

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

DATE: Monday, June 9, 2014

CASE NUMBER: C15-2014-0084

____ Jeff Jack
____ Michael Von Ohlen
____ Ricardo De Camps
____ Bryan King
____ Stuart Hampton
____ Melissa Hawthorne
____ Will Schnier - Sallie Burchett (absent)

APPLICANT: Ken Johnson

OWNER: Clay Duckworth

ADDRESS: 919 29TH ST

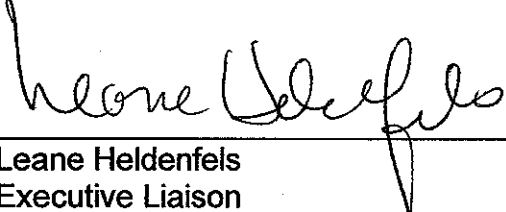
VARIANCE REQUESTED: The applicant has requested a variance from Section 25-2-492 (D) (*Site Development Regulations*) to:
decrease the front setback from 25 feet (required) to 18 feet (requested); and
decrease the side street setback from 15 feet (required) to 8 feet (requested);
in order to move a structure onto the lot in an "SF-3-CO-NP", Family Residence –
Conditional Overlay – Neighborhood Plan zoning district. (West University)

BOARD'S DECISION: POSTPONED TO JULY 14, 2014

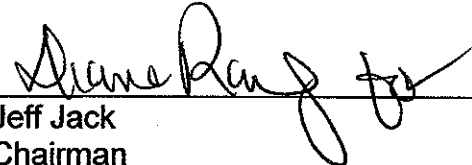
FINDING:

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

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



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.



**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

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'

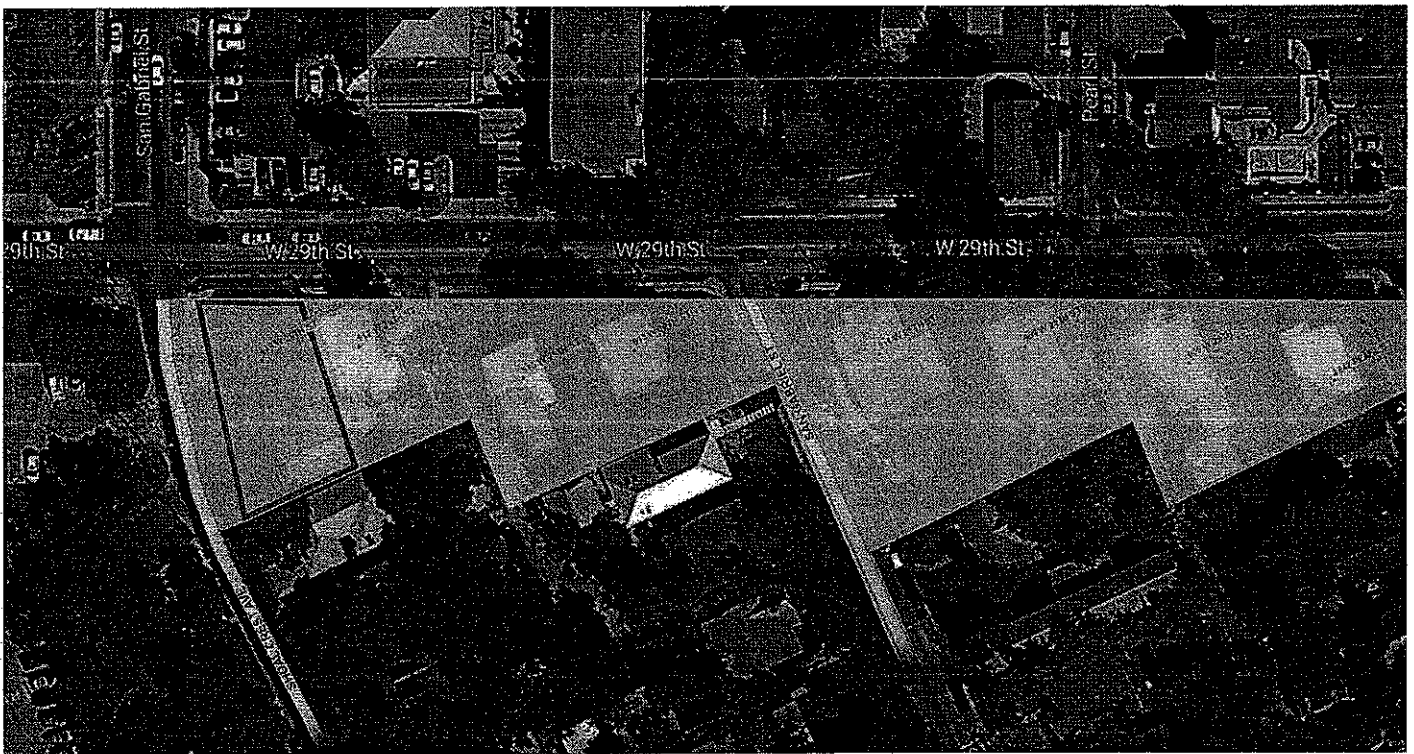
Thanks,
Clay Duckworth
clay@duckworthaustin.com

