

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-6**

DATE: Monday January 11, 2021

CASE NUMBER: C15-2021-0008

___ - ___ Brooke Bailey OUT
 ___ Y ___ Jessica Cohen
 ___ Y ___ Ada Corral
 ___ Y ___ Melissa Hawthorne
 ___ - ___ VACANT
 ___ Y ___ Don Leighton-Burwell
 ___ Y ___ Rahm McDaniel
 ___ Y ___ Darryl Pruett
 ___ - ___ Veronica Rivera OUT
 ___ Y ___ Yasmine Smith
 ___ Y ___ Michael Von Ohlen
 ___ Y ___ Kelly Blume (Alternate)
 ___ - ___ Vacant (Alternate)
 ___ - ___ Donny Hamilton (Alternate) NOT AVAIL

APPLICANT: Joel Nolan

OWNER: Sarah Haynie

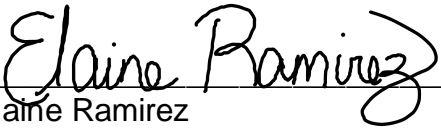
ADDRESS: 3708 ROBINSON AVE

VARIANCE REQUESTED: The applicant is requesting a variance(s) to amend existing Granted variance C15-2020-0065, to remove the condition related to STR's

BOARD'S DECISION: BOA MEETING JAN 11, 2021 **Board Member Jessica Cohen motions to postpone to February 8, 2021 due to technical difficulties, Board member Michael Von Ohlen seconds on a 9-0 vote; POSTPONED TO February 8, 2021 DUE TO TECHNICAL DIFFICULTIES.**

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 for
Don Leighton-Burwell
Chairman

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0008

BOA DATE: January 11th, 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

	ZONING	LAND USES
<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



January 7, 2021

Joel Nolan
3708 Robinson Ave
Austin TX, 78722

Property Description: LOT 26 BLK 2 OLT 29 DIV C UNIVERSITY PARK SUBD

Re: C15-2021-0008

Dear Joel,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from a variance(s) to amend existing Granted variance **C15-2020-0065**, to remove the condition related to STR's

Austin Energy does not oppose the above amended variance request provided any proposed and existing improvements follow Austin Energy's clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners /applicants' expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action: <https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Eben Kellogg, Property Agent

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2021-0008

LOCATION: 3708 ROBINSON AVENUE



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.

1" = 208'



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:

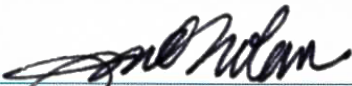
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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:  Date: 12/11/2020

Applicant Name (typed or printed): Joel Nolan

Applicant Mailing Address: 708 Rio Grande

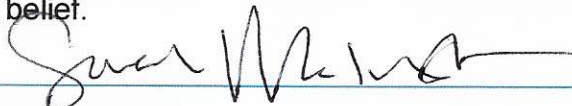
City: Austin State: TX Zip: 78701

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

Email (optional – will be public information): [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:  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): [REDACTED]

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).

