

CASE # C15-2013-0036
ROW # 109 26788
TP-0118011018

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: 1512 West 29th Street, 78703

LEGAL DESCRIPTION: Subdivision – Bryker-Woods

Lot(s) 29 Block _____ Outlot _____ Division _____

I Darby A. Noonan on behalf of myself as authorized agent for

Luis Sentis and Adela Ben-Yakar affirm that on March 18, 2013,

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

(check appropriate items below)

X ERECT ___ ATTACH ___ COMPLETE X REMODEL ___ MAINTAIN

This application seeks to obtain a variance of the 15' separation to 4" between the main residence and a renovated garage built in 1937. Reason for request: to connect buildings for rare and emergency access only from second floors of both buildings. Note! impervious cover has been brought down substantially in this solution to meet code, as well as FAR being maintained at or below maximum.

in a SF3-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:

The property consists of a two-story house with a two-story cottage located behind it. The owner wishes to SEMI-CONNECT connect the two structures in order to allow rare or for emergency connection between the structures. One facility does not depend on the other for function, power, water or sewer except for main connections underground. The non-conforming garage structure was renovated under permit in 2010 from the original garage construction in 1937 (at which time side and rear yard setbacks did not exist). The garage/auxiliary building does not meet, and has never met, setback requirements, and may not unless bulldozed. The Owner has made every effort over the past three years to have the property designed and constructed to code with the express intent to comply with the meanings and intentions of the "McMansion Ordinance," while carefully maintaining the scale and appropriate character of existing residential setting.

HARDSHIP:

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

The property is pre-existing non-conforming with two pre-existing hardships: a) the cottage was built in the 1930s, before setback codes were in place, and b) the pool and walks were built prior to the "McMansion" ordinance. The minimum side setback is 5 feet, and the existing cottage has a side setback of 2.7 feet. The minimum rear setback is 10 feet, and the existing cottage has a rear setback of 2.9 feet. The Architect has designed a plan that reduces the existing impervious coverage down to that which is allowed by code, as well keeping the FAR to the code maximum. Austin Power has signed off on the design scheme, and does not oppose the 4" separation proposal.

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

Few "out-buildings" or garages built in the 1930's remain. Many have been bulldozed to construct large homes that are insensitive to the scale and residential ambiance of historic neighborhoods. The garage structure, built in 1937, was constructed prior to any setback requirements while the property was still in the County. Every effort has been made to obtain the necessary and required permits as the garage has been renovated and converted to a bedroom with bathroom, living room with small dining and kitchenette. The design for the main residence guts a non-functional interior and repositions the gained square footage over existing impervious cover, in order to semi-connect to the rear building. In this way, the entirety of the development stays within the residential scale and meets all other zoning and building safety requirements. The hardship is

inherited, but worth saving, worth working with, and worth the effort and additional expense of doing it right.

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 character of the area adjacent to the property will not be altered because the non-conforming structure in the proposed design is pre-existing and will not be altered. The "quaint cottage" look, feel and scale of the original building and site is preserved in the proposed design, and new architectural elements are introduced, which are in accord with the original motif of the neighborhood and existing building, both in building materials and details, but particularly in scale. The view from the street is unchanged as well, since the proposed addition is located behind the existing two-story house. The proposed design is for residential use, which is compliant with the use of adjacent properties. The approval of this variance would, in fact, enhance the purpose of the regulations of the zoning district in which the property is located. The property is currently non-conforming with regards to impervious coverage, at 57.3%. The maximum allowable impervious coverage for properties that are zoned SF-3 is 45%. The proposed design would bring the impervious coverage down to 44.88%. The proposed design also transforms the energy-inefficient house on the property into a modern, energy-efficient, and environmentally friendly example of why this ordinance exists, and shall focus on maintaining the "traditional neighborhood motif" of scale and style appropriateness.

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:

No changes.

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:

No changes, and we maintained the drive-in and drive-out headfirst circular driveway.

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

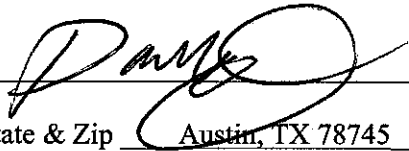
No changes.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

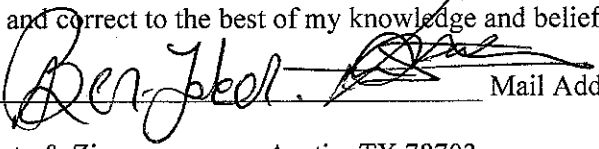
No changes.

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 4415-A Garnett St.
City, State & Zip Austin, TX 78745
Printed Darby Noonan Phone 512-608-8092 Date 03-18-2013

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  Mail Address 1512 West 29th St.

City, State & Zip Austin, TX 78703

Printed Luis Sentis Phone 650-906-1196 Date 3/18/13
ADELA BEN-YAKAR 650-704-0764

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.)

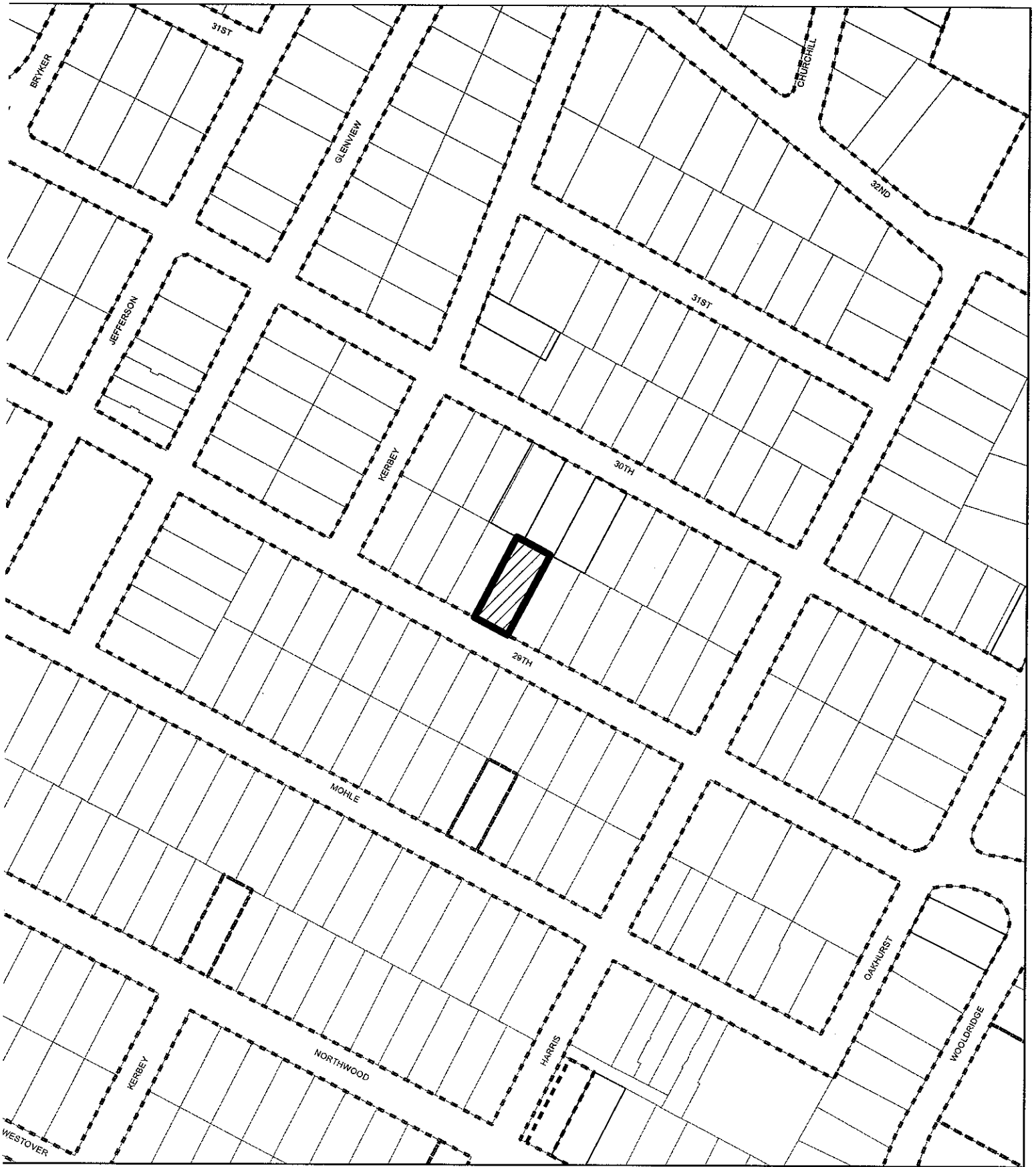
- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location 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.]

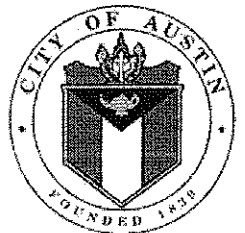


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0036
LOCATION: 1512 WEST 29TH ST



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.



Darby Noonan <darby@livingarchitecture.com>

Updated response - Prelim BOA request for 1512-W. 29th

1 message

Lund, Lena <Lena.Lund@austinenergy.com>

Tue, Mar 5, 2013 at 2:22 PM

To: darby@livingarchitecture.com, marley@livingarchitecture.com, "Walker, Susan" <Susan.Walker@austintexas.gov>, "Ramirez, Diana" <Diana.Ramirez@austintexas.gov>

Based on the additional information supplied by Living Architecture on the above referenced request, it is my understanding that the BOA request will be changed. The new request is for a variance to reduce the required separation between the main front residence and a secondary rear residence from 15 ft to 4 inches. Austin Energy does not oppose this request as proposed and shown on the attached red-stamped sketch provided the front structure is not attached to the rear structure. Any modifications and/or additions to the rear building must meet current clearance criteria. Austin Energy still opposes the previous request to reduce the rear and west side setbacks.

If you need any additional information, please let me know.

Lena Lund

Austin Energy

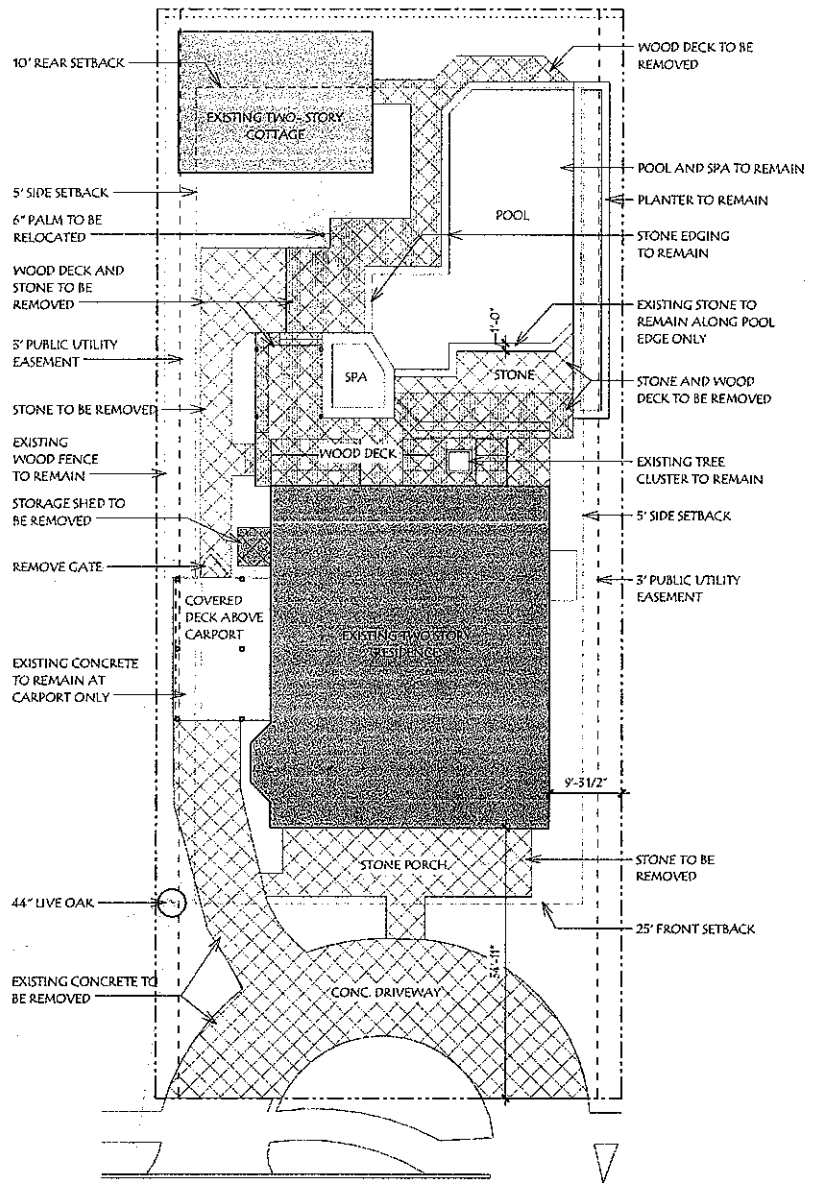
Public Involvement/Real Estate Services

512-322-6587



Scan 3.PDF

539K



CROSS-HATCHED AREAS INDICATE MATERIALS THAT ARE TO BE REMOVED PRIOR TO CONSTRUCTION

IMPERVIOUS COVERAGE

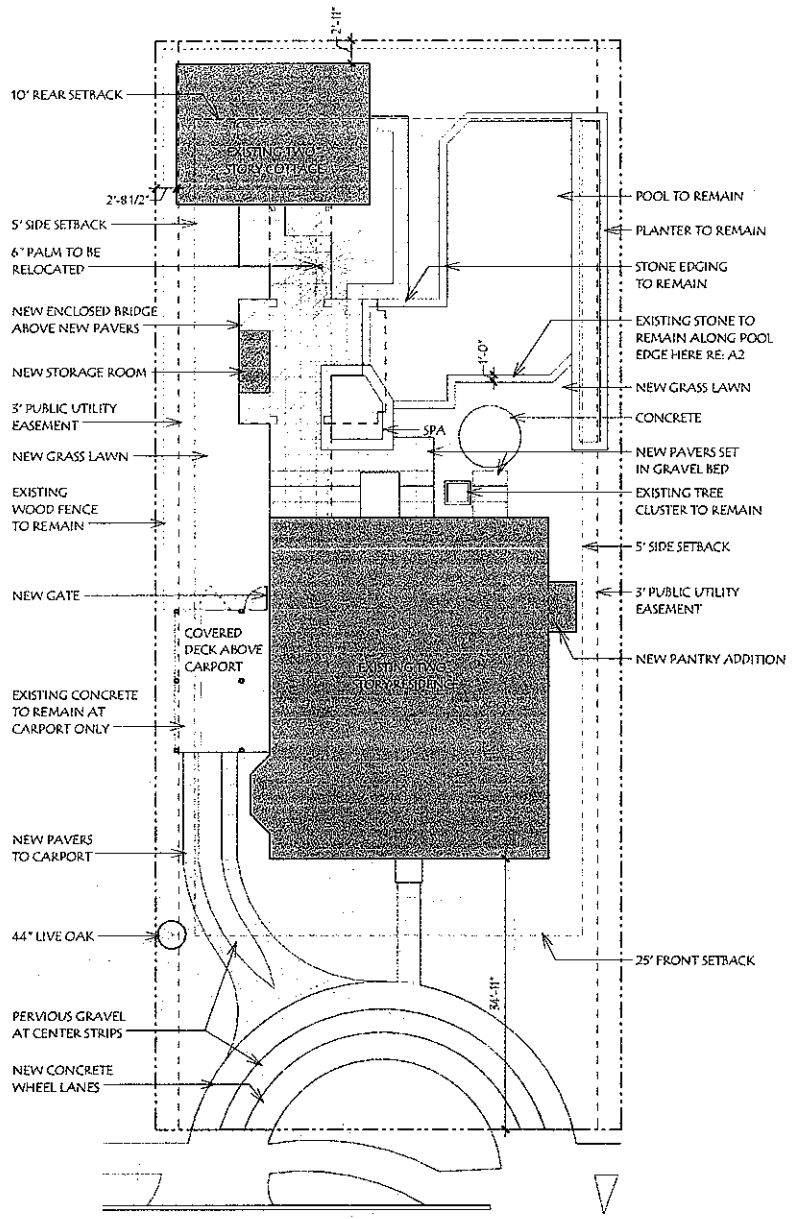
HOUSE	1,640 S.F.
COTTAGE	467 S.F.
STORAGE BLDG.	21 S.F.
STONE/CONC.	2,267 S.F.
WOOD DECK	855X50=417.5 S.F.
TOTAL COVER	4,812.5 S.F.
LOT AREA	8,396 S.F.
TOTAL PERCENT COVER	57.3%

FLOOR TO AREA RATIO

HOUSE, LOWER LEVEL	1,640 S.F.
HOUSE, UPPER LEVEL	758 S.F.
COTTAGE, LOWER LEVEL	467 S.F.
COTTAGE, UPPER LEVEL	450 S.F.
GROSS FLOOR AREA	3,315 S.F.
LOT AREA	8,396 S.F.
FLOOR TO AREA RATIO	39.5 %

1 SITE PLAN - EXISTING
1/16" = 1'-0"

SENTIS RESIDENCE AUSTIN, TEXAS	
REVISIONS	DATE
CONSTRUCTION CLOSE DOCUMENTS These documents are prepared in accordance with the requirements of the Texas Department of Transportation (TxDOT) and the Texas Department of Licensing and Regulation (TDLR). Contractors are encouraged to provide and submit, in accordance with the requirements of the Texas Department of Transportation (TxDOT) and the Texas Department of Licensing and Regulation (TDLR), for review by the architect and final design (when permitted). DESIGN COPYRIGHT All design contained herein, plans, elevations, details, etc., are the property of the architect and may not be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect.	
LIVING ARCHITECTURE 3 CONSTRUCTION MANAGER MARLEY PORTER ARCHITECT 4401 COTTONWOOD DR. COTTONWOOD, TX 78747 Tel: 512-388-3300 Fax: 512-388-3301 Cell: 512-725-1555 marley@livingarchitecture.com www.livingarchitecture.com	
DESIGNED BY: MARLEY PORTER CHECKED BY: MARLEY PORTER ISSUE DATE: 03/18/13 DRAWN BY: DANIEL HOOGAN A21	



IMPERVIOUS COVERAGE

HOUSE	1,640 S.F.
PANTRY ADDITION	25 S.F.
NEW BRIDGE	452 S.F.
COTTAGE	467 S.F.
STONE/CONC.	878.63 S.F.
PAVERS	384X80-307 S.F.
TOTAL COVER	3,767.83 S.F.
LOT AREA	8,396 S.F.
TOTAL PERCENT COVER	44.88%

FLOOR TO AREA RATIO

HOUSE, LOWER LEVEL	1,640 S.F.
PANTRY ADDITION	25 S.F.
HOUSE, UPPER LEVEL	739.83 S.F.
COTTAGE, LOWER LEVEL	467 S.F.
COTTAGE, UPPER LEVEL	450 S.F.
GROSS FLOOR AREA	3,319.83 S.F.
LOT AREA	8,396 S.F.
FLOOR TO AREA RATIO	39.54%

① SITE PLAN - NEW
1/16" = 1'-0"

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AUSTIN, TEXAS

REVISIONS DATE

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These documents are intended as a guide to the construction process. They are not to be used as a basis for construction. The architect and owner are responsible for providing the necessary information and specifications for the construction of the project. The architect and owner are not responsible for the construction of the project.

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LIVING ARCHITECTURE

MARLEY PORTER

ARCHITECT

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DESIGNED BY: MARLEY PORTER

CHECKED BY: MARLEY PORTER

ISSUE DATE: 03/18/13

DRAWN BY: DABBY NOONAN

A2.2

**SENTIS
RESIDENCE
AUSTIN, TEXAS**

REVISIONS DATE

REVISIONS	DATE

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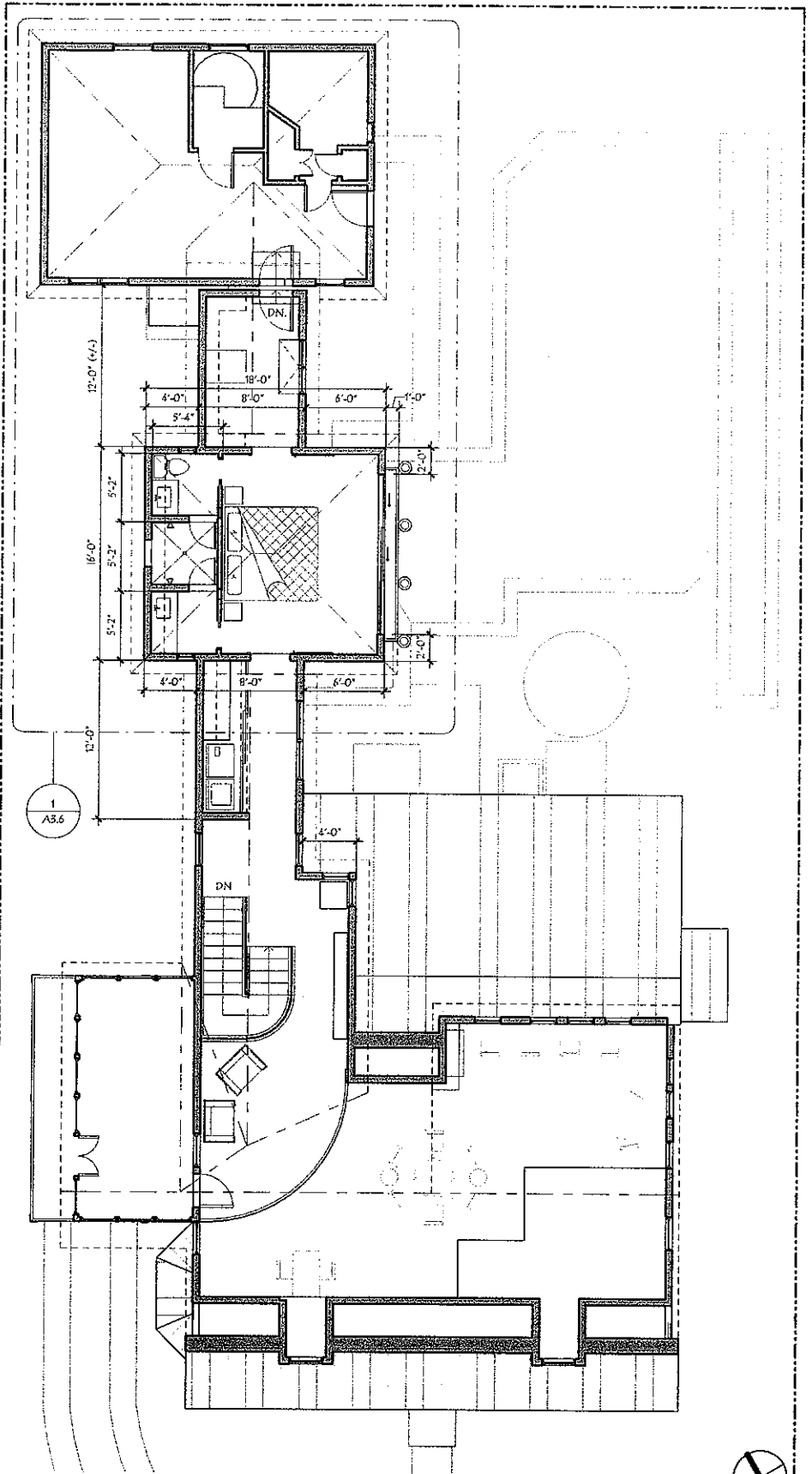


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ARCHITECT**

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DESIGNED BY: MARLEY PORTER
CHECKED BY: MARLEY PORTER
ISSUE DATE: 03/18/13
DRAWN BY: DAREY MOONHAM
A3.2

1 FLOOR PLAN - SECOND FLOOR
1/8" = 1'-0"



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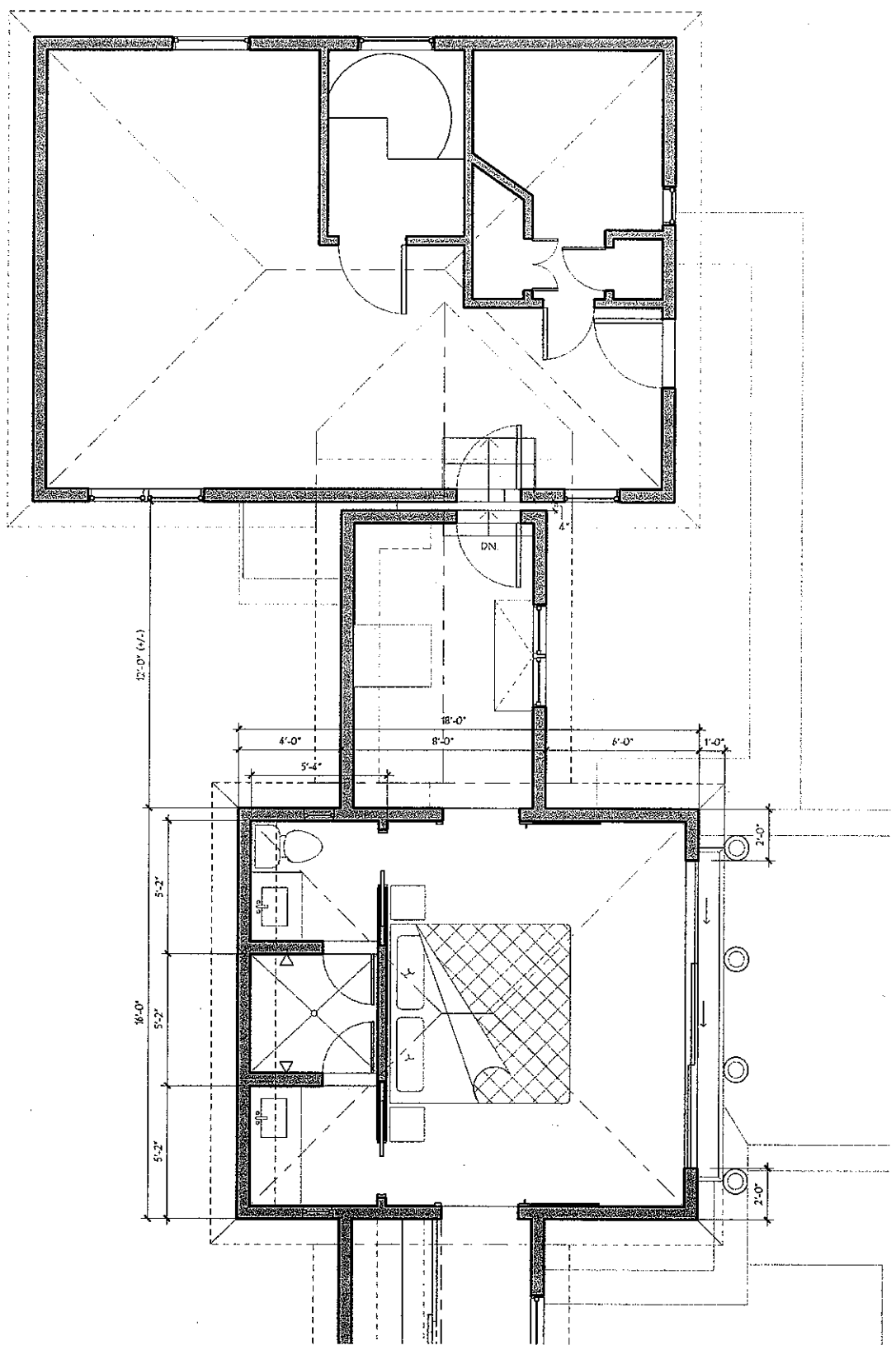


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A3.6

1 ENLARGED FLOOR PLAN - SECOND FLOOR - NORTH
1/4" = 1'-0"



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AUSTIN, TEXAS

REVISIONS	DATE

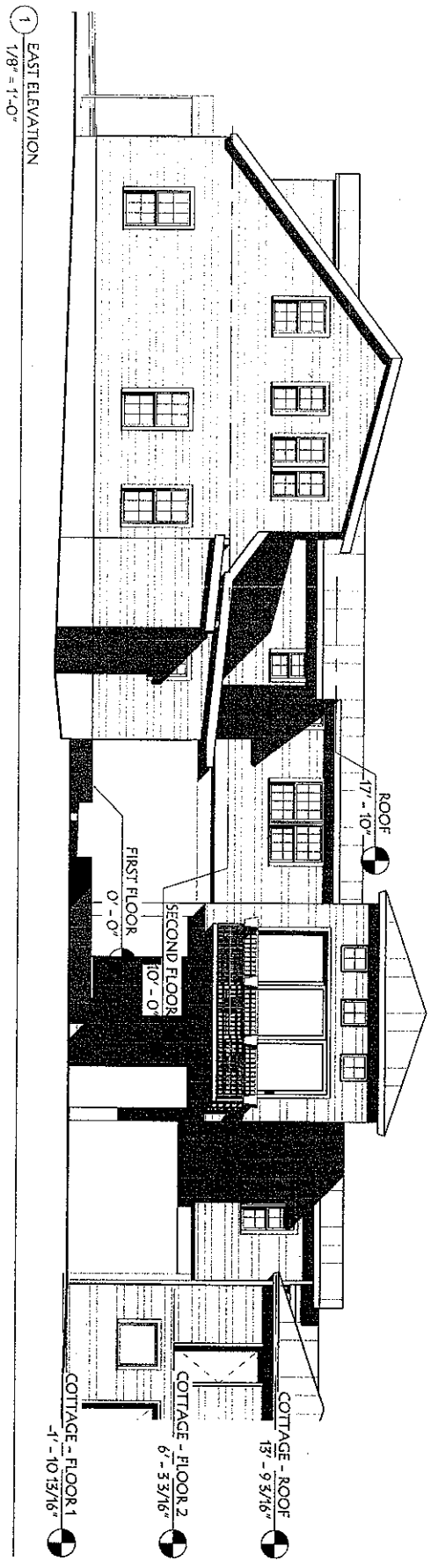
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This document is a guide to the construction of the building. It is not a contract. Contractors are encouraged to provide and develop, request or provide additional drawings or specifications, for review by the Architect and final details to carry out the intentions of the design team, per se.

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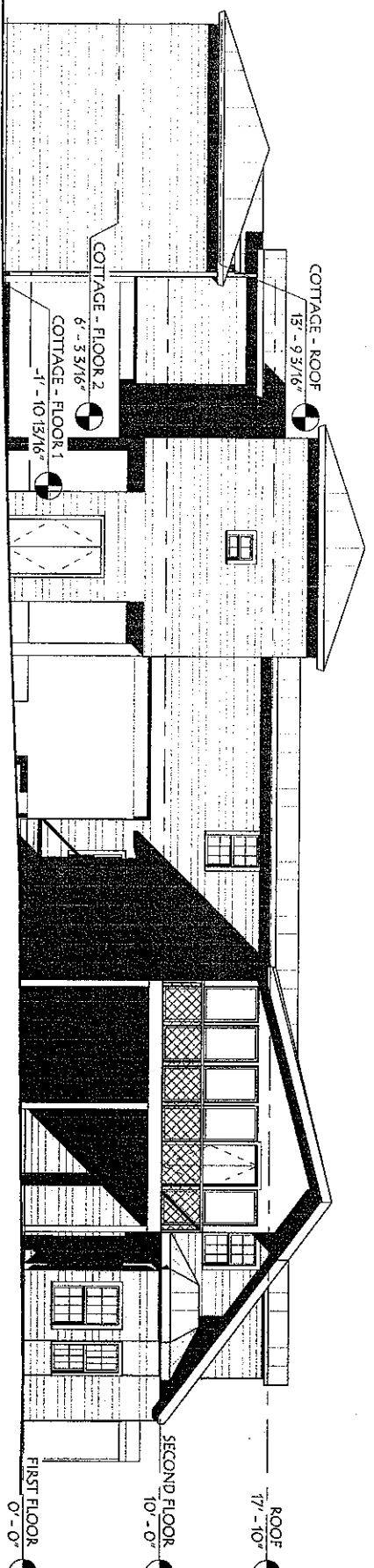
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ISSUE DATE: 03/18/13
DRAWN BY: DARBY NOONAN

A4.1



1 EAST ELEVATION
1/8" = 1'-0"



2 WEST ELEVATION
1/8" = 1'-0"