BOA GENERAL REVIEW COVERSHEET

CASE: C15-2022-0086   **BOA DATE:** December 12th, 2022

ADDRESS: 5212 Evans Ave   **COUNCIL DISTRICT: 9**
OWNER: Ryan McElroy   **AGENT:** N/A

ZONING: SF-3-NP (North Loop)

LEGAL DESCRIPTION: LOT 19-20 BLK 22 HIGHLANDS THE

VARIANCE REQUEST: disaggregate aggregated lots into two lots

SUMMARY: disaggregate two lots that were aggregated

ISSUES: original house was built over lot lines

	ZONING	LAND USES
Site	SF-3-NP	Single-Family
North	SF-3-NP	Single-Family
South	SF-3-NP	Single Family
East	LR-MU-CO-NP; SF-3-NP	Neighborhood Commercial-Mixed Use; Single-Family
West	GR-CO-NP	Community Commercial

NEIGHBORHOOD ORGANIZATIONS:
Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Central Austin Community Development Corporation
Friends of Austin Neighborhoods
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
North Austin Neighborhood Alliance
North Loop Neighborhood Association
North Loop Neighborhood Plan Contact Team
Preservation Austin
SELTexas
Sierra Club, Austin Regional Group

November 29, 2022

Ryan McElroy
P.O. Box 30104
Austin TX, 78755

Property Description: LOT 19-20 BLK 22 HIGHLANDS THE

Re: C15-2022-0086

Dear Ryan,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance request from LDC Section 25-2-1406(5)(d) at 5212 Evans Ave.

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 reach out to the Austin Energy Call center at 512-494-9400 to request termination of service and removal of the electric meter and service drop prior to proceeding with demolition.

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

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

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

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 # __C15-2022-0086__   ROW # __13045305__   Tax # __0223091709__

Section 1: Applicant Statement

Street Address: _____

Subdivision Legal Description:

_____

_____

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

Outlot: _____   Division: _____

Zoning District: _____   **Council District: 9**

I/We _____ on behalf of myself/ourselves as

authorized agent for _____ affirm that on

Month [_____], Day [_____], Year [_____], 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: _____

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

> I am seeking a variance from City Code Section 25-2-1406 - Ordinance Requirements - (5)(d) 'a lot that is aggregated with another property to form a site may not be disaggregated to satisfy this subsection'.
>
> As well as a variance from City Code Section 25-2-943 - Substandard Lot - (D) 'a substandard lot that is aggregated with other property to form a site may not be disaggregated after August 6, 2007 to form a site that is smaller than the minimum lot area requirement.'

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:

_____
_____
_____
_____
_____
_____
_____
_____

Hardship
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:

_____
_____
_____
_____
_____

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:

_____
_____
_____
_____
_____
_____

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:

_____
_____
_____
_____

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

_____
_____
_____
_____

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

_____
_____
_____
_____

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

_____
_____
_____
_____

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: _____ Date: _____

Applicant Name (typed or printed): _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

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: _____

Owner Name (typed or printed): _____

Owner Mailing Address: _____

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).

