

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

DATE: Monday, December 12, 2011

CASE NUMBER: C15-2011-0120

____ Jeff Jack
____ Michael Von Ohlen
____ Nora Salinas
____ Bryan King
____ Susan Morrison
____ Melissa Hawthorne
____ Heidi Goebel
____ Cathy French (SRB only)

OWNER/APPLICANT: Deborah C., Evans

ADDRESS: 703 BOULDIN AVE

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 11 feet in order to erect a suspended stairway to the existing 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 Bryan King motion to Postpone to December 12, 2011, Board Member Michael Von Ohlen second on a 7-0 vote; **POSTPONED TO December 12, 2011.**

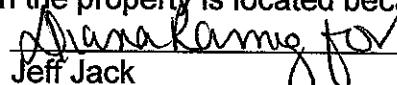
December 12, 2011 – POSTPONED TO JAN 9, 2011

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 Liaison


Jeff Jack
Chairman

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

DATE: Monday, November 14, 2011

CASE NUMBER: C15-2011-0120

____ Jeff Jack
____ Michael Von Ohlen 2nd the Motion
____ Nora Salinas
____ Bryan King Motion to PP to Dec 12, 2011
____ Susan Morrison
____ Melissa Hawthorne
____ Heidi Goebel
____ Cathy French (SRB only)

OWNER/APPLICANT: Deborah C., Evans

ADDRESS: 703 BOULDIN AVE

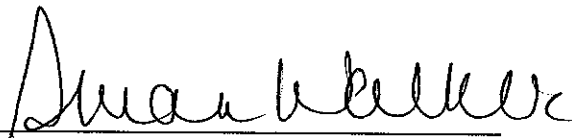
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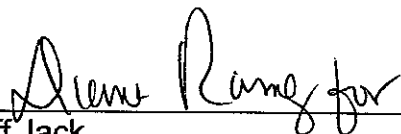
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Susan Walker
Executive Liaison



Jeff Jack
Chairman

Walker, Susan

From: William [william@brkartstudio.com]
Sent: Tuesday, December 27, 2011 1:50 PM
To: Walker, Susan
Subject: RE: C15-2011-0120

Susan – thanks. The section of the Ordinance is 2.6.E.b(i); ref. Fig. 14. The shed roof feature for 703 Bouldin is 20' long, not 18' per the allowed exception.

The hardship is the heavily sloped site impacting the height calculation of the tent which in turn places the 45° setback plane at a point which intersects the dormer and creates a situation wherein the dormer projects slightly through the setback envelope.

Let me know if you need anything additional, and thanks again!

William

From: Walker, Susan [mailto:Susan.Walker@austintexas.gov]
Sent: Tuesday, December 27, 2011 1:04 PM
To: William
Subject: RE: C15-2011-0120
Importance: High

William,

Notification must be ready to send out tomorrow. Can you give me the Section of the ordinance that you are requesting a variance from? This will make it much easier on me since I am obviously not as familiar with the Code as you are when it comes to McMansion requirements.

Thank you so much!

Susan Walker
Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536

From: William [mailto:william@brkartstudio.com]
Sent: Wednesday, December 07, 2011 4:13 PM
To: Walker, Susan
Subject: C15-2011-0120

