

CASE # C15-2010-0070

TP-0424120510

ROW-1D-104517925

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: 7900 Creekmere Lane

LEGAL DESCRIPTION: Subdivision – Amend Plat of Beaconridge II

Lot(s) 14 Block B Outlot _____ Division _____

Jim Bennett
~~Melissa McPherson~~ as authorized agent for Melissa McPherson

_____ affirm that on 4/20/2010 _____, _____, hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A single family residence providing a side yard setback of 4.5ft

_____ 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 residence has existed at it's present location since it was constructed in 1978

HARDSHIP:

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

the house was permitted and inspected when it was constructed in 1978 and this discrepancy wasn't caught until my current permit was obtained and the inspector inform me of the problem. The addition is basically complete and the variance is necessary so that we can complete the construction following the same setback that was approved in 1978.

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

The setback error that was made 32 years ago was not made on all the homes in this neighborhood.

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 proposed addition is to the rear of the residence and the house has been in place for 32 years and has not created a problem nor has it changed the character of the area because of the minor encroachment that no one was aware of until just recently.

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, Texas 78748

Printed Jim Bennett Phone (512)282-3079 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 Melissa McPherson Mail Address 7900 Creechmere Lane

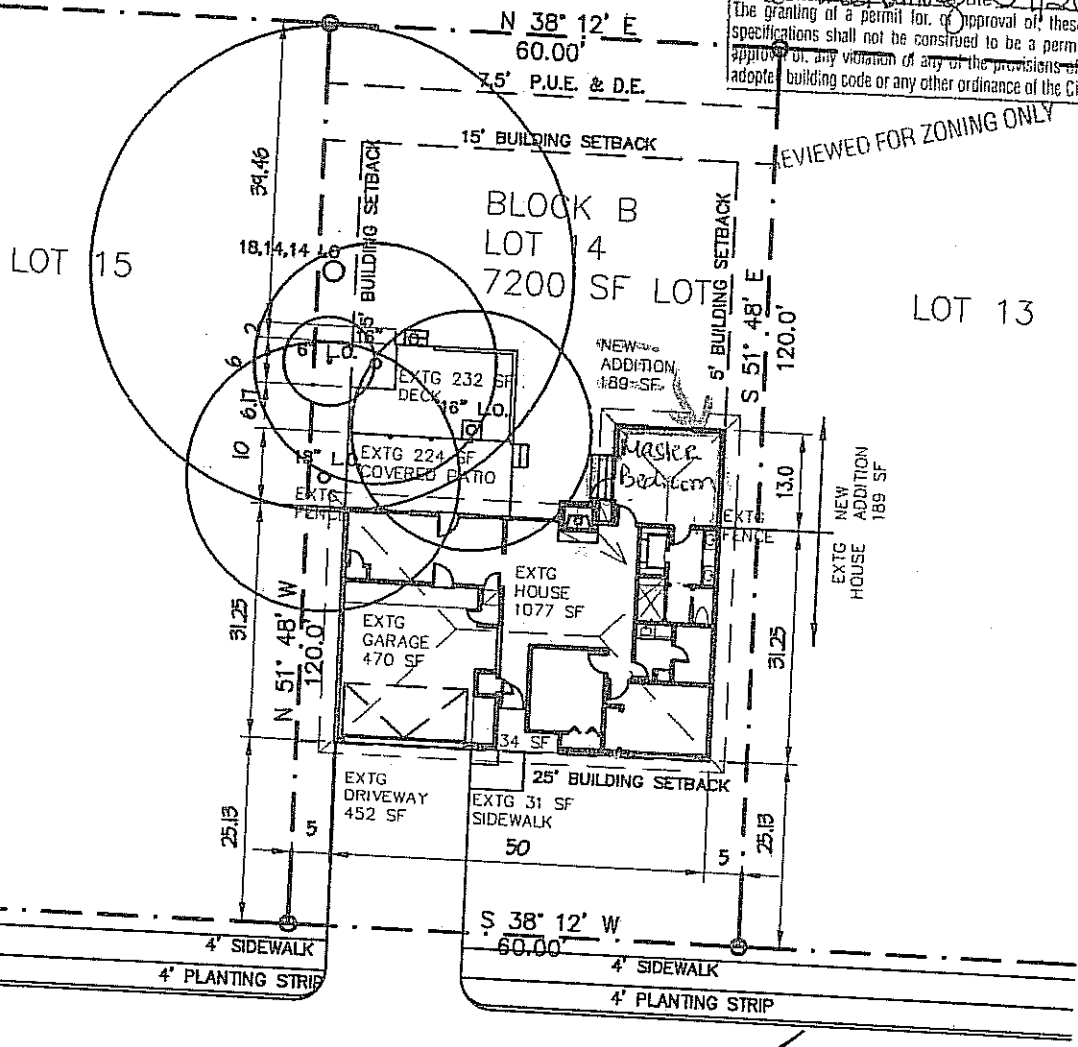
City, State & Zip Austin, TX 78748

Printed Melissa McPherson Phone (512)826-5588 Date 05/24/10

McPHERSON RESIDENCE
 7900 CREEKMERE LANE
 AUSTIN, TEXAS 78748

CITY OF AUSTIN
 APPROVED FOR PERMIT
 Greg Guernsey

Planning and Development Review Department
 By *[Signature]* Date *04/20/2010*
 The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.



