

A U S T I N C I T Y C O U N C I L  
**AGENDA**



Thursday, May 18, 2006

 Back

Hem# 29

**Watershed Protection and Development Review  
RECOMMENDATION FOR COUNCIL ACTION**

**Subject:** Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a single family residence at 506 Atlanta Street.

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**Additional Backup Material**

(click to open)

- ☐ Staff Report and Backup
- ☐ Comments on RCA

**For More Information:** Sylvia Benavidez, 974-2522; Joi Harden, 974-3345

On March 9, 2006 the City Council adopted Ordinance 20060309-058 establishing development regulations applicable to certain building permits for single-family, single-family attached, two-family, secondary apartment, and duplex structures in areas of the City that were subdivided prior to March 1974. Part 5 Section (D)(4) of Ordinance 20060309-058 prescribes minimum and maximum front yard setbacks for a lot on a block face on which three lots are developed for a use described in Subdivision (B):

- (a) the lot with the principal structure closest to the street is disregarded, and the lot with a principal structure farthest from the street is disregarded;
- (b) the minimum front yard setback is equal to the minimum front yard setback of the principal structure on the remaining lot minus ten percent of the distance of that setback; and
- (c) the maximum front yard setback is equal to the minimum front yard setback of the principal structure on the remaining lot plus ten percent of the distance of that setback.

This ordinance includes a provision which allows City Council to waive the development limitations if the Council determines that the development regulations impose an undue hardship on the applicant, the development proposed by the applicant will not adversely affect public health, safety and welfare, and waiving the regulations will not have a substantially adverse impact on neighboring properties.

Applicants Mr. and Mrs. Seider are requesting a waiver from Ordinance No. 20060309-058 in order to construct a two story single family residence at 506 Atlanta based on a front setback of 28 ft. The average of minimum front set-back on the block face is 35 ft. The two story structure will have 2424 square feet of gross floor area. The proposed development complies with the floor to area ratio and square footage limitations under Ordinance No. 20060309-058. The proposed development would also comply with all other zoning regulations, including building and impervious cover limitations as well as height requirements.

**Staff recommends approval of the waiver request based on the information that the applicant has provided.**

## **WAIVER REQUEST STAFF REPORT**

**PERMIT NUMBER:** BP-06-2483R

**COUNCIL DATE:** May 18, 2006

**APPLICATION DATE:** April 19, 2006

**OWNER:** Ronald and Jill Seider

**ADDRESS:** 506 Atlanta St.

### **BACKGROUND**

On March 9, 2006 the City Council adopted Ordinance 20060309-058 establishing development regulations applicable to certain building permits for single-family, single family attached, two-family, secondary apartment, and duplex structures in areas of the City that were subdivided prior to March 1974.

### **APPLICATION**

On April 19, 2006, the applicant submitted an application for a waiver from Part 5 Section (D) (4) of Ordinance 20060309-058 that prescribes minimum and maximum front yard setback:

- (a) the lot with the principal structure closest to the street is disregarded, and the lot with a principal structure farthest from the street is disregarded;
- (b) the minimum front yard setback is equal to the average of the minimum front yard setbacks of the principals structures on the remaining lots minus ten percent of the distance of that average; and
- (c) the maximum front yard setback is equal to the average of the minimum front yard setbacks of the principal structures on the remaining lots plus ten percent of the distance of that average.

### **SETBACKS**

The proposed development requires the applicant to request a Council Waiver because it creates a structure that does not comply with the setback limitations set forth in Part 5(D) (4) of the ordinance:

#### **Existing Setbacks of Lots running north from 13<sup>th</sup> St.**

518	Atlanta	40'-6"
514	Atlanta	38'-6"
510	Atlanta	32'-10"

### **SETBACK CALCULATIONS**

Under Part 5, Section D (4) of Ordinance 20060309-058, the setback for the proposed single family residence is figured thusly:

- (a) 40'-6" and 32'-10" are disregarded because they are the structures closest and farthest from the street.
- (b)  $38'-6" - 3.85$  (10 percent) = 34'-7"  
38'-6" is the setback of the remaining structure minus 3.85 (10%) allows for a minimum front setback of 34'-7".
- (c)  $38'-6" + 3.85$  (10 percent) = 40'-6"  
38'-6" is the setback of the remaining structure plus 3.85 (10%) allows for a maximum front setback of 40'-6"

### **DEVELOPMENT REGULATIONS**

The proposed new single family residence requires the applicant to request a Council Waiver because it creates a structure that encroaches into the minimum front setback set forth in Part 5 Section D(4) of Ordinance 20060309-58. The applicant request a front setback of 28 s.f. and the minimum front setback from the ordinance is 35 s.f.

The proposed development does not require the applicant to request a Council Waiver from Part 4(B) of the ordinance because it complies with the greater of two size limitations:

- (a) 0.4 to 1 floor-to-area ratio.
  - Proposed structure complies with this section Applicant proposes 2424 s.f. of gross floor area on 6169 s.f. lot, which equates to a 0.39 FAR
- (b) 2500 Square feet.
  - Proposed structure will have 2424 s.f. It is under the 2500 allowed by 76 s.f.

### **PROPOSED DEVELOPMENT**

Applicant proposes the following construction:

- Applicant requests a front setback of 28 s.f.
- Construct a new two story 2424 s.f. single family residence at 506 Atlanta St.

Applicant proposes additional construction:

- 126 s.f. 1<sup>st</sup> floor covered patio
- 41 s.f. 1<sup>st</sup> floor covered porches
- 12 s.f. 2<sup>nd</sup> floor covered patio (included in gross floor area)
- 480 s.f. attached garages
- 690 s.f. driveway area

## **ZONING**

- This lot is currently zoned Single Family Residential (SF-3)
- It lies within the West Austin Neighborhood Group and the Austin Neighborhoods Council.

## **WAIVER**

The applicant requests the waiver under Part 6, Section A (1) on the following grounds:

- The regulations imposes undue hardship on the applicant, the development proposed by the applicant will not adversely affect the public health , safety and welfare and waiving the regulation will not have a substantially adverse impact on neighboring properties.

