CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, July 12, 2010 **CASE NUMBER: C15-2010-0060**

___Y____ Jeff Jack **Motion to PP to Aug 9, 2010**
___Y____ Melissa Hawthorne **2nd the Motion**
___Y____ Nora Salinas
___Y____ Bryan King
___Y____ Leane Heldenfels, Chairman
___N____ Clarke Hammond, Vice Chairman
___Y____ Heidi Goebel

APPLICANT: Carina, Coel

OWNER: Carlos, Gonzalez

ADDRESS: 1700 6TH ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 15 feet in order to erect a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 0 feet along the north property line in order to erect a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

BOARD'S DECISION: The public hearing was closed on Board Member Jeff Jack motion to Postpone to August 9, 2010 for additional information, pictures and drawings, tree preservation memo, Board Member Melissa Hawthorne second on a 6-1 vote (Board Member Clarke Hammond nay); POSTPONED August 9, 2010.

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:

Susan Walker
Executive Secretary

Leane Heldenfels
Chairman

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, June 14 , 2010 **CASE NUMBER: C15-2010-0060**

_____ Jeff Jack
_____ Michael Von Ohlen
_____ Nora Salinas
_____ Bryan King
_____ Leane Heldenfels, Chairman
_____ Clarke Hammond, Vice Chairman
_____ Heidi Goebel

APPLICANT: Carina, Coel

OWNER: Carlos, Gonzalez

ADDRESS: 1700 6TH ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 15 feet in order to erect a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 0 feet along the north property line in order to erect a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

BOARD'S DECISION: Postponed to July 12, 2010 due to notification error migrating information from GIS to AMANDA.

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:

_____ _____

Susan Walker
Executive Secretary

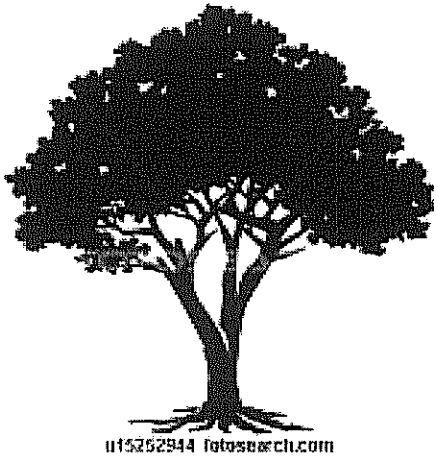
Leane Heldenfels
Chairman

Gonzalez Residence Variance Request

C15-2010-0060

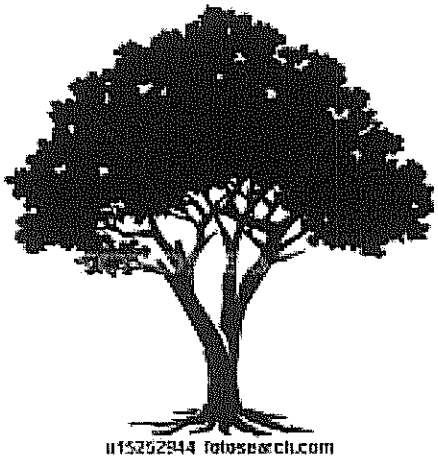
1700 S. 6th Street

August 9th, 2010



Gonzalez Residence Variance Request

- Requesting a front yard setback variance from 25 feet to 15 feet.
- Requesting a side-yard setback variance from 5 feet to 6 inches.



Questions from previous Hearing on 7/14/2010

- Establish neighborhood restrictions on front entry garages.
- Clarify the distinction between the Erosion Hazard Zone and the Critical Water Quality Zone, and demonstrate if these zones apply to the property.
- Further clarify the hardships on this property including pictures of the Heritage Live Oak, marking the heights of the primary branches & their locations.
- Clarify how the house can achieve a 9'-0" setback from the tree without impacting the ground in the 12'-0" setback zone required by the COA Arborist Michael Embesi.
- Demonstrate with an aerial photo the setbacks of the houses adjacent to this property, which are used to calculate the Front Yard Setback Average distance.

BCNA position on front entry garages

"BCNA is a neighborhood association rather than a homeowners association. Therefore BCNA <u>does not have any regulatory authority or restrictions like a homeowners association</u>. There are design recommendations included as part of the neighborhood plan adopted by the city for Bouldin Creek but the city does not treat them as having legal implications like the zoning and land use within the plan. I actually do not recall off hand if the plan has specific items regarding garage locations but there are plenty of front facing garages of recent vintage...Unless there is something in city code, including the McMansion ordinance, I am not aware of legal issues of garage doors facing the street ..."

Brad Patterson, BCNA Zoning Committee Chairman

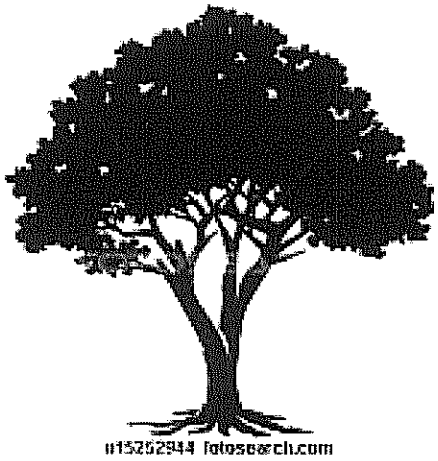
How the Critical Water Quality Zone does not apply to 1700 S. 6th Street

"The property at 1700 S. 6th St. does not have a Critical Water Quality Zone associated with this portion of Bouldin Creek that runs through the property. Per Liz Johnston, this zone is not marked on the plat for the property which was recorded circa 1900. As this is a residential property that has not been re-subdivided since the original plat was recorded, the Critical Water Quality Zone requirement is not applicable."

Source: Live meeting with Liz Johnston, Environmental Review Specialist on 07.22.10 & Jay Baker, Engineer with the Watershed Protection and Development Review on 07.21.10

Erosion Hazard Zone

The City of Austin recommends establishing an Erosion Hazard Zone adjacent to the un-reinforced section of Bouldin Creek that runs through this property. The zone is determined by measuring 4'-0" of length for every 1'-0" of depth of the creek. Any proposed foundation work in this zone will be reviewed by the City for structural integrity with respect to the possibility of erosion."



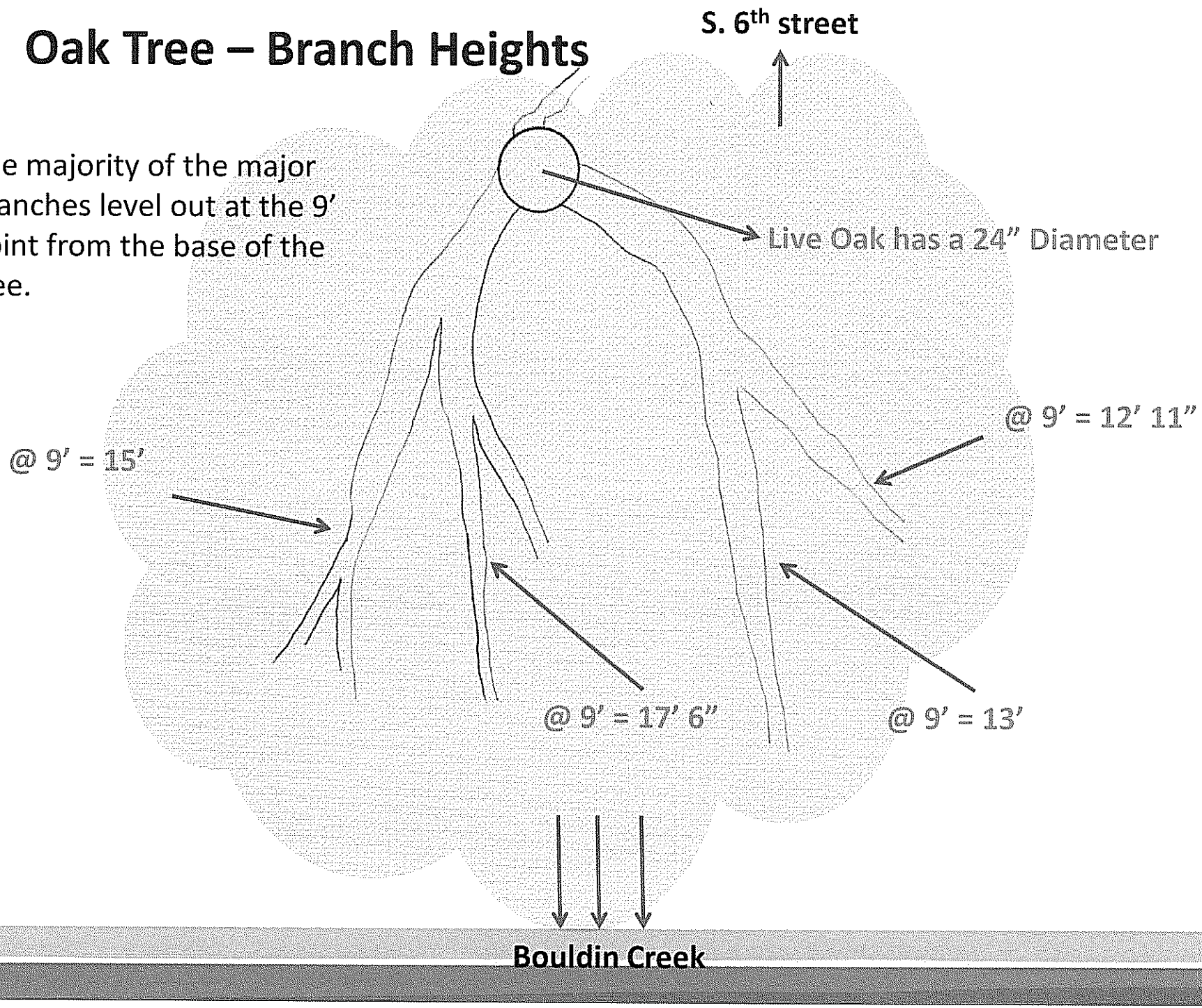
Oak Tree

- Due to the lowest branch (12' 11") the established canopy will require a design plan that accommodates the oak tree's lowest branches and restricts the design of the second story.

