

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

ROW

CASE #

#

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: 4900 Mendoza Drive, Austin, Texas

LEGAL DESCRIPTION: Subdivision - Chernosky Subdivision

Lot(s) 22 Block 5 Outlot Division

I/We Barger Design + Build, Inc. on behalf of myself/ourselves as authorized agent for

Katherine N. Holton

affirm that on Aug 23, 2012,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL ☒ MAINTAIN

To allow for the existence of an 8.4" (.25 sf) rear building corner encroachment in a 5' side yard

set-back to remain in place. The homeowner requests a variance, which will allow them to obtain a

building permit for new, compliant work to improve the look and value of the existing home.

in a Residential district.

(zoning district)

SF-3-NP

5 → 4.3'

last p.1.

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:

An irregular property shape was misinterpreted by the Builder and Architect, Studio C Architecture and Design, when the home was originally constructed in 2005 (reference attached 01/13/2005 Architect's survey), which unknowingly resulted in an 8.4" corner encroachment upon the property's 5' side yard set back.

HARDSHIP:

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

A slab on grade structure was erected by Terra Verde Construction in 2005, and approved by the City through the Permitting process. Aside from the unintentional .25 sf set back violation, the structure is in all other regard code compliant.

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

The home is located on top of a hill. Property lines extend from bottom to top of the hill. Located on the outside of a curve, adjoining properties are at different angles and are not perpendicular to the road. Given land contours and a curved road, surrounding homes are at different elevations and orientations.

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:

There are no defining landmarks to identify irregular property shapes between Lot 22 and Lot 21. The home has been in place for over 7 years and there are no boundary concerns. Granting approval does not limit use of, or access to this or neighboring properties.

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.

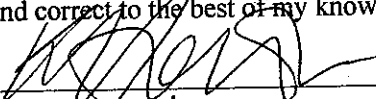
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 605A W 37th ST

City, State & Zip AUSTIN, TX 78705

Printed TERRY ENLOW Phone 512-420-9929 Date 8-23-12

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 4900 Mendoza Dr.

City, State & Zip Austin, TX 78721

Printed Katherine Holton Phone (512) 565-7714 Date 5/15/12

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:



N



SUBJECT TRACT



ZONING BOUNDARY

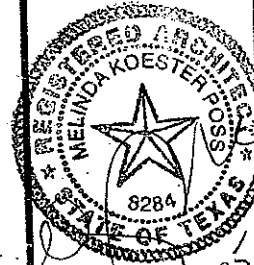
CASE#: C15-2012-0121
LOCATION: 4900 MENDOZA DR



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.

EXHIBIT A



BOA REQUEST
SUPPORTING
DOCUMENT
KATHERINE HOLTON
4900 MENDOZA DRIVE

← ARCHITECT INCORRECTLY
LOCATED BUILDING
CORNER

KATE HOLTON RESIDENCE
4900 MENDOZA DRIVE
AUSTIN, TX 78721

ORIGINAL SITE PLAN
Home WAS CONSTRUCTED
By

Studio
Architecture
Design

1900 Abrams Pkwy
Dallas, Texas 7521
(214) 826-2404

→ PERMIT SET

Scale:
N/A
Date:

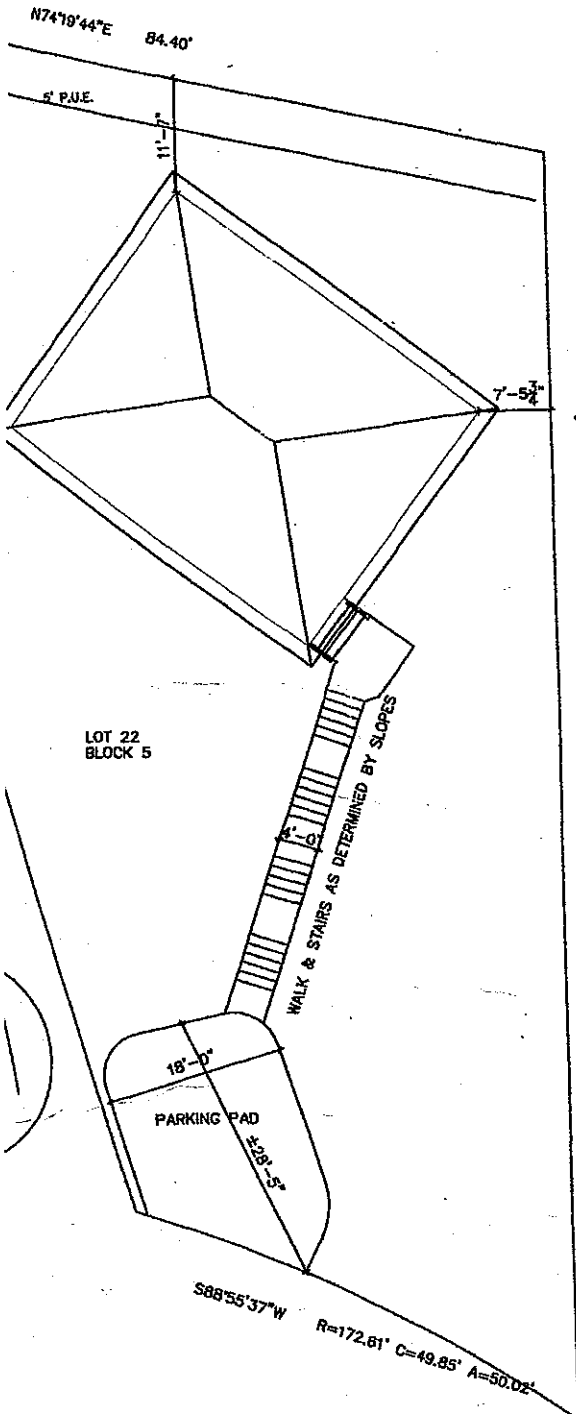
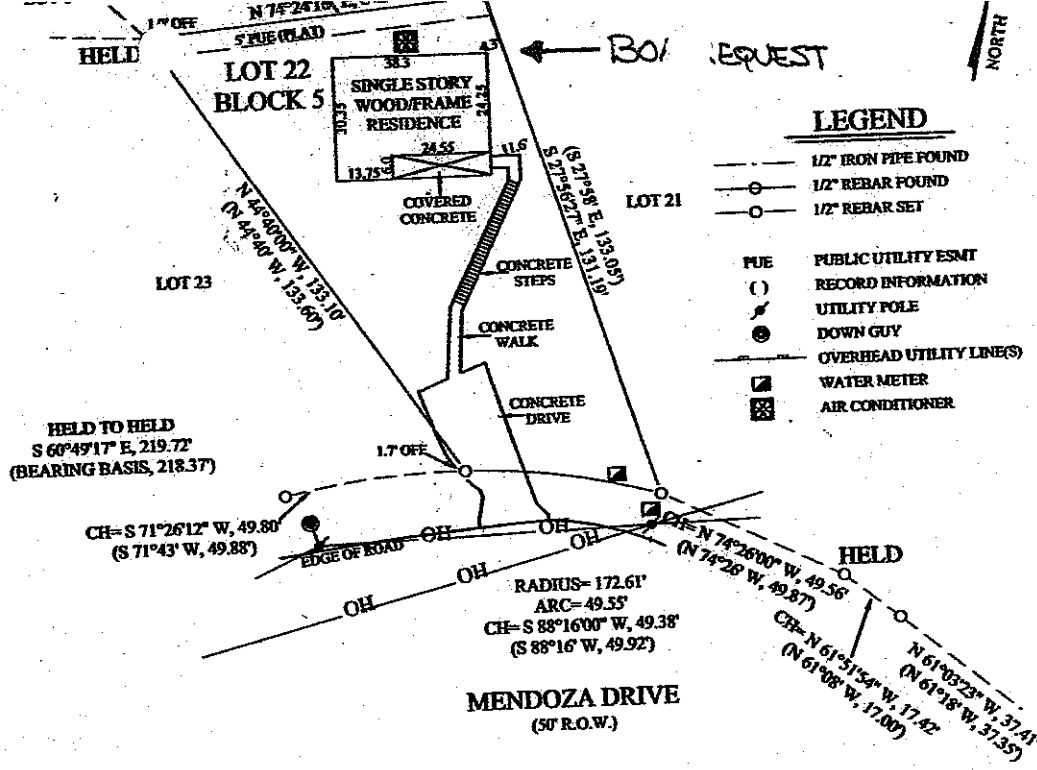


