### CITY OF AUSTIN Board of Adjustment Decision Sheet

**E-2** 

CASE NUMBER: C15-2021-0055

#### DATE: Monday August 9 2021

| Thomas Ates                   |
|-------------------------------|
| Brooke Bailey                 |
| Jessica Cohen                 |
| Melissa Hawthorne             |
| Barbara Mcarthur              |
| Rahm McDaniel (out – no show) |
| Darryl Pruett                 |
| Agustina Rodriguez            |
| Richard Smith                 |
| Michael Von Ohlen (out)       |
| Nicholl Wade                  |
| Kelly Blume (Alternate)       |
| Carrie Waller (Alternate)     |
| Vacant (Alternate)            |

\_\_\_\_\_Vacant (Alternate)

**OWNER/APPLICANT:** Ruben Valdez

ADDRESS: 1206 W OLTORF ST

**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from the Land Development Code Section 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum Front Yard Setback from 25 feet (required) to 0 feet (requested) in order to maintain a Carport and Covered Entry in a "SF-6-NP", Single-Family-Neighborhood Plan zoning district (Bouldin Creek Neighborhood Plan).

**BOARD'S DECISION:** June 14, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to August 9, 2021; Board Member Brooke Bailey seconds on a 10-0 vote; POSTPONED TO AUGUST 9, 2021. Aug 9, 2021 POSTPONED TO September 13, 2021 BY APPLICANT

#### 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:

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Executive Liaison

Diana A. Raminez for Jessica Cohen

Chairman

 From:
 RUBEN VALDES

 To:
 Ramirez, Elaine

 Subject:
 C# 2021-015186- 1206 W Oltorf Street

 Date:
 Thursday, August 26, 2021 12:37:09 PM

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

Hi Elaine,

Please withdraw my application for this variance.

C# 2021-015186- 1206 W Oltorf Street

Thank you

#### Ruben D. Valdes, EA, USTCP

Enrolled Agent Admitted to represent Taxpayers before the IRS United States Tax Court Practitioner Member of the Bar, United States Tax Court

| ? |   | - |
|---|---|---|
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Tax Professionals of Austin LLC 212 W Stassney Lane

Austin, TX 78745 t: 512-676-0736



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### CITY OF AUSTIN Board of Adjustment Decision Sheet

**F-2** 

#### DATE: Monday June 14, 2021

CASE NUMBER: C15-2021-0055

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

**OWNER/APPLICANT:** Ruben Valdez

ADDRESS: 1206 W OLTORF ST

**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from the Land Development Code Section 25-2-492 *(Site Development Regulations)* from setback requirements to decrease the minimum Front Yard Setback from 25 feet (required) to 0 feet (requested) in order to maintain a Carport and Covered Entry in a "SF-6-NP", Single-Family-Neighborhood Plan zoning district (Bouldin Creek Neighborhood Plan).

#### **BOARD'S DECISION:** June 14, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to August 9, 2021; Board Member Brooke Bailey seconds on a 10-0 vote; 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:

he Ramirez **Executive** Liaison

Diana Ramirez for Jessica Cohen

Chairman

| From:        | RUBEN VALDES  |
|--------------|---|
| To:          | Ramirez, Elaine   |
| Cc:          | Ramirez, Diana  |
| Subject:     | Re: REMINDER: Mon. Aug. 9th, 2021 BOA Presentation deadline |
| Date:        | Friday, July 30, 2021 3:01:54 PM                            |
| Attachments: | image003.png<br>image004.png                                |

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

Hello Elaine,

I wanted to request if I can postpone my hearing to the following month. I have been struggling with Covid and still not doing to well.

Thank you

#### Ruben D. Valdes, EA, USTCP

Enrolled Agent Admitted to represent Taxpayers before the IRS United States Tax Court Practitioner Member of the Bar, United States Tax Court

| ? |  |
|---|--|
|   |  |

**Tax Professionals of Austin LLC** 212 W Stassney Lane Austin, TX 78745 t: 512-676-0736 e:



From: Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>
Sent: Friday, July 30, 2021 6:54 AM
Cc: Ramirez, Diana <Diana.Ramirez@austintexas.gov>
Subject: REMINDER: Mon. Aug. 9th, 2021 BOA Presentation deadline

Good morning Applicants on the Mon. August 9th, 2021 BOA mtg. Agenda,

If you are receiving this message it is because I have not received your Presentation for the August 9, 2021 BOA mtg. The deadline is Mon. 8/2 before 3p.m.

Regardless if you went before the Board last month or previous months, I will still need to receive a Presentation for your case, if you will be presenting one to the Board each month.

#### Please read this entire e-mail

# $\star$



The deadline to submit the Presentation (must be submitted in PDF format or PowerPoint) is Monday, August 2<sup>nd</sup>, before 3p.m.

**Presentation:** <u>If</u> you would like the Board to follow along with you as you are giving your presentation (slides of what you want the Board to follow along with as you are giving your 5 minute speech on the case), you will need to have your Presentation completed and sent to me in PDF format or PowerPoint to give to our City Technician as well as our BOA Board will have access to view this the week prior to the meeting . The Deadline for this is **Monday, August 2<sup>nd</sup>**, <u>before 3p.m. No late Presentations or updated Presentations will be accepted</u> after 3p.m. on Mon. August 2<sup>nd</sup>. The Presentation will need to be labeled with the following information: case #, address of

project and name of Applicant speaking at the meeting.

#### August 9<sup>th</sup> BOA Deadlines

Please make sure that when submitting the Advanced Packet and the Presentation that each is labeled as such

The deadline to submit information for the Advanced Packet (must be submitted in PDF format) is Friday, July 23<sup>rd</sup>, before 3p.m.

The deadline to submit the Presentation (must be submitted in PDF format or PowerPoint) is Monday, August 2<sup>nd</sup>, before 3p.m.

The deadline to submit Speaker Information (who will speak at the meeting and/or available for questions) is Tuesday, August 3<sup>rd</sup>, before 3p.m.

The deadline for Opposition and Support letters is Mon. August 9<sup>th</sup>, before 9:00a.m.

**Applicant Speaker Registration:** <u>If</u> you will be speaking/giving presentation or be on the list for the Board to possibly call on you for questions I will need the following information:

No late Speakers will be accepted after 3p.m. on Tues. August 3<sup>rd</sup>.

- 1. Name of speaker (Primary) to give presentation on BOA Case, are you the applicant, Homeowner, Land Surveyor, Architect, etc. I will need the primary speaker listed as Primary.
  - 2. Addtl. possible Speakers name(s) and who they are
  - 3. Address of BOA Case



- 4. Case #
- 5. A good phone number, if you have a landline this will be the best phone number to provide? It has to be the phone number that the Speaker will be calling from on Monday August 9<sup>th</sup>, 2021 to speak at the meeting (it cannot be a different number, your call will not be accepted). Once you send me the number it cannot be changed, it is sent to City Clerk's office to accept the calls
- 6. E-mail Address, it will need to be an e-mail address that the Speaker will be able to easily access his/her e-mails?

**Please note:** Any late support that will be accepted after this deadline date of July 23<sup>rd</sup>, 2021 will <u>only</u> be for Opposition and Support letters for this case. Support and Opposition Letters can be received up to Monday, August 9<sup>th</sup>, **before 9a.m.** in order for the Board to have access to them during the meeting. Anything after the deadline will not be viewed by the Board but will be added to the BCIC website.

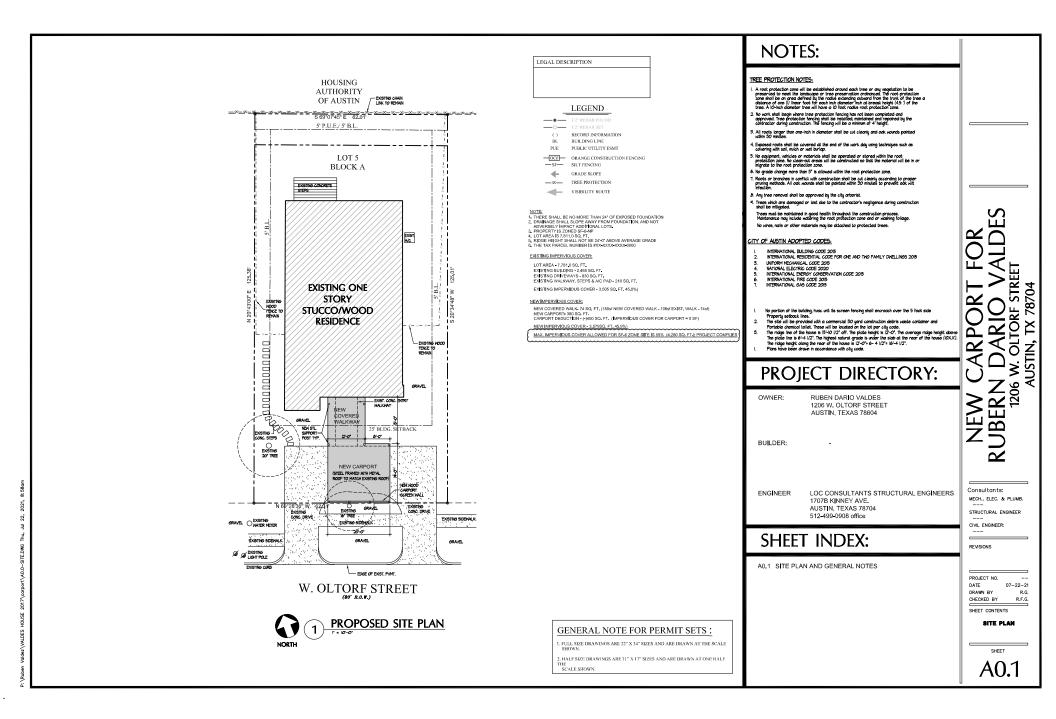
Respectfully, Elaine Ramirez Planner Senior / Board of Adjustment Liaison City of Austin Development Services Department 6310 Wilhelmina Delco Dr, Austin, Texas 78752 Office: 512-974-2202



