

CASE # C15-2010-0090
ROW-10467053
TP-0400001207

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: 105 W Milton St

LEGAL DESCRIPTION: Subdivision – Swisher Addition

East 46.67 feet of Lot(s) 11-12, Block 27, Outlot _____ Division _____

I, Joel Sarchet on behalf of myself as authorized agent for

Joel Sarchet affirm that on Thursday, July 15, 2010,

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

COMPLETE

My carport structure, which was constructed over eight years ago with-in the minimum yard set-back. This request is pursuant to Code Enforcement Case # CV-2008-071628

Carport was built on a existing asphalt parking area, approximately 18 inches off the south property line and 4 feet off the east property line at the back of my lot.

in a residential district. SF-3-NP
(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 Lena Lund with Austin Energy at 322-6587 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 is a smaller lot with unique location off the alley. Several alley structures (see photos) would make it difficult to enter and exit the carport, if it was moved to the required set back. Existing parking slab, where carport was added, has been in this location for many years.

HARDSHIP:

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

Relocation of the structure would seriously impede access to the carport because the new location would be where the alley narrows, rear entrance to stores with staircase, as well as existing telephone poles. Additionally, one of three trees on the property would have to be cut down diminishing the natural shade and look of the backyard.

The relocation of the carport would substantially alter the usability of the backyard space. Re-locating the carport within the set backs would move it to close to the house for reasonable use. It would also move the structure closer to the neighbor's home.

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

Close location of the building across the alley substantially restrict access to lot except in the current location of existing carport.

My lot is size is 4604 sq. ft. which makes it much smaller than the standard SF-3 lot.

The many years ago, existing asphalt area had to be filled-in significantly (2 to 3 ft) to adjust the slope of my property. Moving the parking area would result in covering (filling) a large area of the backyard, this would cause the root systems of my Pecan and other trees to be covered. If I understand it correctly covering the root system with this much soil can smother them.

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 simple structure is in keeping with other similar structures in the neighborhood.

The carport is not visible from Milton Street and is almost indistinguishable from the backs of the buildings along South Congress when viewed from Eva Street.
The variance will actually preserve the character of the area by saving the trees which enhance the area near the alley entrances to the stores while allowing safer access to the driveway at it's present location.

Existing location of structure does not impact on adjacent lot as nearest structure on adjacent lots are approximately 40 feet away. There is no safety, health, or negative aesthetic impact from carport at current location.

PARKING: (Additional criteria for parking variances only.)
These questions were deleted, as they are not needed.

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: 105 West Milton

City, State & Zip: _____ Austin, Texas 78704

Printed _____ Phone 512-699-0001 Date 09/25/08

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: 105 West Milton

City, State & Zip: _____ Austin, Texas 78704

Printed _____ Phone 512-699-0001 Date 09/25/08

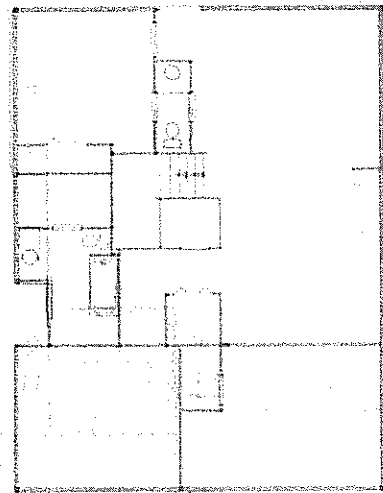


1990 1991 1992
 1993 1994 1995

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.

