

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

DATE: Monday, July 12, 2010

CASE NUMBER: C15-2010-0072

_____ Jeff Jack
_____ Michael Von Ohlen
_____ Nora Salinas
_____ Bryan King
_____ Leane Heldenfels, Chairman
_____ Clarke Hammond, Vice Chairman
_____ Heidi Goebel

APPLICANT: Sylvia Cantu

ADDRESS: 605 IRMA DR

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 4.4 feet in order to complete and maintain an attached carport for a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.


BOARD'S DECISION: The public hearing was closed on Board Member Bryan King motion to Postpone to August 9, 2010 for additional information, pictures of adjacent houses, need hardship, area of character, Board Member Clarke Hammond second on a 6-1 vote (Board member Heidi Goebel abstained); **POSTPONED** to August 9, 2010.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

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

Executive Secretary



Chairman

Walker, Susan

From: scantu30@austin.rr.com
Sent: Thursday, June 17, 2010 3:16 PM
To: Walker, Susan
Subject: RE: Variance

I thought Mr Mills had given you all that. From the overhang it is 8 feet to the property line (which I am assumning it is 5 feet from the curb).

The part about the blue print is because I got a permit from the city for the driveway for 8.6 ft as the curb, because I could not find my blue print. The blue print clearly states that my lot has a 5 foot easement in front due to no utility lines. Here again curb and easement I do not know what is what.

Explain easement, encroaching and setback? Or where can I find the definitions so I can know what I am doing. I am so lost right now.

---- "Walker wrote:

> I'm not sure why I would have said that I would call you. You
> submitted the application and I was just waiting for you to tell me
> how far from the front property line that you carport is.

>
> Please verify the distance from the carport to the property line and
> let me know. I do not understand the last part of your e-mail.

> Thank you,

>
> Susan Walker
> Senior Planner
> Planning & Development Review Department
> Phone: 512-974-2202
> Fax: 512-974-6536

>
> _____
>
> From: Sylvia Cantu [mailto:scantu30@austin.rr.com]
> Sent: Tuesday, June 15, 2010 1:12 PM
> To: Walker, Susan
> Subject: Variance
> Importance: High

> Susan,

>
> You said you would call me if the Variance application would be
> accepted. I have not heard from you. Is there a problem? This is for
> Sylvia Cantu, 605 Irma Drive, Austin, Texas, Don Dale Subdivision, Lot
> 11. According to my blue prints my easement is 5 feet instead of the
> 10 indicated on my driveway inspection This would meet the
> requirements for the set back.

>
> Sylvia Cantu
> 605 Irma Drive
> Austin, Texas
> Don Dale Subdivision
> Lot 11
> PR # 10-043617R
> Tax Parcel #0229080432

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2010-0072 - 605 Irma Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment: July 12, 2010

Margaret L. Nancy

Your Name (please print)

I am in favor
 I object

607 Irma Dr. 78752

Your address(es) affected by this application

Margaret L. Nancy

Signature

6/10/10

Date

Daytime Telephone: 512 913-1448

Comments: The compound is beautiful well constructed and adds to our neighborhood. It is a very pleasant addition to our block.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 2nd Floor
C/O Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment: July 12, 2010

Matt Darnell

Your Name (please print)

I am in favor
 I object

613 Irma Dr Austin TX 78752

Your address(es) affected by this application

Matthew S. Darnell

Signature

11 Jul

Date

Daytime Telephone: 220-6364

Comments: I do not "favor" the alterations themselves, but I am "in favor" of allowing the property owner to make such alterations and so not "object".

If you use this form to comment, it may be returned to:

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment: July 12, 2010

LEE BUSE

Your Name (please print)

I am in favor
 I object

614 IRMA DR.

Your address(es) affected by this application

Susan Walker

Signature

Date

Daytime Telephone:

(512) 451-2775

Comments:

OK w/ me

If you use this form to comment, it may be returned to:
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Case Number: C15-2010-0072 - 605 Irma Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment: July 12, 2010

Elizabeth Soto

Your Name (please print)

I am
 I ob

503 Hermack

Your address(es) affected by this application

Elizabeth Soto

Signature

Daytime Telephone:

512 791-7763

Comments:

I rode Carport & went one on my way

If you use this form to comment, it may be returned to:
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C/O Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment: July 12, 2010

Till Brady
Your Name (please print)

I am in favor
 I object

608A Brentwood St.
Your address(es) affected by this application

Till Brady 7/11/10
Signature Date

Daytime Telephone: 512-358-1736

Comments: This will be a

new improvement and
visually improve the
neighborhood.

