

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 # C15-2010-0066  
ROW # 10440245

**CITY OF AUSTIN**  
**APPLICATION TO BOARD OF ADJUSTMENT**  
**GENERAL VARIANCE/PARKING VARIANCE**

TP-0120070216

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 2701 Scenic Drive Austin Texas 78703

LEGAL DESCRIPTION: Subdivision – Terrytown River Oaks

Lot(s) 16 Block        Outlot        Division        Book 6 Page 76

I/We Jeff Turner on behalf of myself/ourselves as authorized agent for

Richard & Brent Nicole Nugent Covert affirm that on May 13, 2010,

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

(check appropriate items below)

       ERECT        ATTACH        COMPLETE        REMODEL        MAINTAIN

Erect a two car carport that would extend 9ft 0 inches into the 15ft side street setback The carport will be attached to the existing house and be open on three sides

in a SF-3 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:**

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

**HARDSHIP:**

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

See Attached

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

See Attached

**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:

See Attached

**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:

## **Board of Adjustment Application**

2701 Scenic Drive  
Austin Texas, 78703

### **REASONABLE USE:**

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

The zoning regulations allow for a carport use in this zoning district. However the zoning regulations that establish setbacks do not consider the effect on buildable area of site topography and existing trees. The combination of the side street setback, this property's steep slopes and the location of the existing mature oak trees limit the resultant buildable area and therefore would not allow for a reasonable use of the property.

### **HARDSHIP:**

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

The property is a steeply sloping site with over 24 feet of fall from the rear of the site to the front. The existing house and driveway sit in the middle of the lot on the only relatively level area of the site. Outside of this existing area any new construction would require either new retaining walls and extensive fill or cutting into the hillside in excess of six to eight feet. In either case any alternative location for the carport would also negatively impact the many mature protected oak trees that would have to be either removed entirely or have their root ball significantly reduced by any construction outside of the existing paved area.

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

This lot is on the edge of an escarpment and has a very steep slope but the majority of lots in the area are either above the crest of the hill on more gently sloping land or below the escarpment in the Colorado River alluvial terrace that has significantly less adverse slopes.

## **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 granting of this variance will allow for the construction of an open carport. Similar carports are common in the area with many built extending into side or front yard setbacks. The owner of the property directly across River Road to the south of this site, 3703 River Road, was granted a variance to allow for a similar open carport. See attached photos of neighborhood examples

The construction of this carport will not impair the use of the adjacent property because the proposed location of the carport is below the adjacent property level and is shielded from the adjacent property by a grove of mature trees. The proposed carport location is over the existing driveway and will use the existing curb cut. Therefore it will not change any traffic pattern affecting adjacent properties. And since the proposed carport would be build over existing impervious cover, there would be no additional storm water run off impacting neighbors. The carport addition will be designed to reflect the architectural style of the existing house so it will blend in and be compatible with the existing character of the property.

The purpose of the zoning regulations is to ensure harmonious development compatible with the character of the area. The granting of this variance will permit the new carport construction, which is consistent with the character of the area, will not adversely impact adjacent properties and therefore will not impair the purpose of the regulations.

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 Jeff Turner Mail Address 1400 Chisholm Trail Ste E  
City, State & Zip Round Rock Texas 78681  
Printed Jeff Turner Phone 238-0104 Date 5-12-10

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

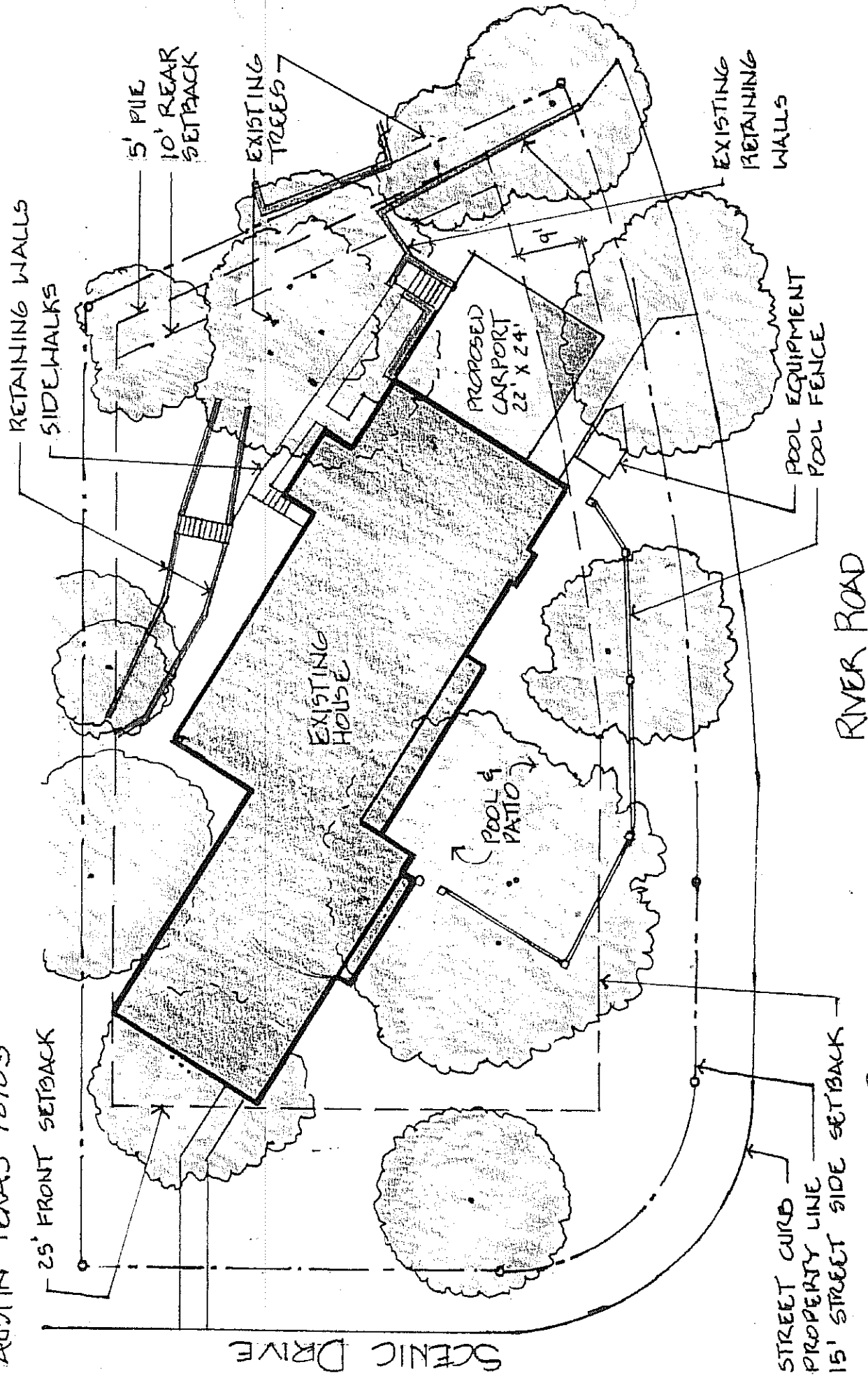
Signed Nicole Nugent Covert Mail Address 2701 Scenic  
City, State & Zip Austin Texas 78703  
Printed Nicole Covert Phone 512 391.0878 Date 5-12-10

### GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

#### VARIANCE REQUIREMENTS:

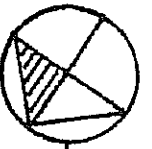
2701 SCENIC DRIVE  
AUSTIN TEXAS 78703



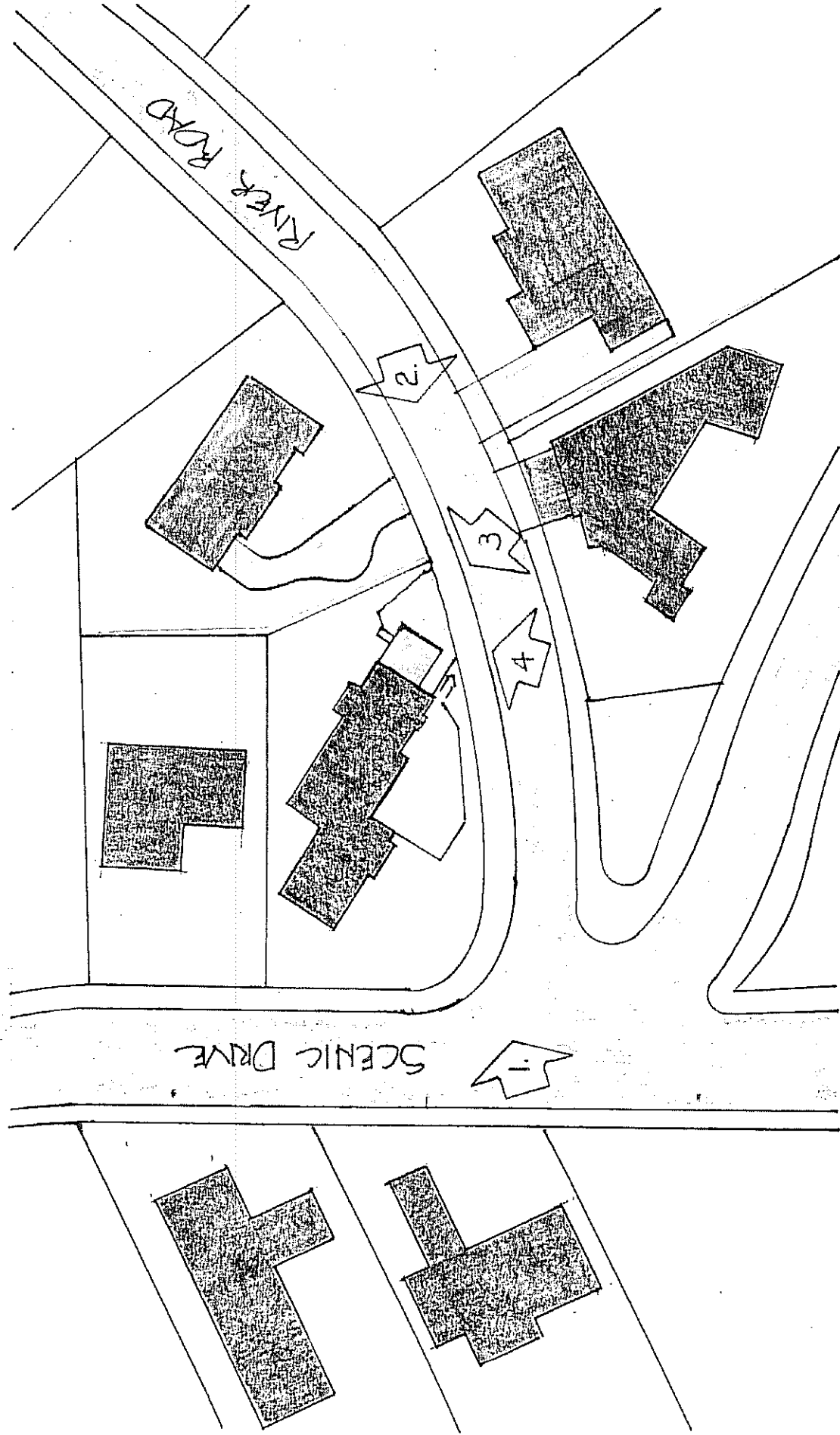
SP

SITE PLAN

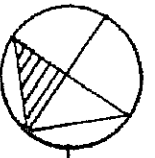
1" = 20'-0"