Building a Better and Safer Austin Together

**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: <u>DSD Visitor Log</u>. *Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: <u>City of Austin Ordinance 2016-0922-005</u> | <u>City Clerk's website</u> | <u>City Clerk's FAQ's</u>* 

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### E-2/11 BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0055

BOA DATE: June 14th, 2021

ADDRESS: 1206 W Oltorf St OWNER: Ruben Valdez COUNCIL DISTRICT: 9 AGENT: N/A

**ZONING:** SF-6-NP (Bouldin Creek)

#### LEGAL DESCRIPTION: LOT 5 BLK A SOUTHWOOD SEC 1

#### **VARIANCE REQUEST:** decrease minimum front yard setback from 25 ft. to 0 ft.

**<u>SUMMARY</u>**: maintain a carport and covered entry

**ISSUES:** heritage tree, crime on the rise in the area

|       | ZONING  | LAND USES     |
|-------|---------|---------------|
| Site  | SF-6-NP | Single-Family |
| North | MF-3-NP | Multi-Family  |
| South | SF-3    | Single-Family |
| East  | SF-6-NP | Single-Family |
| West  | SF-6-NP | Single-Family |

#### **NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District Austin Lost and Found Pets Austin Neighborhoods Council Bouldin Creek Neighborhood Association Friends of Austin Neighborhoods Homeless Neighborhood Association Neighborhood Empowerment Foundation Perry Grid 614 Preservation Austin SELTexas Sierra Club, Austin Regional Group South Central Coalition



June 3, 2021

RUBEN VALDES 1206 W Oltorf St Austin TX, 78704

Property Description: LOT 5 BLK A SOUTHWOOD SEC 1

#### Re: C15-2021-0055

Dear Ruben,

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

Section 25-2-492 *(Site Development Regulations)* from setback requirements to decrease the minimum Front Yard Setback from 25 feet (required) to 0 feet (requested) in order to maintain a Carport and Covered Entry in a "SF-6-NP", Single-Family-Neighborhood Plan zoning district (Bouldin Creek Neighborhood Plan).

Austin Energy **does not oppose** the requested front yard setback variance, provided any proposed and existing improvements follow Austin Energy's clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners /applicants' expense.

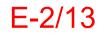
Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action: <u>https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES</u>

If you require further information or have any questions regarding the above comments, please contact our office.

Thank you for contacting Austin Energy.

#### Eben Kellogg, Property Agent

Austin Energy Public Involvement | Real Estate Services 2500 Montopolis Drive Austin, TX 78741 (512) 322-6050





### Board of Adjustment General/Parking Variance Application

Building a Better and Safer Austin Together

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

#### 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, <u>click here to Save</u> 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: Appl             | icant Statement        |   |
| Street Address: <u>1206</u> | WEST OLTORF STR        | EET   |
| Subdivision Legal Des       | cription:              |   |
| SOUTHWOOD SE                | ECTION 1               |   |
| Lot(s): 5                   |                        | Block(s): A   |
| Outlot:                     |                        |   |
| Zoning District: SF6NI      | 0                      |   |
| I/We RUBEN VALDES           | 5                      | on behalf of myself/ourselves as                    |
| authorized agent fo         | r MYSELF               | affirm that on                                      |
| Month May                   | , Day 6                | , Year 2021 , hereby apply for a hearing before the |
| Board of Adjustmer          | t for consideration to | (select appropriate option below):                  |
| ⊖ Erect ⊖ Attac             | h O Complete           | ○ Remodel   |
| Type of Structure:          | CARPORT AND COV        | /ERED ENTRY   |

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

25-2-492 - FRONT SETBACK- A building must have a front building line setback of at least 25 feet from a right-of-way if the tract on which the building is constructed. THE REQUESTED FRONT SETBACK IS 0'0"

#### 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:

THERE IS NOT A COVERED PARKING AREA

#### Hardship

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

MOST HOMES HAVE COVERED PARKING. THERE IS NO OTHER PLACE IN THE PROPERTY WHERE A CARTPORT COULD BE POSITION WITHOUT INVADING A SETBACK/EASEMENT OR BE TOO CLOSE TO HERITAGE TREE POSITIONED ON THE SOUTHWEST OF PROPERTY. THE ONLY OPTION TO PROVIDE A COVERED PARKING IS VIA THIS CARTPORT AND THE CURRENT POSITION.