P: 512.771.9808

F: 512.697.0099

DUCKWORTH
custom homes • renovations • real estate

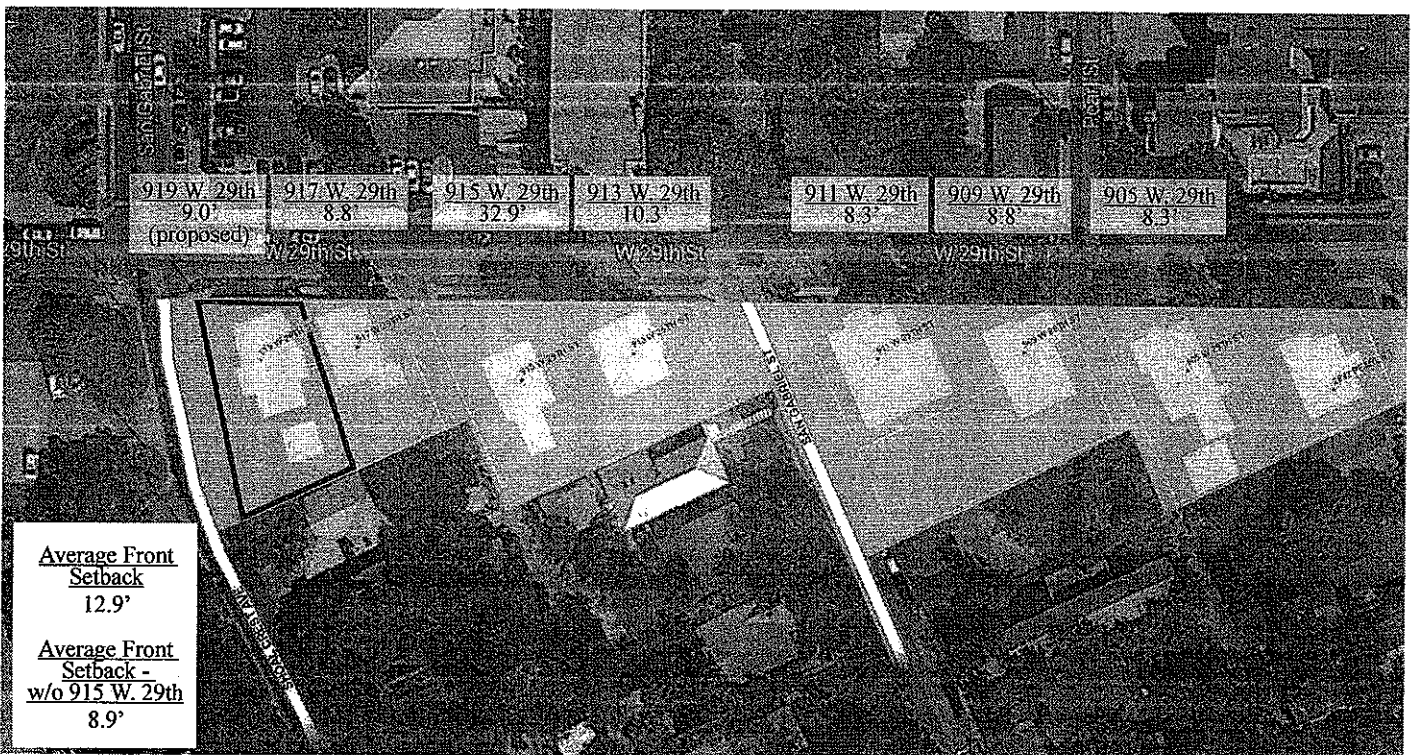
C15-2014-0084



