

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

**DATE:** Monday, October 11, 2010

**CASE NUMBER:** C15-2010-0116

☐ N ☐ Jeff Jack  
☐ - ☐ Michael Von Ohlen (LEFT EARLY)  
☐ Y ☐ Nora Salinas  
☐ Y ☐ **Melissa Hawthorne**  
☐ Y ☐ Leane Heldenfels, Chairman **Motion to GRANT**  
☐ Y ☐ Clarke Hammond, Vice Chairman **2<sup>nd</sup> the Motion**  
☐ Y ☐ Heidi Goebel

**APPLICANT:** W Nasby

**OWNER:** Willa Kay, Warren

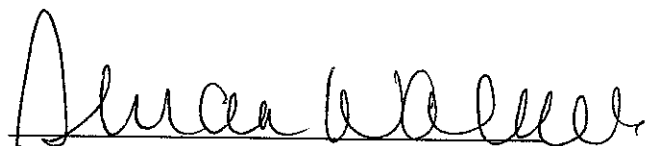
**ADDRESS:** 3112 WHITE ROCK DR

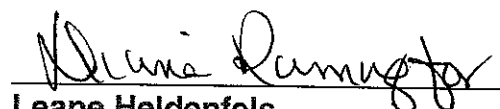
**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 12 feet in order to erect an addition to a single-family residence in an "SF-3", Family Residence zoning district.

**BOARD'S DECISION:** The public hearing was closed on Board Member Leane Heldenfels motion to Grant, Board Member Clarke Hammond second on a 5-1 vote (Board Member Jeff Jack nay, Michael Von Ohlen left early); Motion failed for lack of 6 affirmative votes, **DENIED** (this item will be on the agenda for November 8, 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

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

Revised

CASE # C15-2010-0116  
ROW # \_\_\_\_\_

TP# 013301.0540

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 3112 White Rock

LEGAL DESCRIPTION: Subdivision — LOT 1 BLK B ALLANDALE WEST SEC 5

Lot(s) \_\_\_ Block \_\_\_ Outlot \_\_\_ Division \_\_\_

I/We, \_\_\_\_\_ David Cancialosi \_\_\_\_\_ on behalf of myself/ourselves as authorized agent for  
affirm that on Sept. 27, 2010 \_\_\_\_\_,

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

(check appropriate items below)

☒ ERECT \_\_\_ ATTACH \_\_\_ COMPLETE REMODEL MAINTAIN  
SF3

Variance to section 25-2-492(D) to allow 3' encroachment into street side yard.

**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 existing L-shaped duplex structure is on a corner lot. It is a small 1600 SF duplex, allowing 800 SF living space per side. The owner occupies the western portion and wishes to extend the living space to add a modern sized 1 story 400 SF master suite and second bath. Each of two existing bedroom are very small. The 15' street side setback does not allow reasonable use as it extends a considerable portion into the available side yard normally allowed to for construction by interior lots.

The Mo-Pac train is very close to this structure. Given the duplex's 1960 build date, allowing the proposed addition would help to reduce train sound and vibration by soundproofing the master suite.

**HARDSHIP:**

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

Each duplex unit shares a common rear yard. The rear yard has an unusual electric line drop from a power pole located in adjacent lot (to the rear) that connects to two electric meters and electric panels on rear façade of duplex. The orientation of the duplex on the corner lot does not allow for an addition in the rear yard given the existing power line location. Please see Austin energy email commenting on this.

A new addition extending from the duplex's rear façade would remove the other unit's access to any rear yard and render most of the rear yard useless to the owner.

If allowed to add the addition as proposed, the architectural layout lends itself to better construction methods. The existing roof line over the western side of owner's unit is more practical to extend the addition from given the existing roof pitch over owner's unit is perpendicular to side property line. The roof's slope on the eastern/ rear portion of the house would require substantial more construction as well as removal power lines in order to construct the proposed addition.

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

The duplex is on a corner lot. The power line location prohibits addition to rear of structure. No other lots appears to have these two conditions

**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 addition will be located in the rear yard and barely visible from the public street. The overall structure's size will be 2,000 SF. No new parking will be required. A front carport, landscaping, and side fencing will screen most of the structure from public view,

There is a non-protected tree to the rear of the proposed addition's location. City arborist office has approved this location. See permit enclosed.

**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 David Cancialosi Mail Address 7105 Barnsdale way

City, State & Zip Austin Texas 78745

Printed David Cancialosi Phone 799-2401 Date Sept 27, 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 \_\_\_\_\_ Mail Address \_\_\_\_\_

City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_



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.



# Tree Ordinance Review Application

Planning and Development Review Department  
One Texas Center, 505 Barton Springs Road, 4th floor  
Phone: (512) 974-1876 Fax: (512) 974-3010  
Email: Michael.Embesl@ci.austin.tx.us Website: [www.ci.austin.tx.us/trees](http://www.ci.austin.tx.us/trees)

ROW I.D. 10493581  
Mapscio Grid 524V

## Application request\* (specify all that apply):

- ☐ Tree removal
- ☒ Development exceeding allowable standards for encroachment in the tree's critical root zone;
- ☐ Removal of more than 30% of a tree's crown.

\* Refer to Land Development Code 25-8 (B)(1) and Environmental Criteria Manual (Section 3, App. F). Applicant understands that all impacts may threaten the health of the tree and that approval of this application does not guarantee favorable tree results.