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

HOMES IN THE AREA PROVIDE COVERED PARKING. HAVING COVERED PARKING CAN PREVENT SERIOUS BODILY INJURY WHEN SEVERE WEATHER OCCURS. (ADDITIONAL INFO #6)

City of Austin | Board of Adjustment General/Parking Variance Application

F-2/14

#### 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 CARPORT IS OPEN ON THREE SIDES AND THE LENGTH OF THE COVERED WALK WAY IN THE SET BACK IS 15 FEET ALSO, THE CARPORT IS CUSTOM BUILT TO MATCH THE DESIGN OF THE HOME. FURTHERMORE, THE PLACEMENT OF THE CARPORT IS MOSTLY OVER EXISTING IMPERVIOUS COVER. FURTHERMORE, THE DISTANCE FROM THE STREET TO THE CARPORT IS 20 FEET, THUS GIVING AN APPERANCE THAT THE CARPORT IS NOT IN THE SETBACK.

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:

- 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:
- 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 app<br>my knowledge and belief. |                       |         |                |
|---|-----------------------|---------|----------------|
| Applicant Signature: 140M   |                       | Date:   | 51617021       |
| Applicant Name (typed or printed): RUBEN VALDEZ                                       |                       |         |                |
| Applicant Mailing Address: <u>1206 WEST OLTORF STREE</u>                              | Т                     |         |                |
| City: AUSTIN  | State: TEXAS          |         | Zip: 78704     |
| Phone (will be public information):   |                       |         |                |
| Email (optional – will be public information):  |                       |         |                |
| Section 4: Owner Certificate  |                       |         |                |
| I affirm that my statements contained in the complete app<br>my knowledge and belief. | lication are true and | correct | to the best of |
| Owner Signature:  |                       | Date:   | 51612021       |
| Owner Name (typed or printed): RUBEN VALDEZ   |                       |         |                |
| Owner Mailing Address: <u>1206 WEST OLTORF STREET</u>                                 |                       |         |                |
| City: AUSTIN  | State: TEXAS          |         | Zip: 78704     |
| 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)

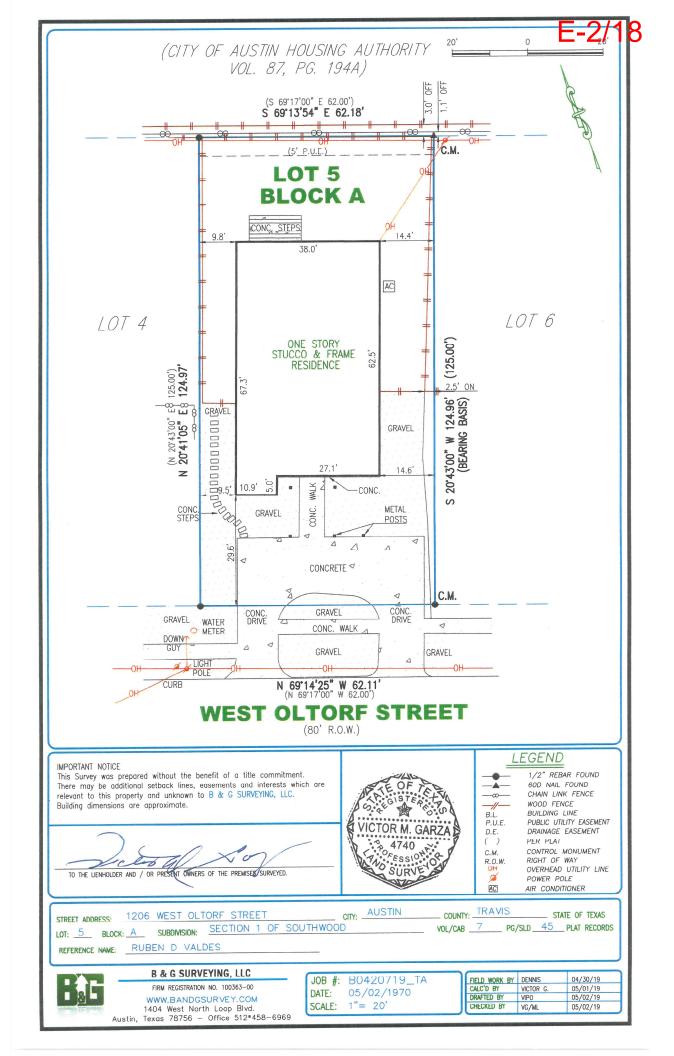
Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

