

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2010-0053
ROW # 10435719

CITY OF AUSTIN 04-02060907
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

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

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 2001 S 1 ST, 78704

LEGAL DESCRIPTION: Subdivision - _____

Lot(s) 1 Block C Outlot _____ Division Bouldin James E Addn

I/We _____ on behalf of myself/ourselves as authorized agent for

THREADGILL PROPERTIES LLC affirm that on April 27, 2010,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

A 1,667.34 sqft wood frame, one story, pier and beam structure under SF3 site development standards but with a front setback of 20ft instead of 25ft and a side street setback of 5ft instead of 15ft.

in a CS-MU-V-CO-NP district.
(zoning district)

Single family residence

NOTE: 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 support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

The zoning regulations applicable to the property do not allow for a reasonable use because: The required setbacks under SF3 site plans specific to the front yard, 25ft, and the north boundary side street (W. Johanna) setback of 15ft, would require the removal of a 44" diameter Oak tree, (deemed protected even under the old tree protection ordinance) in order to allow full use of the 40% allowable FAR under SF3 site regulations.

HARDSHIP:

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

The specific, central location on the 49.5ft wide lot of a very large protected oak tree and the associated 22ft critical root zone (CRZ) combined with a steep grade at the rear of the lot that is part of the Bouldin Creek watershed (where the lot drops directly to the creek) make the construction of a functional and logically designed building that conforms to the SF3 front yard and side street setbacks impracticable without either removal of the tree or adjustment of the setbacks.

(b) The hardship is not general to the area in which the property is located because: Existing commercial and residential development on S. 1st was largely completed in past years without regard to the preservation of large trees so only a very few large trees of comparable size still exist in the immediate area. In the immediate area no other vacant lots still exist along this portion of S. 1st Street which means any redevelopment on other lots have at least an existing structure and existing impervious cover to start with regardless of any tree locations, CRZ issues or regulations. In addition the existence of a 15ft ROW along Johanna is unique to the immediate area. Thus the impact of the requested setback variances would be very limited in application and unique to this lot and the immediate area.

AREA CHARACTER:

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:

The planned building is designed to look similar to the adjacent structures in both height (1 story) and design (residential style). Further the proposed front setback of 20ft, rather than 25ft, places the planned structure in line and consistent with the front boundaries of the adjacent structures to the south and in no way impairs the use of those properties. The front setback of the building to the north across Johanna is only 10ft on parts of the structure and roughly 15ft on other parts so less than the requested 20ft setback for the proposed structure. The proposed 5ft side yard setback, verse 15ft required, on the Johanna side street lot line places the side of the proposed structure approximately 20ft away from the actual curb due to the existence of a ROW that is already 15ft wide on

average. By comparison the neighboring building across Johanna to the north has a side street setback of only 15ft from the curb for parts of the building. The resulting actual side street setback between the curb and the proposed structure would be more than the desired 15ft per the zoning district regulations for side streets even with the setback reduction requested and thus does not impair the purpose of the side street setback regulation.

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 Section 479 of Chapter 25-6 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 reasonable require strict or literal interpretation and enforcement of the specific regulation because:

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:

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

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

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.

APPLICANT CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed-  Mail Address_3503 Bridle Path Ste B.

