

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 # C15-2012-0084
ROW # 10787206

CITY OF AUSTIN TP-011001-12-11
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: 1211 LORRAIN ST.

LEGAL DESCRIPTION: Subdivision - 41.31' of 5 SHELLY HEIGHTS

Lot(s) AND 6 Block _____ Outlot _____ Division _____

I/We Scott Mitchell on behalf of myself/ourselves as authorized agent for
DeVon Wood affirm that on 6-12-2012

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

(check appropriate items below)

☐ ERECT ☐ ATTACH ☒ COMPLETE ☒ REMODEL ☐ MAINTAIN

VARIOUS FROM SETBACK 15' TO COVER
FRONT PORCH, 25' & 22' SIDE WALL
AND A WINDOW OPENINGS THAT WAS APPROVED
in a SF-2-NP district. By City REVIEW
(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:

SEE "INTRODUCTION" ATTACHED
SET BACK ISSUE OF ORIGINAL REBUILD OF
WALL BECAUSE STRUCTURAL ISSUES
HARDSHIP: would not support new loads.

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

SEE "HARDSHIP" ATTACHED
TO REPAIR RM ON WEST WALL TO HELP STRENGTHEN
FOR LOAD ON NEW WEIGHT OF FLOOR AND TO RUN
CONTINUOUS UPPER FOR STRENGTHEN

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

NEW OPENINGS THAT WAS DESIGNED AND
APPROVED BY CITY STAFF

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 HOUSE WILL PRESERVE THE
NEIGHBORHOOD CHARACTER

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:

NA

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:

YES It will not interfere

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

It was design today code

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

RESIDENTIAL USE

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 Scott Mitchell Mail Address brenmitchell@gmail.com

City, State & Zip 1002 LORRAIN AUSTIN 78703

Printed SCOTT MITCHELL Phone 512 565 0040 Date 6-12-12

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 _____

1211 Lorrain Austin 78703
Scott & Brenda Mitchell

INTRODUCTION:

Building Permits Acquired

1. Demolition of Auxiliary Structure (Garage)
2. Building of New Auxiliary Structure (Garage with upstairs living)
3. Demolition of 2nd Floor Main House
Partial Demolition of Main House
Remodel First Floor
New Construction 2nd Floor
4. Pool
5. Property Perimeter Masonry Wall

City Review History

- | | |
|-------------------------------------|-----------|
| 1. Construction Documents Submitted | May 2010 |
| 2. OWANA Review Completed | June 2010 |
| 3. B.O.A. Variances Granted | Nov. 2010 |
| 4. Historic Review Completed | Jan. 2011 |
| 5. Final Building Permits Given | Feb. 2011 |

Variances Granted

1. WSW Corner of Main House within 25' setback to remain, with 2nd story allowed above.
2. Front Porch allowed to 15' setback on Lorrain (25' setback)
3. North Wall at 11'-9" from property on 13th (in 15' setback) to remain with 2nd Floor allowed above
4. Window bay on 2nd Floor allowed to 10' setback (in 15' setback) on 13th street.
5. Front edge of Garage allowed to align with house at 11'-9" setback on 13th. ***Survey Attached***

Inspection History

- | | |
|--|-----------------|
| • Pool Layout | July 15 2011 |
| • Garage Demo Final | August 16 2011 |
| • Garage Layout | October 17 2011 |
| • Garage Plumbing rough | October 18 2011 |
| • Garage Electrical Grounding | October 24 2011 |
| • Garage Foundation Engineer Inspection | October 25 2011 |
| • Garage Sheathing Engineer Inspection | April 10 2012 |
| • Garage Engineer frame Inspection | June 12 2012 |
| • Pool Electric Grounding | June 12 2012 |
| • Main House Layout Inspection called in | April 25 2012 |

***311 call made (code violation from neighborhood resident.
City suspended permit. Main House layout not inspected)***

Mr. Barba's Committee

1. *First meeting*-Introduction of **Ordinance No. 20100624-149**
Interpretation of Ordinance and how it applies was discussed.
Presentation by builder and owner to be prepared for next meeting.
2. *Second Meeting*- New interpretations of same ordinance and how it applies and what to do next created need for different presentation.
3. *Second Presentation* delivered to Mr. Barba's office

Permit Status Changes

From our presentations, Mr. Barba noticed more "openings" (doors and windows) on the permitted plans than he thought was allowed.
The Permit status changed from "Permit Suspended" to "Revision Required"

He instructed us to present this issue to the B.O.A.

The Problem

- Due to a force of Nature that **collapsed the North wall** on the Main House. This wall had to be repaired and reconstructed. The outside edge of this wall is a granted variance wall.
- Due to rot and unsound frame, the **WSW Wall** had to be **deconstructed and rebuilt**. A portion of this wall is a granted variance wall.
- Due to these structural issues and multiple issues throughout the 1st floor frame the builder decided to take down the 1st Floor walls. This decision followed the builder's **4-½ weeks** struggle with the old 1st floor frame before giving in to the reality of needed reconstruction.
- The dismantling of these walls prompted the 311 call from an individual. The "suspended permit" was not the result of a city inspection. All city inspections to date have gone smoothly.
- **The architect** who shepherded the permit process has never seen or heard of this ordinance after multiple plan reviews and submissions spanning over a twelve-month period. *See architects letter attached.*
- **The builder** asked for the city's clarification prior to demolition of main house 2nd floor and partial demolition of 1st floor. The city said "no pre-demo inspection was needed" it was not on the required inspection list.
- **A City Inspector was not called** because the architect, the builder, and the owner were **not aware** of these certain code restrictions.

Conclusion

- **The structural engineer** sees no choice but the decision the builder made to take the walls down. *See engineer letter attached.*
- **The city plan review and inspections department** agrees that the ordinance that the construction procedures violated was **neither cited during plan review nor noted for inspection.** *See letter from city plan review attached.*
- **OWANA Zoning Meeting-** Old West Austin Neighborhood Association favors continuance of the project. *See OWANA meeting letter attached.*

1211 Lorrain, Austin, 78703
Scott & Brenda Mitchell

HARDSHIP

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

The purpose of this BOA review for this project is concerning:

- 1) The reconstruction of portions of 1st floor walls in granted variance zones without the builder calling for city inspection, and
- 2.) The City's *new* question about the number of openings in the first floor walls, as found on the *permitted plans*.

The **hardship** is the City's failure to help, in any way, the architect's, the owner's or the builder's *awareness* of the **Ordinance No. 20100624-149** or how it might apply to the project. This oversight has prevailed throughout the course of plan review and inspection.

The main house has been under construction since February 2012. Final Building plan permits were given by the City in February, 2011.

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1211 Lorrain Austin 78703
Scott & Brenda Mitchell

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Remodel First Floor
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5. Property Perimeter Masonry Wall

City Review History

- | | |
|--|-----------|
| 1. OWANA Review Completed | May 2010 |
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| 3. Review & Agreement from Neighbors Completed | July 2010 |
| 4. Historic Review Completed | Aug 2010 |
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Variances Granted

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4. Window bay on 2nd Floor allowed to 10' setback (in 15' setback) on 13th street.
5. Front edge of Garage allowed to align with house at 11'-9" setback on 13th. *Survey Attached*

Inspection History (all passed)

- | | |
|--|-----------------|
| • Pool Layout | July 15 2011 |
| • Garage Demo Final | August 16 2011 |
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Interpretation of Ordinance and how it applies was discussed.
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2. *Second Meeting*- New interpretations of same ordinance and how it applies and what to do next created need for different presentation.
3. *Second Presentation* delivered to Mr. Barba's office

Permit Status Changes

From our presentations, Mr. Barba noticed more "openings" (doors and windows) on the permitted plans than he thought was allowed.

The Permit status changed from "Permit Suspended" to "Revision Required"

He instructed us to present this issue to the B.O.A.

The Problem

- A heavy 2' rainstorm in March 2012 filled cover tarps and **collapsed the North wall** on the Main House. This wall had to be repaired and reconstructed. The outside edge of this wall is a granted variance wall.
- Due to rot and unsound frame, the **WSW Wall** had to be **deconstructed and rebuilt**. A portion of this wall is a granted variance wall.
- The dismantling of these walls prompted the 311 call from an individual. The "suspended permit" was not the result of a city inspection. All city inspections to date have gone smoothly.
- The city cited Ordinance 20100624-149 as source for code violation.
- **The builder** asked for the city's clarification prior to demolition of main house 2nd floor and partial demolition of 1st floor. The city said, "no pre-demo inspection was needed" it was not on the required inspection list.
- **A City Inspector was not called** because the architect, the builder, and the owner were **not aware** of this certain ordinance nor how it applies.

