

CASE # C15-2013-0080

ROW # 10978169

TP-0 110061309

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: 2313 W. 8th Street

LEGAL DESCRIPTION: Subdivision
LOT 23 BLK B TIMBERLAKE ADDN

I/We David Cancialosi c/o Permit Partners LLC on behalf of myself/ourselves as authorized agent for

Jeff O'Jibway affirm that on June 20, 2013,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL

in a SF-3 district.

Requesting variance from LDC 25-2-1604 Garage Placement

C 2

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 site design and specific layout of the floor plan is the highest and best use of the existing lot because the proposed design integrates the front load garage as part of the natural flow of the residence, the exterior aesthetics, and lot features. Many residences on West 8th St, as well as throughout the neighborhood, reflect front loading garages. This is found on both newer and older homes. The garage placement design tool discourages 'box-type' garage design where the parking serves as a visual focal point of the residence's front facade. That is not the case with this design. The garage is integrated into the façade.

Further, relocating the garage behind the facade will increase impervious cover in the front yard by creating a longer driveway. Reorienting the garage 90 degrees toward the middle of the lot drastically increases impervious cover in the front yard. This design also reduces the usability of the front yard. The owner respectfully requests the board consider the owners' right to reasonable use of the property given the aforementioned points.

HARDSHIP:

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

The design was revisited in order to determine alternative compliance methods. A side load garage, oriented toward the middle of the garage creates several issues with respect to side setback encroachments, additional impervious coverage, and loss of front and rear yard spaces on an otherwise smaller than average-sized lot of 6,200 SF.

The side load garage also implements substantial concrete throughout the front yard area, creating a hard surface aesthetic that is not conducive to family use, neighborhood aesthetics, or potential drainage runoff.

In practical terms, the code section in question restricts development on older lots with existing homes to remodels or remodels with additions. It makes construction of new, contemporary sized homes very difficult.

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

There are several sites in the area with front load garages. Application of this code section would appear arbitrary in nature.

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 owners respect the City's land development code. They have allocated substantial resources to adhere to all regulations in order to receive an approved permit.

The design tool in question is not a one size fits all type tool. This lot is an example of that. The existing design perfectly integrates into the existing character of the neighborhood. Further, the design improves curb appeal by locating the driveway to the side yard, thus allowing a useable front yard, visually appealing front yard area, and better protects the root systems of two protected trees. Approval of this request will not impair the area character, the adjacent uses, nor the purpose of the regulations in question.

<p>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.</p>

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
7105 Barnsdale Way Austin Texas 78745

Printed David Cancialosi
Phone 512-799-2401
Date JUNE 20 2013

SEE OWNERS' CERTIFICATE ON SEPARATE PAGE.

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 _____ Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ Date _____

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 Jeff P. O'J. Beway Mail Address 101 Colorado Street # 706

City, State & Zip Austin, Tx 78701

Printed Jeff P. O'J. Beway Phone 512-461-9289 Date 6/26/13

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 Jeff P. O'Silway Mail Address 101 Colorado Street #706

City, State & Zip Austin, TX 78701

Printed Jeff P. O'Silway Phone 512-461-9289 Date 6/26/13




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 _____ Mail Address _____

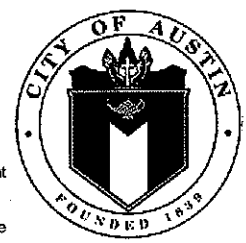
City, State & Zip _____

Printed _____ Phone _____ Date _____



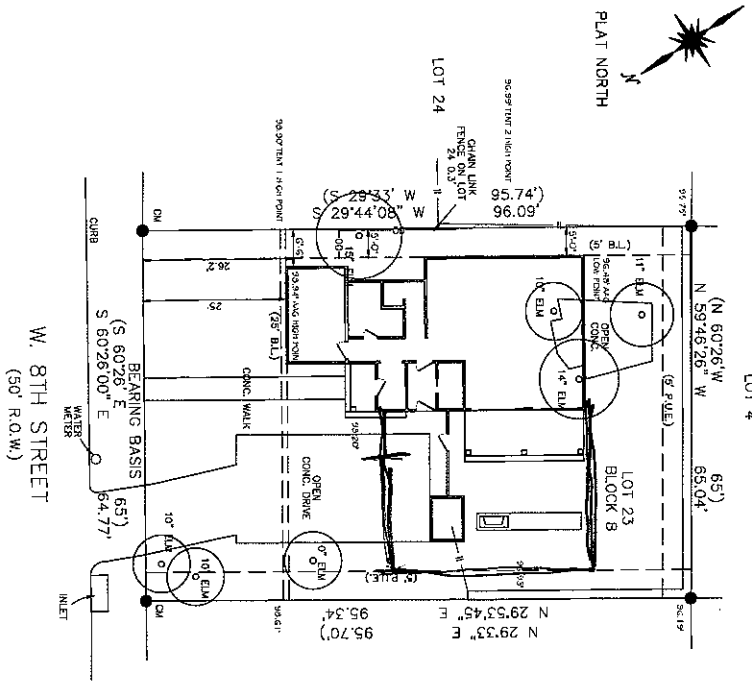

 SUBJECT TRACT
 ZONING BOUNDARY

CASE#: C15-2013-0080
 LOCATION: 2313 W 8th Street



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.



- MAP SYMBOLS:**
- X- BARBED WIRE FENCE
 - O- CHAIN LINK FENCE
 - ||- WOOD BOARD FENCE
 - ||- UTILITY LINE
 - ||- EASEMENT
 - ||- BUILDING LINE
 - 1/2" REBAR SET
 - 1/2" REBAR FOUND
 - ROOM PIPE FOUND
 - ROOM PIPE FOUND
 - RECORD DATA FROM PLAT 4/223
 - () D.E. DRAINAGE EASEMENT
 - ROOM
 - POWER POLE

LEGAL DESCRIPTION:
 LOT 23, BLOCK B,
 TIMBERLAKE ADDITION,
 ACCORDING TO THE MAP
 OR PLAT THEREOF
 RECORDED IN VOLUME 4,
 PAGE 223 PLAT RECORDS
 OF TRAVIS COUNTY, TEXAS.

NOTE: TOPOGRAPHIC INFORMATION AND GRADE ELEVATION ARE TO BE SUPPLIED BY A TEXAS-REGISTERED LAND SURVEYOR.

SITE PLAN

<p>Residence Floorplan</p> <p>2313 W. 8th Street Travis County, Texas</p>	<p>David Strum 1013 W. Van Hook Austin, Texas 78703 davidstrum@aol.com</p>	<p>DATE: Jun 13, 2013</p> <p>SCALE: 1" = 10'</p>	<p>CONTRACT: Hunter Wheeler Homes Austin, Texas 01/13/2013 HunterWheelerHomes.com</p>	<p>DRAWN BY: [Signature]</p> <p>FILE: 2313VTHK03</p> <p>SHEET: C1</p>
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