

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**D-3**

**DATE: Monday May 10, 2021**

**CASE NUMBER: C15-2021-0032**

☐ - ☐ Thomas Ates  
☐ Y ☐ Brooke Bailey  
☐ Y ☐ Jessica Cohen  
☐ Y ☐ Melissa Hawthorne  
☐ Y ☐ Don Leighton-Burwell  
☐ Y ☐ Rahm McDaniel  
☐ Y ☐ Darryl Pruett  
☐ - ☐ Agustina Rodriguez  
☐ Y ☐ Michael Von Ohlen  
☐ Y ☐ Nicholl Wade  
☐ - ☐ Vacant  
☐ - ☐ Kelly Blume (Alternate)  
☐ - ☐ Carrie Waller (Alternate)  
☐ - ☐ Vacant (Alternate)

**APPLICANT:** Jessica Braun

**OWNER:** Mark Hutchinson

**ADDRESS:** 1601 BRACKENRIDGE ST

**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from Section 25-2-515 (*Rear Yard of a Through Lot*) from setback requirements to decrease the minimum rear yard setback from 25 feet (required) to 5 feet (requested) in order to erect a secondary dwelling unit in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (South River City Neighborhood Plan)

*Note: Per LDC for a Through Lot, a rear yard must comply with the minimum requirements applicable to a front yard.*

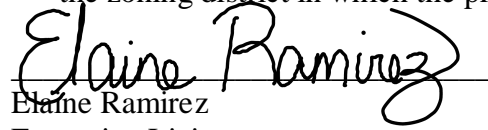
**BOARD’S DECISION:** **APRIL 12, 2021 cancelled due to technical problems with notification database; May 10, 2021 POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES**

**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:** C15-2021-0032

**BOA DATE:** April 12<sup>th</sup>, 2021

**ADDRESS:** 1601 Brackenridge St

**COUNCIL DISTRICT:** 9

**OWNER:** Happy East Homes

**AGENT:** Mark Hutchinson

**ZONING:** SF-3-NP (South River City)

**LEGAL DESCRIPTION:** LOT 1 BLK 12G FAIRVIEW PARK PRORATE FROM 09/18/2019 - 12/31/19

**VARIANCE REQUEST:** decrease rear yard setback of a thru lot from 25 ft. to 5 ft.

**SUMMARY:** erect a Secondary Dwelling Unit

**ISSUES:** thru lot, corner lot, and protected tree

	<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-NCCD-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

Friends of Austin Neighborhoods

Greater South River City Combined Neighborhood Plan Contact Team

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Preservation Austin

SELTexas

Sierra Club, Austin Regional Group

South Central Coalition

South River City Citizens Assn.

Zoning Committee of South River City Citizens



March 30, 2021

Jessica Braun  
1601 Brackenridge St  
Austin TX, 78704

Property Description: LOT 1 BLK 12G FAIRVIEW PARK PRORATE FROM 09/18/2019 - 12/31/19

**Re: C15-2021-0032**

Dear Jessica,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the following sections of the Land Development Code;

from Section 25-2-515 (*Rear Yard of a Through Lot*) from setback requirements to decrease the minimum rear yard setback from 25 feet (required) to 5 feet (requested) in order to erect a secondary dwelling unit in an "SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (South River City Neighborhood Plan);

Austin Energy does not oppose the above 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>

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



D-4/5



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## NOTIFICATIONS

CASE#: C15-2021-0032

LOCATION: 1601 BRACKENRIDGE 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 # _____
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## Section 1: Applicant Statement

Street Address: 1601 Brackenridge Street

Subdivision Legal Description:

LOT 1 BLK 12G FAIRVIEW PARK

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

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

Zoning District: SF-3-NP

I/We Jessica Braun on behalf of myself/ourselves as

authorized agent for Happy East Homes affirm that on

Month February, Day 23, 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: secondary dwelling unit

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

25-2-515 - REAR YARD OF THROUGH LOT

We are requesting a variance from the 25' rear setback (required) to a 5' rear setback (requested).

## 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 25' rear setback reduces the buildable area of the lot by 520 sf (18.7%).

### Hardship

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

This property is both a through lot and a corner lot. It is therefore subject to both a 25' rear setback and a 15' side street setback which further reduces the buildable area. Additionally, the critical root zone of a protected tree and the existing historic primary dwelling eliminate other possible locations for a secondary dwelling unit.

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

The size of this lot is similar to others throughout the neighborhood yet this is one of a small number of properties that fronts two streets. Most nearby similarly sized lots have rear alley access and therefore a 5' setback for secondary dwelling units.

**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 neighboring properties treat the rear street frontage as an alley. Garages, carports and accessory structures are all less than 25' from the rear property line. The average setback of the 8 rear facing structures on this block of Drake is approximately 4'.

