

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 # 015-2012-0049
ROW # 16747264

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

TP-040804-01-22

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

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

STREET ADDRESS: 228 Lessin Lane, Austin, TX 78704

LEGAL DESCRIPTION: Subdivision - Post Road

Lot(s) 14 Block 1 Outlot _____ Division _____

I Charla Hart on behalf of myself as authorized agent for
_____ affirm that on 22 March, 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 fence that has been on property for over 8 years and a shed that is approximately ² X feet from the back fence

8' along west p.t. & north

in a zoning SF-3-NP district. Dawson N.P.
(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:

The fence was installed 8 years ago and I just bought the property in December 2011. I am asking for a grandfather variance until I am able to afford replacing/and/or fixing the fence. The current location of the shed is the least visible and only usable space due to the topography, lot configuration and natural water flow through the back yard to the creek and the huge heritage oaks on the property.

HARDSHIP:

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

The shed is below the fence height and can't be seen by either neighbor on east or west side. Shed has a gutter and rain barrel attached so there is no water shed to the back (south) neighbor who has chicken coups behind my fence and is zoned for commercial (W/LO-NP). This shed is needed to store furniture due to mother dying of cancer and leaving several generations of Texas history (settlers to Texas) items, which need to be in a watertight, lockable location.

Due to the unsightly chicken coups behind my house, I would like to keep the fence against the back property (zoned for commercial (W/LO-NP) at 8 feet and for privacy (back neighbor spends a lot of time standing at back fence staring into my back yard and bedroom windows).

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

Due to the topography and lot configuration, there is not a location in the back yard that would accommodate a storage shed with a clearance of 5 feet from the fence. A covered storage shed was partially built by the previous owner; however, it has no doors and unfinished windows and is not suitable for watertight, lockable storage of furniture.

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:

All the properties on this street have multiple out buildings, which are all visible, so this new shed is not out-of-character to the neighborhood. According to the city code, this shed would have to sit in the middle of the yard and block the natural water flow. Multiple generations of Texas history (settlers to Texas) items are in this shed and needs a watertight, lockable location. Due to the topography dropping 2 feet five times from the street to the back fence, it is allowed per code to be eight feet. With the fence at the regulation height of 8 feet, the shed is hidden behind the unfinished studio and fences so it is not seen by the neighbors or interrupts the natural flow of the water draining to the creek. The run-off from the roof goes into a rain barrel so there is not run-off onto the commercial property or chicken coups in back of this lot.

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 Chula Hart Mail Address 228 Lessin Lane

City, State & Zip Austin, TX 78704

Printed 22Mar2012 Phone 847-347-8145 Date 22Mar2012

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 Chula Hart Mail Address 228 Lessin Lane

City, State & Zip Austin, TX 78704

Printed 22Mar2012 Phone 847-347-8145 Date 22Mar2012

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.)