Conclusion

- **The architect** who shepherded the permit process has never seen or heard of this ordinance after multiple plan reviews and submissions to city. *See architects letter attached.*
- **The structural engineer** sees no choice but the decision the builder made to reconstruct the two subject walls within the granted variance zones. *See engineer letter attached.*
- **The city plan review and inspections department** agrees that the ordinance that the construction procedures violated was **neither cited during plan review nor noted for inspection.** *See letter from city plan review attached.*
- **OWANA Zoning Meeting-** Old West Austin Neighborhood Association favors continuance of the project. *See OWANA meeting letter attached.*

1211 Lorrain, Austin, 78703
Scott & Brenda Mitchell

HARDSHIP

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

The purpose of this BOA review for this project is concerning:

- 1) The reconstruction of two portions of 1st floor walls in granted variance zones without the builder calling for city inspection, and
- 2.) The City's *new* question about the number of openings in the first floor walls, as found on the city approved *permitted plans*.

The **hardship** is the City's failure to help, in any way, the architect's, the owner's or the builder's *awareness* of the **Ordinance No. 20100624-149** or how it might apply to the project. This oversight has prevailed throughout the course of **plan review** and **inspection**.

The main house has been under construction remodeling since February 2012. Final Building plan permits were given by the City in February, 2011.

ORDINANCE NO. 20100624-149

AN ORDINANCE AMENDING CITY CODE SECTIONS 25-2-963 AND 25-11-63 RELATING TO REQUIREMENTS FOR NON-COMPLYING RESIDENTIAL STRUCTURES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (A) of City Code Section 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) is amended to read:

- (A) Except as provided in Subsections (B) and (C) of this section, a person may modify or maintain a noncomplying structure.

PART 2. City Code Section 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) is amended to add a new Subsection (B) to read as follows and to renumber the remaining subsections accordingly:

- (B) The following requirements must be met in order to modify, maintain, or alter a non-complying residential structure:
- (1) Demolition or removal of walls must comply with the following requirements:
 - (a) No more than fifty percent of exterior walls and supporting structural elements of the existing structure may be demolished or removed, including load bearing masonry walls, and in wood construction, studs, sole plate, and top plate. For purposes of this subsection, exterior walls and supporting structural elements are measured in linear feet and do not include the roof of the structure or interior or exterior finishes.
 - (b) Replacement or repair of structural elements, including framing, is permitted if required by the building official to meet minimum health and safety requirements.
 - (2) Replacement or alteration of an original foundation may not change the finished floor elevation by more than one foot vertically, in either direction.
 - (3) For any residential use other than a single-family use in an SF-3 or more restrictive zoning district, the following requirements must be met in

order to add square footage or convert accessory space into conditioned or habitable space:

- (a) If the lot is non-complying with current lot size or lot width requirements, the cost of improvements may not exceed 20 percent of the value of the structure before the improvements.
 - (b) Compliance with current parking and occupancy regulations is required.
- (4) If a noncomplying portion of a structure is demolished, it loses its noncomplying status and may only be rebuilt in compliance with current code.

PART 3. Subsection (E) of City Code Section 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) is amended to read as follows:

(E) A person may modify a building that is a noncomplying structure based on a yard setback requirement of this title if:

- (1) the modified portion of the building:
 - (a) does not extend further into the required yard setback than the existing noncomplying portion of the building, except for a vertical change in finished floor elevation allowed under Subsection (B)(2) of this section;
 - (b) unless located in a street side yard, is not greater in height than the existing noncomplying portion of the building, except for a vertical change in finished floor elevation allowed under Subsection (B)(2) of this section; and
 - (c) complies with the height requirements of this title; and
- (2) the additional length of a modified portion of the building does not exceed the lesser of 50 percent of the length of the noncomplying portion of the building or 25 feet measured from the existing building and parallel to the lot line.

PART 4. Subsection (A) of City Code Section 25-11-63 (*Review Periods*) is amended to read:

- (A) The building official shall approve or disapprove an application for the following permits by the deadlines prescribed in this subsection.

Type of permit	Days after application filed
(1) Commercial buildings, new construction	21
(2) Commercial buildings, remodeling and finish-outs	7
(3) Residential, new construction	7
(4) Residential, remodeling <u>of a complying structure</u>	2
(5) <u>Residential, remodeling of or additions to a non-complying structure</u>	7
(6)[(5)] Sign, other than a nonconforming off-premise sign	7
(7)[(6)] Replacement of nonconforming off-premise sign	14
(8)[(7)] Repair of nonconforming off-premise sign	7
(9)[(8)] Demolition	3
(10)[(9)] Relocation	3

PART 5. This ordinance takes effect on July 5, 2010.

PASSED AND APPROVED

_____, June 24, 2010

§
§
§ Lee Leffingwell FOR
Mayor

APPROVED: Karen M. Kennard
Karen M. Kennard
Acting City Attorney

ATTEST: Shirley A. Gentry
Shirley A. Gentry
City Clerk

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 # _____
ROW # _____

**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: 1211 Lorrain, Austin, TX 78703

LEGAL DESCRIPTION: Subdivision -- Shelly Heights

Lot(s) 6 and part 5 Block G Outlot No. 7 Division Z

I/We Don Hurst on behalf of myself/ourselves as authorized agent for

Scott & Brenda Mitchell affirm that on June 12, 2012,

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

(check appropriate items below)

 ERECT ATTACH x COMPLETE x REMODEL MAINTAIN

 REBUILD WALLS

in a MF-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 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 addition of a front porch, a second story bump out and the carport are common to this diverse neighborhood. Setback issue due to a rebuild of wall due to structural issues. The old structure would not support the new loads.

SEE ENGINEER LETTER THAT EXPLAINS

HARDSHIP:

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

The footprint of the house is existing and dictating the location of the porch and the window seat on the second level of the residence, the location of the 19" oak tree with the alignment of the residence is commanding the placement of the accessory structure.

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

Due to the location of the existing structures and trees on this site the improvements are specific to this site. New openings that were designed and approved by city staff.

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 property is located between multifamily used property to the north and south and most of the older homes in this older neighborhood have porches in the front.

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 Don Hurst Mail Address 3309 Oakmont

City, State & Zip Austin, TX 78703

Printed Don Hurst Phone 512.507.6989 Date June 12, 2012

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 Scott Mitchell Mail Address 1002 Lorrain

City, State & Zip Austin, TX 78703

Printed Scott Mitchell Phone 512.565.0040 Date June 12, 2012

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

DATE: Monday, November 8, 2010

CASE NUMBER: C15-2010-0109

☒ Y ☐ Jeff Jack
☒ Y ☐ Michael Von Ohlen
☒ Y ☐ Nora Salinas
☒ Y ☐ Bryan King
☒ Y ☐ Leane Heldenfels, Chairman
☒ Y ☐ Clarke Hammond, Vice Chairman
☒ Y ☐ Heidi Goebel

APPLICANT: Jim Bennett

OWNER: Scott Mitchell

ADDRESS: 1211 LORRAIN ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-513 (G) from 20 feet to 15 feet in order to erect an addition (covered porch) to a single family residence in an "MF-3-NP", Multi-family Residence – Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 22 feet (existing) in order to erect a second story addition to a single-family residence in an "MR-3-NP", Multi-family Residence – Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 10 feet in order to erect a second story addition to a single family residence and from 15 feet to 11 feet 9 inches in order to erect an accessory building (carport and guest house) in an "MF-3-NP", Multi-family Residence – Neighborhood Plan zoning district.

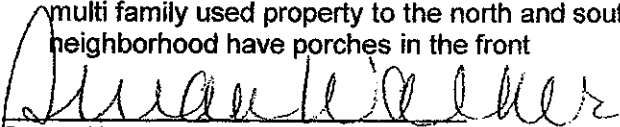
BOARD'S DECISION: The public hearing was closed on Board Member Bryan King motion to Grant as per approved plans shown 10' setback for bay window area only and drawings show new setbacks, Board Member Jeff Jack second on a 7-0 vote; **GRANTED.**


FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the addition of a front porch, a second story bump out and the carport are common to this diverse neighborhood
2. (a) The hardship for which the variance is requested is unique to the property in that: the footprint of the house is existing and dictating the location of the porch and the window seat on the second level of the residence, the location of the 19" oak tree with the alignment of the residence is commanding the placement of the accessory structure

(b) The hardship is not general to the area in which the property is located because: due to the location of the existing structures and trees on this site the improvements are specific to this site

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 property is located between multi family used property to the north and south and most of the older homes in this older neighborhood have porches in the front


Susan Walker
Executive Secretary


Leane Heldenfels
Chairman

CASE # C15-2010-0109

TP-0110011211

ROW-10490868

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: 1211 Lorrain Street

LEGAL DESCRIPTION: Subdivision - Shelly Heights

Lot(s) 41.31' of 5 & 6 Block _____ Outlot _____ Division _____

I Jim Bennett as authorized agent for Scott & Brenda Mitchell

_____ affirm that on 8/24 _____, 2010 _____, hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN

An addition to an existing residence (a front porch) providing a front street setback of 15 ft. from the front property line, a second story addition providing a side street setback of 10 feet, and an accessory building (carport & guest house) providing a side street setback of 11' 9"

in a SF-2-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 addition of a front porch, a second story bump out, and the carport are common to this diverse neighborhood

HARDSHIP:

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

the foot print of the house is existing and dictating the location of the porch and the window seat on the second level of the residence. The location of the 19" Oak tree with the alignment of the residence is commanding the placement of the accessory structure.

