

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-4**

DATE: Monday November 09, 2020

CASE NUMBER: C15-2020-0066

☐ Y ☐ Brooke Bailey
☐ Y ☐ Jessica Cohen
☐ Y ☐ Ada Corral
☐ Y ☐ Melissa Hawthorne
☐ Y ☐ William Hodge
☐ Y ☐ Don Leighton-Burwell
☐ Y ☐ Rahm McDaniel
☐ Y ☐ Darryl Pruett
☐ Y ☐ Veronica Rivera
☐ Y ☐ Yasmine Smith
☐ - ☐ Michael Von Ohlen OUT
☐ - ☐ Kelly Blume (Alternate) N/A
☐ - ☐ Martha Gonzalez (Alternate) N/A
☐ Y ☐ Donny Hamilton (Alternate)

APPLICANT: Joel Aldridge

OWNER: Josephat Valdez

ADDRESS: 1509 14TH ST

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code,

- a) Section 25-2-492 (Site Development Regulations) from setback requirements to decrease the minimum front yard setback from 25 feet (required) to 17 feet (requested)**
- b) Section 25-2-492 (Site Development Regulations) from setback requirements to decrease the minimum rear yard setback from 10 feet (required) to 5 feet (requested)**
- c) Section 25-6-472 (Parking Facility Standards) Appendix A (Tables of Off-Street parking and Loading Requirements) to reduce the number of required parking spaces from 2 spaces (required) to 0 spaces (requested) in order to erect a new Single-Family Residence in a SF-3-NP”, Single-Family Residence – Neighborhood Plan zoning district (Central East Austin Neighborhood Plan).**

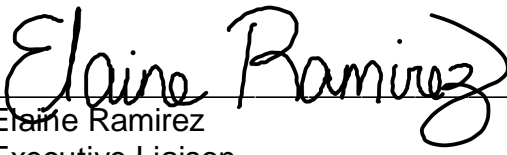
BOARD’S DECISION: The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to December 14,

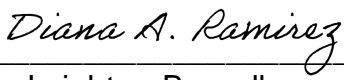
2020, Board Member Veronica Rivera seconds on an 11-0 vote; POSTPONED TO DECEMBER 14, 2020.

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: C15-2020-0066

BOA DATE: November 9th, 2020

ADDRESS: 1509 E. 14th St

COUNCIL DISTRICT: 1

OWNER: Josephat Valdez

AGENT: Joel Aldridge

ZONING: SF-3-NP (Central East Austin NP)

LEGAL DESCRIPTION: N 55 OF E 15 OF LOT 6 *& N 50 OF W 19 OF LOT 5 BLK 8 OLT 36 DIV B JOHNS C R SUBD

VARIANCE REQUEST: decrease the minimum rear yard setback from 10 feet to 5 feet and reduce number of required off-street parking spaces from 2 to 0.

SUMMARY: erect a single-family residence

ISSUES: larger heritage oak, irregular shaped lot

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	P-H-NP	Public
<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

Davis-Thompson

Del Valle Community Coalition

East Austin Conservancy

Friends of Austin Neighborhoods

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

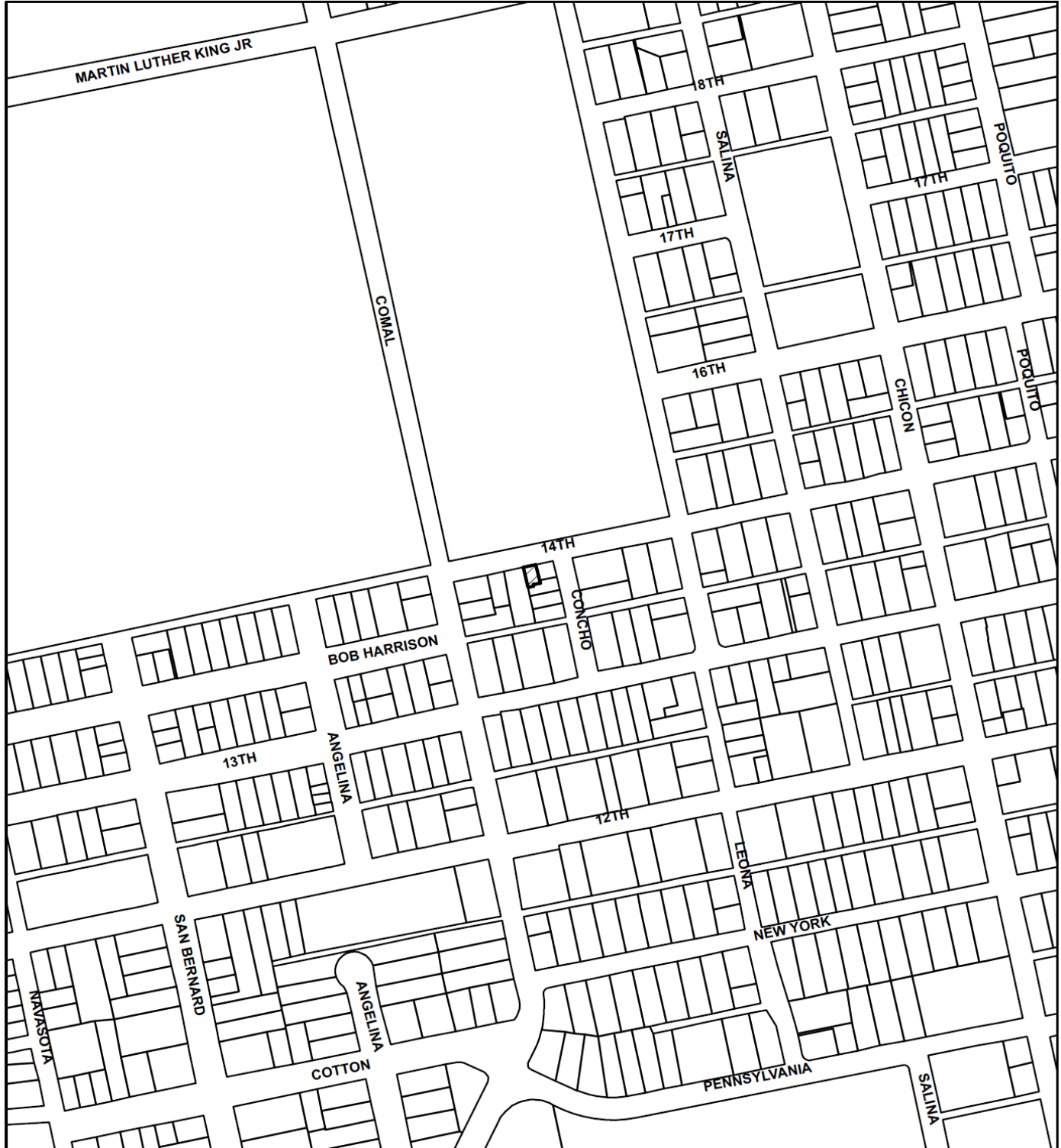
Neighbors United for Progress




Organization of Central East Austin Neighborhoods

Preservation Austin

SELTexas

Sierra Club, Austin Regional Group



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 333'

NOTIFICATIONS

CASE#: C15-2020-0066
LOCATION: 1509 E 14th Street



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.



