

CASE #

C15-2013-0107

ROW #

11014281

CITY OF AUSTIN

APPLICATION TO BOARD OF ADJUSTMENT

GENERAL VARIANCE/PARKING VARIANCE

TP-0208110805

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

STREET ADDRESS: 1194 Chestnut Ave

LEGAL DESCRIPTION: Subdivision – F. B. Foster

Lot(s) North 1/2 of lot 5 Block 13 Outlot 34 Division B

I/We, Simon and Melinda Wallace on behalf of myself/ourselves affirm that on Sept 3, 2013 hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☒ REMODEL ☒ MAINTAIN

in a

(zoning district)

district.

I.C. 45% → 55%
deck- 0' setback along West
front setback 25' → South
p.l.

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):

5'-
along
West
p.l. for
house

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because: **SEE ATTACHMENT 1A**

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
SEE ATTACHMENT 1A
- b. The hardship is not general to the area in which the property is located because:
SEE ATTACHMENT 1A & C

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:
SEE ATTACHMENT 1A

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:

N/A


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

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

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 1194 Chestnut Ave

City, State & Zip Austin, TX 78702

Printed Melinda Wallace Phone (512) 363-7769 Date Sept. 3, 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  Mail Address 1194 Chestnut Ave

City, State & Zip Austin, TX 78702

Printed Melinda Wallace Phone (512)363-7769 Date Sept. 3, 2013

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:

N/A

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

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

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 1194 Chestnut Ave

City, State & Zip Austin, TX 78702

Printed SIMON WALLACE Phone (512) 363-7769 Date Sept. 3, 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  Mail Address 1194 Chestnut Ave

City, State & Zip Austin, TX 78702

Printed SIMON WALLACE Phone (512)363-7769 Date Sept. 3, 2013



N



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0107
LOCATION: 1194 Chestnut 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.

Variance Requests 1194 Chestnut Ave

We, Simon and Melinda Wallace, are requesting four variances for the following:

1.) Variance Request #1: We are requesting that the city define the North lot line that is accessible from the alley-way as our front lot line.

- a. Reasonable Use: The zoning regulations applicable to the property do not allow for a reasonable use because City staff currently defines the East property line as our front lot line even though it is not directly adjacent to any street. With this current definition of front lot line the existing structure does not meet standard set back requirements and is deemed a Non-Complying Structure under 25-2-961 of the Austin City Code. If changed, we would be able to use the standard city setbacks for the current structure and the proposed addition of a second story. The proposed second story addition would stay within the footprint of the existing first story (see attachments A and D). Further, Attachment B is an aerial Google Map view which shows just how far our lot is away from any street.
- b. Hardship: As shown in Attachment C and indicated in green, with the setbacks based off of the East lot line as stated by City staff, the standard city setbacks for our property would limit the lot to an extremely narrow strip of land that would be considered buildable under the Austin City Code.
- c. Area Character: As shown in Attachment C and indicated in orange, with the setbacks based off of the North lot line, the standard city setbacks for our property would be in concert with the setbacks for all of the neighboring properties.

2.) Variance Request #2: We are requesting for the city to waive the requirement to install or pay a sidewalk fee associated with the proposed remodel/addition.

- a. Reasonable Use: The zoning regulations applicable to the property do not allow for a reasonable use because there is no reasonable place to install a sidewalk adjacent to the house given its unique location. If we do the addition to our house because the city will require us to install a sidewalk or collect a fee of \$2,220 (74' x 4' x \$7.50/sf) if we do not want to put one in now so that the city can put one in the future if it wants to.
- b. Hardship: As shown in Attachment C and indicated with green hatching, our house is not adjacent to any street making it a sidewalk placed between two lots from nowhere to nowhere. We are requesting a variance to waive the sidewalk requirement. Attachment B is an aerial Google Map view which shows just how far our lot is away from any street.
- c. Area Character: The requested variance will not alter the area's character because there are no other sidewalks near our house.

BOA →
Cannot
hear this
type of
variance.

