

D3/1

CASE # C15-2010-0134
ROW-10513041
TP-0152440144

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: 12912 Park Drive

LEGAL DESCRIPTION: Subdivision – Hughes Park Lake, Sub. # 1

Lot(s) 77 Block A Outlot _____ Division _____

I Jim Bennett as authorized agent for Fred Purcell

_____ affirm that on 9/27, 2010, hereby apply for a hearing before the

Board of Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

(east) A garage providing a side yard setback of 4.46 ft.; a swimming pool deck providing side yard setbacks of 0 ft.; a carport providing a front street setback of 10.3ft and a side yard setback of 3.9 ft; a wall (fence) height of 8ft. 6 ; and providing a side yard of 4.9 feet for the residence. (west)
in a SF-2 district. east & west (west)
(zoning district)

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 Christine Esparza with Austin Energy at 322-6112 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.

03/2

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 improvements are complete and in most cases the amount of variances are minimal caused by the topography, terrain and the shape of the frontage of the lot.

HARDSHIP:

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

The extreme topographic conditions of the site The site slopes approximately 70 ft. from the front of the lot to the rear. The sharp angle of the front property line. The sever drop at the front property line and the relocation of the street

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

This site is developed and the flat surface portion of this lot is where the house is constructed. The street was not relocated in the front of other lots in the 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:

Due to the topography of the site the roof of the carport structure is almost non-visiable from off the property, as is the garage and other encroachment Due to the courtyard walls and walls on adjoining properties the minimal amount of variances the variances would have little or no affect on the character of the area.

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:

D3/3

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 Jan Bennett Mail Address 11505 Rudge Dr. Austin, TX
City, State & Zip Austin, TX 78748
Printed Jan Bennett Phone 282-3029 Date 3/26/09

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 Fred Purcell Mail Address 12912 Park Dr.
City, State & Zip Austin, TX 78732
Printed Fred Purcell Phone 784-4920 Date 3-23-09

03/4

City MSJ

EX B - the bill file for the enactment of new legislation in 2003, Sec 211.016, which was added to Subchapter A, Ch. 211, Local Gov Code by HB 1207; applicability of the new law is addressed in SECTION 2.3:

(a) This act takes effect Sept 1, 2003.

(b) The change in law made by the Act applies only to a resid. subdiv plat approved by a municipality on or after the effective date of this act. A residential subdiv plat approved by a municipality before the effective date of this act is governed by the law in effect when the plat was approved, and the former law is continued in effect for that purpose.

