

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

**DATE:** Monday, April 14, 2014

**CASE NUMBER:** C15-2014-0035

<input type="checkbox"/> Y	Jeff Jack
<input type="checkbox"/> N	Stuart Hampton
<input type="checkbox"/> Y	Ricardo De Camps
<input type="checkbox"/> N	Bryan King
<input type="checkbox"/> Y	Fred McGhee 2 <sup>nd</sup> the Motion
<input type="checkbox"/> N	Melissa Hawthorne
<input type="checkbox"/> Y	Sallie Burchett Motion to Grant

**APPLICANT:** Cayce, Weems

**OWNER:** Same as Applicant

**ADDRESS:** 403 SAN SABA ST

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum 15 foot side street setback requirement (reduced to 14 feet per December 9, 2013 approved variance) and minimum 5 foot side yard requirement from Section 25-2-492 to permit the placement of a 816 square foot home 13 feet from the San Saba Street property line and placement of air conditioning equipment 2 feet from the east side property line in an SF-3NP Family Residence Zoning District (Holly).

**BOARD'S DECISION:** The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to April 14, 2014, Board Member Sallie Burchett second on a 6-1 vote (Board member Michael Von Ohlen Recused himself); **POSTPONED TO APRIL 14, 2014.**

**VARIANCE REQUESTED:** The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Regulations to decrease the side street setback requirement from 14 feet (reduced from 15 feet per December 9, 2013 approved variance) to 13 feet; and to decrease the side yard requirement from 5 feet to 2 feet in order to place a 816 square foot home and air conditioning equipment on a lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district (Holly).

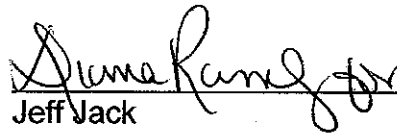
The public hearing was closed on Board Member Sallie Burchett motion to Grant with conditions to provide solid fence between neighbors, remove shed, relocate air conditioner condensates unit and plant a 9" caliper hardwood tree; Board Member Fred McGhee second on a 4-3 vote (Board members Bryan King, Melissa Hawthorne, Stuart Hampton nay); **DENIED.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the relatively new 15 ft corner side setback requirements do not work well for substandard lot sizes, the lot is much smaller than average
2. (a) The hardship for which the variance is requested is unique to the property in that: unlike new construction where dimensions are changeable the owner has salvage an existing house in order for the driveway and house to fit on this narrow and to still stay away from the critical root zones the house encroaches into the side setbacks  
  
(b) The hardship is not general to the area in which the property is located because: this legal lot is much smaller than normal, protected tree locations are unique for each property, not having the flexibility to change the dimensions of my existing house is also unique for the particular project
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: historically, the corner lot side setback was 10 feet, the Holly neighborhood is so historic that many lots have this existing 10 ft setback, the property directly to the south has a house with a 6 ft setback, the property to the north is commercial with a zero foot setback

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Leane Heldenfels  
Executive Liaison

  
Jeff Jack  
Chairman

## Reasons to Grant Reconsideration of 403 San Saba

### 1. Misinterpretations from the last meeting:

- ▶ There was a perception among a few Board members that there were conditions (removing the storage shed and relocating the AC) attached to my November 2013 variance approval for a 9' rear setback and a 14' street side setback. There were no conditions recorded (decision sheet attached).
- ▶ There was a perception among a few Board members that my storage shed was not in compliance with current City Code, but my storage shed, as currently built, does comply with all city regulations and setbacks for an accessory building, as detailed below:

#### 25-2-555 FAMILY RESIDENCE (SF-3) DISTRICT REGULATIONS.

(A) This section applies in a family residence (SF-3) district.

(B) The rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height.

Source: Section 13-2-635; Ord. 99025-70; Ord. 030605-49; Ord. 031211-11.

▶ Testimony was given by my neighbor and El Concilio that the small tree that was cut down was a protected tree, but this testimony was refuted by the City Arborist who confirmed that the tree did not have enough size to be a protected tree. Email conversation with Arborist attached, as well as a picture of the tree from last year. In this picture, please note the size difference between the protected 23" tree on the right side of the photo compared to the small tree in the middle of the photograph.

▶ Using a string attached to the old SW and NW survey pins and then measuring from the string to the structure yields 13'5", 4 inches difference from new survey. Even if the house measurements given to me were perfect and the house was dropped perfectly, I would still be here asking for a few inches due to differences in surveyors.

### 2. Additional Efforts to Reach a Compromise with my neighbor and El Concilio

- ▶ AC has already been removed from the setback (see attached picture)
- ▶ Several small trees have already been planted (Crape Myrtles and Texas Vitex, see attached picture)
- ▶ Still awaiting word from Mr. Hernandez about which type of large tree he would like to be planted
- ▶ 2' x 120' natural bamboo privacy shield currently being planted along the fence line with my neighbor
- ▶ Receiving bids to build a 6' privacy fence around the entire property, hopefully to be built by end of May
- ▶ Received written support from 2 neighborhood associations
- ▶ Received 5 written letters of support from close neighbors
- ▶ Received 21 signatures of support (20 of which live on San Saba and 100% of those who answered the door)
- ▶ Met personally with my neighbor and El Concilio to try and reach a compromise solution
- ▶ Offered to pay for 100% of mediation costs, if my neighbor or El Concilio would agree to meet
- ▶ Arranged for one mediator to arrive onsite, so as to make scheduling more convenient
- ▶ Registered for the Holly Neighborhood's online site for community discussion (NextDoor Holly). As soon as my address is verified, I will post my plans and seek feedback/approval from the 290 residents registered on the site.

VIA CERTIFIED MAIL

April 24, 2014

Cayce Weems  
403 San Saba  
Austin, TX 78702

Gavino Fernandez Jr., Coordinator  
El Concilio (Coalition of Mexican American Neighborhoods)  
2216 Haskell St  
Austin, TX 78702

Re: Case Number F-7 C15-2014-0035 (petition to reduce street side setback from 14' to 13')

Dear Mr. Fernandez,

I still haven't heard any response from you or Mr. Hernandez about the possibility of meeting with a mediator to reach a compromise on my variance request for 11 more inches of side setback relief so that I can keep my house.

I realize that schedules are often busy, so below please find the contact information of a certified mediator who has agreed to conduct our mediation on site, going back and forth between Mr. Hernandez's house and my house until a resolution is reached. Would you please call him to set up a time to meet? Again, I will pay for his hourly fee.

JAMES O. HOUGHINS  
1305 W Oltorf, Suite 400  
Austin, Texas 78704  
PH. 512-479-0777  
FAX. 512-479-0882  
jim@houghins.com  
Attorney/Mediator since 1974

In our last conversation, you mentioned that you would drive by and take a look at the changes I was implementing. Did you get a chance to do this? Do you have any feedback for me about any additional measures I can take to gain your approval of my variance request?

A summary of my efforts are below:

- ▶ AC has already been removed from the setback (see attached picture)
- ▶ Cut down tree was confirmed by the City Arborist to not be a protected tree (see attached email and picture)
- ▶ Several other small trees have already been planted (Crape Myrtles and Texas Vitex, see attached picture)
- ▶ Still awaiting word from Mr. Hernandez about which type of large tree he would like to be planted
- ▶ 2' x 120' natural bamboo privacy shield currently being planted along the fence line with Mr. Hernandez
- ▶ Receiving bids to build a 6' privacy fence around the entire property, hopefully to be built by end of May
- ▶ Received confirmation from the City that the storage shed is built within the code regulations that allow for an accessory building to have a 5' setback, if not more than 15' tall. As a result, I would highly prefer to keep my shed so that I have a place to hold my water heater, but if, during mediation, it is decided to remove it as part of a compromise, I am open to this condition.

- ▶ Received written support from 2 neighborhood associations
- ▶ Received 5 written letters of support from close neighbors
- ▶ Received 21 signatures of support (20 of which live on San Saba)
- ▶ Registered on the Holly Neighborhood's online site for community discussion (NextDoor Holly). As soon as my address is verified, I will post my plans and seek feedback/approval from the 290 residents registered on the site.

If you can think of any other ways for me to win the blessing of El Concilio and of my neighbor, please let me know. Again, I am open to all options that do not require removal or destruction of my house.

Thank you in advance for your help in this matter.

Regards,

Cayce Weems

VIA CERTIFIED MAIL

cc: Leon Hernandez  
2602 E 4<sup>th</sup> St  
Austin, TX 78702

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

From: **Cayce Weems** [REDACTED]

Date: Thu, Apr 24, 2014 at 10:46 AM

Subject: Re: 403 San Saba

To: [REDACTED]

Hi Gavino,

Do you have any advice for me? When can we meet again to discuss?

Cayce

On Mon, Apr 21, 2014 at 10:36 PM, Cayce Weems [REDACTED] wrote:

Hi Gavino,

Thank you for talking with me this evening. As requested, here is a copy of the letter that I mailed to you and Leon. For review purposes, I am also including a few pages from my presentation, but here are the highlights:

#### STORAGE SHED:

I am hoping to keep my storage shed, as that is where my hot water heater is supposed to go. Without a closet, I will need to buy one of those new (and expensive) tankless water heaters. In previous conversations with Leon, he said that he was ok with the parts of my project that were within city rules and regulations. My storage shed, as currently built, does comply with all city regulations and setbacks for an accessory building, as detailed below:

#### 25-2-555 FAMILY RESIDENCE (SF-3) DISTRICT REGULATIONS.

##### 25-2-555 FAMILY RESIDENCE (SF-3) DISTRICT REGULATIONS.

(A) This section applies in a family residence (SF-3) district.

**(B) The rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height.**

*Source: Section 13-2-635; Ord. 99025-70; Ord. 030605-49; Ord. 031211-11.*

#### AC

Even though everybody with a small lot in the Holly neighborhood seems to have their AC located in their side setback (including Leon), I have already moved my AC equipment to the front of my house.

#### CUT TREE

In conversations with the City Arborist earlier this week, he communicated to me that the tree that was cut down was far too small to be a protected tree. I am awaiting a written response from them stating this, as well, and will forward it to your attention as soon as I receive it.

However, I like trees, so it is not a hardship at all for me to plant more of them, if it helps win the favor of the neighborhood. I have already planted several Texas Vitex and Crape Myrtles and plan to plant at least one more large tree.

#### PRIVACY FENCES

I am currently planting a row of bamboo trees to create a natural privacy shield along my fence line with Leon. I am also currently taking bids to possibly construct a regular 6' privacy fence around the entire lot.

I hope that these measures are enough to win your support of my side variance reduction from 14 feet to 13 feet, especially in light of the fact that I have a very generous front setback of 33 feet.

#### ADVICE

Please advise me of what to do. I am willing to do just about anything outside of removing my house.

Sincerely,

Cayce

512-961-6618

[REDACTED]  
Hours of mediation experience: 1000+ hours

Paul Blanke  
Former Judge  
512-797-9446

[REDACTED]  
[www.paulblanke.com](http://www.paulblanke.com)

Hours of mediation experience: 100+ hours

Prof. Karl Bayer  
UT School of Law – Adjunct Professor  
8911 N. Capital of Texas HWY, Suite #2120  
Austin, TX 78759  
Office: 512-345-8537  
Cell: 512-431-8376  
Website: [www.karlbayer.com](http://www.karlbayer.com)  
Blog: [www.disputingblog.com](http://www.disputingblog.com)  
Email: [REDACTED]

As time is a factor in coming to a compromise solution, if you or Mr. Hernandez could please select a mediator by Monday, April 21, that would be most appreciated. If you have any questions for me, please call me anytime at 512-961-6618.

Thank you in advance for your help in this matter.

Regards,

Cayce Weems

VIA CERTIFIED MAIL

cc: Leon Hernandez  
2602 E 4<sup>th</sup> St  
Austin, TX 78702

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

From: **Andrew Sabola** <andrewsabola@gmail.com>

Date: Thu, Apr 24, 2014 at 12:42 PM

Subject: 403 San Saba

To: icayce@gmail.com

To Whom It May Concern,

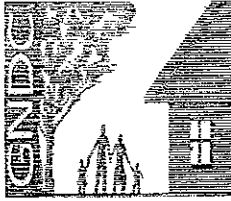
I am writing this letter in support of the reduced 13' setback request for 403 San Saba. As the neighbor immediately across the street from Mr. Weems, with direct line of sight of his house from my main entrance and all of my east facing windows, I am the neighbor most affected by this variance request.

I do not have any issues with this request. His house looks good, fits the style and character of the neighborhood, and 13 feet is a reasonable setback for our neighborhood where most homes have even smaller side setbacks.

Andrew Sabola  
2520 E 4th St  
Austin, TX 78702

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*Andrew Sabola*  
*2520 E 4th St*  
*Austin, TX 78702*  
*Mobile: 512-318-1321*





**Guadalupe Neighborhood Development Corporation**  
**813 East 8<sup>th</sup> Street - Austin, Texas 78702**

(512) 479-6275 (512) 478-9949 fax  
[gndc@sbcglobal.net](mailto:gndc@sbcglobal.net)

April 23, 2014

Board of Adjustment  
City of Austin

Re: Support for the variance requested for 2600 East 4<sup>th</sup> Street

Dear Members of the Board of Adjustment:

I write on behalf of the Guadalupe Neighborhood Development Corporation, owner of the property at 303 San Saba, in support of Mr. Cayce Weems' request for a variance for the house he relocated to 2600 East 4<sup>th</sup> Street/403 San Saba Street.

The house fits well into the neighborhood and there are likely numerous examples of similar minor encroachments into the street side yard setbacks through the area. I believe Mr. Weems is, in large measure, suffering the consequences of relying on a survey and survey pins that a different surveyor now says are incorrect. While other minor errors may add to the encroachment, I cannot see any harm in granting the variance. I hope you grant the requested variance.

Sincerely,

Mark C. Rogers, Executive Director

Guadalupe Neighborhood Development Corporation

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

From: **Embesi, Michael** <Michael.Embesi@austintexas.gov>

Date: Tue, Apr 22, 2014, at 6:09 PM

Subject: RE: 403 San Saba - additional pictures

To: Cayce Weems [mailto:\_\_\_\_\_]

The photograph of the tree appears to be less than 19-inches in diameter.

Thanks again,

**Michael Embesi**

City of Austin - Planning and Development Review Department

City Arborist

505 Barton Springs Road, Fourth Floor

Austin, TX 78704

Phone (512) 974-1876

Fax (512) 974-3010

Web Site <http://www.austintexas.gov/department/city-arborist>

**From:** Cayce Weems [mailto:\_\_\_\_\_]

**Sent:** Tuesday, April 22, 2014 6:07 PM

**To:** Embesi, Michael

**Subject:** RE: 403 San Saba - additional pictures

Thanks, but is there any way you can comment on the size of the tree from the picture?  
Or at least some comment that it does not appear to be a protected tree.