- 3.) Variance Request #3: We are requesting a variance to increase the impervious coverage on our lot from the standard 45% under 25-2-492(D) of the Austin City Code for SF-3 lots up to 55%.
- a. Reasonable Use: We have a small lot (~4000sf) and would need to increase the impervious coverage in order to comply with having two off-street parking spaces as required under 25-6 Appendix A of the Austin City Code.
 - b. Hardship: The hardship for which the variance is requested is unique to the property in that it is a small lot (~4000sf) compared to the standard lot of surrounding homes (~8000sf).
 - c. Area Character: The requested variance will not alter the area's character because it will allow us to provide two off-street parking spots as is standard throughout the neighborhood.
- 4.) Variance Request #4: We are requesting a variance to allow for a 0' setback for an existing deck
- a. Reasonable Use: Although the house can meet the standard city setbacks if Variance #1 is granted, the existing deck would be non-compliant and required to be significantly reduced in size.
 - b. Hardship: If the deck were reduced in size to meet the setbacks established under Variance #1, only 4' of the deck would remain. It wouldn't be a deck, so much as a gangplank.
 - c. Area Character: The requested variance will not alter the area's character because the deck is far away from the neighbor's homes and is at the rear of our lot. In addition, all adjacent neighbors are in favor of us being granted this variance.

All adjacent neighbors as well as the Rosewood Neighborhood Association have graciously approved all 4 of our requests. (see attached)

The Rosewood Neighborhood Contact Team

1000 Glen Oaks Court, Austin, TX 78702
(512) 477-2352

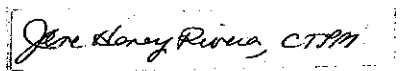
May 29, 2013

To Whom It May Concern:

The Rosewood Neighborhood Contact Team (RNCT) has reviewed the request from Ms. Melinda Wallace to add a room to her home located at 1194 Chestnut to accommodate her growing family. We understand that this expansion will include:

- 1) Naming the alley the front lot line since there is no street directly adjacent to the house. Doing so would permit standard city setbacks for the house (25' front yard, 5' side yard, 10' rear yard).
- 2) Although the house can meet the standard city setbacks if the alley is the front yard, there is an existing deck behind the house that has a 0' setback. A variance of a 0' setback for the existing deck only is requested.
- 3) To approve the addition, code would require a sidewalk or a fee of \$2220 if no sidewalk is installed as part of the addition. Since the house isn't next to a street, such a sidewalk would serve no useful purpose. Ms. Wallace is requesting a variance to waive the sidewalk requirement for us.
- 4) In addition, code would require installation of a driveway sufficient for two off street parking spaces. Ms. Wallace is requesting a variance to increase the impervious coverage on their small lot from the standard 45% up to 55% to allow installation of a driveway.

The RNCT fully supports the request and all stated variances, and we welcome this newest Rosewood resident to our neighborhood.



Jane Rivera, Chair



Simon Wallace <simon@qfrtx.com>

1194 Chestnut Variance info

Lund, Lena <Lena.Lund@austinenergy.com>

Wed, Jun 12, 2013 at 2:05 PM

To: Simon Wallace <simon@qfrtx.com>

Cc: "Walker, Susan" <Susan.Walker@austintexas.gov>, "Ramirez, Diana" <Diana.Ramirez@austintexas.gov>

Mr. Wallace,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to define the north lot line as the front lot line and increase the allowable impervious coverage to add on to an existing one story house; to reduce the setback adjacent to the south property to maintain an existing deck; and also to waive sidewalk requirement. Austin Energy does not oppose this case as requested provided the improvements are in compliance with AE clearance criteria requirements, the National Electric Safety Code and OSHA.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

Lena Lund

Austin Energy

Public Involvement/Real Estate Services

512-322-6587

From: Simon Wallace [mailto:simon@qfrtx.com]**Sent:** Monday, June 10, 2013 10:26 AM**To:** Lund, Lena**Subject:** 1194 Chestnut Variance info

[Quoted text hidden]

1194 CHESTNUT AVE ADDITION

[illegible]

Variance Request

Simon and Melinda Wallace are requesting a variance for their property, located at 1194 Chestnut Ave, from the City of Austin Board of Adjustments for the following:

- Change our front lot line to the alley way
- Request a 0' setback for existing deck
- Waive the sidewalk requirement
- Increase impervious coverage from 45% up to 55% to allow for driveway

I, JESSICA M. MONTGOMERY (print name) approve the above variance requests for 1194 Chestnut Ave.

X [Signature] (signature)
4 June 2013 (Date)

Address

2210 New York Ave, Austin, TX 78702

Variance Request

Simon and Melinda Wallace are requesting a variance for their property, located at 1194 Chestnut Ave, from the City of Austin Board of Adjustments for the following:

- Change our front lot line to the alley way.
- Request a 0' setback for existing deck and patio.
- Waive the sidewalk requirement.
- Increase impervious coverage from 45% up to 55% to allow for driveway.

I, Ben Labay (print name) approve the above variance requests for 1194 Chestnut Ave.

