

Please be advised that the Board only takes 16 new cases a month, therefore, first come, first served. Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

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).

A mended

CASE # C15-2011-0087
ROW # _____

**CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL
REQUESTED INFORMATION COMPLETED.**

**WAR
NING**

: Filing of this appeal stops all affected construction activity.

STREET ADDRESS: 3304 Greenlee

LEGAL DESCRIPTION: Subdivision -

Lot(s) _____ Block _____ Outlot _____ Division _____

I/We David Cancialosi on behalf of myself/ourselves as authorized agent for

Elizabeth Titts affirm that on

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

(check appropriate items below)

ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

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.

(zoning district) SF-3



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 building permit was approved as a secondary apartment by the city of Austin. The rules for garage apt cannot be met as due to the approved design and construction of the unit. Several homes in the neighborhood have garage apartments. The current design, as built per approved plans, cannot comply w/ secondary apartment regulations, requiring the owner to seek remedy before the BOA to maintain current structure.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
The city approved the plans as a "secondary apt". The owner's intent has always been to rent out the unit, thus the "secondary apt" designation. The city further commented on the permit the unit could be used as accessory apt or guest apt - neither which can be rented. The result is the unit must be called a "duplex", thus the corresponding requests from relative code sections. The city provided inconsistent information as to the type of use allowed.

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

There is no known property in the area approved w/ a 'secondary apt', but being required to comply w/ 'duplex' regulations due to city error. The only way to comply w/ the 'secondary apt' reqs (as approved), is to detach the existing garage from the primary structure -

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 unit will not look like a duplex whatsoever. It will have the same physical/aesthetic characteristics as a secondary garage apt. The unit currently is 50% completed, and sits atop the attached garage. A side yard stairwell will encroach 3' into the 10' setback. The owner is a 3rd generation homeowner of this structure and has all intentions of remaining in keeping w/ neighbor character.

PARKING: (Additional criteria for parking variances only.) **N/A**

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:

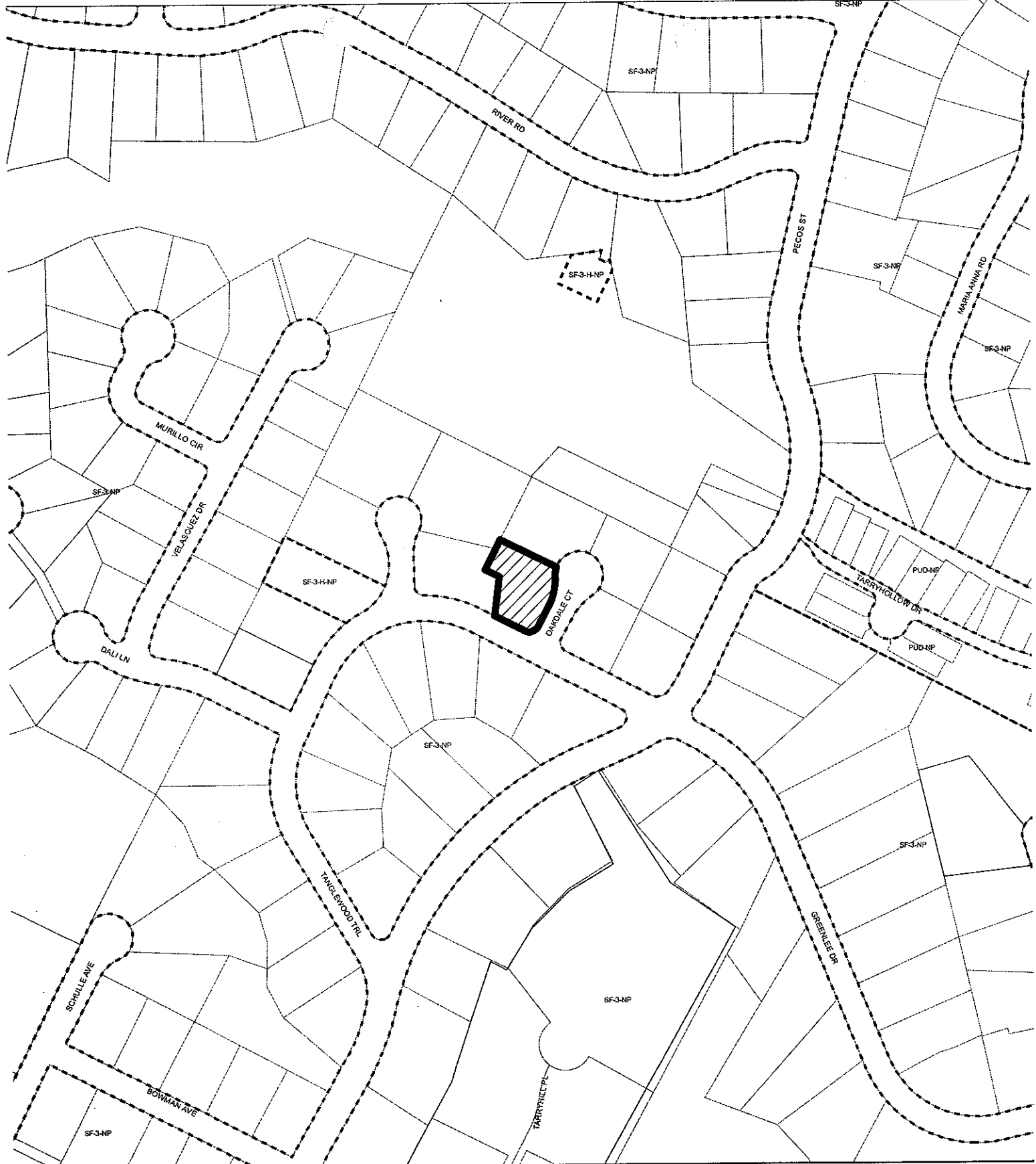
N/A

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



Board of Adjustment



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2011-0087
 LOCATION: 3304 Green Lee
 GRID: G25
 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.

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 # C15-2011-0087
ROW # 1062278

TP-048060107

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: 3304 GREENLEE

LEGAL DESCRIPTION: Subdivision - _____

Lot(s) _____ Block _____ Outlot _____ Division _____

I/We DAVID CANCELAOSI on behalf of myself/ourselves as authorized agent for

ELIZABETH PITT affirm that on 6, 16, 2011

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

(check appropriate items below)

ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

STAIRWELL TO 2nd FLOOR GARAGE APT ENCLOSURES
INTO REAR 10' SETBACK. PLANS APPROVED BY COA.

ALLOW DUPLEX DEPTH REQUIREMENTS TO BE REDUCED

in a SF3-NP district. (West Austin U.P.)
(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:

HARDSHIP:

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:

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:

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:

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

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.

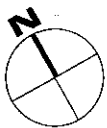
Signed [Signature] Mail Address David @ Permit-Partners. com
City, State & Zip 8500 SPANISH CREEK BLVD BLDG 4 #200
Printed DANA CAVANESS Phone 7992461 Date 6/15/11

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 Elizabeth F. Pitts Mail Address 3304 Greenlee Dr.
City, State & Zip Austin, TX 78703
Printed Elizabeth F. Pitts Phone 964-3918 Date 6.15.11