**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: Mark Hutchinson Date: 2/23/2021

Applicant Name (typed or printed): Mark Hutchinson

Applicant Mailing Address: 1609 Sunset Lane

City: Austin State: TX Zip: 78704

Phone (will be public information): 215.776.6970

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: Mark Hutchinson Date: 2/23/2021

Owner Name (typed or printed): Happy East Homes

Owner Mailing Address: 1609 Sunset Lane

City: Austin State: TX Zip: 78704

Phone (will be public information): 215.776.6970

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

### Section 5: Agent Information

Agent Name: Jessica Braun

Agent Mailing Address: 1806 Willow Street

City: Austin State: TX Zip: 78702

Phone (will be public information): 443.370.2041

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

### 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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**DATE:**  
**2/23/21**

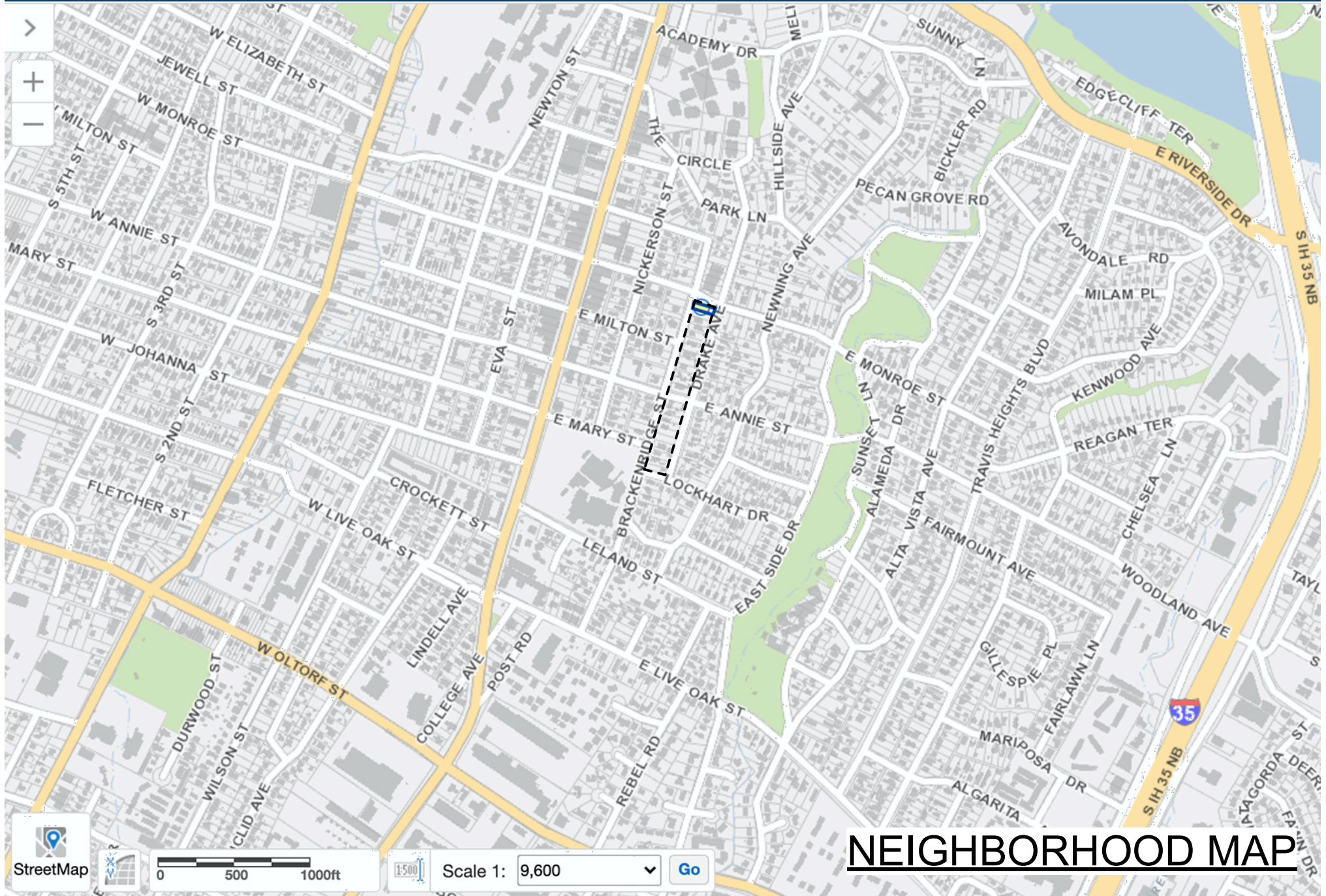




