

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE #

ROW

C15-2014-0006
11061399

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

TP-022502-04-08

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

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

STREET ADDRESS: 4604 Ramsey Avenue

LEGAL DESCRIPTION: Subdivision - Melrose Terrace

Lot(s) 3 Block 27 Outlot Division

I, Katherine Loayza, as authorized agent for Nancy L. and Emilio B. Nicolas,
affirm that on December 2, 2013, hereby apply for a hearing before the Board of
Adjustment for consideration to:

(check appropriate items below)

 X ERECT ATTACH COMPLETE REMODEL MAINTAIN

A detached single story 18' x 28' garage in the same general site as the original garage
was located at 4604 Ramsey Avenue, or 3' from the side setback and 10' from the rear
setback as allowed 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.

Requested Variances: Section 25-2-492(D) – to allow a 3' side setback instead of the required 5' setback to allow for the construction of a new garage replacing the original structure and locating it in the same site.

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:

The only reasonable location for the new garage would be to locate it in the same general area as the original garage, which was built in 1939. The access and egress to the garage at the rear of the property would be greatly diminished, and potentially cause damage to the existing house located on the same property due to regular traffic, if the garage entrance could not line up with the existing driveway.

The owners have an approved residential building permit for the new garage, having also demolished the original structure, with the understanding that the permit was for a 3' side setback. The proposed garage is of the same scale and design as the original structure and complies with the 10' rear setback requirement.

HARDSHIP:

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

The original garage built in 1939 complied with the Code in effect at that time which allowed a 3' side setback, thus making the garage a legal non-complying use.

The owners would not have demolished the existing garage – which was dilapidated, in need of major repair, and no longer usable as a garage or safe storage space – had they known they could not replace the structure in the same location. The owners had assumed the City-approved residential permit for the new garage allowed them to do this, with their assumption having been reasonably based on their instructions to their general contractor and surveyor, and their interpretation of the residential permit and initial survey. The side setback issue was not discovered until the layout inspection, which followed the demolition of the original garage. As a result of the layout inspection, a new survey was required; and in the process of preparing the new survey, it was identified that the replacement garage was not in compliance with current Code requirements for the side setback.

Compliance with the current 5' side setback requirement will create access issues. The necessary driveway configuration will also add additional impervious cover to

the site, even though the site with the new garage is already very close to, if not at the maximum, allowable impervious cover.

There is no adjacent structure from neighboring properties that will be affected by the construction of the replacement garage. The owners do not believe their adjacent neighbors will oppose the requested 3' side setback, and are in the process of securing the written approval of those neighbors.

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 proposed single story garage: wood frame with fibre cement / hardie board siding, 13' tall, 18' wide and 28' deep (additional 10' at the rear for enclosed storage) is designed to maintain the same character and scale of the existing garage.

There are a number of properties in the neighborhood with the same garage configuration reflecting the original 3' side setbacks which have been remodeled or replaced over the years.

The owners have presented the proposed variance to the Rosedale Neighborhood Association and to date have not heard of any opposition to the requested variance.

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: Katherine Loayza Mail Address 100 Congress Ave., Ste. 1100

City, State & Zip Austin, Texas 78701

Printed Katherine Loayza Phone (512) 235-2259 Date 12/2/13

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:  Mail Address 4604 Ramsey Avenue

City, State & Zip Austin, TX 78756

Printed Emilio B. Nicolas Phone 512-551-2343 Date 11/27/2013

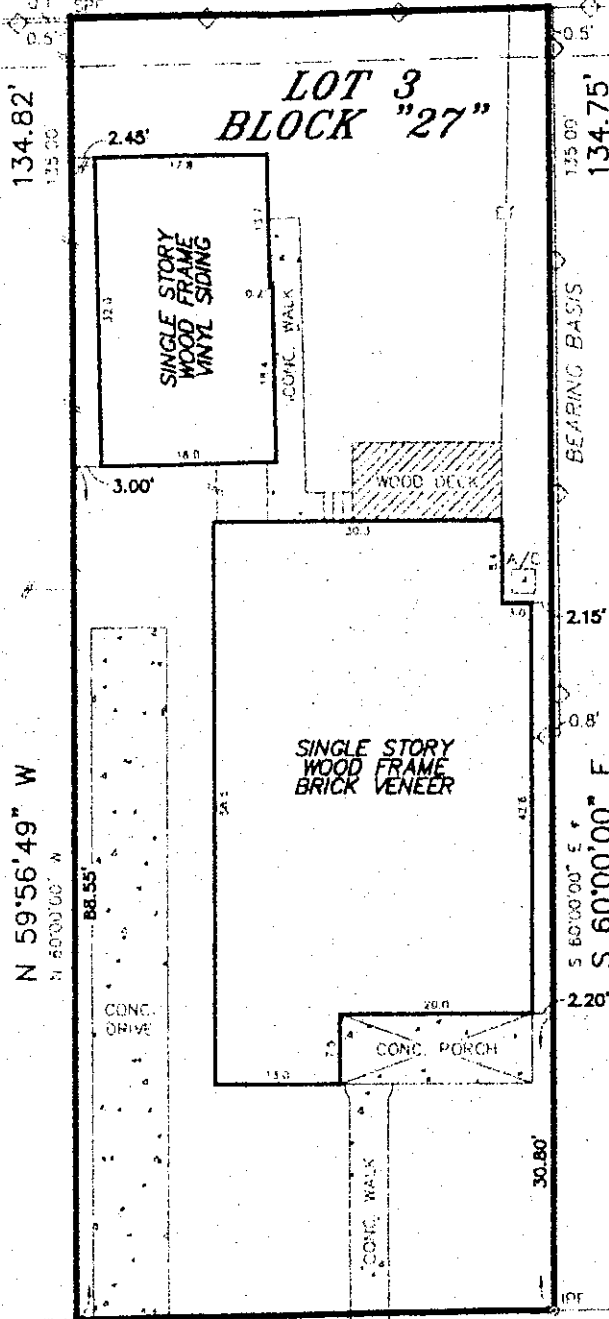


LEGEND

- PP • POWER POLE
- ET - OVERHEAD ELEC./TELE. LINE
- ◇ CHAIN LINK FENCE
- W FENCE
- WM ○ WATER METER
- IRF • 1/2" IRON ROD FOUND
- IPF • 1/2" IRON PIPE FOUND
- SPF • RAILROAD SPIKE FOUND

RESIDUAL "1"
BK. D. PG. 247

N 29°01'47" E 49.84' (ACTUAL TYP.)
N 29°15'00" E 50.00' (RECORD TYP.)



RAMSEY AVENUE

PLAT OF SURVEY

Survey No. 09491

SCALE 1" = 20'

GF 00092643

Said lot is in Zone X as certified by the

Federal Emergency Management Agency on

Community Panel No. 46453C 0455H

Dated: SEP. 26, 2008

LOT NO. 3 BLOCK NO. "27"

ADDITION OR SUBDIVISION MILROSE TERRACE, VOLUME 4, PAGE 11, PLAT RECORDS

STREET ADDRESS 4604 RAMSEY AVENUE CITY AUSTIN COUNTY TRAVIS

SURVEY FOR HERITAGE TITLE COMPANY OF AUSTIN, INC. REFERENCE EMILIO & NANCY NICOLAS

TO ALLIANT NATIONAL TITLE INSURANCE COMPANY, INC.

STATE OF TEXAS, COUNTY OF TRAVIS

I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS MADE THIS DAY ON THE GROUND AND IS TRUE AND CORRECT, AND THAT

THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, VISIBLE UTILITY LINES OR ROADS IN

PLACE EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCESS TO A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

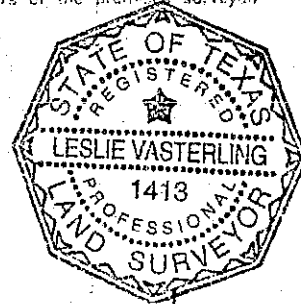
SNS ENGINEERING, INC.

9801 Anderson Mill Road, Suite 209

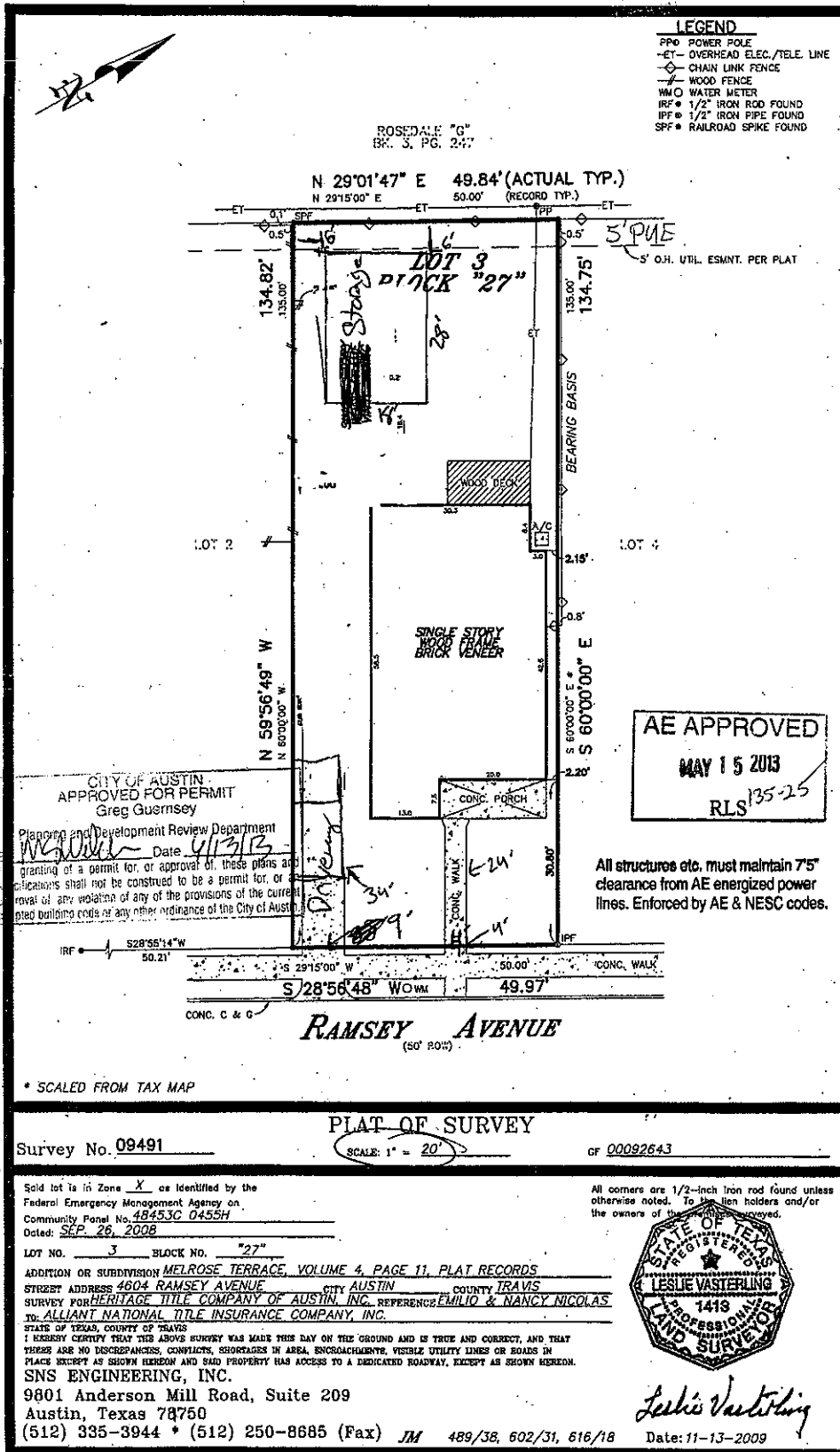
Austin, Texas 78750

(512) 335-3944 * (512) 250-8685 (Fax) *JM* 489/38, 602/31, 616/18 Date: 11-13-2008

All corners are 1/2-inch iron rod found unless otherwise noted. To the lien holders and/or the owners of the premises surveyed.

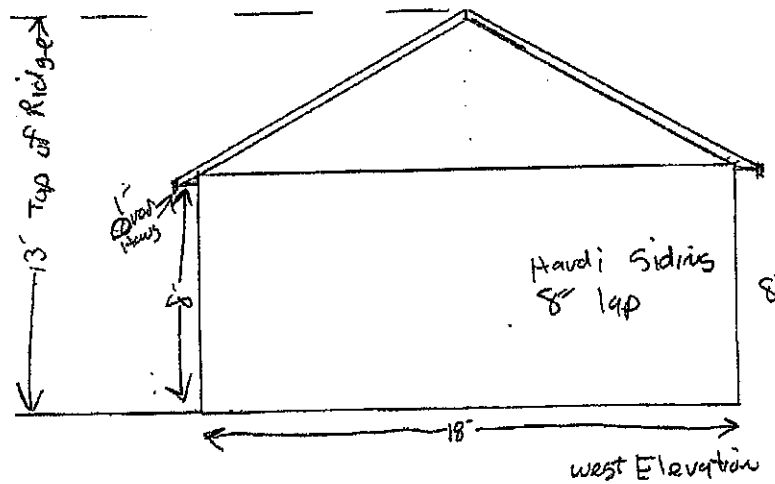
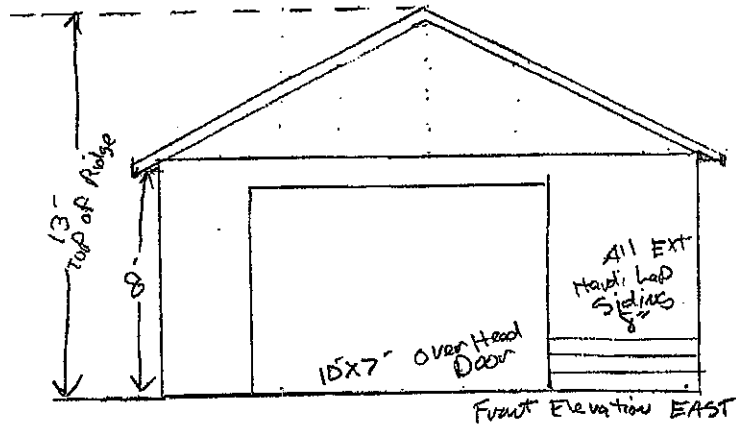


Leslie Vasterling



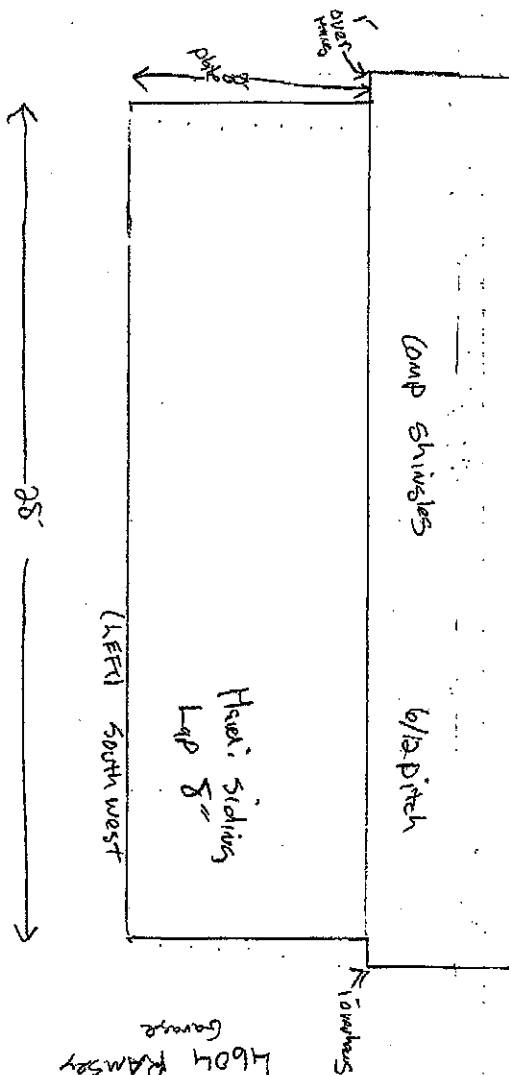
4604 Ramsey

Scale $\frac{1}{4}" = 1'$



REVIEWED FOR ZONING ONLY

W. J. Wile
4/13/13



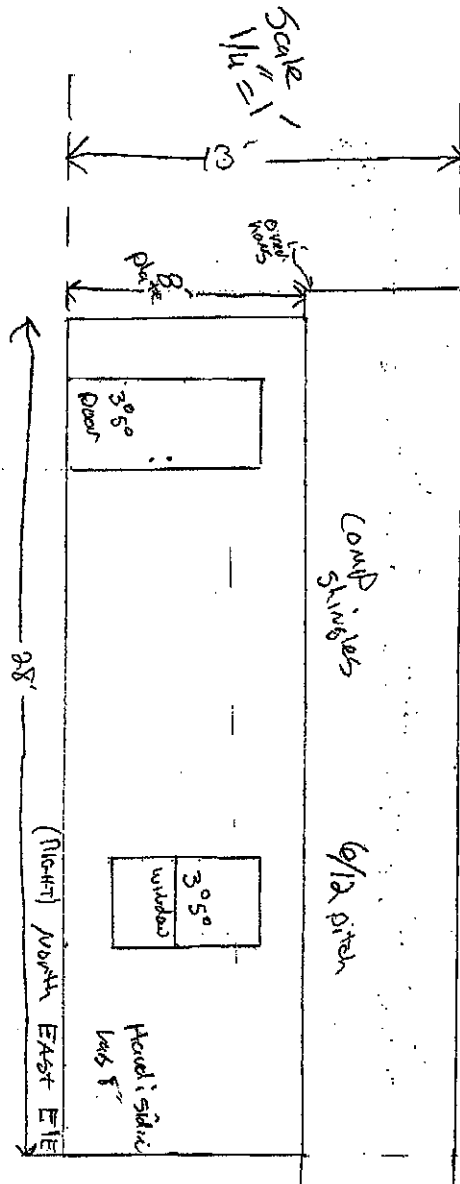
Scale 1/4" = 1'

H604 Ramsey Garage

REVIEWED FOR ZONING ONLY

W. M. Miller
11/3/13

41604 Ramsey

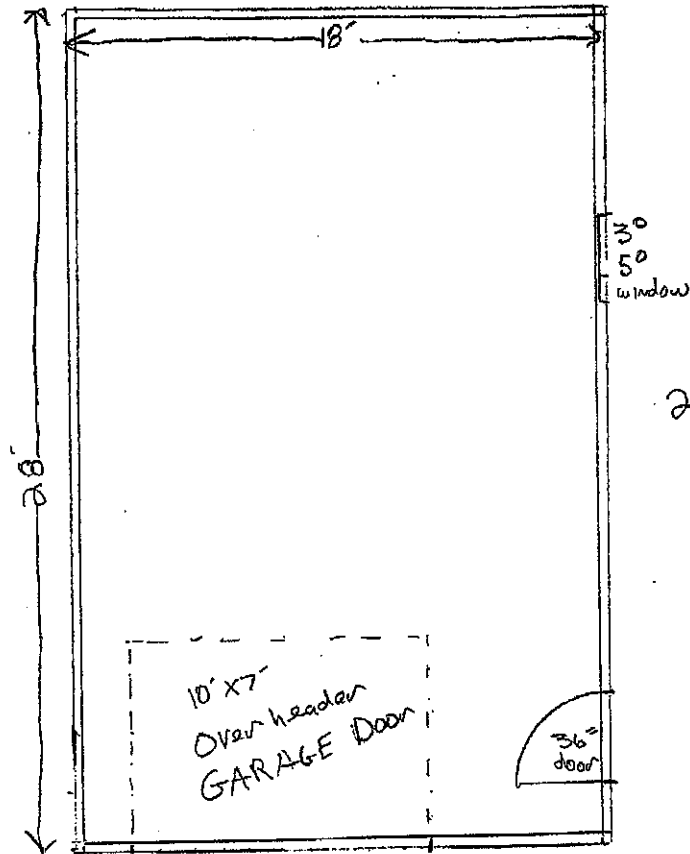


REVIEWED FOR ZONING ONLY

W. J. W. W. W.
01/31/3

H604 RAMSEY Austin TX 78756

Scale $\square = 1'$
 $1/4" = 1'$



2" x 4" EXT walls

REVIEWED FOR ZONING ONLY

WMAW
6/13/13

Nancy L. Nicolas
4604 Ramsey Avenue
Austin, Texas 78756
(512) 551-2343 / nancynicolas79@gmail.com

November 25, 2013

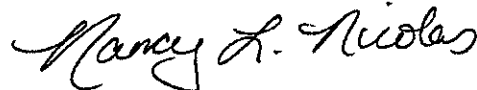
City of Austin
Board of Adjustment
Austin, Texas 78767-1088

Re: Letter of authorization concerning 4604 Ramsey Avenue, Austin, Texas 78756

To Whom It May Concern:

I hereby authorize Katherine Loayza of Jackson Walker L.L.P. to submit an application to the Board of Adjustment for a variance on my behalf, and to handle all matters related to said application. Please do not hesitate to contact me should you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Nancy L. Nicolas".

Nancy L. Nicolas

cc: Katherine Loayza
Jackson Walker L.L.P.

Emilio B. Nicolas
4604 Ramsey Avenue
Austin, Texas 78756
(512) 551-2343 / ebnicolas@gmail.com

November 25, 2013

City of Austin
Board of Adjustment
Austin, Texas 78767-1088

Re: Letter of authorization concerning 4604 Ramsey Avenue, Austin, Texas 78756

To Whom It May Concern:

I hereby authorize Katherine Loayza of Jackson Walker L.L.P. to submit an application to the Board of Adjustment for a variance on my behalf, and to handle all matters related to said application. Please do not hesitate to contact me should you have any questions.

Very truly yours,


Emilio B. Nicolas

cc: Katherine Loayza
Jackson Walker L.L.P.