

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 # C15-2013-0123
ROW # 11048052
TP-033203-11-05

**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: 7701 Bixler Drive

LEGAL DESCRIPTION: Subdivision - Yarrabee Bend South Sec 1

Lot(s) 14 Block A Outlot _____ Division _____

I/We Tom Gibbons on behalf of myself/ourselves as authorized agent for
myself affirm that on Oct 1, 2013,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

Carport 0' from side street
property line

in a SF-3 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:

Our house was the model home of the neighborhood and it was built w/o a garage. It is inconsistent with other properties in the neighborhood. We are deprived of privileges of other property owners in the neighborhood by not having covered parking. The previous owner installed the carport over
HARDSHIP: 25 years ago. (See attached letter from neighbor Marija Neuweg).

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:

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:

Our house was built on a corner lot and the carport does not alter
the character of any adjacent property (please see attached pictures).

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:

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:

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

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

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 Gibbons Mail Address 7701 Bixler Drive

City, State & Zip Austin, TX 78744

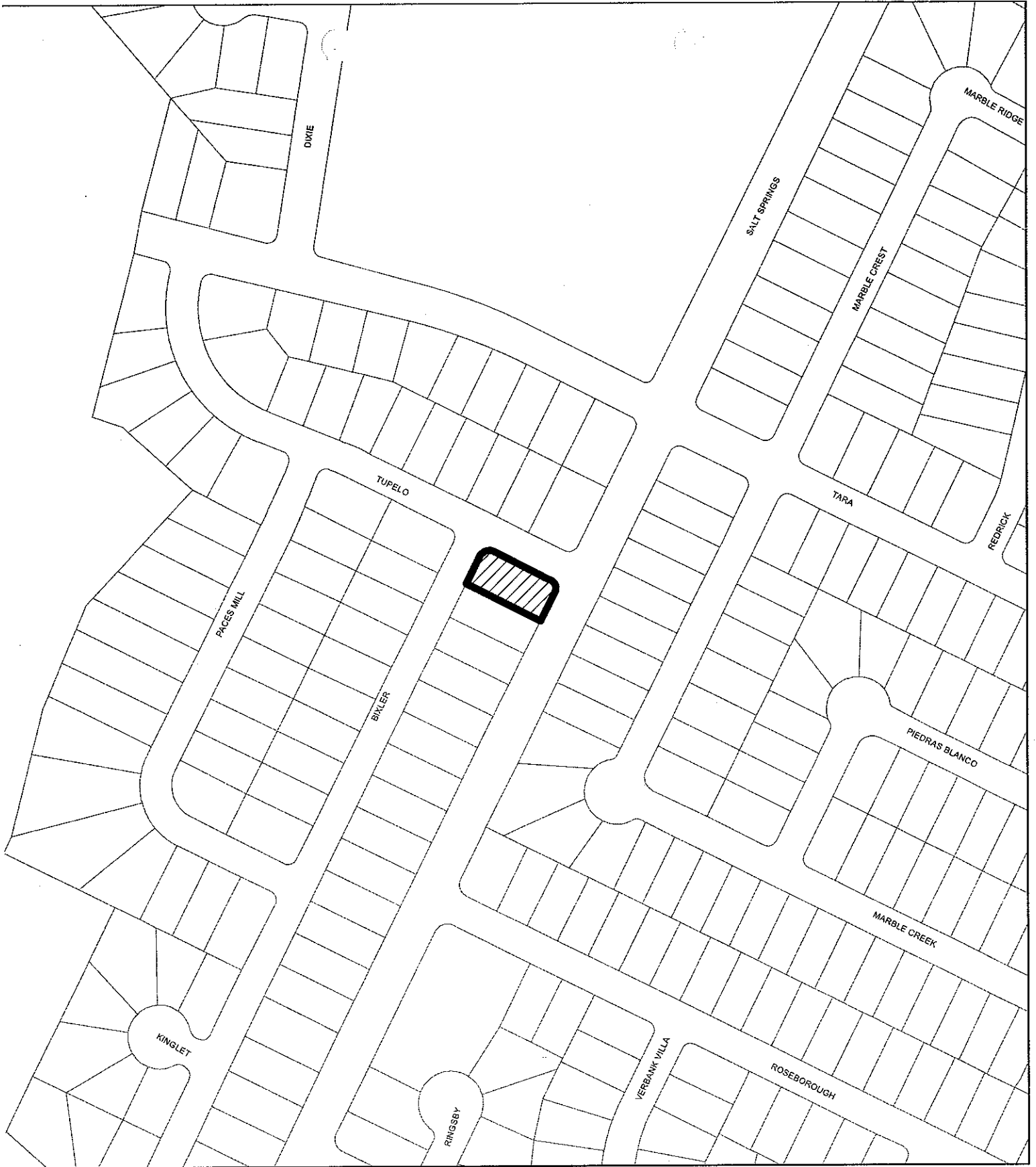
Printed Tom Gibbons Phone 512-282-8680 Date 10-1-2013

