

BOA GENERAL REVIEW COVERSHEET

SPECIAL EXCEPTION

CASE: C15-2023-0044**BOA DATE:** November 13th, 2023**ADDRESS:** 1904 Eva St**COUNCIL DISTRICT:** 3**OWNER:** Bruce David Johnson Jr**AGENT:** N/A**ZONING:** SF-3-NP (Bouldin Creek)**LEGAL DESCRIPTION:** LOT 3 BLK 36 SWEETMAN R L ADDN**VARIANCE REQUEST:** a) to decrease the front yard setback from 25 feet to 0 feet in order to maintain a covered concrete patio **and**

b) to decrease the minimum interior side yards setbacks from 5 feet to 0 feet in order to maintain a storage shed, art studio, & garage (south side) and storage sheds (north side)

SUMMARY: maintain structures built in the setbacks**ISSUES:** these structures have existed for over 31 years

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	SF-3-NP	Single-Family
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bouldin Creek Neighborhood Association
 Bouldin Creek Neighborhood Plan Contact Team
 Bouldin Creek Zoning Committee
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Preservation Austin
 SELTexas
 South Central Coalition



November 1, 2023

Bruce David Johnson
1904 Eva St
Austin TX, 78704

Property Description: LOT 3 BLK 36 SWEETMAN R L ADDN

Re: C15-2023-0044

Dear Bruce David,

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 25-2-492 at 1904 Eva St.

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 III

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6881
Cody.Shook@austinenergy.com



CITY OF AUSTIN

Development Services Department

Permitting & Development Center

Phone: 512.978.4000

6310 Wilhelmina Delco Dr, Austin, Texas 78752

ITEM05/3

SPECIAL EXCEPTION Board of Adjustment General/Parking Variance Application

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 # **C15-2023-0044** ROW # **13219512** Tax # **0402010703**

Section 1: Applicant Statement

Street Address: 1904 Eva

Subdivision Legal Description:

LOT 3 BLK 36 SWEETMAN R L ADDN

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

Outlot: _____ Division: _____

Zoning District: 78704 SF-3-NP (Bouldin Creek NP)

Council District: 3

I/We Bruce David Johnson, Jr. on behalf of myself/ourselves as
authorized agent for _____ affirm that on

Month June , 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: Setback

Type of Structure: Storage shed & studio & garage (south side); storage sheds (north side)

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

Special Exception LDC 25-2-492 from interior side setbacks of 5 feet to 0 feet (north & south sides)

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:

LDC 25-2-493 from interior side setbacks of 5 feet to 0 feet on the north and south sides

Hardship

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

These structures have existed for over 31 years, without incident. I have gotten a Life and Safety Permit and Passed the inspection, and, was sent the Report, the Certificate of Occupancy, because the structures are sound and safe.

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

These structures have existed for over 31 years without incident.

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:

It has existed for 31 years without incident.

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:

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:

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

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

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: BDJ Date: Sep 20, 2023

Applicant Name (typed or printed): Bruce David Johnson, Jr

Applicant Mailing Address: _____

City: _____ State: _____ Zip: _____

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: BDJ Date: Sept 20 2023

Owner Name (typed or printed): Bruce David Johnson, Jr.

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): [REDACTED]

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

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).

I seek the Special Exception Variance for these structures on my property:

* the open shed on the north midline (see Survey and photos of lot)

* the open shed on the north rear line

* the garage on the south rear line

25-2-476 - SPECIAL EXCEPTIONS

(A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under [Chapter 25-2](#) (*Zoning*) if the board finds that the special exception meets the requirements of this section.

(B) The Board shall grant a special exception under Subsection (A) of this section if:

(1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;

(2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; **and**

(3) the Board finds that:

(a) the violation has existed for:

(i) at least 25 years; or

(ii) at least 10 years, if the application for a special exception is submitted on or before June 6, 2017;

(b) the use is a permitted use or a nonconforming use;

(c) the structure does not share a lot with more than one other primary residence; **and**

(d) granting a special exception would not:

(i) alter the character of the area;

(ii) impair the use of adjacent property that is developed in compliance with city code; or

(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(C) A special exception granted under this section:

(1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;

(2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; **and**

(3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(D) A structure granted a special exception under this section shall be treated as a non-complying structure under [Chapter 25-2](#), Article 8 (*Noncomplying Structures*).



ITEM05/8

City of Austin

CERTIFICATE OF OCCUPANCY

BUILDING PERMIT NO 2023-095374 BP

ISSUE DATE : 09/19/2023

BUILDING ADDRESS: 1904 EVA ST

LEGAL DESCRIPTION: LOT 3 BLK 36 SWEETMAN R L ADDN

PROPOSED OCCUPANCY:

R- 435 Renovations/Remodel Life Safety - Special Exception Variance for setback encroachments that have existed more than 25 years without issues. Wood frame & metal workshop, wood shed and covered patio on dirt, and wood frame over concrete blocks. Expired Permit Number: 1985 027643 BP

BUILDING GROUP/DIVISION:

SPRINKLER SYSTEM:

CODE YEAR:

CODE TYPE:

FIXED OCCUPANCY:

NON FIXED OCCUPANCY:

TYPE OF CONSTRUCTION:

CONTRACTOR: Johnson BruceDavid BDJLMP

***** **CERTIFICATE OF OCCUPANCY** *****

THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED ABOVE HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR THE GROUP AND DIVISION OF OCCUPANCY LISTED ABOVE.

NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION

OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISE, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISE.

THE CITY OF AUSTIN DOES NOT ASSUME ANY RESPONSIBILITY OR LIABILITY BY REASON OF THE INSPECTION OR REINSPECTION OF THE PREMISE; OR THE ISSUANCE OF THIS "CERTIFICATE OF OCCUPANCY"; OR BY ANY REASON OF ANY APPROVAL OR DISAPPROVAL.

BUILDING CODE REVIEWER :



**For Todd Wilcox, Building
Official**

IMPERVIOUS COVER IN SQ. FT.:
HOUSE - 727
WORKSHOP - 887
WOOD BLDG. - 256
DECK @ BLDG. - 208
WOOD STEPS - 32
WOOD BLDG. ON CONC. - 56
WOOD SHED - 71
OVERHANG AT SHED - 92
GRAVEL DRIVE @ WORKSHOP - 160
OVER-HANG @ WORKSHOP - 220
OVER-HANG @ FENCE - 85
CONC., COV. CONC., BRICK & CONC. STEPS - 142
BRICK @ HOUSE - 28
COV. CONC. PORCH - 82
CARPORT - 200
ROCK @ CARPORT - 87
A/C - 4
CONC. DRIVE - 68
TOTAL - 3403
LAND - 6912
3403/6912 - 49.2%

 1/2" IRON PIN FOUND
 1/2" IRON PIN SET
 IRON SPIKE FOUND
 POWER POLE
 WATER METER
 WOOD FENCE
 CHAIN LINK FENCE
 OVERHEAD TELEPHONE LINE(S)
 OVERHEAD ELECTRIC LINE(S)
 () RECORD INFORMATION

STATE OF TEXAS
 PROFESSIONAL SURVEYOR
 MICHAEL J. ROEDER
 5718

NOTE:
NO TITLE COMMITMENT FURNISHED.
EASEMENTS SHOWN PER PLAT.