

CASE # C15-2013-0033

ROW # 10911884

CITY OF AUSTIN TP 0223020620
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: 4416 Sinclair Avenue

LEGAL DESCRIPTION: Lot 9, Block 14, Rosedale D Subdivision

I/We Richard T. Suttle, Jr. with Armbrust & Brown, PLLC on behalf of myself/ourselves as authorized agent for Julie Lipton affirm that on March 4, 2012, I, hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL X MAINTAIN

Maintain the existing improvements located within the southern side yard setback on the property. We are requesting the following variances from Section 25-2-492(D) of the City code:

1. For the southern side yard setback to be reduced from 5 feet to 0 feet for the existing wood deck to remain "as is". and
2. For the southern side yard setback to be reduced from 5 feet to 3 feet for the existing decorative trellis and support to remain "as is".

in a SF-3 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 existing wood deck was built in 2002 under building permit BP-02-0827RA as "outside access". A portion of the deck was constructed on top of an existing concrete patio, which was allowed by prior codes. The wood deck provides access to the main entry door of the house. See Exhibit A showing the existence of the patio since at least 1984.

The decorative trellis feature and its support have been in place since at least 2001, before the current owner purchased the property. See Exhibit B showing the listing of the property in 2001. It was recently discovered that a portion of the trellis and support is located within the south interior side yard setback. Since the primary entrance to the house is from the south side and there is no front door, the decorative features help to establish the location of the main entrance for visitors.

HARDSHIP:

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

The single family residence was constructed in 1955 as a modern 1950s bungalow oriented for cross ventilation. It was designed with the entry door located on the south side of the house, so that visitors must pass through the interior side yard setback to access the house. The patio and deck provide access to the house.

The wood deck was permitted in 2002 under BP-02-0827RA as "outside access".

The decorative features and their supports have been in place since at least 2001, before the current owner purchased the property. Since the primary entrance to the house is from the south side yard setback and there is no front door, these decorative features help to establish the location of the entrance for visitors.

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

The front door for most single family residences is located in the front of the house. This home, constructed in 1955, has a side entry.

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 existing deck is nearly at grade within the setback. The front portion of the deck aligns with the original access to the home and is approximately seven inches above grade, as shown in Exhibit C. The wood deck is not

a "structure", which impairs the access or blocks light and air to the adjacent property. In 2009, the roof overhang that originally extended into the setback was removed.

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 [Signature] Mail Address 100 Congress Avenue, Suite 1300

City, State & Zip Austin, TX 78701

Printed Richard T. Suttle, Jr, Armbrust & Brown, PLLC

Phone 512-435-2300 Date 3/8/13

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 [Signature] Mail Address 4416 Sinclair Avenue

City, State & Zip Austin, TX 78746

Printed Julie Lipton Phone 512-567-1884 Date 3/8/13

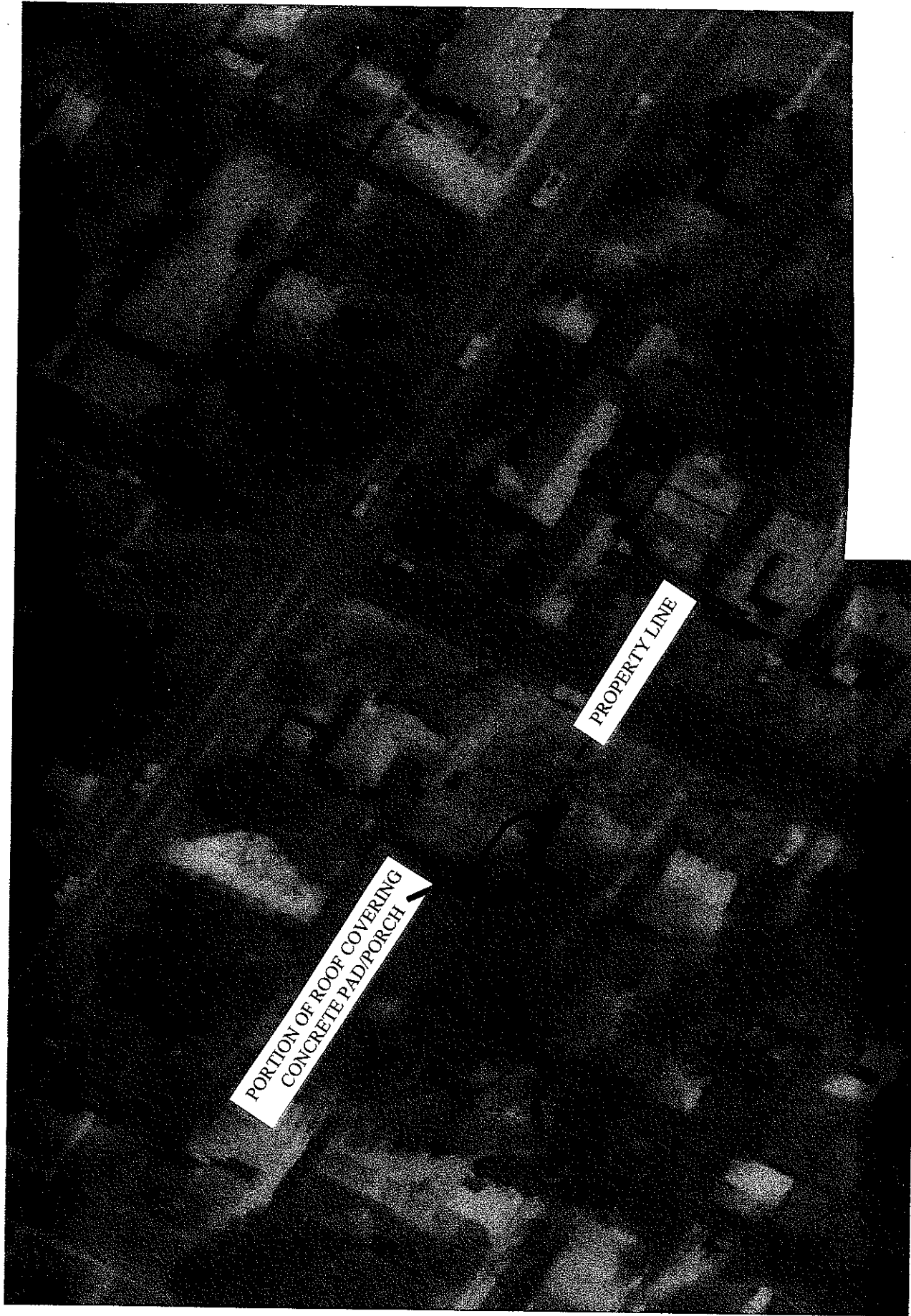
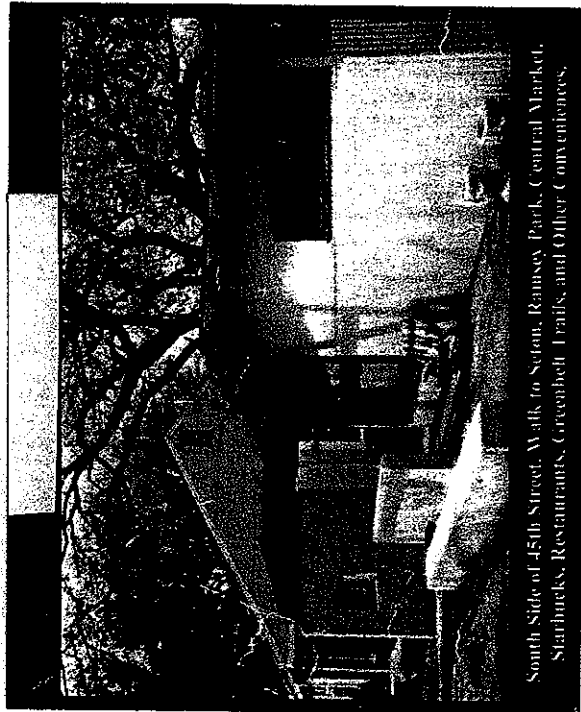


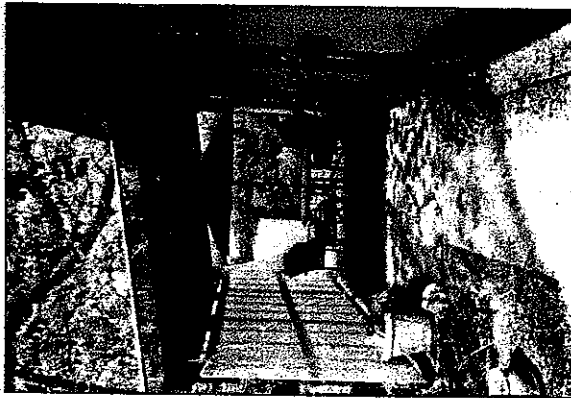
EXHIBIT A



South Side of 45th Street, Walk to Nelson, Ramsey Park, Central Market, Starbucks, Restaurants, Greenbelt Trails, and Other Conveniences.

