

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

DATE: Monday, March 10, 2014

CASE NUMBER: C15-2014-0037

☐ Y ☐ Jeff Jack - Chair
☐ Y ☐ Stuart Hampton
☐ Y ☐ Melissa Whaley Hawthorne - Vice Chair **Motion to Grant**
☐ Y ☐ Sallie Burchett
☐ Y ☐ Brian King
☐ Y ☐ Dr. Fred McGhee **2nd the Motion**
☐ Y ☐ Ricardo De Camps

APPLICANT: George Ensle

OWNER: Ricardo Rojo

ADDRESS: 2411 2ND ST

VARIANCE REQUESTED: The applicant has requested a variance from Section 25-2-492 (D) to decrease the rear yard setback requirement from 10 feet to 6.8 feet (existing) in order to expand the footprint of an existing 240 square foot garage by 270 square feet and add a 2nd floor not to exceed 550 square feet to be used as an accessory apartment not to exceed a total 815 square feet of living space in an SF-3-NP, Family Residence Zoning District. (Holly)

BOARD'S DECISION: POSTPONED TO APRIL 14, 2014. RE-NOTIFICATION NEEDED

RENOTIFICATION REQUESTED: The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Regulations to decrease the rear yard setback requirement from 10 feet to 6.8 feet (existing) in order to expand the footprint of an existing 240 square foot garage by 270 square feet and add a 2nd floor not to exceed 550 square feet to be used as an accessory apartment not to exceed a total 815 square feet of living space in an "SF-3-NP", Family Residence Zoning District. (Holly)

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to May 12, 2014, Board Member Fred McGhee second on a 7-0 vote; POSTONED TO MAY 12, 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

Revised 2/18/14

["mailto:lena.lund@austinenergy.com"](mailto:lena.lund@austinenergy.com) HYPERLINK
["mailto:lena.lund@austinenergy.com"](mailto:lena.lund@austinenergy.com) HYPERLINK
["mailto:lena.lund@austinenergy.com"](mailto:lena.lund@austinenergy.com) HYPERLINK
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["mailto:lena.lund@austinenergy.com"](mailto:lena.lund@austinenergy.com) HYPERLINK
["mailto:lena.lund@austinenergy.com"](mailto:lena.lund@austinenergy.com) before filing your application with the Board of Adjustment.

Please be advised that the Board only takes 16 new cases a month, therefore, first come, first served. Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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

ROW

CASE # _____
#

**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: 2411 East 2nd St.

LEGAL DESCRIPTION: Subdivision – Resub of lots 1 & 12 of Alff addition

 Lot(s) 12 A Block Outlot Division

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

_____ affirm that on _____, _____,

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

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☒ REMODEL ☒ MAINTAIN

Change of use from existing Garage to add second floor creating Secondary apartment not to exceed 550 Square Feet on second floor and 850 Square Feet total.

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:

Zoning regulations do not allow for any expansion of existing Garage footprint, and if moved 3.4 feet to meet the 10' rear lot setback, it would require the driveway to be moved as well, creating additional impervious cover in the root zone of the existing tree east of the House.

Due to the small size of lot, the Secondary apartment cannot be located 15' to the rear of the principal structure.

HARDSHIP:

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

Relocation of the Garage and driveway 3.4 feet would impact the root zone of existing tree and the rear entrance to the existing house.

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

The lot is considerably smaller than typical in the area.

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:

There is a tall existing commercial structure to the rear of the property with a solid wall, and there are several two story residences and apartment complexes in close proximity to the property.

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:

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 George Ensle Mail Address _____

City, State & Zip _____

Printed GEORGE ENSLE Phone 512-5606157 Date _____

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 Rick Reolo Mail Address 2411 E. 2ND ST.

City, State & Zip Austin TX.

Printed Rick Reolo Phone _____ Date _____

25-2-1462 SECONDARY APARTMENT PERMITTED IN CERTAIN ZONING DISTRICTS.

A secondary apartment special use is permitted in the following zoning districts:

- (1) single-family residence large lot (SF-1) district;
- (2) single-family residence standard lot (SF-2) district;
- (3) family residence (SF-3) district;
- (4) urban family residence (SF-5) district;
- (5) townhouse and condominium residence (SF-6) district;
- (6) multifamily residence limited density (MF-1) district;
- (7) multifamily residence low density (MF-2) district;
- (8) multifamily residence medium density (MF-3) district;
- (9) multifamily residence moderate-high density (MF-4) district;
- (10) multifamily residence high density (MF-5) district;
- (11) multifamily residence highest density (MF-6) district; and
- (12) mixed use (MU) combining district.

Source: Ord. 000406-81; Ord. 031211-11; Ord. 041118-57.

§ 25-2-1463 SECONDARY APARTMENT REGULATIONS.

(A) A secondary apartment is not permitted in combination with a cottage or urban home special use.

(B) A secondary apartment must be located in a structure other than the principal structure. The apartment may be connected to the principal structure by a covered walkway.

(C) A secondary apartment:

- (1) must be contained in a structure other than the principal structure;
- (2) must be located:
 - (a) at least 15 feet to the rear of the principal structure; or
 - (b) above a detached garage;
- (3) may be connected to the principal structure by a covered walkway;
- (4) may not have an entrance within 10 feet of a lot line;
- (5) unless the secondary apartment has vehicular access from a rear alley, it must be served by a paved driveway, and the portion of the driveway that crosses the front yard must be at least 9 feet and not more than 12 feet wide;
- (6) may not exceed a height of 30 feet, and is limited to two stories; and
- (7) may not exceed a gross floor area of:
 - (a) 850 total square feet; or
 - (b) 550 square feet on the second story, if any.

(D) Impervious cover for the site may not exceed 45 percent.

