

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 # CJ5-2012-0128
ROW # 1084145J
TP-0307170709

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: 1204 Valdez Dr.

LEGAL DESCRIPTION: Subdivision -- Chernosky Subdivision No. 16

Lot(s) 17 Block 5 Outlot _____ Division _____

I/We Site Specifics on behalf of myself/ourselves as authorized agent for

Tressa Granger Piekarz affirm that on Sept 24, 2012,

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

(check appropriate items below)

ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

A secondary dwelling unit that is not at least 15' to the rear of the primary structure, 25-2-74(C)(2)(a), due to the general long and narrow shape of the 452 S.F., pre-constructed residential units, and the physical site constraints of building setbacks and existing trees.

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

Montopolis 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:

This property is part of a neighborhood plan which promotes two dwelling units on lots 5750 or larger. This lot is 5758 square feet. The overlay allows the neighborhood to promote density and affordable housing. The zoning regulations for two dwellings require that one unit be a primary and in the front of the lot and the second unit be a secondary unit 15 feet behind the primary unit. The dwelling units proposed meet all of the zoning regulations except for the back separation between the two units. The proposed units were built for the Katrina victims and now they are on the market. Their shape, long and skinny, do not allow them to be placed on the lot with the required back separation. See proposed site plan.

HARDSHIP:

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

Unique to the property in that it is utilizing existing structures to create two small dwellings allowing affordable housing. The cost of development and taxes is spread between two units.

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

If a lot is developed with two units and the units are built on site, the units can be designed to conform to the requirements. By using the units that are already constructed, we are recycling the materials and are limited to the floor plans that exist in the market. We have complied with the intent of the separation by creating more separation between the units, allowing for a common patio area to be utilized by both units.

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 variance will not alter the character of the area adjacent to the property because the two units combined are only 904 square feet, smaller than most of the single unit dwellings in 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:

N/A

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:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

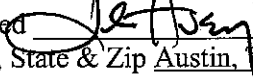
N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:


N/A

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 700 N. Lamar Blvd. 200A
City, State & Zip Austin, Tx 78703
Printed John Hussey Phone 512-472-5252 Date 9/21/12

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 TLPIEKARZ@aepkoo.com
City, State & Zip AUSTIN TX 78746

Printed TRESSA GRANGER Phone 512 751 7164 Date 9-21-12
PIEKARZ

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.]

Hardship:

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.
- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character:

Application must demonstrate to the Board how 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 zoning regulations of the zoning district in which the property is located.

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

Board of Adjustment Staff:

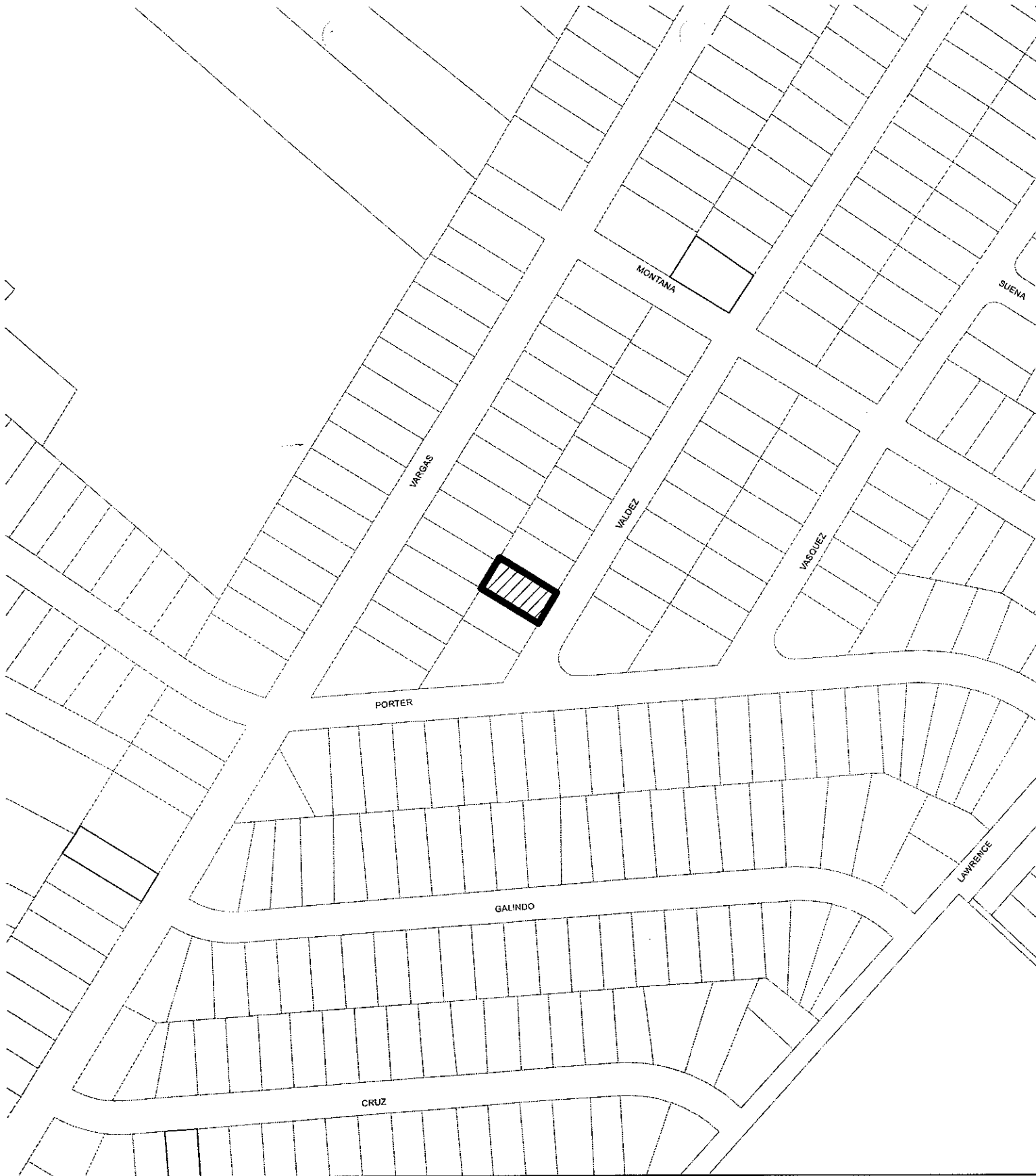
Susan Walker, Planner
974-2202



Diana Ramirez, Administrative Specialist, Board Secretary
974-2241

Fax #974-6536

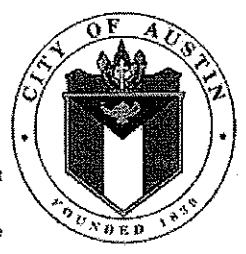
Planning and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor

Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2012-0128
 LOCATION: 1204 Valdez Street



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.

LOT 10

(S 34°05' W
S 33°59'02" W

55')
55.00'

(5' p.u.e.)

10' B.L. PER ZONING

10.00'

PROPOSED
MODULAR
UNIT A
FFE MIN. 482.0

PROPOSED
MODULAR
UNIT B
FFE MIN. 482.0

LOT 16

104.70')
104.60'

(N 55°55' W
N 55°44'43" W

(5' p.u.e.) & 5' B.L. per zoning

LOT 17
BLOCK 5

25' B.L. PER ZONING

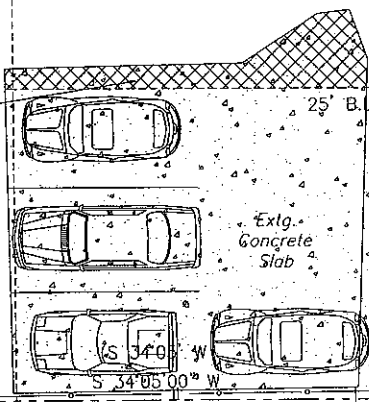
(S 55°55' E
S 55°46'24" E

(104.70')
104.70'

(5' p.u.e.) & 5' B.L. per zoning

120 LF 4" SCH 40 PVC
WASTEWATER LINE AT 2% MIN.
INSTALL CLEANOUTS AS SHOWN

REMOVE EXISTING CONCRETE AT
BUILDING LINE



5/8" WATER SERVICE LINES
TO EACH UNIT (100 LF
EACH SCH 40 PVC)

NEW CONCRETE TO CONNECT
EXISTING APPROACH & SLAB
FOR PARKING

INSTALL DOUBLE WATER SERVICE
WITH TWO 5/8" METERS

CONNECT PROPOSED 6" PRIVATE
WASTEWATER SERVICE LINE TO
EXISTING CLEANOUT

Extg. Cleanouts

Extg. 4" Conc. Sidewalk

Back of Curb

Extg. Conc. Approach
to remain

VALDEZ STREET

(50' R.O.W.)

EXTG. 6" WW SERVICE LINE

EXTG. 12" C.A. WATERLINE

SERVICE CONNECTION TO EXTG
WATER LINE

EXTG. WW MANHOLE
ID 226289

EXTG. 6" CONC
WASTEWATER LINE
PROP. A-7185

PROPOSED SITE PLAN

SCALE: 1" = 10'

LOT 10

(S 34°05' W
S 33°59'02" W

55'
55.00'

(5' p.u.e.)

10' B.L. PER ZONING

104.70'
104.60'

(N 55°55' W
N 55°44'43" W

(5' p.u.e.) & 5' B.L. per zoning

481

(S 55°55' E
S 55°46'24" E

(104.70')
104.70'

(5' p.u.e.) & 5' B.L. per zoning

LOT

LOT 16

LOT 17
BLOCK 5

25' B.L. PER ZONING

Extg.
Concrete
Slab

(S 34°05' W
S 34°05'00" W

55'
55.05'

482

Extg. Cleanouts

Extg. 4' Conc. Sidewalk

Back of Curb

Extg. Conc. Approach
to remain

VALDEZ STREET

(50' R.O.W.)

EXTG. 6" WW SERVICE LINE

EXTG. 12" CI. WATERLINE

SERVICE CONNECTION TO EXTG
WATER LINE

EXTG. WW MANHOLE
ID 226289

EXTG. 6" CONC
WASTEWATER LINE
PROP A-7185

EXISTING SITE

SCALE: 1" = 10'