

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2022-0024

**BOA DATE:** March 14<sup>th</sup>, 2022

**ADDRESS:** 2206 S 3<sup>rd</sup> St

**COUNCIL DISTRICT:** 9

**OWNER:** Christian Merritt

**AGENT:** Michael Linehan

**ZONING:** SF-3-NP (Bouldin Creek)

**LEGAL DESCRIPTION:** LOT 13 & E 10.8FT AV OF LOT 11 BLK 8 BOULDIN SOUTH EXTENSION

**VARIANCE REQUEST:** decrease the minimum lot width from 50 feet (required) to 43.02 feet (requested)

**SUMMARY:** erect Single-Family residence

**ISSUES:** property platted in 1893 at 43 feet.

|              | <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>  | GR-MU-H-CO-NP | Community Commercial-Mixed Use |

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Bouldin Creek Neighborhood Association  
 Bouldin Creek Neighborhood Plan Contact Team  
 Bouldin Creek Zoning Committee  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Perry Grid 614  
 Preservation Austin  
 SELTexas  
 Sierra Club, Austin Regional Group  
 South Central Coalition



February 24, 2022

Michael Linehan  
1411 West 5th Street  
Austin TX, 78703

Property Description: LOT 13 & E 10.8FT AV OF LOT 11 BLK 8 BOULDIN SOUTH  
EXTENSION

**Re: C15-2022-0024**

Dear Michael,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from LDC 25-2-492(D) - Minimum Lot Width at 2206 S 3<sup>rd</sup> St.

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.

**Cody Shook, Planner II**

Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6881

City of Austin Board of adjustments Variance Request

Dear Board of Adjustments,

This letter pertains to the property located at 2206 S 3rd St, legally known as Lot 13 and the east 10.8 feet of Lot 11, Block 8, James E. Bouldin Addition South Extension. The property owner is seeking a variance for relief from 25-2-492 (D) Minimum lot width. COA LDC requires lots zoned SF-3 platted after March 1946 to have a minimum width of 50' of frontage along a public road. The subject lot is 43.02' wide, it was subdivided in 1893 and subsequently received land status determination in 2003. The property is currently developed as a single-family residence with an accessory structure, proposed development is also a single-family residence with an accessory structure that conforms with current COA code and design standards.

Additionally, there are many substandard lots in the immediate vicinity that are less than 50' in width that have received building permits for new construction, and multiple that have been granted variances for relief from 25-2-492 (D) Minimum lot width. These properties include but may not be limited to, 2207 S. 3rd St, 2303 S 3rd St, 705 Fletcher St, 703 Fletcher St.

This Variance request is in keeping with the development patterns and neighborhood character of the district and area. Strict application of the COA LDC regulations would deprive the owner privileges enjoyed by other property owners in the area that have the same zoning designation and similar or even more deficient lot widths and or sizes.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Linehan".

Michael Linehan, AIA  
Managing Partner  
Land Strategies Inc.



# 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: 2206 South 3rd Street

Subdivision Legal Description:

Lot 13 and the east 10.8 feet of Lot 11, Block 8, James E. Bouldin Addition South Extension

Lot(s): 13 Block(s): 8

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF-3-NP

I/We Michael Linehan on behalf of myself/ourselves as  
authorized agent for Christian and Kate Merritt affirm that on  
Month February, Day 8, Year 2022, 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: single-family residence

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

25-2-492(D) Minimum Lot Width (minimum lot width required is 50 feet. proposed minimum lot width is 43.02 feet.)

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## 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 property is zoned SF-3. It was subdivided in 1893, and recieved a land status determination in 2003. The property is currently devloped with an aged single family residence and accessory structure, the proposed use is to remain the same. Plan Review and Building Permits cannot be approved for the construction of a new single-family residence without an approved variance to 25-2-492(D) Minimum Lot Width.

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### Hardship

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

The subject property was platted in 1893 at 43 feet in width- several lots in this subdivision are approximately 45 feet in width while adjacent subdivisions contain multiple irregular lots that do not meet SF-3 Minimum lot size requirements.

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

Other lots in adjacent subdivisions have a width of greater than 50 feet in width.

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**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 applicant seeks to construct a single-family residence which will conform seamlessly into the existing neighborhood character. The existing use on the subject property is a single family residence with an accessory structure, the proposed use is a single family residence with an accessory structure which conforms with current code and design standards.

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**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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### 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: Michael Linehan Digitally signed by Michael Linehan  
Date: 2022.02.09 09:02:00 -06'00' Date: 02/09/2022

Applicant Name (typed or printed): Michael Linehan

Applicant Mailing Address: 1411 West 5th Street

City: Austin State: Texas Zip: 78703

Phone (will be public information): 328-6050

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: Christian Merritt Digitally signed by Christian Merritt  
DN: cn=Christian Merritt, g=Christian Merritt, c=US, United States, In=US, United States, e=merrittcb@gmail.com  
Reason: I am the owner of the property  
Location:  
Date: 2022.02.08 17:24:06:00 Date: 02/08/2022

Owner Name (typed or printed): Christian Merritt

Owner Mailing Address: 915 West Annie Street

City: Austin State: Texas Zip: 78704

Phone (will be public information): (817) 480-4998

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

### Section 5: Agent Information

Agent Name: Michael Linehan

Agent Mailing Address: 1411 West 5th Street

City: Austin State: Texas Zip: 78703

Phone (will be public information): 328-6050

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).

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City of Austin  
Watershed Protections & Development Review

LAND STATUS DETERMINATION  
1987 RULE PLATTING EXCEPTION

06/30/2003

File Number: C8I-03-0161

Address: 2206 S 3RD ST

Tax Parcel ID: 0402030211

Map Date: 08/28/2002

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

The parcel of land consists of five acres or less, and is described as being the east 10.8 feet of Lot 11 and all of Lot 13, Block 8, South Extension Of Bouldin Addition Subdivision in the current deed, recorded on 03/17/2000, in Document #200040201, Travis County Deed Records. This parcel existed in its current configuration on August 31, 1987, as evidenced by the official 12/01/1979 tax plat map published by the Travis Central Appraisal District. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on August 31, 1987, as evidenced by electric service on 11/29/1973. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:  
NONE

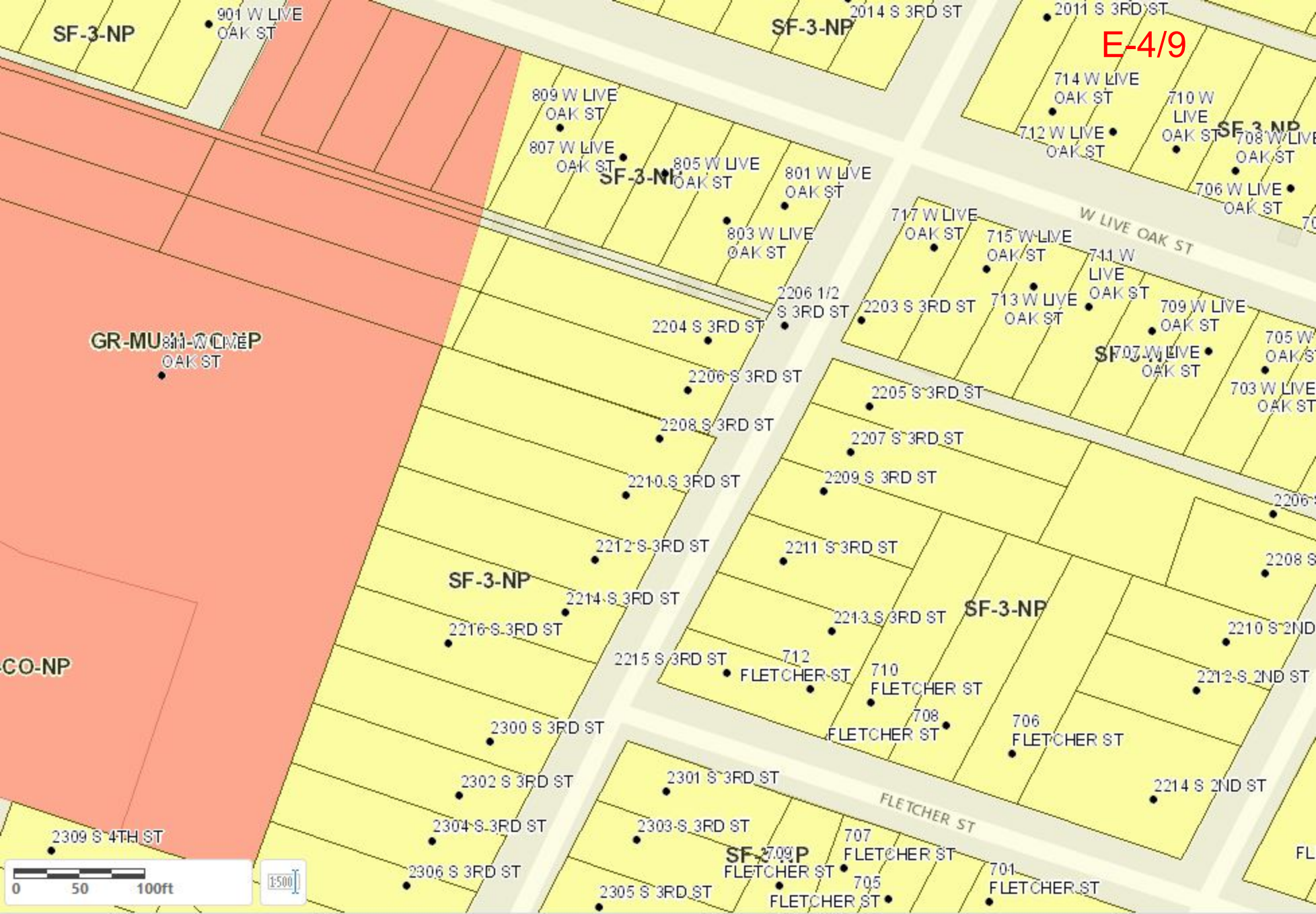
This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval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