If you use this form to comment, it may be returned to:
City of Austin-Planning & Development Review Department/ 2nd Floor
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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment: July 12, 2010

Richard Lorenz
Your Name (please print)

I am in favor
 I object

6513 Chesterfield Ave.
Your address(es) affected by this application

Richard Lorenz 7-12
Signature Date

Daytime Telephone: 512-371-3638

Comments: Personal improvement to

property in my neighborhood
is an ~~asset~~ asset to the
area!

If you use this form to comment, it may be returned to:
City of Austin-Planning & Development Review Department/ 2
C/O Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C15-2010-0072 - 605 Irma Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment: July 12, 2010

Your Name (please print)

Essee Lewis

I am in favor
 I object

Your address(es) affected by this application

605 Irma Austin 78752

Signature

Essee Lewis

Date

Daytime Telephone:

512-224-7151

Comments:

forfeit

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 2nd Floor
C/O Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C15-2010-0072 - 605 Irma Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment: July 12, 2010

Your Name (please print)

FLORA WILLIS

I am in favor
 I object

Your address(es) affected by this application

305 IRMA DR.

Signature

Flora Willis

Date

Daytime Telephone:

453-7658

Comments:

If you use this form to comment, it may be returned to:

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Case Number: C15-2010-0072 - 605 Irma Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment: July 12, 2010

Your Name (please print) Elizabeth Donohoe

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Your address(es) affected by this application 403 Irma Dr

Elizabeth Donohoe 7/12/10
Signature Date

Daytime Telephone: 571-8766

Comments: _____

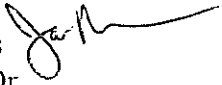
If you use this form to comment, it may be returned to:
City of Austin-Planning & Development Review Department/2nd Floor
C/O Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

June 28, 2010

To Whom It May Concern:

I support Ms. Cantu's request for a variance on her home improvements at 605 Irma Dr., Austin, TX 78752. I do not feel that the changes to her front porch and/or the carport addition have created an "eyesore." If anything, I think they have enhanced her property and those of her neighbors.

If you have any questions, please don't hesitate to contact me at:

Jon Rogers 
608 Irma Dr.
Austin, TX 78752
Home ph#: 458-2378

Case # C15 2010-0072 - 605 Irma Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustments: July 12, 2010

In favor of the change

PUBLIC HEARING INFORMATION

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An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

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Case Number: C15-2010-0072 - 605 Irma Drive
 Contact: Susan Walker, 512-974-2202
 Public Hearing: Board of Adjustment: July 12, 2010

DALE V CLARK
 Your Name (please print)
 706 SPARKS AVE
 Your address(es) affected by this application

Dale V Clark
 Signature
 7/4/10
 Date

Daytime Telephone: (512) 472-6148

Comments:

I am in favor of subject

If you use this form to comment, it may be returned to:
 City of Austin-Planning & Development Review Department/ 2nd Floor
 C/O Susan Walker
 P. O. Box 1088
 Austin, TX 78767-8810

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Case Number: C15-2010-0072 – 605 Irma Drive
 Contact: Susan Walker, 512-974-2202
 Public Hearing: Board of Adjustment: July 12, 2010

Linda S. White

Your Name (please print)

602 IRMA DRIVE

Your address(es) affected by this application

Linda S. White

Signature

Daytime Telephone: 424-5573 W

Date

7-7-10

I am in favor
 I object

Comments:

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/2nd Floor
 C/O Susan Walker
 P. O. Box 1088
 Austin, TX 78767-8810

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 Contact: Susan Walker, 512-974-2202
 Public Hearing: Board of Adjustment: July 12, 2010

KOURANI MCLAUGHLIN
 Your Name (please print) I am in favor
 I object

602 Wilmes Dr Austin TX 78752
 Your address(es) affected by this application
Bernard McLaughlin *6-4-10*
 Signature Date

Daytime Telephone: *512 454 8336*

Comments: *I think the structure (support) is very nice and well constructed. It is very appealing in the neigh borhood.*

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 2nd Floor
 C/O Susan Walker
 P. O. Box 1088
 Austin, TX 78767-8810

For File

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Case Number: C15-2010-0072 - 605 IrmadDrive
 Contact: Susan Walker, 512-974-2202
 Public Hearing: Board of Adjustment: July 12, 2010

DAVID JEE ALBERGHA
 Your Name (please print) I am in favor I object.

