

CASE # C15-2010-0064
ROW-10440008
TP-0116000228

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: 1400 Preston Avenue

LEGAL DESCRIPTION: Subdivision - LSD C8i-2010-0034

Lot(s) _____ Block _____ Outlot _____ Division _____

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

_____ affirm that on May 14, 2010,

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

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN

a detached garage and add a garage apartment 5' into the rear yard setback.

in a SF-3 district. 2 story-
(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 Lena Lund with Austin Energy at 322-6587 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 detached garage was built in 1938 and is 2' from the rear property line, into the 5' PUE that was dedicated by plat. Additionally, there is a 19" pecan tree to the west of current detached garage, the 10' rear yard setback would require that the detached garage be built further into the critical root zone of the pecan tree.

HARDSHIP:

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

The location of the pecan tree limits the area that the detached garage can be constructed. The existing detached garage encroaches 3' into the 5' PUE.

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

The location of the pecan tree and the current location of the existing detached garage that currently encroaches 8' into the rear yard setback and into the 5' PUE.

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 existing detached garage built in 1938, currently encroaches 3' into a 5' PUE along the rear property line. Granting this variance will improve Austin Energy's ability to maintain its utilities located in that PUE as well as maintaining a healthy distance from the critical root zone of the pecan tree.

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: 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:

1. 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:

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

3. 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 _____

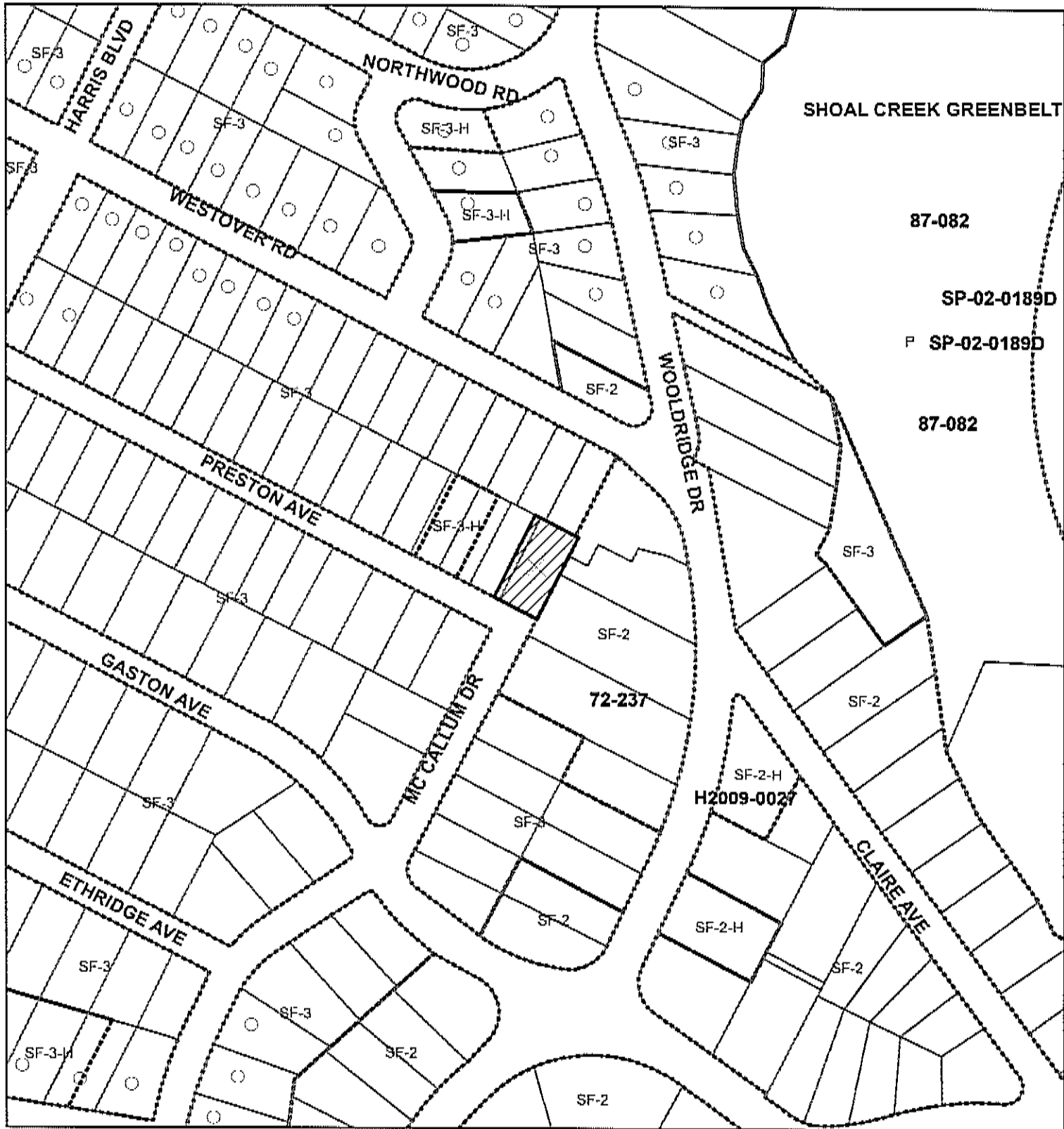
Printed _____ Phone _____ Date _____

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 Reagan Rives Mail Address 1400 Preston Ave.

City, State & Zip Austin, Tx 78703

Printed Reagan Rives Phone 512-784-4881 Date 5/14/10



SHOAL CREEK GREENBELT

87-082

SP-02-0189D

P SP-02-0189D

87-082

72-237

H2009-0027

BOARD OF ADJUSTMENT



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2010-0064
 ADDRESS: 1400 PRESTON AVENUE
 GRID: H 24
 MANAGER: SUSAN WALKER



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