_____
_____
_____
_____

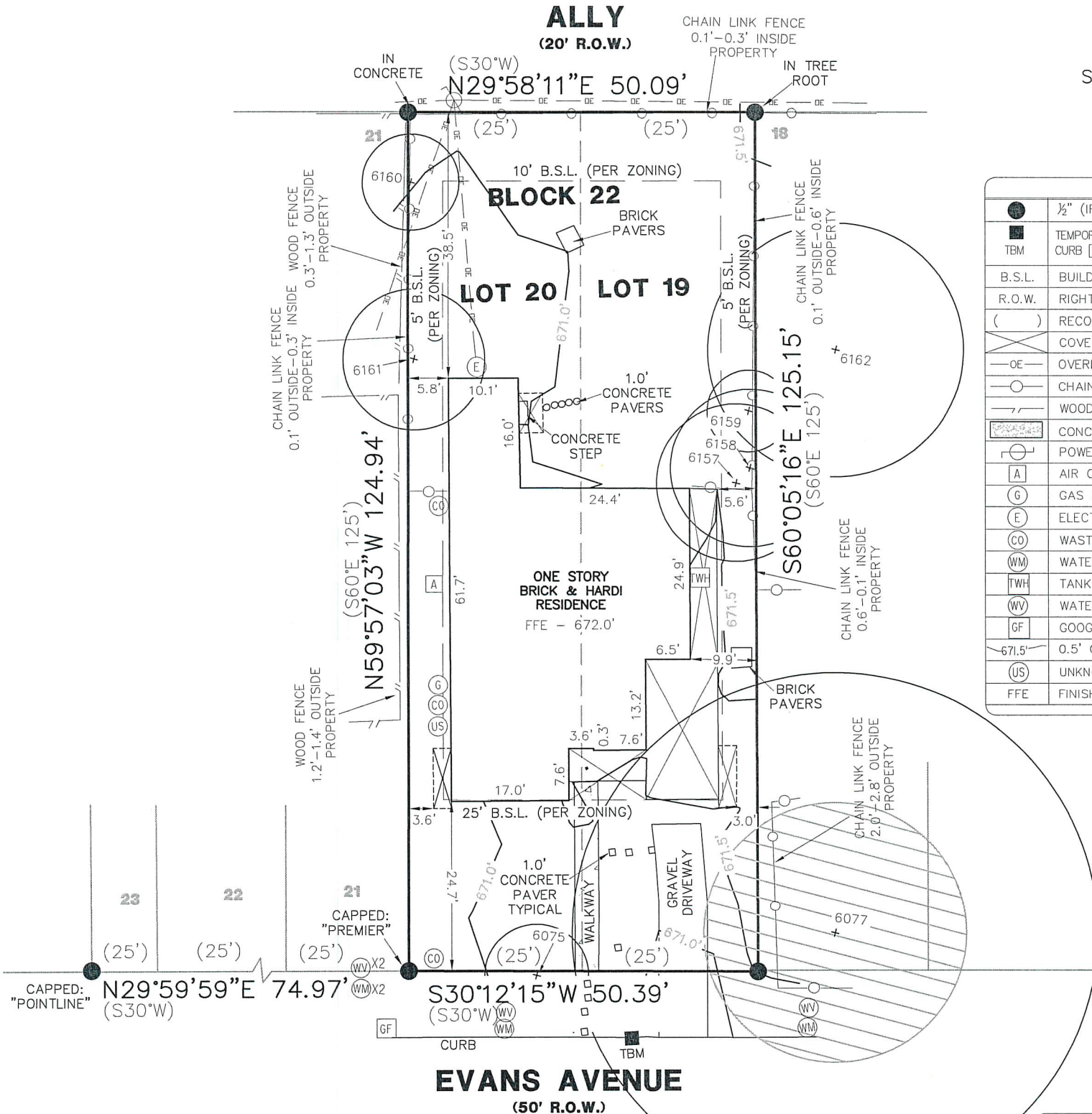# AS-BUILT, TOPOGRAPHIC AND TREE LOCATION SURVEY

ATS Job # 22052623s

Reference: _____McElroy_____ Address: _5212 Evans Avenue, Austin, Texas_

Lots 19 & 20, Block 22, THE HIGHLANDS, a subdivision in Travis County, Texas, according to the map or plat as recorded in Book 3, Pg. 55, Plat Records, Travis County, Texas.

SCALE: 1"=20'

ALLY
(20' R.O.W.)

IN CONCRETE
(S30°W)
N29°58'11"E 50.09'

CHAIN LINK FENCE 0.1'-0.3' INSIDE PROPERTY

IN TREE ROOT

21 (25') (25') 18

10' B.S.L. (PER ZONING)

BLOCK 22

BRICK PAVERS

CHAIN LINK FENCE 0.3'-1.3' OUTSIDE PROPERTY
WOOD FENCE 0.3'-1.3' OUTSIDE PROPERTY

CHAIN LINK FENCE 0.1' OUTSIDE-0.6' INSIDE PROPERTY

LOT 20 **LOT 19**

5' B.S.L. (PER ZONING)

5' B.S.L. (PER ZONING)

CHAIN LINK FENCE 0.1' OUTSIDE-0.3' INSIDE PROPERTY

6160
6161
5.8'

E
10.1'
16.0'
1.0' CONCRETE PAVERS
CONCRETE STEP

6162

6159
6158
6157
5.6'
24.4'

CHAIN LINK FENCE 0.6'-0.1' INSIDE PROPERTY

N59°57'03"W 124.94'
(S60°E 125')

S60°05'16"E 125.15'
(S60°E 125')

ONE STORY BRICK & HARDI RESIDENCE
FFE – 672.0'

61.7'
24.9'
TWH
671.5'

WOOD FENCE 1.2'-1.4' OUTSIDE PROPERTY

A
G
CO
US

6.5'
9.9'
3.6' 0.3' 7.6'
13.2'
17.0'
7.6'

BRICK PAVERS

CHAIN LINK FENCE 2.0'-2.8' OUTSIDE PROPERTY

25' B.S.L. (PER ZONING)

3.6'
24.7'

1.0' CONCRETE PAVER TYPICAL

WALKWAY

GRAVEL DRIVEWAY

671.5'
671.0'

6077

23 22 21
(25') (25') (25')
CAPPED: "PREMIER"

6075

(25') (25')

CAPPED: "POINTLINE"
N29°59'59"E 74.97'
(S30°W)

WV X2
WM X2
CO

S30°12'15"W 50.39'
(S30°W)
WV WM

GF
CURB

WV WM

TBM

EVANS AVENUE
(50' R.O.W.)

LEGEND

Symbol	Description
(IRF)	½" (IRF) IRON ROD FOUND
TBM	TEMPORARY BENCHMARK: BOX CUT IN TOP CURB [ELEVATION-671.01']
B.S.L.	BUILDING SETBACK LINE
R.O.W.	RIGHT OF WAY
( )	RECORD INFORMATION
⊠	COVERED AREA
OE	OVERHEAD ELECTRIC LINE
○	CHAINLINK FENCE
	WOOD FENCE
	CONCRETE
	POWER POLE
A	AIR CONDITIONER
G	GAS METER
E	ELECTRIC METER
CO	WASTEWATER CLEANOUT
WM	WATER METER
TWH	TANKLESS WATER HEATER
WV	WATER VALVE
GF	GOOGLE FIBER STUBOUT
671.5'	0.5' CONTOUR INTERVALS (RELATIVE BASIS)
US	UNKNOWN UTILITY STUBOUT
FFE	FINISHED FLOOR ELEVATION

TREE LEGEND

TREE #	TREE TYPE & DIAMETER SIZE IN INCHES
6075	BURR OAK 7.5
6077	PECAN 29.5, 15
6157	HACKBERRY 11.5
6158	HACKBERRY 11.5
6159	HACKBERRY 6
6160	HACKBERRY 7
6161	HACKBERRY 7, 6.5
6162	PECAN 18.5

GRAPHIC REPRESENTATION OF TREE DRIPLINE: EXAMPLE: A TRIPLE STEM TREE WITH STEMS 10", 8", 6" SHALL RENDER A GRAPHICAL RADIUS OF 10 + (8/2) + (6/2) = 17' FEET

TREE IDENTIFIER 80012
CALCULATED CRITICAL ROOT ZONE (TREES OVER 19" DIAMETER)
CALCULATED DRIPLINE

Surveyor's Note:
Bearings shown hereon are based on the plat of THE HIGHLANDS, according to the map or plat as recorded in Book 3, Pg. 55, Plat Records, Travis County, Texas.

Notes:
1) This map and the survey on which it is based have been prepared without the benefit of a title report and are not intended to reflect all easements, encumbrances or other circumstances affecting the title to the property shown hereon.
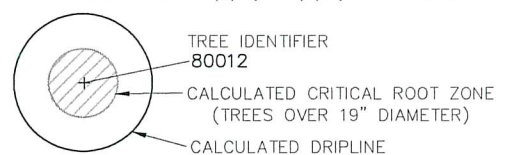2) Building setback lines are per the current City of Austin Zoning Ordinance.

