

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).

CASE # C15-2010-0155
ROW # 10526397
TP-0205100414

**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: 2500 EAST 10TH STREET

LEGAL DESCRIPTION: Subdivision – olt 8 & 62 div B Grandview Place

Lot(s) 13 Block 12 Outlot _____ Division _____

I/We Joseph Calderoni on behalf of myself/ourselves as authorized agent for Calderoni Real Estate LLC affirm that on Jan. 10th, 2011

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

I am requesting 1' – 5" setback from side property line instead of the 5' side property line requirement and 20' setback from the front property line instead of the 25' front property line requirement. I was not aware that there were any zoning setback requirements.

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

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:
House is 20' from front property line and 1'-5" from the side . Could not add on to back

of house because there are many oak trees large in size.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
The other side of lot is at 5.95'. The back of the lot has large oak trees. Side was only place to build.

Requesting 1'-5" from side property line and 20' front setback. There is no other way to extend house.

(b) The hardship is not general to the area in which the property is located because:
Previous owner did not know about the zoning requirements and built addition. A variance was

granted on 9/8/2008. I purchased this property not knowing there was a variance granted.

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:

House does not encroach any existing lot and roof doesn't hang over adjacent lot. Home was added

on to keep construction consistent with area and maintain a square elevation similar to other houses.

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 *Joseph Calderoni* Mail Address PO BOX 300037

City, State & Zip Austin, Texas 78703

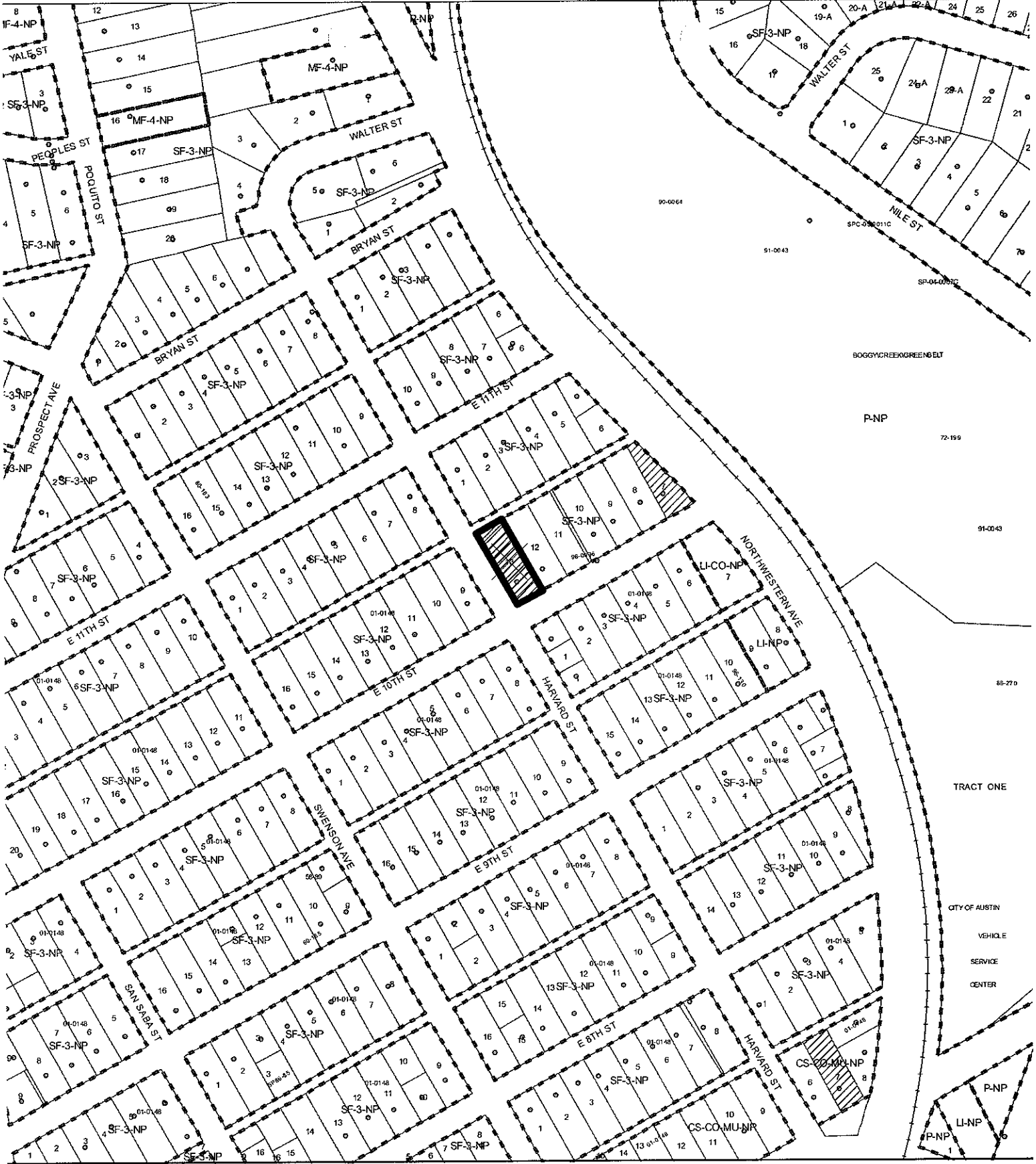
Printed Joseph Calderoni Phone (512) 423-6144 Date Dec. 13th, 2010

