

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2021-0083

**BOA DATE:** September 13, 2021

**ADDRESS:** 1207 Taylor St

**COUNCIL DISTRICT:** 3

**OWNER:** 1207 Taylor Series, LLC

**AGENT:** Victoria Haase

**ZONING:** SF-3-NP (E. Cesar Chavez NP)

**LEGAL DESCRIPTION:** LOT 23 OLT 45 DIV O WENDLANDT & STAEHEL RESUB

**VARIANCE REQUEST:** LDC 25-2-492 (Site Development Regulations) to decrease the minimum Lot Size requirements from 5,750 square feet to 5,676 square feet and b) 25-2-515 (Rear Yard of a Through Lot) from setback requirements to decrease the minimum rear yard setback from 25 feet to 19.25 feet

**SUMMARY:** erect a Two-Family residential use

**ISSUES:** three protected trees, two of which are heritage trees

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

## **NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Del Valle Community Coalition  
 East Austin Conservancy  
 East Cesar Chavez Neighborhood Association  
 East Cesar Chavez Neighborhood Plan Contact Team  
 East Town Lake Citizens Neighborhood Association  
 El Concilio Mexican-American Neighborhoods  
 Friends of Austin Neighborhoods  
 Greater East Austin Neighborhood Association  
 Guadalupe Neighborhood Development Corporation  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Neighbors United for Progress  
 Preservation Austin  
 SELTexas  
 Sierra Club, Austin Regional Group  
 Tejano Town



August 26, 2021

ApplicantName  
1207 Taylor St  
Austin TX, 78702

Property Description: LOT 23 OLT 45 DIV O WENDLANDT & STAEHELY RESUB

**Re: C15-2021-0083**

Dear FirstName,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from Section 25-2-492(D) Site Development regulations – Or Section 25-2-774(B) Two Family Residential Use – to decrease the minimum lot size from 5,750 square feet (required) to 5,676 square feet; and Section 25-2-515 (Rear Yard of Through Lot) – to decrease the rear yard setback requirement from 23.56 feet to 19.25 feet.

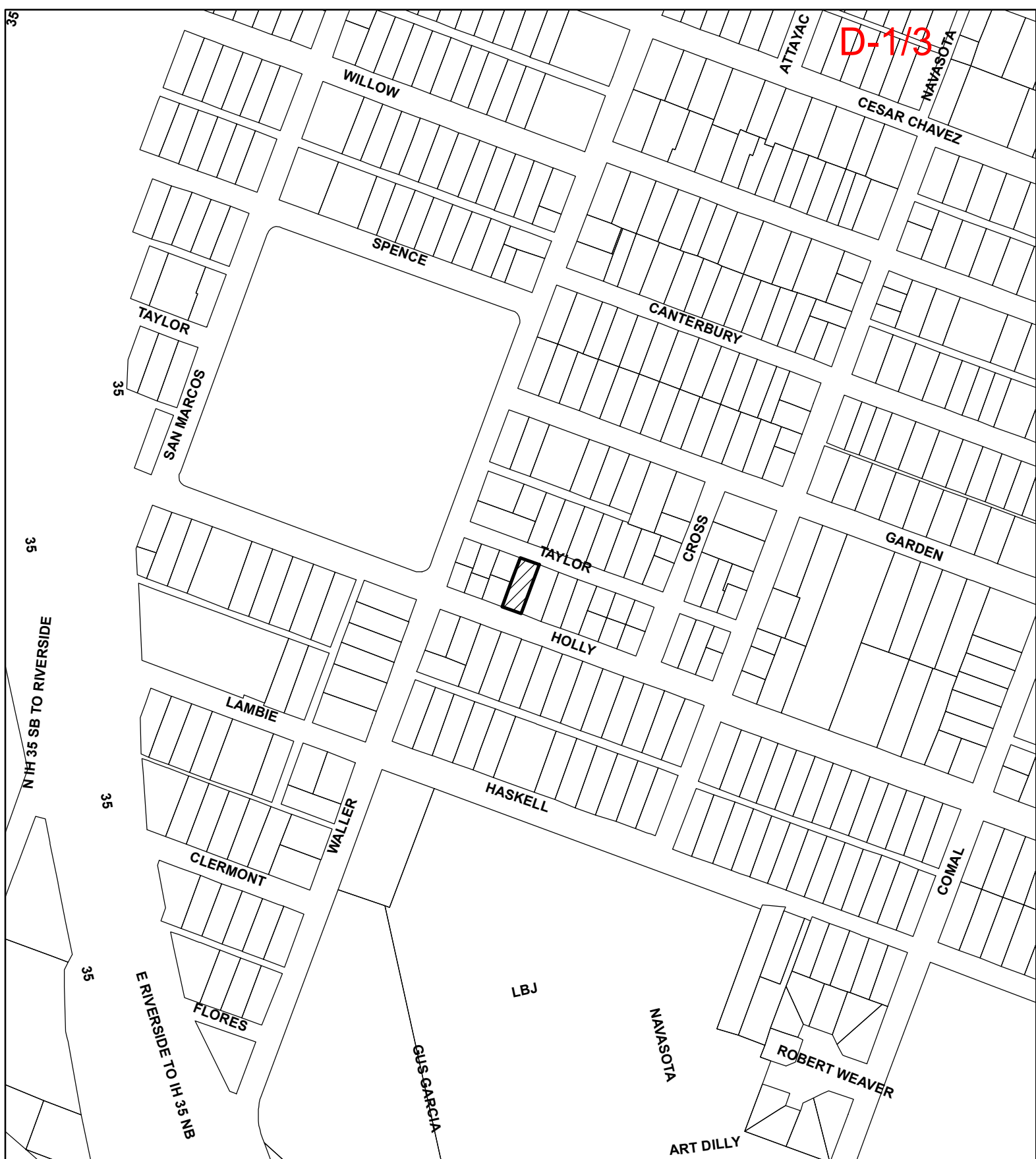
Austin Energy does not oppose the request, provided that any proposed or existing improvements follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

