

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # C15-2012-0144  
ROW # 10856772  
TP-0223091402

**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: 5003 Duval Street, Austin, TX 78751

LEGAL DESCRIPTION: Subdivision - The Highlands

Lot(s) 3-4 Block 5 Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We James Watson on behalf of myself/ourselves as authorized agent for

Alper Enver affirm that on 11/8, 2012,

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

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

A detached accessory building 2 feet from north property line.

in a SF-3-NCCD-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:

A previous owner built the garage in the setback prior to Alper Enver purchasing the property. He is the second owner since the garage was built. It is normal in the Hyde Park Neighborhood for detached backyard garages to be less than 5 feet from the property line. The building layout and framing passed inspection in 2001, but no final inspection occurred and the permits were left open.

**HARDSHIP:**

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

The current owner did not build this garage. He is the second owner since the garage was built in 2001. He was not aware of any permit issues until his water meter was replaced and the open permits were brought to his attention. We are trying to close out the old open permits. We are currently under contract to sell the home and he wants to correct this issue before the home is sold. It would cause undo hardship to move and rebuild the garage as there is a large pecan tree on the south side of the garage.

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

Permit was applied for 2 owners back and the structure has been there since 2001. Many garages and additions have been built in the setback areas including the 2 direct neighbors on either side of this 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 garage is located in the North East corner of the property and its access is via an alley at the back of the property. There are also existing garages & structures on adjacent lots that are also built in the 5' setback area. The location of the garage does not impair the use of this garage, access to the alley, or any of the garages on the adjacent lots.

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**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:
- 
- 

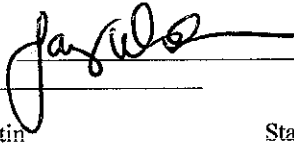
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
- 
- 

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:
- 
-

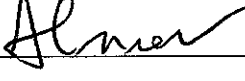
**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

**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  Mail Address 2508 Park View  
Drive \_\_\_\_\_  
City, Austin State TX & Zip \_\_\_\_\_  
78757

Printed James Watson Phone 512-964-5151  
Date 11/8/2012

**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 5003 Duval  
Street \_\_\_\_\_  
City, Austin State TX & Zip \_\_\_\_\_  
78751

Printed Alper Enver Phone 512-789-2577  
Date 11/8/2012

### **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:**

##### **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

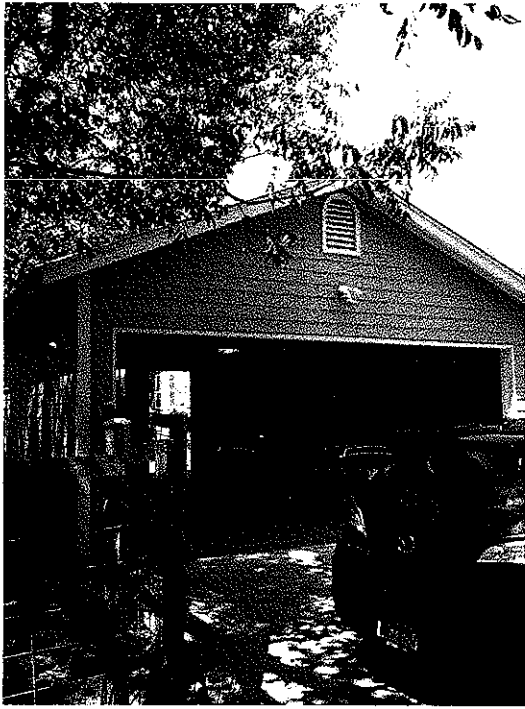
CASE#: C15-2012-0144  
LOCATION: 5003 Duval Street



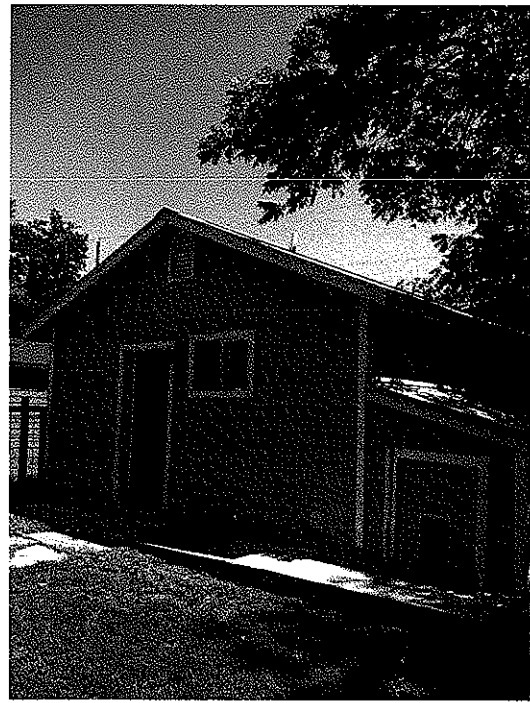
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.

