

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 # C15-2011-0006
ROW # 10536021

TP-0221080306

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: 4709 Avenue F, Austin Tx 78751

LEGAL DESCRIPTION: Subdivision –
Hegman Subdivision

Lot(s) North 40ft of West 125ft of Lot 4 Block 1 Outlot _____
Division _____

I/We David Whitworth on behalf of myself/ourselves as authorized agent for

David Whitworth/Sam Winfield
affirm that on Dec. 20, 2010, hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

1-A single family home on an approximately 40ft by 125ft property (5,000sf) that requires variance from the minimum width of 50ft and minimum lot size of 5,750sf.

2-A single car attached garage will require variance from item 10 page 16 of North Hyde Park NCCD requiring attached garage to be 60ft from front lot line.

in a SF3 North Hyde Park NCCD 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:

1-A single family home can not be built on this lot zoned for single family use because the lot is only 40ft x 125ft. This property has been intended for and used for single family since 1946 in its current form, however in order to meet the substandard lot exemption for a new building permit the lot had to be in existence in its current form since March 15, 1946. The lot first appeared in current form mere months later on July 3, 1946 and a building permit was issued on July 26, 1946. The current home is in complete disrepair and has been permitted for demolition. There is no other available tool for acquiring a new building permit.

2-The NCCD requires an attached garage to be 60ft from front lot line, but because the lot is smaller and narrower than most, set back requirements would make the home too narrow to accommodate an attached garage halfway into the lot as well as impervious limits would start to become problematic having to pave that far back for access if building a reasonable size home allowed by code.

HARDSHIP:

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

1-This property does not meet the minimum lot size (5,750sf) and lot width (50ft) requirement set by the North Hyde Park NCCD (which is based on SF-3 Zoning by City Code). It does not meet the requirement because it was created long before the NCCD was written in 2004.

2-This lot is narrower than the typical lot in Hyde Park for which the NCCD was written as it pertains to attached garages.

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

1-This property has existed in current configuration since July 3rd 1946 (mere months from the cut off date of March 15, 1946 which allows for substandard lot exemption), and this property has had a single family home since February 18th, 1947. In order to continue its use as a single family home site (as it has for over 60yrs), this site requires a variance. Other lots in the area vary in size so many are above the required 5,750sf, and those that do not meet the minimum lot size requirement may have been in existence prior to March 15, 1946 allowing them substandard lot exemption status.

2- Most lots are wider and allow for a detached garage with access along the side of the house without making the home too narrow. Most lots are also deeper allowing for a deeper placement of an attached garage.

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:

1-Outside of these two variance requests based on unique hardship, the proposed single family home will adhere to the NCCD guidelines and all City Development Code including the residential compatibility ordinance (McMansion Ordinance). The two new homes next door at 4705 and 4707 Avenue F are each built on the same size lot and the DRC does not object to the size and style of these homes. It is our intent to build something fairly similar that will match the look and feel of the neighboring homes.

2-The home can be built in a style that adheres to the neighborhood aesthetic while accommodating a single car attached garage up front. The home adjacent to the left has an attached single car carport at the front of the home.

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 *David Whitworth* Mail Address 2600 Geraghty Ave.

City, State & Zip Austin Tx, 78757

Printed David Whitworth Phone 512-294-5139 Date 12/20/10

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 *David Whitworth* Mail Address 2600 Geraghty Ave.

City, State & Zip Austin, Tx 78757

Printed David Whitworth Phone 512-294-5139 Date 12/20/10





UNZ

BOARD OF ADJUSTMENTS

CASE#: C15-2011-0006
 LOCATION: 4709 AVENUE F
 GRID: K26
 MANAGER: S. 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.

Walker, Susan

From: David Conner [daypaycon@yahoo.com]
Sent: Monday, January 17, 2011 9:37 PM
To: Walker, Susan
Subject: BOA variances for 4504 and 4709 Avenue F - North Hyde Park (support)

Hello Susan,

The Hyde Park Development Review Committee has reviewed the variance requests for the following separate BOA cases to be heard in February and the DRC supports the variances being requested from the property owners:

4504 Avenue F side yard set back

4709 Avenue F lot size and parking 60 feet from lot line

If you have any questions, please contact me at your convenience.

Thanks

David Conner, HPNA Development Review Committee Chair



AMENDMENT TO CONTRACT CONCERNING THE PROPERTY AT

4709 Avenue F

Austin

(Street Address and City)

Seller and Buyer amend the contract as follows: (check each applicable box)

- (1) The Sales Price in Paragraph 3 of the contract is:
A. Cash portion of Sales Price payable by Buyer at closing \$ 147,500.00
B. Sum of financing described in the contract \$
C. Sales Price (Sum of A and B) \$ 147,500.00
(2) In addition to any repairs and treatments otherwise required by the contract, Seller, at Seller's expense, shall complete the following repairs and treatments:

- (3) The date in Paragraph 9 of the contract is changed to 2/17/2011
(4) The amount in Paragraph 12A(1)(b) of the contract is changed to \$
(5) The cost of lender required repairs and treatment, as itemized on the attached list, will be paid as follows: \$ by Seller, \$ by Buyer.
(6) Buyer has paid Seller an additional Option Fee of \$ for an extension of the unrestricted right to terminate the contract on or before. This additional Option Fee will not be credited to the Sales Price.
(7) Buyer waives the unrestricted right to terminate the contract for which the Option Fee was paid.
(8) The date for Buyer to give written notice to Seller that Buyer cannot obtain Financing Approval as set forth in the Third Party Financing Condition Addendum is changed to
(9) Other Modifications: (insert only factual statements and business details applicable to this sale.) Buyer will pay for a coordinate variance from minimum lot size. Next Board of Adjustments meeting is 2/14/11. Contract will remain in effect & closing date will be 2/17 upon variance approval. If variance denied, earnest \$ is returned to buyer. Any time hearing is postponed, buyer may extend terms above to next hearing or cancel & receive earnest money.

EXECUTED the 20 day of December, 2010. (BROKER: FILL IN THE DATE OF FINAL ACCEPTANCE.)

Buyer: David Whitworth Development Co.
Seller: Sam Winfield

Buyer Seller

This form has been approved by the Texas Real Estate Commission for use with similarly approved or promulgated contract forms. Such approval relates to this form only. TREC forms are intended for use only by trained real estate licensees. No representation is made as to the legal validity or adequacy of any provision in any specific transactions. It is not intended for complex transactions. Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188, 1-800-250-8732 or (512) 459-8544 (http://www.trec.state.tx.us) TREC No. 39-6. This form replaces TREC No. 39-5.

TREC NO. 39-6

4709 Avenue F Variance

From: **David Conner** (daypaycon@yahoo.com)
Sent: Mon 12/20/10 10:12 PM
To: daniel.word@ci.austin.tx.us (daniel.word@ci.austin.tx.us); sylvia.benavides@ci.austin.tx.us (sylvia.benavides@ci.austin.tx.us); john.mcdonald@ci.austin.tx.us (john.mcdonald@ci.austin.tx.us); susan.walker@ci.austin.tx.us (susan.walker@ci.austin.tx.us); dcwhitworth@hotmail.com (dcwhitworth@hotmail.com)

Hello Susan. ~~The Hyde Park DRC will support a lot size variance and welcome a new house on the property.~~ I will follow up once variance(s) have been filed.

Thanks.

~~David Conner HPNA DRC~~

Sent from Yahoo! Mail on Android

From: **David Whitworth** (dcwhitworth@hotmail.com)
Sent: Mon 12/20/10 8:30 PM
To: sylvia.benavidez@ci.austin.tx.us

Sylvia,

I had you in the address list for the email below, but got your email wrong.

David Whitworth, P.E.
David Whitworth Development Company
2600 Geraghty Ave.
Austin, Tx 78757
ph 294-5139
fx 458-5833
www.dwdcaustin.com

From: **dcwhitworth@hotmail.com**
Sent: Mon 12/20/10 7:48 PM
To: daypaycon@yahoo.com; daniel.word@ci.austin.tx.us; sylvia.benavides@ci.austin.tx.us; john.mcdonald@ci.austin.tx.us; susan.walker@ci.austin.tx.us

David,

Nice meeting you at the Hyde Park DRC meeting regarding 4709 Avenue F. I was my understanding that as chair of the DRC, you will send a letter to Susan Walker stating that the DRC is not in opposition to a variance from lot width and square footage minimum standards. The reason being that this lot has existed as a single family home site in this configuration (40ft x 125ft) since 1946 and is appropriate for a new single family home.

I am copying some of the city staff to verify that I need a variance to build on a 40ft x 125ft lot. I am currently preparing my application to be submitted with Susan Walker. Part of me wonders how the houses at 4705 and 4707 Avenue F were permitted since they were built in 2000 and 2002 respectively.

I feel confident I can build according to the NCCD, McMansion ordinance and all pertinent city code. However it was mentioned at the DRC meeting that there was another code out there that disallowed parking in front of a house? Can someone on this list, possibly John McDonald, please reply with any code that disallows a single car garage with a tandem parking spot in front of the house to meet the 2 parking space requirement? Is something with a front elevation like this not allowed? This is only an example.

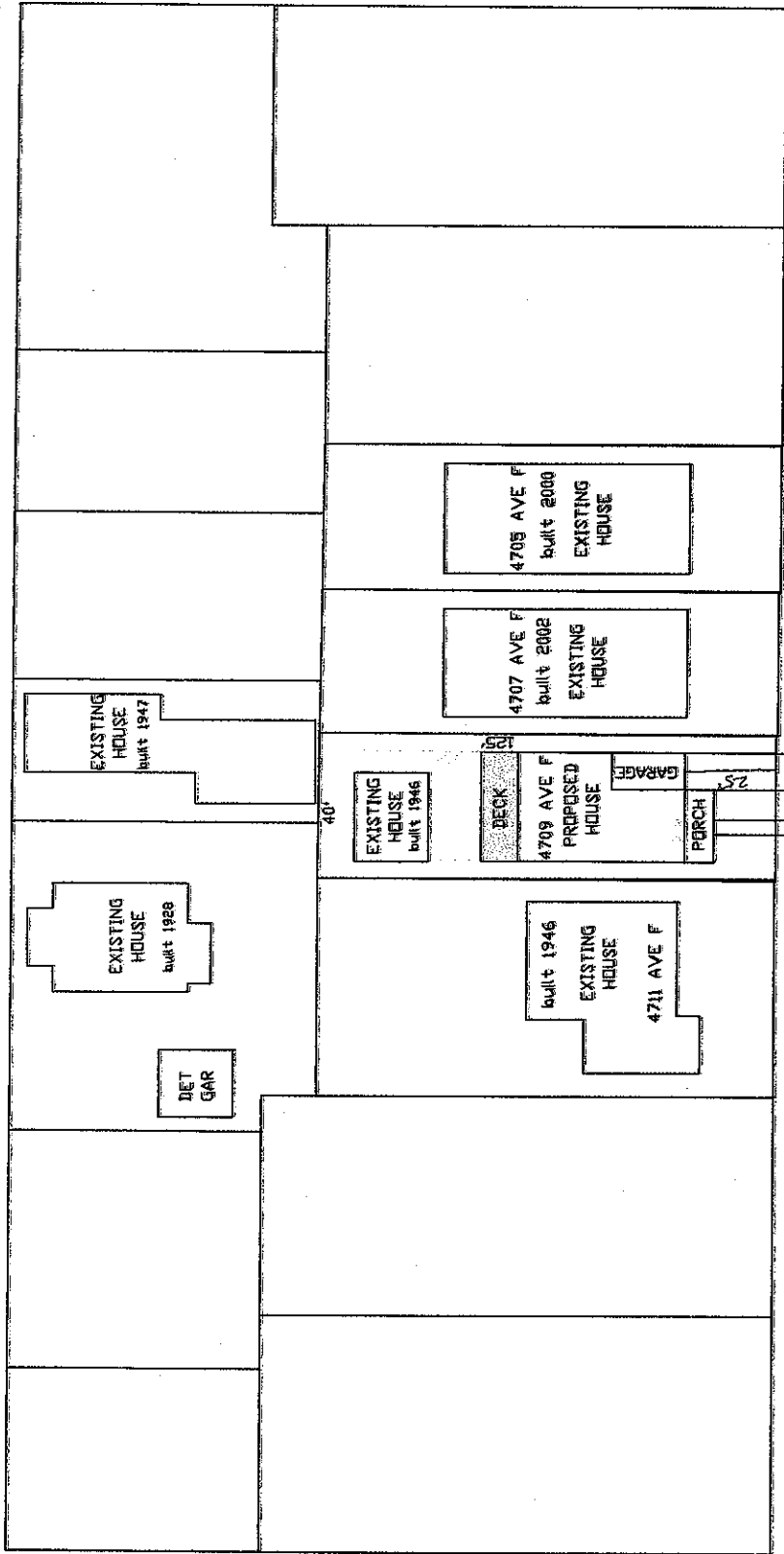
<http://www.houseplans.com/1357-square-foot-3-bedroom-2.5-bathroom-Bungalow-House-Plans-1-garage-%2830170%29>

If one front parking space is not allowed, it may be difficult getting parking to the rear of the lot with all other design parameters, but I can look into it.

Thank you everybody for your time.

David Whitworth, P.E.
David Whitworth Development Company
2600 Geraghty Ave.
Austin, Tx 78757
ph 294-5139
fx 458-5833
www.dwdcaustin.com

AVENUE G



CASE: 4709 AVENUE F

1981SF IMPERVIOUS
5000SF LOT SIZE
40% IMPERVIOUS

AVENUE F

1 IN = 40 FT