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

D	PATE: Monday, October 11, 2010	CASE NUMBER: C15-2010-0111
	y Jeff Jacky Michael Von Ohlen Motion toy Nora Salinasy Melissa Hawthorney Leane Heldenfels, Chairmany Clarke Hammond, Vice Chairmy Heidi Goebel	
A	PPLICANT: Matthew J, Moore	
A	DDRESS: 906 56TH ST	
m 10 re	ARIANCE REQUESTED: The applicant ninimum front street setback requirement of feet in order to erect a garage and se esidence in an "SF-3-NP", Family Resid istrict. (North Loop Neighborhood Pla	lence – Neighborhood Plan zoning
U	OARD'S DECISION: The public hearin hlen motion to POSTPONE TO Novembe formation and photos, 7-0 vote; POSTPON	g was closed on Board Member Michael Von r 8, 2010 for complete findings and additional IED TO November 8, 2010.
FI	NDING:	
1.	The Zoning regulations applicable to the because:	property do not allow for a reasonable use
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 are	ea in which the property is located because:
3.	The variance will not alter the character impair the use of adjacent conforming puthe regulations of the zoning district in w	of the area adjacent to the property, will not roperty, and will not impair the purpose of which the property is located because:
1		In - 0

Leane Heldenfels

Chairman

Susan Walker

**Executive Liaison** 

	CASE #	015-2010-0111
۸ .	ROW #	
Amended.	CITY OF AU APPLICATION TO BOARD GENERAL VARIANCE/PAI	OF ADJUSTMENT
WARNING: Filing of	this appeal stops all affected co	onstruction activity.
PLEASE: APPLICA COMPLETED.	TION MUST BE TYPED WIT	H ALL REQUESTED INFORMATION
STREET ADDRESS: 90 LEGAL DESCRIPTION	<u>)6 E 56<sup>th</sup> Street</u> N: Subdivision – <u>Morningside</u>	
Lot(s) 4 B  I/We Ann Pelton and 1	lock_OutlotDivision  Matthew Moore on b	
Adjustment for consider (check appropriate items	ation to:	ey apply tot a nearing before the board of
_X ERECT ATT	ACH COMPLETE _X RI	EMODEL MAINTAIN
Section 25-2-492 (D) fro	om 25 feet to 12.5 feet in order to "SF-3-NP", Family Residence	minimum front street setback requirement of o erect a garage and second floor for a single-Neighborhood Plan zoning district. (North
lindings described below.	Therefore, you must complete each	fficiency of and weight of evidence supporting the of the applicable Findings Statements as part of on being rejected as incomplete. Please attach any

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:**

additional support documents.

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

Adding a garage to the house is not possible while maintaining the required setback from the front of

Amended

25 feet due to the curve in the road. It is not possible to locate the garage in the back of the property since there is no access either via an alley behind or beside the house.

### **HARDSHIP:**

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

The significant curves in the road are unique to the lot and the location of the existing house is set farther back than the others. The result is that while the southeast corner of the garage is setback 25 feet the southwest corner is setback 12.5 feet. The average setback for the garage is 19 feet while the remainder of the house average setback will be 27 feet.

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

While other properties are similar, no other property has as significant a curve. If a similar garage was placed on the other properties it would result in a minimum setback of less than 10 feet in all cases.

### **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 neighboring house to the east will still be six feet in front of the garage. It does not infringe on the visibility from the adjacent neighbors and their view to the streets. The architectural design is taking into account the period correct features, such as low pitched roof, half stone columns, etc.

**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:

Not requesting a variance on parking.

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:

It is expected that this will actually allow for two additional cars to be parked on the property instead of the street.

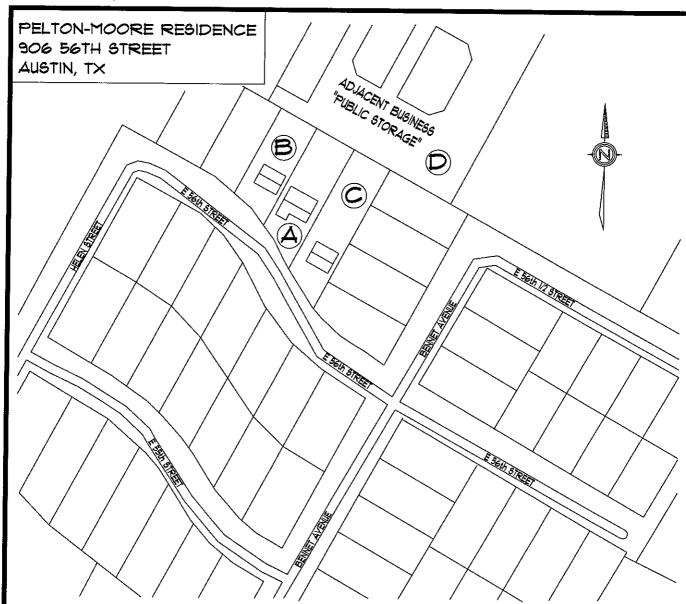
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

Amended

### It maintains the existing use of the property.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

oecau	ause:	
NOTE:	The Board cannot grant a variance that would provide the applicant venjoyed by others similarly situated or potentially similarly situated.	vith a special privilege not
APPLICA and correct	CANT CERTIFICATE – I affirm that my statements contained in the contect to the best of my knowledge and belief.	application are true
Signed	Matthew 9 Moore Mail Address 906 E 56 to & Zip AUSTIN, TX 78751	ST
City, State	te & Zip AUSTIN, TX 78751	
	MATTHEW J MOORE Phone 512 302 4013 Date Novem	
OWNERS correct to t	RS CERTIFICATE – I affirm that my statements contained in the complete the best of my knowledge and belief.	ete application are true and
Signed	Mail Address	<u></u>
City, State	e & Zip	
Printed	Phone Date	



- A. SUBJECT PROPERTY: REQUESTING
  ADJUSTMENT AT STREET FRONT SETBACK LINE
  FOR NEW ATTACHED GARAGE.
- B. ADJACENT PROPERTY W/ RESIDENCE.
- C. ADJACENT PROPERTY W/ RESIDENCE.
- D. PUBLIC STORAGE

TITLE: SITE PLAN

SCALE: 1" = 100'

DRAWN BY: JW

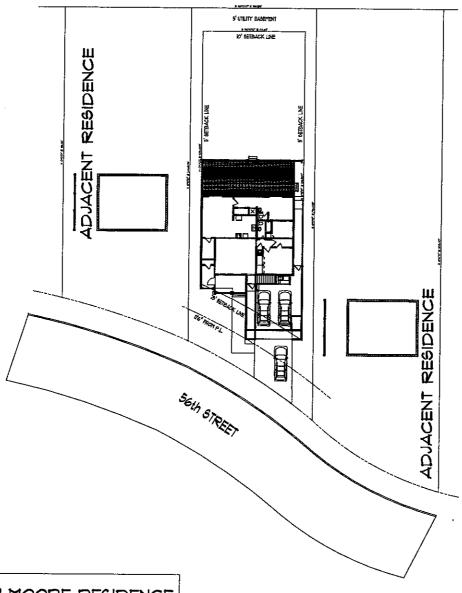
JOESIGN/BUILD CONSTRUCTION
3014 WASHINGTON SQUARE, AUSTIN, TX 78750 512.810.1997

October 07, 2010

REVISED

DRAWING #: ALN

Amenied



PELTON-MOORE RESIDENCE 906 56TH STREET AUSTIN, TX

TITLE: SITE PLAN

SCALE: 1" = 40'

DRAWN BY: JW

JW HALL
DESIGN/BUILD CONSTRUCTION

October 28, 2010

REVISED

DRAWING \*: ALT

Amen' ed

SQ. FT. CALCULATIONS							
AREA			TTL				
TOTAL LOT AREA:			8,920	SQ.	FT.		
		•					
EXISTING FIRST FLOOR	APPROX.		1166	sa.	FT.		
NEW FIRST FLOOR	APPROX.		346	SQ.	FT.		
NEW SECOND FLOOR	APPROX.		1072	SQ.	FT.		
COVERED PORCHES	APPROX.		832	sa.	FT.		
EXISTING GARAGE	APPROX.		205	5Q.	FT,		
NEW GARAGE	APPROX.	-	427	<b>SQ.</b>	FT.		
TOTAL BUILDING AREA	APPROX.		4048	8Q.	FT.		
TOTAL FLOOR AREA	APPROX.	1	3216	SQ.	FT.		
DRIVEWAY	APPROX.		460	SQ.	FT.		
SIDEWALKS	APPROX.		116	SQ.	FT.		
TOTAL IMPERVIOUS COVERAGE	APPROX.		3552	<b>SQ.</b>	FT.		
IMPERVIOUS COVERAGE		1	39.8%				
FLOOR AREA RATIO		+	36%				

8 90'0'0" E 67.01 5' UTILITY EASEMENT 8 30'0'0" E 44.62 10' SETBACK LINE ADJACENT RESIDENCE ADJACENT RESIDENCE 12'6" FROM PL Seth STREET

PELTON-MOORE RESIDENCE 906 56TH STREET AUSTIN, TX

TITLE: S	ITE	PLAN
SCALE:	1" =	20'

DRAWN BY: JW

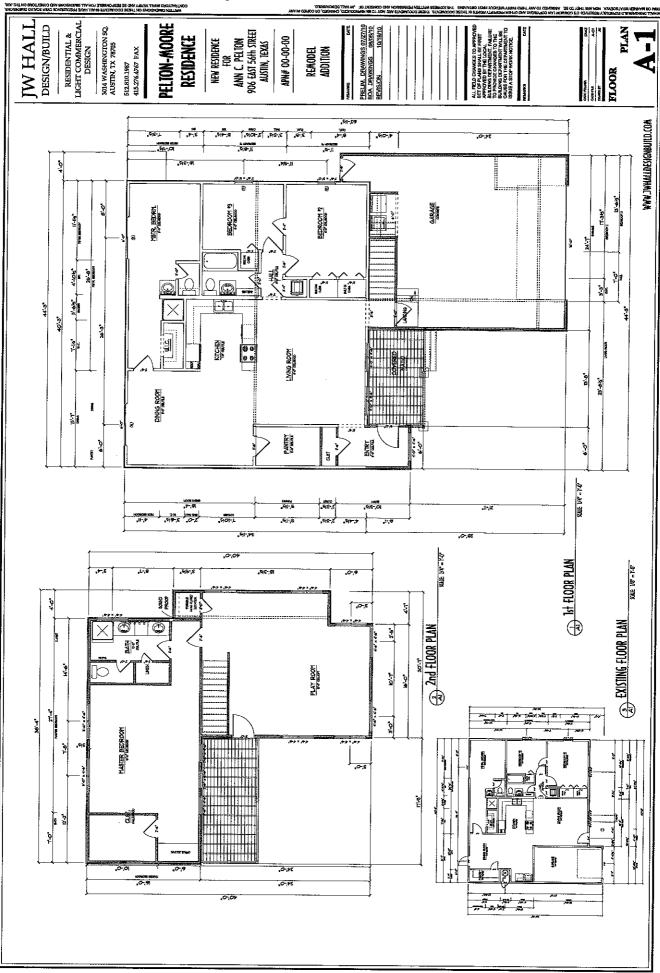


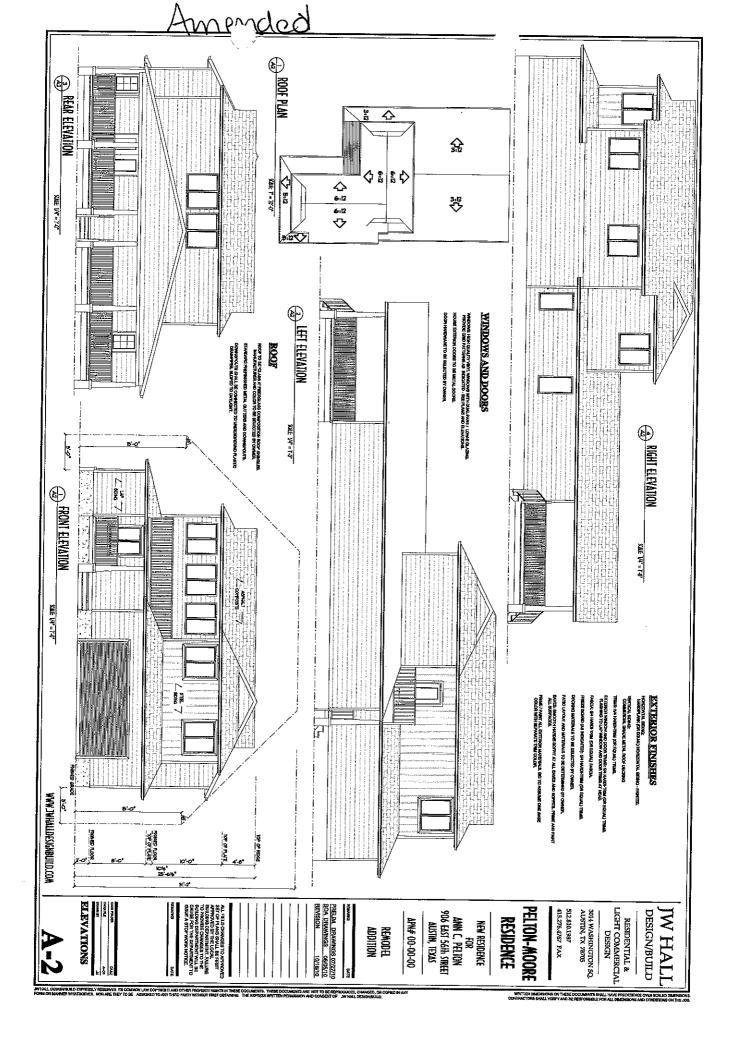
October	28,	2010
,	,	

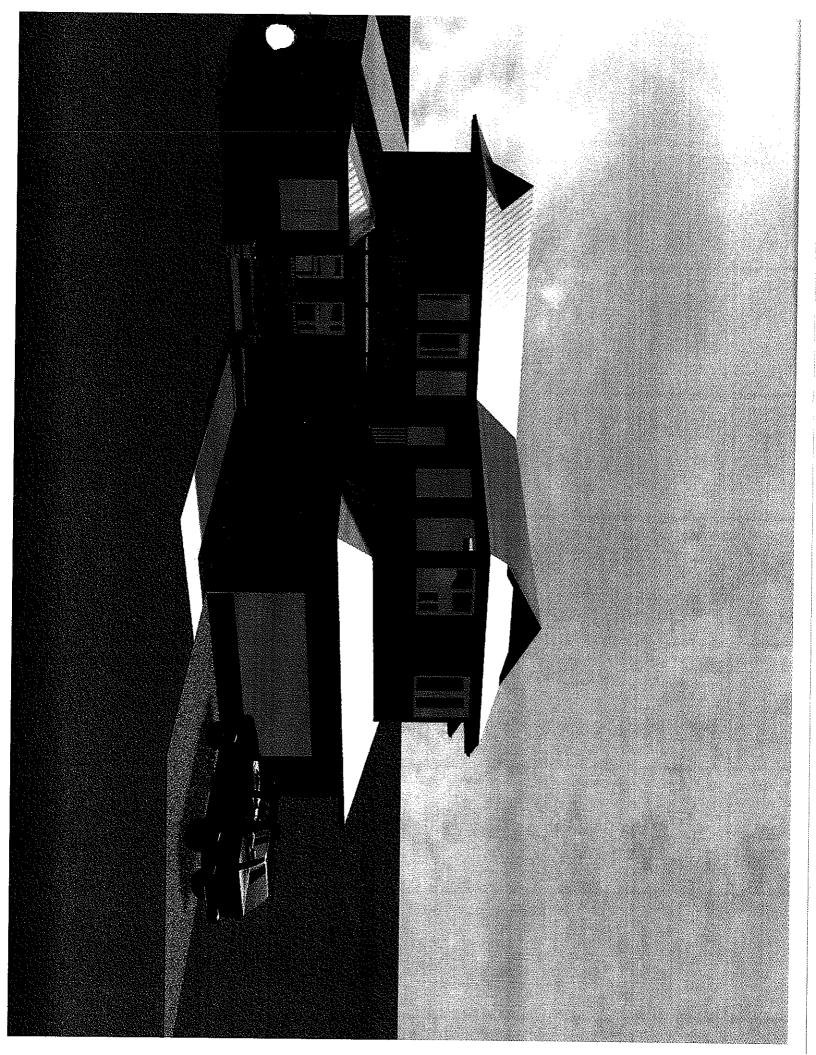
REVISED

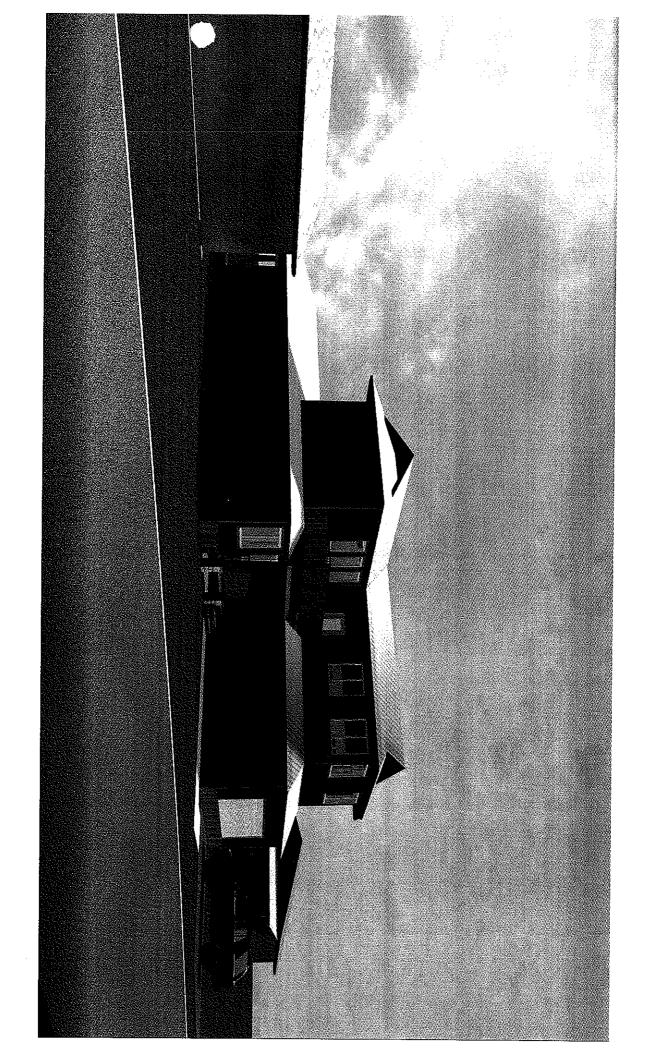
DRAWING \*: ALS

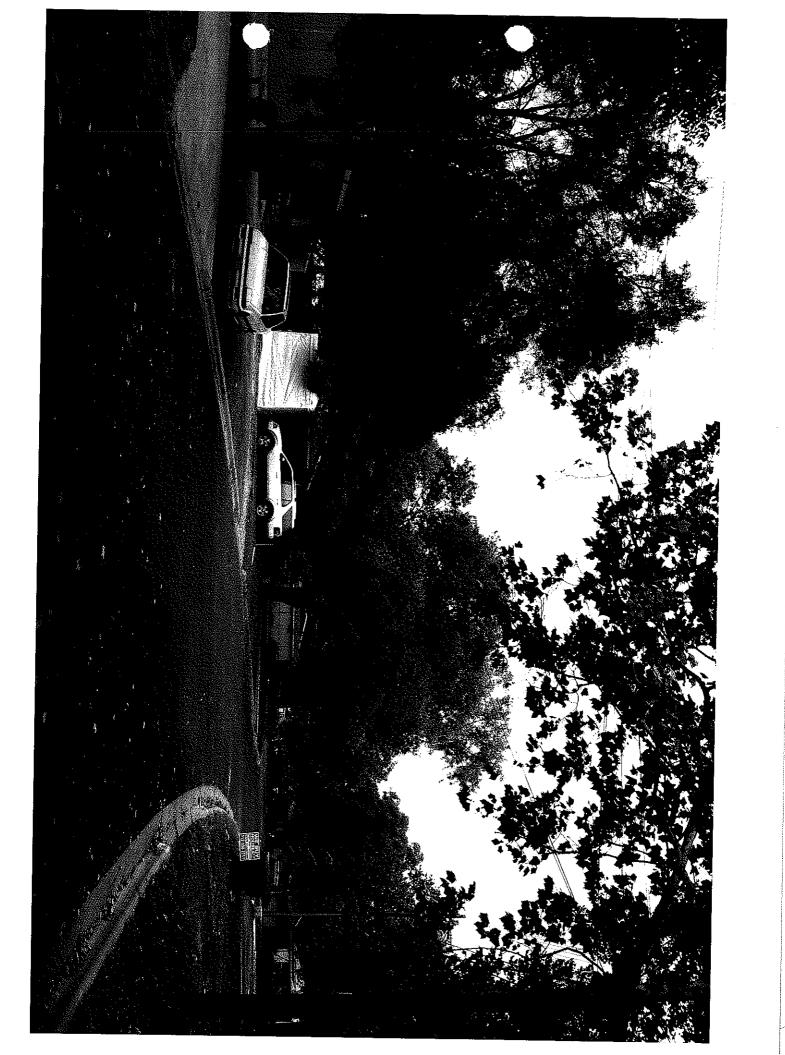
Aminded





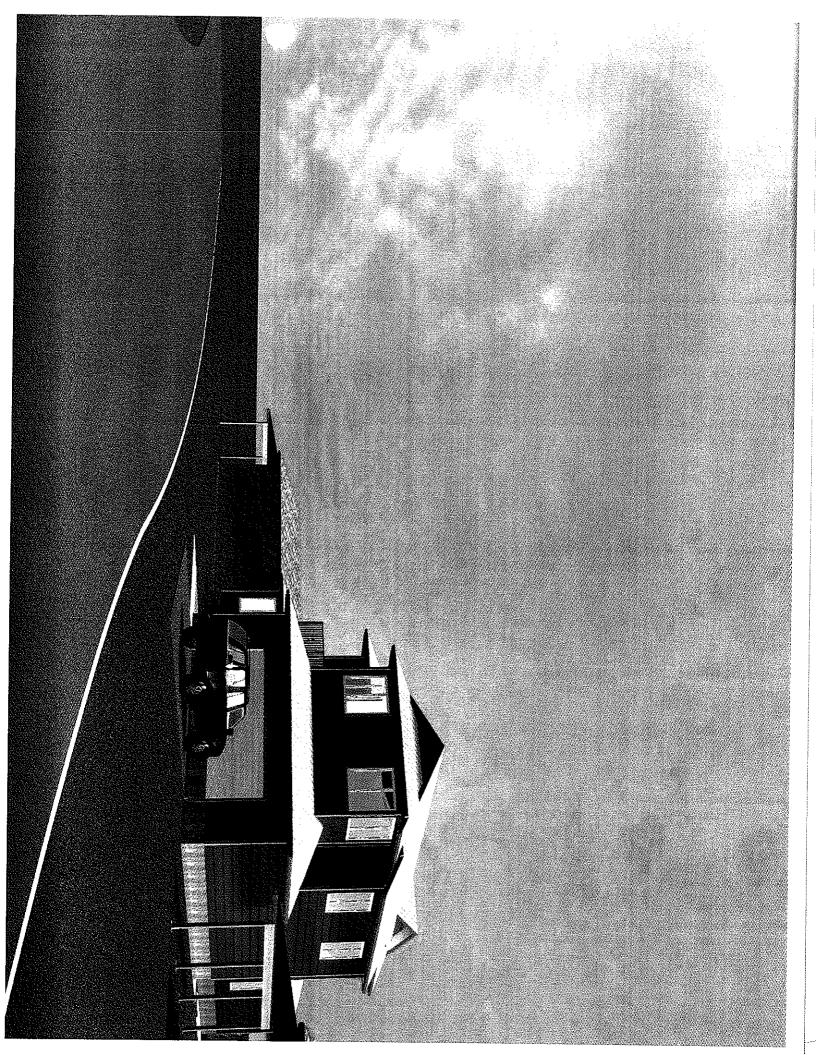




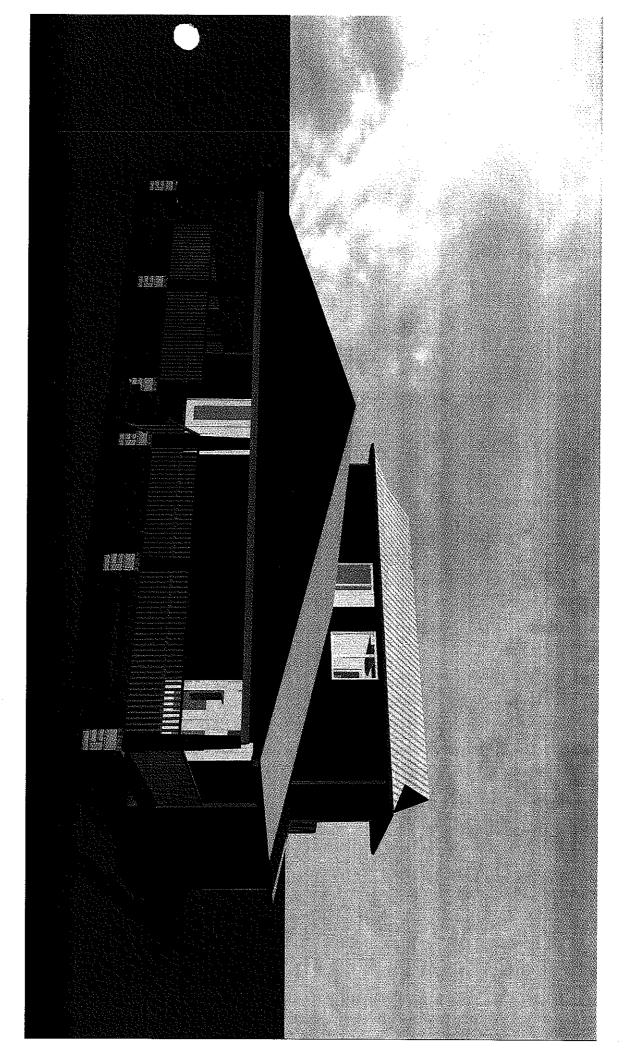












CASE # [15. 10-0111 ROW # 10(GOX) T

### 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: 906 E 56 <sup>th</sup> Street				
LEGAL DESCRIPTION: Subdivision – Morningside				
Lot(s) 4 Block Outlot Division Addn Sec 2				
We Ann Pelton and Matthew Moore on behalf of ourselves as authorized agent for				
Ann Pelton affirm that on August, 5,				
hereby apply for a hearing before the Board of Adjustment for consideration to:				
(check appropriate items below)				
