

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

DATE: Monday, May 11, 2015

CASE NUMBER: C15-2015-0046

_____ Jeff Jack - Chair
_____ Michael Von Ohlen
_____ Melissa Whaley Hawthorne - Vice Chair
_____ Sallie Burchett
_____ Ricardo De Camps (OUT)
_____ Brian King
_____ Vincent Harding

APPLICANT: Geoffrey Gilbert

OWNER: Tres Waters LLC

ADDRESS: 5605 JEFF DAVIS AVE

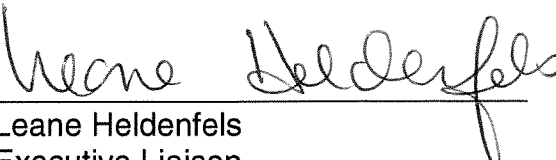
VARIANCE REQUESTED: The applicant has requested a variance(s) from Section 25-2-1604 (C) (1) to permit the parking structure to be closer to the front lot line than the building facade in order to construct a garage in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Brentwood)

BOARD'S DECISION: POSTPONED TO May 11, 2015 AT THE APPLICANT'S REQUEST

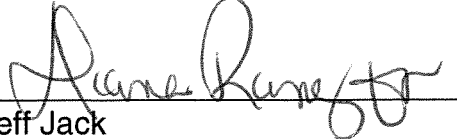
FINDING:

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

015-2015-0046

Heldenfels, Leane

From: Geoffrey Gilbert ~~<ggilbert@texas.net>~~
Sent: Monday, May 11, 2015 3:35 PM
To: Heldenfels, Leane
Cc: Kari Blachly
Subject: 5605 Jeff Davis garage variance request.
Attachments: PastedGraphic-2.tiff

Dear Leane,

Please let this letter give notice of my first intent to postpone a BOA hearing regarding a garage variance request for the property at 5605 Jeff Davis. It is my first request for a postponement. If you will recall, Kyle Mays, the neighbor directly across the street from my project at 5605 Jeff Davis was the one who requested the postponement for the April BOA hearing. He requested it in an email to you dated April 3, 2015, and I reluctantly accepted as it was at the last minute just a day before the April hearing. Just to point out, Mr. May requested the postponement because he claimed he would be out of town and unable to protest in person. I want the council to understand this is a tactic he has deployed now for a second time at the May BNA steering committee meeting. He indicated to me that he would be at that meeting to discuss his protest and my asking to present a second time to the steering committee, and then he did not attend that meeting either. Instead had the second neighbor across the street from the project, a Ms. Rachel Copperman. Ironically it is she with whom I found agreement after Kyle had succeeded in postponing the request at the April BOA hearing. She and I came to terms with changes to the appearance of the project as it is viewed from her house. I agreed to install 3 windows in an existing permitted garage, and to increase a siding to stucco ratio and to install specific landscaping suggestions that she had. Sadly, Mr Mays leveraged his relationship with her over my compromises with her, and she has now come out against the proposed variance request.

I have every intention of requesting this BOA hearing before the council. However, I have to declare that without the 'non-opposition' position taken by the Brentwood Neighborhood Association, I have little chance of success without the further expense of legal council. Mr May is truly a single opponent who has garnered support to oppose this variance. Without sufficient support from other neighbors, it is more important for me to request a postponement at this time. I need the time to try to reach out to the rest of the neighborhood to find some agreement from other contiguous and close neighbors that can allow this project to be completed in the fashion that best suits it's design. That design is one garage and one carport for each of the two condo units.

Respectfully,

Geoffrey

512 917-4411

Geoffrey Gilbert
Principal
512.917-4411 iphone
512.472-4014 fax

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.

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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. All comments received will become part of the public record of the case.

Case Number: C15-2015-0046, 5605 Jeff Davis

Contact: Leanne Heldenfels, 512-974-2202, leanne.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, April 13th, 2015

John Halaburt

Your Name (please print)

Brentwood Neighborhood Association

Your address(es) affected by this application

John Halaburt

Signature

5/7/15

Date

Daytime Telephone: 512-453-2976

Comments: The Brentwood Neighborhood Association

is opposed to this variance request for the

following reasons:

1) No hardship has been demonstrated.

2) Incompatibility with the vision goals and recommendations of the Neighborhood Plan.

3) We support neighboring property owners, must include by incorporating in opposition.

Note: any comments 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

Leanne Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-6305

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

Heldenfels, Leane

From: Rachel Copperman <~~rachelcopperman@gmail.com~~>
Sent: Thursday, May 07, 2015 11:19 AM
To: Heldenfels, Leane
Cc: Kyle May; Don Leighton-Burwell; Barbara McArthur
Subject: Re: 5605 Jeff Davis BOA case
Attachments: IMG_2394.JPG

Hi Leane,

I did attempt to work with the builder to develop a revised plan that was less awful than his original plans. However, the revised plans were still not acceptable to most neighbors. Thus, ***I am renewing my objection to the variance. I am opposed to the variance because the plans with a variance would include a second garage in front of the property resulting in at least 50% of the facade of the house being blocked when viewed from the street.*** With the variance, from my house across the street, depending on where you are standing, 50% to 100% of the facade of the house would be blocked by garages and 1.5 story walls.

I also oppose the variance for the following reasons:

1. ***There is no hardship for which the builder is claiming a need for a variance.*** The builder states that there is a storm drain requiring the driveway to be offset to the north of the property and that there are heritage trees that he was trying to save on the south side. There is no hardship with having a driveway shifted to one side of the property rather than down the middle. None of the trees on the property are located directly in the middle of the large .33 acre lot. I am confident that if the builder had hired a local Austin architect (the architect lives in Indiana) who is familiar with the tree ordinance, mcmansion rules, and garage ordinance that the architect could have developed plans that still allowed for a duplex/mult-family housing with two sets of two-car garages on the property, without the need for a variance.
2. ***The builder was never interested in working with neighbors.*** The builder knew that he would be applying for a variance before he got approval for the final designs of his property (over 9 months ago). If he had engaged the neighbors at that point in time, informing us of his plans and desire to get a variance, then we could have worked together at that point to develop plans that met the concerns of all interested parties and then been in full support of the variance request. However, the builder constructed the home and south garage before applying for the variance (see attached picture). In doing so, there was no way the neighbors were able to agree to the variance without requiring the tear down or major modification of the already built south garage. In addition, when the neighbors first presented an alternate solution that could be considered, the builder responded to the neighbors unprofessionally with insults and threats. The builder is still threatening a large fence around the property if the neighbors opposed the variance.
3. ***The builder has no desire to create a property that is aesthetically pleasing, welcoming, and neighborhood-friendly.*** The builder used a loop-hole in the existing garage ordinance to place a large two-car garage structure in front of his property (no variance needed). From the street, instead of viewing windows of the house and a nice front lawn you view a solid 1.5 story wall (if viewing from the south or front) or garage doors (if viewing from the north). The front lawn of the south unit sits behind the garage, completely cutting off the south unit from the street. The builder, with the variance, wants to do the same thing with the north unit. So, instead of the home owners being able to sit on a front porch (for which Brentwood encourages designing, given they adopted the front-porch ordinance) and wave to neighbors as they walk down the street, the builder is trying to hide the future home owners from their neighbors. On the flip side, neighbors across the

street or walking their dog will be forced to stare at garages and blank walls instead of waving to the neighbors who live there.

Thank you,
Rachel Copperman
5604 Jeff Davis Ave.

On Mon, May 4, 2015 at 3:12 PM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

Thanks for advising, any changes to the status can be sent to me and I'll include it in the late back up packet that will go to the Board the night of the meeting.

Take care --

Leane

From: John Halaburt [mailto:~~john.halaburt@gmail.com~~]
Sent: Monday, May 04, 2015 1:59 PM
To: Kyle May
Cc: Heldenfels, Leane; Rachel Copperman
Subject: Re: 5605 Jeff Davis BOA case

At this time, Rachel Copperman has been added to the BNA Steering Committee Meeting on Wednesday, May 6. I have not been contacted by Geoffrey Gilbert as of this time. Our Committee will hear from whomever attends this next meeting and factory any new information into a position regarding this variance request. We will certainly place a high value on the position of neighbors directly affected by the proposed variance request and we would ask the Board of Adjustment to strongly consider any opposition to the proposal.

I would like to be clear that to this point the Brentwood Neighborhood Association has neither supported nor opposed this variance request but has remained neutral. The applicant initially stated that we were "In favor - Not Opposed." That would be inaccurate. If our position changes based on additional feedback and information provided at the May 6th meeting, we will respond appropriately.

