

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2020-0048

BOA DATE: September 14th, 2020

ADDRESS: 4700 Milburn Ln

COUNCIL DISTRICT: 3

OWNER: Emelie Henzel

AGENT: James Flowers

ZONING: SF-3-NP (Govalle NP)

LEGAL DESCRIPTION: LOT 5 GULLETT GARDENS NO 3

VARIANCE REQUEST: Change of use of primary structure to Two-Family and rear structure to Primary residence

SUMMARY: erect a Two-Family Residential use

ISSUES: two large protected trees

	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:

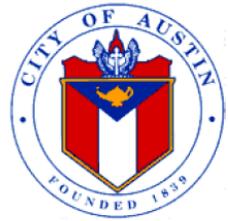
- Austin Independent School District
- Austin Lost and Found Pets
- Austin Neighborhoods Council
- Bike Austin
- Del Valle Community Coalition
- East Austin Conservancy
- El Concilio Mexican-American Neighborhoods
- Friends of Austin Neighborhoods
- Govalle Neighborhood Association
- Govalle/Johnston Terrace Neighborhood Plan Contact Team
- Guadalupe Development Development Corporation
- Homeless Neighborhood Association
- Neighborhood Empowerment Foundation
- Neighbors United For Progress
- Preservation Austin
- SELTexas
- Sierra Club, Austin Regional Group



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2020-0048
LOCATION 4700 Milburn Lane



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.



Board of Adjustment General/Parking Variance Application

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)
For submittal and fee information, see austintexas.gov/digitaldevelopment

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 # _____
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Section 1: Applicant Statement

Street Address: 4700 Milburn Lane, Austin, TX 78702

Subdivision Legal Description:
Lot 5 Gullett Gardens No 3

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

Outlot: _____ Division: _____

Zoning District: SF3

I/We James Flowers on behalf of myself/ourselves as authorized agent for Emelie Henzel affirm that on Month August, Day 10, Year 2020, 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 Home

Portion of the City of Austin Land Development Code applicant is seeking a variance from: I am requesting a variance from Land Development Code Section 25-2-774 (C)(2)(a) (TWO-FAMILY RESIDENTIAL USE) for a SF-3-NP residential property for a secondary apartment location at least 10 feet to the rear or side of the principal structure (required) to a secondary apartment location at least 10 feet to the front the principal structure (requested). The variance would apply to the current structure, which would be converted to an accessory dwelling unit. A new single-family home would be built in the rear of the lot as the principal structure

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:

Two large, protected trees near the front of the lot, on either side of the existing structure on the lot, make it exceedingly difficult to build any new structures or improvements, due to the size of the critical root zones of these two trees. The lot's zoning allows the construction of a primary home and accessory unit. The existing structure is small enough to fall under Accessory Dwelling Unit rules, except for the portion of the code for which we are requesting a variance (which requires the ADU to be either to the rear or side of the primary structure). The existing structure's location on the lot makes any construction to the rear or side impossible, and the protected trees make expansion of the current house very difficult.

Hardship

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

The location of the two large trees towards the front of the lot *and* on either side of the existing structure, in addition to the original owner's choice to build the primary structure at the front of the lot, makes this hardship unique to this lot. Other property owners in the area do not have the same number or size of trees on their lots, especially located in the same restrictive areas on their lots.

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

This property is the only one in the area that is flanked on both sides by protected trees. All other lots with existing structures either have no protected trees, or have a single tree on one side or the other (allowing them to plan construction around the existing trees to protect them without demolishing existing structures). The two trees on this property flanking an existing structure significantly limits the options for utilizing this lot.

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 only variance requested is allowing a "swap" of the standard location for the primary residence and the accessory dwelling unit on this property. If this variance is approved, the current structure (built in the 1940's) will remain as-is at the front of the lot and will become the ADU; a new, larger structure will be built at the back of the lot to serve as the primary residence. This will actually *preserve* the character of the area because the older, more traditional house will continue to stand at the front of the property, and all existing trees (both protected and non-protected) will be maintained where they are without unnecessary damage.

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:  Date: 10 Aug 2020

Applicant Name (typed or printed): James Flowers

Applicant Mailing Address: 4700 Milburn Lane

City: Austin State: TX Zip: 78702

Phone (will be public information): 774-836-5390

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: 10 Aug 2020

Owner Name (typed or printed): Emelie Henzel

Owner Mailing Address: 4700 Milburn lane

City: Austin State: TX Zip: 78702

Phone (will be public information): 573-808-1488

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): _____

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).

Section 2 - Reasonable Use - The SF3 zoning for the lot allows the construction of a primary residence and an accessory dwelling unit. The combination of the location and size of the two protected trees with the ADU restrictions on location on the lot mean that either the size of the second structure would have to be significantly restricted (since the second structure would have to be the "ADU") *or* the entire existing house would have to be demolished (likely harming the trees unnecessarily and requiring a large portion of the front of the lot to be unused, and harming the character of the lot and the surrounding area).

