

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

DATE: Tuesday, November 13, 2012

CASE NUMBER: C15-2012-0133

____ Jeff Jack
____ Michael Von Ohlen **Motion to pp to Dec 10, 2012**
____ Nora Salinas
____ Bryan King **2nd the motion**
____ Fred McGhee
____ Melissa Hawthorne
____ Sallie Burchett
____ Cathy French (SRB only)

APPLICANT: Pablo Toboada

OWNER: Tony Browning

ADDRESS: 1800 HOLLY ST


VARIANCE REQUESTED: 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 4 inches along the east property line in order to maintain a carport for a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to December 10, 2012, Board Member Bryan King second on a 7-0 vote; **POSTPONED TO December 10, 2012.**

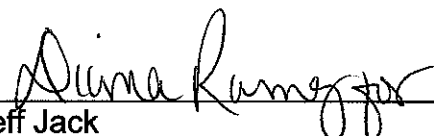
FINDING:

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

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- 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: C15-2012-0133 - 1800 Holly Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 13th, 2012

David Plutowski, P.E.

Your Name (please print)

1805 Haskell St.

Your address(es) affected by this application

Signature

Date

Daytime Telephone: (512) 567-7303

Comments: I support this variance to

decrease minimum side yard setback. with these narrow 50 ft. lots, it is very difficult to improve property, specifically add a carport. the impacts of reducing this side yard setback are minimal, if not negligible.

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

☒ I am in favor
☐ I object

Case # C15-2012-0133
1800 Holly Street
Public Hearing BOA, November 13, 2012

A survey of the neighborhood surrounding the property at 1800 Holly Street shows many homes in which the carport has been built next to or near the fence line, within the 5 foot setback. A rough estimate would be that one in 7 homes has a similar condition.

To get a more accurate count, we have walked the two streets north and south and east and west of 1800 Holly (Haskell Street to the south, and Garden St to the north). Within the two block area north and south, and east and west of 1800 Holly St. we found 13 homes that have a driveway next to the fence line and a carport structure within the 5 foot setback.

These homes are as follows:

1806 Holly
1809 Holly
1904 Haskell
1802 Haskell
1801 Haskell
1711 Haskell
1705 Haskell
1703 Haskell
1711 Garden
1903 Garden
1904 Garden
1905 Garden
1907 Garden

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Case Number: C15-2012-0133 – 1800 Holly Street
Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 13th, 2012

Caroline Perdon

Your Name (please print)

1707 Haskell St Austin TX

Your address(es) affected by this application

[Signature]

Signature

Date

11/13/12

Daytime Telephone: _____

Comments: _____

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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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 13th, 2012

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

Your Name (please print)

ROBERT D MARTINEZ

Your address(es) affected by this application

1904 ANDERSON ST UNIT A

Signature

Date

Daytime Telephone:

Comments:

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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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 13th, 2012

JOL Corneth
 Your Name (please print)

1801 Holly St.

Your address(es) affected by this application

[Signature]
 Signature

Date

Daytime Telephone: 977-951-3315

Comments:

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

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 #

C15-2012-0133

ROW #

10841513

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

TP-0202070618

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

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

STREET ADDRESS: 1800 HOLLY ST

LEGAL DESCRIPTION: Subdivision -
POPES RESUBDIVISION

Lot(s) 18 Block 8 Outlot 48
Division 0

I/We PABLO TABOADA on behalf of myself/ourselves as
authorized agent for

TONY BROWNING affirm that on September 25, 2012

Deleted:

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL ☒ MAINTAIN

A 28 FEET LONG AND 10'4" WIDE CARPORT BUILT ON THE DRIVEWAY
OF 1800 HOLLY. THE FOUR 6"X6"EASTERN POSTS SUPPORTING THE
CARPORT ARE ONLY 28 INCHES FROM THE PROPERTIES EASTERN
BOUNDARY AND FENCE LINE, INSIDE THE 60" SETBACK REQUIREMENTS.

in a SF3 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

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 HOUSE AT 1800 HOLLY WAS BUILT IN SUCH A WAY THAT THE DRIVEWAY IS LOCATED IN THE ONLY POSSIBLE LOCATION WITHIN THE FIVE FOOT SETBACK REQUIREMENTS, AND ADJACENT TO THE PROPERTY LINE ON THE EASTERN PORTION OF THE LOT.

