

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 # 15-2012-0059
ROW # 10767803

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

TP-043918-01-26

TP# 043813-0403

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

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

STREET ADDRESS: 10708 Desert Willow Loop

LEGAL DESCRIPTION: Subdivision - Meadows at Double Creek

Lot(s) 43 Block A Outlot _____ Division _____

I/We Roel & Theresa Chapa on behalf of myself/ourselves as authorized agent for

_____ affirm that on April 12th,
2012,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

Existing 12'x16' Accessory Storage Structure that is 5ft from rear property line and 3 ft from side property line. The structure is 16ft tall at the ridgeline.

in a Residential SF-2 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:

The 10ft rear setback and 5ft side setback does not allow adequate room in the backyard for the structure. Accessory structure would be too close to the back porch of the house if it was 10ft from the back and 5ft from the side of the lot.

HARDSHIP:

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

The structure is already built and on a concrete slab on grade; therefore, the structure cannot be moved without demolishing and rebuilding it which would be cost prohibitive. The concrete slab would also be very difficult to remove. We require as much room as possible in the remaining backyard for our vegetable garden and room to enjoy the back yard. The yard slopes gradually and then slopes quickly where the structure is located. The steeper slope is covered by the accessory building making that part of the backyard more usable. The trapezoidal shape of the lot also made the layout difficult.

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

The structure is already built and is on a substantial concrete slab on grade (6 inch thick slab with 28" to 48" deep perimeter grade beams and concrete piers. The adjacent house is over 30 feet away from the property line where the accessory structure is located due to the neighbors large lot and the shape of our lot and the neighbors lot. Most of the houses in the neighborhood are 5ft from their property lines, making our situation unique. More than adequate space remains between the accessory structure and the neighbor's house. We also could not find requirements for side setbacks in the residential code for accessory buildings. The accessory building has been approved by our HOA. Our adjacent neighbor is not opposed to the location of the accessory structure. Furthermore,

the rear of our lot backs up to a ranch with not structures within several hundred feet of our rear property line.

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 accessory structure is in the backyard and will match the house with dimensional shingles, same paint color, etc. The structure does not impair the use of adjacent property and does not encroach on the adjacent property. The structure is not located in any utility easements according to our lot survey. The adjacent house is more than 30 feet from accessory building. The impervious coverage is still below 45% with the accessory structure. Impervious coverage is at approximately 43.8% with accessory building and pervious concrete driveway. The accessory structure does not impair the residential zoning requirements of the property.

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 Roel Chapa, Theresa Chapa Mail Address 10708 Desert Willow Loop

