

# BOA REVIEW COVERSHEET

**CASE:** C15-2019-0044

**BOA DATE:** August 12, 2019

**ADDRESS:** 4302 & 4304 Avenue D

**COUNCIL DISTRICT:** 9

**OWNER:** Tyson Tuttle

**AGENT:** Hector Avila

**ZONING:** SF-3-HD-NCCD-NP (Hyde Park)

**LEGAL DESCRIPTION:** E 78FT OF LOT 20 \*& E 78FT OF N5.4FT OF LOT 19 \*& E 78FT OF S 8.55' LOT 21 BLK 13 HYDE PARK ADDN NO 1; E 78FT LOT 22 & E 78FT OF N16.45' LOT 21 BLK 13 HYDE PARK ADDN NO 1

**VARIANCE REQUEST:** decrease setback requirements

**SUMMARY:** remodel single-family residential use

**ISSUES:** house erected in 1935; zoning established in 1946

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-HD-NCCD-NP	Single-Family
<i>North</i>	SF-3-HD-NCCD-NP	Single-Family
<i>South</i>	SF-3-HD-NCCD-NP	Single-Family
<i>East</i>	SF-3-HD-NCCD-NP	Single-Family
<i>West</i>	SF-3-HD-NCCD-NP	Single-Family

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Bike Austin  
 Central Austin Community Development Corporation  
 Friends of Austin Neighborhoods  
 Hill Country Conservancy  
 Homeless Neighborhood Association  
 Hyde Park Neighborhood Assn.  
 Hyde Park Neighborhood Plan Contact Team  
 Neighborhood Empowerment Foundation  
 North Austin Neighborhood Alliance  
 Preservation Austin  
 SEL Texas  
 Sierra Club, Austin Regional Group



August 2, 2019

Hector Avila  
4302 Avenue D  
Austin TX, 78751

Property Description: E 78FT OF LOT 20 \*& E 78FT OF N5.4FT OF LOT 19 \*& E 78FT OF S 8.55' LOT 21  
BLK 13 HYDE PARK ADDN NO 1

**Re: C15-2019-0044**

Dear Hector,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from Section 25-2-492 (D) (Site Development Regulations) from setback requirements:

4302 Avenue D

- to decrease the minimum front yard setback from 25 feet (required) to 16 feet 3 inches (requested), and to decrease the minimum interior side yard setback from 5 feet (required) to 3 feet 1 inch (requested)

4304 Avenue D

- to decrease the minimum front yard setback from 25 feet (required) to 16 feet 7 inches(requested) and to decrease the minimum rear yard setback from 10 feet (Required) to 1 feet 3 inches (requested)

In order to remodel a single family residential use in a "SF-3-HD-NCCD-NP", Single Family Residence zoning district. (Hyde Park Combined Neighborhood Plan, Historic District)

