

CASE # C15-2012-0093

ROW-10790314
TP-013505-08-11

**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: 3914 Glengarry Drive

LEGAL DESCRIPTION: Subdivision – Shinoak Valley

Lot(s) 13 Block C Outlot _____ Division _____

I Jim Bennett as authorized agent for Jon & Jessa Landua

_____ affirm that on 6/26/2012, hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A deck providing a rear yard setback of nine inches

in a ~~SF-3~~ SF-2 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:

Without a variance there is no way to gain access to the rear of the pool.

HARDSHIP:

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

The topography of the site prevents reasonable access to the rear side of the pool and allows this portion of the site to be useable.

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

The pool and deck is existing and does not create a hardship for the neighbors

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 deck is on the back of the lot and the adjoining neighbors that can see the deck are not opposed to this request.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

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

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

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

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

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

Signed  Mail Address 11505 Ridge Dr.

City, State & Zip Austin, TX. 78748

Printed Jim Bennett Phone 282-3079 Date 6/26/12

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 _____

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:

JK

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

JK

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

JK

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.


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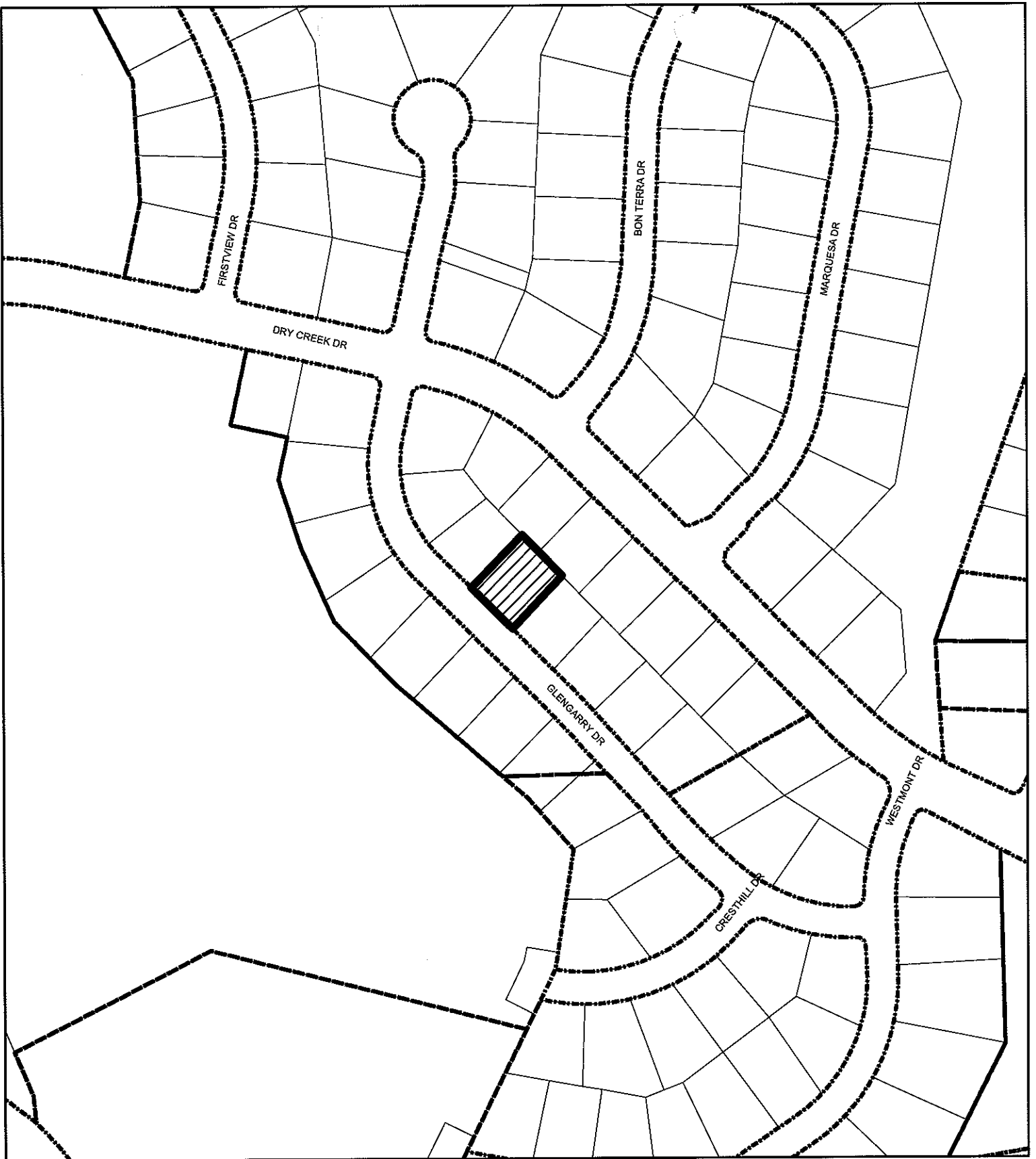
Printed Jim Bennett Phone 282-3079 Date 6/26/12



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 3914 Glengarry Drive

City, State & Zip Austin, TX 78731

Printed Jonathan Landua Phone 512-470-9150 Date 7/27/12



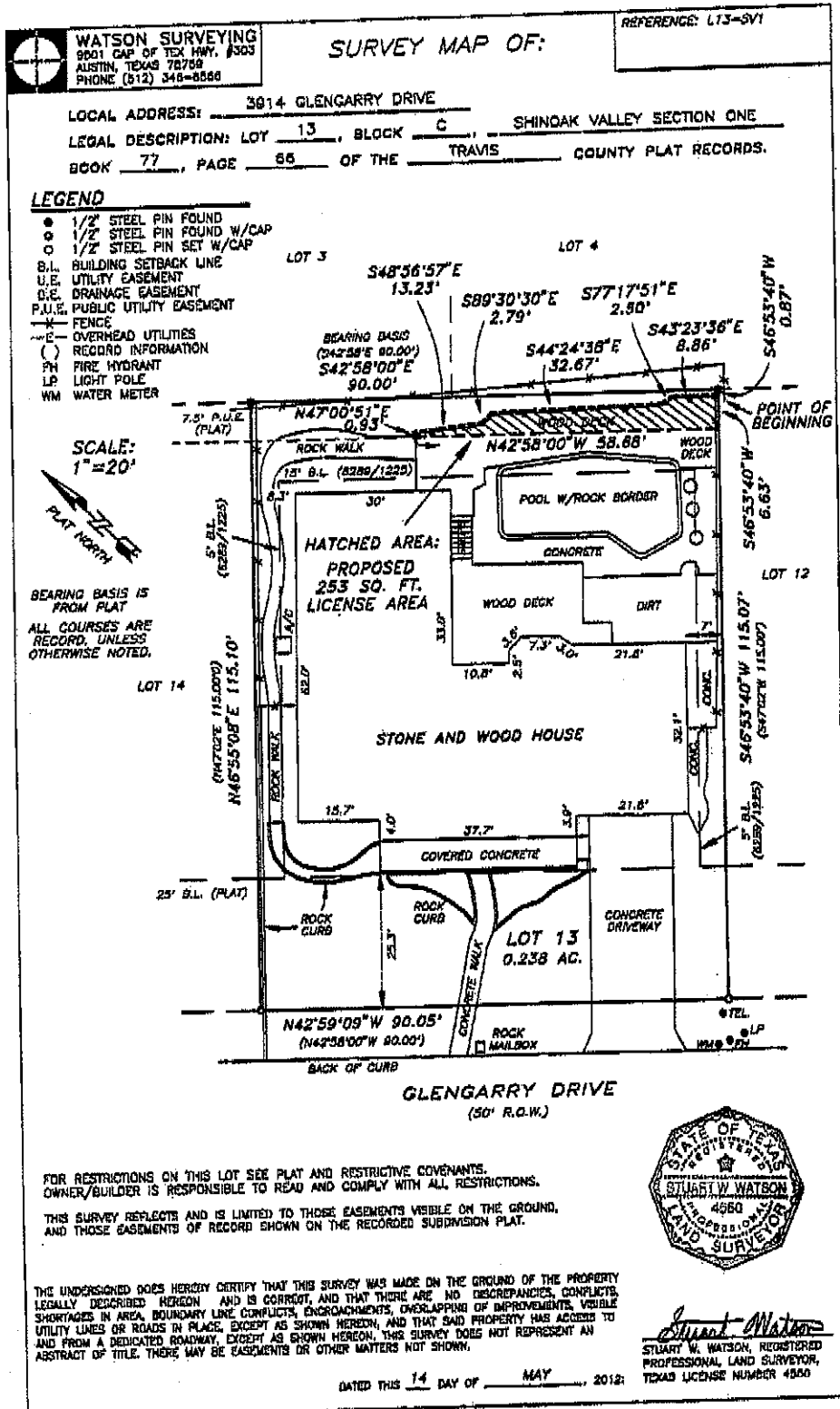
-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2012-0093
 LOCATION: 3914 GLENGARRY DR



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 Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



*Large
 Coverage
 will be
 reduced
 to 4500
 sq ft
 PUE will
 be vacated
 or obtain
 license
 agreement.*