

Variance Request for New Homestead Residence

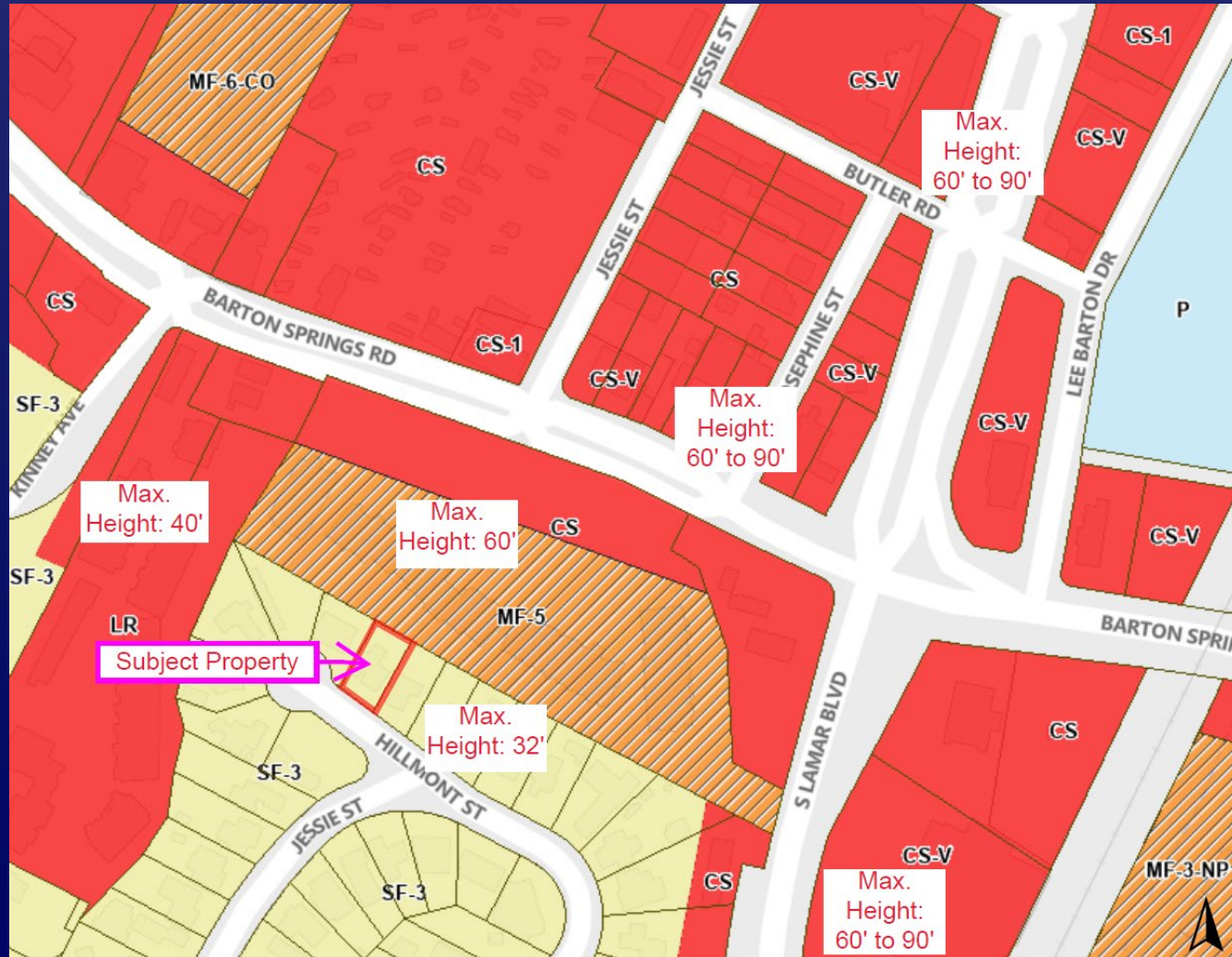
1502 Hillmont Street
C15-2023-0024

The Board of Adjustment
June 12, 2023

Micah King
Husch Blackwell LLP

RIOS Architecture Firm

Map of Location and Area Zoning



Update From Previous Hearing

1. Reduced proposed encroachment into rear setback plane by 1 foot.
2. Reduced proposed height variance by 6 inches.
3. Reduced impervious cover in the outdoor space under and around the rear of the property.
4. Added rainwater gardens and rainwater collection.

Amended and Reduced Variance Request

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 36.5 feet (requested)

(Reduced request by 6 inches)

- b) Section 2.6 (Setback Planes) (B. Rear Setback Plane) to extend outside the inwardly sloping 45-degree rear setback plane by 2 feet, 10 inches (requested)

(Reduced request by 1 foot)

Previous Design Iterations (To Avoid)

SITE AND NEIGHBORHOOD IMPACTS OF PREVIOUS ITERATIONS:

1. WOULD HAVE REQUIRED REMOVAL OF MULTIPLE TREES AND TO BUILD TO 50% CRZ ON (2) HERITAGE TREES
2. WOULD HAVE REQUIRED SIGNIFICANT CANOPY REMOVAL
3. IMPACTS NATURAL GRADE AND DIRECTS RUN-OFF TO NEIGHBORING PROPERTIES
4. IMPACTS NEIGHBOR'S DAYLIGHT BY LOCATING MASSING ON PROPERTY LINES
5. IMPACTS CLIENT'S ACCESS TO DAYLIGHT
6. WOULD HAVE REQUIRED EXTENSIVE EXCAVATION TO CREATE SUFFICIENT PROGRAM AREA (NEIGHBOR AGREEMENT CONTINGENT UPON NOT BUILDING A BASEMENT, DUE TO POTENTIAL IMPACT ON EXISTING RETAINING WALLS)
7. DOES NOT LEAVE ANY OUTDOOR AREA FOR A YARD FOR OWNERS OR PETS
8. DID NOT ACHIEVE CLIENT'S PROGRAM GOALS, LEFT WITH VERY LOW CEILING HEIGHTS