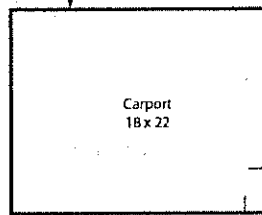
105 MILTON STREET

Scale approximately
1/4" = 1'



18"

Telephone pole

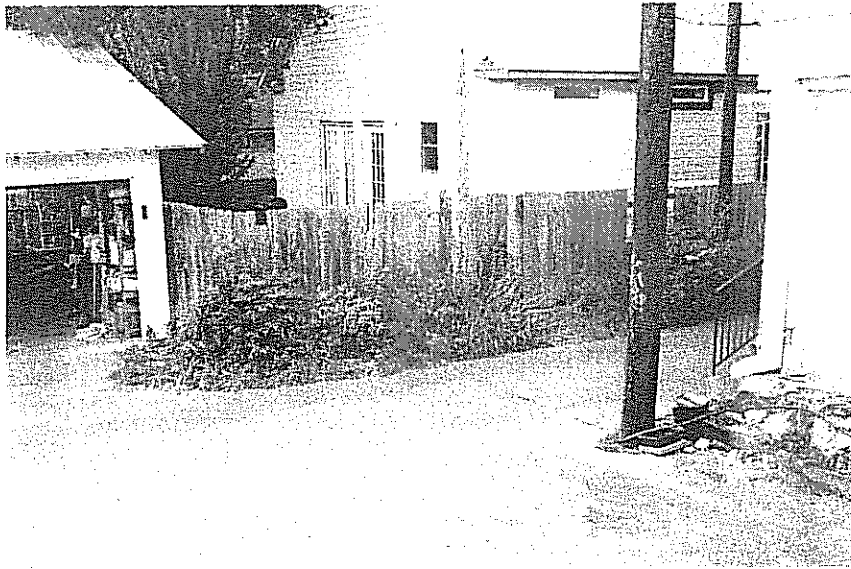


Carport
18 x 22

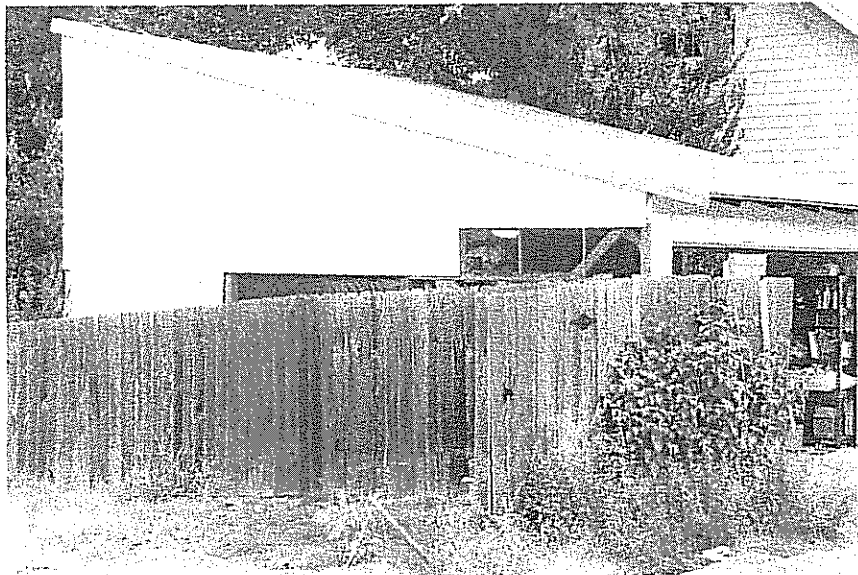
4'

1.5'

