

CASE # C15-2010-0079
ROW # 10455391
TP-0302001515

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

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

STREET ADDRESS: 1602 Newning Avenue

LEGAL DESCRIPTION: Subdivision - Fairview Park

Lot(s) 25 & 26 Block 12F

I/We, Samantha Smoot, on behalf of myself/ourselves as authorized agent for same, affirm that on June 18, 2010, hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

I would like to move an old house to the front half of my double lot, creating a two family residence, and am seeking three variances:

- 1. Provide a front street setback of 8' instead of 25'.*
- 2. Make the new residence the secondary residence and keep my own house as primary residence, which would require a variance from 25-2-774(c) (2) which states that the second dwelling must be located at least 15' to the rear of the principal structure.*
- 3. Provide a rear setback of 2' instead of 10' to accommodate an accessory building (storage shed) that already existed on the property when I purchased it 15 years ago.*

in a SF-3-NP district.
(zoning district)

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings:

REASONABLE USE:

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

The property is bisected by a steep, 16' hill and includes an historic Live Oak tree, unique topographical features that limit use. Further, the city's right of way for this lot is 25' on one corner and 15' on another, leaving very limited space on the front of the lot between the property line and the hill and tree.

The current residence, at 852 square feet, is too large to fit the criteria for secondary residence.

HARDSHIP:

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

The property is bisected by a steep hill (elevation 16') that renders a good portion of the middle property unbuildable, there is a large Live Oak tree with a Critical Root Zone of 64' on the property, and the city's right of way for this property is an average of 20' (25' on one corner and 15' on the other).

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

The hardship of the steep hill and the historic tree of this size pertain only to this property, not to the neighborhood more generally. While there are hills in Travis Heights, it is very unusual to have such a steep hill running through the middle of the property, rather than at the front or back boundaries of the property. Also, an average city right of way of 20' is unique to this property and not typical of the 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 structure I propose to put on the property is half of an old house, a traditional simple bungalow build in 1945 out of materials from an older home in West Campus. With the addition of this structure, there would be two residences on a double lot, so it would not increase density beyond the norm for the neighborhood. Both the architectural features of the structure and its proposed placement 28' from the street are very much in keeping with the character of this historic neighborhood and will in no way affect the use of adjacent conforming property. In the two-block area around this property, there are eight homes that are set back 28' or less from the street, and an additional eight homes that are set back 28' to 30' from the street.

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 1602 Newning Ave.

City, State & Zip Austin, Texas 78704

Printed Samantha J. Smoot Phone 512-826-2823 Date June 18, 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 1602 Newning Ave.

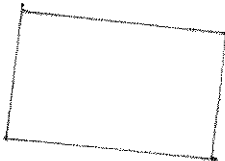
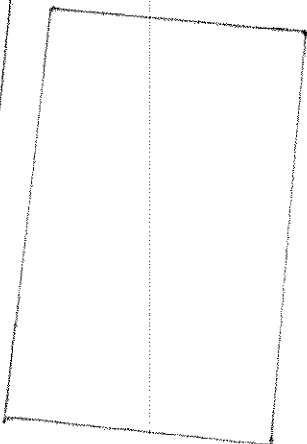
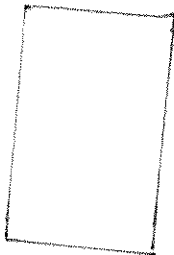
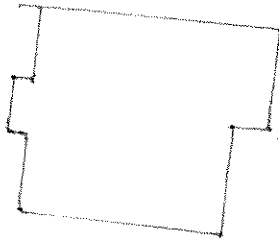
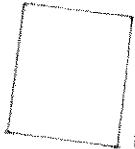
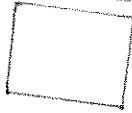
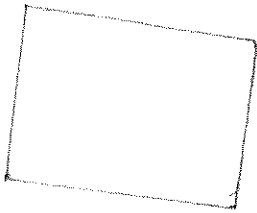
City, State & Zip Austin, Texas 78704