[https://library.municode.com/tx/austin/codes/utilities\\_criteria\\_manual?nodeId=S1AUENDECR\\_1.10.0CLSARE](https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE)

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

**Joseph Beeler, Planner II**  
Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6602



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## NOTIFICATIONS

CASE#: C15-2021-0083

LOCATION: 1207 TAYLOR 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.

1" = 292'



# Board of Adjustment General/Parking Variance Application

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

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

## **For Office Use Only**

Case # \_\_\_\_\_ ROW # \_\_\_\_\_ Tax # \_\_\_\_\_

## **Section 1: Applicant Statement**

Street Address: 1207 Taylor Street, Austin 78702

Subdivision Legal Description:

WENDLANDT & STAEHELY RESUB

Lot(s): 23 Block(s): \_\_\_\_\_

Outlot: 45 Division: 0

Zoning District: \_\_\_\_\_

I/We Thrower Design, LLC (Ron Thrower, Victoria Haase) on behalf of myself/ourselves as authorized agent for PENTA 1207 TAYLOR SERIES LLC affirm that on Month July, Day 29, 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: 2 x single family dwelling units (Two-Family Residential use)

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

Section 25-2-492 (D) Site Development Regulations - OR Section 25-2-774 (B) Two-Family Residential Use - To decrease the minimum lot size from 5,750 sq. ft.(required) to 5,676 sq. ft. (requested).

Section 25-2-515 (Rear Yard of Through Lot) - To decrease the rear yard setback requirement from 25ft (required) to 19.25ft. (requested).

## 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:

the East Cesar Chavez Neighborhood Plan demonstrates clear preference for residential development that includes secondary apartment and two-family uses. This lot has SF-3-NP zoning, which allows for Secondary Apartment Special Use and Two-Family use. However the lot was platted at 5,663 sq. ft., just under the minimum, standard lot size requirement of 5,750 sq. ft. for an SF-3 lot. Further, property is a through-lot, requiring greater rear building setback lending greater challenge to achieving the same entitlements afforded to other SF-3 lots.

### Hardship

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

the property has three protected trees of which two are heritage and must be preserved and protected. No construction can occur in the 1/2 critical root zone, thereby reducing the buildable area.

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

Many of the lots in this area have structures built decades ago and therefore were not constrained by tree root systems and reduced building area due to large rear building setbacks requirements.

**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 proposed new construction is in keeping with the intentions of the Neighborhood Plan and the character of development on adjacent lots. Of the original platted block face that is Taylor Street, 7 through-lots were subdivided and each new lot developed with a single family structure. The proposed construction of two dwelling units on one, through-lot produces the same outcome in density as the subdivided lots, with a dwelling unit on each. The reduction of the rear yard setback is also consistent with the properties that have been subdivided and now use Holly Street as the front lot line with the ability to use setback averaging.

**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:

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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:

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

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

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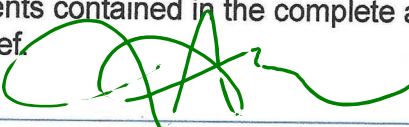
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**Section 3: Applicant Certificate**

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: 07/26/2021

Applicant Name (typed or printed): Victoria G Haase

Applicant Mailing Address: P.O. Box 41957

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 476-4456

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: \_\_\_\_\_

Owner Name (typed or printed): LBS CANTER, MANAGER, 1207 TAYLOR SERIES, LLC

Owner Mailing Address: 3939 BEE CAVES RD C-100

City: AUS State: TX Zip: 78746

Phone (will be public information): (512) 426-6652

Email (optional – will be public information): 


**Section 5: Agent Information**

Agent Name: Thrower Design, LLC

Agent Mailing Address: P.O. Box 41957

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 476-4456

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).