Susan,

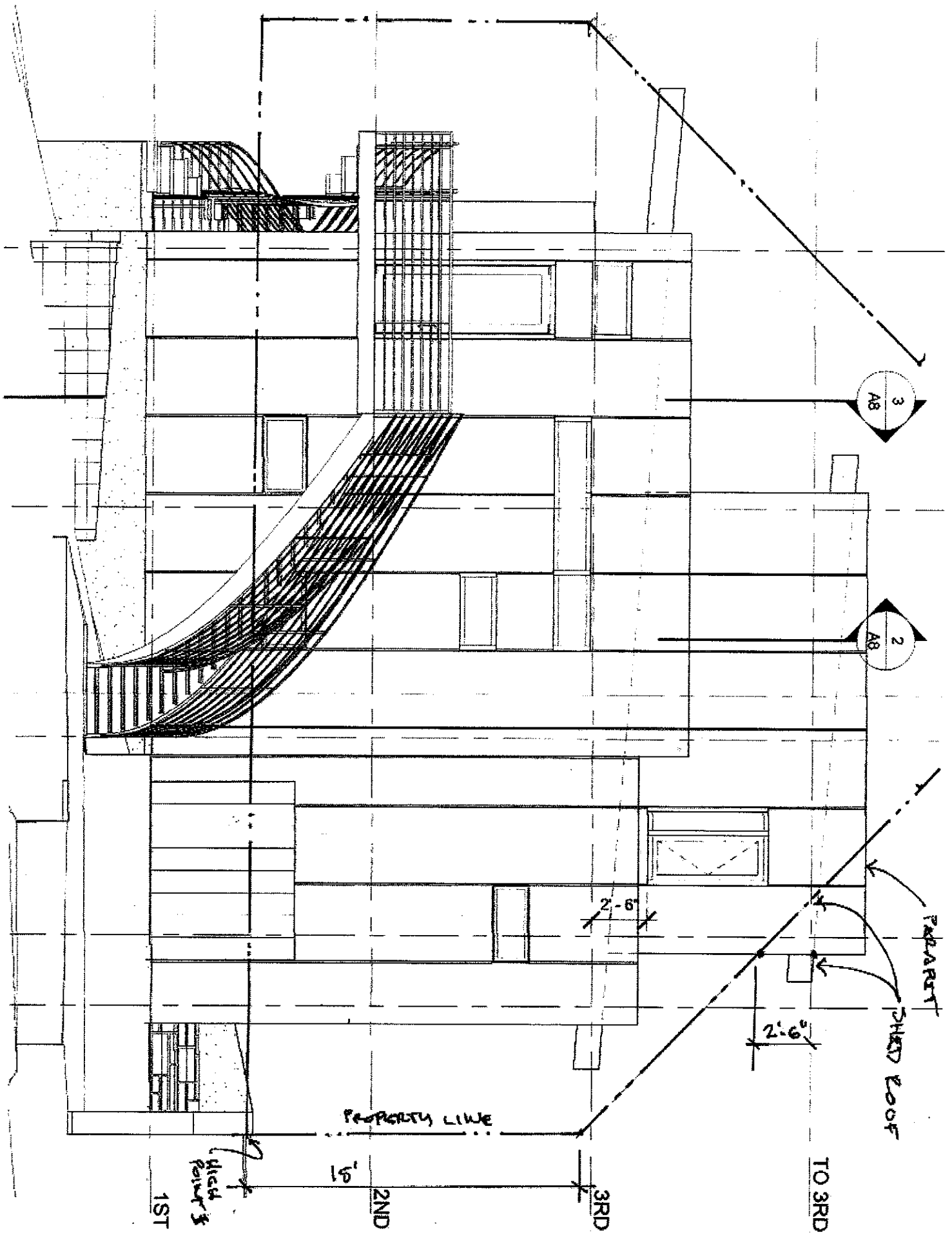
RE: C15-2011-0120 James & Deborah Evans 703 Bouldin Avenue

I left you a voicemail on this case, looks like we might need a second variance: I have a shed roof projecting slightly through the tent and its 2' too long for the McMansion exception.

Can we amend the variance request (with a postponement if necessary)? I presume this will this require re-notification.

Thanks, William

12/27/2011



Shed Roof with a
Maximum Width of 18'

