

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

DATE: Monday January 13, 2020

CASE NUMBER: C15-2019-0063

____ Brooke Bailey
____ Jessica Cohen
____ Ada Corral
____ Melissa Hawthorne
____ William Hodge
____ Don Leighton-Burwell
____ Rahm McDaniel
____ Darryl Pruett
____ Veronica Rivera
____ Yasmine Smith
____ Michael Von Ohlen
____ Kelly Blume (Alternate)
____ Martha Gonzalez (Alternate)
____ Denisse Hudock (Alternate)

OWNER/APPLICANT: Stephen Rison

ADDRESS: 1507 FAIRFIELD DR

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the minimum setback requirement of LDC Section 25-2-492 (Site Development Regulations) (D) to decrease the rear setback requirement from 10 feet (required) to 0 feet (requested) in order to maintain an existing shed in an "SF-3-NP", Single-Family zoning district. (Wooten Neighborhood Plan)

BOARD'S DECISION: BOA JAN 13, 2020 POSTPONED TO FEBRUARY 5, 2020 BY APPLICANT

EXPIRATION DATE:

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:


Elaine Ramirez
Executive Liaison


Don Leighton-Burwell
Chairman

BOA GENERAL REVIEW COVERSHEET**CASE:** C15-2019-0063**BOA DATE:** January 13th, 2020**ADDRESS:** 1507 Fairfield Dr.**COUNCIL DISTRICT:** 7**OWNER:** Stephen H. Rison**AGENT:** N/A**ZONING:** SF-3-NP**LEGAL DESCRIPTION:** LOT 28 WOOTEN PARK SEC 5**VARIANCE REQUEST:** Setback requirements**SUMMARY:** maintain an existing shed**ISSUES:** trees would have prohibited construction in other areas; previous shed was built in same location

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

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Friends of Austin Neighborhoods

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

North Austin Neighborhood Alliance

SELTexas

Shoal Creek Conservancy

Sierra Club, Austin Regional Group

Wooten Neighborhood Assn.

Wooten Neighborhood Plan Contact Team



January 2, 2020

Stephen Rison
1507 Fairfield Dr
Austin TX, 78757

Property Description: LOT 28 WOOTEN PARK SEC 5

Re: C15-2019-0063

Dear Stephen,

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

(D) to decrease the rear setback requirement from 10 feet (required) to 0 feet (requested)

In order to maintain an existing shed in an "SF-3-NP", Single-Family zoning district. (Wooten Neighborhood Plan)

DENIED BY AUSTIN ENERGY (AE), due to applicant having a permanent structures that conflict with Austin Energy's clearance requirements. The Customer's facilities/installations shall maintain clearances from AE overhead facilities as required in Section 234 of the NESC. See NESC Clearance Envelope below for typical NESC clearances of 12-foot 6-inch vertical and 7-foot 6-inch horizontal from AE overhead primary voltage lines. Contact AE Design for specific clearance information. In addition, the Customer's facilities shall not be installed under or over AE overhead distribution facilities and shall maintain a minimum horizontal clearance of 7'-6" from overhead AE distribution facilities.

It is recommended that you remove the features shown on the submitted survey, be relocated from outside the easement area and that they maintain the required electric clearance requirements.

Please contact Eben Kellogg Property Agent for Austin Energy - Public Involvement and Real Estate Services 512-322-6050/ eben.kellogg@austinenergy.com to demonstrate that this has been accomplished.

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.

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#: C15-2019-0063
LOCATION: 1507 Fairfield Drive



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" = 141'



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 # 15-2019-00163 ROW # 12339503 Tax # 0240080709

Section 1: Applicant Statement

Street Address: 1507 Fairfield Dr. Austin, TX.

Subdivision Legal Description:

Wooten Park Section 5

Lot(s): 28 Block(s): _____

Outlot: _____ Division: _____

Zoning District: SF-3NP ✓

I/We Stephen H. Rison on behalf of myself/ourselves as
authorized agent for _____ affirm that on

Month October, 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: Maintain an ex

Type of Structure: Shed

- b) Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character

Application must demonstrate to the Board how 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 zoning regulations of the zoning district in which the property is located.