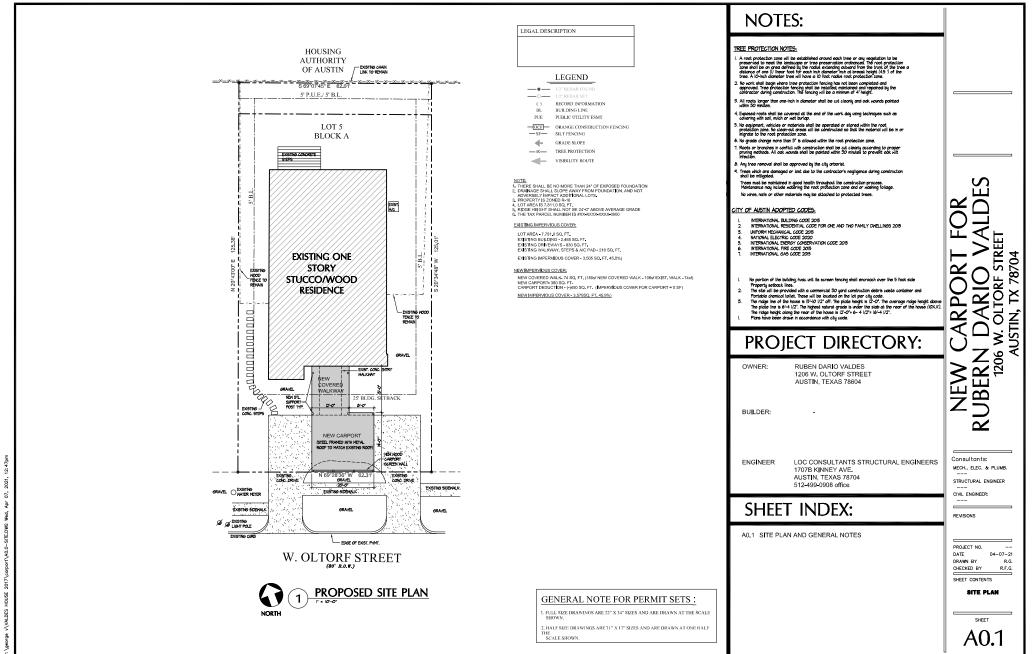
CONTINUED- HARSHIP (B)- THE DESIGN OF THIS CARPORT NOT ONLY PREVENTS POTENTIAL BODILY INJURY, AND/OR PROPERTY DAMAGE. IT ALSO PROVIDES PRIVACY. IN THE LAST TWO YEARS WE HAVE BEEN VICTIMS OF A SHOOTING TO OUR WINDOWS AND A FAMILY MEMBER NEARLY BEING ATTACK BY A PEDESTRIAN. ALTHOUGH THIS

#### Additional Space (continued)

MAY NOT BE SPECIFIC TO THIS PROPERTY, IT IS VERY SPECIFIC TO THIS AREA WHERE CRIME IS ON THE RISE. PRIVACY IS REQUIRED FOR THE CITIZENS OF THIS COMMUNITY TO FEEL SAFE. IN ADDITION, COVERED PARKING PROTECTS VEHICLES FROM PERMANENT DAMAGE FROM THE WEATHER (ex HAIL), AND IT PROVIDES PROTECTION FROM TREE SAP, WHICH IS KNOWN TO CAUSE PERMANENT DAMAGE TO VEHICLE FINISHES. WHICH IS A BENEFIT THAT OTHER SURROUNDING PROPERTIES HAVE.

E-2/17





From:



Sent: Thursday, June 10, 2021 12:47 PM To: Ramirez, Elaine Subject: Case15-2021-0055

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

My name is Annabelle Valle. I am Power of Attorney for Joe Bobby Eurebia who lives at 1211 Southwood Rd. Mr Eurebia is a disabled individual with a mental disability.

As his representative, I feel that he would not object to the proposed variance. Any improvement to a home in his neighborhood should also benefit him. So I do not want to voice any opposition to this request.

If you have any questions, please feel free to call me at (512) 587-4860.

Thank you.

Annabelle Valle POA for Joe Bobby Eurebia

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