5603 Duval Street ( 78751



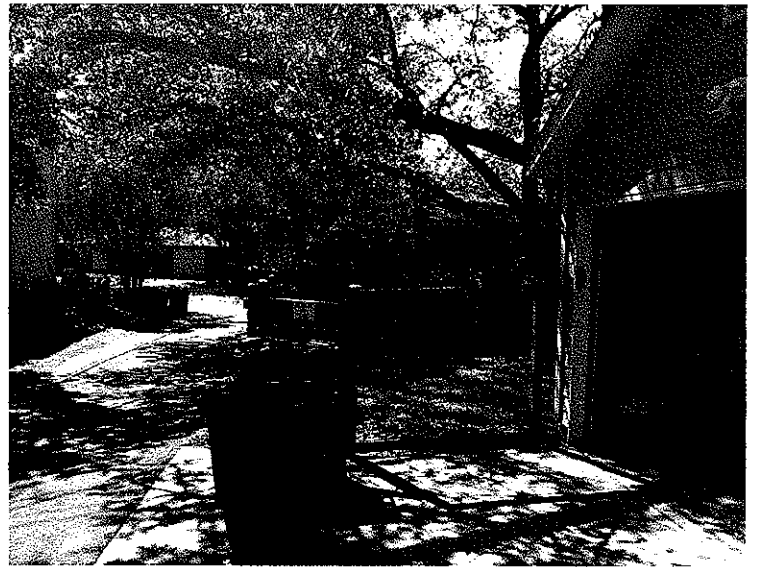
Back of garage



Front of garage



Side of garage showing tree

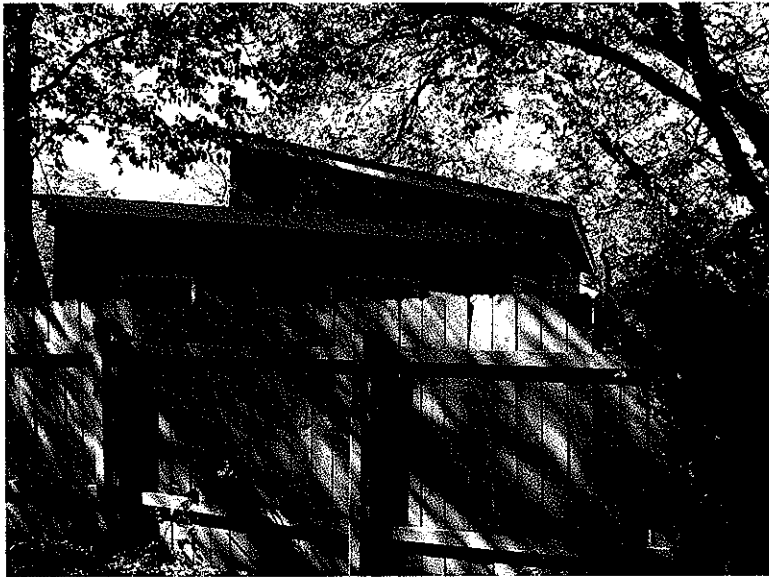


Back of garage showing setback

5003 Duval St + 78781



North neighbor's garage within inches of the property line.



South neighbor w/ structure inside setback.



View of alley directly across from garage.



