

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 # C15-202-0141
ROW # 1085675
TP-0302030301

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: 1336 Bonham Terrace

LEGAL DESCRIPTION: Subdivision - Travis Heights

Lot(s) 1&2 Block 46 Outlot _____ Division _____

I/We Michael Hide on behalf of myself/ourselves as authorized agent for

_____ affirm that on October 15, 2012,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

A 14' x 14' (200 sq/ft) Kanga Room Systems studio to be used as a work at home office space.

in a SF3ND 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:

Our lot forms a triangular shape, and according to Darren Cain (in the residential review department), the shortest side is considered the 'front' of the property for purposes of building setbacks. This would make the side along Kenwood the 'front' instead of the longer Bonham Terrace side which is where the address has been since the house was built in 1926 (It was originally 2 lots with both sides fronting Bonham Terrace). By considering the Kenwood side as the 'front' we would not be able to place any structure in the side yard due to the 25ft setback rule. We are unable to locate the proposed structure in either of the other two corners of the property due to an existing detached garage along the Bonham side, and putting it in the actual front yard (the corner at Bonham and Kenwood) would be unsightly, inconvenient, and detract greatly from the curb appeal of the property and the neighborhood.

Additionally there would be issues with the setbacks in that corner as well due to the high angle of the lot, and overlapping setbacks between the 'front' and 'side' edges.

HARDSHIP:

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

Due to the triangular shape of the lot and existing structures, there is only one reasonable location for the proposed structure. Placing it in front of the house in plain view of the street would diminish the curb appeal of the property and the neighborhood. Building this structure on other properties with similar square footage but on a "traditional" rectangular shaped lot would likely not be an issue. This is a problem for us only because of the irregular shape of our lot, and is a hardship as we are not able to get reasonable use out of our property compared with other property owners in this neighborhood.

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

Most lots in the neighborhood are rectangular in shape and have a clear 'front' and 'back' yard. The shape of our lot and position of the house leaves those designations up for interpretation, and therefore inhibit the reasonable use of our property.

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 proposed location of the structure is behind a 6' privacy fence and would not be visible from the street or the neighboring property along Kenwood, and will not significantly alter the appearance of the property, nor restrict any use of the adjoining lot.

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.

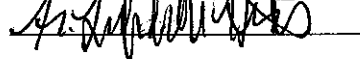
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1336 Bonham
Terrace

City, State & Zip Austin, TX
78704

Printed Michael Hide Phone 512.423.4652
Date October 15, 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  Mail Address 1336 Bonham
Terrace

City, State & Zip Austin, TX
78704

Printed Michael Hide Phone 512.423.4652
Date October 15, 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:



N

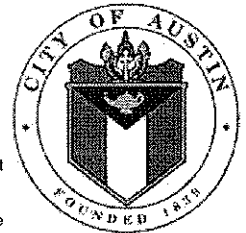


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0141
 LOCATION: 1336 Bonham Terrace



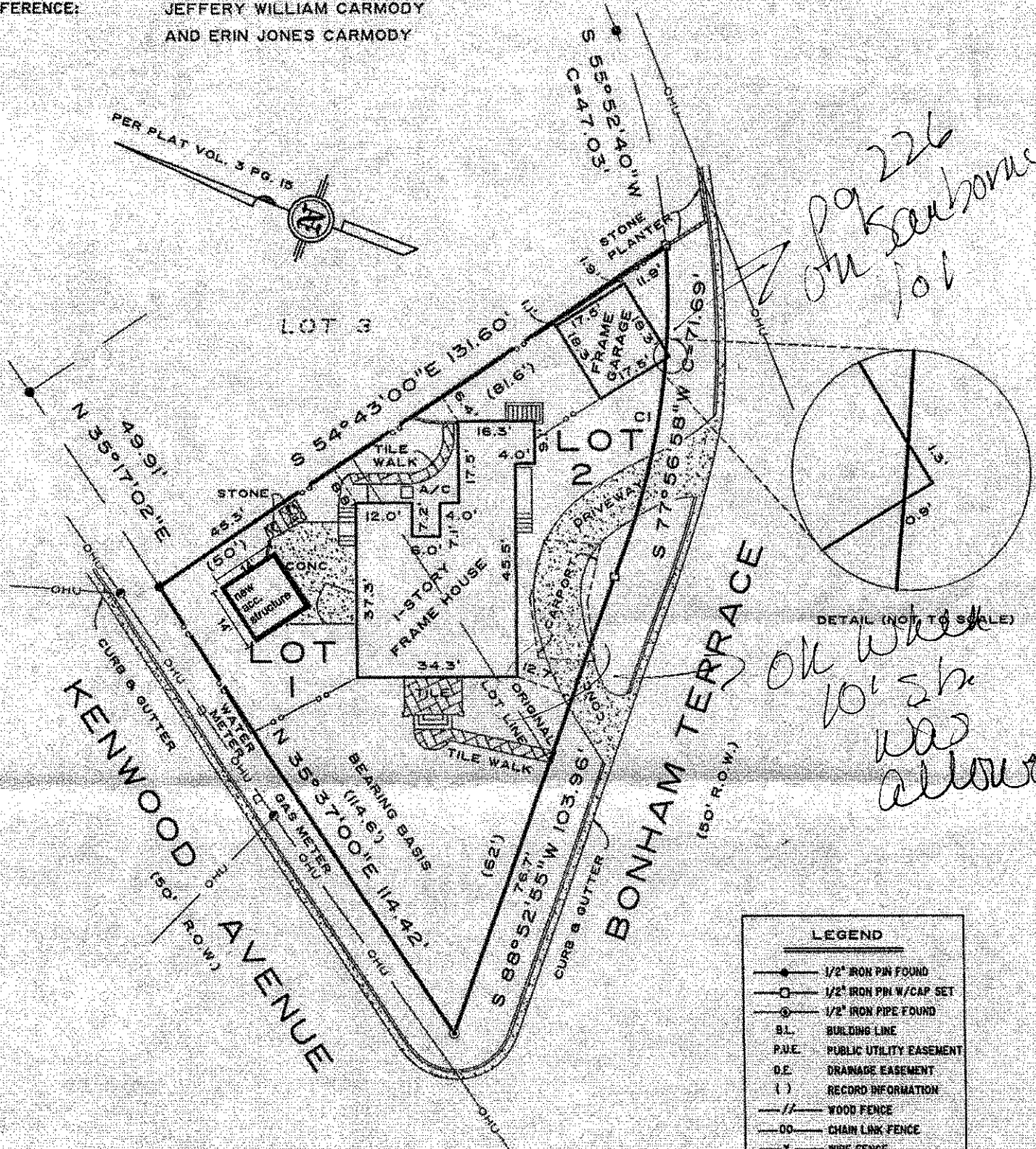
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.

SURVEY PLAT OF: 1336 BONHAM TERRACE, AUSTIN, TEXAS, 78704.

LEGAL DESCRIPTION: LOTS 1 & 2, BLOCK 46, TRAVIS HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 3, PAGE 15, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

REFERENCE: JEFFERY WILLIAM CARMODY AND ERIN JONES CARMODY



*pg 226
OH Kenhome
101*

*OK which
10' sh
was
allowed*

CURVE TABLE

CURVE	RADIUS	TAN.	LENGTH	DELTA
C1	157.51'	36.81'	72.33'	26°18'34"

LEGEND

- 1/2" IRON PIN FOUND
- 1/2" IRON PIN W/CAP SET
- 1/2" IRON PIPE FOUND
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- () RECORD INFORMATION
- WOOD FENCE
- CHAIN LINK FENCE
- WIRE FENCE
- O.H.U. OVERHEAD UTILITIES
- GUY WIRE

Restrictive Covenants recorded in Volume 3, Page 15, Plat Records of Travis County, Texas, affect this lot.
Easement rights as reserved on plat recorded in Volume 3, Page 15, Plat Records, Travis County, Texas, affect this lot.

Subject: 1336 Bonham Terrace

From: Jean mather <jeanmather3@gmail.com>

Date: 10/8/2012 11:43

To: Marc Davis <marc.davis@gmail.com>, Kent Anschutz <Kent@kentanschutz.com>, Russell Fraser <russell_fraser@msn.com>

CC: michael.hide@gmail.com

Development Assistance Center
City of Austin

The Zoning Committee of South River City Citizens met on August 23 and again on September 26 with Michael Hide of 1336 Bonham Terrace. He had been denied a building permit.

His property forms a triangle at the intersection of Bonham Terrace and Kenwood Avenue. Staff insisted that the address should be on Kenwood since it is the shortest side of the triangle. If so, the setbacks would have to be reconfigured.

At our second meeting on September 26, Michael Hide brought a copy of the original subdivision platt for Travis Heights which explained the difference. The platt clearly shows that the triangle had originally been two lots facing onto Bonham. The original owner had combined them into one. It was clear to the Zoning Committee that the setback on Kenwood would follow the side lot setback provisions. It also explains how Beverly Laws had used the Bonham address for at least 40 years as the neighbors can testify.

The other problem: a corner of the existing garage extends beyond the property line. Michael Hide traced the appraisal district's records and found that the garage was in place in 1926. It should be grandfathered.

Jean Mather, Chair
SRCC Zoning Committee
444-4153

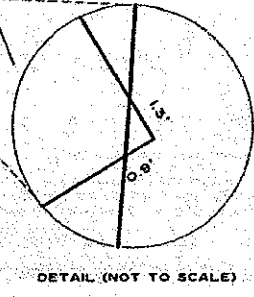
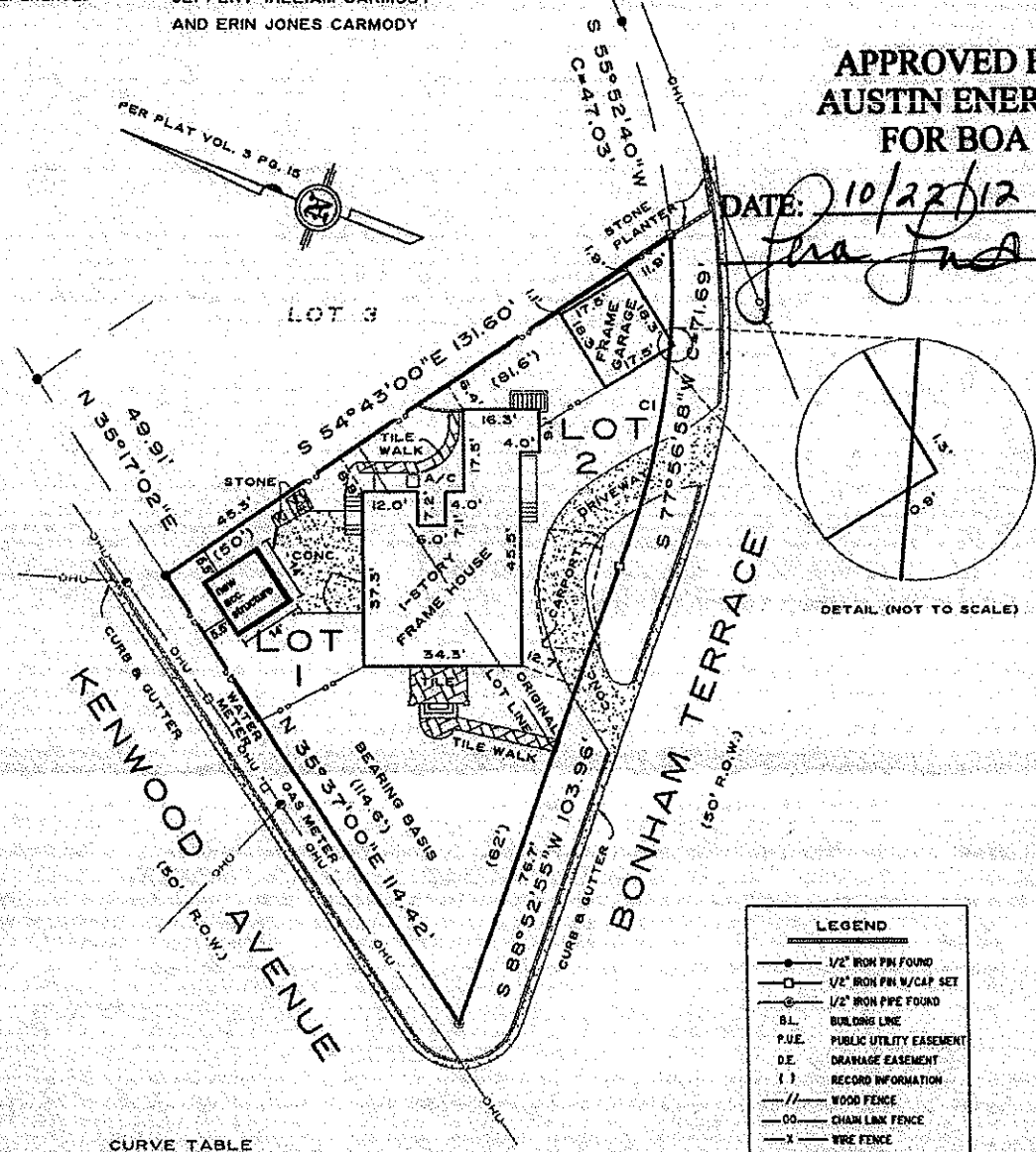
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REFERENCE: JEFFERY WILLIAM CARMODY
AND ERIN JONES CARMODY