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

Due to the location of the existing structures and trees on this site the improvements are specific to this 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:

This property is located between multi-family used property to the north and south, and most of the older homes in this older neighborhood have porches on the front and many are built with a lesser setback than is currently required. The amount of variance is minimal and should not have a negative impact on the character of the 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:

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 Jim Bennett Phone 282-3079 Date 8/4/10

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

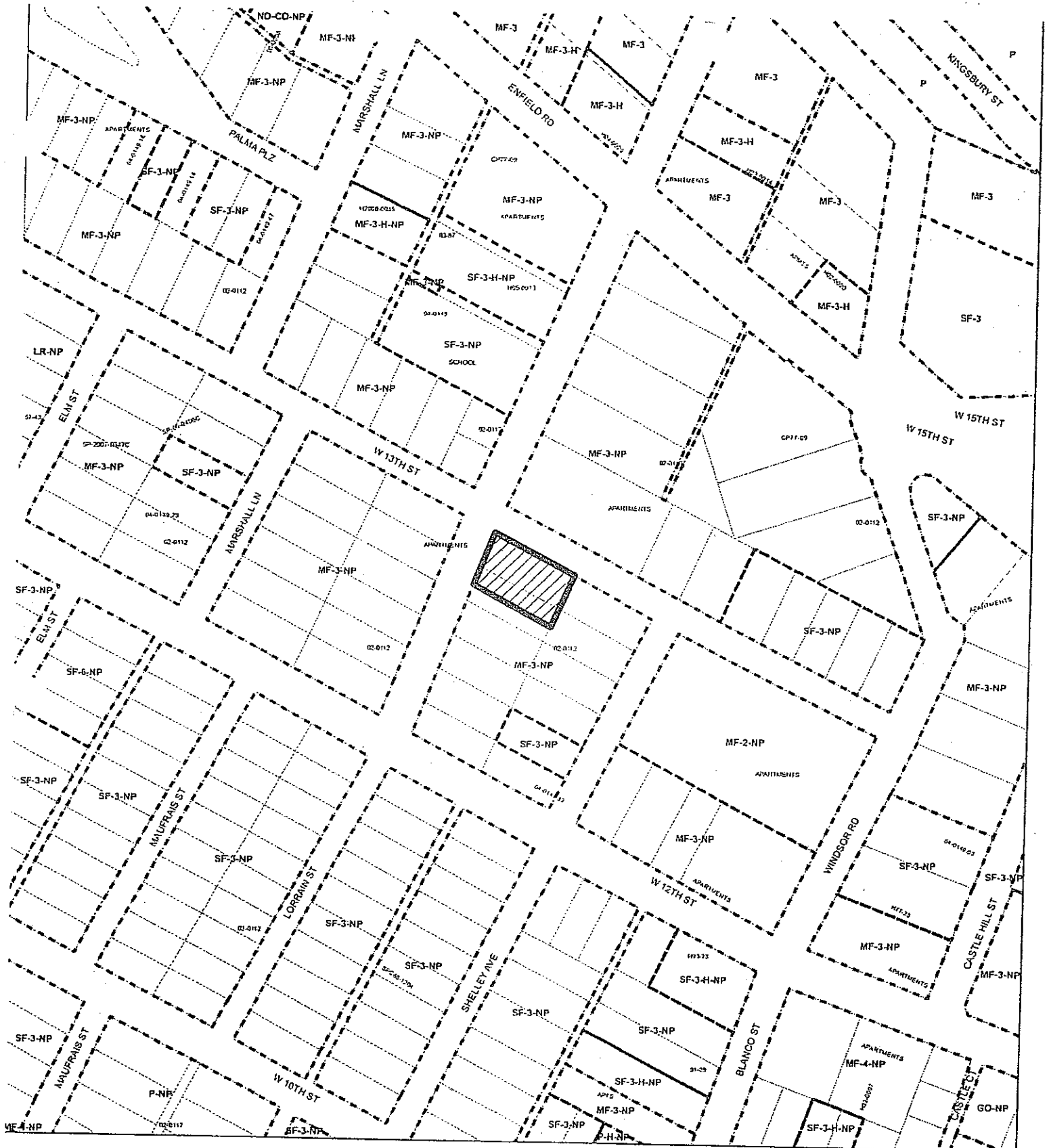
x Signed G. Scott Mitchell Mail Address 1002 Lorrain

City, State & Zip Austin TX 78783

Printed George Scott Mitchell Phone 512 565 6040 Date 8-16-10

REQUEST FOR 3 VARIANCES

1. Variance request #1 is to allow an addition of a front porch to be built with a setback of 15' from the front property line. The existing 1938 home's front wall encroaches within the 25' setback regulation. The owner's desire a front porch on which they can see and visit with neighbors. Having a front porch foster's a sense of community within the neighborhood. See the attached City of Austin Neighborhood Plan Design Tools – Front Porches Extending into the Front Setback for New and Existing Single-Family Houses LDC-2-1602. The proposed front porch complies with these guidelines.
2. Variance request #2 is to allow the projection of a 2nd story room into the side setback. Note the existing home's footprint encroaches 3.1' on the required side setback line. Variance #2 asks for the encroachment of 1'-10" deep by 11'-11" wide 2nd level room to be cantilevered into the existing setback (1'-10" beyond the existing 1st level north wall line of the existing building. This cantilevered projection breaks up an otherwise flat wall plane on the north side of the house. It improves the aesthetics of the architecture similar to the reasons for the articulation rules that are incorporated in the "McMansion Ordinance".
3. Variance #3 is to allow the carport building with 2nd level apartment to be built to align with the footprint of the existing house setback on the north side. This will be a 3'-2" encroachment into the 15' setback regulation. The variance facilitates greater level of protection to an existing 19" diameter Live Oak tree on the south side of the proposed building. The critical root zone of the protected tree is less impacted by the granting of this variance.



N



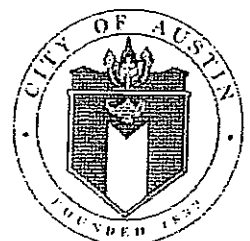
SUBJECT TRACT



ZONING BOUNDARY

BOARD OF ADJUSTMENTS

CASE#: C15-2010-0109
LOCATION: 1211 LORRAIN ST
GRID: H23
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.

