

Please be advised that the Board only takes 16 new cases a month, therefore, first come, first served. Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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 #	15-2010-0096
ROW #	10477594

700110811006-TIP-

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

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

WAR
NING

: Filing of this appeal stops all affected construction activity.

STREET ADDRESS: 1511 W 30th St

LEGAL DESCRIPTION: Subdivision - _____ LOT 30 * & W 10 FT OF LOT 32 BRYKER WOODS

Lot(s) _____ Block _____ Outlot _____ Division _____

I/We David Cancialosi on behalf of myself/ourselves as authorized agent for

Gary Aitcheson affirm that on Aug 2, 2010,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL X MAINTAIN

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.

(zoning district) SF-3

Variance from LDC section 492(d)

Variance from LDC section 492(d)
 To allow existing 2-family structure 1.5' from Rear property line.
 To allow existing 2-family structure 0' from side property line.
 (W604)

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:

LDC section 25-2-774 allows "two-family" use in SF-3 zoning. In 1983/1984 the current owner converted a 1937 garage structure to existing two-family use and kept majority of pre-existing 1937 footprint in place, only extending front portion of structure by 10' along same line of encroachment of side property line. This 10' extension of encroachment is currently allowed in the COA LDC. The structure's height was not increased and remains the same as 1937. The structure currently encroaches into the side setback at various points between 3' – 4.5' and rear setback by 8'. The structure is currently 470 SF in size. Two-family uses are a common use found in the Central West Austin Combined Neighborhood Planning Area. Said use is also found within specific geographic area of Brykerwoods Neighborhood. Denial of homeowner's request for variance to zoning setbacks would require substantial demolition of structure and / or conversion of 25 year pre-existing use to original status as a 1937 sized garage, approximately 270 SF.

PUE's exist along the side and rear property lines. The homeowner has been officially approved by COA Real Estate Department for partial easement vacation to allow structure's encroachment in said PUE's (approval enclosed). There are no known utilities in or above side yard PUE. There are aerial powerlines above rear PUE, but no known underground utilities. Austin Energy approved existing encroachment as part of the required application for partial easement vacation. Documentation included in this packet.

It is reasonable to allow a small garage apartment on this urban core property as it has existed in harmony within a single family neighborhood for over 25 years.

HARDSHIP:

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

The garage apartment has been in constant use under the same owner since 1983/1984. Denial of setback encroachment after having been approved by COA Real Estate Division for PUE encroachment would result in significant loss of property use via demolition to existing structure.

Structure cannot be moved due to existing trees to the north and east of foundation. Substantial-sized trees would need to be removed in order to comply with zoning setbacks. Removal of trees via tree permit is highly unlikely.

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

This specific garage apartment has been in constant use for 25 years under same ownership. This unit is not general to the area in that it is not above a garage nor is it visible from the street. It is hidden behind gate.

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 two-family use is a consistent use found throughout the area. The use at subject site cannot be viewed from public street. View is blocked by gate. Top part of roof structure can be viewed but is hardly noticeable unless one is looking for structure. The required off-street parking can be accommodated behind gate to maintain appearance of primary structure use. Letters of support from neighbors immediately adjacent to subject site are included in packet. Letters clearly indicate that the "garage apartment" use is "unobtrusive", "fits well on the site and in the community", and "serves as a model to others....interested in having backyard structures".

PARKING: (Additional criteria for parking variances only.) **N/A**

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: N/A
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: N/A
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because: N/A
4. The variance will run with the use or uses to which it pertains and shall not run with the site because: N/A

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

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  David Cancialosi
Mail Address
7105 Barnsdale Way Austin Texas 78745

Printed _____ David Cancialosi
Phone 512-799-2401 Date Aug 2, 2010

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

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

Printed _____
Phone _____ Date

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 Gary Aitchison
Mail Address

GARY AITCHISON
3511 FAR WEST BLVD # 252
AUSTIN, TX 78731

Printed _____
Phone _____ Date

(512) 206-0095
gary.aitcheson@sbcglobal.net.

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.)

Walker, Susan

From: David Cancialosi [david@dciaustin.com]
Sent: Monday, August 30, 2010 1:53 PM
To: Walker, Susan
Subject: 1511 w 30th st

015-2010-0096

Can you please add this email with the msg below in our case file for the above address?

