

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 # C15-2012-0068  
ROW # 10768086

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

TP-011002-06-30

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

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

STREET ADDRESS: 1502 West 9<sup>th</sup> St, Austin TX 78703

LEGAL DESCRIPTION: Subdivision – WENDLANDTS

Lot(s) 10 Block \_\_\_\_\_ Outlot 4 Division Z

I/We Philip Just as authorized agent for

Bryan Bayerdorffer affirm that on April 30, 2012,

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

(check appropriate items below)

X ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

a detached accessory building (garage) over 15' in height

in a MF-4-NP district.  
(zoning district)

(Old West Austin N.P.)

**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:

To provide adequate safe vehicle turnaround space in front of the garage, a reduction of the rear setback to 5 feet is needed. Chapter 25-2, F, Section 2.4 allows this reduction when adjacent to an alley, but only for a second dwelling unit. In order to minimize the size of the building and impact on neighbors, we would like to avoid building high enough to accommodate a dwelling above the parking area.

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**HARDSHIP:**

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

The proposed garage is accessed by a 100-foot driveway that provides no other opportunities to turn around so that vehicles can cross the property without backing the entire way. The alley at the rear of the property is unpaved and overgrown, and sometimes impassable in wet weather, so it doesn't provide reliable access to the property. An existing retaining wall and a protected American Elm prevent expansion of the turning area.

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

Most other properties don't have a similar combination of topography, trees, and an unusually deep lot.

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**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:

Historic Landmark commission has reviewed and approved the project (as proposed, with 5-foot setback). Neighboring properties to immediate East and West have similarly located outbuildings. The proposed building replaces an existing structure in the same location, and will be considerably less massive than an alternative dwelling that could be built at the same 5-foot rear setback without a variance.

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**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:

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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:

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

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

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**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 124 N Tumbleweed Trail

City, State & Zip Austin TX 78733

Printed Philip Just Phone 512 848 4173 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  Mail Address 1502 W 9<sup>th</sup> St

## 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.)**

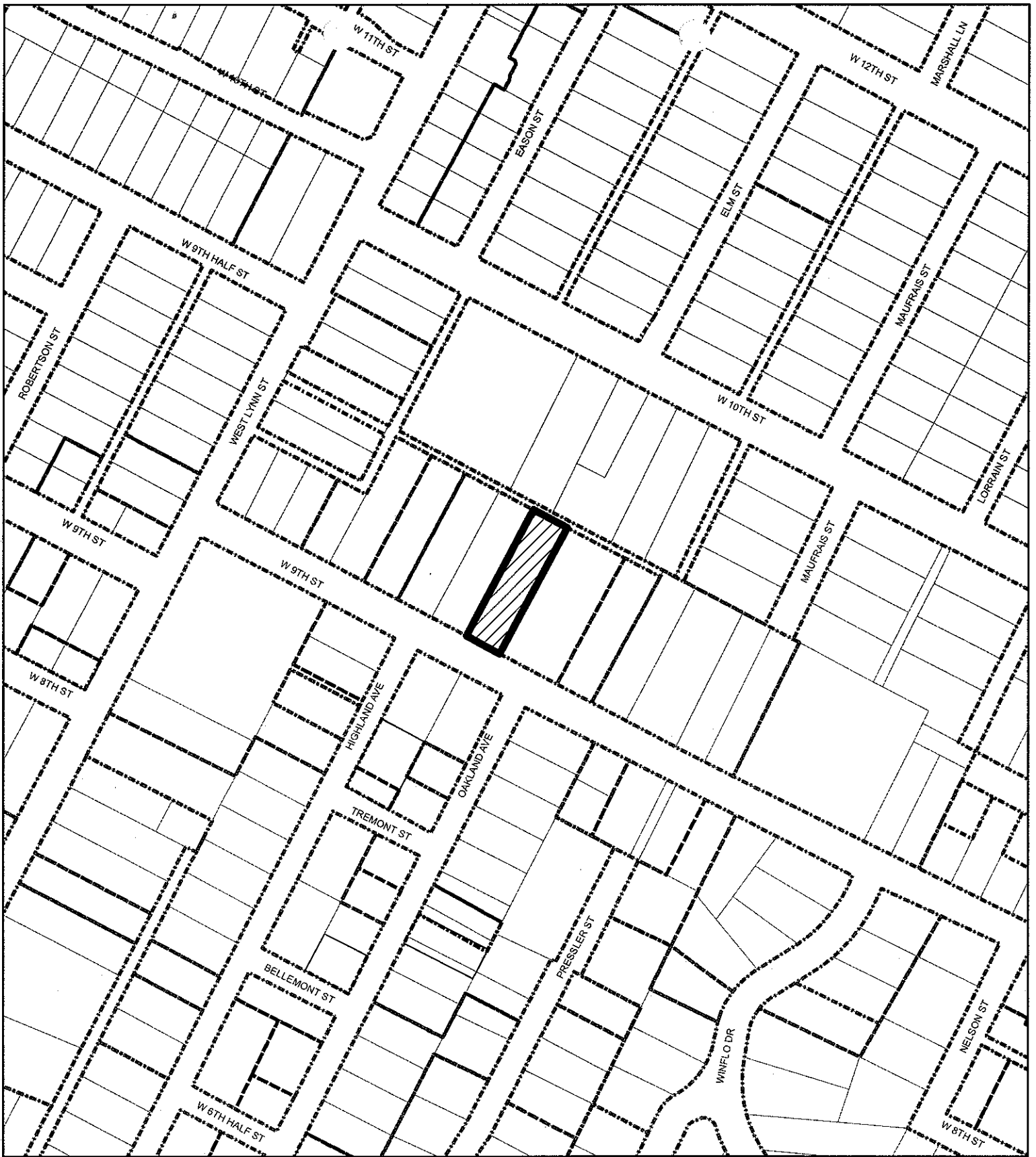
- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3)
- (4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5) 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) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (6) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

