

CASE # C15-2010-0127

ROW # 10502202

TP-02251 00402  
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: 5512 Evans

LEGAL DESCRIPTION: Subdivision – The Highlands

Lot(s) 20-21

Block 33

Outlot \_\_\_\_\_

Division \_\_\_\_\_

I Jim Wittliff / Land Answers, Inc. on behalf of myself as authorized agent for Robert T. Brandt affirm that on September 30, 2010,

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

(check appropriate items below)

\_\_\_ ERECT \_\_\_ ATTACH \_\_\_ COMPLETE \_\_\_ REMODEL X MAINTAIN

A duplex land use on a lot that contains 6,250 square feet of land area (minimum 7,000 square feet of land area required for a duplex use).

in a SF-3 - NP district.  
(zoning district)

(North Loop N.P.)

**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 property consists of two legally platted lots which are each entitled to be developed with a single family residential land use, but together, the two platted lots do not meet the minimum lot size requirement for a duplex use. The structure has been configured as a duplex since at least 1999, and the new owner would like to utilize the structure in its existing configuration.

**HARDSHIP:**

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

The property owner is elderly and lives out of state, and purchased the property for investment purposes. At the time of purchase, he relied on the Travis Central Appraisal District classification, MLS listing property data, and the physical appearance of the property, all of which showed the property to be a duplex residential use. It was not until after he purchased the property and attempted to obtain a second electric meter that he found out that the property is only authorized to support one single family residence, based on the lot size of 6,250 square feet.

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

Surrounding properties either meet minimum lot size requirements for duplex use, or are used as single family residences (many with small lot amnesty). Most surrounding property owners have properly permitted improvements, and therefore comply with City regulations.

**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:

- A) The Northloop Neighborhood Plan endorsed small lot amnesty, and the majority of surrounding lots do not meet current minimum lot size regulations.
- B) According to the adjacent property owner, this property has existed as a duplex since at least 1999 (two entry doors, two AC units, two distinct living units).
- C) This property is located at the terminus of Evans Drive, and is bordered by the Southern Pacific railroad tracts, an abandoned alleyway, and two residential properties, both of which support this variance request. The property is tucked out of the way and is barely visible from the surrounding neighborhood.
- D) This property complies with FAR requirements and impervious cover requirements for SF-3 zoning.

**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:

N/A

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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

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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

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

Sep 29 10 12:22p

Bob Brandt

501-922-4434

p. 1

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 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 \_\_\_\_\_ Mail Address 3606 Winfield Cove