Parking

Parking variances **require additional findings** to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

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

Austin City Code Section: zoning violations - Encroaching into a rear yard 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 property has been developed for many years. In some cases trees were located in areas that would have prohibited

construction in other areas of the property. A few trees have been removed for safety reasons. The survey indicates that the fence line originally thought to be the property line is actually a few feet on to the neighbors property behind. Any setback measured from the fence/assumed property line would have yielded possible setback issues. Realizing the need for a shed and

the location of the pool would limit areas where it might be more appropriately located.

Hardship

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

This building was constructed almost 20 years ago in the location of a previous shed which had deteriorated to the point it

needed to be reconstructed. Because the original shed was in this location reconstruction in this same area was not thought to be a violation of the ordinances. Upon receiving the complaint I investigated options for remedy. there is no access to the property which would allow for a company to come in and move the structure.

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

The current location of the shed makes best use of the land. Aerial photograph photography indicated that several property owners in this area have sheds that appear to encroach into the rear yard 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 shed has been in it's current location since 2002.

Please see attached letter.

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: 10/08/2019

Applicant Name (typed or printed): Stephen H. Rison

Applicant Mailing Address: 1507 Fairfield Rd.

City: Austin State: TX Zip: 78757

Phone (will be public information): _____

Email (optional – will be public information): Steve Rison <grayrocksouth@gmail.com>

tmato@gmail.com

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: 10/08/2019

Owner Name (typed or printed): Stephen H. Rison

Owner Mailing Address: 1507 Fairfield Dr.

City: Austin State: TX Zip: 78757

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: N/A

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).

Please see the attached letter

Additional Space (continued)

[illegible]**SAVE**

Address to Board of Adjustment

Dear Members of the Board and Citizens

First let me introduce myself, my name is Steve Rison, I'm a Michigan transplant who moved to Austin around Christmas of 1980 after being raised in a small town in Northern Michigan. I'm a graduate of Central Michigan University and after serving in the army 1969-71, returned to school under the GI Bill, completed a Master's Degree in Counseling and began my employment as a therapist for community mental health. I resigned my position in 1979 and began my dream journey of a backpacking adventure around the world, which lasted about a year. Returning to Michigan in 1980, I determined that this was a new chapter and an appropriate time to consider moving and relocating. Having spent some time with my youngest sister, who had previously moved here with her husband and family for a job relocation, and initially visiting here in the winter on a Christmas break, needless to say, fell in love with Austin.

I initially worked for Veterans Outreach and eventually was able to obtain a position with Austin Community College where I served as a counselor in Student Services and was a professor and taught Human Sexuality, in the the Psychology/Sociology departments. I retired from counseling in 2009, and from teaching in 2012 after 31 years serving at numerous campuses throughout the district.

I purchased my home on Fairfield in 1984, this being my first and only home purchase ever, in partnership with my sister and brother-in-law after they impressed on me that "I should stop paying rent and get some equity going for the future." I agreed, moved forward and a couple years later bought them out determining that this would be, in fact, where I would establish my roots, create my "castle", complete my professional career, and comfortably spend the rest of my life.

I assessed that the neighborhood was comfortable and would fit for me and began to support and integrate myself positively with my neighbors in our collective efforts to improve our neighborhood and community. In fact, I initiated our first contact with the Neighborhood Watch organization, ordered and personally paid for and sunk the posts to display the signs.

The issue today is a back building which I built, around 2002, with the help of my nephews and friends to replace a metal shed which was deteriorating and a shop bench in front of it covered in plastic sheeting, which pooled water and provided a mosquito breeding ground. The back of my property at that time was basically empty and backed up to a veritable small forest of an undeveloped backyard of the neighbor's property. I couldn't even see their house—the situation is similar today. Nevertheless, the project started out simple but developed as I perceived that since I was replacing an existing structure I should simply replace this eyesore shed with something more useful and attractive that could be a workshop, a studio and quiet space, a storage area for paints, decorations, general chatska, and as a greenhouse for storing deck plants in winter, etc. It evolved also to become an area for process to work on my memoirs, organize photos, thousands of which I have taken over the years, and archives collected during a lifetime of travel and adventure. While sharing this depository of photos, I also believed that fostering a comfortable, safe place for discourse among generations with wide diversity could be fostered and fit the adage "Keep Austin Weird" in a positive and inspiring sense.

Many who have visited have commented on the comforting and inviting atmosphere and more than one have suggested that my home belongs in South Austin...as if only South Austin has unique backyard environments. I have maintained friendships with many friends throughout the country and the world in the almost 40 years that I have lived here. Over the years many from across the globe have visited me here including from Lithuania, the Netherlands, Ecuador, last year friends from New Zealand visited and this year friends from Germany, never having been to America, will visit Austin during Halloween, and be afforded an

especially insightful look at the keeping Austin weird philosophy while sharing my home and touring Austin.

I have made it my goal to create a comfortable sharing space...and to share it with a wide audience. I have had many gatherings over the years including reunions, wakes, receptions, birthdays and just hang-outs. This past summer I hosted blues legend, Lavelle White's, 90th Birthday. I have tried to be a good neighbor and have attempted with my fencing and other projects to insulate any noise or disruption to the neighborhood and have asked my many guests to be respectful as they are arriving or leaving my home. I have often included many neighbors in my activities which have included political "watch parties" for debates which brought many strangers into my home as well. Strangers, aren't threatening to me as I often view them as only friends that I haven't gotten to know yet.

When I was teaching, I would tell my students that we, in Austin, live in a special place under a special sort of a unique karmic bubble. In that it is appreciated far and wide that we are fortunate to have this place to call our home on the planet, have a responsibility to be good ambassadors and representatives and citizens. As a frequent traveler, I have encountered many folks along the way and when I tell them I'm from Austin their eyes open wide and the conversations take off.

This oasis that I've created has been a therapeutic exercise for me as a hands on effort as well as a foundation for a lifetime of friendships that I and many others have lovingly developed together over the years. It has been, for me, one of the single most important lifetime driving forces especially now in the waning chapters of my life trip.

I'm not perfect, by any means, and am sorry to have violated the regulations. It was not my intention to violate, or denigrate my property or those around me. During a recent storm and transformer malfunction I have without hesitation offered to open my backyard for utility access and tree trimming for trees whose trunks were in the neighbor's yard but more easily assessable from mine. I have tried to be a good neighbor and good citizen.

This structure is more than more than just a structure—some have said it's a museum. In fact, I have collected many things/ artifacts (some say junk...I say treasures) in order to display and share with those visiting. Many friends and visitors, in fact, have donated things to me because they wanted to leave something and be a part of the positive energy that exists.

The shop, as I call it, has been a labor of love and dedicated to providing a relaxed and reflective place to share with folks from all corners of the world. It has provided a unique example and appreciation of the many varied residences that make up and reflect the diversity of Austin.

