

CASE # C15-2011-0074

ROW # 10606173

CITY OF AUSTIN TP-0108031111
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: 705 Oakland Avenue,
Austin, Texas 78703

LEGAL DESCRIPTION: Subdivision -
Smoot

Lot(s) South 39' of Lot 7 and North 12' of Lot 8
Block A Outlot Division Terrace Park

I/We Katherine Ertle on behalf of myself/ourselves as authorized agent for

Benjamin & Katherine Ertle affirm that on May 19, 2011,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

Erect an attached single-family garage at the north side of our home. Garage will be approximately 11.5' wide by 25' long. I would like to reduce the side setback from 5' to 0' to erect this garage. I would also like to eliminate existing side decking and external staircase to use space for proposed garage.

in a residential district.
(zoning district)

MF-4-UP
Old West Austin N.P.

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

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:

Neighborhood was developed in the early 1900s and because of its vicinity to downtown and the nature of the homes built in the neighborhood, space between homes was limited. Without a variance, proposed garage cannot be constructed.

HARDSHIP:

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

1) No back alley for rear parking or garage. Other streets in the area have back alleys. 2) House was built 12.5' from property line which does not allow enough room to erect an attached garage without a variance. 3) Lot has multiple large trees and we do not want to cut down any large trees to build a garage. We currently have tree number 1833 (16" C ELM) which prevents us from building behind the house. 4) Wastewater line previously created an easement. Wastewater recently abandoned as part of West 5th and 6th Area Sanitary Sewer Replacement Program

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

We converted our home from a duplex to single family residence. At the time the house was built (1935), duplexes normally were not built with garages. Those with garages were built either as a single-family house, newly built or "grandfathered" in because codes have changed since the early 1900s.

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 proposed garage will be in keeping with the style of our home and the adjacent homes (also built by the same architect in 1935). We currently share a driveway with our neighbor (Linda & Bill Lodwick) and the proposed garage will not alter the driveway nor its use in any way. The proposed garage is replacing area currently used by a deck and stairs.

We believe this garage will actually be a positive image to our street. It is a good example of a single family home in a family-friendly and business-friendly community. Old West Austin is a historical neighborhood where we want to encourage single family residences.

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 Katherine Ertle

Mail Address 705 Oakland Avenue

City, State & Zip Austin, Texas 78703

Printed Katherine Ertle Phone (512) 394-9520 Date May 19, 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 Benjamin Ertle Katherine Ertle Mail Address 705 Oakland Avenue



City, State & Zip Austin, Texas 78703

Printed Benjamin Ertle and Katherine Ertle Phone (512) 394-9520 Date May 19, 2011

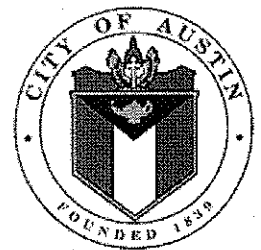


BOARD OF ADJUSTMENTS



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2011-0074
 LOCATION: 705 Oakland Avenue
 GRID: H23
 MANAGER: Susan Walker



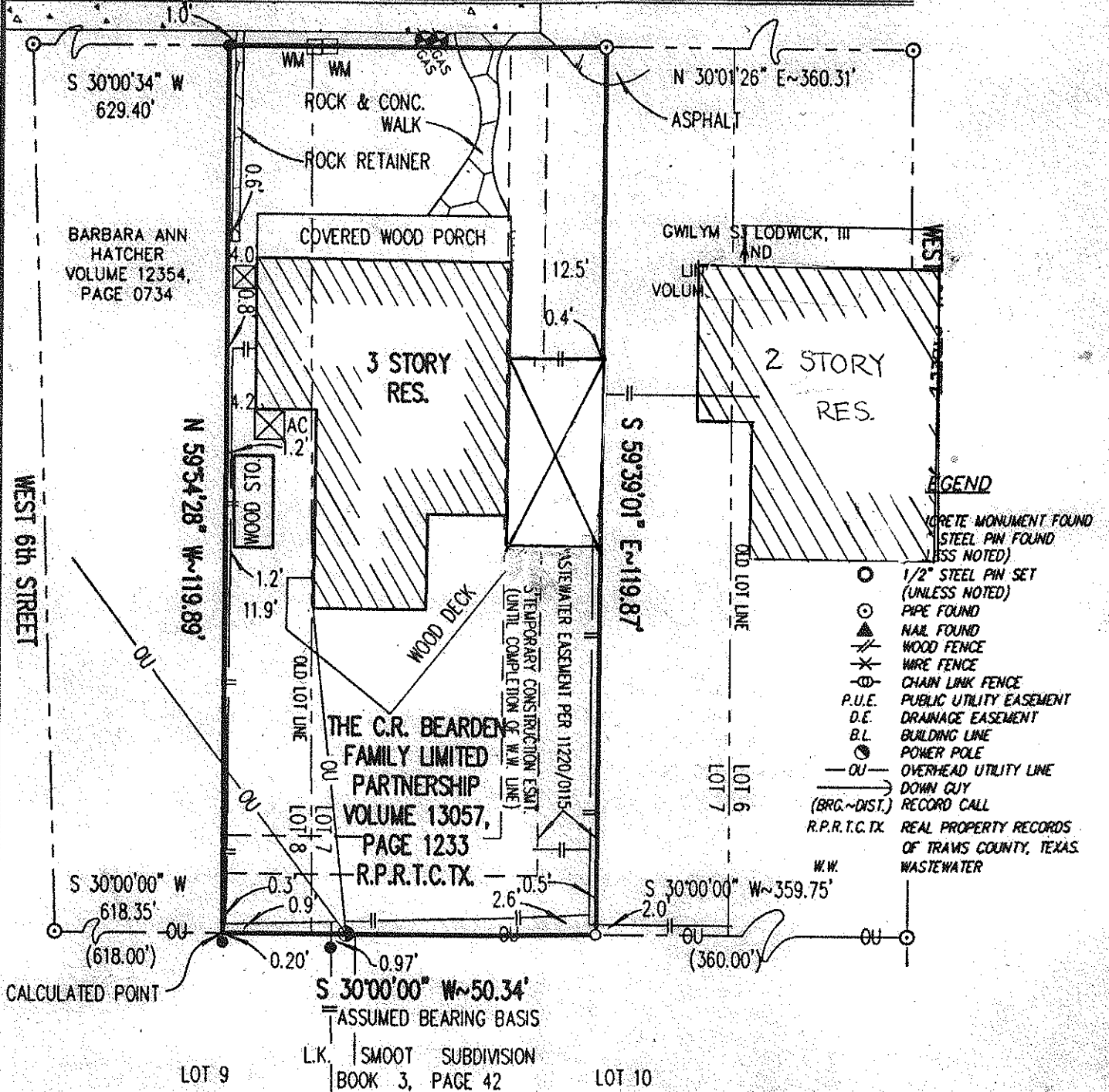
This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

SCALE: 1"=20'



OAKLAND AVENUE

N 30°01'07" E ~50.88'







- LEGEND**
- 1/2" STEEL PIN SET (UNLESS NOTED)
 - PIPE FOUND
 - ▲ NAIL FOUND
 - X— WOOD FENCE
 - X— WIRE FENCE
 - CHAIN LINK FENCE
 - P.U.E. PUBLIC UTILITY EASEMENT
 - D.E. DRAINAGE EASEMENT
 - B.L. BUILDING LINE
 - POWER POLE
 - OU— OVERHEAD UTILITY LINE
 - DG— DOWN GUY
 - (BRG.~DIST.) RECORD CALL
 - R.P.R.T.C.TX. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
 - W.W. WASTEWATER

TO THE OWNER AND/OR LIENHOLDER AND AUSTIN TITLE Co.
 THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY STATES THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND THAT VISIBLE AND APPARENT IMPROVEMENTS, UTILITIES AND/OR ROADWAYS ARE SHOWN HEREON, AND THAT EXCEPT AS SHOWN HEREON, THIS PROPERTY HAS ACCESS TO AND FROM A PUBLIC ROADWAY. THIS SURVEY IS IN COMPLIANCE WITH THE MINIMUM STANDARDS AS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.