By: Hector Avila

HECTOR AVILA

Director (or representative)  
Watershed Protections & Development Review





E-4/9

GR-MU-81-00-MP  
OAK ST

SF-3-NP

SF-3-NP

SF-3-NP

CO-NP

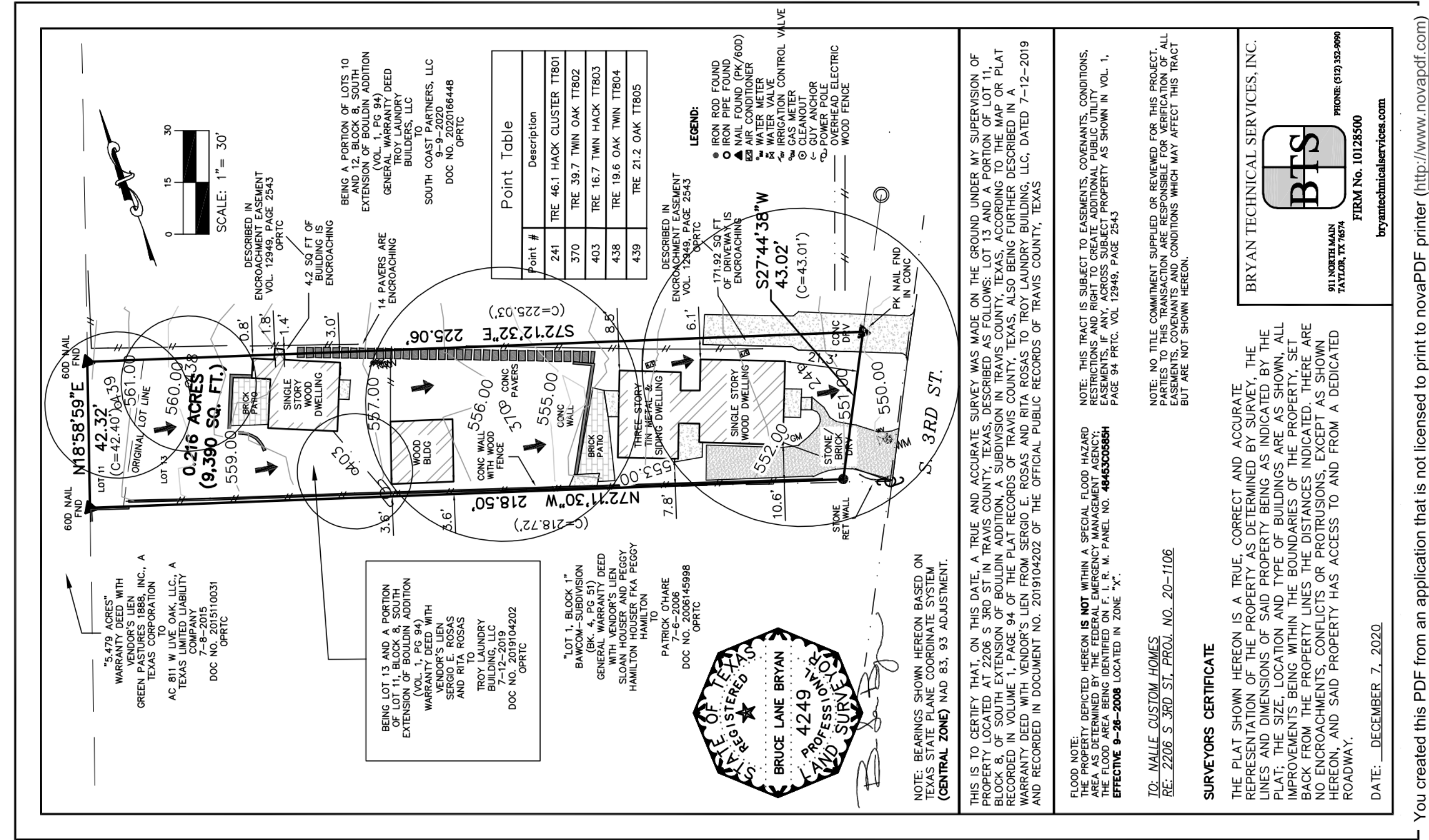
0 50 100ft

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SCALE: 1" = 30'

A0-0

SHEET

SHEET NAME

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REVISIONS

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MERRITT RESIDENCE

2206 S 3rd St. Austin, TX 78704

LSI #: 1947

NOTES:  
1.



1411 W 5th Suite 100  
Austin, TX 78703  
PH: (512) 328-6050  
FAX: (512) 328-6172  
EMAIL: LSI@LSIAustin.com  
WEBSITE: LSIaustin.com

1983 - 2021  
38  
YEARS OF EXCELLENCE

LAND STRATEGIES INC.

