

CASE # C15-2012-0064
Row 10767929
TP-030200-07-08

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: 1802 Brackenridge St.

LEGAL DESCRIPTION: Subdivision – Newning & Warner Resub of Blk 32 Swisher Addition

Lot(s) 11 Block 32 Outlot _____ Division _____

I Jim Bennett as authorized agent for Melissa Schenker

_____ affirm that on 4/25/12, hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A two family dwelling providing an impervious cover of ~~60%~~ for a deck,

54.7%

in a SF-3NP district.
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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:
2. There are no records to indicated when the deck was added, perhaps it was when the garage apartment was constructed in 2002, but at least it was prior to the purchase by the current owner. The deck was existing at the previous hearing, but as an oversight the impervious cover was not included with the previous variance request.

HARDSHIP:

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

It would be an undue hardship to to have to remove the structure that has been in place for nine years. The structure was built by the previous owner and was purchased by the current owner in 2004 with the assurance from the previous owner that everything was conforming. With the exceptions of the setbacks the structure would have been in compliance with the requirements at the time, but due to the expired permit new requirements are applicable. The current owner was unaware of these conditions until her HVAC system needed to be replaced and her contractor was told by the city that there were expired permit issues.

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

no additions or renovations have been made to the property since it was purchased seven years ago. Other garage apartments in the neighborhood were constructed legally at the time of their construction and the above conditions do not exist.

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 character of the area will not change because this deck and use has existed for nine years and the structure is located between the main house and the garage apartment to the rear of the lot and is not readily visible

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:

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 Jim Bennett Mail Address 11505 Ridge Dr.

City, State & Zip Austin, Tx 78748

Printed Phone Date Jim BENNETT 282-3079 12/2/11

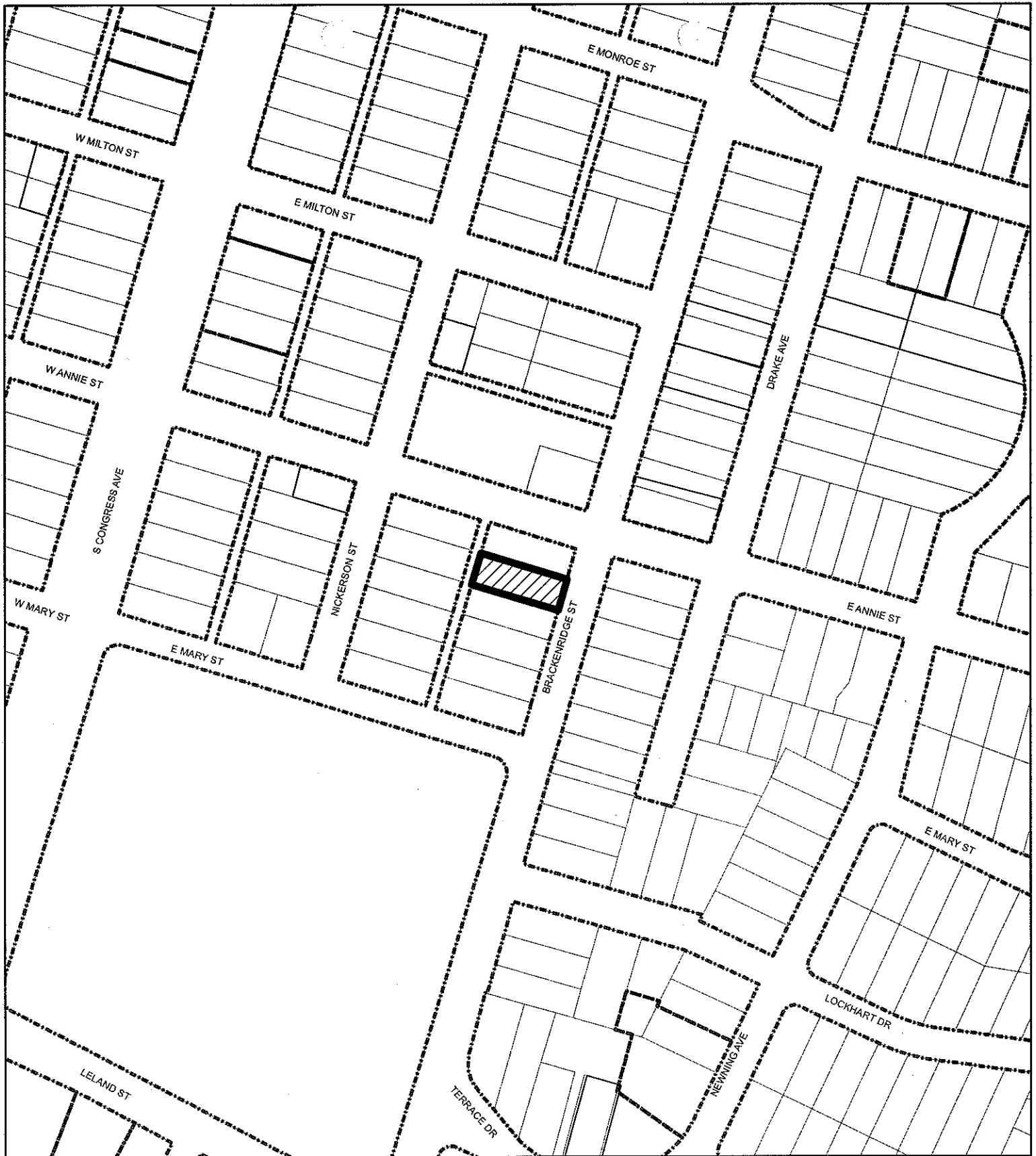
OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Melissa J. Schenker Mail Address 1802 Brackenridge St

