

CASE # C15-2012-0026
ROW # 107 22420

CITY OF AUSTIN TP-010005-02-52
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE
Amended

WARNING: Filing of this appeal stops all affected construction activity.

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

STREET ADDRESS: 1514 Hether

LEGAL DESCRIPTION: Subdivision – Lot 16, Staehely and Wendlandt Resubdivision
Fredericksburg Road Acres 2

Lot(s) 16 Block _____ Outlot _____
Division _____

I Jim Wittliff / Land Answers, Inc. on behalf of myself as authorized agent for Guillermo Sanchez affirm that on January 23, 2012,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

(A) an encroachment of 0.26 feet (3.12 inches) into a sideyard setback of a legal noncomplying structure [2.6 feet setback provided, 2.86 feet setback required per LDC 25-2-963 (F)(1)(a)], (B) the second (smaller) dwelling unit is located 27 feet in front of the principal dwelling unit [rather than to the rear of the principal structure, as required by 25-2-774(C)(2)(b)].

in a SF-3-NP 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:
 - (A) The rear structure was legal nonconforming, since it was built in 1939 with a 2.86 foot setback. The property owner was granted a building permit in 2002 to expand the structure to the rear. However, because the building was not perfectly parallel to the side property line, the 15 foot deep rear addition encroached an additional 0.26 feet (3.12 inches) into the side yard setback since the addition extended the wall. Neither the City nor the property owner realized that the degree of nonconformance was increased until the property owner had a recent survey performed.
 - (B) The property consisted of a small one story single family residence in the front and a duplex in the rear since at least 1966. The property is zoned SF-3, which only allows two residences. The City has directed the property owner to convert the duplex to a two story single residence, in order to comply with zoning.

HARDSHIP:

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

This property was constructed as three residences prior to 1966, and the current owner was unaware that the property was not legally allowed to remain as three units. The existing noncompliant location of the primary residence behind the smaller second dwelling unit existed prior to this owner purchasing the property in 1986. The setback intrusion occurred because nobody realized at the time a building permit was issued in 2002 that the rear building was not parallel to the side property line, and therefore expanding the building to the rear caused the setback to increase in nonconformance, because the building was slightly skewed in reference to the adjacent side property line.

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

Most surrounding properties conform with zoning setbacks, and any other two family residential uses were likely originally constructed as two family residences, not as three units that had to be converted to two family residential units.

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:

We are bringing the property into general compliance with zoning regulations by converting the rear duplex into one single family residence. Although the degree of side setback

nonconformance is increased, it is only by a maximum of 3.12 inches in one corner of the structure.

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:

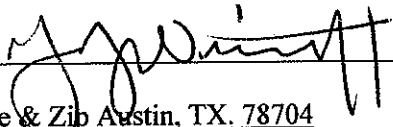
N/A

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

N/A

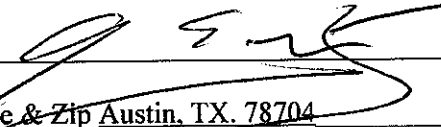
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

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 3606 Winfield Cove
City, State & Zip Austin, TX. 78704

Printed Jim Wittliff Phone 512-416-6611 Date 01/23/2012

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 1514 Hether Street
City, State & Zip Austin, TX. 78704

Printed Guillermo S. Sanchez Phone ___ Date 01/23/2012

Land ANSWERS, Inc.
Land Development Consulting Services
3606 Winfield Cove
Austin, Texas 78704
512/416-6611 Fax: 512/416-6610
E-mail: landanswers@sbcglobal.net

MEMORANDUM

DATE: February 16, 2012
TO: Susan Walker
FROM: Jim Wittliff
RE: 1514 Hether – Board of Adjustment Application
C15-2012-0026

Dear Susan,

Please replace the Board of Adjustment Variance application that was originally submitted for 1514 Hether with the attached amended application. We were able to eliminate one of the three variance requests.

