

# CITY OF AUSTIN

## Board of Adjustment/Sign Review Board

## Decision Sheet

**DATE: Monday, June 10, 2013**

**CASE NUMBER: C15-2013-0052**

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

**OWNER/APPLICANT:** Andrew & Ann Erben

**ADDRESS: 2200 WESTOVER RD**

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 15 feet in order to rebuild a carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Plan)

**BOARD'S DECISION: POSTPONED TO JULY 8, 2013 (RENOTIFY FOR GARAGE PLACEMENT)**

**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



## NOTICE OF PUBLIC HEARING LAND DEVELOPMENT CODE VARIANCE

**Mailing Date:** June 27, 2013

**Case Number:** C15-2013-0052

Please be advised that the City of Austin has received an application for a variance from the Land Development Code.

<b>Applicant:</b>	Andrew and Ann Erben
<b>Owner:</b>	Same
<b>Address:</b>	2200 WESTOVER RD, Lot: 7 Block: 4 Subdivision: Herman Brown

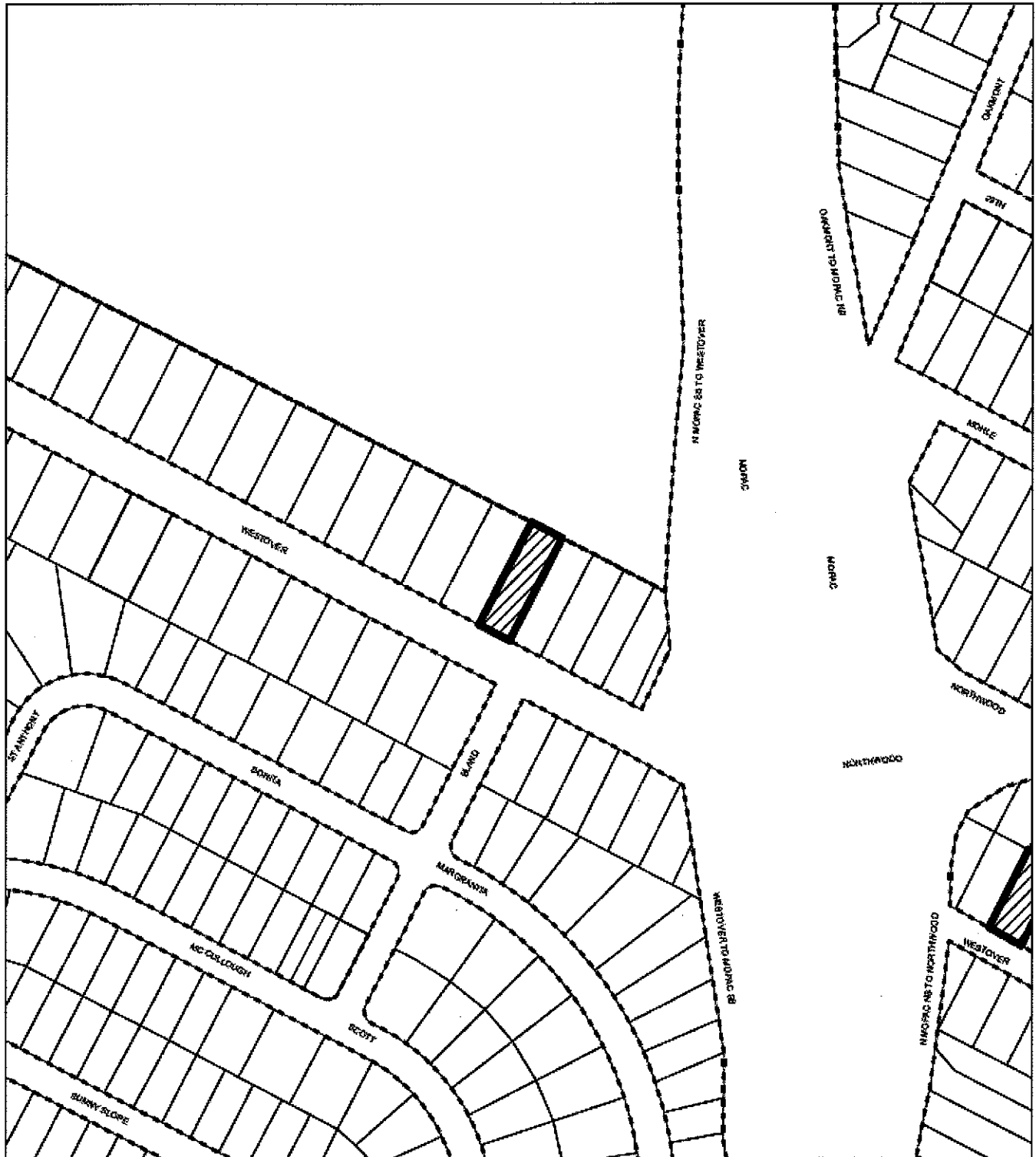
Variance Request(s): The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 15 feet in order to rebuild a carport for a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Plan)

The applicant has requested a variance from the garage placement requirement of Section 25-2-1604 (C) (1) and (2) in order to rebuild a carport for a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Plan) The Land Development Code states that a parking structure with an entrance that faces the front yard: (1) may not be closer to the front lot line than the building façade; and (2) 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.

This application is scheduled to be heard by the Board of Adjustment on July 8th, 2013. The meeting will be held at City Council Chambers, 301 West 2<sup>nd</sup> Street beginning at 5:30 PM.

You are being notified because City Ordinance requires that all property owners and utility account holders within 500 feet of the proposed development and affected neighborhood organizations be notified when an application is scheduled for a public hearing. If you have any questions concerning this application, please contact **Susan Walker of the Planning and Development Review Department at 512-974-2202** and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site [www.ci.austin.tx.us/devreview/index.jsp](http://www.ci.austin.tx.us/devreview/index.jsp).

