

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet  
D-5**

**DATE: Monday July 12, 2021**

**CASE NUMBER: C15-2021-0067**

- \_\_\_\_\_ Thomas Ates
- \_\_\_\_\_ Brooke Bailey
- \_\_\_\_\_ Jessica Cohen
- \_\_\_\_\_ Melissa Hawthorne
- \_\_\_\_\_ Barbara Mcarthur
- \_\_\_\_\_ Rahm McDaniel (OUT)
- \_\_\_\_\_ Darryl Pruett
- \_\_\_\_\_ Agustina Rodriguez
- \_\_\_\_\_ Richard Smith (OUT)
- \_\_\_\_\_ Michael Von Ohlen
- \_\_\_\_\_ Nicholl Wade
- \_\_\_\_\_ Kelly Blume (Alternate)
- \_\_\_\_\_ Carrie Waller (Alternate)
- \_\_\_\_\_ Vacant (Alternate)

**OWNER/APPLICANT: Scott Jacobs**

**ADDRESS: 2003 ARPDAL ST**

**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum lot size requirement from 5,750 square feet (required) to 5,500 square feet (requested) in order to maintain an existing Residence and Accessory Structure in a “SF-3”, Single-Family Residence zoning district.

**BOARD’S DECISION: BOA JULY 12, 2021 POSTPONED TO AUGUST 9, 2021**

**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  
\_\_\_\_\_  
Jessica Cohen  
Chair

PLEASE DISREGARD ALL INFORMATION SUBMITTED IN JULY ADVANCED PACKET.

PLEASE ONLY REVIEW WHAT HAS BEEN SUBMITTED IN THE AUGUST ADVANCED PACKET AS THE JULY ADVANCED PACKET IS NO LONGER VALID.

THANK YOU,

SCOTT



## ADVANCED PACKET

PREPARED BY OWNER/APPLICANT: SCOTT JACOBS

2003 ARPDAL ST.

LEGAL DESCRIPTION: WEST 55' OF LOT 16, BLOCK 8 RABB INWOOD HILLS  
ZONING DISTRICT: SF-3

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## RESIDENTIAL PERMITTING REQUIRES THE LOT SIZE VARIANCE IN ORDER TO REMOVE THE HOLD ON THE PERMIT

In order to repair the structure from the water damage resulting from the winter freeze in February, a variance must be approved to release the permits which are currently on hold.

A new site plan will reduce building and impervious coverages, eliminating the need for the two variances related to coverage stated in the letter below (more details on next page).

6/25/2021

Gmail - Permit Hold on 2003 Arpdale Street



Scott Jacobs [REDACTED]

### Permit Hold on 2003 Arpdale Street

**Barr, Susan** <Susan.Barr@austintexas.gov>  
To: Scott Jacobs [REDACTED]  
Cc: "Ramirez, Elaine" <Elaine.Ramirez@austintexas.gov>

Fri, May 14, 2021 at 10:31 AM

Scott,

The Hold will not be released until a BOA variance has been approved for the conditions at the property that need to be resolved. To sum these up:

- Minimum lot size
- Over building coverage
- Over impervious cover

If a BOA variance is successful, a major revision will need to be submitted to plan review to document the changes and formalize the approved variance.

Best Regards,

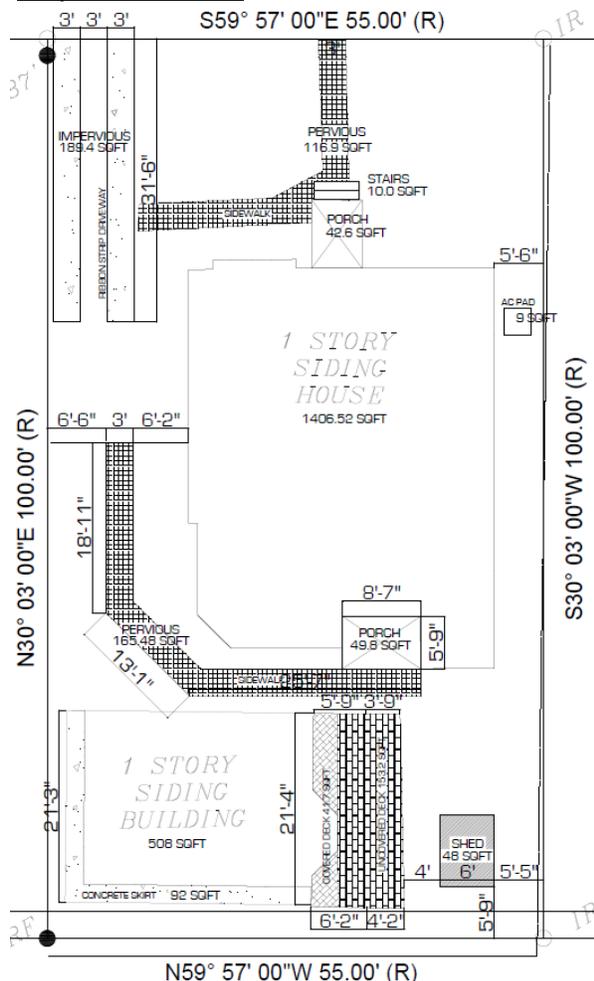
Susan

OUTSTANDING ISSUES AND RESOLUTIONS

Aside from getting the variance approved (to legally permit the accessory structure), a few other issues have been identified. These have either already been resolved or are in the process of being resolved.

- **Sewer Line Repair** – This repair was completed and inspected in June 2017 (2016-016025 PP).
- **Curb Cut for Circular Driveway** – This was a pre-existing condition to the owner purchasing the home and will be filled in during the “landscaping remodel” of the property when the circular driveway is removed.
- **Impervious and Building Coverage** – Owner will reduce the impervious coverage within the limitations set by Austin Code. Key changes include removing several concrete pads, removing the circular driveway, making the walkways pervious, and reducing the area of the accessory structure’s covered deck. See proposed site plan below:

**Proposed Site Plan**



	Imp Cov	Building Cov
Percentage of Lot Size	44.97%	38.12%
Allowable Percentage	45.00%	40.00%

PHOTOS OF ACCESSORY STRUCTURE





**BOA GENERAL REVIEW COVERSHEET****CASE:** C15-2021-0067**BOA DATE:** July 12<sup>th</sup>, 2021**ADDRESS:** 2003 Arpdale St**COUNCIL DISTRICT:** 5**OWNER:** Scott Jacobs**AGENT:** N/A**ZONING:** SF-3**LEGAL DESCRIPTION:** W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS**VARIANCE REQUEST:** decrease the minimum lot size requirement from 5,750 square feet (required) to 5,500 square feet**SUMMARY:** maintain an existing Residence and Accessory Structure**ISSUES:** most properties in this subdivision were platted in the 40's or 50's

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	Single-Family Residential
<i>North</i>	SF-3	Single-Family Residential
<i>South</i>	LO	Limited Office
<i>East</i>	SF-3	Single-Family Residential
<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  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Perry Grid 614  
 Preservation Austin  
 SELTexas  
 Save Our Springs Alliance  
 Sierra Club, Austin Regional Group  
 South Central Coalition  
 TNR BCP – Travis County Natural Resources  
 Zilker Neighborhood Association



July 6, 2021

Scott Jacobs  
2003 Arpdale St  
Austin TX, 78704

Property Description: W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS

**Re: C15-2021-0067**

Dear Scott,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from Land Development Code Section 25-2-492 (Site Development Regulations) to decrease to minimum lot size from 5,750 square feet to 5,500 square feet in the SF 3 zone.

Austin Energy **does not oppose** the 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 the owner's/applicant's expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:  
[https://library.municode.com/tx/austin/codes/utilities\\_criteria\\_manual?nodeId=S1AUENDECR\\_1.10.0CLSARE](https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE)

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

**Joseph Beeler, Planner I**  
Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6602

E-5/12



**NOTIFICATIONS**

CASE#: C15-2021-0067  
LOCATION: 2003 ARPDAL ST



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



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" = 163'



# 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: 2003 Arpdale St.

Subdivision Legal Description:  
W 55 ft of Lot 16 Blk 8 Rabb Inwood Hills

Lot(s): W 55 ft of Lot 16 Block(s): 8

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

Zoning District: SF-3

I/We Scott Jacobs on behalf of myself/ourselves as

authorized agent for Scott Jacobs affirm that on

Month May, Day 26, 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: An existing house and accessory structure

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

§ 25-2-492 (Site development regulations) to decrease the minimum lot size from 5,750 square feet (required/permitted) to 5,500 square feet (requested/existing)

**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:

City staff have determined that a variance from the minimum lot size is required before building and plumbing permits can be issued and finalized to correct previous work without a permit, bring the property up to code, and repair damage from the recent freeze. Reference BP 2017 74166 (On Hold), PP 2017 74166 (On Hold).

**Hardship**

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

Most properties in the subdivision were platted in the forties or fifties at 6,000 square feet or more, and so they were unaffected when the minimum lot size of 5750 sf went into effect. It appears, however, that sometime after the house and garage were built, a portion of this lot was sold. The resulting deficiency was not recognized until about 5 years ago. This circumstance is unique within this area.

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

Most properties in the subdivision were platted in the forties or fifties at 6,000 square feet or more and built out with modest houses that meet the current SF3 site development standards.

**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 purpose of the variance is to maintain the existing structures and bring the property into compliance with current regulations. That will include closing an unpermitted curb cut, removing an unpermitted kitchen sink, providing two code-compliant parking spaces, removing a storage shed in the rear easement as directed by Austin Energy, and reducing excessive impervious cover and building cover, which should serve to restore the property’s compatibility with adjacent properties.

**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: Scott Jacobs Digitally signed by Scott Jacobs Date: 2021.05.26 15:50:00 -05'00' Date: 05/26/2021

Applicant Name (typed or printed): Scott Jacobs

Applicant Mailing Address: 2003 Arpdale St.

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 765-5226

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: Scott Jacobs Digitally signed by Scott Jacobs Date: 2021.05.26 15:50:50 -05'00' Date: 05/26/2021

Owner Name (typed or printed): Scott Jacobs

Owner Mailing Address: Same as above.

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

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).

The variance request is to allow the City to issue plumbing and building permits so that the owner may move forward with repairs and address previous code violations in an SF-3 zoning district. The property will not be used for two-family use and will only be occupied as a single dwelling. Separate designations for A and B units will be removed from the address.

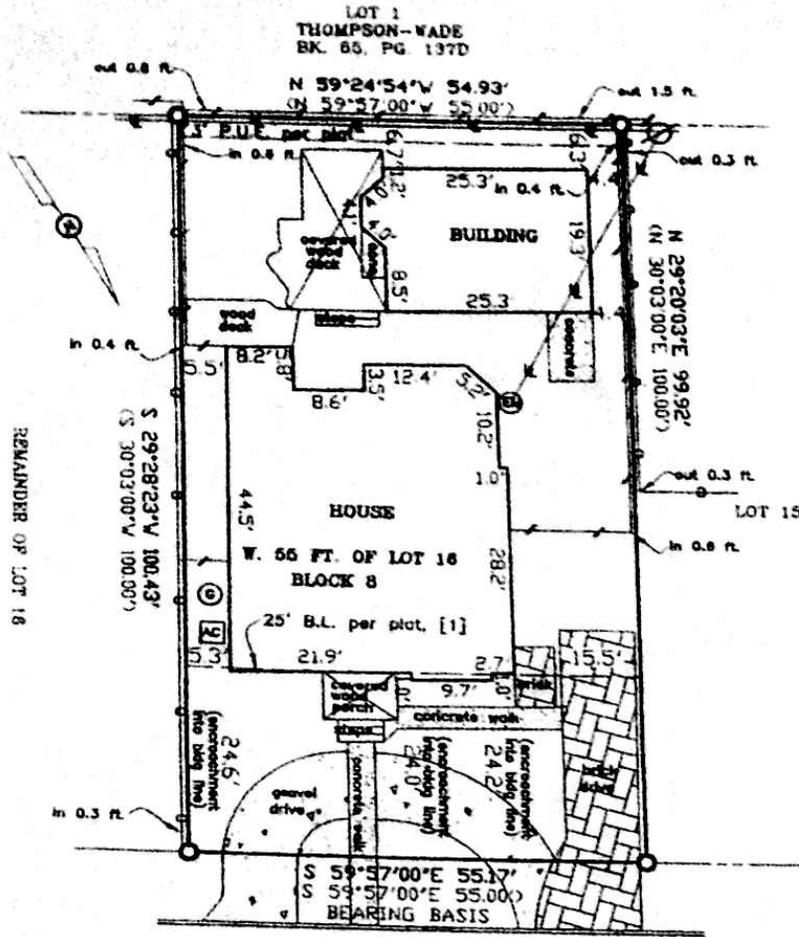
**Additional Space (continued)**

In addition to repairs of freeze damage, work will include, closing an unpermitted curb cut, removing an unpermitted kitchen sink, relocating a storage shed from the rear easement as directed by Austin Energy, providing two code-compliant parking spaces, reducing impervious cover to less than 45% and building cover to less than 40%, and passing final inspections.

A new sewer line to the house has already been installed and inspected by the city.  
The deck on the back side of the main house has already been removed.  
A 48 sf portable shed has already been relocated, as required by Austin Energy.

Building cover will be reduced to 40% by  
1. Reducing the size of the covered roof from the rear deck.

Impervious cover will be reduced to 45% by:  
1. Converting the majority of the rear deck to uncovered deck, such that the impervious cover is below 45%.  
2. Installing concrete ribbon strips or using other code-compliant means to reduce the main driveway to ~140 sf, such that the impervious cover is below 45%.  
3. Removing at least 310 sf of the circular driveway and revegetating the front yard to a pervious landscape.  
4. Removing 131 sf of concrete sidewalks in the front yard.  
5. Removing 153 sf of pavers in the side and back yards.  
6. Removing 90 sf of concrete pads in the side yard.



**LEGEND**

- WOOD
- CHAIN LINK
- UTILITY LINE
- A/C UNIT
- ELEC. METER
- GAS METER
- PIPE FND.
- UTILITY POLE

**SURVEYOR'S NOTES**

- ( ) DENOTES RECORD INFORMATION
- [1] BUILDING LINE PER VOL. 821, PG. 408

THIS MAP DOES NOT REFLECT BUILDING REQUIREMENTS WHICH MAY BE IMPOSED BY THE LOCAL GOVERNING AUTHORITY OR HOME OWNER'S ASSOCIATION.

ACCORDING TO FIRST AMERICAN TITLE INSURANCE CO. TITLE COMMITMENT OF #856704-AUG3 THE WEST 56 FT. OF LOT 16 IS SUBJECT TO THE BUILDING LINES, ESMT. RIGHTS AND RESTRICTIONS AS STATED IN: BK. 4, PG. 73 VOL. 821, PG. 408

ESMT. RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY FIRST AMERICAN TITLE INSURANCE CO. PER COMMITMENT OF #856704-AUG3, PARAGRAPH NO. 10.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

THE DISTANCES BETWEEN LOT LINES AND FENCES (SHOWN HEREON) ARE TO THE CENTER OF THE FENCE.

**2003 ARPDAL E AVENUE**  
(50' R.O.W.)

*C. Fuentes*

*A. C. Fulk*  
7/3/07

*[Signature]*  
12/10/12

LOT No. SECTION AWWP	THE WEST 55 FEET OF LOT 16	BLOCK "8"	SUBDIVISION / ADDITION	RABBS INWOOD HILLS
CITY	TRAVIS	COUNTY, TEXAS	Book 4	Page(s) 73
	AUSTIN		Doc. #	Cabinet -
			Street Address:	2003 ARPDAL E AVENUE
			Reference:	GINO FUENTES & DELILAH FUENTES

FIELD WORK	By	Date
DRAFTING	JS	02-08-07
FINAL CHECK	SL	08-08-07
CORRECTIONS		
UP DATE		

TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR FIRST AMERICAN TITLE INSURANCE COMPANY ADVANTAGE ONE MORTGAGE

DATE 02-05-07  
TITLE CO. FIRST AMERICAN  
Job No. 01R33607  
SCALE: 1"=20'

The undersigned certifies that this survey was this day made by me or under my supervision on the ground of the real property shown on the survey, and after the exercise of reasonable care, and in reliance on record searches by the title company that this survey is correct to the best of the undersigned's knowledge and belief, and that the property has access to and from a roadway, except as shown hereon.

*Mark C. Brown*



**ALL POINTS SURVEYING**  
611 SOUTH CONGRESS AVENUE - SUITE 100  
AUSTIN TX. 78704  
TELE: (512) 440-0071 - FAX: (512) 440-0199





## ADVANCED PACKET

PREPARED BY OWNER/APPLICANT: SCOTT JACOBS

2003 ARPDAL ST.

LEGAL DESCRIPTION: WEST 55' OF LOT 16, BLOCK 8 RABB INWOOD HILLS

ZONING DISTRICT: SF-3

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LETTER TO THE BOARD

6/25/21

Dear Members of the Board:

When I purchased 2003 Arpdale St in 2012, I was not informed that the accessory structure was not compliant with City of Austin building code. However, during a sewer line inspection, a code enforcement officer noticed the unpermitted accessory structure. I immediately made it my priority to bring the house up to code and submitted a permit application, which then led to this variance process.

I have been living in this accessory structure since I purchased the home in 2012 and it became unlivable after damage from the winter freeze earlier this year (due to water damage from a pipe bursting). I have been displaced since this natural disaster and am doing everything I can to properly permit the repairs to the home.

The permit has been put on hold by Susan Barr until I obtain the requested variance. This is the least variance from code needed to maintain the property and bring it into compliance in all other respects.

I am requesting a variance in order to maintain the existing house and accessory structure. There is countless evidence which supports that the permitted detached garage was converted to an accessory structure in 1990.

Nearly the all of my neighbors are in support of my variance request and there have been no issues with the accessory structure for over 30 years, so I respectfully ask the board to allow the structure to remain in place and for the property to remain as is.

Regards,



Scott Jacobs

## RESIDENTIAL PERMITTING REQUIRES THE LOT SIZE VARIANCE IN ORDER TO REMOVE THE HOLD ON THE PERMIT

In order to repair the structure from the water damage resulting from the winter freeze in February, a variance must be approved to release the permits which are currently on hold.

A new site plan will reduce building and impervious coverages, eliminating the need for the two variances related to coverage stated in the letter below (more details on next page).

6/25/2021

Gmail - Permit Hold on 2003 Arpdale Street



Scott Jacobs <sjacobs24@gmail.com>

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### Permit Hold on 2003 Arpdale Street

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**Barr, Susan** <Susan.Barr@austintexas.gov>  
To: Scott Jacobs <sjacobs24@gmail.com>  
Cc: "Ramirez, Elaine" <Elaine.Ramirez@austintexas.gov>

Fri, May 14, 2021 at 10:31 AM

Scott,

The Hold will not be released until a BOA variance has been approved for the conditions at the property that need to be resolved. To sum these up:

- Minimum lot size
- Over building coverage
- Over impervious cover

If a BOA variance is successful, a major revision will need to be submitted to plan review to document the changes and formalize the approved variance.

Best Regards,

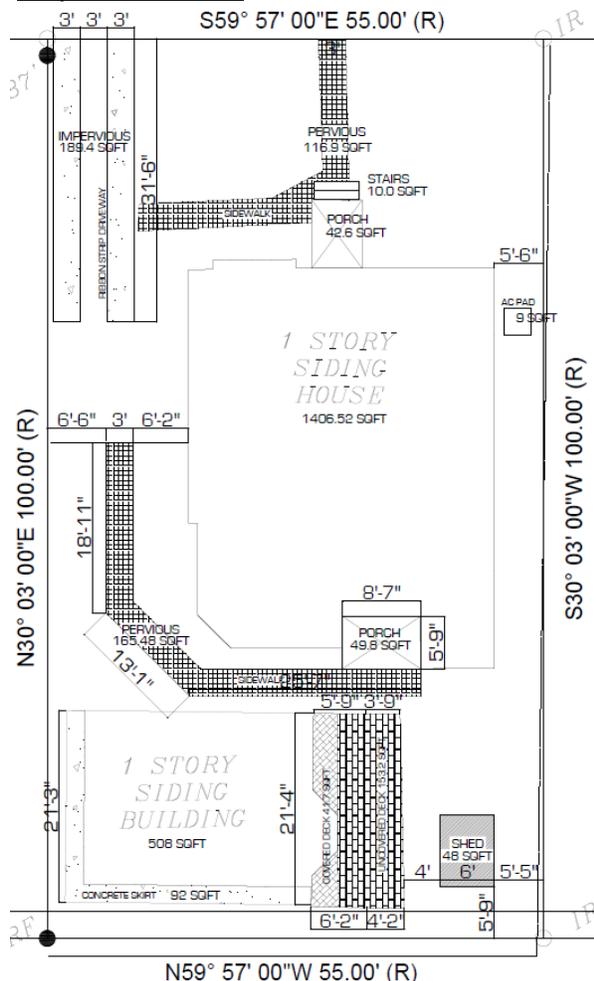
Susan

OUTSTANDING ISSUES AND RESOLUTIONS

Aside from getting the variance approved (to legally permit the accessory structure), a few other issues have been identified. These have either already been resolved or are in the process of being resolved.

- **Sewer Line Repair** – This repair was completed and inspected in June 2017 (2016-016025 PP).
- **Curb Cut for Circular Driveway** – This was a pre-existing condition to the owner purchasing the home and will be filled in during the “landscaping remodel” of the property when the circular driveway is removed.
- **Impervious and Building Coverage** – Owner will reduce the impervious coverage within the limitations set by Austin Code. Key changes include removing several concrete pads, removing the circular driveway, making the walkways pervious, and reducing the area of the accessory structure’s covered deck. See proposed site plan below:

**Proposed Site Plan**



	Imp Cov	Building Cov
Percentage of Lot Size	44.97%	38.12%
Allowable Percentage	45.00%	40.00%

## HISTORY OF 2003 ARPDAL ST.

1939 – Deed for Rabb Inwood Hills was created

1949 – Lot 16, Block 8 was subdivided

– 2003 Arpdale was built with detached garage

1990's – Garage was converted to accessory structure

- Aerial views in GIS (which only go back to 1997) show the converted accessory structure which suggests that it was converted prior to 1997
- There are two separate phone records with different names registered in 1994 which suggests the accessory structure was converted prior to 1994
- Several permits were taken out for 2003 Arpdale in 1990 which suggests that contractors were permitted to work on site suggesting that the conversion happened in 1990
- Testimonials from several past tenants and owners have confirmed the structure has been there for over 30 years.

2012 – Property was purchased by current owner

- Owner was unaware that the accessory structure was not legally permitted
- Owner moved into the accessory structure and added an "A" and "B" address to the property. It has not been condoed.
- Front house is rented on a long-term basis

2021 – Property damaged by winter freeze in Feb 2021 and displaced owner from his homestead

- Owner wants to go through the proper process to get the repairs legally permitted with the city. The following variance is required for the permits to be issued. Once work is completed, owner will be able to move back into home.

## VARIANCE REQUEST FOR EXISTING RESIDENCE

Variance request to Section 25-2-492

- (Site development regulations) to decrease the minimum lot size from 5,750 square feet (required/permitted) to 5,500 square feet (requested/existing)

## SUPPORTING EVIDENCE FOR THE VARIANCE REQUEST

Friends of Zilker Neighborhood Association supports the request

Neighborhood is in support

- Over 80% of the owners within 300ft are in support the variance request
- Verified by signatures



This is to maintain an existing house and accessory structure

- The site of 2003 Arpdale has been in its current state for over 30 years
- Several other houses in the Rabb Inwood subdivision have accessory structures

No history of issues

- No complaints against the house or accessory structure have been recorded for over 57 years
- Verified by open record request

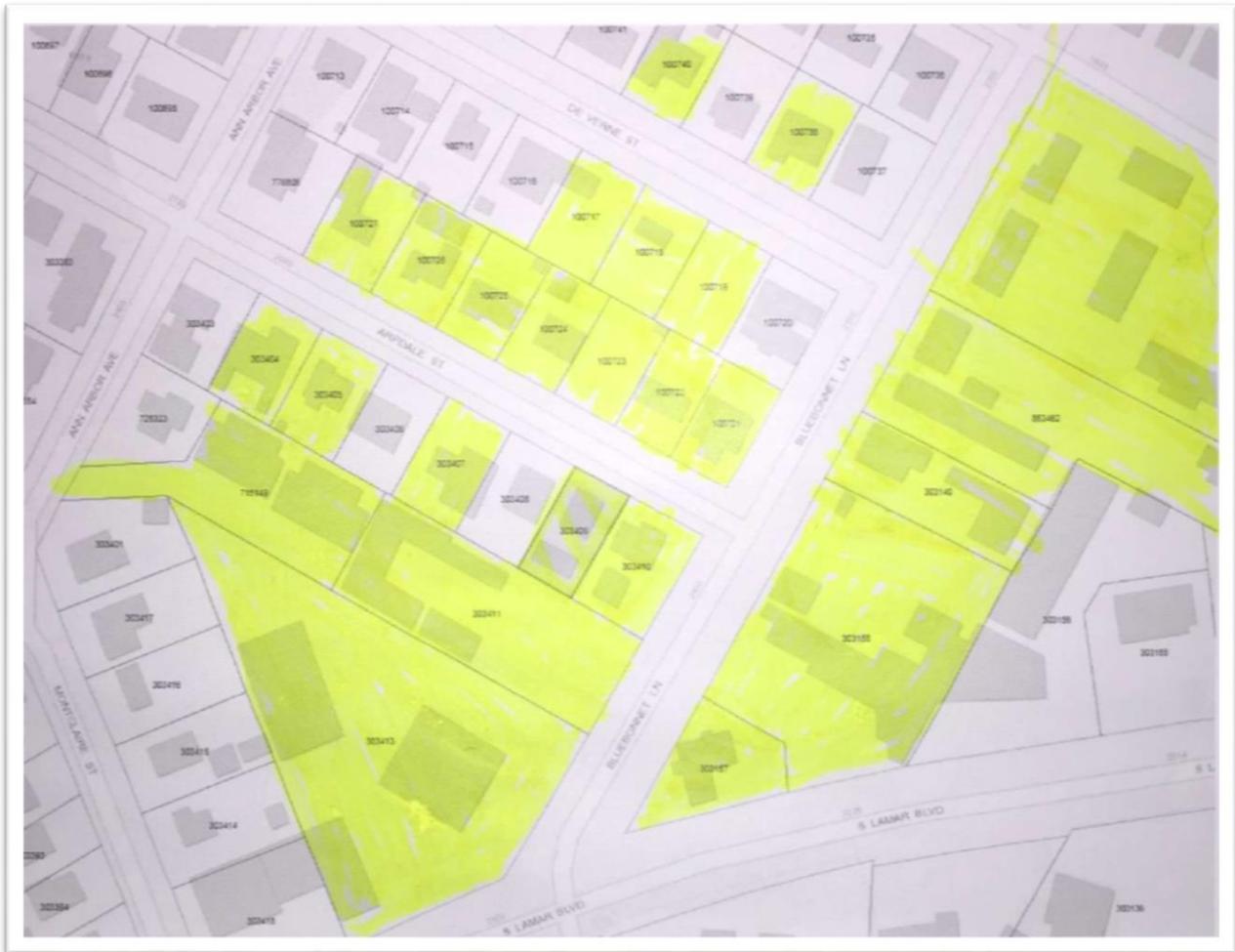
Deed restrictions aren't being enforced by City Code

