

M06/1



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## NOTIFICATIONS

CASE#: C15-2017-0055

LOCATION: 3515 E 12TH & 1198 EM Franklin

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.



1" = 250'



## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

## Board of Adjustment General/Parking Variance Application

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

### For Office Use Only

Case # \_\_\_\_\_ ROW # \_\_\_\_\_ Tax # \_\_\_\_\_

### Section 1: Applicant Statement

Street Address: 3515 E 12th Street & 1198 E M Franklin Ave, Austin, TX 78721

Subdivision Legal Description:

Ebony Acres

Lot(s): 2 Block(s): \_\_\_\_\_

Outlot: 17 Division: B

Zoning District: SF-3

I/We Southwest Engineers, Inc on behalf of myself/ourselves as  
authorized agent for Scott Way affirm that on  
Month September, Day 15, Year 2017, hereby apply for a hearing before the  
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☒ Other: Subdivide

Type of Structure: n/a

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

25-2-1444(D) - Cottage Regulation, maximum driveway width

25-2-1444(G) - Cottage Regulation, minimum porch width

## Section 2: Variance Findings

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 supporting documents.

**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.**

I contend that my entitlement to the requested variance is based on the following findings:

### Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

Cottage lot requirements per 25-2-1444 are required in order to maintain the existing single-family structures; however, limiting each drive to 12' width would eliminate the required parking without demolition and reconstruction of the homes. Homes similar in size and layout to existing and to neighborhood could not be reconstructed due to site constraints.

### Hardship

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

Existing lot includes frontage on two roadways, retaining wall, extensive tree cover, and two existing homes. The existing lot is deeper off the primary roadway, to which access is not permitted, forcing the drives to be into the 73.0' depth. Limiting the width to 12' (or a single vehicle) would require tandem parking to meet the two space requirement.  
(cont. in Section 6: Additional Space)

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

This lot was originally configured for E. 12th Street frontage which is not allowed. This created a lot with depth originally intended as the width. Mature tree cover and existing retaining wall prevent utilizing the additional width outside of the building footprints. Porch was also constructed for the alternate frontage.

**Area Character**

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:

The variances will not alter the character or impair the use of adjacent property as it allows the buildings to remain the same after resubdivision. The driveway and porch requirements are meant to create a pedestrian-oriented character. The variance will not impair the purpose of the regulation because the pedestrian-oriented character will remain. The existing porches will remain and the wider driveways will push the buildings closer to the right-of-way and sidewalk.

**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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

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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:

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

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

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**Section 3: Applicant Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: [Signature] Date: 9/18/17

Applicant Name (typed or printed): Travis Flake

Applicant Mailing Address: 112 Cimarron Park Loop Suite A

City: Buda State: Texas Zip: 78610

Phone (will be public information): (512) 312-4336

Email (optional – will be public information): travis.flake@swengineers.com

**Section 4: Owner Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: [Signature] Date: 9/18/17

Owner Name (typed or printed): Scott Way

Owner Mailing Address: 4509 Avenue C

City: Austin State: Texas Zip: 78751

Phone (will be public information): (512) 344-3421 512-589-0284

Email (optional – will be public information): \_\_\_\_\_

**Section 5: Agent Information**

Agent Name: Southwest Engineers, Inc

Agent Mailing Address: 112 Cimarron Park Loop Suite A

City: Buda State: Texas Zip: 78610

Phone (will be public information): (512) 312-4336

Email (optional – will be public information): \_\_\_\_\_

**Section 6: Additional Space (if applicable)**

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

(cont. from Section 2 (a) Hardship)

This would encompass 40' (55%) of the lot, which does not fit with the existing structures and, along with lot characteristics and building size and configuration to the neighborhood. These lot characteristics include the existing retaining wall and tree cover. (cont. on next page)

## Additional Space (continued)

(cont. from previous page)

The existing homes include porches which do not meet the requirements. One is 47% (17' of 36') when 50% is required. The other has its main entry facing E. 12th St. when regulations would require a porch along the Franklin Ave frontage.