(E) Building cover for the site may not exceed 40 percent.

(F) Other than in a driveway, parking is prohibited in the front yard.

Source: Ord. 000406-81; Ord. 031120-44; Ord. 031211-11; Ord. 041118-59.

Heldenfels, Leane

From: George Ensle <george@envisionarchitects.com>
Sent: Friday, April 25, 2014 5:06 PM
To: Heldenfels, Leane
Cc: rojorick@yahoo.com
Subject: RE: Side setback of garage at 2411 E. 2nd st

Leane,

The Survey has 6.6' (feet) which typically translates to 6'-8".
6.5' translates to 6'-6".

That is where the discrepancy came about.
I hope this clears up that technicality.

Thanks,
George

-----Original Message-----

From: Heldenfels, Leane [<mailto:Leane.Heldenfels@austintexas.gov>]
Sent: Friday, April 25, 2014 1:33 PM
To: George Ensle
Subject: Side setback of garage at 2411 E. 2nd st

Hi George – I was wondering if you got a clearer copy of the survey to clarify if the existing garage is 6.6 or 6.8 from the side property line. Our copy was unclear. I may need to send out notifications again if it's 6.6 because that would actually be a little closer to the property line, more into the setback.
Thanks for clarifying for me –
Leane

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2014.0.4577 / Virus Database: 3920/7394 - Release Date: 04/25/14

Heldenfels, Leane

From: Embesi, Michael
Sent: Wednesday, March 05, 2014 7:23 PM
To: Heldenfels, Leane
Subject: RE: Tree branches into a neighboring property

Thank you for your email. A tree permit is only required when 25% of a regulated tree is proposed to be pruned.

Thank you,

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: Heldenfels, Leane
Sent: Wednesday, March 05, 2014 12:16 PM
To: Embesi, Michael
Subject: Tree branches into a neighboring property

Hi Michael – we have a BOA case coming to our Mon 3/10 meeting where the applicant is asking to add a 2nd story to a garage, his current garage is 4 feet into the rear yard, so he's seeking a variance.

The neighboring property owner has a pecan tree near the area of the proposed 2nd story and he fears that too much of the tree will have to be removed to accommodate the 2nd story.

The neighbor's question is: how much of a tree that overhangs into your neighbor's yard can be trimmed w/o your permission.

There is a 5' setback in the area of the tree, so that will help a little, but he's just concerned about the health of the tree after they trim it to accommodate the 2nd story.

Thanks for any advice, guidance you can provide –

Leane Heldenfels

Senior Planner

Board of Adjustment Liaison

City of Austin

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

DATE: Monday, March 10, 2014

CASE NUMBER: C15-2014-0037

____ Jeff Jack - Chair
____ Michael Von Ohlen
____ Melissa Whaley Hawthorne - Vice Chair
____ Sallie Burchett
____ Michael Von Ohlen
____ Brian King
____ Dr. Fred McGhee
____ Ricardo De Camps

APPLICANT: George Ensle

OWNER: Ricardo Rojo

ADDRESS: 2411 2ND ST

VARIANCE REQUESTED: The applicant is requesting a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 from 10 feet to 6.8 feet (existing) in order to expand the footprint of 240 square foot, 1-car garage by 270 square feet and add a 2nd floor (not to exceed 550 square feet) to be used as an accessory apartment in an SF-3-NP Family Residence Zoning District (Holly).

BOARD'S DECISION: 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

25-2-1463 SECONDARY APARTMENT REGULATIONS.

(A) A secondary apartment is not permitted in combination with a cottage or urban home special use.

(B) A secondary apartment must be located in a structure other than the principal structure. The apartment may be connected to the principal structure by a covered walkway.

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(a) at least 15 feet to the rear of the principal structure; or

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(4) may not have an entrance within 10 feet of a lot line;

(5) unless the secondary apartment has vehicular access from a rear alley, it must be served by a paved driveway, and the portion of the driveway that crosses the front yard must be at least 9 feet and not more than 12 feet wide;

(6) may not exceed a height of 30 feet, and is limited to two stories; and

(7) may not exceed a gross floor area of:

(a) 850 total square feet; or

(b) 550 square feet on the second story, if any.

(D) Impervious cover for the site may not exceed 45 percent.

(E) Building cover for the site may not exceed 40 percent.

(F) Other than in a driveway, parking is prohibited in the front yard.

Source: Ord. 000406-81; Ord. 031120-44; Ord. 031211-11; Ord. 041118-59.

Heldenfels, Leane

From: Rick Rojo <rojo.rick@yahoo.com>
Sent: Thursday, March 13, 2014 12:20 PM
To: Heldenfels, Leane
Cc: george@divisionsarchitects.com
Subject: Fwd: 2411 E 2nd St

Hello Leane,

I was hoping to add these emails of support to my file for the BOA. My next door neighbor whom expressed reservations about my project was concerned that his property taxes would rise as a result. It is my understanding that it will not affect his taxes because he is over 60 and thus his taxes are capped. His other concern, about his tree, is not an issue as its branches do not appear to be in the way. I believe the photos sent to you by my architect George Ensle show more than adequate space. Please let me know if there is anything else I may need for my next hearing on 4/14.

