

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

AGENDA



Thursday, July 27, 2006

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Watershed Protection and Development Review RECOMMENDATION FOR COUNCIL ACTION

ITEM No. 85

Subject: Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a single family residence at 2208 Haskell Street, Austin, TX.

Amount and Source of Funding: There is no unanticipated fiscal impact. A fiscal note is not required.

Additional Backup Material

(click to open)

- ☐ [Staff Report](#)
- ☐ [Backup information](#)
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For More Information: Erica Eichert, 974-2720; Joi Harden, 974-3345

On March 9, 2006 the City Council adopted interim development regulations which provided development limits in subdivisions within the City limits for which the original plat was approved before March 7, 1974, or on a tract that may legally be developed without being platted. For a building permit to construct single-family, single family attached, two-family, secondary apartment, and duplex structures on a vacant lot, the new structure's size is limited to the greater of the following:

(a) 0.4 to 1 floor-to-area ratio; or (b) 2,500 square feet.

Part 5, Setbacks, Section (D)(5) of Ordinance 20060309-058 prescribes minimum and maximum front yard setbacks except as provided in paragraph (6), for a lot on a block face on which four or more lots are developed for use described in Subsection (B):

(a) the lot with a 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 principal structures on the remaining lots minus ten percent of the distance of that average.

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.

Applicant Ms. Zelda Botha is requesting a waiver from Ordinance No. 20060309-058 in order to construct a three story single family residence at 2208 Haskell Street, Austin, TX. The three story structure will have 3099 square feet of gross floor area. The proposed development exceeds the floor to area ratio and square footage limitations as well as the front setback 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-06-4754R

COUNCIL DATE: July 27, 2006

APPLICATION DATE: May 4, 2006

OWNER: Zelda Botha

ADDRESS: 2208 Haskell Street

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 May 11, 2006, the applicant submitted an application for a waiver from Part 4 Section (B) of Ordinance 20060309-058 that for a building permit for a new structure on a vacant lot, the new structure's size is limited to the greater of:

- (1) 0.4 to 1 floor-to-area ratio;
- (2) 2,500 square feet; or

DEVELOPMENT REGULATIONS

The proposed construction requires the applicant to request a Council Waiver because it creates a structure that exceeds both size limitations set forth in Part 4(B) of the ordinance:

- (a) 0.4 to 1 FAR would allow 2252 s.f.
 - Proposed structure creates 3099 s.f. on 5630 s.f. lot, which equates to a 0.55 FAR.
- (b) Proposed structure will exceed 2500 s.f. by 599 s.f.

SETBACKS

Existing Setbacks

2200 Haskell Street	17 ft
2202 Haskell Street	17 ft
2204 Haskell Street	17 ft
2206 Haskell Street	61 ft
2208 Haskell Street **Subject Property**	23 ft
2210 Haskell Street	17 ft

2212 Haskell Street	17 ft
2214 Haskell Street	17 ft
2216 Haskell Street	17 ft
2218 Haskell Street	17 ft

SETBACKS CALCULATIONS

Applicant submitted application when the setback provision was included in the ordinance. Under Part 5, Section D (5) of Ordinance 20060309-058, except as provided in Paragraph (6), for a lot on a block face on which four or more lots are developed for a use described in Subsection (B), the setback for the proposed duplex is figured thusly:

- a. the lot with a principal structure closest to the street is disregarded, and the lot with a principal structure farthest from the street is disregarded;
 - 61 ft. and 17 ft. are disregarded
- b. the minimum front setback is equal to the average of the minimum front yard setbacks of the principal structures on the remaining lots minus ten percent of the distance of that average;
 - $17 \text{ (avg. of remaining lots)} - 1.7 \text{ (10 percent)} = 15.3 \text{ ft. minimum setback}$
- 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.
 - $17 \text{ (avg. of remaining lots)} + 1.7 \text{ (10 percent)} = 18.7 \text{ ft. maximum setback}$

Applicant proposes a front setback of 23 ft, so a waiver will be required for the Part 5, Setback Section of the ordinance.

PROPOSED DEVELOPMENT

Applicant proposes the following construction:

- Construct a new three story 3099 s.f. of gross floor area - single family residence at 2208 Haskell Street
- Proposed front set back of 23 ft.