Address and zip code of property: 3112 WHITE ROCK

Name of owner or authorized agent: DAVID CANCIALOS

Building permit number (if applicable): N/A

Telephone #: 799 4401 Fax #: 573 8846 E-mail: DAVID@CIAUSTIN.COM

Type of Tree: ? Tree location on lot: REAR, WEST OF DECK

Trunk size (in inches) at 4 1/2 feet above ground: circumference (around) 20" ? or diameter (across) 13" dbh

General tree condition: ☐ Good / ☒ Fair / ☐ Poor / ☐ Dead

Reason for request: Seeking variance to locate new addition west of house, slab foundation, if approved by BOA will seek building permit.  
9/21/10

Owner/ Authorized Agent Signature

Date

- Proposed development projects should include an aerial drawing that includes the location of the tree and planned improvements (e.g. structure, driveway, utility and irrigation lines).
- This application is reviewed for tree impacts only; not for zoning or other applicable regulations. Payment (\$25 check to the City of Austin) must be made prior to City personnel completing this application. No fee is required for dead or diseased trees.

## Application Determination - To be completed by City Arborist Program Personnel

- ☐ Approved ☐ \*Approved With Conditions ☐ Denied ☐ Statutory Denial (more information required)

Comments Not a protected size tree - no permit required

☐ Heritage Tree(s) ☐ A heritage tree variance is required: ☐ Administrative / ☐ Land Use Commission

Conditions of Approval: ☐ None or ☐ As described within Arborist Comments (see above); and

- ☐ Applicant agrees to plant \_\_\_\_ caliper inches of container grown City of Austin Appendix F trees on the lot prior to obtaining a final inspection (if applicable). Trees are to have a minimum 2-inch trunk diameter. Examples include Oaks, Cedar Elm, Bald Cypress, Dessert Willow, Mountain Laurel, Texas Persimmon, Mexican Plum, etc.
- ☐ Prior to development, applicant agrees to supply an 8-inch root zone mulch layer and maintain tree protection fencing (chain-link, five-foot in height) throughout the project duration.
- ☐ Provide a receipt for remedial tree care and / or any required pruning as performed by a certified arborist.
- ☐ No impacts are permitted within the tree 1/2 Critical Root Zone (ECM 3.5.2), including trenching for utilities.

Applicant Signature

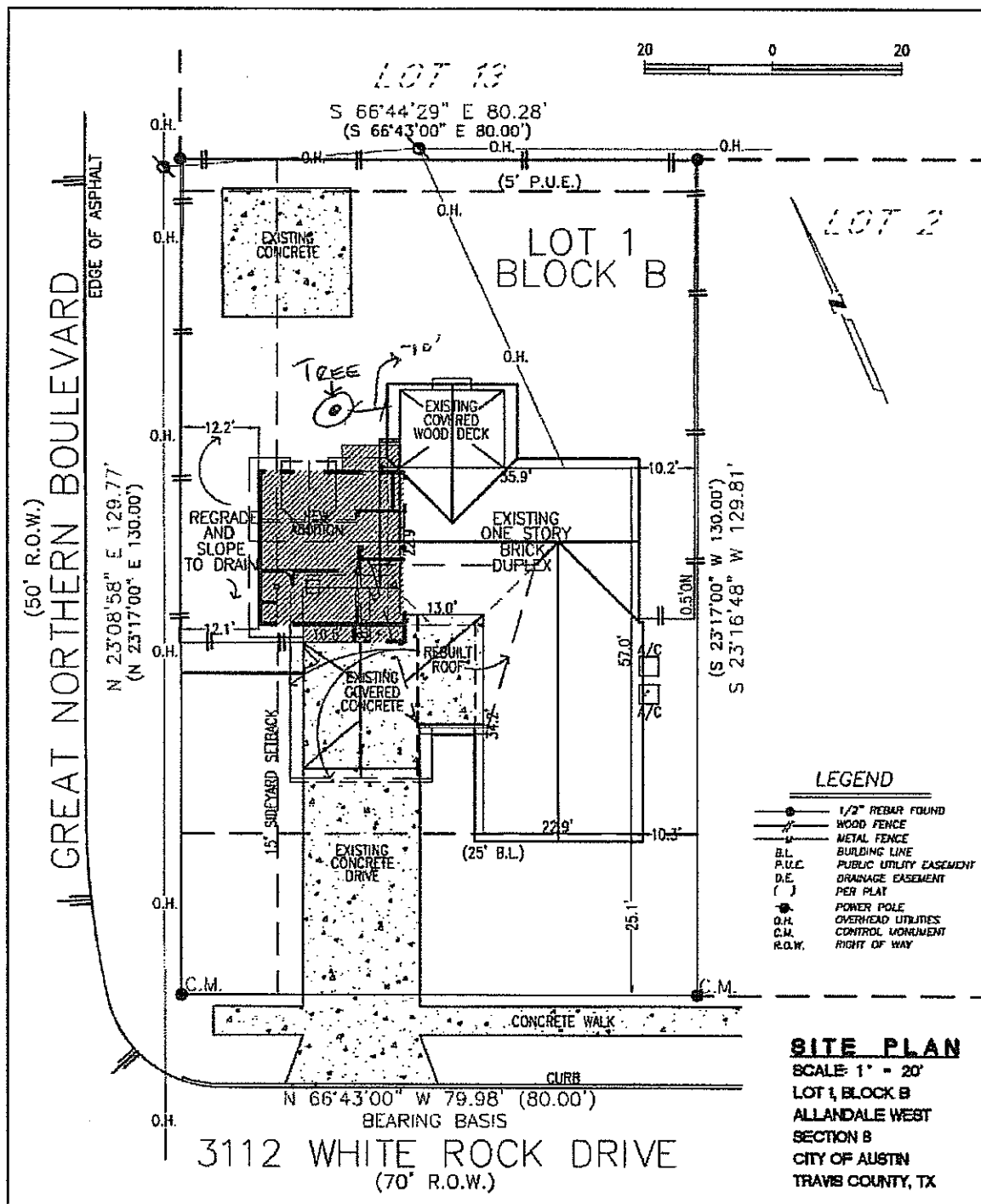
Date

City Arborist Signature

Date

Post this document on site while any proposed work is in progress.  
Conditions for approval of this application must be met within 1 year of the effective date.

