

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 # C15-2012-0077  
ROW # 10781185  
TP-022806-07-20

**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: 5609 Joe Sayers Ave., Austin, TX 78756

LEGAL DESCRIPTION: Subdivision - Broadacres

Lot(s): 3 Block: 12 Outlot: n/a Division: Terrio Harry

I/We John Puhr on behalf of myself/ourselves as authorized agent for David Bravo

affirm that on May 6, 2012, hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

X ERECT \_\_\_ ATTACH \_\_\_ COMPLETE \_\_\_ REMODEL \_\_\_ MAINTAIN

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

Secondary apt - in front - 860 sq ft  
existing

**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:

Zoning regulations do not allow for a reasonable use of the property because it would prohibit two family residential use on our 9,872 sf lot. Current zoning regulations to have a secondary apartment to be built on lots with a minimum of 5,750 sf, but requires the secondary apartment to be at least 15' to the rear of the principal structure. On another lot of comparable size, the existing small secondary structure would be relocated to the rear of the lot and the larger principal dwelling could be built closer to the street. Due to the hardships unique to this lot, this configuration is not possible.

**HARDSHIP:**

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

The hardship that is requested is unique to this property due to the fact that the small original structure that fits the character of the neighborhood sits in the flood plain which envelopes almost half the lot. This small bungalow house is in excellent condition and is very well kept. It is not feasible or sensible to tear this structure down. The only portion left buildable out of the flood plain is the rear portion of the lot.

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

This hardship is not general to the area in which the property is located because it only affects a handful of homes on the east side of Joe Sayers that are partially in the flood plain.

**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 alter the character of the area adjacent to the property, will not impair the use of the adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which it is located because the granting of the variance will actually help maintain the area character by allowing the original 1953 building to remain in its original location near the street, and the new construction would be located at the rear of the lot, like the adjacent properties, largely concealed from the street and neighboring lots by the existing residence.

**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 in 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 in 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

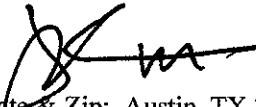
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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



Mail Address: 2001 Barton Pkwy

City, State & Zip: Austin, TX 78704

Printed: John Puhr Phone: 512.632.4449 Date: 05/11/2012

**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: 5609 Joe Sayers

City, State & Zip: Austin, TX 78756

Printed: David Bravo Phone: 512.680.7323 Date: 05/11/2012

FROM THE DESK OF  
**DAVID BRAVO**

May 8<sup>th</sup>, 2012

David Bravo  
5609 Joe Sayers Ave  
Austin, TX 78756

Dear Sir or Madame,

Please accept this letter as my acknowledgement and approval to have John Puhr apply for the variance at 5609 Joe Sayers on my behalf.

Best regards,

A handwritten signature in black ink, appearing to be 'David Bravo', written over the text 'Best regards,'.

David Bravo

David Bravo - 4509 Joe Sayers Ave - Austin Texas 78756

[dbravo@austin.rr.com](mailto:dbravo@austin.rr.com) – 512-680-7323

Susan Walker  
City of Austin Planning and Development Review Department  
One Texas Center  
505 Barton Springs Road, 2<sup>nd</sup> Floor  
Austin, Texas 78704

May 11, 2012

Re: Application for Variance for 5609 Joe Sayers

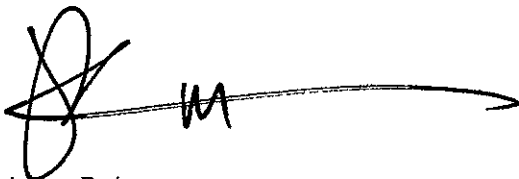
Dear Ms. Walker:

I have been consulting with my client, David Bravo, owner of the property at 5609 Joe Sayers, regarding potential development options to improve and enlarge his home. After a preliminary analysis and inquiries, it became apparent that enlarging the existing residence, which currently stands at approximately 860 square feet, would not be allowed under current city regulations due to its location within the 100 year flood plain.

After further research, I found that a neighboring property (5601 Joe Sayers) was allowed a variance due to the very same hardship, being that of the original existing house being located within the flood plain.

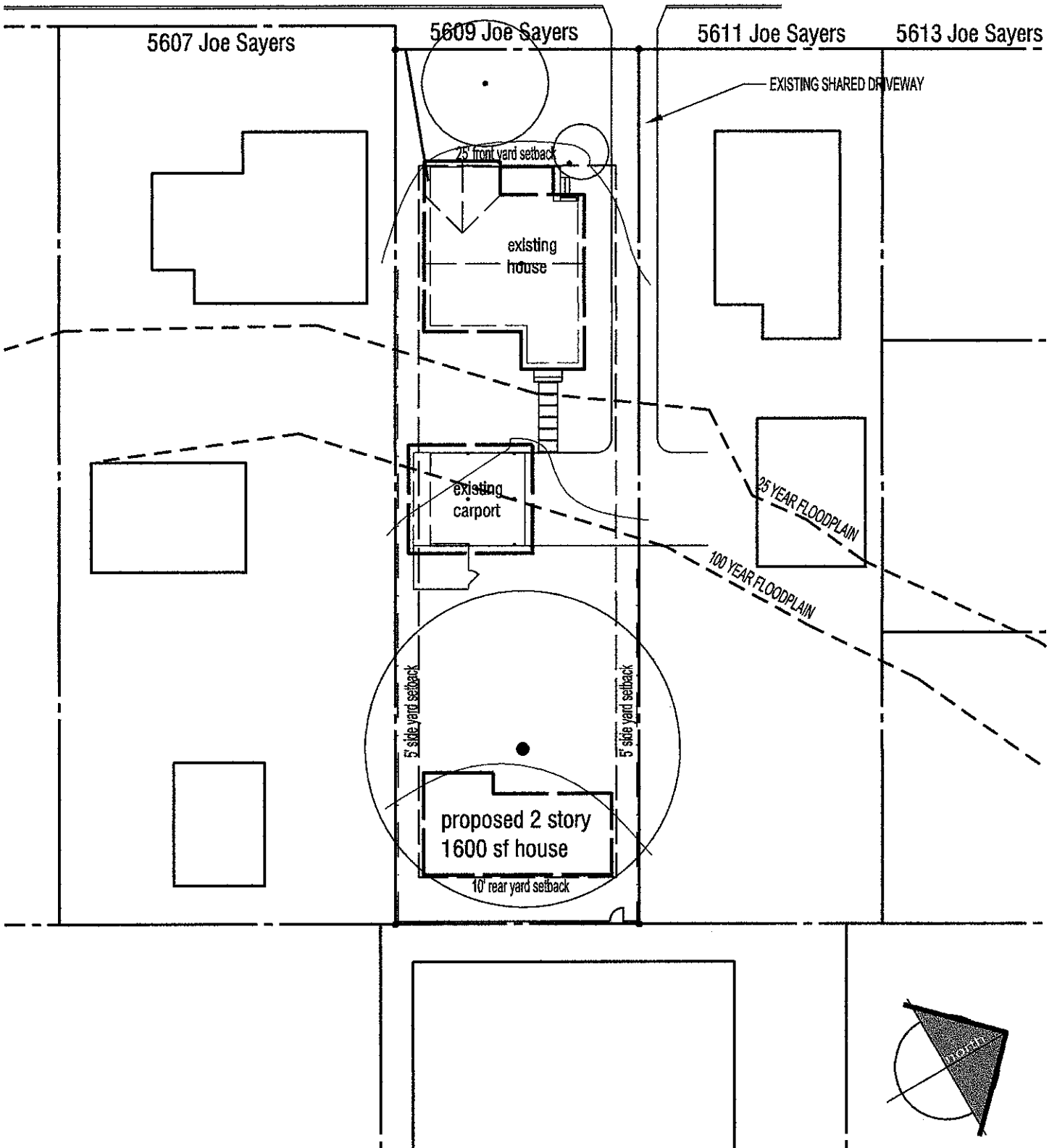
The current SF-3-NP zoning does allow two homes on a lot of this size (9,872 square feet). Ideally, since the existing home is quite small, it would be located toward the rear of the lot as a secondary structure. However the encroachment of the flood plain in this case prohibits the construction of the new, larger structure in the front of the lot. In addition, the location of the existing structure toward the front of the lot would serve to maintain the character of the neighborhood per the recommendations of the Neighborhood Plan

Therefore we are seeking a variance to allow the construction of a larger second residence toward the rear of the lot, while maintaining the original 1953 home in its current location at the front of the lot. The total area and impervious cover of the combined structures would be less than or equal to what would be allowed for a single structure on the lot.

A handwritten signature in black ink, appearing to read 'John Puhr', with a long horizontal line extending to the right.

John Puhr  
Architect

**Joe Sayers Avenue**



October 26, 2011

David Bravo  
5609 Joe Sayers Avenue  
Austin, TX 78756

Dear Mr. Bravo,

This letter is to confirm that as the property owner of the apartment complex located at 5608 Woodrow, immediately behind your property at 5609 Joe Sayers Avenue, I hereby grant permission for emergency egress from your property onto my property in the event of a flood restricting access to Joe Sayers Avenue, under the following conditions:

1. Mr. Bravo agrees to construct and maintain a new gate and fence as required along the mutual property line.
2. The gate may be secured and latched from Mr. Bravo's side of the fence.
3. The gate is to be used only in the event of an emergency, such as a flood, in which egress via Joe Sayers Avenue is blocked or restricted.

See the attached exhibit A for reference.

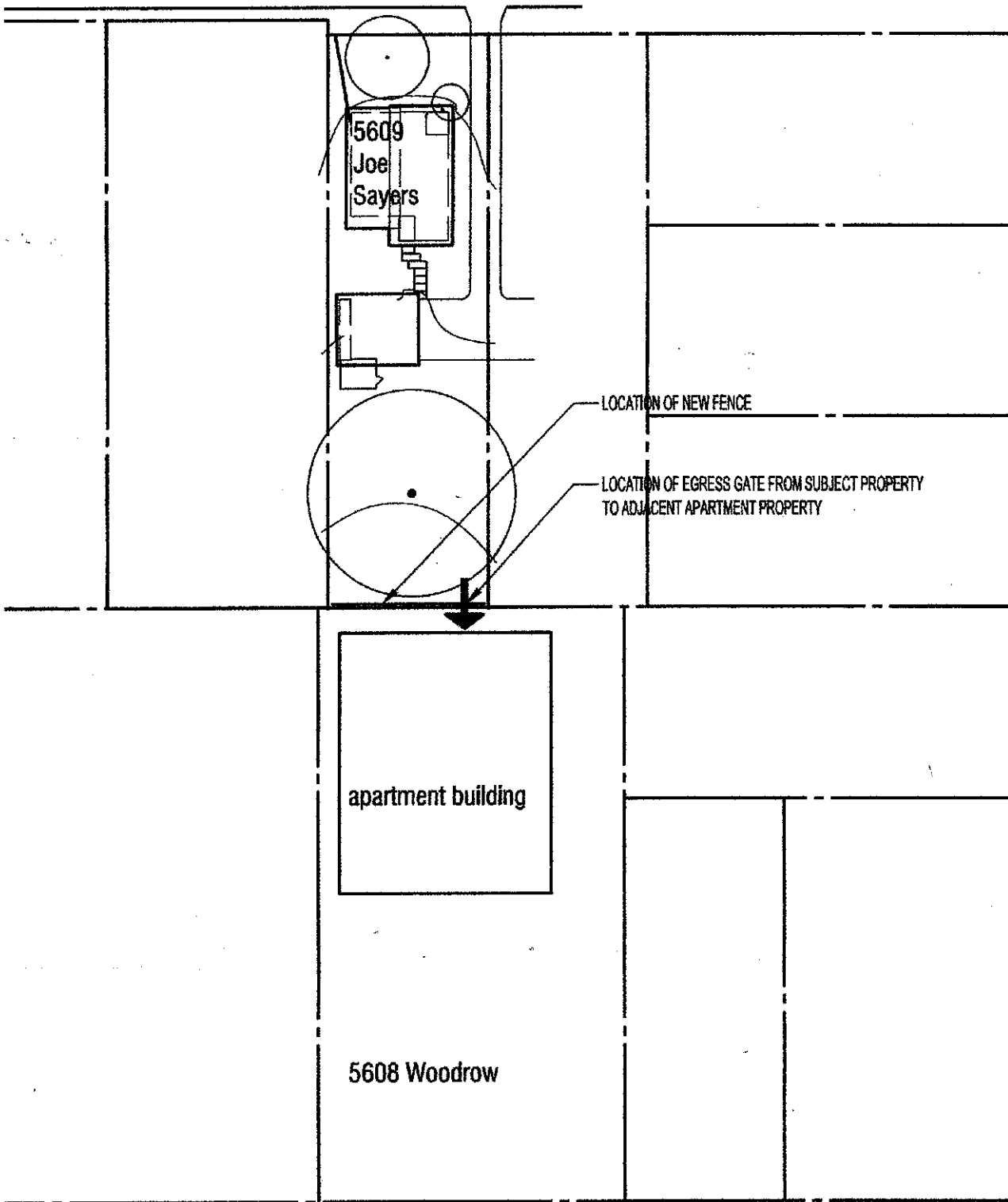
Regards,



Robert G. Burson

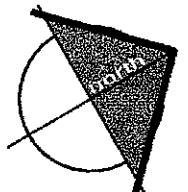
11/08/11

Joe Sayers Avenue



Theckla Terrace

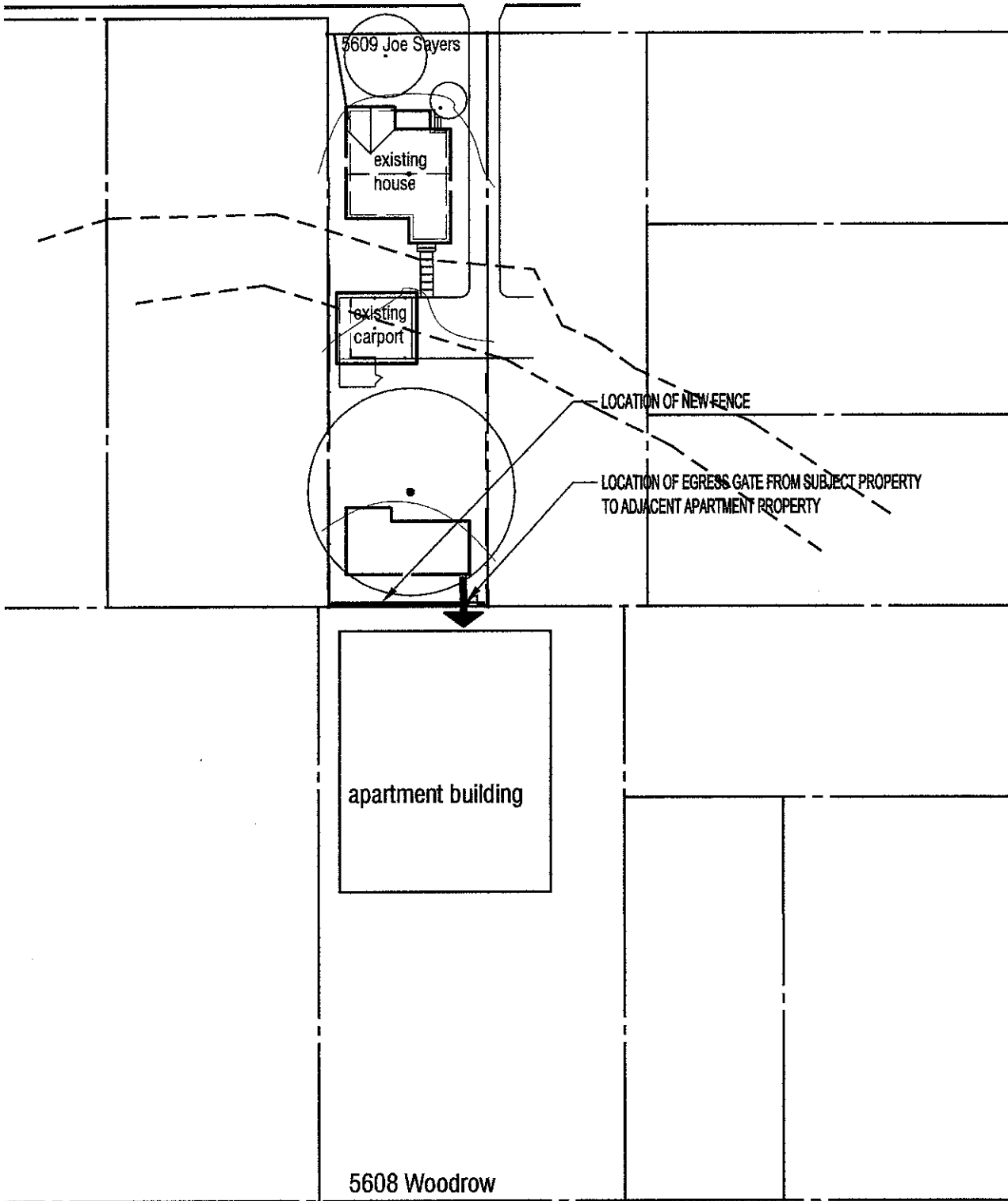
Woodrow Avenue



*R. Busser* 11/08/11



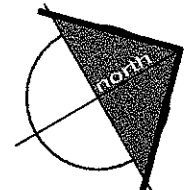
**Joe Sayers Avenue**

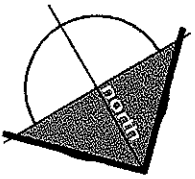
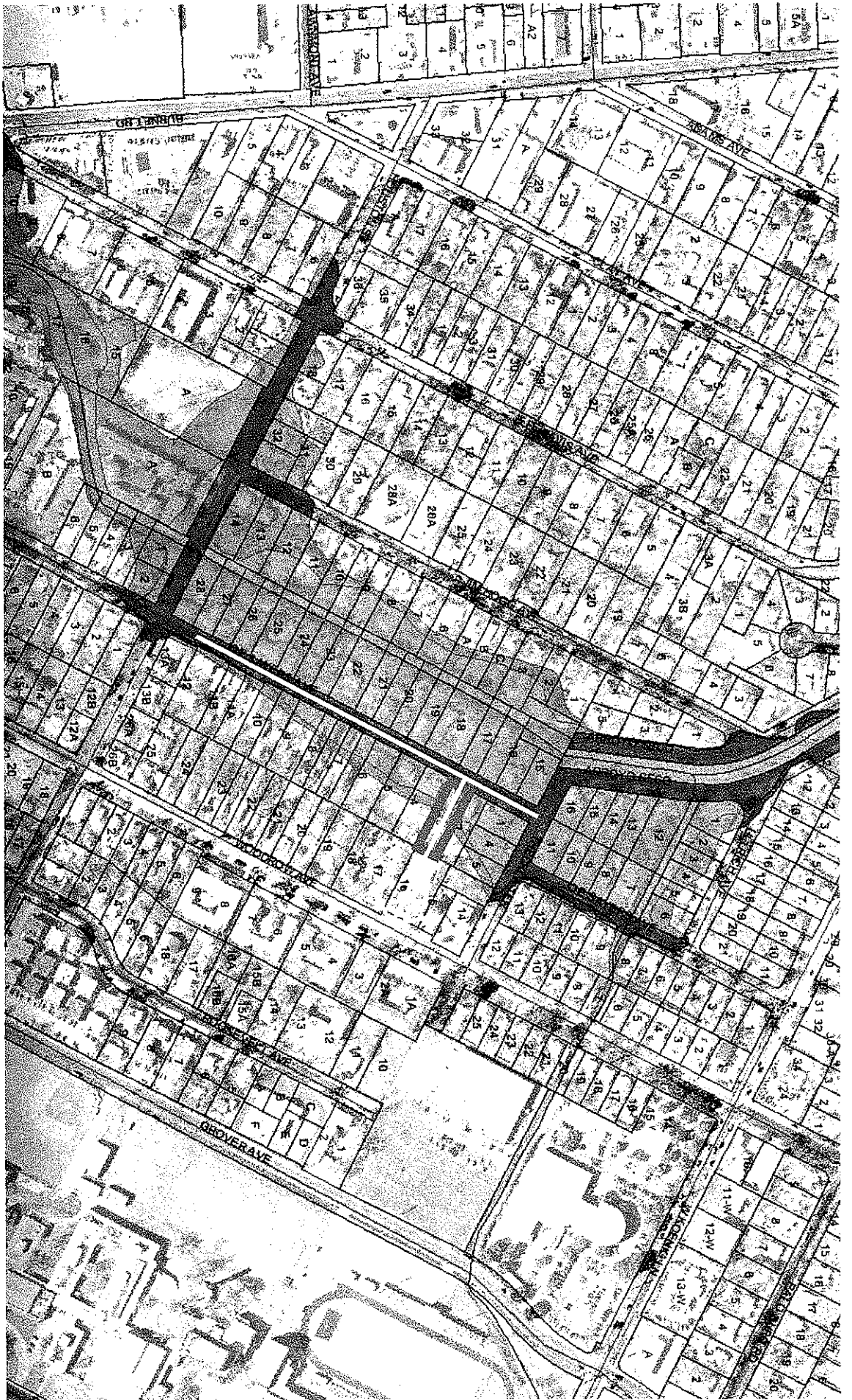


**Theckia Terrace**

**5608 Woodrow**

**Woodrow Avenue**





project site

egress route for neighboring properties

# 01 aerial view of flood plain egress

not to scale

Similar case at

5601

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

Joe Sayers

**DATE:** Monday, June 13, 2011

**CASE NUMBER:** C15-2011-0059

Y Jeff Jack  
 Y Michael Von Ohlen **Motion to Grant**  
 Y Nora Salinas  
 Y Bryan King  
 Y Leane Heldenfels, Chairman  
 Y Clarke Hammond, Vice Chairman  
 Y Heidi Goebel **2<sup>nd</sup> the Motion**

**APPLICANT:** Elaine Andersen

**OWNER:** Michel Issa

**ADDRESS:** 5601 JOE SAYERS AVE

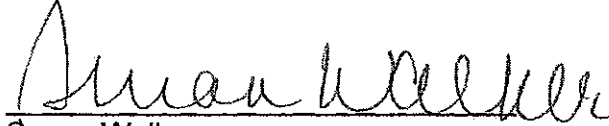
**VARIANCE REQUESTED:** The applicant has requested a variance from Section 25-2-1463 (C) (2) (a) requiring a secondary apartment to be located at least 15 feet to the rear of the principal structure in order to erect a residence to the rear of a proposed secondary apartment in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Brentwood Neighborhood Plan)

**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Grant that front house stays as is based on drawing E6/12, Board Member Heidi Goebel second on a 7-0 vote; **GRANTED THAT FRONT HOUSE STAYS AS IS BASED ON DRAWING E6/12.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: prohibit two family residential use on out 6884 sq ft lot, current zoning regulations allow the neighborhood to have a secondary apartment to be built on lots with a minimum of 5750 sq ft but requires the secondary apartment to be at least 15' to the rear of the principal structure
2. (a) The hardship for which the variance is requested is unique to the property in that: small original structure that fits the character of the neighborhood sits in the flood plain which envelopes almost half of the lot, this small bungalow house is excellent condition and is very well kept, not feasible or sensible to tear this structure down, the only portion that is left buildable out of the flood plain is the rear portion of the lot.  
  
(b) The hardship is not general to the area in which the property is located because: handful of home on the eastside of Joe Sayers, that are partially in the flood plain

- 
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: granting of the variance will actually help maintain the area character by allowing the original 1948 building to remain in its original location near the street



Susan Walker  
Executive Liaison



Leane Heldenfels  
Chairman

EXHIBIT A

12/11