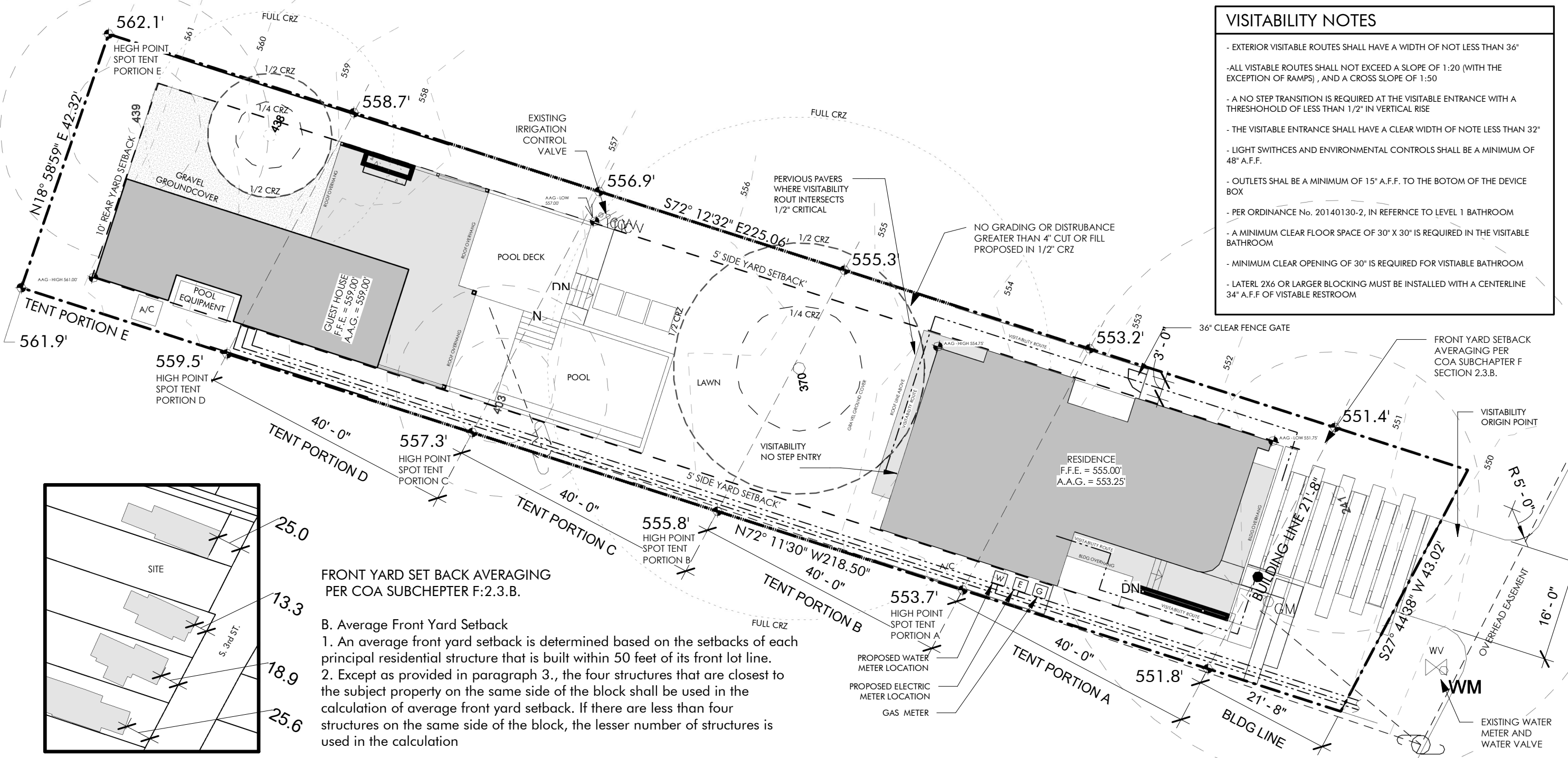


E-4/11

RESIDENTIAL BUILDING PERMIT SITE CALCULATIONS

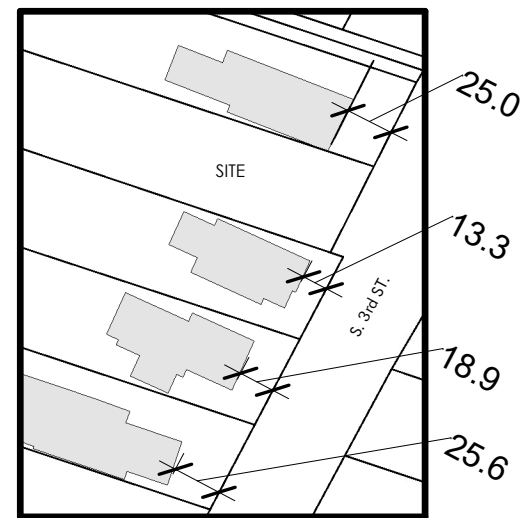
E-4/12

| <u>SITE AREA:</u>                   |            | <u>BUILDING COVER CALCS</u> |         | <u>IMPERVIOUS COVER CALCS</u> |            | <u>F.A.R. CALCS</u> |         |
|-------------------------------------|------------|-----------------------------|---------|-------------------------------|------------|---------------------|---------|
| ALLOWABLE BUILDING COVER (40%):     | 3756.17 SF | PRIMARY LEVEL 1:            | 1422 SF | PRIMARY RESIDENCE:            | 1849.76 SF | LEVEL 1:            | 1422 SF |
| PROPOSED BUILDING COVER: (31.82%)   | 2988 SF    | FRONT OVERHANG              | 210 SF  | ACCESSORY STRUCTURE:          | 700 SF     | LEVEL 2:            | 1561 SF |
|                                     |            | REAR OVERHANG               | 97 SF   | DRIVE:                        | 438.79 SF  | GARAGE:             | 520 SF  |
| ALLOWABLE IMPERVIOUS COVER(45%):    | 4426 SF    | GUEST HOUSE LEVEL 1:        | 700 SF  | POOL DECK:                    | 866.43 SF  | OVERHANG:           | 210 SF  |
| PROPOSED IMPERVIOUS COVER:(41.95%): | 3939.49 SF | GUEST HOUSE COVERED PATIO   | 559 SF  | POOL COPING:                  | 33.01 SF   | ACCESSORY:          | 715 SF  |
|                                     |            |                             |         | AC PADS:                      | 51.5 SF    | GARAGE EXEMPTION:   | -200 SF |
| ALLOWABLE F.A.R. :(0.400 : 1)       | 3756.17 SF |                             |         |                               |            |                     |         |
| PROPOSED F.A.R. : (0.400 : 1)       | 3756 SF    | TOTAL BUILDING COVER:       | 2988 SF | TOTAL IMPERVIOUS COVER:       | 3939.49 SF | TOTAL F.A.R.        | 3756 SF |



**VISITABILITY NOTES**

- EXTERIOR VISITABLE ROUTES SHALL HAVE A WIDTH OF NOT LESS THAN 36"
- ALL VISTABLE ROUTES SHALL NOT EXCEED A SLOPE OF 1:20 (WITH THE EXCEPTION OF RAMPS) , AND A CROSS SLOPE OF 1:50
- A NO STEP TRANSITION IS REQUIRED AT THE VISITABLE ENTRANCE WITH A THRESHOHOOLD OF LESS THAN 1/2" IN VERTICAL RISE
- THE VISITABLE ENTRANCE SHALL HAVE A CLEAR WIDTH OF NOTE LESS THAN 32"
- LIGHT SWITHCES AND ENVIRONMENTAL CONTROLS SHALL BE A MINIMUM OF 48" A.F.F.
- OUTLETS SHALL BE A MINIMUM OF 15" A.F.F. TO THE BOTOM OF THE DEVICE BOX
- PER ORDINANCE No. 20140130-2, IN REFERENCE TO LEVEL 1 BATHROOM
- A MINIMUM CLEAR FLOOR SPACE OF 30" X 30" IS REQUIRED IN THE VISITABLE BATHROOM
- MINIMUM CLEAR OPENING OF 30" IS REQUIRED FOR VISTIABLE BATHROOM
- LATERL 2X6 OR LARGER BLOCKING MUST BE INSTALLED WITH A CENTERLINE 34" A.F.F OF VISTABLE RESTROOM



**FRONT YARD SET BACK AVERAGING PER COA SUBCHEPTER F:2.3.B.**

**B. Average Front Yard Setback**


1. An average front yard setback is determined based on the setbacks of each principal residential structure that is built within 50 feet of its front lot line.

2. Except as provided in paragraph 3., the four structures that are closest to the subject property on the same side of the block shall be used in the calculation of average front yard setback. If there are less than four structures on the same side of the block, the lesser number of structures is used in the calculation

**BUILDING LINE SETBACK PER SUBCHAPTER F SECTION 2.3.B = 20.7'**  
**PROPOSED BUILDING LINE = 21'-8"**

② **Front Yard Averaging**  
**1" = 100'-0"**


① **SITE PLAN**  
**1/16" = 1'-0"**  **SCALE: As indicated**



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REGISTERED ARCHITECT  
MICHAEL LINE  
STATE OF TEXAS  
26973

NOTES:

1.

**MERRITT RESIDENCE**

2206 S 3rd St. Austin, TX 78704

LSI #: 1947

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Site Plan

SHEET

A0-1





NOTES:  
1.

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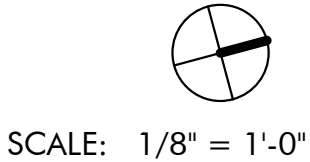
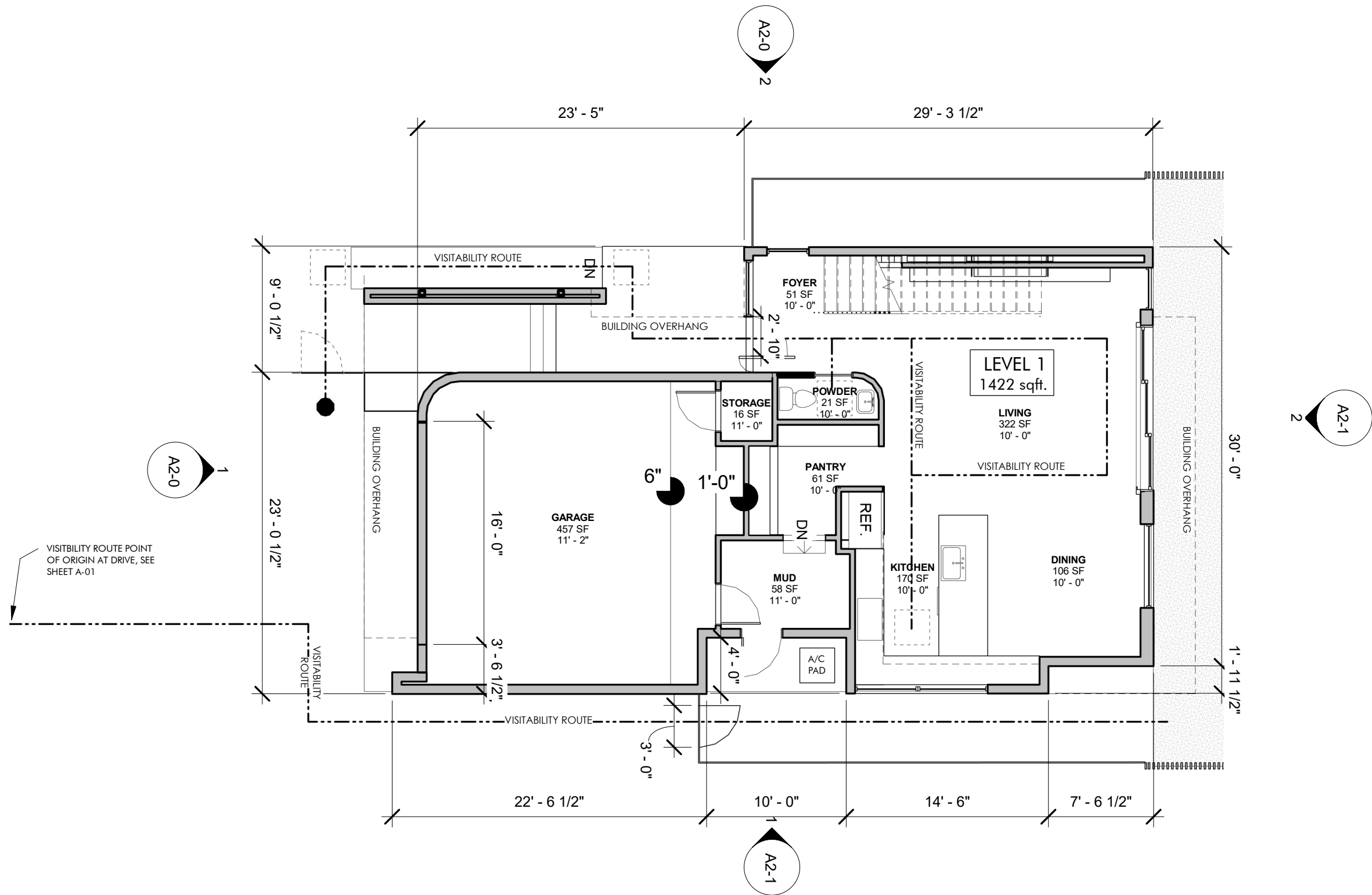
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Level 1

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1.

