

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

**DATE:** Monday, March 12, 2012

**CASE NUMBER:** C15-2012-0017

☒ Y Jeff Jack 2<sup>nd</sup> the Motion  
☒ Y Michael Von Ohlen Motion to PP to April 9, 2012  
☒ Y Will Schnier - Nora Salinas absent  
☒ Y Staurt Hampton – Bryan King absent  
☒ Y Susan Morrison  
☒ Y Melissa Hawthorne  
☒ Y Heidi Goebel  
☐ - Cathy French (SRB only)  
☐ - Dan Graham (SRB only)

**OWNER/APPLICANT:** Sarah E., Harris

**ADDRESS:** 1148 NORTHWESTERN AVE

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 5 feet in order to erect a Secondary Apartment use in an "SF-3-H-NP", Family Residence – Historic – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

The applicant has requested a variance to decrease the minimum number of off-street parking space requirement of Section 25-6, Appendix A from three spaces to zero spaces in order to erect a Secondary Apartment use in an "SF-3-H-NP", Family Residence – Historic – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

The applicant has requested a variance from the minimum separation distance requirement of Section 25-2-1463 (C) (2) (a) from 15 feet to 6.1 feet in order to erect a Secondary Apartment use in an "SF-3-H-NP", Family Residence – Historic – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

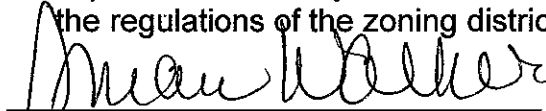
**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to April 9, 2012, Board Member Jeff Jack second on a 7-0 vote; **POSTPONED TO APRIL 9, 2012.**

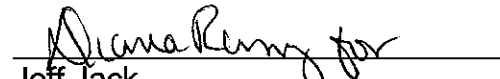
**FINDING:**

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

C15-202-0017

**Walker, Susan**

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**From:** sarah harris [sarahperformance@gmail.com]  
**Sent:** Monday, March 05, 2012 5:00 PM  
**To:** Walker, Susan  
**Subject:** Updated Site and Floor Plan: 1148 Northwestern Avenue  
**Attachments:** Floor Plan.jpg; Plot Plan.jpg

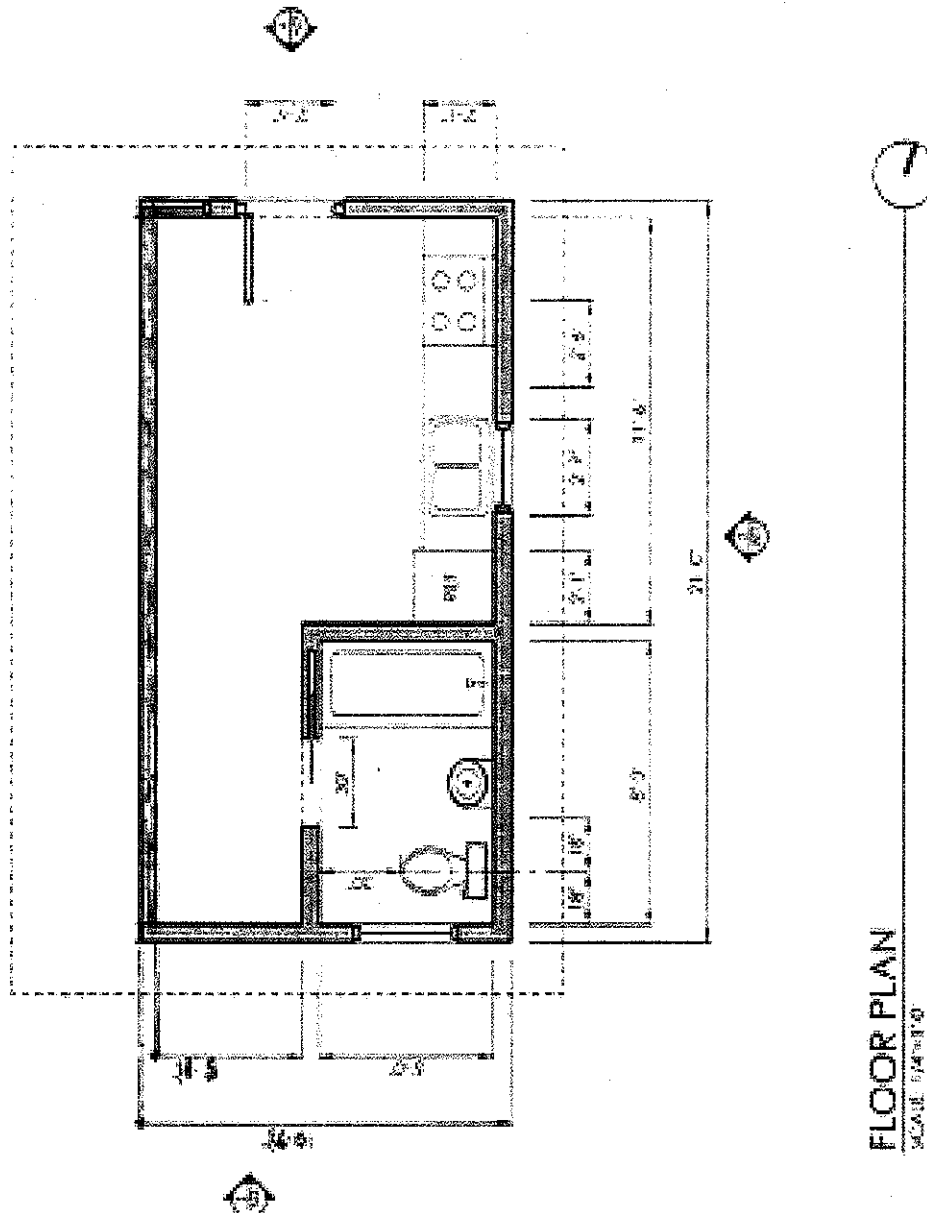
Susan,

Here are the hand-amended floor and site plan to reflect new, smaller square footage and guest house dimensions to meet requirements for set-back from main house for our meeting on the 12th. Hope this is in enough time to submit these. If not we will be sure to bring them with us as well as letters from neighbors.

