### CITY OF AUSTIN Board of Adjustment Decision Sheet

**F-7** 

#### DATE: Monday March 14, 2022

CASE NUMBER: C15-2022-0018

Y\_\_\_\_Thomas Ates

- Y Brooke Bailey
- Y\_\_\_\_Jessica Cohen
- \_\_\_Y\_\_\_Melissa Hawthorne
- \_\_\_\_Barbara Mcarthur OUT
- \_\_\_\_Rahm McDaniel OUT
- \_\_\_Y\_\_\_Darryl Pruett
- \_\_\_Y\_\_\_Agustina Rodriguez
- Y\_\_\_\_\_Richard Smith
- \_\_\_\_Michael Von Ohlen OUT
- Y\_\_\_\_Nicholl Wade
- Y\_\_\_\_Kelly Blume (Alternate)
- \_\_\_\_Carrie Waller (Alternate) N/A
- Y\_\_\_\_\_Marcel Gutierrez-Garza (Alternate)

#### **APPLICANT: Jason McNair**

#### **OWNER: Paul Smith**

#### **ADDRESS: 54 ANTHONY STREET**

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code,

a) Section 25-2-492 (Site Development Regulations) from setback requirements to decrease the minimum front yard setback from 25 feet (required) to 10.3 feet (requested)

b) Section 25-2-943 (Substandard Lot) (B) (1) (a) to decrease the minimum Lot Size requirements from 4,000 square feet (required) to 3,380 square feet (requested) in order to erect a Single-Family residence with an attached garage in a "SF-3-NP", Single-Family-Neighborhood Plan zoning district (Holly Neighborhood Plan)

Note: 25-2-943 SUBSTANDARD LOT (B) A substandard lot may be used for a single-family residential use if the use is permitted in the zoning district in which the lot is located and the lot complies with the requirements of this subsection. (1) A substandard lot recorded in the county real property records before March 14, 1946 must: (a) have an area of not less than 4,000 square feet; and (b) be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is: (i) not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot; (ii) not more than 150 feet in length; and (iii) maintained for access by the property owner.

**BOARD'S DECISION: POSTPONED TO MARCH 14, 2022 (AE DENIAL); March 14, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board Madam Chair Jessica Cohen motions to postpone to April 11, 2022; Board Member Melissa Hawthorne seconds on a 10-0 vote; POSTPONED TO APRIL 11, 2022.** 

#### **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:

<u>Ramiroz</u> Elaine Ramirez

Executive Liaison

Diana Ramirez for

Jessica Cohen Madam Chair



#### Small Lot Amnesty / Sub Chap F Clarification

Thomas, Eric <Eric Thomas@austintexas.gov> To: Jennifer Hanlen Tue, Mar 22, 2022 at 3:14 PM

Hi Jen,

Without the variance requirements, the property would be eligible for 2,300 square feet of gross floor area. This is because Subchapter F allows .4:1 FAR or 2,300 square feet of gross floor area, whichever is greater. However, it sounds like the Board would be asking for you to commit to the smaller .4:1 FAR number in order to receive the greater buildable area (reduced setback).

[Quoted text hidden]

#### § 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 Section 25-1-22 (*Measurements*).

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

Created: 2022-01-05 08:42:01 [EST]

### CITY OF AUSTIN Board of Adjustment Decision Sheet

E-9

DATE: Monday February 14, 2022

CASE NUMBER: C15-2022-0018

Thomas Ates Brooke Bailey Jessica Cohen Melissa Hawthorne Barbara Mcarthur Rahm McDaniel Darryl Pruett Agustina Rodriguez Richard Smith Michael Von Ohlen Nicholl Wade Kelly Blume (Alternate) Carrie Waller (Alternate)

Marcel Gutierrez-Garza (Alternate)

