

CASE # C 15-2012-0124
Row-10827093
TP-0117090702

**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: 3801 Stevenson Ave.

LEGAL DESCRIPTION: Subdivision – Laurel Heights

Lot(s) 1&2 Block 5 Outlot _____ Division _____

I/ JIM Bennett as authorized agent for Jack & Ann Swingler
_____ affirm that on 8/29/12, hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

An open carport providing a front street setback of 5 feet

ε 25-2-1604
garage
placement

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

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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 most reasonable place to locate a carport is over the existing driveway. It would be unreasonable to construct a new driveway for the carport.

HARDSHIP:

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

The configuration of the site, the location of the 36 inch diameter Red oak tree with the canopy covering the front yard and extending over the house, as well as an approximately two foot drop in grade from the street; the existing landscape and existing developed conditions of the site prevent the creation of a new drive and carport.

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

The conditions of this site are not common in 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:

There are two homes on this side of the block and the construction of the carport can not readily be seen except from the two neighbors across the street who support the variance request. The location of the existing wall and vegetation on the adjoining lot as well as the landscaping on this site subdues the location of the carport. The surrounding neighbors support the requested variance.

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 Jim Bennett Mail Address 11505 Ridge Dr

City, State & Zip Austin, TX 78748

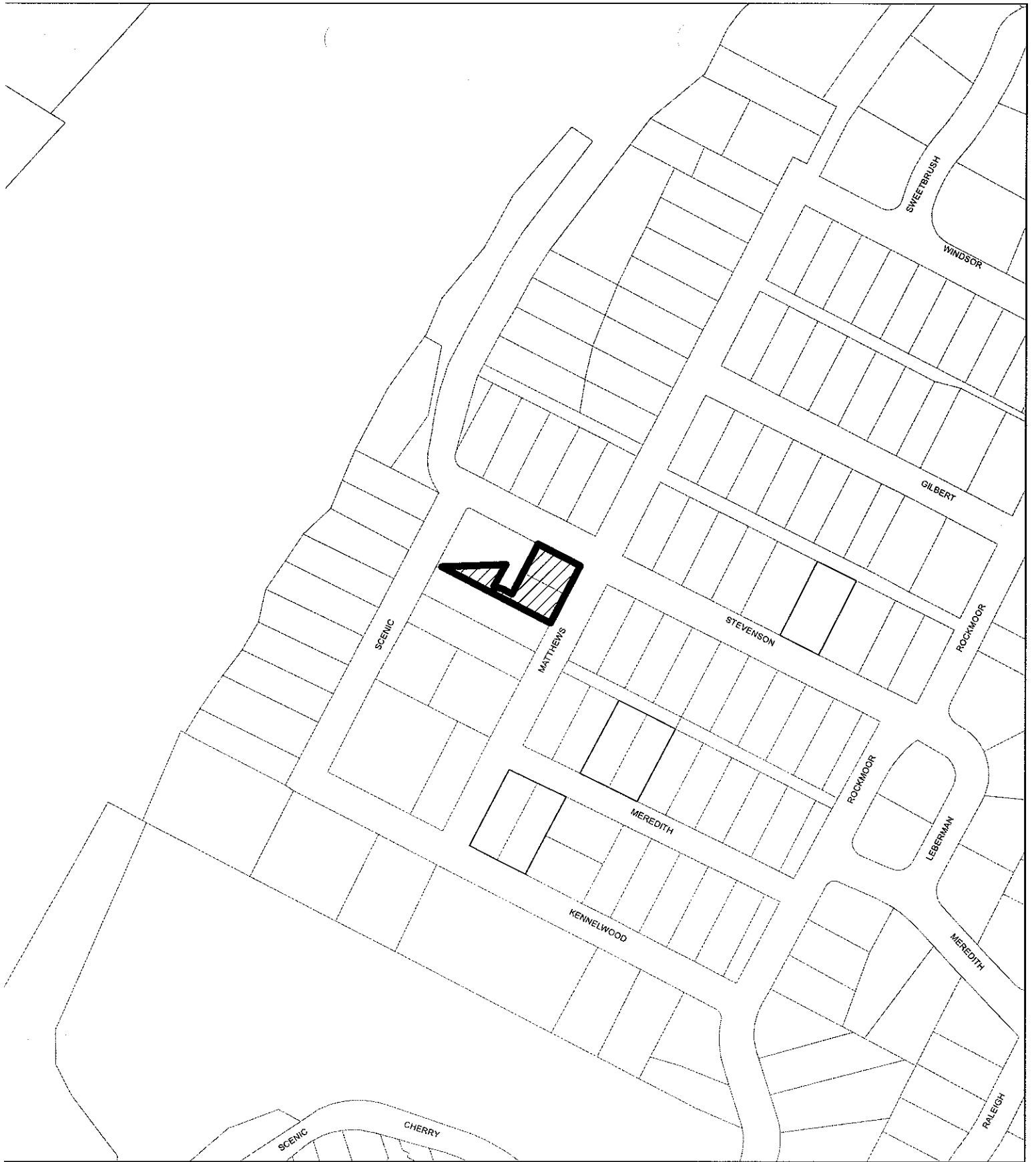
Printed Jim Bennett Phone 282-3079 Date 8/28/12

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 Jack Swingle Jr Mail Address _____
Ann Swingle

City, State & Zip 3801 Stevenson Ave. 78703

Printed Jack Swingle Phone _____ Date 8/29/12
Ann Swingle



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0124
 LOCATION: 3801 STEVENSON 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.

BOARD OF ADJUSTMENT (BOA)/SIGN REVIEW BOARD (SRB)

May 10, 2004

One Texas Center

505 Barton Springs Road, Room 325

CALL TO ORDER – 5:30 P.M.

* <u> </u> Herman Thun Chair	* <u> </u> Barbara Aybar Vice-Chair	* <u> </u> Frank Fuentes	* <u> </u> Leane Heldenfel
* <u> </u> Betty Edgmond	* <u> </u> Bruce Shelton (SRB Only)	* <u> </u> Cathy French (SRB Only)	<u> </u> Wanda Penn (Alternate)
<u> </u> Dorothy Richter (Alternate)	<u> </u> Laurie Virkstis (Alternate)	<u> </u> Leroy Vaughn (Alternate)	

ORDER OF PROCEDURE

1. Chair calls meeting to order
2. Staff presents the variance request
3. Chair calls on those FAVORING the request
 - a. Applicant's presentation (5 minutes)
4. Chair calls on those OPPOSING the request
 - a. Presentation (5 minutes)
If more than one wanting to speak, it is suggested one person be selected as spokesperson
5. Applicant is given opportunity to answer objections stated (2 minutes)
Upon the motion of any member and a positive vote by a majority of The Board, or upon a ruling by the Chair, these time limits may be equitably extended.
6. The public hearing may be closed and no further testimony is taken from the public (unless requested by the Chair).
7. Questions from the Board
8. When the public hearing is closed, the Board shall make a recommendation
9. If motion is for approval, findings of fact are stated in support of the approval

CITIZENS WISHING TO SPEAK BEFORE THE BOARD MUST REGISTER BY SIGNING IN WHERE INDICATED BY BOARD SECRETARY.

Any interested party aggrieved by a decision of the Board of Adjustment may appeal the board's decision to a District Court. The petition must be submitted within ten (10) days after the date the decision is filed in the Board's office (Local Government Code 1.011). Decisions of the Sign Review Board may be appealed to City Council.

POSTED: May 6, 2004

TIME: 3:00 P.M.

2. C15-03-108 Chris Bugge
9005 Rockcrest Drive

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492(D) from 2 feet (approved 10-13-03) to 14 inches in order to maintain a rebuilt accessory building and addition to the attached accessory building for an existing single family residence in a "SF-3", Family Residence zoning district.