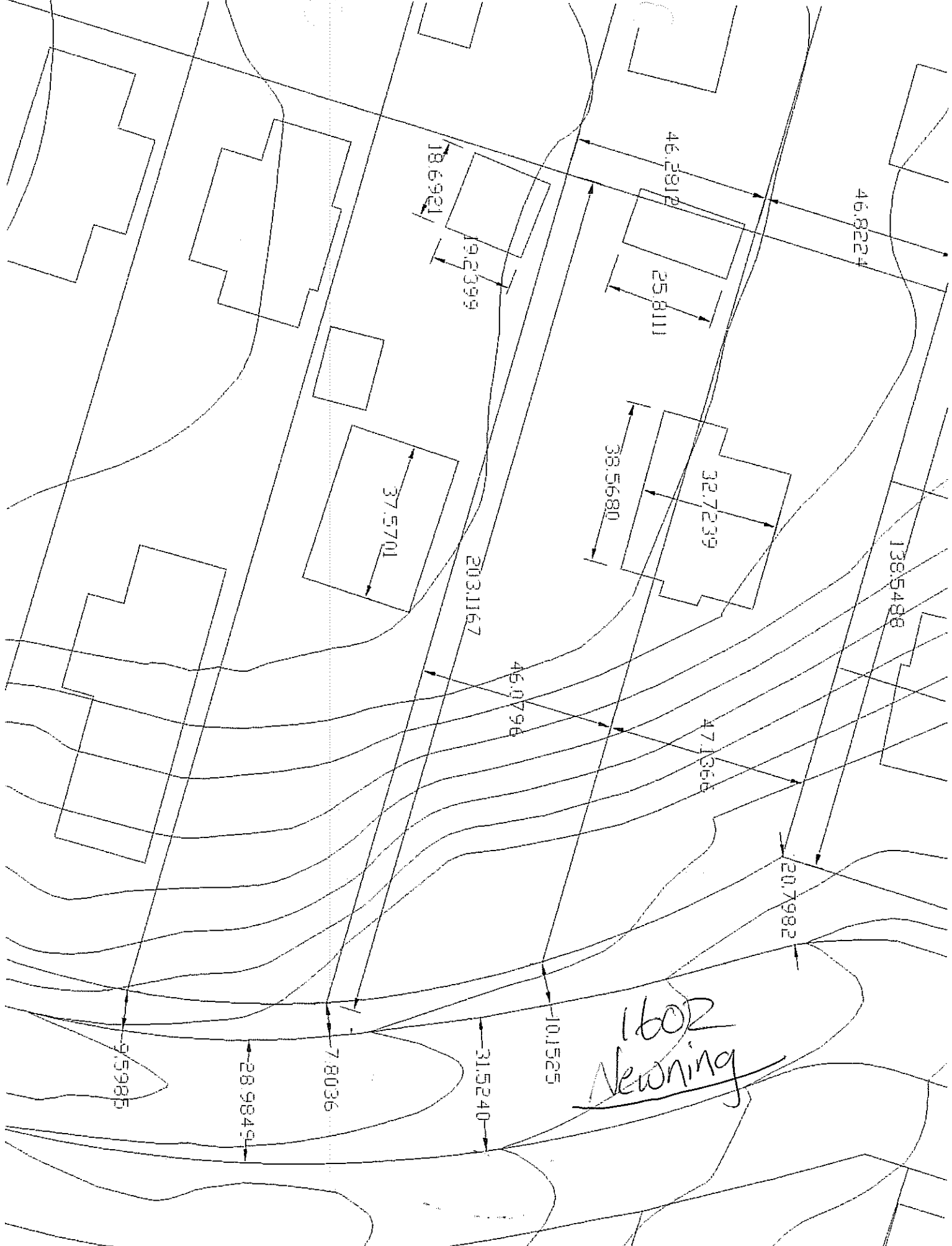
Printed Samantha J. Smoot Phone 512-826-2823 Date June 18, 2010

