

CASE # C15-2014-0084
ROW # 11147474
TAX# 021600514

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

(Prior case where
fee was paid
C15-2013-
0090)

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

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

STREET ADDRESS: 919 W. 29th St, Austin, TX 78705

LEGAL DESCRIPTION: Subdivision - Shoal Crest Addition

Lot(s) W 56.2 Ft Lot 13 Block 2 Outlot 71 Division D

I/We Clay & Mollie Duckworth on behalf of ourselves as authorized agents for
Duckworth Property Holdings, LLC affirm that on May 7, 2014,

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

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☒ MAINTAIN ☒ RELOCATE

A variance to the 25 ft front setback and 15 ft side setback at the corner lot known as 919 W. 29th St. The owner/applicant would like to relocate a historic home located at 1410 11th St, Wichita Falls, TX to 919 W. 29th St. The home to be relocated, which is approximately 37 feet 2 inches in overall width, would exist within the 25 foot front and 15 foot side setbacks as illustrated. Please note no other homes situated on a corner lot along the 800 and 900 blocks of West 29th St conform to the prescribed front and side setbacks for corner lots.

in a ¹⁰⁻SF3 NP district. (West University)
(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 existing zoning regulations do generally allow for reasonable use. However, the owner strongly believes that approval of the requested variance to partially build within the 15 ft side setback and 25 ft front setback as illustrated would result in land use that is much more consistent with the character and configuration of other homes along the West 29th St corridor for the following reasons:

- 1) No other comparable homes along the 800 and 900 blocks of West 29th St conform to the prescribed 15 foot side setback for corner lots. As a result of non-compliance of other neighboring lots, the owner believes that they should not be limited to an extremely narrow structure when all other comparable, neighboring homes have not been held to the same standard.
- 2) The owner would like to more broadly interpret front setback averaging to include not only immediately adjacent homes, but instead, several homes on the same side of the street. As currently specified, the formula for setback averaging excludes properties with a non-residential use and excludes very comparable homes that are separated by a cross street.
- 3) All other comparable properties along W 29th are zoned Limited Office (LO, MU, CO, NP). One of the two variances requested for 919 W. 29th St would not be necessary for any LO-zoned adjacent property, since commercial design standards allow for construction up to the clear space.
- 4) The owner intends to relocate a circa 1910 two-story Victorian-style home from 1410 11th St, Wichita Falls, TX to the lot in question. This home, with much historic character, is being neglected, and is suffering from active water infiltration from holes in the roof, significant deferred maintenance, theft and vandalism. The prospective home to be relocated is approximately 37 feet 2 inches in overall width. The lot at 919 W. 29th St is 50 ft wide along the northern boundary, and 60 ft wide along the southern boundary. The owner has received unanimous support for the proposed project from the Shoal Crest Neighborhood Association. Despite the fact that front and side lot line variances will be necessary, an older home of this nature is much more consistent with all other homes along the 29th St corridor and is the preferred alternative to new construction. Variances to front and side yard setbacks are consistent with neighboring properties as previously mentioned.

HARDSHIP:

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

- 1) All neighboring corner lots along the 800 and 900 blocks of West 29th St have structures that exist well within the 15 foot side setback.
- 2) Most properties along the south side of the 800 and 900 blocks of West 29th St have lots that are approximately 50 ft wide, similar to the 919 W. 29th St. Since the side setbacks of comparable properties are considerably less than 15 feet, neighboring homes are not limited to a mere 30 feet in width, but instead are frequently up to 40 feet in width.
- 3) Other comparable, neighboring properties are all zoned LO, MU, CO, NP, which allow for the application of commercial design standards. Application of these same standards to 919 W. 29th St would eliminate the need for a front setback variance altogether.

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

No other home located on a comparable corner lot along the 800 and 900 blocks of West 29th St conform to a 15 ft side setback for corner lots. Also, only a single structure along the entire 29th St corridor complies with a 25 foot front setback. As a result, this zoning regulation is not general to the area, but instead, unique to the lot located at 919 W. 29th St.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:
- 1) The requested variances to the prescribed 15 ft side setback and 25 ft front setback are consistent with neighboring properties. In fact, no comparable neighboring homes conform to the 15 ft side setback requirement, and only a single structure complies with a 25 ft front setback, so approval of this variance will not impair the use of adjacent properties. The large, traditional porch on front of the property will actually significantly increase visibility at the 29th/Shoal Crest intersection relative to the existing, 6 ft privacy fence that currently exists at the property line.
 - 2) It is the intention of the owner to relocate a circa 1910 two-story Victorian-style home to the lot in question. Relocation of this older home would be much more consistent with the 1920's character of the West 29th St corridor than construction of a new building on the same, highly visible corner lot. The Shoal Crest Neighborhood Association unanimously supports the owners' requested variances and initiative to relocate the house located at 1410 11th St, Wichita Falls, TX to the lot in question. All neighbors believe that relocation of this older structure will be much more complementary to the character of the Shoal Crest and West University neighborhoods and 29th St corridor than other alternatives involving new construction.

