

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE #
ROW #

C15-2013-0055
10948344

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

TP-011600-05-19

Amended
WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 1410 Gaston Ave

LEGAL DESCRIPTION: Subdivision -- Pemberton Heights

Lot(s) 19.20 Block 27 Outlot Division Section 8

We Heather and Jack Nelson on behalf of ourselves as authorized agent for

Heather and Jack Nelson affirm that on May 1, 2013,

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

(check appropriate items below)

☒ x ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

A garage that is 24'-0" wide that is less than 20' from the facade of the house. The garage ordinance in place would calculate to approximately a 21'-4.5" garage. The request is for a garage that is 2'-7.5" wider in order to make the garage more useable for two cars.

in a SF3 - NP district.
(zoning district)

Windsor Road
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:

The Owner would like a 24' wide garage in order to more comfortably fit two large vehicles. If they work with the existing width of the front facade, 21'-4.5" is allowed for the garage width. This request is for the garage to be 2'-7.5" wider. The existing house width of 42'-9" is driving the garage width. There is room on the lot for the existing house to become 22' wider to the east in order to have a wider garage but that does not improve the plan, aesthetics or massing of the house. The proposed garage is over 6'-0" off the west property line, which is farther from the property line than the City requires. The proposed garage is set back 15'-8.5" from the facade of the house in order to differentiate and deemphasize it. It is also over 23'-6" from the deed required building line and 63'-6" from the property line.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
There is room on the lot for the existing house to become 22' wider to the east in order to have a wider garage but that does not improve the plan, massing or the aesthetics of the house.

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

Several houses on the street maximize the width of their lots and are built setback to setback. This house has a shorter facade as compared to the width of the lot and maintains larger side setbacks. Several houses in the neighborhood appear to have garages that were built before the garage ordinance. The owner is trying to work with the existing historic proportion of the house's main facade.

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:

A 2'-7.5" increase in the garage width is probably not visually significant from the street especially since the garage is set back 15'-8.5" from the façade of the house and 63'-6" from the property line. The City required setback is 25' and the deed restriction setback is 40'. The house is set back further than either requirement, further deemphasizing the garage. The second story above the garage deemphasizes the garage. We believe that the area character might be more affected if the house were to be expanded to the east in order to expand the garage width.

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 Lindsay Hunter Mail Address 1408 E Thridge Ave
City, State & Zip Austin, TX 78703
Printed Lindsay Hunter Phone 512.658.0945 Date 05/01/13

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 Heather Nelson Mail Address 2410 Jarratt Ave
City, State & Zip Austin, TX 78703
Printed Heather Nelson Phone 210-601-2345 Date 05/01/13

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.

