

CASE # C15-2014-0021
ROW # 11073671
TP-010901-02-02

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: 903 Shelley Ave.

LEGAL DESCRIPTION: Subdivision --

Lot(s) 50x100ft Block OLT 4 Outlot Division Z

I/We Jeff Derebery on behalf of myself/ourselves as authorized agent for

Janice Fischer affirm that on Jan. 1, 2014 ,

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

(check appropriate items below)

 ERECT ATTACH COMPLETE X REMODEL MAINTAIN

Permission to exceed impervious cover zoning to enclose existing deck & balcony as screened porches

This requires exception to imp. cover zoning even though impervious cover will actually be DECREASED as a result of the scope of work

in a SF-3-NP 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: enclosing porches falls within owners legal right to use residential property to its fullest and to re-create, and owners right to address basement drainage issues.

HARDSHIP:

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

Home was built in 1922 on undersized lot and previous owners installed addition & pavers in front & rear yard in 1985 before impervious cover zoning.

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

Undersized lot is not general to area and numerous properties have screened porches. Drainage issues are unique to this property in that it has a basement, an uncommon feature in Austin.

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:

Trees and bamboo already block view of affected area from only neighbor on that side, and scope of work will actually DECREASE impervious cover which will improve drainage to watershed which is intent of ordinance.

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:

n/a

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:

n/a

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

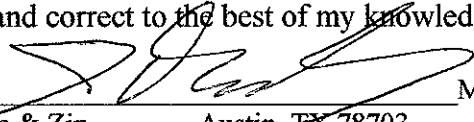
n/a

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

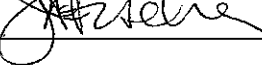
n/a

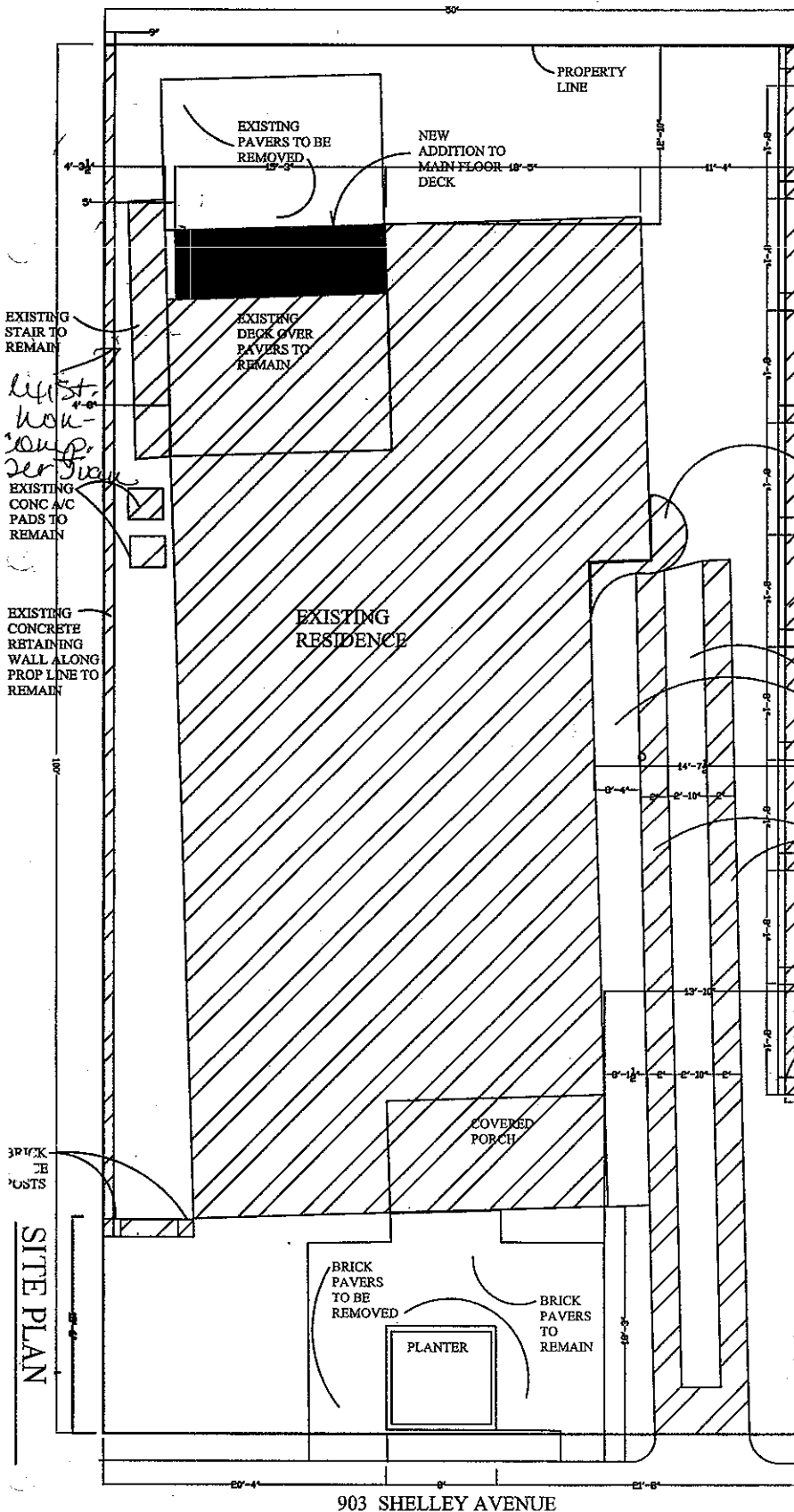
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

