

CASE # C15-2011-0002
ROW-10535830
TP-0223021410

**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.

1403
STREET ADDRESS: 1405 West 45th st

LEGAL DESCRIPTION: Subdivision – Rosedale B

Lot(s) east 35 ft. of lot 10 Block B Outlot _____ Division _____

I/We Shaw Hamilton on behalf of myself/ourselves as authorized agent for

Mark Kudela affirm that on Dec. 14, 2010, hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

Erect a new single family home:

Variance requested : _____ Lot size 2117 sq. ft. _____ Lot frontage 34.97 ft.

Rear setback 9' 11 1/2"

in a SF-3 district.

(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.

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 Lot was established in 1948 prior to regulations and needs relief from strict enforcement of the regulations in order to make this lot developable.

HARDSHIP:

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

We have tried to sell property to adjacent land owners and they are not interested. The property to the east is commercial, if they buy property almost the entire property would be a compatibility setback and they are not interested. The property to the west is single family and have no desire to buy.

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

This is the only small lot left in this area that is not developed. The remainder of lots in this area meet the minimum lot size and are fully developed. This is an older area of town that was developed in 1930's and 1940's

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 area is a combination of single family and commercial uses. Both roadways adjacent to this lot are well traveled (45th St and Burnet Rd.) The driveway is already existing on 45th St. for this lot and would not impact adjacent properties.

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:

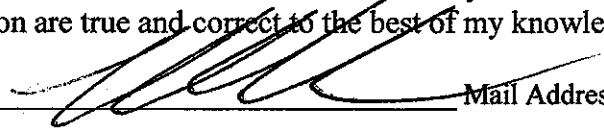
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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  Mail Address 6301 Mercedes Bend

City, State & Zip Austin, Texas 78759

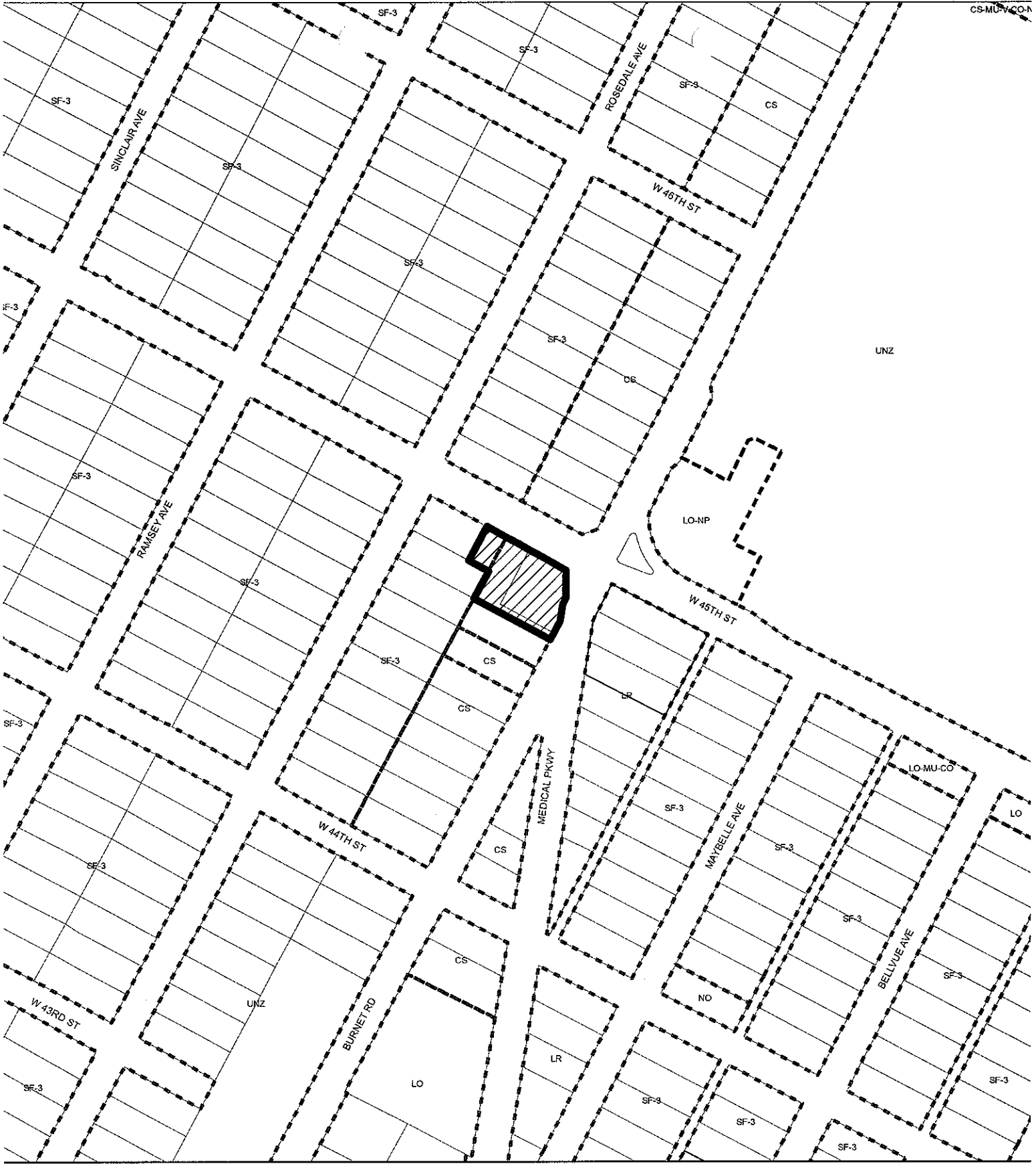
Printed Mark Kudela Phone (512) 554-3150 Date 11/3/2010

