

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 # C15-2012-0134
ROW # 10841523

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

TP-0234070125

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 1510 Piedmont Ave. Austin TX 78757

LEGAL DESCRIPTION: Subdivision – RESUB PT OF BLS D, B, G, A AND F

Lot(s) 36 Block G Outlot _____ Division CRESTVIEW – SECTION 2

I/We DAVID & STEPHANIE MOLL on behalf of myself/ourselves as authorized agent for

ourselves affirm that on SEPT. 28TH, 2012,

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

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL X MAINTAIN

IMP. COVERAGE FROM 45% TO 55%

IMP. COVERAGE – SIDE SETBACK FOR GARAGE AND OPEN PATIO

in a SF-3-NP 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:

PREVIOUS OWNER'S FATHER BUILT THESE STRUCTURES 38 YEARS AGO AND SHE WAS NOT AWARE THAT HER FATHER DID NOT GET PERMITS. SHE INHERITED THE HOUSE THE WAY IT IS/WAS AND CONVEYED TO US AUGUST 2011. NONE OF THE BUILDINGS HAVE PROVEN TO BE UNSAFE.

HARDSHIP:

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

PREVIOUS OWNER STATED THAT A "TREE FELL A FEW YEARS AGO AND PATIO COVER PREVENTED HOUSE DAMAGE." WE BELIEVE PATIO COVER PROVIDES SAME PROTECTION AND REDUCES ENERGY BILLS DUE TO SHADING. ALSO, THE PREVIOUS OWNER, WITHOUT OUR KNOWLEDGE PRIOR TO PURCHASE, LEFT US WITH TWO EXPIRED PERMITS. THE VARIANCES WE ARE REQUESTING WERE GRANTED 3 YEARS AGO AND ARE REQUIRED TO CLEAR THE EXPIRED PERMITS AND THUS ALLOW US TO MAINTAIN THE PROPERTY LEGALLY AND SAFELY.

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

STRUCTURES EXISTING 38 YEARS AND EXISTING CONDITIONS PRIOR TO CODE CHANGES. THERE IS PLENTY OF ROOM FOR EMERGENCY SITUATIONS SUCH AS FIREFIGHTERS NEEDING TO USE THAT SPACE TO GET TO PARTS OF THE PROPERTY WHEN/IF NECESSARY.

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:

ALL 3 STRUCTURES HAVE BEEN IN EXISTENCE SINCE 1974, THEY ARE HARMONIOUS WITH THE EXISTING ARCHITECTURE AND FLAVOR OF THE NEIGHBORHOOD. THEY SERVED AS USEFUL SPACES WITHOUT ANY SAFETY ISSUES. SHED PROVIDES NEEDED STORAGE. PATIO GIVES SHADE AND PROTECTION FROM BAD WEATHER. GARAGE BUILDING SERVES AS HOME OFFICE AND ADDITIONAL STORAGE.

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 David W. Moll, Stephanie M. Moll
Mail Address 1510 PIEDMONT AVE.

City, State & Zip AUSTIN, TX 78757

Printed 9/28/12 Phone (512) 762-4068 Date 09/28/2012

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 W. Moll, Stephanie M. Moll
Mail Address 1510 PIEDMONT AVE.

City, State & Zip AUSTIN, TX 78757

Printed 9/28/12 Phone (512) 762-4068 Date 09/28/2012

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:

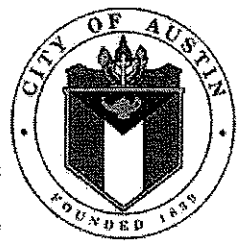
- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property 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.)



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2012-0134
 LOCATION: 1510 Piedmont Avenue



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
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, December 14, 2009

CASE NUMBER: C15-2009-0124

Y _____ Jeff Jack
 Y _____ Michael Von Ohlen 2nd the Motion
 Y _____ Nora Salinas
 Y _____ Bryan King Motion to GRANT
 Y _____ Leane Heldenfels, Chairman
 Y _____ Clarke Hammond, Vice Chairman
 Y _____ Heidi Goebel

APPLICANT: LORETTA MARIE TURNER

ADDRESS: 1510 PIEDMONT AVE

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-774 (B) from 7,000 square feet to 6,700 square feet in order to maintain a two-family residential structure in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan) DENIED

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 55% in order to maintain a two-family residential structure and accessory structure in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan) GRANTED

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 2 feet along the west property line for a covered patio; from 5 feet to 4 feet 9 inches along the west property line for the two-family residential structure in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan) GRANTED

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 8 feet in order to maintain a two-family residential structure and from 5 feet to 4 feet 10 inches in order to maintain a detached accessory building in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan) GRANTED

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.85 in order to

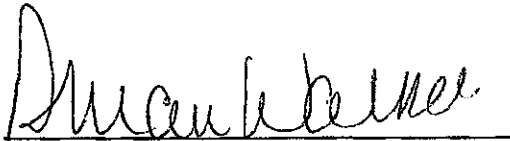
maintain the single-family residential structure in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan) GRANTED

BOARD'S DECISION: MOTION TO DENY 1ST VARIANCE MINIMUM LOT SIZE BY BOARD MEMBER KING, SECONDED BY BOARD MEMBER VON OHLEN AND MOTION TO APPROVE 2ND, 3RD, 4TH AND 5TH VARIANCE BY BOARD MEMBER KING, SECONDED BY BOARD MEMBER VON OHLEN, VOTE 7-0; DENIED 1ST VARIANCE, GRANTED 2ND, 3RD, 4TH, 5TH VARIANCES

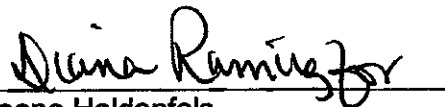
FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: structure in existence 35years, building permitted 2004, and impervious cover not changed
2. (a) The hardship for which the variance is requested is unique to the property in that: project was permitted and impervious cover was in contradiction

(b) The hardship is not general to the area in which the property is located because: structure was existing 30years, existing conditions prior to code changes
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: all three structures have been in existence since 1974



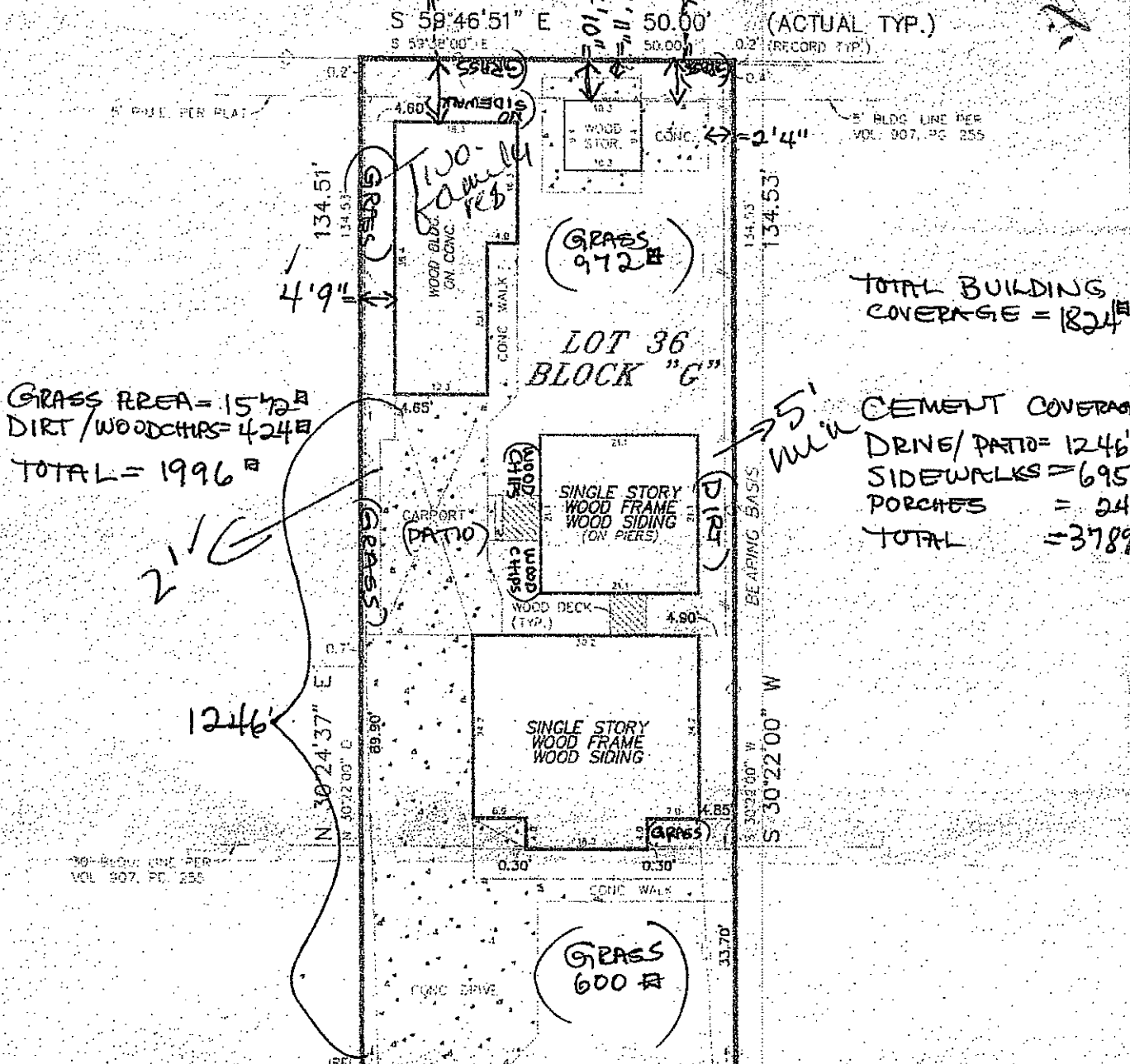
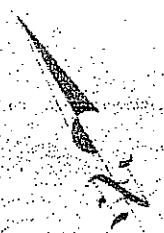
Susan Walker
Executive Secretary