Thank you,

Rick Rojo

--- On Sun, 3/9/14, Eric Goff <eric.goff@gmail.com> wrote:

> From: Eric Goff <eric.goff@gmail.com>
> Subject: Fwd: 2411 E 2nd St
> To: "Rick Rojo" <rojo.rick@yahoo.com>
> Date: Sunday, March 9, 2014, 4:20 PM
> Support from my landlord.
>
> ----- Forwarded
> message -----
> From: Derrick
> Bonyuet-Lee <derrick_bonyuet@hotmail.com>
>
> Date: Sun, Mar 9, 2014 at 4:19 PM
> Subject: Re: 2411 E 2nd St
> To: Eric Goff <eric.goff@gmail.com>
>
>
> Sure, I support Rick's project as well. This will definitely improve
> the neighborhood by adding additional living space which is needed to
> keep costs down
>
> Feel free to forward this to Rick since no sure if he welcomes
> unsolicited emailsD
>
> Sent from my iPhone
> On Mar 9, 2014, at 1:24 PM, "Eric Goff" <eric.goff@gmail.com>
> wrote:
>
>

> Derrick,
> If you're interested, Rick across the way is planning to build a
> garage apartment and would be another local tenant. I think the plans
> are for one bedroom.

>
>
>

> ----- Forwarded message -----

> From: Eric Goff

> <~~eric.goff@gmail.com~~>

> Date: Sun, Mar 9, 2014 at 1:23 PM

>
>

> Subject: 2411 E 2nd St

> To: "~~rojo@rick.com~~"

> <~~rick@rick.com~~>

>
>
>

> To Whom It May Concern:

>

> I, Eric Goff, a renter at 2500 E 2nd St, support Rick Rojo's plan to
> build a garage apartment caddy corner from my house. Rick's a good
> neighbor, and the plan seems like a good improvement. I look forward
> to having even more neighbors across the way once someone lives in the
> apartment.

>
>
>

> Thanks,

> Eric Goff 2500 E 2nd St

>
>
>
>

PUBLIC HEARING INFORMATION

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

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

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

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

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

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

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

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

Written comments must be submitted to the 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: C15-2014-0037, 2411 E. 2nd St.

Contact: Leane Heldenfels, 512-974-2202

Public Hearing: Board of Adjustment, March 10th, 2014

Maria Ramirez
Your Name (please print)

☐ I am in favor
☒ I object

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

Maria Ramirez 3/4/14
Signature Date

Daytime Telephone: (512) 477-2619

Comments: The apartment would be too close to the 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

Heldenfels, Leane

From: rick rojo <rojo@rojo.com>
Sent: Thursday, March 13, 2014 3:32 PM
To: Heldenfels, Leane
Subject: RE: 2411 E 2nd St

I attended the Holly Neighborhood Coalition meeting on March 3. They expressed interest in providing more affordable housing in Holly. I am on their agenda for April where I will present my Site Plan. They seemed very receptive to my project. Thank you for your help.

On Thu, 3/13/14, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

Subject: RE: 2411 E 2nd St
To: "rick rojo" <rojo@rojo.com>
Cc: "George Ensle" <george@envisionarchitects.com>
Date: Thursday, March 13, 2014, 2:34 PM

Ok - thanks for talking to him, he's called several times I'm glad you've allayed his fears, concerns.

I will print out the emails below and will put them in your file/Board packet for April 14th meeting. Did you say there wasn't a neighborhood association contact you could find? Do you need my help in tracking that info down? Also, see below - it's the Code reference George used to determine you didn't need to have the 15' building separation between the house and the garage to add a 2nd story. I will have a copy of this section in your file, too, so that should answer the Chair's question/concern about that. Sorry I couldn't find it fast enough the other day at the meeting - I'm just now getting a little more familiar w/ the Code and where to find things - hopefully I'll get better (started in Jan). I'm providing a copy of this in your file for the Board's reference as well, so hopefully you're meeting the other provisions - I think George advised you are.

Take care -
Leane

25-2-1463 SECONDARY APARTMENT REGULATIONS.

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- (D) Impervious cover for the site may not exceed 45 percent.

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(F) Other than in a driveway, parking is prohibited in the front yard.
Source: Ord. 000406-81; Ord. 031120-44; Ord. 031211-11; Ord.
041118-59.

-----Original Message-----

From: rick rojo [mailto:rickrojo@yahoo.com]

Sent: Thursday, March 13, 2014 12:20 PM

To: Heldenfels, Leane

Cc: g [mailto:g [redacted]@gmail.com]

Subject: Fwd: 2411 E 2nd St

Hello Leane,

I was hoping to add these emails of support to my file for the BOA. My next door neighbor whom expressed reservations about my project was concerned that his property taxes would rise as a result. It is my understanding that it will not affect his taxes because he is over 60 and thus his taxes are capped. His other concern, about his tree, is not an issue as its branches do not appear to be in the way. I believe the photos sent to you by my architect George Ensle show more than adequate space. Please let me know if there is anything else I may need for my next hearing on 4/14.

Thank you,

Rick Rojo

--- On Sun, 3/9/14, Eric Goff [mailto:eric.goff@gmail.com] wrote:

> From: Eric Goff [mailto:eric.goff@gmail.com] Subject: Fwd: 2411 E 2nd St > To: "rickrojo@yahoo.com" [mailto:rickrojo@yahoo.com]
> Date: Sunday, March 9, 2014, 4:20 PM
> Support from my landlord.
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> To: Eric Goff [mailto:eric.goff@gmail.com] > Sure, I support Rick's project as well. This will definitely improve > the
> neighborhood by adding additional living space which is needed to > keep costs down > > Feel free to forward this to
> Rick since no sure if he welcomes > unsolicited emailsD > > Sent from my iPhone > On Mar 9, 2014, at 1:24 PM, "Eric
> Goff" [mailto:eric.goff@gmail.com] > wrote:
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> Derrick,
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> tenant. I think the plans > are for one bedroom.
>
>
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> ----- Forwarded message ----- > From: Eric Goff > [mailto:eric.goff@gmail.com] > Date: Sun, Mar 9, 2014 at 1:23 PM
> > > Subject: 2411 E 2nd St > To: "rickrojo@yahoo.com" [mailto:rickrojo@yahoo.com]

> <reierick@...>

>

>

>

> To Whom It May Concern:

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> I, Eric Goff, a renter at 2500 E 2nd St, support Rick Rojo's plan to > build a garage apartment caddy corner from my house.