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: 1509 E. 14th St

Subdivision Legal Description:

North 55' of East 15' of LOT 6 & North 50' of West 19' of LOT 5 BLK 8 OLT 36 DIV B JOHNS
CR SUBDIVISION – issued Land status Determination C8I-2020-0157

Lot(s): 5 & 6 Block(s): 8

Outlot: 36 Division: B

Zoning District: SF3

I/We Joel Aldridge, AIA of Aldridge Architecture Office, pllc on behalf of myself/ourselves as
authorized agent for Josephat Valdez affirm that on
Month September, Day 15, 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: demo existing & build new

Type of Structure: wood-framed, single-family structure

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

- 1.) Variance from LDC sec. 25-2-492 to allow reduced rear setback from 10 to 5' for part of the rear, proposed house.
- 2.) Variance from LDC sec. 25-6 Appendix A Part 1 requiring 2 off-street parking spaces for single family residences and reducing that requirement to zero off-street spaces

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:

- 1) Parking requirements are incompatible with a 1800 SF lot. New Driveway would impact 1/2 & 1/4 CRZ. On-street parking is reasonable when damage to tree CRZ is imminent due to cut more than 4" within CRZ of 2 heritage trees
- 2.) 10' rear setback for this irregularly-shaped rear lot line would limit the buildable area and result in an irregular shaped, possibly structurally complicated house. A 5' setback for approx. ¾ width of rear house is reasonable. City allows 5' rear setbacks in other instances. Remainder of house would be 10' rear setback compliant. Remainder of site would be compliant with codes.

Hardship

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

- 1) The 1800 SF property is unusually small, 2) the rear lot line has a significant "jog" making the small lot even more irregular, 3) there is a large heritage oak on the property and another heritage tree on the adjacent lot. In preliminary review meeting city staff said they would deny building permit application showing new driveway in this location. A curb cut currently exists. Dirt parking has existed for decades. City staff comments forcing need for on-street parking. There is no other location to place a driveway given the expanse of the heritage tree's CRZs. No garage is proposed.

The lot size is less than the city's 2,500 SF size codified in the code as defined for small lot amnesty. The lot is not developable under the current zoning regulations without these variances. The 1931 era residence will be demolished. It is non-compliant and unsafe in its current condition and needs to be replaced by the new 985 SF residence.

The IC will be @ 38% and all other side and front setbacks will be compliant.

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

It's a very small irregular lot with the front parking area being prohibited for any reasonable on-site parking improvements or normal rear setback typically found with lots having a straight line across the rear property line. This combination is not found among other lots in the area.

house to the East.

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:

Primarily, we are seeking the variance to simply build on the lot to the highest and best use. Our 985 SF proposed house will be consistent with other nearby small houses. A house under 1,000 SF does not adversely impact any surrounding properties and is in keeping with the nature of the Central East Austin Combined Neighborhood Plan. The house will comply with all other facets of city regulation with the exception of the requested variances listed in this application.

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:

Parking is available nearby on the street. Expected need for the proposed tiny house is 1 or 2 vehicles. This is not expected to increase the local trips per day in the immediate area. The small residence will not generate any more traffic than typically associated with an owner occupied home utilizing 1-2 cars or bicycles as necessary for typical daily life.

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:

Proposed use is for single- family residential, consistent with the neighborhood. We do not anticipate any unusual increase in traffic due to our proposed "tiny house." No loading of vehicles on public streets will occur and no interference of free-flow traffic will occur.

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

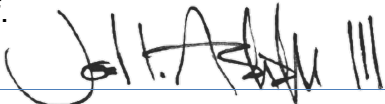
Parking is available nearby and it is routine for other users to park on the street. There is available parking on the street and will not create any known safety hazards nor be inconsistent with the Ordinance. Again, city staff stated they would deny a driveway way / parking area within the CRZ's. The homeowner is left with no option but to request this parking reduction in order to get a permit for the house approved.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

The variance will run with the single family residence as proposed and as long staff opposes any driveway improvement cut more than 4" deep in the heritage tree CRZ's. Once cannot construct a stable driveway with a max 4" cut. The driveway would crack due to it being too thin. The cut could be a few inches deeper than 4" to make room for sand, gravel, rebar, and the correct amount of concrete @3000 Psi, but limiting the "cut" to 4" does not allow enough room to fit the necessary materials required by the (technical) transportation criteria manual. If the aforementioned rules change, then the variance shall not run with the site and instead shall be implemented accordingly.

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: 09/15/2020

Applicant Name (typed or printed): Joel L Aldridge, AIA

Applicant Mailing Address: 924 E 53rd St

City: Austin State: TX Zip: 78751

Phone (will be public information): (512) 940-7068

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: 09/15/2020

Owner Name (typed or printed): Josephat Valdez

Owner Mailing Address: 928 E 53rd St

City: Austin State: TX Zip: 78751

Phone (will be public information):

Email (optional – will be public information):

Section 5: Agent Information

Agent Name: Agent is 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).

3.) I am requesting a variance from LDC section 25-2-SubChapter F-Article 2.4 rear setback from 10'-0" to 5'-0" for a portion of the rear lot line.

4.) I am seeking a variance from LDC section 25-2-492-D, front setback to reduce the 25' front setback by approximately 8 feet to allow a 17' setback for a single family residence.

Additional Space (continued)**Hardship**

The hardship is that the lot is extremely small and does not afford the opportunity to locate the proposed residence further back due to the oddly shaped rear lot line and shallow depth of the lot.

Reasonable Use

Current zoning code prohibits reasonable use as the 25' front setback would limit any construction on half the lot (the lot is only 55' deep at it's greatest length). Furthermore, by taking into account side and rear setbacks, we are left with only 425 sf of buildable space. Our proposed setback is still further back than the existing residence and further back than the adjacent house directly to the East.

Area Character

Our proposed front setback is consistent with the mixed housing footprints found throughout the area and mediates between the typical setback to the West and the shallow setback to the East. There is no adverse impact on any surrounding properties that we are aware of.

SAVE



City of Austin
Development Services Department
Land Status Determination
1995 Rule Platting Exception

August 06, 2020

File Number: **C8I-2020-0157**

Address: **1509 E 14TH ST**

Tax Parcel I.D.# **0209070813**

Tax Map Date: **08/06/2020**

The Development Services Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being **North 55' of the E 15' of LOT 6, and the N 50' of the W 19' of LOT 5, BLOCK 8, SUBDIV of OTLT 36, DIV** in the current deed, recorded on **Mar 29, 2018**, in **Document #2018047065**, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Dec 18, 1973**, in Volume **4790**, Page **2345**, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **water** service on **Mar 25, 1931**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

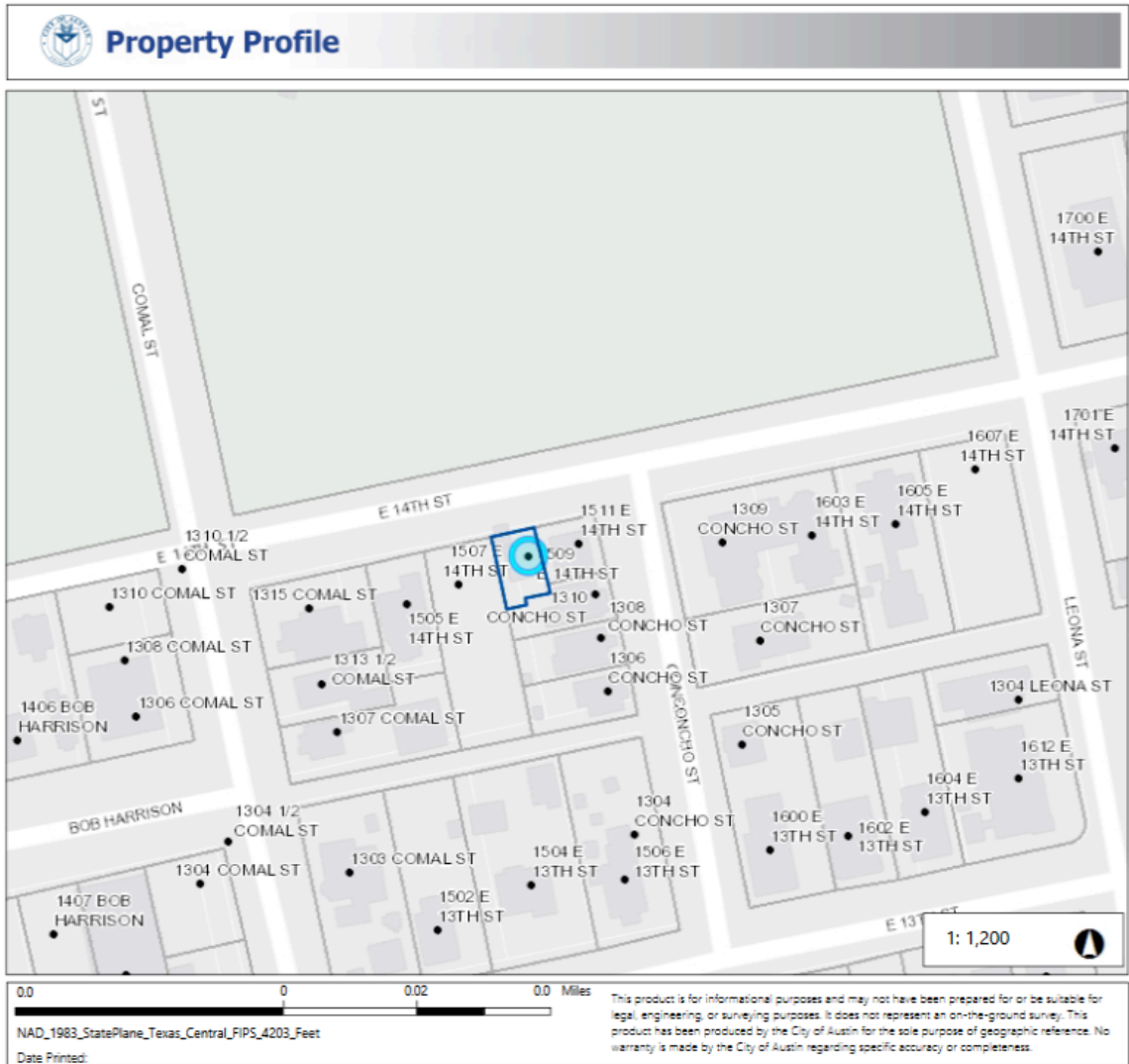
Additional Notes/Conditions:

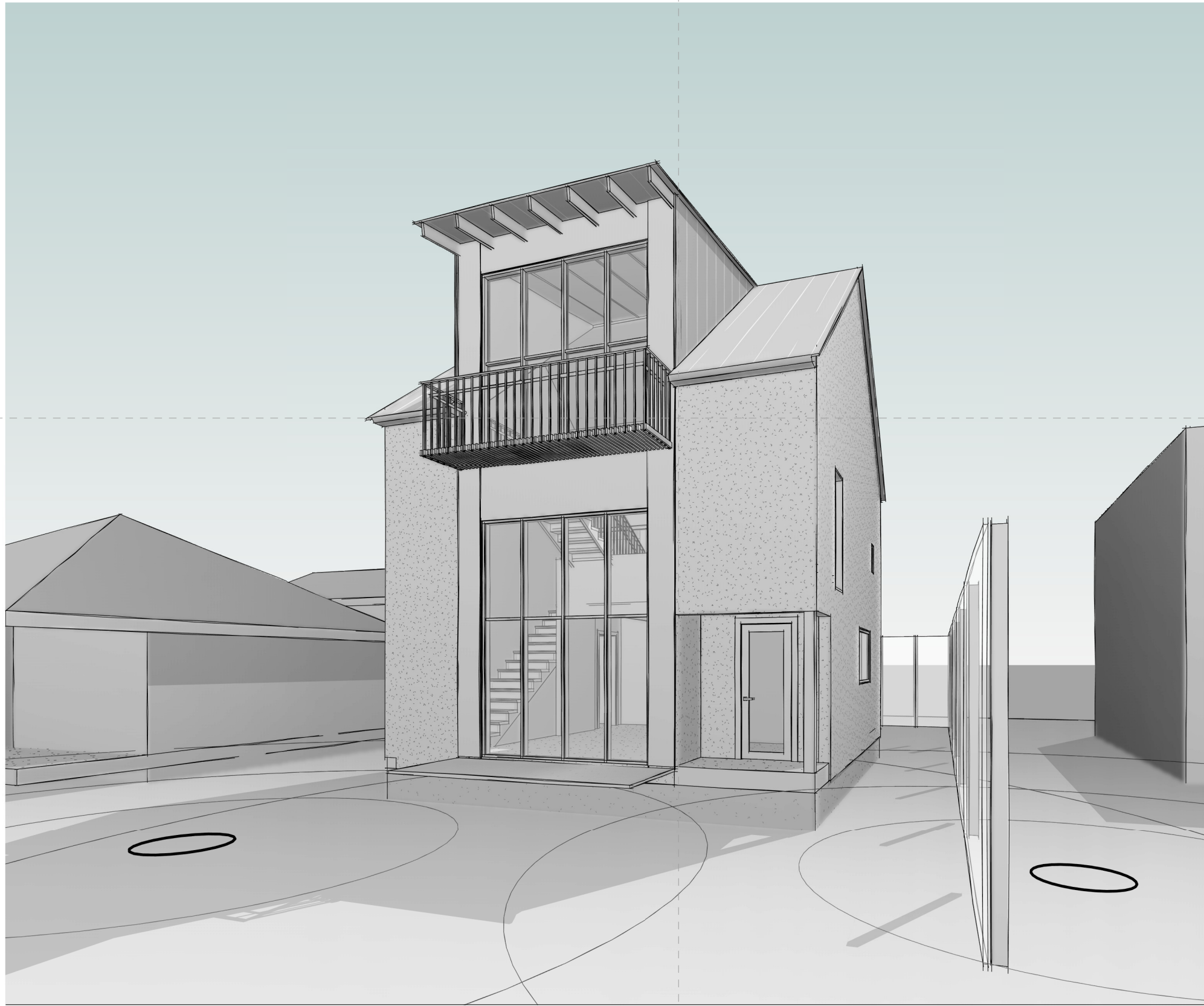
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: *Sylvia Limon*
Sylvia Limon, Representative of the Director
Development Services Department

File Number: C8I-2020-0157

Address: 1509 E 14th Street



a Tiny House for
Joe & Victoria Valdez

1509 E. 14 Street
Austin, TX 78702

ISSUE:
BOA Variance App 09.15.2020

A.000
PROPOSED
COVER SHEET

CONSTRUCTION DOCUMENTS CONSIST OF BOTH DRAWINGS AND SPECIFICATIONS. THIS IS FOR INTERIM REVIEW. NOT FOR PERMIT OR CONSTRUCTION PURPOSES. UNLESS ARCHITECT'S SEAL, SIGNATURE, AND DATE APPEAR HEREON. JOEL L. ALDRIDGE, TBAE# 27839

SITE INFO

LEGAL DESCRIPTION: N 55' OF E 15' OF LOT 6 & N 50' OF W19' OF
LOT 5 BLK 8 OLT36 DIV B JOHNS CR SUBD
ZONING DISTRICT: SF-3
LOT AREA: 1,806 SF

AREA CALCULATIONS

EXISTING	NEW	TOTAL
		Ground Floor (Gross) 637 SF
		Remaining Lot 1109 SF
		Uncovered Deck 61 SF
		Total Site 1806 SF
		TOTAL FINAL 3613 SF
Total Building Coverage	637 SF	Building Area % of Lot Size: 29.5%
Total Impervious Coverage	2504 SF	% of Lot Size 35.8%

PERMIT #: 2020-000000 PR

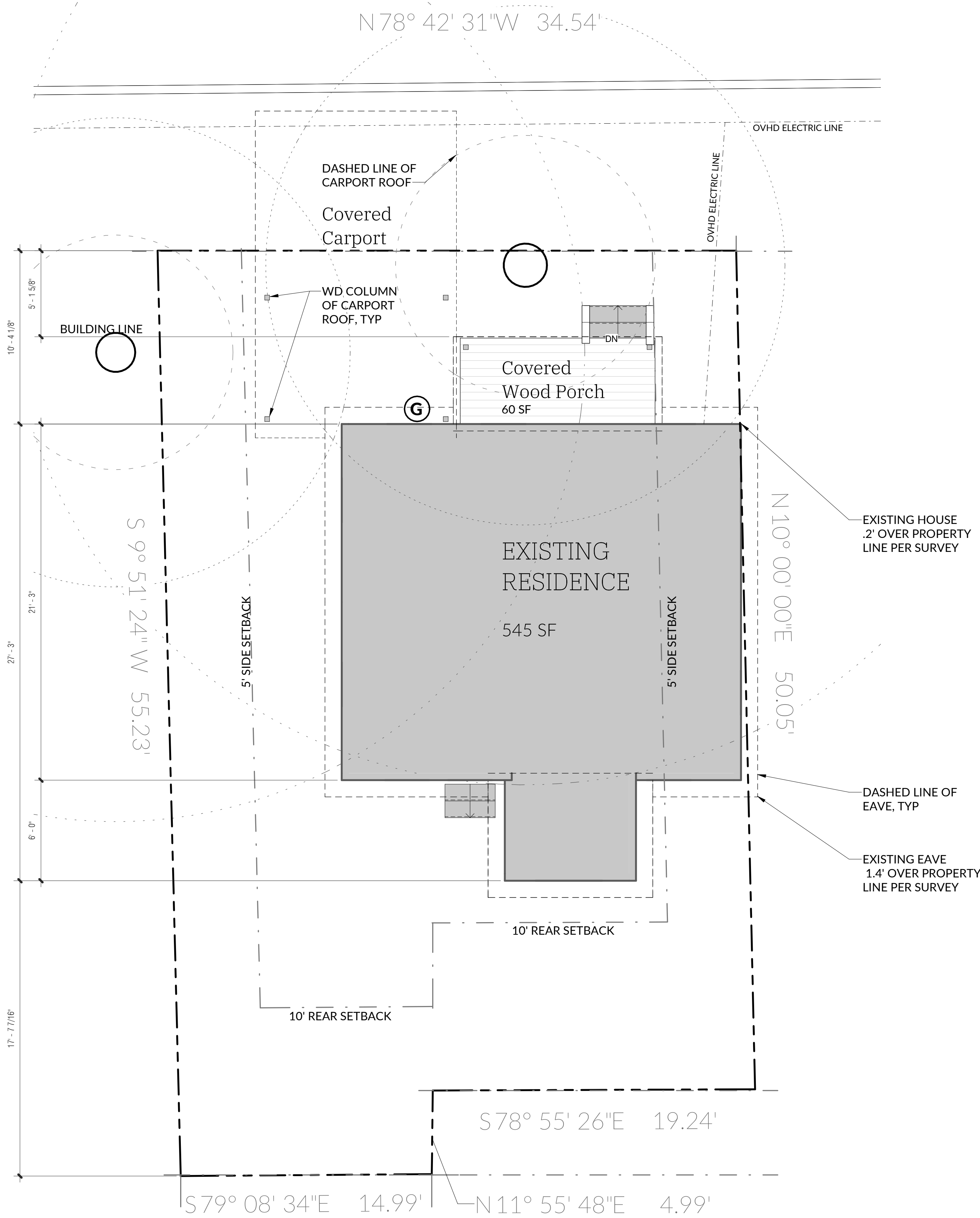
SHEET INDEX

- A.001 3D VIEWS
- A.101 SITE PLAN
- A.201 FLOOR PLAN
- A.303 ELEVATIONS
- A.304 ELEVATIONS
- A.401 SECTIONS
- Architectural
- A.000 COVER SHEET
- A.100 SITE PLAN
- A.200 FLOOR PLAN
- A.202 ROOF PLAN
- A.300 ELEVATIONS
- A.301 ELEVATIONS
- A.400 SECTIONS

GENERAL NOTES

- PERFORM ALL WORK IN ACCORDANCE WITH INTERNATIONAL RESIDENTIAL CODE 2015 (WITH CITY OF AUSTIN AMMENDMENTS, REGULATIONS &...
- DO NOT SCALE DRAWINGS. CONTACT ARCHITECT IMMEDIATELY UPON DISCOVERY OF MISSING INFORMATION OR CONFLICTS IN DRAWING.
- STRUCTURAL ENGINEERING FOR ALL PARTS OF THIS PROJECT TO BE DESIGNED BY OTHERS.
- MECH, ELEC, PLUMB, & FIRE PROTECTION ENGINEERING AS REQUIRED FOR PROJECT SHALL BE PROVIDED BY OTHERS & WILL REQUIRE COORDINATION WITH THE ARCHITECT.

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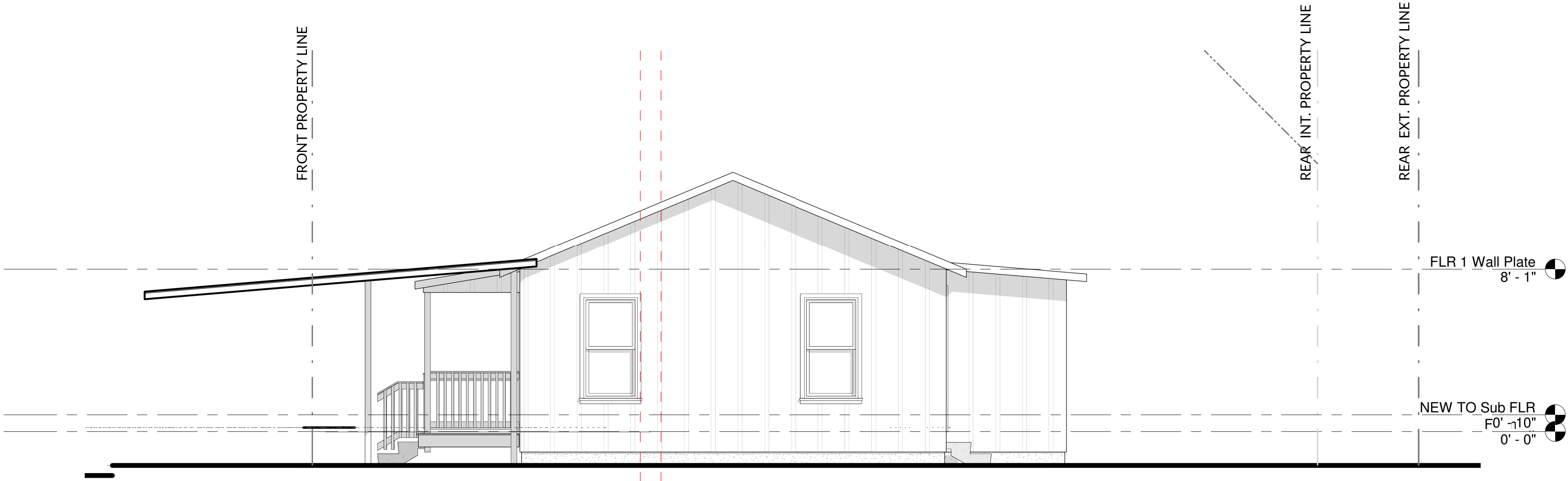


1 Site Plan - Existing

1/4" = 1'-0"

