

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

DATE: Monday, May 13, 2013

CASE NUMBER: C15-2013-0044

____ Jeff Jack
____ Michael Von Ohlen
____ Nora Salinas
____ Bryan King
____ Fred McGhee
____ Melissa Hawthorne
____ Sallie Burchett
____ Cathy French (SRB only)

APPLICANT: Linda Beam

OWNER: Travis K. Mellard

ADDRESS: 3620 JOSH LN

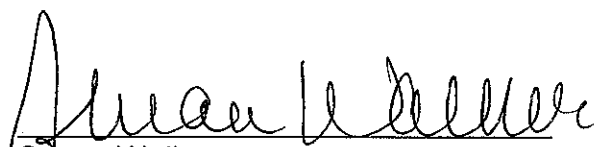
VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% (45.66%) to 47.88% in order to erect a swimming pool and spa for a single-family residence in an "I-SF-2", Interim – Single-Family Residence zoning district.

BOARD'S DECISION: POSTPONED TO JUNE 10, 2013

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.

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: C15-2013-0044 – 3620 Josh Lane

Contact: Susan Walker, 512-974-2202

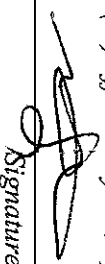
Public Hearing: Board of Adjustment, May 13th, 2013

KAYE PARK

Your Name (please print)

3704 JOSH LN 78730

Your address(es) affected by this application



Signature

5/5/13

Date

Daytime Telephone: _____

Comments: _____

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

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.

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: C15-2013-0044 - 3620 Josh Lane
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, May 13th, 2013

ROBERT JORDAN
 Your Name (please print)

3704 JOSH LN 78730

Your address(es) affected by this application

[Signature] 5-15-13
 Signature Date

Daytime Telephone: 512-699-6409

Comments:

NO OB SECTIONS - GOOD FOR THE
NEIGHBORHOOD

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

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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 #

C15-2013-0044

10 927000

TP-0141340338

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: 3620 Josh Lane, Austin, Tx 78730

LEGAL DESCRIPTION: Subdivision - River Place

Lot(s) 115 Block A Outlot Division Section 15

I/We Linda L Beam on behalf of myself/ourselves as authorized agent for

Travis & Juli Mellard affirm that on April 4, 2013,

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

(check appropriate items below)

___ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

Swimming Pool and Spa

in a SF2 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 house was built under MUD regulations instead of SF2 regulations.

HARDSHIP:

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

The existing home, retaining walls and drive meet the impervious cover requirements per SF2 regulations and to remove any would create erosion problems because of the steep slope of the lot.

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

Most existing homes, swimming pools and spas were installed under MUD regulations prior to SF2 regulations being established.

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 home will conceal the pool and spa from street visibility and the area behind the home is greenbelt.

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: In your application

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:

Additional finding and my
the following findings

requested variance is

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:

Information: Page 1 of 2
Continuing

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

Additional finding and my
the following findings

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

Landship is not general to the area in which
property is located because

Information: Page 1 of 2
Continuing

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

City, State & Zip

Printed

OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Additional finding and my
the following findings

Signed TR Melland Mail Address jmelland@austin.rr.com
City, State & Zip Austin, TX 78730
Printed Travis Melland Phone 343-6750 Date 4-4-13

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) A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
- (4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5) 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.
- (6) Austin Energy approval

Formatted: Bullets and Numbering

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: I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.