Rick's a good

> neighbor, and the plan seems like a good improvement.

I look forward

> to having even more neighbors across the way once someone lives in the > apartment.

>

>

>

> Thanks,

> Eric Goff2500 E 2nd St

>

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N



SUBJECT TRACT

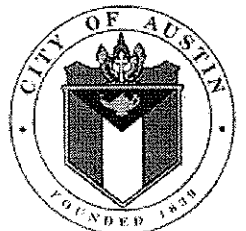


ZONING BOUNDARY

CASE#: C15-2014-0037
LOCATION: 2411 E 2ND 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.



TO WHOM IT MAY CONCERN:

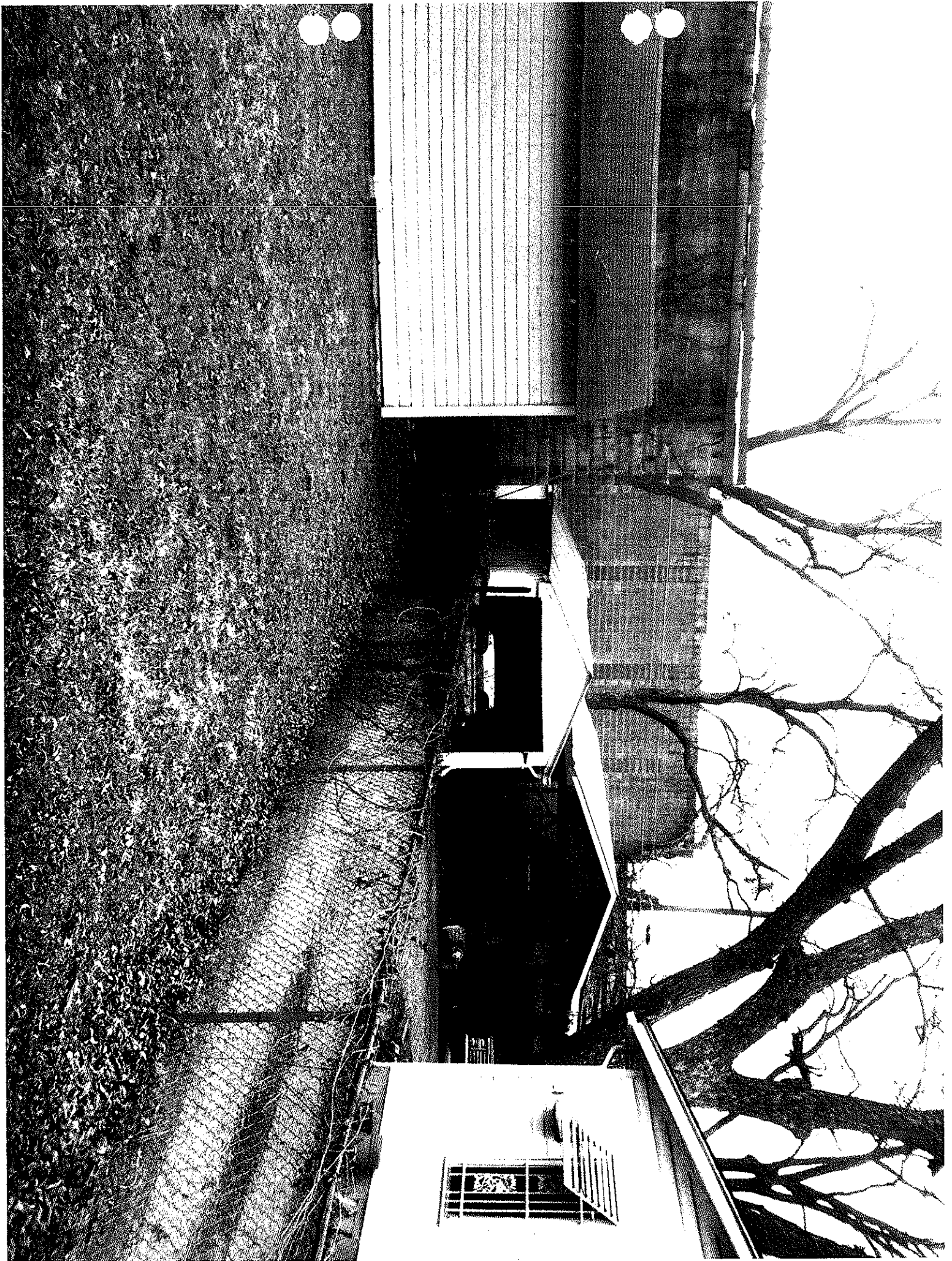
I, ROGER CASTILLO (HOMEOWNER @ 2501 E. 2ND ST. 78702), HEREBY DECLARE MY APPROVAL FOR NEIGHBOR RICARDO ROJO'S PLAN TO BUILD A GARAGE/APARTMENT ON HIS PROPERTY NEXT DOOR @ 2411 E. 2ND ST AS LONG AS IT IS IN COMPLIANCE WITH CITY CODES AND ANY VARIANCES.