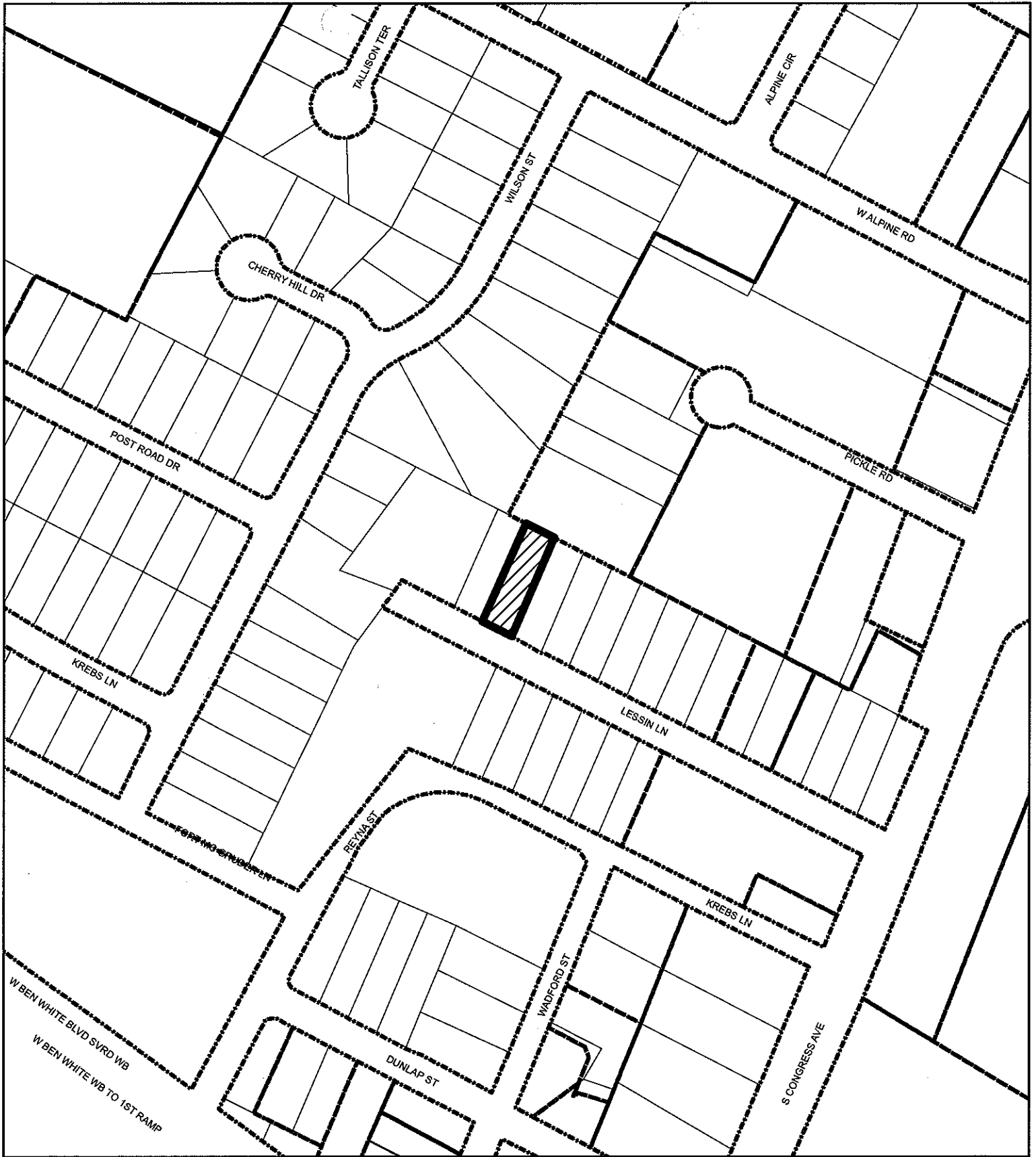
VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s)



CASE#: C15-2011-0049
 LOCATION: 228 LESSIN LANE



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.

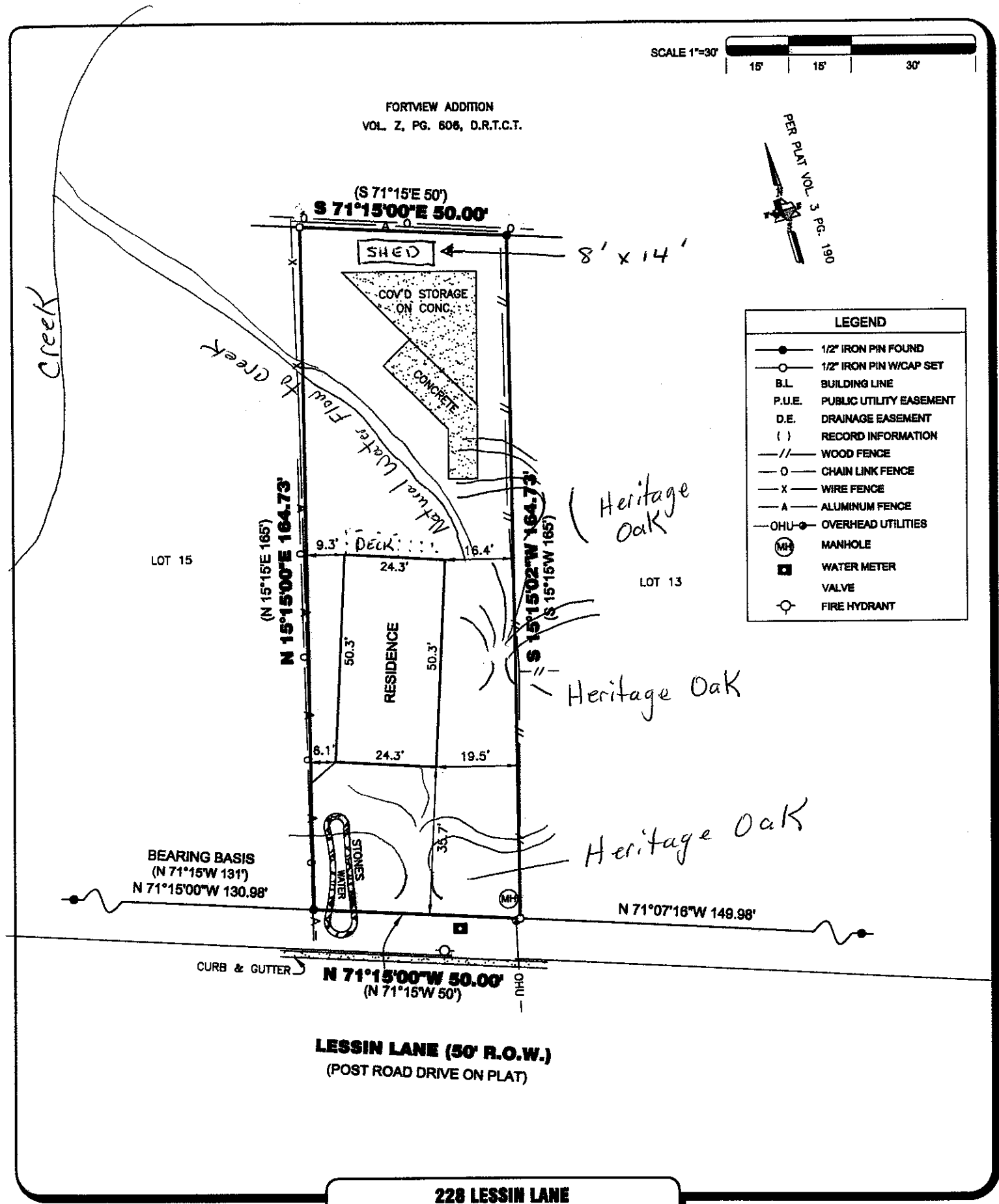
This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

SCALE 1"=30'



FORTVIEW ADDITION
VOL. Z, PG. 606, D.R.T.C.T.

PER PLAT VOL. 3 PG. 190



LEGEND	
	1/2" IRON PIN FOUND
	1/2" IRON PIN W/CAP SET
	B.L. BUILDING LINE
	P.U.E. PUBLIC UTILITY EASEMENT
	D.E. DRAINAGE EASEMENT
	() RECORD INFORMATION
	// WOOD FENCE
	O CHAIN LINK FENCE
	X WIRE FENCE
	A ALUMINUM FENCE
	OHU OVERHEAD UTILITIES
	MH MANHOLE
	WM WATER METER
	V VALVE
	FH FIRE HYDRANT

228 LESSIN LANE

PROPERTY INFORMATION

LEGAL DESCRIPTION

LOT 14, BLOCK 1, POST ROAD ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP OF RECORD IN VOLUME 3, PAGE 190. PLAT RECORDS, TRAVIS COUNTY, TEXAS.

NOTES:

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. THE ENCUMBRANCES OF RECORD, AS REFLECTED ON THIS SURVEY ARE BASED ON THE RECORDED MAP, PLAT AND/OR EXCEPTIONS IN SCHEDULE B, PARAGRAPH 10 FROM THE TITLE REPORT LISTED HEREON.



FORMERLY POINT-LINE SERVICES, INC.
FORMERLY D. SERLAG LAND SURVEYORS, P.C.

WWW.SURVEYINGCOMPANY.COM



WIL0-NP

Commercial
8-

SF-3-NP

LESSIN LAY

House Not 5'
from fence

3 ft

632

634

636

638

632

634

636

638

220

224

228

232

632

634

636

638

216

Image of water flow through back yard and only usable space for watertight, lockable shed (covered storage building/unfinished/on concrete):



Image of chicken coups and other buildings on back neighbor's commercial lot:

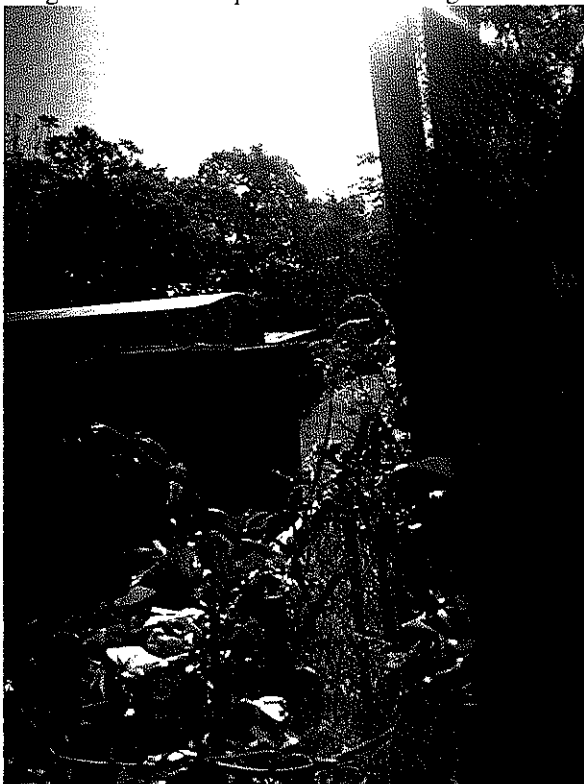


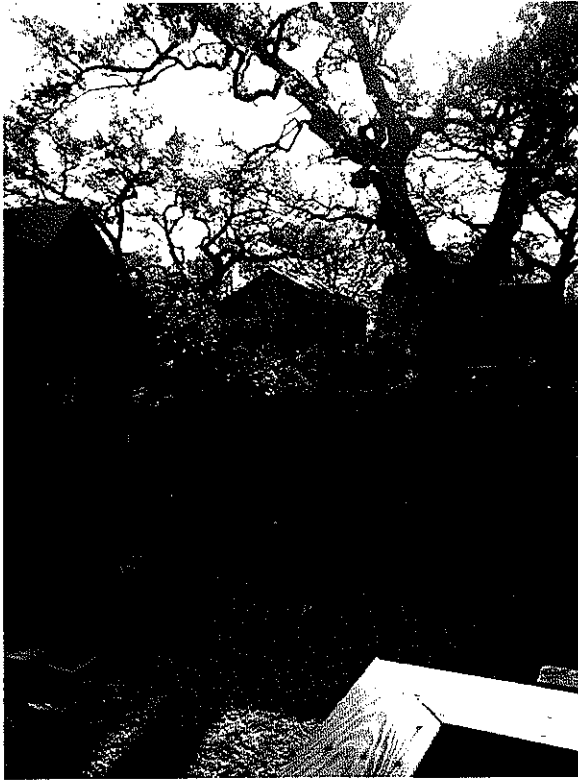
Image of shed approximately 3 feet from fence:



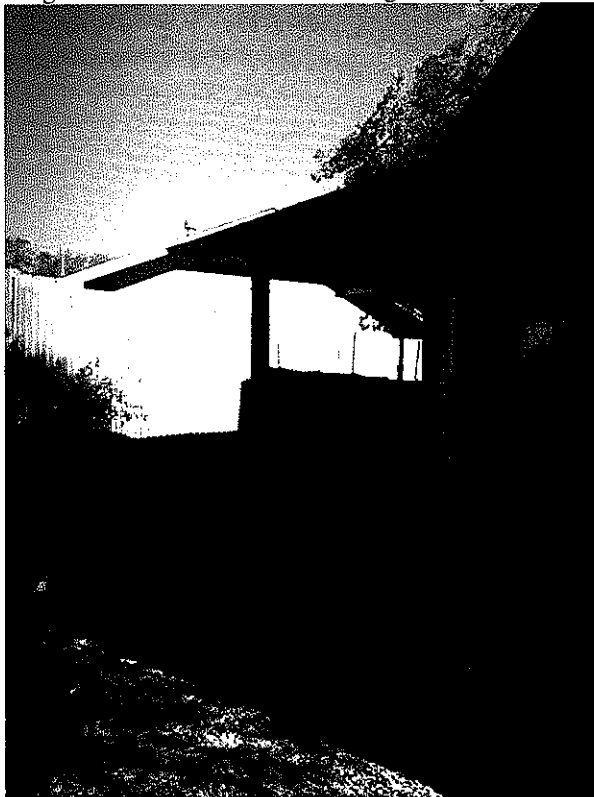
Image of neighbor's lot on West side with multiple sheds:



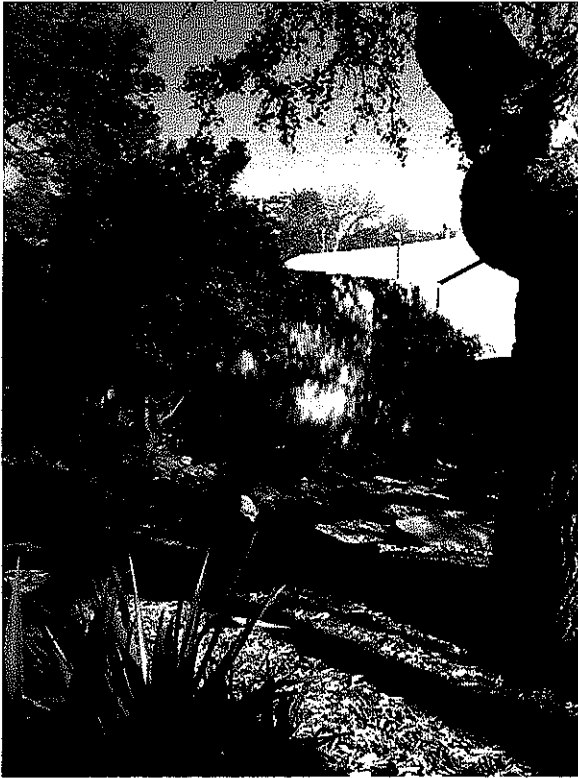
Image of neighbor's lot on East side with multiple sheds:



Neighbor's house on West side is right on my fence line and need 8 foot fence for privacy:



Front with oak and yard configuration:



House on West lot is not 5 foot from my fence:

