

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

DATE: Monday, June 11, 2012

CASE NUMBER: C15-2012-0056

_____ Jeff Jack
_____ Michael Von Ohlen
_____ Nora Salinas
_____ Bryan King
_____ Susan Morrison
_____ Melissa Hawthorne
_____ Heidi Goebel
_____ Cathy French (SRB only)
_____ Dan Graham (SRB only)

APPLICANT: Jim Bennett

OWNER: Ethan Horne

ADDRESS: 2800 22ND ST

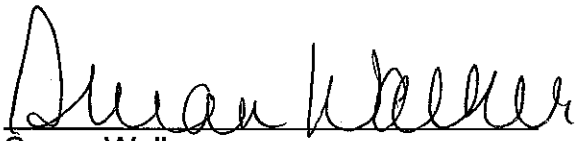
VARIANCE REQUESTED: The applicant has requested to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 18 feet in order to erect a Secondary Apartment use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Rosewood Neighborhood Plan)

BOARD'S DECISION: POSTPONED TO JULY 9, 2012 (RENOTIFICATION)


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

CASE # C15-2012-0056
ROW-10767778
TP-021212-06-22

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: 2800 E. 22nd Street

LEGAL DESCRIPTION: Subdivision – Austin Heights, Resub. of lots 7&8

Lot(s) 1 Block 3 Outlot _____ Division _____

I Jim Bennett as authorized agent for R. L. Horn Trust
_____ affirm that on 3/31/2012, hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A two family dwelling providing a front street setback of 18 ft.
in a Sf-3 NP 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:

The new structure will be setback futher from the property line than the old structure. The old structure was setback 7 ft.

HARDSHIP:

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

The location of the xxxinch xxxxxx tree prevents the structure from being places further back from the property line.

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

The removal of the old house and the location of the existing trees on this lot, prevent a reasonable opportunity to redevelop this inter-city site.

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 area of character will not negatively change because the new structure will be setback futher than the existing structure. The adjoining neighbors and the xxxxxxxxxxxxxxx Association support this project.

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:

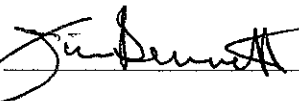
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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.

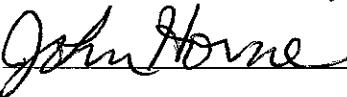
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 11505 Ridge Dr,

City, State & Zip Austin, TX. 78748

Printed JIM Bennett Phone 282-3079 Date 3/31/12

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 _____



City, State & Zip _____

Printed _____ Phone _____ Date _____

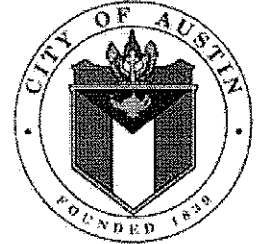


BOARD OF ADJUSTMENTS

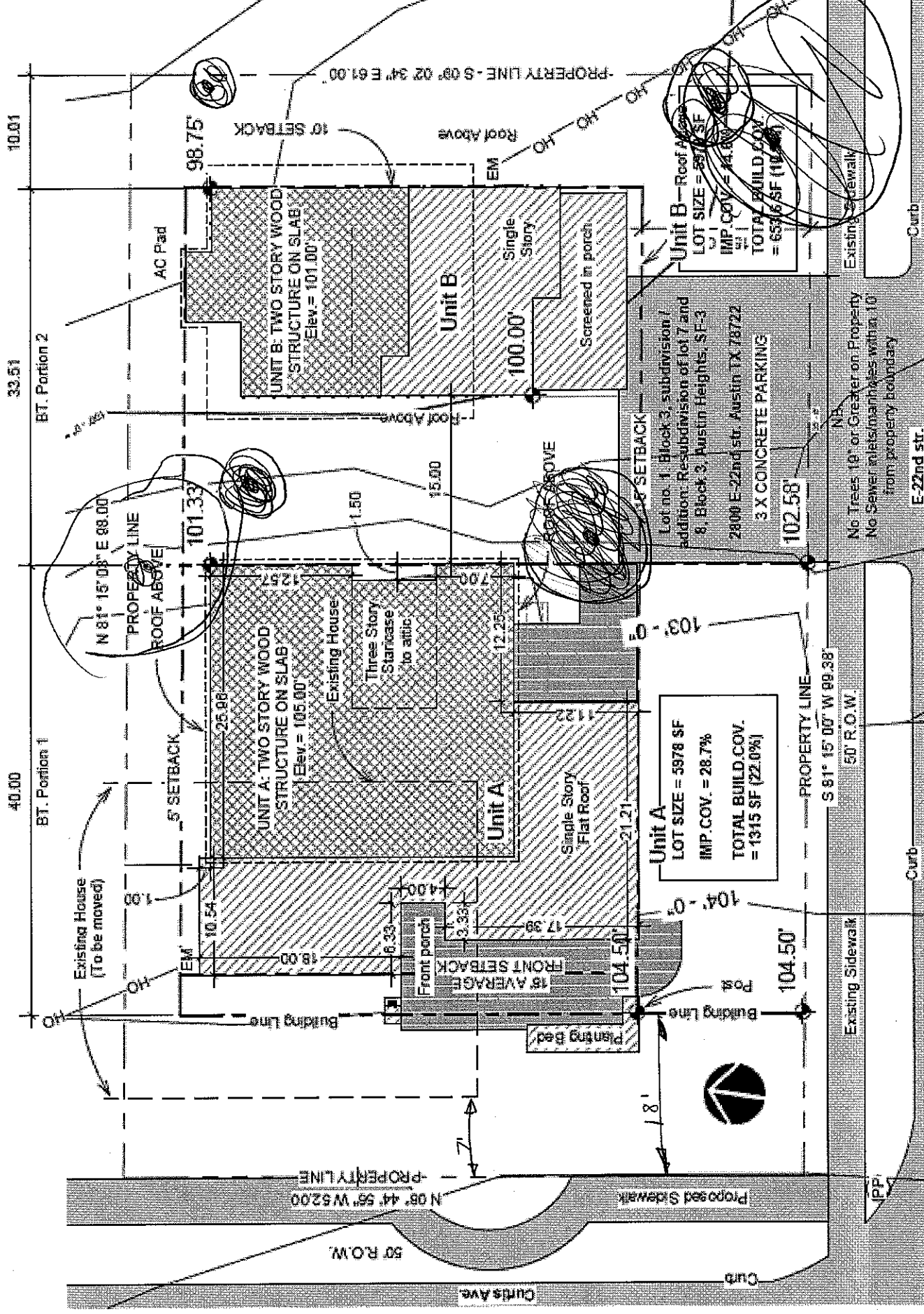


-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2012-0056
 LOCATION: 2800 E 22ND STREET
 GRID: K 23
 MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Lot no. 1 Block 3, subdivision 1
 addition - Resubdivision of lot 7 and
 addition - Resubdivision of lot 3
 8. Block 3, Austin Heights, SF-3
 2800 E-22nd str. Austin TX 78722
 3 X CONCRETE PARKING

Unit A
 LOT SIZE = 5978 SF
 IMP. COV. = 28.7%
 TOTAL BUILD COV.
 = 1315 SF (22.0%)

Unit B - Roof Area
 LOT SIZE = 5978 SF
 IMP. COV. = 22.8%
 TOTAL BUILD COV.
 = 6596 SF (10.9%)

No Trees 10' or Greater on Property
 No Sewer inlets/manholes within 10'
 from property boundary

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.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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.

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: C15-2012-0056 - 2800 E 22nd St
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, June 11th, 2012

Silbert M Martinez
 Your Name (please print)

I am in favor
 I object

Your address(es) affected by this application
 2807 + 2809 E 22nd St. + 2805 E 22

Silbert M Martinez
 Signature

6-1-12
 Date

Daytime Telephone: 825 9209

Comments:

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

C15-2012-0056

To: Board of Adjustment
From: Neighbors of 2800 E. 22nd

We have reviewed setback request made by the Horne family.
We believe the setback fits with the neighboring homes on Curtis.
We support the request for an 18' setback.

Additional comments:

Name Kenneth Henry
Address 2814 E 22nd St

Additional comments: *This will impose right of way on family of adjacent interest*

Name Aarna Henry
Address 2814 E 22nd St

Additional comments: *Fantastic!*

Name Lauren Lytle
Address 2200 Alexander Ave.

Additional comments:

Name Jinda Dominguez
Address 2815 E 22nd

Additional comments:

Name Steven Matern
Address 2813 East 22nd Str.

Additional comments:

Name Ari Aber

Address 2807 E 22nd St. B

Additional comments: If 18" keeps the trees, it has our support

Name Joshua Bailey

Address 2803 E 22nd St

Additional comments: 78722

Name Jaclyn Remick

Address 2801 E 22nd 78722

Additional comments:

Name Peter Cavallino

Address 2719 E 22nd St

Additional comments:

Name Dan Hooper

Address 2714 East 22nd

Additional comments:

Name Suzanne McDonnell

Address 2714 E 22nd St

Additional comments:

Name Taylor Risien

Address 2718 E. 22nd St.

Additional comments:

X 

Name Darel Snyder

Address 2718 E. 22nd St.

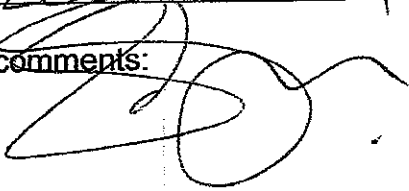
Additional comments:

X 

Name Samuel Chapman

Address 2200 Curtis St.

Additional comments:



Name _____

Address _____

Additional comments:

Name _____

Address _____

Additional comments:

Name _____

Address _____

Additional comments: