# AE REPORT 

August 29, 2019

Nicole Blair
1504 E 13th St
Austin TX, 78702
Property Description: LOT 3 *\& E 10' OF LOT 2 *\& W 5' OF LOT 4 BLK 8 OLT 36 DIV B JOHNS C R SUBD

## Re: C15-2019-0052

Dear Nicole,
Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from;

Section 25-2-947 (Non-Conforming Use Regulation Groups) (B) (2)
to increase the improvement value from maximum of $\$ 56,000$ to $\$ 696,000$ in order to remodel and construct an addition to a Duplex in a "SF-3-NP", Single-Family Residence zoning district. (Central East Austin Neighborhood Plan).

Austin Energy does not oppose request, provided any proposed and existing improvements are following 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 .10.0CLSARE

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

## BOA REVIEW COVERSHEET

CASE: C15-2019-0052
ADDRESS: 1504 E. $13^{\text {th }}$ St
OWNER: Susan \& Mitchell Oringer

BOA DATE: Sept. 9, 2019
COUNCIL DISTRICT: 1
AGENT: Nicole Blair

ZONING: SF-3-NP
LEGAL DESCRIPTION: UNT A 1504 EAST 13TH STREET CONDOMINIUMS PLUS 74.0 \% INT IN COM AREA
VARIANCE REQUEST: _Non-conforming Use regulation
SUMMARY: maintain existing 1950 Duplex
ISSUES: section of LDC that states you cannot exceed $20 \%$ of value of structure; property is not in compliance with SF-3 zoning

|  | ZONING | LAND USES |
| :--- | :--- | :--- |
| Site | SF-3-NP | Single-Family |
| North | SF-3-NP | Single-Family |
| South | SF-3-NP | Single-Family |
| East | SF-3-NP | Single-Family |
| West | SF-3-NP | Single-Family |

## NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Bike Austin
Black Improvement Association
Claim Your Destiny Foundation
Davis-Thompson
Del Valle Community Coalition
East Austin Conservancy
Friends of Austin Neighborhoods
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
Neighbors United for Progress
Organization of Central East Austin Neighborhoods
Preservation Austin
SEL Texas
Sierra Club, Austin Regional Group
United East Austin Coalition


## NOTIFICATIONS

CASE\#: C15-2019-0052

# 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: 1504 E. 13th St, Austin, TX 78702
Subdivision Legal Description:
East 10' of lot 2, all of lot 3, and the west 5.1' of lot 4, Block 8, C.R. Johns \& Co. Subdivision of Outlot 36, Division B in the current deed recorded on Mar 10th, 2016.

Lot(s): all of lot 3, and partial of lot 2 and 4.
Outlot: 36
Zoning District: SF-3-NP

I/We Nicole Blair, Studio 512 Block(s): $\underline{8}$
Division: B on behalf of myself/ourselves as
authorized agent for Susan and Mitchell Oringer $\qquad$ affirm that on Month August , Day 12 , Year 2019 , hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):
○ Erect
○AttachComplete
○Remodel
OMaintain
$\bigcirc$ Other:
$\qquad$
Type of Structure: Maintain existing 1950 duplex, Remodel/Addition existing 1900 house.

## I-3/4

Portion of the City of Austin Land Development Code applicant is seeking a variance from:
§ 25-2-947 - NONCONFORMING USE REGULATION GROUP B.
(B)(2)A person may improve, enlarge, or structurally alter a structure if the cost does not exceed 20 percent of the value of the structure before the improvement. Current T-CAD house value $2019=\$ 280 \mathrm{~K}$, Max allowed renovation cost $=\$ 56 \mathrm{~K}$.

## 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:
Zoning is SF-3-NP and existing structures on the site are non-conforming multi-family residential use: 3 bedroom 1156sf house from 1900 and 830sf duplex - 415sf each floor/unit built in 1950. Owner wishes to maintain the existing use, character, charm, total bedroom count (5), and look/feel of the 1900 house and 1950 duplex. Code restricts non-conforming use improvements to 20\% of TCAD value. Owner requests variance to maintain existing 1950's duplex, and spend more than $20 \%$ of value to renovate 1900's house: 1376sf addition, no height or bedroom increases. IC and building sf will remain within SF-3 site allowables.

## Hardship

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

To bring up to code and maintain the character, look and feel of the existing 1900 house and 1950 duplex structures on the property as they always have been used, a non-conforming multi-family use variance to spend more than $20 \%$ of value on the renovation is needed. The owners purchased the property because of the charm of these structures and the property. The property is not in compliance with SF-3 zoning, so a variance must be obtained to renovate.
b) The hardship is not general to the area in which the property is located because:

There are not many strucutres from 1900 and 1950 remaining in the area.