**SAVE**



# SOUTHWEST ENGINEERS

Civil | Environmental | Land Development

TBPE NO. F-1909

## HEADQUARTERS

www.swengineers.com

## CENTRAL TEXAS

307 St. Lawrence Street, Gonzales, TX 78629

P: 830.672.7546 F: 830.672.2034

112 Cimarron Park Loop Ste. A, Buda, TX 78610

P: 512.312.4336

September 21, 2017

City of Austin  
Board of Adjustment

Re: Cover Letter for  
Variance Request  
3515 E. 12<sup>th</sup> Street  
Austin, TX 78721

To the Board of Adjustment:

We present this variance request to you on behalf of the property owner, Scott Way.

The lot in its current condition is a 9624 sqft single family lot with a 1674 sqft primary home and an 840 sqft secondary home. Both houses are currently inhabited. A subdivision plan has been submitted to separate the residences to individual lots. This subdivision requires cottage lot regulations due to lot size.

We are requesting variances to the porch size and driveway width requirements in order to preserve the exiting structures and maintain current functionality of the property. Restricting the driveway width to 12' as required by LDC 25-2-1444(D) would restrict the amount of on-site parking to a single space due to the shallow lot depth and current structure placement not permitting tandem parking. Existing trees and retaining wall also prevent another driveway location without removing at least a portion of the existing structure. The existing structures include porches which do not meet the full requirements of cottage lots; one falls 3% short of width requirements while the other is 36% of the house front instead of 50%. Cottage lot regulations were intended to encourage density without sacrificing neighborhood characteristics and we believe the existing porches and structures meet these intentions.

More detailed discussion of the use restrictions, hardship, and area character can be found in the application and additional support, including neighbor support is included in this packet.

We appreciate your consideration of this request.

Respectfully submitted,

Travis Flake., P.E.  
Senior Project Engineer



OWNER:  
BROOKS CALAVAN

ADDRESS:  
3515 EAST 12TH STREET

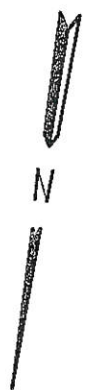
LEGAL DESCRIPTION:  
LOT 2, EBONY ACRES, A SUBDIVISION  
IN TRAVIS COUNTY, TEXAS, ACCORDING  
TO THE MAP OR PLAT THEREOF  
RECORDED IN BOOK 6, PAGE  
68, PLAT RECORDS OF TRAVIS  
COUNTY, TEXAS.

LOT 2 IS SUBJECT TO EASEMENT  
RIGHTS AND RESTRICTIVE  
COVENANTS OF RECORD.

# Waterloo Surveyors Inc. SURVEY PLAT

"TO THE LIEN HOLDERS AND/OR THE  
OWNERS OF THE PREMISES SURVEYED  
AND TO ALAMO TITLE COMPANY AS  
PER GF NO. 04-7036879."

SCALE  
1"=20'



**E.M. FRANKLIN AVENUE**  
(S 01°41'00" W)  
(S 01°45'28" W)

Radius=15.00'  
Arc=26.43' (26.39')  
Chord=23.14' (23.11')  
(S 48°29'06" E)  
(S 48°42'00" E)

BEARING BASE  
N 80°54'00" E  
134.51'  
To Found Iron Rod  
not to scale

**EAST 12TH STREET**

State of Texas:  
County of Travis:

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

Dated this the 22ND day of JUNE, 200 4

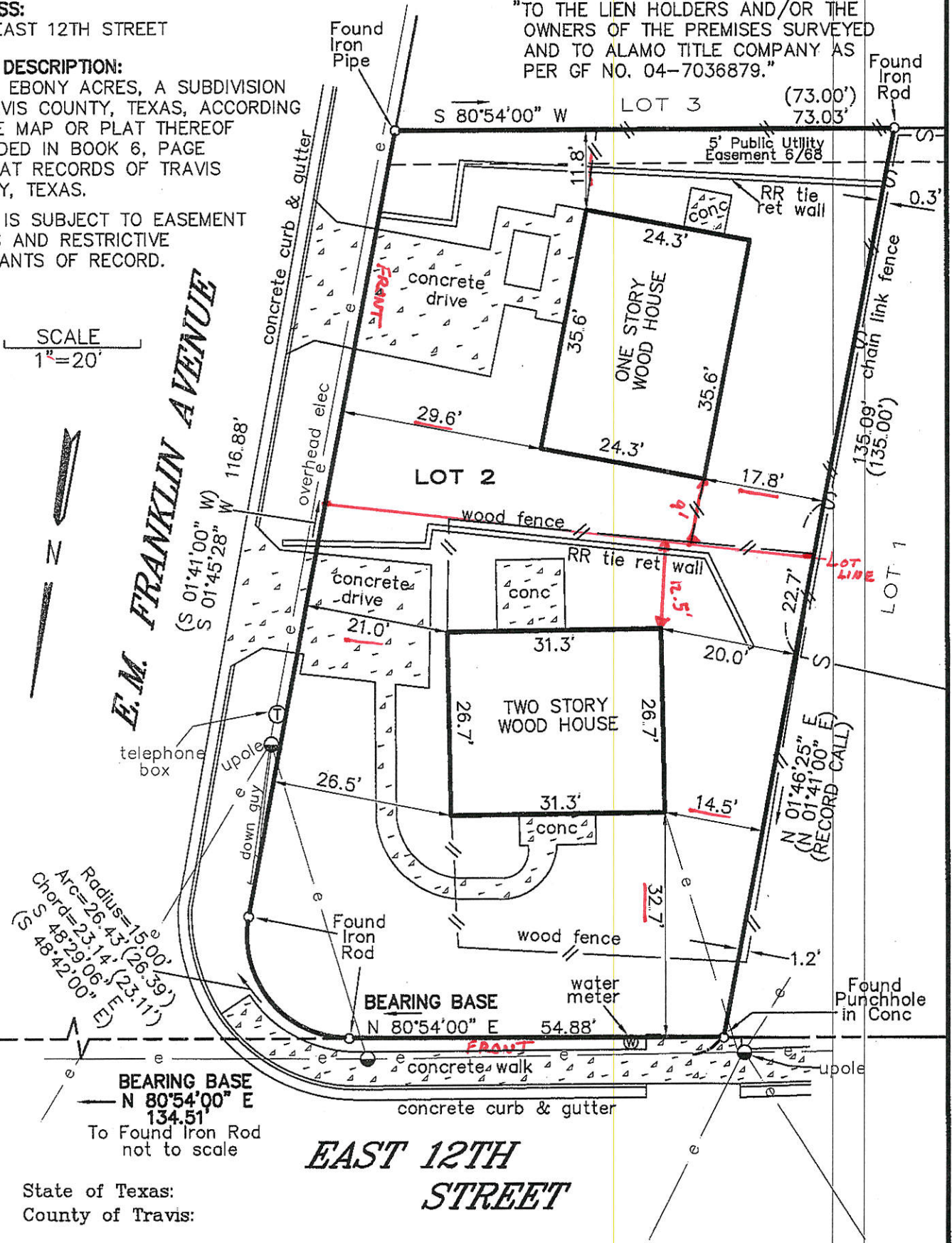
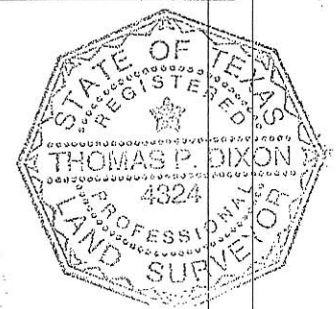
And I certify that the property shown hereon IS NOT within a special flood  
hazard area as identified by the Federal Insurance Adm. Department of HUD Flood  
hazard boundary map revised as per Map Number: 48453C0165 E