APARTMENT BUILDING

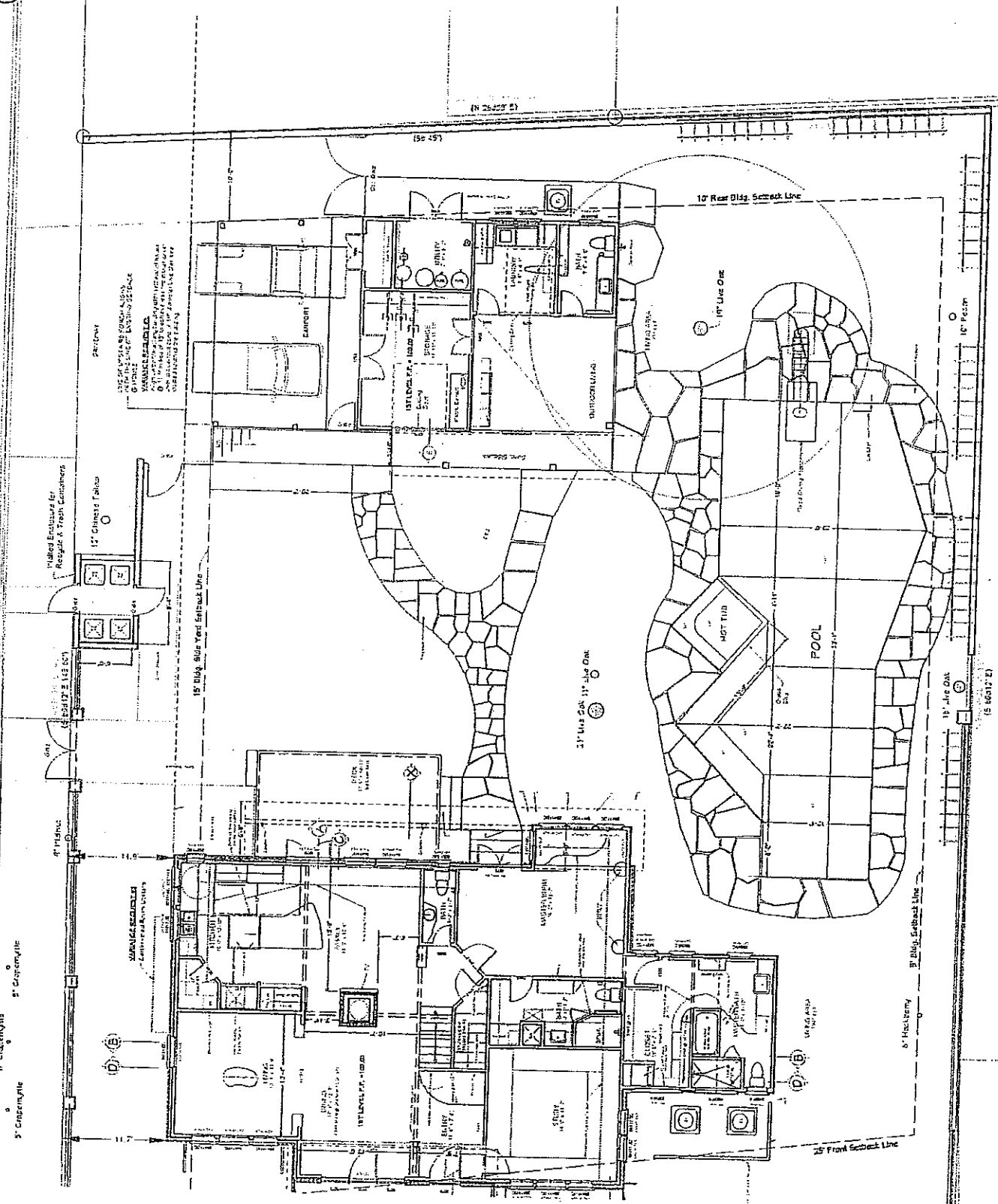
SINGLE FAMILY RESIDENCE

10

SETBACK PLANE, FRONT

SETBACK PLANE, FRONT

SETBACK PLANE, FRONT



5' Setback

15' Setback

15' Setback

15' Setback

5

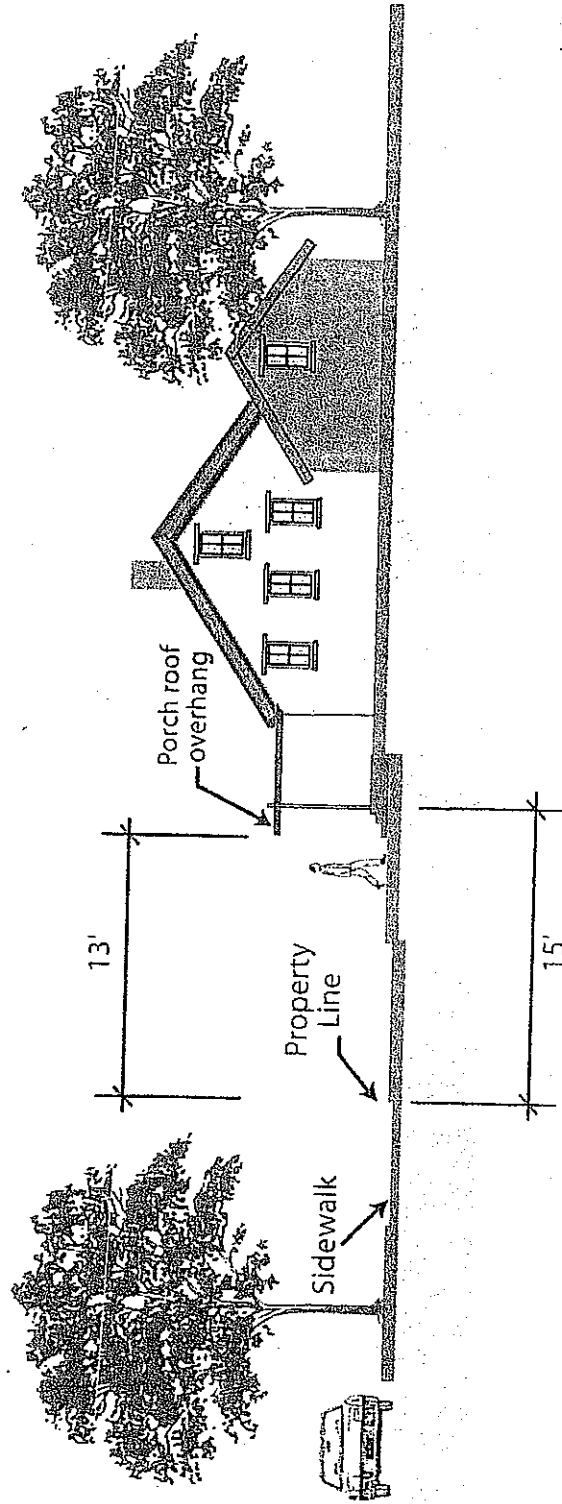
21

Continue NEIGHBORHOOD PLAN DESIGN TOOLS

Front Porches Extending into the Front Setback for New and Existing Single-Family Houses LDC 25-2-1602

Covered and uncovered front porches shall be allowed to extend within 15 feet (15') of the front property line.

Porch roof overhangs may extend no more than two feet (24") into the setback. Support columns—but not walls—are allowed within the footprint of the porch.



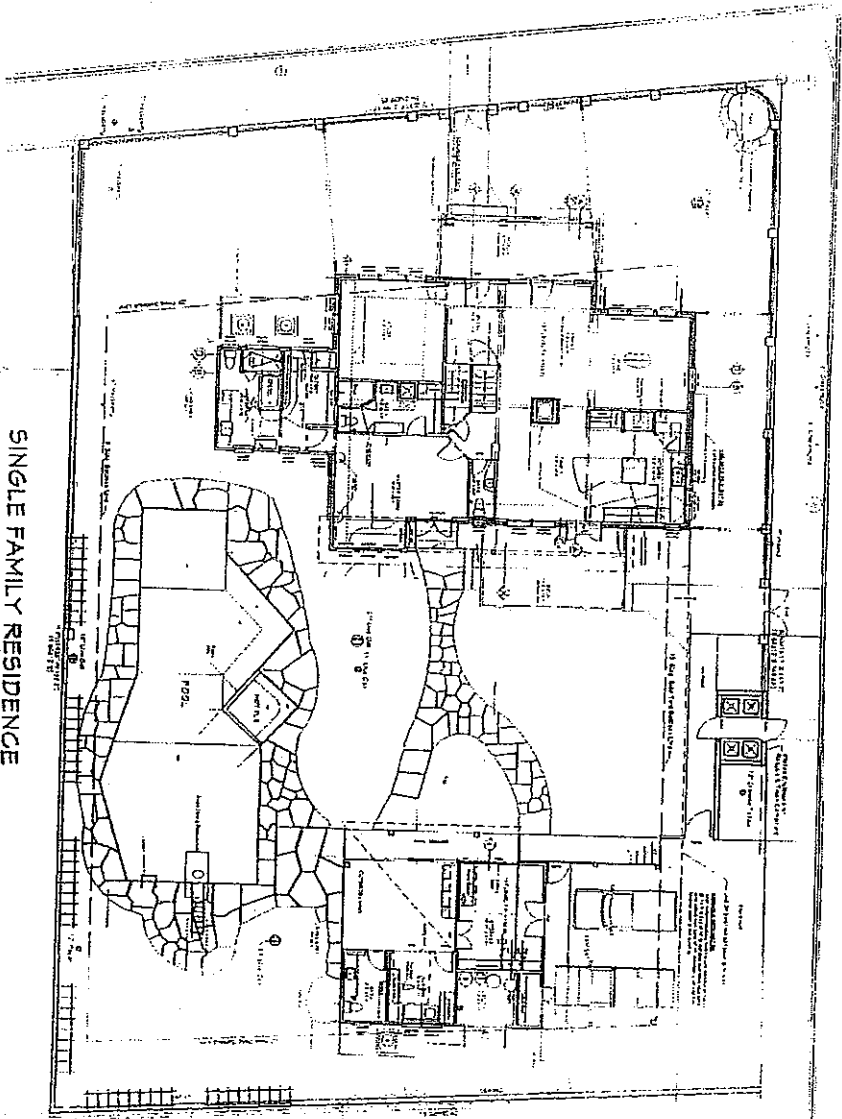
SINGLE
FAMILY
RESIDENCE


SINGLE FAMILY RESIDENCE W/ GARAGE APARTMENT

APARTMENT BUILDING

Lorraine St.
(60' R.O.W.)

West 13th St.
(60' R.O.W.)



 **SITE PLAN**
1/1/12

SINGLE FAMILY RESIDENCE

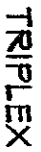
APARTMENT BUILDING

015-2010-0109
1211 Lorraine St.