EXHIBIT B
KATHERINE HOLTON
4900 MENDOZA DRIVE





EXHIBIT C
KATHERINE HOUSTON
SITE REF ONLY



SURVEY COMPLETED AFTER
CONSTRUCTION OF THE HOME

RESTRICTIONS:
SUBJECT TO RESTRICTIONS IN AND AS PER PLAT IN
VOL. 4, PG. 183.
SUBJECT TO ANY AND ALL EASEMENTS, BUILDING
LINES, AND CONDITIONS, COVENANTS, AND
RESTRICTIONS IN VOL. 4, PG. 183.

ADDRESS
4900 MENDOZA DRIVE
AUSTIN, TEXAS 78721

LEGAL DESCRIPTION: (AS FURNISHED)

LOT 22, BLOCK 5, CHERNOISKY SUBDIVISION, NO. 8, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR
PLAT THEREOF RECORDED IN VOLUME 4, PAGE 183, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

BASIS OF BEARINGS: AS SHOWN ON DRAWING

LIST OF POSSIBLE ENCROACHMENTS: CONCRETE DRIVEWAY PROTRUDING FROM THE SOUTHWEST PROPERTY CORNER.

SURVEYOR INFORMATION:
ALLSTAR
Land Surveying
12731 Research Blvd.
Building A, Suite 106
Austin, Texas 78759
(512) 249-8149 phone
(512) 331-5217 fax

COORDINATED BY:
RESIDENTIAL
LAND SERVICES, INC.
1221 AVENUE 510
WORTHAM, TEXAS 78750
PHONE (512) 241-1234
WWW.RLS-SURV.COM



SURVEYOR FILE NUMBER: A216206
The Certified Registered Professional Land Surveyor hereby certifies that the survey shown on this drawing was made by him or her, or under his or her direct supervision and control, and that he or she is a duly Licensed Professional Land Surveyor in the State of Texas.
CERTIFIED TO: (AS FURNISHED)
FIRST AMERICAN TITLE INSURANCE COMPANY
KATHERINE NINA HOLTON

NOTES
1. UNDERGROUND UTILITY INSTALLATIONS, UNDERGROUND
IMPROVEMENTS, FOUNDATIONS AND/OR OTHER UNDERGROUND
STRUCTURES WERE NOT LOCATED BY THIS SURVEY.
2. THE PURPOSE OF THIS SURVEY IS FOR USE IN OBTAINING TITLE
INSURANCE AND FINANCING AND SHOULD NOT BE USED FOR
CONSTRUCTION PURPOSES.

THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE
AND BENEFIT OF THE PARTIES LISTED HEREON.
LIABILITY TO THIRD PARTIES MAY NOT BE
TRANSFERRED OR ASSIGNED.

LEGEND
A/C: AIR CONDITIONER
B/LDG: BUILDING
C/L: CALCULATED
C/B: CHORD BEARING
C/W: CONCRETE BLOCK WALL
C: CENTERLINE
C.N.A.: CORNER NOT ACCESSIBLE
CONC: CONCRETE
CONV: COVERED
C/S: CONCRETE SLAB
D: DESCRIPTION
D/W: DRIVEWAY
ENC: ENCROACHMENT
E.D.W.: EDGE OF WATER
G/L: MEASURED
M.S.: MASONRY
M.D.: NAIL & DISK
O.H.U.: OVERHEAD UTILITY LINE
P.C.: POINT OF CURVATURE
P.C.P.: PERMANENT CONTROL POINT
P.I.: POINT OF INTERSECTION
P.O.B.: POINT OF BEGINNING
P.O.C.: POINT OF COMMENCEMENT
P.U.F.: UTILITY POLE
P.V.: POINT OF REVERSE CURVATURE
P.R.M.: PERMANENT REFERENCE MONUMENT
P.T.: POINT OF TANGENCY
R.W.: RIGHT OF WAY
S.W.: SIDEWALK
C/L: CHAIN LINK FENCE
W.F.: WOOD FENCE
W.W.F.: WIRE FENCE

FLOOD ZONE
(FOR INFORMATIONAL PURPOSES ONLY)
SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN
FLOOD ZONE X-1 (AREA OF MINIMAL FLOODING, PER FUROR
FLOOD INSURANCE RATE ACT) AS LAST REVISION DATE JUNE 16, 2004.
THIS SURVEYOR MAKES NO GUARANTEE AS TO THE ACCURACY OF
THE ABOVE INFORMATION. THE LOCAL E.A.A. AGENT SHOULD BE
CONSULTED FOR VERIFICATION.
FOR ALL UNDERGROUND CONSTRUCTION RESIDENTIAL LAND
SERVICES, INC. AT (409) 701-1100 Form 3.61X

SURVEYOR'S CERTIFICATE
I, Leo S. Bond, Texas Registered Professional Land Surveyor No. 5793, do hereby certify that the survey plat hereon is a true and accurate representation of the property hereon described, and do further state that this survey accurately depicts the substantial improvements to said property as located on the ground, and that there are no encroachments onto said property by any such improvements except as shown hereon.



LEO S. BOND, RPLS 5793 DATED: 02/20/2006

NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE
AND AUTHENTICATED ELECTRONIC SEAL

DATE	REVISION	DATE	REVISION

Reviewed & Accepted by: _____ Date: _____ / _____ Date: _____



RLS #:	R: 05-02-1580
CLIENT #:	734939-A120
FIELD DATE:	02/20/2006
DRAFTER:	OBADIAH OCASIO
APPROVED:	LEO BOND
SCALE:	1" = 40'



City of Austin BUILDING PERMIT

PERMIT NO: 2005-000925-BP

4900 MENDOZA DR

Type: RESIDENTIAL

Status: Final

Issue Date: 02/23/2005

EXPIRY DATE: 02/21/2006

LEGAL DESCRIPTION Lot: 22 Block: 5 Subdivision: CHERNOSKY SUBDN NO 8				SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY: New Sf Residence W/ Cov'D Porch		WORK PERMITTED: New		ISSUED BY:			
TOTAL SQFT	VALUATION Tot Val Rem: \$00 Tot Job Val: \$100,000.00	TYPE CONST.	USE CAT. 101	GROUP	FLOORS 1	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS		METER SIZE	

Contact

General Contractor, James Nance, Terra Verde Construction

Phone

(512) 748-6712

Contact

Phone

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	100.00	2/23/2005	Electrical Permit Fee	57.00	2/28/2005	Excavation/Concrete Permit f	42.00	1/12/2006
Mechanical Permit Fee	44.00	6/6/2005	Plumbing Permit Fee	47.00	4/1/2005	Re-Inspection Fee	50.00	4/11/2005
Re-Inspection Fee	50.00	4/11/2005	Re-Inspection Fee	50.00	2/24/2006	Re-Inspection Fee	50.00	2/24/2006
Re-Inspection Fee	50.00	2/24/2006						
Fees Total:		540.00						

Inspection Requirements

Building Inspection	Driveway Inspection	Mechanical Inspection	Plumbing Inspection
Sewer Tap Inspection	Sidewalks Inspection	Water Tap Inspection	

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



City of Austin
BUILDING PERMIT

PERMIT NO: 2005-000925-BP

Type: RESIDENTIAL

Status: Final

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TOTAL SQFT		VALUATION Tot Val Rem: \$.00 Tot Job Val: \$100,000.00		TYPE CONST.	USE CAT. 101	GROUP	FLOORS 1	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE	# OF BATHROOMS		METER SIZE	

Type	Date	Status	Comments	Inspector
101 Building Layout	3/1/2006	Pass	MIGRATED FROM PIER.	
103 Framing	10/4/2005	Pass	MIGRATED FROM PIER.	Michael Davis
104 Insulation	10/6/2005	Pass	MIGRATED FROM PIER.	Michael Davis
105 Wallboard	3/1/2006	Pass	MIGRATED FROM PIER.	
111 Energy Final	2/16/2006	Pass	MIGRATED FROM PIER.	Billy Sherrill
112 Final Building	2/21/2006	Pass	MIGRATED FROM PIER.	Billy Sherrill
609 Fire		Open		Jessie Scott
611 Water Tap	2/1/2006	Pass		