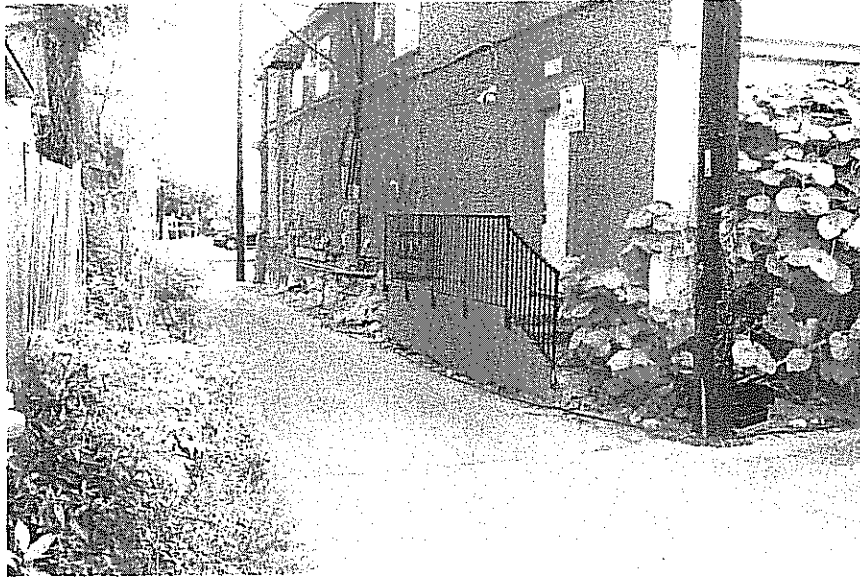
Concrete
Steps &
Landing



View of the rear of the house and the location of the carport.



This is looking North from the alley at the South side of the carport.



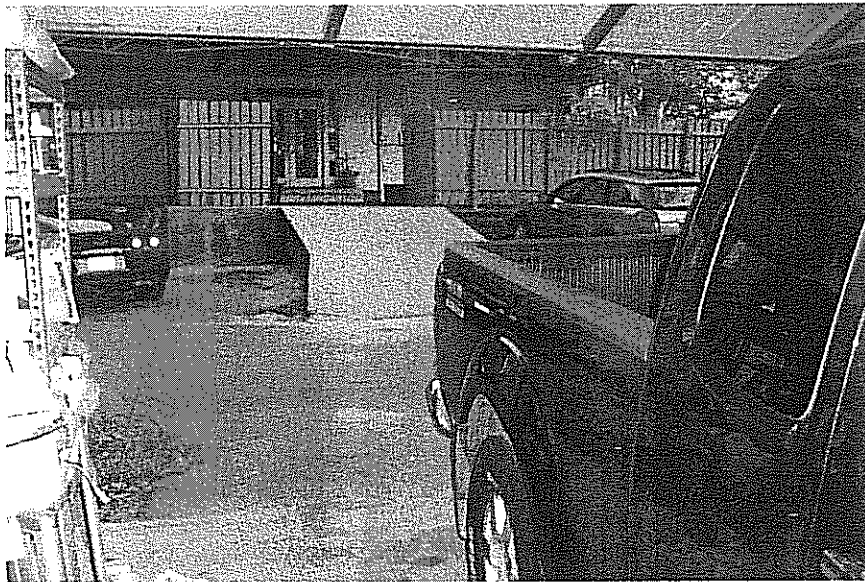
Telephone poles and the building entrance would make it difficult to turn a car into the carport.



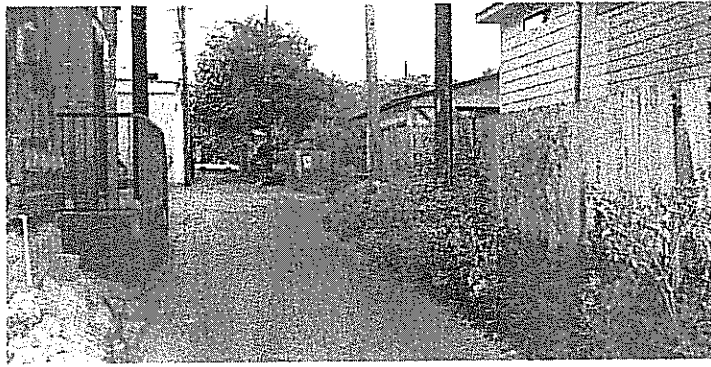
The ramp on the other side of the alley makes it easier for me to turn in and out of the carport.