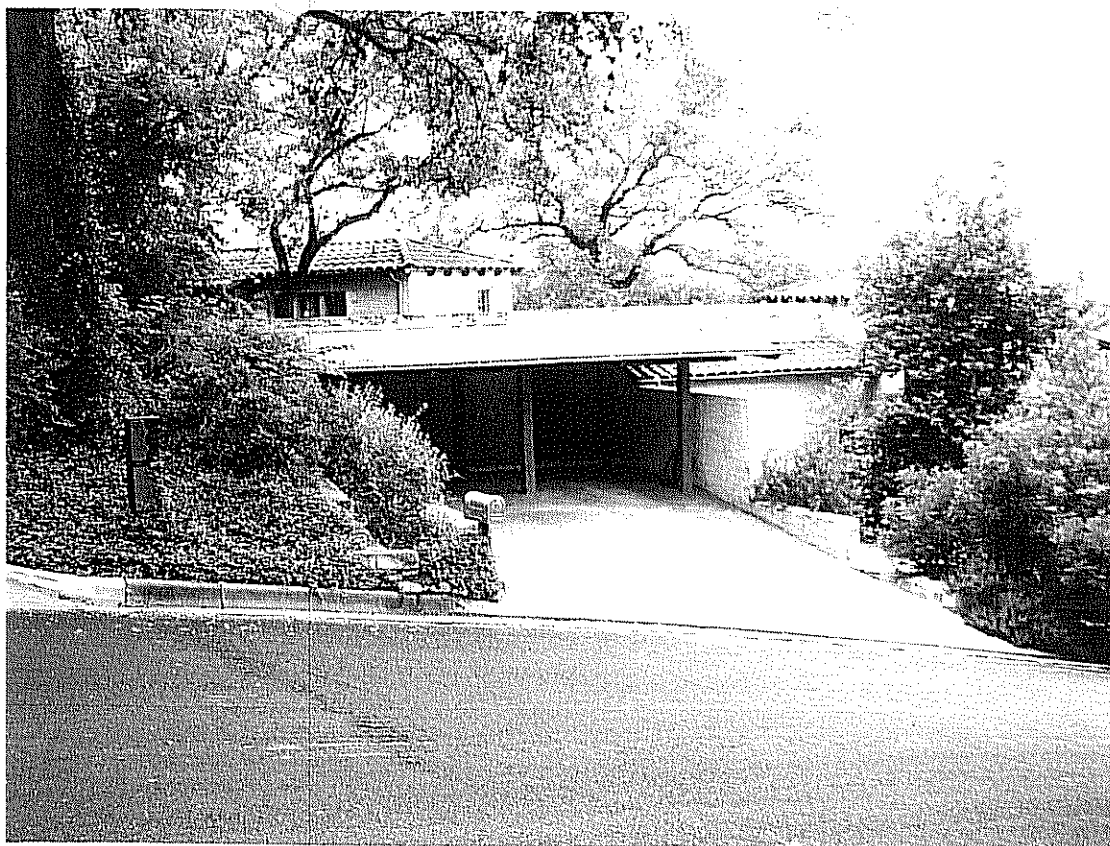


2701 SCENIC DRIVE  
AUSTIN TEXAS 78703



AREA PLAN  
1" = 60'-0"





1. 3703 River Road



2. 3504 River Road

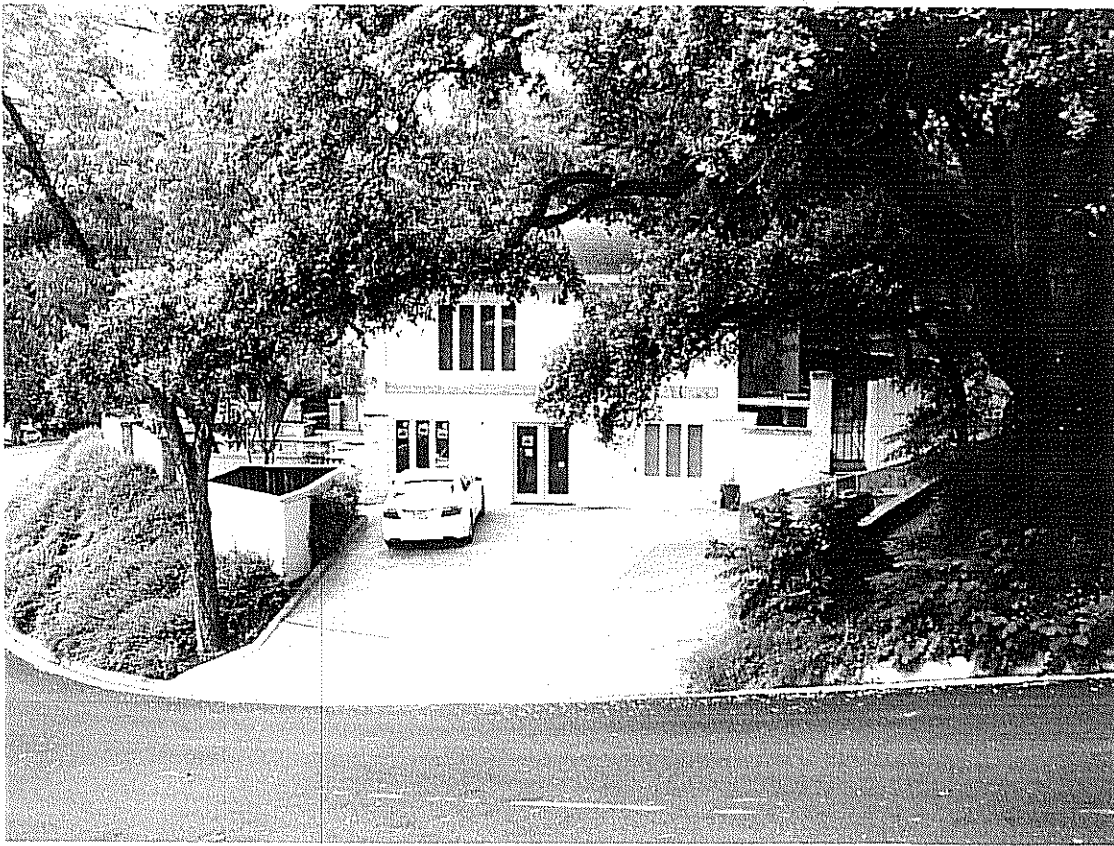




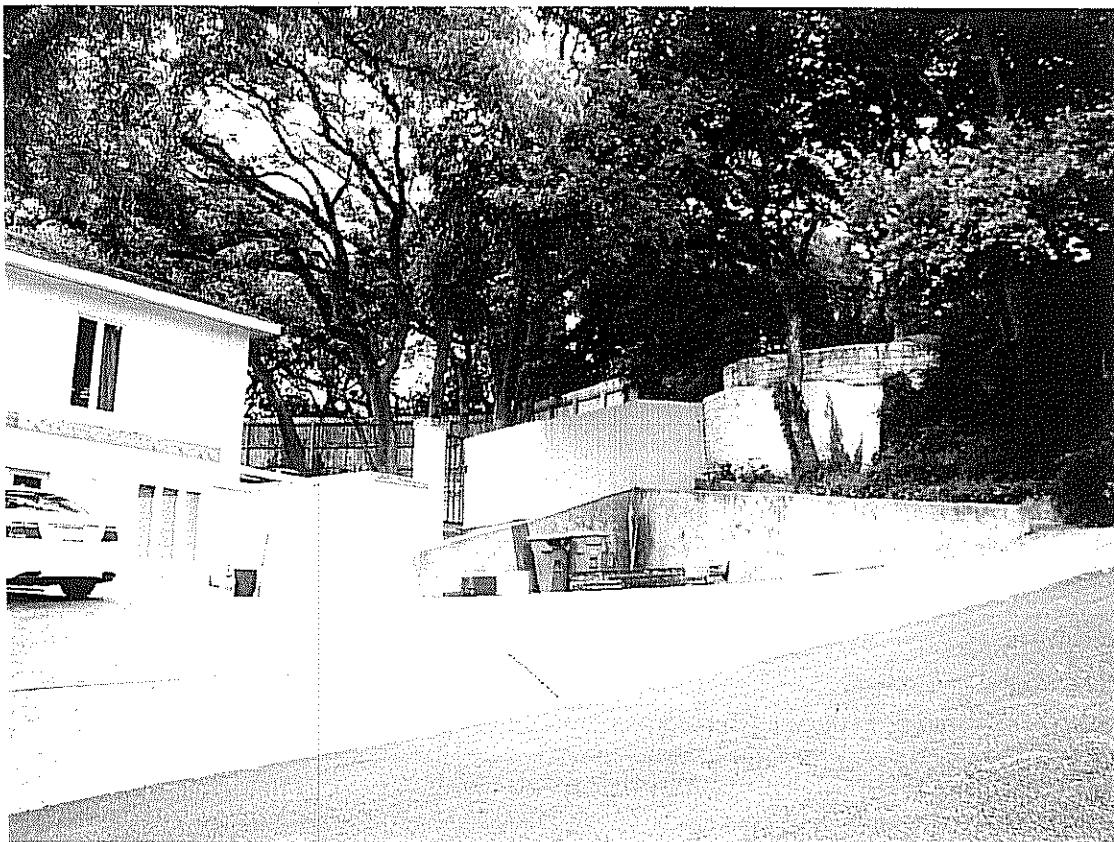
1. View from Scenic Dr. at River Road



2. View down hill from River Road toward Scenic Dr.



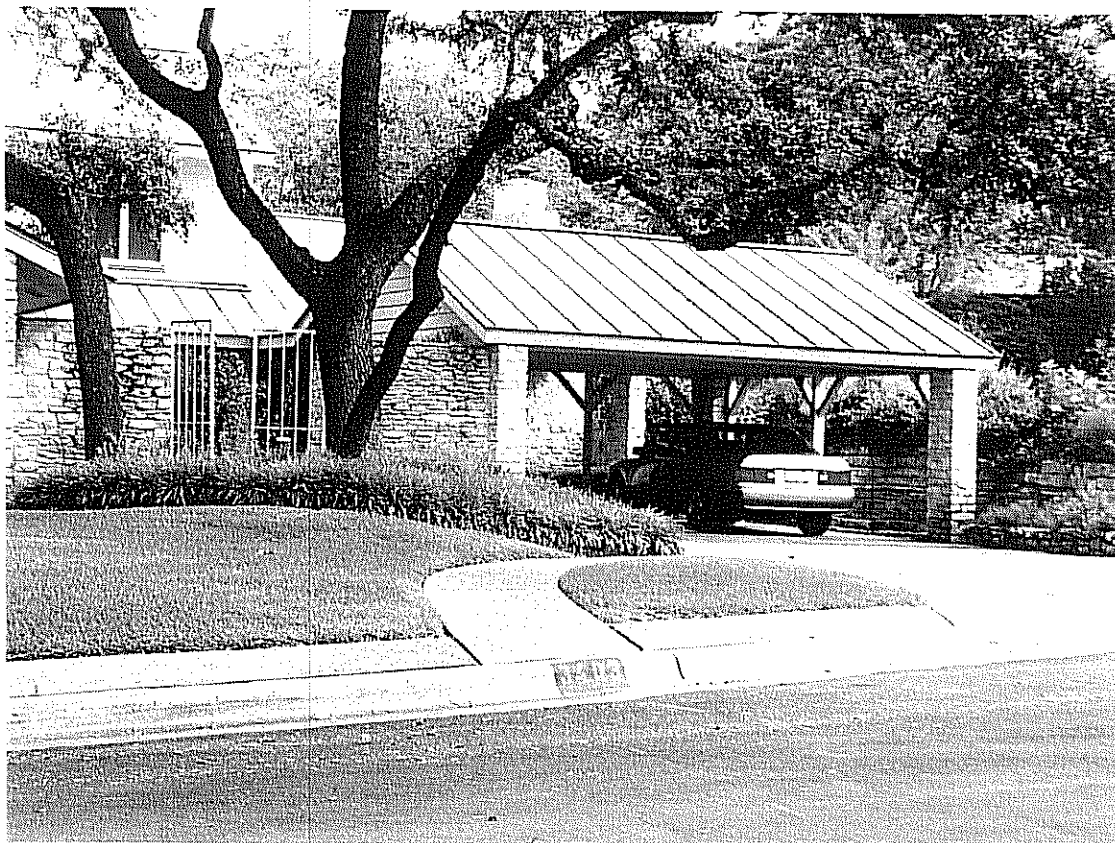
**3. View from directly across River Road**



**4. View hill toward existing retaining walls and trees**



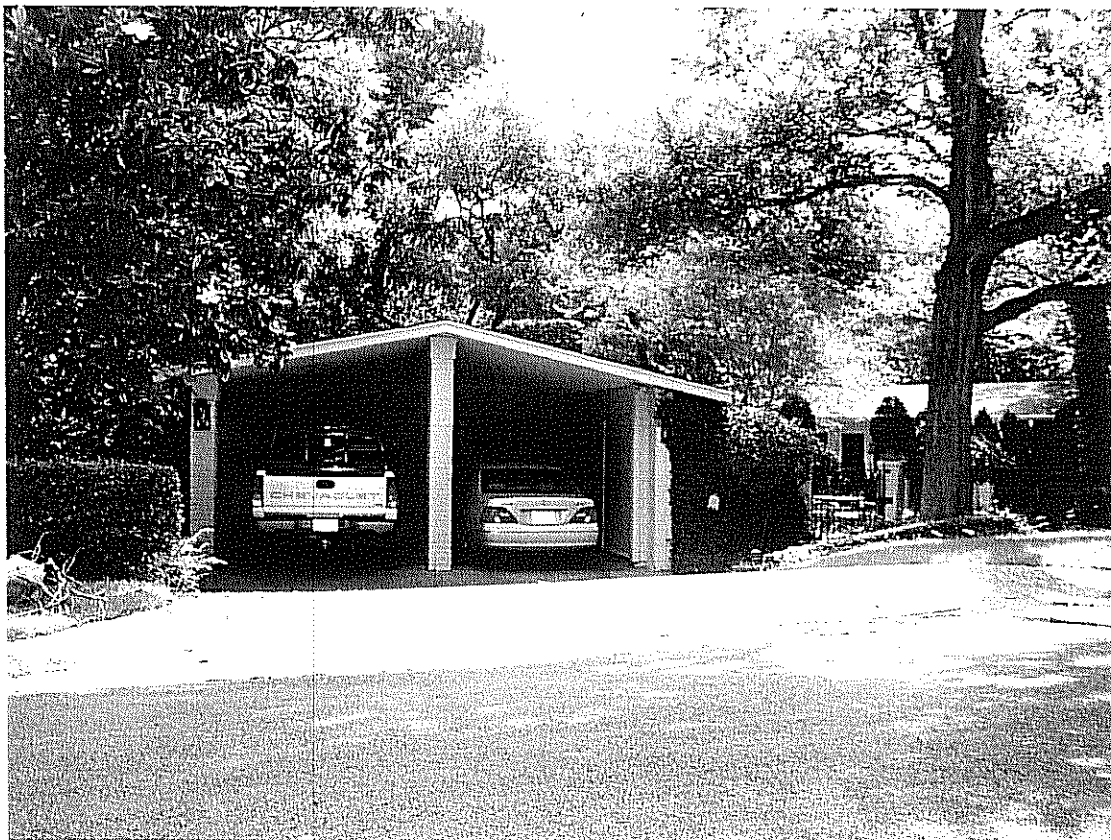
**3. 3509 River Road**



**4. 3403 North Wood Circle**



5. 3209 Warren



6. 3003 Hillview

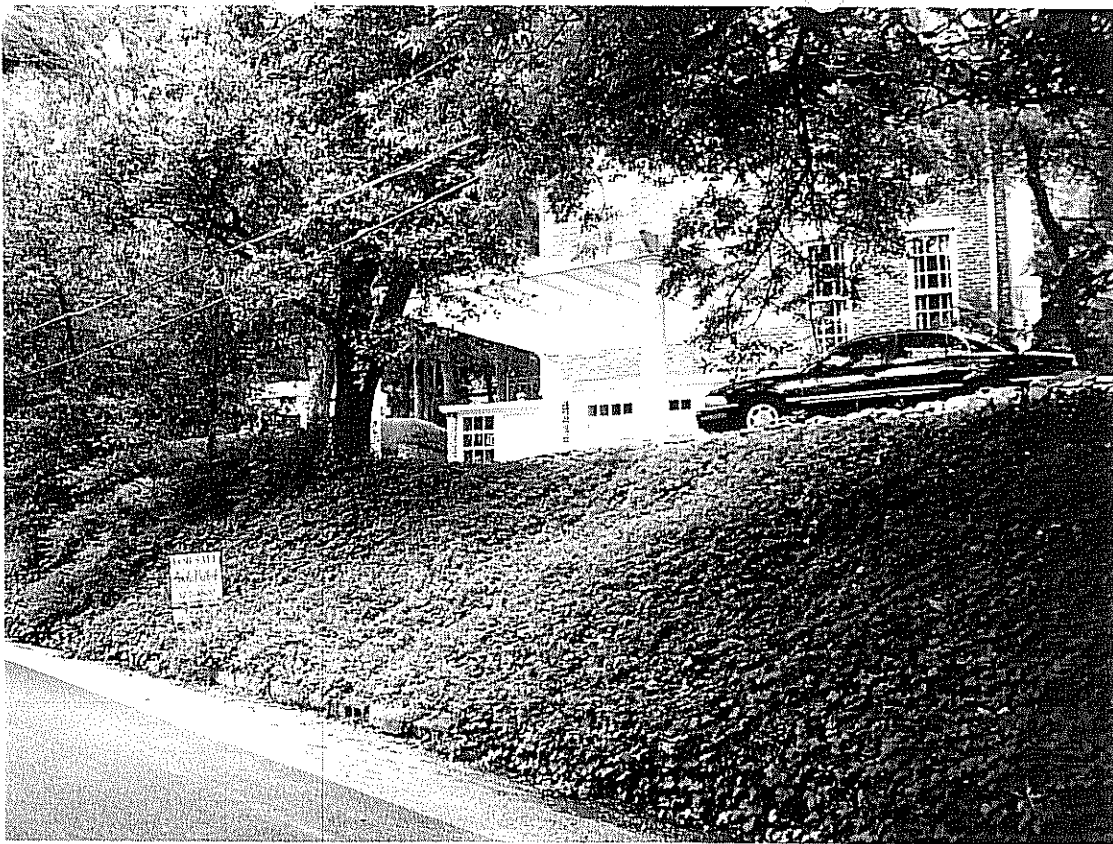




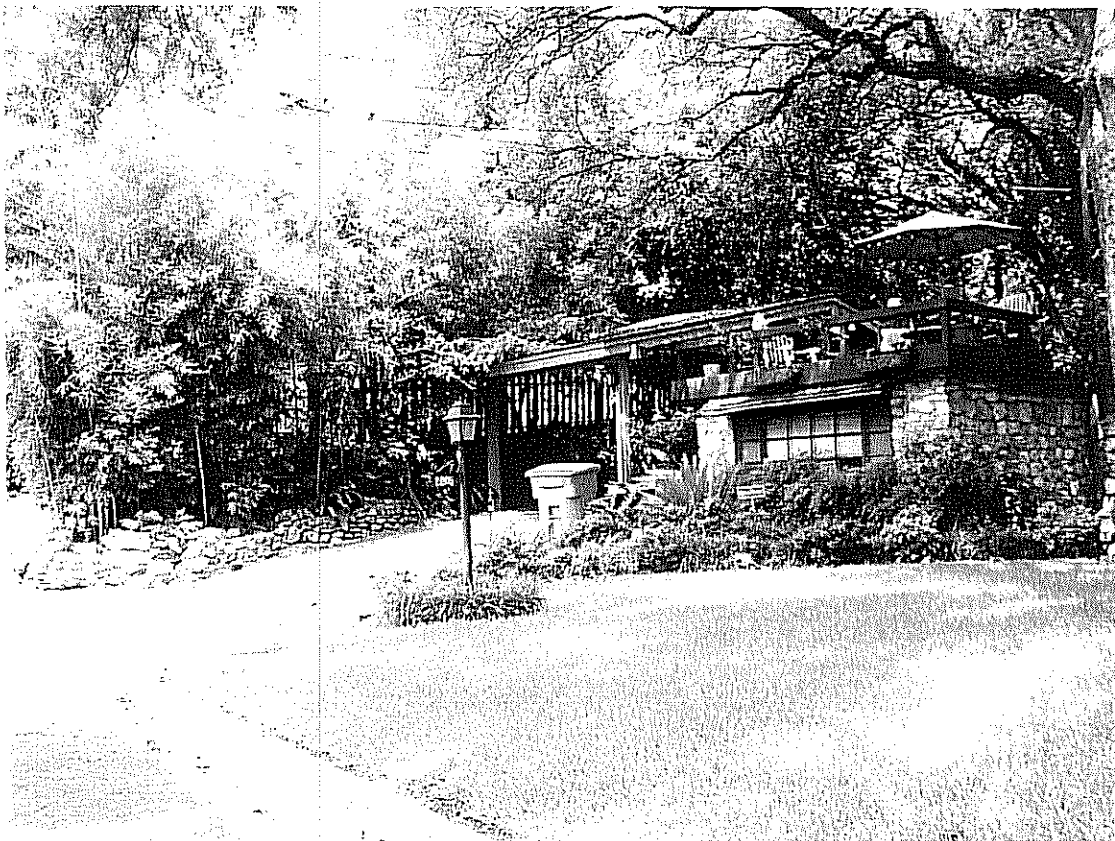
**7. 2803 Pecos**



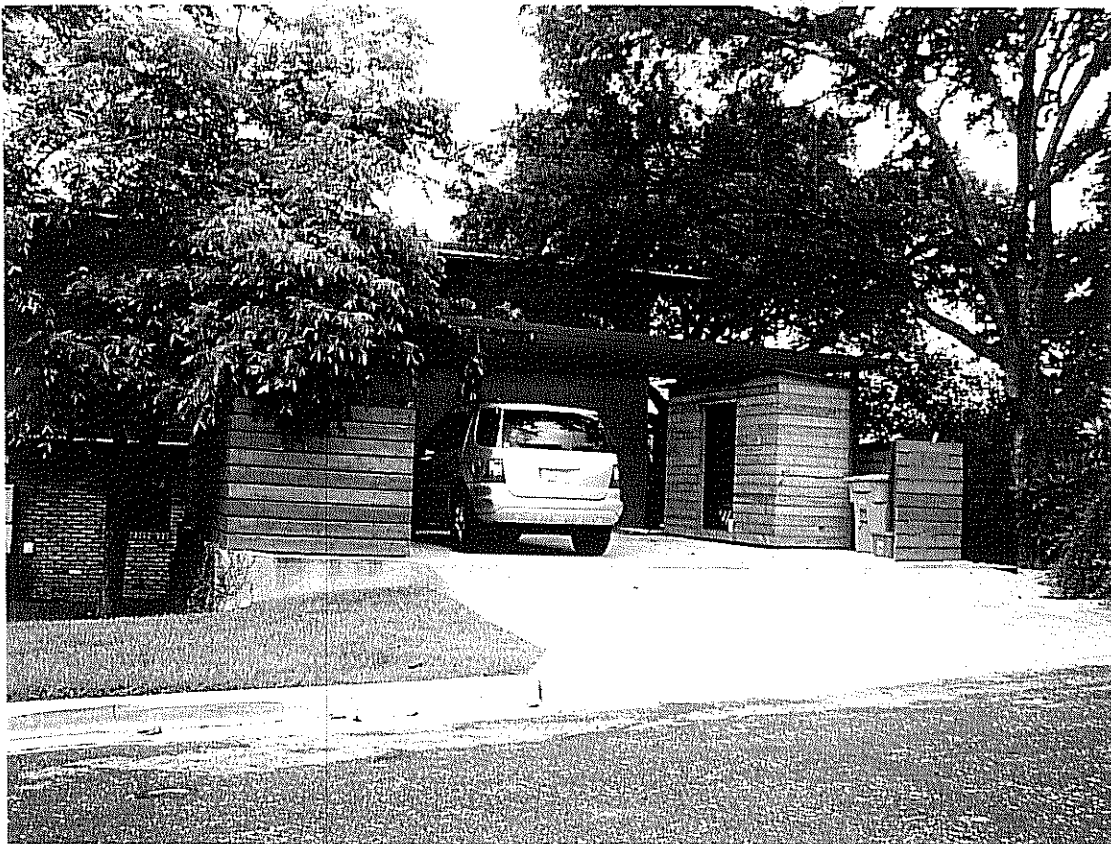
**8. 2607 Vasquez**



**9. 2406 Sweet Brush**



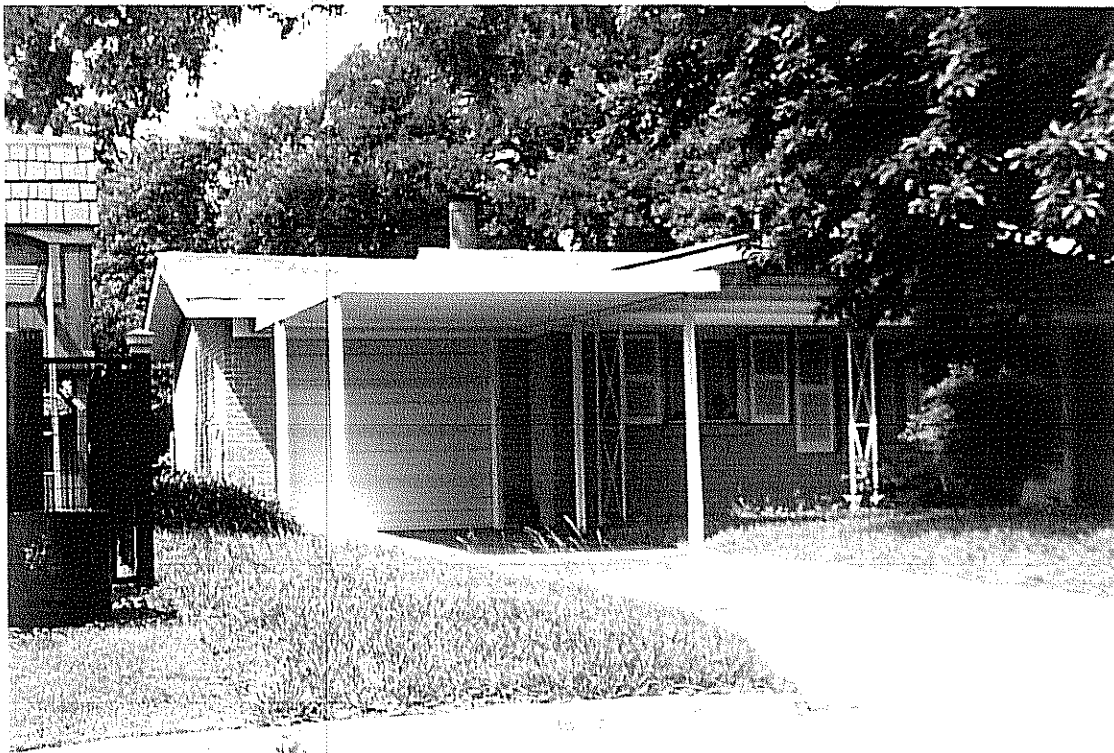
**10. 2004 Scenic Drive**



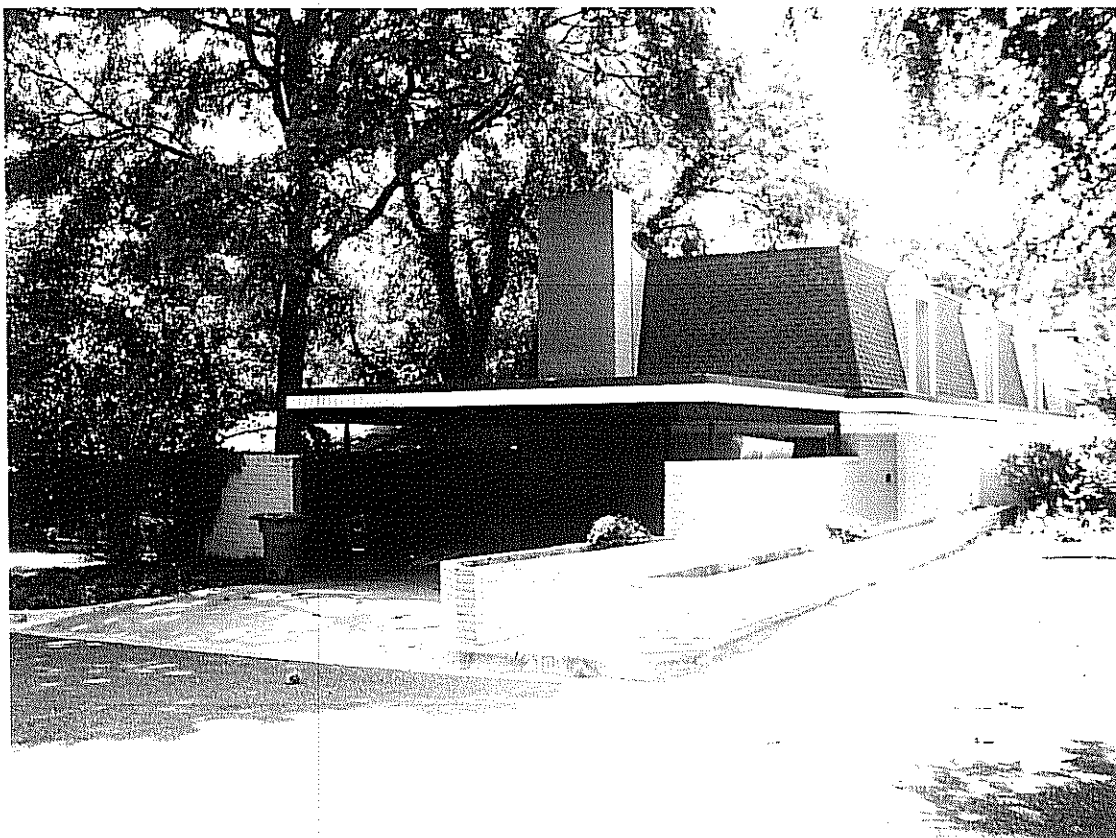
**11. 1900 Rockmoor**



**12. 1815 Rockmoor**



**13. 3704 Bonnie**



**14. 2106 Raleigh**

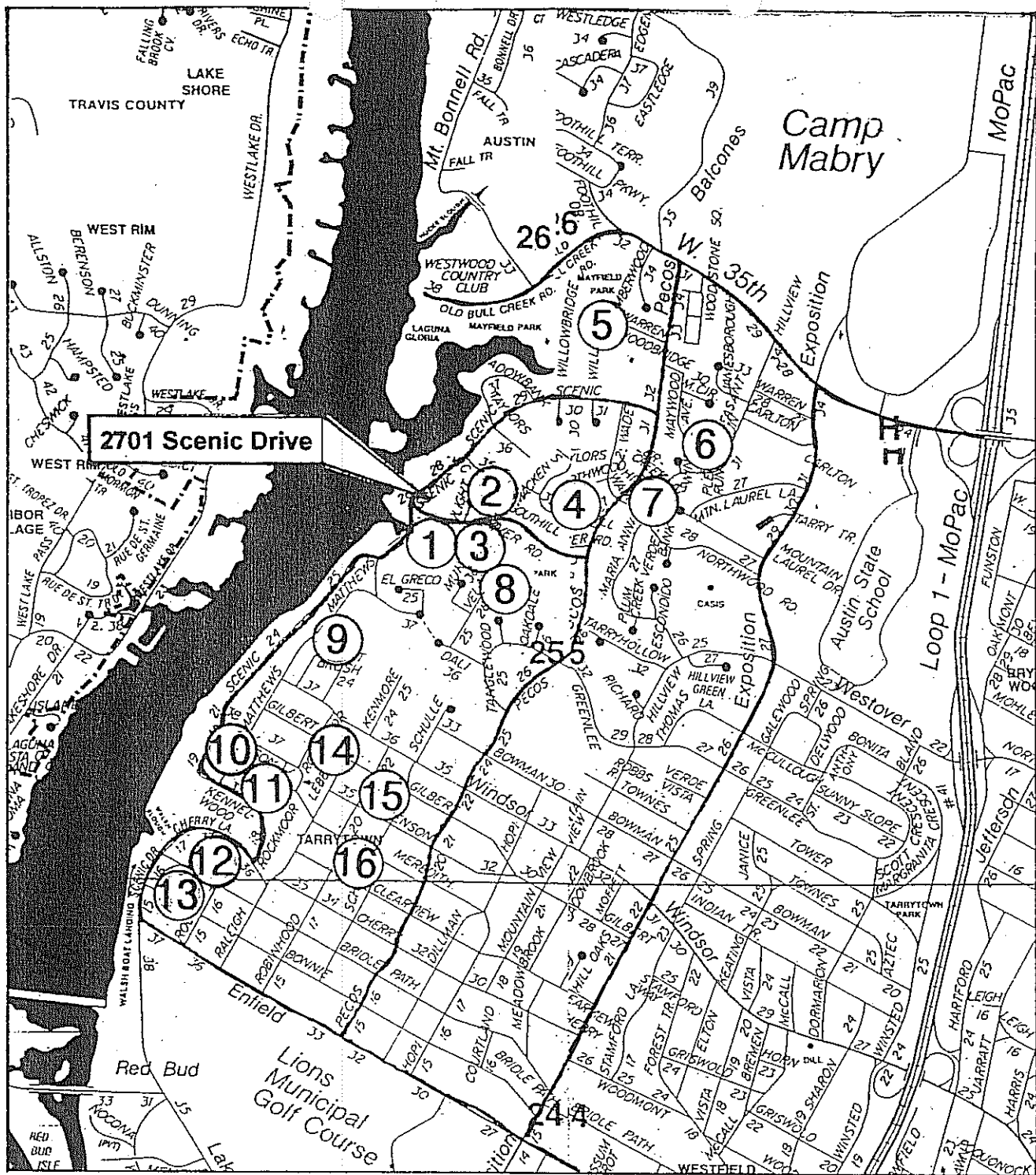




15. 2200 Schule



16. 1902 Schule



Area Character: Location Map of examples of neighborhood carports

- |    |                        |     |                   |
|----|------------------------|-----|-------------------|
| 1. | 3703 River Road        | 9.  | 2406 Sweet Brush  |
| 2. | 3504 River Road        | 10. | 2004 Scenic Drive |
| 3. | 3509 River Road        | 11. | 1900 Rockmoor     |
| 4. | 3403 North Wood Circle | 12. | 1815 Rockmoor     |
| 5. | 3209 Warren            | 13. | 3704 Bonnie       |
| 6. | 3003 Hillview          | 14. | 2106 Raleigh      |
| 7. | 2803 Pecos             | 15. | 2200 Schule       |
| 8. | 2607 Vasquez           | 16. | 1902 Schule       |

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

**DATE:** Monday, August 13, 2007

**CASE NUMBER:** C15-2007-0071

☒ Y \_\_\_\_\_ Greg Smith  
☒ Y \_\_\_\_\_ Michael Von Ohlen (1<sup>st</sup>)  
☒ Y \_\_\_\_\_ Barbara Aybar  
☒ Y \_\_\_\_\_ Bryan King (2<sup>nd</sup>)  
☒ Y \_\_\_\_\_ Leane Heldenfels, Vice-Chairman  
☒ Y \_\_\_\_\_ Frank Fuentes, Chairman  
☒ Y \_\_\_\_\_ Betty Edgemond

**APPLICANT:** Jeff, Jack

**OWNER:** NICOLE, COVERT

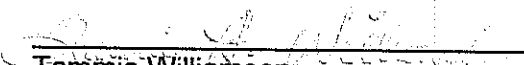
**ADDRESS:** 2701 SCENIC DR

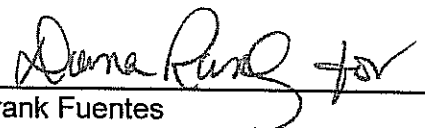
**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 6 feet in order to erect a carport for an existing single-family residence in an "SF-3", Family Residence zoning district.

**BOARD'S DECISION:** GRANTED 7-0 WITH CONDITIONS (NOT TO BE ENCLOSED)

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: zoning regulations allow for a carport use in the zoning district
2. (a) The hardship for which the variance is requested is unique to the property in that: property is steeply sloping site with over 24 ft of fall from the rear of the site to the front, alternative location for the carport would impact many matured protected oak trees.  
  
(b) The hardship is not general to the area in which the property is located because: lot is on the edge of an escarpment and has a very steep slope but the majority of lots in the area are either above the crest of the hill on more gently sloping land or below the escarpment.
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: granting of the variance will allow for the construction of an open carport, similar carports are common in the area with many built extending into side or front yard setbacks.

  
Tammie Williamson  
Executive Secretary

  
Frank Fuentes  
Chairman

# TARRYTOWN RIVER OAKS

For Restrictions of this Plats see Vol. 1323 page 197 of the  
 Emile's Jan.

APPROVED FOR ACCEPTANCE  
 Date: 9-30-52  
 C. G. Lowndes  
 Director of Public Works

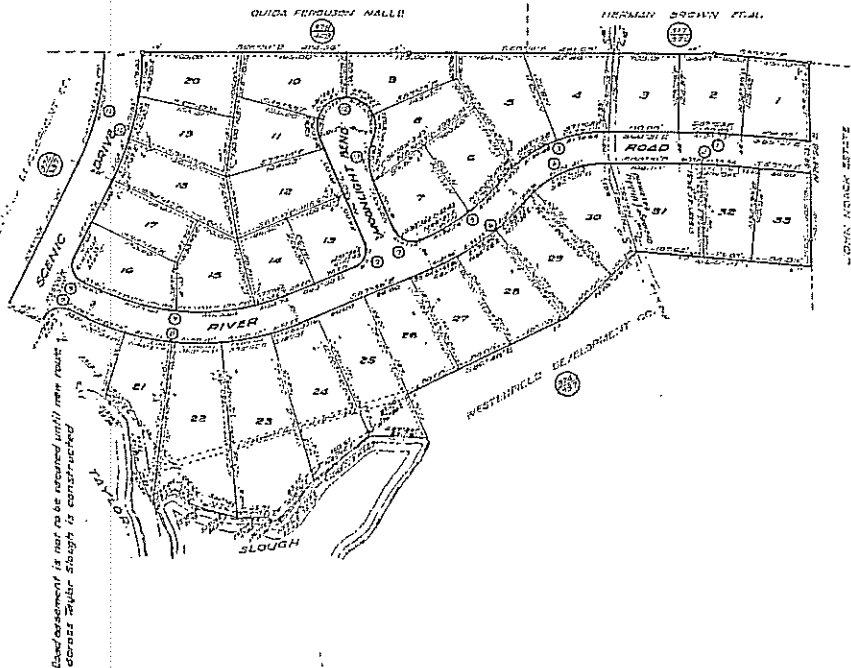
APPROVED BY CITY PLANNING COMMISSION  
 Date: 7-24-52  
 Secretary  
 W. W. Feltman  
 Vice Chairman

ACCEPTED AND AUTHORIZED FOR RECORD BY  
 THE CITY COUNCIL, CITY OF AUSTIN, TEXAS.  
 Date: January 22, 1953  
 City Clerk  
 (SEAL)  
 Mayor

FILED FOR RECORD  
 11-25-52  
 J. D. B. B. J. D. B. B.  
 MISS EMILIE LIMBERG  
 Clerk County Court, Travis County, Texas

STATE OF TEXAS  
 COUNTY OF TRAVIS  
 I, MISS EMILIE LIMBERG, Clerk of the  
 County Court, within and for the County and State aforesaid,  
 do hereby certify that the within and foregoing instrument  
 submitted with its Certificate of Authentication was filed  
 in my office on the 25 day of June, A.D. 1953  
 at 4:30 o'clock P.M. and duly recorded on the 26 day of  
 June, A.D. 1953 at 4:30 o'clock P.M. in the Public Records  
 of the County Court of Travis County, Texas, Book 6, Page 79.  
 WITNESS MY HAND AND SEAL of office  
 of the County Court of Travis County, Texas, the date last above  
 written.  
 MISS EMILIE LIMBERG  
 Clerk County Court, Travis County, Texas

W. W. Feltman  
 Deputy



STATE OF TEXAS  
 COUNTY OF TRAVIS  
 That the residents of the County of Travis, Texas, do hereby certify that the within and foregoing instrument submitted with its Certificate of Authentication was filed in my office on the 25 day of June, A.D. 1953 at 4:30 o'clock P.M. and duly recorded on the 26 day of June, A.D. 1953 at 4:30 o'clock P.M. in the Public Records of the County Court of Travis County, Texas, Book 6, Page 79.  
 WITNESS MY HAND AND SEAL of office of the County Court of Travis County, Texas, the date last above written.  
 MISS EMILIE LIMBERG  
 Clerk County Court, Travis County, Texas

STATE OF TEXAS  
 COUNTY OF TRAVIS  
 I, MISS EMILIE LIMBERG, Clerk of the County Court, within and for the County and State aforesaid, do hereby certify that the within and foregoing instrument submitted with its Certificate of Authentication was filed in my office on the 25 day of June, A.D. 1953 at 4:30 o'clock P.M. and duly recorded on the 26 day of June, A.D. 1953 at 4:30 o'clock P.M. in the Public Records of the County Court of Travis County, Texas, Book 6, Page 79.  
 WITNESS MY HAND AND SEAL of office of the County Court of Travis County, Texas, the date last above written.  
 MISS EMILIE LIMBERG  
 Clerk County Court, Travis County, Texas

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33

Legend  
 - Easement for Public Utilities as shown  
 - Iron Stake Set  
 - Concrete Monument Found  
 - Concrete Monument Set  
 Travis County Deed Record  
 Scale 1" = 100 Feet



PLAN 5533