

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

DATE: Monday, August 9, 2010

CASE NUMBER: C15-2010-0092

<u> </u> Y <u> </u>	Jeff Jack
<u> </u> Y <u> </u>	Michael Von Ohlen
<u> </u> Y <u> </u>	Nora Salinas
<u> </u> Y <u> </u>	Bryan King
<u> </u> Y <u> </u>	Leane Heldenfels, Chairman
<u> </u> Y <u> </u>	Clarke Hammond, Vice Chairman
<u> </u> Y <u> </u>	Heidi Goebel

APPLICANT: Juan Pedro, Macias

OWNER: Gordon, Murphy

ADDRESS: 808 RUTHERFORD PL

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 2 feet in order to erect a second story addition to an existing single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (South River City Neighborhood Plan)

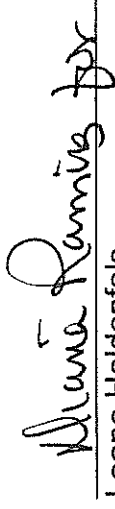
BOARD'S DECISION: The public hearing was closed on a motion to POSTPONE to September 13, 2010 to renotify and add front setback variance, 7-0 vote; POSTPONED TO September 13, 2010.

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:



Susan Walker
Executive Secretary



Leane Heldenfels
Chairman

*updated application

includes

CASE # CAS-2010-0092
front setback ROW# 10467131
findings TP-0301020102

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: 808 Rutherford Pl Austin TX

LEGAL DESCRIPTION: Subdivision - Travis Heights

Lot(s) 12 Block 1 Outlot _____ Division _____

I/We Juan P. Macias on behalf of myself/ourselves as authorized agent for
Gordon Murphy & Mary Field affirm that on _____,

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

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN

1 Add first and second story Addition, with
Non complet west side and front
building setback

in a SF-3 NP district.
(zoning district) Sold River city NP

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:

The current regulation limit the owner of the Architectural symmetrical design of the proposal addition

HARDSHIP:

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

the owner bought the house with the non-compliant conditions as is.

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

The violating building setback on the west and front side of the property is unique to this area

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:

It is limited to this lot area it is not area wide

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 [Signature] Mail Address 14408 Sandifer st.
City, State & Zip Austin TX 78725
Printed San Pedro Murphy (s12) Phone 906-98-46 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 [Signature] Mail Address 808 Rutherford Pl
City, State & Zip Austin TX 78704
Printed Gordon Murphy Phone (s12) 585-4381 Date 7/2/2010

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.

Required Findings:

The Board of Adjustment is also required to make findings discussed below in order to grant a variance. Applicants must provide the Board with proposed findings.

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 300-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.

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

Updated 5/22/08













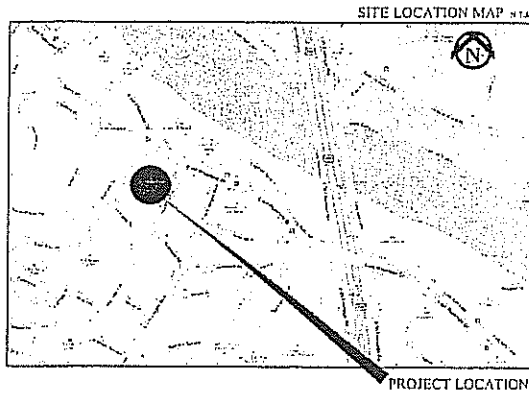




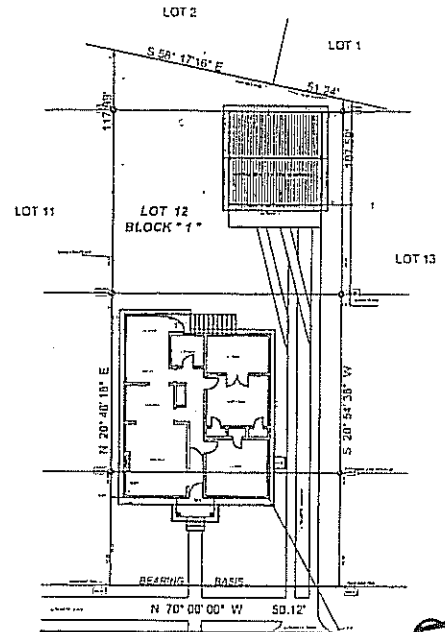
PROPOSED NEW ADDITION TO EXISTING SINGLE FAMILY RESIDENCE

OWNER:
MURPHY FAMILY
808 RUTHERFORD PLACE
AUSTIN, TEXAS 78704

CIVIL ENGINEER:
GENESIS I ENGINEERING CO.
GEORGE A. GONZALEZ, JR., PE
2605 JONES ROAD, SUITE E
AUSTIN, TEXAS 78745
Ph: (512) 899 2246
Fax: (512) 899 2203

