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 # CLS-2010-0060 ROW # 10439917 TP-0400041005

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: 1700 S. 6th Street Austin, TX 78704
LEGAL DESCRIPTION: Subdivision - North Extension to Bouldin Addition
Lot(s) 14 Block 3
I/We Carlos and Kelly Gonzalez on behalf of ourselves as authorized agent for
1700 S. 6 th Streetaffirm that onMay 14,2010,
hereby apply for a hearing before the Board of Adjustment for consideration to:
(check appropriate items below)
X_ERECTATTACHCOMPLETEREMODELMAINTAIN
a new residence with a variance for a front yard set-back of 15'-0" and a side yard setback on the north side of the property for 0'-0", for the property listed at 1700 S. 6 S. t.
in a <u>SF-3-NP</u> district. (zoning 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 (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:

We are requesting a front yard and side yard setback variance with the aim of minimally disrupting the erosion hazard zone of Bouldin Creek and to preserve a large Live Oak in the center of our lot.

HARDSHIP:

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

1700 S. 6th Street has Bouldin Creek running through the middle of the property, which has been documented to contain significant erosion issues. Per Jay Baker with the Department of Watershed Protection & Development Review Department, the recommended formula for determining the appropriate setback marking the erosion hazard zone for a residential home is 4ft back from the creek edge for every 1ft of creek depth. This will require us to set the majority of the home approximately 48ft from the creek, which only leaves us a length of 115ft of usable land. We have also been working with the City of Austin arborist, Michael Embesie to preserve a large Live Oak tree in the center of the lot. Per Mr. Embesie's feedback after he visited the property, he requested that we allow a 9ft radius around of base of the tree, (Please see Attachment A). Due to these unique hardships in constructing our home, we are requesting a variance to the front yard setback from the required 25'-0" to 15'-0" from the property line. Additionally, there is a portion of unclaimed land adjacent to the North property line which has been explained by Kevin Autry of The Watershed Protection & Development Review Department as a surveying error dating back to 1900. We are requesting a side yard setback variance on the northern side only from the required 5'-0" to 0'-0", as we would not be encroaching on another property owner.

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

We are requesting your consideration because the compounding challenges surrounding 1700 S. 6th make it circumstantially unique.

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 portion of unclaimed land to the north of our lot remains unused and is in disrepair. We intend to maintain and care for this portion of unclaimed land, as it is adjacent to our property. None of the neighbors will be impacted as the side yard setback variance requested from 5'-0" to 0'-0" will still leave the additional 16'-0" "excess zone" between our property and the back of the adjacent properties. Additionally, the surrounding houses on S. 6th Street have various front yard setbacks, some of which are less than the current 25'-0" front yard setback requirement. Therefore, the requested front yard setback variance will not after the character of the area.

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:		
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:		
	streets because:		

 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				
City, State & Zip NUSTEN, TEXAS 78722				
Printed CARLOS + KELLY GONZALEZ Phone 512,981,8127 Date 05, 13, 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 Mail Address 1815 E. 40th ST.				
City, State & Zip AVSTEN, TEXAS 76722				
Printed CARLOS GONZALEZ Phone 512.981.8127 Date 05, 13.2010				
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Andrews Comments

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Board of Adjustments

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CASE#: C15-2010-0060 ADDRESS: 1700 S 6TH ST

GRID: H20

MANAGER: SUSAN WALKER





Attachment A

Feb 20 2009 10:02am_ P001/001

1023677

Tree Ordinance Review Application City of Austin

Founded by Congress, Republic of Texas, 1839 Watershed Protection and Development Review Department

aid: Yes/No	NOET
eceipt Number.	
specion Date:	

This application requests' (specify all that apply): a removal of a protected-size tree; proposed development exceeding allowable standard: for encroschment within the critical root zone of a protected-size tree; removal of more than 30% of a protected-size tree; removal of more than 30% of a protected-size tree; removal of more than 30% of a protected-size tree's cre vn. Additional tree information may be obtained from the Land Develo ment Code (25-8). Environmental Criteria Manual (Societion 3), or the City of Austin Urban Forestry web page (firth //www.claustinb.cuteres/). Please aftech an aerial drawing that Includes the location of trees, proposed development, and utilities. The application and payment (check to the City of Austin for 525 per ber address.) Payment mixto be trade prior to City personnel completing this application. If relevant, indicate the smooth to withdrow if an execute payment to swallable. Address of Property (including zip code): 1700 S 6th S REET AUSTIN TX 7870 H Name(s) of Owner and Applicant Building Permit Number (if applicable): Telephone Number (if applicable): Telephone Number (if applicable): Telephone Number (if applicable): Tree Trurk(s) Circumference at 4 % Feet Above Ground (inches): UN KPM OVNN General Condition: AVETA GE Reason for Request: COKING P PUTTIN(1) SINGE F IMTLY RES WOULD LIKE TO KEEP TREE (SITTLE ASSUME) BY WOULD LIKE TO KIND VIRE SET BACK REQ. THANKS Outher Date Tree Determination FROM criticals as a stary period More Information Required Applicant Signature Date TO SE COMPLETED ATTER DETERMINATION FROM criticals as a stary period More Information Required Applicant Signature Date TO SE COMPLETED ATTER DETERMINATION FROM criticals as a stary period More Information Required Applicant agrees to plant M. A CASTIFTO ACCOUNT. Decade Center Ein, Mountain Laurel en the lot prior to obtaining a criticals of occupantly. Trees are to be a grain maintain tree protection fencing (implicant signature) as the first obtaining a criticals of occupan	One Texos Center, 505 Barton Springs Road P.O. Box 1086, Austin, Texas 78757 Phono: (512) 974-1876 Fax: (512) 974-3010	Paid: Yes/No Receipt Number:	TO THE STATE OF TH
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This April Conditions of Approval: None: As described within Arborist Conditions of Approval: None: As described within Arborist Comments (see above); and/or, Applicant agrees to plant NA cont iner grown, City of Austin Class 1 tree (i.e., Dive Oak, Cedar Elm. Mountain Laurel) on the let prior to obtaining a certificate of Occupancy. Trees are to be a minimum of two inches in caliper width. Prior to development, applies it egrees to supply a root zone mulch layer and-maintain tree protection fending (minimum five-foot, chain-link typ.) Injuviding the utmost root zone protection. **Counter/Applicant Signature** **Date** **Counter/Applicant Signature** **Date** **Date** **Counter/Applicant Signature** **Date** **Date** **Counter/Applicant Signature** **Date** **Date** **Counter/Applicant Signature** **Date** **Date** **Date** **Counter/Applicant Signature** **Date** *	2) MS IMPACK WITHOUT 9. ECC.	Affloction +	<u> </u>
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www.austinenergy.com

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

May 14, 2010

Carlos and Kelly Gonzalez 1700 South Sixth St. Austin, Texas 787304

Re:

1700 South Sixth St.

Lot 14, Block 3, North Extension to Bouldin Addition

Dear Customers:

Austin Energy (AE) has reviewed your application for the above referenced property requesting a 15 foot front yard set back and 0 feet side yard set back. 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