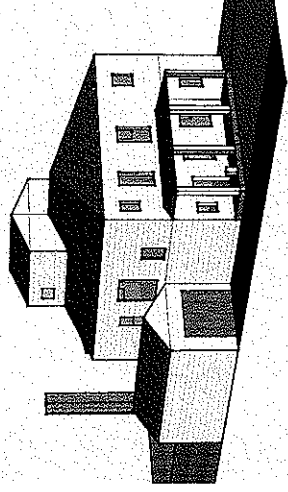
Adjacent Neighbors



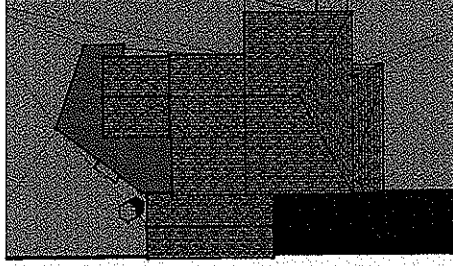
- Our house 
- Neighbors Yes 
 - 617, 702, 704, 705, 707 Oakland
 - 616, 700, 702, 704, 710 Pressler
- Neighbors No 
- Vacant lots/renters 
 - 700, 701, 703 Oakland

What we want to do

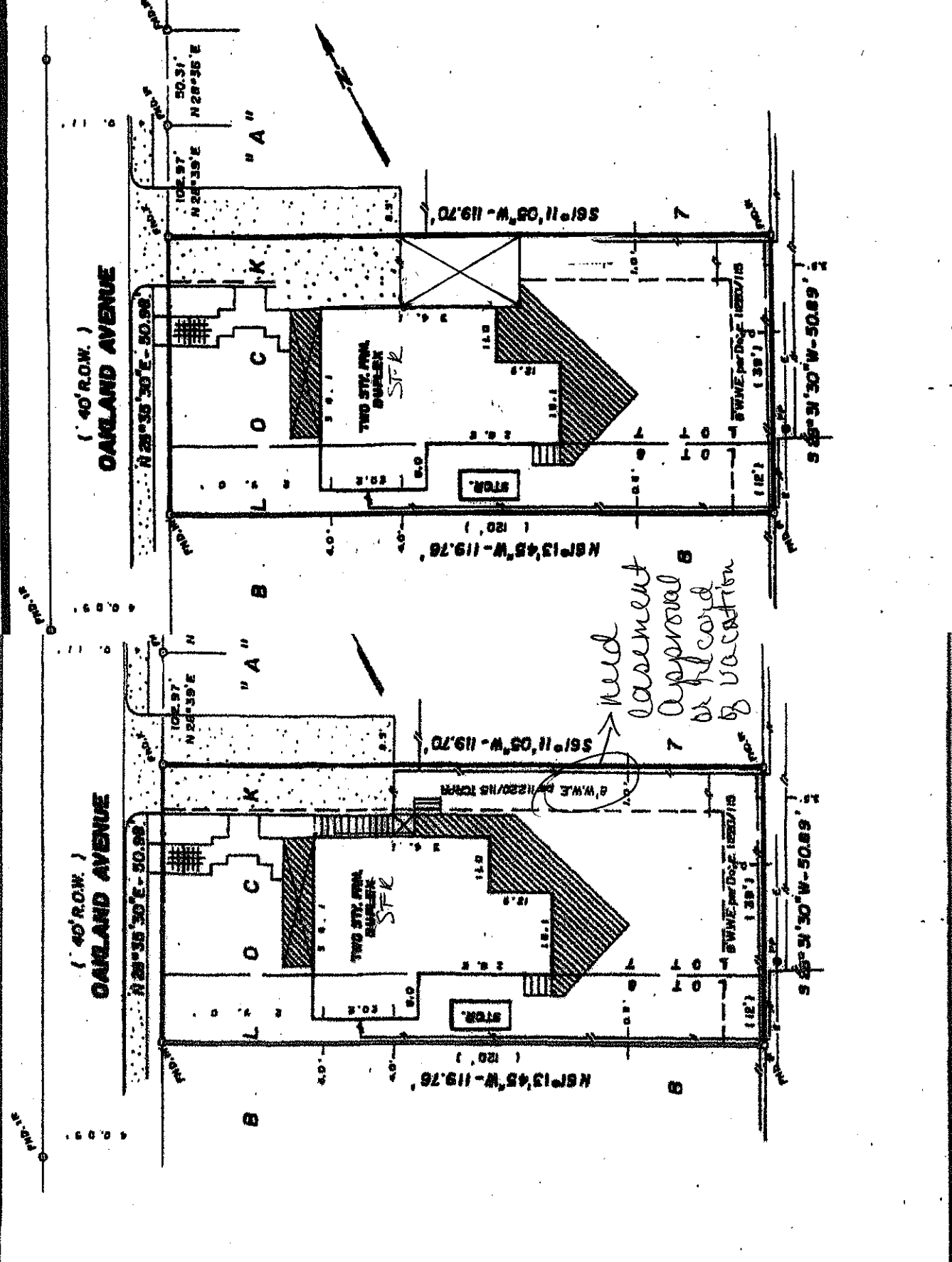
- Remove side decking
- Remove side staircase