Z:\DWG\MODEL\Warren\Warren\_sp.dwg, 9/9/2010 12:39:06 PM





**Long,**  
from **Robert** <Robert.Long@austinenergy.com>  
to **David Cancialosi** <david@dciaustin.com>

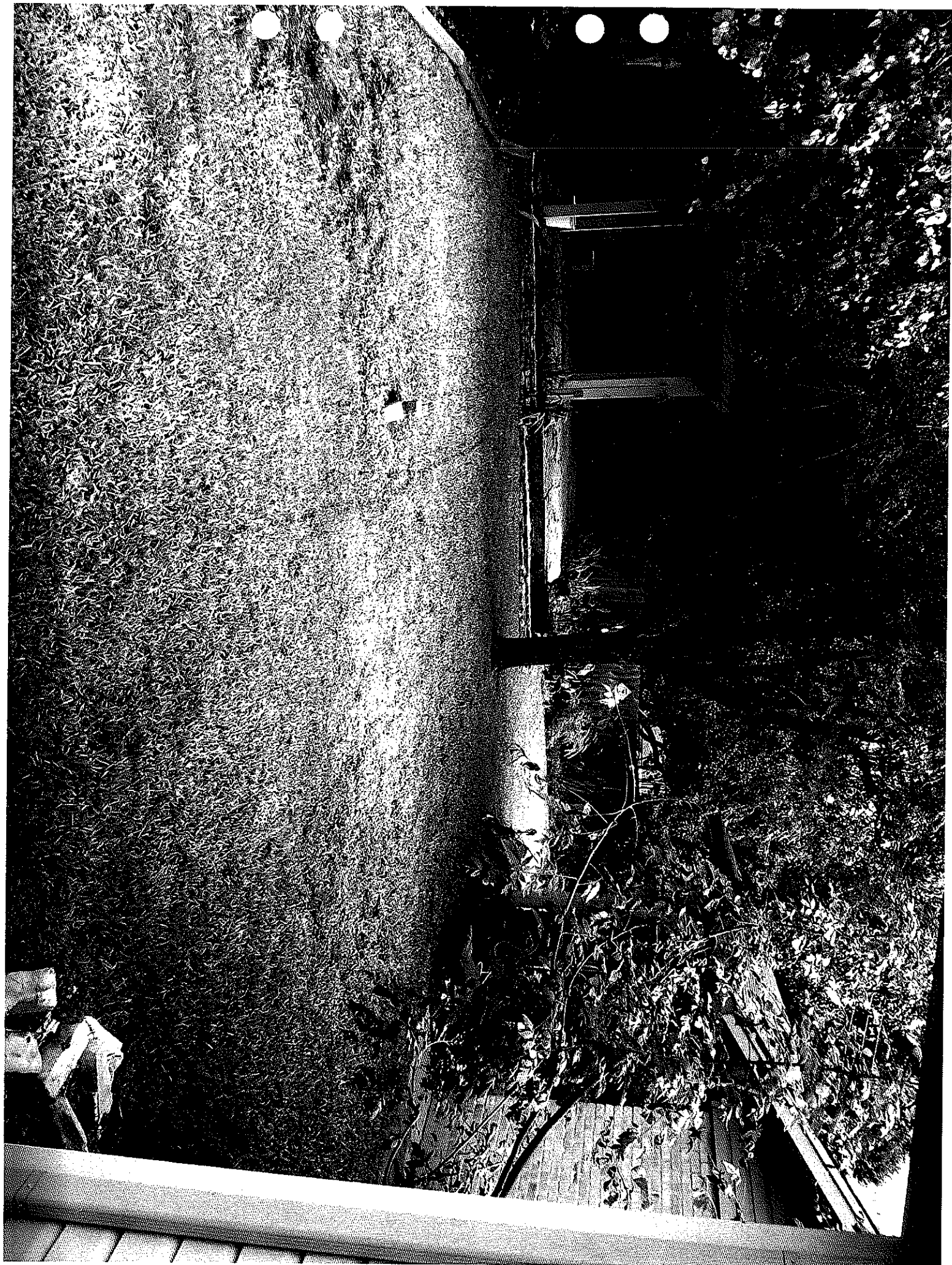
[hide details](#) Sep 21  
(6 days ago)

date **Tue, Sep 21, 2010 at 11:35 AM**  
subject **RE: 3112 White Rock Dr BOA**  
mailed-austinenergy.com  
by

David, the non-preferred location would not be approved unless the Service Drop location was changed.  
The preferred location appears to look like we would approve it without any problems.

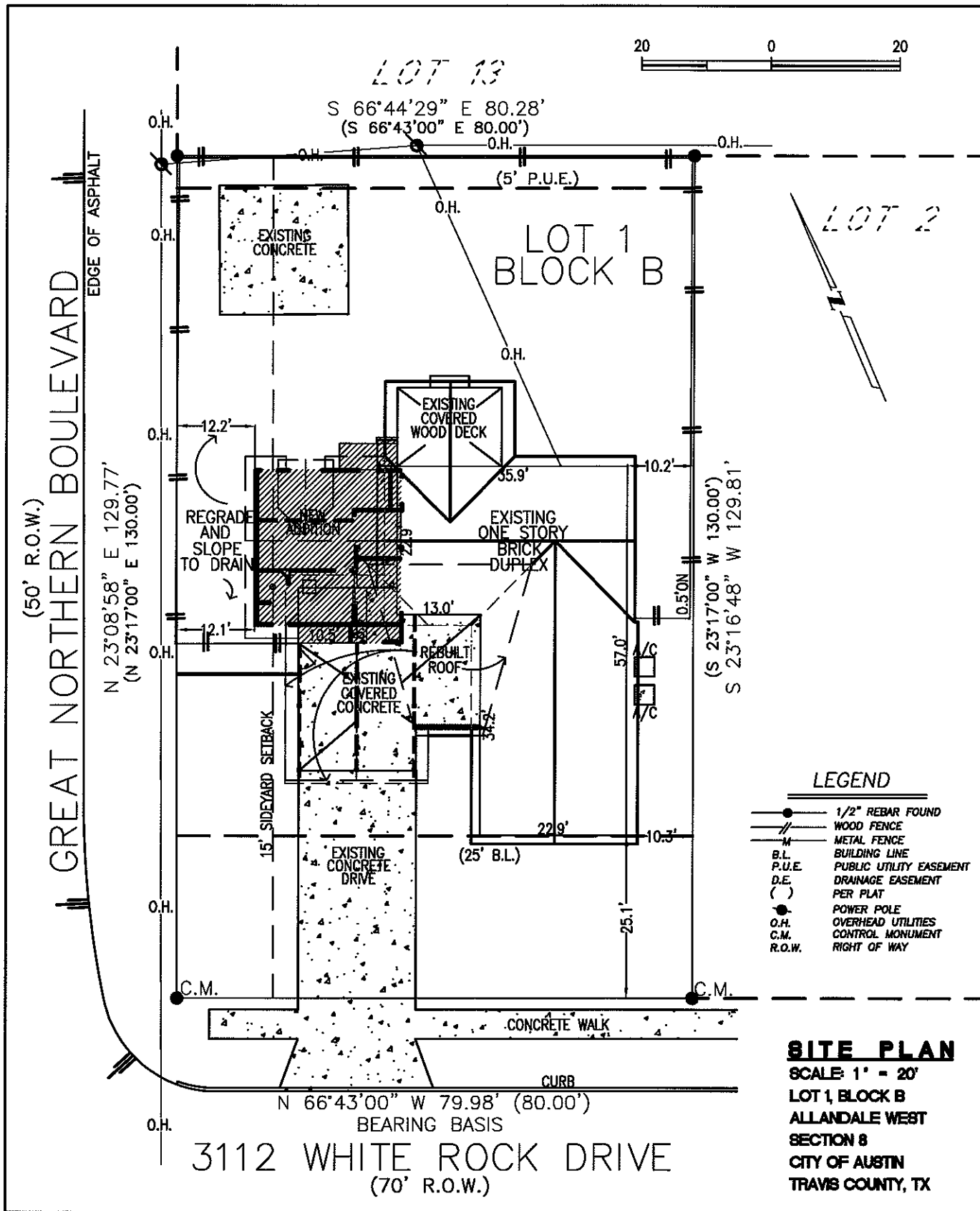
Thanks,

Robert

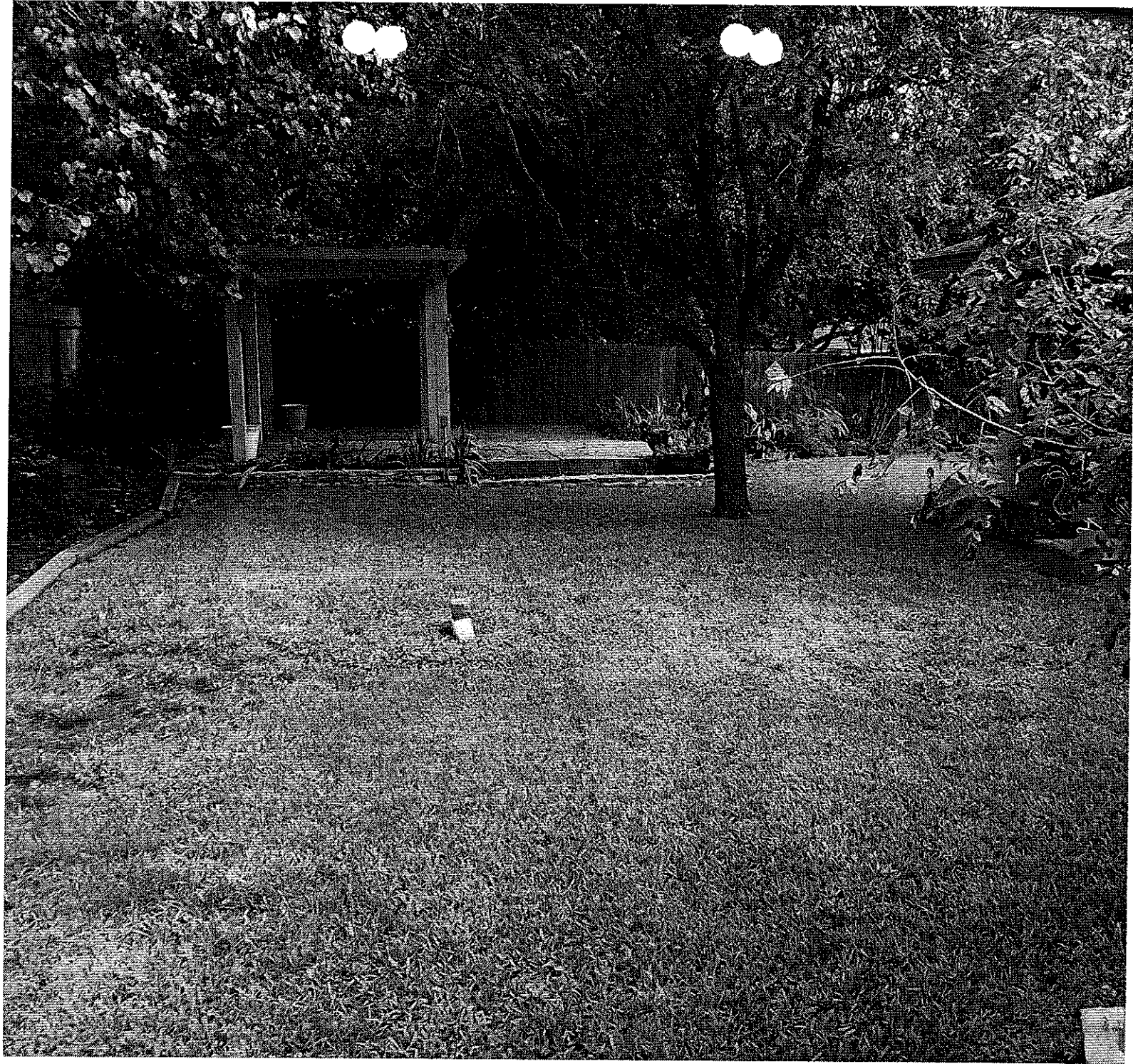






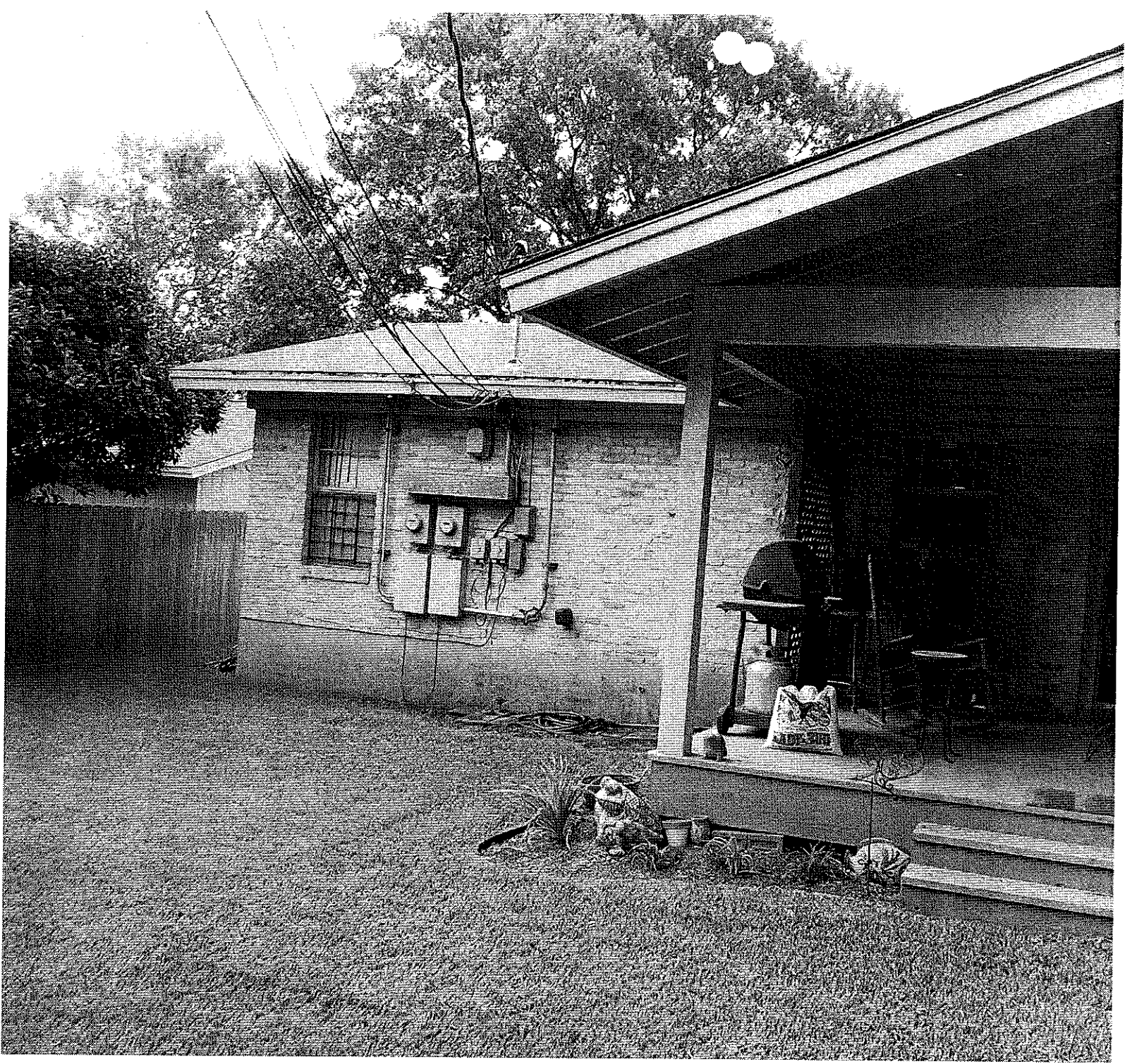




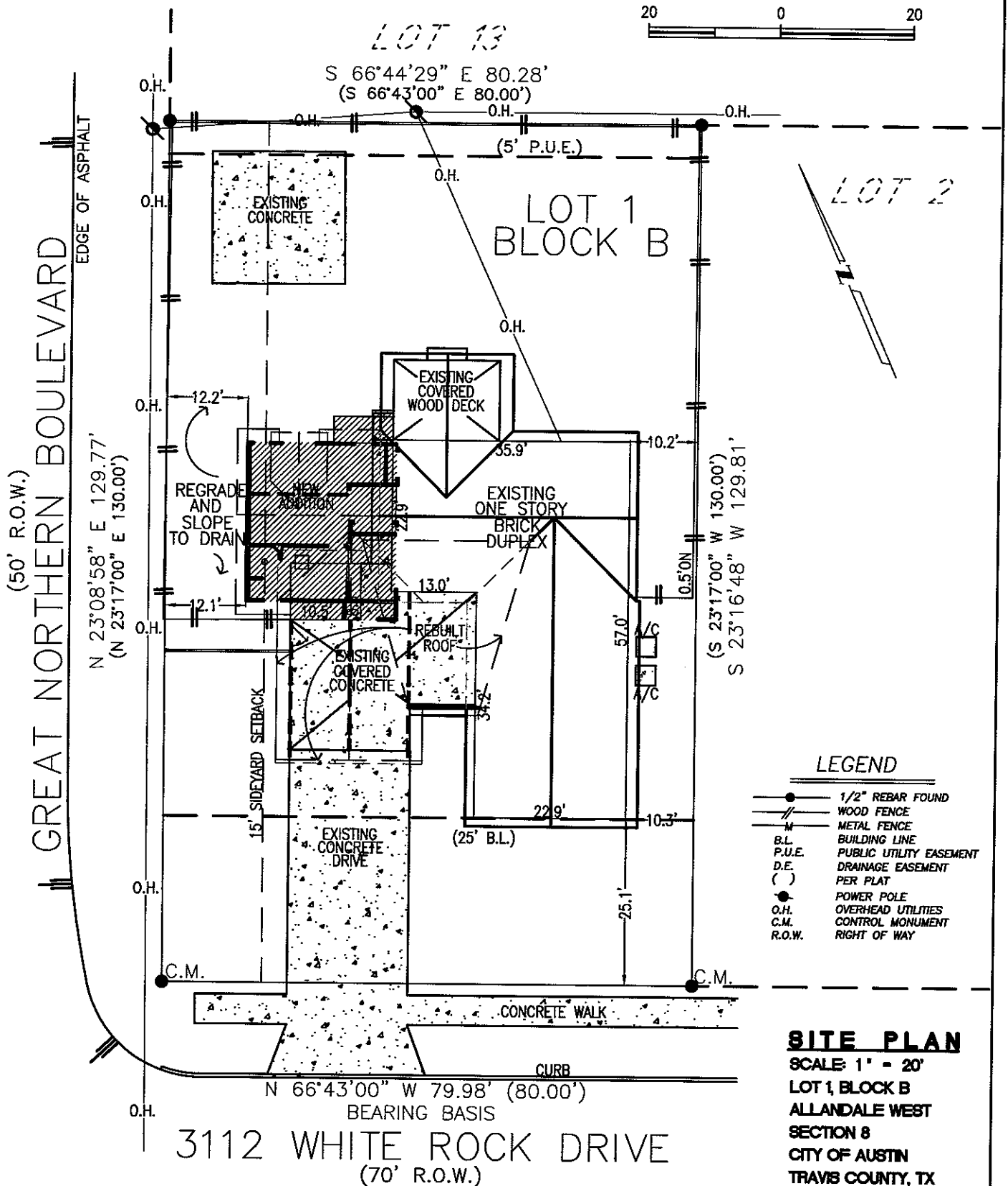














## City of Austin

Austin's Community-Owned Electric Utility

[www.austinenenergy.com](http://www.austinenenergy.com)

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

C15 2010-0116

August 19, 2010

Willa Kaye Warren  
3112 White Rock Dr, Apt B  
Austin, Texas 78757-4468  
[backupandpush@gmail.com](mailto:backupandpush@gmail.com)

Re: 3112 White Rock Dr  
Lot 1, Block B, Allandale West Section 5

Dear Ms. Warren,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the west side yard setback from 15 ft to 12 ft in order to erect an addition. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

