

ROW # \_\_\_\_\_

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

C15-2011-0122  
ROW-1066 1090  
1 P-012200-03-11  
WARNING: Filing of this  
appeal stops all affected

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

construction activity.

STREET ADDRESS: 3700 Lawton

LEGAL DESCRIPTION: Subdivision -

Lot(s) 1 Block 5 Division Oakmont Heights

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

Max and Keri Krupp affirm that on Oct 3, 2011

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

25-2-492(d) rear setback requirement 10' → 3'  
Allow 45.2 FAR

side yard 5 → 4.8'

*to create  
2nd floor  
addn to  
create  
family  
residential*

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 current property was remodeled prior to FAR requirements. No new GFA may be added without removing part of the pre-existing HVAC area. The proposed addition would be above the existing 1945-era garage. Currently, the CMU constructed garage sits 3' from the rear property line. The design proposes to step-in the rear portion of the 2<sup>nd</sup> floor unit so it sits 5' from the rear property line in order to reduce any adverse impact on nearby properties. The rear of the property backs to a 15' public alley. Many properties in the vicinity enjoy secondary units; however, this property was

**built in such a manner that the bulk of useable yard area is located in the front and street side yard areas.**

**HARDSHIP:**

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

**The lot is a corner lot and addressed to Lawton St; however, the house faces Lawton St. Technically, the front of the lot is West 37<sup>th</sup> St. This creates a unique situation where the rear yard is in reality used as a traditional 5' side yard area but is actually counted as a 10' rear yard area. The owners bought the property with the understanding that a 2-family dwelling unit could be added above the garage but were misinformed. A 2005 remodel permit was approved for a previous owner with .39 FAR, prior to adoption of maximum FAR requirements. The current GFA is 2740 SF. Due to the orientation of the primary and accessory structures within the lot, there is no other location to add viable living space for a growing family.**

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

**There are appears to be only 2 properties in the area where the primary home faces the intersecting street, creating this unique situation. Due south of the subject site is a duplex. Due east is a corner lot with access on Lawton St. and Bull Creek Rd. There are no other known similar sites in the 500' radius.**

**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:

**Many homes in the neighborhood have 2-family dwelling units, accessory structures, home offices, etc, reflecting a healthy balanced mixture of primary and secondary unit uses. If approved, the proposed 426 SF 2<sup>nd</sup> floor unit above the existing garage will be in keeping with both aesthetics and size / scope of existing structures found throughout the neighborhood. The stairs leading to the 2<sup>nd</sup> floor will not be visible from the street. Large trees planted along Lawton St will provide visual screening for most of the 2<sup>nd</sup> floor unit. The site can accommodate a 3<sup>rd</sup> parking space. The site will remain below 45% impervious cover.**

**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:

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:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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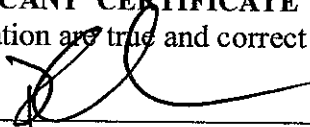
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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**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 DAVID@PERMIT-PARTNERS.COM

City, State & Zip 8500 SIGNAL CREEK BND BLDG 4 #200 AUSTIN TX 78751

Printed DAVID ANCIALOSI Phone 799 2401 Date 9/30/11

**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 \_\_\_\_\_ Mail Address \_\_\_\_\_

City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

**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:**

**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**

**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 \_\_\_\_\_

Printed \_\_\_\_\_  
Phone Date \_\_\_\_\_

**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 \_\_\_\_\_

Printed Keri Krupp  
Phone Date \_\_\_\_\_



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2011-0122  
 LOCATION: 3700 LAWTON



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.

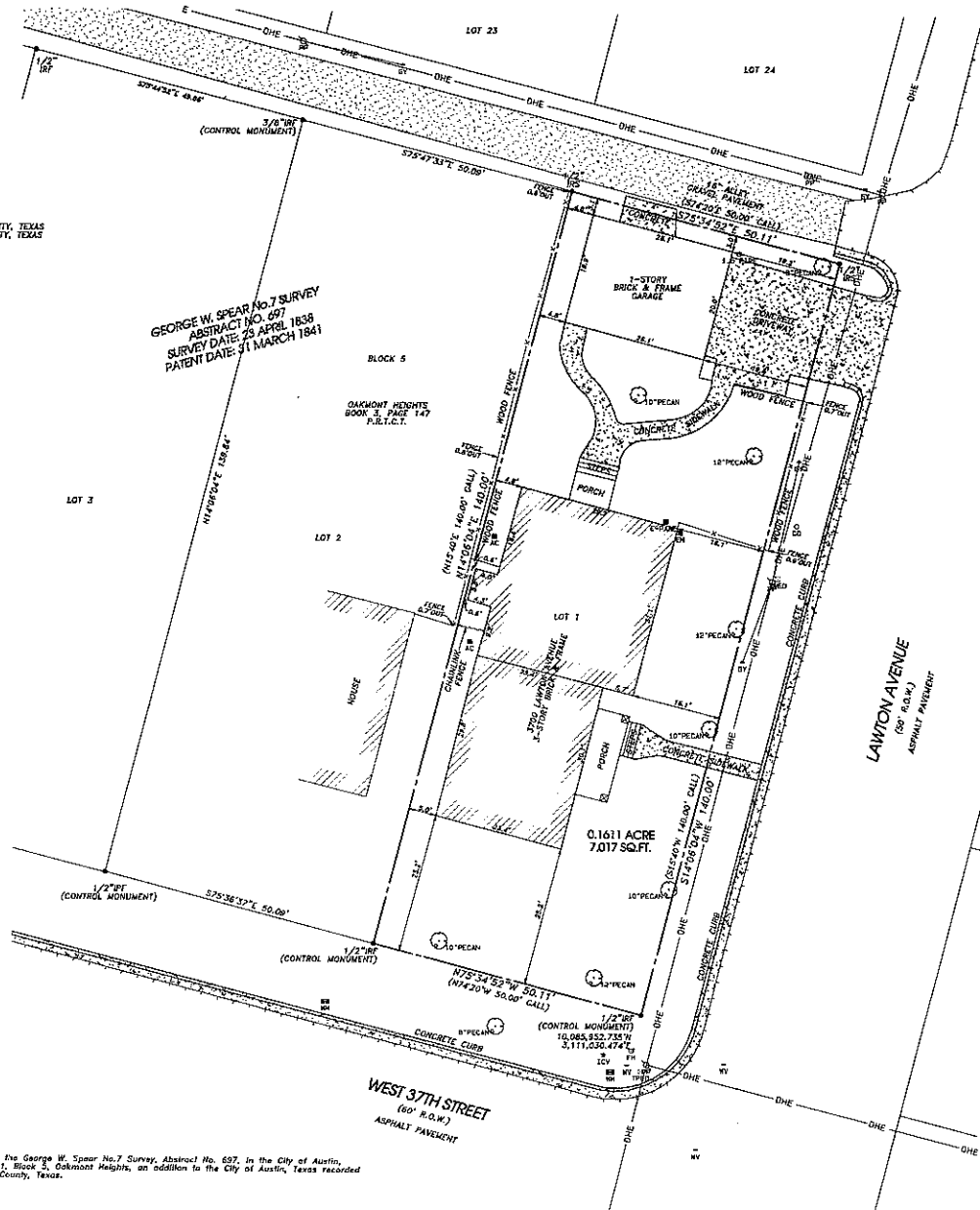
Revised

C15-2011-0122

REVISION	DATE	DESCRIPTION	DRAWN BY	CHECKED BY



- LEGEND:
- IRF = IRON ROD FOUND
  - IRFC = IRON ROD WITH CAP FOUND
  - IRS = 1/2" IRON ROD SET
  - IRP = IRON PIPE FOUND
  - MON FND = MONUMENT FOUND
  - AC = AIR CONDITIONER
  - CO = CLEARCUT
  - D.R.T.C.T. = DEED RECORDS, TRAVIS COUNTY, TEXAS
  - P.R.T.C.T. = PLAT RECORDS, TRAVIS COUNTY, TEXAS
  - EM = ELECTRIC METER
  - F-PANEL = ELECTRICAL PANEL
  - FI = FIRE HYDRANT
  - GM = GAS METER
  - CV = CURB VALVE
  - ICV = IRRIGATION CONTROL VALVE
  - OE = OVERHEAD ELECTRIC
  - EP = ELECTRIC POWER POLE
  - SSH# = SANITARY SINK HOLE
  - TRPD = TELEPHONE PEDESTAL
  - WM = WATER METER
  - WV = WATER VALVE



GEORGE W. SPEAR No.7 SURVEY  
 ABSTRACT NO. 697  
 SURVEY DATE: 23 APRIL 1838  
 PATENT DATE: 31 MARCH 1841

FIELD NOTES  
 3700 LAWTON AVENUE  
 0.1611 ACRE

Being a tract or parcel of land situated to the George W. Spear No.7 Survey, Abstract No. 697, in the City of Austin, Travis County, Texas, and being all of Lot 1, Block 5, Oakmont Heights, an addition to the City of Austin, Texas recorded in Book 3, Page 147, Plat Records, Travis County, Texas.

Bearing system of this survey is U.S. State Plane 1983 (of ground), Texas Central Zone 4203, North American Datum of 1983 (CONUS), with a ground scale factor of 1.00007446 computed from GPS Point #200 (10,083,298.352'N / 3,169,137.309'E). State plane coordinate values (U.S. Survey Feet) for point #200 derived from CORE Station TX001-AUSTIN (TXAU), NAD 83 (CONUS).  
 Vertical Datum: NAVD 88. GPS-derived arithmetic elevations determined by post-processed baseline from TRAU antenna phase center using GEOID03 (CONUS).

**SURVEYOR'S CERTIFICATION**

I, the undersigned, hereby declare that this survey was made on the ground on or under my supervision on 27 November 2010; that the plat and field notes correctly represent the facts found at the time of the survey and this professional service conforms to the current Texas Society of Professional Surveyors Manual of Practice for a Category 1A, Condition II Urban Survey. This boundary survey is not void without the Original Surveyor's signature.

David A. Rolbecker, R.L.S., #5919  
 GEOSPATIAL SURVEY GROUP  
 130 Newcastle Court  
 Austin, TX 78707  
 214-562-2280



**NOTES:**

- This boundary survey was performed without benefit of a title commitment.
- There may be other easements, restrictions, or encumbrances not shown on the survey, which these instruments were not made aware and/or provided to the Land Surveyor.

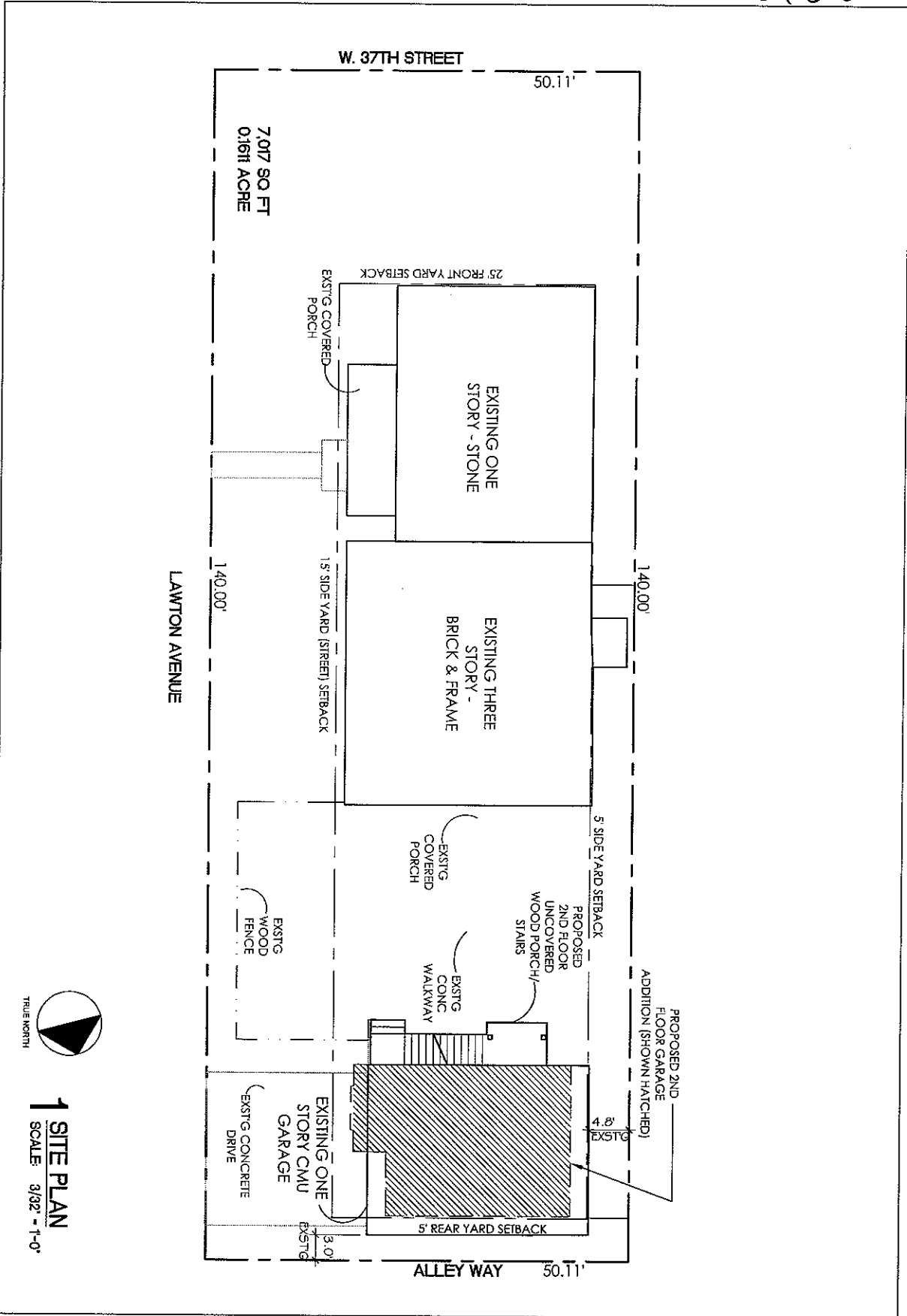
According to the National Flood Insurance Program, Flood Insurance Rate Map of Travis County, Texas, Community Panel No. 48433C0445N, dated 26 September 2008 of the Federal Emergency Management Agency, Federal Insurance Administration, this property does not lie within the Flood Zone A, which is a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property owner or the structure thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

**BOUNDARY SURVEY**

BEING 0.1611 ACRE  
 LOT 1, BLOCK 5 OAKMONT HEIGHTS  
 RECORDED IN BOOK 3, PAGE 147  
 PLAT RECORDS, TRAVIS COUNTY RECORDS  
 IN THE GEORGE W. SPEAR No.7 SURVEY  
 ABSTRACT NO. 697  
 CITY OF AUSTIN, TRAVIS COUNTY, TX  
 GEOSPATIAL SURVEY GROUP

130 Newcastle Court  
 Austin, Texas 78707  
 214-562-2280

C15-2011-0122



BULLOCK McINTYRE STUDIO  
 Sarah McIntyre  
 3706 Werner Avenue  
 Austin, TX 78722

512.921.4224 cell  
 sarah@bullockmcintyre.com

KRUPP RESIDENCE  
 3700 LAWTON AVENUE  
 AUSTIN, TX 78731

SITE PLAN  
 OCTOBER 11, 2011  
 VARIANCE SUBMISSION

SITE PLAN  
**A0.0**



**City of Austin**

*Austin's Community-Owned Electric Utility*

[www.austinenergy.com](http://www.austinenergy.com)

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

October 26, 2011

Max and Keri Krupp  
3700 Lawton Avenue  
Austin, Texas 78731

Re: 3700 Lawton Ave  
Lot 1, Blk 5, Oakmont Heights

Dear Mr. & Mrs. Krupp,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the rear setback adjacent to the alley from 10 ft to 5 ft in order to erect a 2<sup>nd</sup> story garage apartment. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lena Lund".

Lena Lund  
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker



Austin Energy has reviewed this plan for  
 and ~~approved/disapproved~~ the various requirements for ~~the~~ Approval of Additions - Additions to  
 this plan must be approved by Austin Energy.

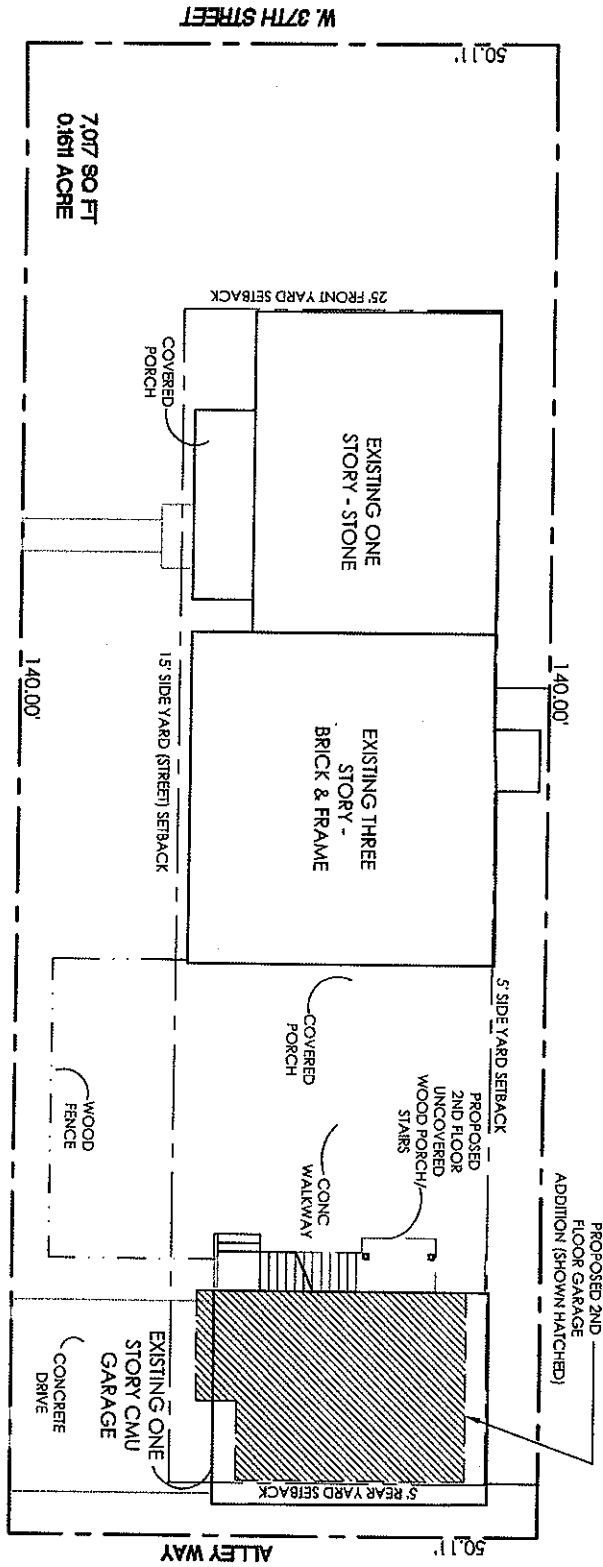
3700 Lawton Ave

AUSTIN ENERGY

By: *[Signature]*

Date

10/26/2011



1 SITE PLAN  
 SCALE 3/32" = 1'-0"

BULLOCK McINTYRE STUDIO  
 Sarah McIntyre  
 3706 Werner Avenue  
 Austin, TX 78722

512.921.4224 cell  
 sarah@bullockmcintyre.com

KRUPP RESIDENCE  
 3700 LAWTON AVENUE  
 AUSTIN, TX 78731

SITE PLAN  
 OCTOBER 3, 2011

SITE PLAN

A0.0

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



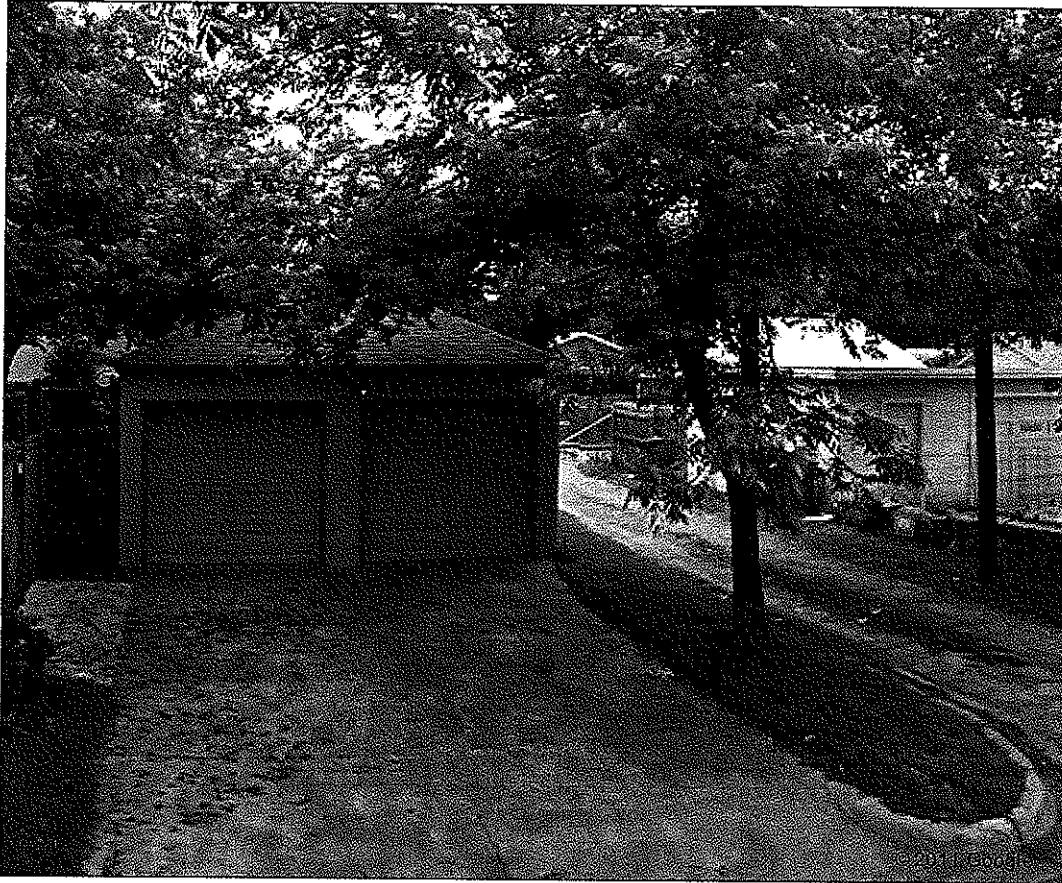
Google

Address 3701 Lawton Avenue

Address is approximate

**Save trees. Go green!**

Download Google Maps on your  
phone at [google.com/gmm](http://google.com/gmm)



NOTES:

- 1) SUBJECT TO RECORDING COVENANTS BY VOL. 435, PART 1, RECORDS, COUNTY OF TRAVIS, TEXAS, PG. 147, T.C.P.R.
- 2) SURVEYOR DID NOT ABSTRACT SURFACE PROPERTY.
- 3) CONCRETE EXTENDS INTO LAWTON AVE. RIGHT-OF-WAY AS SHOWN.

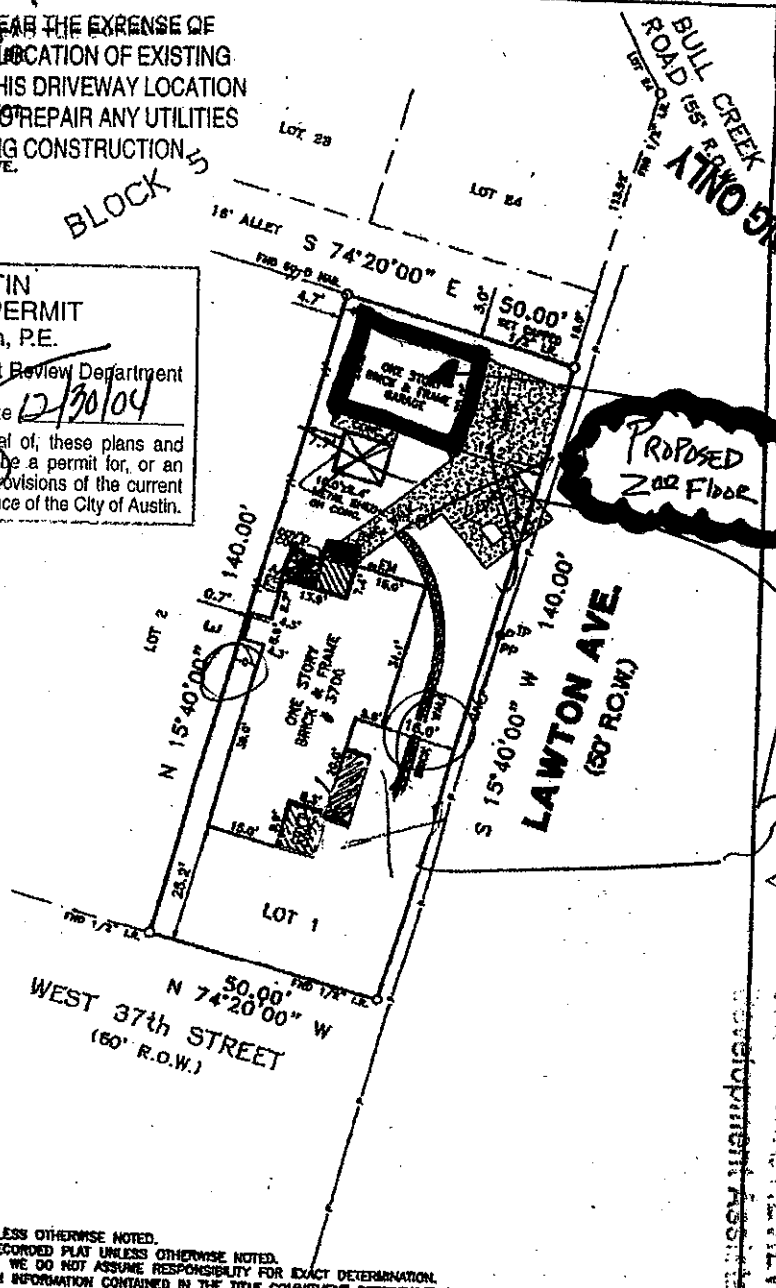
BLOCK 5

BULL CREEK ROAD (55' R.O.W.)  
REVIEWED FOR ZONING ONLY

CITY OF AUSTIN  
APPROVED FOR PERMIT  
Joseph B. Pantalon, P.E.  
Watershed Protection & Development Review Department  
By *[Signature]* Date 12/30/04  
The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

- LEGEND**
- EM - ELECTRIC METER
  - GAC - GUY ANCHOR
  - PP - POWER POLE
  - OP - OVERHEAD POWER LINE
  - TP - TELEPHONE PEDESTAL
  - WF - WOOD FENCE
  - CF - CHAINLINK FENCE

NO ROOF OVERHANGS ARE ALLOWED IN PUBLIC UTILITY EASEMENTS OR DRAINAGE EASEMENTS



PROPOSED 2ND FLOOR GARAGE APT

Delete concrete to comply w/IC

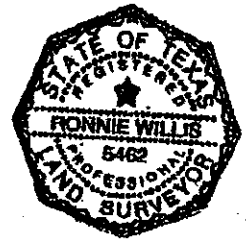
The drip line of protected trees (19" dia. or greater measured at 4.5' above grade), must be enclosed with protective fencing before and throughout construction. No tree measuring 19" in diameter (or greater) may be removed without a TREE REMOVAL PERMIT REVIEW from the City of Austin. Call the Watershed Protection & Development Review Center for review at 512-974-6870.

ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED.  
ALL EASEMENTS AND BUILDING LINES ARE BASED ON RECORDED PLAT UNLESS OTHERWISE NOTED.  
FLOOD ZONE DETERMINED BY GRAPHIC PLATTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.  
THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN GF NO. 2418002738.

LOT 1	BLOCK 5	SECTION	SUBDIVISION	DAUGHT HEIGHTS
RECORDATION	BOOK 3, PAGE 147, T.C.P.R.	COUNTY TRAVIS	STATE TEXAS	SURVEY
LENDER CO.	CITY REAL ESTATE AND MORTGAGE/COMPASS BANK	TITLE CO.	LANDAMERICA AUSTIN TITLE COMPANY	
PURCHASER	SAN AUGUSTINE DEVELOPMENT, dba BULLDOG BUILDERS			JOB NO. 10084 W
ADDRESS	3700 LAWTON AVE.			

**Whitmore Land Services, Austin**

FIELD WORK	10/22/04	R.P.
DRAFTED BY	10/27/04	T.P.
CHECKED BY	10/27/04	R.W.
MAPSCO NO.	534 R	
REVISION		



I do hereby certify that this survey was this day made on the ground that this plat correctly represents the property legally described hereon on attached sheet. That the facts found at the time of this survey show the improvements and that there are no encroachments apparent on the ground, except as shown.

*[Signature]* 10/28/04  
Whitmore Land Services, Austin  
3913 Todd Lane, Suite 512  
Austin, Texas 78744  
TEL. (512) 328-2100 FAX (512) 328-2770  
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