

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

**DATE: Monday, October 10, 2011**

**CASE NUMBER: C15-2011-0103**

\_\_\_\_\_ Jeff Jack  
\_\_\_\_\_ Michael Von Ohlen  
\_\_\_\_\_ Nora Salinas  
\_\_\_\_\_ Bryan King  
\_\_\_\_\_ Susan Morrison  
\_\_\_\_\_ Melissa Hawthorne  
\_\_\_\_\_ Heidi Goebel  
\_\_\_\_\_ Cathy French (SRB only)

**OWNER/APPLICANT: Jose M. Acuna**

**ADDRESS: 3312 THOUSAND OAKS CV**

**VARIANCE REQUESTED:** 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 along the east property line in order to erect a detached carport for a single-family residence in an "SF-2", Single Family Residence zoning district.

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.8 feet along the south property line in order to maintain a single-family residence in an "SF-2", Single-Family Residence zoning district.

**BOARD'S DECISION:** Board Member Michael Von Ohlen motion to Postpone to November 14, 2011, Board Member Melissa Hawthorne second on a 7-0 vote;  
**POSTPONED TO November 14, 2011.**

**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

  
\_\_\_\_\_  
Jeff Jack  
Chairman

**PUBLIC HEARING INFORMATION**

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Case Number: C15-2011-0103 – 3312 Thousand Oaks Cove  
 Contact: Susan Walker, 512-974-2202  
 Public Hearing: Board of Adjustment, October 10th, 2011

Sherry Sprague

Your Name (please print)

I am in favor  
 I object

3307 Howard Oaks Cove

Your address(es) affected by this application

Sherry Sprague

Signature

10-5-11

Date

Daytime Telephone:

512-417-2313

Comments:

I object to anything being built close to a subject line of a neighbor's home. The lots left between with space between the homes especially building something like a carport. I oppose this.

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, October 10th, 2011

**HAREN MOUNTAIN**

Your Name (please print)

I am in favor  
 I object

3311 THOUSAND OAKS CV

Your address(es) affected by this application

*Susan Walker*

Signature

10.5.2011

Date

Daytime Telephone: 512 426-7502

Comments: *I AM in favor of this adjustment only if there is a car port for cars. No extra RV's would be allowed to be stored and it would have a door that closed because no garage is allowed to face the street.*

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 Contact: Susan Walker, 512-974-2202  
 Public Hearing: Board of Adjustment, October 10th, 2011

M. Lynn Huss Pazdral  
 Your Name (please print)  I am in favor  
 I object

3309 Howard Oaks Cove  
 Your address(es) affected by this application

M. Lynn Huss Pazdral 10-7-11  
 Signature Date

Daytime Telephone: 924-7756

Comments: I received these 2 forms (attached) (1 to Lynn Huss Pazdral and 1 to M. Lynn Huss - Pazdral)

The variance from 5 feet to 0 feet for the support leaves it too close. I would be glad to email you a picture if you wish.  
The 5 to 4.8 feet is not a big worry but still I would be glad to email you a picture if you wish.  
 City of Austin-Planning & Development Review Department / 1st Floor  
 Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-1088  
house in our cul de sac

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 Contact: Susan Walker, 512-974-2202  
 Public Hearing: Board of Adjustment, October 10th, 2011

Cynthia Alaniz  
 Your Name (please print)

I am in favor  
 I object

3312 Thousand Oaks Cove  
 Your address(es) affected by this application

Cynthia F. Alaniz  
 Signature Date 10/7/2011

Daytime Telephone: 512-328-60319

Comments: The carport framing is up and is along side my fence line. I have a good idea how tall the structure will be. The reason I object is that the fence doors to my master bedroom open up to the backyard and the carport is in my direct sight line. The carport stands over the fence and I'd prefer the structure not be built. Besides there are no chain link carports on either side of the fence. 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

ATTN: MKEGILE  
 Fax: 974-2934

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 Contact: Susan Walker, 512-974-2202  
 Public Hearing: Board of Adjustment, October 10th, 2011

STEVE & SARAH HALDEMAN  
 Your Name (please print)  I am in favor  
 I object

3309 THOUSAND OAKS CV 78746  
 Your address(es) affected by this application

S. HANSEN  
 Signature Date 2 OCT 2011

Daytime Telephone: 512-329-0349

Comments: This variance doesn't affect our home directly however, we would not want a structure against our property line. We are not opposed to the "2 inch variance but strongly oppose the 0'. If a family home needs more space there are bigger lots in Enclave TSD.

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 Contact: Susan Walker, 512-974-2202  
 Public Hearing: Board of Adjustment, October 10th, 2011

ANNE AWES

Your Name (please print)

I am in favor  
 object

3306 THOUSAND OAKS COVE

Your address(es) affected by this application Austin TX 78746

*[Signature]* 10/4/11  
 Signature Date

Daytime Telephone: 512-785-0541

Comments: THIS SHOULD NOT BE ALLOWED, IT IS MY UNDERSTANDING THAT THE APPLICANT HAS ALREADY BEGUN BUILDING THE DETACHED CARPORT WITHOUT A REAR-PAVED PERMIT AND WELL NO ADDITIONS TO THE HOUSE WITHOUT PERMITS - IT SHOULD BE TORN DOWN. THERE IS A DEED RESTRICTION STATING THAT ALL GARAGES DO NOT FACE THE ROAD & A CARPORT WOULD ENVIROACH ON THE NEIGHBORS PROPERTY AND WOULD NOT BE IN HARMONY WITH THE OTHER NEIGHBORHOOD HOMES.

City of Austin-Planning & Development Review Department/ 1st Floor  
 Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-1088

Thank you, Anne Aves

OWNER  
 3306 THOUSAND OAKS

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 10th, 2011

Your Name (please print)

*Pat / Russell*

I am in favor  
 I object

Your address(es) affected by this application

*1509 Brw Swallow Dr.*

Signature

*P. Eric Russell*

Date

*10/4/11*

Daytime Telephone:

*512-9395*

Comments:

*Since this is allowed then it opens the flood gates. Maybe not tomorrow, but in the future other owners will use this to build all the way to their property line. This would destroy an attraction of a neighborhood.*

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Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088



If you need assistance completing this application (general inquiries only) please contact San Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # 015-2011-0103  
ROW # 10644212

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

TP-0106160508

**WARNING: Filing of this appeal stops all affected construction activity.**

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

STREET ADDRESS: 3312 Thousand Oak Cv

Jose Acuna 29/8/11 07:03 PM  
Deleted: .....

LEGAL DESCRIPTION: Subdivision - French  
Creek Crossing

Lot(s) 7 Block A Outlot \_\_\_\_\_

Division \_\_\_\_\_

I/We Jose M Acuna on behalf of myself/ourselves as  
authorized agent for

\_\_\_\_\_ affirm that on Austin, Tx

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

(check appropriate items below)

X ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

An unattached carport. 5' → 0' along

The east property line.

And 5' → 4.8'

along the  
south p.l.

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

in a \_\_\_\_\_ district.  
(zoning district)

**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 carport will be very close to the property limit. Next door we have a residential property.

**HARDSHIP:**

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

This is the only place where I can build a carport. In the back of my property there is a city easement and I cannot build anything on top of that. The place where the carport will go is already part of the driveway and the previous owner used to park a Recreational Vehicle there, as of today it is an enclosed parking spot, I am opening it and just trying to build a cover for a car.

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

Next door we have a Residential property that belongs to Mr. Gavin Villarreal. The address is 3310 Thousand Oaks Cv. The carport on my property will be contiguous to Mr. Villarreal's back yard, there is no construction other than a fence separating the two properties. I already have Mr. Villarreal's authorization to build the carport on the area.

**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:

My property is at the end of a cul de sac street. The carport will go almost at the end of my property. I am only building a carport on the right side property limit and it will not alter the house and it cannot be seen from the street. The area is already part of my 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 \_\_\_\_\_ Mail \_\_\_\_\_

Address 3342 Thousand Oaks Cv \_\_\_\_\_

City Austin, State Tx & Zip 78746

Printed Jose Acuna Phone 512 814 9426 Date  
08/30/2011

**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 \_\_\_\_\_ Mail Address 3312 Thousand Oaks  
Cv

City, \_\_\_\_\_ State \_\_\_\_\_ & \_\_\_\_\_ Zipp Austin Tx.  
78746

Printed Jose Acuna Phone 512 814 9475 Date  
08/30/2011

**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.

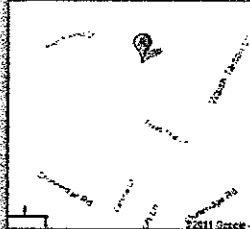
**SUBMITTAL REQUIREMENTS:** (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (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.

Prepared By:

# EXACTA

TEXAS SURVEYORS



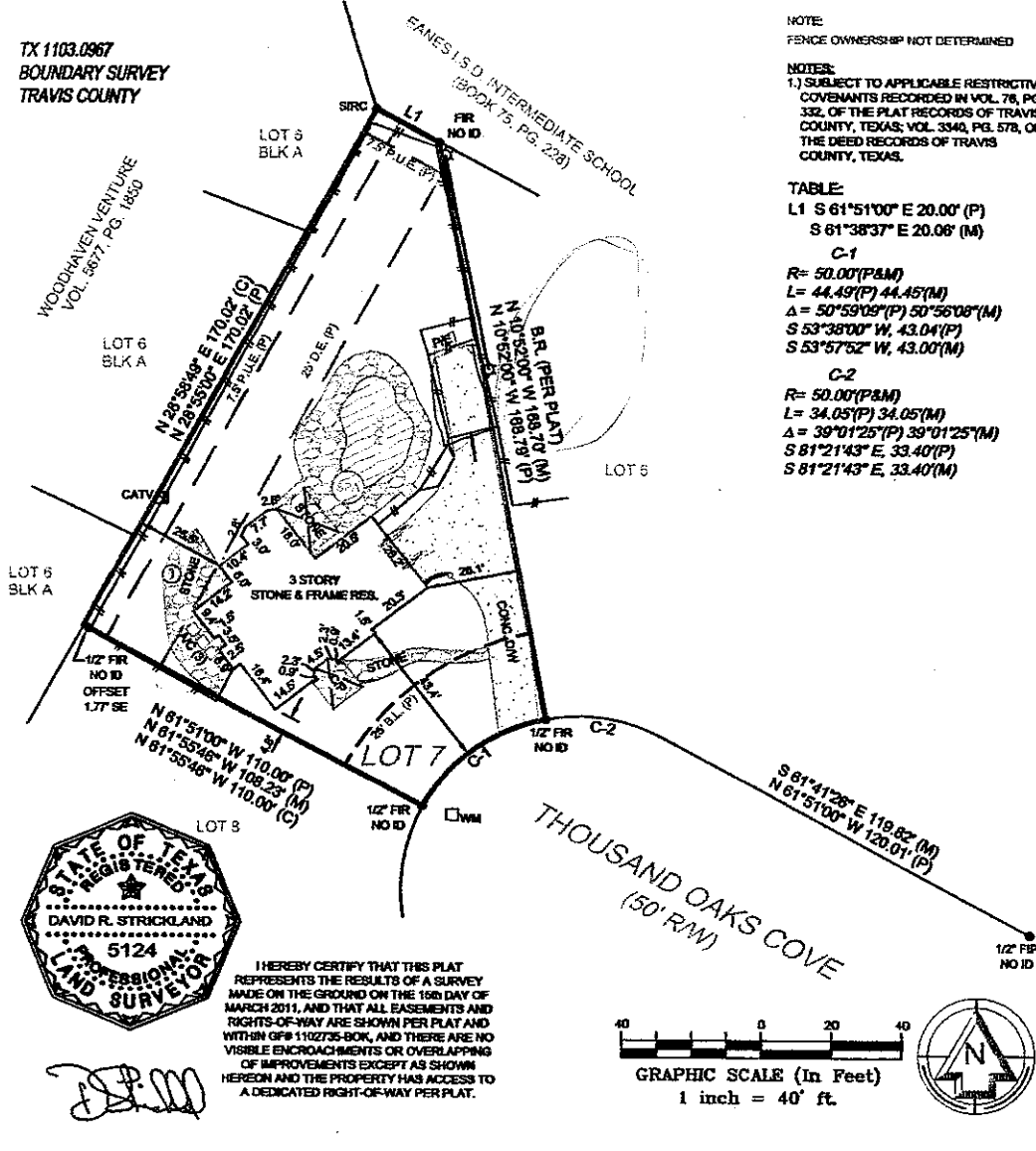
PROPERTY ADDRESS: 3312 THOUSAND OAKS COVE, AUSTIN, Texas 78746

SURVEY NUMBER: 1103.0967

FIELD WORK DATE: 3/15/2011

REVISION DATE(S): (REV. 0 3/17/2011)

TX 1103.0967  
BOUNDARY SURVEY  
TRAVIS COUNTY



NOTE:  
FENCE OWNERSHIP NOT DETERMINED

NOTES:  
1.) SUBJECT TO APPLICABLE RESTRICTIVE COVENANTS RECORDED IN VOL. 76, PG. 332, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; VOL. 3340, PG. 578, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

**TABLE:**

L1 S 61° 51' 00" E 20.00' (P)  
S 61° 38' 37" E 20.00' (M)

C-1

R= 50.00'(P&M)  
L= 44.49'(P) 44.45'(M)  
Δ= 50° 59' 08" (P) 50° 56' 08" (M)  
S 53° 38' 00" W, 43.04'(P)  
S 53° 57' 52" W, 43.00'(M)

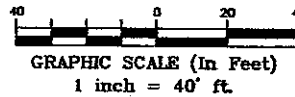
C-2

R= 50.00'(P&M)  
L= 34.05'(P) 34.05'(M)  
Δ= 39° 01' 25" (P) 39° 01' 25" (M)  
S 81° 21' 43" E, 33.40'(P)  
S 81° 21' 43" E, 33.40'(M)



*David R. Strickland*

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON THE 16th DAY OF MARCH 2011, AND THAT ALL EASEMENTS AND RIGHTS-OF-WAY ARE SHOWN PER PLAT AND WITHIN G# 1102735-BOK, AND THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN HEREON AND THE PROPERTY HAS ACCESS TO A DEDICATED RIGHT-OF-WAY PER PLAT.



POINTS OF INTEREST: 1. STONE PATIO OVER 25' D.E.

**FLOOD INFORMATION:**

By performing a search at [www.fema.gov](http://www.fema.gov), the property appears to be located in zone X (with a Base Flood Elevation of NA). This Property was found in CITY OF AUSTIN, community number 480624, dated 09/26/08.

CLIENT NUMBER: 11028735-BOK      DATE: 3/17/2011

BUYER: JOSE MANIEL ACUNA AND MARTHA GARZA FALCON

SELLER:

CERTIFIED TO: JOSE MANIEL ACUNA AND MARTHA GARZA FALCON; INDEPENDENCE TITLE COMPANY; NATIONAL INVESTORS TITLE INSURANCE COMPANY; COMPASS BANK ITS SUCCESSORS AND/OR ASSIGNS

Exacta Texas Surveyors, Inc. is a full service, bonded land survey firm registered with the state of Texas.

Exacta Texas Surveyors, Inc. : LB# 101739-00      P: 281.763.7766  
5350 N. Burnham Rd., Suite 111      F: 281.763.7767  
Austin, Texas 78756      www.exacta365.com



This is page 1 of 2 and is not valid without all pages.



**BOARD OF ADJUSTMENTS**

CASE#: C15-2011-0103  
 LOCATION: 3312 THOUSAND OAKS CV  
 GRID: F22  
 MANAGER: SUSAN WALKER



-  SUBJECT TRACT
-  ZONING BOUNDARY

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

OWNER Pete Morgan Bldrs ADDRESS 3312 Thousand Oak Cove

PLAT File LOT 7 BLK.

SUBDIVISION Franch Creek Crossing

OCCUPANCY Two story frm res w/stone ven and att gar

BLDG. PERMIT # 191691 DATE 2-20-80 OWNERS ESTIMATE 65,583.00

CONTRACTOR Owner NO. OF FIXTURES

WATER TAP REC# G 07685 SEWER TAP REC# 91836