

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM04

DATE: Monday June 12, 2023

CASE NUMBER: C15-2023-0025

____ Thomas Ates
 ____ Jessica Cohen
 ____ Melissa Hawthorne
 ____ Brian Poteet
 ____ Agustina Rodriguez
 ____ Margaret Shahrestani
 ____ Richard Smith
 ____ Janel Venzant
 ____ Michael Von Ohlen
 ____ Nicholl Wade
 ____ Kelly Blume (Alternate)
 ____ Carrie Waller (Alternate)
 ____ Marcel Gutierrez-Garza (Alternate)

APPLICANT: Charles Dunigan

OWNER: Paul Le

ADDRESS: 6506 HERGOTZ LANE

VARIANCE REQUESTED:

The applicant is requesting a variance(s) from the Land Development Code: Section 25-2-943
(Substandard Lot)

a) (B) (2) (a) to decrease the minimum Lot Size requirements from 5,750 square feet
 (required) to 4,177 square feet (requested)

and

b) (B) (2) (b) to decrease the minimum Lot Width requirements from 50 feet (required) to
 44 feet (requested), in order to erect a Single-Family residence in a “SF-3-NP”, Single-Family
 zoning district.

Note: 25-2-943 SUBSTANDARD LOT

*(B) A substandard lot may be used for a single-family residential use if the use is permitted in the
 zoning district in which the lot is located and the lot complies with the requirements of this
 subsection.*

(2) A substandard lot recorded in the county real property records after March 14, 1946 must:

(a) have an area of not less than 5,750 square feet; and

(b) be not less than 50 feet wide at the street or at the building line.

**BOARD'S DECISION: BOA MEETING JUNE 12, 2023 POSTPONED TO JULY 10, 2023
DUE TO NOTIFICATION ERROR**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (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:
3. 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:



Elaine Ramirez
Executive Liaison

 for _____

Jessica Cohen
Madam Chair

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2023-0025

BOA DATE: June 12th, 2023

ADDRESS: 6506 Hergotz Ln

COUNCIL DISTRICT: **3**

OWNER: Paul Le

AGENT: Daniel Dunigan

ZONING: SF-3

LEGAL DESCRIPTION: ABS 24 DELVALLE S ACR .0959

VARIANCE REQUEST: a) decrease the minimum Lot Size requirements from 5,750 square feet to 4,177 square feet **and** b) decrease the minimum Lot Width requirements from 50 feet to 44 feet.

SUMMARY: erect a Single-Family house

ISSUES: substandard lot due to lot size

	ZONING	LAND USES
<i>Site</i>	SF-3	Single-Family
<i>North</i>	I-RR	Colorado River
<i>South</i>	SF-3	Single-Family
<i>East</i>	SF-3	Single-Family
<i>West</i>	SF-3	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Del Valle Community Coalition
 Del Valle Independent School District
 Dog's Head Neighborhood Association
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Imperial Neighborhood Association
 Neighborhood Empowerment Foundation
 SELTexas
 Sierra Club, Austin Regional Group



May 30, 2023

Daniel Dunigan
500 Irma Dr
Austin, TX 78752

Property Description: ABS 24 DELVALLE S ACR .0959

Re: C15-2023-0025

Dear Daniel,

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 25-2-943(B)(2)(a) and 25-2-943(B)(2)(b) at 6506 Hergotz Lane.

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

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



Development
SERVICES DEPARTMENT

Building a Better and Safer Austin Together

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 # **C15-2023-0025** ROW # **13124272** Tax # **0302200111**

Section 1: Applicant Statement

Street Address: 6506 Hergotz Ln, Austin, TX 78742

Subdivision Legal Description:

ABS 24 DELVALLE S ACR .0959

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

Outlot: - _____ Division: - _____

Zoning District: SF-3

I/We Daniel Dunigan on behalf of myself/ourselves as

authorized agent for Paul Le affirm that on

Month March, Day 30, Year 2023, 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: Single-Family Dwelling

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

Paul Le is requesting a lot size variance from the LDC, Section 25.2.943(B)(2)(a) for a substandard lot recorded in the real county property records after March 14, 1946 must have an area not less than 5,750 square feet (required) to 4,177 square feet (requested).