# Property Profile

A DEVELOPMENT SERVICES TOOL

D-4/11



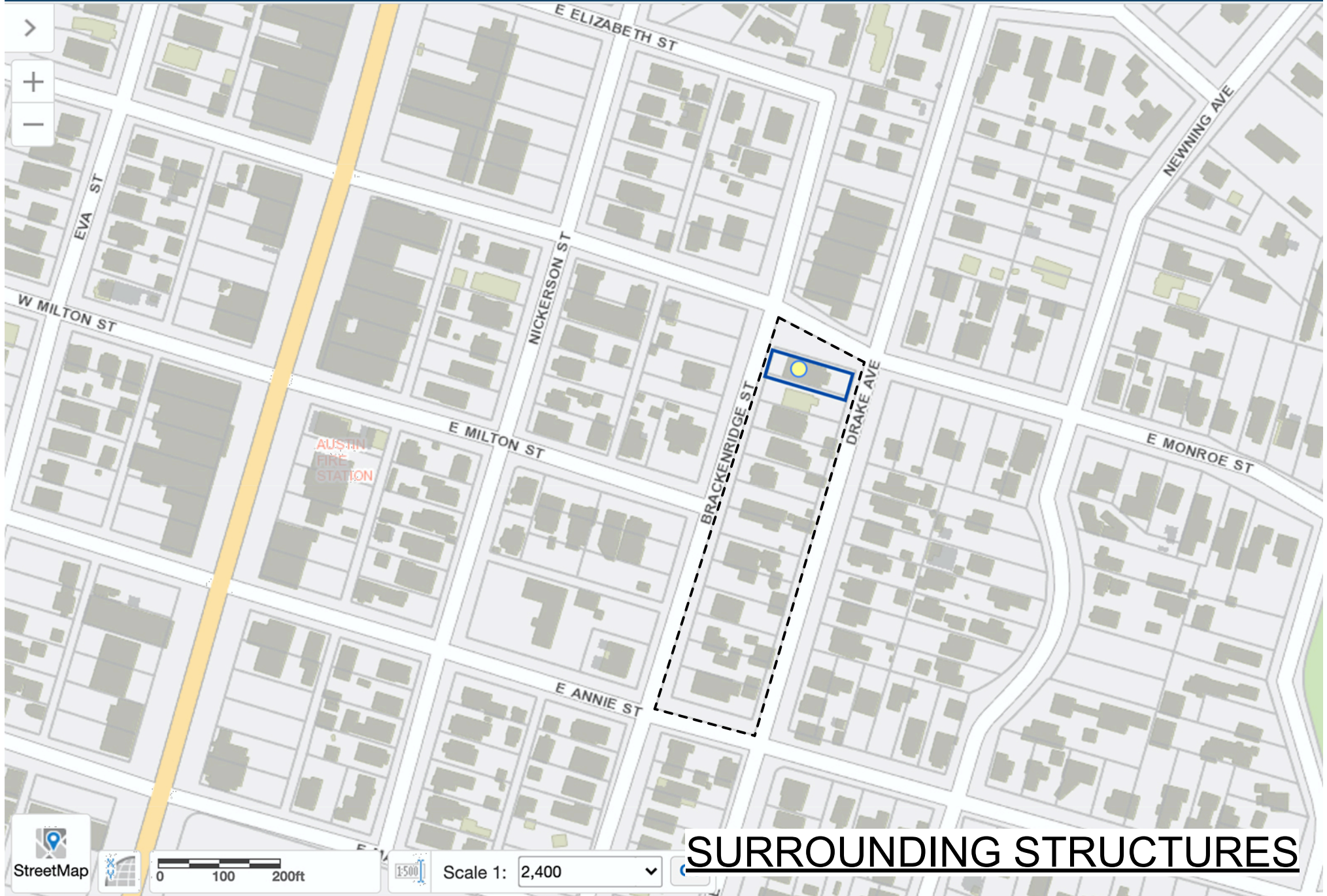




# Property Profile

A DEVELOPMENT SERVICES TOOL

D-4/12







1712 DRAKE AVE. / 1711 BRACKENRIDGE ST.



1710 DRAKE AVE. / 1709 BRACKENRIDGE ST.



1707 BRACKENRIDGE ST.



1705 BRACKENRIDGE ST.





1613 BRACKENRIDGE ST.



1611 BRACKENRIDGE ST.



1607 BRACKENRIDGE ST.



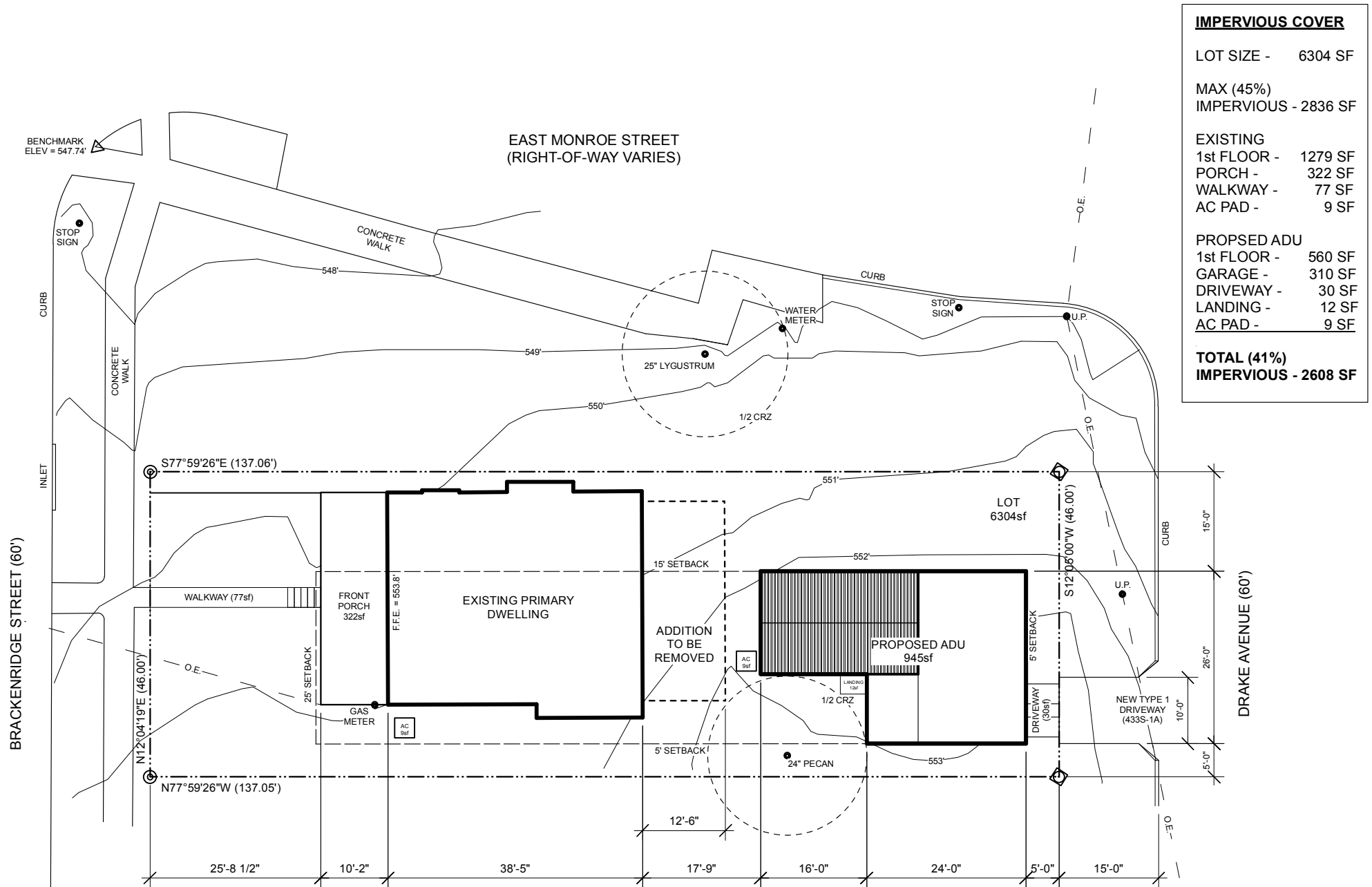
1605 BRACKENRIDGE ST.





