

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

DATE: Monday, November 14, 2013

CASE NUMBER: C15-2013-0081

Y ___ Jeff Jack
 Y ___ Michael Von Ohlen **Motion to PP Dec 9th 2013**
 Y ___ Stuart Hampton
 Y ___ Bryan King
 Y ___ Fred McGhee
 Y ___ Melissa Hawthorne **2nd the Motion**
 Y ___ Sallie Burchett
 - ___ Cathy French (SRB only)

OWNER/APPLICANT: Jeff Pegalis

ADDRESS: 2910 ZEKE BND

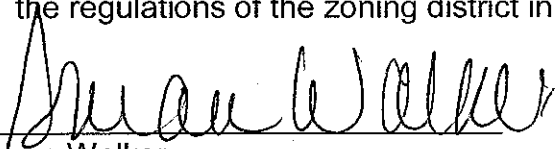
VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 10.4 feet in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

BOARD'S DECISION: POSTPONED TO NOVEMBER 14, 2013


BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to December 9, 2013, Board Member Melissa Hawthorne second on a 7-0 vote; **POSTPONED TO DECEMBER 9, 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: C15-2013-0081 - 2910 Zeke Bend
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, September 16, 2013

JOHN HARTFIELD
 Your Name (please print) I am in favor
 I object

8701 CHIPPER COURT
 Your address(es) affected by this application

[Signature]
 Signature Date 20 SEP 13

Daytime Telephone: 512-296-1014

Comments: THIS IS AFTER THE FACT, CARPORT WAS ADDED MORE THAN A YEAR AGO (AGAINST ZODING STANDARDS), WITHOUT DISREGARD FOR RULES OF PROPERTY OF OTHERS IF ALLOWED, THIS WILL BE THE ONLY FRONT CARPORT IN AREA AND RAISES PROPERTY VALUES

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: C15-2013-0081 - 2910 Zeke Bend
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 14, 2013

Your Name (please print) LINDA STARR
 I am in favor
 I object

Your address(es) affected by this application 8704 Clepper Ct Austin

Signature [Signature] Date 10/8/13

Daytime Telephone: 512/280-0007

Comments: The carpet is being used into the
home & our neighbor have no issue with it.
She kept his property up & is a good neighbor
& I am surprised I ain't been able to keep
this existing structure report. It is
not brought up & well maintained

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

October 8, 2013

TO: Greg Guernsey
Diana Ramirez
Susan Walker
Austin Board of Adjustment
Jeff Jack
Melissa Hawthorne
Sallie Burchett
Stuart Hampton
Bryan King
Dr. Fred McGhee
Nora Salinas
Will Schnier
Michael von Ohlen

RE: C15-2013-0081
Public Hearing October 14, 2013

I am opposed to the granting of the variance requested by the owners of 2910 Zeke Bend to decrease the minimum front street setback.

Builders of planned suburban neighborhoods design the houses and the streets to create an appealing streetscape and a cohesiveness among the houses that shows that these buildings belong together.

These homes usually have a two-car garage to protect vehicles from the elements.

In addition, the city of Austin has setback rules that specify the distance between a structure and the street. There is a reason for these setback rules.

Even though it is against our deed restrictions, some people in my neighborhood have built carports in front of their homes. I think it ruins the pleasant streetscape of a normal residential neighborhood and limits a person's line of sight. Structures built forward of the front of the house, such as the proposed carport, can hide attractive architectural features of homes and instead force neighbors to look at a utilitarian shed. If everyone on a street decided they needed a carport, the neighborhood would indeed be blighted.

In my opinion, all these factors tend to lower property values and the desirability of a neighborhood. I'm concerned that if this variance is granted in this neighborhood, it will pave the way for others to do the same thing in other neighborhoods. I urge you to deny the requested variance.

Linda Klar
2910 Jubilee Trail
512-585-8307

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# C15-2013-0081
ROW# 10978180

TP=0422230109

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: 2910 ZEKE BEND

LEGAL DESCRIPTION: Subdivision- CHERRY CREEK

Lot(s) 9 Block F Outlot. _____ Division. _____

I/We. JEFF PEGALIS on behalf of myself/ourselves as authorized agent for

_____ affirm that on 6-26-13

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

to: (check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

CAR PORT 10.4 from the p-l.

in a SF-2 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:

CARS DON'T FIT IN GARAGE, CLASSIC CAR
(1951 BUICK) AND TRUCK (500)

HARDSHIP:

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

CARPORT WAS ATTACHED TO HOUSE WHEN I
PURCHASED IT FOUR YEARS AGO

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

HOME HAS 2 SMALL SINGLE DOORS ON GARAGE
NOT LARGE ENOUGH FOR VEHICLES.

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:

EXPERTLY INSTALLED AND WELL MAINTAINED.

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:

CARPORT ALLOWS FOR 2 CAR PARKING IN
DRIVEWAY AS INTENDED.

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

SOLID CONSTRUCTION AND IN GREAT SHAPE.

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 John P. L. Mail Address _____

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 John P. L. Mail Address _____

2910 ZEKE BEND City, AUSTIN State TX & 78745 Zip

Printed _____ Phone (702) 743-0997 Date _____

Waterloo Surveyors Inc.
SURVEY PLAT

J13289

OWNER:
JEFFREY PEGALIS
ADDRESS:
2910 ZEKE BEND

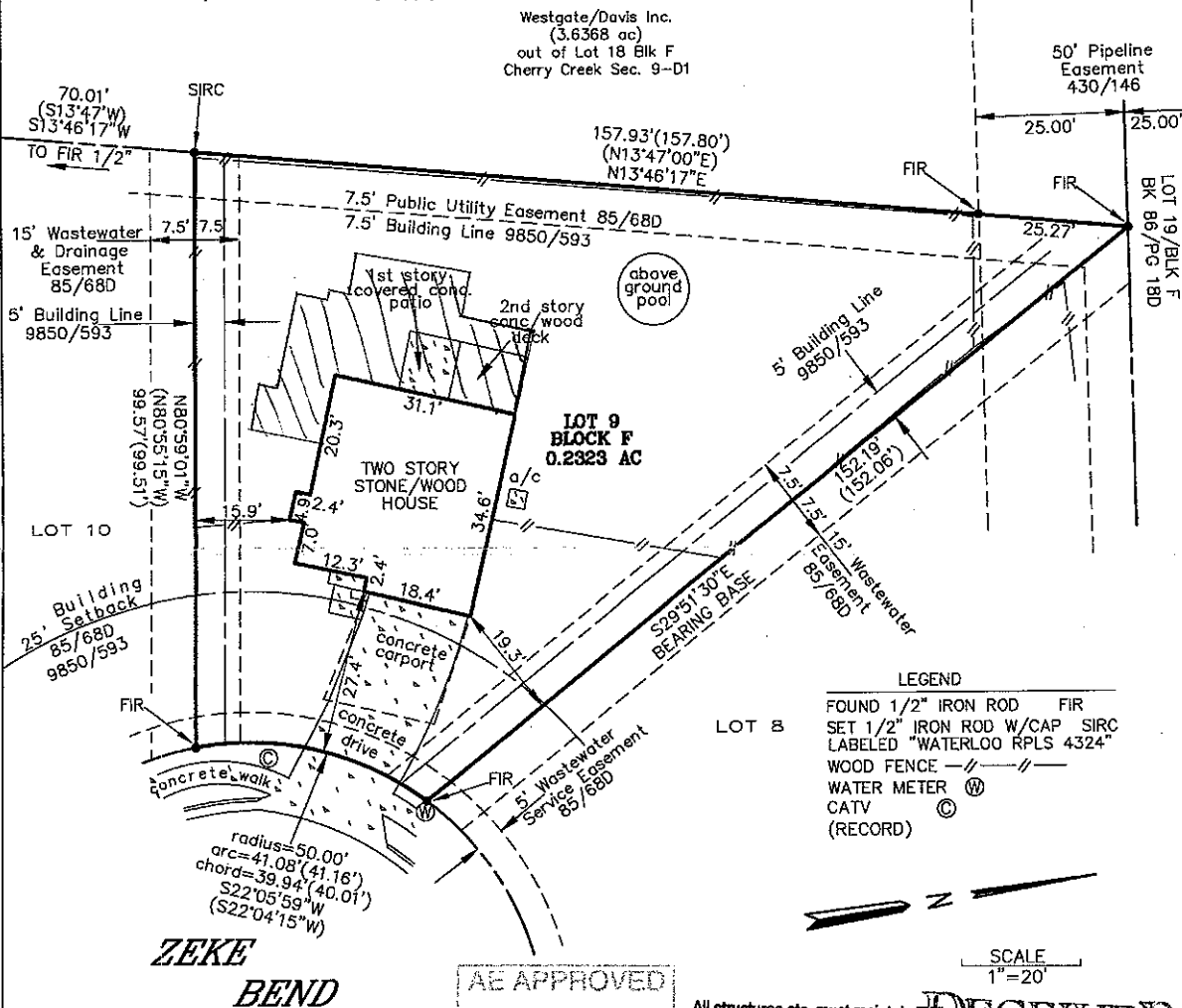
LEGAL DESCRIPTION:
LOT 9, BLOCK F, CHERRY CREEK SECITON 9--F, A SUBDIVISION IN TRAVIS COUNTY
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 85, PAGES 68D-
PLAT RECORDS, TRAVIS COUNTY, TEXAS.