City, State & Zip Austin, TX 78748

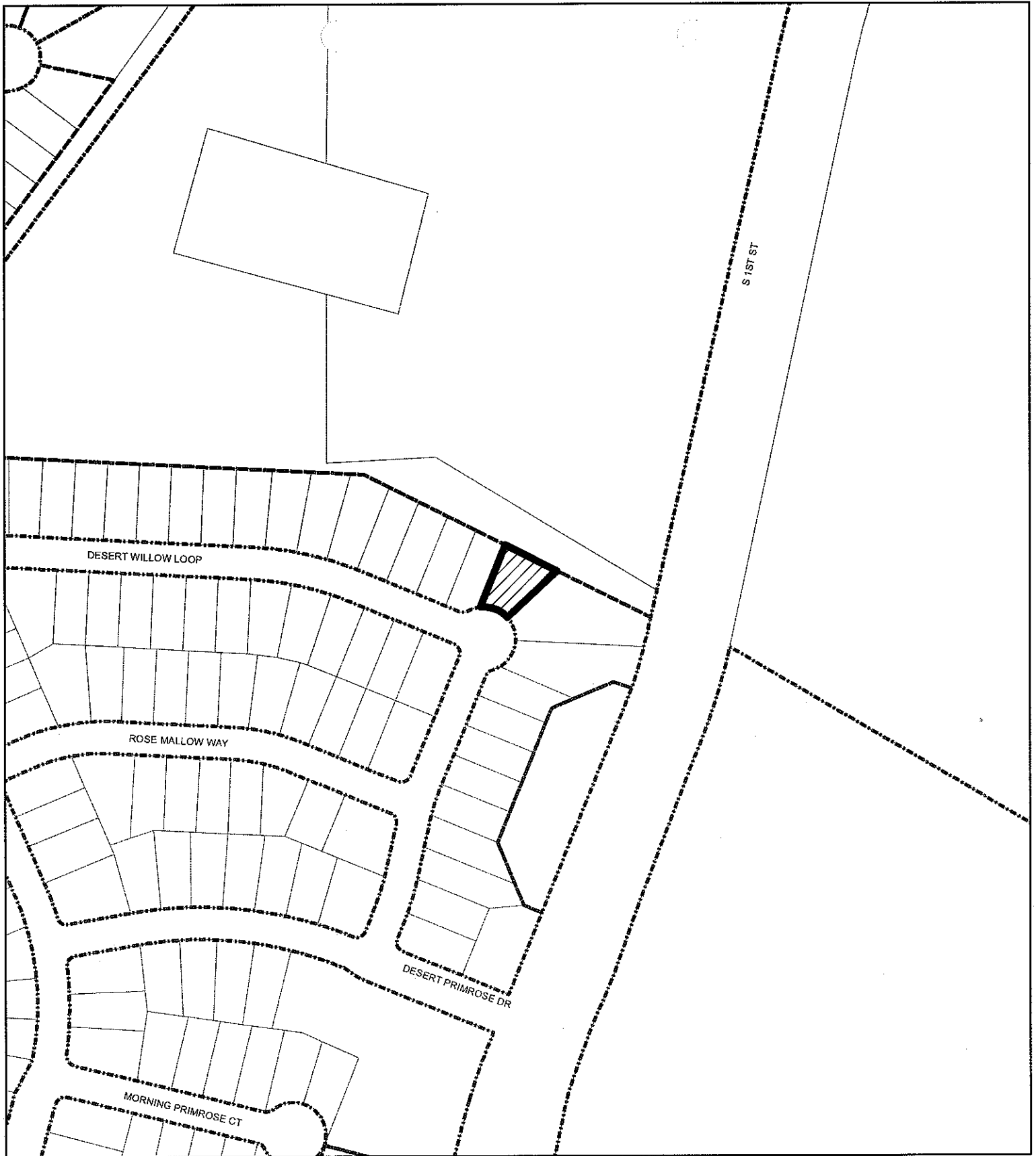
Printed Roel Chapa Phone 512-689-9669 Date _____



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 Roel Chapa, Theresa Chapa Mail Address 10708 Desert Willow Loop

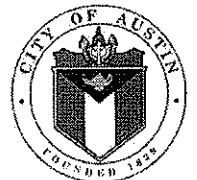
City, State & Zip Austin, TX 78748

Printed Roel Chapa Phone 512-689-9669 Date _____



-  SUBJECT TRACT
-  ZONING BOUNDARY

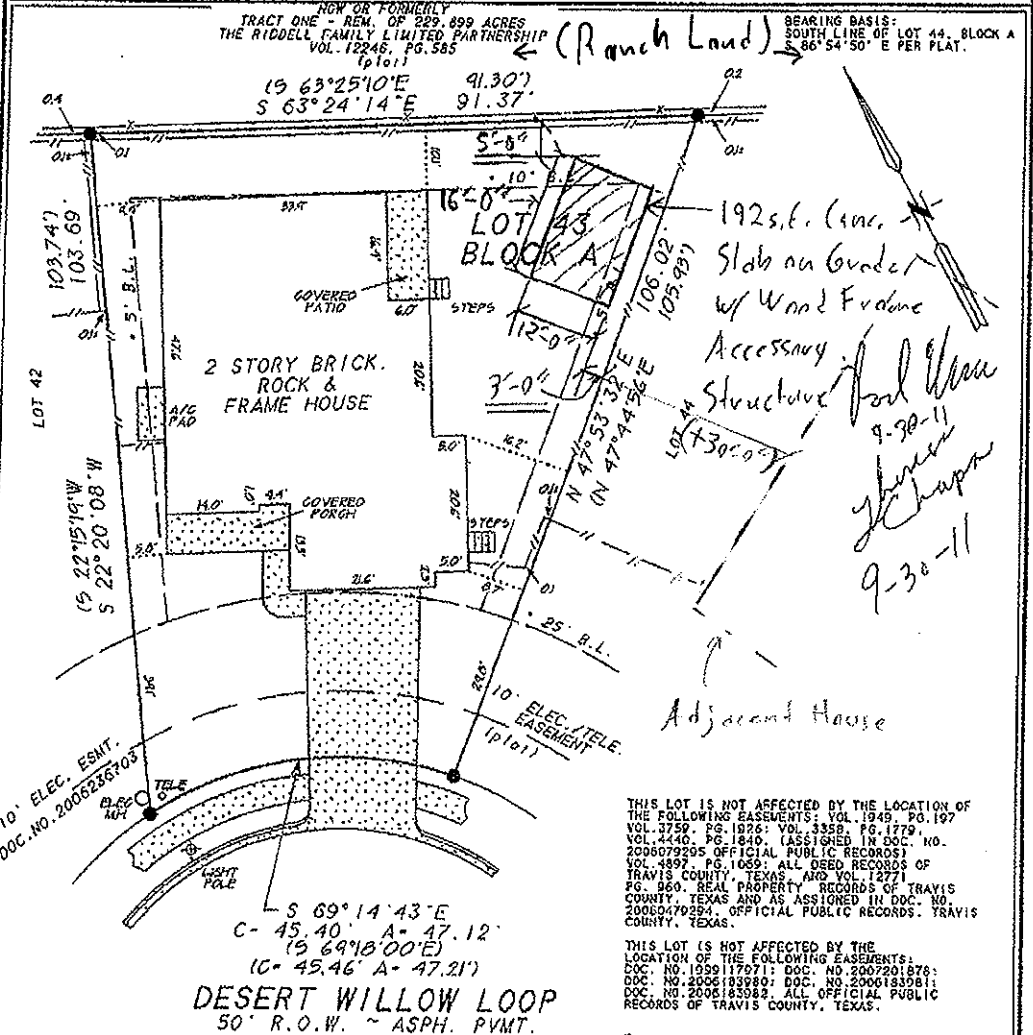
CASE#: C15-2012-0059
 LOCATION: 10708 DESERT WILLOW LOOP



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.

SURVEY PLAT OF: LOCAL ADDRESS 10708 DESERT WILLOW LOOP REF: CHAPA
 LEGAL DESCRIPTION: LOT 43 BLOCK A MEADOWS AT DOUBLE CREEK
 A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF
 RECORD IN DOC. NO. 200600288 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



THIS LOT IS NOT AFFECTED BY THE LOCATION OF THE FOLLOWING EASEMENTS: VOL. 1949, PG. 197 VOL. 3759, PG. 1926; VOL. 3358, PG. 1779 VOL. 440, PG. 1840, (ASSIGNED IN DOC. NO. 2006079205 OFFICIAL PUBLIC RECORDS) VOL. 1892, PG. 1059; ALL DEED RECORDS OF TRAVIS COUNTY, TEXAS AND VOL. 12771 PG. 960. ALL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND AS ASSIGNED IN DOC. NO. 2006079205. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

THIS LOT IS NOT AFFECTED BY THE LOCATION OF THE FOLLOWING EASEMENTS: DOC. NO. 1999117071; DOC. NO. 2007201878; DOC. NO. 2006183988; DOC. NO. 2006183981; DOC. NO. 2006183982. ALL OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

THIS LOCATION IS NOT AFFECTED BY THE LOCATION OF THE FOLLOWING EASEMENTS: DOC. NO. 2006196960; DOC. NO. 1999127102 RELEASED IN DOC. NO. 2008065674; DOC. NO. 2001061496 RELEASED IN DOC. NO. 2008054043. ALL OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

ONLY THE EASEMENTS AND RESTRICTIONS IDENTIFIED IN SCHEDULE B OF THE COMMITMENT FOR TITLE INSURANCE ISSUED BY: PROSPERITY TITLE OF OR FILE NO. 991100607 DATED: JUNE 29, 2011 WERE CONSIDERED FOR THIS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR DETERMINING THE EXISTENCE OF ANY EASEMENTS OR RESTRICTIONS NOT LISTED IN THE ABOVE REFERENCED COMMITMENT FOR TITLE INSURANCE.

* BUILDING LINES PER CITY OF AUSTIN ZONING ORDINANCE AS SET OUT IN DOC. NO. 200600288, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

THIS LOT IS SUBJECT TO THE RESTRICTIONS AND EASEMENT RIGHTS DESCRIBED IN: DOC. NO. 200600288, PLAT RECORDS AND DOC. NO. 200600136; DOC. NO. 2006179849 DOC. NO. 2006217524; DOC. NO. 2006023881; DOC. NO. 2006026099, OFFICIAL PUBLIC RECORDS, ALL TRAVIS COUNTY, TEXAS.