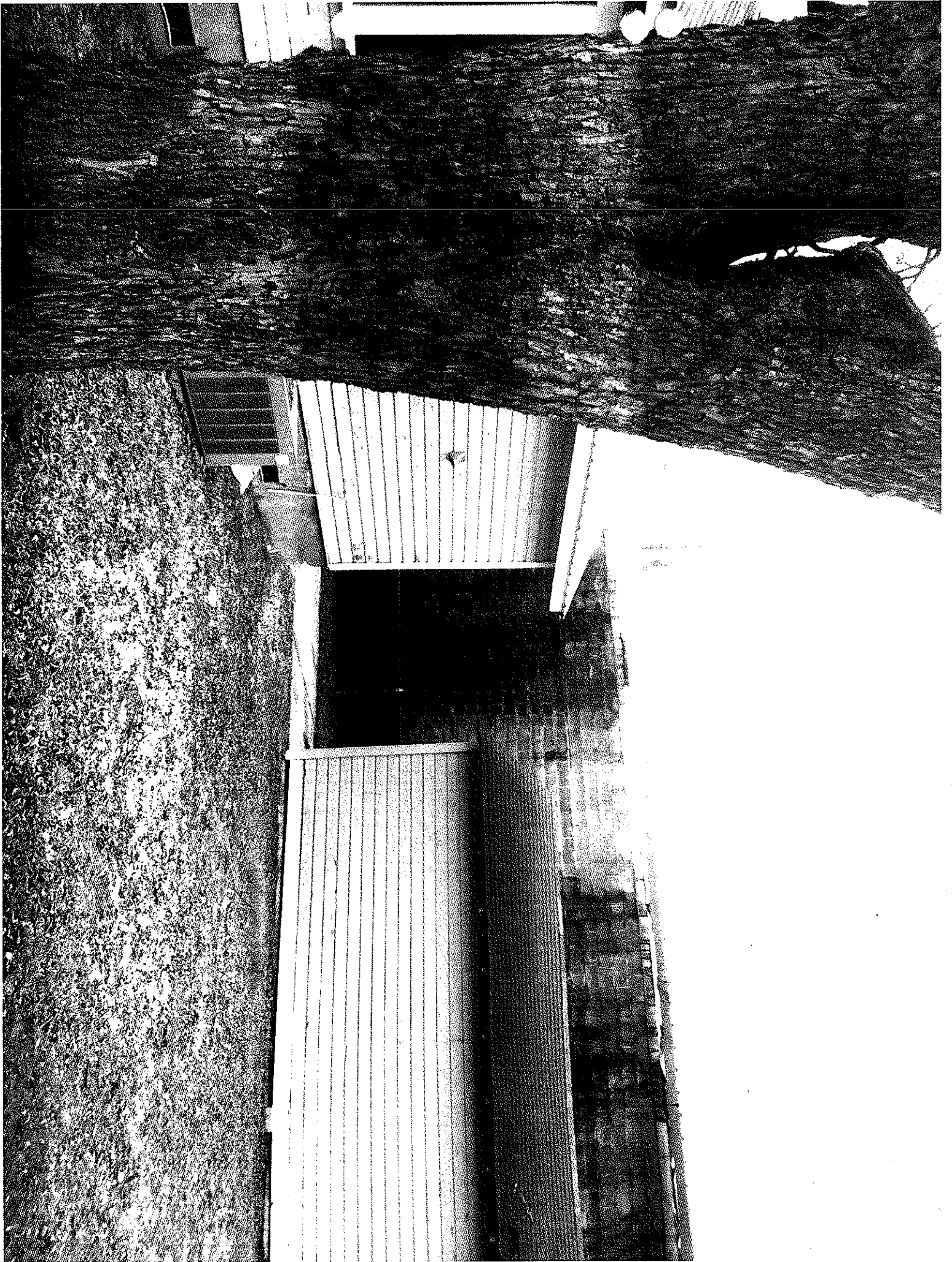
Rog Castillo





US 6014-0037



















PUBLIC HEARING INFORMATION

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

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

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

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

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

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

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

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

Written comments must be submitted to the 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: CI5-2014-0037, 2411 E. 2nd St.

Contact: Leane Heldenfels, 512-974-2202

Public Hearing: Board of Adjustment, March 10th, 2014

Francisco Rodriguez

Your Name (please print)

☐ I am in favor
☒ I object

2409 E 2nd

Your address(es) affected by this application

Thurman

Endrigun

Signature

Date

Daytime Telephone: 512-478 0629

Comments: The project is way

too big for the small

corner lot. I'm afraid they

will chop down the big historic

pecan tree. The intersection

at E. 2nd & Pedernales is very

busy and have such a big building

on the corner will create traffic

problems & make it hard to see is

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

turn especially during

rush hour, festivals & when children

at Santa Rita Apts are going to &

from school. FR/LR

Heldenfels, Leane

C15-2014-0037

From: Steven Yarak <~~steven@yarak.org~~>
Sent: Thursday, March 06, 2014 4:44 PM
To: Heldenfels, Leane
Subject: Re: Variance Case #C15-2014-0037

Ms. Heldenfels,

I contacted you last week to express my support for Rick Rojo's request for a setback variance to construct a garage apartment at 2411 E 2nd St. I haven't heard anything from you or your office, even just to confirm receiving and recording my support. Please advise.

Thanks.

Sincerely,

Steven Yarak
steven@yarak.org
512.423.1024

On Feb 28, 2014, at 11:05 AM, Steven Yarak <~~steven@yarak.org~~> wrote:

> Ms. Heldenfels,

>

> We just spoke on the phone. I am a homeowner at 2403 E 2nd St and was given notice of this variance request by mail. As I mentioned on the phone, I'd like to record my support of Mr. Rojo's request for a setback variance to build an ADU on his property at 2411 E 2nd St.

>

> All of our properties abut commercial uses which have no setbacks, so there can be no claim of "looming" or "shadows" or any of the other bogus claims that get trotted out to oppose new construction. We desperately need more housing in the neighborhood, and while ADUs don't provide much (just 1-2 bedrooms), it's pretty much all that's legal under the current code.

>

> Thank you.

