

Decision Sheet

CASE NUMBER: C15-2013-0055

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

ADDRESS: 1410 GASTON AVE

VARIANCE REQUESTED: The applicant has requested a variance from the garage placement requirement of Section 25-2-1604 (C) (2) in order to increase the width of a garage from 21 feet 4.5 inches to 24 feet in order to erect a garage addition to a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Windsor Road Neighborhood Plan) The Land Development Code states that for a parking structure with an entrance that faces the front yard: if the parking structure is less than 20 feet behind the building façade, the width of the parking structure may not exceed 50 percent of the width of the principal structure, measured parallel to the front lot line.

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: C15-2013-0055 - 1410 Gaston Avenue

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, June 10th, 2013

Lindsay & Kevin Hunter

Your Name (please print)

1408 Ethridge Ave

Your address(es) affected by this application

Lindsay Hunter

Signature

Date

Daytime Telephone:

512.658.0945

Comments:

We are in support of the larger garage

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: C15-2013-0055 - 1410 Gaston Avenue

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, June 10th, 2013

Michelle & John Volz
Your Name (please print)

1406 Preston

Your address(es) affected by this application

Carlisle Vell

Signature

Date

Daytime Telephone: *477-2488*

Comments:

Historically, Compton's houses did not have garages that opened to face the street (unlike they were at the rear of the lot). Therefore we are opposed to the addition to this house of a large rear garage set close to the front facade and opening to the street. It makes the house look garish as I walk down a Compton Street.

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

☐ I am in favor
☒ I object

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: C15-2013-0055 – 1410 Gaston Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, June 10th, 2013

Lyndee & John Witz
Your Name (please print)

☐ I am in favor
☒ I object

1406 Preston
Your address(es) affected by this application

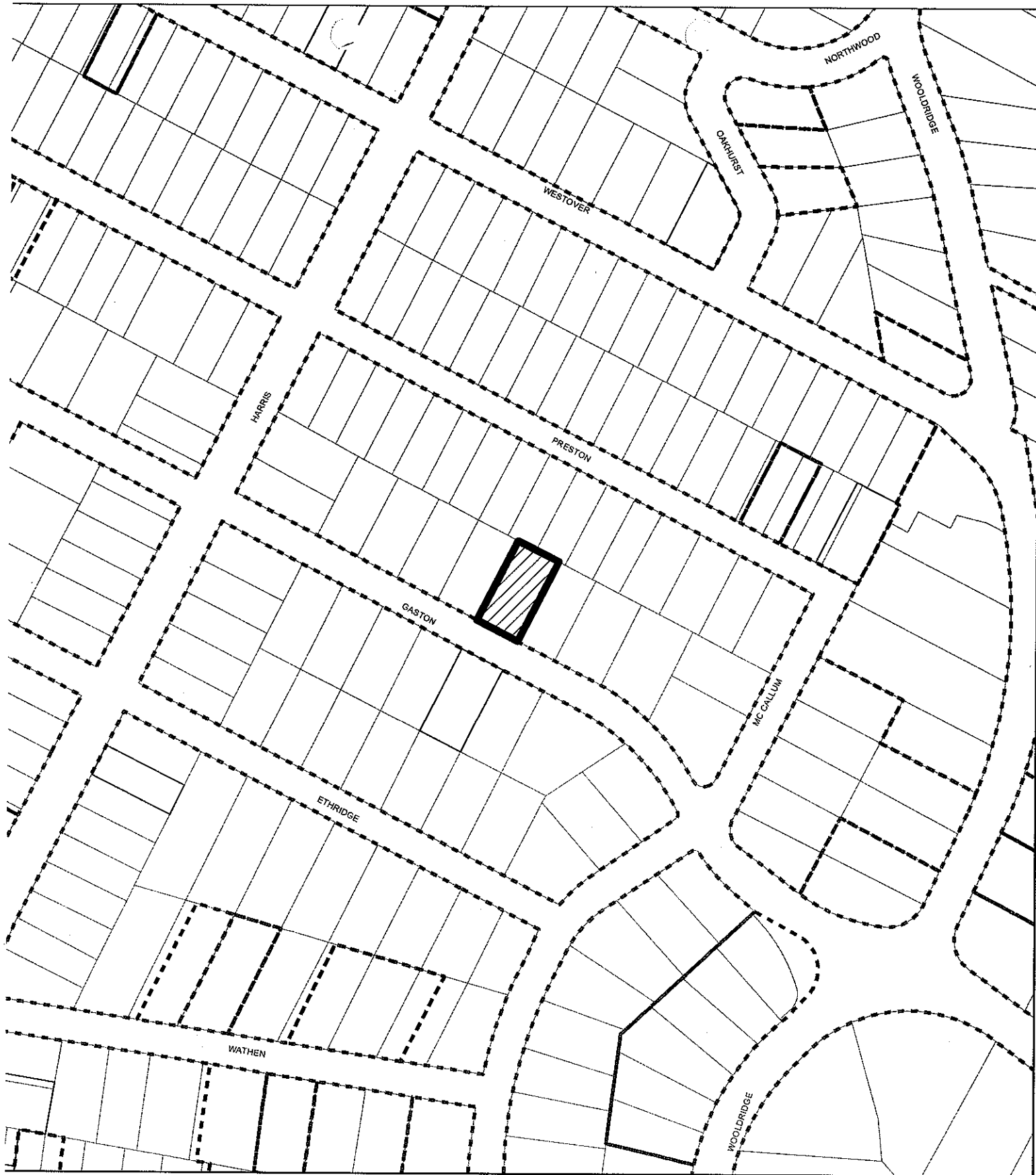
Caroline Kelly Signature 6.1.13 Date

Daytime Telephone: 477-2488

Comments: Most of our neighborhood does not
have garages that open to the street so
we are opposed to a large garage
opening to face the street.

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

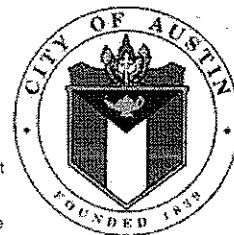


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0055
LOCATION: 1410 GASTON 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.

June 3, 2012

Dear Susan Walker

Why do you send four (4) of the exact same letter, mailed on the same date, to us??? This is a ridiculous amount of paper and postage and waste of MONEY!!

I've enclosed the letters and the envelopes. PLEASE delete the extra addresses.

Carolyn and Jack Long
1401 Preston Ave
Austin TX 78703

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: C15-2013-0055 - 1410 Gaston Avenue

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, June 10th, 2013

DiAnne White Delisi

Your Name (please print)

☒ I am in favor
☐ I object

2529 Harris Blvd.

Your address(es) affected by this application

Alanna & Helmi & June 2013

Signature

Date

Daytime Telephone: 512 499-0045

Comments:

I am in favor. I am looking forward to seeing the house been completed. It has been a great way to help.

ADW

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

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.

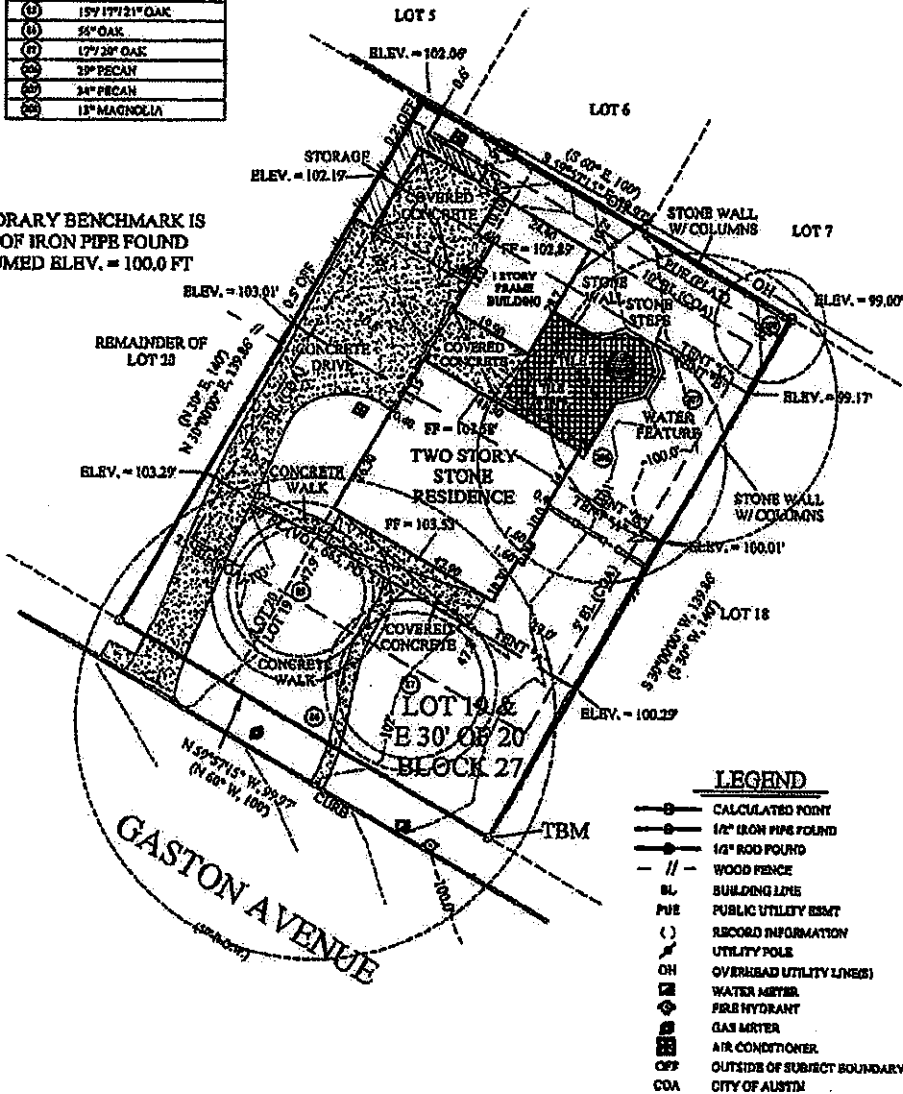
SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (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)	24" OAK
(3)	12" 22" OAK
(4)	29" PECAN
(5)	24" PECAN
(6)	18" MAGNOLIA

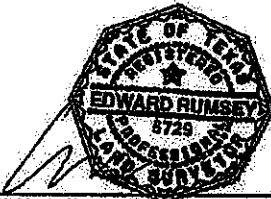
TEMPORARY BENCHMARK IS
TOP OF IRON PIPE FOUND
ASSUMED ELEV. = 100.0 FT



RESTRICTIONS:
SUBJECT TO RESTRICTIONS IN VOL. 663, PG. 319.

