

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet**

**DATE: Monday June 11, 2018**

**CASE NUMBER: C15-2018-0026**

<input checked="" type="checkbox"/>	Brooke Bailey
<input checked="" type="checkbox"/>	William Burkhardt
<input checked="" type="checkbox"/>	Christopher Covo
<input checked="" type="checkbox"/>	Eric Golf
<input type="checkbox"/>	Melissa Hawthorne OUT
<input checked="" type="checkbox"/>	Bryan King
<input checked="" type="checkbox"/>	Don Leighton-Burwell
<input type="checkbox"/>	Rahm McDaniel OUT
<input type="checkbox"/>	Martha Gonzalez (Alternate) OUT
<input checked="" type="checkbox"/>	Veronica Rivera
<input checked="" type="checkbox"/>	James Valdez
<input checked="" type="checkbox"/>	Michael Von Ohlen
<input checked="" type="checkbox"/>	Kelly Blume (Alternate)
<input type="checkbox"/>	Pim Mayo (Alternate) OUT

**APPLICANT: Nick Mehl**

**OWNER: Jennifer Todd**

**ADDRESS: 1210 ANGELINA ST**

**VARIANCE REQUESTED**The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the minimum lot area from 5,750 square feet (required) to 1,138 square feet (requested/existing); and to
  - B. decrease the minimum lot width from 50 feet (required) to 24.5 feet (requested/existing); and to
  - C. increase the maximum impervious cover from 45 percent (required) to 65 percent (requested); and to
  - D. decrease the side yard setback from 5 feet (required) to 3 feet (requested); and to
  - E. Section 25-6, Appendix A (Tables of Off-Street parking and Loading Requirements) to reduce the number of required parking spaces from 2 spaces (required) to 1 space (requested)
- in order to erect a new single family home in a "SF-3-NP" Family Residence - Neighborhood Plan zoning district. (Central East Austin)

**NOTE:** The Central East Austin neighborhood plan allows new construction of a single family home on a 2,500 square foot or larger lot, however this lot is smaller than 2,500 square feet (1,138 square feet) and does not qualify for that small lot amnesty section of the plan which includes impervious cover of 65% as


requested. This lot is located within the area that qualifies for exemption of additional parking space for an additional dwelling unit up to 1100 square feet in size or .15 of the lot area (171 square feet for this lot), however the applicant is proposing a new primary dwelling unit which requires 2 parking spaces.

**BOARD'S DECISION: BOA MEETING JUNE 11, 2018** The public hearing was closed on Board Member Brooke Bailey motion to Postpone to July 9, 2018, Board Member Michael Von Ohlen second on a 10-0 vote; POSTPONED TO July 9, 2018

**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

  
William Burkhardt  
Chairman

**From:** [REDACTED]  
**To:** [Heldenfels, Leane](#)  
**Subject:** Re: FW: C15-2018-0026  
**Date:** Tuesday, June 26, 2018 11:31:40 AM

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Leane,  
We decided to back out of the variance request. Please remove us from the agenda.

Thank you,



On Wed, Jun 20, 2018 at 6:31 AM, [REDACTED] wrote:  
Great, thanks!

Nick

On Tue, Jun 19, 2018, 2:34 PM Heldenfels, Leane <[Leane.Heldenfels@austintexas.gov](mailto:Leane.Heldenfels@austintexas.gov)> wrote:

Hi Nick – I received below and attached today and will include it in the Board's 7/9 advance packet.

FYI –

Leane

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**From:** [REDACTED]  
**Sent:** Tuesday, June 19, 2018 1:29 PM  
**To:** Heldenfels, Leane  
**Subject:** C15-2018-0026

[REDACTED] as attached the following document:



1210Angelina.Letter to BOA



Hi Leane -

Attached is a letter to the BOA from Swede Hill Neighborhood Association regarding the variance case listed above. Let me know if you have any questions.