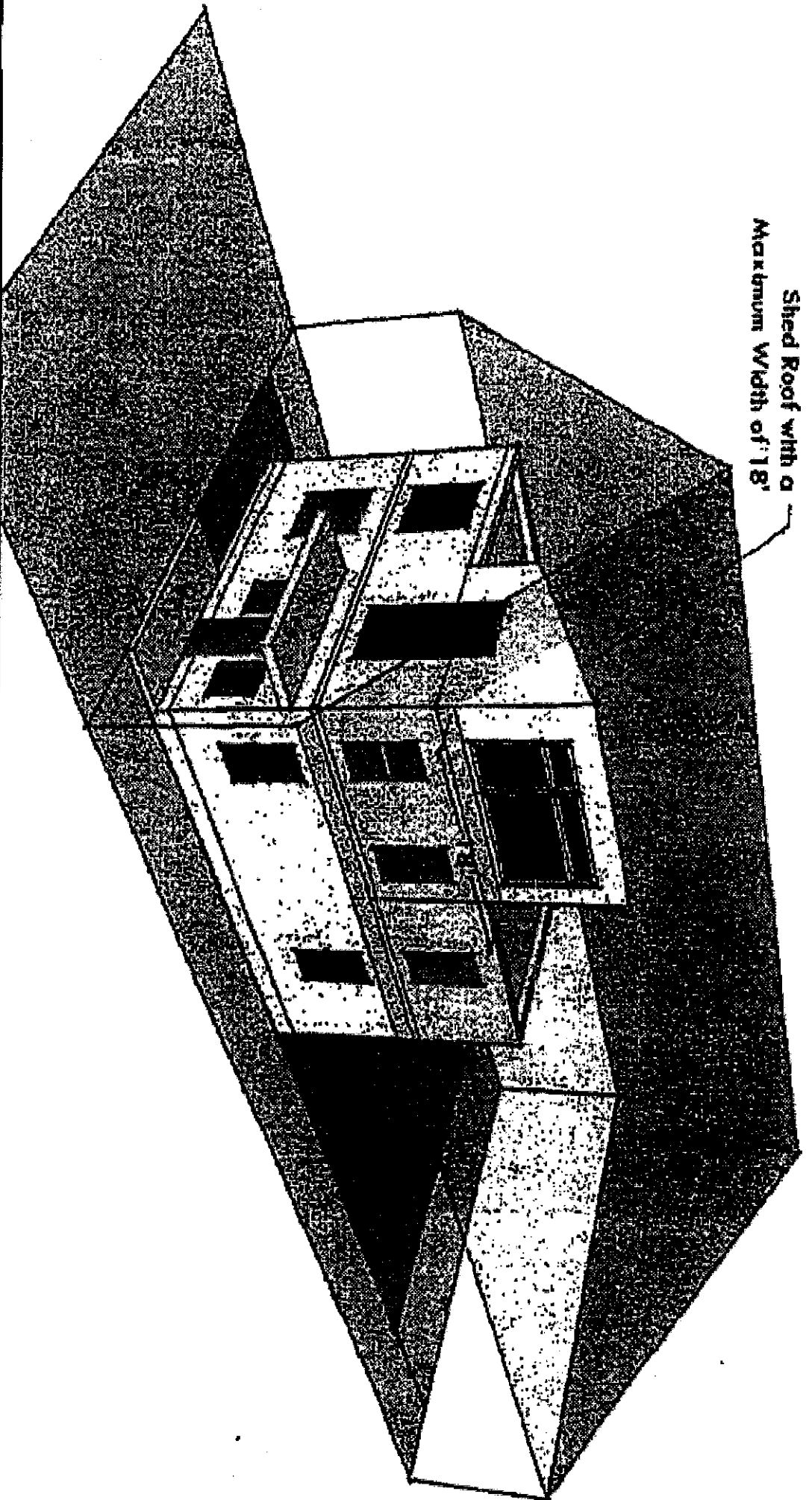
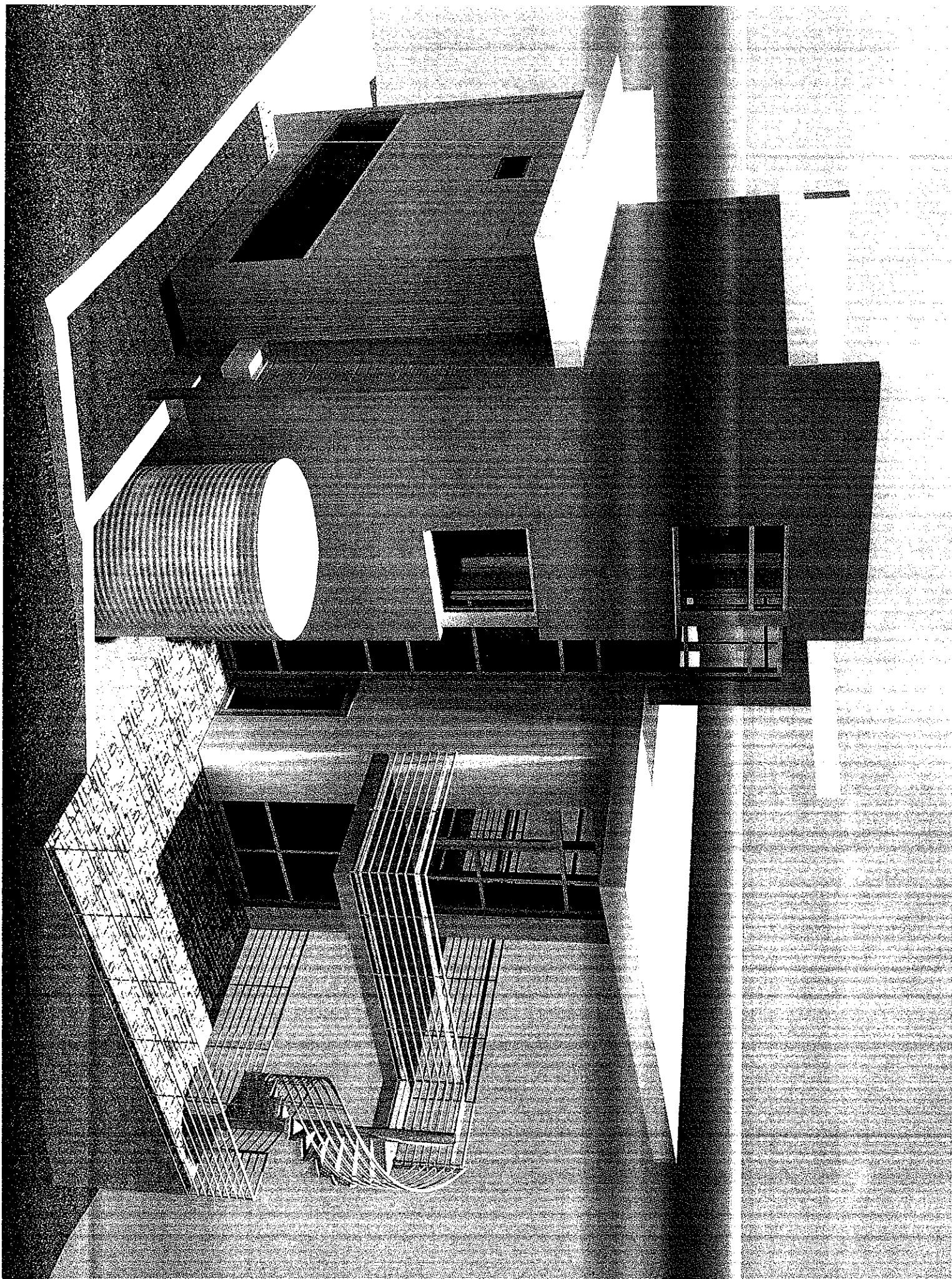
