

CITY OF AUSTIN

Board of Adjustment/Sign Review Board

Decision Sheet

DATE: Monday, July 11, 2011

CASE NUMBER: C15-2011-0078

_____ Jeff Jack
_____ Michael Von Ohlen
_____ Nora Salinas
_____ Bryan King
_____ Leane Heldenfels, Chairman
_____ Clarke Hammond, Vice Chairman
_____ Heidi Goebel

APPLICANT: Erik Chyten

OWNER: Itaska Massie

ADDRESS: 5901 BOLM RD

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 9 feet in order to erect an addition to a single-family residence in an “LR-MU-CO-NP”, Neighborhood Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan” zoning district. (Johnston Terrace Neighborhood Plan)

BOARD'S DECISION: POSTPONED TO AUGUST 8, 2011 FOR BETTER DESIGN OF PLAN

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

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 #
ROW #

C15-2011-0078

10606204

TP-0202190555

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: 5901 Bolm Road

LEGAL DESCRIPTION: Subdivision - UNT A GREENPOINT AUSTIN
CONDOMINIUMS THE PLUS 9.09 % INT IN COM AREA

Formatted: Font: (Default) Times New Roman, 12 pt

Lot(s) _____ Block _____ Outlot _____ Division _____

Formatted: Font: (Default) Arial

I/We _____ Erik Chyten on behalf of myself/ourselves as authorized agent for

_____ Itaska Massie affirm that on _____
_____ may 20, 2011, _____

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

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

A hallway to a family room addition (9° rear yard setback)

in a _____ SF3 district.

LR-MU-CO-NP₂

Johnston Terrace
Neighborhood
Plan

(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:

Not applicable no use change only need a variance to add the hallway to get to the addition

Formatted: Indent: Left: 0.3"

HARDSHIP:

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

The only reasonable way to get to the side of the house is to create a hallway on the back of the house. When the lot was sub divided they only left 12'6" in the back of the house to the property line

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

All the surrounding properties are commercial condos and the area closest to the lot line in the rear is just a driveway

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:

Because this is adjacent to a commercial driveway

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 En Ch Mail Address 5203 maverick dr
City, State & Zip houston Tx 78727
Printed En K chytin Phone 785-4234 Date 5/20/11

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 Itaska Massie Mail Address 5901 Bolm
Road _____

City, State & Zip Austin, TX
78721

Printed Itaska Massie Phone 832-715-2124
Date 5/20/11

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:

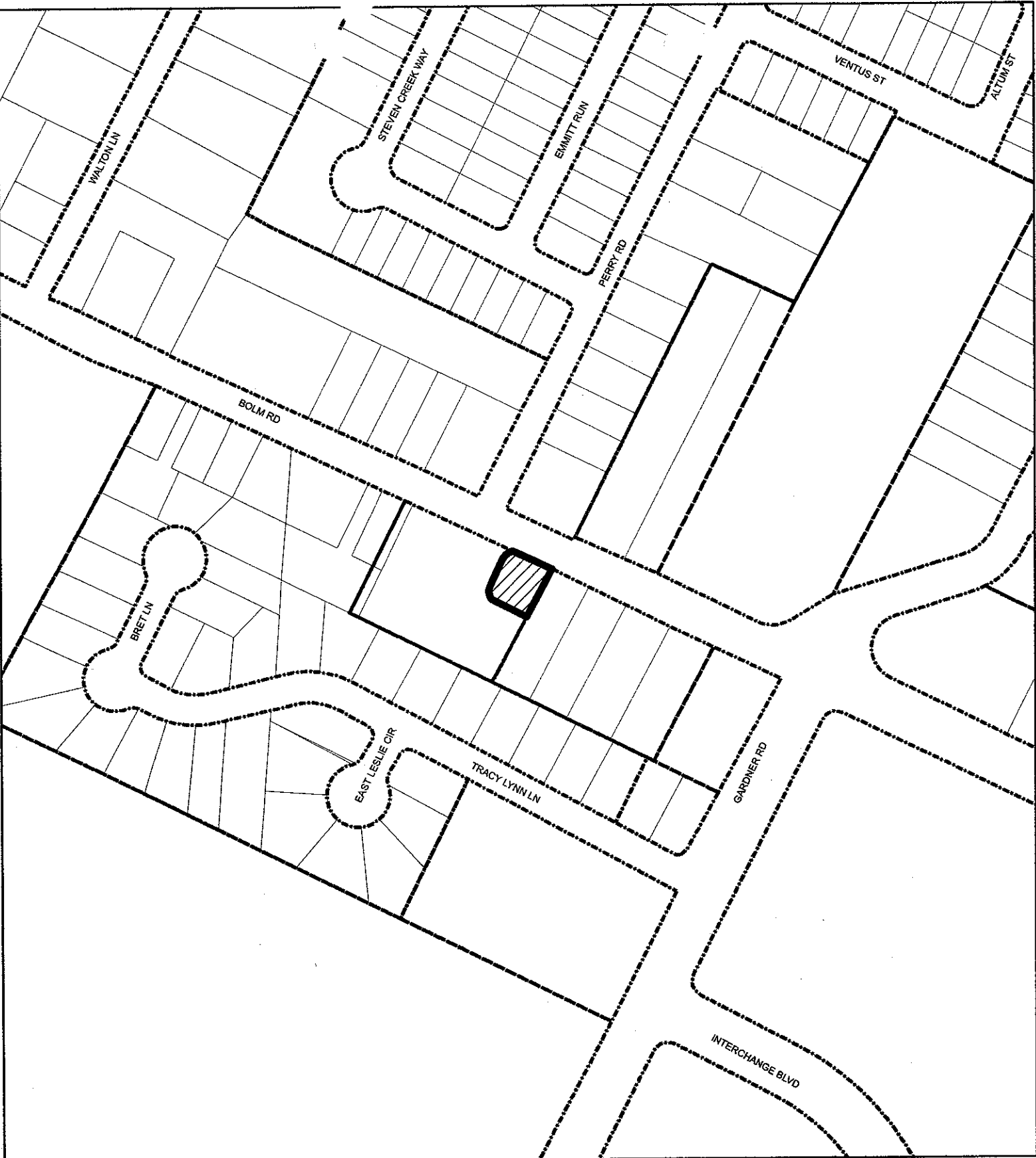
- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property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

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) ~~A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).~~
- (4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (6) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

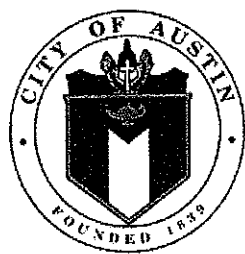
Formatted: Bullets and Numbering



-  SUBJECT TRACT
-  ZONING BOUNDARY

BOARD OF ADJUSTMENTS

CASE#: C15-2011-0078
LOCATION: 5901 BOLM ROAD
GRID: M21
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.

I, THE UNDERSIGNED, HAVE THIS DATE, MAKE A CAREFUL AND ACCURATE SURVEY OF THE PROPERTY LOCATED AT: 5901A BOLM ROAD, AUSTIN TEXAS, BEING DESCRIBED AS FOLLOWS: LOT 12A, AMENDED PLAT OF LOTS 11 AND 12 BOLM ROAD ACRES, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO. 201000165, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