N Location Map
n.t.s.

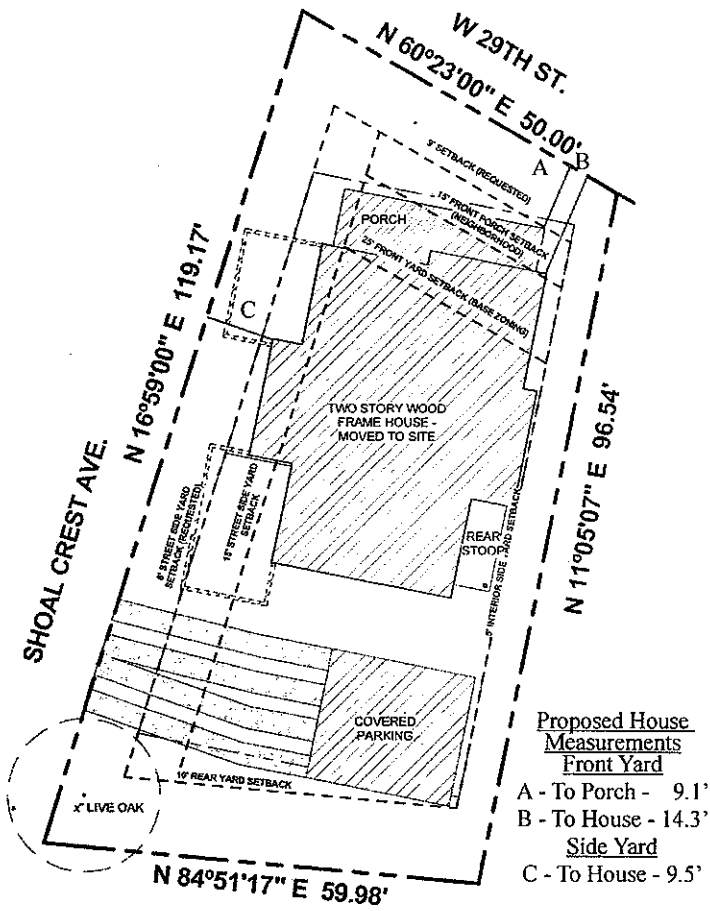
- 919 W. 29th Street -
Front and Street Side Yard Variance Request
June 9, 2014

