

**CITY OF AUSTIN  
Board of Adjustment/Sign Review Board  
Decision Sheet**

**DATE: Monday, May 10, 2010**

**CASE NUMBER: C15-2010-0046**

\_\_\_\_\_ Jeff Jack  
\_\_\_\_\_ Michael Von Ohlen  
\_\_\_\_\_ Nora Salinas  
\_\_\_\_\_ Bryan King  
\_\_\_\_\_ Leane Heldenfels, Chairman  
\_\_\_\_\_ Clarke Hammond, Vice Chairman  
\_\_\_\_\_ Heidi Goebel  
\_\_\_\_\_ Melissa Hawthorne

**APPLICANT: Michael Vacek**

**OWNER: Celia Thrash**

**ADDRESS: 5705 AVENUE G**

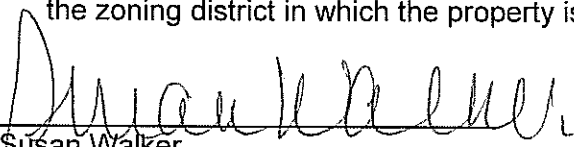
**VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 15 feet in order to attach a carport and porch to a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Highland Neighborhood Plan)**

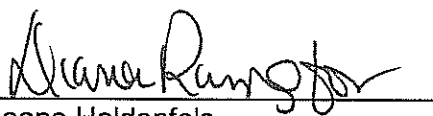
**The applicant has requested a variance from Section 25-2-1604 (C) (1) which states that a parking structure with an entrance that faces the front yard may not be closer to the front lot line than the building façade in order to attached a carport to a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Highland Neighborhood Plan)**

**BOARD'S DECISION: POSTPONED TO JUNE 14, 2010 FOR HARDSHIP AND SCALED DRAWING**

**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:

  
\_\_\_\_\_  
Susan Walker  
Executive Liaison

  
\_\_\_\_\_  
Leane Heldenfels  
Chairman

**PUBLIC HEARING INFORMATION**

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
  - is the record owner of property within 500 feet of the subject property or proposed development; or
  - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2010-0046, 5705 Ave G  
 Contact: Susan Walker, 974-2202  
 Public Hearing:  
 Board of Adjustment, May 10, 2010

*Michael Walker*  
 Your Name (please print)

*5705 Ave G*  
 Your address(es) affected by this application

*M. Walker*  
 Signature

*5/3/2010*  
 Date

Daytime Telephone: *512-576-8793*

Comments:

I am in favor  
 I object

If you use this form to comment, it may be returned to:  
 City of Austin-Planning & Development Review Department/ 2<sup>nd</sup> Floor  
 C/O Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-8810

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Case Number: C15-2010-0046, 5705 Ave G  
 Contact: Susan Walker, 974-22202  
 Public Hearing:  
 Board of Adjustment, May 10, 2010

*Sacculine Scoggins*  
 Your Name (please print) \_\_\_\_\_  
 I am in favor  
 I object

5705 Ave G 28252  
 Your address(es) affected by this application \_\_\_\_\_

*Susan Walker*  
 Signature \_\_\_\_\_  
 5/3/2010  
 Date \_\_\_\_\_

Daytime Telephone: 574-8743 \_\_\_\_\_

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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Case Number: C15-2010-0046, 5705 Ave G  
 Contact: Susan Walker, 974-2202  
 Public Hearing:  
 Board of Adjustment, May 10, 2010

Celia Tharsh  
 Your Name (please print)

5705 Ave G 28252

Your address(es) affected by this application

Celia Tharsh 5/3/2010  
 Signature Date

Daytime Telephone: 576-8273

Comments: \_\_\_\_\_

I am in favor  
 I object

If you use this form to comment, it may be returned to:  
 City of Austin-Planning & Development Review Department/ 2<sup>nd</sup> Floor  
 C/O Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-8810

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Case Number: C15-2010-0046, 5705 Ave G  
 Contact: Susan Walker, 974-22202  
 Public Hearing:  
 Board of Adjustment, May 10, 2010

*Debra Thomas*  
 Your Name (please print)  I am in favor  
 I object

*5705 Ave G 78252*  
 Your address(es) affected by this application

*Debra Thomas* *5/3/2010*  
 Signature Date

Daytime Telephone: *526-8793*

Comments: \_\_\_\_\_

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 2<sup>nd</sup> Floor  
 C/O Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-8810

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

CASE # C15-2010-004C  
ROW # 10477277

TP-0226100618

**CITY OF AUSTIN  
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: 5705 Ave G

LEGAL DESCRIPTION: Subdivision - Skylark

Lot(s) 104 Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_

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

Celia Thrash affirm that on 4/9, 2010,

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

(check appropriate items below)

\_\_\_ ERECT  ATTACH \_\_\_ COMPLETE \_\_\_ REMODEL \_\_\_ MAINTAIN

carport, porch

in a SF-3-UP district.  
(zoning district)

SF-3-UP Highland N.P.

