

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.

Case Number: C15-2021-0019

Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov
Public Hearing: Board of Adjustment; February 8th, 2021

Allison Bassett

Your Name (please print)

☒ I am in favor
☐ I object

6003 Nascob Drive, Austin, TX

Your address(es) affected by this application

78757

[Signature]

Signature

1/29/2021

Date

Daytime Telephone: 5127866387

Comments: _____

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

PUBLIC HEARING INFORMATION

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.

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.

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.

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:

- 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; and:
- 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.

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.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

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Case Number: C15-2021-0019

Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov

Public Hearing: Board of Adjustment; February 8th, 2021

Eduardo Bernal

Your Name (please print)

5907 Bull Creek

Your address(es) affected by this application

Elaine Bernal 1/29/2021

Signature

Daytime Telephone: 512-415-1752

Date

Comments: I went over to the property at 5907 Bull Creek Rd. My property is next door 5907 - original structure, big yard. Here is my concern - there is a very large home going up next door @ 5905 - very lg-foot print then this project will only suffocate any breeze in Backyard. Why dont the put it on the other side of yard - No Home next door in the Back. Its a creek. Why does it have to be so large. This home has already been added on & enclosed GARAGE - Did it get permitted?

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Elaine Ramirez

Scan & Email to: elaine.ramirez@austintexas.gov

F-4/2-LATE BACKUP

From: 34th Street Cafe
To: [Ramirez, Elaine](#)
Subject: Fw: zoning 5909 Bull Creek
Date: Saturday, January 30, 2021 4:58:37 PM
Attachments: [Scan.pdf](#)

*** External Email - Exercise Caution ***

Subject: zoning

Hello Elaine,

I am scanning my response to you but also wanted to add to it.

Besides the fact that the goal here is not to block the building , because i know it will occur, but to look at it in a different capacity.

First, my concern is that next door (South) they are building a very large two story home, once a one story bungalow.

Then on the North side of my property, they are adding a 2 story structure obviously in the back yard.

So what i will experience is something that i would like to ask to re-consider giving the variance to basically constrict a breeze in my back yard because of two new large structures.

Not to mention no sun light for grass, landscaping, gardening, etc. How about just sun bathing to capture Vitamin D , especially during COVID.

I also am interested in knowing if the home requesting the variance, ever pull permits for some of the past remodels, enclosing a garage, adding a large carport, adding sq footage, and now adding this structure. Also on the property is a portable building next door to me. (unsightly). I am sure the city is looking at the impervious coverage , because it sure does seem tight on this property.

There is also a creek on the North side of the property. That would be a better location for this structure, because it's not really bothering anyone on that side, because of a small creek.

The accesses is also better to put a walk way to the back to accesses , rather than walking all the way around the property to accesses during rain?

i really think the architect and the home owner could improve on the sight by switching it to the other side. Sometimes it takes someone else to see a better vision.

If they move it to the other side, i would consider granting a variance. If for some reason they are able to build it, then i hope the windows don't face into my yard.

They could just sell the property and find something larger to put all of the square footage together or just work with what's already there?

This is my reason for denying the variance.

Thank you!

Eddie Bernal
512-415-1752

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.

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F-4/5-LATE BACKUP

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Eduardo Bernal

Your Name (please print)

5907 Bull Creek

☐ I am in favor
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To: Members of the City of Austin Board of Adjustment

Re: Agenda Item F-4, February 8, 2021 – Request to Deny for Lack of Unique Impediment a Variance Request for Building Easement at 5909 Bull Creek Rd

From: Allandale Neighborhood Association's Zoning/Planning/Land Use Committee

1] Applicant seeks a variance to reduce rear setback requirement to construct a guest house in their back yard. The reason given is to house and care for elderly parents. We are most sympathetic to multi-generational households and the need to care for elderly relatives. However, Applicant has chosen not to pursue the obvious, non-contentious option of adding to their existing residence. By building a detached, second residential structure on their SF-2 zoned lot, they are obtaining a non-SF2 zoning outcome if this variance is granted.

2] Construction of a second residential structure is prohibited by this property's deeds restrictions (Lot 22 Allandale Sec 3 – attached).

3] Applicant has not specified any unique impediment – a reason they cannot follow code – that compels asking for a variance to build a detached second residential structure. The neighboring lots on Bull Creek Rd are all of the same depth. No specific hardship is cited, except that the site is not big enough for what they wish to have, which violates the deed restrictions. TCAD show the lot to be ≈12,600 sqft. Currently the lot has ≈4000sqft impervious cover.

4] Applicant has not addressed whether additional impervious cover, combined with building in the natural creek channel, would threaten to divert water flow to the neighboring property to the south. The TCAD map of this lot shows a natural creek channel to the rear of the lot and it borders a storm drain, a part of Shoal Creek, that was improved when the Bull Creek Diversion was installed. The stonework channel runs along the North property boundary. From the application description, there is no discussion of whether the variance requested involves the natural creek channel on this property. Adding to the existing single family home would mitigate these problems.

5] Applicant has not addressed whether heritage trees on the 5909 Bull Creek lot, or heritage trees on neighboring lots, would be damaged or removed by the proposed construction of a detached secondary residential structure. This poses peril to neighborhood character and quality of life. Note the presence of a large deck on the survey. Adding to the existing single-family home would mitigate this peril.

For these reasons, we respectfully ask the Board of Adjustment to deny the requested variance. We hope the Applicant will consider the issues we have raised in this request to deny and pursue a multi-generational housing solution that considers deeds restrictions, topography, water run-off, and heritage trees.

Filed for record May 3, 1950 at 10:10 A.M.

Recorded May 3, 1950 at 2:20 P.M.

THE STATE OF TEXAS

COUNTY OF TRAVIS KNOW ALL MEN BY THESE PRESENTS: that I, W.M.Graham of Travis County, Texas, being the sole owner of lots Nos. 1-69 inclusive, in Allandale, Section Three, a subdivision of a part of the George W. Spear League, and the James P. Davis Survey, in the City of Austin, Travis County, Texas, according to the map or plat of said subdivision recorded in book "5" page 102 Plat Records of Travis County, Texas, hereby imposed the

following covenants, conditions and restrictions upon all of said property;

1. All of said property shall be used for residence purposes only. Except for garages and servants' quarters, only one one-story single family dwelling unit shall be erected, placed or permitted to remain on any of said lots.
2. No part of any of said property shall ever be used for a business or commercial purpose on the premises claiming under him until January 1, 1950 and thereafter for successive periods of 10 years, unless by a majority vote of the then owners of the above described property said covenants, conditions and restrictions are revoked or amended.
9. The foregoing covenants, conditions and restrictions shall be deemed to be covenants running with the land, and by the acceptance of a deed to any part of the above described property each grantee shall thereby bind himself, his heirs, assigns and legal representatives faithfully to keep and observe each of the same.
10. In the event any person shall violate, or attempt to violate or fail to perform or observe any of the foregoing covenants, conditions and restrictions, then any person owning any part of the above described property shall be authorized to enjoin such violation, or proposed violation or to recover damages for such violation, and to that end, to institute and prosecute appropriate proceedings either in law or in equity, and the undersigned, his heirs, assigns, or legal representatives, may also institute and prosecute any such proceedings, without being obligated to do so.
11. If any of the foregoing covenants, conditions and restrictions shall be invalidated by any judgment or other court order, the remaining covenants, conditions, and restrictions shall not be affected thereby and they shall remain in full force and effect.

Witness my hand this 28th day of April 1950.

W.M.Graham

THE STATE OF TEXAS

COUNTY OF TRAVIS BEFORE ME, the undersigned authority on this day personally appeared W.M.Graham, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 28th day of April 1950.

Owen Hemphill,

(Notary Seal)

Notary Public, Travis County, Texas.

Filed for record May 3, 1950 at 2:20 P.M.

Recorded May 4, 1950 at 8:15 A.M.

THE STATE OF TEXAS

COUNTY OF TRAVIS KNOW ALL MEN BY THESE PRESENTS: whereas, W.A. Butler et ux Theo Pearl Butler of the County of Travis, and State of Texas, did on the 4th day of May A.D. 1946, by deed of that date duly recorded in the records of deeds in Travis County, Texas, volume 791, page 414 Grant, sell and convey to W.L. Tomlinson et ux, Enola Sheffield Tomlinson of the County of Travis, State of Texas, the following described property, to-wit:

All that certain tract or parcel of land lying and being situated in Travis County, Texas, and more particularly described as follows, to-wit:

Being the same property as described in deed of trust recorded May 8, 1946 in Deed of Trust Record of Travis County in book No. 781, page 523-526.

Said deed of trust being granted by W.L. Tomlinson et ux Enola Sheffield Tomlinson to A.G. Adams, Trustee, of The Fidelity State Bank and being dated May 4, 1946, and did in said deed retain a vendor's lien on the property so granted, sold and conveyed to secure the payment of part of the purchase money mentioned in said deed as follows, to-wit:

In the amount of \$7,000.00 with interest at 6% dated May 4, 1946; and whereas, said vendor's lien note given as aforesaid for part purchase money of said property has been paid to The Fidelity State Bank the legal and equitable holder and owner of said note;

Now therefore know all men by these presents; that The Fidelity State Bank the present legal and equitable owner and holder of said vendor's lien note above mentioned, do hereby release, discharge and quitclaim unto the said W.L. Tomlinson et ux, Enola Sheffield Tomlinson their heirs and assigns, all the rights, title, interest and estate in and to the property above described, which he or may be entitled to by virtue of being the owner of said vendor's lien note and hereby declare said property released and discharged of all liens created by virtue of said vendor's lien note above described.

WITNESS our hand this 3rd day of May A.D. 1950.

Attest:
H. L. Dearing,
Asst. Cashier
(CORP. SEAL)

THE FIDELITY STATE BANK
by E.H. Wainwright,

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2. No part of any of said property shall ever be used for a business or commercial purpose on all persons claiming under him until January 1, 1950 and thereafter for successive periods of 10 years, unless by a majority vote of the then owners of the above described property said covenants, conditions and restrictions are revoked or amended.

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W.M.Graham

THE STATE OF TEXAS

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(Notary Seal)

Notary Public, Travis County, Texas.

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WITNESS our hand this 3rd day of May A.D. 1950.

Attest:

H. L. Dearing,
Asst. Cashier


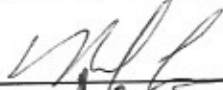
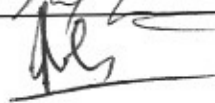
(CORP. SEAL)

THE FIDELITY STATE BANK

by E.H.Wainwright,

F-4/9-LATE BACKUP

By signing below, I show my non-opposition to the variance request being made by Andrea Griswold & Larry Graham (5909 Bull Creek Road) to reduce the setback requirement for their guest house from 10' to 6' 7 1/4".

Name	Address	Signature
Eric Seuning	6001 Bull Creek Rd. Austin, TX 78757	
Neil Loewenstern	6000 Woodview Ave. Austin, TX 78757	
Murali Chandran	5905 Bull Creek Rd Austin, TX 78757	

From: Don W Renfro [REDACTED]
Subject: Request for Variance 5909 Bull Creek Rd.
Date: Jan 26, 2021 at 1:42:36 PM
To: [REDACTED]

My name is Don Renfro, I live at 5906 Woodview Ave. My wife, Debora Renfro, and I do not oppose the request for a variance for the property at 5909 Bull Creek Rd.

Thank You,
Don W. Renfro

P.S. Please let me know if you received this email.