PREVIOUS DESIGN ITERATION
1502 Hillmont Street | BOA SUBMISSION |

PREVIOUS ITERATION A

PREVIOUS ITERATION B

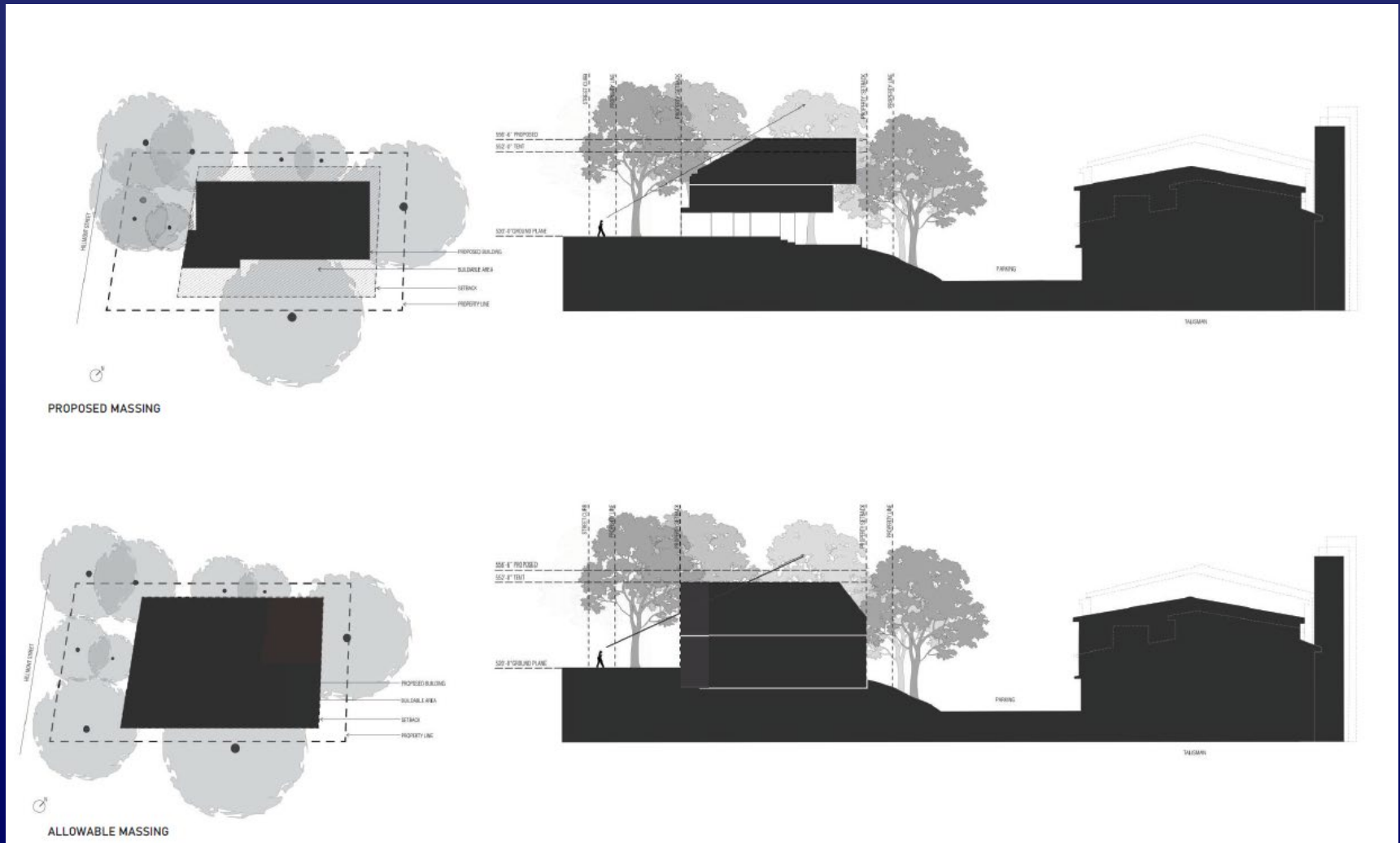
PREVIOUS ITERATION C

PREVIOUS ITERATION D

RIOS

NOT TO SCALE

Proposed Massing with Variance (Top) and Allowable Massing (Not Considering Trees and Slopes) (Bottom)

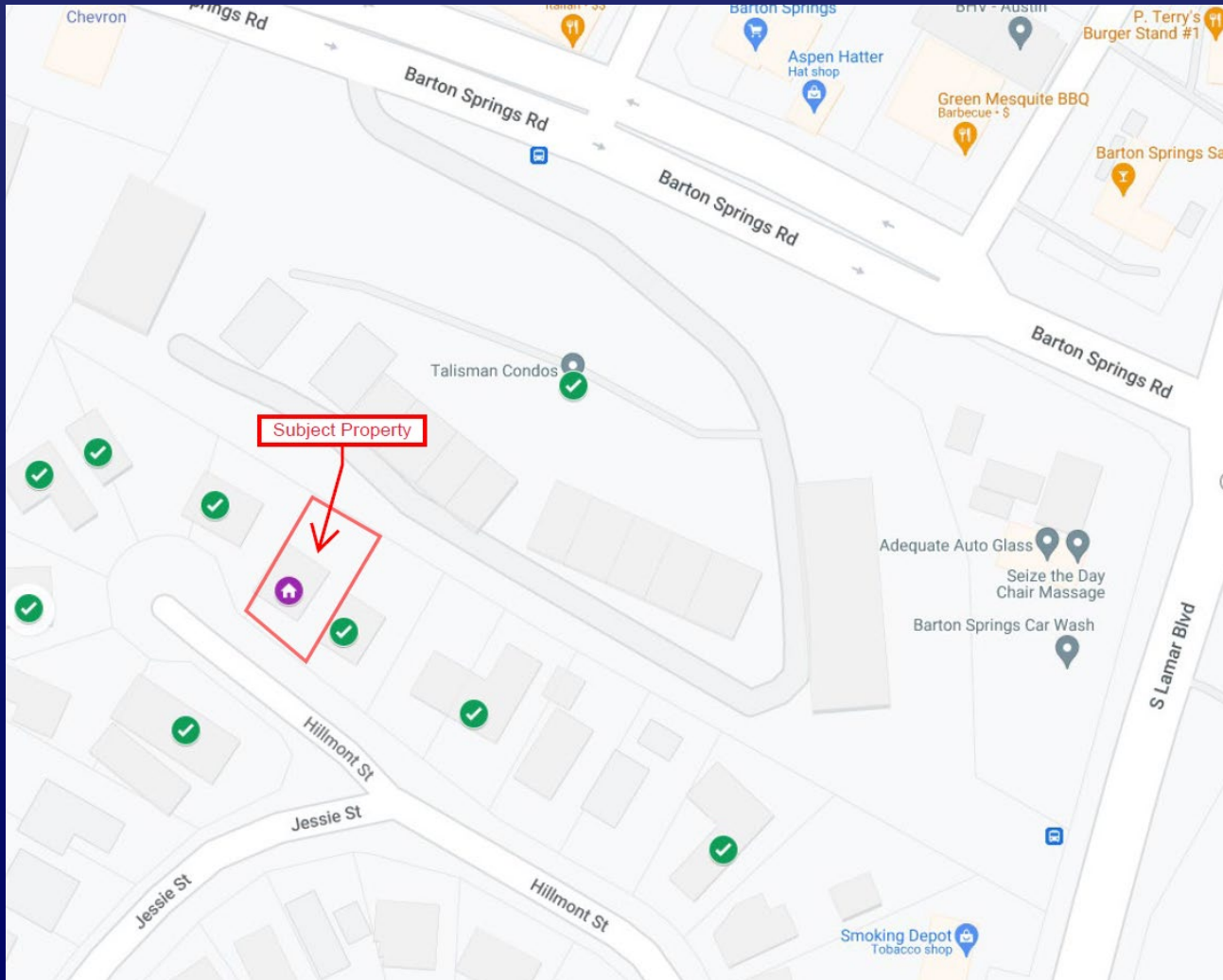


Benefits of Approval

- ▶ Approval would address site constraints by including a cantilevered design on a reduced footprint by building up rather than down or out to minimize impervious cover and reduce impacts to slopes, trees, Critical Root Zones, and canopies.
- ▶ 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.

Support from Closest Neighbors (Indicated by Green Checkmarks)

ITEM 07/8 - PRESENTATION





VIEW OF EXISTING TREES FROM 1502 HILLMONT



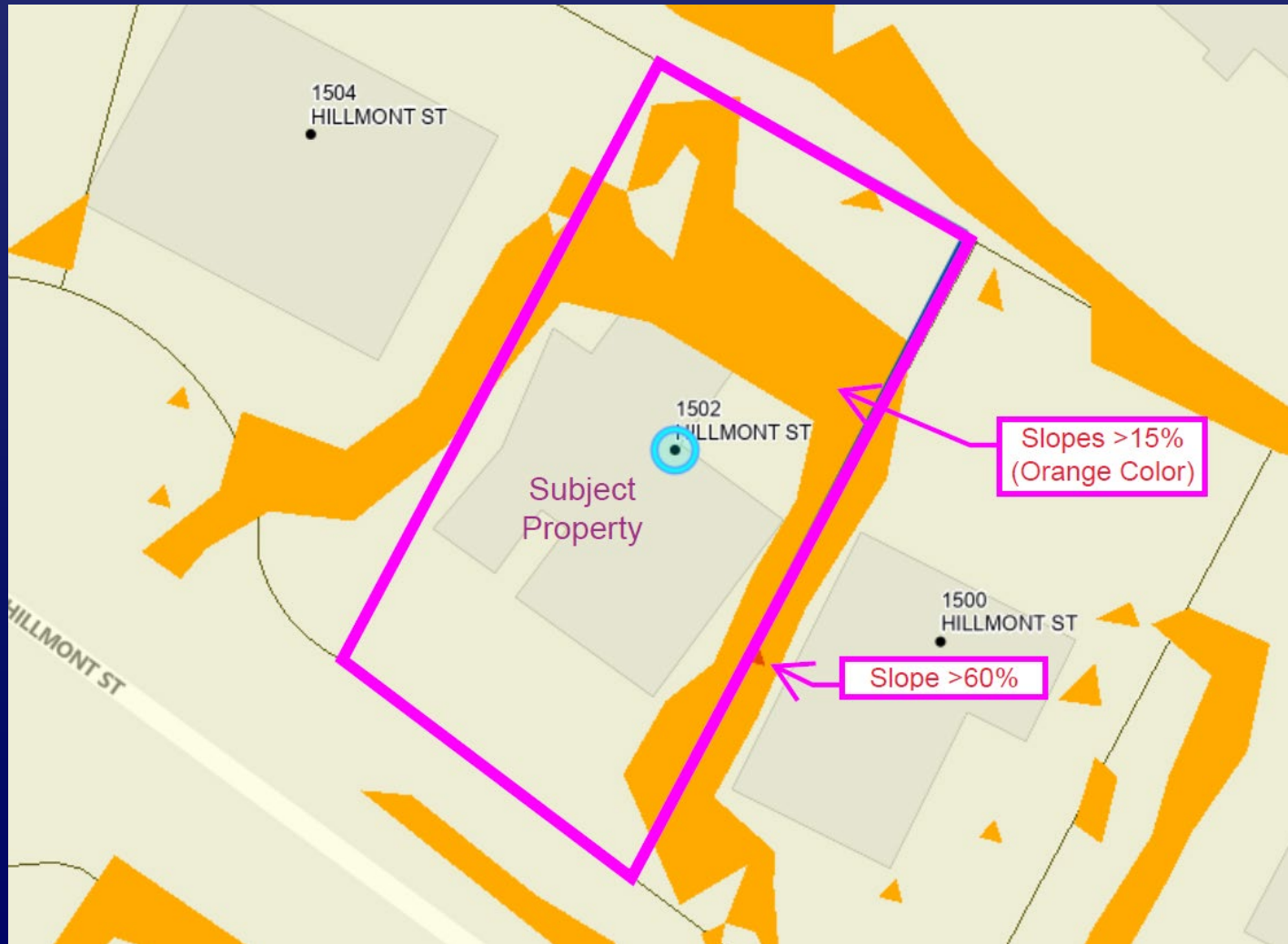


450-Feet of Rear of 3-Story Buildings,
Parking, and Internal Circulation

1502 Hillmont St

Especially Large Amount
of Protected and Heritage
Trees, Critical Root
Zones, and Canopies on
and Around Subject

Map of Slopes >15%

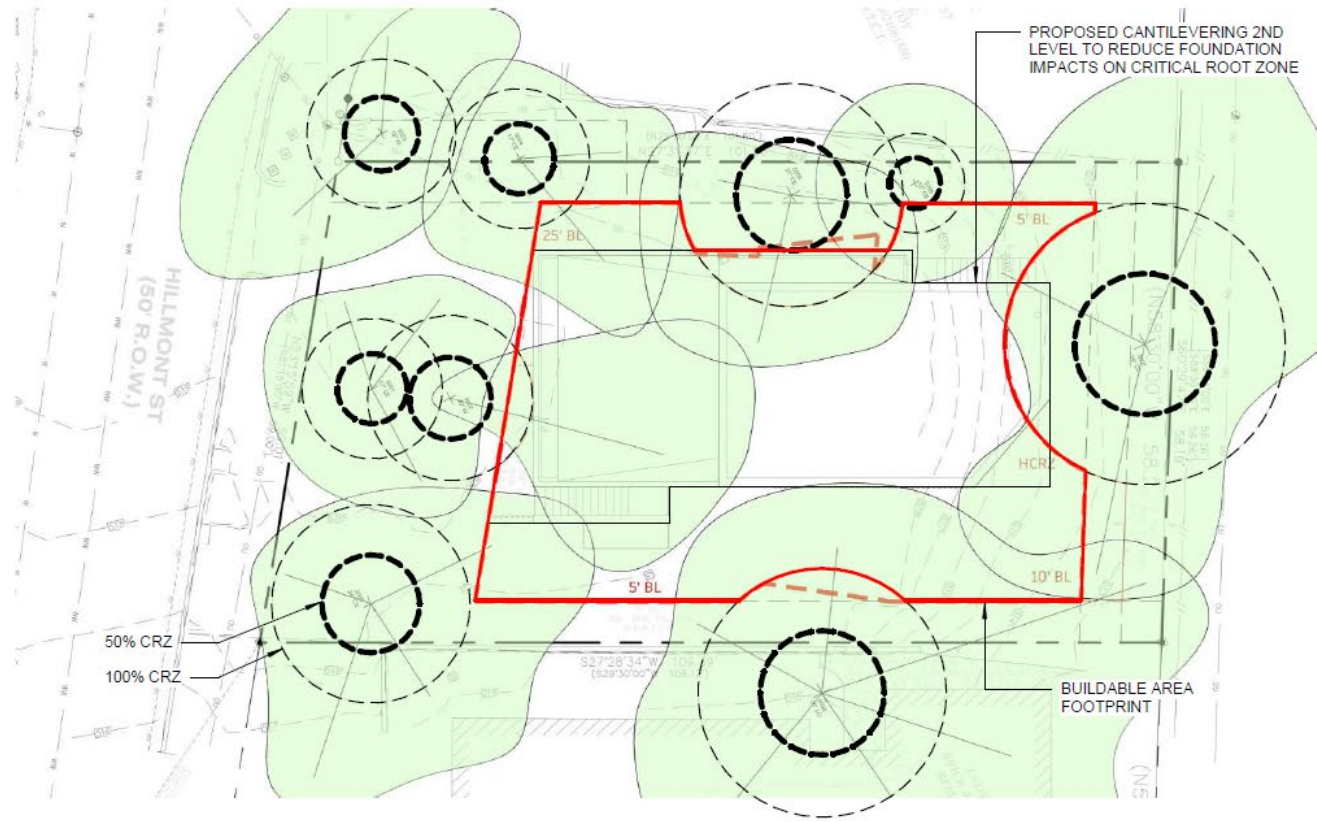




SATELLITE VIEW SHOWING DENSE TREE CANOPY ON OUR SITE



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."

The Hardship is Unique to the Property

- ▶ Limited buildable area due to a combination of:
 - ▶ Setbacks / easements.
 - ▶ Trees (including protected and heritage trees) completely encircling the property since the existing house was built.
 - ▶ Trees include 34-inch Cedar Elm and 30-inch Live Oak.
 - ▶ Large tree canopies completely shroud the property.
 - ▶ Large Critical Root Zones.
 - ▶ Large horizontal limbs overhanging house and in yards.
 - ▶ Slopes on three sides that create run-off concerns.

Reasonable Use

- ▶ The regulations unreasonably constrain the ability of the owner to have adequate housing to meet their long-term needs since the existing home does not make sense to renovate or to rebuild without variances.
- ▶ Without the variances, a new structure would have a greater impact to the slopes, increase the risk of off-site drainage issues, and worsen the impact to trees and their canopies and Critical Root Zones.
- ▶ Based on multiple design iterations by numerous architects, the revised plans best allow for a reasonable use by increasing height in the rear via a cantilevered design to avoid the slopes and Critical Root Zones, with massing and height shifted to the rear where the property is adjacent to a 450-wide swath of 3-story condos on property zoned MF-5.

The Hardship is Not General to the Area

- ▶ Properties in the area do not have the same combination of:
 - ▶ A lot with a relatively small buildable area that is shrouded by so many trees.
 - ▶ Including protected and heritage trees and their Critical Root Zones and very large canopies and overhanging and running limbs, and where new construction access will need to avoid trees (not a blank slate).
 - ▶ Sloping topography on the sides and rear.
 - ▶ Backs up to property with 3-story condos with a combined width of 450 feet, a fire lane, and parking area, on property zoned MF-5.

Approval Would Not Alter the Area's Character

- ▶ The front part of the house would be below maximum height per Subchapter F; the height increase would only be for the rear.
- ▶ 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 to the large condo property and parking area to the rear to honor the intent of Subchapter F.