Thank You So Much,  
Sarah Harris and Leonel Rojas Estevez

3/12/2012

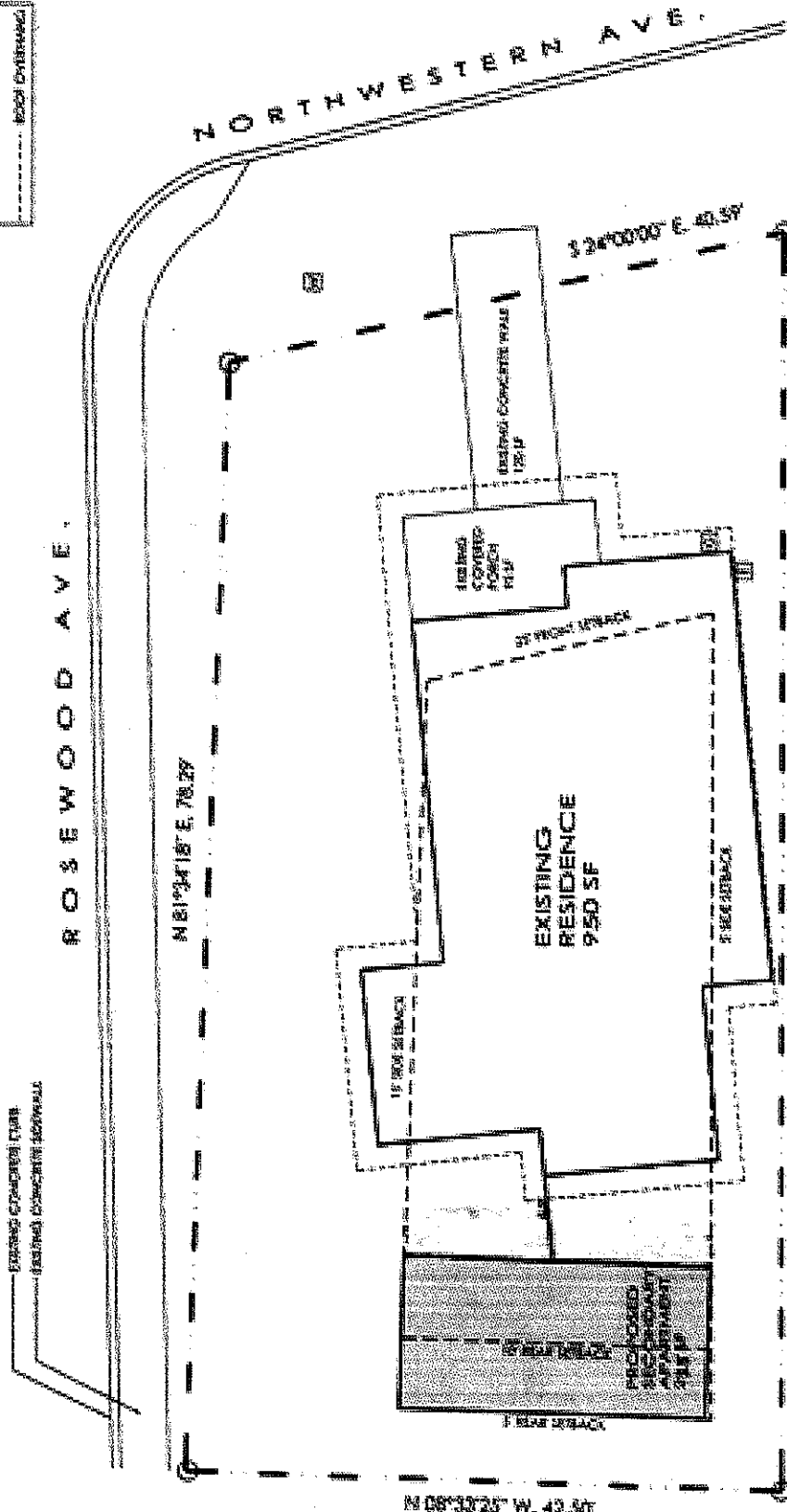
Property Address 1148 Northwestern Ave. Austin, TX 78702	Legal Description 41 x 82ft off 62 dlv B JONES M1	Owner Suzann Hains 512 435 7775	Project Designer Joseph D. Burton 214 884 6549 suzann.dic@gmail.com	The drawing is the property of the Owner and is not to be reproduced or copied in whole or in part in any form without the prior written consent of the Owner. It is to be used only for the project indicated.	Issued for Planning	DATE 8/1/2010	SCALE SEE DRAWING	SHEET NUMBER A02	SHEET TITLE FLOOR PLAN
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FLOOR PLAN

SCALE 1/8"=1'-0"

