



January 27, 2020

Aixa Sola
5003 Highland Ct
Austin TX, 78731

Property Description: LOT 9 * LESS E11.73FT AV BLK B HIGHLAND PARK COURT

Re: C15-2020-0005

Dear Aixia,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the following section from the Land Development Code; Section 25-2-515 (*Rear Yard of a Through Lot*) ; setback requirements; To decrease the minimum rear yard setback from 25 feet (required) to 10 feet (requested); In order to erect a one-story single-family residence in a SF-3", Single-Family Residence zoning district.

Austin Energy does not oppose variance requested, 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://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>

(see - Page 92) - 1.10.0 Clearance and Safety Requirements.

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 GENERAL REVIEW COVERSHEET

CASE: C15-2020-0005

BOA DATE: February 5, 2020

ADDRESS: 5003 Highland Ct

COUNCIL DISTRICT: 10

OWNER: Erin E O'Malley

AGENT: Aixa Sola

ZONING: SF-3

LEGAL DESCRIPTION: LOT 9 * LESS E11.73FT AV BLK B HIGHLAND PARK COURT

VARIANCE REQUEST: reduce through lot setback requirement of 25 ft. to 10 ft.

SUMMARY: erect a one story single-family residence

ISSUES: unusual pie shaped lot; 25 ft. reduces usable area of the lot

	ZONING	LAND USES
<i>Site</i>	SF-3	Single-Family
<i>North</i>	MOPAC Expy	Highway
<i>South</i>	SF-3	Single-Family
<i>East</i>	SF-3	Single-Family
<i>West</i>	SF-3	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 Bull Creek Road Coalition
 Friends of Austin Neighborhoods
 Highland Park West Balcones Area Neighborhood Assn.
 Neighborhood Empowerment Foundation
 Preservation Austin
 SELTexas
 Save Barton Creek Assn.
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group
 TNR BCP – Travis County Natural Resources

I-4/2



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2020-0005

LOCATION: 5003 HIGHLAND COURT

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'



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment General/Parking Variance Application

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

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

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

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

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 5003 HIGHLAND CT

Subdivision Legal Description:

LOT 9 * LESS E11.73FT AV BLK B HIGHLAND PARK COURT

Lot(s): 9 Block(s): B

Outlot: _____ Division: _____

Zoning District: SF-3

I/We Point B Design Group on behalf of myself/ourselves as
authorized agent for KERRY NICK KARL JR & ERIN EMILY O'MALLEY affirm that on
Month December, Day 18, 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: One story single family residence

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

25-2-515 Rear Yard of a through lot. We are requesting a standard 10 foot setback instead of a 25 foot setback

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:

The 25 feet rear setback reduces the usable area of the lot to a point where it prevents the development of a residential unit with the typical shape and design character of its neighborhood.

Hardship

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

This lot has an unusual pie shape and is being consired a through lot. Most of the properties nearby have a regular shape, easier to develop.

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

Most of the properties have a regular or rectangular shape lot, therefore a 25 feet setback doesn't pose much difficulty for development. Many reasonable layouts can be achived in those cases. Other properties in the area are not considered through lots and therefore have less restrictive setbacks.

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 rear of the property is bordered by Mopac's sound wall, decreasing this setback will not create a privacy or safety issue, will not harm adjacent properties and will not affect the neighborhood character. By granting a setback variance the property to be developed will be able to achieve a size and scale consistent with the neighboring properties.

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:

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:

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

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:  Digitally signed by Aixa Sola Date: 12/18/2019

Applicant Name (typed or printed): Aixa Sola

Applicant Mailing Address: 1006 W 6th St Ste 207

City: Austin State: TX Zip: 78703

Phone (will be public information): (512) 568-9803

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: Erin E O'Malley Digitally signed by Erin E O'Malley Date: 2019.12.18 15:17:35 -06'00' Date: 12/18/2019

Owner Name (typed or printed): Kerry Nick Karl Jr and Erin O'Malley

Owner Mailing Address: 5003 Highland Court

City: Austin State: TX Zip: 78731

Phone (will be public information): (512) 638-0985

Email (optional – will be public information): 

Section 5: Agent Information

Agent Name: Point B Design Group

Agent Mailing Address: 1006 W 6th St Ste 207

City: Austin State: TX Zip: 78703

Phone (will be public information): (512) 568-9803

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).



Erin Emily O'Malley and Kerry Nick Jr
5003 Highland Ct
Austin TX 78731

RE: Owner Authorization

To Whom it may concern;

As the Owner of the above referenced property, I authorize Point B Design Group to act on my behalf in dealings with the City of Austin to obtain a building permit and demolition permit.

Sincerely,

A handwritten signature in black ink, appearing to read 'ERIN O'MALLEY' followed by a flourish.

