

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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 # C15-2012-0090
ROW # 10790258

TP-01-3307-1701

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

[Empty rectangular box for address]

STR
EET

ADDRESS: 4302 Bonnell Vista Cove, Austin, TX

LEGAL DESCRIPTION: Subdivision - Stoneledge II

Lot(s) 13 Block B Outlot _____ Division _____

I/We Brian And Laura Barber on behalf of myself/ourselves as authorized agent for

_____ affirm that on June 25, 2012

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

_____ complete a duplex project begun in July of 2005

Common wall - 33.7%

Instead of 50%

in a SF3 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.

VA
RI



ANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

See Attached explanation

HARDSHIP:

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

See attached explanation

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

See attached explanation

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:

See attached explanation

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 N/A Mail Address 4302 Bonnell Vista Cove
City, State & Zip Austin, TX, 78731

Printed _____ Phone 374-1718 Date _____

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 Brian Buber Mail Address 4302 Bonnell Vista Cove
City, State & Zip Austin, TX, 78731

Printed _____ Phone 374-1718 Date 6/25/12

VARIANCE FINDINGS I contend that my entitlement to the requested variance is based on the following findings:

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The requirement that duplex units have a common wall and that the length of a duplex may not exceed twice the width the common wall, which were adopted after the first unit of the duplexes was constructed, prevents the construction of the second unit. The existing unit has a 46'-4" long wall that will serve as the common wall between the two units, and has a length of 69' - 6". The current zoning regulations would allow the duplex to be no more than 92' - 4," so that the second unit could only be only 22"-10" in length, which is an unreasonable size restraint. The variance will allow a common wall that is 33.7% of the total length of the duplex, which is the minimum variance requested for reasonable use.

HARDSHIP:

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

The use of the property as a two unit duplex was part of the original plans and approvals that were granted when the first unit was built. The property was resubdivided and permits providing for separate meters for utilities were issued and the necessary lines for the two connections have been installed. The fact that the first unit of the planned duplex has been constructed renders it impossible to construct a second duplex unit under the current regulations.

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

The property is located in an area that is substantially developed with existing duplex, single family and four-plex residential homes. There are not other properties that have one unit of a planned duplex project completed.

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 second unit will conform to the design style, colors and façade materials of the first unit and the existing duplex located on the immediately adjacent property. The size, architectural style, exterior façade and color are compatible with the mix of residential structures in the neighborhood and will otherwise comply with the current zoning regulations regarding building setbacks and height restrictions. The board of directors of the homeowners association of Stone Ledge II (the surrounding neighborhood HOA) and the owners of other

properties in the area are in support of granting the variance to allow the construction of the planned second unit for this duplex.



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0090
 LOCATION: 4302 BONNELL VISTA COVE



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.

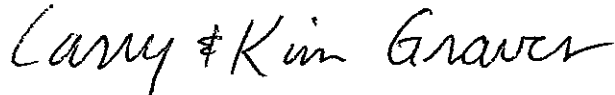
Larry and Kim Graves
4300 Bonnell Vista Cove, Unit A
Austin, Texas 78731

Dear Brian and Laura,

We understand you are having issues obtaining a permit to build the fourth unit that was originally planned to complete our condominium community. You have our full support with your decision to go before the Board of Adjustments to request a variance for the common wall so you can build the fourth unit and complete the project as it was designed. Having this undeveloped property within the project is not good for our community and certainly not good for the City of Austin as they are missing an opportunity for additional tax revenue.

Please let us know if there is anything we can do to help you argue our case on behalf of our Condominium Association and citizens of the City of Austin.

Sincerely,

A handwritten signature in black ink that reads "Larry & Kim Graves". The signature is written in a cursive, flowing style.

Larry and Kim Graves

D·R·HORTON PHI
NYSE
America's Builder

Pecan Park

512-258-5511 office

512-965-2809 cell

512-258-3046 fax

icastillo@drhorton.com

To: Brian & Laura Barber
From: JAMES CASTILLO
Date: 06/08/2012
Re: The Coves at Bonnell Vista COA

We want you to know that we support your decision to go before the Board of Adjustments and receive a variance for the common wall so that you can build the fourth unit of the condominium community. We are looking forward to having our condominium community completed.

Thanks!



4300 B Bonnell Vista Cove

LAW OFFICE OF JANE S. HALL
1215 Parkway
Austin, Texas 78703

June 10, 2012

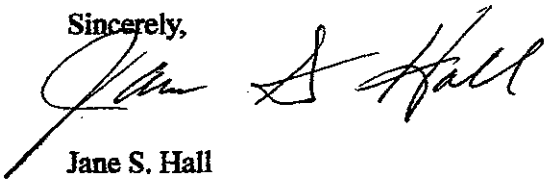
Brian and Laura Barber
4302 Bonnell Vista Cove, Unit B
Austin, TX 78731