# SITE PLAN - EXISTING

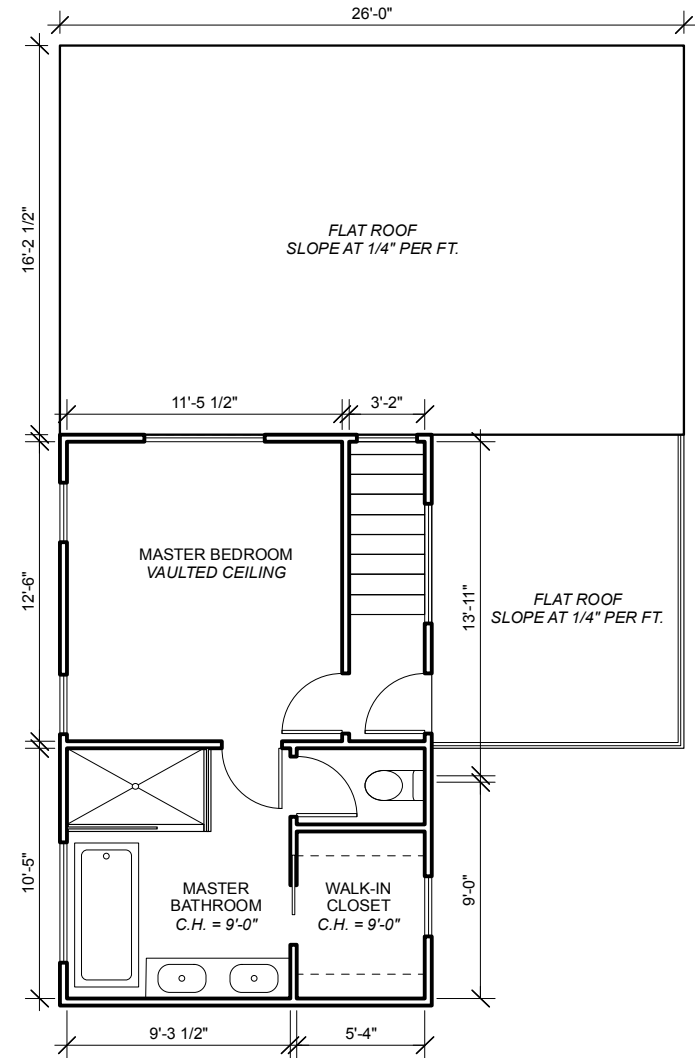
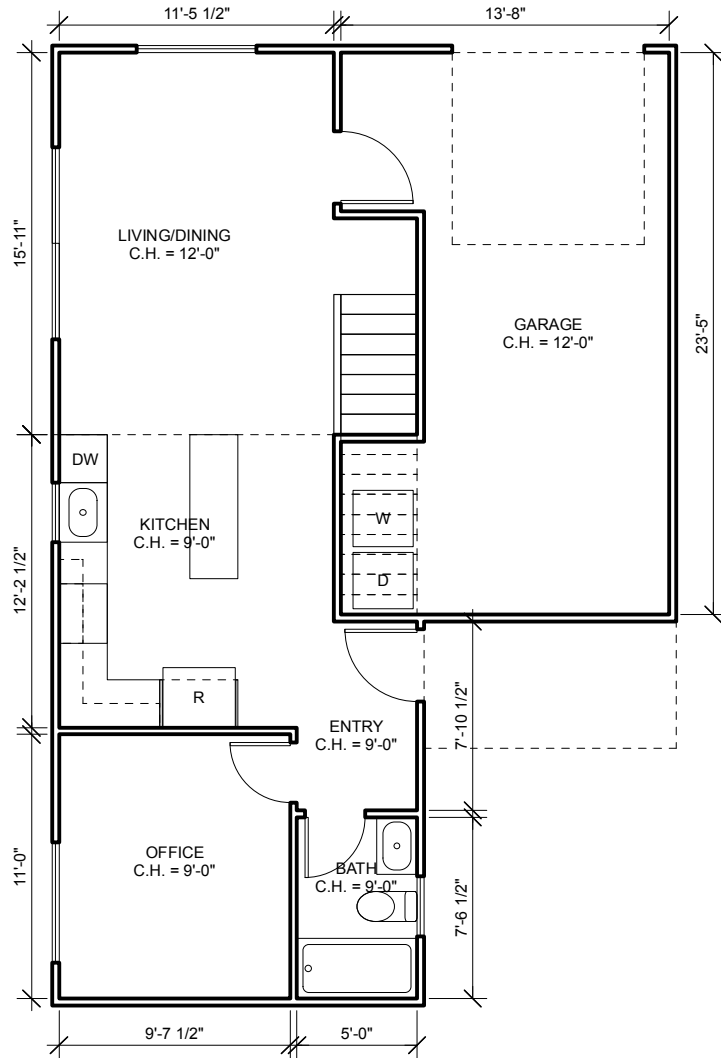
SCALE: 1" = 20'-0"