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:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:  
the carport would not be large enough to cover a car - protect from rain and hail.

**HARDSHIP:**

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

the only place to put a carport.

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

we are unable to pull car into backyard - other lots have room on side of house to pull car into backyard or alley.

**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 carport matched the house, when it is painted, you won't be able to tell it was added on.

**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:

N/A

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:

N/A

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

N/A

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

N/A

**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 Michael Vacek Mail Address 5705 Ave G

City, State & Zip Austin, TX 78752

Printed Michael Vacek Phone <sup>(512)</sup> 576-8793 Date 4/8/10

**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 Celia Thrash Mail Address 601 E. Newport

City, State & Zip McAllen Texas 78501

Printed Celia Thrash Phone 956-630-6517 Date 4-7-10





**N**

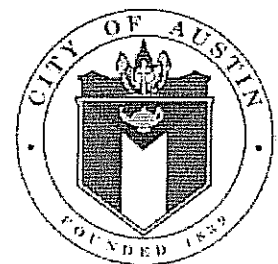
= 100'

**SUBJECT TRACT**

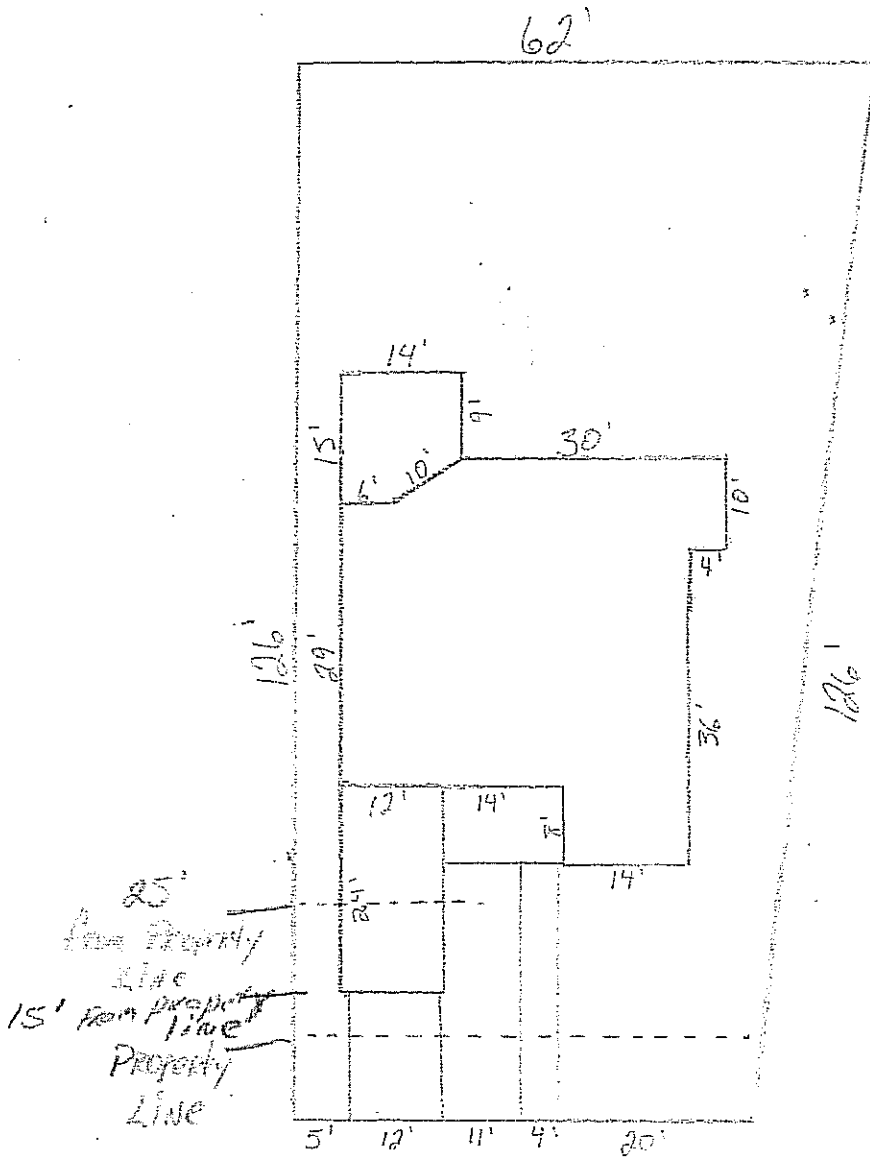
**ZONING BOUNDARY**

**BOARD OF ADJUSTMENT**

CASE#: C15-2010-0046  
 ADDRESS: 5705 AVENUE G  
 GRID: K27  
 MANAGER: SUSAN WALKER



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



25'  
from Property  
Line  
15' from Property  
Line  
Property  
Line

All structures etc. must maintain 7'5"  
clearance from AE energized power  
lines. Enforced by AE & NESC codes.

AE APPROVED  
MAR 29 2010  
88-200  
JGM