## I-3/5

## 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:

This varianace will allow the owner to properly renovate and maintain the character of the existing property and strucutres as they were designed and have always been used. Restoring/maintaining the existing structures to keep up with current codes and standards of health and living - new HVAC, plumbing, appliances, fixtures, roofing, insulation, framing, etc will cost more than $20 \%$ of TCAD value of the structures and will help maintain the area character by saving and making safe / renovating these original strucutres.

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:

The owner does not wish to increase the total number of bedrooms on the property - 3 bedrooms in the main house will remain, one bedroom in each duplex unit will remain, therefore the owner is not requesting a parking variance - as would be required for a multi-family non-conforming use if the owner did wish to increase in the number of bedrooms.
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:

The owner plans to provide at least 4 off-street parking spaces.
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

Granting this variance will maintain the existing use of the structures on the property as they were designed and have been in use since their construction in 1900, 1950. Safety hazards will be eliminated by allowing the owner to renovate the existing structures by more than $20 \%$ of their value to bring them up to code while maintaining their charm, appeal, and use.
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

## 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: $\qquad$ Date: 08/13/2019

Applicant Name (typed or printed): Nicole Blair
Applicant Mailing Address: 1902 E 11th St
City: Austin
State: TX Zip: 78702

Phone (will be public information): (512) 970-4497
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: $\qquad$ Date:

Owner Name (typed or printed): Susan and Mitchell Oringer
Owner Mailing Address: 1504 E 13th St, Unit B
City: Austin
State: TX Zip: 78702

Phone (will be public information): (203) 247-2680
Email (optional - will be public information): $\qquad$

## Section 5: Agent Information

Agent Name: Nicole Blair, Studio 512
Agent Mailing Address: 1902 E 11th St
City: Austin
State: TX Zip: 78702
Phone (will be public information): (512) 970-4497
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).

This same variance was unanimously approved by individual neighbors, the Davis Thompson Neighborhood Association (DTNA), and City Council in 2016. The owners renovated the duplex in 2016-2018 and are now ready to renovate the main house in 2019, but the original variance expired.

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Applicant Mailing Address: 1902 E 11th St $\qquad$
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## I-3/8

## Additional Space (continued)

While DTNA disbanded earlier this year, 30 property owners within 300 feet have signed a petition in support of the Oringer's variance.

On 5/23/16 before the first variance, Nicole Blair and Susan Orginger met with Tracy Witte and Nathan Jones, 2 board members of OCEAN. That month Davis Thompson Neighborhood Association (DTNA) and OCEAN met on the same evening, so OCEAN could not add us to their agenda. They needed written approval of the support of variance from DTNA, and we were only just seeking DTNA approval that same evening. None the less, Tracy and Nathan stayed after their OCEAN meeting to hear our variance request. They both gave their support for the variance, off the record, and further noted that if a developer had purchased the property, they could have subdivided the lot into two full sized lots with house + ADU to create 4 units (where there are now only 3) or could have created 3 urban homes, perhaps creating a net negative situation to keeping the existing buildings - a home + small duplex is more in line with the existing and desired land use pattern in the neighborhood. Given that DTNA is not currently active, we have requested to be on the upcoming OCEAN agenda 8/26 and are awaiting confirmation of this.

Below is a breakdown of proposed renovation expense. The client currently has a contractor bid from Boomtown Mfg, engineering by Structures, and a bank loan from Prosperity Bank for the following house renovation:

```
House:
1156sf existing + 1376sf new = 2532sf total
280K Travis County appraised value. 56K allowed renovation (20% of appraised value)
Projected Renovation Cost = Approx $250/sf (2532sf) = $633K (226% of appraised value)
```


## Request for Variance Application:

```
Projected Max Renovation Cost \(=\$ 696 \mathrm{~K}\) (Projected Renovation Cost \(+10 \%\) contingency) (248\% of appraised value)(roughly \$275/sf)
```












SUSAN AND MITCH ORINGER RESIDENCE
MAIN HOUSE RENOVATION AND ADDITION
1504 E 13TH STREET, AUSTIN, TX 78702


SUSAN AND MITCH ORINGER RESIDENCE
MAIN HOUSE RENOVATION AND ADDITION
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I-3/20





SUSAN AND MITCH ORINGER RESIDENCE MAIN HOUSE RENOVATION AND ADDITION 1504 E 13TH STREET, AUSTIN, TX 78702