C15-2014-0084

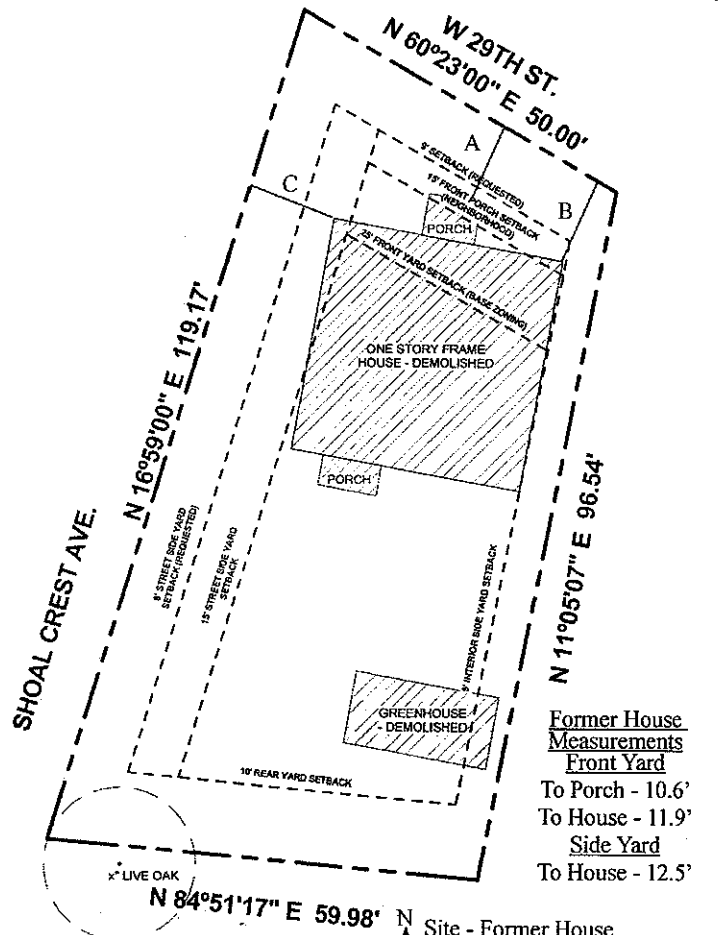


N Front Yard Setbacks
n.i.s.

- 919 W. 29th Street -
Front and Street Side Yard Variance Request
June 9, 2014



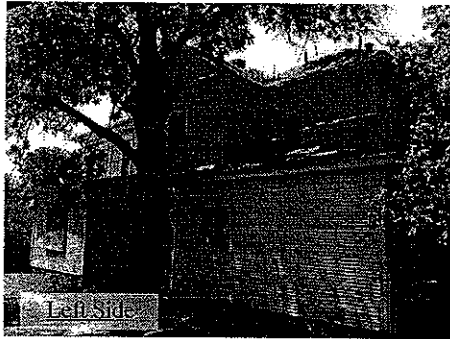
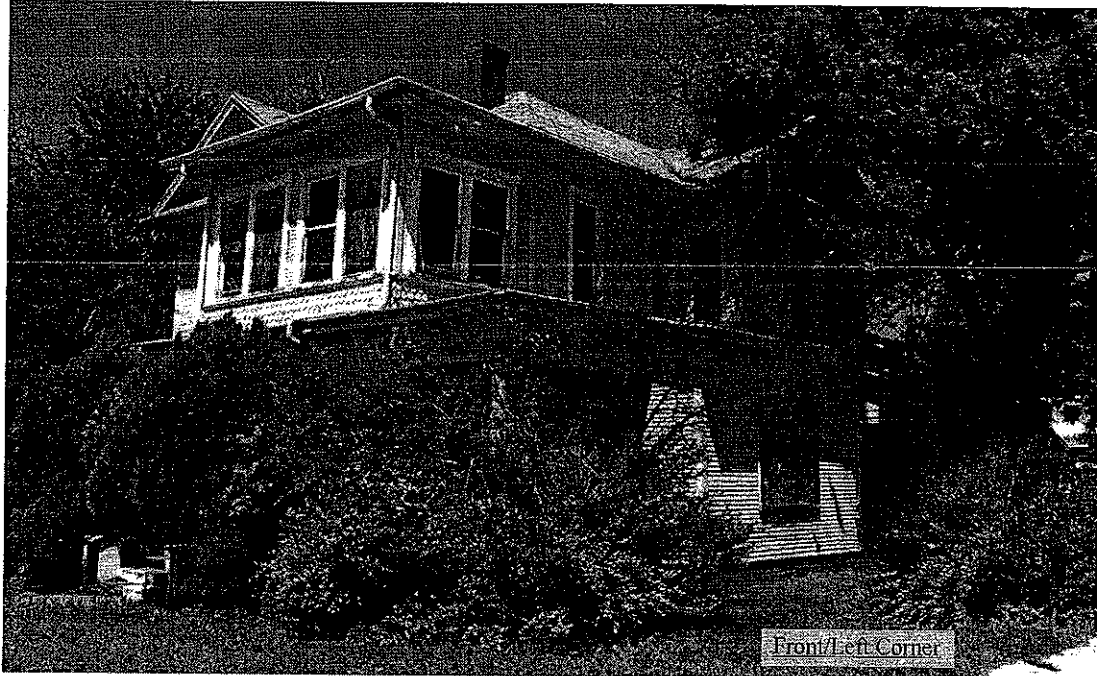
Site - Proposed House, relocated from Wichita Falls n.t.s.



