

CASE #

015-2013-0099

ROW #

11002077

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

TP-040203-05-13

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

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

STREET ADDRESS: 2308 S. 2nd St.

LEGAL DESCRIPTION: Subdivision -- Loma Linda

Lot(s) 1 Block D Outlot Division

We, Melynda Nuss and Jose Skinner,
affirm that on , ,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

an outdoor staircase within the setback area

in a SF3 district.
(zoning district)

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:

Our inability to get into the 2nd floor room safely inhibits our ability to use the property as a residence, the use for which it is zoned.

HARDSHIP:

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

The back house on our lot has a second story room which is currently accessible only by a handmade ladder, which is not safe and does not conform to code. However, because the 2nd story is only on the southwest corner of the house, and since that corner of the house is close to the setback limit on both the south and west sides our lot, we can not build a staircase that complies with the International Residential Code without building into one of the setbacks. On the north and east sides, ingress to the 2nd story is blocked by the roofline of other parts of the building, so it is not possible to build stairs on those sides.

The Code provides that stairs must be at least 36 inches wide, and that stair riser heights be no more than 7", and treads at least 11". A 36" wide stair on the south side would take 3' of the existing 5' setback. Because of the riser and tread qualifications, a staircase on the west side would need a landing to fit into the 12 1/2' space between the setback and the bathroom wall. This would take at least 6' of space, and infringe on the back setback of 10'.

Of the designs we've considered, we favor a simple staircase up the south side of the building. That design is more elegant and less intrusive. We also believe our neighbor on the south side has cleared the lot to build a large new structure. The staircase would be hidden from the street by the new building.

It is possible to build a staircase-with-landing on the west side. However, that staircase would be difficult to access (since the entrance would be squeezed in by the existing exterior wall of the bathroom), would destroy the existing 2nd story back porch, and would provide anyone going to the 2nd story an excellent view of the toilet through the clainstory windows we have planned for the bathroom. This design would also require a variance, since it does go into the back setback. As you can tell, this is not the design we favor.

We have good relations with the neighbor whose lot adjoins the south side of our property and we have tried to contact him via email and facebook to see if he would object to a staircase on that side of the property. (He has temporarily moved out of the property and into a condominium pending major construction he has planned for his own lot.) So far he has not responded to our emails. We will update this application when we hear from him.

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

Even in Bouldin Creek, most outbuildings are not this poorly designed. We are still puzzling over how someone could have built a second story room without thinking of how someone was going to get up there.

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 staircase will be unobtrusive and used only by the homeowners to access their private home office.

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.

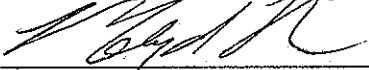
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _____ 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  Mail Address 2308 S. 2nd St.

