

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2020-0038

BOA DATE: July 12th, 2021

ADDRESS: 1409 Possum Trot

COUNCIL DISTRICT: 10

OWNER: Braden Crockett

AGENT: Jim Wittliff

ZONING: SF-3-NP (WANG NP)

LEGAL DESCRIPTION: W 91.2 FT OF LOT 5 & NW 20X90 AV OF LOT 6 BLK 6 WESTFIELD A

VARIANCE REQUEST: decrease the minimum rear yard setback from 10 feet to 5 feet

SUMMARY: maintain an existing Duplex

ISSUES: property not platted; only property in SF-3 area that has 3 units: a duplex and Single-Family residence

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family Residential
<i>North</i>	SF-3-NP	Single-Family Residential
<i>South</i>	SF-3-NP	Single-Family Residential
<i>East</i>	MF-3-NP	Multi-Family Residential
<i>West</i>	SF-3-NP	Single-Family Residential

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Central West Austin Neighborhood Plan Contact Team
 Friends of Austin Neighborhoods
 Neighborhood Empowerment Foundation
 Preservation Austin
 SELTexas
 Save Barton Creek Assn.
 Save Historic Munny District
 Sierra Club, Austin Regional Group
 TNR BCP – Travis County Natural Resources
 Tarrytown Alliance
 Tarrytown Neighborhood Association
 West Austin Neighborhood Group



SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2020-0038

LOCATION: 1409 POSSUM TROT

1" = 333'

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: 1409 Possum Trot

Subdivision Legal Description:

Portion of Lots 5 & 6, Block 6, Westfield A Subdivision

Lot(s): 5 & 6

Block(s): 6

Outlot: _____

Division: _____

Zoning District: SF-3-NP

I/We Jim Wittliff/Land Answers, Inc. on behalf of myself/ourselves as
authorized agent for Lone Cattle Skokie, LLC affirm that on
Month July, Day 23, 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: Rear SB Reduction

Type of Structure: Residential Duplex

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

25-2-492, the rear setback in an SF-3 district is 10 feet. We are requesting a rear setback of 5 feet.

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 property was built in 1942 as a duplex and a single family residence on the same property. The tract was then annexed into the City of Austin four years later, on March 14, 1946. The property is not a platted lot, but the City of Austin issued a Land Status Determination on September 27, 2002. The new property owner wishes to plat the property as two lots, in order to bring it into conformance with the existing SF-3 zoning, which does not allow three residential units on a single lot. If this property was part of a neighborhood residential infill, the rear setback for a duplex would only be 5 feet, under 25-2-1535. However, we do not qualify because a residential infill requires a residential site area of one acre.

Hardship

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

This is the only property in the area with three residential units on a single SF-3 zoned tract or lot. It is not possible to reduce remove a portion of the 58 year old duplex to meet the 10 foot rear setback requirement.

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

None of the surrounding properties have three residential units on a single SF-3 zoned tract or 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 existing structures have existed in their current locations on the property since 1942.

Because these properties were built prior to the City's zoning regulations applying to this tract, the duplex structure is a legal non-complying use. The current frontage for both the main residence and the duplex structure is Enfield Drive. Therefore the existing 5 foot setback from the adjacent property to the east meets the current sideyard setback. However, we are proposing to subdivide the property into two lots, with the duplex lot fronting on Possum Trot. The rear setback requirement, per 25-2-492, is 10 feet. *See Additional Space*

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: Jim Wittliff Date: 7/23/20

Applicant Name (typed or printed): Jim Wittliff/Land Answers, Inc.

Applicant Mailing Address: 3606 Winfield Cove

City: Austin State: Texas Zip: 78704

Phone (will be public information): 512-416-6611

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: Braden Crockett Date: 7/23/20
Signed by: 5B4AC01D31B0486...

Owner Name (typed or printed): Braden Crockett/Lone Cattle Skokie, LLC

Owner Mailing Address: 451 Marine Ave

City: Manhattan Beach State: CA Zip: 90266

Phone (will be public information): 214-692-2040

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

Section 5: Agent Information

Agent Name: Jim Wittliff/Land Answers, Inc.