City, State & Zip _Austin, TX 78703_____

Printed __John Carter Shanklin_____ Phone __512-276-5414__ Date 4/27/10__

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

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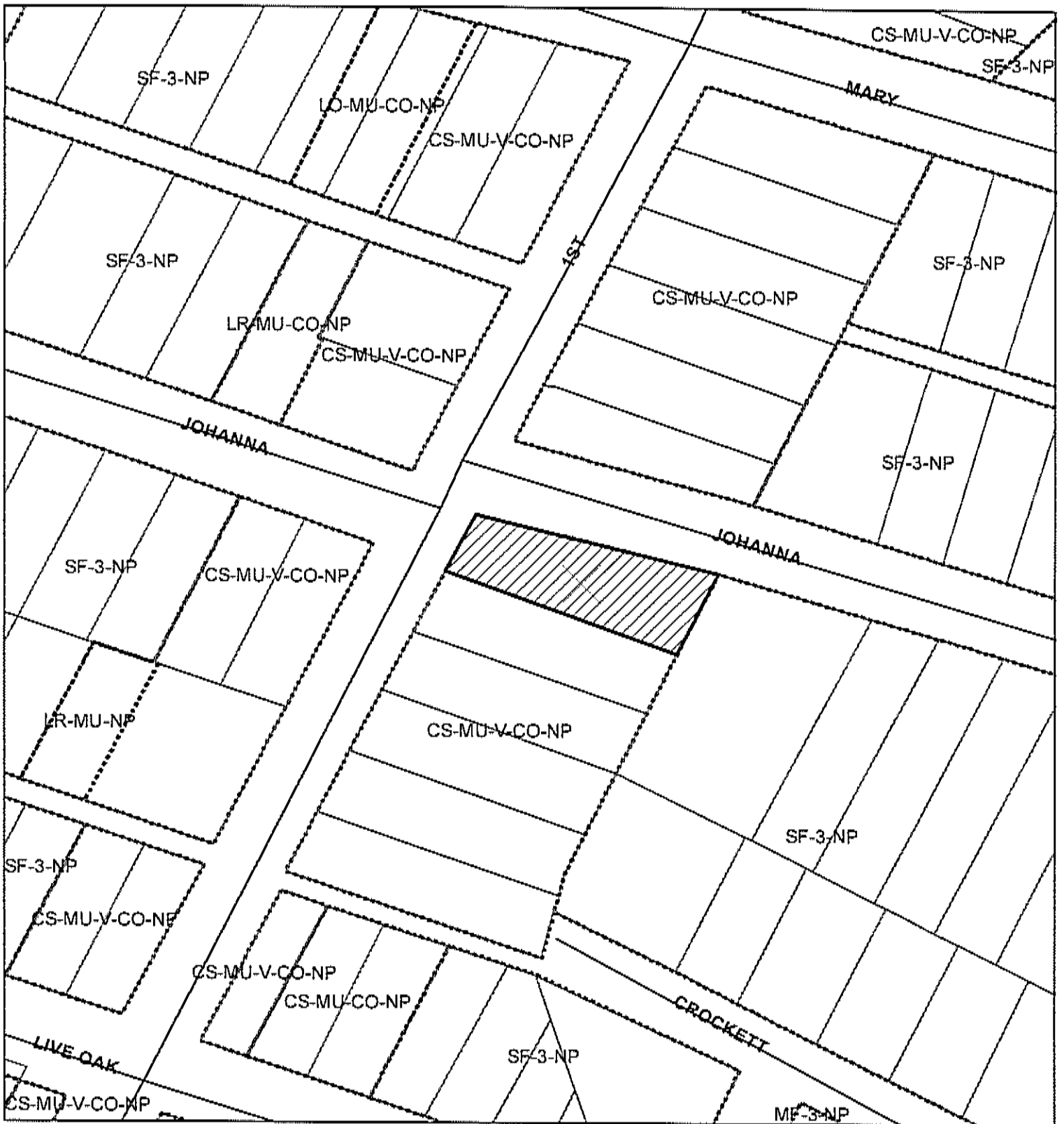
Printed_John Carter Shanklin_____ Phone_512-276-5414_____ Date_4/27/10_____

OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed J.R. Threadgill, mbr Mail Address_1501 N. Bell Blvd

