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

### DATE: Monday August 09, 2021

CASE NUMBER: C15-2021-0081

- Y Thomas Ates Y Brooke Bailey
- N Jessica Cohen
- Y Melissa Hawthorne
- Y\_\_\_\_Barbara Mcarthur
- \_\_\_\_Y\_\_\_\_Rahm McDaniel
- \_\_\_\_\_Darryl Pruett (out-no show)
- \_\_\_\_Y\_\_\_Agustina Rodriguez
- \_\_\_\_Y\_\_\_\_Richard Smith
- \_\_\_\_\_Michael Von Ohlen (out)
- \_\_\_\_Y\_\_\_Nicholl Wade
- \_\_\_\_Y\_\_\_Kelly Blume (Alternate)
- \_\_\_\_Carrie Waller (Alternate)
- \_\_\_\_\_Vacant (Alternate)

### **APPLICANT: Amanda Swor**

### **OWNER: Maryelaine Sotos & Bill Shurtz**

### ADDRESS: 1308 9TH HALF ST

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code, Subchapter F: Residential Design and Compatibility Standards, Article 2, Development Standards Section 2.1 (*Maximum Development Permitted*) to increase the F.A.R from .4 to 1.0 (required) to .46 to 1.0 (requested) in order to add an addition/remodel to an existing single family residence in an "SF-3-NP", Single-Family-Neighborhood Plan zoning district (Old West Austin Neighborhood Plan)

Note: 25-2 Subchapter F RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS, Article 2 Development Standards Section 2.1. - MAXIMUM DEVELOPMENT PERMITTED. The maximum amount of development permitted on a property subject to this Subchapter is limited to the greater of 0.4 to 1.0 floor-to-area ratio or 2,300 square feet of gross floor area, as defined in Section 3.3. Floor-to-area ratio shall be measured using gross floor area as defined in Section 3.3, except that the lot area of a flag lot is calculated consistent with the requirements of <u>Section 25-1-22</u> (Measurements).

**BOARD'S DECISION: BOA AUG 9 MEETING The public hearing was closed by Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to September 13,** 