Regards,  
Paula Reckson, President  
Swede Hill NA

Google Docs: Create and edit documents online.

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

You have received this email because someone shared a document with you from  
Google Docs.



June 18, 2018

TO: City of Austin Board of Adjustment  
FROM: Swede Hill Neighborhood Association (SHNA)  
RE: 1210 Angelina Street  
C15-2018-0026

Dear Board Members:

Mr. Nick Mehl attended the June 5th meeting of SHNA to present his proposed residential development at 1210 Angelina Street. He stated that he was appearing before your body on June 11th to request several variances for the project.

Mr. Mehl was informed a week prior to the SHNA June meeting that our Neighborhood Association required 2 meetings before members can vote on zoning and development cases that come before us. This established procedure ensures a 30 day notification period where residents and owners are informed and aware that a vote will take place.




Unfortunately, the SHNA July 10th regular monthly meeting will occur after Mr. Mehl appears before your Board on July 9th. Therefore, the Association is unable provide a position letter from the neighborhood regarding this project. We will encourage Mr. Mehl to follow the BOA recommendation to seek substantiated input from neighbors adjacent to this property.

Respectfully,

Paula Reckson, President  
Swede Hill Neighborhood Association

007/6



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

### NOTIFICATIONS

CASE#: C15-2018-0026

LOCATION: 1210 ANGELINA ST



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" = 333'



007/7

## 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: 1210 Angeina Street

Subdivision Legal Description:

CEN 24.54 FT AV OF E 46 FT OF LOT 7 BLK 2 OLT 38 DIV B OREILLY JAMES

Lot(s): 7 Block(s): 2

Outlot: 38 Division: B

Zoning District: SF3

I/We Nick Mehl on behalf of myself/ourselves as  
authorized agent for William Goynes affirm that on  
Month April, Day 26, Year 2018, hereby apply for a hearing before the  
Board of Adjustment for consideration to (select appropriate option below):

☒ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: \_\_\_\_\_

Type of Structure: single family home

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

1. Reduction in minimum lot size (5,750 to 1,138); 2. Reduction in required lot width (50' to 26'); 3. Parking reduction from 2 spaces to 1 space; 4. Increase in impervious cover from 45% to 65%; 5. Reduction in side building setback from 5' to 3'.

## 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:

we cannot build a single family house which is common for the neighborhood.

### Hardship

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

the lot size does not allow for a single family home although the two adjacent properties of similar size have single family homes and there are several other similar properties in the neighborhood with single family homes.

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

other homes have been built on similar size properties.



**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 immediate neighbors have similar size houses on similar size lots. The scale of our design will resemble the size and character of other homes in the neighborhood.

**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:

this is a small single family home, similar in size to other houses in the neighborhood. Many other houses of this size do not have any off-street parking spaces so we think one off-street parking space would be reasonable.

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:

a house of this size does will never need more than one parking space since a house like this will not have more than one or two inhabitants and the site is located near many alternative transit options.

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

there will not be a safety hazzard. Angelina Street is a very wide street and a single off-street parking space will not cause any safety hazzards.

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

The only feasible use for the site is for a single family home.

**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: \_\_\_\_\_ Date: 04/26/2018

Applicant Name (typed or printed): Nick Mehl

Applicant Mailing Address: 2124 East 6th Street, Ste. 106

City: Austin State: TX Zip: 78702

Phone (will be public information): (512) 473-8228

Email (optional – will be public information): [REDACTED]

**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: \_\_\_\_\_ Date: \_\_\_\_\_

Owner Name (typed or printed): William Goynes

Owner Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

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

**Section 5: Agent Information**

Agent Name: Nick Mehl

Agent Mailing Address: 2124 East 6th Street, Ste. 106

City: Austin State: TX Zip: 78702

Phone (will be public information): (512) 473-8228

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).

All we want to do is create a small single family home of reasonable size that will set an example of good architecture and be a long term residence for a single person or small family.

