

# BOA CASE REVIEW SHEET

**CASE:** C15-2019-0025

**BOA DATE:** May 13, 2019

**ADDRESS:** 2404 Sweetbrush

**COUNCIL DISTRICT:** 10

**OWNER:** Rebecca Nelson Davis

**AGENT:** Jeffrey Howard

**ZONING:** SF-3-NP (West Austin Neighborhood Group)

**AREA:** Lot 2A Amended Plat of Lots 2 and 3, Sweetbrush

**VARIANCE REQUEST:** Rear setback 10 feet instead of 25 foot through lot setback

**SUMMARY:** New single family residence




**ISSUES:** Trees, topography, drainage

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP (West Austin Neighborhood Group)	Single Family Residential
<i>North</i>	SF-3-NP (West Austin Neighborhood Group)	Single Family Residential
<i>South</i>	SF-3-NP (West Austin Neighborhood Group)	Single Family Residential
<i>East</i>	SF-3-NP (West Austin Neighborhood Group)	Single Family Residential
<i>West</i>	SF-3-NP (West Austin Neighborhood Group)	Single Family Residential

**NEIGHBORHOOD ORGANIZATIONS:** Austin Neighborhoods Council; Bike Austin; Central West Austin Neighborhood Plan Contact Team; Friends of Austin Neighborhoods; Neighborhood Empowerment Foundation; Preservation Austin; SEL Texas; Save Barton Creek Assn; Save Our Springs Alliance; Sierra Club, Austin Regional Group; TNR BCP – Travis County natural Resources; Tarrytown Alliance; Tarrytown Neighborhood Association; West Austin Neighborhood Group

I-2/2



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

### NOTIFICATIONS

CASE#: C15-2019-0025

LOCATION: 2404 SWEETBRUSH DRIVE



1" = 333'

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.



## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000  
505 Barton Springs Road, Austin, Texas 78704

I-2/3

## 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: 2404 Sweetbrush, Austin, TX 78703

Subdivision Legal Description:

Lot 2A, Amended Plat of Lots 2 and 3, Sweetbrush, a subdivision according to the map or plat thereof recorded in Instrument No. 201900018 of the Plat Records of Travis County, Texas

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

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF-3-NP

I/We Jeffrey S. Howard, McLean & Howard, LLP on behalf of myself/ourselves as authorized agent for Rebecca Nelson Davis (aka Rebecca Barton Nelson) affirm that on Month April, Day 8, Year 2019, 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 residence

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

Section 25-2-515 (Rear Yard Through Lot)

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## 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:

See Section 6 (Additional Space)

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### Hardship

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

The easement, heritage trees, topography and drainage lines of this property that create a bowl effect on the north portion of the property, require that the new residence be constructed on the high portion to the south. The drainage also prevents the footprint from shifting toward Sweetbrush, hindering the possibility of constructing a development to compliment the surrounding established structures consistent with the Sweetbrush subdivision.

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

The Property is the only remaining vacant lot in the subdivision yet to be developed, the only through lot in the Sweetbrush Subdivision, and the only lot that does not have a 10 foot allowable rear yard.

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**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 requested variance is consistent with existing established residences in the area which were constructed close to the substandard Matthews Drive. Grant of this variance request would allow for construction of a new single family home harmonious with the size and character of 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:

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



**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: 4/9/2019

Applicant Name (typed or printed): Jeffrey S. Howard, McLean & Howard, LLP

Applicant Mailing Address: 901 South MoPac Expy, Ste 225

City: Austin State: TX Zip: 78746

Phone (will be public information): (512) 328-2008

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

**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: 4/8/19

Owner Name (typed or printed): Rebecca Nelson Davis

Owner Mailing Address: 3404 Glenview Avenue

City: Austin State: TX Zip: 78703

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

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

**Section 5: Agent Information**

Agent Name: Jeffrey S. Howard, McLean & Howard, LLP

Agent Mailing Address: 901 South MoPac Expy, Ste 225

City: Austin State: TX Zip: 78746

Phone (will be public information): (512) 328-2008

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).

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**Additional Space (continued)**

The north portion of the property experiences drainage issues as a result of the topography of the lot and surrounding areas, and has large heritage trees. As a result, the south portion of the tract is the appropriate location for the new structure, but has a large drainage easement on the interior side yard which pushes the home to the rear. However, the staff interpreted setback requirement under Code constrains the footprint to a design which is not harmonious with the neighborhood. A rear setback of 10 feet is normal for the configuration of a backyard for properties not considered a through lot, and a restrictive covenant (Vol. 1645, Pg. 376 of Official Public Records of Travis County, Texas)(copy provided) for the neighborhood recognized that fact by explicitly stating that rear setback is 10 feet. The project has relied on the validity of the restrictive covenant.

**SAVE**

April 26, 2019

William Burkhardt, Chair  
Board of Adjustment  
One Texas Center  
505 Barton Springs Road  
Austin, Texas 78704

RE: Variance Request for 2404 Sweetbrush, Austin, Texas 78703 (the "Property")

Dear Mr. Burkhardt:

As agent for Rebecca Nelson Davis, owner of the above-referenced Property (the "Applicant"), we submitted the provided application to request a variance from the rear yard setback regulations contained in Section 25-2-515 of the Austin City Code (the "Code") applicable to a "through lot" to decrease the requirement from twenty-five (25) feet to ten (10) feet. The purpose of the variance is to allow the placement of the new single family residence on the Property in a manner which accommodates the existing drainage easement, accounts for the natural drainage patterns of the Property, protects the large heritage trees, and aligns the rear setback with normal configurations of a backyard while conforming with the intent of the recorded restrictive covenant associated with the Property.

The Sweetbrush Subdivision was established in 1955 according to the plat recorded in Volume 7, page 118 of the Official Public Records of Travis County, Texas ("Original Plat"). *See Attachment #1.* To clarify the setbacks applicable to Sweetbrush Subdivision, the original owners of tracts within the Sweetbrush Subdivision executed a restrictive covenant recorded in Volume 1645, Page 376 of the Official Public Records of Travis County, Texas ("Restrictive Covenant") which permitted a structure on a through lot to be no nearer than ten (10) feet of the property line. *See Attachment #2.* After Applicant purchased Lot 2 of the Sweetbrush Subdivision, an amended plat of Lots 2 and 3 was duly approved and recorded to combine the tracts (the current configuration of the Property) and recorded as Document No. 201900018 of the Official Public Records of Travis County, Texas. *See Attachment #3.*

This request for a variance from the setback regulation in Section 25-2-515 of the Code should respectfully be approved for the following reasons:

**Reasonable Use**

The Applicant previously resided in a single family residence on Lot 3 of the Original Plat. The Applicant purchased Lot 3 in 2004 and quickly realized the property experiences severe



William Burkhardt, Chair  
Board of Adjustment  
April 26, 2019  
Page 2

drainage issues due to of the topography of the lot and surrounding areas. The previously existing house required extensive remodeling to remedy water damage resulting from years of rainwater collecting around the perimeter of the residence. *See Attachment #4*. After purchasing the adjacent Lot 2 of the Original Plat, and in reliance of the Restrictive Covenant, the Applicant determined that the south portion of the Property with higher elevation and fewer heritage trees was the appropriate location for a new residential structure. *See Attachment #5 and #6*.