**REQUIRED FINDINGS:** All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

#### Reasonable Use:

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0068  
 LOCATION: 1502 W 9TH STREET



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.



**City of Austin**

*Austin's Community-Owned Electric Utility*

[www.austinenergy.com](http://www.austinenergy.com)

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

May 1, 2012

Bryan Bayerdorffer  
1502 W 9<sup>th</sup> St  
Austin, Texas 78703  
Via email to: Philip Just at [godesignaustin@yahoo.com](mailto:godesignaustin@yahoo.com)

Re: 1502 W. 9<sup>TH</sup> ST  
Lot 10 OLT 4 DIV Z Wendlandts

Dear Mr. Just,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the rear setback in order to construct a new garage. Austin Energy does not oppose this application as requested and shown on the attached red-stamped sketch provided any existing or future improvements meet AE clearance criteria requirements as well as be in compliance with the National Electric Safety Code and OSHA. This clearance criteria includes that the overhead service be located 18' from the ground and attached to the new weather head to connect the electric meter.

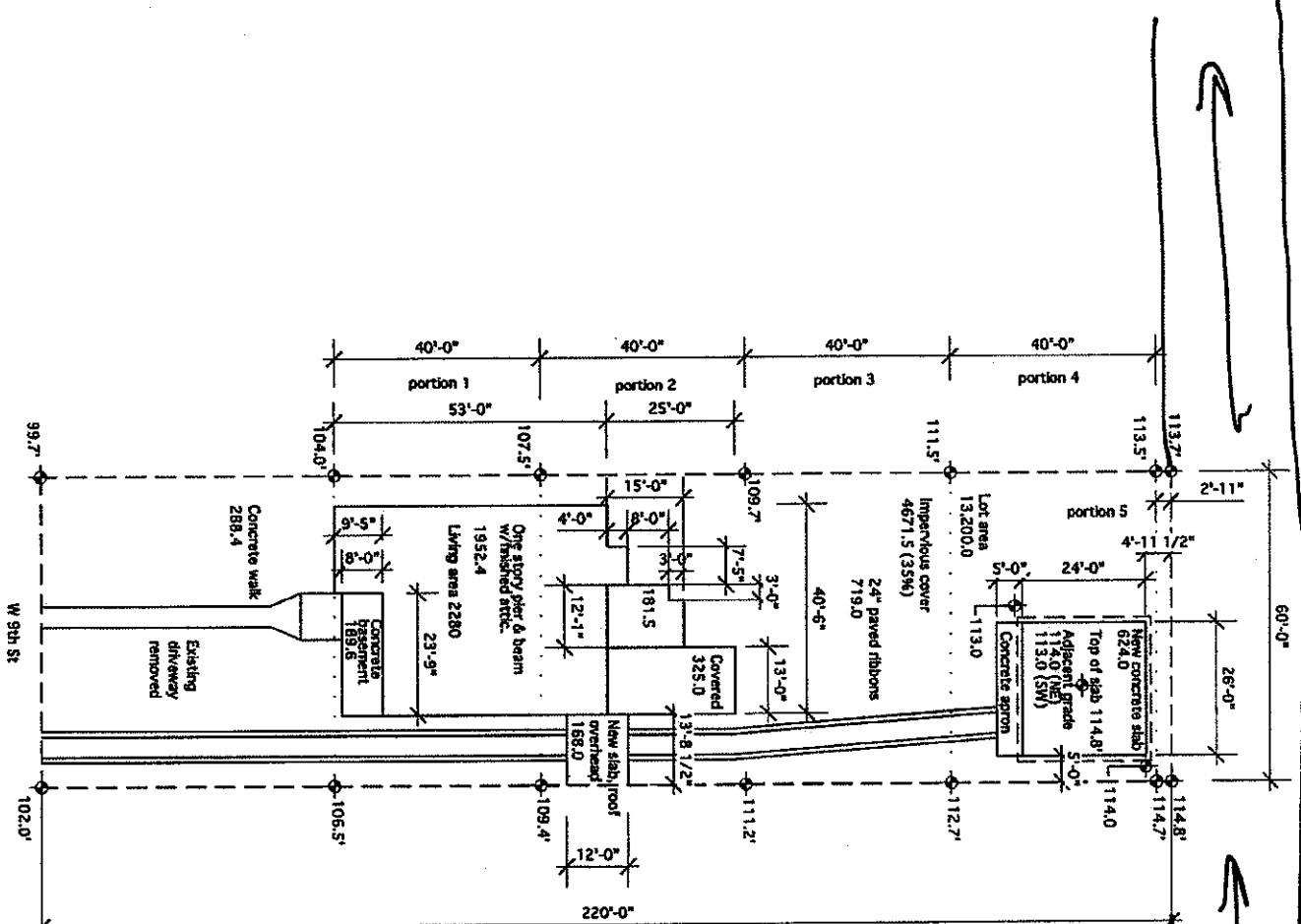
Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

Sincerely,

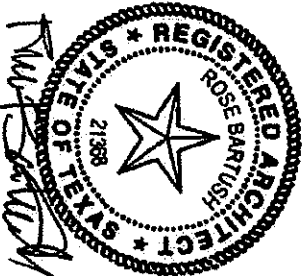
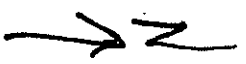
A handwritten signature in black ink, appearing to read "Lena Lund".

Lena Lund  
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker



← RECESSIVE ALLEYPWAY



1502 WEST 9TH STREET  
AUSTIN, TX 78703

I, JOHN BARRETT, have reviewed this plan. Scale: 1/32" = 1'-0"  
I, JOHN BARRETT, Designer, the various square footages on this plan. Any changes to  
this plan must be approved by Austin Energy.

*John Barrett*  
Date

5/1/12

10' alley (dead end to East; unpaved, overgrown)

Storage

Existing storage

Basement concrete slab 654.0  
Top of slab 1179.0  
Adjacent grade 1140.0 (AD) 1150.0 (SU)

Concrete approach

Lot area 13,200.0  
Impervious area 4,671.5 (CSX)

24' paved ramp 715.0

Garage/storage

1500 V 9th St  
Residence

Covered 325.0  
New steel roof overhang 13.0  
121.0  
121.0  
220.0

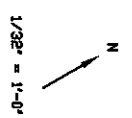
One story pier & beam w/finished attic. 1992.4  
Living area 2280

Concrete basement 187.5  
237.7

Concrete soil 289.4  
Existing driveway removed

1502 V 9th St  
Residence

1502 V 9th St







V 9TH 1/2 ST

109041005

W 9TH ST

0108030311

1310

0108030316

11-13  
1510  
011002102

0110020212  
1005 3  
1,2 0110020211

0110020206

17 0110020207

18 0110020208

19 0110020209

20 0110020210

ELM ST

0110020313  
1000 5  
3

3,4 0110020312

0110020311

0110020310

14  
0110020300

15  
1000

16  
1000

17  
1000

18,18 0110020308

19,20 0110020309

W 10TH ST

SHELLEY HEIGHTS  
