

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

**DATE: Monday, April 9, 2012**

**CASE NUMBER: C15-2012-0037**

\_\_\_\_\_ Jeff Jack  
\_\_\_\_\_ Michael Von Ohlen **2<sup>nd</sup> the Motion**  
\_\_\_\_\_ Nora Salinas  
\_\_\_\_\_ Bryan King **Motion to Pp TO May 14, 2012**  
\_\_\_\_\_ Susan Morrison  
\_\_\_\_\_ Melissa Hawthorne  
\_\_\_\_\_ Heidi Goebel  
\_\_\_\_\_ Cathy French (SRB only)  
\_\_\_\_\_ Dan Graham (SRB only)

**APPLICANT: James & Ingrid Smith**


**ADDRESS: 2611 GARRETTSON DR**

**VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A from 4 off-street parking spaces to 2 off-street parking spaces in order to maintain the garage enclosure for additional living area for each unit of a duplex-residential use in an "SF-3", Family Residence zoning district.**

**BOARD'S DECISION: Board Member Bryan King motion to Postpone to May 14, 2012, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO MAY 14, 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**

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- 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
  - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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](http://www.ci.austin.tx.us/development).

5 - objection

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

**Case Number:** C15-2012-0037 - 2611 Garrettsen Drive  
**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, April 9th, 2012

Don Rutter  
 Your Name (please print)  I am in favor  I object

2609 Garrettsen Dr. \* A  
 Your address(es) affected by this application

Don A. Rutter 4-3-12  
 Signature Date

Daytime Telephone: 512-551-1632

Comments: This property on the A side is being used as a home business and 2-3 times a week there are 8-10 cars parked on this street making it difficult for the residents to park and also prevent a problem for emergency services. The owner needs to add additional drive way and remove or convert one room back to a garage

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

Arthur M. Ober - 3 signed  
2612 Garrettsen Dr.

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**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, April 9th, 2012

*Francisco Ramirez*  
 Your Name (please print)

I am in favor of this object

2607 A Garretson Dr Austin TX 78748  
 Your address(es) affected by this application

*[Signature]*  
 Signature

4-8-2012  
 Date

Daytime Telephone: 512-578-6399

Comments: \_\_\_\_\_

**If you use this form to comment, it may be returned to:**  
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Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-1088

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**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, April 9th, 2012**

*Eileen Garbin*  
 Your Name (please print)  I am in favor of the project

*2602-A Garretson Dr*  
 Your address(es) affected by this application *Austin, TX*

*M Eileen Garbin*  
 Signature *4/8/12* Date *78745*

Daytime Telephone *(512) 358.0141*

Comments: *When Don Rutter my neighbor, increased his porch for a garage, he had to by law under his driveway. This law applies to everyone, Right?*

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 Austin, TX 78767-1088

To whom it may CONCERN

I did not understand the form I filled out. I thought my neighbor was closing in their garage & was still going to extend her parking area in their yard. Parking on the street gets almost impossible at times & we are a two car family so I am not in favor of the form I signed.

Jeremy Gleghorn

Jeremy Gleghorn

~~1607A~~

2607 B. GARRETTSON DR.

AUSTIN, TX 78748

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**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, April 9th, 2012**



*Stemlah Coleghorn*  
 Your Name (please print)

*2607 B. Garretson Dr*  
 Your address(es) affected by this application

*[Signature]*  
 Signature

*4/2/12*  
 Date

Daytime Telephone: *512 9103 5794*

Comments:

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 Austin, TX 78767-1088

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # C15-2012-0037  
ROW # 10735536  
TP-042823-1408

**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: 2611 Garrettson Drive, Austin, TX

LEGAL DESCRIPTION: Subdivision - Tanglewood Forest Section 2 Phase B

Lot(s) 25 Block T Outlot \_\_\_\_\_ Division \_\_\_\_\_

We James and Ingrid Smith on behalf of ourselves

affirm that on February 3, 2012,

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

(check appropriate items below)

X ERECT  ATTACH  COMPLETE  X REMODEL  MAINTAIN

Convert existing garages for units A and B of existing 1 story duplex into conditioned flex rooms;

Building permit application # 2012-006921

in a SF-3 district.  
(zoning district)

*Parking 4 → 2  
reduction*

**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:  
Adequate required paved parking for 4 cars is available in the front of the duplex if we are allowed to utilize the driveway space on the public land between the property line and the street (Garrettson Drive) to satisfy this requirement.

