a code specialist in the Plan Review Division at 974-2580.

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).

CASE # C15-2011-0137
TP- 040106-02-90
ROW # 10682666

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: 2108 Thornton Rd

LEGAL DESCRIPTION:

LOT 1, REMAINING PORTIONS OF LOT 21 AND 22 BLOCK 2, FREDRICKSBURG ROAD ACRES, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO. 200400007, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

I, Daniel L. Burton, on behalf of myself affirm that on October 11th, 2011 hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

_X__ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

the construction of a new detached 2-story garage + studio providing a rear setback of 5 feet, after the removal of the existing garage.

in a SF-3 district. (zoning district)

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:

It would be unreasonable to move the primary house to allow for sufficient room for the construction and use of the proposed garage with a 10 foot rear setback.

HARDSHIP:

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

The size and shape of the lot provide limited options for placement of a functional garage. The placement of the primary house is relatively far back on the lot, and the space available for the garage construction in the back is limited. The existing single car garage (which is structurally unsound and slated to be removed) is even closer to the property lines than the requested variance, approximately 3 feet from the rear and 3 feet on one side.

a. The hardship is not general to the area in which the property is located because:

The particular size and shape of the lot and placement of the main house on the lot is unique for this neighborhood. In addition, the rear of the lot in question shares a property line with a commercial property used as a public storage facility. Thus, no residents in the neighborhood would be affected by approving this variance and the commercial property owners would not be affected because the back of the metal storage buildings face the lot in question.

AREA CHARACTER:

1. 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 property immediately to the rear (west) of the lot is a commecrial property consisting of self-storage units owned by Harrel's Supply & Service Center. There is no access or visibility between these self-storage units and the lot. I have included several photos for reference.

I have contacted the owners of the property to the rear (west), Harrell's Supply & Service Center, and to the side (south), Mr. Peter Keys, and they are both in support of the variance. I have also received letters of support from several other neighbors on Thornton Road. Additionally, I presented my intent to The South Lamar Neighborhood Association, who have indicated that they do not have any opposition to the proposed variance. (See attached letters)

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:

N/A

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:

N/A

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

N/A

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

N/A

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 2108 THORNTON RD

City, State & Zip AUSTIN, TX 78704

Printed DANIEL BURTON Phone 512-657-1414 Date 10/11/2011

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 2108 THORNTON RD

City, State & Zip AUSTIN, TX 78704

Printed DANIEL BURTON Phone 512-657-1414 Date 10/11/2011

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

N

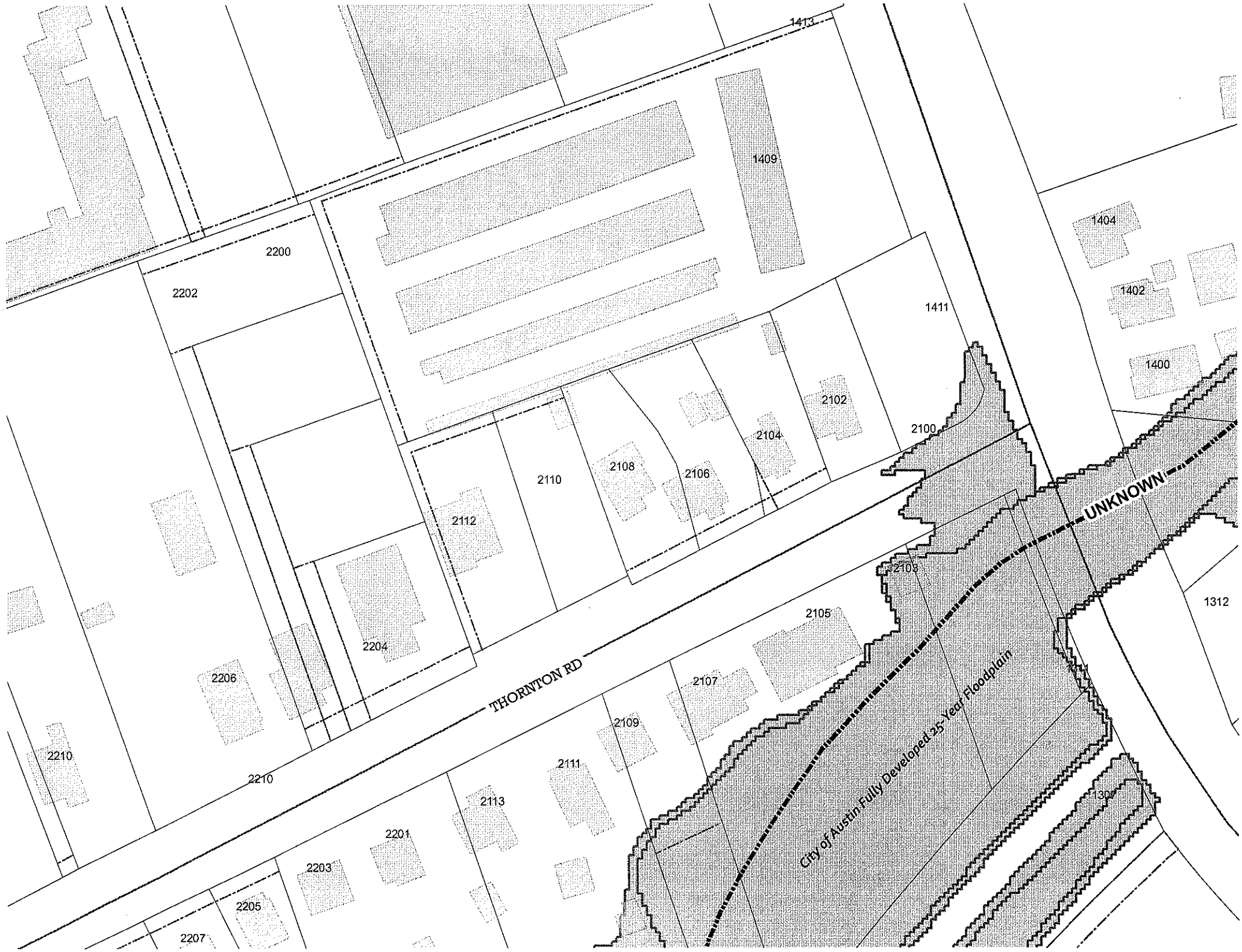
SUBJECT TRACT

ZONING BOUNDARY

CASE#: C15-2011-0137
LOCATION: 2108 THORNTON ROAD

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.


1413
1409
1404
1402
1400
1411
2200
2202
2102
2100
2104
2108
2106
2110
2112
UNKNOWN
2103
2105
1312
2204
THORNTON RD
2206
2107
2109
2210
2111
2210
2113
1300
City of Austin Fully Developed 25-Year Floodplain
2201
2203
2205
2207

City of Austin
Austin's Community-Owned Electric Utility www.austinenergy.com
Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

August 10, 2011

Dan Burton
2108 Thornton Rd
Austin, Texas 78704-4902
afreet@gmail.com

Re: 2108 Thornton Road
Lot 1 Fredericksburg Road Acres Resub of pts of Lts 21-22 Blk 2

Dear Mr. Burton,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the rear setback to 5 feet. 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,