A

ADDITIONS AND REMODELING

(64' R.O.N.)

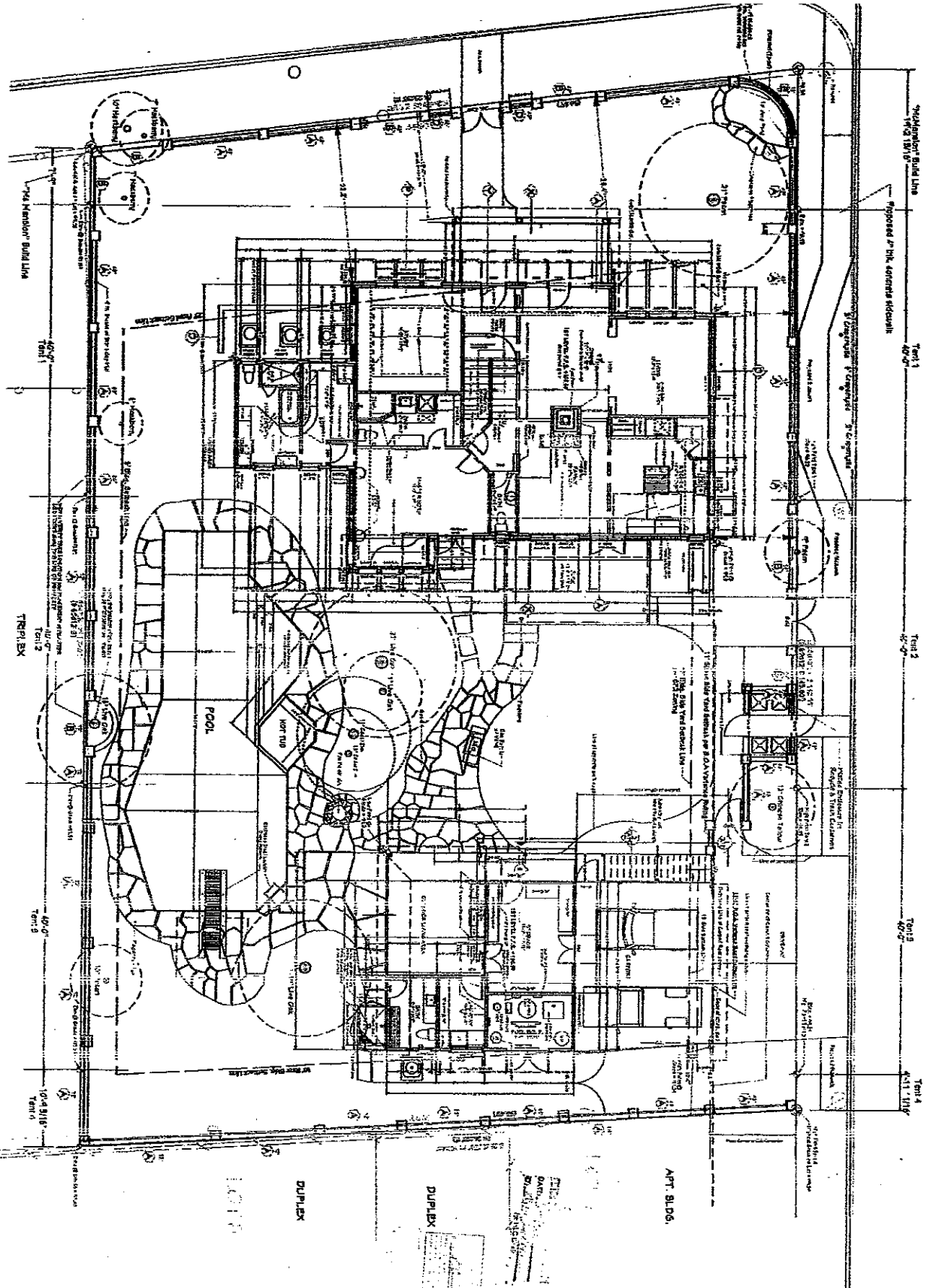


Pre Existing Site Plan

DON HURST ARCHITECT
3309 OAKMONT BLVD.
AUSTIN, TEXAS 78703
E-Mail: dhurst2@austin.rr.com Tel: 512-914-1294
Concept Design by Scott Mitchell

West 13th St.
(64' R.O.W.)

SITE PLAN OF PROPOSED PROJECT



PERMITTED COPY

SHEET 6 OF 20

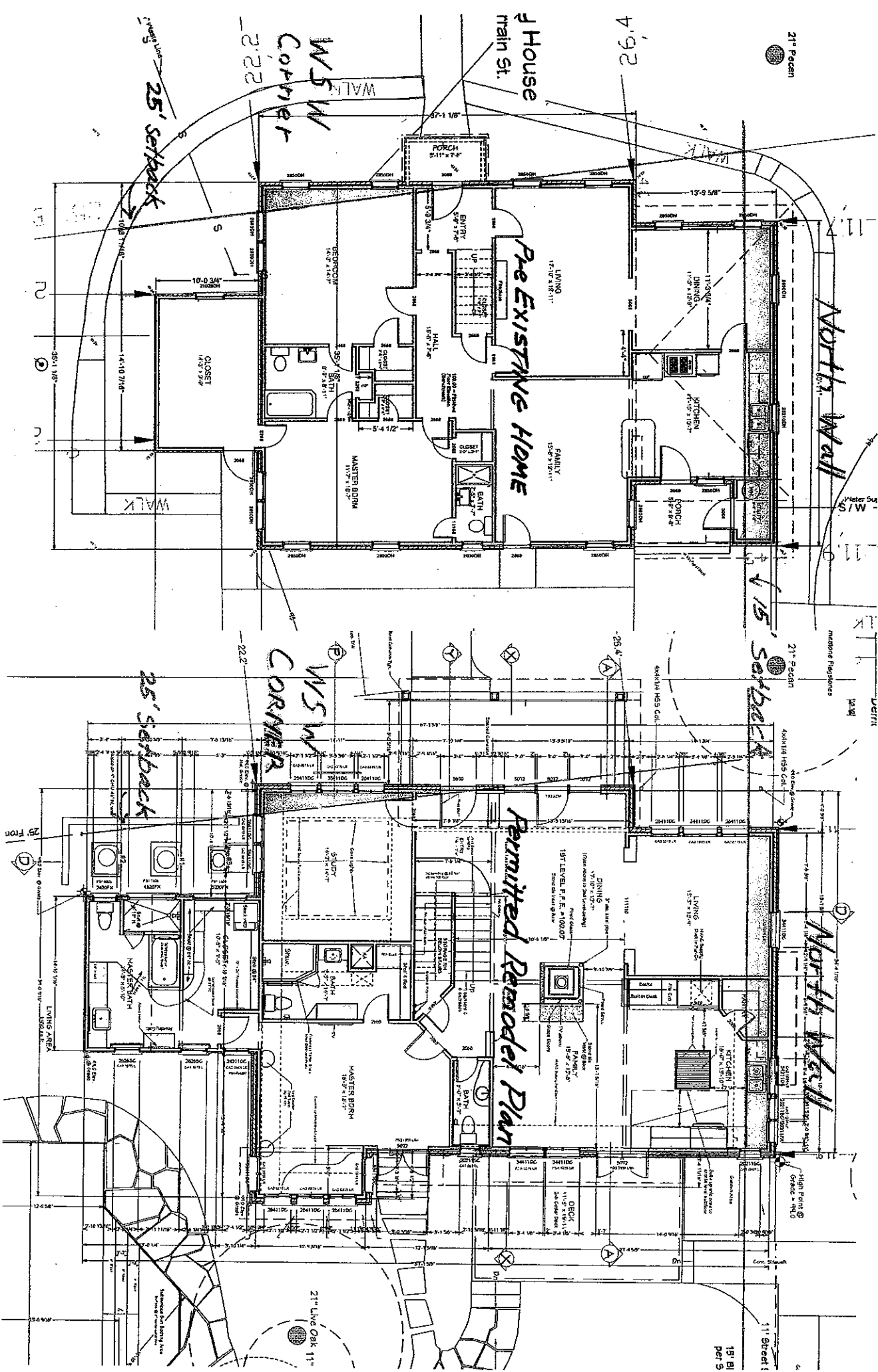
A6

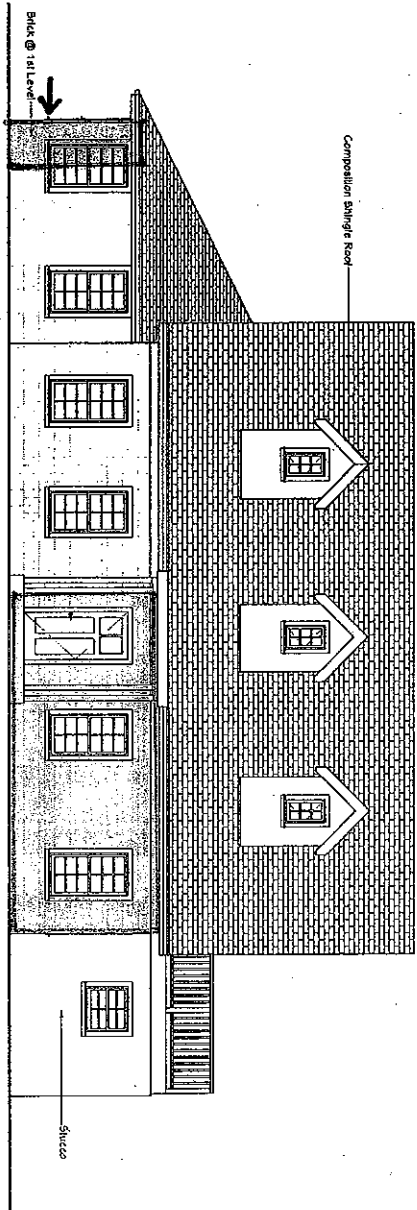
DATE: 12-2-10
REVISION DATE: 12-21-10
C.O.A. Permit Set: 1-31-11
Owner's Review changes: 6-8-11
Pool Equip Update: 6-26-11
9-4-11 Guest House Revisions