**APPLICANT: Jason McNair** 

**OWNER: Paul Smith** 

**ADDRESS: 54 ANTHONY STREET** 

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code,

a) Section 25-2-492 (Site Development Regulations) from setback requirements to decrease the minimum front yard setback from 25 feet (required) to 10.3 feet (requested)
b) Section 25-2-943 (Substandard Lot) (B) (1) (a) to decrease the minimum Lot Size requirements from 4,000 square feet (required) to 3,380 square feet (requested) in order to erect a Single-Family residence with an attached garage in a "SF-3-NP", Single-Family-

Neighborhood Plan zoning district (Holly Neighborhood Plan)

Note: 25-2-943 SUBSTANDARD LOT (B) A substandard lot may be used for a singlefamily residential use if the use is permitted in the zoning district in which the lot is located and the lot complies with the requirements of this subsection. (1) A substandard lot recorded in the county real property records before March 14, 1946 must: (a) have an area of not less than 4,000 square feet; and (b) be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is: (i) not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot; (ii) not more than 150 feet in length; and (iii) maintained for access by the property owner.

#### BOARD'S DECISION: POSTPONED TO MARCH 14, 2022 (AE DENIAL)

#### 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:

amuzz

Executive Liaison

Diana A. Ramirez for Jessica Cohen

Jessica Cohen Chair



February 25, 2022

Jason McNair PO Box 161501 Austin TX, 78716

Property Description: N 70.3' OF LOT 16 BLK H OLT 60&61 DIV O DRIVING PARK ADDN

#### Re: C15-2022-0018

Dear Jason,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from LDC Sections 25-2-492(D) and 25-2-943(B)(1)(A).

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

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



**AUSTIN ENERGY** One Texas Center | 505 Barton Springs Road Phone: (512) 974-2632, (512) 974-9112 Email: aebspaespa@austinenergy.com

☐ This project will require a Temporary Loop

**Design Required** 

F-4/8

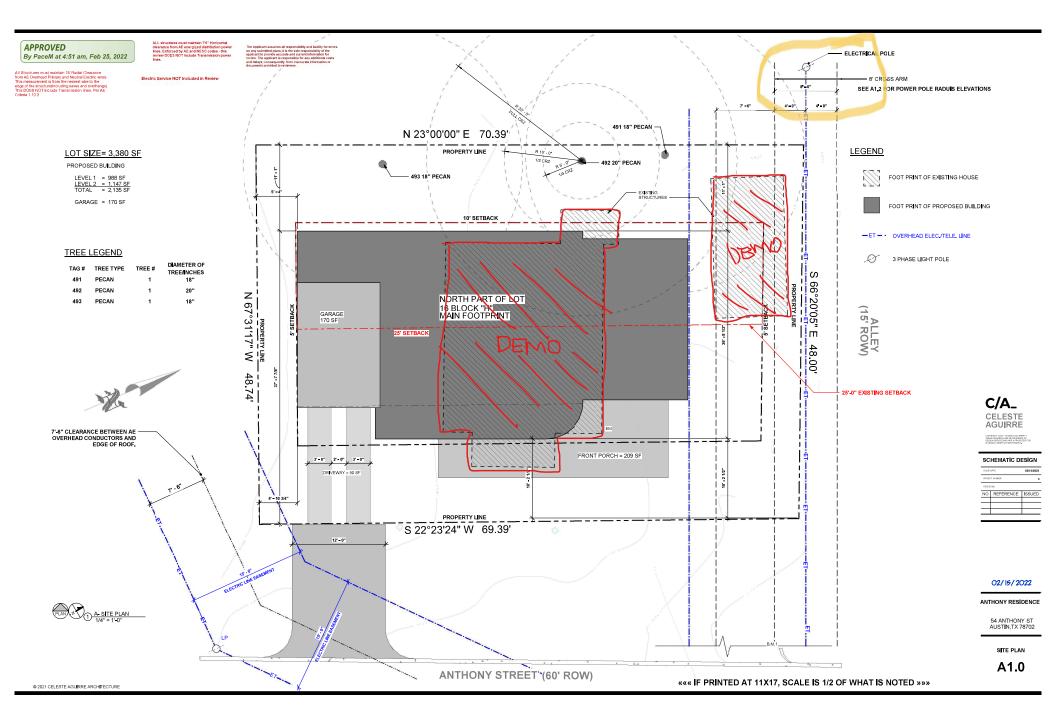
## **Building Service Planning Application (BSPA)**

