

NOTE: The Board must determine the existence, 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

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

C15-2012-0089
ROW-1079024
TPO 164360146

STREET ADDRESS: 8116 Red Bird Ct

LEGAL DESCRIPTION: Subdivision - Grandview Hills, Section 4

Lot(s) 21 Block K Outlot _____ Division _____

I/We Cascade Custom Pools on behalf of myself/ourselves as authorized agent for

Brent Cardwell affirm that on June, 19, 2012

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

We are renewing a permit for pool and deck that has been completed, but the permit expired before the final passed. Impervious cover is currently 40.8 %. The allowable IC is 40% , so we respectfully request a variance to allow the .8% overage.

in a SF1 district.
(zoning district)

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 final inspection was actually done within the allotted time but the paperwork was not processed. We didn't realize this until it was too late and the permit expired. When we reapplied for the permit we included some deck that was not on the survey before and this put us over on the impervious cover, so our application was rejected.



HARDSHIP:

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

If we don't get a variance, the only other option is to tear out deck. To do this would be detrimental to the overall layout, function and safety of the project.

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

We believe this is a unique situation brought on by errors by both parties involved and can be remedied without negatively impacting the area.

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:

Allowing this small amount of IC is such an insignificant amount that there will be no impact on any neighbors or the community. Also, it is in a fenced backyard.

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:

NA

1. 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:

NA

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

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

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 [Signature] Mail Address 215 S Ranch Road 620

City, State & Zip Austin, TX 78734

Printed Theresa Thompson Phone 523-264-2453 Date Jun 19, 2012

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.

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 [Signature] Mail Address 8116 Red Bird Ct

City, State & Zip Austin, TX

Printed Brent Cardwell Phone 996-9745 Date June 19, 2012

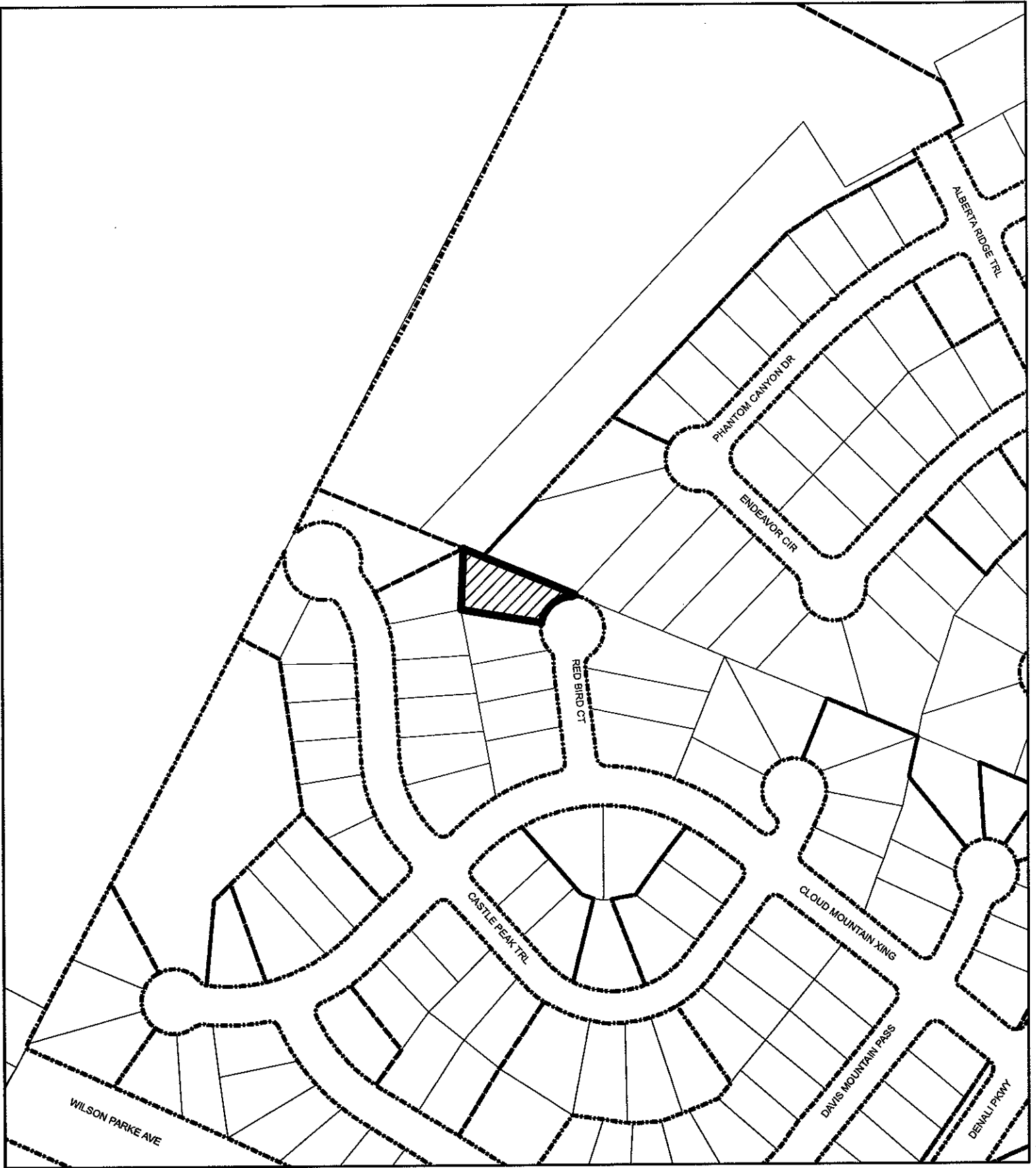
GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.



SUBJECT TRACT
ZONING BOUNDARY

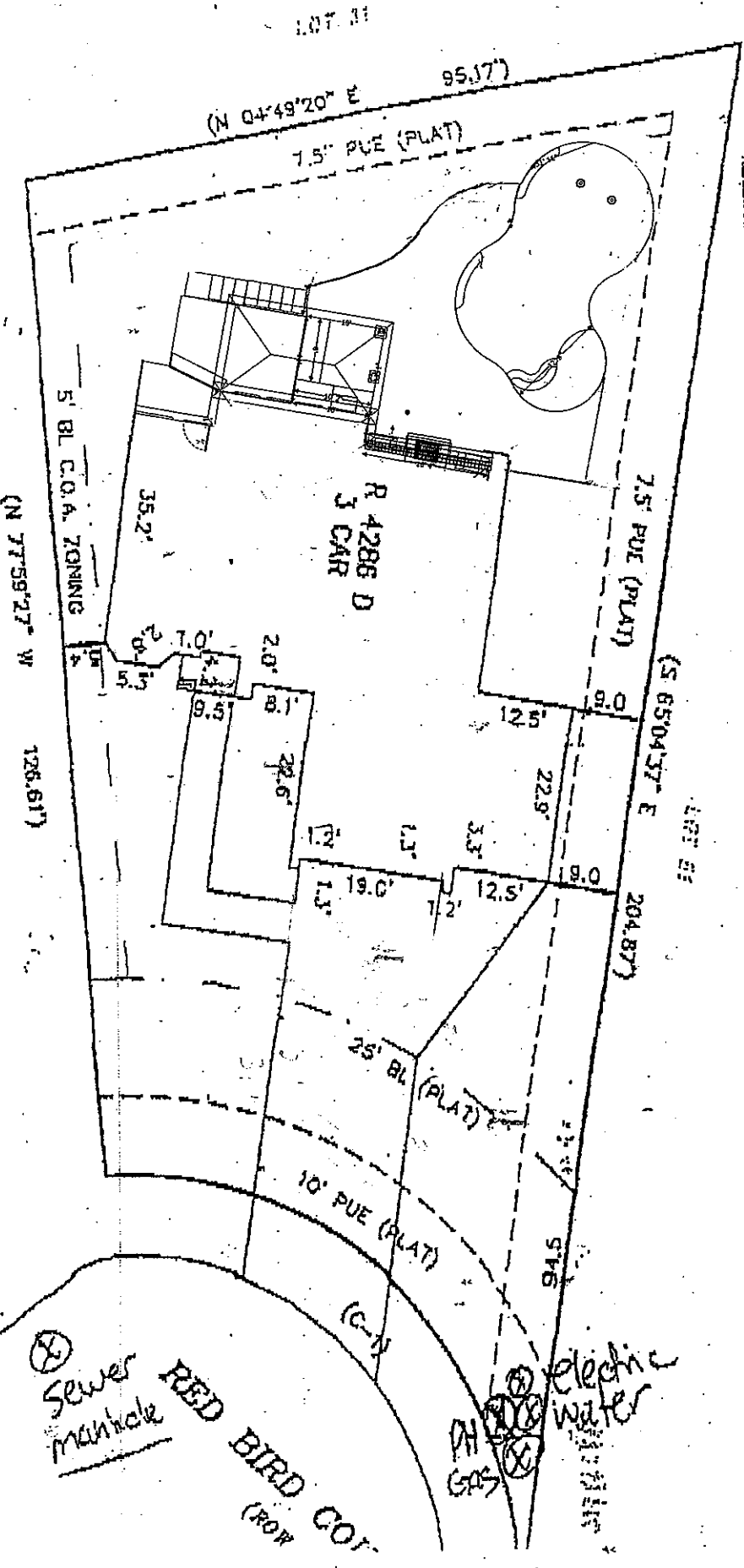
CASE#: C15-2012-0089
LOCATION: 8116 RED BIRD CT



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.

M. Volpe
 10/9/63
 1" = 20'
 GRANDVIEW HILL
 VOLUME 102,



CURVE	RADIUS	DELTA	TANGENT	LENGTH	CHORD	DEFINING
(C-1)	50.00'	102°48'00"	62.63'	89.71'	78.15'	N 63°31'22" E

LOT = 11,210
 HOUSE = 2,720
 PAVEMENT =
 IMPERVIOUS =

AS SURVEYED BY:
 RALPH HARRIS SURVEYOR INC.
 1406 HETHER
 (512) 444-1781
 AUSTIN, TEXAS 78704
 THIS SURVEY WAS MADE WITH OIL THE BENEFIT OF A TALE EQUIPMENT.

PLOT P1
 LOT 21 E
 GRANDVIEW HILL
 VOLUME 102,



City of Austin BUILDING PERMIT

PERMIT NO: 2011-001620-BP

Type: RESIDENTIAL

Status: Active

8116 RED BIRD CT

Issue Date: 01/07/2011

EXPIRY DATE: 07/06/2011

LEGAL DESCRIPTION						SITE APPROVAL		ZONING SF-1	
PROPOSED OCCUPANCY:			WORK PERMITTED: New			ISSUED BY: Gabriel Guerrero Jr			
Inground swimming pool w/ required enclosure device for existing 2 story SF res									
TOTAL SQFT New/Addn: 480		VALUATION Tot Job Val: \$68,000.00		TYPE CONST.	USE CAT: 329	GROUP	FLOORS: 1	UNITS: 1	# OF PKG SPACES: 2
TOTAL BLDG. COVERAGE 2789		% COVERAGE: 24	TOTAL IMPERVIOUS COVERAGE 4484		% COVERAGE: 40	# OF BATHROOMS: 0		METER SIZE- n/a	

Type	Date	Status	Comments	Inspector
101 Building Layout	<i>Called in 6-7-11</i>	Open		Joe Meuth
102 Foundation	<i>1-17-11</i>	Open		Joe Meuth
112 Final Building		Open		Joe Meuth
114 Continuance of work		Open		Joe Meuth
Deficiencies		Open		Joe Meuth

back flow prevention

James pulling electrical

Per # 46172

plumbing + bonding passed

*974-2027
called 1/11
called 1/12*

City of Austin Residential Permit Application

Residential Review, 2nd floor, One Texas Center
505 Barton Springs, Austin, TX 78704
(512) 974-2747

PUBLIC INFORMATION (BUREAU ONLY)	PR #	BP #
	Assigned	Due Date
	Review Date	Issue Date
	Reviewed/Approved	Issued

Project Information

Project Address: <u>8116 Red Bird Ct.</u>	Tax Parcel ID:
Legal Description:	
Zoning: <u>SF-1</u>	Lot Size (square feet): <u>11,210 S.F.</u>
Neighborhood Plan Area (if applicable):	Historic District (if applicable):
Is this site within the Residential Design and Compatibility Standards Ordinance Boundary Area? Y <input checked="" type="radio"/> N	
<small>Note: Boundaries are defined under Title 25-2 Subchapter F of the Land Development Code.</small>	
Does this site currently have water availability? <input checked="" type="radio"/> Y <input type="radio"/> N wastewater availability? <input checked="" type="radio"/> Y <input type="radio"/> N	
<small>If no, contact Austin Water Utility to apply for water/wastewater taps and/or service extension request.</small>	
Does this site have a septic system? <input checked="" type="radio"/> Y <input type="radio"/> N If yes, submit a copy of approved septic permit to construct	
Does this site require a cut or fill in excess of four (4) feet? Y <input type="radio"/> N <input checked="" type="radio"/>	
<small>If yes, contact the Development Assistance Center for a Site Plan Exemption.</small>	
Does this site front a paved street? <input checked="" type="radio"/> Y <input type="radio"/> N	Is this site adjacent to a paved alley? Y <input type="radio"/> N <input checked="" type="radio"/>
Does this site have a Board of Adjustment (BOA) variance? Y <input type="radio"/> N <input checked="" type="radio"/>	Case # _____ (if applicable)
Does this site have a Residential Design and Compatibility Commission (RDCC) waiver? Y <input type="radio"/> N <input checked="" type="radio"/>	
<small>If yes, provide a copy of decision sheet. Note: A permit cannot be approved within 10 days of approval of a variance from BOA.</small>	
Does the project impact a tree protected by ordinance? This would include canopy and/or critical root zone. Y <input type="radio"/> N <input checked="" type="radio"/>	
<small>Note: If yes, application for a tree permit with the City Arborist may be required.</small>	
Is this site within one hundred-fifty (150) feet of the one hundred (100) year floodplain? Y <input type="radio"/> N <input checked="" type="radio"/>	
<small>Note: Proximity to a floodplain may require additional review time.</small>	

Description of Work

Existing Use: vacant <u>single-family residential</u> duplex residential two-family residential other _____
Proposed Use: vacant <u>single-family residential</u> duplex residential two-family residential other _____
Project Type: new construction <u>addition</u> addition/remodel remodel/repair other <u>pool</u>
of bedrooms existing: _____ # of bedrooms proposed: _____ # of baths existing: _____ # of baths proposed: _____
Will all or part of an existing exterior wall be removed as part of the project? Y <input type="radio"/> N <input checked="" type="radio"/>
<small>Note: Removal of all or part of a structure requires a demolition permit.</small>
Project Description: (Note: Please provide thorough description of project. Attach additional pages as necessary) <u>New Swimming Pool & Deck permit</u> <u>previous expired</u>
Trades Permits Required: electric plumbing mechanical (HVAC) concrete (right-of-way)

Job Valuation

Total Job Valuation: \$ <u>68,000</u>	Portion of Total Job Valuation Dedicated to Addition/New Construction: \$ <u>68,000</u>	Portion of Total Job Valuation Dedicated to Remodel/Repair: \$ _____
<small>Note: The total job valuation should be the sum total of all valuations noted to the right. Labor and materials only, rounded to nearest dollar. Permit fees are based on adopted fee schedule.</small>		
Primary Structure: \$ _____	Bldg: \$ _____ Elec: \$ _____	
Accessory Structure: \$ _____	Plmbg: \$ _____ Mech: \$ _____	

Site Development Information

Building Coverage Information

Note: Building Coverage means the area of a lot covered by buildings or roofed areas, but excludes ground level paving, landscaping, open recreational facilities, incidental projecting eaves, balconies, and similar features. Pools, ponds, and fountains are not included in this measurement. (LDC 25-1-21)

Existing Building Coverage (sq ft): 2978 % of lot size: 26.6%
 Proposed Building Coverage (sq ft): 0 % of lot size: 0

Impervious Cover Information

Note: Impervious cover is the total horizontal area of covered spaces, paved areas, walkways, and driveways. The term excludes pools, ponds, fountains, and areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians. (LDC 25-1-23)

Existing Impervious Cover (sq ft): 4173 % of lot size: 37.2%
 Proposed Impervious Cover (sq ft): 4579 % of lot size: 40.8%

Setbacks

Are any existing structures on this site a non-compliant structure based on a yard setback requirement? (LDC 25-2-513) Y N
 Does any structure (or an element of a structure) extend over or beyond a required yard? (LDC 25-2-513) Y N
 Is front yard setback averaging being utilized on this property? (LDC 25-2, Subchapter F, Sec. 2.3) Y N

Height Information (LDC 25-1-21 or 25-2 Subchapter F, Section 3.4)

Building Height: 20 ft Number of Floors: 2

Parking (LDC 25-6 Appendix A & 25-6-478)

of spaces required: _____ # of spaces provided: _____

Right-of-Way Information

Is a sidewalk required for the proposed construction? (LDC-6-353) Y N
***Sidewalks are to be installed on any new construction of a single family, two-family or duplex residential structure and any addition to an existing building that increases the building's gross floor area by 50 % or more.**
 Will a Type I driveway approach be installed, relocated, removed or repaired as part of this project? Y N
 Width of approach (measured at property line): 20 ft Distance from intersection (for corner lots only): _____ ft
 Are storm sewer inlets located along the property or within ten (10) feet of the boundaries of the property? Y N

Building and Site Area

Area Description	Existing Sq Ft	New/Added Sq Ft	Total Sq Ft
Note: Provide a separate calculation for each distinct area. Attach additional sheets as necessary. Measurements are to the outside surface of the exterior wall.			
1 st floor conditioned area	2005		2005
2 nd floor conditioned area	1137		1137
3 rd floor conditioned area			
Basement			
Covered Parking (garage or carport)	748		748
Covered Patio, Deck or Porch	331 192	225	225
Balcony	**		
Other			
Total Building Coverage			
Driveway	990		990
Sidewalks	205		205
Uncovered Patio		354	354
Uncovered Wood Deck (counts at 50%)			
AC pads <u>Pool Equip Pad</u>		12	12
Other (Pool Coping, Retaining Walls)		40	40
Total Coverage	4173		4173
Pool		480	480
Spa			

Gross Floor Area

This section is only required for projects located within the Residential Design and Compatibility Standards Ordinance Boundaries as defined and illustrated in Title 25-2 Subchapter F of the Land Development Code. The Gross Floor Area of each floor is measured as the area contained within the outside edge of the exterior walls.

	Existing	New	Exemption	Total
1 st Floor	2005			2005
2 nd Floor	1137			1137
3 rd Floor				
Basement				
Attic				
Garage (attached)	748			748
(detached)				
Carport (attached)				
(detached)				
Accessory building(s) (detached)				

TOTAL GROSS FLOOR AREA 3890

(Total Gross Floor Area /lot size) x 100 = 34.7% Floor-To-Area Ratio (FAR)

Is this project claiming a "parking area" exemption as described under Article 3?	Y	<input checked="" type="radio"/>
Is this project claiming a "ground floor porch" exemption as described under Article 3?	Y	<input type="radio"/>
Is this project claiming a "basement" exemption as described under Article 3?	Y	<input type="radio"/>
Is this project claiming a "habitable attic" exemption as described under Article 3?	Y	<input type="radio"/>
Is a sidewall articulation required for this project?	Y	<input type="radio"/>
Does any portion of the structure extend beyond a setback plane?	Y	<input type="radio"/>

Parking Area exemption: Up to 450 square feet of a parking area may be deducted if it is a detached rear parking area that is separated from the principal structure by not less than 10 feet; or attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width; or a parking area that is open on two or more sides, if it does not have habitable space above it; and the open sides are clear and unobstructed for at least 80% of the area measured below the top of the wall plate to the finished floor of the carport. Up to 200 square feet may be deducted if it is an attached parking area used to meet the minimum parking requirement; or a garage that is less than 10 feet from the rear of the principal structure, provided that the garage is either detached from the principal structure; or attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width. An applicant may receive only one 450-square foot exemption per site under Article 3. An applicant who receives a 450-square foot exemption may receive an additional 200-foot exemption for the same site under Article 3, but only for an attached parking area used to meet minimum parking requirements.

Ground Floor Porch exemption: A ground floor porch, including a screened porch, may be exempted, provided that the porch is not accessible by automobile and is not connected to a driveway; and the exemption may not exceed 200 square feet if a porch has habitable space or a balcony above it.

Basement exemption: A habitable portion of a building that is below grade may be exempted if the habitable portion does not extend beyond the first-story footprint and is below natural or finished grade, whichever is lower; and it is surrounded by natural grade for at least 50% of its perimeter wall area and the finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.

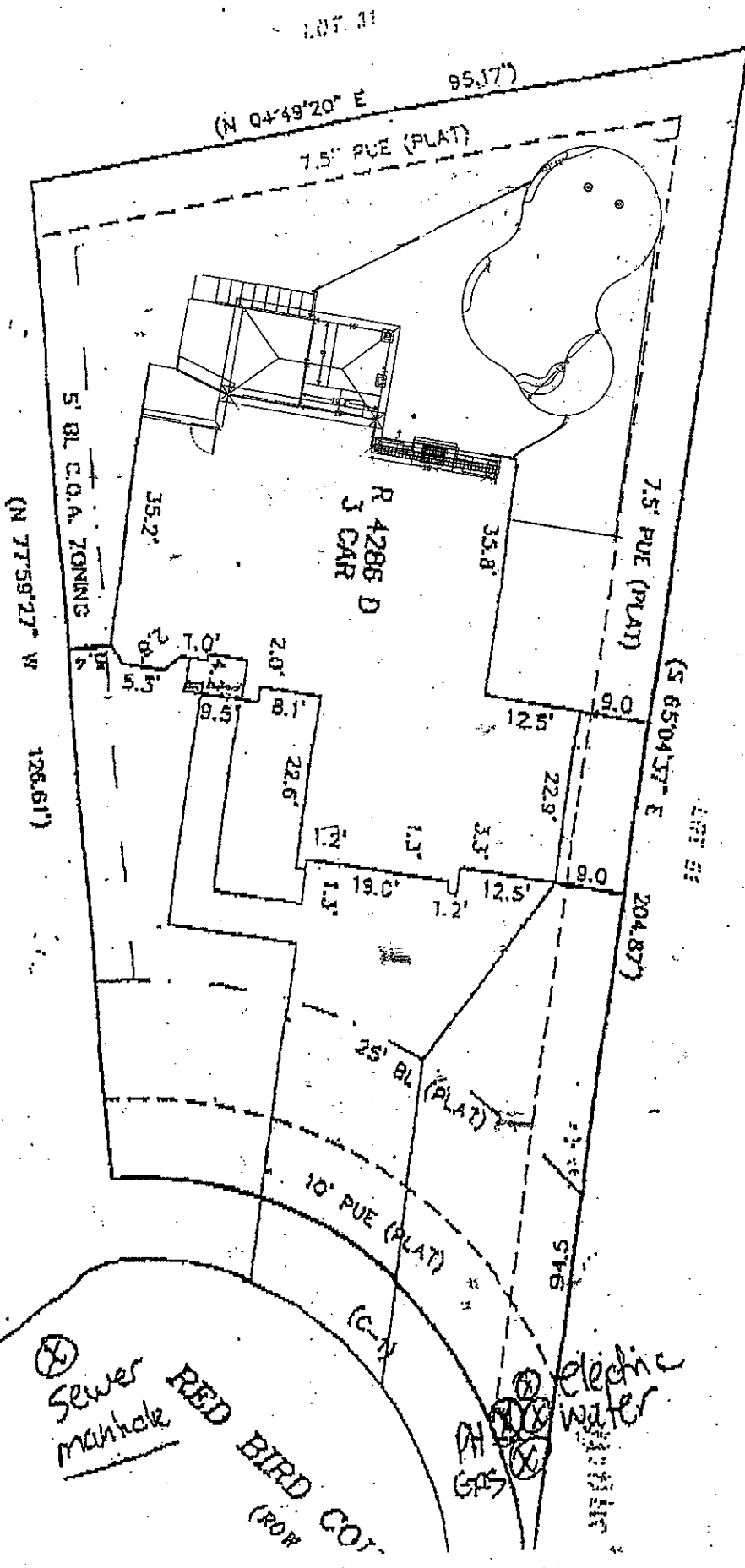
Habitable Attic exemption: A habitable portion of an attic may be exempted if: 1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater; 2. It is fully contained within the roof structure; 3. It has only one floor; 4. It does not extend beyond the footprint of the floors below; 5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and 6. Fifty percent or more of the area has a ceiling height of seven feet or less.

Contact Information			
Owner	Brent Cardwell	Applicant or Agent	Theresa Thompson
Mailing Address	8116 Red Bird Ct 78726	Mailing Address	See General Contractor
Phone	996-9745	Phone	512-657-0725 cell
Email	brentcardwell@earthlink.net	Email	
Fax		Fax	
General Contractor	Cascade Custom Pools	Design Professional	
Mailing Address	9100 Sisk Ln Dripping Springs TX 78620	Mailing Address	
Phone	512-264-2453	Phone	
Email	theresa.cascadepools@gmail.com	Email	
Fax	264-1180	Fax	

Acknowledgments	
Is this site registered as the owner's homestead for the current tax year with the appraisal district?	<input checked="" type="radio"/> Y <input type="radio"/> N
<p>I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license.</p> <p>I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property.</p> <p>If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.</p> <p>I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC. I understand that nothing may be built upon or over an easement.</p> <p>I further understand that no portion of any roof structure may overhang in any public utility or drainage easement. I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.</p> <p>I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required and compliance with current code may be required.</p> <p>I hereby certify that to the best of my knowledge and ability, the information provided in this application is complete and accurate.</p> <p>I further acknowledge that, should any information contained herein prove incorrect, the building official may suspend or revoke any resulting permit and/or license.</p> <p>I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed. Tree protection is required per Section 25-8-603.</p> <p>Erosion and Sedimentation Controls are required per Section 25-8-181.</p> <p>I acknowledge that a sidewalk will be required on any new construction of a single family, two-family or duplex residential structure and any addition to an existing building that increases the building's gross floor area by 50 % or more.</p> <p>I acknowledge if my plans are subject to a technical review it will not be construed to be a permit for, or an approval of any violation of any of the provisions of the current adopted building codes or another ordinance of the City of Austin.</p>	
Applicant's signature: <u>Theresa Thompson</u>	Date: <u>5-14-12</u>

M. Voge
 10/9/03
 GRANDVIEW HILL
 VOLUME 102, PAGE 80-81

1" = 20'
 -PLOT P3
 LOT 21 E
 GRANDVIEW HILL
 VOLUME 102, PAGE 80-81



CURVE	RADIUS	DELTA	TANGENT LENGTH	CHORD	DEARINGS
(C-1)	50.00'	102°48'00"	62.63'	89.71'	79.15'
					N 65°31'22" E

LOT 11, 210
 HOUSE = 27-2720
 PAVEMENT =
 IMPERVIOUS =

AS SURVEYED BY:
 HAROLD HARRIS SURVEYOR INC.
 1408 HETHER
 AUSTIN, TEXAS 78704
 (512) 444-1781
 THIS SURVEY WAS DONE WITH ALL THE EQUIPMENT

OWNER'S AUTHORIZATION LETTER

I/we hereby certify that I/we am/are the owner(s) of the property referenced below. I/we am/are respectfully requesting processing and approval of the below referenced permit(s) review. I/we hereby authorize the Applicant listed on this application to act on my/our behalf during the processing and presentation of this request. They shall be the principal contact with the City in processing this application.

Property Address: 8116 RED BIRD CT AUSTIN, TX 78726

PR#:



4-25-12

Owner's Signature

Date

Owner's Signature

Date

1st Owner's Printed Name

2nd Owner's Printed Name