The Property is further constrained by a large drainage easement along the south boundary of the Property that encroaches on the interior side yard of the proposed footprint for the new residence. *See Attachment #3*. The location of the drainage easement and the change in elevation in the center of the Property confines the footprint to a finite location on the Property. With the staff interpreting the setback requirement under Section 25-2-515 of the Code applicable to the Property instead of the setback provided in the Restrictive Covenant, the resulting design is no longer harmonious with the neighborhood.

#### **Hardship – Unique to the Property**

The easement, heritage trees, topography and drainage lines of the Property create a bowl effect on the north portion. *See Attachment #5*. The north portion of the Property has the lowest elevation in the Sweetbrush Subdivision, resulting in rainwater from the neighborhood, especially after a significant rain event, following the natural drainage patterns to ultimately collect in this portion of the Property. *See Attachment #7*. The drainage and existing drainage easement also prevent the footprint from shifting toward the south boundary of the Property. *See Attachment #5 and #8*.

The road to the north of the Property, Matthews Drive, is a substandard road with extremely low daily traffic. It effectively functions similarly to an alley for the lots in this area. Properties along the north side of Matthews Drive benefited from vacated right of way years ago, allowing more buildable square footage on their properties. *See Attachment #3*. Portions of Matthews Drive have also been debated as being private according to the City ordinances. With the abandoned right of way and uncertainty of the roadway status, residences along Matthews Drive were constructed with varying setbacks. *See Attachment #9*. Many setbacks are less than 25 feet along Matthews Drive. Arguably, Matthews Drive should not be considered a “street” to satisfy the definition of a through lot and requiring compliance with Section 25-2-515.

#### **Hardship – Not General to the Area**

The Property is the only remaining vacant lot in the Sweetbrush Subdivision yet to be developed. Furthermore, the Property is the only through lot in the Sweetbrush Subdivision, meaning that it is the only lot that is forced to comply with Section 25-2-515 of the Code. Compliance with the Section 25-2-515, instead of the Restrictive Covenant on which the proposed residential plans relied, denies only this Property the opportunity to take advantage of the ten (10) foot allowable rear yard setback.



William Burkhardt, Chair  
Board of Adjustment  
April 26, 2019  
Page 3

### Area Character

The Sweetbrush Subdivision and neighboring area consists of architecturally unique residences surrounded by lush foliage from old established heritage trees. By constructing the new residence on the south portion of the Property, the Applicant will successfully protect and preserve large heritage trees. The proposed design for the new residence, created in reliance of the setback provided by the Restrictive Covenant, continues the tradition of exceptional architectural standards. The requested variance would allow for construction of a new single family home with an attached garage living space harmonious with the size and character of the neighborhood, and is consistent with existing established residences in the area which were constructed close to the substandard Matthews Drive. *See Attachment #8.*

A rear setback of ten (10) feet is a normal configuration of a backyard for properties not considered a through lot and the Restrictive Covenant for the Sweetbrush Subdivision recognized that fact by explicitly stating that the rear setback is ten (10) feet. The proposed residential project has relied on the validity of the Restrictive Covenant. Moreover, the footprint of the proposed residence is limited in the options for placement due to drainage patterns, existing easements, and heritage trees, and the setback required by Section 25-2-515 further hinders the possibility of constructing a development complimentary to the surrounding established structures.

Therefore, an application for approval of variance to the rear yard was respectfully submitted. As evidence by the signatures collected, the neighbors are overwhelming supportive of this request. *See Attachment #10.* Should you have any questions regarding this information, please contact me at 512-328-2008.

Sincerely,

  
Jeffrey S. Howard  
McLean & Howard, LLP

#### Attachments:

- |                                  |  |
|----------------------------------|--|
| #1 – Original Plat               | #6 – Photos of Topography                |
| #2 – Restrictive Covenant        | #7 – Photos of Rainwater Drainage        |
| #3 – Amended Plat                | #8 – Proposed Single Family Construction |
| #4 – Photos of Water Damage      | #9 – Substandard Roadway                 |
| #5 – Topographic and Tree Survey | #10 – Neighborhood Support               |



PLAN 5840

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 Inv. Stake Set

- Concrete Monument Set
- Concrete Monument Found

the requirements



R. MAX BROOKS, ET AL

TO

THE PUBLIC

# RESTRICTIONS

DATED NOVEMBER 28, 1955

FILED DECEMBER 13, 1955

RECORDED IN VOL. 1645 PAGES 376-380

RECORDS OF TRAVIS COUNTY, TEXAS

THE STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS, That we, R. Max Brooks and wife, Marietta Moody Brooks, and Edgar H. Perry, III, and wife, Kathleen Miller Perry, and George Anne Perry Little and husband, Lewis N. Little, all of Travis County, Texas, being the owners of Sweetbrush, a subdivision out of the Daniel J. Gilbert Survey No. 8, in the City of Austin, Travis County, Texas, as shown by a map or plat thereof recorded at Book 7, Page 118, Plat Records of Travis County, Texas, do hereby impress upon the property contained in said subdivision the following restrictions, conditions and covenants:

1. All lots shall be used for residential purposes only. No house shall be erected, altered, placed or permitted to remain on any lot or building plot other than a single family dwelling.
2. Only one residence shall be placed upon any lot or building plot.

-2-1645/376 hb

GRACY-TRAVIS COUNTY ABSTRACT CO., AUSTIN, TEXAS

9

"Building plot" shall mean any lot, lots or parts of lots having a contiguous street frontage and an average width of not less than 100 feet. No re-subdivision of existing lots may be made to create an additional plot, except as part of a building plot as hereinabove defined.

3. No detached garage or detached living quarters may be built on any lot or building plot. Any garage and any living quarters shall be part of the main residence or attached thereto by a common wall or by a covered passageway.

4. All residences shall be so constructed as to front upon either Rockmoor Avenue or Sweetbrush Drive, but this provision shall not be constructed as preventing the location of a house at an angle to the front street line.

5. No building shall be located nearer than 25 feet to Rockmoor Avenue or to Sweetbrush Drive except that this provision shall not be applied to the north lines of Lots 4 and 9.

6. No residence shall be erected on any lot or building plot unless the reasonable market value of the improvements upon completion is at least \$30,000.00.

7. Each residence shall be so constructed that its height above the highest elevation of the lot or building plot on which it is located shall not exceed one story.

8. No house or part thereof shall be located nearer than 10 feet to the west line of Lots 1, 2 and 3.

-3-1645/376 hb

GRACY-TRAVIS COUNTY ABSTRACT CO., AUSTIN, TEXAS

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9. The set back requirement appearing on the plat of Sweetbrush, as recorded at Book 7, Page 118, Plat Records of Travis County, Texas, is amended insofar as it is inconsistent with these restrictions, conditions and covenants.

10. These covenants are to run with the land and shall be binding on all lot owners and all persons claiming under them until January 1, 1976, at which time said covenants shall be automatically extended for successive periods of ten years unless changed of record by persons representing a majority of the lots or building plots at that time. Such changes may relate to all or any part of the said covenants.

11. If any person or persons shall violate or attempt to violate any of the restrictions, conditions or covenants hereinabove set forth, it shall be lawful for any other person or persons owning any real property or interest therein situated in said Sweetbrush subdivision to institute proper proceedings against the person violating or attempting to violate the same and either to prevent such person or persons from so doing or to correct such violation or to recover damages or to obtain such other relief or redress as may be applicable under the circumstances.

12. Invalidation of any of these restrictions, conditions or covenants or



parts thereof by judgment or court order shall in no wise affect such other provisions or parts thereof as may be severable and such other provisions or parts thereof shall remain in full force and effect.

WITNESS OUR HANDS this 28th day of November, 1955.

R. Max Brooks  
 Marietta Moody Brooks  
 Edgar H. Perry, III  
 Kathleen Miller Perry  
 George Anne Perry Little  
 Lewis N. Little

THE STATE OF TEXAS  
 COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared R. Max Brooks and Marietta Moody Brooks, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and the said R. Max Brooks acknowledged to me that he executed the same for the purposes and consideration therein expressed. And the said Marietta Moody Brooks, wife of the said R. Max Brooks, having been examined by me privily and apart from her husband, and having the same fully explained to her, she the said Marietta Moody Brooks, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes

-5-1645/376 hb

GRACY-TRAVIS COUNTY ABSTRACT CO., AUSTIN, TEXAS

and consideration therein expressed, and that she did not wish to retract it.

GIVEN Under my hand and seal of office this the 12th day of December, 1955.

Ruby Lee Ransom

(Notary Seal)

Notary Public in and for Travis County, Texas.

THE STATE OF TEXAS  
 COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Edgar H. Perry, III and Kathleen Miller Perry, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and the said Edgar H. Perry, III acknowledged to me that he executed the same for the purposes and consideration therein expressed. And the said Kathleen Miller Perry, wife of the said Edgar H. Perry, III, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Kathleen Miller Perry, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN under my hand and seal of office this the 12th day of December, 1955.

Ruth Lee Ransom

(Notary Seal)

Notary Public in and for Travis County, Texas.

-6-1645/376 hb

GRACY-TRAVIS COUNTY ABSTRACT CO., AUSTIN, TEXAS

THE STATE OF TEXAS  
 COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Lewis N. Little and George Anne Perry Little his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and the said Lewis N. Little acknowledged to me that he executed the same for the purposes and consideration therein expressed. And the said George Anne Perry Little, wife of the said Lewis N. Little, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said George Anne Perry Little, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN under my hand and seal of office this the 12th day of December, 1955.

Ruby Lee Ransom

(Notary Seal)

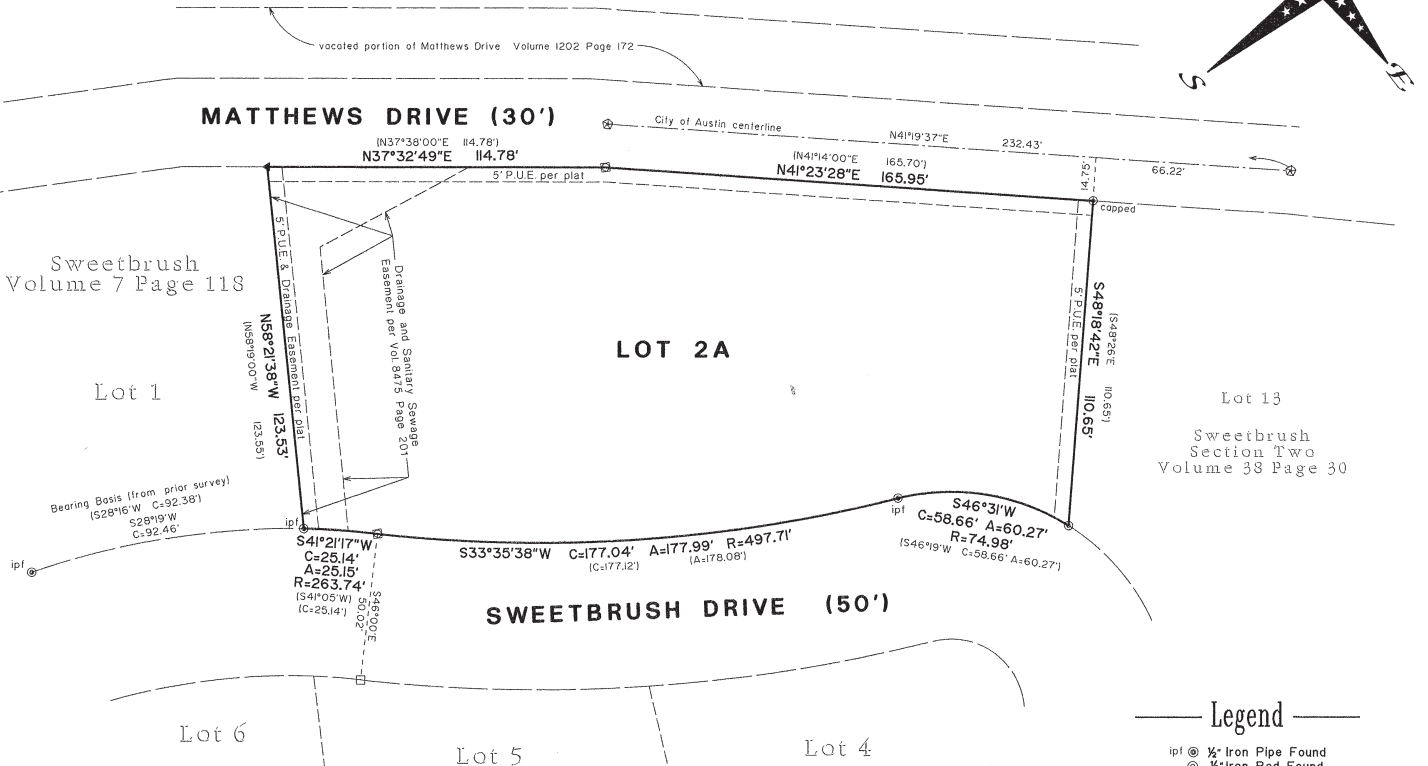
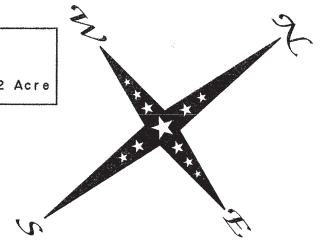
Notary Public, in and for Travis County, Texas.



