

Variance Request

1502 Hillmont Street
C15-2023-0024

The Board of Adjustment
May 8, 2023

Micah King
Husch Blackwell LLP

RIOS Architecture Firm

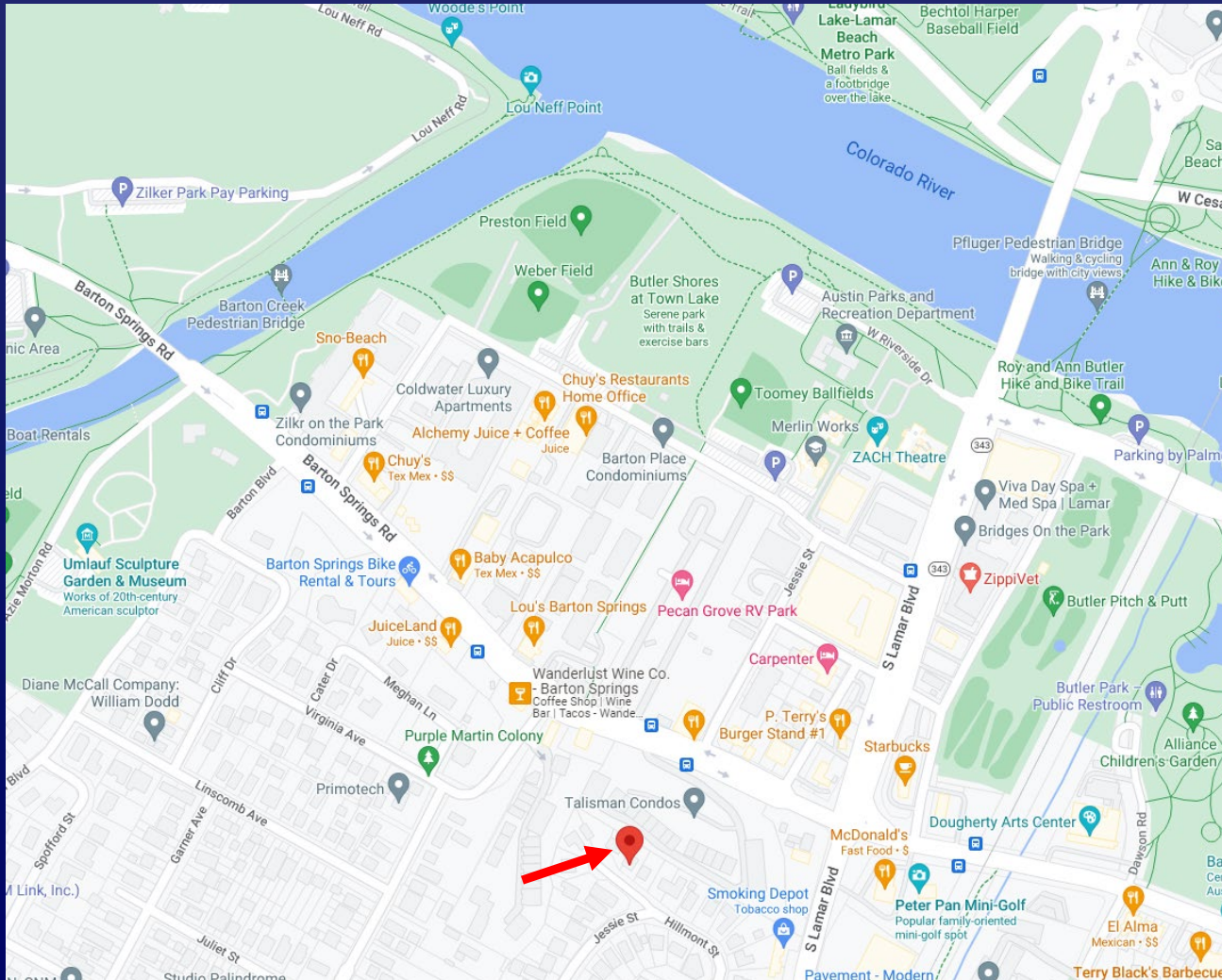
Overview

- ▶ The variance is for a new homestead residence due to unique site constraints, including heritage and protected trees and their Critical Root Zones and canopies and subsequent impact to buildable area, impairment of visibility and access to natural light, and need to minimize impact to slopes $>15\%$ to help prevent localized drainage issues, which have resulted in litigation on a neighboring property.
- ▶ Approval would address these issues by including a cantilevered design on a smaller footprint to minimize impacts to slopes, trees, Critical Root Zones, and canopies by building up rather than down or out. Massing and height would be reduced at the front of the property to protect area character and honor the intent of the Subchapter F regulations from which the variances are requested, and the adjacent neighbors are in support.

Background

- ▶ The owner of 25 years retired from a career pioneering nursing for people living with HIV and AIDS when others would not care for them and needs to sell but has had difficulty finding a buyer due to the site issues.
- ▶ He wishes to sell to a non-developer buyer from and invested in the neighborhood, and the intended buyers are a couple who are already neighborhood residents, including one active with ZNA leadership. They are dedicated to the neighborhood and work from home and would like to use the upper level as flex space for living, eating, working, and small charitable events and neighbor gatherings.
- ▶ The house has been on the market for 256 days and is uninhabited, effectively removing the house from the Austin housing supply and causing financial hardship for the owner.

Map of Property Location





View of Existing House



View of Proposed House



EXTERIOR VIEW

1502 Hillmont Street | BOA SUBMISSION | 16

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Requested Variances

Land Development Code, Subchapter F: Residential Design and Compatibility Standards, Article 2, Development Standards:

- a) Section 2.2 (Building Height) (A) to increase the height from 32 feet (maximum allowed) to 37 feet (requested).
- b) Section 2.6 (Setback Planes) (B. Rear Setback Plane) to extend outside the inwardly sloping 45-degree rear setback plane by an additional 3 feet, 10 inches (requested).

Reasonable Use

- ▶ The regulations unreasonably constrain the ability of the owner to have adequate housing to meet their long-term needs for a growing family since the existing home does not make sense to renovate due to its current state and limited living area, or to rebuild without variances due to the limited buildable area (which is impacted by more trees than is typical for the immediate area) (including protected and heritage trees), Critical Root Zones and large canopies, including unusually large and sprawling horizontal limbs just above natural grade and overhanging the structure. Approval would keep the house at a smaller footprint to avoid the trees and Critical Root Zones and would minimize impacts to slopes and reduce impervious cover, thereby reducing the risk of drainage issues and benefiting water quality.
 - ▶ Without the variances, the new homestead would have a greater impact to the existing slopes (and neighbors are concerned about impacting such slopes due to area drainage issues from past impacts). The house would be boxed in much more than similarly-situated nearby properties and have very limited natural light except for wintertime, when it would have limited visibility due to facing directly into the rear of 3-story condominium buildings with a nearly uninterrupted width of 450 feet (plus their parking area and fire lane).
-

The Hardship is Unique to the Property

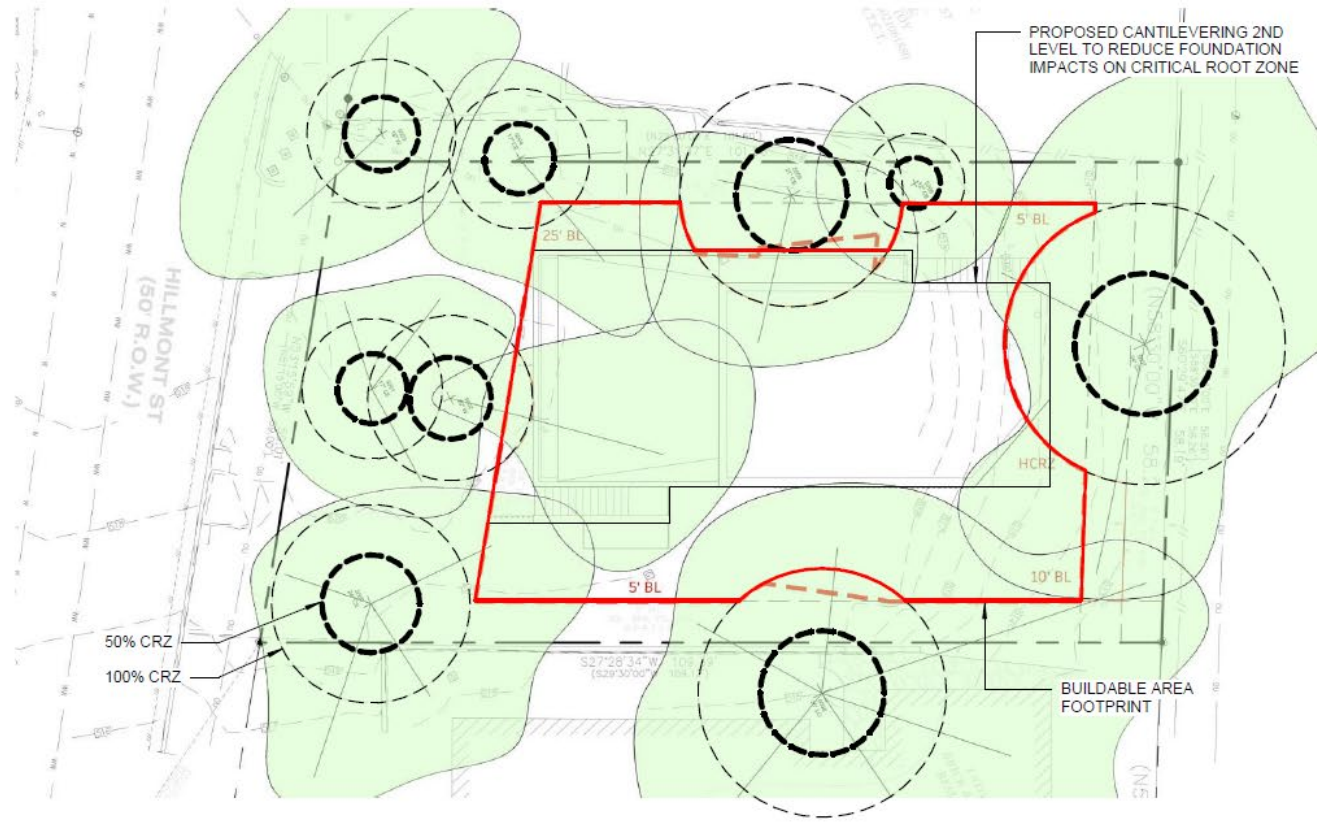
- ▶ The property has a unique combination of a limited buildable area due to an unusual number of trees (including protected and heritage trees, including a 34-inch Cedar Elm and a 30-inch Live Oak) and their large Critical Root Zones and tree canopies, impairment of access to natural light, sloping topography, and reduced visibility due to the 3-story condominium buildings to the rear with a combined width of approximately 450-feet.