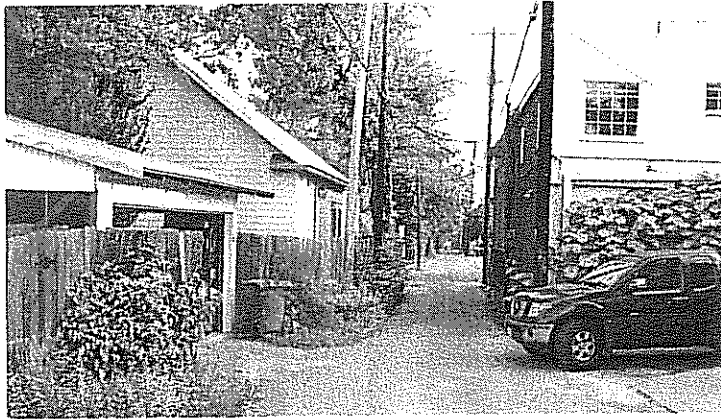
Telephone poles and the building entrance would make it difficult to turn a car into the carport.



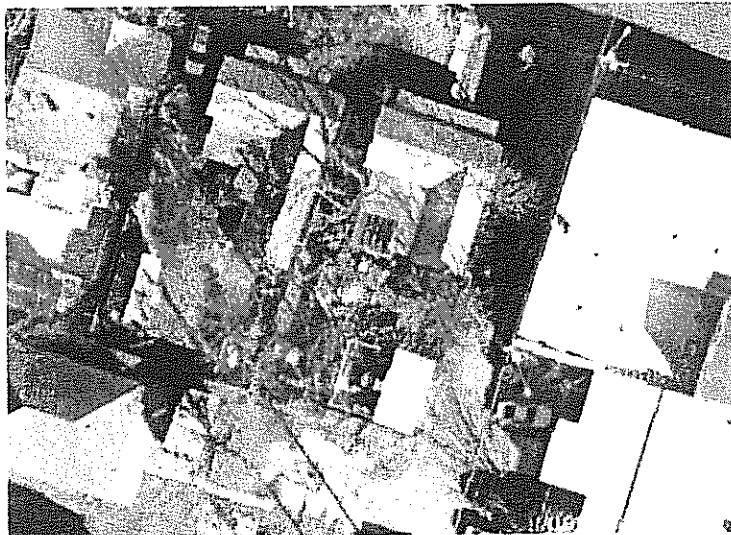
The ramp on the other side of the alley makes it easier for me to turn in and out of the carport. Also when cars are parked incorrectly I back up the ramp to more easily exit the carport.



Looking South from Milton Street. Because the concrete steps on the left, it is very difficult to turn in to my carport from this direction.
Moving it closer would only make it worse.



Looking North. I mostly enter from this direction, only having to worry about cars that sometimes park sticking into the alley.



2001 aerial view of lot.



Looking South from Milton Street.



Looking North.



2001 aerial view of lot.

Hi,

I think it's important for the board to understand how I got into this situation and the events that have led to this point. Over the last year I almost lost my house and I'm just now getting back on my feet. My financial problems start when a contractor walked off the job with over \$20,000 of work that needed to be done in order to bring the remodel up to code. In the middle of all this is when the city first notified me that the carport was a violation. Some how I made it through the process of getting my remodel site plan approved and getting my permits pulled without anyone at the city bring up the carport. In 2006, I would have been able to easily reconfigure my lot usage or I could have apply for the variance then when I had plenty of money. The carport is fully calculated into my impervious coverage figures, I hope this makes for one less hurdle in getting my carport legal. In 2008 when I got the first notice I did not have the fee to apply for a variance. All my money was going into my house and I was more concerned with paying the 1st and 2nd mortgages and getting drywall installed.

Being a first time home owner and growing up in an unincorporated part of Houston I didn't fully understand or appreciate the city codes on building. The idea for having some kind of gate started just after I moved-in back in 2001. I had a problem with guys urinating in my backyard and once my weed-eater disappeared I was fed-up. So I built a small structure to house a garage door. Built over an existing asphalt parking area this, 18x8 carport was just enough to protect the door opener motor and provide an economical way to secure my property. Both adjacent neighbors had no complaints and understood the need.

Then in 2003, I started pre-production on a fan film (www.starshipexeter.com - doing my part to keep Austin weird). Problem was I needed a place to build the sets. These set pieces needed to be over 12 feet high. I did a little research on city codes (my neighbor to the west had let me know about the codes) and found a passage that stated something like; carports built over existing parking area do not need residential review. I also discovered that the maximum height for a carport is 14 feet. Over a few weekends, I roofed over the remainder of the parking area. Never wanting to completely close-in the sides this structure would be a carport. In hindsight, I would have not made the west wall so high, but I needed the clearance for the set construction and what is done is done.

In the first part of 2004 I used the carport as my wood shop building a reproduction of the Star Trek bridge, later that year I painted the 14x18 foot end of the carport making it into a blue screen for the movie. Sometime in 2005 after discussing the carport with my neighbors it was decided that adding the white siding at the 8 ft and above would help make it look more finished out. All has been quite for about 3 year until someone reported it.

My carport is more than just a covered place to park my car, it's my woodshop, movie studio, and a safe place to keep my new weed-eater.

Thanks for your consideration,

Joel Sarchet
105 West Milton
Austin, Texas 78704

512-699-0001



City of Austin
Watershed Protection and Development Review Department
Land Status Determination
1995 Rule Platting Exception

March 26, 2007

File Number: **C8i-2007-0114**

Address: **105 W MILTON ST**

Tax Parcel I.D. # **0400001207**

Tax Map Date: **02/04/2003**

The Watershed Protections & Development Review has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being the **East 46.67 feet of Lot 11-12, Block 27, Swisher Addition** in the current deed, recorded on **04/27/2001**, in Document #**2001064726**, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **06/20/1990**, in Volume **11212**, Page **306**, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **water** service on **03/14/1929**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: _____