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SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0052  
LOCATION: 2200 WESTOVER ROAD



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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**Case Number:** C15-2013-0052 – 2200 Westover Road  
**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, June 10th, 2013

Margarette Volkers  
 Your Name (please print)

☒ I am in favor  
☐ I object

2201 Westover Rd  
 Your address(es) affected by this application

Margarette Volkers 05/31/13  
 Signature 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

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Case Number: C15-2013-0052 – 2200 Westover Road

Contact: Susan Walker, 512-974-2202

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

Jim VOLKERS

Your Name (please print)

2201 Westover Rd.

Your address(es) affected by this application

Jim Volkens

Signature

5/31/13

Date

Daytime Telephone: 477-7507

Comments:

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**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, June 10th, 2013

Your Name (please print) Ryan Donelson

☐ I am in favor  
☒ I object

2106 Westover Rd.

Your address(es) affected by this application

[Signature]

Signature

6/4/13

Date

Daytime Telephone: 512-637-0944

Comments: The rules keep our neighborhood  
consistent and should not be changed.  
Further, the owners of 2200 Westover Rd  
should follow those rules and, B. apply for  
a permit before completing an illegal  
project. I'm completely 100% opposed to  
changing the 50+ year setback which would  
give others the right to alter the street.

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**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, June 10th, 2013

Raanan R. Itai  
 Your Name (please print)

☒ I am in favor  
☐ I object

2302 Westover  
 Your address(es) affected by this application

[Signature]  
 Signature

5-30-2013  
 Date

Daytime Telephone: 512 450-1058

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

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**Case Number: C15-2013-0052 – 2200 Westover Road**

**Contact: Susan Walker, 512-974-2202**

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

Lester Harrell  
Your Name (please print)

☒ I am in favor  
☐ I object

2301 Westover Rd  
Your address(es) affected by this application

Susan Walker  
Signature

Date

Daytime Telephone: 512-472-4653

Comments:

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P. O. Box 1088  
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**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 10th, 2013**

*Susan Walker*  
Your Name (please print)

☐ I am in favor  
☒ I object

*2105 Westover Rd*  
Your address(es) affected by this application

*Susan Walker*  
Signature

*6/6/13*  
Date

Daytime Telephone: *300 6322*

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 10th, 2013**

Ray A. BA  
Your Name (please print)

☐ I am in favor  
☒ object

2105 Westover Rd  
Your address(es) affected by this application

[Signature] 6/6/13  
Signature Date

Daytime Telephone: 300-7585

Comments: \_\_\_\_\_

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Susan Walker  
P. O. Box 1088  
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If you need assistance completing this application (general inquiries only), please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE#

ROW#

C15-2013-0052

10948295

TP-011802-01-08

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: 2200 Westover Road, Austin, Texas 78703

LEGAL DESCRIPTION: Subdivision- Herman Brown

Lot(s) 7 Block 4 Outlot n/a Division n/a

I/We Andrew and Ann Erben on behalf of myself/ourselves as authorized agent for  
ourselves affirm that on 4/15/2013

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

We wish to remodel an existing carport that was damaged during the heavy winds over the last two months.

The carport was aluminum and was part of the structure when we purchased the home in 1996. The former

carport was becoming a safety risk and we ask that it be remodeled for safety and aesthetic reasons.

I'm in a SP-3-NP district.  
(zoning district)

15: from p-1.

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 home has had a comparably-sized carport since prior to 1996 (please see Attachment 1: photo of previous carport and Attachment 2: dimensions of previous carport). The previous carport was 19 feet wide and extended towards 20 feet from the house toward the street (380 square feet of coverage). The proposed carport is 23.5 feet wide (measured from the outside of the eaves), but only extends 16 feet from the front of the house and covers 376 square feet. Side setbacks have been maintained.

Strict adherence to the 25-foot front setback for carports would make the carport unusable, detract from the appearance of the neighborhood, and may increase on-street parking.

---

**HARDSHIP:**

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

---

The carport has been part of the house for at least 18 years. We are simply asking to replace it with a structure that is safer, more durable, and adds to the character of the neighborhood. All immediate neighbors do not oppose the project. In fact, my feeling is that another contractor in the area reported the perceived violation—not a neighbor. Strict application of the setback requirements would create an undue financial burden on my family, remove any option for covered parking on my property, and detract from the appearance of the neighborhood. We do not have the option to create parking in the rear of the property as the topography, drainage issues, utility placement, and impervious cover restrictions would make this impossible.

---

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

---

A previous owner converted the garage into a kitchen prior to our purchase of the home in 1996 and constructed the original carport on or around that time. While other homes in the area have remodeled, they have sufficient lot widths for rear/side garages or their houses have sufficient front setbacks to allow for the construction of a suitable carport in conformance with front setback requirements.

---

**AREA CHARACTER:**

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 proposed replacement of the carport brings our home more in line with other structures in the area. Please see Attachment 3 which shows comparable open carports that are similarly situated on their respective lots. Please also see Attachment 4 which shows the carport we hope to complete with approval of this variance. All are similar in construction quality, aesthetics, and utility. If our variance is approved and once proper inspections have been completed, the carport will be finished and it and the house will be repainted in enhance neighborhood aesthetics.

---

**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:

---

n/a

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:

---

The requested variance will not change the character or use of the home and will simply allow the same parking options we have had since 1996.

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

---

Outside of the front variance setback request (which has been grandfathered since at least 1996), all other setbacks, codes, and ordinances will be followed and all applicable permits and inspections will be obtained.

