

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 # C15-2012-0006
ROW # 16693472
TP-0221020501

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: 1218 West 39th Street

LEGAL DESCRIPTION: Subdivision -- ABS 697 SUR 7 SPEAR GW 66x125FT

Lot(s) _____ Block _____ Outlot _____ Division _____

I/We Jim Bennett on behalf of myself/ourselves as authorized agent for
Judith Ronkartz affirm that on November 21, 2011,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

Remodel and add 167 sf to existing detached garage to create a second dwelling.
Maintain and modify existing carport.

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:

My lot is zoned SF-3, two-family residential. I am surrounded by 14 duplexes, and 3 homes with secondary apartments. (See attached A) Converting the existing garage is the only viable option for adding a reasonable second dwelling. Due to the 25' setback and a heritage tree, the only possible location for the 167sf addition is on the north side and northeast corner of the existing garage. The zoning regulations require that the second dwelling be at least 15 feet to the rear of the principal structure. The existing garage to be converted is located 13' 2" in front of the principal structure due to the unique history and configuration of the lot.

Most neighbors have carports and or garages as accessory structures on their properties and mine has been in existence for 17 years The carport was built in 1994, constructed by the previous owner. The 225 SF carport was built outside the building setback and the SE corner protrudes into the ROW. My plan is to relocate the south wall and roof to within my property line and reduce the footprint to 192 SF..

HARDSHIP:

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

The original house was constructed in the 1890's. At that time the house was the only house on the entire block (see attached B). The streets back then were not configured in the same way as they are today. The front of the house faced generally east toward an alley (no longer existing) and the current day Medical Parkway. In the 1960's the block was divided up into lots. Duplexes exist on 10 of these lots. In 1994, the Lots were further subdivided to the current configuration and the house was remodeled. At this time the detached garage was added. The 377 sf garage was built 13' 2" from the principal structure. Converting the garage is constrained by the 25' setback to be in the eastward direction and constrained away from the south by a heritage tree. Although, the orientation of the principal structure remained the same, due to property subdivisions over time, the current interpretation of zoning maps define what was historically the back, is now the front, thereby restricting the available building area.

The existing carport was built outside the setback and partially over the property line in 1994. It is also situated between 2 pecan trees (one is protected 20" the other is 16").

Given the trees, there is no other place to locate the carport.

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

Other properties in the area are more recent and were planned as duplexes primarily in the 1960's. These lots are neatly rectangular and the structures are squared up within the lots. My house is the original structure on the block and after 100yrs of land division is now at an odd angle on an irregularly shaped .19 acre lot with a completely different interpretation of the orientation of the house.

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 proposed layout and use matches the immediately adjacent and surrounding two-family residences. The garage to be converted has been in existence since 1994 without impairing any use or purpose. The conversion as proposed, keeps the set back/building line consistent with all the adjacent properties along Bailey. The proposed apartment will have a front porch, metal roof, additional landscaping and will be architecturally compatible with the 1890's style primary structure.

The carport has co-existed within the neighborhood for 17 years without impairing any surrounding use.

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 Jim Bennett Mail Address 11505 Ridge Dr.

City, State & Zip Austin, TX 78748

Printed Jim Bennett Phone 282-3079 Date 11/21/11



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 Judith Rowkartz Mail Address 1218 West 39th Street

City, State & Zip Austin, TX 78756

Printed Judith Rowkartz Phone 512-415-8146 Date 11/21/11



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2012-0006
 LOCATION: 1218 WEST 39TH STREET



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.

12/16/11



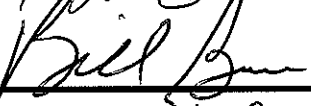








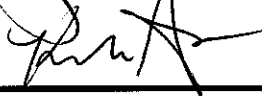
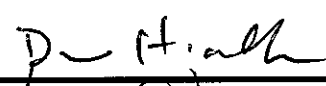

SUSAN,

Please attach the enclosed Neighborhood
signatures to my application for
variance for
1218 West 39th Street

Thank You,
Judith Runkartz

To the City of Austin Board of Adjustment:

I support Judith Ronkartz and John Griessen in their proposed project to remodel and add 167 square feet to the existing garage to create a second dwelling at 1218 West 39th Street, Zoned SF3.

DATE	PRINT NAME	SIGNATURE	ADDRESS & ZIP CODE
11/18/2011	ROB MAYOFF		1204 W. 39TH ST.
11/18/2011	RAY POWERS		1208 W 39th ST
11/18/2011	Bill Buse		1200 West 39th St
11/18/2011	Anna Treia		3808 Bailey Lane
11/18/2011	VERA dee files Vladimir IVASIEV	Bernadec Gelos 115 - Jy	3802 Bailey Lane 2
11/18/11	KENNETH WEDELKEE		3810 Bailey Ln
11/18/11	Matthew Cook		1205B W. 39th St.
11/18/11	ERIC LAMBERT		3910 MEDICAL Pkwy 78756
11-18-11	James Flowers		1205 W 40th St. 78756
11/18/11	Jason Borden		3902 Bailey Ln, unit A
11/20/2011	JOHN	SCHMID	800 W. 38 th #10105 78705
11/27/11	GREG VARNER		3811 BAILEY LN 78756
11/27/11	Sam Bay		3910 Bailey
11/27/11	Kathryn Anderson		1210 W 39 1/2 Street, 78756
11-28-11	Dore Heath		1206 W. 39 1/2 St. 78756
12-2-11	KATHLEEN MONTE		3907A BAILEY LN 78756

To the City of Austin Board of Adjustment:

I support Judith Ronkartz and John Griessen in their proposed project to remodel and add 167 square feet to the existing garage to create a second dwelling at 1218 West 39th Street, Zoned SF3.