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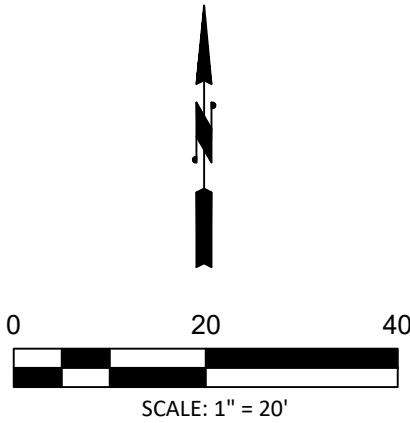
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TITLE AND TOPOGRAPHIC SURVEY  
OF LOT 23  
WENDLANDT & STAEHEL RESUBDIVISION  
IN OUTLOT 45 IN DIVISION "O"  
VOLUME 3, PAGE 88  
PLAT RECORDS, TRAVIS COUNTY, TX



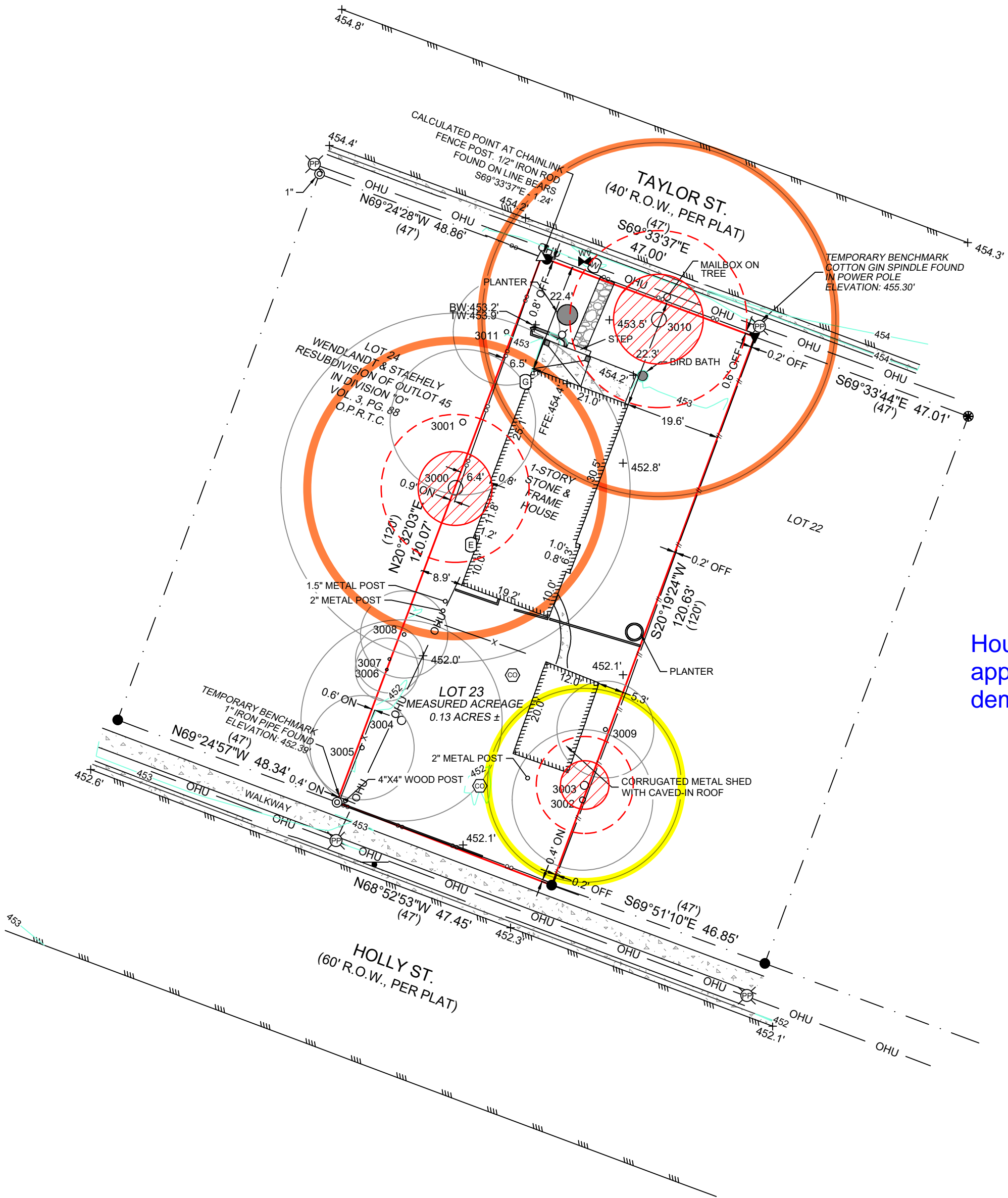
TITLE COMMITMENT NOTES:

COMMITMENT FOR TITLE INSURANCE PREPARED BY: TITLE RESOURCES GUARANTY COMPANY, FILE NO. 2058344-WSR, EFFECTIVE DATE: SEPTEMBER 30, 2020