## **STAFF ASSESSMENT**

The information submitted with the applicant's waiver application can be summarized as follows:

- Information was provided indicating undue financial hardship.
- Photos from the neighborhood submitted as evidence of compatibility with existing structures.
- Letter of support from Homeowner's Association

## **STAFF RECOMMENDATION: APPROVAL**

Staff recommends approval of the waiver request based on the information that the applicant has submitted.

# CITY OF AUSTIN RESIDENTIAL PERMIT APPLICATION

3-10 12:45 PM

BP Number	<u>BP-04-21832</u>		
Building Permit No.			
Plat No.		Date	<u>3/31/16</u>
Reviewer	<u>Diana Cook</u>		

## PRIMARY PROJECT DATA 506

Address 500 ATLANTA ST. Tax Parcel No. \_\_\_\_\_  
 Description 10 Block 4 Subdivision Chas Johnson Addition Section \_\_\_\_\_ Phase \_\_\_\_\_  
 in a Planned Unit Development, provide Name and Case No. Donner Charles Addn  
*(attach final approved copies of subdivision and site plan)*

*If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.*

☒ Remodel (specify) \_\_\_\_\_  
☐ New Residence \_\_\_\_\_  
☐ Duplex \_\_\_\_\_  
☐ Garage ☐ attached ☐ detached ☐ Addition (specify) \_\_\_\_\_  
☐ Carport ☐ attached ☐ detached ☐ Other (specify) \_\_\_\_\_  
☐ Pool \_\_\_\_\_

Zoning (e.g. SF-1, SF-2...) SF-3 Height of building 27 ft. # of floors 2

For lots with LA zoning, the approved septic permit must be submitted with the Residential Permit application for zoning approval.  
 DC 25-2-551(B)(6)

Does this site have a Board of Adjustment ruling? ☐ Yes ☒ No If yes, attach the B.O.A. documentation

Will this development require a cut and fill in excess of 4 feet? ☐ Yes ☒ No

Does this site front a paved street? ☐ Yes ☒ No A paved alley? ☐ Yes ☒ No

### VALUATIONS FOR REMODELS ONLY

Building \$ \_\_\_\_\_  
 Electrical \$ \_\_\_\_\_  
 Mechanical \$ \_\_\_\_\_  
 Plumbing \$ \_\_\_\_\_  
 Driveway  
 & Sidewalk \$ \_\_\_\_\_  
 TOTAL \$ \_\_\_\_\_  
 (labor and materials)

### DATA FOR NEW CONSTRUCTION OR ADDITIONS ONLY

Lot Size 6169 sq. ft.  
 Job Valuation \$ 560,000  
 (Labor and materials)

Total Job Valuation (remodels and additions)  
 \$ \_\_\_\_\_  
 (Labor and materials)

### PERMIT FEES (For office use only)

	NEW/ADDITIONS	REMC
Building	\$ _____	\$ _____
Electrical	\$ _____	\$ _____
Mechanical	\$ _____	\$ _____
Plumbing	\$ _____	\$ _____
Driveway & Sidewalks	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

### OWNER / BUILDER INFORMATION

OWNER	Name <u>RONALD + JILL SEIDER</u>	Telephone (h) <u>657-</u> (w) <u>261-</u>
BUILDER	Company Name <u>Summit Builders, Inc.</u>	Telephone <u>261-</u>
	Contact/Applicant's Name <u>RONALD SEIDER</u>	Pager <u>695-5</u> FAX <u>261-1</u>
DRIVEWAY /SIDEWALK	Contractor <u>Valerio Concrete, Inc.</u>	Telephone <u>394-</u>
CERTIFICATE OF OCCUPANCY	Name _____ Address _____ City _____ ST _____ ZIP _____	Telephone _____

If you would like to be notified when your application is approved, please select the method:

☐ telephone ☒ e-mail: J-Seider@SBC Global.Net

You may check the status of this application at [www.ci.austin.tx.us/development/pierivv.htm](http://www.ci.austin.tx.us/development/pierivv.htm)

Service Address

540 ATLANTA ST.

Applicant's Signature

Ronald Seiler

Date

3-9-06

**BUILDING COVERAGE**

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing	New / Addition
a. 1 <sup>st</sup> floor conditioned area	sq.ft.	1348 sq.ft.
b. 2 <sup>nd</sup> floor conditioned area	sq.ft.	1064 sq.ft.
c. 3 <sup>rd</sup> floor conditioned area	sq.ft.	— sq.ft.
d. Basement	sq.ft.	— sq.ft.
e. Garage / Carport		
<input checked="" type="checkbox"/> attached	sq.ft.	480 sq.ft.
___ detached	sq.ft.	— sq.ft.
f. Wood decks [must be counted at 100%]	sq.ft.	— sq.ft.
g. Breezeways	sq.ft.	— sq.ft.
h. Covered patios	sq.ft.	126 sq.ft.
i. Covered porches	sq.ft.	41 sq.ft.
j. Balconies	sq.ft.	12 sq.ft.
k. Swimming pool(s) (pool surface area(s))	sq.ft.	— sq.ft.
l. Other building or covered area(s)	sq.ft.	— sq.ft.

Specify

TOTAL BUILDING AREA (add a. through l.)

sq.ft.

3061

sq.ft.

TOTAL BUILDING COVERAGE ON LOT (subtract b., c., d., and k. if applicable)

1995

1997

sq.ft.

30.9

% of lot

**IMPERVIOUS COVERAGE**

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	2065	sq.ft. include masonry
b. Driveway area on private property	690	sq.ft.
c. Sidewalk / walkways on private property		sq.ft.
d. Uncovered patios		sq.ft.
e. Uncovered wood decks [may be counted at 50%]		sq.ft.
f. Air conditioner pads	12	sq.ft.
g. Concrete decks		sq.ft.
h. Other (specify)		sq.ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.)

sq.ft.

