

CASE # C15-2012-0099
ROW # 10797139
TP-024008-12-29

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: 8202 Easter Cove

LEGAL DESCRIPTION: Subdivision - Lanier Terrace, Section 4, A subdivision

Lot(s) 5 Block E Outlot _____ Division _____

I/We John and Alisa Jenne on behalf of myself/ourselves as authorized agent for

Alisa Buster and Patrick Durbin affirm that on July 7, 2012, hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

This request is to maintain an existing structure that was erected as a car port. The issue is a one foot encroachment of the front building line from the left post of the existing structure (24' vs 25'). This carport was erected by a contractor who misled the home owner in to believing that the structure had been constructed per the plans and permit (2010-033871) approved by the city by showing approvals throughout the duration of the project. The structure itself maintains the look and feel of the original home and strives to stay within the feel of the neighborhood. It was not discovered by the home owner until after the contractor had been fully paid and was unreachable that there was an issue with the existing permit. See the attached picture.

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

Wooten 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:

Structure already exists and encroachment is minimal (1' within front building line). Original plan would have provided carport that met 25' front building line requirements, but due to existing structure requires either a) demolishing and rebuilding or b) moving structural post back 1' which is aesthetically displeasing.

HARDSHIP:

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

While car port adds value and practical purpose to home, the costs of demolishing and rebuilding cannot be justified. While moving the support post out of the front building line is a more cost effective solution, there is still a cost burden and an end result that is aesthetically displeasing. Home owner has put home on market for sale and aesthetic impact could devalue home.

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

Hardship is specific to this property due to a contractor that completed construction and misled home owner.

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:

Encroachment of front building line is a minimal 1' of the 25' line. Encroachment does not impact adjacent property views or access. Carport maintains the look and feel of the original home and strives to stay within the feel of the neighborhood.

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 Alisa Jenne Mail Address 9812 Palmbrooke Dr.

City, State & Zip Austin, Tx 78717

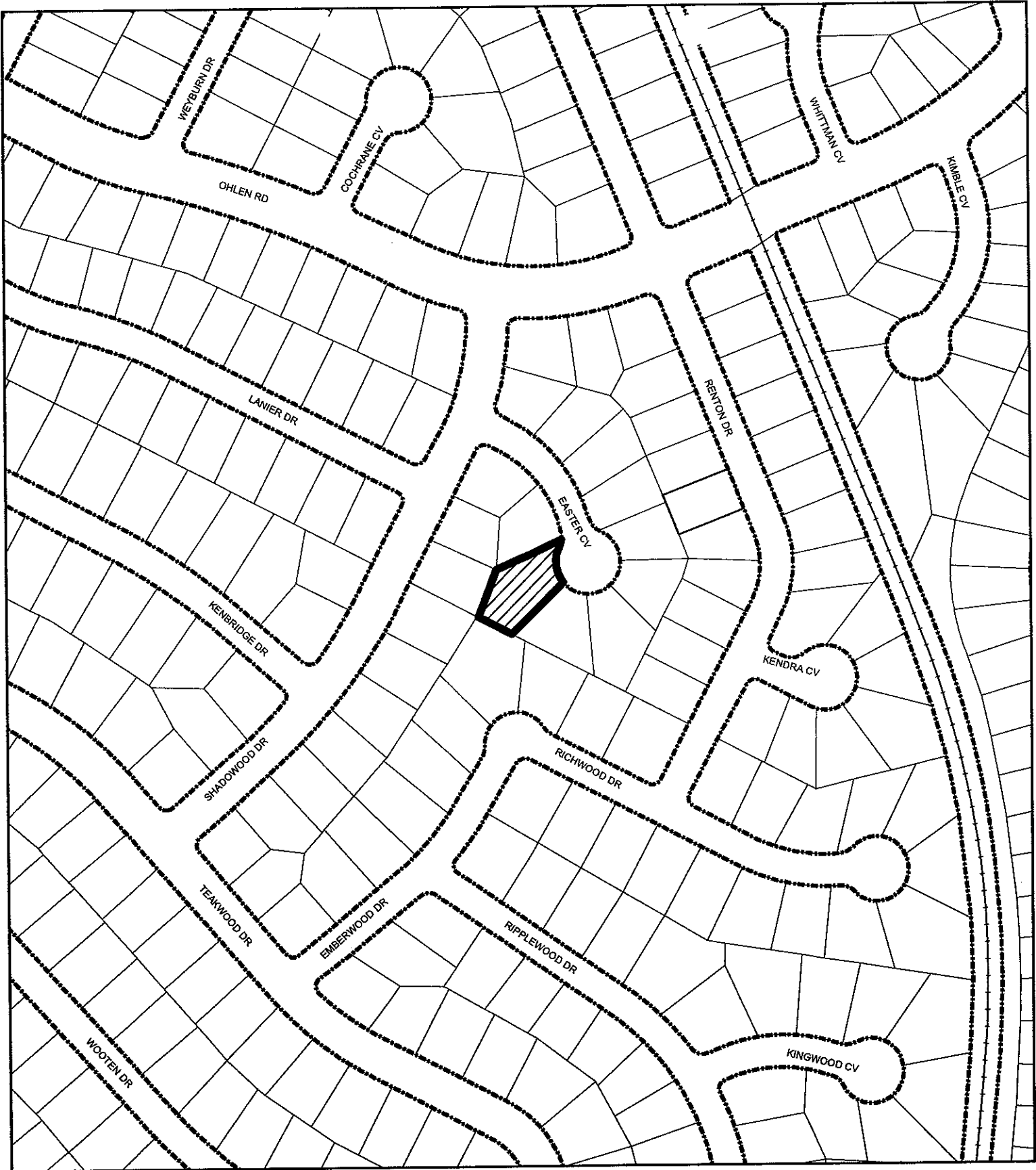
Printed Alisa Jenne Phone 512-731-2279 Date 7-9-12



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 Alisa Buster Jenne Mail Address 9812 Palmbrooke Dr.

City, State & Zip Austin, TX 78717

Printed Alisa Buster Jenne Phone 512-731-2279 Date 7-9-12



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2012-0099
 LOCATION: 8202 EASTER 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.

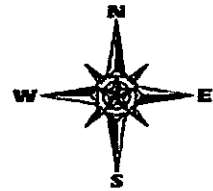
This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

NOTES:

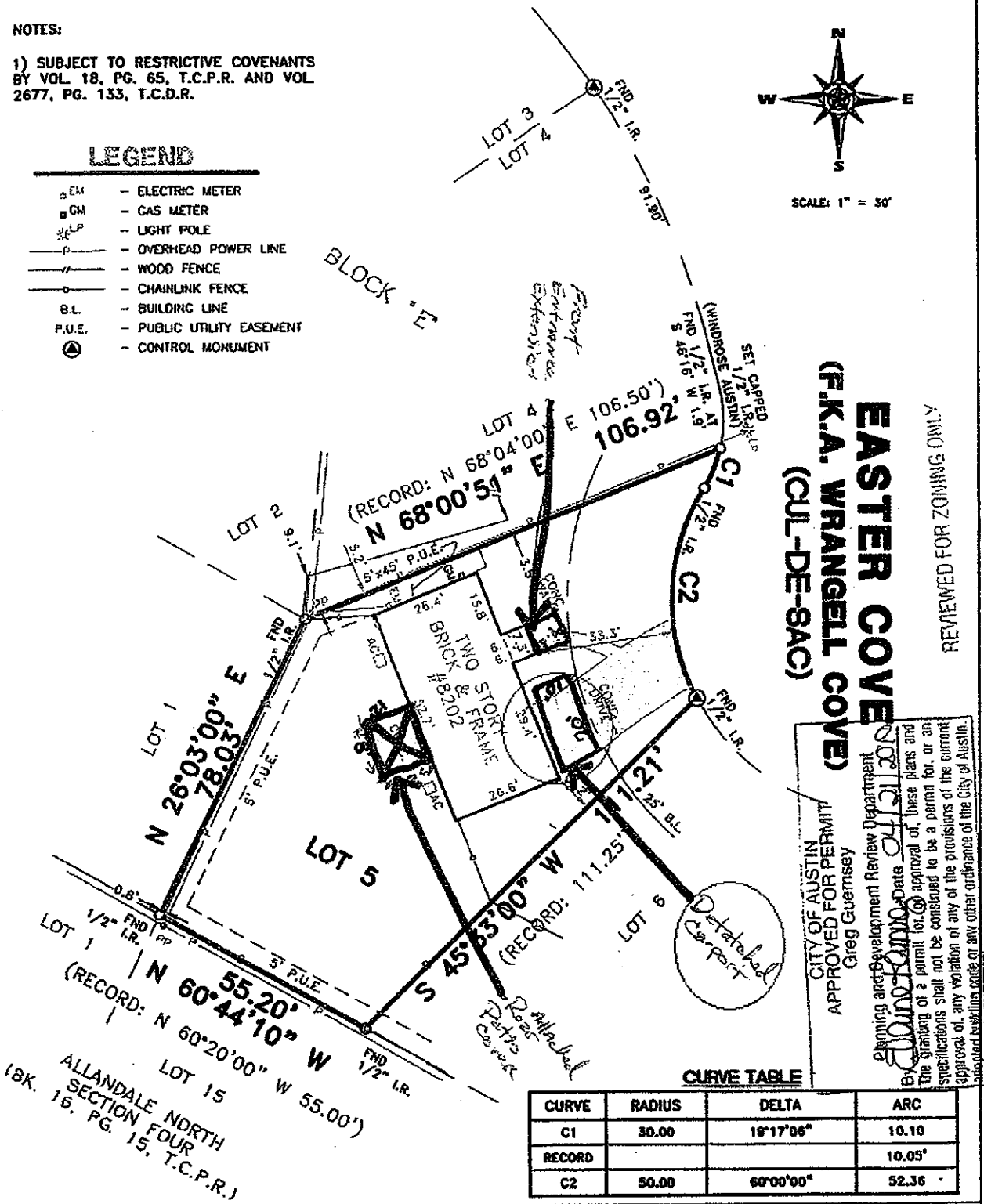
1) SUBJECT TO RESTRICTIVE COVENANTS BY VOL. 18, PG. 65, T.C.P.R. AND VOL. 2677, PG. 133, T.C.D.R.

LEGEND

- EM - ELECTRIC METER
- GM - GAS METER
- LP - LIGHT POLE
- P — OVERHEAD POWER LINE
- W — WOOD FENCE
- C — CHAINLINK FENCE
- B.L. - BUILDING LINE
- P.U.E. - PUBLIC UTILITY EASEMENT
- ⊙ - CONTROL MONUMENT



SCALE: 1" = 30'



EASTER COVE
(F.K.A. WRANGELL COVE)
(CUL-DE-SAC)

REVIEWED FOR ZONING ONLY

CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guernsey

Planning and Development Review Department
Date: 01/17/10
By: [Signature]

The granting of a permit for approval of these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED. ALL EASEMENTS AND BUILDING LINES ARE BASED ON THE RECORDED PLAT, UNLESS OTHERWISE NOTED. SURVEYOR DID NOT

SURVEY OF
LOT 5, BLOCK "E", LANIER TERRACE, SECTION 4, A
SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "UNSHADED" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480624 0-35 H.

Austin Energy Approval

One Stop Shop
505 Barton Springs Rd
(512) 974-2632 - phone
(512) 974-9112 - phone
(512) 974-9109 - fax
(512) 974-9779 - fax



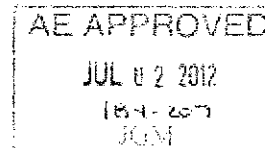
Austin Energy
Building Service Planning Application (BSPA)

*This form to be used for review of Building Permit only
For use in One Stop Shop Only*

Responsible Person for Service Request <u>Alisa Buster Jenne</u>		
Email _____	Fax _____	Phone _____
<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> New Construction <input type="checkbox"/> Remodeling
Project Address _____		OR
Legal Description _____	Lot _____	Block _____
Who is your electrical provider?	<input type="checkbox"/> AE	<input type="checkbox"/> Other _____
<input type="checkbox"/> Overhead Service	<input type="checkbox"/> Underground Service	<input type="checkbox"/> Single-phase (1Ø) <input type="checkbox"/> Three-phase (3Ø)
Location of meter _____		
Number of existing meters on gutter _____ (show all existing meters on riser diagram)		
Expired permit # _____		
Comments _____		
<u>Alisa Jenne</u>	<u>Alisa Jenne</u>	<u>7/2/12</u> <u>512-731-2277</u>
BSPA Completed by (Signature & Print Name)		Date Phone
Approved <input type="checkbox"/> Yes <input type="checkbox"/> No		
AE Representative _____	Date _____	Phone _____

Application expires 180 days after the date of approval
(Any change to the above information requires a new BSPA)

Wiring, etc. must maintain 7' clearance from AE energized power lines. Enforced by AE & NESC codes.

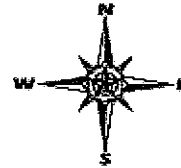


NOTES:

1) SUBJECT TO RESTRICTIVE COVENANTS BY VOL. 18, PG. 65, T.C.P.R. AND VOL. 2677, PG. 133, T.C.D.R.

LEGEND

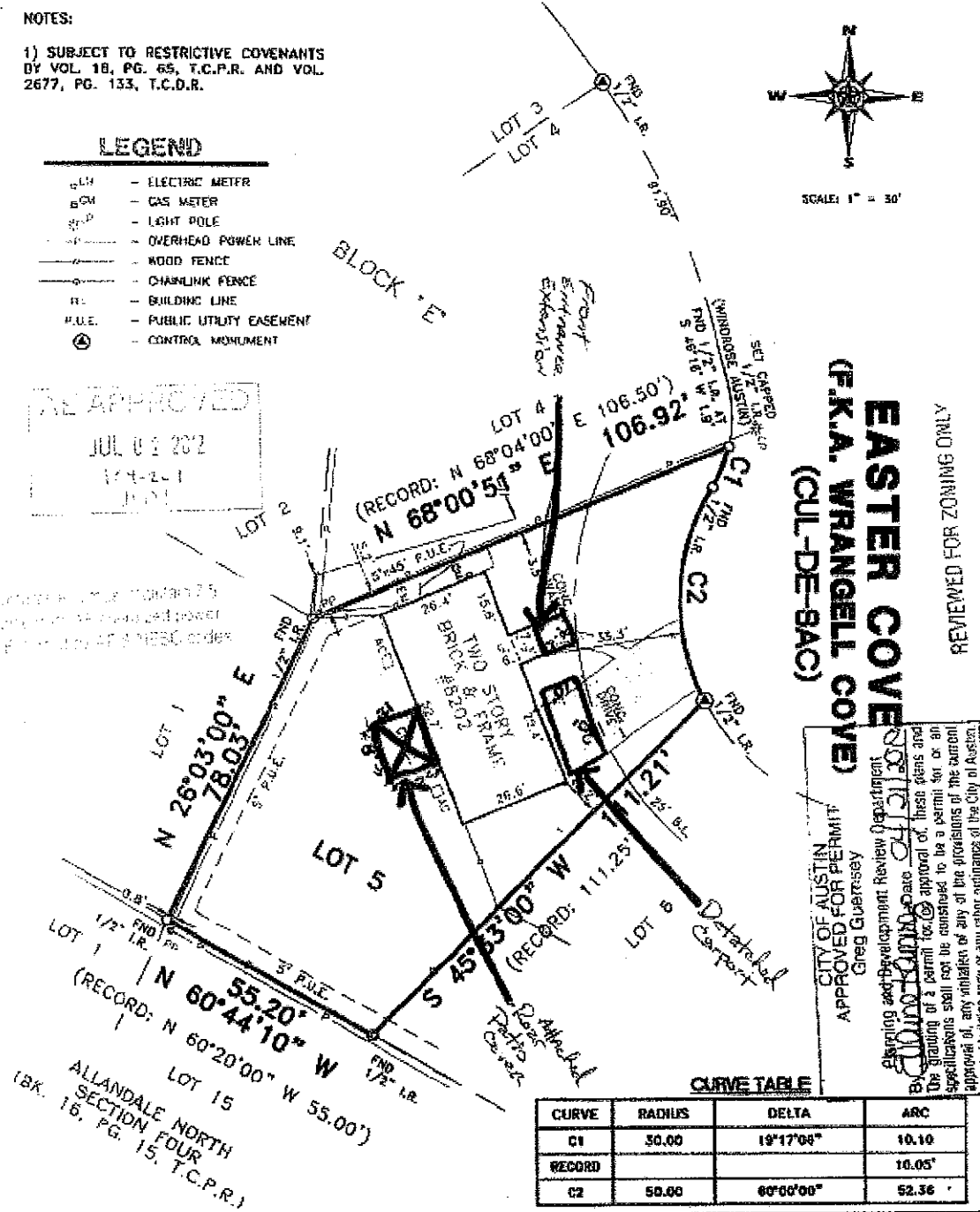
- EM - ELECTRIC METER
- GM - GAS METER
- LP - LIGHT POLE
- OP - OVERHEAD POWER LINE
- WF - WOOD FENCE
- CF - CHAINLINK FENCE
- BL - BUILDING LINE
- P.U.E. - PUBLIC UTILITY EASEMENT
- CM - CONCRETE MONUMENT



SCALE: 1" = 30'

APPROVED
JUL 01 2012
114-241
JUL 1

ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED. ALL EASEMENTS AND BUILDING LINES ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED.



EASTER COVE
(F.K.A. WRANGELL COVE)
(CUL-DE-SAC)

REVIEWED FOR ZONING ONLY

CITY OF AUSTIN
APPROVED FOR PERMIT:
Greg Guertsey

Planning and Development Review Department
NOTICE TO CONTRACTOR
By the granting of a permit for the approval of these plans and specifications shall not be construed to be a permit for or an approval of, any violation of any of the provisions of the current applicable building code or any other ordinances of the City of Austin.

CURVE TABLE

CURVE	RADIUS	DELTA	ARC
C1	50.00	19°17'08"	10.10
RECORD			10.05'
C2	50.00	80°00'00"	52.36

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SURVEY OF
LOT 5 BLOCK "E" (ANIER TERRACE SECTION 4 A

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "(UNSHADE)" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY



STATUTORY DURABLE POWER OF ATTORNEY

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE DURABLE POWER OF ATTORNEY ACT, CHAPTER XII, TEXAS PROBATE CODE. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, Patrick Durbin appoint Alisa M. Buster nka Alisa Buster Jenne as my agent (attorney-in-fact) to act for me in any lawful way with respect to all of the following powers except for a power that I have crossed out below.

TO WITHHOLD A POWER, YOU MUST CROSS OUT EACH POWER WITHHELD.

Real property transactions;

Tangible personal property transactions;

~~Stock and bond transactions;~~

~~Commodity and option transactions;~~

Banking and other financial institution transactions;

~~Business operating transactions;~~

~~Insurance and annuity transactions;~~

~~Estate, trust and other beneficiary transactions;~~

Claims and litigation;

Personal and family maintenance;

~~Benefits from social security, Medicare, Medicaid, or other governmental programs or civil or Military service;~~

~~Retirement plan transactions;~~

Tax matters;

IF NO POWER LISTED ABOVE IS CROSSED OUT, THIS DOCUMENT SHALL BE

CONSTRUED AND INTERPRETED AS A GENERAL POWER OF ATTORNEY AND MY AGENT (ATTORNEY IN FACT) SHALL HAVE THE POWER AND AUTHORITY TO PERFORM OR UNDERTAKE ANY ACTION I COULD PERFORM OR UNDERTAKE IF I WERE PERSONALLY PRESENT.

SPECIAL INSTRUCTIONS

Special instructions applicable to gifts (initial in front of the following sentence to have it apply):

I grant my agent (attorney in fact) the power to apply my property to make gifts, except that the amount of a gift to an individual may not exceed the amount of annual exclusions allowed from the federal gift tax for the calendar year of the gift.

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

WITHOUT LIMITING THE POWERS HEREIN GRANTED, MY AGENT IN MY NAME, PLACE AND STEAD MAY NEGOTIATE TO PURCHASE, SELL OR REFINANCE THE FOLLOWING DESCRIBED PROPERTY: 8202 Easter Cove, Austin, Texas 78757

Lot 5, Block E, Lanier Terrace, Section 4, A Subdivision in Travis County, Texas, According to the Plat thereof Recorded in Volume 18, Page 65, Plat Records of Travis County, Texas.

AND EXECUTE, ACKNOWLEDGE AND DELIVER ANY AND ALL DOCUMENTS IN CONNECTION THEREWITH.

UNLESS YOU DIRECT OTHERWISE ABOVE, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

CHOOSE ONE OF THE FOLLOWING ALTERNATIVES BY CROSSING OUT THE ALTERNATIVE NOT CHOSEN:

(A) This Power of Attorney is not affected by my subsequent disability or incapacity.

~~(B) This Power of Attorney becomes effective upon my disability or incapacity.~~

YOU SHOULD CHOOSE ALTERNATIVE (A) IF THIS POWER OF ATTORNEY IS TO BECOME EFFECTIVE ON THE DATE IT IS EXECUTED.

IF NEITHER (A) NOR (B) IS CROSSED OUT, IT WILL BE ASSUMED THAT YOU CHOSE ALTERNATIVE (A).

If Alternative (B) is chosen and a definition of my disability or incapacity is not contained in this Power of Attorney, I shall be considered disabled or incapacitated for purposes of this power of attorney if a physician certifies in writing at a date later than the date this power of attorney is executed that, based on the physician's medical examination of me, I am mentally incapable of managing my financial affairs. I authorize the physician who examines me for this purpose to disclose my physical or mental condition to another person for purposes of this power of attorney. A third party who accepts this power of attorney is fully protected from any action taken under this power of attorney that is based on the determination made by a physician of my disability or incapacity.

I agree that any third party who receives a copy of this document may act under it. Revocation of the durable power of attorney is not effective as to a third party until the third party receives actual notice of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

If any agent named by me dies, becomes legally disabled, resigns, or refuses to act, I name the following (each to act alone and successively, in the order named) as successor(s) to that agent: None.

THE ATTORNEY IN FACT OR AGENT, BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

Signed this 9th day of July, 2012.

Patrick Durbin

Patrick Durbin

Acknowledgment

STATE OF TEXAS
COUNTY OF TRAVIS

This instrument was acknowledged before me on the 9th day of July, 2012, by Patrick Durbin.



Maria L. Wilder
Notary Public, State of TX

AFTER RECORDING RETURN TO:
RELIANT TITLE
8300 N. MOPAC, SUITE 115
AUSTIN, TEXAS 78759