\_\_\_\_\_  
\_\_\_\_\_



**Development Services Department  
Land Status Determination  
Legal Tract Platting Exception  
Certification**

**February 17, 2015**

**File Number: C8I-2015-0058**

**Address: 1210 ANGELINA ST**

**Tax Parcel I.D. #0207080809**

**Tax Map Date: 08/25/2014**

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

Is a **LEGAL TRACT** consisting of **the North portion of the South 68 feet of the East 46 feet of lot Seven, Block Two Outlot Thirty-Eight, Division "B"**, created prior to **Mar 14, 1946** (Grandfather Date) as evidenced by deed recorded in Volume 713, Page 340 of the Travis County Deed Records on **Apr 05, 1943** being the same property as currently described in deed recorded in **Document #2014172821** of the Travis County Deed Records on **Nov 18, 2014** 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  
Development Services Department**

**Map Attachment**



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

**DATE: Monday, March 9, 2015**

**CASE NUMBER: C15-2015-0005**

☐ Y ☐ Jeff Jack - Chair  
☐ Y ☐ Michael Von Ohlen 2<sup>nd</sup> the Motion  
☐ Y ☐ Melissa Whaley Hawthorne - Vice Chair  
☐ Y ☐ Sallie Burchett Motion to Grant A to FAR.4  
☐ - ☐ Ricardo De Camps OUT  
☐ - ☐ Brian King OUT  
☐ Y ☐ Vincent Harding  
☐ Y ☐ Will Schnier - Alternate  
☐ Y ☐ Stuart Hampton - Alternate

**APPLICANT: WILLIAM HODGE**

**OWNER: LARK MILLER**

**ADDRESS: 1210 ANGELINA ST**

**VARIANCE REQUESTED:** The applicant has requested a variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the minimum size lot from 5,750 square feet (required) to 1,129 square feet (requested); and to
- B. increase the impervious cover from 45% (required) to 56% (requested); and to
- C. decrease the front yard setback from 25 feet (required) to 10 feet (requested);

in order to construct a 761 square foot home in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly)

**BOARD'S DECISION:** The public hearing was closed on Board Member Bryan King motion to Deny (Applicant no show), Board Member Jeff Jack second on a 5-2 vote (Board Members Melissa Hawthorne and Vincent Harding nay); **DENIED (APPLICANT NO SHOW).**

**RECONSIDERATION REQUESTED FEB 9, 2015** Board Member Bryan King motion to reconsider the request, Board Member Melissa Hawthorne second on a 7-0 vote;

**RECONSIDERED REQUEST GRANTED;** The public hearing was closed on Board Member Bryan King motion to Postpone to March 9, 2015, Board Member Vincent Harding second on a 7-0 vote; **POSTPONED TO MARCH 9, 2015.**

The applicant has requested a variance(s) from Section 25-2-492 (D) (Site Development Regulations) to: A. decrease the minimum size lot from 5,750 square feet (required) to 1,129 square feet (requested); and to B. increase the impervious cover from 45% (required) to 56% (requested); and to C. decrease the front yard setback from 25 feet (required) to 10 feet (requested); in order to construct a single family home in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly)


**March 9, 2015 - The public hearing was closed on Board Member Sallie Burchett motion to Grant .4 FAR Item A and Withdraw Items B & C by Applicant, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED ITEM A .4 FAR AND WITHDREW ITEMS B AND C BY APPLICANT.**