AUSTIN DESIGN GROUP
residential designers

PROPERTY ZONING: SF-3



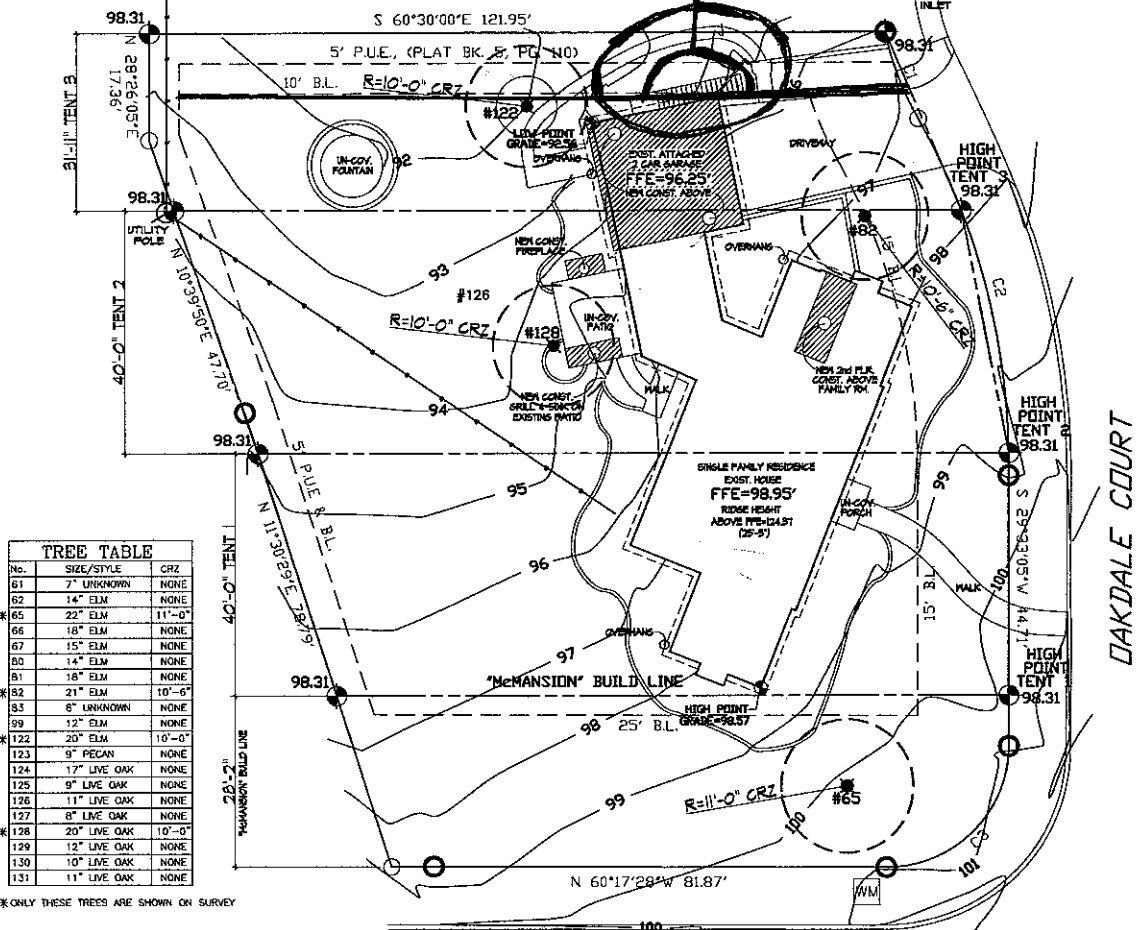
date: 04-21-11

Curve	Radius	Length	Chord	Chord Bearing
C1	47.00'	15.35'	15.29'	S 68°55'00" V
C1	47.00'	(15.31')	(15.29')	S 68°55' V
C2	116.96'	61.35'	60.65'	S 15°20'40" V
C2	(116.96')	(61.24')	(60.24')	S 14°35' V
C3	20.00'	31.49'	29.34'	S 74°55'15" V
C3	(20.00')	(31.42')	(28.28')	S 74°35' V

REAR SETBACK ENCROACHMENT

LEGEND

WOOD FENCE	UTILITY POLE
UTILITY LINE	X SPOT ELEVATION
A/C UNIT	BL. BUILDING LINE
ELEC. METER	D.E. DRAINAGE EASEMENT
WATER METER	P.U.E. PUBLIC UTILITY EASEMENT
GAS METER	O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
IRON ROD FND.	1/2" BRON ROD W/ PLASTIC CAP STAMPED "ALL POINTS" SET
PIPE FND.	P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
	D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY, TEXAS



TREE TABLE

No.	SIZE/STYLE	CRZ
61	7" UNKNOWN	NONE
62	14" ELM	NONE
65	22" ELM	11'-0"
66	18" ELM	NONE
67	15" ELM	NONE
68	14" ELM	NONE
81	18" ELM	NONE
82	21" ELM	10'-6"
83	8" UNKNOWN	NONE
99	12" ELM	NONE
122	20" ELM	10'-0"
123	9" PECAN	NONE
124	17" LIVE OAK	NONE
125	9" LIVE OAK	NONE
126	11" LIVE OAK	NONE
127	8" LIVE OAK	NONE
128	20" LIVE OAK	10'-0"
129	12" LIVE OAK	NONE
130	10" LIVE OAK	NONE
131	11" LIVE OAK	NONE

* ONLY THESE TREES ARE SHOWN ON SURVEY

F.A.R. CALCULATIONS

DESCRIPTION	EXISTING	NEW	TOTAL
1st FLOOR GROSS AREA	1,936.00	68.00	2,004.00
2nd FLOOR GROSS AREA	1,307.00	542.00	1,849.00
2 CAR GARAGE ATTACHED	501.00	-68.00	433.00
EXEMPTION: ATTACHED 2 CAR			-200.00
TOTAL GROSS FLOOR AREA			4,086.00
TOTAL GROSS LOT AREA			16,496.26
FLOOR AREA RATIO			24.76%

LEGAL DESCRIPTION

OAKDALE SUBDIVISION
PORTION OF LOT 1
3304 GREENLEE DRIVE

BUILDING COVERAGE

DESCRIPTION	EXISTING	NEW	TOTAL	
LOT SQ. FT.	16,496.26		16,496.26	100.00%
1st FLOOR COND. AREA	1,936.00	68.00	2,004.00	
2nd FLOOR COND. AREA	1,259.00	542.00	1,801.00	
2 CAR GAR. ATTACHED	501.00	-68.00	433.00	

TOTAL BUILDING COV. 4,238.00 25.69%

IMPERVIOUS COV.

DESCRIPTION

TOTAL BUILDING COV.	4,238.00
DRIVEWAY	501.00
CONC. WALK (FRONT)	120.00
CONC. WALK (OTHER)	286.00
FRONT PORCH (UN-COV)	36.00
BACK PATIO (UN-COV)	194.00
A/C PAD	18.00
TOTAL IMPERV. COV.	5,399.00 32.72%

THE SEAL ON THIS PAGE PERTAINS ONLY TO THE AFFIRMATION OF THE COMPLIANCE OF THESE PLANS TO THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS FOR THE CITY OF AUSTIN

SITE PLAN

SCALE: 1" = 20'-0"



City of Austin BUILDING PERMIT

PERMIT NO: 2011-041307-BP
3304 GREENLEE DR

Type: RESIDENTIAL **Status:** Active
Issue Date: 05/16/2011 **EXPIRY DATE:** 01/15/2012

LEGAL DESCRIPTION Lot: 1 Block: Subdivision: OAKDALE	SITE APPROVAL	ZONING SF-3-NP
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PROPOSED OCCUPANCY:	WORK PERMITTED: Addition and Remodel	ISSUED BY: Zulema Flores
<p>Partial Demolition to Existing Single Family Home and Garage. Removing Portion of Roof over Family Room to Make way for New Bathroom on 2nd Floor. Removing Roof Above Garage to make way for new Secondary Apartment. New Apartment to consist of Living, Kitchen, bedroom and full bathroom, approx 425 sqft. Remodel to Interior of Home will be Extensive. 1st Floor - Removing several walls in the Dining Room and living Room. Installing new wall in Living room to create Study. Lowering wall between Family and Breakfast area. Remodeling of Kitchen, replacing cabinets, countertops, flooring and fixtures. Creating new large pantry under Stairwell. 2nd Floor - Removing Closet next to Stairwell, Relocating Several Walls in Master Bathroom, Eliminating one guest bathroom for master bathroom enlargement. Remodel to Master Bathroom, relocating vanity, toilet, tub and shower. Enlarging one closet next to bathroom. Adding Outdoor Kitchen and Fireplace to Existing Patio adjacent to Playroom.</p>		

TOTAL SQFT New/Addn: 562	VALUATION Tot Val Rem: \$53,000.00	TYPE CONST.	USE CAT. 434	GROUP	FLOORS 2	UNITS 1	# OF PKG SPACES 2
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TOTAL BLDG. COVERAGE 2416	% COVERAGE 14.4	TOTAL IMPERVIOUS COVERAGE 3056	% COVERAGE 18.3	# OF BATHROOMS 4	METER SIZE 3/4
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Contact	Phone	Contact	Phone
Applicant, Matthew Martinelli, Zuri Group, Inc. Homeowner, Curtis Fitzpatrick	(512) 690-4109 (512) 964-3918	Billed To, Matt Martinelli General Contractor, Matthew Martinelli, Zuri Group, Inc.	(512) 690-4109 (512) 690-4109

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	146.00	5/16/2011	Demolition Permit Fee	44.00	5/16/2011	Electrical Permit Fee	141.00	5/23/2011
Initial Residential Review Fee	100.00	5/16/2011	Mechanical Permit Fee	127.00	6/9/2011	Plumbing Permit Fee	127.00	5/18/2011
Fees Total:	685.00							

Inspection Requirements	Building Inspection	Electric Inspection	Mechanical Inspection	Plumbing Inspection
	Tree Inspection			

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.
City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments	<p>Under the current code the proposed apartment above the existing garage may be used as an accessory use. The lot size is 16,496 sqft. therefore they qualify for that use. Per City Code 25-2-893 (D) A guest house is permitted if the principal use is a single-family residential use located on a lot with at least 10,000 square feet of area. A guest house may be occupied only by occasional nonpaying guests of the permanent residents. (E) A single accessory dwelling is permitted if the principal use is a single-family residential use located on a lot with at least 15,000 square feet of area. An accessory dwelling may be occupied only by a family that has at least one member employed on-site for security, maintenance, management, supervision, or personal service. (1) Patio improvements within 10 feet of tree #128 must be established above grade with no implants to subgrade (2) sewer line must be established outside of root zones depicted with attachments. Applicant agrees to install tree protection fencing per ordinance and mulching around critical root zone; No impacts allowed in HALF critical root zone, including trenching for utilities or sprinkler installation</p>
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City of Austin BUILDING PERMIT

PERMIT NO: 2011-041307-BP

Type: RESIDENTIAL

Status: Active

3304 GREENLEE DR

Issue Date: 05/16/2011

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Residential Zoning Review

Date **Reviewer**
05/12/2011 Brent Hendricks

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.

<u>Type</u>	<u>Date</u>	<u>Status</u>	<u>Comments</u>	<u>Inspector</u>
100 Pre-Construction	5/19/2011	Pass	Took photos	Wes Buckner
101 Building Layout	5/20/2011	Pass		Wes Buckner
102 Foundation		Open		Wes Buckner
103 Framing	7/15/2011	Pass		Wes Buckner
104 Insulation	7/19/2011	Pass		Wes Buckner
105 Wallboard		Open		Wes Buckner
109 TCO Occupancy		Open		Wes Buckner
111 Energy Final		Open		Wes Buckner
112 Final Building		Open		Wes Buckner
114 Continuance of work		Open		Wes Buckner
Deficiencies		Open		Wes Buckner
Tree Inspection		Open		Jim Gobel