Thank you,


Jim Wittliff

RECEIVED
FEB 17 2012
6

CASE # C15-2012-0026

ROW # 10722420

TP-010005-02-52
CITY OF AUSTIN

RECEIVED
JAN 23 2012

**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: 1514 Hether

LEGAL DESCRIPTION: Subdivision – Lot 16, Staehely and Wendlandt Resubdivision
Fredericksburg Road Acres 2

Lot(s) 16 Block _____ Outlot _____
Division _____

I Jim Wittliff / Land Answers, Inc. on behalf of myself as authorized agent for Guillermo Sanchez affirm that on January 23, 2012,

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

(check appropriate items below)

___ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL X MAINTAIN

(A) 48.98% impervious cover (45% allowed), (B) an encroachment of 0.26 feet (3.12 inches) into a sideyard setback of a legal noncomplying structure [2.6 feet setback provided, 2.86 feet setback required per LDC 25-2-963 (F)(1)(a)], (C) the second (smaller) dwelling unit is located 27 feet in front of the principal dwelling unit [rather than to the rear of the principal structure, as required by 25-2-774(C)(2)(b)].

in a SF-3-NP 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:
 - (A) The impervious cover has existed on this site since prior to 1986, when the current property owner purchased the property. We are removing 270 square feet of existing impervious cover, in order to reduce impervious cover from 4,422 square feet (52.17%) to 4,151 square feet (48.98%). The remaining impervious cover consists of parking areas and building footprints, and cannot be removed.
 - (B) The rear structure was legal nonconforming, since it was built in 1939 with a 2.86 foot setback. The property owner was granted a building permit in 2002 to expand the structure to the rear. However, because the building was not perfectly parallel to the side property line, the 15 foot deep rear addition encroached an additional 0.26 feet (3.12 inches) into the side yard setback since the addition extended the wall. Neither the City nor the property owner realized that the degree of nonconformance was increased until the property owner had a recent survey performed.
 - (C) The property consisted of a small one story single family residence in the front and a duplex in the rear since at least 1966. The property is zoned SF-3, which only allows two residences. The City has directed the property owner to convert the duplex to a two story single residence, in order to comply with zoning.

HARDSHIP:

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

This property was constructed as three residences prior to 1966, and the current owner was unaware that the property was not legally allowed to remain as three units. The existing noncompliant impervious cover and the location of the primary residence behind the smaller second dwelling unit both existed prior to this owner purchasing the property in 1986. The setback intrusion occurred because nobody realized at the time a building permit was issued in 2002 that the rear building was not parallel to the side property line, and therefore expanding the building to the rear caused the setback to increase in nonconformance, because the building was slightly skewed.

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

Most surrounding properties conform with zoning setbacks, and impervious cover, and any two family residential uses were likely originally constructed as two family residences, not as three units that had to be converted to two family residential units.

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:

We are bringing the property into general compliance with zoning regulations by converting the rear duplex into one single family residence. We are also reducing impervious cover, to bring the site closer to compliance with the 45% impervious cover limit. Although the degree of side setback nonconformance is increased, it is only by a maximum of 3.12 inches in one corner of the structure.

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:

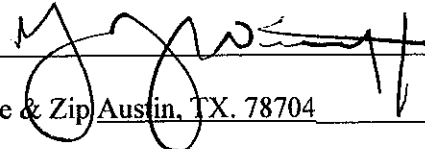
N/A

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

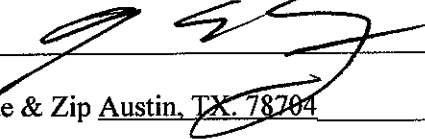
N/A

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 3606 Winfield Cove
City, State & Zip Austin, TX. 78704
Printed Jim Wittliff Phone 512-416-6611 Date 01/23/2012

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 1514 Hether Street
City, State & Zip Austin, TX. 78704
Printed Guillermo S. Sanchez Phone _____ Date 01/23/2012



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

January 23, 2012

Guillermo Sanchez
1514 Hether Street
Austin, Texas 78704
Via email to: Jim Wittliff at: landanswers@sbcglobal.net

Re: 1514 Hether Street
Lot 16 Staehely and Wendlandt Resub of Fredricksburg Rd Acres 2

Dear Mr. Wittliff,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the northwest side setback in order to maintain an existing two story residence. Austin Energy does not oppose 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,

A handwritten signature in cursive script, appearing to read "Lena Lund".