- Not all deed restrictions for Rabb Inwood Hills are being enforced

APPENDIX

OVER 80% OF THE OWNERS WITHIN 300FT IN SUPPORT OF THE VARIANCE REQUEST

(Signatures can be provided upon request)



Neighbors felt like this variance is a non-issue since this request involves maintain an existing structure which shouldn't be subject to regulations intended to limit the amount of **new** construction and conversions in the area.

FRIENDS OF ZILKER SUPPORT THE VARIANCE REQUEST



March 4, 2016

From : Friends of Zilker Neighborhood Association  
To : Board of Adjustment  
Regarding : 2003 Arpdale St Austin TX 78704

To whom it may concern,

Friends of Zilker Neighborhood Association supports the following resolution that:

"Land use determinations shall be made based on City and neighborhood zoning and planning documents and private deed restrictions shall only be enforced through action in civil court."

(This is in response to punitive actions made against a property owner at 2003 Arpdale for an existing development that is perceived to be in conflict with private deed restrictions. This case is arbitrary given that multiple other similar conditions exist in the neighborhood and on the same street.)

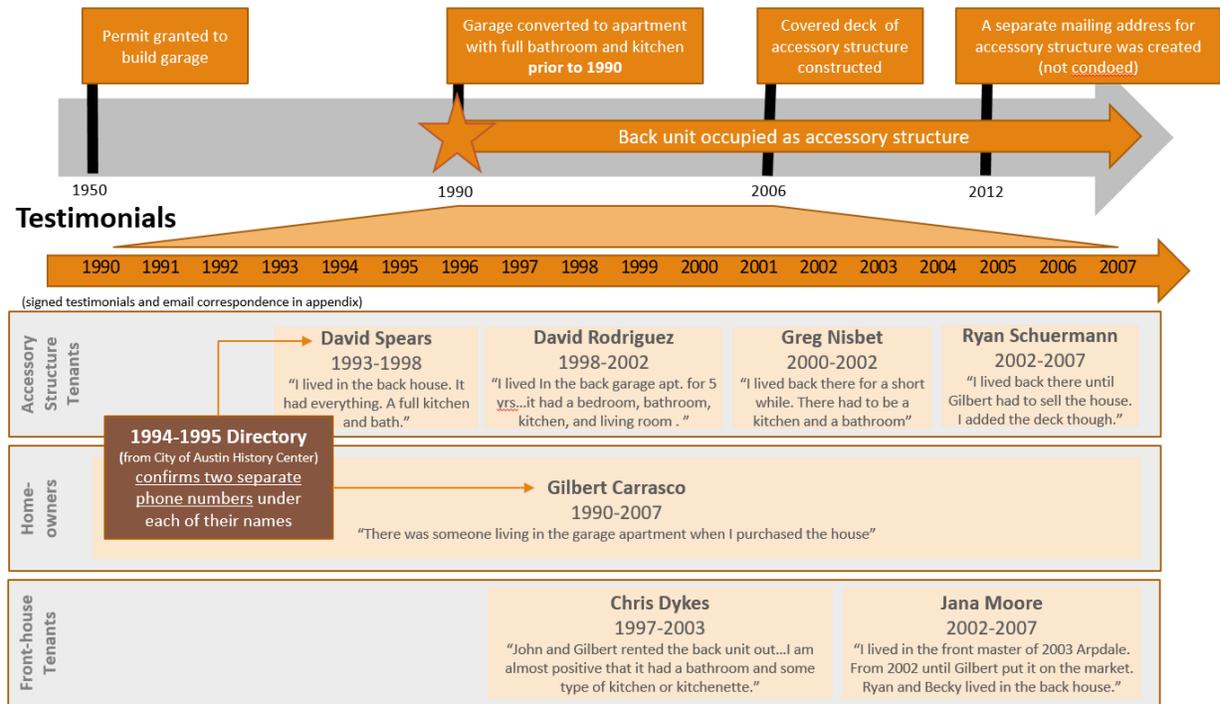
Furthermore, our organization found at least a dozen other properties in the Rabb Inwood Subdivision that currently have (or previously had) ADUs / guest houses including :

- 2202 Paramount Ave
- 2112 Montclair St
- 2102 Montclair St
- 2006 Montclair St
- 2205 La Casa Dr
- 2110 La Casa Dr
- 2108 La Casa Dr
- 2104 La Casa Dr
- 2200 De Verne
- 2012 Arpdale St
- 2007 Arpdale St
- 2003 Arpdale St

Thank you,  
Mary Owens, Secretary of Friends of Zilker

HISTORY OF OCCUPANTS WITH TESTIMONIALS AND EVIDENCE

TIMELINE OF OCCUPANTS AND OWNERS



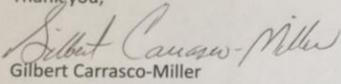
CONFIRMS ACCESSORY STRUCTURE OCCUPANCY IN 1990

Gilbert owned the house from 1990-2007

Scott,

I bought the house at 2003 Arpdale as a foreclosure in 1990. The garage apartment had a functioning bath and small kitchen. I can't remember the name of the person who stayed at the garage apartment.

Thank you,



Gilbert Carrasco-Miller

CONFIRMS ACCESSORY STRUCTURE OCCUPANCY IN 1993

White pages suggest David lived at 2003 Arpdale from 1993 to 1998.

04-18-17

Howdy Scott,

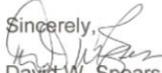
I did indeed reside in the garage residence at 2003 Arpdale, in Austin, TX, during the early 90's.

The garage unit, which was an efficiency unit, had a small kitchen and a fully functional bathroom. My brother, his new wife, and their first child resided in the house next door on the western side.

The main house was occupied by the two owners, Gilbert and John.

At the time of my residence they also had a roommate named Donnie, who later died at an AIDS Hospice, newly opened in East Austin. While I helped as a volunteer, to construct the facility, I do not know the address.

Sincerely,



David W. Spears

CONFIRMS ACCESSORY STRUCTURE OCCUPANCY IN 1997

White pages suggest Chris lived at 2003 Arpdale from 1997 to 2003.

**From:** Chris Dykes [mailto:chrisdykes@redacted]  
**Sent:** Tuesday, April 18, 2017 11:09 AM  
**To:** Jacobs, Scott <Scott.Jacobs@yale.edu>  
**Subject:** Re: Looking for info regarding 2003 Arpdale St

Hi Scott,  
I can tell you that when I lived there the owners, John and Gilbert, rented the back unit out. That is, a paying tenant actually lived there. I am almost positive that it had a bathroom and some type of kitchen or kitchenette. I hope that helps. Feel free to reply with any more questions.  
Chris

CONFIRMS ACCESSORY STRUCTURE OCCUPANCY IN 1998

White pages suggest David lived at 2003 Arpdale from 1998 to 2006.

---

**From:** David G Rodriguez <redacted>  
**Sent:** Tuesday, April 18, 2017 8:24:56 PM  
**To:** Jacobs, Scott  
**Subject:** Re: Looking for info regarding 2003 Arpdale St

Hi Scott, yes I lived In the back garage apt. for 5 yrs.. During those 5 yrs it had a bedroom. Bathroom ,kitchen,and living room . I anytime day it was about 524 sq.ft. I can't remember off hand the dates of the five yrs. But will do some research a d come up with the exact dates of my life in there. Thank you,  
David Rodriguez  
(512, redacted)

CONFIRMS ACCESSORY STRUCTURE OCCUPANCY IN 2000

White pages suggest David lived at 2003 Arpdale from 2000 to 2002.

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**From:** gregni [redacted] <gregni@redacted>  
**Sent:** Tuesday, April 18, 2017 6:28:05 AM  
**To:** Jacobs, Scott  
**Subject:** Re: Looking for info regarding 2003 Arpdale St

HELLO SCOTT...

..THE BACK HOUSE WAS OCCUPIED DURING THE FEW YEARS THAT I LIVED IN THE MAIN HOUSE...GILBERT HAD AT SOME POINT TURNED WHAT ONCE WAS A GARAGE INTO A GUEST HOUSE FOR THE PURPOSE OF RENTING FOR ADDITIONAL INCOME..

I WAS IN THE GUESTHOUSE JUST ONE SHORT TIME, BUT I THINK THERE WAS PROBABLY A KITCHEN AND A BATHROOM...THERE HAD TO BE..

I HOPE THIS INFO HELPS YOU OUT...

GREG NISBET

CONFIRMS ACCESSORY STRUCTURE OCCUPANCY IN 2002

To whom it may concern,

I attest that I resided in the back garage apartment located at 2003 Arpdale, Austin Texas 78704 from 2002 until February of 2007. Upon moving into said property, the garage apartment was furnished with a full kitchen, full bathroom, bedroom, and living space (see photos). There was a small wood deck attached to the front. In addition, there was a driveway extending from the curb to the garage apartment and a circular driveway located in the front of the property where I would park my two vehicles (see photos).

Below is a copy of an email receipt from an online purchase. In addition, date and timestamps are embedded in the photographs' metadata. I attest that I personally took all photos attached with my own digital equipment and only modified them for reduction in size purposes in Photoshop Elements.

Signed Ryan Schuermann Date 4/19/2017



Musiciansfriend.com ORDER NUMBER 16584601 11/11/06 SHIP TO: RYAN SCHUERMANN 2003 ARPDAL ST AUSTIN, TX 78704-3901

Table with 3 columns: QTY, DESCRIPTION, AMOUNT. Includes items like DEAN M 2556 ELEC BLUE STEEL CRYOGENIC RW REG KC and ROCKTRON SHORT TIMER RETRO DELAY STOMPBOX KC.



Bathroom sink, shower, and kitchen



Common living space, dining space



Driveway with circular drive spur

CONFIRMS ACCESSORY STRUCTURE OCCUPANCY IN 2002

Since Gilbert sold the house in 2007, Jana lived at 2003 Arpdale from 2002 to 2007.

From: jana moore [mailto:iamjanalynmoore@redacted] Sent: Tuesday, April 18, 2017 2:15 PM To: Jacobs, Scott <Scott.Jacobs@yale.edu> Subject: Re: Looking for info regarding 2003 Arpdale St

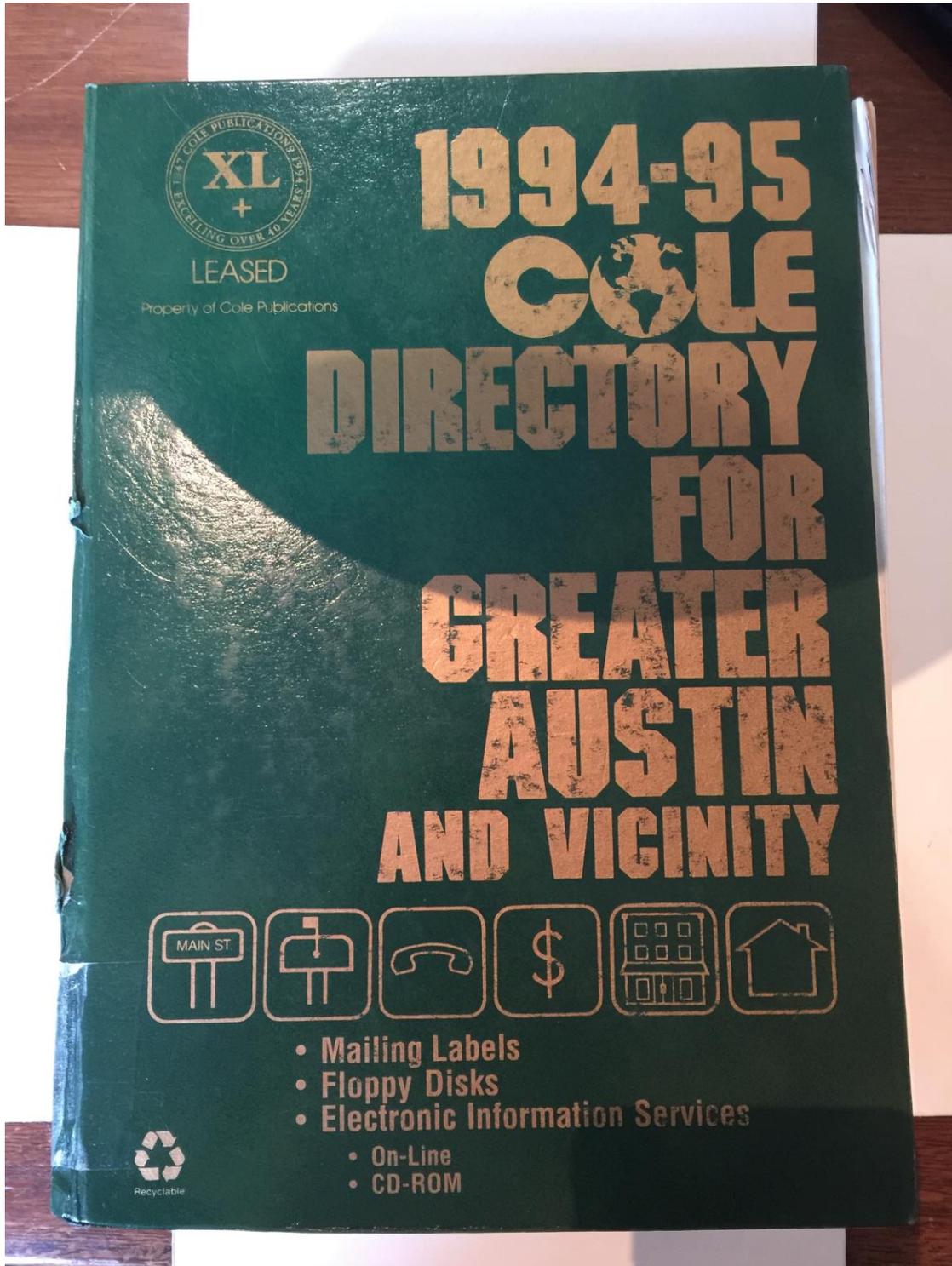
Hi there Scott.

I lived in the front master of 2003 Arpdale. From 2002 until Gilbert put it on the market. Ryan and Becky lived in the back house. We had epic parties in that back yard. Lots of bands played on that stage and on the roof of the main house. Lots of memories of that fun house.

Cheers,

Jana Moore

PHONE RECORDS SUGGEST THAT THE ACCESSORY STRUCTURE WAS CONVERTED PRIOR TO 1994





HISTORY OF DEEDS

RABB INWOOD HILLS DEED FROM 1939 SEEMS TO BE OUTDATED

RABB  
INWOOD HILLS  
ADDITION TO  
AUSTIN, TEX.

DE RANCE C. RABB  
TO  
THE PUBLIC

That I, De Rance C. Rabb do hereby subdivide that certain tract of land in the City of Austin, Texas, known as "Rabb Inwood Hills" and containing approximately forty one acres of land, more or less, situated in the County of Travis, State of Texas, into lots, blocks, streets and alleys, as shown on the plat hereunto attached, and I do hereby dedicate the same to the public use of the City of Austin, Texas, and I do hereby certify that the same have been surveyed and approved by the City of Austin, Texas, and that the same are now being offered for sale to the public.

Witness my hand and seal of office this 27th day of July, A. D. 1939.

De Rance C. Rabb  
Mayor Public, Travis County, Texas.

STATE OF TEXAS }  
COUNTY OF TRAVIS } Before me, the undersigned authority, on this day personally appeared De Rance C. Rabb, 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.

Witness my hand and seal of office this 27th day of July, A. D. 1939.

(Seal) SUBDIVIDED JUNE 1939  
C. S. JORDAN ENGINEER  
140 N. 27th WACO TEXAS

Frances M. Williams  
Notary Public, Travis County, Texas.

Approved for Acceptance  
Date 7-6-39  
City Engineer  
Approved by City Plan Commission  
H. T. Kuehnert 7-6-39  
City Engineer  
B. J. Robert 7-6-39  
City Engineer  
R. B. Harshbarger  
Notary

Originally Surveyed by E. A. Jordan, June, 1939.  
Re-surveyed in June, 1939, by  
D. Conrad,  
Licenses Civil Engineer.

Note: For restrictions Vol. 661 pp. 46-47 of Official Records  
E. Leming Co. 1918  
For additional restrictions see Vol. 649 pp. 15-16 of Official Records  
E. Leming Co. 1918.



Map for Volume July 6, A. D. 1939, at 10:00 P.M.  
Filed in Public Office July 6, 1939.

sell, transfer, assign and convey, unto the said Robert Bauerle that certain mechanic's lien and note executed by J. Thad Lowe and wife, Barbara Ann Lowe, dated the 6th day of June, A.D. 1938, for the sum of Three Thousand Fifty Dollars (\$3,500.00), payable to L. A. Burditt, or order, at Austin, Texas, which Mechanic's lien and note were on said date by him, the said L. A. Burditt, transferred and assigned to the said R. E. Rawls Lumber Co., Inc., who is now the legal owner and holder of the same.

Said mechanic's Lien and note having been given by said J. Thad Lowe and wife, Barbara Ann Lowe, to said L. A. Burditt as payment for the erection of improvements on that certain tract or parcel of land, situated in the County of Travis, State of Texas, fully described in the said Mechanic's lien herein transferred, recorded in Volume 399, at pages 234 to 237 of the Mechanic's Lien Records of Travis County, Texas, which records are hereby referred to and made a part hereof for all pertinent purposes in the premises.

To have and to hold the above mentioned Mechanic's lien and note, together with all and singular the contract lien, rights, equities and interest in said land which said R. E. Rawls Lumber Co., Inc. has by virtue of being the assignee and payee of said Mechanic's Lien and note, unto the said Robert Bauerle, his heirs and assigns, this conveyance is made, however, without recourse on the said R. E. Rawls Lumber Co. Inc., except as follows, to-wit, that said R. E. Rawls Lumber Co., Inc. does hereby warrant and bind itself that said Mechanic's lien and note are and constitute the first lien on the said land and premises above described, and that all payments, offsets and credits have been allowed.

In witness whereof the said R. E. Rawls Lumber Co., Inc. has caused these presents to be executed by its President, R. E. Rawls, therefor first duly empowered and authorized, this, the 15 day of July, A.D. 1939.

R. E. Rawls Lumber Co., Inc.

By R. E. Rawls  
Its President.

THE STATE OF TEXAS #  
COUNTY OF TRAVIS # BEFORE ME, the undersigned authority in and for said County and State, on this day personally appeared R. E. Rawls, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of R. E. Rawls, Lumber Co. Inc., of Austin, Travis County, Texas, and as the president thereof, and for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 15 day of July, A.D. 1939.

G. A. Martins

(Notary Seal) A Notary Public, in and for the  
County of Travis, State of Texas.  
Filed for record 17 July 1939 at 2:20 P.M. Recorded 19 July 1939 at 4:55 P.M.

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STATE OF TEXAS, )  
COUNTY OF TRAVIS.)

TO THE PUBLIC

RESTRICTIVE COVENANTS

which shall apply to all lots sold for residential purposes in Rabb Inwood Hills as per plat of said Subdivision duly recorded in the Plat Records of Travis County, Texas, this 6th day of July, A. D. 1939, Volume 4, Page 73, Deed Records, Travis County, Texas.

It is provided, however, that this conveyance is made subject to the following restrictive covenants and conditions, to-wit:

- 1. No mercantile business of any kind shall be carried on, on the premises hereof, and no commercial signs or bill-boards shall be erected thereon, or being used...

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that all improvements shall be used for residence purposes only; no residence shall be constructed on said premises other than one detached single family dwelling, constructed of frame, brick or rock; the floor space to occupy not less than eight hundred square feet; shall not exceed two stories in height, with one, two or three car garage. Dwellings shall not be constructed less than twenty-five feet from front property line. No residential lot shall be subdivided into building plots having less than 5000 square feet of area or a width of less than 50 feet each, nor shall any building be erected on any plot having an area of less than 5000 square feet or a frontage of less than 50 feet. Note exception: a two family dwelling will be permitted of same construction above mentioned; the floor space to occupy not less than 1400 square feet.

2. No part of the premises hereby conveyed shall ever be owned by, held or rented to any person of African descent; provided, however, that this clause shall not prevent the employment of such persons as domestic servants and providing customary accommodations for them on said premises.

or placed on said premises herein conveyed as a temporary or permanent residence.

The grantee in this conveyance accepts same subject to the foregoing restrictions and conditions, which is agreed shall be deemed to be covenants running with the land, and the grantee for himself, his heirs and assigns covenant to and with grantor his heirs and assigns that he will faithfully observe the foregoing restrictions, whether or not they are repeated in subsequent conveyances of the above described property.

If the grantee or any person claiming under him, shall at any time violate or attempt to violate or shall omit to perform or observe any of the foregoing restrictions, then it shall be lawful for any person owning land in the residential portion of Rabb Inwood Hills Addition to institute and prosecute appropriate proceedings a law or in equity against the grantee, his heirs or assigns to enforce the provisions herein; and a failure to bring such proceedings for a violation of the provisions herein shall not be deemed or taken as a waiver of any subsequent violation.

I, De Rance C. Rabb, owner of Rabb Inwood Hills as per Plat duly recorded and as above set forth, designate that all Residential Lots above mentioned will be sold subject to Restrictive Covenants as set forth.

De Rance C. Rabb.

STATE OF TEXAS, )  
COUNTY OF TRAVIS, ) BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared De Rance C. Rabb, 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 considerations therein expressed.

Given under my hand and seal of office, this 13th day of July, 1939.

Frances McWilliams,  
Notary Public, Travis County, Texas.

(Notary Seal).

Filed for Record July 17, 1939 at 8:00 A. M. Recorded July 20, 1939 at 7:40 A. M.

-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-

THE STATE OF TEXAS, )  
COUNTY OF HARRIS, ) KNOW ALL MEN BY THESE PRESENTS:

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trio

PROOF OF SUBDIVISION OF LOT 16, BLOCK 8 IN 1949

THE STATE OF TEXAS |  
COUNTY OF TRAVIS |

KNOW ALL MEN BY THESE PRESENTS:

That I, Melvin Bryant, of Travis County, in the State aforesaid, for and in consideration of ten dollars (\$10.00) and other valuable considerations to me in hand paid by Howard-Douglas Lumber Co., a corporation, receipt of which is hereby acknowledged, have granted, sold, and conveyed, and by these presents do grant, sell and convey unto the said Howard-Douglas Lumber Co. of the City of Austin, County of Travis, State of Texas, all that certain tract or parcel of land described as:

The west 55 feet off of Lot 16, Block 8, Rabb Inwood Hills Addition to the City of Austin, County of Travis, State of Texas; as said lot is described in a plat of said addition recorded in Vol.4 page 73 Plat Record, Travis County, Tex. to have and to hold the above described tract or parcel of land, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Howard-Douglas Lumber Company, a corporation, or its assigns, forever. And I do hereby bind myself, my heirs, executors, administrators to warrant and forever defend all and singular the said tract or parcel of land unto the said Howard-Douglas Lumber Company, a corporation, or its assigns, against any and every person whomsoever, lawfully claiming or to claim the same or any part thereof.

Witness my hand this 23<sup>rd</sup> day of November, 1949.

*Melvin Bryant*  
Melvin Bryant

(\$1.10 U.S.Int.Rev.Stamps Can.)

THE STATE OF TEXAS |  
COUNTY OF TRAVIS |

BEFORE ME, G. E. Wyse, on this day personally appeared Melvin Bryant, <sup>single man</sup> 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 23<sup>rd</sup> day of November, 1949.



*G. E. Wyse*  
G. E. Wyse, Notary Public in and for County of Travis, State of Texas

Filed for record Dec. 3, 1949, at 10:45 A.M.  
Recorded Dec. 6, 1949, at 1:35 P.M.

## LAND STATUS DETERMINATION – 1987 RULE PLATTING EXCEPTION

City of Austin  
Watershed Protections & Development ReviewLAND STATUS DETERMINATION  
1987 RULE PLATTING EXCEPTION

01/12/2007

File Number: C8I-07-0014

Address: 2003 ARPDAL ST

Tax Parcel ID: 0401090909

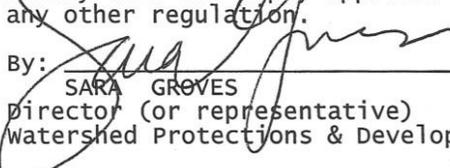
Map Date: 12/10/2003

The Watershed Protections & Development Review has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being the west 55 feet of Lot 16, Block 16, Rabb Inwood Hills Subdivision in the current deed, recorded on 03/15/2004, in Document #2004047737, County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on 05/01/1990, in Volume 11177, Page 201, County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by service on . The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:  
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By:   
SARA GROVES  
Director (or representative)  
Watershed Protections & Development Review

PHOTOS OF ACCESSORY STRUCTURE





PERMIT HISTORY

Permit history suggests that the structure was likely converted over 30 years ago in 1990.

