

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, October 14, 2013

CASE NUMBER: C15-2013-0096

____ Jeff Jack
____ Michael Von Ohlen
____ Nora Salinas
____ Bryan King
____ Fred McGhee
____ Melissa Hawthorne
____ Stuart Hampton - Sallie Burchett(OUT)
____ Cathy French (SRB only)

APPLICANT: Patrick King Masonry

OWNER: Joseph Kurth

ADDRESS: 2009 ALTA VISTA AVE

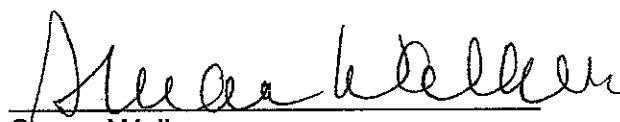
VARIANCE REQUESTED: POSTPONED TO November 14, 2013

BOARD'S DECISION: The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 0 feet (along the south property line) in order to erect a carport and accessory structure for a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (South River City Neighborhood Plan)


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

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing, the Case Number; and the contact person listed on the notice.

Case Number: C15-2013-0096 – 2009 Alta Vista Avenue

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 14th, 2013

CHRISTOPHER JENNINGS
Your Name (please print)

☐ I am in favor
☒ I object

904 E ALTA VISTA ST
Your address(es) affected by this application

[Signature]
Signature

10/8/2013
Date

512 508 0559
Daytime Telephone:

Comments:

If you use this form to comment, it may be returned to:

Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

City of Austin-Planning & Development Review Department/ 1st Floor

CASE # C15-2013-0096
ROW # 11002

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

TP-0 30402-03-25

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

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

STREET ADDRESS: 2009 Alta Vista Ave. 78704

LEGAL DESCRIPTION: Subdivision - Travis Heights

Lot(s) 28 Block 20 Outlot _____ Division _____

I/We Patrick King Masonry on behalf of myself/ourselves as
authorized agent for

Joseph Kurth affirm that on July
22, 2013.

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

(check appropriate items below)

☒ X ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

☐ Carport (Dimensions) and backyard shed (dimensions)

in a _____ district.
(zoning district)

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:

Lot configuration does not leave ample room for covered parking improvement.
From house to property line is 11'2". carport is 22'x8'

JosephKurth 7/16/13 11:29 AM
Deleted:

HARDSHIP:

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

Lot configuration contains shared driveway. However the carport will not have side walls-therefore the easement will still be accessible.

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

Many properties already have covered parking, most don't have shared driveways.

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:

No sidewalks, so will not encroach on neighboring property-easement is still accessible, only part requiring a variance is the roof line.

JosephKurth 7/19/13 11:33 AM
Deleted:

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 finds 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:

NA

JosephKurth 7/21/13 9:49 AM

Deleted: _

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:

NA

JosephKurth 7/21/13 9:50 AM

Deleted: _

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

NA

JosephKurth 7/21/13 9:50 AM

Deleted: _

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

NA

JosephKurth 7/21/13 9:50 AM

Deleted: _

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 Patrick King Mail Address 246 FLAMINGOAK Dr
City, State & Zip Bastrop TX 78602

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

Signed [Signature] 7/22/13 Mail Address 2009 Alta Vista Ave

City, State & Zip Austin TX
78704

Printed Joseph Kurth Phone 512-716-5487
Date 7/22/13

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.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) Other Information - Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (5) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