GRANTED 5-0

3. C15-04-009 Darryl Freeman
7912 Tisdale Drive

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899(D) from 6 feet to 8 feet in order to maintain a masonry fence for an existing residence in a "SF-3", Family Residence zoning district. The Land Development Code states that a solid fence constructed along a property line may not exceed an average height of 6 feet or a maximum height of 7 feet.

DENIED 2-3

4. C15-04-030 Jim Bennett for Atlanta Street Development Corporation
601 Upson & 520 Atlanta

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492(D) from 45% to 50% for 601 Upson Street (Lot 8A) and from 45% to 58% for 520 Atlanta Street (Lot 9A) in order to erect a two-family residential use on each lot in an "Sf-3", Family Residence zoning district.

GRANTED 4-1 FOR 50% IMPERVIOUS COVERAGE FOR BOTH LOTS (9A & 8A)

5. C15-04-041 Tina Contros for Jack & Ann Swingler
3801 Stevenson Avenue

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492(D) from 25 feet to 12 feet 3 inches in order to erect an addition to a single-family residence in an "SF-3", Family Residence zoning district.

GRANTED 5-0 FOR 17 FEET 6 INCHES AND WANG CONDITIONS OF SETBACK BE NO GREATER THAN 7 FEET 6 INCHES; GARAGE ONLY AND SINGLE STORY ONLY

6. C15-04-042 Bernardo DeAvila for Janet Reed
4605 Banister





- MAP SYMBOLS:
- x- BARBED WIRE FENCE
 - o- CHAIN LINK FENCE
 - | | WOOD BOARD FENCE
 - | | UTILITY EASEMENT
 - | | BUILDING LINE
 - o- 1/2" REBAR FOUND
 - o- CAPPED "GRANT 1819"
 - o- IRON PIPE FOUND
 - o- CONTROL MONUMENT
 - o- RECORD DATA FROM PREVIOUS SURVEY
 - o- WHEN DIFFERENT FROM MEASURED DATA
 - o- DRAINAGE EASEMENT
 - o- RIGHT-OF-WAY
 - o- AIR CONDITIONER
 - o- POWER POLE

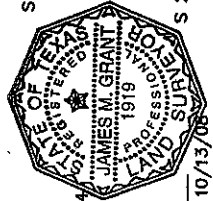
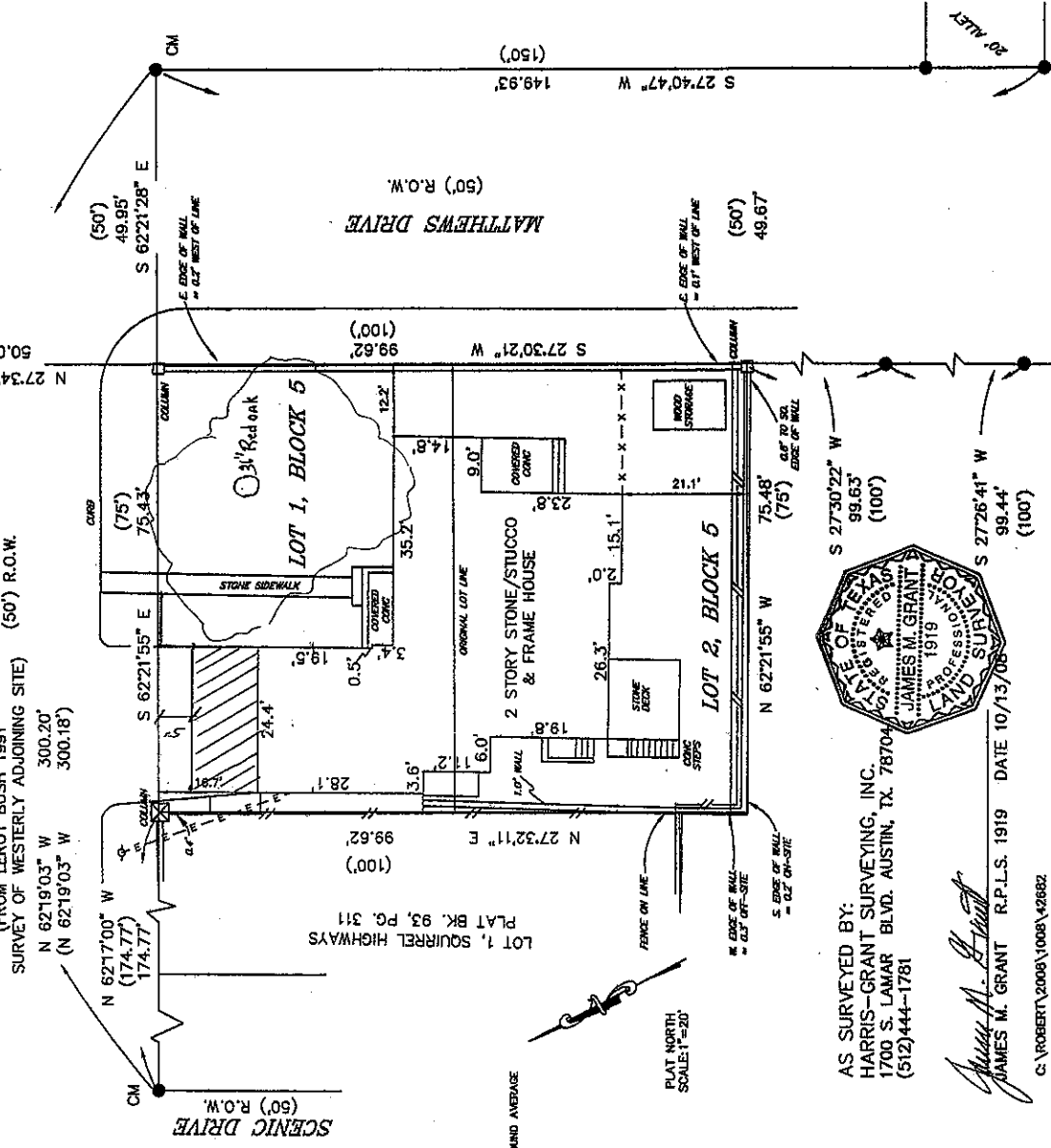
NOTE: THIS SURVEY DONE WITHOUT BENEFIT OF TITLE INSURANCE COMMITMENT. THEREFORE SITE MAY BE SUBJECT TO RESTRICTIONS AND/OR RECORDED EASEMENTS NOT SHOWN.

18.1

**BOUNDARY & LOCATIVE SURVEY OF 3801 STEVENSON AVENUE
AUSTIN, TEXAS**
(THE EAST 75' OF LOTS 1 AND 2, BLOCK 5, LAUREL HEIGHTS)
(VOLUME 333, PAGE 461, TRAVIS CO. DEED RECORDS)

STEVENSON AVENUE
(50') R.O.W.

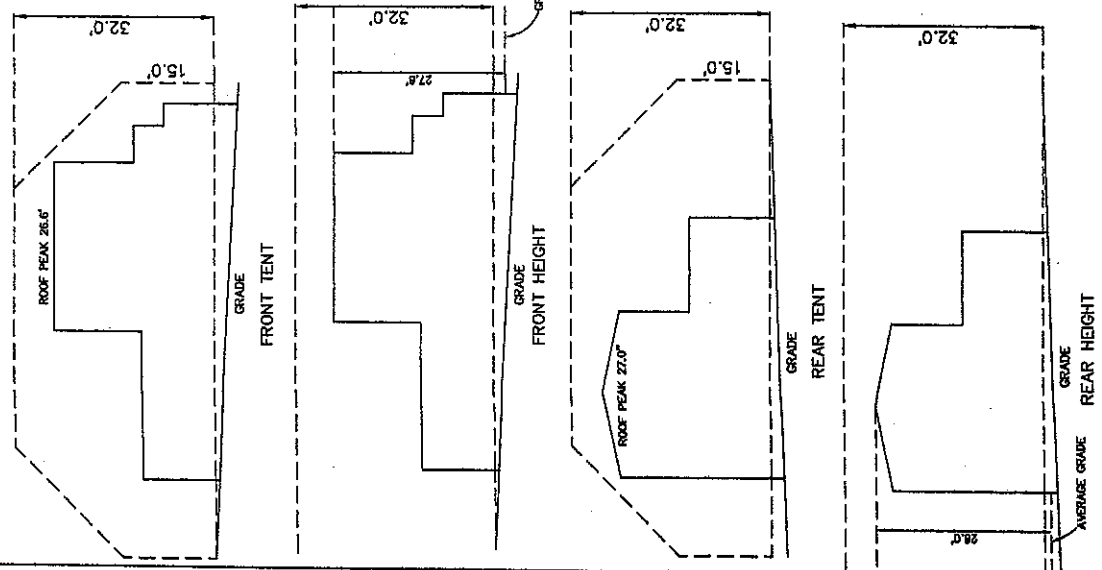
BEARING BASIS
(FROM LEROY BUSH 1991
SURVEY OF WESTERLY ADJOINING SITE)
N 62°19'03" W 300.20'
(N 62°19'03" W 300.18')



AS SURVEYED BY:
HARRIS-GRANT SURVEYING, INC.
1700 S. LAMAR BLVD. AUSTIN, TX. 78704
(512)444-1781

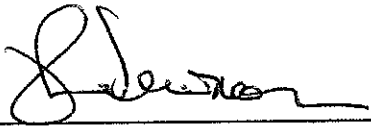
James M. Grant
JAMES M. GRANT R.P.L.S. 1919 DATE 10/13/08

C:\ROBERT\2008\1008\42682



The adjacent property owner below does not object to the front yard setback variance from 17'6" to 2'6" being requested for a Carport extending from garage to approximately the stone column at 3801 Stevenson Ave. Austin, Tx

Name Jean Newman Property owner at 2005 MATTHEWS DR.

Signature 

The adjacent property owner below does not object to the front yard setback variance from 17'6" to 2'6" being requested for a Carport extending from garage to approximately the stone column at 3801 Stevenson Ave. Austin, Tx

Name Genny Hardeman Property owner at 2101 Matthews

Signature Genny Hardeman

The adjacent property owner below does not object to the front yard setback variance from 17'6" to 2'6" being requested for a Carport extending from garage to approximately the stone column at 3801 Stevenson Ave. Austin, Tx

Name Denny Jagger Property owner at 3800 Stevenson

Signature Denny Jagger

The adjacent property owner below does not object to the front yard setback variance from 17'6" to 2'6" being requested for a Carport extending from garage to approximately the stone column at 3801 Stevenson Ave. Austin, Tx

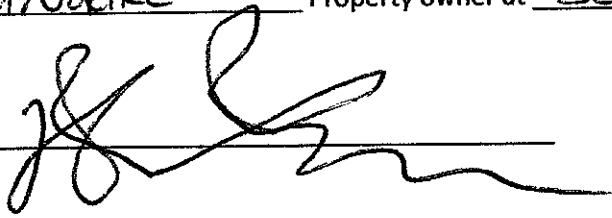
Name Spencer Nutting Property owner at 3802 Stevenson

Signature 

The adjacent property owner below does not object to the front yard setback variance from 17'6" to 2'6" being requested for a Carport extending from garage to approximately the stone column at 3801 Stevenson Ave. Austin, Tx

Name Sean Nolke Property owner at 3804 Stevenson

Signature _____

A handwritten signature in black ink, appearing to read "Sean Nolke", written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.

The adjacent property owner below does not object to the front yard setback variance from 17'6" to 2'6" being requested for a Carport extending from garage to approximately the stone column at 3801 Stevenson Ave. Austin, Tx

Name Phil Gilbert Property owner at 3805 Stevenson

Signature Phil Gilbert