

ROW # _____

C15-2011-0122
ROW-1066 1090
TP-012200-03-11

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

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

WARNING: Filing of this
appeal stops all affected

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
Allow 45.2 FAR

10' → 3'
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 2nd 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 37th 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 2nd 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 2nd floor will not be visible from the street. Large trees planted along Lawton St will provide visual screening for most of the 2nd floor unit. The site can accommodate a 3rd 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:

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 DAVID@PERMIT-PARTNERS.COM

City, State & Zip 8500 SHOAL CREEK BLVD 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 *[Signature]*
Mail Address _____

Printed Keri Krupp
Phone Date _____



SUBJECT TRACT



ZONING BOUNDARY

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



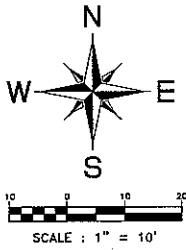
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

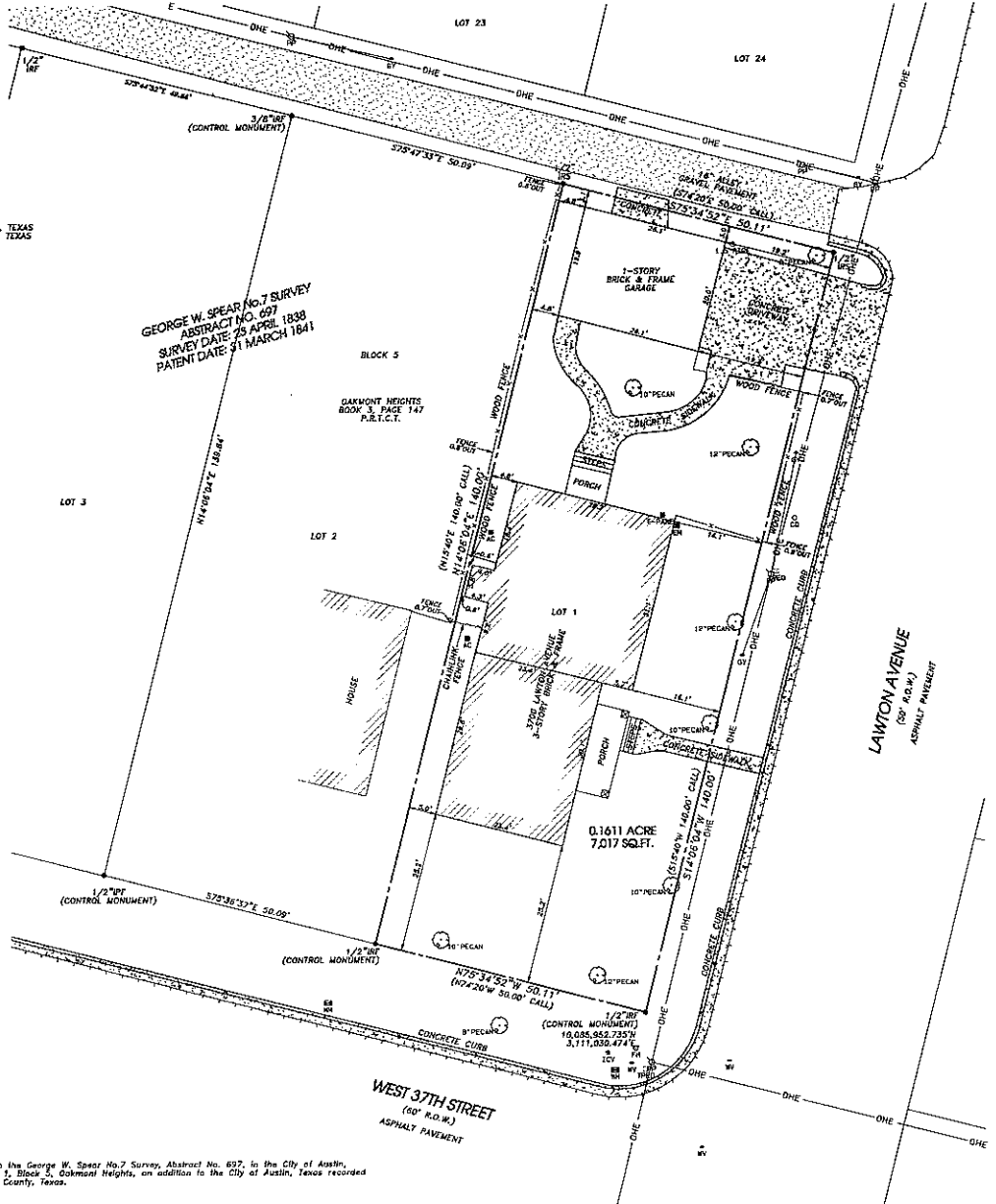
05-2011-0122

REVISION	DATE	DESCRIPTION	DRAWN BY	CHECKED BY



LEGEND:

- IRF = IRON ROD FOUND
- IRFC = IRON ROD WITH CAP FOUND
- IRS = 1/2" IRON ROD SET
- IPF = IRON PIPE FOUND
- MOM FID = MONUMENT FOUND
- AC = AIR CONDITIONER
- CD = CLEARCUT
- D.R.T.C.T. = DEED RECORDS, TRAVIS COUNTY, TEXAS
- P.R.T.C.T. = PLAT RECORDS, TRAVIS COUNTY, TEXAS
- EM = ELECTRIC METER
- E-PANEL = ELECTRICAL PANEL
- PH = FIRE HYDRANT
- GM = GAS METER
- CV = COT WIRE
- ICV = IRRIGATION CONTROL VALVE
- CHE = OVERHEAD ELECTRIC
- PP = ELECTRIC POWER POLE
- SSMH = SANITARY SEWER MANHOLE
- TPED = TELEPHONE PEDESTAL
- WM = WATER METER
- WV = WATER VALVE



FIELD NOTES

0.1611 ACRE
 BEING a tract or parcel of land situated in 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 (at ground), Texas Central Zone 4263, North American Datum of 1983 (CONUS), with a ground scale factor of 1.0000744 computed from GCS Point 4550 (110,688,298.3527N / 3,109,137.3097E). State plane coordinate values (U.S. Survey Feet) for point 6500 derived from CODES Station 7500T-AUSTIN (TXAU), NAD 83(CORS).
 Vertical Datum: NAVD 88. GPS-derived orthometric elevations determined by post-processed baseline from TXAU antenna phase center using GEOD03 (CONUS).

SURVEYOR'S CERTIFICATION

I, the undersigned, hereby certify that this survey was made on the ground under my supervision on 27 November 2010, that the plot 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 valid without the Original Surveyor's signature.
 David A. Robinson, P.E.L.S., #5919
 GEOSPATIAL SURVEY GROUP
 130 Newcastle Court
 Austin, TX 78737
 214-682-2280



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.

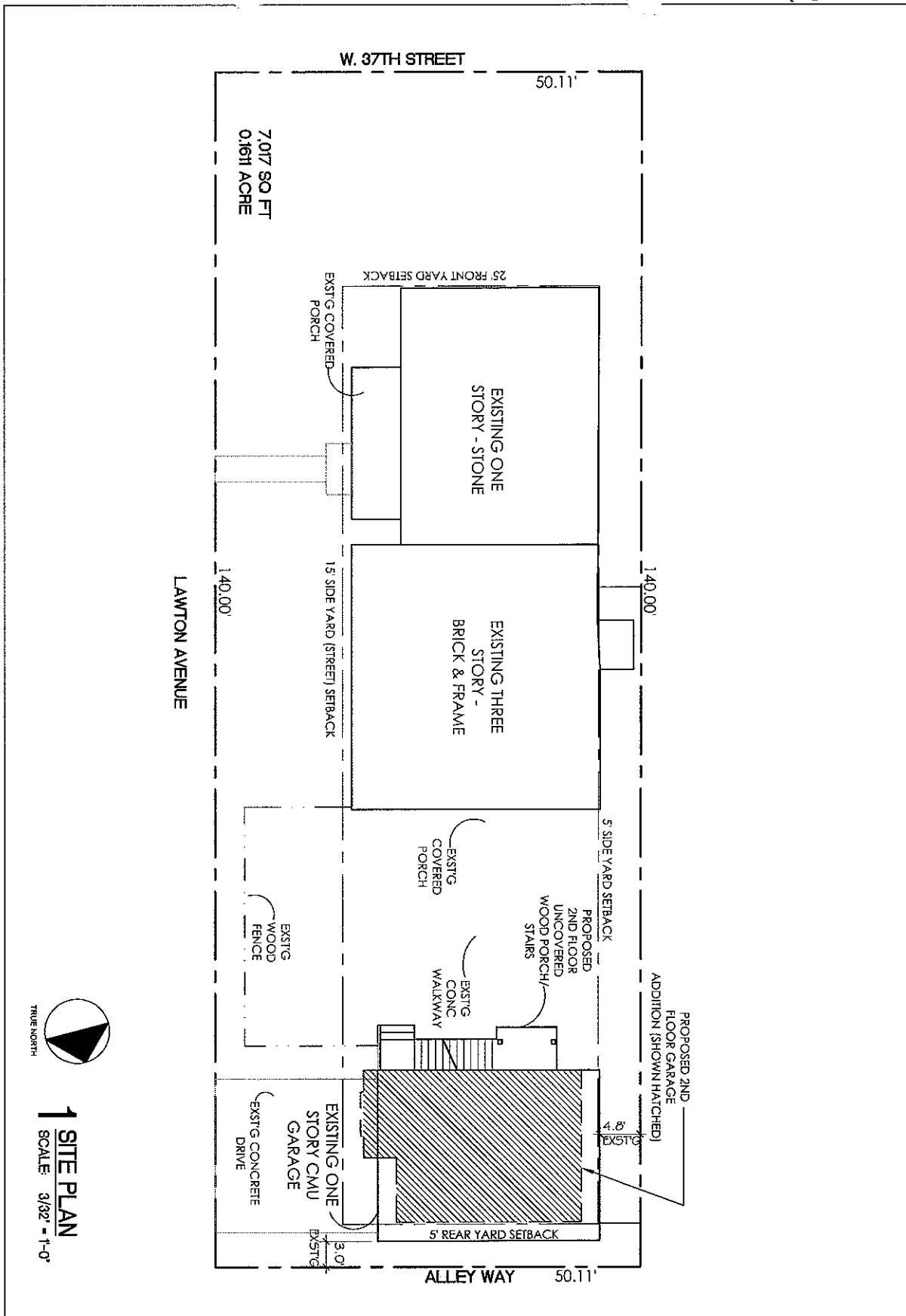
According to the National Flood Insurance Program, Flood Insurance Rate Map of Travis County, Texas, Community Panel No. 48453C0445H, dated 26 September 2008 of the Federal Emergency Management Agency, Federal Insurance Administration, this property does not lie within the Flood Zone A, which is a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures 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 78737
 214-682-2280

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

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 2nd 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

A site plan has reviewed this plan for
 and ~~approved~~ *disapproved* the various requirements under the Board of Adjustment. Any changes to
 this plan must be approved by Austin Energy.

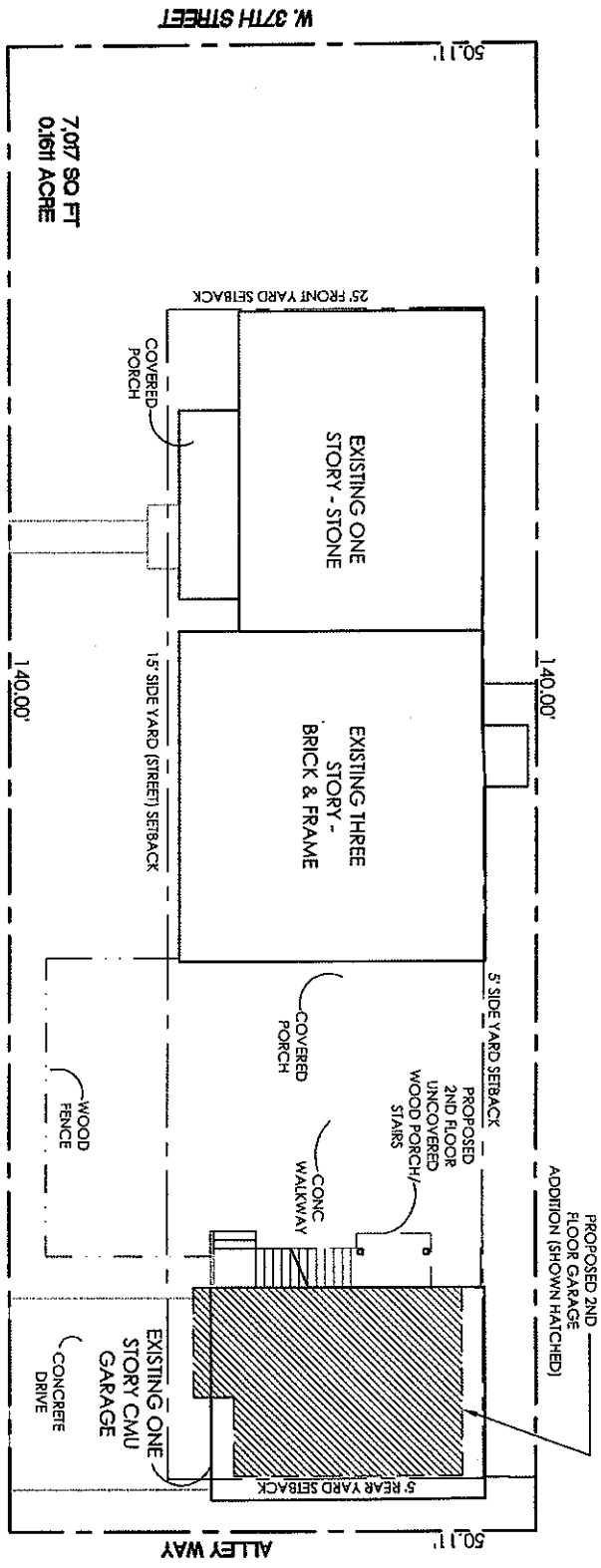
AUSTIN ENERGY

By *[Signature]*

Date

10/26/2011

3700 Lawton Ave



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



NOTES:

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

CITY OF AUSTIN APPROVED FOR PERMIT

Joseph A. Pantalon, P.E.

Watershed Protection & Development Review Department

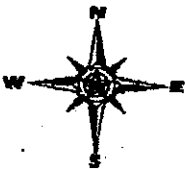
By *[Signature]* Date *12/30/04*

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.

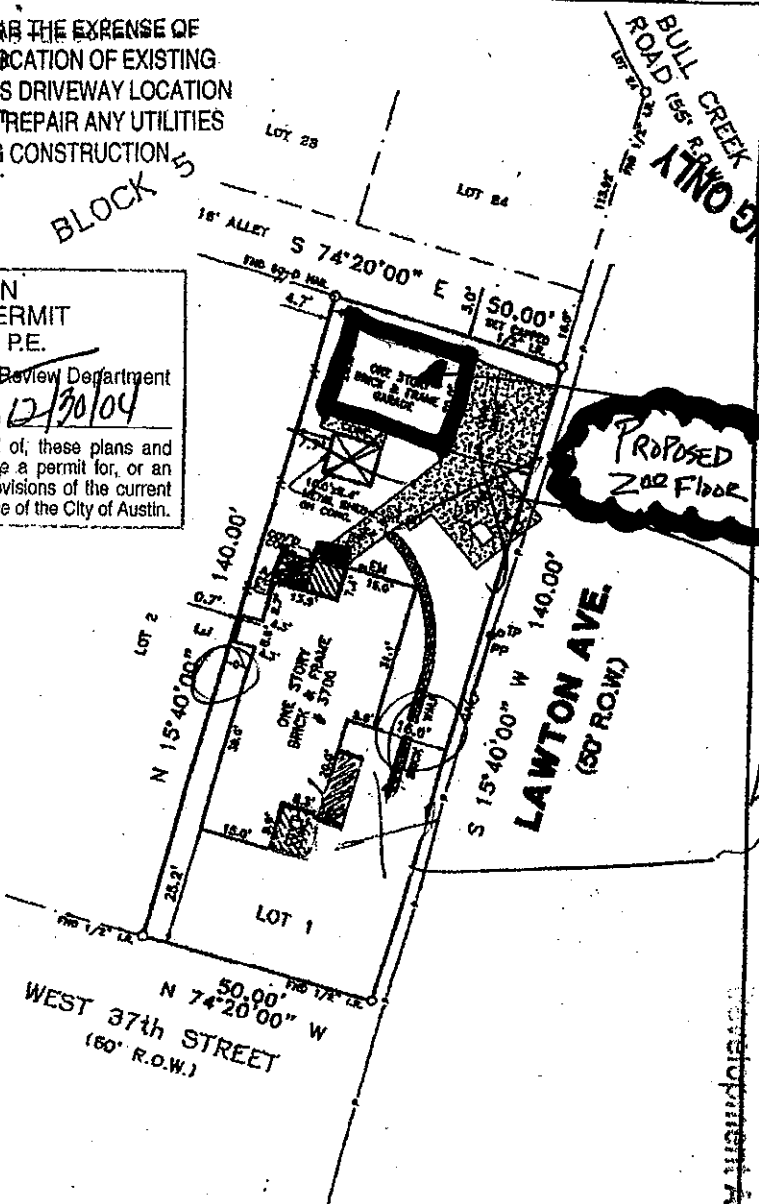
LEGEND

- 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



SCALE: 1" = 30'



PROPOSED 2ND FLOOR GARAGE APT

Delete concrete to concrete w/I.C

BULL CREEK ROAD (60' R.O.W.) REVIEWED FOR ZONING ONLY

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 PLOTTING 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 G# NO. 2418002936

LOT 1	BLOCK 5	SECTION -	SUBDIVISION -	GARDEN 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, aka BULLDOG BUILDERS				JOB NO. 10084 W	
ADDRESS 3700 LAWTON AVE.					

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X" (UNSHADED) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480824 0205 F, REVISED JUNE 16, 1993.

The dripline of protected trees (10" 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 Department for Tree Care at 512-974-6070.

Whitrose Land Services, Austin

FIELD WORK	10/22/04	N.P.
DRAFTED BY	10/27/04	T.P.
CHECKED BY	10/27/04	R.W.
MAPSCO NO.	554 R	
REVISION		



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

[Signature] 10/28/04

Whitrose Land Services, Austin
 3913 Todd Lane, Suite 512
 Austin, Texas 78744
 TEL. (512) 328-2100 FAX (512) 328-2770
 COPYRIGHT 2004 WHITROSE LAND SERVICES AUSTIN, ALL RIGHTS RESERVED