Owner

ASBUILT SURVEY

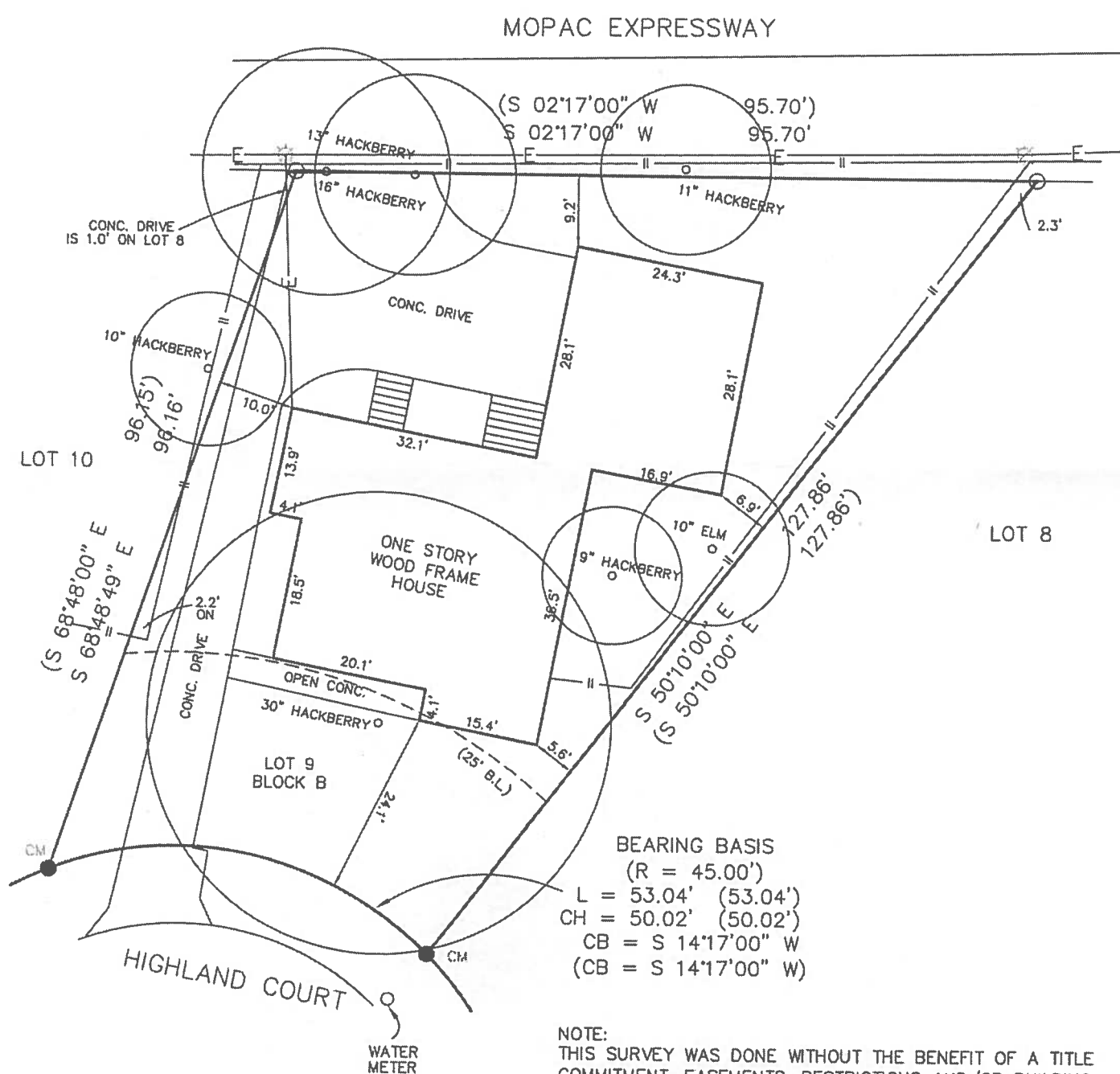
OF 5003 HIGHLAND COURT, AUSTIN, TEXAS
 LOT 9, BLOCK B
 HIGHLAND PARK COURT
 V. 7, PG. 11
 LESS E. 11.73' AVERAGE STRIP
 RECORDED IN V. 4385, PG. 381



PLAT NORTH
 SCALE: 1" = 20'

MAP SYMBOLS:

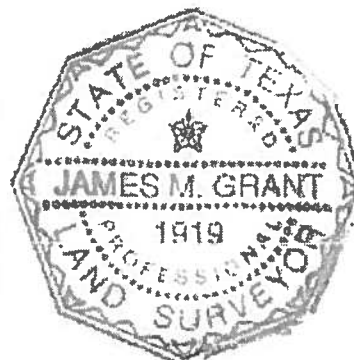
—X—	BARBED WIRE FENCE
—∞—	CHAIN LINK FENCE
— —	WOOD BOARD FENCE
—E—	UTILITY LINE
P.U.E.	PUBLIC UTILITY EASEMENT
B.L.	BUILDING LINE
●	1/2" REBAR FOUND
⊙	1/2" REBAR SET
⊙	IRON PIPE FOUND
CM	CONTROL MONUMENT
()	RECORD DATA FROM DEED DOC. 2007164618
D.E.	DRAINAGE EASEMENT
R.O.W.	RIGHT-OF-WAY
⚡	POWER POLE



HARRIS-GRANT SURVEYING, INC.
 PO BOX 807 MANCHACA, TEXAS 78652
 (512)444-1781 FAX (512) 444-6123

James M. Grant

JAMES M. GRANT R.P.L.S. 1919
 DATE: FEBRUARY 25, 2013
 INVOICE NO. 45372 WORK ORDER NO. 43952
 C:\CARL D\2013\43952



POINT B DESIGN GROUP VARIANCE REQUEST

ADDRESS

5003 HIGHLAND COURT

NEIGHBORHOOD

HIGHLAND PARK WEST /
BALCONES AREA

ZONE

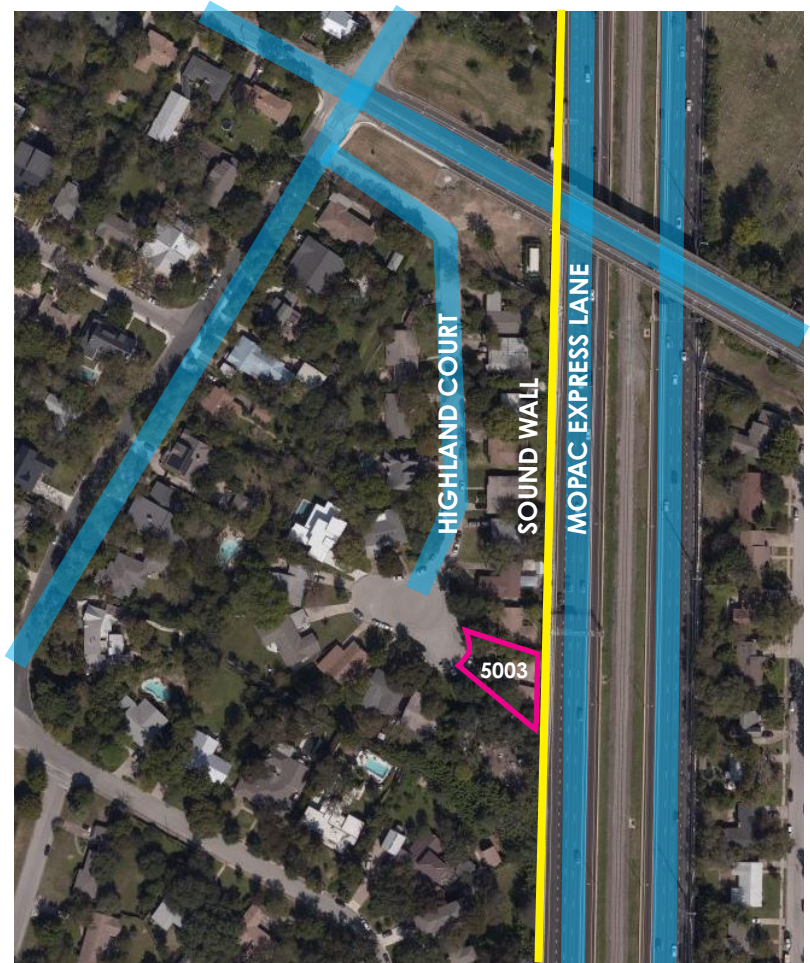
SF-3 / SCENIC ROAD OVERLAY

TYPE

SINGLE- FAMILY RESIDENCE ON A
THROUGH-LOT

VARIANCE REQUEST:

25-2-15 REAR YARD SETBACK FROM A
25-FOOT THROUGH LOT REQUIREMENT
TO A 10-FOOT STANDARD REQUIREMENT



FRONT ELEVATION RENDERING OF 5003 HIGHLAND COURT PROPOSAL



POINT B DESIGN GROUP | VARIANCE REQUEST

1. INTRODUCTION.....3

2. HARDSHIP UNIQUE TO THE PROPERTY6

3. REASONABLE USE.....12

4. AREA CHARACTER & PURPOSE OF REGULATIONS.....15

POINT B DESIGN GROUP | VARIANCE REQUEST

1. INTRODUCTION

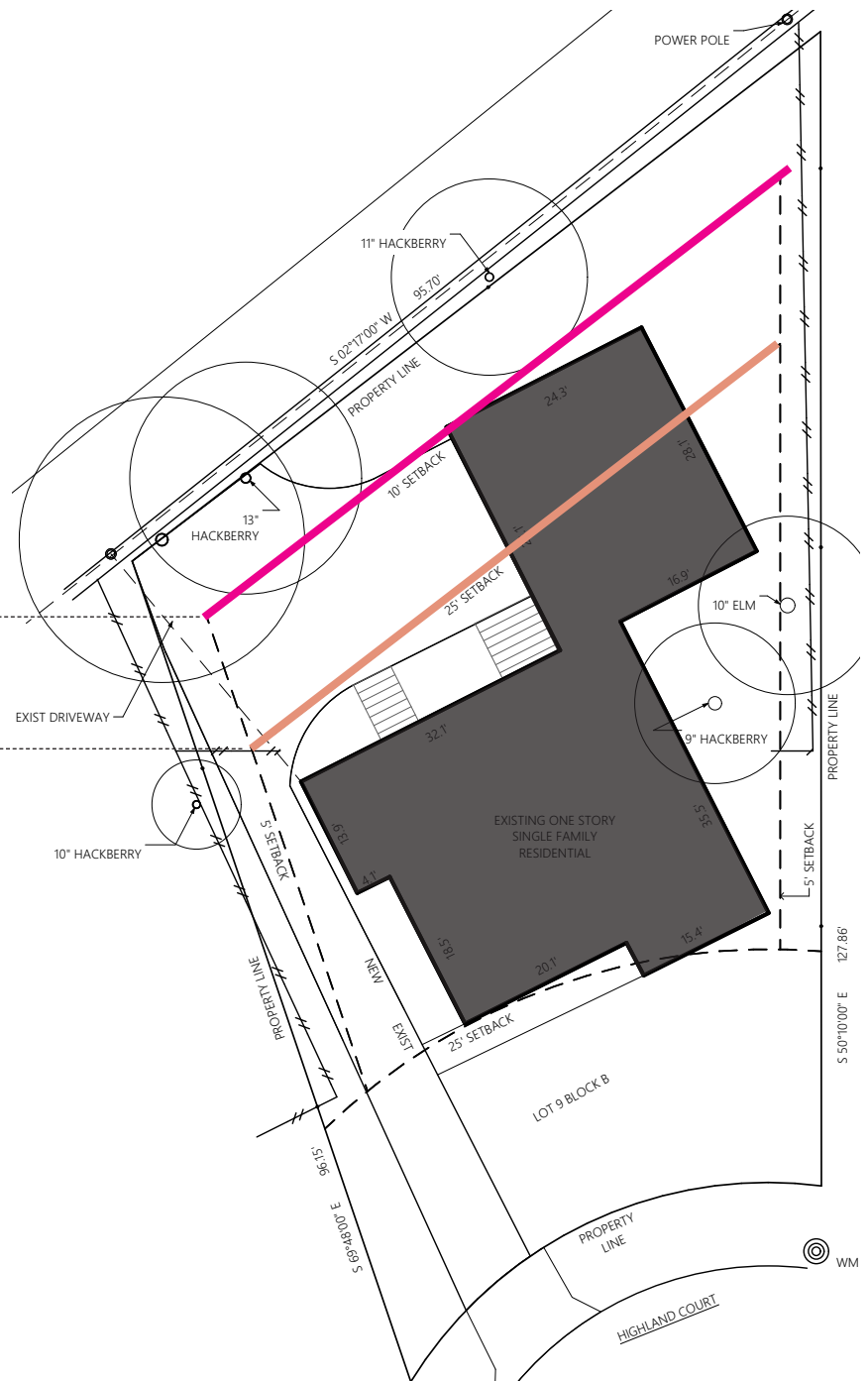
We are requesting to decrease the 25-foot rear setback requirement imposed on our through lot to a 10-foot setback which is the standard for a normal lot and what the existing structure is observing.

