

SUSAN WALKER

CASE # C15-2013-0059
ROW # 10948547
TP-040407-08-05

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: 2807 Del Curto Road, Austin, Texas 78704

LEGAL DESCRIPTION: Subdivision – Theodore Low Heights Subdivision

Lot(s) 7 Block _____ Outlot _____ Division Vol 455, Pg 81

I/We Aaron Googins on behalf of myself/ourselves as authorized agent for

Bartlett Family Living Trust affirm that on May 3, 2013,

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

(check appropriate items below)

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

Detached, one and two story, condominium homes on the parcel in compliance with the following building setbacks:

Front Yard – 25 feet

Rear Yard – 15 feet - 25' reqd.

Side Yard (south) – 5 feet - 25' reqd.

Side Yard (north) – 25 feet

in a SF-6 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 proposed use – detached condominium – is allowed in the current SF-6 zoning in place on the 2.8 acre parcel. The proposed project includes condominiums that will only have one residence per building. The proposed project will look and feel like a single family subdivision. The proposed homes will be 1,500 to 3,000 square feet in size and one to two stories in height.

The compatibility setbacks required on the property boundaries do not allow for a reasonable use because if they are imposed, approximately 40 – percent of the site will be undevelopable.

HARDSHIP:

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

The hardship is unique to this property. The hardship is that if compatibility setbacks are imposed, approximately 40 – percent of the site will be undevelopable.

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

The hardship is not general to the area – it is unique to the subject property. The combination of the floodplain/CWQZ on the project and the compatibility setbacks create the hardship.

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 variance will not alter the character of the area adjacent to the property and will not impair the use of the adjacent property nor will it impair the purpose of the zoning regulations because:

A) The property will be developed with less density and larger internal and external “setbacks” than the majority of the recent, current and planned projects in the area.

B) If the variance is granted, all of the homes will be detached, one family homes versus attached two and three family homes similar to the majority of the recent, current and planned projects in the area.

C) If the variance is granted there will still be a minimum separation of 35 to 45 feet between the proposed homes and homes to the south and a minimum separation of 20 feet between the proposed homes and existing homes to the east.

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:

NOT APPLICABLE

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:

NOT APPLICABLE

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

NOT APPLICABLE

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

NOT APPLICABLE

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 1702 Pease Road

City, State & Zip Austin, Texas 78703

Printed Aaron Googins Phone 512-809-5118

Date May 3, 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 1702 Pease Road

City, State & Zip Austin, Texas 78703

Printed Tim Bartlett of Bartlett Family Living Trust Phone 512-809-5118

Date May 3, 2013

Conditional Overlay

ORDINANCE NO. 20100624-121

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2807 DEL CURTO ROAD FROM FAMILY RESIDENCE (SF-3) DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT.


BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence (SF-3) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district on the property described in Zoning Case No. C14-2009-0159, on file at the Planning and Development Review Department, as follows:

A 2.78 acre tract of land, more or less, out of Block 7 of Theodor Low Heights Subdivision in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