## 2021; Board Member Rahm McDaniel seconds on a 9-1 vote (Chair Jessica Cohen nay); POSTPONED TO September 13, 2021.

### 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:

amirez

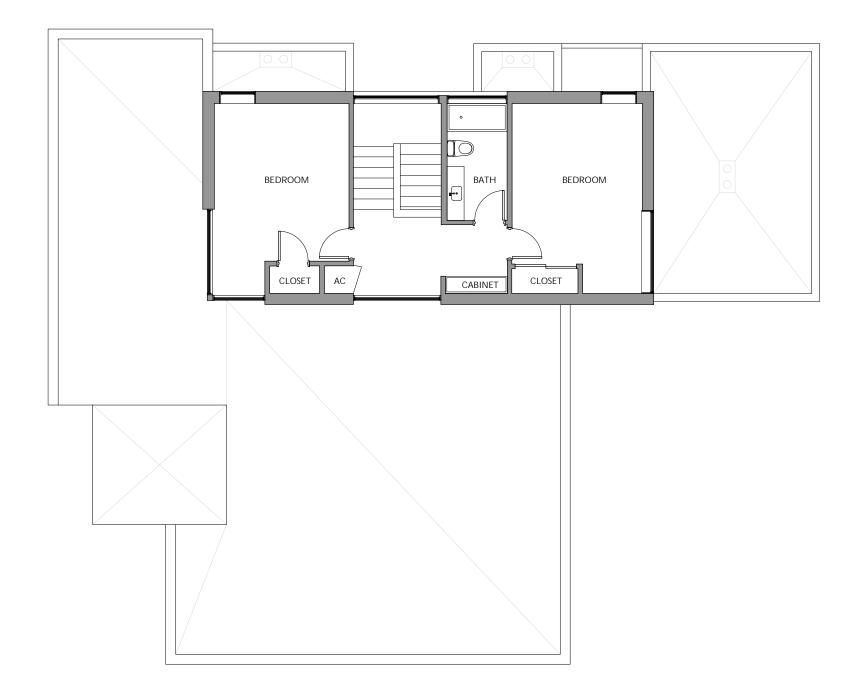
Executive Liaison

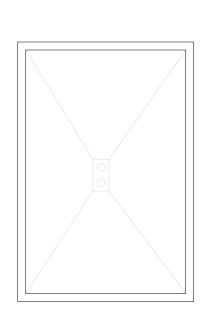
Diana A. Kamirez for

Jessica Cohen Chair

# ADVANCED PACKET C15-2021-0081

# ARCHITECT'S DRAWINGS

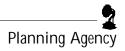


