

CASE # C15-2010-0054
TP-0217 000326
ROW-10439562

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: 1101 West 31st Street

LEGAL DESCRIPTION: Subdivision -- 1.058 Ac. Being a part of J. B. Sedwick Subdivision

Lot(s) 1 Block _____ Outlot _____ Division _____

I Jim Bennett as authorized agent for Fred & Jennifer Meyers

affirm that on 5/5, 2010, hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

An accessory dwelling providing a front street setback of 15 ft.
in a SF-3 district.
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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 existing historical structure prevents additional living space from being added, and the new structure will allow for the preservation of the original structure.

HARDSHIP:

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

the location of Shoal Creek, the configuration and topography of the lot, as well as the location of existing casements and landscaping create the hardship which prevents the structure from being setback any further from the front property line.

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

The historic designation, the location of the creek, the casements location, the topo, and landscaping conditions are not cumulative on other sites in the 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:

This is an older section of Austin, the lot will maintain adequate open space, and the use of the building will be single family.

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.

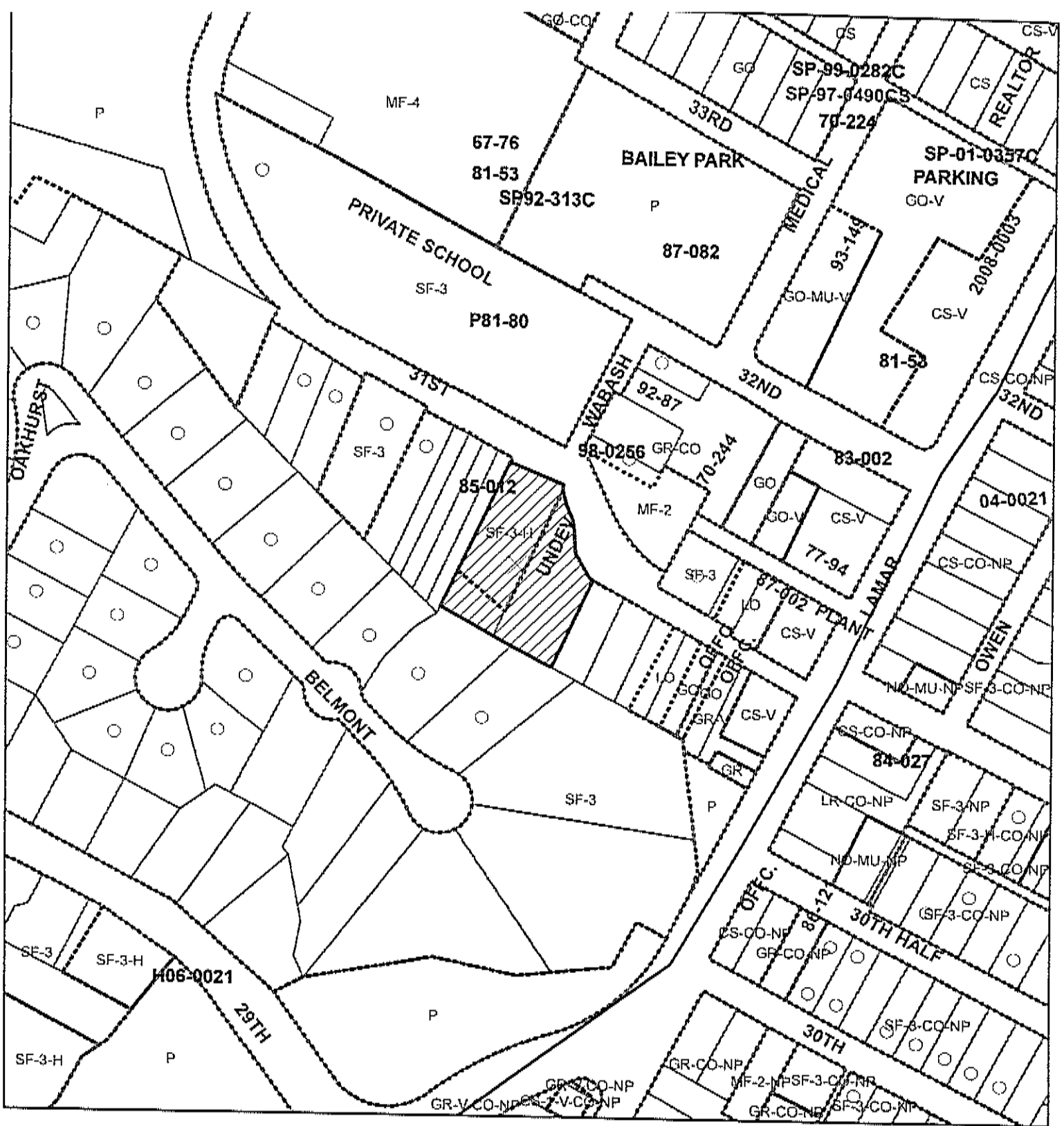
Signed Jim Bennett Mail Address 11505 Ridge Drive
City, State & Zip Austin, TX. 78748