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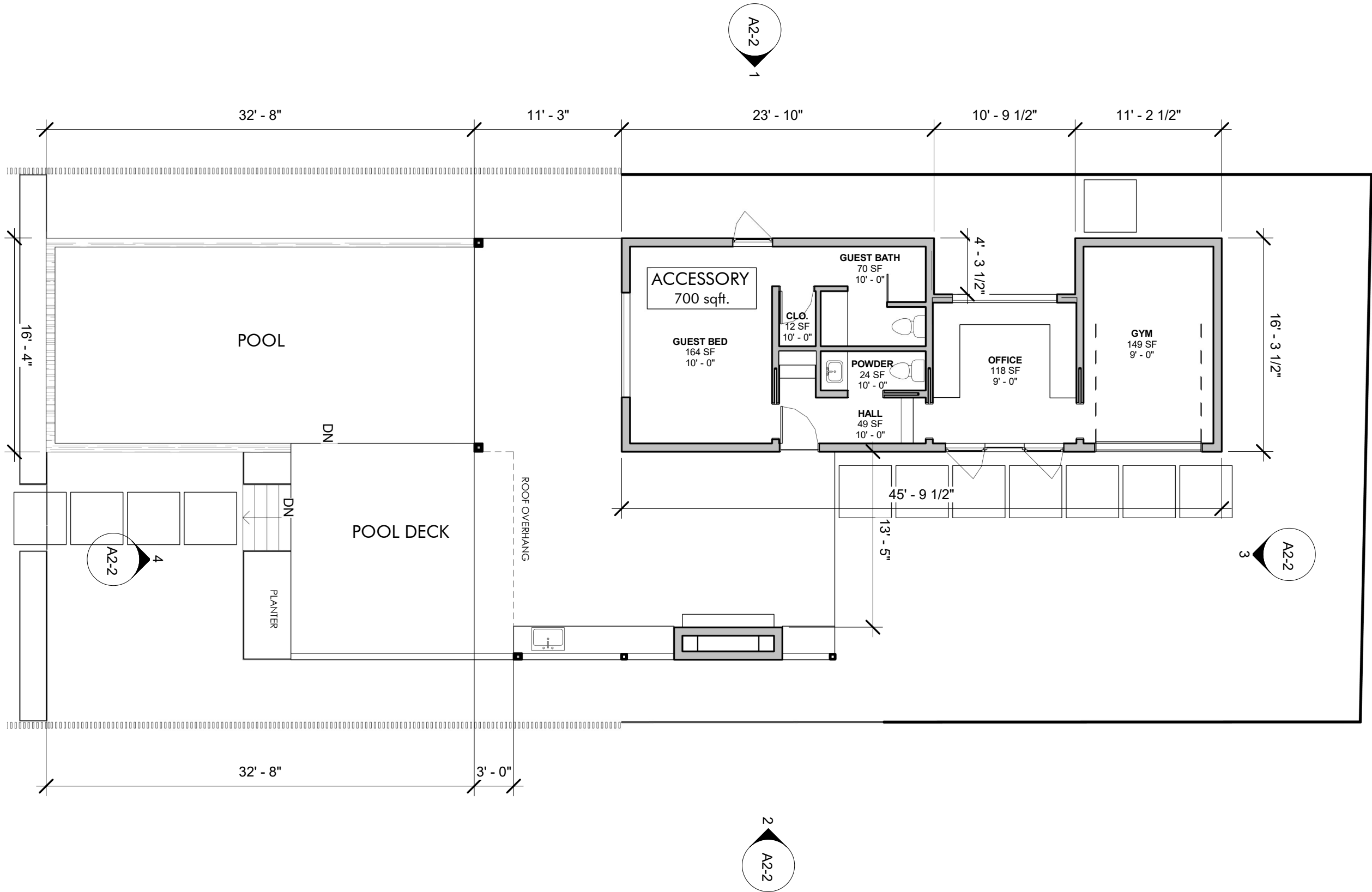
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SHEET NAME  
ACCESSORY  
STRUCTURE

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A1-1



SCALE: 1/8" = 1'-0"



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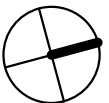
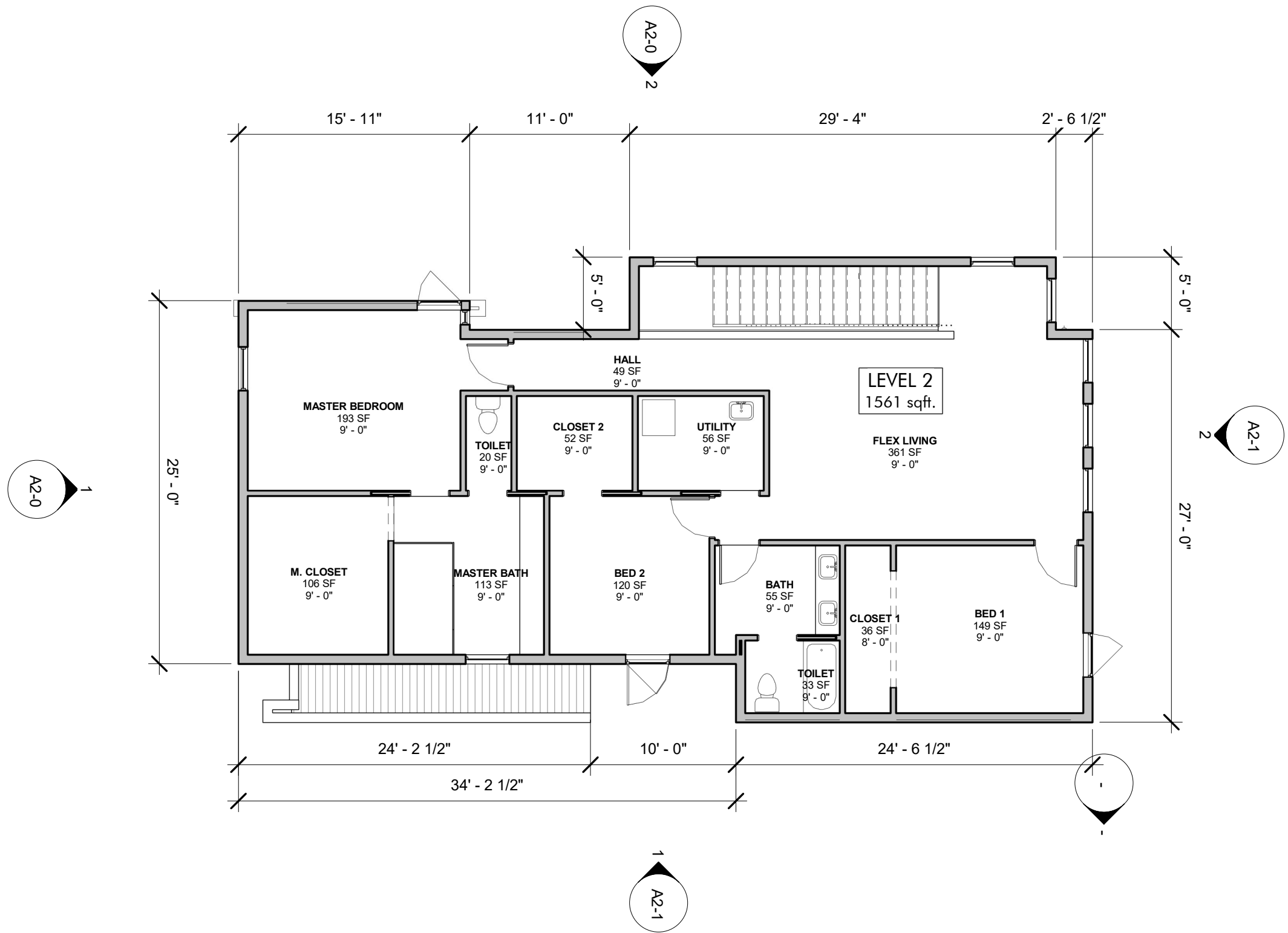
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Level 2

SHEET

A1-2



SCALE: 1/8" = 1'-0"





