

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, February 13, 2012

CASE NUMBER: C15-2012-0018

____ Jeff Jack
____ Michael Von Ohlen
____ Nora Salinas
____ Bryan King
____ Susan Morrison
____ Melissa Hawthorne
____ Heidi Goebel
____ Cathy French (SRB only)
____ Dan Graham (SRB only)

APPLICANT: David, Cancialosi

OWNER: Charles Borgeson

ADDRESS: 7404 ALBERT RD

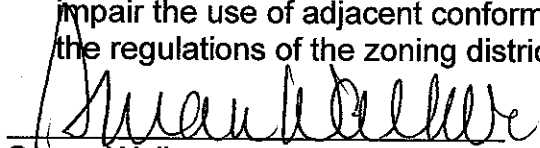
VARIANCE REQUESTED: The applicant has requested a special exception from Section 25-2-476 of the Land Development Code in order to maintain a side yard setback of 0 feet (10 feet is required) along the north property line in a "DR", Development Reserve zoning district.

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 10 feet to 0 feet in order to maintain an addition to an existing carport along the north property line in a "DR", Development Reserve zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to March 12, 2012, Board Member Bryan King second on a 6-0 vote; **POSTPONED TO MARCH 12, 2012.**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
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:


Susan Walker
Executive Liaison


Jeff Jack
Chairman

PUBLIC HEARING INFORMATION

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- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
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A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

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Case Number: C15-2012-0018 – 7404 Albert Road

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, February 13th, 2012

Charles Borgeson

Your Name (please print)

7404 Albert Rd

Your address(es) affected by this application

CBorgeson

Signature

2/8/12

Date

Daytime Telephone: *(512) 585-7427*

Comments:

We replaced the carport, which was on the house when purchased in 1984, with a new structure. The original was built to the property line. The roof of the original was rotting and could not be re-roofed.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
--

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, February 13th, 2012

Luan Borgeson

Your Name (please print)

☒ I am in favor
☐ I object

7404 Albert Rd.

Your address(es) affected by this application

Susan Borgeson

Signature

2-8-12

Date

Daytime Telephone: 512-585-7415

Comments: We replaced the roof of the original carport / structure as it was not sound. Also, the driveway from Albert Rd. during hard heavy winter threatened the house on numerous occasions. We added drainage at the side of the carport to protect the house and contents.

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Case Number: C15-2012-0018 – 7404 Albert Road
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, February 13th, 2012

K. Alejandra Pucka & Luis Vallejo

Your Name (please print)

7404 Albert Rd

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: _____

Comments: _____

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Case Number: C15-2012-0018 - 7404 Albert Road

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, February 13th, 2012

KARLA McKINNEY

Your Name (please print)

☒ I am in favor
☐ I object

7406 ALBERT RD

Your address(es) affected by this application

Cale N

Signature

Date

Daytime Telephone: 512-916-8745

Comments:

STRUCTURES IN CONTINUATION HAS NO EFFECT.

If you use this form to comment, it may be returned to:

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P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2012-0018 - 7404 Albert Road
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, February 13th, 2012

Luis Valles
 Your Name (please print)

7404 Albert Rd

Your address(es) affected by this application

Susan Walker
 Signature

10 Feb 2012
 Date

Daytime Telephone: *512.470.3016*

Comments:

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
--

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, February 13th, 2012

Your Name (please print)

STUART BAILEY

☒ I am in favor
☐ I object

Your address(es) affected by this application

7401 Albert Road

78745

Signature

Date

Daytime Telephone: (512) 784-7994

Comments:

The house is wonderful. We love the way it sits on the lot. Please don't change anything - All good with us.

STUART BAILEY

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City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

I'm in favor of this approval on the variance.

It's a great place in the neighborhood, Linda Fontaine

(512) 294-1199



N



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0018
LOCATION: 7404 Albert 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.

Please be advised that the Board only takes 16 new cases a month, therefore, first come, first served. Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult 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 #

ROW #

015-2012-0018

10705608

TP-0422130102

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

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

WAR
NING

: Filing of this appeal stops all affected construction activity.

STREET ADDRESS: 7404 Albert Rd

LEGAL DESCRIPTION: Subdivision – N 1.5 acres lot 5 Allen T Harp Sub

I/We David Cancialosi on behalf of myself/ourselves as authorized agent for

Charles and Luan Borgeson affirm that on 11/11/11

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

(check appropriate items below)

___ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL X 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) ~~SP-3~~ DR

Special Exception to maintain portion of carport in side yard setback - 10' → 0'

Variance to maintain / erect portion of carport in side yard setback - addition

5' side setback to 0' side setback (interior)

hatched area

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 original carport was built prior to annexation of the property into city limits. The home does not have a garage. The carport provides the only on-site covered parking. Many homes in the area have covered parking. The proximity of the carport to the side property line serves to mitigate drainage by capturing runoff and funneling it into a rain water collection system. The owner is seeking a special exception to maintain this original portion of the structure in the side setback.

Approximately 3-4 years ago, a 4' portion of the carport was added to the front of the original section, extending the same line of encroachment into the side yard setback. The garage door offers privacy and security. The owner is seeking a variance to maintain a portion of the structure in the side setback.

The carport section that encroaches into the side setback only does so via steel posts and a portion of the roof structure.

HARDSHIP:

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

The current applicable zoning regulations did not exist at the time of construction of the original carport section.

The newer carport section was added to further mitigate drainage runoff as well as alleviate privacy and safety concerns. The line of encroachment was extended in order to maintain structural and aesthetic integrity of the original carport. Requiring the owner to remove this portion of the existing garage / carport façade would be an unreasonable application of current zoning regulations.

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

This carport is located between the primary structure and property line in order to match the pre-existing driveway location.

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 carport does not impair use of the adjacent property because it helps to capture drainage and runoff that otherwise runs between the two lots. With the addition of the garage door, the carport appears to be a garage when viewed from the front façade, thus it matches the surrounding character.

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

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 David Cancialosi
Mail Address 8500 Shoal Creek Blvd Bldg 4 Ste 200
512-799-2401

Printed David C. Cancialosi
11/11/11

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 Charles Borgeson Luan Borgeson
Mail Address 2019 Goodrich Ave, Austin, TX 78704
Printed Charles Borgeson, Luan Borgeson
Phone Date (512) 585-7427

David C. Cancialosi, Agent for property owner
Site address: 7404 Albert Rd
Austin, Texas 78745
December 1, 2011

City of Austin Board of Adjustment Commissioners

Dear Commissioners:

This letter is a formal request to consider Special Exceptions for property located at 7404 Albert Road.

Per city of Austin Ordinance 20110526-098, the Board of Adjustment is authorized to address minor setback issues existing on or before adoption of the current zoning code, adopted March 1, 1986. Further, this ordinance allows the Board to grant a special exception for setback violations existing for at least 15 years.

Representatives from the City of Austin Code Compliance Legal and Investigations as well as the Residential Review Department have determined that this site meets the criteria for the 15 year amnesty.

The request before you is to allow the property owner to maintain the following encroachments:

Special Exception to allow a side setback of 0' in order to maintain pre-existing carport

This encroachment has been in place for approximately 25 years or more.

Should the Board grant this request it is our opinion that your decision would not allow a property to be used in a manner that alters the character of the surrounding area. Many homes in this south Austin neighborhood were originally built either prior to around the time of annexation in the mid 1980's. As such, there is a healthy mixture of original ranch style residences, accessory structures, two family dwelling units, remodels with varied floor plans, carports, and garages.

The current setback encroachments will not impair the use of adjacent properties. The owners have gone to great lengths to mitigate drainage runoff from Albert Rd to their property, as well as any flow from their property to adjacent properties. There are on-site water collection tanks to collect as much roof run off as possible. The side yard encroachment does not reflect visibility or other aesthetic issues.

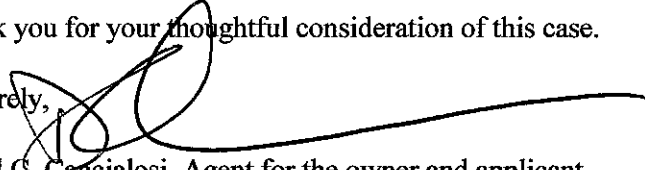
Further, granting the aforementioned request will not result in a special privilege inconsistent with other properties in the area. As mentioned, several properties in the area reflect a combination of primary and secondary uses and various setback issues due to the period of original construction being before or around the time of annexation in the city. The current use and slight zoning encroachments are completely in keeping with the surrounding properties.

Should the Board approve this Special Exception and Variance request, the owners intend to seek the required permit(s).

Please refer to the maps, pictures, and letters of support provided in your packet for more information.

Thank you for your thoughtful consideration of this case.

Sincerely,


David C. Cancialosi, Agent for the owner and applicant

I.G.N. RR.

Ref: Charles L. and Jean B. Songeson

prior to
amputation

H. RENFIELD
300 AC.

ADDITION

ALBERT LANE

The undersigned does hereby certify that the plat shown represents the results of a survey on the ground under my supervision and is true and correct and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements, except as shown and the property has access to and from a dedicated roadway.

The property indicated hereon is not within a special flood hazard area as shown on Panel 481026 0210B of FIRM FLOOD INSURANCE RATE MAP for Travis County, Texas as prepared by FEMA & FIA effective date April 30, 1982.

CRICHTON
AND ASSOCIATES
LAND SURVEYORS

1538 E. Anderson Lane No. 2
Austin, Texas 78753 (512) 837-2000

Hervey C. Hill

DATE: May 29, 1986



