

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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 # C15-2011-0059
ROW # 10589797
TP-0228060713

**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: 5601 Joe Sayers, Austin TX 78756

LEGAL DESCRIPTION: Subdivision – Broadacres

Lot(s) 7 Block 12 Outlot n/a Division n/a

I/We Elaine Andersen on behalf of myself/ourselves as authorized agent for
706 W. 34th, LLC affirm that on April 19, 2011,

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

(check appropriate items below)

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

Requesting to use existing 608sft house that is at the front of the property to be considered as the 'secondary apartment', thus building a larger single family home in the back.

in a SF-3-NP 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:

Zoning regulations do not allow for a reasonable use of our property because it would prohibit two family residential use on our 6884 sqft lot. Current zoning regulations allow the neighborhood to have a secondary apartment to be built on lots with a minimum of 5750 sqft., but requires the secondary apartment to be at least 15' to the rear of the principal structure. On another lot of comparable size, the existing small secondary apartment would be relocated to the rear of the lot and the larger principal dwelling could be built closer to the street. Due to the hardships unique to this lot, this configuration is not possible.

HARDSHIP:

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

The hardship that is requested is unique to this property due to the fact that the small original structure that fits the character of the neighborhood sits in the flood plain which envelopes almost half of the lot. This small bungalow house is in excellent condition and is very well kept. It is not feasible or sensible to tear this structure down. The only portion that is left buildable out of the flood plain is the rear portion of the lot.

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

This hardship is not general to the area in which the property is located because it only affects a handful of homes on the eastside of Joe Sayers, that are partially in the flood plain.

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 variance will not alter the character of the area adjacent to the property, will not impair the use of the adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which it is located because the granting of the variance will actually help to maintain the area character by allowing the original 1948 building to remain in its original location near the street, and the new construction would be located at the rear of the lot, like the adjacent properties, largely concealed from the street and neighboring lots by the existing residence.

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:

 N/A

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:

 N/A

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

 N/A

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

 N/A

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 *Elaine Andersen* Mail Address 818 Morrow Street

City, State & Zip Austin, TX 78757

Printed Elaine Andersen Phone 512.879.4150 Date 3/31/11

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 *Michel Issa* Mail Address 705 West 24th St, Suite C

City, State & Zip Austin, TX 78705

Printed Michel Issa for 706 W. 34th, LLC Phone 512.474.9400 Date 3/31/11

- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character:

Application must demonstrate to the Board how 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 zoning regulations of the zoning district in which the property is located.

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

Board of Adjustment Staff:

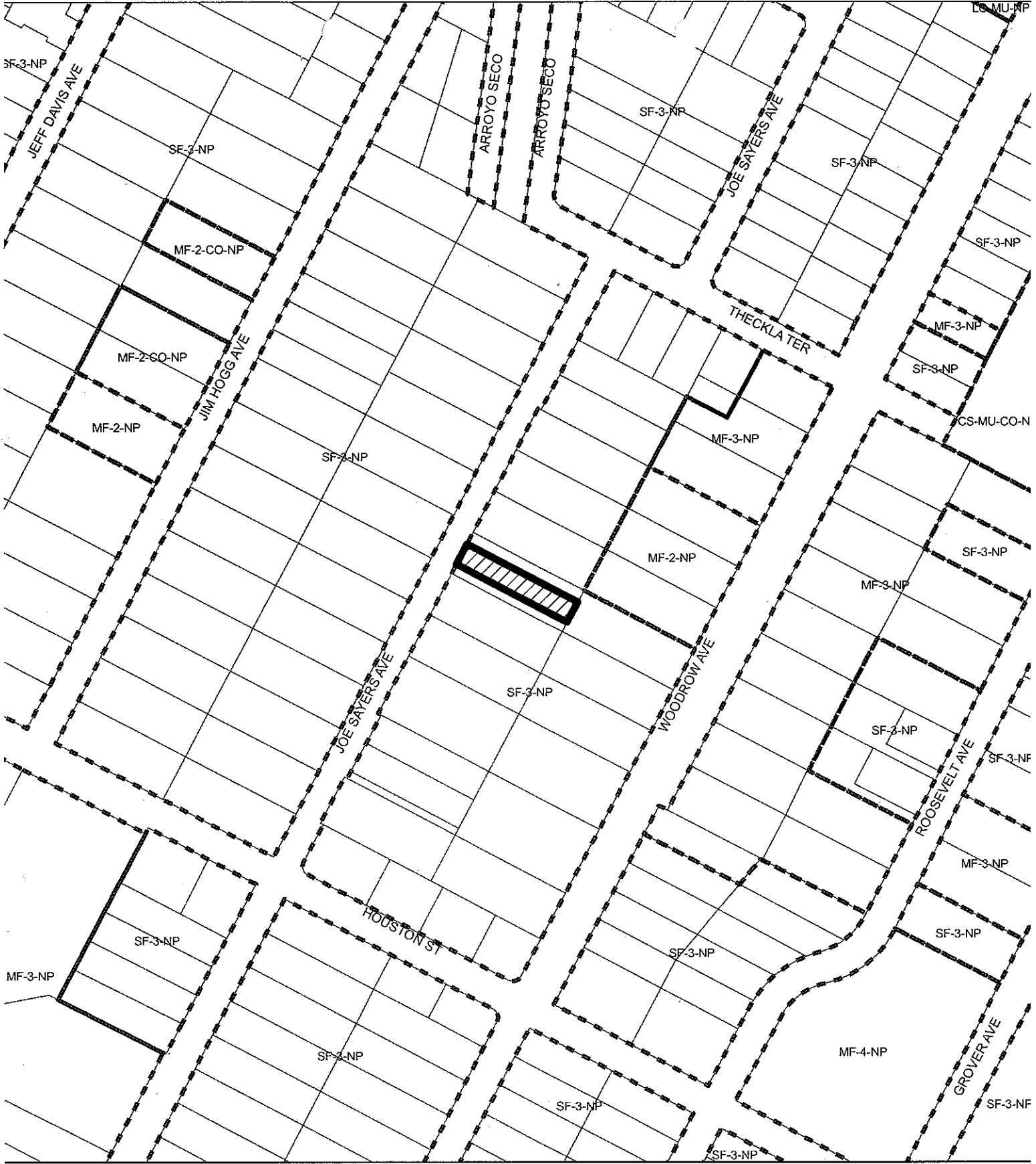
**Susan Walker, Planner
974-2202**

**Diana Ramirez, Administrative Specialist, Board Secretary
974-2241**

Fax #974-6536


**Planning and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor**

**Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088**



BOARD OF ADJUSTMENTS



 SUBJECT TRACT

 ZONING BOUNDARY

CASE#: C15-2011-0059
 LOCATION: 5601 JOE SAYERS AVENUE
 GRID: J27
 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.



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