Sara Groves
Sara Groves, Representative of the Director

Watershed Protection and Development Review Department

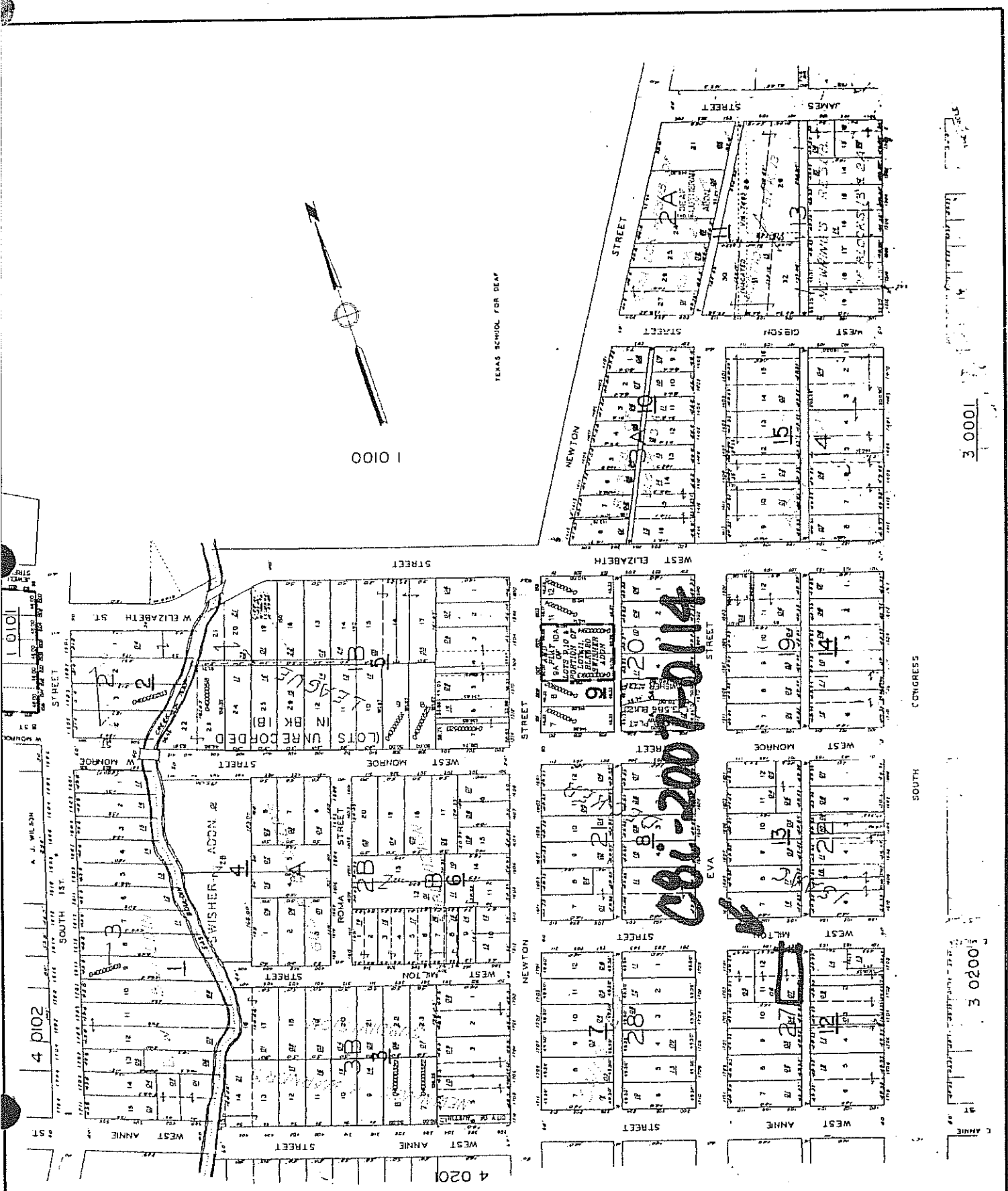
LEGEND
CITY OF AUSTIN
AUSTIN LEO
AUSTIN COMMUNITY COLLEGE
TRAVIS COUNTY

TRAVIS CENTRAL APPRAISAL DISTRICT
8314 Cross Fork Drive
Austin, TX 78754
Internet Address WWW.TRAVISCAD.ORG
Main Telephone Number (512)834-9317
Fax Number (512)835-5371
Appraisal Information (512) 9136
TDD (512)836-3

0' 100' SCALE

MAP NO.
4 0000

1" = 400' MAP
REFERENCE
1 0208
4 0708



3 0001

SOUTH CONGRESS

3 0205

1 0100

TEXAS SCHOOL FOR DEAF



CITY OF AUSTIN



WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT LAND STATUS DETERMINATION APPLICATION

☐ Legal Tract

☒ 1987 Rule Exception

☒ 1995 Rule Exception

☐ Health / Safety Exception

☐ Five-Acre Exception

PROJECT INFORMATION: (Department Use Only)

Grandfather/Exception Date: 1-1-95

Filing Date: 3/21/07

Accepted by: Sara Groves

File Number: CB1-2007-0114

Case Manager: 11

PROPERTY INFORMATION

Tax Parcel Identification Number: 04000012070000

Location Address: 105 W. Milton

Subdivision Name: Swisher Addn

Whole Lot #s: 11-12 Partial Lot #s: _____ Block #s: 27

Recorded in Plat book: _____ Page: _____ County: _____
or if no subdivision
_____ Acres out of _____ Survey in _____ County: _____

DEED INFORMATION

Deed conveying tract to current owner is filed for Record in: {if no Volume/Page, use Document No.}

Doc# 2001064726
Volume _____ Page _____ County: Travis Date: 4/27/200

Deed pre-dating (grandfather date or exception date) is filed for Record in:

Volume 11212 Page 306 County: Travis Date: 6/20/1990

OWNER INFORMATION

Name: Joel SARCHET

Street Address: 105 W. Milton

City: Austin State: TX Zip: 78704 Tel: 512-699-0001

PRIMARY CONTACT INFORMATION

Firm Name: _____ Contact: _____

Street Address: same

City: _____ State: _____ Zip: _____

Telephone: _____ FAX: _____

Joel Sarchet

Applicant's Signature

Date