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 903 Shelley Ave.]
City, State & Zip Austin, TX 78703
Printed Jeff Derebery Phone 512-217-4999 Date 1/1/14

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 903 Shelley Ave
City, State & Zip Austin, TX 78703
Printed Janice Fischer Phone 512-394-6469 Date 1/1/14



IMPERVIOUS COVER AREA

EXISTING

LOT AREA PER TCAD	5,175.0 S.F.	100.0%
RESIDENCE, DECKS AND PORCHS	2,201.5 S.F.	42.5%
CONCRETE PADS FOR FENCES	126.0 S.F.	2.4%
A/C PADS	18.0 S.F.	0.3%
DRAINAGE STRUCTURE	19.2 S.F.	0.4%
DRIVEWAY STRIPS	268.6 S.F.	5.2%
PAVERS IN FRONT	193.0 S.F.	3.7%
PAVERS IN BACK	170.8 S.F.	3.3%
CONC. INFILL @ DRIVEWAY CENTER	167.0 S.F.	3.2%
CONC INFILL @ SIDE TOWARD HSE	141.9 S.F.	2.7%
EXISTING IMPERVIOUS COVER	3,306.0 S.F.	63.9%

PROPOSED

LOT AREA PER TCAD	5,175.0 S.F.	100.0%
RESIDENCE, DECKS AND PORCHS	2,201.5 S.F.	42.5%
CONCRETE PADS FOR FENCES	126.0 S.F.	2.4%
A/C PADS	18.0 S.F.	0.3%
DRAINAGE STRUCTURE	19.2 S.F.	0.4%
DRIVEWAY STRIPS	268.6 S.F.	5.2%
PAVERS IN FRONT	0 S.F.	0%
PAVERS IN BACK	0 S.F.	0%
CONC. INFILL @ DRIVEWAY CENTER	0 S.F.	0%
CONC INFILL @ SIDE TOWARD HSE	0 S.F.	0%
COVERED DECK ADDITION	79.2 S.F.	1.5%
PROPOSED IMPERVIOUS COVER	2,712.5 S.F.	52.4%