Lena Lund
Public Involvement/Real Estate Services

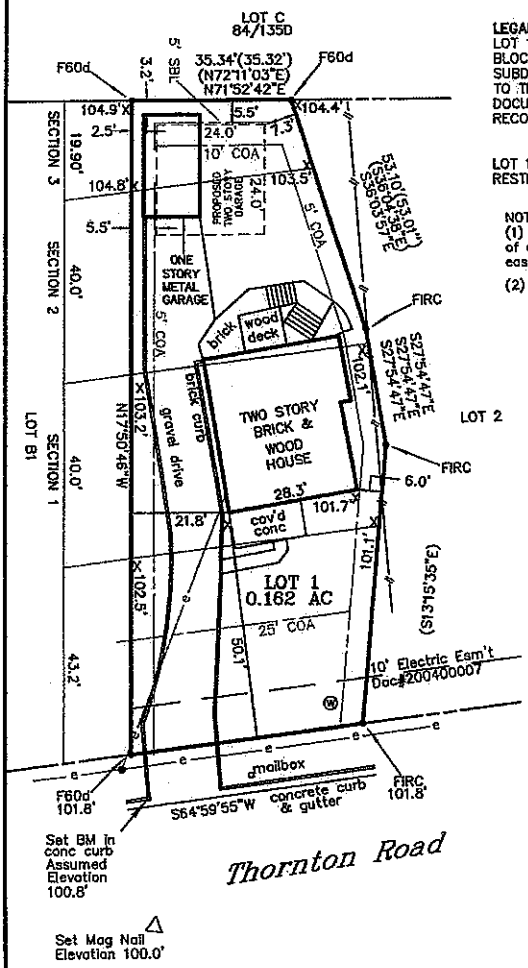
Cc: Diana Ramirez and Susan Walker

Waterloo Surveyors Inc.

SURVEY PLAT

J12923A

OWNER:
DANIEL L. BURTON
ADDRESS:
2108 THORNTON ROAD



LEGAL DESCRIPTION:
LOT 1, REMAINING PORTIONS OF LOT 21 AND 22 BLOCK 2, FREDRICKSBURG ROAD ACRES, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO. 200400007, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

LOT 1 IS SUBJECT TO EASEMENT RIGHTS AND RESTRICTIVE COVENANTS OF REC ORD.

NOTES:
(1) This survey was made without the benefit of a title commitment and additional easements and/or restrictions may apply
(2) Elevations shown on this survey are assumed.

SCALE
1"=20'

LEGEND

FOUND 1/2" IRON ROD W/CAP	FIRC
FOUND 60d NAIL	F60d
WOOD FENCE	
UTILITY POLE & ELECTRIC LINE	
WATER METER	Ⓦ
SPOT ELEVATIONS	X 100.0'
CITY OF AUSTIN SETBACKS UNDER 25-2-492 LDC	COA
PROPOSED VARIANCE SETBACK	SBL
(RECORD)	

State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B Condition II Survey. SURVEY REVISED 7/27/11

Dated this the 13TH day of JULY, 2011

And I certify that the property shown hereon IS NOT within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD flood hazard boundary map revised as per Map Number: 48453C0585H

Zone: X Dated: SEPTEMBER 26, 2008

Thomas P. Dixon R.P.L.S. 4324

STATE OF TEXAS REGISTERED THOMAS P. DIXON 4324 PROFESSIONAL LAND SURVEYOR

©Copyright 2011

P.O. Box 160176, Austin, Texas 78716 Phone: 481-9602

2108 Thornton Rd

Austin Energy has reviewed this plan for and approves/disapproves the variance requested before the Board of Adjustment. Any changes to this plan must be approved by Austin Energy.

AUSTIN ENERGY

By: [signature]