ADDRESS:
4700 MILBURN LANE, 78702

Waterloo Surveyors Inc.
SURVEY PLAT
TREE/TOPO SURVEY

J16142TT

lot 7

Gullet Gardens No. 2
4/134

lot 8
block 1

lot 9

S 46°49'00" E 61.58'
(61.50')
Boggy Creek

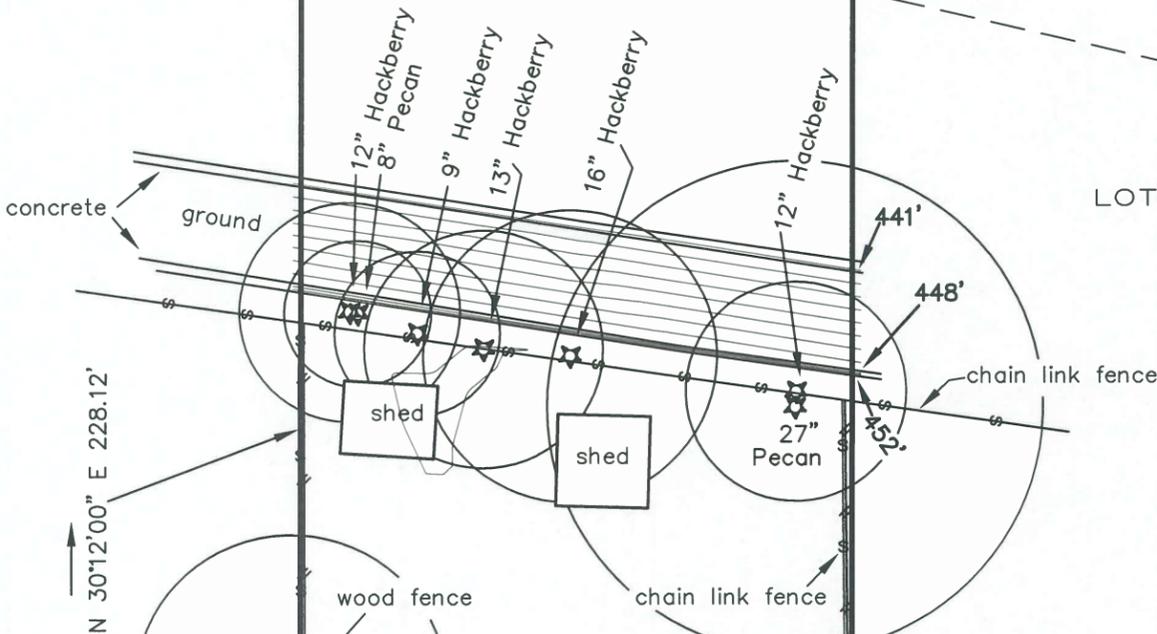
X440.5'

LOT 5
0.3046 acre
13,270 sq. ft.+/-

X440.4'

47/328
30' Drainage Easement

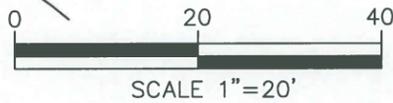
LOT 6



LOT 4

LOT 7

LEGAL DESCRIPTION:
LOT 5, GULLETT GARDENS
NO. 3, ACCORDING TO THE
MAP OR PLAT THEREOF,
RECORDED IN VOLUME 4,
PAGE 328, PLAT RECORDS,
TRAVIS COUNTY, TEXAS.



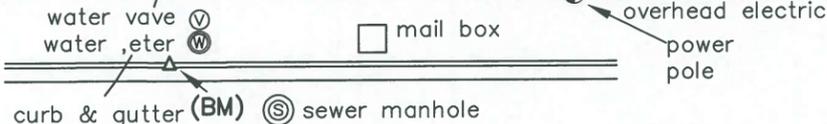
Milburn Lane

to found 1/2" Iron Rod
BEARING BASE (149.65')
S 59°49'00" E 149.26'

BENCH MARK (BM)

Set "A" on curb, elevation
455.7' NAVD88

to found Iron Rod/cap
N 59°51'56" W 179.95'
(N 59°49'00" W 180.00')



State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and

Specifications for a Category 3,6, Condition II Survey.

Dated this the 3RD day of JUNE, 2020

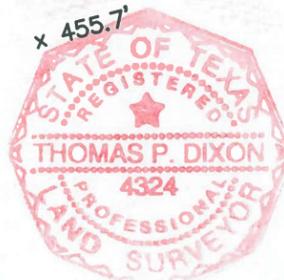
And the property described hereon IS PARTIALLY within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD Flood hazard boundary

map revised as per Map Number: 48453C0465K

Zone: AE Dated: 01/22/2020

FIRM# 10124400

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Thomas P. Dixon R.P.L.S. 4324

NOTE:
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND OTHER EASEMENTS, RESTRICTIONS AND CONDITIONS MAY APPLY

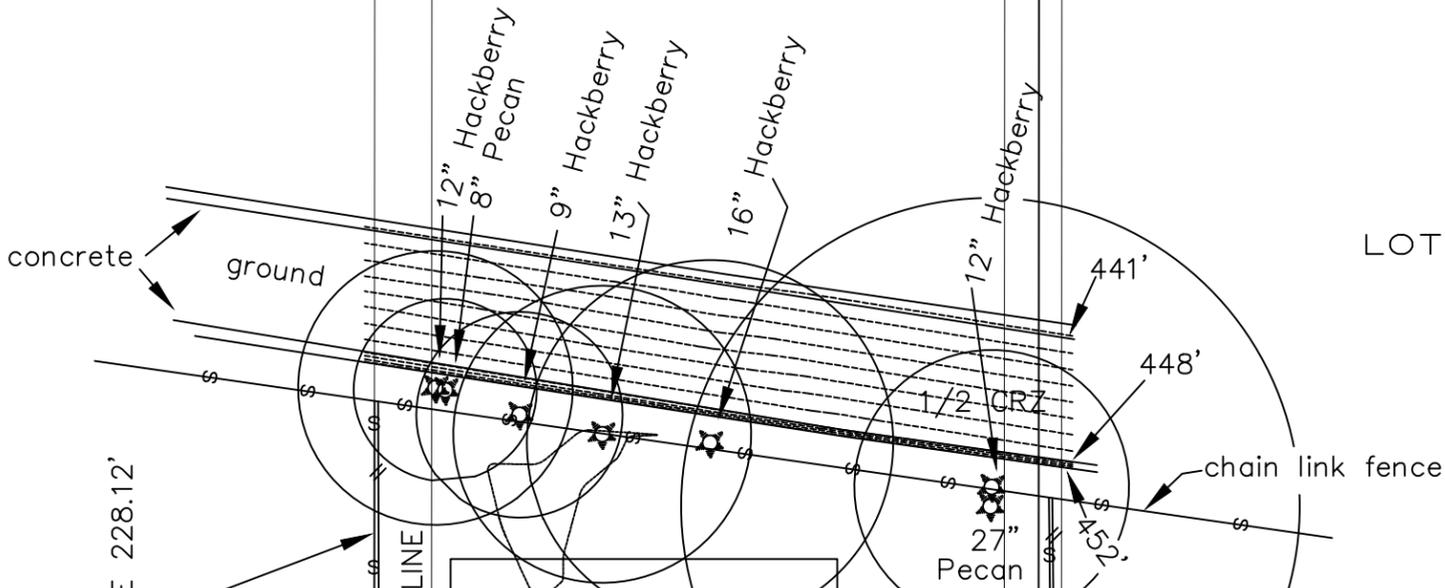
NOTE:
THE ELEVATIONS SHOWN HEREON ARE NAVD88, BASED ON LOCAL NETWORK GPS OBSERVATION.

NOTE:
THE TREE CIRCLES SHOWN HEREON HAVE ONE (1) FOOT RADIUS DRAWN FOR EVERY ONE (1) INCH OF MEASURED TRUNK DIAMETER AS MEASURED 4.5' FROM GROUND UP. MULTI-TRUNK TREES ARE DISPLAYED USING THE FOLLOWING FORMULA:
SUM OF THE LARGEST TRUNK + 1/2 OF THE SUM OF SMALLER TRUNKS.

47/328
30' Drainage Easement
Boggy Creek
S 46°49'00" E 61.58'
(61.50')