SUBDIVISION: PEMBERTON HEIGHTS SECTION 8
LOT: 19 & R 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: _____



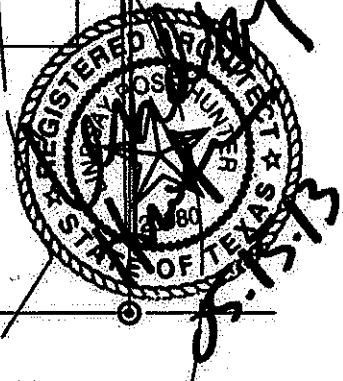
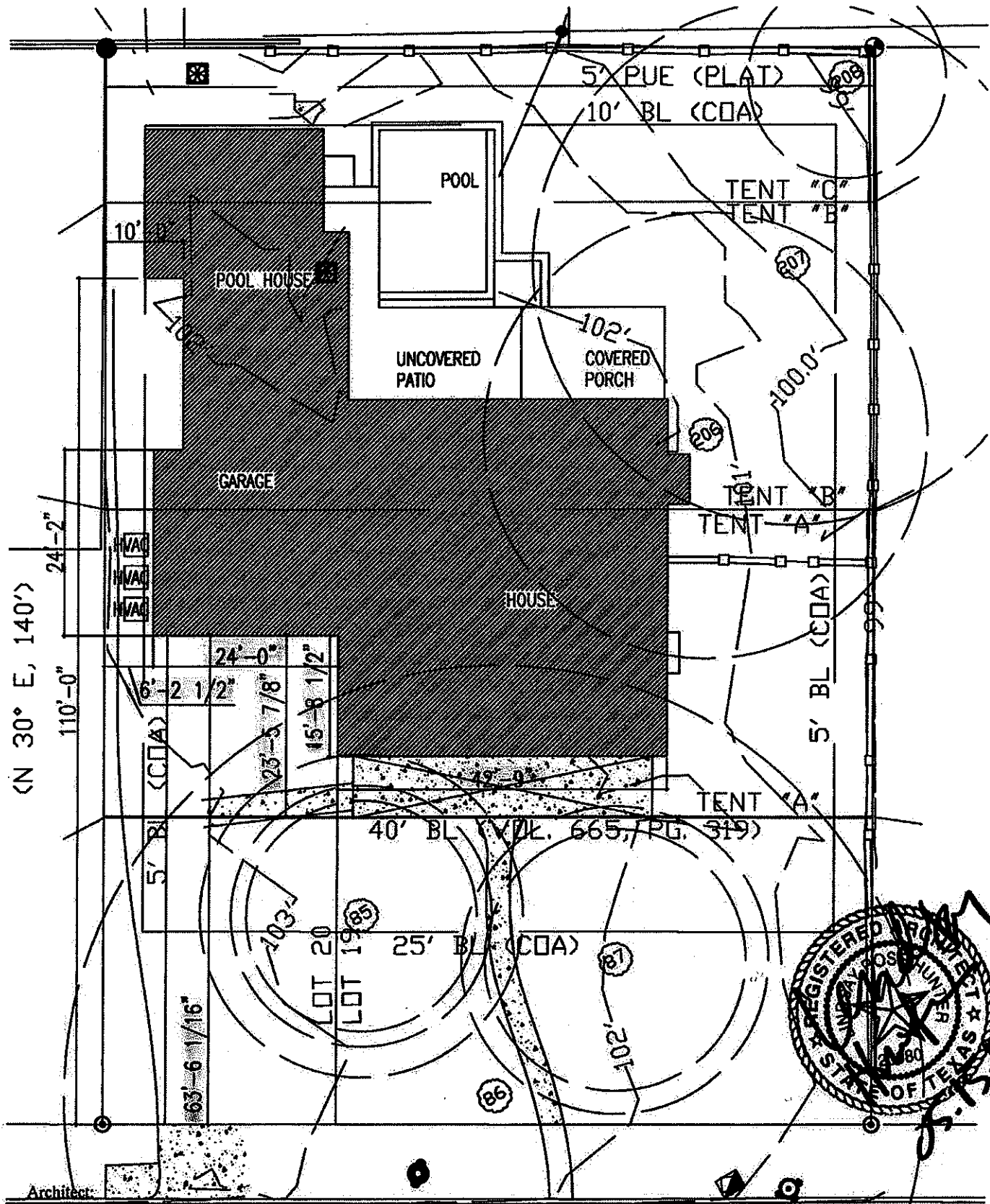
ALLSTAR
Land Surveying
9020 ANDERSON MILL RD
AUSTIN, TEXAS 78729
(512) 249-8149 PHONE
(512) 331-6217 FAX
WWW.ALLSTARLANDSURVEYING.COM

TO THE LIEN 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
EASEMENTS 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 "C"
RATING AS SHOWN ON THE FLOOD
INSURANCE RATE MAPS
FIRM MAP NO.: 49182004H
PANEL: 0445H
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 18, 2013
TITLE CO.	HERITAGE TITLE COMPANY
G.P. NO.	211302113
JOB NO.	211302113
FILED BY	REX NOWLIN 01/18/2013
CALC. BY	CHRIS ZOTTER 01/18/2013
DRAWN BY	DAMIAN SMITH 01/18/2013
RPLS CHECK	EDWARD RUMSEY 01/18/2013

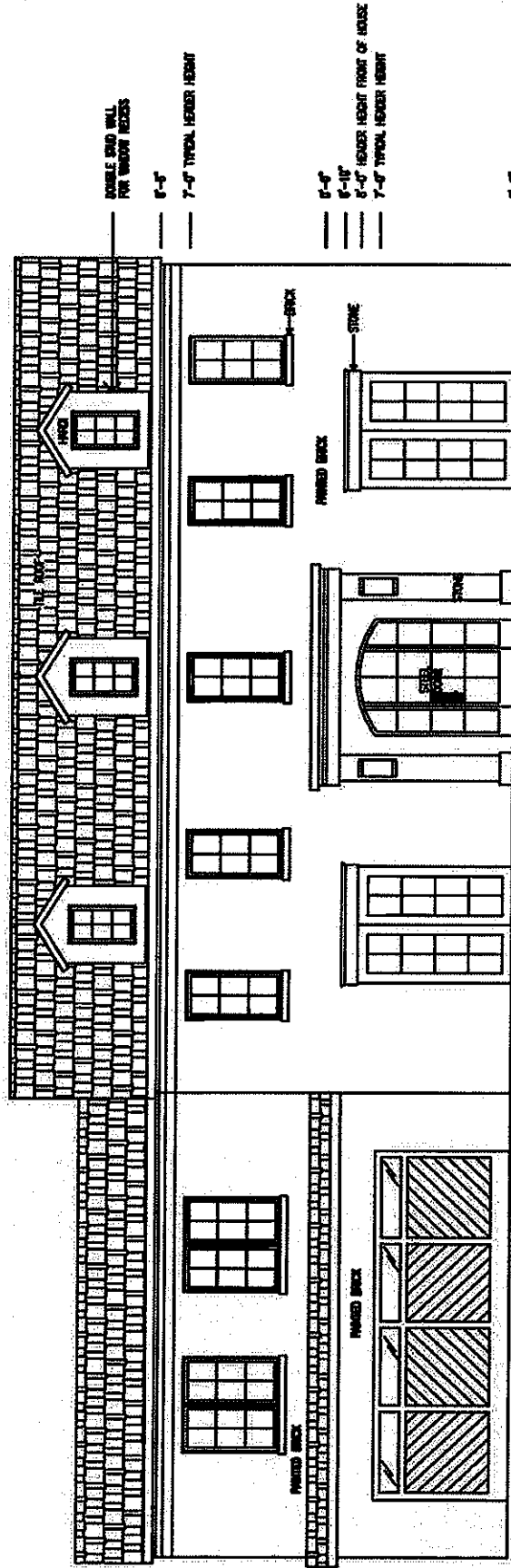
EXISTING SITE PLAN



Architect:
 Lindsay Hunter
 Texas License No: 20080
 1408 Ethridge Ave
 Austin, Texas 78703