Address: 3708 Robinson Avenue, Austin Texas 78722

Applicant: Joel Nolan

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

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

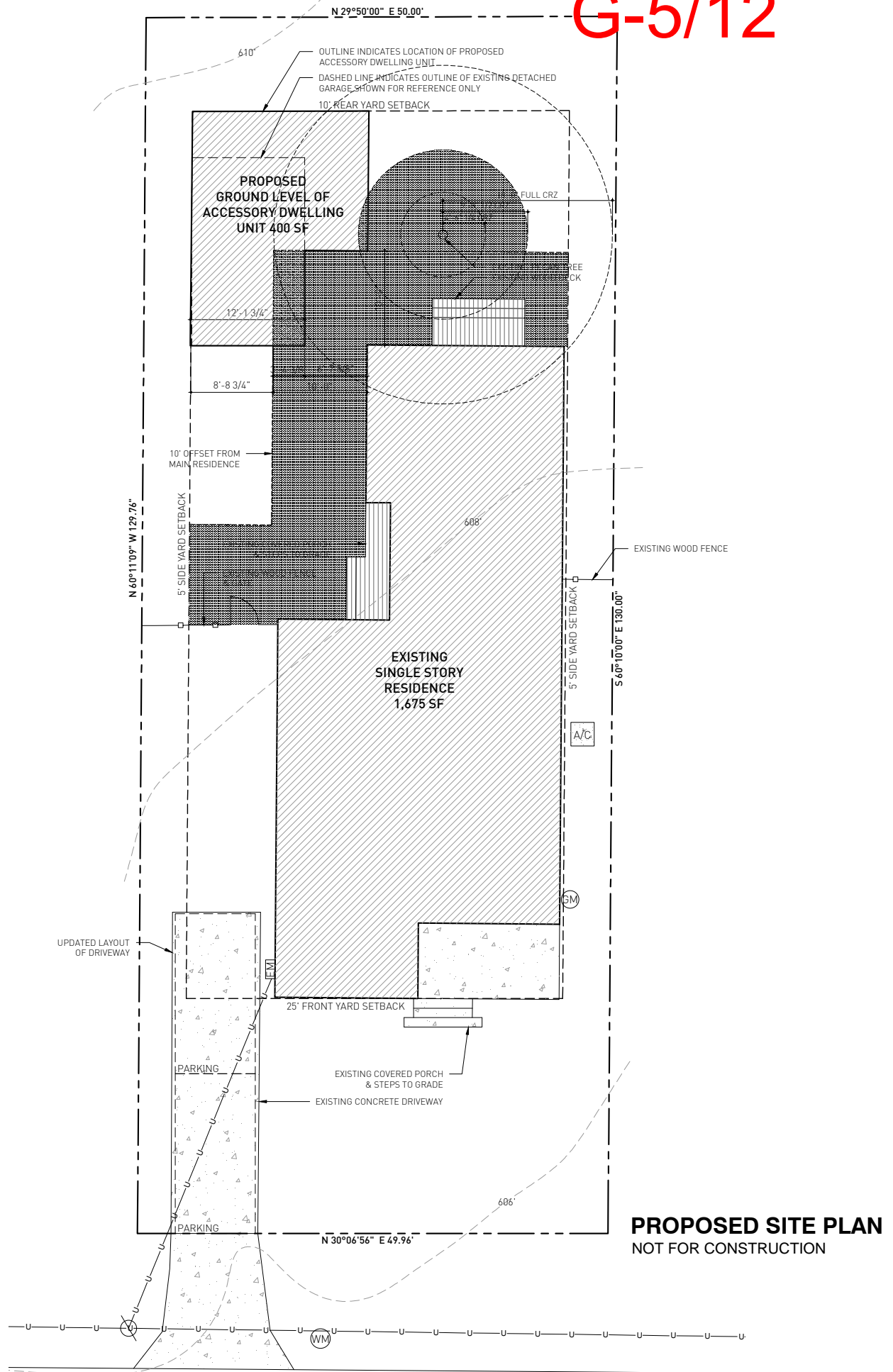
-
- Maximum size of new Accessory Dwelling Unit: **970 sf.**

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**

N 29°50'00" E 50.00'