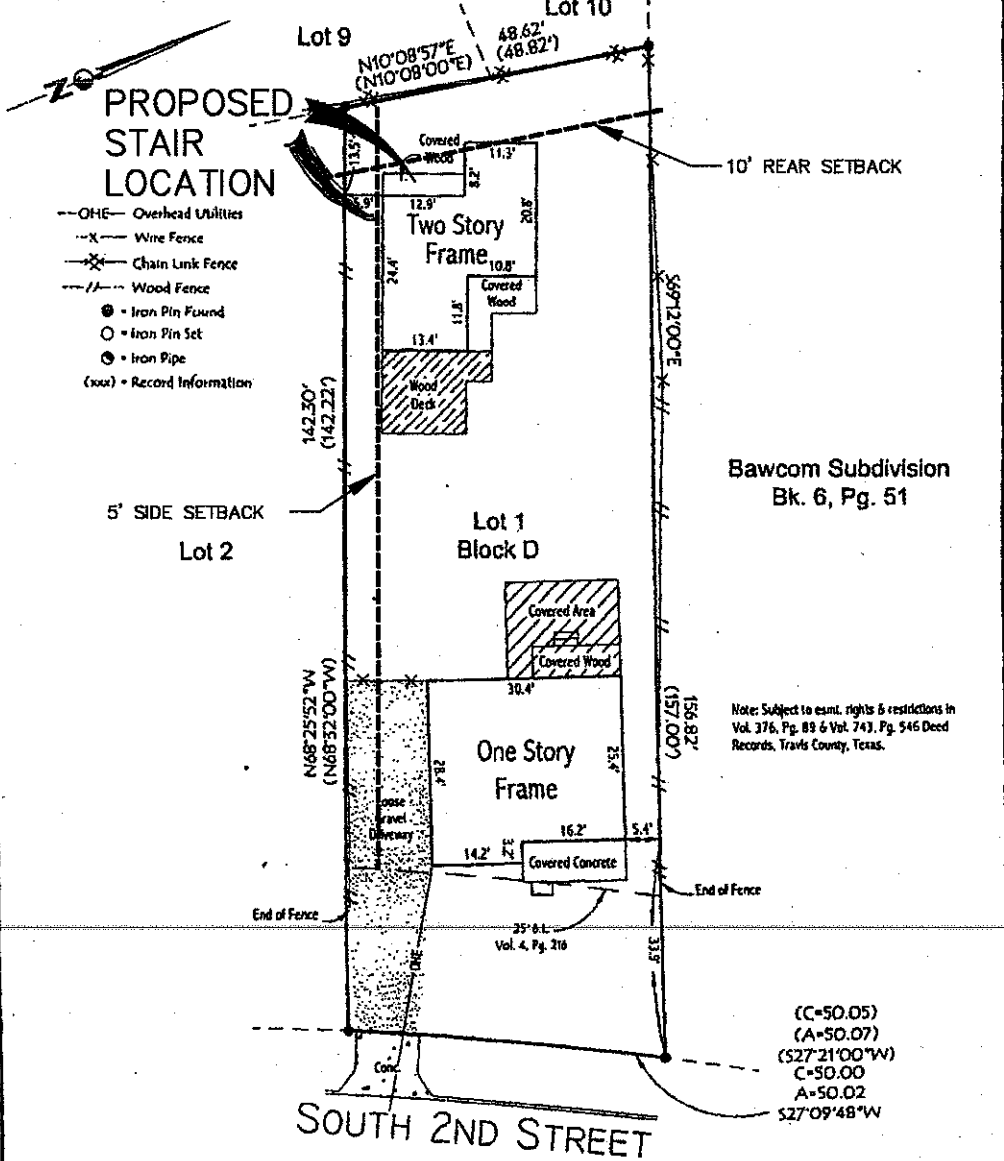
City, State & Zip Austin, Tx 78704

Printed Melinda Nuss Phone 956-467 Date 7-2-13

8346

SURVEY PLAT OF

Local Address: 2308 South 2nd Street Re: Skala
 Legal Description: Lot 1, Block D, Loma Linda
 a Subdivision of record in Volume 4 Page 216 of the Travis County, Texas
 Plat Records, situated in Travis County Texas.



RE: G/F 002601334
 TO: Chicago Title Insurance Company, Northland Funding Group, Jason Skala & Holly Skala

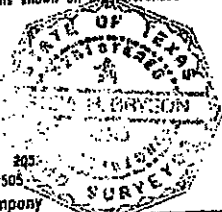
SCALE: 1"=30'

STATE OF TEXAS:
 COUNTY OF TRAVIS:
 I, the undersigned, do hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no boundary line conflicts, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown hereon and certifies only to the legal description and easements shown on the referenced file commitment.

Dated, this the 25th day of April, 2006

Steve H. Bryson

STEVE H. BRYSON, R.P.L.S. NO. 4248
 STEVE H. BRYSON SURVEYING CO.
 2499 Capital of Texas Hwy. S, Bldg. A, Ste. 205
 Austin, Texas 78746 (512) 347-9505
 Copyright 2006 Steve H. Bryson Surveying Company



The legally described property is not within a special flood hazard area as designated by the Department of Housing and Urban Development Federal Insurance Administration Flood Hazard Boundary Map No. 28233C-02107 for Travis County, Texas, dated 8-5-97.
 Located in Zone 1.
 This certification is for insurance purposes only and is not a guarantee that this property will or will not flood.