2767

% of lot

44.85

**CITY OF AUSTIN**  
**RESIDENTIAL PERMIT APPLICATION**

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE Ronald Duder DATE 3-9-06

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction) 13818

**Rejection Notes/Additional Comments (for office use only):**

3 1/2 bdr

platted 1910

2412 gfa < 2500

(1) land status ✓

(2) flood plain ✓ - no flood plain per Austin

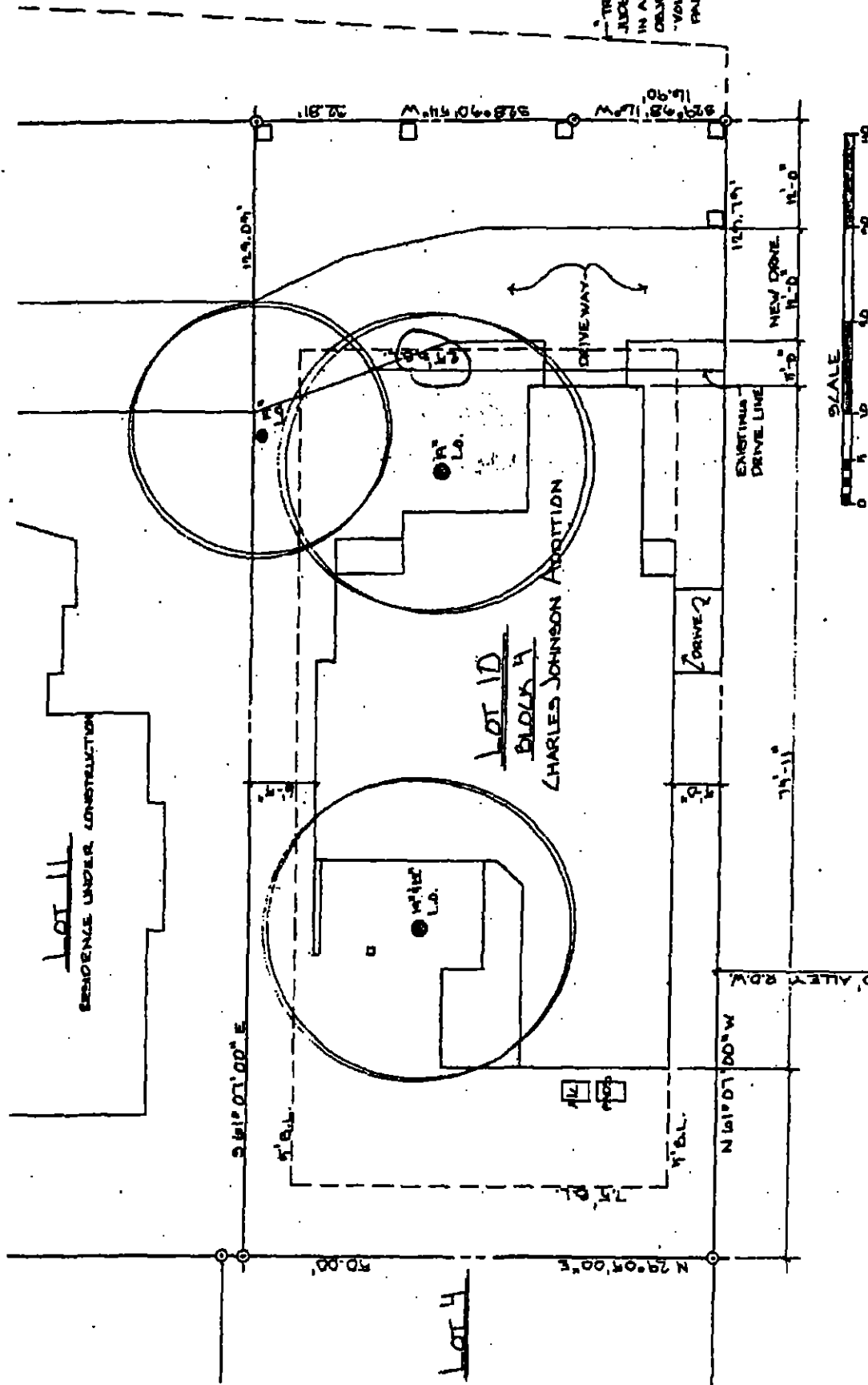
(3) need setbacks along Atlanta at all structures on 66.16

(4) must go to address for address

29' setback proposed, range: 39.65 - 40.5



TRACT NUMBER TWO  
JUDGEMENT OF COURT  
IN ABSENCE OF  
OBJECTION  
VOLUME 5576  
PAGE 258



SEIDER RESIDENCE • 500 ATLANTA STREET • LOT 10/4 • PAGE 1 OF 4



Kramer Service Center

2412 Kramer Lane, Bldg. "C"

Austin, Texas 78753  
(512) 505-7206

**Austin Energy**

**Electric Service Planning Application**  
(Please Print or Type)

St. Elmo Service Center

4411-B Melhardus Drive

Austin, Texas 78744  
(512) 505-7500

**ESPA for Residential & Small Commercial Service Only (under 350 amps 1Ø or 225 amps 3Ø)**

Name:	_____	Phone:	_____
Address:	500 ATLANTA ST.		
Legal Description:	_____		
Lot:	10	Block:	4
Commercial/Residential?	R		

Service Main Size(s)	_____	(amps)	Service Conductor	_____	(type & size)
Service Length	_____	(ft.)	Number of Meters?	_____	Multi-Fuel Y N
Overhead/Underground?	_____	Voltage	200/240V	<input checked="" type="checkbox"/> Single-phase (1Ø)	<input type="checkbox"/> Three-phase (3Ø)
Total Square Footage	3061	Total AC Load	_____	(# of units)	_____ (Tons)
Largest AC unit	_____	(Tons)	LRA of Largest AC Unit	_____	(amps)
Electric Heating	_____	(kW)	Other	_____	(kW)

Comments: LF PB / Electrician to pull permit

ESPA Completed by (Signature & Print name) \_\_\_\_\_ Phone \_\_\_\_\_

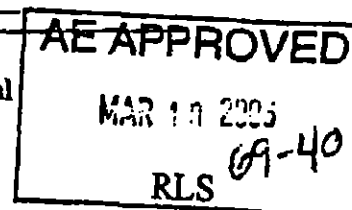
Building/Electric Permit No: \_\_\_\_\_

AE Representative \_\_\_\_\_

Date \_\_\_\_\_

Approved: ☒ Yes ☐ No (Remarks on back) Phone 974-2632

Application expires 90 days after date of Approval



## WAIVER APPLICATION CHECKLIST

Failure to provide the information identified in this checklist may result in your application being rejected or submitted incomplete.