Harrol B. Caffey	2003 Arpdale Street
259 West 55' of 16	8 - -
Inwood Hills	
Frame garage.	
46378 10-5-50	\$350.00
Owner	-



# City of Austin

## MECHANICAL PERMIT

**PERMIT NO:** 1990-002920-MP  
2003 ARPDAL ST

Type: RESIDENTIAL Status: FINAL  
Issue Date: 10/23/1990 **EXPIRY DATE: 11/27/1990**

LEGAL DESCRIPTION W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS		SITE APPROVAL	ZONING
PROPOSED OCCUPANCY   WORK PERMITTED Remodel Rebuild Electric Service & Connect A/C (Res)		ISSUED BY:	
Total SQFT	Valuation Remodel: \$ .00 Total New: \$500.00	Use CAT.	Floors  Units 1

<b>Contact</b> Owner, CARRASCO GILBERT CARNERO & JON MILLER CARRASCO & GILBERT CARRASCO-MILLER	<b>Telephone</b> ( ) -
---	---------------------------

<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Fee Description</th> <th style="text-align: right; border-bottom: 1px solid black;">Fee Amount</th> <th style="text-align: right; border-bottom: 1px solid black;">Paid Date</th> </tr> </thead> <tbody> <tr> <td>Mechanical Permit Fee</td> <td style="text-align: right;">\$26.00</td> <td style="text-align: right;">10/24/1990</td> </tr> <tr> <td style="text-align: right;"><b>Total Fees:</b></td> <td style="text-align: right;"><b>\$26.00</b></td> <td></td> </tr> </tbody> </table>	Fee Description	Fee Amount	Paid Date	Mechanical Permit Fee	\$26.00	10/24/1990	<b>Total Fees:</b>	<b>\$26.00</b>		<p style="text-align: center;"><b>Inspection Requirements</b></p> <p>Mechanical Inspection</p>
Fee Description	Fee Amount	Paid Date								
Mechanical Permit Fee	\$26.00	10/24/1990								
<b>Total Fees:</b>	<b>\$26.00</b>									

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

<p><b>Comments</b></p> <p>Inv Mech And Plbg 10-24-90 Pd Invest Mech Fee 10-24-90 Escrow*** Ok Snl Oh</p>
--



# City of Austin

## MECHANICAL PERMIT

**PERMIT NO:** 1990-002920-MP  
2003 ARPDAL ST

Type: RESIDENTIAL Status: FINAL  
Issue Date: 10/23/1990 **EXPIRY DATE: 11/27/1990**

LEGAL DESCRIPTION W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS		SITE APPROVAL	ZONING	
PROPOSED OCCUPANCY	WORK PERMITTED Remodel		ISSUED BY:	
Rebuild Electric Service & Connect A/C (Res)				
Total SQFT	Valuation Remodel: \$0.00 Total New: \$500.00	Use CAT.	Floors	
			Units 1	
<b><u>Type</u></b>	<b><u>Date</u></b>	<b><u>Status</u></b>	<b><u>Comments</u></b>	<b><u>Inspector</u></b>
405 Final Mechanical	11/27/1990	Pass	MIGRATED FROM PIER.	



# City of Austin

## ELECTRIC PERMIT

**PERMIT NO:** 1990-002920-EP  
2003 ARPDAL ST

Type: RESIDENTIAL Status: Final  
Issue Date: 10/23/1990 **EXPIRY DATE: 10/24/1990**

LEGAL DESCRIPTION W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS		SITE APPROVAL	ZONING
PROPOSED OCCUPANCY	WORK PERMITTED: Remodel	ISSUED BY:	
Rebuild Electric Service & Connect A/C (Res)			
Total SQFT	Valuation Remodel: \$00	Use CAT	Floors Units 1

<b>Contact</b> Owner, CARRASCO GILBERT CARNERO & JON MILLER CARRASCO & GILBERT CARRASCO-MILLER	<b>Telephone</b> ( ) -
---	---------------------------

<u>Fee Description</u>	<u>Fee Amount</u>	<u>Paid Date</u>	<u>Inspection Requirements</u>
Electrical Permit Fee	\$21.00	10/23/1990	Electric Inspection
Mechanical Permit Fee	\$26.00	10/24/1990	
<b>Total Fees:</b>	<b>\$47.00</b>		

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection.  
A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.  
It is a violation and a fineable offense to cut or tamper with the Austin Energy meter seal. Austin Energy shall fine and/or prosecute to the fullest extent any offenses that are discovered and verified.

<b>Comments</b> Inv Mech And Plbg 10-24-90 Pd Invest Mech Fee 10-24-90 Escrow*** Ok Snl Oh
---



# City of Austin

## ELECTRIC PERMIT

**PERMIT NO:** 1990-002920-EP  
2003 ARPDAL ST

Type: RESIDENTIAL Status: Final  
Issue Date: 10/23/1990 **EXPIRY DATE: 10/24/1990**

LEGAL DESCRIPTION W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS		SITE APPROVAL	ZONING
PROPOSED OCCUPANCY Rebuild Electric Service & Connect A/C (Res)	WORK PERMITTED: Remodel	ISSUED BY:	
Total SQFT	Valuation Remodel: \$00	Use CAT	Floors Units 1

<u>Type</u>	<u>Date</u>	<u>Status</u>	<u>Comments</u>	<u>Inspector</u>
305 Final Electric	10/24/1990	Pass	MIGRATED FROM PIER.	



# City of Austin PLUMBING PERMIT

**PERMIT NO:** 1990-002976-PP

Type: RESIDENTIAL Status: Final

2003 ARPDAL ST

Issue Date: 10/24/1990 **EXPIRY DATE: 10/25/1990**

LEGAL DESCRIPTION W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS		SITE APPROVAL	ZONING
PROPOSED OCCUPANCY Gas Test Residence	WORK PERMITTED: Remodel	ISSUED BY:	
Total SQFT	Valuation Remodel: \$ .00	Use CAT. R1-2	Floors Units 1

<b>Contact</b> Owner, CARRASCO GILBERT CARNERO & JON MILLER CARRASCO & GILBERT CARRASCO-MILLER	<b>Telephone</b> ( ) -
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<u>Fee Description</u>	<u>Fee Amount</u>	<u>Paid Date</u>	<u>Inspection Requirements</u>
Plumbing Permit Fee	\$21.00	10/24/1990	Plumbing Inspection
<b>Total Fees:</b>	<b>\$21.00</b>		

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.



# City of Austin PLUMBING PERMIT

**PERMIT NO:** 1990-002976-PP

Type: RESIDENTIAL Status: Final

2003 ARPDAL ST

Issue Date: 10/24/1990 **EXPIRY DATE: 10/25/1990**

LEGAL DESCRIPTION W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS		SITE APPROVAL	ZONING
PROPOSED OCCUPANCY Gas Test Residence	WORK PERMITTED: Remodel	ISSUED BY:	
Total SQFT	Valuation Remodel: \$00	Use CAT. R1-2	Floors Units 1

Type	Date	Status	Comments	Inspector
521 Final Plumbing	10/25/1990	Pass	MIGRATED FROM PIER.	



# City of Austin PLUMBING PERMIT

**PERMIT NO:** 1990-005074-PP

Type: RESIDENTIAL Status: Final

2003 ARPDAL ST

Issue Date: 10/25/1990 **EXPIRY DATE: 10/26/1990**

LEGAL DESCRIPTION W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS		SITE APPROVAL	ZONING
PROPOSED OCCUPANCY	WORK PERMITTED: Remodel	ISSUED BY:	
Install Water Heater In Existing Residence			
Total SQFT	Valuation Remodel: \$0.00	Use CAT. R1-2	Floors Units 1

<b>Contact</b> Owner, CARRASCO GILBERT CARNERO & JON MILLER CARRASCO & GILBERT CARRASCO-MILLER	<b>Telephone</b> ()-
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<table> <tr> <td><b>Fee Description</b></td> <td><b>Fee Amount</b></td> <td><b>Paid Date</b></td> </tr> <tr> <td>Plumbing Permit Fee</td> <td>\$21.00</td> <td>10/25/1990</td> </tr> <tr> <td><b>Total Fees:</b></td> <td><b>\$21.00</b></td> <td></td> </tr> </table>	<b>Fee Description</b>	<b>Fee Amount</b>	<b>Paid Date</b>	Plumbing Permit Fee	\$21.00	10/25/1990	<b>Total Fees:</b>	<b>\$21.00</b>		<b>Inspection Requirements</b> Plumbing Inspection
<b>Fee Description</b>	<b>Fee Amount</b>	<b>Paid Date</b>								
Plumbing Permit Fee	\$21.00	10/25/1990								
<b>Total Fees:</b>	<b>\$21.00</b>									

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.