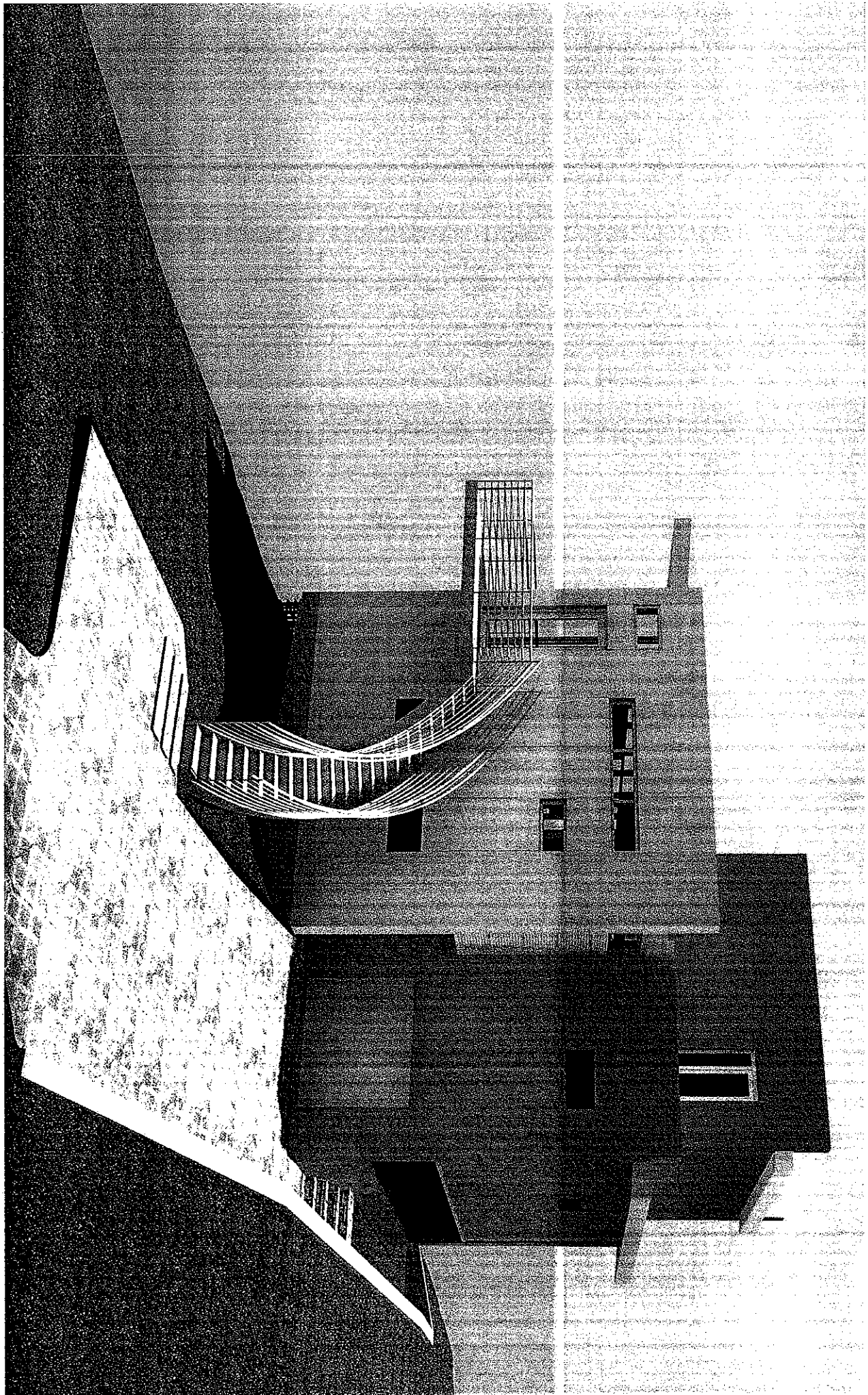
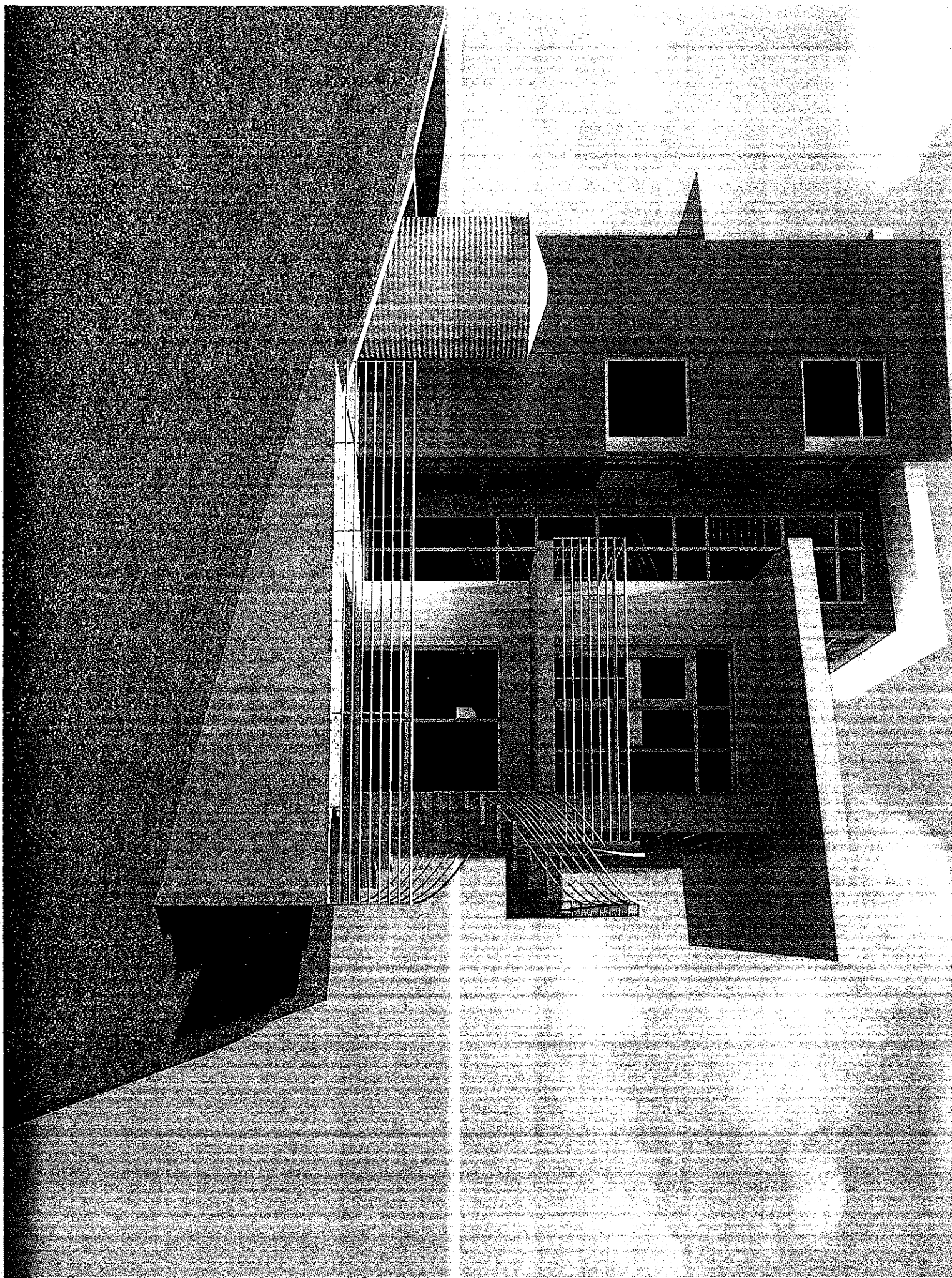


Figure 14: 18-foot Exception for Shed Roof







Walker, Susan

From: Evans Debo [devans11@mac.com]
Sent: Thursday, December 08, 2011 11:23 PM
To: Walker, Susan
Cc: Will Burkhardt
Subject: Request for further Postponement of my Variance Request

C15-2011-0120

Susan,

I am writing to request a postponement of the December 12th variance review for my property at 703 Bouldin. I am not ready to re-present my case. Is this email request enough to have my hearing postponed or is there a more formal requirement?

Debi Evans
512-633-7652

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.

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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
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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: C15-2011-0120 - 703 Bouldin
Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 14th, 2011

MARILYN POLICKS REBERTSON
HAROLD H. BLACKSHEAR

Your Name (please print)

806 BOULDIN AVE. AUSTIN, TX

507 FARULOWS DR. SAN ANTONIO, TX 78216-3411

Your address(es) affected by this application

Marilyn Policks Rebertson

Harold H. Blackshear

Signature

Date

Daytime Telephone: **210 3413923**

Comments: **KEEP UP THE GOOD WORK!**

SWB

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 14th, 2011

Ralph H. Cleward
Your Name/(please print)

☐ I am in favor
☒ I object

811 + 901 Bouldin Ave

Your address(es) affected by this application

Ralph H. Cleward
Signature

Date

Daytime Telephone: 281 497 2022

Comments:

The 25' setback must be maintained for conformity & visual appearance of the neighborhood

If you use this form to comment, it may be returned to:

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Case Number: C15-2011-0120 – 703 Bouldin

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 14th, 2011

Susan E. Fowler

Your Name (please print)

700 Bouldin Ave

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: 512-658-0446

Date

11/8/11

Comments:

THE APPLICANT SENT ME
INFORMATION ABOUT THE NEED FOR A
VARIANCE. I AGREE WITH
THE NEED AND FEEL IT IS IN
KEEPING WITH THE NEIGHBORHOOD
PRIORITIES.

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Austin, TX 78767-1088

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Case Number: C15-2011-0120 – 703 Boulder
Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 14th, 2011

Alex Guerra

Your Name (please print)

610 Boulder Ave

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: (512) 442-0751

Date

11-8-11

Comments:

Ms. Evans visited me in my home. I have no objection to granting the variance unless it will impact the construction of sidewalks.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Case Number: C15-2011-0120 – 703 Bouldin

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 14th, 2011

William Weaver

Your Name (please print)

900 Bouldin Av

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: *512-518-3325*

Comments:

7-11-2011

☒ I am in favor
☐ I object

If you use this form to comment, it may be returned to:

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Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Case Number: C15-2011-0120 – 703 Bouldin

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 14th, 2011

Cara Lynn Bush

Your Name (please print)

801 Bouldin Ave

Your address(es) affected by this application

Cara Lynn Bush

Signature

Date

Daytime Telephone: 214 693 4223

Comments:

There is no existing structure at this address so this is for NEW construction.

703 Bouldin is an empty lot.

New construction should conform to Code.

There is no variance needed and the

requested setback is way too close to the street.

If you use this form to comment, it may be returned to:

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Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

☐ I am in favor
☒ I object

CASE # C15-2011-0120
TP- 010201-02-22
ROW # 10661053

01-0201-0233

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

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

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

STREET ADDRESS: 703 Boulidin Avenue, Austin, TX 78704

LEGAL DESCRIPTION: Subdivision --

Lot(s) 2 Block Outlot Division Bennight division

We James and Deborah Evans on behalf of ourselves affirm that on September 29,
2011, we hereby apply for a hearing before the Board of Adjustment for consideration
to: (check appropriate items below)

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

1) An exterior, curving, suspended stairway leading to the front door/main entrance to
our single-family home. We are requesting permission to extend the stair to a point that is
no more than ~~12~~ from the property line and not more than 5' wide.

11'

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

Boulder Creek Neighborhood
Plan

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:

This property, being a smaller city lot, having never been built on before, contains many mature trees, and has attached to it a restrictive covenant preventing our home from extending beyond a certain line on the property (so as not to encroach on the downtown view enjoyed by the up-hill neighbor) leaving only a 40' x 46' area on which to build (according to the survey provided to us at the time we purchased the property).

The suspended stair that we wish to build at the front of our home carefully curves around a 28" heritage oak. In so doing, it extends into the set back zone by approximately 9-10 feet and purposefully avoids impacting any ½ critical root zones. We have presented our plans to the Bouldin Creek Zoning Committee, and that committee presented our proposed plans to the Bouldin Creek Steering Committee. Both committees have stated that they will not oppose the variance for the stairway (see attached response).

HARDSHIP:

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

The lot that we have purchased has not previously been built on (to my knowledge). The buildable area is reduced to less than 1/3 of the entire land that we own by a combination of zoning requirements and other site restrictions - including a restrictive covenant and several mature trees.

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

Due to the sloping nature of the property and our desire to build a green home, we have designed a home with the main level (living, dining, kitchen) on the second floor. Therefore, the main entrance to our home is at the second level. In order to create an appealing entrance to our home that fits the design and style of the home, we are proposing the suspended, exterior stair. The stair extends into the setback zone because of our desire to save as many trees on the property as possible and due to the restrictive covenant on the property. To my knowledge, no other property within the 300-yard radius is subject to a restrictive covenant.

I do not believe that the zoning requirement was meant to block the erection of such a stair; additionally, our neighbors find the look of the stair appropriate for the location and the home.

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 design for our home was driven by our desire to live a green, urban lifestyle downtown. The proposed stairway is a beautiful design feature of the home and its only effect will be to enhance the home's urban curb appeal.

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: _____


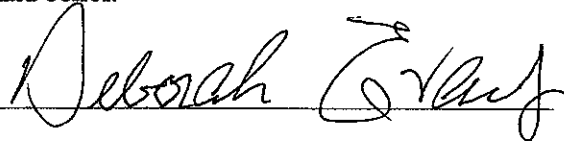
Mail Address: 2206 Stamford Lane

City, State & Zip: Austin, TX 78703

Printed: James & Deborah Evans Phone: (512) 633-7652 Date: 9/26/2011

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: 2206 Stamford Lane

City, State & Zip: Austin, TX 78703

Printed: James & Deborah Evans Phone: (512) 633-7652 Date: 9/26/2011



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2011-0120
LOCATION: 703 Bouldin Ave



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 and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference.

Ms. Evans,

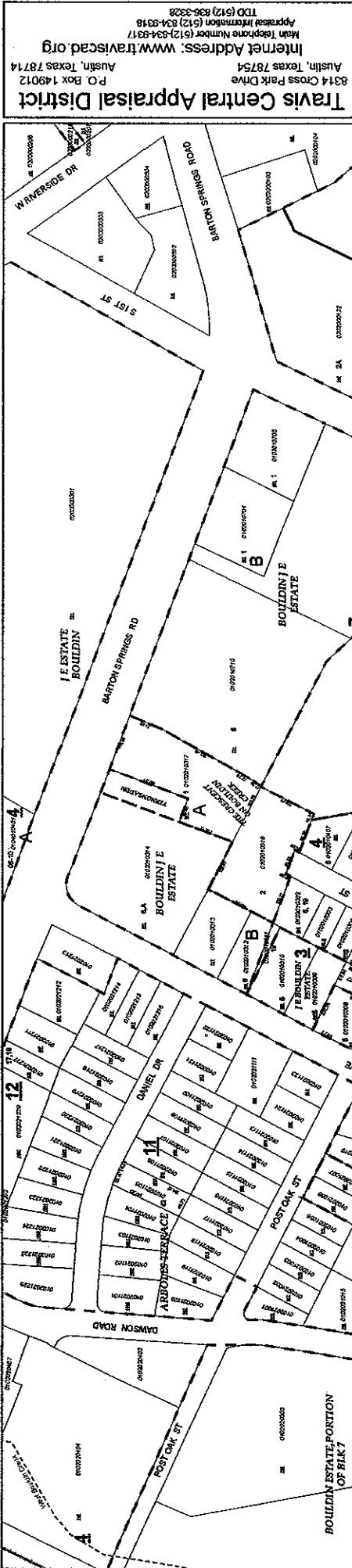
On August 31, 2011, your architect Will Burkhardt showed the Bouldin Creek Neighborhood Association (BCNA) Zoning Committee preliminary plans for a residence at 703 Bouldin Ave. The plans showed a three-story, single-family residence with the primary living spaces on the second floor. It is our understanding that you will be applying for a variance from the Board of Adjustment in order to construct an exterior stairway from grade to the second level. The planned stair would encroach on the front yard setback, curving around an existing 26" oak tree. It is also our understanding that a similar stairway could be constructed utilizing grading and fill without requiring a variance but that earthen fill is not an option in order to avoid damage and encroachment on the root zone of the tree. There may be design or aesthetic issues in play as well. With the exception of the stair, the remainder of the proposed structure would comply with required setbacks.

The Zoning Committee recommended that the association not oppose a front setback variance in order to construct the exterior stair as shown to the committee. On September 12, 2011 the Steering Committee of BCNA voted to accept the Zoning Committee's recommendation. Should there be substantial design changes that impacted the stairway, setbacks, or protected trees, the association reserves the right to reconsider its position. BCNA did not specifically evaluate whether there is an adequate hardship related to the site and application. We did consider the likely impacts or the proposed variance on the neighbors and the character of the neighborhood. We wish you the best with your application and look forward to welcoming you to the neighborhood.

For purposes of disclosure, Will Burkhardt is a member of the BCNA Zoning Committee. However, the committee's recommendation was made by other members of the committee. In addition, the recommendation is non-binding and the position of the neighborhood was determined by the Steering Committee which is comprised of our elected officers. Will Burkhardt is not a member of the Steering Committee nor was he present at the September 12 meeting in which the vote was taken.

We would appreciate if you would let us know when you are scheduled for a hearing and provide us a copy of the submitted application for our records. Thank you for taking the time to consult with the association.

-Brad Patterson
Chair, Zoning Committee
Bouldin Creek Neighborhood Association
bradfordpatterson04@yahoo.com
512-936-2315 daytime



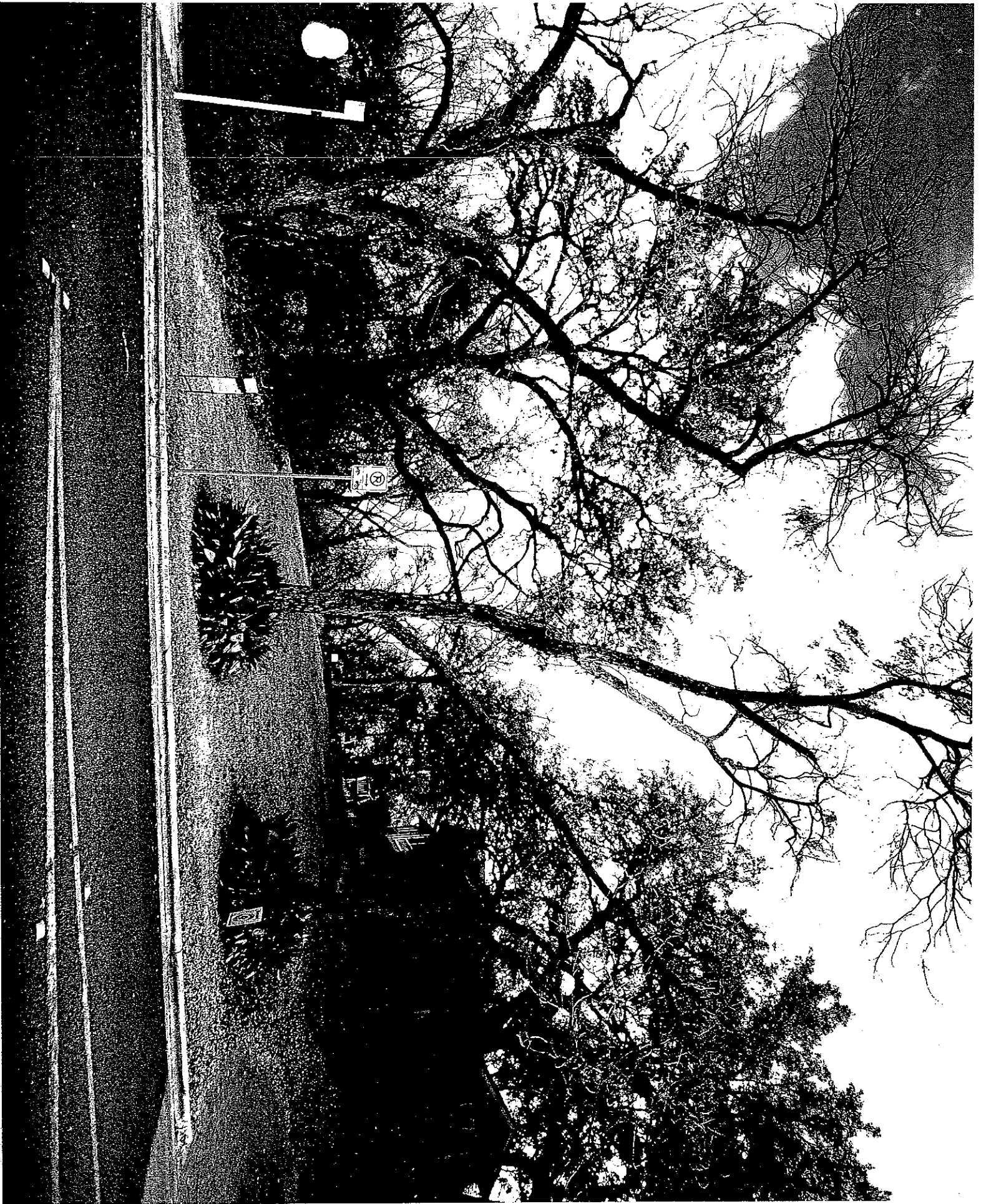
This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no warranty, express or implied, about the accuracy, completeness, or reliability of this information and expressly disclaims any errors and omissions. The mapped data does not constitute a legal document.

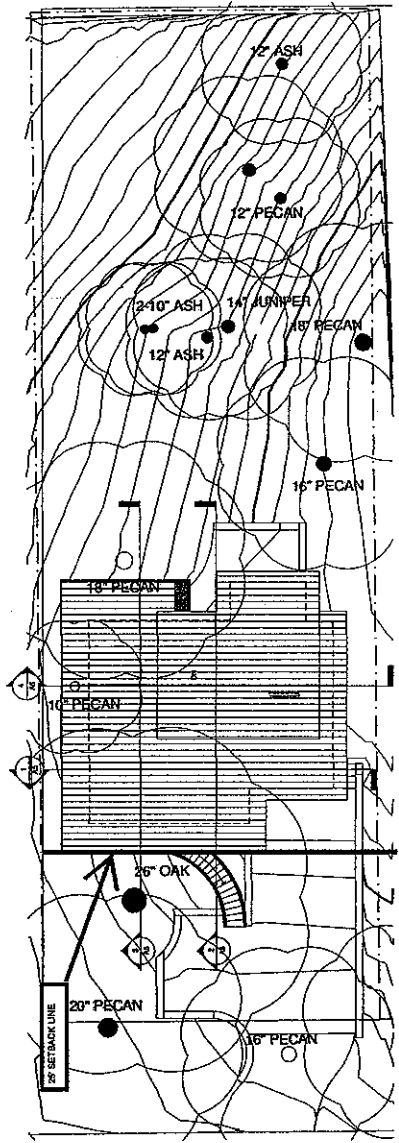
NAD, 1983, StatePlane
Texas_Central_FPS_4203_Feet
Projection: Lambert Conformal Conic
Scale: 1" = 100 feet
Tilt: 0.000000
Build: 0.000000

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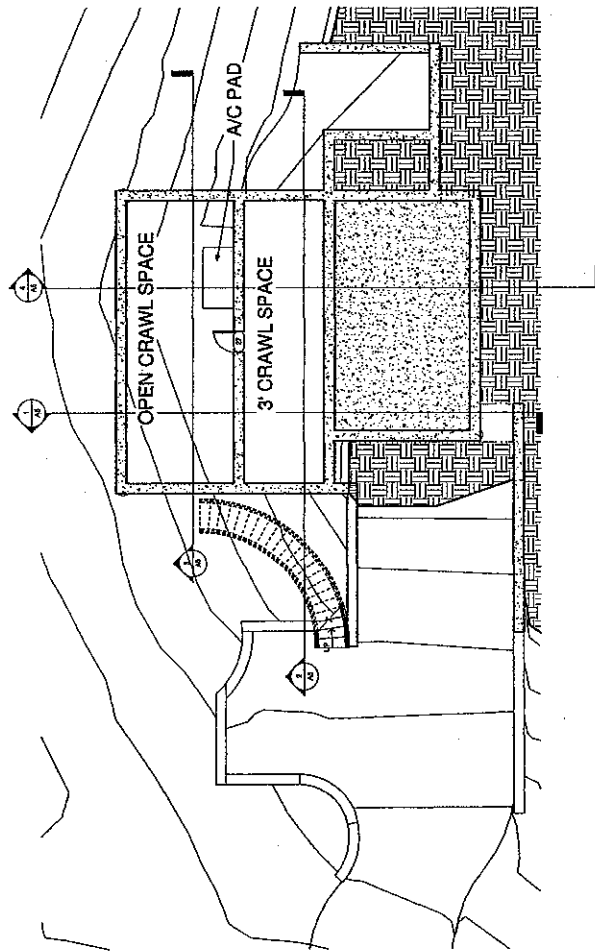
To see all details that are visible on the screen, use the "Print" link next to the map.

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① SITE PLAN
3/18" = 1'-0"



② FOUNDATION PLAN
3/18" = 1'-0"