1/8"	
	WATER METER
	ELEC. SERVICE
	GAS METER
	HYDRANT LINE
	ROAD CENTERLINE



Property Address 1148 Northwestern Ave. Austin, TX 78702	Legal Description 411 x 82ft old 42 dlv B JONES M L	Owner Sarah Harris 512.435.7775	Project Designer Joseph D. Burton 214.886.6549 jburton@signal.com	the drawing is the property of the owner, and is not to be reproduced or copied in whole or in part. It is not to be used on any other project and is to be returned upon request.	Issued for Planning	DATE 1/15/2024	SCALE 1/8"=1'-0"	SHEET NUMBER A01	SHEET TITLE PLOT PLAN
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**Walker, Susan**

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**From:** sarah harris [sarahperformance@gmail.com]  
**Sent:** Friday, March 02, 2012 5:04 PM  
**To:** Walker, Susan  
**Subject:** March 12th Meeting, Northwestern Avenue

Susan,

I didn't realize we had to apply for the third varaince of 15 to 6.1 ft. but that shouldn't ba an issue. Thanks for noticing it. Also, it may be small but symantics are important here I have been told. We are not calling it a Secondary Apt. Technically that is 'forbidden' by our Neighborhood Association / Plan. We were advised by Sylvia to call it and apply for A Two-Family Residential.

Thank You,  
Sarah Harris

A

Sarah,

Please e-mail me  
tomorrow about

Sylvia's comment that  
it is a 2-family.

Did she say that  
~~to~~ would require  
7,000 sq ft lot size?

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

CASE # C15-2012-0017  
ROW # 10705598

CITY OF AUSTIN TP-0206100201  
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: 1148 Northwestern Avenue

LEGAL DESCRIPTION: Subdivision – \_\_\_\_\_

Lot(s) 41' x 82' Block \_\_\_\_\_ Outlot 62 Division B Jones M L

I/We Sarah Harris on behalf of myself/ourselves as authorized agent for

Sarah Harris affirm that on Dec, 14th,

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

(check appropriate items below)

☒ X ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

1 - To build a 14 ft. (W) x 20 ft. (L) x 17 ft. (H) (<300 Total Square Ft.) unattached Secondary Apartment in our backyard, and requesting a 5 foot set-back on the west rear property line.

2 - In addition we are requesting a waiver for the required additional off-street parking spot for our secondary apartment. 3 → 0

③ Separation - 15' 6" 1' lot width - 40.59'  
lot size - 3,362 sq ft per TCAD

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

Central East Austin N.P.

**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:

1 - We have no alley with adjacent rear building that butts up to our property. With a small lot, our need to build a small family guest house is not possible in any other location on our property and to meet minimal size needs we will need a 5 ft setback from our west rear property line to construct any habitable building. See Attached Site Plan.

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**HARDSHIP:**

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

1 - We have only one possible location for building on our property and as small as our lot is – with a 10 ft. rear setback we would be unable to build any additional structure on our property.

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2 – When we bought our house, the only curb-break for parking access was on Rosewood Avenue, a very busy street, with blind hilltop and frequent number two bus stop on our homes corner. There was never any off-street parking for that reason and because Northwestern Avenue has amply west side street parking and we and only a few neighbors share a more than ample empty public street with no homes on the west side of Northwestern Avenue. There is very limited space on the Rosewood Side (North) for any parking spot and the angle of parking with the curb break, and trees would make that very difficult if not impossible. We are also building the home in the only section for which a feasible backyard parking spot could be made. The corner of Northwestern Avenue and Rosewood Avenue is a very dangerous one and the only other possible place for off-street parking in the front of our house does not have a curb-break. It would also be HIGHLY dangerous for traffic to try to stop and pull into a spot on this very tight corner that also often services a waiting bus, blinding the already difficult corner.

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



1 - Many lots on our street are small , but as a corner lot, ours is especially small and thus requires a variance for any building on the property.

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2 – With a very dangerous and busy corner lot as well as no present curb-break on our front yard, we feel a parking spot on Northwestern Avenue is very irresponsible to our safety and our neighbors families with small children. Rosewood Avenue provides a curb break, but with a busy bus stop, still very dangerous corner, one larger tree, and the positioning of our historical home, it is not feasible to add a safe and large enough parking spot.

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### **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:

1 - The setback in question if varied to 5 ft. would leave adequate and necessary space for safety and use between buildings. The guest house built will not run along the entire side of adjacent rear property structure. It will add and maintain character because the rear adjacent building is apt. style built in tight space and the house will leave room and trees for neighbors to enjoy shade and partially use our property for hanging laundry. Adding charcter and an urban in-fill quality as our neighbors and neighborhood assosciation strongly advocates.

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2 – This variance will in no way affect the character of our street. We have always parked on street parking. We also rent some of our rooms to help save cost of the house, we have done this ever since we owned our home, we specifically often have renters without cars.

### **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:

It would actually be FAR more dangerous for transportation issues and pedestrians and children at this highly utilized corner; safety, bus waiting/usage, across the street daycare pick-ups/drop-offs, and traffic flow if we were to add the required off-street parking in either potential location on Northwestern or Rosewood Avenue and have cars pulling-in/pulling-out at this location.

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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:

This is currently how our home must operate, and it actually makes the flow of traffic easier as we can simply pull up onto the west side of Northwestern Avenue coming from the south and exit our cars, without disturbing the activity at the corner intersection or bus stop pick-up.

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

See Above.

