

CASE # C15-2012-0019  
TP-0302000708  
ROW-10705619

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: 1802 Brackenridge St.

LEGAL DESCRIPTION: Subdivision – Newning & Warner Resub of Blk 32 Swisher Addition

Lot(s) 11 Block 32 Outlot \_\_\_\_\_ Division \_\_\_\_\_

I Jim Bennett as authorized agent for Melissa Schenker

\_\_\_\_\_ affirm that on 11/20/11, , hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A two family dwelling providing a side yard setback of 4.4 ft. from the south property line, a side yard setback of 4.6ft. from the north property line; providing a GFA of 884 sq. ft.; providing a lot size of 69<sup>5</sup>/<sub>8</sub>sq. ft.; providing a F.A.R. of .62:1; providing a 2.5 ft. height encroachment into the tent, and providing a one foot setback for a deck. *along South*

\_\_\_\_\_ in a SF-3NP 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 structure was constructed in 2002 with a building permit for a two story garage with study and bath (permit # 2002-0120580), but apparently the previous owner exceeded the scope of work and did not secure final inspections.

**HARDSHIP:**

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

It would be an undue hardship to have to remove the structure that has been in place for nine years. The structure was built by the previous owner and was purchased by the current owner in 2004 with the assurance from the previous owner that everything was conforming. With the exceptions of the setbacks the structure would have been in compliance with the requirements at the time, but due to the expired permit new requirements are applicable. The current owner was unaware of these conditions until her HVAC system needed to be replaced and her contractor was told by the city that there were expired permit issues.

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

no additions or renovations have been made to the property since it was purchased seven years ago. Other garage apartments in the neighborhood were constructed legally at the time of their construction and the above conditions do not exist.

**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 character of the area will not change because this structure and use has existed for nine years and the structure is located to the rear of the lot adjacent to the alley and is not readily visible from Brackenridge St. Other garages and garage apartments exist off the alleys in the neighborhood.

**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 Phone Date Jim BENNETT. 282-3079 . 12/2/11

**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 Melissa J. Schenker Mail Address 1802 Brackenridge St  
City, State & Zip Austin TX 78704

Printed Phone Date  
Melissa J. Schenker 512-442-5601 12/2/11

**GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST  
TO THE BOARD OF ADJUSTMENT**



# City of Austin BUILDING PERMIT

**PERMIT NO:** 2002-012058-BP

Type:

Status: Expired

1802 BRACKENRIDGE ST

Issue Date: 04/15/2002

**EXPIRY DATE: 08/29/2007**

LEGAL DESCRIPTION Lot: 11 Block: 32 Subdivision:						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY: New Detached 2 Sty Garage-Study/Bath		WORK PERMITTED:				ISSUED BY: Debra Fonseca			
TOTAL SQFT		VALUATION Tot Val Rem: \$ .00		TYPE CONST.	USE CAT.	GROUP	FLOORS 2	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE				

Type	Date	Status	Comments	Inspector
101 Building Layout	6/18/2002	Pass	MIGRATED FROM PIER.	Michael Husted
102 Foundation	8/2/2002	Fail	MIGRATED FROM PIER.	Michael Husted
609 Fire		Open		Jessie Scott



# City of Austin

## MECHANICAL PERMIT

**PERMIT NO:** 2011-056026-MP  
1802 BRACKENRIDGE ST

Type: RESIDENTIAL Status: ACTIVE  
Issue Date: 06/27/2011 **EXPIRY DATE: 12/24/2011**

<b>LEGAL DESCRIPTION</b> Lot: 11 Block: 32 Subdivision:	<b>SITE APPROVAL</b>	<b>ZONING</b>
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<b>PROPOSED OCCUPANCY</b>   WORK PERMITTED Remodel Emergency request, replacing 2 hvac units, 1 unit to existing 2stry det. garage/study & 1 unit to the 2nd fl. in the main residence.	<b>ISSUED BY:</b> Diana Cortinas
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Total SQFT	Valuation	Use CAT.	Floors	Units
Remodel: 0	Remodel: \$9,500.00	3000	2	1

<b>Contact</b> Mechanical Contractor, Roberto Contreras, Aircon Hig Cooling & Energy Co Billed To, Roberto Y. Contreras	<b>Telephone</b> (512) 293-0767 (512) 293-0767
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Fee Description	Fee Amount	Paid Date
Mechanical Permit Fee	\$55.00	06/27/2011
Mechanical Permit Fee	\$15.00	06/27/2011
<b>Total Fees:</b>	<b>\$70.00</b>	

<b>Inspection Requirements</b> Mechanical Inspection
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**City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.**