Paul Le is also requesting a lot size variance from Section 25.2.943(B)(2)(b) for a substandard lot recorded in the real county property records after March 14, 1946 must be not less than 50 feet (required) at the street or at the building line to 44 feet (requested).

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:

The City reviewers deemed this lot substandard due to lot size and because there isn't record of this lot being platted prior to 1946. The city divided the original lot with a street ROW, and the resulting lot does not meet the criteria for a substandard lot outlined in 25-2-943(B). However, the size of the lot DOES meet the criteria for an approvable substandard lot (area is greater than 4,000 sf and is wider than 33 feet at the street).

Hardship

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

The original larger property was divided by the city ROW but the documentation of the lot platting does not show record of this replat. This resulted in a lot that has a current land determination status of a 'Legal Tract', meets lot size requirements to be a substandard lot (pre-1946), but does not meet criteria of 25-2-943(B) because it does not have documentation showing a plat date before 1946. The lot did have a previous dwelling that had water and electrical service but it was demolished prior to the current owner purchasing the lot.

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

The land status and platting of nearby properties in the general area varies and there are homes built on other properties but we don't know the provenance of these lots or building permits.

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:

The adjacent property is undeveloped to the west side and a home has been demolished on the adjacent property to the east.

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:

The proposed development is a single-family dwelling; the construction and habitation of such will not adversely affect current or future traffic volumes.

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:

The proposed development is a single-family dwelling; the construction and habitation of such will not adversely affect current or future traffic volumes.

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

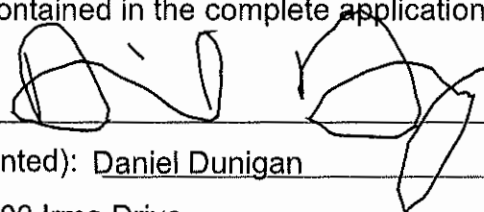
The proposed dwelling conforms to all land use regulations with the exception of the minimum lot size and therefore creates conditions consistent with the residential dwellings in the area.

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

The proposed dwelling conforms to all land use regulations with the exception of the minimum lot size.

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: 3/29/23

Applicant Name (typed or printed): Daniel Dunigan

Applicant Mailing Address: 500 Irma Drive

City: Austin State: Texas Zip: 78752

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: 3-29-23

Owner Name (typed or printed): Paul Le

Owner Mailing Address: 502 Wilmes Drive

City: Austin State: Texas Zip: 78752

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)