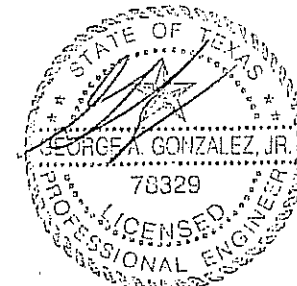


**808 RUTHERFORD PLACE
AUSTIN, TEXAS 78704**



**RUTHERFORD PLACE
(50' ROW)
EXISTING CONDITIONS**

Scale: 1" = 10' 0"



09/01/10

SHEET INDEX

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PROPOSED ELEVATIONS I	CE 6 OF 8
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REVISIONS AND CORRECTIONS

No.	DESCRIPTION	Revised By (Initials)	Revised Date (MM/DD/YY)	Total # Sheets (of 8)	Total Change (of 8)	Total Change (of 8)	City of Austin Approval - Date	Date Issued

SIGNATURES BLOCK

DESIGNED BY: _____ DATE: _____

CHECKED BY: _____ DATE: _____

APPROVED BY: _____ DATE: _____

SEAL NO. _____

General Notes

1. The design of this plan is the property of Genesis I Engineering Co. Any changes without prior written permission is not permitted.
2. Any field changes or omissions shall be reported to the design engineer immediately.
3. All proposed permits by the local authority having jurisdiction shall be secured prior to the start of any field work.
4. All structural and concrete construction, and other construction, shall be in accordance with the latest edition of the Texas Building Code.
5. The owner shall be responsible for all other details and specifications.

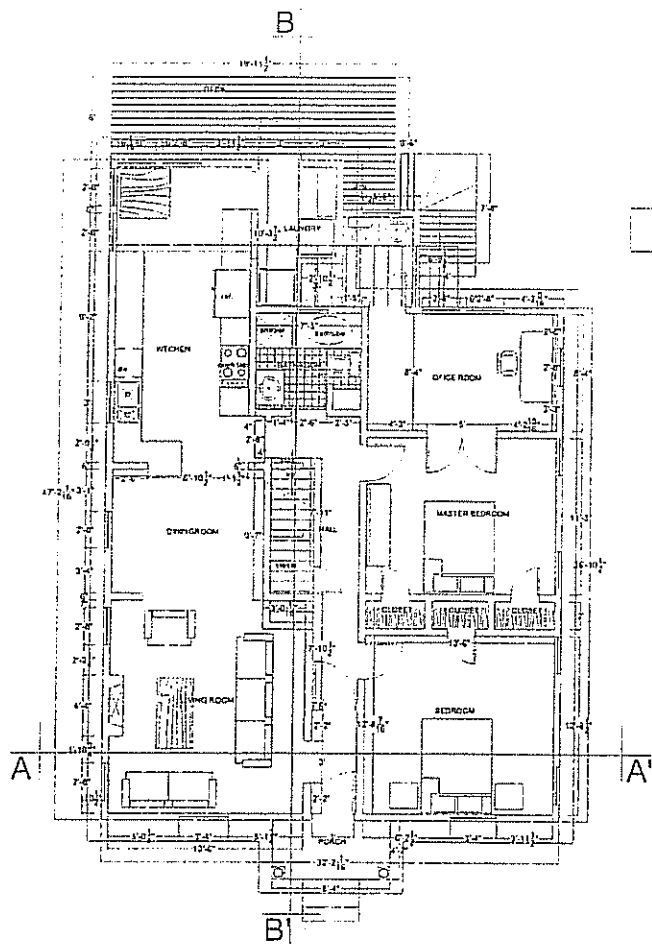
VERSION 3.00

No.	Revision/Issue	Date

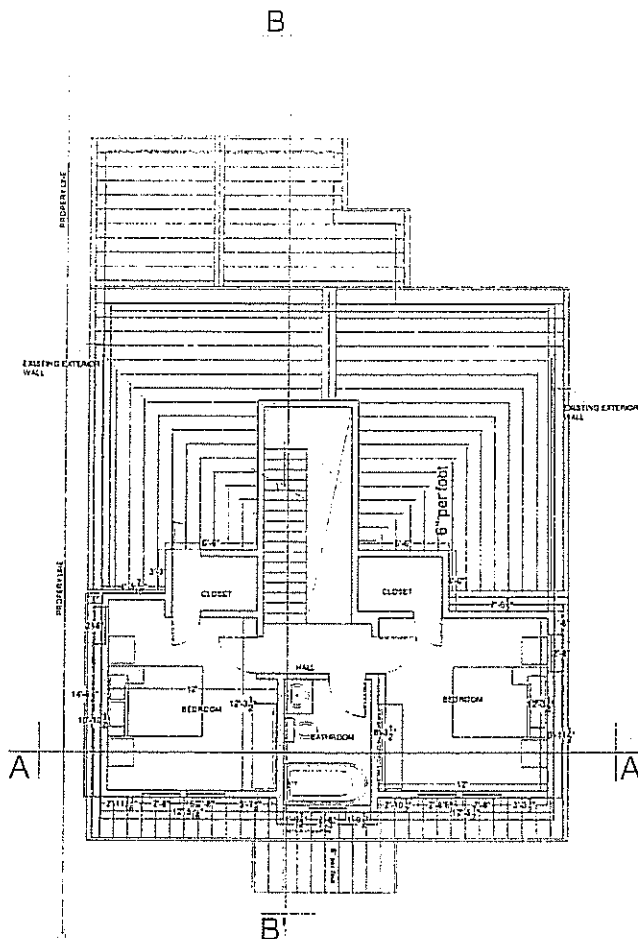
G/E
Genesis I Engineering Company
A.T.M.P., Registered Firm # 2243
2605 Jones Road, Suite E, Austin, TX 78745
(512) 899 2246 Office
(512) 899 2203 Fax
engineer@genesisengineering.com

**PROPOSED NEW ADDITION
TO EXISTING FAMILY
RESIDENCE
MURPHY FAMILY
808 RUTHERFORD PLACE
AUSTIN, TEXAS 78704**

Project No. **AU-10-79** Sheet **CE 1 OF 8**

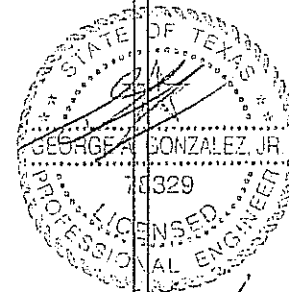


FLOOR PLAN ADDITION



SECOND STORY ADDITION

N ADDITION PLAN



08/01/00

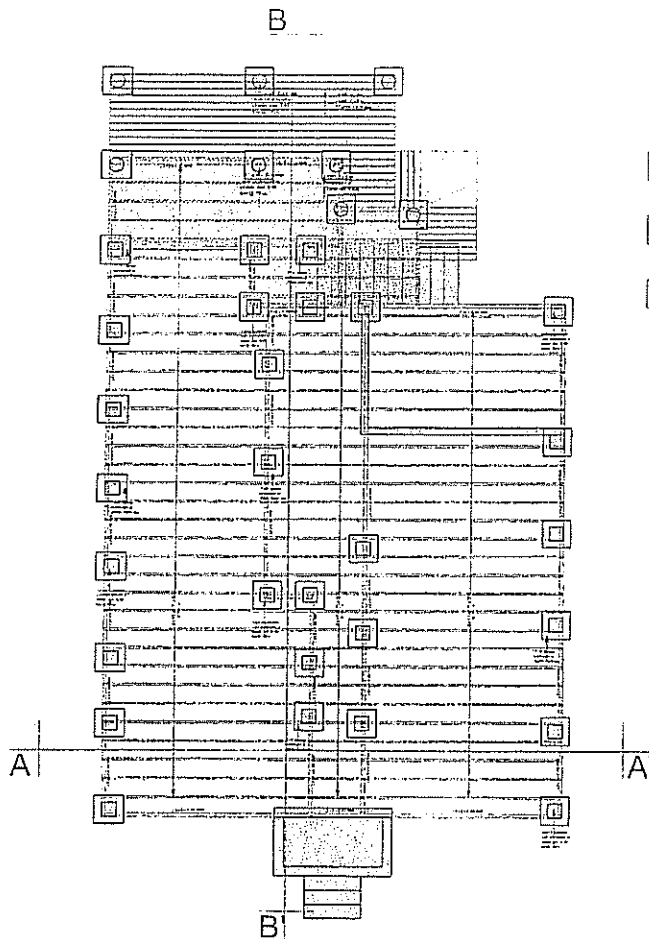
VERSION 3.00

No.	Description/Issue	Date

For Name and Address:
G/E
 Genzals Engineering Company
 A.T.N.P.E. Registered Firm #1-253
 2915 Jones Road, Suite E, Austin, Tx. 78745
 (512) 871-2216 Office
 (512) 871-2203 Fax
 genzals@ggenzalsengineering.com