X ERECT ATTACH COMPLETE X REMODEL MAINTAIN The applicant has requested a variance to decrease the minimum front street setback equirement of Section 25-2-492 (D) from 25 feet to 15 feet in order to erect garage and econd floor for a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (North Loop Neighborhood Plan)				
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:

Adding a garage to the house is not possible while maintaining the required setback from the front and the existing wall is not

### **HARDSHIP:**

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

There is a significant curve in the road that has.

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

### **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 existing homes already staggered in such a way that the addition of the garage will not infringe on the neighbors use of their property.

**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:

### Not requesting a variance on parking.

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:

It is expected that this will actually allow for two additional cars to be parked on the property instead of the street.

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

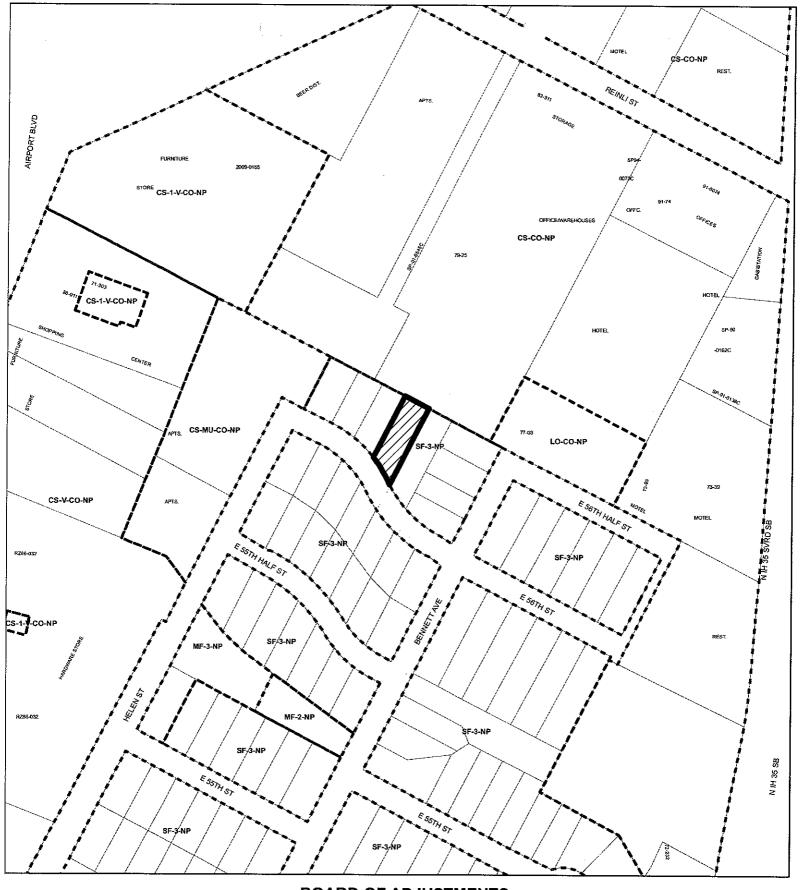
### It maintains the existing use of the property.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

It	<u>maintains</u>	the	existing	use of	the pro	perty.

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 Matthew 9 Moore Mail Address 906 E 56 57
Signed Matthew 9 Moore Mail Address 906 E 56 5T  City, State & Zip AUSTIN, TX 7875 I
Printed MATTHEW J MOORE Phone 512 302 4013 Date November 1, 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 Ann C. Petto Mail Address 906 E. 56 th 5+
City, State & Zip Austin, TK 78751
Printed Ann C. Petton Phone 512-302-4013 Date November 2, 2010

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.
APPLICA application	ANT CERTIFICATE – I affirm that my statements contained in the complete on are true and correct to the best of my knowledge and belief.
Signed	Watthew J MOUR Mail Address 906 E 56th
City, State	* & Zip AUSTIN TX 78751
Printed <u>/</u>	1ATTHEW J MOREPhone 302-4613 Date 8/11/2010
OWNERS	CERTIFICATE – I affirm that my statements contained in the complete application d correct to the best of my knowledge and belief.
Signed	· · · · · · · · · · · · · · · · · · ·
	& Zip Austin, TX 787511
Printed/	Ann Polton Phone 302-4013 Date August 11, 2016





### **BOARD OF ADJUSTMENTS**

CASE#: C15-2010-0111 LOCATION: 906 E 56TH ST

GRID: K26

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.