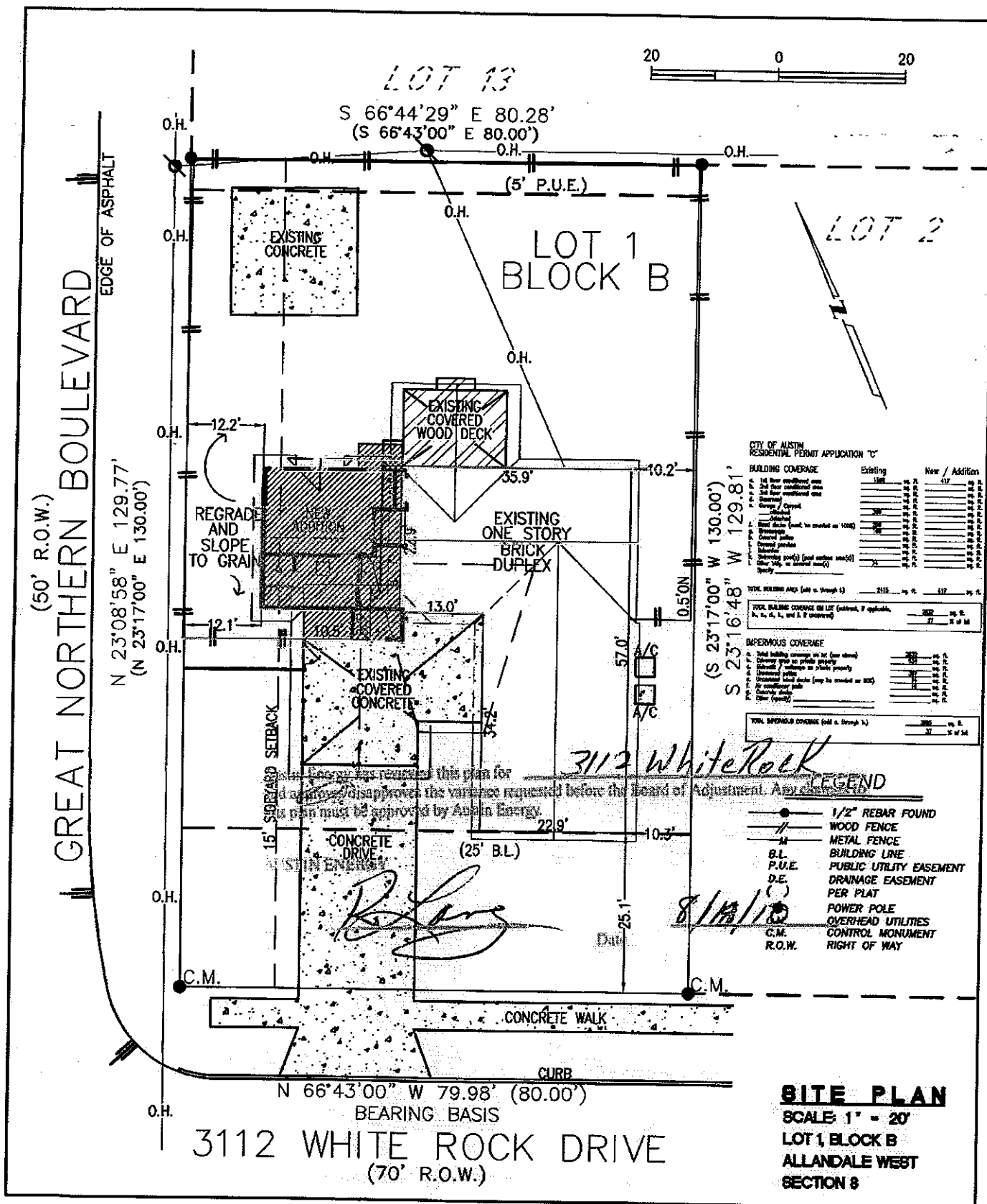
Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6522.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert K. Long, Jr.".

Robert K. Long, Jr.  
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker



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

015-2010-0116

TP-0133010540

KOW 10490883

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

STREET ADDRESS: 3112 B White Rock

LEGAL DESCRIPTION: Subdivision – Allendale West Sec 5

Lot(s) 1 Block B Outlot      Division     

I/We Willa Kaye Warren on behalf of myself/ourselves as  
authorized agent for

     affirm that on Sept 13,  
2010,

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

(check appropriate items below)

     ERECT X ATTACH      COMPLETE      REMODEL      MAINTAIN

addition to existing single story home

12' from side

Street property line

in a Allendale West Section 8 SF-2 SF-3 district.  
(zoning district)

**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:**

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

At no small expense I've had an architectural firm study the current layout of my residence with the view to expanding my home only

to learn that the current setback of 15' from the property line does not permit a modest addition to my home. It's a case of "almost" enough" and after much consideration and many sleepless nights, I've come to the conclusion that the solution to this dilemma would be a 3' variance in the setback from 15' to 12' which would allow me reasonable use of my property without compromising the zoning regulations.

**HARDSHIP:**

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

The orientation of my home to the street doesn't permit an addition in any direction except on the side facing Great Northern Blvd. All other possible options for expansion have been carefully considered and ruled out by the architects as "incompatible with the existing structure". I'm currently residing in a somewhat cramped space (9x13 master bedroom) so I'm anxious to expand my living space. The reduction from a 15' to 12' setback that I'm asking the board to approve is on the side of my property which fronts on Great Northern Blvd. The other side of Great Northern Blvd. is the Missouri-Pacific railroad right of way. I realize that one would think I'd wish to remove myself from the railroad and it's noise, not extend my home closer, but this addition will not only allow me to expand my living space but will also give me the opportunity to have my home properly sound-proofed from the railroad and the ever-increasing traffic noise on Great Northern Blvd.

---

---

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

My home is one of very few corner lots that has property available for expansion, but is limited in the direction which it can be developed. The requested 3 ft. variance in the setback would release this constraint and permit my addition.

**AREA CHARACTER:**

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:

A 3' setback variance from 15' to 12' will not alter the character of the area adjacent to the property because the adjacent property is road right of way for Great Northern Blvd. Having considered this question from every angle and after consulting with my neighbors (whom are sympathetic to my request), I don't believe changing the setback from 15' to 12' will alter the character of the adjacent area in any way at all and I'm confident that it won't impair the purpose of the local zoning regulations.

---

---

---

---

---

**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:

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

---

---

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:

---

---

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

---

---

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

---

---

**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 W. Nasby Mail Address 3571 Far West Blvd #22

City, State & Zip Austin, TX 78759

Printed W. Nasby Phone 364-4646 Date 09/14/10

**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 Willakaye Warren Mail Address 3112 B White Rock

City, State & Zip Austin, Tx. 78757

Printed Willakaye Warren Phone 512-451-2549 Date 9-13-10

## **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 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.

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.)