Deleted: _____

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that: A ROOF COVERING A PORTION THE DRIVEWAY TO PROTECT CARS FROM HAIL DAMAGE IS IN THE ONLY POSSIBLE LOCATION GIVEN THE LOCATION AND PLACEMENT OF THE DRIVEWAY ITSELF. ALLOWING FOR THE USE OF THE 5 FOOT SETBACK ON THE EASTERN PROPERTY LINE WOULD PLACE THE POSTS HOLDING THE CARPORT CLOSER TO THE MIDDLE OF THE DRIVEWAY ITSELF, AND WOULD NOT ALLOW FOR ITS INTENDED USE

- (b) The hardship is not general to the area in which the property is located because: MANY HOUSES IN THE NEIGHBORHOOD HAVE BEEN SITUATED IN THEIR LOTS AS TO ALLOW FOR A DRIVEWAY AND STILL HAVE A FIVE FOOT SETBACK FROM ADJACENT 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:

ATTACHED PHOTOGRAPHS OF THE CARPORT AT 1800 HOLLY WILL SHOW THAT IT WAS MADE WITH GOOD BUILDING STANDARDS, AND THAT IT DOES NOT APPEAR TO AFFECT THE NEIGHBORING PROPERTY IN ANY ADVERSE WAY. OTHER ATTACHED PHOTOS SHOW THAT MANY HOUSES IN THE SAME STREET, (AT LEAST 12 EXAMPLES WERE FOUND) THAT HAVE A SIMILAR SITUATION WITH THE DRIVEWAY ADJACENT TO THE NEIGHBORING PROPERTY, AND A CARPORT HAVING BEEN BUILT WITHIN THE 5 FOOT SETBACK REQUIREMENTS.

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 P. Taboada Mail
Address 710 LYDIA ST
City Austin State TX & Zip 78702

Sept 25 Date 2012

Printed

PABLO TABOADA

Phone

512 619-3315

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 _____
City, State & Zip _____

[SEE ATTACHED LETTER]

Printed _____ Phone _____ Date _____

EMAIL → P.TABOADA C @ YAHOO . com

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

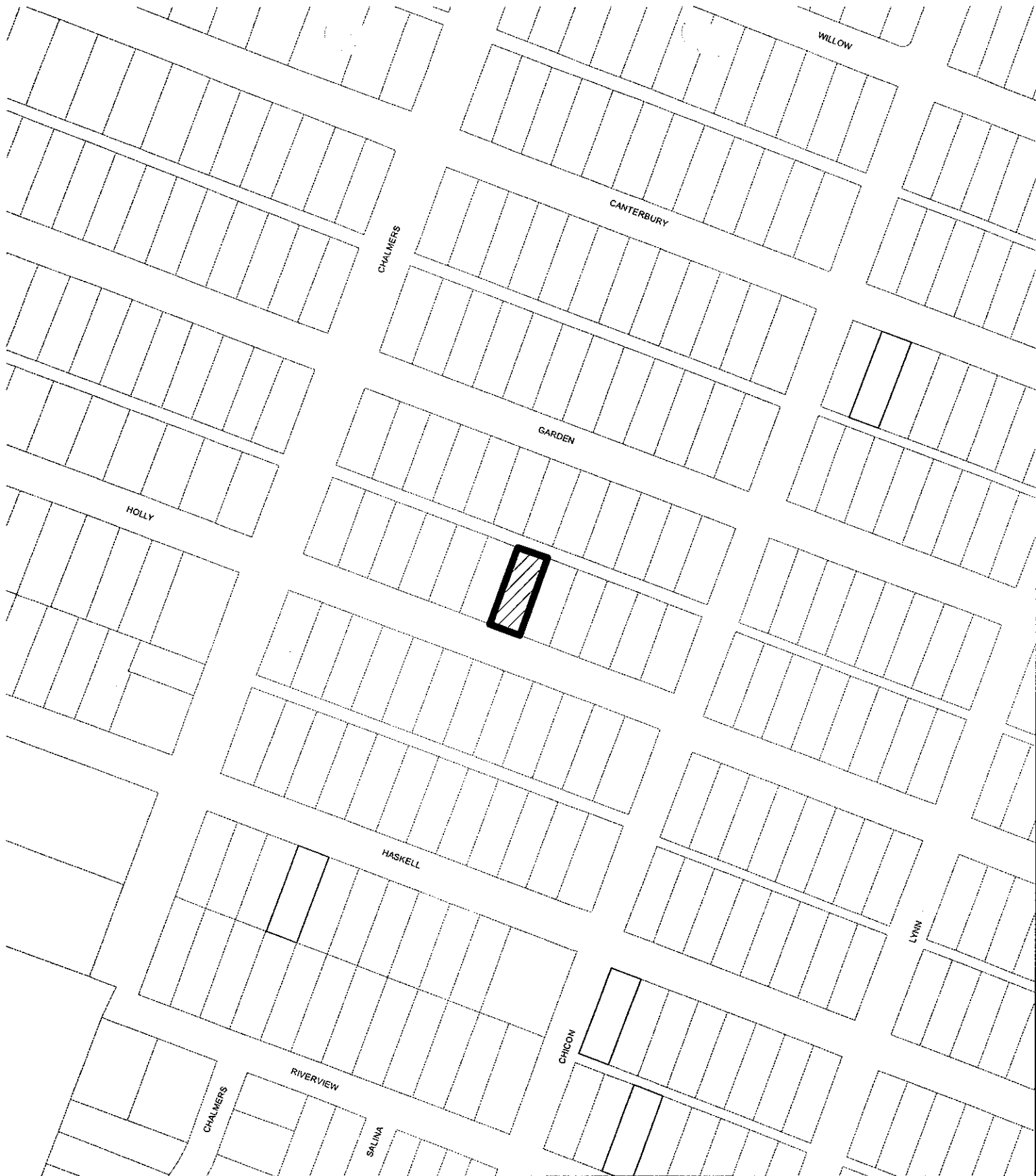
(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

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#: C15-2012-0133
LOCATION: 1800 Holly 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.



1800 Holly St.
Case # 2012 090346

September 11, 2012
Investigator: E. Hinojosa



1800 Holly St.
Case # 2012 090346

September 11, 2012
Investigator: E. Hinojosa



1800 Holly St.
Case # 2012 090346

September 11, 2012
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1800 Holly St.
Case # 2012 090346

September 11, 2012
Investigator: E. Hinojosa



1800 Holly St.
Case # 2012 090346

September 11, 2012
Investigator: E. Hinojosa

Tony Browning

3616 Far West Blvd. 117-182

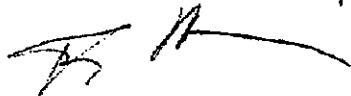
Austin, TX 78731

September 21, 2012

To whom it may concern,

Please allow Pablo Taboada to act as my agent to pull a permit or any other activity concerning the property at 1800 Holly St., Austin, TX. 78702.

