

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2022-0044

**BOA DATE:** June 13<sup>th</sup>, 2022

**ADDRESS:** 1907 E 9<sup>th</sup> St

**COUNCIL DISTRICT:** 1

**OWNER:** Lucas I Schlager

**AGENT:** Jason Fryer

**ZONING:** SF-3-NP (Central East Austin)

**LEGAL DESCRIPTION:** LOT 4 BLK 20 GRANDVIEW PLACE

**VARIANCE REQUEST:** a Two-Family Residential use location at least 10 feet to the rear or side of the principal structure (required) to a Two-Family use location at to the front of the principal structure (requested)

**SUMMARY:** construct a Primary Structure to the rear

**ISSUES:** this property has one of the few original 1941 bungalows

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

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Blackshear-Prospect Hill  
 Central Austin Concerned Architects  
 Del Valle Community Coalition  
 East Austin Conservancy  
 El Concilio Mexican-American Neighborhoods  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Neighbors United for Progress  
 Organization of Central East Austin Neighborhoods  
 Preservation Austin  
 SELTexas  
 Sierra Club, Austin Regional Group



May 25, 2022

Jason Fryer  
1907 E 9th St  
Austin TX, 78702

Property Description: LOT 4 BLK 20 GRANDVIEW PLACE

**Re: C15-2022-0044**

Dear Jason,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from LDC 25-2-774(c)(2)(a) at 1907 E 9<sup>th</sup> St.

Austin Energy does not oppose the request, provided that any proposed or existing improvements follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's expense.

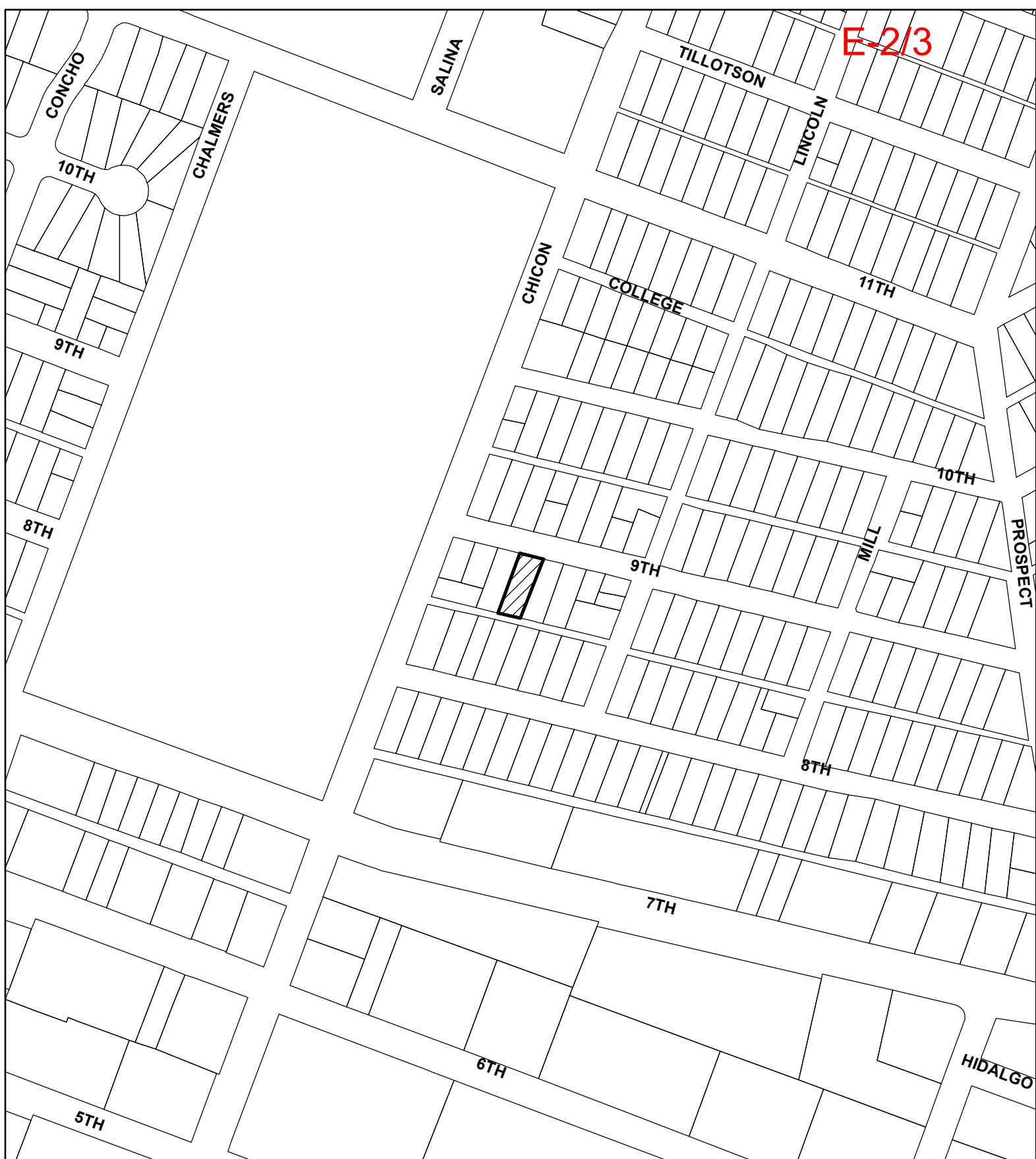
Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

[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.

**Cody Shook, Planner II**

Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6881  
[Cody.Shook@austinenergy.com](mailto:Cody.Shook@austinenergy.com)



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## NOTIFICATIONS

CASE#: C15-2022-0044

LOCATION: 1907 E 9TH STREET



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

1" = 250'



# 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 # C15-2022-0044 ROW # 12912931 Tax # 0205081405

## Section 1: Applicant Statement

Street Address: 1907 East 9th Street

Subdivision Legal Description:

LOT 4 BLK 20 GRANDVIEW PLACE

Lot(s): 4 Block(s): 20

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

Zoning District: SF-3-NP (Central East Austin)

Council District: 1

I/We Jason Fryer on behalf of myself/ourselves as

authorized agent for Lucas Schlager affirm that on

Month Select, Day Select, Year Select, 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: Primary Structure on an SF-s lot that has a current ADU

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

-LDC Section 25-2-774.c.2.a Two-Family Residential Use for the requirement that a secondary dwelling unit must be located 10' to the side or rear of the principal structure. We are proposing to maintain the existing structure on the property as the ADU and to build a new principal structure, minimum of 10 feet to the rear.

## 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:

LDC 25-2-774.c.2.a - would require significant modification/demolition of the existing structure in order to add an ADU to the rear of the structure and increase the size of the primary structure. Building a new primary structure in the front and a new ADU to the rear would eliminate an excellent example of 1940s architecture. Furthermore, eliminating this structure would conflict with the Central East Austin Neighborhood Strategies, specifically Neighborhood Conservation Strategies which emphasize existing housing maintenance as well as increases in existing housing stock through infill construction (see attached excerpt from Neighborhood Plan).

### Hardship

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

The property has one of the few original 1941 bungalows still in good repair in the neighborhood. Maintaining this structure limits the owner's ability to expand the dwelling size on the property and the ADU placement regulations would require the the owner to remove and/or heavy modify the existng structure to add additional liveable square footage.

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

Most of the lots in this area have already demolished the original buildings from the 1940s and are thus not restricted from building larger structures and/or additional units on the property.

**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:

This variance is requesting that the ADU and Principal structure be swapped with relation to the front lot line. This will help to maintain the neighborhood character as we are proposing that the existing 1941 bungalow be retained. The structure is a single story, 864sf bungalow which meets the ADU requirements (15% of lot size and a second story less than 550sf)

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**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:  Date: 04 April 2022

Applicant Name (typed or printed): Lucas I Schlager

Applicant Mailing Address: 1907 E 9th St

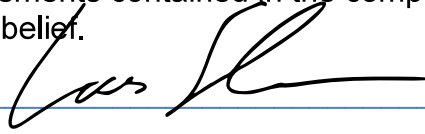
City: Austin State: TX Zip: 78702

Phone (will be public information): 631 488 0586

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: 04 April 2022

Owner Name (typed or printed): Lucas I Schlager

Owner Mailing Address: 1907 E 9th St

City: Austin State: TX Zip: 78702

Phone (will be public information): 631 488 0586

Email (optional – will be public information):

### Section 5: Agent Information

Agent Name: Jason Fryer

Agent Mailing Address: 909 e 56th st

City: Austin State: TX Zip: 78751

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).