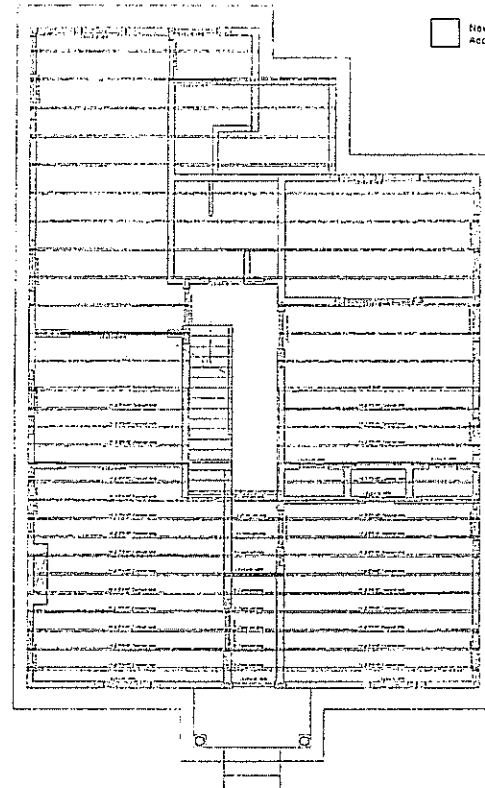
For Name and Address:
**PROPOSED NEW ADDITION
 TO EXISTING FAMILY
 RESIDENCE
 MURPHY FAMILY
 801 RUTHERFORD PLACE
 AUSTIN, TEXAS 78704**

Project: AU-10-79
 Date: 08/01/00
 Scale: 1/4" = 1'-0"
 Sheet: CE 2 OF 8



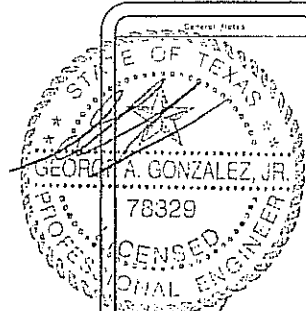
FOUNDATION PLAN (existing)

- ☐ New Foundation Addition
- ☐ Existing concrete demo
- ☐ Existing concrete per spec. and plans



FIRST STORY FRAMING PLAN

N FOUNDATION AND STRUCTURAL PLAN



08/01/10

VERSION 3.00

Rev	Revision/Issue	Date

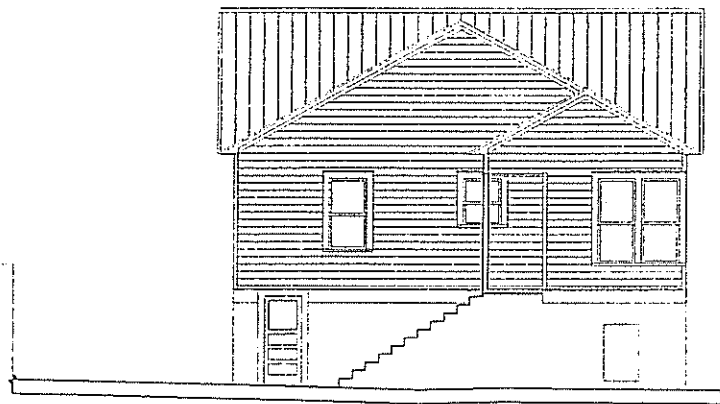
G/E
 Genasis Engineering Company
 A.T.B.P.L. Registered Firm #1343
 2405 Jones Road, Suite E, Austin, TX 78741
 (512) 471-2316 Office
 (512) 471-2317 Fax
 genasis@genasisengineering.com

**PROPOSED NEW ADDITION
 TO EXISTING FAMILY
 RESIDENCE**
 MURPHY FAMILY
 401 RUTHERFORD PLACE
 AUSTIN, TEXAS 78741

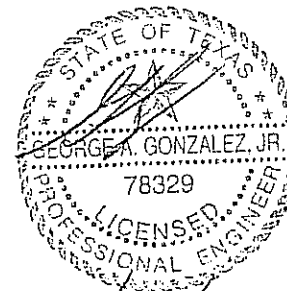
Project: AU-10-79
 Date: CE 3
 Scale: 1/4" = 1'-0" OF 8



WEST ELEVATION (existing)



BACK ELEVATION (existing)



09/01/10

Change Notes

VERSION 3.00

No.	Revision/Issue	Date

G/E
 Genesie I Engineering Company
 A.T.E. p.c., Registered Firm #7-294
 2405 Jones Road, Suite E, Austin, Tx. 78751
 (512) 499-2244 Office
 (512) 499-2202 Fax
 genesie@gie-engineering.com