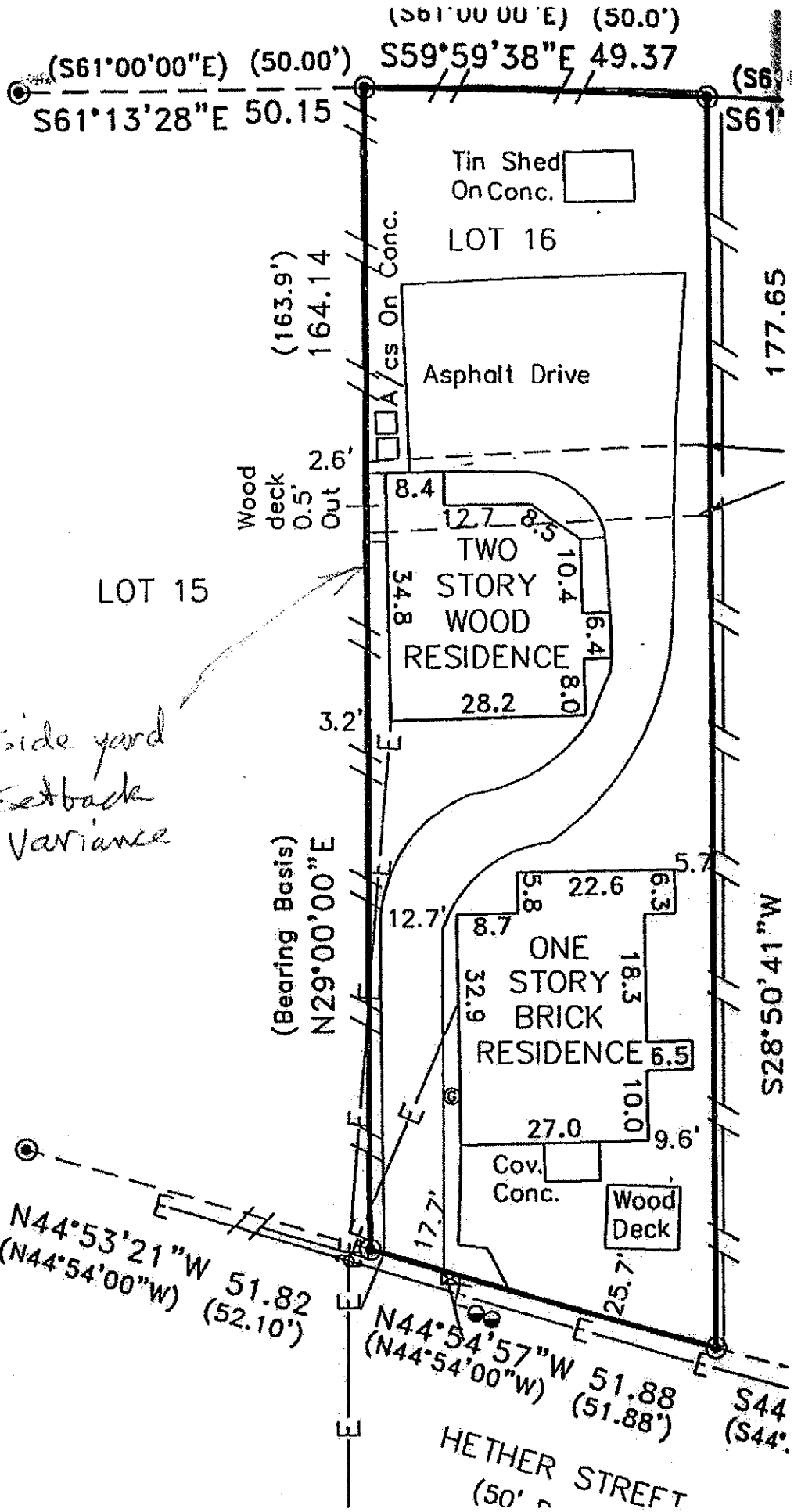
Lena Lund
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