Regards,

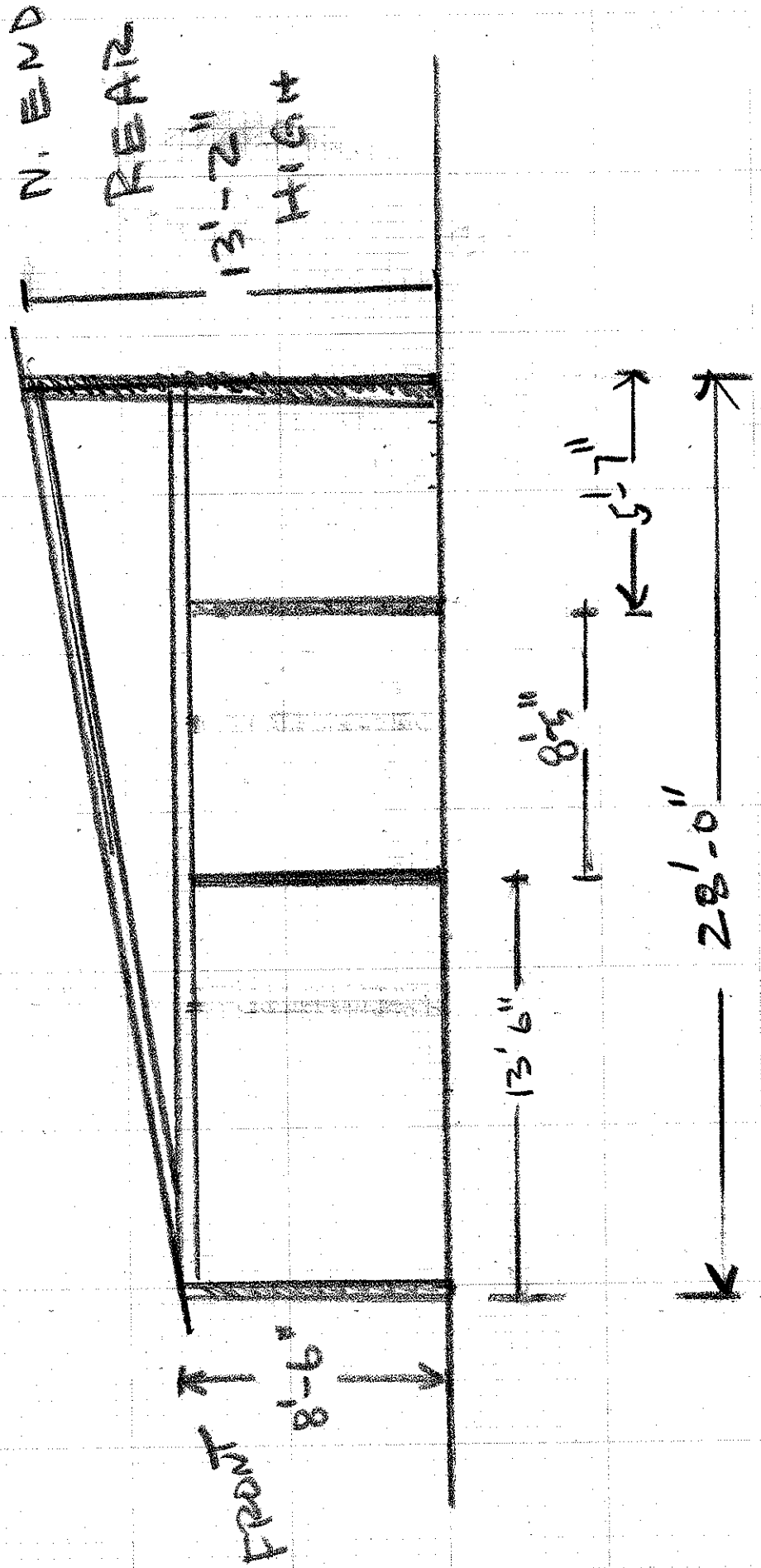
A handwritten signature in black ink, appearing to be 'TB' followed by a stylized flourish.

Tony Browning

Owner

1-512-853-9885

1800 HOLLY CARPORT
SIDE VIEW
ELEVATION



CHAMPAGNE 1800 HOLLY

28'

GRAVEL

10 1/4"

13 1/2"

8' 5"

5' 7"

ROOF

METAL

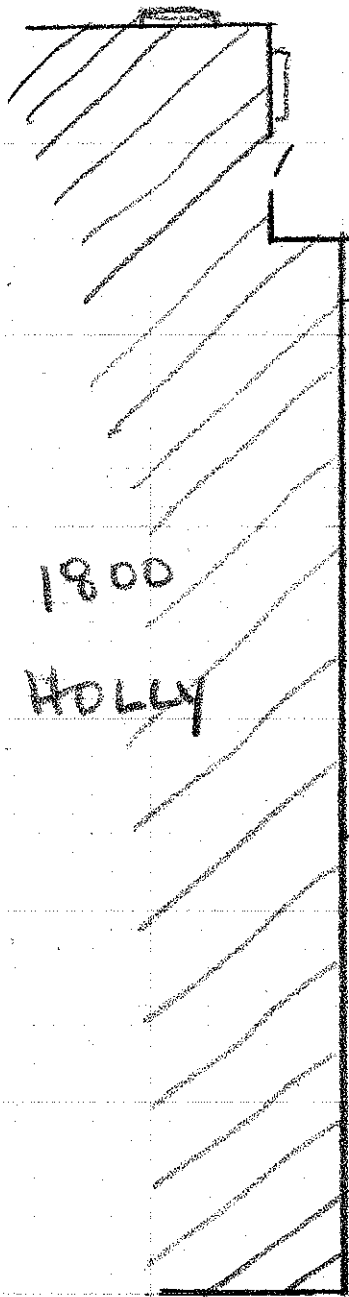
6" x 6" CEDARS
POSTS

3'-4"

FENCE LINE

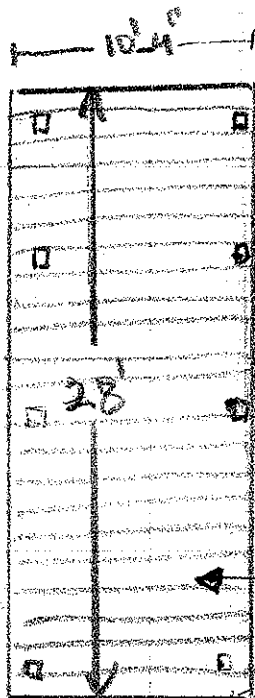


PROPERTY
LINE



1800

HOLLY

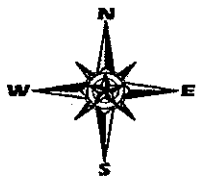


SPACE BETWEEN
FENCE & POSTS
= 2' 4"

CARPORT
28' LONG
10' 4" WIDE

GRAVEL
DRIVE

15'-7"



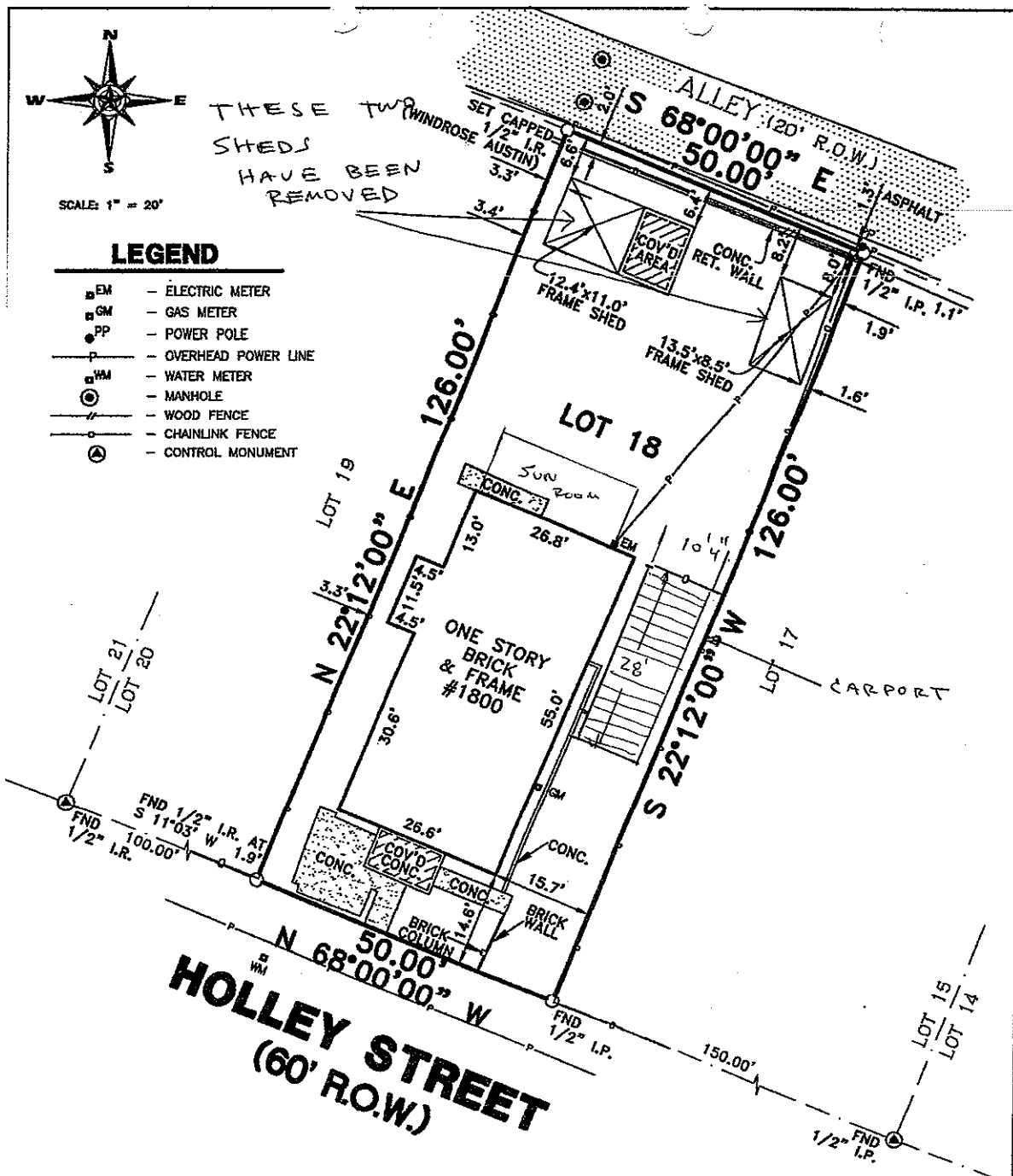
SCALE: 1" = 20'

