

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).

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CASE # C15-2010-0145
ROW # 10513596
TP-0137340205

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: 3013 Edgewater Drive

Deleted: 103

LEGAL DESCRIPTION: Subdivision - Lake Austin Estates Section 1

Lot(s) 1 Block 34 Outlot Division

I/We Allen Edward Clauss on behalf of myself/ourselves as authorized agent for

owner affirm that on November 9, 2010,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

Replace an existing non-complying wall that sits within the street side setback.

in a LA district.
(zoning district)

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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 house was built before the City of Austin annexed the property. It is a narrow lot and the side of the house sits within the street side setback. The original plans called for a portion of that wall to remain with minor changes to doors and windows. However, the wall had extensive termite damage that was discovered during construction and needed to be replaced. Current rules do not allow for that wall to be replaced in its entirety. Construction cannot continue and the house cannot be lived in without this wall being replaced to make the house structurally sound.

HARDSHIP:

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

1. Extensive termite damage to the wall in question was discovered during the renovation process. This damage was not known until the construction process revealed the damage during the removal of doors and windows that were to be replaced. At that time the wall was opened up further to discover the extent of the termite damage. That revealed that the entire wall needed to be replaced. Without replacing that wall, the house would not be structurally sound, safe for construction to continue or safe to continue to live in.

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2. The city passed the layout inspection even though the wall had been removed and replaced. The issue was discussed with the city at the time of the layout inspection. Because the wall was replaced and rebuilt in the exact same location, the inspector passed the inspection and allowed construction to continue. Construction was stopped at a later point and the City reported that the layout inspection should not have been passed.

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3. The contractor was unaware that he was not permitted to remove the wall in question. He just assumed that because this wall had extensive termite damage, removing the wall was the prudent course of action from a structural integrity and ethical standpoint.

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4. When the construction permit was issued, it was incorrectly coded by the City. Consequently, the actual scope of the project according to the City-approved architectural plans does not coincide with how the permit reads. This discrepancy has caused unnecessary confusion and delays in terms of the inspection process.

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

This is an isolated incident to this house. Had the termite damage not been present the wall would not have needed to be replaced and the construction process would have been in compliance with the original permit.

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 wall was replaced in the exact same location that it was previously located. The character to the house and neighborhood will remain the same.

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:

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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:

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  Mail Address 3013 Edgewater Dr.

City, State & Zip
Austin TX 78733

Printed Allen E. Clauss Phone 512-699-1166
Date November 9, 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 3013 Edgewater Dr.

City, State & Zip
Austin TX 78733

Printed Allen E. Clauss Phone 512-699-1166
Date November 9, 2010

allen.clauss@gmail.com

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

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(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.

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) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) 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.
- (5) Austin Energy approval

Deleted: <#>A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).

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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.

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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

Planning and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor

**Deleted: Watershed Protection and
Development Review Department**

Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088

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BOARD OF ADJUSTMENTS



 SUBJECT TRACT

 ZONING BOUNDARY

CASE#: C15-2010-0145
LOCATION: 3013 EDGEWATER DRIVE
GRID: C29
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.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	26.19'	39.14'	35.59'	S 50°51'51" E	85°36'57"
C2	120.86'	68.93'	68.00'	N 23°18'00" W	32°40'40"

Harris
GRANT
SURVEYING, INC.