NO 2

0110020603  
1  
0110020604  
WEED SUBD

0110020605  
2

0110020607

0110020609  
2,4  
0110020610  
2,4  
0110020611  
2,4

MAUFRAIS ST

0110020645  
1  
0110020644  
2  
0110020643  
3  
0110020642  
4  
0110020641  
5  
0110020640  
6  
0110020639  
5  
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0110020637  
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11  
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WENDLANTS SUBD

WENDLANTS SUBD

0108030312  
1  
0108030313  
2  
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2,3  
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4  
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5

TERRACE 9 CONDOMINIUMS  
AMD

0108030801  
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AMD

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AMD

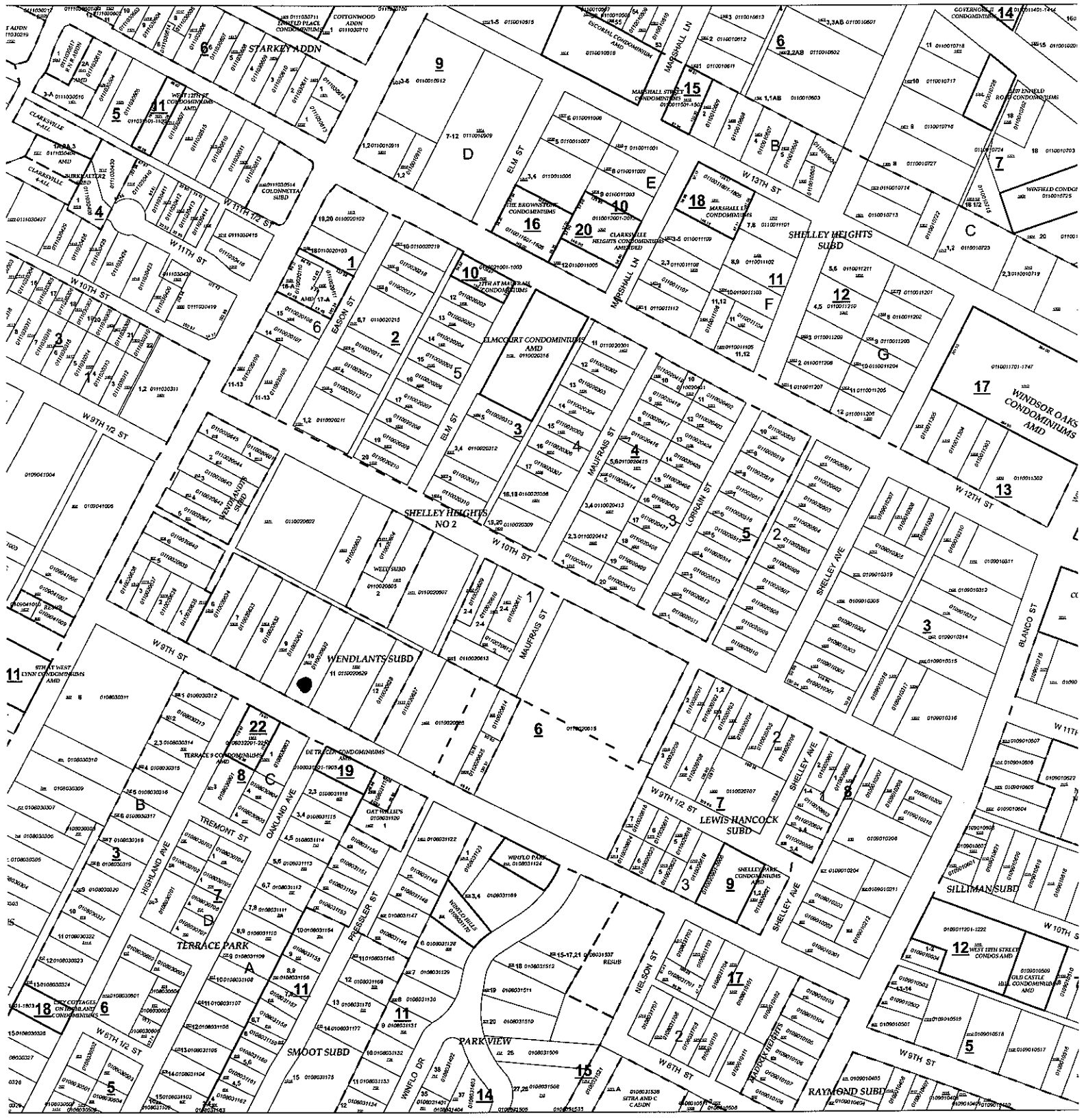
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0110020626  
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0110020614  
2000