Original msgg:

----- Forwarded message -----

From: jbasciano <jbasciano@austin.rr.com>
Date: Sat, Aug 28, 2010 at 8:17 PM
Subject: RE: WANG meeting
To: david@dciaustin.com
Cc: gary_aitcheson <gary_aitcheson@sbcglobal.net>

David,

The Bryker Woods Neighborhood Association Board of Director's non-opposition to Gary Aitcheson's variance request is contingent on "no increase in the footprint or height of the existing garage apartment structure at 1511 W 30th St.". This is the limitation that Gary Aitcheson has offered and we want it to be included in the decision or Board of Adjustment, should the board decide to grant the variance request.

Thank you,

**Joyce Basciano, President
 Bryker Woods Neighborhood Association**

--

Sincerely,

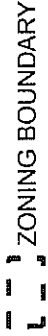
**David C. Cancialosi
 DCi Permitting & Land Consulting
 512-799-2401-c
 512-373-8846-f
 david@DCIaustin.com
<http://www.AustinBuildingPermits.com/>**

CONFIDENTIAL AND PRIVILEGED COMMUNICATION: This e-mail transmission, and any documents or files attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. Interception of e-mail is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2701-2709. If you have received this transmission in error, please immediately notify Mr. David Cancialosi by replying to this e-mail or by telephone at 512-799-2401, and destroy the original transmission and its attachments without reading them or saving them to disk. Thank you.

8/31/2010



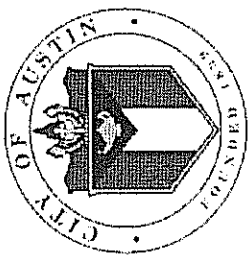
SUBJECT TRACT



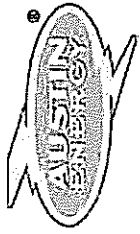
ZONING BOUNDARY

BOARD OF ADJUSTMENTS

CASE#: C15-2010-0096
LOCATION: 1511 W 30TH ST
GRID: H25
MANAGER: SUSAN WALKER



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.



City of Austin

Austin's Community-Owned Electric Utility

www.austinenenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

August 2, 2010

David Cancialosi for home owner
Gary Aitcheson
1511 W. 30th St.
Austin, Texas

Re: 1511 W. 30th Street
Lot 30, Bryker-Woods Subdivision
Location of rainwater collection tanks topped with decks and associated landscaping

Dear Mr. Cancialosi:

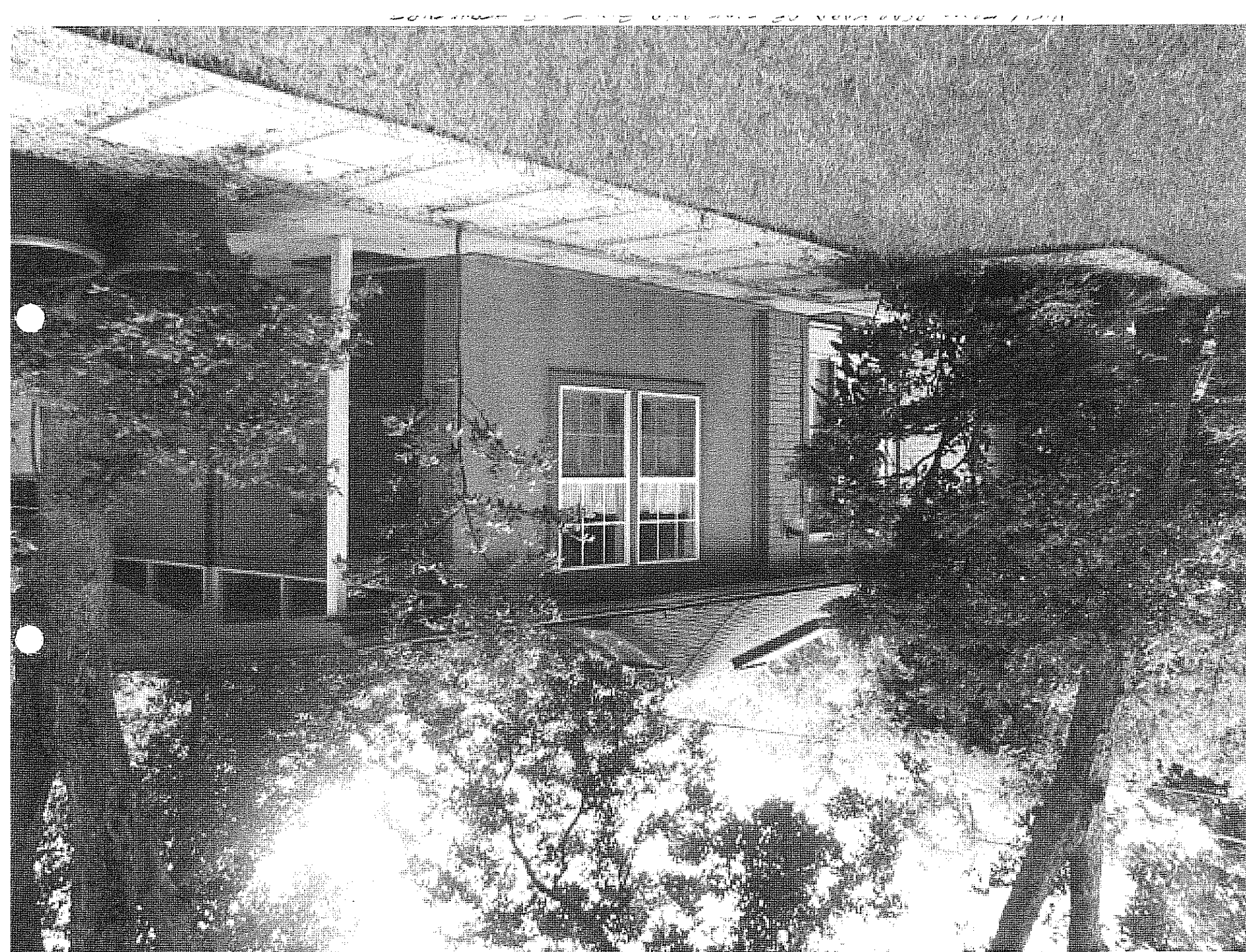
Austin Energy (AE) has reviewed your request to maintain existing garage apartment on the above referenced property. This request is approved by Austin Energy as requested.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6522.