2. HARDSHIP UNIQUE TO THE PROPERTY

3. REASONABLE USE

4. AREA CHARACTER & PURPOSE OF REGULATIONS

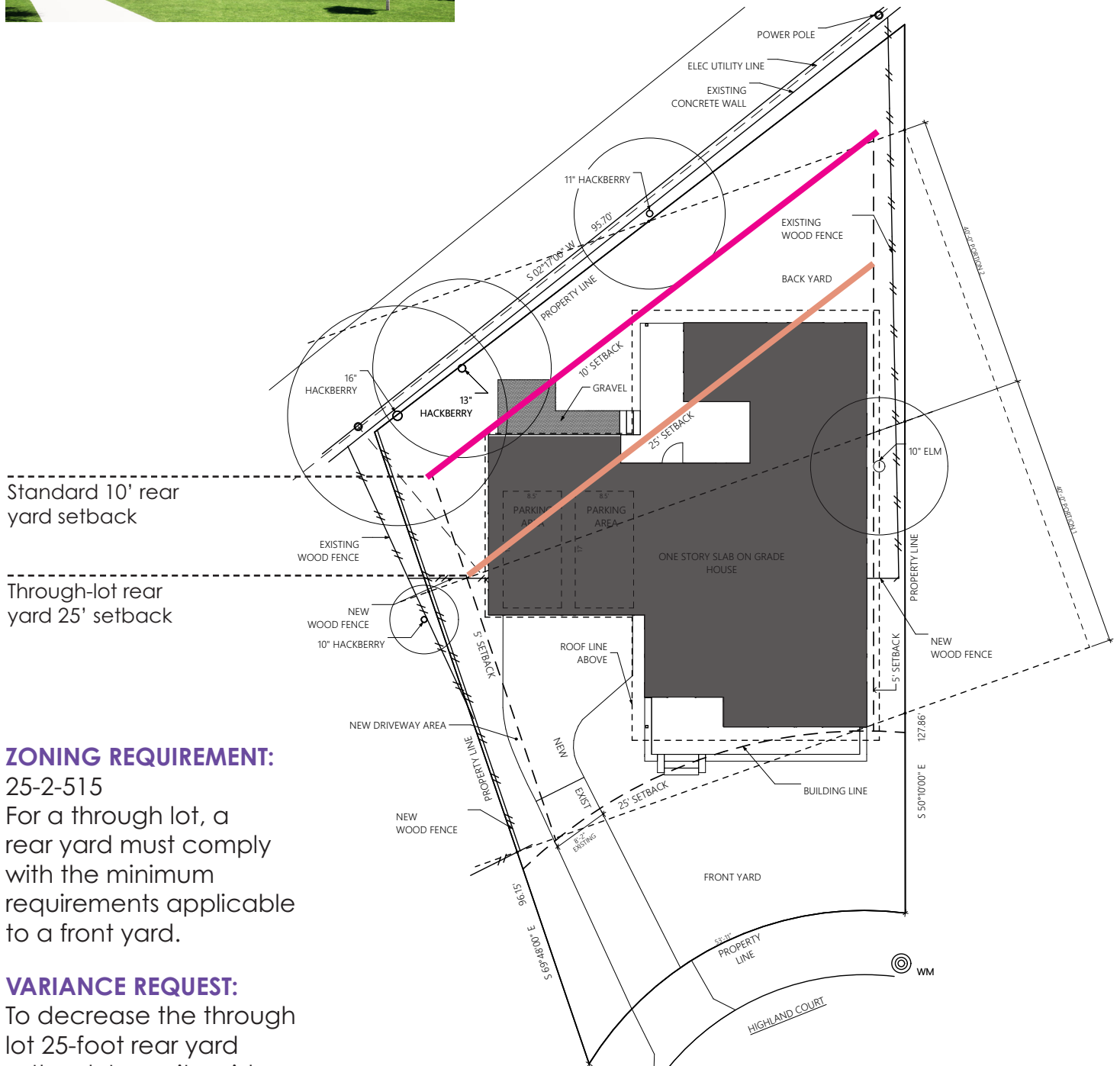
Through-lot rear
yard 25' setback



NEW SITE PLAN | PROPOSED CONDITIONS

**One-story single-family home**

- 3 bedrooms
- 2 bathrooms
- 2 car parking
- small front porch
- small back covered patio



Standard 10' rear
yard setback

Through-lot rear
yard 25' setback

ZONING REQUIREMENT:

25-2-515

For a through lot, a rear yard must comply with the minimum requirements applicable to a front yard.

VARIANCE REQUEST:

To decrease the through lot 25-foot rear yard setback to a city-wide 10-foot standard rear yard setback.

POINT B DESIGN GROUP | VARIANCE REQUEST

1. INTRODUCTION

2. **HARDSHIP UNIQUE TO THE PROPERTY**

The property in question is a pie shaped through lot. This condition is unique to our property because neighboring through lots have a regular shape, and/or are not observing a 25-foot rear yard setback.

3. REASONABLE USE

4. AREA CHARACTER & PURPOSE OF REGULATIONS

UNIQUE HARDSHIP | PIE SHAPED THROUGH-LOT

I-4/15

This through lot has an unusual pie shape. The 25-foot rear setback on this lot creates sharp angles that considerably decrease the buildable area. The current rear setback prevent the construction of a single-family home with

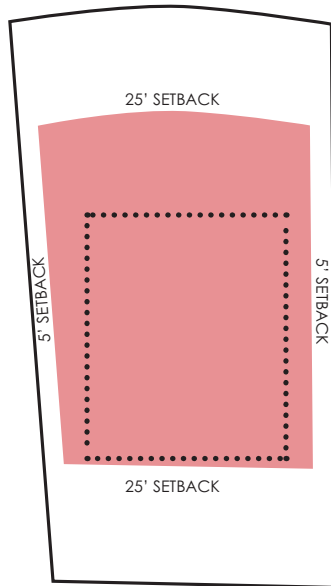
amenities typical to the neighborhood. Because neighboring properties have a regular shape, they are able to accommodate typical amenities of the area despite their through lot status.



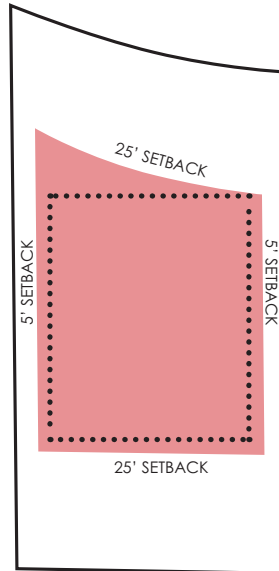
UNIQUE HARDSHIP | PIE SHAPED THROUGH-LOT

I-4/16

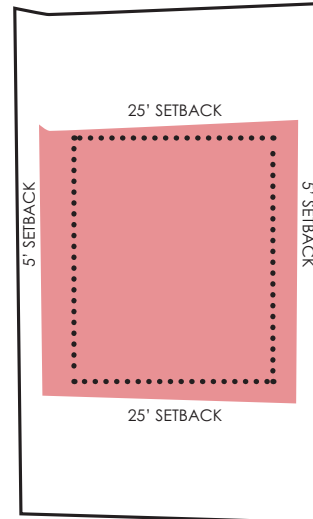
Demonstrated below is the buildable geometry of a 2,500 sqft footprint that easily fits in the adjacent through lots but extends beyond the setbacks at 5003 Highland Ct.