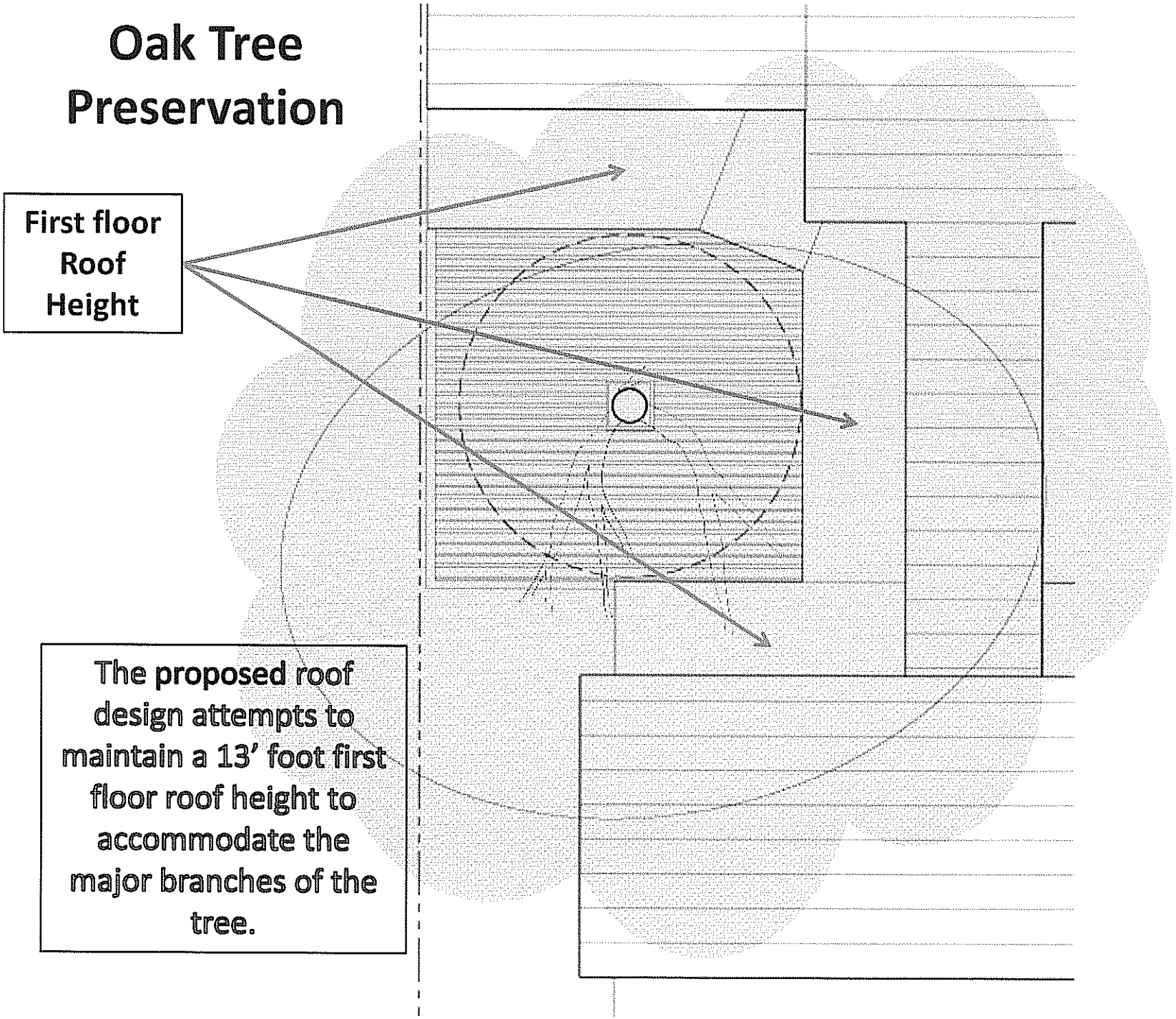
- The 15' foot front setback would aid in the preservation of the live oak, and keep the structure from further contributing to the erosion hazard.

Oak Tree – Branch Heights

The majority of the major branches level out at the 9' point from the base of the tree.



Oak Tree Preservation



EROSION

The erosion on Bouldin Creek on our lot a 1700 S. 6th street.

The advanced erosion to this section of Bouldin Creek has taken four trees as recent as this summer as shown below. The erosion has and has been confirmed and documented by the City of Austin Stream Restoration associate, Morgan Beyer.

When Bouldin Creek is running there is a water flow turning point, that bounces directly off our creek bank on our property causing an erosion hazard.

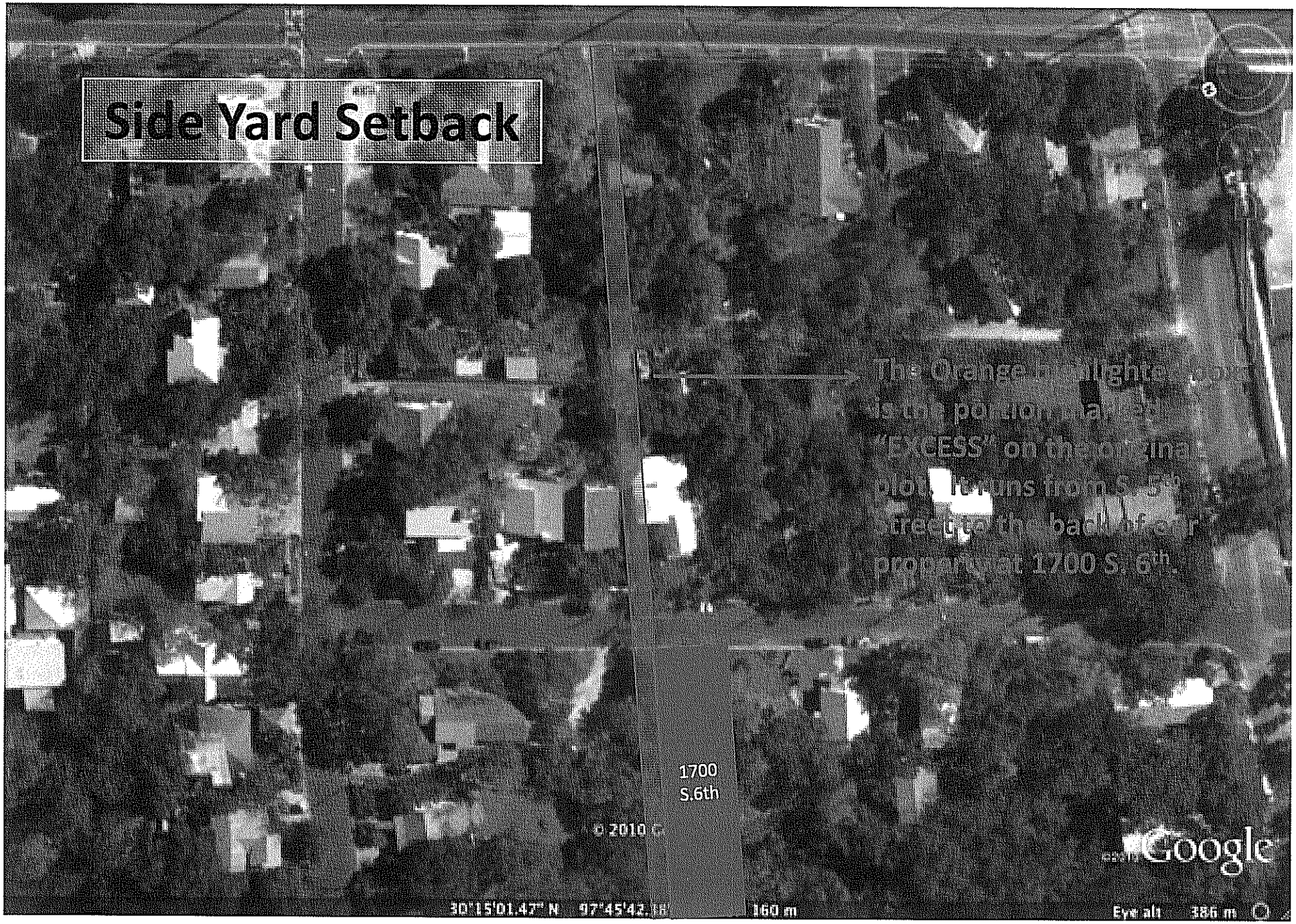
Existing Setbacks

- Property at 1704 is setback at approximately 15.6 feet.

- Property at 1706 is setback at approximately 21.5 feet.

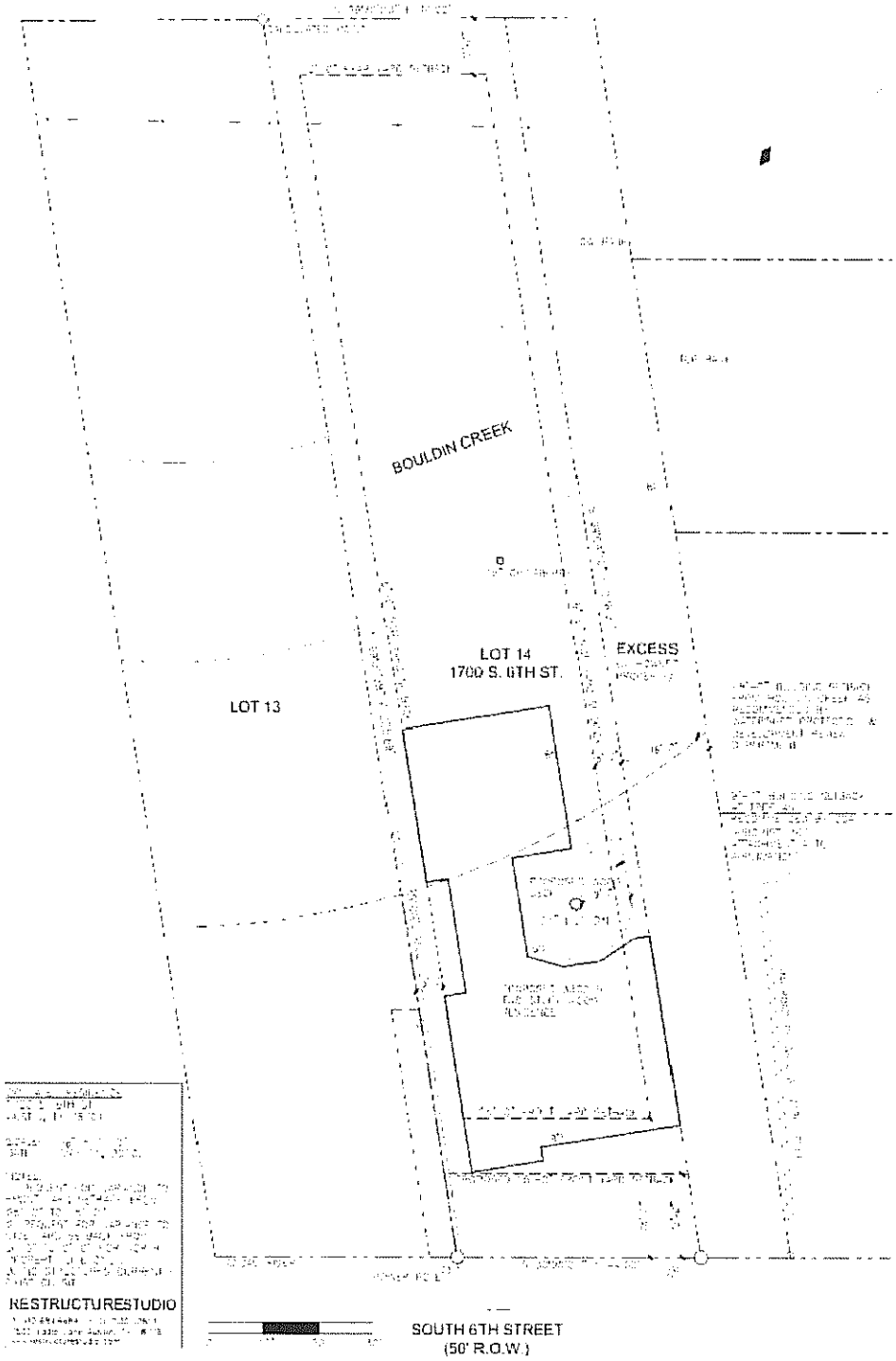
- Average Setback distance: 21'-5" + 15'-6" = 36'-11" and 36'-11" / 2 **= 18'-5.5"**

Side Yard Setback



Side Yard Setback
EXCESS
1700 S 6th
© 2010 Google
Google
30°15'01.66" N 97°45'43.53" W elev 158 m
Eye alt 234 m

Site Plan


BOULDIN CREEK
LOT 14
1700 S. 6TH ST.
EXCESS
LOT 13
RESTRUCTURESTUDIO
SOUTH 6TH STREET
(50' R.O.W.)

Gonzalez Residence Variance Request Summary

- In applying for a Variance to the front yard Setback as well as the North Side Yard Setback for the property at 1700 S. 6th Street, please consider the following:

•Plan attempts to minimize the impact of the structure on Bouldin Creek by moving the house closer to the street.

•The proposed plan complies with the setback requirements laid out by the City of Austin Arborist, Michael Embesi for the 24" Live Oak on the center of the property.

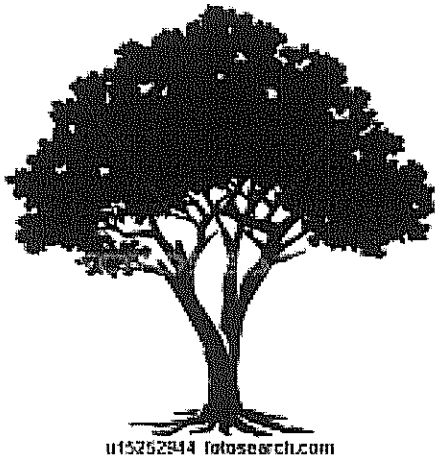
•The plan is conscientiously designed "around" the tree in both plan and elevation.

•The project maintains a low-profile street elevation in order to build within the character of the neighborhood.

•The project is attempting to achieve at minimum a 3-star rating with the Austin Energy Green Building Program.

•An 18'-6" front yard setback can be established for this property according to the Front Yard Setback Averaging method, Section 2.3 of the Residential Design & Compatibility Standards.

THANK FOR YOUR CONSIDERATION.



PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern *(it may be delivered to the contact person listed on a notice)*; or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2010-0060 – 1700 S 6th Street
Contact: Susan Walker 512-974-2202
Public Hearing: Board of Adjustment, July 12, 2010

MAUREEN SMITH
Your Name (please print)

☐ **I am in favor**
☑ **I object**

1005 WEST MARY
Your address(es) affected by this application

Maureen Smith — 7/7/10
Signature — *Date*

Daytime Telephone: _____

Comments: My opinion has not changed since my 6/8/10 response (see attached). A large home can be built without a variance.

If you use this form to comment, it may be returned to:
City of Austin-Planning & Development Review Department/ 2nd Floor
C/O Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C15-2010-0060 – 1700 S 6th Street
Contact: Susan Walker 512-974-2202
Public Hearing: Board of Adjustment, Jun 14, 2010

MAUREEN SMITH
Your Name (please print)

☐ **I am in favor**
☒ **I object**

1005 WEST MARY
Your address(es) affected by this application

Maureen Smith — 6/8/10
Signature — *Date*

Daytime Telephone: _____

Comments: We have setbacks for a reason. The lot is large enough for a large house with required setbacks. Enough with the variances.

If you use this form to comment, it may be returned to:
City of Austin-Planning & Development Review Department/ 2nd Floor
C/O Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2010-0060
ROW # 10439917
TP-0400041005

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

04-0004-1001

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 1700 S. 6th Street Austin, TX 78704

LEGAL DESCRIPTION: Subdivision – North Extension to Bouldin Addition

Lot(s) 14 Block 3

I/We Carlos and Kelly Gonzalez on behalf of ourselves as authorized agent for

1700 S. 6th Street affirm that on May 14, 2010,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

X ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

a new residence with a variance for a front yard set-back of 15'-0" and a side yard setback on the north side of the property for 0'-0", for the property listed at 1700 S. 6th S t .

in a SF-3-NP district.
(zoning district)

NOTE: 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 support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings)**:**

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
   We are requesting a front yard and side yard setback variance with the aim of minimally disrupting the erosion hazard zone of Bouldin Creek and to preserve a large Live Oak in the center of our lot.

HARDSHIP:

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

1700 S. 6th Street has Bouldin Creek running through the middle of the property, which has been documented to contain significant erosion issues. Per Jay Baker with the Department of Watershed Protection & Development Review Department, the recommended formula for determining the appropriate setback marking the erosion hazard zone for a residential home is 4ft back from the creek edge for every 1ft of creek depth. This will require us to set the majority of the home approximately 48ft from the creek, which only leaves us a length of 115ft of usable land . We have also been working with the City of Austin arborist, Michael Embesie to preserve a large Live Oak tree in the center of the lot. Per Mr. Embesie's feedback after he visited the property, he requested that we allow a 9ft radius around of base of the tree. (Please see Attachment A). Due to these unique hardships in constructing our home, we are requesting a variance to the front yard setback from the required 25'-0" to 15'-0" from the property line. Additionally, there is a portion of unclaimed land adjacent to the North property line which has been explained by Kevin Autry of The Watershed Protection & Development Review Department as a surveying error dating back to 1900. We are requesting a side yard setback variance on the northern side only from the required 5'-0" to 0'-0", as we would not be encroaching on another property owner.

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

We are requesting your consideration because the compounding challenges surrounding 1700 S. 6th make it circumstantially unique.

AREA CHARACTER:

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:

The portion of unclaimed land to the north of our lot remains unused and is in disrepair. We intend to maintain and care for this portion of unclaimed land, as it is adjacent to our property. None of the neighbors will be impacted as the side yard setback variance requested from 5'-0" to 0'-0" will still leave the additional 16'-0" "excess zone" between our property and the back of the adjacent properties. Additionally, the surrounding houses on S. 6th Street have various front yard setbacks, some of which are less than the current 25'-0" front yard setback requirement. Therefore, the requested front yard setback variance will not alter the character of the area.

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 Section 479 of Chapter 25-6 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 reasonable 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:

_____

_____

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.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Kelly Gonzalez Mail Address 1815 E. 40th ST.

City, State & Zip AUSTIN, TEXAS 78722

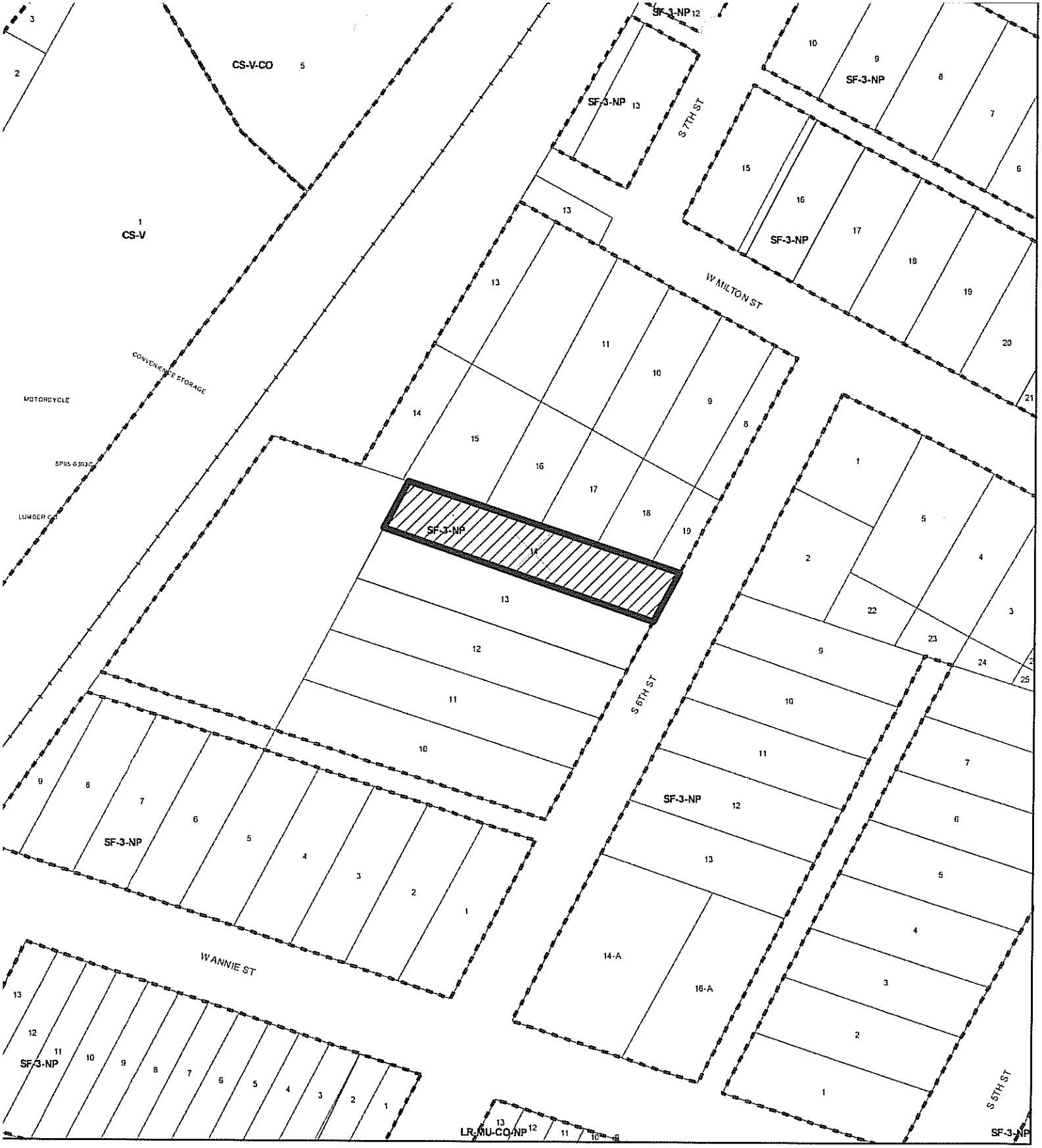
Printed CARLOS + KELLY GONZALEZ Phone 512.981.8127 Date 05.13.2010

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _____ Mail Address 1815 E. 40th ST.