X Bud (signature)

7/8/13 (Date)

Address

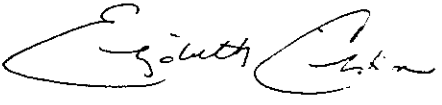
2209 New York Ave Austin, TX 78702

Variance Request

Simon and Melinda Wallace are requesting a variance for their property, located at 1194 Chestnut Ave, from the City of Austin Board of Adjustments for the following:

- Change our front lot line to the alley way.
- Request a 0' setback for existing deck and patio.
- Waive the sidewalk requirement.
- Increase impervious coverage from 45% up to 55% to allow for driveway.

I, E. authorized agent for Sterling Trust FBO George Chris (print name) approve the above variance requests for 1194 Chestnut Ave.

X 
(signature)

June 11, 2013 (Date)

Address

2206 New York Austin, TX 78702

Variance Request

Simon and Melinda Wallace are requesting a variance for their property, located at 1194 Chestnut Ave, from the City of Austin Board of Adjustments for the following:

- Change our front lot line to the alley way.
- Request a 0' setback for existing deck and patio.
- Waive the sidewalk requirement.
- Increase impervious coverage from 45% up to 55% to allow for driveway.

I, PAUL RIEKERT (print name) approve the above variance requests for 1194 Chestnut Ave.

X  (signature)

6-18-12 (Date)

Address

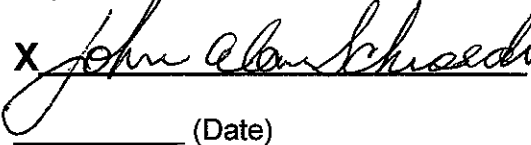
2205 E 12TH Austin, TX 78702

Variance Request

Simon and Melinda Wallace are requesting a variance for their property, located at 1194 Chestnut Ave, from the City of Austin Board of Adjustments for the following:

- Change our front lot line to the alley way.
- Request a 0' setback for existing deck and patio.
- Waive the sidewalk requirement.
- Increase impervious coverage from 45% up to 55% to allow for driveway.

I, JOHN ALAN SCHROEDER (print name) approve the above variance requests for 1194 Chestnut Ave.

X  (signature)

____ (Date)

Address

2202 NEW YORK AVE Austin, TX 78702

Variance Request

Simon and Melinda Wallace are requesting a variance for their property, located at 1194 Chestnut Ave, from the City of Austin Board of Adjustments for the following:

- Change our front lot line to the alley way.
- Request a 0' setback for existing deck and patio.
- Waive the sidewalk requirement.
- Increase impervious coverage from 45% up to 55% to allow for driveway.

I, JOHN ALAN SCHROEDER (print name) approve the above variance requests for 1194 Chestnut Ave.

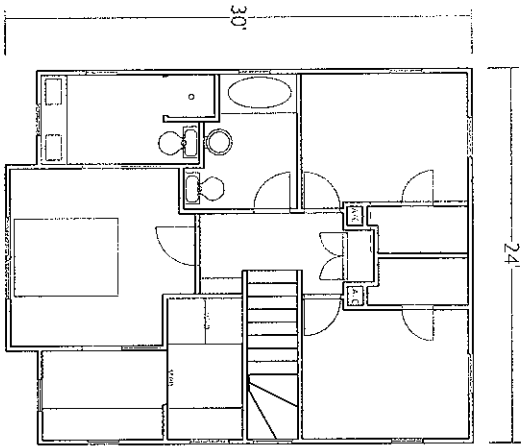
X John Alan Schroeder (signature)
____ (Date)

Address

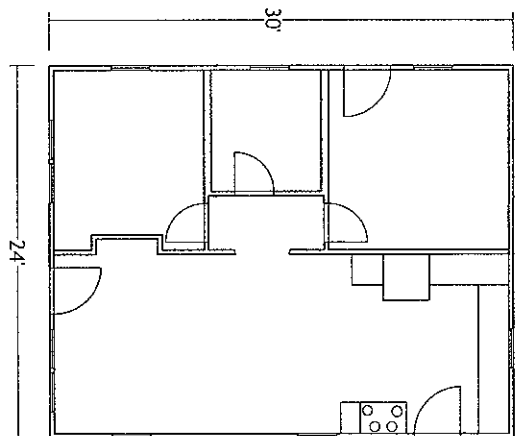
1195 COLETO Austin, TX 78702



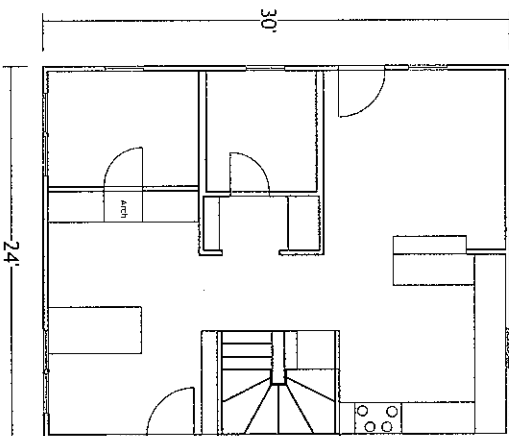
Proposed 2nd Story (696sf)