1410 Gaston Ave

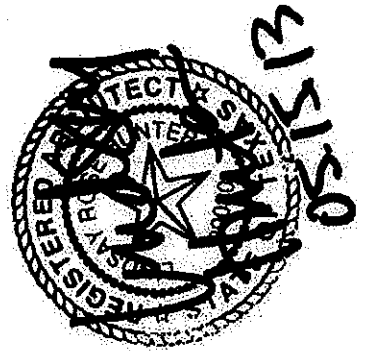
Site Plan
 Scale: 1/16" = 1'-0"



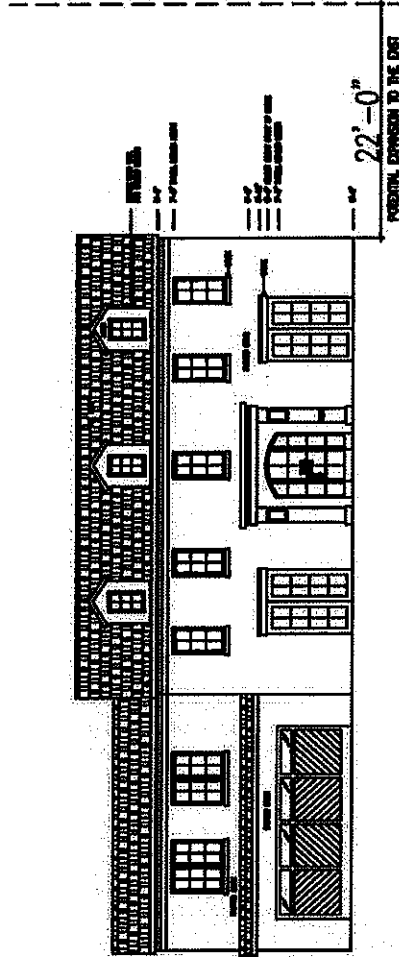
South Elevation

Scale: 1/8" = 1'-0"

1410 Gaston Ave

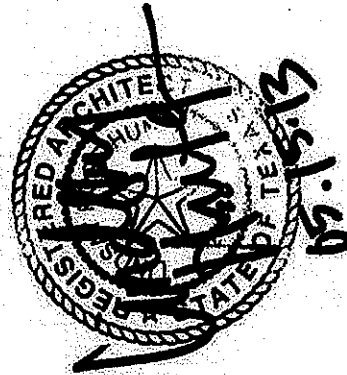


Architect:
Lindsey Hunter
1408 Edridge Ave
Austin, Texas 78703

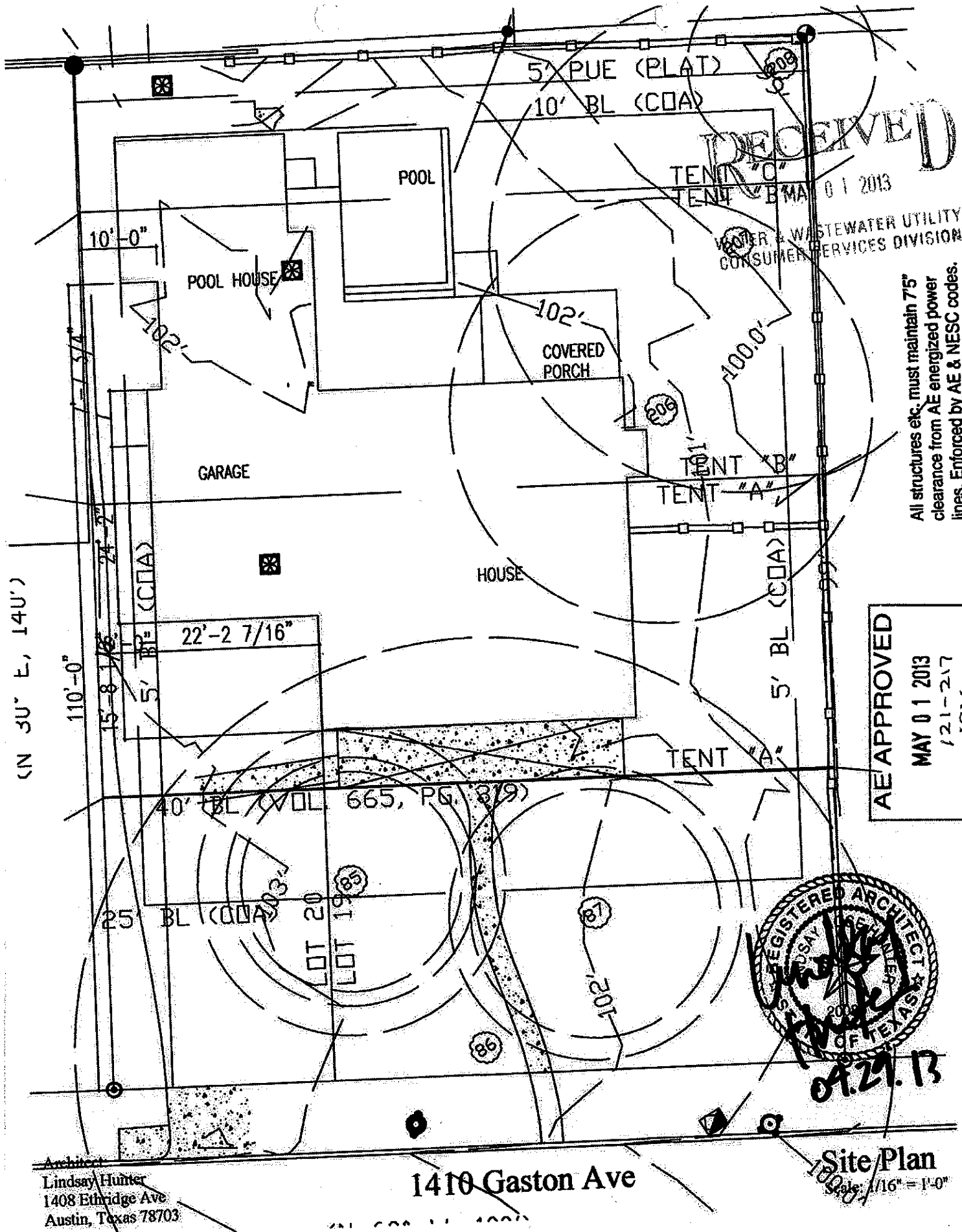


South Elevation
 Scale: 1/16" = 1'-0"

1410 Gaston Ave



Architect:
 Lindsay Hunter
 1408 Ethridge Ave
 Austin, Texas 78703



All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

AE APPROVED
MAY 01 2013
121-217
JGM



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

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 # C15-2013-0055
ROW # 1094834

TP-011600-05-19

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: 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 22'-2.5" 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 10" 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:

Ideally the Owner would like a 24' wide garage in order to 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 10" wider (22'-2.5") in order to more comfortably fit two cars while still respecting the intention of the garage ordinance. 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 8'-0" off the west property line, which is 3' 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.

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.

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 10" increase in the garage width is probably not apparent from the street especially since the garage is set back 15'-8.5" from the facade of the house. The front facade of the house is setback 47' from the street. 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.

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 President, LRH Architecture
Mail Address 1408 Ethridge Ave
City, State & Zip Austin TX 78703
Printed LRH Architecture Phone 512.658.0945 Date 05.03.13
Lindsay Hunter, President

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 05/03/13

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) 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.
- (5) Austin Energy approval

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.

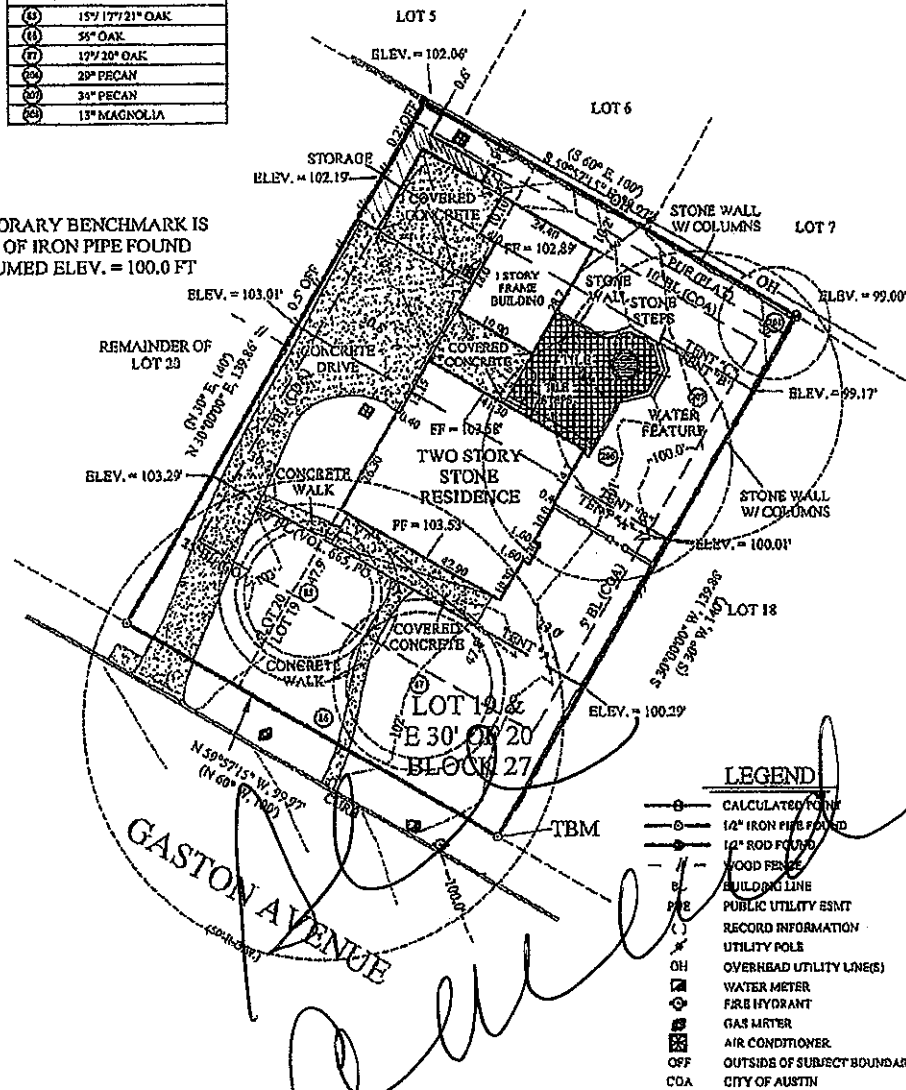
REQUIRED FINDINGS: All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable Use:

SCALE: 1"=30' NOT TO SCALE

TREE LEGEND	
(1)	15" 17" 21" OAK
(2)	55" OAK
(3)	17" 20" OAK
(4)	20" PECAN
(5)	34" PECAN
(6)	13" MAGNOLIA

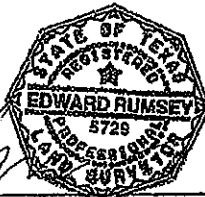
TEMPORARY BENCHMARK IS
TOP OF IRON PIPE FOUND
ASSUMED ELEV. = 100.0 FT



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

SUBDIVISION: PEMBERTON HEIGHTS SECTION 8
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