April 21, 2014

City of Austin  
Planning & Development Review Dept.  
P.O. Box 1088  
Austin, Texas 78767

To whom it may concern:

I am writing this letter on behalf of Mr. Casey Weems and suggesting that a variance of 13 feet instead of the 14 feet originally granted be approved on his property located at 403 San Saba in Austin Texas. Most of the properties in this area have an average setback of 10 feet, so a 13 foot setback would be adequate.

Thank You

Roy Gomez  
Cristo Rey Neighborhood Association  
10207 Ray Avenue  
Austin, Texas 78758-5119

VIA CERTIFIED MAIL

April 16, 2014

Cayce Weems  
403 San Saba  
Austin, TX 78702

Gavino Fernandez Jr., Coordinator  
El Concilio (Coalition of Mexican American Neighborhoods)  
2216 Haskell St  
Austin, TX 78702

Re: Case Number F-7 C15-2014-0035 (petition to reduce street side setback from 14' to 13')

Dear Mr. Fernandez,

Thank you for meeting with me after the last Board of Adjustment meeting on April 14. I greatly appreciate your promised efforts to help facilitate a compromise solution with my neighbor, Leon Hernandez, in regards to my request for a reduced street side setback of 13 feet. My understanding is that Mr. Hernandez is not happy with my AC and storage shed being located in the setback and that I needed to cut down a small tree down in order to move my house to 403 San Saba.

As a gesture of good faith on my part to reach a compromise with El Concilio and with my neighbor, please know and let Mr. Hernandez know that I am currently in the process of removing my AC and storage shed from the yard setbacks and also planting several small trees (Crape Myrtles and Texas Vitex) and 1 large tree in the yard to make up for the loss of the single tree removed during the house move. If you or Mr. Hernandez have a preference for what kind of large tree to plant, please inform me of your preference prior to Monday, April 21, 2014, as everything else should be finished by then.

When you are meeting with Mr. Hernandez, if the above good faith measures are not enough to secure his compromise, please ask him what additional measures I can do to make him happy with my project. I am open to any reasonable request that does not involve cutting off 11 inches of the house or removing the house all together. For example, perhaps I could install vertical landscaping or a higher fence to hide my house from his view?

As a last resort, if talks with Mr. Hernandez continue to stall, I have contacted three professional mediators (see below), who have agreed to take this case. I will pay for all costs of this mediation, if you or Mr. Hernandez would agree to sit down with a mediator and work out a compromise. This project is my highest priority right now, so consider my schedule completely open. I know Mr. Hernandez does not work on Thursdays and Fridays, so perhaps we can set up a time for then? Of the three certified mediators listed below, one is a former judge, another is a UT Law professor and the last one is a former President of the Texas Association of Mediators. Please pick whichever mediator you feel most comfortable, or advise me of someone else who is also a professional mediator.

Prof. Walter A. Wright  
Former President of Texas Association of Mediators  
512-245-2138 (voice)  
512-282-6290 (fax)

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**From:** Johnson, Christopher [PDRD]  
**Sent:** Thursday, March 27, 2014 8:00 AM  
**To:** Heldenfels, Leane  
**Subject:** RE: New photos

Correct-

As long as the shed complies with 25-2-555(B), it does not require a variance.

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**From:** Heldenfels, Leane  
**Sent:** Wednesday, March 26, 2014 3:00 PM  
**To:** Johnson, Christopher [PDRD]  
**Subject:** FW: New photos

See below message from applicant.

I told him I would be including this Code reference in the Board packet for April so we don't need to re-notify and add the shed for his case, but he just wants me to double check – he did get a rear yard variance to 9' in December, but still the shed can be 5' from the rear – regardless of what that rear yard area is – so he's going to be fine. His shed is 3' deep and he's placing it 9' from the property line, so the deepest part will be 6' from the rear PL.

Just thought I confirm one more time since he's asking in time for me to make a correction to notice if needed –  
Thanks – for looking at this for the millionth time –  
Leane

### ARTICLE 3. ADDITIONAL REQUIREMENTS FOR CERTAIN DISTRICTS.

#### § 25-2-555 FAMILY RESIDENCE (SF-3) DISTRICT REGULATIONS.

(A) This section applies in a family residence (SF-3) district.

**(B) The rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height.**

(C) For a retirement housing (small site) use:

- (1) the minimum site area is 18,675 square feet;
- (2) a site may be developed with not more than 122 dwelling units;
- (3) at least 6,225 square feet of site area is required for each dwelling unit; and
- (4) except for a parking space in a driveway, a parking space may not be located in a front street yard.

(D) This subsection applies to a duplex residential use.

- (1) On a lot with a lot area of less than 10,000 square feet, a duplex structure may not exceed 4,000 square feet of gross floor area or contain more than six bedrooms.
- (2) On a lot with a lot area of 10,000 square feet or more, a duplex structure may not exceed a floor-to-area ratio of 0.57 to 1.

*Source: Section 13-2-635; Ord. 99025-70; Ord. 030605-49; Ord. 031211-11.*

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

**DATE:** Monday, November 14, 2013

**CASE NUMBER:** C15-2013-0097

☐ Y ☐ Jeff Jack  
☐ R ☐ Michael Von Ohlen(REFUSED)  
☐ Y ☐ Stuart Hampton  
☐ Y ☐ Bryan King 2<sup>nd</sup> the Motion  
☐ Y ☐ Fred McGhee  
☐ Y ☐ Melissa Hawthorne  
☐ Y ☐ Sallie Burchett Motion to Grant  
☐ - ☐ Cathy French (SRB only)

**APPLICANT:** Cayce Weems

**OWNER:** SAME AS APPLICANT

**ADDRESS:** 403 SAN SABA ST

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 10 feet in order to move a single-family residence onto the lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

**BOARD'S DECISION:** The public hearing was closed on Board Member Bryan King motion to Postpone to November 14, 2013, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO November 14, 2013 (RE-NOTIFICATION REQUIRED).

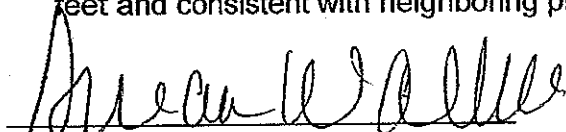
**VARIANCE REQUEST:** The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 14 feet in order to move a single-family residence onto the lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

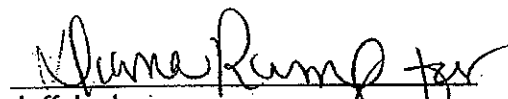
The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 9 feet in order to move a single-family residence onto the lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

**BOARD'S DECISION:** The public hearing was closed on Board Member Sallie Burchett motion to Grant, Board Member Bryan King second on a 6-1 vote (Board member Michael Von Ohlen recused); GRANTED.

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the relatively new 15 foot corner side setback requirements do not work well with the historically small and narrow lots in the neighborhood
2. (a) The hardship for which the variance is requested is unique to the property in that house is already built, in order for the driveway and house to fit on this narrow lot and to still stay away from the trees, a variance is needed on the side setback  
(b) The hardship is not general to the area in which the property is located because: house already built
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: for many years the corner lot side setback was 10 feet, the Holly neighborhood is so historic that many houses in the neighborhood have side setbacks even less than 10 feet and consistent with neighboring properties

  
Susan Walker  
Executive Liaison

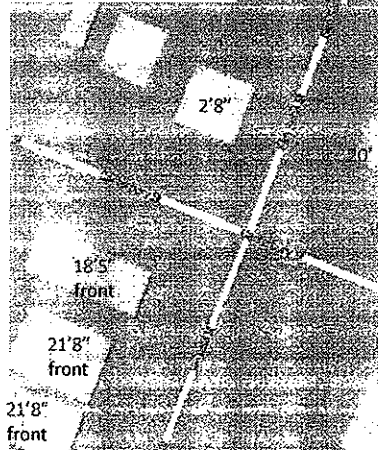
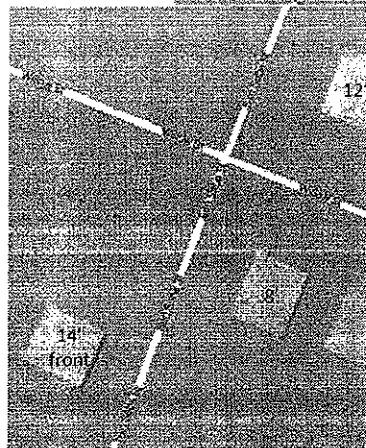
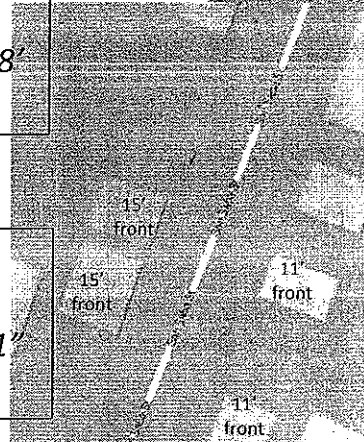
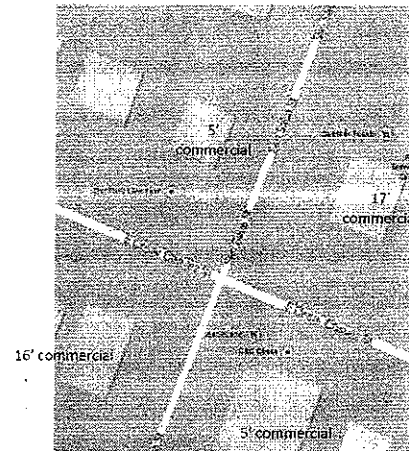
  
Jeff Jack  
Chairman

## The Setbacks of San Saba - South

Only 14% (2 out of 14) of buildings on South San Saba meet the current setback requirements for new construction.

Avg SIDE Commercial = 5.5'  
Avg SIDE Residential = 10.67'  
403 San Saba Proposed SIDE = 13.08'  
**Difference: +2.41'**

Avg FRONT Commercial = N/A  
Avg FRONT Residential = 16.1'  
403 San Saba Proposed FRONT=33.1'  
**Difference: +17'**



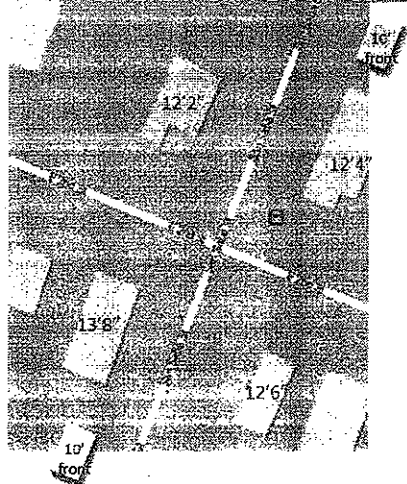
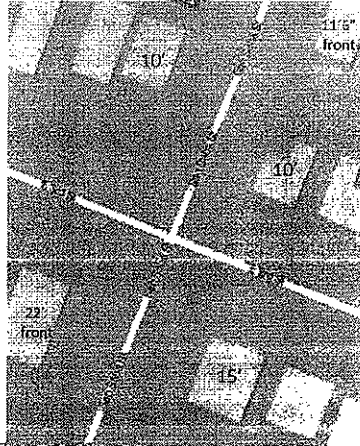
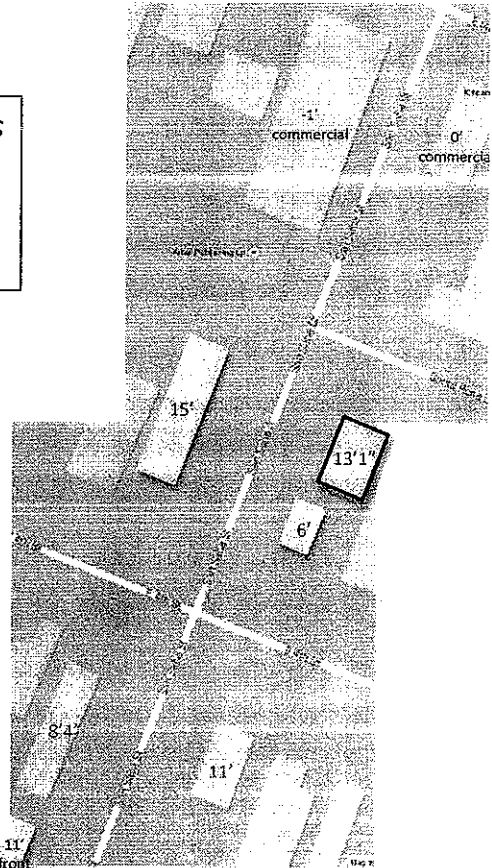


## The Setbacks of San Saba - NORTH

Only 9% (2 out of 22) of buildings on North San Saba meet the current setback requirements for new construction.