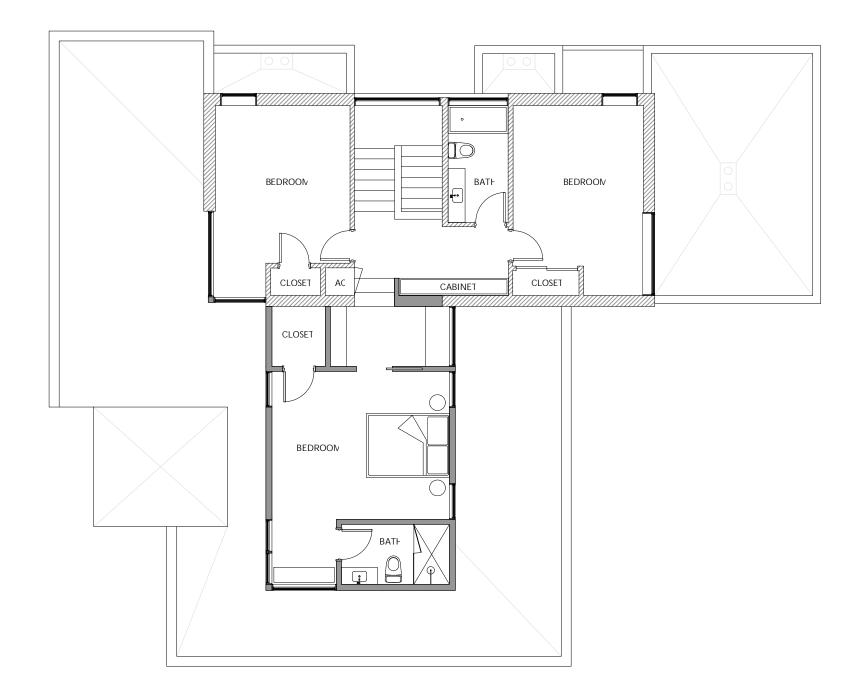


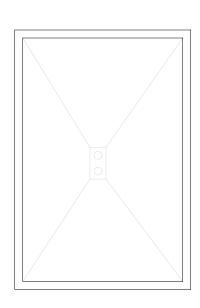
Existing Second Floor Plan

Scale: 1/8" = 1'-0" Clarksville Residence July 17, 2021





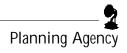


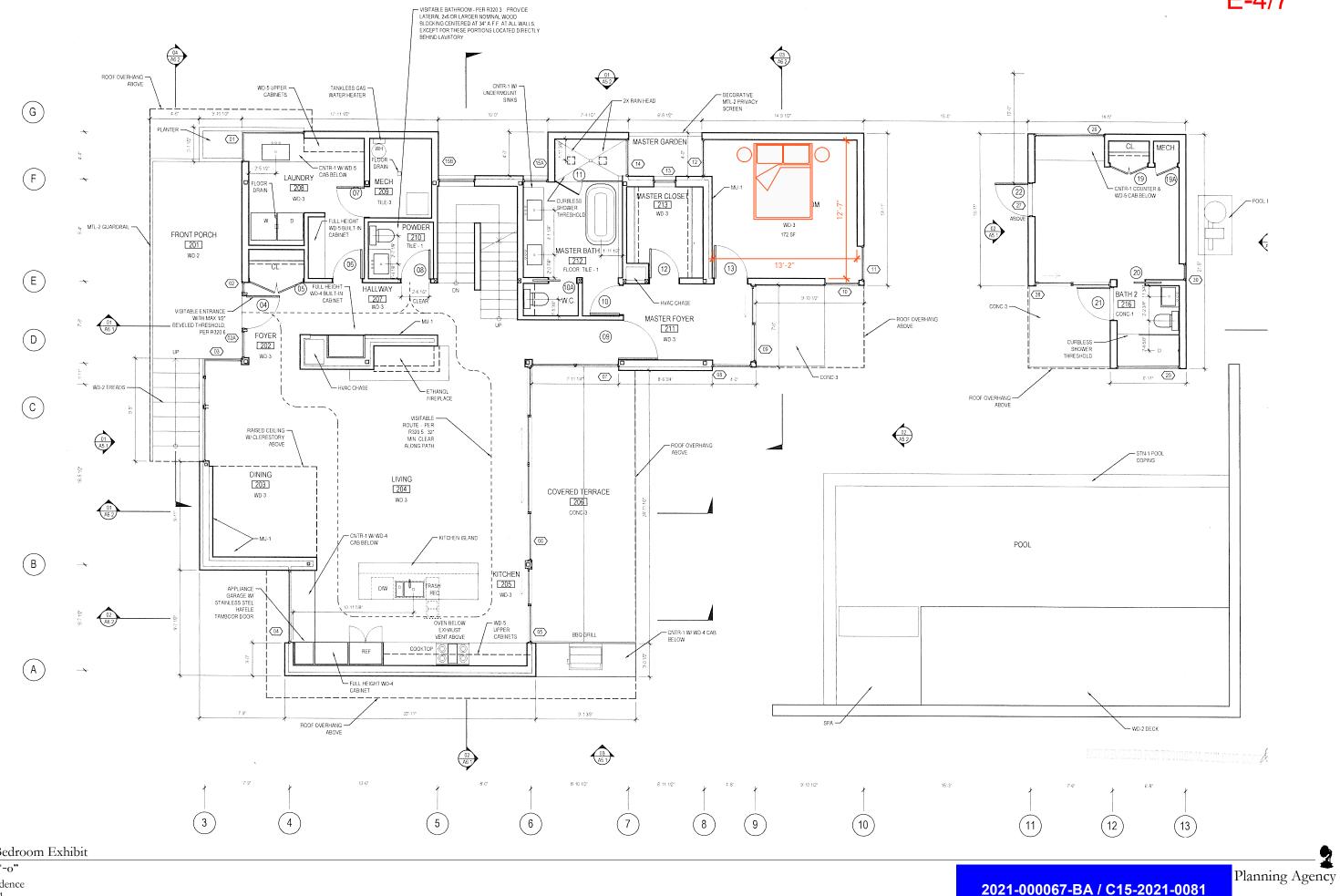


Proposed Second Floor Plan - 420sf Additior

Scale: 1/8" = 1'-0" Clarksville Residence July 17, 2021



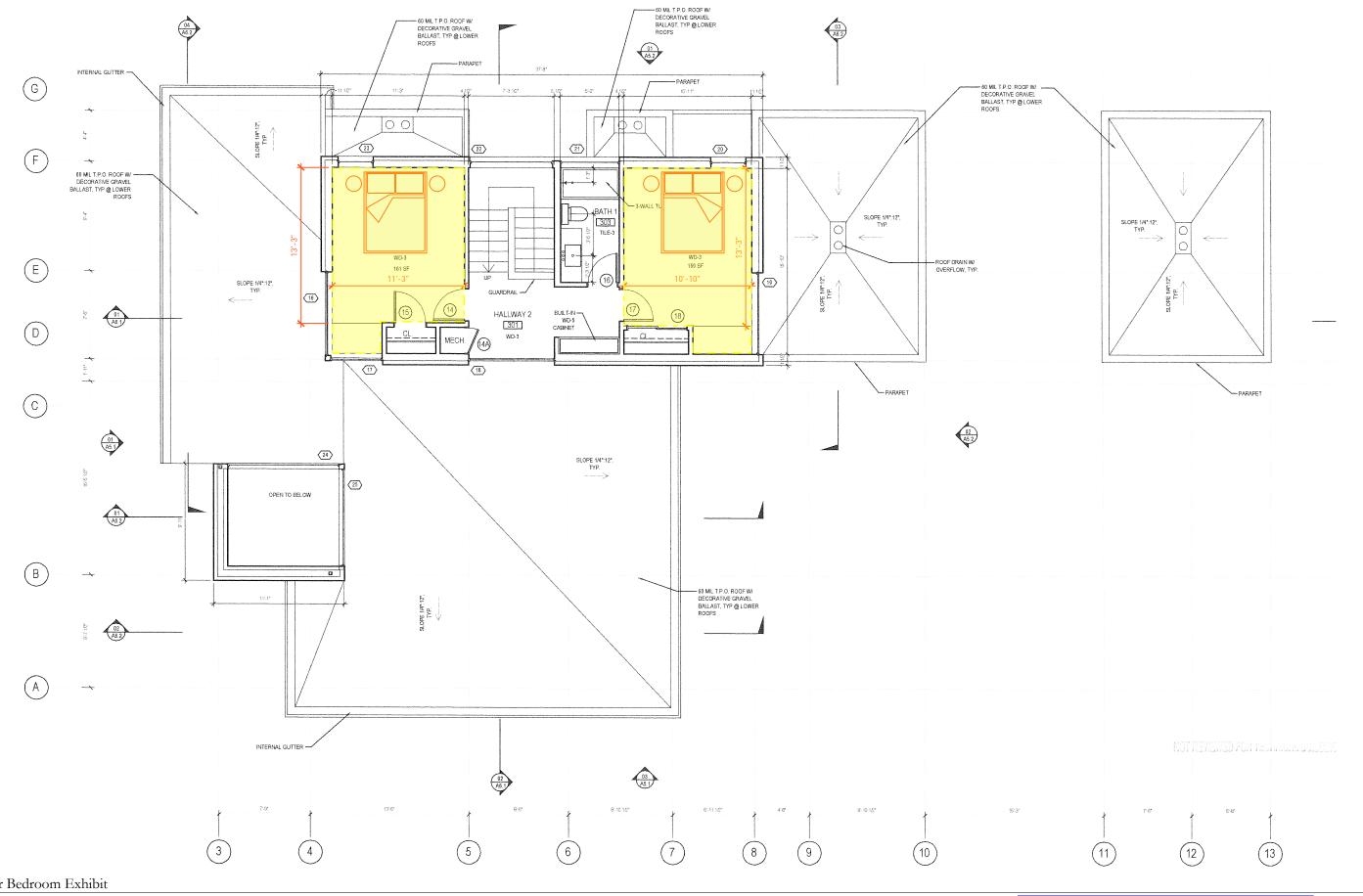




First Floor Bedroom Exhibit