I, Paul Utterback, HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

Paul Utterback, RPLS No. 5738
Client: McElroy, Ryan
Date of Field Work: 7/1/2022 & 7/5/2022
Field: ECarlson
Tech: CCarter
Date Drawn: 7/11/2022
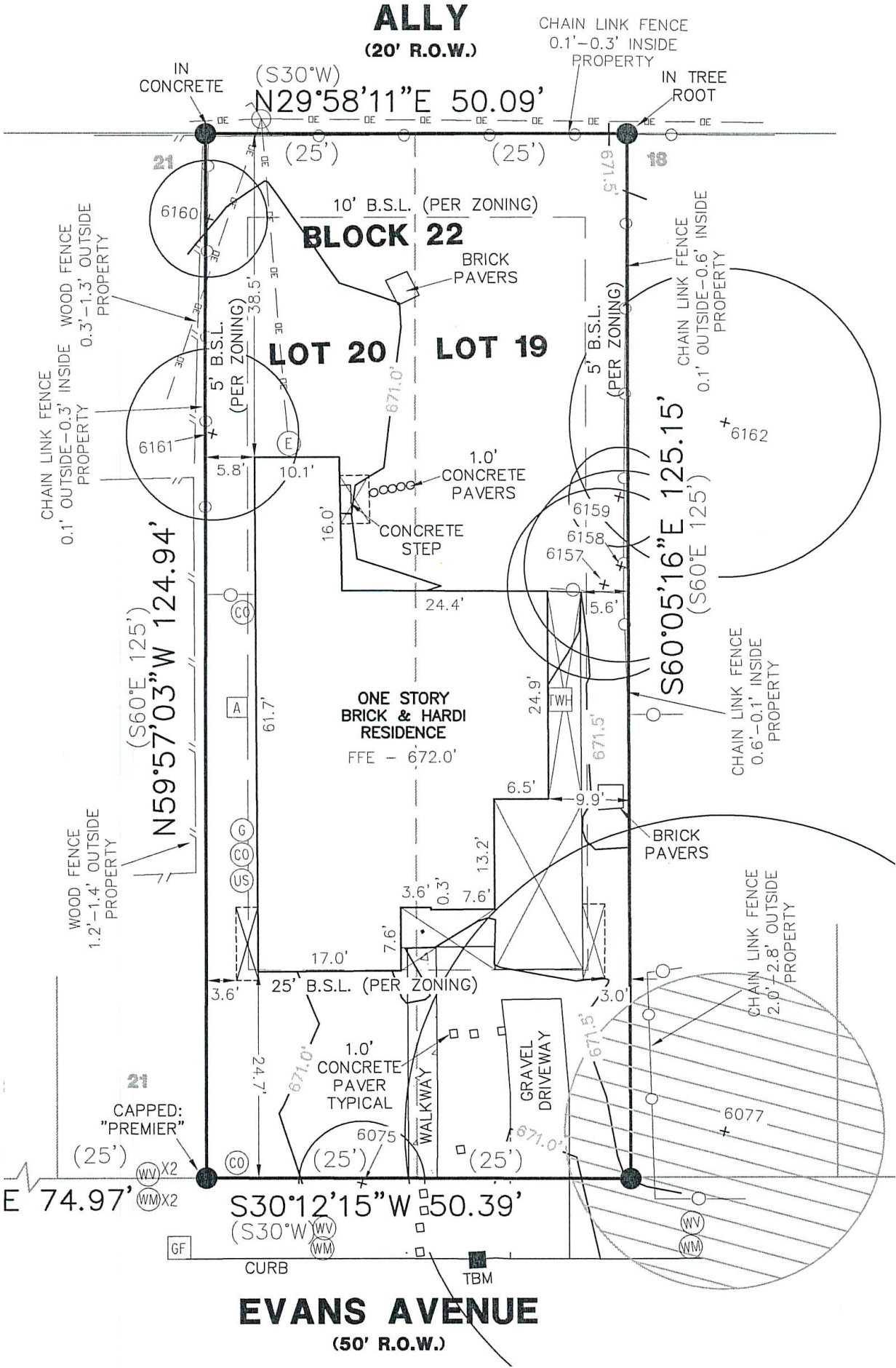Path: Projects\BULK\ABCDEF\EvansAv5212\Production\Dwgs\Design-EvansAv5212-220707.dwg