Sincerely,

Robert Long
Public Involvement/Real Estate Services

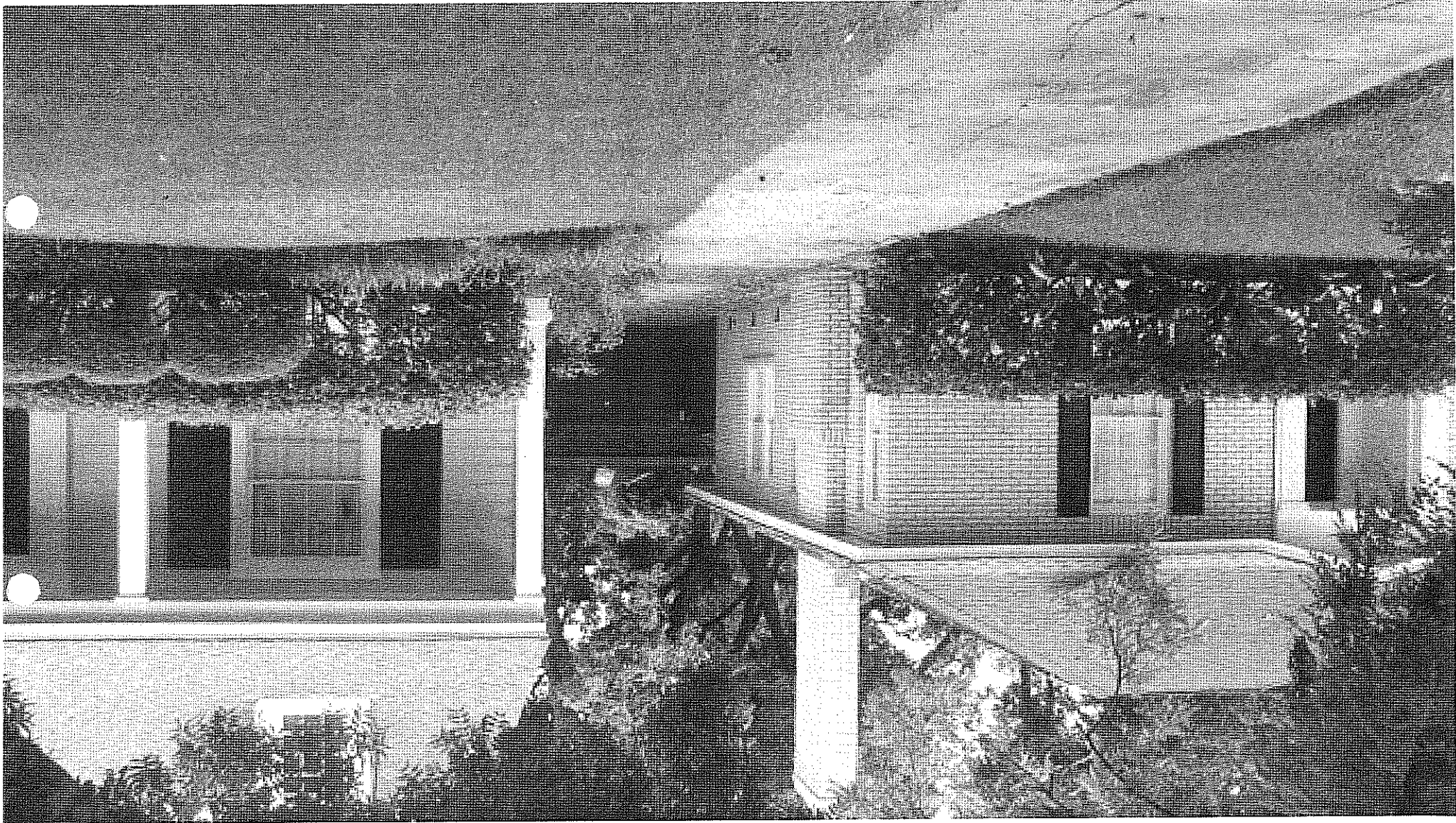
Cc: Diana Ramirez
Susan Walker



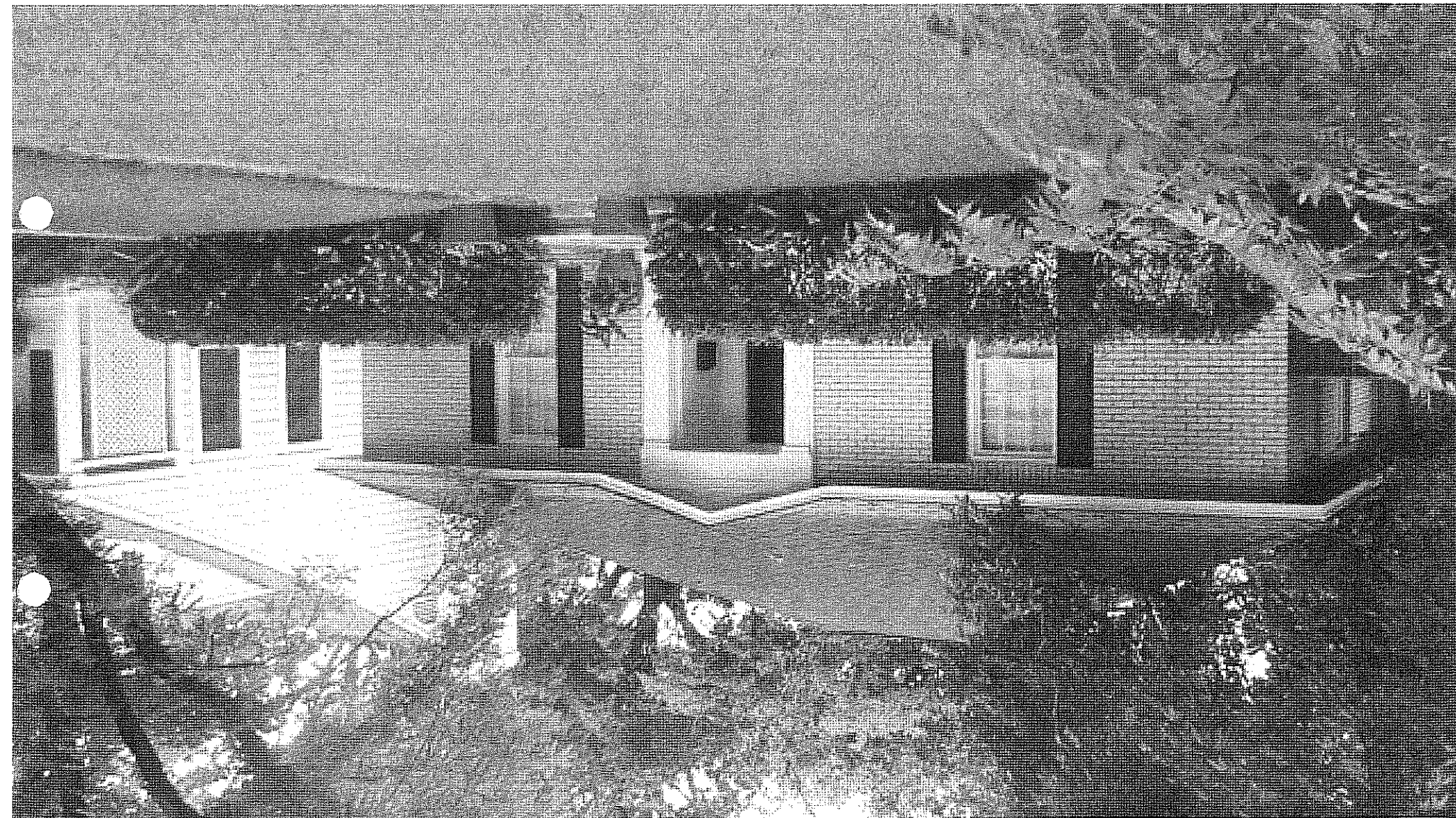
2-17-1968 N2411-53



VIEW FROM STREET



VIEW OF PRIMARY



Dear Neighbors

As you know we are working with the City of Austin to obtain the correct permitting for our garage apartment. As part of this process we will soon meet with the Bryker Woods Neighborhood Association and the West Austin Neighborhood Group. We expect that it will help their deliberations if we have some input from you who are closest and most likely to be aware of our apartment. So please so kind as to jot down any thoughts you may have and drop the envelope off on the mat by Georgia's back door.

Thank you all so much - Gary, Roxane & Georgia

Regarding the permit for a garage apartment behind 1511 West 50th Street, my home next door is probably the one that would be most affected, I have lived at 1513 nearly 14 years, and the apartment has been occupied nearly all during this time. I have experienced no problems whatsoever with the small apartment, which is just a few feet from our mutual fence line, or its tenants.

The apartment is unobtrusive from the street or my property and seems to me to be no cause for concern.

Shirley M. Green

1513 West 50th Street
Austin, TX 78703

Gary Aitcheson

From: "Tamara Mewis" <tmewis@gmail.com>
Date: Tuesday, July 27, 2010 11:47 AM
To: "Gary Aitcheson" <gary_aitcheson@sbcglobal.net>; "Roxane Smith" <roxane_smith@sbcglobal.net>
Attach: Roxanne And Gary Letter Tamara.doc
Subject: bwna letter - attached

Tamara Mewis & Steven Dvorak
1509 W. 30th Street
Austin, TX 78703
917.627.5146 (TM mobile)
917.627.8031 (SD mobile)

