

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0074

BOA DATE: July 12th, 2021

ADDRESS: 5607 Highland Crest Dr

COUNCIL DISTRICT: 10

OWNER: Sean O'Brien

AGENT: N/A

ZONING: SF-3

LEGAL DESCRIPTION: LOT 2 HIGHLAND CREST DRIVE SUBD

VARIANCE REQUEST: from two stories (maximum allowed) to three stories (requested)

SUMMARY: erect a Duplex

ISSUES: sever grade change

	ZONING	LAND USES
<i>Site</i>	SF-3	Single-Family residential
<i>North</i>	SF-3	Single-Family residential
<i>South</i>	CS; LR	General Commercial Services; Neighborhood Commercial
<i>East</i>	GR	Community Commercial
<i>West</i>	SF-3	Single-Family residential

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Friends of Austin Neighborhoods

Highland Park West Balcones Area Neighborhood Assn.

Neighborhood Empowerment Foundation

Preservation Austin




SELTexas

Sierra Club, Austin Regional Group

TNR BCP – Travis County Natural Resources

D-10/2



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2021-0074
LOCATION: 5607 HIGHLAND CREST DRIVE



1" = 292'

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: 5607 Highland Crest Drive, 78731

Subdivision Legal Description:

LOT 2 HIGHLAND CREST DRIVE SUBD

Lot(s): 2 Block(s): _____

Outlot: _____ Division: _____

Zoning District: _____

I/We Sean O'Brien on behalf of myself/ourselves as
authorized agent for Whats Up Texas LP affirm that on
Month May, Day 17, 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: Duplex

Portion of the City of Austin Land Development Code applicant is seeking a variance from:
Section 25-2-773 Item B 5 b states that a duplex cannot be more than 2 stories.

We are requesting that the duplex project be allowed to achieve three stories. Note that neither unit of the duplex will be more than two stories, simply that the grade of the lot and the existing slab from the previous duplex are stair stepped. Also, note that we are not asking to build outside of the tent, that code is followed.

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:

Due to the side slope grade change of this particular lot, the foundation is stair stepped. Therefore each unit of a duplex would start at dramatically different defined elevations, roughly 12 feet of difference. (See picture of existing slab from previous duplex that burned down in 2019) Because the city interprets section 25-2-773 to mean that the entire structure must be only two stories, the site slope means that two, two-story units cannot be built on this lot. We think it is reasonable to be able to build within the envelope of the lot regardless of if the use is duplex or single family. The need for more housing options like duplexes in the city is dire.

Hardship

a) The hardship for which the variance is requested is unique to the property in that:
This property has a side slope grade change from one property line to another of 16 feet. When you put a duplex next to another duplex on this kind of a site, the total structure becomes 3 stories. This hardship is unique to this site grade. Additionally, a 3 story duplex was previously on this site before it burned down. It is worth noting that neither unit will be more than 2 stories individually.

b) The hardship is not general to the area in which the property is located because:
A majority of sites in the city have gentle or no grade change, this site has severe grade change.

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 previous structure was similar in size and was there for 40 plus years. The proposed structure fits under the tent requirement of the code.

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:

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: May 17, 2021

Applicant Name (typed or printed): Sean O'Brien

Applicant Mailing Address: 804 Congress Ave, Suite 300

City: Austin State: TX Zip: 78731

Phone (will be public information): 512-565-4477

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: May 17, 2021

Owner Name (typed or printed): Sean O'Brien

Owner Mailing Address: same as above

City: same State: _____ Zip: _____

Phone (will be public information): same

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

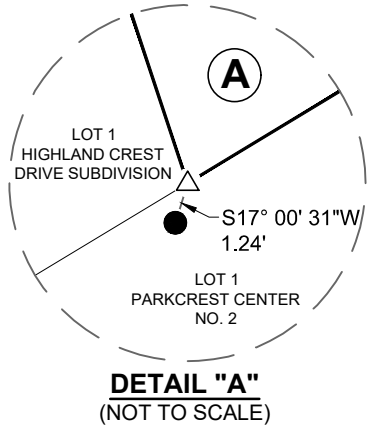
Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