JOB NO: 06-096

Lot 9

Lot 10

N10°08'57"E
(N10°08'00"E)

48.62'
(48.82')

10' SET BACK LINE

lies

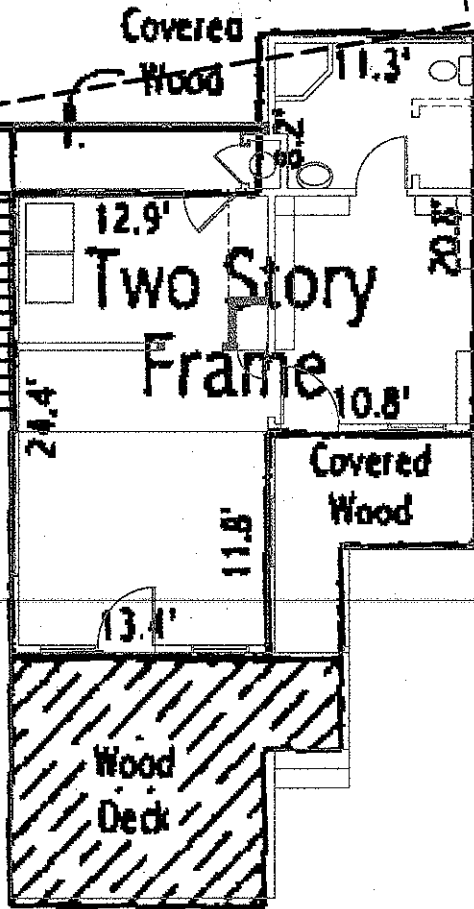
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ition

142.30'
(142.22')

5' SET BACK LINE

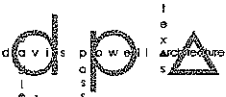
S69°12'00"E



Two Story
Frame

SCALE: 1'=10'

Lot 1



1152 ferry street suite b
eagle pass, tx 78552
830-757-6750
davispowellarchitect.com

ACCESSORY STRUCTURE IMPROVEMENTS
2308 2ND STREET
AUSTIN, TEXAS

7/1/13
VARIANCE REQUEST
OPTION 2
SHEET 3 OF 3

Lot 9

Lot 10

$N10^{\circ}08'57''E$
 $(N10^{\circ}08'00''E)$ 48.62'
(48.82')

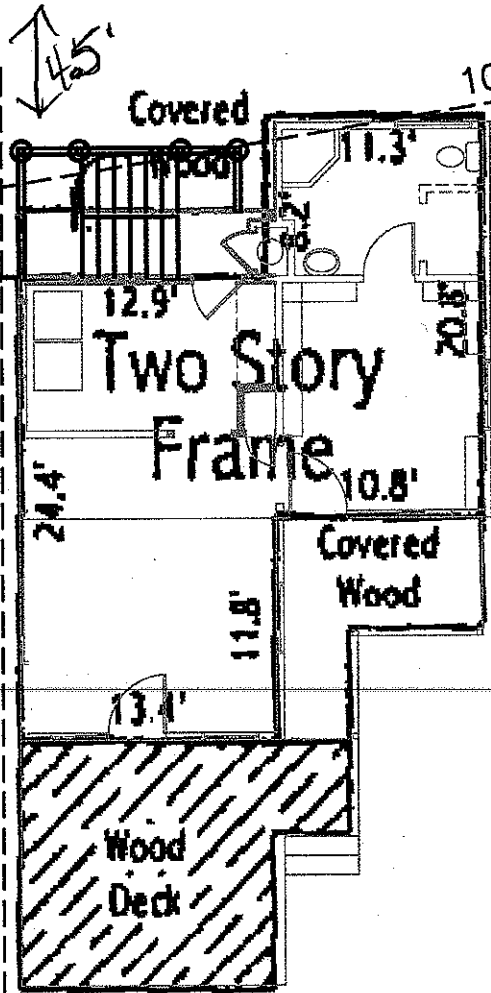
ties

ce

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142.30'
(142.22')

5' SET BACK LINE



10' SET BACK LINE

569'12'00"E

SCALE: 1'=10'

Lot 1



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ACCESSORY STRUCTURE IMPROVEMENTS
2308 2ND STREET
AUSTIN, TEXAS

7/1/13
VARIANCE REQUEST
OPTION 1
SHEET 2 OF 3

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.





2300

2302

703

2304

2306

SF-3-NP

SF-3-NP

2308

2310

2312

SF-3-NP

704

SF-6-NP

2313

702

600

700

LO-CO-NP

SF-3