This form to be used for review of Residential Building Permits only For use in DAC only

| Person Responsible for Request: Jason McNair  |                       |
|---|-----------------------|
| Email: aecsupinfo@gmail.com   |                       |
| Project Address: 54 Anthony Street  | OR                    |
| Legal Description: Lot:   | Block:                |
| Who is your electrical provider? 🔳 AE 🛛 Other:  |                       |
| Location of meter: Behind lot - 2010 Haskell, along the alleyway  | Ø) ○ Three-Phase (3Ø) |
| Scope of work: Demo of existing 1940s home. Proposed dev - two  | story single family   |
| home with attached garage - approx 2K SF.   |                       |
| McNair Consulting, LLC / AEC Support<br>BSPA Completed by (print name)  | Phone                 |
| C SIVICVIDI   | 01/13/2022            |
| BSPA Completed by (signature)   | Date                  |
| (Any change to the above information requires review and re<br>AE Representative Use Only   | ∍-approval)           |
| All Structures must maintain 15' Radial Clearance<br>from AE Overhead Primary and Neutral Electric wires.<br>This measurement is from the nearest wire to the<br>edge of the structure(including age was and overhangs).<br>This DOES NOT include Transmission lines. Per AE<br>Criteria 1 10.3 |                       |

lines.

is the sole responsibility of ate and current information



## **BOA GENERAL REVIEW COVERSHEET**

CASE: C15-2022-0018

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

E-4/10

ADDRESS: 54 Anthony St OWNER: Paul Smith COUNCIL DISTRICT: 3 AGENT: Jason McNair

**ZONING:** SF-3-NP (Holly)

#### LEGAL DESCRIPTION: N 70.3' OF LOT 16 BLK H OLT 60&61 DIV O DRIVING PARK ADDN

<u>VARIANCE REQUEST</u>: decrease the minimum front yard setback from 25 feet (required) to 10.3 feet (requested) and decrease the minimum Lot Size requirements from 4,000 square feet (required) to 3,380 square feet (requested).

**<u>SUMMARY</u>**: erect Single-Family residence with attached garage

**ISSUES:** small lot and alley with electrical easement

|       | 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 District Austin Lost and Found Pets Austin Neighborhoods Council Del Valle Community Coalition East Austin Conservancy 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



February 8, 2022

Jason McNair 54 Anthony St Austin TX, 78702

Property Description: N 70.3' OF LOT 16 BLK H OLT 60&61 DIV O DRIVING PARK ADDN

#### Re: C15-2022-0018

Dear Jason,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from City of Austin Land Development Code Sections 25-2-492 (D) - SF3 standard site development regulation of a 25 foot front yard setback and 25-2-943 (B) (1) (A) - substandard lot size requirment of 4,000 SF if recorded before March 15th, 1946.

Austin Energy **cannot approve the request** until the applicant can show that any new proposed structures will be 15 feet away from any of Austin Energy Facilities, poles or lines or underground facilities as per Austin Energy's Clearance & Safety Criteria.