- 
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 LC Sh Mail Address: 2200 Westover Road

City, State & Zip: Austin, Texas 78703

Printed ANDREW C. ERBEN Phone 512-963-3580 Date 4/15/2013

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

Signed LC Sh Mail Address 2200 Westover Road

City, State & Zip: Austin, Texas 78703

Printed ANDREW C. ERBEN Phone 512-963-3580 Date 4-15-2013

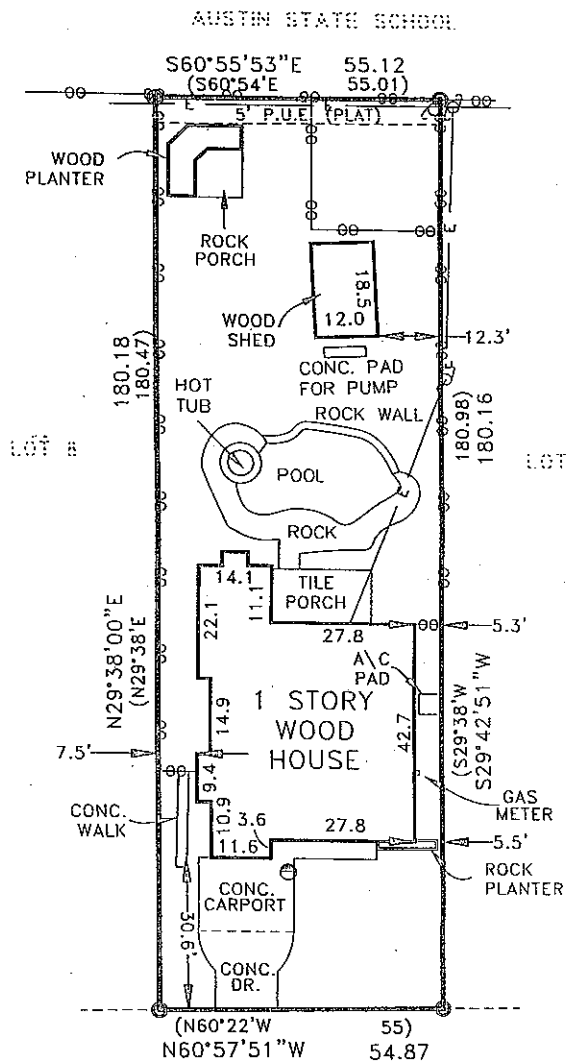
Ann Erben  
Ann Erben

512-913-1343

4-15-2013

Plat of survey of property at 2200 W. Over Road  
described as Lot 7, Block 4, of HERMAN BROWN ADDITION  
Volume/Book/Cabinet 5 at Page(s)/Slide(s) 98 a subdivision of record in Map or Plat  
County, Texas Plat Records. G.F. # 02-7024168 of the Travis  
Ref: Andrew Erben and Ann Erben Dated: Dec. 10, 2002

SCALE: 1" = 30'



NOTE:  
SUBJECT TO RESTRICTIONS AS  
SET OUT IN VOL. 1037 PG.  
487 AND AMENDED IN VOL.  
1041 PG. 25 DEED RECORDS  
OF TRAVIS COUNTY, TEXAS.

Attachment 2a: Plat showing  
previous carport

## WESTOVER ROAD

To: Alamo Title Company and Advantage Capital Funding

exclusively.

The undersigned does hereby certify that the plat shown represents the results  
of a survey on the ground under my supervision and is true and correct and  
that there are no discrepancies, conflicts, shortages in area, boundary line  
conflicts, encroachments, overlapping of improvements, visible utility easements,  
except as shown and the property has access to and from a dedicated roadway.

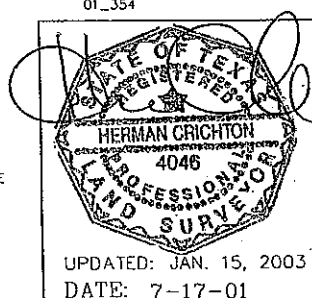
The property shown hereon is located in Zone "X" (areas outside the 500 year floodplain)

as shown on Community Panel Number 480624 0205 E  
of the FLOOD INSURANCE RATE MAP prepared for City of Austin  
by the Federal Insurance Administration Department, H.U.D.  
Effective Date: June 16, 1993

**CRICHTON**  
AND ASSOCIATES INC.  
LAND SURVEYORS

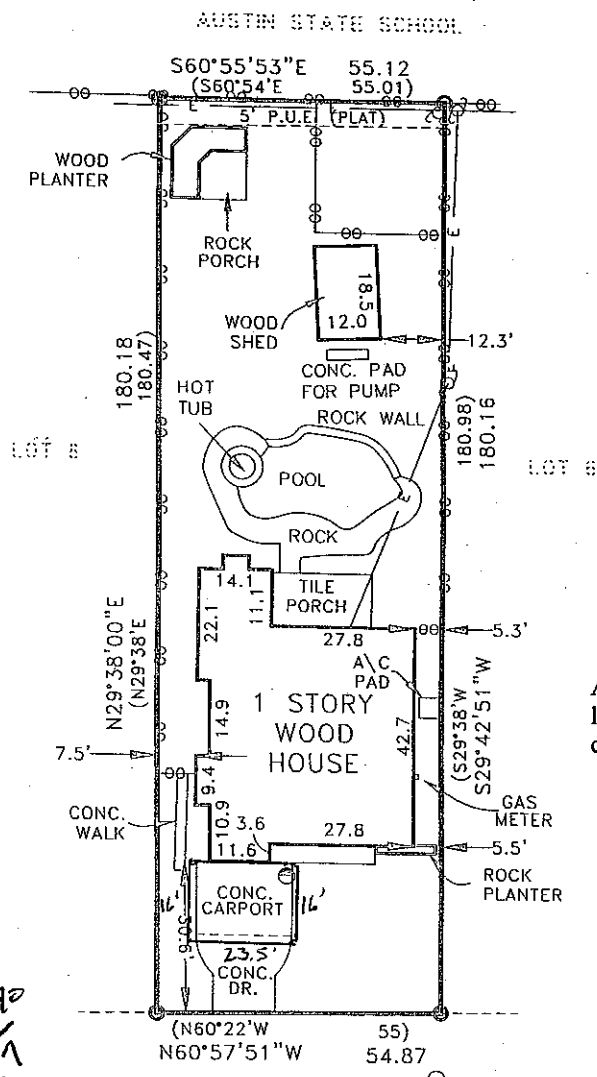
107 N. LAMPASAS STREET  
ROUND ROCK, TEXAS 78664  
(512) 244-3395  
FAX (512) 244-9508

