

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 # C15-2010-0082
ROW # 10465236

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

TP-0217021305

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

PLEASE: APPLICATION MUST BE SUBMITTED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 805 W. 30th Street Austin, Texas 78703

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LEGAL DESCRIPTION: Subdivision - _____

Lot(s) 3 Block _____ Outlot 72 Division D Harpers SUBD

Deleted: _

I/We Hortencia Vitale on behalf of myself/ourselves as authorized agent for

self affirm that on June 07, 2010,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

An accessory structure built 3'0" from side property line and encroaching 2'0" into Side setbacks.

in a residential district.
(zoning district)

SF-3-CO-HP

West University

N.P.

Tract 1023

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:

I want to convert existing garage into an arts and crafts studio (without a bathroom or a kitchen) by adding a window unit, insulating, sheetrock, new windows.

HARDSHIP:

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

This is an inherited issue from previous owners. City of Austin building permit inspector, Larry Sebek and previous owners used the fence as the inaccurate lot line to which determine garage placement. Large pecan sits on property line so fence was built beyond property line. See survey and photo.

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

It is different than others because City of Austin granted permit in 1999 to build garage in existing area. Concrete pour location was approved although it was erroneous. The accessory structure is 5'0" from fence but 3'0" from actual side property line. See attached permit.

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 accessory structure has ^{n located} been there for over 10 years so it will not alter the character of the area and no one ~~has complained~~.

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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 H. Vitale Mail Address 1511 W. 6th street
Austin _____

City, State & Zip Austin, Texas
78703

Printed June 07, 2010 Phone 512.44.6017
Date June 07, 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 H. Vitale Mail Address _____

City, State & Zip same as
above _____

Printed _____ Phone _____ Date _____

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:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
- (4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s)

etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.

(6) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

REQUIRED FINDINGS: All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable Use:

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

Hardship:

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.
- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character:

Application must demonstrate to the Board how 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 zoning regulations of the zoning district in which the property is located.

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

Board of Adjustment Staff:

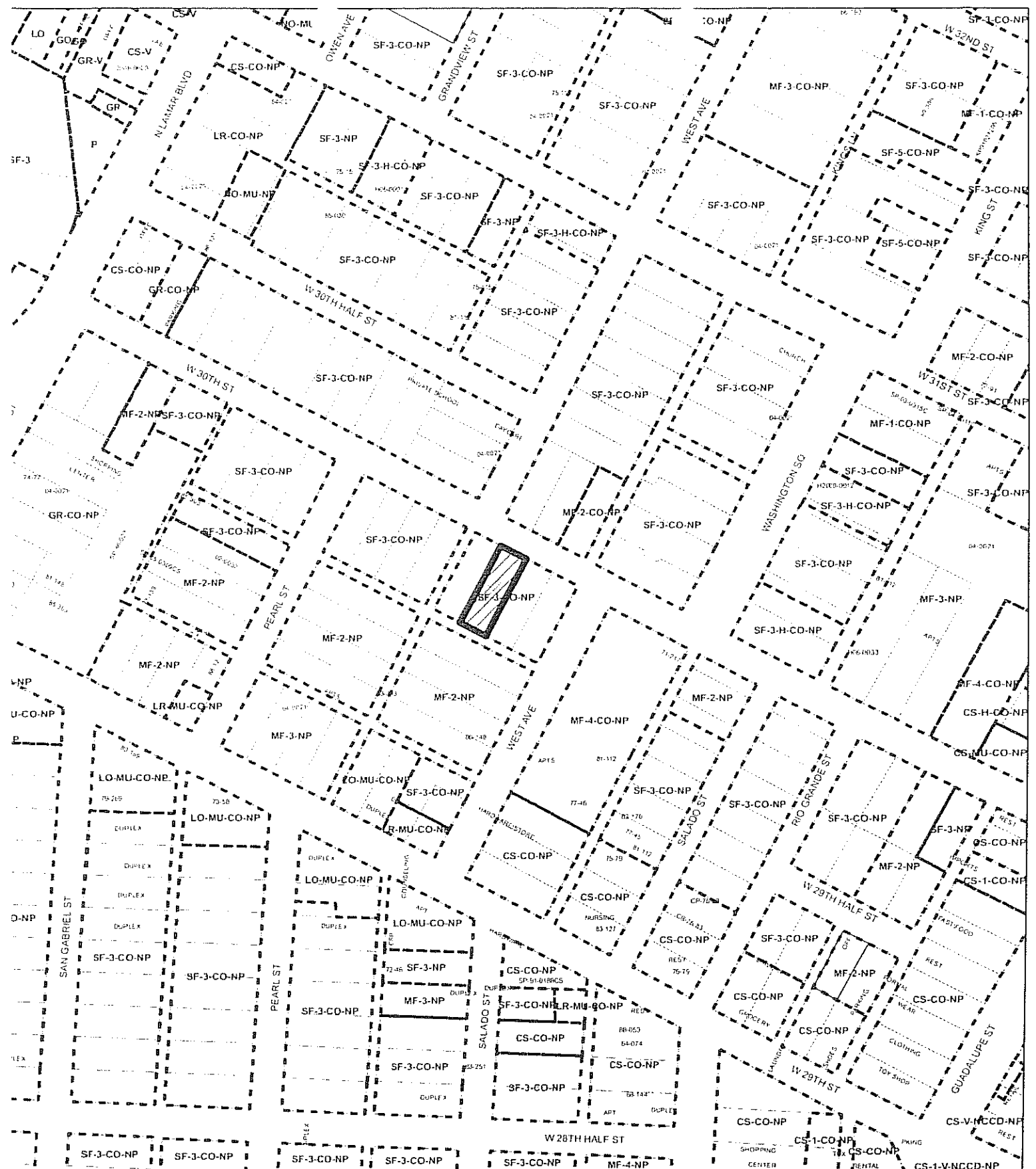
Susan Walker, Planner
974-2202

Diana Ramirez, Administrative Specialist, Board Secretary
974-2241



Fax #974-6536

Watershed Protection and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor

Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088

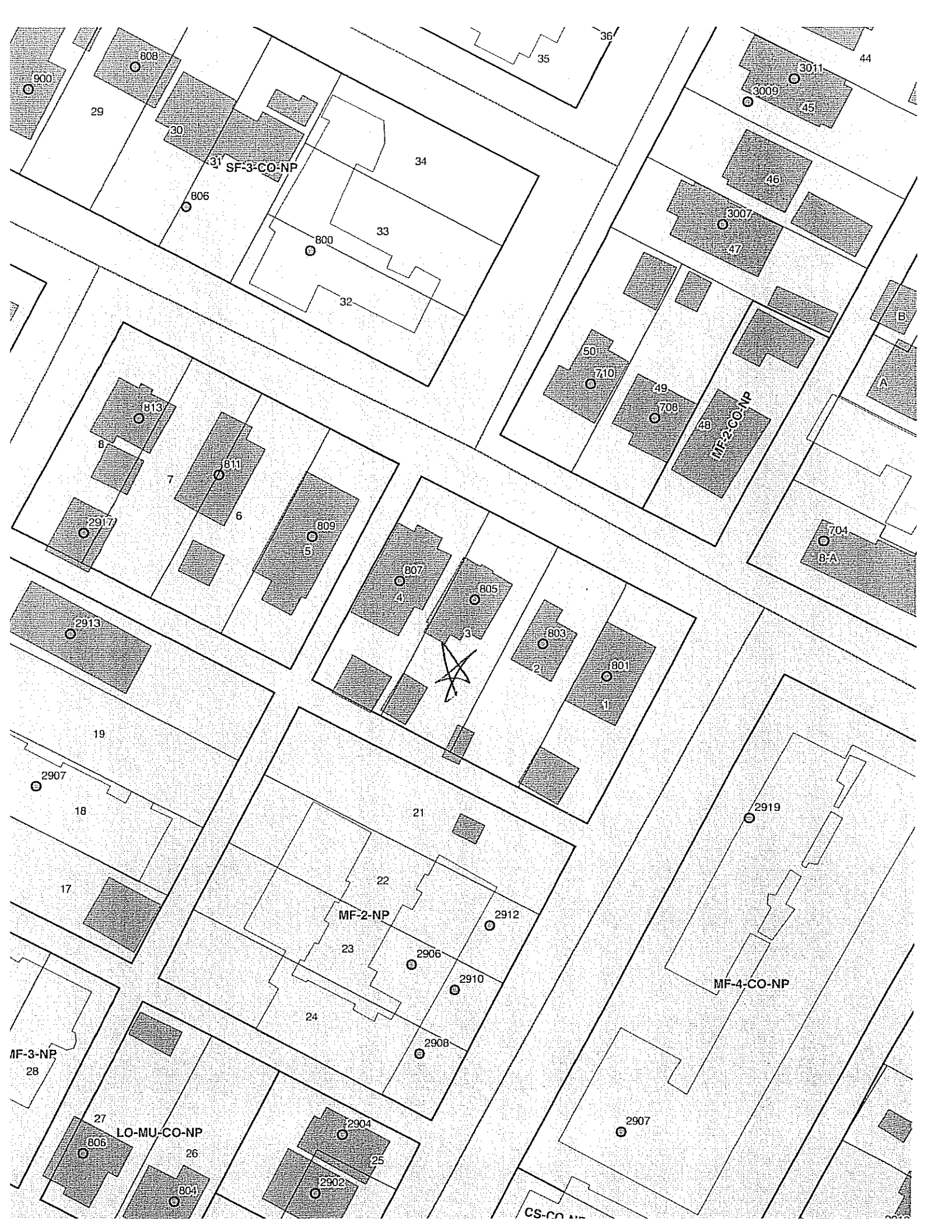


BOARD OF ADJUSTMENTS

-  SUBJECT TRACT
-  ZONING BOUNDARY

ZONING CASE#: C15-2010-0082
 LOCATION: 805 W 30TH ST
 GRID: J25
 MANAGER: SUSAN WALKER





900
808
29

30
31 SF-3-CO-NP
806
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33
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800

3011
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2919
MF-4-CO-NP
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MF-3-NP
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27
LO-MU-CO-NP
806
804
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CS-CO-NP

Mary Deloney 1805 West 30th St.