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

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 (512) 322-6050





**CITY OF AUSTIN Development Services Department** Permitting & Development Center Phone: 512.978.4000 6310 Wilhelmina Delco Dr, Austin, Texas 78752

## 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, <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 # C15-2022-0018 | ROW # <b>12856266</b> | Tax # 0200080209 |  |
|----------------------|-----------------------|------------------|--|
|----------------------|-----------------------|------------------|--|

#### **Section 1: Applicant Statement**

Street Address: 54 Anthony Street, Austin Texas 78702

Subdivision Legal Description:

N 70.3' OF LOT 16 BLK H OLT 60&61 DIV O DRIVING PARK ADDN

| Lot(s): <u>N 70.3' OF LOT 16</u>                          | _ Block(s): _H                                     |
|---|--|
| Outlot: OLT 60&61   | _ Division: DRIVING PARK ADDN / SUB                |
| Zoning District: SF3 - NP                                 |  |
| I/We Jason McNair<br>authorized agent for _Mr. Paul Smith | on behalf of myself/ourselves as<br>affirm that on |
| Month January 🔽 , Day 2 💽 , Year                          | 2022 , hereby apply for a hearing before the       |
| Board of Adjustment for consideration to (select          | appropriate option below):                         |
| ● Erect ◯ Attach ◯ Complete ◯ Rem                         | odel 🔿 Maintain 🔿 Other:                           |
| Type of Structure: Single family residence with           | attached garage                                    |

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

1) LCD 25-2-492 (D) – reduce SF3 standard site development regulation of a 25 foot front yard setback requirement to a 10.3 front yard setback.

2.) LCD 25-2-943 (B) (1) (A) – reduce substandard lot size requirement of 4,000 SF if recorded before March  $15^{th}$ , 1946 to 3,380 SF.

#### Se-ction 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: Current SF3 site development / zoning regulations do not apply to this lot. This lot is considered to be a substandard lot / "small lot" per LCD 25-2-943, section (B) (1) (A) and per the survey stands at a total of 3,380 SF. This is probably one of the smallest lots existing in Austin. The owner is requesting to build a modest home for his family and only asking for leniency as far as the current SF3 lot size requirement and for a reasonable reduction of 15 feet from the standard front yard setback. In order to build a livable space for a single family, the additional square footage is undoubtably needed.

#### Hardship

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

This substandard lot has always been used as single family residence as of the early 1940 where the same house, which was built in the 1940s, is still existing. This particular lot runs along a side alley on the north side of lot also which has a 15 foot electrical easement. Per current building requirements and the Austin Energy Criteria Manual, this reduces the buildable area by an approximate 720 SF.

b) The hardship is not general to the area in which the property is located because:
 A majority of the lots in this neighborhood are at or above minimum lot sizes per COA LDC.
 There are only a few small lots in the Holly Neighborhood plan that exist today. The
 neighborhhood plan allows for these In addition, not all lots have a 3 phase utility line that runs
 along the side of the entire property which also adds to the hardship not being general to the
 area but to this particular 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:

The front yard setback reduction from 25 feet reduced to 10 feet request would grant only the square footage allowed for a single family house built on a small lot which is allowed within the Holly Neighborhood Plan. The owners new construction plans seek to maximize the lots use of living and little personal yard space would not impaire the use of adjacent properties nor limit the purposes of the regulations as it will be used for a modest East Austin single family home.

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:

 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

 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 any my knowledge and belief. | plication are true an | d correct to the best of |
|--|-----------------------|--------------------------|
| Applicant Signature:   |                       | Date: 01/02/2022         |
| Applicant Name (typed or printed): Jason McNair - McNa                             | air Conculting        | $\sim$                   |
| Applicant Mailing Address: PO BOX 161501   |                       |                          |
| City: Austin   | State: <u>TX</u>      | Zip: 7 <u>8716</u>       |
| Phone (will be public information): (206) 354-7571                                 |                       |                          |
| 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: 01/02/2022   |
|--|------------------|--------------------|
| Owner Name (typed or printed): Paul Smith                                  |                  |                    |
| Owner Mailing Address: 700 Rio Grande                                      |                  |                    |
| City: Austin   | State: <u>TX</u> | Zip: 7 <u>8701</u> |
| Phone (will be public information):  |                  |                    |
| Email (optional – will be public information): <u>n/a</u>                  |                  |                    |
| Section 5: Agent Information   |                  |                    |
| Agent Name: <u>SAME AS APPLICANT INFORMATION</u><br>Agent Mailing Address: |                  |                    |

| City:  | State: | Zip: |
|--|--------|------|
| Phone (will be public information):              |        |      |
| 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).