LEGEND  
○ 3/4" PIPE FOUND  
○ WATER VALVE  
○ WATER METER  
○ POWER POLE  
○ GUY WIRE  
○ FIRE HYDRANT  
○ SANITARY SEWER MANHOLE  
○ LIGHT POLE  
○ CHAIN LINK FNC.  
○ ELEC. MANHOLE  
○ UTILITY PEDESTAL  
○ SEWER CLEAN-OUT  
○ WOOD FNC.  
( ) INDICATES RECORD INFO



Plat of survey of property at 2200 W. Over Road  
described as Lot 7, Block 4, of HERMAN BROWN ADDITION  
Volume/Book/Cabinet 5 at Page(s)/Slide(s) 98 a subdivision of record in Map or Plat  
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SCALE: 1" = 30'



NOTE:  
SUBJECT TO RESTRICTIONS AS  
SET OUT IN VOL. 1037 PG.  
487 AND AMENDED IN VOL.  
1041 PG. 25 DEED RECORDS  
OF TRAVIS COUNTY, TEXAS.

Attachment 2b: Plat showing location and dimensions of proposed carport

39.4  
X 50.90  
19.7

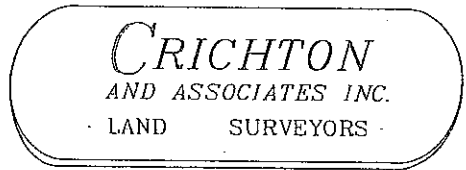
# WESTOVER ROAD

To: Alamo Title Company and Advantage Capital Funding \_\_\_\_\_ exclusively.

The undersigned does hereby certify that the plat shown represents the results of a survey on the ground under my supervision and is true and correct and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements, except as shown and the property has access to and from a dedicated roadway.

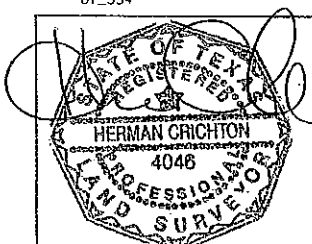
The property shown hereon is located in Zone "X" (areas outside the 500 year floodplain)

as shown on Community Panel Number 480624 0205 E  
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by the Federal Insurance Administration Department, H.U.D.  
Effective Date: June 16, 1993



107 N. LAMPASAS STREET  
ROUND ROCK, TEXAS 78664  
(512) 244-3395  
FAX (512) 244-9508

- LEGEND
- 3/4" PIPE FOUND
  - WATER VALVE
  - WATER METER
  - POWER POLE
  - ~ GUY WIRE
  - ⊕ FIRE HYDRANT
  - ⊕ SANITARY SEWER MANHOLE
  - ⊕ LIGHT POLE
  - CHAIN LINK FNC.
  - ⊕ ELEC. MANHOLE
  - ⊕ UTILITY PEDESTAL
  - ⊕ SEWER CLEAN-OUT
  - WOOD FNC.
  - ( ) INDICATES RECORD INFO



UPDATED: JAN. 15, 2003  
DATE: 7-17-01



Attachment 1: Photo of previous carport

Google

Address 2201 Westover Road

Address is approximate



# FLOORPLANSKETCH

Borrower: Andrew C Erben

File No 86862

Property Address: 2200 Westover Rd

Case No 86862

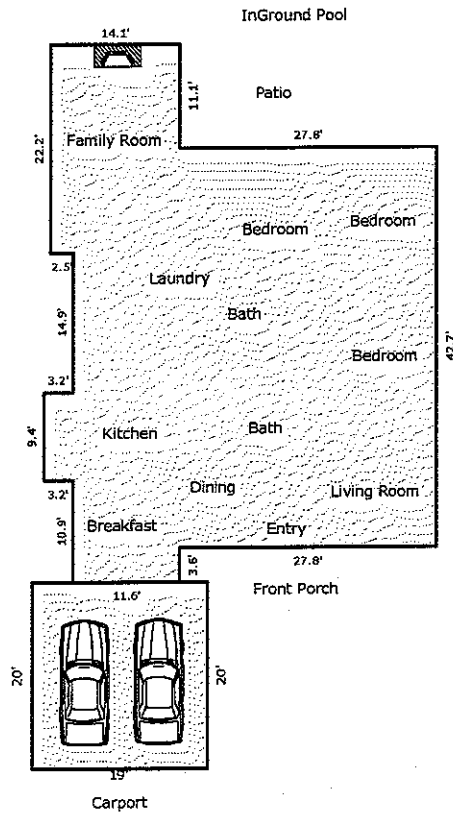
City: Austin

State: TX

Zip: 78703

Lender: Wells Fargo Bank, N.A. WFA - XNA

## Attachment 2c: Appraiser's measurement of previous carport



Sketch by Apex Sketch v5 Standard™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLH1	First Floor	1938.48	1938.48
GAR	Carport	380.00	380.00
Net LIVABLE Area		(rounded)	1938