SQ. FT. CALCULATIONS							
AREA		Τ	TTL				
TOTAL LOT AREA:		Γ	8,995	SQ.	FT.		
		-					
EXISTING FIRST FLOOR	APPROX.		294	sa.	FT.		
NEW FIRST FLOOR	APPROX.	Γ	289	8Q.	FT,		
NEW SECOND FLOOR	APPROX.		985	5Q.	FT,		
COVERED PORCHES	APPROX.		1181	SQ.	FT,		
OPTIONAL DECK POOF	APPROX.	-	100	ca.	FT.		
EXISTING GARAGE	APPROX.		205	SQ.	FT.		
NEW GARAGE	APPROX.		654	SQ.	FT.		
TOTAL BUILDING AREA	APPROX.		7	SQ.	FT,		
				35	34		
TOTAL FLOOR AREA	APPROX.		1902	SQ.	FT.		
DRIVEWAY	APPROX.		460	SQ.	FT.		
SIDEWALKS	APPROX.		80	SQ.	FT.		
CONCRETE DECK	APPROX.		342	SQ.	FT.		
TOTAL IMPERVIOUS COVERAGE	APPROX.		3244	රු.	FT.		
IMPERVIOUS COVERAGE			36.0%				
FLOOR AREA RATIO			21.1%				

5 90°0'0" E 54.62 25' SETBACK LINE 5' SETBACK LINE

MOORE RESIDENCE 906 56TH STREET AUSTIN, TX

TITLE: SITE PLAN SCALE: 1" = 20'

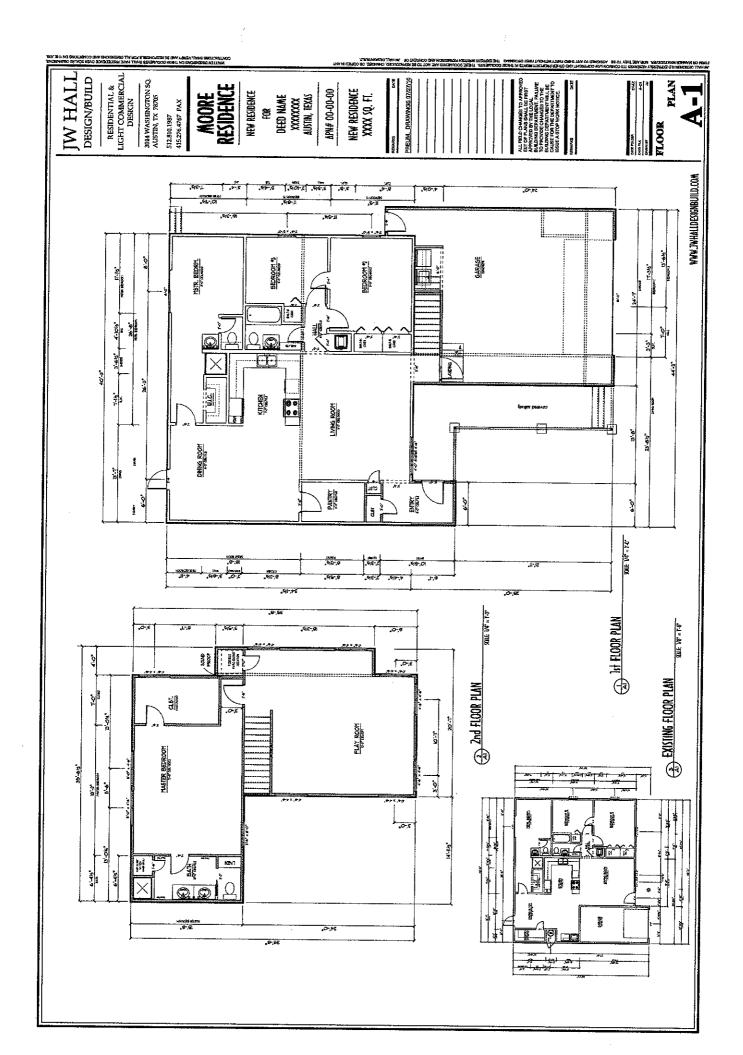
DRAWN BY: JW

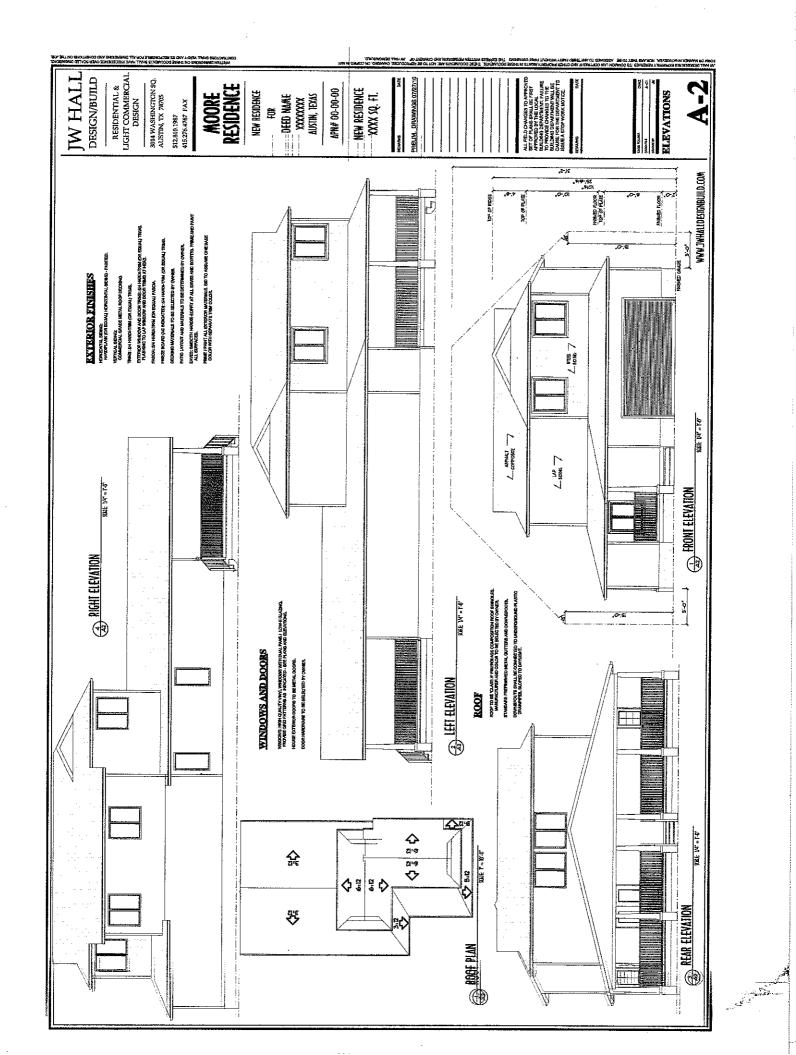
JW HALL
DESIGN/BUILD CONSTRUCTION

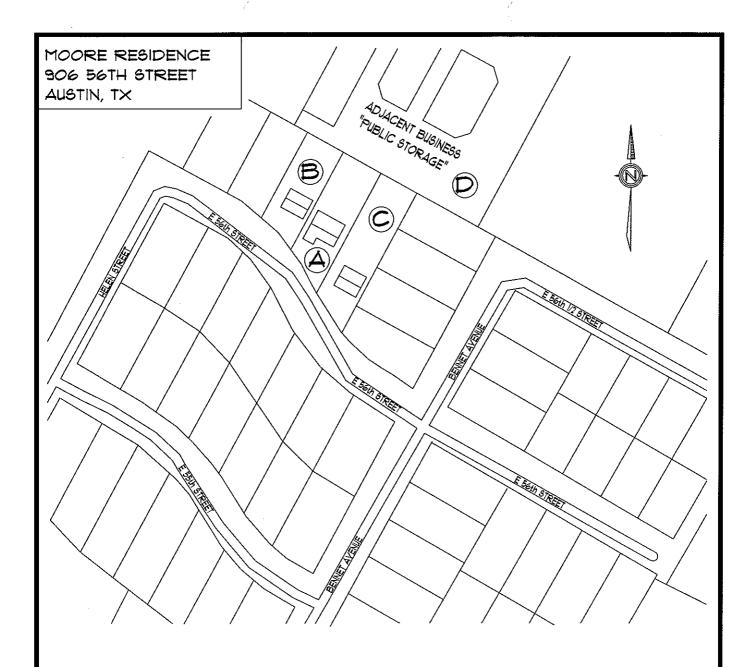
August 05, 2010

REVISED

DRAWING \*: ALS







- A. SUBJECT PROPERTY: REQUESTING ADJUSTMENT AT STREET FRONT SETBACK LINE FOR NEW ATTACHED GARAGE.
- B. ADJACENT PROPERTY W/ RESIDENCE.
- C. ADJACENT PROPERTY W/ RESIDENCE.
- D. PUBLIC STORAGE

TITLE: SITE PLAN

SCALE: 1" = 100'

DRAWN BY: JW

JW HALL

DESIGN/BUILD CONSTRUCTION

3014 WASHINGTON SQUARE, AUSTIN, TX 18150 512.810.1981

August 11, 2010

REVISED

DRAWING #: ALN

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 pecific 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;
   nd:
- 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.

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

Susan Walker P. O. Box 1088

Austin, TX 78767-8810

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

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

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.

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If you use this form to comment, it may be returned to: City of Austin-Planning & Development Review Department/ 1st Floor Susan Walker P. O. Box 1088 Austin, TX 78767-8810	Comments:	10 - 6 - 10   10 - 6 - 10   Signature   Date   Date	Aaron Nelson  Your Name (please print)  902 56 +h Street  Your address(es) affected by this application	scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.  Case Number: C15-2010-0111; 906 E 56 <sup>th</sup> Street Contact: Susan Walker, 512-974-2202  Public Hearing: Board of Adjustment, October 11th, 2010

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If you use this form to comment, it may be returned to: City of Austin-Planning & Development Review Department/ 1st Floor Susan Walker P. O. Box 1088 Austin, TX 78767-8810	Comments:	Signature  Daytime Telephone: $5/2 - 874 - 6//4$	Your address(es) affected by this application	STEPHEN ISDALE  Your Name (please print)	Case Number: C15-2010-0111; 906 E 56 <sup>th</sup> Street Contact: Susan Walker, 512-974-2202 Public Hearing: Board of Adjustment, October 11th, 2010	
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