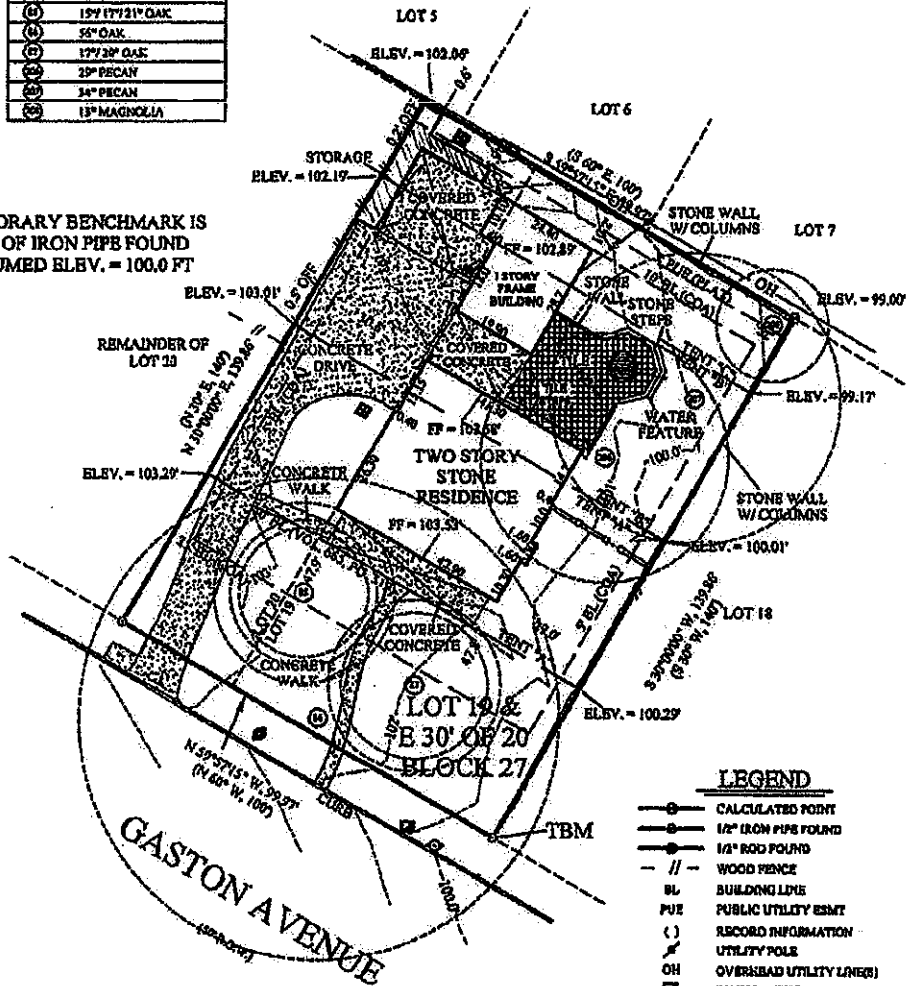
SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (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)

NOT TO SCALE

TREE LEGEND	
(1)	15" 17'21" OAK
(2)	55" OAK
(3)	17'38" OAK
(4)	22" PECAN
(5)	34" PECAN
(6)	13" MAGNOLIA

TEMPORARY BENCHMARK IS
TOP OF IRON PIPE FOUND
ASSUMED ELEV. = 100.0 FT



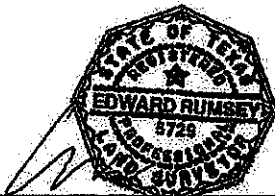
LEGEND

- CALCULATED POINT
- 1/2" IRON PIPE FOUND
- 1/2" ROD FOUND
- //— WOOD FENCE
- BL BUILDING LINE
- PUE PUBLIC UTILITY EMT
- () RECORD INFORMATION
- U UTILITY POLE
- OH OVERHEAD UTILITY LINES
- W WATER METER
- FH FIRE HYDRANT
- G GAS METER
- AC AIR CONDITIONER
- OFF OUTSIDE OF SUBJECT BOUNDARY
- COA CITY OF AUSTIN

RESTRICTIONS:
SUBJECT TO RESTRICTIONS IN VOL. 665, PG. 319.

SUBDIVISION: PEMBERTON HEIGHTS SECTION 2
 LOT: 19 & E 30' OF 20 BLOCK: 27 VOLUME 4 PAGE 29 PLAT RECORDS
 COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 1410 GASTON AVENUE
 CITY: AUSTIN REFERENCE NAME JOHN P. NELSON and HEATHER B. NELSON