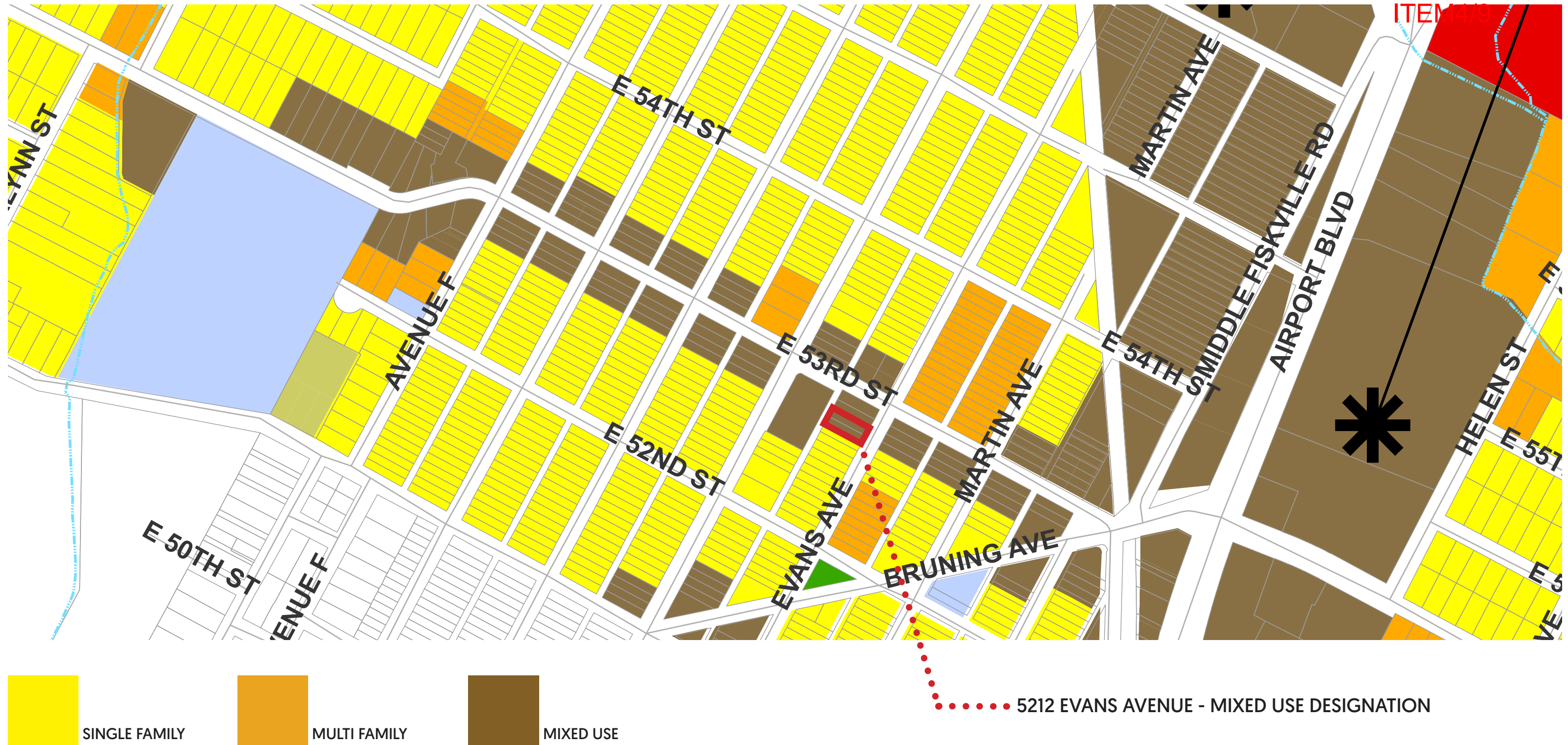**5212 EVANS AVENUE - BOA VARIANCE REQUEST**

I am seeking a variance from City Code Section 25-2-1406 - Ordinance Requirements (5)[d] 'a lot that is aggregated with another property to form a site may not be disaggregated to satisfy this subsection'.