Scale: 1/8" = 1'-0" Clarksville Residence August 21, 2021

## E-4/7



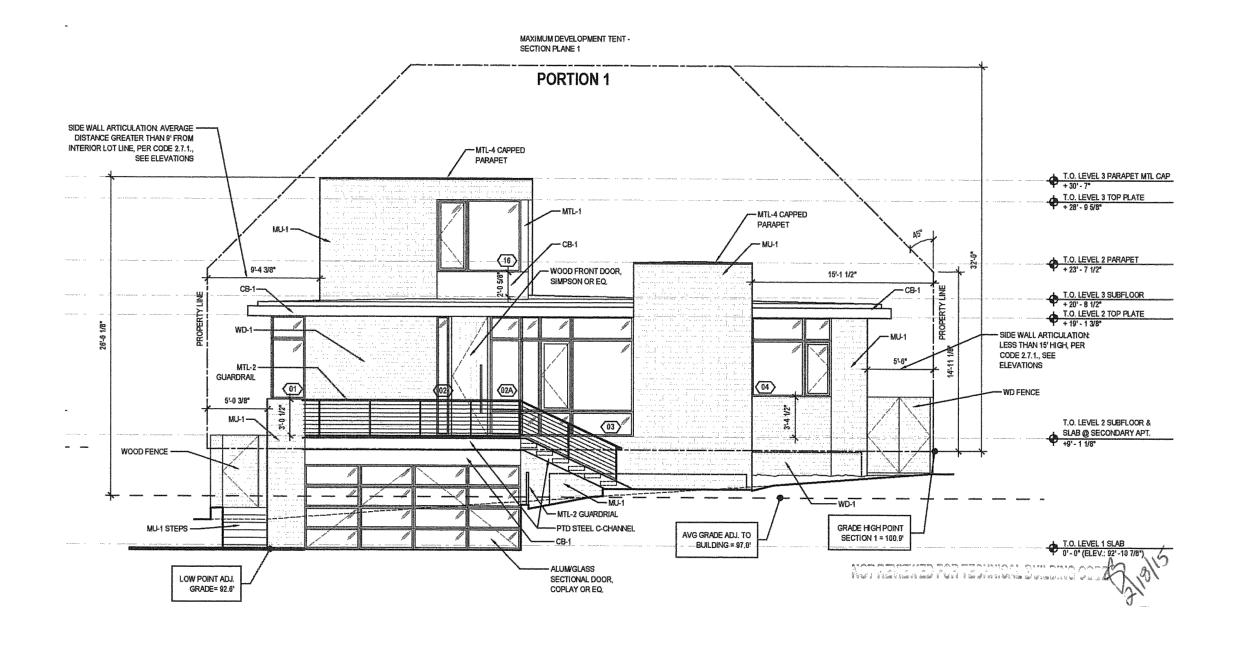
Second Floor Bedroom Exhibit

Scale: 1/8" = 1'-0" Clarksville Residence August 21, 2021

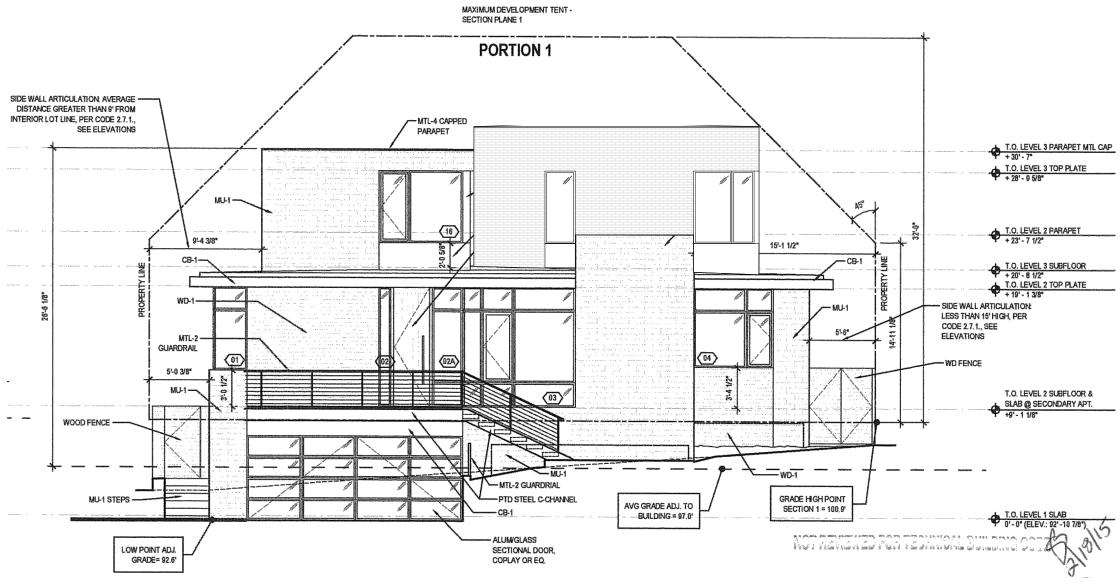
## E-4/8

2021-000067-BA / C15-2021-0081

Planning Agency



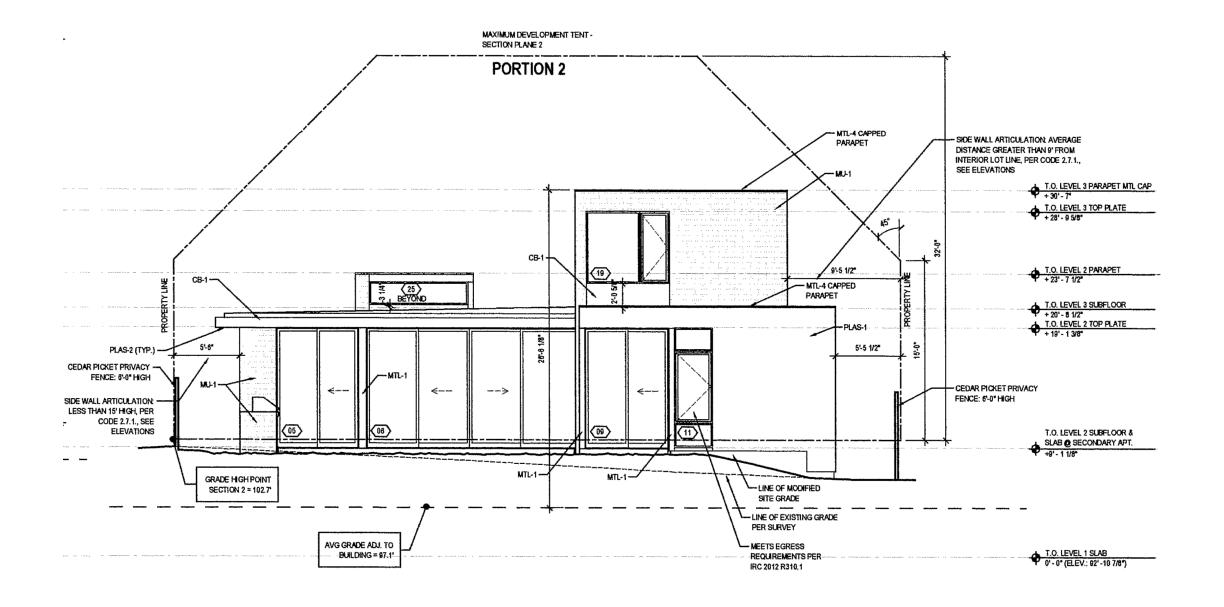




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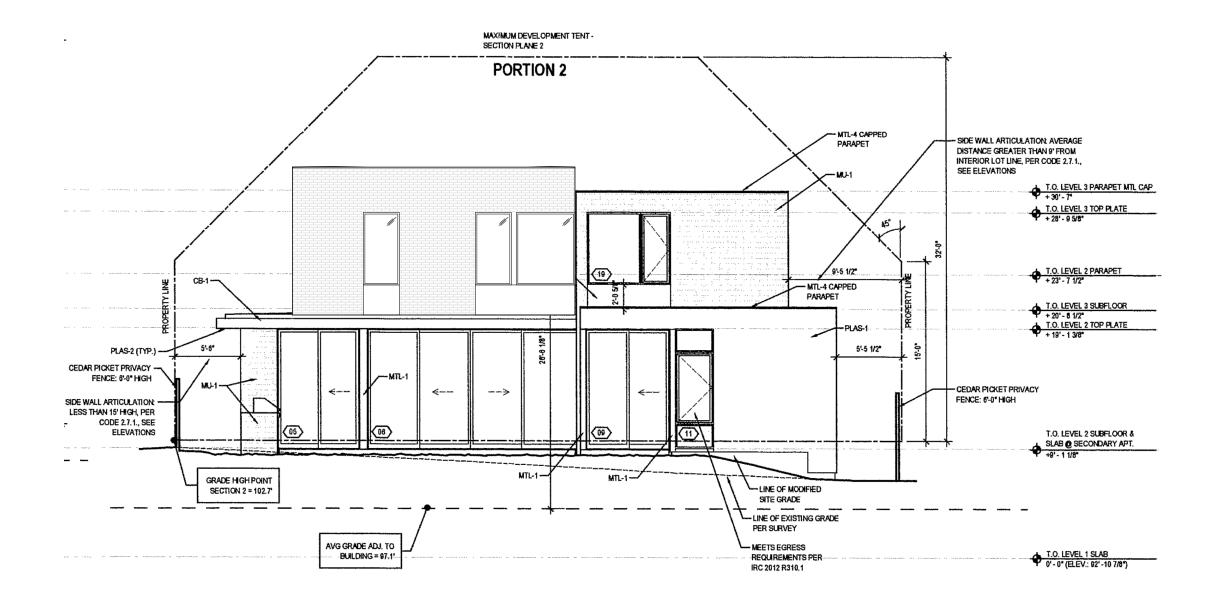