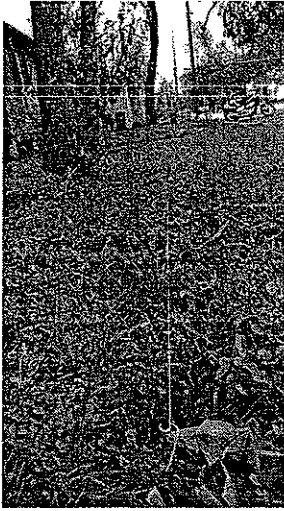
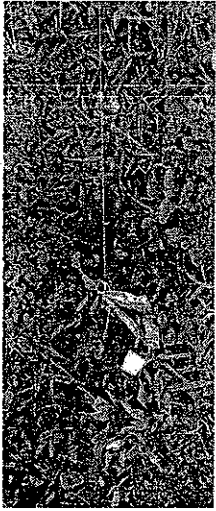
Avg SIDE Commercial = 5.75'  
Avg SIDE Residential = 11.45'  
403 San Saba Proposed SIDE = 13.08'  
**Difference: +1.63'**

Avg FRONT Commercial = N/A  
Avg FRONT Residential = 13.44'  
403 San Saba Proposed FRONT=33.1"  
**Difference: +19.66'**



403 San Saba – Additional Pictures

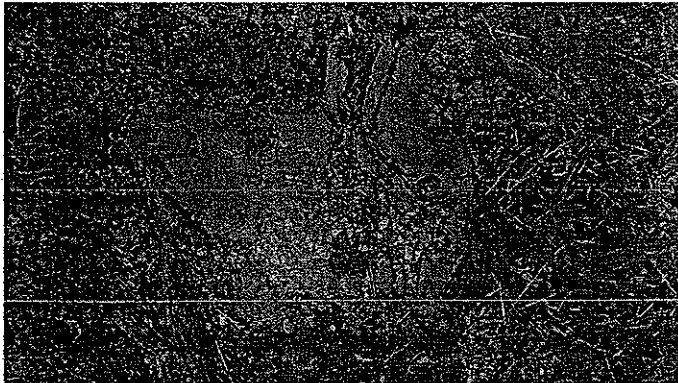
View from NW Survey Pin

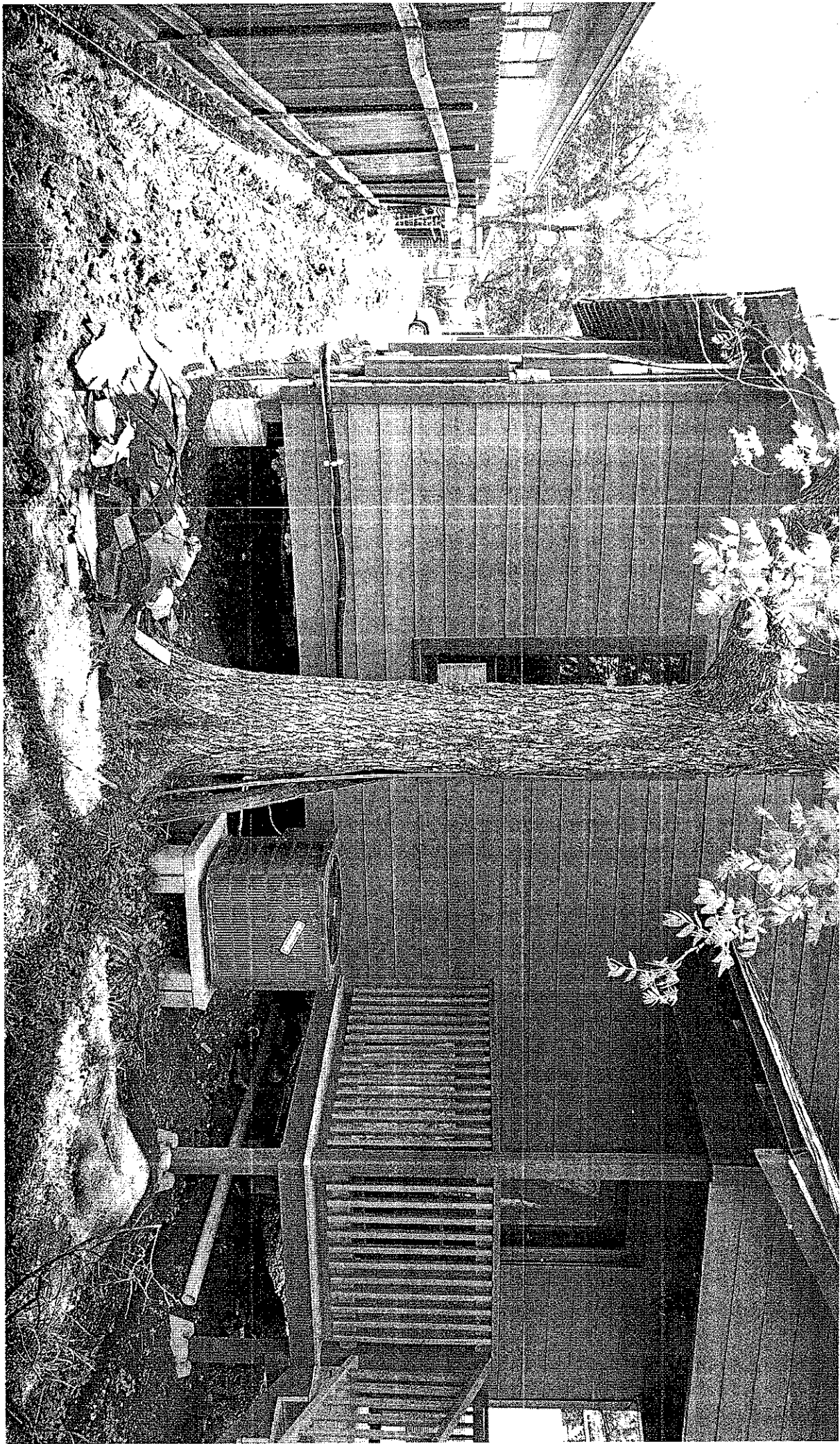


View from SW Survey Pin

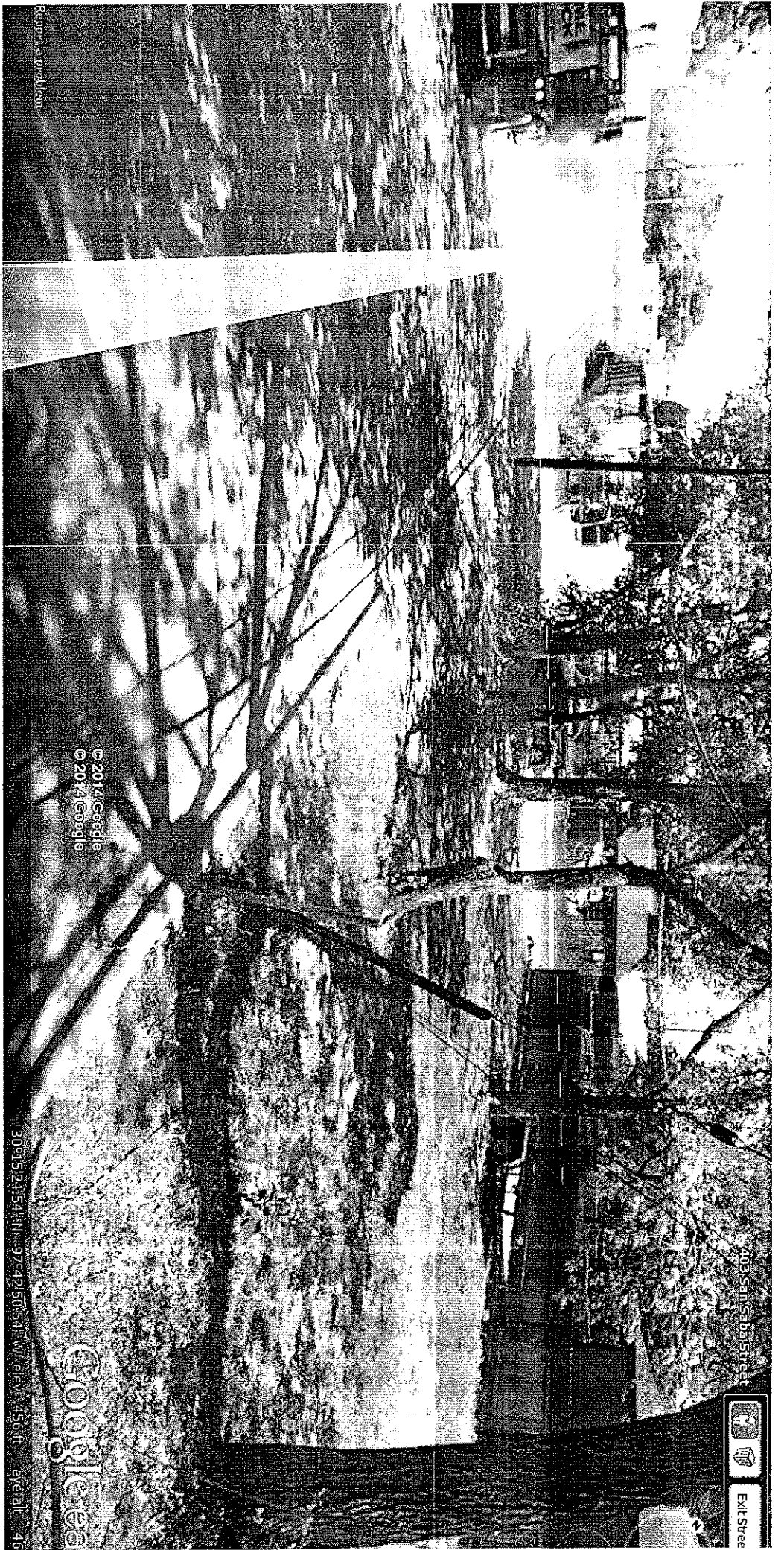


View above cut tree stump









403 San Sab Street



Exit Street

© 2014 Google  
© 2014 Google

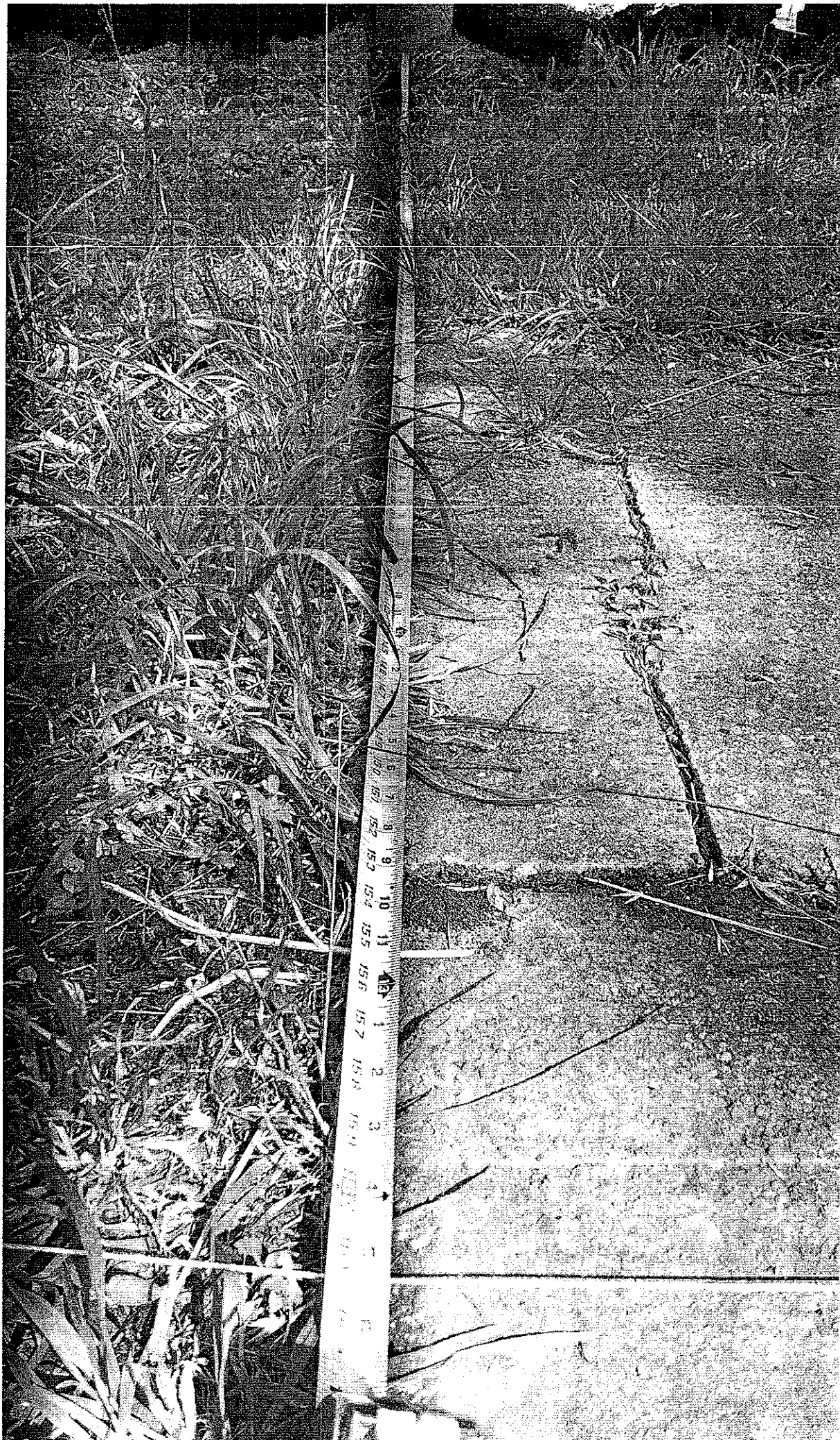
Google

30°15'24.54"N, 97°42'50.54"W, elev. 456 ft. - Street View 46

Report a problem







April 8, 2014

RECEIVED  
APR 24 2014

Cayce Weems  
403 San Saba  
Austin, TX 78702

Board of Adjustment,

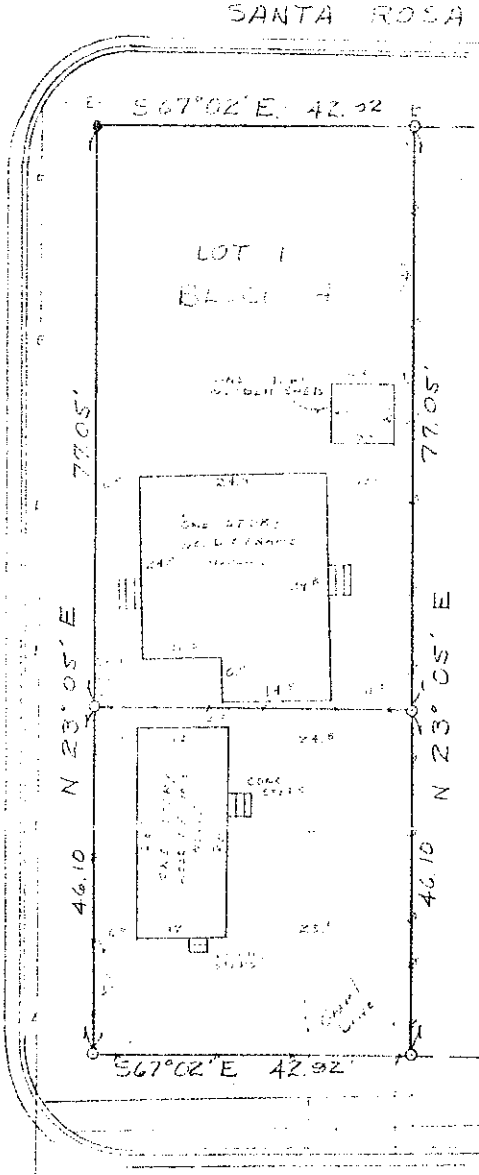
We, the undersigned neighbors of 403 San Saba, do not object to reducing the street side setback from 15 feet to 13 feet, as most of the homes in our community are already less than 15 feet, as detailed below:

Name	Address	Corner Lot?	St Side Setback
Vilma Cifuentes	2601 E 4th Austin TX	Yes	11'
Linda Cannon	2521 E 4th	yes	8'4"
Brent Bledsoe	2601 E 3rd St	yes	15'
Andrew (C) [unclear]	2520 E rd st	Yes	10'
Maria Lopez	2520 E rd st	Yes.	10'
Maria [unclear]	2600 E. 3rd St		10'
Jany Lanch	2514 E 2nd St	Yes	12'2"
Emma Banda	97 San Saba st.	no	10' ← FRONT
Laura Weems	2600 E. 4th	Yes	6'
Nat [unclear]	2517 E 3rd	No	22' ← FRONT
Robert Garcia	2515 East 2nd	Yes	13'8"
Lilly James	97 San Saba st.	No	11'
Pete [unclear]	74 San Saba	Yes	15' ← FRONT
Dominico	76 San Saba	Yes	18'5" ← FRONT
John Estrada	76 San Saba	No	21' ← FRONT
Vera [unclear]	74 San Saba	No	21' ← FRONT
Pierre Cloutier	2600 Canterbury St.	Yes	20'
Arash D. Sharma	74 JULIUS ST.	No	?