**HARDSHIP:**

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

The addition of two paved parking pads (289 sq.ft.) plus paved approaches to the pads will exceed the 45% allowed permissible impermeable cover for the property.

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

Impermeable cover varies with the size of the lot and the improvements made to it. As lot sizes vary in this area, some may be able to accommodate pads for additional parking without exceeding the impermeable cover limits. That is not the case for this lot.

**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 residents in the area routinely park cars two deep in their driveways as there is adequate space to do so without extending the cars into the street. Cars parked in the manner requested have no impact on adjacent properties. As the sidewalks are on the opposite side of Garrettson Drive there is no obstruction to pedestrian traffic.

**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:



The requested parking variance will not increase the number of parking spaces for the property or impact traffic volume, but will rather acknowledge that paved parking is available for 2 cars for each half of the duplex.

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:

Four cars may be parked in the driveway without any part of the cars extending into the street, with adequate room to walk between the cars and the structure. (Please see attached photographs.)

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

Cars are clear of the street with room to walk around them, and there is no sidewalk that is obstructed by the presence of the parked cars.

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

The request is based solely on the parking requirements for the existing structure on this property, i.e. a duplex with two bedroom units on each side and the lack of space to add parking pads without exceeding the impermeable cover restrictions. The request is not based on any other considerations.

**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 James A. Smith & Ingrid E. Smith Mail Address 351 Middle Creek Drive

City, State & Zip Buda, TX 78610

Printed James A. Smith & Ingrid E. Smith Phone 512-828-6550 Date 9 Feb 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 James A. Smith & Ingrid E. Smith Mail Address 351 Middle Creek Drive

City, State & Zip Buda, TX 78610

Printed James A. Smith & Ingrid E. Smith Phone 512-828-6550 Date 9 Feb 2012



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2012-0037  
 LOCATION: 2611 GARRETTSON DRIVE



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.



