

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 # C15-2012-0120
ROW # 10827078

TP-0232060414

**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: 1704 Karen Ave, Austin 78757

LEGAL DESCRIPTION: Subdivision - _____

Lot(s) 7 Block B Outlot _____ Division Brentwood Terrace

I/We David Gates on behalf of myself/ourselves as authorized agent for

Myself affirm that on August 21, 2012

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

(check appropriate items below)

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

A carport at 1704 Karen Avenue

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.

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 requirement to rotate the structure 90 degrees so that the "end" does not face the street makes utilizing the carport very difficult to maneuver in and out.
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-

HARDSHIP:

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

The home was purchased in December 2011 and designed from December 2011 through March 2012. The design, excepting minor interior finishes, was completed well in advance of the May 2012 adoption of the planning tool (LDC 25-2-1604). Based on the nature of the design, there were no easy adaptations to the planning tool. Essentially we had two options: A) rotate the carport, or B) remove the carport entirely.

The presence of two protected trees in the front yard limit the room available to design a rotated carport that is easily accessible. The rotated carport will require a tight turn that will make it difficult to park two cars at the same time. This will possibly result in one car being parked in the street, contrary to the spirit of the planning tool, which presumably intends to make carports and cars less visible from the street.

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

In our case, the rules changed after completion of the design. Architects and/or builders will be aware of the planning tool and plan for it in the design of homes.

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 planning tool, LDC 25-2-1604 (Garage Placement), seems intended to minimize the visual impact of garages and/or carports to the street. The carport originally designed for this home is a slender steel structure that minimizes the presence of both the parking structure and the driveway. Rotation of the parking structure puts more pervious pavement in front of the house and makes the sides or flanks of the cars visible to the street. The maneuverability issue will make it more likely for cars to be parked outside of the carport. As a result, the requirement to rotate the building not only detracts from the

design of the building, but also makes the cars and the carport MORE visible and present from the street (in contradiction to the spirit of the planning tool).

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 Dave [Signature] Mail Address _____

City, State & Zip 3845 RR 2222 #7 Austin TX 78731

Printed David Gates Phone 312-515-3740 Date 8/26/12

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 David Gates Mail Address _____

City, State & Zip 3845 RR 2222 #7 Austin, TX 78731

Printed David Gates Phone 312-515-3740 Date 8/26/12

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:

General Requirements:

- A. 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.
- B. 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.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (5) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

REQUIRED FINDINGS: All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable Use:

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0120
 LOCATION: 1704 KAREN AVE



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.

CITY OF AUSTIN – PLANNING AND DEVELOPMENT REVIEW DEPARTMENT
RESIDENTIAL PLAN REVIEW APPLICATION – MASTER COMMENT REPORT



CASE NUMBER: **2012-067564 PR**
CASE MANAGER: **Darren Cain** PHONE #: **974-9113**

PROJECT NAME: **1704 KAREN AVE**
LOCATION:

SUBMITTAL DATE: **Friday, July 6, 2012**
FINAL REPORT DATE: **July 18, 2012**

STAFF REPORT:

This report includes all staff comments received to date concerning your most recent residential application submittal. The comments may include requirements, recommendations, or information. The requirements in this report must be addressed by an updated submittal.

The application will be approved when all requirements from each review discipline have been addressed. However, until this happens, your application is considered disapproved. Additional comments may be generated as a result of information or design changes provided in your update.

If you have any questions, problems, concerns, or if you require additional information about this report, please do not hesitate to contact your case manager at the phone number listed above or by writing to the City of Austin, Planning and Development Review Department, P.O. Box 1088, Austin, Texas 78704.

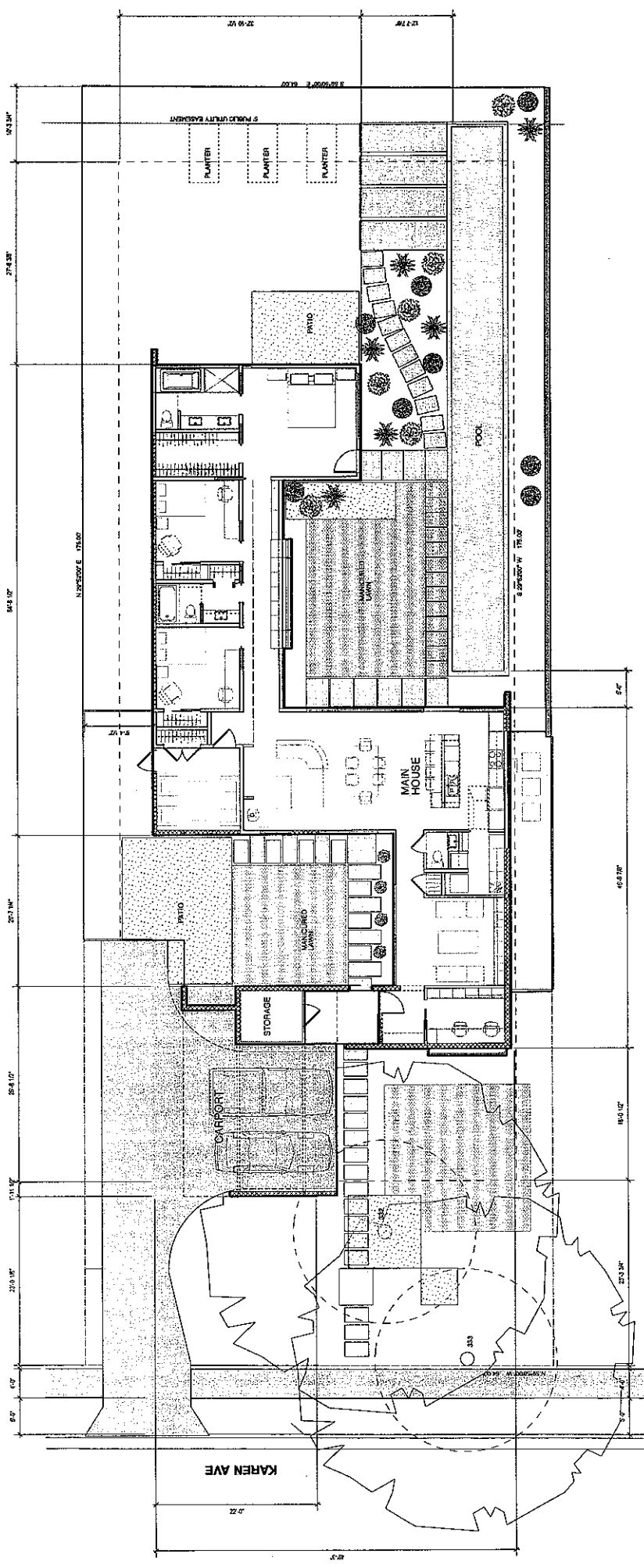
UPDATE SUBMITTALS: An update submittal is required. You can submit an update with the residential intake desk on the second floor between the times of 8-11 am. If there are changes to the site plan or planset, please submit 2 new full size sets, a reduced set and three copies of the new site plan with updated AWU and ESPA stamps.

REVIEWERS:
Darren Cain

Residential Zoning Review - Darren Cain - 974-9113

1. This site will need a tree permit. This can be facilitated on the 4th floor.
2. This property is located within 150 feet of a FEMA floodplain and will need to be reviewed in the floodplain office. This is an internal review. No action from applicant is needed for this review at this time.
3. The carport placement at the front violates LDC 25-2-1604 (Garage Placement); The Brentwood Neighborhood Plan elected to adopt this infill option in May 2012. Unfortunately, the design will need to be altered unless you can meet the wording of the code section. One detail that might be able to get you around the code is that if the entrance of the garage/carport faces any way other than the front lot line, that would be allowed. Not sure if you can rearrange the driveway to make the entrance face the side, but if you can then I believe you will be able to make it work.

II. Modified ('traced') version
 - In this version, the carport is rotated to comply w/ guidelines. However, more pavement is required and parking 2 cars in the structure will be very difficult.