FLOOD
PREVENTION
STRUCTURE
TO
REMAIN

EXISTING
CONCRETE
PAD ALONG
PROP LINE TO
REMAIN

EXISTING
INFILL
CONCRETE
TO BE
REMOVED

EXISTING
CONCRETE
DRIVE
STRIPS
TO
REMAIN

BRICK
FENCE
POSTS

OWNER

JANICE A. FISCHER
903 SHELLEY AVENUE
AUSTIN, TEXAS 78703

CONTRACTOR

NEXT GENERATION RESTORATIONS
903 SHELLEY AVENUE ???
AUSTIN, TEXAS 78703

903 SHELLEY AVENUE

*Next Generation
Copy*

BRYAN HAMILTON SMITH, ARCHITECT

1208 N. CHENANGO, ANGLETON, TEXAS

EMAIL: RAMSLAC@YAHOO.COM

PH. 512-442-6166



Expires 11/5/10

11/5/2010

ADDITION TO

903 SHELLEY AVENUE
AUSTIN, TEXAS

sheet
A 1

Walker, Susan

From: Camou, Juan
Sent: Thursday, January 09, 2014 3:59 PM
To: Walker, Susan
Subject: FW: Attached Image
Attachments: 0065_001.pdf

Mrs. Walker,

The stairs are legal NONCOMPLYING based on the deck permit from 1984-000747BP and the attached survey from 1993.
If you need additional information please let me know.

Thanks,
Juan Camou

From: OTC02Whitehouse@austintexas.gov [<mailto:OTC02Whitehouse@austintexas.gov>]
Sent: Thursday, January 09, 2014 3:48 PM
To: Camou, Juan
Subject: Attached Image

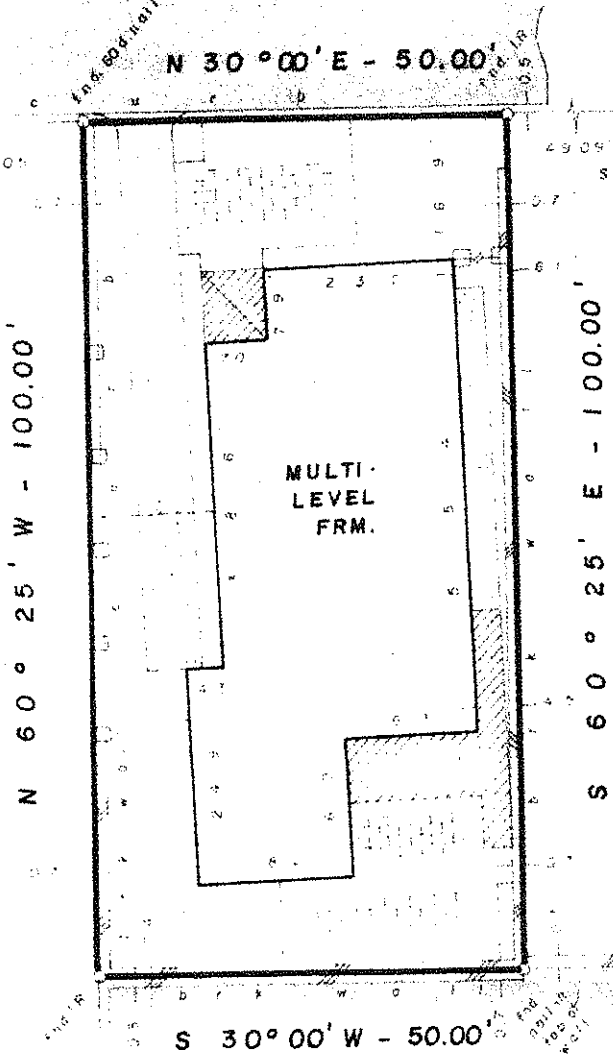
*NOTES: (1) No Restrictive Covenants are of separate public record.

(2) Subject Property does NOT lie within the limits of a special Flood Hazard zone, as determined from F.E.M.A. Flood Insurance Rate Maps, Community No. 486624, as shown on Consolidated Map 486710/205-E, dated June 16, 1993 (here "X").

WEST 9th STREET

(40' R. O. W.)