**City of Austin  
BUILDING PERMIT**

**PERMIT NO:** 2001-004131-BP  
5003 DUVAL ST

Type: RESIDENTIAL    Status: Expired  
Issue Date: 09/10/2001    **EXPIRY DATE: 05/20/2002**

LEGAL DESCRIPTION Lot: 4 Block: Subdivision: HIGHLANDS THE						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY:		WORK PERMITTED: Addition				ISSUED BY:			
Demo Exist Det Gar; New Det Gar W/ Laund. Area ; Int Remodel Exist Bath & Kitchen									
TOTAL SQFT		VALUATION		TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS	# OF PKG SPACES
		Tot Val Rem: \$0.00			434		1		
		Tot Job Val: \$60,000.00							
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE	# OF BATHROOMS		METER SIZE	

<u>Type</u>	<u>Date</u>	<u>Status</u>	<u>Comments</u>	<u>Inspector</u>
101 Building Layout	9/12/2001	Pass	MIGRATED FROM PIER.	
103 Framing	10/16/2001	Pass	MIGRATED FROM PIER.	
609 Fire		Open		Tom Tarvin





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TOTAL SQFT	VALUATION Tot Val Rem: \$0.00 Tot Job Val: \$60,000.00	TYPE CONST.	USE CAT. 434	GROUP	FLOORS 1	UNITS	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS	METER SIZE		

<b>Contact</b>	<b>Phone</b>	<b>Contact</b>	<b>Phone</b>
General Contractor, Reed Mcfadden, Kelcon Construction	(512) 698-4606		

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	217.00	9/10/2001	Electrical Permit Fee	70.00	10/13/2001	Plumbing Permit Fee	64.00	9/12/2001
<b>Fees Total:</b>	<b>351.00</b>							

<b>Inspection Requirements</b>			
Building Inspection	Electric Inspection	Mechanical Inspection	Plumbing Inspection

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

**City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.**

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

<b>Comments</b>

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.

PLATE 17417

S 29°27'10"W 49.80'  
(S 30°W 50')

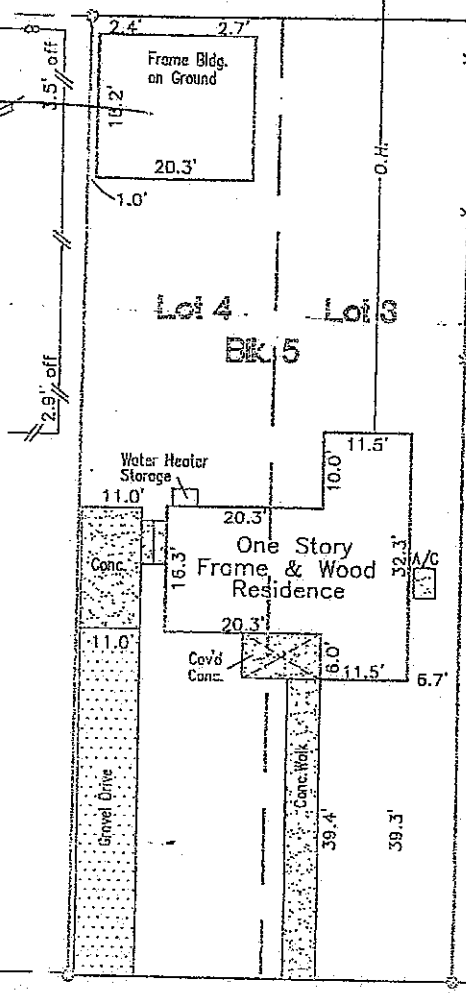
Shows Existing Garage location in 2000.

LEGEND

- ⊙ 1/2" IRON PIPE FOUND
- ⊙ 1/2" REBAR FOUND
- ⊙ 1/2" REBAR SET
- X — BARG WIRE FENCE
- X — CHAIN LINK FENCE
- X — WOOD FENCE
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- ( ) RECORD INFORMATION
- ⊙ POWER POLE
- O.H. OVERHEAD UTILITIES

Lot 5

S 59°50'20"E 124.72'  
(S 60°E 125')



(N 60°W 125')  
N 60°00'00"W 125.06'  
BEARING BASIS

Lot 2

N 29°51'20"E 50.07'

(N 30°E 50')

N 29°51'10"E 50.14'

DUVAL STREET

Subject to Restrictions as stated  
Per Plat in Vol. 3, Pg. 55.