# City of Austin PLUMBING PERMIT

**PERMIT NO:** 1990-005074-PP

Type: RESIDENTIAL Status: Final

2003 ARPDAL ST

Issue Date: 10/25/1990 **EXPIRY DATE: 10/26/1990**

LEGAL DESCRIPTION W 55FT OF LOT 16 BLK 8 RABB INWOOD HILLS		SITE APPROVAL	ZONING
PROPOSED OCCUPANCY Install Water Heater In Existing Residence	WORK PERMITTED: Remodel	ISSUED BY:	
Total SQFT	Valuation Remodel: \$00	Use CAT. R1-2	Floors Units 1

Type	Date	Status	Comments	Inspector
500 Plumbing Rough	10/26/1990	Pass	MIGRATED FROM PIER.	
501 Plumbing Copper	10/26/1990	Pass	MIGRATED FROM PIER.	
502 Plumbing Top Out	10/26/1990	Pass	MIGRATED FROM PIER.	
505 Sewer Yard Line	10/26/1990	Pass	MIGRATED FROM PIER.	
521 Final Plumbing	10/26/1990	Pass	MIGRATED FROM PIER.	

**Ramirez, Elaine**

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**From:** Scott Jacobs [REDACTED]  
**Sent:** Tuesday, July 06, 2021 12:56 PM  
**To:** Ramirez, Elaine  
**Cc:** Lorraine Atherton  
**Subject:** Re: BOA Application

Ok, given that, will you please postpone my hearing until next month? I will need to submit a different advanced packet.

On Tue, Jul 6, 2021 at 10:50 AM Ramirez, Elaine <[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)> wrote:

Unfortunately Scott we cannot rescind your Advanced Packet, it has already been uploaded to the BCIC. The only other option you have is to request a Postponement to the Aug. 9, 2021 BOA mtg. that will give you time to submit an updated Advanced Packet with only information that you would like the Board to view.

**Respectfully,**

**Elaine Ramirez**

*Planner Senior / Board of Adjustment Liaison*

City of Austin Development Services Department

6310 Wilhelmina Delco Dr, Austin, Texas 78752

**Office:** 512-974-2202



**PER CITY ORDINANCE:** All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).

*Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)*

-----Original Message-----

From: Scott Jacobs [mailto:sj [REDACTED]]  
Sent: Monday, July 05, 2021 3:24 PM  
To: Ramirez, Elaine <[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)>  
Cc: Lorraine Atherton [REDACTED]  
Subject: BOA Application

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

Hi Elaine,

Am I allowed to rescind my advanced packet? I accidentally submitted information that isn't relevant to my application.

Thank you,

Scott

Scott Jacobs

214-908-0770

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).

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Scott Jacobs  
(214) 908 0770

## LORRAINE L. ATHERTON

2009 Arpdale ♦ Austin, TX 78704

July 7, 2021

Board of Adjustment  
City of Austin  
Re: Variance request C15-2021-0067, 2003 Arpdale

Dear Chair and Board Members,

As a nearby homeowner and resident on Arpdale since 1983, I am an interested party in the case at 2003 Arpdale, D-5 on your July 12 agenda.

This property has a long history of work without permits, beginning with remodeling of the house and expansion of the detached garage in the mid-1980s, and of code complaints. Because the work took place after the current code took effect, it does not qualify for administrative variances. The situation has been complicated by a lack of reliable surveys and confusion over the actual dimensions of the lot, and by the tendency of owners to resolve their code violations by applying for permits that are then allowed to expire without inspections.

It came to a head several years ago when the current owner began advertising online and tried to rent out the property as three separate units, including short-term rentals. When the plumbing failed, requiring replacement of the sewer line, City inspectors stepped in. I was aware of an administrative hearing on some of the code violations (case number CL-2020-024957, scheduled for March 18, 2020) but have been unable to find the result of the hearing.

The zoning committee of the Zilker Neighborhood Association does not support the use of Board of Adjustment variances to resolve code and work-without-permit issues like this, especially if it results in additional entitlements on the property. It is, however, in the best interests of the neighborhood to maintain the single-family residence and to have the property brought up to code for the health and safety of future residents. To that end, I worked with Susan Barr of Residential Plan Review to find the resolution described in the following email from May 2019:

**From:** latherton  
**Sent:** Thursday, May 16, 2019 2:05 PM  
**To:** 'Barr, Susan'  
**Subject:** RE: 2003 Arpdale Appeal of BP #17-074166

Hello, Ms. Barr.

In response to your assessment that “the property owner needs to go to the BOA for a variance to the following:

1. minimum lot size since the property does not meet the requirements of LDC section 25-2-943.
2. Building coverage and impervious cover if he is unwilling to reduce the square footages in order to come into compliance,”

I and the Zoning Committee of the Zilker Neighborhood Association have agreed that we would not oppose a variance to decrease the minimum lot size at 2003 Arpdale, for the purpose of maintaining the existing house and accessory structure, if the owner meets the attached conditions (which include complying with the building and impervious cover limits). You have our permission to communicate this decision to the owner. I have copied ZNA President David Piper

on this message. Thank you, again, for your patience and for helping us work through the various elements of this case.

L. Atherton

The conditions forwarded to Mr. Jacobs in 2019, 2020, and 2021 are:

The ZNA zoning committee will not oppose a variance at 2003 Arpdale to decrease the minimum lot size to 5,514 sf if the following conditions are met:

The owner (Scott Jacobs) must incorporate the corrected dimensions listed below into the variance application or submit a new sealed survey, include a diagram showing where decking and impervious cover will be removed to comply with current building and impervious cover limits, and resolve the specific discrepancies listed below.

#### Dimensions of 2003 Arpdale

1. The area of the property is currently 5,514.14 square feet, which does not meet the minimum lot size of 5,750 square feet required in LDC Article 7, 25-2-943 (2), for lots recorded after March 14, 1946.
  - (a) Maximum building coverage allowed is 2,205.7 sf (40% of total area).
  - (b) Maximum impervious cover allowed is 2,481.4 sf (45% of total area).
2. On March 1, 1984, the accessory structure was a garage with an area of 180 sf and the area of the primary structure was 1,049 sf. Today, the area of the accessory structure, including the covered decks, is at least 648 sf and the area of the primary structure, excluding porches, is 1,420 sf. Building permits were not issued for the additional 839 sf constructed on this property after 1984, and the additions did not comply with applicable regulations at the time of construction.
3. The property does not comply with current building and impervious cover limits.
  - (a) Existing building coverage is 2,307 sf, which exceeds the maximum allowed by 101.3 sf.
  - (b) Existing impervious cover is 3,357 sf, which exceeds the maximum allowed by 875.6 sf.

#### Discrepancies to be resolved and conditions to be included in variance application

- **Reduce the size of the covered deck.** The structure should be limited to the dimensions seen in the 2006 photos provided by Mr. Jacobs. The photos confirm that the covered deck was smaller in 2006 than the current deck. As a condition of the variance, the deck should be reduced at least to the width in the 2006 photo, and the deck should not be allowed to encroach on the rear setback or in the 10-foot space required between the two structures.
- **Specify impervious cover to be removed.** Much of the impervious cover was not shown on the previous surveys (the concrete skirt, the AC pad, the back porch, the trash bin pad between the house and the driveway, the walkways behind the house, the side stoop, the steps to the back deck, the 24sf extension on the deck). All impervious cover must be accounted for and reduced to 2,481 sf or less. The circular driveway must be replaced with pervious landscaping (not gravel) and the curb cut closed. The portable shed hidden behind the accessory structure must be removed.
- **Provide two off street parking spaces.**
- **Specify use conditions.** The variance should include conditions that will prevent two-family uses, such as: the second mailbox must be removed, and the property may be occupied or leased only as a single dwelling (not with A and B units).

My understanding of that agreement is that Residential Plan Review will require a new site plan and survey to verify that the building cover does not exceed 40% and impervious cover does not exceed 45%, rather than relying on measurements supplied by the property owner. Indeed, the diagram that Mr. Jacobs has submitted in his advance packet appears to contain some discrepancies. For example, the impervious cover adds up to more than 2,500 sf, but it should be limited to 2,475 sf on a 5,500 sf lot. Because of that, I ask that you include conditions in your decision specifically limiting the building cover to 40% and the impervious cover to 45%, without referencing the diagram or otherwise appearing to approve individual deviations from code requirements.

It should also be noted that Residential Plan Review has decided that the encroachments of the accessory structure into the west and south setbacks date to the original construction of the garage and so do not require variances. To preserve the rights of the adjacent property owners, I request that the variance conditions include a statement that the encroachments will not be extended beyond the original garage footprint or height.

Thank you for your service to the community.

Sincerely yours,  
Lorraine Atherton  
2009 Arpdale  
Austin, TX 78704

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 added to the Late Back-up and 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: C15-2021-0067

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

Public Hearing: Board of Adjustment; July 12<sup>th</sup>, 2021

Jan Kurzawa Cravey

Your Name (please print)

2103 LaCasa Dr 78704

Your address(es) affected by this application

*[Handwritten Signature]*

Signature

<input checked="" type="checkbox"/>	I am in favor
<input type="checkbox"/>	I object

7/3/21

Date

Daytime Telephone: 512-350-0017

Comments:

WHOLE HEARTEDLY APPROVE!

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 COVID-19 and social distancing) to:

Elaine Ramirez

Scan & Email to: [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)