Leane Heldenfels
Chairman

LEGEND

- POWER POLE
- OVERHEAD ELEC./TELE. LINE
- CHAIN LINK FENCE
- WOOD FENCE
- IRFO 1/2" IRON ROD FOUND W/CAP STAMPED "ADVENTURE"



GRASS AREA = 1572^{sq ft}
 DIRT/WOODCHIPS = 424^{sq ft}
 TOTAL = 1996^{sq ft}

TOTAL BUILDING COVERAGE = 1824^{sq ft}

CEMENT COVERAGE:
 DRIVE/PATIO = 1246^{sq ft}
 SIDEWALKS = 695^{sq ft}
 PORCHES = 24^{sq ft}
 TOTAL = 3789^{sq ft}

PIEDMONT AVENUE
 (50' ROW)

PROPERTY SUBJECT TO RESTRICTIVE COVENANTS AND EASEMENT RIGHTS RECORDED IN VOL. 5, PG. 88, PLAT RECORDS AND VOL. 907, PG. 255, DEED RECORDS.

CRESTVIEW ADDITION SECTION TWO (2), VOLUME 5, PAGE 88, PLAT RECORDS

PLAT OF SURVEY

06115

20

0600740-MTD



David Moll <dwmoll@gmail.com>

Variance request approval

4 messages

David Moll <dwmoll@gmail.com>
To: lena.lund@austinenergy.com
Cc: Stephanie Moll <smoll@gmail.com>

Thu, Sep 27, 2012 at 11:33 PM

Dear Lena,

My wife and I bought a house a year ago that had an expired variance. This has recently come to our attention, therefore we are trying to renew the same variance. I have attached an email from Robert Long showing his original approval. Can you please review and provide a current approval? Please let me know if you need additional information.

Respectfully,

—
David Moll
512-762-4068
dwmoll@gmail.com

 **AustinEnergyPriorApproval.pdf**
88K

Lund, Lena <Lena.Lund@austinenergy.com>
To: David Moll <dwmoll@gmail.com>

Fri, Sep 28, 2012 at 8:45 AM

I have attached the letter from Robert Long in 2009 if you are not requested in additional variances than those shown on the attached red stamped sketch, then the 2009 letter still stands for Austin Energy's approval.