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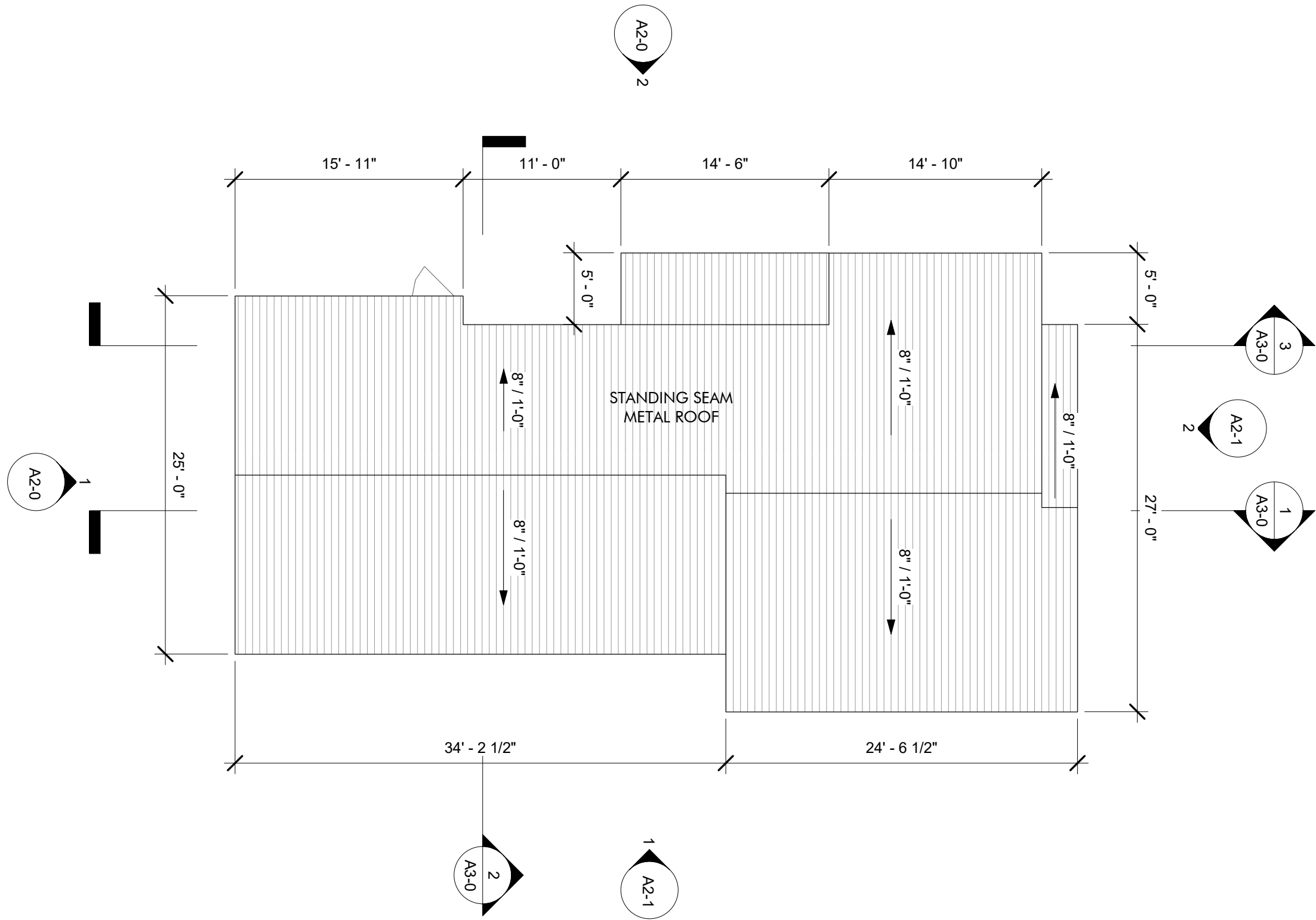
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Roof

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A1-3



SCALE: 1/8" = 1'-0"



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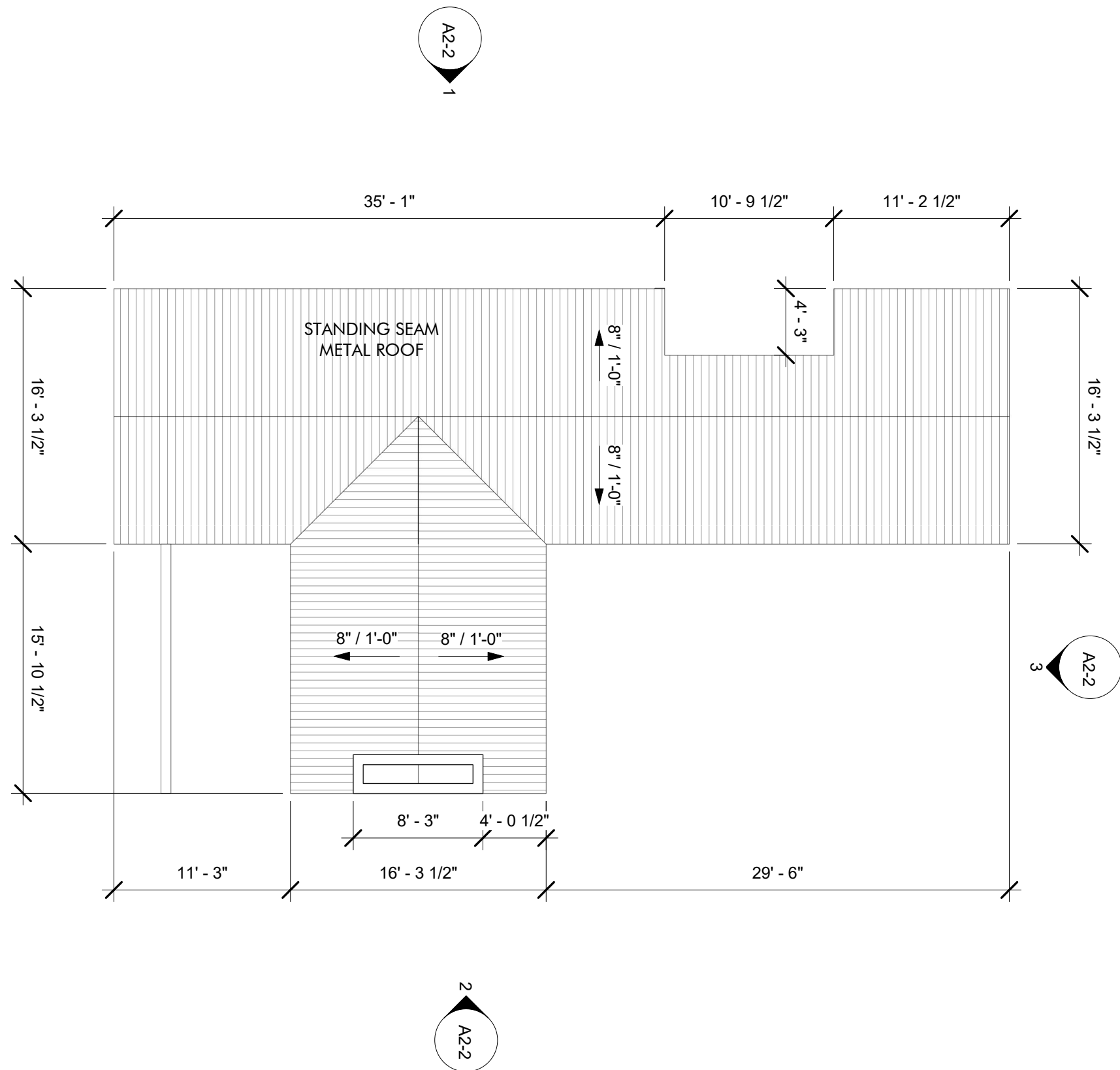
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ACCESSORY  
ROOF

SHEET

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SCALE: 1/8" = 1'-0"



NOTES:  
1.

MERRITT RESIDENCE  
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LSI #: 1947

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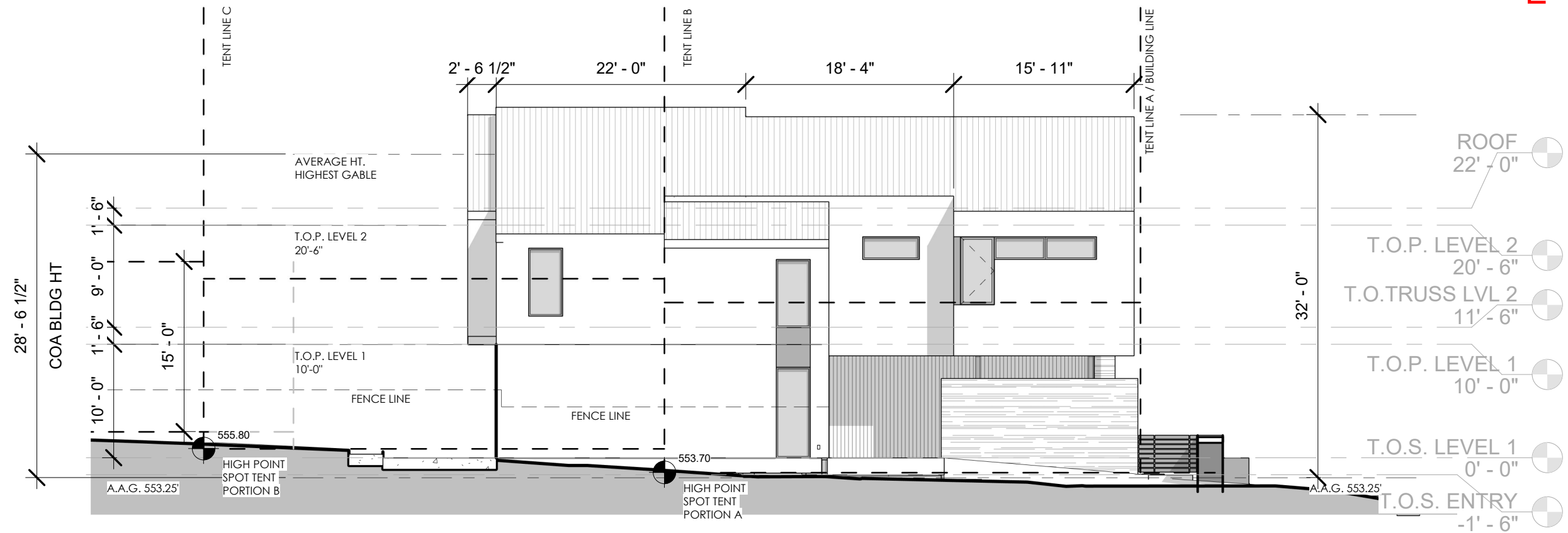
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Elevations