City, State & Zip Austin, TX. 78704

Printed Jim Wittliff Phone 512-416-6611 Date 9/30/2010

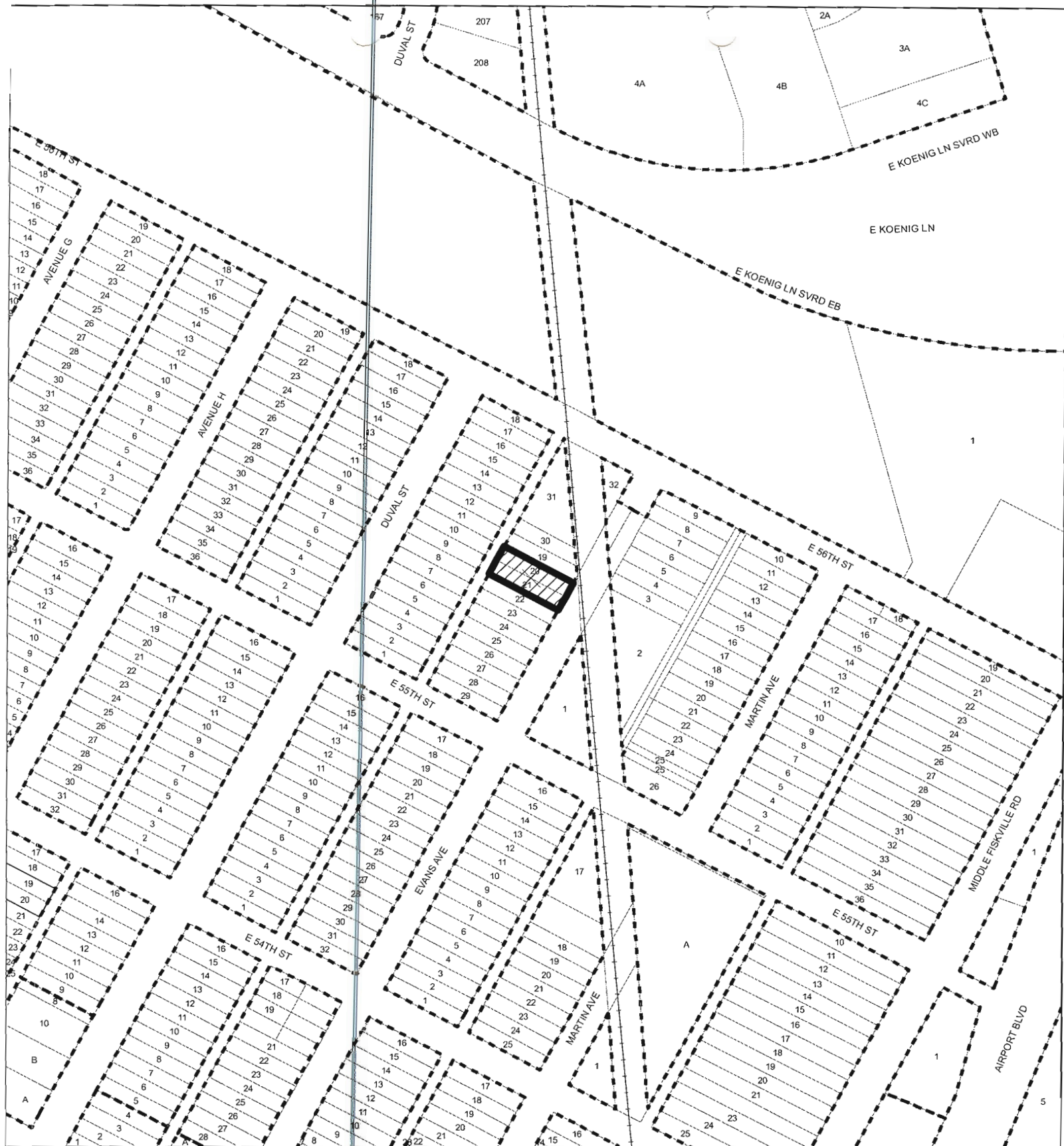
**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Robert T. Brandt Mail Address 19 Sanchez Point

City, State & Zip Hot Springs, AR. 71909

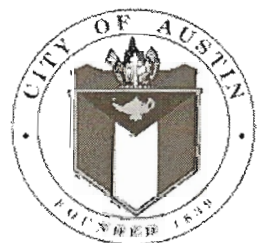
Printed Robert T. Brandt Phone 512-350-0599 Date 10/1/2010





## BOARD OF ADJUSTMENTS

CASE#: C15-2010-0127  
 LOCATION: 5512 EVANS AVE  
 GRID: K 26  
 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.

# Dixon Land Surveying SURVEY PLAT

OWNER:  
JAMES REESE AND JULIE REECE

J7051

## LEGAL DESCRIPTION:

LOTS 19, 30 AND 31, BLOCK 33, THE HIGHLANDS, AN ADDITION  
IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF  
RECORDED IN BOOK 3, PAGE 55, OF THE PLAT RECORDS OF TRAVIS COUNTY,  
TEXAS.

## THE PROPERTY SURVEYED HEREON IS SUBJECT TO:

RESTRICTIVE COVENANTS RECORDED IN 295/197 AND 870/452, DEED RECORDS AND  
3/55, PLAT RECORDS;  
WASTEWATER EASEMENT RIGHTS RECORDED IN 9088/408 AND 9251/451, REAL  
PROPERTY RECORDS;  
STORM DRAINAGE EASEMENT RIGHTS RECORDED IN 1550/223, DEED RECORDS;  
SANITARY SEWER EASEMENT RIGHTS RECORDED IN 1172/98, DEED RECORDS;  
ALL TRAVIS COUNTY, TEXAS.