0110020625  
1000

6










# CITY OF AUSTIN DEVELOPMENT WEB MAP



W 9TH ST

W 10TH ST

## Legend

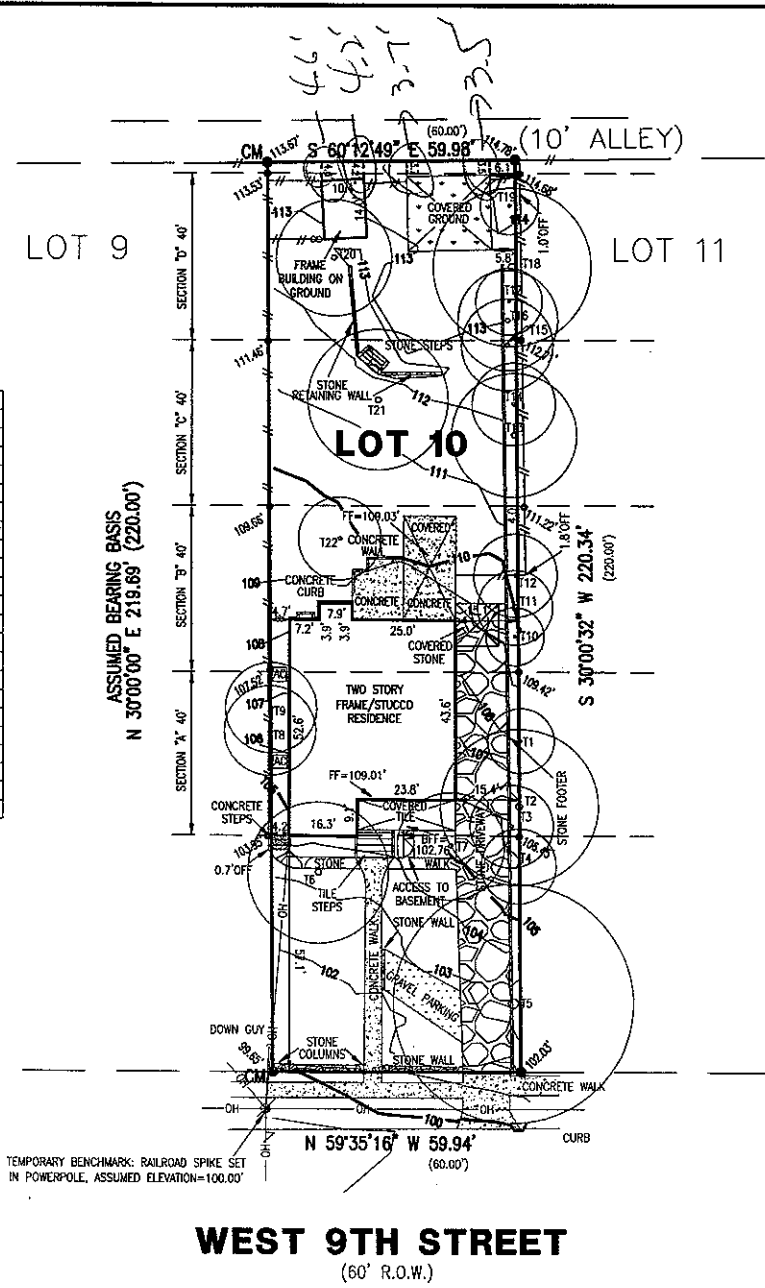
-  Lot Lines
-  Streets
-  Building Footprints
-  Named Creeks
-  Lakes and Rivers
-  Parks
-  County