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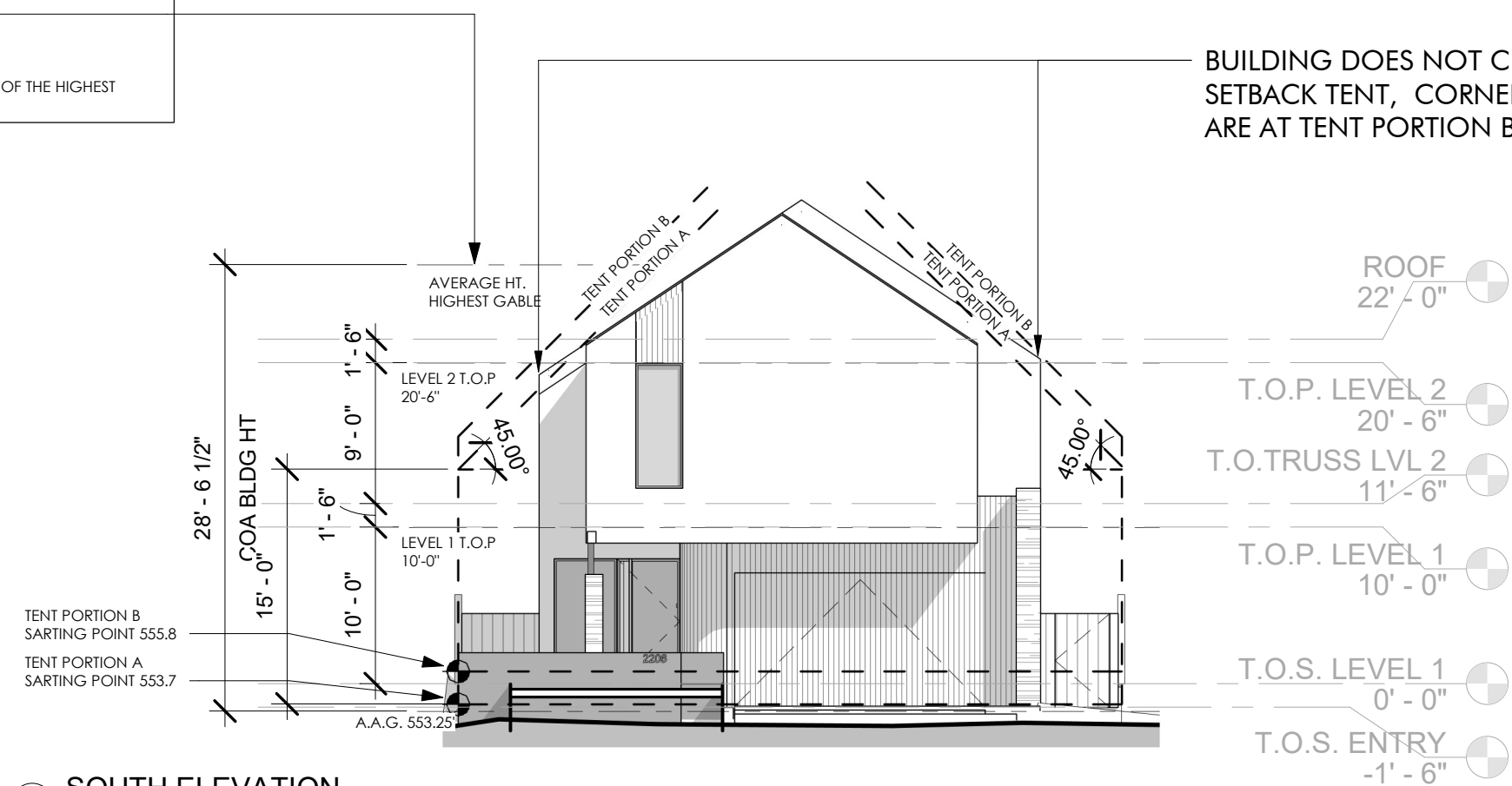


2 WEST ELEVATION  
3/32" = 1'-0"

NOTE:

LDC 25-2-SUBCHAPTER F: 3.4.1.C.

"FOR A PITCHED OR HIP ROOF, THE AVERAGE HEIGHT OF THE HIGHEST GABLE;"



1 SOUTH ELEVATION  
3/32" = 1'-0"

SCALE: 3/32" = 1'-0"



NOTES:  
1.

MERRITT RESIDENCE  
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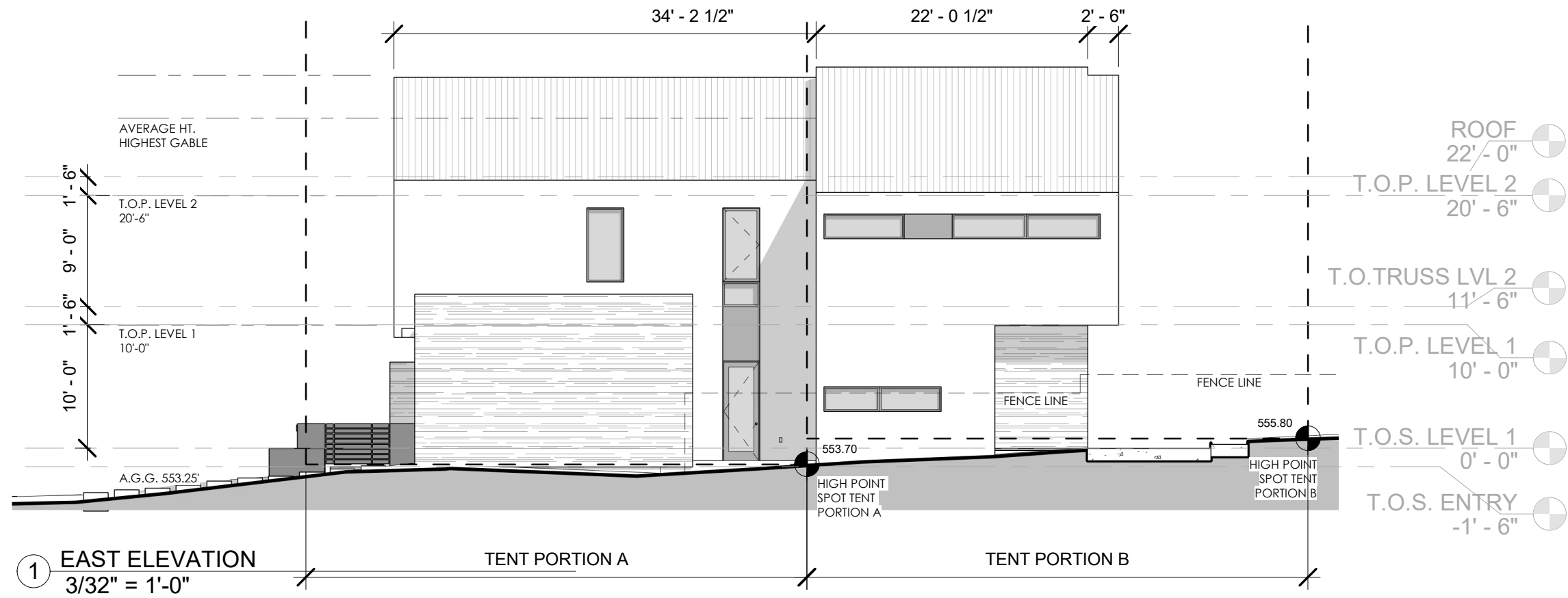
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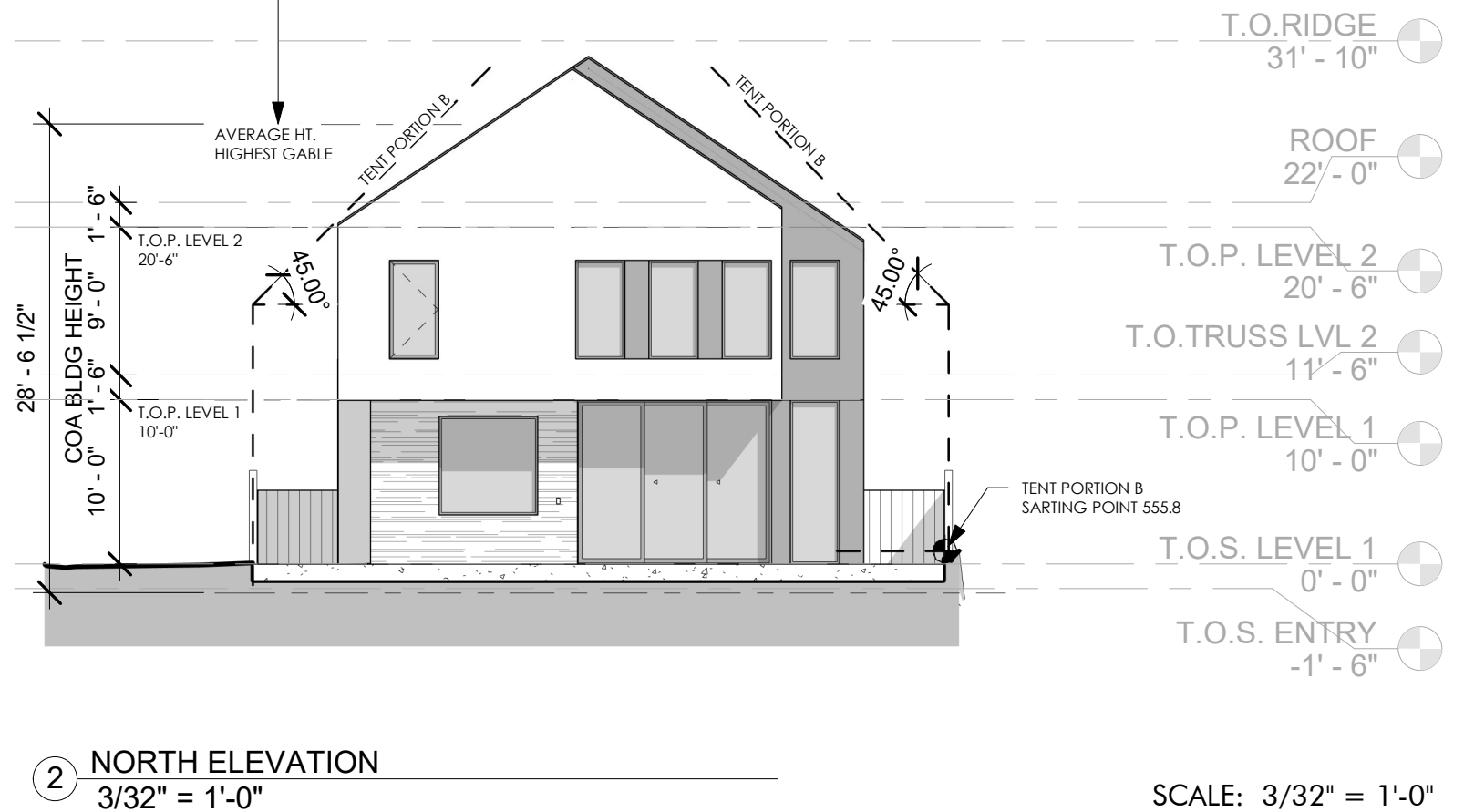
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Elevations

