

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

DATE: Monday, October 14, 2013

CASE NUMBER: C15-2013-0100

_____ Jeff Jack
_____ Michael Von Ohlen **Motion to Postpone**
_____ Nora Salinas
_____ Bryan King **2nd the Motion**
_____ Fred McGhee
_____ Melissa Hawthorne
_____ Stuart Hampton - Sallie Burchett(OUT)
_____ Cathy French (SRB only)

APPLICANT: Eduardo Nunez

OWNER: Nathan New

ADDRESS: 8016 TAHOE PARKE CIR

VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum building coverage requirement of Section 25-2-492 (D) from 35% to 37.8% in order to erect a covered patio for a single-family residence in an "SF-1", Single-Family Residence (Large Lot) zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 40% to 43.6% in order to erect a covered patio for a single-family residence in an "SF-1", Single-Family Residence (Large Lot) zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to November 14, 2013, Board Member Bryan King second on a 7-0 vote; **POSTPONED TO NOVEMBER 14, 2013.**

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: C15-2013-0100 – 8016 Tahoe Parke Circle
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 14th, 2013

Gregg Cochran
 Your Name (please print) I am in favor I object

12213 Waterton Parke Circle, Austin, 78726
 Your address(es) affected by this application

Gregg Cochran Signature *10/7/13* Date

Daytime Telephone: *512-788-3281*

Comments: _____

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

City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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Case Number: C15-2013-0100 - 8016 Tahoe Parke Circle
 Contact: Susan Walker, 512-974-2202
 Public Hearing: Board of Adjustment, September 16th, 2013

A. HEATHWES BARTON
 Your Name (please print)

8022 TAHOE PARKE CIR
 Your address(es) affected by this application

I am in favor
 I object

A. Mary Barton
 Signature

9/16/13
 Date

Daytime Telephone: 512-922-4059

Comments:

1 HAVE NO OBJECTION
 TO THE VARIANCE

If you use this form to comment, it may be returned to:
 City of Austin-Planning & Development Review Department/ 1st Floor

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

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Case Number: C15-2013-0100 - 8016 Tahoe Parke Circle
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, September 16th, 2013

Carole Anne Hiffin
 Your Name (please print) I am in favor
 I object

12204 Klondike Rush Pt, Austin, TX
 Your address(es) affected by this application

Carole Anne Hiffin 9/9/13
 Signature Date

Daytime Telephone: 512-219-8199

Comments: I have no objection to my neighbor adding a covered patio

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

City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

CASE # not provided

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

C15-2013-0100
TP-0 16234-0438
ROW-11002085

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

STREET ADDRESS: 8016 Tahoe Parke Circle, Austin Texas 78726

LEGAL DESCRIPTION: Subdivision - The Parke Section 5
Lot(s) 35 Block A Outlot _____ Division: _____

Edvarado Nunez
I, ~~James Keough~~, on behalf of myself/ourselves as authorized agent for Nathan New affirm that on June 26, 2013, hereby apply for a hearing before the Board of Adjustment for consideration to ATTACH a COVERED PATIO to the home at the address above in SF-1 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:

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
 - The zoning, SF-1, of this property is not in question

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property because:
 - This is a corner lot and the lot itself is smaller than the neighboring lots in the neighborhood. Due to the lack of property square footage, similar improvements that have been made by neighbors exceed the building coverage and impervious coverage amounts allotted by the City on this property.
- (b) The hardship is not general to the area in which the property is located because:
 - This corner lot is smaller than other neighboring lots

AREA CHARACTER:

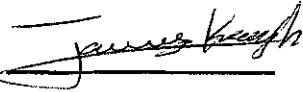
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of the adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:
 - a. The covered patio contemplated will be constructed of material consistent with the existing structure and neighboring homes. Furthermore, the project, as presented to this Board, has been approved by The Parks Home Owners Association as evidenced by the attached notice and congratulations.
 - b. The amount of the variance is relatively minor and the plans allow for ample backyard, grass and landscaping consistent with the neighboring homes. Furthermore, the project does not require other variances from other restrictions such as setbacks or easements.
 - c. This improvement would greatly reduce the heat gain currently experienced in the mostly glass wall area due to the lack of any existing cover/overhang and the exposure to direct sunlight to the area.
 - d. This improvement would not impede drainage on the property nor adjacent lots

Parking:

4. The proposed project will not alter the parking on the property nor the neighboring property because:
 - This improvement is located in the back yard where there is no parking.

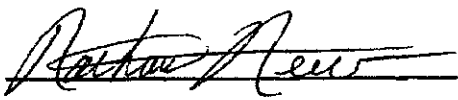
Note: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated. (Noted)