1700 Newing

1602 Newing

500 Monroe





46.8224

46.2812

25.8111

18.6921

19.2399

138.5488

32.7239

38.5680

37.5701

203.1167

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31.5240

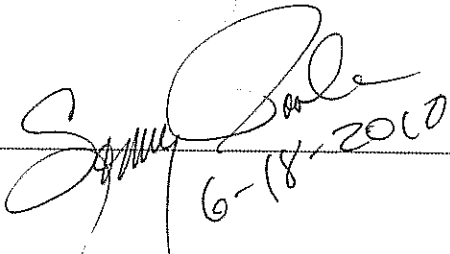
7.8036

28.9849

9.5985

1602 Newning

Poole, Sonny


From: Poole, Sonny
Sent: Friday, June 18, 2010 11:05 AM
To: Walker, Susan; Ramirez, Diana; Wilhite, Joan E; Mendez, Jerome; 'Samantha Smoot'
Cc: Lund, Lena; Long, Robert
Subject: FW: Preliminary BOA Review - 1602 Newning Avenue
Attachments: Scan001.pdf

To All:

Ms. Smoot and I met this morning and I was provided with an updated survey showing AE lines. As per the attached drawing the request for variance on setback for 1602 Newning Ave. is approved.

Please call me if you have any further questions.

Sonny Poole – Acting Manager
Public Involvement & Real Estate
Austin Energy
322-6442

From: Lund, Lena
Sent: Wednesday, June 16, 2010 4:27 PM
To: 'samantha.smoot@gmail.com'; Walker, Susan; Ramirez, Diana; Wilhite, Joan E; Mendez, Jerome
Cc: Poole, Sonny
Subject: Preliminary BOA Review - 1602 Newning Avenue

Based on the information submitted, Austin Energy's response to the above referenced request is DENIED due to conflicts with existing electric facilities. The customer has spoken with Sonny Poole and plans to submit additional/revised information – if this additional information allows AE to revise our comments then I will let you know via email.

Thank you,

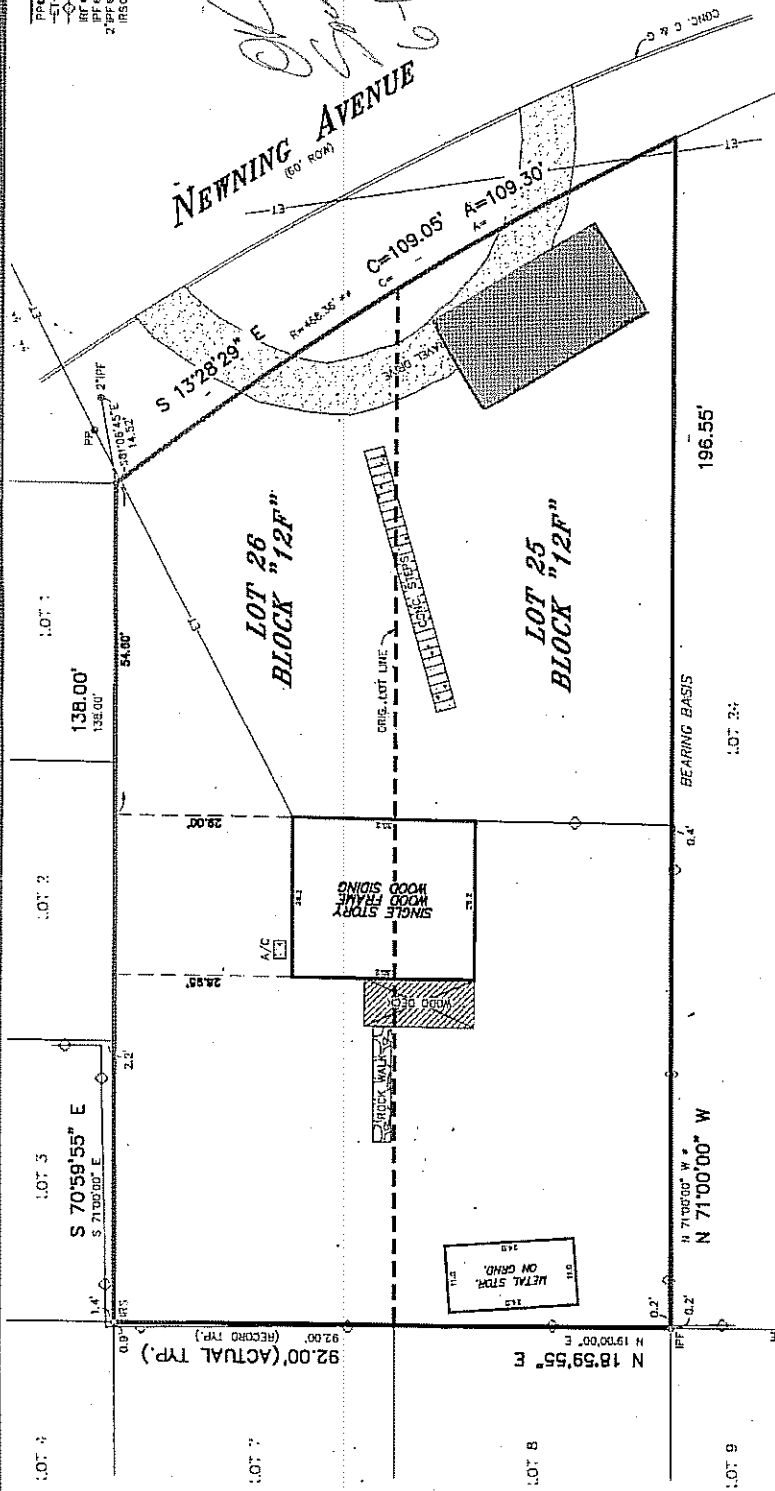
Lena Lund
Austin Energy
Public Involvement/Real Estate Services
721 Barton Springs Road, Suite 102.1
Austin, TX 78704-1145
512-322-6587
512-322-6101