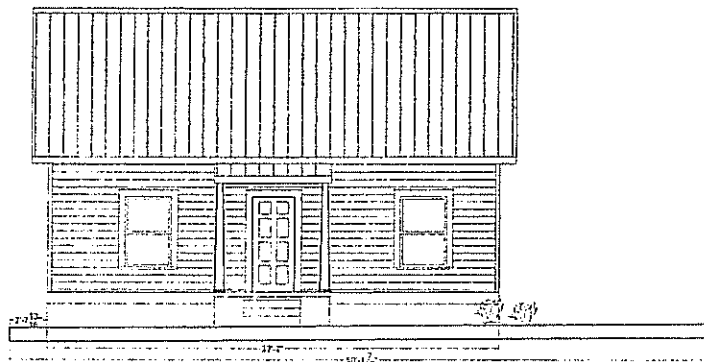
**PROPOSED NEW ADDITION
 TO EXISTING FAMILY
 RESIDENCE
 STURDIVANT FAMILY
 4101 EARTHEN FORD PLACE
 AUSTIN, TEXAS 78704**

AU-10-79
CE 4
OF 8
 1/4" = 1'-0"

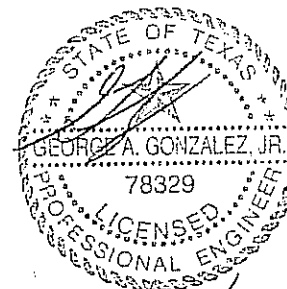
N ELEVATIONS



EAST ELEVATION (existing)



FRONT ELEVATION (existing)



09/01/10

N ELEVATIONS

General Notes:

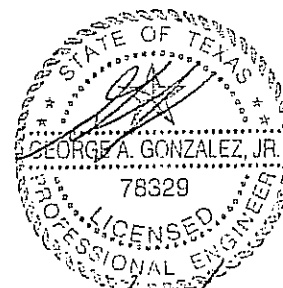
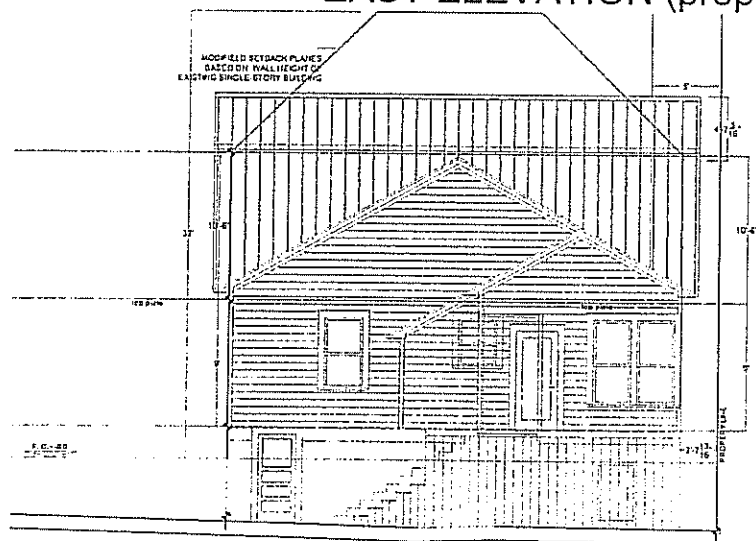
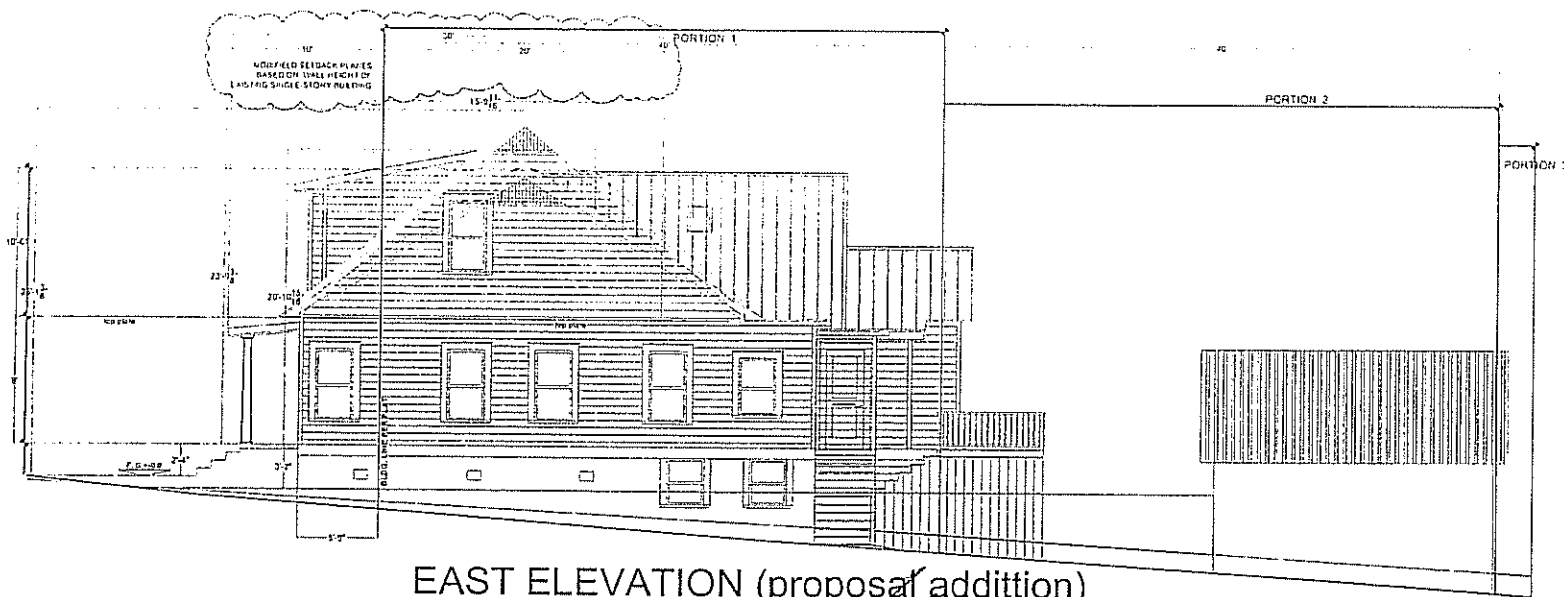
VERSION 3.00