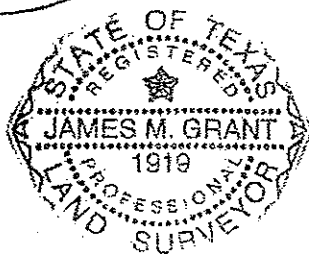
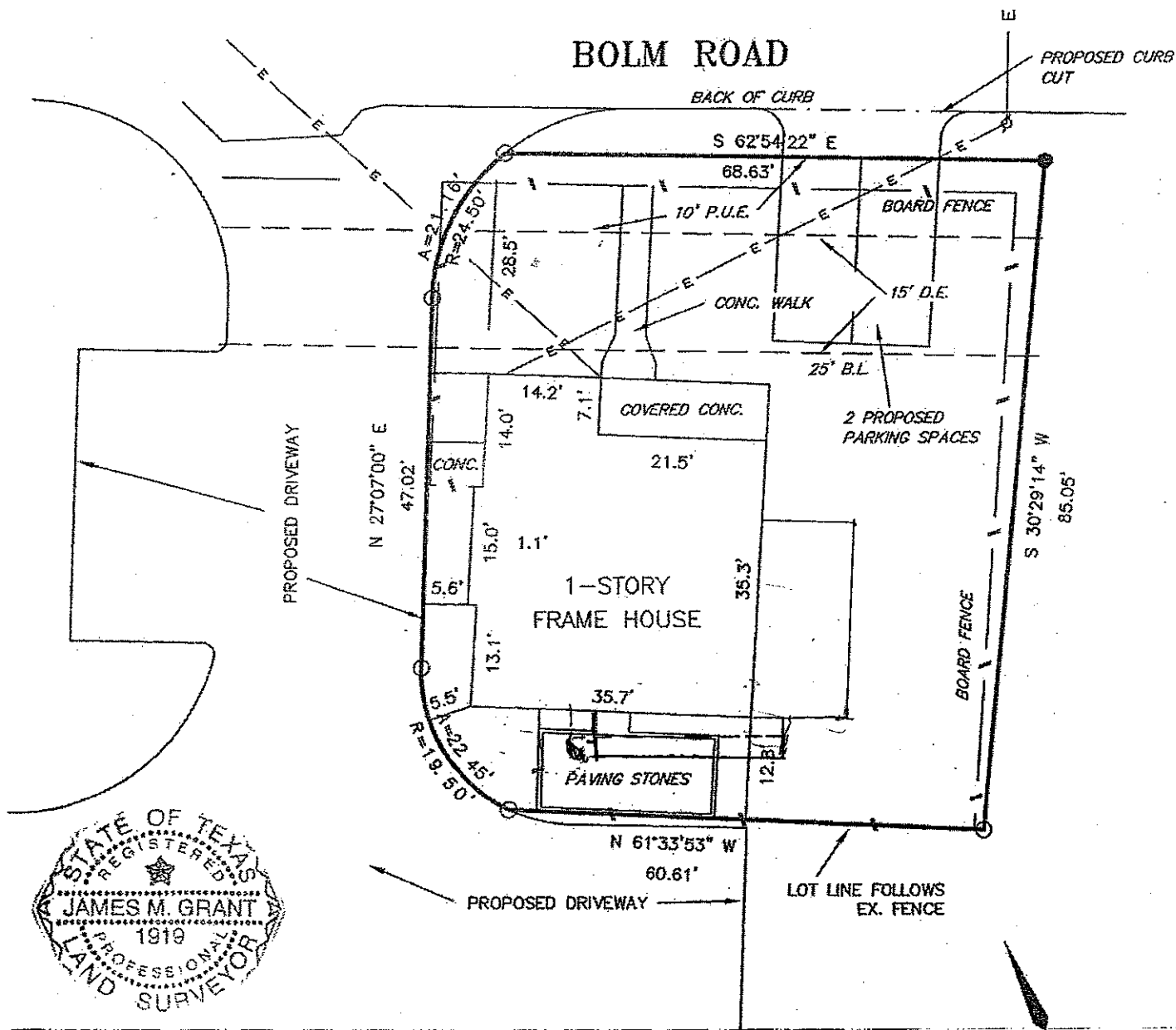
REFERENCE: GF NO. 1022304-MSW
 BUYER: ITASKA MASSIE ARDOIN
 SELLER: PHILIP STOVALL AND SPOUSE JOANN STOVALL
 TITLE CO.: CHICAGO TITLE
 UNDERWRITER: CHICAGO TITLE INSURANCE COMPANY

NOTES: 1. THE EASEMENTS AND BUILDING LINES SHOWN HEREON WERE DEDICATED BY DOC. NO. 200400033 AND 201000165.

MAP SYMBOLS:

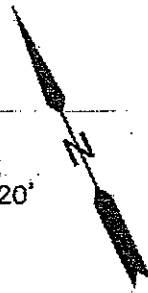
— —	WOOD BOARD FENCE
—E—	UTILITY LINE
P.U.E.	PUBLIC UTILITY EASEMENT
B.L.	BUILDING LINE
●	1/2" REBAR FOUND
⊙	1/2" REBAR SET, CAPPED "HARRIS GRANT"
CM	CONTROL MONUMENT

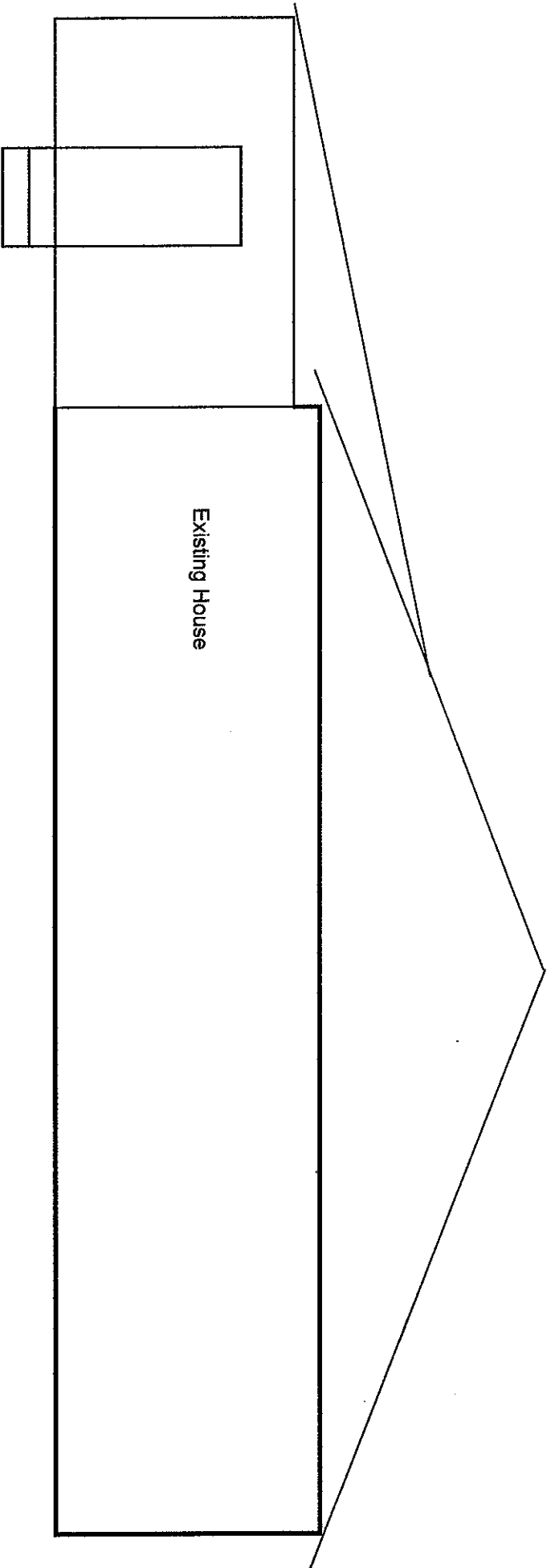
BOLM ROAD



THE UNDERSIGNED DOES HEREBY CERTIFY TO THE PARTIES LISTED ABOVE THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS ACCURATE, AND THAT THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY EASEMENTS OR ROADWAYS, EXCEPT AS SHOWN HEREON, AND THE SAID PROPERTY ABUTS A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON. THIS PLAT IS VALID ONLY FOR THIS TRANSACTION.
 HARRIS-GRANT SURVEYING INC. P.O. BOX 807
 MANCHACA, TEXAS 78756 (512) 444-1781