SATELLITE VIEW SHOWING DENSE TREE CANOPY ON OUR SITE



CITY OF AUSTIN CRITICAL ROOT ZONE PRESERVATION GUIDELINES



SITE CONSTRAINTS & BUILDABLE AREA DIAGRAM WITH TREE CANOPY

"While the full root system of the tree may extend three to four times the diameter of the dripline, the Critical Root Zone (CRZ) is an area surrounding the tree where root protection is important to tree survival. The CRZ is a circle centered on the tree where the radius of the circle is a number of feet equal to the diameter in inches of the tree. All ground within that circle is the CRZ. The Half Critical Root Zone and Quarter Critical Root Zone are also used by staff to evaluate the likelihood of tree survival. The Half CRZ is a smaller circle within the CRZ with a radius half that of the CRZ. The Quarter CRZ is a circle within the Half CRZ with a radius one-quarter that of the CRZ. The figure below depicts the CRZ, Half CRZ, and Quarter CRZ."

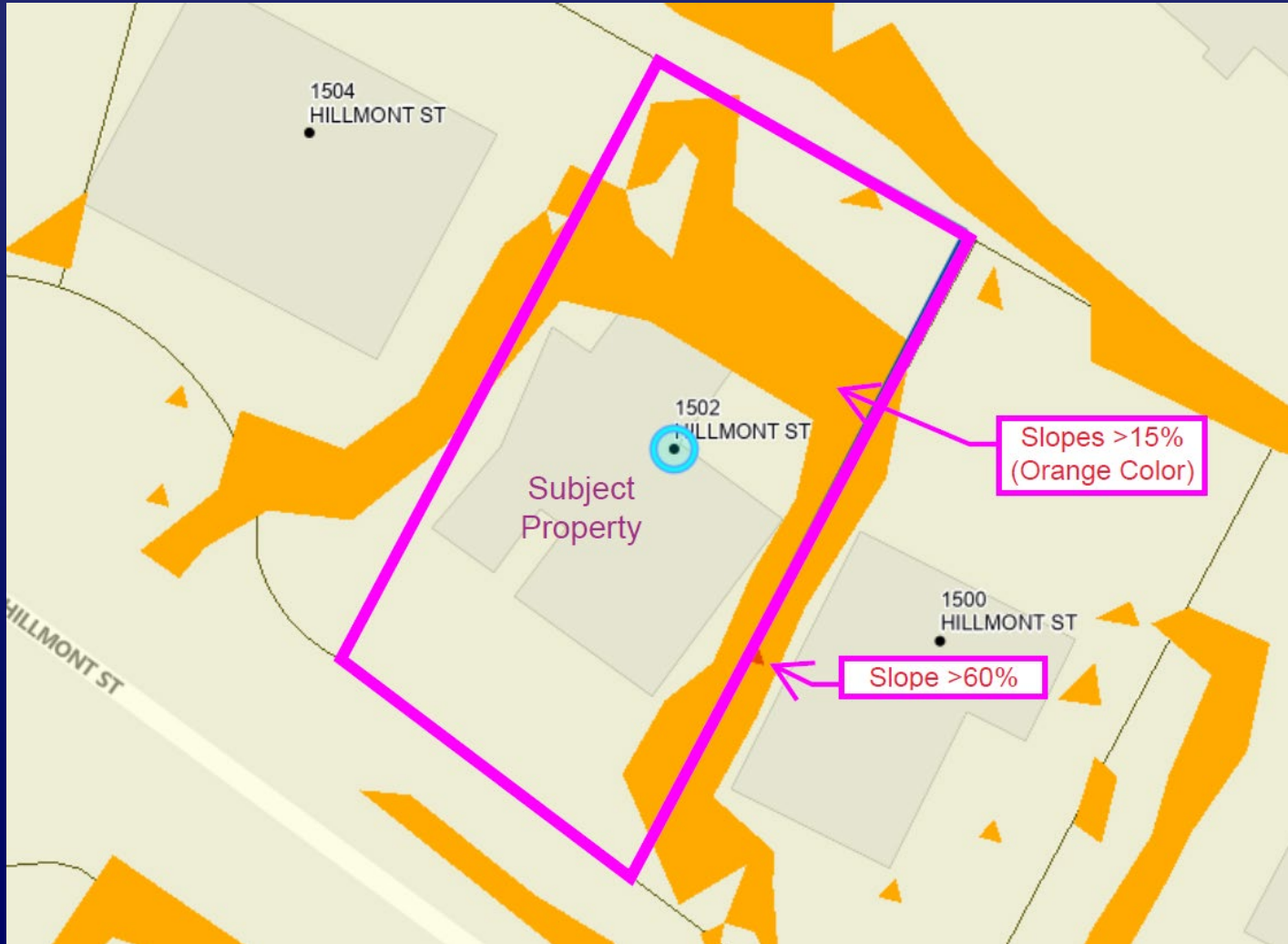


VIEW OF EXISTING TREES FROM 1502 HILLMONT





Map of Slopes >15%



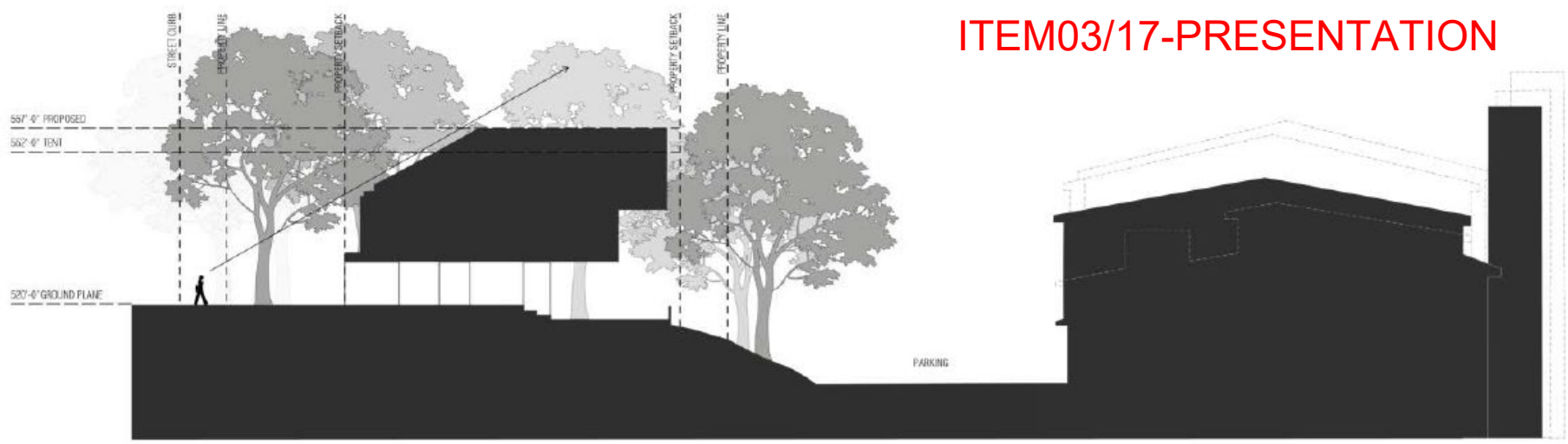
The Hardship is Not General to the Area

- ▶ Properties in the area do not generally have the same combination of a lot with a relatively small buildable area that is shrouded by such a large amount protected and heritage trees and their Critical Root Zones and canopies, sloping topography on three sides of the property, with visibility and access to natural light blocked by the canopies and very wide condominium buildings to the rear on property zoned MF-5.

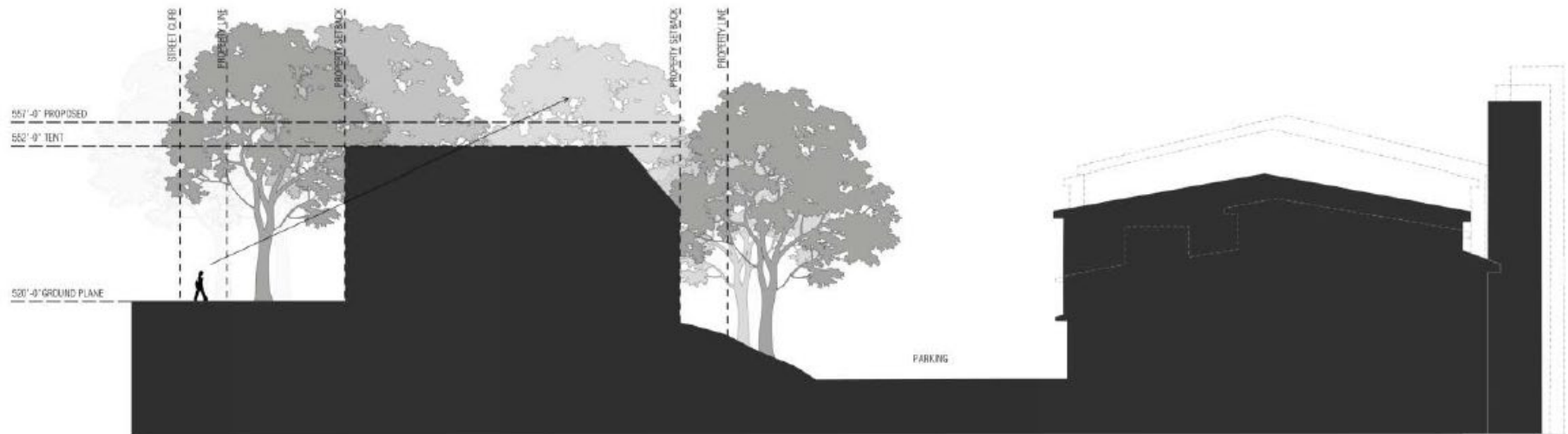
Approval Would Not Alter the Character of the Area Adjacent to the Property

- ▶ The front part of the house would be below maximum height under Subchapter F as the height increase would only be for the rear part of the structure, and the front of the house will be below the height limit by using a downward-sloping roof in front. As such, the scale and massing will be swapped from the front of the property to its rear, which does not back up to any single-family homes or any property subject to Subchapter F.

