

specialist in the Plan Review Division at 974-2580.

1

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).

C15-2011-0097
TR-0218060702
ROW-10634192

CASE # _____
ROW # _____

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: 3803 Duval ST. Austin TX 78751
LEGAL DESCRIPTION: Subdivision - Oaklawn Addn

Lot(s) 1-6 Block 1 Outlot 11 Division C

I/We David Triche on behalf of myself/ourselves as authorized agent
for David Triche
affirm that on 7/22, 2011, hereby apply for a hearing before the Board of Adjustment for
consideration to:

(check appropriate items below)

X ERECT ATTACH COMPLETE REMODEL X MAINTAIN

Add to an existing driveway to increase available parking spaces and add the ability to turn around before exiting the property to a home built circa 1925. 450% → 52%

To erect a 22' section of 8' fence between the new parking area and the house; the fence will run perpendicular to the side yard fence for less than half the property width and should have no impact on the neighbors on either side. 6' → 8'

A setback variance is requested for one interior side yard (from 5' to 2' 4") and rear yard (from 10' to 5' 4") for the existing accessory building.

A setback variance is requested for one interior side yard (from 5' to 0') for an existing exterior water heater closet.

in a SF-3 - CO-NP district.
(zoning district)

Mauncock 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 additional support documents.

2

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 house and existing driveway take up a large percentage of the impervious cover allowed, without allowing for any parking that would not block entering or exiting for a second vehicle. The existing driveway runs for 74' between the house and property line before expanding into an area that could be used for parking a single car without space to turn around to exit in a forward direction. We are working with the Hancock Neighborhood Association to install a Green Space in partnership with Austin Public Works Neighborhood Connectivity division where we used to park; there is a letter of support for these changes from Hancock Neighborhood Association included here.

The variance for the 8' section of fence is requested in addition to the parking expansion as it would give separation/privacy between the rear facing bedroom of the home and the new parking area.

The accessory building was existing on purchase of the property in 2009, and the setback non-compliance should have been resolved with Austin permit #2008-069272BP; this variance is requested to bring this to a conforming state.

The water heater closet was existing, and has existed for at least 15 years based on the manufacture date of the water heater that is currently installed. The water heater closet is currently .1' over the property line; my intent is to rebuild the closet when the water heater is being replaced to bring it as far inside the property line as is possible.

HARDSHIP:

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

The existing space does not allow for any type of turnaround that would allow a vehicle to exit the property in a forward position and the driveway is only 47 feet from the intersection of 38th St. and Duval. Backing out would be exceptionally dangerous for both motorists as well as the numerous cyclists who use the bike lanes on Duval St.

The accessory building existed on purchase of the property and was believed to have been moved to comply with setbacks as per Austin permit #2008-069272BP. The fact that permit #2008-069272BP was withdrawn was unknown at the time of purchase, and it was understood from the broker and the seller that all compliance issues had been resolved prior to listing for sale. This leaves the property in a

non-conforming state and this variance request is an attempt to move the property to a conforming state.

Because of the layout of the house and lot, there is nowhere else that the water heater can be installed. The other side of the house is already a narrow driveway and anywhere it is placed on this side of the house will encroach on the 5' setback due to the proximity of the main structure to the property line.

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

This property does not have secondary access via an alley, a secondary entrance nor any accessible street parking; on-street parking as well as alley access is common to a large majority of homes in this area.

There is no indication that other non-complying properties had permits opened to move them to a compliant status which were subsequently withdrawn.

Many similar duplex properties in the area have significantly less house width relative to the lot size allowing AC pads and hot water heater closets that do not encroach on the 5' setback. This lot and home were not designed for such items and as such placement options are limited.

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 as proposed would be completely behind the main structure with only a transit drive along the side of the structure; this is in keeping with the neighborhood desire to avoid front and side yard parking. The variance would not alter the character of the adjacent area because most homes in the area surrounding the property are rentals with significant parking space relative to the size of the lots. Numerous lots surrounding the subject property have 45'x45' or larger paved parking spaces (not counting driveways). The average size of these lots is 8047 sq ft.

The accessory building is existing, and will not encroach upon the use or character of the neighborhood green space that is to be created on the nearest lot, 3801 Duval St. We have met with the neighborhood parks committee to review the proposed site plan for 3801 Duval St., and confirmed that if this structure remains it will not inhibit the use of the green space. Once the green space is installed, this structure will be in a rear corner of the lot which will not be visible to the general public, and therefore should not alter the character of the neighborhood or neighboring lots.

The hot water heater closet is on a side of the house which is both very narrow and hidden from street view by a number of trees. In addition, this side of the house has no doors, decks or other structures that make it visible to the inhabitants or the general public. The structure next door, where no one has lived for years also has its decks and entries on the front or opposite side of the structure.

PARKING: (Additional criteria for parking variances only.)

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 David Triche Mail Address 3308 Western Dr

City, State & Zip Austin, TX 78745-4620

Printed DAVID TRICHE Phone 512-827-7368 Date 7-22-2011

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 David Triche Mail Address 3308 Western Dr

City, State & Zip Austin TX, 78745-4620

Printed DAVID TRICHE Phone 512-827-7368 Date 7/22/2011

1" = 20'

8-12-2011
This configuration
for parking is acceptable
for transportation purposes

DUVAL ST.

Agent Chen
914 3428

3801

DRIVEWAY

PROP LINE

GRASS

GRASS

3803

HOUSE

GRASS

3805

HOUSE

ALLEY

DECK

GRASS

PROP LINE

NATIVES

17'

HOUSE

STORAGE

GRASS

DRIVEWAY

PROP LINE

HOUSE

HOUSE

38TH ST.

8' fence

Walker, Susan

From: David Triche [David@DavidTriche.com]
Sent: Friday, August 12, 2011 2:37 PM
To: Walker, Susan
Subject: FW: Huffstickler green - groundcover idea
Attachments: 4617_001.pdf

Hello Susan - this is a signed approval from Amber Mitchell (there in the DAC with you I believe?) that she has reviewed my proposal and agrees that this is the best option I have to resolve the parking issue. Can you include this in my backup materials?

thanks and hope you have a great weekend!

David Triche
512-827-7368

From: Mitchell, Amber [mailto:Amber.Mitchell@ci.austin.tx.us]
Sent: Friday, August 12, 2011 2:08 PM
To: David@DavidTriche.com
Subject: RE: Huffstickler green - groundcover idea

David - Sorry for the late response. Attached is a signed copy of your proposed parking concept.

Amber Mitchell
City of Austin - Development Assistance Center
505 Barton Springs Rd, 1st Floor
512-974-3428
amber.mitchell@ci.austin.tx.us

From: David Triche [mailto:David@DavidTriche.com]
Sent: Monday, July 25, 2011 7:03 PM
To: Mitchell, Amber
Subject: RE: Huffstickler green - groundcover idea

Hello Amber - we met a couple of weeks ago about the property at 3803 Duval St (built in 1925) regarding a need to reconfigure parking due to the green space being created next door. Attached are final copies of the variance application as well as the existing and proposed lot layouts. This will take us from 42% IC to 52% IC, but we've reduced that from 56% IC by proposing removing concrete in one area that it currently exists but is not needed. I know I could cut this proposal down some and have just enough parking space to meet the requirements of the city, but that would leave zero space for even one visitor to park without completely blocking everyone else in. I've tried to do my best to balance the least IC with the most functional parking layout.

You had offered to "sign off" on the proposal as a "best we can do" for me to present to the BOA. Please review what I have here and make suggestions or let me know if you're comfortable with signing off on it as it is proposed.

I greatly appreciate your time and feedback the other morning - thank you.

8/26/2011

David Triche
512-827-7368

From: Mitchell, Amber [<mailto:Amber.Mitchell@ci.austin.tx.us>]
Sent: Thursday, June 30, 2011 3:59 PM
To: David@DavidTriche.com
Subject: RE: Huffstickler green - groundcover idea

Hi David - I can work with you on your driveway configuration; I take walks-ins every day from 9 am to noon in the Development Assistance Center at 505 Barton Springs Rd. Any questions relating to the variance process should go to Susan Walker. She is also here in the Development Assistance Center; you can also contact her at 974-2202.

Amber Mitchell
City of Austin - Development Assistance Center
505 Barton Springs Rd, 1st Floor
512-974-3428
amber.mitchell@ci.austin.tx.us

From: David Triche [<mailto:David@DavidTriche.com>]
Sent: Wednesday, June 22, 2011 2:18 PM
To: Mitchell, Amber
Subject: FW: Huffstickler green - groundcover idea

Hello Amber - I called and got your email address from your voicemail. If you have a few minutes I'd like to talk to you about the process I need to follow to reconfigure the parking at my house and add some additional driveway coverage. There is a green space being put in on the lot next to us and we are actively working with with the Hancock Neighborhood Parks committee and some representatives of Austin Public Works/Neighborhood Connectivity Division to allow that to move forward.

We know that we will need to apply for a variance for impervious cover; I'm not sure how the variance/permit processes work together so I'm just hoping for some guidance if you don't mind.

Thanks -

David Triche
512-827-7368

From: Krause, Sara [<mailto:Sara.Krause@ci.austin.tx.us>]
Sent: Friday, June 17, 2011 2:41 PM
To: David@DavidTriche.com; Eastman, John
Cc: HollyTriche@gmail.com
Subject: RE: Huffstickler green - groundcover idea

Holly and David,
It was a pleasure meeting you the other night! I think we're in good stead on this. I'll check on moving those rocks. Have you gotten any further along on your variance?

Sara Krause
Program Coordinator

8/26/2011

City of Austin

Neighborhood Connectivity Division

Public Works Department

512-974-7182

From: David Triche [<mailto:David@DavidTriche.com>]

Sent: Tuesday, June 14, 2011 10:05 AM

To: Krause, Sara; Eastman, John

Cc: HollyTriche@gmail.com

Subject: RE: Huffstickler green - groundcover idea

Hi Sara and John - wanted to take the opportunity while I was reading this to send Holly and my contact info to you.

David Triche - david@davidtriche.com 512-827-7368

Holly Triche - HollyTriche@gmail.com 512-507-6321

It was good meeting both of you the other night; we're looking forward to making progress on this project and getting everything resolved so everyone is better off in the end.

Thanks!

David & Holly

From: Lisa Harris [<mailto:ljharrisus@yahoo.com>]

Sent: Sunday, June 12, 2011 8:00 PM

To: SaraKrause; JohnEastman; Bart Whatley; Carol Moczygemba; Rafi Anuar; Michael Biechlin; david@davidtriche.com; Carolyn PPalaima

Cc: Bill Bednar

Subject: Huffstickler green - groundcover idea

I keep a gardening log so I can look back at what I planted when so I can keep track of what I planted where and what does or does not thrive under my care. There is a groundcover that I planted on a part of our lot that is inconvenient to water. Looking in my log, it is called wedelia and I planted it early in 2007. I don't mow it or water it. The main maintenance I do is trim it when it grows onto the driveway and cut/pull down arms that grow up onto the side of our garage. This winter the hard freeze caused it to die back some but it bounced back just fine. I've seen some warnings that it can be invasive but I haven't observed that. It covers its area pretty well- I have to pull some weeds in its area but not a lot. It's in an area with some sun and some shade.

Lisa

8/26/2011



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FOLDER DETAILS

Section 25-11.94 Expiration and extension of permit (Active Permits will expire 180 days at 11:59:59 pm after date of last inspection posted). If you allow this permit to expire you will be required to submit a new application & pay new fees.