- Build 11.5' x 25' one-car garage



RECORDS SECTION OF THE COUNTY ENGINEER'S OFFICE, SAN FRANCISCO, CALIFORNIA. THIS MAP IS A REPRODUCTION OF THE ORIGINAL RECORD MAP FILED IN THE OFFICE OF THE COUNTY ENGINEER, SAN FRANCISCO, CALIFORNIA, ON APRIL 15, 1933. THE ORIGINAL MAP IS FILED UNDER MAP NO. 484530205-B.



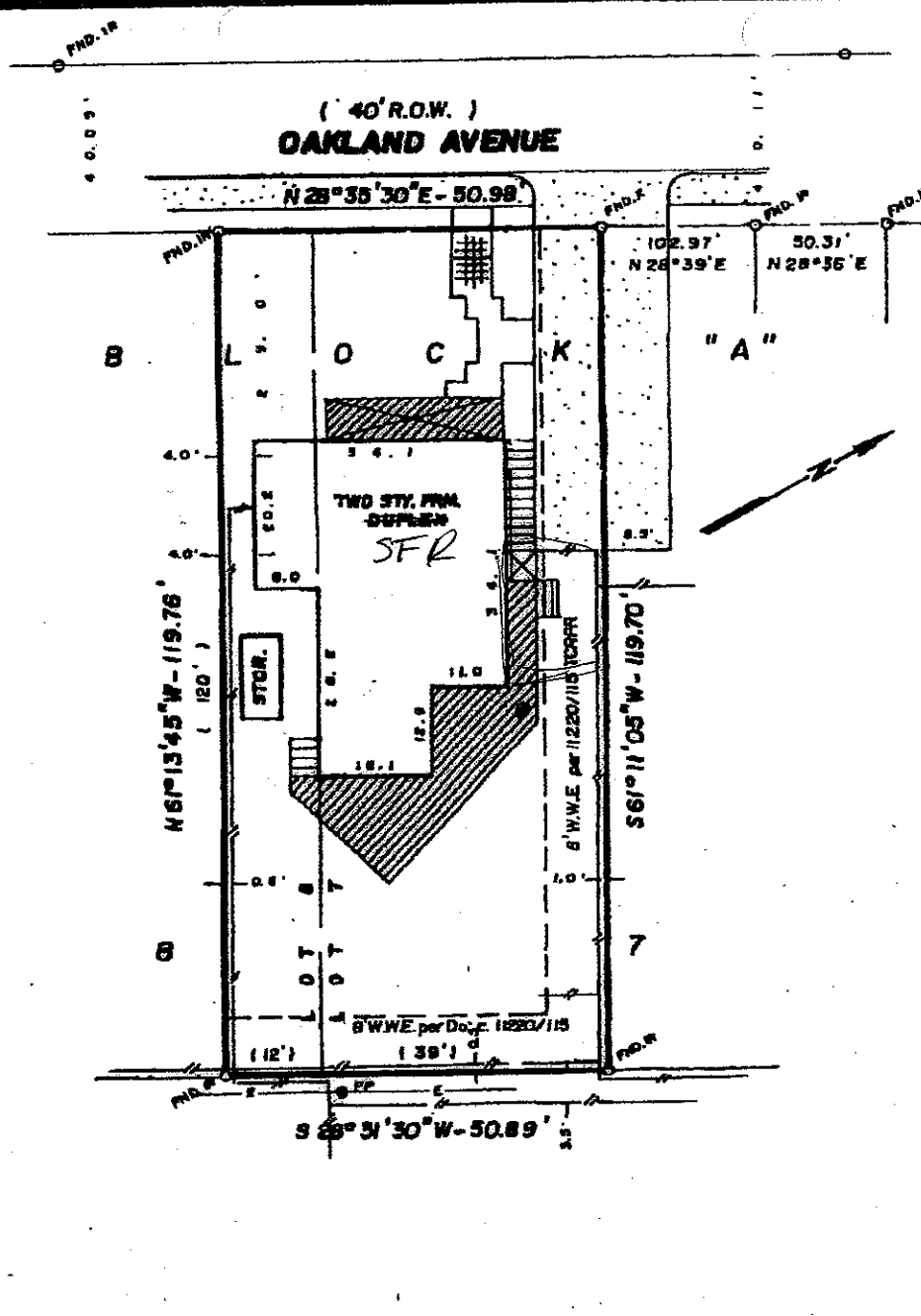
Proposed

Current

need basement approval or vacation of vacation

NOTE: (1) Lot is subject to restrictive covenants, including general easement rights and parking spaces. Requirements, as recorded in Vol. 290, Pg. 441, F.C.R. (2) Subject property DOES NOT lie within the limits of a special flood hazard zone, as determined from F.R.M.A. Flood Insurance Rate Map 484530205-B, dated June 16, 1993 (Zone "X").

*NOTE: (1) Lot is subject to Restrictive Covenants, including General Easement Rights and Building Setback Requirements, as recorded in Vol. 290, Pg. 441, TCDR.