ITEM03/17-PRESENTATION



PROPOSED MASSING

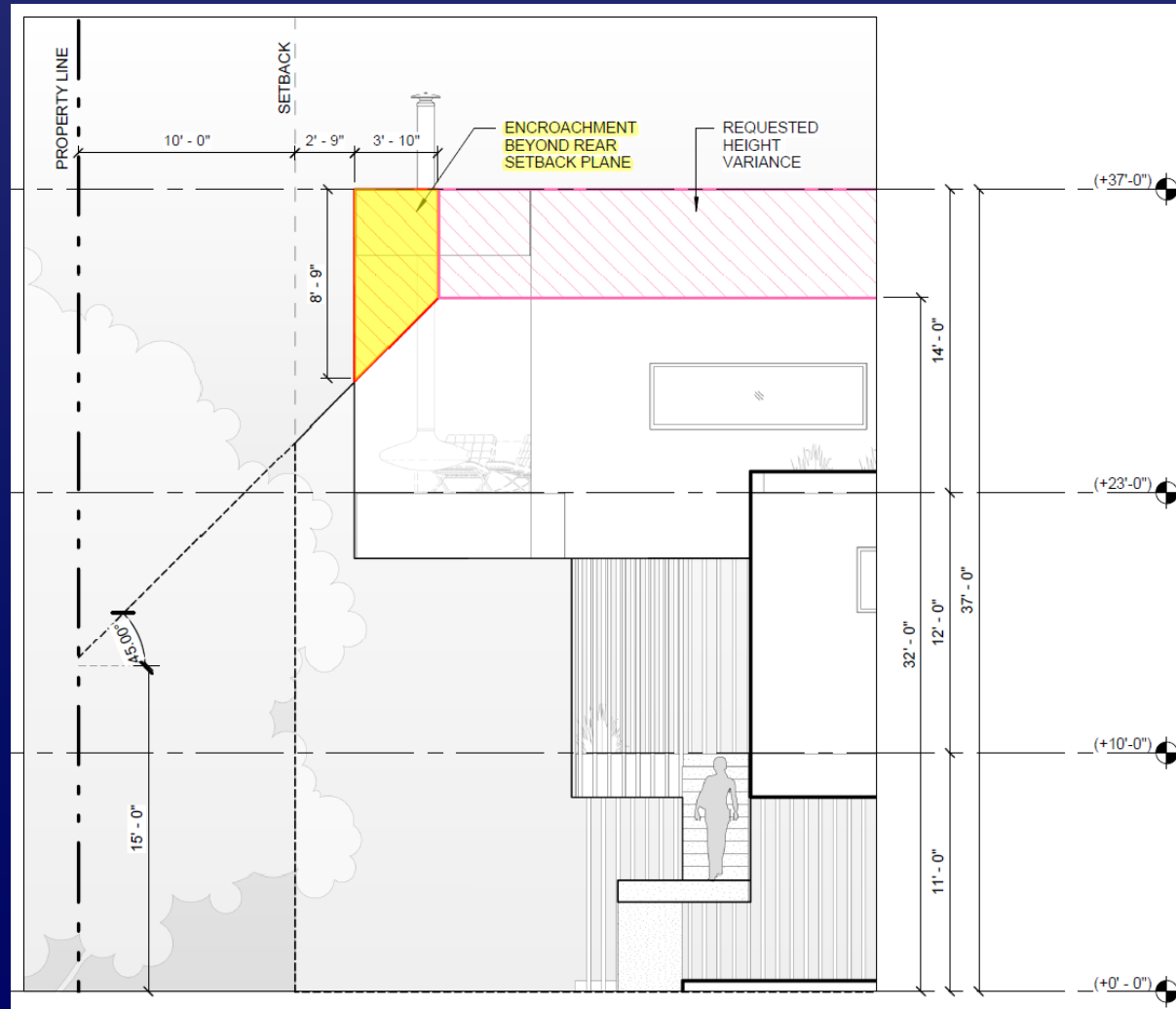


ALLOWABLE MASSING

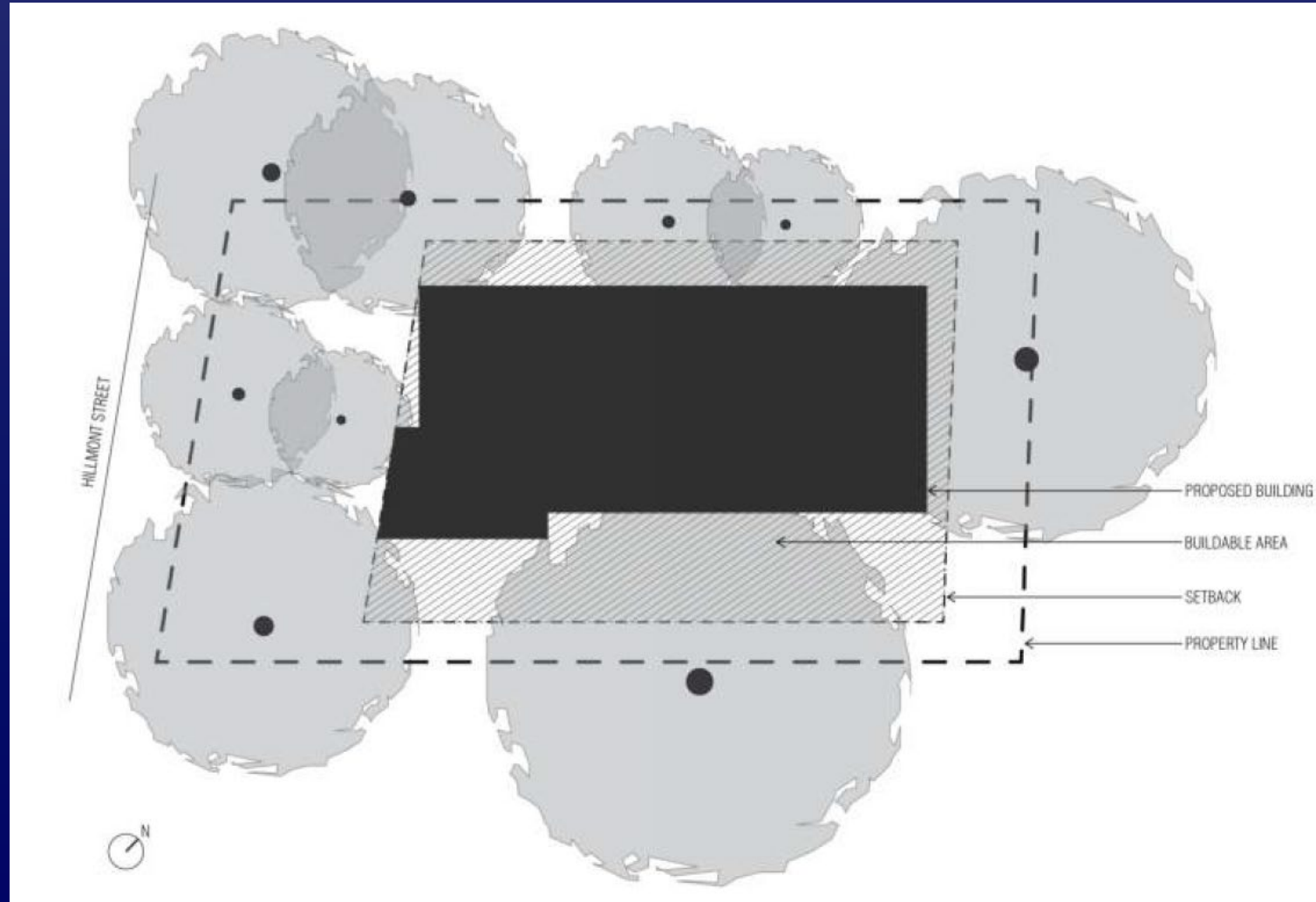
Approval Would Not Impair the Use of Adjacent Property Developed In Compliance With City Requirements

- ▶ As to the adjacent property to the rear, the small portion of the top floor that would go beyond the rear setback plane and the back segment of the house with the 5-foot height increase backs up to the rear part of a large condominium property zoned MF-5 that includes a fire lane and parking area, and so would not impair its use.
- ▶ As to the properties to the side, the setbacks would be wider than required by Code and those neighbors wrote letters of support.
- ▶ In addition, the house is designed to be below the maximum Floor-Area-Ratio (FAR), impervious cover, and building cover, and the massing of the house would not utilize (and stay well within) the vast majority of the Subchapter F “tent” buildable area.

Exhibit Showing the Minimal Rear Setback Plane Variance



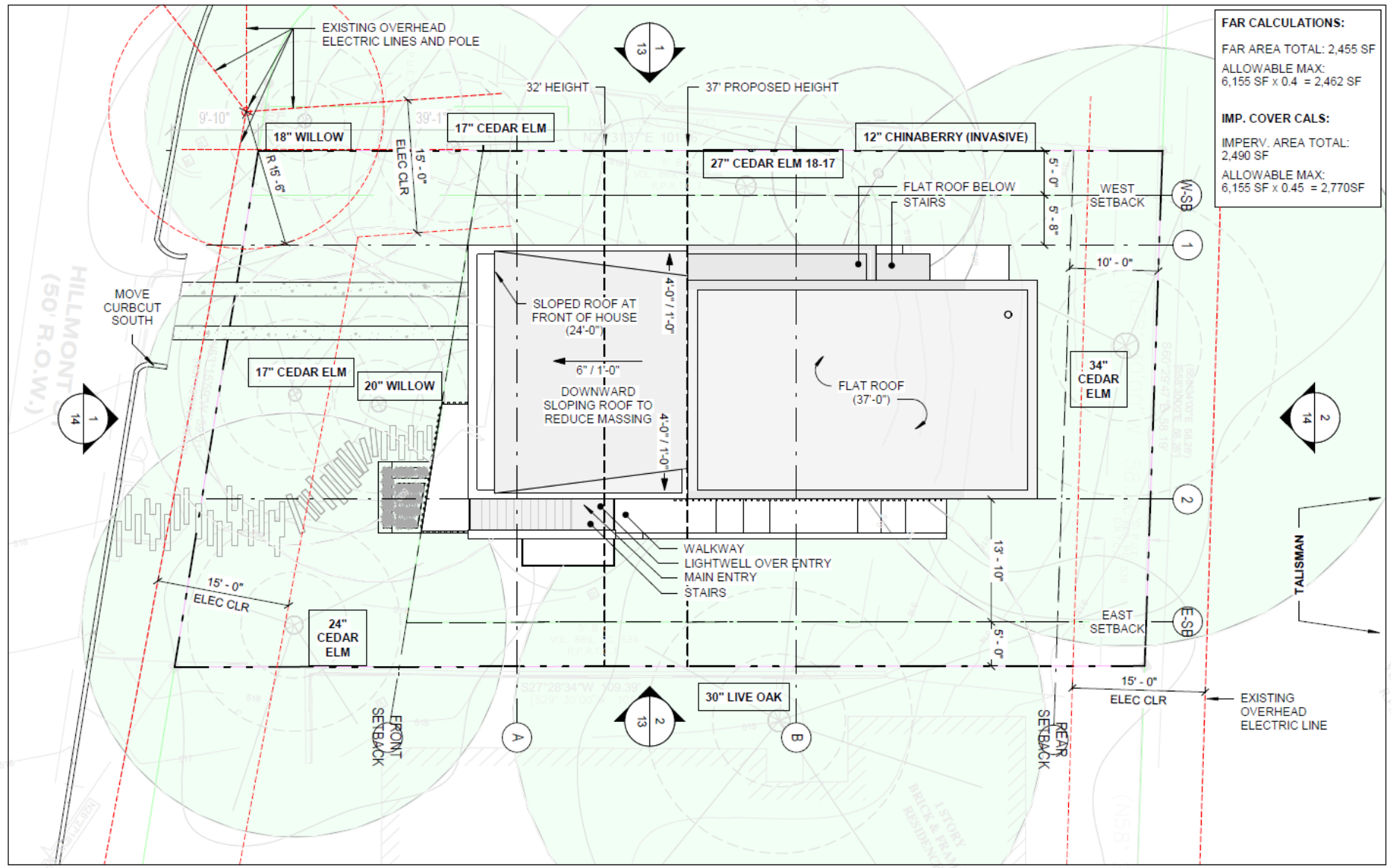
Site Layout, Buildable Area, and Setbacks



Approval Would Not Impair the Purposes of the Regulations of the Zoning District In Which the Property Is Located

ITEM03/21-PRESENTATION

- ▶ As depicted on the architectural plans, the variances would not impair the purposes of the Subchapter F regulations due to the reduced massing and height in the front part of the house and as demonstrated by the support of the adjacent neighbors.
- ▶ Per City Code, Subchapter F “is intended to minimize the impact of new construction, remodeling, and additions to existing buildings on surrounding properties in residential neighborhoods by defining an acceptable buildable area for each lot within which new development may occur. The standards are designed to protect the character of Austin’s older neighborhoods by ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods,” and the house would be compatible per the proposed design.



SITE PLAN

1502 Hillmont Street | BOA SUBMISSION | 6



1" = 10'-0"

Letter of Support

April 21, 2023

The Board of Adjustment
C/O Elaine Ramirez, Planner Senior / Board of Adjustment Liaison

Re: Letter of Support for Variance Request for Property Located at 11502 Hillmont Street

Dear Board Members,

I am writing to express my support for the variance request for 1502 Hillmont Street. I own and reside at the immediately adjacent property to the east of the subject property. I support the variance request for the increased height (not to exceed 37 feet above the existing grade at the property line) and building beyond the rear setback plane to allow for a shift in the house massing from the front to the rear, so long as the side setback of the house structure along our shared property line is no less than 18'-9" for the main house structure and 14'-4" for the entry stair structure.

These setbacks will help ensure compatibility and minimize impact to the live oak trees overarching both properties as well as eliminating the potentially negative impact to sunlight and sky view that would occur on the west side of my property if the variance is not granted.

Thank you for your consideration and support.

Sincerely,



Joan Cambron

Letters of Support

Jason O. Toy, MD
1504 Hillmont Street
Austin, TX 78704

The Board of Adjustment
c/o Elaine Ramirez, Planner Senior / Board of Adjustment Liaison

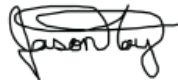
Re: Letter of Support for Variance Request for Property Located at 1502 Hillmont Street

Dear Board Members,

I am writing to express my support for the variance request for the above-referenced property. I own and reside at the property immediately adjacent and to the west of the property. A person's living space matters greatly to their health and well-being, and approval would benefit the new owners by allowing for more natural light and by facilitating a design that would reduce the sense of claustrophobia that would most likely exist without the added height.

The variance for the increase of maximum height of just 5 feet and for the home to go outside the rear setback plane is also reasonable based on the topography, the narrow lot width, and the fact that the property backs up to the fire lane and garages for the Talisman condos. The proposed design is also fitting with the character of the neighborhood since the front part of the house would be at a lower height as viewed from the street. Thank you for your consideration and support.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason O. Toy".

Jason O. Toy, MD

Letters of Support

April 30, 2023

Daniel Steinborn
1507 Hillmont Street
Austin, TX 78704

The Board of Adjustment
The City of Austin

Re: Letter of Support for Variance at 1502 Hillmont Street

Dear Board of Adjustment Members,

We are writing to express our support for the variance request for 1502 Hillmont Street. My homestead is two doors west of the property. I support the requested variance, as I believe it is reasonable and would benefit the neighborhood. Additionally, the property is covered in trees and the proposed design would help preserve the existing slope and save many beautiful trees. In short, the proposed new home would be a welcome replacement and would enhance our neighborhood's character.

Thank you for your support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Steinborn', with a stylized, flowing script.

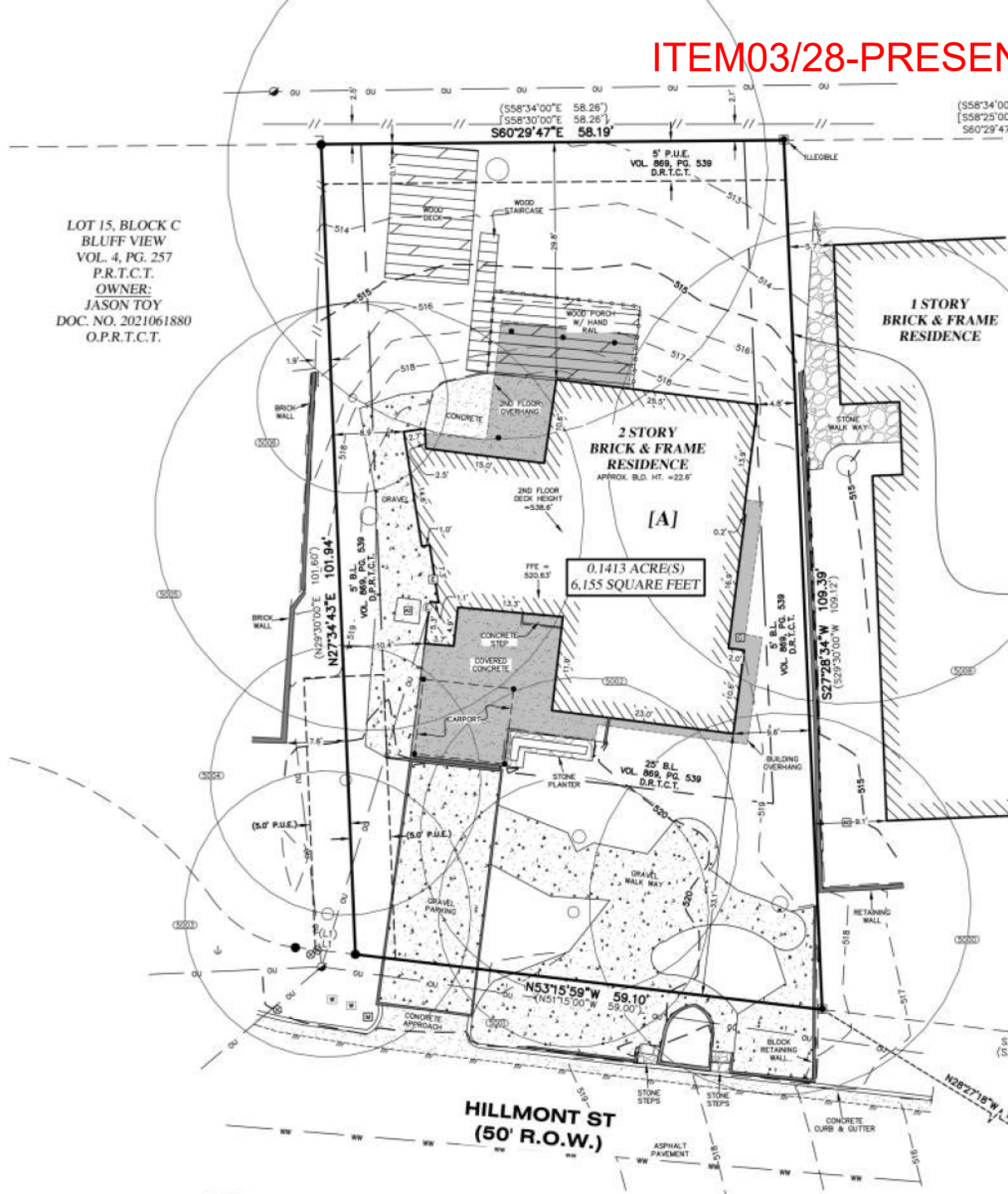
Daniel Steinborn

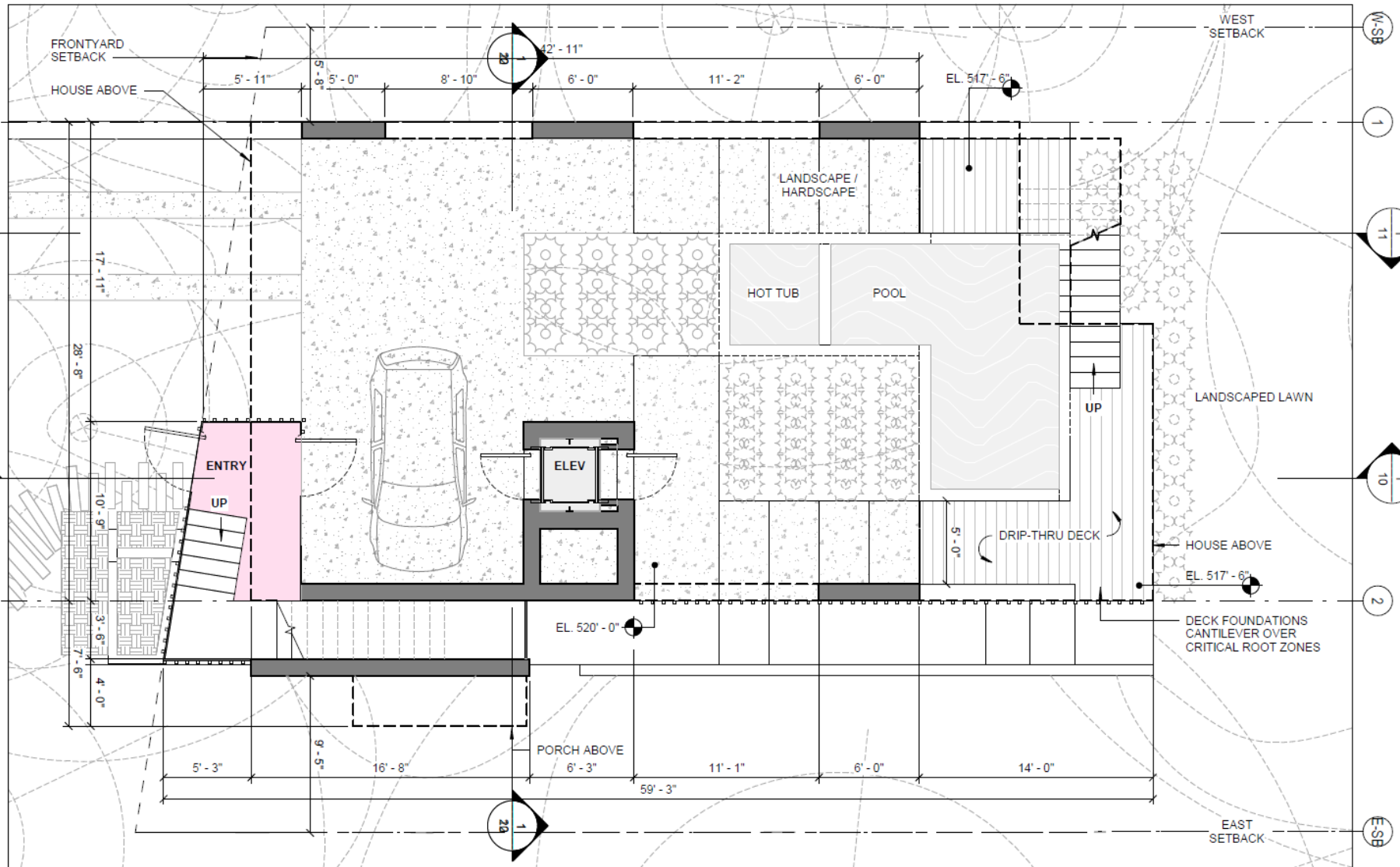
Additional Support as of May 1

- ▶ Alex & Brettne Shootman (1505 Hillmont St.)
- ▶ Zach & Taylor Abrams (1501 Hillmont St.)
- ▶ Jessica & Lou Hargest (1406 Hillmont St.)
- ▶ Perry Abbenante (1400 Hillmont St.)
- ▶ Wayne Rogers (Talisman Condos, Unit 216)

ITEM03/28-PRESENTATION

LOT 15, BLOCK C
BLUFF VIEW
VOL. 4, PG. 257
P.R.T.C.T.
OWNER:
JASON TOY
DOC. NO. 2021061880
O.P.R.T.C.T.





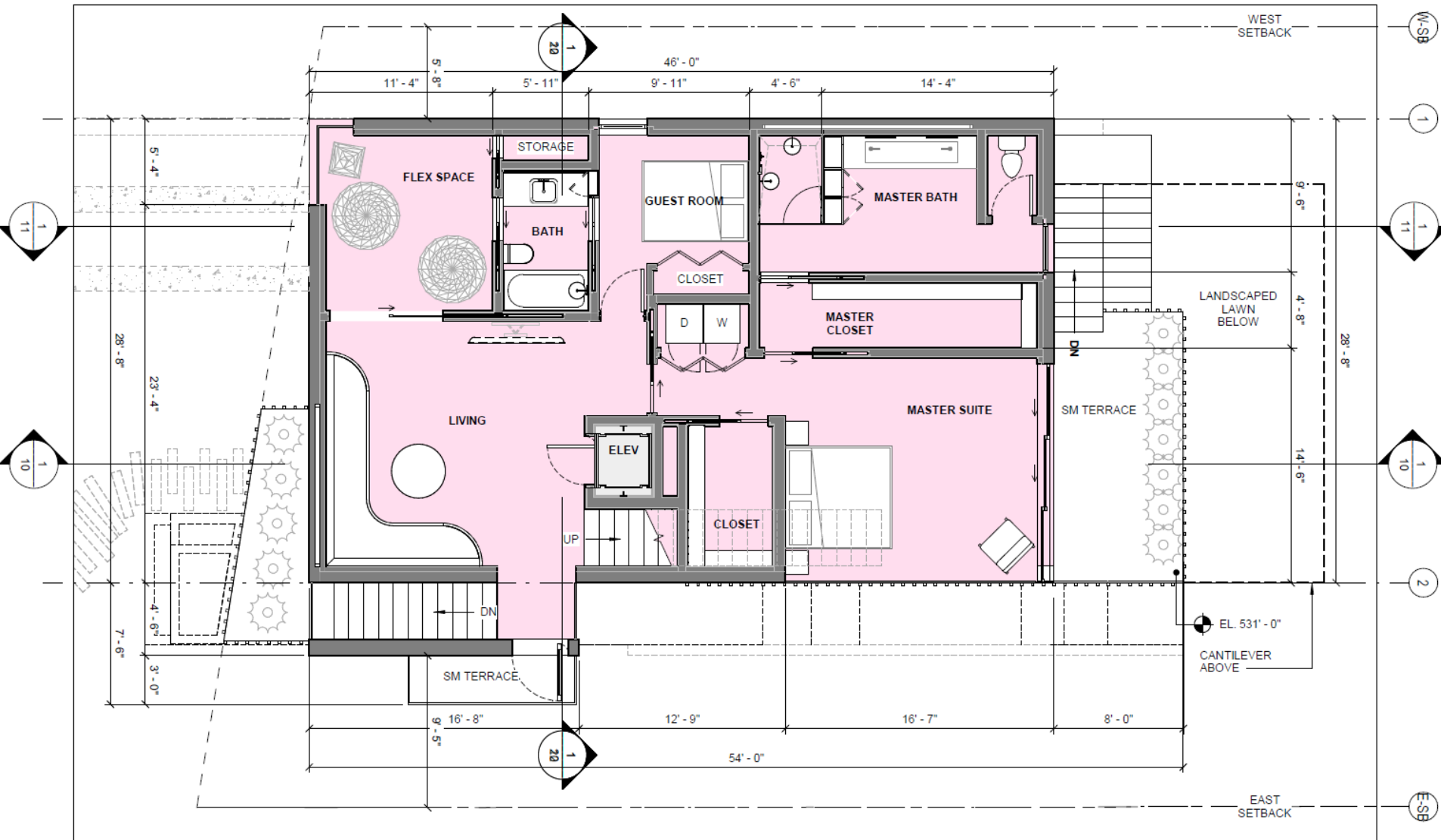
FLOOR PLAN - CARPORT

1502 Hillmont Street | BOA SUBMISSION | 7



3/16" = 1'-0"