APPROVED BY
AUSTIN ENERGY
FOR BOA

DATE: 10/22/12
[Signature]



LEGEND

- 1/2" IRON PIN FOUND
- 1/2" IRON PIN W/CAP SET
- 1/2" IRON PIPE FOUND
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
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- GUY WIRE

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CURVE	RADIUS	TAN.	LENGTH	DELTA
C1	(57.5')	36.81'	72.33'	26°18'34"

Restrictive Covenants recorded in Volume 3, Page 15, Plat Records of Travis County, Texas, affect this lot.
Easement rights as reserved on plat recorded in Volume 3, Page 15, Plat Records, Travis County, Texas, affect this lot.
This property is in Zone "X" of the F.E.M.A. Flood Insurance Rate Map for Travis County, Texas, Community Panel No. 480624 0170 E, Dated Jan. 19th, 2000.

THE STATE OF TEXAS TO THE LIEN HOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED
COUNTY OF TRAVIS AND TO NORTH AMERICAN TITLE CO. AND NORTH AMERICAN TITLE INSURANCE CORP.

The undersigned does hereby state that this survey was this day made on the ground of the property legally described hereon and to the best of his information, knowledge and belief is correct, and that there are no discrepancies, conflicts, shortage in area, visible utility line or roads in place, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

COPYRIGHT 2002 POINT-LINE SERVICES, INC.
Use of this survey for any other purpose or other parties shall be at their risk and undersigned is not responsible to others for any loss resulting therefrom.
Dated this the 8th day of November, 2002

Job No. 27481102	Scale: 1" = 30'
GF. No.	119736

POINT-LINE SERVICES, INC.

LAND & ENGINEERING SURVEYING
MELVIN LINDSEY, R.P.L.S. 1667
1301 CAPITAL OF TEXAS HWY. SOUTH SUITE A-236
AUSTIN, TEXAS 78746
TEL: (512) 320-8217 FAX: (512) 328-6646

[Signature]