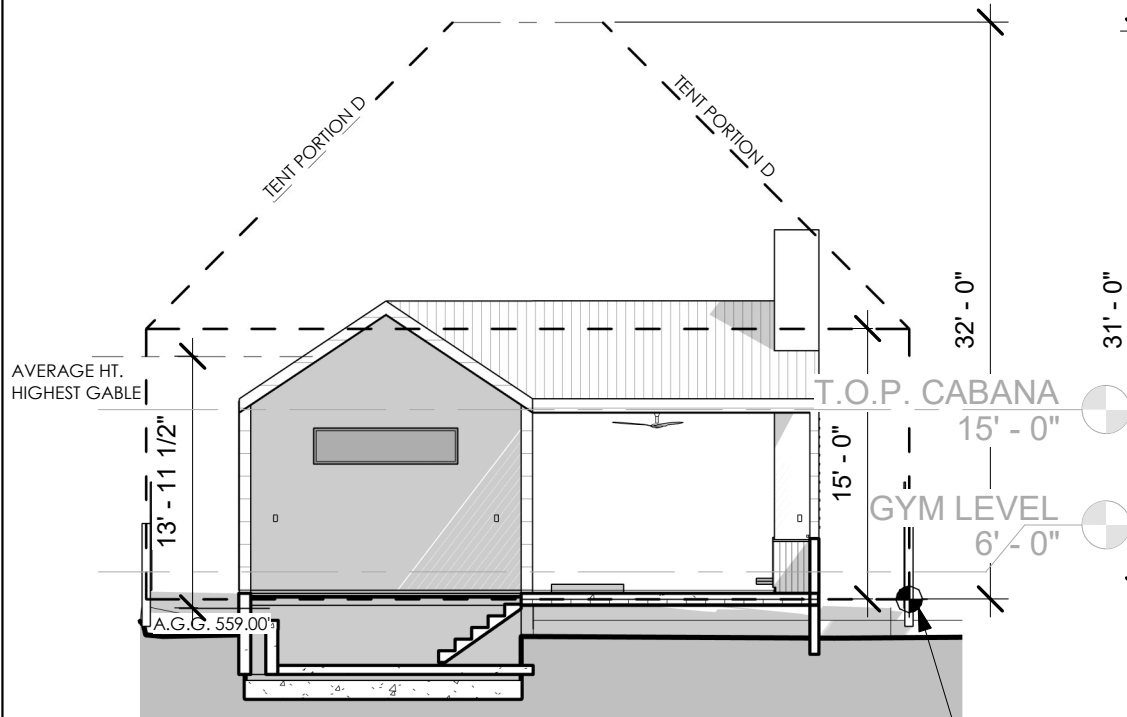
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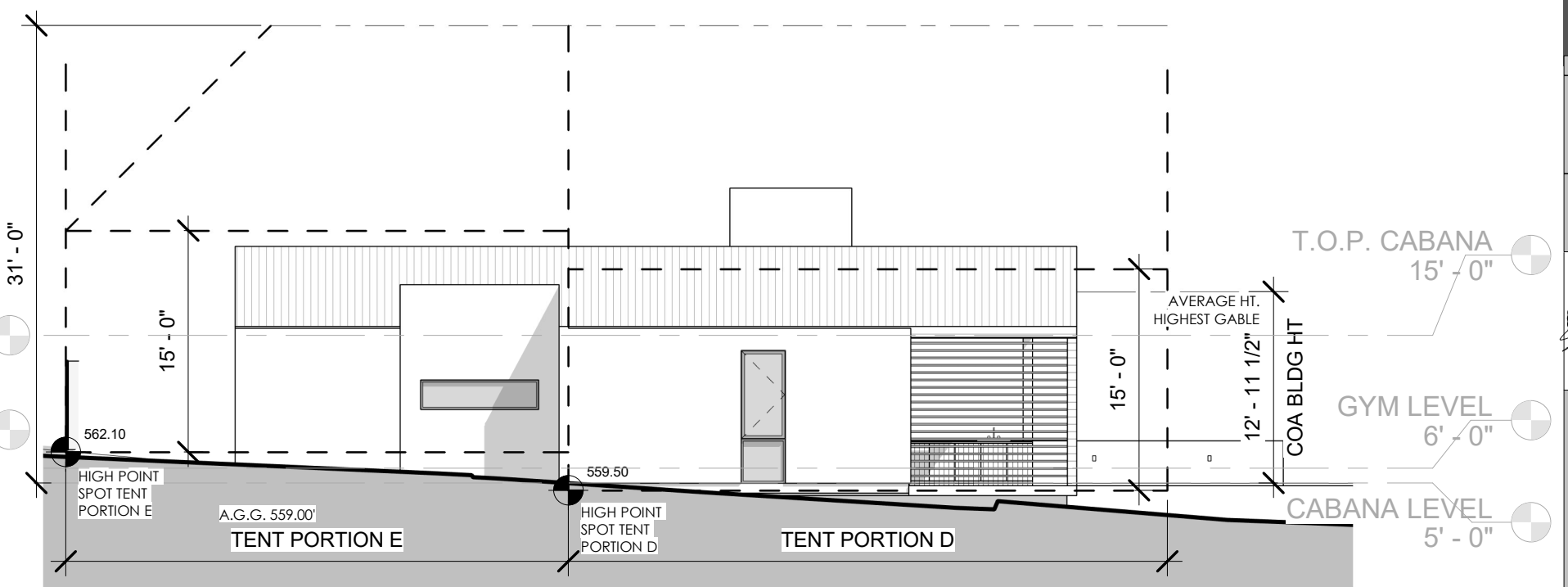


NOTE:  
LDC 25-2-SUBCHAPTER F: 3.4.1.C.  
"FOR A PITCHED OR HIP ROOF, THE AVERAGE HEIGHT OF THE HIGHEST GABLE;"