Permits expired

1) driveway pad

2) garage

3) ~~the~~ none for carport

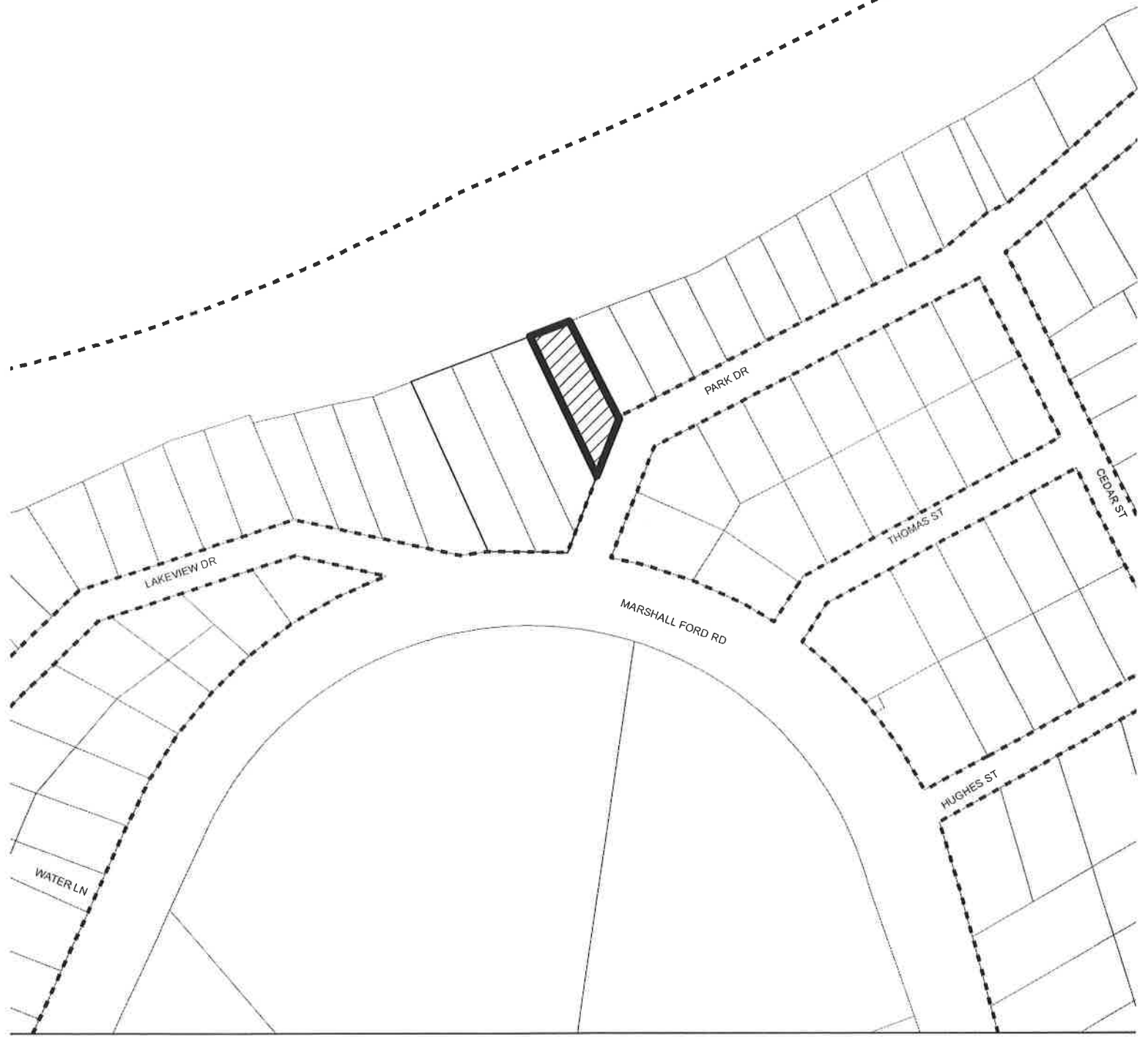
no permit for

1) deck

2) carport



3) well

D3/5



BOARD OF ADJUSTMENTS



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2010-0134
LOCATION: 12912 PARK DR
GRID: B33
MANAGER: SUSAN WALKER

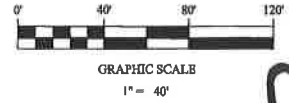


This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

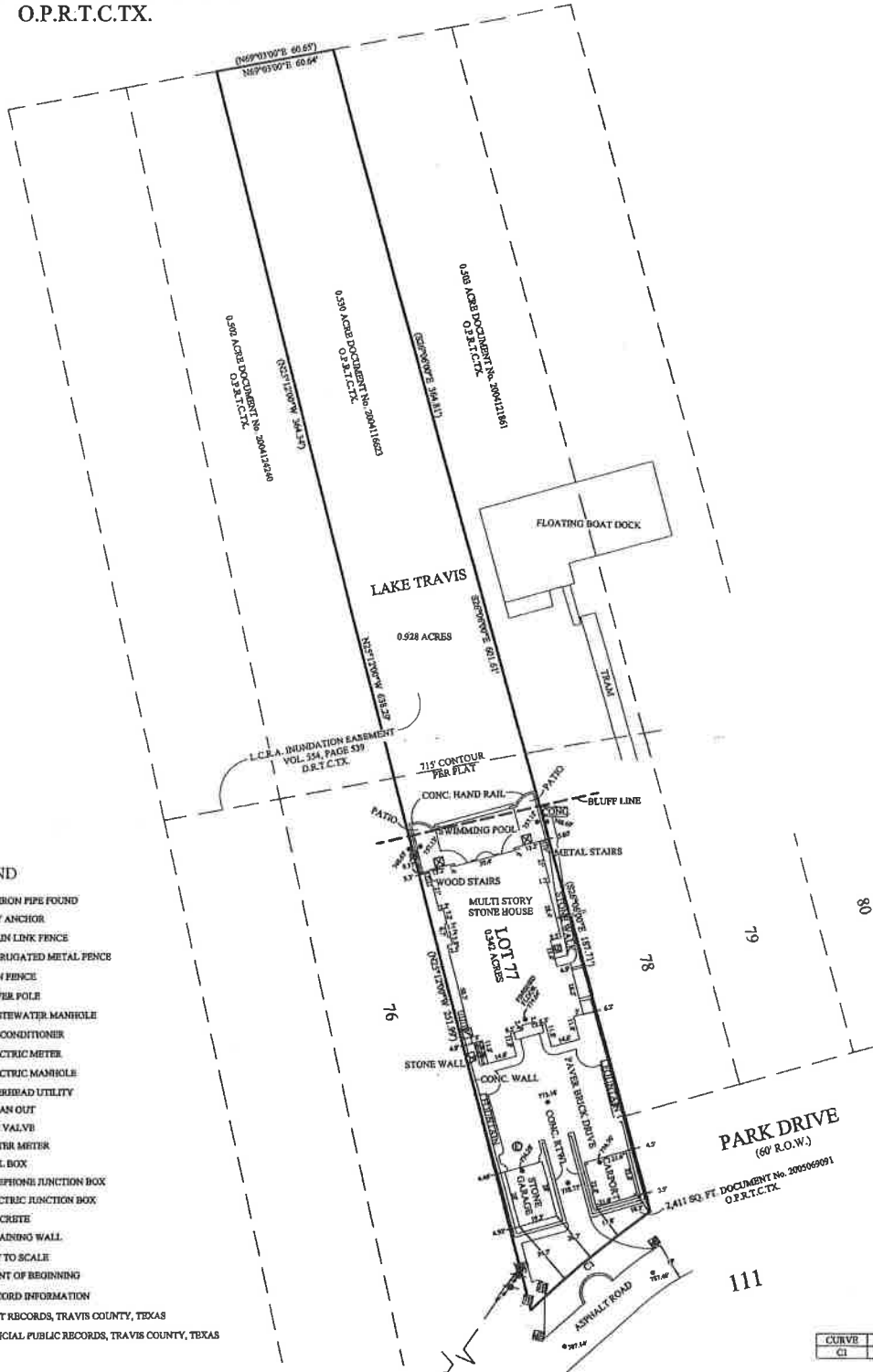
EXHIBIT

PURCELL PROPERTY
 LOT 77 HUGHES PARK SUBDIVISION No.1
 VOLUME 4, PAGE 64 P.R.T.C.T.X.
 0.530 ACRE, DOC. No. 2004116623
 2,411 SQ. FT. DOC. No. 2005069091
 O.P.R.T.C.T.X.

DALLAS & WICHITA R.R. Co.
 SURVEY NO. 73, ABSTRACT No. 241
 TRAVIS COUNTY, TEXAS
 SEPTEMBER 2010



D3/6



LEGEND

- 3/4" IRON PIPE FOUND
- ⊥ GUY ANCHOR
- CHAIN LINK FENCE
- - - CORRUGATED METAL FENCE
- IRON FENCE
- ⊙ POWER POLE
- ⊙ WASTEWATER MANHOLE
- ⊙ AIR-CONDITIONER
- ⊙ ELECTRIC METER
- ⊙ ELECTRIC MANHOLE
- - - OVERHEAD UTILITY
- ⊙ CLEAN OUT
- ⊙ GAS VALVE
- ⊙ WATER METER
- ⊙ MAIL BOX
- ⊙ TELEPHONE JUNCTION BOX