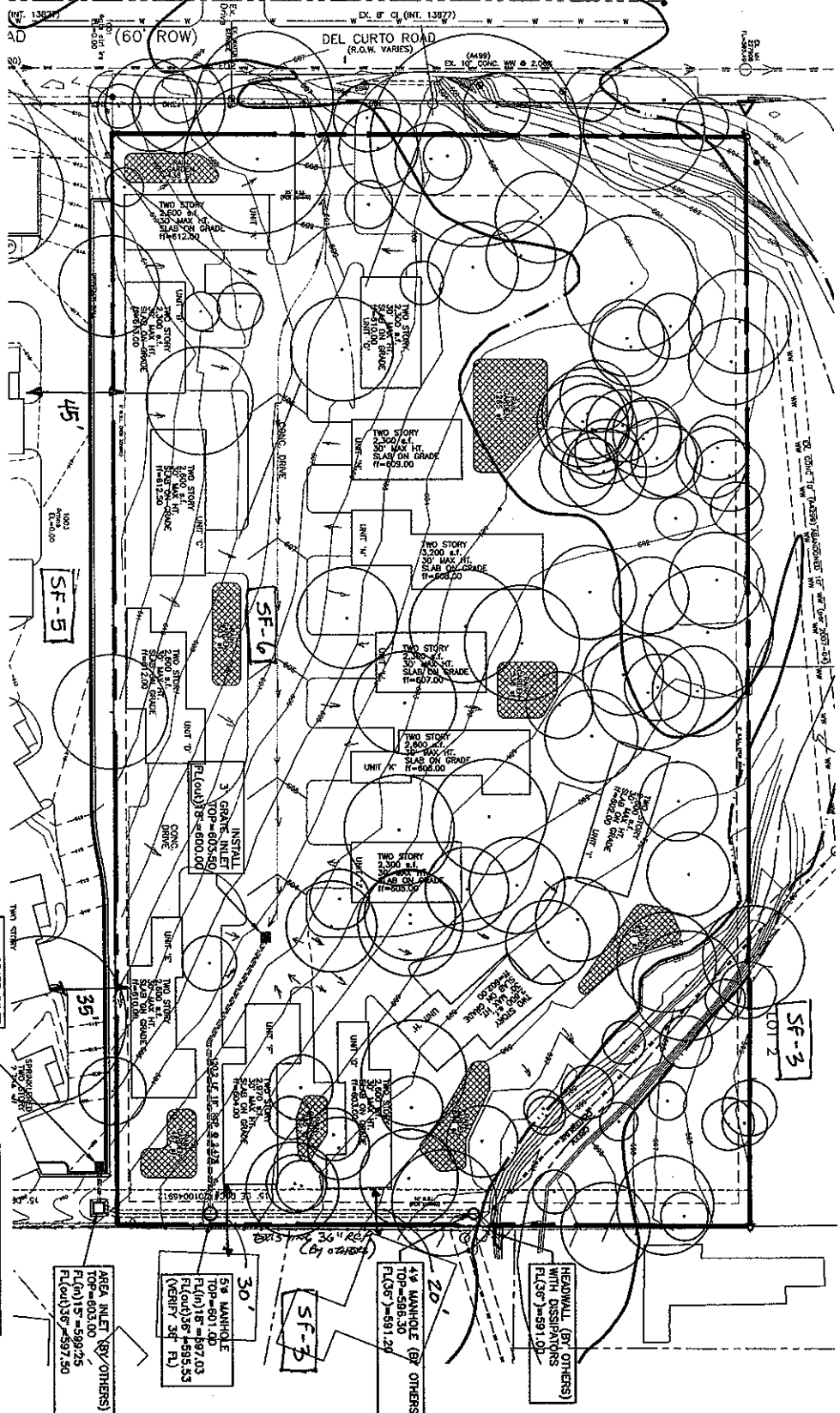
locally known as 2807 Del Curto Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

-  A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. The Property shall comply with the following family residence (SF-3) development standards:
1. The minimum lot size is 5,750 square feet.
 2. The maximum height is 35 feet.
 3. The maximum building coverage is 40 percent.
 4. The maximum impervious cover is 45 percent.
 5. The maximum density is 7.2 residential units per acre.
 6. The maximum density is 20 residential units.

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SCALE 1"=20'

NOTE: ADJACENT BARRIERS BETWEEN ALL VEHICULAR USE AREAS AND ADJACENT ADJACENT LANDSCAPE AREAS, THIS SITE MUST COMPLY WITH EDC, SECTION 2.4.7, PROTECTION OF LANDSCAPE AREAS.

FLOOD PLAIN NOTE:
The Flood Plain Map for the City of Austin, Texas, shows the 100 year flood plain for the City of Austin, Texas. The Flood Plain Map for the City of Austin, Texas, shows the 100 year flood plain for the City of Austin, Texas.

EXHIBIT 'B'	
PREPARED BY: PROSSNER AND ASSOCIATES, INC. CONSULTING ENGINEERS 1101 E. 11TH ST., SUITE 101 AUSTIN, TEXAS 78702 TEL: 512/476-1101 FAX: 512/476-1102	CHECKED BY: PROSSNER AND ASSOCIATES, INC. CONSULTING ENGINEERS 1101 E. 11TH ST., SUITE 101 AUSTIN, TEXAS 78702 TEL: 512/476-1101 FAX: 512/476-1102
DATE: 10/1/88 PROJECT: 2807 DEL CURTO ROAD, AUSTIN, TEXAS DRAWING NO.: 2807-GRD-01	SCALE: 1"=20' SHEET NO.: 1 OF 1 TOTAL SHEETS: 1

2807 DEL CURTO ROAD, AUSTIN TEXAS
GRADING PLAN

[illegible]

PROPERTY BOUNDARY

EXHIBIT 'A'