# Amended Plat of Lots 2 and 3 Sweetbrush

SCALE: 1" = 30'  
0 30 60 90

LOT SUMMARY  
Number of Lots = 1  
LOT 2A = 31,884 Square Feet = 0.732 Acre



- Legend
- ipf  $\odot$  1/2" Iron Pipe Found
  - $\odot$  1/2" Iron Rod Found
  - $\square$  1/2" Iron Rod Set with plastic cap
  - $\square$  Imprinted with "Holt Carson, Inc."
  - $\square$  Concrete Monument Found
  - $\blacktriangle$  60D Nail Found
  - $\oplus$  Metal Bolt Found
  - ETE = Electric and Telecommunications Easement (Record Dimension)

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

That I, Rebecca Nelson Davis (f/k/a Rebecca Barton Nelson), owner of all of Lots 2 and 3, Sweetbrush, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 7 Page 118 of the Plat Records of Travis County, Texas, as conveyed to me by virtue of Warranty Deeds recorded in Document No. 2013190729 and Document No. 2004036108 of the Official Public Records of Travis County, Texas, and said subdivision having been approved for amendment pursuant to Chapter 212.016 of the Local Government Code,

do hereby amend said lots in accordance with the attached map or plat to be known as

## Amended Plat of Lots 2 and 3 Sweetbrush

subject to any easements and/or restrictions heretofore granted, and not released.

WITNESS MY HAND this the 14<sup>th</sup> day of January, A.D. 2019.

Rebecca Nelson Davis

Rebecca Nelson Davis  
2404 Sweetbrush Drive  
Austin, Texas 78703

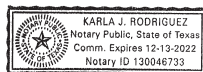
THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I, the undersigned authority, on this the 14<sup>th</sup> day of January, A.D. 2019, did personally appear Rebecca Nelson Davis, known to me to be the person whose name is subscribed to the foregoing instrument of writing, and she acknowledged before me that she executed the same for the purposes and considerations therein expressed.

NOTARY PUBLIC

Printed Name KARLA J. RODRIGUEZ

Commission Expires 12/13/2022



This subdivision is located in the Full Purpose Jurisdiction of the City of Austin this the 15<sup>th</sup> day of January, 2019.

APPROVED, ACCEPTED AND AUTHORIZED for record by the Director, Development Services Department, City of Austin, County of Travis, this the 15<sup>th</sup> day of January, 2019, A.D.

J. Rodney Gonzales, Director, Development Services Department

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I, Dana DeBeauvoir, Clerk of Travis County, Texas, do hereby certify that the foregoing Instrument of Writing and its Certificate of Authentication was filed for record in my office on the 28<sup>th</sup> day of January, 2019, A.D., at 12:00 o'clock P.M. and duly recorded on the 28<sup>th</sup> day of January, 2019, A.D., at 12:00 o'clock P.M. in the Official Public Records of said County and State in Document No. 201900018.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY this the 28<sup>th</sup> day of January, 2019, A.D.

DANA DEBEAUVOIR, COUNTY CLERK TRAVIS COUNTY, TEXAS

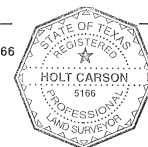
BY: D. Bartholomew  
Deputy  
D. BARTHOLOMEW



THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I, Holt Carson, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that this plat complies with Title 25 of the Austin City Code, and is true and correct and was prepared from an actual survey of the property made by me or under my supervision on the ground.

Holt Carson  
Holt Carson  
Registered Professional Land Surveyor No. 5166  
HOLT CARSON, INC.  
1904 Fortview Road Austin, Texas 78704  
(512)-442-0990



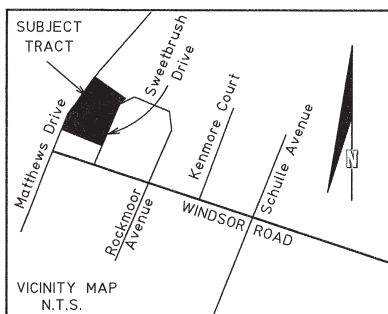
1-09-2019  
Date

PLAT PREPARATION DATE: April 4, 2018  
APPLICATION SUBMITTAL DATE: September 18, 2018