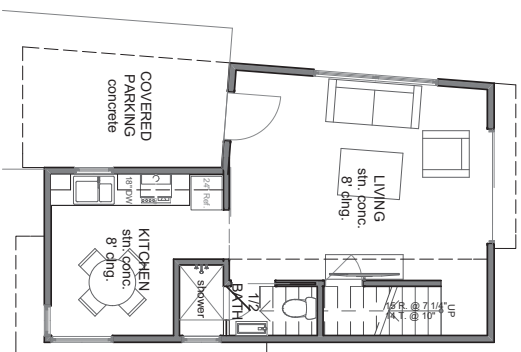
**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the minimum lot size with small lot amnesty applied, is 2500 sf more than twice this tract's size and the lot has no value without the ability to construct a dwelling
2. (a) The hardship for which the variance is requested is unique to the property in that: this is the smallest such tract in the vicinity  
(b) The hardship is not general to the area in which the property is located because: this is the smallest such tract in the vicinity
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: there are dwellings to the north and south of this proposed development the proposed front setback is in line with the setbacks of adjacent properties, the size of the proposed dwelling is equal to , or smaller than, the average dwelling size in the vicinity, no variance from setbacks or parking are proposed, the tract is currently vacated and has the potential to serve as a nuisance to properties in the general

vicinity

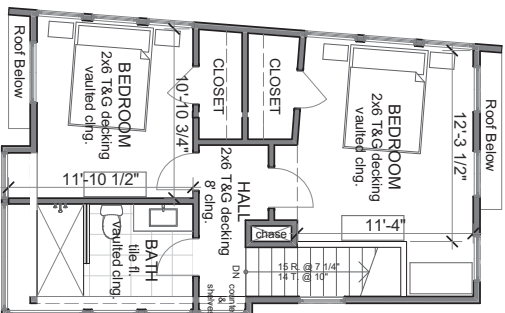
  
Leane Heldenfels  
Executive Liaison

  
Jeff Jack  
Chairman



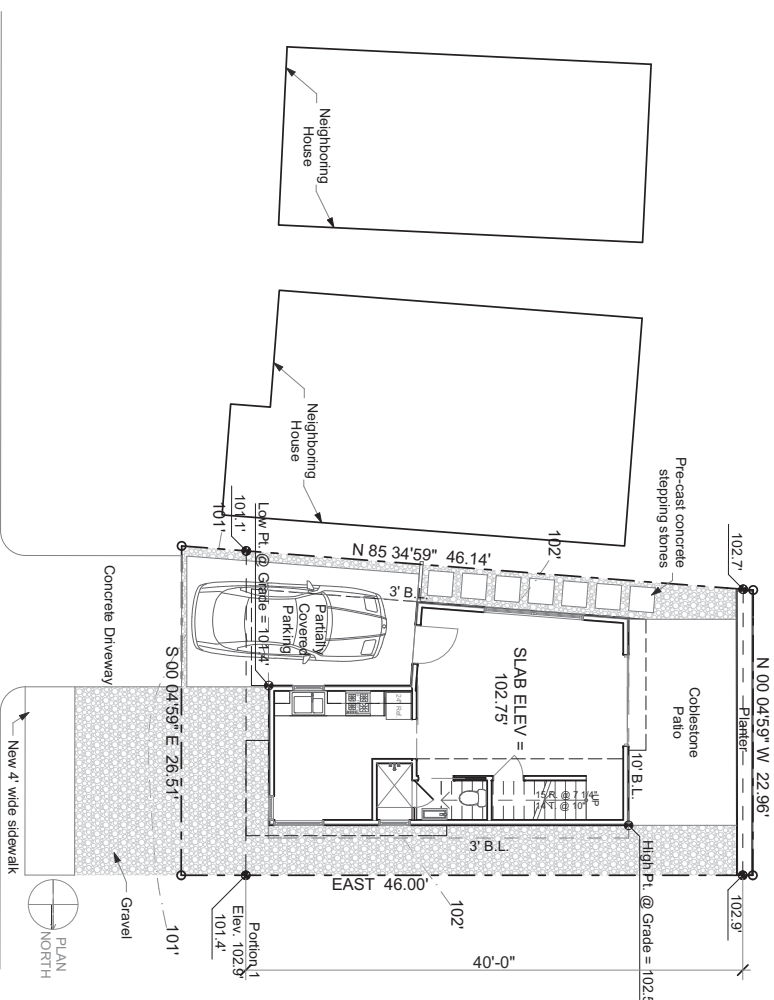
First Floor House

SCALE: 1/8" = 1'-0"



