

CITY OF AUSTIN

Board of Adjustment/Sign Review Board

Decision Sheet

DATE: Monday, October 8, 2012

CASE NUMBER: C15-2012-0069

_____ Jeff Jack
_____ Michael Von Ohlen
_____ Nora Salinas
_____ Bryan King
_____ Fred McGhee
_____ Melissa Hawthorne
_____ Sallie Burchett
_____ Cathy French (SRB only)

APPLICANT: Ana Kitchen

OWNER: Primrose Kitchen

ADDRESS: 1800 JENTSCH CT

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 6.6 feet in order to maintain a sunroom addition to a duplex residential use in an “SF-3”, Family Residence zoning district.

The applicant has requested a variance to increase the maximum floor to area ratio requirement of Subchapter F; Article 2; Subsection 2.1 from 0.4 to 1.0 to 0.415 to 1.0 in order to maintain a sunroom addition to a duplex residential use in an “SF-3”, Family Residence zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 51% in order to maintain a sunroom addition to a duplex residential use in an “SF-3”, Family Residence zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Bryan King motion to Posptone to October 8, 2012, Board Member Michael Von Ohlen second on a 7-0 vote; **POSTPONED TO OCTOBER 8, 2012.**

RE-NOTIFICATION- The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 6.6 feet in order to maintain a sunroom addition to a duplex residential use in an "SF-3", Family Residence zoning district.

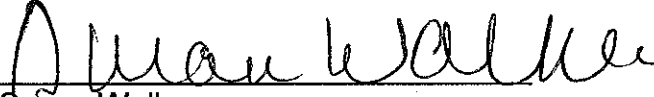
The applicant has requested a variance to increase the maximum building coverage requirement of Section 25-2-492 (D) from 40% to 40.14% in order to

maintain a sunroom addition to a duplex residential use in an "SF-3", Family Residence zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 55.9% in order to maintain a sunroom addition to a duplex residential use in an "SF-3", Family Residence zoning district.

BOARD'S DECISION: POSTPONE REQUEST TO NOVEMBER 13, 2012 PER STAFF FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
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:


Susan Walker
Executive Liaison


Jeff Jack
Chairman

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, September 17, 2012

CASE NUMBER: C15-2012-0069

☐ Y ☐ Jeff Jack
☐ Y ☐ Michael Von Ohlen **2nd the Motion**
☐ Y ☐ Stuart Hampton - Nora Salinas out
☐ Y ☐ Bryan King **Motion to PP Oct 8, 2012**
☐ Y ☐ Fred McGhee
☐ Y ☐ Melissa Hawthorne
☐ Y ☐ Heidi Goebel
☐ - ☐ Cathy French (SRB only)

APPLICANT: Ana Kitchen

OWNER: Primrose Kitchen

ADDRESS: 1800 JENTSCH CT

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BOARD'S DECISION: The public hearing was closed on Board Member Bryan King motion to Posptone to October 8, 2012, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO OCTOBER 8, 2012.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

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

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:

Susan Walker
Executive Liaison

Jeff Jack
Chairman

PUBLIC HEARING INFORMATION

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- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2012-0069 - 1800 A Jentsch Court

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17, 2012

Rebecca Welcome for

Your Name (please print)

1808 Jentsch Ct #B

Your address(es) affected by this application

Rebecca Welcome for

Signature

Daytime Telephone: 512-845-47

Comments:

Ann Kitchen moved out in August. HOA building committee

need to approved plans. Susan

HOA board need to approve

never went to HOA board

polite or owners

house was sold in July 2012

not owned by Kitchen's daughter.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088



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Case Number: C15-2012-0069 – 1800 A Jentsch Court

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17, 2012

Robert A Bleschke

Your Name (please print)

1808 Fair Oaks Dr

Your address(es) affected by this application

[Signature]

Signature

9/8/12

Date

Daytime Telephone: (512) 440-8398

Comments: _____

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2012-0069 – 1800 A Jentsch Court
Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17, 2012

DAVID & SHERYSHALL
Your Name (please print)

☒ I am in favor
☐ I object

DAVID & SHERYSHALL 1904 A JENTSCH CT
Your address(es) affected by this application AUSTIN, TX 78745

Susan Walker
Signature Date 9/10/12

Daytime Telephone: 513 707 3257

Comments:

WE ARE 100% IN FAVOR
OF PRIMROSE NITCHEN
ADDING A SUNROOM
ADDITION TO HER HOME IN
HER REQUEST FOR A VARIANCE
TO DECREASE THE MINIMUM
REAR YARD SETBACK,

If you use this form to comment, it may be returned to:

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Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2012-0069 – 1800 A Jentsch Court
Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17, 2012

Your Name (please print)

Mrs. NAN BRACH

20 year resident

☒ I am in favor
☐ I object

Your address(es) affected by this application

5206 KINGS HWY

9-7-12

Signature

Daytime Telephone:

(512) 912 9026

Date

Comments: That area until the townhouses, was wooded, completely permeable, and provided protection to local wildlife.

