

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0070

BOA DATE: July 12th, 2021

ADDRESS: 904 Avondale Rd

COUNCIL DISTRICT: 9

OWNER: Frank & Jeannine Clark

AGENT: N/A

ZONING: SF-3-NP (South River City NP)

LEGAL DESCRIPTION: LOT A HARDY NORMAN ADDN

VARIANCE REQUEST: a) decrease the minimum Lot Size requirements from 5,750 square feet to 5,292 square feet **and** decrease the minimum Front Yard Setback requirements from 25 feet to 17 feet

SUMMARY: remodel/addition of a front covered porch

ISSUES: shape of lot, size of lot, heritage trees, and topography of lot

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

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Friends of Austin Neighborhoods

Greater South River City Combined Neighborhood Plan Contact Team

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Preservation Austin

SELTexas

Sierra Club, Austin Regional Group




South Central Coalition

South River City Citizens Assn.

Zoning Committee of South River City Citizens

D-7/2



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2021-0070
LOCATION: 904 AVONDALE RD



1" = 163'

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: 904 Avondale Rd. Austin TX 78704

Subdivision Legal Description:

LOT A HARDY NORMAN ADDN

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

Outlot: _____ Division: HARDY NORMAN ADDN

Zoning District: SF3

I/We Frank and Jeannine Clark on behalf of myself/ourselves as authorized agent for Owners at 904 Avondale Rd. affirm that on Month June, Day 10, Year 2021, 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: Covered front porch

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

SEE ADDITIONAL SPACE BELOW

LDC 25-2-492 Modify Front Yard setback from 25' to approx 17' (to align with front of house).
 LDC 25-2-492 Modify min. lot size for SF-3 zoning from 5,750 s.f. to 5301 s.f. (field measured at 5292 s.f.) See below for more explanation.

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:

Home built in 1949, prior to current setback requirements, does not comply with current setback requirements.

Home currently not allowed small lot amnesty in Travis Hts. Neighborhood, so is non conforming. However, the intent of the rejection of small lot amnesty in this area is to preserve the character of the neighborhood. Our tiny house will have the character and retain it's small original cottage style without adding additional square footage.

Hardship

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

SEE ADDITIONAL SPACE BELOW

1. Shape of lot

2. Size of lot

3. Heritage trees

4. Topography of lot

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

Size of lot, Shape of Lot, and proximity to critical root zones of three heritage trees, and steep topography are non standard and very site specific for this property.

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:

This is a 594 square foot cottage. It currently has asbestos siding. The original exterior was wood shingles. We are restoring the original shingle style home without adding interior square footage. That, along with other landscape enhancements, this home will match the character of the neighborhood. Our neighbors have given us written support of the variance request. Screened porches enhance livability of the home, but also contribute to good communication and social bonding between neighbors, resulting in more harmony and less crime.

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- No parking is impacted by this variance request.

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- No parking is impacted by this variance request.

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- No parking is impacted by this variance request.

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

n/a- No parking is impacted by this variance request.

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: Jeannine Clark, IIDA Digitally signed by Jeannine Clark, IIDA
Date: 2021.06.09 11:47:33 -07'00' Date: 06-10-21

Applicant Name (typed or printed): Frank and Jeannine Clark

Applicant Mailing Address: 904 Avondale Rd.

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 890-5809

Email (optional – will be public information): [REDACTED]

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: Jeannine Clark, IIDA Digitally signed by Jeannine Clark, IIDA
Date: 2021.06.09 11:48:28 -07'00' Date: 06-10-21

Owner Name (typed or printed): Frank and Jeannine Clark

Owner Mailing Address: 904 Avondale Rd.

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 890-5809

Email (optional – will be public information): [REDACTED]

Section 5: Agent Information

Agent Name: Frank and Jeannine Clark

Agent Mailing Address: 904 Avondale Rd.

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 890-5809

Email (optional – will be public information): [REDACTED]

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).

EXPLANATION OF CODE VARIANCE REQUEST

Front porch addition that is proposed to encroach into the front yard setback beyond what is typically allowed. Secondly, since this property does not meet the minimum lot size requirements of SF-3 zoning, and cannot meet the requirements for a Substandard Lot, it is viewed as a

Additional Space (continued)

nonconforming use and is subject to the 20% improvement valuation stipulation prescribed in Land Development Code 25-2-947. Therefore, a variance from Land Development Code 25-2-492 to modify the front yard setback to allow for the porch's encroachment into the front yard and a variance from Land Development Code 25-2-492 to modify the minimum lot size for SF-3 zoning from 5,750 sq. ft. to 5301 sq. ft (or 5292 sq. feet as field measured).

HARDSHIP ADDITIONAL SPACE INFORMATION

Hardship #1 The shape of the lot: The pie-shape creates a very small area for any construction due to the lot depth and angles of the setbacks. The angle of the front setback cuts through a portion of the porch and house since the lot is so shallow on the short end; therefore the buildable area is severely restricted.

Hardship #2: In many other areas of town, the city has acknowledged the need to provide a means of developing on small lots and therefore allows small lot amnesty for lots under 5750 sq. feet; however in our case, the small lot amnesty is not applicable due to the neighborhood not adopting the code, and limits the amount of improvements. The improvements will be in character of the neighborhood and do not increase the conditioned square footage of the existing house. We have received approval from the neighbors

Hardship #3: Heritage trees: There are three heritage Live Oak Trees on the property. In order to limit the adverse effects of building around the trees, construction impact must stay out of the 1/2 CRZ. Taking into account the critical root zones of the trees, the allowable site disturbance is very limiting.

Hardship #4: Topography of the lot: There is 21 feet of vertical grade change on the property. The lot is 5301 sq. ft per assessor, so the slope is significant thus limiting the location of building a screened porch. In addition to the above mentioned constraints, the flattest portion of the property is where the front porch is located.



904 Avondale Rd.

Application for Variance -
Screened porch encroaching into
front yard setback & Variance for
non conforming use- substandard
lot size.

Owners: Frank and Jeannine Clark.

**Frank is a restoration carpenter with 25 years of
experience.*

**Jeannine is an interior designer.*

**This is our retirement home.*



EXISTING

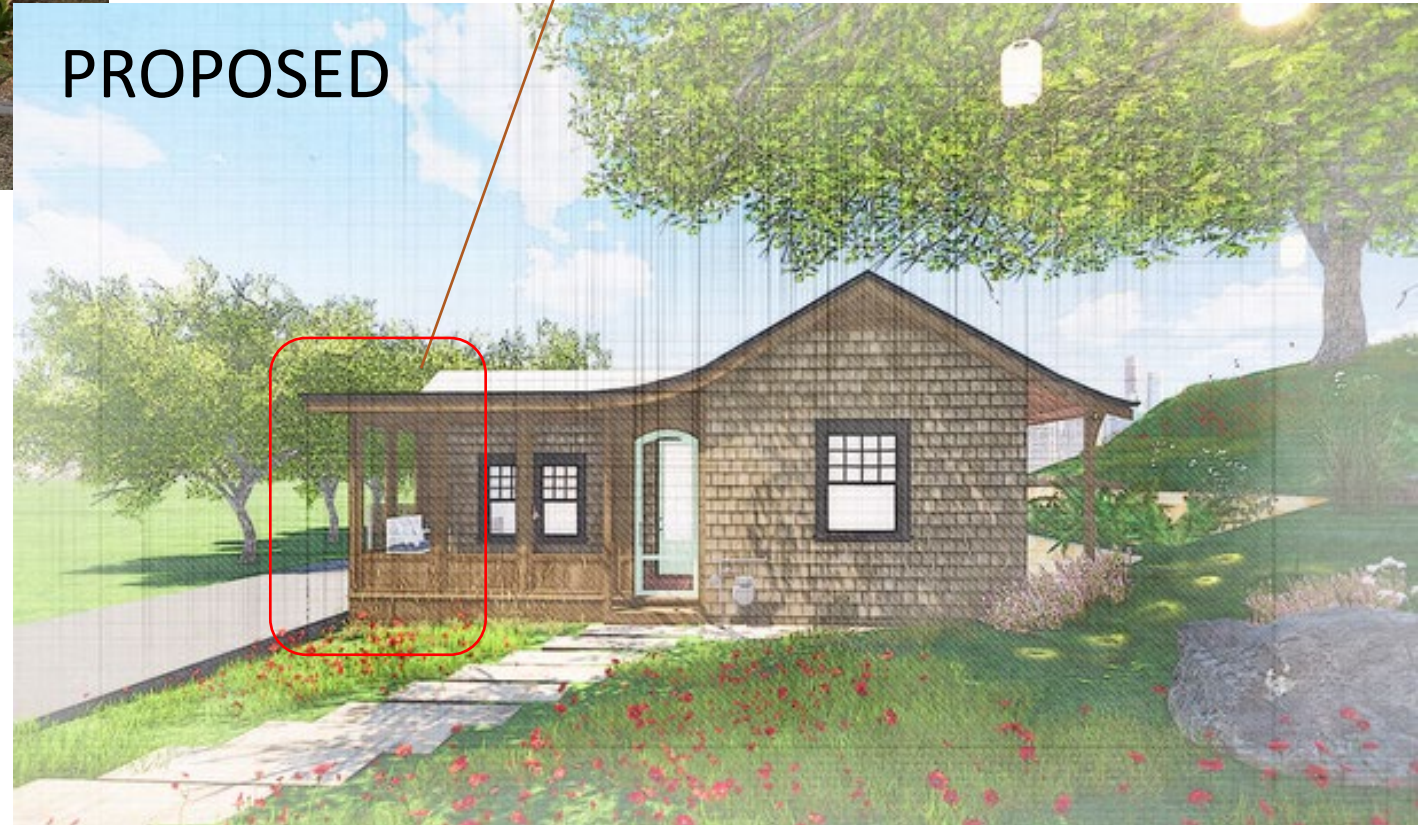
D-7/10



This corner of the porch intersects the required front yard setback from 25' to 17'

Existing porch footprint to remain.
New Porch with roof extension and screens, open on two sides.
New porch will not extend past the current street-side face of the home.

PROPOSED



Current condition:

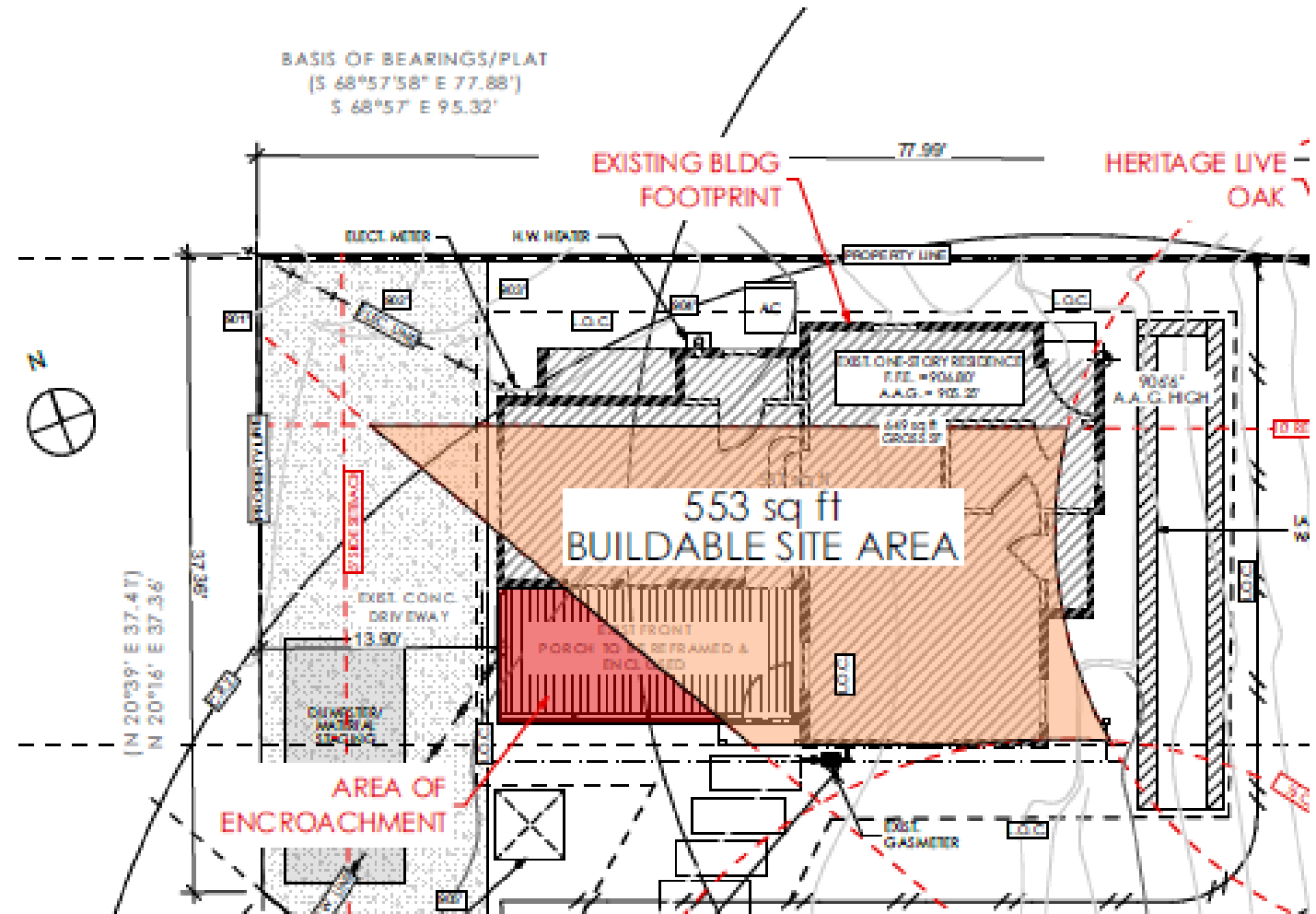
Existing 1949 vintage 'tiny home' Cottage—594 square feet, 1 bedroom.

Goal:

- Restoration of the existing home to conform to the character of the neighborhood without adding interior square footage.
- Add screened front porch as part of the renovations. (at existing non-enclosed front porch).

Conflicts which require variance:

- A triangle portion of the proposed screened porch encroaches the required 25' front yard setback per LD Code 25-2-513G. Request to reduce setback in this area to align with front of existing home, approx. 17' from property line.
- LD Code 25-2-947. Lot size is 5292 s.f., which is a non conforming size lot.



HARDSHIP SUMMARY

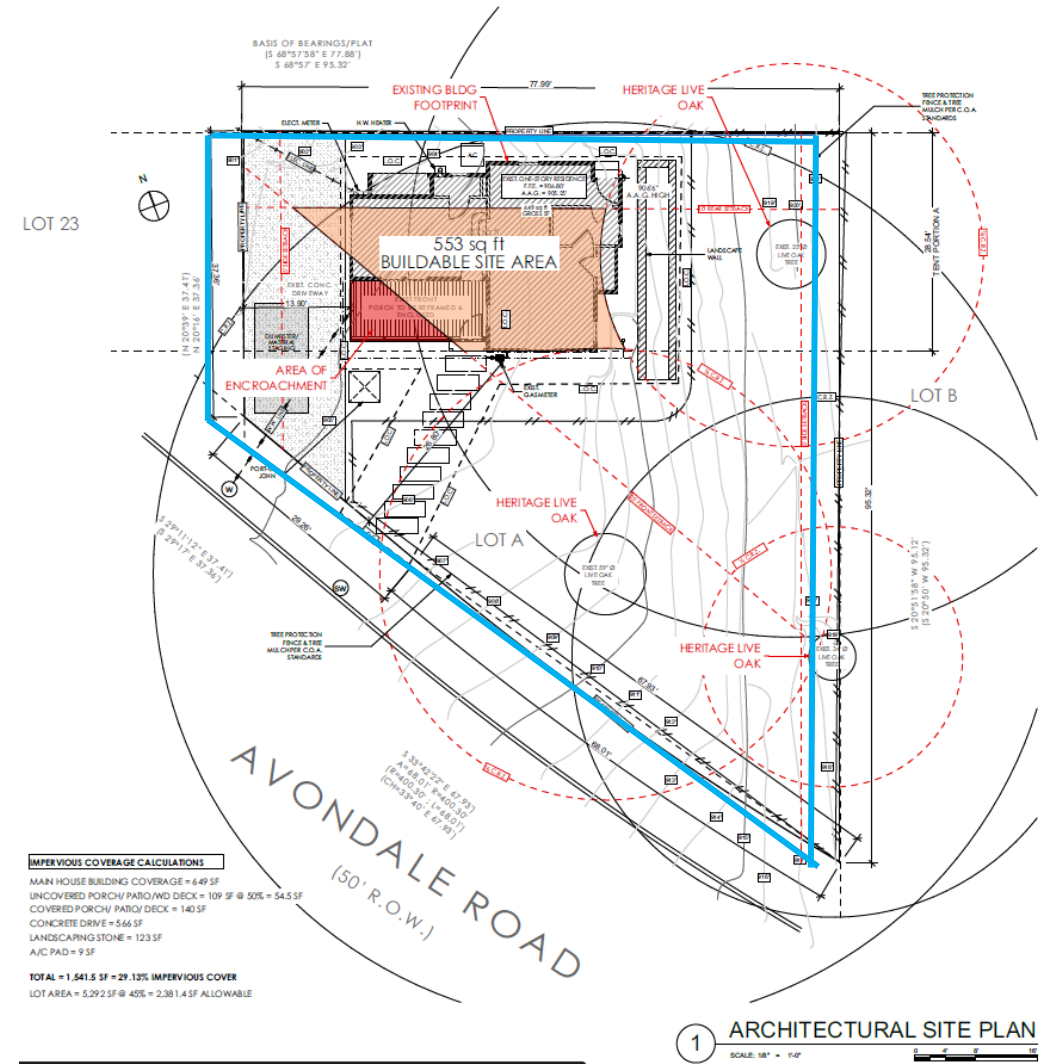
There is, quite literally, no other location we can add this screened porch, and the porch is vital to the enjoyment of our tiny home.

The shape of the lot: The pie-shape creates a very small area for any construction due to the lot depth and angles of the setbacks. The angle of the front setback cuts through a portion of the porch and house since the lot is so shallow on the short end; therefore the buildable area is severely restricted.

The size of the lot: The lot is considered substandard by the current city code since it does not meet the minimum lot depth or size. The lot is 5,292 SF. In many other areas of town, the city has acknowledged the need to provide a means of developing on small lots and therefore allows small lot amnesty; however in our case, the small lot amnesty is not applicable due to the neighborhood not adopting the code, and limits the amount of improvements. The improvements will be in character of the neighborhood and do not increase the conditioned square footage of the existing house. We have received approval from the neighbors

Heritage trees: There are three heritage Live Oak Trees on the property. In order to limit the adverse effects of building around the trees, construction impact must stay out of the 1/2 CRZ. Taking into account the critical root zones of the trees, the allowable site disturbance is very limiting.

Topography of the lot: There is 21 feet of vertical grade change on the property. The lot is only 5,292 SF, so the slope is significant thus limiting the location of building a screened porch. In addition to the above mentioned constraints, the flattest portion of the property is where the front porch is located.



This explains the reason we are requesting a substandard lot variance/ non conforming use. The plan check engineer assumes the cost of the porch improvement may be more than 20% of the structure value. We disagree with this assesment, but regardless, have responded.

- a. Please contact the assigned Technical Reviewer, Chris Sapp, for additional information regarding applicable structural drawings.

OR

1. **Update the Demolition Application to note the work on other plans accordingly.**

Home purchased on 12/18/20. The Travis city tax assessment valued building at \$86,051 in January 2020 and adjusted to \$154,207 in January 2021. pro-rating the home value from January 2020 to December 2020 would make the value of the home structure at time of purchase ie;"the ORIGINAL" unimproved in December of 2020 at \$148,520. Construction expense for roof extension and screened porch is \$12,000.

RZ 6. Nonconforming Use

Since this property does not meet the minimum lot size requirements for SF-3 zoning, nor does it meet the requirements of a Substandard Lot, the site/use of the property is nonconforming. Consequently, the requirements of LDC 25-2-947 "Group B" must be met.

As currently configured, the proposed improvements appear to exceed the improvement valuation restrictions stated below,

A Group "B" nonconforming use must comply with the regulations described in this subsection.

- (1) A person may continue a nonconforming use and maintain an associated structure, except the person may not:

- (a) increase the floor space or site area of a nonresidential use; or
- (b) make a change that increases the amount of required off-street parking.

- (2) A person may improve, enlarge, or structurally alter a structure if the cost **does not exceed 20 percent of the value of the structure before the improvement.**

- (3) An improvement required by law to meet minimum health and safety requirements, or an improvement to a portion of a structure used solely for a conforming use may not be used in determining valuations under Subsection (B).

1. **Please reconfigure the improvements to not exceed 20 percent of the original value of the structure on the lot.**
2. **Adjust plans and application, as necessary.**

We have the full support of our neighbors!

The map shows a residential area with the following streets and features:

- Streets:** ALAMEDA, ALAMEDA VISTA, ALAMEDA HEIGHTS, ALAMEDA RD, ALAMEDA BLVD.
- Properties and Annotations:**
 - Property 1307: Labeled "STONY VAND", "1 (VEND)", "D", "1", "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55", "56", "57", "58", "59", "60", "61", "62", "63", "64", "65", "66", "67", "68", "69", "70", "71", "72", "73", "74", "75", "76", "77", "78", "79", "80", "81", "82", "83", "84", "85", "86", "87", "88", "89", "90", "91", "92", "93", "94", "95", "96", "97", "98", "99", "100", "101", "102", "103", "104", "105", "106", "107", "108", "109", "110", "111", "112", "113", "114", "115", "116", "117", "118", "119", "120", "121", "122", "123", "124", "125", "126", "127", "128", "129", "130", "131", "132", "133", "134", "135", "136", "137", "138", "139", "140", "141", "142", "143", "144", "145", "146", "147", "148", "149", "150", 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To whom it may concern:

My residence / property is adjacent to the subject property. I have reviewed their request to encroach into a portion of the front yard required setback for construction of a screened porch. I understand the new screened porch will have the same footprint as the existing uncovered front yard porch.

I do not object to their request for approval on this variance.

By: Ihor Gowda

Address: 1301 Alta Vista Rd.

Date: 6-7-21

By: Teresa Elliott & Leo Pizzi
Address: 901 Avondale Rd.
Date: 6-7-21

Location: 904 Avondale Rd. Austin TX 78704

Request: Variance for a portion of screened porch. Per Land Development Code 25-2-513 (G), proposed porch encroaches into a portion of the required front yard setback.

Applicants: Frank and Jeannine Clark (512) 890-5809

To whom it may concern:

My residence / property is adjacent to the subject property. I have reviewed their request to encroach into a portion of the front yard required setback for construction of a screened porch. I understand the new screened porch will have the same footprint as the existing uncovered front yard porch.

I do not object to their request for approval on this variance.

By:

Sammie G. Dwyer

Address:

1300 Travis Heights Blvd

Date:

6-9-2021

Location: 904 Avondale Rd. Austin TX 78704

Request: Variance for a portion of screened porch. Per Land Development Code 25-2-513 (G), proposed porch encroaches into a portion of the required front yard setback.

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I do not object to their request for approval on this variance.

By:

MARGARET CAMIC BILLS



Address:

903 Avondale RD 78704

Date:

6-8-21

Location: 904 Avondale Rd. Austin TX 78704

Request: Variance for a portion of screened porch. Per Land Development Code 25-2-513 (G), proposed porch encroaches into a portion of the required front yard setback.

Applicants: Frank and Jeannine Clark (512) 890-5809

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My residence / property is adjacent to the subject property. I have reviewed their request to encroach into a portion of the front yard required setback for construction of a screened porch. I understand the new screened porch will have the same footprint as the existing uncovered front yard porch.

I do not object to their request for approval on this variance.

By:

Christy Hoppe Christy Hoppe

Address:

902 Avondale

Date:

6/8/21

Location: 904 Avondale Rd. Austin TX 78704

Request: Variance for a portion of screened porch. Per Land Development Code 25-2-513 (G), proposed porch encroaches into a portion of the required front yard setback.

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I do not object to their request for approval on this variance.

By:

Teresa Elliott & Reno Pizze

Address:

901 Avondale Rd.

Date:

6-7-21

Location: 904 Avondale Rd. Austin TX 78704

Request: Variance for a portion of screened porch. Per Land Development Code 25-2-513 (G), proposed porch encroaches into a portion of the required front yard setback.

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I do not object to their request for approval on this variance.

By:

Ihor Gowda

Address:

1301 Alta Vista Rd.

Date:

6-7-21

Site pictures 904 Avondale

D-7/20







D-7/23







