

CASE # C15-2010-0146

ROW-10513102

TP-02-0014-0221

**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: 4711 Red Bluff Rd**

**LEGAL DESCRIPTION: Subdivision – BEING TRACT 2 OF LAND OUT OF THE J.C. TANNEHILL LEAGUE, TRAVIS COUNTY, TEXAS FILED AND RECORDED IN TRAVIS COUNTY DOCUMENT # 2001033128**

Lot(s) n/a Block n/a Outlot n/a Division n/a

I/We MANUEL GARCIA on behalf of myself/ourselves as authorized agent for

MANUEL GARCIA affirm that on OCTOBER 29, 2010.

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

**PLACE A STRUCTURE THAT ENCROACHES ON THE 5FT. SIDEYARD SETBACK OF 4713 RED BLUFF RD TO 2 FEET 6 INCHES**

in a CS-MU-CO-NP district. ~~WE ARE ALSO ASKING TO ENCROACH WITHIN THE 50% ROOT ZONE OF A 31" PECAN TREE~~ - NOT A BOA Request  
(zoning district)

SF-3-NP (Govalle)

If your variance request is for a reduction in setbacks or height limits, please contact Christine Esparza with the Electric Utility at 322-6112 before filing your application with this office to discuss your request. The Electric Utility will recommend the board deny your request if it will result in an encroachment into an electric easement or a NESC violation.

**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 LOT HAS A LARGE PECAN TREE , OAK TREE AND A BLUFF LINE THAT MAKE IT DIFFICULT TO PLACE A RESIDENTIAL STRUCTURE ON THE LOT WITHOUT VARIANCES ASSOCIATED WITH A STORM SEWER EASEMENT AND THE EXISTING TREES

**HARDSHIP:**

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

THE EXISTING LOT HAS A LARGE PECAN TREE , AN OAK AND A REAR BLUFF LINE ASSOCIATED WITH A FLOODPLAIN THAT MAKE IT DIFFICULT TO PLACE A SINGLE FAMILY STRUCTURE ON THE LOT. IN ADDITION THERE IS AN EXISTING STORM SEWER EASEMENT THAT TRAVERSES THE LOT AND DOES NOT FOLLOW HISTORICAL PLACEMENT OF UTILITIES ALONG COMMON PROPERTY LINES..

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

ADJACENT PROPERTY OWNERS DO NOT HAVE LARGE TREES AND A STORM SEWER LINE THAT WAS RECORDED BY SEPARATE INSTRUMENT BISECTING THE LOT MAKING THE PLACEMENT OF A STRUCTURE DIFFICULT WITHOUT A VARIANCE.

**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:

I HAVE A LETTER OF SUPPORT FROM THE ADJACENT PROPERTY OWNER. WE DO NOT BELIEVE THIS REQUEST FOR THE VARIANCE WILL ALTER THE CHARACTER OF THIS NEIGHBORHOOD SINCE WE ARE PROPOSING TO CONSTRUCT A SINGLE FAMILY HOME ON THE LOT.

**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:

N/A

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**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

5504 Stuart Circle

alitca.garcia@yahoo.com

Austin TX 78723

City, State & Zip Austin, Texas 78741

Printed Manuel Garcia Phone 512-945-4728 Date 10/29/10

**OWNER's 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 5504 Stuart Circle

City, State & Zip Austin, Texas 78723

Printed ~~Mano~~ Garcia Phone: 945-4728 Date 10/29/10

*Manuel*

### **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:**

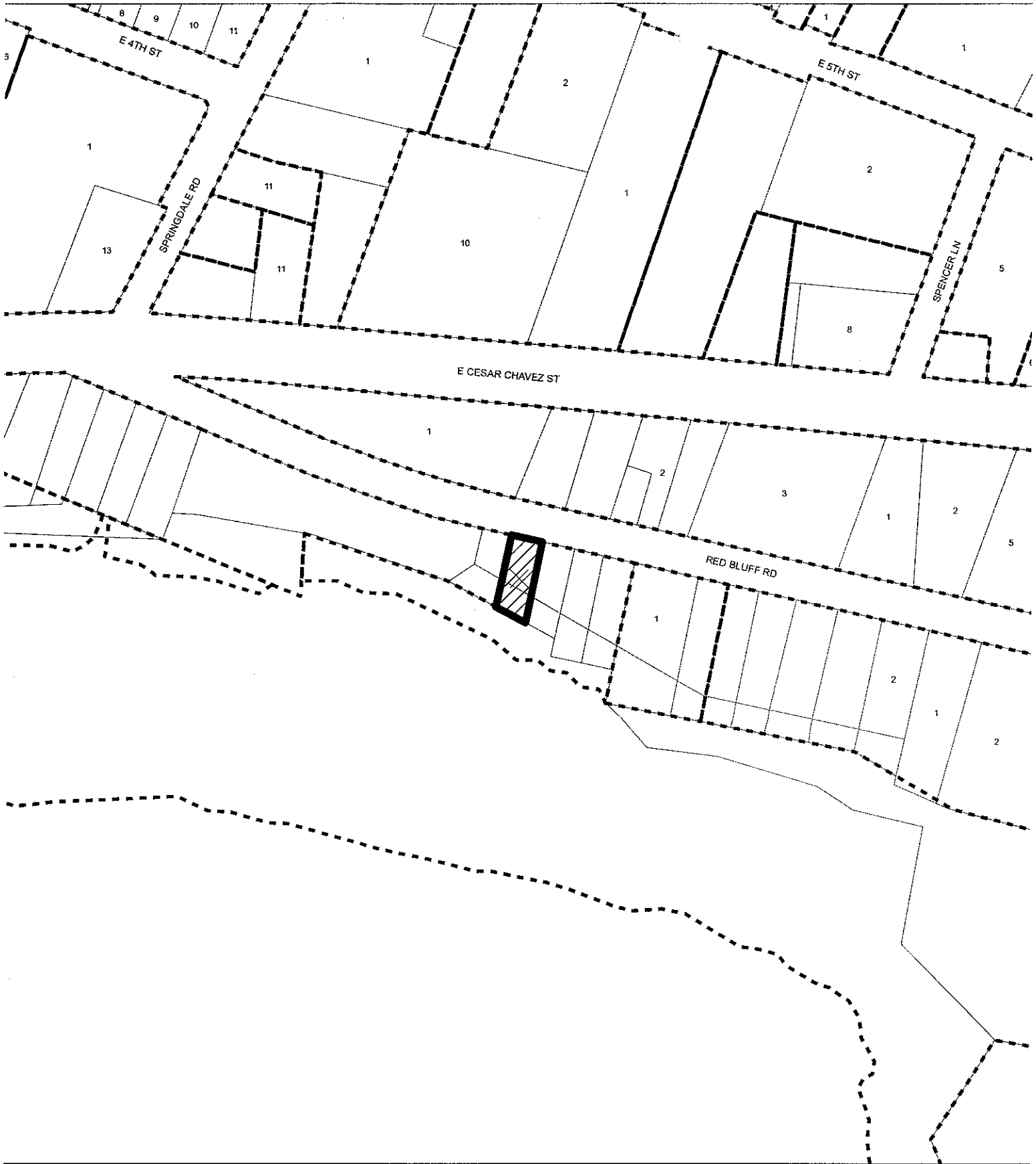
- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property 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.

##### **Required Findings:**

The Board of Adjustment is also required to make findings discussed below in order to grant a variance. Applicants must provide the Board with proposed findings.

#### **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) A tax plat with subject property clearly marked indicating property within a 300-foot radius. These are available from the Map Sales Division at One Texas Center, 505 Barton Springs Road, 1st floor (974-2297, 974-3347, or 974-2213) or from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
- (4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5) 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.



**BOARD OF ADJUSTMENTS**

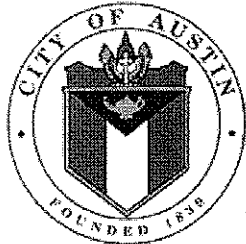


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2010-0140  
 LOCATION: 4711 RED BLUFF RD  
 GRID: L21  
 MANAGER: SUSAN WALKER



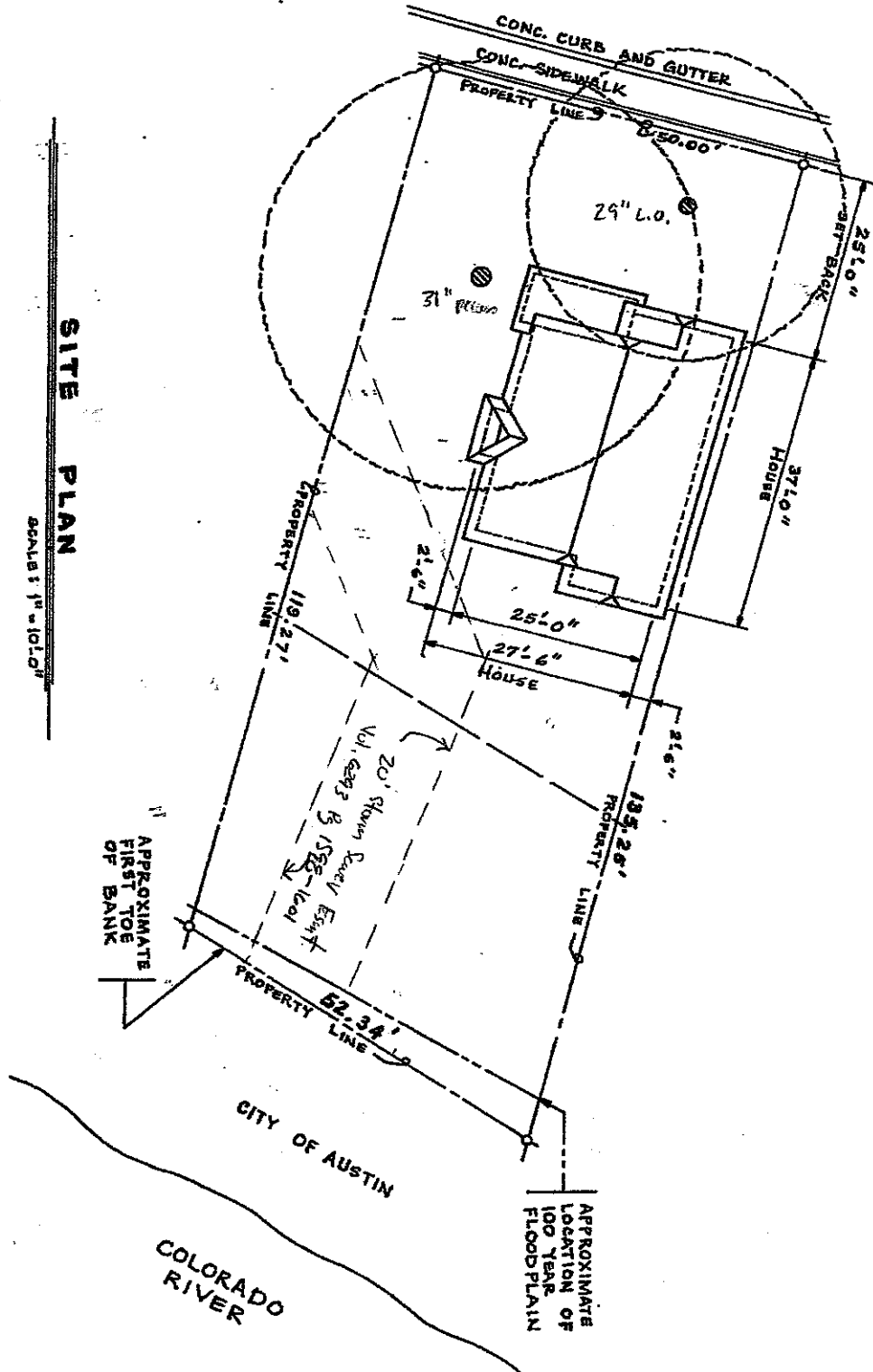
This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

4711 RED BLUFF ROAD  
(R.O.W. WIDTH VARIES)



**SITE PLAN**

SCALE: 1" = 10.0'



APPROXIMATE  
FIRST TOE  
OF BANK

APPROXIMATE  
LOCATION OF  
100 YEAR  
FLOODPLAIN

CITY OF AUSTIN  
COLORADO RIVER

October 29, 2010

City of Austin  
Board of Adjustment/Sign Review Board  
505 Barton Springs  
Austin, Texas 78704

RE: 4711 Red Bluff Rd.

To Whom It May Concern:

I, Manuel Garcia, represent the Owner at 4311 Red Bluff Rd. He supports the variance request that allows the adjacent lot to encroach on the side yard setback from 5 feet to 2 ft 6 inches for the placement of a single family structure.

Thank you,

A handwritten signature in black ink, appearing to read 'Manuel Garcia', is written over a horizontal line. The signature is stylized and cursive.



# City of Austin BUILDING PERMIT

**PERMIT NO:** 2010-067346-PR  
4711 RED BLUFF RD

Type: RESIDENTIAL  
Issue Date:

Status: Rejected  
**EXPIRY DATE: 08/05/2010**

LEGAL DESCRIPTION						SITE APPROVAL	ZONING SF-3-NP	
PROPOSED OCCUPANCY:	WORK PERMITTED: Remodel				ISSUED BY:			
sf residence to be relocated and remodel (moved from 2110 E 2nd st AKA 202 Canadian St and now currently at Robert Martinez)								
TOTAL SQFT	VALUATION		TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS	# OF PKG SPACES
	Tot Val Rem: \$ .00			435				
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS		METER SIZE		

<b>Contact</b>	<b>Phone</b>	<b>Contact</b>	<b>Phone</b>
Applicant, MANUEL Garcia	(512) 945-4728		

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**Inspection Requirements**  
Building 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.

