

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2021-0028

**BOA DATE:** May 10<sup>th</sup>, 2021

**ADDRESS:** 3406 Gonzales St

**COUNCIL DISTRICT:** 3

**OWNER:** David Morgan

**AGENT:** N/A

**ZONING:** SF-3-NP (Govalle)

**LEGAL DESCRIPTION:** E 63.2FT OF S150FT LOT 1 BLK 4 DIV A RESUB LOT 3-6 LATTIMORE SUBD

**VARIANCE REQUEST:**

**SUMMARY:** erect a Two-Family Residential Use

**ISSUES:** protected trees

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	LR-MU-CO-NP	Neighborhood Commercial-Mixed Use
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP	Single-Family

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Bike Austin  
 Del Valle Community Coalition  
 East Austin Conservancy  
 El Concilio Mexican-American Neighborhoods  
 Friends of Austin Neighborhoods  
 Govalle Neighborhood Association  
 Govalle/Johnston Terrace Neighborhood Plan Contact Team  
 Guadalupe Neighborhood Development Corporation  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Neighbors United for Progress  
 Preservation Austin  
 SELTexas  
 Sierra Club, Austin Regional Group



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## NOTIFICATIONS

CASE#: C15-2021-0028  
LOCATION: 3406 GONZALES STREET



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" = 168'



# Board of Adjustment General/Parking Variance Application

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)  
For submittal and fee information, see [austintexas.gov/digitaldevelopment](http://austintexas.gov/digitaldevelopment)

## 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: 3406 Gonzales

Subdivision Legal Description:

E 63.2FT OF S150FT LOT 1 BLK 4 DIV A RESUB LOT 3-6 LATTIMORE SUBD

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF-3-NP

I/We Forsite Studio on behalf of myself/ourselves as

authorized agent for David Morgan affirm that on

Month February, Day 1, 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: Single Family Home

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

We are requesting a variance from the LDC Section 25-2-774.C.2.a: Two-Family Residential Use for the requirement that a secondary dwelling unit must be located 10' to the side or the rear of the principal structure. We are proposing to maintain the existing structure on the property as an ADU and to build a new principle structure on the rear of the property.

## 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:

This lot has four large protected trees on the front half of the property. Three of these trees have CRZs that overlap the current structure. This makes full scale demolition of the existing structure as well as construction of a new primary structure less than ideal. The lot size and current zoning allow for the construction of a primary dwelling and an ADU on the site. The current structure at 1300sf is just above the 1100sf cap for an ADU, however demolition of the addition to the building could be accomplished outside of the 1/2 CRZ of the protected trees, bringing the existing structure into compliance with the ADU requirements.

### Hardship

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

The location of the large trees on this lot and their intersection with the existing house make this hardship unique to this property. Other properties in the neighborhood do not have this configuration of protected trees in the front of the property therefore this hardship is uniwue to the property.

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

This property is the only one in the neighborhood with a protected tree on the front lot line and on the side property line that intersect to limit the construction on the front of the property.



**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:

This variance is only requesting that the position of the ADU and the Principle structure be swapped in relation to the front lot line. This will also help to maintain the character of the neighborhood as the original 1940s house, which is in good condition, will remain on the lot and the new principle structure on the back of the property will be designed to maintain the existing neighborhood character. The principal structure constructed on the back half of the lot will have a limited impact in the site, the protected trees and no impact on the existing structure.

**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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### 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: 02 / 03 / 2021

Applicant Name (typed or printed): David Morgan

Applicant Mailing Address: 3402 Gonzales

City: Austin State: TX Zip: 78702

Phone (will be public information): 2146736756

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: 02 / 03 / 2021

Owner Name (typed or printed): David Morgan

Owner Mailing Address: 3402 Gonzales

City: Austin State: TX Zip: 78702

Phone (will be public information): 2146736756

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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SCALE 1" = 20'

RESUBDIVISION PLAT OF TRACTS NO. 3, 4,  
5 & 6, OUT OF O.S. LATTIMORE SUBDIVISION  
Volume 4 Page 36

Charles M. Jackson, Jr.  
(North 50' of Lot 1)  
Volume 13216 Page 1075

PTS Property Investments, LLC  
Document No. 2019075201

Anna Rosa Gonzales  
Volume 12076 Page 3046

## Legend

- ⊙ 1/2" Iron Rod Found
- ipf 1/2" Iron Pipe Found
- ⊙ 1/2" Iron Rod Found with plastic cap imprinted with "Holt Carson, Inc."
- ▲ Mag Nail Found
- 1/2" Iron Rod Set with plastic cap imprinted with "Holt Carson, Inc."
- ⊕ Chiseled "X" Found
- Sheet Metal Fence
- Chain-Link Fence
- Wood Board Fence
- Overhead Utility Line
- (Record Bearing and Distance)

## NOTES:

1. This map was prepared without the benefit of a current title commitment, and therefore this tract may be subject to easements and/or restrictions in addition to the ones shown hereon.
2. Tree "crowns" shown hereon are drawn as a function of one inch of trunk diameter equals one foot of "crown" radius.

## SURVEY MAP OF:

0.227 ACRE OF LAND, BEING A PORTION OF LOT 1, BLOCK 4, RESUBDIVISION PLAT OF TRACTS 3, 4, 5 & 6 OUT OF O. S. LATTIMORE SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4 PAGE 36 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, BEING ALL THAT CERTAIN TRACT OF LAND AS CONVEYED TO VIVIANA SMITH & IRMA MARIE SANCHEZ AS TRUSTEES OF THE ALBERT AND SARAH RUIZ TRUST BY DEED RECORDED IN DOCUMENT NO. 2009151806 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

LOCATED AT 3406 GONZALES STREET.

Maxey J. Elliott  
(0.160 Acre)  
Document No. 2011039837

## TREE LIST

A	22" Pecan
7884	21" Spanish Oak
7885	14" Tallow
7886	30" Pecan
7887	20" Pecan
7888	14" Texas Ash
7889	9" Mulberry
7890	17" Pecan
7891	19" Pecan
7892	14" Pecan
7893	31" Pecan

210SF TO BE REMOVED -  
OUTSIDE OF CRZ

20" PECAN TREE

FRONT SETBACK LINE

31" PECAN TREE

21" SPANISH  
OAK TREE

30" PECAN TREE

722 Gunter LLC  
(0.2287 Acre)  
Document No. 2016063327

PREPARED: May 26th, 2020

BY:

Holt Carson  
Registered Professional Land Surveyor No. 5166  
HOLT CARSON, INC.  
1904 Fortview Road Austin, Texas 78704  
(512)-442-0990  
Firm Registration Number 10050700



GONZALES STREET (44.8')

GUNTER STREET (30')

CHERICO STREET (30')