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

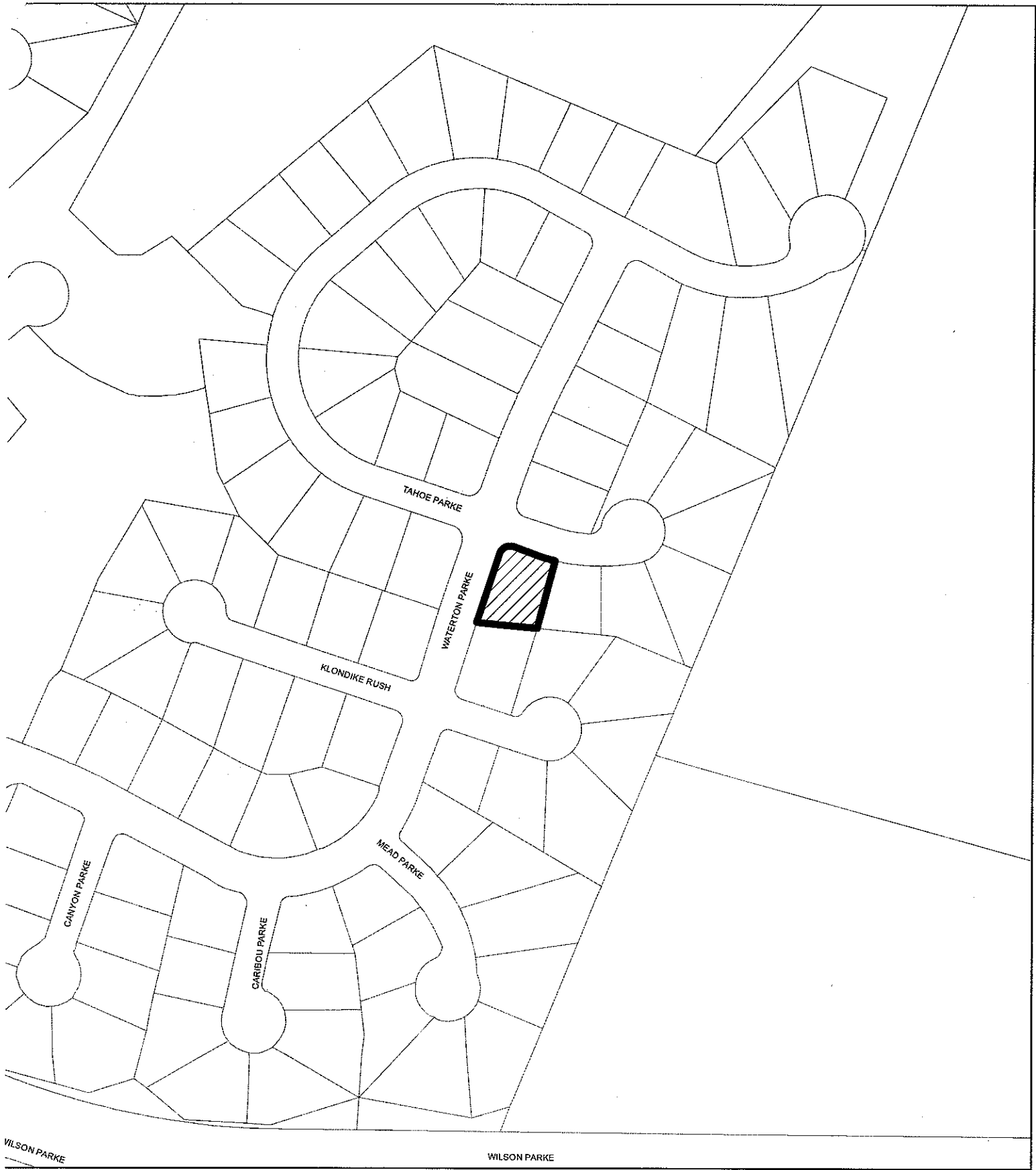
Signed:  Mail address: james@pcciba.com
City, State, & ZIP 131 Tonkawa Ridge, Hutto, TX 78634

Printed Name: James Keogh Phone: 512-244-7799

OWNER 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: 8016 Tahoe Parke Circle
City, State, & ZIP Austin, Texas 78726

Printed Name: Nathan New Phone: 817 291 3292 (Cell Phone)



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0100
 LOCATION: 8016 Tahoe Parke Circle



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.

TPH-Parke HOA
c/o Goodwin Management
11149 Research, Suite 100
Austin TX 78759-5227
Voice (512) 852-7927 fax 512-346-4873
james.browder@goodwintx.com

Date: Jun 14, 2013

Project Ref: [39621428] 8016 Tahoe Parke Cir

Nathan New
8016 Tahoe Parke Cir
Austin TX 78726

Dear Nathan New,

I am pleased to inform you that the TPH-Parke HOA Arc Committee has approved your application for the following project item(s):

Patio Extension & Patio Cover Extension

The approval is contingent upon compliance with the specifications set forth in the approved application. If your change or addition requires a county, city or state permit, it must be obtained before construction.

We feel this improvement will make a fine addition to our community and look forward to its completion. If you have any questions, please feel free to contact our office at (512) 852-7927 or via email james.browder@goodwintx.com.

Sincerely,

Architectural Control Committee

Walker, Susan

From: Eduardo Nunez [REDACTED]
Sent: Friday, August 30, 2013 1:10 PM
To: Walker, Susan
Cc: Ed Fisher
Subject: 8016 Tahoe Park Circle

Dear Ms. Walker,

Thanks for calling me back today in regard Mr. Nathan New's 19' X 24' patio Cover project on 8016 Tahoe Park Circle.

As per Karen Palacios' Residential Plan Review Report dated 6/17/13 states that to to proceed with the project, we would need to go through your BOA to get approval as per the following:

	Code.	Actual
Impervious coverage	40. %.	43.6
Building coverage	35. %	37.8

As you can see, we are just over the limits set by the city by less than 10% and we have requested a variance based on this and also in the fact that we are in a corner lot and other houses in the neighborhood are in the same situation.

I appreciate you looking into this request and please feel free to call me or send me an email with any questions or comments.

Sincerely,

Eduardo Nunez