THE SURVEYOR HAS RELIED UPON THE REFERENCED COMMITMENT FOR TITLE REGARDING EASEMENTS, RESTRICTIONS AND OTHER MATTERS AFFECTING THIS PROPERTY. NO ADDITIONAL RESEARCH WAS DONE FOR THE PURPOSE OF THIS SURVEY. SURVEYOR'S NOTES AND/OR OBSERVATIONS SHOWN IN BRACKETS. [ ]

NO EASEMENTS WERE LISTED IN THE TITLE COMMITMENT

LEGEND	
	COTTON GIN
	SPINDLE FOUND
	MAG NAIL FOUND
	1/2" IRON ROD FOUND
	IRON PIPE FOUND
	(TYPE NOTED)
	CALCULATED POINT
	GAS METER
	ELECTRIC METER
	WATER METER
	CLEAN OUT
	POWER POLE
	FAUCET
	WATER VALVE
	SIGN
	TEMPORARY BENCHMARK
	CRITICAL ROOT ZONE =
	DIAMETER EQUAL IN FEET TO
	TWICE THE NUMBER OF INCHES
	OF THE TREE'S TRUNK DIAMETER
	OHU
	OVERHEAD UTILITY
	X
	HOGWIRE FENCE
	WOOD FENCE
	CHAIN LINK FENCE
	PROPERTY LINE
	EDGE OF PAVEMENT
	ADJOINER LINE
	CONCRETE AREA
	STONE AREA
	WALLS
	VOL. PG.
	P.R.T.C.
	ON/OFF
	R.O.W.
	( )
	FFE
	TW
	BW
	+ 100'
	(P)
	(H)
	(M)



FLOOD INFORMATION

PER WWW.FEMA.GOV, THIS PROPERTY APPEARS TO BE LOCATED IN ZONE X (0.2 PCT ANNUAL CHANCE FLOOD HAZARD). THIS PROPERTY WAS FOUND IN MAP NUMBER 48453C0465K, DATED 01/22/2020.

DATUM & BEARING BASIS

TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE (4203), NAD 83. ELEVATION DATA NAVD 88, GEOID 12B. DISTANCES IN US SURVEY FEET (GRID).

GENERAL NOTES:

- 1) THIS PROPERTY IS SUBJECT TO ANY AND ALL RECORDED AND UNRECORDED EASEMENTS. SURVEYOR HAS MADE NO INVESTIGATION FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS OR OWNERSHIP TITLE EVIDENCE.
- 2) THIS SURVEY ONLY SHOWS ABOVE GROUND IMPROVEMENTS.
- 3) SUBJECT TO ALL APPLICABLE DEVELOPMENT CODES AND ZONING ORDINANCES.
- 4) DUE TO DIFFERING BUILDING PRACTICES, BUILDING DIMENSIONS ARE APPROXIMATE.
- 5) ANY UTILITIES SHOWN HEREON MAY BE EXAGGERATED FOR GRAPHIC REPRESENTATION ONLY.
- 6) OWNERSHIP DEED RECORDED IN VOLUME 10919, PAGE 1024, TRAVIS COUNTY RECORDS
- 7) TREE TYPES TO BE VERIFIED BY CERTIFIED ARBORIST.

TO: PROPOSED INSURED (LOGAN CANTER) AND CURRENT OWNER (ELNORA BARRS, INDIVIDUALLY AND THE HEIRS AT LAW OF GREAL BARRS)

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II LAND TITLE SURVEY.

DATE OF LAST FIELD WORK: OCTOBER 15, 2020

SETH REICHENAU, R.P.L.S. NO. 6735 OCTOBER 30, 2020  
FIRM NO. 10194157

DRAWN BY: EO REVIEWED BY: SPR  
FIELD CREW: JK

REVISION #:



TREE TABLE		
Tag No.	Type	Trunk
3000	PECAN	30.5X11 (M,H)
3001	PECAN	15 "
3002	HACKBERRY	14.5 "
3003	HACKBERRY	20 "(P)
3004	POPLAR	14X13.5(M)
3005	HACKBERRY	8.5X4.5(M)
3006	PECAN	6.5 "
3007	PECAN	7 "
3008	PECAN	9 "
3009	HACKBERRY	10 "
3010	PECAN	36.5 "(H)
3011	PALM	11 "

SURVEYED FOR: CANTER  
PROJECT NO. 20-0326  
1207 TAYLOR ST.,  
AUSTIN, TX

**SURVEY WORKS**  
INFO@SURVEYWORKSAUSTIN.COM  
SURVEYWORKSAUSTIN.COM  
1207 UPLAND DRIVE  
AUSTIN, TX 78741  
FIRM #10194157  
(512) 599-8067



HOLLY STREET

TAYLOR STREET

TAYLOR STREET

19.25' FRONTYARD SETBACK (VIA SETBACK AVG)