27 July, 2010

To Whom It May Concern:

It is with great concern that we are writing this letter upon hearing that our neighbors are in jeopardy of having to demolish their small backyard dwelling due to a perceived code violation. We would like to offer our views on the matter.

When we purchased our house directly adjacent to theirs in 2006, we met our neighbors Roxane and Gary over our mutual backyard fence. This while they were in the middle of some backyard landscaping. In this case, fences do in fact make good neighbors as our fence served as our meeting place for conversations about the history of both our homes as well as information about the neighborhood. Since they have been an integral part of Brykerwoods for about roughly 30 years, both Roxanne and Gary were a wealth of knowledge for us. It was apparent then, as it is now, that they have a deep affection and respect for both their property and the Brykerwoods neighborhood, and we truly feel fortunate that they are (by ownership) our neighbors.

The close proximity of our houses gives us a unique perspective on the current situation; indeed, the building in question is visible from our backyard. Since we are the most affected by its presence, we believe our opinion should be given exceptional weight. And so, following are our thoughts:

This structure is an unobtrusive auxiliary use building -- a modest "granny flat" as described by the city's land use regulations. The modest scale fits well on the site and in the community. The style complements the surrounding architecture of neighborhood without resorting to aesthetic parody. Great care has been taken to provide privacy to the apartment and the neighbors through landscaping and the entry gate, which is