

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 # C15-2012-0145
ROW # 10856785
TP-0207080318

**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: 1200 COTTON STREET

LEGAL DESCRIPTION: Subdivision -- 41.4' X 84.6' out of the West 125' of

Lot(s) 1 Block 7 Outlot Division GEORGE L. ROBERTSON SUB

I/We KEVIN SMITH on behalf of myself affirm that on 11/08/2012,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

Reduce the street side setback from 10' to 5' to construct a portion of a single family residence within the setback in order to protect to the fullest extent two large oak trees located on this small lot

Wilson Home
1424 (A) (4)

in a SF3-NP 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:

The lot is only 41.4' in width and 84.6' in depth. The property contains two large oak trees of 108" and 103" circumference (34" and 33" diameter respectively). Due to the location of the oaks and the street side setback requirement of 10' the front of the lot can accommodate only a 10' to 15' width of a single family house while preserving the goal of protecting the trees to the fullest extent.

HARDSHIP:

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

The occurrence of trees of this significance are rare and not found on most lots in general, and protecting the trees to the fullest extent desired by the City Arborist and Tree Ordinance do not allow for placement of a structure on a significant portion of the lot due to the small size of the existing lot. Allowing a reduction in the street side setback from 10' to 5' will allow for greater protection of the tree while simultaneously allowing the placement of a single family structure.

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

Many of the existing single family lots found in East Austin are smaller than the current minimum lot standards. This lot is located in Central East Austin which has adopted both Small Lot Amnesty, Urban Home, and other Special Infill Options to help the City achieve their goals for Infill and Sustainability. While trees of this significance are rarely found on any lot, the existence of such trees on an extremely small lot creates problems that are unique to that specific 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 property directly adjacent on the East side is a vacant lot and the property. The property is a corner lot so there is no property located directly adjacent to the South or to the West. The property located directly adjacent to the North is a commercial property zoned LO-MU-NP and does not have the same characteristics as a residential property in the community. This commercial property (1191 Navasota) is completely

surrounded by SF3-NP zoning. If a commercial property located in a largely residential district does not alter the character of the overall then a reduction in the street side setback on a single family residential lot will not have an adverse impact on the character of the area, the use of adjacent properties nor impair the purpose of the zoning district.

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 9009 N FM 620, #1215

City, State & Zip AUSTIN, TX 78726

Printed KEVIN SMITH Phone 512-964-3864 Date 11/07/12

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 9009 N FM 620, #1215

City, State & Zip AUSTIN, TX 78726

Printed KEVIN SMITH Phone 512-964-3864 Date 11/07/12

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:

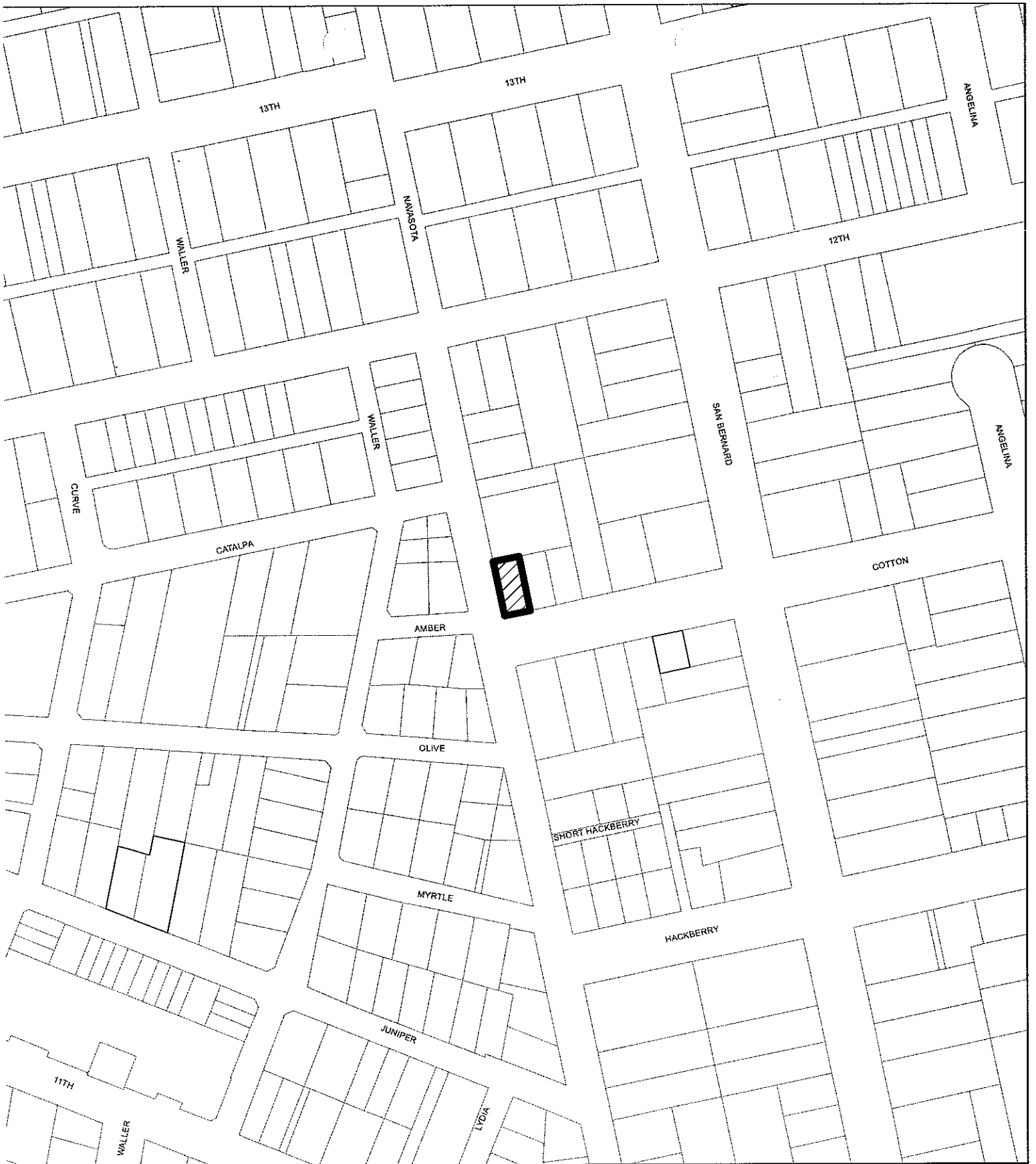
General Requirements:



- 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.

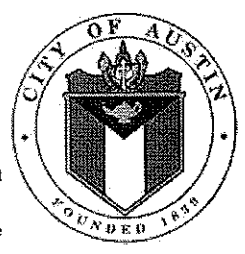


-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2012-0145
 LOCATION: 1200 Cotton 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.





Kevin Smith <kevin@terrazacapital.com>

**RE: Additional information needed: street Side setback variance request -
1200 COTTON STREET**

Lund, Lena <Lena.Lund@austinenergy.com>

Thu, Nov 8, 2012 at 10:35 AM

To: "Ramirez, Diana" <Diana.Ramirez@austintexas.gov>, "Walker, Susan" <Susan.Walker@austintexas.gov>

Cc: Kevin Smith <kevin@terrazacapital.com>

I spoke with Kevin Smith and his surveyor is preparing the survey which will show the location of the electric line – he will provide Austin Energy (AE) with a copy of this survey when it is available. Mr. Smith is aware of the clearance requirements and understands that any new construction must meet the clearances. AE does not oppose the request to reduce the side setback adjacent to Navasota Street provided the proposed improvements meet clearance criteria.

Lena Lund

Austin Energy

Public Involvement/Real Estate Services

721 Barton Springs Road, Suite 102.4

Austin, TX 78704-1145

512-322-6587

512-322-6101 Fax

From: Lund, Lena

Sent: Thursday, November 08, 2012 10:07 AM

To: 'Kevin Smith'

Cc: Walker, Susan; Ramirez, Diana

Subject: Additional information needed: street Side setback variance request - 1200 COTTON STREET

Kevin,

I have reviewed the information that you submitted regarding a request to reduce the west side setback from 10 feet to 5 feet adjacent to Navasota Street on the above referenced property. There is an overhead electric line adjacent to requested setback. In order for Austin Energy to approve this request any proposed improvements would need to meet current clearance criteria from existing electric facilities: Horizontal: 7'6" Vertical: 12'6".

Pease provide a survey drawing showing the location of the electric line and the property line.

Lena Lund

Austin Energy

Public Involvement/Real Estate Services

721 Barton Springs Road, Suite 102.4

Austin, TX 78704-1145

512-322-6587

512-322-6101 Fax

From: Kevin Smith [mailto:kevin@terrazacapital.com]

Sent: Thursday, November 08, 2012 9:16 AM

To: Lund, Lena

Subject: Street Side setback variance request - 1200 COTTON STREET

Lena,

Thank you for your time this morning. I am attaching a depiction of the property that show the current building envelope with the existing setback and also the requested street side setback. The BOA variance application is also attached in the same PDF document.

Please let me know if you have any questions or need any additional information.

Thank you again,

Kevin Smith

512-964-3864

kevin@terrazacapital.com



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