Rev.	Revision/Issue	Date

G/E
 Genesis Engineering Company
 A.T.E. Registered Firm # 2943
 2401 Jones Road, Suite E, Austin, Tx. 78741
 (512) 899-3246 Office
 (512) 899-3203 Fax
 engform@genesiseng.com

PROPOSED NEW ADDITION
 TO EXISTING FAMILY
 RESIDENCE
 MURPHY FAMILY
 804 BUTTERFORD PLACE
 AUSTIN, TEXAS 78704

Project: AU-10-79
 Date: 09/01/10
 Scale: 1/4" = 1'-0"
 Sheet: CE 5
 OF 8



09/01/10

N ELEVATIONS

General Notes

VERSION 3.00

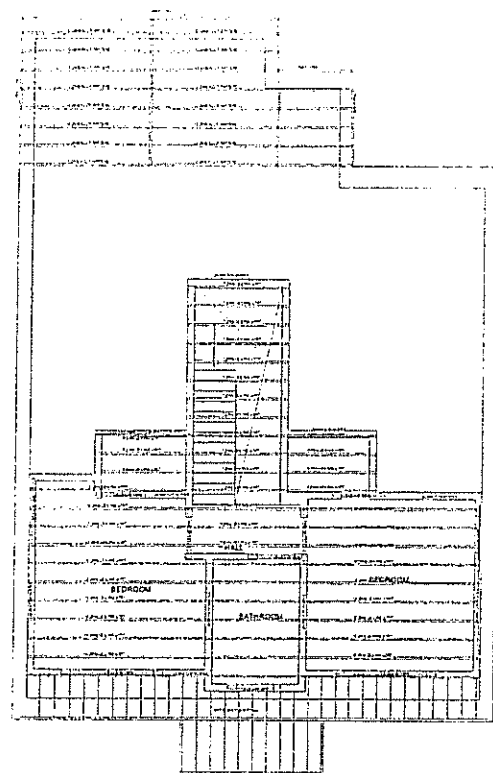
No.	Revision/Issue	Date

G/E
 Genesis 1 Engineering Company
 A.T.E.P.D. Registration Form #5250
 2001 Jones Road, Suite E, Austin, Tx. 78745
 (512) 496-2244 Office
 (512) 496-2251 Fax
 register@g1engineering.com

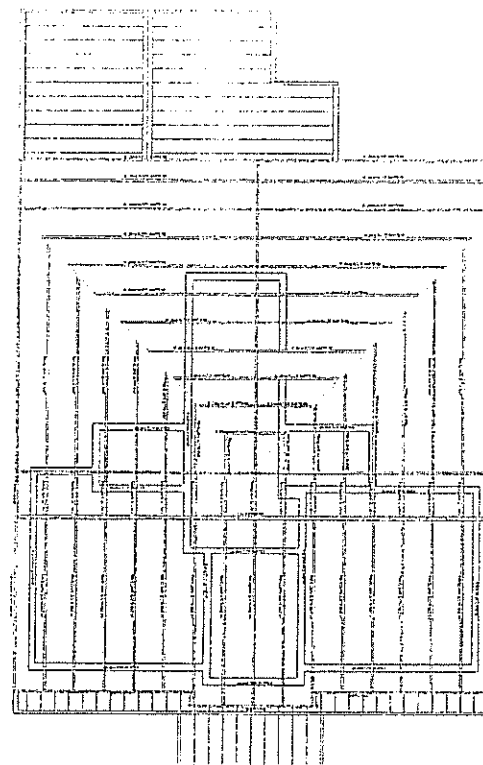
PROPOSED NEW ADDITION
 TO EXISTING FAMILY
 RESIDENCE
 MURPHY FAMILY
 804 BATHURST PLACE
 AUSTIN, TEXAS 78704

