

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 # C15-2013-0071
ROW # 10963104

TP-0402030605

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

Amended

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

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

STREET ADDRESS: 2207 South 3rd St

LEGAL DESCRIPTION: Subdivision

I/We David C. Cancialosi on behalf of myself/ourselves as authorized agent for Kary Aycock and Mike Krell affirm that on May 13, 2013

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

A primary and secondary structure on a SF3 lot with less than 50' width.

in a SF3 district. *-NP* (Boulder Creek)

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 11,000+ SF L-shaped lot has been in similar configuration and legal description for approximately 60 years, per deed history. The lot is part of an original 1916 12+ acre subdivision approved by the city of Austin. Over the years, several lots were transferred from the original 12 acre subdivision.

The subject lot currently has approximately 43' of frontage along South 3rd St. Access is provided via the legal public alley. No driveway exists. There is no history of a curb cut along South 3rd St. Thus, COA Right of Way has approved access from the alley to the lot. The lot's frontage is typical of many Bouldin Creek lots.. The owner's intend to build a primary and secondary unit on the property. This design is in keeping with the land use goals promoted in the Bouldin Creek Neighborhood Plan as well as the overall neighborhood aesthetics. The owner's have a reasonable expectation to use the lot similar to surrounding property owners. It is requested the Board recognize the lot's long standing legal property description and physical orientation.

HARDSHIP:

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

The current COA LDC requires all SF3 lots platted after March 1946 to have 50' of lot frontage along a public road. The subject site was granted a Land Status Determination in 2004. It was presumed the Land Status recognized the tract's legal status and further development compliant with SF3 zoning requirements. IN 2006, the City approved an application for a primary and secondary structure via BP-2006-05061. That project was never built by a previous owner.

A new building permit for new construction of a primary and secondary structure(s) was submitted in December 2012; however, after 138 days in plan review, the City will not recognize the Land Status document as a grandfathering instrument despite several examples of the city approving residential permits on lots with less than 50' of road frontage. Nor will the City acknowledge the 2006 building permit approving the substantially similar construction on the same tract.

Due to the lot's physical layout, the lot cannot be subdivided into two (2) lots. Neither lot would meet the 50' road frontage requirement; the remainder lot would not meet the minimum lot size required in SF-3 zoning. Thus, based on the current administrative staff decision the 11,000 SF lot is not buildable without approval of said variance request.

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

There are no known 11,000+ SF lots with approved Land Status Determinations with less than 50' of frontage in the area.

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:

Approval of said variance will allow the neighborhood to maintain the current character by allowing a single family and two-family residential use, it will not impair the use of adjacent property because the proposed use will be similar in nature, and the purpose of the zoning standards will not be impaired because the lot has been in the same or similar configuration since approximately 1947 or before.

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 David Cancialosi c/o Permit Partners LLC