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 Tom Gibbons Mail Address 7701 Bixler Drive

City, State & Zip Austin, TX 78744

Printed Tom Gibbons Phone 512-282-8680 Date 10-1-2013



N

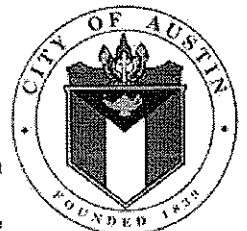


SUBJECT TRACT



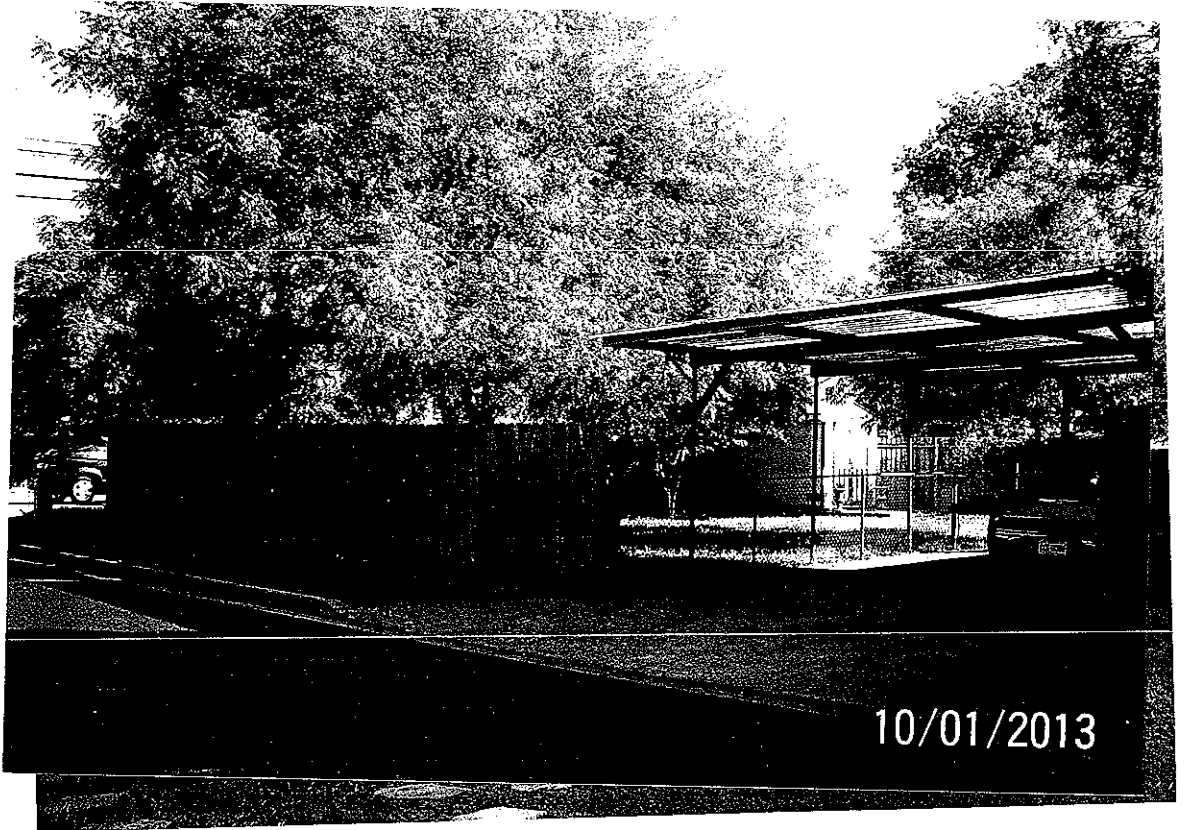
ZONING BOUNDARY

CASE#: C15-2013-0123
 LOCATION: 7701 BIXLER DRIVE



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.





SPECIAL EXCEPTION INSPECTION



Address:	7701 Bixler Dr.
Permit Number:	2013-088060
Property Owner Requesting Special Exception:	Tom Gibsons

<p><u>Special Exception Requested:</u></p> <p>Detached carport encroaching into side yard setback</p>
<p>Date Structure was originally constructed: dated thru GIS existed in 1997</p>

Date of Inspection:	08-29-2013
Building Official or designated representative	Tony Hernandez
X	The granting of the variances requested will <u>Not</u> result in any hazard to the life, health or public safety for either the property for which the variance is requested or to an adjoining public or private property
	The granting of the variances request will result in a hazard to the life, health or public safety of the either the property for which the variance is requested or to an adjoining public or private property. The following hazards related to the variance request were noted in this inspection: 1.

10-1-2013

I Marija Newweg have lived at 6310 Tupelo Dr. since 1983. The previous owners of 7701 Bixler Dr. lived there for 1 year before I moved in. A few years after I moved in, the owners of 7701 Bixler Dr. build the carport.