<b>Comments</b> **owner has 30 days to take care of expired permit 2002-012058BP**      **Owner & mech contractor stated that the property has 3 hvac units, 1 on the detached garage & 2 on the main residence. The detached garage & the 2nd FL hvac units are non-fuctional & are emergency request due to hvac being out of service a hold has been placed on this permit until expired permit has been resolved per Tony Hernandez**
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BY ACCEPTING OR PAYING FOR THIS PERMIT YOU ARE DECLARING THAT YOU ARE THE OWNER OR AUTHORIZED BY THE OWNER THAT THE DATA SUBMITTED AT THE TIME OF APPLICATION WAS TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATION SUBMITTED HEREWITH.



# City of Austin PLUMBING PERMIT

**PERMIT NO:** 2002-012058-PP

Type: RESIDENTIAL Status: VOID

1802 BRACKENRIDGE ST

Issue Date: 07/26/2002 **EXPIRY DATE: 08/29/2007**

LEGAL DESCRIPTION Lot: 11 Block: 32 Subdivision:	SITE APPROVAL	ZONING
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PROPOSED OCCUPANCY New Detached 2 Sty Garage-Study/Bath	WORK PERMITTED: Remodel	ISSUED BY:
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Total SQFT	Valuation Remodel: \$0.00 Total New: \$70,000.00	Use CAT. B3-3	Floors 2	Units 1
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<b>Contact</b> Plumbing Contractor, Robert Grubb, Dba A Waters Plumbing General Contractor, Powell Contruction	<b>Telephone</b> (512) 259-4888 (512) 801-5567
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<u>Fee Description</u>	<u>Fee Amount</u>	<u>Paid Date</u>
Plumbing Permit Fee	\$69.00	07/26/2002
<b>Total Fees:</b>	<b>\$69.00</b>	

<b>Inspection Requirements</b> Plumbing Inspection
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**City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.**

Approval of the final plumbing inspection, if required, serves as completion and approval of a customer service inspection as required by 30 T.A.C. 290.46(j).

Completion and acceptance of the final plumbing inspection meets the Customer Service Inspection requirements as identified in TCEQ 's Rules and Regulations for Public Water Systems 290.46 (j).

<b>Comments</b>
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BY ACCEPTING OR PAYING FOR THIS PERMIT YOU ARE DECLARING THAT YOU ARE THE OWNER OR AUTHORIZED BY THE OWNER THAT THE DATA SUBMITTED AT THE TIME OF APPLICATION WAS TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATION SUBMITTED HEREWITH.