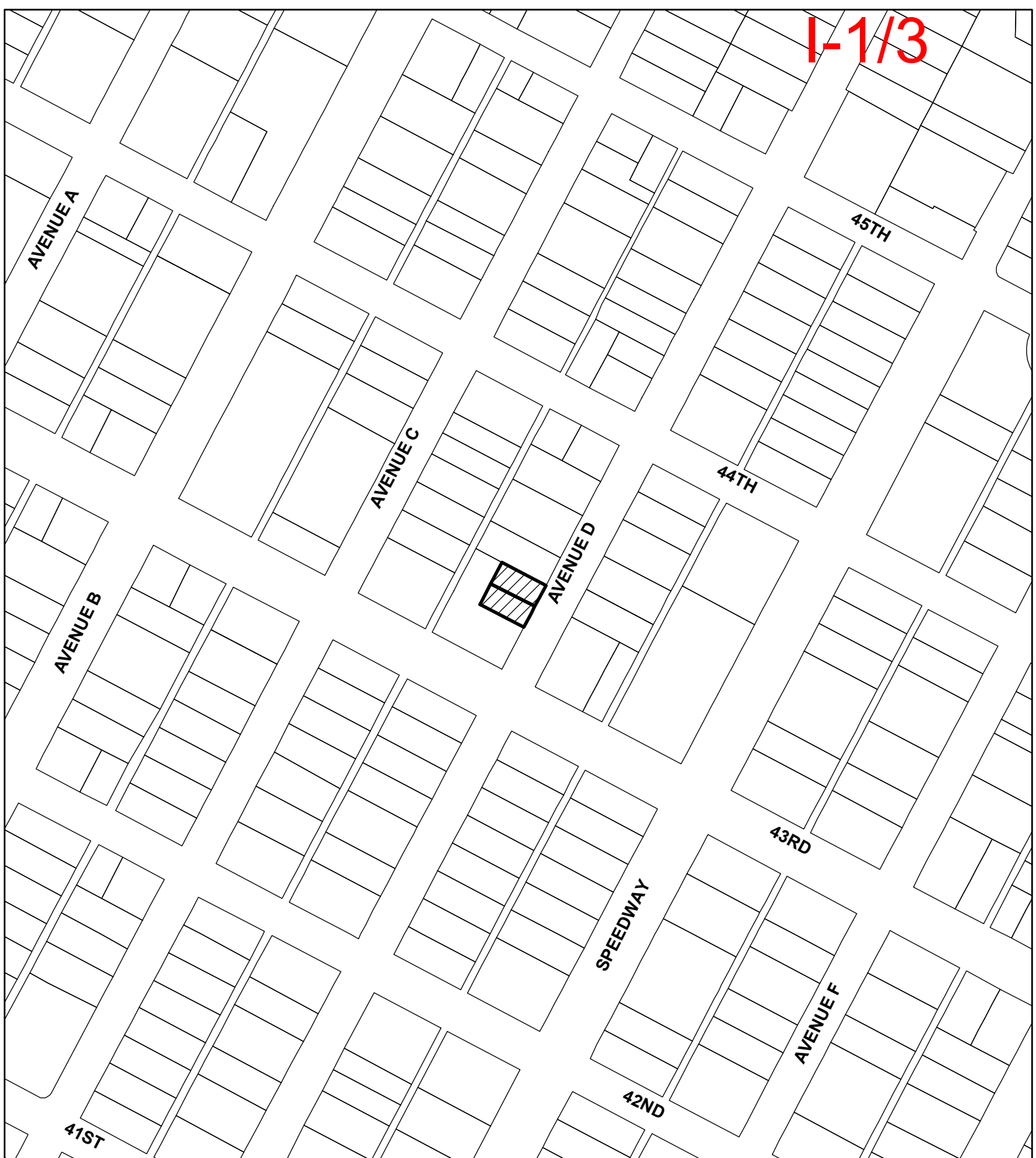
Austin Energy does not oppose requested variances for both of the above addresses, provided all proposed and existing improvements are in compliance with AE clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners/applicants expense. Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

[https://library.municode.com/tx/austin/codes/utilities\\_criteria\\_manual?nodeId=S1AUENDECR\\_1.10.0CLSA](https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSA)  
[RE](#)

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

**Eben Kellogg, Property Agent**

Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6050



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## NOTIFICATIONS

CASE#: C15-2019-0044  
4302 & 4304 AVENUE D



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" = 200'



## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

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## 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: \_\_\_\_\_

Subdivision Legal Description:

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

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

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

Zoning District: \_\_\_\_\_

I/We \_\_\_\_\_ on behalf of myself/ourselves as  
authorized agent for \_\_\_\_\_ affirm that on  
Month \_\_\_\_\_, Day \_\_\_\_\_, Year \_\_\_\_\_, 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: \_\_\_\_\_

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

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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:

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### Hardship

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

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

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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:

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

Applicant Name (typed or printed): \_\_\_\_\_

Applicant Mailing Address: \_\_\_\_\_

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

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

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): \_\_\_\_\_

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

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

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

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

### Section 5: Agent Information

Agent Name: \_\_\_\_\_

Agent Mailing Address: \_\_\_\_\_

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

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

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

### 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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**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: 7-8-19  
 Applicant Name (typed or printed): Hector Avila  
 Applicant Mailing Address: 1008 South Center St  
 City: Austin State: TX Zip: 78704  
 Phone (will be public information): 512 791-0517  
 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: [Signature] Date: 07/08/2019  
 Owner Name (typed or printed): Tyson Tuttle  
 Owner Mailing Address: 608 Baylor Street  
 City: Austin State: TX Zip: 78703  
 Phone (will be public information): 512-698-0310  
 Email (optional – will be public information): [Redacted]

**Section 5: Agent Information**

Agent Name: Same as Applicant  
 Agent Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone (will be public information): \_\_\_\_\_  
 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).