 (2) Subject Property DOES NOT lie within the limits of a special flood hazard zone, as determined from F.I.M.A. Flood Insurance Rate Map 48453C0205-E, dated June 16, 1993 (Zone "X").



PROFESSIONAL SURVEYOR IN CHARGE FOR CHANGING MOVEMENT - "I" SECURED MAKE
 MAKE SURE ALL RECORDS, COPIES, NEAR POINTS, NOTES, EAST, WEST, FILE - PUBLIC UTILITY EXPOSURE, REPAIRS, DAMAGE
 TEST - TRAVIS COUNTY DEED RECORDING - TRAVIS COUNTY DEED RECORDING - TRAVIS COUNTY DEED RECORDING - TRAVIS COUNTY DEED RECORDING
 CALL ME AT MY OFFICE - 512-476-1111 - 512-476-1111 - 512-476-1111 - 512-476-1111
 102.97' N28°39'E 50.31' N28°36'E
 102.97' N28°39'E 50.31' N28°36'E
 102.97' N28°39'E 50.31' N28°36'E
 102.97' N28°39'E 50.31' N28°36'E

LEGAL DESCRIPTION: The South 39' of Lot 7 and the North 12' of Lot 8, Block A, TERRACE PARK, an addition in Travis County, Texas, according to the map or plat thereof recorded in Book 2, Page 242, Travis County Plat Records.

