

CASE # C15-2012-0076

ROW # 10781182

CITY OF AUSTIN TP-0125090151

**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: 4106 McBrine Pl.

LEGAL DESCRIPTION: Subdivision – McBrine Subdivision

Lot(s) 5 Block A Outlot \_\_\_\_\_  
Division \_\_\_\_\_

I Jim Wittliff / Land Answers, Inc. on behalf of myself as authorized agent for David P. Whittlesey affirm that on April 25, 2012,

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

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

A garage with a front setback of 32 feet (40 feet required) and an interior sideyard setback of 1 foot (10 feet required)

in a LA 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 topography and configuration of this site limits the areas on which a new garage can be built to either a location behind the home, which will require the removal of approximately 140 caliper inches of trees, which both the property owner and the surrounding neighbors hope to avoid, or the location of the garage in a zoning setback area. The need for a new garage is based on this family's need to add a 4<sup>th</sup> bedroom, so that each of their three daughters can have their own bedrooms. Currently, the three year old resides in a closet, and wishes to have her own room. The only viable expansion area to add a 4<sup>th</sup> bedroom is to convert the existing garage, which necessitates the need to construct a new garage on the property.

**HARDSHIP:**

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

This lot is located on a cul-de-sac with limited frontage. The topography of the property is such that the garage must be located to the west of the driveway, since all of the area east of the driveway is at a significantly lower elevation (please refer to enclosed site photographs and topography). In addition, the only alternative location that would not require a setback variance would be to build the proposed garage to the rear of the home, which will necessitate the removal of approximately 140 caliper inches of trees, and would adversely impact the neighboring property owner's views.

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

The surrounding one acre lots all have multiple site options available if an expansion were desired, due to the configurations and topography of those lots.

**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 proposed location of this garage will preserve approximately 140 caliper inches of trees that would have to be removed in order to locate the new garage to the rear of the site, which is the only viable alternative location. All other neighbors in this subdivision consulted with a realtor they trusted to review the plans, and then voted unanimously to support this variance request, since having the garage up front will preserve existing trees, lessen impervious cover, and preserve the backyard views of adjacent neighbors. The neighbors' signatures are attached.

**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

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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:

N/A

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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:

N/A

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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:

N/A

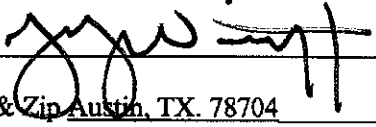
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**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

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

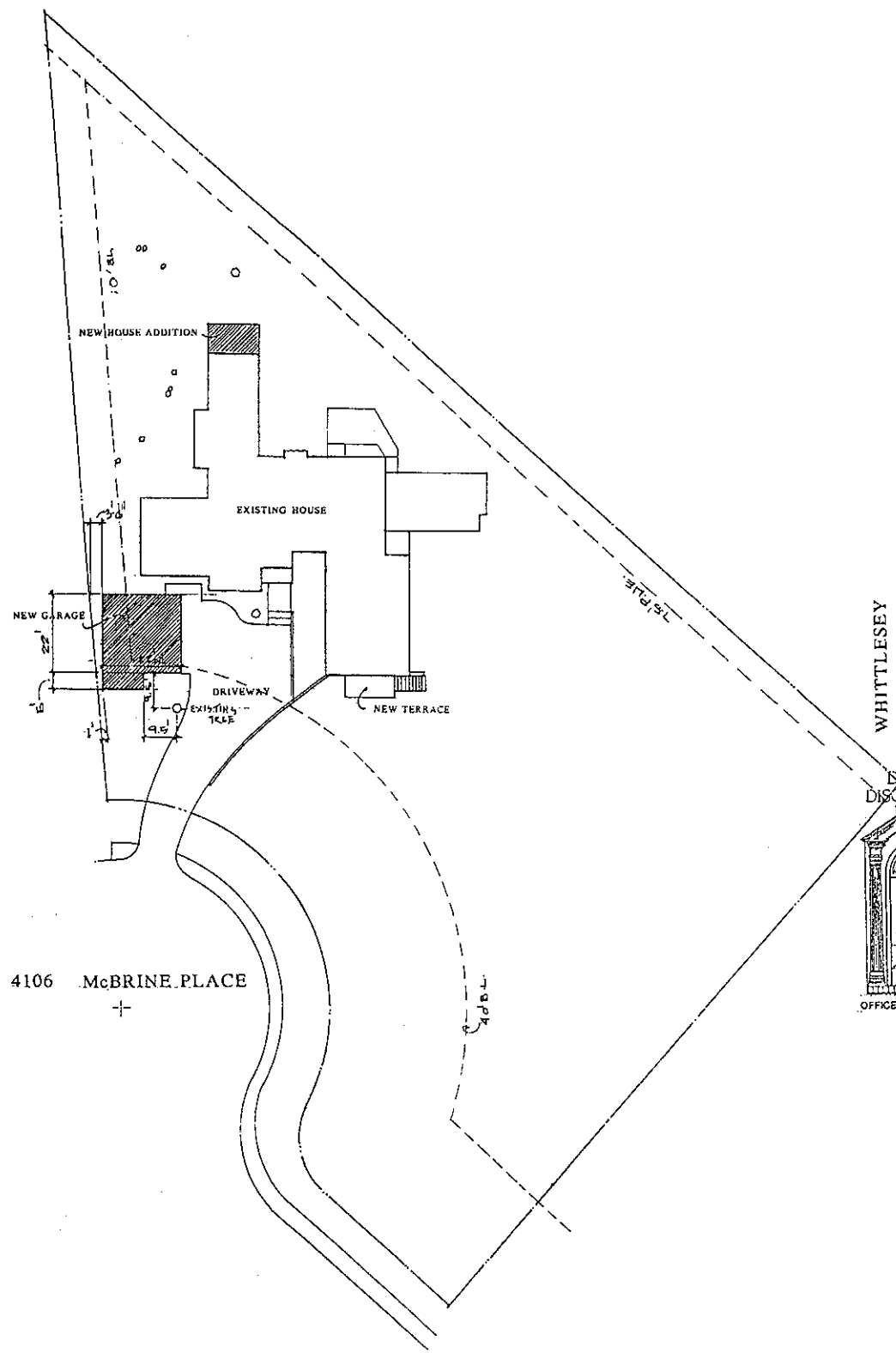
Signed  Mail Address 3606 Winfield Cove  
City, State & Zip Austin, TX. 78704

Printed Jim Wittliff Phone 512-416-6611 Date 04/23/2012

**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  Mail Address 4106 McBrine Pl.  
City, State & Zip Austin, TX. 78746

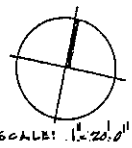
Printed David P. Whittlesey Phone (512)695-2400 Date 5/4/12



WHITTLESEY

DESIGN DISCOVERIES

OFFICE (512) 331-4800



SCALE: 1/4" = 20'-0"

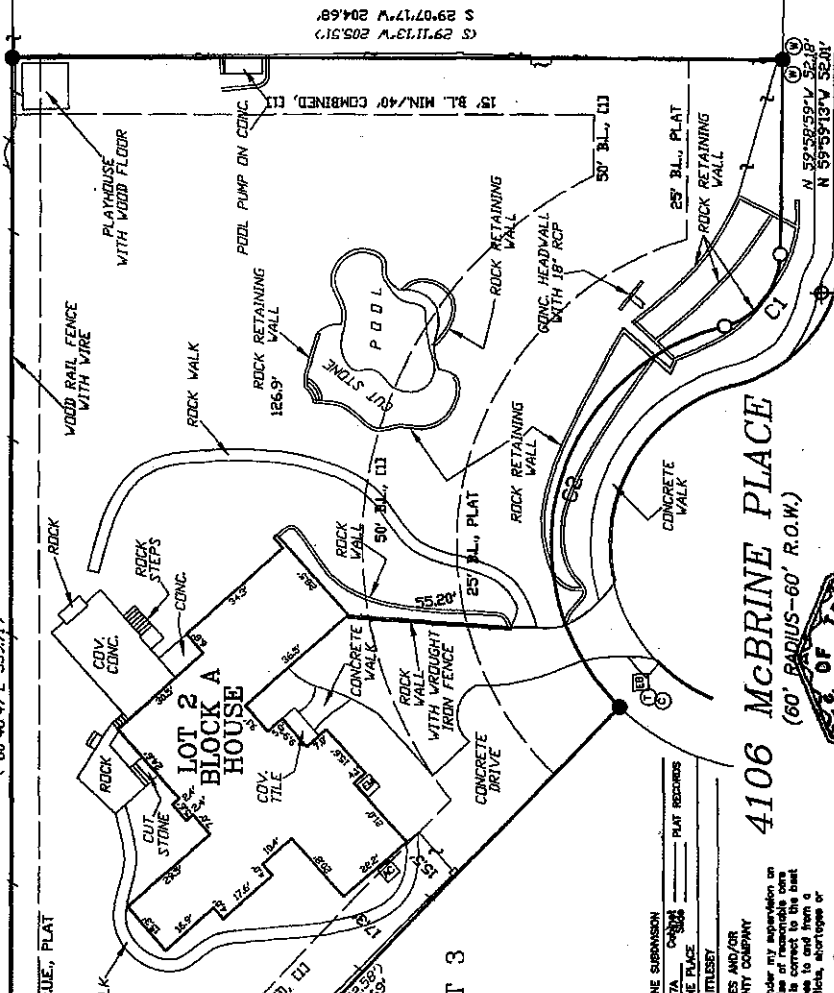
4106 McBRINE PLACE

SCALE: 1"=80'

NOW OR FORMERLY  
 JOE THORN GILBERT, THOMAS D. MCCRUMEN, BILL I. BUNCH  
 VOL. 2205, PG. 67

S 60°48'47"E 339.72'  
 BEARING BASIS  
 ( 60°48'47"E 339.71')

Curve	Radius	Length	Chord	Chord Bear.
C1	20.00'	24.59'	24.16'	N 23°40'58" V
C2	20.00'	24.59'	24.16'	S 23°40'58" V
C3	50.00'	288.89'	165.97'	N 45°34'53" V
C4	50.00'	288.89'	165.97'	S 45°34'53" V



**LOT 1**

**SURVEYOR'S NOTES**

( ) DENOTES RECORD INFORMATION

[ ] BUILDING LINE PER VOL. 10780, PG. 817.

NO LOCAL JURISDICTION BUILDING LINES ARE SHOWN. INTERESTED PARTIES SHOULD CONTACT GOVERNING JURISDICTION FOR BUILDING LINE INFORMATION.

ACCORDING TO TEXAS AMERICAN TITLE COMPANY/TITLE RESOURCES GUARANTY COMPANY TITLE COMMITMENT (G.F. #9301-08-1020) LOT 2 IS SUBJECT TO THE ESMT. RIGHTS, BUILDING LINES & RESTRICTIONS AS STATED IN: VOL. 88, PG. 177A (PLAT) VOL. 10780, PG. 817

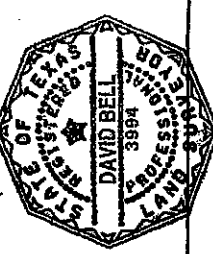
LOT 2 IS SUBJECT TO A BLANKET ELECTRIC EASEMENT PER VOL. 659, PG. 561.

ESMT. RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY TEXAS AMERICAN TITLE COMPANY/TITLE RESOURCES GUARANTY COMPANY/TITLE COMMITMENT (G.F. #9301-08-1020) PARAGRAPH 10.

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

S 29°11'33" W 205.51'  
 S 29°07'17" W 204.68'

**4106 McBRINE PLACE**  
 (60' RADIUS-60' R.O.W.)



**ALL POINTS SURVEYING**  
 611 SOUTH CONGRESS AVENUE - SUITE 100  
 AUSTIN TX. 78704  
 TELE: (613) 440-0071 - FAX: (613) 440-0199

- LEGEND**
- WOOD FENCE
  - WROUGHT IRON
  - A/C UNIT
  - ELEC. BOX
  - ELEC. METER
  - WATER METER
  - TELE. PED.
  - CATH. PED.
  - IRON ROD END
  - IRON ROD SET
  - FIRE HYDRANT

LOT NO. 2  
 BLOCK A  
 PHASE 1  
 COUNTY, TEXAS  
 CITY

BOOK 2205, PAGE 67  
 4018 McBRINE PLACE  
 DAVID P. WHITLESLEY

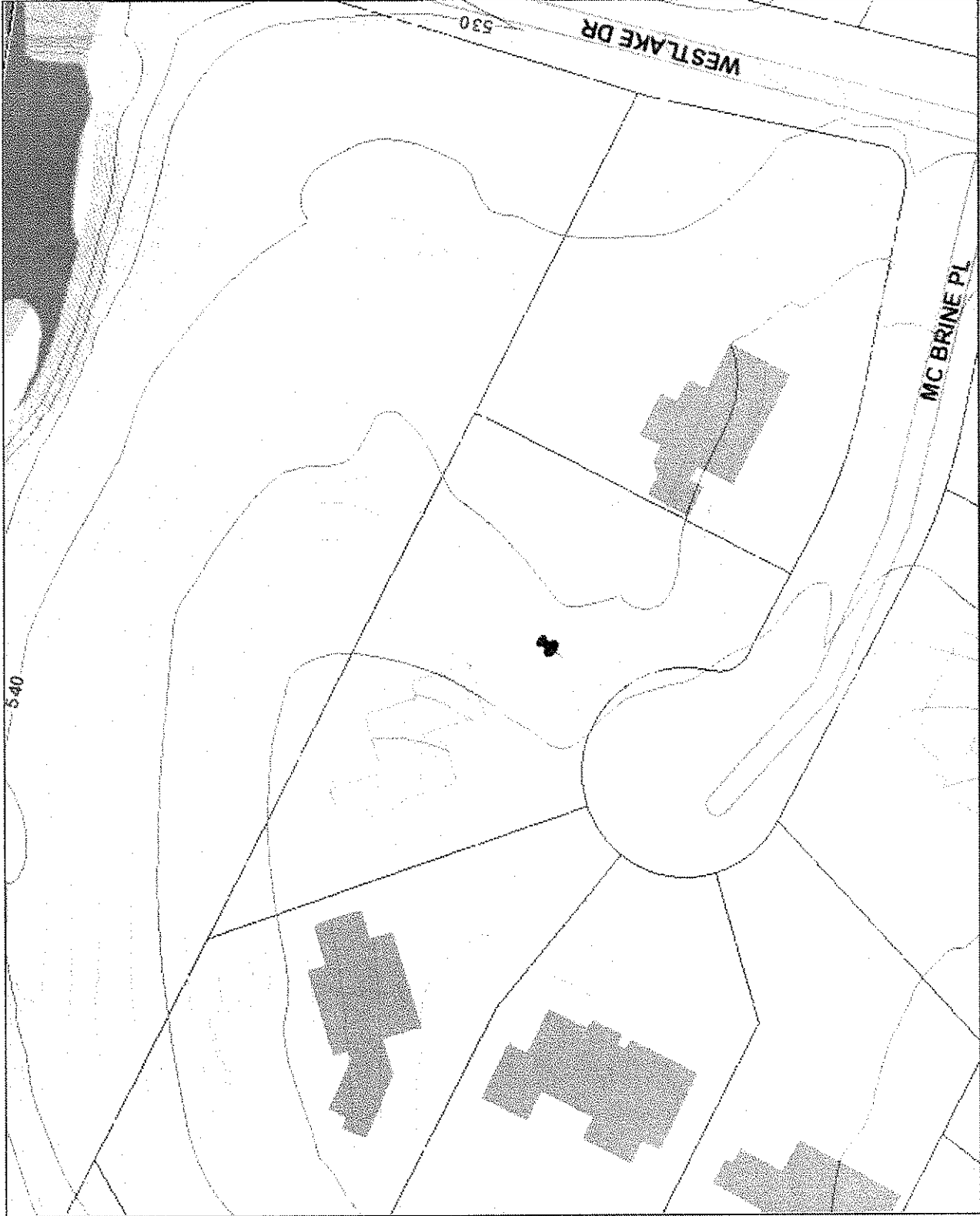
TO THE LENDERS AND/OR OWNERS OF THE PREMISES AND/OR TEXAS AMERICAN TITLE RESOURCES GUARANTY COMPANY: The undersigned certifies that this survey was made by me or under my supervision on the ground of the property shown on the survey and that the accuracy of measurements and the correctness of the calculations thereon are true and correct to the best of my knowledge and belief and that the property has been measured and shown on the survey, except as shown herein. There are no visible discrepancies, conflicts, omissions or overlapping of improvements or encroachments except as shown herein.

*David Bell*

DATE	BY	REASON
01-17-2008	DAVID BELL	FINAL CHECK
01-17-2008	DAVID BELL	CONSTRUCTION
01-17-2008	DAVID BELL	UP-DATE



# 4106 MC BRINE PL.

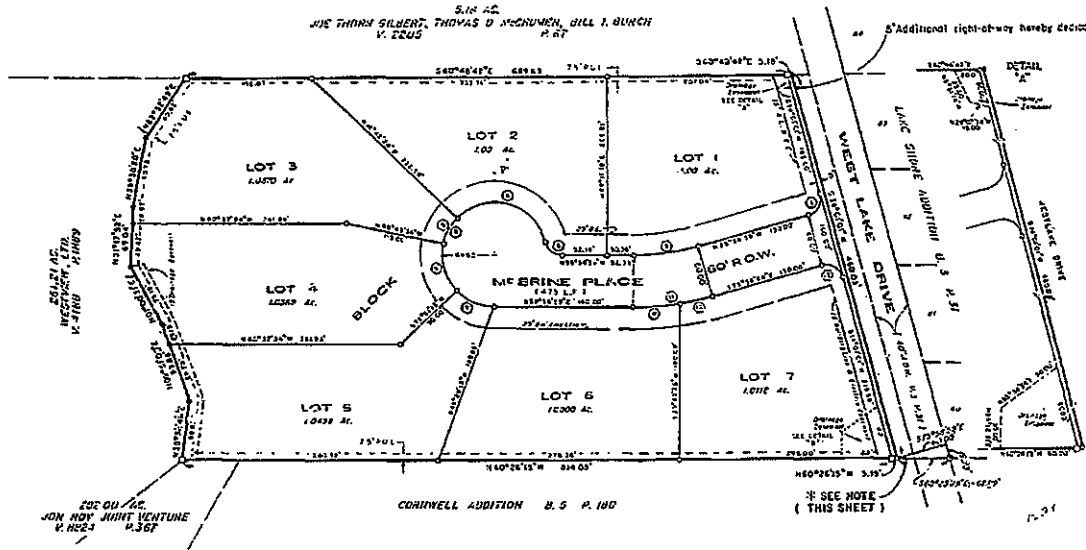


## Legend

- Lot Lines
- Streets
- Building Footprints
- Named Creeks
- Lakes and Rivers
- Parks
- County
- Lot Line
- Contours 2003
  - 10 Ft Contours
  - 2 Ft Contours

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.

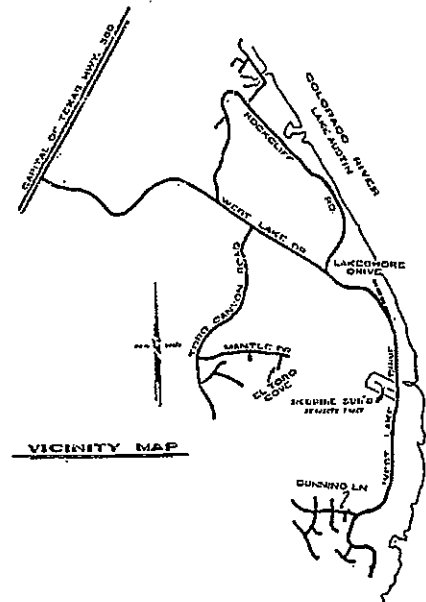
S.W. 1/4  
 JUE THOMAS SILBERT, THOMAS D. MCGRUNN, BILL J. BUNCH  
 V. ERUS



SCALE 1" = 100'

**CURVE DATA CHART**

NO	DELTA	RADIUS	ARC	TANGENT	CHORD	CORD BEARING
1	50°00'00"	10.00'	31.42'	20.00'	28.28'	S59°01'01"W
2	16°00'00"	270.00'	75.40'	37.50'	75.10'	S67°59'59"W
3	75°31'24"	20.00'	24.36'	15.49'	24.50'	N22°13'13"W
4	120°14'49"	60.00'	125.02'	109.20'	105.00'	N15°50'55"W
5	32°03'14"	60.00'	33.57'	17.25'	33.13'	S57°15'50"W
6	55°23'08"	60.00'	56.60'	31.49'	55.77'	S13°32'40"W
7	45°50'12"	60.00'	48.00'	25.37'	46.73'	S37°03'53"E
8	255°31'24"	60.00'	207.58'	77.46'	54.87'	S07°46'43"W
9	09°25'39"	330.00'	54.30'	27.21'	54.24'	S04°41'46"E
10	06°34'22"	330.00'	37.86'	16.55'	37.84'	S72°41'48"E
11	16°00'00"	330.00'	92.15'	46.38'	91.65'	S07°58'58"E
12	50°00'00"	10.00'	31.42'	20.00'	28.28'	S10°58'55"E



**FLOOD PLAIN NOTE:**  
 No portion of this tract is within the 100 year floodplain according to data from the Flood Insurance Administration FEMA Panel No. 481026 02000 dated 1/82.

The State of Texas |  
 County of Travis |

I, Joe H. Hilo, a registered public surveyor, authorized under the laws of the State of Texas to practice the profession of surveying, do hereby certify that this plat complies with the surveying related portions of Chapter 13-3 of the Austin City Code; that it is true and correct to the best of my knowledge; and was prepared from a survey made on the ground under my direction and supervision.

Certified to this the 27th day of September, 1985 A.D.

*Joe H. Hilo*  
 Joe Hilo  
 Registered Public Surveyor  
 No. 4334, State of Texas



**FLOOD PLAIN NOTE:**  
 The 100-Year Flood Plain is contained within the Drainage Easements as shown herein.

**GENERAL NOTES:**  
 No buildings, fences, landscaping or other obstructions shall be placed within in any drainage easements shown herein except as specifically approved by the Travis County Engineering City of Austin.  
 No existing property shall be allowed to drain directly into easements except as approved by the County Engineer.  
 All streets and drainage for this subdivision shall be constructed in accordance with City of Austin Alternative Urban Standards.

*Richard H. Malone*  
 Richard H. Malone  
 Reg. Professional Engineer No. 41865  
 1250 Capital of Texas Highway, South  
 Building One, Suite 360  
 Austin, TX 78746



3/6/86  
 Date

**NOTES:**  
 \* 20' strip quit claimed to Travis County and recorded in Volume 400, Page 0742, Travis County Deed Records.

**BENCHMARKS:**  
 Benchmark #1 Vertical 1/2" iron rod on top of 20" white oak 48" south of northeast property corner of 7.25 Acre McBrine Subdivision, Tract No. 1655. Elevation 534.67 Feet.  
 Benchmark #2 Railroad spike in power pole 60' south of proposed McBrine Place and Westlake Drive. Power pole marked 3301 542. Elevation 534.13 Feet.

- LEGEND**
- ( ) RECORD INFORMATION
  - IRON ROD FOUND
  - IRON ROD SET
  - B.L. BUILDING LINE
  - E.E. ELECTRIC EASEMENT
  - CONCRETE FOUNDMENT SET
  - ⊖ IRON PIPE FOUND
  - ⊙ CURVE DATA

**MCBRINE SUBDIVISION**

SHEET 1 OF 2

CB-84-206.1 (BS)

**MEC**  
 Murre Engineering Company

**ESCI**  
 CAPITAL SURVEYING COMPANY INCORPORATED

1250 Capital of Texas Highway South  
 Austin, Texas 78746

Building 1, Suite 300  
 (512) 337-4008

Vol. 86 Page 177A  
 86 17719



STATE OF TEXAS §  
COUNTY OF TRAVIS §

That John Larson McBride, Marilyn McBride Culp, and Elizabeth Ann McBride McAllen, being the owners of a certain 7.96 acre tract out of the Wilkinson Sparks Survey recorded in Volume 2937, Page 326 of the Travis County Deed Records, do hereby subdivide said 7.96 acres of land in accordance with the Plat as shown hereon, to be known as "McBride Subdivision" and do hereby dedicate to the Public the use of the streets and easements as shown hereon. Said tract is subject to any easements or restrictions heretofore granted.

Witness the hand of  
MARILYN MCBRIDE CULP

DATE: Oct 1, 1965

BY Marilyn McBride Culp  
MARILYN MCBRIDE CULP  
11107 MURBACH ROAD  
SAN ANTONIO, TX 78220

STATE OF TEXAS §  
COUNTY OF TRAVIS §

THIS instrument was acknowledged before me on Oct 1, 1965 by MARILYN MCBRIDE CULP as the Co-Owner of a 7.96 acre tract.



F. G. H. NEDICHAN  
NOTARY PUBLIC  
TYPED OR PRINTED NAME OF NOTARY  
MY COMMISSION EXPIRES: 11-6-67

Witness the hand of  
JOHN LARSON MCBRIDE

DATE: Oct 17, 1965

BY John Larson McBride  
JOHN LARSON MCBRIDE  
11107 MURBACH ROAD  
SUITE 506  
SAN ANTONIO, TX 78220

STATE OF TEXAS §  
COUNTY OF TRAVIS §

THIS instrument was acknowledged before me on Oct 17, 1965 by JOHN LARSON MCBRIDE as the Co-Owner of a 7.96 acre tract.

Adelia Dowd  
NOTARY PUBLIC  
TYPED OR PRINTED NAME OF NOTARY  
MY COMMISSION EXPIRES: 11-6-68

Witness the hand of

ELIZABETH ANN MCBRIDE MCALLEN

DATE: 10-17-65

BY Elizabeth Ann McBride McAllen  
ELIZABETH ANN MCBRIDE MCALLEN  
11107 MURBACH ROAD  
SAN ANTONIO, TX 78220

STATE OF TEXAS §  
COUNTY OF TRAVIS §

THIS instrument was acknowledged before me on 10-17-65 by ELIZABETH ANN MCBRIDE MCALLEN as the Co-Owner of a 7.96 acre tract.



F. G. H. NEDICHAN  
NOTARY PUBLIC  
TYPED OR PRINTED NAME OF NOTARY  
MY COMMISSION EXPIRES: 11-6-67

HEALTH DEPARTMENT RESTRICTIONS:

- No structure in this subdivision shall be completed until connected to a public sewer system or to an individual sewage disposal system which has been approved by the Austin-Travis County Health Department.
- No structure in this subdivision shall be occupied until connected to a public water supply. These restrictions are enforceable by the Austin-Travis County Health Department and/or the lot owner(s) or developer.
- This subdivision has been accepted for development for on site wastewater system by the Austin-Travis County Health Department.

John Terrell 2/19/66  
Health Officer

NOTES:

- Prior to any development within this subdivision, a site development permit is required from the City of Austin pursuant to Chapters 9 and 10 of the City of Austin Code of 1961 as amended, and the Travis County Engineers Office.
  - Development will proceed under the terms and requirements of Lake Austin Ordinance No. 540301 - G.
  - No fill on any lot shall exceed a maximum of 4 feet of depth except for structural excavation, no cut on any lot shall be greater than 4 feet.
  - Every lot shall be reasonably accessible by a vehicle from the roadway to the probable building site. For a minimum travel distance of twenty-five (25) feet from the roadway edge, the driveway grade may exceed fourteen (14) percent only when the specific approach or the surface and geometric design proposed by the Director of Public Works or his designee.
  - All building foundations on slopes of fifteen percent or over and on fill placed on slopes fifteen percent or over must utilize design and construction practices certified by a registered professional engineer qualified to practice in this field.
  - Erosion controls are required for all construction of individual lots in this subdivision including single family construction, in accordance with the City of Austin Erosion and Sedimentation Control Manual.
  - Water and wastewater systems serving this subdivision shall be designed and installed in accordance with the City of Austin and State Health Department Plans and Specifications. Plans and Specifications shall be submitted to the City of Austin Water and Wastewater and Fire Departments for review.
  - Access from all lots in this subdivision is limited to McBride Place.
  - Access prohibited from Lot 1 and Lot 7 of this subdivision to West Lake Drive.
  - Sidewalks shall be constructed on the north side of McBride Place and on the subdivision side of Westlake Drive. Such sidewalks shall be completed prior to acceptance and issuance of any Type I or II Driveway Approach and/or Certification of Occupancy.
  - All streets, drainage, sidewalks, water and wastewater services required to be constructed to City of Austin Urban Standards.
- \* Sidewalks which have not been installed within two years from the date of acceptance for maintenance of the streets may, upon approval of the City Council, be constructed by the City of Austin and assessment shall be made against the affected properties for all engineering, administration, and construction costs.

APPROVED FOR ACCEPTANCE this the 22<sup>ND</sup> day of April, 1966

Mary D. Lewis  
JAMES B. BERNARD, DIRECTOR OF LAND DEVELOPMENT SERVICES  
M. F. A. GAINES

ACCEPTED AND AUTHORIZED FOR RECORD by the Planning Commission of the City of Austin, Texas, this the 22<sup>ND</sup> day of April, 1966 A.D.

Mary Arnold  
Chairperson MARY ARNSOLD  
Laura Martin  
Secretary LAURA MARTIN

In approving this plat by the Commissioners, Court of Travis County, Texas, it is understood that the building of all streets, roads or other public thoroughfares or any bridges or culverts necessary to be placed on such streets, roads, or other public thoroughfares shall be the responsibility of the owner and/or developer of the tract of land covered by this plat and in accordance with the plans and specifications prescribed by the Commissioners Court of Travis County, Texas and said court assumes no obligation to build any of the streets, roads, or other public thoroughfares or any bridges or culverts in connection therewith. Be it resolved by the Commissioners Court of Travis County, Texas:

That the acceptance for maintaining by Travis County, Texas, of the roads or streets in this subdivision does not obligate the County to install street marking signs, as this is considered to be a part of the developer's construction, but that erecting signs for traffic control such as speed limit signs and stop and yield signs shall remain the responsibility of the County.

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

I, Doris Shropshire, Clerk of the County Court, do hereby certify that on the 13 day of May, 1966 A.D., the Commissioners Court of Travis County, Texas, passed an order authorizing the filing for record of this plat and that said order has been duly entered in the minutes of said Court in Book 3 at Page 478.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT of said County this the 14 day of May, 1966.

DORIS SHROPSHIRE, CLERK OF COUNTY COURT, TRAVIS COUNTY, TEXAS

BY: E. Wall  
CLERK E. WALL

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

I, Doris Shropshire, County Clerk, within and for the County and State aforesaid, do hereby certify that the within and foregoing instrument of writing with its certificate of authentication has been filed for record in my office on the 21<sup>ST</sup> day of July, 1966 A.D. at 11:10 o'clock a.m., and duly recorded on the 21<sup>ST</sup> day of July, 1966 A.D. at 11:15 o'clock a.m., in the plat records of said county, in Plat Book 286 at Pages 177A, 177B.

WITNESS MY HAND AND SEAL OF said County this the 21<sup>ST</sup> day of July, 1966

DORIS SHROPSHIRE, COUNTY CLERK, TRAVIS COUNTY, TEXAS

BY: K. Terrell  
DEPUTY K. TERRELL

FILED FOR RECORD this the 21<sup>ST</sup> day of July, 1966 A.D.

DORIS SHROPSHIRE, COUNTY CLERK, TRAVIS COUNTY, TEXAS

BY: K. Terrell  
DEPUTY K. TERRELL

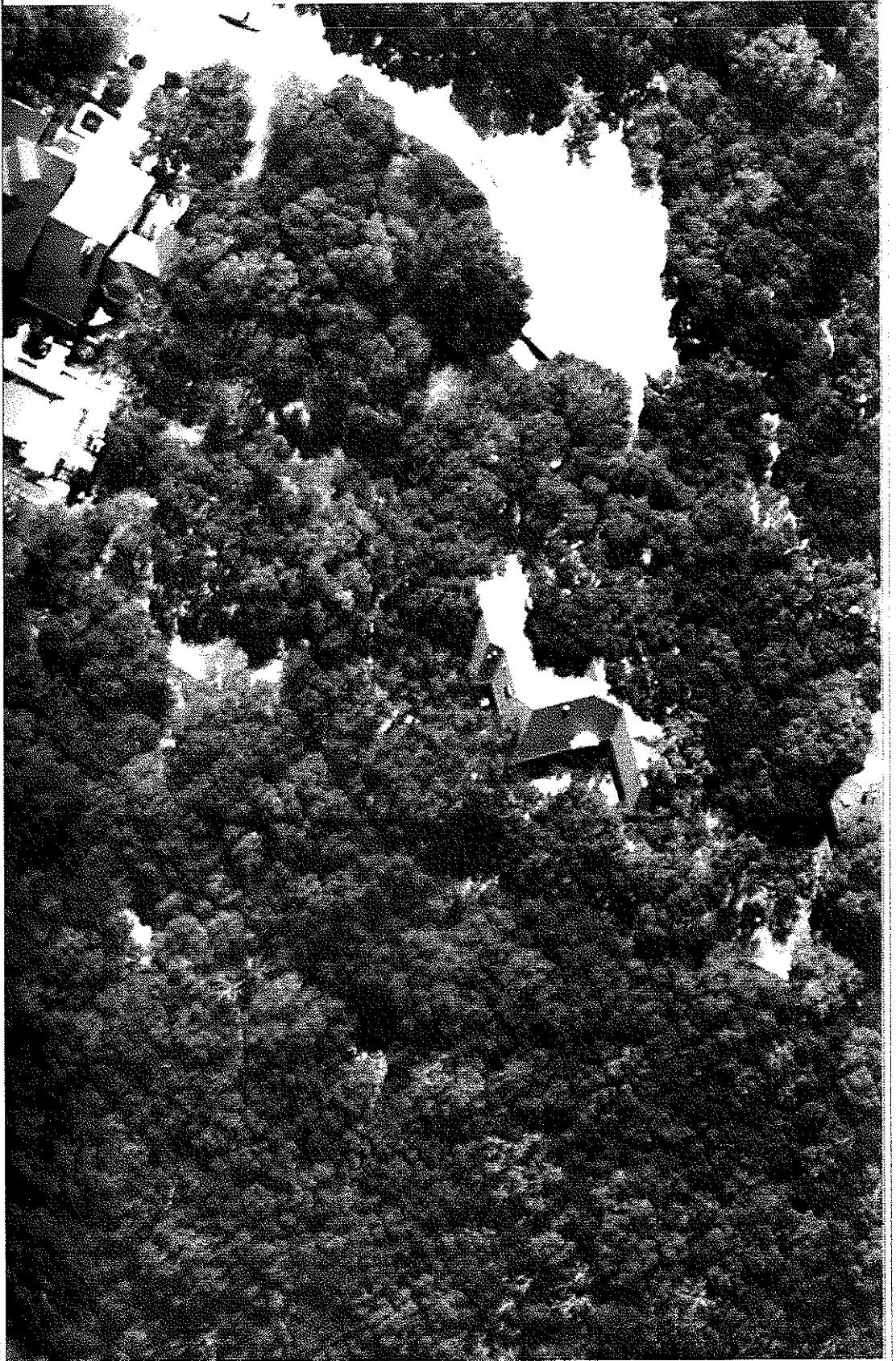









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PLAT RECORD, TRAVIS COUNTY, TEXAS  
86-17720

**MEC** Murre Engineering Company  
**ESCI** CAPITAL SURVEYING COMPANY INCORPORATED  
12550 Capital of Texas Highway South Austin, Texas 78746 Building 1 Suite 220 (512) 327-4006

**MCBRIDE SUBDIVISION**

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

# CITY OF AUSTIN DEVELOPMENT WEB MAP