State of Texas:  
County of Travis:

The undersigned does hereby certify that this survey was this  
day made on the ground on the property legally described hereon  
and is correct, and that there are no discrepancies, conflicts,  
shortages in area, boundary line conflicts, encroachments, over-  
lapping of improvements except as shown hereon, and that said  
property has access to and from a dedicated roadway, except as  
shown hereon.

Dated this the 4TH day of AUGUST, 1999.

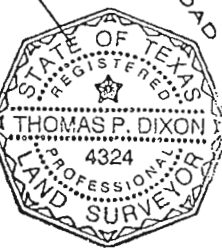
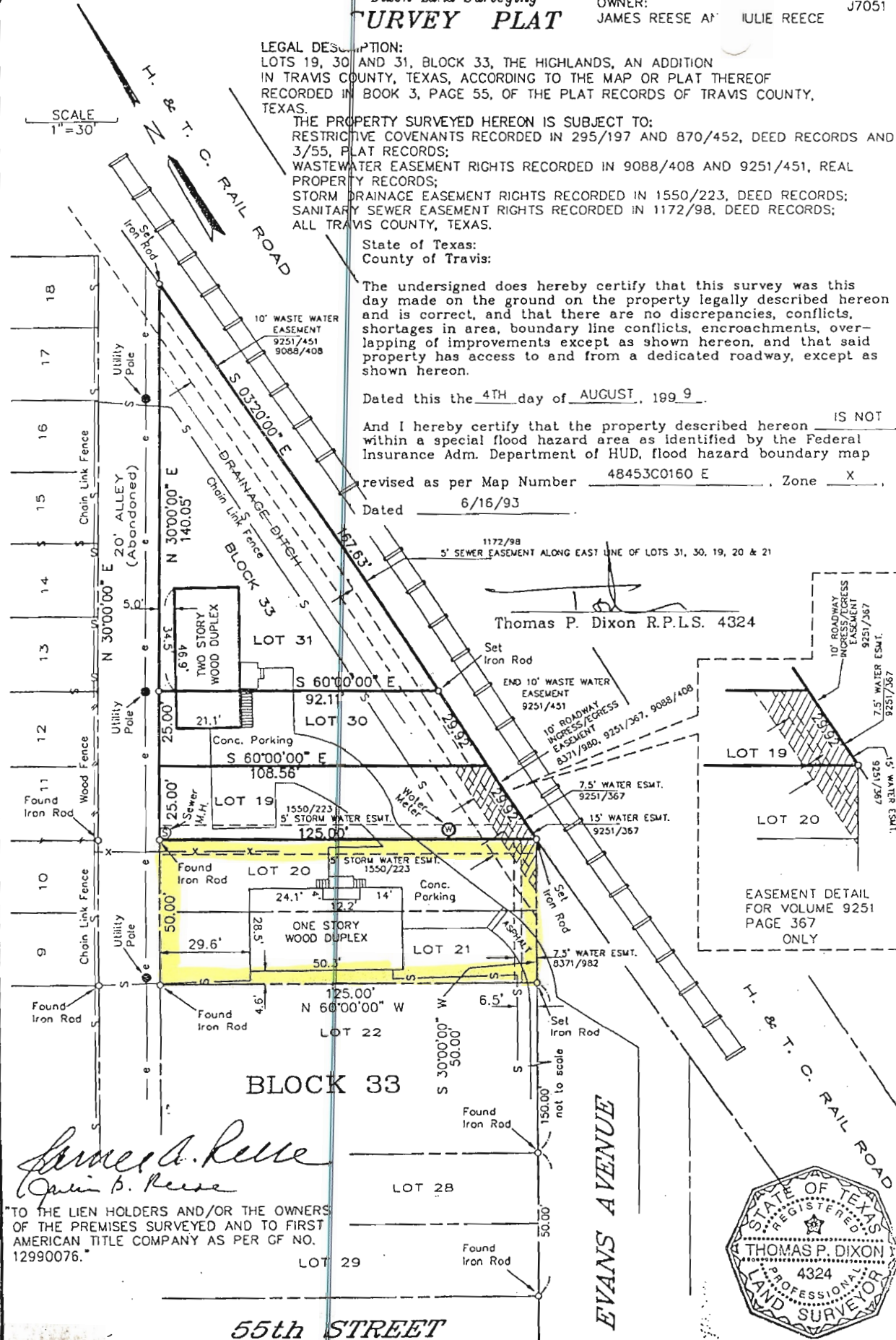
And I hereby certify that the property described hereon IS NOT  
within a special flood hazard area as identified by the Federal  
Insurance Adm. Department of HUD, flood hazard boundary map

revised as per Map Number 48453C0160 E, Zone X.

Dated 6/16/93

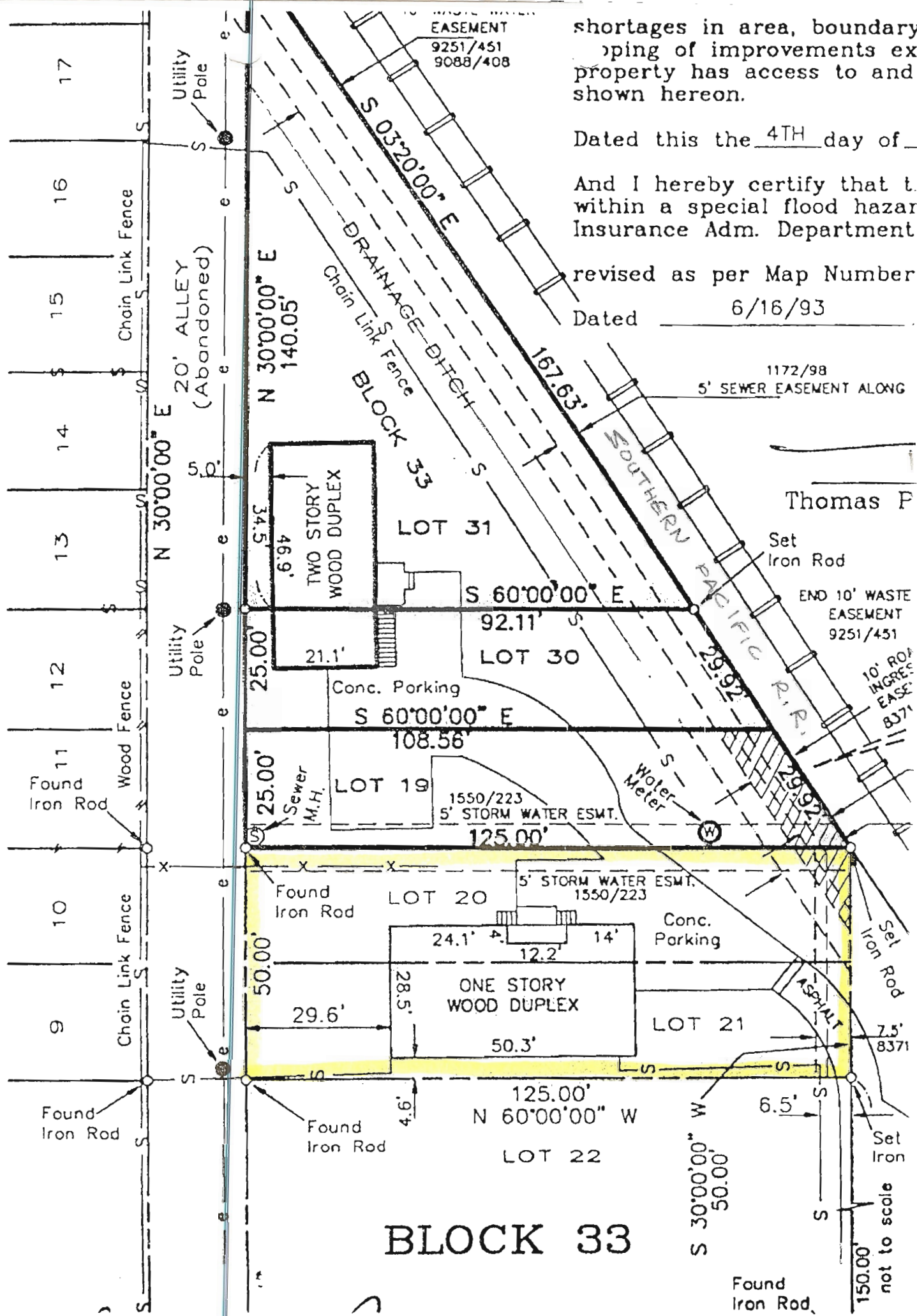
1172/98  
5' SEWER EASEMENT ALONG EAST LINE OF LOTS 31, 30, 19, 20 & 21