A REMODELING, ADDITION & NEW CONSTRUCTION PROJECT

MITCHELL RESIDENCE
1211 LORRAIN STREET
AUSTIN, TEXAS 78703

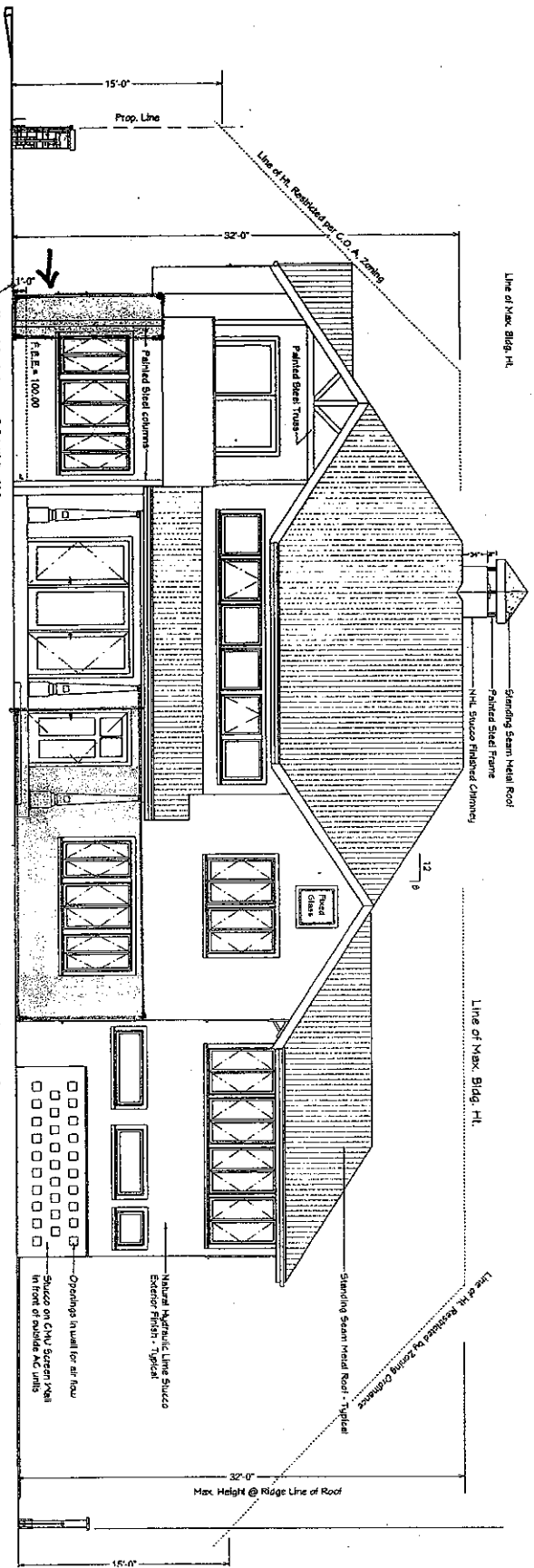
DON HURST ARCHITECT
3309 OAKMONT BLVD.
AUSTIN, TEXAS 78703
E-Mail: dhurst2@austin.rr.com Tel: 512-394-1234
Concept Design by Scott Mitchell





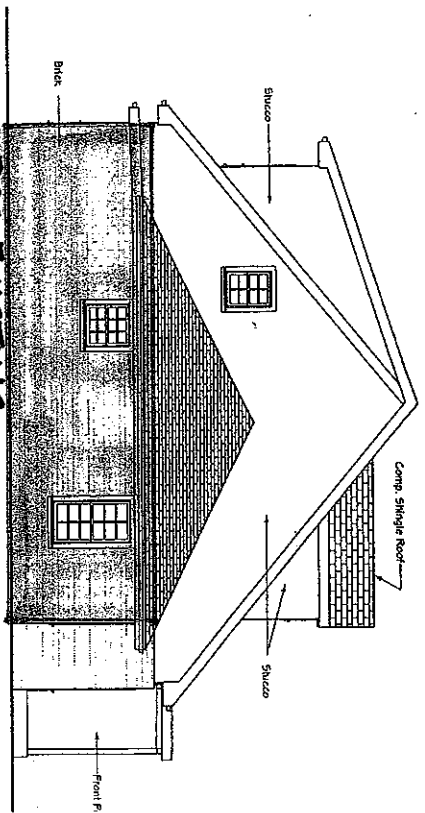
NORTH WALL
FRONT ELEVATION OF EXISTING HOUSE
PRE-EXISTING

WSW CORNER

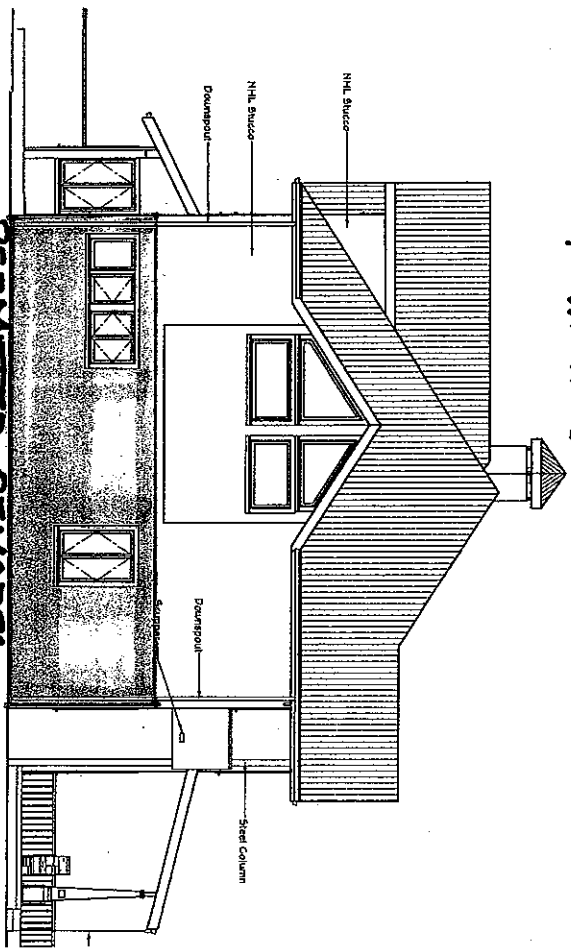


North Wall
WEST (FRONT) ELEVATION of HOUSE
PERMITTED REMODEL

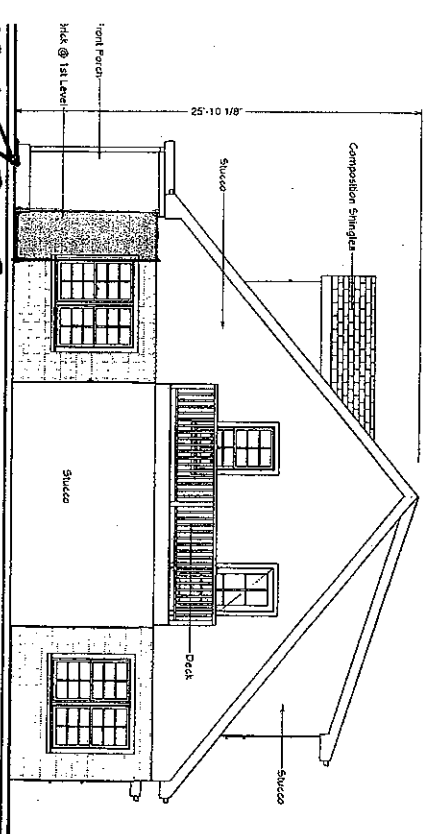
WSW CORNER



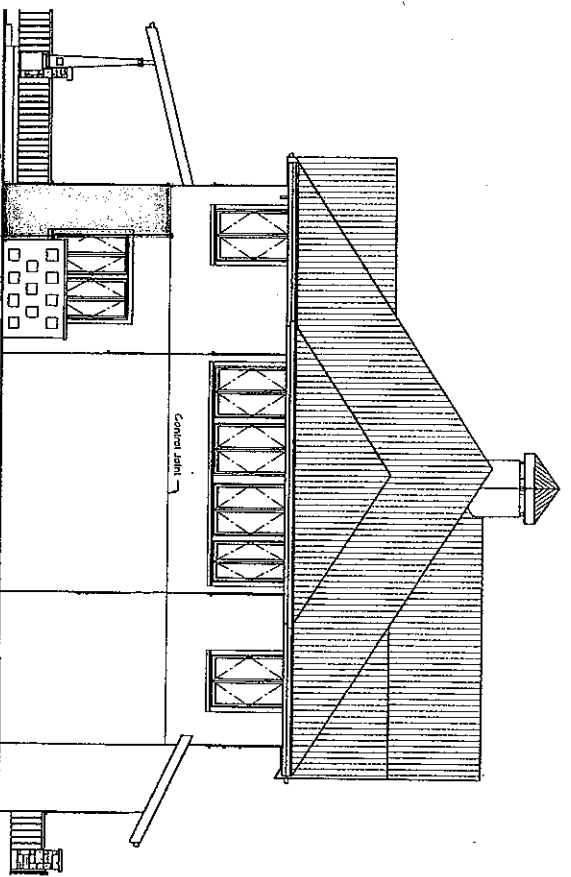
PRE EXISTING
NORTH ELEVATION OF EXISTING HOUSE
NORTH WALL



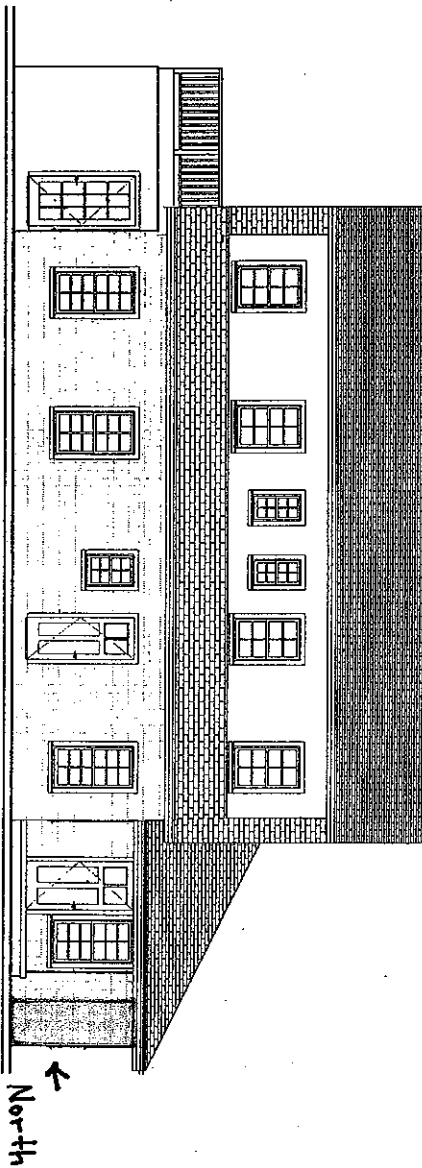
PERMITTED REMODEL
NORTH ELEVATION OF HOUSE
NORTH WALL
1/8"=1'-0"



WSW PRE EXISTING
SOUTH ELEVATION OF EXISTING HOUSE
Corner

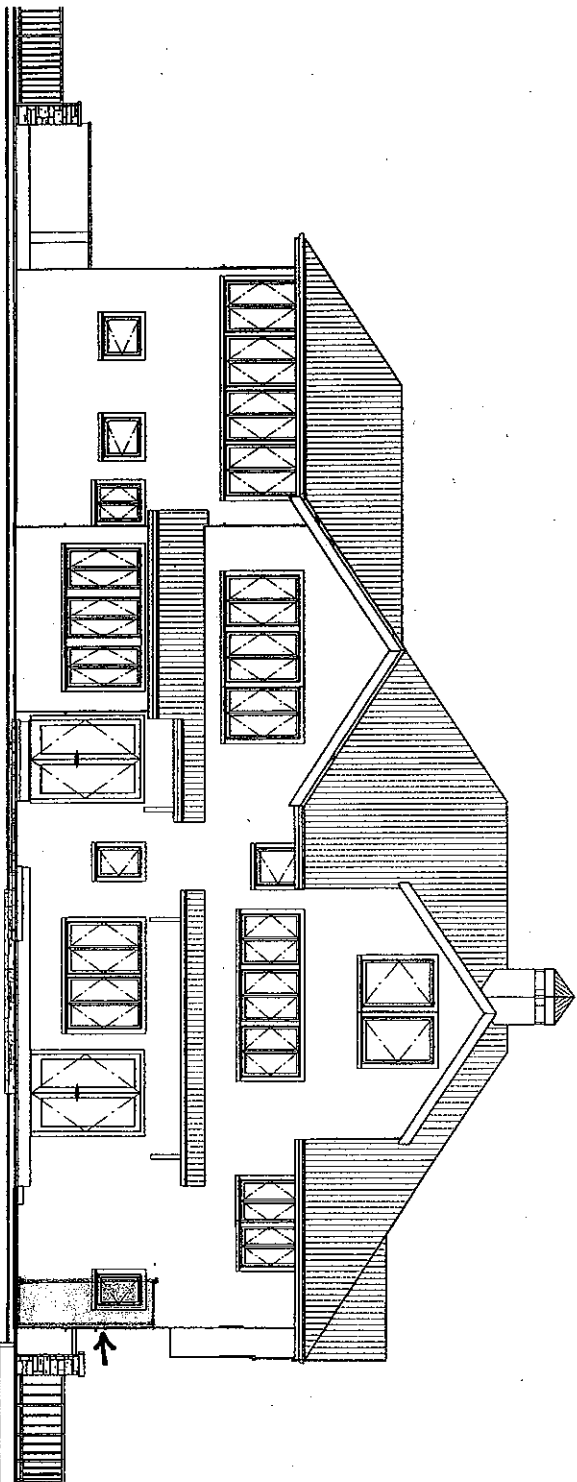


WSW PERMITTED REMODEL
SOUTH ELEVATION OF HOUSE
Corner
1/8"=1'-0"



REAR ELEVATION of EXISTING HOUSE

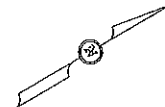
PRE-EXISTING WALL



3 REAR (EAST) ELEVATION of HOUSE
1/8"=1'-0"

PERMITTED
REMODEL
North
Wall

SCALE: 1"=20'



