

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0018

BOA DATE: February 8th, 2021

ADDRESS: 3805 Eton Ln

COUNCIL DISTRICT: 7

OWNER: Gary & Nancy Langdon

AGENT: N/A

ZONING: SF-2

LEGAL DESCRIPTION: LOT 16 BLK N MILWOOD SEC 3

VARIANCE REQUEST: decrease the minimum street side yard setback from 15 feet (required) to 2 feet (requested)

SUMMARY: complete a shed

ISSUES: easements and underground utilities

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

Bike Austin

Friends of Austin Neighborhoods

Homeless Neighborhood Association

Milwood Neighborhood Assn.

Neighborhood Empowerment Foundation

North Growth Corridor Alliance

SEL Texas

Sierra Club, Austin Regional Group

F-3/2



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2021-0018
LOCATION: 3805 ETON LANE



1" = 166'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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: 3805 Eton Ln Austin, Texas 78727

Subdivision Legal Description:

Lot(s): 16 Block(s): N

Outlot: _____ Division: Milwood Section 3

Zoning District: SF-2

I/We Gary and Nancy Langdon on behalf of myself/ourselves as
authorized agent for ourselves affirm that on
Month January, Day 8, Year 2021, 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: 10'x12'x13' wood frame,hardibacker siding,steel roof, rollup steel garage door

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

25-2-492 - street side setback from 15' to 2'

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 zoning regulations applicable to the property do not allow for reasonable use because we have every underground utility running through our small back yard leaving us no other location to place the shed than where we have.

Hardship

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

- Due to the location of multiple underground utility easements (cable, phone lines, gas lines, electric transformer and underground electric cables/wires) there is no other place on the property to place the shed.
- The location the shed has been placed is the only location on the property that is underground utility line free.

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

- The house is built up to the setbacks on all 3 sides - front (north), east and west sides leaving a small backyard which is where all the underground utilities are located.
- The underground utilities (cable, gas, electric - cables and transformer) are all located in all areas of the small backyard except exactly where the shed has been constructed.

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 not alter the character of the area adjacent to the property nor will it impair the use of adjacent conforming property because this is a corner lot so there is no other adjacent property. The shed being placed on this property in this specific location will not impair the purpose of the regulations of the zoning district in which the property is located because the shed is located within our property - in the only place there are no utilities. There can be nothing else built or placed next to the shed, it impedes no one elses property, view or usage.

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:

n/a

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:

n/a

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

n/a

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

n/a

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: Nancy M Langdon Digitally signed by Nancy M Langdon
Date: 2021.01.07 09:04:22 -06'00' Date: 01/07/2021

Applicant Name (typed or printed): Gary V and Nancy M Langdon

Applicant Mailing Address: 3805 Eton Ln

City: Austin State: Texas Zip: 78727

Phone (will be public information): (512) 837-8167

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: Nancy M Langdon Digitally signed by Nancy M Langdon
Date: 2021.01.07 09:04:56 -06'00' Date: 01/07/2021

Owner Name (typed or printed): Gary V & Nancy M Langdon

Owner Mailing Address: 3805 Eton Ln

City: Austin State: Texas Zip: 78727

Phone (will be public information): (512) 837-8167

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).

After receiving the code violation in the mail in December, in speaking with the code officer on the phone - she indicated to me that she had seen the shed on several occasions (she gave a range of times she'd seen it, I don't recall the exact # so I'll just say "several") but it was not a deal for her so she said nothing - took no action. She then said, now - since someone has filed a complaint she

Additional Space (continued)

has no choice but to do something about it. We had a very lengthy conversation about possible ways to meet compliance - she suggested moving the shed (it is bolted to a 9" slab and there is no where to move it to), she said we could just cut 2 feet off it to meet compliance - which ends up to not be true even if we could "just cut 2 feet off" - which we cannot. I sent her photo's of the property, invited her out to walk the property with me to see the exact placment of the underground utilities - she never accepted the invitation. In the pandemic - masks & distance are a safe option.