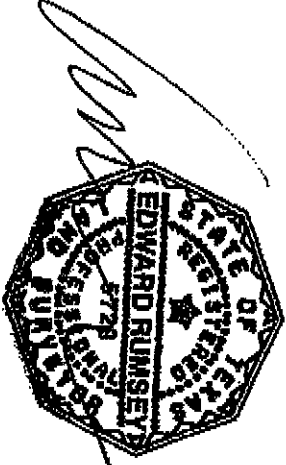
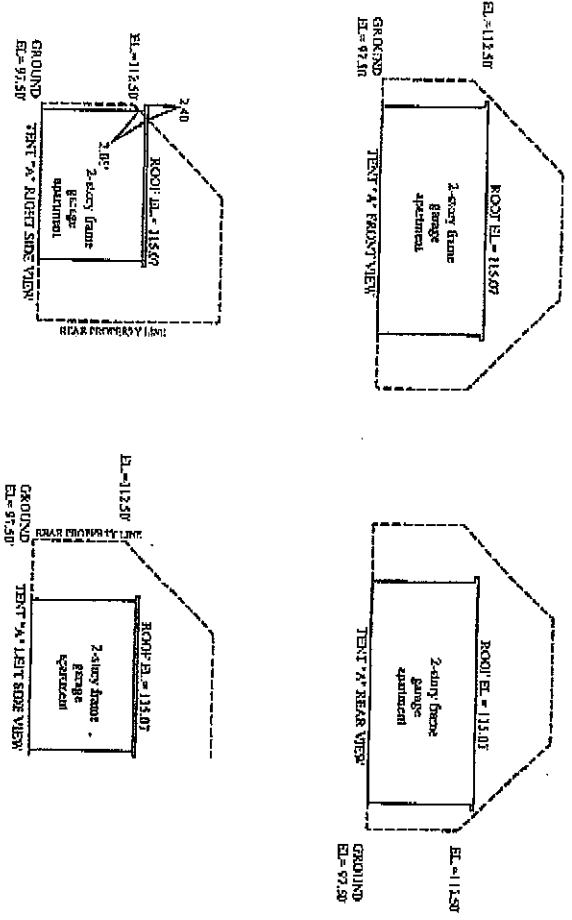
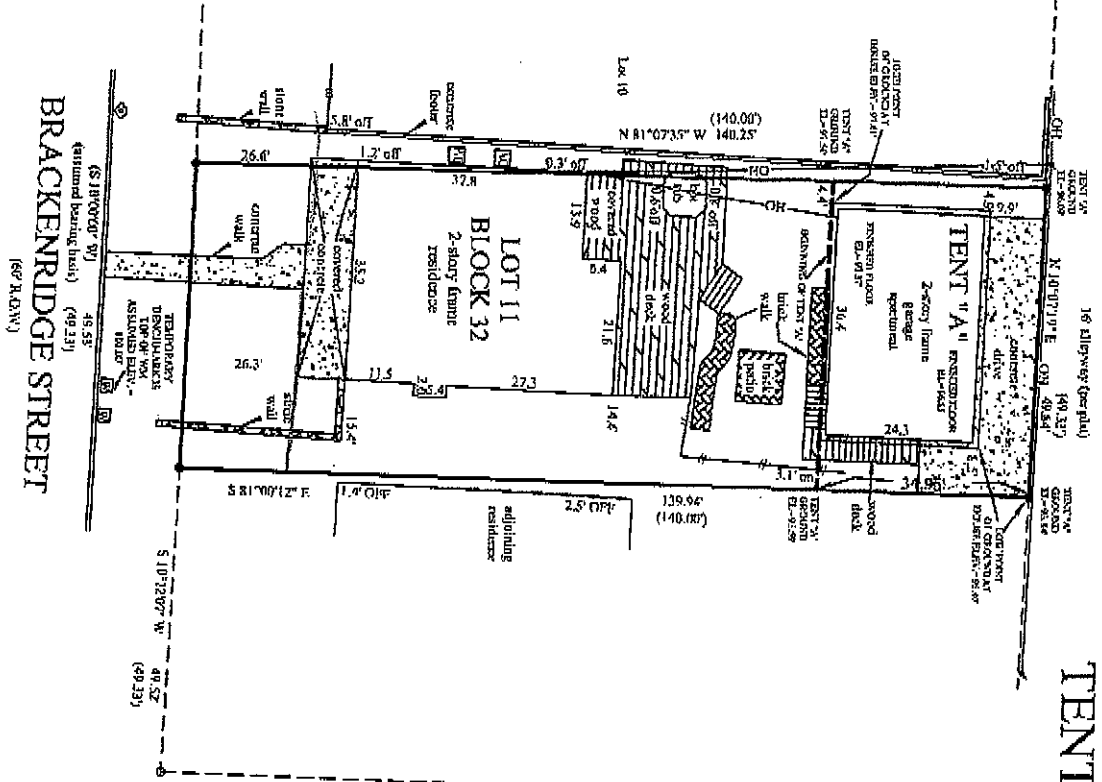
**ALLSTAR**  
Land Surveying  
9030 ANDERSON MILL RD  
AUSTIN, TEXAS 78729  
(512) 249-8149 PHONE  
(512) 331-5217 FAX  
WWW.ALLSTARLANDSURVEYING.COM

ROOF HEIGHT NOTE:  
DETERMINED BY HIGHEST POINT  
OF ROOF RESIDENCE (ELEVATION  
= 115.07') AND AN AVERAGE  
GRADE (ELEVATION = 96.50')  
ADJACENT TO RESIDENCE.  
RESIDENCE HEIGHT (18.57')

BRACKENRIDGE STREET  
(estimated bearing/height) (49.23')  
(67' ROAD)

ANNIE STREET  
(66' R.O.W.)

TENT SURVEY



LEGAL DESCRIPTION

1802 BRACKENRIDGE STREET,  
AUSTIN, TX 78704  
LOT 11, BLOCK 32,  
NEWNING AND WARNER RESUBDIVISION  
OF BLOCK 32, SWISHERS ADDITION,  
RECORDED IN VOLUME 235, PAGE 456,  
DEED RECORDS, TRAVIS COUNTY, TEXAS

JOB NO.:	A1102801	SURVEY DATE:	11/16/2011
CALC. BY:	EDWARD RUNSEY	PLS CHECK:	EDWARD RUBLEY
	[1/15/2011]		[1/16/2011]

