

C15-2012-0052
ROW-10747302
TP-040203-06-08

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: 715 W. Live Oak Austin, TX
78704

LEGAL DESCRIPTION: Subdivision -South Extension
of Bouldin Addition

Lot(s) 2 Block 6 Outlot _____ Division _____

I/We Elizabeth C. Oehler on behalf of myself/ourselves as authorized agent for
_____ same _____ affirm that on March, 29, 2012 _____,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

existing non-conforming garage structure at side of property with variance for side
setback requirements

*2 feet from west
pil.*

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

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:

My home at 715 W. Live Oak Austin, TX was built in 1925 and has been lovingly maintained and restored in much of its original fashion. It existed long prior to today's zoning and setback regulations. I purchased the home in 2010 after an extensive search for a well maintained older home in the South Austin area. When I purchased the home, the garage structure was in place in its current configuration and no zoning issues or setback issues were revealed in the inspection of the home or the closing process. I do not believe it is reasonable that I be asked to remove or substantially alter a well maintained existing structure on my property. As this structure was in place when the home was purchased, I have worked to design and execute a landscape plan using native plants that is well integrated with the existing structures to provide an overall appropriate look and feel to the property. Additionally, if I am asked to decrease the width of the garage by 3 feet in order to comply with side setback requirements, the garage will no longer be wide enough to accommodate a vehicle and therefore will no longer be able to reasonably be used as a garage.

HARDSHIP:

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

This home was built almost 90 years ago, this is one of the only remaining original well maintained homes in the area. When the home was built, current property lines and zoning requirements were not in place. I have nothing but the best interests of this historic property in mind. As my home gets squeezed in by enormous Mc Mansions on all sides, we continue to attempt to maintain the historic look and feel of this special home. In the last year the original homes on either side of our home (713 W. Live Oak and 717 W. Live Oak) were demolished and much larger (<2000 square feet) new homes were built in there places. When it begin to rain in January 2012 (prior to this time we had been in a record drought since the purchase of the home in 2010), we experienced some flooding damage to the accessory structure at the rear of the property. This damage was due, at least in part, to flooding from the adjacent property and alley due to water that could no longer be absorbed into the ground given the massive size of the new homes in the adjacent lots. As a result of this flooding damage, I undertook repair of the existing structures. In the process of attempting to make these needed repairs, I was informed by the City of Austin Code Compliance Office that my existing structures did not meet with zoning setback requirements. Again, my goal is not to significantly alter the existing structures on the property, but to repair flooding damage and undertake preventive measures against further flooding while maintaining the overall integrity of the property.

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

This home is unique amongst its neighbors given its age and historic feeling. It has been uniquely affected by recent construction on both the east and west sides of the home which likely have played a role in the recent flooding damage and have generated the need to repair the existing structure. If it was not for this damage, it is likely that I would have remained unaware of the setback issues and, given that these structures are unoffensive and well maintained, it is also likely that the city would have remained unaware of these issues.

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:

Again, I am not asking to substantially alter my existing property, only to keep existing structures on the property in their current configuration. My current neighbors to the east and west have each moved in in the last year, I am friendly with each of these homeowners and neither have reported that my property impairs the use of their adjacent conforming properties. My property existed in its current configuration when each of these other homes were sold, and we plan to continue to lovingly maintain our property in harmony with the existing character of this wonderful neighborhood.

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:

<p>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</p>
--

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

I Signed _____ Mail Address _____

I City, State & Zip _____

I Printed _____ Phone _____ 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.

I Signed *[Signature]* Mail Address 715 W. Live Oak, Austin, TX 78704

I City, State & Zip _____

I Printed _____ Phone (713) 562-6039 Date March 29, 2012

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

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.)