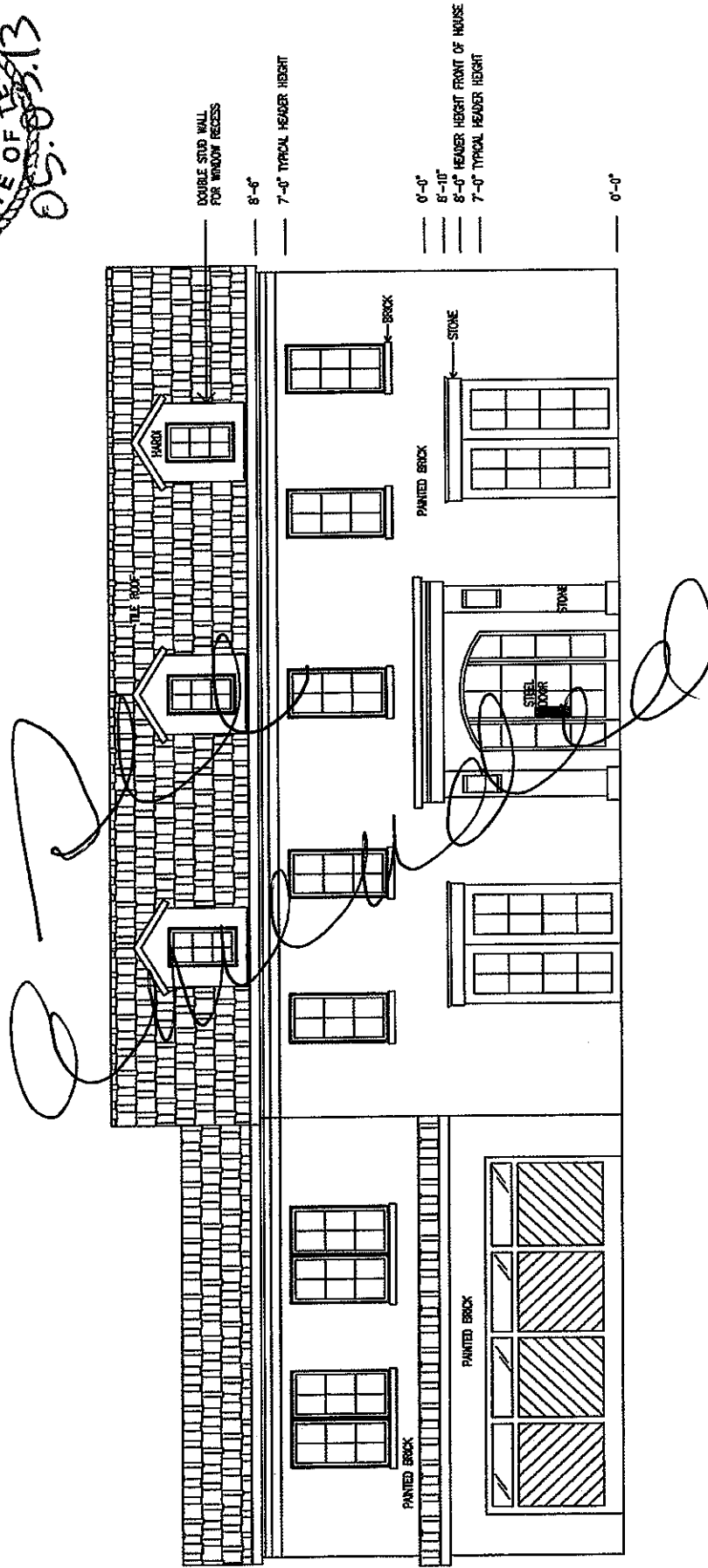
9020 ANDERSON MILL RD
AUSTIN, TEXAS 78729
(512) 249-8149 PHONE
(512) 331-5217 FAX
WWW.ALLSTARLANDSURVEYING.COM

TO THE BEST HOLDERS 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 CERTIFIES ONLY TO THE LEGAL DESCRIPTION AND
EASEMENTS 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.: 4853C045H
PANEL: 0445H
DATED: 7-25-2005
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 18, 2013
TITLE CO.	HERITAGE TITLE COMPANY
O.P. NO.	201300113
JOB NO.	A0105213
FILED BY	RAY NOWLIN 01/16/2013
CALC. BY	CHRIS ZOTTER 01/18/2013
DRAWN BY	DAKIAN SMITH 01/18/2013
REFS CHECK	EDWARD RUMSEY 01/18/2013

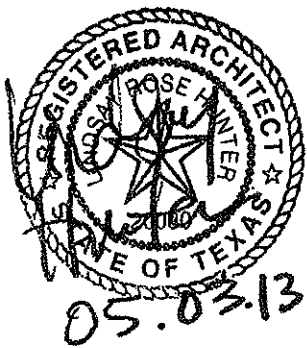
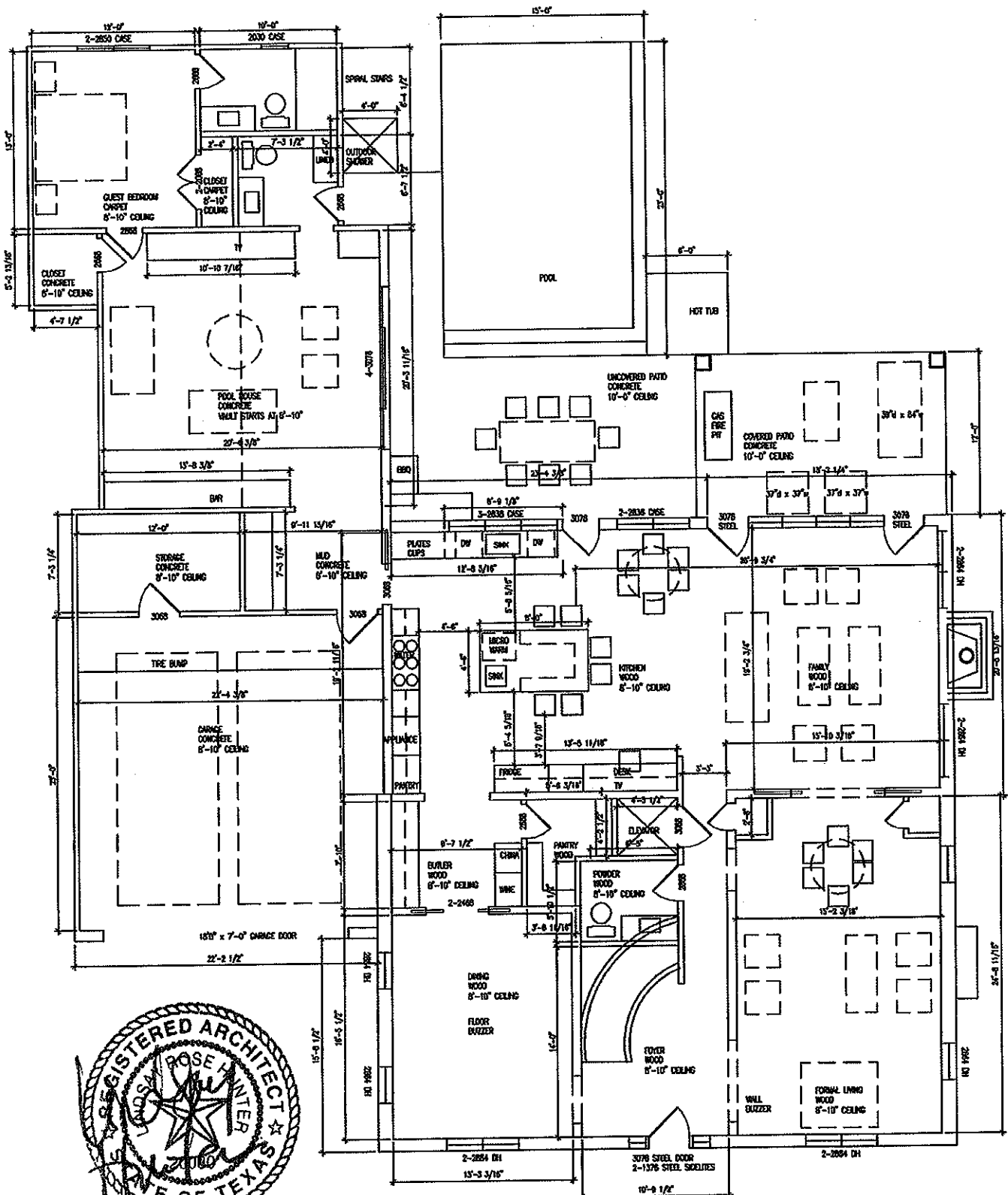
EXISTING SITE PLAN