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 6301 Mercedes Bend



City, State & Zip Austin, Texas 78759

Printed Mark Kudela Phone (512) 554-3150 Date 11/3/2010

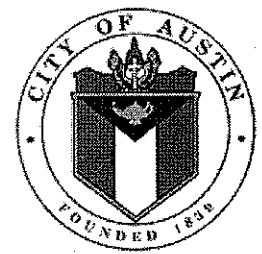


BOARD OF ADJUSTMENTS



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2011-0002
 LOCATION: 1403 W 45TH ST
 GRID: J26
 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.

SURVEYOR'S CERTIFICATE:
 THIS IS TO CERTIFY THAT THIS MAP OR PLAT
 AND THE SURVEY ON WHICH IT IS BASED WAS
 ACTUALLY MADE UPON THE GROUND UNDER MY
 DIRECTION AND SUPERVISION ON THE DATE
 SHOWN.

DATE 12/15/2010
 JASON WARD, R.P.L.S.
 TEXAS REGISTRATION NO. 5811

- GENERAL NOTES:**
- 1) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND WOULD BE SUBJECT TO ANY AND ALL EASEMENTS, CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE COMMITMENT MAY DISCLOSE.
 - 2) PROPERTY ADDRESS: 45TH STREET, AUSTIN TEXAS
 - 3) PER MONUMENTATION FOUND ON THE GROUND, IT APPEARS THAT R.O.W. WIDENING HAS OCCURRED ALONG THE NORTH R.O.W. LINE OF 45TH STREET
 - 4) THERE WERE NO BUILDINGS ON THIS TRACT AT THE TIME OF THE ON-THE-GROUND SURVEY.

**45th STREET
 (R.O.W. WIDTH VARIES)
 (60' R.O.W. PER PLAT)**

BEARING BASIS:
 THE SUBJECT PLAT FOR THIS
 SUBDIVISION DOES NOT
 REFERENCE ANY BEARINGS.
 BEARINGS FOR THIS SURVEY
 ARE BASED ON HOLDING THE
 WEST LINE OF THE
 ADJOINING PLAT (MURRAY
 SUBDIVISION - NS010'00"E)
 AND USING THE RECORD
 INTERIOR ANGLE (89°15') AS
 SHOWN ON THE SUBJECT
 PLAT TO ESTABLISH A
 BEARING OF NS9°05'00"W
 ALONG THE SOUTH LOT LINE
 OF LOT 9.

WEST 100' OF LOT 10
 THOMAS O. MAHNKE
 DOC. #2002205471, O.P.R.T.C.T.