Existing North Elevation - Backyard Elevation

Scale: 1/8" = 1'-0" Clarksville Residence July 17, 2021

## E-4/11



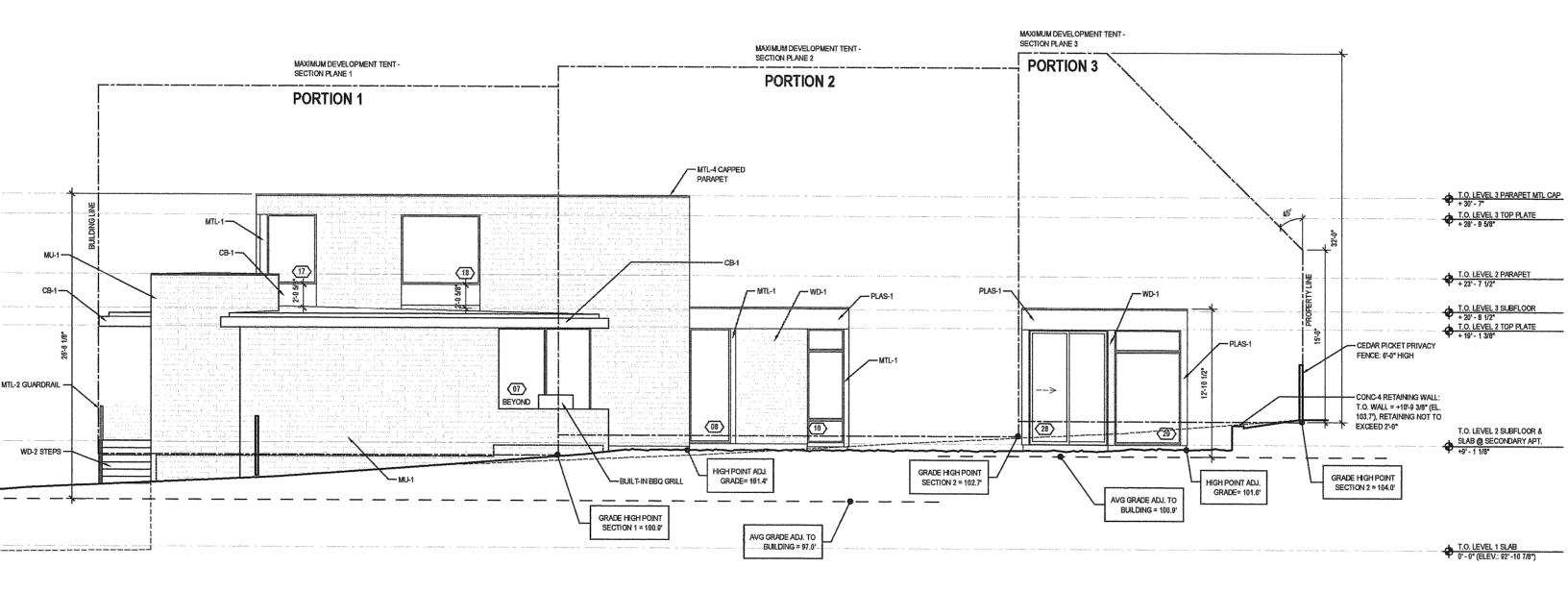


Existing North Elevation - Backyard Elevation

Scale: 1/8" = 1'-0" Clarksville Residence July 17, 2021

## E-4/12



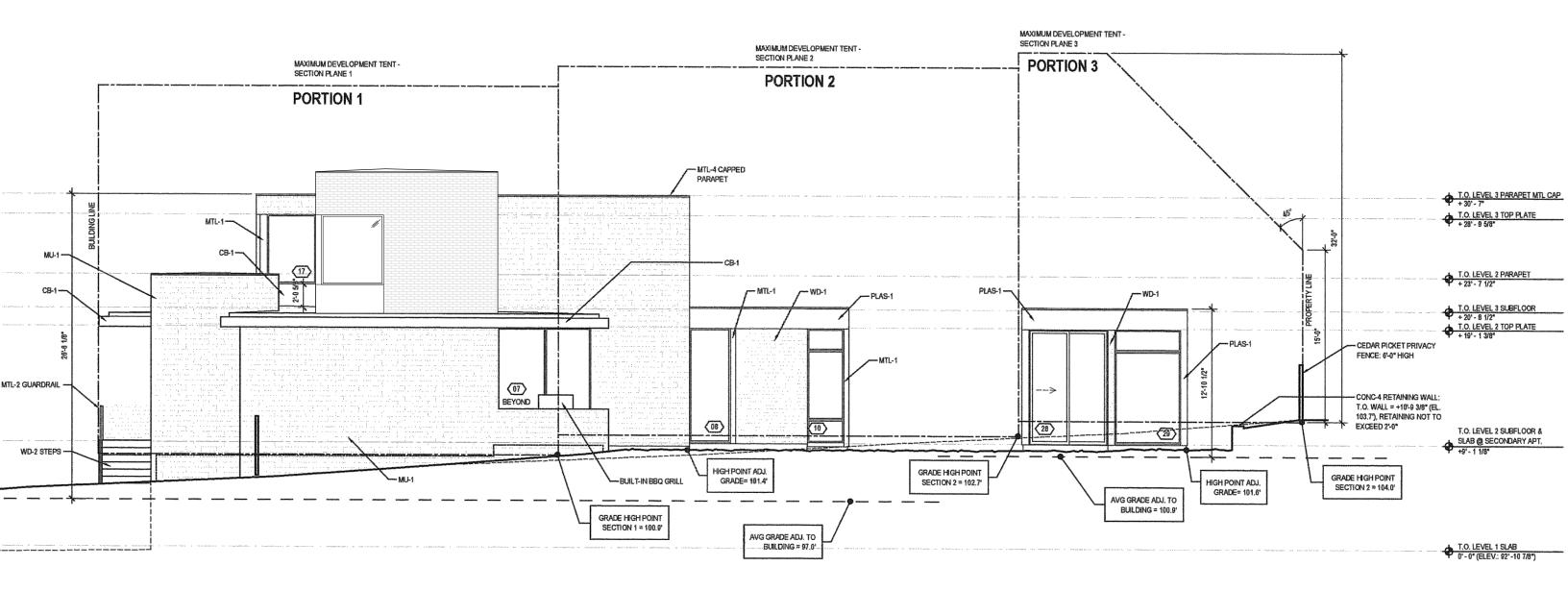


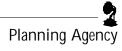
3

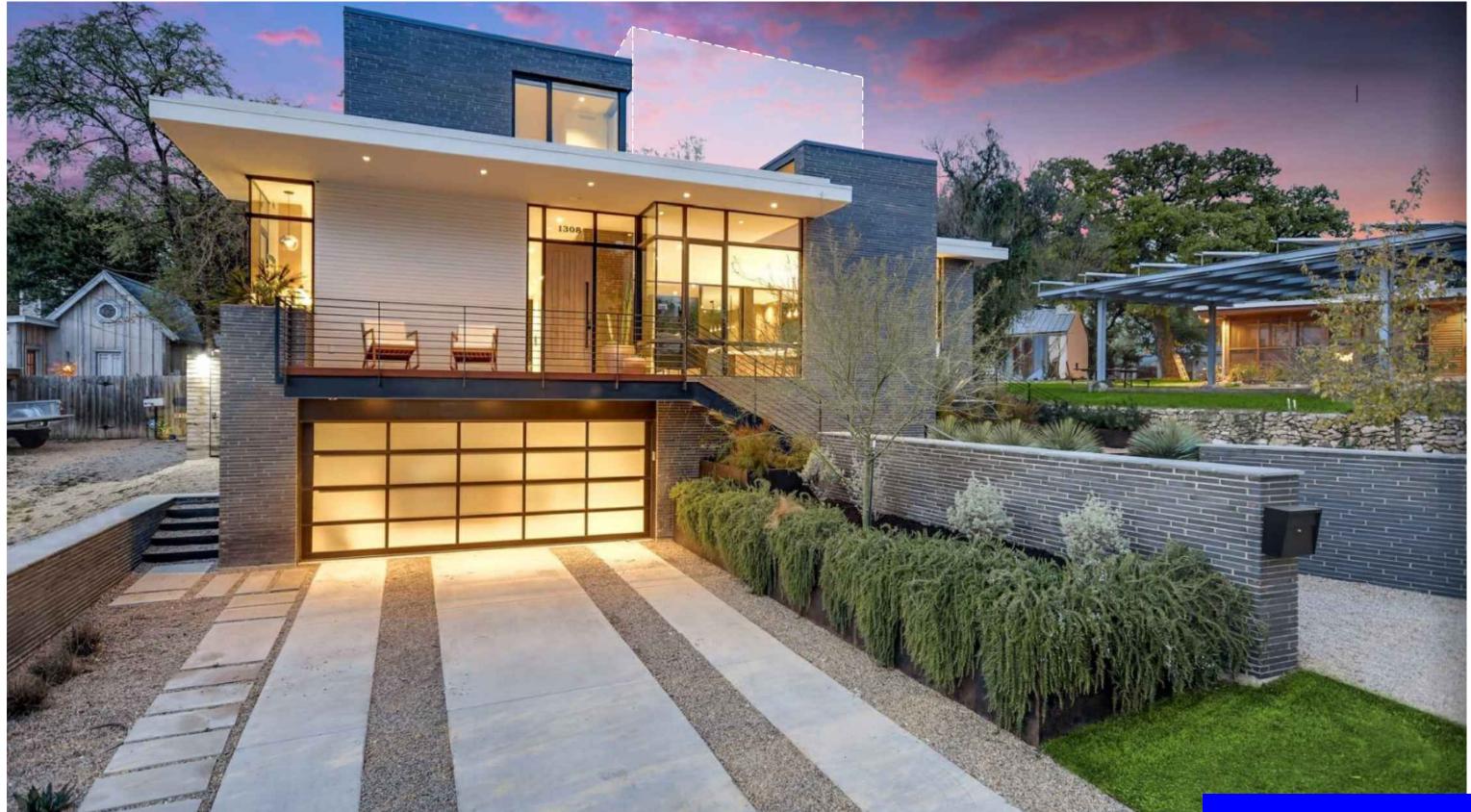
## E-4/13

### 2021-000067-BA / C15-2021-0081

Planning Agency







Proposed Massing

Scale: 1/8" = 1'-0" Clarksville Residence July 17, 2021

## E-4/15



# AUSTIN ENERGY APPROVAL DOCUMENTATION

### **Aneil Naik**

From:	Navarro, Rosario
Sent:	Friday, August 27, 2021 9:51 AM
То:	Aneil Naik
Subject:	RE: AE approval for BOA application (1308 W 9 1/2 Street)

Aneil,

Good morning. AE has approved the BOA application. I believe your case will be presented during the Sept 13<sup>th</sup> BOA meeting. For better clarification please contact Elaine Ramirez at <u>Elaine.Ramirez@austintexas.gov</u>.

