

C15-2011-0014
ROW-10540373
TP-0222070203

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
INTERPRETATIONS
PART I: APPLICANT'S STATEMENT
(Please type)

STREET ADDRESS: 4605 Avenue B

LEGAL DESCRIPTION: Subdivision –
Hyde Park Annex

Lot (s) 4 Block 8 Outlot _____ Division _____

ZONING DISTRICT: SF3-NCCD-NP

I/WE Mity Myhr Clay on behalf of myself/ourselves as authorized

Agent for _____ affirm that on _____

Day of 20, 2011, hereby apply for an interpretation hearing before the Board of Adjustment.

Planning and Development Review Department interpretation is:

Two driveways are permitted in front of the home.

Carports are permitted on the front of the house.

I feel the correct interpretation is:

“Two one-lane driveways are permitted if they are separated by the house.” Meaning that one is on side of the house and one is on the other, divided by the entire house. North Hyde Park NCCD Part 6.11.b. This was the interpretation of the City Council when they ruled that a previous permit be rejected, August 29, 2010. In addition, only one driveway counting as parking is permitted per Part 6.11.d (iii). A required or excess parking space may not be located in the street yard except that 25% of the width of a front yard or maximum of 20 fee, may be used for not more than two required parking spaces” 25% of the 50’ width is 12.5 feet width limit for a single driveway that counts as parking.

“Pedestrian-oriented uses. Car ports are not permitted on the front of the building. North Hyde Park NCCD Part 6.1.

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.

1. There is a reasonable doubt of difference of interpretation as to the specific intent of the regulations or map in that: The city is interpreting the code differently from its intent and from the specific language. According to the NCCD only one driveway is permitted in the front yard that serves as parking spaces. Or, two driveways are permitted if they are located on either side of the entire building and not in front of the building. As stated above, the City Council agreed with this interpretation last July 29 in its rejection of the original building permit. Car ports are not permitted on the front of the building.

2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because: _____

These are design issues and a duplex can be designed that meets the codes and is compatible with surrounding properties.

3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: _____

Other area properties generally do not have front garages and carports and do not have two driveways and do not have front yard parking. Granting this permit grants a special privilege to the owner that is inconsistent with other area properties.

APPLICANT/AGGRIEVED PARTY CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _____ Printed Mity Myhr Clay

Mailing Address 4528 Avenue B

City, State & Zip Austin, Texas 78751 Phone 512-467-7604

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 _____ Printed _____

Mailing Address 705 Lost Canyon

City, State & Zip Austin, TX 78746 Phone 512-633-

Sonathan Kutner Jr.

2216

ROBERT JAMES
4601 AVENUE B
AUSTIN, TX 78751

TUESDAY, JAN 25th, 2011

HAND DELIVERED

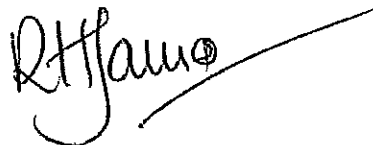
MITY MYHR/CLAY
4528 AVENUE B
AUSTIN, TX 78751

RE BUILDING PERMIT @ 4605 AVENUE B, AUSTIN, TX

DEAR MR MCDONALD,

PLEASE ACCEPT THIS AS OUR NOTICE TO APPEAL
THE BUILDING PERMIT FOR A DUPLEX @ 4605 AVENUE
B, AUSTIN, TEXAS. THE PROJECT AS REVIEWED BY US
FOR THE FIRST TIME TODAY DOES NOT MEET THE
REQUIREMENTS OF THE NORTH HYDE PARK MCCD AS
THE TWO DRIVEWAYS ARE ONLY SEPARATED BY PART
OF THE HOUSE.

Yours



ROBERT JAMES

Walker, Susan

From: myhr mitylene [mmyhr99@yahoo.com]
Sent: Tuesday, January 25, 2011 4:42 PM
To: McDonald, John
Cc: Robert James; David Conner; Karen McGraw
Subject: Appeal of 4605 Avenue B

Follow Up Flag: Follow up
Flag Status: Red

Dear John,

Today, January 25, Robert James and I are formally appealing the building permit for 4605 Avenue B.

Mr. James and I have both been accepted as interested parties to this permit because of our proximity to the lot.

We object to the permit because it allows for 2 driveways which are not separated by the entire house. City Council agreed with our interpretation of the NCCD code last summer when it specifically instructed that the "house" in the NCCD code means the entire house. This interpretation is consistent with our neighborhood plan, which sets a context for the NCCD.

I now have a digital copy of the plans, provided to me by Mr. Kutner this afternoon.

As we could find you in person this afternoon, we are filing our appeal both in paper form at your office and by email (4:41pm).

kind regards,
Mity Myhr Clay
4528 Avenue B

233-1677 (office)
284-4942 (cell)