Zone: X Dated: JUNE 16, 1993

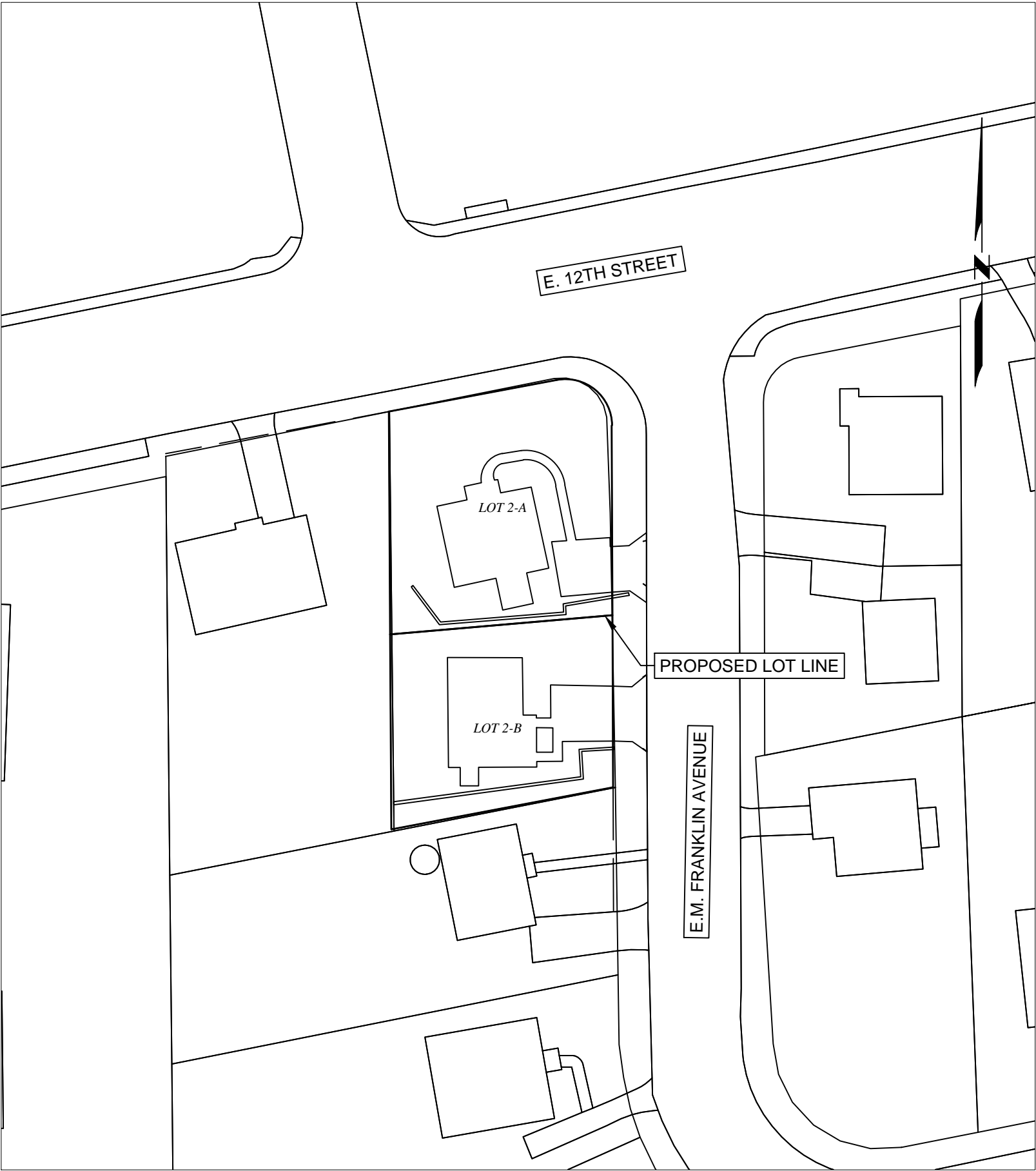
Thomas P. Dixon R.P.L.S. 4324

© Copyright 2004

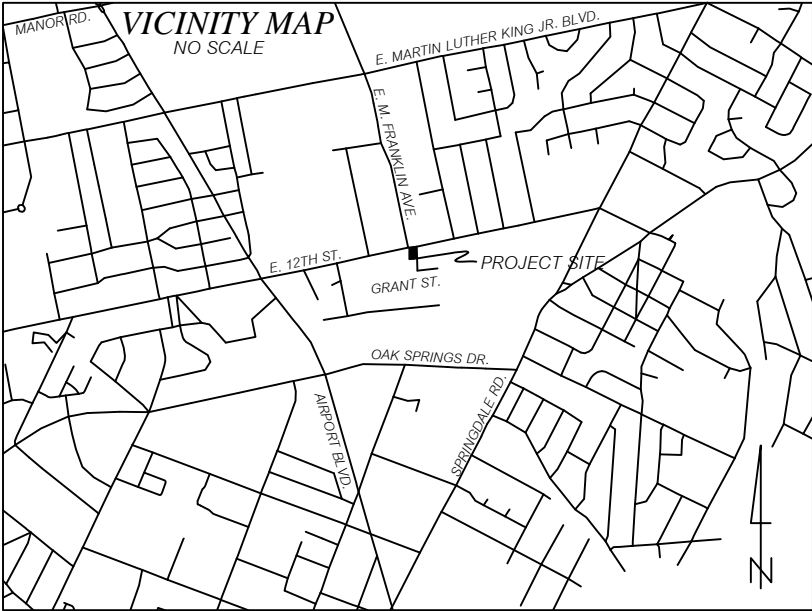
P.O. Box 160176, Austin, Texas 78716-0176 Phone: 481-9602







- NOTES:
1. EXISTING BUILDINGS AND DRIVEWAYS ARE PROPOSED TO REMAIN.
  2. ADDRESS FOR UNIT A (PROPOSED LOT 2-A) IS 3515 E 12TH STREET. ADDRESS FOR UNIT B (PROPOSED LOT 2-B) IS 1198 E.M. FRANKLIN AVENUE.