>

> -Steven

> ~~steven@yarak.org~~

PUBLIC HEARING INFORMATION

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- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
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Case Number: C15-2014-0037, 2411 E. 2nd St.

Contact: Leane Heldenfels, 512-974-2202

Public Hearing: Board of Adjustment, March 10th, 2014

Your Name (please print)

☒ I am in favor
☐ I object

Your address(es) affected by this application

2508 E 3rd St Austin TX 78702
Leane Heldenfels 3-1-2014

Signature

Date

Daytime Telephone: 512 4721286

Comments:

I am not really in
favor of having 2 story houses
in a neighborhood of one
story houses, but I realize
most people don't have room
to build in their properties
& must go up.

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

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

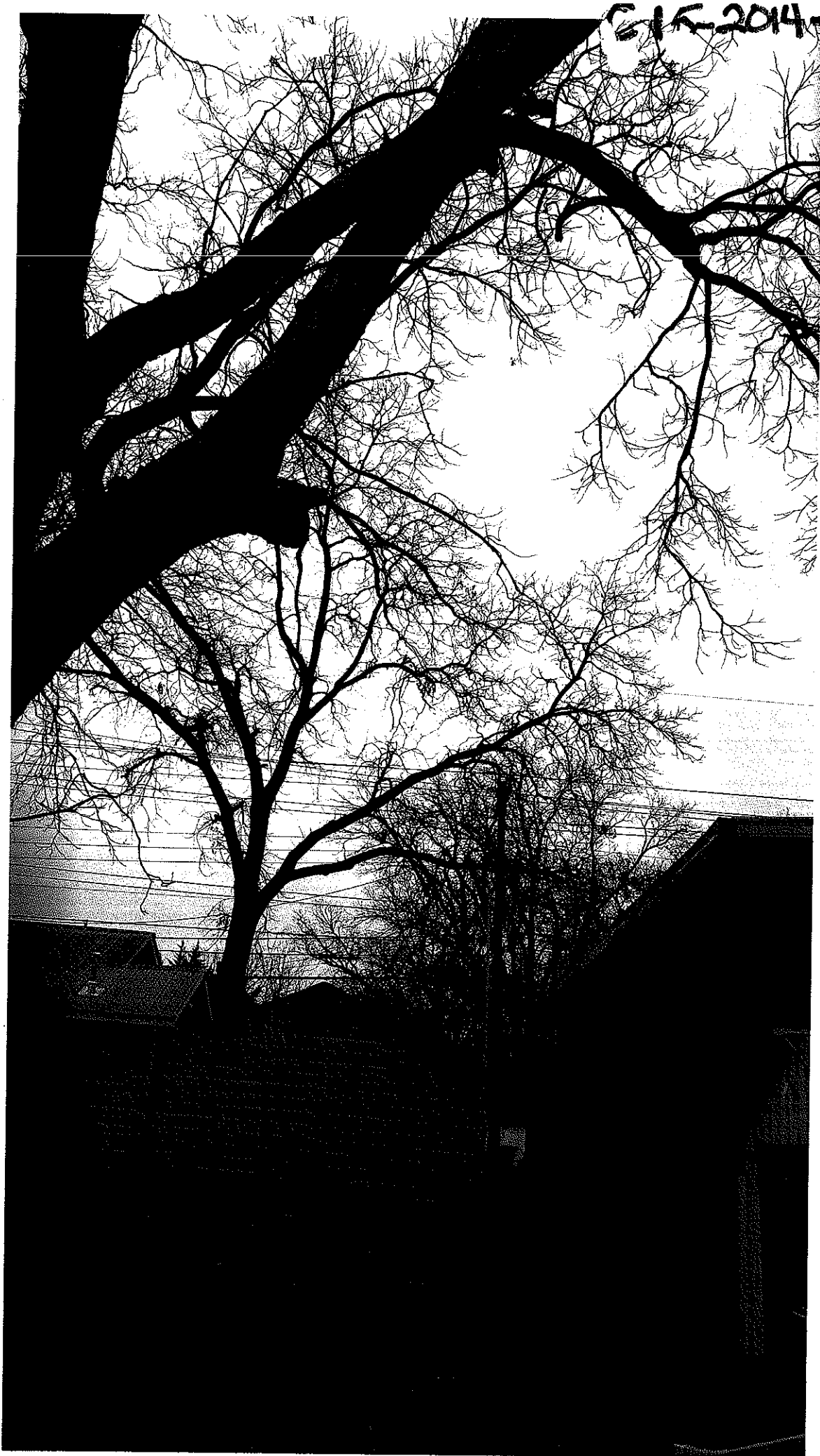
Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

E15-2014-0037

* From
neighboring
property
owner's
perspective,
yard.



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

CASE # C15-2014-0037
ROW # 11087928
TAX ROLL # 0202100729

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: 2411 EAST 2ND ST.

LEGAL DESCRIPTION: Subdivision - RESUB OF LOTS 1 & 12 OF ALFF ADDITION

Lot(s) 12 A Block _____ Outlot _____ Division _____

I/We GEORGE ENSUE on behalf of myself/ourselves as authorized agent for

RICARDO D. ROJO affirm that on _____,

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

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☒ REMODEL ☒ MAINTAIN

CHANGE OF USE FROM EXISTING GARAGE
TO ADD 2ND FLOOR CREATING SECONDARY APARTMENT
NOT TO EXCEED 550/SF. ON 2ND FLOOR

in a SF-3-N.P.Hwy 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.

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

_____ affirm that on _____,

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

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☒ REMODEL ☒ MAINTAIN

Change of use from existing Garage to add second floor creating Secondary apartment not to exceed 550 Square Feet on second floor and 850 Square Feet total.