City, State & Zip AUSTIN, TEXAS 78722

Printed CARLOS GONZALEZ Phone 512.981.8127 Date 05.13.2010



BOARD OF ADJUSTMENTS

N

SUBJECT TRACT

ZONING BOUNDARY

ZONING CASE#: C15-2010-0060
LOCATION: 1700 S 6TH ST
GRID: H21
MANAGER: SUSAN WALKER

CITY OF AUSTIN FOUNDED 1839

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Attachment A

146

NOW ID
10236774

Tree Ordinance Review Application

City of Austin

Founded by Congress, Republic of Texas, 1839
Watershed Protection and Development Review Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767
Phone: (512) 974-1876 Fax: (512) 974-3010

Paid: Yes/No
Receipt Number: _____
Inspection Date: _____

This application requests[1] (specify all that apply):

- [ ] a removal of a protected-size tree;
- [x] proposed development exceeding allowable standards for encroachment within the critical root zone of a protected-size tree;
- [ ] removal of more than 30% of a protected-size tree's crown.

[1] Additional tree information may be obtained from the Land Development Code (25-8), Environmental Criteria Manual (Section 3), or the City of Austin Urban Forestry web page (http://www.ci.austin.tx.us/trees/).

Please attach an aerial drawing that includes the location of trees, proposed development, and utilities. The application and payment (check to the City of Austin for $25 per tree) can be mailed or delivered to the above address. Payment must be made prior to City personnel completing this application. If relevant, indicate the amount to withdraw if an escrow payment is available.

Address of Property (including zip code): 1700 S. 6th STREET, AUSTIN TX 78704

Name(s) of Owner and Applicant: BILL KELLAS / APPLICANT: CARLOS GONZALEZ

Building Permit Number (if applicable): —

Telephone Number: 817 903 8127 Fax Number: 817.922.9928

Type of Tree: LIVE OAK Location on Lot: MIDDLE FRONT

Tree Trunk(s) Circumference at 4 ½ Feet Above Ground (inches): UNKNOWN

General Condition: AVERAGE

Reason for Request: LOOKING @ PUTTING (1) SINGLE FAMILY RES WOULD LIKE TO KEEP TREE (BUILD AROUND) BUT WOULD LIKE TO KNOW TREE SET BACK REQ. THANKS

[signature] 02.13.09
Owner/Applicant Signature Date

TO BE COMPLETED AFTER DETERMINATION FROM CITY ARBORIST PROGRAM PERSONNEL

Resolution: Approved | *Approved With Conditions | Denied | Statutory Denial/More Information Required

[initials] 20 FEB 09 [initials] 19 FEB 09

Arborist Comments: ~~PLEASE PROVIDE PROPOSED SITE PLAN~~ (1) PAY APPLICATION FEE (2) NO IMPACTS WITHIN 9-FEET OF TREE TRUNK (3) PRESCRIBED TREATMENT AND ANY REQUIRED PRUNING TO BE PERFORMED BY A CERTIFIED ARBORIST.

*Conditions of Approval: [ ] None; [x] As described within Arborist Comments (see above); and/or,

[x] Applicant agrees to plant NA container grown, City of Austin Class 1 tree (i.e. Live Oak, Cedar Elm, Mountain Laurel) on the lot prior to obtaining a certificate of Occupancy. Trees are to be a minimum of two inches in caliper width. Prior to development, applicant agrees to supply a root zone mulch layer and maintain tree protection fencing (minimum five-foot, chain-link type) providing the utmost root zone protection.

*Owner/Applicant Signature _____ Date _____ [signature] City Arborist Signature 20 FEB 09 Date

City of Austin
Austin's Community-Owned Electric Utility www.austinenergy.com
Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

May 14, 2010

Carlos and Kelly Gonzalez
1700 South Sixth St.
Austin, Texas 787304

Re: 1700 South Sixth St.
Lot 14, Block 3, North Extension to Bouldin Addition

Dear Customers:

Austin Energy (AE) has reviewed your application for the above referenced property requesting a 15 foot front yard set back and 0 feet side yard set back. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

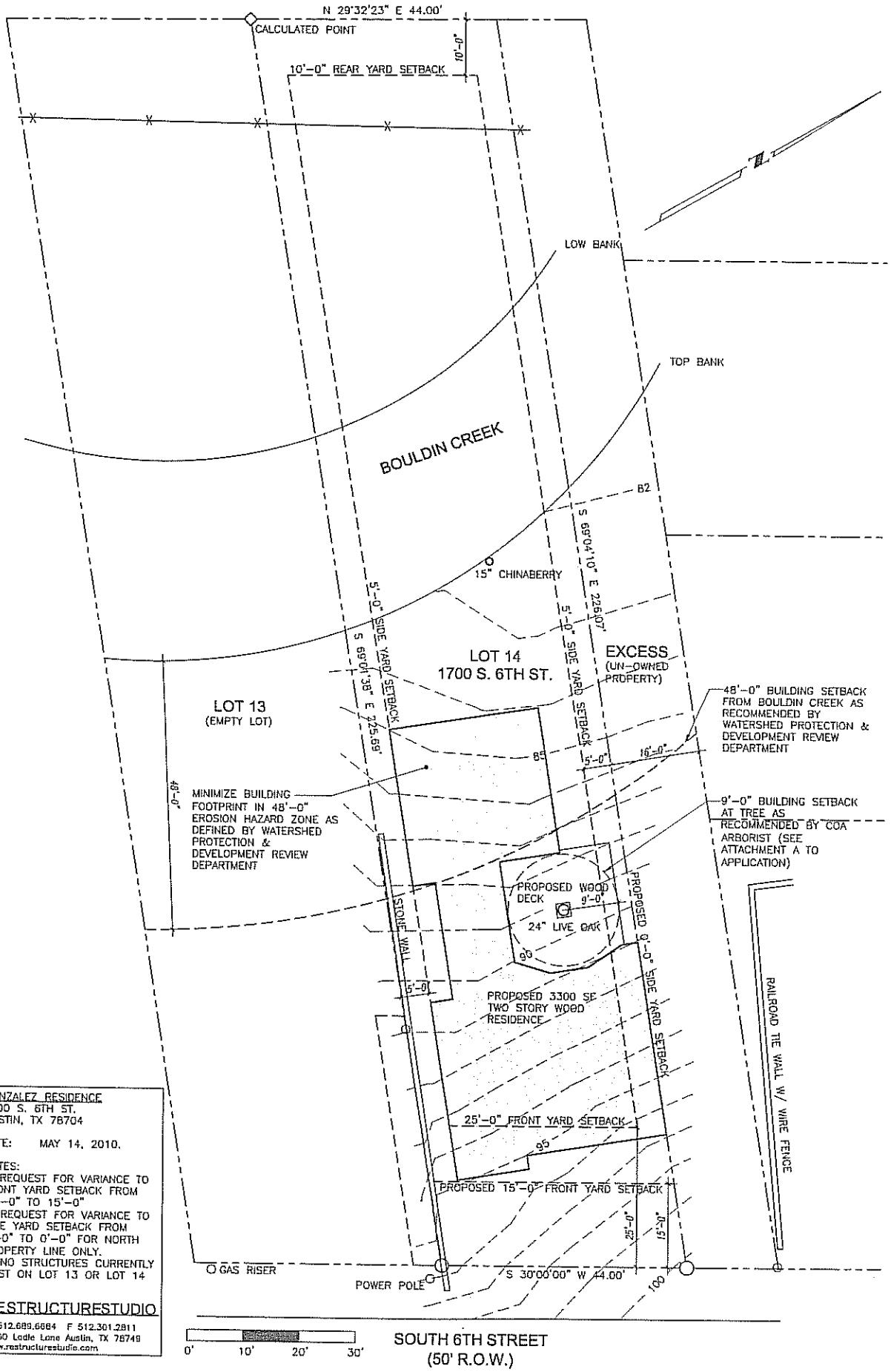
Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6522.

Sincerely,

Robert K. Long, Jr.

Robert K. Long, Jr.
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

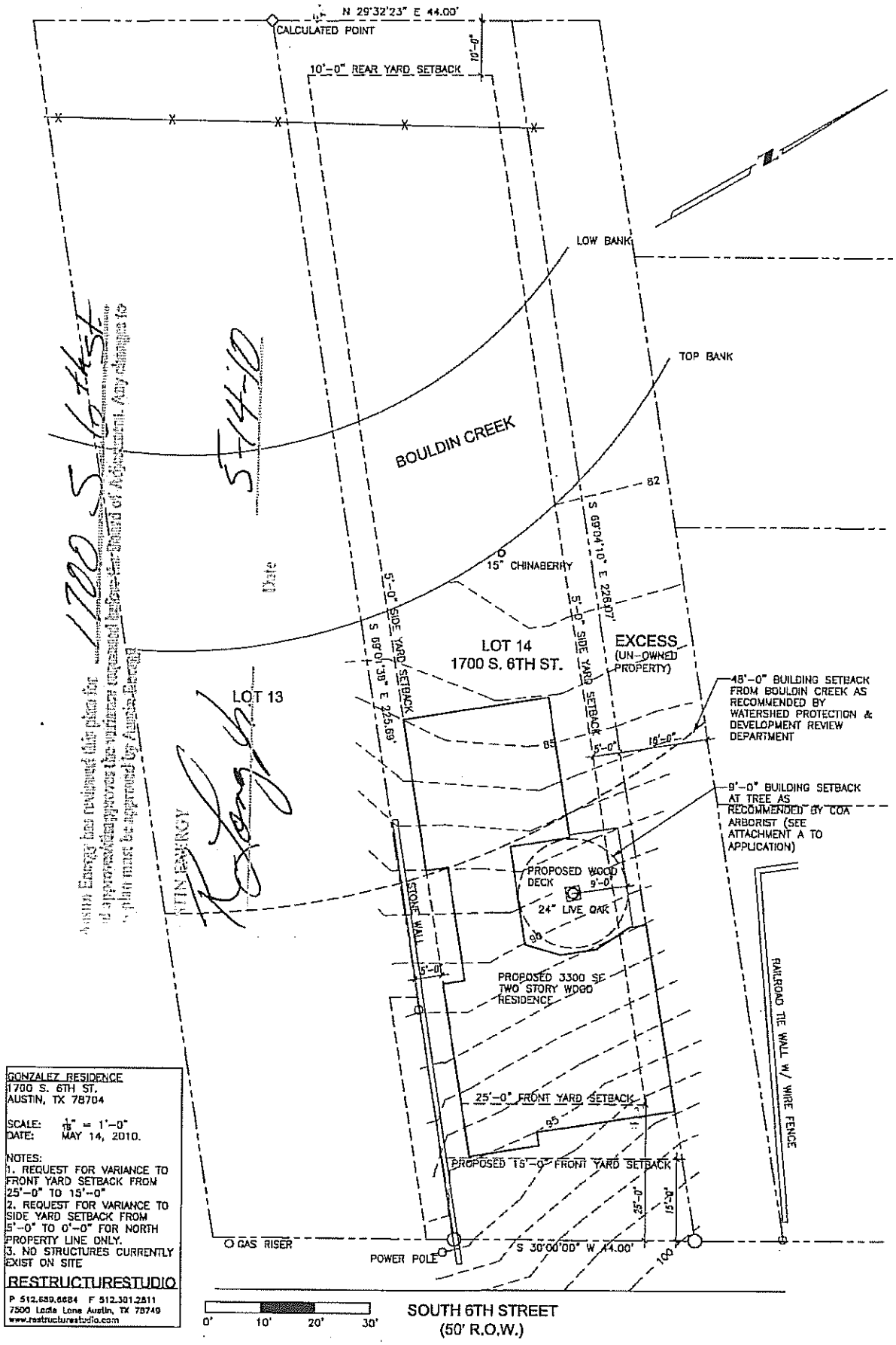


GONZALEZ RESIDENCE
1700 S. 6TH ST.
AUSTIN, TX 78704

DATE: MAY 14, 2010.