Alper T. Enver

LOT: 3 AND 4 BLOCK: 5 SUBDIVISION: THE HIGHLANDS

SECTION: \_\_\_\_\_ PHASE: \_\_\_\_\_ VOLUME: 3 PAGE: 55 PLAT RECORDS

COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS: 5003 DUVAL STREET

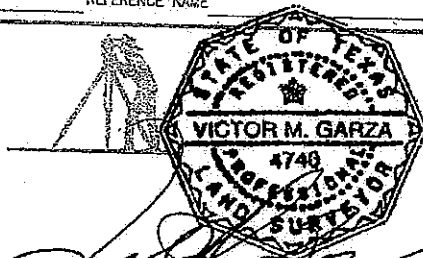
CITY: AUSTIN REFERENCE NAME: JON STENGLE

B&G Surveying, Inc.

Victor M. Garza R.P.L.S.

Office 512\*458-6869  
Fax 512\*458-9845

1404 West North Loop Blvd.  
Austin, Texas 78756



THIS PROPERTY DOES NOT  
LIE WITHIN THE 100 YEAR FLOODPLAIN,  
AND HAS A ZONE X RATING AS  
SHOWN ON THE FLOOD INSURANCE RATE MAPS  
F.I.R.M. MAP No. 480824  
PANEL 0:6CE  
DATED: 8/16/93

This certification is for insurance  
purposes only and is not a guarantee  
that this property will or will not flood.  
CONTACT YOUR LOCAL FLOODPLAIN  
ADMINISTRATOR FOR THE CURRENT  
STATUS OF THIS TRACT.

TO THE OWNER AND / OR OWNERS OF THE PREMISES SURVEYED AND TO  
UNITED GENERAL TITLE INSURANCE COMPANY

I do hereby certify that this survey was this day made on the  
ground of the property legally described hereon and that there  
are no boundary line conflicts, encroachments overlapping of  
improvements, or roads in place, except as shown hereon, and  
certifies only to the legal description and easements shown  
on the referenced title commitment.