n/a

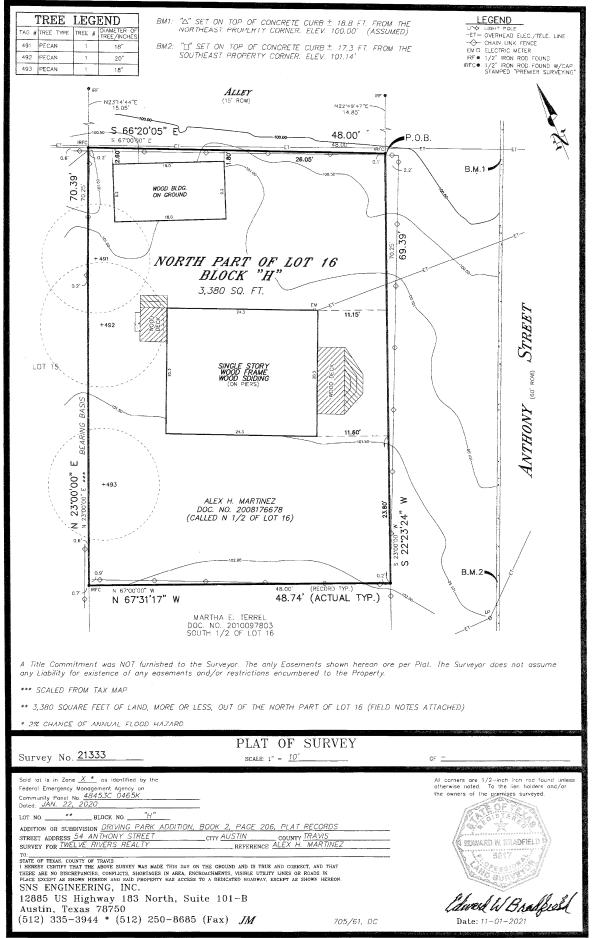
| Section 3: Applicant Certificate  |   |   |
|---|---|---|
| I affirm that my statements contained in the complete a my knowledge and belief.                                  | application are true :                    | and correct to the best of                                  |
| Applicant Signature:  |   | Date: 01/02/2022  |
| Applicant Name (typed or printed): Jason McNair - Mc  | Nair Consulting                           |   |
| Applicant Mailing Address: PO BOX 161501  |   |   |
| City: Austin  | State: TX                                 | Zip: 78716  |
| Phone (will be public information): (206) 354-7571  |   |   |
| Email (optional – will be public information): aecsupin   | fo@gmail.com                              |   |
| Section 4: Owner Certificate  |   |   |
| I affirm that my statements contained in the complete a my knowledge and belief.                                  | pplication are true a                     | and correct to the best of                                  |
| Owner Signature:  |   | Date: 01/02/2022  |
| Owner Name (typed or printed): Paul Smith - 608 Crest   | land LLC                                  |   |
| Owner Mailing Address: 700 Rio Grande   |   |   |
| City: Austin  | State: TX                                 | Zip: 78701  |
| Phone (will be public information): (512) 588-1453  |   |   |
| Email (optional – will be public information): <u>n/a</u>   |   |   |
| Section 5: Agent Information  |   |   |
| Agent Name: SAME AS APPLICANT INFORMATION   |   |   |
| Agent Mailing Address:  |   |   |
| City:   | State:                                    | Zip:  |
| Phone (will be public information):   |   |   |
| Email (optional – will be public information):  |   |   |
| Section 6: Additional Space (if applicab  | le)                                       |   |
| Please use the space below to provide additional inform<br>referenced to the proper item, include the Section and | mation as needed. T<br>Field names as wel | To ensure the information is<br>I (continued on next page). |
| n/a   |   |   |
|   |   |   |