5' SIDEYARD SETBACK

23.56' FRONTYARD SETBACK (VIA SETBACK AVG)

5' SIDEYARD SETBACK

6.5' PECAN  
(3005)

7' PECAN  
(3007)

8' PECAN  
(3008)

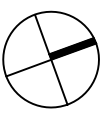
30.5'x11' (M/H) PECAN  
(3009)

15' PECAN  
(3001)

11' PALM  
(3011)

36.5' (H) PECAN  
(3010)

PLAN 2  
SCALE: 1/4" = 1'-0"





**Miró Rivera Architects**

## Setback Averaging

**Project: 1207 Taylor Street**

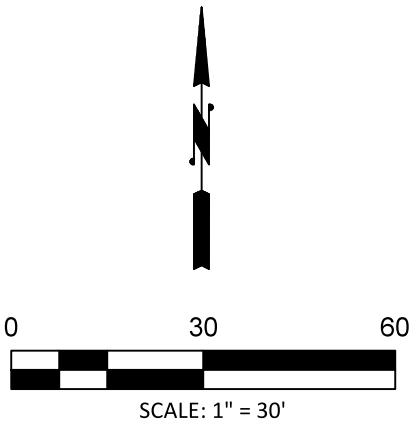
Project Number: 2104

Taylor Street Address	Dimension 1	Dimension 2	Holly Street	Dimension 1	Dimension 2	Taylor Street
1203	22.70 '	22.90 '	22.80 '	24.90 '	24.90 '	24.90 '
1205	19.60 '	19.70 '	19.65 '	24.00 '	23.80 '	23.90 '
1207	22.50 '	22.90 '	22.70 ' <sup>1</sup>	22.10 '	22.20 '	22.15 '
1209	55.70 '	55.90 '	55.80 ' <sup>2</sup>	22.70 '	22.70 '	22.70 '
1211	15.30 '	15.30 '	15.30 '	24.10 '	24.20 '	24.15 '
Setback Average			19.25 ' <sup>1,2</sup>			23.56 '

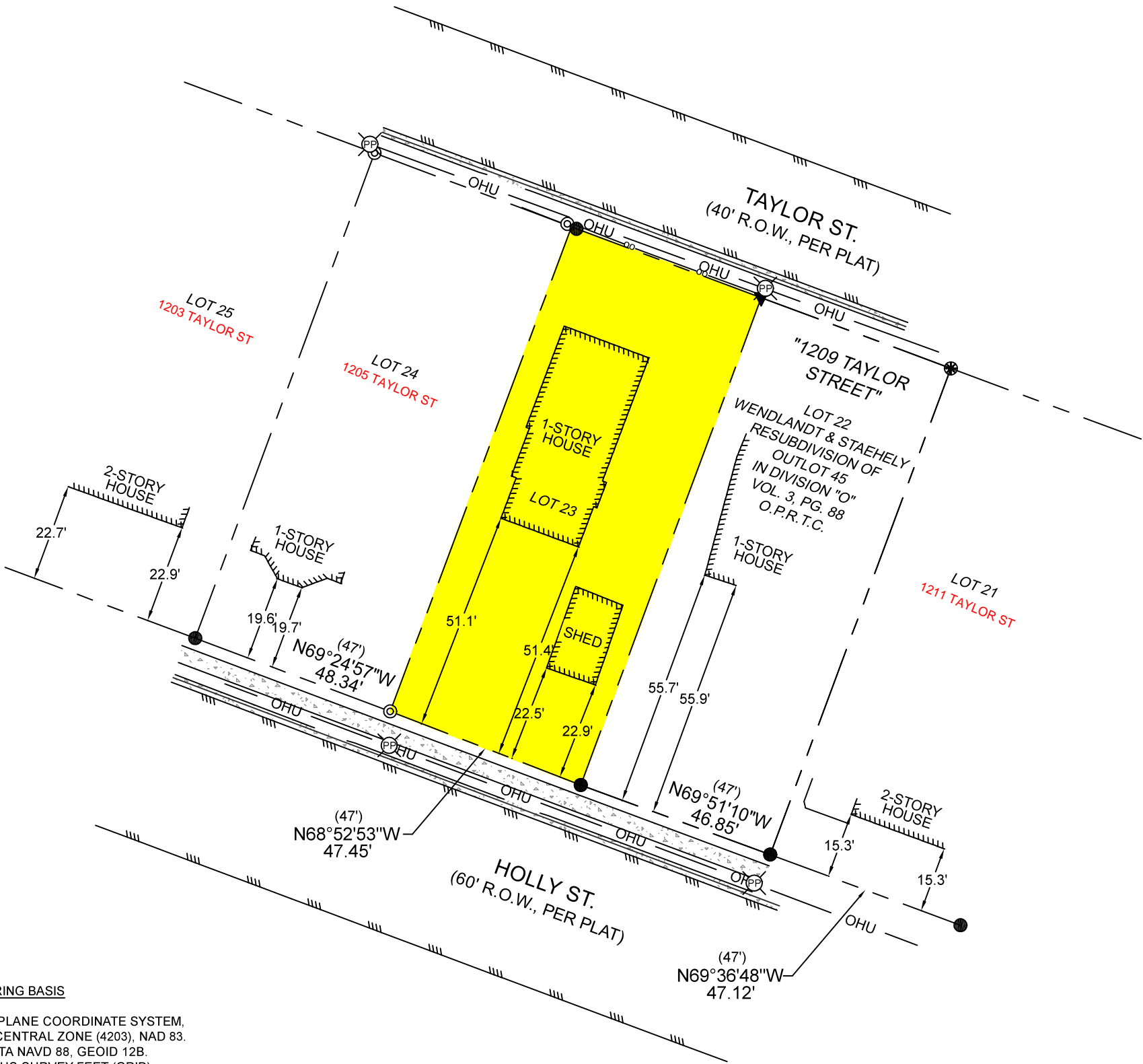
NOTE 1 - Surveyed setbacks for 1207 have not been figured into averages as structures is shed, not facing Holly Street

