

CASE # C15-2011-0052
TP-0120070111
ROW-10575872

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: 2608 Scenic Drive

LEGAL DESCRIPTION: Subdivision – Tarrytown River Oaks Sec 2 Plus 190 of 1/2 Adj Vac St

Lot(s) 38 Block Outlot Division

I/We Aupperle Company on behalf of myself/ourselves as authorized agent for

Tarrytown boat club affirm that on April 7, 2011,

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

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

Erect a private community park restroom providing within the 100 foot shoreline setback with a foot print of 10' X 13'.

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:
 - 1) Residential Marinas of 10 or more slips requires restroom and parking per section 25-2-1176(G)(3)(a)
 - 2) Section 25-2-1176(G)(1) Requires all structures other than dock and necessary appurtenance to be located 100' from shoreline.
 - 3) Section 25-2-492(D) Requires all structures to be setback 25' from front property line (building setback)
 - 4) Section 25-2-492(D) requires all structures to be setback 5' from all side property lines.
 - 5) The vacation of the Scenic Drive right of way maintained prior area as public utility easement.
 - 6) The only area remaining to place restroom with variance or adjustment is triangle 25' by 20' by 30' under the existing 51" Live Oak Tree with 1/2 critical root zone.
 - 7) Existing wastewater easement, vegetations with neighbor best use of property lead to proposed location.

HARDSHIP:

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

Setback restrictions and existing easements be located within the 1/2 Critical Root Zone of an existing 51" Live Oak and location of the wastewater easement.

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

The site is a private community park for Tarrytown River Oaks Subdivision and Scenic Cove 2 on the shores of Lake Austin. This private community park is unique to the area.

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 placement of the code mandate restroom outside of the permitted area and 1/2 Critical Root Zone of 51" of Live Oak Tree will not alter the character of area adjacent nor impair the use of adjacent conforming property.

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:

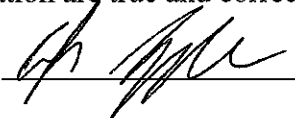
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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  Mail Address 2219 Westlake Drive Ste. 110
City, State & Zip Austin, TX 78746

Printed Carolyn Aupperle Phone 512-329-8241 Date March 7, 2011

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

City, State & Zip

Printed Phone Date

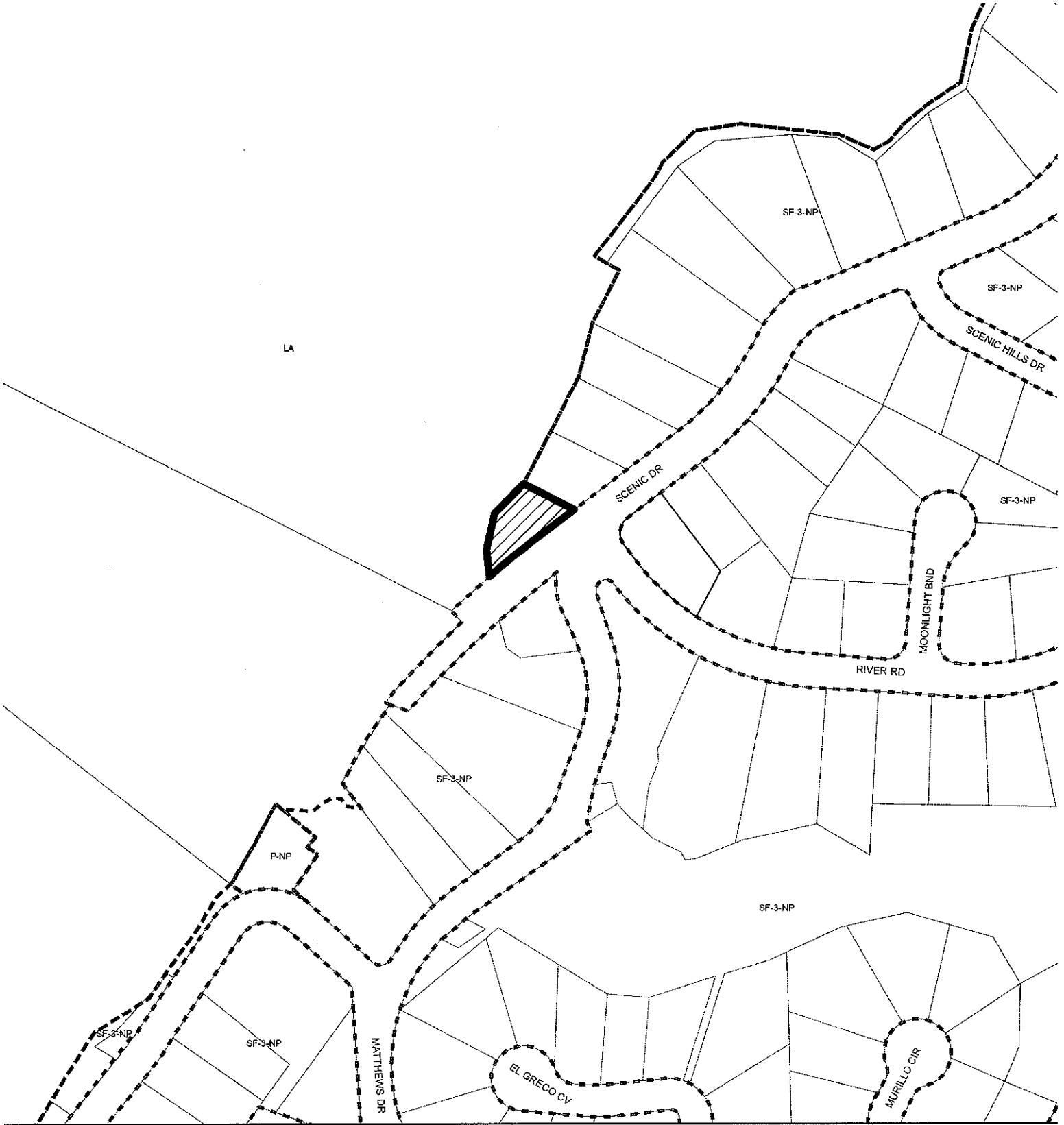
GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

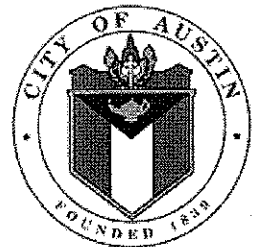
General Requirements:



A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.



BOARD OF ADJUSTMENTS

CASE#: C15-2011-0052
 LOCATION: 2608 SCENIC DR
 GRID: G25
 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.

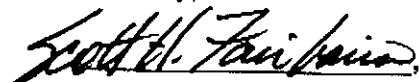
June 5, 2007

City of Austin
Watershed Protection and Development Review
PO Box 1088
Austin, TX 78716

To whom it may concern:

Tarrytown Boat Club, a Texas Corporation, is the property owner of 2608 Scenic Drive, Austin, TX 78703 in Travis County, Texas, according to Deed Records volume 1687 page 127 of the Official Public Records of Travis County, Texas. A copy of the deed is attached for your records. We wish to construct 28 clustered boat slips, with appurtenances and legal tract determination at this site. Bruce S. Aupperle, P.E. is our authorized agent for the site plan application for 2608 Scenic Drive, Austin, TX 78703. Please contact me if you have any questions.

Sincerely,

 as President

Scott H. Fairbairn
3509 River Road
Austin, TX 78703