Thomas P. Dixon R.P.L.S. 4324





Dated 6/16/93



**5512 Evans Ave.**  
**Board of Adjustment**  
**Variance Support**

By my signature below, I want to indicate my support for Mr. Brandt's variance request for 5512 Evans Ave., which will allow him to continue to use Lots 20 and 21 for a duplex. I understand that the combined Lots 20 and 21 do not meet the City of Austin's minimum lot size requirement of 7,000 square feet for a duplex use. However, this property has existed as a duplex for more than ten years, and I feel it's continued use as a duplex is appropriate and compatible in our neighborhood.

Larry Martinez  
Printed Name

Larry Martinez  
Signature

5506 Evans Ave

Address

10-9-010

Date



**5512 Evans Ave.**  
**Board of Adjustment**  
**Variance Support**

By my signature below, I want to indicate my support for Mr. Brandt's variance request for 5512 Evans Ave., which will allow him to continue to use Lots 20 and 21 for a duplex. I understand that the combined Lots 20 and 21 do not meet the City of Austin's minimum lot size requirement of 7,000 square feet for a duplex use. However, this property has existed as a duplex for more than ten years, and I feel it's continued use as a duplex is appropriate and compatible in our neighborhood.

Julia Reese

Printed Name

[Signature]

Signature

5514 Evans

Address

10/13/10

Date



# City of Austin BUILDING PERMIT

PERMIT NO: 1983-011243-BP  
5512 EVANS AVE

Type: RESIDENTIAL Status: Final  
Issue Date: 12/14/1983 **EXPIRY DATE: 04/10/1986**

LEGAL DESCRIPTION Lot: 21 Block: 34 Subdivision: HIGHLANDS THE				SITE APPROVAL		ZONING		
PROPOSED OCCUPANCY: Move Res On Lot Repair , Remodel And Addn To**		WORK PERMITTED: Relocation				ISSUED BY:		
TOTAL SQFT	VALUATION Tot Val Rem:	\$ .00	TYPE CONST.	USE CAT. 2001	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS		METER SIZE		

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Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	96.00	12/14/1983	Electrical Permit Fee	15.00	1/25/1984	Mechanical Permit Fee	39.00	3/6/1984
Plumbing Permit Fee	15.00	2/23/1984						
<b>Fees Total:</b>	<b>165.00</b>							

<b>Inspection Requirements</b>			
Building Inspection	Electric Inspection	Mechanical Inspection	Plumbing Inspection
Sewer Tap Inspection	Water Tap Inspection		

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.  
**City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.**

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

<b>Comments</b> **Res Create Carports W112804 Wg38668 Smoke Detector Required Ok By Hersch*** Set New/Lp Overhd When Clr
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By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



# City of Austin BUILDING PERMIT

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TOTAL SQFT	VALUATION Tot Val Rem: \$ .00	TYPE CONST.	USE CAT. 2001	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS		METER SIZE	

Type	Date	Status	Comments	Inspector
101 Building Layout	12/27/1983	Pass	MIGRATED FROM PIER.	
102 Foundation	7/6/1984	Pass	MIGRATED FROM PIER.	
103 Framing	3/12/1984	Fail	MIGRATED FROM PIER.	
104 Insulation	3/12/1984	Fail	MIGRATED FROM PIER.	
105 Wallboard	3/12/1984	Fail	MIGRATED FROM PIER.	
112 Final Building	4/10/1986	Pass	MIGRATED FROM PIER.	
611 Water Tap	12/2/1984	Pass		