City, State & Zip_Cedar Park, TX 78163_____



Printed J.R. Threadgill Phone 423-0922 Date 4/27/10



Board of Adjustments



CASE#: C15-2010-0053
 ADDRESS: 2001 S 1ST ST
 GRID: H20
 MANAGER: SUSAN WALKER

-  SUBJECT TRACT
-  ZONING BOUNDARY



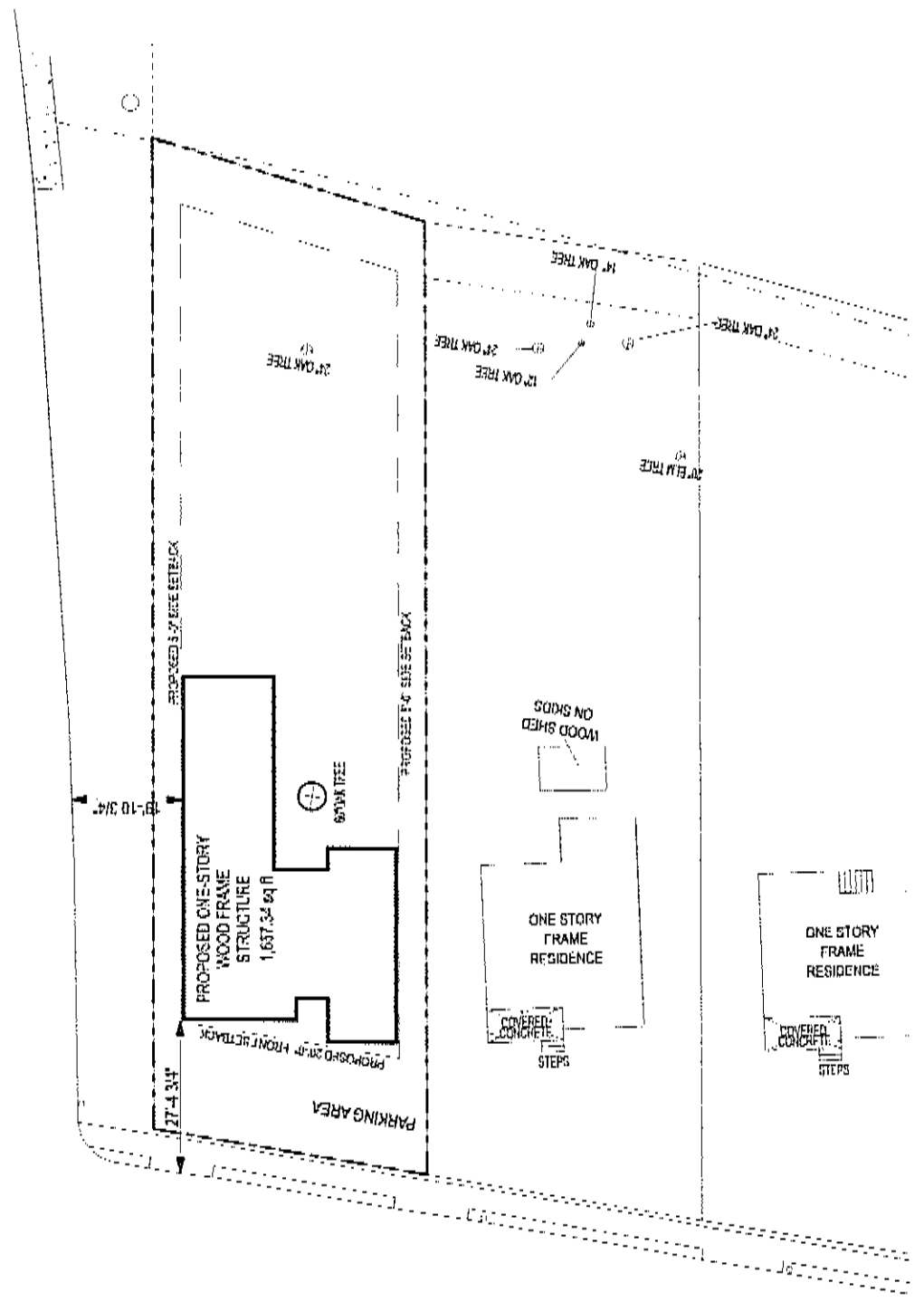
This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



23112 R.A. [Name]
 FLORIDA PROFESSIONAL ENGINEER
 STATE OF FLORIDA

NOT BE USED FOR
 REVISIONS, APPROVAL,
 FEASIBILITY OR CONSTRUCTION

2011 SOUTH FIRST
 D.03
 SHEET



1 Site Plan
 8.12.12

44" Oak at 2001 S. 1st

From: **Embese, Michael** (Michael.Embese@ci.austin.tx.us)
Sent: Wed 5/05/10 2:49 PM
To: Carter Shanklin (carter_shanklin@hotmail.com)

Thank you for your request and for your interest in minimizing impacts to this 44-inch Heritage Live Oak tree. Please share this email with those individuals which may be interested in the possible development of this lot.

In order to meet the requirements of the Heritage Tree Ordinance, a variance request is required to assess the possible shifting of the proposed development away from the tree. It is preferable from a tree preservation standpoint to shift building footprints as far from the tree as possible. However, please be aware that the preservation standards do not allow disturbance within 22 feet of the tree. Nonetheless, if a development is approved on this lot, a review of the proposed impacts would be required via a tree permit application. If a plan is approved, it is anticipated that at a minimum, the following conditions would apply:

- remedial tree care, and any required pruning, will be performed by a certified arborist;
- no more than 30% is permitted to be removed;
- no underground utility trenching within 22-feet of the tree;
- pier-and-beam (above grade) foundation; and,
- tree protection throughout the development (e.g. chain link fence, mulch).

Thank you for your time and please contact me if I can assist you further,
Michael Embese

City of Austin - Planning and Development Review Department

City Arborist

505 Barton Springs Road

Austin, TX 78704

Phone (512) 974-1876

Fax (512) 974-3010

Web Site www.ci.austin.tx.us/trees



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

April 28, 2010

Carter Shanklin
3503 Bridle Patc Suite B
Austin, Texas 78703
carter_shanklin@hotmail.com

Re: 2001 South 1st Street
Lot 1, Block C, James E. Bouldin Addition

Dear Mr. Shanklin,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the front setback to 20 feet along South 1st Street and the Johanna street side setback to 5 feet. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6522.

Sincerely,

Robert K. Long, Jr.
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker



NOT BEING FOR
REVISION OR
PERMITS ON CONSTRUCTION

2011 EXHIBIT B-03
D.03
M/J/P

2001 S. 1st

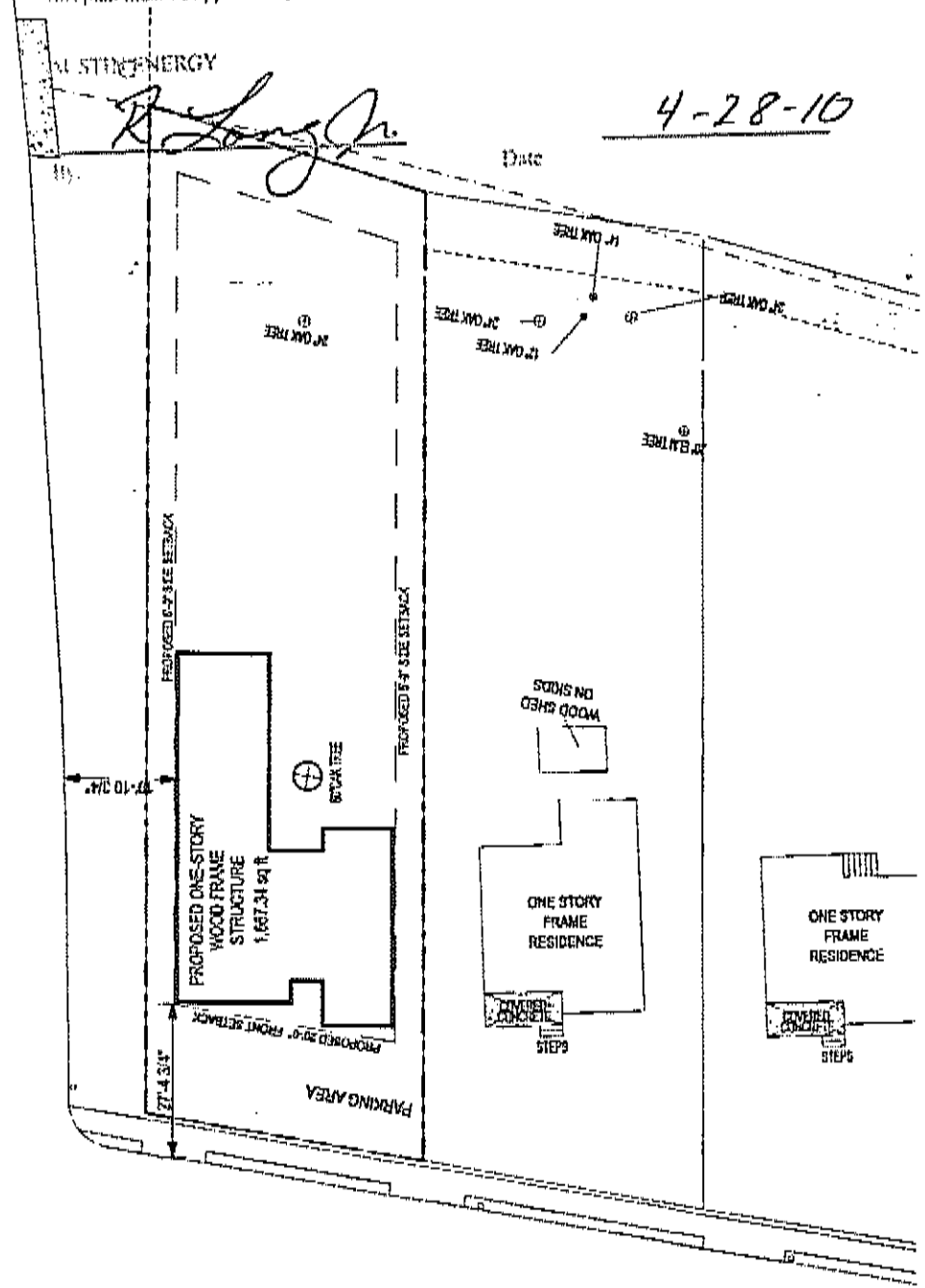
Austin Energy has reviewed this plan for 2001 S. 1st and approved (disapproves) the variance requested before the Board of Adjustment. Any changes to this plan must be approved by Austin Energy.

2001 S. 1st ENERGY

R. Long Jr.

4-28-10

Date



1 Site Plan
10.0