As well as a variance from City Code Section 25-2-943 - Substandard Lot (D) 'a substandard lot that is aggregated with other property to form a site may not be dissaggregated after August 6, 2007 to form a site that is smaller than the minimum lot area requirement.'
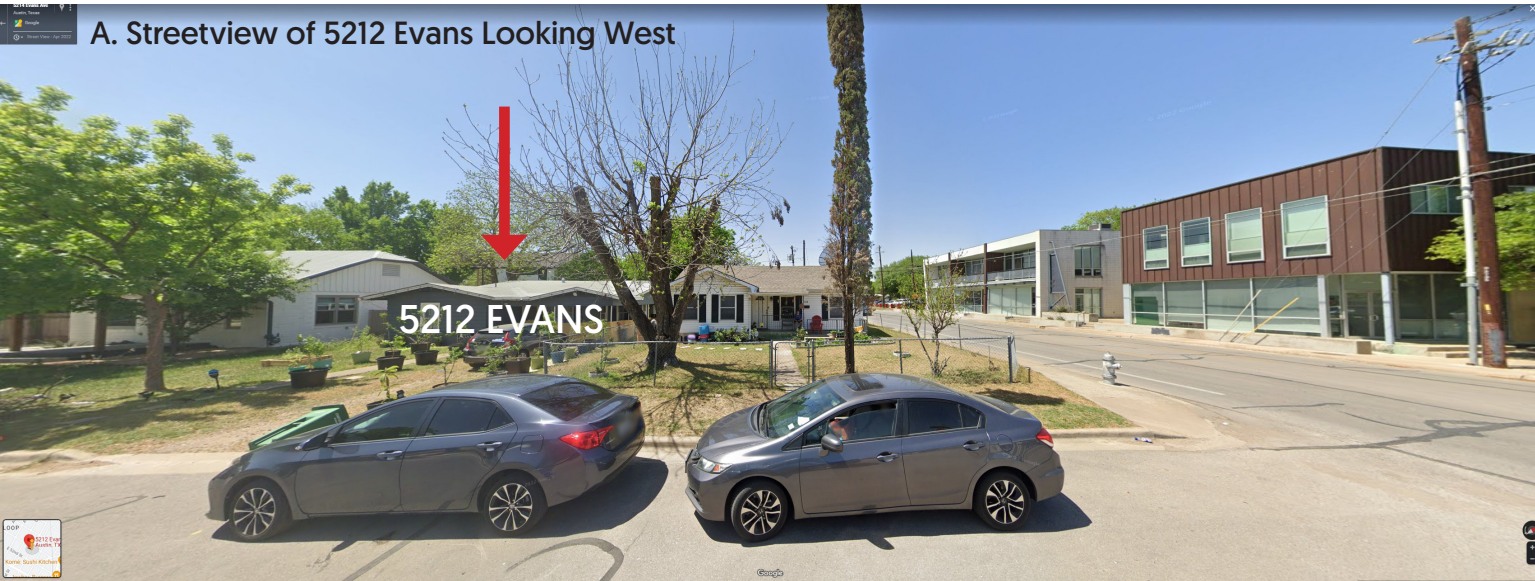
Lots 19 & 20 were legally platted in 1917.

These lots are adjacent to commercial, mixed use, multi family, two family, and single family residential. And are uniquely designated for Mixed Use in the North Loop Future Land Use Map.

These lots back up to an active commercial property, Home Slice Pizza. Detached single family residential fronting Evans Avenue is aligned with the North Loop Neighborhood Plan and would add families and activate the residential streetscape while buffering towards the denser commercial corridor.

Map labels:

E 54TH ST

MARTIN AVE

ITEM

E 53RD ST

E 54TH ST

MIDDLE FISKVILLE RD

AIRPORT BLVD

AVENUE F

E 52ND ST

MARTIN AVE

HELEN ST

E 55TH

EVANS AVE

BRUNING AVE

E 50TH ST

AVENUE F

-YNN ST

SINGLE FAMILY   MULTI FAMILY   MIXED USE

5212 EVANS AVENUE - MIXED USE DESIGNATION

5212 EVANS

SINGLE FAMILY

MULTI FAMILY

COMMERCIAL

5212 Evans Avenue - BOA Variance Request Supporting Documentation - Neighborhood Composition Analysis

5212 EVANS

A. Streetview of 5212 Evans Looking West

5212 EVANS

B. Streetview of 5212 Evans Looking East

Neighborhood Vision

On October 7th, 2000 thirty members of the North Loop Neighborhood Planning Area met to develop a neighborhood vision. The following statement is the participants' future vision for the North Loop Neighborhood Planning Area. This statement is a product of the work done at the October 7th workshop, refinement during numerous Neighborhood Planning meetings, as well as the incorporation of feedback gained from its distribution to all neighborhood business properties.

In the year 2020 the North Loop Neighborhood Planning Area will be a vibrant, friendly and livable neighborhood that is characterized by: a variety of housing and people; pedestrian orientation with a network of sidewalks, as well as bike lanes; shady, tree-lined streets; a mix of land uses that complement the local neighborhood and are at a density which will support local businesses and transit; locally owned businesses that are neighborhood oriented; and parks and plazas which will act as public gathering places.

The North Loop Neighborhood Planning Area of the future is a vibrant mixed-use neighborhood, where commercial and residential uses are combined, and designed in a way that creates an interesting streetscape and built environment. Compatibility is important, but so is uniqueness and an eclectic character.