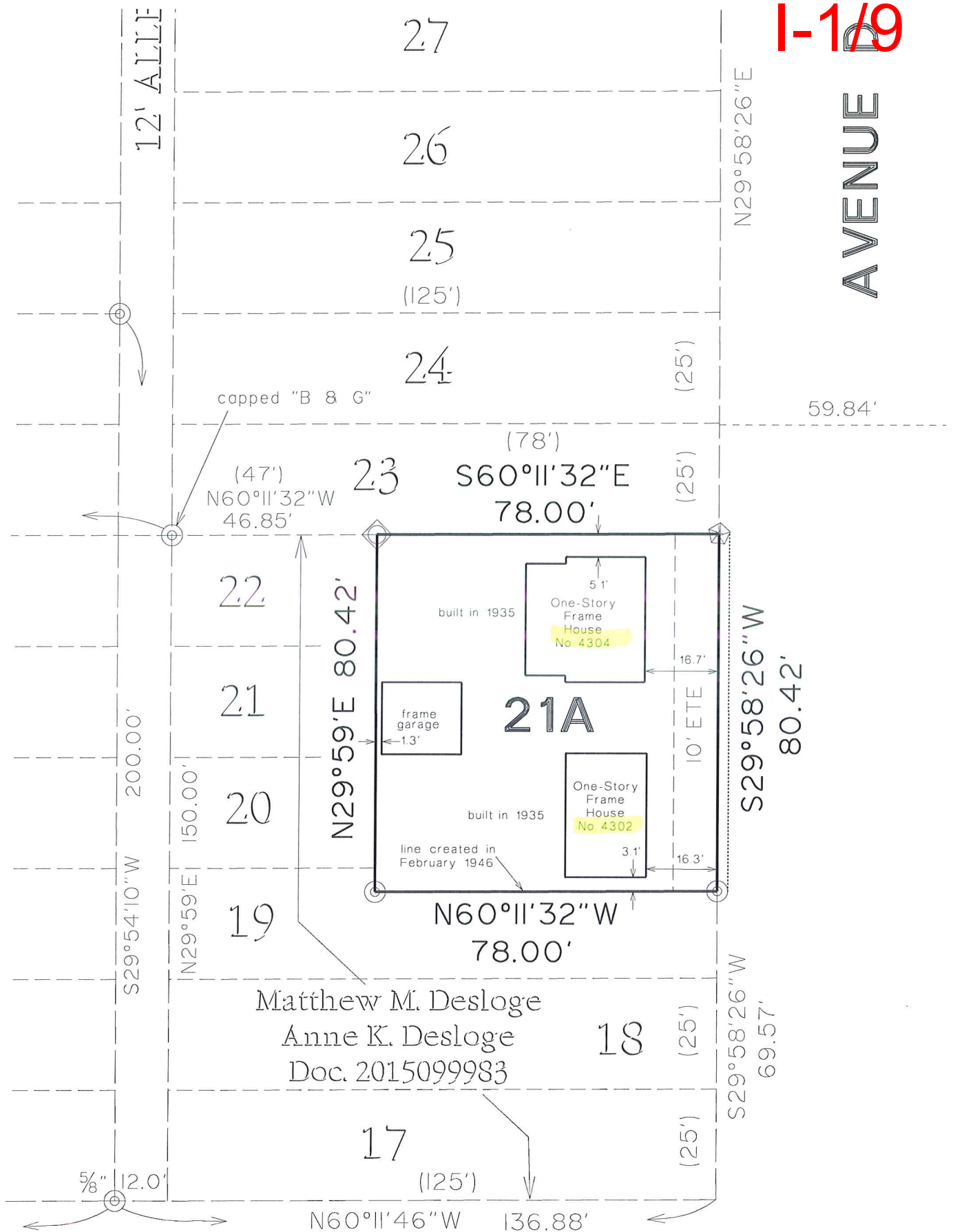
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