# Amended Plat of Lots 2 and 3 Sweetbrush

## NOTES:

1. No portion of this subdivision is within the boundaries of any special flood zone area according to the Federal Flood Administration FIRM Panel No. 48453C 0445 J, dated January 6, 2016.
2. All restrictions and notes from the previous subdivision, Sweetbrush, recorded in Volume 7 Page 118, Travis County Plat Records, shall apply to this amended plat.
3. The owner of this subdivision and his or her successors and assigns, assumes responsibilities for plans for construction of subdivision improvements which comply with applicable codes and requirements of the City of Austin. The owner understands and acknowledges that plat vacation or replatting may be required, at the owner's sole expense, if plans to construct this subdivision do not comply with such codes and requirements.
4. Building setback lines shall be in conformance with City of Austin zoning ordinance requirements.
5. By approving this plat, the City of Austin assumes no obligation to construct any infrastructure in connection with this subdivision. Any subdivision infrastructure required for the development of the lots in this subdivision is the responsibility of the developer and/or the owners of the lots. Failure to construct any required infrastructure to City standards may be just cause for the City to deny applications for certain development permits including building permits, site plan approvals, and/or certificates of occupancy.
6. All electric easements must be shown on all plan sheets, left clear for electric use and maintenance on a 24/7 basis in perpetuity and maintain necessary clearances from any proposed structures, vegetation, etc. at all times. Necessary clearance information (AE, OSHA, NESC, and NEC) may be found in Austin Energy's Design Criteria Manual -- Section 15.3.9. The manual is available on Austin Energy's website under contractors/electric service design and planning.
7. Austin Energy has the right to prune and/or remove trees and shrubbery and other obstructions to the extent necessary to keep the easements clear of obstructions. Austin Energy will perform all tree work in compliance with Chapter 25-8, Subchapter B of the City of Austin Land Development Code.
8. The owner/developer of this subdivision/lot shall provide Austin Energy with any easement and/or access required for the installation and ongoing maintenance of overhead and underground electric facilities within or along the perimeter of this subdivision/lot. These easements/access are required to provide electric service to the buildings and will not be located as to cause the site to be out of compliance with the City of Austin Land Development Code.
9. The owner shall be responsible for installation of temporary erosion control, revegetation and tree protection. In addition, the owner shall be responsible for any initial pruning and tree removal that is within ten feet of the center line of the proposed overhead electrical facilities designed to provide electric service to this project. The owner shall include Austin Energy's work within the limits of construction for this project.
10. The owner of the property is responsible for maintaining clearances required by the National Electric Safety Code, Occupational Safety and Health Administration (OSHA) regulations, City of Austin rules and Texas state laws pertaining to clearances when working in close proximity to overhead power lines and equipment. Austin Energy will not render electric service unless required clearances are maintained. All costs incurred because of failure to comply with the required clearances will be charged to the owner.
11. Any relocation of electric facilities shall be at landowner's/developer's expense.
12. No lot shall be occupied until the structure is connected to the City of Austin water and wastewater utility system.
13. The landowner is responsible for providing separate water and wastewater and services to each lot in compliance with City criteria.
14. The water and wastewater utility system serving this subdivision must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction.
15. This project is subject to the Void and Water Flow Mitigation Rule (City of Austin Environmental Criteria Manual and City of Austin Standard Specifications Manual).



SCALE 1" = 20'



### Legend

- ③ ½-Inch Rod Found  
 ④ ½-Inch Pipe Found  
 □ Capped Iron Rod Found  
 ▲ 60D Nail Found  
 ✱ ½-Inch Rod Set with plastic cap  
     imprinted with "Holt Carson Inc."  
 — Wood Board Fence  
 ----- Overhead Utility Line  
 (Record Bearing and Distance)

Lot 13

Sweetbrush  
Section Two  
Volume 38 Page 30

**LOT 2A**

Lot 1

PERIMETER SURVEY MAP OF :

LOT 2A, AMENDED PLAT OF LOTS 2 AND 3, SWEETBRUSH, TO A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO. 201900018 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

LOCATED ON SWEETBRUSH DRIVE.



PREPARED: September 9th, 2013

Updated: June 1st, 2018  
Revised to show additional elevations: September 26th, 2018

BY:

Holt Carson

**HOLT CARSON, INC.**

1994 FORTUNE MAGAZINE, TEXAS  
(512)-442-0990  
Texas Licensed Surveying Firm No. 10050700

**NOTES:**

1) These lots are subject to restrictions recorded in Volume 7 Page 118 of the Plat Records of Travis County, Texas, and in Volume 1645 Page 376 of the Deed Records of Travis County, Texas and Document 10957-2.

2) The City of Austin Water and Wastewater Department Section Map No. 186 indicates a wastewater utility line crossing this lot and the alignment of said line appears to be centered on the existing easement as shown hereon.

3) The Sanitary Sewer Easement recorded in Volume 825 Page 99 of the Deed Records of Travis County, Texas, encumbers the portion of the subject land described in Volume 1645 Page 14 of the Deed Records of Travis County, Texas.



# Property Profile

## Legend

## Notes



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. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Date Printed:







I-2/19





SCALE 1" = 20'



Legend

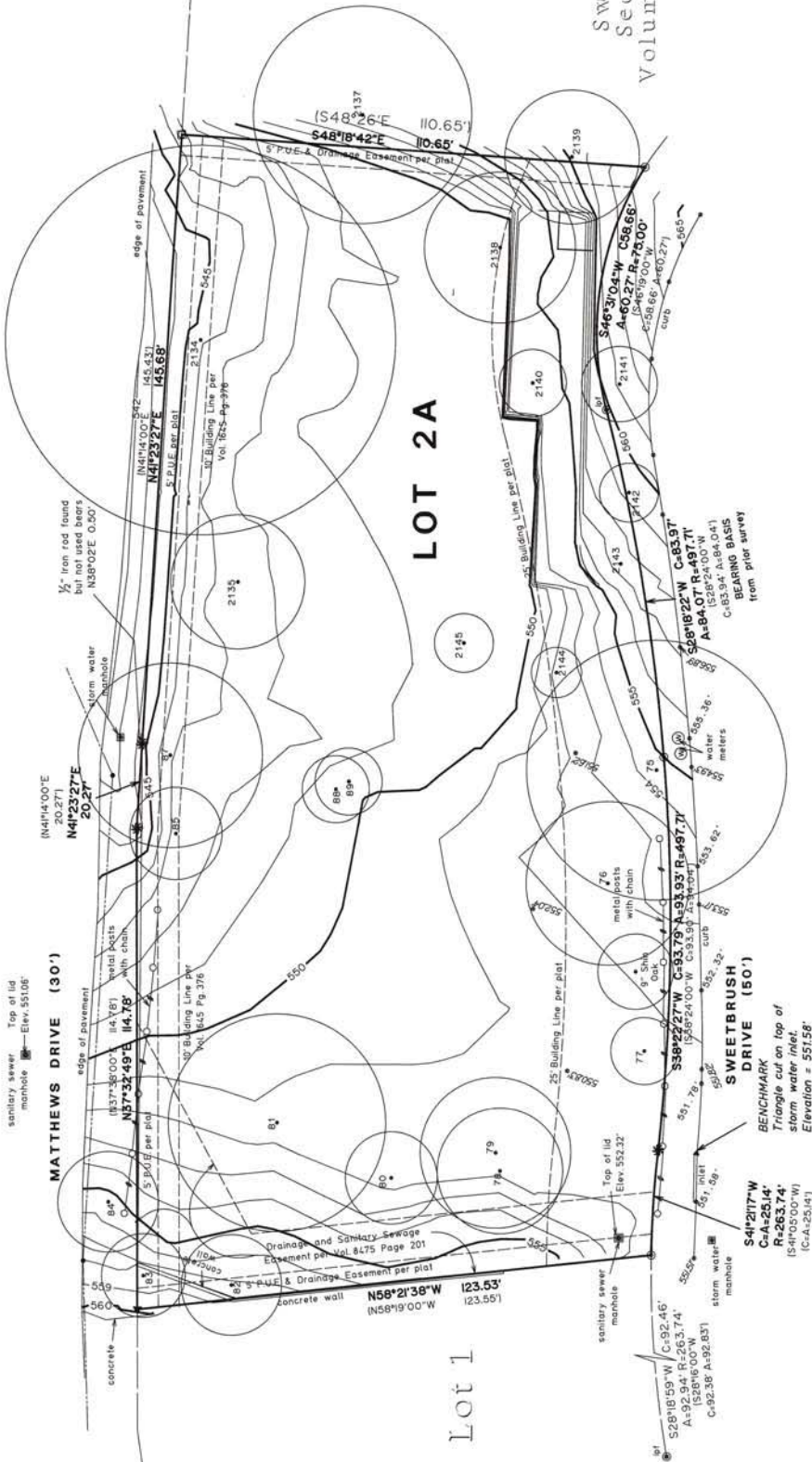
- 1/2" Iron Rod Found
- 1/2" Iron Pipe Found
- Capped Iron Rod Found
- ▲ 600 Nail Found
- ★ 1/2" Iron Rod Set with plastic cap imprinted with "Holt Carson Inc."
- Wood Board Fence
- Overhead Utility Line (Record Bearing and Distance)