- Urban Front Porch/Arbor
- Stained "Cola" Concrete Floors
- High Exposed Ceilings
- New Stainless Steel Appliances
- Private Covered Side Porch
- "Warehouse" Ceiling Fans
- Spacious, Open Floorplan
- Central Heat & Air
- Octagon Tiled Bathroom
- Professionally Painted Contemporary Pallet

Contemporary Home Professionally Remodeled With Urban/Luxury Loft Influences; Designer Donald Harris. This home is very conducive to add onto in the future due to its lot size and the layout/structure of the existing home. Sinclair Avenue is considered a Premier address in Rosedale and Austin.



Presented by:

Dan Fawcett
(512) 302-5850

CLASSIC TEXAS
PROPERTIES, INC.

Marketing & Closing Provided by Closing Office of Wally Tingler

500.1780

EXHIBIT B

EXHIBIT C

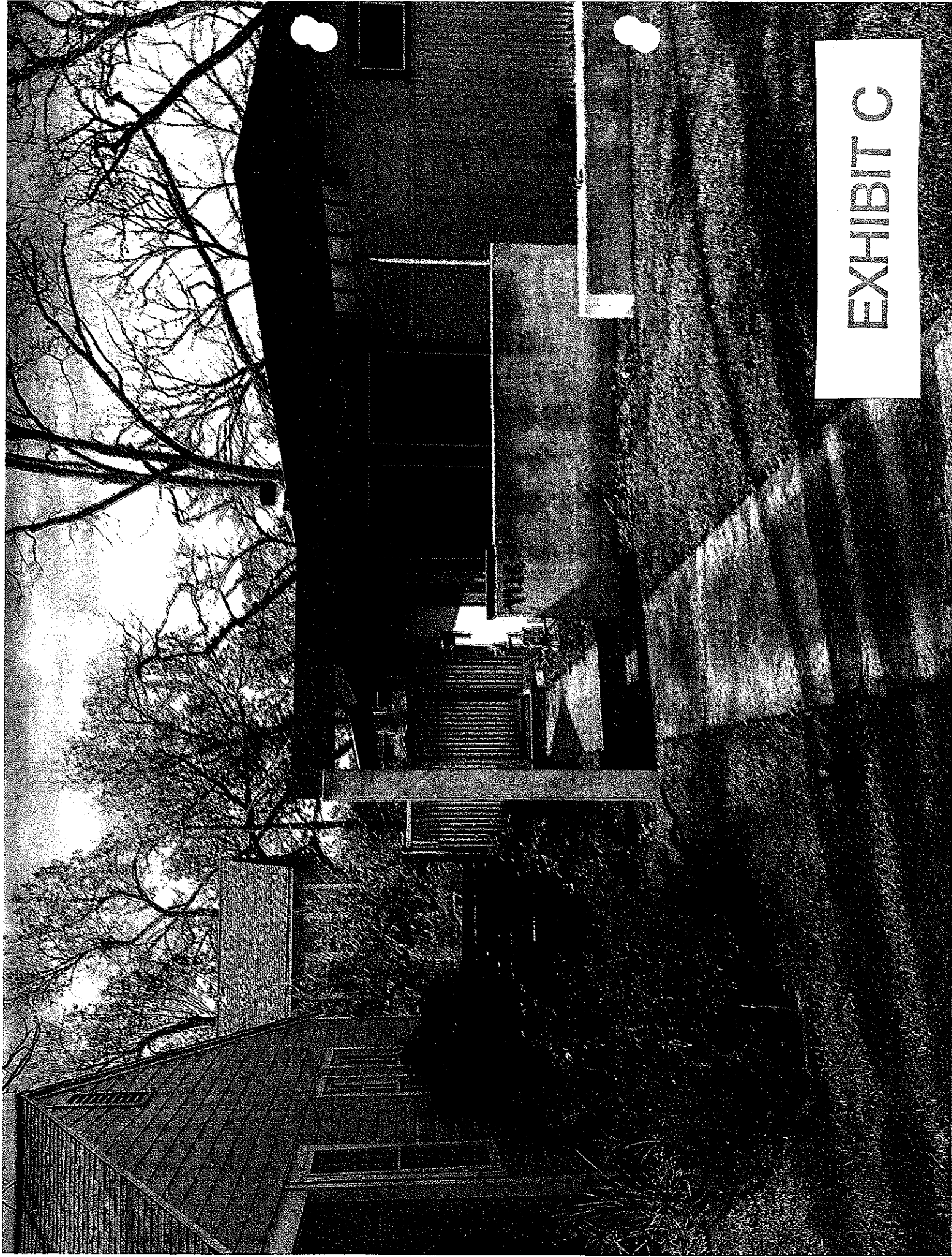


EXHIBIT C

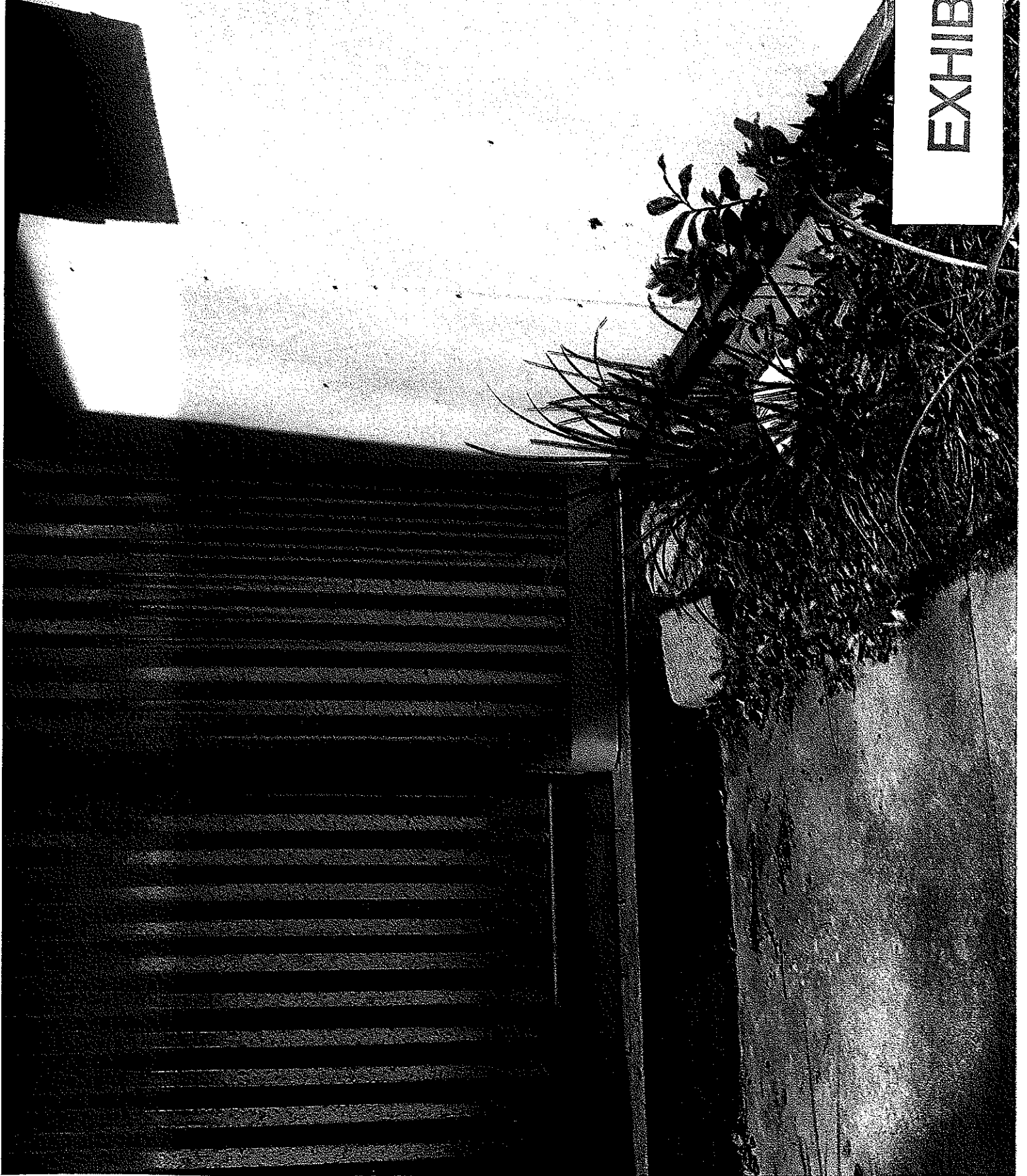




EXHIBIT C