Printed Jim Bennett Phone 282-3079 Date 5/8/2010

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 Fred Myers Mail Address 1101 W. 31st St.
City, State & Zip Austin, TX. 78705

Printed Fred & Jennifer Myers Phone 302-1922 Date 5/10/2010



BOARD OF ADJUSTMENT

CASE#: C15-2010-0054
 ADDRESS: 1101 W 31ST ST
 GRID: J 25
 MANAGER: SUSAN WALKER



 **SUBJECT TRACT**

 **ZONING BOUNDARY**

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.

CITY OF AUSTIN
BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
DECISION SHEET

Need New
BoA -
for Accessory
dwelling ✓

DATE: August 10, 1998

CASE NUMBER: C15-98-075

APPLICANT: Terra Verde, LLC for Fred & Jennifer Meyers

ADDRESS: 1101 W. 31st St.

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum front street setback requirement of Section 13-2-630 from 25 feet to 15 feet along the north property line in order to allow the construction of a single family residence (existing historic structure to become accessory dwelling for the new single family residence) in an "SF-3", Family Residence zoning district.

BOARD'S DECISION: Approved 5-0

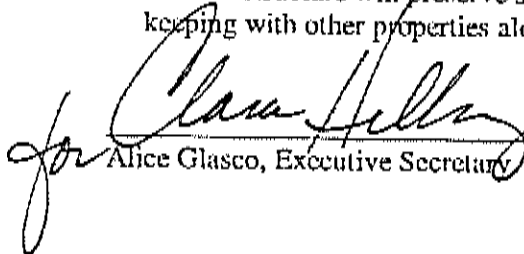
FINDINGS:

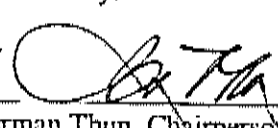
1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the setback requirements as established by the city rules and regulations would only provide space for a very narrow building that would be unsuitable to normal residential use and due to the configuration of the site and the adjacency of the slopes to Shoal Creek.

2. (a) The hardship for which the variance is requested is unique to the property in that: a portion of the property has been designated as historic which would not allow for additions or alterations to that living space. This does not occur in other lots in the general area.

(b) The hardship is not general to the area in which the property is located because: historic designation for a building on a portion of this site and the adjacency of Shoal Creek and it's impact with slopes on the property limit the useable area of the site.

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: this property occurs in an older section of the city of Austin, other properties in the area are similarly located. The location of the new structure will preserve site lines to the historic structure and will be generally in keeping with other properties along the roadway.

 for Alice Glasco, Executive Secretary

 Herman Thun, Chairperson



August 5, 1998

Board of Adjustment/Sign
Review Board Liaison
Development Review and
Inspection Depart,
P. O. Box 1088
Austin, Tx. 78767-8835

POST OFFICE BOX SEVEN

AUSTIN, TEXAS 78767

512 area code

phone 459.5997

fax 467.9573

File No. C15-98-075
Ref: 1101 West 31st Street

Members of the Board of Adjust:

I live at 1107 West 31st Street, and upon receipt of your Notice of Public Hearing, attempted to call Fred Meyers, the owner and applicant of the above referenced request for a variance. As Mr. Meyers has not returned my call, and may be out of town, I went to the Case Manager Susan Walker's office today in order to see just what the Meyers have proposed.

