

Amended

CASE # C15-2010-0138
ROW # _____

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: 1504 Northridge Drive, Austin, TX 78723

LEGAL DESCRIPTION: Subdivision – Delwood Heights

Lot(s) 3 Block P Outlot _____ Division _____

I/We James Sylvana, Celestial Poweron behalf of myself/ourselves as authorized agent for

Travis Somerville & Keturah Havey affirm that on September 9, 2010,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

Driveway carport

in a residential 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:

As a carport this must be in the driveway and not on any other part of the property.

HARDSHIP:

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

Placement of structure:

First, the soil on my block shifts terribly (approx up/down 3 inches each year). The city crews fix our streets on our block approximately every other year and usually have to perform a major patch. My driveway also suffers from these shifts so we chose not to attach the carport directly to the house. Instead we built it as close as possible, within 2 inches to our houses roofline. That leaves the support columns for the carport in a position that I basically need to park with the car nose ending where my front porch ends.

That is to say, I can only partially pull up onto my front porch to reduce the needed length of the carport (I can pull up about 1 foot onto the porch, not 3.5 feet).

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

The neighborhood and trees:

The neighborhood is filled with old growth trees. While we have a tree that is approximately 12" across, which could be cut down, we chose to keep it to stay in the spirit of the neighborhood and to keep the temperature cooler. The tree canopy covers the majority of our parking space and drops tannic berries. These berries have an extremely damaging effect when they touch paint. The tree also houses a normal amount of bird nests, approximately a dozen nests; which causes a large amount of bird feces to cover the area in all but the winter months.

Architecture:

The neighborhood is comprised of houses built in the 1950's and 1960's. One major style of house is L-shaped and gives plenty of room to build and enjoy a 20 foot carport.

Another major style of house is build closer to the street but has 2 car garage, so these owners also enjoy adequate parking protection. Then, there is a third style of house that is build close to the street but has only one car garage - like my house. In fact, one neighbor has the same lot configuration as mine and has a carport that extends into the 25 foot setback, and this house fits the characteristic of the neighborhood.

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 carport suits the character of the property and remains set back from the street 17 feet. Additionally, the plat map shows no structural set back.

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:

Not applicable.

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:

Not applicable.

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

Not applicable.

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

Not applicable.

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| <p>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.</p> |
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