PURCHASER: TURQUAND **TITLE CO.:** GRACY
ADDRESS: 705 (A & B) OAKLAND AVENUE **G. F. NO.:** 03043270

I hereby certify that this plat represents a correct survey made upon the ground under my supervision on April 4 2003, and that there are no encroachments upon subject property, except as shown hereon, and that all improvements and all visible and apparent easements are shown hereon, and that subject property has access to and from a dedicated roadway and that said survey conforms to current Texas Board of Land Surveying Standards.
 Robert M. Sherrod, R.P.L.S., State of Texas No. 2519



NOTE

G · E · O
 A GEOGRAPHICAL
 LAND SERVICES CO.
 413 SPICEWOOD SPRINGS ROAD
 SPICEWOOD BUSINESS CENTER
 SUITE 1002
 AUSTIN, TEXAS 78759
 (512) 343-9600

DATE: 4-4-03 **FILED:** [Signature]
SCALE: 1"=20' **JOB NO.:** 0310617

[Handwritten signature]

Utility Easements

PBS&J

An employee-owned company
Texas Board of Professional Engineers Registration Number F-174

August 9, 2010

Mrs. Katherine Ertle
705 Oakland Avenue
Austin, Texas 78703

Re: Abandoned Utilities for 705 Oakland Avenue

Dear Mrs. Ertle:

The purpose of this letter is to confirm that the sanitary sewer lines (#A922 and #90-2025) and sewer manholes (#31250) located in the rear of lot 705 Oakland Avenue were abandoned and of the West 5th and 6th Area Sanitary Sewer Replacement Program, conducted under the Austin Clean Water Program. Please see the attached construction plan sheets which show the abandonment of these utilities.

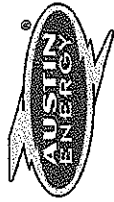
If you have any questions regarding this project please contact me at (512) 327-6840. The City of Austin Project Manager for the project was Charles Muela, P.E.

Sincerely,



Francisco (Paco) Guerrero, P.E.
Project Manager

P.c.: Charles Muela, P.E., City of Austin
Eric Hoffmaster, P.E., PBS&J



Austin's Community-Owned Electric Utility

City of Austin
Austin Energy

Town Lake Center • 721 Barton Springs Road • Austin, Texas 78704 • 1145

May 18, 2011

Ms. Katherine Ertle
705 Oakland Avenue
Austin, Texas 78703

Re: 705 Oakland Avenue
South 39' of Lot 7 and North 12' of Lot 8 Block A Terrace Park

Dear Ms. Ertle:

Austin Energy (AE) has reviewed your application for the above referenced property requesting a variance to erect and attached a single family garage at the north side of the property. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

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

Sincerely,



Christine Esparza
Public Involvement & Real Estates Services

Cc: Diana Ramirez and Susan Walker

What we promise to do

- Reflect the same period as the main house
- Maintain street trees
- Preserve the integrity of the original home built in 1935
- Maintain street setback lines (build 20' from front of house)
- Add outdoor lighting near garage
- Not change the existing driveway or curb cuts
- Protect all trees on our property and adjacent property
- Maintain consistent mass and scale

Hardships

- No back alley between Oakland and Pressler for rear parking/ garage
- Lot has multiple large trees and this is only location for a garage without cutting down an elm tree
- Home originally a duplex and we have turned it into a single-family home
- Need a closed-in area for bikes, strollers, and one car
- Most single-family homes have garages in neighborhood and they did not typically build garages for multi-family properties in 1920's and 1930's
- Homes in area were built with minimal space between properties but our property has just enough for a single garage if variance is granted
- All newly built homes have garages but we have remodeled the home rather than build new
- Property originally had wastewater line which prevented building along house. Wastewater line was recently abandoned