Lot 13

Sweetbrush  
Section Two  
Volume 38 Page 30

LOT 2A

LOT 1



MAP OF TOPOGRAPHIC SURVEY OF  
LOT 2A, AMENDED PLAT OF LOTS 2 AND 3, SWEETBRUSH,  
A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO  
THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO.  
201900018 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
COUNTY, TEXAS.  
LOCATED ON SWEETBRUSH DRIVE.

TREE LIST

77	8" Shin Oak
84	12" Elm
2134	12", 13", 16" 8-26" Live Oak
2135	16" Post Oak
2137	26" Live Oak
2138	18" Tallow
2139	16" American Elm
2140	8" Mulberry
2141	7" Drake Elm
2143	11-18" Cedar Myrtle
2144	6" Live Oak
2145	7" Cypress

NOTES:  
1) These lots are subject to restrictions recorded in Volume 7 Page 118 of the Plat Records of Travis County, Texas, and in Volume 1645 Page 376 of the Deed Records of Travis County, Texas and Document No. 201008794 of the Official Public Records of Travis County, Texas.  
2) The City of Austin Water and Wastewater Department Section Map No. 166 indicates a wastewater utility line crossing this lot and the alignment of said line appears to be centered on the existing easement as shown herein.  
3) The Sanitary Sewer Easement recorded in Volume 825 Page 99 of the Deed Records of Travis County, Texas, has been released by instrument recorded in Volume 1648 Page 14 of the Deed Records of Travis County, Texas.

PREPARED September 8th, 2013  
Revised to show additional elevations: September 26th, 2018

BY:   
Holt Carson  
Registered Professional Land Surveyor No. 5166  
HOLT CARSON, INC.  
1904 Fortview Road Austin, Texas 78704  
(512) 442-0990  
Texas Licensed Surveying Firm No. 10050700





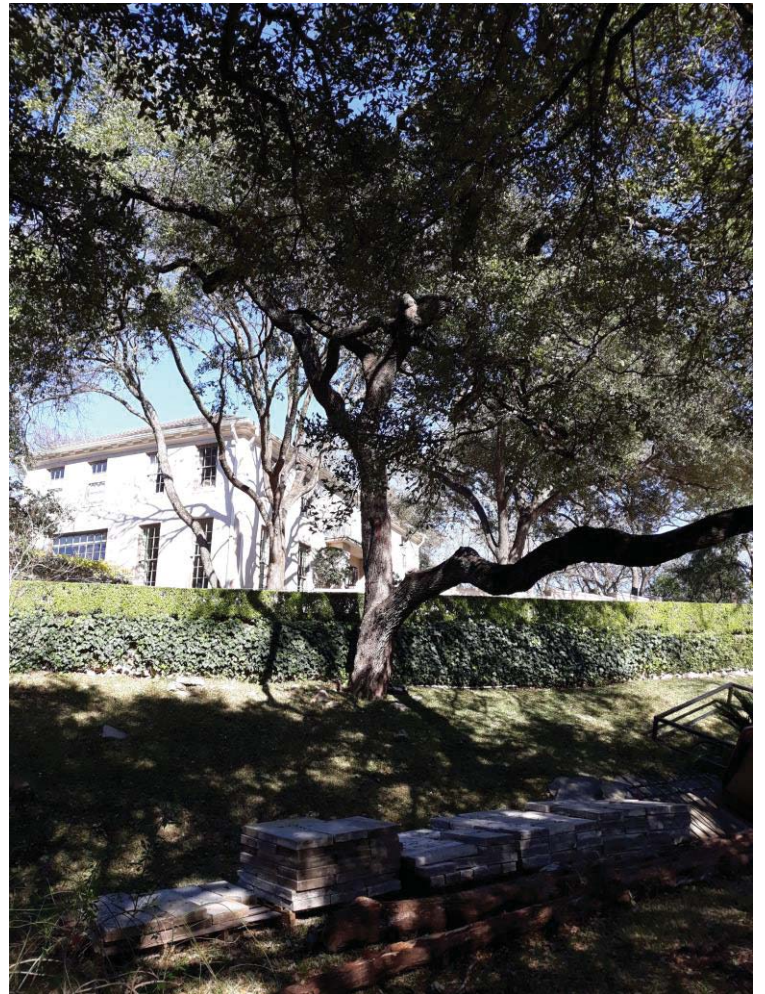


I-2/22





I-2/23

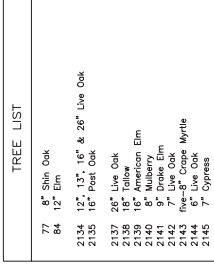






## A NEW RESIDENCE FOR:

AL JONES, ARCHITECT AIA  
BATON ROUGE, LOUISIANA



NOTES: 1) These lots are subject to restrictions recorded in Volume 7 Page 118 of the Plat Records of Travis County, Texas, and in Volume 1645 Page 376 of the Beed Records of Travis County, Texas and Document No. 101086794 of the Official Public Records of Travis County, Texas. No. 166 indicates a wastewater utility line crossing this lot and the alignment of said line appears to be centered on the existing easement as shown hereon.

