

Please be advised that the Board only takes 16 new cases a month, therefore, first come, first served. Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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 # C15-2012-0138
ROW # 10856712

TP-0218060401

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

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

**WAR
NING**

: Filing of this appeal stops all affected construction activity.

STREET ADDRESS: 3801 Avenue H

LEGAL DESCRIPTION: Subdivision – south 64.35' lot 56 Shadow Lawn Subdivision

Lot(s) _____ Block _____ Outlot _____ Division _____

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

Jason English and Janice Diane English affirm that on Oct 1 2012,

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

(check appropriate items below)

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

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.

(zoning district) SF-3 - UD - NECD-NP
0' street side yard setback to replace / erect carport

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 owner proposes to replace a carport over an existing driveway along W 38th Street. The current house does not have an on-site garage. The original carport was removed due to structural issues. The site is a corner lot and does have a driveway taking access from Avenue H, however, a potential carport on that driveway would also encroach into the side yard setback and would detract from the character of the house. It would pose an adverse impact to the adjacent neighbor in terms of aesthetics and potential water run off onto the adjacent lot.

Replacing the carport on the existing driveway taking access from W 38th St would not detract from neighborhood aesthetics. Additionally, the proposed carport would be in keeping with several properties in proximity to the subject site taking access from W 38th St.

In lieu of an existing garage, the owner is seeking a reasonable on-site location to protect vehicles and storage areas behind the existing fence / gate along W 38th St.

HARDSHIP:

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

The corner lot presents a unique challenge in that no on-site garage exists. To implement covered parking along the front façade of the home (along avenue H) would not be in keeping with the original, older character of this portion of the home. A carport on the Avenue H driveway would be ~ 20' in length in order to accommodate 2 vehicles. Such a structure is not feasible. Thus, a carport on the W 38th St driveway would accommodate two side by side vehicles. While a majority of the homes in the neighborhood have on-site garages placed behind the façade of the primary structure, if not completely behind the primary structure, this residence originally took access from W 38th St. There is a ore-existing curb cut in place along W 38th St.

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

The corner lot does not have a garage or other covered parking similar to several surrounding properties.

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:

A ~26x21' carport located along W 38th St will not disrupt the area of character found throughout this collector street. The properties along W 38th St area mixture of single family, duplex, large and small multi-family, and small commercial sites. The proposed carport will reflect a flat roof that matches the mansard style roof covering the rear 1 story portion of the residence adjacent to the existing driveway. The owner proposes to install an electric gate so as to limit any disruption to westbound traffic. The majority of the carport will not be visible due to the existing fence along W 38th St, further disrupting any potential adverse impact on any neighbors and the area as a whole.

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

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

7115 Barnsdale Way Austin TX 78745

Printed DAVID CANALES c/o PERMIT PARTNERS LLC

Phone Date 512-799-2401

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

3807 Ave H Ash TX 78751

Printed JASON ENGLISH

Phone Date 512 698 4545 10-3-12

Signed 

Mail Address

416 PARK OAK DRIVE, SAN ANTONIO, TEXAS 78232

Printed JANICE DIANE ENGLISH

Phone Date 210-402-6758 10/3/12



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0138
 LOCATION: 3801 Avenue H



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

Austin's Community-Owned Electric Utility

www.austinenergy.com

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

October 5, 2012

David Cancialosi
Permit Partners
Austin, Texas

Via email to: david@permit-partners.com

Re: 3801 Avenue h
South 64.35 ft of Lot 56, Shadow Lawn

Dear David,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to the setback adjacent to 38th street in order to install a carport over existing drive. Austin Energy does not oppose this application as requested and shown on the attached red-stamped sketch provided any improvements meet AE clearance criteria requirements as well as be in compliance with the National Electric Safety Code and OSHA.

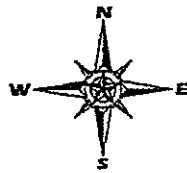
Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

Sincerely,

A handwritten signature in black ink, appearing to read "Lena Lund".