EXCEPT AS SHOWN HEREON THERE IS NO VISIBLE EVIDENCE OF THE EASEMENT DESCRIBED IN VOL. 873, PG. 594, DEED RECORDS, TRAVIS COUNTY, TEXAS.

DATE: 7-14-11
 SCALE: 1" = 20'
LEGEND
 ● iron rod found
 ○ iron rod set
 ⊗ spindle found
 ▲ nail set
 ▲ nail found
 ~ wooden fence
 - metal fence
 [] concrete
 - power line
 () record calls

TO THE LIENHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO: **PROSPERITY TITLE**

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON UNDER MY DIRECTION AND SUPERVISION; THERE ARE NO APPARENT DISCREPANCIES, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, OR VISIBLE UTILITY LINES, EXCEPT AS SHOWN HEREON; THERE ARE NO KNOWN CONFLICTS WITH THE ADJOINING PROPERTIES SHOWN HEREON, EXCEPT AS MAY BE SHOWN HEREON, AND THAT SAID PROPERTY ADJOINS A PUBLIC ROADWAY, EXCEPT AS MAY BE SHOWN HEREON.

ACCORDING TO THE ENGINEERS STATEMENT PLACED ON THE RECORDED PLAT FOR THIS LOT THE 100 YEAR FLOOD ZONE IS CONTAINED WITHIN THE DRAINAGE EASEMENTS WHICH ARE SHOWN ON SAID PLAT AND ALSO SHOWN HEREON WHEN APPLICABLE.

ACCORDING TO THE ENGINEERS STATEMENT PLACED ON THE RECORDED PLAT FOR THIS LOT NO PART OF THIS PROPERTY IS WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA (100 YEAR FLOOD ZONE) AS SHOWN ON PANEL NO. 48453C 0215F DATED 6-05-97 FOR TRAVIS COUNTY, TEXAS.