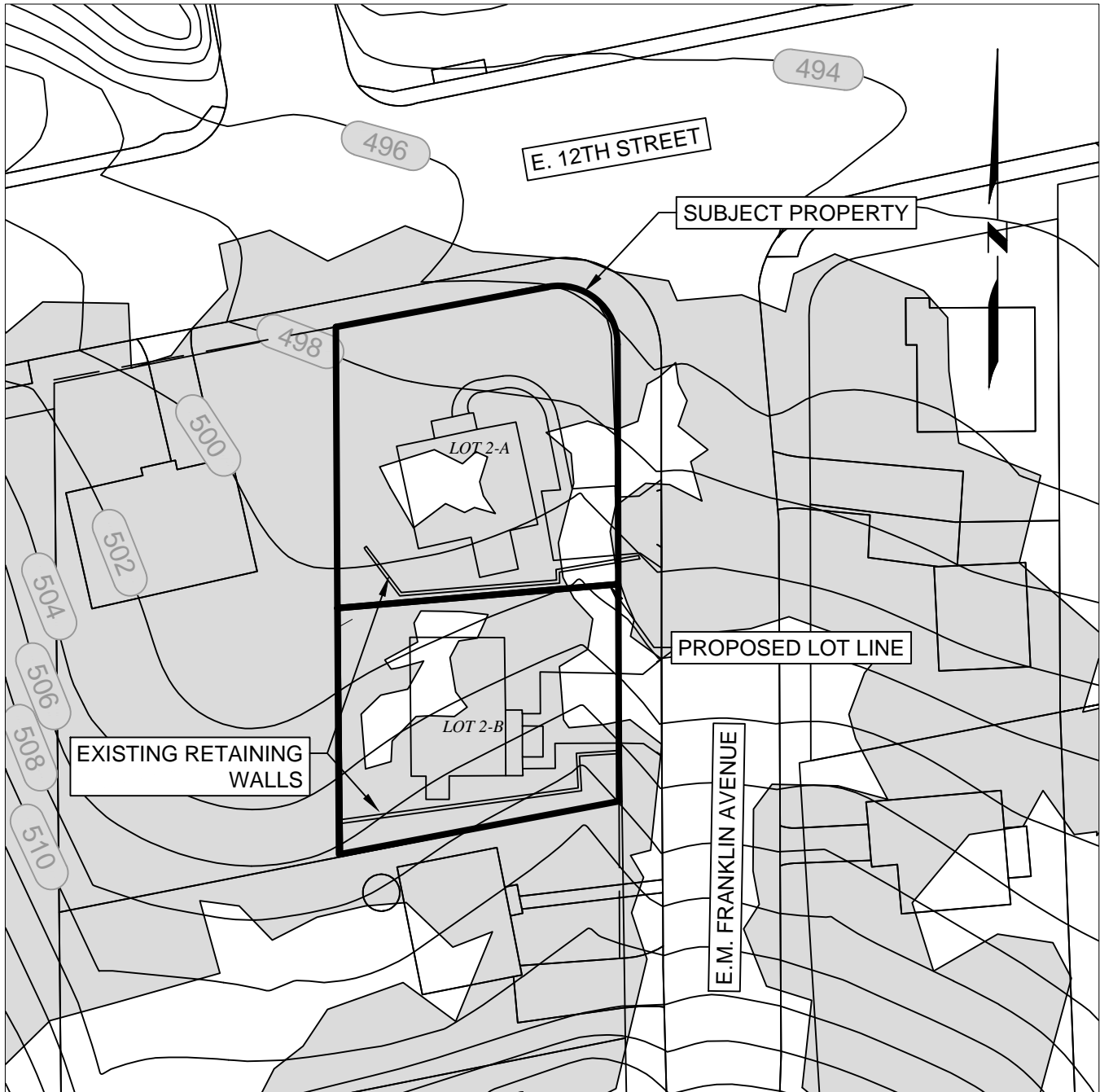
COA GRID NUMBER: ML23



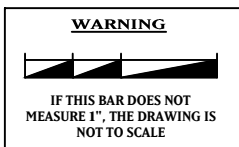
## SURROUNDING BUILDINGS

**3515 East 12th Street**  
**Board of Adjustment Variance Request**  
**Re-Subdivision of Lot 2 of the Ebony Acres Subdivision**  
**Scott Way**

Date: 09/18/2017  
File: Exhibit  
Scale: 1" = 40'  
Tech: MNI  
Project No.: 0648-001-16



■ TREE COVER



**NOTES:**

1. 2003 CONTOURS ARE FROM COA GIS.
2. TREE COVER IS BASED ON 2015 AERIAL

Date: 09/20/2017  
 File: Exhibit  
 Scale: 1" = 40'  
 Tech: MNI  
 Project No.: 0648-001-16

**Southwest Engineers Inc.**



Civil  
 Environmental  
 Planning

TBPE No.: 1909  
 www.swengineers.com

142 Cimarron Park Lp  
 Buda, Texas 78610  
 (512) 312-4336

## TREE & TOPO MAP

**3515 East 12th Street**  
**Board of Adjustment Variance Request**  
**Re-Subdivision of Lot 2 of the Ebony Acres**  
**Subdivision**



Lot View from E 12<sup>th</sup> Street



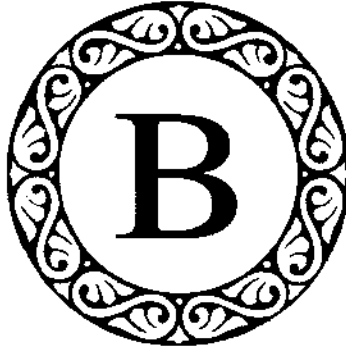


Lot View from E.M. Franklin – Unit A





Lot View from E.M. Franklin – Unit B



## BOCKHOLT FAMILY

September 20, 2017

Dear Board Members:

We own 3513 E. 12<sup>th</sup> Street, which is adjacent to 3515 E. 12<sup>th</sup> Street, which is seeking a variance from you. We support this variance request. Without this variance, a significant number of trees will have to be removed to allow for parking. In addition, given that the homes already exist, we do not see the need to alter the existing porches of these homes.

We are aware that 3601 E. 12<sup>th</sup> Street was subdivided in the past, and these same requirements were not made on them. We believe this subdivision and the variance required to make it happen will allow these homes to remain affordable. Please grant this variance request.

Sincerely yours,

  
Brent Bockholt