Agent Mailing Address: 3606 Winfield Cove

City: Austin State: Texas Zip: 78704

Phone (will be public information): 512-416-6611

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).

Additional Space (continued)

Area Character: The duplex currently has a 5 foot setback from the adjacent property to the east, and will continue to have the same 5 foot setback if this variance is approved. Driveway access to the three residences will also not change.

SAVE

CITY OF AUSTIN,
TRAVIS COUNTY, TEXAS
WITHIN THE GEORGE W. SPEAR LEAGUE, A-7
ADDRESS: 2413 ENFIELD RD.

SURVEY PLAT

PORTION OF LOT 5 AND LOT 6 WESTFIELD "A"

TREE LIST

MS = MULTISTEM

TAG#	CALIPER SIZE	TREE TYPE
1	21"	BLACK WALNUT
2	14"	ELM
3	18"	ELM
4	12"	ELM
5	8"	HACKBERRY
6	8"	RED OAK
7	8"	HACKBERRY
8	8"	HACKBERRY
9	8"	HACKBERRY
10	13"	CEDAR
11	MS 15": 5, 4, 7, 3 X 2	LIGUSTRUM
12	7"	HACKBERRY
13	14"	HACKBERRY
14	12"	ELM
15	MS 11": 8, 6	HACKBERRY
16	MS 8": 6, 5	LIGUSTRUM
17	MS 13": 5, 4 X 2, 3, 2 X 3	LIGUSTRUM
18	12"	BLACK WALNUT
19	MS 5": 2 X 3, 1 X 3	LIGUSTRUM
20	MS 8": 3 X 2, 2 X 3, 1	LIGUSTRUM
21	MS 8": 4, 2, 3	LIGUSTRUM
22	MS 4": 2, 2, 1, 1	LIGUSTRUM
23	MS 6": 4, 4	LIGUSTRUM
24	7"	LIGUSTRUM
25	4"	LIGUSTRUM
26	MS 7": 4, 4, 2	LIGUSTRUM
27	MS 21": 5, 4 X 3, 3 X 6, 2	CREPE MYRTLE
28	9"	ELM
29	15"	ELM
30	7"	ELM
31	15"	ELM
32	16"	LIVE OAK
33	14"	OAK
34	MS 14": 11, 7	OAK
35	26"	LIVE OAK
36	11"	ELM
37	23"	OAK
38	34"	LIVE OAK
39	17"	OAK
40	20"	PIN OAK

2505 Enfield Rd.
Townhomes Condominiums
Doc. No. 2010053483
O.P.R.T.C.TX

ENFIELD RD.
(ASPHALT PAVEMENT)

LOT 5 (Vol. 3, Pg. 107)
Weagan McCoy Jones and
Richard C. Jones
Doc. No. 2018105989
O.P.R.T.C.TX

Duplex at 1409 Possum Trot

LEGAL DESCRIPTION:

A TRACT OF LAND OUT OF THE WEST END OF LOT 5 AND THE NORTHWEST CORNER OF LOT 6, BLOCK 6, WESTFIELD "A", A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK VOLUME 3, PAGE 107, PLAT RECORDS OF TRAVIS COUNTY, TEXAS. SEE METES AND BOUNDS DESCRIPTION IN TEXAS GENERAL WARRANTY DEED OF RECORD IN DOCUMENT NO. 2012089296, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

NOTES:

- BEARINGS AND COORDINATES HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (TEXAS CENTRAL 4203), NAD83, GRID, BASED UPON GNSS RTK MEASUREMENTS UTILIZING THE LEICA SMARTER NETWORK. MAPPING ANGLE IS 11° 32', COMBINED SCALE FACTOR IS 0.999863.
- DISTANCES SHOWN ARE GROUND.
- COORDINATES REFERENCED TO THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, FOR THE 1/2-INCH IRON ROD WITH ALUMINUM CAP STAMPED "O'HARA 4878 SET TO MARK THE NORTH CORNER OF THE SUBJECT TRACT ARE:
N 10.078,209.50
E 3,105,621.50
GEOGRAPHIC COORDINATES ARE:
30° 17' 20.817" N
97° 46' 11.215" W
- TREE CANOPIES WERE DRAWN AT A RATIO OF ONE INCH (1") OF TREE DIAMETER TO ONE FOOT (1') OF CANOPY RADIUS.
- FOR TREE CANOPIES WITH MULTIPLE STEMS (MS), THE TOTAL DIAMETER WAS CALCULATED BY USING THE DIAMETER OF THE LARGEST TRUNK PLUS ONE-HALF (1/2) THE DIAMETER OF EACH ADDITIONAL TRUNK.
- THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT COMMITMENT FOR TITLE INSURANCE, EXCEPT FOR INFORMATION PROVIDED BY OTHERS REGARDING RESTRICTIVE COVENANTS OF RECORD IN VOLUME 564, PAGE 284, DEED RECORDS OF TRAVIS COUNTY, TEXAS AND THE WASTEWATER EASEMENT OF RECORD IN VOLUME 526, PAGE 180, DEED RECORDS OF TRAVIS COUNTY, TEXAS. NO EASEMENT RESEARCH WAS PERFORMED FOR THIS SURVEY. ACCORDING TO SAID RESTRICTIVE COVENANTS LOT 5, BLOCK 6 IS SUBJECT TO A MINIMUM 75-FT BUILDING SETBACK TO THE PROPERTY LINE FRONTING A STREET (IN THIS CASE ENFIELD RD.) AND LOT 6, BLOCK 6 IS SUBJECT TO A MINIMUM 35-FT BUILDING SETBACK TO POSSUM TROT. THE SAID WASTEWATER EASEMENT DOES AFFECT LOT 6, BLOCK 6.

BILL O'HARA
LAND SURVEYOR
376 Colorado Drive
Cedar Creek, Bastrop County, TX 78612
(512) 529-1689
bill@oharalandsurveyor.net
http://oharalandsurveyor.net/
TBPCL Firm No. 10194232

SURVEY OF
PT. OF LOT 5 AND LOT 6
WESTFIELD "A", TRAVIS COUNTY, TEXAS
CITY OF AUSTIN
FILE: 2413 ENFIELD RD.
DATE: 03-26-20
DRAWN BY: O'HARA/HUFFMAN
SCALE: 1"=20'
FIELD CREW: O'HARA
JOB#: 20005-01
NO. REVISION BY DATE

SURVEYOR'S CERTIFICATION

I, WILLIAM D. O'HARA, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND DURING THE MONTH OF MARCH 2020, BY ME AND UNDER MY SUPERVISION, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

William D. O'Hara 3/31/2020
WILLIAM D. O'HARA DATE
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4878 - STATE OF TEXAS