           COMPLETE WAIVER APPLICATION

  ✓   COMPLETE & REVIEWED RESIDENTIAL APPLICATION

           SUPPORTING DOCUMENTATION

- 1) PROOF OF HARDSHIP
- 2) IMPACT ON DRAINAGE
- 2) NEIGHBORHOOD SUPPORT LETTERS
- 3) PROOF OF FINANCIAL INVESTMENT IN PROJECT
- 4) PHOTOS OF PROPERTY & SURROUNDING PROPERTIES

           COPY OF TCAD'S APPRAISAL ROLL INDICATING -

- ✓    *setbacks of other lots*
- 1) SQUARE FOOTAGE OF SUBJECT PROPERTY
- 2) SQUARE FOOTAGE OF ADJACENT RESIDENCES - *N/A*
- 3) HOMESTEAD EXEMPTION

  ✓   COPY OF PLAT

  ✓   COPY OF APPROVED LAND STATUS DETERMINATION

  39   F.A.R. (FLOOR TO AREA RATIO) CALCULATION

  ✓   DRAWINGS FROM ARCHITECT OR ENGINEER (SEALED & DATED)

  N/A   DEMOLITION OR RELOCATE PERMIT MUST BE FILED ON 5<sup>TH</sup> FLOOR  
CONCURRENTLY (if applicable) BP#                                 

           OTHER   

You will be required to review your application with a Residential Zoning Planner.  
You will be notified at this time of the next City Council hearing (Ord#2060216-043.)

Associated SF Number:

## CITY OF AUSTIN

REQUEST TO WAIVE INTERIM DEVELOPMENT REGULATIONS  
UNDER ORDINANCE NUMBER 2060215-043

STREET ADDRESS: 506 Atlanta  
 LEGAL DESCRIPTION: Subdivision \_\_\_\_\_  
 Lot(s) 10 Block 4 Outlot \_\_\_\_\_ Division Johnson Charles Addition  
 Zoning District: \_\_\_\_\_ Neighborhood Plan (if applicable): \_\_\_\_\_

Type of work to be done (Select appropriate option and provide description of the proposed project):

☒ New Construction: residential  
 Addition: \_\_\_\_\_

Please select one of the following:

- ☒ 1. I request a waiver to the interim development regulations because the regulations impose an undue hardship as described below: attached

If you select Option 1, you must select one of the following:

\_\_\_\_\_ The granting of this waiver will not adversely affect the public health, safety and welfare.

Explain: The only issue is the front setback and that will not adversely affect the public health, safety, and welfare.

-or-

\_\_\_\_\_ I am proposing to mitigate the effect of the redevelopment by providing adequate safeguards which will adequately protect the health, safety and welfare of the public.

Explain: \_\_\_\_\_

- \_\_\_\_\_ 2. The following development agreement permits the activity: \_\_\_\_\_

- \_\_\_\_\_ 3. I have acquired a right under Texas Local Government Chapter 243 (Issuance of Local Permits), or have a common law vested right that has been fully adjudicated by a court of competent jurisdiction. Please specify and provide supporting documentation: \_\_\_\_\_

- \_\_\_\_\_ 4. I am providing appropriate drainage facilities. Explain: \_\_\_\_\_

## ALL APPLICATIONS MUST BE ACCOMPANIED BY A RESIDENTIAL PERMIT APPLICATION

Signature of applicant/ owner: \_\_\_\_\_

Note: The waiver application will be considered incomplete if the applicant fails to provide information requested in this application. Please attach any additional information that will support your request, such as: photos, architectural drawings, letters of support from neighbors or additional documentation.

## FOR STAFF USE

Date waiver application filed with City of Austin: \_\_\_\_\_

Date scheduled for City Council action: \_\_\_\_\_

## **506 Atlanta St.**

### **November 2005:**

**Located lot @ 506 Atlanta St.**

**Used 30 days to perform due diligence prior to closing – lot has 600 sq. ft. of common driveway & four (19"-22") oak trees**

**Worked on sketches while verifying with COA that there were no floodplain, setback, or building issues - realized that driveway was taking 10% of the 45% allowed impervious cover – would be difficult to design & keep the trees - were told by COA that other houses in our subdivision were granted variances for this hardship because of the common driveway on a small lot & the fact that COA had taken 400 square ft. for easement.**

### **December 2005:**

**Closed on lot and completed plans for 2,350 sq. ft. house – submitted variance request with COA & were put on agenda for Jan. mtg.**

### **January 2006:**

**Denied request for variance at Board of Adjustments mtg. – were told we could apply for reconsideration for Feb. mtg. Hired consultant to represent us.**

### **February 2006:**

**Denied @ Feb. Board of Adjustments mtg.**

### **March 2006:**

**Decided to sacrifice our original design & have plans redesigned to meet impervious cover issue – on March 10, we submitted new plans and application for building permit. On March 31, we were denied building permit because of the front setback ordinance that went into effect March 9<sup>th</sup>. When we had our plans redone, we were in conformity with all setback & impervious coverage requirements.**

**In summary, our subdivision contains three homes with an Atlanta St. address and four condos with an Upson St. address. The front setbacks range from approximately 15' – 40' from front of house to property line.**

The new setback ordinance was calculated by using only the three houses on Atlanta St. The high & low were eliminated leaving us with a new minimum setback of 34.65'. Our redesigned plan as a ~~29'~~<sup>36'</sup> setback. This can be done but we would have to remove a 19" & 22" oak tree which we don't want to do (that was one of the reasons we purchased the lot.) All of the homes and condos setback appear the same distance from the private drive giving the subdivision a uniform appearance. The other three houses on Atlanta St. did not have tree issues and range from 3,000 – 4,000 sq. ft. Our redesigned plan is for 2,400 sq. ft. It was designed using a 25' front setback allowed by deed restrictions, surveys, and the COA. Again, we confirmed all of these issues before turning in our application for a building permit. In conclusion, we thoroughly researched this lot before purchasing it, we complied by all of the regulations set by the COA, and no matter what we do, we can't seem to start construction on this lot.