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. A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.

Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)

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.

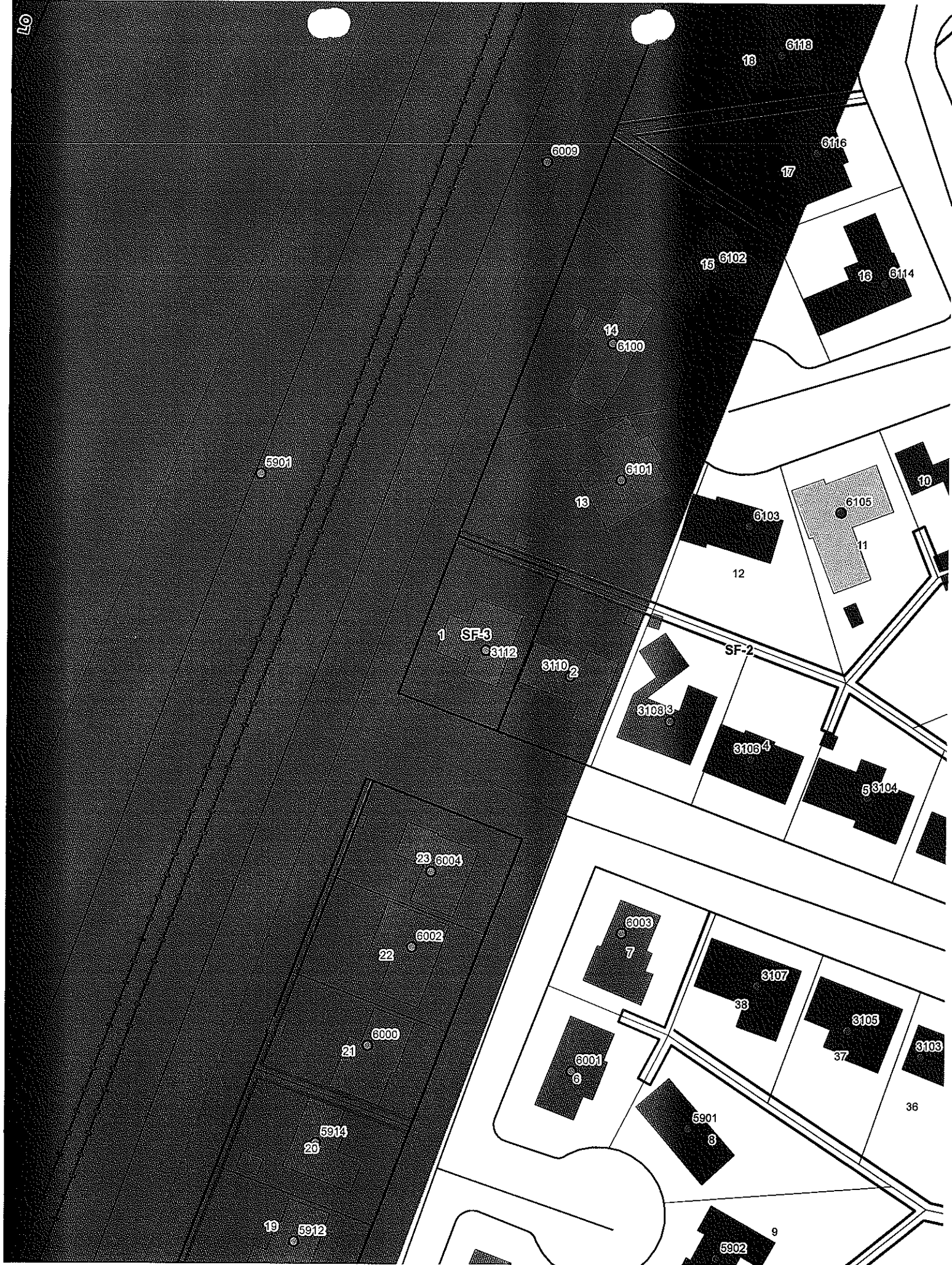
Austin Energy approval

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:**









# City of Austin

P.O. Box 1088, Austin, Texas 78767

## RECEIPT

Receipt 5451170  
No.:

Payment 09/23/2010  
Date:

Invoice 5455839  
No.:

### Payer Information

Company/Facility Name:

Payment Made By: Willa Kay Warren

3112 WHITE ROCK DR UNIT B AUSTIN TX 78757-4450

Phone No.: (512) 451-2549

Payment Method: Check

Payment Received: \$360.00

Amount Applied: \$360.00

Cash Returned: \$0.00

Comments:

CK 1989

### Additional Information

Department Name: Planning and Development Review

Receipt Issued By: Julia Lopez

### Receipt Details

FAO Codes	Fee Description	Internal Ref. No.	Address	Permit/Case No.	Amount
1000 6800 9770 4120	BOA/SRB Fee	10490883	3112 WHITE ROCK DR	2010-000114-BA	\$360.00
				<b>Total</b>	<b>\$360.00</b>

### Additional Note:

The attached photo was taken Sept. 13 of this year. This is a newly constructed stone wall located at the corner of ~~Hubbard~~ <sup>Bullard</sup> Drive and Great Northern Blvd.

I realize it's not a residence, but for all intents and purposes, it is a "permanent structure" This is a stone wall over 10' tall, built 16' closer to the center line than Ms. Warren's proposed home addition which is one block away.

I've included this photo and description in case this might assist your consideration for her variance request.