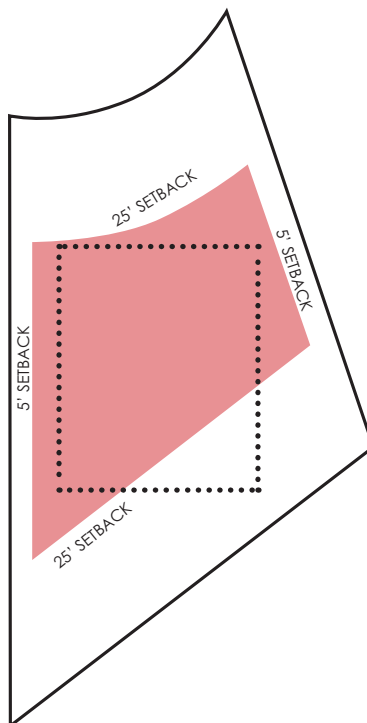
5007 HIGHLAND CT
LOT: 8,265 SQFT



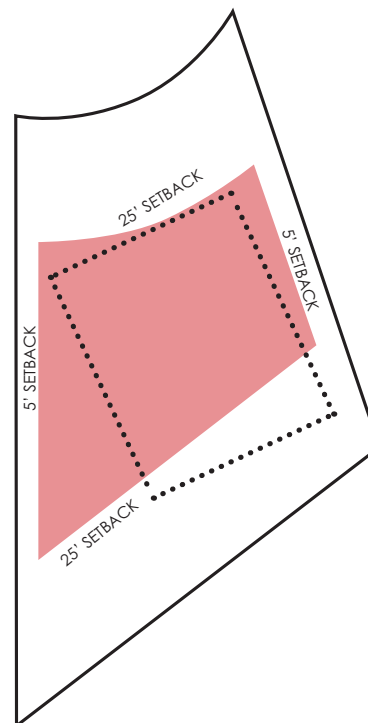
5009 HIGHLAND CT
LOT: 7,106 SQFT



5011 HIGHLAND CT
LOT: 7,370 SQFT



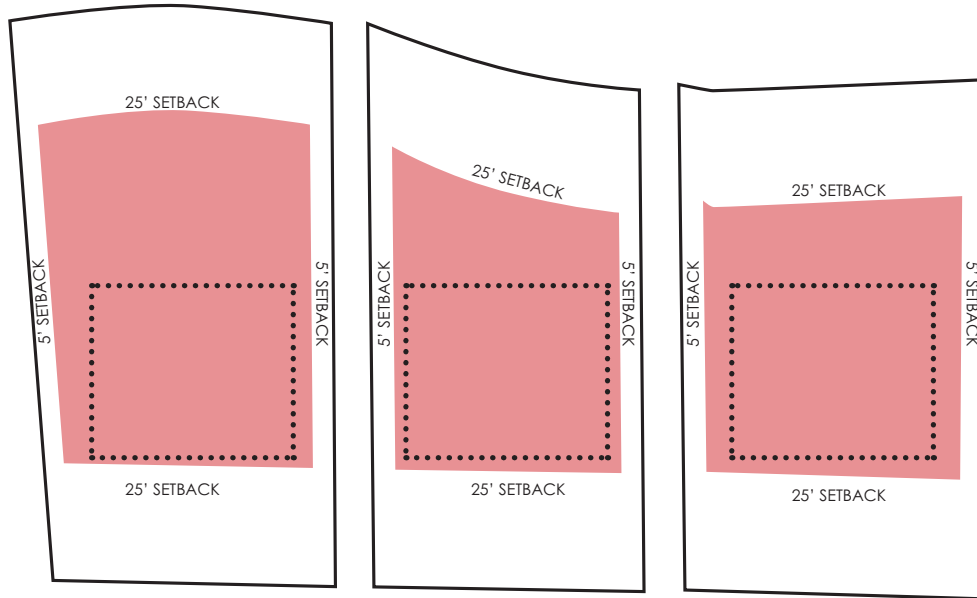
5003 HIGHLAND CT
LOT: 7,257 SQFT



5003 HIGHLAND CT
LOT: 7,257 SQFT

UNIQUE HARDSHIP | PIE SHAPED THROUGH-LOT

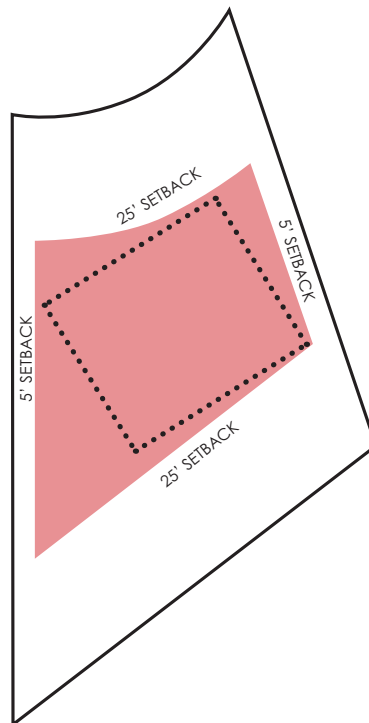
Demonstrated below is the buildable geometry of a 1,500 sqft footprint. It is the largest simple rectangular footprint that can fit in the buildable area of 5003 Highland Ct.