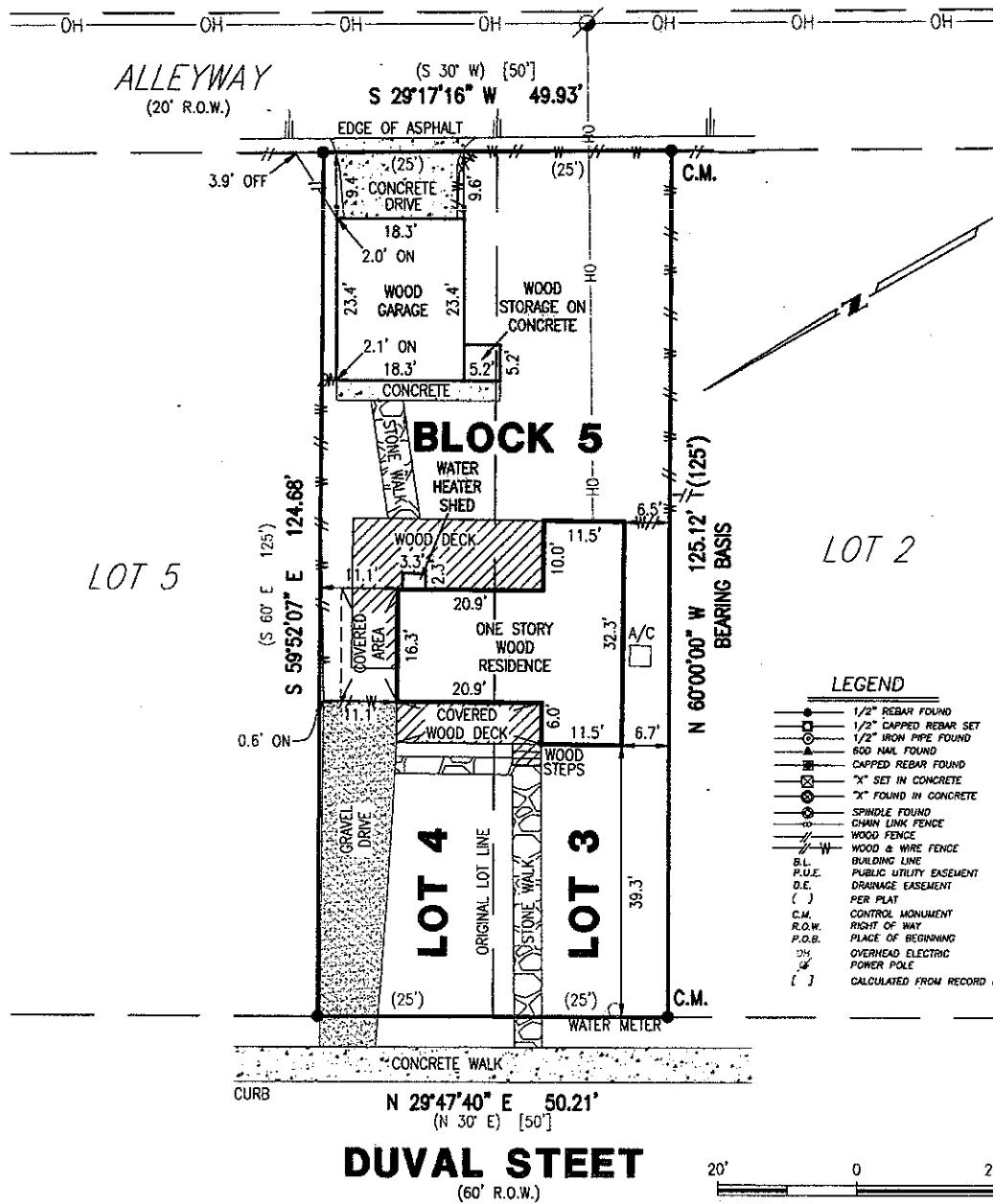
DATE 3/8/00

TITLE CO T.P.T.  
G.F. # 2110030  
JOB. No. 80300300\_JA  
SCALE 1" = 20'

FIELD WORK	JCH	3/3/00
DRAFTING	BBB VL	3/6/00
FINAL CHECK		
CORRECTIONS		
UP DATE		

WZKT

1018105 P.P.T.



- LEGEND**
- 1/2" REBAR FOUND
  - 1/2" CAPPED REBAR SET
  - 1/2" IRON PIPE FOUND
  - 600 NAIL FOUND
  - CAPPED REBAR FOUND
  - ⊗ "X" SET IN CONCRETE
  - ⊗ "X" FOUND IN CONCRETE
  - SPINDLE FOUND
  - CHAIN LINK FENCE
  - WOOD FENCE
  - WOOD & WIRE FENCE
  - B.L. BUILDING LINE
  - P.U.E. PUBLIC UTILITY EASEMENT
  - D.E. DRAINAGE EASEMENT
  - ( ) PER PLAT
  - C.M. CONTROL MONUMENT
  - R.O.W. RIGHT OF WAY
  - P.O.B. PLACE OF BEGINNING
  - OH OVERHEAD ELECTRIC
  - ⊕ POWER POLE
  - [ ] CALCULATED FROM RECORD DATA

Notes:  
 1) Subject to restrictions and easement rights as stated in Vol. 3, Pg. 55, Plat Records.

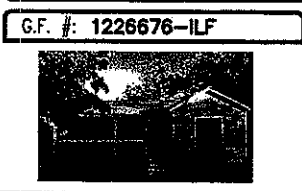
TO THE LIENHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED AND TO  
**INDEPENDENCE TITLE**  
**CHICAGO TITLE INSURANCE COMPANY**

I DO HEREBY CERTIFY TO THOSE LISTED HEREON THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND, UNDER MY SUPERVISION, OF THE PROPERTY LEGALLY DESCRIBED HEREON. IS PREPARED IN ACCORDANCE TO THE TITLE COMMITMENT REFERENCED HEREON, AND THAT THERE ARE NO VISIBLE BOUNDARY LINE CONFLICTS, ENCROACHMENTS OVERLAPPING OF IMPROVEMENTS, OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON.



THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 0 455 H, DATED 09/28/08. IT IS REPRESENTED AS IN ZONE "X". HOWEVER, AT THE PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAN ADMINISTRATOR.

STREET ADDRESS: **5003 DUVAL STREET** CITY: **AUSTIN** COUNTY: **TRAMS** STATE OF TEXAS  
 LOT: **3 & 4** BLOCK: **5** SUBDIVISION: **THE HIGHLANDS** VOL/CAB: **3** PG/SLD: **55** PLAT RECORDS:  
 REFERENCE NAME: **MARY PAT JONES & MATT JONES**



**B & G SURVEYING, INC.**  
**DEWEY H. BURRIS & ASSOCIATES, INC.**  
 Surveyed by: **B & G Surveying, Inc.**

WWW.BANDGSURVEYING.COM  
 1404 West North Loop Blvd. Austin, Texas 78756  
 Office 512\*458-6969. Fax 512\*458-9845

JOB #: **B1103712\_TA**  
 DATE: **11/14/12**  
 SCALE: **1" = 20'**

FIELD WORK BY	CHRIS	11/12/12
CALCD BY	TONI	11/14/12
DRAFTED BY	BROCK	11/14/12
CHECKED BY	M.L.	11/14/12



Jim Gebel

ROW I.D. 10855473

Tree Ordinance Review Application

Mapsco Pg 555Q

Planning and Development Review Department
One Texas Center, 505 Barton Springs Road, 4th floor, Austin, TX 78704
Phone: (512) 974-1876 Fax: (512) 974-3010
Email: cityarborist@austintexas.gov Website: www.austintexas.gov/department/city-arborist

Application request\* (specify all that apply):

- Tree removal (LDC 25-8-602[3])
Critical Root Zone impacts (ECM 3.5.2 A)
Live canopy impacts of more than 25% (ECM 3.5.2 B)

\* Refer to Land Development Code (LDC) 25-8 (B)(1) and Environmental Criteria Manual (ECM) (Section 3 & App. F). Applicant understands that all impacts may threaten the health of the tree and that approval of this application does not guarantee favorable tree results.

Address and zip code of property: 5003 Duval Street

Name of owner or authorized agent: James Watson

Building permit number (if applicable): 2001-04131-BL

Telephone #: 512-914-5151 Fax #: 512-302-1462 E-mail:

Tree Species: Pecan Tree location on lot: North East Corner

Trunk size (in inches) at 4 1/2 feet above ground: circumference (around) or diameter (across)

General tree condition: Good / Fair / Poor / Dead

Reason for request: Development / Tree condition / Other: Expired Blay Permit for Garage

Owner/ Authorized Agent Signature Date

- Proposed development projects are to include a plan view drawing that depicts the location of the tree and the planned improvements (e.g. structure, driveway, utility and irrigation lines).
This permit application only reviews for compliance with tree regulations.
The application fee must be paid prior to permit issuance. No fee is required for dead or diseased trees.

Application Determination - To be completed by City Arborist Program Personnel
Approved / \*Approved With Conditions / Statutory Denial / Denied
Comments: Not Protected
Heritage Tree(s) / A heritage tree variance is required: Administrative / Land Use Commission
Conditions of Approval: None or As described within Arborist Comments (see above); and
Applicant agrees to plant \_\_\_ caliper inches of central Texas native trees (see ECM Appendix F) on the lot prior to obtaining a final inspection (if applicable). Trees are to have a minimum 2-inch trunk diameter. Examples include Oaks, Cedar Elm, Bald Cypress, Desert Willow, Mountain Laurel, Texas Persimmon, Mexican Plum, etc.
Prior to development, applicant agrees to supply a root zone mulch layer and maintain tree protection fencing (chain-link, five-foot in height) throughout the project duration.
No additional impacts are permitted within the 1/2 Critical Root Zone, including utility trenching.
Provide a receipt from a certified arborist for: remedial root care / any required pruning
Applicant Signature Date City Arborist Signature Date

