

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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 # C15-2013-0094
ROW # 11000694
TP-022308-04-01

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: 106 E. 49th Street

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LEGAL DESCRIPTION: Subdivision - JJ Hegman

Lot(s) 4 Block 7 Outlot _____ Division _____

I/We Tom Rouse on behalf of myself/ourselves as authorized agent for

Cleo Nunn and Judy Rouse affirm that on July 21, 2013,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN
An addition to add 4x8'
2nd floor balcony in
Side Street Setback

in a residential- single family district.
(zoning district)

10' from
Side P.L.

SF-3-NECD-NP
2

North Hyde Park NECD

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 second floor balcony will not obstruct the view of Rowena street from the intersection of 49th street nor result in any hardship or hazard motorist pedestrian or neighbor.

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HARDSHIP:

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

We wish to provide some access to the plain air and privacy to our son, who plans to live upstairs at 106 E. 49th St. to aid in the care for his grandmother Cleo Nunn who is age 95 years and needs attendance 24/7. This care is currently provided by her daughter, Judy Rouse. His assistance will provide her with some respite.

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

As referenced to the above statement this hardship, while not unique is rare.

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:

-This variance will not impact the character nor safety of the neighborhood. The

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Hyde Park Neighborhood Association has assured that they will not oppose the variance

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:

~~The proposed balcony construction will not impact parking in any way. No extra vehicles or parking space is involved.~~

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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:

As stated above, no additional vehicles or parking spaces are involved.

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

~~No line of sight to vision of motorist or pedestrians. No obstruction or overhang To any public thruway.~~

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

It's just a small balcony ?

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 Tom Rouse Mail Address 4900 ave
F _____

City, State & Zip Austin
Texas 78751

Printed 07-21-13 Tom Rouse Phone 512 4522806 Date
July 21 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 106 E. 49th
St _____

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City, State & Zip Austin
Texas 78751

Printed 072113 Cleo Rouse Phone 6512 4522806 Date
July 21 2013
& Judy Rouse

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.)

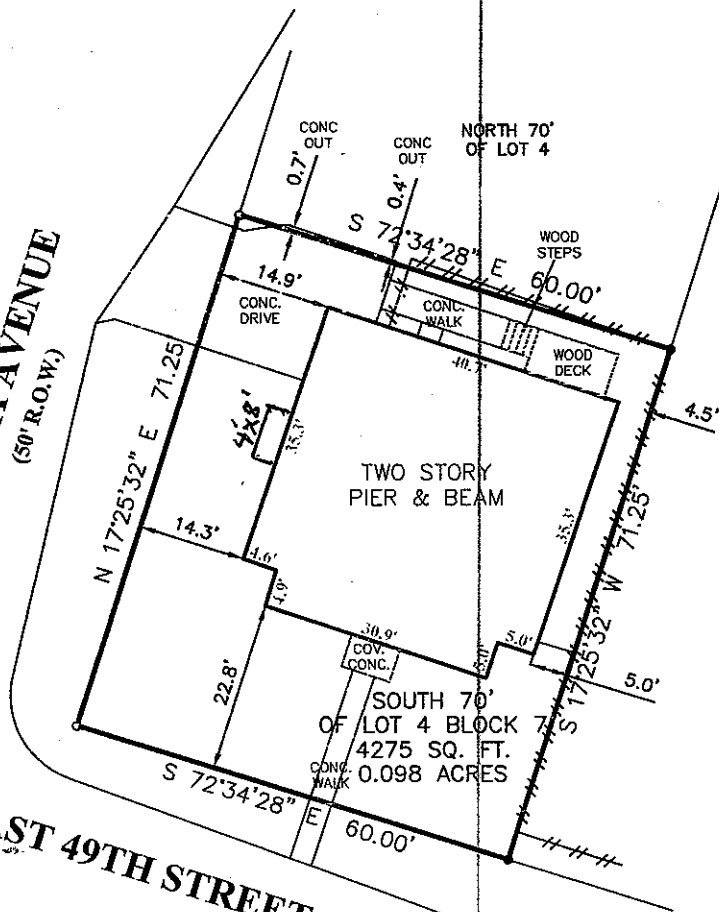
NOTE:
TITLE REPORT INDICATES THERE ARE NO RESTRICTION
OR COVENANTS OF RECORD.

NOTE:
THE ORIGINAL PLAT OF RECORD IS WITHOUT
BEARINGS. THIS IS REPRESENTATION OF THIS
SURVEYOR'S BEST INTERPRETATION OF RECORD
INFORMATION.

SCALE: 1"=20'

ROWENA AVENUE
(50' R.O.W.)

EAST 49TH STREET AKA 50TH STREET
(50' R.O.W.)



FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. THE PROPERTY MADE THE SUBJECT OF THIS SURVEY APPEARS TO BE INCLUDED IN A FEMA FLOOD INSURANCE RATE MAP (FIRM), IDENTIFIED AS COMMUNITY NO. 48453C, PANEL NO. 0455H, WHICH IS DATED 9/26/08. BY SCALING FROM THAT FIRM, IT APPEARS THAT ALL OR A PORTION OF THE PROPERTY MAY BE IN FLOOD ZONE(S) X. THIS FLOOD ZONE IDENTIFICATION IS THE SURVEYOR'S INTERPRETATION, WHICH MAY OR MAY NOT AGREE WITH THE INTERPRETATIONS OF FEMA OR STATE OR LOCAL OFFICIALS, AND WHICH MAY NOT AGREE WITH THE TRACT'S ACTUAL CONDITIONS. MORE INFORMATION CONCERNING FEMA'S SPECIAL FLOOD HAZARD AREAS AND ZONES MAY BE FOUND AT <http://www.fema.gov/index.shtm>.

Property Address:

106 EAST 49TH STREET AKA 50TH STREET

Property Description:

THE SOUTH 70' OF LOT 4, BLOCK 7, J.J. HEGMANS SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 3, PAGE 114, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

Owner:

CIEO NUNN & JUDY ROUSE

LEGEND

- = SET 1/2" IRON ROD WITH CAP STAMPED WESTAR
- = FND 1/2 IRON ROD
- () = RECORD INFORMATION
- B.S.= BUILDING SETBACK
- C.M.= CONTROLLING MONUMENT



I, JOSE ANTONIO TREVINO, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

JOSE ANTONIO TREVINO
Registered Professional Land Surveyor
Texas Registration No. 5552

Westar Alamo
LAND SURVEYORS, LLC.

P.O. BOX 1036 HELOTES, TEXAS 78023-1036
PHONE (210) 372-9500 FAX (210) 372-9999

DRAWN BY: V.M.R.