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

2/18 updated
findings
sent
via
email

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:

Zoning regulations do not allow for any expansion of existing Garage footprint, and if moved 3.4 feet to meet the 10' rear lot setback, it would require the driveway to be moved as well, creating additional impervious cover in the root zone of the existing tree east of the House.

~~Due to the small size of lot, the Secondary apartment cannot be located 15' to the rear of the principal structure.~~

HARDSHIP:

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

Relocation of the Garage and driveway 3.4 feet would impact the root zone of existing tree and the rear entrance to the existing house.

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

The lot is considerably smaller than typical in the area.

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:

There is a tall existing commercial structure to the rear of the property with a solid wall, and there are several two-story residences and apartment complexes in close proximity to the property.

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:



2406

2404

2402

204

202

206

208

ME-SNP

SF-3-NP

2407

2409

SF-3-NP

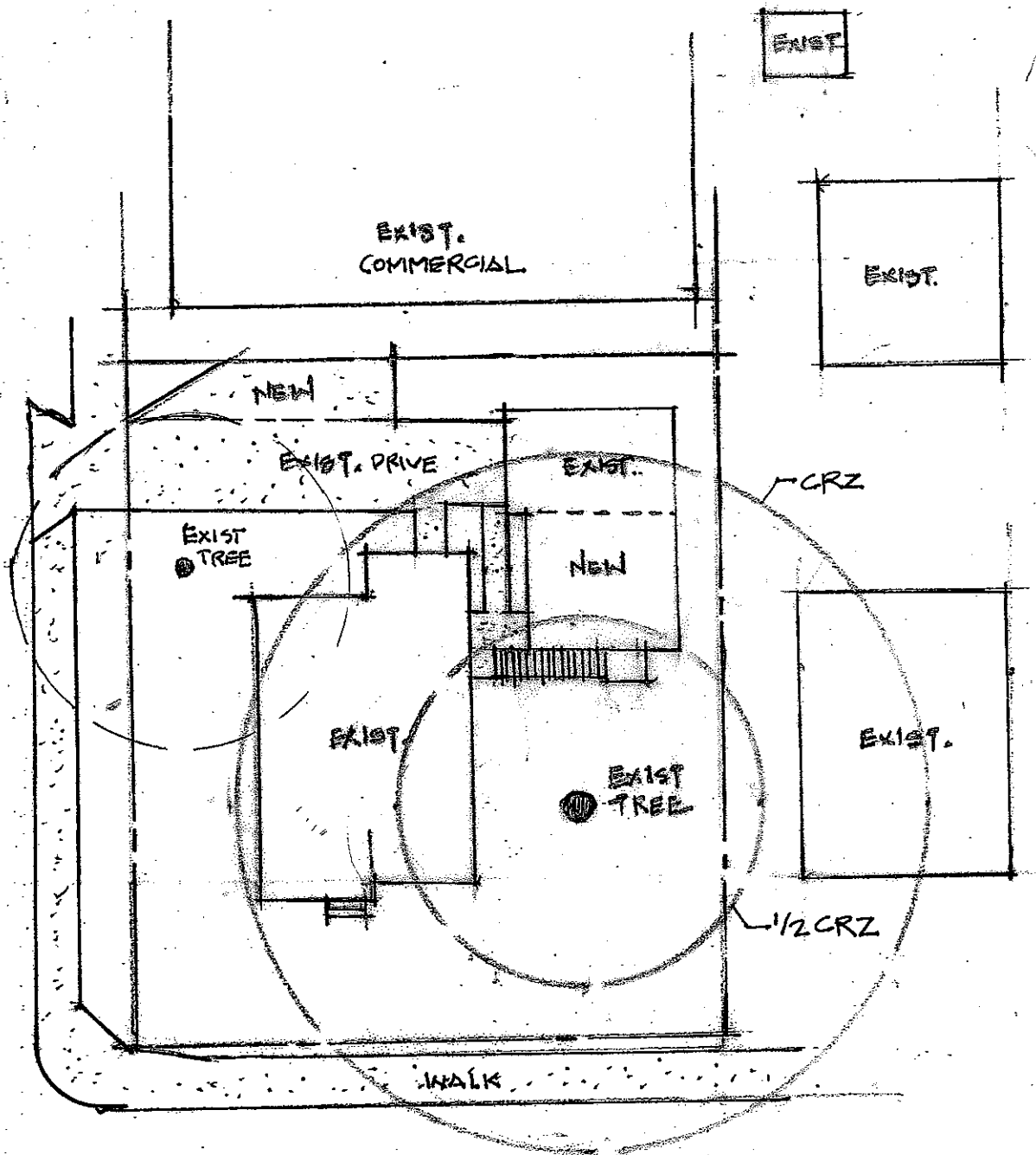
2411

114

2501

SF-3-NP

CS-CO-MU-NP



SITE PLAN

1/20" = 1'-0"

2411 EAST 2ND ST.

Environmental Criteria Manual Tree Preservation Design Criteria

Example: a tree with a 20-inch diameter trunk has a 20-foot CRZ, and a 10-foot ½ CRZ.

In order to assure that trees are adequately preserved, tree protection fencing is required for trees within the limits of construction. Fencing should protect the entire Critical root zone (CRZ) area. Fencing is required to be chain-link mesh at a minimum height of five feet. A 6-inch layer of mulch within the entire available root zone area is required for trees which have any disturbance indicated within any portion of the critical root zone.

Diameters of tree trunks are measured at 4 ½ feet above grade. If the tree is on a slope, measure from the high side of the slope. Measure above or below unusual swells in the trunk. To determine the diameter of a multi-trunk tree, measure all the trunks; add the total diameter of the largest trunk to ½ the diameter of each additional trunk.

For more information visit www.claustln.tx.us/trees or contact the City Arborist at (512) 974-1876 or Michael.Embese@claustln.tx.us.