both inviting and understated. In short, this dwelling does absolutely nothing to detract from the neighborhood and indeed contributes greatly to those characteristics that make us all love Brykerwoods. This cottage should serve as a model to others in the neighborhood interested in having backyard structures. It's well fit to the neighborhood and should NOT be demolished. In fact, to do so would not only be an injustice to our neighbors, it would also be highly disruptive to our lives. As direct neighbors, we will lend our support in any way to avoid demolition as an ultimate outcome.

7/27/2010

27 July, 2010
Page Two

In closing, we As a couple mutually involved in the professions of design and architecture for over 20 years, we understand, appreciate and value the importance of maintaining a healthy respect for a historic "sense of place" without mindlessly pandering to a contemporary interpretation of the past. Therefore we would be remiss if we failed to mention more about our neighbors, Roxane Smith and Gary Aitcheson. In maintaining their property, they have not only found a delicate balance in the layout of their property, but have continued to exercise careful judgment and due consideration while maintaining the property and its surroundings. Ultimately, this has resulted in a property more becoming of the diverse nature of the Brykerwoods neighborhood than many of its neighbors. In a development climate where so many designs related decisions could go wrong – this property gets most of them right. This is through the tireless efforts and care of Gary and Roxanne, who are the kind of neighbors we should all aspire to become.

Please feel free to contact us if you have any questions regarding this matter.

Best Regards,

Tamara Mewis and Steven Dvorak
1509 West 30th Street
Austin, Texas 78703

--

Tamara Mewis
917 627 5146 cell

7/27/2010

461

PARTIAL RELEASE OF EASEMENT

Description of Easement and Recording Data: A public utility easement ("Easement") recorded in Volume 3, Page 242, Travis County Plat Records, Travis County, Texas.

Description of portion of Easement to be Released: That approximately 84 square foot portion of the Easement as described in the attached and incorporated **Exhibit A** (description) and **Exhibit B** (sketch) ("Released Property").

Easement Grantee: The City of Austin, Real Estate Services Division, P.O. Box 1088, Austin, Travis County, Texas 78769-8839.

Description of Property and Local Address: Lot 30, Bryker-Woods, the plat of which is recorded in Volume 3, Page 242, Travis County Plat Records, locally known as 1511 W. 30th Street, Austin, Texas.

Current Owner of Property and Address: Gary E. Aitcheson and Roxane Carl Smith, 3571 Far West Boulevard #252, Austin, Travis County, Texas 78731.

Consideration: TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged.

Grantee, the City of Austin, has determined that the Released Property, which is a portion of the Easement, is not now needed and will not be required in the future, since the Released Property portion of the Easement is surplus.

Grantee, for the consideration herein recited, acting by and through its duly authorized City Manager or designee releases the Released Property from the Easement.

EXECUTED this the 14th day of July, 2010.

City of Austin

By: Lauraine Rizer
Lauraine Rizer, Officer
Real Estate Services Division
Contract and Land Management Department

STATE OF TEXAS
COUNTY OF TRAVIS

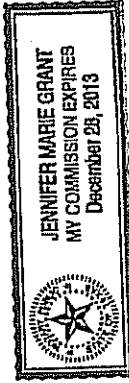


TRV
4 PGS

2010101260

This instrument was acknowledged before me on July 14, 2010, by Lauraine Rizer, Officer, Real Estate Services, Contract and Land Management Department, City of Austin, a Texas municipal corporation, on behalf of said corporation.

[Signature]
Notary Public, State of Texas



LEGAL DESCRIPTION

BEING A CALCULATED MAP AREA OF 84 SQUARE FEET OUT OF LOT 30 OF "BRYKER-WOODS", A SUBDIVISION IN TRAVIS COUNTY, TEXAS, AS RECORDED IN VOLUME 3, PAGE 242 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 30 AND THE WEST TEN FEET OF LOT 32, BRYKER-WOODS, HAVING BEEN CONVEYED TO GARY E. AITCHESON AND WIFE, ROXANE C. SMITH, BY DEED RECORDED IN VOLUME 8092, PAGE 502 OF THE TRAVIS COUNTY REAL PROPERTY RECORDS, AND BEING A PORTION OF A 3' PUBLIC UTILITY EASEMENT, DEDICATED BY SAID SUBDIVISION PLAT, RUNNING ALONG BOTH THE WEST AND SOUTH LINES OF SAID LOT 30, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning for reference at a ½" rebar found at the common southerly corner between Lots 28 and 30 of said Bryker-Woods Subdivision, on the north line of Lot 33 of said subdivision;

THENCE with the south line of Lot 30, also the north line of Lot 33, S 59°43'58" E 0.50 feet to a calculated point;

THENCE crossing through said Lot 30, N 30°32'01" E 1.93 feet to the southwest corner of an existing 1-story brick and wood building, for the southwest corner and PLACE OF BEGINNING hereof;

THENCE crossing through said Lot 30, and with the west edge of said existing building, the following three courses:

- 1) N 30°32'01" E 18.12 feet to an angle point;
- 2) S 59°27'59" E 0.30 feet to an angle point;
- 3) N 30°41'05" E 11.80 feet to the northwest corner of said building, for the northwest corner hereof;

THENCE with the north edge of said existing building, S 59°26'00" E 1.88 feet to a calculated point on the east line of an existing 3' public utility easement, for the northeast corner hereof;

THENCE with the east line of said 3' public utility easement, S 30°01'00" W 28.84 feet to a calculated point on the north line of another 3' public utility easement, for an ell corner hereof;

THENCE with the north line of said 3' public utility easement, S 59°43'58" E 15.73 feet to a calculated point on the east edge of said existing building, for a southeasterly corner hereof;

THENCE with the east edge of said building, S 30°32'01" W 1.15 feet to the southeast corner of said building, for the most southerly southeast corner hereof;

THENCE with the south edge of said building, N 59°27'59" W 18.20 feet to the PLACE OF BEGINNING and containing a calculated map area of 84 square feet, more or less.