5007 HIGHLAND CT
LOT: 8,265 SQFT

5009 HIGHLAND CT
LOT: 7,106 SQFT

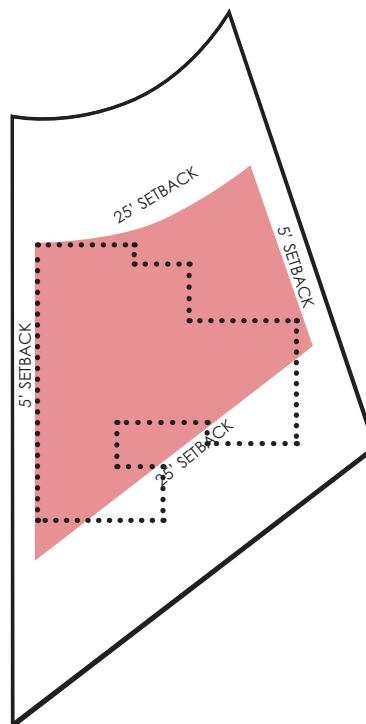
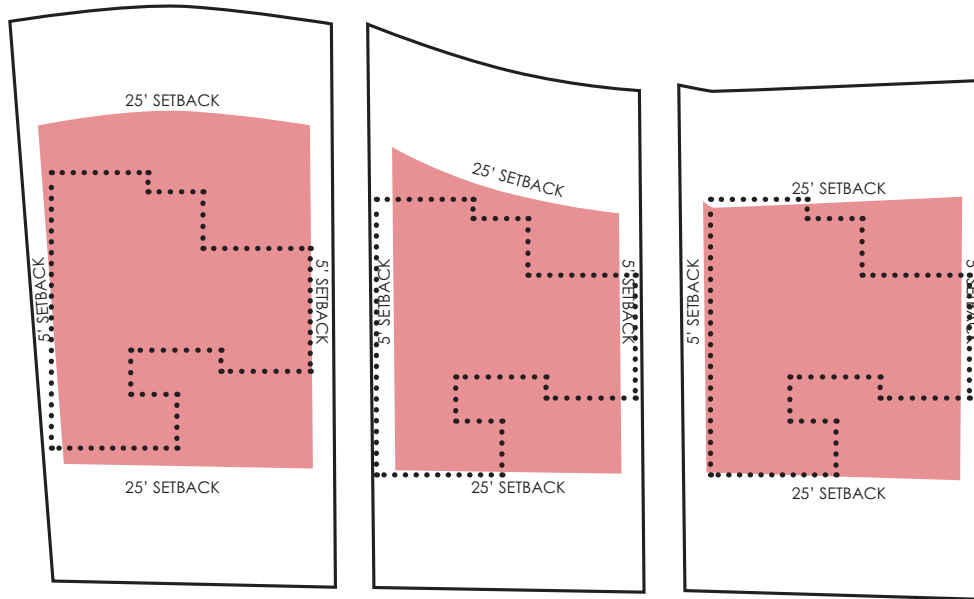
5011 HIGHLAND CT
LOT: 7,370 SQFT



5003 HIGHLAND CT
LOT: 7,257 SQFT

UNIQUE HARDSHIP | PIE SHAPED THROUGH-LOT

Demonstrated below is the proposed footprint of a single-story residential program at 5003 Highland Ct. It reasonably fits in neighboring through-lots but requires a variance on this lot.



5003 HIGHLAND CT
LOT: 7,257 SQFT

POINT B DESIGN GROUP | VARIANCE REQUEST

1. INTRODUCTION

2. HARDSHIP UNIQUE TO THE PROPERTY

3. REASONABLE USE

The imposition of a 25-foot rear setback on this lot creates an unreasonable buildable area and shape as compared to neighboring properties.

The proposed project consists of a single-story, single-family residence, which is the predominant typology of the neighborhood, with amenities that are typically found on new construction projects and similar to those that other neighboring properties enjoy.

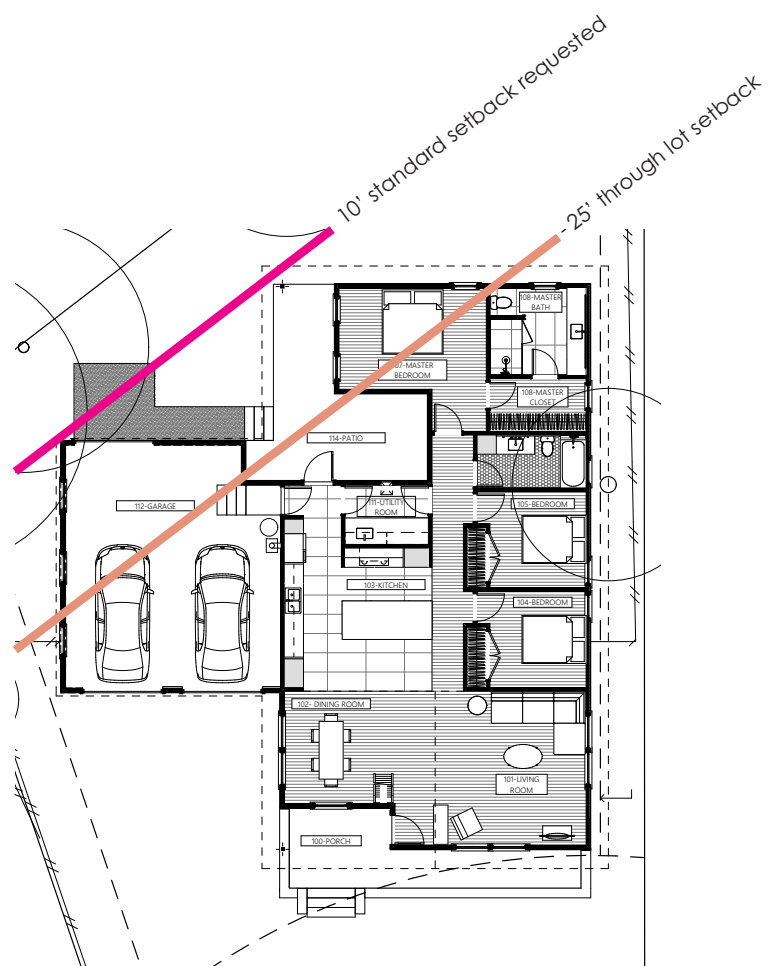
These amenities include: 3 bedrooms, 2 bathrooms, 2 car covered parking, kitchen, laundry and a small porch. The 25-foot rear setback requirement currently prevents specifically the construction of a standard size master bedroom and covered parking.

4. AREA CHARACTER & PURPOSE OF REGULATIONS

1. A simple rectilinear footprint (regular shape)
2. Amenities that are comparable to neighboring properties
3. A scale that blends with the neighborhood

We are proposing a single-family residence similar to the site's existing program with a shape and scale characteristic to the neighboring homes.

- 3 bedrooms
- 2 bathrooms
- 2 car parking
- small front porch
- small back covered patio.