SUBJECT TRACT

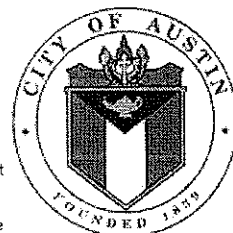


ZONING BOUNDARY

CASE#: C15-2013-0044
LOCATION: 3620 JOSH LN

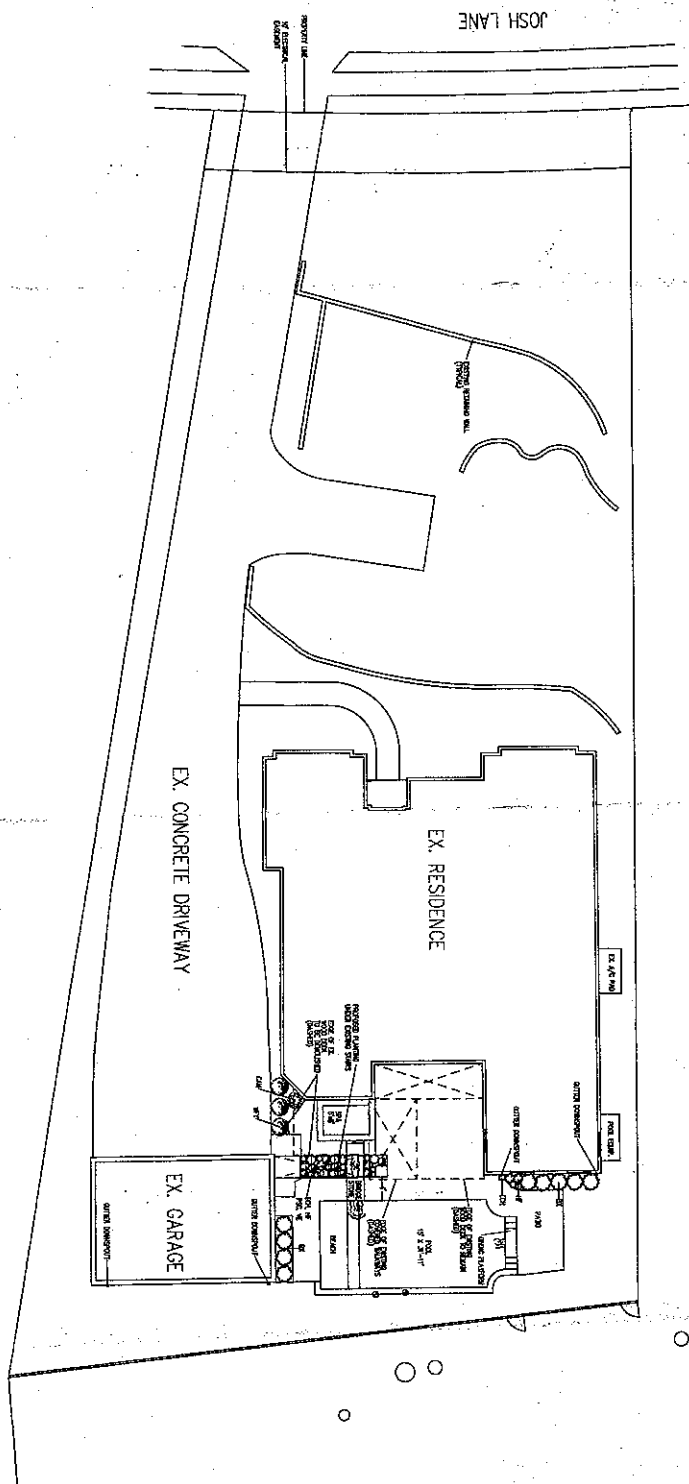
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.



[illegible]