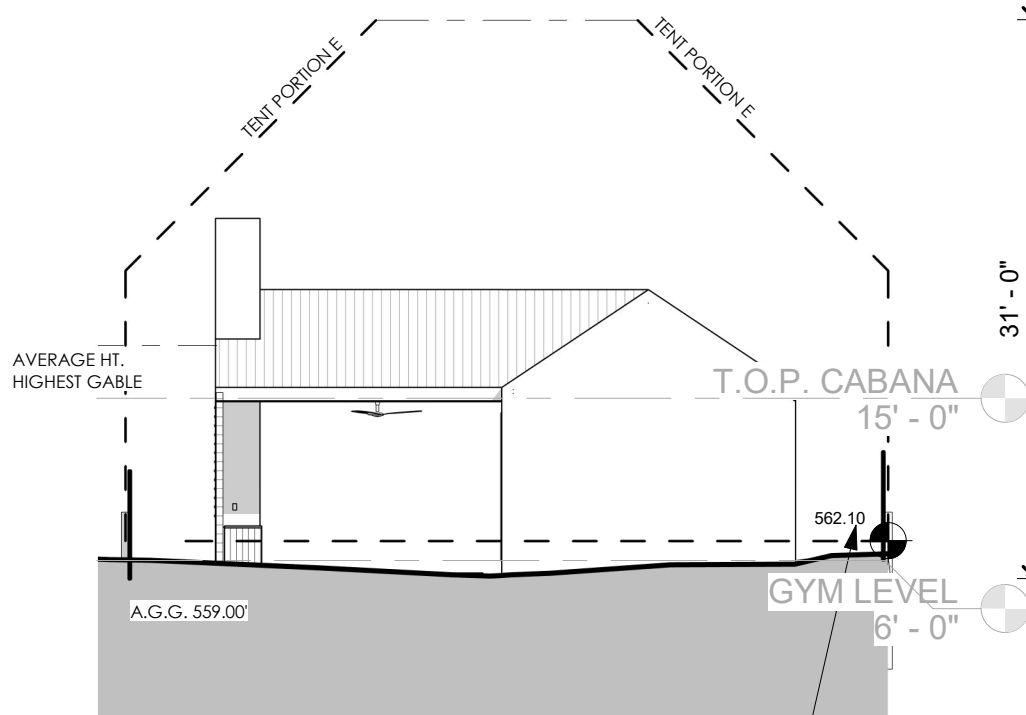




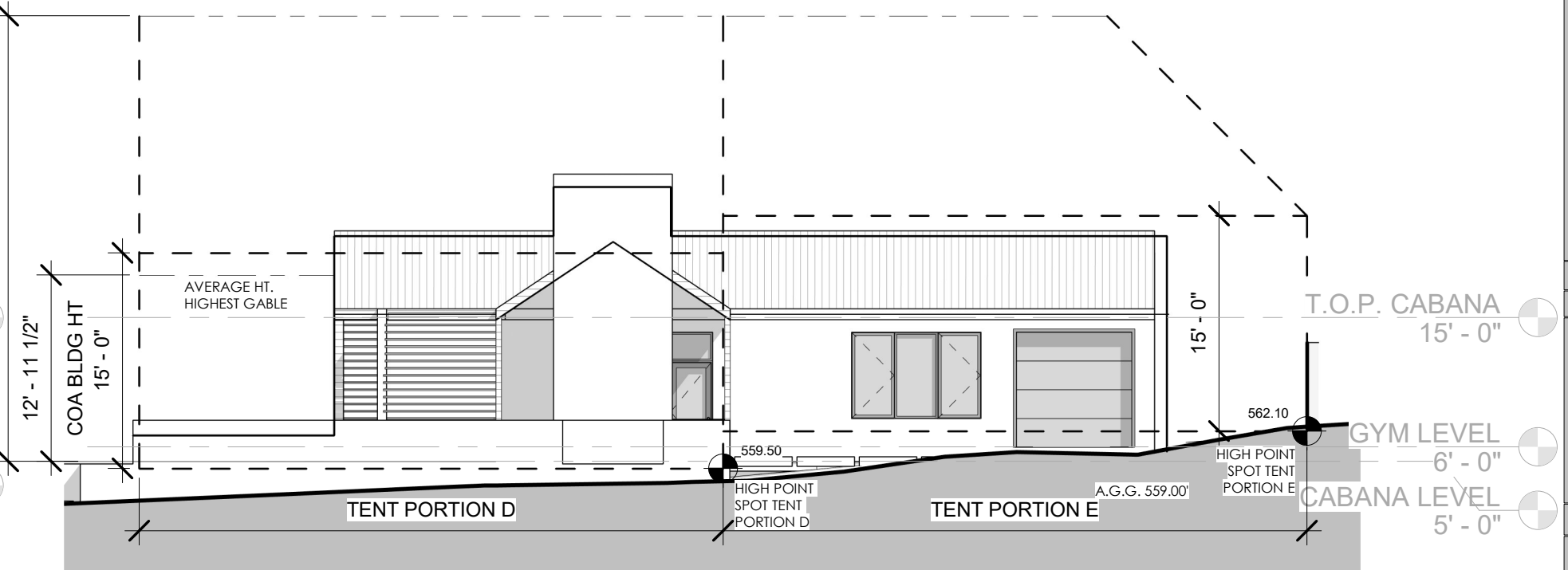
4 SOUTH ELEVATION ADU  
3/32" = 1'-0"



1 WEST ELEVATION ADU  
3/32" = 1'-0"



3 NORTH ELEVATION ADU  
3/32" = 1'-0"



2 EAST ELEVATION ADU  
3/32" = 1'-0"

To: City of Austin Board of Adjustments  
From: Property Owners at 914 W. Annie Street  
Subject: 25-2-492 (D) Minimum lot width for 2206 S. 3rd Street

Hello,

Ahead of the upcoming COA Board of Adjustments hearing on March 14, we would like to share our support of a variance for relief from "25-2-492 (D) Minimum lot width for the proposed single-family dwelling at 2206 S. 3rd Street for the following reasons:

- Several homes in the immediate vicinity have received a similar variance with similar or even smaller lot widths.
- The proposed use on the subject property is a single family residence with an accessory structure which conforms with current code and design standards (*The existing use on the subject property is a single family residence with an accessory structure*)
- The single-family residence will conform into the existing neighborhood character.
- The property owners have lived in the Bouldin neighborhood for over a decade.
- The property owner is not asking for any other variances for relief.

As current neighbors of the 2206 S. 3rd Street property owners, we know that the Merritts are great Austinites, Bouldinites and the kind of family that we want to continue enriching our great city.

Thank you for your consideration.

Best,

A handwritten signature in black ink that reads "Austin Santucci". The signature is written in a cursive, flowing style.

To: City of Austin Board of Adjustments  
From: Property Owners at 911 W. Annie Street  
Subject: 25-2-492 (D) Minimum lot width for 2206 S. 3rd Street

Hello,

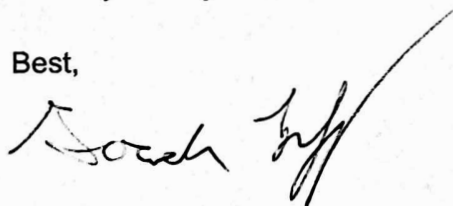
Ahead of the upcoming COA Board of Adjustments hearing on March 14, we would like to share our support of a variance for relief from "25-2-492 (D) Minimum lot width for the proposed single-family dwelling at 2206 S. 3rd Street for the following reasons:

- Several homes in the immediate vicinity have received a similar variance with similar or even smaller lot widths.
- The proposed use on the subject property is a single family residence with an accessory structure which conforms with current code and design standards (*The existing use on the subject property is a single family residence with an accessory structure*)
- The single-family residence will conform into the existing neighborhood character.
- The property owners have lived in the Bouldin neighborhood for over a decade.
- The property owner is not asking for any other variances for relief.

As current neighbors of the 2206 S. 3rd Street property owners, we know that the Merritts are great Austinites, Bouldinites and the kind of family that we want to continue enriching our great city.

Thank you for your consideration.

Best,

A handwritten signature in black ink, appearing to read "Sarah Hoff", with a long, sweeping flourish extending upwards and to the right.



**From:** Jody Zemel  
**To:** [REDACTED]  
**Subject:** BOA Variance 2022-000012BA -- 2206 S 3rd St  
**Date:** Sunday, February 20, 2022 3:58:37 PM

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\*\*\* External Email - Exercise Caution \*\*\*

Dear Elaine,

The Bouldin Creek Zoning Committee supports the variance request for "25-2-492 (D) Minimum lot width" to the property located at 2206 S 3rd St., case number [2022-000012BA](#).

The Bouldin Creek Zoning Committee recognizes the lot width issue in this area of the neighborhood and supports the request for the variance.

Please acknowledge your receipt of this email. Thank you.

Jody Zemel

Chair, Bouldin Creek Zoning Committee.

[REDACTED]  
In a time of universal deceit, telling the truth becomes a revolutionary act.  
- George Orwell, 1984



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