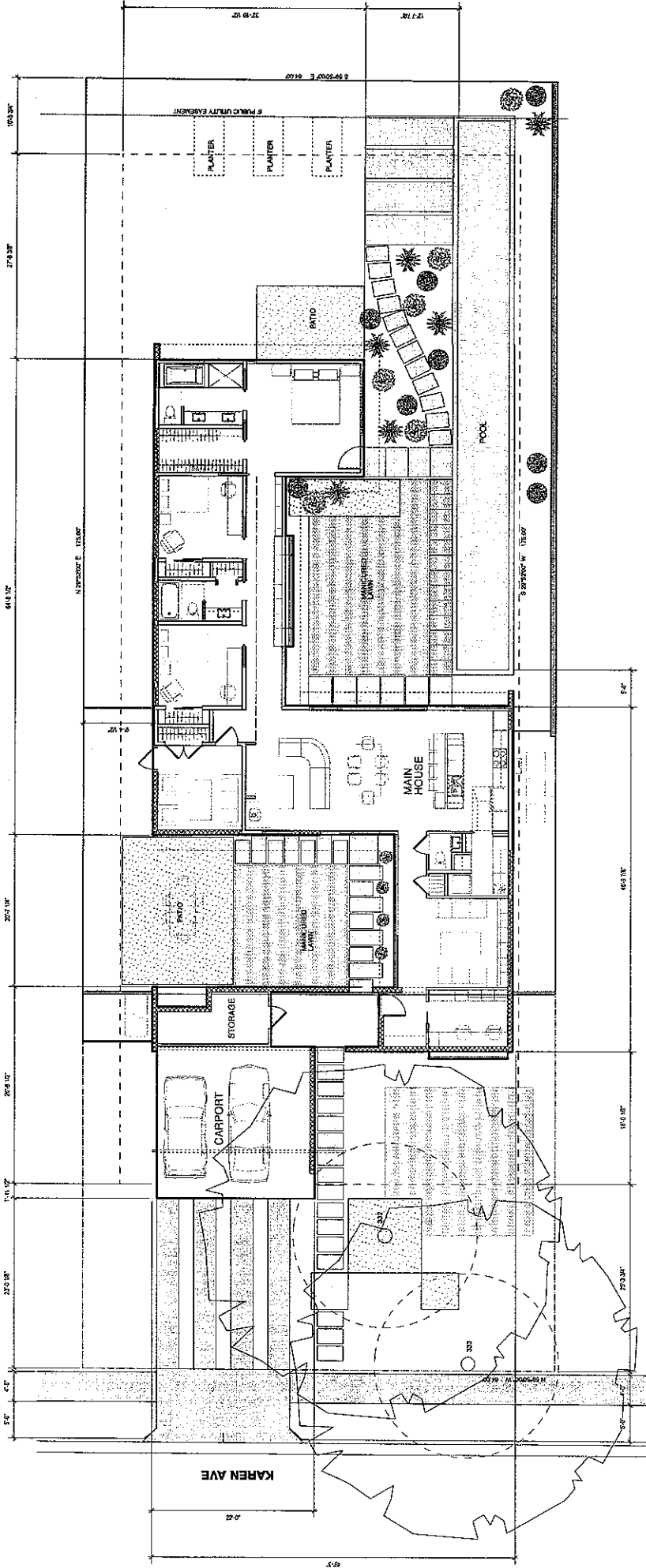


1704 KAREN AVE., AUSTIN, TX 78757
 LOT 7, BLK G, BRENTWOOD TERRACE
 504 PLAN
 Modified for Ordinance Compliance

 KRDB 1101 EAST BR STREET AUSTIN, TX 78702 512.346.0781 F
PROJECT TEAM: PRESIDENT: CHA PERRY ARCHITECT: DAVID GATES PROJECT MANAGER: DAVID GATES ADDRESS: 1704 KAREN AVE AUSTIN, TX 78757
OWNER: DAVID GATES 1704 KAREN AVE AUSTIN, TX 78757
GATES-BRANDÁN RESIDENCE 1704 KAREN AVE AUSTIN, TX, 78757

I. ORIGINAL VERSION

— We are requesting consideration of variance so that carport may face the street as indicated below.



1704 KAREN AVE, AUSTIN, TX 78757
 LOT 7, BLK B, BRENTWOOD TERRACE

1 Site Plan
 Original Carport Usage

GATES-BRANDÁN RESIDENCE

1704 KAREN AVE
 AUSTIN TX, 78757

OWNER:

DAVID GATES
 LORENA BRANDAN
 1704 KAREN AVE
 AUSTIN, TX 78757

PROJECT TEAM:

PREPARED: Dave Krueger
 PROJECT: David Gates
 PHONE: 512.745.8800
 MOBILE: 512.745.8801