LOT 9 IS SUBJECT TO EASEMENT RIGHTS AND RESTRICTIVE COVENANTS IN BOOK 85, PAGE 68D
PLAT RECORDS, AND VOLUME 9580, PAGE 593, REAL PROPERTY RECORDS, TRAVIS COUNTY,

APPROVED FOR RECORD
CITY OF AUSTIN
Greg Guemsey
Planning and Development Department
Date: 11/11/08
The granting of a permit for or approval of these plans and specifications shall not be construed to be an approval of any violation of the provisions of the current accepted building code or any other ordinance of the City of Austin.

NOTE:
This survey was made without the benefit of a title commitment and additional easements and/or restrictions may apply

REVIEWED FOR ZONING ONLY



AE APPROVED
OCT 30 2012
304-202
JCM

RECEIVED
OCT 30 2012
All structures etc. must maintain 7' clearance from AE energized power lines. Enforced by AE & NESC codes.

State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B Condition II Survey.

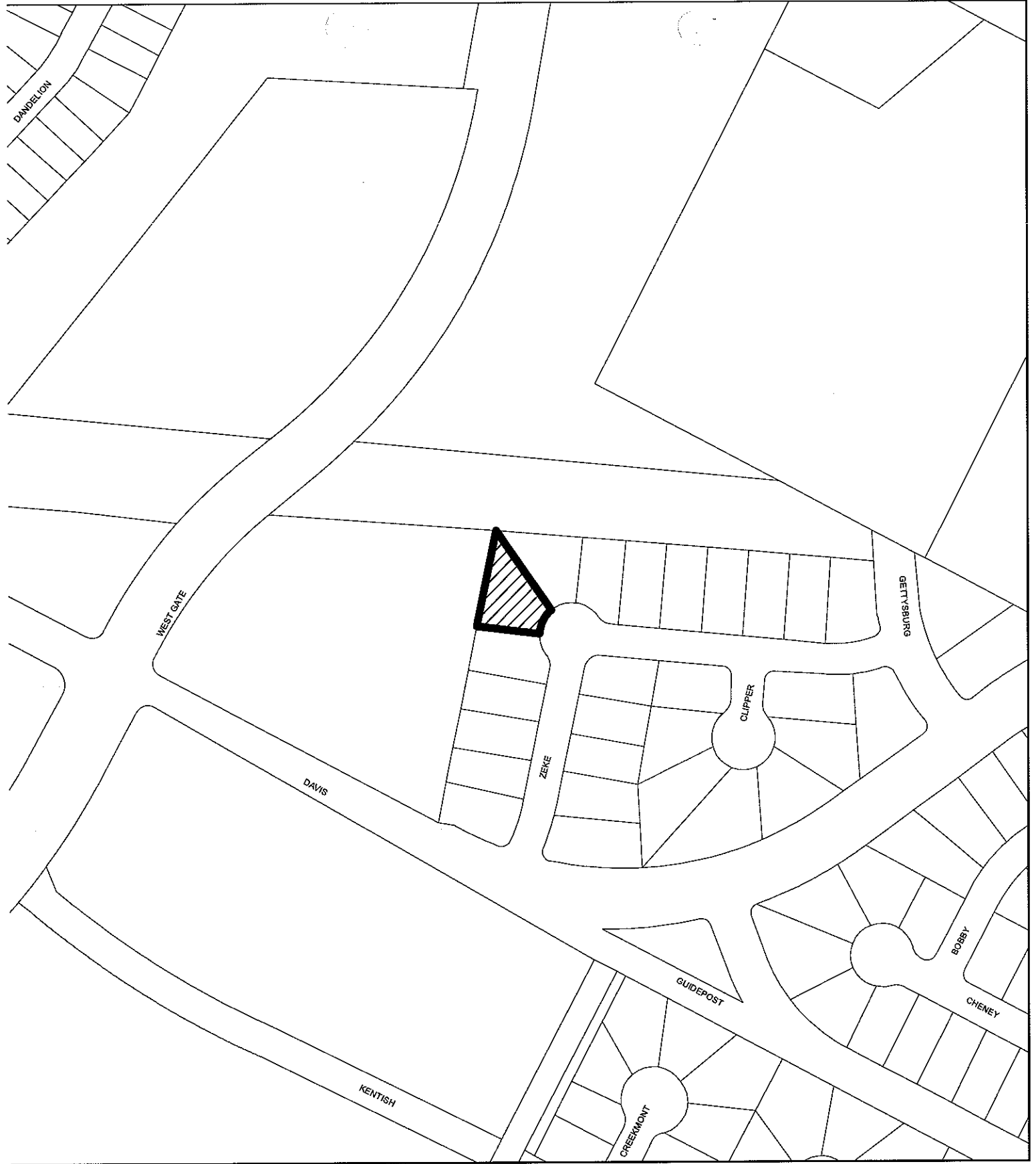
And I certify that the property shown hereon IS NOT within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD flood hazard boundary map revised as per Map Number: 48453C0580H
Zone: X Dated: SEPTEMBER 26, 2008