Site - Former House, demolished by previous owner n.t.s.

- 919 W. 29th Street -
Front and Street Side Yard Variance Request
June 9, 2014

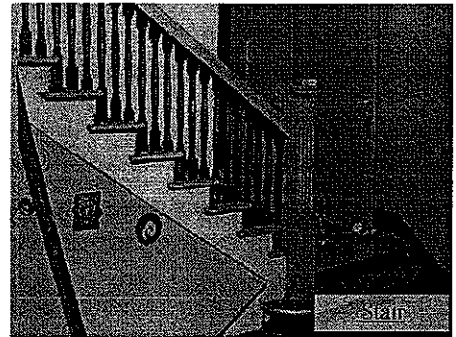
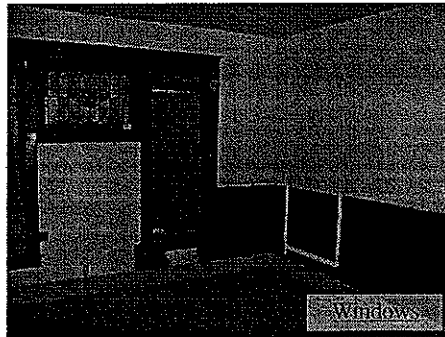
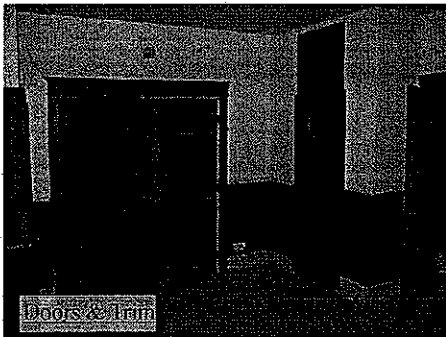
C15-2014-0084