The North Loop Neighborhood Planning Area of the future is envisioned as a place where the needs of everyday life are available within walking distance from where most people live. The neighborhood summed this up by saying 'all functions of daily life within walking distance'. Linked to the desire for a variety of activities, services and destinations within walking distance, is the neighborhood's commitment to creating a lively mix of uses within the North Loop Neighborhood Planning Area. The mix of uses in the neighborhood and the enhanced walkability will help to reduce the need for auto trips in the future, and will also build personal and community relationships.

The North Loop of the future is envisioned as a pedestrian friendly, mixed-use neighborhood that is characterized by tree-lined streets and well-landscaped public spaces.

Residential

The residential character of the future North Loop Neighborhood Planning Area is characterized by single family as well as smaller scale, but higher density development such as smaller apartment complexes, condominiums, and townhouses. The future North Loop Neighborhood Planning Area will be mixed use and mixed income, with a particular focus on affordable housing.

Older homes will be preserved but additional opportunities for housing choice, through secondary apartments, mixed use and small-scale multi family will be added. Housing choice and diversity were important themes of a North Loop Neighborhood Planning Area vision.

The future residential neighborhoods of the North Loop Neighborhood Planning Area will be characterized by people using the streets, sidewalks and their front yards. The dominant character will be human friendly, which will be expressed in terms of wide sidewalks, smaller setbacks, low fences on front yards, and homes with front porches encouraging interaction with the street.

Residential neighborhoods will be visually interesting with different colors and materials being encouraged to create a bright and lively residential environment. Landscaping is an important component of the vision, with trees being central to enhancing the quality of residential neighborhoods.

Townhouses can provide an effective transition between commercial or higher density multi-family residential and single-family residential areas. Townhouses may be appropriate along minor arterials such as 51st St and parts of North Loop Blvd. Narrow spacing of units and multiple entries on the street more closely resemble single-family houses.

Covered front porches are common in the neighborhood. They offer a friendly neighborhood gesture by providing a transition from the public space of the street, the semi-private space of the front yard and the private space of the house.

Two family residential or small-scale multi-family developments that resemble neighborhood houses provide greater housing choices in the neighborhood while still preserving the existing neighborhood character.

11

12

Letter of support from next door neighbor at 5214 Evans

11/02/2022

To Whom It May Concern:

My family and I own and occupy 5214 Evans Avenue, which is directly next door to 5212 Evans. We've lived here for decades.

Ryan McElroy, the owner of 5212 and our longtime neighboring property owner, is seeking a variance to disaggregate his lot into 2 lots, as was originally platted in our neighborhood.

He shared his plans with us and we are fully in support of his variance request. We believe that building 2 side-by-side dwellings will allow for a better neighborhood feel and increased walkability, as well as occupying less parking spaces on Evans, since the parking for his proposed project will be along the alley versus the street.

Thanks,

Alex and the Mondragon Family
512-536-028

Unanimous support from North Loop Neighborhood Assocation

Formal letter to be submitted as part of a subsequent backup submission.

On November 2nd, I presented this variance request to the North Loop Neighborhood Association who formally voted in unanimous support. A formal letter will be submitted in backup. And the president of the neighborhood assocation will also attend the December BOA meeting to speak in favor of this request.