504 BEACWOOD AUSTIN TX 78752
 Your address(es) affected by this application

David Jee Alberg
 Signature 7.2.10 Date

Daytime Telephone: 512.413.4520

Comments: THEY ARE ASKING FOR 20' - ARE YOU KINDLY ME. AND THE FOOTPRINT THAT HAVE ALREADY BUILT IT. HELL NO. THEY ARE GOOD BEASDS FOR THE SET BACK - THIS IS A GROSS VIOLATION
David Jee Alberg

If you use this form to comment, it may be returned to:

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 C/O Susan Walker
 P. O. Box 1088
 Austin, TX 78767-8810



NOTICE OF PUBLIC HEARING LAND DEVELOPMENT CODE VARIANCE

Mailing Date: July 1, 2010

Case Number: C15-2010-0072

Please be advised that the City of Austin has received an application for a variance from the Land Development Code.

Applicant : Sylvia Cantu

Telephone : (512)-454-5567

Address 605 IRMA DR

Variance Request(s): The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 4.4 feet in order to complete and maintain an attached carport for a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

This application is scheduled to be heard by the Board of Adjustment on July 12, 2010. The meeting will be held at City Council Chambers, 301 West 2nd Street beginning at 5:30 PM.

You are being notified because City Ordinance requires that all property owners and utility account holders within 500 feet of the proposed development and affected neighborhood organizations be notified when an application is scheduled for a public hearing. If you have any questions concerning this application, please contact Susan Walker of the Planning and Development Review Department at 974-2202 and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site www.ci.austin.tx.us/devreview/index.jsp.

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Case Number: C15-2010-0072 – 605 Irma Drive
Contact: Susan Walker 974-2202
Public Hearing:
Board of Adjustment July 12, 2010

I am in favor
 I object

Your Name (please print)

