

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, 2<sup>nd</sup> Floor (One Texas Center).

CASE # C15-2012-0112  
ROW # 10826968  
TP-0231110208

**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: 100 East Lisa Dr

LEGAL DESCRIPTION: Subdivision — LOT 28 BLK 5 HUNTLAND HEIGHTS SEC 1

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

Daniel Gillotte and Rosie Weaver affirm that on January 1 2013

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

(check appropriate items below)

    ERECT     ATTACH     COMPLETE     REMODEL X 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 -np Highland Neighborhood Plan  
Special Exception to maintain 5' 10" front yard setback & 0' side yard setback  
Variance to maintain / erect playscape in front yard setback to 16' 7" front setback

**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:
  - 1) The owners purchased and erected a one-piece playscape to be utilized by their children and others in the neighborhood in order to serve as safe location for children to gather and play during day time hours. The owners were unaware that zoning setback regulations are applicable despite the playscape not requiring a building permit due to it being less than 200 SF in size. The owners are requesting a variance to maintain this playscape.
  - 2) The original carport was built prior to purchase by the current owners. The carport provides the only on-site covered parking. The 250 SF garage is used for storage given the size of the primary structure (1400 SF). Many homes in the area have carports. The carport was built approximately 20 years ago. The owners are requesting a special exception to maintain the carport in the front yard setback. This request is addressed in a separate letter to the BOA.

**HARDSHIP:**

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

The playscape provides an integral part of the neighborhood in lieu of a local park. It serves as a tool to many neighborhood children and keeps them out of the street. It serves as a local community focal point for several families. It has become a local fixture among families and children alike.

It cannot maintain its location in the front yard without encroaching in the front yard setback given the size of the lot. Despite the playscape being 42 SF in footprint size, the playscape cannot be relocated to the rear yard due to existing powerlines on the east side of the house. Nor can the playscape be relocated via the west side of the house without removing substantial vegetation on the subject lot. Further, this route would require significant removal/ damage to a tree on the adjacent neighbor's lot. If the playscape were to be located to the rear yard, any potential location would conflict with pre-existing cable and / or power lines.

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

There are no known properties in the area attempting to maintain a playscape to be used by neighborhood children on an intermittent basis.

**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 playscape does not impair the area of character. Prior to a notice of violation from Code Compliance Department, the owners fully intended to beautify the front yard area by installing vegetation, updating the front porch, and making the area more kid friendly; however have been on hold pending the outcome of this hearing request.

Upon inspection of the carport by the building inspections department it was found that the structure poses no hazard to the health, safety or welfare of the general public. That building permit and subsequent inspection report is attached.

**PARKING:** (Additional criteria for parking variances only.) \*\*N/A\*\*

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:

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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:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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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

**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 David C. Cancialosi  
7105 Barnsdale Way Austin Texas 78745  
512-799-2401

Printed David C. Cancialosi  
January 1 2013

**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 DAN Gillette  
Mail Address 100 EAST USA DR

Printed \_\_\_\_\_  
Phone Date \_\_\_\_\_

David C. Cancialosi, Agent for property owner  
Site address: 100 East Lisa Dr.  
Austin, Texas 78752  
January 1 2013

City of Austin Board of Adjustment Commissioners

Dear Commissioners:

This letter is a formal request to consider a Special Exception for property located at 100 East Lisa Dr.

Per city of Austin Ordinance 20110526-098, the Board of Adjustment is authorized to address minor setback issues existing on or before adoption of the current zoning code, adopted March 1, 1986. Further, this ordinance allows the Board to grant a special exception for setback violations existing for at least 15 years.

Representatives from the City of Austin Code Compliance Legal and Investigations as well as the Residential Review Department have determined that this site meets the criteria for the 15 year amnesty.

The request before you is to allow the property owner to maintain the following encroachments:

***Special Exception to allow a side setback of 0'in order to maintain pre-existing carport***  
***Special Exception to allow a front yard setback of 5'10"" in order to maintain pre-existing carport***

The encroachments have been in place for approximately 20 years or more. The current owners bought the property in 2003 with the carport in place. Statements from surrounding longtime neighbors verify the length of time the carport has been in place. Several neighbors support the request to maintain the carport. Further, the Hancock neighborhood association has stated they do not oppose the request.

Should the Board grant this request it is our opinion that your decision would not allow a property to be used in a manner that alters the character of the surrounding area. Many homes in this neighborhood were originally constructed in the mid-1960's. Many homes have added carports over the years in order to accommodate additional covered parking. The garages in this area are typically 250-300 SF, much smaller than found in contemporary sized homes.