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:

N/A

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:

N/A

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

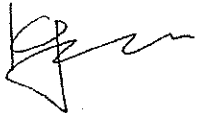
N/A

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

N/A

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 1806 Holly St

City, State & Zip Austin, TX 78702

Printed Ken Johnson, AIA Phone 210-710-2013 Date 5/7/2014

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 2414 Harris Blvd

City, State & Zip Austin, TX 78703

Printed Clay & Mollie Duckworth Phone 512-771-9808 Date 5/7/2014



N



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2014-0084
LOCATION: 919 W 29TH 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.

Duckworth Office AREA CALCULATIONS

Sidetracked

1806 Holly Street
Austin, Texas 78702
210 730 2013

INDEX OF DRAWINGS

ARCHITECT:
Karl Johnson, LEED AP
1826 Hwy
Austin, Texas 78702
phone: (210) 710-2013
karljohnson.als@gmail.com

OWNER INFORMATION

CLAY DUCKWORTH

LEGAL DESCRIPTION

LOT 12 1/2 W&E 2 FT AVOF LOT 13 BLK 2
DLY 71 DND 6-04L CREST MOON

SITE INFORMATION

SITS INFORMATION TAKEN FROM SURVEY & SATELLITE IMAGERY, SURVEY PERFORMED BY WANDORF LAND SERVICE 6 AUGUST ON MAY 15, 2013, UNDER THE SUPERVISION OF RONNIE WILLIS (# 0452) AND APPROVED ON MAY 22, 2013.

ZONING INFORMATION

6F-3-0042

LOT SIZE	5,784 SF
Area Schedule	
Name	Area
First Floor	1,458 SF
Second Floor	1,312 SF
Roofing Porch	245 SF
Entry Porch	250 SF
BUILDING COVERAGE	
	7,064 SF (20.5%)

DISCLAIMER:
AREAS SHOWN ARE APPROXIMATE.
SURVEY REQUIRED TO VERIFY AREA
CALCULATIONS, PROTECTED TREES, AND
TOPOGRAPHY

NOTE: TREE LOCATIONS & SIZES ARE APPROXIMATE, BASED ON AERIAL PHOTOGRAPHS.

SINGLE	LIMITED
FAMILY	AREA
MAX. AREA	MAX. AREA
EXCLUDED BY CODE	EXCLUDED BY CODE
2,313 SF (40%)	2,887 SF (50%)
2,602 SF (45%)	4,048 SF (70%)
2,313 SF (40%)	4,048 SF (70%)

Duckworth Office

918 W. 29th Austin, TX 78705

DATE	ISSUED FOR
8/24/13	Zoning Review
9/11/13	Revisions
04/26/14	Revisions

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KEN JOHNSON LEED AP
PROJECT NUMBER: Project Number

COVER SHEET

COVER SHEET

G1.0

1 AREA CALCULATIONS

Heldenfels, Leane

From: Clay Duckworth <clay@duckworthaustin.com>
Sent: Wednesday, May 07, 2014 8:09 PM
To: Kellogg, Eben
Cc: ken j; Heldenfels, Leane
Subject: June 9th BoA Meeting - Austin Energy Approval for Side & Front Setback Variance
Attachments: Duckworth - 919 W 29th - 20140505.pdf; 29th St BoA Application.2.pdf

Eben,
Please see the attached site plan. I am requesting that I be allowed to build to the same setbacks as neighboring properties along the 29th St corridor. My surveyor recorded setbacks as outlined below for neighboring properties. Could you please review, let me know if you have any questions, and hopefully provide approval for this request?

Adjacent Setbacks

917 W. 29TH ST. - 8.8'
915 W. 29TH ST. - 32.9'
913 W. 29TH ST. - 10.3'
911 W. 29TH ST. - 8.3'
909 W. 29TH ST. - 8.8'
905 W. 29TH ST. - 8.3'
AVERAGE - 12.9'
AVERAGE W/O 915 W. 29TH - 8.9'

Thanks,
Clay Duckworth
clay@duckworthaustin.com

P: 512.771.9808

F: 512.697.0099

DUCKWORTH

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**Planning and Development Review
Land Status Determination
Legal Tract Platting Exception
Certification**

September 16, 2013

File Number: C8I-2013-0337

Address: 919 W 29th Street (AKA 2845 1/2 SHOAL CREST AVE)

Tax Parcel I.D. #0216010528

Tax Map Date: 07/02/2013

The Planning and Development Review Department has determined that the property described below and **as shown on the attached tax map:**

Is a **LEGAL TRACT** consisting of Tract 2: Part of lot 13, Block 2, Revised Map of Shoal Crest Addition, created prior to **Mar 14, 1946** (Grandfather Date) as evidenced by deed recorded in Volume 526, Page 82 of the Travis County Deed Records on **August 5, 1935** being the same property as currently described in deed recorded in **Document #2013183404** of the Travis County Deed Records on **Oct 4, 2013** and is eligible to receive utility service.

Additional Notes/Conditions:

NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivision and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Michelle Casillas

**Michelle Casillas, Representative of the Director
Planning and Development Review Department**

Map Attachment