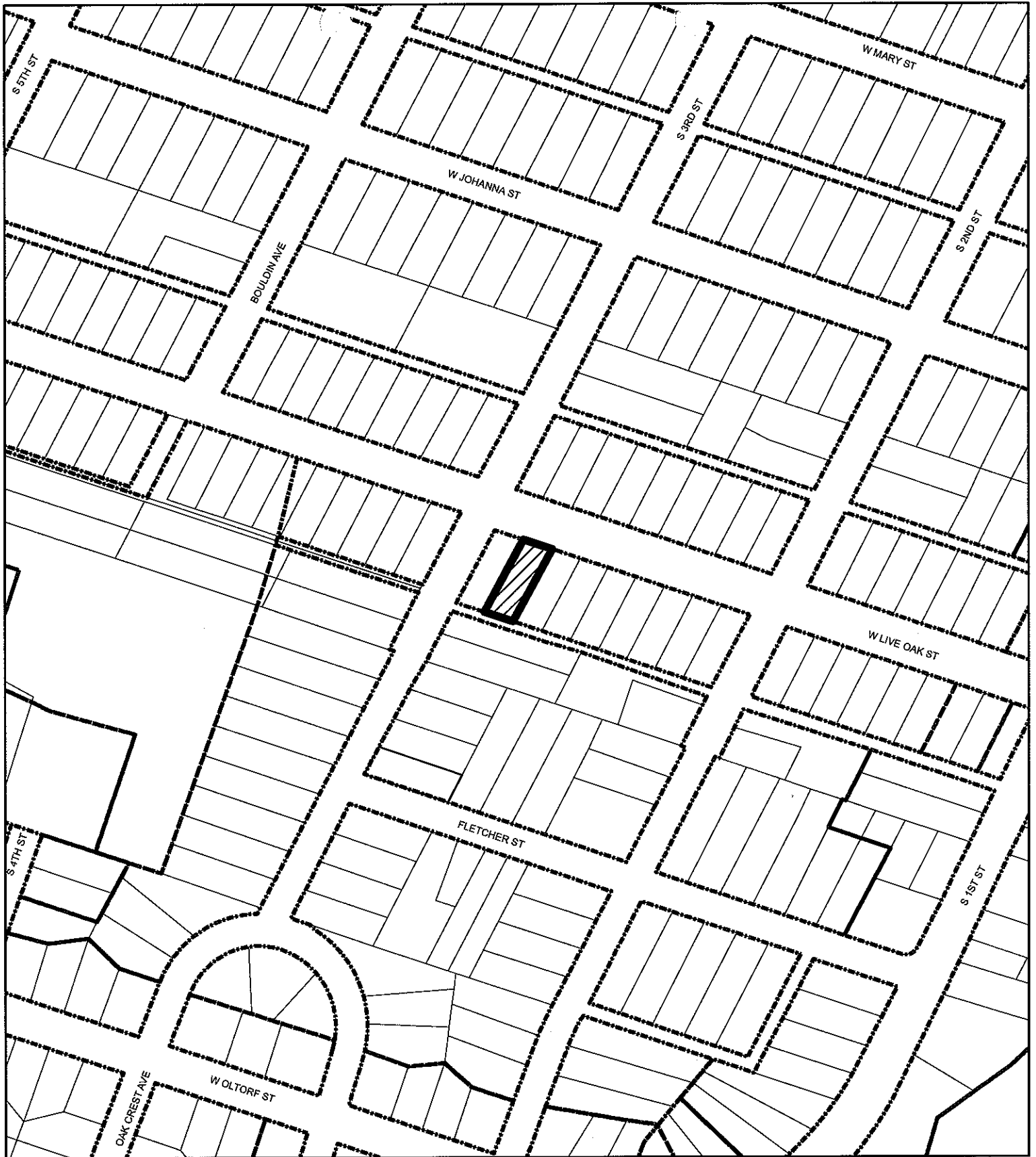
VARIANCE REQUIREMENTS:

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.
- I (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2011-0052
 LOCATION: 715 WEST LIVE OAK



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.

Walker, Susan

From: Elizabeth Oehler [eoehler1@yahoo.com]
Sent: Saturday, April 21, 2012 4:22 PM
To: Walker, Susan
Subject: Re: DENIAL of Preliminary BOA Review for 715 W. Live Oak Street

Ms. Walker:

Upon speaking with my electrician, I do believe we are better off waiting until June to go before the variance board. While I do sincerely hope the energy issue is resolved prior to the May meeting, I suspect it may take longer and would hate to waste the Board's very valuable time. Please advise me of any further steps that I need to take to be placed on the June agenda.
Thank you,
Elizabeth Oehler

Sent from my iPhone

On Apr 20, 2012, at 3:02 PM, "Walker, Susan" <Susan.Walker@austintexas.gov> wrote:

Thank you and please keep me updated.