Second Floor House

SCALE: 1/8" = 1'-0"



Site Plan

SCALE: 1" = 10'



2124 East 6th St., Ste. 106  
Austin, Texas 78702



Angelina  
House

E5A

DATE: 5/25/2018

DRAWN BY:

COPYRIGHT 2018

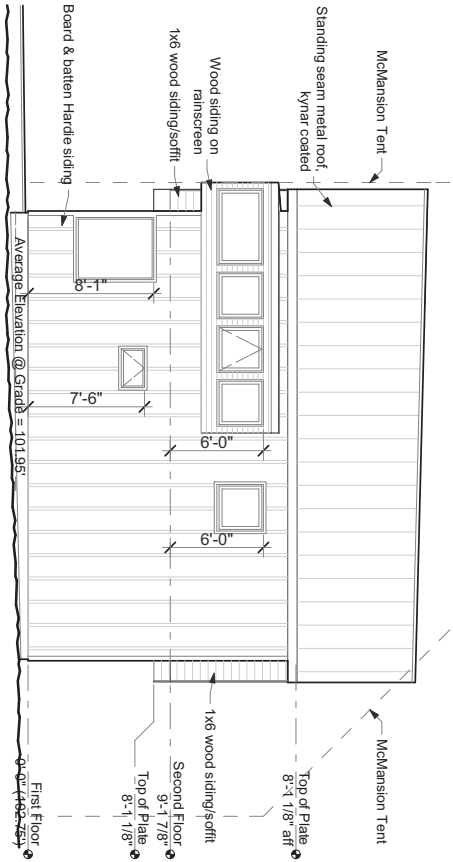
Plans

A1

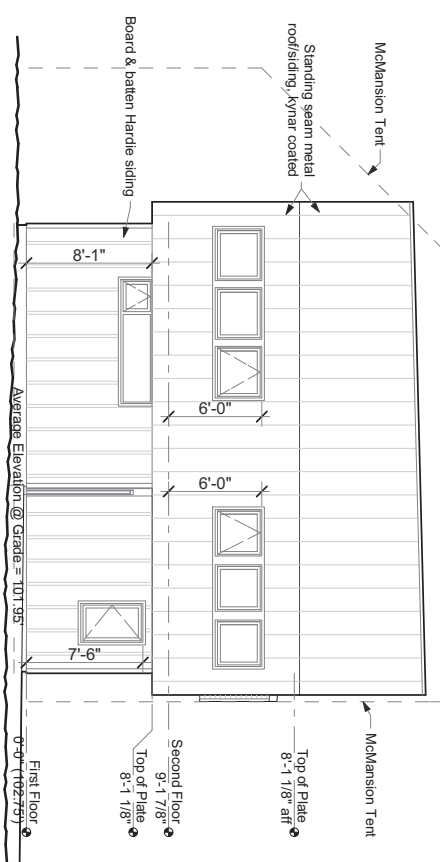




SCALE: 1/8" = 1'-0"



SCALE: 1/8" = 1'-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 website:

[www.austintexas.gov/department/development-services](http://www.austintexas.gov/department/development-services)

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 this case.**

**Case Number:** C15-2018-0026, 1210 Angelina Street

**Contact:** Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

**Public Hearing:** Board of Adjustment, June 11, 2018

*Leane Heldenfels*  
Your Name (please print)

☒ I am in favor  
☐ I object

*13016 Bob Harrison St 78702*  
Your address(es) affected by this application

*[Signature]*  
Signature

Date

Daytime Telephone: *512 527 1743*

Comments: *We are strongly in favor*

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be sent via:

**Mail:** City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be seen by the Board at this hearing)

**Fax:** (512) 974-6305

**Email:** [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)