South Elevation
Scale: 1/8" = 1'-0"

1410 Gaston Ave

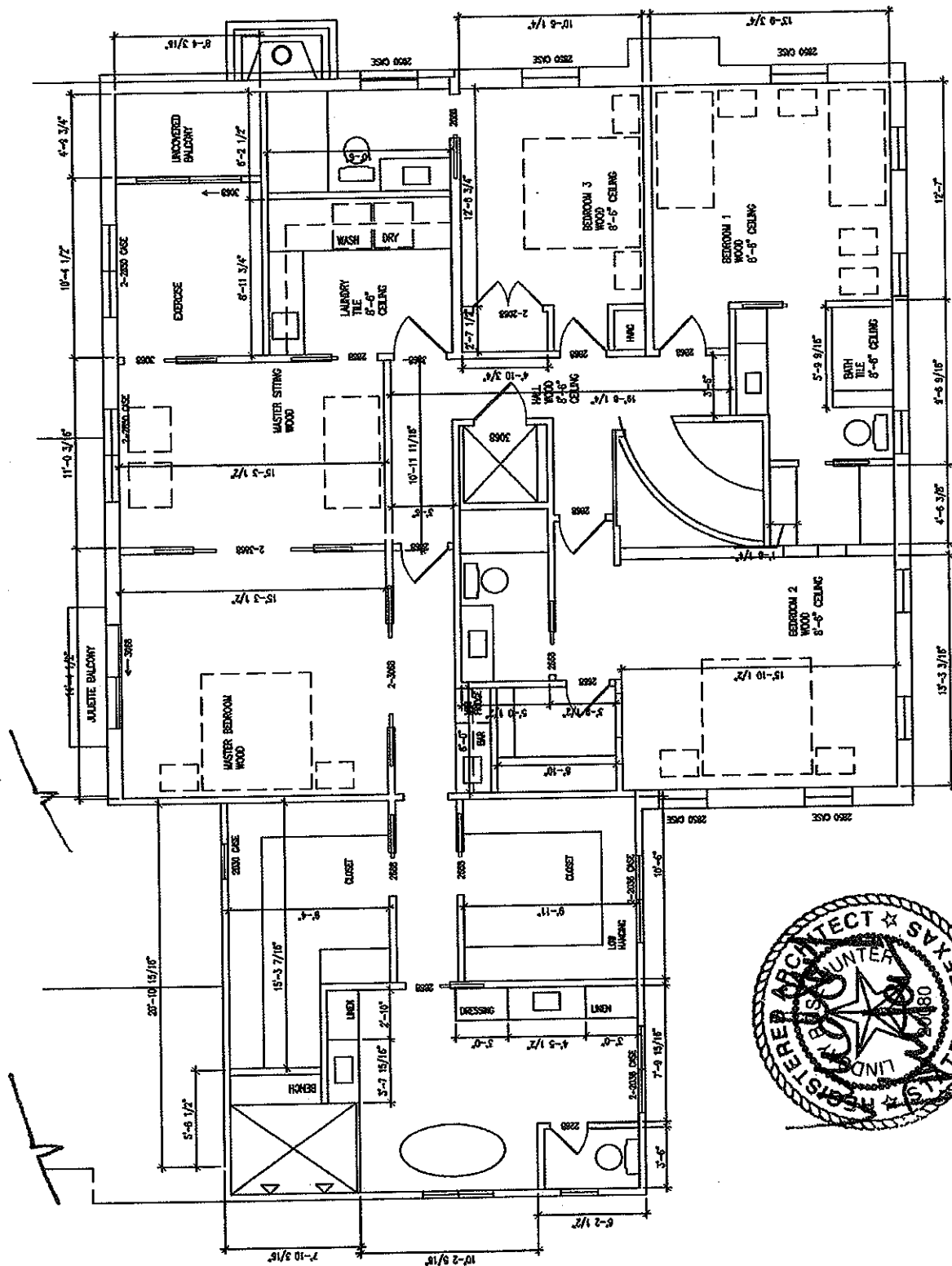
Architect:
Lindsay Hunter
1408 Ethridge Ave
Austin, Texas 78703



Architect:
Lindsay Hunter
1408 Ethridge Ave
Austin, Texas 78703

1410 Gaston Ave

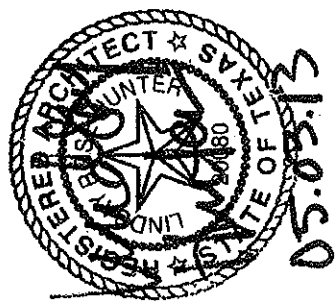
First Floor
Not to Scale



Second Floor

Scale: 1/8" = 1'-0"