Thank you,

John Halaburt

Brentwood Neighborhood Association

President



C15-2015-0046

Heldenfels, Leane

From: JoAnne Nabors <~~JoAnne@HeldLewinReady.com~~>
Sent: Monday, May 04, 2015 10:36 PM
To: Heldenfels, Leane
Cc: JoAnne Nabors
Subject: Opposition to Garage & Carport addition at 5605 JEFF DAVIS AVE :: May 11th hearing

Leane,

In reference to case number **C15-2015-0046** :: Permit/Board of Adjustment # **2015-0000037** about the garage/carport/parking in front of the house at 5605 Jeff Davis Ave.

The existing garage already appears out of place and obstructs the view of the home behind it. None of the other homes new construction or homes that have been in the community for 50 years have large structures in **FRONT** of the home that are so visible from the street. The whole point in having a Neighborhood Plan is that there is some guidance for and restrictions placed on the people that are requesting new permits in these areas. It seems unfair for a majority of the people to follow the rules, and then other seemingly do what they want, and then ask permission afterwards, IF they are even opposed. Most builders or architects design their projects within the Neighborhood Plans, although not mandatory like the McMansion Ordinance. I spent an extra 4 month on my building plans fitting what I wanted within the rules, vs. asking for the rules to be waived for me.

On the City of Austin's website where it lists the Adopted Neighborhood Planning Areas, it states that *"Neighborhood Planning provides an opportunity for citizens to take a proactive role in the planning process and decide how their neighborhoods will move into the future."*
The Planning and Neighborhood Review Department explains that *"Neighborhood planning allows citizens to shape the neighborhoods where they live, work or own property."*

It does not seem like there has been a chance for us to be in a "proactive role" nor that we are having much success in "shaping our neighborhood." I'm unclear why the applicant believes he needs additional garage parking in front of the house. If the proposed changes for ADU's relax some of the off-street parking requirements, then it will stand out even more to have multiple cars parked on the actual lot in front of a new home. People look at this and scratch their heads at how builders are allowed to get away with things that seem in direct opposition to the work we have done at meetings, over many years, to put these neighborhood plans in place.

I currently live in Skyview, and just purchased across the street from Reilly Elementary School in the Highland Neighborhood, and will be remodeling to move in there. Both of these fall within the boundaries of the Brentwood-Highland Combined NP. It takes extra time and money to determine what is allowed, and what will conform with an area. On my street, a builder was giving a variance to build a huge addition to a tiny cottage, and the style sticks out drastically. They danced around every single rule. What's disheartening is to hear neighbors talk about who the builder "paid off" at the city to get something like that approved.

Builders have the money and resources to worth their way around rules & guidelines that other people just follow. Obviously, if they are granted permission to do something, they are not out of line, but it seems like the more money a developer has, the more able they are to find the loopholes. In contrast, homeowners doing small-scale remodel projects don't have the bandwidth to hire someone to figure out or carry out the requests to be exempt.

One thing that bothers me is that it has gotten this far... My plans were reviewed MANY MANY times, and we had to modify minutia to comply. I wouldn't think of going forward with something non-conforming and then hope I could just slide it on through, based on the fact that many of the neighbors are either renters, long-time residents, or career age people who are working hard to afford to live in a charming part of town that has a lot of character.

I OPPOSE granting a variance allowing construction of another Garage in front of primary facade at 5605 Jeff Davis.

Please feel free to contact me if you have any questions, or if there is something else I need to do to weigh in on this matter.

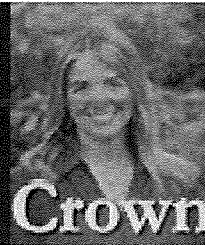
JoAnne Nabors
5711 Link Avenue
300 Denson Dr.
Austin, TX 78752



JoAnne Nabors, Broker/Owner
Violet Crown Realty

943 East 51st St. Austin, TX 78751
512.801.9001 cell / 628.0990 wk

JoAnne@VioletCrownRealty.com



Violet Crown Realty

C15-2015-0046

Heldenfels, Leane

From: John Halaburt <jhalaburt@gmail.com>
Sent: Monday, May 04, 2015 1:59 PM
To: Kyle May
Cc: Heldenfels, Leane; Rachel Copperman
Subject: Re: 5605 Jeff Davis BOA case

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Thank you,
John Halaburt
Brentwood Neighborhood Association
President

On Mon, May 4, 2015 at 12:12 PM, Kyle May <kylemay@yahoo.com> wrote:
Good Afternoon Leane,

We made an effort to work with the builder of 5605 Jeff Davis.
We were not able to reach a satisfactory resolution.

I am renewing my objection to this variance and will not support this builder getting a variance on this property.

It is unknown at this time if the builder will attempt to present his case to the Brentwood Neighborhood Association prior to the scheduled hearing on May 11th. Our BNA meeting is this Wed, May 6th. I have included John Halaburt, the BNA president on this email in case he has any information to add.

Regardless of if he presents at the BNA meeting or not, you should be receiving messages from 3 additional neighbors that are opposed to this variance in addition to the multiple persons that have contacted you so far.

Thank you.

-Kyle

From: "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov>
To: Kyle May <kylemay@yahoo.com>
Cc: "Leane Heldenfels" <lheld@texas.net>
Sent: Wednesday, April 8, 2015 1:06 PM
Subject: RE: 5605 Jeff Davis BOA case

Thanks for keeping me posted – I'll advise the Board of the uncontested request for postponement and they'll then hear the case at their 5/11 meeting.
See you then –

C15-2015-0046

Heldenfels, Leane

From: Kyle May <~~kylemay@yahoo.com~~>
Sent: Monday, May 04, 2015 12:12 PM
To: Heldenfels, Leane
Cc: Rachel Copperman; John Halaburt
Subject: Re: 5605 Jeff Davis BOA case

Good Afternoon Leane,

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We were not able to reach a satisfactory resolution.

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Regardless of if he presents at the BNA meeting or not, you should be receiving messages from 3 additional neighbors that are opposed to this variance in addition to the multiple persons that have contacted you so far.

Thank you.

-Kyle

From: "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov>
To: Kyle May <~~kylemay@yahoo.com~~>
Cc: "ggil@texas.net" <~~ggil@texas.net~~>
Sent: Wednesday, April 8, 2015 1:06 PM
Subject: RE: 5605 Jeff Davis BOA case

Thanks for keeping me posted – I'll advise the Board of the uncontested request for postponement and they'll then hear the case at their 5/11 meeting.
See you then –
Leane

From: Kyle May [mailto:~~kylemay@yahoo.com~~]
Sent: Wednesday, April 08, 2015 8:36 AM
To: Geoffrey Gilbert; Heldenfels, Leane; Rachel Copperman
Subject: Re: 5605 Jeff Davis BOA case

Geoffrey,

Thank you for your time yesterday evening and agreeing to the postponement.
We look forward to working with you on creating a solution for your project.

-Kyle

From: Geoffrey Gilbert <ggil@texas.net>
To: "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov>
Cc: kylemay@yahoo.com
Sent: Tuesday, April 7, 2015 9:44 PM
Subject: Re: 5605 Jeff Davis BOA case

From: Kyle May kylemay@yahoo.com
Sent: Friday, April 03, 2015 11:28 AM
To: Heldenfels, Leane
Cc: Rachel Copperman
Subject: Re: 5605 Jeff Davis BOA case

Hi Leane,

Thank you for your prompt response.

I will be out of town on Apr 13th and will contact the other neighbors that are in opposition to the variance as well as the Brentwood Neighborhood Association (BNA) to see if they are able to attend on Apr 13th to request the postponement.

I presented our objections to the BNA at the steering committee meeting on April 1st this week. The BNA has forwarded and seconded a motion for a vote that would put the BNA in opposition of this variance request. The vote is supposed to take place this weekend. Should they vote to oppose the variance, I would imagine they will contact you directly with this update.

As for the claims in the variance request packet, there are a number of questionable items.