RIOS



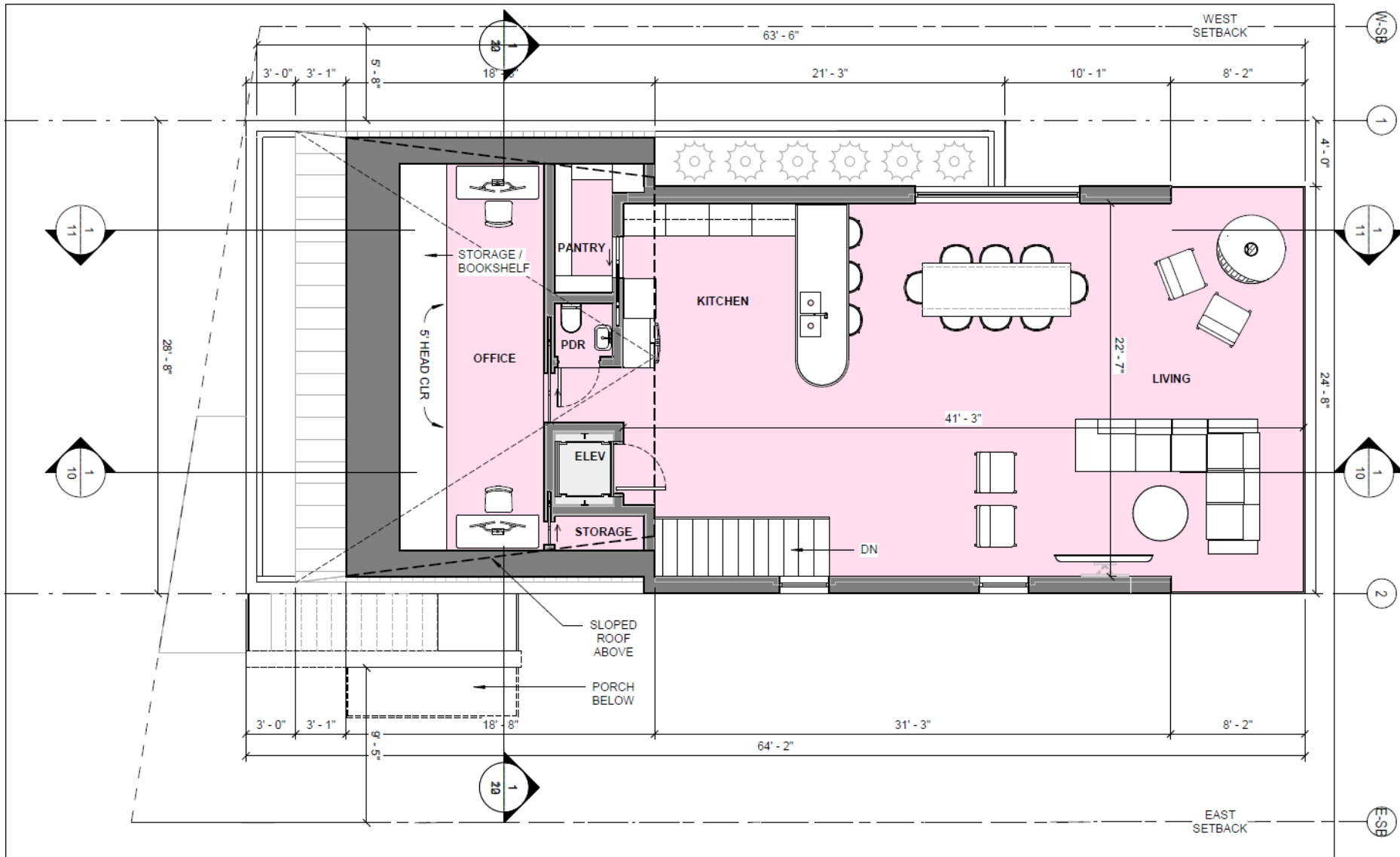
FLOOR PLAN - LEVEL 1

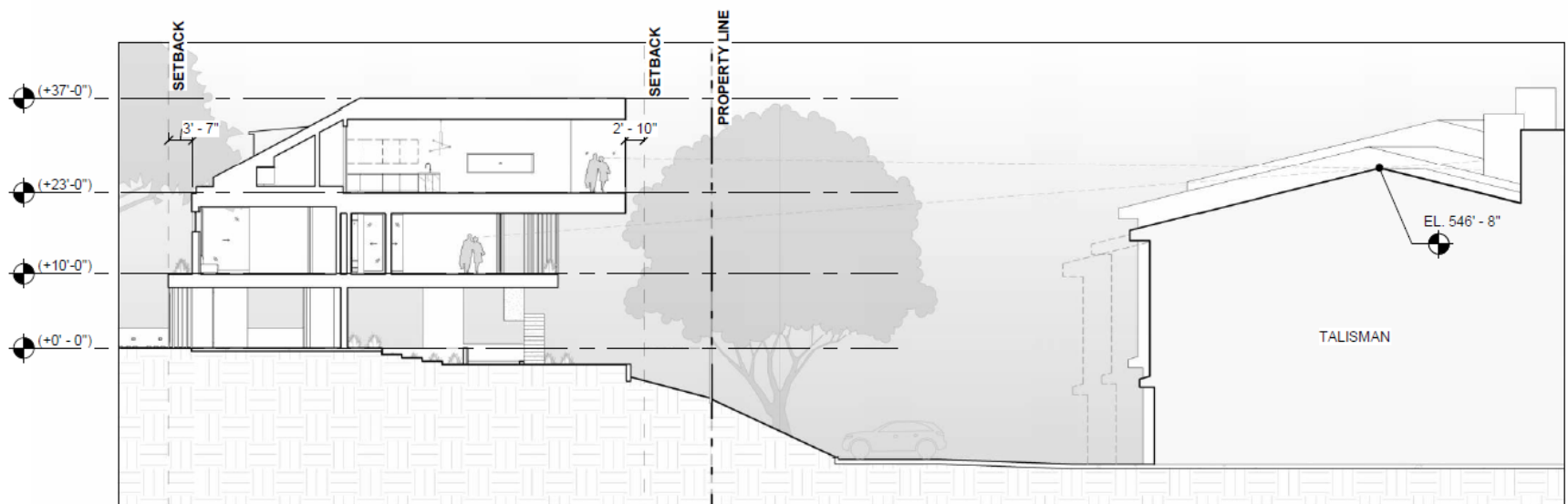
1502 Hillmont Street | BOA SUBMISSION | 8



3/16" = 1'-0"

RIOS



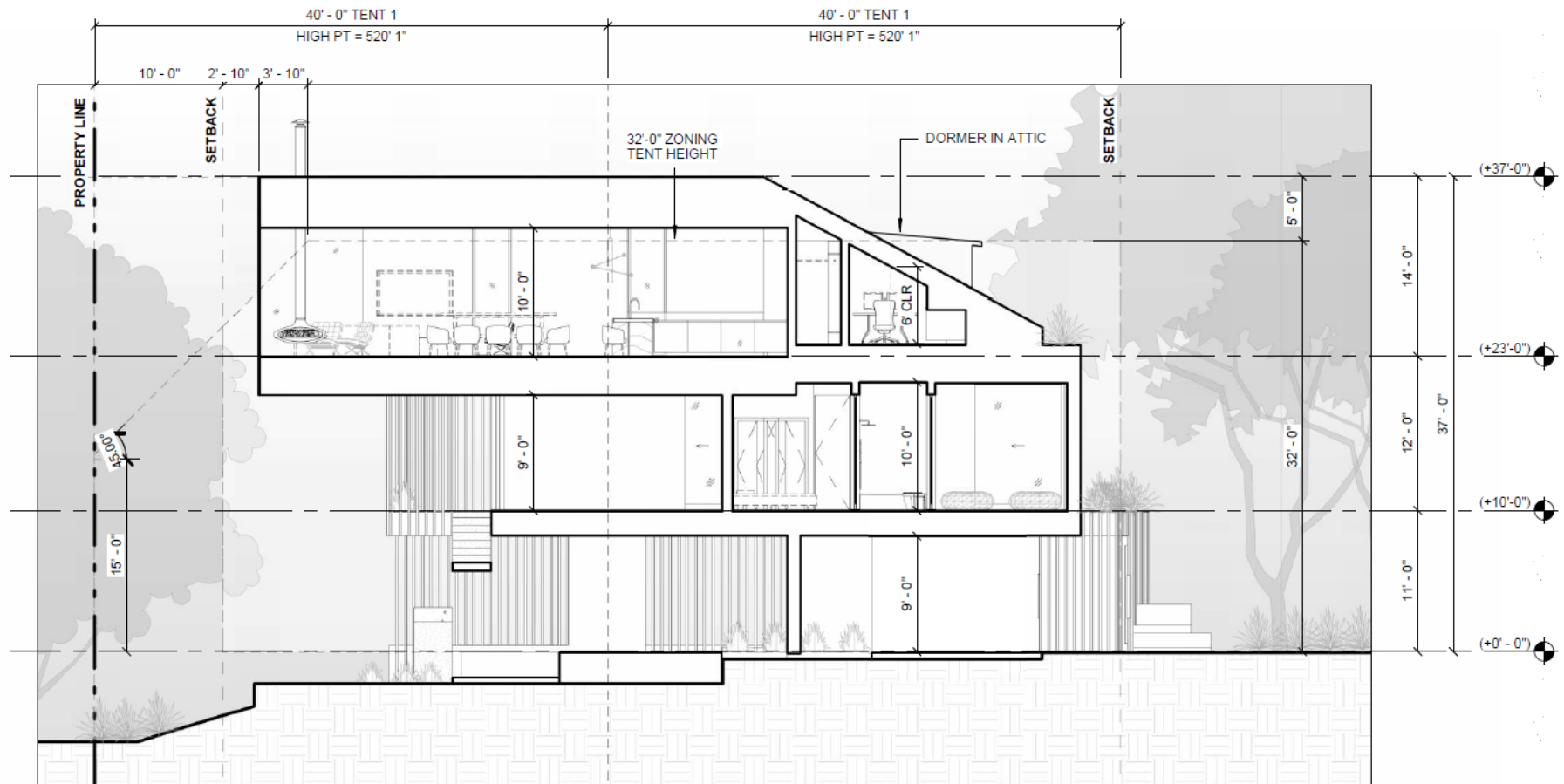


SITE SECTION

1502 Hillmont Street | BOA SUBMISSION | 10

1/16" = 1'-0"