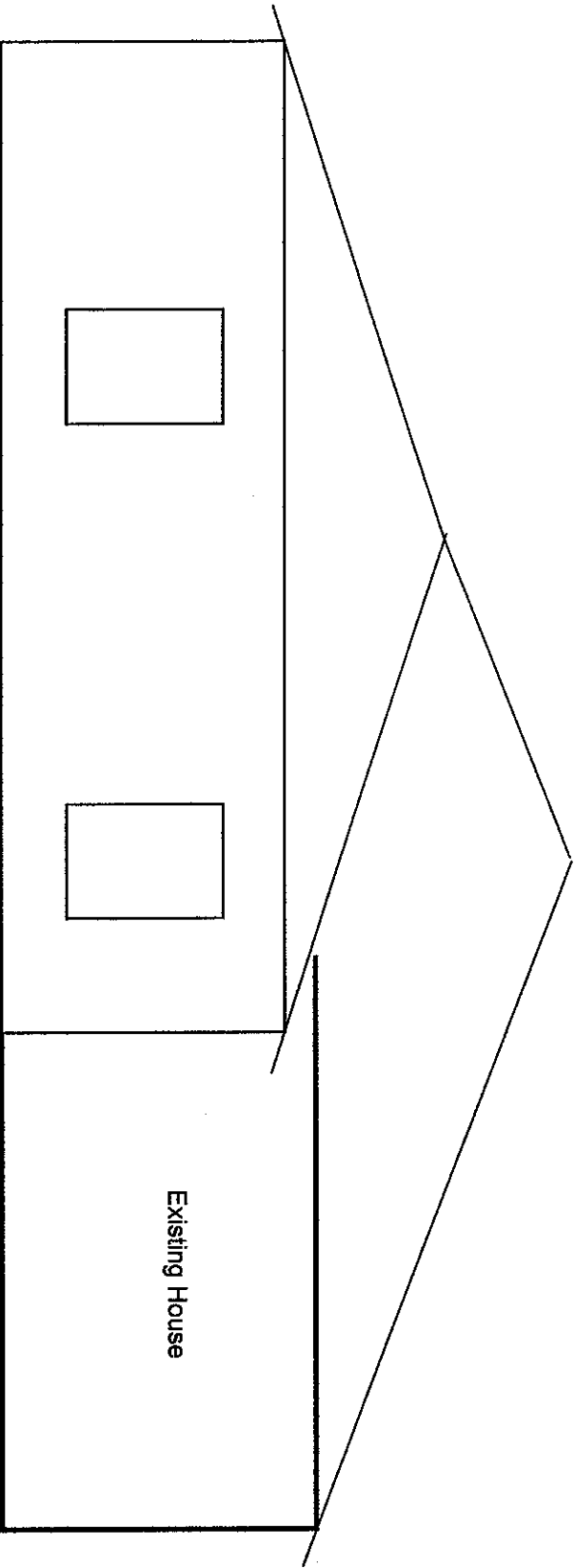
PLAT NORTH
 SCALE: 1" = 20'





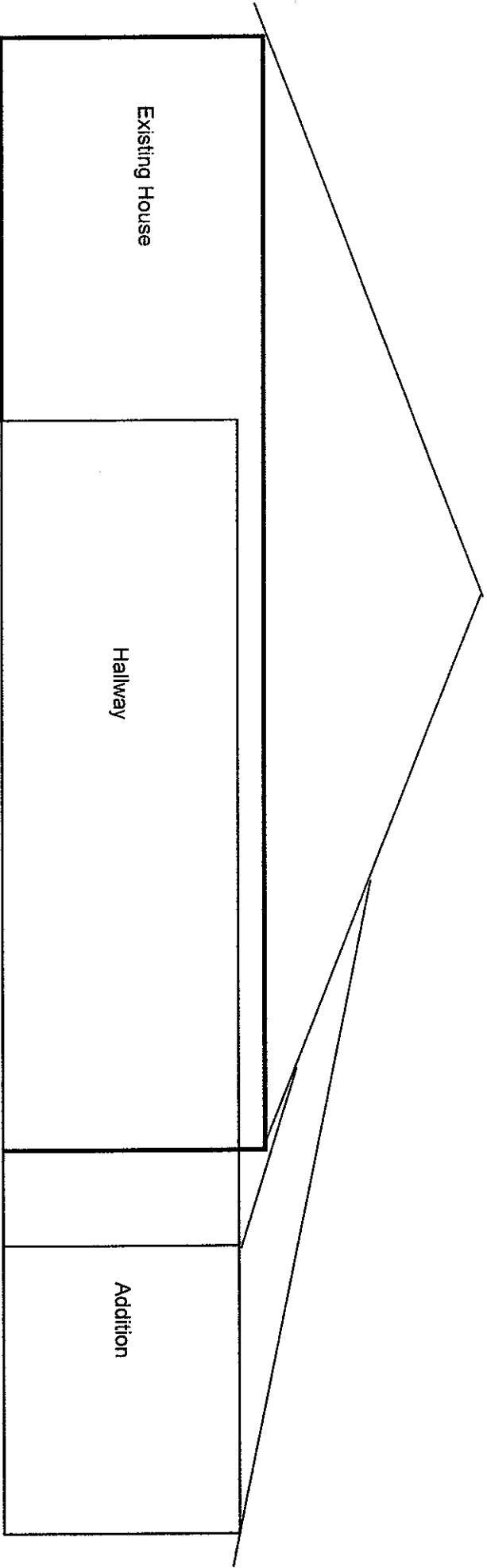
Existing House

North Elevation



East Elevation

Existing House



Existing House

Hallway

Addition

South elevation