NOTES:
1. REQUEST FOR VARIANCE TO FRONT YARD SETBACK FROM 25'-0" TO 15'-0"
2. REQUEST FOR VARIANCE TO SIDE YARD SETBACK FROM 5'-0" TO 0'-0" FOR NORTH PROPERTY LINE ONLY.
3. NO STRUCTURES CURRENTLY EXIST ON LOT 13 OR LOT 14

RESTRUCTURESTUDIO
P 512.689.6684 F 512.301.2811
7500 Ledle Lane Austin, TX 78749
www.restructurestudio.com



GONZALEZ RESIDENCE
1700 S. 6TH ST.
AUSTIN, TX 78704

SCALE: $\frac{1}{16}$" = 1'-0"
DATE: MAY 14, 2010.

NOTES:
1. REQUEST FOR VARIANCE TO FRONT YARD SETBACK FROM 25'-0" TO 15'-0"
2. REQUEST FOR VARIANCE TO SIDE YARD SETBACK FROM 5'-0" TO 0'-0" FOR NORTH PROPERTY LINE ONLY.
3. NO STRUCTURES CURRENTLY EXIST ON SITE

RESTRUCTURESTUDIO
P 512.689.6684 F 512.301.2811
7500 Lada Lane Austin, TX 78749
www.restructurestudio.com

PUBLIC HEARING INFORMATION

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Case Number: C15-2010-0060 – 1700 S 6th Street
Contact: Susan Walker 512-974-2202
Public Hearing: Board of Adjustment, Jun 14, 2010

MAUREEN SMITH
Your Name (please print)

☐ **I am in favor**
☒ **I object**

1005 WEST MARY
Your address(es) affected by this application

Maureen Smith — 6/8/10
Signature — *Date*

Daytime Telephone: _____

Comments: We have setbacks for a reason. The lot is large enough for a large house with required setbacks. Enough with the variances

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C/O Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C15-2010-0060 – 1700 S 6th Street
Contact: Susan Walker 512-974-2202
Public Hearing: Board of Adjustment, Jun 14, 2010

Ellen Gibbs
Your Name (please print)

☐ **I am in favor**
☒ **I object**

1701 S. 6th
Your address(es) affected by this application

1700 S. 6th — 06-08-2010
Signature — *Date*

Daytime Telephone: 495-4425

Comments: There has never been a sign posted on the property announcing the hearing.* We cannot see what the hardship is in this case, since owners must have been aware of the nature of the lot when they bought it. Tho we applaud their intention to save a protected tree, we don't see how that is guaranteed.
*some neighbors felt they received too little notice

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C/O Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

Walker, Susan

From: Bradford Patterson [bradfordpatterson04@yahoo.com]
Sent: Wednesday, June 09, 2010 9:48 AM
To: Walker, Susan
Subject: 1700 South 6th St. C15-2010-0060, Neighborhood Assoc. Comments

Ms. Walker
Below is an email to the applicants for case C15-2010-0060 to be heard at the June 14th Board of Adjustment meeting. **We do not oppose the front setback variance proposed however we do oppose the granting of a variance to eliminate the side setback.** It should also be noted that the property identified on the notification map is not the subject parcel which may have impacted who was notified and their understanding of the variance application.

Bradford Patterson
Chair, Zoning Committee
Bouldin Creek Neighborhood Association

---- Forwarded Message ----
From: Bradford Patterson <bradfordpatterson04@yahoo.com>
To: KELLY GONZALEZ <carlosandkelly@me.com>
Sent: Wed, June 9, 2010 12:43:07 AM
Subject: 1700 South 6th St. C15-2010-0060

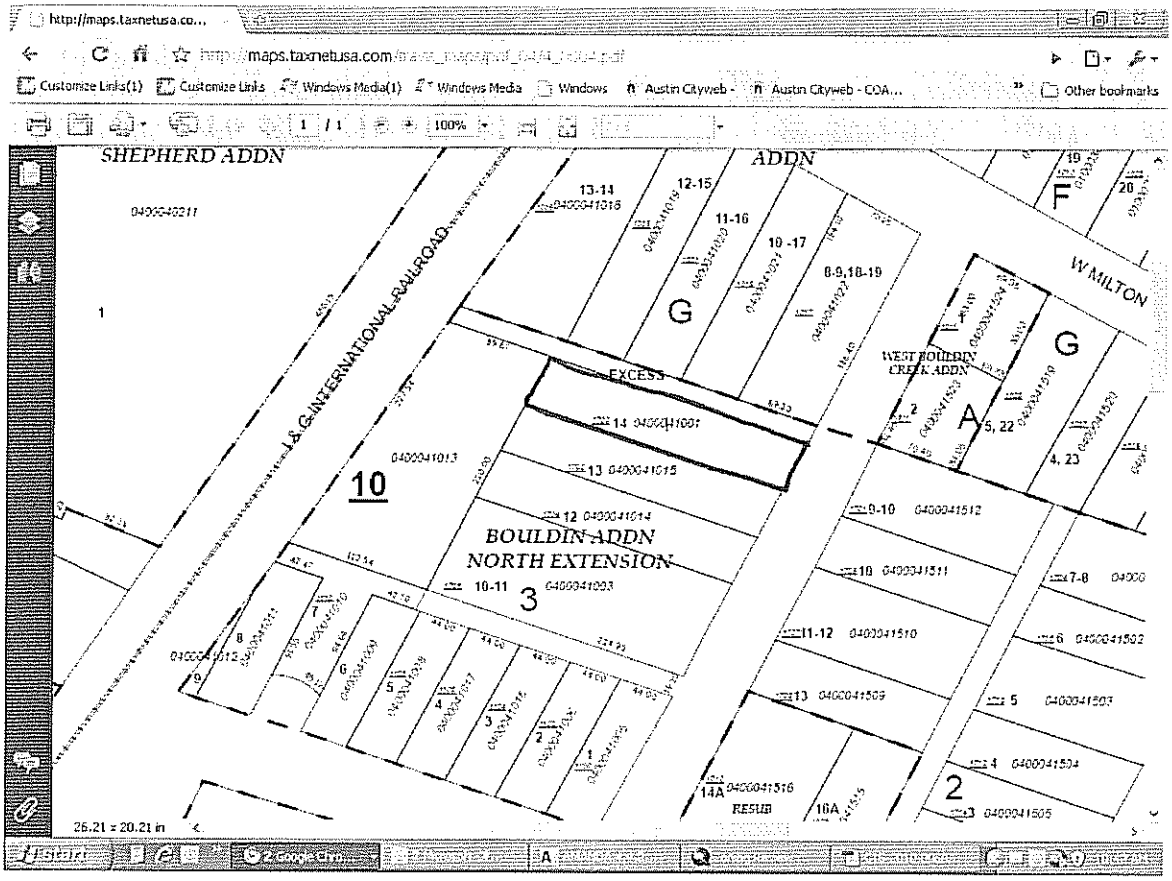
Kelly & Carlos,
Thank you for meeting with our Zoning Committee regarding the variance application for 1700 South 6th. Subsequent to our conversations we have been contacted by a nearby property owner who intend to oppose the variances. We have also seen that the notice sent by the city contains a map that does not identify the correct property that is subject to the variance. We have also been told that the required signage has not been posted at the site but this is not an aspect that we are in a position to confirm. Both of these items could be an issue with the board hearing the case as currently posted.

We have discussed your application with both the Zoning Committee and Steering Committee of the Bouldin Creek Neighborhood Association. While we are familiar with the site, we do not have extensive information regarding the specific design of the single family residence you propose. It is our understanding that the variances are being requested in order to construct the residence as far from the creek as possible and to protect the substantial live oak tree on the parcel. Although we are not conclusively convinced for the need of the front variance we do not oppose the front setback variance as proposed at 15', provided it results in the preservation of the oak tree and construction further from the creek versus just larger construction.

We are however opposed to the granting of the variance for the side setback. We do not believe that the creek or tree create a hardship to warrant elimination of the side yard setback. At 44 feet in width, the site is typical for the neighborhood. Although odd, the fact that there is an unclaimed 16 foot wide parcel of land immediately adjacent to the subject track is more of an opportunity than a hardship. We are concerned about precedent being set by the elimination of a side yard setback for new construction on a parcel with a typical width. Given the circumstances with the size of the unclaimed parcel and the creek location, it may be unlikely that it will ever be developed unless clear title is determined. However we still have issues with the construction of a residence right up to the shared property line and thus oppose the side setback variance.

We enjoyed meeting you and hope that you are able to work out your plans well enough that we can welcome you to the neighborhood in the near future. We appreciate that you took the time to discuss the case with us even if you didn't receive the exact feedback that you desired.

Bradford Patterson
Chair, Zoning Committee
Bouldin Creek Neighborhood Association (BCNA)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Other bookmarks
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Case Number: C15-2010-0060 – 1700 S 6th Street
Contact: Susan Walker 512-974-2202
Public Hearing: Board of Adjustment, Jun 14, 2010

SANDRA + TONY DELEON
Your Name (please print)

☒ **I am in favor**
☐ **I object**

1101 W. ANNIE
Your address(es) affected by this application

Signature — 4-8-10 *Date*

Daytime Telephone: 512-443 4572

Comments: We have no problem at all with this VARIANCE as long as the permit is granted for a single family residence. We just ask that the home construction be completed in the time allowed. There are two construction sites in our neighboord that are VACANT and have been for a long time. The home building has stalled and this definetly invites VAGRANCY. Why doesn't the city enforce the completion of these 2 homes

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RESTRUCTURESTUDIO

Gonzalez Residence Variance Request
C15-2010-0060
Kelly & Carlos Gonzalez
1700 S. 6th Street
Austin, TX 78704

In applying for a Variance to the Front Yard Setback as well as the North Side Yard Setback for the property at 1700 S. 6th Street, we would like to highlight the following items:

- The plan attempts to minimize the impact of the building on Bouldin Creek by moving the house closer to the street.
- The plan respects the setback requirements laid out by the City of Austin Arborist Michael Embesi for the 24" Live Oak in the middle of the property, by deliberately and conscientiously designing the house around the tree both in plan and elevation.
- The plan uses the unowned Excess Zone to the North of the property to the best advantage by building in the adjacent side yard in order to alleviate the building restrictions caused by Bouldin Creek and the Live Oak.
- The project maintains a low-profile street facing elevation in order to maintain the context of the neighborhood.
- The project will be attempting to achieve at minimum a 3-star rating with the Austin Energy Green Building program.