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

It is a parking variance only that currently is unusual and works without danger or traffic impediment, the variance will only support that logical arrangement that has been in place for over 15 years.

**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 Sarah Harris Mail Address: 1148 Northwestern Avenue

City, State & Zip Austin, Texas 78702

Printed \_\_\_\_\_ Phone 512-435-7775 Date Dec. 14<sup>th</sup>, 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 Sarah Harris Mail Address 1148 Northwestern Avenue

City, State & Zip Austin, Texas 78702

Printed \_\_\_\_\_ Phone 512-435-7775 Date Dec. 14<sup>th</sup>, 2011

# 'Rear - Set' [Request Variance]



With a 5-ft. rear setback  
variance we would be able  
to safely construct our apartment.  
(Facing South)



(Facing North)  
Stairs will be repaired & shortened in  
width (of main house), trees will be left,  
and space for neighbors use.

## Parking "Hardship"



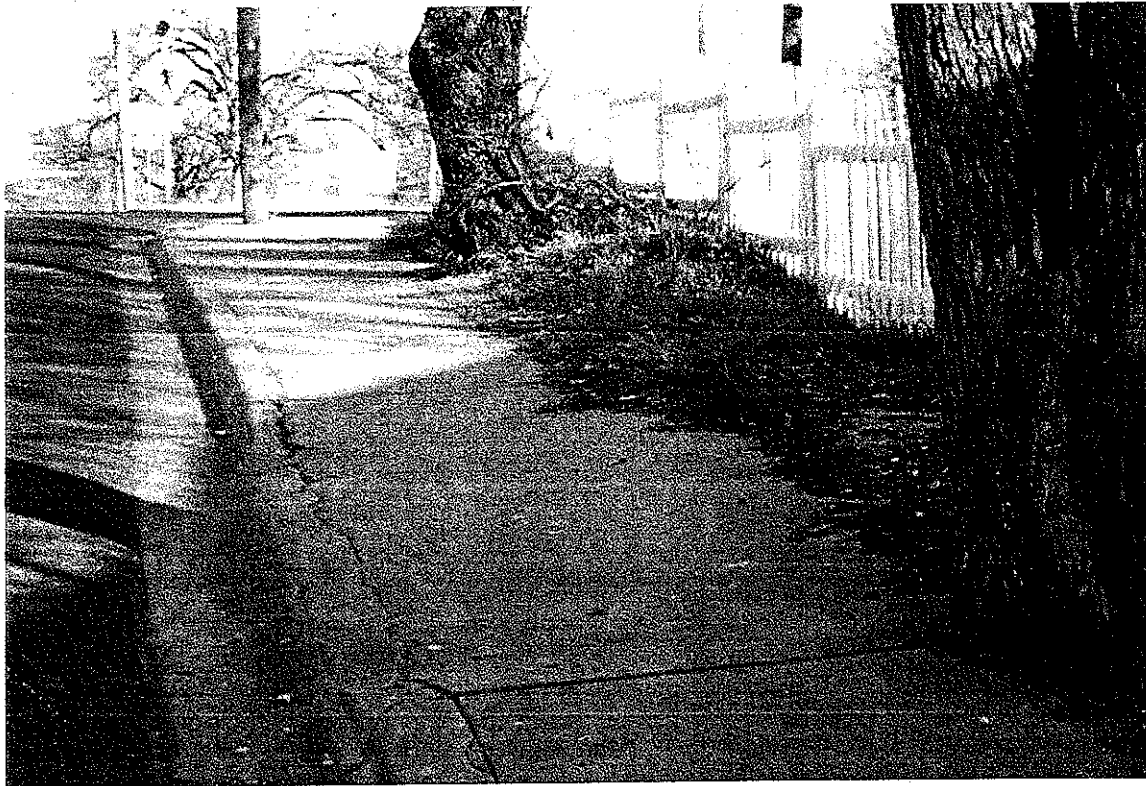
Northwestern Avenue: Shows limited property space, no curb break, large portion of public property, and 'blind corner' at bus stop intersection on busy corner.



Northwestern Avenue:

Shows ample & historically used parking for the home; without homes along Rosewood Park

