

ITEM03/1-IN OPPOSITION

To: Board of Adjustment
City of Austin

Re: 1502 Hillmont variance, C15-2023-0024, May 8, 2023 Agenda
Applicant: Husch Blackwell LLP (Micah King), 111 Congress AVE Austin TX 78701

LDC, 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) and
- b) Section 2.6 (Setback Planes) (B. Rear Setback Plane) to extend outside the inwardly sloping 45-degree angle (required) by an additional 3 feet 10 inches (requested)

Dear Chair and Board Members,

As concerned residents of South Austin, we have reviewed the variance request and the plans for the proposed new house. It does not appear to meet any of the findings required by the Board of Adjustment.

Reasonable use: We appreciate that this variance request is designed to protect a significant stand of trees, but the application does not present any correspondence with City staff that would deny a permit to rebuild a comparable or larger house on the same footprint. The existing house is 1700 square feet. It appears that the house could be demolished and rebuilt with a complete second floor and attic within existing code, including existing tree protections, and the resulting house would be at least 2000 square feet. We do not see that the zoning code has denied reasonable use.

Hardship: The assertions that the Talisman condo buildings are blocking light and views do not hold up. The Talisman buildings are more than 60 feet away from the house, and they are the same height as the house (1502 Hillmont sits on the highest elevation on the block, so it is already above the surrounding residences).

The limited buildable area and the presence of protected trees are defining characteristics of the Okie Heights area in particular and much of the rest of the Barton Hills, Zilker, and Bouldin Creek neighborhoods in general. Most lots in Okie Heights are constrained by steep terrain or cliff edges and dense tree canopies (for instance, all the lots that border on Lost Canyon). The subject property is less constrained than many other properties nearby, and as noted under "Reasonable use," it appears that the applicant could build a substantial house within the Code.

The desire to build a bigger house than Code allows does not constitute a hardship.

The architect's plans propose a house with

325 sf on the ground floor,
1291 sf on the second floor, and
1435 sf on the third floor,
for a grand total of 3051 sf.

The maximum allowed on this lot is 2462 sf. To bring it down to the max, the architect is claiming almost 400 sf of dubious attic exemptions. Given the size and layout of the proposed house, we can't see any qualifying hardship.

Still, we do appreciate the attempt to limit damage to the critical root zone of the trees and to provide much wider side setbacks to protect the neighboring properties. We would request that the Board of Adjustment, rather than denying the variance outright, instruct the applicant to go back to plan review staff and determine precisely what can be permitted on the site and scale down the proposed house to fit within the McMansion tent. If it turns out that a reasonably sized house cannot be built without destroying a protected tree, then the applicant could still request a smaller and more specific variance.

Thank you for your service to the community.

Sincerely,
Bruce Wiland (1510 Oxford, 78704)
William Neale (1901 Kinney Ave., 78704)
Lorraine Atherton (2009 Arpdale, 78704)