April 8, 2011

Michel Issa
5601 Joe Sayers
Austin, Texas 78756

Re: 5601 Joe Sayers
Lot 7 Block 12 Broadacres Subdivision

Dear Issa,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to erect single family residence. Owner/Applicant must meet AE clearance criteria requirements as well as be in compliance with the National Electric Safety Code and OSHA.

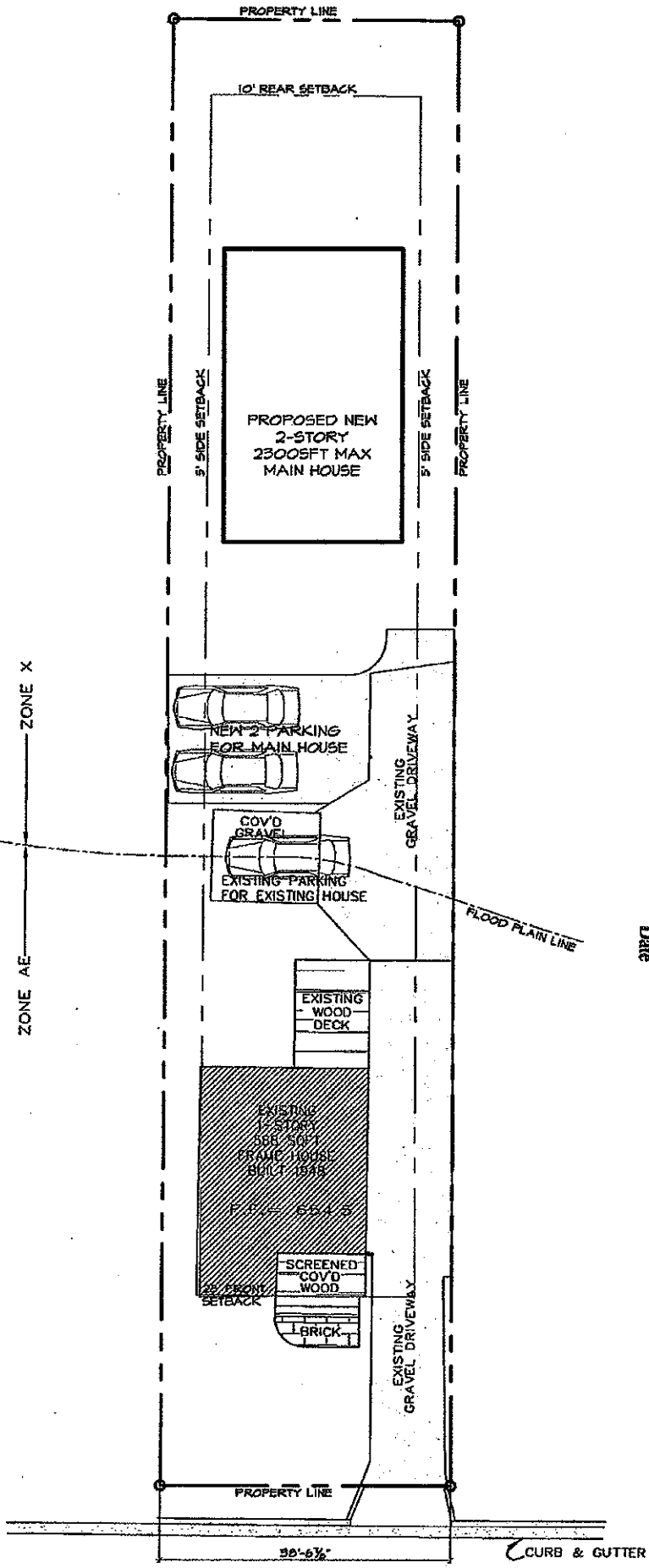
Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6112.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Esparza".

Christine Esparza
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker



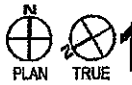
[Signature]
 AUSTIN ENERGY

Date

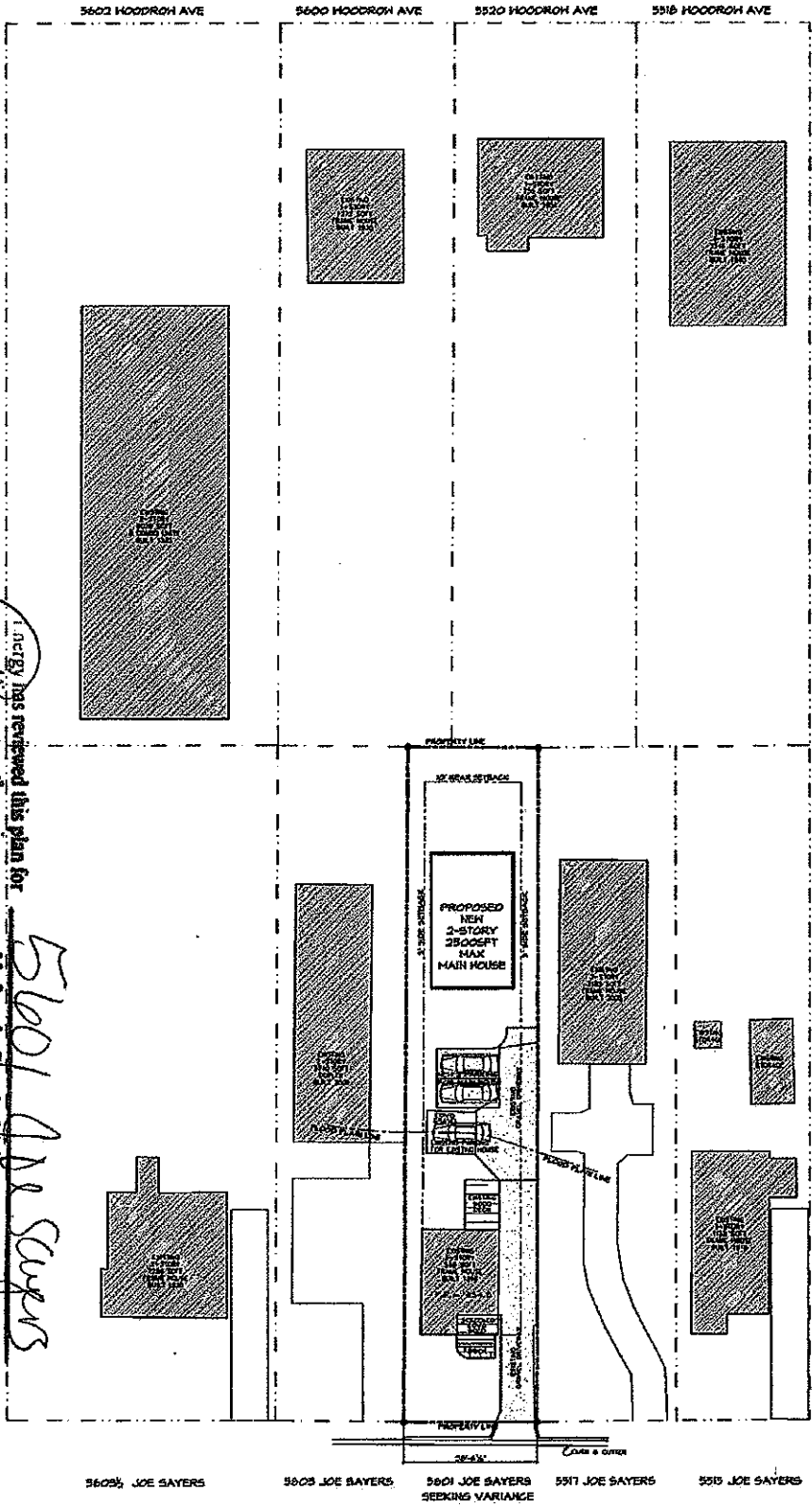
4/8/2011

Austin Energy has reviewed this plan for [unclear] approval. I approve this plan for the variance requested before the Board of Adjustment. Any changes to this plan must be approved by Austin Energy.

[Signature]
 STEVE ADL Sayers



5601 Joe Sayers New Site Plan
 SCALE: 1/16" = 1'-0"



5602 HOODROH AVE 5600 HOODROH AVE 5520 HOODROH AVE 5518 HOODROH AVE

5605 JOE SAYERS 5601 JOE SAYERS 5517 JOE SAYERS 5515 JOE SAYERS

5601 JOE SAYERS
SEEKING VARIANCE

PROPOSED NEW
2-STORY
2800SQFT
MAX
MAIN HOUSE

Austin Energy has reviewed this plan for
 approval/disapproval of the variance requested before the Board of Adjustment. Any changes to
 this must be approved by Austin Energy.

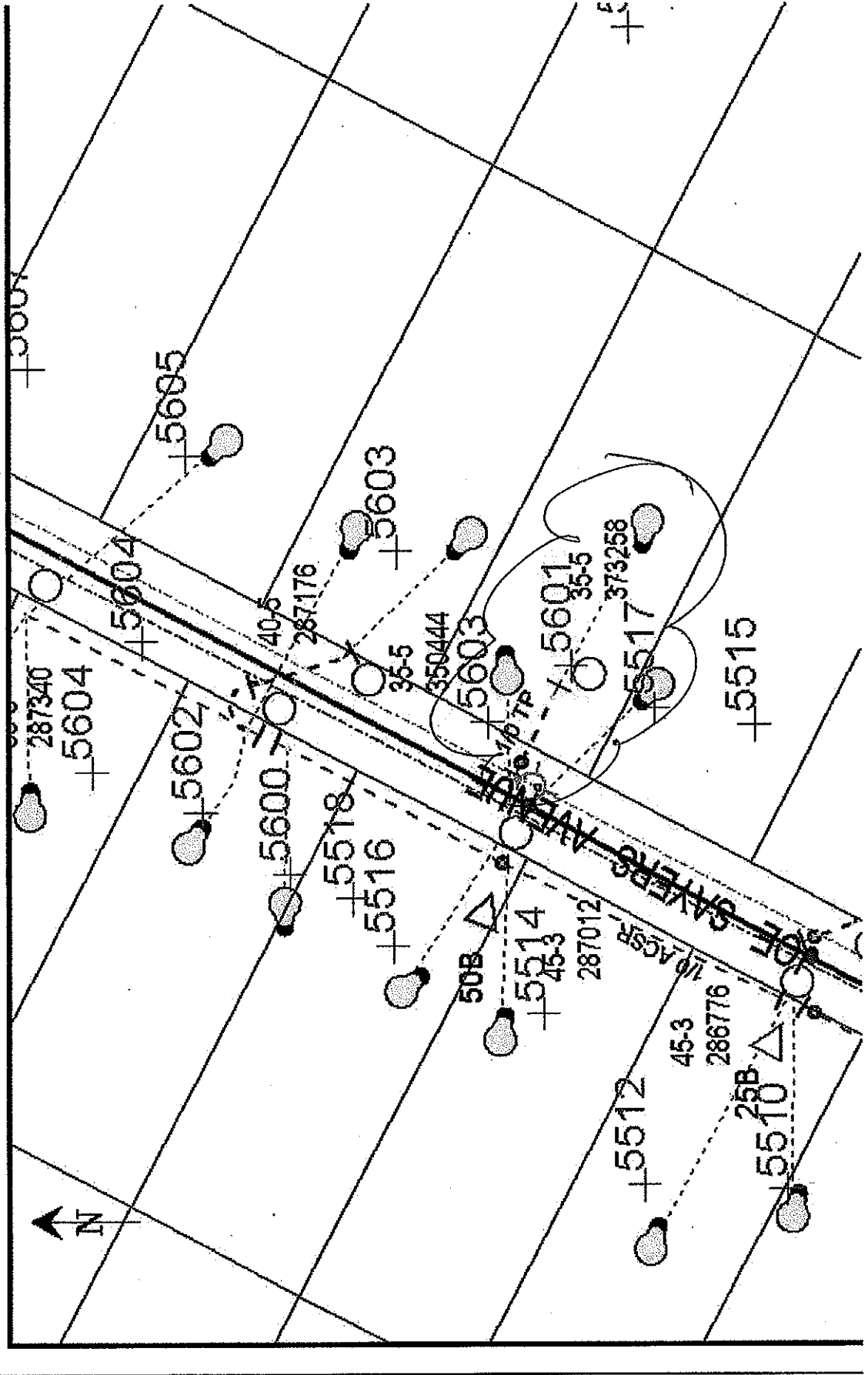
5601 Joe Sayers

Austin Energy

Date

4/8/2011





February 18, 2011

EXHIBIT C

J Square Architecture LLC
818 Morrow Street
Austin, Texas 78757
info@jsquarearch.com
512-879-4150

Courtney Schmoker
5517 Joe Sayers Ave.
Austin, Texas 78756

Dear Ms. Schmoker,

We were contacted by the owner of 5601 Joe Sayers to look into designing a home for him behind the existing little one. He mentioned that he had sent you a letter before about this and he asked that we contact you to assist in answering any questions or concerns. The approach to the project is to preserve the character of the area while building to allow what the Neighborhood Plan has decided it would like to see and allow. A property of this size does allow two homes to be on the same lot. There is the main single family home and then the secondary apartment which has to be less than 850sqft. The total area of the two structures cannot be more than is allowed for a single home on the site. There is a requirement that says the larger structure is to be in front of the smaller one. In discussions with the City, granting an exception to this rule to allow the reverse has been done on multiple occasions due to extraneous factors. The existing home on the site is only 588 sqft and cannot be added on to. In addition, the flood plain limits where we can build a new home. Finally we feel there is importance in preserving the character of the area which is why we would like to see the existing home preserved as it sits.

With our assistance, the owner will be requesting a variance in the near future and be seeking your support. We will be complying with all other city regulations. Let us know if we can help in understanding all of this.

Sincerely,

James Shieh
J Square Architecture LLC

EXHIBIT D

Michel Issa
705-C West 24th Street
Austin, TX 78705

December 2, 2010

Courtney Schmoker
5517 Joe Sayers Ave.
Austin, TX 78756

Re: 5601 Joe Sayers

Ms. Schmoker,

I own the very small wood frame house at 5601 Joe Sayers. It is only 588sqft. We have looked into adding on to it, but found out that because the original house is in the existing flood plain, only repair and maintenance work can be done on it. I thought about tearing it down, but believed that if there were another option, it would be irresponsible to waste an original home that preserves the character and charm of the area. Looking at the City Code and Neighborhood Plan, the neighborhood does allow two single family homes on a lot of this size. This would allow a little home such as mine to be on a property with the principal single family home. It does require, however, that the larger structure be in front of the smaller one. Due to the proximity of the flood plain, however, we cannot relocate the existing home on the lot and build another. We can only build a new house directly behind the current one in the only area of the lot that is above the flood plain. This would allow the original home to remain and allow me to have the same right as others in our neighborhood with a secondary apartment. In addition the original home will shield the new building in the back and continue to preserve the character of the area. I will be requesting a variance which allows me to leave the current little house where it is and build a larger house behind it on the rear portion of the lot. I will be complying with all other city regulations including size, height, setbacks, and impervious cover. Please give me a call if you have any question. I would sincerely appreciate your support in this matter.

I will be requesting a variance, which allows me to leave the current little house where it is and build a larger house behind it on the rear portion of the lot. I will be complying with all other city regulations including size, height, setbacks and impervious cover.

Please give me a call if you have any questions. I would sincerely appreciate your support in this matter.

Please call me at 512-423-4704 and I am happy to discuss this request further.

Kindest Regards,

Michel Issa