	Discontinued	Revised	QTR
1	MONITORING	9 months	2
2	CHIEF	13 months	1
3	CHIEF	13 months	1
4	CHIEF	13 months	1
5	CHIEF	13 months	1
6	CHIEF	13 months	1
7	CHIEF	13 months	1
8	CHIEF	13 months	1
9	CHIEF	13 months	1
10	CHIEF	13 months	1
11	CHIEF	13 months	1
12	CHIEF	13 months	1
13	CHIEF	13 months	1
14	CHIEF	13 months	1
15	CHIEF	13 months	1
16	CHIEF	13 months	1
17	CHIEF	13 months	1
18	CHIEF	13 months	1
19	CHIEF	13 months	1
20	CHIEF	13 months	1
21	CHIEF	13 months	1
22	CHIEF	13 months	1
23	CHIEF	13 months	1
24	CHIEF	13 months	1
25	CHIEF	13 months	1
26	CHIEF	13 months	1
27	CHIEF	13 months	1
28	CHIEF	13 months	1
29	CHIEF	13 months	1
30	CHIEF	13 months	1
31	CHIEF	13 months	1
32	CHIEF	13 months	1
33	CHIEF	13 months	1
34	CHIEF	13 months	1
35	CHIEF	13 months	1
36	CHIEF	13 months	1
37	CHIEF	13 months	1
38	CHIEF	13 months	1
39	CHIEF	13 months	1
40	CHIEF	13 months	1
41	CHIEF	13 months	1
42	CHIEF	13 months	1
43	CHIEF	13 months	1
44	CHIEF	13 months	1
45	CHIEF	13 months	1
46	CHIEF	13 months	1
47	CHIEF	13 months	1
48	CHIEF	13 months	1
49	CHIEF	13 months	1
50	CHIEF	13 months	1
51	CHIEF	13 months	1
52	CHIEF	13 months	1
53	CHIEF	13 months	1
54	CHIEF	13 months	1
55	CHIEF	13 months	1
56	CHIEF	13 months	1
57	CHIEF	13 months	1
58	CHIEF	13 months	1
59	CHIEF	13 months	1
60	CHIEF	13 months	1
61	CHIEF	13 months	1
62	CHIEF	13 months	1
63	CHIEF	13 months	1
64	CHIEF	13 months	1
65	CHIEF	13 months	1
66	CHIEF	13 months	1
67	CHIEF	13 months	1
68	CHIEF	13 months	1
69	CHIEF	13 months	1
70	CHIEF	13 months	1
71	CHIEF	13 months	1
72	CHIEF	13 months	1
73	CHIEF	13 months	1
74	CHIEF	13 months	1
75	CHIEF	13 months	1
76	CHIEF	13 months	1
77	CHIEF	13 months	1
78	CHIEF	13 months	1
79	CHIEF	13 months	1
80	CHIEF	13 months	1
81	CHIEF	13 months	1
82	CHIEF	13 months	1
83	CHIEF	13 months	1
84	CHIEF	13 months	1
85	CHIEF	13 months	1
86	CHIEF	13 months	1
87	CHIEF	13 months	1
88	CHIEF	13 months	1
89	CHIEF	13 months	1
90	CHIEF	13 months	1
91	CHIEF	13 months	1
92	CHIEF	13 months	1
93	CHIEF	13 months	1
94	CHIEF	13 months	1
95	CHIEF	13 months	1
96	CHIEF	13 months	1
97	CHIEF	13 months	1
98	CHIEF	13 months	1
99	CHIEF	13 months	1
100	CHIEF	13 months	1



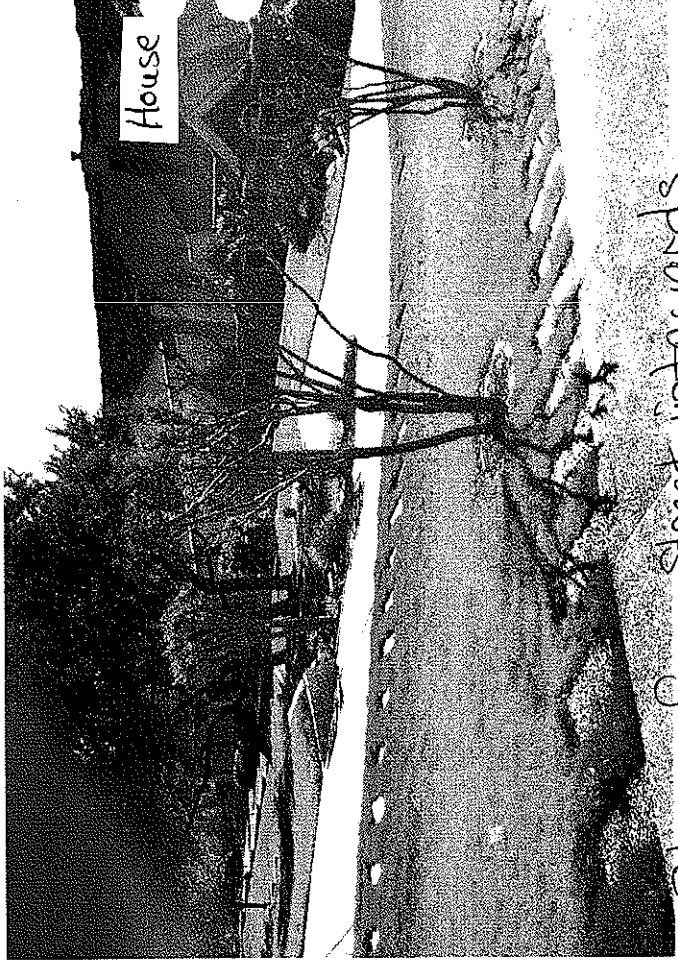
VIEW FROM STREET



Retaining wall in front yard



Necessity of Retaining wall in front yard



House

Steps from street into yards