LOT 5
0.3046 acre
13,270 sq. ft.+/-

LOT 6



**Proposed structure
Single-Family Residence**

**(Erect as new primary
residence with approved
variance)**

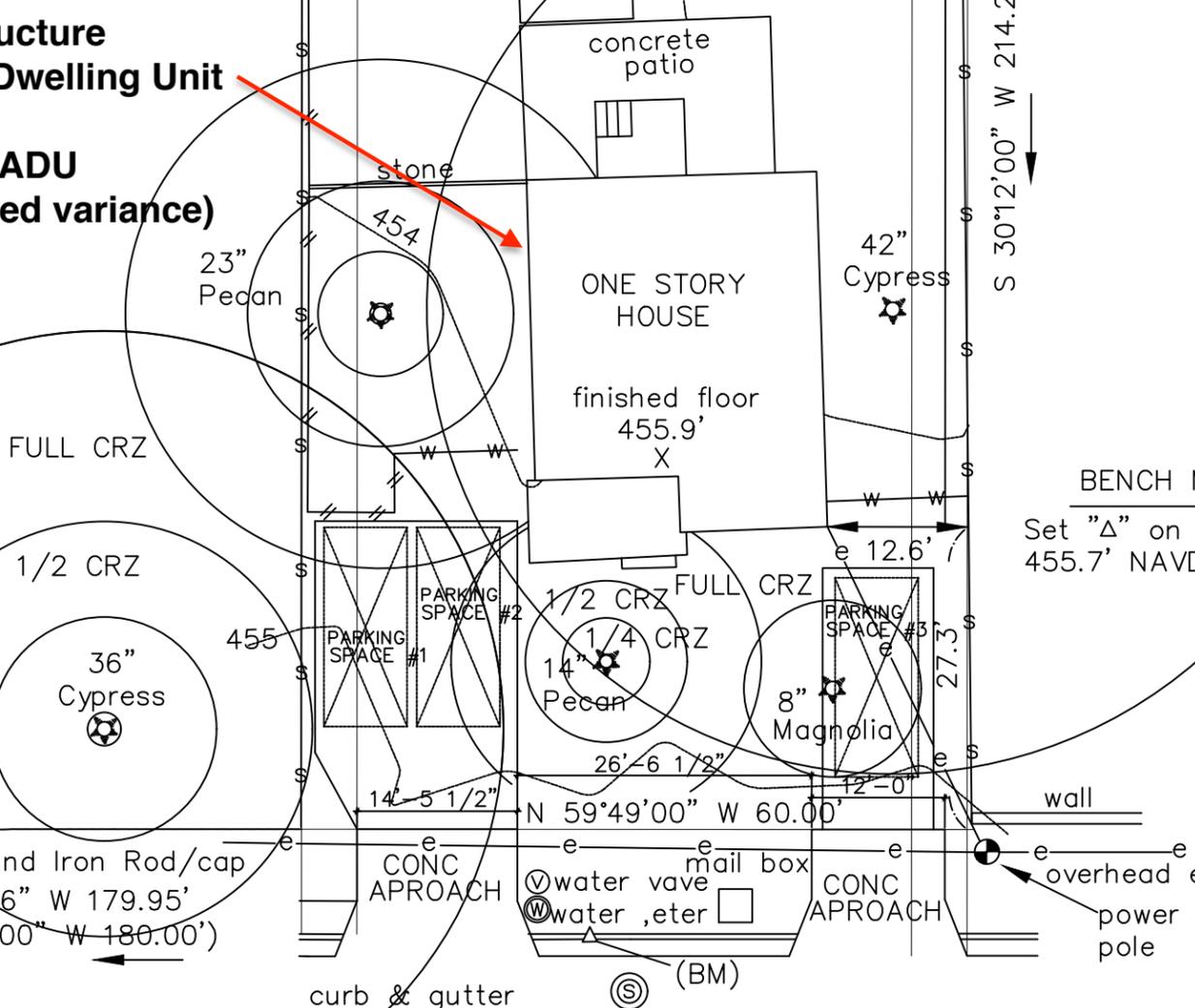
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RECORDED IN VOLUME 4,
PAGE 328, PLAT RECORDS,
TRAVIS COUNTY, TEXAS.

N 30°12'00" E 228.12'

LOT 4

**Existing structure
Accessory Dwelling Unit**

**(Convert to ADU
with approved variance)**



BENCH MARK (BM)

Set "Δ" on curb, elevation
455.7' NAVD88

Lane



to found Iron Rod/cap
N 59°51'56" W 179.95'
(N 59°49'00" W 180.00')

4700 MILBURN LANE, 78702



General Information

Location: **4700 MILBURN LN**
Parcel ID: **0202160152**
Grid: **ML21**

Planning & Zoning

*Right click [hyperlinks](#) to open in a new window.

Future Land Use (FLUM): **Single Family**
Regulating Plan: **No Regulating Plan**
Zoning: **SF-3-NP**
Zoning Cases: **None:**
Zoning Ordinances: **030327-11a**
Zoning Overlays: **Airport Overlay: CONTROLLED COMPATIBLE LAND USE AREA
ADU Approximate Area Reduced Parking
Neighborhood Planning Areas: GOVALLE
Residential Design Standards: LDC/25-2-Subchapter F
Selected Sign Ordinances**
Infill Options: **Small Lot Amnesty Infill Option**
Neighborhood Restricted Parking Areas: **--**
Mobile Food Vendors: **--**
Historic Landmark: **--**
Urban Roadways: **Yes**

Zoning Guide

The [Guide to Zoning](#) provides a quick explanation of the above Zoning codes, however, the [Development Assistance Center](#) provides general zoning assistance and can advise you on the type of development allowed on a property. Visit [Zoning](#) for the description of each Base Zoning District. For official verification of the zoning of a property, please order a [Zoning Verification Letter](#). General information on the [Neighborhood Planning Areas](#) is available from Neighborhood Planning.

Environmental

Fully Developed Floodplain: **City of Austin Fully Developed 100-Year Floodplain, City of Austin Fully Developed 25-Year Floodplain**
FEMA Floodplain: **0.2 PCT ANNUAL CHANCE FLOOD HAZARD, AE**
Austin Watershed Regulation Areas: **URBAN**
Watershed Boudaries: **Boggy Creek**
Creek Buffers: **CWQZ**
Edwards Aquifer Recharge Zone: **No**
Edwards Aquifer Recharge Verification Zone: **No**
Erosion Hazard Zone Review Buffer: **Yes**

Political Boundaries

Jurisdiction: **AUSTIN FULL PURPOSE**
Council District: **3**
County: **TRAVIS**
School District: **Austin ISD**
Community Registry: **Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Bike Austin, Del Valle Community Coalition, East Austin Conservancy, El Concilio Mexican-American Neighborhoods, Friends of Austin Neighborhoods, Gardens Neighborhood Assn. (The), Govalle Neighborhood Association, Govalle/Johnston Terrace Neighborhood Plan Contact Team, Guadalupe Neighborhood Development Corporation, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Neighbors United for Progress, Preservation Austin, SELTexas, Sierra Club, Austin Regional Group**



Zoning Map



Current Imagery



Vicinity Map

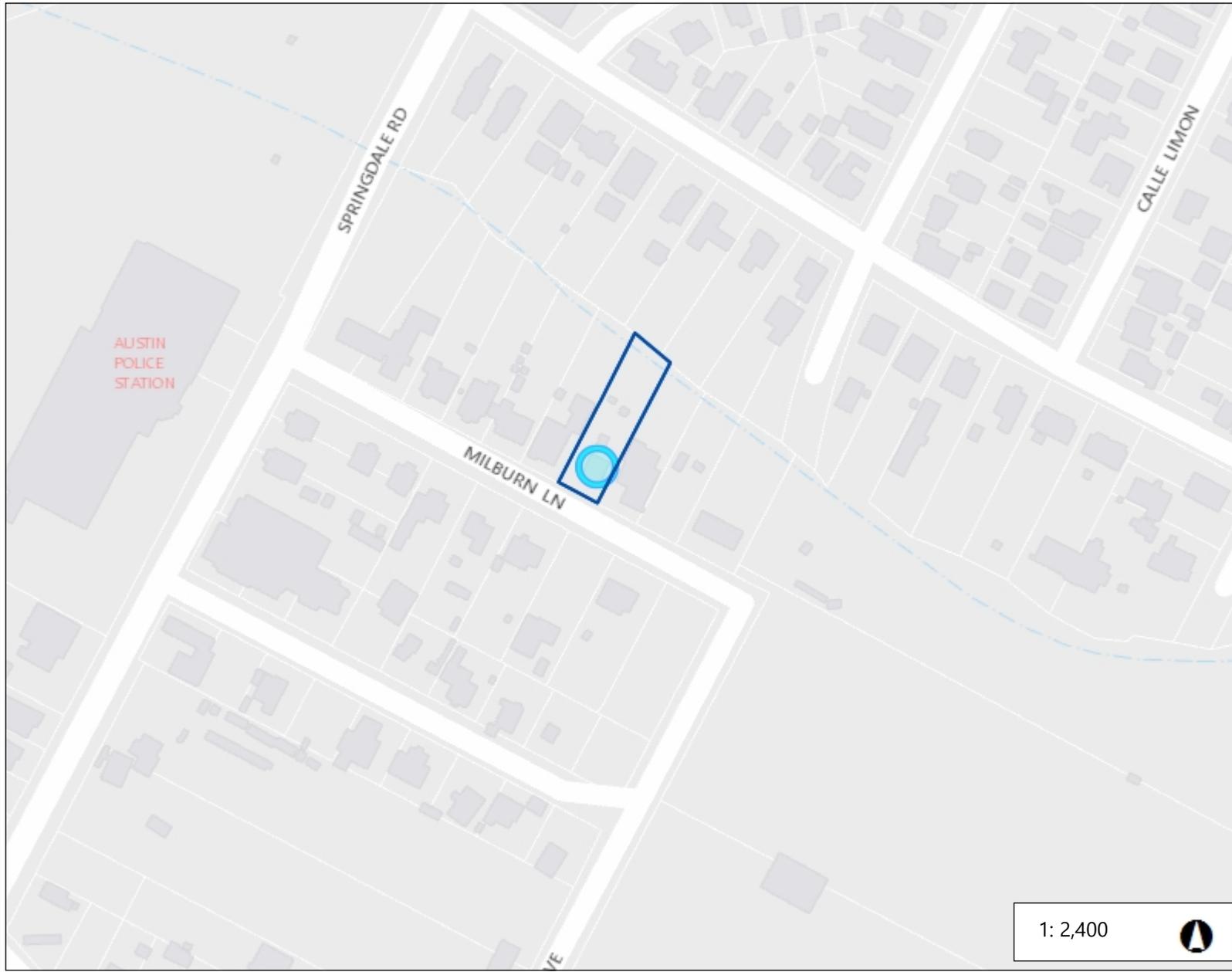
C-5/11



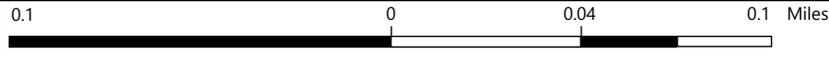
Property Profile

Legend

- Jurisdiction**
- FULL PURPOSE
 - LIMITED PURPOSE
 - EXTRATERRITORIAL JURISDICTION
 - 2 MILE ETJ AGRICULTURAL AGR
 - OTHER CITY LIMITS
 - OTHER CITIES ETJ



1: 2,400



NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

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Notes

Advance Packet

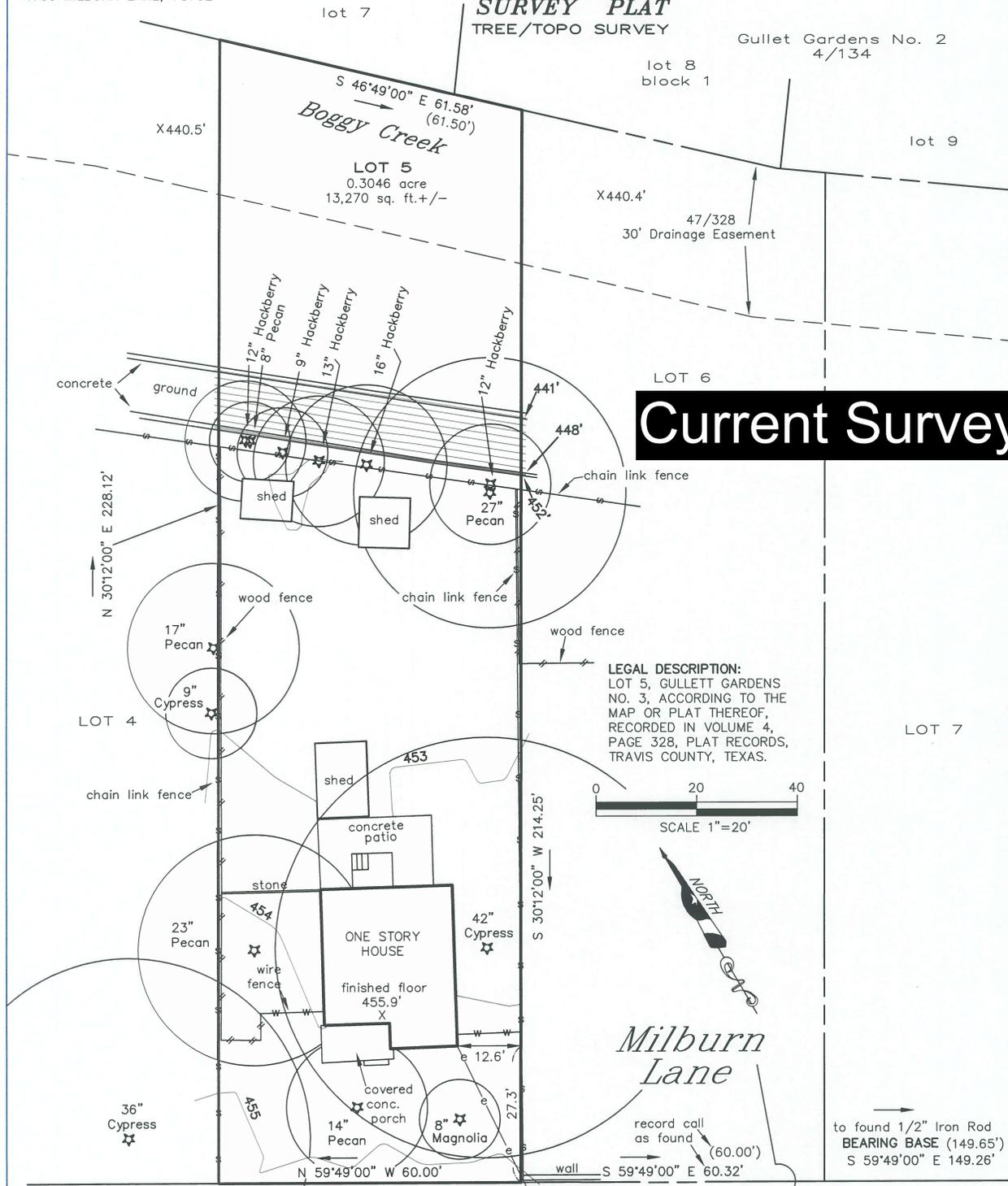
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4700 Milburn Lane, Austin, TX 78702