Approval Would Not Impair the Use of Adjacent Property

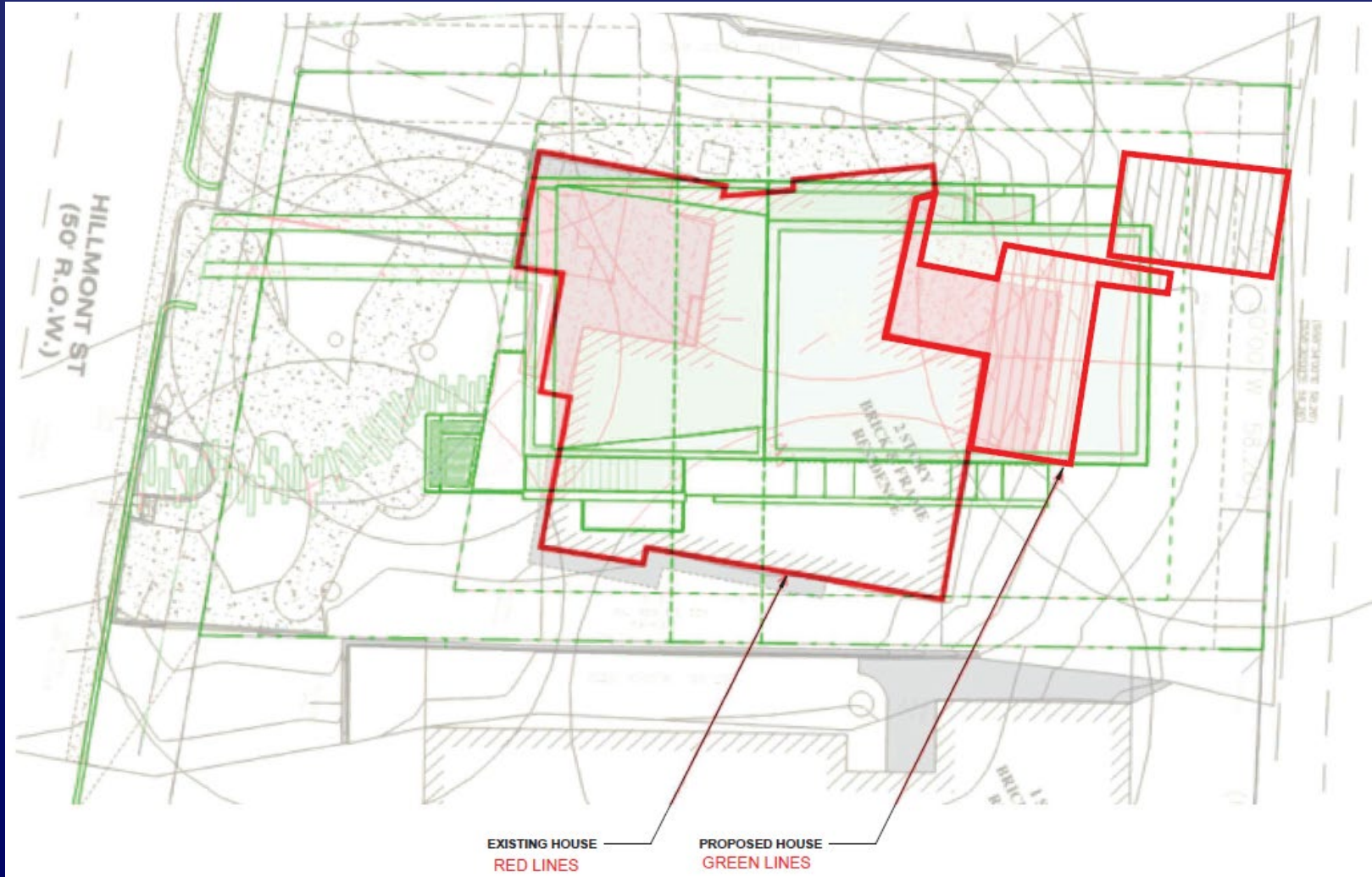
ITEM 07/17-PRESENTATION

- ▶ The small portion of the top floor that would go beyond the rear setback plane and the rear part with the height increase backs up to a large condominium property zoned MF-5 with a fire lane and parking area and so would not impair its use.
- ▶ The side setbacks would be wider than required by Code.
- ▶ 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 even utilize most of the Subchapter F buildable area (or “tent”).

Approval Would Not Impair the Purposes of the Regulations of the Zoning District

- ▶ 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.
- ▶ Subchapter F “is intended to minimize the impact of new construction The standards are designed to protect the character of Austin’s older neighborhoods by ensuring that new construction is compatible in scale and bulk with existing neighborhoods.”
- ▶ As such, the design would not impair the intent of the zoning regulations.

Footprints of Existing and Proposed House





View of Proposed House

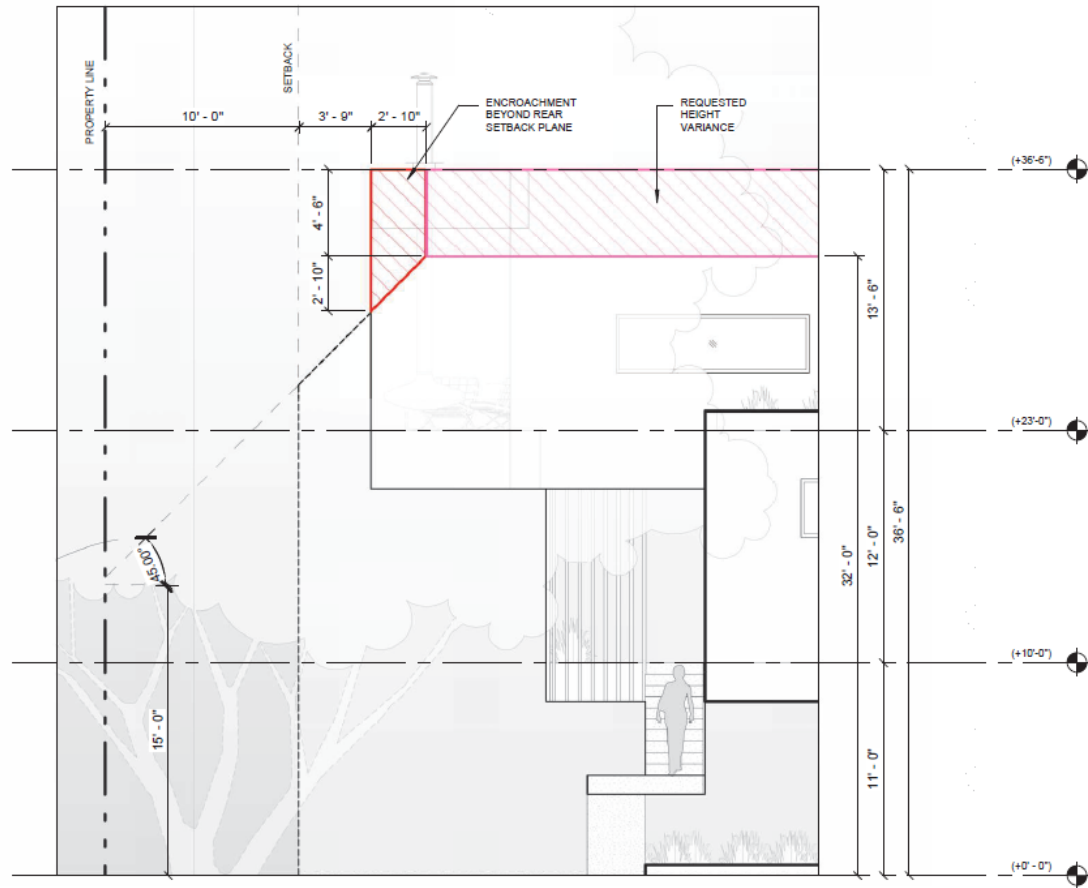


EXTERIOR VIEW

1502 Hillmont Street | BOA SUBMISSION | 16

RIOS

Rear Setback Plane Variance Exhibit



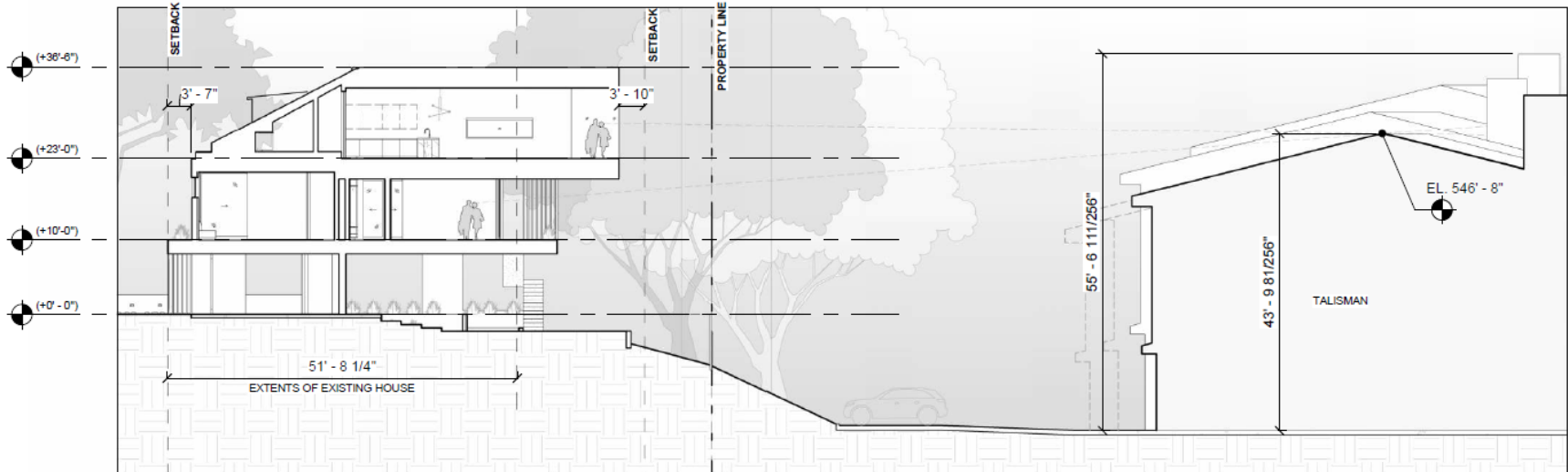
REAR SETBACK VARIANCE STUDY

1502 Hillmont Street | BOA SUBMISSION |

3/16" = 1'-0"