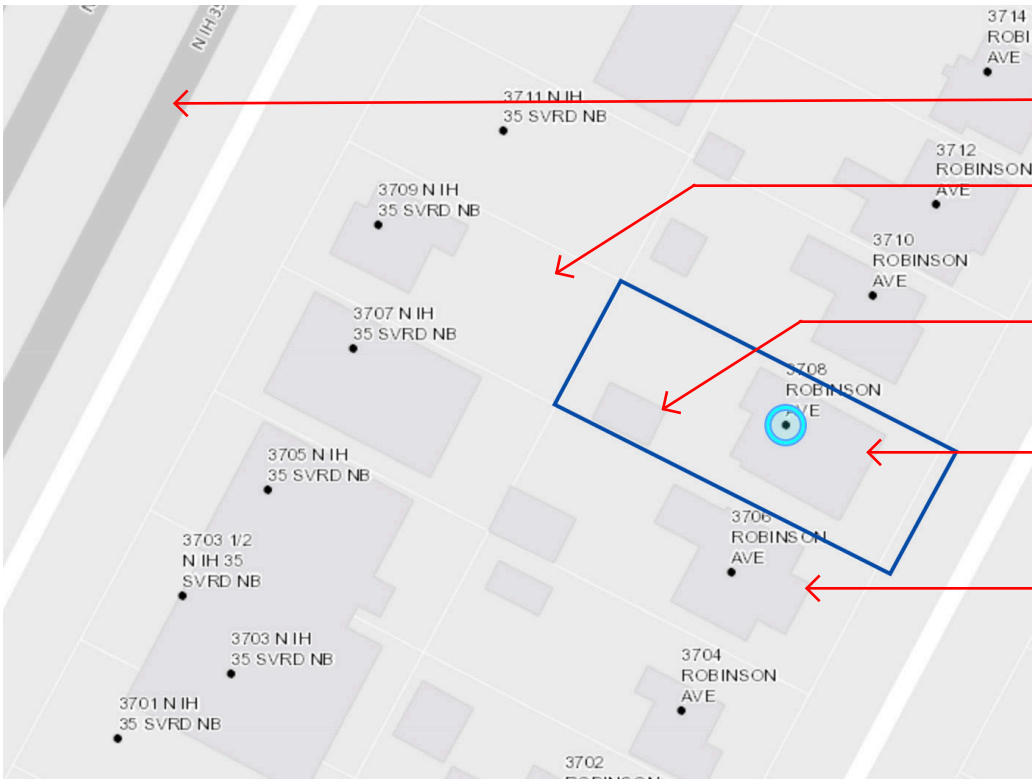
← PROTECTED 18" PECAN TREE

EXISTING SITE PHOTOS



INTERSTATE HIGHWAY 35
UPPER DECK

EXISTING STORAGE BUILDING



INTERSTATE HIGHWAY 35

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

EXISTING STORAGE BUILDING

MAIN HOUSE

NEIGHBORING HOUSE

SITE DIAGRAMS

From: veronica castro de barrera
 To: [Elaine Ramirez](#)
 Subject: Case C15-2021-0008 in support
 Date: Thursday, January 14, 2021 5:59:06 PM

*** External Email - Exercise Caution ***

Hello Ms. Ramirez,

Attached please find a photo of the form in support of this variance.
 Thank you

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

PUBLIC HEARING INFORMATION	
<p>Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.</p> <p>During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.</p> <p>A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.</p> <p>An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:</p> <ul style="list-style-type: none"> • delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or • appearing and speaking for the record at the public hearing; <p>and:</p> <ul style="list-style-type: none"> • occupies a primary residence that is within 500 feet of the subject property or proposed development; • is the record owner of property within 500 feet of the subject property or proposed development; or • is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development. <p>A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.</p> <p>For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.</p>	
<p>Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.</p>	
<p>Case Number: C15-2021-0008 Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov Public Hearing: Board of Adjustment; January 11th, 2021</p>	
<p><u>VERONICA CASTRO DE BARRERA</u> Your Name (please print)</p>	<p><input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object</p>
<p><u>3714 ROBINSON AVE. AUSTIN, TX 78723</u> Your address(es) affected by this application</p>	
<p><u>VERONICA CASTRO DE BARRERA</u> Signature</p>	<p><u>DEC. 13. 2021</u> Date</p>
<p>Daytime Telephone: <u>(512) 740-4416</u></p>	
<p>Comments: <u>THANK YOU SO MUCH FOR REACHING OUT AND INFORMING ME OF THIS VARIANCE APPLICATION FROM MY NEIGHBOR.</u></p>	
<p>If you use this form to comment, it must currently be returned via e-mail (as we do not have access to our mail due to social distancing): Elaine Ramirez Scan & Email to: elaine.ramirez@austintexas.gov</p>	

Verónica

Please excuse typos,
 Sent from iPhone