Project: AU-10-79
 Date: 09/01/10
 Scale: 1/4" = 1'-0"

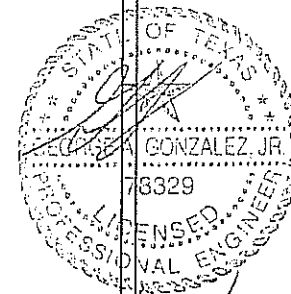
Sheet: CE 6
 OF 8



SECOND STORY FRAMING PLAN



ROOF FRAMING PLAN



09/01/10

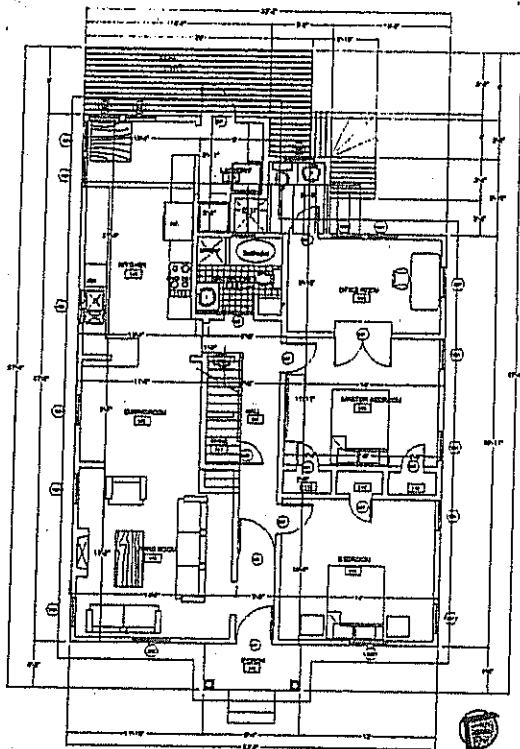
VERSION 3.00

No.	Revision/Issue	Date

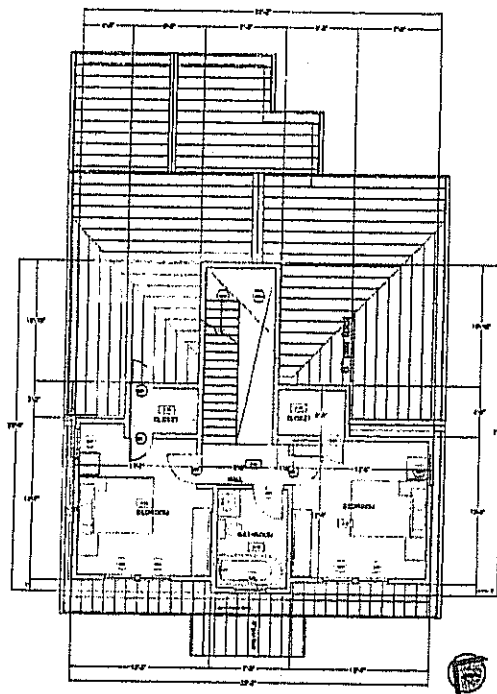
G/E
 Genesio Engineering Company
 A.T.E.P.E. Registered Firm 14-2045
 2653 Jones Road, Suite F, Austin, TX, 78718
 (512) 992-2244 (Office)
 (512) 992-2203 (Fax)
 eng@gec.com gen@genengineering.com

Project Name and Address
**PROPOSED NEW ADDITION
 TO EXISTING FAMILY
 RESIDENCE**
 MURPHY FAMILY
 404 RUTHERFORD PLACE
 AUSTIN, TEXAS 78704

Project No. AU-10-79
 Date 09/01/10
 Scale 1/4" = 1'-0"
 Sheet CE 8 OF 8



FIRST FLOOR PLAN
Scale 3/16" = 1'-0"



SECOND FLOOR PLAN
Scale 3/16" = 1'-0"

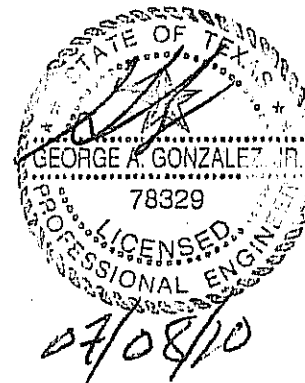
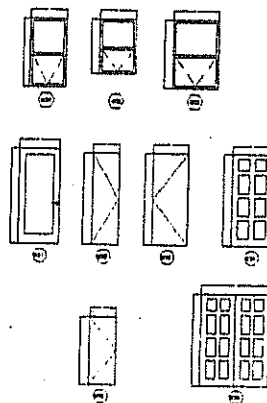
FLOOR AREA RATIO (F.A.R.)		
Total Lot Area	0.128 Acres (5,653.0 Sqft.)	
Allowed	40% (2,261.2 Sqft.)	
Building Area	Existing	Proposed
	1,230.3 Sqft.	1,391.2 Sqft.
	21.78%	24.60%