City of Austin | Board of Adjustment General/Parking Variance Application

2001088

06/24/2021 | Page 7 of 8

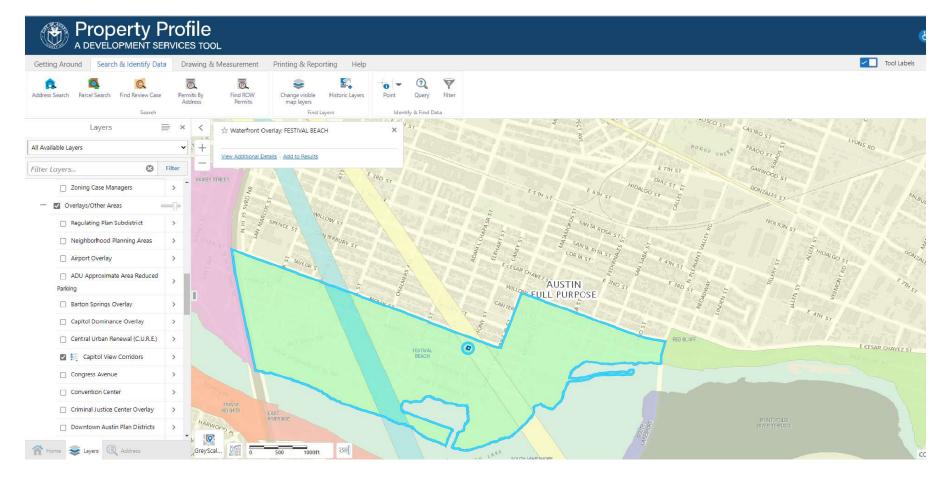
adalar talahis



# 54 ANTHONY STREET, AUSTIN TX 78702

# PROPERTY PROFILE REPORTS & MAPS

## CAPITAL VIEW & FESTIVAL BEACH CORRIDOR OVERLAY



## **RECORDED SUBDIVISION - 1910**

#### Property Profile A DEVELOPMENT SERVICES TOOL Tool Labels Getting Around Search & Identify Data Drawing & Measurement Printing & Reporting Help ? a ē 5 a Q D -0 -Y Address Search Parcel Search Find Review Case Permits By Find ROW Change visible Historic Layers Query Filter Point Address Permits map lavers Identify & Find Data Find Layers Search ..... ≣ × < Layers ☆ Recorded Subdivision: DRIVING PARK ADDN 1910 × All Available Layers ~ + 189792 W. B. C8-1910-1201 ANTHONY \_ DRIVING PARK ADDN 1910 ALFF ZND ST SUBD 3RI S Filter Filter Layers... Recorded Date: — 🔽 Lots & Subdivisions Document ID: 0 HIGHWAY ADDN + FREE Document Type: 0 🗌 Lot DRIVING PARK > View Additional Details Add to Results CANT Elock > LOTS 48 59 DIV O Lot Line > RIVER VIEW ADDN 1910 🗹 🔲 Recorded Subdivision > BENSONS SUBDIVISION Review Cases +V.E. TAYLOF METZ NEIGHBORH SUBDIVISION Permits \_ **GOVALLE PLAZA** 0 SUBDIVISION ROW Permits Inspector Territories -MARTIN PARK A RESUB DRIVING PARK ADDN Long Range Planning & 68 DIV O) #2 1913 Building Footprints, Survey, & E SEGOVIA ST Contours BERGMAN VALLEY - Suiding Footprints & Points VIEW ADDN Euilding Footprints 2017 > FDWARD RENDON SR. MET Flanimetrics 2015 > PARK AT FESTIVAL BEACH + - 🛃 Contours & Survey Monuments . 🕋 Home 📚 Layers GreyScal... 0 200 400ft 1:500

## CURRENT BOA, BUILDING PERMIT & DEMO IN REVIEW