**Financial Investment for 506 Atlanta Street**

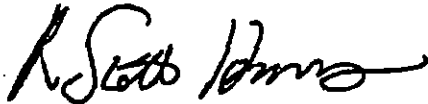
Lot Cost	\$190,000.00
Plans	\$ 5,652.07
Interim Interest	\$ 5,364.55
Consultant Fees	\$ 2,550.00
Variance Application	\$ 369.40
Survey	<u>\$ 300.00</u>
Total	\$204,236.02

Date: April 13, 2006  
Subject: 500 Atlanta Street  
Owner: Seider, Ron and Jill

The eight residences of the Estates of Johnson Creek, have unanimously voted to APPROVE the construction of 500 Atlanta Street. They submitted their plans to our Association and we approved them. We have met with them several times during the variance process and they have cooperated with our requests. Their home will be the final one in our subdivision and we look forward to completing our neighborhood.

Therefore, we ask the Board of Adjustment to please approve the Seider's building request.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Scott Harris". The signature is fluid and cursive, with the first name "R. Scott" and last name "Harris" clearly distinguishable.

R. Scott Harris  
President  
512.845.9455



FENCE SEPARATING RES AND COMM. AREA



FENCE ALONG ATLANTA STREET  
(SOUTHBOUND MOORE FRONTAGE ROAD)