Neighborhood is in support of maintaining the existing bungalow and allowing a new principal structure to be constructed at the rear of the property. See attached signatures.



Neighborhood Conservation Strategies. This conceptual category includes actions that emphasize existing housing maintenance and preservation, rehabilitation of substandard units, demolition of any hazardous structures, and modest increases of the existing housing stock and resident population through infill construction on scattered sites. Small-scale street and open space improvements and other environmental enhancements will be important, as well as code enforcement and remediation of poorly maintained/tax delinquent properties in absentee ownerships. Rehabilitated and new housing construction must be accompanied by creative public/private financing mechanisms, such as deferred payment loans, to assure affordability of improvements for existing elderly homeowners and other low and moderate-income residents, many of them in poorly maintained rental units. Financing should serve to stabilize/increase ownership ratios in each neighborhood, as well as supporting rental and rent-to-own products under good local management.

Scattered-Site Land Use Modernization Strategies. There is a significant need for scattered site land use adjustments and mitigation of traffic, parking, and environmental impacts on existing neighborhoods. Important locations for revitalization of obsolescent general business and light industrial sites and buildings are found along such major traffic streets as East 7<sup>th</sup> Street, East 15<sup>th</sup> Street (M. L. King, Jr. Blvd.), Chicon Street, and Rosewood Avenue. Opportunities for renovation and adaptive re-use of existing buildings and small-scale infill development within re-classified commercial or mixed-use designations have been identified in these strip developments. In many cases, revitalization of strip developments will require improved off-street access, loading, and parking, as well as landscape buffering for adjacent residential uses and improved landscaping on the major street. The need for these improvements may warrant small-scale capital budget commitments to support parking, drainage, and pedestrian amenities as well as non-residential rehab mortgage and small business development financing from leveraged public-private sources. Community-Based Development Organizations (CBDO's) should assume proactive responsibilities for assisting owners to obtain relevant types of public and private support for these neighborhood enhancement projects.

East 11<sup>th</sup> and 12<sup>th</sup> Streets CRP Reinvestment Strategies. The East 11<sup>th</sup> and 12<sup>th</sup> Streets Community Redevelopment Plan (CRP), which is described in detail in Part 4.0, specifically identifies a series of moderate-scale residential, commercial, and mixed-use redevelopment projects and major public improvements to be implemented in phases over a 15-year build-out period. Substantial public funding has already been secured for these critical areas in the form of a \$9 million commitment from the U.S. Department of Housing and Urban Development's Section 108 Guaranteed Loan Program, and approximately \$1.2 million to be provided by Capital Metro under the Livable Communities Initiative grant to support a major pedestrian streetscape improvement along East 11<sup>th</sup> Street. Other needed actions will include base zoning district changes coupled with the enhanced C.U.R.E. ordinance development incentives for community parking, site development flexibility, fee waivers, and streamlined permitting; multi-family residential tax abatement incentives; small business development and financing assistance from private and public sources; public mortgage revenue bond financing for the multi-family housing components; and a miscellaneous range of tax incentives, grants, and loans for adaptive re-use of historic structures and other economic development purposes.



We, the undersigned occupants of the addresses below, DO NOT OPPOSE the granting of a variance to permit the property at 1907 E 9<sup>th</sup> St to be converted to two-family residential use such that a second (primary) residence may be constructed to the rear of the existing residence, which shall be designated a secondary residence (ADU).