CREEKMERE LANE
 50' ROW

Melvin McPherson
 826-8588

Constructed in 1978

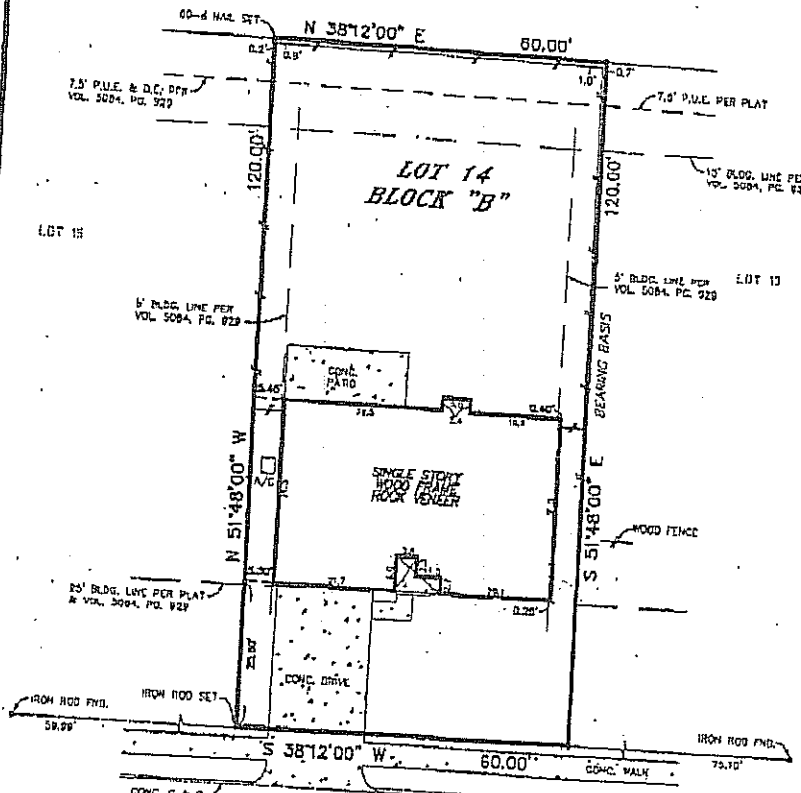
① **PLOT PLAN**
 McPHERSON RESIDENCE
 7900 CREEKMERE LANE
 AUSTIN, TEXAS 78748

1=20

HAB DESIGN

2204 BARNETT GLENN ROAD
 ICEWOOD, TEXAS 78669
 512-264-1950
 abeason@austin.rr.com

1 OF 6



Handwritten signature

SIGNED BY [Signature] **CREEKMERE LANE**
 DATE DEC 8 1998

PROPERTY SUBJECT TO RESTRICTIVE COVENANTS RECORDED IN VOL. 72, PG. 23, PLAT RECORDS, VOL. 4908, PG. 1838, VOL. 5084, PG. 929 AND VOL. 3122, PG. 1069, DEED RECORDS.

Survey No. 981478 **PLAT OF SURVEY** SCALE: 1" = 20'

CP 98062269

Sold lot 14/2 not in a special flood hazard area as identified by the Federal Emergency Management Agency on Community Flood No. 88451C 0210E (ZONE X) Dated: JUNE 09, 1997

LOT NO. 14 BLOCK NO. "B"

ADDITION OR SUBDIVISION AMENDED PLAT OF BEACONBRIDGE II, VOLUME 72, PAGE 23

STREET ADDRESS 7800 CREEKMERE LANE CITY AUSTIN COUNTY TRAVIS

SURVEY FOR ALAMO TITLE COMPANY REFERENCE ALBERT COLLINS

IN ALAMO TITLE INSURANCE OF TEXAS

NOTICE OF TRAVIS COUNTY OF TEXAS: THESE ARE NO INCORPORATIONS, COMPANIES, OR PARTNERSHIPS OF 1890, CYCLOPENTAGONAL, VISIBLE UTILITY LINES OR MARKS IN PLACE EXCEPT AS SHOWN HEREON AND THIS SURVEY HAS BEEN MADE IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF TEXAS.

SNS ENGINEERING, INC.
 2486 Los Indios Trail, Suite 101
 Austin, Texas 78729
 512) 336-3044 • (512) 250-8885 (Fax)

Leslie Vasterling
 Date: 07-27-98

651-9263