RIOS

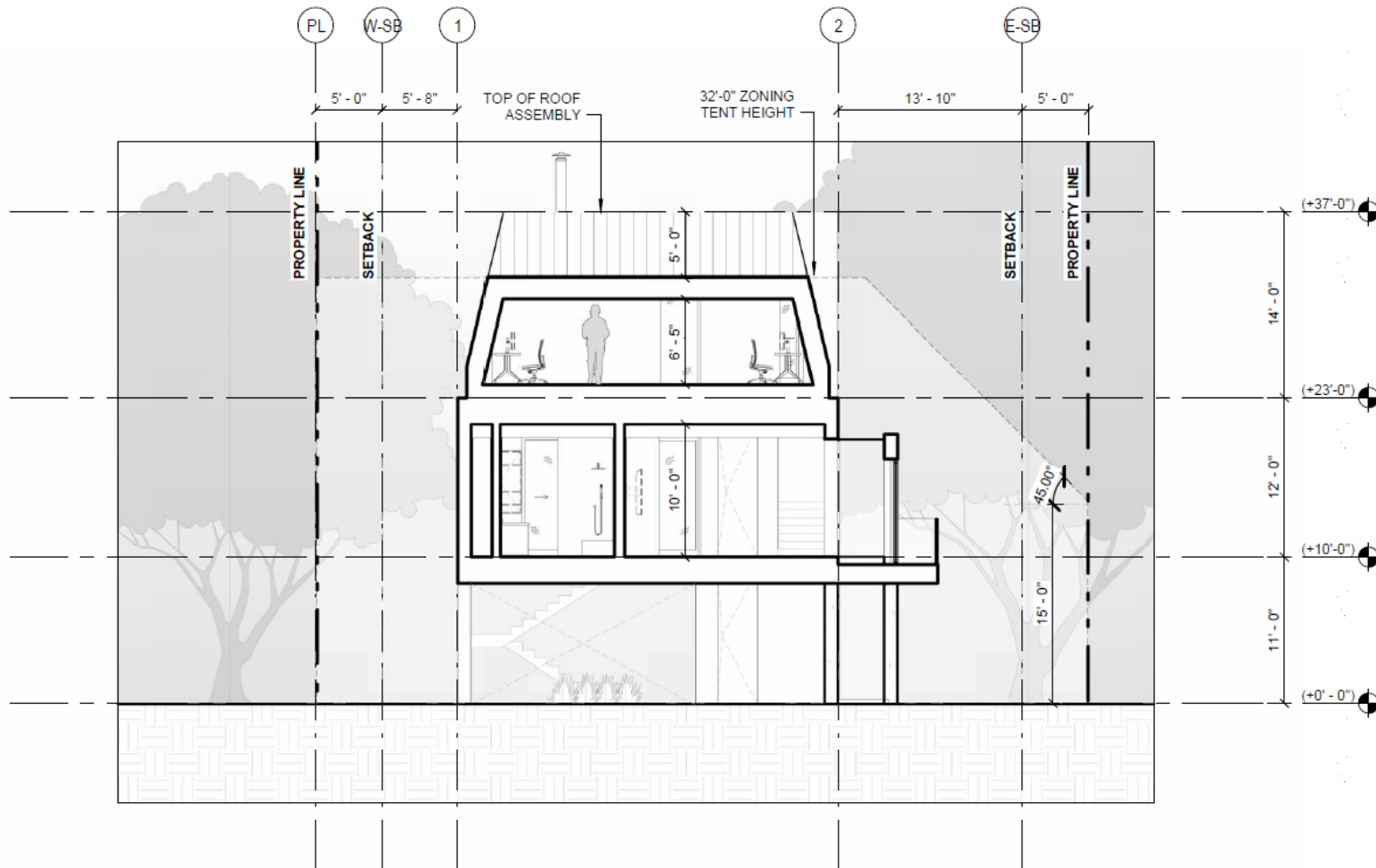


NORTH - SOUTH BUILDING SECTION

1502 Hillmont Street | BOA SUBMISSION | 11

1/8" = 1'-0"

RIOS

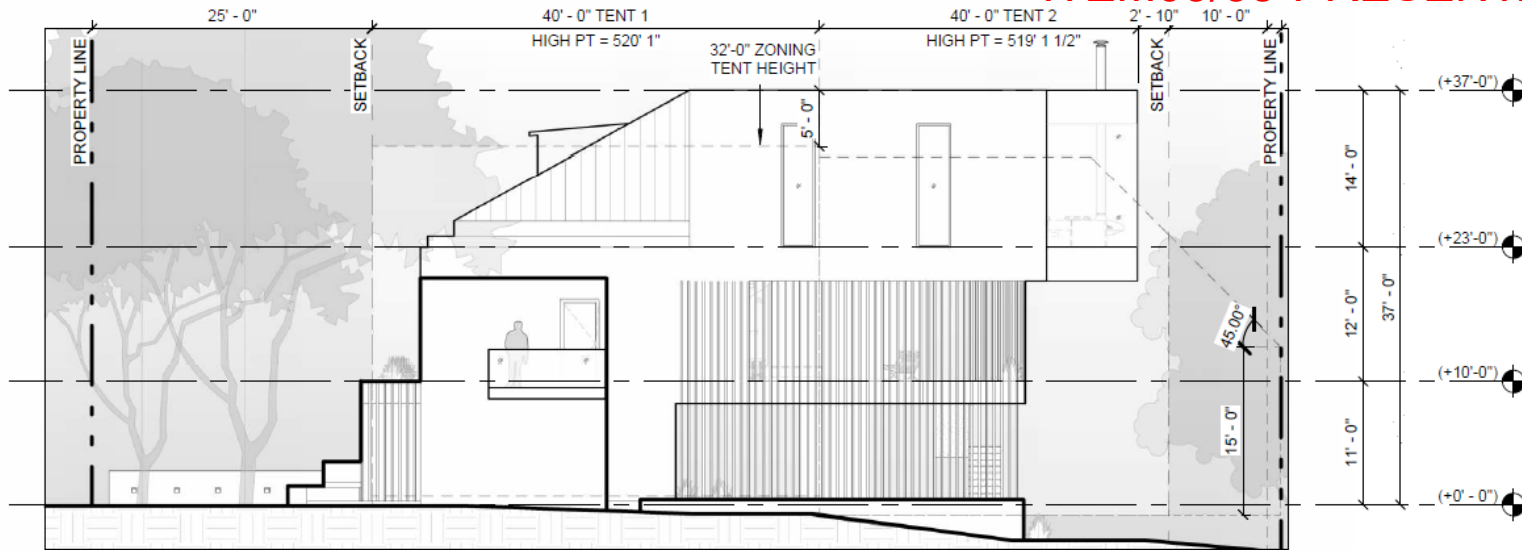


EAST - WEST BUILDING SECTION

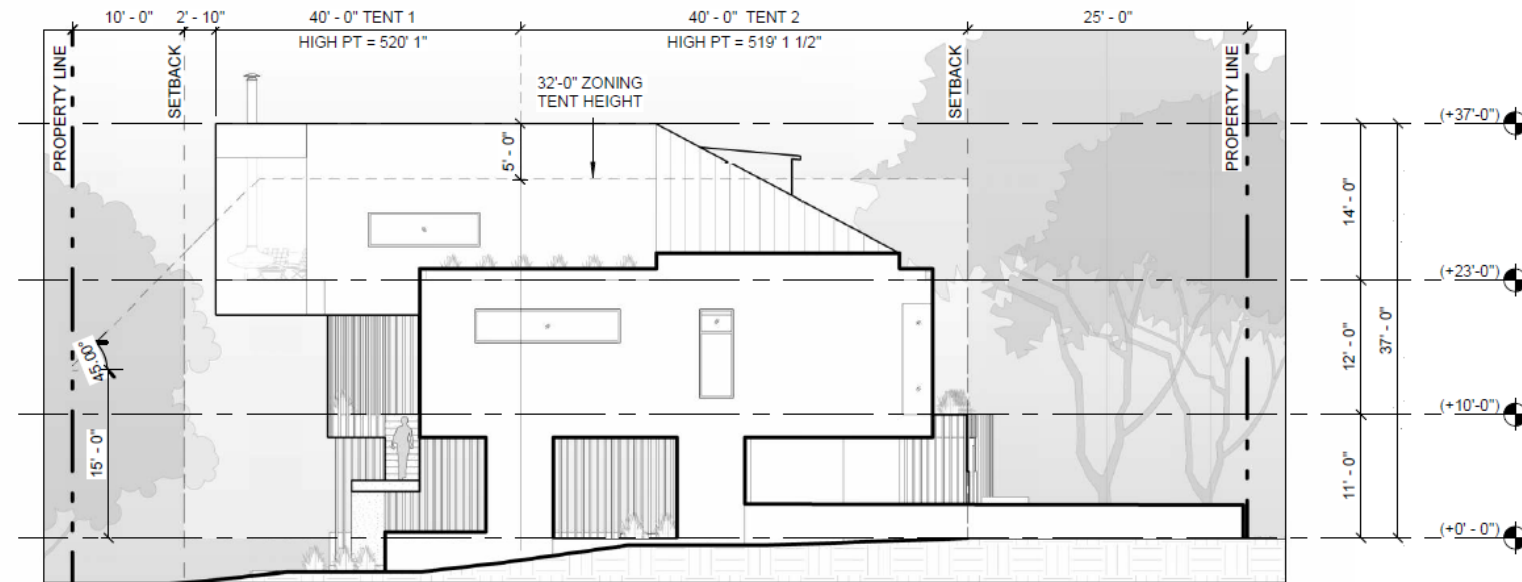
1502 Hillmont Street | BOA SUBMISSION | 12

1/8" = 1'-0"