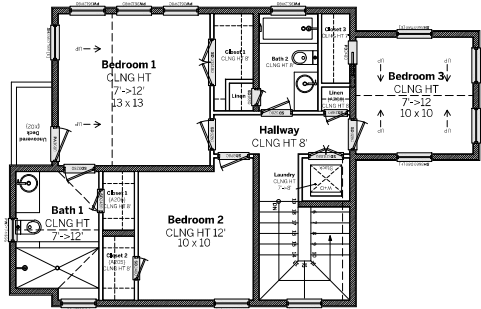
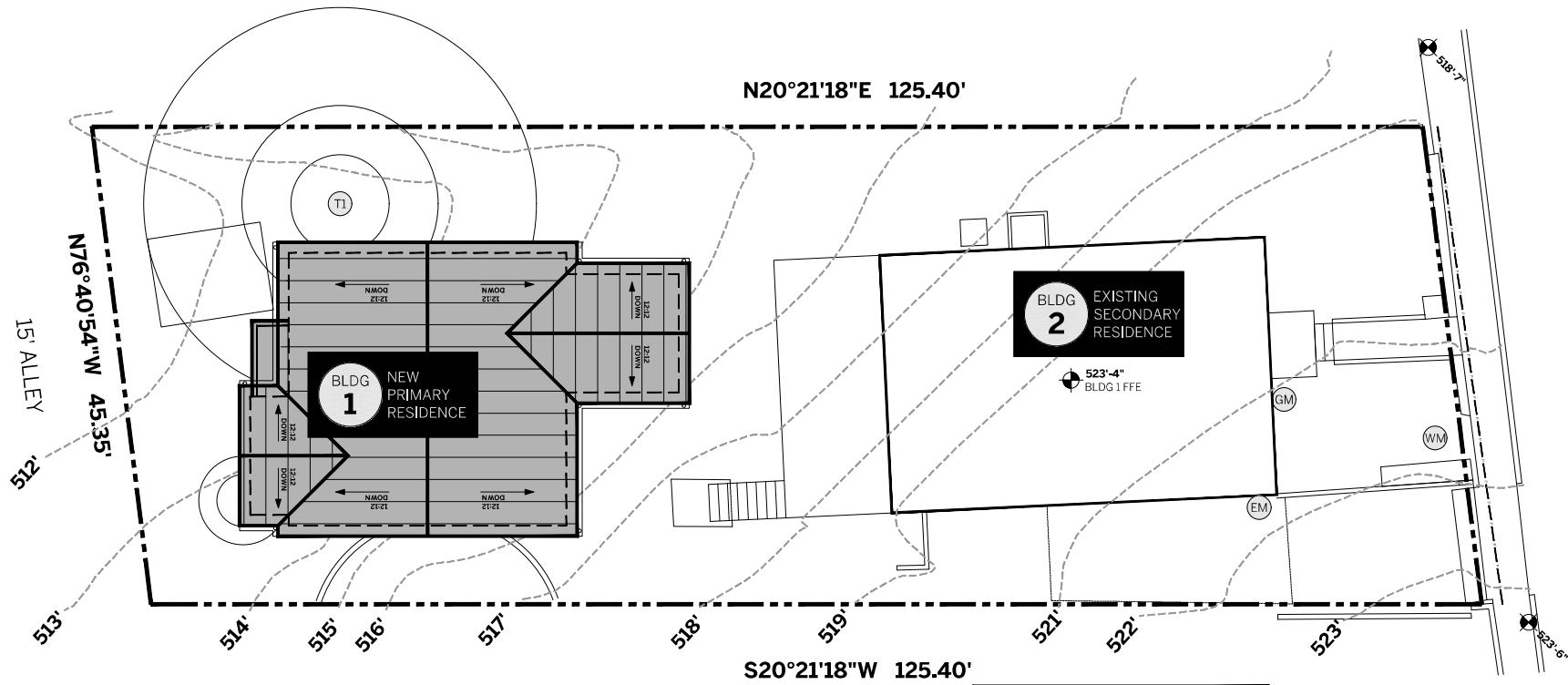
Name: <u>JAROD Nickerson</u>	Address: <u>1904 E 9<sup>th</sup></u>	Date: <u>7/31/21</u>
Name: <u>Michael Regino</u>	Address: <u>1908 E 9<sup>th</sup></u>	Date: <u>8/11/21</u>
Name: <u>Noelle Letteri</u>	Address: <u>1911 E 9<sup>th</sup></u>	Date: <u>8/16/21</u>
Name: <u>Funice Tsang</u>	Address: <u>1910 E 9<sup>th</sup></u>	Date: <u>8/16/21</u>
Name: <u>JEAN NELSON</u>	Address: <u>901 Elicon</u>	Date: <u>8.16.21</u>
Name: <u>Steve Nelson</u>	Address: <u>901 Chican</u>	Date: <u>8.16.21</u>
Name: <u>John Potter</u>	Address: <u>1903 E 9<sup>th</sup> St.</u>	Date: <u>8/20/21</u>
Name: <u>Kaitlin Nowell</u>	Address: <u>1900 E 8<sup>th</sup> St</u>	Date: <u>8/23/21</u>
Name: <u>Daniel Burns</u>	Address: <u>1916 E 8<sup>th</sup> St</u>	Date: <u>8/23/21</u>
Name: <u>Kellyn Platak</u>	Address: <u>808 Lincoln St</u>	Date: <u>8/23/21</u>
Name: <u>Sarah Glen</u>	Address: <u>808 Lincoln St</u>	Date: <u>8/23/21</u>
Name: <u>Julia Miller</u>	Address: <u>805 Lincoln St</u>	Date: <u>8/23/21</u>
Name: _____	Address: _____	Date: _____