6/18/2010

LEGEND

- POWER POLE
- OVERHEAD ELEC./TELE. LINE
- CHAIN LINK FENCE
- IRON PIPE FOUND
- 1/2" IRON PIPE FOUND
- 2" IRON PIPE FOUND
- 1/2" IRON ROD SET W/CAP
- STAMPED "SIS"

Handwritten: 6-18-2010
Signature: [Signature]



PLAT OF SURVEY

OF 2411004013

SCALE: 1" = 20'

Survey No. 08239-REV.

Said lot is in Zone X as identified by the Federal Emergency Management Agency on Community Panel No. 48453C-0706 dated: JAN. 19, 2000

LOT NOS. 25 & 26, BLOCK NO. "12F"
 ADDITION OR SUBDIVISION, FAIRMEN PARK ADDITION, VOLUME 2, PAGE 1688, PLAT RECORDS
 STREET ADDRESS 1602 NEWNING AVENUE COUNTY TRAVIS
 SURVEY FOR NATIONAL CITY MORTGAGE CITY AUSTIN
 REFERENCE SAMANTHA J. SMOOT
 TO LAND AMERICA AUSTIN TITLE & LAWYERS TITLE INSURANCE CORPORATION
 I, THE COUNTY OF TRAVIS, TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE THIS DAY OF [] 2010, AND IS TRUE AND CORRECT, AND THAT THERE ARE NO UNDEVELOPED CORNERS, SURVEYS IN AREA, ENCUMBRANCES, VISIBLE UTILITY LINES OR OTHER PLACES EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO A DEDICATED HIGHWAY, EXCEPT AS SHOWN HEREON.
 SNS ENGINEERING, INC.

12466 Los Indios Trail, Suite 101
 Austin, Texas 78729
 (512) 335-3944 * (512) 250-8885 (Fax) JM 601/26



Signature: Leslie Vasterling
 Date: 06-18-2010

* SCALED FROM TAX MAP
 ** RADIUS BASED ON THE CITY OF AUSTIN ENGINEERING DATA AND DEED RECORDED IN DOC. NO. 2002215729, OFFICIAL PUBLIC RECORDS



Tree Ordinance Review Application

Planning and Development Review Department
One Texas Center, 505 Barton Springs Road, 4th floor
Phone: (512) 974-1876 Fax: (512) 974-3010

Email: Michael.Embesi@ci.austin.tx.us Website: www.ci.austin.tx.us/trees

KUW I.D. 10451028

Mapsco Grid 61ST

Application request* (specify all that apply):

- Tree removal
- Development exceeding allowable standards for encroachment in the tree's critical root zone;
- Removal of more than 30% of a tree's crown.