- The lot in question is not long and narrow and in fact the lots on the east side of Jeff Davis are significantly wider than those on the west side (where I live).
- The builder is required to save the historical trees and already used that argument to put a two car garage in the front yard. (see attached photo from my front porch)
- The renderings and plats appear to show one carport and one garage for each unit. That is inconsistent with what is currently built on the site.
- The builder has already built a two car garage in the front yard. They should not be allowed to build any additional structures in the front yard. The BNA plan clearly states that:

"Attached or detached garages and/or carports with entrances that face a front yard must be located flush with or behind the front façade of a house. The width of a parking structure located less than twenty feet (20') behind the front façade of a house may not exceed fifty percent (50%) of the width of the façade of the house. For example, if the front façade of a house—not including the garage—is thirty feet (30') wide, then the garage may be no wider than fifteen feet (15')." (see attached BNA garage placement PDF)

- As they are asking to put in a 2 car structure for unit A, that probably accounts for 90% of the facade for unit A. Consequently, they are asking for a variance on being able to put an *additional* 2 car structure in the front yard **AND** a variance on the allowable width. Neither should be granted.
- As the builder decided to maximize the allowable build space for living area and build to the set back limits on the sides of the yard, they created their own hardship. There is plenty of room in the back of the property for a garage. They could have put one back there if its so critical. If they didn't leave enough room for a driveway to get a car back there, that's their doing and has nothing to do with trees, sewer drainage or a "long and narrow lot configuration".

I've cc'd my neighbor, Rachel Copperman on this email so she is aware of our communications.

Thank you.

-Kyle

From: "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov>
To: Kyle May <kylemay@yahoo.com>
Sent: Friday, April 3, 2015 9:22 AM
Subject: 5605 Jeff Davis BOA case

Hi Kyle – I received your voice message. The notices will be postmarked today, hopefully arrive by Monday. You can request postponement in writing to me (via email)

C15-2015-0046

Heldenfels, Leane

From: Geoffrey Gilbert [mailto:ggilbert@austintexas.net]
Sent: Monday, May 11, 2015 12:44 PM
To: Heldenfels, Leane
Subject: Re: 5/11 Board of Adjustment Agenda

Postpone for sure please. We still need time to communicate with the BNA and surrounding neighbors. We do not want to be pushed for a year.

I sincerely believe we can convince the steering committee back into a non-opposition category

Thank you for your help Leane

Sent from my iPhone

On May 11, 2015, at 12:31 PM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

OK – with this withdraw you can't reapply for a year from when the case was first to be heard, so 4/2016.

Would you still like to withdraw or just postpone again?

Leane

From: Geoffrey Gilbert [mailto:ggilbert@austintexas.net]
Sent: Friday, May 08, 2015 3:12 PM
To: Heldenfels, Leane
Cc: Kari Blachly
Subject: Re: 5/11 Board of Adjustment Agenda

Dear Leane,

The Brentwood Neighborhood Steering Committee voted to oppose us, so we are going to withdraw again. Thank you most kindly for your effort in all this. We are not giving up...just seeking stronger firepower.

Geoffrey

On May 8, 2015, at 1:03 PM, Heldenfels, Leane
<Leane.Heldenfels@austintexas.gov> wrote:

<DOC15050716_18_35.pdf>

Geoffrey Gilbert
Principal
512.917-4411 iphone
512.472-4014 fax
1603 West 6th Street
Austin, TX 78703

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

DATE: Monday, April 13, 2015

CASE NUMBER: C15-2015-0046

_____ Jeff Jack - Chair
_____ Michael Von Ohlen
_____ Melissa Whaley Hawthorne - Vice Chair
_____ Sallie Burchett
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_____X_____ Brian King (OUT)
_____X_____ Vincent Harding (OUT)
_____ Will Schnier - Alternate
_____ Stuart Hampton - Alternate

APPLICANT: Geoffrey Gilbert

OWNER: Tres Waters LLC

ADDRESS: 5605 JEFF DAVIS AVE

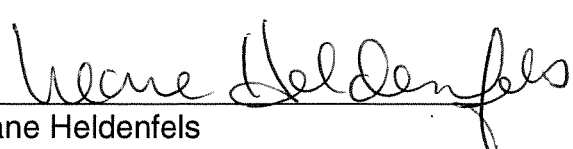
VARIANCE REQUESTED: The applicant has requested a variance(s) from Section 25-2-1604 (C) (1) to permit the parking structure to be closer to the front lot line than the building facade in order to construct a garage in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Brentwood)

BOARD'S DECISION: POSTPONED TO May 11, 2015 AT THE APPLICANT'S REQUEST

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

PUBLIC HEARING INFORMATION

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

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Case Number: C15-2015-0046, 5605 Jeff Davis

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

Public Hearing: Board of Adjustment, April 13th, 2015

Nels Butler

Your Name (please print)

5705 Jeff Davis Ave.

Your address(es) affected by this application

Leane Butler

Signature

4-6-2015

Date

Daytime Telephone: 512-220-4470

Comments:

Note: any comments 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) 974-6305

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

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.

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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;
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For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/development.

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Case Number: C15-2015-0046, 5605 Jeff Davis

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

Public Hearing: Board of Adjustment, April 13th, 2015

ROBERT & CYNTHIA SIEBERG

Your Name (please print)

903 MARYLAND DR. Austin TX 78758

Your address(es) affected by this application

Leane Heldenfels

Signature

4/7/2015

Date

Daytime Telephone: 512 836-2244

Comments: ON INSPECTION, IT APPEARES THE GARAGE
ON THE RIGHT EXTENSES BEYOND THE ADJACENT PROPERTY
FRONT. WAS THIS CLEARED BY SITE INSPECTIONS?
IS THIS REQUEST FOR A SECOND GARAGE
STRUCTURE ON THE LEFT OF THE LOT EVEN
CLOSER TO THE STREET?

WILL SIDE WALK BE REQUIRED AS 5703
REQUIRED WHEN LAST BUILT?

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015-2015- 0046

Heldenfels, Leane

From: Kyle May <kylemay@yahoo.com>
Sent: Friday, April 03, 2015 11:28 AM
To: Heldenfels, Leane
Cc: Rachel Copperman
Subject: Re: 5605 Jeff Davis BOA case
Attachments: IMG_2543 (1).JPG; BNA garage placement.pdf

Hi Leane,

Thank you for your prompt response.

I will be out of town on Apr 13th and will contact the other neighbors that are in opposition to the variance as well as the Brentwood Neighborhood Association (BNA) to see if they are able to attend on Apr 13th to request the postponement.

I presented our objections to the BNA at the steering committee meeting on April 1st this week. The BNA has forwarded and seconded a motion for a vote that would put the BNA in opposition of this variance request. The vote is supposed to take place this weekend. Should they vote to oppose the variance, I would imagine they will contact you directly with this update.

As for the claims in the variance request packet, there are a number of questionable items.

- The lot in question is not long and narrow and in fact the lots on the east side of Jeff Davis are significantly wider than those on the west side (where I live).
- The builder is required to save the historical trees and already used that argument to put a two car garage in the front yard. (see attached photo from my front porch)
- The renderings and plats appear to show one carport and one garage for each unit. That is inconsistent with what is currently built on the site.
- The builder has already built a two car garage in the front yard. They should not be allowed to build any additional structures in the front yard. The BNA plan clearly states that:

"Attached or detached garages and/or carports with entrances that face a front yard must be located flush with or behind the front façade of a house. The width of a parking structure located less than twenty feet (20') behind the front façade of a house may not exceed fifty percent (50%) of the width of the façade of the house. For example, if the front façade of a house—not including the garage—is thirty feet (30') wide, then the garage may be no wider than fifteen feet (15')." (see attached BNA garage placement PDF)

- As they are asking to put in a 2 car structure for unit A, that probably accounts for 90% of the facade for unit A. Consequently, they are asking for a variance on being able to put an *additional* 2 car structure in the front yard **AND** a variance on the allowable width. Neither should be granted.
- As the builder decided to maximize the allowable build space for living area and build to the set back limits on the sides of the yard, they created their own hardship. There is plenty of room in the back of the property for a garage. They could have put one back there if its so critical. If they didn't leave enough room for a driveway to get a car back there, that's their doing and has nothing to do with trees, sewer drainage or a "long and narrow lot configuration".

I've cc'd my neighbor, Rachel Copperman on this email so she is aware of our communications.

Thank you.