	Visit 1	Notes	Visit 2	Notes
901 Chicon	8/11	Knocked @ gate, no ans.	8/16	met Jean + Steve, signed
1902 E 9th		House is vacant (recent sale)		
1904 E 9th	7/31	spoke w/ Jwadi, signed		
1906 E 9th	7/31	no answer	8/16	no answer
1908 E 9th	8/11	met Michael, signed		
1910 E 9th	8/16	met Eunice, signed		
1912 E 9th	AIRBNB??			
1914 E 9th				

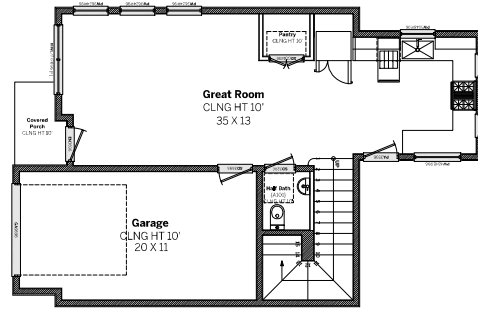
807 Chicon				
815 Chicon	8/23	AirBNB, per tenant who answered		
1903 E 9th	8/20	John signed		
1905 E 9th	7/31	no answer @ door	8/26	no answer (afternoon)
1907 E 9th				
1909 E 9th	7/31	Knocked, no answer	8/16	no answer
1911 E 9th	8/16	met Noelle, signed		
1917 E 9th	8/16	no answer	8/23	no answer
1919 E 9th	8/16	no answer	8/23	no answer
810 Lincoln				
808 Lincoln	8/23	met K+S, signed		
806 Lincoln	8/23	gate locked		
805 Lincoln	8/23	met Julia, signed		

1900 E 8th	8/23	signed		
1902 E 8th	8/23	no answer		
1904 E 8th	8/23	no answer		
1908 E 8th	8/23	no answer		
1910 E 8th	8/23	no answer		
1912 E 8th	8/23	no answer		
1914 E 8th	8/23	no ans. ambly and lockbox		
1916 E 8th	8/23	met Daniel, signed		