P 512 689 6684 F 512 301 2811
7500 Ladle Lane, Austin, TX 78749
www.restructurestudio.com

SUSTAINABLE ARCHITECTURE | GREEN CONSULTING

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Contact: Susan Walker 512-974-2202
Public Hearing: Board of Adjustment, Jun 14, 2010

KIM GEARY
Your Name (please print)

☐ **I am in favor**
☒ **I object**

1109 & 1111 W Annie
Your address(es) affected by this application

Kim Geary 6-15-10
Signature *Date*

Daytime Telephone: 512 416-0217

Comments: I see no reason for this. There is an existing house there that was already expanded. Why should one person be allowed this? The lots are all the same size. This affects impervious cover and there's a drainage feature behind the house

If you use this form to comment, it may be returned to:
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C/O Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C15-2010-0060 – 1700 S 6th Street
Contact: Susan Walker 512-974-2202
Public Hearing: Board of Adjustment, Jun 14, 2010

TIMOTHY ZIEGLER
Your Name (please print)

☐ **I am in favor**
☐ **I object**

1010 W. ANNIE ST
Your address(es) affected by this application

Signature — June 9 *Date*

Daytime Telephone: 512/497-4683

Comments: I oppose this variance. I strongly believe in following the neighborhood's zoning laws to keep the character of the neighborhood, and I also support the neighborhood associations guidelines on this. I believe that granting this variance would set a bad precedent.

If you use this form to comment, it may be returned to:
City of Austin-Planning & Development Review Department/ 2nd Floor
C/O Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

Google apps

Carina Coel <carina@restructurestudio.com>

1700 S. 6th St. Tree Permit

Embesi, Michael <Michael.Embesi@ci.austin.tx.us> **Thu, May 20, 2010 at 10:29 AM**
To: Carina Coel <carina@restructurestudio.com>

Thank you for your email and for attempting to minimize tree impacts by shifting the development as far from the tree as possible. Please ensure that all interested parties are aware that the Heritage Tree Ordinance requires a 12-foot buffer zone for a 24" diameter Live Oak tree. I have "Statutorily Denied" your request based upon possibilities to shift the development away from the tree. This possibility would include impacting areas within a setback and is to be assessed by the Board of Adjustment. Depending on the outcome of their assessment, and in consideration of the challenges of constructing a home on this property, a pier-and-beam (above grade) is encouraged to minimize impacts to the protected root zone; ensuring that no more than one pier is located at 9 feet from the tree trunk and all remaining impacts are further than 12-feet from the tree trunk. This type of modification allows foundation construction with negligible tree impacts. Additionally, if this tree preservation plan is approved, other requirements will include:

- a prescribed soil treatment from a certified arborist;
- any required pruning (no more than 10% of the live canopy) is to be performed by a certified arborist;
- any required underground utility trenching is to be a minimum of 20 feet from the tree trunk; and
- tree protection (i.e. 5-foot chain-link fencing) is to remain throughout the entirety of development activities.

Thank you for your time and please contact me if I can assist you further,

Michael Embesi

City of Austin - Planning and Development Review Department

City Arborist

505 Barton Springs Road

Austin, TX 78704

Phone (512) 974-1876

Fax (512) 974-3010

Web Site www.ci.austin.tx.us/trees

Tree Ordinance Review Application

Planning and Development Review Department
One Texas Center, 505 Barton Springs Road, 4th floor
Phone: (512) 974-1876 Fax: (512) 974-3010
Email: Michael.Embesi@ci.austin.tx.us Website: www.ci.austin.tx.us/trees

ROW I.D. 10439896
Mapsco Grid 614L

Application request* (specify all that apply):

- ☐ Tree removal
- ☒ Development exceeding allowable standards for encroachment in the tree's critical root zone;
- ☐ Removal of more than 30% of a tree's crown.

* Refer to Land Development Code 25-8 (B)(1) and Environmental Criteria Manual (Section 3, App. F). Applicant understands that all impacts may threaten the health of the tree and that approval of this application does not guarantee favorable tree results.

Address and zip code of property: 1700 S. 6TH STREET 78704

Name of owner or authorized agent: CARLOS GONZALEZ

Building permit number (if applicable): N/A

Telephone #: 512-961-8127 Fax #: 512-301-2811 E-mail: SENORGATOFRESCO@GMAIL.COM

Type of Tree: LIVE OAK Tree location on lot: MIDDLE FRONT

Trunk size (in inches) at 4 ½ feet above ground: circumference (around) _____ or diameter (across) 24"

General tree condition: ☒ Good / ☐ Fair / ☐ Poor / ☐ Dead

Reason for request: DESIGNING A SINGLE FAMILY RESIDENCE AROUND TREE, REQUESTING A 9'-0" SETBACK PER MICHAEL EMBEZIE'S REVIEW 02/13/09.

C. G. 05/14/10

Owner/ Authorized Agent Signature Date

- Proposed development projects should include an aerial drawing that includes the location of the tree and planned improvements (e.g. structure, driveway, utility and irrigation lines).
- This application is reviewed for tree impacts only; not for zoning or other applicable regulations. Payment ($25 check to the City of Austin) must be made prior to City personnel completing this application. No fee is required for dead or diseased trees.

Application Determination – To be completed by City Arborist Program Personnel

☐ Approved ☐ *Approved With Conditions ☐ Denied ☒ Statutory Denial (more information required) ML

Comments ASSESS POSSIBILITIES TO SHIFT UNIT INTO SETBACK AREAS.

☐ Heritage Tree(s) ☐ A heritage tree variance is required: ☐ Administrative / ☐ Land Use Commission

Conditions of Approval: ☐ None or ☐ As described within Arborist Comments (see above); and

☐ Applicant agrees to plant ____ caliper inches of container grown City of Austin Appendix F trees on the lot prior to obtaining a final inspection (if applicable). Trees are to have a minimum 2-inch trunk diameter. Examples include Oaks, Cedar Elm, Bald Cypress, Dessert Willow, Mountain Laurel, Texas Persimmon, Mexican Plum, etc.

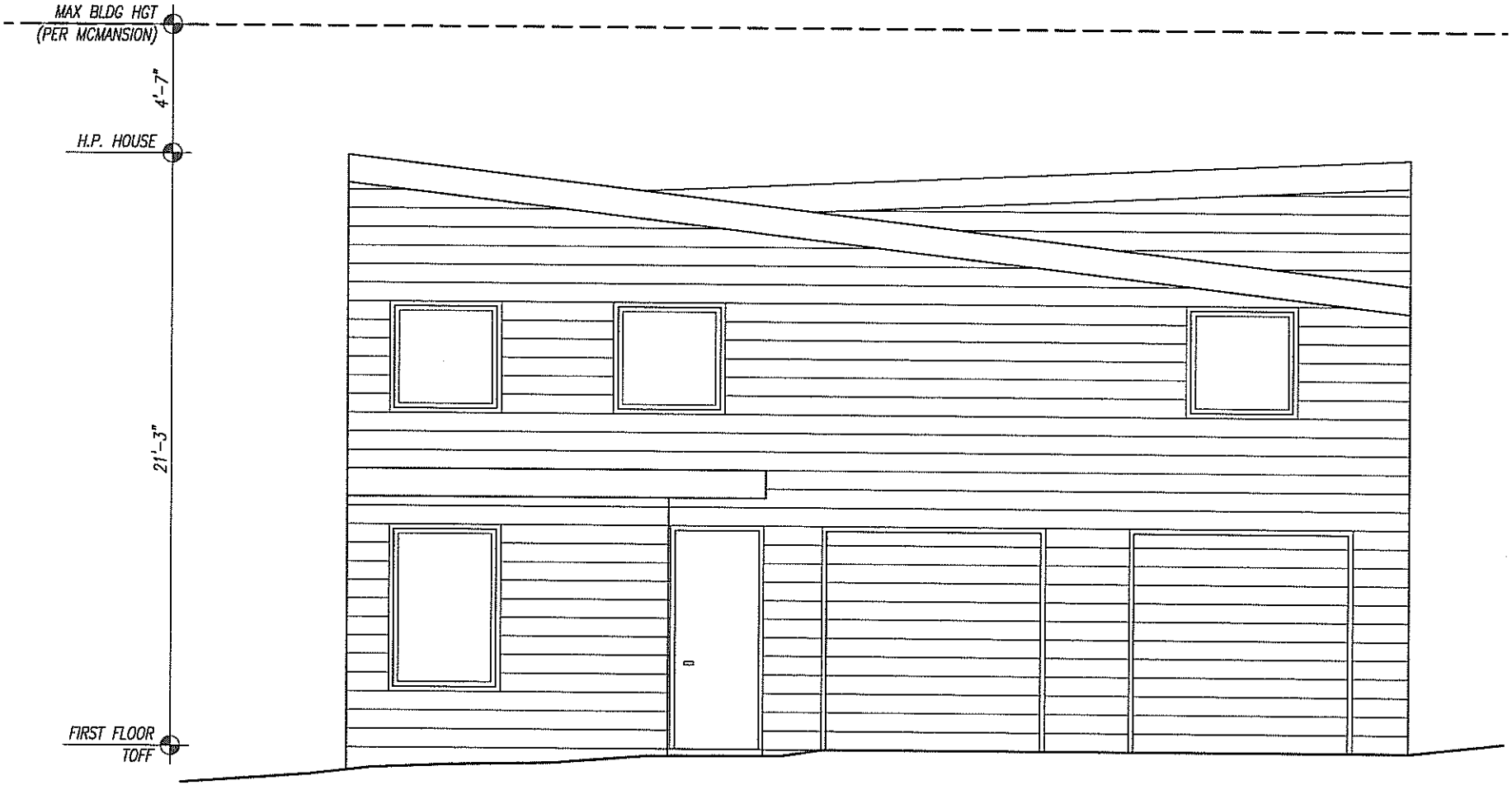
☐ Prior to development, applicant agrees to supply an 8-inch root zone mulch layer and maintain tree protection fencing (chain-link, five-foot in height) throughout the project duration.

☐ Provide a receipt for remedial tree care and / or any required pruning as performed by a certified arborist.

☐ No impacts are permitted within the tree ½ Critical Root Zone (ECM 3.5.2), including trenching for utilities.

Applicant Signature Date City Arborist Signature Date

Post this document on site while any proposed work is in progress.
Conditions for approval of this application must be met within 1 year of the effective date.



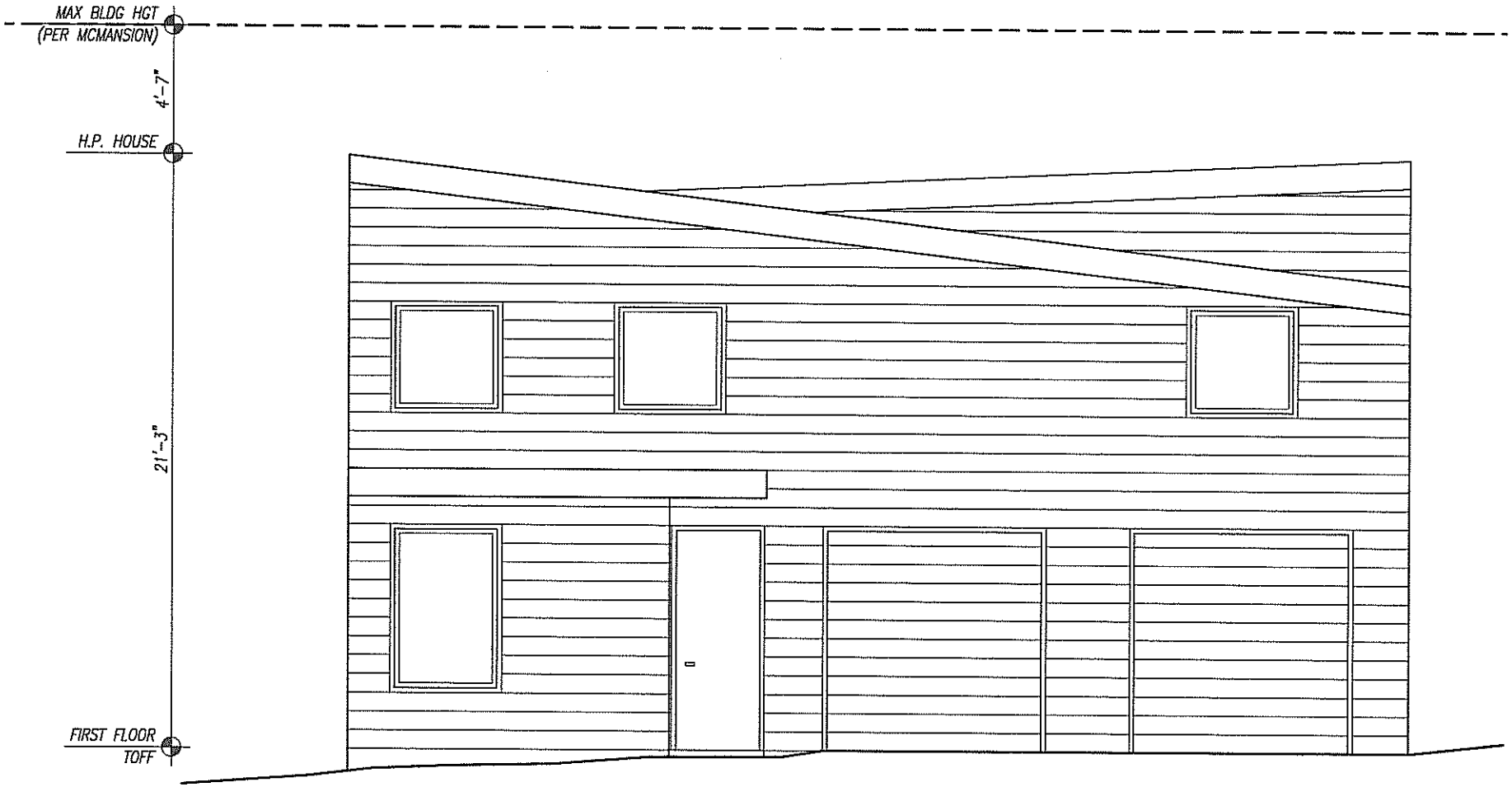
STREET FACING ELEVATION

GONZALEZ RESIDENCE
1700 S. 6TH ST.
AUSTIN, TX 78704

DATE: JUNE 4, 2010.

RESTRUCTURESTUDIO
P 512.689.6684 F 512.301.2811
7500 Ladle Lane Austin, TX 78749
www.restructurestudio.com

0' 5' 10'



STREET FACING ELEVATION

GONZALEZ RESIDENCE
1700 S. 6TH ST.
AUSTIN, TX 78704

DATE: JUNE 4, 2010.

RESTRUCTURESTUDIO
P 512.689.6684 F 512.301.2811
7500 Ladle Lane Austin, TX 78749
www.restructurestudio.com

0' 5' 10'

Dear Neighbor,

Thank you for supporting our request to obtain a setback variance on our non-standard lot. We believe the modest request is both environmentally conscious and civically sensitive.

I am supportive of the variance request by the property owners at 1700 S. 6th Street of a 15-foot setback on the east side and a 6" setback on the north side of the property.

1. John Gallagher 1708 S. 6th St. 5265 33894
2. Kyle Ozaki 1011 W. Milton St. 949 293 7330
3. [illegible] 1014 W Milton St 512-921-0950
4. Mary Leyendecker 1704 So. 6th
5. Ed Sepho 1611 S 6th St 78704 745-9324
6. Will J. Mc[illegible] 805 W. Mary 78704 817 735-1334
7. J McMan 805 W Mary 78704 817.228.8514
8. Blake Stowe 1017 A W MILTON 903 2627490
9. Katharine Stowe 1017 A W. Milton 903.245.5292
10. TOUGH TAYLOR Tough Taylor 1611 So 6th 65
11. Jessy Reed 1707 South 6th St 78704
12. Jon Nelson 1707 South 6th St 78704
13. Kate Bauer 1002 W. Milton St. 78704
14. Kyla Romero 1002 W. Milton St. 78704
15. [illegible] 1009 W. Milton St. 78704
16. P[illegible] Lamer 1705 S 6th 78704
17. [illegible] 1102 W. Annie 78704
18. [illegible] 1804 S. 6th St 78704
19. [illegible] 1012 W. Mary St 78704

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20. Eric Anderson 1018 W. Milton St 751 8129
21 Connie Cockram 1108 W. Annie 658 3849
22 Sal Salina's 1023 W. Milton 619-6696
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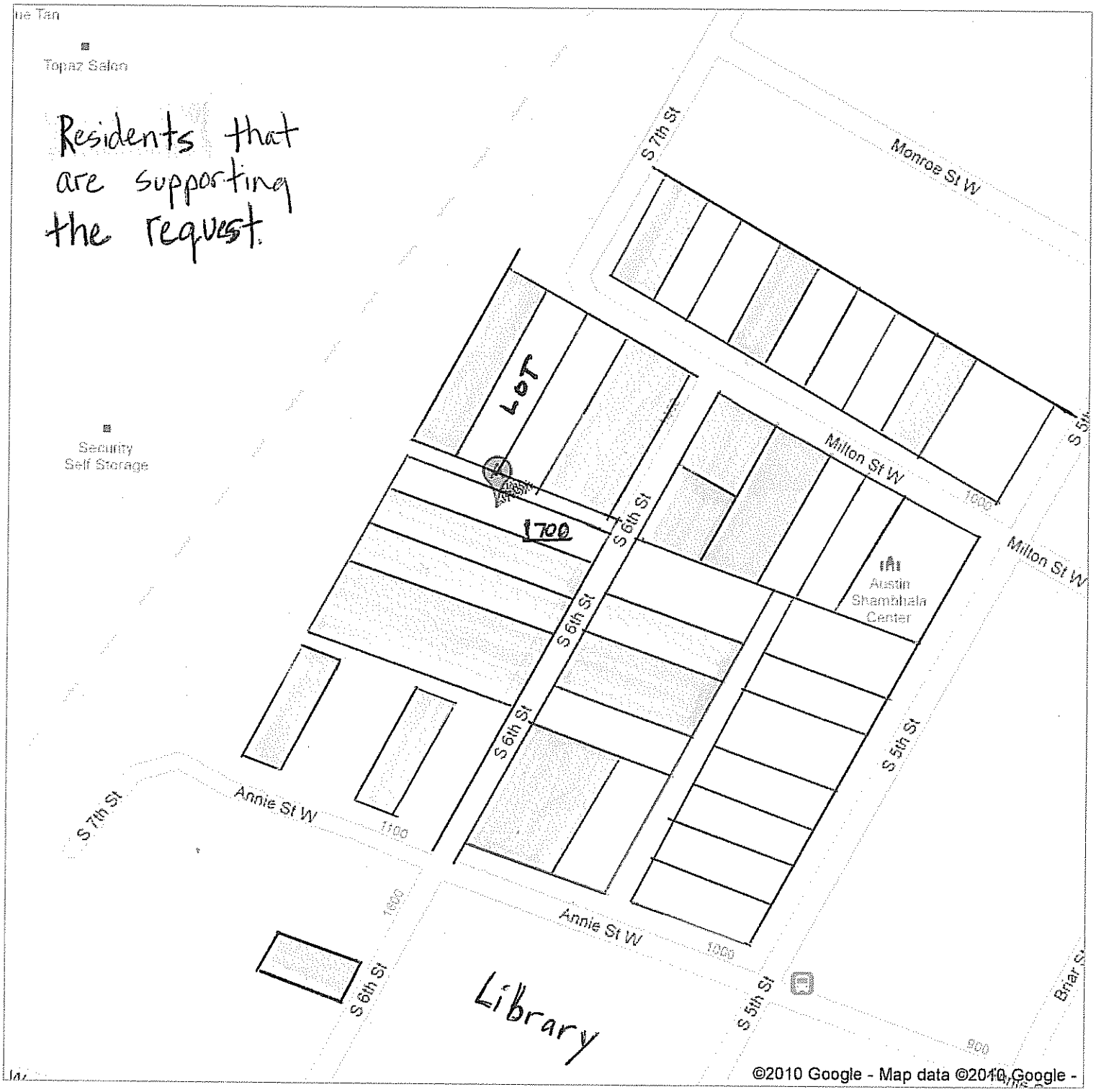
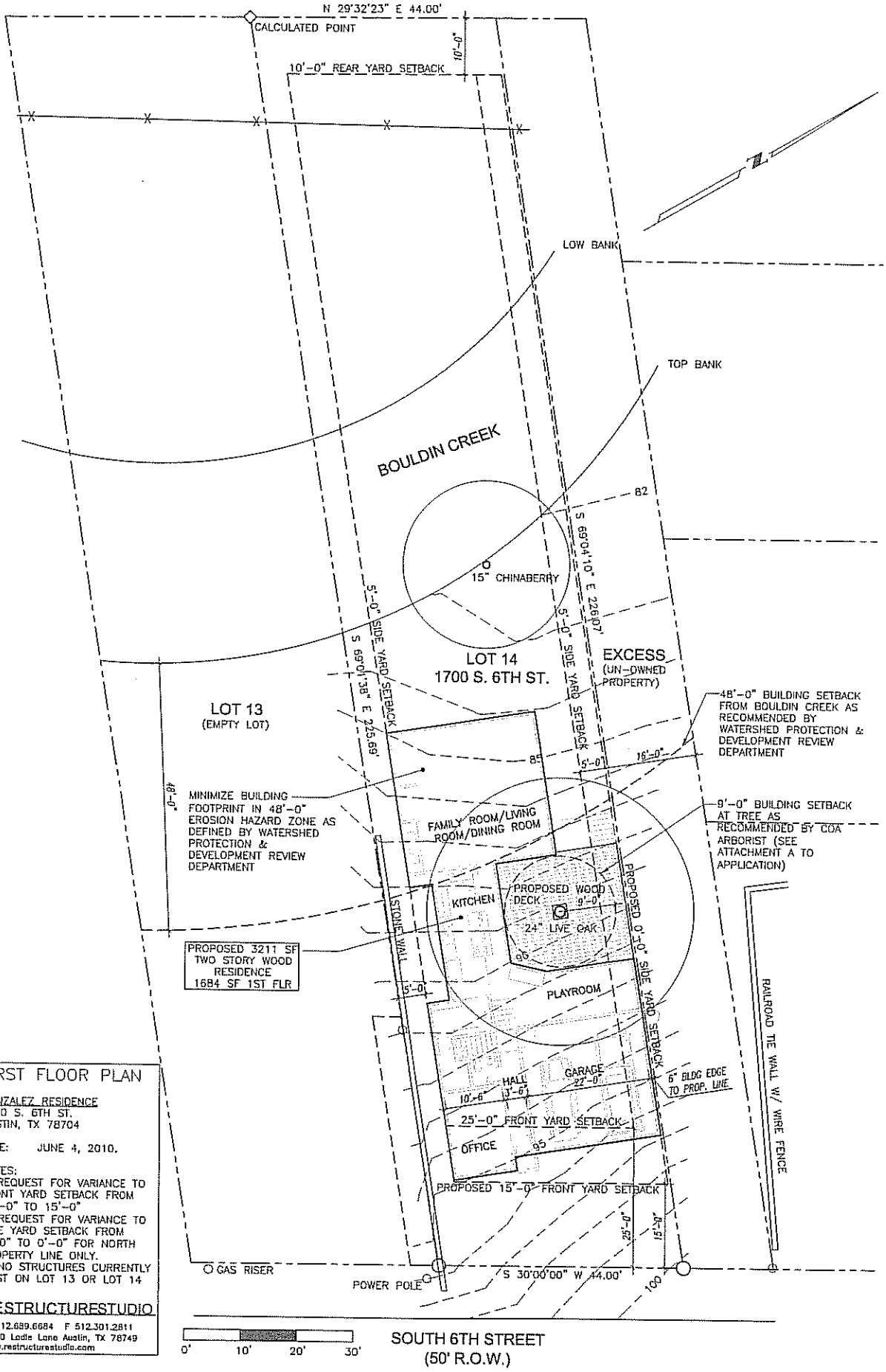
(1702 S. 6th St.)

