

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 # C15-2012-0094
ROW # 10794012
021411-06-03

**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: 3213 French Place

LEGAL DESCRIPTION: Subdivision -- Forest Hills A ADDN

Lot(s) 8 & N 1/2 7 Block 8 Outlot 31 Division C

I/We Greg Esparza on behalf of myself/ourselves as authorized agent for
Moontower, LLC. affirm that on 07, 07

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

Additional square footage to the kitchen at the northern corner of the house

12' from Side Street p.l.

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

Upper Boggy Creek N.P.

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:

See attached page

HARDSHIP:

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

see attached page

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

see attached page

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 page

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:
-
-

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

The owners are planning on adding square footage (53.2sf) to improve the function of their home (specifically their kitchen) in the most reasonable way possible by extending two existing walls and the existing roof profile to "build in" the corner of the house. The zoning regulations applicable to the property create a very small (7.7sf) "notch" at the corner within in this proposed "build in" area that is unpermissible to build in. Due to this unbuildable "notch", the zoning regulations do not allow the owners to improve their property in a reasonable fashion, because adding on to their property in a way that would comply with the existing zoning regulations would create an unneighborly appearance to the proposed addition and decrease the function and value of the proposed addition.

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

The hardship for which the variance is requested is that zoning regulations do not allow for the most reasonable addition to the house by extending the the north wall/gable end and the west wall of the house (creating 53.2 sf of additional area). The property is unique because it is a corner lot with the kitchen located along the 17.7' long portion of the north wall of this house that is parallel with the 15' side setback for a corner lot, rather than a 5' side setback for a non corner lot. This existing 17.7' long portion of the north wall is located at 17' from the side property line. Additionally, the property was originally platted with a 12' side setback on the north side of house, and the house was originally sited five feet away from this 12' side setback which would allow for sufficient room for modest expansion of the home over time. A 30.3 feet long portion of the north wall of the home, adjacent to the proposed addition, is set at 12.1' from the property line (compliant with the original side setback) and the owners are permitted to extend this existing non-compliant wall of the house by half of its total length (15'-1 3/4"). This 15'-1 3/4" allowable extension is 2'-6 3/4" shy of what is necessary for the proposed addition, which "completes" the corner of the house by extending the the north and west walls. The hardship for which the variance is requested is that due to the unique nature of the property as a corner lot that was originally platted with 12' side setbacks and the length of the existing non-compliant wall, there is a 7.7 sf (2'-6" x 3') area that is non-buildable per zoning regulations the prevents the owners from adding on to the house in the most reasonable way.

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

The hardship is not general to the area because of the unique nature of the property as a corner lot with a house that was sited with respect to the original 12' side setback (rather than 15') on the north side of the house and that current kitchen is located on the north side of the house, making the north side of the house the most reasonable and effective place to add square footage to improve the kitchen.

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 allow the owners to better preserve the character of the adjacent area because it will allow them to add on simply by extending the north wall and gable end and the west wall of the house which will match existing historic character of the corner of the house. Without the variance, there would be an unattractive notch at the corner of the house that faces the corner of the street which would be uncharacteristic of the appearance of the original home and homes in the area.

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.

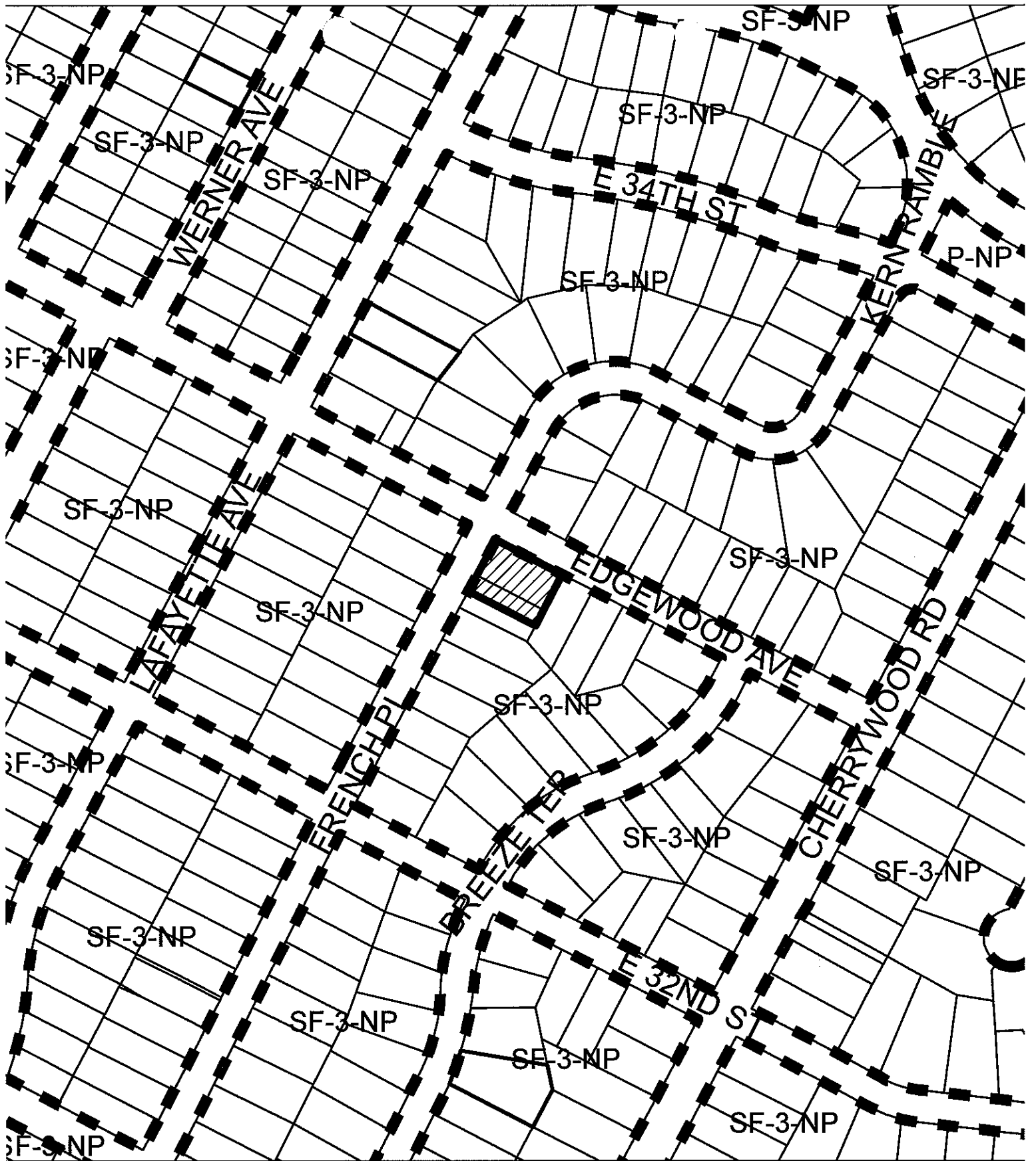
Signed Greg Esparza Mail Address 2915 E 13th St
City, State & Zip Austin, TX 78702

Printed Greg Esparza Phone 512-699-6077 Date 6-27-12

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 Elizabeth Mueller & Michael Oden Mail Address 3213 French Place
City, State & Zip Austin TX 78722

Printed Elizabeth Mueller & Michael Oden Phone 512-302-4412 Date 6-11-12



BOARD OF ADJUSTMENTS



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2012-0094
 LOCATION: 3213 FRENCH PLACE
 GRID: K 24
 MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

July 5, 2012

Greg Esparza
Moon Tower LLC.
Austin, Texas
Email address if applicable

Re: Project Address: 3213 French Place

Legal Description: Lot 8 and North ½ of Lot 7 Block 8 Forest Hills Addition

Dear Greg,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to build in the established building setback. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

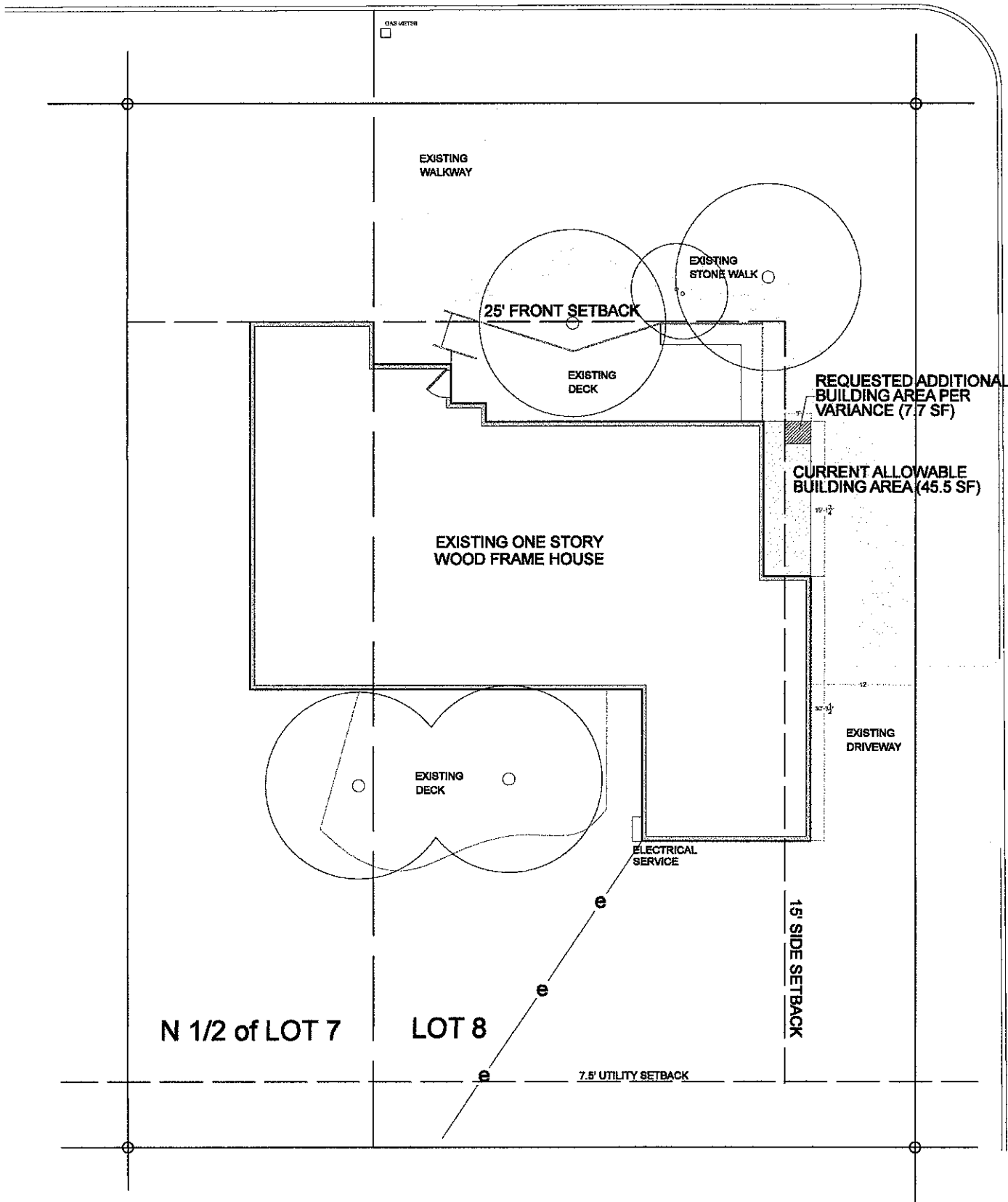
Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6522.

Sincerely,

A handwritten signature in cursive script that reads "Robert K. Long, Jr.".

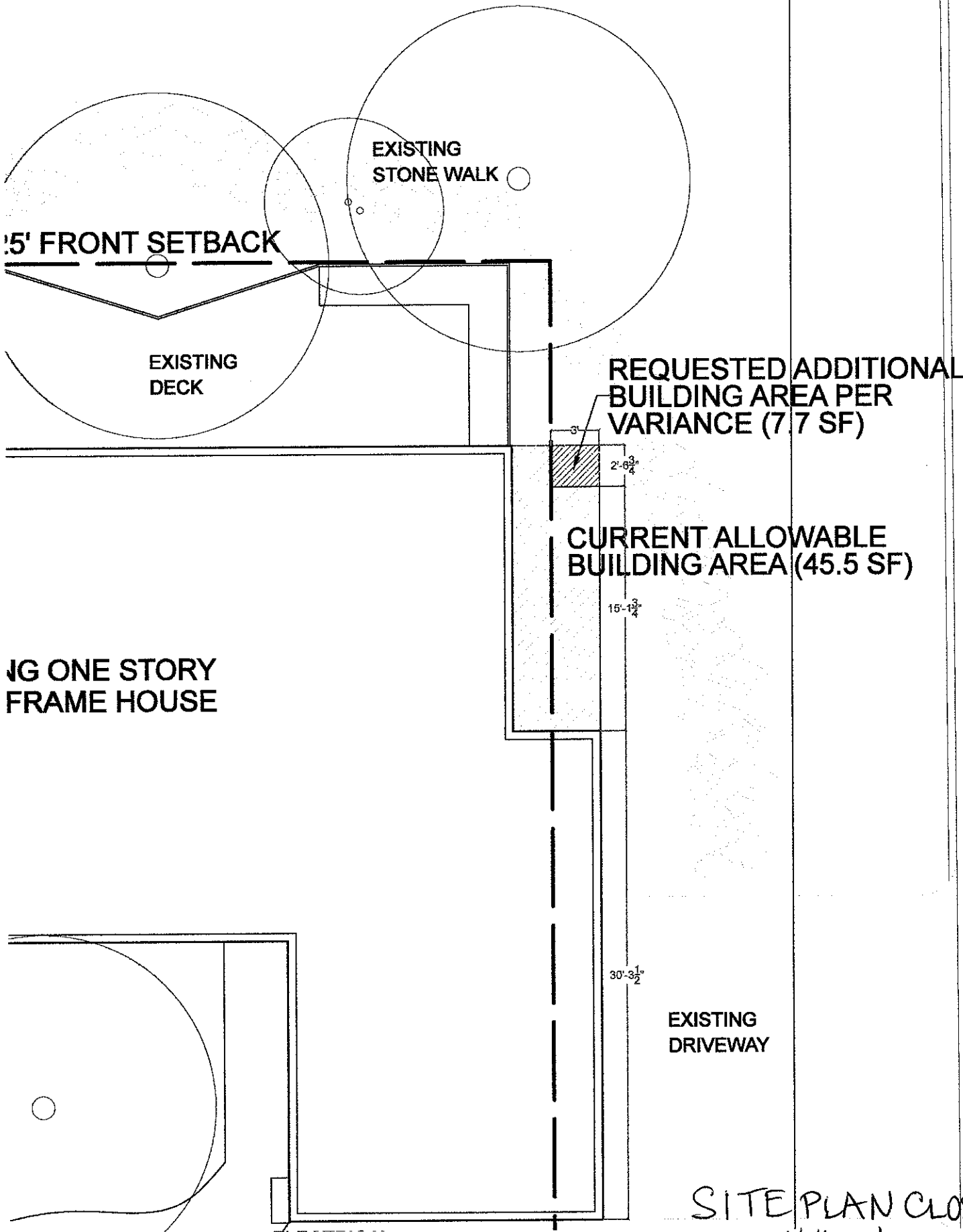
Robert K. Long, Jr.
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker



Site Plan

SCALE: 3/32"=1'



5' FRONT SETBACK

EXISTING STONE WALK

EXISTING DECK

REQUESTED ADDITIONAL BUILDING AREA PER VARIANCE (7.7 SF)

CURRENT ALLOWABLE BUILDING AREA (45.5 SF)

EXISTING ONE STORY FRAME HOUSE

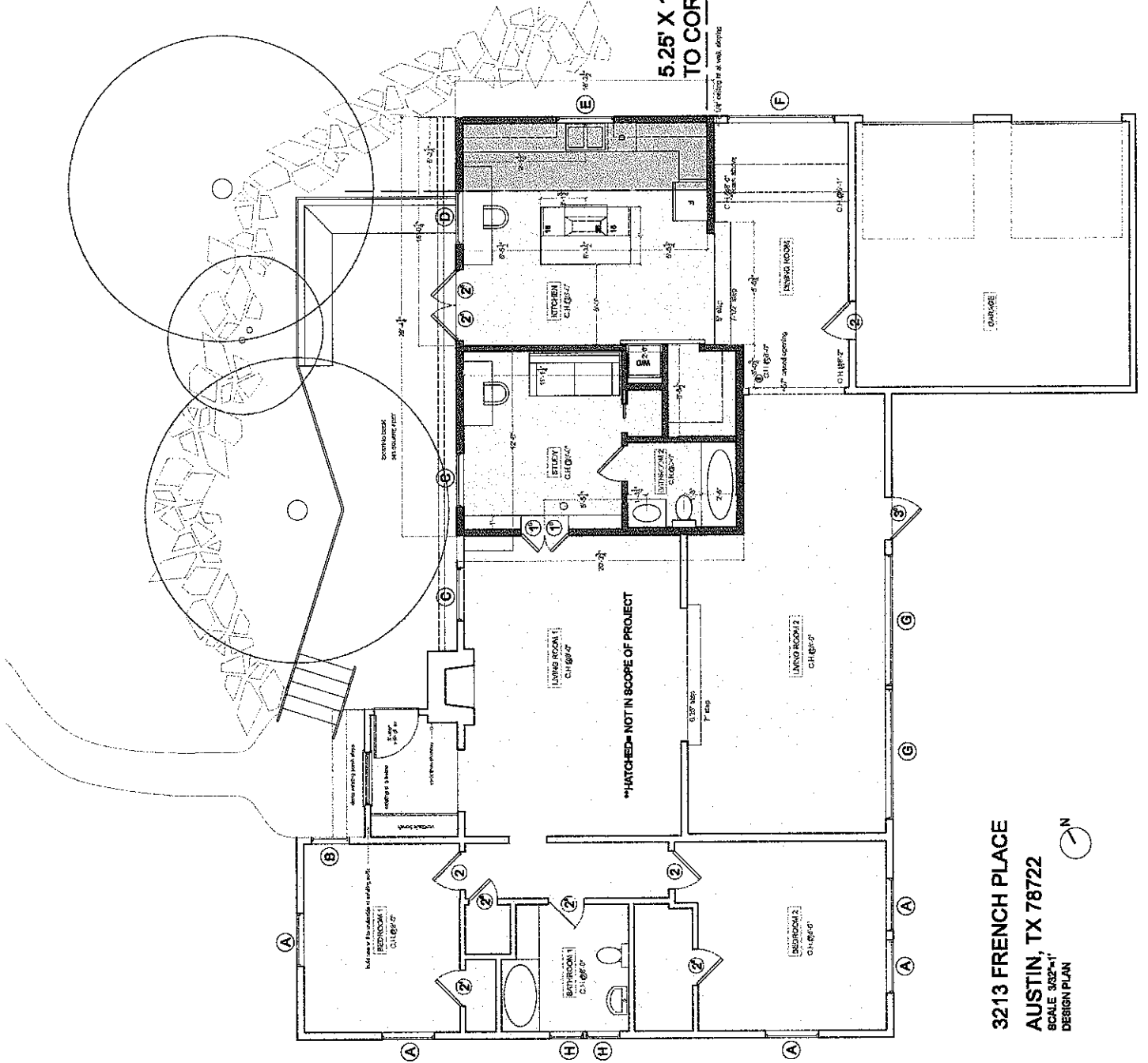
EXISTING DRIVEWAY

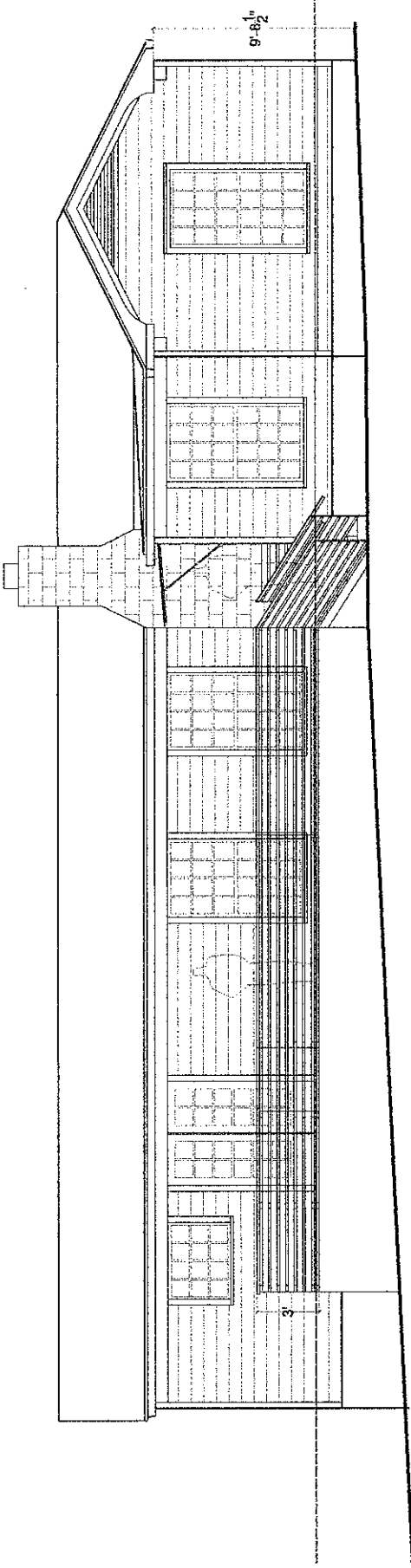
SITE PLAN CLOSEUP
1/8" = 1'

WINDOW SCHEDULE:

NAME	WIDTH	HEIGHT	HEAD HEI
A	3'-8-1/2"	81"	83-1/2"
B	8'-8"	81"	83-1/2"
C	3'-8-1/2"	79"	83"
D	3'-8"	36"	83"
E	4'-0"	36"	83"
F	7'-8"	48-1/2"	60"
G	9'-1-1/2"	60"	81"
H	2'-4"	37"	83-1/2"

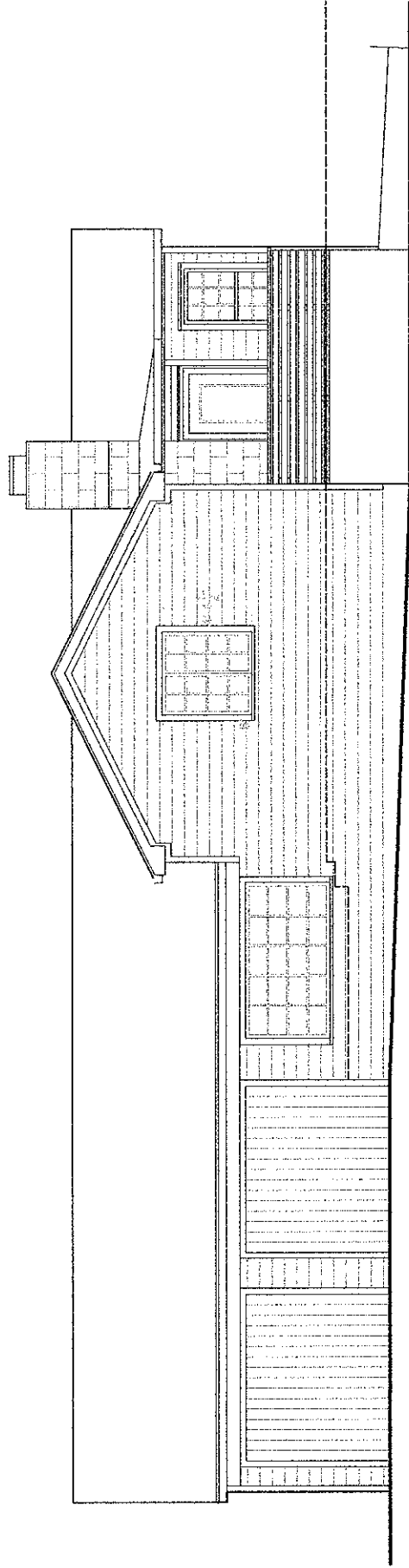
ROOM	ROOM SQUARE FOOTAGE
KITCHEN	288 E
LIVING ROOM 1	3209
LIVING ROOM 2	3928
DINING ROOM	1789
BEDROOM 1	145 E
BEDROOM 2	178 E
STUDY	188 E
BATH 1	759F
BATH 2	48 8I
GARAGE	3576





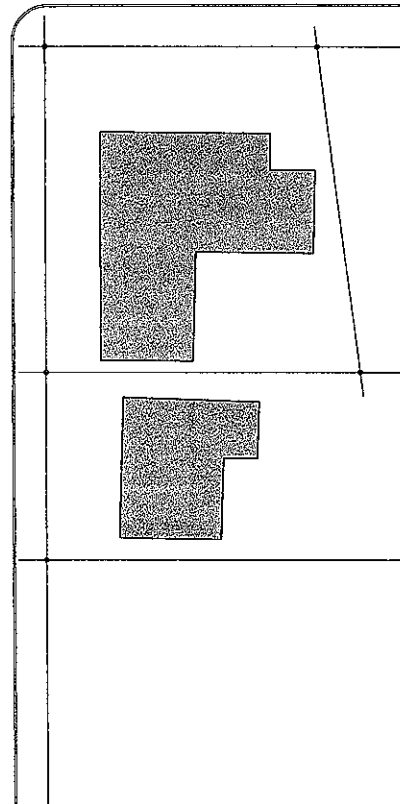
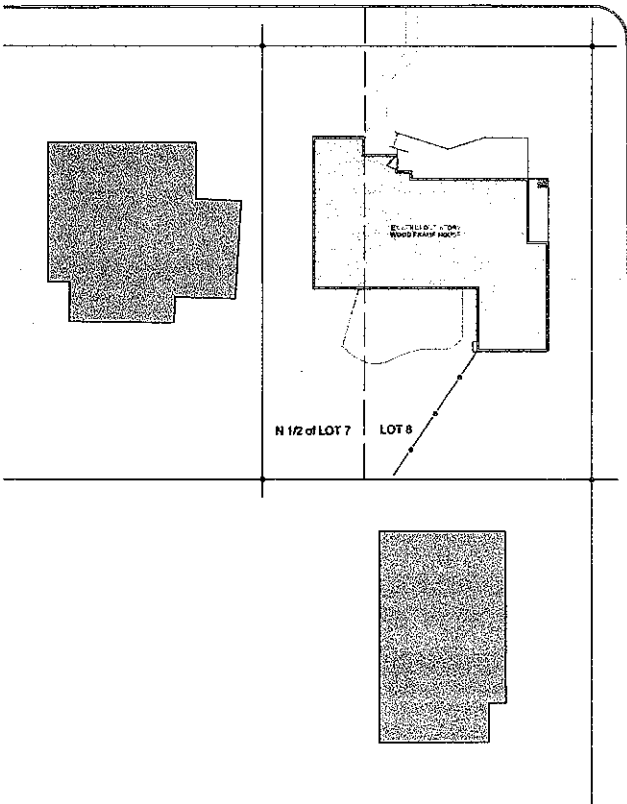
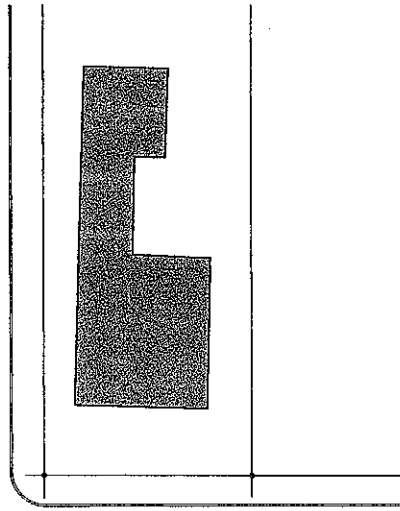
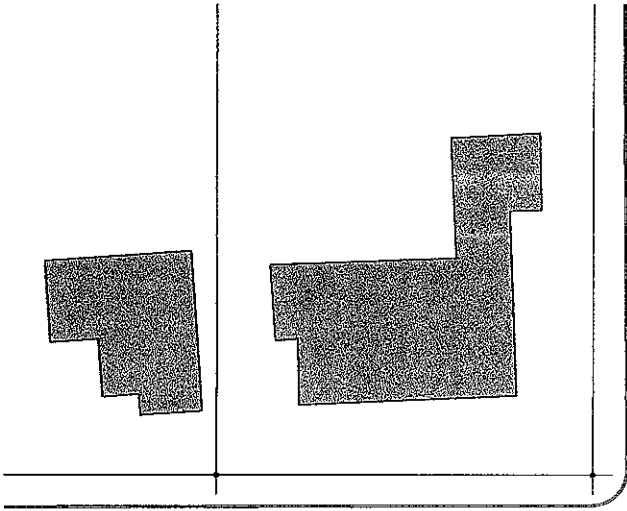
North Elevation

SCALE: 1/8" = 1'



East Elevation

SCALE: 1/8" = 1'



Neighborhood Site Plan

SCALE: 1/32"=1'