It is now paved, populated, and nearly already 75% impermeable concrete and asphalt.

DENY the additional loss of 3.4 feet of setback. I urge you - DO NOT APPROVE

If you use this form to comment, it may be returned to: CONSTRUCTION
City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2012-0069 - 1800 A Jentsch Court
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, September 17, 2012

Your Name (please print)

ROBERT BRECH

☐ I am in favor
☒ I object

Your address(es) affected by this application

5206 KINGS HWY

STANLEY OBJECT

Signature

[Signature]

Date

SEP 17, 2012

Daytime Telephone:

512 887 9679

Comments:

Area of wooded unpopulated

space in Deer Park was

already a dense woods

mental impact. Already, excess

improved cover of construction

materials. The 10' established

setback needs to be respected

and maintained. Please do

not allow the variance. It

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

a civil engineer, P.E. like you DEVELOP

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Case Number: C15-2012-0069 – 1800 A Jentsch Court

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17, 2012

Peter E. Wilson

Your Name (please print)

1806 A Jentsch Court

Your address(es) affected by this application



Signature

11 Sep 2012

Date

Daytime Telephone: 512-351-1303

Comments: We support granting of the variance

If you use this form to comment, it may be returned to:
City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088



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Case Number: C15-2012-0069 – 1800 A Jentsch Court

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17, 2012

Your Name (please print)

Susan Walker

☒ I am in favor
☐ I object

Your address(es) affected by this application

1800-A Jentsch Court

Signature

Susan Walker

Date

Daytime Telephone: *512-428-6584*

Comments: *NOT AFFECTED IN ANY WAY*

SW

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

Ramirez, Diana

From: [REDACTED]
Sent: Sunday, September 16, 2012 6:34 PM
To: Ramirez, Diana; Walker, Susan
Cc: Greg Esparza
Subject: Re: TONIGHT 1800 a jentsch court - Background for packet
Attachments: neighbor letters.pdf

Susan

Attached are letters from each of the immediately adjacent properties, supporting the variance request.

1800B Jentsch Court
1802B Jentsch Court
1804 Fair Oaks Drive (immediately behind 1800A Jentsch Court)

I understand also from the neighbor at 1802A Jentsch Court, that she mailed back a form stating that she had no objection to the variance.

Please include in the background if you have time. I will also bring copies to the hearing.

Ann Kitchen J.D.
Health & Community Strategies
[REDACTED]
512.228.1645

SUNROOM ADDITION BACKGROUND
COA BOARD OF ADJUSTMENT HEARING – SEPTEMBER 17, 2012

Case # C15-2012-0069
1800A Jentsch Court

On May 22, 2006 – Primrose and Antony Kitchen signed an agreement with Statewide Remodeling to build the sunroom addition at 1800A Jentsch Court. On May 25, 2006 – Primrose and Antony Kitchen signed a work order change for sunroom addition.

On July 31, 2006 – Mira Monte Homeowners Association approved Primrose and Tony's request for addition of sunroom, contingent upon the builder, Statewide Remodeling, obtaining appropriate building permits. The letter is signed by Statewide Remodeling, as well as Primrose Kitchen on August 7, 2006

On October 2, 2006 – Statewide began work on the sunroom addition.

In October 2011 – After Tony passed away at age 86 from cancer, Primrose Kitchen listed the home for sale so she could move to a retirement home. As evidenced on the seller disclosure form, Primrose did not know that Statewide Remodeling had failed to obtain the necessary permits for the sunroom addition.

In February 2012 – Primrose learned that Statewide never obtained the permits, when she was informed by George Weil, the realtor for Jo O'Neill, the buyer.

On February 23, 2012 – Statewide Remodeling admitted that they had never obtained the necessary permits and signed an agreement with Primrose Kitchen stating that they would obtain the necessary permit from the city.

From February to June, Primrose attempted to work with Statewide Remodeling to obtain the permits, learning at some point that Statewide violated various provisions when they built the sunroom addition and that a variance would be required or the sunroom would have to be torn down.