# Par'ling "Hardship"

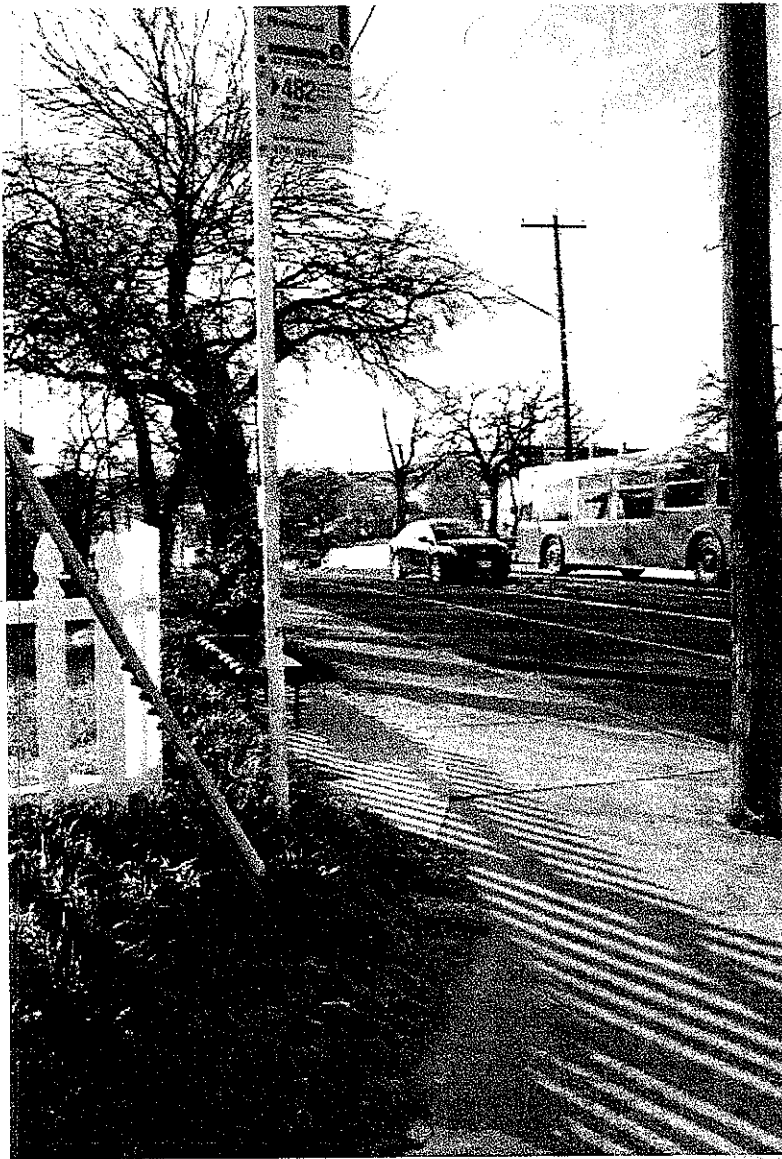


## Rosewood Avenue : Curb Break

@ odds with large tree, position  
and angle of house on property,  
and large tree.



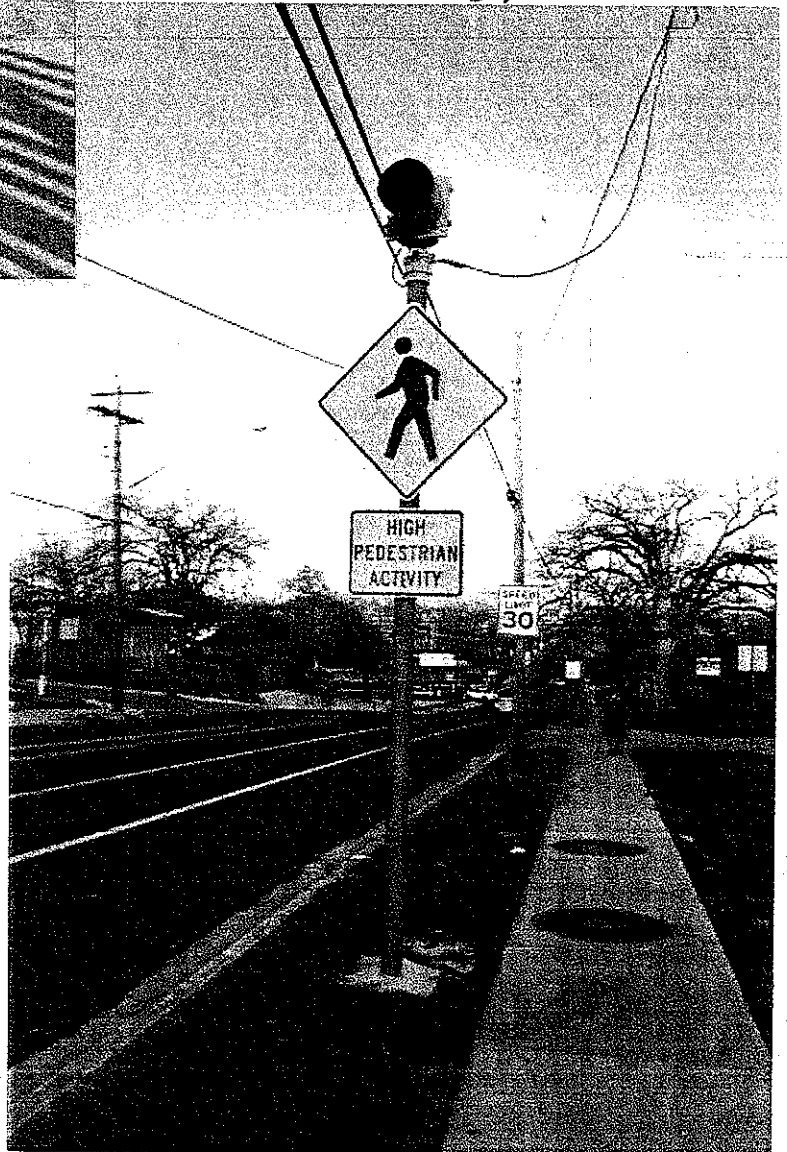
Rosewood Avenue : Showing  
Hilltop 'blindspot' that is both directions



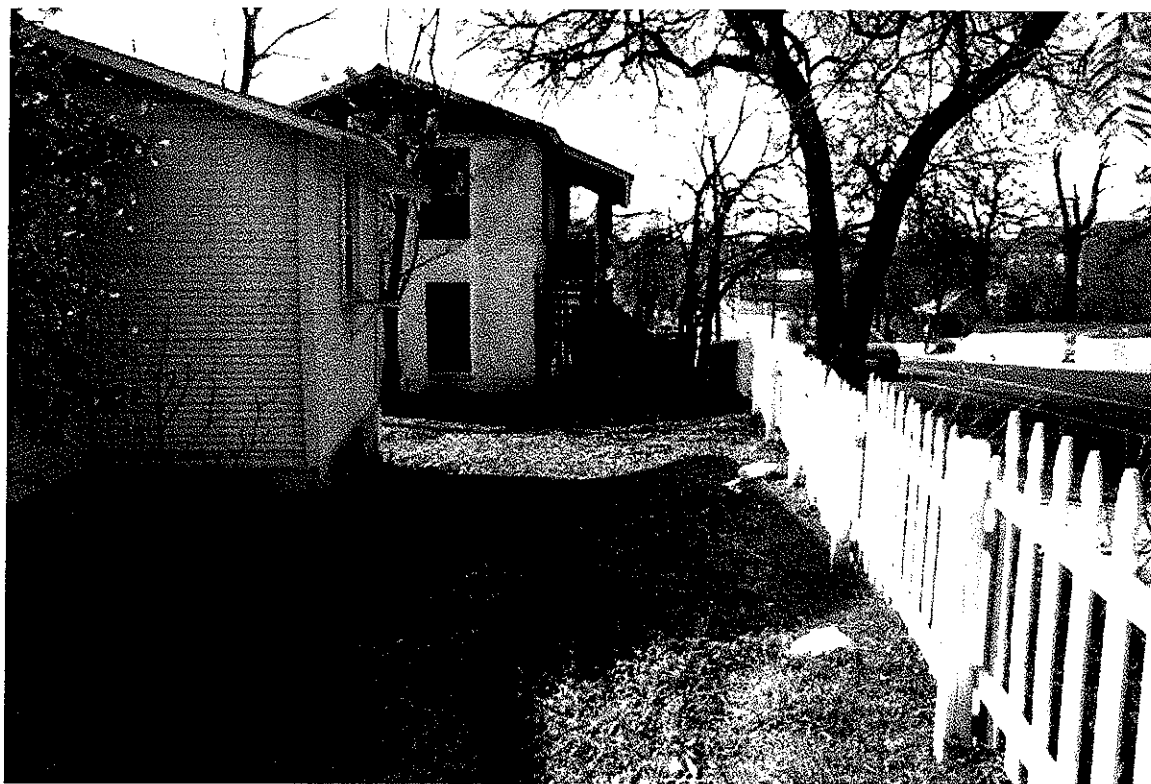
Parking Marsh  
Rosewood Avenue  
Northwestern Avenue

## ① Safety

- ↑ pedestrian use
  - across street daycare
  - regular downtown bus
  - public computer lab on the same corner
  - children on our street
- Pulling - In  
Pulling - Out = ↑ Danger,  
↓ Visibility, Flow Disturbance







Gives idea of colors  
surrounding the home, varied  
greatly from 'original' homes  
color.



Example of a "shot-gun" style  
from similar historical period in our  
block / similar model to our apartment.

**Walker, Susan**

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**From:** sarah harris [sarahperformance@gmail.com]  
**Sent:** Wednesday, January 25, 2012 4:21 PM  
**To:** Walker, Susan  
**Subject:** Fwd: Req'd Off-Street Parking

Susan,

I wanted to copy you on this. It should be the answer you were looking for. Our entire lot has never had a single spot on this corner, and with the size of the lot, the most we could even fit would be one,...So I suppose we are now asking for a variance on all three. Our home is historical and was grandfathered in we were told for things as this and set-backs the original home exceeds...

Thanks So Much for the response, and we will get the full packet of everything to you by friday,

Sarah and Leo

----- Forwarded message -----

**From:** Cain, Darren <Darren.Cain@austintexas.gov>  
**Date:** Wed, Jan 25, 2012 at 11:05 AM  
**Subject:** RE: Req'd Off-Street Parking  
**To:** sarah harris <sarahperformance@gmail.com>

Sarah -- Unfortunately I do not remember the details of our meeting since I see so many projects daily. I am confident that I would have let you know everything you needed a variance for. Typically, with a secondary garage apartment, we would require 3 off street parking spaces, with each space measuring a minimum of 8.5 feet by 17 feet. Tandem (back to back) parking is limited to 2 max.

Thanks

Darren Cain

Planner III

City of Austin - Planning and Development Review Dept.

(512) 974-9113

[darren.cain@austintexas.gov](mailto:darren.cain@austintexas.gov)

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**From:** sarah harris [mailto:sarahperformance@gmail.com]  
**Sent:** Tuesday, January 24, 2012 6:09 PM  
**To:** Cain, Darren  
**Subject:** Req'd Off-Street Parking

1/27/2012



Hello Darren,

This is Sarah and Leonel. We had one quick question if possible coming from Susan Walker in BOA office. We have a meeting next month with a deadline this week, and she needed to know how many parking spaces we are required to have adding this secondary apt?

Thanks So Much,

Sarah and Leonel

--just a confirmation as well, do you recommend we wait until after the BOA meeting and things are approved to come for our general building permit, or did you see anything else for which we would need another variance, as we are set to go very soon to that meeting - and it is costly, so getting everything we needed for variances at that time is pretty critical for us. Otherwise we will come in after for our building permit.