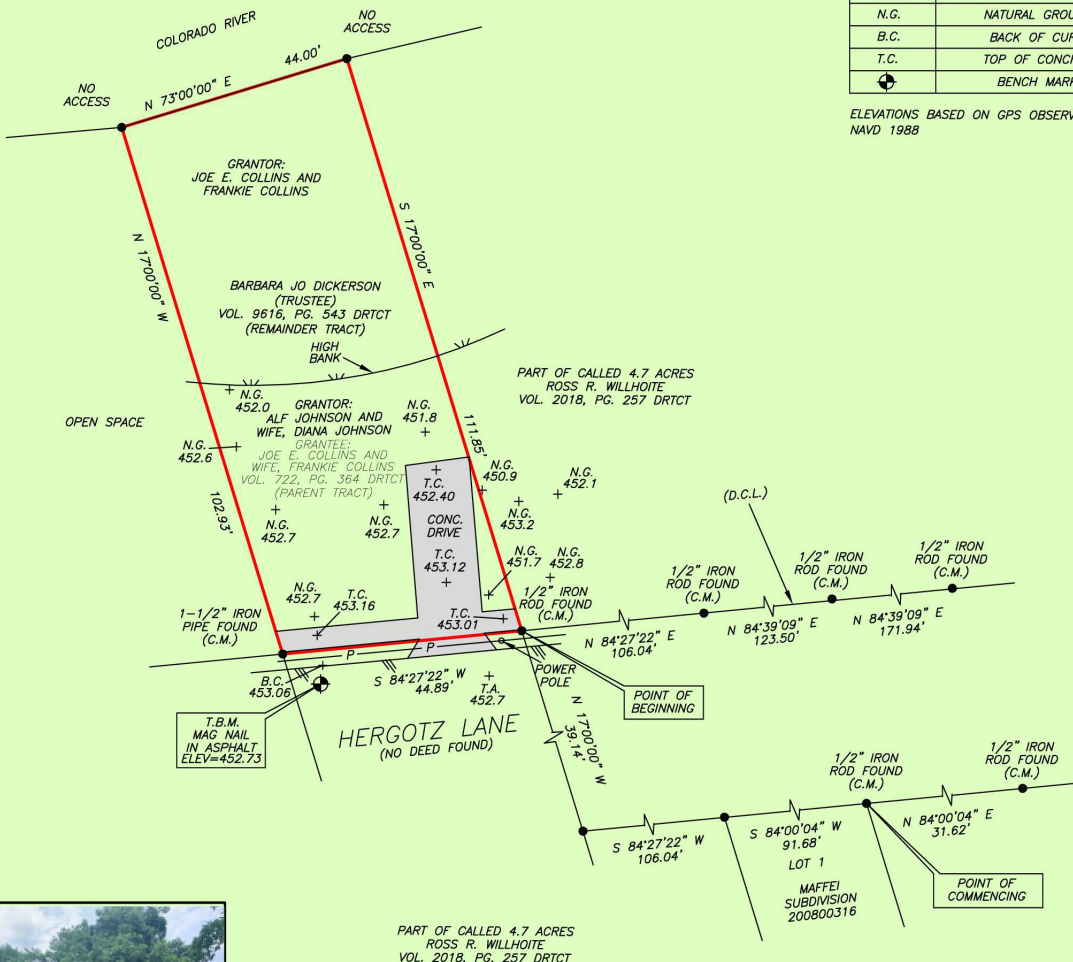
Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

GF. NO. 20200664 STEWART TITLE
ADDRESS: 6506 HERGOTZ LANE
AUSTIN, TEXAS 78742
BORROWER: PAUL LE

ITEM04/9

TOPOGRAPHIC SURVEY
0.1085 ACRE
OUT OF THE SANTIAGO DEL VALLE GRANT
IN TRAVIS COUNTY, TEXAS
(SEE ATTACHED METES AND BOUNDS DESCRIPTION)

SCALE: 1" = 30'



LEGEND	
T.B.M.	TEMPORARY BENCH MARK
N.G.	NATURAL GROUND
B.C.	BACK OF CURB
T.C.	TOP OF CONCRETE
	BENCH MARK

ELEVATIONS BASED ON GPS OBSERVATIONS,
NAVD 1988



NOTE: MAY BE SUBJECT TO DEED RESTRICTIONS AND/OR
ADDITIONAL GOVERNMENTAL BUILDING REQUIREMENTS.

THIS PROPERTY IS AFFECTED BY THE
100 YEAR FLOOD PLAIN AS PER FIRM
PANEL NO. 48453C 0610 L
MAP REVISION: 01/22/2020
ZONE AE
BASED ONLY ON VISUAL EXAMINATION OF MAPS.
INACCURACIES OF FEMA MAPS PREVENT EXACT
DETERMINATION WITHOUT DETAILED FIELD STUDY

A SUBSURFACE INVESTIGATION
WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE
RECORD BEARING: VOL. 722, PG. 364, D.R.T.C.T.