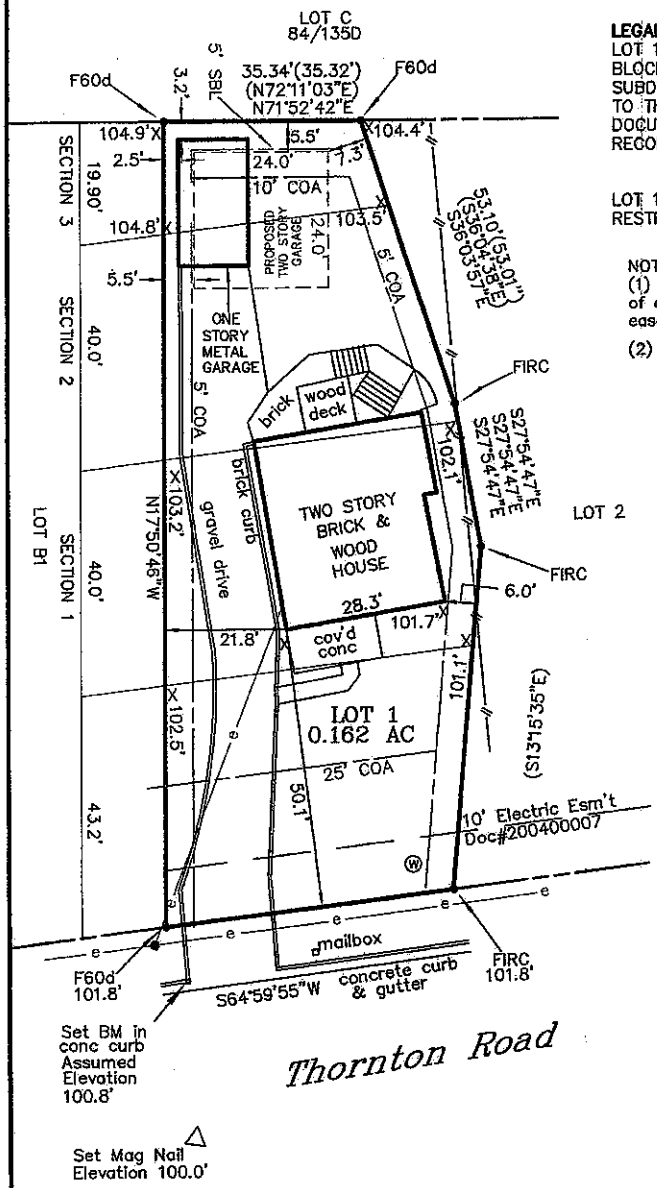
Date 8/10/2011

Waterloo Surveyors Inc.

SURVEY PLAT

J12923A

OWNER:
DANIEL L. BURTON
ADDRESS:
2108 THORNTON ROAD



LEGAL DESCRIPTION:
LOT 1, REMAINING PORTIONS OF LOT 21 AND 22 BLOCK 2, FREDRICKSBURG ROAD ACRES, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO. 200400007, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

LOT 1 IS SUBJECT TO EASEMENT RIGHTS AND RESTRICTIVE COVENANTS OF REC ORD.

NOTES:
(1) This survey was made without the benefit of a title commitment and additional easements and/or restrictions may apply

(2) Elevations shown on this survey are assumed.

N

SCALE
1"=20'

LEGEND

FOUND 1/2" IRON ROD W/CAP	FIRC
FOUND 60d NAIL	F60d
WOOD FENCE	
UTILITY POLE & ELECTRIC LINE	
WATER METER	Ⓦ
SPOT ELEVATIONS	X 100.0'
CITY OF AUSTIN SETBACKS UNDER 25-2-492 LDC	COA
PROPOSED VARIANCE SETBACK	SBL
(RECORD)	

State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B **Condition II Survey.** SURVEY REVISED 7/27/11

Dated this the 13TH **day of** JULY, 201 1

And I certify that the property shown hereon IS NOT **within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD flood hazard boundary map revised as per Map Number:** 48453C0585H