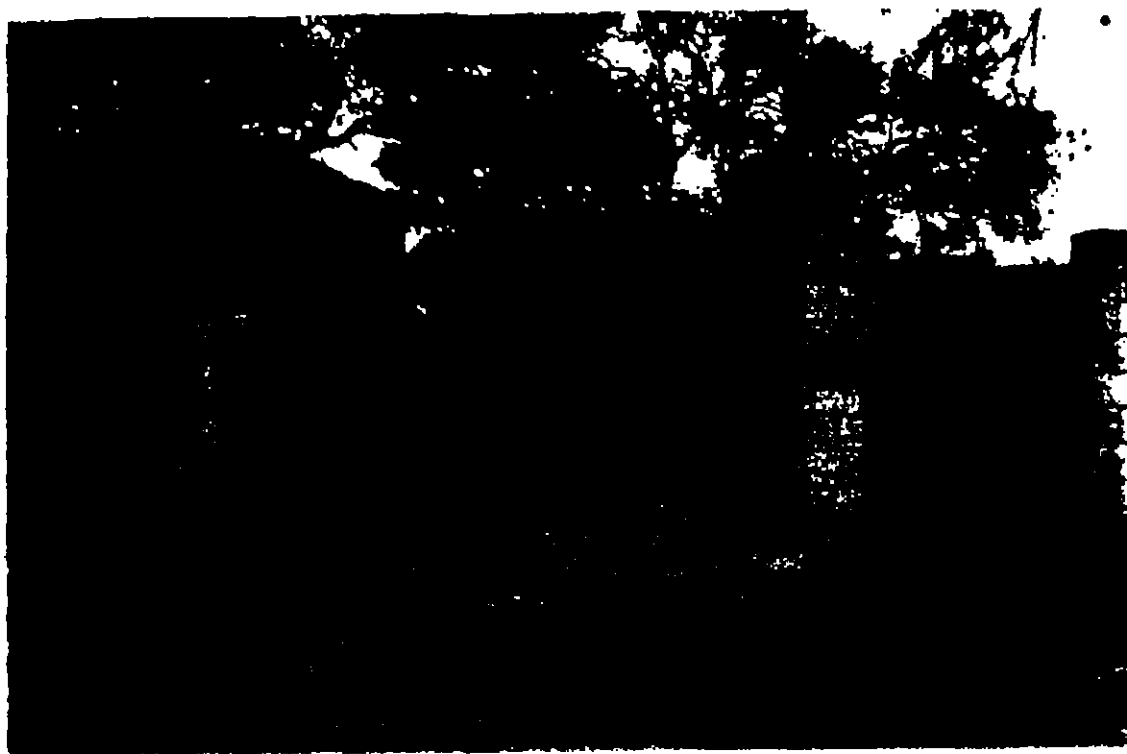




ESTATES OF JOHNSON CREEK, LOT 10



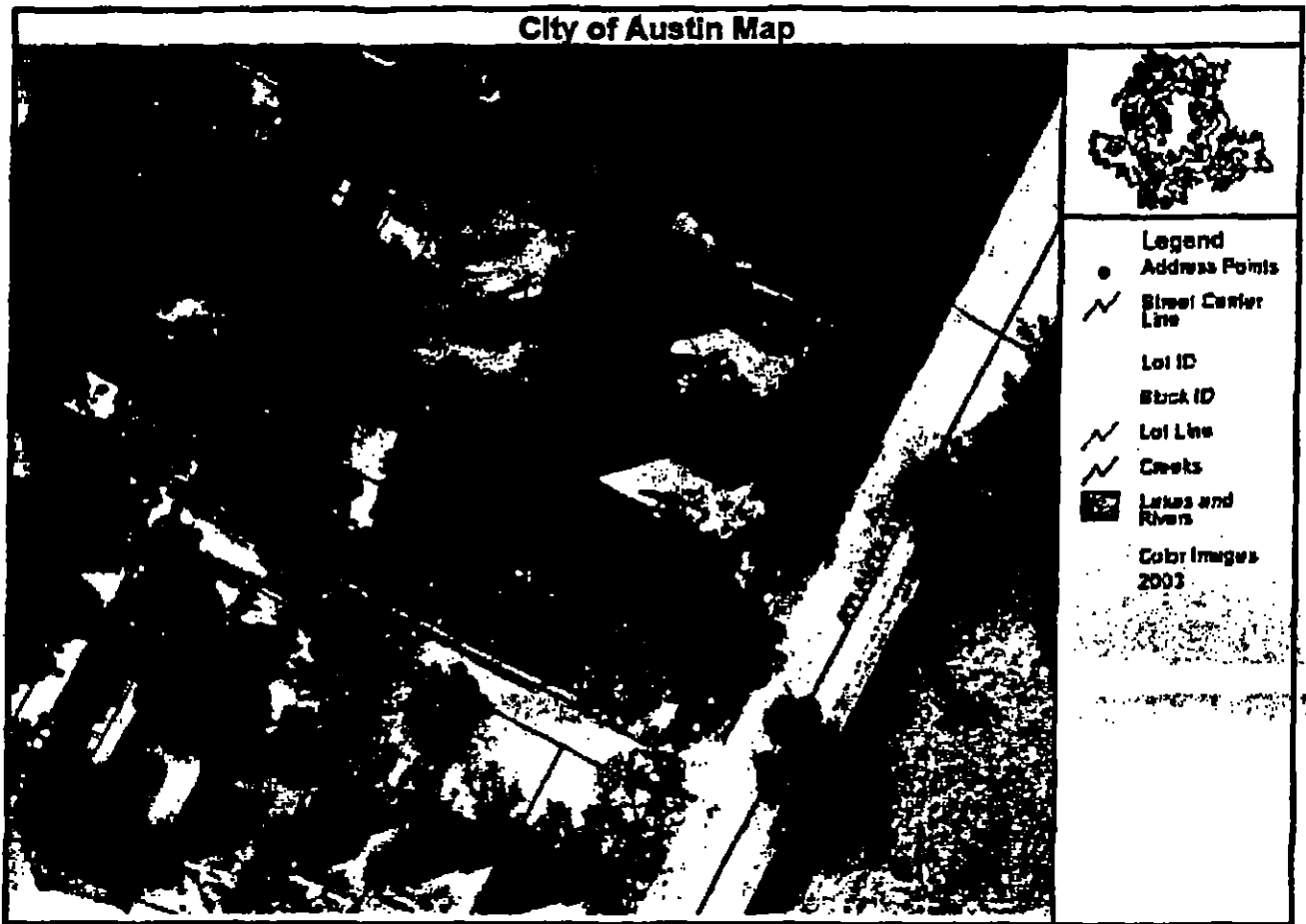
ESTATES OF JOHNSON CREEK, LOT 10



ENTRANCE OF SHARED DRIVEWAY, LOT (C)



SHARED DRIVEWAY, LOTS 11-14



Lot 13 - 518 Atlantic - 40' 6"

Lot 12 - 514 Atlantic - 38' 6"

Lot 11 - 510 Atlantic - 32' 10"

Lot 10 - 506 Atlantic

515 ± 10% min. setback: 34.65  
 106 - 325) max setback: 40' 6"

Cerkan, Donna

From: JILL J SEIDER [j-seider@sbcglobal.net]  
Sent: Monday, April 03, 2006 7:53 PM  
To: Cerkan, Donna  
Subject: RE: 500 Atlanta

Thanks for your help today. I went to addressing on the 10th floor and was given an address of 506 Atlanta. I have documentation of that from the addressing dept. but I think it will be updated in your system. We measured the setbacks and here are the numbers from the property line. According to the Ordinance #20060309-058 that you highlighted the minimum and maximum setbacks are from the street. The numbers change when you use the street vs. the property line. They also change again when using the common driveway that runs throughout the subdivision, as all of the setbacks from this driveway (which is our street) are all approximately five feet. Even though there are only three homes and our lot with an Atlanta St. address, the condos on the other side of the private drive have an Upson St. address even though they are in the same gated subdivision. They are approximately 20'-25' from the building line and 5' from the common drive. Following are the actual distances measured on the three Atlanta St. houses. As you can see, our house (506 Atlanta) is slightly closer in the front setback and further in the back setback because of the four oak trees (3-19" and 1-22"). If our house is shifted back equal to the other three homes on our street, these four trees will have to be removed.

510 Atlanta: front 36' 10"	back 14' 10"
514 Atlanta: front 38' 8" 32' 10" from deck	back 20' 6"
518 Atlanta: front 40' 6" 22' 11" from deck	back 11' 5"
506 Atlanta: front 29'	back 20'

When we designed our home, we used the building setbacks established by the City of Austin, the neighborhood deed restrictions, a registered survey, and verified by John McDonald. Before we closed on the lot in Dec. 2005, we confirmed all of these issues and that is what we designed our plans around. Can you please give me a time frame of how long it will be before an building permit can be issued? Thanks for your time.

Sincerely,  
Jill Seider

v\:\* {behavior:url(#default#VML);} o\:\* {behavior:url(#default#VML);} w\:\* {behavior:url(#default#VML);} .shape {behavior:url(#default#VML);}

Concerning #3: The new interim regulations have new setback regulations. In order to determine your maximum and minimum setback, you must provide the setback, from the building to property line, of every structure along Atlanta St. We will use those setbacks to calculate your maximum and minimum setback.

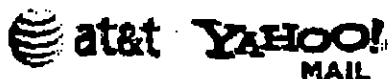
If you have already been reviewed by floodplain, I will still need a signoff from Jay Baker or Kevin Autry. What is the Land Status Determination case number? (A Land Status Determination has a case number starting with C81)

500 Atlanta is not in our system. You will need to go to the addressing department of this building to have them put the address in the system. Addressing is on the 10<sup>th</sup> floor.