1514 Hether St.

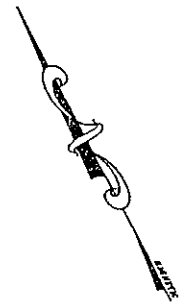
Austin Energy has reviewed this plan for any proposed changes to the location of the proposed structure. Any changes to this plan must be approved by Austin Energy.

Gene Ford
Date: 1/23/12



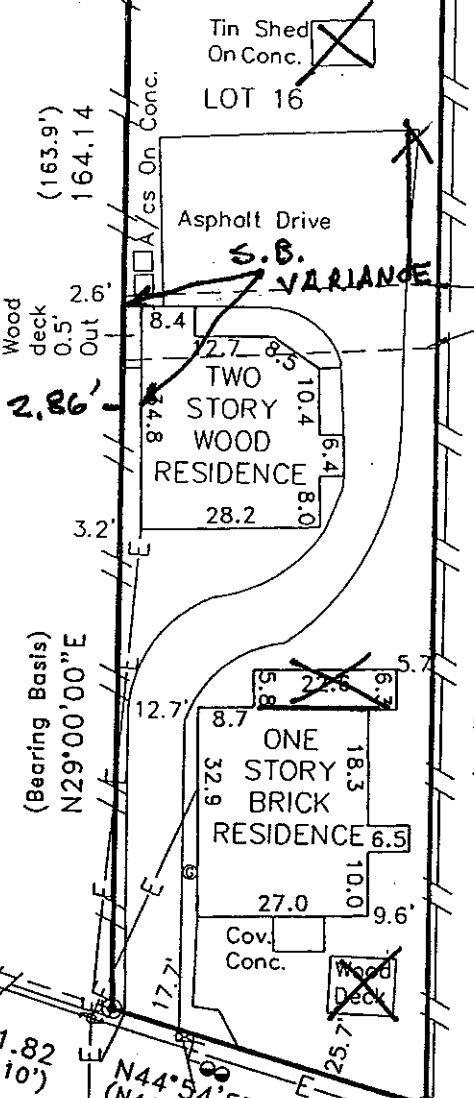
SCALE: 1" = 30'

BROWN GLENN
OTIS & CARLOS V
R BROWN
(2008052879)



(S61°00'00"E) (50.0')
E (50.00') S59°59'38"E 49.37
E 50.15 (S61°00'00"E) (50.00')
S61°05'38"E 50.26

X = TO BE
REMOVED



177.65
(178.4')

10'
ENCLOSED
STORM
SEWER EASE.
(2246/38)

LOT 17

IMPERVIOUS COVER

TOTAL LOT = 8475 SQ.FT
WOOD DECKS = 119 SQ. FT.
CONC = 4362 SQ. FT.

PROPOSED I.C.:
42,152 SF.

42,152 SF
607 SF

(Bearing Basis)
N29°00'00"E
12.7'
S28°50'41"W
(S29°00'00"W)
51.82
(52.10')
N44°54'57"W 51.88
(N44°54'00"W)
S44°51'06"E 52.12
(S44°54'00"E)
HETHER STREET
(50' R.O.W.)

fy that the plat shown represents the results of a survey on the ground under my supervision
there are no discrepancies, conflicts, shortages in area, boundary line conflict, encroachments,
le utility easements, except as shown and the property has access to and from a dedicated

ted in Zone "X" areas outside the 500- year flood plain

umber 4B0624C 0445H of the Flood Insurance Rate Map prepared
by the Federal Emergency Management Agency. Map Dated: Sept. 26, 2008
n said map and the surveyor does not assume responsibility as to any information provided
or Inaccuracy of said map.

richton and Associates, Inc., and is
of the current parties and no
or implied, to copy the survey