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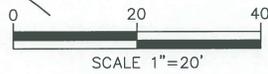
Waterloo Surveyors Inc.
SURVEY PLAT
TREE/TOPO SURVEY

J16142



Current Survey

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Milburn Lane

to found 1/2" Iron Rod
BEARING BASE (149.65')
S 59°49'00" E 149.26'

to found Iron Rod/cap
N 59°51'56" W 179.95'
(N 59°49'00" W 180.00')

State of Texas:
County of Travis:
x 456'

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Set "A" on curb, elevation
455.7' NAVD88

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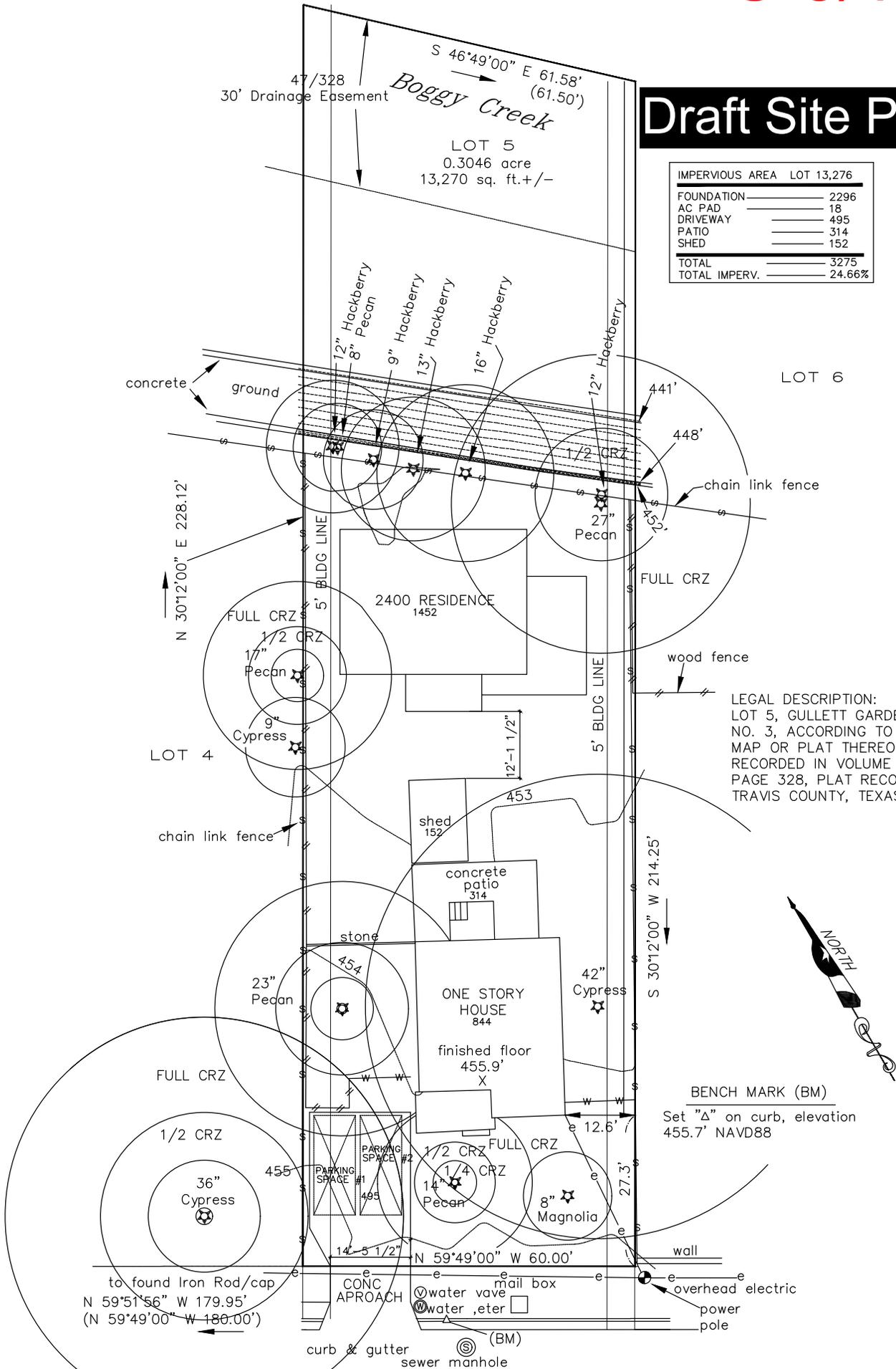
map revised as per Map Number: 48453C0465K
Zone: AE Dated: 01/22/2020



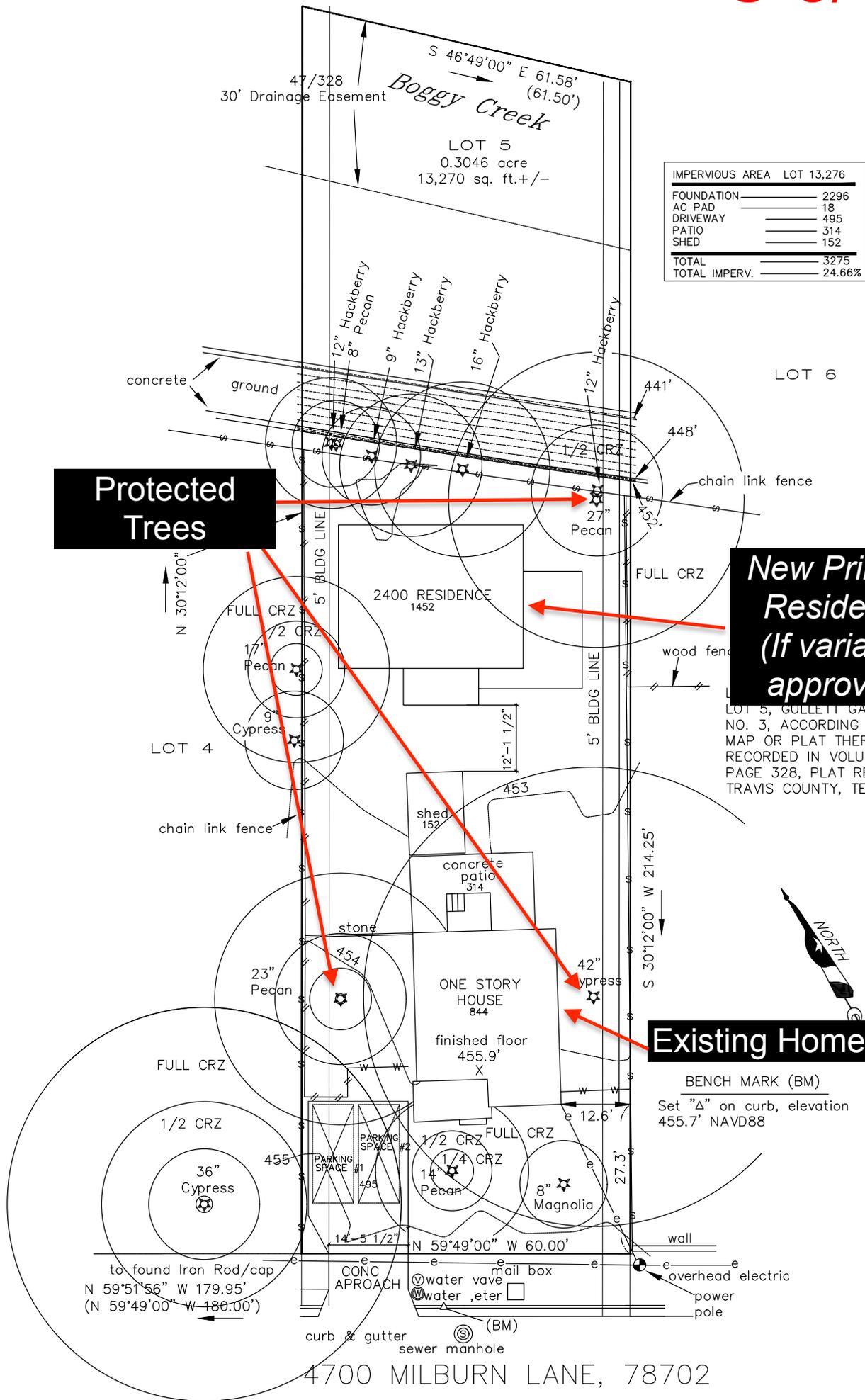
Thomas P. Dixon R.P.L.S. 4324

Draft Site Plan

IMPERVIOUS AREA	LOT 13,276
FOUNDATION	2296
AC PAD	18
DRIVEWAY	495
PATIO	314
SHED	152
TOTAL	3275
TOTAL IMPERV.	24.66%



4700 MILBURN LANE, 78702



LOT 5, GULLETT GARDENS NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 4, PAGE 328, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

BENCH MARK (BM)
Set "Δ" on curb, elevation 455.7' NAVD88

Front of Property



Rear of Property



Pecan Tree - West / Left Side



23" Pecan Tree



12.5 feet

Cypress Tree - East / Right Side



Open Area - Rear of Property