LIVING AREA BREAKDOWN			
Breakdown			Subtotals
First Floor			
14.1	x	11.1	156.51
41.3	x	11.1	458.09
3.6	x	11.6	41.76
7.3	x	39.4	287.62
9.4	x	42.6	400.44
14.3	x	39.4	567.06
6 Items			(rounded)
			1938

# FLOORPLANSKETCH

Borrower: Andrew C Erben

File No: 86862

Property Address: 2200 Westover Rd

Case No: 286862

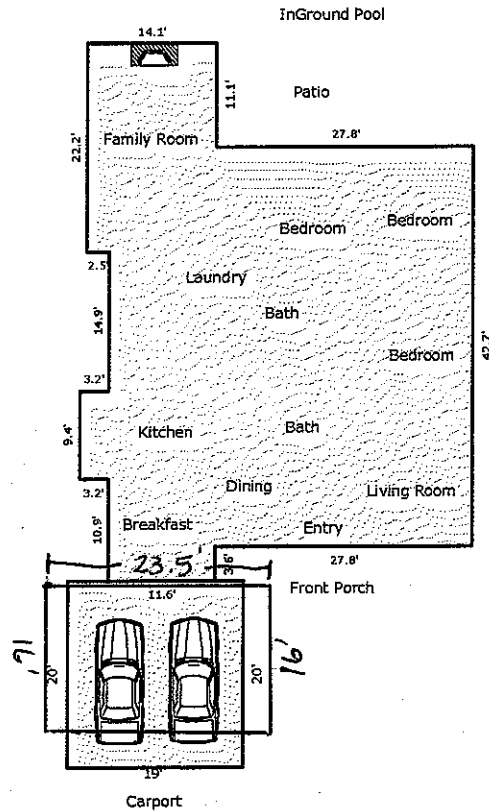
City: Austin

State: TX

Zip: 78703

Lender: Wells Fargo Bank, N.A. WFA - XNA

## Attachment 2d: Appraiser's measurement of previous carport noting location of proposed carport



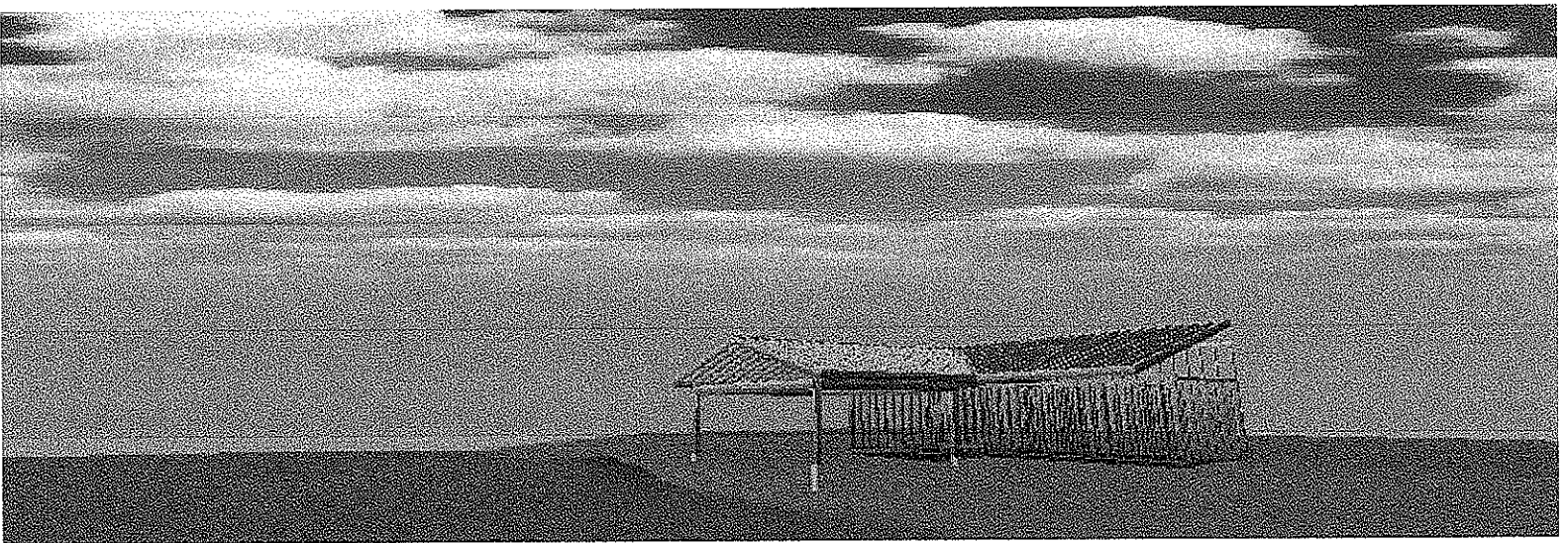
Sketch by Apex Sketch v5 Standard™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	1938.48	1938.48
GAR	Carport	380.00	380.00
Net LIVABLE Area		(rounded)	1938