SHELLEY AVENUE



LEGAL DESCRIPTION:

Being all that certain 0.115 acre tract or parcel of land out of OUTLOT 4, DIVISION "Z", ORIGINAL CITY OF AUSTIN, Travis County, Texas, according to the map thereof of record in the General Land Office of the State of Texas, and being more particularly described in attached Exhibit "A".

PURCHASER: VIZE

TITLE CO.: FIRST AMERICAN

ADDRESS: 903 SHELLEY AVENUE

G. F. NO.: 930796

I hereby certify that this plat represents a correct survey made upon the ground under my supervision on JUNE 22, 1993, and that there are no encroachments upon subject property, except as shown hereon, and that all improvements and all visible and apparent

[Handwritten signature]

Board of Adjustment

Austin, TX

Re: 903 Shelley Ave. Impervious Cover

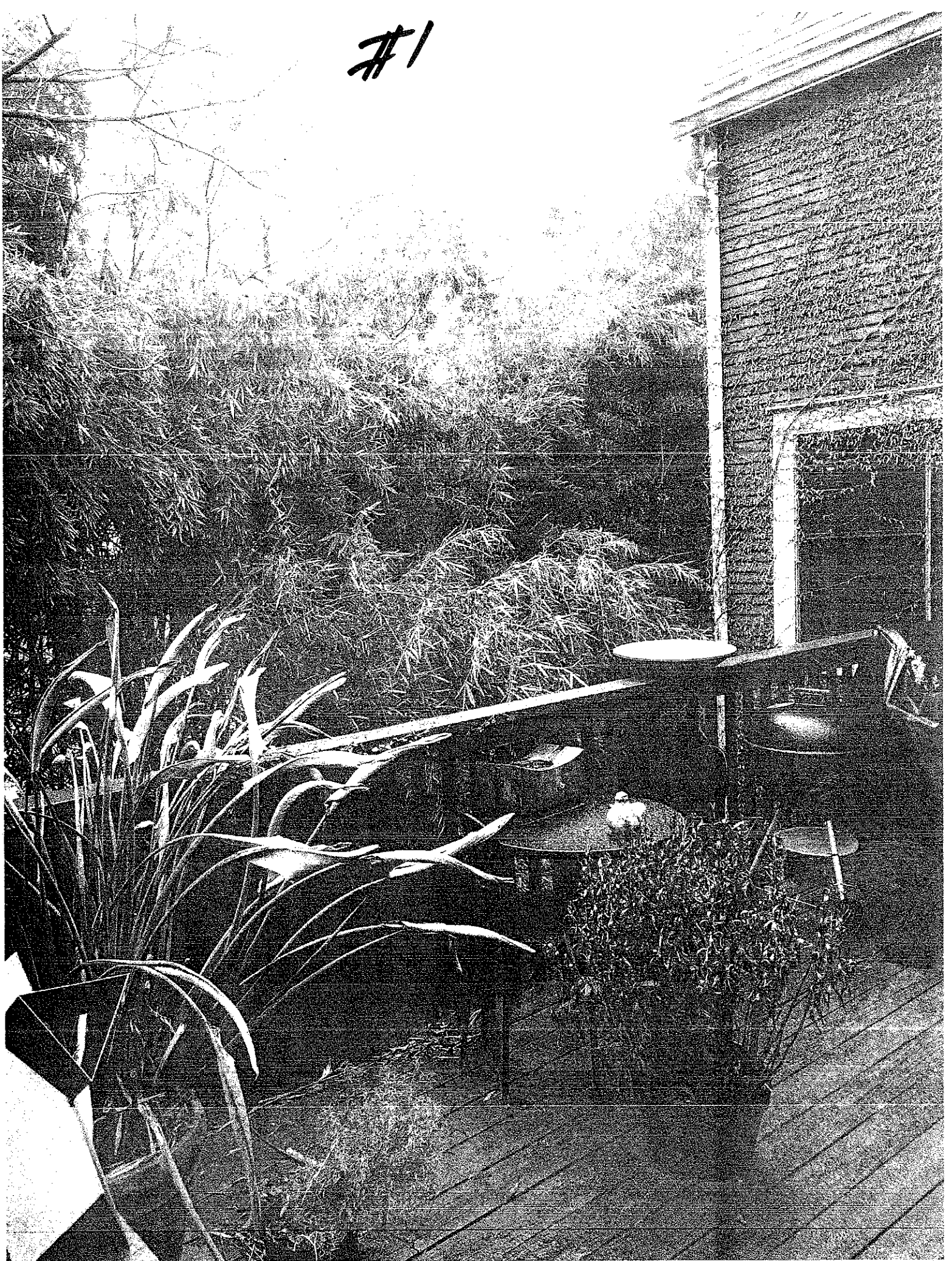
We are applying for an exemption to impervious cover zoning on this project to screen in and roof two existing porches. It should be noted up front that the scope of work will decrease the actual amount of impervious cover that exists now and that the variance is required because the house as it exists now, and has since before Austin passed impervious cover limitations in 1985, exceeds the allowable amount. The house was built in 1922 on an undersized lot and had a legally permitted addition completed in 1985. At that time pavers were laid down in both the front and rear yards and a center driveway strip was added. The house has very little front or back yard and is heavily surrounded by bamboo which was planted long in the past. It is also unusual in having a full basement.

Our argument for reasonable use is that because of the above conditions we have two main problems we are trying to address. As photo #1 shows the bamboo in the area is actually in contact with the house and porch and consequently causes both moisture and mosquito problems and prevents our ability to recreate in our own yard. And because we are unable to collect and divert the water that falls on the porches we have flooding problems in the basement. Photos #2 & 3 show the area of basement under the porches that floods. The new roofs will permit us to collect and channel the water into the French drain system where it can slowly percolate into the aquifer and the screen will allow us relief from the bamboo mosquito problem.

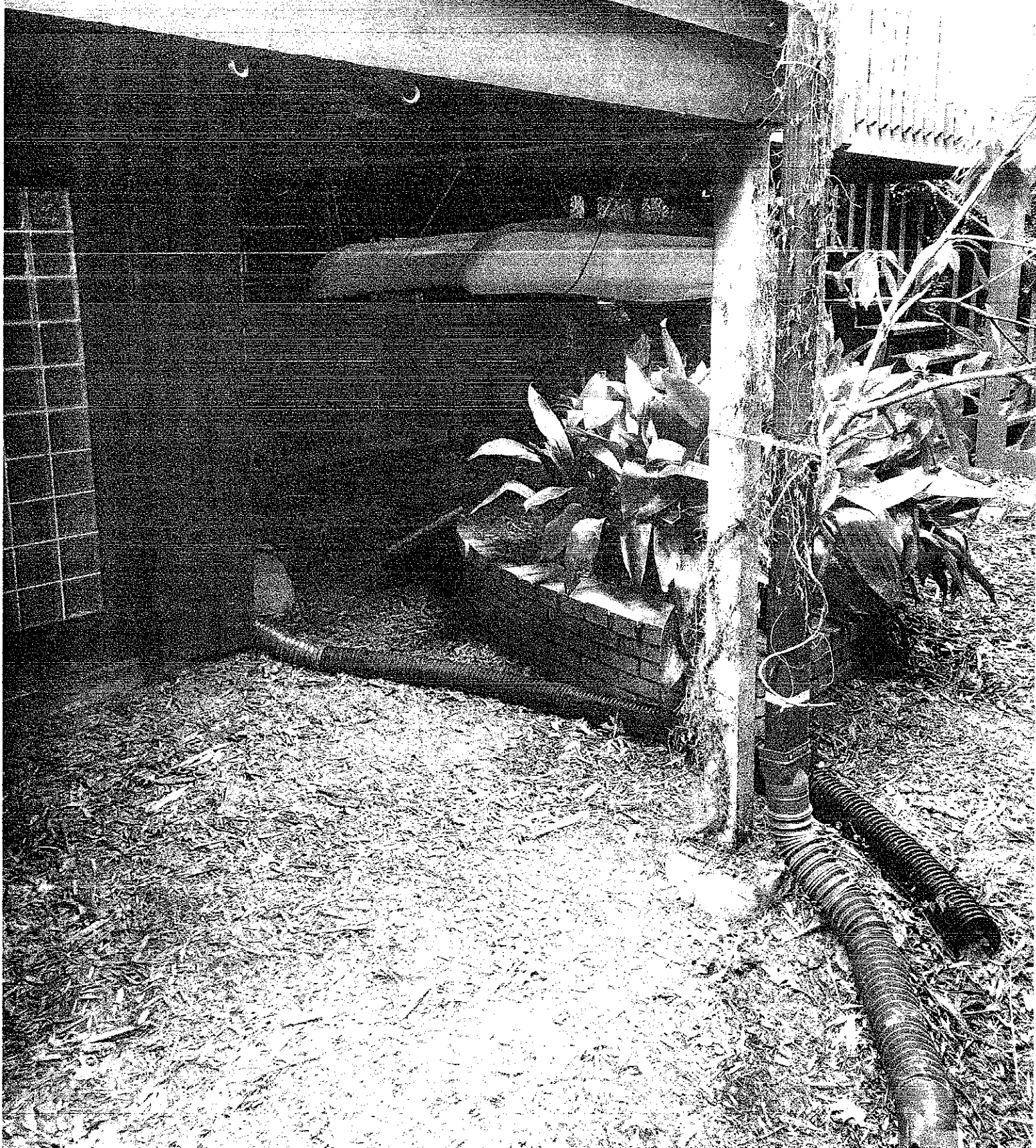
Our argument for hardship follows from the above. The bamboo surrounds the house on all sides causing the need to screen in the porches in order to use them and get relief from the mosquitos and the house is exceeding impervious cover because of both a small lot and additions and changes made before any limitations were passed. The basement is unusual in Austin and these conditions cause flooding which can be relieved by roofing the porches in order to collect and divert the water. We wish to stress that in the scope of work we intend to remove all pavers and the driveway strip so we are actually decreasing the impervious cover as it exists now.

The area character will not be altered as the work is in the back of the house and as photos 4 & 5 show is well hidden by the bamboo. Being an older neighborhood there are numerous screened porches, including next door at the only house that actually adjoins the work, again as shown in photos 4 & 5. We will not impair the purpose of the zoning regulation but will in fact enhance it by lowering impervious cover.

#1



#3





#5



Board of Adjustment

Austin, TX

We approve of and recommend the Board of Adjustment grant a variance for impervious cover to 903 Shelley Ave. By doing so the Board will address the properties hardships and allow reasonable use and will not be changing the area character.

Marjorie Moore *Steven Moore*

Steven + Marjorie Moore

1309 W. 9 1/2 St

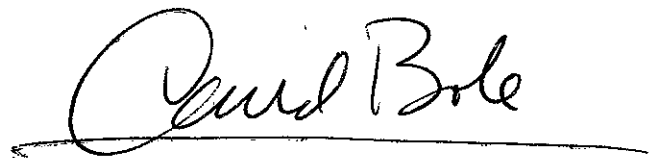
Austin, TX 78703

Board of Adjustment

Austin, TX

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Respectively,

A handwritten signature in cursive script that reads "David Bole". The signature is written in dark ink and is positioned above a horizontal line.

DAVID BOLE

907 Shelley Ave

Austin, TX 78703

(512) 217-5454

To The Board of Adjustment
Aurora, TX.

28 Jan 2014

We are neighbors of 903 Shelley Ave and
approve of and recommend that the Board
of Adjustment grant a variance for
improvement cover. We believe that the
plans should be allowed under reasonable
use and will not change the area
character.

Jaime and Isaac Burdop
902 Blanco Street

J Burdop

COPY

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ROW # _____

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