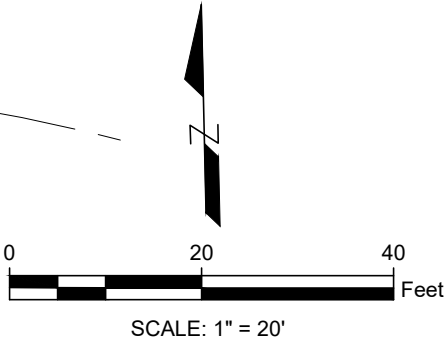
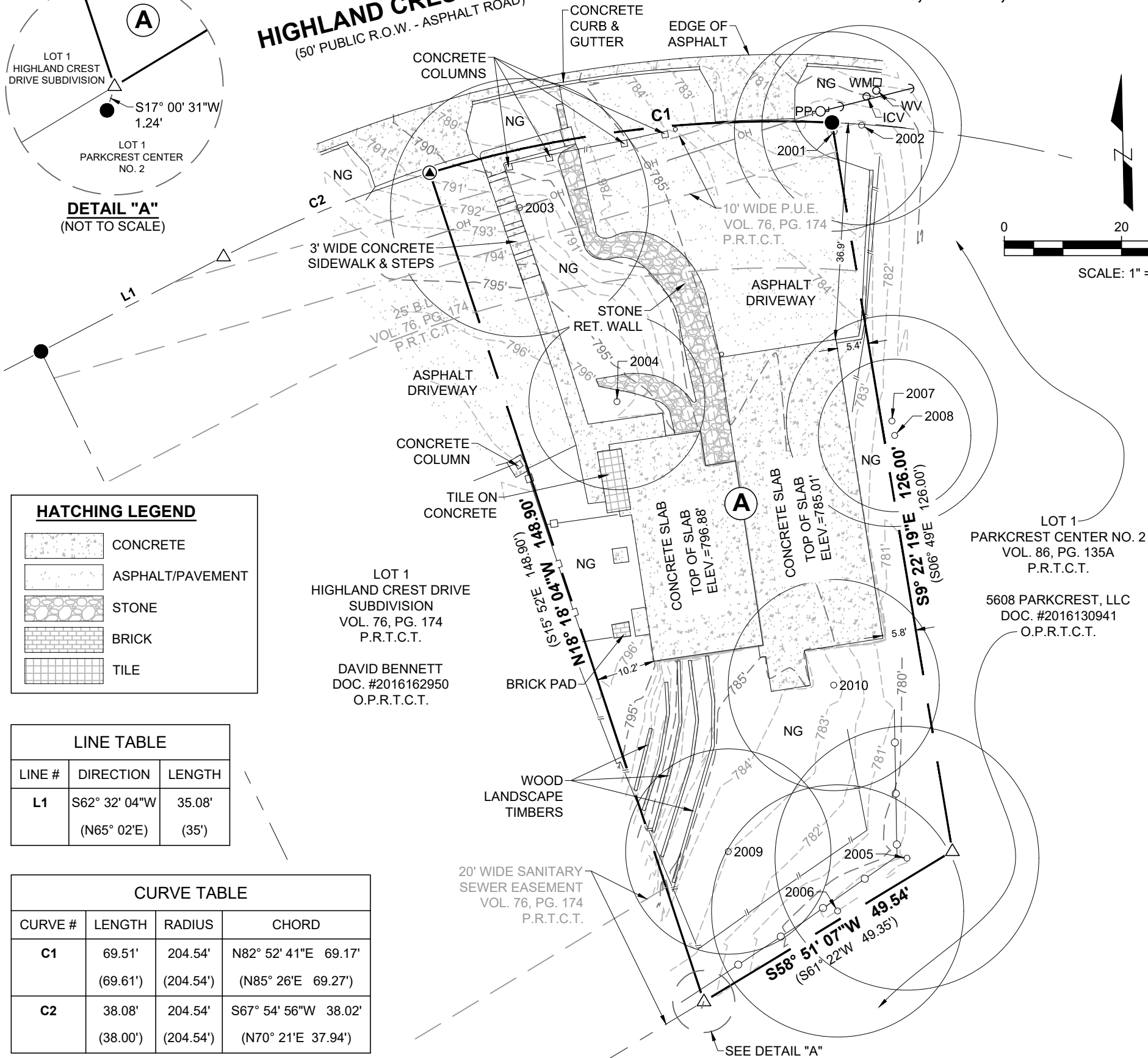
Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

TRAVIS COUNTY, TEXAS
T. J. CHAMBERS SURVEY, A-7

PARTIAL BOUNDARY, TOPOGRAPHIC & TREE SURVEY
LOT 2, HIGHLAND CREST DRIVE SUBDIVISION, RECORDED IN
VOL. 76, PG. 174, P.R.T.C.T.



HIGHLAND CREST DRIVE
(50' PUBLIC R.O.W. - ASPHALT ROAD)



A
LOT 2
HIGHLAND CREST DRIVE
SUBDIVISION
VOL. 76, PG. 174
P.R.T.C.T.

LAURIS ZELUFF FAMILY TRUST
DOC. #2007165450
O.P.R.T.C.T.

TREE TABLE:

2001	17"	LIVE OAK
2002	17"	LIVE OAK
2003	22"	LIVE OAK
2004	15"	LIVE OAK
2005	14", 8", 6", 3"	CEDAR
2006	9", 8", 6", 6", 5"	LIGUSTRUM
2007	18"	LIVE OAK
2008	13"	LIVE OAK
2009	12", 11"	LIVE OAK
2010	18"	LIVE OAK

LEGEND

●	1/2" IRON ROD FOUND
⊙	60D NAIL FOUND
△	CALCULATED POINT
PP-O	POWER POLE
—OH—	OVERHEAD UTILITY LINE
←	GUY WIRE
WVO	WATER VALVE
ICVO	IRRIGATION CONTROL VALVE
WMO	WATER METER
— —	WOOD FENCE
—□—	WROUGHT IRON FENCE
—○—	CHAIN LINK FENCE
B.L.	BUILDING LINE
P.U.E.	PUBLIC UTILITY EASEMENT
NG	NATURAL GROUND
R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

UTILITY AND IMPROVEMENT NOTE:

ONLY SURFACE EVIDENCE OF UTILITIES AND IMPROVEMENTS ARE SHOWN ON THIS SURVEY.

BEARING BASIS & HORIZONTAL DATUM:

TEXAS STATE PLANE COORDINATES, GRID
NAD '83 (CENTRAL ZONE 4203)

VERTICAL DATUM:

NAVD '88 ELEVATION DATUM

HATCHING LEGEND

	CONCRETE
	ASPHALT/PAVEMENT
	STONE
	BRICK
	TILE

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S62° 32' 04"W (N65° 02'E)	35.08' (35')

CURVE TABLE

CURVE #	LENGTH	RADIUS	CHORD
C1	69.51' (69.61')	204.54' (204.54')	N82° 52' 41"E 69.17' (N85° 26'E 69.27')
C2	38.08' (38.00')	204.54' (204.54')	S67° 54' 56"W 38.02' (N70° 21'E 37.94')

5607 HIGHLAND
CREST DRIVE
AUSTIN, TX 78731

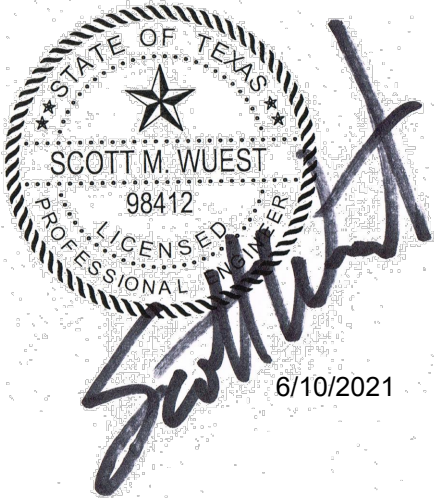
FEBRUARY, 2021
PROJECT NO. 0080-017



ENGINEERING & SURVEYING

TBPLS FIRM # 10194507
TBPE FIRM # F-15324
5207 AIRPORT BOULEVARD
AUSTIN, TEXAS 78751
(512)394-1900

SHEET
1 OF 1



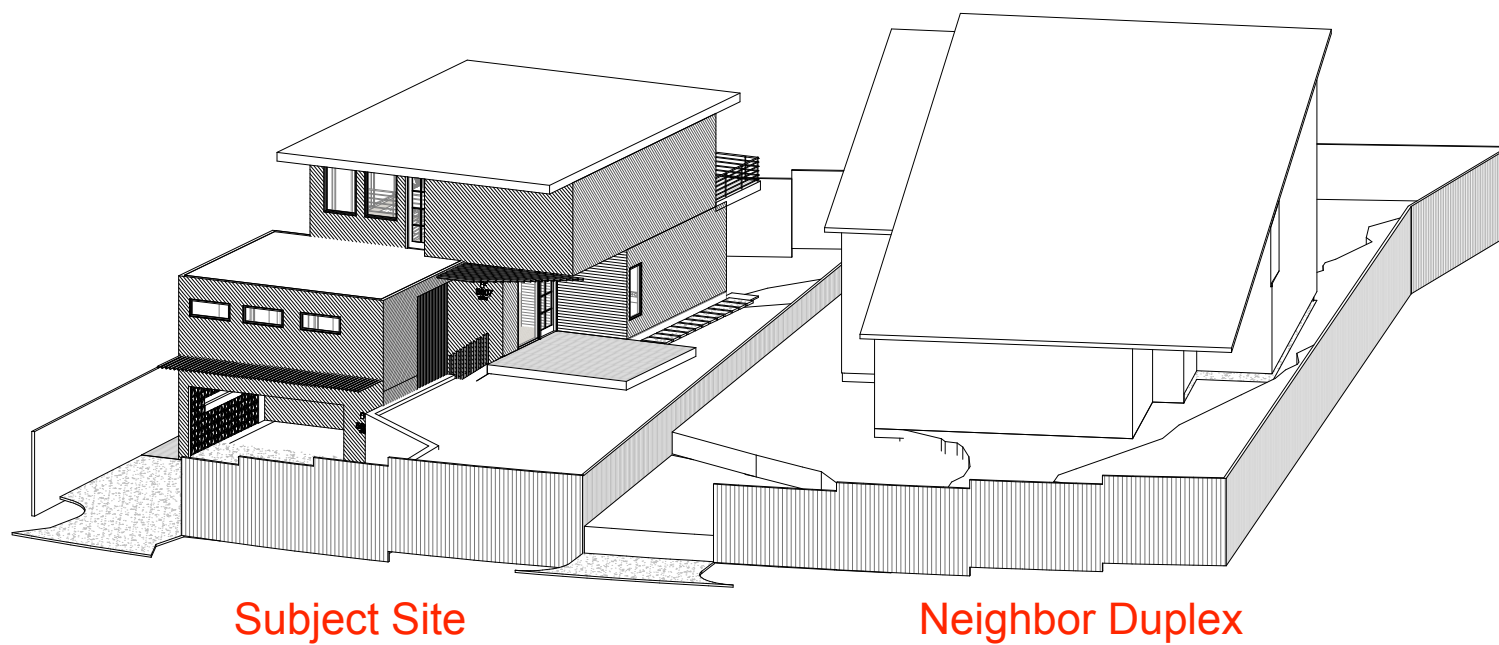
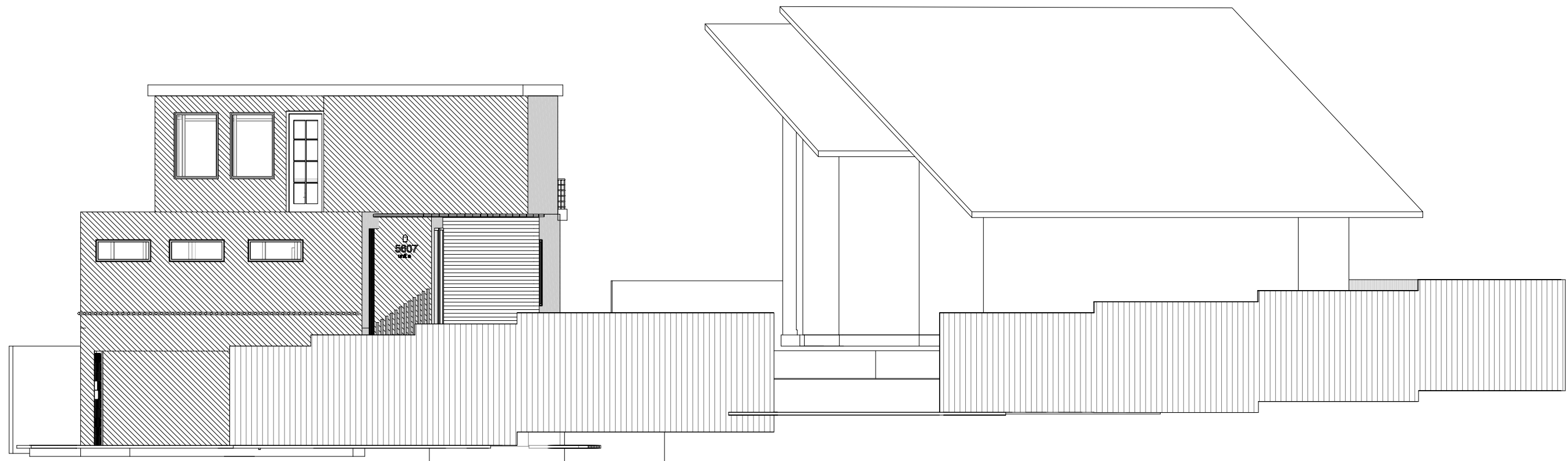