Statewide Remodeling obtained a hearing date in June, but then withdrew the application for the variance, further delaying the process, when their attorney refused to agree to a settlement with Primrose. Primrose is pursuing arbitration against Statewide.

The closing was delayed, causing Primrose to pay for two residences for awhile, until Primrose and Jo reached an agreement in which Primrose would pursue the variance hearing.

September 9, 2012

Board of Adjustment
City of Austin

RE: Variance application for 1800A Jentsch Court, Austin, Texas 78745

Dear Members of the Board of Adjustment:

I am writing this letter in support of the application for a variance for the sunroom attached to my neighbor's home at 1800A Jentsch Court.

I live on the other half of the property – at 1800B Jentsch Court. I've lived here for a number of years and know the applicant, Primrose Kitchen.

Granting 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 sunroom addition is not visible from the street and does not increase parking.

Also, I live in the immediate adjacent lot and I have no objection and have not experienced any adverse impact from having the sunroom built on my neighbor's property.

I hope that you will approve the variance.

Thank You.



Stacey Shap
1800B Jentsch Court
512/447-4200

September 15, 2012

Board of Adjustment
City of Austin

RE: Variance application for 1800A Jentsch Court, Austin, Texas 78745

Dear Members of the Board of Adjustment:

I am writing this letter in support of the application for a variance for the sunroom attached to my neighbor's home at 1800A Jentsch Court.

I live next door to the property -- at 1802B Jentsch Court. I've lived here for a number of years and know the applicant, Primrose Kitchen.

Granting 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 sunroom addition is not visible from the street and does not increase parking.

Also, I live in the immediate adjacent lot and I have no objection and have not experienced any adverse impact from having the sunroom built on my neighbor's property.

I hope that you will approve the variance.

Thank You.

Merle Dover
1802 B Jentsch Ct.

September 15, 2012

Board of Adjustment
City of Austin

RE: Variance application for 1800A Jentsch Court, Austin, Texas 78745

Dear Members of the Board of Adjustment:

I am writing this letter in support of the application for a variance for the sunroom attached to my neighbor's home at 1800A Jentsch Court.

I live directly behind the property – on Fair Oaks. I've lived here for a ⁹~~number~~ of years.

Granting 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 sunroom addition is not visible from the street and does not increase parking.

Also, I live in adjacent property and I have no objection and have not experienced any adverse impact from having the sunroom built on my neighbor's property.

I hope that you will approve the variance.

Thank You.

Sincerely Daniel L. Brooks Jr.

 9-16-12

1804 Fair Oaks Dr.
Austin, TX 78745

CASE # C15-2012-0069
ROW# 10768092
TP-041113-13-01

**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: 1800A Jentsch Court

LEGAL DESCRIPTION: Subdivision – Unit 12 Mira Monte

Lot(s) Block Outlot Division

I/We Ann Kitchen on behalf of myself/ourselves as authorized agent for

Primrose Kitchen affirm that on Aug, 6, 2012

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL X MAINTAIN

1. Rear sunroom encroachment into 10' rear setback 6.6 from rear PL

2. 41.5% FAR due to sunroom addition

3. Maintain 4557 % Impervious Cover or 51% IC

in a SF 3 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:

Addition is for a "sunroom" use only. The prior owner built site to max impervious cover. Sunroom is a reasonable use in SF3 zoning. FAR – FAR did not apply at time of construction (2004) Relocating unit to side yard reduces rear yard area

HARDSHIP:

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

Sunroom built prior to McMansion /FAR regulations. Sunroom is attached, demo required to move out of rear setback. HOA prohibits ribbons or CG for drives / walkways

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

No other known issues similarly found in neighborhood

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:

Addition is not visible from street. Does not increase parking. No known objections or adverse impact to surrounding lots

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:

NA

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 Ann Kitchen Mail Address 2401 Briargrove

City, State & Zip - Austin, Texas 78704 _____

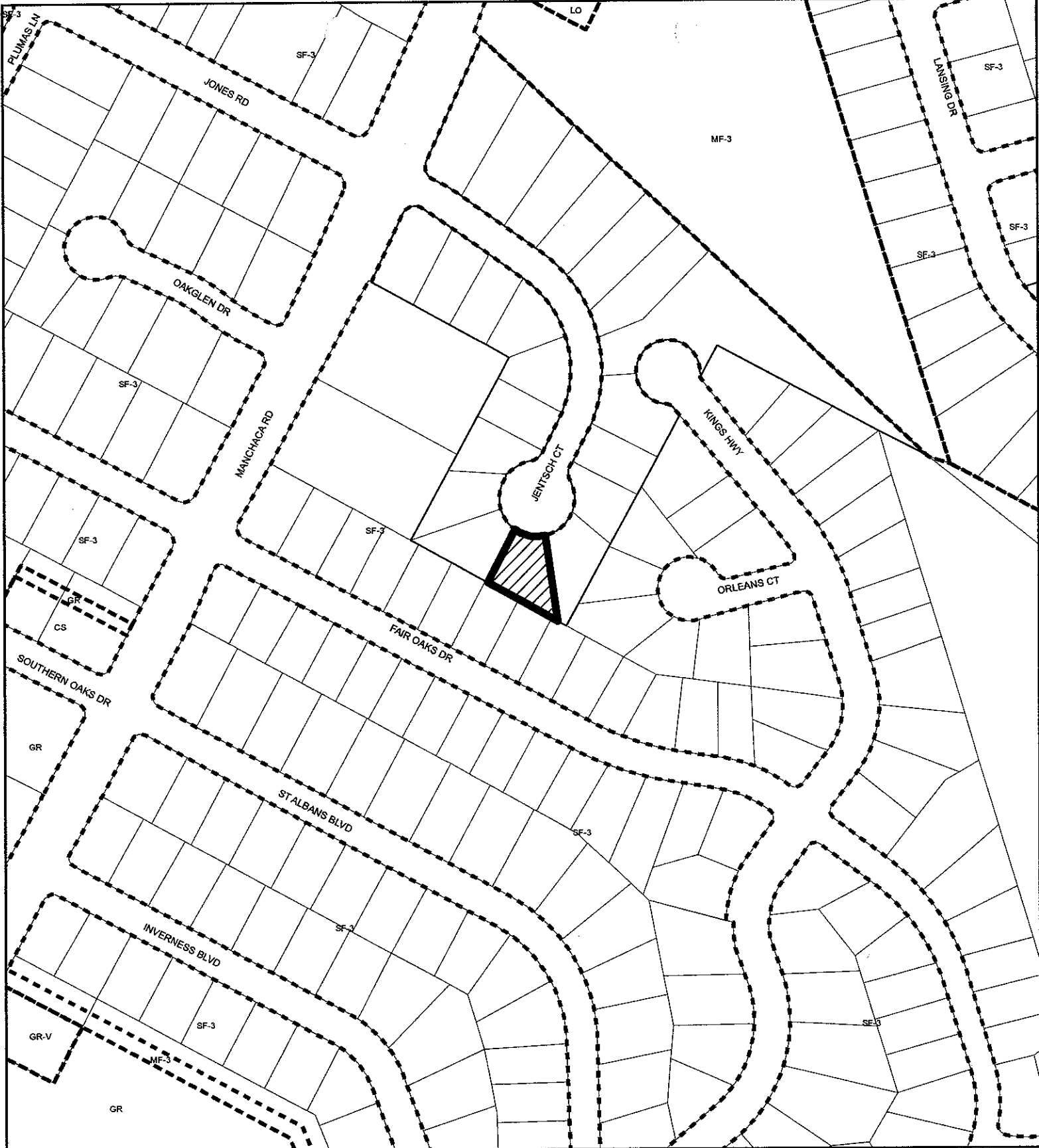
Printed Ann Kitchen Phone 228-1645 Date 8/6/12

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 Primrose A. Kitchen Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ Date _____



BOARD OF ADJUSTMENTS

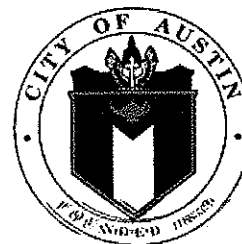
CASE #: C15-2012-0069
 LOCATION: 1800 A JENTSCH COURT



SUBJECT TRACT



ZONING BOUNDARY



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

JENTSCH COURT

(50' R.O.W.)

CB=N 89°22'30" W 30.46'
L = 30.80' R=60.00'
(A=30.70')

CB=S 64°40'23.733" E 20.83'
L=20.94' R=60.00'
(A=20.87)

AE APPROVED

MAR 14 2012
74-200
JGM

UNIT 12-B

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

LOT 7

FROM A CAPPED REBAR SET AT THE PROPERTY CORNER,
A 1/2" REBAR FOUND BEARS N 72°22'29" W 1.61'