Your address(es) affected by this application

Signature _____
Date

Daytime Telephone: _____

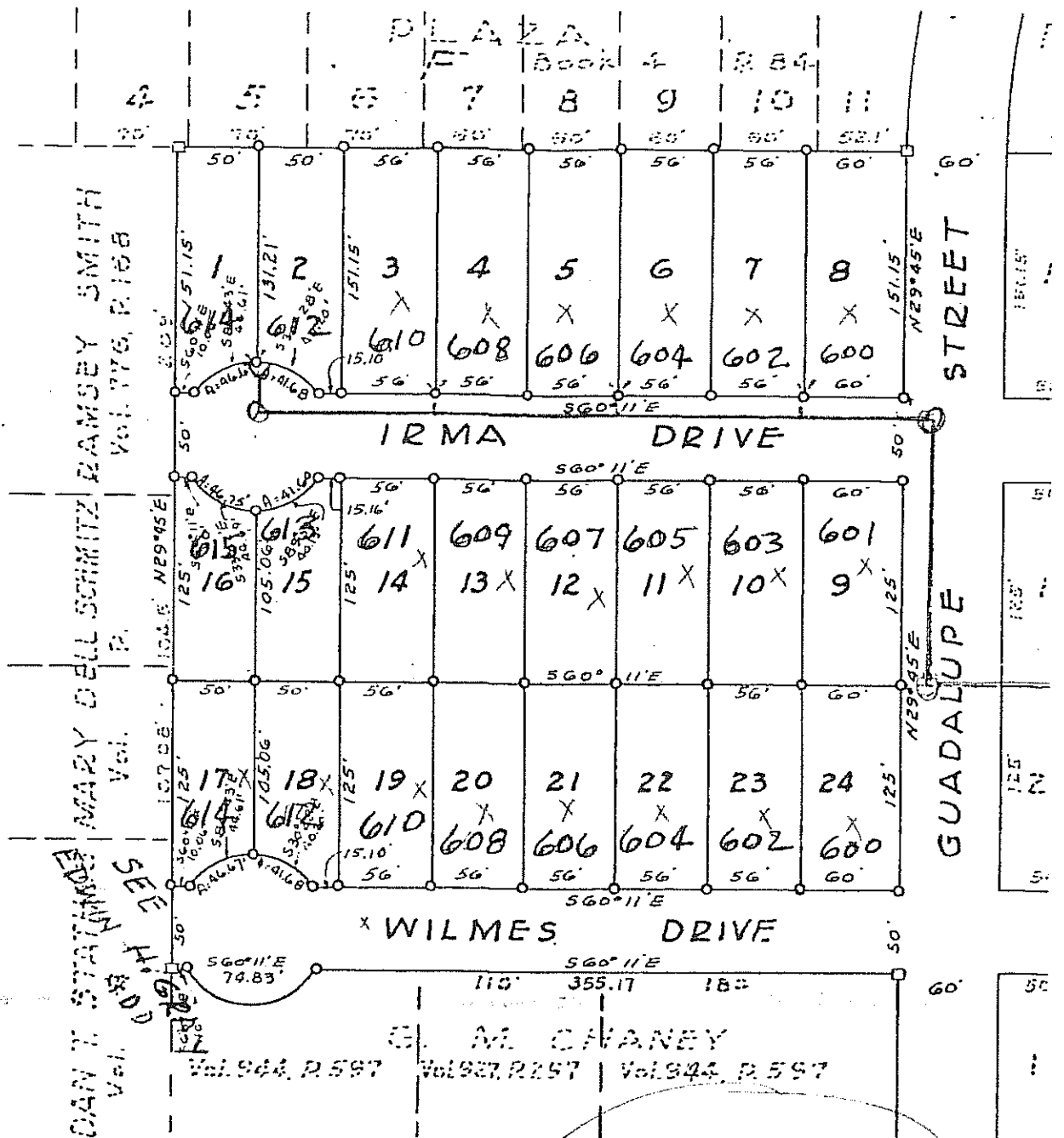
Comments: _____

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 2nd Floor
C/O Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

1716

D O I



X = IN CTR
4.24.87

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 # C15-2010-0072
ROW # 10454717
TP- 02290 80432

**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: 605 Irma Dr

LEGAL DESCRIPTION: Subdivision - Don Dale

Lot(s) 11 Block _____ Outlot _____ Division _____

I/We Sylvia Cantu on behalf of myself/ourselves as authorized agent for

Owner _____ affirm that on June 4, 2010,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

Carport 4.4' from property line

in a SF3-NP 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:

My carport is both practical and appealing as it is structurally sound and well built. The carports in the surrounding area are not appealing or on concrete. I know of no regulation(s) not allowing such a carport to be built. There is no room for an enclosed garage to be built on my property.

HARDSHIP:

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

This will allow me, a 61 year old live alone female and my vehicles to be protected from inclement weather (i.e. hail, wind, ice, and other weather conditions)

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

Most properties in this area have/had carports next to their residences. Few carports are built with concrete driveways. Irma Dr. is narrow and with my carport I am confident my vehicles are safely off the street and the investment of my property is enhanced with an aesthetic appeal

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:

My carport is structurally built and appealing. It adds value to my property as well as value to the adjacent properties. Furthermore, the carport does not interfere with any adjacent properties. The carport is strictly for my health and wellbeing benefit. The carport also is for the further protection of the investment of my vehicles.

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.

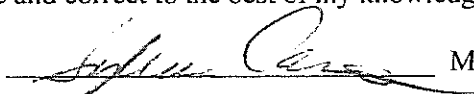
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _____ Mail Address 605 Irma Dr

City, State & Zip Austin, TX 78752

Printed Sylvia Cantu Phone (512) 454-5567 Date June 4, 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 605 Irma Dr