We have been working on the shed since July of 2020. In our research, because of the size of the shed being under 200 sq ft with no electricity or plumbing and under 15' in height a building permit is not required. In our research, it was our belief that we had met all criteria in construction and placement of the shed. Obviously we made an error in the placment of the shed.

Had the code officer simply notified us of our errounous placement when she made the initial observation, not 6 months later - we'd not be in the situation we are now. Being nearly complete with the construction, having already purchased all the materials for completion, 6 months later, now facing a code violation has caused us extensive stress, upset and possible loss of thousands of dollars in materials and time spent on the construction as well as added extensive stress and cost moving through the variance process. We had been working weekends, making slow progress over the last 6 months to get to this point - our scheduled plan was to complete construction (installing the rollup garage door, siding and roof) over the Christmas break from our jobs.

Further - in discussing this matter with our direct and indirect neighbors no one has filed a complaint. In fact, when building the shed several have offered to help. Four immediate neighbors have provided statements of support which I have included with my application. Additional neighbors have offered statements of support if needed.

Also - it has come to my attention in reseaching the application process that it appears the complaint came from inside the code office, not from a community complaint as stated by the code officer several times in our conversations. There seems to be some confusion on exactly where the complaint originated. I asked the code officer why she did not come to the door to speak with me - help me to understand the process and what the non-compliance was. Everybody I have spoken to in this process indicates to me how confusing the process is so I should not feel bad, However, that does not negate the fact that we are having to navigate this costly and time consuming process.

In observing accessory structure placement in the neighborhood at large - although I am not privy to any possible variances or exceptions that may be in place, it seems historically there has not been a problem with placment of other accessory structures that appear to be placed in easements and setbacks. Thus giving us no indication that the placment of our shed was going to be an issue in a setback (see attached). This leaves us to wonder - why are we being singled out?

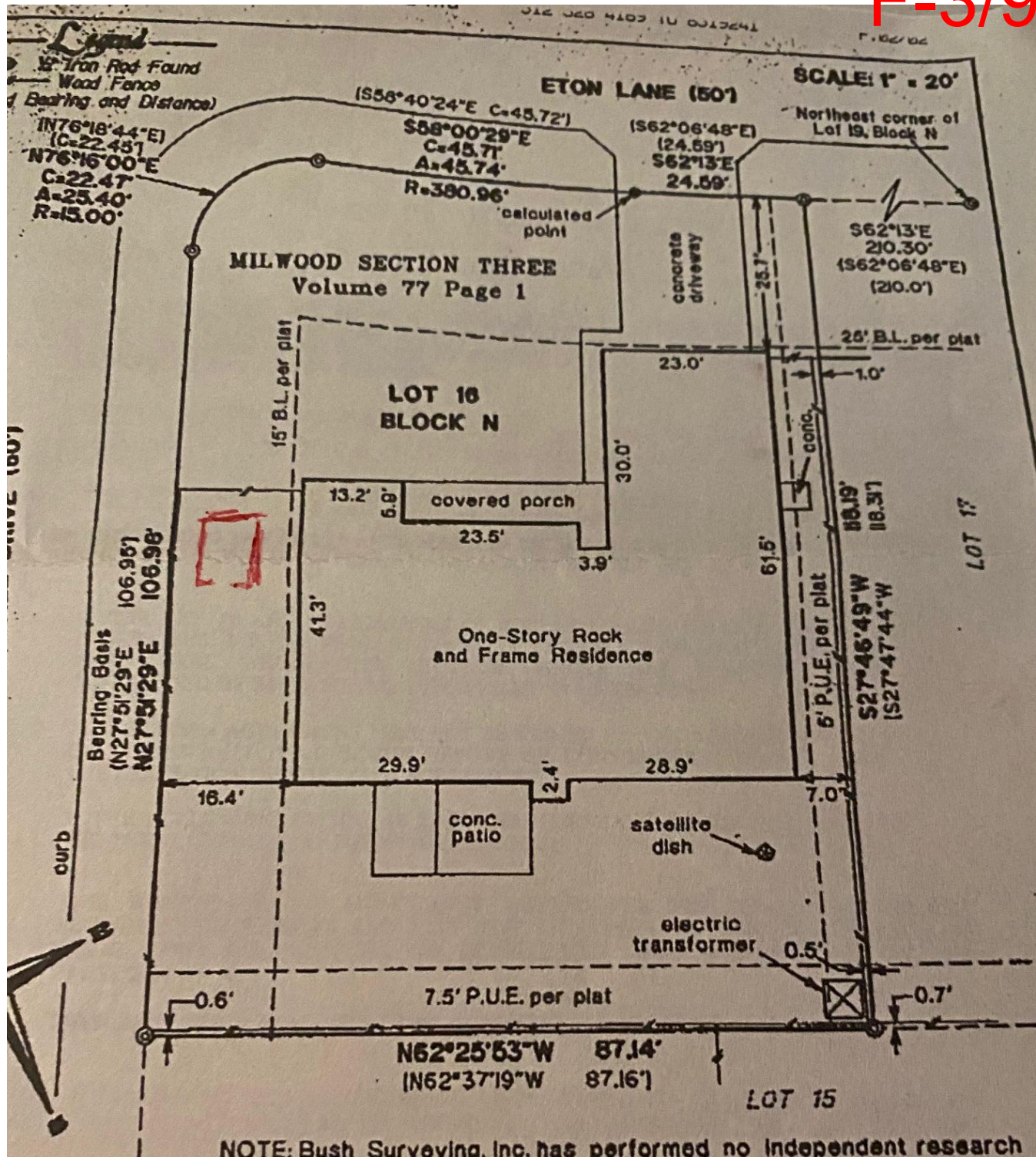
When completed, the shed will match the house in color - the peak of the roof matches the peak of the house - exactly. We have put an inordinate amount of time and money into the design and construction of this shed as to not alter the character of the primary property or adjacent properties. This current process has added much stress to our life during an already stressful time in our world