LEGEND

- EM - ELECTRIC METER
- GM - GAS METER
- PP - POWER POLE
- - OVERHEAD POWER LINE
- WM - WATER METER
- - MANHOLE
- - WOOD FENCE
- - CHAINLINK FENCE
- ⊙ - CONTROL MONUMENT

THESE TWO
SHEDS
HAVE BEEN
REMOVED

HOLLEY STREET
(60' R.O.W.)



ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED. ALL EASEMENTS AND BUILDING LINES ARE BASED ON THE RECORDED PLAT, UNLESS OTHERWISE NOTED. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN GF NO. CTA-03-CTA1100148750

SURVEY OF

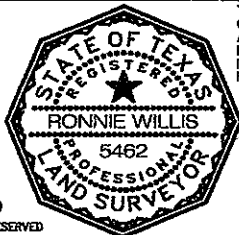
LOT 18, POPE'S RESUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOL 3, PG. 57, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X(SHADED)" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480624 0465 H, REVISED SEPTEMBER 26, 2008. FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

PURCHASER	TONY BROWNING	LENDER CO.	-
ADDRESS	1800 HOLLEY STREET, AUSTIN, TEXAS 78702	TITLE CO.	CHICAGO TITLE INSURANCE COMPANY



Windrose Land Services Austin
4120 Commercial Center Dr.
Suite 300
Austin, Texas 78744
TEL (512) 326-2100 FAX (512) 326-2770



THE UNDERSIGNED DOES HEREBY CERTIFY THAT A SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS ACCURATE TO THE BEST OF MY ABILITIES AND THAT THERE ARE NO BOUNDARY LINE CONFLICTS, ENCROACHMENTS, SHORTAGES IN AREA, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES, OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY ABUTS A DEDICATED ROADWAY.

R. Willis

10/24/11

FIELD WORK	10/24/11	NG	DRAFTED BY	10/24/11	JP	CHECKED BY	10/24/11	RW
REVISION	10/28/11	MT	IMPROVEMENTS			MAPSCO PAGE		JOB NO.
REVISION	-	-	-			615 G		25208



CARPORT AT 1800 HOLLY



NEIGHBORHOOD HOUSE ON HOLLY ST. SHOWING CARPORT USE WITHIN THE 5 FOOT SETBACK REQUIREMENTS. (PLANTED AREA TO THE LEFT IS THE FENCE LINE)



HOUSE ON HOLLY STREET SHOWING A CARPORT BUILT ADJACENT TO THE PROPERTY LINE
WITHIN THE 5 FOOT SETBACK.



PHOTO SHOWING TWO HOUSES ON HOLLY STREET WITH
CARPORTS BUILT ADJACENT TO THE PROPERTY LINE