Driveway Size at 2611 Garrettson Drive, Austin, TX 78748



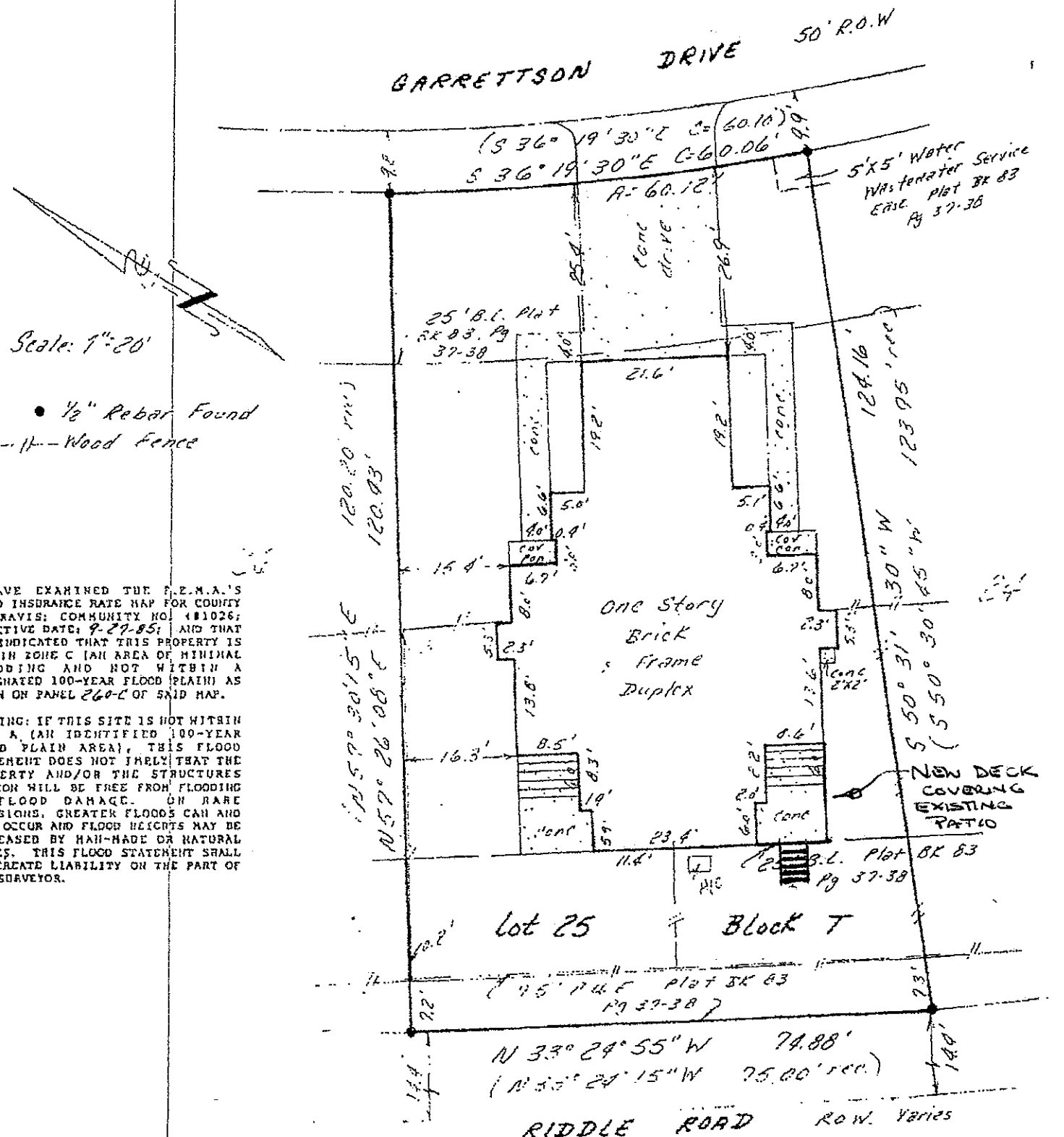
Garrettson Drive Sidewalk -  
On the east side of the street.

REF: GF 03-27255-91

BUYER: LUCY A. MORENO

SELLER: RESOLUTION TRUST CORPORATION AS RECEIVER OF UNIVERSITY FEDERAL SAVINGS ASSOCIATION

NOTES: 1) THIS LOT IS SUBJECT TO RESTRICTIONS IN BOOK 83, PGS 37-38, PLAT RECORDS, AND IN VOL. 8709, PG. 792, DEED RECORDS OF TRAVIS COUNTY, TEXAS.  
 2) THIS LOT IS SUBJECT AN EASEMENT GRANTED TO THE CITY OF AUSTIN IN VOLUME 2689, PAGE 277 TO INSTALL AND MAINTAIN UTILITIES.



Scale: 1"=20'

- 1/2" Rebar Found
- |- Wood Fence

I HAVE EXAMINED THE F.E.M.A.'S FLOOD INSURANCE RATE MAP FOR COUNTY OF TRAVIS; COMMUNITY NO. 481026; EFFECTIVE DATE: 9-29-85; AND THAT MAP INDICATED THAT THIS PROPERTY IS WITHIN ZONE C (AN AREA OF MINIMAL FLOODING AND NOT WITHIN A DESIGNATED 100-YEAR FLOOD PLAIN) AS SHOWN ON PANEL 260-C OF SAID MAP.

WARNING: IF THIS SITE IS NOT WITHIN ZONE A (AN IDENTIFIED 100-YEAR FLOOD PLAIN AREA), THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

THE UNDERSIGNED DOES HEREBY CERTIFY TO LAWYERS TITLE COMPANY AND BUYER AND SELLER ABOVE-NAMED THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE