



99 COMAL ST

Existing non-compliant 600sf home facing Comal with front yard setback of 10 ft or less.



85 COMAL ST

Existing non-compliant 807sf home facing Comal permitted for addition of 695sf. Front yard setback is 10ft or less.





CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday June 10, 2013

CASE NUMBER: C15-2013-0047

☐ Y ☐ Jeff Jack
☐ Y ☐ Michael Von Ohlen **Motion to Grant**
☐ Y ☐ Nora Salinas
☐ Y ☐ Bryan King **2nd the Motion**
☐ Y ☐ Fred McGhee
☐ Y ☐ Melissa Hawthorne
☐ Y ☐ Sallie Burchett
☐ - ☐ Cathy French (SRB only)

APPLICANT: Lucy C, Begg & Robert Gay

OWNER: Same as Owner

ADDRESS: 64 NAVASOTA ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 3 feet in order to maintain and remodel an addition to a single family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

BOARD'S DECISION: POSTPONED TO JUNE 10, 2013 (RE-NOTIFICATION REQUIRED- NEED TO ADD VARIANCE #2)

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 3 feet in order to maintain and remodel an addition, and to modify the height of the roof to match the gable and pitch of the existing single family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

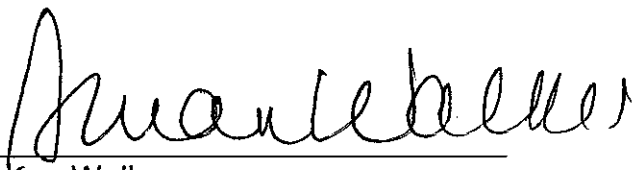
The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3 feet in order to maintain and remodel an addition, and to modify the height of the roof to match the gable and pitch of the existing single family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

BOARD'S DECISION: June 10, 2013 The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Bryan King second on a 7-0 vote; **GRANTED.**

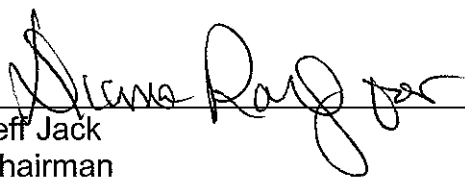
FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the encroachment into the rear yard setback of a 10 year old non-permitted addition prevents the current owners from remodeling the original house and enclosing a porch within the legal developable area of the lot
2. (a) The hardship for which the variance is requested is unique to the property in that: the 2583 sf lot is unusually small for an SF3 zoning designation (the lot has small lot amnesty status), the standard SF-3 setback (10ft rear yard, 5' side yard, 15' street side yard front yard averaging) are designed for a minimum 5750 sf lot and therefore highly restrict the possible development of this property

(b) The hardship is not general to the area in which the property is located because: less than 3% of the lots in the surrounding neighborhood share similar characteristics having developable areas of under 35% due to their small lot size
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: the existing structure has already been in existence for approx. 10 years (based on COA GIS shape data, addition to property appears between 2003 and 2006)



Susan Walker
Executive Liaison



Jeff Jack
Chairman

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

DATE: Monday, May 9, 2016

CASE NUMBER: C15-2016-0016

☐ Y ☐ Brooke Bailey
☐ Y ☐ Michael Benaglio
☐ Y ☐ William Burkhardt
☐ Y ☐ Eric Goff
☐ Y ☐ Melissa Hawthorne **2nd the Motion**
☐ Y ☐ Bryan King **Motion to Grant**
☐ Y ☐ Don Leighton-Burwell
☐ - ☐ Rahm McDaniel (out)
☐ Y ☐ Melissa Neslund
☐ Y ☐ James Valadez
☐ Y ☐ Michael Von Ohlen
☐ Y ☐ Kelly Blume (Alternate)

APPLICANT: Lucy Begg

OWNER: Kevin Fagan

ADDRESS: 111 ATTAYAC ST

VARIANCE REQUESTED: The applicant has requested variance(s) to:

- A. Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 25 feet (required) to 3 feet (requested, existing); and to
- B. decrease the rear yard setback from 10 feet (required) to 5 feet (requested); and to
- C. decrease the minimum lot size from 5,750 square feet to 1,650 square feet; and to
- D. Section 25-2, Sub Chapter F, Section 2.6 (B) (*Rear Setback Plane*) to waive the rear setback plane requirement for the 2nd floor; and to
- E. Section 25-6, Transportation, Appendix A (*Parking Schedule*) to decrease the minimum number of spaces from 2 required to 1 (requested)

in order to add a second story to an existing single family home in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly)

Note: The Holly Neighborhood Plan permits a single family home to be built on a lot as small as 2,500 square feet. In addition, the 80% Urban Core parking reduction has been applied.

BOARD'S DECISION: FEB 8, 2016 The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to March 14, 2016, Board Member Melissa Neslund second on a 10-0 vote; **POSTPONED TO MARCH 14, 2016.**

RENOTIFICATION: The applicant has requested variance(s) to:

- A. Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 25 feet (required) to 3 feet (requested, existing); and to
 - B. decrease the rear yard setback from 10 feet (required) to 5 feet (requested); and to
 - C. decrease the minimum lot size from 5,750 square feet to 1,650 square feet; and to
 - D. increase the maximum impervious cover from 45% (required/permitted) to 53% (requested); and to
 - E. Section 25-2, Sub Chapter F, Section 2.6 (B) (*Rear Setback Plane*) to waive the rear setback plane requirement for the 2nd floor; and to
 - F. Section 25-6, Transportation, Appendix A (*Parking Schedule*) to decrease the minimum number of spaces from 2 required to 1 (requested) in order to add a second story to an existing single family home in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly)
- Note: The Holly Neighborhood Plan permits small lots as small as 2,500 square feet and for those small lots permits up to 65% impervious cover. Because the subject lot is smaller than 2,500 square feet it does not receive these administratively approved exemptions.

BOARD'S DECISION: March 14, 2016 POSTPONED TO MAY 9, 2016 BY APPLICANT; MAY 9, 2016 The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to June 13, 2016, Board Member Brooke Bailey second on a 10-0 vote; POSTPONED TO JUNE 13, 2016.

3RD RENOTICE: The applicant has requested variance(s) to:

- A. Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 25 feet (required) to 3 feet (requested, existing); and to
 - B. decrease the minimum lot size from 5,750 square feet to 1,650 square feet; and to
 - C. increase the maximum impervious cover from 45% (required/permitted) to 53% (requested); and to
 - D. Section 25-6, Transportation, Appendix A (*Parking Schedule*) to decrease the minimum number of spaces from 2 required to 1 (requested); and to
- in order to add a second story to an existing single family home making the total square footage of the house not more than 1,100 square feet in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly)
- Note: The Holly Neighborhood Plan permits small lots as small as 2,500 square feet and for those small lots permits up to 65% impervious cover. Because the subject lot is smaller than 2,500 square feet it does not receive these administratively approved exemptions.

Subchapter F of the Land Development Code permits up to 2,300 square feet of living space, however applicant is restricting living space to 1,100 square feet.

BOARD'S DECISION: June 13, 2016 The public hearing was closed on Board Member Bryan King motion to Grant Items A, B, C, and D with condition of add .4 FAR, Board

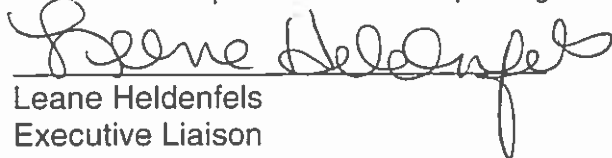
Member Melissa Hawthorne second on a 11-0 vote; GRANTED ITEMS A, B, C, AND D WITH CONDITION OF ADD .4 FAR.

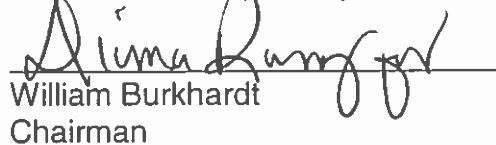
FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the legal lot cannot be developed under existing code, because it is less than the minimum lot size requirement from SF-3 zoning
2. (a) The hardship for which the variance is requested is unique to the property in that: 45% maximum impervious cover required by the zoning does not allow for on-site parking because the allowable area
(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: this site cannot physically accommodate more than one parking space based on required parking dimensions and bring lot to 53% is less 65%

PARKING: (Additional criteria for parking variance only)

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 specified regulation because: single family residential lots anticipate two cars per residence, however only one parking space can fit between the bounds of the lot and the existing structure
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because: the single parking space will not inhibit the flow of traffic because it reduces existing street parking by one
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objective 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: it provides off-street parking to the extent possible as required by SF-3 zoning


Leane Heldenfels
Executive Liaison


William Burkhardt
Chairman

**CITY OF AUSTIN
BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
DECISION SHEET**

☒ Y Greg Smith
☒ Y Barbara Aybar (2ND)
☒ Y Bryan King
☒ Y Leane Heldenfels, Vice Chair
☒ Y Frank Fuentes, Chair
☒ Y Betty Edgemond
☒ Y Michael von Ohlen (1ST)

DATE: 2/12/2007

CASE NUMBER: C15-07-009

APPLICANT: BROOKE WAGEN FOR TAYLOR & BROOKE WAGEN

ADDRESS: 208 SALINA STREET

VARIANCE REQUESTED: The applicant has requested a variance from the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 10 feet in order to erect a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

The applicant has requested a variance from the minimum off-street parking requirement of Section 25-6 Appendix A from 2 off-street parking spaces to 0 off-street parking spaces in order to erect a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

The applicant has requested a variance from the minimum lot size requirement of Ordinance # 001214-20 Part 4 (1) from 2500 square feet to 2451 square feet in order to erect a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

BOARD'S DECISION: ~~GRANTED~~ 7-0

FINDINGS:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: CURRENT REGULATIONS SPECIFY MINIMUM LOT SIZE OF 2500 SQ.FT. TO BUILD, MAKING THIS LOT UNBUILDABLE THOUGH THE LOT WAS SOLD IN 1948 AND HAD A SINGLE FAMILY RESIDENCE ON IT UNTIL NOVEMBER 2006.

2. (a) The hardship for which the variance is requested is unique to the property in that: LOT WAS CREATED IN 1948, WHEN CURRENT ZONING REGULATIONS LIMITING BUILDABLE LOTS TO 2500 SQ.FT. WAS NOT IN FORCE.

(b) The hardship is not general to the area in which the property is located because: MANY SMALL LOTS IN THE AREA WERE DIVIDED BEFORE CURRENT REGULATIONS AND HAPPEN TO MEET THE 2500 SQ.FT. MINIMUM SIZE.

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: TO BUILD A SINGLE FAMILY DWELLING ON A LOT IN AN AREA FILLED WITH SINGLE FAMILY DWELLINGS. THE PRESENCE OF THE NEW HOME WILL IMPROVE THE AREA.

PARKING: (Additional criteria for parking variances only)

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 specified regulation because: PROPOSED DEVELOPMENT IS A SINGLE HOME, ONE OF ONLY TWO WITH DRIVEWAYS ACCESSED FROM SALINA; SMALL AMOUNT OF VEHICLE TRAFFIC GENERATED WILL NOT EXCEED AVAILABLE PARKING.
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: INTEND TO MOVE TO THIS HOME AND HAVE IT AS OUR PRIMARY RESIDENCE; HAVE ONLY ONE COMPACT CAR, NOTHING CURRENTLY OR IN THE POTENTIAL USE OF A SMALL HOME COULD GENERATE TRAFFIC OF ENOUGH VOLUME TO INTERFACE WITH FREE FLOW OF TRAFFIC.
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 SPACES SUITABLE TO THE SITE WILL BE PRESENT AND USED BY THE FAMILY IN RESIDENCE, AND PARKING SPACES WILL BE OF A SIZE AND MAKEUP TO HELP ENVIRONMENT AND WILL CREATE NO SAFETY HAZARDS.
4. The variance will run with the use or uses to which it pertains and shall not run with the site because: AS A SINGLE FAMILY HOME, THIS PARKING VARIANCE IS REASONABLE AND ANY CHANGE IN THE USE OF THE SITE IN THE FUTURE WOULD REQUIRE A NEW PARKING VARIANCE.

Tammie Williamson, Executive Secretary

Frank Fuentes, Chairperson

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

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

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 208 Salina Street Austin 78702 _____

LEGAL DESCRIPTION: Subdivision – S 43 feet of N 150 ft of E 57 ft. of
Block 1 Outlot 22 Division O

We Taylor and Brooke Wagen on behalf of ourselves affirm that on Nov. 25, 2006

hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN

A single family dwelling, to be less than 1,700 sq. ft. We ask for a 49 sq. foot lowering of the Small Lot Amnesty minimum, as the lot is 2451 sq. ft., falling short of the 2500 sq. ft. minimum. We request a variance to lower our front yard setback from 13 feet, which it would be under Small Lot Amnesty rules, to 10 feet. We request an exception to the parking requirement of two concrete pads, requesting instead a 2-track parking plan to allow the protected size trees to receive more rainwater.

in a Residential district.
(zoning district)

If your variance request is for a reduction in setbacks or height limits, please contact Christine Esparza with the Electric Utility at 322-6112 before filing your application with this office to discuss your request. The Electric Utility will recommend the board deny your request if it will result in an encroachment into an electric easement or a NESC violation.

NOTE: 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 support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because: Current minimum lot size to meet Small Lot Amnesty standards is 2500 ft, making this lot unbuildable by 49 sq feet, though the property was sold in 1948 and supported a single family residence until November 2006. It is zoned as an SF-3 lot and we would like to build consistently with the Small Lot Amnesty regulations, maintaining the same footprint to lot size ratio limits and impervious cover limits as required.

A brief history of the lot: In 1948, Aurora Eligio, a widow, sold off the back 43 feet of her lot, which was 57 feet deep, to Heliodoro and Prisciliana Sontoya. They built a home on their land that year themselves and continued to live in the house until their deaths. The house then passed to a sister, became a rental house, and eventually it sat vacant for a number of years, becoming a hot-spot of trouble in the neighborhood. According to the neighbors, the children and grandchildren of Mrs. Eligio, and the police who patrol the area, there have been numerous visitors per DAY to the lot for the last few years; people breaking in to shoot up, visit prostitutes, and perform other illegal activities (the house itself was the site of a drug overdose that resulted in a death on Sep. 24th.)

Due to the decrepit nature of the preexisting house, demolition seemed the only reasonable option for the site. As the new owners, we request that the small lot amnesty minimum lot size be lowered to allow a lot that has served as a single family residence to continue in that use.

The other requested variances – lowering by 3 feet the front yard setback and reducing the number of concrete pad parking spaces to 0 – make a lot that has been in existence for over 50 years more conducive to housing our family of four (soon to be 5), without any adverse affects on the surrounding properties. The city arborist has set forth the condition that concrete parking not be used on the site to ensure the health of the trees; as such, the site plan relies on crushed rock (requiring a variance to the concrete pad parking requirement). The three foot setback reduction (from 13 feet to 10 feet) also enables us to work around the established zones of protection for the protected trees on an already small lot.

HARDSHIP:

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

this lot was created in 1948, when the current zoning regulation limiting buildable lots to 2500 sq. ft. was not in force. When Aurora Eligio sold off these 2451 sq. ft., she did not intend to make the lot smaller than legal limits of 2006. Additionally, this lot was conveyed in a way that makes our hardship extremely unique – Ms. Eligio sold off the south 43 feet of what she thought at the time was 147.5 feet, but in reality she owned all of the N 150 ft. She didn't know this because the south 2.5 feet were to have been an alley, which was then unopened, and the existence of this unopened ½ alley got lost in an era when exact surveying and careful land conveyance was less common. The strip (2.5 ft. x 57 ft.) sits on the south property line of 208 Salina, but will never be developable by us, as it belongs to the property to the north, and they can never build on it either, as it is too small. The net effect of this 'lost' property is that our lot looks, functions, and has the working size of 2593.5 sq. ft., though the strip can only function as side yard for this property. The presence of the lot's three large (protected) pecan trees create special difficulties in squeezing a house and parking onto an already small lot. These trees are the unique cause of our request to reduce concrete parking pad requirements to zero (to be substituted by 2-track gravel parking) and decrease the front yard setback to 10 feet (two of the trees sit within the buildable area of the site and the proposed home is designed around them).

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

Many small lots in the area were divided before current regulations and happen to meet the 2,500 sq. ft. minimum size. Our neighbors to the north have more land, but both properties have served as single-family dwellings side by side for half a century. The intent of small lot amnesty was to allow lots that were falling into disrepair or decay due to current zoning regulations to be buildable, and this lot is of the type envisioned in the urban redevelopment goals. The lot at 208 Salina was sold as 43 feet by 57 feet. Had current regulations been in effect, the lot could easily have been sold as 44x57 – it was merely a choice at the time, unique to this sale, and the current owners should not be penalized for the unknowing choices of the seller in 1948. The other variances requested are based on hardships not general to the area as the density of protected-size pecan trees is unusual on such a small lot.

AREA CHARACTER:

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:

We would like to build a single family dwelling on a lot in an area filled with single family dwellings. Further, the presence of a new home will improve the area, as the former uninhabitable dwelling was frequented by prostitutes and drug users stopping by to use the structure as cover (syringes and the police were frequent visitors). The neighborhood is full of unique dwellings built

to suit small, unusual lots, and our home will be no different, taking a lot created in 1948 and building a home that protects the pecan trees and uses space efficiently. Additionally, a cinder block commercial storage building sits on the south property line and is covered in graffiti – our home will be an improvement to the character of the area, providing a buffer between the commercial area facing 2nd street and the homes north of the property. In no way will building a small home on this property impair the purposes of the zoning regulations in this area, and they will in no way impair the use of adjacent property, as the new home will be the same use/home type/zoning as the house that stood on the lot previously. The setback of this home will be an average of the three structures present on the same block – two are commercial buildings, set 5.5 and 11 feet from the street, and a home set 13 feet from the street. The legal wording of Small Lot Amnesty would set the front yard setback to 13 feet, matching the one residential property, but the area character would not be harmed by a smaller setback, as 10 feet would truly be an average of the surrounding structures. The parking variance would not change the use of the site, as onsite parking would still be provided, just not as solid concrete pads. All the normal use of the site as a single family residence will be in line with area character as proposed in our site plan.

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 Section 479 of Chapter 25-6 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 reasonable require strict or literal interpretation and enforcement of the specific regulation because:

We are not asking to decrease the number of parking spaces on the lot, only change their composition and shape to suit the very large pecan trees, which are protected size and limit buildable footprint in a significant manner.

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:

we will be parking on our own lot, and only participating in activities suited to a single-family home. We intend to move to this home and have it as our primary residence. We have only one compact car, and nothing in our current life or in the potential use of a small home could generate traffic of enough volume to interfere with free flow of traffic.

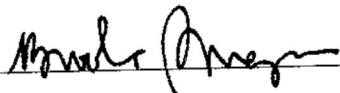
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

parking spaces suitable to the site will be present and used by the family in residence, and the parking spaces will be of a size and makeup to help the environment (the trees) and will create no safety hazards.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because: the need for different parking pad size is suited to the home proposed for the site and our desire to protect the trees. We are asking only for a variance in parking pad composition (thus a reduction in concrete spaces to zero but with plans for tracks of the same size), but not in number of spaces because of reasonable use requirements for a single family home. Should the property change hands and zoning be changed, the parking requirements would change as well.

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.

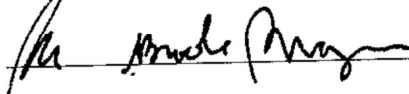
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 4402 Everest Lane

City, State & Zip Austin TX 78727

Printed Brooke Wagen Phone 835-5452 Date 11/25/2006

OWNER's CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 4402 Everest Lane

City, State & Zip Austin TX 78727

Printed Taylor & Brooke Wagen Phone 835.5452 Date Nov. 25, 2006