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 CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

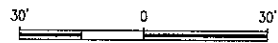
Tag No.	TREE DESCRIPTION
T1	8" ELM TREE
T2	19" HACKBERRY
T3	10" HACKBERRY
T4	9" ELM TREE
T5	29" OAK TREE
T6	17" TWIN HACKBERRY
T7	13" MULTI-STEM HACKBERRY
T8	11" TREE
T9	11" TREE
T10	7" HACKBERRY
T11	9" HACKBERRY
T12	10" HACKBERRY
T13	15" OAK TREE
T14	10" TREE
T15	11" HACKBERRY
T16	12" HACKBERRY
T17	8" OAK TREE
T18	19" HACKBERRY
T19	7" HACKBERRY
T20	14" HACKBERRY
T21	17" ELM TREE
T22	10" TREE

**LEGEND**

- 1/2" REBAR FOUND
- ◐ 1/2" CAPPED REBAR SET
- ◑ 1/2" IRON PIPE FOUND
- 40# NAIL FOUND
- ◒ CAPPED REBAR FOUND
- ◓ "X" SET IN CONCRETE
- ◔ "X" FOUND IN CONCRETE
- SPOT ELEVATION SHOT
- CHAIN LINK FENCE
- WOOD FENCE
- METAL FENCE
- BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- F.F. FINISHED FLOOR
- B.F.F. BASEMENT FINISHED FLOOR
- ( ) PER PLAT
- C.M. CONTROL MONUMENT
- R.O.W. RIGHT OF WAY
- P.O.B. PLACE OF BEGINNING
- OH OVERHEAD ELECTRIC
- POWER POLE



**WEST 9TH STREET**  
(60' R.O.W.)



**IMPORTANT NOTICE**  
This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to B & G SURVEYING.

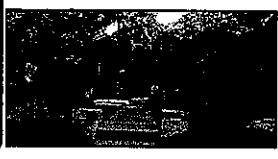


*[Signature]*  
TO THE LIENHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED

**FLOOD CERTIFICATION**  
THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 04484E DATED 09/26/08. IT IS REPRESENTED AS IN ZONE "X". HOWEVER, AT THE PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAN ADMINISTRATOR.

STREET ADDRESS: **1502 WEST 9TH STREET** CITY: **AUSTIN** COUNTY: **TRAVIS** STATE OF TEXAS  
 LOT: **10** BLOCK: \_\_\_\_\_ SUBDIVISION: **WENDLANDTS SUBDIVISION** VOL./CAR. **2** PG./SLD. **216** PLAT RECORDS:  
 REFERENCE NAME: **BRYAN BAYERDORFFER**

REVISED: 4-18-12



**B & G SURVEYING, INC.**  
**DEWEY H. BURRIS & ASSOCIATES, INC.**  
 Surveyed by: B & G Surveying, Inc.  
 WWW.BANDGSURVEYING.COM  
 1404 West North Loop Blvd, Austin, Texas 78756  
 Office 512\*458-6969, Fax 512\*458-9845

JOB #:	80313012_TA
DATE:	4-10-12
SCALE:	1" = 30'
FIELD WORK BY:	WILLIAM 4-5-12
CALCD BY:	TONI 4-6-12
DRAFTED BY:	AW3 4-10-12
CHECKED BY:	VQ/ML 4-10-12