I am the owner of the property located at 3902 Bailey.

Date 12-9-11
Print Name NAC-TY PROPERTIES, LP
FRANK ASHCROFT, MANAGER OF THE GENERAL PARTNER
Signature Frank Ashcroft
Address 3902 BAILEY LANE
AUSTIN, TEXAS 78756

MAILING ADDRESS:
P.O. BOX 631532
NACOGDOCHES, TEXAS
75963-1532
936-554-9155

B - 1218 West 39th in 1922

71

ADPL SHEET
DEC. 1921



55

W. 40th ST.

EMMA

(Now 39 1/2)

JULIA (Now 39th)

SPRING

89

NIXON AV.
(NOW BAILEY)

ALLEY Gorsewayp

ALICE AV. (Now Medical pkwy)

MORNINGSIDE AV. (NOW LAMAR)

1218 W. 39th

FRONT →

ALLEY 2 CLOSED



Scale of Feet.

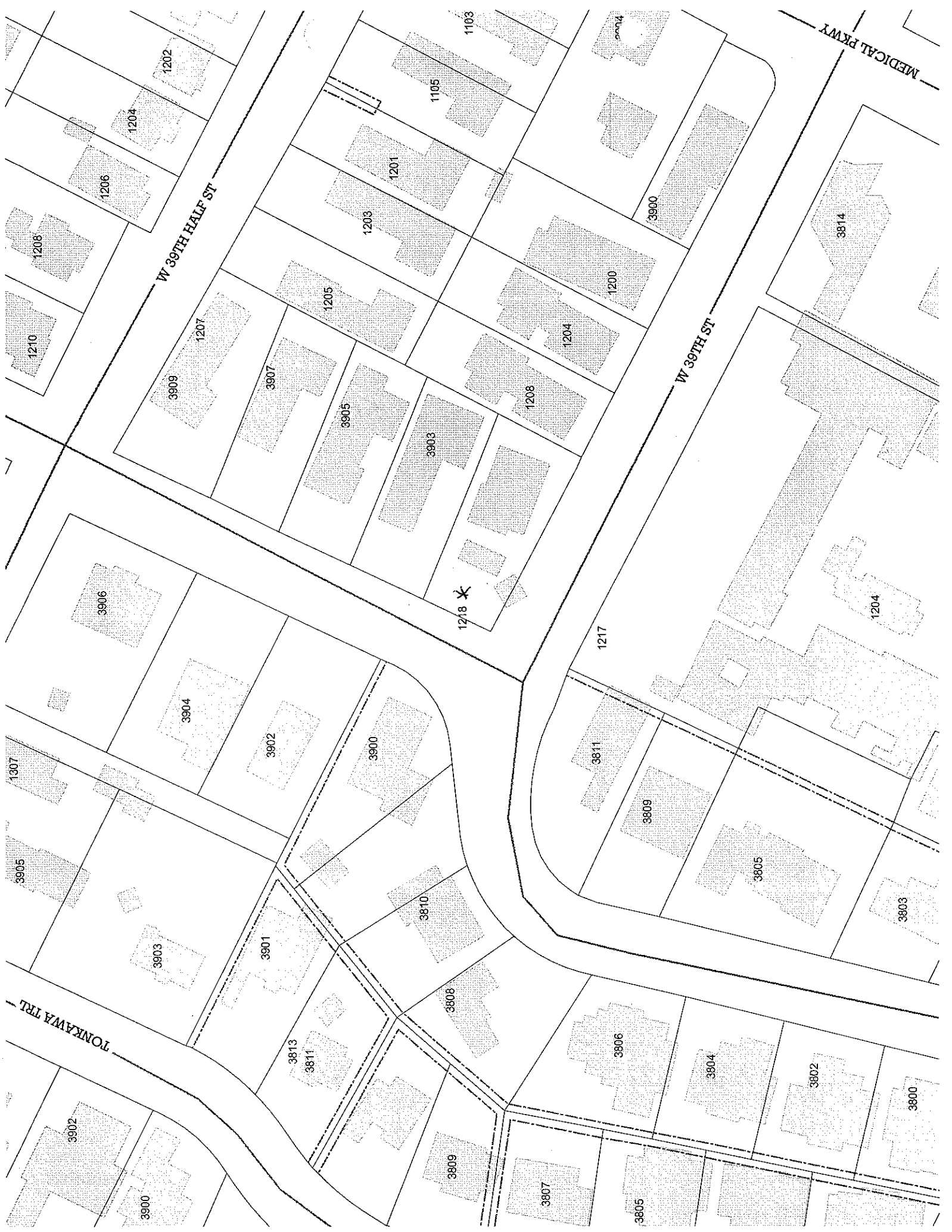
Copyright 1921 by the Standard Map Co.

PARTY AV.

W. DOWNLO PK

MARKIN AV.

DOWNLO PK



W 39TH HALF ST

W 39TH ST

MEDICAL PKWY

PONKAWA TRL

1218 *

1200, 1201, 1203, 1204, 1205, 1206, 1207, 1208, 1210, 1217, 1103, 1105, 1104, 3900, 3901, 3902, 3903, 3904, 3905, 3906, 3907, 3800, 3801, 3802, 3803, 3804, 3805, 3806, 3807, 3808, 3809, 3810, 3811, 3813, 3814, 3909, 3910, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3918, 3919, 3920, 3921, 3922, 3923, 3924, 3925, 3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935, 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948, 3949, 3950, 3951, 3952, 3953, 3954, 3955, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, 3976, 3977, 3978, 3979, 3980, 3981, 3982, 3983, 3984, 3985, 3986, 3987, 3988, 3989, 3990, 3991, 3992, 3993, 3994, 3995, 3996, 3997, 3998, 3999, 4000