

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 # C15-2013-0034  
ROW # 10912401  
TP-0303000718

**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: 502 Lone Oak Drive

LEGAL DESCRIPTION: Subdivision – Twin Oaks Addn

Lot(s) 31 Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Ross DeGreve on behalf of myself/ourselves as authorized agent for

Ross DeGreve affirm that on March 6, 2013,

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

(check appropriate items below)

   ERECT    ATTACH    COMPLETE    REMODEL   X   MAINTAIN

I am requesting to maintain an existing carport that has been in place for 25 years. The carport lies across the 25' building setback. Distance from the front property line to the carport structure is 7'6".

in a SF-3-NP district.  
(zoning district)

(South River City)  
N.P.

**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:

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Per BOA guidance, a structure over 15 years old can be grandfathered. This structure has been in place for 25 years. In researching the age of the carport, I have contacted previous owners and current neighbors. As a result of this research, I was able to locate the original builder of the carport. He agreed to sign the attached statement verifying the age of the carport. I was also able to obtain a survey of the property from 1999 that depicts the carport in existence. While this is 13 years old, not 15 years old, it is definitive evidence of this minimum age.

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**HARDSHIP:**

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

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

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**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 carport has been in place since 1988 without issue. I have spoken to surrounding neighbors concerning the structure, and have not received any feedback against maintaining it.

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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:

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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:

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**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 Ross DeGreve \_\_\_\_\_ Mail Address PO Box 340241 \_\_\_\_\_

City, State & Zip Austin, TX 78734 \_\_\_\_\_

Printed Ross DeGreve \_\_\_\_\_ Phone 512-589-0603 \_\_\_\_\_ Date March 6, 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 Ross DeGreve \_\_\_\_\_ Mail Address PO Box 340241 \_\_\_\_\_

City, State & Zip Austin, TX 78734

Printed Ross DeGreve Phone 512-589-0603 Date February 19, 2013

## **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.

**REQUIRED FINDINGS:** All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

#### **Reasonable Use:**

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

**Walker, Susan**

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**From:** Lena.Lund@austinenergy.com  
**Sent:** Thursday, February 21, 2013 11:25 AM  
**To:** Ross\_DeGreve@Dell.com  
**Cc:** Walker, Susan; Ramirez, Diana  
**Subject:** Prelim BOA review request - 502 Lone Oak Drive  
**Attachments:** Untitled Extract Pages.pdf

Ross,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the front setback in order to maintain an existing carport. Austin Energy does not oppose this case as requested and shown on the attached red-stamped sketch.

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

To Whom it May Concern:

January 24, 2013

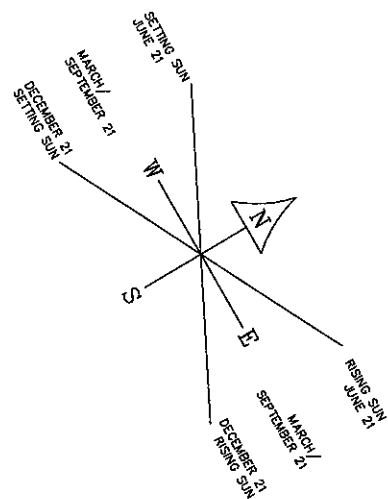
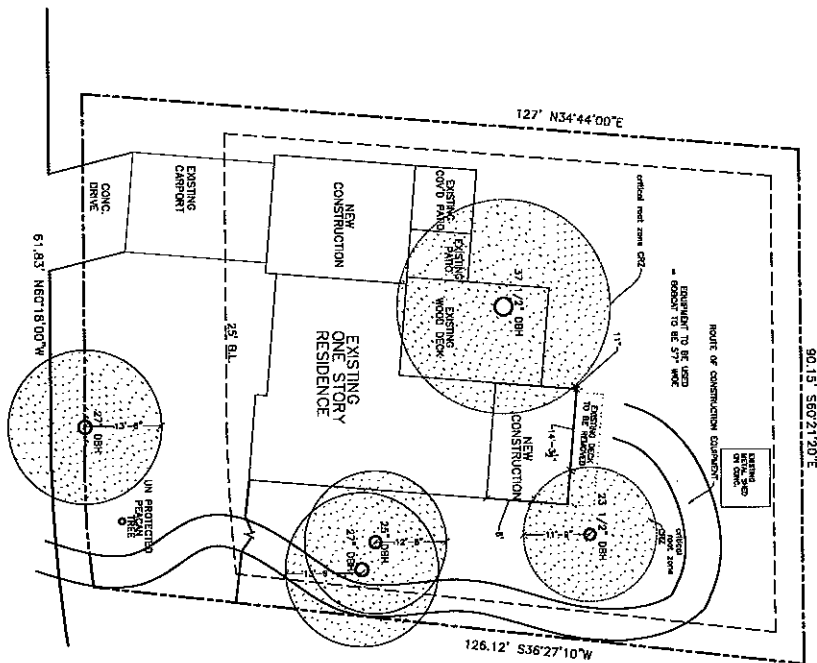
This statement is to confirm the year of construction of the existing carport located at the following address:

502 Lone Oak Drive  
Austin, TX 78704

I, Jerel Malmstrom, constructed the carport in the year of 1988.

*Jerel Malmstrom*  
Phone 512-442-6499

Jerel Malmstrom



#### IMPERVIOUS COVERAGE

EXISTING HVAC.....	1215
ADDITION.....	794
WOOD DECK.....	432
REAR PATIO.....	210
CONC DRIVE.....	498
METAL SHED.....	92
SIDEWALK.....	70
AC PAD.....	9
<b>NEW TOTAL.....</b>	<b>3320</b>
LOT.....	11,162
<b>NEW PERCENTAGE IMP COV. 29.7%</b>	

#### Site Plan

SCALE: 1"=10'-0"

Ross DeGreve

502 Lone Oak Drive, Austin TX 78704

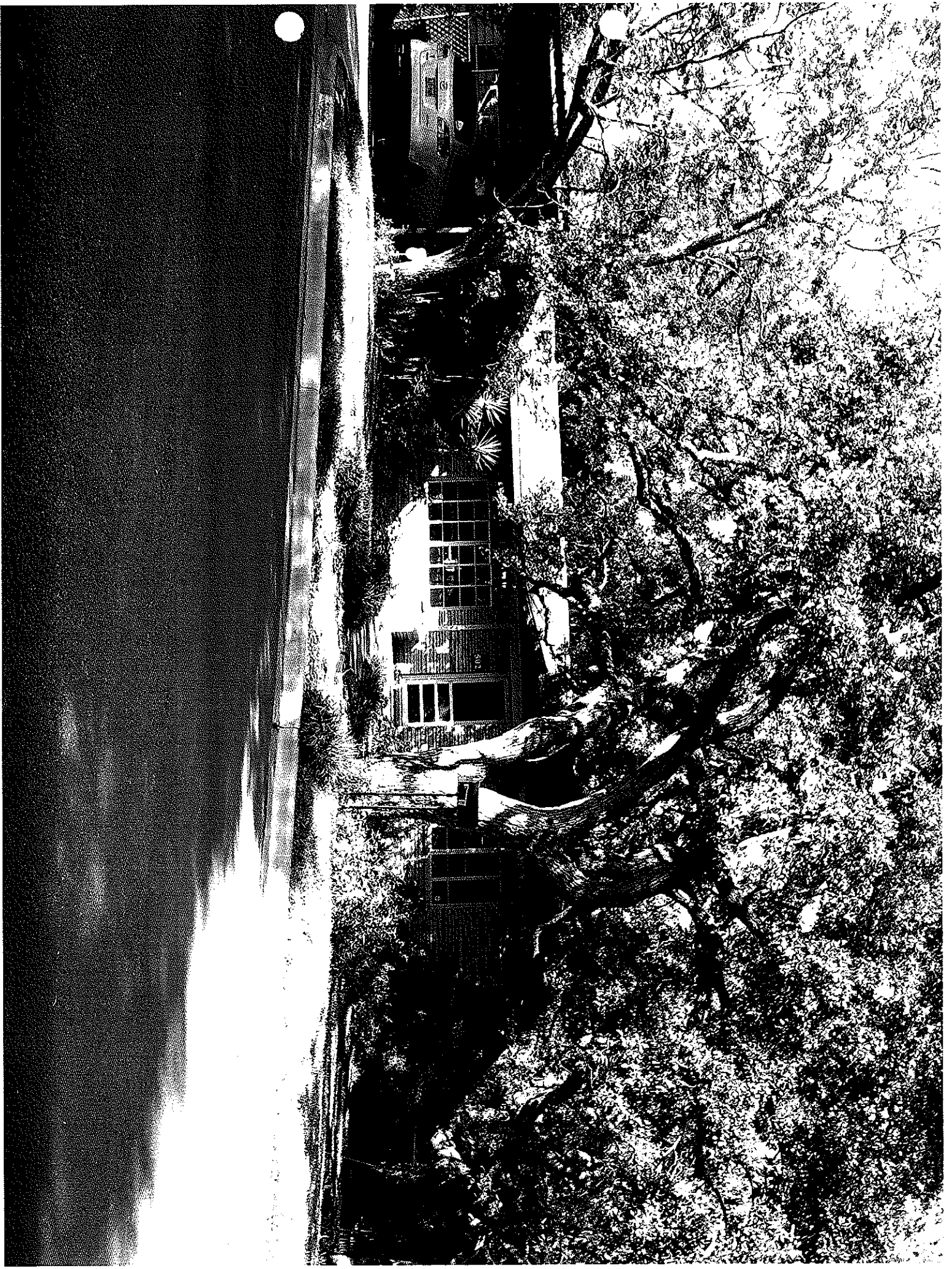
John Allen Design

512-773-3527  
13740 Research Blvd. (HWY 183)  
Suite J-2 Austin, Tx 78750

SHEET  
A-1  
OF 4 SHEETS  
08/23/2012 JDA









## SPECIAL EXCEPTION INSPECTION



<b>Address:</b>	502 Lone Oak Dr.
<b>Permit Number:</b>	2013-021131
<b>Property Owner Requesting Special Exception:</b>	Mr. Ross DeGreve

**Special Exception Requested:**

For an carport encroachment into the front yard setback of approximately 340 square feet

**Date Structure was originally constructed:** original construction date unknown, 1997 Aerials show carport existing

<b>Date of Inspection:</b>	March 6, 2013
<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.