DRAWN BY: RE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE
ON THE GROUND, THAT THIS PLAT CORRECTLY
REPRESENTS THE FACTS FOUND AT THE
TIME OF SURVEY AND THAT THERE ARE NO
ENCROACHMENTS APPARENT ON THE GROUND,
EXCEPT AS SHOWN HEREON. THIS SURVEY IS
CERTIFIED FOR THIS TRANSACTION ONLY AND
ABSTRACTING PROVIDED IN THE ABOVE
REFERENCED TITLE COMMITMENT WAS RELIED
UPON IN PREPARATION OF THIS SURVEY.

TERRANCE MISH
PROFESSIONAL LAND SURVEYOR
NO. 4981
JOB NO. SA2020-01727
JUNE 8, 2020
REVISED: JULY 6, 2020 (TOPO)



ANDY BROWN &
ASSOCIATES
ANDREW BROWN
512-524-1595



PRECISION
surveyors

1-800-LANDSURVEY
www.precisionsurveyors.com
281-496-1586 FAX 281-496-1867 210-829-4941 FAX 210-829-1555
950 THREADNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217
FIRM NO. 10063700

McMANSION ORDINANCE NOTES

Tent Portions indicated on site plan.
Tent drawn on Site and Building Elevations to show compliance.

CRITICAL ROOT ZONE COVERAGE

- 1) At least 50% of the CRZ must be preserved at natural grade, with natural ground cover.
- 2) Within the 50% CRZ there can be no cut or fill greater than 4 inches. Any work done within this zone shall be air spaded. Any deck piers within this zone need to sit directly on undisturbed ground. Any other structural piers within this zone must be hand-dug, no scarification.
- 3) Within the 25% CRZ, no coverage or disturbance of the ground is permitted.

DEVELOPER
Paul Lee
502 Wilmes Dr.
Austin, TX

DESIGNER
Eric Fisher
512.797.8412
ericfisher.design@gmail.com

STRUCTURAL
Tim Zhang
GreenEarth Engineering, Inc.