**EAST 35' OF
 LOT 10**
 MSK BURNET
 ROAD, LLC.
 DOC. #2010022343,
 O.P.R.T.C.T.

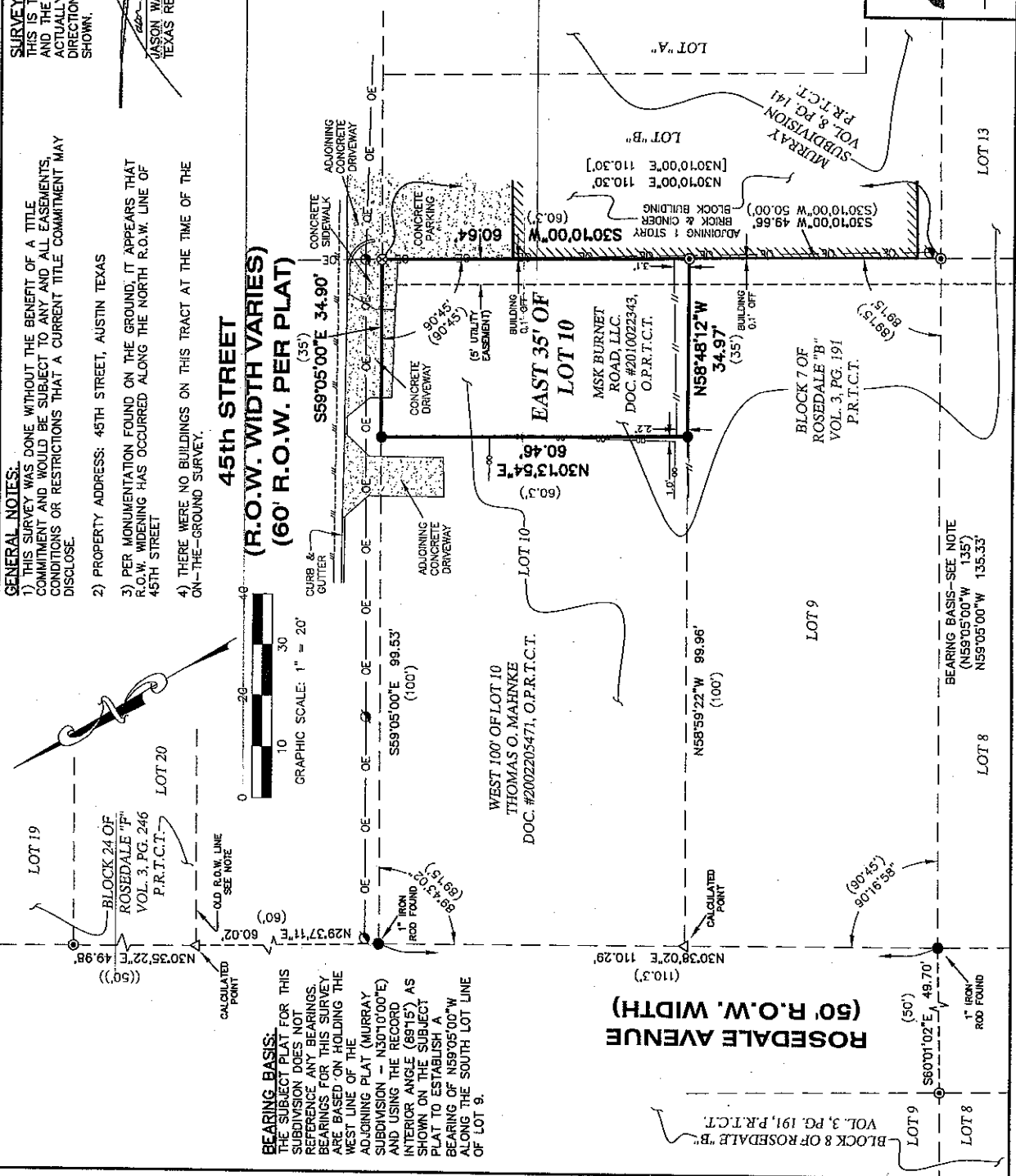
**ROSEDALE AVENUE
 (50' R.O.W. WIDTH)**

LEGEND	
---	PROPERTY LINE
- - -	EXISTING PROPERTY LINES
X	"X" CUT SET IN CONCRETE
●	1/2" IRON ROD FOUND (UNLESS NOTED)
○	3/4" IRON PIPE FOUND
—	EDGE OF ASPHALT
—	WOOD FENCE
—	CHAIN LINK FENCE
—	OVERHEAD ELECTRIC
—	POWER POLE
○	VOLUME
—	PAGE
—	RIGHT-OF-WAY
PLAT RECORDS, TRAVIS COUNTY, TEXAS	
OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS	
RECORD INFORMATION PER PLAT VOL. 3 PG. 191	
RECORD INFORMATION PER PLAT VOL. 3 PG. 248	
RECORD INFORMATION PER PLAT VOL. 8 PG. 141	

**SURVEY OF THE
 EAST 35' OF
 LOT 10, BLOCK 7
 ROSEDALE "B"
 City of Austin,
 Travis County, Texas**

4WARD
 Land Surveying
 A Limited Liability Company
 PO Box 90876, Austin Texas 78709
 www.4Wards.com (512) 554-3371

Date: 12/15/2010
 Project: 00066
 Scale: 1" = 20'
 Reviewer: JSW
 Tech: JSW
 Field Crew: JSW/JWS
 Survey Date: 12-13-10
 Sheet: 1 OF 1



Proposed residence
45th Street

Wayne Barnes
Company

5114 Balcones
Woods #307
Austin, Texas
78759

835-2833 Fax
413-6849 Wayne's
461-7501 George's

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Site