- 919 W. 29th Street -
Front and Street Side Yard Variance Request
June 9, 2014

Photos of house to be relocated
May 2014

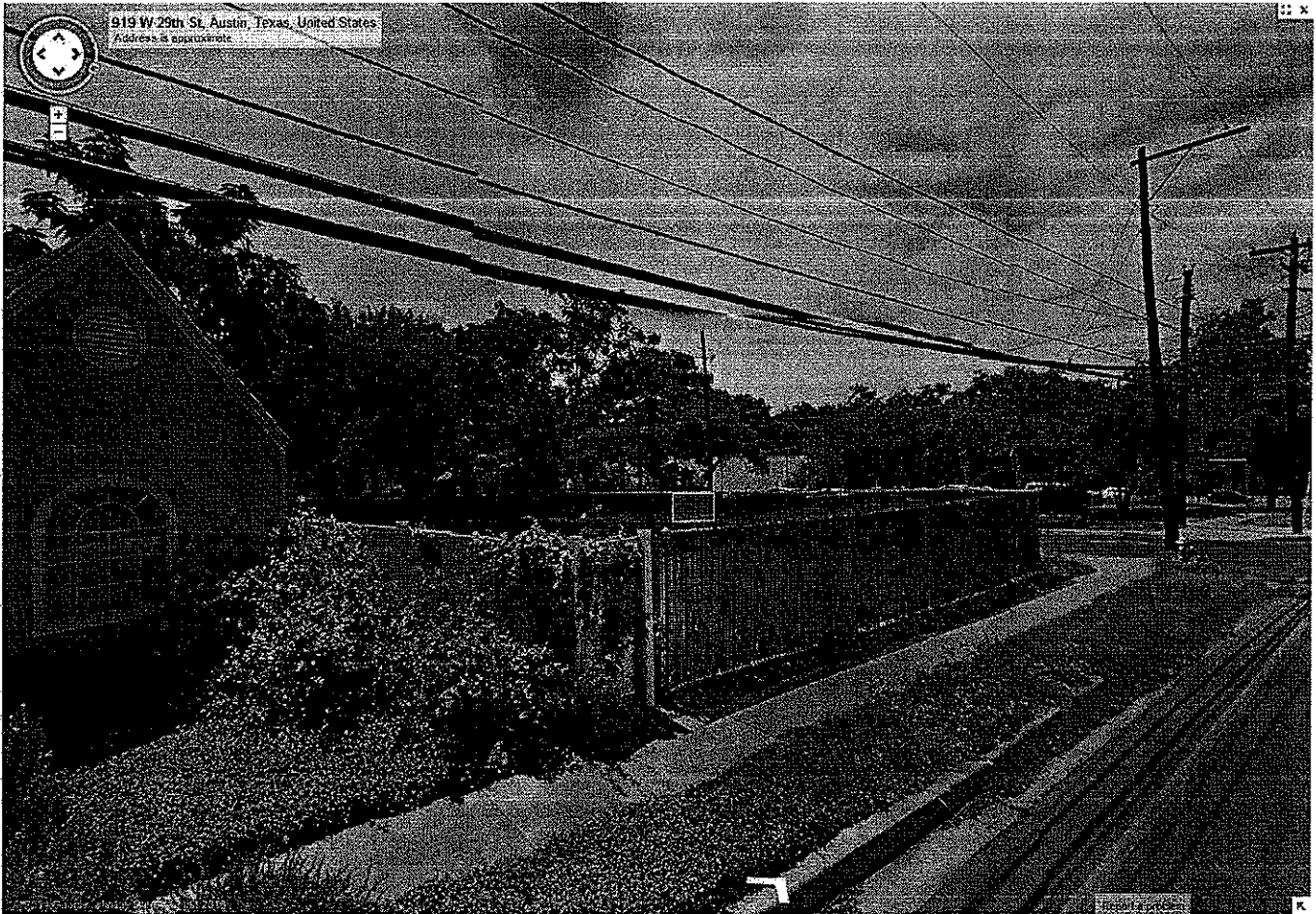
215-2014-0084



- 919 W. 29th Street -
Front and Street Side Yard Variance Request
June 9, 2014

Photos of house to be relocated
May 2014

C15-2014-0084



- 919 W. 29th Street -
Front and Street Side Yard Variance Request
June 9, 2014

Photo of existing 919 W. 29th site
May 2014

C15-2014-0084



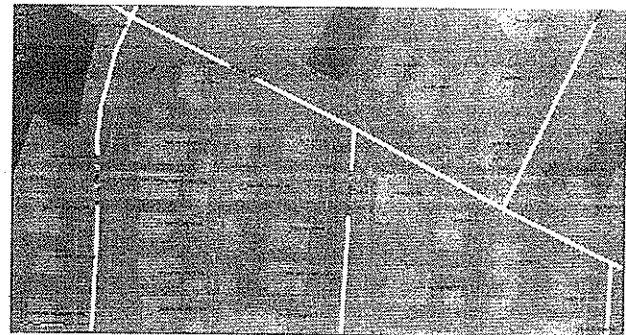
- 919 W. 29th Street -
Front and Street Side Yard Variance Request
June 9, 2014