A rectangular button with a double border. The word "SAVE" is written in bold, black, uppercase letters in the center.
 SAVE

Langdon - 3805 Eton Ln - Application for Variance - Survey and Utilities Sketch

This is a copy of our property survey with our shed drawn in red where it is located. Where it says Satellite Dish -it is now a tree.

The shed is 18" from the front fence, 33" from the west fence line and 36" from the house.



This is my utilities location sketch from the last time we had the yard mapped by MISDIG... (sorry - I'm not much of an artist).

Gas lines along the west side of the house in from the gate to the neighbor's house and to our gas meter on the west side of the house. The electric lines running the full length of the yard along the south side of the yard from the street (west) to the transformer (east) side of the yard, then the electric, cable and phone lines from the transformer (SE corner of the yard) to the east side of the house - all indicated in the photo's document as well.

Pipes

2011

PAGE #

Street
X
X

Gate

3' 2"



X Swing X

Gas line

Nothing

meter

Play house

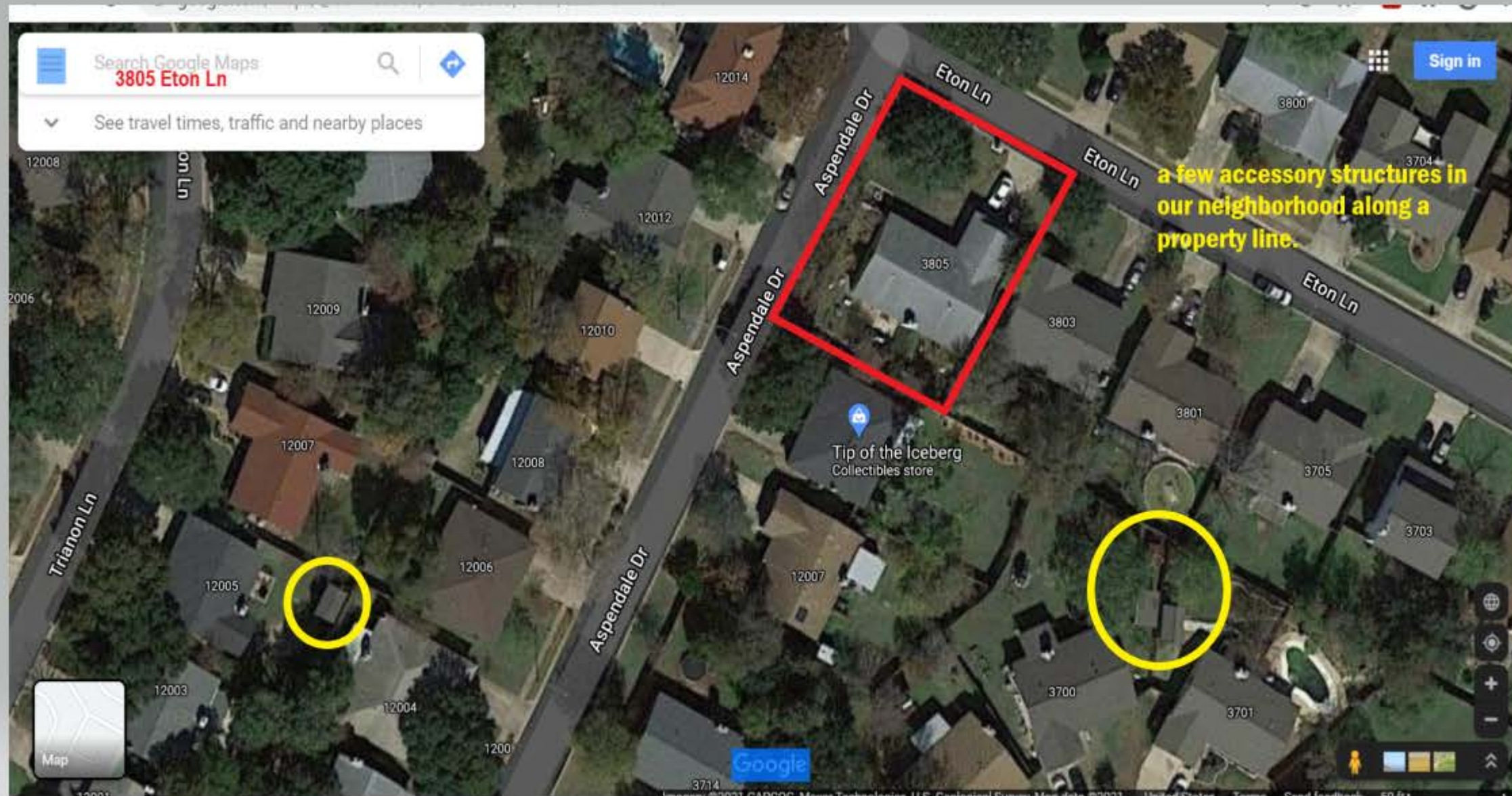
Planter
Patio

House

Tire



Electric
X



Langdon ~ 3805 Eton Ln ~ application for variance photos

This photo is the shed in its current state of completion.

The code officer told us that we could continue work on the shed as the shed itself is 100% in compliance. We were told - it is just WHERE it's located that is in non-compliance so you can finish the work on the shed itself, you can do anything you want to the shed itself, you are just going to have to move it or cut it down by 2 feet to meet compliance.

However, since we are in the midst of the variance process we have chosen to respect the process and to not continue work on the shed beyond installing the TYVEK wrap - to TRY to protect it from the weather and not ruin the plywood.

As it turns out - in doing our research, we have received information from other city offices in direct conflict to the information given us by the code officer - such as... you may not do any work on anything that is under a code violation. We just did not want to take a chance of being further in non-compliance.

Under the blue tarp on the left is the steel roll up garage door still in the shipping crate waiting to be installed. You can see the gas meter on the right of the photo - beyond the gas meter is the only place in our yard there is no underground utilities so we placed the shed there.



This photo is the area where the buried gas line comes into the back yard and "Y's" off to the right to the neighbor's property and continues left through the middle of our yard up to our gas meter.



This photo shows the area where the buried electrical line runs the full length of our yard from the street to the transformer on the back right hand corner.



This photo is of the area where the buried cable line, phone line and electrical line runs from the transformer to the house. The buried electric line runs near the tire on the left - 9' out from the fence line. The cable and phone lines run over to the right near the planter (which is not permanent).