209 12 1

Brykerwoods

Frame res & Att CP & Storage

66831 ⁷⁻¹⁻⁵⁷
~~6/26/57~~ 5000.00

Cleve Ennis 6

12122 27577

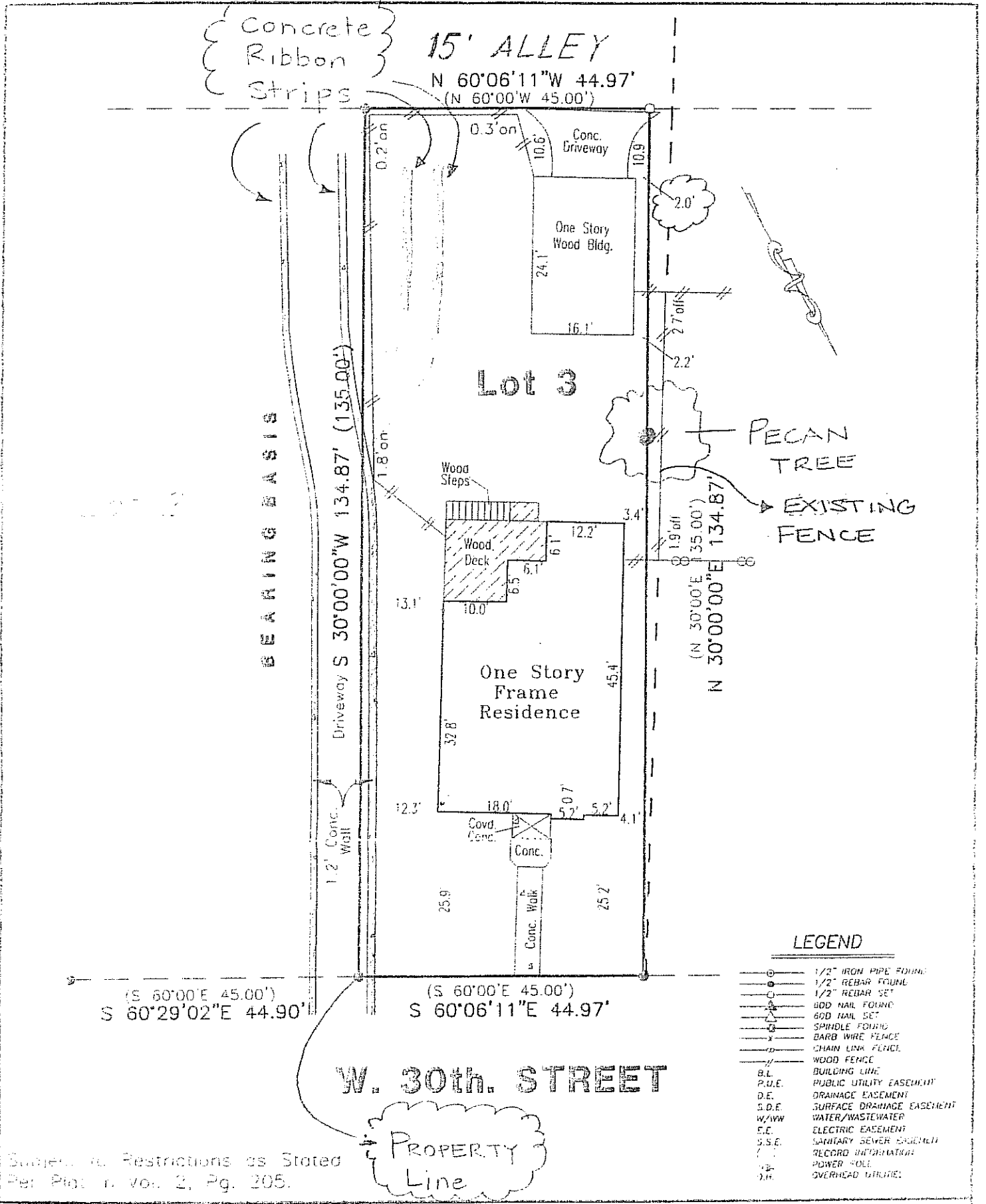


FIG. 2 (con't. →)



BUILDING PERMIT

IIT NO: 1999-004595-BP

Type: RESIDENTIAL Status: Expired

/ 30TH ST

Issue Date: 07/11/1999 **EXPIRY DATE: 03/01/2000**

DESCRIPTION Block: Subdivision: HARPERS WA SUBDN 1910	SITE APPROVAL	ZONING
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DESIGNATED OCCUPANCY: Attached Garage & Rear Driveway	WORK PERMITTED: New	ISSUED BY:
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SQFT	VALUATION Tot Job Val: \$9,925.00	CONST. TYPE	USE CAT. 438	GROUP	FLOORS 1	UNITS 1	# PARKING SPACES
BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS	METER SIZE		

Description	Fee Amount	Paid Date
Building Permit Fee	\$33.00	07/12/1999
Inspection Permit Fee	\$22.00	07/15/1999
Total Fees:	\$55.00	

- Inspection Requirements**
- Building Inspection
 - Mechanical Inspection
 - Driveway Inspection
 - Sidewalks Inspection

Signings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License
 Permit Approved By COA Authorizing Use Of The Easement.
 On 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
 allow this permit to expire, you will be required to submit a new application & pay new fees.
 Following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments
 k Mcclendon***

By Signing 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
 and That The Work Will Conform To The Plans And Specification Submitted Herewith.