2) The Sanitary Sewer Easement recorded in Volume B25 Page 99 of the Beed Records of Travis County, Texas, has been released by instrument recorded in Volume 1648 Page 14 of the Beed Records of Travis County, Texas.

LOCATED ON SWEETBRUSH DRIVE.

BY:

Holt Carson  
Registered Professional Land Surveyor No. 5166  
HOLT CARSON, INC.  
1904 Fortview Road Austin, Texas 78704  
(512)-442-0990  
Texas Licensed Surveying Firm No. 10050700

REVISED: OCTOBER 2, 2016  
REVISED: JUNE 16, 2018  
REVISED: JUNE 7, 2018  
REVISED: MAY 29, 2018  
REVISED: MAY 16, 2018  
REVISED: MAY 6, 2018

REVIEWED: MARCH 16, 2016  
COPYRIGHT NOTICE

**A NEW RESIDENCE FOR:  
MARK AND PERRECA DAVIS**

ALL COPYRIGHTS RESERVED

MARK AND REBECCA DAVIS  
AUSTIN, TEXAS

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	MARCH 12, 2018
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OR MECHANICAL, INCLUDING PHOTO COPYING, RECORDING, OR BY ANY INFORMATION OR RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE PUBLISHER.

DRAWN BY JMJ

IN WINNING FROM THE ARCHITECTS OF  
THE ARCHITECTURAL ENTITY.

AL JONES ARCHITECT, A.I.A., L.

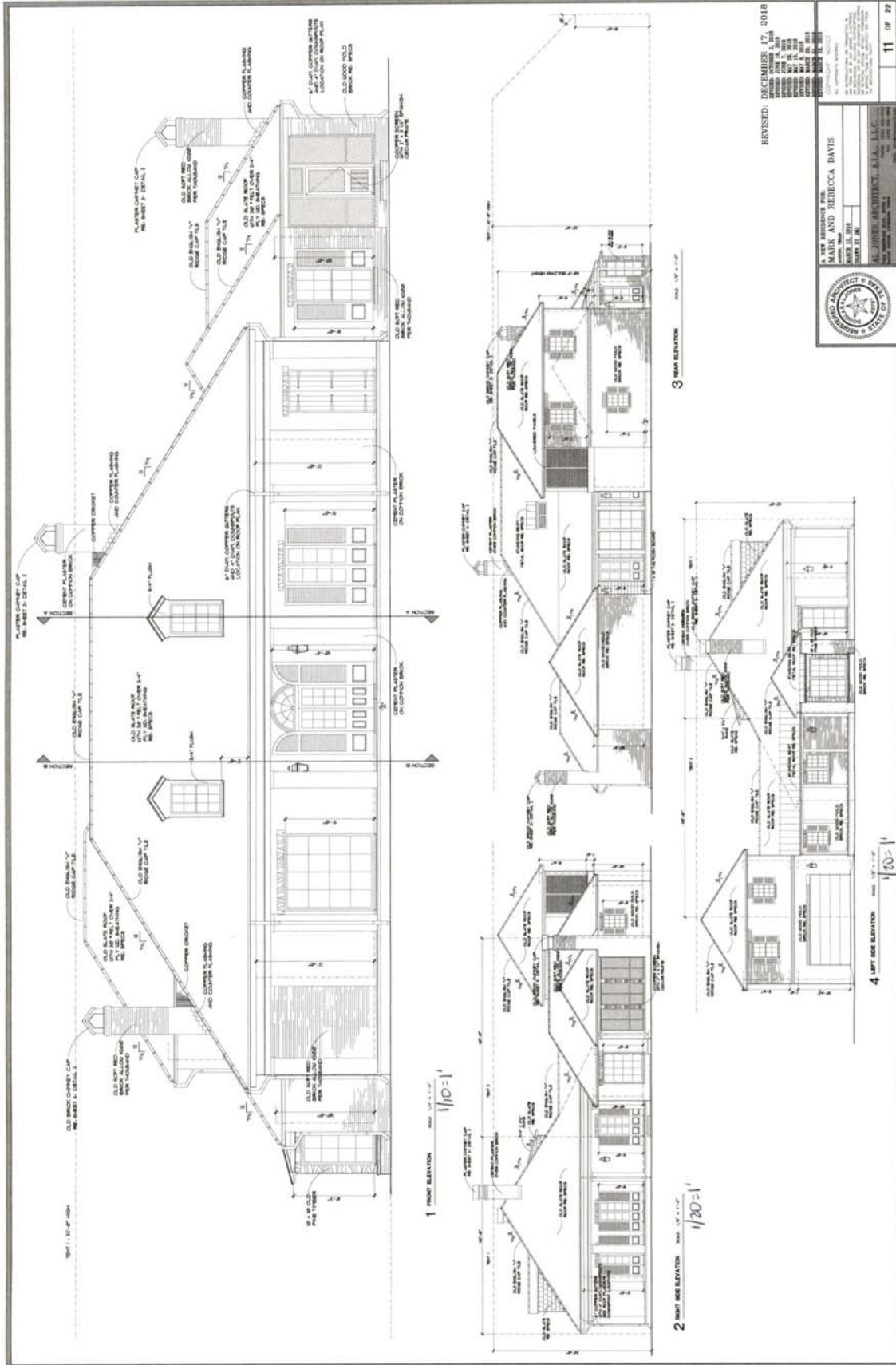
1 OF 22

7709 TRENTWOOD BLVD., SUITE A  
BATON ROUGE, LOUISIANA 70809

111

EMAIL: john@...