Unfortunately, the "site plan" on file with the case manager is solely inadequate. There's not enough information on the site plan to show important information such as square footage, or any ingress or egress.

As the application request calls for the existing historic structure to become an accessory dwelling, I have deep concerns that the owners will comply with the city zoning ordinance that defines this as intended for occupancy by a family (ie: the Meyers family) rather than use it for commercial purposes.

In the past the Meyers have rented their home and grounds for private parties such as weddings, garden parties and photographic shoots. The City of Austin Chief Zoning Inspector J. E. Washington has sited the Meyers for past violations, and they have given us, the neighbors, their assurance that this will *not* happen again.

However, with this request for a variance, and without a written restrictions prohibiting a commercial use of the "historic cottage" from either the City of Austin or Mr. and Mrs. Meyers, I must object.



ROGER JOSEPH
DEVELOPMENTS
INCORPORATED



Page 2: Meyers C-15-98-075

I am unable to attend the Hearing Date of August 10, 1998 as I will be out of town. Should the Board find that there are enough objections to this request, and postpone their vote, I will be willing to attend a meeting in September.

Hopefully the Board will visit the site before their meeting and see the difficulties in building on this lot.

POST OFFICE BOX SEVEN

AUSTIN, TEXAS 78767

Cordially,

512 area code

phone 469.5997

fax 467.9573

Roger Joseph, Owner
1107 West 31st Street
Austin, Tx. 78705

BOX



CASE # C15-98-075

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCES / PARKING VARIANCES

WARNING: Filing of this appeal stops all affected construction.

PLEASE: PRINT OR TYPE; USE BLACK INK; AND COMPLETE ALL REQUESTED INFORMATION

PART I: APPLICANT'S STATEMENT

STREET ADDRESS: 1101 W 31ST ST

LEGAL DESCRIPTION: Subdivision - 1.058 AC (LESS 0.136 AC) BEING A PART OF NO. 1 OF
OF 87 AC PER VOL 466 PG 200 & CURRENT PLED OF 1992 THE J.B. SEDWICK SUBDIVISION
Lot(s) 1 Block _____ Outlot _____ Division JAMES B. SEDWICK

I/We TERRA VERDE, LLC on behalf of myself/ourselves as
authorized agent for FRED & JENNIFER MEYERS affirm that on
6/8 1998, hereby apply for a hearing before the Board of Adjustment for
consideration to:

~~ERECT~~ - ATTACH - COMPLETE - REMODEL - MAINTAIN - SUBDIVIDE

~~AN ADDITION ADJACENT TO AN HISTORIC STRUCTURE AT 1101 E 31ST ST~~
~~W/THE HISTORIC STRUCTURE TO BECOME AN ACCESSORY DWELLING~~
~~THE NEW STRUCTURE WOULD BE LOCATED 15' FROM THE FRONT PROPERTY LINE~~
in a SF.3 / SF.3H zone.
(zone district)

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:

REASONABLE USE:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:

SETBACK REQUIREMENTS PUSH STRUCTURE INTO SHOAL CREEK DESPITE BEING ONLY 19' WIDE

HARDSHIP:

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

THE HISTORIC DESIGNATION DOES NOT ALLOW ADDITIONS FOR MORE LIVING SPACE

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

HISTORIC DESIGNATION IN CONCERT W/ SHOAL CREEK'S INCURSIONS INTO PROPERTY LIMIT THE USABLE AREA OF THE SITE

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:

THIS IS AN OLDER SECTION OF AUSTIN & OTHER PROPERTIES IN THE AREA ARE SIMILARLY LOCATED. THE LOCATION OF THE NEW STRUCTURE WILL PRESERVE SIGHT LINES TO THE HISTORIC STRUCTURE

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 107 of Chapter 13-5 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 reasonably require strict or literal interpretation and enforcement of the specified 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 _____

City, State & Zip _____

Printed _____ Phone _____ Date _____

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 Fred Meyers Mail Address 1101 W 31ST ST

City, State & Zip AUSTIN, TX 78705

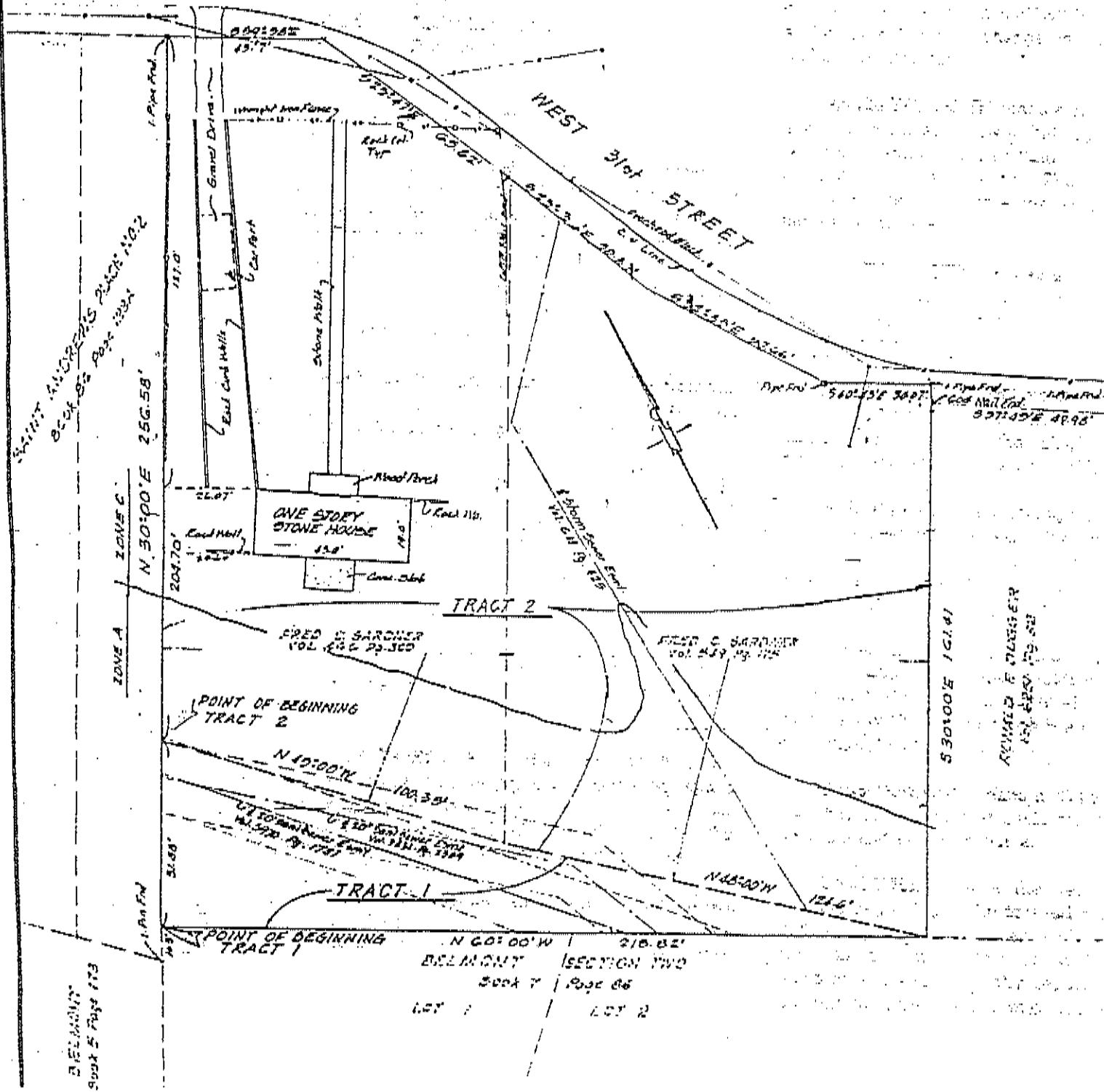
Printed FRED/JENNIFER MEYERS Phone 502 922 Date 6/10/98

445-4860-02
627-3509-mob.

