

CASE # C15-2011-0133

TP-

ROW-10682635

**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: 9520 Spectrum Drive

LEGAL DESCRIPTION: Subdivision – Davis Springs Commercial

Lot(s) 1 Block A Outlot _____ Division _____

I Jim Bennett as authorized agent for HPI Residential, LLC

_____ affirm that on 8/31/2011, hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

To erect an apartment project providing a rear yard setback of zero feet for 3 four stall parking structures

10' → 0'

_____ in a MF-3 district.
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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:

The rear yard setback in this case is not necessary because the adjacent property is developed with a 70 ft. drainage easement and a 200 ft. plus wide regional detention pond. The usual reasons for requiring the setbacks such as, air, light, utilities, access, separation from structures and compatibility are not necessary due to the existing adjacent ponds.

HARDSHIP:

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

The parking structures will provide a visual screening buffer from the existing adjacent regional detention ponds. When considering the length of this property line the proposed setback variance for these three structures will be minimal in scale. The location of the large detention pond is creating the hardship and the granting of the variance will not have any adverse impact on adjoin properties

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

Most of the properties in this area developed with commercial and industrial development which is not adjacent to this large detention pond.

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 three proposed structures will located to the rear of the property and primarily will not be noticeable or visible from off site. The closest adjacent building is setback well away from this property line.

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:

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 Jim Bennett Mail Address 11505 Ridge Drive
City Austin State TX & Zip 78748

Printed Jim Bennett Phone 482-3079 Date 8/31/2011

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 Fred Eppright Mail Address FRED EPPRIGHT
City, State & Zip 3215 Steek 5101
Printed Phone Date AUSTIN, TX 78757
512-439-4227
9/17/2011

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.

Required Findings:

The Board of Adjustment is also required to make findings discussed below in order to grant a variance. Applicants must provide the Board with proposed findings.

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.



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2011-0133
LOCATION: 9520 SPECTRUM DR



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.

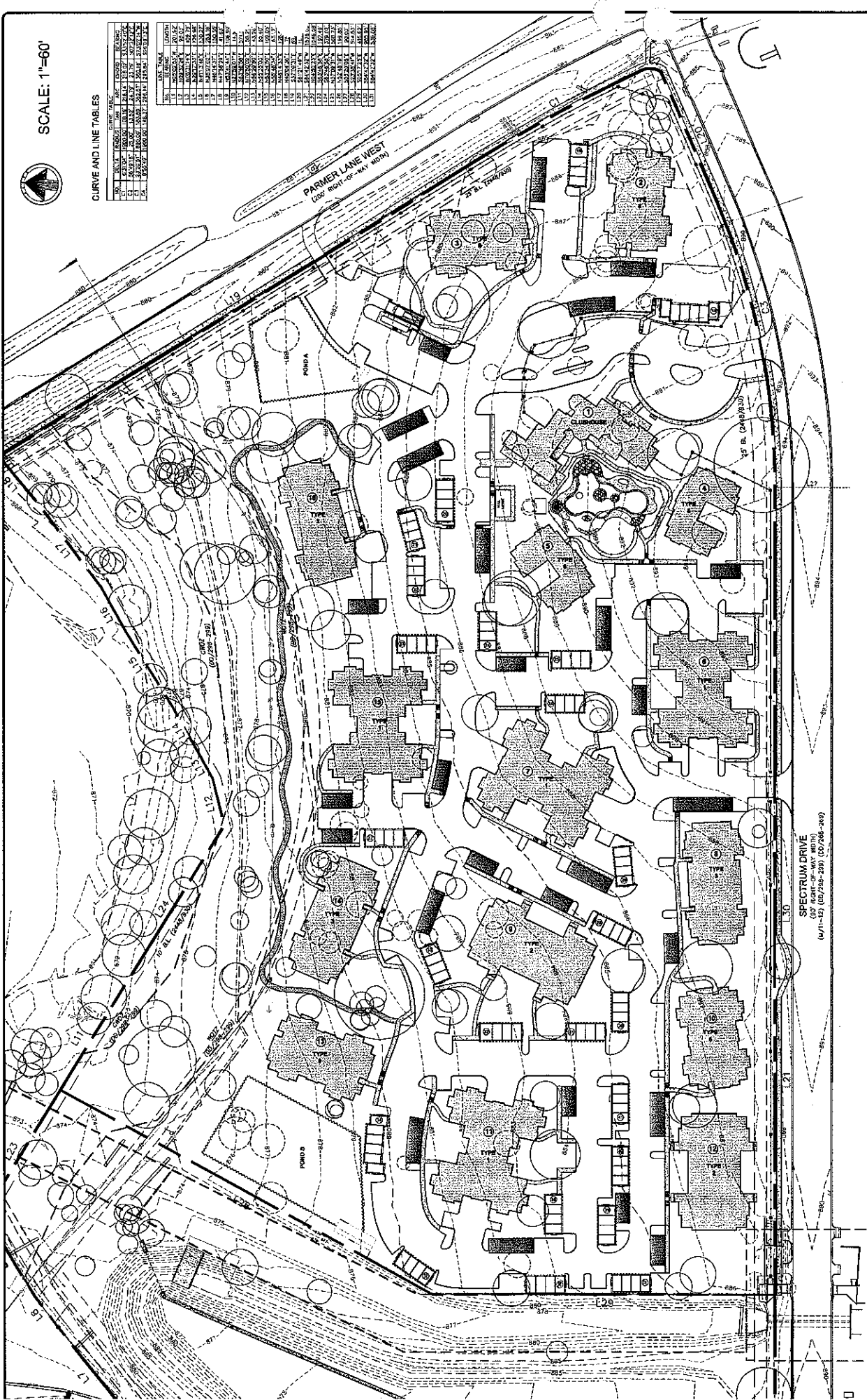
This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