-Kyle

From: "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov>
To: Kyle May <kylemay@yahoo.com>
Sent: Friday, April 3, 2015 9:22 AM
Subject: 5605 Jeff Davis BOA case

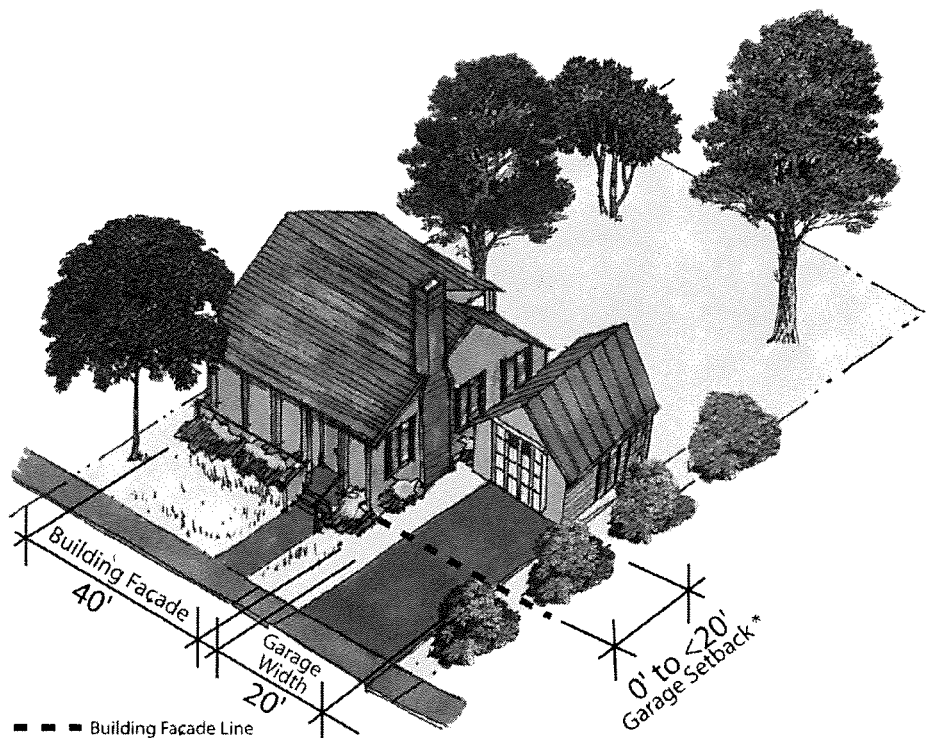


Garage Placement for New Single-Family Construction

LDC 25-2-1604

Attached or detached garages and/or *carports* with entrances that face a front yard must be located flush with or behind the front façade of a house. The width of a parking structure located less than twenty feet (20') behind the front façade of a house may not exceed fifty percent (50%) of the width of the façade of the house. For example, if the front façade of a house—not including the garage—is thirty feet (30') wide, then the garage may be no wider than fifteen feet (15').

There is no garage width limitation for side entry garages or for attached or detached garages and/or carports located twenty feet (20') or more behind the front façade of a house.



Heldenfels, Leane

C15-2015-0046

From: Kyle May <[REDACTED]>
Sent: Wednesday, April 08, 2015 8:36 AM
To: Geoffrey Gilbert; Heldenfels, Leane; Rachel Copperman
Subject: Re: 5605 Jeff Davis BOA case
Attachments: PastedGraphic-2.tiff

Geoffrey,

Thank you for your time yesterday evening and agreeing to the postponement.
We look forward to working with you on creating a solution for your project.

-Kyle

From: Geoffrey Gilbert <ggil@texas.net>
To: "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov>
Cc: kylemay@yahoo.com
Sent: Tuesday, April 7, 2015 9:44 PM
Subject: Re: 5605 Jeff Davis BOA case

Dear Leane,

I am not opposed to a postponement of my item at the 4/13 hearing. Please let this letter notify my acceptance to a postponement and please place my hearing request at the very next meeting (which I assume will be the first week in May?). I have met with the two primary neighbors that would oppose this variance and we are going to try to work something out that is amenable to everyone. I will then re-present to the BNA neighborhood association again to make sure this hearing for this BOA has merit and stands a positive chance of not being opposed and I can move forward to complete my project at 5605 Jeff Davis. My sign is still prominently displayed at the address, so another BOA adjustment sign will not be necessary.

Can you please let me know in the morning when I can come by your office to discuss my application and other paperwork for the next hearing? I would appreciate a specific time or appt if that is possible.

Sincerely yours,

Geoff Gilbert

ps. Kyle, please forward this to Rachel Copperman as I do not have her email.

On Apr 6, 2015, at 10:49 AM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

Hi Geof – see below request for postponement of your item at the 4/13 hearing. Postponements will be discussed at the beginning of the meeting at 5:30. If you are not opposed to the postponement request, advise in an email and then you won't have to be there in person to oppose it/speak against it when it's requested.

FYi –

Leane

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Case Number: C15-2015-0046, 5605 Jeff Davis

Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov
Public Hearing: Board of Adjustment, April 13th, 2015

Shavvon Harris

Your Name (please print)

☐ I am in favor
☒ Object

Your address(es) affected by this application

5607a Clay Ave.

Signature

Date

Daytime Telephone: 512-818-5597

Comments: How did the project already get

so far? The structure is built! Does ~~any~~ our neighborhood plan not prevent this, and to what extent should neighbors have been involved BEFORE it got built? It will be more difficult to stop now because the builder has spent money in it. Please - the less I am opposed. Thank you.

Note: any comments received will become part of the public record of this case

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

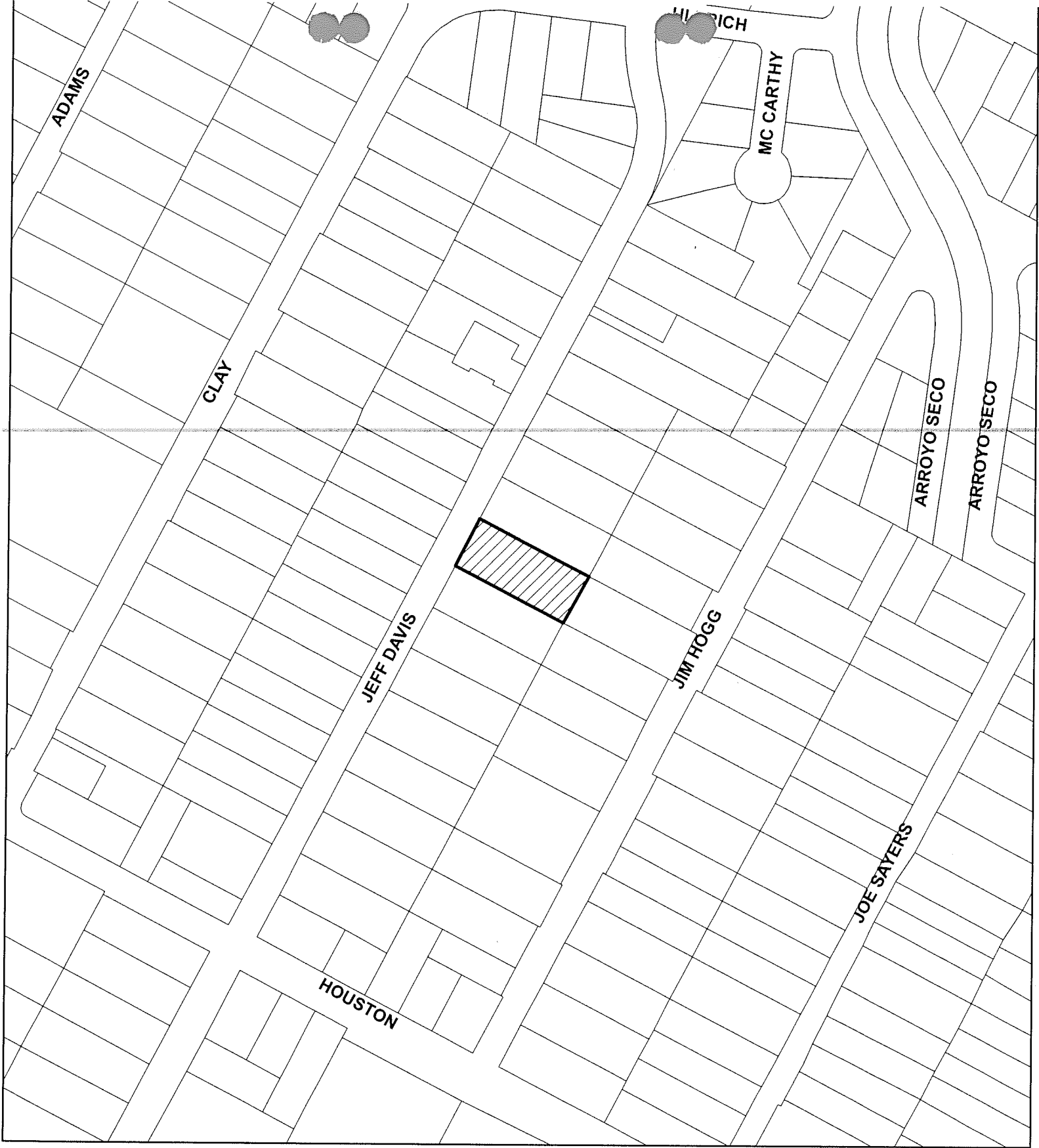
Leane Heldenfels




P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-6305

Or scan and email to leaneheldenfels@austintexas.gov



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2015-0046
Address: 5605 JEFF DAVIS AVE



1" = 200'

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

CASE# C15-2015-0046
ROW# 11308985
TAX# 0229030527

CITY OF AUSTIN TCAD ✓
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: 5605 JEFF DAVIS AVE

LEGAL DESCRIPTION: Subdivision BROAD ACRES

Lot(s) 9 Block 6 Outlot _____ Division BROAD ACRES

I/We GEORGEY GILBERT on behalf of myself/ourselves as authorized agent for
TRES WATERS LLC affirm that on 2/18, 2015,

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

(check appropriate items below and state what portion of the Land Development Code you are seeking a variance from)

☒ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

DETACHED GARAGE IN FRONT OF BUILDING

FACADE WITH DOOR FACING STREET

SEE EXISTING PERMIT # 2014-023841-BP

in a SF-3NP district. "BRENTWOOD"
(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:

EXISTING NEIGHBORHOOD PLAN - LONG & NARROW
LOT CONFIGURATION -

HARDSHIP:

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

SAVED
HISTORIC TREES WERE - SEE EXISTING PERMIT
- DRAINAGE SEWER IN CENTER OF LOT LIMITS DRIVEWAY

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

OTHER LOTS NOT CONSTRAINED IN SIMILAR FASHION

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:

NEIGHBORHOOD ASSOCIATION IN FAVOR - NOT OPPOSED
NUMEROUS CONTIGUOUS DUPLEXES TO EITHER SIDE

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 Geoffrey Gilbert Mail Address ggil@texas.net

City, State & Zip 1603 W 6th #500 AUSTIN TX 78703

Printed GEOFF GILBERT Phone 5129174411 Date 2/18/15

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 _____

City, State & Zip _____

Printed _____ Phone _____ Date _____

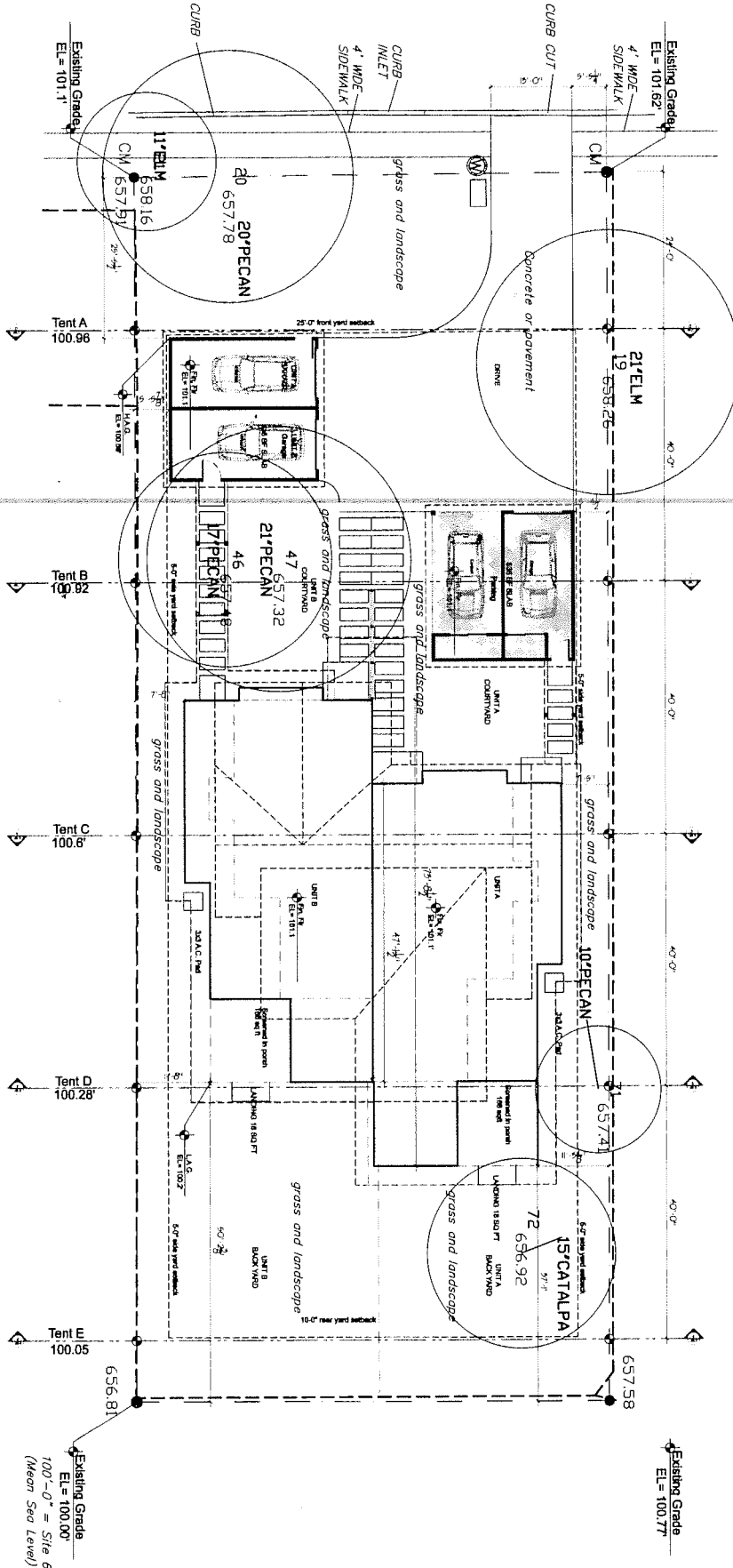
SEE ATTACHED - ON FILE

JEFF DAVIS AVENUE (50') R.O.W.

Impervious Surfaces in front yard setback 40% of 1500 = 600sf Allowed
Impervious surface = 362sf / 1500sf = 24%

LEGEND
= PREVIOUSLY PERMITTED
= PROPOSED PERMIT

1 Site Plan
1/8" = 1'-0"



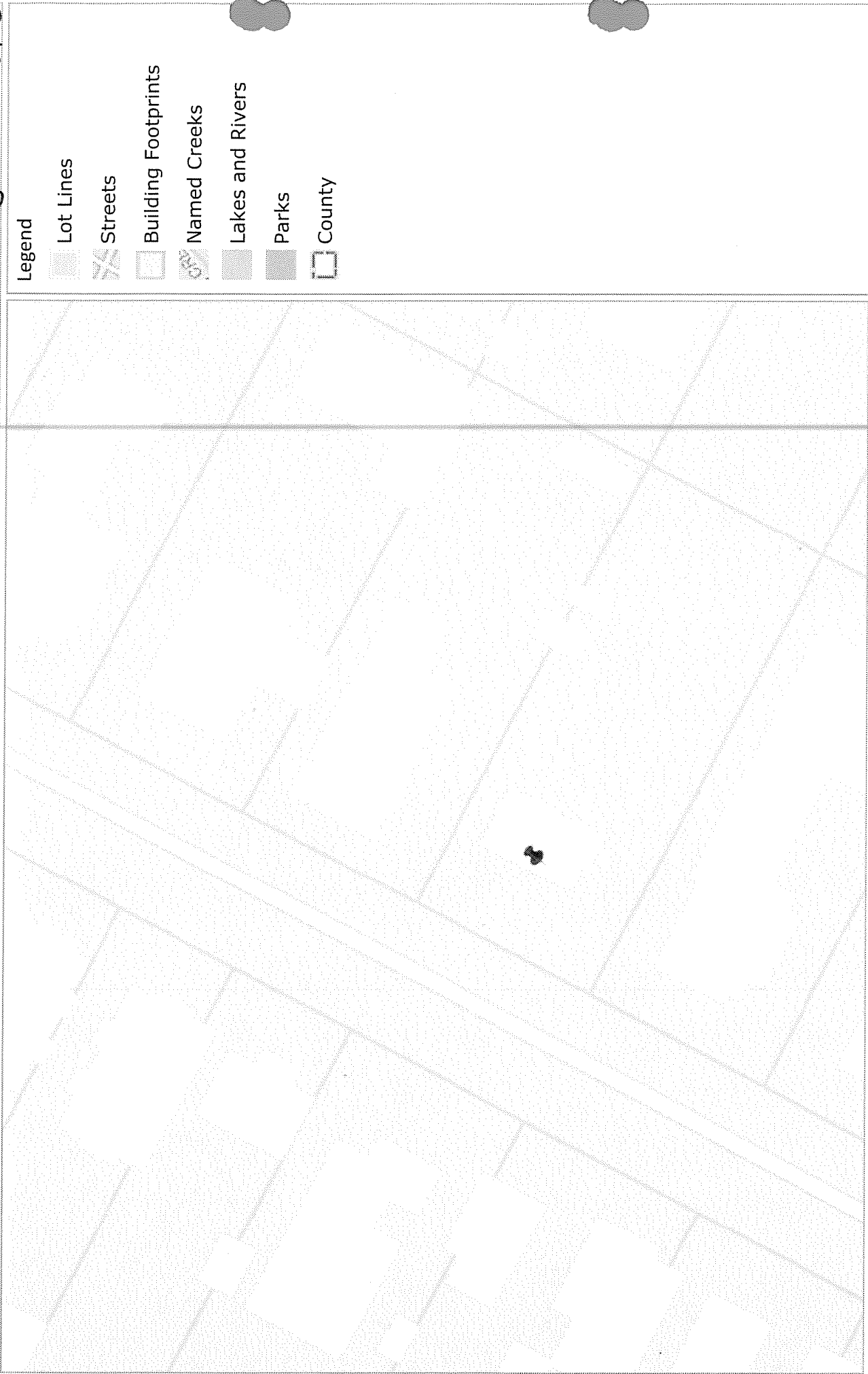
A Design for:
Spendersen LLC
5005 Jeff Davis Ave.
Austin, Texas

DRAWING
PROPOSED SITE
PLAN
SHEET 1
1/1.1

2012

CITY OF AUSTIN DEVELOPMENT WEB MAP

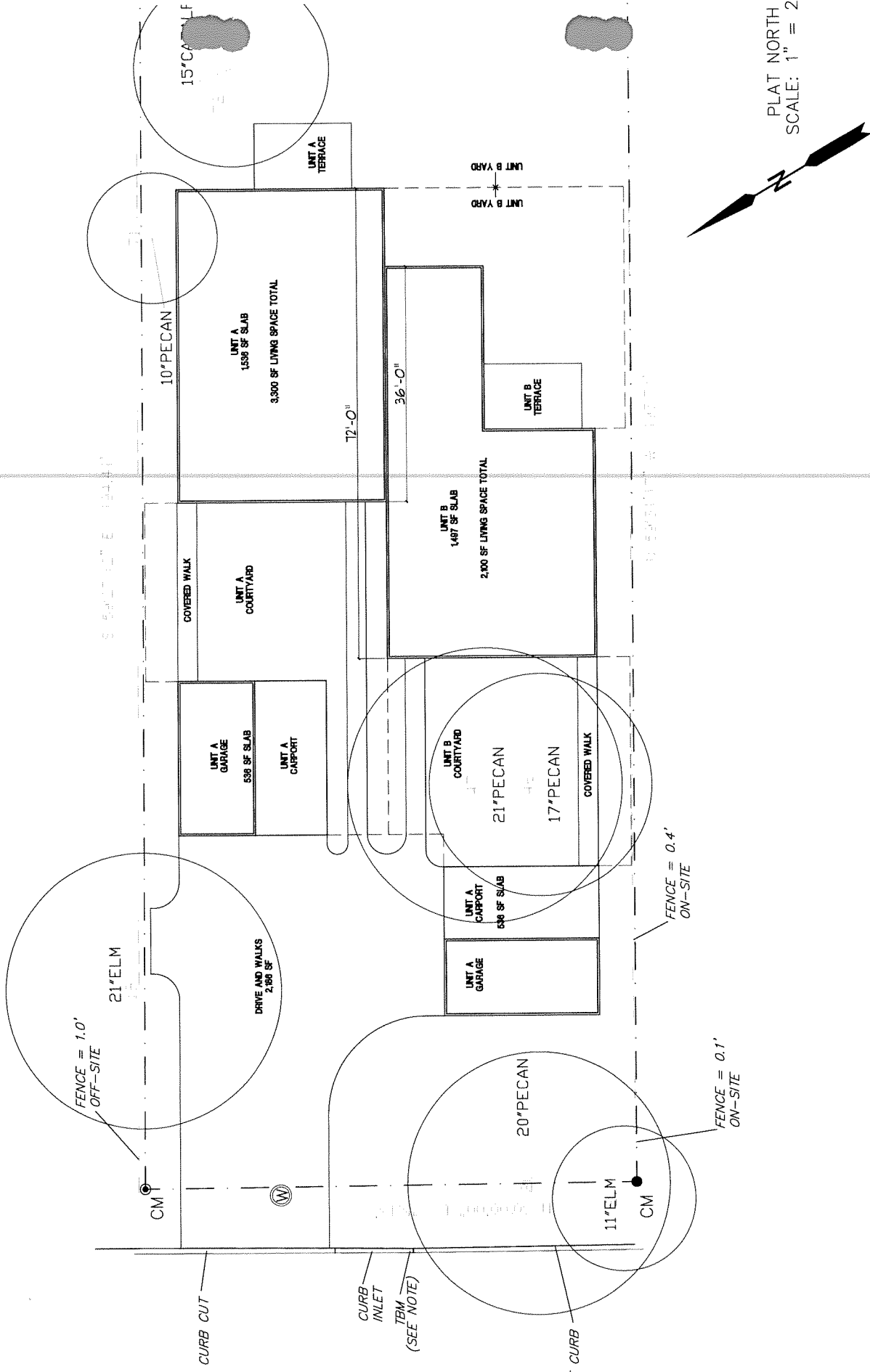
Surrounding Structures



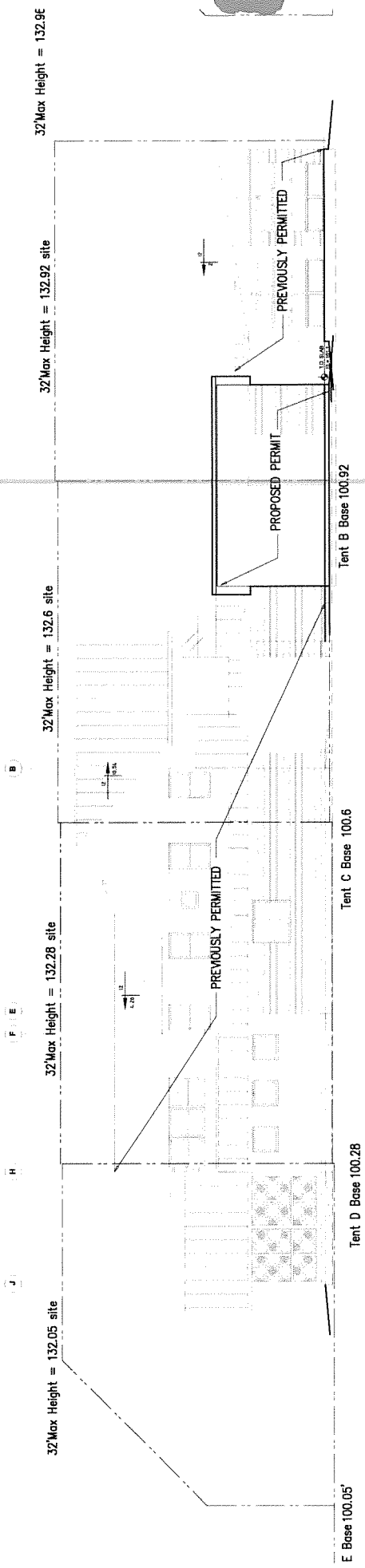
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JEFF DAVIS AVENUE

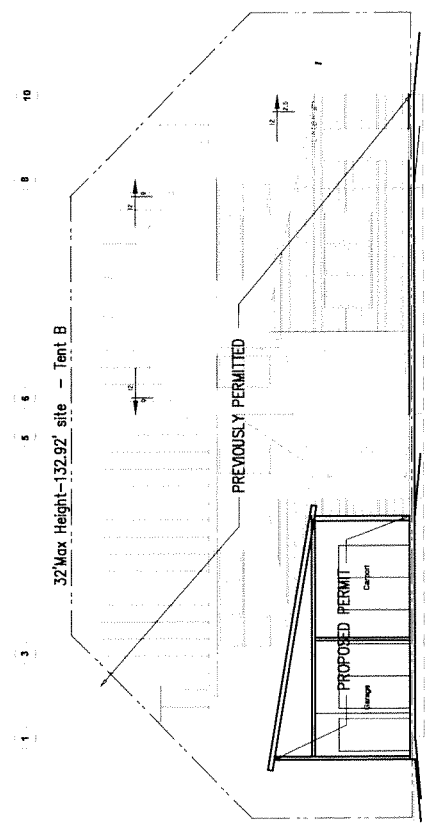
(50') R.O.W.



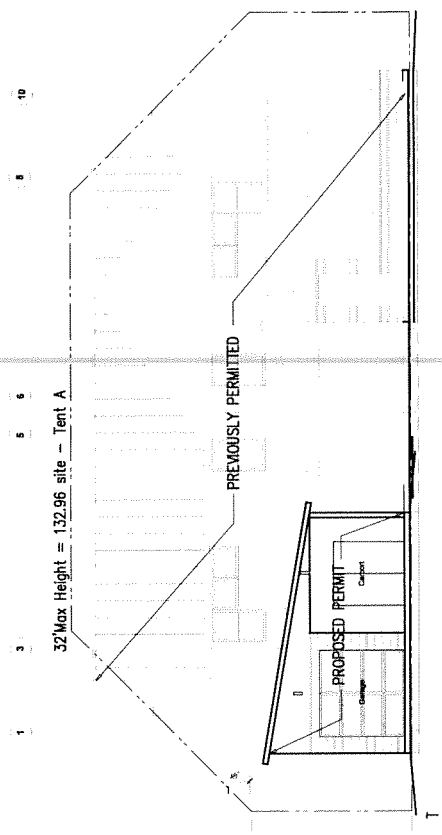
PLAT NORTH
SCALE: 1" = 2'



1 North Elevation
3/16"=1'-0"



2 Section Through Garage
3/16"=1'-0"



3 West Elevation Garage
3/16"=1'-0"

JESS PEDERSEN
ARCHITECTURE

222 MAIN STREET, GARDENHILL, GEORGIA 30143
PEDERSEN@JESSARCH.COM TEL: 404.555.1111 FAX: 404.555.1111

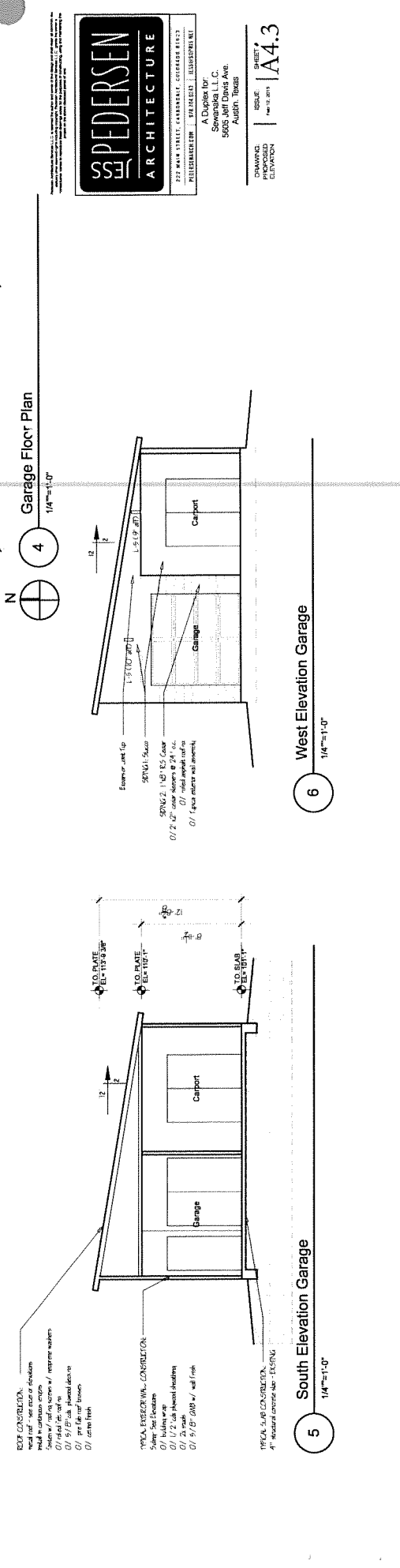
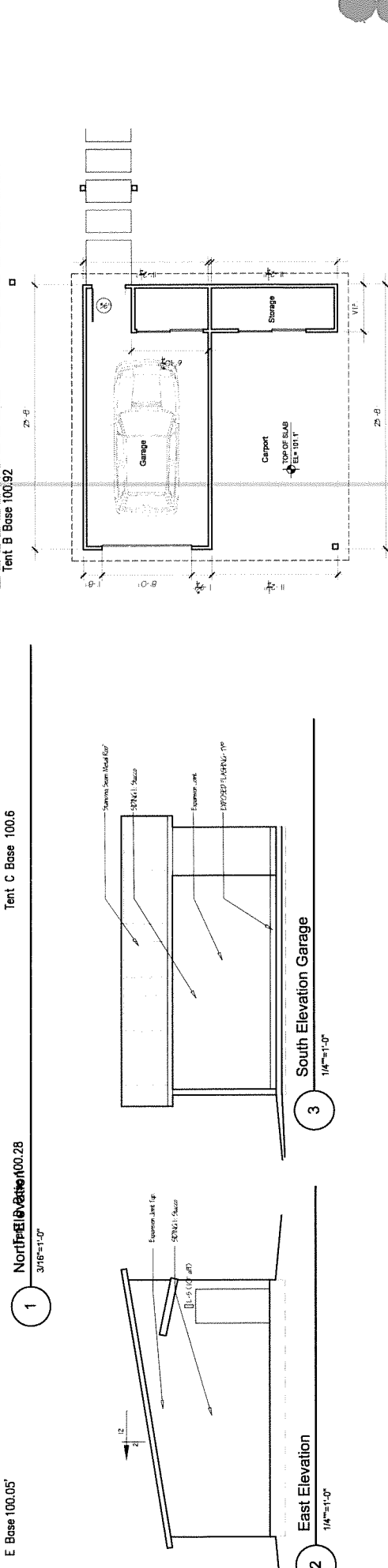
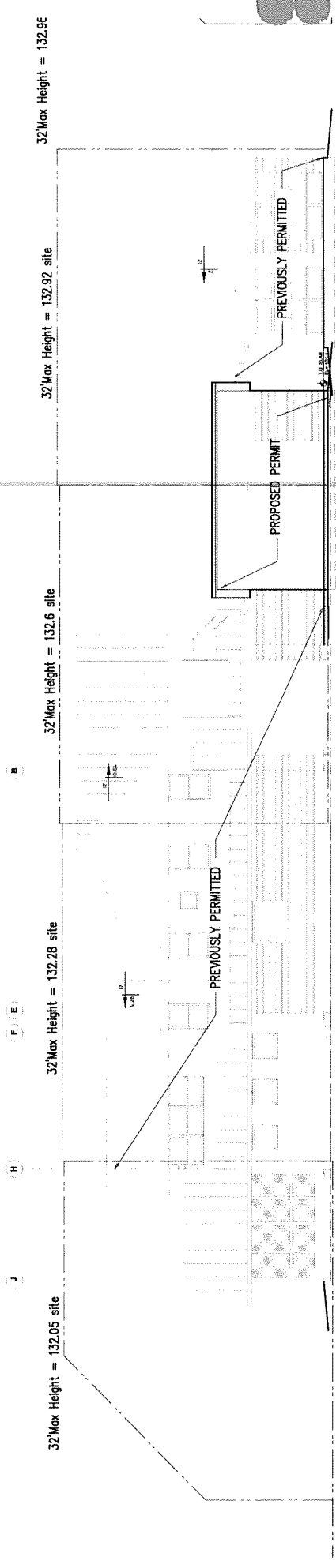
A Duplex for
Savannah, L.L.C.
5655 Juniper Ave.
August, 2018

