

CASE # C15-2010-0073
ROW-10454729

CITY OF AUSTIN TP-0114031503
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.

0114031503
0114031502
(1503) ~~1502~~
(No ground parcel ID.)

STREET ADDRESS: 2109 Newfield Lane

LEGAL DESCRIPTION: Subdivision – Enfield G

Lot(s) 31 Block _____ Outlot _____ Division _____

I Jim Bennett as authorized agent for Treaty Oak Bank

_____ affirm that on 6/15, 2010 _____, hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A two family dwelling providing a front street setback of 24.6 ft and providing a F.A.R. of 0.61%

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:

This structure is basically complete as a duplex.

HARDSHIP:

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

a permit was issued to construct this duplex prior to the McMansion requirements being enacted. An error of .4 inches on one corner of the building was made during the layout inspection. The bank had to foreclose on the property and is wishing to complete the structure.

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

The error in the layout of the building is not general to 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:

The amount of variance is minimal, 3.8 inches on one corner of the building, and the completion of this structure will remove an eyesore from the neighborhood resulting in an improvement to the overall character to the neighborhood.

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 Dr

City, State & Zip Austin, Tx 78748

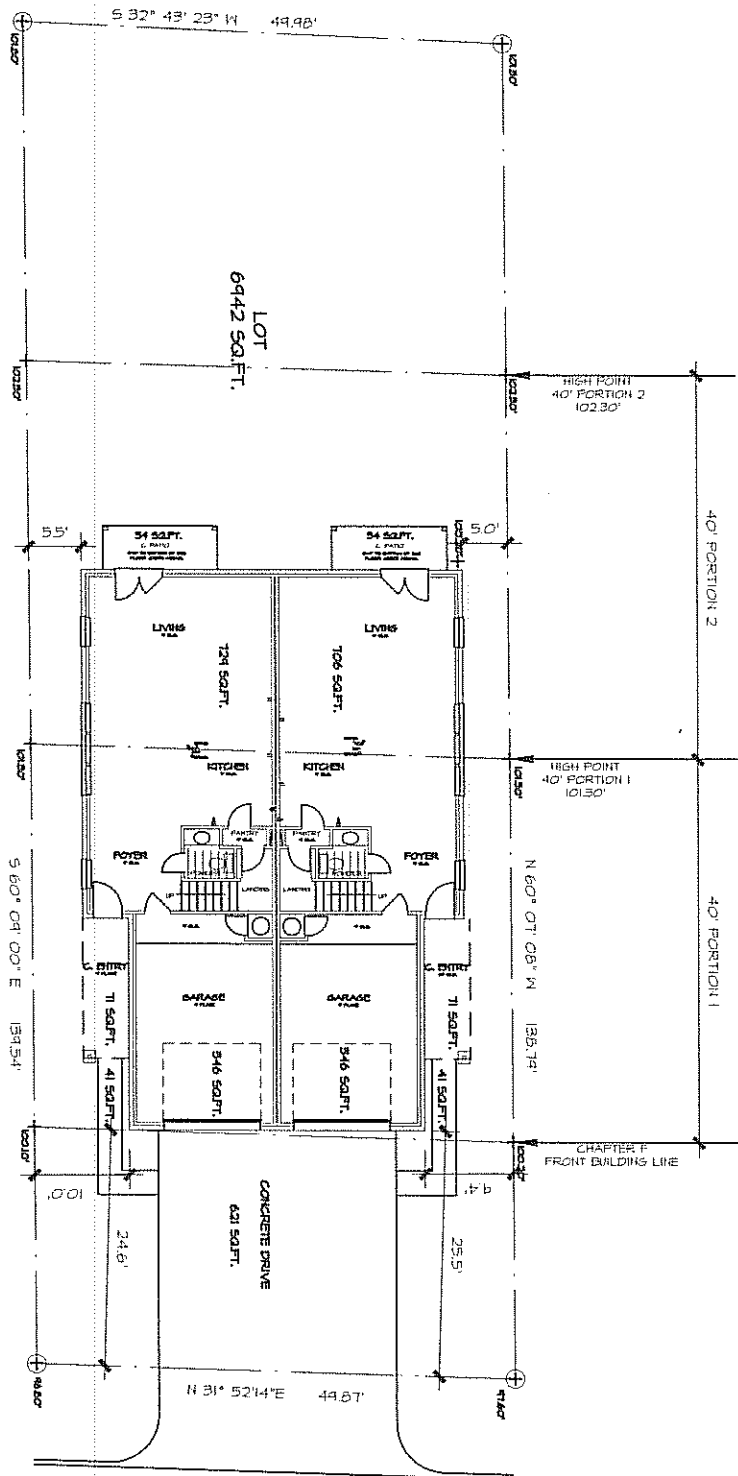
Printed Jim Bennett Phone 282-3079 Date 6/14/2010

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 Alan McAelen Mail Address 1374 Treblewater Tr.