Rendering of 919 W. 29th site
after move - September 2014

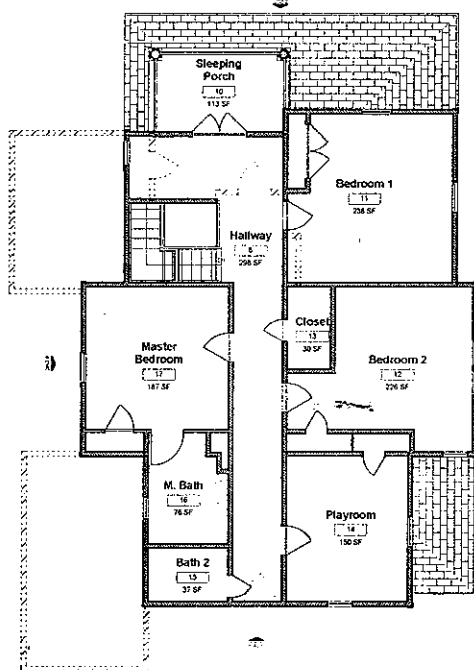
House Relocation

AREA CALCULATIONS

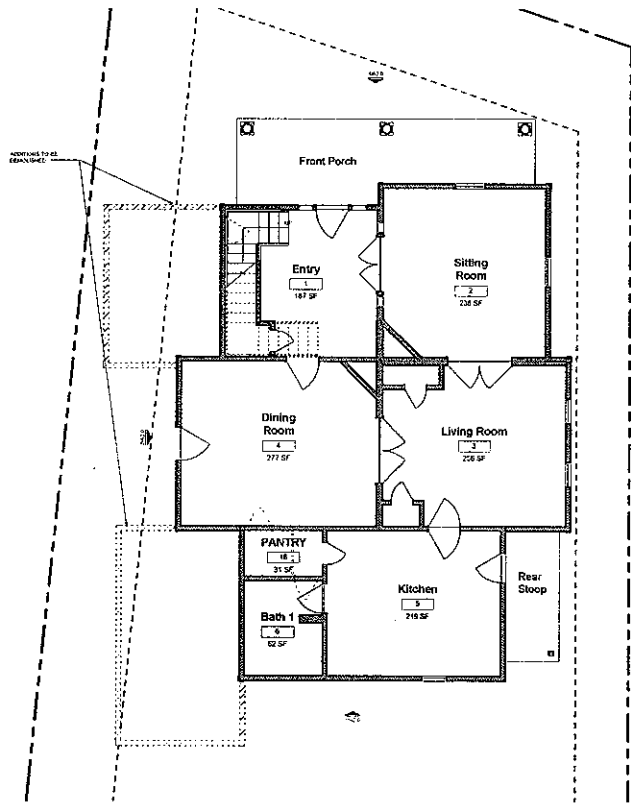
G1.0



215-2014-0084



2 SECOND FLOOR PLAN
1/4" = 1'-0"



1 FIRST FLOOR PLAN
1/4" = 1'-0"

Sitechecked
 1800 Hwy 280
 Suite 100, Austin, TX 78705
 512.790.2015
 PRELIMINARY
 NOT FOR CONSTRUCTION
 This drawing was prepared under the supervision of the architect. It is not to be used for regulatory approval, permitting, or construction purposes.
 FIELD INSPECTION REQUIRED
 Plans are preliminary and subject to change without notice. The owner is responsible for obtaining all necessary permits and approvals for the project.