SURVEY PLAT OF: LOCAL ADDRESS 2600 East 4th Street REF: East End Poultry  
LEGAL DESCRIPTION: LOT 1\*\* BLOCK 4 Chernosky Subdivision  
A SUBDIVISION IN Austin TEXAS OF RECORD IN Volume 4 Page 5 OF  
THE PLAT RECORDS OF Travis COUNTY, TEXAS.

\*\*Legal Description-  
Two tracts-The South 46.1  
feet of Lot 1, Block 4,  
Outlot 11, Div. 0,  
Chernosky Subdivision and  
the North 77.05 feet of  
Lot 1, Block 4, Outlot 11,  
Division 0, Chernosky  
Subdivision

SAN SABA STREET



SCALE 1" = 20'

○ IRON PIPE FOUND  
● IRON PIN FOUND  
E E OVERHEAD ELECTRIC LINE  
X X X WIRE FENCE  
--- CHAIN LINK FENCE

EAST 4TH STREET

NOTES #1 APPLY:

- ☒ This property is in ZONE C of the F.E.M.A. Flood Insurance Rate Map for Austin, Texas. Community Panel No. 480624 0045 B, dated 9-2-81.
- ☐ This property is within a Special Flood Hazard Area, as identified by the F.I.A./H.U.D. Flood Hazard Boundary Map for Austin, Texas, Community Panel No. 480624 0045 B, dated 9-2-81.
- ☐ According to the recorded plat of this subdivision, this lot is within the 100 year flood plain.
- ☐ According to the recorded plat of this subdivision, the 100 year flood plain is contained within the drainage easements shown on the plat. There is drainage easement on this lot.
- ☐ The drainage on this lot is such that under normal conditions the water will drain away from the house and off the lot.

THE STATE OF TEXAS: TO THE LIEN HOLDERS AND/OR THE OWNERS OF THE  
COUNTY OF TRAVIS PREMISES SURVEYED AND TO THE

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility lines or roads in place, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES  
SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE  
TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

Dated this the 24th day of April, 1989.

JOB No. 53973 INVOICE No. 18249

*Clinton P. Rippey*  
CLINTON P. RIPPY  
REGISTERED PUBLIC SURVEYOR  
NUMBER 1453



Attn: Board of Adjustment

To whom it may concern,

As a resident of this neighborhood for the past 64 years, I strongly support this variance request for a reduced setback for 403 San Saba.

I live 2 blocks away and pass by the property almost every day. The house looks great and should be allowed to remain where it sits. If you have any questions for me, please give me a call.

Sincerely, Roy Medrano call me 512 699 1892

Roy Medrano  
2518 E. 3rd St.

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

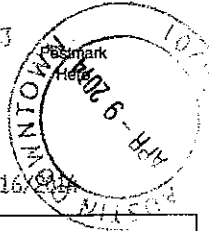
For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 6.49</b>

0130

13



Sent To  
**Leon Hernandez**  
 Street, Apt. No.,  
 or PO Box No. **2602 E. 4th St.**  
 City, State, ZIP+4 **Austin, TX 78702**

PS Form 3800, August 2006

See Reverse for Instructions

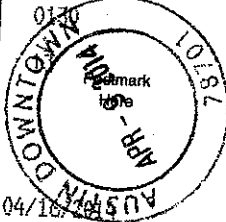
**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.49
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Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 6.49</b>

0130



Sent To  
**Gavino Fernandez, Jr.**  
 Street, Apt. No.,  
 or PO Box No. **2216 Haskell St.**  
 City, State, ZIP+4 **Austin, TX 78702**

PS Form 3800, August 2006

See Reverse for Instructions

## Buena Vista Neighborhood Association

April 3, 2014

TO: Board of Adjustment

FROM: Leon Hernandez, President

Buena Vista Neighborhood Association

SUBJECT: Case Number F-7 C15-2014-0035 ITEM NUMBER F7

Dear Board of Adjustment Commission,

I went before you on March 10, 2014 to object to the variances that Mr. Cayce Weems, owner of the home located at 403 San Saba Street, Austin, Texas 78702 / 2601 Santa Rosa Street, Austin, TX 78702 was requesting.

On that day, Mr. Weems requested a variance to decrease the minimum fifteen (15) foot side street setback requirement (reduced to fourteen (14) feet per December 9, 2013 approved variance) and minimum five (5) foot side yard requirement from Section 25-2-492 to permit the placement of an eight hundred sixteen (816) square foot structure thirteen (13) feet from the San Saba property line and placement of air conditioning equipment two (2) feet from the east side property line and a SF-3NP Family Residence Zoning District (Holly Neighborhood Area Plan).

Mr. Cayce Weems actually squeezed the structure into the lot and had to cut down a tree in order to do so. All of this was done without him getting the proper permits. After that he added the air condition system which changed the distance between the Air condition unit/system to two (2) feet from the east side property line which is on my west side property line. When I reported these inconsistencies Mr. Weems quickly went before your Board of Adjustment Commission to request a variance and the Board approved his request(s). He now has his permits for cutting down the tree, putting onto the property, located at 403 San Saba Street, the eight hundred

sixteen (816) foot structure, and for adding the air conditioning unit/system allowing only two (2) feet between the unit/system and my fence to my property at 2602 E. 4<sup>th</sup> Street...Austin, Texas 78702. And my fence is on the property line.

To summarize my concern, I want to know why his requests are always approved. He should have requested variances before he cut the tree, installed the structure, and the air conditioning unit/system.

Please review previously sent letters from me dated January 20, 2014 where I stated that the building of the front porch and rear porch and the water heater room at the rear of structure will constitute a much larger structure and more of a potential fire hazard.

Thus, at your April 14, 2014 meeting we respectfully request that you deny any further variances on this property.

Thank you,

Leon Hernandez, President  
Buena Vista Neighborhood Association

LH:gm

EL CONCILIO

## COALITION OF MEXICAN AMERICAN NEIGHBORHOODS

April 5, 2014

TO: Board of Adjustment Commission

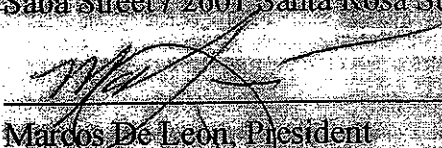
FROM: Gavino Fernandez Jr., Coordinator  
El Concilio (Coalition of Mexican American Neighborhoods)  
Holly Planning Area

SUBJECT: Case Number F-7 C15-2014-0035 ..... ITEM NUMBER F7

Dear Board of Adjustment Commission,

We, members of El Concilio, do support Mr. Leon Hernandez, president of Buena Vista Neighborhood Association, in his requests about the property owned by Mr. Cayce Weems on the case Number F7 at the Board of Adjustment Commission which will be on the agenda at the hearing on April 14, 2014.

At the hearing on March 10, 2014 Mr. Hernandez and Mr. Weems were advised to discuss and come to some understanding on the issues. They did meet and Mr. Weems asked Mr. Hernandez to support him on the changes he had made. Mr. Hernandez told him it was not up to him to break any laws such as the City Code and Rules. Therefore, we support him as he requests that no further permits be granted to Mr. Cayce Weems on the property at 403 San Saba Street / 2601 Santa Rosa Street.

  
Marcos De Leon, President  
East Town Lake Citizens Neighborhood  
Association

 4/5/14  
Leon Hernandez, President  
Buena Vista Neighborhood

  
Frances Martinez, President  
Barrio Unido Neighborhood Association

 4/5/14  
Gloria Moreno, President  
Pedernales Neighborhood Association

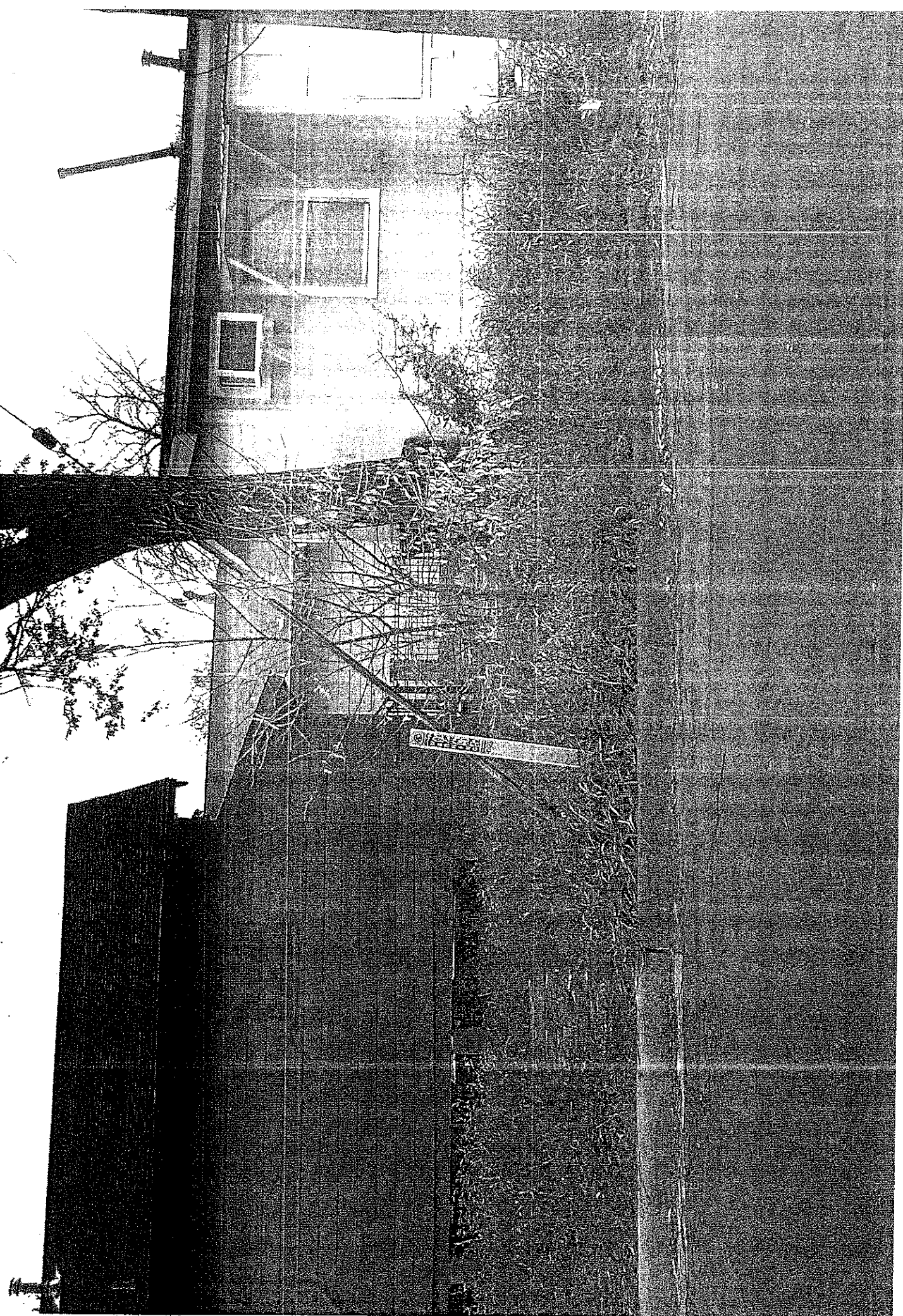
gm



C15-2014-0035

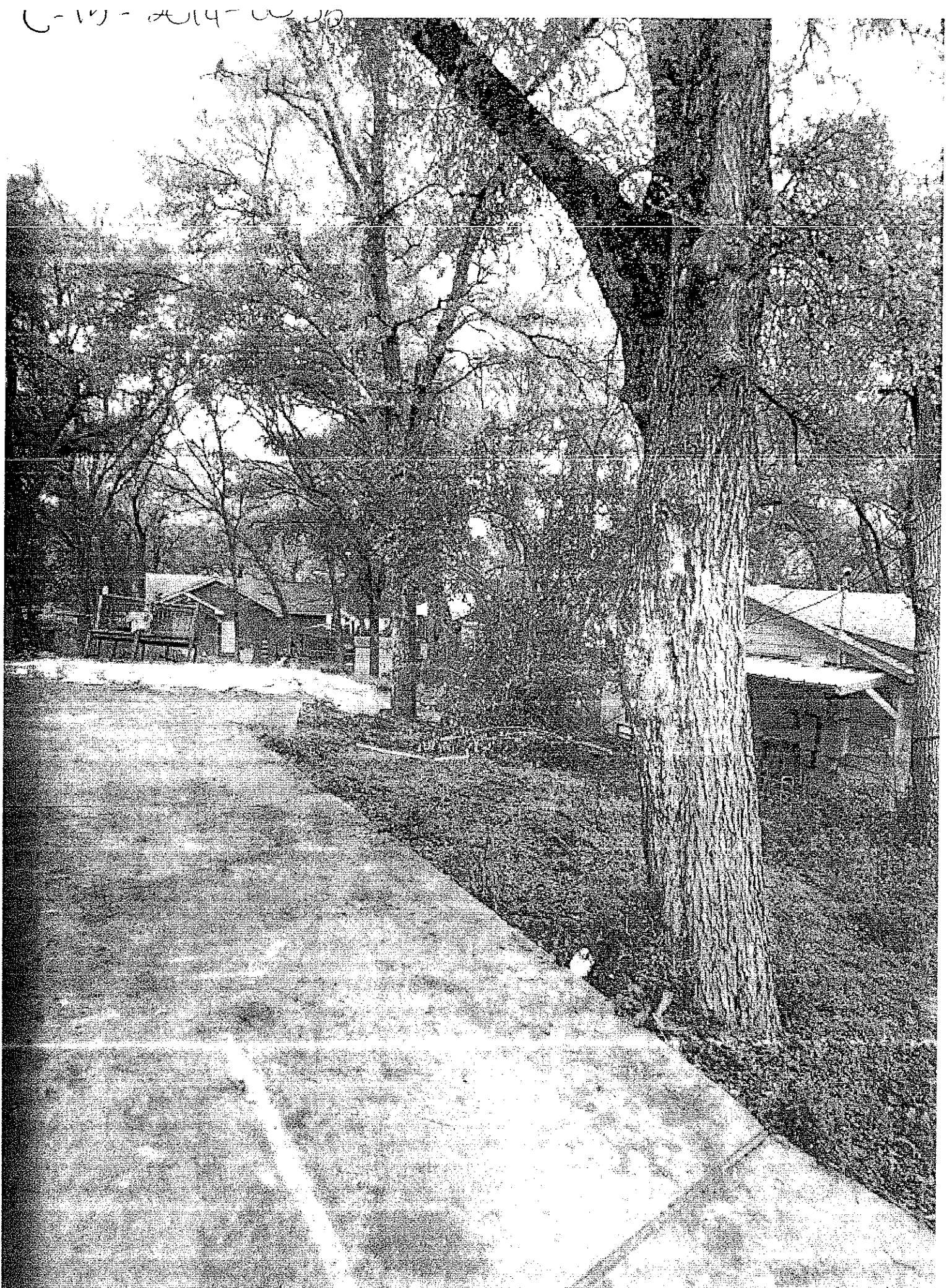


C15-  
2014-  
0035





C-17-2014-0000





C15-2014-0035

**Heldenfels, Leane**

---

**From:** BRENT BUDOLFSON <[REDACTED]>  
**Sent:** Monday, April 14, 2014 1:18 PM  
**To:** Heldenfels, Leane  
**Subject:** Request for reduced Setback at 403 San Saba

Hello,

I'm writing on behalf of Cayce Weems. My name is Brent Budolfson and I am the owner of 2601 east 3rd street which is 2 blocks away from the requested setback address.