CIVIL

MEP

LANDSCAPING

6506 Hergotz Lane

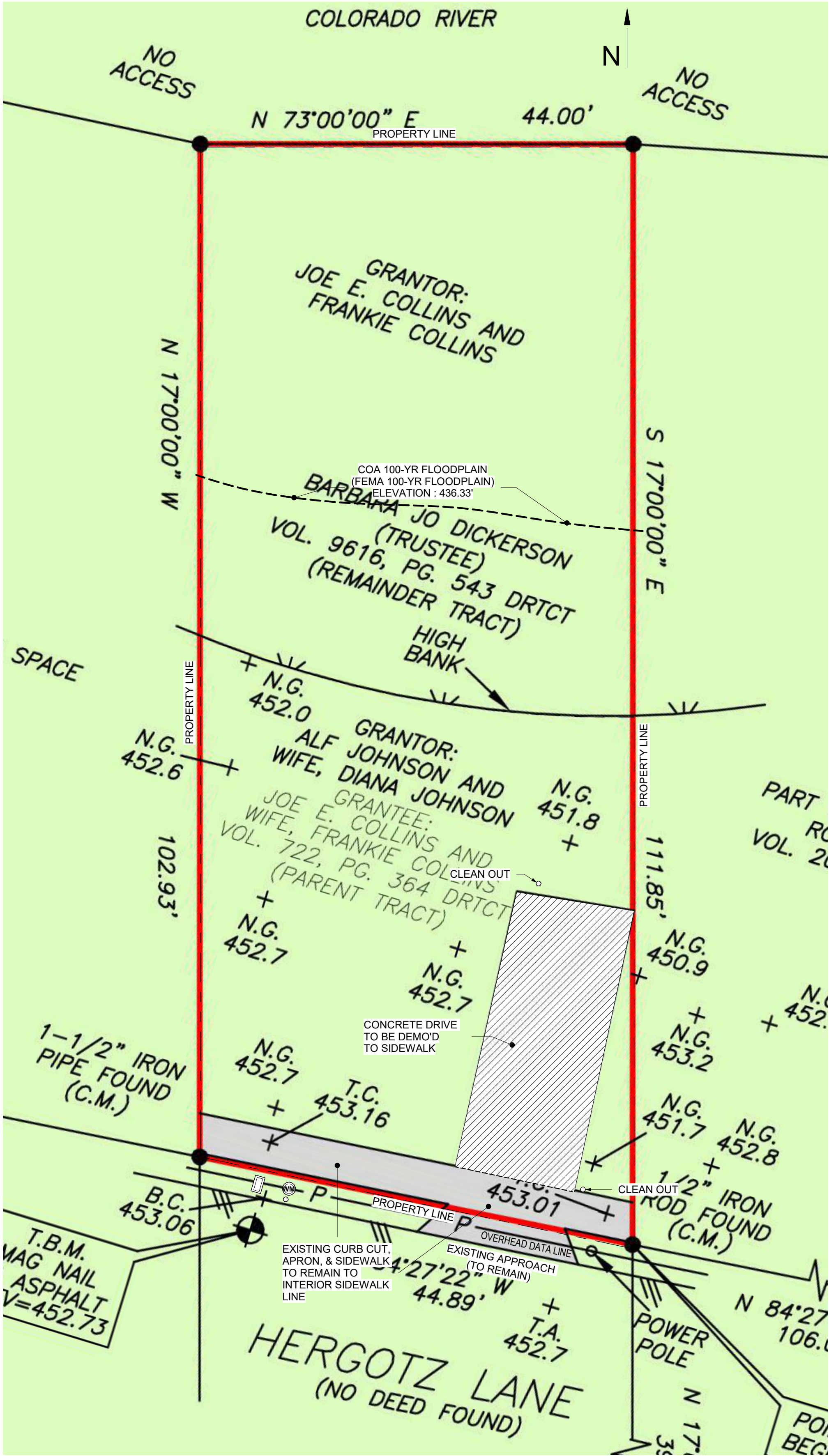
6506 Hergotz Lane, Austin,
TX 78742

ISSUE DATE COMMENT

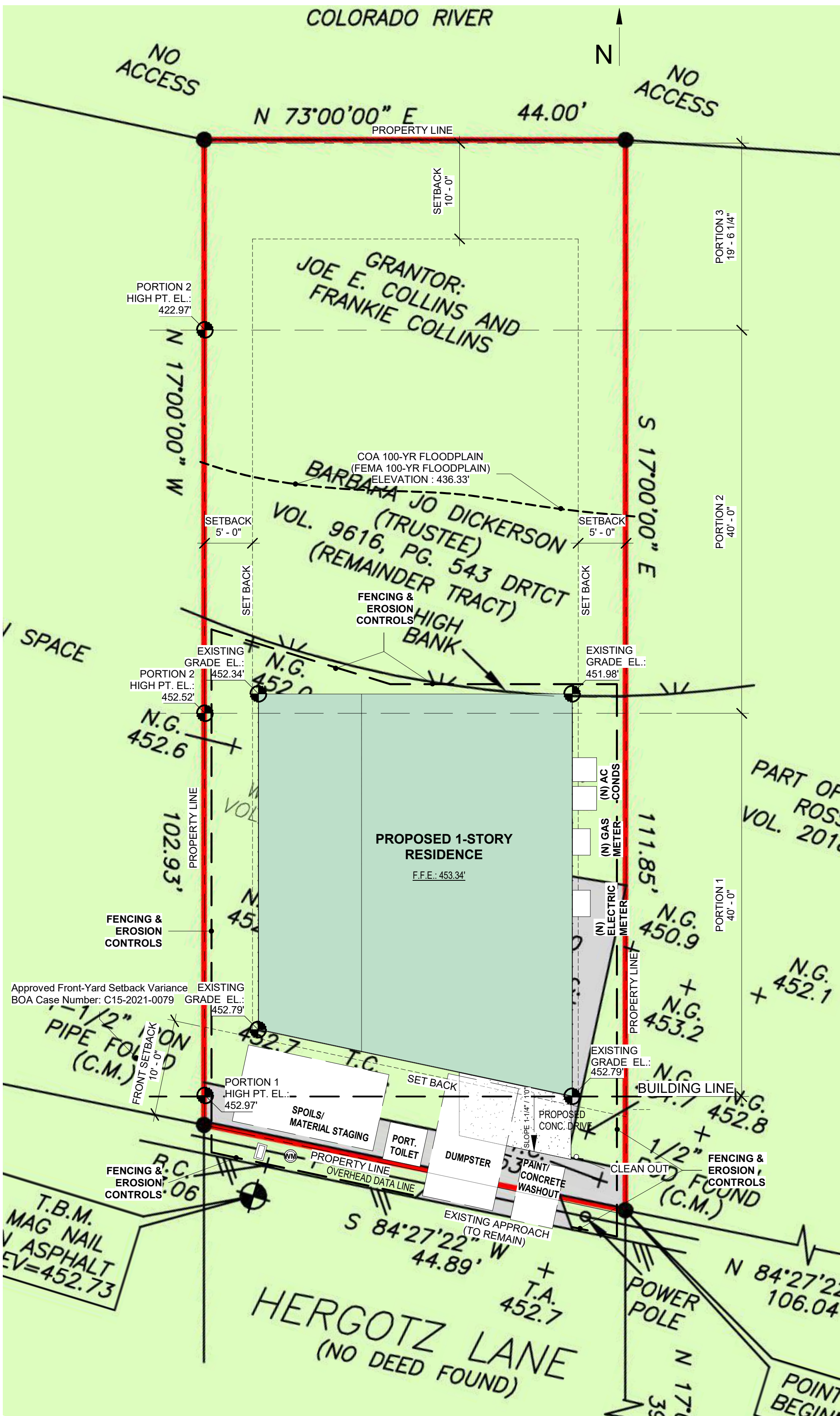
EXISTING/PROP SITE PLAN

A0.02

4/6/2023 4:33:56 PM



2 SITE PLAN EXISTING
1/8" = 1'-0"



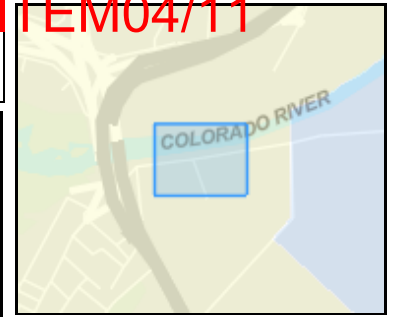
1 SITE PLAN PROPOSED
1/8" = 1'-0"



Property Profile

Surrounding Structures of 6506 Hergotz Ln

ITEM 04/11



Legend

Property

Jurisdictions (No Fill)

 FULL PURPOSE

Jurisdictions Fill

Jurisdiction

 FULL PURPOSE

Notes

0 350 700 ft

4/12/2023

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

NOTES:

ITEM 04/12

- When Hergotz City ROW was established it bisected the lot, thus creating a substandard lot.

- It is difficult to determine, without surveys, if the nearby lots have lot-widths less than 50 feet, but their lot size is less than required thus a possible precedent has been set to allow this in this neighborhood.

6506 Hergotz Lane -
Subject Lot Seeking
Sub-standard
Development Approval

110 Kimble Lane

111 Kimble Lane

SUBSTANDARD LOT
NEARBY

114 Kimble
Lane

116 Kimble Lane

Developed SF-3
Sub-standard Lots Nearby
to 6506 Hergotz Lane

111 KIMBLE LANE - LOT SIZE: 4,356 SF



Permitting and Development Center | 6310 Wilhelmina Delco Drive, Austin, TX 78752 | (512) 978-4000

General Information

Location: 111 KIMBLE LN
Parcel ID: 0302200403
Grid: MM20

Planning & Zoning

*Right click [hyperlinks](#) to open in a new window.

Future Land Use (FLUM): No Future Land Use Map

Regulating Plan: No Regulating Plan

Zoning: SF-3

Zoning Cases: None:

Zoning Ordinances: 19990225-070b

Zoning Overlays: Airport Overlay: CONTROLLED COMPATIBLE LAND USE AREA
Wildland Urban Interface:
Proximity Class - Within 150 feet of a wildland area

Infill Options: --

Neighborhood Restricted Parking Areas: --

Mobile Food Vendors: --

Historic Landmark: --

Urban Roadways: No

Zoning Guide

The [Guide to Zoning](#) provides a quick explanation of the above Zoning codes, however, the [Development Assistance Center](#) provides general zoning assistance and can advise you on the type of development allowed on a property. Visit [Zoning](#) for the description of each Base Zoning District. For official verification of the zoning of a property, please order a [Zoning Verification Letter](#). General information on the [Neighborhood Planning Areas](#) is available from Neighborhood Planning.

Environmental

Fully Developed Floodplain: No

FEMA Floodplain: No

Austin Watershed Regulation Areas: SUBURBAN

Watershed Boundaries: Carson Creek, Colorado River

Creek Buffers: No

Edwards Aquifer Recharge Zone: No

Edwards Aquifer Recharge Verification Zone: No

Erosion Hazard Zone Review Buffer: No

Political Boundaries

Jurisdiction: AUSTIN FULL PURPOSE

Council District: 3

County: TRAVIS

School District: Del Valle ISD

Community Registry: Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Del Valle Community Coalition, Del Valle Independent School District, Dog's Head Neighborhood Association , Friends of Austin Neighborhoods, Homeless Neighborhood Association, Imperial Neighborhood Association, Neighborhood Empowerment Foundation, SELTexas, Sierra Club, Austin Regional Group



Zoning Map



Imagery Map



Vicinity Map

Date created: 5/26/2023

The information on this report has been produced by the City of Austin as a working document and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

110 KIMBLE LANE - LOT SIZE: 4,792 SF



Permitting and Development Center | 6310 Wilhelmina Delco Drive, Austin, TX 78752 | (512) 978-4000

General Information

Location: 110 KIMBLE LN
Parcel ID: 0302200318
Grid: MM20

Planning & Zoning

*Right click [hyperlinks](#) to open in a new window.

Future Land Use (FLUM): No Future Land Use Map

Regulating Plan: No Regulating Plan

Zoning: SF-3

Zoning Cases: None:

Zoning Ordinances: 19990225-070b

Zoning Overlays: Airport Overlay: CONTROLLED COMPATIBLE LAND USE AREA
Wildland Urban Interface:
Proximity Class - Within 150 feet of a wildland area

Infill Options: --

Neighborhood Restricted Parking Areas: --

Mobile Food Vendors: --

Historic Landmark: --

Urban Roadways: No

Zoning Guide

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Environmental

Fully Developed Floodplain: No

FEMA Floodplain: No

Austin Watershed Regulation Areas: SUBURBAN

Watershed Boundaries: Colorado River

Creek Buffers: No

Edwards Aquifer Recharge Zone: No

Edwards Aquifer Recharge Verification Zone: No

Erosion Hazard Zone Review Buffer: No

Political Boundaries

Jurisdiction: AUSTIN FULL PURPOSE

Council District: 3

County: TRAVIS

School District: Del Valle ISD

Community Registry: Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Del Valle Community Coalition, Del Valle Independent School District, Dog's Head Neighborhood Association , Friends of Austin Neighborhoods, Homeless Neighborhood Association, Imperial Neighborhood Association, Neighborhood Empowerment Foundation, SELTexas, Sierra Club, Austin Regional Group



Zoning Map



Imagery Map



Vicinity Map

Date created: 5/26/2023

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116 KIMBLE LANE - LOT SIZE: 5,227 SF



Permitting and Development Center | 6310 Wilhelmina Delco Drive, Austin, TX 78752 | (512) 978-4000

General Information

Location: 116 KIMBLE LN
Parcel ID: 0302200322
Grid: MM20

Planning & Zoning

*Right click [hyperlinks](#) to open in a new window.