1 SITE PLAN - PROPOSED  
SCALE: 1" = 20'-0"





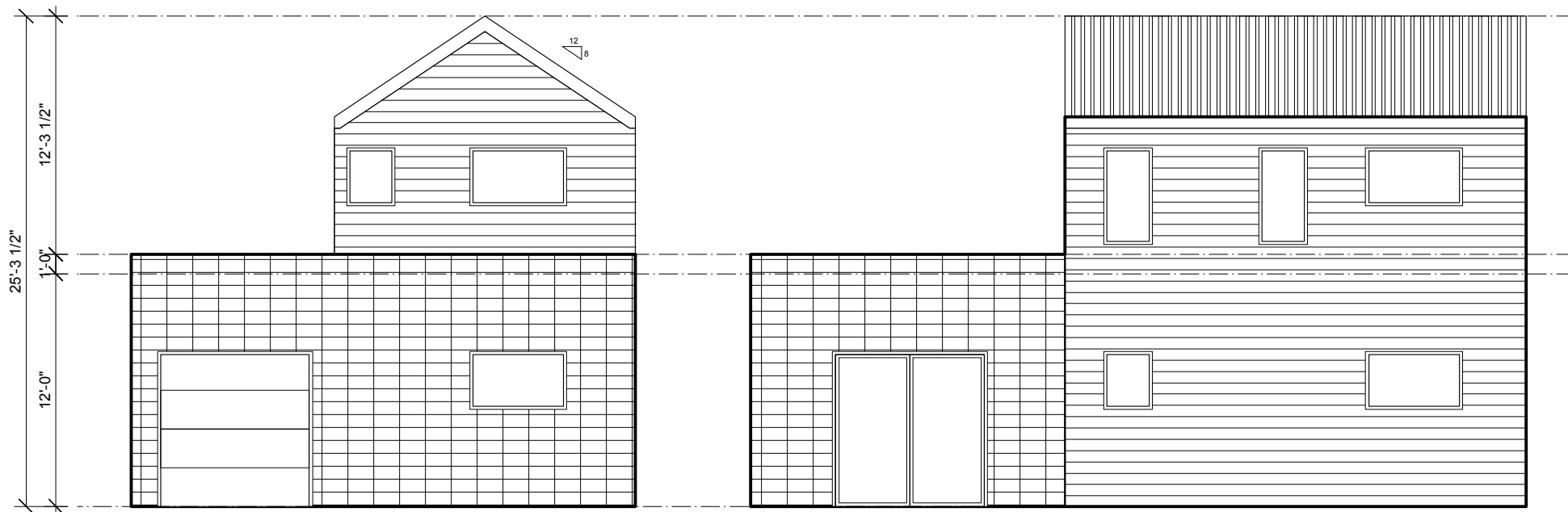


1

ADU PLAN - FIRST FLOOR  
SCALE: 1/8" = 1'-0"

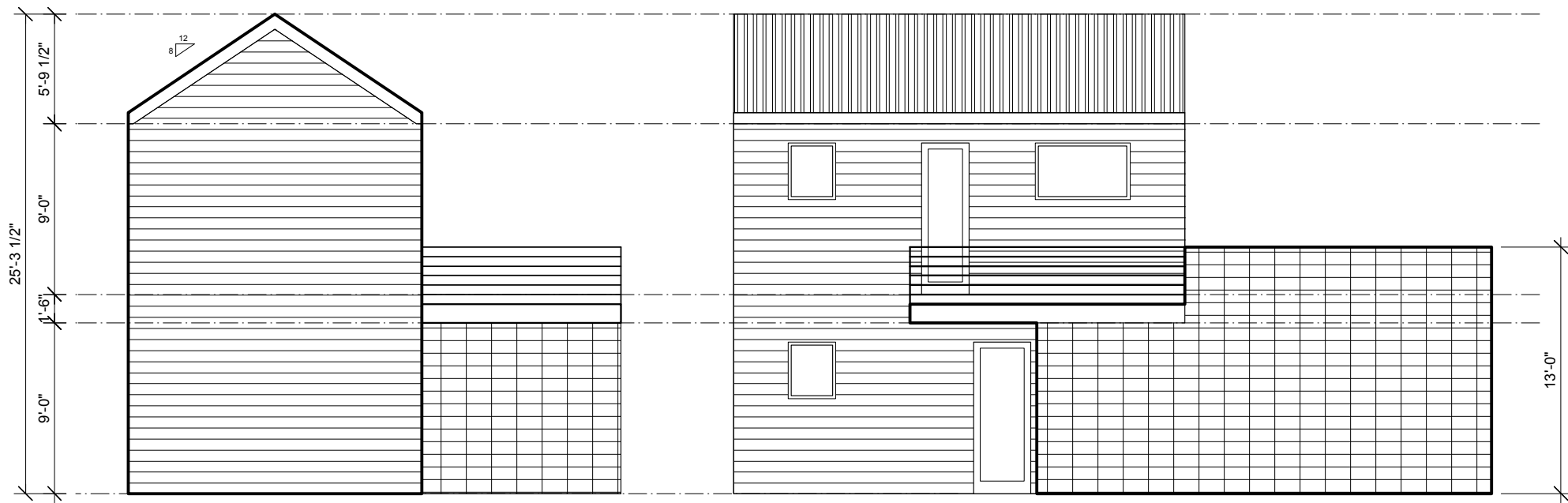
2

ADU PLAN - SECOND FLOOR  
SCALE: 1/8" = 1'-0"



1 EAST ELEVATION  
SCALE: 1/8" = 1'-0"

2 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



3 WEST ELEVATION  
SCALE: 1/8" = 1'-0"

4 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



**SRCC EXECUTIVE COMMITTEE MEETING  
TUESDAY, May 4, 2021 7:00 PM  
Zoom Teleconference  
via THE INTERNET**

**AGENDA**

To be sure you get a vote, be a member. You can join or renew online [www.srccatx.org](http://www.srccatx.org). Not sure if you are current? Email [REDACTED] and we'll let you know.

