

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, July 11, 2011

CASE NUMBER: C15-2011-0069

Y Jeff Jack
 Y Michael Von Ohlen **Motion to Postpone to Aug 8, 2011**
 Y Nora Salinas
 Y Bryan King **2nd the Motion**
 Y Leane Heldenfels, Chairman
 Y Clarke Hammond, Vice Chairman
 Y Heidi Goebel

OWNER/APPLICANT: Larry Rolon

ADDRESS: 815 KEASBEY ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 5 feet to 1.5 feet in order to maintain a accessory structure for an existing two-family residential use (garage apartment) in an "SF-3-CO-NP", Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (Hancock Neighborhood Plan)

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 0 feet in order to maintain a accessory structure for an existing two-family residential use (garage apartment) in an "SF-3-CO-NP", Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (Hancock Neighborhood Plan)

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 6 inches in order to maintain a 2nd story patio and stairway for an existing two-family residential use (garage apartment) in an "SF-3-CO-NP", Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (Hancock Neighborhood Plan)

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to August 8, 2011 for better findings, Board Member Bryan King second on a 7-0 vote; POSTPONED TO August 8, 2011 FOR BETTER FINDINGS.

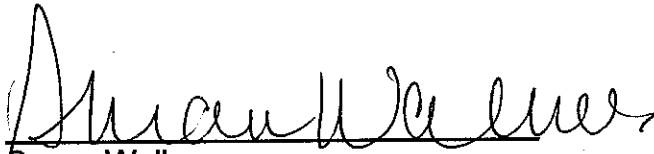
FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:

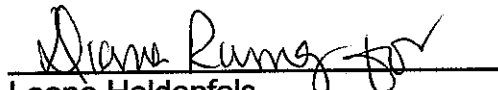
2. (a) The hardship for which the variance is requested is unique to the property in that:

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

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:



Susan Walker
Executive Liaison



Leane Heldenfels
Chairman

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
 - appearing and speaking for the record at the public hearing;
- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2011-0069 - 815 Keasbey Street
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, July 11th, 2011

4312 Red River
 Your Name (please print) **NE Feedback INC**

I am in favor
 I object

Your address(es) affected by this application
 [Signature] **W/8/11**
 Signature Date

Daytime Telephone: **512-249-2317**

Comments: _____

If you use this form to comment, it may be returned to:
 City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, July 11th, 2011

802 E 4th St Street Investments LLC
 Your Name (please print)

I am in favor
 object

Your address(es) affected by this application

802 E 4th St. 78751
 Signature: *Susan Walker* Date: 7/5/2011

Daytime Telephone: 512-917-4678

Comments: _____

If you use this form to comment, it may be returned to:

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 Contact: Susan Walker, 512-974-2202
 Public Hearing: Board of Adjustment, July 11th, 2011

CHAD GREENLE

Your Name (please print)

I am in favor
 I object

814 KEARSBEY ST.

Your address(es) affected by this application

Chad Greenle

Signature

01 JULY 2011

Date

Daytime Telephone: 804-814-2862

Comments: Larry "Roly" Rolon is an excellent neighbor, with his everpresent smile and eagerness to lend a helping hand. His art and his friendliness are prime examples of the best of Austin culture. His home is eclectic - one might say, weird, so I look forward to seeing Roly's new plans come to fruition.

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, July 11th, 2011

Your Name (please print)

Noel E Roebuck

I am in favor
 I object

Your address(es) affected by this application

4312 Red River
 Noel E Roebuck
 512-249-2317

Date

7/11/11

Daytime Telephone:

Comments:

If you use this form to comment, it may be returned to:
 City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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 # C15-2011-0069
ROW # 10606135
TR-0219080807

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: 815 Keasbey st

LEGAL DESCRIPTION: Subdivision - Ridgetop annex

Lot(s) 8 Block 8 Outlot 15 Division C

I/We Larry Rolon Larry Rolon on behalf of myself/ourselves as authorized agent for

Larry Rolon Larry Rolon affirm that on May 06, 2011,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

1ea storage shed 5' x 8', sits 18" from the property line south of the house, and 30" from the property line east of the house, and, a second story patio leading to the upstairs entry 6" from the property line, east of the house. The backyard is 40' x 15'. Or, 600 sq ft. The storage shed covers 40 sq ft. The shed covers 15% of the backyard and is not driven on by automobiles & the like.

rear - 5' → 1.5' & side yard 5' → 0' (?)
side - 5' → 6" from east pl. for 2nd story patio

in a SF-3-CO-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:

—The 5 x 8 shed is used to store Tools for Lawncare Home Maintenance, & Art Supplies. The upstairs patio is used for entry into the House.

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HARDSHIP:

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

The 5 x 8 shed is in the backyard is used for storage of necessary tools to help recycle thrown away items that would normally go to the landfill. My tools, ie hammers, saws, tree trimmers, lawnmowers, etc., are used to get construction debris & alike from households and, construction worksites. Without the storage shed, I cannot perform these duties. Also, my 5 x 8 shed keeps people from stealing my tools. I have been a victim of theft for many years of tools from outside of my house for many years. With the 5 x 8 shed there is no more theft. Thank You.

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

The 5 x 8 shed in the backyard sits behind a 6' wooden fence and, is not obtrusive to conforming properties or neighbors. My neighborhood has storage sheds similar to mine. The upstairs patio does not obstruct, or in the way of any conforming property.

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 5 x 8 shed is enclosed and, not impairing any adjacent conforming properties. There are similar sheds in the neighborhood. The upstairs patio is necessary to enter the house, and, there are similar patios in the neighborhood.

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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 Larry Rolon Mail Address 815 Keasbey St

City, State & Zip Austin, Texas 78751

Printed 05-06-11 Phone 512-809-1335 Date 05-06-11

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 Larry Rolon Mail Address 815 Keasbey st

City, State & Zip Austin, Texas 78751

Printed Larry Rolon Phone 512-809-1335
Date _____

rolorolon@grande.com.net

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.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

Robert A Johnson

815 Keasby

83

15

8

8,9

C

Rivertop Annex

Frame garage apartment

186 - April 2, 1937

4

Robert A. Johnson

815 Keasby St.

83

-

8

W.pt. of
8 & 9

-

Ridgetop Annex

Box garage

252n - 12/23/38

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