

CASE # C15-2014-0018

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

ROW-11073147
P-0 166230518

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

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

STREET ADDRESS: 9556 Indigo Brush

LEGAL DESCRIPTION: Subdivision – Canyon Creek Section 17C

Lot(s) 9 Block 8 Outlot _____ Division _____

I/We Cody Pools on behalf of myself/ourselves as authorized agent for

Sel and Beth Unite affirm that on Dec 2nd, 2013,

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

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

MAINTAIN an outdoor kitchen that was ERRECTED within the 5' side build line

2.5' from
side prop
line

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:

There are trees in the back yard that we were trying to design around in order to save and did not intentionally build the outdoor kitchen against code

HARDSHIP:

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

The outdoor kitchen was built per the plan and at no time during construction or during any City of Austin inspection was it brought to our attention that the outdoor kitchen was being built against code until the final inspection when the project was complete. Other than obtaining this variance, the only way to meet code would be to completely tear down the outdoor kitchen and re-design and re-construct outside of the build line, which will not only be burdensome to the homeowner due to the additional construction on an already completed project but also will cost a great deal.

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

I was given misinformation by a previous City of Austin inspector, in which I was told that we are allowed to build pool/decking/outdoor kitchen in a build line as long as it was uncovered and not higher than fence level. Cody Pools builds more pools in the City of Austin than any other pool builder and we strongly value our relationship with the City of Austin and its inspectors and would never knowingly build anything that was not code compliant.

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 outdoor kitchen is out of sight from and in no way impacts any adjacent property.

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:

-
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  Mail Address 2300 W Parmer Lane

City, State & Zip Austin, TX 78750

Printed Mike Livingston Phone 512-835-4966 Date 12/2/2013

512-296-4672

OWNER's 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 9556 Indigo Brush

City, State & Zip Austin, TX 78750

Printed Sel Unite Phone 512-844-1386 Date 12/2/2013

Walker, Susan

From: ~~mlivingston@codypools.com~~
Sent: Wednesday, January 15, 2014 4:44 PM
To: Walker, Susan
Subject: RE: 9556 Indigo Brush

Hi Susan,

Per the plan is the closest point to the property line is 2'5". I will go by and confirm the measurement before the end of the week, but that should be accurate.

Thanks,

Mike Livingston
Design Consultant
Cody Pools
512-296-4472
~~mlivingston@codypools.com~~

----- Original Message -----

Subject: RE: 9556 Indigo Brush
From: "Walker, Susan" <Susan.Walker@austintexas.gov>
Date: Wed, January 15, 2014 12:57 pm
To: ~~mlivingston@codypools.com~~ <~~mlivingston@codypools.com~~>

It is on the agenda for 2-10-14 but in order to keep it on the agenda...I need to know the exact dimension from the property line in order to write up the notification. I left a message for you on your cell phone. Hopefully you can get me that information quickly.

Susan Walker
Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536
From: ~~mlivingston@codypools.com~~ [~~mailto:mlivingston@codypools.com~~]
Sent: Monday, January 13, 2014 3:56 PM
To: Walker, Susan
Subject: 9556 Indigo Brush

Hi Susan,

I hope you had a good weekend. I wanted to check on the status of the board of adjustments application for 9556 Indigo Brush. I noticed it wasn't on the agenda for the January meeting. Is it on the agenda for the February meeting?

Thanks,

Mike Livingston
Design Consultant
Cody Pools