City, State & Zip DRIFWOOD TX 78619

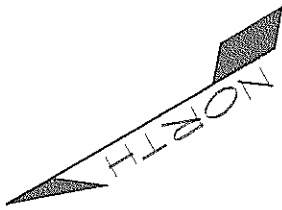
Printed Alan McAelen Phone (512) 413-2987 Date 6/14/10



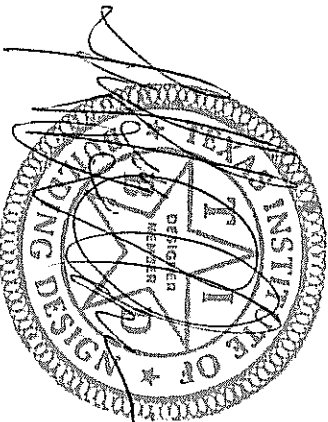
SITE PLAN

SCALE: 1" = 20.00'

2109 NEWFIELD LANE



*Need New
Converted
Site Plans*



JEFFREY D. OVERMAN #4432

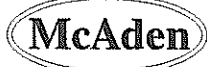
Revised dates: Jan 05, 2010
Jan 26, 2010

DATE	1/26/10
BY	Jeffrey D. Overman
PROJECT	2109 Newfield Lane
SCALE	1" = 20.00'
DATE	JUNE 08, 2010
PROJECT	CONCEPTUAL DRAWING ONLY NOT FOR CONSTRUCTION
NOTES	THIS PLAN IS NOT TO BE REPRODUCED, COPIED, OR MODIFIED. CONCEPTUAL DRAWING ONLY NOT FOR CONSTRUCTION.



OvermanCustomDesign.Com

Jeff Overman CPDD
11512 Trinity Hill Drive
Austin, Texas 78753
(512) 472-0975



McAden Builders
(512) 329-5577

2109 Newfield Lane
Austin, TX 78703

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

DATE: Monday, July 14, 2008

CASE NUMBER: C15-2008-0086

Y _____ Greg Smith
 Y _____ Michael Von Ohlen (2ND)
 Y _____ Yolanda Arriaga
 Y _____ Bryan King
 Y _____ Leane Heldenfels, Vice-Chairman (**Motion to GRANT**)
 Y _____ Frank Fuentes, Chairman
 Y _____ Nora Salinas

APPLICANT: Robert Langguth

ADDRESS: 2109 NEWFIELD LN

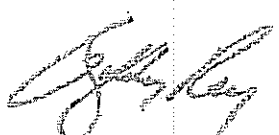
VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 24.7 feet in order to complete and maintain a duplex residential use in an "SF-3", Family Residence zoning district

BOARD'S DECISION: GRANTED 7-0

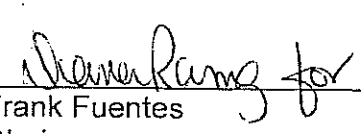
FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the lot is not perpendicular to the street 1 believe a measuring error was made by the original builder resulting in a 5 ½ encroachments into the front setback.
2. (a) The hardship for which the variance is requested is unique to the property in that: applicant assumed this project was not involved when the measuring error occurred.

(b) The hardship is not general to the area in which the property is located because: I am taking over the project and can only assume measuring error occurred in the layout stage.
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: survey error 5 inches.



Bobby Ray
Executive Secretary



Frank Fuentes
Chairman



City of Austin BUILDING PERMIT

PERMIT NO: 2006-011948-BP

Type: RESIDENTIAL Status: Expired

2109 NEWFIELD LN

Issue Date: 02/15/2006 **EXPIRY DATE: 11/18/2009**

LEGAL DESCRIPTION Lot: 31 Block: Subdivision: ENFIELD G	SITE APPROVAL	ZONING
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PROPOSED OCCUPANCY:	WORK PERMITTED: New	ISSUED BY: Tarrah Adams
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Rebuild To Maintain Non-Complying Two Story Duplex W/Att Garage, Covered Porch & Balcony (6 Bedrooms) (4 Parking Spaces) (4 Bathrooms 3/4" Meter)
Demolition#06003659 (Ldc 25-2964) Restoration And Use Of Damage Or Destroyed Noncomplying Structures

TOTAL SQFT New/Addn: 4,330	VALUATION Tot Job Val: \$200,000.00	TYPE CONST.	USE CAT. 101	GROUP	FLOORS 2	UNITS	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS	METER SIZE		

Contact Owner, Robert Langguth Inactive General Contractor, MGE Development, Inc.	Phone (512) 330-9035 (512) 632-0066	Contact Inactive General Contractor, Speciale Homes, Ltd. General Contractor, Lily Aleksander, Seligman Homes	Phone (512) 528-9393 (512) 627-0694
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Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	44.00	1/27/2006	Building Permit Fee	370.00	2/15/2006	Building Permit Fee	185.00	7/17/2008
Electrical Permit Fee	264.00	7/5/2006	Electrical Permit Fee	132.00	8/29/2007	Electrical Permit Fee	66.00	11/15/2007
Electrical Permit Fee	66.00	9/19/2008	Mechanical Permit Fee	55.00	8/27/2007	Mechanical Permit Fee	28.00	12/11/2007
Plumbing Permit Fee	154.00	3/9/2006	Plumbing Permit Fee	77.00	7/30/2007	Plumbing Permit Fee	39.00	1/23/2008
Plumbing Permit Fee	23.00	9/18/2008						
Fees Total:	1,503.00							

Inspection Requirements			
Building Inspection	Driveway Inspection	Electric Inspection	Landscaping Inspection
Mechanical Inspection	Sewer Tap Inspection	Sidewalks Inspection	Water Tap Inspection

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

Section 25-11-94 Expiration and extension of permit (Active Permits will expire 180 days at 11:59:59 pm after date of last inspection posted). If you allow this permit to expire, you will be required to submit a new application & pay new fees.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments		
Ic-3050' 43% Bc-2296' 32%. 25'Dr (22.00) & Sidewalk Requirement Based On Field Inspections. Call Jason Redfern At 974-7180 For Consultation. (4 Bathrooms 3/4" Meter). Ok Historic Per Steve Sadowsky 10-5-2005./Nora Briones Req'D Prior To C.O. 10 Caliper Inches, No Construction Within 15' Of Live Ak At Back Left, Driveway To Be Set Above Grade, Utility Trenching No To Be Within 12' Of Pine At Front. M.Embesei .974-1876. Cancel Plbg Per Lof From Gc-04/13/06-Glw. Refer To Original Duplex Permitted 3-27-1962 #83329./Espa Approved 7/5/2006, 186-21. Architect/Engineer Letter Filed Ldc 25-2-964 Restoration And Use Of Damaged Or Destroyed Noncomplying Structures (A Person May Restore A Damaged Or Destroyed Noncomplying Structure If The Restoration Begins Not Later Than 12 Months After The Date The Damage Or Destruction Occurs.....		
Residential Zoning Review	Date 02/13/2006	Reviewer Nora Briones

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



City of Austin BUILDING PERMIT

PERMIT NO: 2006-011948-BP

Type: RESIDENTIAL Status: Expired

2109 NEWFIELD LN

Issue Date: 02/15/2006 **EXPIRY DATE: 11/18/2009**

LEGAL DESCRIPTION Lot: 31 Block: Subdivision: ENFIELD G		SITE APPROVAL		ZONING			
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TOTAL SQFT New/Addn: 4,330	VALUATION Tot Job Val: \$200,000.00	TYPE CONST.	USE CAT. 101	GROUP	FLOORS 2	UNITS	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS	METER SIZE		

Type	Date	Status	Comments	Inspector
101 Building Layout	4/21/2009	Fail		Tony Hernandez
102 Foundation	7/24/2008	Pass		Douglas Mcafee
103 Framing	5/22/2009	Fail		Tony Hernandez
104 Insulation	5/22/2009	Fail		Tony Hernandez
105 Wallboard		Open		Dearl Croft
108 TCO Stocking		Open		Dearl Croft
109 TCO Occupancy		Open		Dearl Croft
111 Energy Final		Open		Dearl Croft
112 Final Building		Open		Dearl Croft
114 Continuance of work		Open		
610 AW Temp Utilities		Open		Austin Water Utility
617 Landscape TCO Occupancy		Open		Landscape Inspect
618 Landscape TCO Stocking		Open		Landscape Inspect
Deficiencies		Open		
Tree Inspection		Open		Michael Embesi