LOT 11
ALFF ADDITION,
BOOK 4, PAGE 57

APPROVED BY
AUSTIN ENERGY
FOR BOA

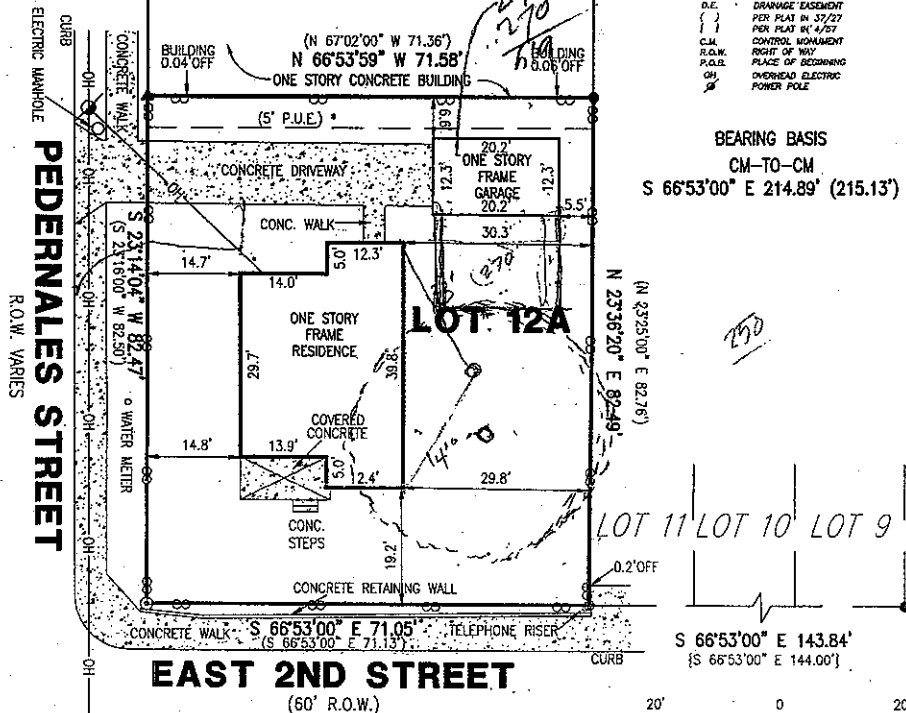
DATE: FEB 5, 2014
82 Pildy

LEGEND

- 1/2" REBAR FOUND
- 1/2" CAPPED REBAR SET
- PUNCH HOLE FOUND
- CONCRETE WALL FOUND
- CAPPED REBAR FOUND
- 7" SET IN CONCRETE
- 7" FOUND IN CONCRETE
- SPINDLE SET
- CHAIN LINK FENCE
- WOOD FENCE
- UTILITY FENCE
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- PER PLAT IN 37/27
- PER PLAT IN 4/57
- CONTROL MONUMENT
- RISE OF WAY
- P.O.B. PLACE OF BEGINNING
- OH. OVERHEAD ELECTRIC POWER POLE

BEARING BASIS

CM-TO-CM
S 66°53'00" E 214.89' (215.13')



* = Per Plat, the rear 5' of all lots is dedicated as an easement for Public Utilities.

TO THE LENDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED AND TO
NATIONAL INVESTORS TITLE INSURANCE COMPANY
I DO HEREBY CERTIFY TO THOSE LISTED HEREON THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND, UNDER MY SUPERVISION, OF THE PROPERTY LEGALLY DESCRIBED HEREON, IS PREPARED IN ACCORDANCE TO TITLE COMMITMENT REFERENCED HEREON, AND THAT THERE ARE NO VISIBLE BOUNDARY LINE CONFLICTS, ENCROACHMENTS OR IMPROVEMENTS, OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON.



THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 0585H, DATED 09/26/08. IT IS REPRESENTED AS IN ZONE "X". HOWEVER, AT THE PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAN ADMINISTRATOR.

STREET ADDRESS: 2411 EAST 2ND STREET CITY: AUSTIN COUNTY: TRAVIS STATE OF TEXAS
LOT: 12A BLOCK: _____ SUBDIVISION: RESUBDIVISION OF LOTS 1 & 12 OF ALFF ADDITION VOL/CAB: 37 PG/SLD: 27 PLAT RECORDS
REFERENCE NAME: RICARDO ROJO

G.F. #: 1304262-BOK



B & G SURVEYING, INC.
DEWEY H. BURRIS & ASSOCIATES, INC.
Surveyed by: B & G Surveying, Inc.

WWW.BANDGSURVEY.COM
1404 West North Loop Blvd. Austin, Texas 78756
Office 512-458-6959, Fax 512-458-9845

JOB #: B0303713_TA
DATE: 3-14-13
SCALE: 1" = 20'

FIELD WORK BY	REESE	3-13-13
CALCD BY	TX	3-14-13
DRAFTED BY	AKS	3-14-13
CHECKED BY	ML	3-14-13

- * APPLICANT WOULD LIKE TO PUT AN ADDITIONAL 2ND FLOOR (APT.) BEING A TOTAL OF 24' FT. ON ONE STORY GARAGE LABELED "ONE STORY FRAME GARAGE"
- ANY PROPOSED OR EXISTING IMPROVEMENTS MUST BE IN COMPLIANCE WITH AUSTIN ENERGY CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE, AND OSHA.
- ANY REMOVAL OR RELOCATION OF EXISTING FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE,
- IF OUR SERVICE DROP IS RECOMMENDED TO BE RELOCATED WHEN YOU OBTAIN A BUILDING PERMIT, PLEASE SPEAK W/ OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILLITE @ 512-505-7604