**CALL TO ORDER/APPROVAL OF MINUTES**

1. 7:00 Meeting procedures, Zoom tools, etiquette, welcome & introductions of new members  
*Presenter throughout: Cynthia Milne, President, unless otherwise noted. (8 min)*
2. 7:08 Membership & voting announcements. Reminder that SRCC current dues status is required to participate in SRCC business and actions such as voting and making motions. **(2 min)**
3. 7:10 Approve minutes from April 2021 Executive Committee Meeting  
**Reminder:** schedule for Executive meetings: 1st Tuesday of *most* months; 7:00pm - 8:30pm, Location: teleconference during 2020 (eventually will return to Good Shepherd on the Hill).  
**Remaining meeting dates in 2021:** GM May 18; EC Jun 1 (tentative); GM Jun 15; EC (tentative) Aug 3; GM Aug 17; EC Sept 7 (tentative); GM Sept 21; EC Oct 5 (tentative); GM Oct 19; GM Nov 16; EC Dec 7. **(5 min)**
4. 7:15 Treasurer's Report. All reports available upon request to the Treasurer @ [REDACTED]  
*Presenter: Will Andrews, Treasurer (5 min)*
5. 7:20 **Standing Committee check-ins on events/goals/issues.**  
*Presenters: Committee Chairs. 1) Planning and Zoning 2) Historic Preservation; 3) Finance 4) Mobility; 5) Public Safety; 6) Parks and Environment; 7) Schools; 8) Communications (15 min)*

**REPORTS OF AD HOC COMMITTEES and REPRESENTATIVES**

6. 7:35 Check-ins on events/goals/issues  
*Presenters: Committee Chairs/Representatives. Norwood; NPCT; ANC\*; SCC\*; South Central Waterfront; St. Edward's; S. Central Affordable CDC; Ad-hoc Land Development Code Revision; Ad-hoc Diversity, Equity, and Inclusion (10 min)*

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

7. 7:45 Confirmation of SRCC Standing Committee Chairs:  
*Presenter: Cynthia Milne, SRCC President*  
Vote to confirm all standing committee chairs for upcoming term. **VOTE EXPECTED (5 min)**

8. 7:50 1601 Brackenridge Request for Variance

*Presenter: Russ Fraser, Chair, Planning & Zoning Committee*

This is a “through lot.” (The lot spans the area between Brackenridge and Drake). If the variance is granted, the new owners will preserve the existing home and build an ADU - on the Drake side. The owner is requesting a variance from the current 25’ front setback on Drake to a 5’ foot setback. The neighbors are in favor and this is the trend along Drake for this type of lot. SRCC P&Z recommends that we support this variance. The variance meeting with the Board of Adjustment is May 10, 2021. **VOTE EXPECTED**

**(10 min)**

9. 8:00 What are options for making Zoom meetings run more smoothly? How will technology be integrated into SRCC meetings once we return to in-person meetings?

*Presenter: Mary Friedman, Membership Secretary*

**(10 min)**

10. 8:10 The Printed SRCC Newsletter

*Presenters: Betty Weed, ANC Representative and Mary Friedman, Membership Secretary*

Due to the pandemic, delivery of the printed Newsletter was discontinued. Neighbors have expressed interest in continuing the hand-delivered SRCC Newsletter. The Newsletter reaches those who do not subscribe to the ListServ or the SRCC Monthly Update. Should we print and distribute the newsletter to reach more people? We are looking for a newsletter designer and editor.

**(10 min)**

11. 8:20 2105 Parker Lane

*Presenter: Frederick DeWorken, Area 7 Representative;*

*Sabrina Butler, Director of Real Estate Development; Megan Matthews, Director of Design*

To update the membership on the status of the Parker Lane project and the options before the City Council on May 6, 2021. See Parker Lane FC Flyer [here](#). See Parker Lane FC Learning Center [here](#).