Applicant proposes additional construction:

- 1021 s.f. attached garage
- 249 s.f. 2nd floor covered wood deck (counted in FAR)
- 77 s.f. 2nd floor covered balcony (counted in FAR)
- 77 s.f. 3rd floor covered balcony (counted in FAR)
- 128 s.f. covered porch
- 28 s.f. walkway and steps on private property
- 416 s.f. new driveway area.

ZONING

- This lot is currently zoned Single Family Residential (SF-3-NP).
- It lies within the East Town Lake Citizens Neighborhood Organizations, Guadalupe Neighborhood Development Corp., Terrell Lane Interceptor Assn., El Concilio, Coalition of Mexican American Neighborhood Assn., Austin Neighborhoods council, The Holly Group, Holly Street Association, Sentral Plus East Austin Koalition (SPEAK), and PODER people Organized in Defense of Earth & her Resources.

WAIVER

The applicant requests the waiver from Part 4, Section B 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:

- Letter from P.E. stating development will not cause additional impacts to the existing drainage system.
- Information was provided indicating undue financial hardship.
- Photos from the neighborhood submitted as evidence that the new structure will be compatible to the existing structures in the neighborhood.
- Letters from the neighborhood association indicating support.

STAFF RECOMMENDATION: APPROVAL

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

Waiver Application

Permit

BP-06-4598 R

2208 Haskell Str

David Weekley
Homes

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

- ☒ 1) SQUARE FOOTAGE OF SUBJECT PROPERTY
- ☒ 2) SQUARE FOOTAGE OF ADJACENT RESIDENCES
- ☒ 3) HOMESTEAD EXEMPTION

☒ COPY OF PLAT

☒ COPY OF APPROVED LAND STATUS DETERMINATION

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

Submitted 5/2 ☒ DRAWINGS FROM ARCHITECT OR ENGINEER (SEALED & DATED)

Not applicable ☒ DEMOLITION OR RELOCATE PERMIT MUST BE FILED ON 5TH 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.)

**CITY OF AUSTIN
REQUEST TO WAIVE DEVELOPMENT REGULATIONS
UNDER ORDINANCE NUMBER 20060309-058**

STREET ADDRESS: 2208 Haskell St
 LEGAL DESCRIPTION: Subdivision _____
 Lot(s) 21 Block A Outlot _____ Division OL+62 DVO Driving Park Addition
 Zoning District: _____ Neighborhood Plan (if applicable): Holly V NO2

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

☒ New Construction: Single family residence
 Addition: _____

Please select one of the following:

- we also ask for a set back of 23 feet / front
- ☒ 1. I request a waiver to the interim development regulations because the regulations impose an undue hardship as described: we have literally invested years into this project since 2000, we have planned & designed the time spent cannot be recaptured, we have committed financially already made several payment to different contractors, architected
The granting of this waiver will not adversely affect the public health, safety and welfare. I signed purchasing agreement
 Explain: The footprint of this home is 1300 square feet that is equal or smaller than surrounding homes. therefor stormwater flow or drainage will not cause any increased flooding. The house is compatible in size with surrounding homes
Waiving the regulation will not have a substantially adverse impact on neighboring properties
Explain: This house design will not alter the character of the area adjacent or the neighborhood. The house is designed to look like current homes, it has a traditional design and colors that flows with the area. The house is positioned in such a way that it will have no physical impact on surrounding homes
- ☐ 2. The following development agreement permits the activity: _____
- ☐ 3. I have acquired a right under Texas Local Government Chapter 245 (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: _____

This is a Green House that will not have a negative affect on the environment

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 as well as requirements for residential building permit submittal. 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: _____

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

Submitted 5/2/06
via Manner

BP Number	BP-02-4135 RA
Building Permit No.	
Plat No.	Date
Reviewer	

PRIMARY PROJECT DATA

Service Address	2208 Haskell St	Tax Parcel No.	
Legal Description	Lot 20324 Block A Subdivision Old 62 Div O Driving Park Addition No 2 Section Phase		
If in a Planned Unit Development, provide Name and Case No. (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.			
Description of Work	Remodel (specify)		
<input checked="" type="checkbox"/> New Residence			
<input type="checkbox"/> Duplex	Addition (specify)		
<input type="checkbox"/> Garage <input type="checkbox"/> attached <input type="checkbox"/> detached			
<input type="checkbox"/> Carport <input type="checkbox"/> attached <input type="checkbox"/> detached	Other (specify)		
<input type="checkbox"/> Pool			
Zoning (e.g. SF-1, SF-2...)	Height of building	35'-6" ft.	# of floors 3
On lots with LA zoning, the approved septic permit must be submitted with the Residential Permit application for zoning approval. {LDC 25-2-551(B)(6)}			
Does this site have a Board of Adjustment ruling? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach the B.O.A. documentation			
Will this development require a cut and fill in excess of 4 feet? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Does this site front a paved street? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No A paved alley? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

**VALUATIONS FOR
REMODELS ONLY**

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

**DATA FOR NEW CONSTRUCTION
OR ADDITIONS ONLY**

Lot Size	5,630	sq. ft.
Job Valuation	264,110	
(Labor and materials)		
Total Job Valuation (remodels and additions)	\$	
(Labor and materials)		

**PERMIT FEES
(For office use only)**

	NEW/ADDITIONS	REMODELS
Building	\$	\$
Electrical	\$	\$
Mechanical	\$	\$
Plumbing	\$	\$
Driveway & Sidewalk	\$	\$
TOTAL	\$	\$

OWNER / BUILDER INFORMATION

OWNER	Name	Johann & Zelda Botha	Telephone (h)	512 474 2954
			(w)	
BUILDER	Company Name	Weekley Homes, L.P.	Telephone	512 821-8854
	Contact/Applicant's Name	Susan Clark	Pager	
			FAX	512 372 8725
DRIVEWAY /SIDEWALK	Contractor	Alvarez Concrete	Telephone	845-8216
CERTIFICATE OF OCCUPANCY	Name	Johann & Zelda Botha	Telephone	512 474 2954
	Address	2206 Haskell Street	City	Austin ST TX ZIP 78702

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

___ telephone ☒ e-mail: sclark@dwhomes.com

You may check the status of this application at www.ci.austin.tx.us/development/pierivr.htm

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 Susan E Clark DATE 5-1-06

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction) 1021

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

Service Address

2208 Haskell Street

Applicant's Signature

Susan E Clark

Date

5-10-6

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 st floor conditioned area	sq. ft.	119 sq. ft.
b. 2 nd floor conditioned area	sq. ft.	1331 sq. ft.
c. 3 rd floor conditioned area	sq. ft.	1246 sq. ft.
d. Basement	sq. ft.	
e. Garage / Carport		
X attached	sq. ft.	1021 sq. ft.
detached	sq. ft.	
f. Wood decks [must be counted at 100%]	sq. ft.	249 sq. ft.
g. Breezeways	sq. ft.	
h. Covered patios	sq. ft.	
i. Covered porches	sq. ft.	128 sq. ft.
j. Balconies	sq. ft.	154 sq. ft.
k. Swimming pool(s) [pool surface area(s)]	sq. ft.	
l. Other building or covered area(s)	sq. ft.	
Specify		

TOTAL BUILDING AREA (add a. through l.)

sq. ft.

4248

sq. ft.

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

1671 sq. ft.

29.6 % 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)	1671 sq. ft.
b. Driveway area on private property	414 sq. ft.
c. Sidewalk / walkways on private property	28 sq. ft.
d. Uncovered patios	— sq. ft.
e. Uncovered wood decks [may be counted at 50%]	— sq. ft.
f. Air conditioner pads	— sq. ft.
g. Concrete decks	— sq. ft.
h. Other (specify)	— sq. ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.)

2115 sq. ft.

37.5 % of lot

Proof of Hardship

Exhibit 1

• Time Line

The Builder/ Owner has invested incredible amount of time in this project. Starting 2000 and now building the project year 2006.