Permit/Case	Reference File Name	Description	Sub Type	Work Type	Project Name	Status	Application Date	Issue Date	Expiration Date
2008-068690 BP	2008-068690 BP	Demolish a enclosed carport and attached storage shed in order to bring property back into compliance. See active code violations.	R-649 Demolition All Other Blg's Res		3803	Final	Aug 29, 2008	Sep 4, 2008	Dec 17, 2008

Related Folders [Yes](#)

FOLDER INFO

Information	Description	Value
Smart Housing		No
Total Existing Building Square Footage		364
Total Job Valuation		1800
Building Inspection		Yes
Environmental Inspection		No
Landscaping Inspection		No
Water Tap Inspection		No
Sewer Tap Inspection		Yes
Number of Floors		1
Number of Units		1
Code Type		International Residential Code
Public or Private		Private
Usage Category		649

PROPERTY DETAILS

Number	Pre.	Street	Street Type	Dtr	Suite Type	Suite Number	City	State	Zip	Legal Desc
3803		DUVAL	STREET				AUSTIN	TX	78751	Lot 2 Block 1 Subdivision: OAK LAWN ADDITION

Lot 2 Block 1 Subdivision: OAK LAWN ADDITION

PEOPLE DETAILS

Desc.	Organization Name	Address	City	State	Postal	Phone
Applicant	(Jim Kilgo)	3511 GUADALUPE ST	Austin	TX	78705	(512)848-0347
Billed To	Express Limousines, Inc. DBA Grocery Automotive #1	4011 RED RIVER	Austin	TX	78751	(512)450-0951
General Contractor	(Frank Vasquez)		Austin	TX		(512)789-0279

FOLDER FEE

Fee Description	Fee Amount	Balance
Demolition Permit Fee	\$45.00	\$0.00

PROCESSES AND NOTES

Process Description	Status	Schedule Date	Start Date	End Date	Assigned Staff	# of Attempts
112 Final Building	Pass	Dec 17, 2008	Oct 22, 2008	Dec 17, 2008	John Paces (974-4671)	2
114 Continuance of work	Pass		Oct 22, 2008		John Speights	1
Deficiencies	Open				John Speights	0

[Back](#)

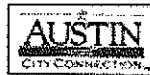


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FOLDER DETAILS

Section 25-11-94 Expiration and extension of permit (Active Permits will expire 180 days at 11:59:59 pm after date of last inspection posted). If you allow this permit to expire you will be required to submit a new application & pay new fees.

Permit/Case	Reference File Name	Description	Sub Type	Work Type	Project Name	Status	Application Date	Issue Date	Expiration Date
2008-069272	80	a permit is not required for the one story firm bldg that will remain on the site after the demolition of the legal non complying covered carport and frame storage (refer to 2008-068690). The remaining one story firm bldg is only 192 sq ft and will be used for storage only; a permit is not required for a storage bldg less than 200 sq ft but must comply with all zoning requirements applicable per code. applicant will relocate to meet setbacks, and can not encroach into any easements and must comply with bldg and impervious cover, and other restrictions for the site.	R-135	Renovations/Remodel	3893	Remodel DUVAL	Withdrawn	Sep 2, 2008	Jul 14, 2009

Related Folders: No

FOLDER INFO

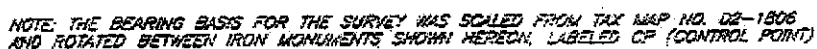
Information	Description	Value
Smart Housing		No
TRCC registration required for Owner/OC?		No
Reason for Exempt TRCC		Job valuation less than \$10,000
Building Inspection		Yes
Electric Inspection		No
Mechanical Inspection		No
Plumbing Inspection		No
Energy Inspection		No
Driveway Inspection		No
Sidewalk Inspection		No
Environmental Inspection		No
Landscape Inspection		No
Tree Inspection		No
Water Tap Inspection		No
Sewer Tap Inspection		No
On Site Sewage Facility Inspection		No
Fire Inspection		No
Health Inspection		No
Current Zoning for Building		SF-3-CO-NP
Name of Neighbored Plan		HANCOCK
Is this property in MUD?		No
Number of Floors		1
Number of Units		1
Proposed Use		storage and storage unit
Change of Use		Yes
Remodel/Repair Building Square Footage		0
Building Valuation Remodel		400
Electrical Valuation Remodel		0
Mechanical Valuation Remodel		0
Plumbing Valuation Remodel		0
Total Valuation Remodel		400
Certificate of Occupancy to be issued		No
Code Year		2006
Code Type		International Residential Code
Hazardous Pipeline Review Required		No
Public or Private		Private
Usage Category		435

PROPERTY DETAILS

Number	Pre.	Street	Street Type	Dir	Suite Type	Suite Number	City	State	Zip	Legal Desc
3893	DUVAL	STREET					AUSTIN	TX	78781	Lot 2 Block 1 Subdivision: OAK LAWN ADDITION
Lot 2 Block 1 Subdivision: OAK LAWN ADDITION										

4360 S. CONGRESS AVENUE
SUITE 100
AUSTIN, TEXAS 76745

BEARING BASIS SCALED FROM TAX WA



LEGAL DESCRIPTION:
THE CENTER 48.75 FEET OF LOTS 1, 2, 3, 4, 5, AND 6, BLOCK 1, OAK LAWN ADDITION, A SUBDIVISION IN TRAVIS COUNTY,
TEXAS, BEING AND BE PLAT RECORDED IN VOLUME 3, PAGE 52, OF THE PLAT RECORDS OF TRAVIS COUNTY.

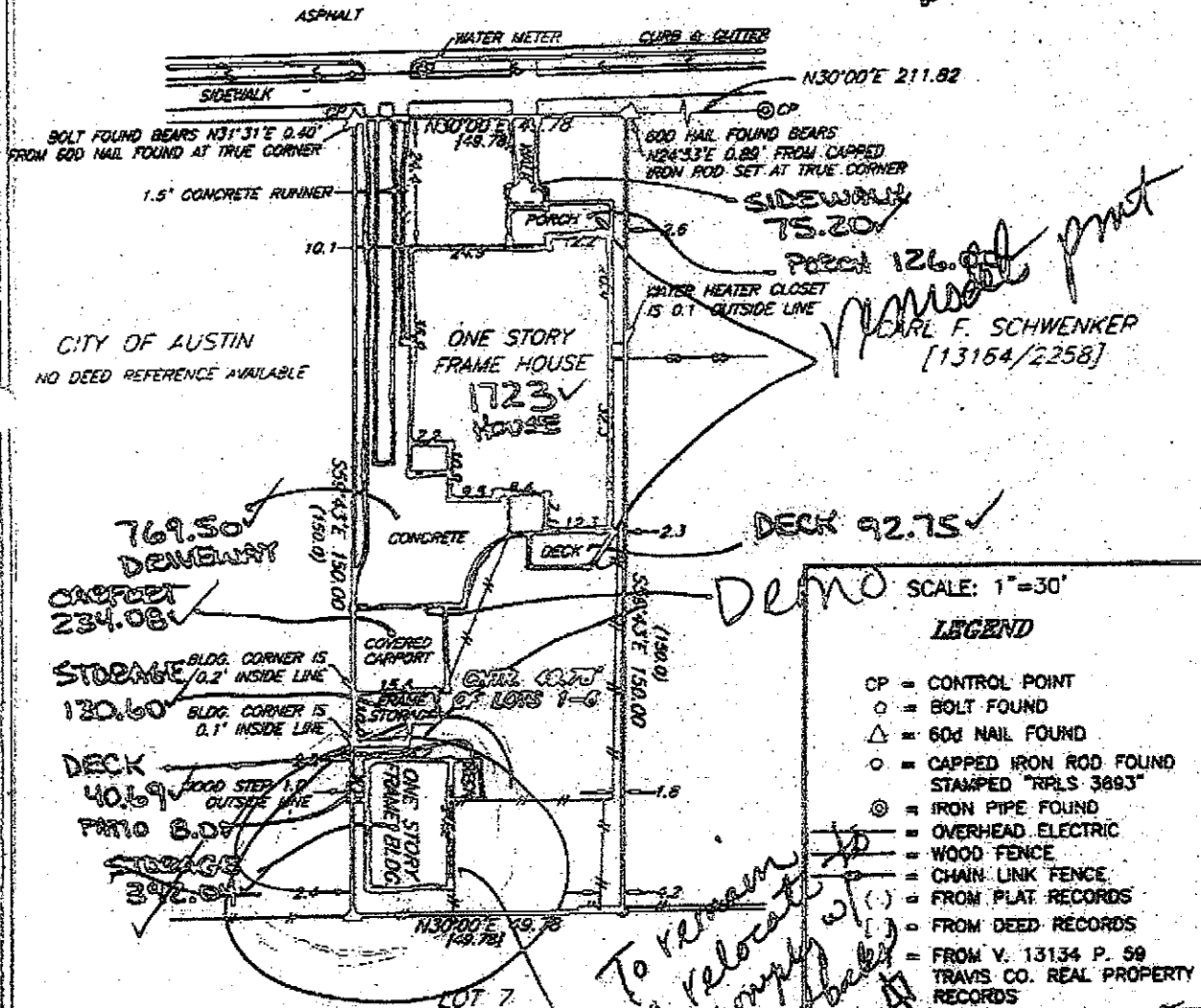
SAMFORD & ASSOCIATES
LAND SURVEYING
TEL: 441-5601 FAX: 441-5603

SURVEY PLAT

4860 S. CONGRESS AVENUE
SUITE 108
AUSTIN, TEXAS 78745

DUVAL STREET
(PLATTED AS GROOMS AVENUE) 60' ROW

BEARING BASIS SCALED FROM TAX MAP



NOTE: THE BEARING BASIS FOR THE SURVEY WAS SCALED FROM TAX MAP NO. 02-1806 AND ROTATED BETWEEN IRON MONUMENTS SHOWN HEREON, LABELED CP (CONTROL POINT)

ADDRESS: 3803 DUVAL STREET, AUSTIN TEXAS, 78751

2008-068690

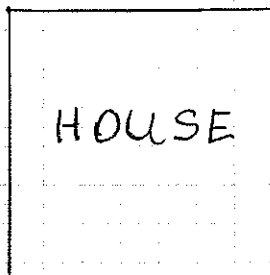
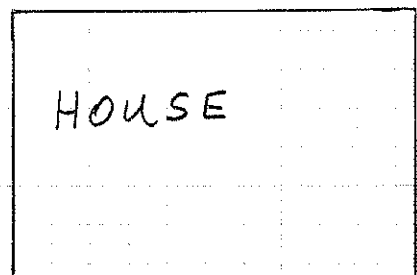
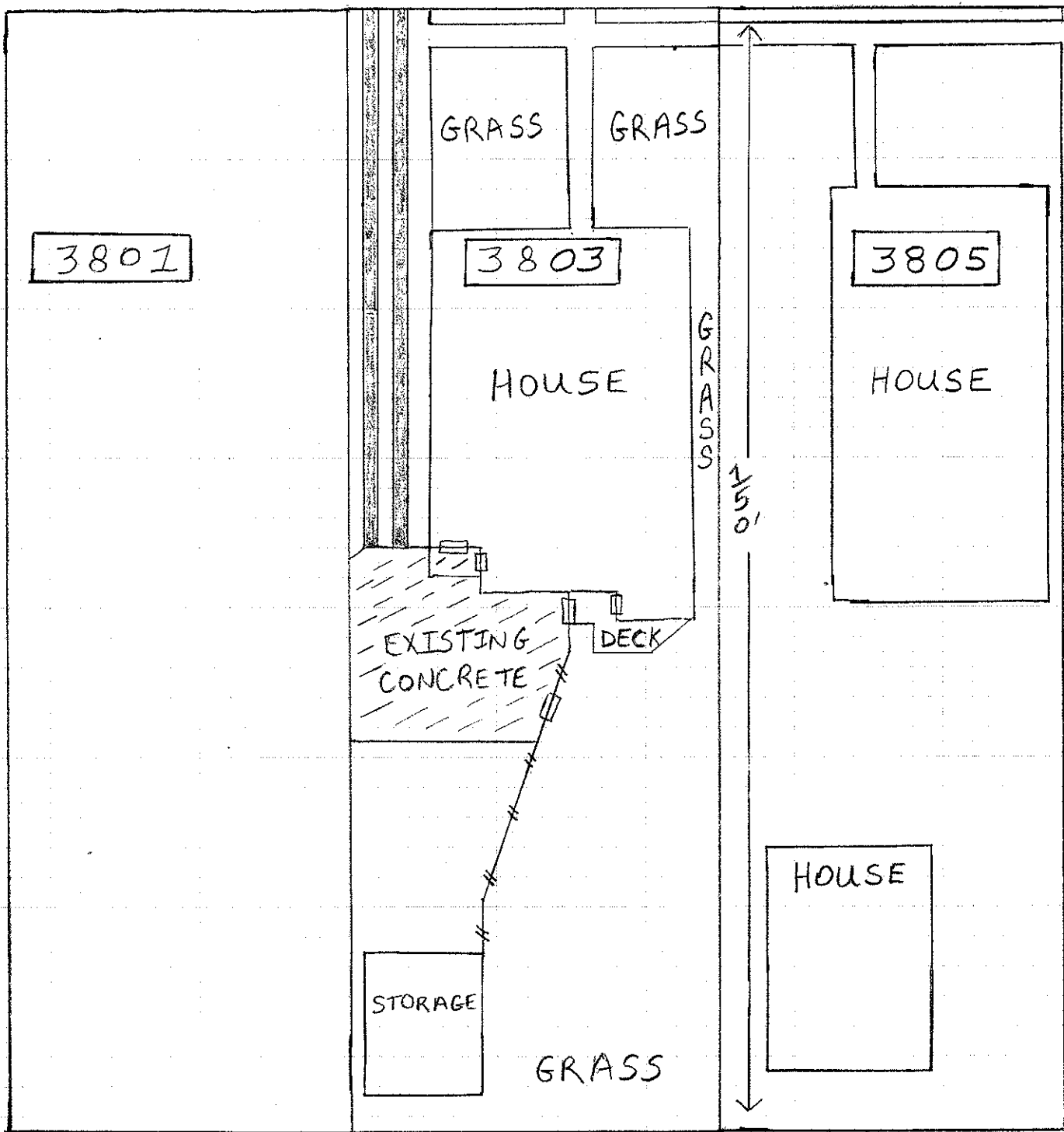
LEGAL DESCRIPTION:

THE CENTER 49.78 FEET OF LOTS 1, 2, 3, 4, 5, AND 6, BLOCK 1, OAK LAWN ADDITION, A SUBDIVISION IN TRAVIS COUNTY, THE CENTER 49.78 FEET OF LOT 6, PLAT RECORDED IN VOLUME 3, PAGE 62, OF THE PLAT RECORDS OF TRAVIS COUNTY.

1" = 20'

DUVAL ST.

EXISTING

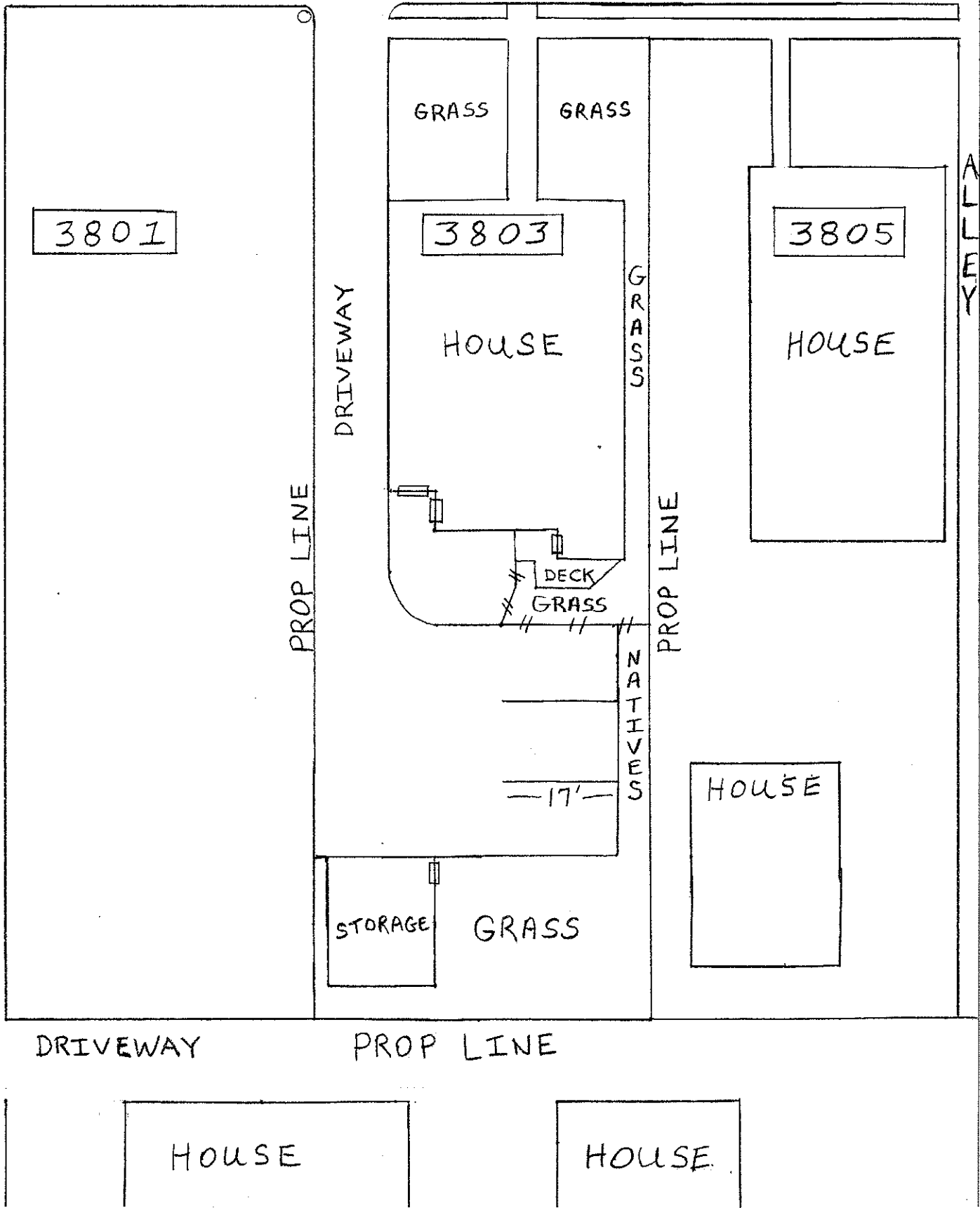


1" = 20'

PROPOSED

DUVAL ST.

38TH ST.



EXAMPLE OF PARKING COVERAGE ACROSS THE STREET



REGARDING AREA CHARACTER:

3807 Duval St. —>

REGARDIN AREA CHARACTER:

EXAMPLE OF PARKING COVERAGE ACROSS the STREET.



Showing proximity of driveway
to intersection of Duane St
+ 38th St



David Triche

From: David Triche <David@DavidTriche.com>
Sent: Friday, July 29, 2011 1:33 PM
To: 'lena.lund@austinenergy.com'
Subject: Emailing: Board of Adjustment variance request - NewVer.odt, Duval_existing_small.pdf, Duval_proposed_small.pdf
Attachments: Board of Adjustment variance request - NewVer.pdf; Duval_existing_small.pdf; Duval_proposed_small.pdf

Hello Lena - Robert Long gave me your name as the person to request a setback variance approval from. A copy of my variance application, as well as current and proposed plots drawn to scale are included as attachments.

In summary, this setback variance is to continue the existing side yard edge of the driveway (it is paved to 2' from the side yard property line) to provide additional parking space. The edge in question is shown between lots 3803 & 3801 Duval St in the attached drawings. The opposite side of the parking space (near where I have noted that I'm planting "Native" plants) will be outside of the 5' setback. The existing driveway has been there for decades (the house is circa 1925) and there is nowhere else on the property that a driveway can be installed.

Feel free to call if you have any questions or concerns, I'd be happy to discuss anything you would like.

David Triche
512-827-7368

Susan - I emailed + called Christine Esparza as the app requested, but got her out of office until Aug. 5th. Was referred to Robert Long w/AE; he called + said new person handling this is Lena Lund. My email to her is here, NOT SURE how long they take to reply?

I wanted to get this turned in so I don't miss the Sept. meeting if possible. As soon as I hear from her I will forward the email or drop off a copy.

Thanks!

827-7368

David Triche