

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2023-0037

**BOA DATE:** September 11<sup>th</sup>, 2023

**ADDRESS:** 3013 Royster Ave

**COUNCIL DISTRICT:** 2

**OWNER:** Pinaki Ghosh

**AGENT:** Jim Wittliff

**ZONING:** I-SF-2

**LEGAL DESCRIPTION:** LOT 7 BLK 4 ROYSTER A L ADDN

**VARIANCE REQUEST:** decrease the minimum Lot Size requirements from 5,750 square feet to 5,172 square feet.

**SUMMARY:** erect a Single-Family residence

**ISSUES:** only one of the 29 platted lots within the A.L. Royster Addition plat that is less than 5,750 sq. ft.

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-SF-2	Single-Family
<i>North</i>	I-SF-2	Single-Family
<i>South</i>	LO-CO	Limited Office
<i>East</i>	I-SF-2	Single-Family
<i>West</i>	I-SF-2	Single-Family

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Del Valle Community Coalition Non-Profit  
 Del Valle Independent School District  
 Dog's Head Neighborhood Association  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Imperial Neighborhood Association  
 Neighborhood Empowerment Foundation  
 SELTexas



August 30, 2023

Jim Wittliff  
3606 Winfield Cove  
Austin TX, 78704

Property Description: LOT 7 BLK 4 ROYSTER A L ADDN

**Re: C15-2023-0037**

Dear Jim,

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) at 3013 Royster 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 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](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 III**

Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6881  
[Cody.Shook@austinenergy.com](mailto: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](http://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 # **C15-2023-0037** ROW # **13189705** Tax # **0316360510**

## Section 1: Applicant Statement

Street Address: 3013 Royster Avenue, Del Valle, TX 78617

Subdivision Legal Description:

A. L. Royster Addition

Lot(s): 7 Block(s): 4

Outlot:  Division:

Zoning District: I-SF-2

**Council District: 2**

I/We Jim Wittliff on behalf of myself/ourselves as

authorized agent for Pinaki Ghosh affirm that on

Month July, Day 5, 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: residential home



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

Section 25-2-943 (B) (2) (a) "A substandard lot recorded in the County Real Property Records after March 15, 1946 must have an area of not less than 5,750 square feet." We are seeking a variance for a 5,172 square foot lot that was platted in 1946, prior to this property being within Austin's jurisdiction.

## 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:

This is a lot that was platted in 1946 and contains 5,172 square feet. Various property owners have paid property taxes on this lot for 76 years. This is one of 29 lots platted in the A.L. Royster Addition subdivision plat.

### Hardship

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

For substandard lots that were recorded prior to March 14, 1946, LDC 25-2-943 (B) (1) (a) allows substandard lots to be as small as 4,000 square feet. However, this plat was recorded on April 5, 1946 (three weeks later) and therefore must contain 5,750 square feet. However, the City of Austin did not begin regulating subdivisions in the ETJ until 1951, so there was no way of knowing this lot would not be buildable in "future Austin" at the time it was platted.

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

This is the only one of the 29 platted lots within the A.L. Royster Addition plat that contains less than 5,750 square feet. It is unknown why this lot was smaller than the other lots.



**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:

We will comply with all other requirements including setbacks, impervious cover, and floor-to-area ratio. This lot has remained in its current size since 1946.

**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:

n/a

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:

Two off-street parking spaces will be provided.

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

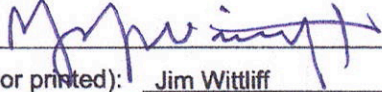
n/a

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

n/a

**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: 07/05/2023

Applicant Name (typed or printed): Jim Wittliff

Applicant Mailing Address: 3606 Winfield Cove

City: Austin State: TX Zip: 78704

Phone (will be public information): [REDACTED]

Email (optional – will be public information): [REDACTED]

**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: 07/05/2023

Owner Name (typed or printed): Pinaki Ghosh

Owner Mailing Address: 3606 Grant Street

City: Austin State: TX Zip: 78721

Phone (will be public information): [REDACTED]

Email (optional – will be public information): [REDACTED]

**Section 5: Agent Information**

Agent Name: Jim Wittliff

Agent Mailing Address: 3606 Winfield Cove

City: Austin State: TX Zip: 78704

Phone (will be public information): [REDACTED]

Email (optional – will be public information): [REDACTED]

**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).

See attached plat and lot survey.





**WATSON SURVEYING**  
9501 CAP OF TEX HWY, #303  
AUSTIN, TEXAS 78759  
PHONE (512) 346-8566

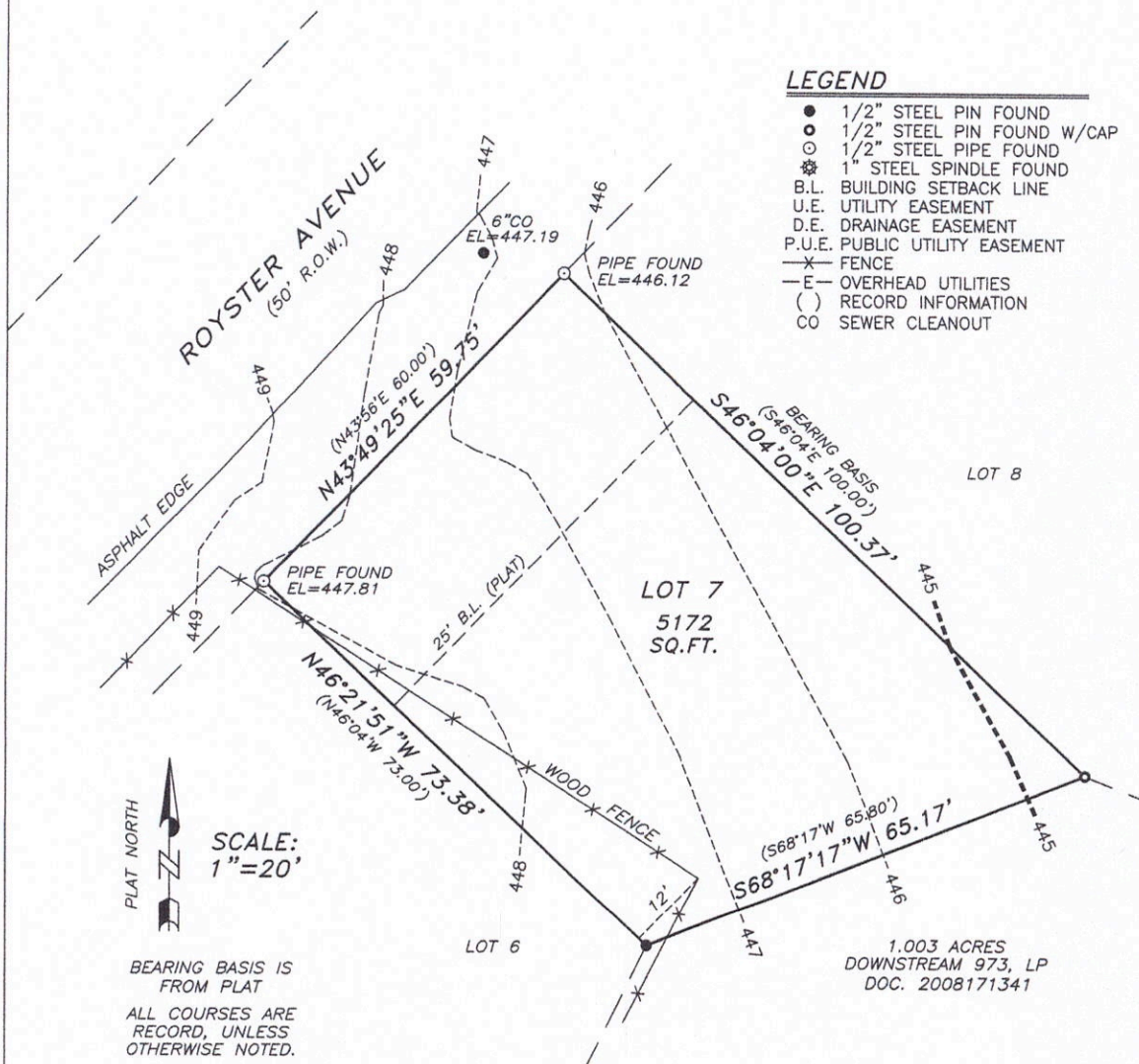
FIRM LICENSE NO. 10034700

## SURVEY MAP OF:

ITEM04/7

LOCAL ADDRESS: \_\_\_\_\_ ROYSTER AVENUE

LEGAL DESCRIPTION: LOT 7, BLOCK 4, A.L. ROYSTER ADDITION,  
AS RECORDED IN BOOK 4, PAGE 240, PLAT RECORDS OF TRAVIS COUNTY, TEXAS



THIS SURVEY REFLECTS AND IS LIMITED TO THOSE EASEMENTS VISIBLE ON THE GROUND, AND THOSE EASEMENTS OF RECORD LISTED IN SCHEDULE "B" OF CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. CTA2002861

BUILDING LINES WILL BE IN CONFORMANCE WITH CITY ZONING ORDINANCE.

FOR RESTRICTIONS ON THIS LOT SEE PLAT AND ANY RESTRICTIVE COVENANTS.

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON. THIS SURVEY DOES NOT REPRESENT AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS OR OTHER MATTERS NOT SHOWN.

DATED THIS 2 DAY OF JULY, 2020:

*Stuart W. Watson*  
STUART W. WATSON, REGISTERED  
PROFESSIONAL LAND SURVEYOR,  
TEXAS LICENSE NUMBER 4550