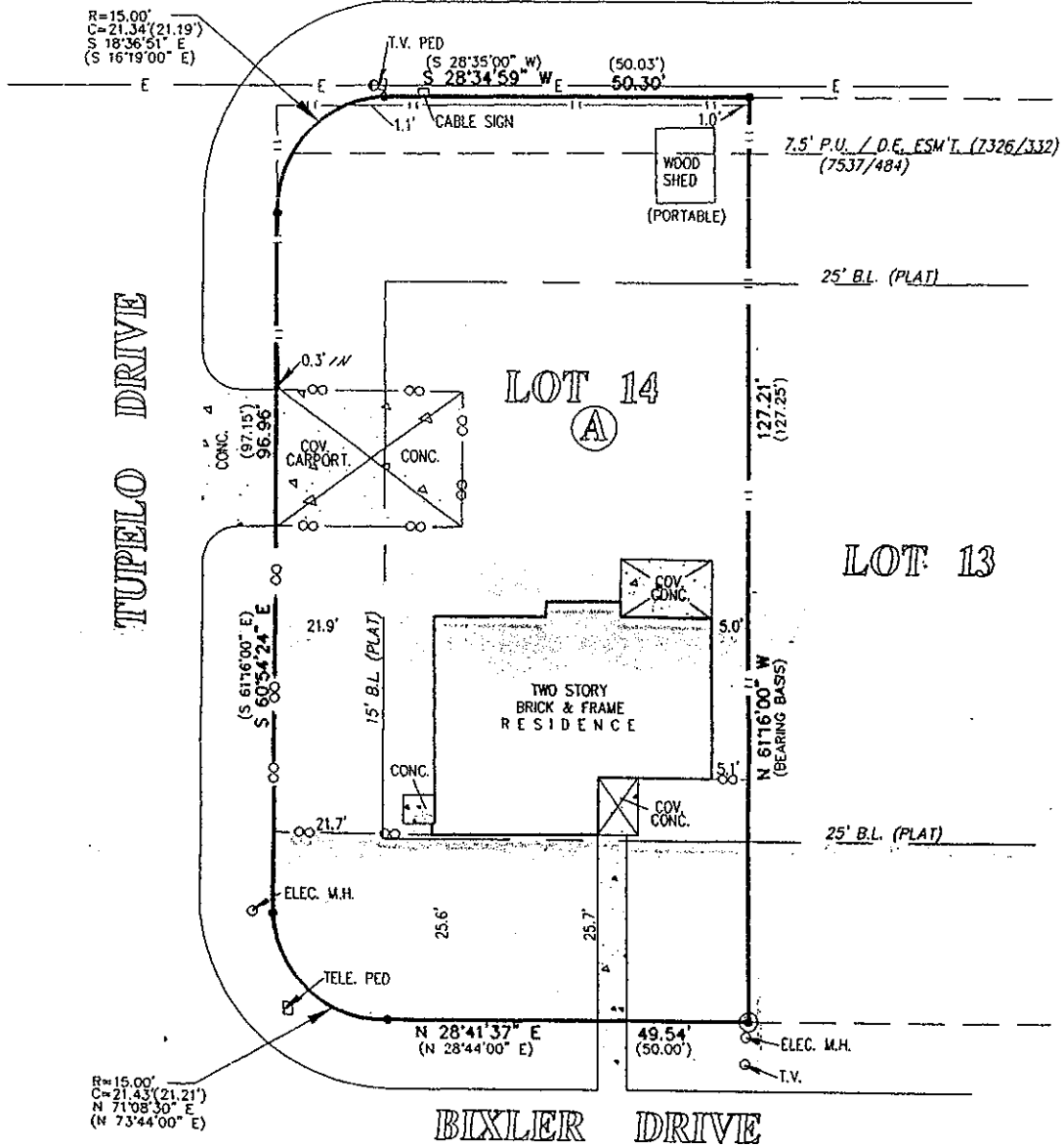
I do believe that a permit has been issued after about 1 or 2 years later.

Marija Newweg

(512) 282-7903

(The carport has been there for over 25 years)

NUCKOLS CROSSING ROAD



SIGNED Tom Gibbons
 BY _____
 DATE JAN 22 1999

SIGNED Diana Gibbons
 BY _____
 DATE JAN 22 1999

Note: Subject to restrictive covenants recorded in Vol. 79, Pg. 259, Vol. 7326, Pg. 332, and in Vol. 7537, Pg. 484, Deed Records of Travis County, Texas; and said Building Setback Lines as set out in Vol. 7326, Pg. 332, and Vol. 7537, Pg. 484, Deed Records of Travis County, Texas.

I, Donald M. Cookston, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to
 Columbia National Mortgage / Alamo Title Co. / Alamo Title Insurance

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) 14 Block A, Yarrabee Bend South Section 1

According to the map or plat recorded in Volume 79 Page 259 of the Plat records of TRAVIS County, Texas.

Witness my hand and seal this 26 day of October, 1998

Owner: Gibbons
 Address: 7701 Bixler Drive, Austin, Texas
 CF No. 98105736

SCALE: 1" = 20'

LEGEND	
○	CORNER FENCE POST
●	IRON ROD FOUND
○	IRON ROD SET
○	PIPE FOUND
△	NAIL FOUND
△	NAIL SET
⊠	"X" FOUND IN CONC.
—	WOOD FENCE
—	WIRE FENCE
—	CHAIN LINK FENCE
—	PUBLIC UTILITY EMT.
—	DEBRIS EMT.
—	BUILDING LINE
—	POWER POLE
—	OVERHEAD ELEC. LINE
—	DOWN SPLY
—	(SEE DEED RECORDS CALL



Donald M. Cookston
 Registered Professional Land Surveyor, No. 4733