House Relocation

518 W. 28th, Austin, TX 78705

DATE: 05/28/2014 FOR: 15.3M
 PROJECT: 215-2014-0084
 DRAWN BY: J. L. LEE
 CHECKED BY: J. L. LEE
 APPROVED BY: J. L. LEE
 COPYRIGHT © 2014
 ALL RIGHTS RESERVED
 PROJECT NUMBER: 1501
 FLOOR PLANS

A1.1

Sited/checked

100-101 West
Austin, Texas 78702
21870 2013

PRELIMINARY
NOT FOR CONSTRUCTION
This drawing and associated notes
are preliminary and subject to change.
It is not to be used for regulatory
approval, permitting or
construction purposes.

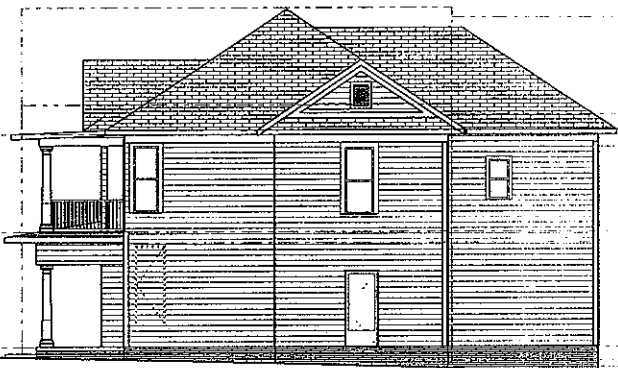
FIELD INSPECTION REQUIRED
Prior to permitting, any building
work, construction, or other activity
must be inspected and approved
by the local health department.
This drawing and associated notes
are preliminary and subject to change.
It is not to be used for regulatory
approval, permitting or
construction purposes.



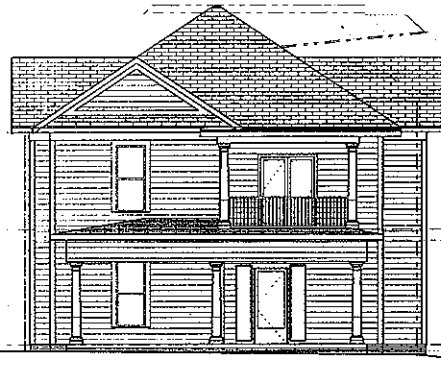
4 EAST ELEVATION
1/4" = 1'-0"



3 SOUTH ELEVATION
1/4" = 1'-0"



2 WEST ELEVATION
1/4" = 1'-0"



1 NORTH ELEVATION
1/4" = 1'-0"

House Relocation

5/18/14 2:01 PM Austin, TX 78705

DATE ISSUED FOR
5/18/14
COPYRIGHT © 2014
All Rights Reserved
PROJECT NUMBER: 1401

EXTENSION ELEVATIONS

A2.0

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 application. 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 will be sent.

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.austintexas.gov/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. Your comments will become part of the public record.

Case Number: C15-2014-0084, 919 W. 29th St.

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, June 9th, 2014

Shoalevast Associates

Your Name (please print)

☐ I am in favor
☒ I object

2845 Shoalevast

Your address(es) affected by this application

[Signature]

Signature

4 June 2014

Date

Daytime Telephone: 512 762 3527

Comments:

Note: Any responses received will become part of the public record of this case

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

Or fax to (512)974-2934

Or scan and email to leana.heldenfels@austintexas.gov

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Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov

Public Hearing: Board of Adjustment, June 9th, 2014

DAVID B. GENTRY

Your Name (please print)

909 W. 29th

Your address(es) affected by this application

David B. Gentry

Signature

6.3.14

Date

Daytime Telephone: 512 495 9009

Comments: ON UNDER THE CONDO

THAT THE BAD ADDON IN

THEIRANT IS REMOVED

CAS IN THE CONCEPT

DRAWING(x x)

Note: Any responses received will become part of the public record of this case

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P. O. Box 1088

Austin, TX 78767-1088

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☒ I am in favor
☐ I object