Thank you,  
Donna Cerkan

4/4/2006

AT&amp;T Yahoo! Mail



Welcome, j-seider@sbcgloba...  
[Sign Out, My Account]

Search the Web

Search

[Mail Home](#) | [Tutorials](#) | [Help](#)

Mail ▾

Addresses ▾

Calendar ▾

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[What's New](#) - [Mail For Mobile](#) - [Upgrades - Options](#)

Check Mail

Compose

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Folders [Add - Edit]

Inbox

Draft

Sent

Bulk [Empty]

Trash [Empty]

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500 Atlanta

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Subject: RE: 500 Atlanta

Date: Tue, 4 Apr 2006 12:49:38 -0500

 From: "Cerkar, Donna" <Donna.Cerkar@d.austin.tx.us> [Add to Address Book](#) | [Add Mobile Alert](#)

To: "JILL J SEIDER" &lt;j-seider@sbcglobal.net&gt;

The ordinance applies to any home that is in a subdivision that was originally platted before 1974. The ordinance applies to your lot. Within the ordinance, you must comply with Gross Floor Area requirements as well as new setback minimums and maximums. I understand that you designed according to the City of Austin zoning requirements and setbacks. However, the Interim Regulations ordinance overrides those zoning regulations.

Nora told you to talk to Tina Bui if you were interested in knowing more about the Task Force which is working on replacement provisions/ordinances. If you want to apply to City Council for a waiver, you return to the Zoning Review division (our offices on 2<sup>nd</sup> floor).

Your next step is to decide whether you want to move the house back on the lot to meet the 34.85-foot minimum setback or if you want to apply to City Council for a waiver. If you decide to move the house back, I will need 3 copies of a plot plan on legal or letter size paper showing that change. If you decide to apply for a waiver, I can fax you the waiver packet.

Donna

From: JILL J SEIDER [mailto:j-seider@sbcglobal.net]

Sent: Tuesday, April 04, 2006 12:44 PM

To: Cerkar, Donna

Subject: RE: 500 Atlanta

Of the three houses that I gave you the setbacks, two are 4,000 sq. ft. and one is 3,000. Our house is 2,400 sq. ft. From what I understand about the new ordinance, it applies to homes over 2,500 sq. ft. Also, we designed our house according to the setbacks provided by the City of Austin. Nora Briones told me to contact Tina Bui and you're telling me to apply for a waiver through your office. I'm totally confused on what

the next step is.

Jill Seider

**"Cerkar, Donna" <Donna.Cerkar@ci.austin.tx.us> wrote:**

You would apply for a City Council waiver through my office.

---

**From:** JILL J SEIDER [mailto:j-seider@sbcglobal.net]  
**Sent:** Tuesday, April 04, 2006 12:06 PM  
**To:** Cerkar, Donna  
**Subject:** RE: 500 Atlanta

Is Tina Bui the City Council contact?

Thanks.

Jill Seider

**"Cerkar, Donna" <Donna.Cerkar@ci.austin.tx.us> wrote:**

Thanks for this information. The address, floodplain, and land status issues are resolved, and are no longer holding up your application.

The setbacks are still an issue because you do not meet your minimum calculated setback.

Using Part 5, Section D-4 (because there are 3 houses on your lot); I disregard 518 Atlanta as the farthest from the street (40'6") and disregard 510 Atlanta as the closest to the street (32'10").

Then, the minimum setback is 10% less than the remaining house (38'6"), which is a minimum setback of 34.65 feet. The maximum setback is 40'6". Section D-6 states that the maximum setback may not be greater than that of the lot with the principal structure farthest from the street.

Your proposed setback of 29' does not meet the minimum setback. Therefore, you will need to move the house back to meet the 34.65 feet or request a waiver from City Council.

Thank you,  
Donna Cerkar

---

**From:** JILL J SEIDER [mailto:j-seider@sbcglobal.net]  
**Sent:** Monday, April 03, 2006 7:53 PM  
**To:** Cerkar, Donna  
**Subject:** RE: 500 Atlanta

Thanks for your help today. I went to addressing on the 10th floor and was given an address of 506 Atlanta. I have documentation of that from the addressing dept. but I think it will be updated in your system. We measured

the setbacks! and here are the numbers from the property line. According to the Ordinance #20060309-058 that you highlighted the minimum and maximum setbacks are from the street. The numbers change when you use the street vs. the property line. They also change again when using the common driveway that runs throughout the subdivision, as all of the setbacks from this driveway (which is our street) are all approximately five feet. Even though there are only three homes and our lot with an Atlanta St. address, the condos on the other side of the private drive have an Upson St. address even though they are in the same gated subdivision. ! They are approximately 20'-25' from the building line ! and 5' from the common drive. Following are the actual distances measured on the three Atlanta St. houses. As you can see, our house (506 Atlanta) is slightly closer in the front setback and further in the back setback because of the four oak trees (3-19" and 1-22"). If our house is shifted back equal to the other three homes on our street, these four trees will have to be removed.

510 Atlanta: front 36' 10" back 14' 10"

514 Atlanta: front 38' 8" 32' 10" from deck back 20' 6"

518 Atlanta: front 40' 6" 22' 11" from deck back 11' 5"

506 Atlanta: front 29' back 20'

When we designed our home, we used the building setbacks established by the City of Austin, the neighborhood deed restrictions, a registered survey, and verified by John McDonald. Before we closed on the lot in Dec. 2005, we confirmed all of these issues and that is what we designed our plans around. Can you please give me a time frame of how long it will be before an building permit can be issued? Thanks for your time.

Sincerely,  
Jill Seider

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Concerning #3: The new interim regulations have new setback regulations. In order to determine your maximum and minimum setback, you must provide the setback, from the building to property line, of every structure along Atlanta St. We will use those setbacks to calculate your maximum and minimum

setback

If you have already been reviewed by floodplain, I will still need a signoff from Jay Baker or Kevin Autry. What is the Land Status Determination case number? (A Land Status Determination has a case number starting with C81)

500 Atlanta is not in our system. You will need to go to the addressing department of this building to have them put the address in the system. Addressing is on the 10<sup>th</sup> floor.