NOTE 2 - Surveyed setback for 1209 Taylor street has not been figured into averages as dimension is >50'

SETBACK AVERAGE EXHIBIT  
OF LOT 22  
WENDLANDT & STAEHELY RESUBDIVISION  
IN OUTLOT 45 IN DIVISION "O"  
VOLUME 3, PAGE 88  
PLAT RECORDS, TRAVIS COUNTY, TX



LEGEND	
	COTTON GIN
	SPINDLE FOUND
	MAG NAIL FOUND
	1/2" IRON ROD FOUND (UNLESS NOTED)
	IRON PIPE FOUND (TYPE NOTED)
	POWER POLE
	OVERHEAD UTILITY
	EDGE OF PAVEMENT
	ADJOINER LINE
	VOLUME AND PAGE
	PLAT RECORDS
	TRAVIS COUNTY
	RIGHT OF WAY RECORD INFORMATION



DATUM & BEARING BASIS

TEXAS STATE PLANE COORDINATE SYSTEM,  
GRID NORTH, CENTRAL ZONE (4203), NAD 83.  
ELEVATION DATA NAVD 88, GEOID 12B.  
DISTANCES IN US SURVEY FEET (GRID).

GENERAL NOTES:

- 1) THIS PROPERTY IS SUBJECT TO ANY AND ALL RECORDED AND UNRECORDED EASEMENTS. SURVEYOR HAS MADE NO INVESTIGATION FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS OR OWNERSHIP TITLE EVIDENCE.
- 2) THIS SURVEY ONLY SHOWS ABOVE GROUND IMPROVEMENTS.
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I CERTIFY THAT THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF TEXAS TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE OF LAST FIELD WORK: DECEMBER 17, 2020

SETH REICHENAU, R.P.L.S. NO. 6735 JANUARY 4, 2021

DRAWN BY: EO REVIEWED BY: SPR  
FIELD CREW: JZ

REVISION #:

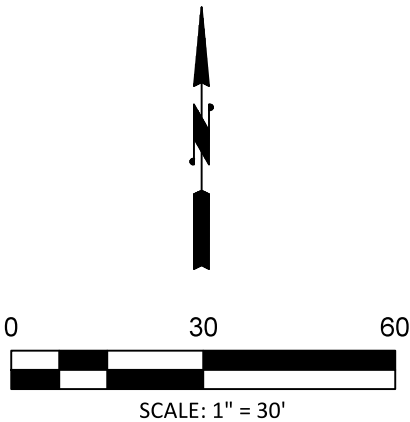


SURVEYED FOR: PONCE  
PROJECT NO. 20-0408  
1209 TAYLOR ST,  
AUSTIN, TX

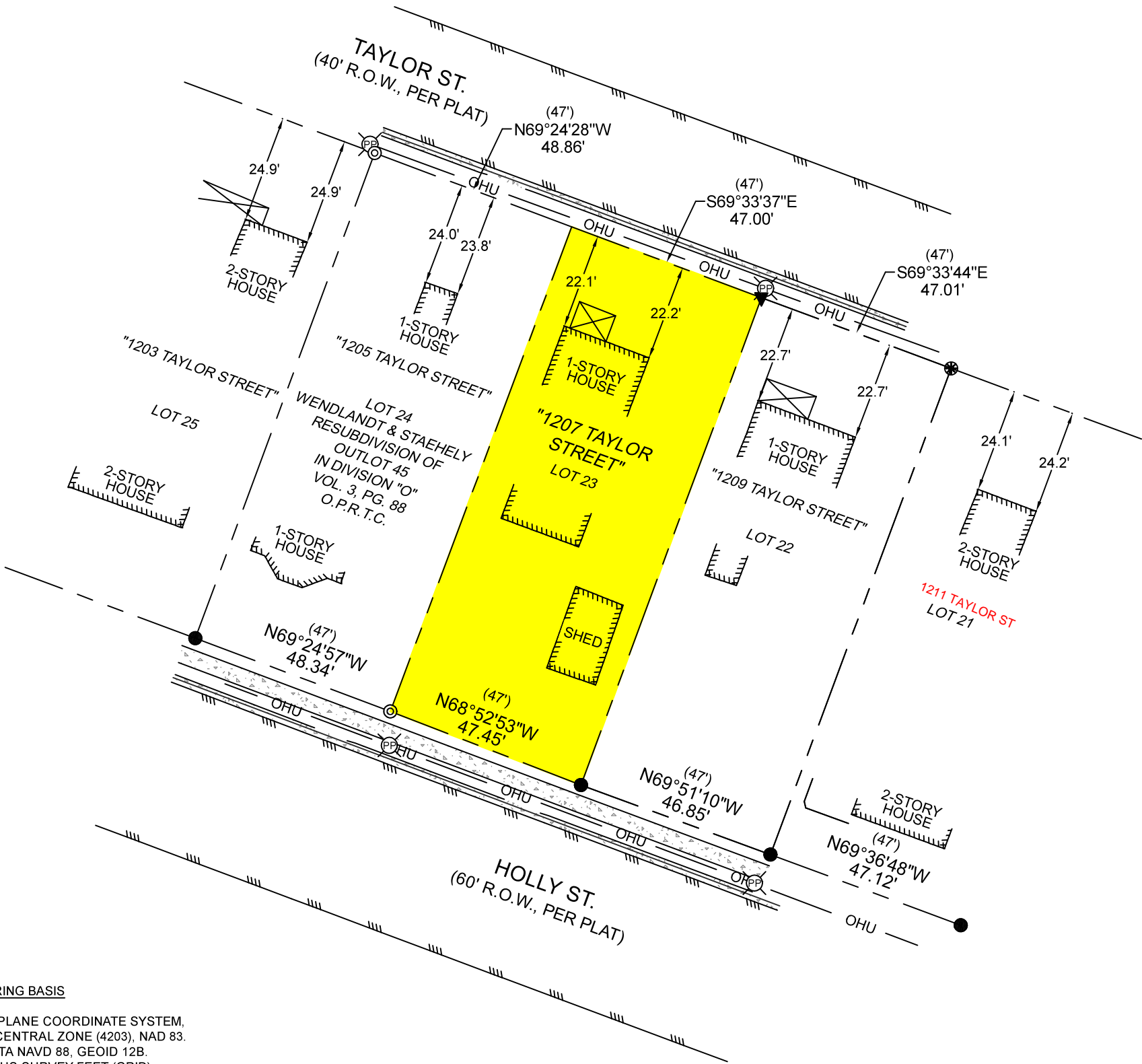


INFO@SURVEYWORKSAUSTIN.COM  
SURVEYWORKSAUSTIN.COM  
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FIRM #10194157  
(512) 599-8067

SETBACK AVERAGE EXHIBIT  
OF LOT 23  
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PLAT RECORDS, TRAVIS COUNTY, TX



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	RIGHT OF WAY
	RECORD INFORMATION



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DATE OF LAST FIELD WORK: JANUARY 13, 2021

SETH REICHENAU, R.P.L.S. NO. 6735 JANUARY 20, 2021

DRAWN BY: EO REVIEWED BY: SPR  
FIELD CREW: JZ

REVISION #:



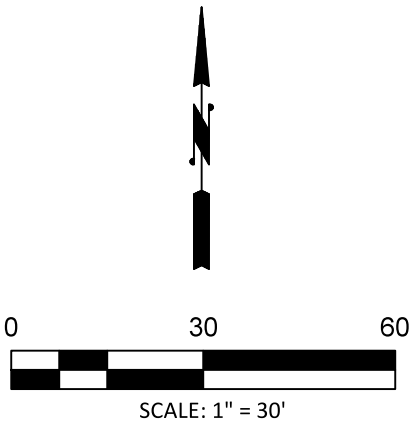
SURVEYED FOR: CANTER  
PROJECT NO. 20-0408.01  
1207 TAYLOR ST,  
AUSTIN, TX



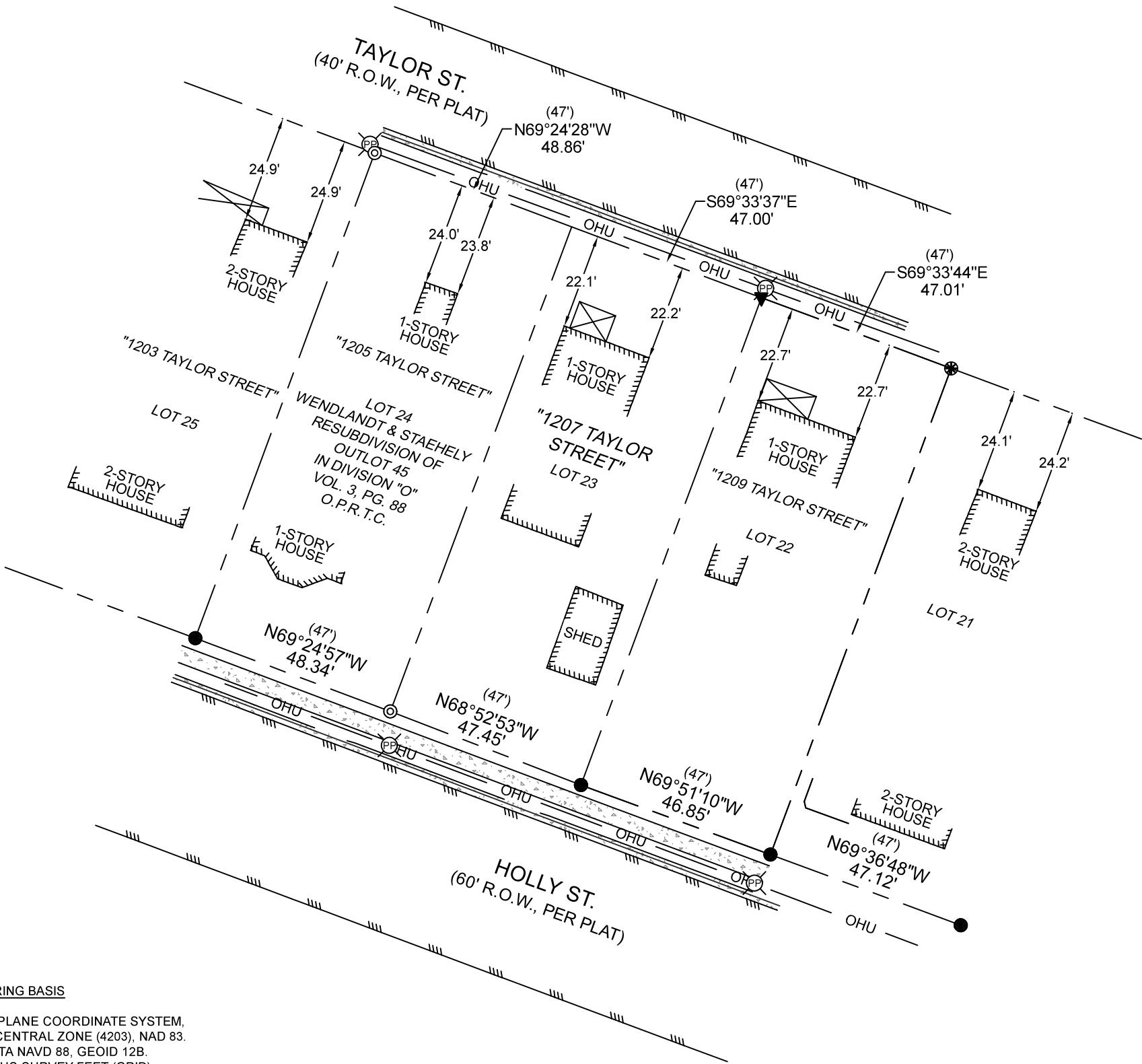
INFO@SURVEYWORKSAUSTIN.COM  
SURVEYWORKSAUSTIN.COM  
1207 UPLAND DRIVE  
AUSTIN, TX 78741  
FIRM #10194157  
(512) 599-8067



SETBACK AVERAGE EXHIBIT  
OF LOT 23  
WENDLANDT & STAEHELY RESUBDIVISION  
IN OUTLOT 45 IN DIVISION "O"  
VOLUME 3, PAGE 88  
PLAT RECORDS, TRAVIS COUNTY, TX



LEGEND	
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	SPINDLE FOUND
	MAG NAIL FOUND
	1/2" IRON ROD FOUND (UNLESS NOTED)
	IRON PIPE FOUND (TYPE NOTED)
	POWER POLE
	OVERHEAD UTILITY
	EDGE OF PAVEMENT
	ADJOINER LINE
	VOL. PG.
	P.R.T.C.
	TRAVIS COUNTY
	R.O.W.
	( )



DATUM & BEARING BASIS

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GRID NORTH, CENTRAL ZONE (4203), NAD 83.  
ELEVATION DATA NAVD 88, GEOID 12B.  
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DATE OF LAST FIELD WORK: JANUARY 13, 2021

  
SETH REICHENAU, R.P.L.S. NO. 6735    JANUARY 20, 2021

DRAWN BY: EO    REVIEWED BY: SPR  
FIELD CREW: JZ

REVISION #:



SURVEYED FOR: CANTER  
PROJECT NO. 20-0408.01  
1207 TAYLOR ST,  
AUSTIN, TX



INFO@SURVEYWORKSAUSTIN.COM  
SURVEYWORKSAUSTIN.COM  
1207 UPLAND DRIVE  
AUSTIN, TX 78741  
FIRM #10194157  
(512) 599-8067