City, State & Zip Austin, TX , 78752

Printed Sylvia Cantu Phone (512) 454-5567 Date June 4, 2010

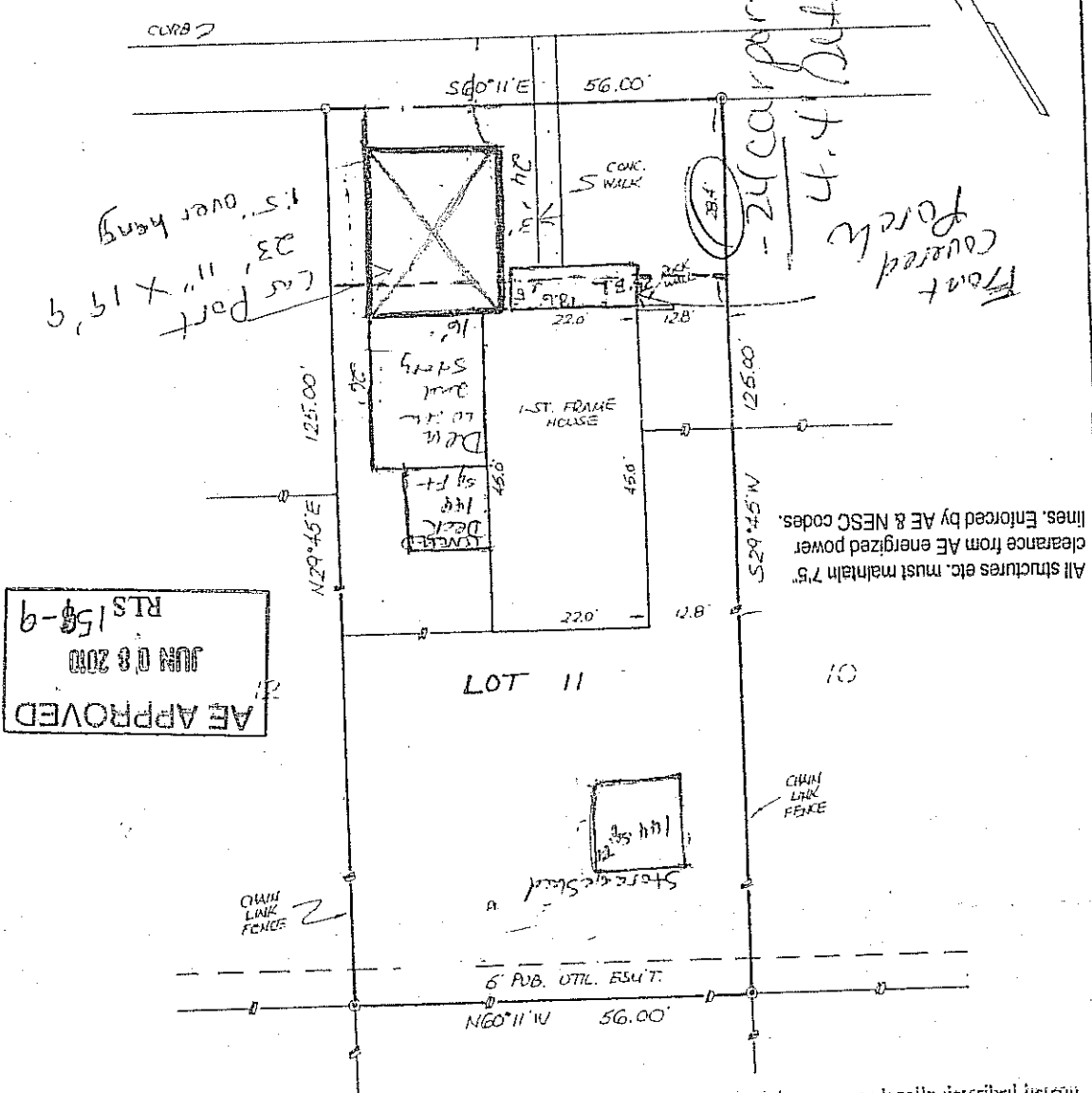
SURVEY PLAT

ALL PARTIES INTERESTED IN PREMISES SURVEYED:—
 I am to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 05 Irma Drive in the City of Austin, being described as follows:

Lot No. 11, Block No. _____, Austin
 Don - Dale _____ an addition to the City of Austin
 according to the final plat thereof recorded in Vol. 6, at page 125 of the _____ plat
 Map Records of Travis County, Texas. Ref. NP 35

I hereby certify that the property described hereon is not within a special flood hazard area as identified by the Federal Insurance Administration Department of Housing and Urban Development on map page 16 dated Sept. 13, 1974 Community No. 480624.

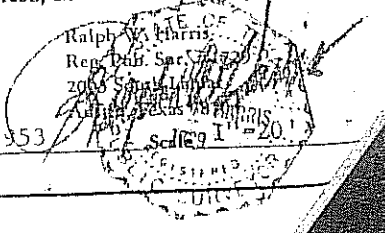
IRMA DRIVE
 50' R.O.W.



The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

There are no encroachments on this lot.

Date 12-13-76 Invoice No. 6165 Work Order No. 5953



SURVEY PLAT

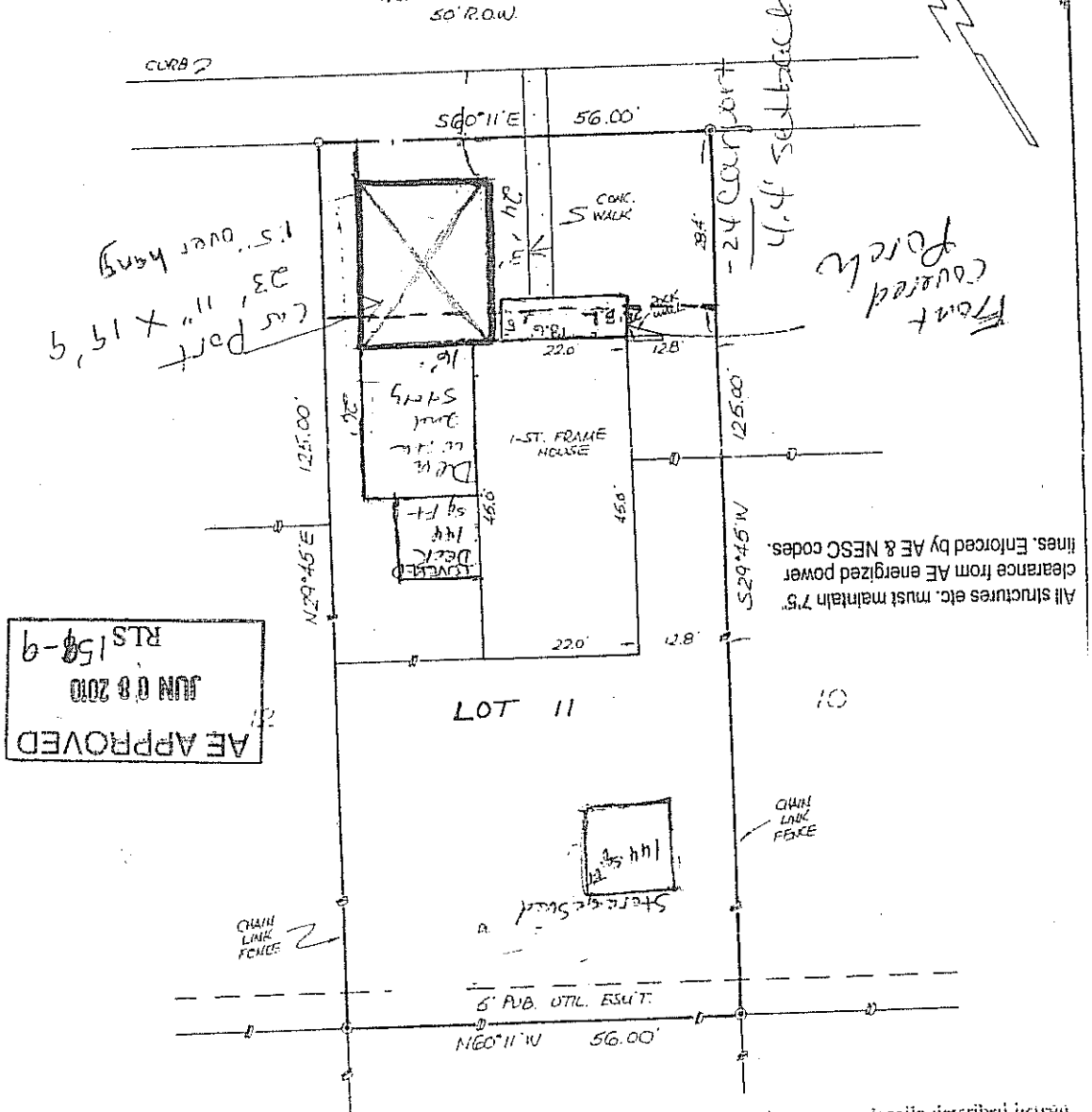
TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:—

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 605 Irma Drive in the City of Austin, being described as follows:

Lot No. 11 Block No. _____
 of Don - Dale _____, an addition to the City of Austin
 Texas, according to the final plat thereof recorded in Vol. 6, at page 125 of the plat
 Map Records of Travis County, Texas. Ref. NP 35

I hereby certify that the property described hereon is not within a special flood hazard area as identified by the Federal Insurance Administration Department of Housing and Urban Development on map page 16 dated Sept. 13, 1974 Community No. 480624.

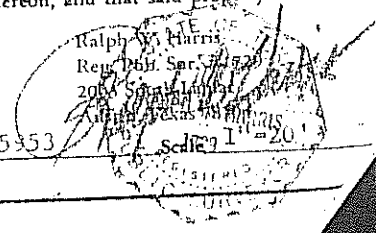
IRMA DRIVE
 50' R.O.W.



The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

There are no encroachments on this lot.

Date 12-13-76 Invoice No. 6165 Work Order No. 5353







BOARD OF ADJUSTMENTS

ZONING CASE#: C15-2010-0072
 LOCATION: 605 IRMA DR
 GRID: K27
 MANAGER: S.WALKER



N

 SUBJECT TRACT

 ZONING BOUNDARY

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.