RIOS

Site Section With Condo Property to Rear



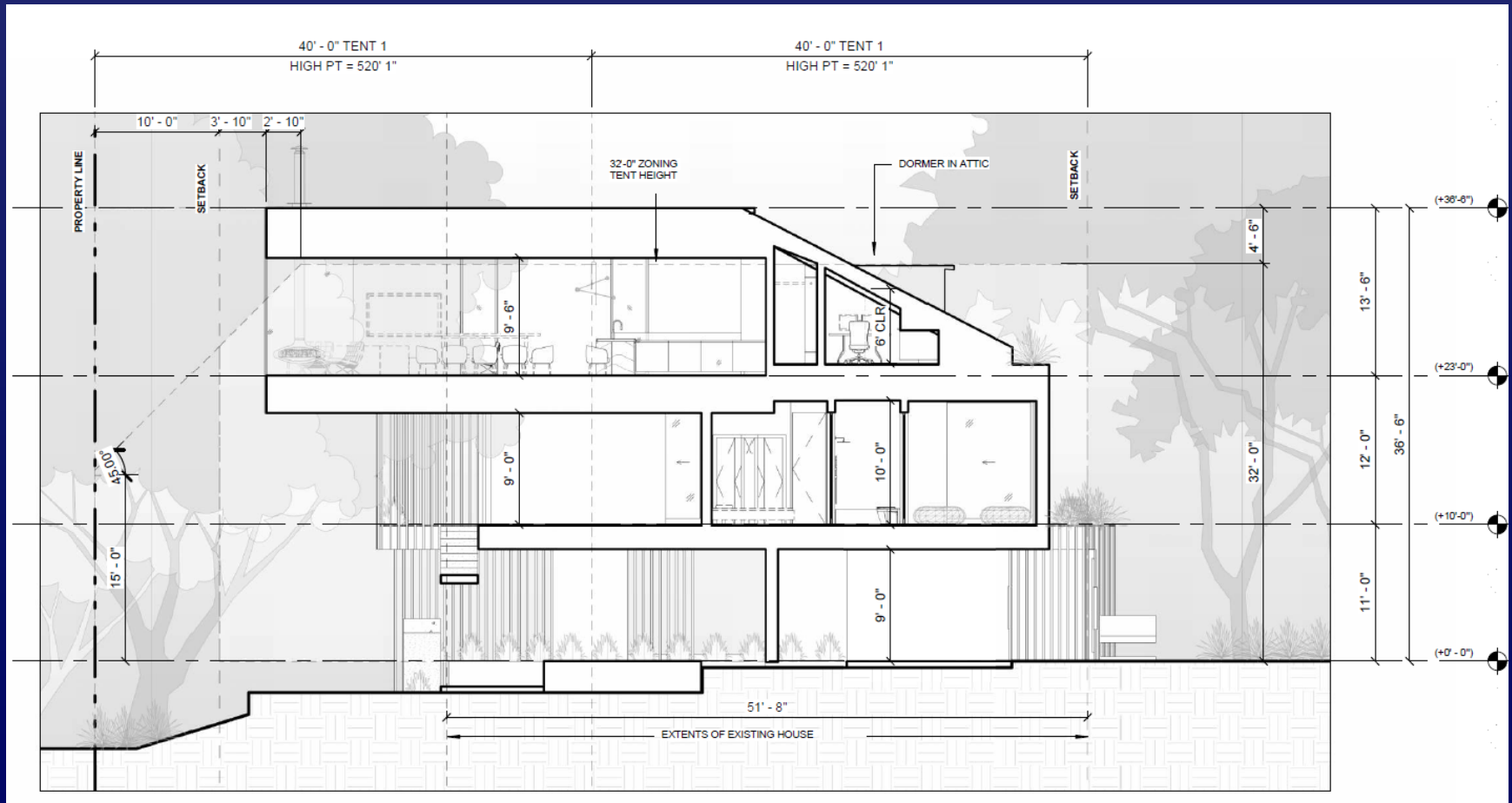
SITE SECTION

1502 Hillmont Street | BOA SUBMISSION | 12

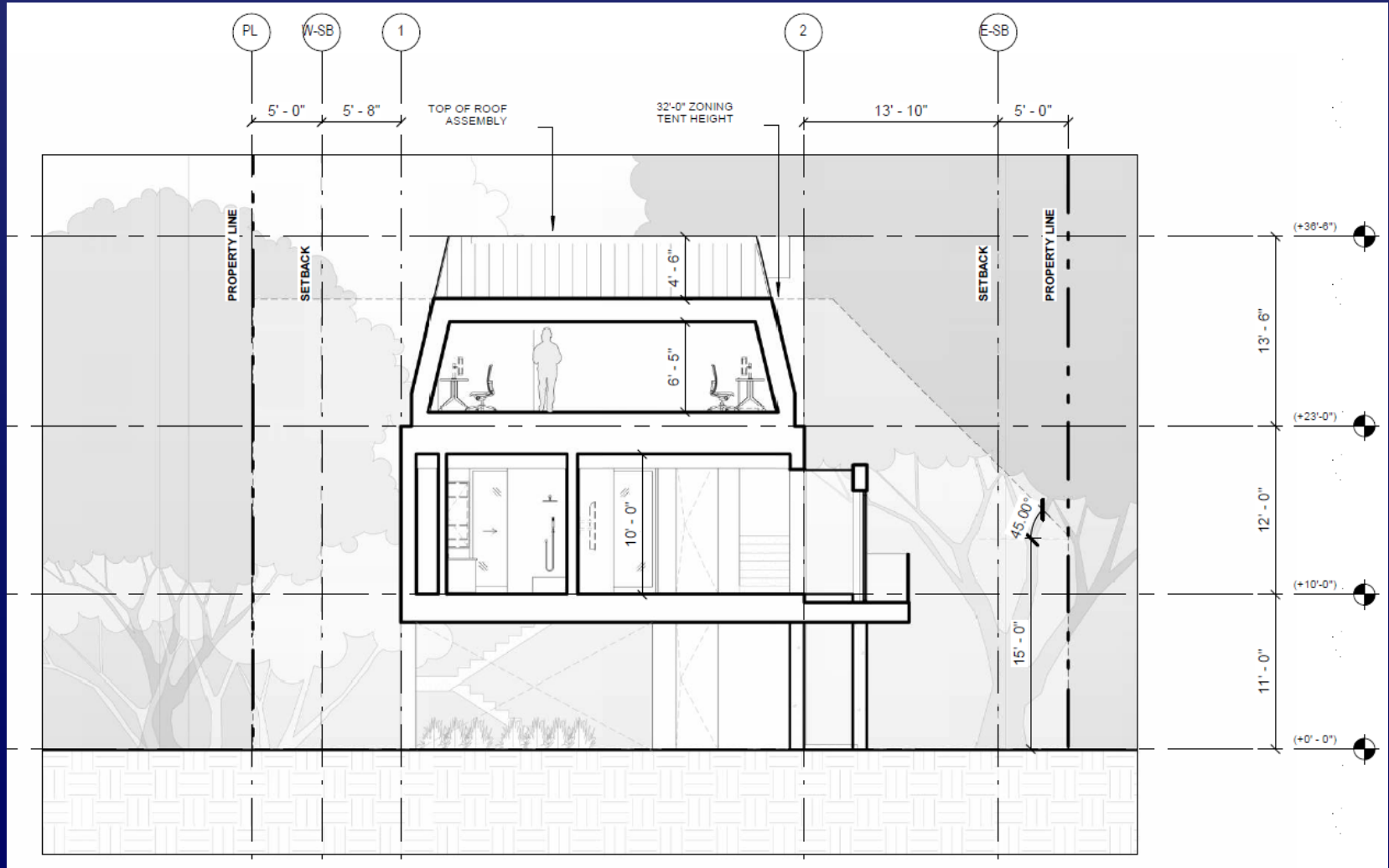
1/16" = 1'-0"

RIOS

Side Elevation (Street Side on Right)

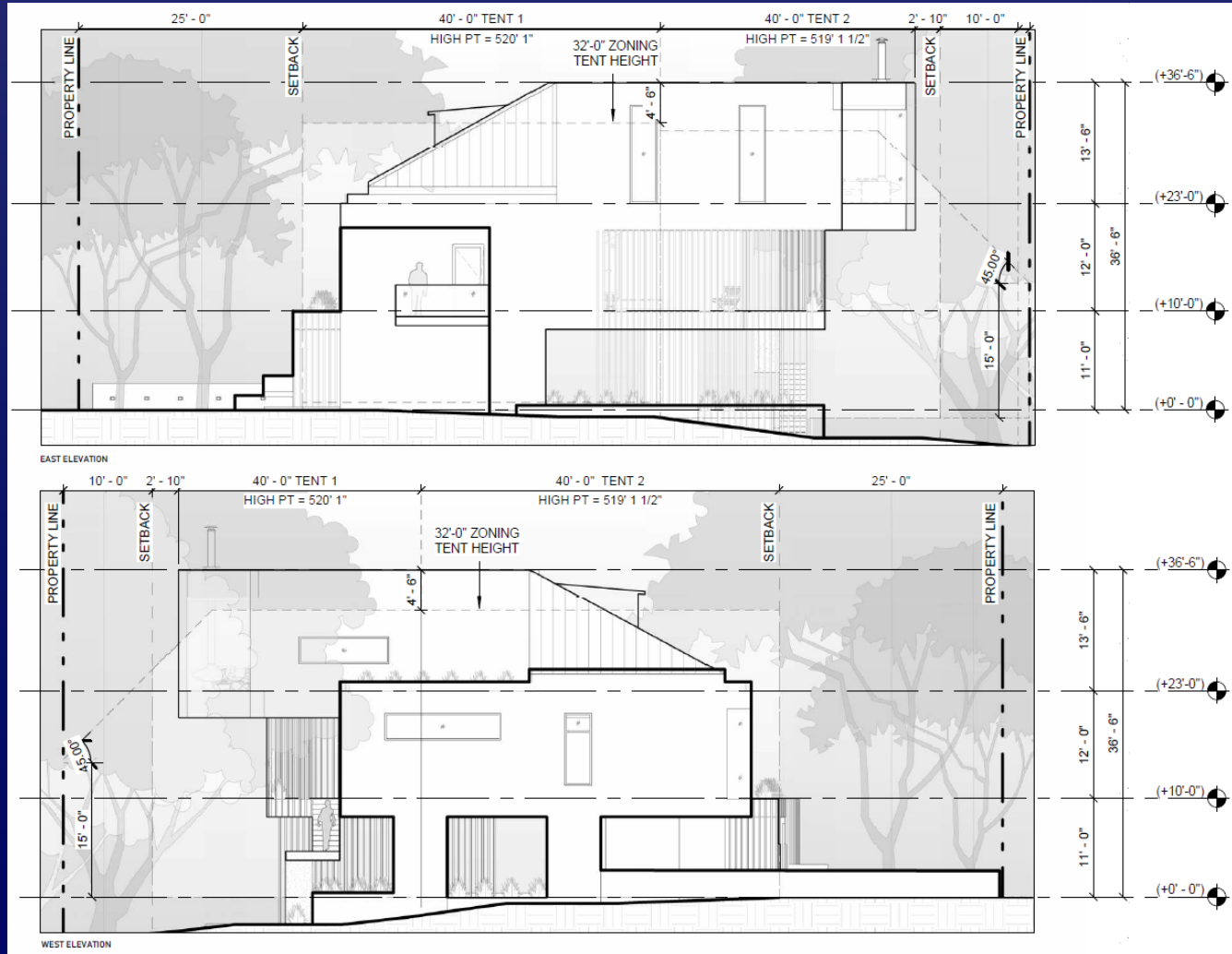


Building Section

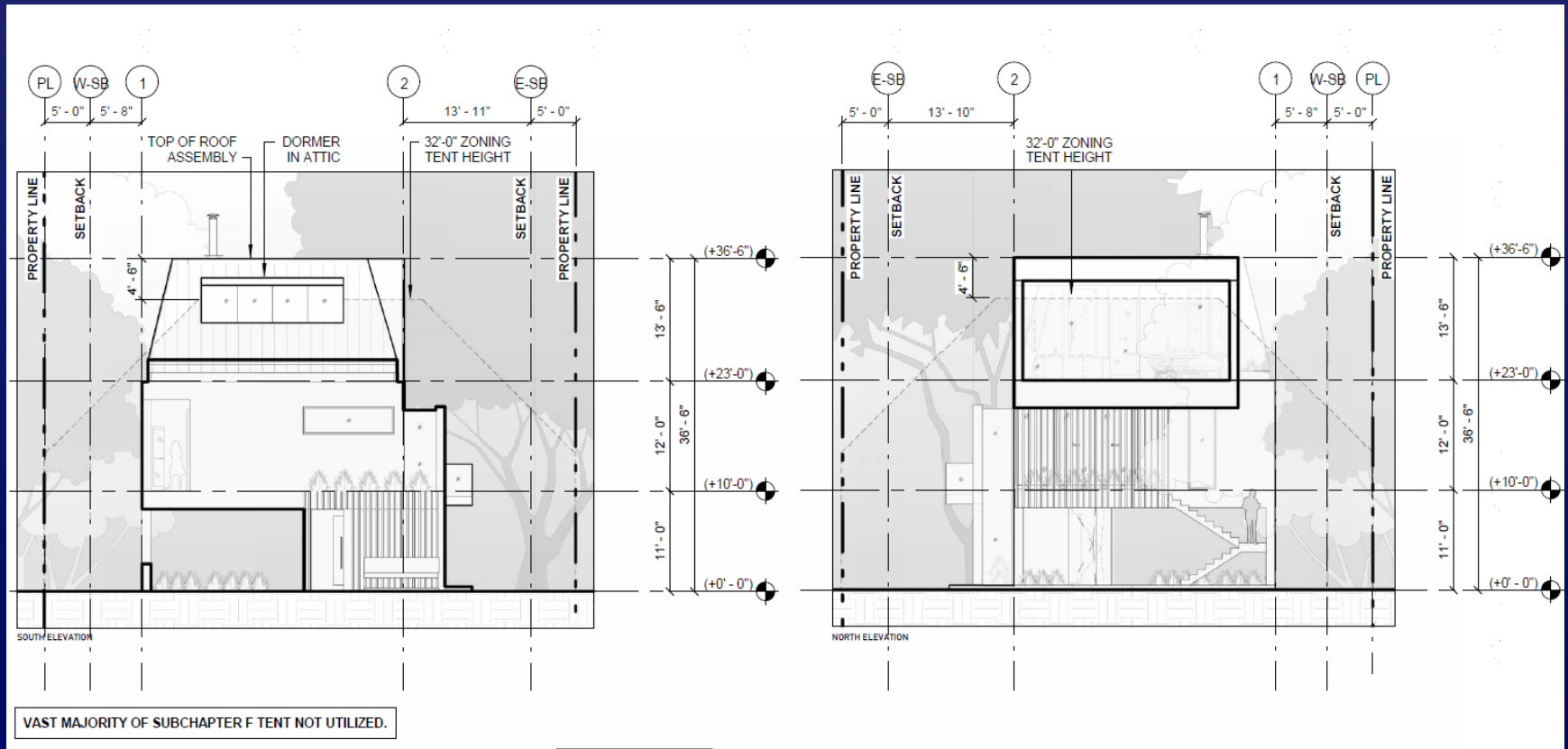


East Elevation (Top) and West Elevation (Bottom)

ITEM 07/27-PRESENTATION

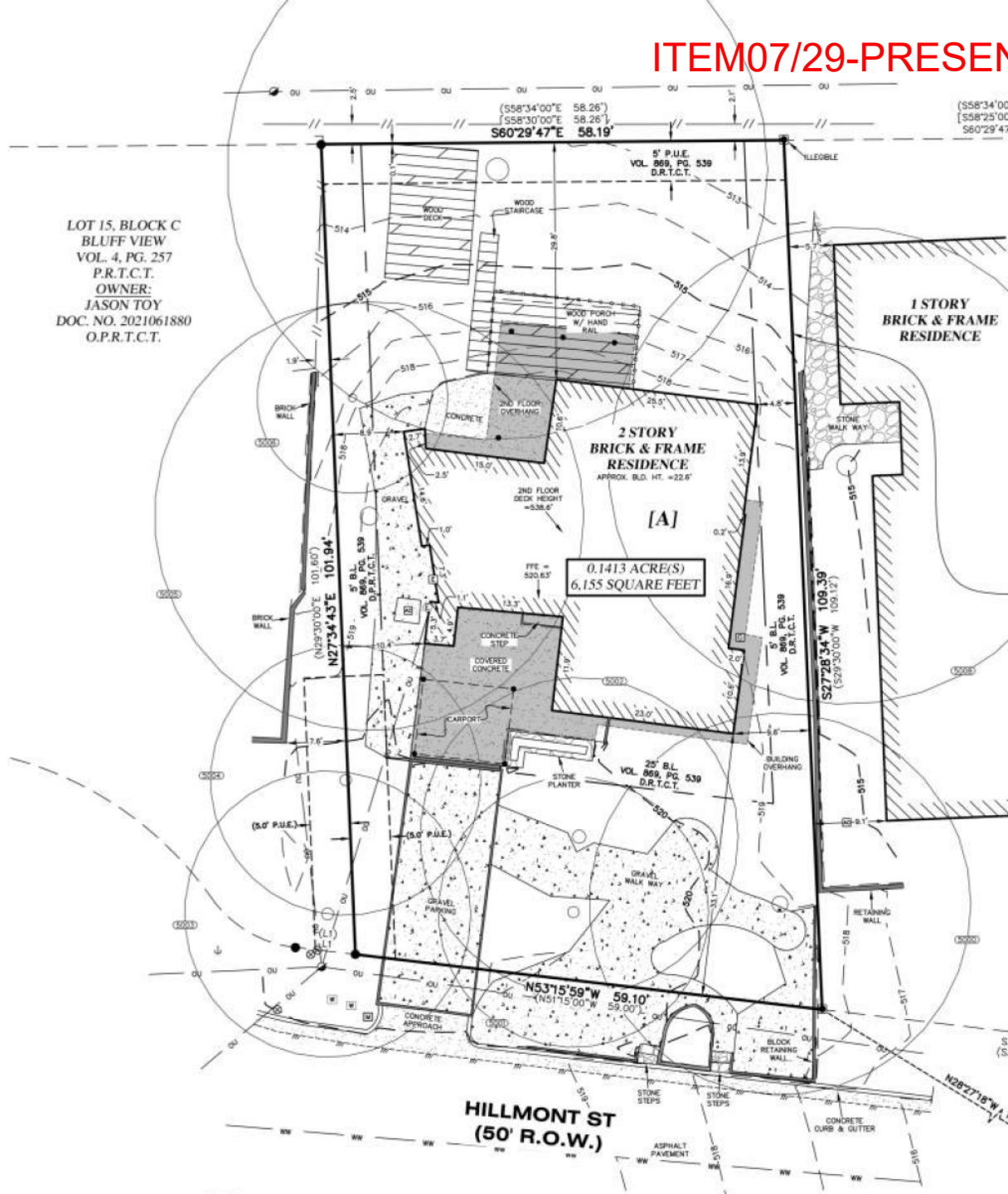


North – South Building Elevations



ITEM07/29-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.



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.

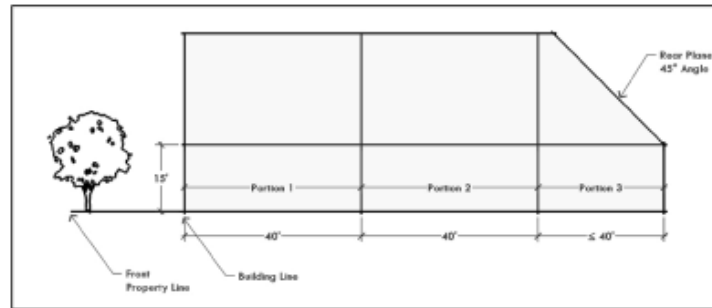


Figure 6: (Elevation View) Rear Setback Plane (Level Ground)

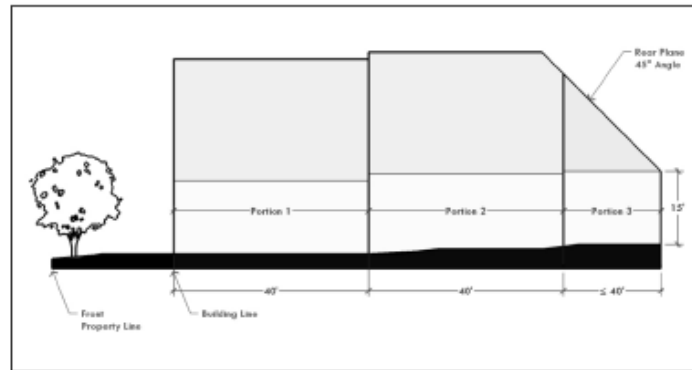


Figure 7: (Elevation View) Rear Setback Plane (Sloping Ground)

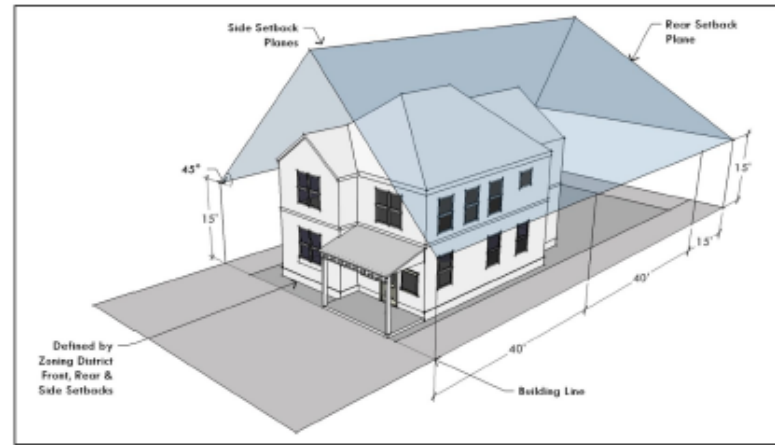


Figure 8: Side and Rear Setback Planes on Level Ground

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.

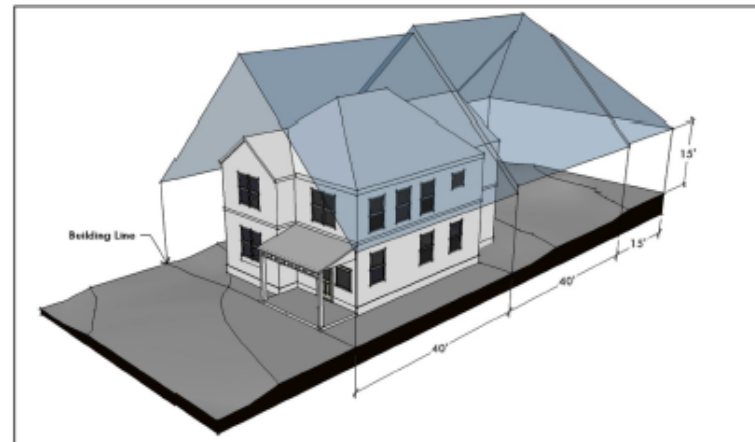


Figure 9: Side and Rear Setback Planes on Sloping Ground

Jessica Hargest & Lou Marchetti
1406 Hillmont Street
Austin, TX 78704

ITEM 07/32-PRESENTATION

The Board of Adjustment
The City of Austin

Re: Letter of Support for Variance at 1502 Hillmont Street

Dear Board of Adjustment Members,

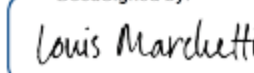
We are writing to express our support for the variance request for 1502 Hillmont Street. Our homestead is two doors east from the property. We support the request as it is reasonable and would benefit the seller and buyer, both of whom are long-time neighborhood residents, and because the property is shrouded in trees and constructing on slopes has caused drainage issues on other properties on the street, and so the cantilevered design would help preserve the existing slope to the rear and save many beautiful trees. Additionally, the home has sat on the market for quite some time, which is not beneficial to the neighborhood. In short, the proposed new home would be a welcome replacement and would enhance our neighborhood's character.

Thank you for your support.

Sincerely,

DocuSigned by:

74A7BBE88D3C413...

DocuSigned by:

AC7F9A287397423...

Jessica Hargest & Lou Marchetti

April 30, 2023

ITEM07/33-PRESENTATION

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'. The signature starts with a vertical line, followed by a large, rounded 'D', and then a series of connected loops and strokes that extend to the right.

Daniel Steinborn

Zach and Taylor Abrams
1501 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 enthusiastic support for the variance request for 1502 Hillmont Street. Our homestead is immediately across from the property. We support the request as it is reasonable and would benefit the seller and buyer, both of whom are long-time neighborhood residents, and because the property is shrouded in trees and constructing on slopes has caused drainage issues on other properties on the street, and so the cantilevered design would help preserve the existing slope to the rear 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,

DocuSigned by:

F518E0E48AD4445...

5/1/2023

Zach and Taylor Abrams

Brettne & Alex Shootman
1506 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 a few doors down from 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,



Brettne & Alex Shootman



Perry Abbenante
1400 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,

I am writing to express my support for the variance request for 1502 Hillmont Street. My homestead is down the block from the property. I support the requested variance as it is reasonable and would benefit the seller and buyer, both of whom are long-time neighborhood residents, and because the property is shrouded in trees and constructing on slopes has caused drainage issues on other properties on the street, and so the cantilevered design would help preserve the existing slope to the rear and save many beautiful trees. Additionally, the home has sat on the market for quite some time, which is not beneficial to the neighborhood. In short, the proposed new home would be a welcome replacement and would enhance our neighborhood's character.

Thank you for your support.

Sincerely,

DocuSigned by:

Perry Abbenante

28FD95504B5E43A

Perry Abbenante

5/2/2023

Stephane Godevais
1506 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,

I am writing to express our support for the variance request for 1502 Hillmont Street. My home is on the same street as the property. I support the request as it is reasonable and would benefit the seller and buyer, both of whom are long-time neighborhood residents, and because the property is shrouded in trees and constructing on slopes has caused drainage issues on other properties on the street. Additionally, the cantilevered design would help preserve the existing slope to the rear and save many beautiful trees. Additionally, the home has sat on the market for quite some time, which is not beneficial to the neighborhood. In short, the proposed new home would be a welcome replacement and would enhance our neighborhood's character.