Thank you,  
Donna Cerkar

---

**From:** JILL J SEIDER (mailto:j-seider@sbcglobal.net)  
**Sent:** Friday, March 31, 2006 5:50 PM  
**To:** Cerkar, Donna  
**Subject:** Re: 500 Atlanta

Dear Ms. Cerkar,

I have already been to Land Status Determination and spoke with Hector Avila - I have documentation from him. I also have seen Kevin Autry in the Development Assistance Center and we are not in the flood plain. I did all of these things before I ever closed on this lot. Can you please clarify what you mean by question #3? &nbsp;I've spoken with Susan Walker several times and have provided her with that information. We have been told that 500 Atlanta is a legal address. On March 13, 2006, a person from the City of Austin called and we explained that Atlanta Street is only accessible through a private drive off Upson Street. We applied for this permit on March 10, 2006 and were told that it would be one wk. from the date we applied. It is now three weeks later and we are paying interim interest in the meantime. I've spent hours @ the City of Austin trying to secure this permit. Can you please expedite this as soon as possible. Thanks for your time.

Sincerely,  
Ron and Jill Seider

"Cerkar, Donna"

<Donna.Cerkar@ci.austin.tx.us> wrote:

1



This plan has been rejected for the following reasons:

1. A Land Status Determination is required. (see Hector Avila, 1<sup>st</sup> floor)
2. A floodplain review is required (I will take this to floodplain review after # 3 & 4 are addressed)
3. I need the setbacks of every structure along Atlanta St., on the same block face as this plan, per the Interim Regulations passed on March 9.
4. 500 Atlanta is not a legal address. Go to addressing on the 10<sup>th</sup> floor in order to have them assign the correct address or add 500 Atlanta to the system.

Thank you,  
Donna Cerkar

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**From:** JILL J SEIDER [mailto:j-seider@sbcglobal.net]  
**Sent:** Friday, March 31, 2006 5:50 PM  
**To:** Cerkan, Donna  
**Subject:** Re: 500 Atlanta

Dear Ms. Cerkan,

I have already been to Land Status Determination and spoke with Hector Avila - I have documentation from him. I also have seen Kevin Autry in the Development Assistance Center and we are not in the flood plain. I did all of these things before I ever closed on this lot. Can you please clarify what you mean by question #3? I've spoken with Susan Walker several times and have provided her with that information. We have been told that 500 Atlanta is a legal address. On March 13, 2006, a person from the City of Austin called and we explained that Atlanta Street is only accessible through a private drive off Upson Street. We applied for this permit on March 10, 2006 and were told that it would be one wk. from the date we applied. It is now three weeks later and we are paying interim interest in the meantime. I've spent hours @ the City of Austin trying to secure this permit. Can you please expedite this as soon as possible. Thanks for your time.

Sincerely,  
Ron and Jill Seider

"Cerkar, Donna" <Donna.Cerkar@ci.austin.tx.us> wrote:

! This plan has been rejected for the following reasons:

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3. I need the setbacks of every structure along Atlanta St., on the same block face as this plan, per the Interim Regulations passed on March 9.
4. 500 Atlanta is not a legal address. Go to addressing on the 10<sup>th</sup> floor in order to have them assign the correct address or add 500 Atlanta to the system.

Thank you,  
Donna Cerkan

4/4/2006



## GeoProfile Search Results

### Zoning

Rec	SDE.ZONING.ZTYPE	SDE.ZONING.OBJECTID
1	SF-3	1841637

### Watersheds

Rec	SDE.WATERSHED.DCM_NAME	SDE.WATERSHED.OBJECTID_1
1	JOHNSON CREEK	32

### Neighborhood Association

Rec	SDE.NEIGHASSOC.NUM	SDE.NEIGHASSOC.NAME	SDE.NEIGHASSOC.OBJECTID
1	88	West Austin Neighborhood Group	8996
2	811	Austin Neighborhoods Council	8187
3	742	Austin Independent School District	6310

### Annexation

Rec	SDE.ANNEXATION_HISTORY.CASENUM	SDE.ANNEXATION_HISTORY.ORDNUM	SDE.ANNEXATION_HISTORY.ACRES	SDE.ANNEXA
1	N/A	N/A	27874.052	AUSTIN CITY
2			18581.426	FULL PURPOSE 03/14/1946

### Overlays

Rec	SDE.OVERLAYS.O_NAME	SDE.OVERLAYS.SUB_NAME	SDE.OVERLAYS.OBJECTID
1	SCENIC ROADWAYS	LAKE AUSTIN BOULEVARD	31315
2	SCENIC ROADWAYS	LOOP 1	31334

### Approximate FEMA Floodplains

Rec	SDE.Q3.FIRM_PANEL	SDE.Q3.ZONE	SDE.Q3.OBJECTID
1	4806240205E	Outside of 500 Year	2147

### Watershed Classification

Rec	SDE.WATERREG.WATERTYPE	SDE.WATERREG.WATERNAME	SDE.WATERREG.OBJECTID
1	REG	URBAN	2

### Jurisdiction

Rec	SDE.JURIS.TYPE	SDE.JURIS.NAME
1	FULL	FULL PURPOSE

## City of Austin Zoning Profile

**Disclaimer:**

The information on this website has been produced by the City of Austin as a working staff map and is not warranted for any other use. No warranty is made by the City regarding its accuracy and completeness. For official verification of the zoning of a property, please order a Zoning Verification Letter at 512-874-2213.

**Zoning:** SF-3

**Zoning Overlay:** SCENIC ROADWAYS

**Sub Names:** LAKE AUSTIN BOULEVARD

**Sub District Names:** NONE

**Sub Names:** LOOP 1

**Sub District Names:** NONE