Thank you, Rosario

From: Aneil Naik <a style="text-align: center;">From: Aneil Naik <a style="text-align: center;">Sent: Aneil Naik <a style="text-align: center;">Sent: Friday, August 27, 2021 9:42 AM</a> To: Navarro, Rosario <Rosario.Navarro@austinenergy.com> Subject: RE: AE approval for BOA application (1308 W 9 1/2 Street)</a>

\*\*\* External email - Exercise caution \*\*\*

Rosario,

Is this application approved by Austin Energy? I received your assignment email over a month ago, and have not had any communication since. Please provide me a timeline, update, or approval.

Thanks,

ANEIL

Aneil Naik, Senior Project Manager Drenner Group, PC | 200 Lee Barton Drive

From: Navarro, Rosario <<u>Rosario.Navarro@austinenergy.com</u>> Sent: Friday, July 23, 2021 2:57 PM To: Aneil Naik Subject: RE: AE approval for BOA application (1308 W 9 1/2 Street)

Aneil,

Good afternoon. Your BOA application is currently under review by our Planner. If he has any questions or needs any other information, we will contact you.

Thank you, Rosario

From: Aneil Naik Sent: Thursday, July 22, 2021 9:14 AM



To: Navarro, Rosario <<u>Rosario.Navarro@austinenergy.com</u>> Subject: RE: AE approval for BOA application (1308 W 9 1/2 Street)

\*\*\* External email - Exercise caution \*\*\*

Rosario,

I never heard from the Reviewer. Please confirm this was received and let me know what further information is needed. This application is in-cycle and needs AE's approval to be heard by the Board.

Thanks, ANEIL

Aneil Naik, Senior Project Manager Drenner Group, PC | 200 Lee Barton Drive | Suite 100 | Austin, TX 78704 512-807-2900 office | 512-587-5447 cell |

From: Navarro, Rosario <<u>Rosario.Navarro@austinenergy.com</u>> Sent: Wednesday, July 7, 2021 11:26 AM To: Aneil Naik

Subject: RE: AE approval for BOA application (1308 W 9 1/2 Street)

Aneil,

Good morning. I apologize for getting back to you until now. The employee who took care of these BOA requests suddenly left our business unit. We are currently in the process of training new employees to review these requests.

Your information has been forwarded to the Planner who will review it. I will try to get you a response by sometime next week. If he needs any other information, we will contact you.

I appreciate your patience and understanding.

Thank you, Rosario

From: Aneil Naik < Sent: Wednesday, June 30, 2021 11:03 AM To: Navarro, Rosario <<u>R</u> Subject: RE: AE approval for BOA application (1308 W 9 1/2 Street)

\*\*\* External email - Exercise caution \*\*\*

Rosario,

Following up on this approval. Please see attached and let me know if you have further questions.

Thanks, ANEIL

Aneil Naik, Senior Project Manager Drenner Group, PC | 200 Lee Barton Drive | Suite 100 | Austin, TX 78704 512-807-2900 office | 512-587-5447 cell | From: Aneil Naik
Sent: Monday, June 21, 2021 4:14 PM
To: Navarro, Rosario <<u>Rosario.Navarro@austinenergy.com</u>>
Subject: RE: AE approval for BOA application (1308 W 9 1/2 Street)

Hello Rosario,

Eben forwarded me your information as the person from whom I need to receive an approval.

I represent a client who is attempting to gain additional FAR at their residential homestead. The location is 1308 West 9 ½ Street. As part of the Board of Adjustments requirements, I'm required to provide an approval from you for such a variance. What do you need from me in order to provide this approval?

I will attach a zoning map for reference, as well as the proposed request, which is approximately a 500 square foot addition.

Thanks, ANEIL

Aneil Naik, Senior Project Manager Drenner Group, PC | 200 Lee Barton Drive | Suite 100 | Austin, TX 78704 512-807-2900 office | 512-587-5447 cell |

From: Kellogg, Eben < <a href="mailto:Eben.Kellogg@austinenergy.com">Eben.Kellogg@austinenergy.com</a>>

Sent: Monday, June 21, 2021 4:04 PM

To: Aneil Naik <a>2</a>

**Cc:** Navarro, Rosario <<u>Rosario.Navarro@austinenergy.com</u>>; Ramirez, Elaine <<u>Elaine.Ramirez@austintexas.gov</u>>; Ramirez, Diana <<u>Diana.Ramirez@austintexas.gov</u>>

**Subject:** RE: AE approval for BOA application (1308 W 9 1/2 Street)

Aniel,

I have taken a different position at Austin Energy and I no longer working within Public Involvement – Real Estate Services group.

Please reach out to Rosario Navarro. You will need to provide her with all of the documents that will accompany your case.

#### **Eben Kellogg**

IT Business Systems Analyst Sr. Projects & Technologies | System Operations & Advanced Grid Technologies Austin Energy | 2500 Montopolis Drive| Austin, TX 78741 | mobile (512)-689-0307

From: Aneil Naik <a href="mailto:search">sent: Monday, June 21, 2021 3:41 PM</a>
To: Kellogg, Eben <<u>Eben.Kellogg@austinenergy.com</u>>
Subject: AE approval for BOA application (1308 W 9 1/2 Street)

\*\*\* External email - Exercise caution \*\*\*

Eben,



I represent a client who is attempting to gain additional FAR at their residential homestead. The location is 1308 West 9 ½ Street. As part of the Board of Adjustments requirements, I'm required to provide an approval from you for such a variance. What do you need from me in order to provide this approval? I will attach a zoning map for reference.

Thanks, ANEIL

Aneil Naik, Senior Project Manager Drenner Group, PC | 200 Lee Barton Drive | Suite 100 | Austin, TX 78704 512-807-2900 office | 512-587-5447 cell |

# BOARD OF ADJUSTMENT CASE C15-2012-0147 (608 Blanco St)

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

#### DATE: Monday, April 8, 2013

CASE NUMBER: C15-2012-0147

- Y Jeff Jack
- \_\_\_\_Y\_\_\_ Michael Von Ohlen Motion to Grant
- \_\_\_Y\_\_\_ Nora Salinas
- \_\_\_Y\_\_\_ Bryan King
- Y\_\_\_\_ Fred McGhee 2<sup>nd</sup> the Motion 2<sup>nd</sup> the Motion
- \_\_\_\_Y\_\_\_ Melissa Hawthorne
- \_\_\_\_Y\_\_\_ Sallie Burchett
- \_\_\_\_-Cathy French (SRB only)

APPLICANT: Jim Bennett OWNER: Jan Currier

ADDRESS: 608 BLANCO ST

VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum floor to area ratio of Subchapter F; Article 2; Subsection 2.1 from .4 to 1.0 to .48.2 to 1.0 in order to erect an addition to an existing multi-family residence (3 units) in an "MF-4-HD-NP", Multi-Family Residence – Historic District – Neighborhood Plan zoning district.