Existing 1st
Story (720sf)



Proposed 1st
Story (720sf)



ATTACHMENT D - FLOOR PLANS HATCH WORKS

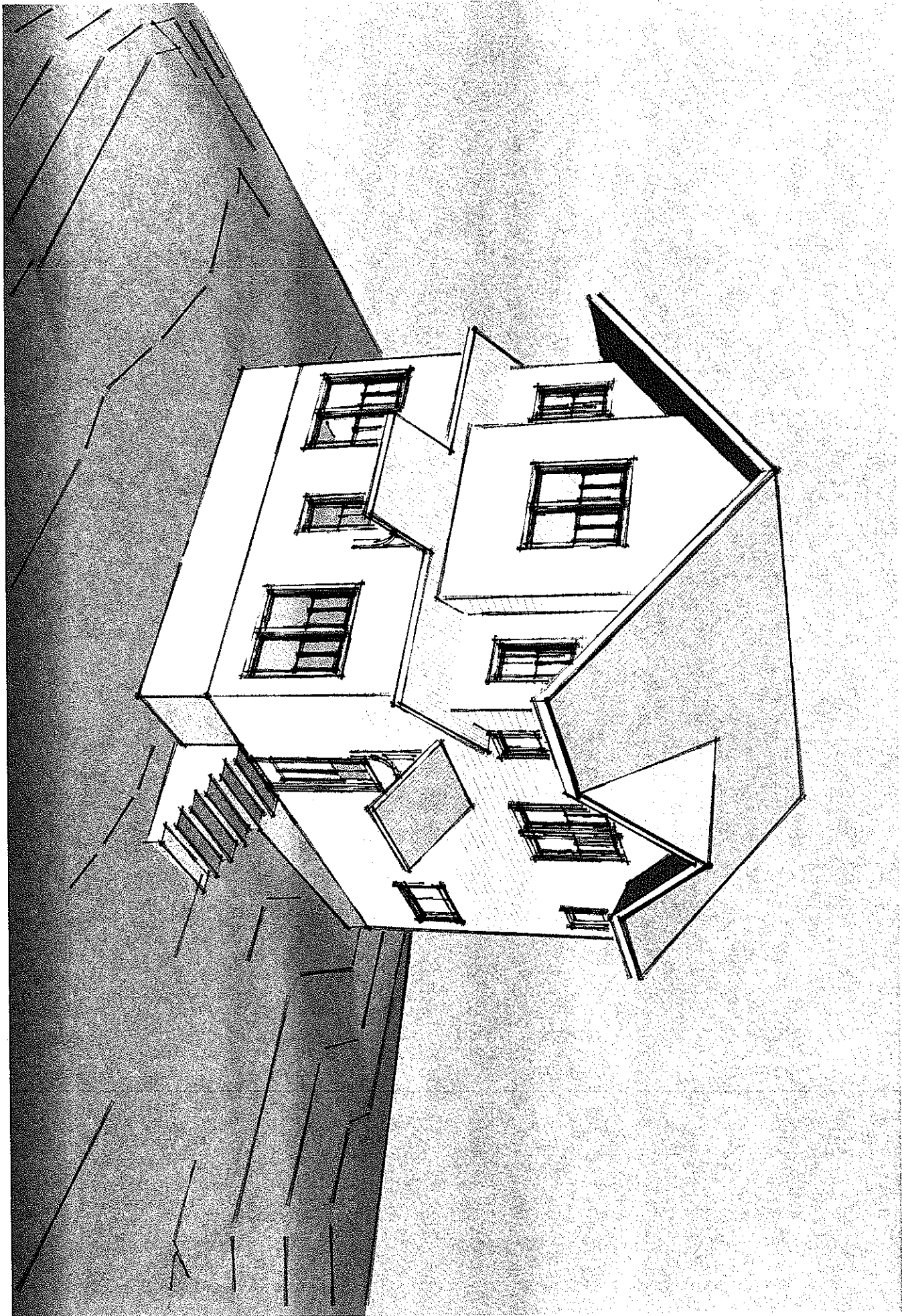
Project Architect
ADAM TALANCHICH
1113 ANGELINA ST
AUSTIN, TX 78702
512.300.5987