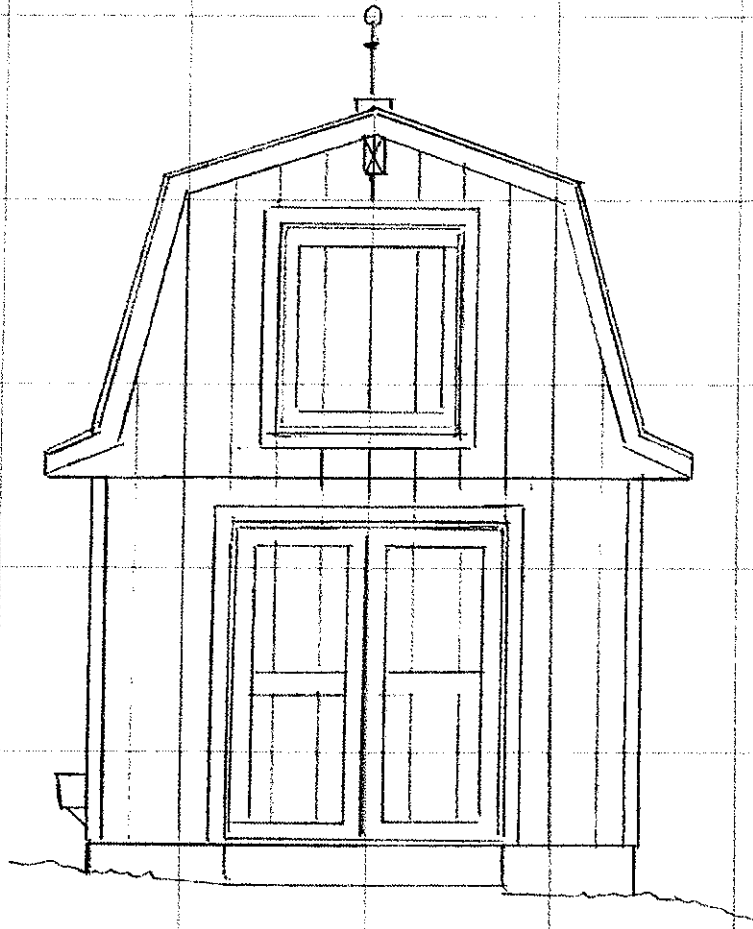


BRANDT SURVEYING COMPANY, PROFESSIONAL CORPORATION
 5524 BEE CAVE ROAD, SUITE F-1 AUSTIN, TEXAS 78746 (512) 328-0621

Job Name _____

Job No. _____ Sheet No. _____

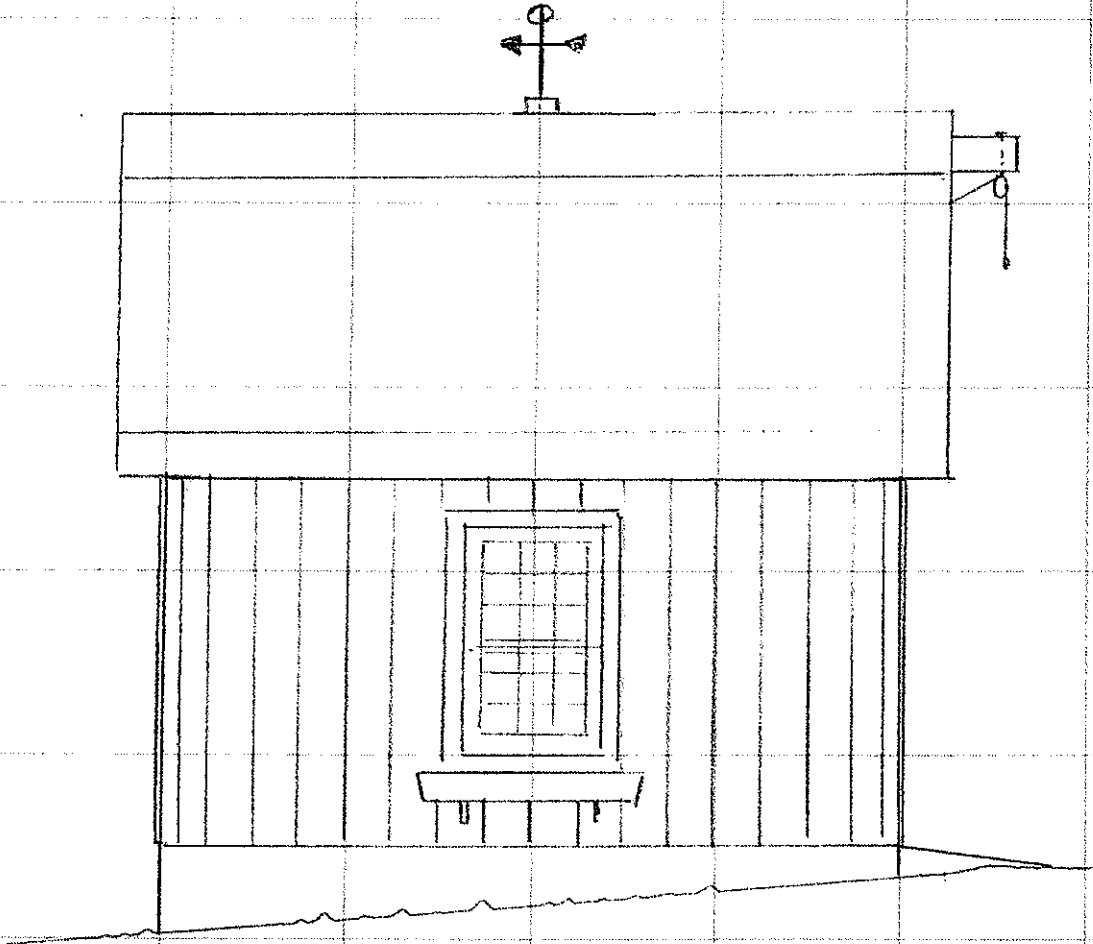
By _____ Date _____



Job Name _____

Job No. _____ Sheet No. _____

By _____ Date _____





City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

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

April 11, 2012

Roel & Theresa Chapa
10708 Desert Willow Loop
Austin, Texas 78748
Via email to: rchapa@pkbrown.com

Re: 10708 Desert Willow Loop
Lot 43 Blk A Meadows at Double Creek

Dear Mr. & Mrs. Chapa,

Austin Energy (AE) has reviewed your application for the above referenced property requesting reduce the rear setback to 5ft and the side setback to 3 ft in order to maintain & complete an accessory storage structure. 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 black ink, appearing to read "Lena Lund".