Dear Laura and Brian,

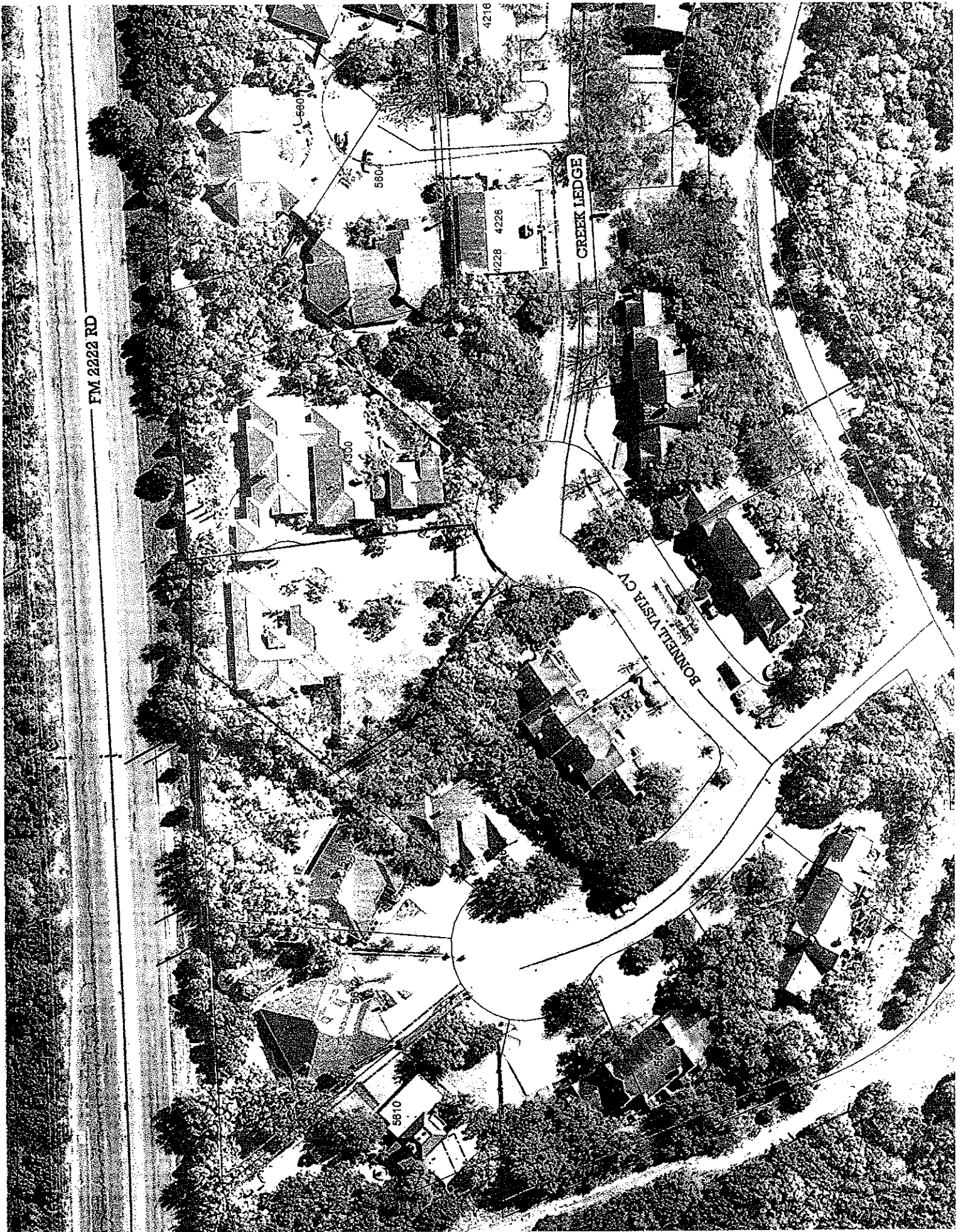
I am writing to offer our support for you seeking a waiver for the common wall for the fourth condo unit you hope to build. We look forward to you completing your condominium community.

Should there be questions, you can reach me at (512)415-9224.

Sincerely,

A handwritten signature in cursive script that reads "Jane S. Hall". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

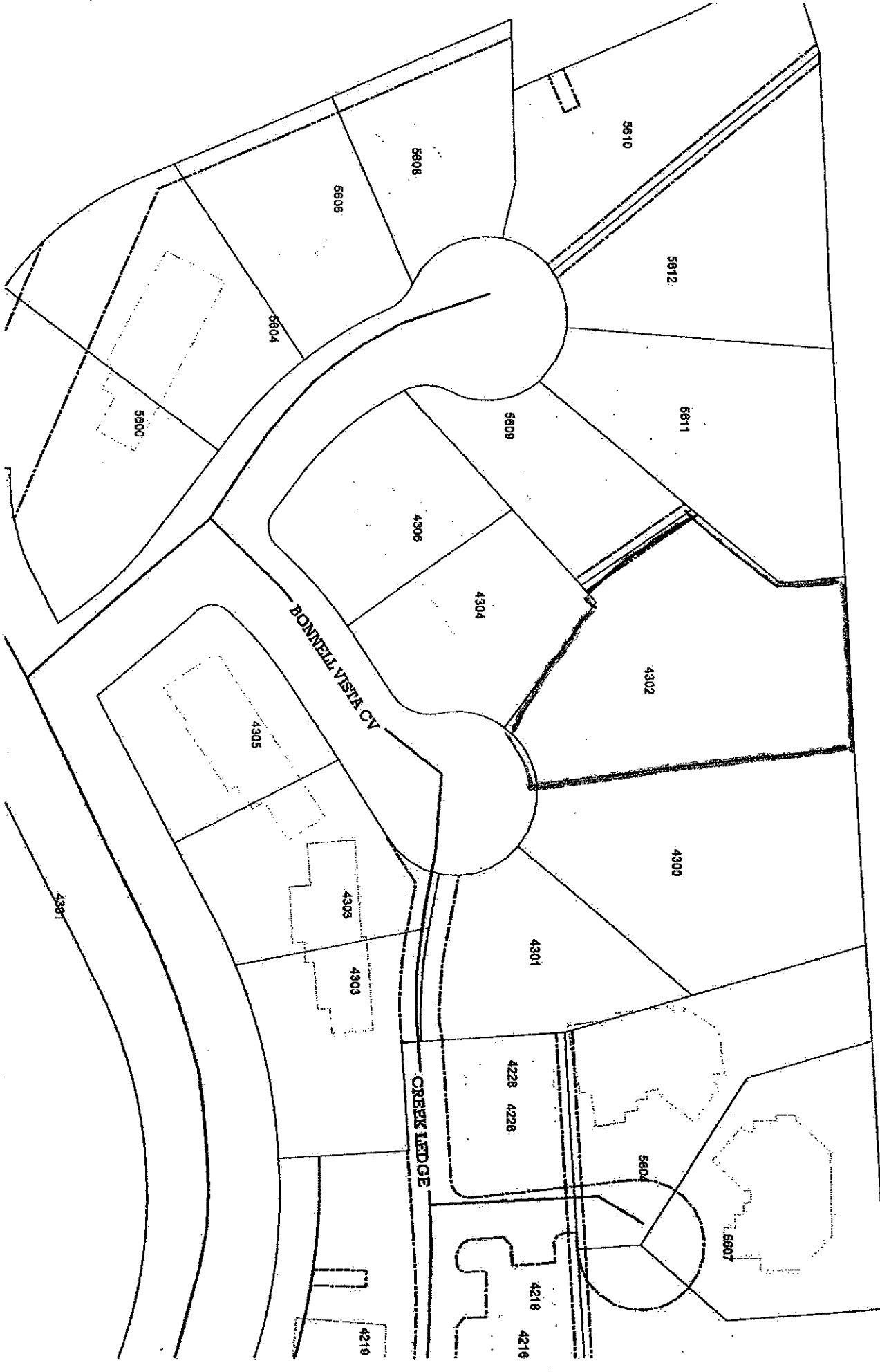
Jane S. Hall
President, Stoneledge I Homeowners Association



4300

FM 2222 RD

4316



5608

6606

5604

5800

5610

5612

5611

5609

4306

4304

4302

BONNELL VISTA CV

4305

4300

4381

4305

4303

4301

4228 4228

CREEK LEDGE

4218

4216

5607

5607

4219

Board of Adjustments

Our home at 4302 Bonnell Vista Cove was designed and built as the rear unit of a duplex. It is part of a small two-duplex project in Northwest Austin. One duplex has been completed. We are trying to build the front unit of our duplex and complete the project.

This project has been under construction since 2005. On July 8, 2005, we received a permit from the city to build the rear unit of our duplex. During its construction, we did a number of things to accommodate the future front unit. We had our electrician build a duplex-compliant electrical service. We had him run the home run line for the front unit and stub it out in a junction box next to the working service panel of the rear unit. In addition to electrical preparations, the city required us to upgrade the waste water and water supply lines to the property to accommodate the future front unit, including clean out and double meter box at the street, which we did. We completed construction and received our certificate of occupancy for the rear unit in June of 2006. That same year we purchased a small portion of our neighbor's rear yard and re-platted the property with the city in preparation for building the front unit.

The front unit was designed and we were getting ready to begin construction when the economy took a severe downturn. As a result we were forced to delay construction. During that delay the city adopted new McMansion and duplex regulations, which affected the lot coverage and building size permissible for the front unit. This unit is the fourth and final unit of our project. Once we build it we will have completed the project. We believe we should be entitled to complete our project under state law and reserve any rights we may have; however, the staff does not necessarily agree we have a right to build the front unit, which is why we are seeking this variance. It is important to us and our neighbors that this project, that was begun in 2005, finally get completed as promptly as possible and, therefore, we had redesigned the plans to comply with the new ordinance to the extent possible.

On December 19, 2011, we submitted plans to the city for construction of the front unit. With the one exception of the common wall length, the plans are in full compliance with the new ordinances, including impervious cover, setbacks, height and FAR. The plans we submitted provide for a common wall that is 33.7% instead of 50% of the depth of the two units, but we could not totally comply with new regulations because the rear unit (our home) was already built.

Our neighbors and the neighborhood association are in favor of this variance and support our project. We respectfully request the variance from the common wall requirements be granted.