**BOARD'S DECISION: POSTPONED TO JANUARY 14, 2013 BY APPLICANT** 

January 14, 2013 MEETING CANCELLED DUE TO NOTIFICATION ERROR POSTING OF AGENDA; SCHEDULED FOR FEB 11, 2013 FEB 11, 2013 POSTPONED TO MARCH 11, 2013 PER APPLICANT March 11, 2013 The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to April 8, 2013, Board Member Fred McGhee second on a 7-0 vote; POSTPONED TO APRIL 8, 2013.

**APRIL 8** The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition to increase the floor to area ratio .42, Board Member Fred McGhee second on a 7-0 vote; GRANTED WITH CONDITION TO INCREASE THE FLOOR TO AREA RATIO . 42

#### FINDING:

- 1. The Zoning regulations applicable to the property do not allow for a reasonable use because: this property is zoned Multi-family Historic District and is a three unit apartment and a conversion to a single family residence requires compliance with the single family requirements
- 2. (a) The hardship for which the variance is requested is unique to the property in that: this structure is an older home that has been converted to three units and to restore

and modernize the building to convert it back to a single family requires compliance with current requirements for single family use and proposed changes in conversion to 3 units to 1 unit will also include in compliance with the McMansion requirement and will allow the structure to be up graded to current acceptable living standards (b) The hardship is not general to the area in which the property is located because: not many of the structures in the area are reducing density and impervious cover in order to restore older building to original uses and maintain the appeal of the original construction while converting 3 units to one.

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 restoration and change in the number of units and the reduction of impervious cover will be an enhancement and will not change the character of this diverse neighborhood, a certificate of appropriateness, approving these changes has been approved by the Historic Landmark Commission and front portion of this building will

hot change in any manner 11

Susan Walker Executive Liaison

Chairman

F-4/23

## **BOA GENERAL REVIEW COVERSHEET**

CASE: C15-2021-0081

BOA DATE: August 9th, 2021

F-4/24

ADDRESS: 1308 W 9<sup>th</sup> Half St OWNER: Maryelaine Sotos **<u>COUNCIL DISTRICT</u>**: 9 **AGENT**: Amanda Swor

**ZONING:** SF-3-NP (Old West Austin)

**LEGAL DESCRIPTION:** LOT 4 BLK 2 OLT 4 DIV Z HANCOCK SUBD

VARIANCE REQUEST: increase the F.A.R from .4 to 1.0 (required) to .46 to 1.0

**SUMMARY:** addition/remodel existing Single-Family home

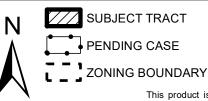
**ISSUES:** small house maxed out

	ZONING	LAND USES
Site	SF-3-NP	Single-Family
North	SF-3-NP	Single-Family
South	SF-3-NP	Single-Family
East	SF-3-NP	Single-Family
West	SF-3-NP	Single-Family

### **NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School DistrictAustin Lost and Found PetsAustin Neighborhoods CouncilFriends of Austin NeighborhoodsHomeless Neighborhood AssociationNeighborhood Empowerment FoundationOld West Austin Neighborhood AssociationOld West Austin Neighborhood Plan Contact TeamPreservation AustinSELTexasSave Historic Muny DistrictShoal Creek ConservancySierra Club, Austin Regional Group





NOTIFICATIONS CASE#: C15-2021-0081 LOCATION:1308 W 9TH 1/2 STREET

CIT OF AUG DE NDED 1838

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 <u>austintexas.gov/digitaldevelopment</u>

### 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, <u>click here to Save</u> 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: App	licant Statement		
Street Address: 1308	West 9 1/2 Street		
Subdivision Legal Des	scription:		
	utlot 4, Division Z, Hancock Sub map or plat thereof recorded in V		•
Lot(s): <u>4</u>		Block(s): <u>2</u>	
	Division: Z		
Zoning District: <u>SF-3-</u>	NP		
	Drenner Group		
	or Maryelaine Sotos & Bill Sch		
Month July	♥, Day 9 ♥, Year 2	2021	apply for a hearing before the
Board of Adjustme	nt for consideration to (select a	opropriate option be	elow):
OErect OAtta	ch 🔿 Complete 💿 Remo	tel 🔿 Maintain	Other:
Type of Structure:	Single-family home		



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

Chapter 25-2, Subchapter F, Article 2 (§ 2.1. - MAXIMUM DEVELOPMENT PERMITTED. The maximum amount of development permitted on a property subject to this Subchapter is limited to the greater of 0.4 to 1.0 floor-to-area ratio or 2,300 square feet of gross floor area, as defined in Section 3.3. This request is to allow an increased floor-to-area ratio of 0.46 to 1.0.

### **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:

This property is zoned SF-3 which allows for a single family to occupy and inhabit a single lot. The existing structure was built in 2015, however it only contains two bedrooms (and one master) in the main structure. The request is to allow for an additional bedroom and bath which will add 500 square feet to the existing home. This addition will also be located over an existing portion of flat roof, therefore building coverage and impervious cover would remain the same.

### Hardship

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

The existing structure utilized the maximum FAR allowed under 25-2,F,2.1, however floor-area-ratio requirements of this section limit development far less than what is allowed by nearby MF-4-zoned properties. The existing lot size is 7,877 square feet which limits the allowable square footage on this site to a smaller footprint than properties in the area zoned SF. The home is entirely covered in flat roofs, and the proposal would not increase impervious cover. This request is to allow an increased floor-to-area ratio from 0.40:1 to 0.46:1.0.

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

The zoning map provided in the additional space (see Section 6 of application) indicates the mix of zoning between SF-3 and MF-4. The property located at 608 Blanco Street which is zoned MF-4 was allowed by the Board of Adjustment an increased floor-area-ratio, despite having to comply with single-family requirements. This is documented in case number C15-2012-0147.

### **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 approval of this variance will not impact the area character. The property will continue to be utilized and occupied by the property owners as a single-family home. Today, there is an existing second story on a portion of the home, this addition would occupy an additional portion of the second story and will still fit within the building envelope requirements of section 25-2,F,2.6. With the proposed addition, the building footprint is not expanding and the addition is going on top of an existing flat roof, therefore there is no additional impervious cover or building coverage. (See Additional Space for continuation.)

### 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:

Not applicable.

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:

Not applicable.

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

Not applicable.

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

Not applicable.