**(10 min + 10 min for Q&A)**

12. 8:40 **ANNOUNCEMENTS**

SRCC currently has the following volunteer positions open:

-Outreach Committee Members/Chair

The neighborhood ListServe is on the new Groups.io platform. Find everything you need to know about SouthRiverAustin group here:

<https://groups.io/g/SouthRiverAustin>

The next SRCC **General Membership meeting is Tuesday, May 18, 2021.**

The next SRCC **Executive Committee meeting is tentatively scheduled for Tuesday, June 1, 2021.**

*Agenda Prepared by Megan Spencer, [u](#)*

**Dan Fredine**

8:26 AM (30  
minutes ago)

to me, Megan, Russell

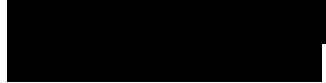
Mark and others,

While the SRCC Executive Committee did vote to support the variance, we typically do not write letters or promote the outcome of Executive Committee votes as the membership's position. That is typically done after a vote of the full General Membership. However, on some time-sensitive issues (where we don't have time to get a vote at a General Membership meeting) that are deemed non-contentious, we allow the Executive Committee vote to stand alone. I don't know the position that was taken on this item - whether it needs to go to the General Membership prior to writing a letter or stating SRCC's position.

Hopefully Megan and Russell can weigh in on that.

Thanks,  
Dan

Dan Fredine  
Secretary  
South River City Citizens NA



## 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](http://www.austintexas.gov/devservices).

Written comments must be submitted to the contact person listed on the notice before 9 a.m. the day of the public hearing to be viewed by the Board the night of the meeting. 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: C15-2021-0032**

**Contact:** Elaine Ramirez; [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)

**Public Hearing: Board of Adjustment; May 10<sup>th</sup>, 2021**

*Winchester*

Your Name (please print)

*1613  
1701 Drake Ave*

☐ I am in favor  
☒ I object

Your address(es) affected by this application

*ABW*

*5/12/21*

Signature

Date

Daytime Telephone: *512 445-7531*

Comments:

*If I'm consistent, I will  
require 10 feet setback,  
so that is what I request  
sufficient space for parking.*

**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](mailto:elaine.ramirez@austintexas.gov)



From: Robin Sanders  
 To: [Ramirez, Elaine](#)  
 Subject: Objection in Case #: C15-2021-0032  
 Date: Monday, May 03, 2021 1:59:07 PM

Written comments must be submitted to the contact person listed on the notice before 9 a.m. the day of the public hearing to be viewed by the Board the night of the meeting. 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: C15-2021-0032  
 Contact: Elaine Ramirez; [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)  
 Public Hearing: Board of Adjustment; May 10<sup>th</sup>, 2021

Robin Sanders  
 Your Name (please print)

☐ I am in favor  
☒ I object

1508 Newning Ave  
 Your address(es) affected by this application

Robin Sanders  
 Signature

5-3-2021  
 Date

Daytime Telephone: 512-496-9314

Comments: I object to this requested variance. The request is for a dramatic change from code requirement of 25 feet. This negates 80% of the set back requirement for no public benefit. This is a very prominent spot in a residential neighborhood and the requested variance would dramatically and adversely affect the openness of this area of the neighborhood. Please deny.

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](mailto:elaine.ramirez@austintexas.gov)

\*\*\* External Email - Exercise Caution \*\*\*

Sent from my iPhone

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](mailto:cybersecurity@austintexas.gov).

**From:** Bonnie Orr  
**To:** [Ramirez, Elaine](#)  
**Subject:** Land Development Code Variance  
**Date:** Sunday, May 09, 2021 2:15:04 PM

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\*\*\* External Email - Exercise Caution \*\*\*

Name of Board: Board of Adjustment  
Date of Public Hearing: May 10th, 2021  
Case Number: C15-2021-0032  
Contact Person: Elaine Ramirez

We object to granting this variance of a 5 foot setback on Drake Street because the building would be too close to the street. It may set a precedent for other Through Lots on this narrow, already crowded street, giving it the appearance of an alley.

Bonnie Orr  
Bill Kalmbach  
405 East Monroe Street  
512 2809-9739  
512 656-8375

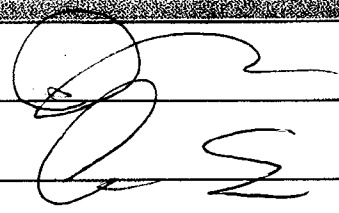
**CAUTION:** This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).



Mark Hutchinson

I, \_\_\_\_\_, am applying for a variance from the Board of Adjustment regarding Section 25-2-515 of the Land Development Code. The variance would allow me the ability to have a 5' rear setback along Drake Avenue property line instead of the current required 25' rear setback.

**By signing this form, I understand that I am declaring my support for the variance being requested.**

Property Owner Name (Printed)	Address	Signature
Jenny Caputo	1603 Braueridge St	
Anton Caputo	1603 Braueridge St	