I am okay with his request of keeping the house were it is located as it is not causing any obstruction or damage to the neighborhood.

Thank you,

---  
**Brent Budolfson**m > 479.422.2677

**From:** sasha sessums - [REDACTED]  
**Sent:** Sunday, April 13, 2014 8:53 AM  
**To:** Heldenfels, Leane  
**Subject:** C.O.A. Board of Adjustment re: 403 San Saba 78702

Dear Adjustment Board Members,  
To Whom this may Concern,

My name is Sasha Sessums, I am a 34 year resident of the 78702 zip code. I believe I know this zip code as well as any current resident and I hold the interest and future of the neighborhood close to heart. As do most of the residents of 78702, myself included, character and diversity play a large role in the charm and draw of our neighborhood. This is not a community of cookie cutter houses and we wouldn't have it any other way. The size, style, architecture, lot size, set backs, and residents themselves all vary greatly. I am writing today in support of allowing a reduced setback for the home at 403 San Saba St. Increasing housing in this neighborhood is a big plus. Reducing setbacks in this case will not be detrimental to the character of the neighborhood. I am asking that the Board of Adjustment allow Mr. Weems the setback variance requested in this case. Thank you for your time and consideration in this matter.

Sasha Sessums  
680 Tillery St.  
Austin, TX. 78702.

**Heldenfels, Leane**

---

C15-2014-0035

**From:** Akash Sharma <[REDACTED]>  
**Sent:** Saturday, April 12, 2014 3:29 PM  
**To:** Heldenfels, Leane  
**Subject:** 403 San Saba

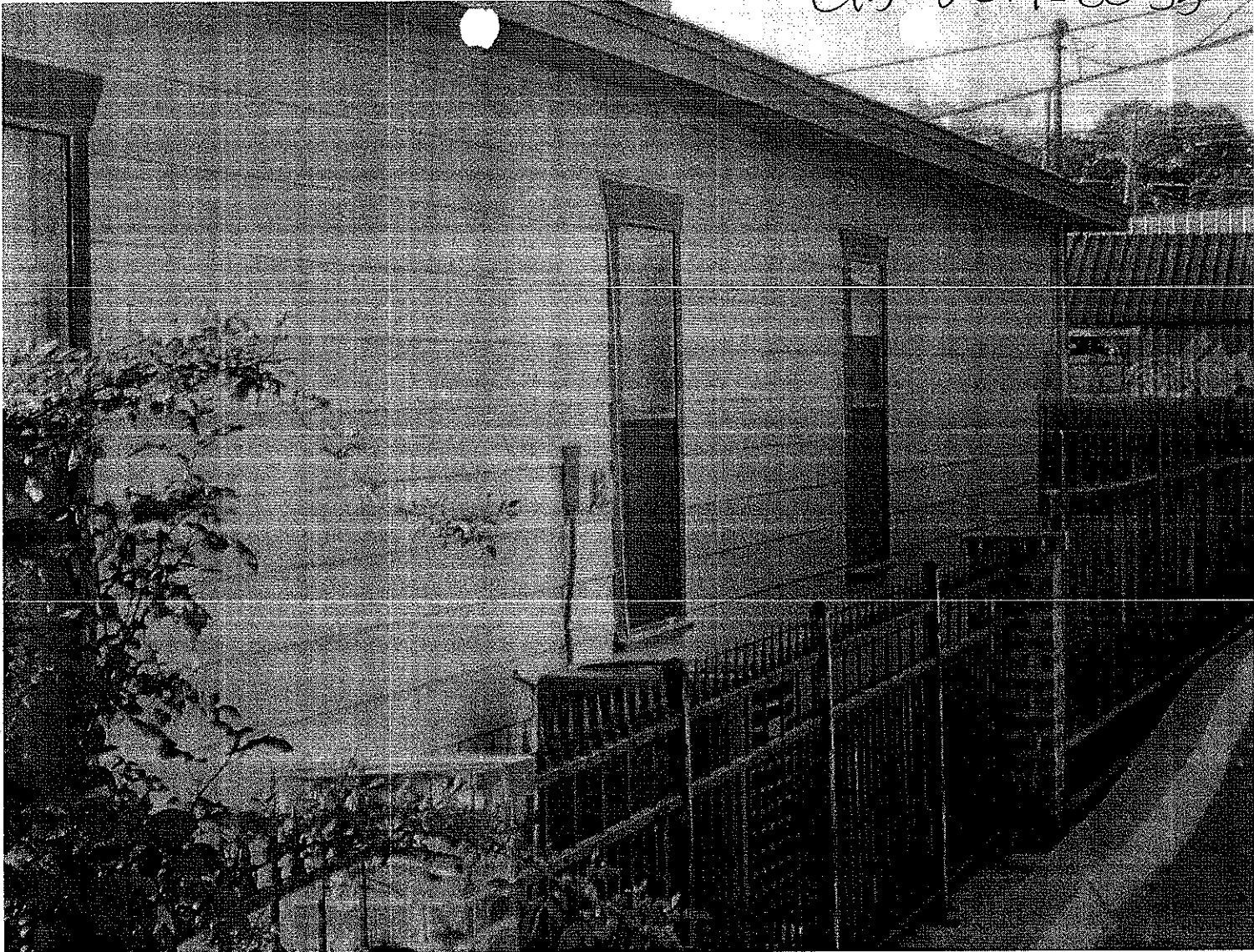
Dear Board of Adjustment,

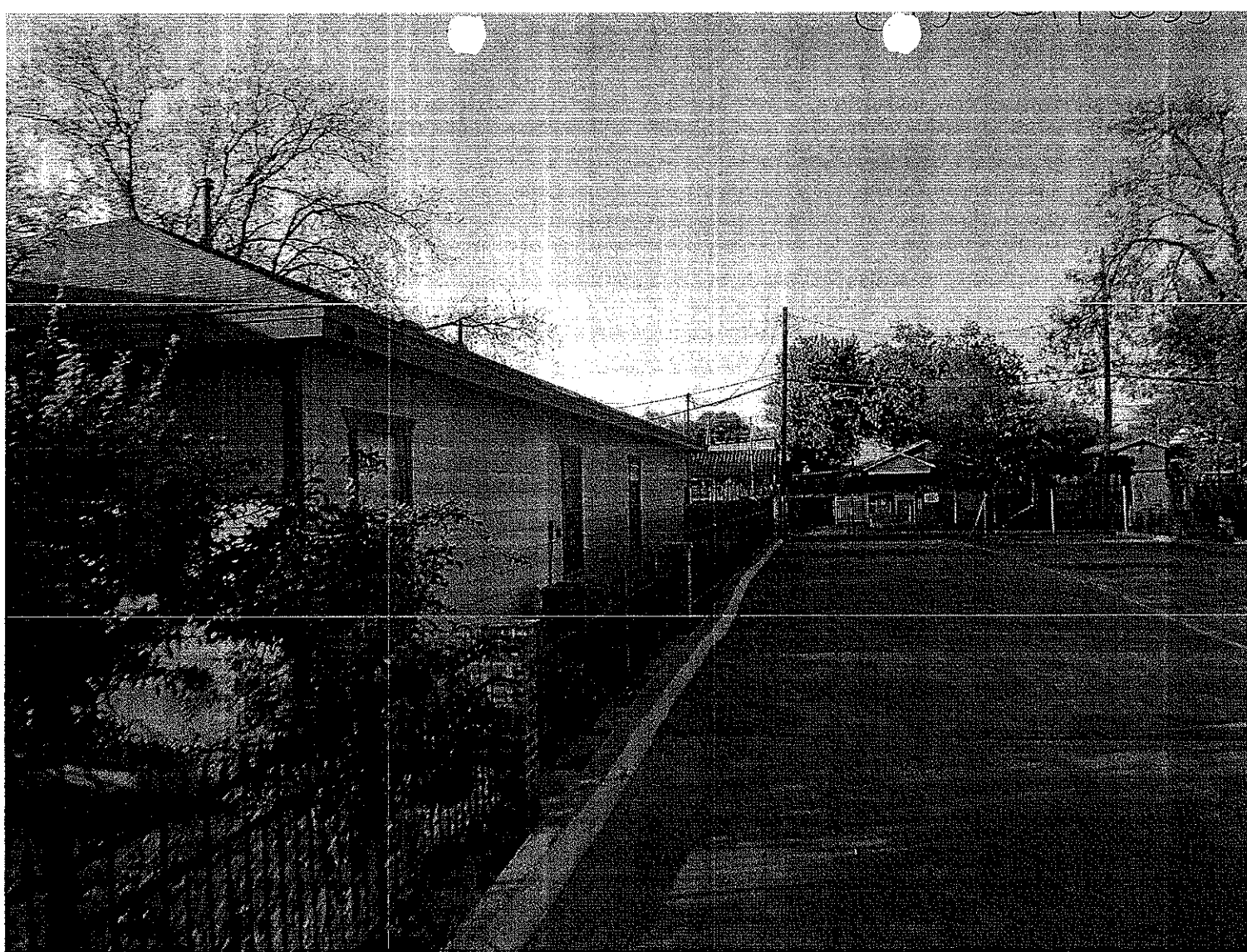
I'm writing to support Cayce Weems (403 San Saba) in his variance request to allow a reduced side setback of 13' instead of 15' at his address. I live at 74 Julius St - just a few blocks away - and I have seen the house Cayce has moved to that site. I feel the house is attractive and improves the character of the neighborhood.

I hope the Board of Adjustment will grant his variance request.

Akash Sharma  
Certified LabVIEW Architect (CLA)  
512-789-9971 (cell)

CV-2017-0035





# Reasons to Grant Variance

403 SAN SABA

- Most corner lots in the neighborhood have 10' street side setbacks (or less)
  - Previous house on this lot had a 6' setback
  - Neighbor lot to the south has a 6' setback
  - Neighbor lot to the north has a 0' setback (commercial)
  - I am just asking for a <sup>13'</sup>~~14'~~ setback
- Substandard Lot Size
  - Median corner lot size on San Saba is 6972 sqft (25 data points, detailed on back)
  - My lot is half that size (3307 sqft)
- Protected Tree Locations
  - My site plan positions the house furthest away from the 2 protected trees, minimizing Critical Root Zone impacts
- De Minimus
  - A 1' shift is not much

# Corner Lot Sizes on San Saba

ADDRESS	LOT SQ FT	ADDRESS	LOT SQ FT
2519 E 5 <sup>th</sup>	8728	2601 E 5 <sup>th</sup>	11126
2520 E 4 <sup>th</sup>	6348	2600 E 4 <sup>th</sup>	1979
2521 E 4 <sup>th</sup>	5100	2601 E 4 <sup>th</sup>	6069
2520 E 3 <sup>rd</sup>	5100	2600 E 3 <sup>rd</sup>	3034
2517 E 3 <sup>rd</sup>	7500	2601 E 3 <sup>rd</sup>	6982
2514 E 2 <sup>nd</sup>	7350	2600 E 2 <sup>nd</sup>	5243
2512 E 2 <sup>nd</sup>	6983	2601 E 2 <sup>nd</sup>	6982
2514 E Cesar Chavez	7350	2600 E Cesar Chavez	7350
2515 E Cesar Chavez	6860	97 San Saba	13720
94 San Saba	7432	2600 Willow	4410
2515 Willow	7907	2601 Willow	6860
2514 Canterbury	7416	2600 Canterbury	4753
78 San Saba	5849	<b>MEDIAN Corner Lot Size - SAN SABA</b>	<b>6982</b>
		<b>MY LOT – 403 San Saba</b>	<b>3307</b>

Vilma Cifuentes	2601 E 4th Austin tx	Yes	11'
Linda Cannon	2521 E 4th	yes	8' 4"
Brent Boddan	2601 E 3rd St	yes	15'
Andrew (Sue)	<del>2520</del> E rd st	Yes	10'
Maria Lopez	2520 E rd st.	Yes.	10'
Maria Aguirre	2600 E. 3rd St		10'
Jany Ranch	2514 E 2nd st	yes	12' 2"
Emma Banda	97 San Saba st.	no	10'



October 8, 2013

Cayce Weems  
403 San Saba  
Austin, TX 78702

Case Number: C15-2013-0097

Variance Request: To decrease the side street setback from 15' to 10' for 403 San Saba so that an 816 sq ft house can be moved onto the property.

Board of Adjustment,

We, the undersigned neighbors of 403 San Saba, do not object to the above variance request, as most of the homes in our community are also 10' on the street side setback.

Name	Address	Date
<u>Mike Lopez</u>	<u>2519 E. 4<sup>th</sup> St</u>	<u>10/08/13</u>
<u>Esmail Alkheni</u>	<u>2521 E 4<sup>th</sup> St</u>	<u>10/08/13</u>
<u>Vilma C. Fuentes</u>	<u>2601 E 4<sup>th</sup> St</u>	<u>10/08/13</u>
<u>Opelia Ramirez</u>	<u>2603 E. 4<sup>th</sup> St</u>	<u>10/8/13</u>

April 3, 2014

Cayce Weems  
403 San Saba  
Austin, TX 78702

Board of Adjustment,

I, \_\_\_\_\_, the undersigned neighbor of 403 San Saba, do not object to reducing the street side setback from 15 feet to 13 feet, if the following conditions are met:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Signed

Date

\_\_\_\_\_

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

**DATE:** Monday, March 10, 2014

**CASE NUMBER:** C15-2014-0035

\_\_\_\_ Jeff Jack  
\_\_\_\_ R Michael Von Ohlen - RECUSED HIMSELF  
\_\_\_\_ Ricardo De Camps  
\_\_\_\_ Bryan King  
\_\_\_\_ Fred McGhee  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ Sallie Burchett

**APPLICANT:** Cayce, Weems

**OWNER:** Same as Applicant

**ADDRESS:** 403 SAN SABA ST

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum 15 foot side street setback requirement (reduced to 14 feet per December 9, 2013 approved variance) and minimum 5 foot side yard requirement from Section 25-2-492 to permit the placement of a 816 square foot home 13 feet from the San Saba Street property line and placement of air conditioning equipment 2 feet from the east side property line in an SF-3NP Family Residence Zoning District (Holly).