**Comments**  
property owned by Cristo Rey Catholic Diocese  
Demo application required for all removal of structures (site plan exemption)  
Relocation of structure (site plan exemption)  
Relocate permit (5th floor)  
LSD#C8I-2010-0148  
Residential application required -with flood plain review required.  
Addressing to provide date from street name change from Canadian St to Robert Martinez:Case # NC-89-001  
Canadian St was renamed after fallen Police Officer Robert T Martinez, Jr on May 25th, 1989.  
There were no changes made to house addresses (meaning, the only thing that changed in the addresses was the Street Name)..





# 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.Embese@ci.austin.tx.us Website: [www.ci.austin.tx.us/trees](http://www.ci.austin.tx.us/trees)

ROW I.D. 104906669  
Mapscs Grid MLZ1

**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: 4711 Red Bluff Rd.

Name of owner or authorized agent: Manuel Garcia

Building permit number (if applicable): \_\_\_\_\_

Telephone # (512) 385-6615 Fax #: \_\_\_\_\_ E-mail: \_\_\_\_\_

Type of Tree: Pecan 32" Tree location on lot: center lot

Trunk size (in inches) at 4 1/2 feet above ground: circumference (around) \_\_\_\_\_ or diameter (across) \_\_\_\_\_

General tree condition:  Good /  Fair /  Poor /  Dead

Reason for request: Moving house - development

Manuel Garcia  
Owner/ Authorized Agent Signature

9-15-2010  
Date

- o 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).
- o 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)

16 SEPT 10 MC

Comments: CASE IS SCHEDULED FOR BOARDS & COMMISSIONS.

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.

**PUBLIC HEARING INFORMATION**

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 specific 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;
- and:
- 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.

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

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Case Number: C15-2010-0140 - 4711 Red Bluff Road  
 Contact: Susan Walker, 512-974-2202  
 Public Hearing: Board of Adjustment, December 13th, 2010

4803 ~~Red Bluff~~ Red Bluff LLC by

Your Name (please print) Sara Eskers

I am in favor  
 City object

Your address(es) affected by this application

*Sara Eskers*

Signature

12/10/10  
 Date

Daytime Telephone: 7997292

Comments: *Rich this case wanted to change the zoning to put a district officer here. When he wants a rezoning of half the minimum with your setback to move a house here. Certainly we can find a house to move that is narrower.*

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

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**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, December 13th, 2010

4801 Red Bluff LLC by Sara Eilers  
 Your Name (please print)

I am in favor  
 I object

4801 Red Bluff  
 Your address(es) affected by this application

Sara Eilers  
 Signature

12/10/10  
 Date

Daytime Telephone: 799 7292

Comments: The owner of the subject lot already was able to decrease the minimum side yard setback on the neighbor lot to the east (he owns both) by enclosing a long vacant and hilly shell inside his new structure. Now he wants a variance to set down a certain he could find a variance here to move on the property and not need a variance.

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 Contact: Susan Walker, 512-974-2202  
 Public Hearing: Board of Adjustment, December 13th, 2010

5003 E. Cesar Chavez LLC by  
 Your Name (please print)  I am in favor  
 Sara Zahar  I object

5003 E. Cesar Chavez  
 Your address(es) affected by this application  
 Sara Zahar  
 Signature  
 12/10/10  
 Date

Daytime Telephone: 799 7292

side

Comments: why is it necessary to half the ~~lot~~ <sup>side</sup> yard setback in order to move a home there?  
 since they find a substitute again? Right  
 we can come over now the agent to the lot, but it  
 could be sold, and the variance is still there.

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

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 Susan Walker  
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 Contact: Susan Walker, 512-974-2202  
 Public Hearing: Board of Adjustment, December 13th, 2010

Music of the Spheres, Inc

Your Name (please print)

I am in favor  
 I object

4909 - 5003 E. Cesar Chavez

Your address(es) affected by this application

Are real leaders for mdt INC/12/3/10

Signature

Date

Daytime Telephone: 512 799 7292

Comments: Just because the applicant owns the adjacent lot to the east does not mean they will always own that lot, why can't they get a house to move there that is 3 1/2" narrower?

If you use this form to comment, it may be returned to:  
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 Austin, TX 78767-8810