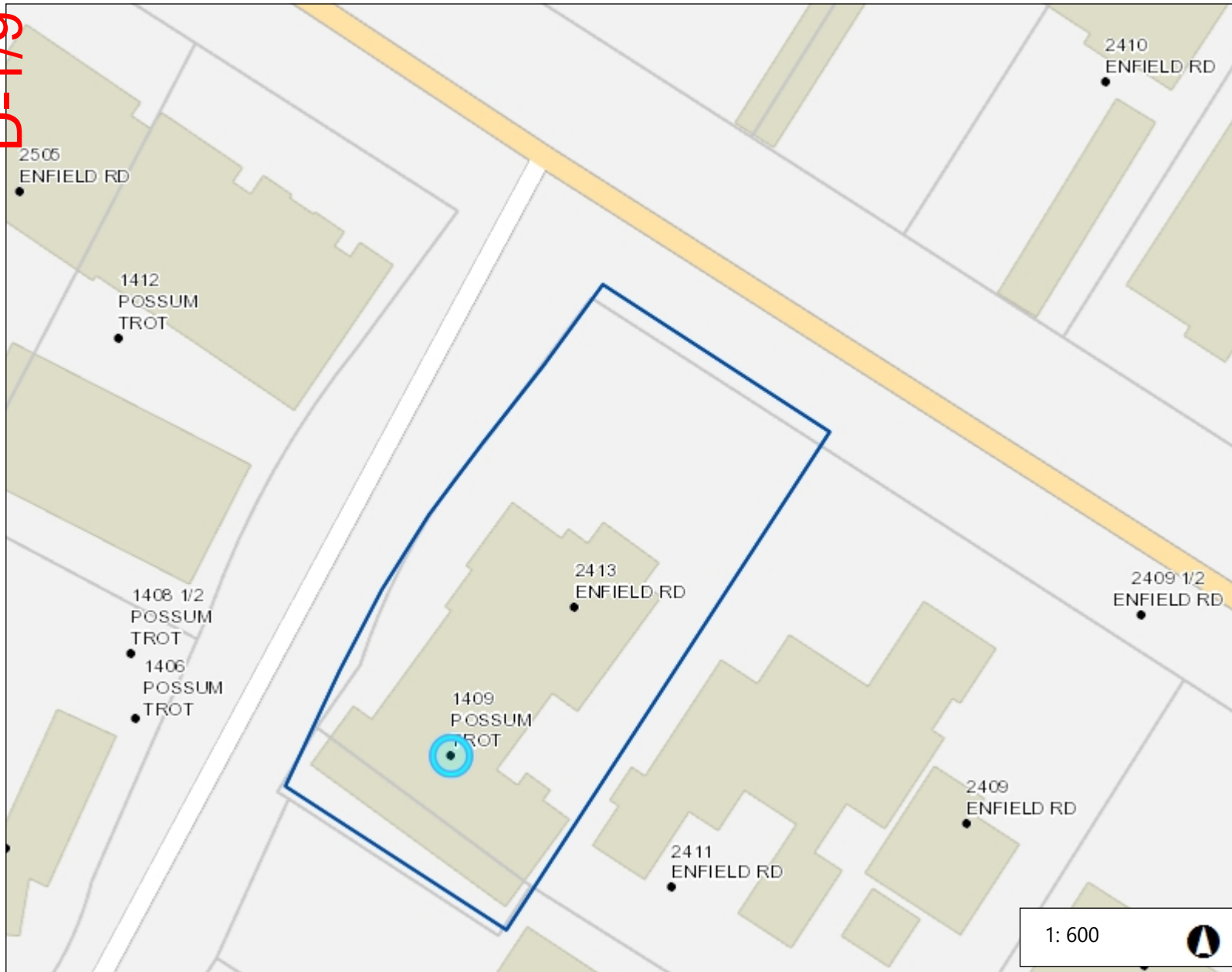
LEGEND

- 1/2" IRON ROD FOUND
- IRON PIPE FOUND (SIZE NOTED)
- MAG NAIL SET
- 1/2" IRON ROD w/1.5" ALUM. CAP STAMPED "O'HARA 4878" SET
- CHAIN LINK FENCE
- METAL FENCE
- WOOD FENCE
- CLEANOUT
- OVERHEAD ELECTRIC LINE
- ELECTRIC MANHOLE
- SANITARY SEWER MANHOLE
- GAS METER
- WATER METER
- WATER VALVE
- POWER POLE
- STREET SIGN
- RECORD
- P.R.T.C.TX. PLAT RECORDS, TRAVIS COUNTY TEXAS
- O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- TREE W/TAG #



Property Profile

D-179



Legend

- Addresses
- Jurisdiction
 - FULL PURPOSE
 - LIMITED PURPOSE
 - EXTRATERRITORIAL JURISDICTION
 - 2 MILE ETJ AGRICULTURAL AGR
 - OTHER CITY LIMITS
 - OTHER CITIES ETJ

Notes

0.0 0 0.01 0.0 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

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



Property Profile

Legend

- Addresses
- Jurisdiction
 - FULL PURPOSE
 - LIMITED PURPOSE
 - EXTRATERRITORIAL JURISDICTION
 - 2 MILE ETJ AGRICULTURAL AGR
 - OTHER CITY LIMITS
 - OTHER CITIES ETJ



0.0 0 0.01 0.0 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

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

Notes