Susan Walker
Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536

From: Elizabeth Oehler [mailto:eoehler1@yahoo.com]
Sent: Friday, April 20, 2012 10:12 AM
To: Walker, Susan
Subject: Re: DENIAL of Preliminary BOA Review for 715 W. Live Oak Street

Ms. Walker:

My electrician is in the process of working with Austin Energy on a solution. I am hopeful that this can be achieved ahead of the variance meeting in May. Let me touch base with him and have him give me his best guess as to if this will be done in time for the May meeting. Thank you so much.
Elizabeth Oehler

Sent from my iPhone

On Apr 19, 2012, at 12:15 PM, "Walker, Susan" <Susan.Walker@austintexas.gov> wrote:

Ms. Oehler,

Would you like for us to keep you on the May 14th agenda or do you need additional time to take care of the Austin Energy issues?

Please let me know.

Thank you,

Susan Walker
Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536

From: Elizabeth Oehler [mailto:eoehler1@yahoo.com]
Sent: Thursday, April 05, 2012 9:29 AM
To: Lund, Lena
Cc: Walker, Susan; Ramirez, Diana
Subject: Re: DENIAL of Preliminary BOA Review for 715 W. Live Oak Street

Good morning ladies.

I wanted to let you all know that I have spoken with Michael and he recommended that I hire an electrician to assess the possible options for coming into compliance with AE standards for the power line in question over the existing garage. I have spoken with an electrician who will come to my home early next week to assess the problem and hopefully offer some solutions. I will be in touch as soon as I hear from him and a plan is in place. I appreciate your patience as I work to solve this problem.

My best,
Elizabeth Oehler

Sent from my iPhone

On Apr 3, 2012, at 9:05 AM, "Lund, Lena" <Lena.Lund@austinenergy.com> wrote:

Attached please find Austin Energy's DENIAL to the above referenced request.
Lena Lund
Austin Energy
Public Involvement/Real Estate Services
721 Barton Springs Road, Suite 102.4
Austin, TX 78704-1145
512-322-6587
512-322-6101 Fax

<Scan 1.PDF>

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Austin Energy
Public Involvement/Real Estate Services
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Austin, TX 78704-1145
512-322-6587
512-322-6101 Fax

<Scan 1.PDF>

CITY OF AUSTIN

RESIDENTIAL PERMIT APPLICATION "A"

BP Number 07-153314RA
 Building Permit No. _____
 Plat No. _____ Date 2/24/07
 Reviewer UtH

07-153344 9-21-07

PRIMARY PROJECT DATA

Service Address 715 WEST LIVE OAK ST. Tax Parcel No. _____

Legal Description
 Lot 2 Block 6 Subdivision BALDWIN - SOUTH Section SOUTH Phase _____

If in a Planned Unit Development, provide Name and Case No.
 (attach final approved copies of subdivision and site plan)

If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.

Description of Work
 New Residence
 Duplex
 Garage attached detached
 Carport attached detached
 Pool
 Remodel (specify) REPAIR SIDING
 Addition (specify) CLOSET - CARPORT - addition DETACH ACCESSORY - 1 story
 Other (specify) _____

Zoning (e.g. SF-1, SF-2...) SF3-NP
 - Height of Principal building 1 ft. # of floors _____ Height of Other structure(s) 1 ft. # of floors 13

- Does this site currently have water and wastewater availability? Yes No. If no, please contact the Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap application, or a service extension request.
 - Does this site have a septic system? Yes No. If yes, for all sites requiring a septic field you must obtain an approved septic permit prior to a zoning review.

Does this site have a Board of Adjustment ruling? Yes No If yes, attach the B.O.A. documentation
 Will this development require a cut and fill in excess of 4 feet? Yes No
 Does this site front a paved street? Yes No A paved alley? Yes No
 Is this property within the Residential Design and Compatibility Standards Ordinance Boundary Area? Yes No

VALUATIONS FOR REMODELS ONLY

Building	\$ <u>3,500.00</u>
Electrical	\$ _____
Mechanical	\$ _____
Plumbing	\$ _____
Driveway/Sidewalk	\$ _____
TOTAL	\$ _____
(labor and materials)	

VALUATIONS FOR NEW CONSTRUCTION OR ADDITIONS ONLY

Lot Size	<u>5,964</u> sq.ft.
Job Valuation - Principal Building	\$ <u>1,000.00</u> (Labor and materials)
Job Valuation - Other Structure(s)	\$ <u>2,500.00</u> (Labor and materials)
TOTAL JOB VALUATION	\$ <u>7500.00</u>
(sum of remodels and additions)	
* <u>500.00 detached access.</u>	
(Labor and materials)	

PERMIT FEES (For office use only)

	NEW/ADDITIONS	REMODEL
Building	\$ <u>33</u>	\$ <u>33</u>
Electrical	\$ <u>34</u>	\$ <u>34</u>
Mechanical	\$ _____	\$ _____
Plumbing	\$ _____	\$ <u>34</u>
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL \$	\$ _____	\$ _____

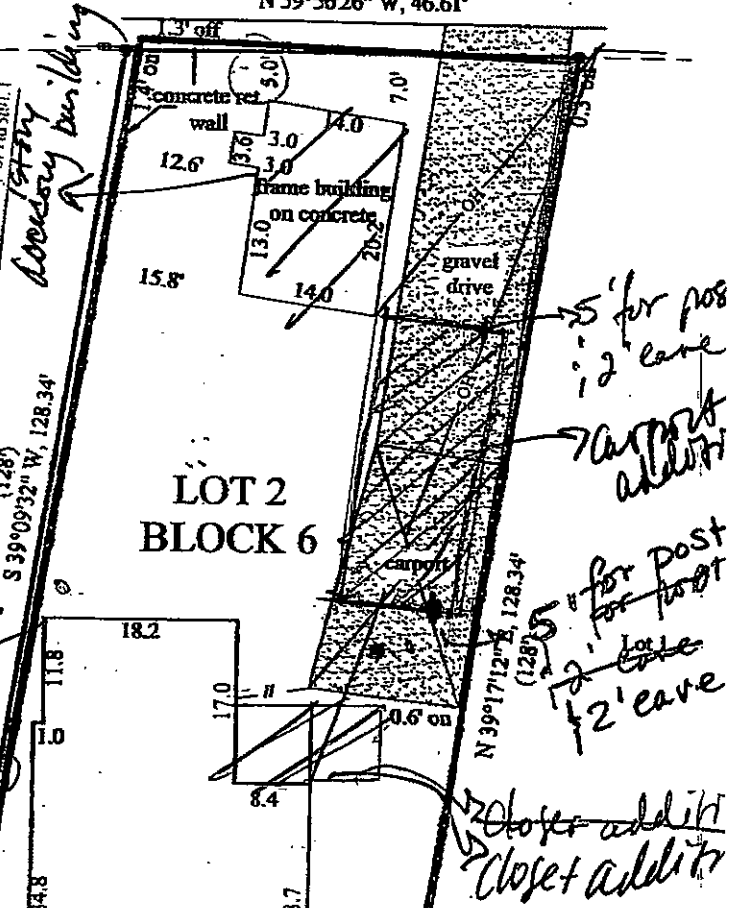
OWNER / BUILDER INFORMATION

OWNER Name ROBERT S. LIEK Telephone (h) 512 470-17
 (w) _____
 BUILDER Company Name ROBERT LIEK Telephone _____
 Contact/Applicant's Name _____ Pager _____
 DRIVEWAY/SIDEWALK Contractor _____ FAX _____
 Telephone _____
 CERTIFICATE OF OCCUPANCY Name _____ Telephone _____
 Address _____ City _____ ST _____ ZIP _____

If you would like to be notified when your application is approved, please select the method:
 telephone e-mail: _____
 You may check the status of this application at www.ci.austin.tx.us/development/pierivr.htm

(13' R.O.W.) (46.33')
 N 59°58'26" W, 46.61'

CITY OF AUSTIN
APPROVED FOR PERMIT
 Victoria Hsu, P.E.
 Watershed Protection & Development Review Department
 By *[Signature]* Date *9/24/07*
 The granting of this permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.



LEGEND

- △ PK NAIL SET
- 1/2" REBAR FOUND
- 1/2" REBAR SET
- ⊖ CHAIN LINK FENCE
- || WOOD FENCE
- () RECORD INFORMATION
- ⚡ UTILITY POLE
- OH OVERHEAD UTILITY LINES
- ◻ WATER METER
- ⊙ GAS METER

exist. non-complying

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

AE APPROVED
SEP 24 2007
267-113
DH

WEST LIVE OAK STREET
 (60' R.O.W.)

[Handwritten Signature]

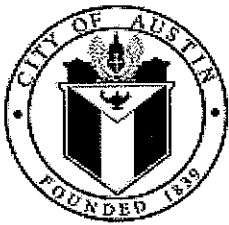
SUBDIVISION		SOUTH EXTENSION OF BOULDIN ADDITION						
LOT:	2	BLOCK:	6	VOLUME	1	PAGE	94	PLAT RECOR
COUNTY:	TRAVIS	STATE OF TEXAS	STREET ADDRESS		715 WEST LIVE OAK STREET			
CITY:	AUSTIN	REFERENCE NAME	ROBERT JENNINGS LEE					

ALLSTAR
 Land Surveying

SIGNED BY: _____



THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD HAZARD MAP.



City of Austin

P.O. Box 1088, Austin, Texas 78767

RECEIPT

Receipt No.: 5644443

Payment Date: 04/20/2012

Invoice No.: 5652358

Payer Information

Company/Facility Name:

Payment Made By: Elizabeth C Oehler

715 W LIVE OAK ST AUSTIN TX 78704

Phone No.: (713) 562-6039

Payment Method: Check

Payment Received: \$360.00

Amount Applied: \$360.00

Cash Returned: \$0.00

Comments:

CK 0885

Additional Information

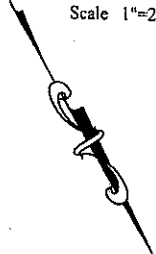
Department Name: Planning and Development Review

Receipt Issued By: Julia Lopez

Receipt Details

FAO Codes	Fee Description	Internal Ref. No.	Address	Permit/Case No.	Amount
1000 6800 9770 4120	BOA/SRB Fee	10747302	715 W LIVE OAK ST	2012-000047-BA	\$360.00
				Total	\$360.00

Scale 1"=20'