Lena Lund
Public Involvement/Real Estate Services

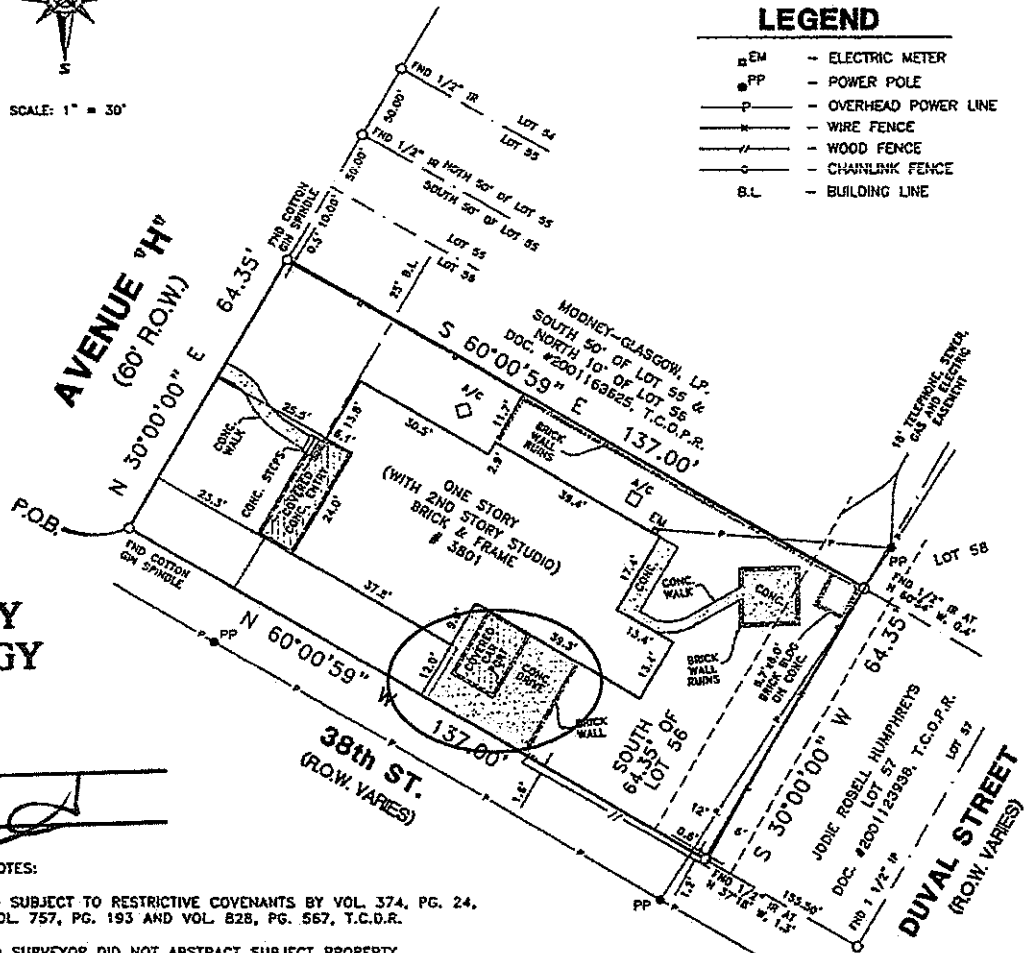
Cc: Diana Ramirez and Susan Walker



SCALE: 1" = 30'

LEGEND

- EM - ELECTRIC METER
- PP - POWER POLE
- P - OVERHEAD POWER LINE
- W - WIRE FENCE
- WF - WOOD FENCE
- C - CHAINLINK FENCE
- B.L. - BUILDING LINE



**APPROVED BY
AUSTIN ENERGY
FOR BOA**

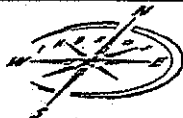
DATE: 10/5/12
[Signature]

NOTES:

- 1) SUBJECT TO RESTRICTIVE COVENANTS BY VOL. 374, PG. 24, VOL. 757, PG. 193 AND VOL. 828, PG. 567, T.C.D.R.
- 2) SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY.
- 3) BUILDING LINE RESTRICTIONS BY VOL. 376, PG. 24 AND VOL. 757, PG. 193, T.C.D.R.
- 4) 18' TELEPHONE, SEWER, GAS AND ELECTRIC EASEMENT TO CITY OF AUSTIN BY VOL. 332, PG. 621, T.C.D.R.
- 5) CONCRETE PAD, BRICK WALL RUINS AND BRICK BUILDING ARE WITHIN 18' TELEPHONE, SEWER, GAS AND ELECTRIC EASEMENT AS SHOWN.

ALL BEARINGS ARE BASED ON THAT CERTAIN WARRANTY DEED RECORDED IN DOC. #2001163825, T.V.O.P.R. ALL EASEMENTS AND BUILDING LINES ARE BASED ON RECORDED PLAT UNLESS OTHERWISE NOTED. FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION. THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN CF NO. F20550-010-C09

LOT SOUTH 54.35' OF LOT 56	BLOCK -	SECTION -	SUBDIVISION SHADOW LAWN	THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X" (UNSHADED) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480524 0165 E, REVISED JUNE 16, 1993.
RECORDATION VOLUME 3, PG. 71, T.C.P.R. AND METES & BOUNDS CONVEYANCE	COUNTY TRAVIS	STATE TEXAS	SURVEY -	
LENDER CO. -	TITLE CO. FIRST AMERICAN TITLE INSURANCE COMPANY OF TEXAS			
PURCHASER ADDRESS	JASON S. ENGLISH 3801 AVENUE "H", AUSTIN, TEXAS.			JOB NO. 3634 W



Windrose Land Services Austin

FIELD WORK	06/26/02	TR
DRAFTED BY	06/28/02	TP
CHECKED BY	06/28/02	RW
MAPSCO NO.	555 U	

REVISION	



I do hereby certify that this survey was this day made on the ground and that this plot correctly represents the property legally described hereon (or on attached sheet). That the facts found at the time of this survey show the improvements and that there are no encroachments apparent on the ground, except as shown.

R. Willis 6/28/02

Windrose Land Services Austin
3913 Todd Lane, Suite 512
Austin, Texas 78744
TEL. (512) 326-2100 FAX (512) 326-2770