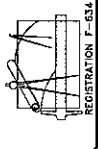
SCALE: 1"=60'

CURVE AND LINE TABLES

| NO. | BEARING | CHORD | ARC | CHORD | ARC | CHORD | ARC | CHORD | ARC |
|-----|-----------------|--------|--------|--------|--------|--------|--------|--------|--------|
| 1 | N 0° 00' 00" E | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 |
| 2 | N 15° 00' 00" E | 0.9659 | 1.0000 | 0.9659 | 1.0000 | 0.9659 | 1.0000 | 0.9659 | 1.0000 |
| 3 | N 30° 00' 00" E | 0.9063 | 1.0000 | 0.9063 | 1.0000 | 0.9063 | 1.0000 | 0.9063 | 1.0000 |
| 4 | N 45° 00' 00" E | 0.7071 | 1.0000 | 0.7071 | 1.0000 | 0.7071 | 1.0000 | 0.7071 | 1.0000 |
| 5 | N 60° 00' 00" E | 0.5196 | 1.0000 | 0.5196 | 1.0000 | 0.5196 | 1.0000 | 0.5196 | 1.0000 |
| 6 | N 75° 00' 00" E | 0.2598 | 1.0000 | 0.2598 | 1.0000 | 0.2598 | 1.0000 | 0.2598 | 1.0000 |
| 7 | N 90° 00' 00" E | 0.0000 | 1.0000 | 0.0000 | 1.0000 | 0.0000 | 1.0000 | 0.0000 | 1.0000 |
| 8 | S 15° 00' 00" E | 0.9659 | 1.0000 | 0.9659 | 1.0000 | 0.9659 | 1.0000 | 0.9659 | 1.0000 |
| 9 | S 30° 00' 00" E | 0.9063 | 1.0000 | 0.9063 | 1.0000 | 0.9063 | 1.0000 | 0.9063 | 1.0000 |
| 10 | S 45° 00' 00" E | 0.7071 | 1.0000 | 0.7071 | 1.0000 | 0.7071 | 1.0000 | 0.7071 | 1.0000 |
| 11 | S 60° 00' 00" E | 0.5196 | 1.0000 | 0.5196 | 1.0000 | 0.5196 | 1.0000 | 0.5196 | 1.0000 |
| 12 | S 75° 00' 00" E | 0.2598 | 1.0000 | 0.2598 | 1.0000 | 0.2598 | 1.0000 | 0.2598 | 1.0000 |
| 13 | S 90° 00' 00" E | 0.0000 | 1.0000 | 0.0000 | 1.0000 | 0.0000 | 1.0000 | 0.0000 | 1.0000 |
| 14 | S 15° 00' 00" W | 0.9659 | 1.0000 | 0.9659 | 1.0000 | 0.9659 | 1.0000 | 0.9659 | 1.0000 |
| 15 | S 30° 00' 00" W | 0.9063 | 1.0000 | 0.9063 | 1.0000 | 0.9063 | 1.0000 | 0.9063 | 1.0000 |
| 16 | S 45° 00' 00" W | 0.7071 | 1.0000 | 0.7071 | 1.0000 | 0.7071 | 1.0000 | 0.7071 | 1.0000 |
| 17 | S 60° 00' 00" W | 0.5196 | 1.0000 | 0.5196 | 1.0000 | 0.5196 | 1.0000 | 0.5196 | 1.0000 |
| 18 | S 75° 00' 00" W | 0.2598 | 1.0000 | 0.2598 | 1.0000 | 0.2598 | 1.0000 | 0.2598 | 1.0000 |
| 19 | S 90° 00' 00" W | 0.0000 | 1.0000 | 0.0000 | 1.0000 | 0.0000 | 1.0000 | 0.0000 | 1.0000 |
| 20 | N 15° 00' 00" W | 0.9659 | 1.0000 | 0.9659 | 1.0000 | 0.9659 | 1.0000 | 0.9659 | 1.0000 |
| 21 | N 30° 00' 00" W | 0.9063 | 1.0000 | 0.9063 | 1.0000 | 0.9063 | 1.0000 | 0.9063 | 1.0000 |
| 22 | N 45° 00' 00" W | 0.7071 | 1.0000 | 0.7071 | 1.0000 | 0.7071 | 1.0000 | 0.7071 | 1.0000 |
| 23 | N 60° 00' 00" W | 0.5196 | 1.0000 | 0.5196 | 1.0000 | 0.5196 | 1.0000 | 0.5196 | 1.0000 |
| 24 | N 75° 00' 00" W | 0.2598 | 1.0000 | 0.2598 | 1.0000 | 0.2598 | 1.0000 | 0.2598 | 1.0000 |
| 25 | N 90° 00' 00" W | 0.0000 | 1.0000 | 0.0000 | 1.0000 | 0.0000 | 1.0000 | 0.0000 | 1.0000 |



SPECTRUM AT PARMER APARTMENTS
 9520 SPECTRUM DRIVE
 OVERALL SITE PLAN



GRIFFIN ENGINEERING GROUP INC.
 11711 NORTH LAMAR BLVD., AUSTIN, TEXAS 78753 (512) 836-3113
 REGISTRATION F-634

SPECTRUM DRIVE
 (20' R/W - 14' W/11-12) (05/738-239) (05/268-369)

PARMER LANE WEST
 (20' R/W - 14' W/11-12) (05/738-239)