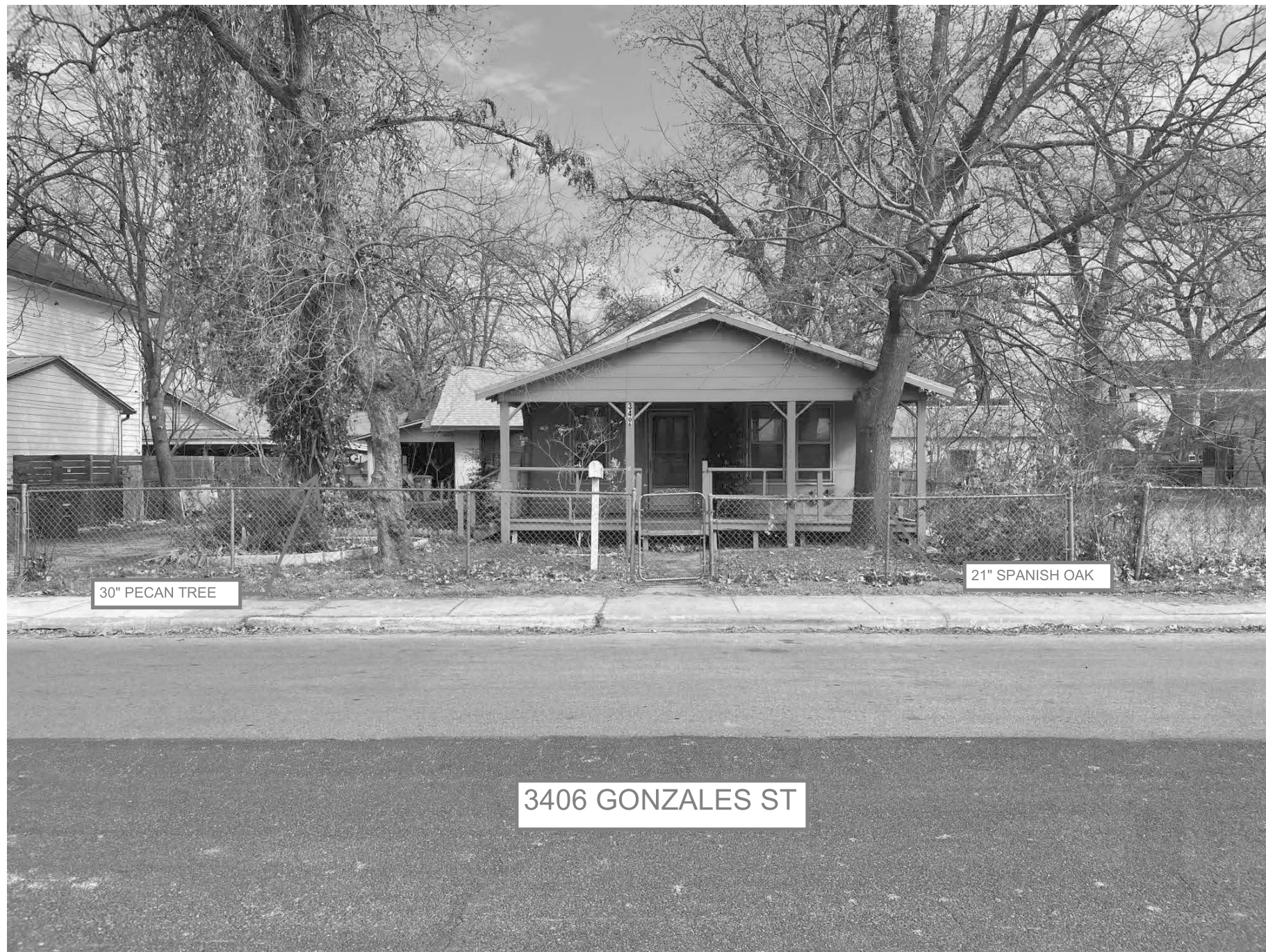
N67°02'16"W 63.23'  
(N67°00'W 63.2')

N67°02'17"W 63.19'  
(N67°00'W 63.2')

N67°02'17"W 134.56'  
(N67°00'W 134.56')

A 1068010





30" PECAN TREE

21" SPANISH OAK

3406 GONZALES ST





TO BE REMOVED

30" PECAN TREE

WEST ELEVATION







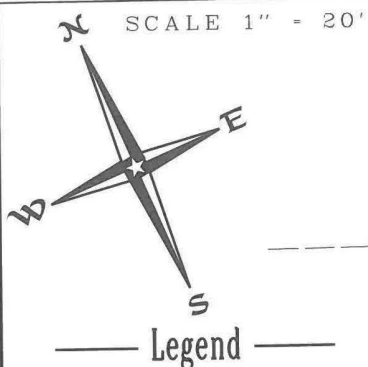


21" SPANISH OAK

31" PECAN TREE

EAST ELEVATION





SCALE 1" = 20'

**RESUBDIVISION PLAT OF TRACTS NO. 3, 4,  
5 & 6, OUT OF O.S. LATTIMORE SUBDIVISION**  
Volume 4 Page 36

Charles M. Jackson, Jr.  
(North 50' of Lot 1)  
Volume 13216 Page 1075

1/2" Iron rod found  
but not used bears  
N67°03'W 0.60'

round head  
bolt found

(S67°03'E 68.9')  
**S67°03'00"E 68.95'**

Viviana Smith & Irma Marie Sanchez  
as Trustees of the Albert and  
Sarah Ruiz Trust  
Document No. 2009151806

PTS Property Investments, LLC  
Document No. 2019075201

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Anna Rosa Gonzales  
Volume 12076 Page 3046

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0.227 ACRE OF LAND, BEING A PORTION OF LOT 1, BLOCK 4,  
RESUBDIVISION PLAT OF TRACTS 3, 4, 5 & 6 OUT OF O. S.  
LATTIMORE SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY,  
TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED  
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PREPARED: May 26th, 2020

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7889	9" Mulberry
7890	17" Pecan
7891	19" Pecan
7892	14" Pecan
7893	31" Pecan

David Morgan and  
Erika Janis  
(0.129 Acre)  
Document No. 2017200168

N67°02'16"W 63.23'  
(N67°00'W 63.2')