**TaxNetUSA: Travis County Property Information**

Property ID Number: 283187 Ref ID2 Number: 03020007080000

Owner's Name **SCHENKER MELISSA**

**Property Details**

Mailing Address 1802 BRACKENRIDGE ST  
AUSTIN, TX 78704-3516

Location 1802 BRACKENRIDGE ST 78704

Legal LOT 11 BLK 32 SWISHER ADDN

Deed Date 04202006

Deed Volume

Deed Page

Exemptions HS

Freeze Exempt F

ARB Protest F

Agent Code 0

Land Acres XXXXXXXXXX

Block 32

Tract or Lot 11

Docket No. 2006077250TR

Abstract Code S13492

Neighborhood Code K0030

**Value Information**

**2011 Certified**

Land Value 200,000.00

Improvement Value 680,844.00

AG Value 0.00

AG Productivity Value 0.00

Timber Value 0.00

Timber Productivity Value 0.00

Assessed Value 880,844.00

10% Cap Value 0.00

Total Value 880,844.00

Data up to date as of 2011-11-01

- AGRICULTURAL (1-D-1)
- APPOINTMENT OF AGENT FORM
- FREEPORT EXEMPTION
- HOMESTEAD EXEMPTION FORM
- PRINTER FRIENDLY REPORT
- PROTEST FORM
- RELIGIOUS EXEMPTION FORM
- PLAT MAP

**Value By Jurisdiction**

Entity Code	Entity Name	2010 Tax Rate	Assessed Value	Taxable Value	Market Value	Appraised Value
0A	TRAVIS CENTRAL APP DIST		880,844.00	880,844.00	880,844.00	880,844.00
01	AUSTIN ISD	1.227000	880,844.00	865,844.00	880,844.00	880,844.00
02	CITY OF AUSTIN	0.457100	880,844.00	880,844.00	880,844.00	880,844.00
03	TRAVIS COUNTY	0.465800	880,844.00	735,257.00	880,844.00	880,844.00
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	0.071900	880,844.00	735,257.00	880,844.00	880,844.00
68	AUSTIN COMM COLL DIST	0.095100	880,844.00	873,565.00	880,844.00	880,844.00

**Improvement Information**

Improvement ID	State Category	Description
236207		1 FAM DWELLING
407254		GARAGE APARTMENT

**Segment Information**

Imp ID	Seg ID	Type Code	Description	Class	Effective Year Built	Area
236207	276314	1ST	1st Floor	WW5+	1914	1,491
236207	1251264	2ND	2nd Floor	WW5+	1914	1,575
236207	1251265	011	PORCH OPEN 1ST F	*5+	1914	280
236207	1251266	011	PORCH OPEN 1ST F	*5+	1914	84
236207	1251267	251	BATHROOM	**	1914	1
236207	1251268	512	DECK UNCOVERED	*5+	1914	630
236207	1781784	011	PORCH OPEN 1ST F	*5+	1914	280
236207	3627407	417	HOT TUB	*5+	2000	1
407254	2520405	1ST	1st Floor	WW4+	2002	864
407254	2549486	.041	GARAGE ATT 1ST F	WW4+	2002	864
407254	2788545	095	HVAC RESIDENTIAL	**	2002	864

*Lot size per TCAD  
11/8/2011 70867*



## Walker, Susan

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**From:** Jean mather [jeanmather3@gmail.com]  
**Sent:** Tuesday, January 31, 2012 9:39 AM  
**To:** Walker, Susan  
**Subject:** 1802 Brackenridge

Dear Susan,

Would you please pass this on to the BOAC? I'm waiting for the case number and will send it when I get it.

Jean

Board of Adjustment  
City of Austin

The Zoning Committee of South River City Citizens met on December 9, 2011 with Melissa Schenker to discuss the variances she requires:

- Side yard setback of 4.4 on north side, 4.6 on south side instead of required 5'
- Floor area of 884 (rather than 550 allowed under McMansion and 850 allowed when it was built)  
Lot size of 6,954 (rather than 7,000)
- FAR of .62
- 2.5 ft. height encroachment into tent
- one ft. setback for deck on south side

The first variances involve the two story garage apartment, constructed in 2002. Ms. Schenker purchased the property in 2004 and it wasn't until her HVAC needed replacing that she learned the permits had expired, that she wasn't in compliance and needed several variances.

The real estate agent, Kenny Hilbig, has left the state and can't be located.

The original survey for that section of the neighborhood has since been altered (corrected?) and many older houses are over or on the lot line as you can see here which might account for the undersized lot.

SRCC didn't meet in January. The February general meeting is after the deadline for this submittal therefor we offer the Zoning Committee decision that Ms. Schenker faced undue hardship and should be granted the required variances.

Jean Mather, Chair  
Zoning Committee  
SRCC