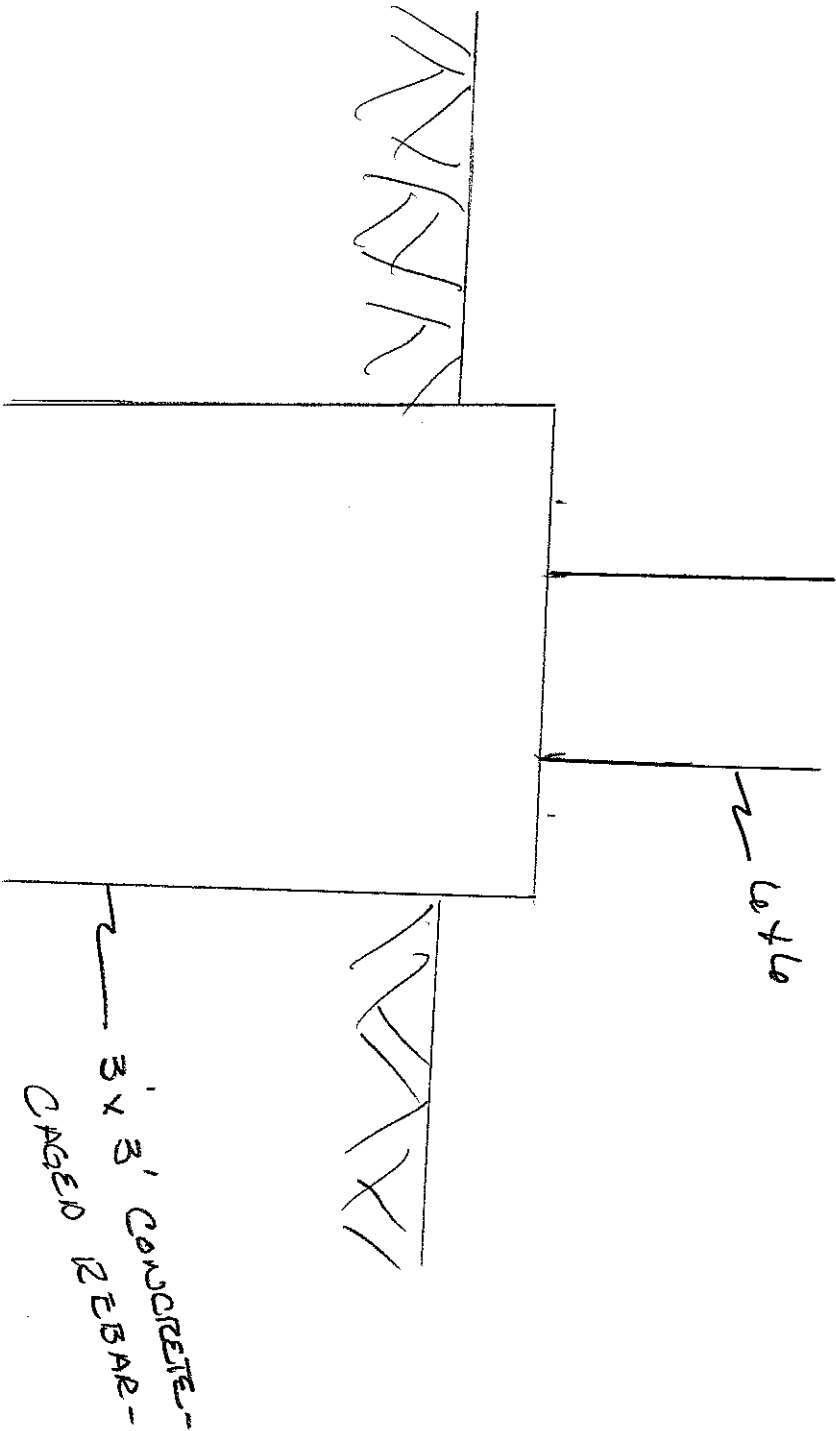
LIVING AREA BREAKDOWN			
Breakdown			Subtotals
First Floor			
14.1	x	11.1	156.51
41.9	x	11.1	465.09
3.6	x	11.6	41.76
7.3	x	39.4	287.62
9.4	x	42.6	400.44
14.9	x	39.4	587.06
6 Items			(rounded)
			1938

Attachment 2e: Conceptual rendering of new carport

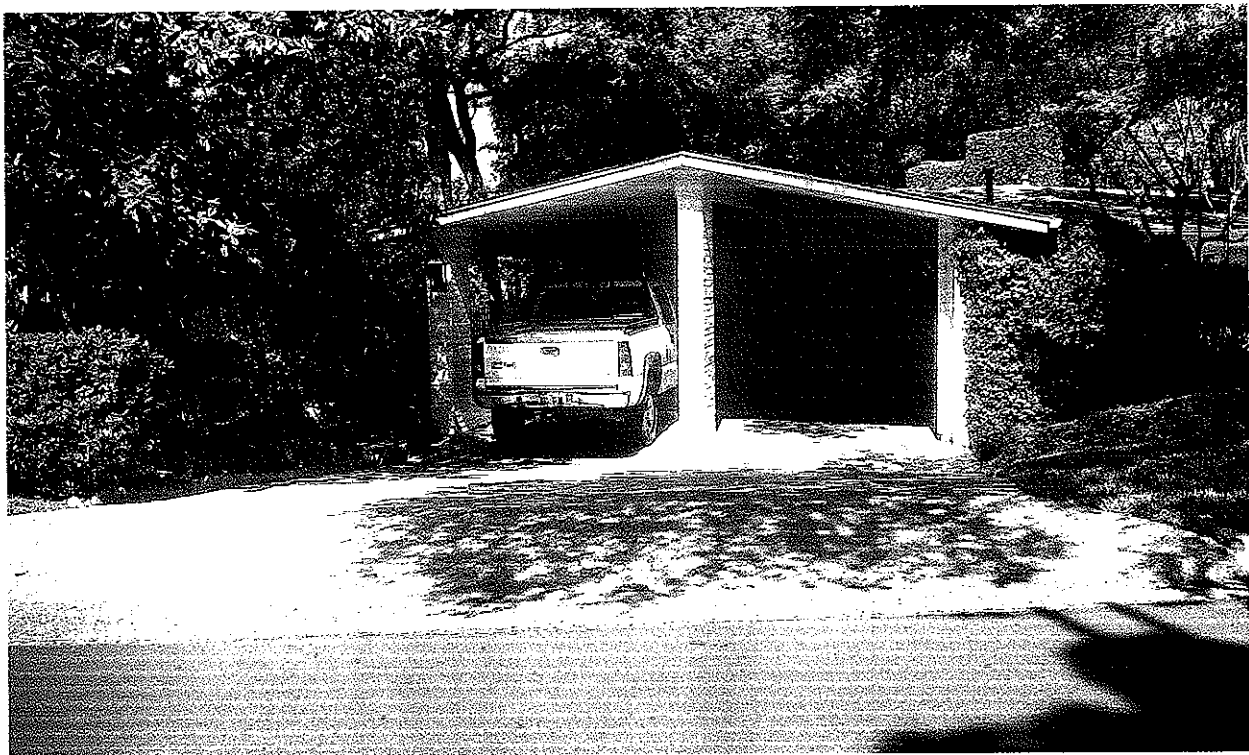


Attachment 2f: Structural design of proposed carport support beams

**W**  
Wannell Construction  
238 Old Austin Trl  
Elgin Texas 78621  
512-318-7580 / 512-712-3693

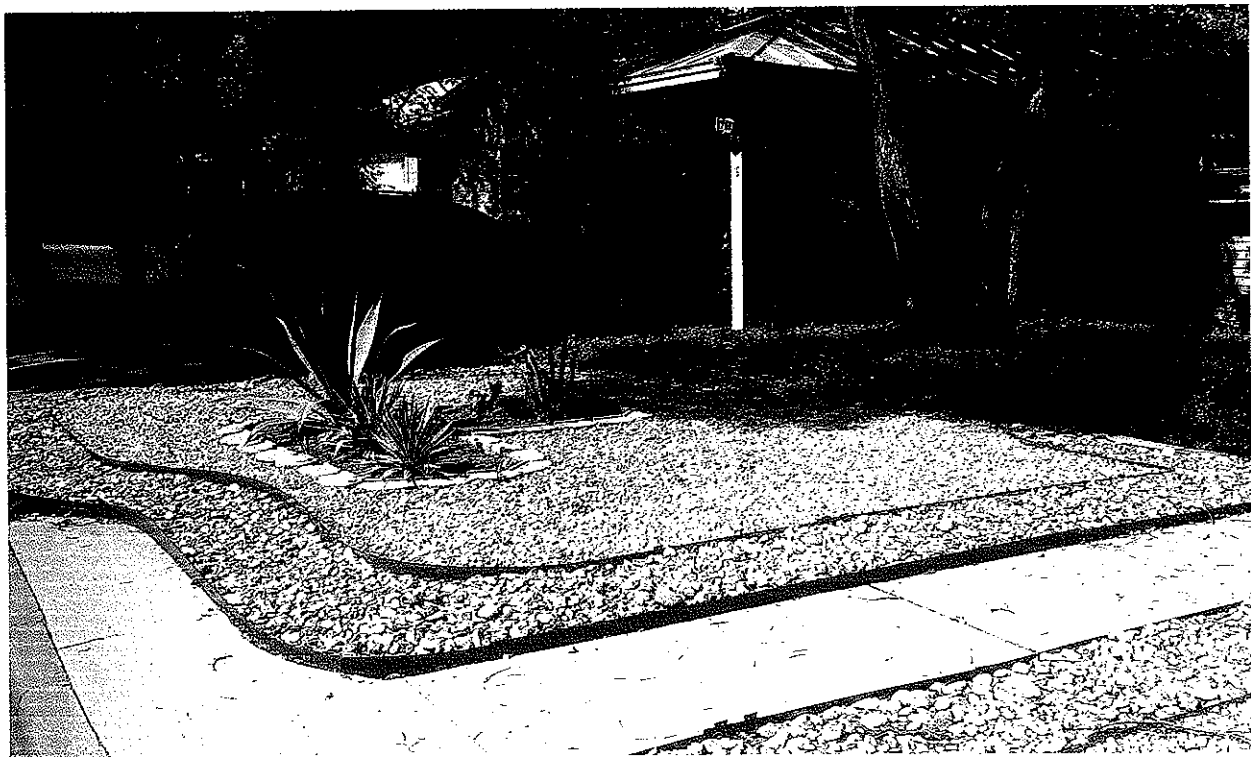


Attachment 3—Similar carports in the immediate area that have similar setbacks.

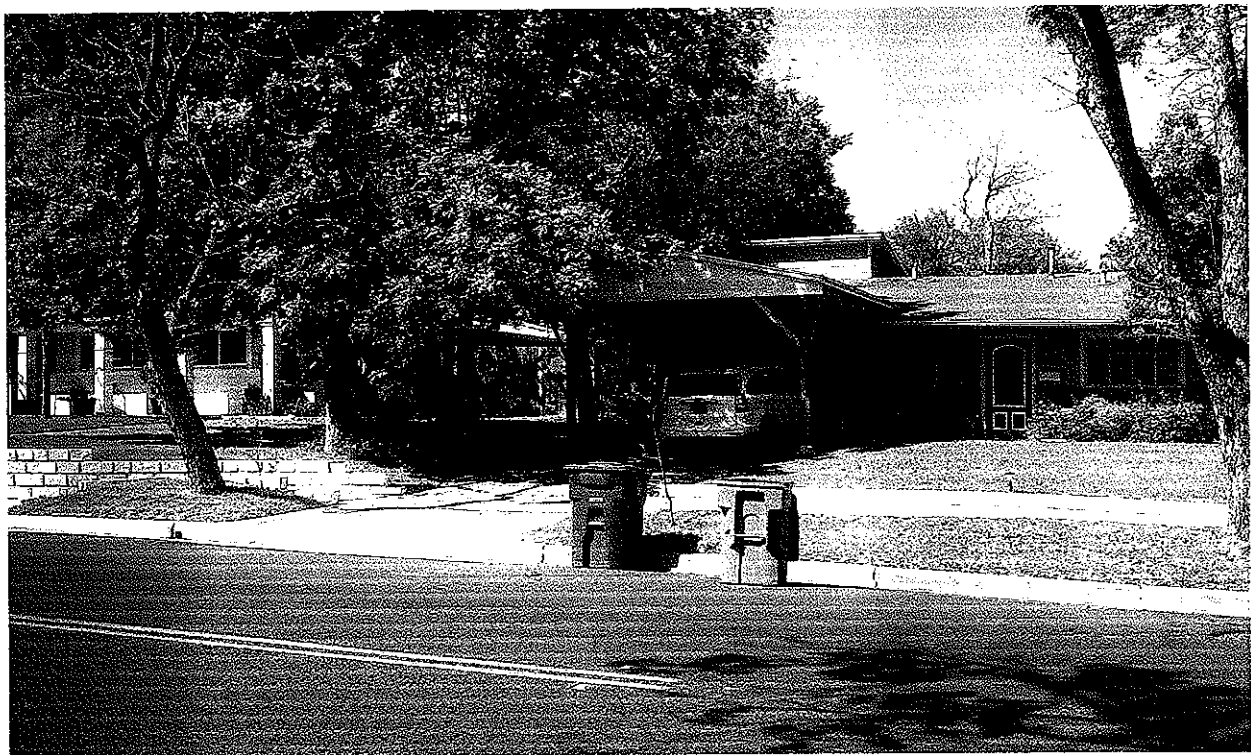
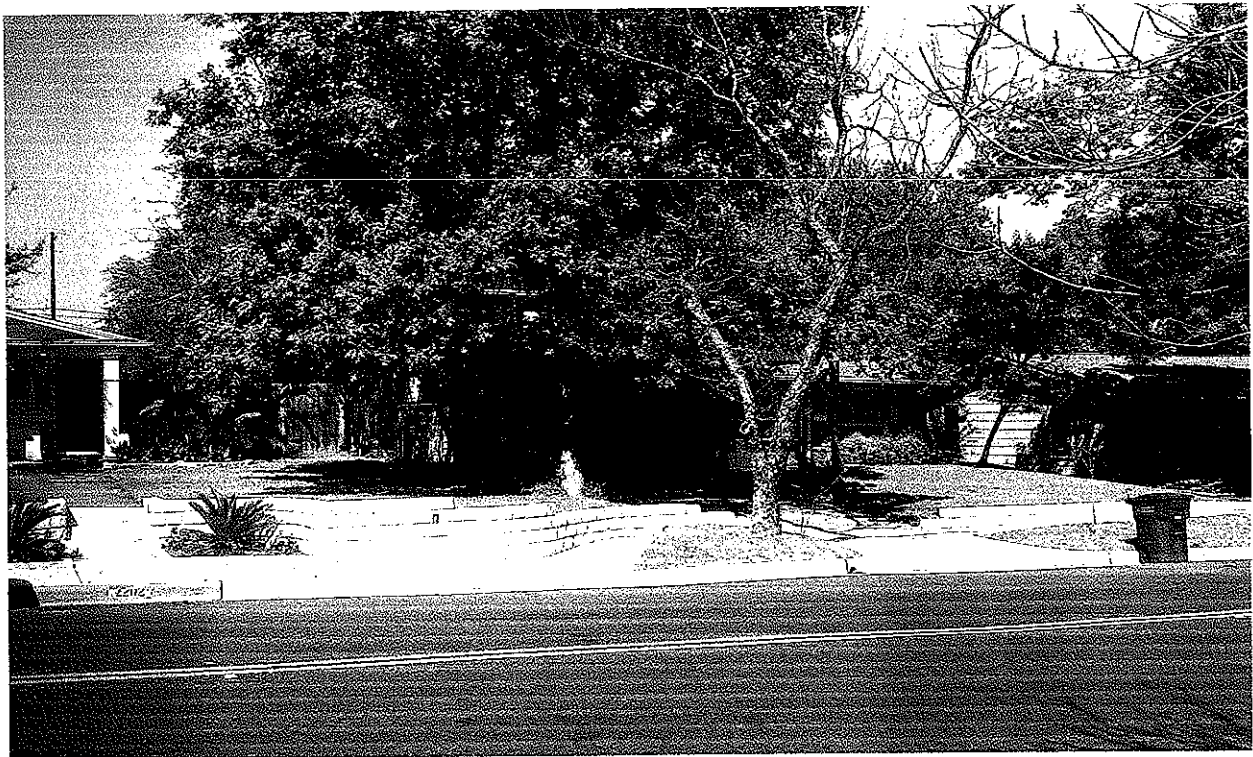




Attachment 3—Similar carports in the immediate area that have similar setbacks.



Attachment 4—Subject carport as repaired (2200 Westover Road)





Attachment 4—Subject carport as repaired (2200 Westover Road)



02. 3/17 From hub to flow line of curb center drive way job is 2 ft above flow line of curb

0967

155 inches above hub.

111-41  
Covers

152 124"ich abax hob

