

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# - ROW# **C15-2013-0113**
ROW-11022925
TR-0132050405

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: **5201 Beverly Hills Dr.**

LEGAL DESCRIPTION: Subdivision- **Beverly Hills Section 2**

Lot(s): **38A(Resub of lots 37&28)** Block: **B** Outlot. Division.

I/We, **Hugh Perry Builders**, on behalf of myself/ourselves as authorized agent for **Wallis Goodman and Shelley Sallee** affirm that on September 23, 2013 hereby apply for a hearing before the Board of Adjustment for consideration to: (check appropriate items below)

ERECTxxx **ATTACH** **COMPLETE** **REMODELxxx** **MAINTAIN**

In June 2013, a City of Austin ambulance demolished the existing unattached garage. We have submitted plans to re rebuild the garage on its original footprint and using the existing foundation, while improving the garage's design, slightly increasing its volume, and changing the roofline in order better to accommodate solar panels and rainwater harvesting

m a _____ 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:

Reconstruction on original foundation essentially involves rebuilding of a structure not in compliance with existing requirement that structure be set back 25 feet from the road. This lack of compliance was probably a function of fact that though road continues past garage for 50 feet, it is essentially a dead end on what is surely one of the steepest streets in Austin, and the area near the garage essentially sees no traffic at all. Setting the garage off the street, when it was constructed in 1985, might have been almost impossible, given the steepness of the terrain.

HARDSHIP:

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

The primary issue is the original structure's non-compliance with 25-foot setback provisions. Reconstruction of the garage was necessitated by the City of Austin's ambulance knocking down the existing garage.

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

Given the house's location at the bottom of a very steep street, with the hill descending still more steeply on the property itself, probably had something to do with the fact that it was constructed inside the 25-foot setback.

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 new garage will not be significantly different from the original one. It will mimic the house's architectural design, and it will be constructed on exactly the same foundation. While the proposed redesign would change the roofline of the old garage, it will add fewer than 24 inches in height, leaving it still significantly lower than the house which sits immediately to the west. Changes in the roofline will provide a larger, uninterrupted space for the placement of solar panels and will also allow greater efficiency in rainwater harvesting, both of which the owner plans to pursue when construction is finished.

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:

No changes in parking or traffic will be generated by the reconstruction of this garage.

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:

No changes in parking or traffic will be generated by the reconstruction of this garage.

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

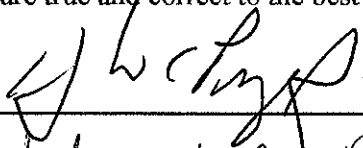
Since the new structure will be significantly improved, the opposite will be the case: safety hazards, involved with shoddy construction (which allowed the runaway ambulance to knock the garage almost down the hill intact) will be replaced by good construction and the additional adoption of environmental, energy-saving features and design.

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

While storage space will be slightly increased, we are essentially rebuilding an existing structure which was destroyed by a City of Austin vehicle. Issues of non-compliance were attached to the original structure, rather than our proposal to rebuild it.

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 1607-A MORGAN LANE
Hugh C. Perry, II AUSTIN TX 78704

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 _____ Printed: Wallis Goodman

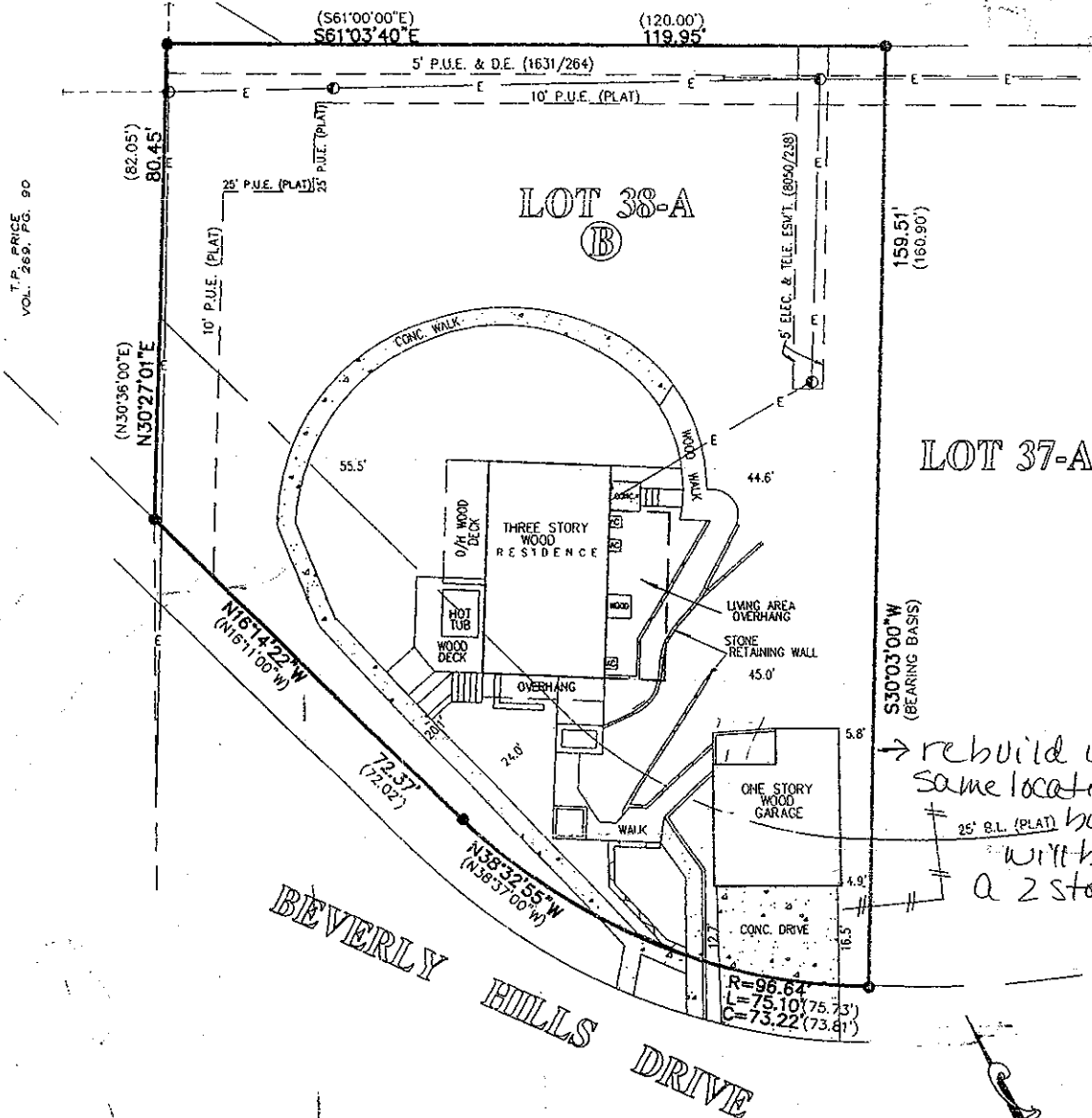
Mail Address: 6500 St. Stephens Dr. Austin,
TX 78746