Map of Geomerty Highland Court homes

Floor Plan of Proposed Design

REASONABLE USE | TYPICAL PROGRAM

2. Amenities that are comparable to neighboring properties

5011 HIGHLAND COURT



3 beds
2 baths
1-car carport
Front porch
Covered back patio

5006 HIGHLAND COURT



4 beds
2 baths
2-car carport
Front porch
Covered back patio

5009 HIGHLAND COURT



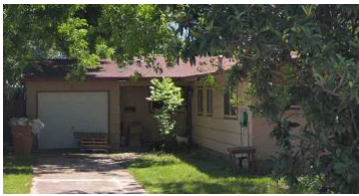
3 beds
2 baths
1-car carport
Front porch
Covered back patio

5012 HIGHLAND COURT



3 beds
2 baths
2-car carport
Front porch
Covered back patio

5007 HIGHLAND COURT



3 beds
1 baths
1-car garage
Front porch
Covered back patio

5002 HIGHLAND COURT



3 beds
2 baths
Front porch
Covered back patio

5017 HIGHLAND COURT



3 beds
2 baths
2-car garage
Front porch
Covered back patio

5004 HIGHLAND COURT



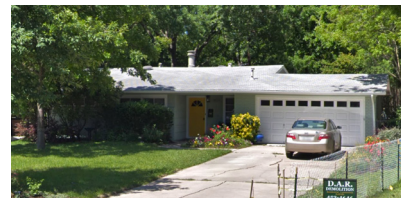
3 beds
2 baths
1-car carport
Front porch
Covered back patio

5019 HIGHLAND COURT



3 beds
2 baths
2-car carport
Front porch
Covered back patio

5008 HIGHLAND COURT



3 beds
2 baths
2-car garage
Front porch
Covered back patio

5003 HIGHLAND COURT // PROPOSED



3 beds
2 baths
2-car garage
Front porch
Covered back patio

5000 HIGHLAND COURT



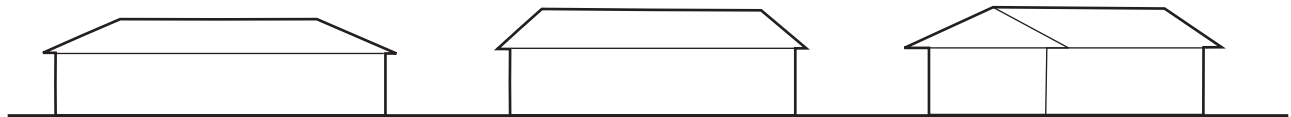
3 beds
3 baths
1-car carport
Front porch
Covered back patio

THROUGH LOTS

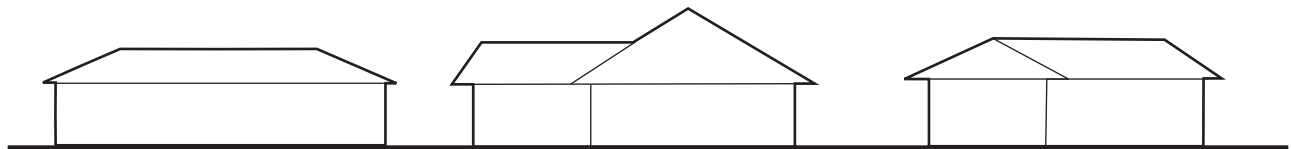
REASONABLE USE | TYPICAL PROGRAM

3. A scale that blends with the neighborhood

"From the late 1940's, when the area was first developed, until now, residents of Highland Park Court have enjoyed living in a neighborhood of single-story homes with large trees."¹ The proposed condition is designed to recall the historic character of the neighbors.



Current Conditions



Proposed Condition with variance

¹Pieter Sybesma, Highland Park West / Balcones Area Neighborhood Association, Letter to Architect

POINT B DESIGN GROUP | VARIANCE REQUEST

1. INTRODUCTION

2. HARDSHIP UNIQUE TO THE PROPERTY

3. REASONABLE USE

4. AREA CHARACTER & PURPOSE OF REGULATIONS

Granting this variance request will not alter the character of the area, because it will allow for the construction of a single-story single-family house, which is the predominant type of construction found in the neighborhood.

The requested setback variance is for the rear yard of the property which borders Mopac's sound wall therefore it will not be in conflict with the adjacent properties or diminish their privacy.

The purpose of the setback regulation on a through lot is to maintain the same openness in the front and in the back of a property because both sides face a public street and act as the front of the property. While we recognize that an open large front yard is typically desirable in Austin neighborhoods, and sometimes necessary for city infrastructure; we understand that in this case the requirement is not serving its intended purpose. The lot in question is not directly facing a public street in the back, since it's actually bordered by a highway sound wall therefore an increased openness in the rear will not be able to be perceived or used by the public.