David Stewart	2944 Cedar Crest Cir. Round Rock TX 78665	512 423-2110
	Street Address	Phone #

Google maps Address **1700 S 6th St**
Austin, TX 78704

Get Google Maps on your phone
Text the word "GMAPS" to 466453





IRST FLOOR PLAN

ONZALEZ RESIDENCE
700 S. 6TH ST.
USTIN, TX 78704

ATE: JUNE 4, 2010.

OTES:
REQUEST FOR VARIANCE TO RONT YARD SETBACK FROM 5'-0" TO 15'-0"
REQUEST FOR VARIANCE TO DE YARD SETBACK FROM -0" TO 0'-0" FOR NORTH ROPERTY LINE ONLY.
NO STRUCTURES CURRENTLY IST ON LOT 13 OR LOT 14

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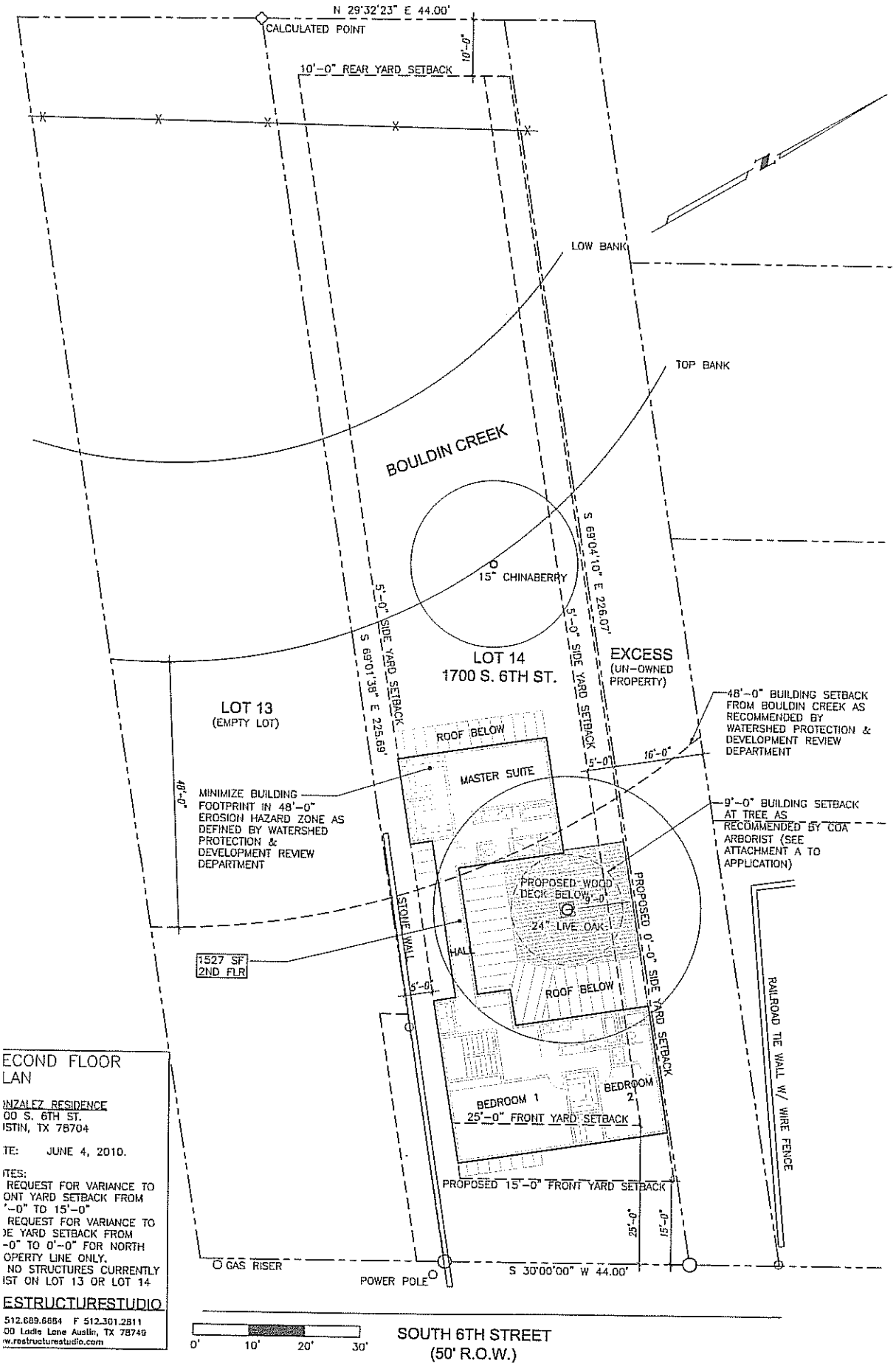

ECOND FLOOR
LAN

NZALEZ RESIDENCE
00 S. 6TH ST.
STIN, TX 78704

TE: JUNE 4, 2010.

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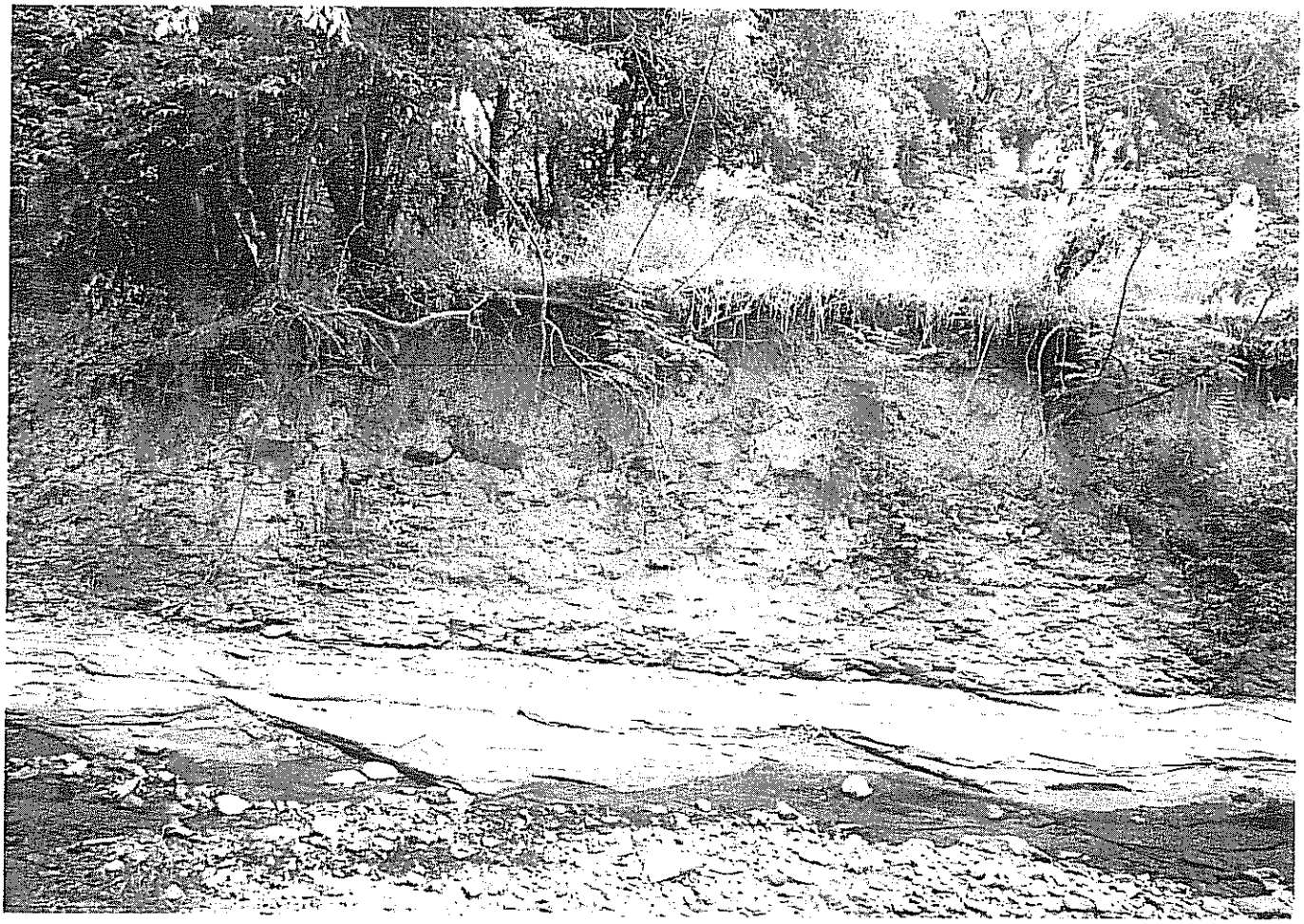
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