DEER PARK, SECTION ONE, BK.14, PG.74

LEGEND

- 1/2" BEAM FOUND
- 1/2" CAPPED REBAR SET
- 1/2" IRON PIPE FOUND
- 800 VOLT FOUND
- 2" SET IN CONCRETE
- 7" FOUND IN CONCRETE
- SEWAGE POND
- OVERLAP FENCE
- WOOD FENCE
- METAL FENCE
- REBAR LINE
- PRIVATE UTILITY EASEMENT
- DRIVEWAY EASEMENT
- PERMITS
- CONCRETE MONUMENT
- POINT OF WAY
- PLACE OF BEGINNING
- OVERHEAD ELECTRIC POWER POLE

20' 0 20'

IMPORTANT NOTICE

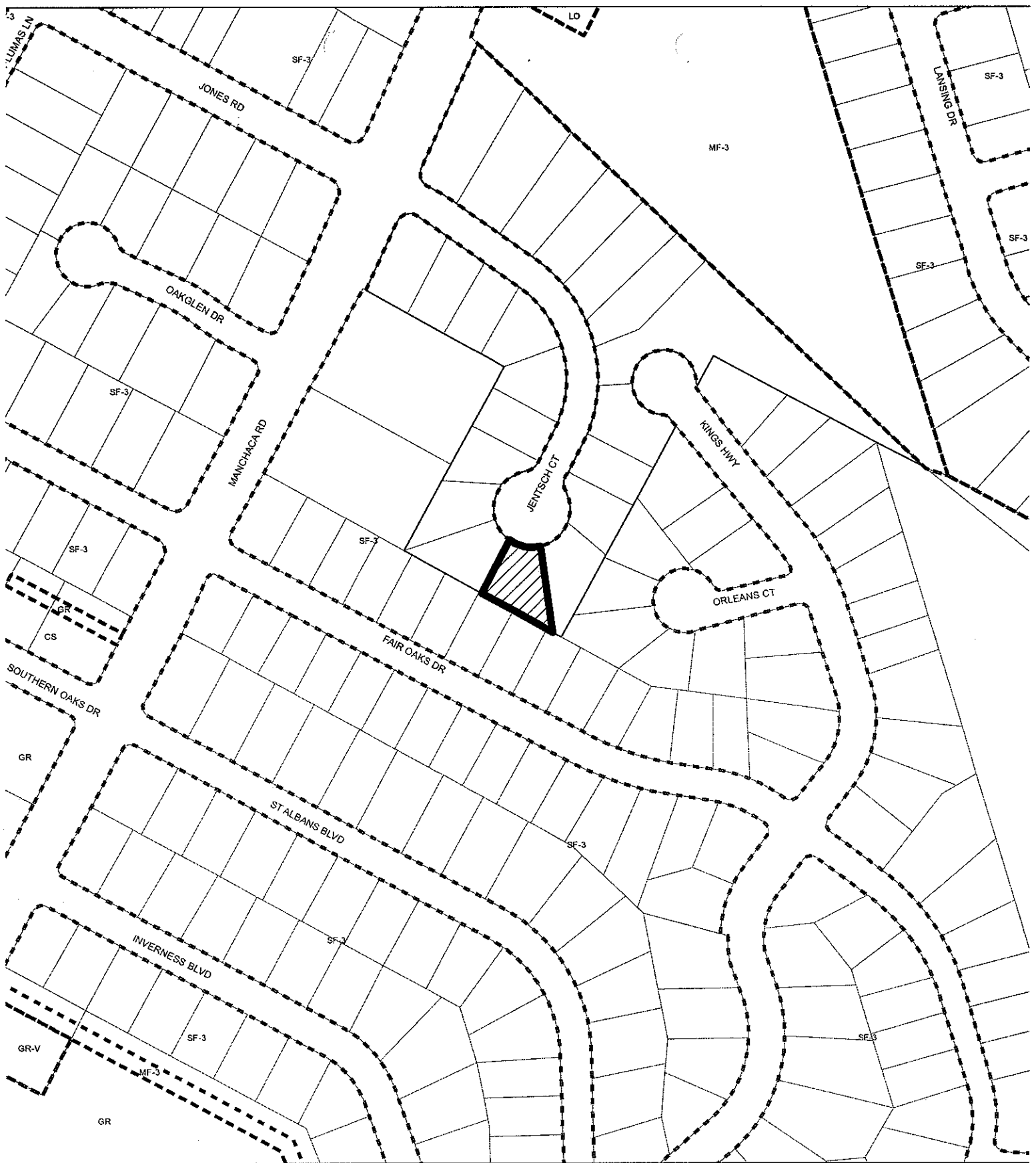
This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to B & G SURVEYING.











BOARD OF ADJUSTMENTS

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