Dated this the 13TH day of AUGUST, 2012

WATER & WASTEWATER UTILITY
CONSUMER SERVICES DIVISION



Thomas P. Dixon R.P.L.S. 4324



N



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0081
 LOCATION: 2910 Zeke Bend



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.

Walker, Susan

From: ~~XXXXXXXXXXXXXXXXXXXX~~
Sent: Tuesday, August 13, 2013 7:26 PM
To: Walker, Susan
Subject: Re: Board of Adjustment application

Re: Zinke Bend

It's 10.4 inches at its closest point. The property is a wedge shape so I went with the closest point.

On Aug 13, 2013, at 3:58 PM, "Walker, Susan" <Susan.Walker@austintexas.gov> wrote:

Jeff,

The information that I need is the exact dimension from the property line to the closest support of the carport.
(A 2 foot overhand is required into the front street setback.) I called the number on the application (702-743-0947) several times and left messages requesting this information, but never got a call back. The latest information that I got from you is that the carport was 19 feet 9 inches from the street, but that doesn't tell me the information I need in order to send out the notification. The survey that was submitted is not to scale so I was unable to determine this information.

If I can get this information by 8-29, I will be able to have your case heard on the September 16th agenda.

Thank you,

Susan Walker
Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536

From: Ramirez, Diana
Sent: Tuesday, August 13, 2013 3:42 PM
To: Walker, Susan
Subject: FW: Board of Adjustment application

From: jeff pegalis ~~XXXXXXXXXXXXXXXXXXXX~~
Sent: Tuesday, August 13, 2013 3:37 PM
To: Ramirez, Diana
Subject: Re: Board of Adjustment application

Diana,

I went to the review board meeting last night and sat there for five hours only to find out I wasn't even in the docket in spite of being notified by Mr Constacion that it was last night. Needless to say that was at best frustrating. I have three kids and own a business, my time is limited. Please advise on how to get on the dock so I can wrap this up?

Walker, Susan

From: ~~Jeff Pegalis <jeff.pegalis@cityofaustin.com>~~
Sent: Saturday, October 12, 2013 2:21 PM
To: Walker, Susan
Subject: Re: Board of Adjustment application

Susan,

I had surgery yesterday and will not be able to attend the next board of adjustment meeting. I'd like to push this forward to the next one please

Jeff Pegalis

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