Note: See sketch prepared to accompany this description.

Surveyed By:
Harris-Grant Surveying, Inc.
1700 South Lamar, Suite 332, Austin, Texas 78704
(512) 444-1781

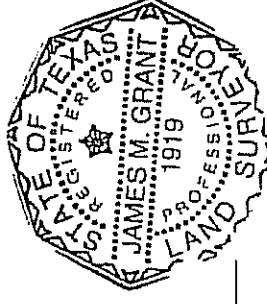
James M. Grant
James M. Grant, RPLS 1919
JG:\mydocs\m&b\2010\043234

FIELD NOTES REVIEWED

REFERENCES
TCAD # 01-1801-10-06
Austin Grid H-25

By: *May Schuster* Date *6/23/10*

Engineering Support Section
Department of Public Works
and Transportation



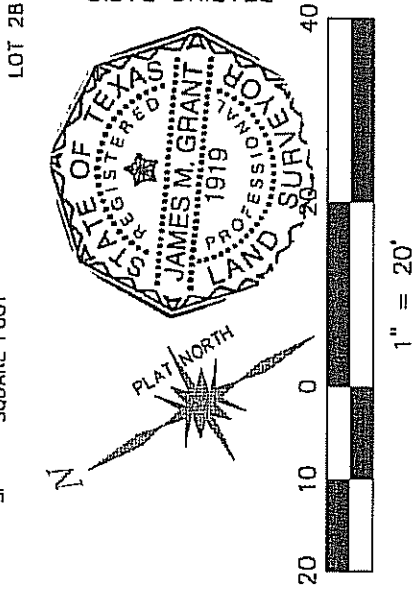
May 13, 2010
Revised 06-22-2010

SKETCH TO ACCOMPANY METES AND BOUNDS
DESCRIPTION FOR EASEMENT RELEASE
AT 1511 W. 30TH STREET, AUSTIN TEXAS
Exhibit "B" AND BEING LOT 30 AND THE WEST 10' OF LOT 32
BRYKER-WOODS
V. 3, PG. 242

W. 30TH STREET
(50' R.O.W.)

LINE	BEARING	LENGTH
L1	S 59°43'58" E	0.50'
L2	N 30°32'01" E	1.93'
L3	N 30°32'01" E	18.12'
L4	S 59°27'59" E	0.30'
L5	N 30°41'05" E	11.80'
L6	S 59°26'00" E	1.88'
L7	S 30°01'00" W	28.84'
L8	S 59°43'58" E	15.73'
L9	S 30°32'01" W	1.15'
L10	N 59°27'59" W	18.20'

MAP SYMBOLS:	
—E—	UTILITY LINE
P.U.E.	PUBLIC UTILITY EASEMENT
BL	BUILDING LINE
●	1/2" REBAR FOUND
⊙	1/2" REBAR SET
⊗	IRON PIPE FOUND
CM	CONTROL MONUMENT
()	RECORD DATA FROM PLAT 3/242
D.E.	DRAINAGE EASEMENT
R.O.W.	RIGHT-OF-WAY
⚡	POWER POLE
POB	PLACE OF BEGINNING
BFR	BEGINNING FOR REFERENCE
CMA	CALCULATED MAP AREA
SF	SQUARE FOOT



Harris-Grant
SURVEYING, INC.