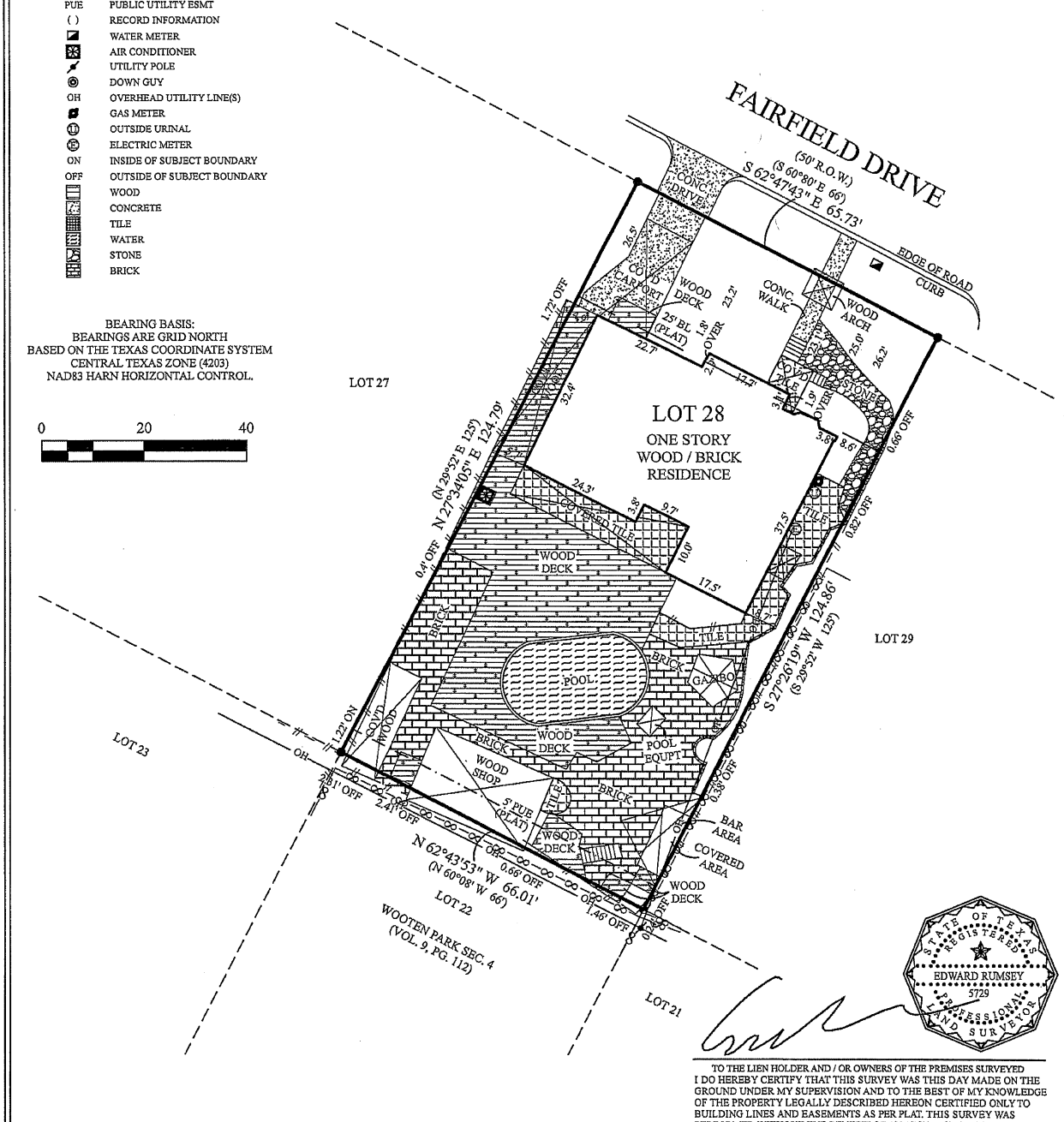
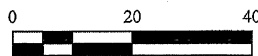
I live here alone now with my cat, Lucky, and respectfully ask that you grant me this variance and allow me to continue sharing my home with my friends and neighbors in a positive integrated manner. I hope to continue being an active vibrant part of this community and to continue being a good promoter of our neighborhood and city that I have spent the majority of my life trying to do. Thank you for your consideration.

Steve Rison

LEGEND

- 1/2" ROD FOUND
- CALCULATED POINT
- CHAIN LINK FENCE
- WOOD FENCE
- BUILDING LINE
- PUE PUBLIC UTILITY ESMT
- () RECORD INFORMATION
- WATER METER
- AIR CONDITIONER
- UTILITY POLE
- DOWN GUY
- OH OVERHEAD UTILITY LINE(S)
- GAS METER
- OUTSIDE URINAL
- ELECTRIC METER
- ON INSIDE OF SUBJECT BOUNDARY
- OFF OUTSIDE OF SUBJECT BOUNDARY
- WOOD
- CONCRETE
- TILE
- WATER
- STONE
- BRICK

BEARING BASIS:
BEARINGS ARE GRID NORTH
BASED ON THE TEXAS COORDINATE SYSTEM
CENTRAL TEXAS ZONE (4203)
NAD83 HARN HORIZONTAL CONTROL.



TO THE LIEN HOLDER AND / OR OWNERS OF THE PREMISES SURVEYED
I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE
GROUND UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE
OF THE PROPERTY LEGALLY DESCRIBED HEREON CERTIFIED ONLY TO
BUILDING LINES AND EASEMENTS AS PER PLAT. THIS SURVEY WAS
PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

