

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

**DATE:** Monday, February 11, 2013

**CASE NUMBER:** C15-2013-0007

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nora Salinas ABSENT – STUART HAMPTON  
\_\_\_\_ Bryan King  
\_\_\_\_ Fred McGhee  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ Sallie Burchett  
\_\_\_\_ Cathy French (SRB only)

**OWNER/APPLICANT:** Forrest D. Berkey

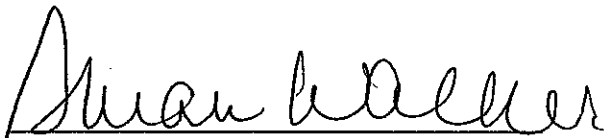
**ADDRESS:** 1908 RIVERVIEW ST

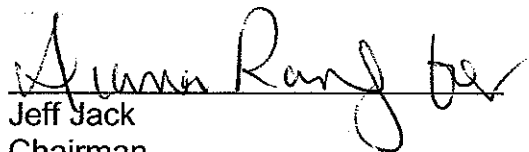
**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 5 feet in order to erect a detached carport for a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

**BOARD'S DECISION:** POSTPONED TO MARCH 11, 2013 (RENOTIFICATION TO ADD 2<sup>ND</sup> VARIANCE REQUEST)

**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.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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](http://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:** C15-2013-0007 - 1908 Riverview Street  
**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, February 11th, 2013

*TLT NEENA VISION*  
 Your Name (please print)

☒ I am in favor  
☐ I object

Your address(es) affected by this application

*2000 Hestell*

*[Signature]*

Signature

*2-5-13*  
 Date

Daytime Telephone:

*512-825-735*

Comments:

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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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Case Number: C15-2013-0007 - 1908 Riverview Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, February 11th, 2013

David Plutowski

Your Name (please print)

☒ I am in favor  
☐ I object

1805 Haskell Street, 78702

Your address(es) affected by this application

David Plutowski

Signature

2-4-2013

Date

Daytime Telephone: 512.567.7303

Comments:

I support approval of this variance as it is very difficult to make needed improvements to these narrow lots in East Austin. Variance like this allows the owners to more fully utilize their properties.

If you use this form to comment, it may be returned to:

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Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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**Case Number:** C15-2013-0007 – 1908 Riverview Street

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, February 11th, 2013

Pamela Mathison  
Your Name (please print)

☐ I am in favor  
☒ I object

37 Solon St Austin TX 78702  
Your address(es) affected by this application

Pamela Mathison 2/9/13  
Signature Date

Daytime Telephone: 512-751-2575

Comments: A 20' variance seems highly  
excessive and would set a precedent for  
variances of this size for other residents  
in the area. It should be noted that 1  
such property with no garage + my carport  
meets current city guidelines.

If you use this form to comment, it may be returned to:

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Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

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Case Number: C15-2013-0007 - 1908 Riverview Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, February 11th, 2013

Gerald Kratt

Your Name (please print)

☐ I am in favor  
☒ I object

1907 Haskell St.

Your address(es) affected by this application

*[Signature]*

Signature

Date

2-1-2013

Daytime Telephone: 512-619-2512

908 St. 4th but in 2000-2003.

Comments: Structures erected within

the neighborhood that are ruled

by the mansions law as in this

situation are governed by the

explicit setback rules. This residence

at 1908 Riverview is served by an

Alley. The alley gives that party an

advantage where they can access

from the alley. Boiled within 900 feet and

500 ft. 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

Examples of other structures

show are in violation of

the mansions law and it is

hand to know when they were erected. Pre 2007

etc. I complied at 1907 Haskell St and see

reasons for others to violate the law.

CASE # C15-2013-0007

ROW # 10879830

CITY OF AUSTIN TP-0200080413  
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: 1908 Riverview St., Austin, TX 78702

LEGAL DESCRIPTION: Subdivision – Driving Park Addition

Lot(s) 13 Block 1 Outlot  
Division

I Forrest D. Berkey on behalf of myself as authorized agent for 1908 Riverview St.,

Austin, TX 78702 affirm that on August 20th, 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 carport providing  
a 5' setback from the property  
line and 2' from side p.l.

in a Family residence (SF-3) district.

SF-3-NP-

Holly N.P.

(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: They do not permit me to build a covered parking spot for my vehicle. The large trees in my neighbor's yard at 1906 Riverview St. consistently drop large branches, pecans, and sap on my vehicle. The branches can damage the car and the sap makes it difficult to see out of the car's windows. I do not think it is reasonable to prevent me from protecting my vehicle.

**HARDSHIP:**

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

The property was built in 1915 and there is no physical space to build a covered parking area or garage that would not violate current zoning regulations. I purchased the home 2 years ago and have not made any structural changes to cause this hardship. Since I have owned the property, there has never been enough space to build a covered parking area while still remaining 20 ft from the front property line and 5 ft from the side property line. The paved driveway is less than 5ft from the side property line and less than 20 ft from the front property line.

- a. The hardship is not general to the area in which the property is located because:

Because the vast majority of other properties in the area have adequate space on the side of the residence for a carport or garage.

**AREA CHARACTER:**

1. 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:

It will be a small structure with no walls or electricity built professionally and designed to blend in with the architecture of my residence. It will look visually appealing and will match the character of the area. It will not impair the use of the adjacent property because it will not have walls therefore it will not obstruct any views. Additionally, it will not overlap the boundaries of my property line and cause any blockages or obstructions to the adjacent property. My property is very well maintained and has excellent curb appeal.

**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 Just My Mail Address 1908 Riverview St.

City, State & Zip Austin, TX 78702

Printed \_\_\_\_\_ Phone 541-953-3236 Date August 20th, 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 1908 Riverview St.

City, State & Zip Austin, TX 78702

Printed \_\_\_\_\_ Phone 541-953-3236 Date August 20th, 2012



## Supporting Info

Carports in the area with similar set backs:

1603 Garden Street, Austin, TX 78702



no variance  
no permit

2204 Canterbury Street, Austin, TX 78702



no variance  
no permit

Preliminary BOA review request - 1908 Riverview St

Inbox x



**Lund, Lena**

9:14 AM (1 hour ago)

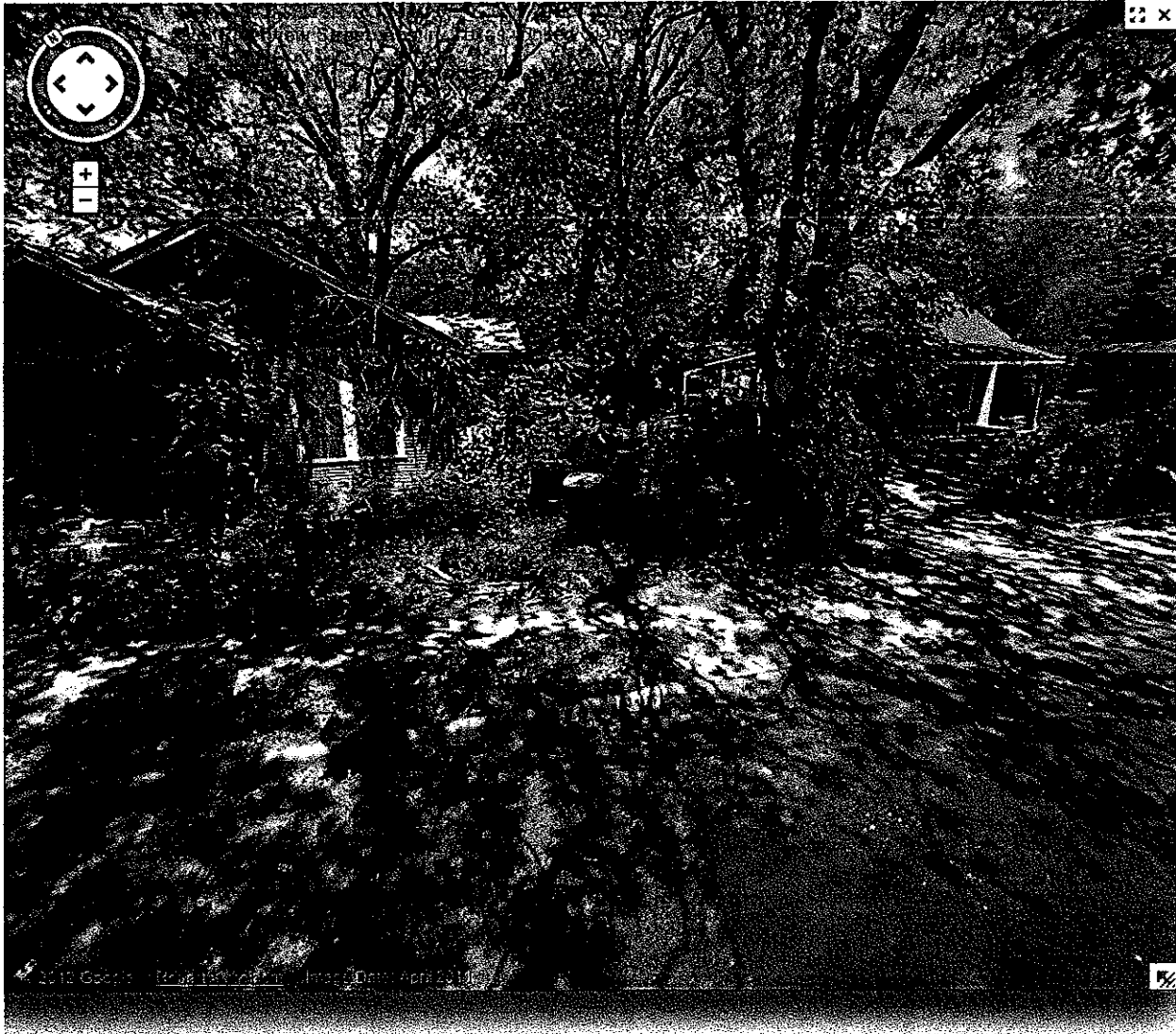
to me, Susan, Diana

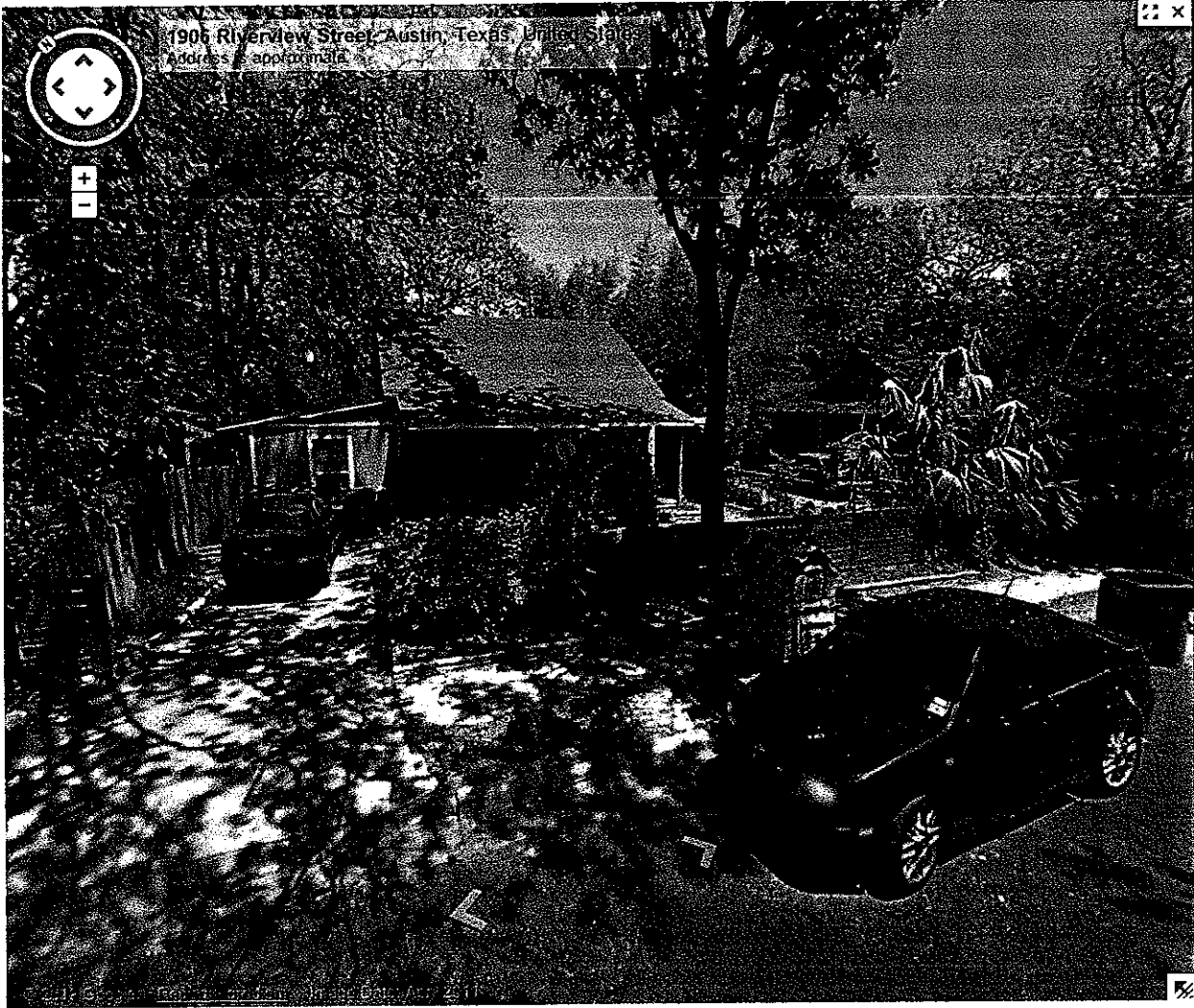
Hello Mr. Berkey,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the front setback in order to build a detached carport over the existing driveway. Austin Energy does not oppose this request as described.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

Lena Lund  
Austin Energy  
Public Involvement/Real Estate Services  
512-322-6587





1906 Riverview Street, Austin, Texas, United States  
Address approximate



1

x

© 2011 Google Earth - Imagery from 2011

C-3-MU-CO-NP

1908

SF-3-NP

NO-CO-MU-NP

1903

1905

1907

1909

1911

1913

SF-3-NP

45

1900

1902

SF-3-NP

1904

1906

1908

1910

1912

1914

44

1903

1905

1907

1909

1911

SF-3-NP

2001

SF-3-NP

2003

2005