**BOARD'S DECISION:** The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to April 14, 2014, Board Member Sallie Burchett second on a 6-1 vote (Board member Michael Von Ohlen Recused himself); POSTPONED TO APRIL 14, 2014.

**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:

\_\_\_\_\_  
Leane Heldenfels  
Executive Liaison

\_\_\_\_\_  
Jeff Jack  
Chairman

25-2-553 SINGLE-FAMILY RESIDENCE LARGE LOT (SF-1) DISTRICT REGULATIONS.  
In a single-family residence large lot (SF-1) district, **the rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height.**

Source: Section 13-2-633; Ord. 990225-70; Ord. 031211-11.

§ 25-2-554 SINGLE-FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT REGULATIONS.

In a single-family residence standard lot (SF-2) district, **the rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height.**

Source: Section 13-2-634(a); Ord. 990225-70; Ord. 031211-11.

§ 25-2-555 FAMILY RESIDENCE (SF-3) DISTRICT REGULATIONS.

(A) This section applies in a family residence (SF-3) district.

**(B) The rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height.**

(C) For a retirement housing (small site) use:

- \* this sheet is in the rear, has a 9' var.*
- (1) the minimum site area is 18,675 square feet;
  - (2) a site may be developed with not more than 122 dwelling units;
  - (3) at least 6,225 square feet of site area is required for each dwelling unit; and
  - (4) except for a parking space in a driveway, a parking space may not be located in a front street yard.

(D) This subsection applies to a duplex residential use.

- (1) On a lot with a lot area of less than 10,000 square feet, a duplex structure may not exceed 4,000 square feet of gross floor area or contain more than six bedrooms.
- (2) On a lot with a lot area of 10,000 square feet or more, a duplex structure may not exceed a floor-to-area ratio of 0.57 to 1.

Source: Section 13-2-635; Ord. 99025-70; Ord. 030605-49; Ord. 031211-11.

**SPECIAL USES CHOSEN IN ADOPTED NEIGHBORHOOD PLANS  
As of October 2012**

Neighborhood Plan/Planning Area	Neighborhood-Wide					Property Specific		
	Small Lot Amnesty	Cottage Lot	Urban Home	Secondary Apartments	Corner Store	Neighborhood Urban Center	Residential Infill	Mixed-Use Building
East Riverside/Oltorf Combined NP								
Parker Lane (See Note 1)	Yes							
Pleasant Valley (See Note 1)	Yes							
Riverside (See Note 1)	Yes					Yes		Yes
Govalle/Johnston Terrace Combined NP								
Govalle	Yes					Yes		
Johnston Terrace	Yes							Yes
Greater South River City Combined NP								
South River City						Yes		Yes
St Edwards						Yes		Yes
Heritage Hills/Windsor Hills Combined NP								
Heritage Hills	Yes					Yes	Yes	
Windsor Hills	Yes	Subdistrict	Subdistrict				Yes	
Holly NP	Yes			Yes				Yes
Hyde Park NP	*See NCCD	*	*	*	*	*	*	*
Montopolis NP	Yes	Yes	Yes	Yes				Yes
North Austin Civic Association NP							Yes	Yes
North Burnet/Gateway NP								
North Lamar Combined NP								
Georgian Acres								
North Lamar			Yes				Yes	

## 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](http://www.ci.austin.tx.us/development).

Written comments must be submitted to 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:** C15-2014-0035, 403 San Saba St.  
**Contact:** Leane Heldenfels, 512-974-2202  
**Public Hearing:** Board of Adjustment, March 10th, 2014

Marice R  
 Your Name (please print)

☐ I am in favor  
☒ I object

2607 E. 3rd St + 2407 E. 2nd Street  
 Your address(es) affected by this application

Marice R. Ramirez 3/4/14  
 Signature Date

Daytime Telephone: (512) 477-2619

Comments: Home would be too close to property line.

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

City of Austin-Planning & Development Review Department/ 1st Floor  
 Leane Heldenfels  
 P. O. Box 1088  
 Austin, TX 78767-1088



N

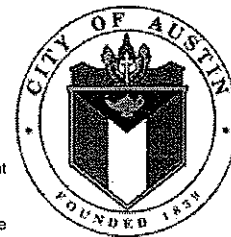


SUBJECT TRACT



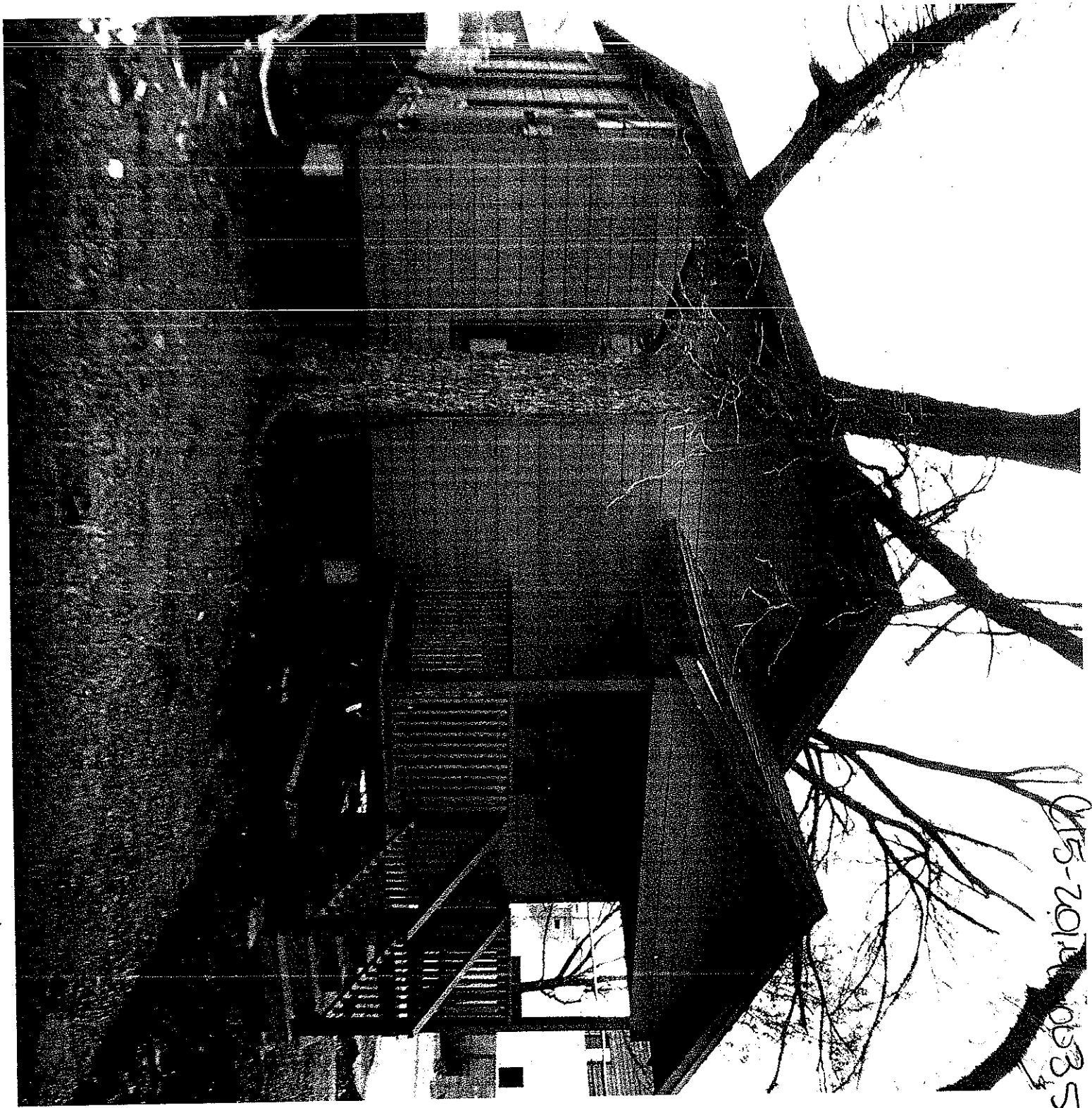
ZONING BOUNDARY

CASE#: C15-2014-0035  
LOCATION: 403 SAN SABA STREET



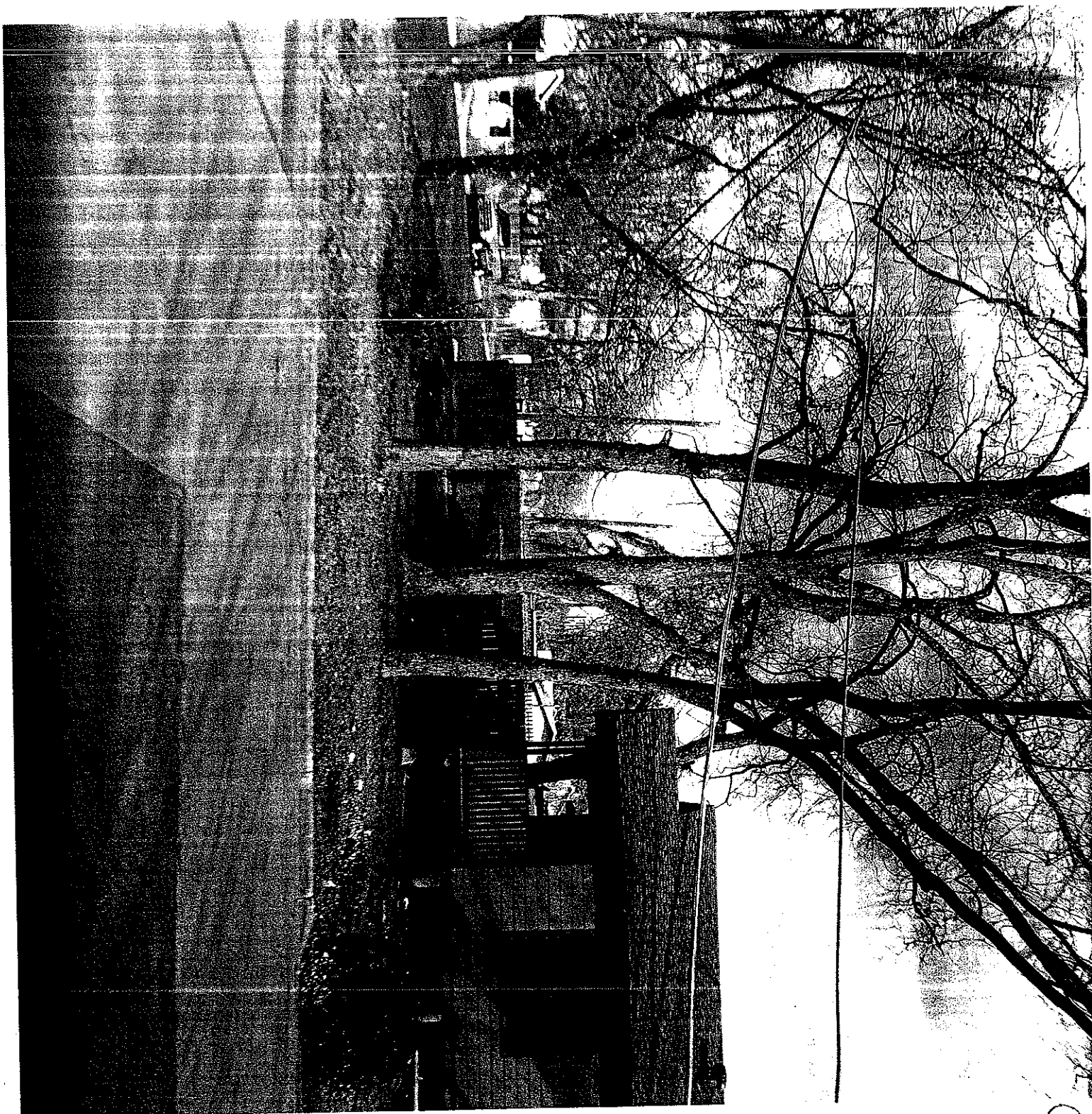
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