City, State & Zip Austin TX 78704

Printed Phone Date
Melissa J. Schenker 512-442-5601 12/2/11

**GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST
TO THE BOARD OF ADJUSTMENT**



CASE#: C15-2012-0064
 LOCATION: 1802 BRACKENRIDGE 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
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, February 13, 2012

CASE NUMBER: C15-2012-0019

Y Jeff Jack
 Y Michael Von Ohlen Motion to Grant
 A Nora Salinas ABSENT
 Y Bryan King 2nd the Motion
 A Susan Morrison ABSENT
 Y Melissa Hawthorne
 Y Heidi Goebel
 - Cathy French (SRB only)
 - Dan Graham (SRB only)
 Y Will Schnier (Alternate)

*Supervisors
Coverage was not
included in this
original request*

APPLICANT: Jim Bennett

OWNER: Melissa Schenker

ADDRESS: 1802 BRACKENRIDGE ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.4 feet from the south property line in order to create a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.6 feet from the north property line in order to create a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

The applicant has requested a variance to increase the minimum gross floor area for a two-family residential use requirement of Section 25-2-774 (7) from 850 square feet to 884 square feet in order to create a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-774 (B) from 7,000 square feet to 6,954 square feet in order to create a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 1 foot in order to maintain a wood deck in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

The applicant has requested a variance to increase the maximum floor to area ratio requirement of Subchapter F; Article 2; Subsection 2.1 from .4 to 1.0 to .62 to 1.0 in order to change the use to create a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

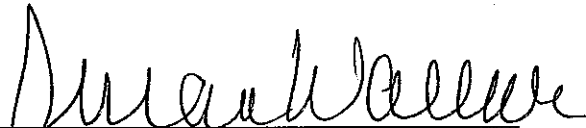
The applicant has requested a variance to encroach into the setback plane requirement of Subchapter F; Article 2; Subsection 2.6 for a height of 2.5 feet in order to maintain and change the use to create a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district

 **BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Bryan King second on a 6-0 vote; GRANTED.


FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the structure was constructed in 2002 with a building permit for a two story garage with study and bath (permit #2002-0120580), but apparently the previous owner exceeded the scope of work and did not secure final inspections.
2. (a) The hardship for which the variance is requested is unique to the property in that: it would be an undue hardship to have to remove the structure that has been in place for nine years, the structure was built by the previous owner and was purchased by the current owner in 2004 with assurance from the previous owner that everything was conforming, with the exceptions of the setbacks the structure would have been in compliance with the requirements at the time, but due to the expired permit new requirements are applicable

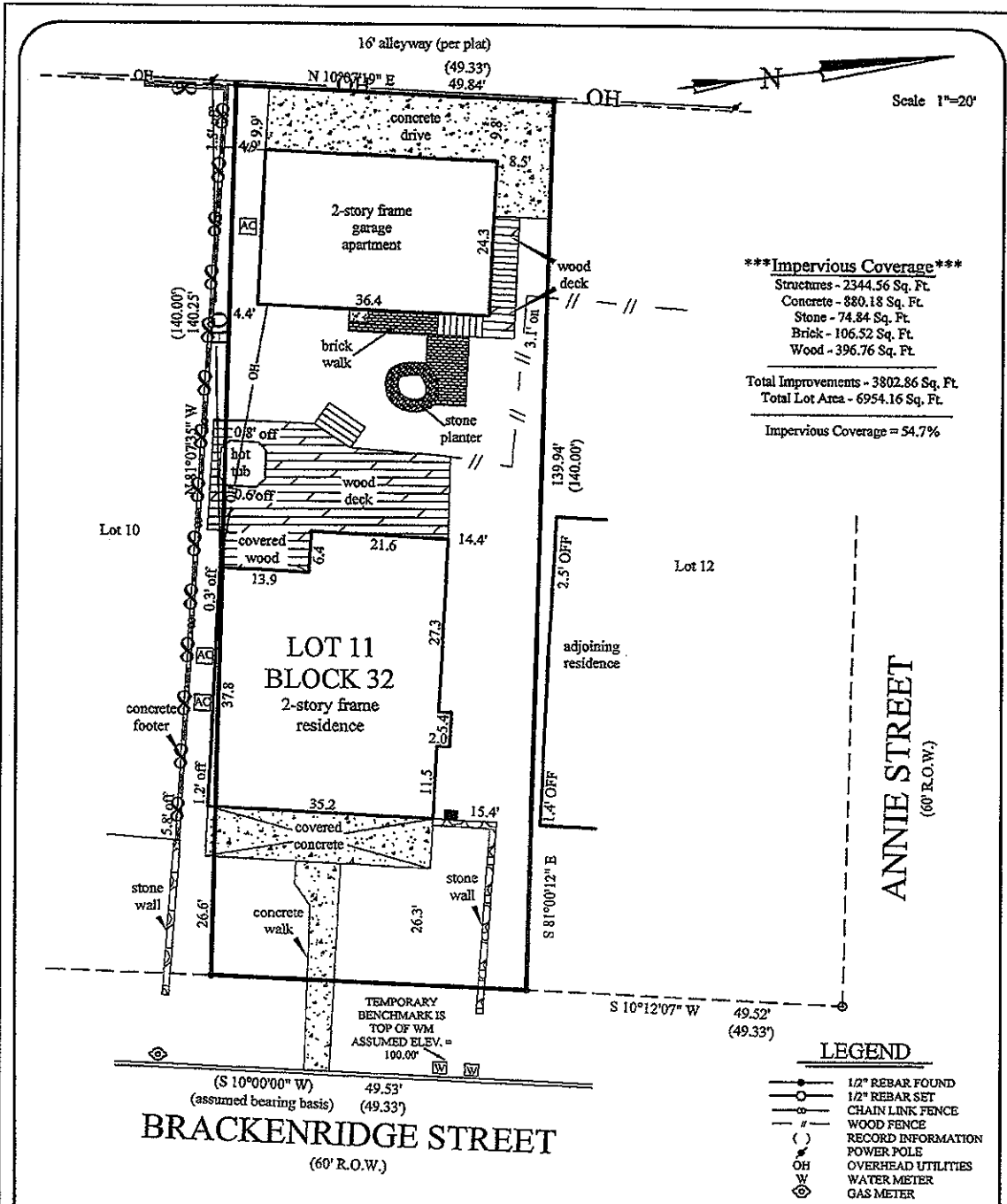
(b) The hardship is not general to the area in which the property is located because: no additions or renovations have been made to the property since it was purchased seven years ago, other garage apartments in the neighborhood were constructed legally at the time of their construction and the above conditions do not exist
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 character of this structure and use has existed for nine years



Susan Walker
Executive Liaison



Jeff Jack
Chairman



*****Impervious Coverage*****
 Structures - 2344.56 Sq. Ft.
 Concrete - 880.18 Sq. Ft.
 Stone - 74.84 Sq. Ft.
 Brick - 106.52 Sq. Ft.
 Wood - 396.76 Sq. Ft.

Total Improvements - 3802.86 Sq. Ft.
 Total Lot Area - 6954.16 Sq. Ft.

Impervious Coverage = 54.7%

LEGEND

- 1/2" REBAR FOUND
- 1/2" REBAR SET
- ⊖ CHAIN LINK FENCE
- WOOD FENCE
- () RECORD INFORMATION
- ⚡ POWER POLE
- OH OVERHEAD UTILITIES
- W WATER METER
- ⊗ GAS METER

SUBDIVISION NEWNING AND WARNER RESUBDIVISION OF BLOCK 32, SWISHERS ADDITION

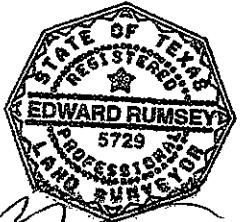
LOT: 11 BLOCK: 32 VOLUME 235 PAGE 456 DEED RECORDS

COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 1802 BRACKENRIDGE STREET

CITY: AUSTIN REFERENCE NAME WILLIAM L. MAGNESS AND MELISSA SCHENKER

ALL STAR
 Land Surveying

9020 Anderson Mill Rd.
 Austin, Texas 78729
 (512) 249-8149 phone
 (512) 331-5217 fax



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. 48453C0605H PANEL: 0605H
 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.

DATE: 11/15/2011
 Title Co.: Austin Title
 G.F. # 2428000056
 JOB No. A1102811 -
 A0902604

TO THE LIEN HOLDER AND / OR OWNERS OF THE PREMISES SURVEYED 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 CERTIFIED ONLY TO BUILDING LINES AND EASEMENTS AS PER PLAT. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

FIELD WORK	REX	11/14
DRAFTING	Eddie Rumsey	11/14
FINAL CHECK	Eddie Rumsey	11/15
UP DATE	NA	-