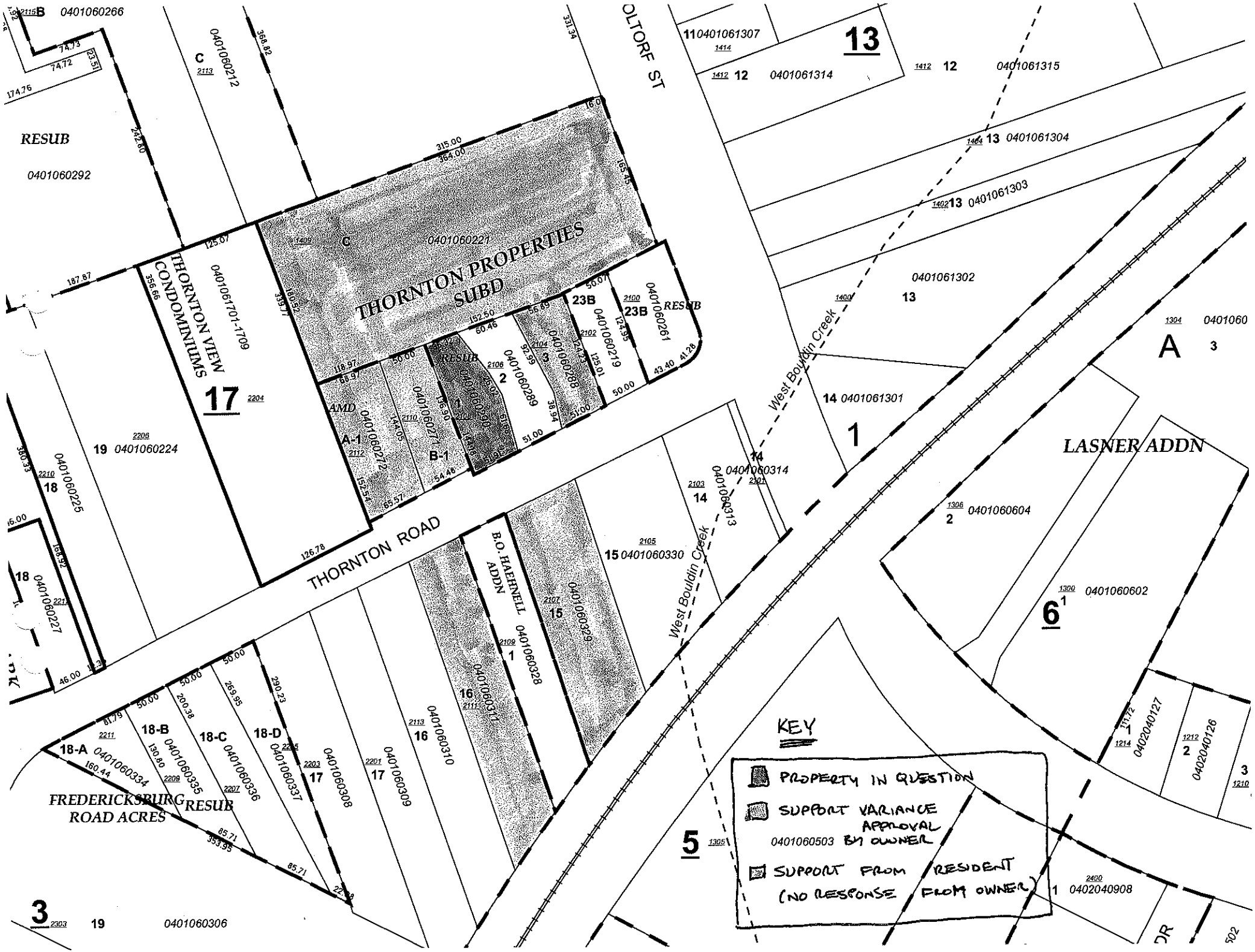
Zone: X **Dated:** SEPTEMBER 26, 2008

STATE OF TEXAS REGISTERED THOMAS P. DIXON 4324 PROFESSIONAL LAND SURVEYOR

Thomas P. Dixon R.P.L.S. 4324

© Copyright 2011

P.O. Box 160176, Austin, Texas 78716 Phone: 481-9602


KEY
PROPERTY IN QUESTION
SUPPORT VARIANCE APPROVAL BY OWNER
0401060503
SUPPORT FROM RESIDENT (NO RESPONSE FROM OWNER)
THORNTON PROPERTIES SUBD
THORNTON VIEW CONDOMINIUMS
THORNTON ROAD
OLTORF ST
West Boulldin Creek
LASNER ADDN
B.O. HAEHNELL ADDN
FREDERICKSBURG ROAD ACRES RESUB
RESUB
0401060292
0401060266
0401060212
0401060221
0401061701-1709
0401060224
0401060225
0401060227
0401060272
0401060271
0401060289
0401060288
0401060219
0401060261
0401060314
0401060313
0401060330
0401060329
0401060328
0401060311
0401060310
0401060309
0401060308
0401060334
0401060335
0401060336
0401060337
0401061307
0401061314
0401061315
0401061304
0401061303
0401061302
0401061301
0401060306
0401060604
0401060602
0402040127
0402040126
0402040908