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 *Joseph Calderoni* Mail Address PO BOX 300037

City, State & Zip Austin, Texas 78703



Printed Calderoni Real Estate LLC Phone (512) 423-6144 Date Dec. 13th, 2010

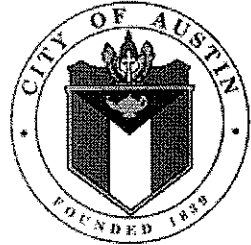


BOARD OF ADJUSTMENTS

CASE#: C15-2010-0155
 LOCATION: 2500 E 10TH ST
 GRID: K22
 MANAGER: SUSAN WALKER



-  SUBJECT TRACT
-  ZONING BOUNDARY

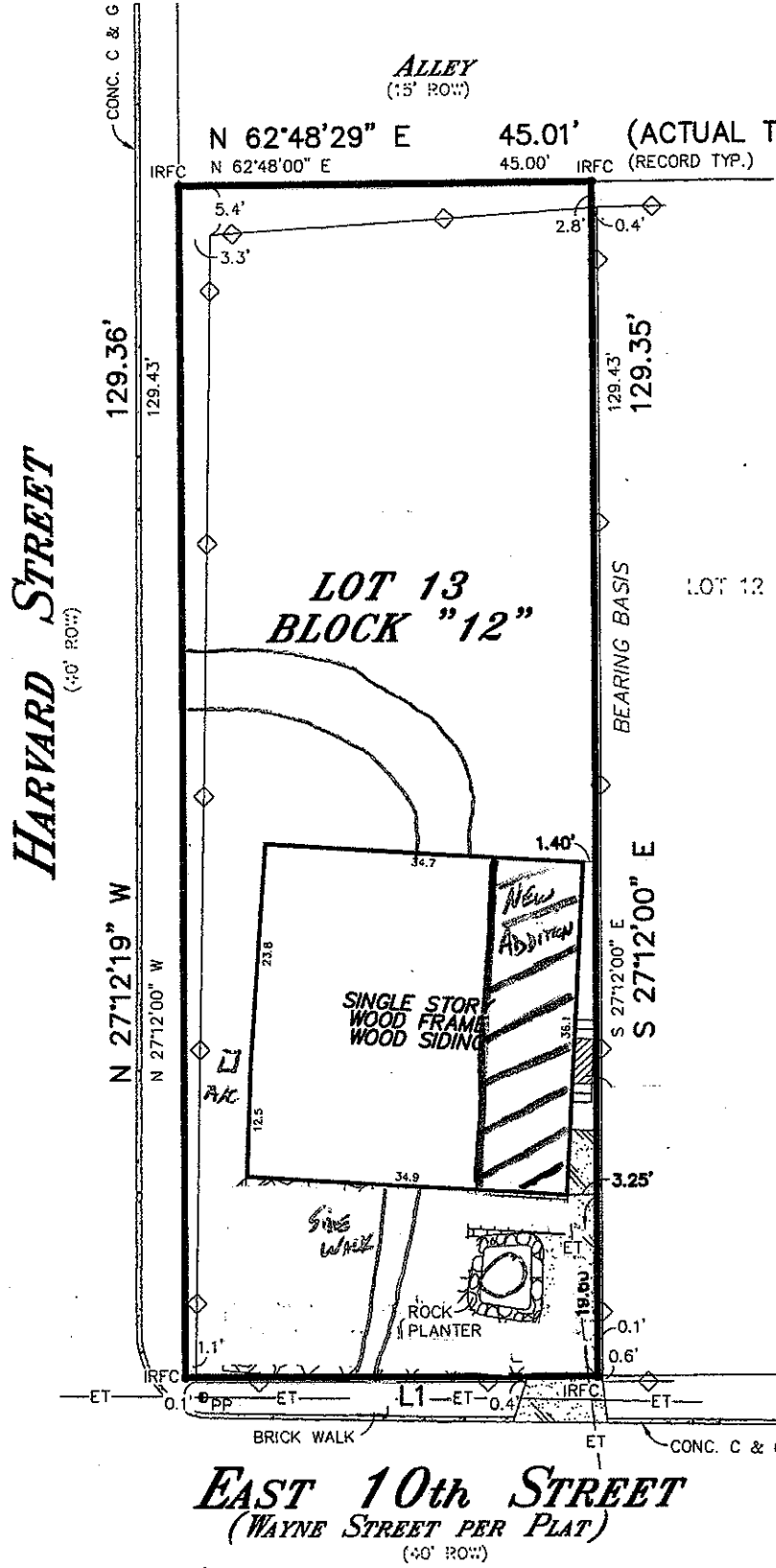


This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

LEGEND

- PP ● POWER POLE
- ET— OVERHEAD ELEC./TELE. LINE
- ◇ CHAIN LINK FENCE
- IRFC ● 1/2" IRON ROD FOUND W/CAP STAMPED "SNS"

LINE NO.	BEARING & DISTANCE	
L1	ACTUAL	S 62°47'55" W 45.00'
	RECORD	S 62°48'00" W 45.00'



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

DATE: Monday, October 13, 2008

CASE NUMBER: C15-2008-0118

Greg Smith (abstain)
 Michael Von Ohlen (Motion to DENY)
 Yolanda Arriaga (2nd)
 Bryan King
 Leane Heldenfels, Vice-Chairman
 Frank Fuentes, Chairman
 Nora Salinas

APPLICANT: Jovita Rodriguez

ADDRESS: 2500 10TH ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 20 feet in order to maintain an addition to an existing single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 1.5 feet in order to maintain an addition to an existing single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

BOARD'S DECISION: RECONSIDERATION – DENIED 6-0; BOARD'S DECISION ON SEPT. 8, 2008 GRANTED 6-1 WITH CONDITIONS TO ADD RATING 1HR FIRE WALL, REMOVE DOOR, STOOP AND WINDOWS FACING THE NEIGHBORS, ADD GUTTERS AND HARDI PLANK PLYWOOD (b.king nay)

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:



Bobby Ray
Executive Secretary



Frank Fuentes
Chairman

Ms. Susan Walker, Planner
Board of Adjustments
Susan.walker@ci.austin.tx.us

September 11, 2008

Re: Request for Rehearing on October 13, 2008

On September 8, 2008, I, Edward R. Moderow, attended the public hearing at City Council Chambers to object to Case Number C15-2008-0118, as applied for by Ms. Jovita Rodriguez (Applicant). After an initial statement of my objection I was not given further opportunity to comment on the issues that were brought up. I am unclear as to why the variance was granted and/or what the stipulations are. I respectfully request a new opportunity to present my position.

The Applicant requests to decrease the minimum side yard setback requirement from 5 feet to 1.5 feet. As the adjacent property owner to grant this variance affects my privacy, fire safety, and aesthetic appeal to my home and the surrounding neighborhood. The variance is required because of an addition the Applicant built in 2006. The Applicant opened a permit for the addition, but the construction did not resemble the building permit application in the least. Every inspection failed, and several failed 2-3 times. In August 2006, a Stop Work Order was issued by the City yet the Applicant completed the addition. This is effectively building a 350 ft² addition, out of code, without a permit. Please note that I purchased my property adjacent to the Applicant on January 22, 2008, shortly after the unauthorized construction was completed.

During the hearing the Applicant stated that they have a narrow lot and there are trees behind the house that do not allow them to add in that direction. This is untrue as the whole neighborhood of Grandview Heights has the same size lot (45 ft. x 129 ft.), including myself, and no evidence was shown to prove the claim of trees behind the house. Neither claim is substantial enough to demonstrate that the zoning regulations limit reasonable use of the property.

The hardship was created by the Applicant by adding to the existing house with complete disregard for City building codes. This is not a historic addition but a modification that was completed just over 1 year ago.

The motion passed by Chairman Frank Fuentes and the Commission on September 8, 2008, will significantly alter the character of my property by having a single-family residence within 1 ft. of my property line. It will impair the use of adjacent conforming property by limiting the design of my house due to safety, privacy concerns, and aesthetics. It will impair the purpose of the regulations of the zoning district in which the property is located by creating a fire hazard, not allowing passage of emergency personal and equipment if necessary, and creating a cluttered and crowded view.

I respectfully request that the motion be revisited as I was not given the opportunity to present my position during the hearing after various items were brought up by the Applicant and the Commissioners.

Thank you for your consideration,



Edward R. Moderow
2502 East 10th Street.

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

DATE: Monday, September 8, 2008

CASE NUMBER: C15-2008-0118

Y Dorothy Richter
 Y Michael Von Ohlen (2nd)
 Y Yolanda Arriaga
 Y Bryan King
 Y Leane Heldenfels, Vice-Chairman (**Motion to GRANT**)
 Y Frank Fuentes, Chairman
 Y Nora Salinas

APPLICANT: Jovita, Rodriguez

ADDRESS: 2500 10TH ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 20 feet in order to maintain an addition to an existing single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 1.5 feet in order to maintain an addition to an existing single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

BOARD'S DECISION: GRANTED 6-1 with conditions to add rating 1hr fire wall; remove door, stoop and windows facing the neighbors, add gutters and hardi plank plywood (B King-nay)

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: small home and narrow lot, direction one corner exceeded front street setback
2. (a) The hardship for which the variance is requested is unique to the property in that: because lot has large oak trees there in no other place to construct.

(b) The hardship is not general to the area in which the property is located because: large oak trees on lot
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: expansion is consistent in the neighborhood and will not alter the character

Bobby Ray
Executive Secretary

Frank Fuentes
Chairman

CIS-2008-0118
ROW ID-1018375

TP# 0205100414

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

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

STREET ADDRESS 2500 EAST 10 TH STREET

LEGAL DESCRIPTION: Subdivision - olt 8 & 62 div B Grandview Place

Lot(s) 13 Block 12 Outlot Division

I/We Jovita Rodriguez on behalf of myself/ourselves as authorized agent for

Jovita Rodriguez affirm that on 7/14/08

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

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN

I am requesting a 1'.5" from side property line instead of the 5' side property line requirement and 20' from the front property line instead of the 25' front property line requirement. I was not aware that there were any zoning setback requirements.

in a SF3-NP district.
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin 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 Lena Lund with Austin Energy at 322-6587 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 Statement 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 tha my entitlement to the 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:

I built 20' from front property line and 1'.5" from side since I could not build to the back of the lot because there are many oak trees large in size.

HARDSHIP:

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

The other side of my lot is already at 5'.95". The back of my lot has large oak trees.

Unfortunately this is the only place I could construct. I am requesting 1'.5" from side property line when it needs to be 5' from side property line. The front property line setback is 25' and I built at 20' because I had no where to extend to on my lot.

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

Now I realize SF3 zoning require 25' from that property line and 5' from side poperty line.

I unfortunately did not know about the zoning requirements. I was only adding to my house where I thought I could construct.

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 am not building over any adjacent lots and I am not over hanging my roof onto adjacent lots. I am trying to add to my home to keep the construction consistent with a square shape house which is what I had and once again this is the only place on property that I could build.

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

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

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

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

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 _____

City, State & Zip _____

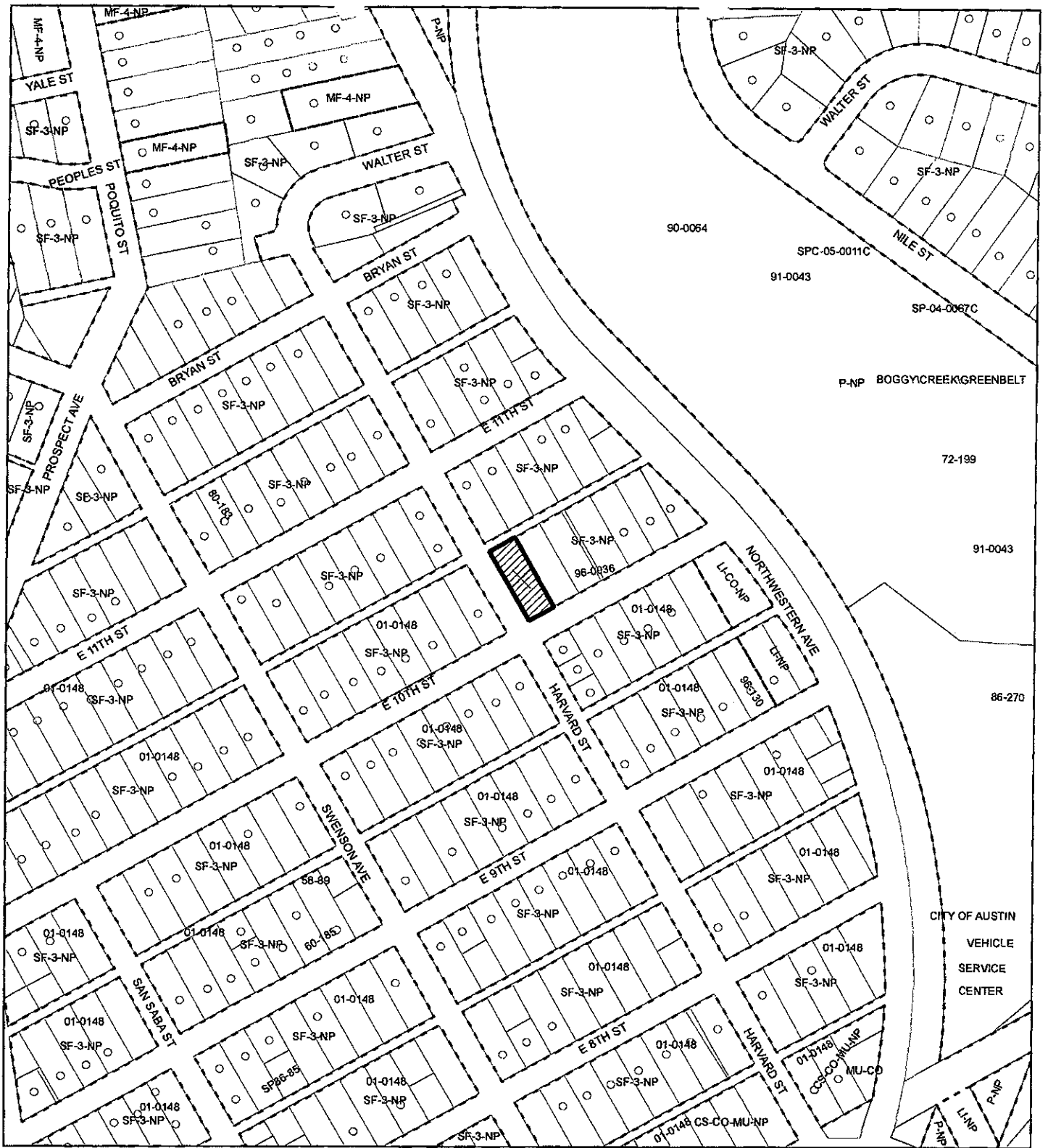
Printed _____ Phone _____ Date _____

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 Jovita Rodriguez Mail Address 2500 E 10th St

City, State & Zip Austin, Texas 78702



Printed Jovita Rodriguez Phone 512-451-0322 Date 07-28-08



BOARD OF ADJUSTMENT

CASE#: C15-2008-0118
 ADDRESS: 2500 E 10TH ST
 GRID: K22
 MANAGER: S. WALKER



 **SUBJECT TRACT**
 **ZONING BOUNDARY**

OPERATOR: S. MEEKS





1" = 200'

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BOARD OF ADJUSTMENT

CASE#: C15-2008-0118
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 **SUBJECT TRACT**
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