Mail Address 7105 Barnsdale Way

City, State & Zip Austin Texas 78745

Printed David Cancialosi Phone 512-799-2401 Date May 13 2013

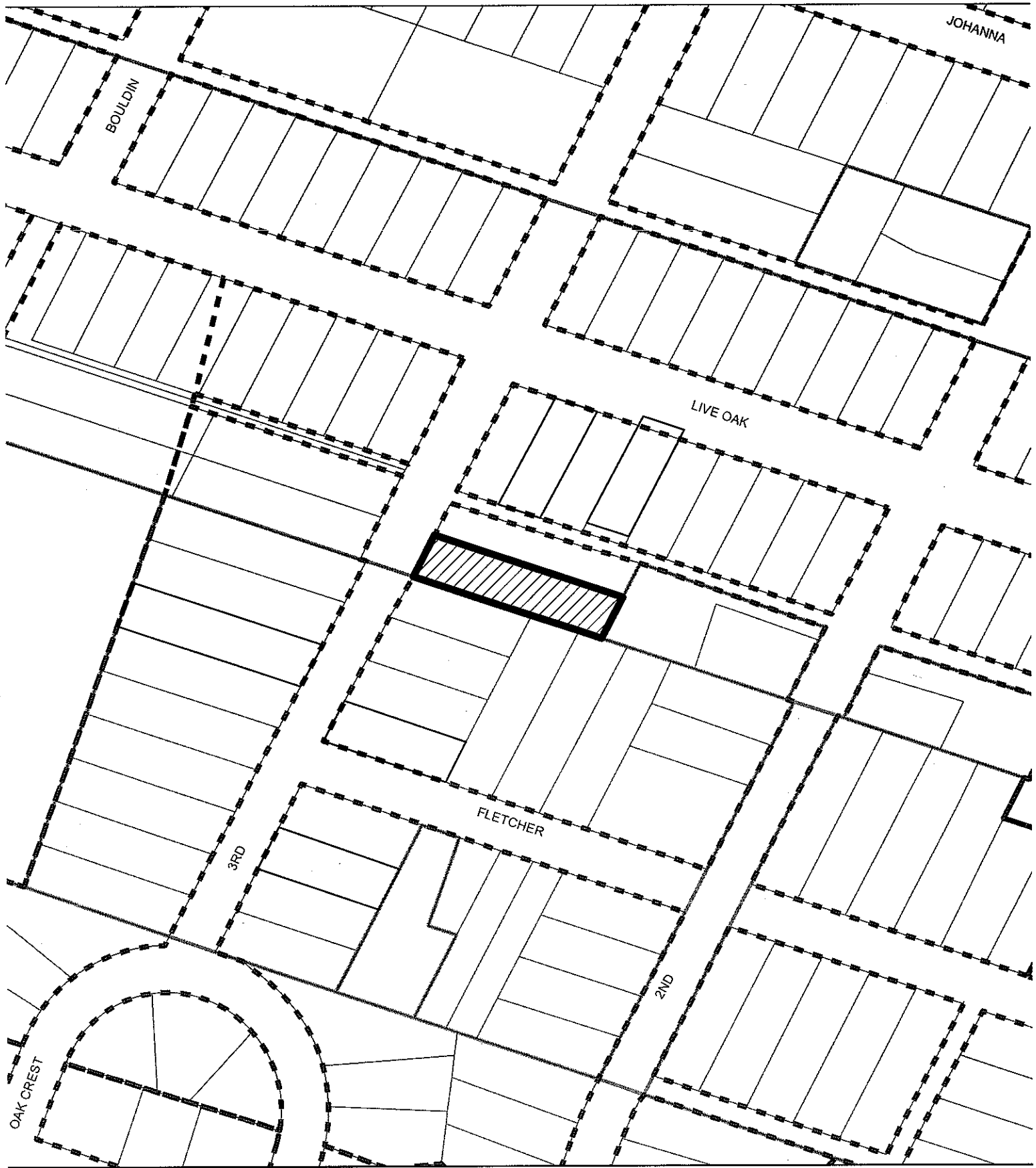
OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.



Signed Kary Aycock and Mike Krell

Mail Address 6500 Grand Champion Way Apt 11208

City, State & Zip Austin Texas 78750

Printed Kary Aycock and Mike Krell Date May 13 2013



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2013-0071
 LOCATION: 2207 South 3rd 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.

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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 11,000+ SF L-shaped lot has been in the same or similar configuration and legal description for approximately 60 years, per deed history. The lot is part of an original 1916 12+ acre subdivision approved by the city of Austin. Over the years, several lots were transferred from this original subdivision. The lot currently has approximately 43' of frontage along South 3rd St. Access is provided via the legal public alley. The rear portion of the lot connects to the lot. COA Right of Way has approved access from the alley to the lot. This lot frontage is typical of many Bouldin Creek lots, albeit smaller in overall size. The owner's have a reasonable expectation to use the lot due to its substantially similar deed description since original creation as well as lack of any administrative relief.

HARDSHIP:

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

The current COA LDC requires all SF3 lots, platted after March 1945 to have 50' of lot frontage along a public road. The subject site was granted a Land Status Determination in 2004; and a 2012 building permit was submitted in December 2012; however, after 138 days in plan review, the city will not recognize that document as a grandfathering instrument despite several dozen examples of the city approving residential permits on lots with less than 50' of road frontage. Thus, based on the current arbitrary administrative staff decision, without approval of said variance request the 11,000 SF lot is not buildable.

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

There are no known 11,000+ SF lots with approved Land Status Determinations with less than 50' of frontage in the area.

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:

Approval of said variance will allow the neighborhood to maintain the current character by allowing a single family and two-family residential use, it will not impair the use of adjacent property because the proposed use will be similar in nature, and the purpose of the zoning standards will not be impaired because the lot has been in the same or similar configuration since approximately 1947 or before.

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 David Cancialosi c/o Permit Partners LLC

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