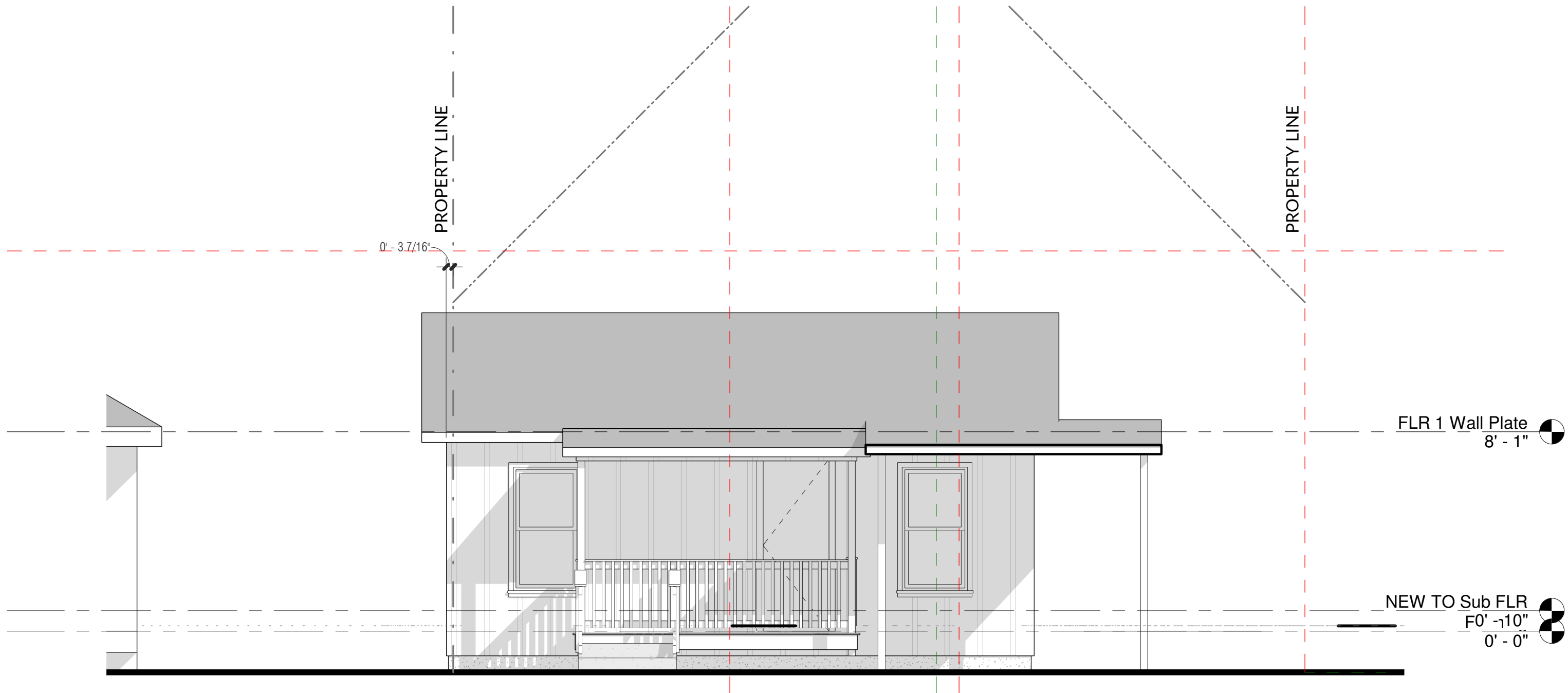


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2 RIGHT SIDE Elevation

1/4" = 1'-0"



1 FRONT Elevation

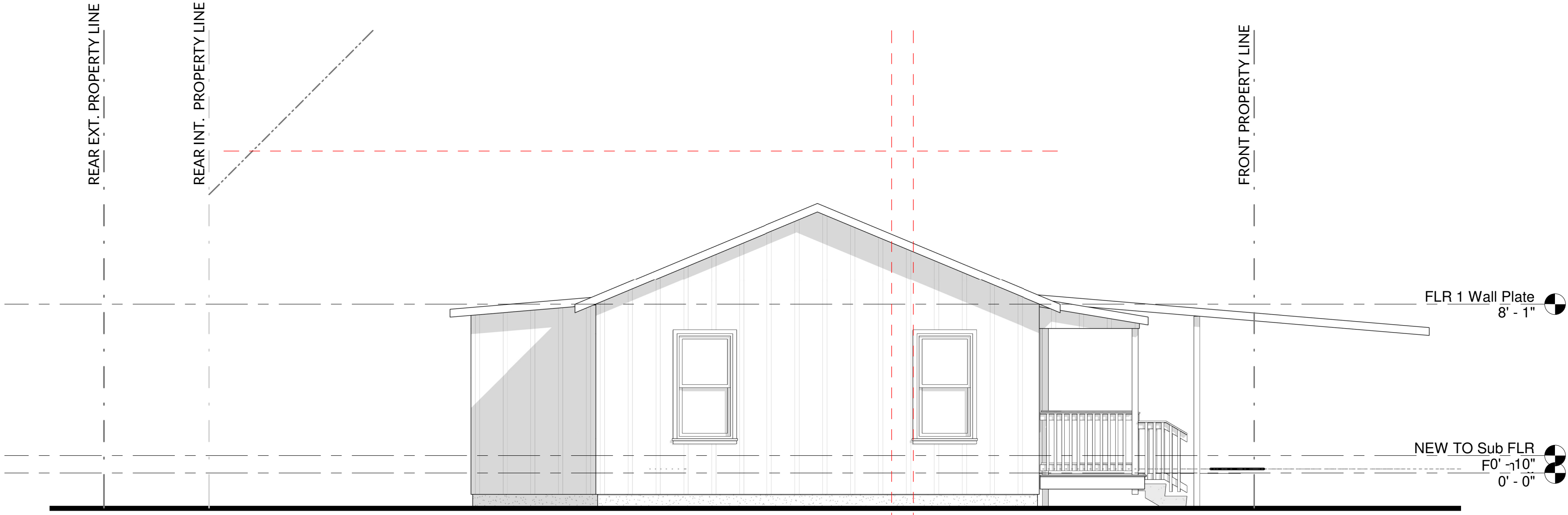
1/4" = 1'-0"