Thank you for your support.

Sincerely,

DocuSigned by:

DC72DF558372454
Stephane Godevais

5/3/2023

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 overarched 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,

A handwritten signature in blue ink that reads "Joan Cambron". The signature is fluid and cursive, with the first name "Joan" and last name "Cambron" clearly legible.

Joan Cambron

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.

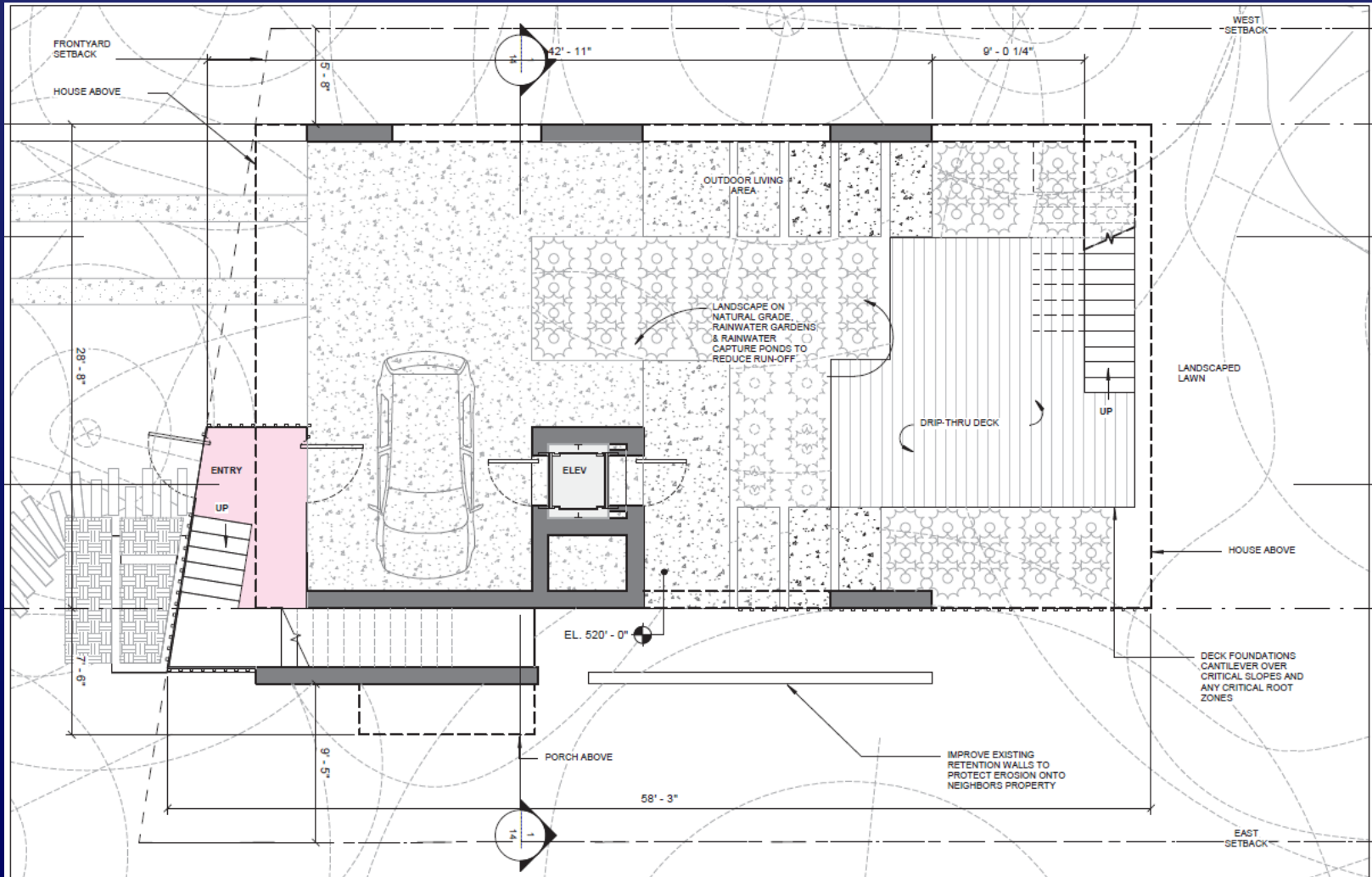
The variance for the increase of maximum height of just 5 feet and for the home to go outside the rear setback plane is also reasonable based on the topography, the narrow lot width, and the fact that the property backs up to the fire lane and garages for the Talisman condos. The proposed design is also 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,

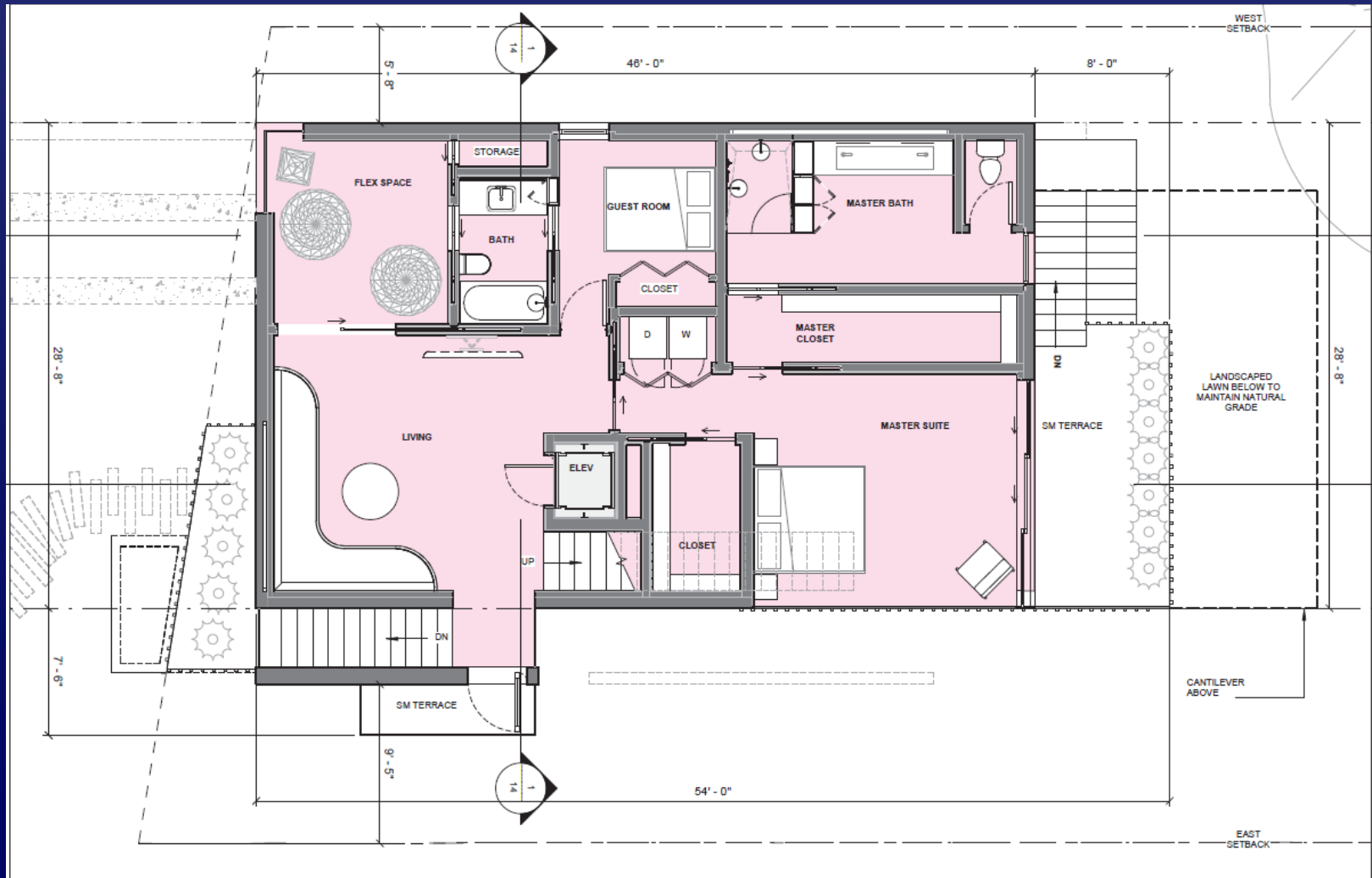
A handwritten signature in black ink, appearing to read "Jason O. Toy". The signature is fluid and cursive, with a large loop at the end.

Jason O. Toy, MD

Floor Plan – Carport and Outdoor Space



Floor Plan – Level 1



Floor Plan – Level 2