RIOS

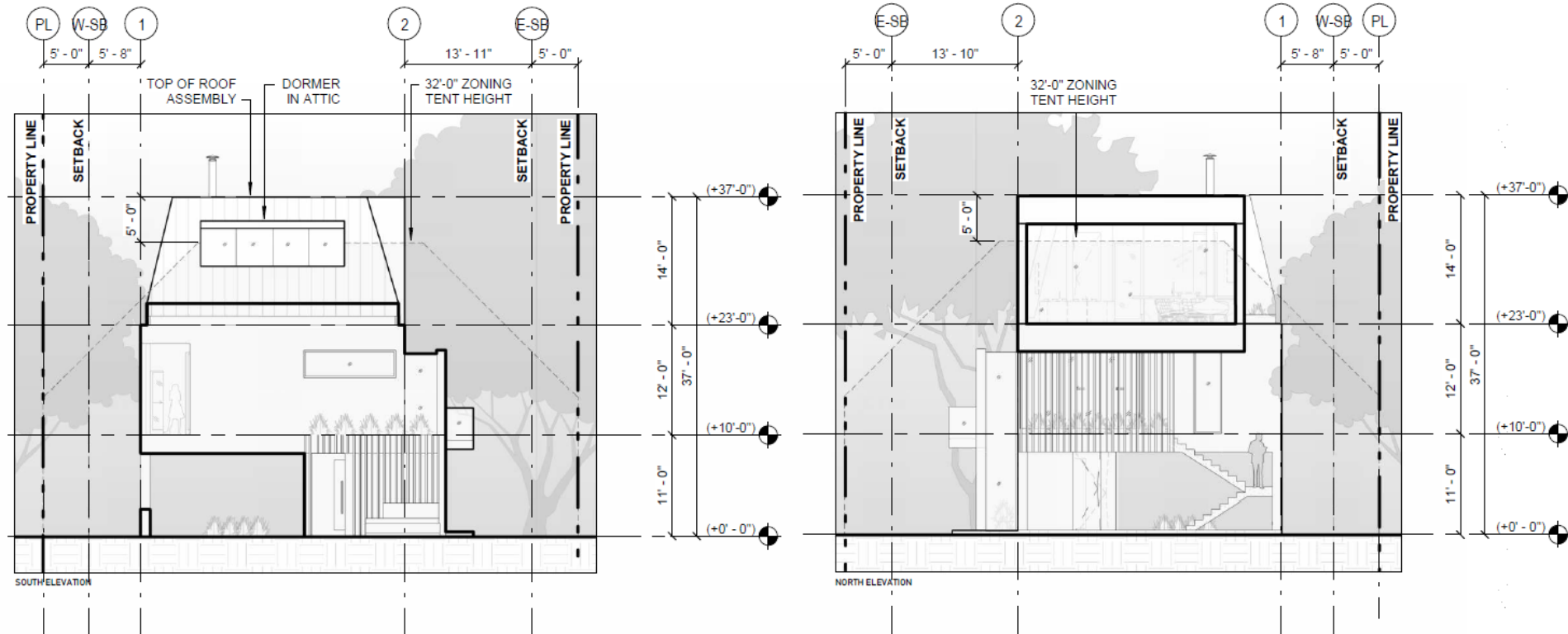


EAST ELEVATION



WEST ELEVATION

EAST - WEST BUILDING ELEVATIONS



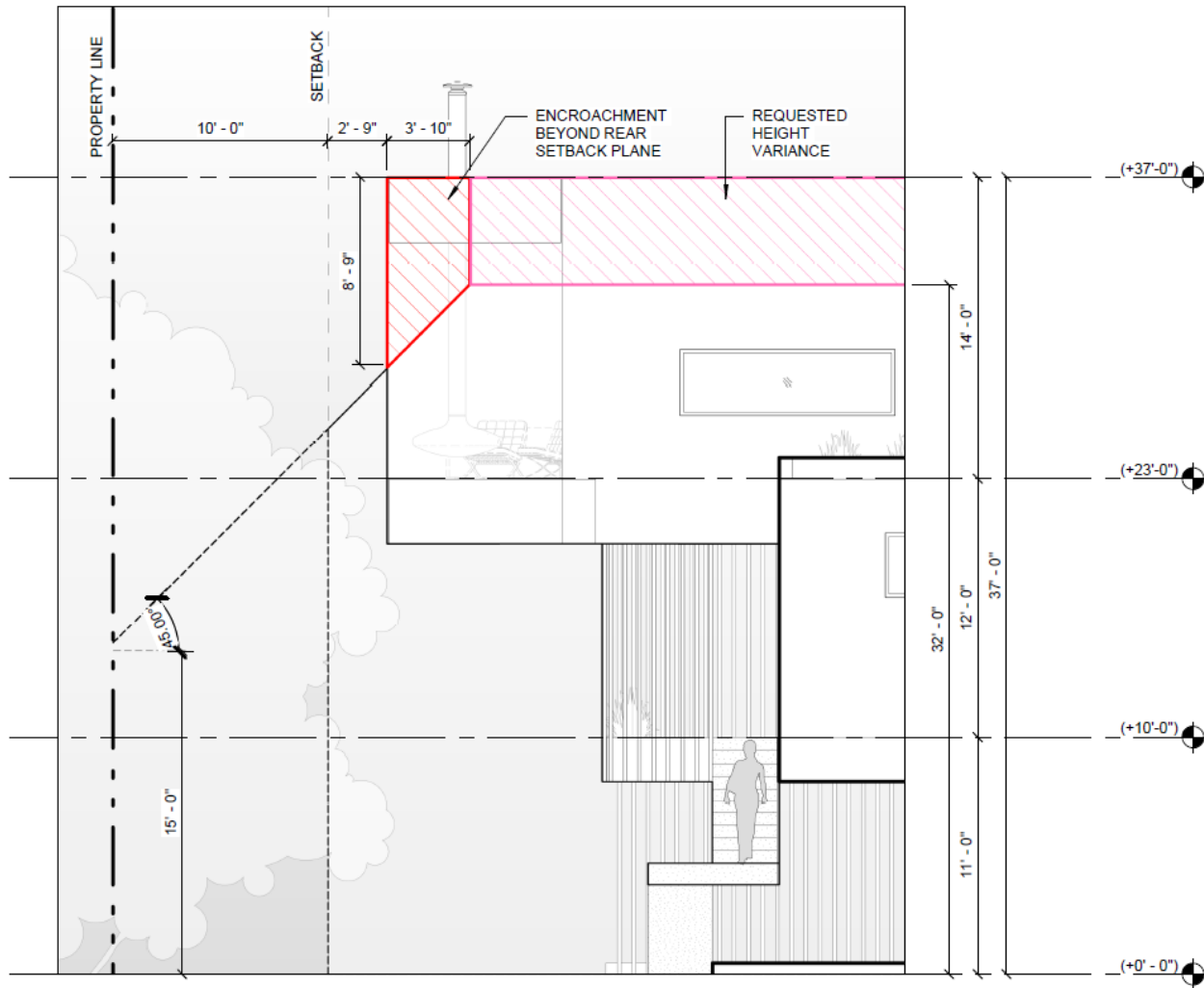
VAST MAJORITY OF SUBCHAPTER F TENT NOT UTILIZED.

NORTH - SOUTH BUILDING ELEVATIONS

1502 Hillmont Street | BOA SUBMISSION | 14

3/32" = 1'-0"

RIOS



REAR SETBACK VARIANCE STUDY

1502 Hillmont Street | BOA SUBMISSION | 15

$$3/16'' = 1'-0''$$

RIOS

Subchapter F - § 2.6. SETBACK PLANES.

This subsection prescribes side and rear setback planes in order to minimize the impact of new development and rear development on adjacent properties.

B. Rear Setback Plane. Except as provided in subsection D., an inwardly sloping 45-degree angle rear setback plane begins at a horizontal line directly above the rear property line at the same elevation as the horizontal line for the last portion of the side setback plane established in paragraph A.3. See Figures 6 through 9.

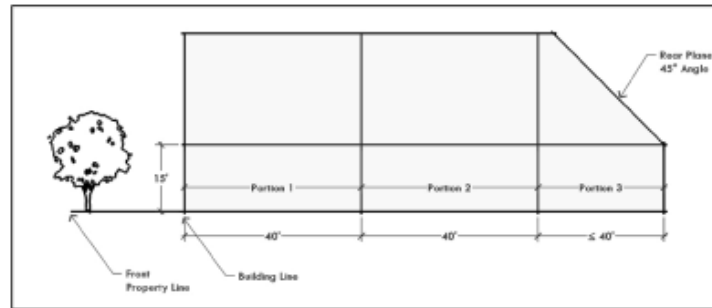


Figure 6: (Elevation View) Rear Setback Plane (Level Ground)

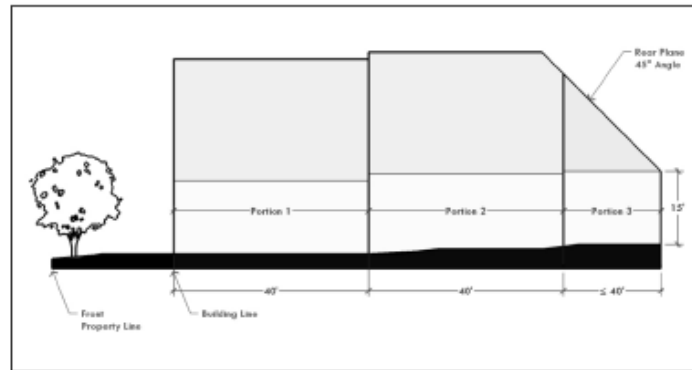


Figure 7: (Elevation View) Rear Setback Plane (Sloping Ground)

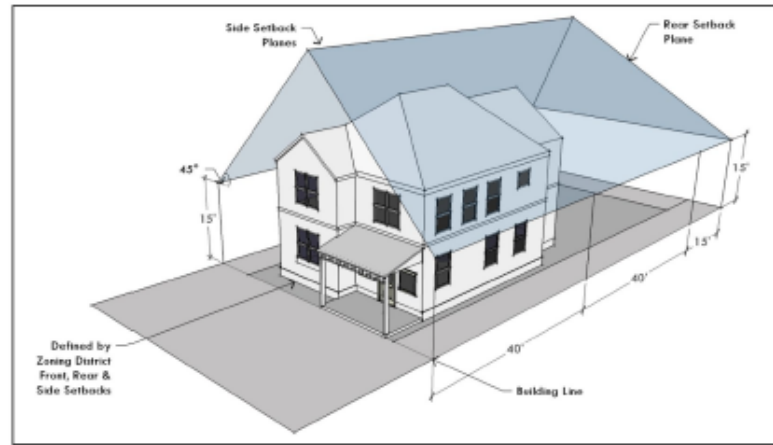


Figure 8: Side and Rear Setback Planes on Level Ground

The side and rear setback planes form a "tent" over the lot, rising from the property lines for 15 feet and then angling in at 45-degree angles from the side and rear. The required front, rear, and side yard setbacks are indicated by the darker shading on the ground.

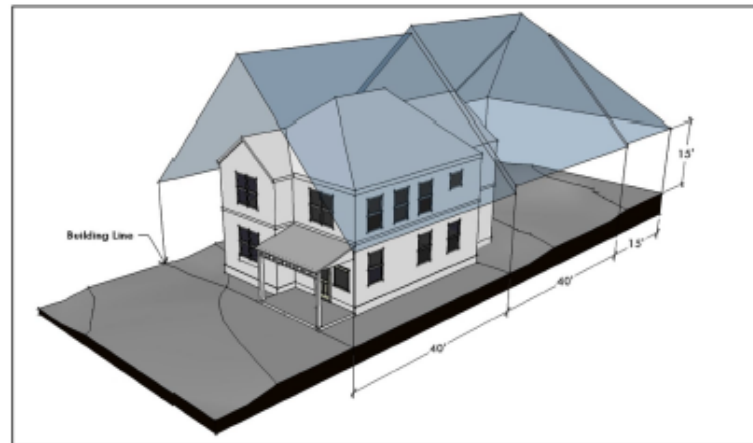


Figure 9: Side and Rear Setback Planes on Sloping Ground