Alley

A

B

EVANS AVENUE
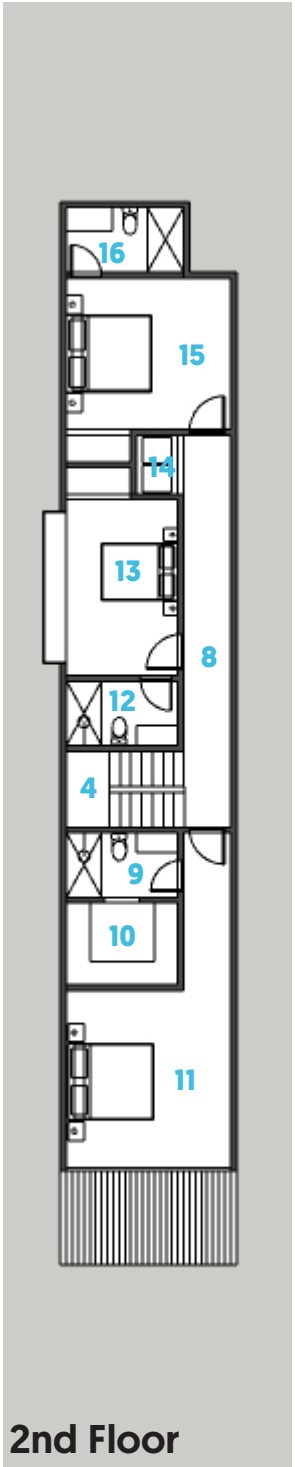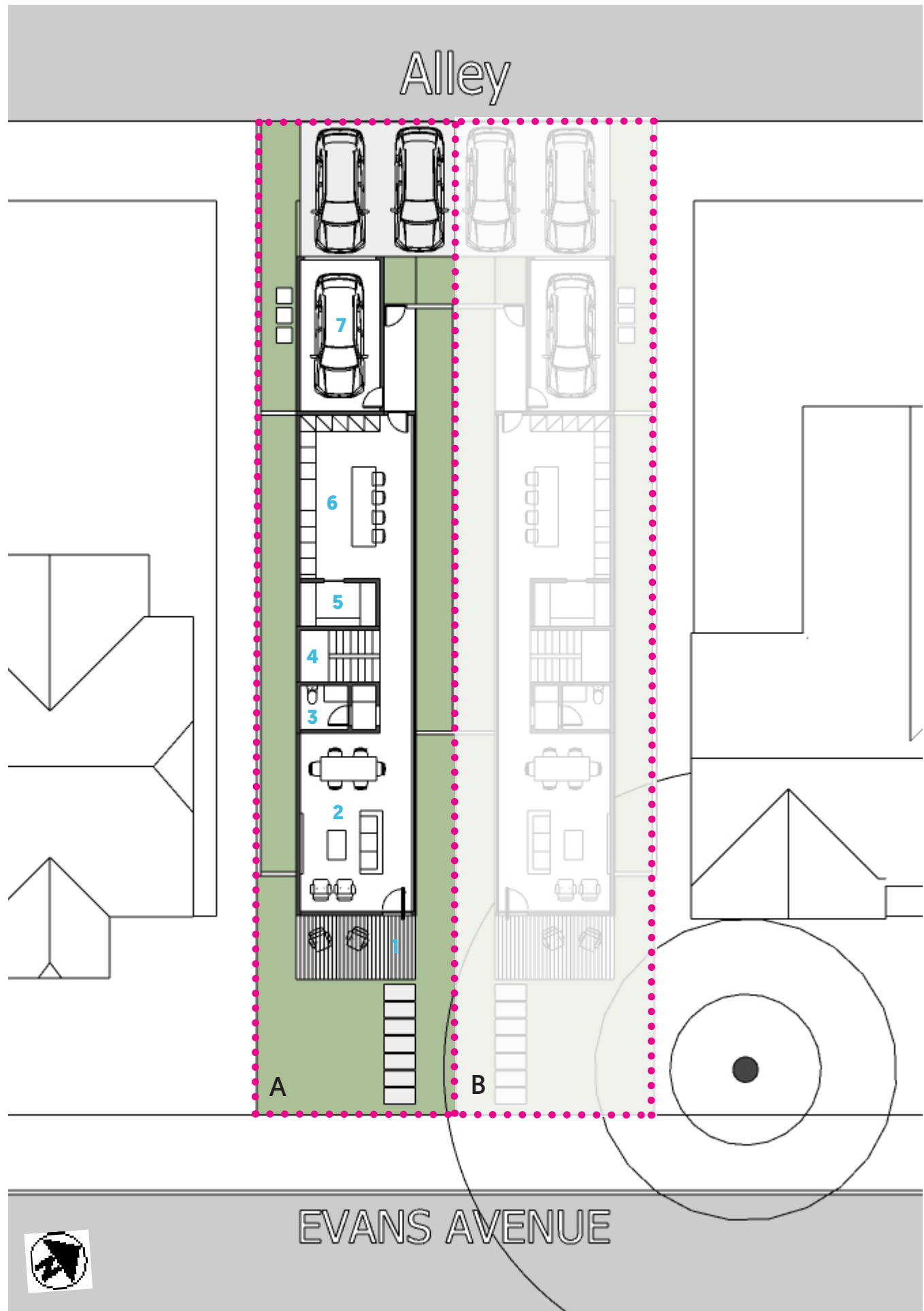
Legend

1 Porch
2 Living & Dining
3 Powder
4 Stair
5 Pantry
6 Kitchen
7 Garage
8 Hallway
9 Master Bathroom
10 Master Closet
11 Master Bedroom
12 Bathroom
13 Bedroom
14 Laundry
15 Bedroom
16 Bathroom

2nd Floor