1-7-2021

To Whom It May Concern:

My name is Brehan Gonzalez Fraga and I own the residence at 12009 Aspendale Drive; Austin, TX 78732. My house is adjacent to the residence at 3805 Eton Lane; Austin, TX 78732 which is owned by Nancy Langdon and family.

As a resident of the neighborhood, I do not oppose the shed which the Langdon's are building for the following reasons: 1.) The structure is in their backyard 2.) The structure will be built to mirror the facade of their primary residence 3.) The structure will not interfere or threaten any joint/shared water, electrical, cable lines etc.

Thank You.

Brehan Gonzalez Fraga

512-426-1835

Below is the screen shot of her email w/ the file in it

FILEMESSAGE

Ignore

Junk

X

Delete

Reply

Reply All

Forward

More

Meeting

More

2019 Shopping...

Team Email

Create New

To Manager

Reply & Delete

Move

OneNote

Actions

Rules

Mark Unread

Follow Up

Translate

Related

Select

Find

Zoom

Delete

Respond

Quick Steps

Move

Tags

Editing

Zoom



Thu 1/7/2021 8:39 AM

Brehan Fraga <[REDACTED]>

Letter

To langdongv@aol.com

You forwarded this message on 1/7/2021 9:13 AM.

Message

NL Letter.docx (15 KB)

Brehan Fraga No Items

January 6, 2021

To Whom it May Concern:

My family and I live directly across Aspendale Drive from Nancy and Gary Langdon. We have absolutely no issue with the shed that Gary has diligently been working on. He is doing such a fantastic job with the construction and we are looking forward to admiring his and Nancy's handiwork once the shed is complete. They have been wonderful neighbors and have been very considerate during the construction phase. The shed is in a good position in their back yard and is visually inobtrusive. We know the shed will look great once it is completed!

If you need any further information from my husband or myself our contact information is below.

Thank you,

Andrea and Arthur Jacob

Mobile: 512-695-3353

Email: adjacob05@gmail.com

Address:

12012 Aspendale Drive

Austin, TX 78727

Jan 6, 2021

I have lived in this neighborhood for 40 years and have lived across the street from Nancy and Gary Langdon for over 30 of those years. We have never had a complaint about them and have been friends for all of them. I know how ~~long~~ she investigates everything she does. As with everything else when the shed is finished it will not be an eyesore and it will blend into the surroundings. I have no objection to them finishing it as it is. If you have any questions please call me.

William Spinali
WILLIAM SPINALI
12014 ASPENDALE DR.
AUSTIN 78727

PH: 512-517-6295

2021-1-7

To whom it may concern,

My name is Sam Morehouse, I own the home on 12010 Aspendale Dr, Austin TX 78727. I can see the back yard of 3805 Eton Ln from my front yard and in no way do I think their new shed is an eyesore or in any way will negatively impact anything about the neighborhood. The shed they are building will blend in with their home and it is soon to be the envy of our neighbors as it is much nicer than your typical rusted metal or cheap plywood store-bought shed.

Thank you for your time,

-Sam Morehouse

Below is a screenshot of his actual email.

FILE

MESSAGE

Ignore

Junk

X

Delete

Reply

Reply All

Forward

More

Meeting

More

2019 Shopping...

Team Email

Create New

To Manager

Reply & Delete

Move

Actions

Rules

OneNote

Mark Unread

Follow Up

Translate

Select

Find

Related

Zoom

Zoom

Quick Steps

Move

Tags

Editing

Zoom

Thu 1/7/2021 8:52 AM

Sam Morehouse

Nice shed

To

langdongv@aol.com

You forwarded this message on 1/7/2021 8:58 AM.

To whom it may concern,

My name is Sam Morehouse, I own the home on 12010 Aspendale Dr, Austin TX 78727. I can see the back yard of 3805 Eton Ln from my front yard and in no way do I think their new shed is an eyesore or anything about the neighborhood. The shed they are building will blend in with their home and it is soon to be the envy of our neighbors as it is much nicer than your typical rusted metal or cheap plywood sto

Thank you for your time,

-Sam Morehouse