Exhibit 1
C15-2021-0074 - 5607 Highland Crest Dr - Sean O'Brien



Subject Site

Neighbor Duplex



Exhibit 3

C15-2021-0074 - 5607 Highland Crest Dr - Sean O'Brien

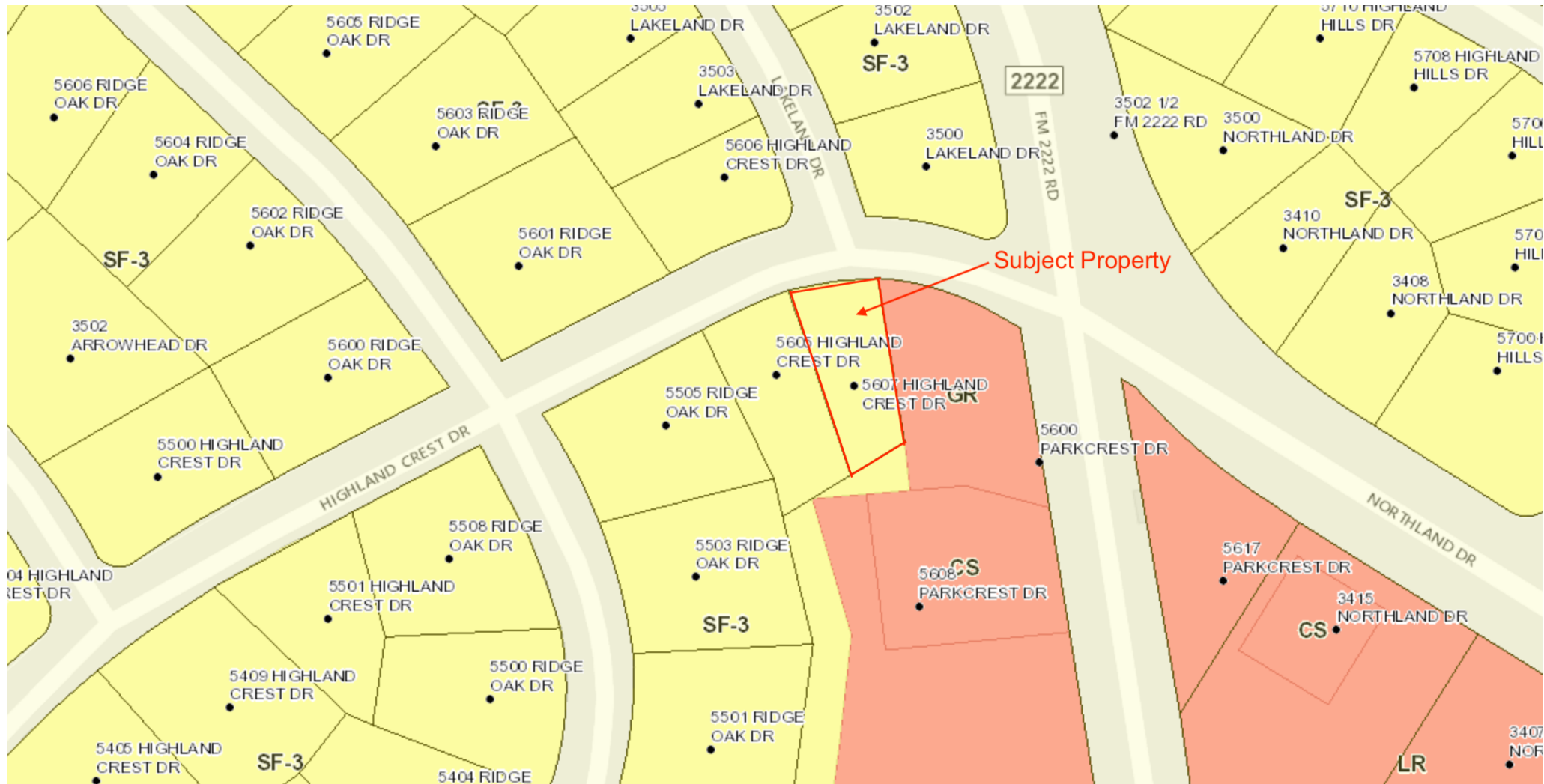


Exhibit 4
C15-2021-0074 - 5607 Highland Crest - Sean O'Brien