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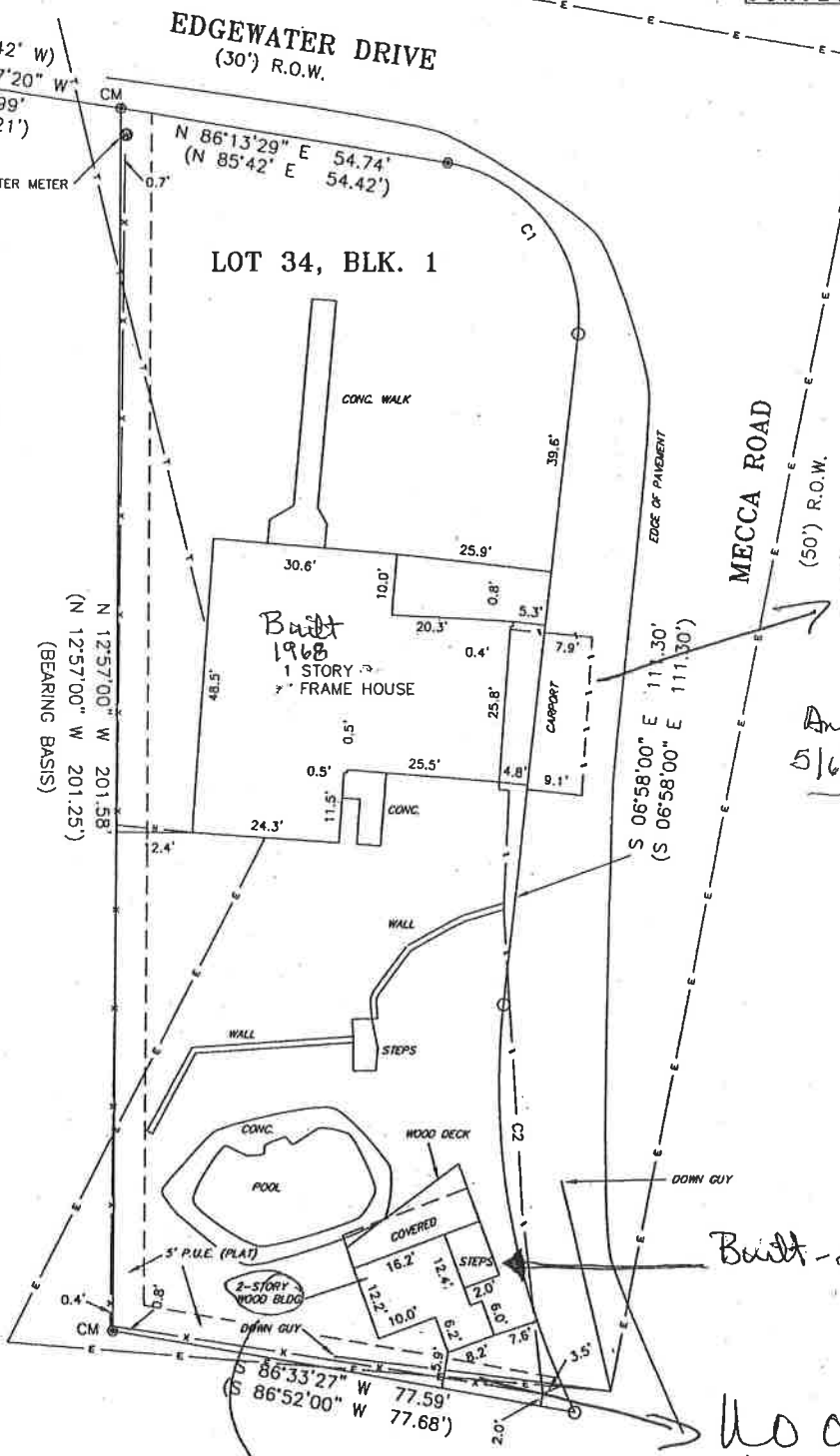
- MAP SYMBOLS:
- X BARBED WIRE FENCE
 - CHAIN LINK FENCE
 - WOOD BOARD FENCE
 - UTILITY LINE
 - P.U.E. PUBLIC UTILITY EASEMENT
 - B.L. BUILDING LINE
 - 1/2" REBAR FOUND
 - 1/2" REBAR SET, CAPPED "HARRIS GRANT"
 - ⊙ IRON PIPE FOUND
 - (CM) CONTROL MONUMENT
 - D.E. RECORD DATA FROM PLAT BK. 9, PG. 34
 - R.O.W. DRAINAGE EASEMENT
 - ⋆ RIGHT-OF-WAY POWER POLE

PLAT NORTH
SCALE: 1" = 20'



1700 S. LAMAR, #332
AUSTIN, TEXAS 78704
(512)444-1781

James M. Grant
JAMES M. GRANT, RPLS 1919
DATE: OCT. 13, 2009



built prior to annexation in 1968.
Annex 5/6/82.

Built - 2002:

No overhang into easement

10' Required

NOTE: THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THEREFORE, THERE MAY BE EASEMENTS AND OR RESTRICTIONS NOT SHOWN HEREON.

BOUNDARY AND AS-BUILT SURVEY OF
LOT 1, BLOCK 34, AUSTIN LAKE ESTATES SEC. ONE
(PLAT BOOK 9, PG. 34)
LOCATED AT 3013 EDGEWATER DRIVE

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

DATE: Monday, June 14, 2010

CASE NUMBER: C15-2010-0058

- Y ___ Jeff Jack
- Y ___ Michael Von Ohlen **Motion to GRANT**
- Y ___ Nora Salinas
- N ___ Bryan King
- Y ___ Leane Heldenfels, Chairman **2nd the Motion**
- Y ___ Clarke Hammond, Vice Chairman
- Y ___ Heidi Goebel

APPLICANT: Allen Clauss

ADDRESS: 3013 EDGEWATER DR

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 5.9 feet in order to maintain an accessory structure for a single-family residence in an "LA", Lake Austin zoning district.

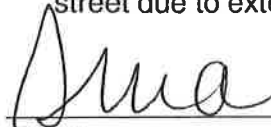
The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 7.6 feet in order to maintain an accessory structure for a single-family residence in an "LA", Lake Austin zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with an amendment provided that the structure be brought up to code at any way that is needed structures within a setback, Board Member Leane Heldenfels second on a 6-1 vote (Bryan King nay); **GRANTED.**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: lot is odd-shaped, narrow and sloped
2. (a) The hardship for which the variance is requested is unique to the property in that: due to topo and location and shape of lot unique to property

(b) The hardship is not general to the area in which the property is located because: property is irregular shaped lot compared to other lots in the neighborhood and the location in the corner
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: partially concealed from the street due to extensive foliage


Susan Walker
Executive Secretary


Leane Heldenfels
Chairman

Stroope Pest Control of Austin, Inc.

P.O. Box 142483 • Austin, TX 78714-2483
(512) 836-3762 • (800) 969-6153 • Fax (512) 836-8750

SUSAN

C15-2010-0145

November 12, 2010

Allen Clauss
2003 Cochise Trail
Austin, Texas 78733

Mr. Clauss,

Troy Richardson (CA 42727 PT) inspected exposed portions of an exterior wall at 3013 Edgewater Drive, Austin, Texas 78733 on July 23, 2010 for subterranean termites. Significant termite damage was noted in the exposed areas of the wall adjacent to the carport. No active termites were visible at the time of the inspection. No termite bid was given due to ongoing construction.

Please call if you have additional questions or concerns.

Sincerely,



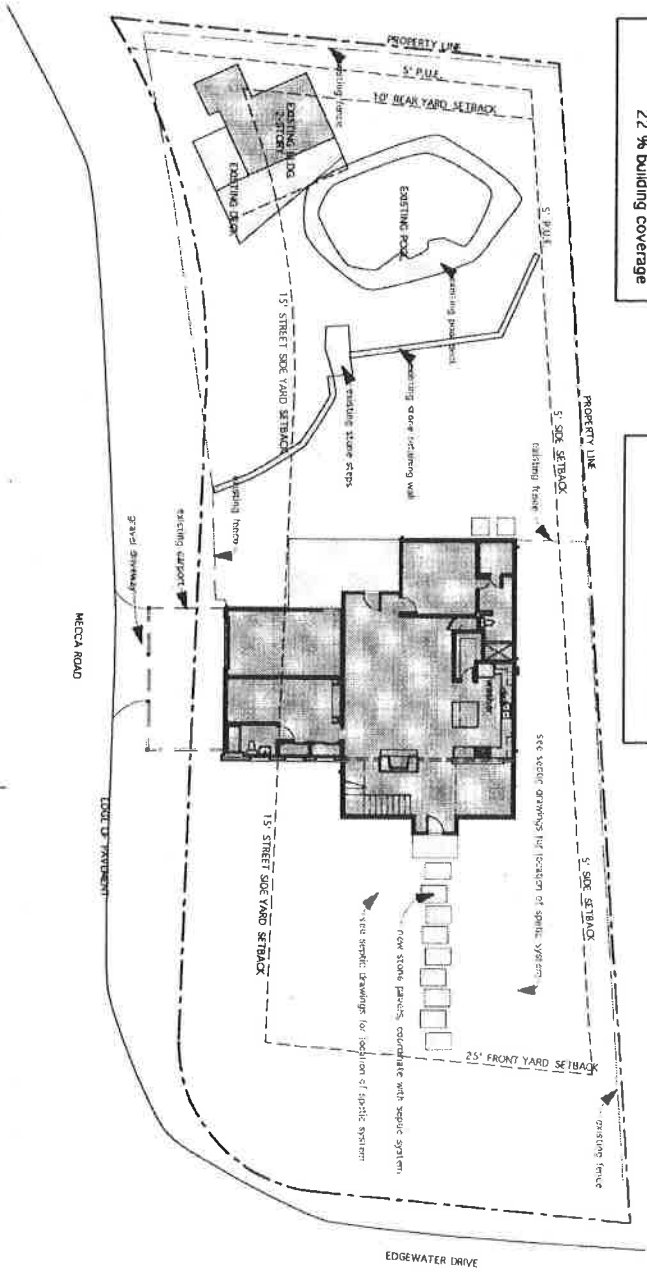
Kelly Stroope, CA 42144 PTL
Stroope Pest Control of Austin, Inc.

We, the undersigned, as neighbors of 3013 Edgewater Drive, acknowledge that we are aware and do not object to the removal and replacement of the existing non-compliant wall adjacent to the carport on Mecca Drive due to previous termite damage. We also acknowledge that the wall in question has been replaced in the exact location of the previous non-compliant wall.

Janie Pless	3118 EDGEMERE DR.
Isa Corral	3012 Edgewater
Brian Yancy	3015 Edgewater
Foster Lalye	3105 Edgewater Dr.
M	3107 Edgewater Dr.
Kelly Manzano	3014 Edgewater Drive
John + Johnnie Bryan	3014 EDGEMERE DR
Lauri Baum Moehring	3121 Edgewater Dr.
Grand Koch	9900 La Jolla Dr.
Carol Robinson	3008 Edgewater Dr.

building coverage	
lot size:	14,533 sf
imperVIOUS cover:	
conditioned building:	1898 sf
garage & carport:	616 sf
covered patio/porch:	235 sf
pool:	155 sf
total:	3150 sf
22 % building coverage	

imperVIOUS cover	
lot size:	14,533 sf
imperVIOUS cover:	
building coverage:	3150 sf
pool deck:	155 sf
walkways, stone wall, misc.:	774 sf
total:	4079 sf
28 % imperVIOUS cover	



1 site plan
Scale: 1/32" = 1'-0"



May 3, 2010

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Clauss Residence
3013 Edgewater Dr.
Austin, Texas 78733

Kate Tart Architecture
Austin, Texas
Tel: 512 968 2285
www.katertart.com

May 3, 2010
site plan
A1.0