neighbors say they are in the other house



BLDG 1 Level 2



BLDG 1 Level 1

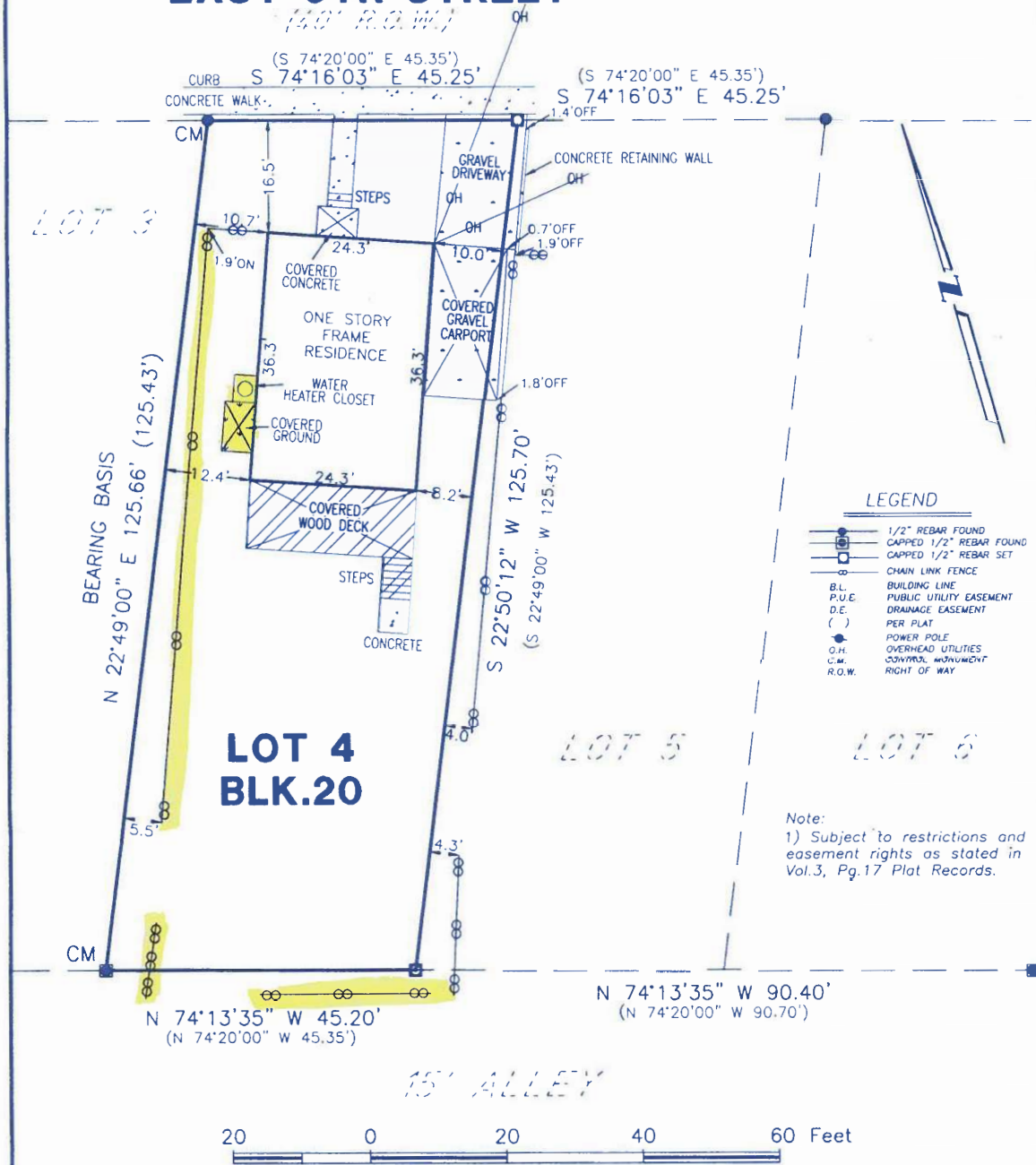


BLDG 1 Rear Elevation

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 <b>WILLIAM HODGE AIA ARCHITECT</b> <small>4801 S. CONGRESS AVE. #N3 AUSTIN, TX 78746 512.786.9298 HODGEARCHITECT.COM</small>	
<small>NEW PROJECT AT 1907 E 9TH ST AUSTIN, TX 78702</small>	
<small>ISSUE DATE</small>	<small>04 JUNE 2021</small>
<small>SHEET TYPE</small>	<small>Schematic Design.</small>
<b>SD</b>	<b>1</b>

## EAST 9TH STREET



SUBDIVISION GRANDVIEW PLACE

LOT: 4 BLOCK: 20 VOLUME 3 PAGE 17 PLAT RECORDS

COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 1907 EAST 9TH STREET

CITY: AUSTIN REFERENCE NAME DUSTIN KRATZ



B&G Surveying, Inc.  
Dewey H. Burris & Associates  
Surveyed by: Dewey H. Burris & Associates

1404 West North Loop Blvd.  
Austin, Texas 78756  
Office 512\*458-6969  
Fax 512\*458-9845

JOB # R1205210\_TA

DATE 12-28-10  
TITLE CO GRACY  
C.F. # 1013072  
SCALE 1"= 20'

TO THE LIENHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED AND TO  
GRACY TITLE A STEWART COMPANY  
STEWART TITLE GUARANTY COMPANY

I DO HEREBY CERTIFY TO THOSE LISTED HEREON THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND, UNDER MY SUPERVISION, OF THE PROPERTY LEGALLY DESCRIBED HEREON. IS PREPARED IN ACCORDANCE TO THE TITLE COMMITMENT REFERENCED HEREON. AND THAT THERE ARE NO VISIBLE BOUNDARY LINE CONFLICTS, ENCROACHMENTS OVERLAPPING OF IMPROVEMENTS, OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON.

THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 0465H DATED 9-26-08. IT IS REPRESENTED AS IN ZONE X. HOWEVER AT PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED BY SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAIN ADMINISTRATOR.

FIELD WORK	WILLIAM	12-28-10
CALCULATIONS	JUAN	12-28-10
DRAFTING	AW3	12-28-10
CORRECTIONS	AW3	12-28-10
UP DATE		