N67°02'17"W 63.19'  
(N67°00'W 63.2')

N67°02'17"W 134.56'  
(N67°00'W 134.56')

**GONZALES STREET (44.8')**

**GUNTER STREET (30')**

**A 1068010**

TREE SCHEDULE			
#	TREE TYPE	PROTECTED	TREE DIAMETER
7884	SPANISH OAK	YES	1" - 9"
7885	TALLOW	NO	1" - 2"
7886	PECAN	YES	2" - 6"
7887	PECAN	YES	1" - 10"
7888	TEXAS ASH	NO	1" - 2"
7889	MULBERRY	NO	0" - 9"
7890	PECAN	NO	1" - 5"
7891	PECAN	YES	1" - 7"
7892	PECAN	NO	1" - 2"
7893	PECAN	YES	2" - 7"
A	PECAN	YES	1" - 10"

LOT SIZE	
Name	Area
LOT	9,877 SF
MAXIMUM FAR	3,950 SF

KEYNOTE LEGEND	
508	1/4 CRITICAL ROOT ZONE - NO CUT OR FILL WITHIN THIS AREA
509	1/2 CRITICAL ROOT ZONE - NO CUT OR FILL GREATER THAN 4" WITHIN THIS AREA
530	EXISTING BUILDING OVERLAPS 1/4" CRZ - NO DEMO IN THIS AREA
531	EXISTING BUILDING OVERLAPS 1/2" CRZ - NO DEMO IN THIS AREA
533	NEW PRIMARY STRUCTURE TO BE LOCATED A MINIMUM OF 10'-0" TO THE REAR OF EXISTING ADU

D-2/13

FORSITE STUDIO  
SUSTAINABLE DESIGN AND CONSTRUCTION

1704 east 5th street, suite 105  
austin, tx 78702  
p 512.659.6905  
www.forsitestudio.com

CONSULTANTS

LEGEND

NOTES

REVISION		
NO.	DESCRIPTION	DATE

FOR INTERIM  
NOT TO BE USED FOR CONSTRUCTION,  
BIDDING OR PERMIT PURPOSES.