Thank You and Best Wishes on this rainy day -

1/27/2012

**Walker, Susan**

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**From:** sarah harris [sarahperformance@gmail.com]  
**Sent:** Wednesday, January 25, 2012 4:46 PM  
**To:** Walker, Susan  
**Subject:** 1148 Northwestern Avenue, Feb. BOA and Historical Meeting Updated Papers  
**Attachments:** 1148 NORTHWESTERN\_2011 12 12\_ELEVATIONS[1].pdf; 1148 NORTHWESTERN\_2012 01 23\_PLOT PLAN[1].pdf; BOA Application 7-31-08 Version[1].doc; Letter of Building Support Angela.doc; Letter of Building Support HelenRoy.doc; Letter of Building Support LeRoy.doc; 1148 NORTHWESTERN\_2012 01 25\_FLOOR PLAN[1].pdf

Susan,

Here is an updated Site Plan/Floor Plan/Elevation Plan for our property that is on the agenda for BOA Review and Historical Review in February. These revisions came after a meeting with residential building department. As well as an updated BOA application. The letters attached will be signed and brought in person as well.

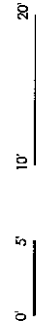
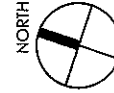
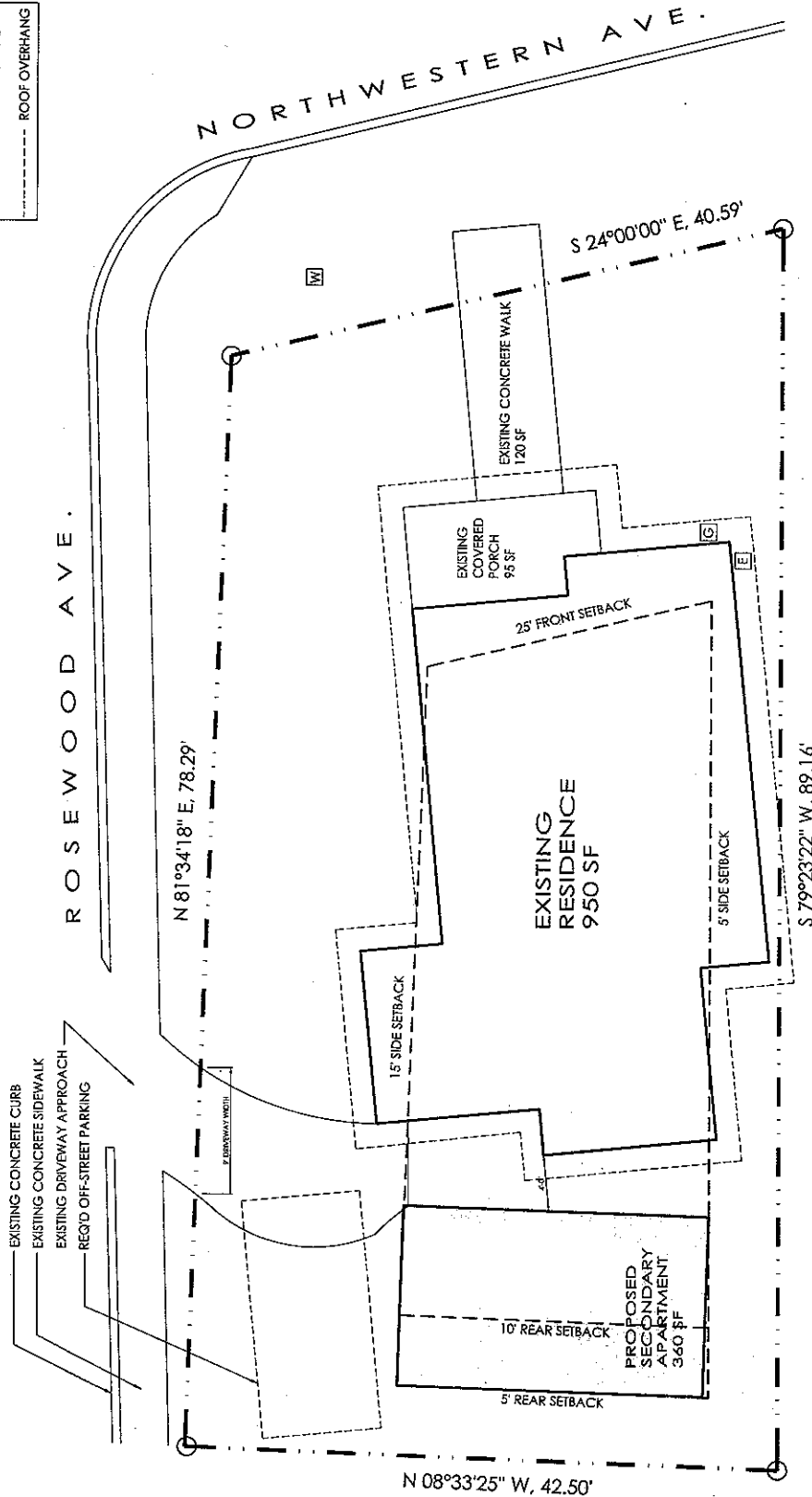
The only other thing we will be bringing for our case are pictures of the lot/street/'situation' for parking/set-back variance request. Is it ok if we bring the pictures to the actual meeting ourselves or should we bring those in as well before? If so that's no problem, but I imagine they need to be brought in as hard copies, or may we send you scanned and labelled copies? Either way just let me know and I will have those to you by tomorrow or Friday. I apologize they weren't ready to send with this set.

It appears we will be asking for a variance on all if not at least two of the spaces required based on our lot size and other factors.

Thank you tremendously for your help, patience and information. This is a huge thing for our family and it is all new to us,

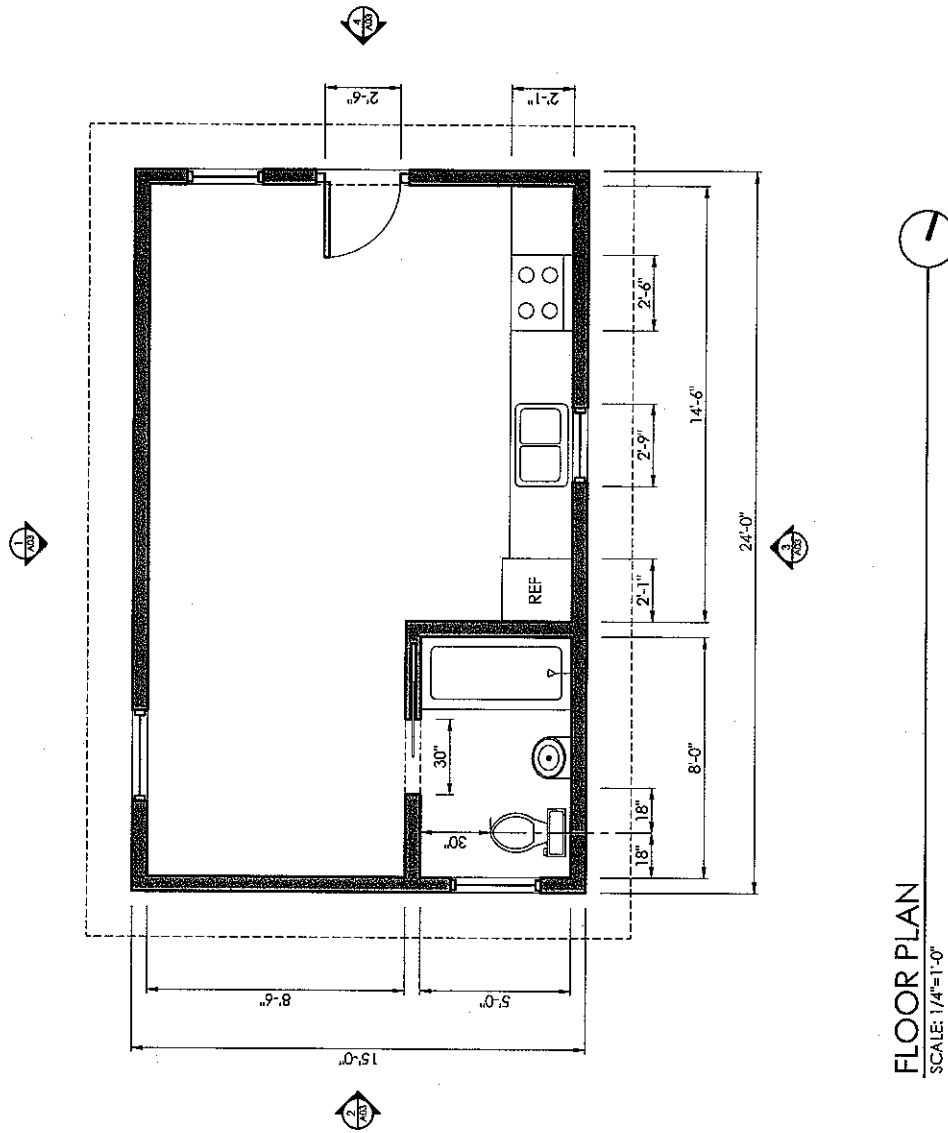
Sarah and Leone!

KEY	
<span style="border: 1px solid black; padding: 0 2px;">W</span>	WATER METER
<span style="border: 1px solid black; padding: 0 2px;">E</span>	ELEC. SERVICE
<span style="border: 1px solid black; padding: 0 2px;">G</span>	GAS METER
---	PROPERTY LINE
---	ROOF OVERHANG



Property Address 1148 Northwestern Ave. Austin, TX 78702	Legal Description 41 x 82ft old 62 div B JONES ML	Owner Sarah Harris 512.435.7775	Project Designer Joseph D. Burton 214.886.6549 smash.arc@gmail.com	This drawing is the property of the owner and is not to be reproduced or copied in whole or in part. It is not to be used on any other project and is to be returned upon request.	Issued for Planning	DATE 01/21/2012	SCALE 1/8"=1'-0"	SHEET NUMBER A01	SHEET TITLE PLOT PLAN
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Property Address 1148 Northwestern Ave. Austin, TX 78702	Legal Description 41 x 82ft olt 62 div B JONES M L	Owner Sarah Harris 512.435.7775	Project Designer Joseph D. Burton 214.886.6549 smash.arc@gmail.com	This drawing is the property of the architect and is not to be reproduced or copied in whole or in part without the written consent of the architect. It is to be returned upon request.	Issued for Planning	DATE 01/21/2012	SCALE SEE DRAWING	SHEET NUMBER A02	SHEET TITLE FLOOR PLAN
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East Austin  
Guest House

Property Address  
11148 Northwestern Ave.  
Austin, TX 78702

Owner  
Sarah Harris  
512.435.7775

Project Designer  
Joseph D. Burton  
214.886.6549  
smash.arc@gmail

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Issued for  
Planning

DATE 12/03/2011  
SCALE  
SEE DRAWING

**SHEET NUMBER**  
**A03**

SHEET TITLE  
EXTERIOR  
ELEVATIONS