* Refer to Land Development Code 25-8 (B)(1) and Environmental Criteria Manual (Section 3, App. F). Applicant understands that all impacts may threaten the health of the tree and that approval of this application does not guarantee favorable tree results.

Address and zip code of property: 1602 Newning *I would like to be contacted by Michael, J. son or Jim - to take you
Name of owner or authorized agent: Samantha Smoot

Building permit number (if applicable): n.a.
Telephone #: 826 2823 Fax #: _____ E-mail: samantha.smoot@gmail.com

Type of Tree: live oak Tree location on lot: SE quadrant of lot
Trunk size (in inches) at 4 1/2 feet above ground: circumference (around) 95" or diameter (across) 30"-32"

General tree condition: Good / Fair / Poor / Dead

Reason for request: would like to build small pier-beam structure in front of tree - structure would be outside of C.R.Z. but I would like to excavate + build 30" retaining wall 2' within C.R.Z. (see diagram attached)

[Signature] 6-10-10
Owner/ Authorized Agent Signature Date

- Proposed development projects should include an aerial drawing that includes the location of the tree and planned improvements (e.g. structure, driveway, utility and irrigation lines).
- This application is reviewed for tree impacts only; not for zoning or other applicable regulations. Payment (\$25 check to the City of Austin) must be made prior to City personnel completing this application. No fee is required for dead or diseased trees.

Application Determination - To be completed by City Arborist Program Personnel

- Approved
- *Approved With Conditions
- Denied
- Statutory Denial (more information required)

Comments No excavation within 16' of tree.

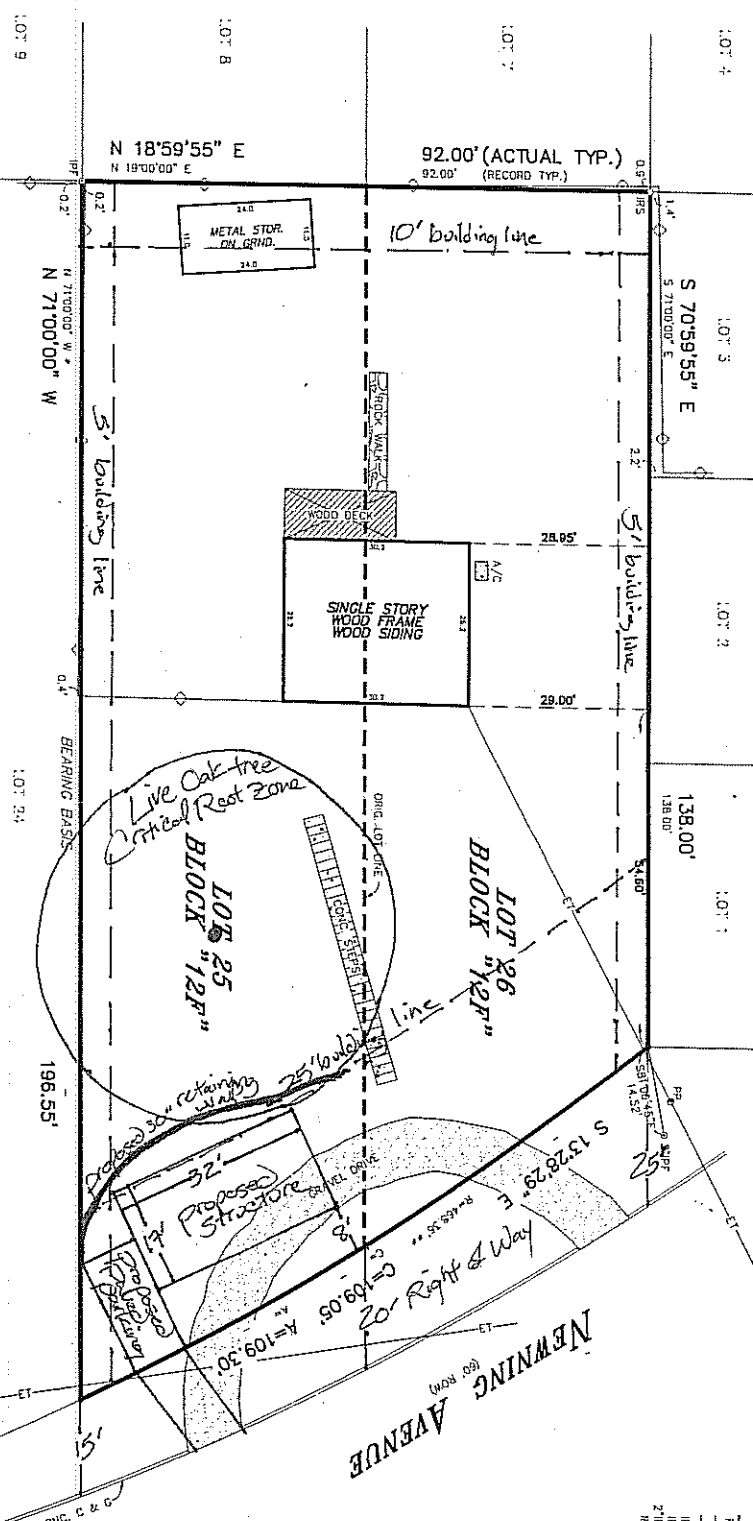
Heritage Tree(s) A heritage tree variance is required: Administrative / Land Use Commission

