

CASE # C15-2013-0070

ROW-10963103

TP-0301020303

**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: 1304 Alta Vista Ave.

LEGAL DESCRIPTION: Subdivision – Travis Heights

Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/ Jim Bennett as authorized agent for Tom Cooke affirm that on

May 15, 2013, hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

To enclose an existing carport providing a side yard set-back of 2.5 feet  
in a SF-3-NP district.  
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

**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:

It would be unreasonable to construct an addition to the residence creating additional impervious cover when the carport is existing and the enclosure on the ends would be superior to trying to creating the addition elsewhere on the site.

**HARDSHIP:**

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

This property was developed in the 1930's. A carport has existed at this location on the lot and was rebuilt with a variance. The locations of existing improvements, the location of the large trees on the lot as well as the topography of the site create the hardships in trying to locate a new addition elsewhere on the property. A stick on addition would diminish the architecture quality of this structure.

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

The topography, landscaping, large trees and the existing developed conditions are unique to this site.

**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 area character will not change because a structure has been located at this location for a long period, and would be an enclosure of the front and rear of the existing carport. The topography of the site along with the existing landscaping and rock wall reasonable prevent the structure from being seen from off-site. The enclosure of the carport will not be an increase of impervious cover or conditions.

**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:

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 Jim Bennett Mail Address 11505 Ridge Dr.

City, State & Zip Austin, TX 78748

Printed Jim Bennett Phone (512) 282-3078 Date Nov 7 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 Tom Cooke Mail Address 1304 Alvarado Ave

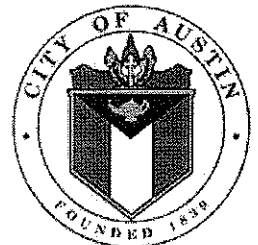
City, State & Zip Austin Texas 78704

Printed THOMAS F COOKE Phone (512) 445 6899 Date 5/15/13



-  SUBJECT TRACT
-  ZONING BOUNDARY

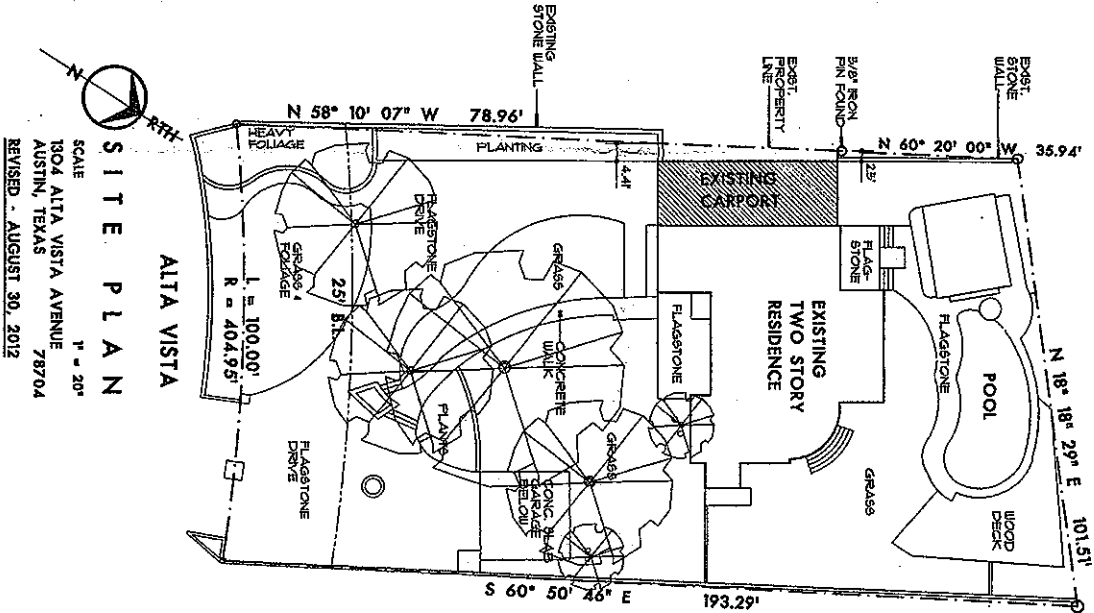
CASE#: C15-2013-0070  
 LOCATION: 1304 Alta Vista Ave



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.

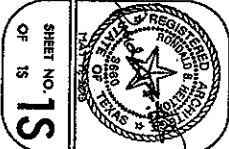
This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

C15-2013-0070  
 1304 Alta Vista  
 Ave



**SITE PLAN**  
 SCALE 1" = 20'  
 1304 ALTA VISTA AVENUE  
 AUSTIN, TEXAS 78704  
 REVISED - AUGUST 30, 2012

<b>RESIDENCE SQUARE FOOTAGE</b>	
FIRST FLOOR	2111 S.F.
SECOND FLOOR	1059 S.F.
CARPORT	603 S.F.
TOTAL RESIDENCE	3773 S.F.
ALLOWABLE SQ. FT.	7356 S.F.
<b>IMPERVIOUS COVER CALCULATIONS</b>	
LOT SIZE	18,389 S.F.
RESIDENCE & CARPORT DRIVES, & PAVING	2714 S.F.
WOOD DECK @ 50%	348 S.F.
TOTAL IMPERVIOUS	9125 S.F.
POOL	-554 S.F.
GRASS AREA & PLANTING	-8,485 S.F.
TOTAL PERVIOUS	9,264 S.F.
	50.4%



**SITE PLAN FOR**  
**MR. AND MRS. TOM COOKE**  
 1304 ALTA VISTA AVENUE, AUSTIN, TEXAS

**RON HELTON AIA**  
**ARCHITECT**  
 4412 SPICEWOOD SPRINGS RD.  
 AUSTIN TEXAS 78759  
 BLDG. 6  
 512-306-1212

SHEET NO. **15**  
 OF 15

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

**DATE: Monday, September 12, 2011**

**CASE NUMBER: C15-2011-0100**

Y \_\_\_\_\_ Jeff Jack  
 Y \_\_\_\_\_ Michael Von Ohlen **Motion to Grant**  
 Y \_\_\_\_\_ Nora Salinas **2<sup>nd</sup> the Motion**  
 Y \_\_\_\_\_ Bryan King  
 Y \_\_\_\_\_ Susan Morrison  
 Y \_\_\_\_\_ Melissa Hawthorne  
 Y \_\_\_\_\_ Heidi Goebel  
 - \_\_\_\_\_ Cathy French (SRB only)

**APPLICANT: Jim Bennett**

**OWNER: Tom Cook**

**ADDRESS: 1304 ALTA VISTA AVE**

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 2.50 feet in order to erect a carport for a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Grant to add gutters and to not be enclosed, Board Member Nora Salinas second on a 7-0 vote; **GRANTED TO ADD GUTTERS AND TO NOT BE ENCLOSED.**


**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the ordinance does consider the replacement of an existing structure that is being rebuilt on the same location
2. (a) The hardship for which the variance is requested is unique to the property in that: the property was developed in the 1930s, an attempt was made to repair the carport but it was discovered that it was rotten, the repairs could not be made, due to the existing developed conditions the only reasonable place to put the carport is in the same location where the previous carport and driveway is located  
  
(b) The hardship is not general to the area in which the property is located because: the topography landscaping and the existing developed conditions are unique to this site
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 area of character will not change because this structure has been located at this location for a long period and is a replacement of the original carport



Susan Walker  
Executive Secretary



Jeff Jack  
Chairman