BUILDING PERMIT

MIT NO: 1999-004595-BP
 W 30TH ST

Type: RESIDENTIAL Status: Expired
 Issue Date: 07/11/1999 **EXPIRY DATE: 03/01/2000**

L DESCRIPTION Block: Subdivision: HARPERS WA SUBDN 1910	SITE APPROVAL	ZONING
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PROPOSED OCCUPANCY: Attached Garage & Rear Driveway	WORK PERMITTED: New	ISSUED BY:
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TOTAL SQFT	VALUATION	CONST. TYPE	USE CAT.	GROUP	FLOORS	UNITS	# PARKING SPACES
	Tot Job Val: \$9,925.00		438		1	1	

TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS	METER SIZE

Description	Date	Status	Comments	Inspector
Building Layout	7/19/1999	Pass	MIGRATED FROM PIER.	Larry Sebek
Framing	9/3/1999	Fail	MIGRATED FROM PIER.	Larry Sebek
Final Building	9/3/1999	Fail	MIGRATED FROM PIER.	Larry Sebek

Accessory Structure
GARAGE

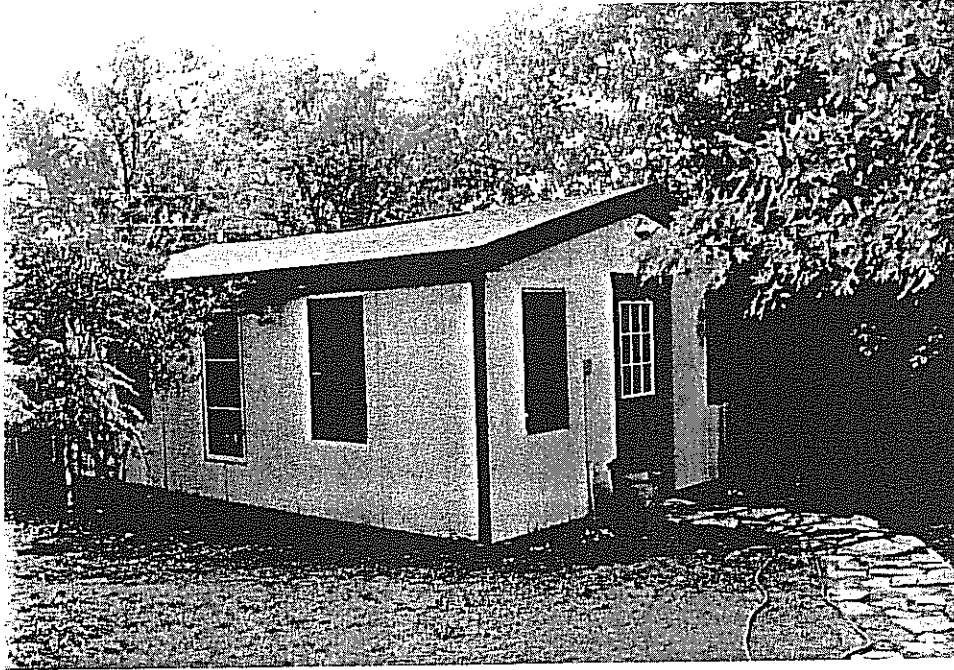
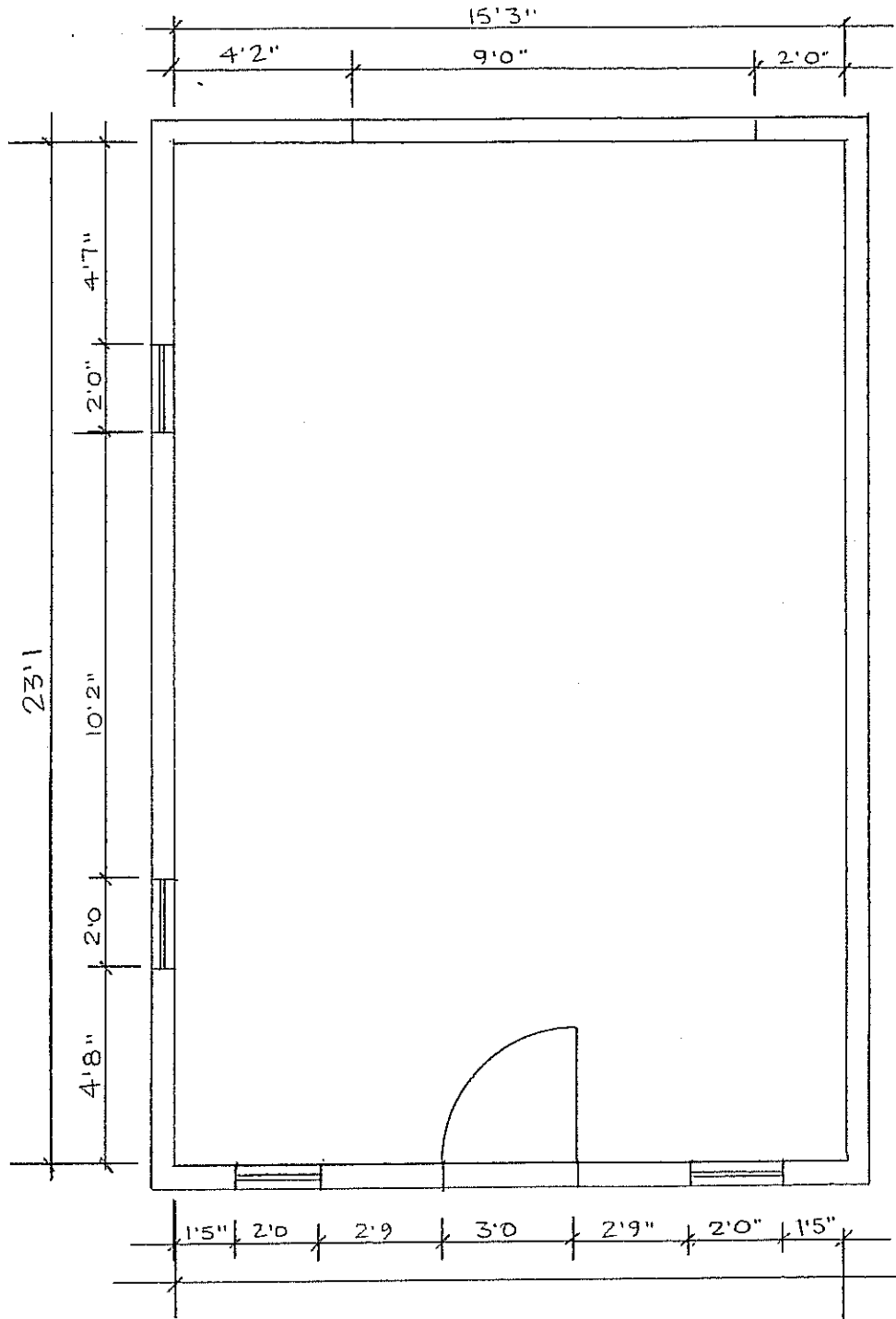
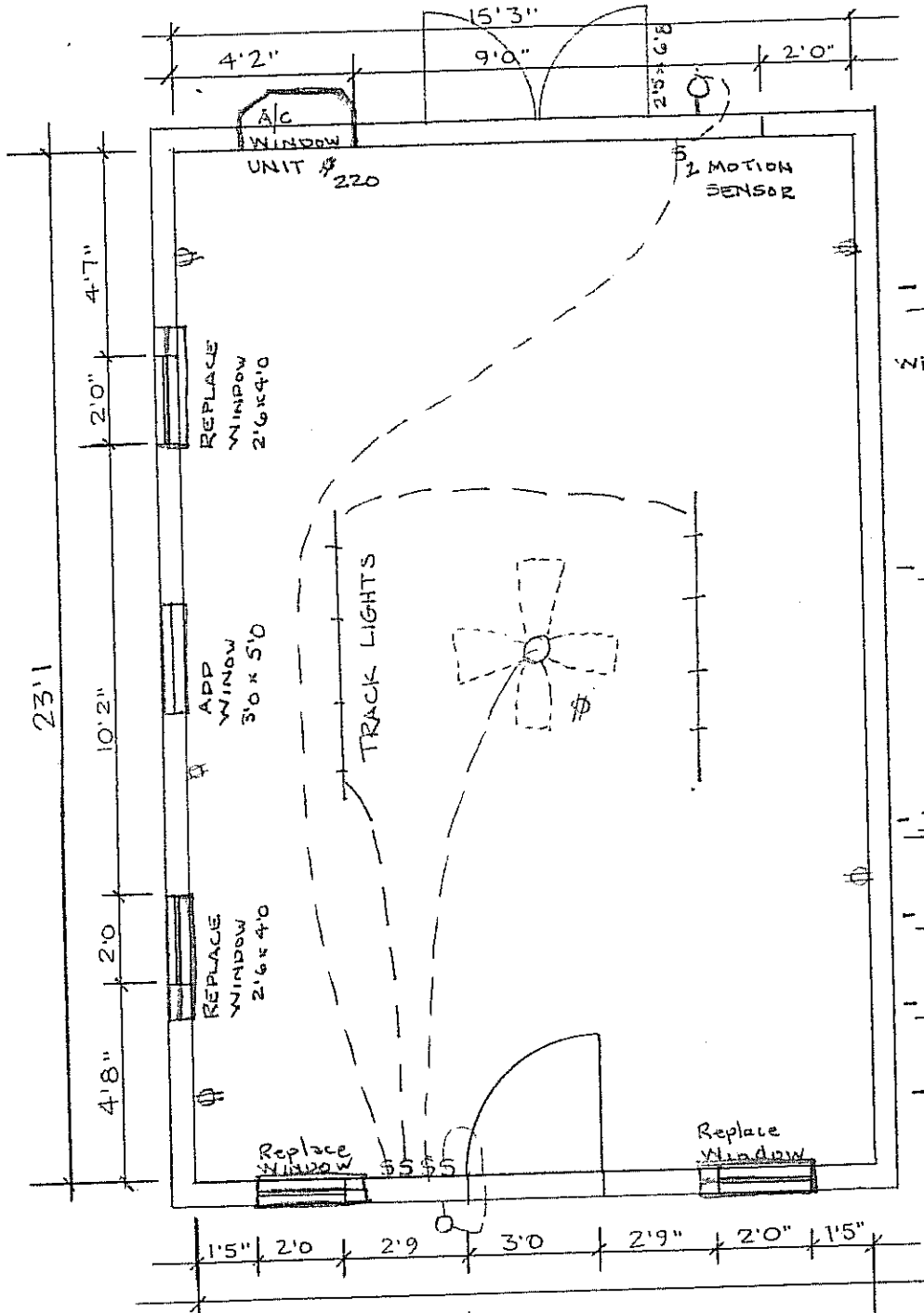


FIG. 3



EXISTING STUDIO 350 ∅

- WINDOW 4'2" AFF
- Wall plate 7'10" } w/o sheetrock
- Apex 9'8" }



- FRAMING

- new energy eff. windows + add 1 window
- replace garage door w/ Fr. doors
- reinforce ceiling/roof
- frame for window unit
- brace for ceiling fan

- ELECTRICAL

- Add 220/window unit
- Add track lights
- Add outlets x 3
- Add 2 switches
 1. out door lights
 2. track lights

- INSULATE WALLS & CEILINGS

- SHEETROCK

- PAINT CONCRETE Floor

- Trim Windows & DOORS

Proposed Changes

- EXISTING STUDIO 350A
- Windows 4'2" AFF
 - Wall plate 7'10" } w/o sheetrock
 - Apex 9'8" }

acc. use only! Not to be a living unit