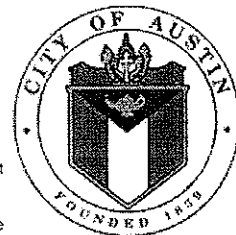


SUBJECT TRACT



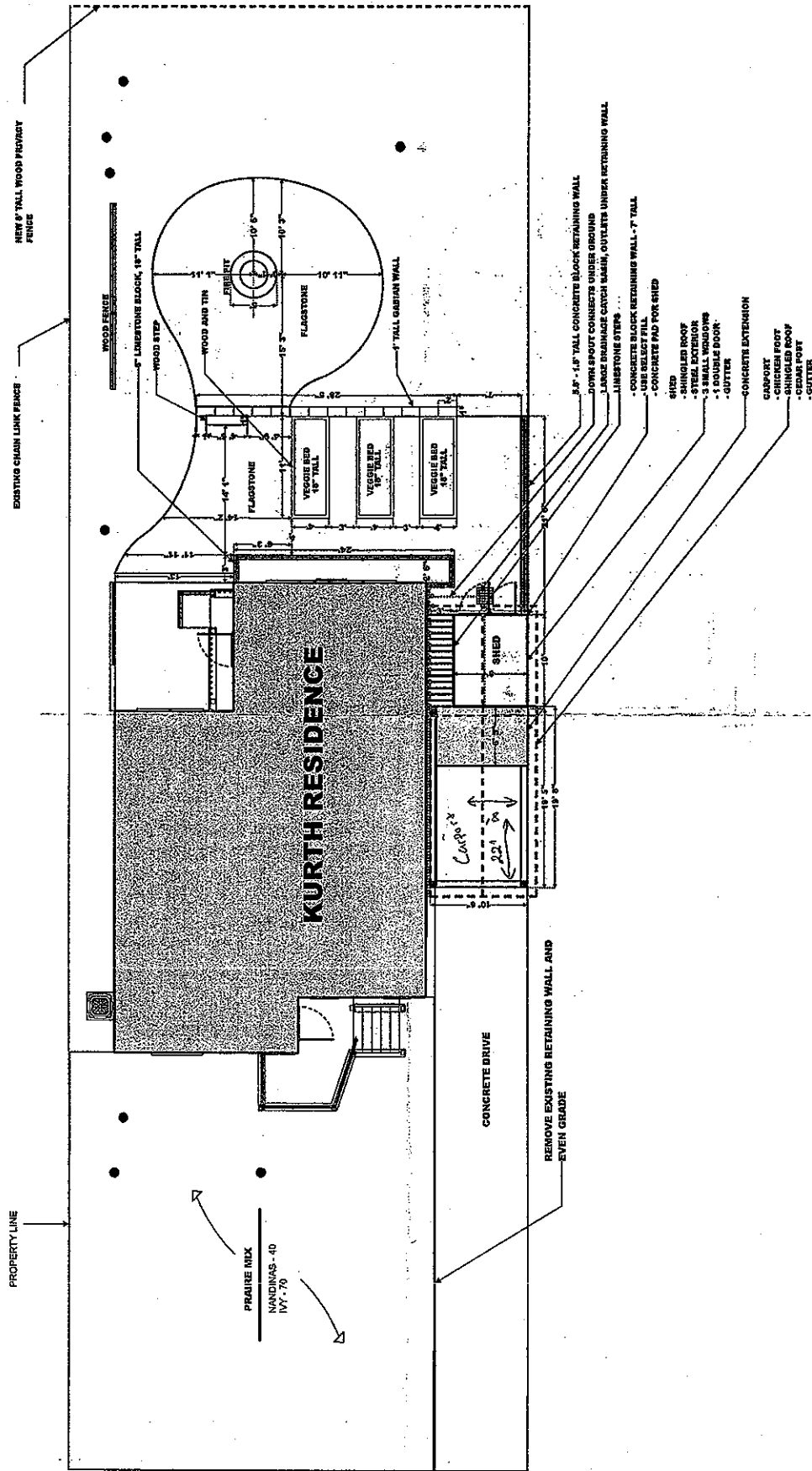
ZONING BOUNDARY

CASE#: C15-2013-0096
LOCATION: 2009 Alta Vista Ave



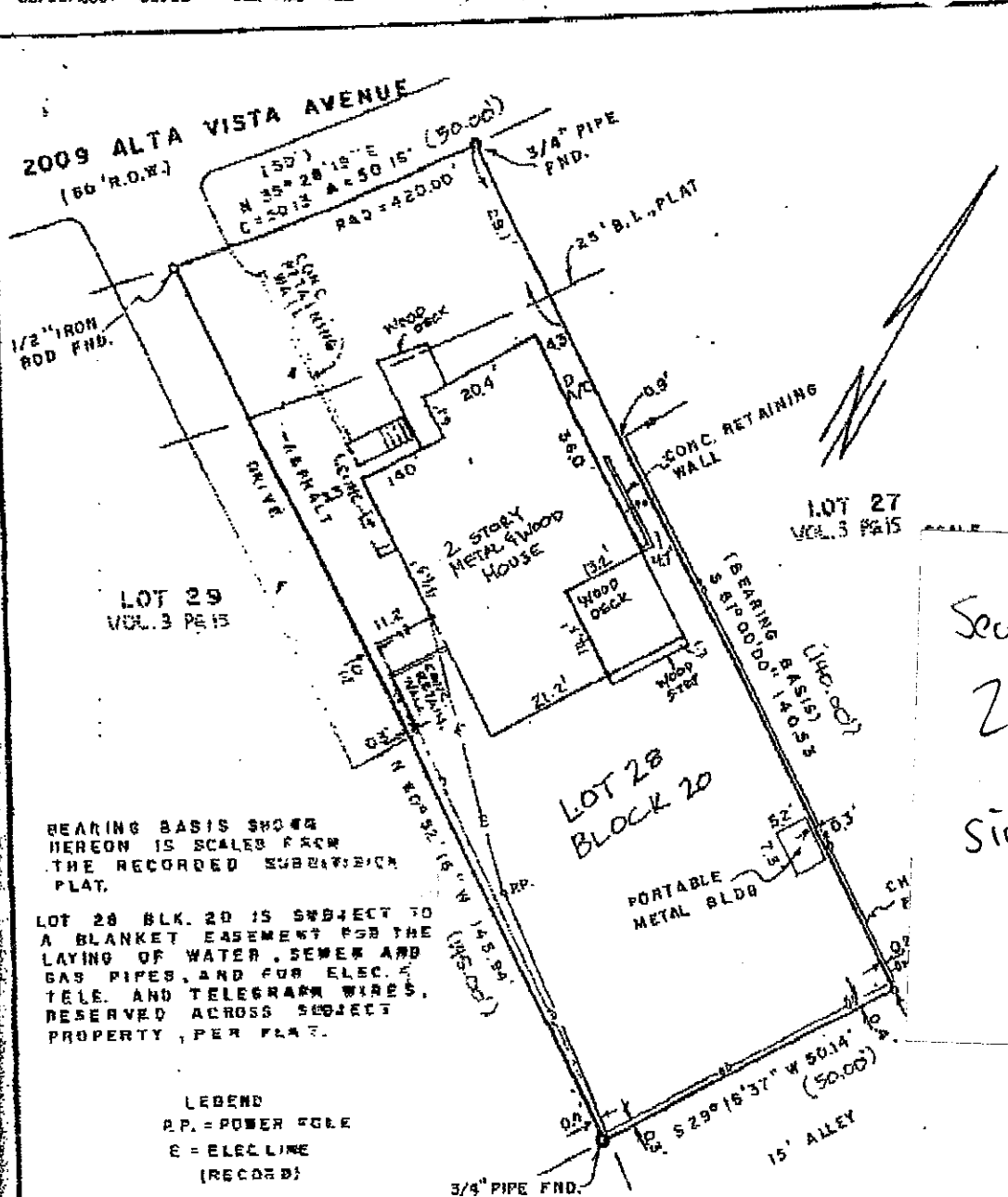
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.



U52013-0091

015-2013-0096
2009 416 Vista Ave



Section
25-2-492
Side Yard Setback

BEARING BASIS SHOWN
HEREON IS BASED FROM
THE RECORDED SUBDIVISION
PLAT.

LOT 28 BLK. 20 IS SUBJECT TO
A BLANKET EASEMENT FOR THE
LAYING OF WATER, SEWER AND
GAS PIPES, AND FOR ELEC.
TELE. AND TELEGRAPH WIRES,
RESERVED ACROSS SUBJECT
PROPERTY, PER PLAT.

LEGEND
R.P. = POWER POLE
E = ELEC. LINE
(RECORDED)

J.L. Part

COOL on 5/22/07

LOT NO.	28	BLK.	20	SUBDIVISION / ADDITION	TRAVIS HEIGHTS
SECTION		FRASE		Block	Page(s) 15
UNIT				Volume 3	Chapter 1
	TRAVIS	COUNTY	TEXAS	Street Address	2009 ALTA VISTA AVENUE
CITY	AUSTIN			Reference	JUNE E. PARK

IN THE PRESENCE AND UNDER HANDS OF
OF THE PREMISES SURVEYED AND TO
STEWART TITLE AUSTIN

The undersigned does hereby certify that
this survey was the day made on the
ground of the property legally described
hereon and is correct, and that there are
no discrepancies, boundaries, easements,
encroachments, or interruptions, touching
or intersecting, within the limits of the
lands in place, except as shown hereon,
and that said plat has been in and
from a dedicated roadway, except as
shown hereon.

DATE 1-9-96
JULIE E. STEWART
S.T. No. 76010338
Sub No. 2815-96
SHEET 1-10



FLOOD RISK
The subject property DOES NOT
lie within the 100 year flood plain area
and has a Flood V rating as shown
on the Flood Insurance Rate Map (FIRM)
Community No. 480224
Caption, 0170E
dated 6-16-93
This certification is for insurance purposes
only and is not a guarantee that the prop-
erty will not be flooded.
FLOOD RISK

STEWART TITLE AUSTIN
211 South Congress Avenue
Austin, Texas 78701
AIRTEL INVOICE
(817) 414-0121
Fax 414-0122

DATE	1-9-96	DATE	12-21-96
FILE NO.	76010338	FILE NO.	12-21-96
FILE NO.	2815-96	FILE NO.	2815-96

ARTISTIC CONCEPTION



ARTISTIC CONCEPTION