a Tiny House for
Joe & Victoria Valdez
1509 E. 14 Street
Austin, TX 78702

ISSUE:
BOA Variance App 09.15.2020

A.301
EXISTING
ELEVATIONS

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2 LEFT SIDE Elevation

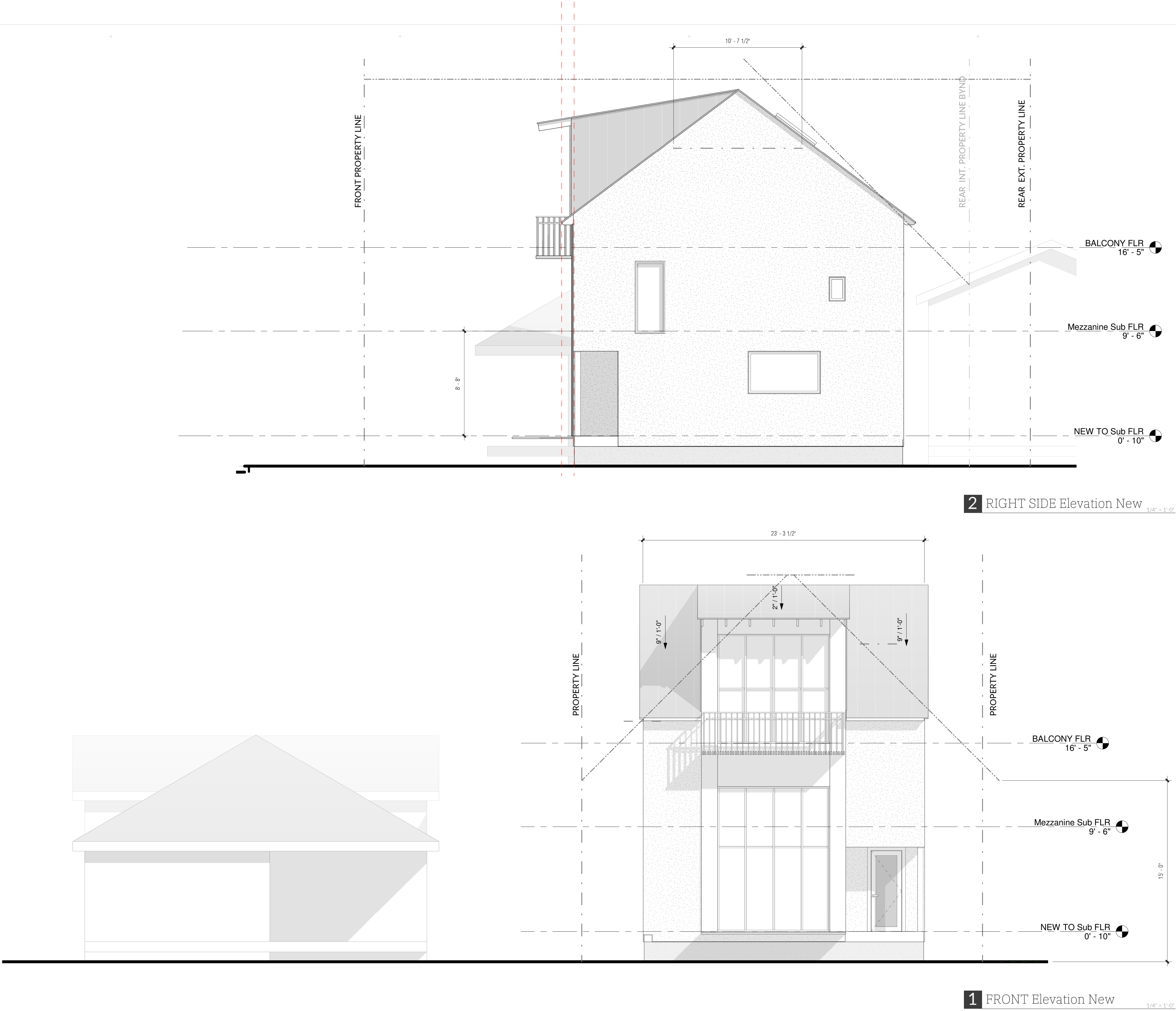
1/4" = 1'-0"



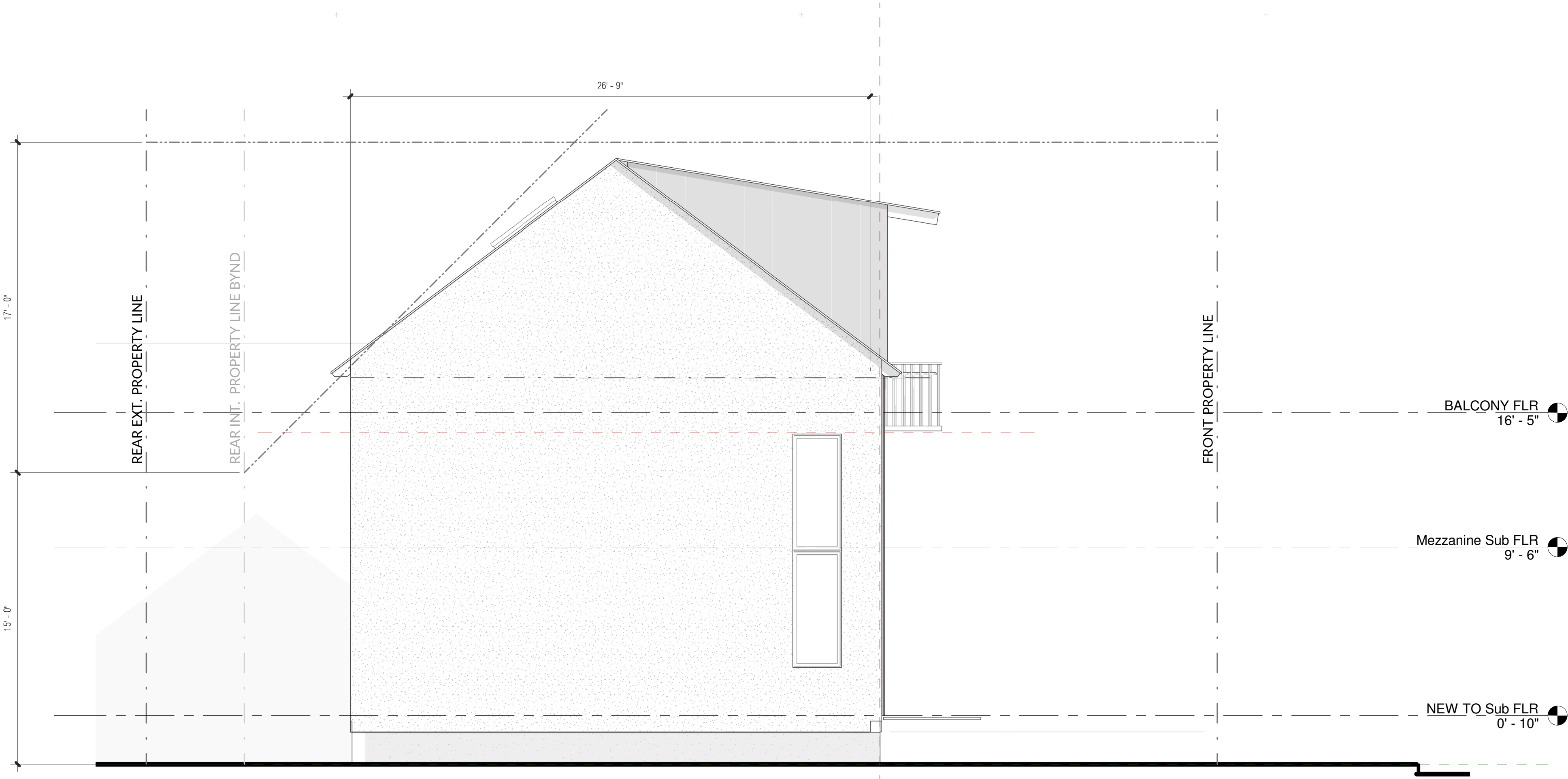
1 REAR Elevation

1/4" = 1'-0"

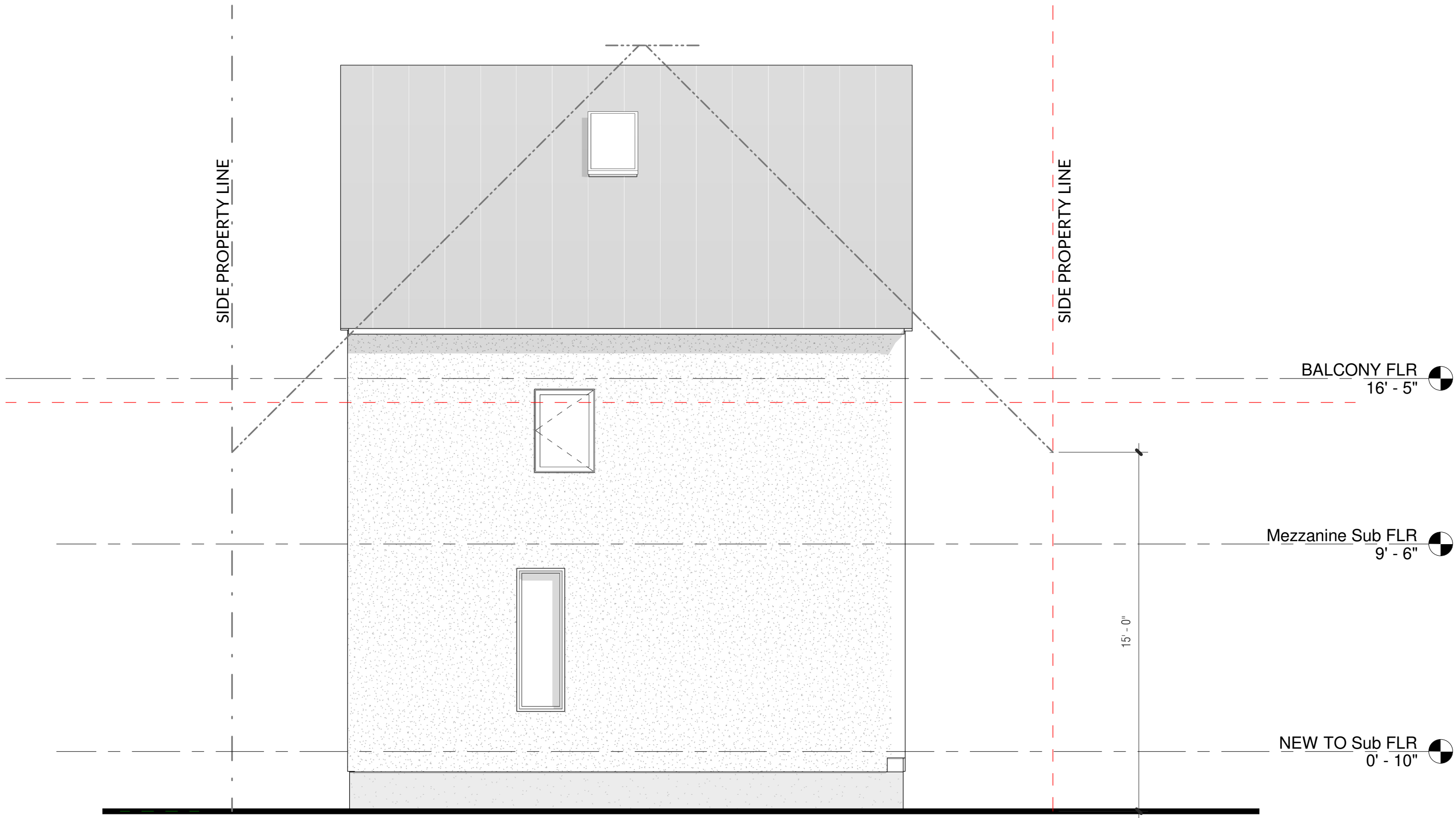
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2 LEFT SIDE Elevation New 1/4" = 1'-0"



1 REAR Elevation New 1/4" = 1'-0"



November 3, 2020

Re: 1509 East 14th Street (Item D4)

Dear Board of Adjustment,

The Organization of Central East Austin Neighborhoods supports setback and parking variance requests for 1509 East 14th Street, subject to the following conditions:

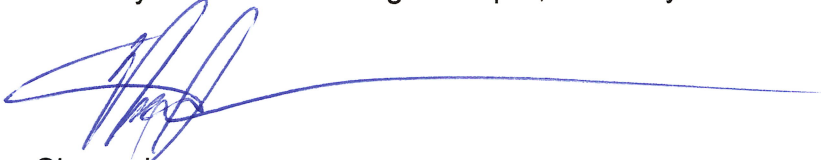
1. Total square footage of new construction is limited to 1000 sf;
2. Owner shall construct a solid privacy fence of the maximum height permitted by code along the western, southern and eastern property lines; and
3. Owner shall not seek a variance for removal of the heritage tree in the front yard.

This property is challenging to redevelop. It is a longstanding tiny lot (1806 sf), and more than half of its rear property line jogs significantly inward, forming an L-shape. Additionally, any new building footprint is limited across a significant portion of the front of the lot by the intersection of Critical Root Zones for two large heritage trees--one located in the center of 1509, and the other on the neighboring property to the west. Together, these site conditions constitute a unique hardship not of the owners' making.

OCEAN appreciates the efforts of the property owners and their architect to engage the contact team and nearby neighbors to solicit input about their proposed set of variances and preliminary plan. The design is sensitive to the existing context and neighbors' desire for privacy, and it is supportive of the long-term health of both trees. Though there were a few concerns about the wisdom of eliminating parking requirements, this portion of East 14th Street is wide and runs along the Oakwood Cemetery Annex where there is plenty of street parking available. It makes sense to afford this latitude to enable a new home that is a great fit for this part of the planning area. Our understanding is that the owners intend to reside at 1509, and we would appreciate confirmation of that at your meeting.

as both the contact team and East 14th Street residents strongly support the variances for housing, rather than STR use.

Thank you for considering our input, and for your service to Austin.



Sincerely,

Nate Jones

President, Organization of Central East Austin Neighborhoods