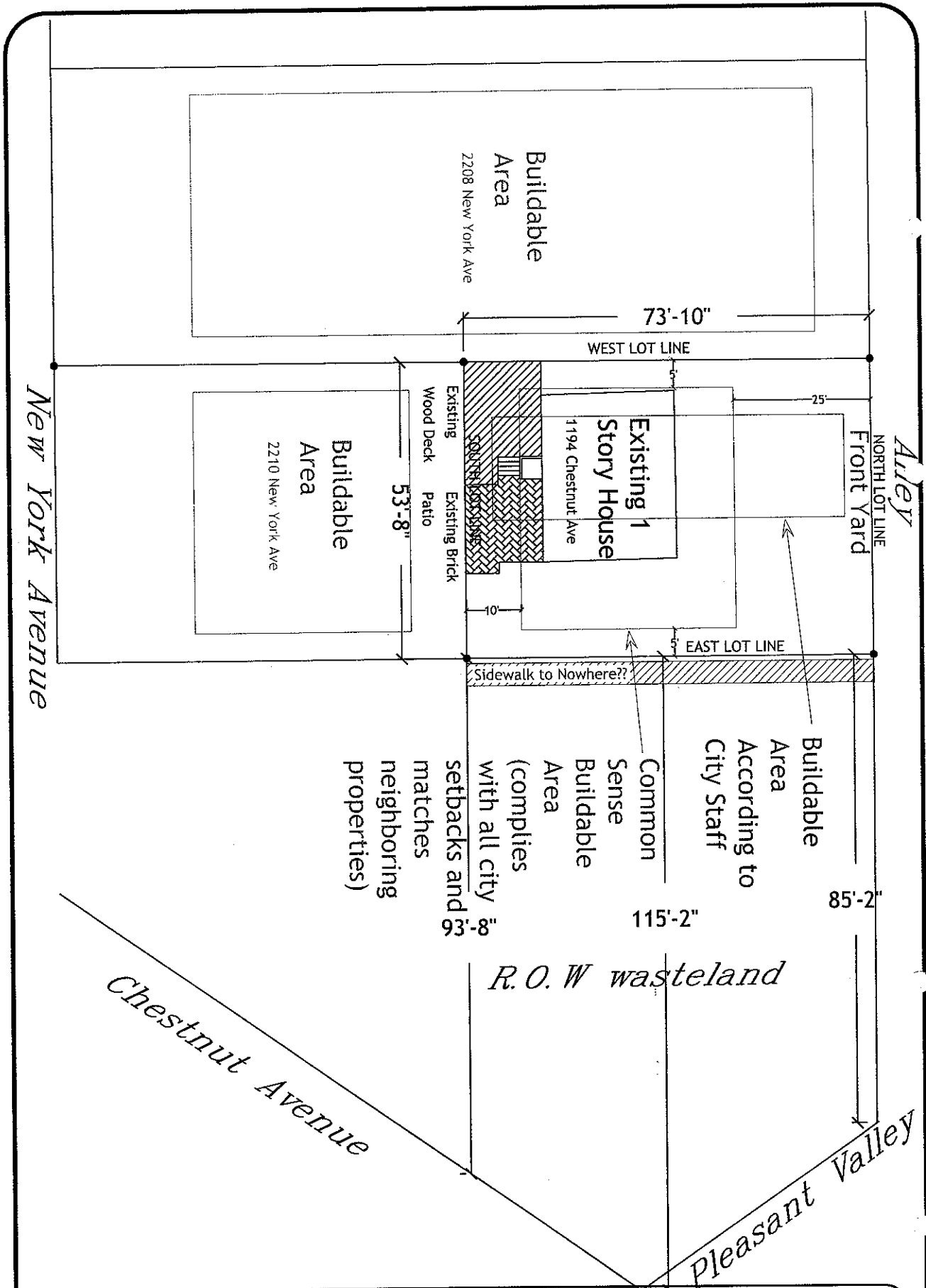
Project Address
1194 CHESTNUT AVE
AUSTIN, TX 78702

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

F1.1

Attachment A





PP

SCALE: 1/16" = 1'-0"

1194 CHESTNUT AVE
AUSTIN, TX 78702
512.300.5987

ADAM TALANCHICH
1113 ANGELINA ST
AUSTIN, TX 78702
512.300.5987

ATTACHMENT C
HATCH WORKS