1410 Gaston Ave



Architect:
Lindsay Hunter
1408 Ethridge Ave
Austin, Texas 78703

1st Floor Development
Assistant Center, 505
Barton Springs Road



Kramer Service Center
2412 Kramer Lane, Bldg. "C"
Austin, Texas 78758
(512) 505-7206

Austin Energy
Electric Service Planning Application (ESPA)
(Please Print or Type)

St. Elmo Service Center
4411-B Meinardus Drive
Austin, Texas 78744
(512) 505-7500

For Residential or Small Commercial "SERVICE ONLY" under 350 amps 1Ø or 225 amps 3Ø

Customer Name Heather + Jack Nelson Phone 210.601.2343
Address 1410 Gaston Ave.
Legal Description Lot 19 and East 30' of Lot 20, Block 27, Pemberton Heights section 8
Lot 19 partial Block 20 Commercial/Residential? Residential

Service Main Size _____ (amps) Service Conductor _____ (type & size)
Service Length _____ (ft.) Number of Meters? _____ Multi-Fuel Y N
Overhead/Underground? _____ Voltage _____ ☐ Single-phase (1Ø) ☐ Three-phase (3Ø)
Total Square Footage _____ Total A/C Load _____ (# of units) _____ (Tons)
Largest A/C unit _____ (Tons) LRA of Largest A/C Unit _____ (amps)
Electric Heating _____ (kW) Other _____ (kW)

Comments: Guest Bedroom & Pool House

ESPA Completed by (Signature & Print name) _____

Date _____

Phone _____

AE Representative _____

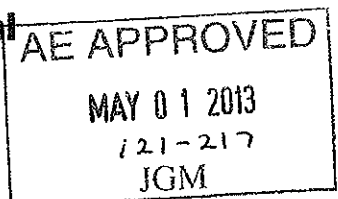
Date _____

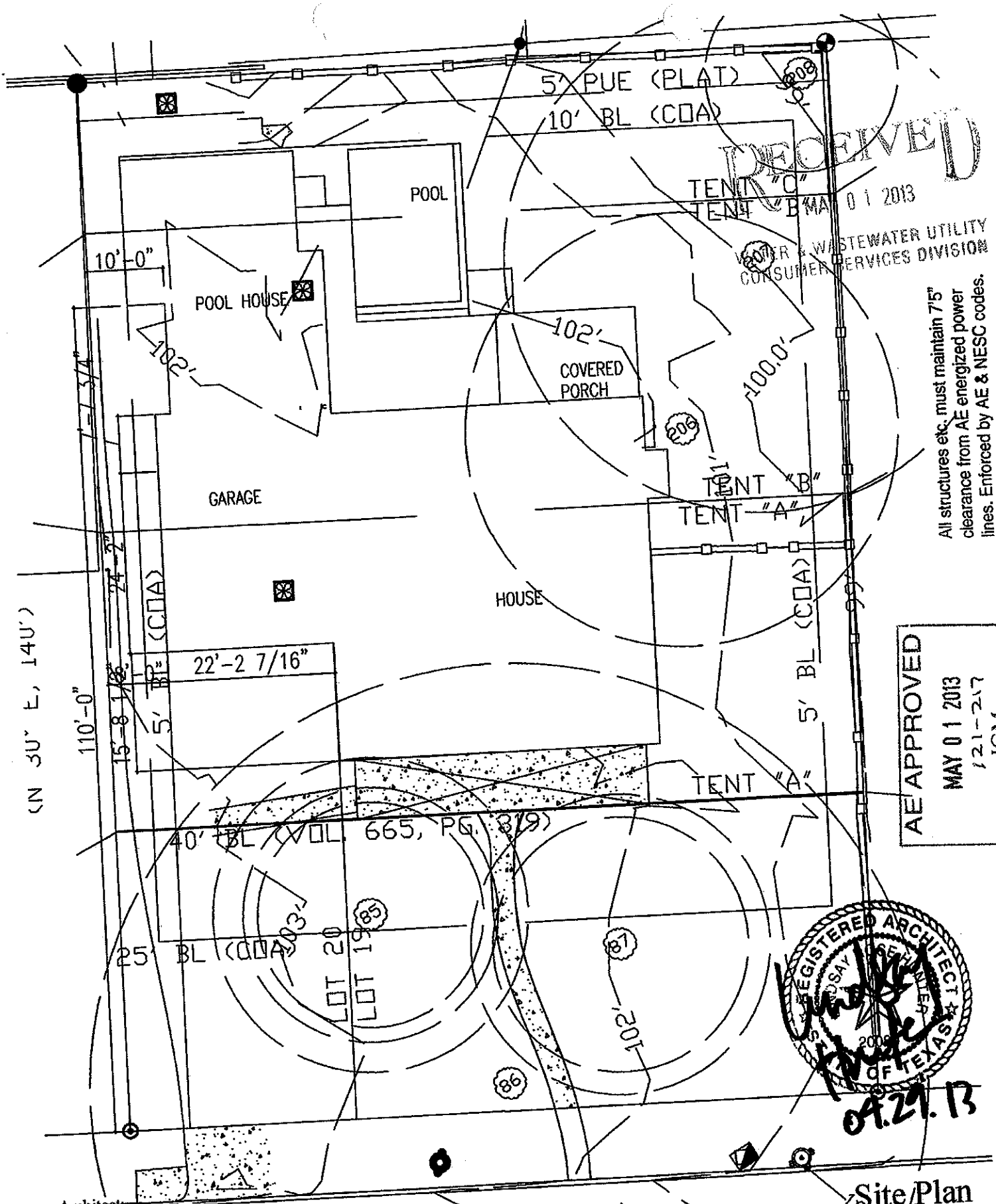
Approved: ☐ Yes ☐ No (Remarks on back)

Phone _____

Application expires 180 days after date of Approval

All structures etc. must maintain 7'5"
clearance from AE energized power
lines. Enforced by AE & NESC codes.





All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

AE APPROVED
MAY 01 2013
121-217
JGM



04.29.13

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