Phone: (512)567-3703

Date: Sept. 23, 2013

NOT IN 100 YEAR FLOOD PLAIN ACCORDING TO N.F.I.P. MAP NO. 48453C0200E REV. 8/16/93 ZONE: X

GEORGE MACDONALD VOL. 3029, PG. 2046



NOTE: SUBJECT TO RESTRICTIVE COVENANTS RECORDED IN VOL. 1631, PG. 264, VOL. 5308, PG. 217, DEED RECORDS, TRAVIS COUNTY, TEXAS.

I, Donald M. Cookston, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to MORTGAGE EDGE / AUSTIN TITLE CO. / LAWYER TITLE INSURANCE CORP.

that this survey was made on the ground of the property described hereon (and/or by metes and bounds on attached sheet) and is correct and that there are no visible encroachments, except as shown hereon; and I do certify that, except as noted hereon, there are no overlapping of improvements, there are no discrepancies or conflicts in the boundary lines, there is no visible evidence of utility lines or rights-of-way on the ground, and the subject property has access to and from a dedicated roadway.

Lot(s) 38A Block B. THE RESUBDIVISION OF LOTS 37 AND 38, BLOCK B BEVERLY HILLS SECTION 2

According to the map or plat recorded in Volume 75 Page 385 of the Plat records of TRAVIS County, Texas.

Witness my hand and seal this 15TH day of MARCH, 1993

Owner: SNIDER/GRIGSBY

Address: 5201 BEVERLY HILLS DRIVE, AUSTIN, TEXAS

GF No. 99 SF 195464-X (00166)

COOKSTON & ASSOC. SURVEYING & MAPPING

15608 Spring Hill Lane Suite-110, Pflugerville, Tx. 78660 Office: (512) 252-9737 - FAX: (512) 252-9533



Donald M. Cookston

Registered Professional Land Surveyor, No. 4733

SCALE: 1" = 20'

LEGEND	
□	CORNER FENCE POST
○	IRON ROD FOUND
○	IRON ROD SET
○	PIPE FOUND
○	NAIL FOUND
○	NAIL SET
○	FOUND IN CONC.
—	WOOD FENCE
—	WIRE FENCE
—	CHAIN LINK FENCE
—	PUBLIC UTILITY ESMT.
—	DRAINAGE ESMT.
—	BUILDING LINE
—	POWER POLE
—	OVERHEAD ELEC. LINE
—	DOWN CUT
—	(RECORDING CALL)

File: C15- 73-65

Address: 5201 BEVERLY HILLS DRIVE

Applicant: Austex Construction Company

Request: Variance to erect residence providing a front setback of 15 feet in "A" res. 1st H&A

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Form No. 105-46

File: C15- 82-042

Address: 5201 Beverly Hills Drive

Applicant: Frank Barron

Request: Variance to erect a single family dwelling and an open detached carport providing a front street setback of 15 feet in an "A" Residence, First Height and Area District.

July 12, 1982 -- GRANTED

BID 1007

Form No. 105-46

File: C15-82-070

Address: 5201 Beverly Hills Drive

Applicant: Frank Barron

Request: Variance to erect a single family dwelling providing a front street setback of 15 feet in an "A" Residence, First Height and Area District.

September 13, 1982 -- GRANTED


BID 1007

Form No. 105-46

To Whom It May Concern:

I grant Hugh Perry Builders and its principal contractors, Mr. Hugh Perry and Mr. Charlton Perry, full permission to conduct business on my behalf regarding construction and renovation at my home on 5201 Beverly Hills Drive in Austin, TX. Such business should include applications for building and construction permits from the City of Austin and other regulating authorities, in addition to the granting of whatever other permissions may contribute to the the construction of a new garage and to ongoing renovations at this address.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wallis Goodman', with a long horizontal flourish extending to the right.

Wallis Goodman

Aug. 14, 2013