Future Land Use (FLUM): No Future Land Use Map

Regulating Plan: No Regulating Plan

Zoning: SF-3

Zoning Cases: None:

Zoning Ordinances: 19990225-070b

Zoning Overlays: Airport Overlay: CONTROLLED COMPATIBLE LAND USE AREA
Wildland Urban Interface:
Proximity Class - Within 150 feet of a wildland area

Infill Options: --

Neighborhood Restricted Parking Areas: --

Mobile Food Vendors: --

Historic Landmark: --

Urban Roadways: No

Zoning Guide

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Environmental

Fully Developed Floodplain: No

FEMA Floodplain: No

Austin Watershed Regulation Areas: SUBURBAN

Watershed Boundaries: Carson Creek

Creek Buffers: No

Edwards Aquifer Recharge Zone: No

Edwards Aquifer Recharge Verification Zone: No

Erosion Hazard Zone Review Buffer: No

Political Boundaries

Jurisdiction: AUSTIN FULL PURPOSE

Council District: 3

County: TRAVIS

School District: Del Valle ISD

Community Registry: Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Del Valle Community Coalition, Del Valle Independent School District, Dog's Head Neighborhood Association , Friends of Austin Neighborhoods, Homeless Neighborhood Association, Imperial Neighborhood Association, Neighborhood Empowerment Foundation, SELTexas, Sierra Club, Austin Regional Group



Zoning Map



Imagery Map



Vicinity Map

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114 KIMBLE LANE - LOT SIZE: 5,227 SF



Permitting and Development Center | 6310 Wilhelmina Delco Drive, Austin, TX 78752 | (512) 978-4000

General Information

Location: 114 KIMBLE LN
Parcel ID: 0302200319
Grid: MM20

Planning & Zoning

*Right click [hyperlinks](#) to open in a new window.

Future Land Use (FLUM): No Future Land Use Map

Regulating Plan: No Regulating Plan

Zoning: SF-3

Zoning Cases: None:

Zoning Ordinances: 19990225-070b

Zoning Overlays: Airport Overlay: CONTROLLED COMPATIBLE LAND USE AREA
Wildland Urban Interface:
Proximity Class - Within 150 feet of a wildland area

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Neighborhood Restricted Parking Areas: --

Mobile Food Vendors: --

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FEMA Floodplain: No

Austin Watershed Regulation Areas: SUBURBAN

Watershed Boundaries: Carson Creek, Colorado River

Creek Buffers: No

Edwards Aquifer Recharge Zone: No

Edwards Aquifer Recharge Verification Zone: No

Erosion Hazard Zone Review Buffer: No

Political Boundaries

Jurisdiction: AUSTIN FULL PURPOSE

Council District: 3

County: TRAVIS

School District: Del Valle ISD

Community Registry: Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Del Valle Community Coalition, Del Valle Independent School District, Dog's Head Neighborhood Association , Friends of Austin Neighborhoods, Homeless Neighborhood Association, Imperial Neighborhood Association, Neighborhood Empowerment Foundation, SELTexas, Sierra Club, Austin Regional Group



Zoning Map



Imagery Map



Vicinity Map

Date created: 5/26/2023

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6506 Hergotz Lane

6506 Hergotz Lane, Austin,
TX 78742

ISSUE DATE COMMENT

BOA Exhibit

A3.01

5/26/2023 2:52:38 PM

LANDSCAPING

MEP

CIVIL

STRUCTURAL

Imaging Engineering Inc

502 Wilhelmina Dr.

Austin, TX

DESIGNER

DEVELOPER