LEGAL DESCRIPTION:

S1 AC. SUBDIVISION OF 87 ACRES OF LOT 000 OF THE 2ND 1/4 SECTION 10, T12N, R12E, S10W, TRAVIS COUNTY, TEXAS; SAID 1.0518 ACRES BEING WITHIN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SAID 1.0518 ACRES BEING COMPRISED BY PARTS OF THOSE CERTAIN TRACTS CONVEYED UNTO FRED C. GARDNER AND WIFE, BERNICE C. GARDNER BY THE FOLLOWING TWO (2) INSTRUMENTS: (1) WARRANTY DEED DATED JANUARY 1, 1931, OF RECORD IN VOLUME 466 AT PAGE 300 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; (2) WARRANTY DEED DATED SEPTEMBER 1, 1936, OF RECORD IN VOLUME 549 AT PAGE 175 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; AND ALSO OUT OF THAT CERTAIN 0.136 ACRE TRACT OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS; LYING ADJACENT TO AND SOUTH OF THE ABOVE-MENTIONED TRACTS OF LAND, WHICH IS CLAIMED BY THE GRANTEE HEREIN, AND WHICH TRACTS OF LAND WERE DEVEISED UNTO BERNICE C. GARDNER ON DECEMBER 2, 1962, BY LAST WILL AND TESTAMENT OF FRED C. GARDNER PROBATED IN CAUSE NUMBER 25481 IN THE COUNTY COURT OF TRAVIS COUNTY, TEXAS; SAID 1.0518 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED IN TWO TRACTS AS ATTACHED.

REFERENCE : MEYERS



ARTICLE I: TERMS AND USES DEFINED

Section

13-2-1	General definitions
13-2-2	Residential uses defined
13-2-3	Commercial uses defined
13-2-4	Industrial uses defined
13-2-5	Civic uses defined
13-2-6	Agricultural uses defined
13-2-7	Determination

§ 13-2-1 GENERAL DEFINITIONS.

Subject to additional definitions contained in § 1-1-2 of this Code of Ordinances and in other chapters, articles, divisions, parts, or sections of this Land Development Code, and unless the context otherwise requires, in this Land Development Code:

ABUTTING means having lot lines or district boundaries in common.

ACCESSORY APARTMENT means a separate and complete dwelling unit contained within the structure of a single-family dwelling unit

ACCESSORY BUILDING means a building which is incidental to and customarily associated with a specific principal use or principal building on the same site.

ACCESSORY DWELLING means a dwelling unit accessory to a principal use on the same site and intended for occupancy by a family having at least one member employed on the site for purposes of security, maintenance, management, supervision, or personal service.

ACCESSORY USE means a use or activity which is incidental to and customarily associated with a specific principal use, and located on the same site unless otherwise specifically provided for by this chapter, including parking for the principal use.

ADDITION means any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

ALLEY means a public space or thoroughfare not over 20 feet nor less than 12 feet wide.

ALTERATION means any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in relative position of buildings or structures on a site, or substantial change in appearance of any building or structure.

ANTENNA ARRAY means a structure attached to a telecommunication tower that supports antennae for receiving and/or transmitting electronic data or telephone communications. This definition excludes lightning rods and whip antennae not exceeding five inches in diameter.

ANTIQUE VEHICLE means any motor vehicle at least 25 years old displaying a valid "Antique Auto" or "Antique Truck" license plate issued in accordance with State law.

AREA PER BUILDING means the individual area within an SF-4B site development plan and in an SF-4B district that contains the single-family structure, driveway, and appropriate front, side, and rear yards.

ATRIUM means an opening through two or more floor levels which is closed at the top and not defined as a mall, other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air conditioning, or other equipment.

ATTACHED means having one or more walls common with a principal building, or joined to a principal building by a covered porch, loggia, or passageway, the roof of which is a part or extension of a principal building.

BASE DISTRICT means a district established by this chapter to prescribe basic regulations governing land use and site development.

BASEWALL means the vertical surface of a building beginning at the finished grade up to a level defined by a setback or an architectural treatment, such as a cornice line or similar projection or demarcation, which visually separates the base of a building from the upper portion of the building.