- ⊙ ELECTRIC JUNCTION BOX
- CONC. CONCRETE
- RTWL RETAINING WALL
- N.T.S. NOT TO SCALE
- P.O.B. POINT OF BEGINNING
- () RECORD INFORMATION
- P.R.T.C.T.X. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T.X. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

LINE	BEARING	DISTANCE
1.1	S34°09'00"W	91.15'

CURVE	RADIUS	ARC	CHORD	BEARING	DELTA
CI	535.00'	77.07'	77.61'	N40°02'14"E	08°12'15"

BEARING BASIS: TWO 3/4" IRON PIPES FOUND ON THE COMMON LINE OF LOT 76 AND 77, HELD CALLED BEARING OF N 25°12' W

I, JOHN C. NIELSEN, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS EXHIBIT WAS PREPARED FROM AN ON THE GROUND SURVEY OF THE PROPERTY SHOWN HERON DURING NOVEMBER 2007 AND SEPTEMBER 2010, UNDER MY DIRECTION AND SUPERVISION.



John C. Nielsen
 JOHN C. NIELSEN
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 5541 STATE OF TEXAS

Delta Survey Group Inc.

8213 Brodie Lane Ste. 102 Austin, TX. 78745
 office: (512) 282-5200 fax: (512) 282-5230
 WWW.DELTASURVEYGROUP.COM

QUAD MANSFIELD
 PROJECT LOT 77 PARK DRIVE
 DWG. EXHIBIT