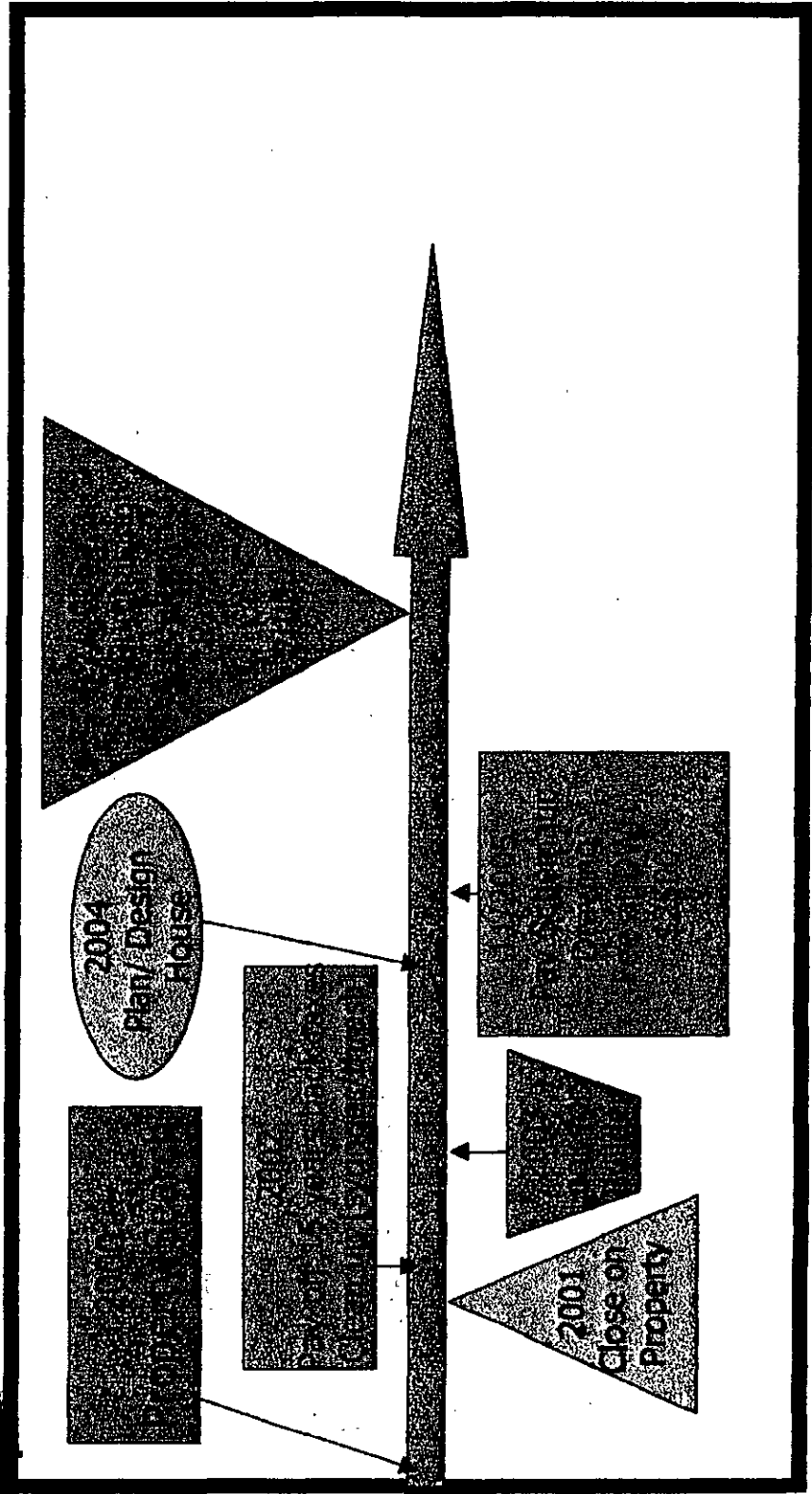
The economic impact on the landowner/ builder will put undue hardship on the owner / as well as builder since we are so far into the project, the time spent can not be recaptured or replaced in anyway

The Owner is not planning to profit from this project in any way, nor will this project in any way harm the public health or welfare of the area.

Therefore the owner/ as well as Builder ask that serious consideration would be given in regard to time spent overall on this project and also for the administrative process.

As well as for all financial commitments that has followed under the contract that started a process in more than one business

Project Timeline Graph



Project Timeline

2000

Property Search begin in East Austin for Empty lot

01/30/2001

Search for the owner of the lot/ he did not respond at first

Find owner in Georgia Atlanta

(2 liens on property)

15 years of property back taxes

Start negotiation

10/18/2001

Close on property

Pay all outstanding liens

Pay all outstanding property taxes

2002

Clean the property 44 syringes find on property

Even more needless etc found, clean top soil slowly through months

Remove all thrash dumped

2003

Looking at different builders

2004

Start planning outlay/design of the home

10/17/05

Timeline of Activities for Johann and Zelda Botha
and David Weekley Homes/Travis Kenney. Initial meeting with Botha's at New Home
Center. Discussed plans and budget.

10/20/05

Activated Botha's plan in company database.

10/27/05

Met with Botha's to discuss plans, modifications and site costs

11/12/05

Met with Botha's. Worked on sketches of secondary bedrooms. Requested soils
analysis.

11/21/05

Botha's signed "Schematic Drawing Agreement" and gave David Weekley Homes a
check for \$2,500. Copy of check and agreement attached.

11/30/05

Survey of lot completed.

12/20/05

Met at property to work on site costs.

1/18/06

Met with Botha's to discuss plans, modifications and site costs

2/17/06

Met with Botha's to discuss plans, modifications and interior options.

2/23/06

Met with Botha to discuss pricing breakdowns.

2/28/06

Signed purchase agreement and collected a check for \$1,000. Copy of check attached.

3/21/06

Met with Botha's and Eric Olson (David Weekley Homes Sales Manager) to discuss pricing and timelines.

3/26/06

Met with Botha's to discuss plans, modifications and pricing of interior options.

4/8/06

Met with Botha's to discuss plans, modifications and pricing of interior options.

4/12/06

Botha's 1st design center appointment at David Weekley Homes Design Center

4/19/06

Botha's 2nd design center appointment at David Weekley Homes Design Center.

4/29/06

Met with to finalize plans and discuss pricing of interior options.

For additional information or questions, feel free to contact me:

Travis Kenney
David Weekley Homes
9000 Waterford Centre Blvd.
Austin, TX 78758
512.821.8856
512.914.7212
tkenney@dwhomes.com

Proof of Hardship on owner

Exhibit 2

The owner has a large family and has being planning a house with some viable economic use only to accommodate the whole family. The family consists of six (four children). There is also the increased possibility of adding an elderly parent. The owner feels it will be undue hardship if this four bedroom has to be made smaller.

The owner ask for the reasonable use of this property as homestead to accommodate his whole family

Impact on Drainage



TEXAS
DESIGN
INTERESTS, LLC

7500 Hwy 71 West, Suite 106
Austin, TX 78735

(512) 301-3389 (o)
(512) 301-3348 (f)

May 26, 2006

Director
Watershed Protection and Development Review Department
505 Barton Springs Road
Austin, TX 78703

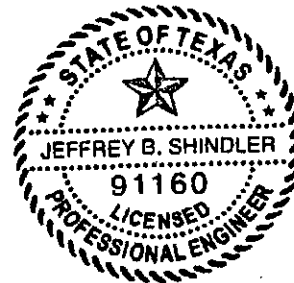
RE: Engineer's Drainage Certification
2208 Haskell St
Austin, TX

To Whom It May Concern:

I certify that I have personally conducted a topographic review and field investigation of the existing and proposed flow patterns for stormwater runoff from the subject lot to Town Lake. At build-out conditions allowable by zoning, restrictive covenant or plat note, the stormwater flows from the subject subdivision will not cause any increase in flooding conditions to the interior of existing building structures, including basement areas, for storms of magnitude up through the 100-year event.

Sincerely,

Jeff Shindler, P.E.



Residential/Commercial
Civil & Structural Engineering



TEXAS
DESIGN
INTERESTS, LLC
AUSTIN • HOUSTON

7500 HWY 71 WEST
SUITE 106
AUSTIN, TX 78735

(512) 301-3389 (O)
(512) 301-3348 (F)

RESIDENTIAL / COMMERCIAL
CIVIL & STRUCTURAL ENGINEERING

Invoice

Date	Invoice #
5/22/2006	157
Past Due Date	
5/22/2006	

Zelda Botha
2206 Haskell Street
Austin, TX 78702

Job Name			
.213 100 - 2208 Haskell Street			
Description	Qty	Rate	Amount
Professional Civil Engineers Certification - 2208 Haskell Street Austin, TX	3	115.00	345.00
Thank you for your business. Please include the invoice number above on your check.			
Total			\$345.00
Payments/Credits			\$0.00
Balance Due			\$345.00