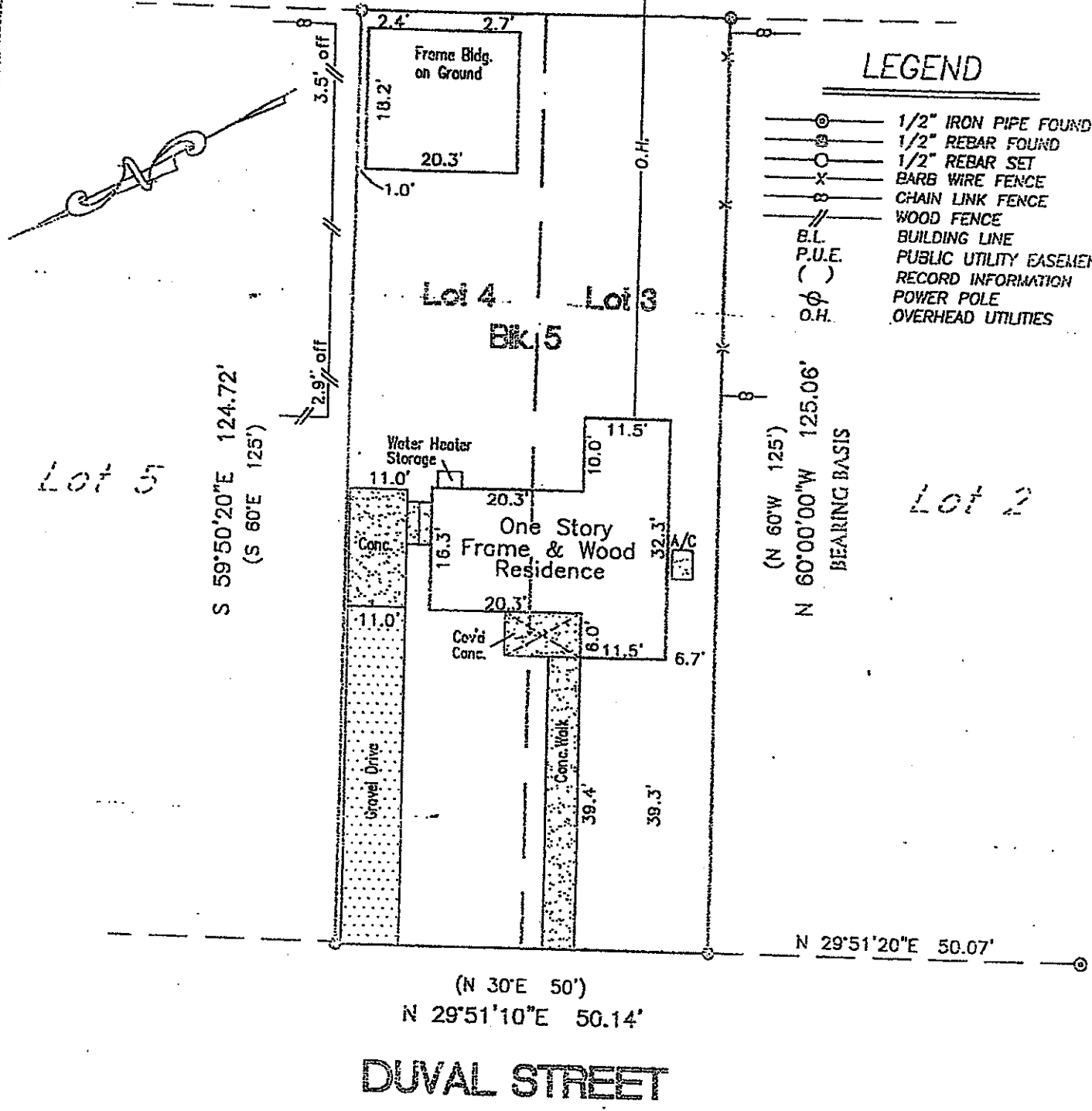
Post this document on site while any proposed work is in progress.
Conditions for approval of this application must be met within 1 year of the effective date.
v.7/2012

MILE MARK

S 29°27'10"W 49.80'  
(S 30°W 50')

### LEGEND

- ⊙ 1/2" IRON PIPE FOUND
- ⊙ 1/2" REBAR FOUND
- ⊙ 1/2" REBAR SET
- x— BARB WIRE FENCE
- o— CHAIN LINK FENCE
- //— WOOD FENCE
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- P.U.E. PUBLIC UTILITY EASEMENT
- ( ) RECORD INFORMATION
- ⊕ POWER POLE
- O.H. OVERHEAD UTILITIES



Subject to Restrictions as stated  
Per Plat in Vol. 3, Pg. 55.

*Alper T. Enver.*

LOT: 3 AND 4 BLOCK: 5 SUBDIVISION THE HIGHLANDS

SECTION \_\_\_\_\_ PHASE \_\_\_\_\_ VOLUME 3 PAGE 55 PLAT RECORDS

COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 5003 DUVAL STREET

CITY: AUSTIN REFERENCE NAME JON STENGLE

**B&G Surveying, Inc.**  
Victor M. Garza R.P.L.S.



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AND HAS A ZONE X RATING AS