IMPERVIOUS COVERAGE			
Lot Area	0.128 Acres (5,653.0 Sqft.)		
Zoning	SF-3 - NP		
	Existing		Proposed
Building	1,230.3 Sqft.	21.78%	1,391.2 Sqft. 24.60%
Garage	404.0 Sqft.	7.14%	404.0 Sqft. 7.14%
Entry porch	48.7 Sqft.	0.82%	48.7 Sqft. 0.82%
Wood deck (50% credit)	---	---	88.2 Sqft. 1.50%
Concrete Walkway	38.2 Sqft.	0.64%	38.2 Sqft. 0.64%
Concrete Runners	499.3 Sqft.	8.83%	499.3 Sqft. 8.83%
TOTAL COVERAGE	2,218.5 Sqft.		2,426.6 Sqft.
ALLOWED	48%		
IMPERVIOUS	38.20%		43.56%

WINDOW SCHEDULE									
NAME	Window Size	Quantity	Unit	Notes	Remarks	Remarks	Remarks	Remarks	Remarks
101	36" x 48"	1	Sqft.	Living Room					
102	36" x 48"	1	Sqft.	Dining Room					
103	36" x 48"	1	Sqft.	Kitchen					
104	36" x 48"	1	Sqft.	Bedroom					
105	36" x 48"	1	Sqft.	Bedroom					
106	36" x 48"	1	Sqft.	Bedroom					
107	36" x 48"	1	Sqft.	Bedroom					
108	36" x 48"	1	Sqft.	Bedroom					
109	36" x 48"	1	Sqft.	Bedroom					
110	36" x 48"	1	Sqft.	Bedroom					

DOOR SCHEDULE									
NAME	Door Size	Quantity	Unit	Notes	Remarks	Remarks	Remarks	Remarks	Remarks
201	36" x 80"	1	Sqft.	Living Room					
202	36" x 80"	1	Sqft.	Dining Room					
203	36" x 80"	1	Sqft.	Kitchen					
204	36" x 80"	1	Sqft.	Bedroom					
205	36" x 80"	1	Sqft.	Bedroom					
206	36" x 80"	1	Sqft.	Bedroom					
207	36" x 80"	1	Sqft.	Bedroom					
208	36" x 80"	1	Sqft.	Bedroom					
209	36" x 80"	1	Sqft.	Bedroom					
210	36" x 80"	1	Sqft.	Bedroom					

ROOM FINISHING SCHEDULE									
NAME	Room	Area	Unit	Notes	Remarks	Remarks	Remarks	Remarks	Remarks
301	Living Room	1,230.3	Sqft.						
302	Dining Room	404.0	Sqft.						
303	Kitchen	48.7	Sqft.						
304	Bedroom	88.2	Sqft.						
305	Bedroom	38.2	Sqft.						
306	Bedroom	499.3	Sqft.						
307	Bedroom	---	Sqft.						
308	Bedroom	---	Sqft.						
309	Bedroom	---	Sqft.						
310	Bedroom	---	Sqft.						



VERSION 2.00

No. Revision/Issue Date

Project Name and Address:
G/E
Gonzalez Engineering Company
A.T. & P.E. Registered Firm #5-2103
2825 Jones Road, Suite B, Austin, TX 78745
(512) 993-1344 Office
(512) 993-3223 Fax
engineer@gonzalezengineering.com

Project Name and Address:
**PROPOSED NEW ADDITION
TO EXISTING FAMILY
RESIDENCE
MURPHY FAMILY
304 RUTHERFORD PLACE
AUSTIN, TEXAS 78704**

Project No. **AU-10-79** Date **CE 2**
Assigned **OF 6**

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

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.

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: C15-2010-0092 – 808 Rutherford Place

Contact: Susan Walker, 512-974-2202

Public Hearing:

Board of Adjustment, August 09, 2010

Joe + Gloria Kirven

Your Name (please print)

☒ I am in favor
☐ I object

808 Edgelynn Terrace

Your address(es) affected by this application

Joe Kirven

Signature

7-31-2010

Date

Daytime Telephone: 214-750-1416

Comments: _____

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

City of Austin-Planning & Development Review Department/ 1st Floor

C/O Susan Walker

P. O. Box 1088

Austin, TX 78767-8810