Please let me know if you are requesting new improvements.

Lena Lund

Austin Energy

Public Involvement/Real Estate Services

721 Barton Springs Road, Suite 102.4

Austin, TX 78704-1145

512-322-6587

512-322-6101 Fax

From: David Moll [mailto:dwmoll@gmail.com]
Sent: Thursday, September 27, 2012 11:34 PM



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

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

September 25, 2009

Loretta Turner
1510 Piedmont Avenue
Austin, Texas 78757

Re: 1510 Piedmont Avenue
Lot 36, Blk G, Crestview Section 2 Resub of Pt of Blks D, B, G, A, & F

Dear Ms. Turner,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to maintain a garage, open patio and garage apartment. 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 black ink that reads "Robert K. Long, Jr." in a cursive style.

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

Cc: Diana Ramirez and Susan Walker

2009-09-22

12:30

512-499-0648

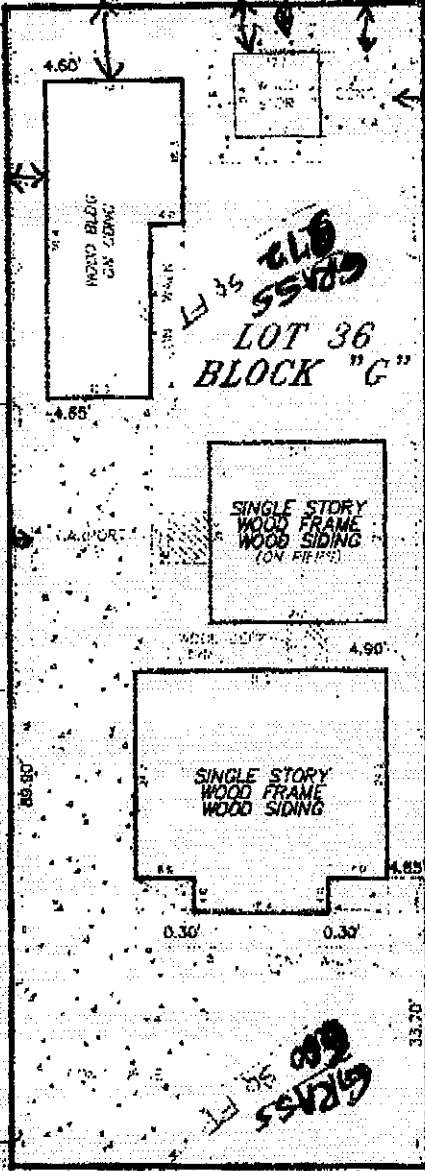
TWC Appeals GP001

PT 9/9

525-P

WOOD FRAME
FRONT 1/2" UPON ROOF FOUND W/ CAP STAIN TO "APPROXIMATE"

S 59°46'51" E 50.00' (ACTUAL TYP.)



LOT 36
BLOCK "G"

GRASS 59 FT

(CEMENT ONLY
PATIO COVER
NO BUILDING)

TOTAL
GRASS/DIRT
COVERAGE = 1196

GRASS AREA = 1572
DIRT/WOODCHIP
AREA = 1124

1246

TOTAL COV = 3789

TOTAL
CEMENT
COVERGE
1965

DRIVE/PATIO = 1246
SIDEWALKS = 695
PORCHES = 24

TOTAL BLDG
COVERGE = 1124

Austin Energy *1510 Piedmont*
and/or other agencies approve the variance requested before the Board of Adjustment. Any changes to
the plan must be approved by Austin Energy.

PROPERTY SUBJECT TO THIS INSTRUMENT AND ALL INSTRUMENTS HEREAFTER RECORDED SHALL BE SUBJECT TO THE
RESTRICTIONS AND EASEMENTS SET FORTH IN THE INSTRUMENTS HEREAFTER RECORDED.

CRESTVIEW ADDITION SECTION 15, TOWNSHIP 12S, RANGE 10E, PLAT RECORDS

PLAN OF SURVEY

Survey No. 06115

DATE

2009-09-22