045-2014-0535

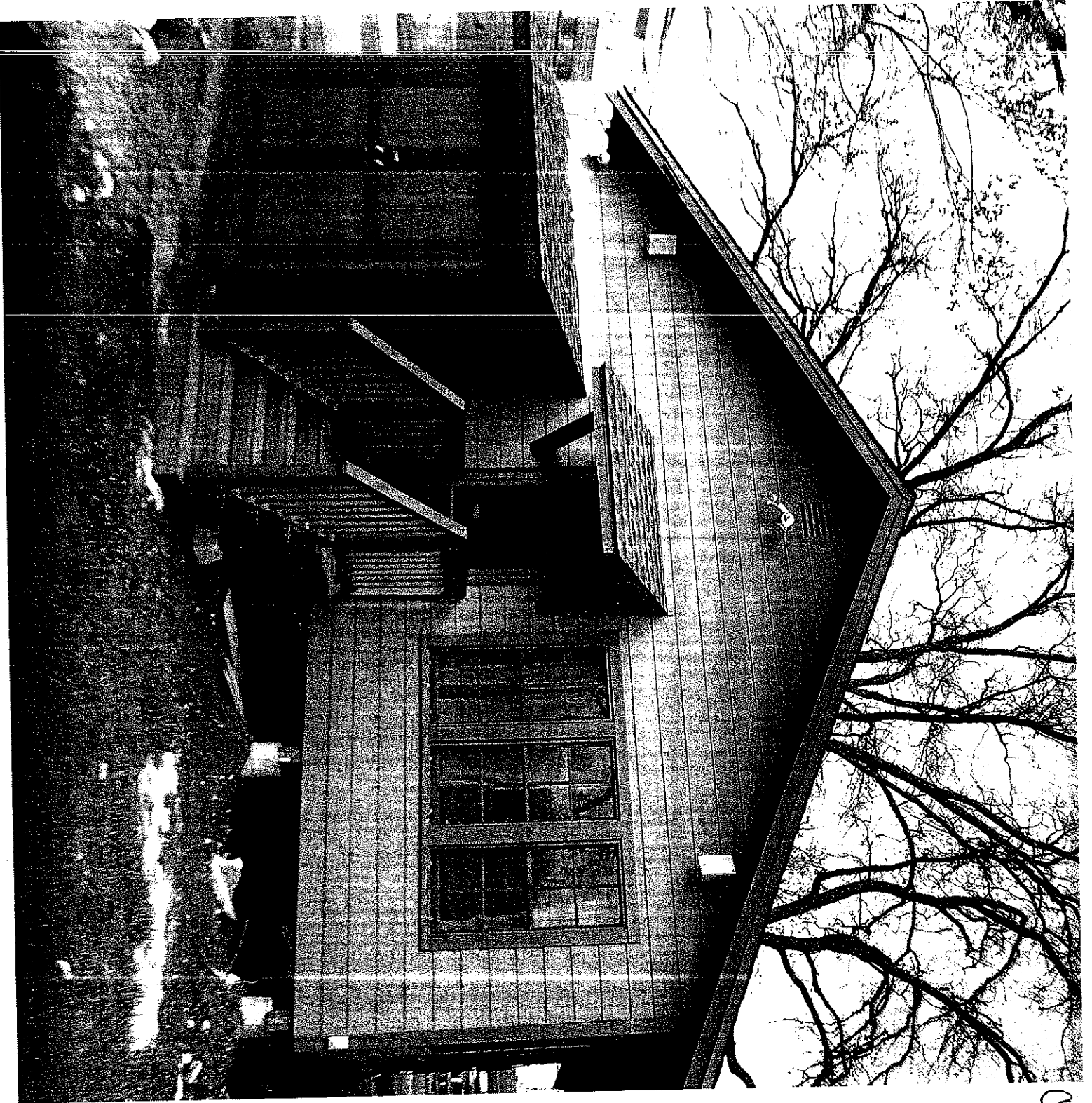




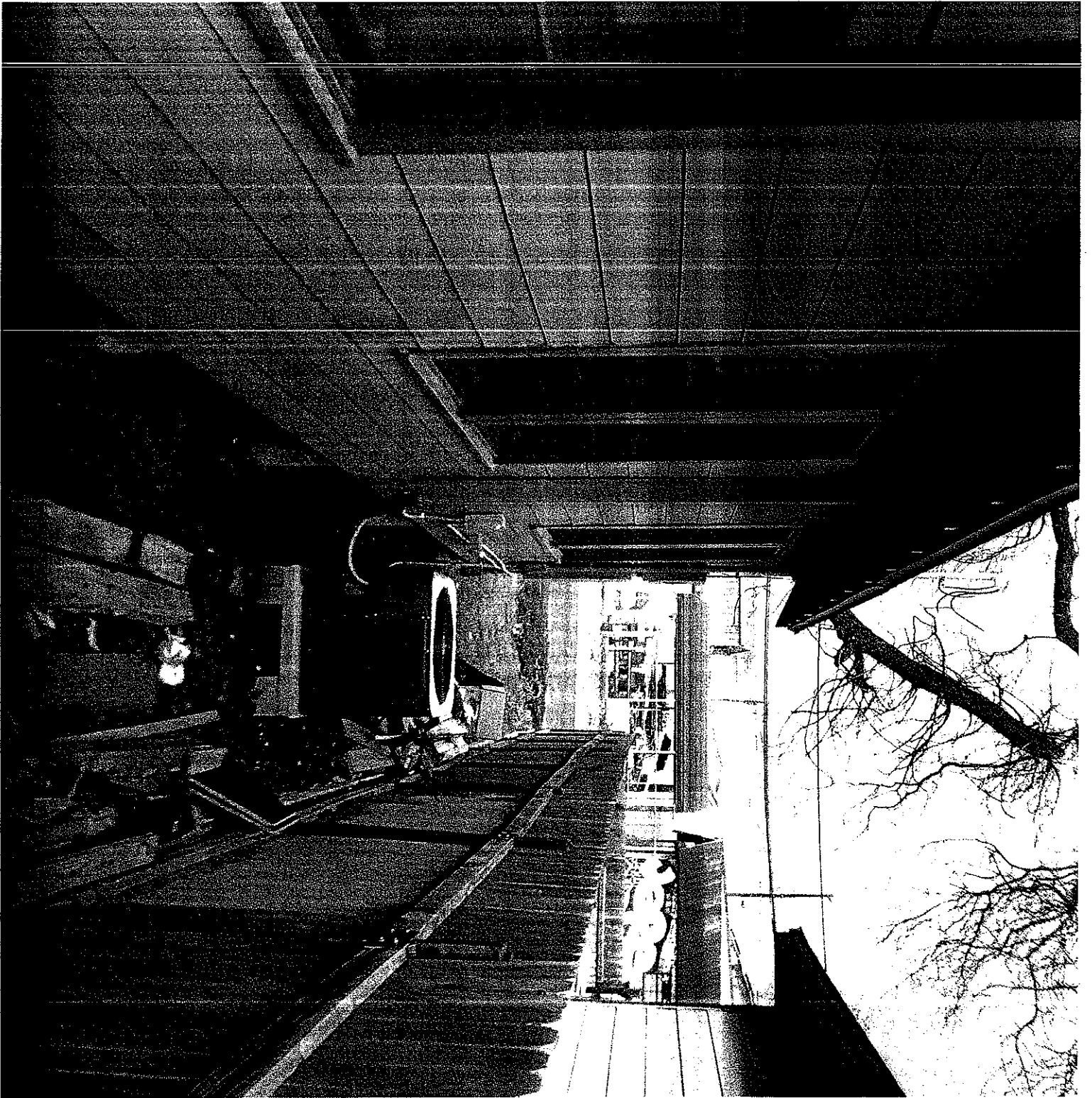
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C15-2014-0035

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

**DATE:** Monday, November 14, 2013

**CASE NUMBER:** C15-2013-0097

☐ Y ☐ Jeff Jack  
☐ R ☐ Michael Von Ohlen(REFUSED)  
☐ Y ☐ Stuart Hampton  
☐ Y ☐ Bryan King 2<sup>nd</sup> the Motion  
☐ Y ☐ Fred McGhee  
☐ Y ☐ Melissa Hawthorne  
☐ Y ☐ Sallie Burchett Motion to Grant  
☐ - ☐ Cathy French (SRB only)

**APPLICANT:** Cayce Weems

**OWNER:** SAME AS APPLICANT

**ADDRESS:** 403 SAN SABA ST

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 10 feet in order to move a single-family residence onto the lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

**BOARD'S DECISION:** The public hearing was closed on Board Member Bryan King motion to Postpone to November 14, 2013, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO November 14, 2013 (RE-NOTIFICATION REQUIRED).

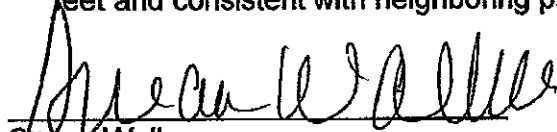
**VARIANCE REQUEST:** The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 14 feet in order to move a single-family residence onto the lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

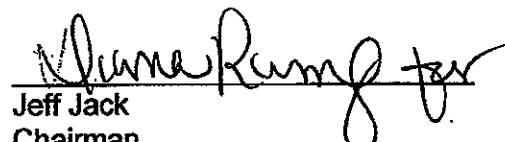
The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 9 feet in order to move a single-family residence onto the lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

**BOARD'S DECISION:** The public hearing was closed on Board Member Sallie Burchett motion to Grant, Board Member Bryan King second on a 6-1 vote (Board member Michael Von Ohlen recused); GRANTED.

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the relatively new 15 foot corner side setback requirements do not work well with the historically small and narrow lots in the neighborhood
2. (a) The hardship for which the variance is requested is unique to the property in that house is already built, in order for the driveway and house to fit on this narrow lot and to still stay away from the trees, a variance is needed on the side setback  
(b) The hardship is not general to the area in which the property is located because: house already built
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: for many years the corner lot side setback was 10 feet, the Holly neighborhood is so historic that many houses in the neighborhood have side setbacks even less than 10 feet and consistent with neighboring properties

  
Susan Walker  
Executive Liaison

  
Jeff Jack  
Chairman

C15-2014-0035

October 8, 2013

Cayce Weems  
403 San Saba  
Austin, TX 78702

Case Number: C15-2013-0097

Variance Request: To decrease the side street setback from 15' to 10' for 403 San Saba so that an 816 sq ft house can be moved onto the property.

Board of Adjustment,

We, the undersigned neighbors of 403 San Saba, do not object to the above variance request, as most of the homes in our community are also 10' on the street side setback.

Name	Address	Date
<u>Mike Lopez</u>	<u>2519 E. 4th</u>	<u>10/08/13</u>
<u>Esmail Ahlani</u>	<u>2520 E 4th St</u>	<u>10/08/13</u>
<u>Vilma Fuentes</u>	<u>2601 E 4th St</u>	<u>10/08/13</u>
<u>Opelia Ramirez</u>	<u>2603 E 4th St</u>	<u>10/8/13</u>



## 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](http://www.ci.austin.tx.us/development).

Written comments must be submitted to 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:** C15-2014-0035, 403 San Saba St.  
**Contact:** Leane Heldenfels, 512-974-2202  
**Public Hearing:** Board of Adjustment, March 10th, 2014

Neomi H Sustaita  
 Your Name (please print) ☒ I am in favor  
☐ I object

2508 E 3rd St Austin TX 78752  
 Your address(es) affected by this application

Neomi H Sustaita 3-1-2014  
 Signature Date

Daytime Telephone: 512 4721286

Comments: \_\_\_\_\_

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

City of Austin-Planning & Development Review Department/ 1st Floor  
 Leane Heldenfels  
 P. O. Box 1088  
 Austin, TX 78767-1088

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

CASE # C15-2014-0035  
ROW # 11087900  
TAX ROLL # 0202110824

**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: 403 San Saba St

LEGAL DESCRIPTION: N 77' of Subdivision - Chernosky

Lot(s) 1 Block 4 Outlot 11 Division O

I, Cayce Weems, affirm that on February 5, 2014, hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☒ MOVE ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

My 816 sqft house onto this empty lot. The variance requested is 13 feet, instead of 15 feet for the corner lot street side setback. Thank you.

in a SF-3-NP (Holly) 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:

The relatively new 15-foot corner side setback requirements do not work well for substandard lot sizes. The median corner lot size on San Saba is 6972 sqft (25 data points). My lot is less than half that size (3307 sqft).

**HARDSHIP:**

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

Unlike new construction where dimensions are changeable, my house is already built. In order for the driveway and house to fit on this narrow lot and to still stay away from the critical root zones of two protected trees, a variance is needed on the side setback.

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

This legal lot is much smaller than normal. Protected tree locations are unique for each property. Not having the flexibility to change the dimensions of my existing house is also unique for this particular project.

**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:

For many years, the corner lot side setback was 10 feet. The Holly neighborhood is so historic that many houses in the neighborhood have side setbacks even less than 10 feet. The property directly to the south of 403 San Saba, for example, has a house with a 6-foot setback. The property directly to the north of 403 San Saba is commercial, with a zero foot setback.

**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 \_\_\_\_\_ Mail Address 1518 Barton Springs Rd, #6

City, State & Zip Austin, TX 78704

Printed Cayce Weems Phone 512-961-6618 Date February 5, 2014

**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 1518 Barton Springs Rd, #6

City, State & Zip Austin, TX 78704

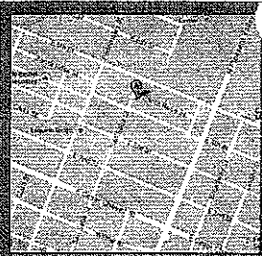
Printed Cayce Weems Phone 512-961-6618 Date July 25, 2013

PREPARED BY:

# EXACTA

TEXAS SURVEYORS, INC.

www.exacta365.com  
P (281) 763-7766 - F (281) 763-7767  
7416 Canal Drive, Lake Worth, FL 33467



PROPERTY ADDRESS: 403 SAN SABA STREET AUSTIN, TEXAS 78702

SURVEY NUMBER: 1401.2493

FIELD WORK DATE: 2/6/2014

REVISION DATE(S): (REV.3 2/6/2014) (REV.2 2/6/2014) (REV.1 2/6/2014)

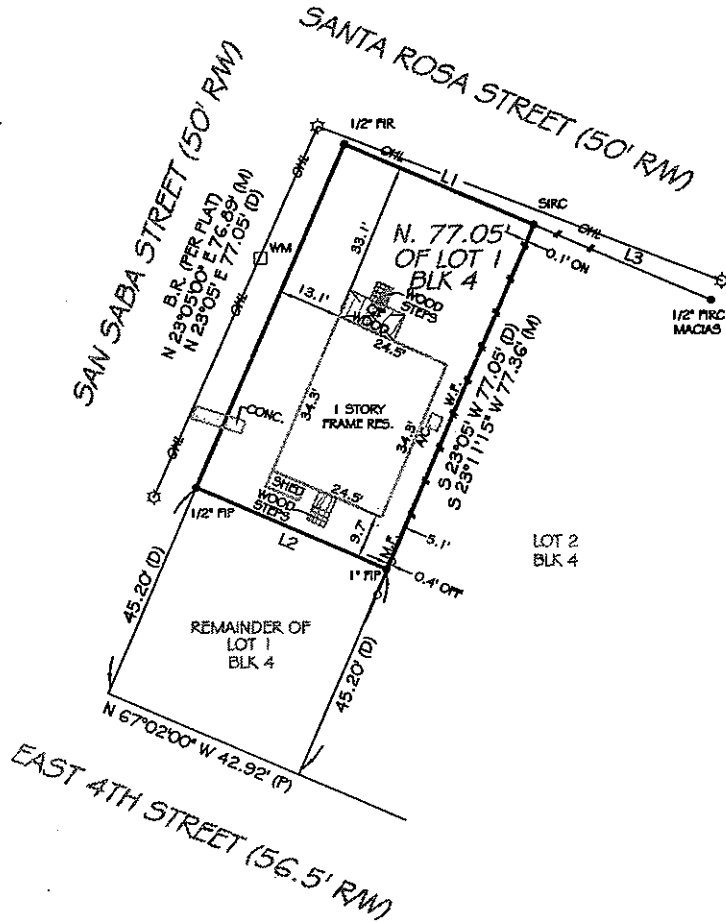
1401.2493  
BOUNDARY SURVEY  
TRAVIS COUNTY

NOTES:  
1.) THE SURVEY WAS MADE WITHOUT THE BENEFIT  
OF A TITLE COMMITMENT.

NOTES:  
FENCE OWNERSHIP NOT DETERMINED

TABLE:

L1	S 67°02' E 42.92' (P)
	S 67°31'37" E 42.95' (M)
L2	N 67°02' W 42.92' (P)
	N 66°53'43" W 42.80' (M)
L3	S 67°02' E 40' (P)
	S 67°31'37" E 40.02' (M)



*Paul M. Valentine*

I HEREBY CERTIFY THAT: THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON THE 4TH DAY OF FEBRUARY, 2014; ALL EASEMENTS AND RIGHTS-OF-WAY SHOWN ON THE PLAT ARE SHOWN OR NOTED HEREON; THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN HEREON; THE PROPERTY HAS ACCESS TO AND FROM A PUBLIC ROADWAY. THE SURVEY WAS MADE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

GRAPHIC SCALE (In Feet)  
1 inch = 30' ft.



Use of This Survey for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor.  
Nothing hereon shall be construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

#### FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN THE CITY OF AUSTIN, COMMUNITY NUMBER 480624, DATED 09/26/08.

#### POINTS OF INTEREST NONE VISIBLE

CLIENT NUMBER:

DATE: 2/6/2014

BUYER:

SELLER:

CERTIFIED TO:



Our Exacta Contact

Laura Paredes Caffey Director of Sales  
Laura@Exacta365.com www.exacta365.com

**EXACTA**  
TEXAS SURVEYORS, INC.

LB# 10193731

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P (281) 763-7766 - F (281) 763-7767  
7416 Canal Drive, Lake Worth, FL 33467

PREPARED BY:

# EXACTA

TEXAS SURVEYORS, INC.

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P (281) 763-7766 - F (281) 763-7767  
7416 Canal Drive, Lake Worth, FL 33467



PROPERTY ADDRESS: 403 SAN SABA STREET AUSTIN, TEXAS 78702

SURVEY NUMBER: 1401.2493

FIELD WORK DATE: 2/11/2014

REVISION DATE(S): (REV.4 2/12/2014) (REV.4 2/7/2014) (REV.3 2/6/2014) (REV.2 2/6/2014) (REV.1 2/6/2014)

1401.2493

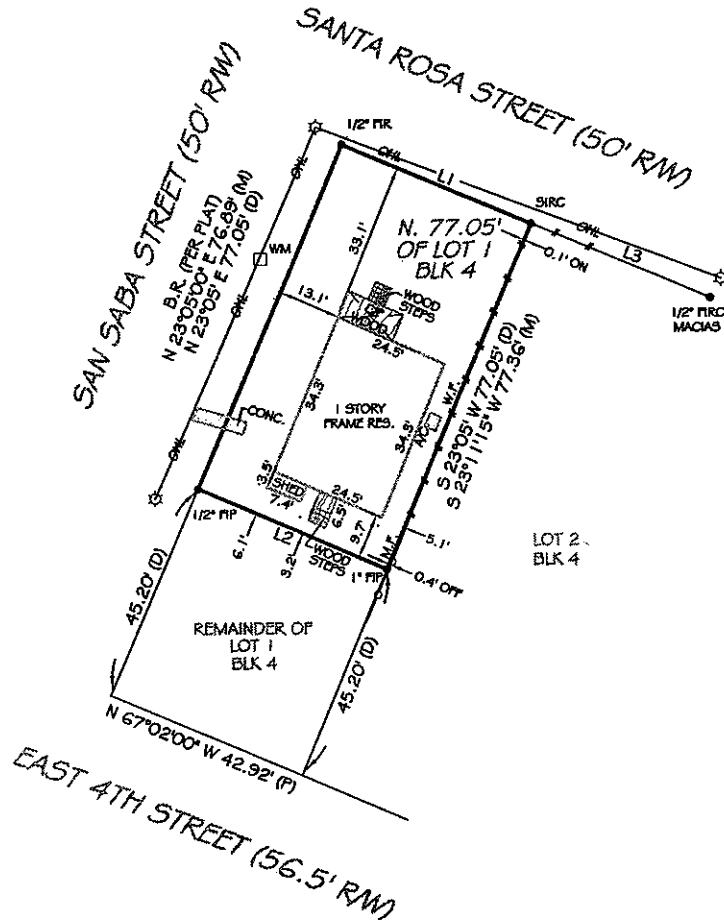
BOUNDARY SURVEY  
TRAVIS COUNTY

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1.) THE SURVEY WAS MADE WITHOUT THE  
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NOTES:  
FENCE OWNERSHIP NOT DETERMINED

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L1 S 67°02' E 42.92' (F)  
S 67°31'37" E 42.95' (M)  
L2 N 67°02' W 42.92' (F)  
N 66°53'43" W 42.80' (M)  
L3 S 67°02' E 40' (F)  
S 67°31'37" E 40.02' (M)



*Paul M. Valentine*

I HEREBY CERTIFY THAT: THIS PLAT REPRESENTS THE  
RESULTS OF A SURVEY MADE ON THE GROUND ON THE  
4TH DAY OF FEBRUARY, 2014; ALL EASEMENTS AND  
RIGHTS-OF-WAY SHOWN ON THE PLAT ARE SHOWN OR  
NOTED HEREON; THERE ARE NO VISIBLE  
ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS  
EXCEPT AS SHOWN HEREON; THE PROPERTY HAS ACCESS  
TO AND FROM A PUBLIC ROADWAY. THE SURVEY WAS  
MADE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

GRAPHIC SCALE (in Feet)  
1 inch = 30' ft.



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LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN THE CITY OF  
AUSTIN, COMMUNITY NUMBER 480624, DATED 09/26/08.

POINTS OF INTEREST  
NONE VISIBLE

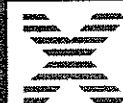
CLIENT NUMBER:

DATE: 2/6/2014

BUYER:

SELLER:

CERTIFIED TO:



Your Exacta Contact

Laura Paredes Caffey Director of Sales  
Laura@Exacta365.com www.exacta365.com

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## LEGAL DESCRIPTION:

THE NORTH 77.05 FEET OF LOT ONE (1), BLOCK 4, CHERNOSKY SUBDIVISION, OUT OF OUT LOT 11, DIVISION O, AN ADDITION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN BOOK 4, PAGE 5, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

## JOB SPECIFIC SURVEYOR NOTES:

THE BEARING REFERENCE OF NORTH 23 DEGREES 05 MINUTES 00 SECONDS WEST IS BASED ON THE WESTERLY LINE OF THE NORTH 77.05 FEET OF LOT 1, BLOCK 4, CHERNOSKY SUBDIVISION, OUT OF OUT LOT 11, DIVISION O, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN VOL. 4, PAGE 5 OF THE MAP RECORDS OF TRAVIS COUNTY, TEXAS.

## GENERAL SURVEYOR NOTES:

1. The Legal description used to perform this survey was supplied by others. This survey does not determine or imply ownership.
2. Due to varying construction standards, house dimensions are approximate.
3. This survey is exclusively for the use of the parties to whom it is certified. It is not transferable to additional institutions or subsequent owners.
4. This property subject to any and all recorded and unrecorded easements. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants or ownership title evidence.
5. Surveying services performed by the Austin branch of Exacta Texas Surveyors, Inc., 7416 Canal Drive, Lake Worth, FL 33467.
6. If there is a septic tank, well or drain field on this survey, the location of such items was showed to us by others and are not verified.
7. Any additions or deletions of this 2 page survey document are strictly prohibited. Use of this survey beyond the purpose of the transfer of title without written authorization of the signing surveyor is prohibited.
8. Any FEMA flood zone data contained on this survey if for informational purposes only. Research to obtain such data was performed at [www.fema.gov](http://www.fema.gov)
9. Dimensions are in feet and decimals thereof.
10. All pins marked as set are 5/8 diameter, 18" iron rebar.
11. This survey only shows improvements found above ground. Underground footings, utilities and encroachments are not located on this survey map.
12. The information contained on this survey has been performed exclusively, and is the sole responsibility, of Exacta Surveyors. Additional logos or references to third party firms are for informational purposes only.
13. Points of Interest (POI's) are selected above-ground improvements which may be in conflict with boundary, building setbacks or easement lines, as defined by the parameters of this survey. There may be additional POI's which are not shown, not called-out as POI's, or which are otherwise unknown to the surveyor. These POI's may not represent all items of interest to the viewer.
14. The information contained on this survey has been performed exclusively, and is the sole responsibility, of Exacta Surveyors. Additional logo or references to third party firms are for informational purposes only.
15. House measurements should not be used for new construction or planning. Measurements should be verified prior to such activity.

## LEGEND:

## SURVEYOR'S LEGEND

## LINE TYPES: (UNLESS OTHERWISE NOTED)

## BOUNDARY LINE

## STRUCTURE

## CONTINGENT

## CHAIN LINK OR WIRE FENCE

## EASEMENT

## EDGE OF WATER

## IRON FENCE

## OVERHEAD LINES

## SURVEY TIE LINE

## WALL OR PARTY WALL

## WOOD FENCE

## VINYL FENCE

## SURFACE TYPES: (UNLESS OTHERWISE NOTED)

## ASPHALT

## CONCRETE

## WATER

## SYMBOLS: (UNLESS OTHERWISE NOTED)

## ANCHOR MARK

## CONTINGENT

## CENTRAL ANGLE or DELTA

## COMMON CHAINING

## CONTROL POINT

## CONCRETE MONUMENT

## CATCH BASIN

## ELEVATION

## FIRE HYDRANT

## FIND OR SET MONUMENT

## GLYRIDE OR ANCHOR

## MANHOLE

## TREE

## UTILITY OR LIGHT POLE

## WELL

## A/C

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## B.C.

## B.P.F.

## B.M.

## B.L.D.G.

## B.M.

## B.S.M.T.

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## C

## C.A.T.V.

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## ELECTRONIC SIGNATURE:

In order to "Electronically Sign" all of the PDFs sent by STARS, you must use a hash calculator. A free online hash calculator is available at <http://www.fileformat.info/tool/md5sum.htm>. To Electronically Sign any survey PDF: 1. Save the PDF onto your computer. 2. Use the online tool at <http://www.fileformat.info/tool/md5sum.htm> to browse for the saved PDF on your computer. 3. Select the Hash Method as SHA. 4. Click Submit. Your PDF is electronically signed if all of the characters in the SHA-1 code submitted by STARS matches the code which is produced by the hash calculator. If they match exactly, your PDF is electronically signed. If the codes do not match exactly, your PDF is not authentic.

## PRINTING INSTRUCTIONS:

1. While viewing the survey in Adobe Reader, select the "Print" button under the "File" tab.
  2. Select a printer with legal sized paper.
  3. Under "Print Range", click select the "All" toggle.
  4. Under the "Page Handling" section, select the number of copies that you would like to print.
  5. Under the "Page Scaling" selection drop down menu, select "None."
  6. Uncheck the "Auto Rotate and Center" checkbox.
  7. Check the "Choose Paper size by PDF" checkbox.
  8. Click OK to print.
- TO PRINT IN BLACK+WHITE:
1. In the main print screen, choose "Properties".
  2. Choose "Quality" from the options.
  3. Change from "Auto Color" or "Full Color" to "Gray Scale".

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PREPARED BY:

# EXACTA

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7416 Canal Drive, Lake Worth, FL 33467



PROPERTY ADDRESS: 403 SAN SABA STREET AUSTIN, TEXAS 78702

SURVEY NUMBER: 1401.2493

FIELD WORK DATE: 2/11/2014

REVISION DATE(S): (REV.4 2/12/2014) (REV.4 2/17/2014) (REV.3 2/6/2014) (REV.2 2/6/2014) (REV.1 2/6/2014)

1401.2493

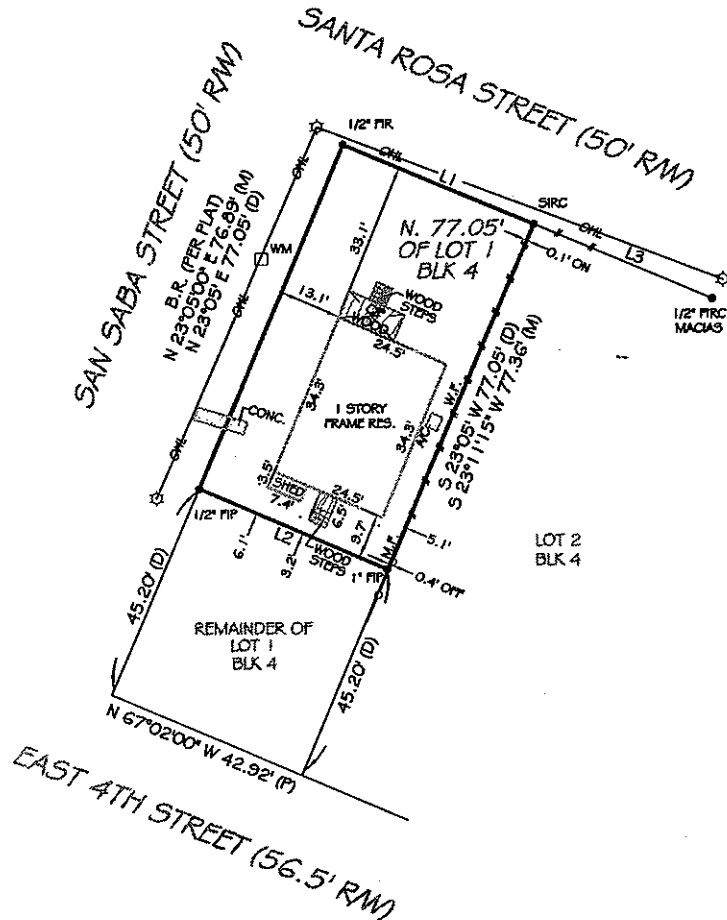
BOUNDARY SURVEY  
TRAVIS COUNTY

NOTES:  
1.) THE SURVEY WAS MADE WITHOUT THE  
BENEFIT OF A TITLE COMMITMENT.

NOTES:  
FENCE OWNERSHIP NOT DETERMINED

TABLE:

L1 S 67°02' E 42.92' (P)  
S 67°31'37" E 42.95' (M)  
L2 N 67°02' W 42.92' (P)  
N 66°53'43" W 42.80' (M)  
L3 S 67°02' E 40' (P)  
S 67°31'37" E 40.02' (M)



*Paul M. Valentine*

I HEREBY CERTIFY THAT: THIS PLAT REPRESENTS THE  
RESULTS OF A SURVEY MADE ON THE GROUND ON THE  
4TH DAY OF FEBRUARY, 2014; ALL EASEMENTS AND  
RIGHTS-OF-WAY SHOWN ON THE PLAT ARE SHOWN OR  
NOTED HEREON; THERE ARE NO VISIBLE  
ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS  
EXCEPT AS SHOWN HEREON; THE PROPERTY HAS ACCESS  
TO AND FROM A PUBLIC ROADWAY; THE SURVEY WAS  
MADE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

GRAPHIC SCALE (In Feet)  
1 inch = 30' ft.



Use of This Survey for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor.  
Nothing hereon shall be construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING  
MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE  
LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN THE CITY OF  
AUSTIN, COMMUNITY NUMBER 480624, DATED 09/26/08.

CLIENT NUMBER:

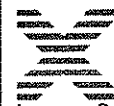
DATE: 2/6/2014

BUYER:

SELLER:

CERTIFIED TO:

POINTS OF INTEREST  
NONE VISIBLE



Laura Paredes Caffey Director of Sales  
Laura@Exacta365.com www.exacta365.com

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