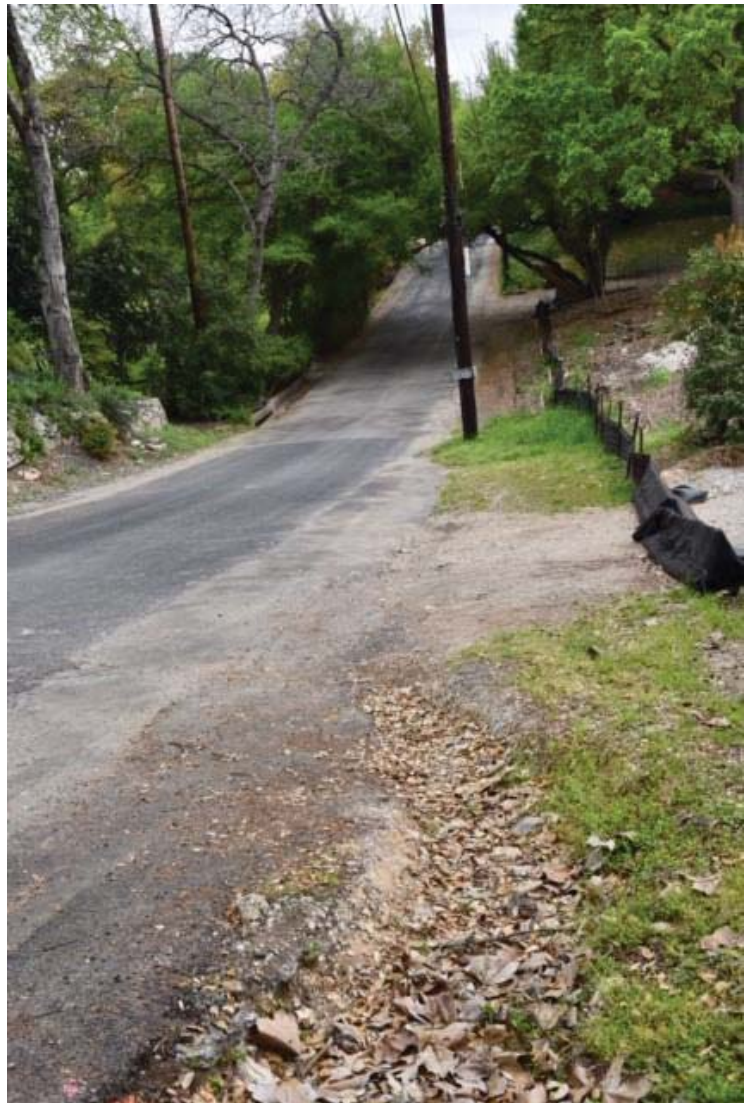














I-2/29





I-2/30

















We, Mark and Rebecca Davis, are applying for a variance from the Board of Adjustment regarding Section 25-2-515 (*Rear Yard of Through Lot*) of the Land Development Code. The variance would allow us the ability to construct our new home at 2404 Sweetbrush Drive in a similar fashion to lots not considered a "through lot." A through lot is a lot, other than a corner lot, which abuts more than one street. With this variance, we are able to construct our home with a 10 foot setback from the Matthews Drive right-of-way which is common for rear yards in the area.

**By signing this form, I understand that I am declaring my support for the variance being requested.**

Property Owner Name (Printed)	Address	Signature
Link, Thomas E & Jennie M	2400 Sweetbrush Drive	<i>Thomas E. Link</i>
Howry, Randy & Julia Baker	2401 Sweetbrush Drive	<i>Julia Baker</i>
<i>Paughan, Ben &amp; Julie</i>	2403 Sweetbrush Drive	<i>Ben Paughan</i>
Donovan, Peter Lee & Abigail Bird	2405 Sweetbrush Drive	<i>Peter Donovan</i>
Matthews, Jamie & Mary Clare	2406 Sweetbrush Drive	<i>Mary Clare Matthews</i>
Winkel, Carol Carpenter	2408 Sweetbrush Drive	<i>Carol Carpenter Winkel</i>

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Netherton, Frances Smith	2409 Sweetbrush Drive	
Hadlock, Francis P	2400 Rockmoor Avenue	
McLean, William & Carlotta	2402 Rockmoor Avenue	
Cooksey, Frank C	2208 Matthews Drive	
Hill, Evelyn Oglesby	2216 Matthews Drive	
Keliehor, John D & Stacie Lynn	2400 Matthews Drive	
Borders, Thomas & Mary	2500 Matthews Drive	



We, Mark and Rebecca Davis, are applying for a variance from the Board of Adjustment regarding Section 25-2-515 (*Rear Yard of Through Lot*) of the Land Development Code. The variance would allow us the ability to construct our new home at 2404 Sweetbrush Drive in a similar fashion to lots not considered a "through lot." A through lot is a lot, other than a corner lot, which abuts more than one street. With this variance, we are able to construct our home with a 10 foot setback from the Matthews Drive right-of-way which is common for rear yards in the area.

**By signing this form, I understand that I am declaring my support for the variance being requested.**

Property Owner Name (Printed)	Address	Signature
JAMES L. BAYLESS, JR. ELIZABETH L. BAYLESS, JR.	2405 ROCKMERE AVE. AUSTIN, TX 78703	James L. Bayless, Jr. Elizabeth L. Bayless
Elaine R. Benton Britt H. Benton	2403 Rockmoor Ave Austin, TX 78703	Elaine Benton Britt Benton
RICHARD A. HINSON KATHLEEN A. HINSON	3711 Windsor Rd. Austin, TX 78703	Dick & Kathy Hinson
J. Scott Burns, Esq. Candace K Burns	3713 Windsor Rd Austin, TX 78703	James L. Bayless, Jr. Elizabeth L. Bayless
Connie Jeff Tobie	3705 Windsor 78703	James L. Bayless, Jr. Elizabeth L. Bayless



## 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:** C15-2019-0025, 2404 Sweetbrush

**Contact:** Elaine Ramirez, 512-974-2202, [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)

**Public Hearing:** Board of Adjustment, May 13, 2019

James L. & Elizabeth L. Bayless

Your Name (please print)

2405 Rockmoor Ave. Austin 78703

Your address(es) affected by this application

James L. Bayless, Jr. &  
Elizabeth L. Bayless

Signature

Date

4-27-2019

Daytime Telephone: 512-516-3407, 512-673-2534

Comments: I am in favor of the applicant's

request for variance. I have seen the

plans for the property and am familiar with

the site. The proposed property is in

keeping with its neighbors and will be a

welcome addition to the street and the

area -

**Comments must be returned no later than 10am the day of the hearing to be seen by the Board at this hearing, they may be sent by**

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

Elaine Ramirez

P. O. Box 1088

Austin, TX 78767-1088

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

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

**Email:** [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)

L-2/35