DRAWING
REVISED
ELEVATION

ISSUE
#

SHEET
#

A4.1



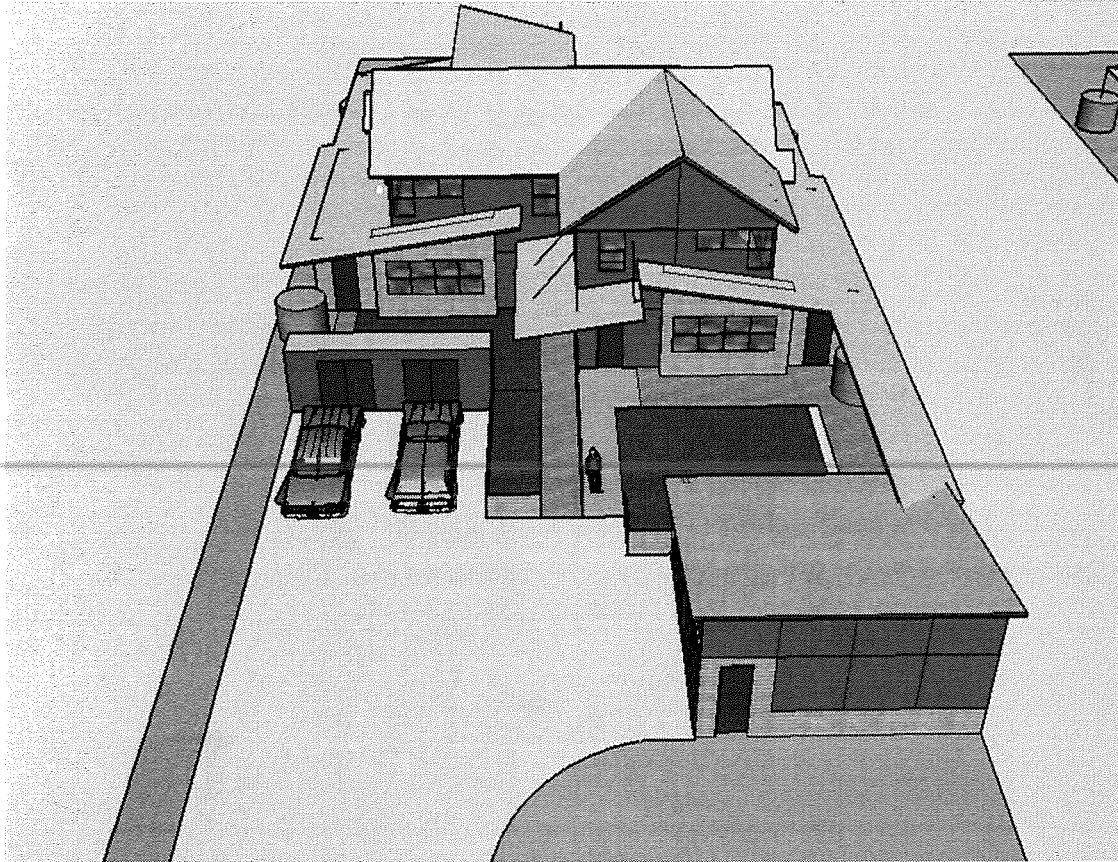
JESS PEDERSEN
ARCHITECTURE

727 MAIN STREET, CANNONVILLE, GEORGIA 30117
770.535.1111
JESS@JESSPEDERSEN.COM

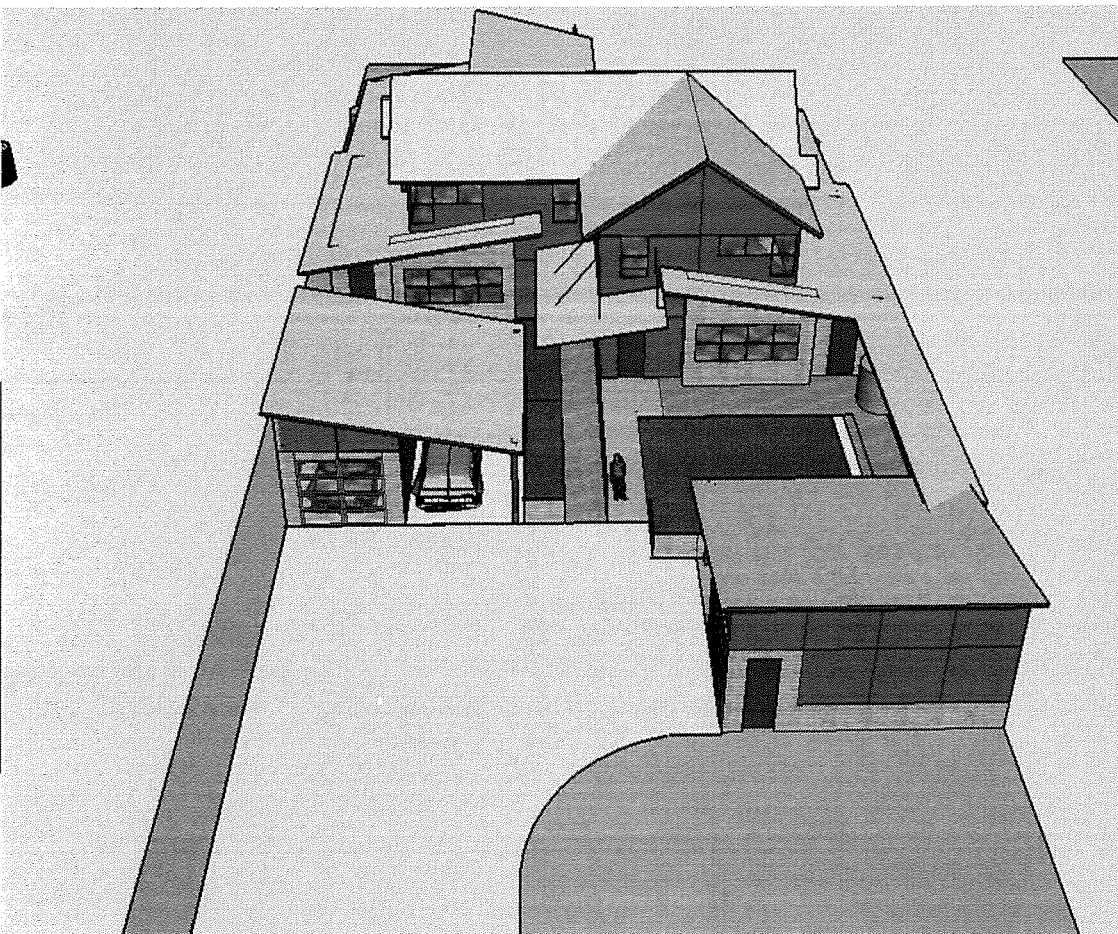
A Duplex for
Savannah, L.I.C.
5625 14th Street Ave.
August 2018

DRAWING
BY JESS PEDERSEN
DATE 08-13-2018

SHEET #
A4.3



**Parking Condition
One Carport Garage**



**Parking Condition
Additional
Carport Garage**

January 20, 2015

Artist

Heldenfels, Leane

C15-2014-0046

From: Kyle May ~~KyleMay@yahoo.com~~
Sent: Tuesday, March 31, 2015 8:31 AM
To: Heldenfels, Leane
Cc: Monica May
Subject: opposition to variance for 5605 Jeff Davis

Good Morning Ms. Heldenfels,

We would like to lodge our opposition to the request for a variance for 5605 Jeff Davis Avenue, 78756. We feel the Brentwood neighborhood plan adequately states why we do not want to have to look at two garages directly across the street from our home.

From page 122 of our neighborhood plan:

Guideline 2.2: Large garages dominating the front facades of houses create a bland pedestrian environment, and wide driveways interrupt continuous sidewalks. Front porches create a friendly streetscape and encourage 'eyes on the street' for added security.

The original elevations for this development showed one garage in the front yard to be shared by Units A & B. That should suffice without having the front yard completely dominated by multiple garages.

Thank you.

-Kyle & Monica May

Heldenfels, Leane

C15-2015-0046

From: Rachel Copperman <~~rachelcopperman@gmail.com~~>
Sent: Tuesday, March 31, 2015 9:20 AM
To: Heldenfels, Leane
Subject: Against the variance for 5605 Jeff Davis

Ms. Heldenfels,

As an owner at 5604 Jeff Davis Ave. I am fully against a second set of garages at 5605 Jeff Davis Ave. The current set of garages already creates an entire wall that we are currently staring at. If another set of garages is put up then we would not see any portion of the house and instead would be staring only at driveways, garage doors, and walls. A second set of garages would go against the neighborhood plan, which on p122, does not support the development of large garages that dominate the facade of the house. As a single family home, we abided by the guidelines concerning garages that Brentwood adopted. As a duplex, 5605 was already able to put up one garage that results in a bland environment and results in a non-friendly streetscape. They absolutely should NOT be allowed to put up a second one.

Thank you,
Rachel Copperman
Owner: 5604 Jeff Davis Ave.