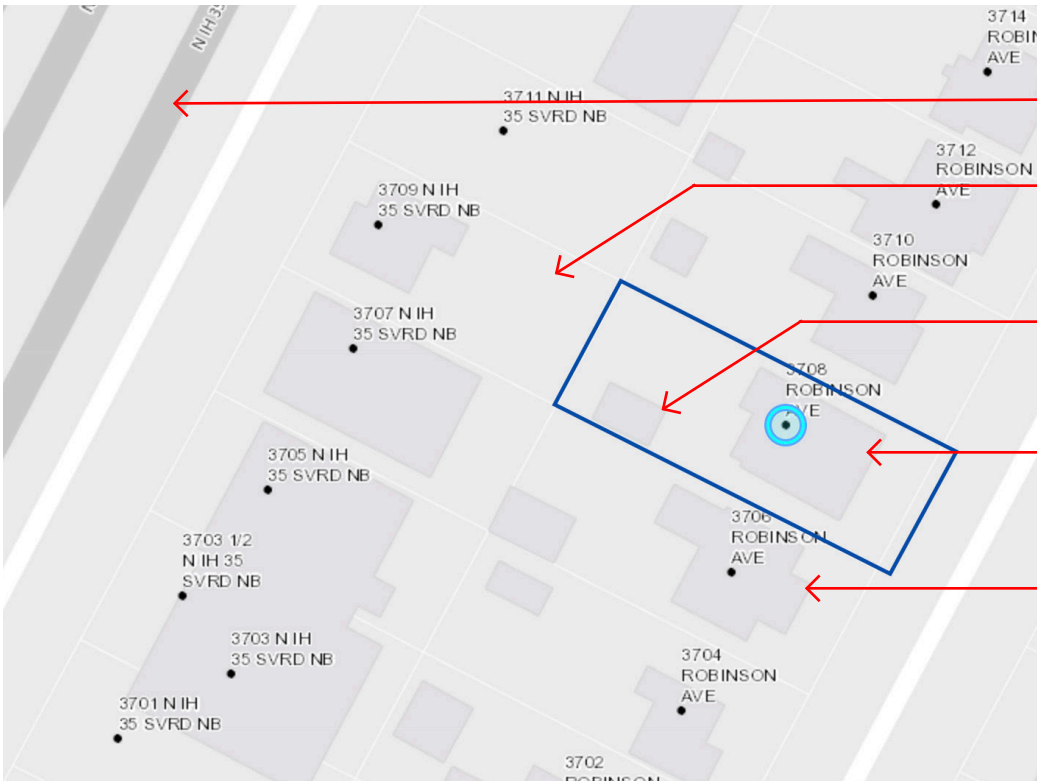
EXISTING SITE PHOTOS





INTERSTATE HIGHWAY 35  
UPPER DECK

EXISTING STORAGE BUILDING



INTERSTATE HIGHWAY 35

COMMERCIALLY ZONED LOTS  
CS-MU-V-CO-NP

EXISTING STORAGE BUILDING

MAIN HOUSE

NEIGHBORING HOUSE

**SITE DIAGRAMS**