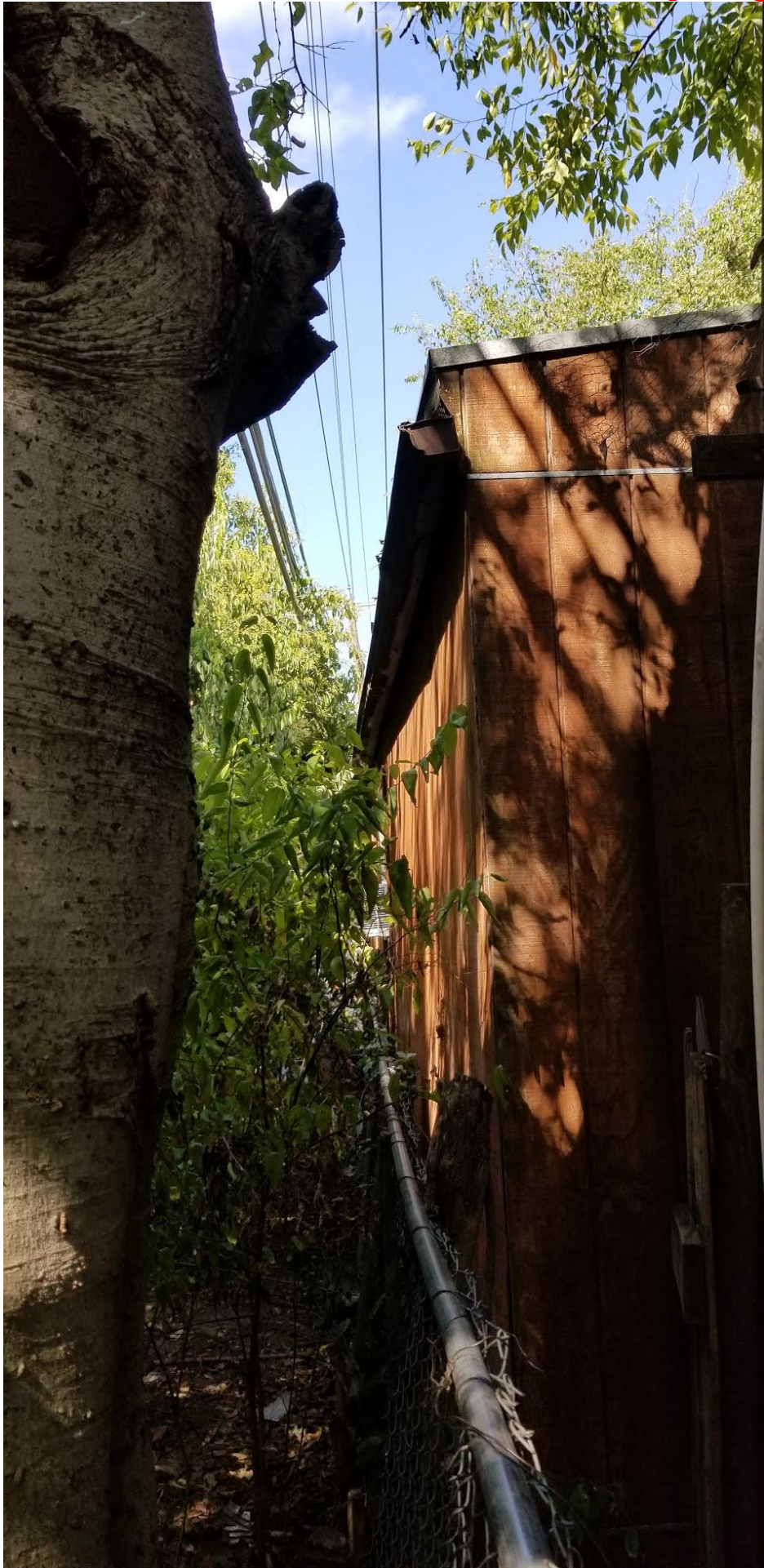
RESTRICTIONS

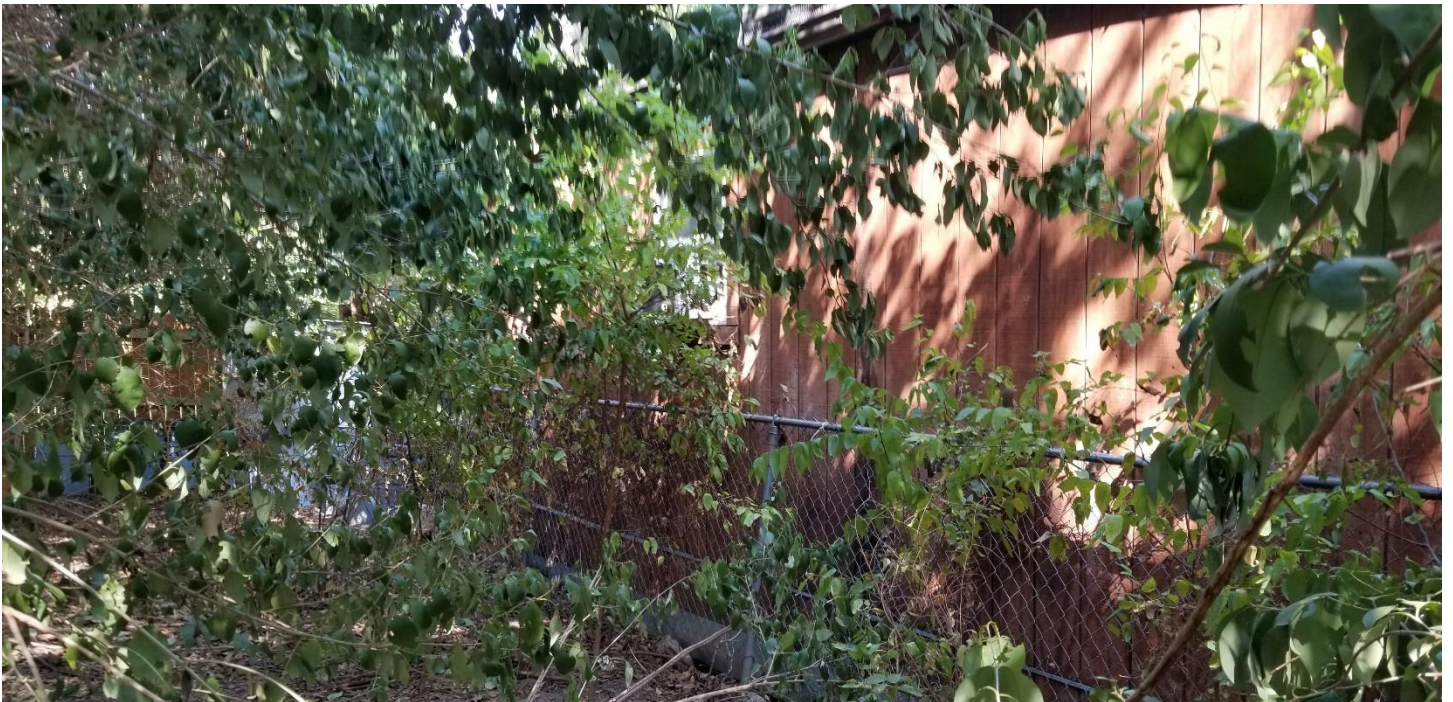
RESTRICTIONS:
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN
TITLE, EASEMENTS AND/OR BOUNDARY LINE AGREEMENTS, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON, ONLY THOSE
SETBACK LINES, EASEMENTS, BOUNDARY LINES AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE PLOTTED
ON THIS SURVEY, NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.

LEGAL DESCRIPTION

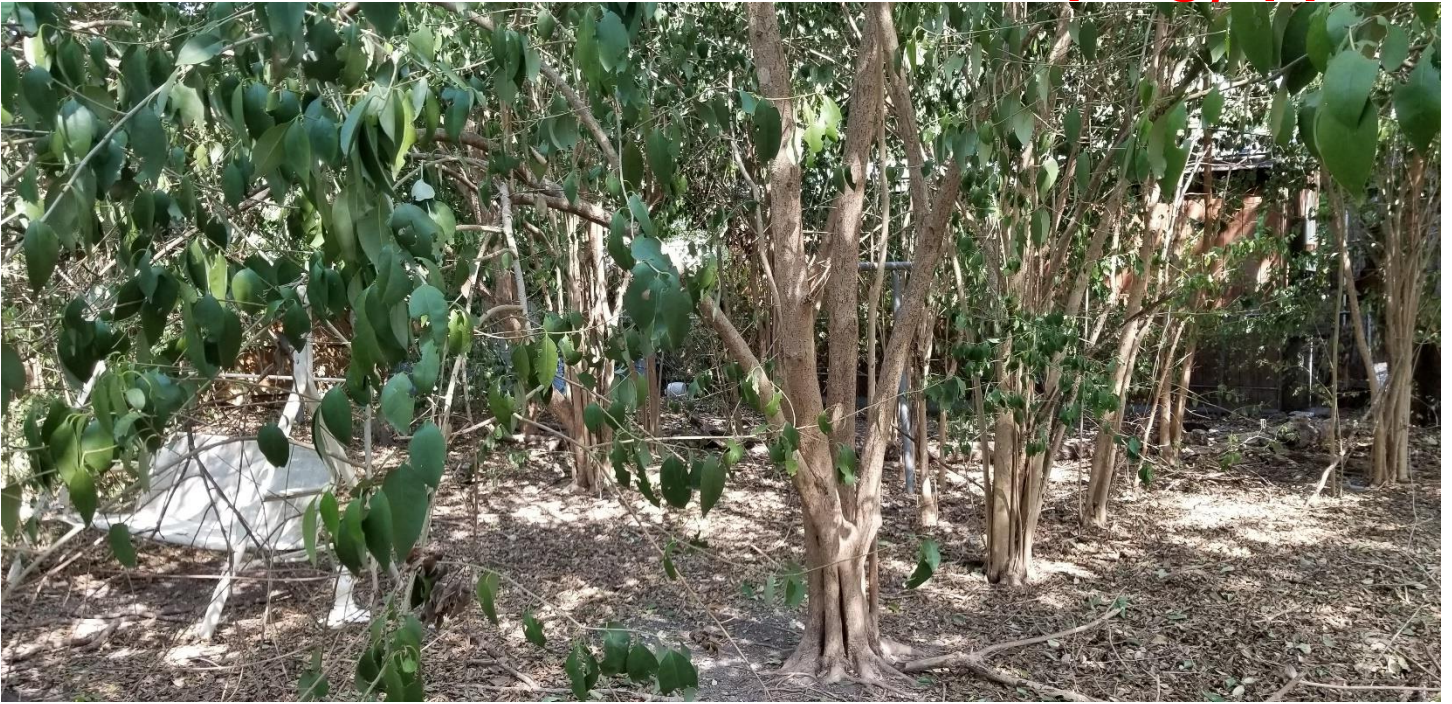
LOT TWENTY-EIGHT (28), WOOTEN PARK, SECTION FIVE (5), A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOL. 9, PG. 113,
PLAT RECORDS, TRAVIS COUNTY, TEXAS.

	<p>ALLSTAR Land surveying 9020 ANDERSON MILL RD AUSTIN, TEXAS 78729 (512) 249-8149 PHONE (512) 331-5217 FAX TBPCLS FIRM NO. 10135000</p>	<p>F.I.R.M. MAP INFORMATION</p> <p>THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD- PLAIN, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS F.I.R.M. MAP NO. 48453C04551 PANEL: 04551 DATED: 01/06/2016</p> <p>THIS CERTIFICATION IS FOR INSURANCE PURPOSES ONLY AND IS NOT A GUARANTEE THAT THIS PROPERTY WILL OR WILL NOT FLOOD. CONTACT YOUR LOCAL FLOOD PLAIN ADMINISTRATOR FOR THE CURRENT STATUS OF THIS TRACT.</p>	<p>ADDRESS</p> <p>STEPHEN H. RISON 1507 FAIRFIELD DRIVE AUSTIN, TRAVIS COUNTY, TEXAS</p> <table border="1"> <tr> <td>SURVEY DATE:</td> <td>OCTOBER 02, 2019</td> <td>FIELD BY:</td> <td>JONATHAN MOHR</td> <td>10/01/2019</td> </tr> <tr> <td>TITLE CO.:</td> <td>-</td> <td>CALC. BY:</td> <td>CHRIS ZOTTER</td> <td>10/02/2019</td> </tr> <tr> <td>G.F. NO.:</td> <td>-</td> <td>DRAWN BY:</td> <td>DAVID BAK</td> <td>10/02/2019</td> </tr> <tr> <td>JOB NO.:</td> <td>A0910619</td> <td>RPLS CHECK:</td> <td>EDWARD RUMSEY</td> <td>10/02/2019</td> </tr> </table>	SURVEY DATE:	OCTOBER 02, 2019	FIELD BY:	JONATHAN MOHR	10/01/2019	TITLE CO.:	-	CALC. BY:	CHRIS ZOTTER	10/02/2019	G.F. NO.:	-	DRAWN BY:	DAVID BAK	10/02/2019	JOB NO.:	A0910619	RPLS CHECK:	EDWARD RUMSEY	10/02/2019
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P-3/22