HARRIS-GRANT SURVEYING, INC.
1700 S. LAMAR, STE.# 332 AUSTIN, TEXAS 78704
(512)444-1781 FAX (512) 444-6123

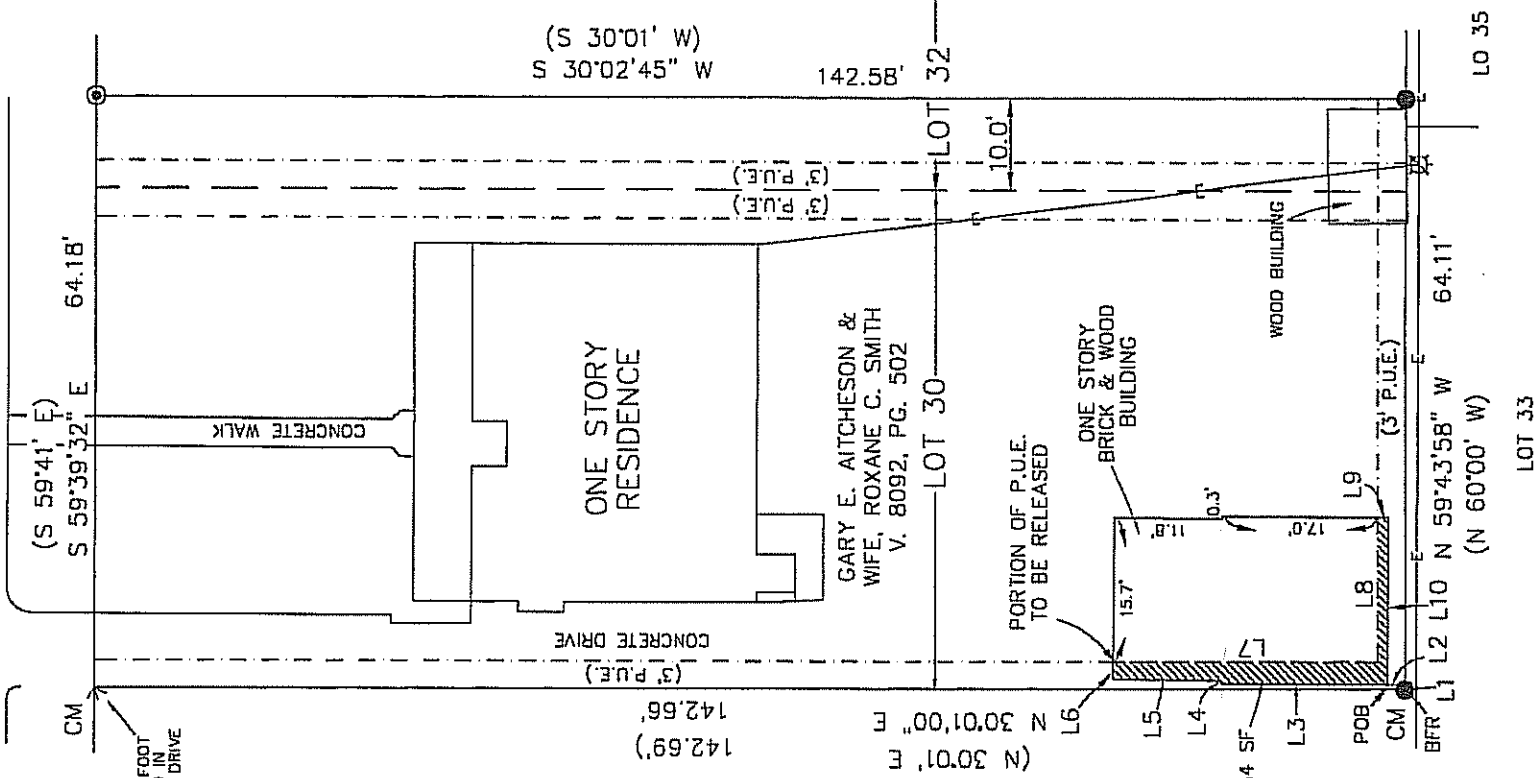
James M. Grant

JAMES M. GRANT R.P.L.S. 1919

DATE: MAY, 13, 2010

DATE REVISED: JUNE 22, 2010

C:\CARL D\2010\43234



AFTER RECORDING, RETURN TO:

City of Austin
Contract and Land Management
Real Estate Services
505 Barton Springs Rd., Suite 1350
Austin, TX. 78704

Attn: Chris Muraida

File No. 8809-1005/bw
Gary E. Aitcheson and Roxane Carl Smith

Exhibit List
Exhibit A – Property Description
Exhibit B – Sketch

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Jul 15, 2010 12:53 PM 2010101260
HOLMC: \$28.00

Dana DeBeauvoir, County Clerk
Travis County TEXAS

Dear Neighbors

As you know we are working with the City of Austin to obtain the correct permitting for our garage apartment. As part of this process we will soon meet with the Bryker Woods Neighborhood Association and the West Austin Neighborhood Group. We expect that it will help their deliberations if we have some input from you who are closest and most likely to be aware of our apartment. So please so kind as to jot down any thoughts you may have and drop the envelope off on the mat by Georgia's back door.

Thank you all so much - Gary, Roxane & Georgia

8/3/10

To Whom It May Concern,

My husband & I have lived at
1510 W. 30th for 30+ years.

Roxane & Gary Antchison have been
neighbors/landlords since the early to mid 80's -
While we have "endured", Patched Remodeling
projects & other similar fates - the
garage apt at 1511 is NOT such a

project. It was done thoroughly, fully
in keeping with the neighborhood in terms
of scale & style. It is an asset to
our block, not a liability.

Please feel free to call me regarding this
process.

Sincerely,

Leslie T. Cameron

1510 W. 30th St.

512.473.2293