CASE # C15-2012-0073 ROW-10781172CITY OF AUSTIN TP-013109-02-72

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: 5306 Tortuga Trail
LEGAL DESCRIPTION: Subdivision - Mount Bonnell Shores
Lot(s) 41 Block E Outlot Division
I/ Jim Bennett as authorized agent for Steve Bourne
affirm that on May 12, hereby apply for a hearing before the Board of
Adjustment for consideration to:
ERECT – ATTACH – COMPLETE – REMODEL – <u>MAINTAIN</u>
A single family dwelling and deck providing a 43.6% impervious coverage on slopes of 0-15% gradient and on slopes of 25 to 35 % gradient
in a LA 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 permit to construct this house, garage and carport was issued in 1990, and all inspections were completed. It would be unreasonable not to be able to replace the deck that has been in existence since 1990.

HARDSHIP:

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

Apparently the original permit that was issued in 1990 was in error, because the impervious cover did not comply with the LA requirements. The original permit does not mention the deck, however the tax department records (see exhibit A) indicate that the deck was constructed in 1990. The photograph history indicates that the deck was a part of the original construction. All the surveys indicate the existence of the deck.

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

When the permit was applied for in 2011 the scope of work include replacement of the deck, however the verbiage was change to repair the deck (see exhibit B) the scope of work on the permit reads: remove siding and stucco, replace windows, waterproof, replace stucco and siding, Repair existing wood deck as needed on the existing single family home(see exhibit C).

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 variance will not change the character of the area because the deck has existed since 1990 and to replace the same deck in the same location would not be a change.

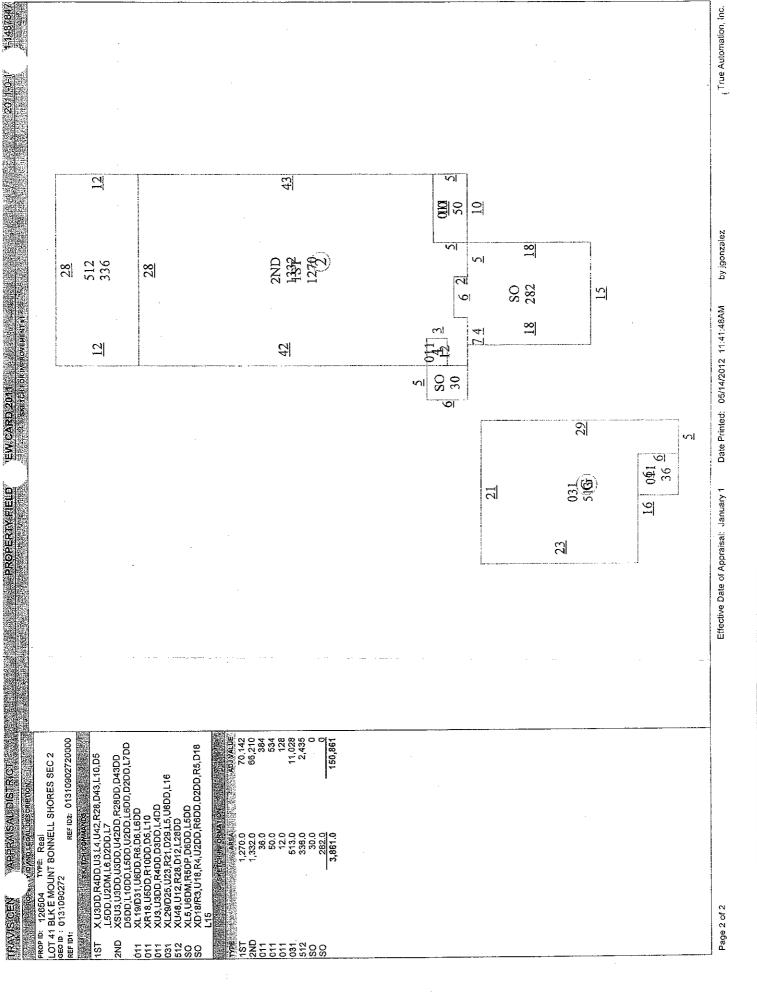
PARKING: (Additional criteria for parking variances only.)

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:

-	streets because:
3	The granting of this variance will not create a safety hazard or any other condit inconsistent with the objectives of this Ordinance because:
<u> </u>	. The variance will run with the use or uses to which it pertains and shall not run w 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. PPLICANT CERTIFICATE — I affirm that my statements contained in the complete
a	privilege not enjoyed by others similarly situated or potentially similarly situated. PPLICANT CERTIFICATE – I affirm that my statements contained in the complete oplication are true and correct to the best of my knowledge and belief.
a	privilege not enjoyed by others similarly situated or potentially similarly situated. PPLICANT CERTIFICATE – I affirm that my statements contained in the complete oplication are true and correct to the best of my knowledge and belief.
a; S C P	privilege not enjoyed by others similarly situated or potentially similarly situated. PPLICANT CERTIFICATE – I affirm that my statements contained in the complete
ay S C P O ar	privilege not enjoyed by others similarly situated or potentially similarly situated. PPLICANT CERTIFICATE – I affirm that my statements contained in the complete opplication are true and correct to the best of my knowledge and belief. Igned Sin Bennett Mail Address 11505 Erdge Diz. ity, State & Zip Austra + 78748. Phone 282-3079 Date 5 11 12 WNERS CERTIFICATE – I affirm that my statements contained in the complete application.

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Exhibit H.



CITY OF AUSTIN

RESIDENTIAL PERMIT APPLICATION "A"

The state of the s	DAY Y CEALSON
BP Number PR-11-025637	-en
Building Permit No. 14-025642	-88
Plat No. Date 3.	29-20 V
Reviewer	

PRIMARY PROJECT DATA	0131090262720000
Service Address 5306 Tortuga Trail 78731-452	© Tax Parcel No. 126504
Legal Description Lot 41 Block E Subdivision Mount Bonnell Show	(eS Section Z 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 A.	ssistance Center for a Land Status Determination.
New Residence	work Siding & Stuces - Replace interes Waterproof & Replace Stuces & Siding - Replace Sting wood dark with now wood dark Stare Size & Shape
Zoning (e.g. SF-1, SF-2) 1A 2602	n .
- Height of Principal building 34 ft. # of floors 3 Fleight of Other	er structure(s) 15 ft. # of floors 3.
- Does this site currently have water and wastewater availability? Yes No. Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap - Does this site have a septic system? Yes No. If yes, for all sites requiring permit prior to a zoning review.	application, or a service extension request
Does this site have a Board of Adjustment ruling? Yes No If yes, attach the	ne B.O.A. documentation
Will this development require a cut and fill in excess of 4 feet?Yes	
Does this site front a paved street?YesNo A paved alley?Yes	√No
this property within the Residential Design and Compatibility Standards Ordinano	ee Boundary Area? Yes No
VALUATIONS FOR VALUATIONS FOR NEW CONSTRUCTION OR ADDITIONS ONLY	PERMIT FEES (For office use only)
Puilding \$ 57, 300	NEW/ADDITIONS REMODELS
Electrical \$0 _ Lot Size sq.ft. Job Valuation - Principal Building \$	Building \$ 1 / \$ 398."
Mechanical \$ (Labor and materials)	Electrical \$\$
Plumbing \$ -0 - Job Valuation - Other Structure(s) \$ (Labor and materials)	Mechanical \$ \$
77 5 (6) 1 TOTAL JOB VALUATION	
TOTAL \$ 56, 300 (sum of remodels and additions)	& Sidewalk \$ \$
	TOTAL \$ \$ 398.''
(labor and materials) \$	
(labor and materials) \$(Labor and materials)	
(labor and materials) \$	TOTAL \$ \$ 398.'' Sollock
(labor and materials) S (Labor and materials) OWNER / BUILDER INFORMATION OWNER Name Stephen F. Bowrne & Caryo R. BUILDER Company Name Mark Gowlt Company Contact/Applicant's Name Don Wheeler	TOTAL \$ 398.'' Office Telephone (h)
(labor and materials) S (Labor and materials) OWNER / BUILDER INFORMATION OWNER Name Stephen F. Bowrne & Caryo R. BUILDER Company Name Mark Gowlt Company Contact/Applicant's Name Don Wheeler DRIVEWAY/	TOTAL \$ \$ 398.'' Sollock Telephone (h) (w)
(labor and materials) S (Labor and materials) OWNER / BUILDER INFORMATION OWNER Name Stephen F. Bowfae & Caryo R. BUILDER Company Name Mark Gowlt Company Contact/Applicant's Name Don Wheeler DRIVEWAY/ SIDEWALK Contractor N/A	TOTAL \$ \$ 398.'' Collect
(labor and materials) S	TOTAL \$ \$ 398.'' Office Telephone (h)
(labor and materials) S	TOTAL \$ \$ 398.'' Collect
(labor and materials) S	TOTAL \$ \$ 398.'' Collect

Exhibit B"



City of Austin BUILDING PERMIT

PERMIT NO: 2011-025642-BP

Type: RESIDENTIAL

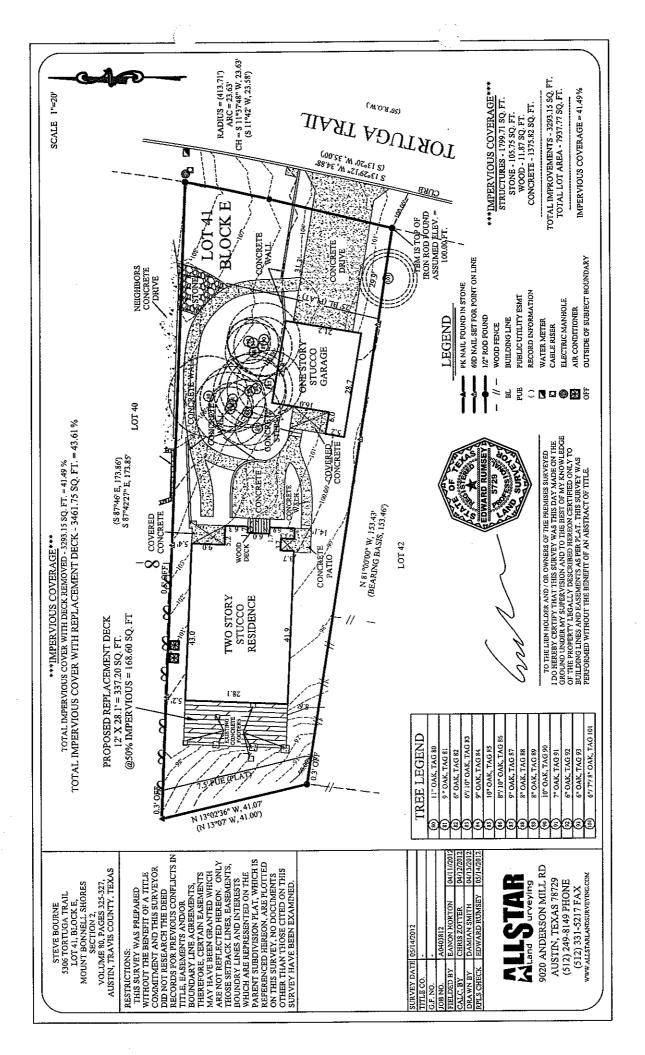
Active Status:

09/25/2011

5306 TORTUGA TRL	·		Issue I	Date: 03/29/2	2011 E	XPIRY	DATE:	09/25/2011
LEGAL DESCRIPTION						SITE APPR	OVAL	ZONING LA
	WORK PERMIT	TED: Repair			is	SUED BY:	Zulema Flor	res
PROPOSED OCCUPANCY: Remove siding and stucco, replace v			epair existing wo	od deck as neede			mily residend UST DE	ce.
		Aud 11 12		posted on	Jobsi	te. A la	out/	
				inspection	/Pre-c	on mus i	t be	
			mad	e prior to l	beginn	ing con	structio	n.
TOTAL SQFT	VALUATION	and the same of th	TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS	# OF PKG SPACES
Remodel: 2,602	Tot Val Rem:	\$56,300.00		435		2	1	
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOU	S COVERAGE	% COVERA	GE #O	F BATHRO	DMS I	METER SIZE n/a
Contact Applicant, Mark Gault Homes, Inc. (General Contractor, Mark Gault Hor		Phone (512) 328-2233 (512) 328-2233	Contact Owner, SEDI	ENO JORGE A			_	Phone
Fee Desc A Building Permit Fee Fees Total:	<u>Imount</u> <u>Date</u> <u>I</u> 398.00 3/29/2011 <u>398.00</u>	on the receive A "Cand	0e Unapter 181st day if d an inspec celled" and/o	ount <u>Date</u> 25-12, Artick the project hation. or "Failed/No es not extend	as not so Work Po	permit exp cheduled i	ires nor	vnount <u>Date</u>
Inspection Requirements Building Inspection							<u> </u>	
All Buildings, Fences, Landscaping, F. Agreement Approved By COA Author City Code Chapter 25-12, Artic A "Cancelled" and/or "Failed/ The following permits are require Comments	izing Use Of The Easer tle 13: A permit exp No Work Performed	ment. pires on the 181st da d" inspection result	y if the proje does not exte	ct has not sche end the expirati Imbing permits t	eduled no ion date.	r received a	ın inspecti	on.
Residential Zoning Review				Date 03/29/26	011	Reviewer Bryan Walker		

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.

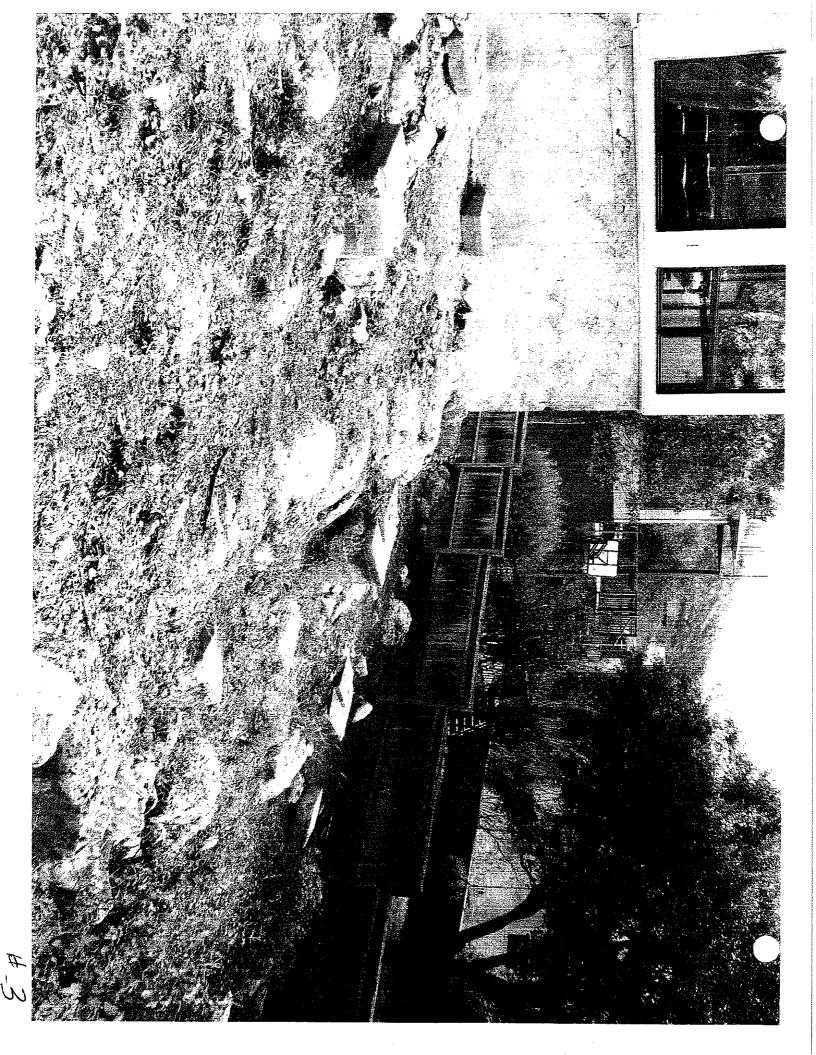
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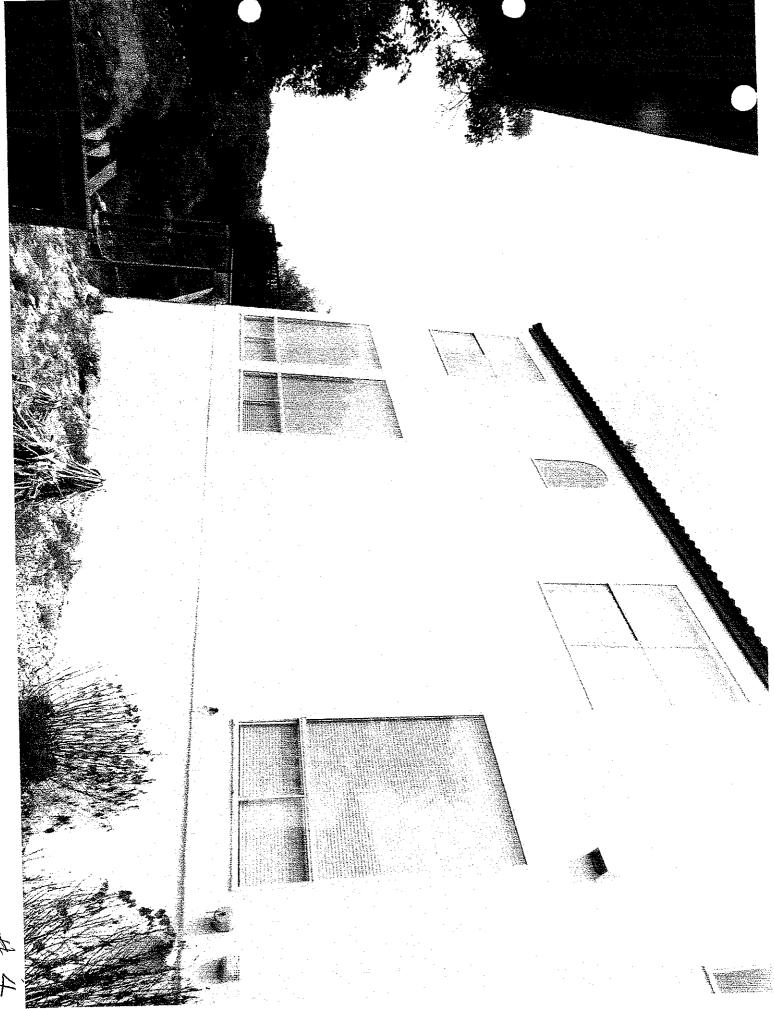




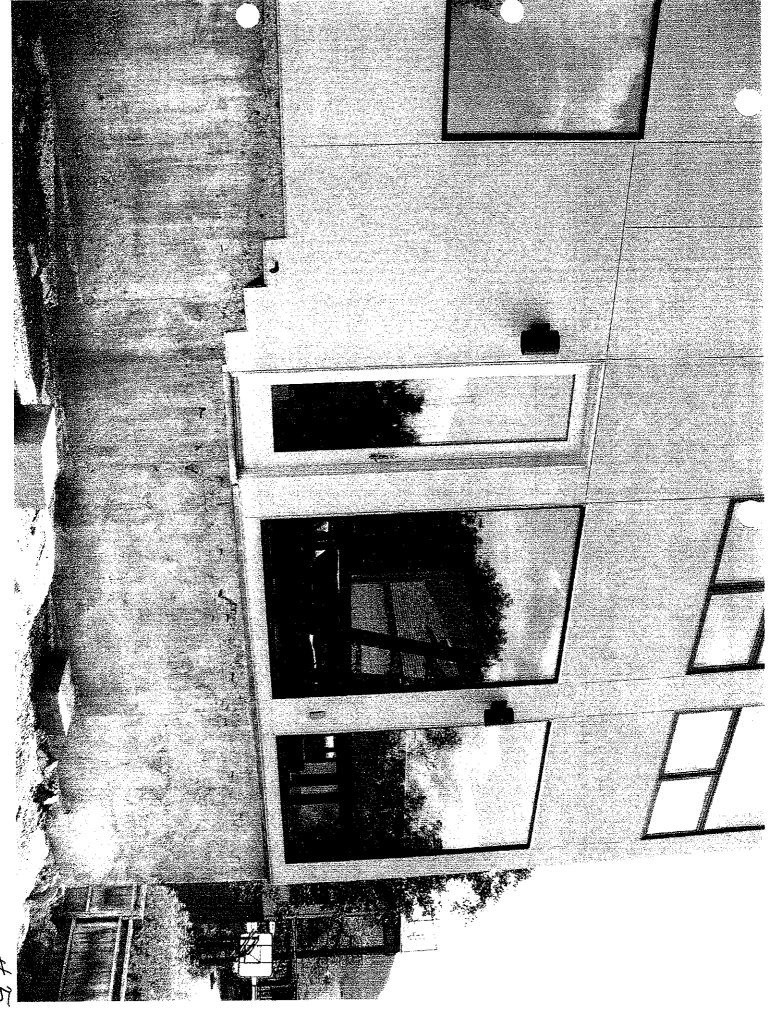
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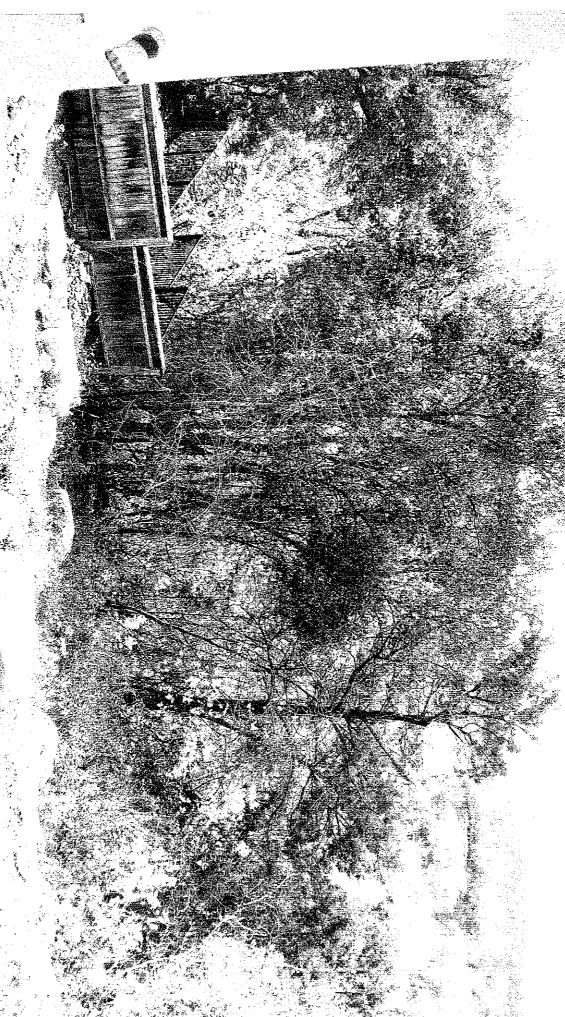




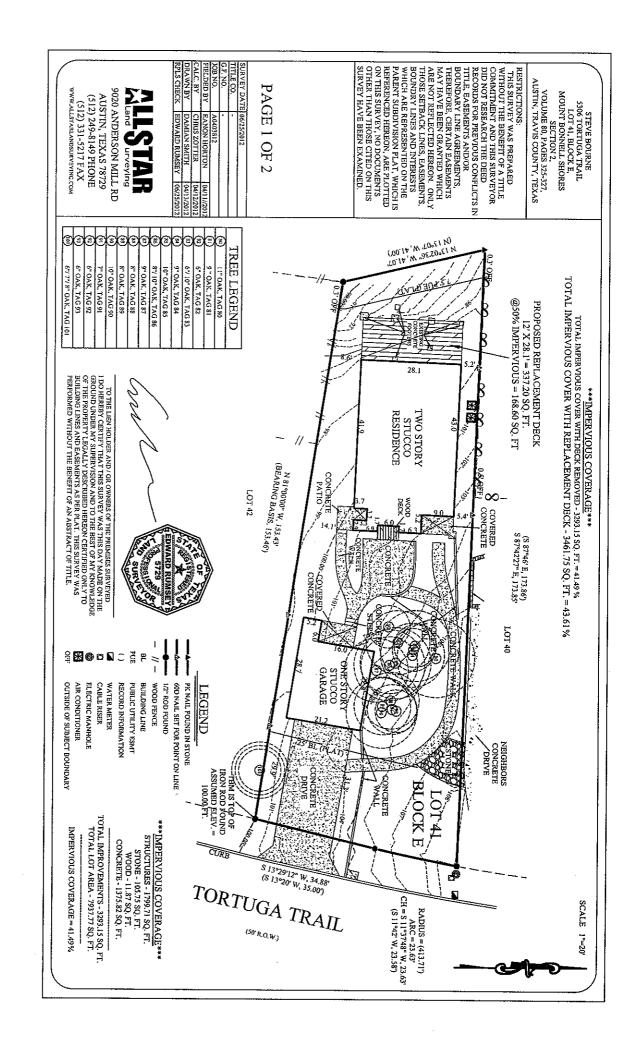
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STEVE BOURNE
5306 TORTUGA TRAIL
LOT 41, BLOCK E,
MOUNT BONNELL SHORES
SECTION 2,
VOLUME BO, PAGES 325-327,
AUSTIN, TRAVIS COUNTY, TEXAS
RESTRICTIONS:

RESTRICTIONS:
THIS SURVEY WAS PREPARED
WITHOUT THE BENEFIT OF A TITLE
COMMITMENT AND THIS SURVEYOR
DID NOT RESEARCH THE DEED
RECORDS FOR PREVIOUS CONFLICTS IN
TITLE, EASEMENTS AND/OR
BOUNDARY LINE AGREEMENTS,
THEREFORE, CERTAIN EASEMENTS,
THEREFORE, CERTAIN EASEMENTS,
MAY HAVE BEEN GRANTED WHICH
ARE NOT REFLECTED HERSON, ONLY
THOSE SETBACK LINES, EASEMENTS,
BOUNDRY LINES AND INTERESTS
WHICH ARE REPRESENTED ON THE
PARENT SUBDIVISION PLAT, WHICH IS
REFERENCED HERBON, ARE PLOTTED
ON THIS SURVEY, NO DOCUMENTS
OTHER THAN THOSE CITIED ON THIS
SURVEY HAVE BEEN EXAMINED.

PAGE 2 OF 2

HILE CO.	•	
G.F. NO.		
JOB NO.	A0403812	
FIELDED BY	EANON HORTON	04/11//2012
CALC. BY	CHRIS ZOTTER	04/12/2012
DRAWN BY	DAMIAN SMITH	04/13/2012
RPLS CHECK	EDWARD RUMSEY	06/25/2012

ALAND STATE

9020 ANDERSON MILL RD AUSTIN, TEXAS 78729 (512) 249-8149 PHONE (512) 331-5217 FAX WWW.ALSTARLANDSURVEYING.COM

CURRENT IMPERVIOUS COVER

41.49%	3293.15	2499.35	31.49%	7937.77	100%	ENTIRE LOT (TOTAL)
0	0	46,48	5.00%	929,51	11.71%	25 - 35 %
Q	0	0	10.00%	О	0	15 - 25%
46.99%	3293.15	2452.87	35.00%	7008.26	88.29%	0-15%
IMPERVIOUS COVER IN THIS SLOPE RANGE (%)	INPERVIOUS COVER IN THIS SLOPE RANGE (FT)	ALLOWANCE (FT)	_ ~	LOT AREA IN SLOPE RANDE (FT ²)	RANGE (%) RANDE (FT.) ALLOWANCE (%)	SLOPE RANGE

PROPOSED IMPERVIOUS COVER

LOT ALEA IN SLOPE LOT ALEA IN SLOPE MATERIA OUIS COVER		F F (F)	Charles Transfer	THE PERSON NAMED IN			
88.29% 7008.25 35.00% 0 10.00% 11.71% 929.51 5.00% 11.49%		LOT AIŒA IN SLOPE RANGE (%)	LOT AREA IN SLOPE RANDE (FT*)		IMPERVIOUS COVER ALLOWANCE (FT)	INPERVIOUS COVER IN THIS SLOPE RANGE (FT)	IMPERVIOUS COVER IN THIS SLOPE RANGE (%)
0 0 10.00% 11.77% 929.51 5.00% 17.00% 7937.77 31.49%	0-15%	88.29%	7008.26	%00'SE	2452.87	3347.15	47,76%
11.71% 929.51 5.00% 11.00% 7937.77 31.49%	15 - 25%	٥	û	10,00%	0	0	0
100% 7937.77 31.49%	25 - 35 %	11.71%	929.51	5.00%	46.48	114.60	12.33%
	ENTIRE LOT (TOTAL)	100%	7937.77	31.49%	2499.35	3461.75	43.61%



TO THE LIEN HOLDER AND FOR YOWNERS OF THE PREMISES SURVEYED 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 BULLDING LINES, AND GASEMENTS AS PER LAT. THIS GURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

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City of Austin BUILDING PERMIT

PERMIT NO: 1990-009891-BP

Type: RESIDENTIAL

Status: (Final

5306 TORTUGA TRL

Issue Date: 04/10/1990 EXPIRY DATE: 08/29/1990

LEGAL DESCRIPTION						SITE APPI	ROVAL	ZONING
					<u> </u>	1		
PROPOSED OCCUPANCY: Two Story Residence	WÖRK PERMIT	TED: New				ISSUED BY:		
TOTAL SQFT	VALUATION		TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS	# OF PKG SPACES
	Tot Job Val:	\$105,840.00		101			1	
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS	S COVERAGE	% COVER	RAGE #	OF BATHRO	OMS	METER SIZE
Fee Desc Building Permit Fee Mechanical Permit Fee Fees Total:	277.00 4/10/1990 E	Fee Desc Building Permit Fee Plumbing Permit Fee	:	<u>Dunt</u> <u>Date</u> 20.00 4/10/199 91.00 4/12/199	0 Electr	<u>Desc</u> rical Permit Fee		<u>Amount</u> <u>Date</u> 148.00 5/1/1990
Inspection Requirements		 			•		• • •	
Building Inspection Plumbing Inspection	Driveway Ins Sewer Tap In	'		Inspection lks Inspection			chanical Ins ater Tap Insp	·
All Buildings, Fences, Landscaping, Agreement Approved By COA Autho City Code Chapter 25-12, Arti A "Cancelled" and/or "Failed	rizing Use Of The Easer cle 13: A permit exp No Work Performed	^{nent.} vires on the 181st da I" inspection result	ay if the project does not exte	ct has not sc and the expira	heduled ation dat	nor received e.	l an inspe	ction.
The following permits are required Comments Water Tap#G-51714 W&Ww#1239				mbing permit	s for Rela	ated Fees and	Inspection	ns.

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



City of Austin BUILDING PERMIT

PERMIT NO: 1990-009894-BP

Type: RESIDENTIAL

Final

5306 TORTUGA TRL

Issue Date: 04/10/1990

EXPIRY DATE:

LEGAL DESCRIPTION						SITE APP	ROVAL	ZONING
					1	<u> </u>		
PROPOSED OCCUPANCY:	WORK PERMIT	TED: New			<u> </u>	SSUED BY:		
Add Detached Garage Residence								
TOTAL SQFT	VALUATION		TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS	# OF PKG SPACES
	Tot Job Val:	\$16,170.00		438			1	
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOU	S COVERAGE	% COVER	RAGE # C	F BATHRO	OMS	METER SIZE
Fee Desc A Building Permit Fee Fees Total:		Fee Desc Electrical Permit Fee		<u>Dunt</u> <u>Date</u> 31.00 <i>5/1/</i> 1990	Fee Do	esc		Amount Date
. •								
Inspection Requirements								$\overline{}$
Building Inspection	Mechanical Ir	nspection						
All Buildings, Fences, Landscaping, Agreement Approved By COA Autho City Code Chapter 25-12, Artic A "Cancelled" and/or "Failed/	rizing Use Of The Easer cle 13: A permit exp No Work Performed	nent. pires on the 181st d I" inspection result	ay if the proje does not exte	ct has not so end the expir	heduled n ation date	or received	l an inspe	ction.
The following permits are requir	eu as a separate per	пік. Эсе імеспапісаі	, Electrical, Plu	moning permit	S IUI REIBI	eu rees and	торесио	113.

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.