SIGNED BY: _____



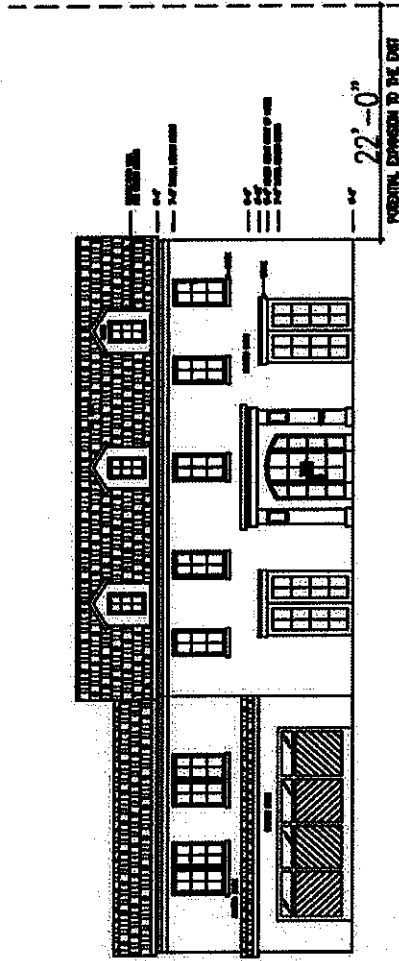
ALLSTAR
Land Surveying
9020 ANDERSON MILL RD
AUSTIN, TEXAS 78729
(512) 249-8149 PHONE
(512) 331-5217 FAX
WWW.ALLSTARLANDSURVEYING.COM

TO THE LEND HOLDER AND/OR OWNERS OF THE PREMISES SURVEYED AND TO:
HERITAGE TITLE COMPANY
 I DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY
 SUPERVISION AND TO THE BEST OF MY KNOWLEDGE OF THE PROPERTY LEGALLY
 DESCRIBED HEREON AND THAT THERE ARE NO BOUNDARY LINE CONFLICTS,
 ENCROACHMENTS OR LAPPING OF IMPROVEMENTS, OR ROADS IN PLACE EXCEPT
 AS SHOWN HEREON, AND CERTIFY ONLY TO THE LEGAL DESCRIPTION AND
 ENCUMBRANCES SHOWN ON THE REFERENCED TITLE COMMITMENT. THIS SURVEY WAS
 PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE

THIS PROPERTY DOES NOT LIE WITHIN THE
 100 YEAR FLOOD, AND HAS A ZONE "X"
 RATING AS SHOWN ON THE FLOOD
 INSURANCE RATE MAPS
 FIRM MAP NO.: 48350A05H
 PANEL: 044H
 DATED: 9-28-2008
 THIS CERTIFICATION IS FOR INSURANCE
 PURPOSES ONLY AND IS NOT A GUARANTEE
 THAT THIS PROPERTY WILL OR WILL NOT
 FLOOD. CONTACT YOUR LOCAL FLOOD
 ADMINISTRATOR FOR THE CURRENT STATUS
 OF THIS TRACT.

SURVEY DATE	JANUARY 14, 2013
TITLE CO.	HERITAGE TITLE COMPANY
O.P. NO.	261300113
JOB NO.	AD10213
FIELD BY	BRX NOWLIN 01/16/2013
CALC. BY	CHRIS ZOTTER 01/15/2013
DRAWN BY	DANIAN SMITH 01/15/2013
PLS CHECK	EDWARD RUMSEY 01/16/2013