AREA CHARACTER & PURPOSE OF REGULATIONS

AREA CHARACTER: HISTORIC 1940'S SINGLE-STORY HOME



AREA CHARACTER & PURPOSE OF REGULATIONS

I-4/25

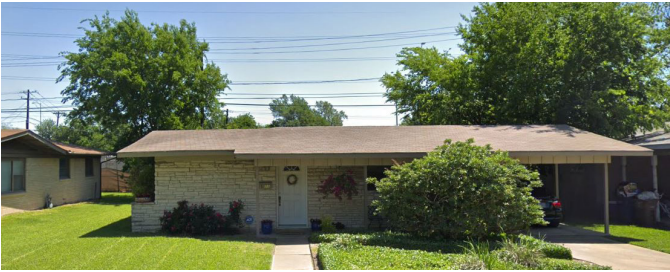
5007 HIGHLAND COURT



5009 HIGHLAND COURT



5011 HIGHLAND COURT



5003 HIGHLAND COURT // PROPOSED



5006 HIGHLAND COURT



5018 HIGHLAND COURT



5010 HIGHLAND COURT



5004 HIGHLAND COURT



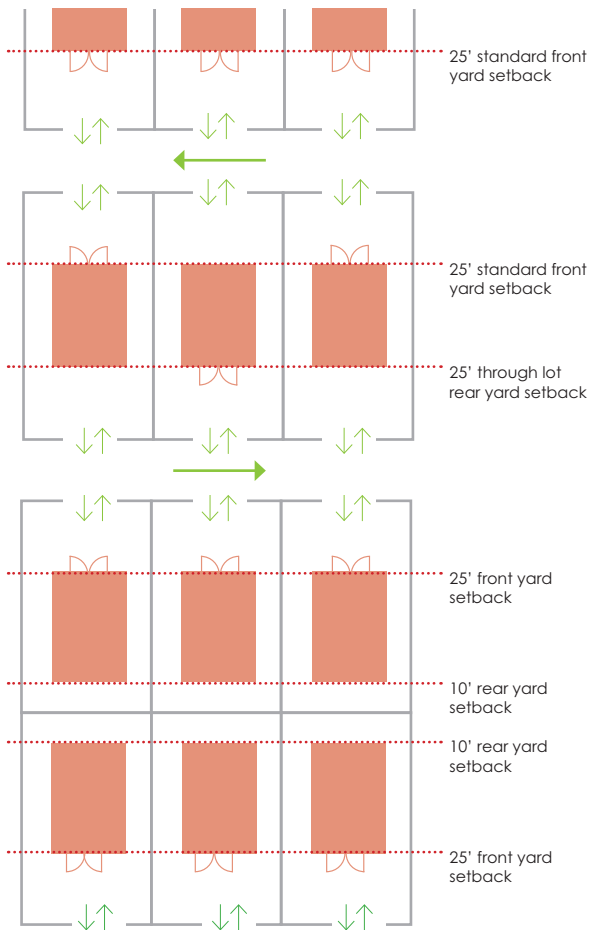
5008 HIGHLAND COURT



5000 HIGHLAND COURT



AREA CHARACTER & PURPOSE OF REGULATIONS



This diagram is an abstract visual interpretation of the definition and purpose of residential setbacks and through lot restrictions.

THROUGH LOT: a lot, other than a corner, abutting more than one street.

The purpose of the through lot is to maintain consistent standards with neighboring properties as building fronts may face opposite streets.

RESIDENTIAL SETBACK : restriction is intended to protect privacy, provide for open space, and avoid the aesthetic and safety concerns associated with overcrowding

Existing Condition



The rear of the existing property faces Mopac's sound wall. Because there is no access nor street frontage to maintain, we are requesting this property to be considered a standard lot with a city-wide standard 10' rear yard setback. The sound wall prevents a smaller setback from imposing on someone else's property, blocking light and access, and does not present privacy or safety concerns. Decreasing the setback will not have an impact on the neighboring properties.



January 17th, 2020

City of Austin
Board of Adjustments

RE: 5003 Highland Court Variance Request

To the Board of Adjustments;

Thank you for taking the time to read 5003 Highland Court's variance request report. We look forward to hearing your feedback and answering any questions you will have at our meeting on February 5th, 2020.

Sincerely,



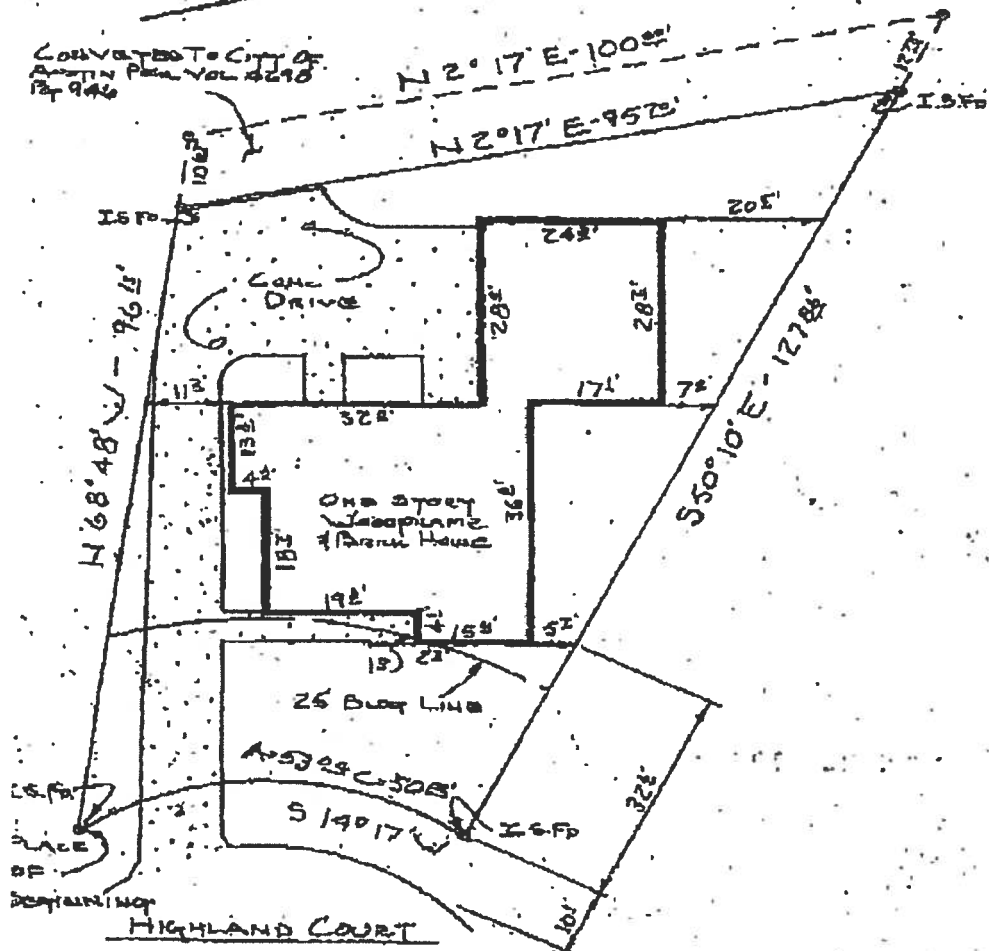
Maggie Wylie, AIA, NCARB
TBAE # 24341
Point B Design Group
Principal Architect & Owner



SURVEY PLAT

Local Address: 5003 Highland Court Ref. ACOSTA
 Legal Description: Lot No. A Block No. B Highland Park Court
 Addition in the City of Austin Texas, of record in Plat Book 7 at
 Page 11 of the Travis County, Texas Plat Records.

Scale: 1" = 20'



State of Texas
 County of Travis :

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described herein and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility lines or roads in place, except as shown herein, and that said property has access to one front dedicated roadway, except as shown herein.

Dated this 14th day of February, 1974.

Surveyor's Remarks: I hereby certify that the property described herein is not within a special flood hazard area as identified by the Fed. Ins. Adm. - Dept. of HUD. Flood hazard boundary map dtd. 9/13/74. Water will drain away from house.

[Signature]
 F. J. [Name]
 Surveyor
 No. 20220