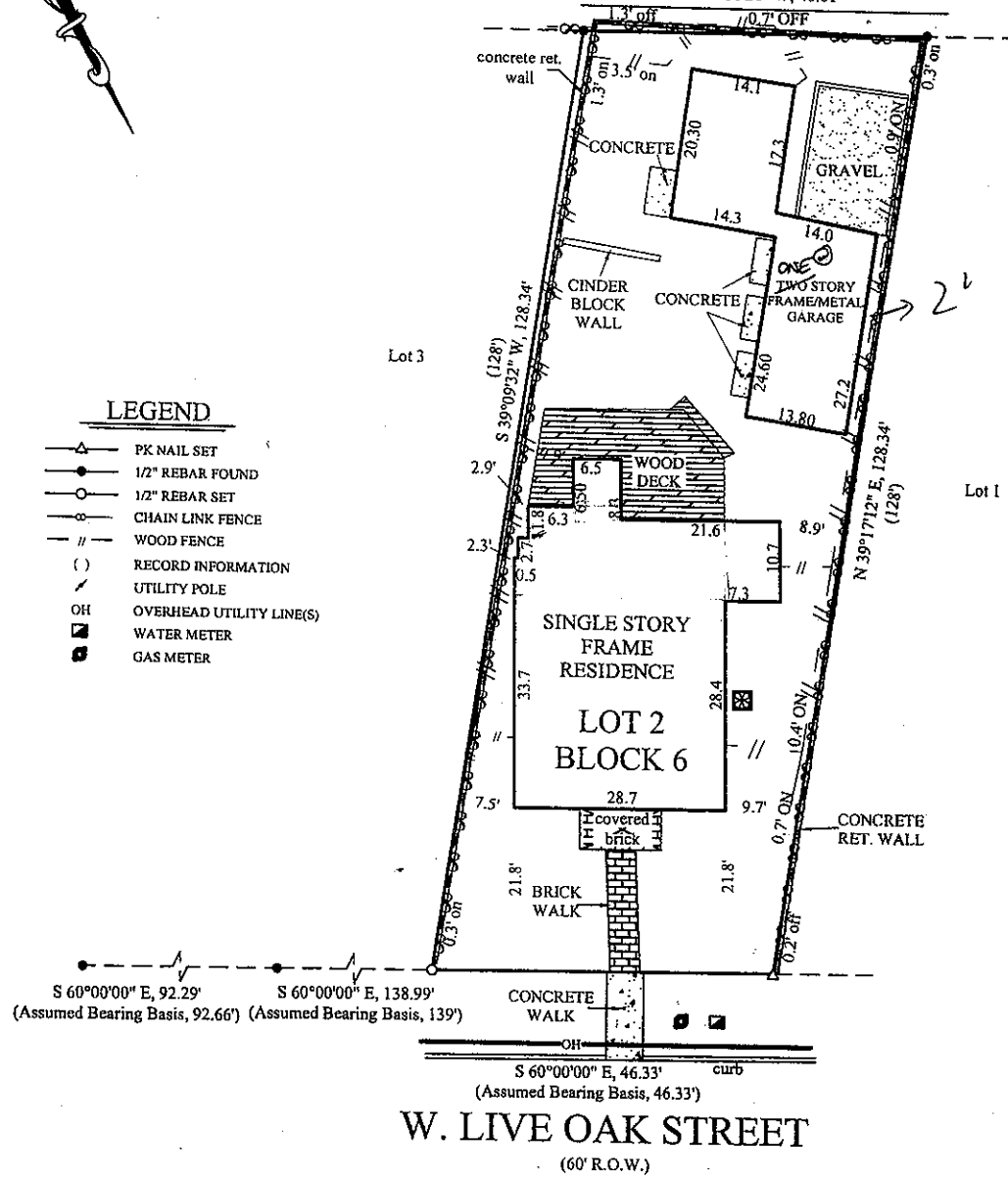


ALLEY

(13' R.O.W.)

(46.33')

N 59°56'26" W, 46.61'



LEGEND

- △ PK NAIL SET
- 1/2" REBAR FOUND
- 1/2" REBAR SET
- CHAIN LINK FENCE
- || WOOD FENCE
- () RECORD INFORMATION
- ⚡ UTILITY POLE
- OH OVERHEAD UTILITY LINE(S)
- ⊠ WATER METER
- ⊞ GAS METER

S 60°00'00" E, 92.29' S 60°00'00" E, 138.99'
(Assumed Bearing Basis, 92.66') (Assumed Bearing Basis, 139')

S 60°00'00" E, 46.33' curb
(Assumed Bearing Basis, 46.33')

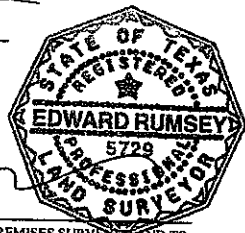
W. LIVE OAK STREET

(60' R.O.W.)

SUBDIVISION SOUTH EXTENSION OF BOULDIN ADDITION
 LOT: 2 BLOCK: 6 VOLUME 1 PAGE 94 PLAT RECORDS
 COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 715 W. LIVE OAK STREET
 CITY: AUSTIN REFERENCE NAME ELIZABETH C. OEHLER

ALLSTAR Land Surveying
 9020 ANDERSON MILL
 AUSTIN, TX 78729
 (512) 249-8149 phone
 (512) 331-5217 fax

SIGNED BY: *[Signature]*



[Signature]

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD-PLAIN, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS F.I.R.M. MAP No. 48453C0585H PANEL: 0585H DATED: 9-26-2008

This certification is for insurance purposes only and is not a guarantee that this property will or will not flood. Contact your local floodplain administrator for the current status of this tract.

TO THE LIEN HOLDER AND / OR OWNERS OF THE PREMISES SURVEYED AND TO
LAWYERS TITLE INSURANCE CORPORATION

I do hereby certify that this survey was this day made on the ground under my supervision and to the best of my knowledge of the property legally described hereon and that there are no boundary line conflicts, encroachments overlapping of improvements, or roads in place, except as shown hereon, and certifies only to the legal description and easements shown on the referenced title commitment.

DATE: 02/11/2010
 Title Co.: LAWYERS TITLE
 G.P. # 2444000458
 JOB No. A0202510
 UPDATE OF A0714905

FIELD WORK	R. Nowlin	02/10/2010
DRAFTING	D. Smith	02/11/2010
FINAL CHECK	E. Rumsey	02/11/2010
UP DATE	-	-