South Lamar Neighborhood Association

19 September 2011

Dan Burton
2108 Thornton Rd.
Austin TX 78704

Dear Dan,

Thank you for taking the time to make your presentation to the general membership of the South Lamar Neighborhood Association (SLNA) at its September 15, 2011 meeting. Specifically, you provided SLNA with specific information regarding your proposed project at 2108 Thornton Road.

Per your presentation, we understand that your plan is:

1. To remove the existing single car garage, which is currently non-compliant because it is only 3 feet from the back property line and, therefore, does not meet the required 10-foot setback; and
2. Build a new 2 car garage with a small living space above it, resulting in a 2 story building.

The proposed location of the garage facility will place it further from the property line than the current structure but, at the proposed distance of 5 feet from the back property line, it will still be non-compliant with the required 10 foot setback. Therefore, you understand that you will require a variance from the Board of Adjustment.

After your presentation we took a vote among the members present and all agreed that the SLNA is not opposed to your plans or your request for a variance.

Good Luck with your project. And again, thank you for keeping us informed about your plans.

Sincerely,

Vic Ramirez
South Lamar Neighborhood Association
President, 2011
1706 Lightsey Road
Austin, Texas 78704

I

✓ Support

___ Oppose

___ Neither support nor oppose

the setback variance proposed by Daniel Burton for the property at 2108 Thornton Rd, Austin, TX 78704 in support of the proposed construction of a two-story garage.

Austin Self Storage
dba Hawells Supply & Service
(Name)

1409 W OLTORF
Austin, TX 78704

(Signature) 9/10/14 (Date)

I

_✓_Support

___ Oppose

___ Neither support nor oppose

the setback variance proposed by Daniel Burton for the property at 2108 Thornton Rd, Austin, TX 78704 in support of the proposed construction of a two-story garage.

Peter Kaye
(Name)

2112 THORNTON RD
Austin, TX 78704

Peter T. Kaye
(Signature)

9.10.2011
(Date)

I

✓ Support

___ Oppose

___ Neither support nor oppose

the setback variance proposed by Daniel Burton for the property at 2108 Thornton Rd, Austin, TX 78704 in support of the proposed construction of a two-story garage.

Nathan Bauman

(Name)

2113 Thornton

Austin, TX 78704

(Signature) 9.10.11 (Date)

I

✓ Support

___ Oppose

___ Neither support nor oppose

the setback variance proposed by Daniel Burton for the property at 2108 Thornton Rd, Austin, TX 78704 in support of the proposed construction of a two-story garage.

Tom Harris Jr.
(Name)

2107 Thornton Rd.
Austin, TX 78704

(Signature) 9-9-11
(Date)

I

✓ Support

___ Oppose

___ Neither support nor oppose

the setback variance proposed by Daniel Burton for the property at 2108 Thornton Rd, Austin, TX 78704 in support of the proposed construction of a two-story garage.

Lauren Upton Mauldin
(Name)

2104 Thornton Rd
Austin, TX 78704

Lauren Mauldin
(Signature)

8/22/11
(Date)

I

✓ Support

___ Oppose

___ Neither support nor oppose

the setback variance proposed by Daniel Burton for the property at 2108 Thornton Rd, Austin, TX 78704 in support of the proposed construction of a two-story garage.

Luke Wilbanks
(Name)

2105 Thornton Road
Austin, TX 78704

(Signature)

8/22/11
(Date)