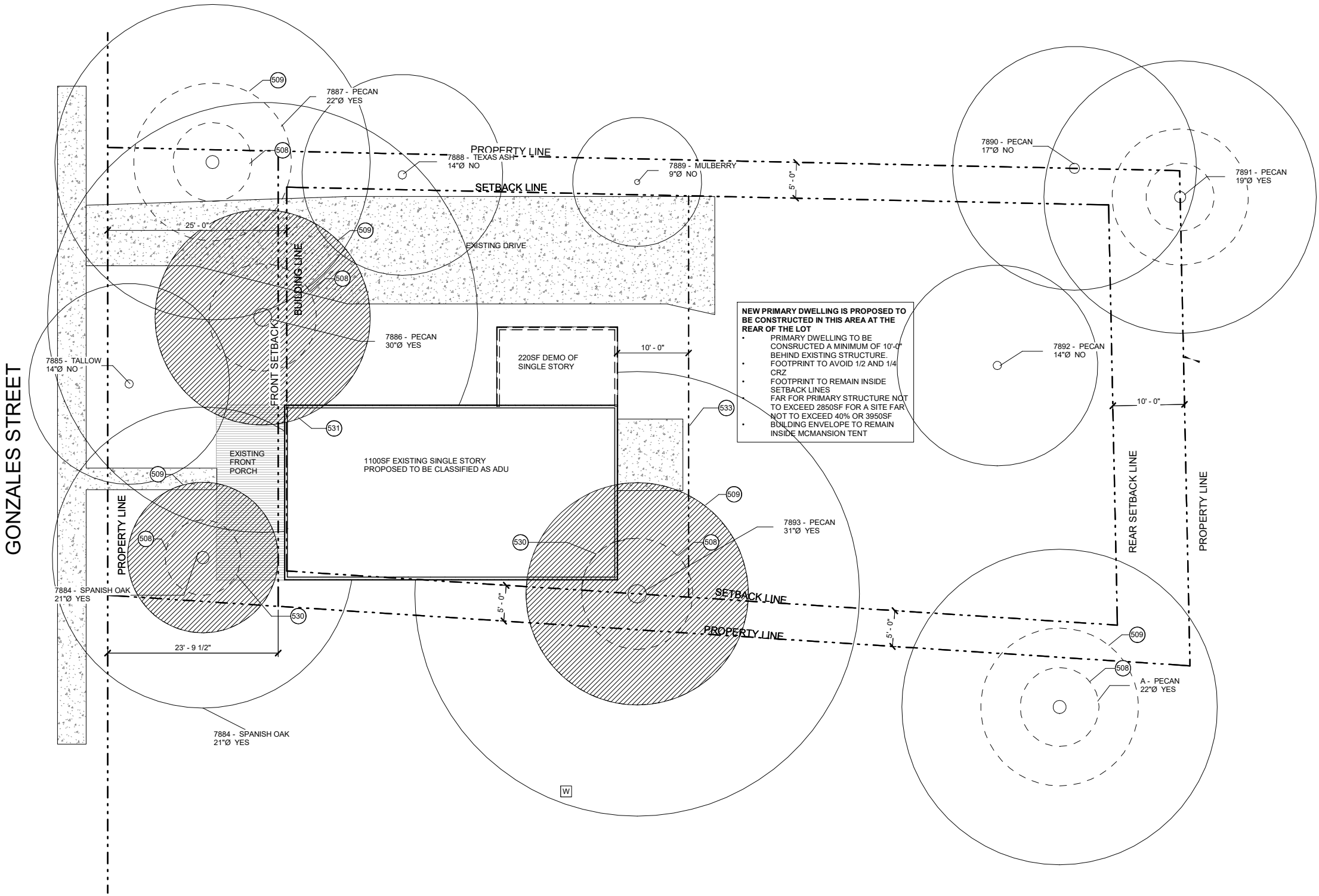
RESPONSIBLE  
ARCHITECT:  
JASON FRYER

GONZALES A & B

3406 GONZALES ST

TREE PROTECTION

SHEET	A1.3
SCALE (FOR 24" X 36")	As Indicated
SCALE (FOR 11" X 17")	HALF INDICATED
ISSUE DATE	04/15/21
JOB #	2012
DRAWN BY	Designer

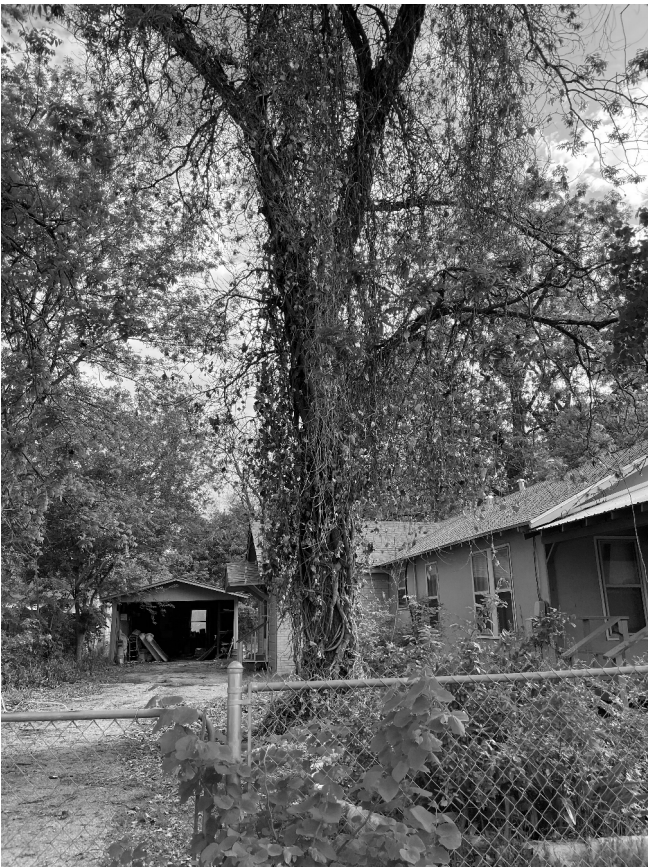


1 TREE PROTECTION PLAN  
SCALE: 1/8" = 1'-0"





1 TREE 7884 - SPANISH OAK 21" DIAMETER  
SCALE: 1" = 1'-0"



2 TREE 7886 - PECAN - 30" DIAMETER  
SCALE: 1" = 1'-0"



3 TREE 7893 - PECAN 31" DIAMETER  
SCALE: 1" = 1'-0"



4 TREE 7887 - PECAN 22" DIAMETER  
SCALE: 1" = 1'-0"