EXISTING SITE PLAN

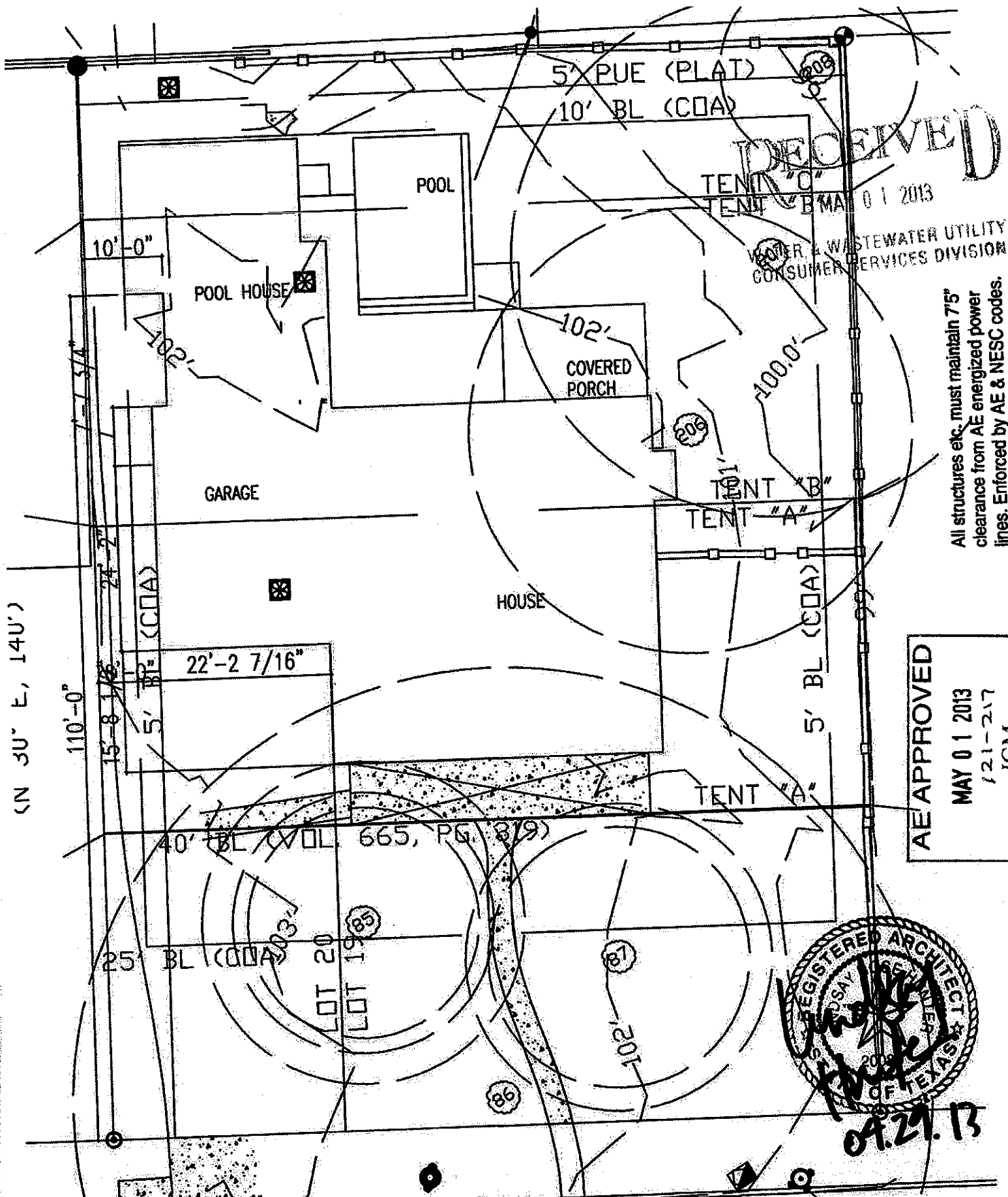


South Elevation
Scale: 1/16" = 1'-0"

1410 Gaston Ave



Architect:
Lindsay Hunter
1408 Ethridge Ave
Austin, Texas 78703



All structures etc. must maintain 75" clearance from AE energized power lines. Enforced by AE & NESC codes.

AE APPROVED
MAY 01 2013
121-217
JGM



Architect
Lindsay Hunter
1408 Ethridge Ave
Austin, Texas 78703

1410 Gaston Ave

Site Plan
Scale: 1/16" = 1'-0"

Neighborhood houses that may not meet new Garage ordinance or/
Use up more of lot and

2409
Jarratt



2504
Jarratt
Ave



2516
Jarratt



2520
Jarratt



1514
Ethridge



1610
Gaston



2604 Jarratt



1419
Gaston
(Lot line to lot
line)



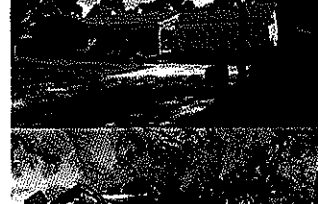
1415
Gaston



1413
Gaston



1403
Gaston



Also: 1406 Gaston