### Section 3: Applicant Certificate

I affirm that my statements contained in the complete app my knowledge and belief.	lication are true and	d correct to the best of
my knowledge and belief. Applicant Signature:		Date: <u>07/09/2021</u>
Applicant Name (typed or printed): Amanda Swor		
Applicant Mailing Address: 200 Lee Barton Drive, Suite 1	00	
City: <u>Austin</u>	State: <u>Texas</u>	Zip: <u>78704</u>
Phone (will be public information): <u>(512) 807-2904</u>		
Email (optional – will be public information):		
Section 4: Owner Certificate		
I affirm that my statements contained in the complete app my knowledge and belief.		
Owner Signature: Mayh 05		Date: <u>05/28/2021</u>
Owner Name (typed or printed): Maryelaine Sotos & Bill S		
Owner Mailing Address: <u>1308 West 9 1/2 Street</u>		
City: Austin	State: <u>Texas</u>	Zip: <u>78703</u>
Phone (will be public information): (512)773-9303		
Email (optional – will be public information):		
Section 5: Agent Information		
Agent Name: <u>Amanda Swor</u>		
Agent Mailing Address: <u>200 Lee Barton Drive</u>		
City: Austin	State: Texas	Zip: <u>78704</u>
Phone (will be public information): (512) 807-2904		
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).

The owners have taken the time to speak with their surrounding neighbors and have received several letters of support for this request and these letters are included as part of the submittal.

E-4/29



### Additional Space (continued)

AREA CHARACTER CONTINUATION: The proposed improvements will be no higher than the existing roof elevation of the existing structure and is the same elevation as the neighbor to the west of the site. The property to the east will have a view of the new portion of the building, however, the additional room will be an addition to the existing second story and built atop an existing flat room, the roof elevation will be no higher, and the improvements will be no wider than the existing building footprint.





July 2, 2021

To Whom It May Concern: City of Austin

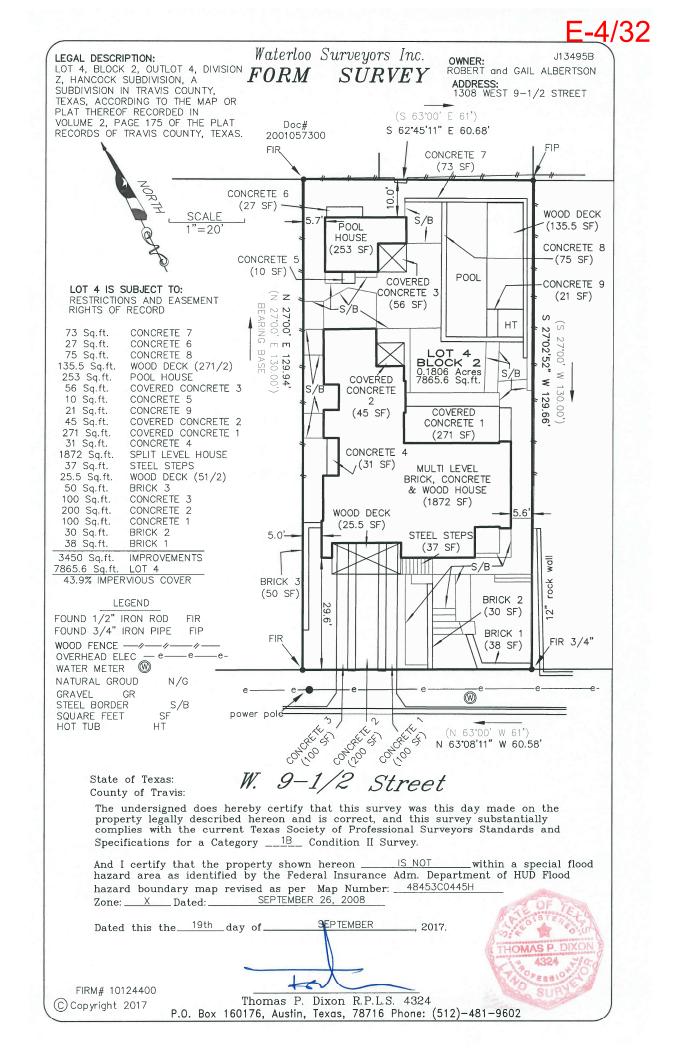
> Re: <u>1308 West 9 ½ Street</u> – Board of Adjustment application for the 0.1806acre piece of property located at 1308 West 9 ½ Street in Austin, Travis County, Texas (the "Property")

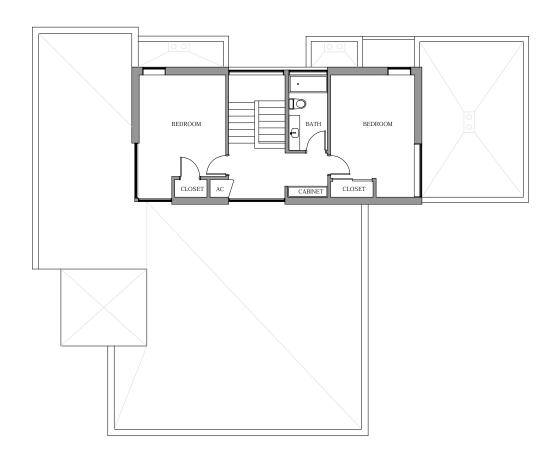
As the record owner of the above referenced Property, I hereby authorize Amanda Swor at Drenner Group PC, or her designee, to act as agent to submit the Board of Adjustment Application to the City of Austin, Texas on behalf of the owner, Maryelaine Sotos Revocable Trust, and I attest to all submittal regulations.

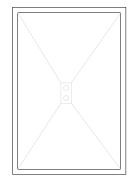
Sincerely,

Maryelaine Sotos Revocable Trust

Signature:					
Name (print):	Maryelaine Sotos				
Title:	Owner				

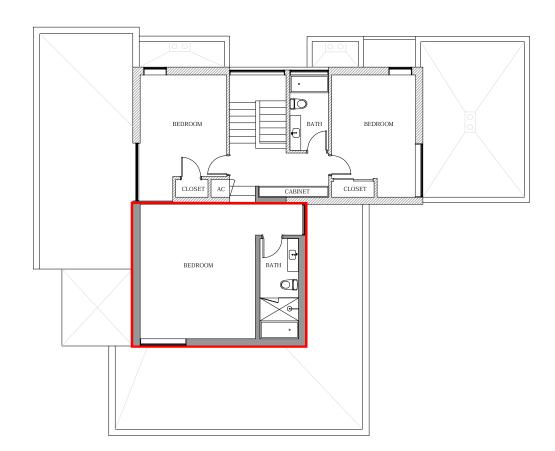






EXISTING SECOND FLOOR PLAN SCALE: 3/16" = 1'-0"

SCALE: 3/16" = 1'-0" Clarksville Residence June 15, 2021 Planning Agency





PROPOSED SECOND FLOOR PLAN - 420sf ADDITION SCALE: y/16" = 1'-0" Clarksville Residence June 15, 2021