The current setback encroachments will not impair the use of adjacent properties. There are no known complaints from the adjacent owner. In fact, they support this request as well as the request to maintain the playscape in the front yard.

Further, granting the aforementioned request will not result in a special privilege inconsistent with other properties in the area as there are many carports utilized to accommodate current lifestyles in older, smaller homes.

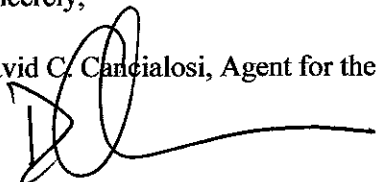
Should the Board approve this Special Exception and Variance request, the owners intend to seek the required permit(s).

Please refer to the city inspection report, maps, pictures, and letters of support provided in your packet for more information.

Thank you for your thoughtful consideration of this case.

Sincerely,

David C. Cancialosi, Agent for the owner and applicant





## SPECIAL EXCEPTION INSPECTION



<b>Address:</b>	100 East Lisa
<b>Permit Number:</b>	12-118471
<b>Property Owner Requesting Special Exception:</b>	Dan Gillotte

**Special Exception Requested:**

5 foot encroachment into side setback and 19'9" encroachment into front setback

**Date Structure was originally constructed:** aerial shows to exist in 1984

<b>Date of Inspection:</b>	12-14-2012
<b>Building Official or designated representative</b>	Tony Hernandez
<b>X</b>	The granting of the variances requested will <u>Not</u> result in any hazard to the life, health or public safety for either the property for which the variance is requested or to an adjoining public or private property
	The granting of the variances request will result in a hazard to the life, health or public safety of the either the property for which the variance is requested or to an adjoining public or private property. The following hazards related to the variance request were noted in this inspection:  1. 2. 3. 4.



# City of Austin BUILDING PERMIT

PERMIT NO: 2012-118471-BP

Type: RESIDENTIAL

Status: Active

100 E LISA DR

Issue Date: 12/10/2012

EXPIRY DATE: 06/08/2013

LEGAL DESCRIPTION						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY:			WORK PERMITTED: Life Safety			ISSUED BY: Glenda Wilsford			
Life Safety (special exception permit) for carport									
TOTAL SQFT		VALUATION		TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS	# OF PKG SPACES
New/Addn: 360		Tot Val Rem: \$0.00			435		1	1	
		Tot Job Val: \$0.00							
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE		# OF BATHROOMS		METER SIZE

## Contact

Applicant, David Cancialosi, Permit Partners  
General Contractor, GILLOTTE DANIEL

## Phone

(512) 799-2401  
()-

## Contact

Owner, GILLOTTE DANIEL

## Phone

()-

## Fee Desc

Building Permit Fee

Amount

Date

Fee Desc

Development Services Surchar

Amount

Date

Fee Desc

Amount

Date

29.00 12/10/2012

1.16 12/10/2012

**Fees Total:**

**30.16**

Permits/Approved plans must be posted on jobsite. A layout inspection/pre-con must be made prior to beginning construction.

## Inspection Requirements

Building 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.

## Comments

Expired Permit Number: Special Exception Permit for carport.

Permit is not required for playscape per Ordinance 20071018-089 section R105.2. Variance is still required for playscape to encroach in side and front setbacks.

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.

Residential Zoning Review

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.



City of Austin  
BUILDING PERMIT

PERMIT NO: 2012-118471-BP

100 E LISA DR

Type: RESIDENTIAL

Status: Active

Issue Date: 12/10/2012

EXPIRY DATE: 06/08/2013

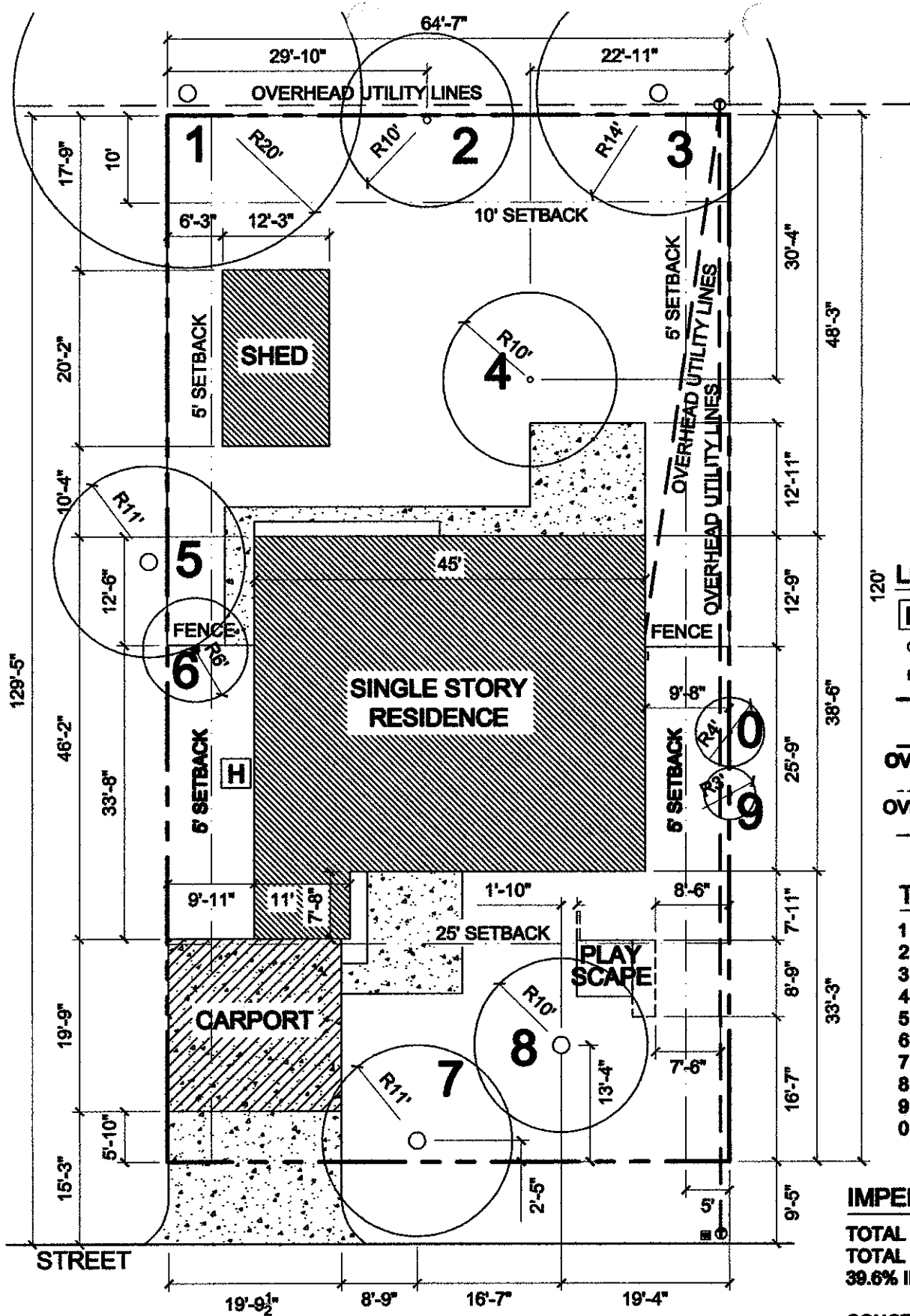
LEGAL DESCRIPTION						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY:		WORK PERMITTED: Life Safety				ISSUED BY: Glenda Wilsford			
Life Safety (special exception permit) for carport									
TOTAL SQFT New/Addn: 360		VALUATION Tot Val Rem: \$0.00 Tot Job Val: \$0.00		TYPE CONST.	USE CAT. 435	GROUP	FLOORS 1	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE	# OF BATHROOMS		METER SIZE	

Type	Date	Status	Comments	Inspector
100 Pre-Construction		Open		Kelly Stilwell
112 Final Building		Open		Kelly Stilwell
Deficiencies		Open		Kelly Stilwell

*Pin #*

5253306





**SITE PLAN - 100 E. LISA DR.**  
**1/16" = 1'-0"**

# Mike Lanza

226 YALE ROAD MENLO PARK, CA 94025  
TEL 415-641-1985

mike@lanza.net

January 10, 2012

To Whom It May Concern:

I'm writing to advocate for the placement of the playhouse in Dan Gillotte's front yard at 100 E Lisa Drive in Austin. I'm a blogger (Playborhood.com) and soon-to-be-published author on the topic of kids' play in neighborhoods. I've written about over a dozen innovative neighborhoods across the US that are creating vibrant neighborhood lives for children.

Also, I'm a very active practitioner myself of what Dan is doing. I've thoroughly renovated my front and back yards in Menlo Park, CA to try to make them into a "neighborhood hangout" for children.

In my front yard, we have a large picnic table, fountain, whiteboard, and sandbox with a few feet of the sidewalk in front of our house. Many passers by interact with these features every day, regardless of whether anyone in my family is there or not. We strongly encourage our neighbors to use our front yard like a quasi-public park because we don't live in a dense urban environment with "hangout spaces" at every block. Thus, if we didn't do this, our neighbors would miss out on having a place to chat and play.

From all this research and practice, I've found that all neighborhood residents, but particularly children, benefit greatly from the conversion of front yards into quasi-public spaces. Governments will never be able to provide adequate public land for "hangout spaces," especially given the fact that children independently roam far less today than they did decades ago. Either they hang out in our front yards, or they sit in front of screens for hours a day.

I'd be happy to share a lot more with you regarding my research on this subject.

Sincerely yours,



Mike Lanza

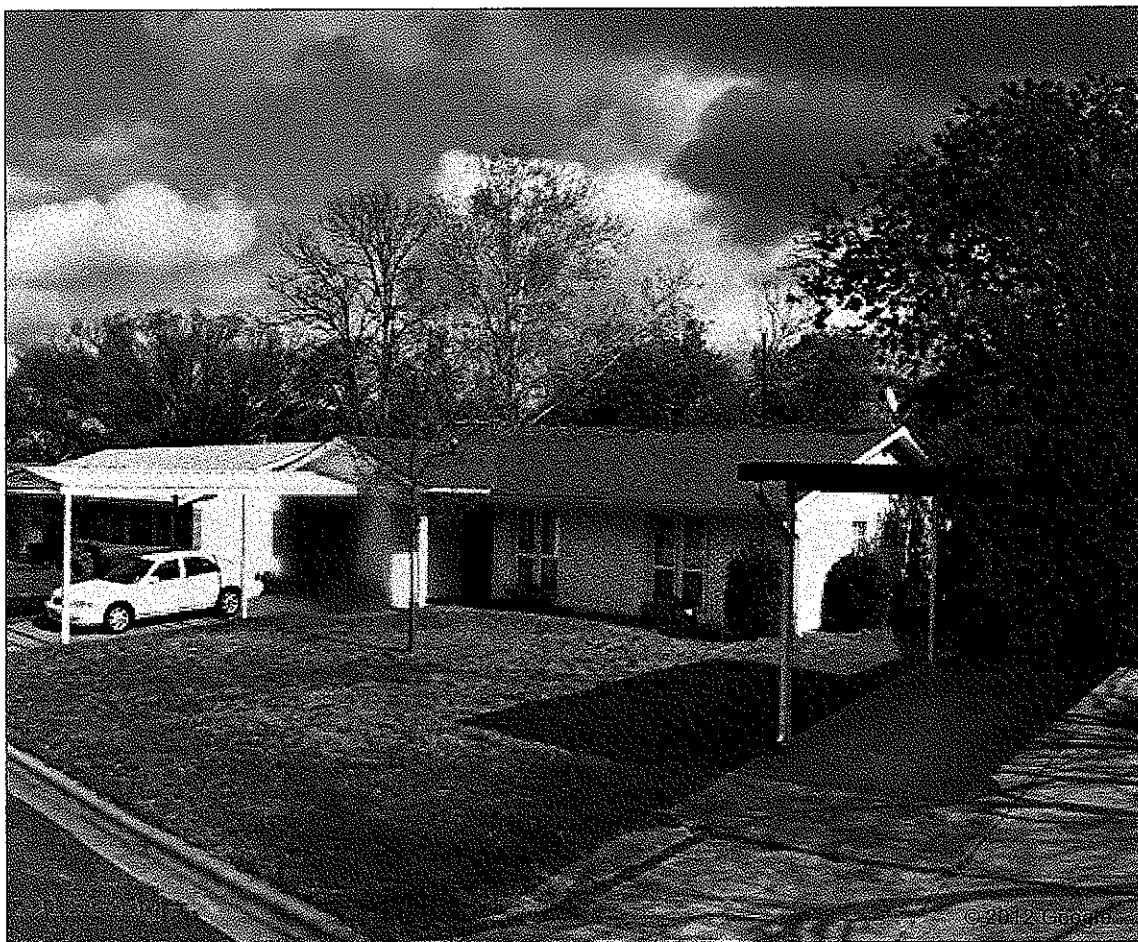
8/20/12

100 East Lisa Drive - Google Maps

Google

Address **100 East Lisa Drive**

Address is approximate





Address **100 East Lisa Drive**

Address is approximate