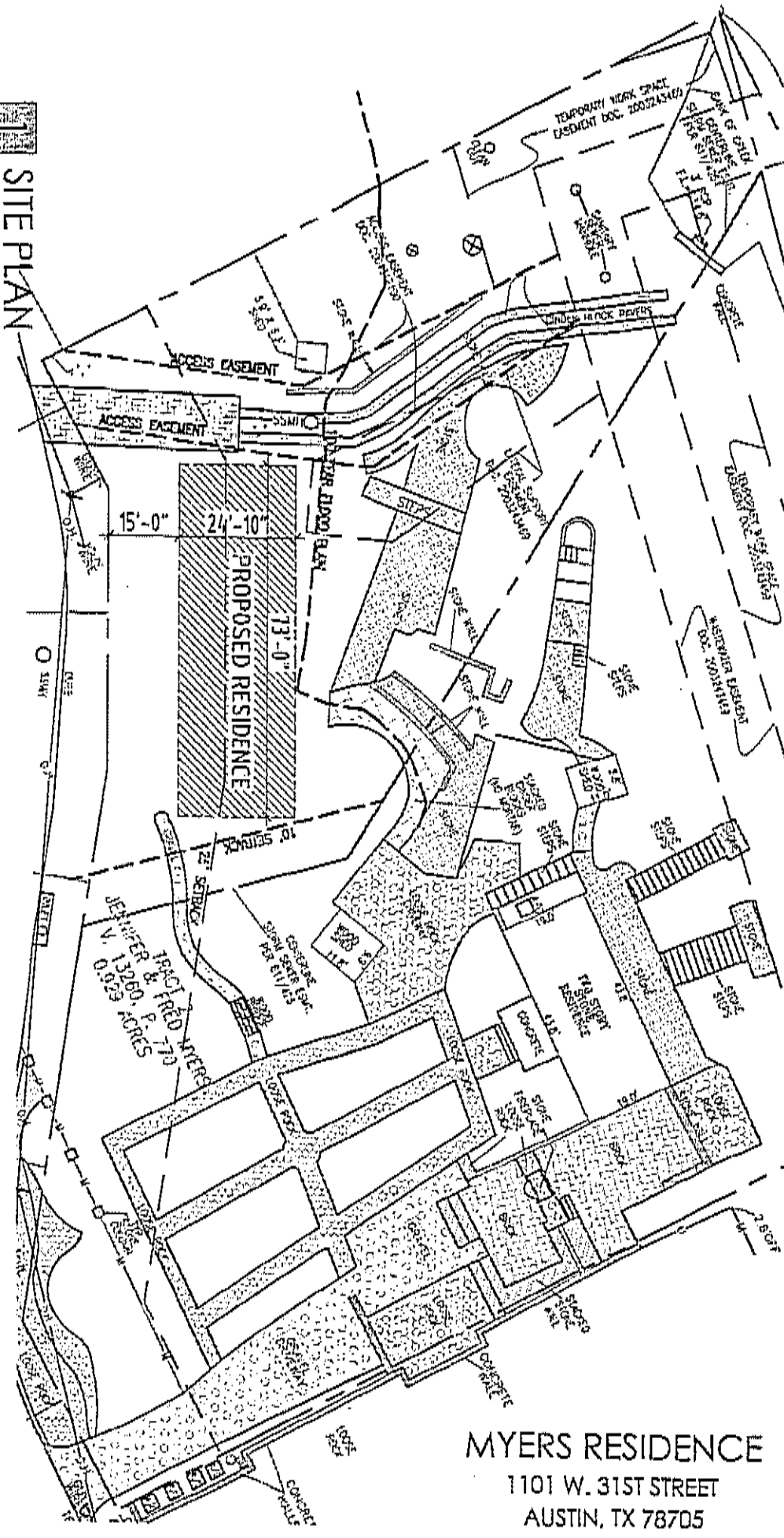
BELMONT SECTION 86
 VOL. 7, PG. 86
 LOT 1

TRACT 1
 0.121 ACRES
 11651/1288
 ROBERT STROLEY & BRUCE HOUAN
 BANK OF OREGON

SEE DETAIL B-1
 FOR EASEMENTS

1.05 ACRES (TOTAL)
 GARDNER TRACT

SITE PLAN
 SCALE: 1"=50'-0"



0152010-ANSTL

MYERS RESIDENCE
 1101 W. 31ST STREET
 AUSTIN, TX 78705