Lena Lund
Public Involvement/Real Estate Services

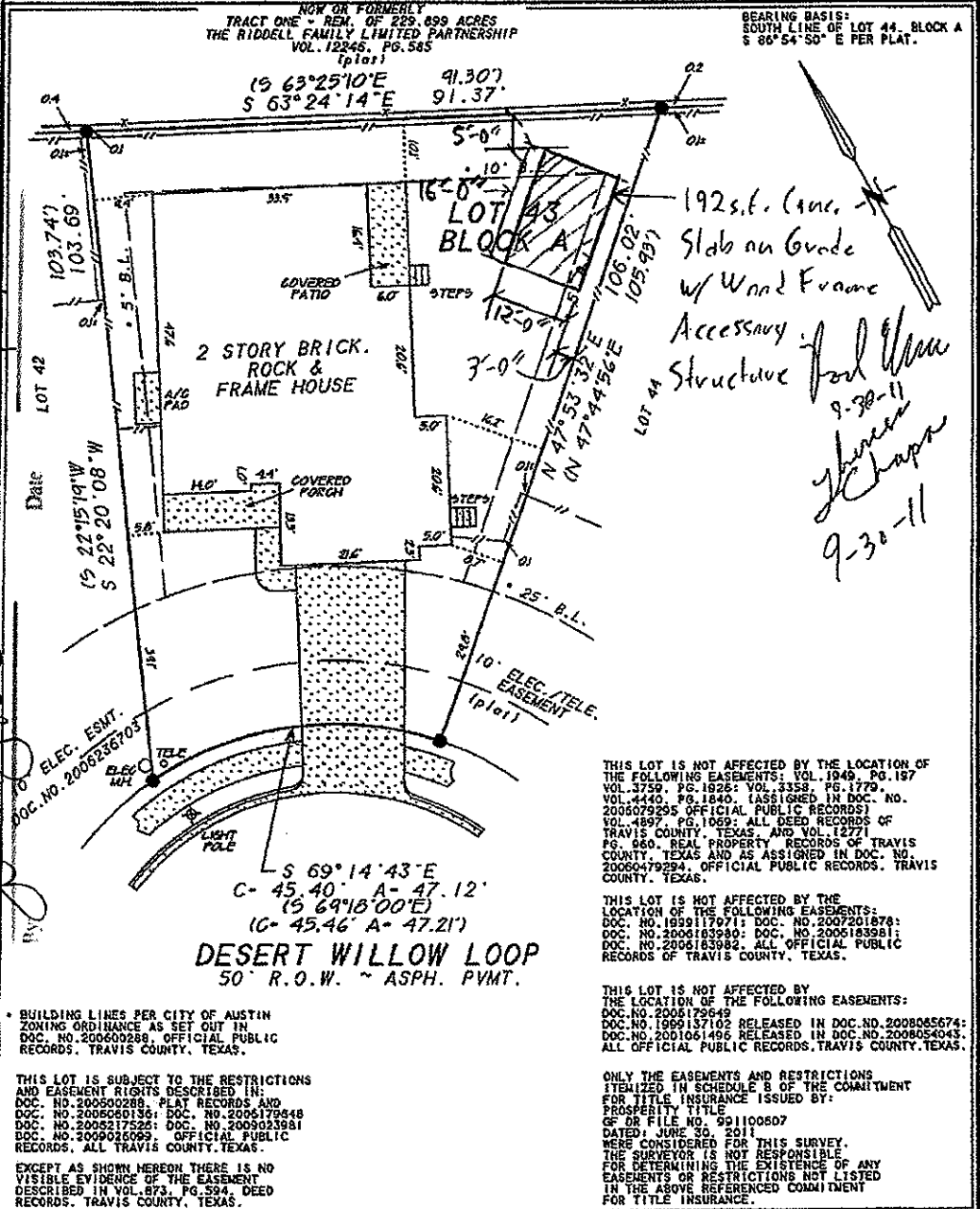
Cc: Diana Ramirez and Susan Walker

10708 Desert Willow Loop
 Austin Energy has reviewed this plan for
 and approved the same. The variance requested before the Board of Adjustment. Any changes to
 this plan must be approved by Austin Energy.

AUSTIN ENERGY
 [Signature]

4/11/12

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F.B.266 PG.41 MDC-43A.GXD SYS. 2 JOB NO. 5333

TCAD# 0438130403