Conditions of Approval: None or As described within Arborist Comments (see above); and

- Applicant agrees to plant _____ caliper inches of container grown City of Austin Appendix F trees on the lot prior to obtaining a final inspection (if applicable). Trees are to have a minimum 2-inch trunk diameter. Examples include Oaks, Cedar Elm, Bald Cypress, Dessert Willow, Mountain Laurel, Texas Persimmon, Mexican Plum, etc.
- Prior to development, applicant agrees to supply an 8-inch root zone mulch layer and maintain tree protection fencing (chain-link, five-foot in height) throughout the project duration.
- Provide a receipt for remedial tree care and / or any required pruning as performed by a certified arborist.
- No impacts are permitted within the tree 1/2 Critical Root Zone (ECM 3.5.2), including trenching for utilities.

Applicant Signature _____ Date _____
City Arborist Signature [Signature] Date 6/11/2010

Post this document on site while any proposed work is in progress.
Conditions for approval of this application must be met within 1 year of the effective date.



- LEGEND**
- POWER POLE
 - OVERHEAD ELEC./TELE. LINE
 - CHAIN LINK FENCE
 - 1/2" IRON ROD FOUND
 - 1/2" IRON PIPE FOUND
 - 2" IRON PIPE FOUND
 - 1/2" IRON ROD SET W/CAP
 - STAMPED SWS

Survey No. 08239-REV
PLAT OF SURVEY
SCALE: 1" = 20'

Sold lot is in Zone X as identified by the Federal Emergency Management Agency on Community Panel No. 48453C 01705
Dated: JAN. 19, 2000

LOT NOS. 25 & 26, BLOCK NO. "12P"

ADDITION OR SUBDIVISION FAIRVIEW PARK ADDITION, VOLUME 2, PAGE 166B, PLAT RECORDS
STREET ADDRESS 1602 NEWNING AVENUE CITY AUSTIN COUNTY TRAVIS
SURVEY FOR NATIONAL CITY MORTGAGE REFERENCE SAMANTHA J. SMOOT
TO LAND AMERICA AUSTIN TITLE & LAWYERS TITLE INSURANCE CORPORATION

I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS MADE THIS DAY OF THE MONTH AND IS TRUE AND CORRECT, AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF TEXAS. I HAVE BEEN DULY SWORN TO AND MY COMMISSION IS CURRENT AND VALID.

SNS ENGINEERING, INC.
12466 Los Indios Trail, Suite 101
Austin, Texas 78729
(512) 335-3944 * (512) 250-8686 (Fax) JM

Paula Valerling
Date: 06-18-2010

SCALED FROM TAX MAP
** RADIUS BASED ON THE CITY OF AUSTIN ENGINEERING DATA AND DEED RECORDED IN DOC. NO. 2002215729, OFFICIAL PUBLIC RECORDS