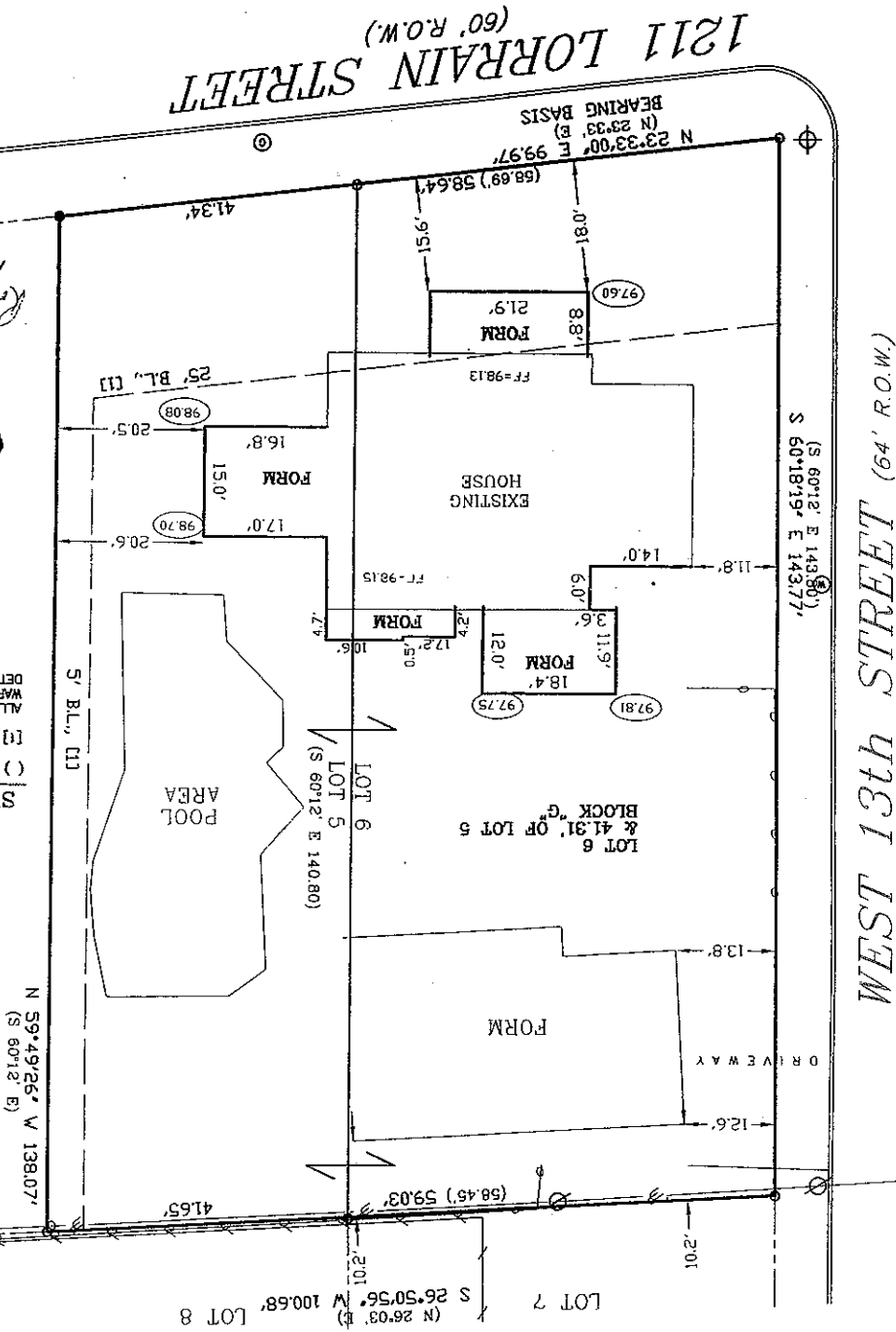
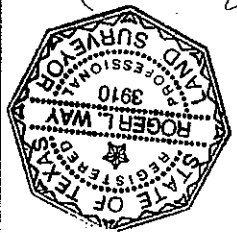
- LEGEND**
- WOOD FENCE
 - CHAIN LINK
 - UTILITY LINE
 - GAS METER
 - WATER METER
 - IRON ROD FND.
 - PIPE FND.
 - UTILITY POLE
 - FIRE HYDRANT
 - LAND HOOK

SURVEYOR'S NOTES

() DENOTES RECORD INFORMATION

[1] PER VOL. 589, PG. 475.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.



ALL POINTS SURVEYING 1714 FORVIEW - SUITE 200 AUSTIN TX. 78704 TEL: (512) 440-0071 - FAX: (512) 440-0199



*** IMPORTANT NOTICE ***

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND EASEMENTS AND BUILDING LINES SHOWN ON THE RECORDED PLAT. BOUNDARY AMENDMENTS, ADDITIONAL EASEMENTS AND SETBACKS MAY AFFECT LOT THIS TRACT.

LOT No.	LOT 5 & 6	SECTION	TRAVERS	CITY	AUSTIN
	41.31' OF				
BLOCK	"G"	PHASE		COUNTY, TEXAS	
SUBDIVISION / ADDITION	OUT OF OUTLOT No. 7 DIVISION 7	Book	Volume 3	Recorded in Vol. 8859, Pg. 944	Reference: GEORGE SCOTT MITCHELL AND WIFE, BRENDA GREENE MITCHELL
		Page(s)	240	Slide	
		Plat RECORDS			

DATE	4-25-12	BY	JG
FIELD WORK	4-25-12	BY	JS
DRAWING	4-25-12	BY	JG
SURVEY DATE	4-25-12		
JOB No.	04821512		
SCALE	1"=20'		

Don Hurst, Architect
3309 Oakmont Blvd.
Austin, Texas 78703

Date: June 14, 2012

To: City of Austin

Re: 1211 Lorrain St.
Construction Issues
Building Permit #2011-010403

I developed the construction documents on this project for my clients Scott and Brenda Mitchell. I met with City of Austin staff in many departments involved in the plan review in order to obtain the required building permit for this residential project involving new construction of guest quarters and additions and remodeling to an existing structure built in 1938.

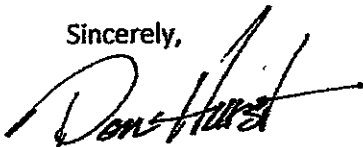
A building permit was issued on or about February 16, 2011 for this entire project. During the course of construction on the main residence, Scott Mitchell, owner, and his builder, Nick Chappell, became aware of termite damage and rotted wood due to plumbing leaks that compromised the 1st floor structural members. I observed this termite and rot damage when I visited the project site. Not knowing he should contact the building inspector to review structural damage, the owner authorized replacement of the damaged 1st floor structural members. It is essential that the discovered wood decay and termite damaged wood be replaced by sound material in order to build the new 2nd story and roof.

The project is not changing; it is being built with all construction work, walls, doors, windows, additions, etc. being built in compliance with the permitted plans. Only defective wood is being replaced with sound wood.

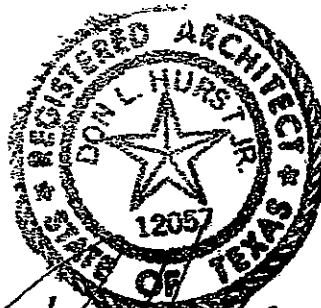
Mr. Mitchell showed me a copy of Ordinance No. 20100624-149. This ordinance was never shown to me or referenced by any City of Austin staff person during any of the many meetings conducted to review the plans prior to building permit issuance.

Thank you for the opportunity to address this issue.

Sincerely,



Don Hurst, Architect



Don Hurst
Expires: 3-31-13

C. Kern Huff, PE

2252 Garden Court
San Marcos TX 78666-4942
512-754-6810
512-808-5103 Cell
512-754-3491 Fax

June 15, 2012

City of Austin
Building Permits and Code Enforcement
P. O. Box 1088
Austin, Texas 78767

Re: Mitchell Residence
1211 Lornain
Austin, Texas 78703

To Whom It May Concern:

The following are my observations and requirements with regard to the two portions of exterior wood stud walls that exist within the building line setbacks at the subject address.

North Wall

After the removal of abutting interior walls, the north wall was braced at two points to retain its stability. The area was then covered with a tarpaulin placed atop the walls to protect existing wood flooring.

A heavy rainstorm caused water to pond in the tarpaulin which overloaded the diagonal braces, causing them to fail. Without lateral support, the north wall then collapsed inward on to the existing floor.

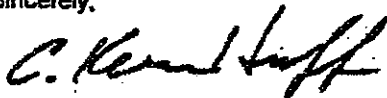
As such, the north wall had no structural integrity and therefore had to be rebuilt.

West Southwest Corner

Extensive decay, termite damage, warped members and structural inadequacies in this wall diminished its structural integrity significantly. It was necessary to rebuild the wall to assure adequate structural integrity.

It was imperative to rebuild both of the walls in question to provide required structural integrity.

Sincerely,



C. Kern Huff, PE



April 27, 2012

City of Austin
Building Permits and Code Enforcement

Re: Mitchell Residence
1211 Lorrain
Austin, TX 78703

Fr: Scott and Brenda Mitchell
1002 Lorrain
Austin, TX 78703
Cell: Scott 512.565.0040 Brenda 512.565.1988

We are the owners of 1211 Lorrain.
This new construction and remodel project will be our new home when finished. We have lived in our current home on the same street for 18 years.

We were surprised to find our building permit suspended on April 26, 2012. We have tried in earnest to comply with the neighborhood's (OWANA) wishes and the city's permit requirements. If the city has a question as to our compliance with permitting, we are happy to convene with you to understand your concern. We have heard that a meeting may be possible on Monday, April 30.

In the meantime we called OWANA's zoning committee to discuss the current status of their position with our project. On Friday morning, April 27th at 9:00am we met with a quorum of the Zoning Committee of OWANA (Old West Austin Neighborhood Association). Present at the meeting were,

Larry Halford, Chairman OWANA Zoning Committee 512.797.5917
John Tienert, Committee Member 512.731.8884
Mike Sullivan, Committee Member 512.484.0767

The committee's wish, by consensus, is that the city grants continuance of the project without costly time delay. Upon review, the committee was satisfied that the Mitchell's were in process of building the very same plans previously reviewed by OWANA and permitted by the city.

These committee members offered to us that anyone from the city offices may please contact them for any further clarification.

Thank you for your consideration,

Scott & Brenda Mitchell
Scott and Brenda Mitchell

M. Sullivan 4/9/12
MIKE SULLIVAN
OWANA ZONING COMMITTEE
1211 LORRAIN CONTACT PERSON