

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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

CASE # C15-2014-0022  
ROW # 11075445  
TP-0210140601

**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: 1301 Harvey St, Austin, TX 78702

LEGAL DESCRIPTION: Subdivision - MCKINLEY HEIGHTS

Lot(s) 6 Block 4 Outlot 26 Division B

I/We Brandon McFarling on behalf of myself/ourselves as authorized agent for

Brandon and Melissa McFarling  
affirm that on January 8, 2014,

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

(check appropriate items below)

☒ X ERECT ☐ ATTACH ☐ COMPLETE ☒ X REMODEL ☐ MAINTAIN

Remove existing front porch (width 8'8" and depth 6'4") and build a new one that is the same depth of 6'4", but a width of 16'.

13.25' from  
front p.l.

in a SF3NP 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:

The current legally non-compliant porch is too small and in need of repair. If we demo it, we will lose our legally non-compliant status and cannot rebuild it back to the current depth. We would like to demo and rebuild it to widen it only. The depth will be the same that it currently is. It needs to be expanded to give my wife and I room to have a sitting area on the front porch. We are active in the community and want a front porch that will allow us to keep an eye on the neighborhood and be easily accessible to interact with our neighbors. Increasing the size will also help with the overall architectural look of the house and in turn will improve the overall look of the neighborhood.

**HARDSHIP:**

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

Several of the neighbors have front porches that have a similar distance from the property line as me. This includes my direct neighbor to the North who has recently remodeled their house and front porch. We just want to rebuild the porch to the same depth that it currently is, but widen it from 8'8" to 16'. Being a house on the corner, we feel that being able to sit on the front porch will also help with security for the neighborhood.

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

My neighbors, including the house next door, are able to keep the depth of their front porch. Unfortunately, because I am improving my house and rebuilding my front porch, I will lose my legally non-compliant status and will not be able to have one the same depth as my neighbors and I currently do. I am also on a corner lot, so improving the

house will help the surrounding neighborhood look better and the porch will provide a place for my family sit and keep an eye on our neighborhood. I feel that this will increase neighborhood security.

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**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 front porch is currently 6'4" deep and our neighbor's front porch currently extends out even closer to their property line than ours does. Since all we want to do is rebuild it to the same depth that it currently is, but wider, it will not affect any party in a negative way. It will also help the house fall in line with all of the newer construction in the neighborhood.

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**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

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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

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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 B. L. McFarling Mail Address 1708 Sanchez St.

City, State & Zip Austin, TX 78702

Printed Brandon McFarling Phone 512-914-0752 Date 1/9/14

brandon@40acres  
group.com

**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 B. L. McFarling Mail Address 1708 Sanchez St.

City, State & Zip Austin, TX 78702

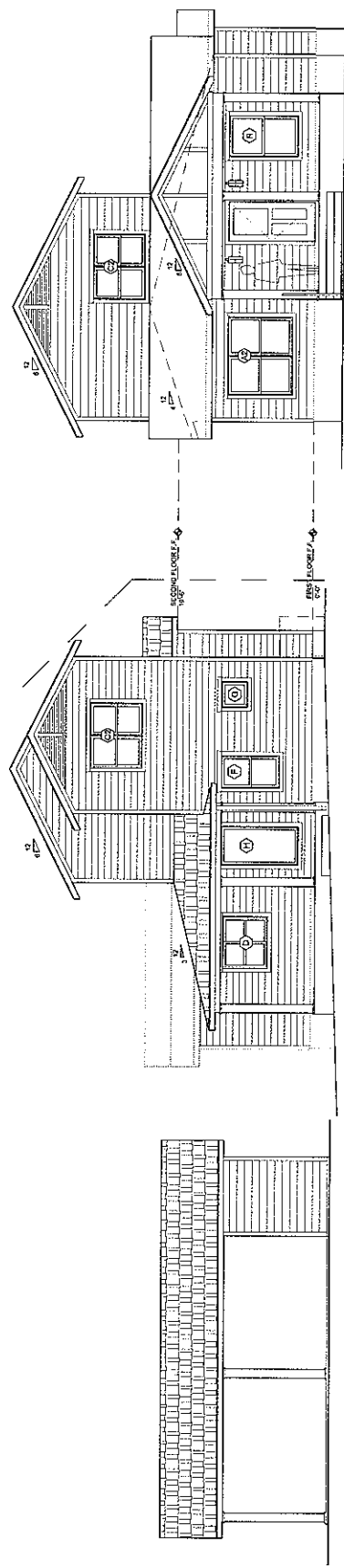
Printed Brandon McFarling Phone 512-914-0752 Date 1/9/14

#### GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

##### VARIANCE REQUIREMENTS:

##### General Requirements:



3 WEST ELEVATION  
SCALE 1/8" = 1'-0"

4 EAST ELEVATION  
SCALE 1/8" = 1'-0"

5 CARPORT EAST ELEVATION  
SCALE 1/8" = 1'-0"

2 NORTH ELEVATION  
SCALE 1/8" = 1'-0"

1 SOUTH ELEVATION  
SCALE 1/8" = 1'-0"

View From Harvey St.

View From 13<sup>th</sup> St.

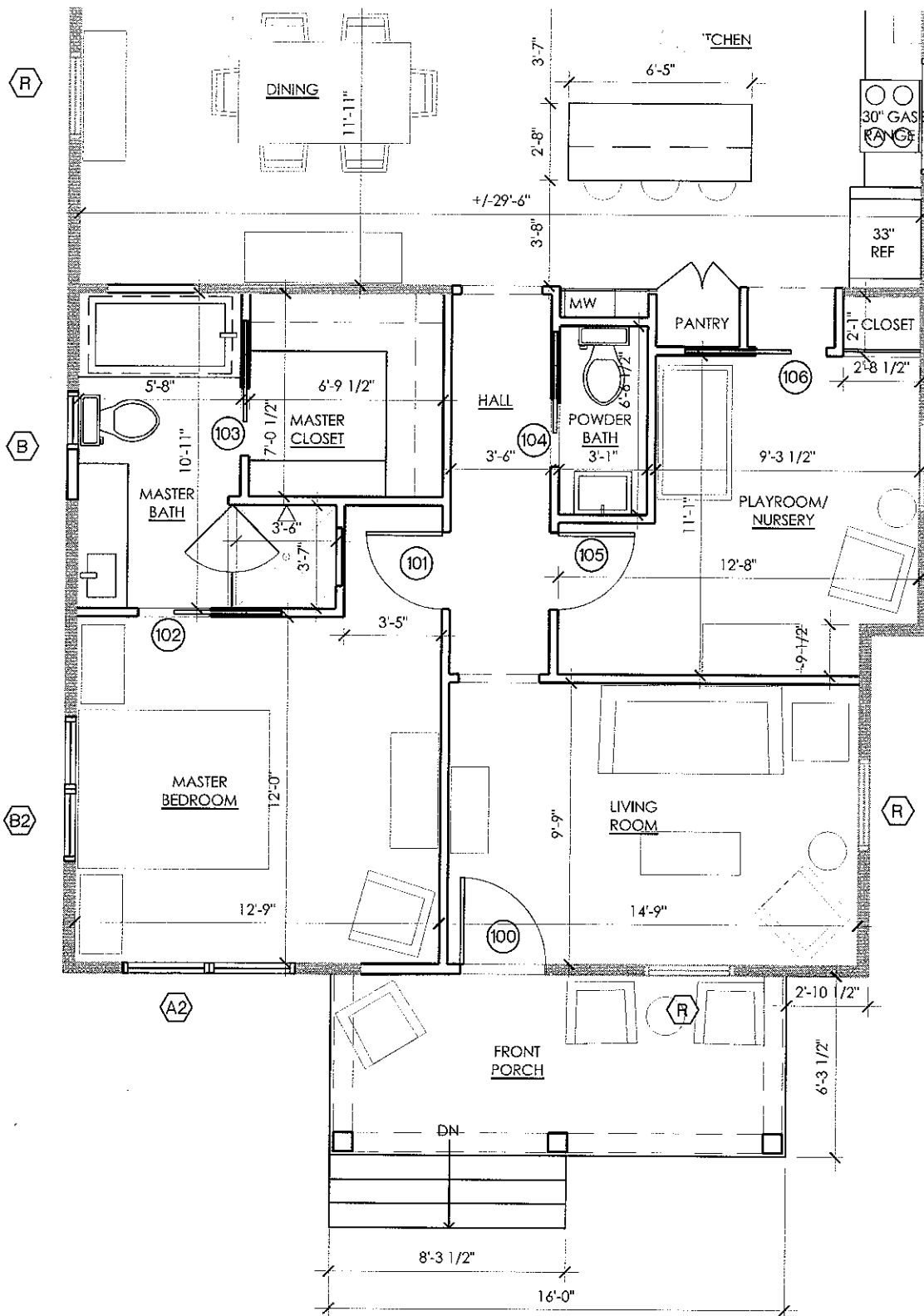
DESIGN DOCUMENTS  
NOT FOR CONSTRUCTION

DD SET  
DECEMBER 4, 2013  
MCGARLING RESIDENCE  
1301 HARVEY STREET  
AUSTIN, TEXAS 78702  
EXTERIOR ELEVATIONS

A2.0

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www.bullockmontgomery.com  
ARCHITECT

STRUCTURAL LEGEND



**1** **FIRS**  
SCALE:

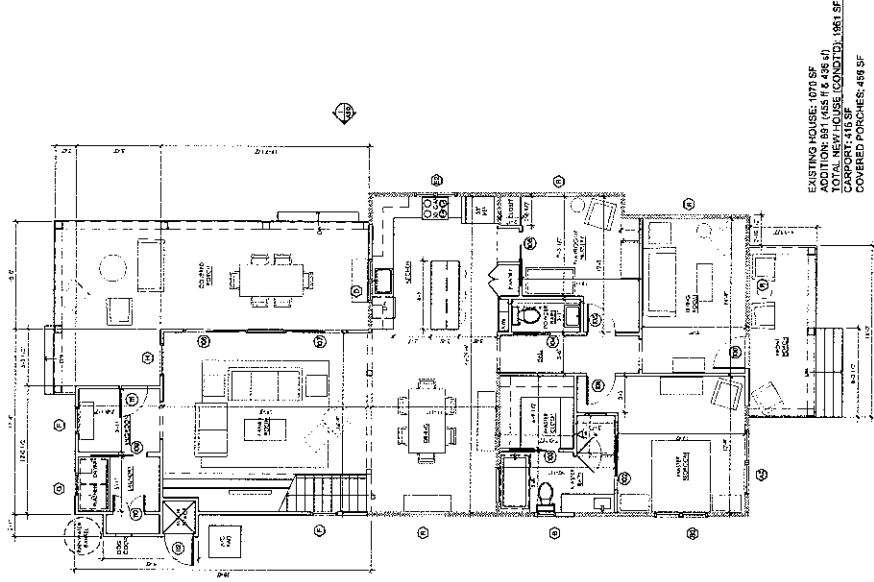
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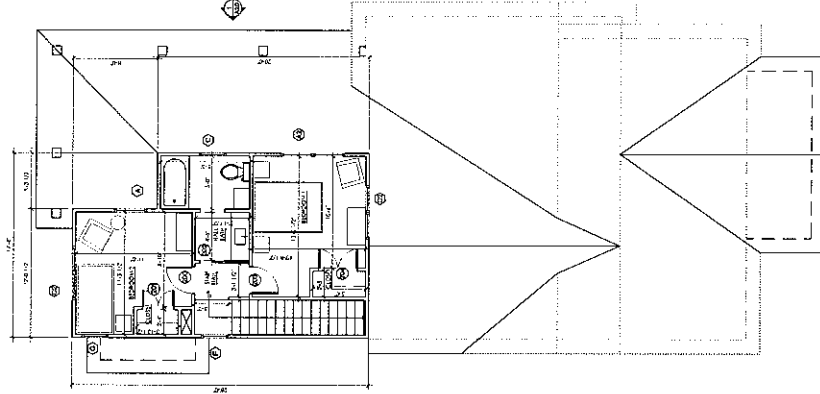
DD SET  
 DECEMBER 4, 2013  
 MCFARLING RESIDENCE  
 1301 HARVEY STREET  
 AUSTIN, TEXAS 78702

FLOOR PLANS

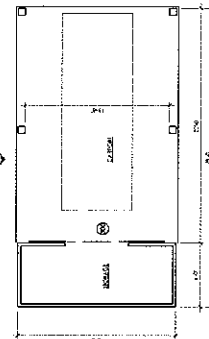
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1 FIRST FLOOR PLAN  
 SCALE: 1/4" = 1'-0"

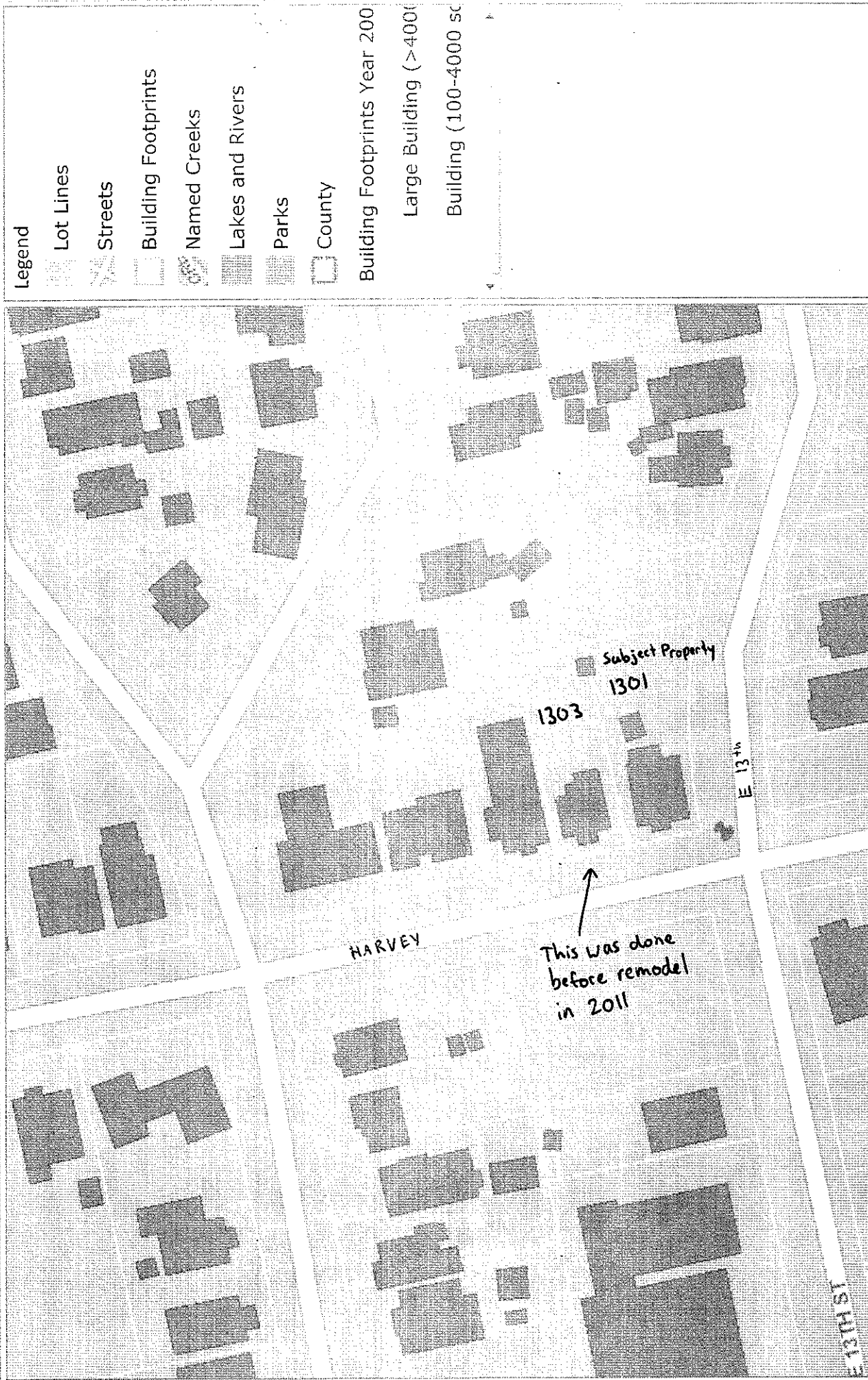


2 SECOND FLOOR PLAN  
 SCALE: 1/8" = 1'-0"



3 CARPORT FLOOR PLAN  
 SCALE: 1/8" = 1'-0"

# CITY OF AUSTIN DEVELOPMENT WEB MAP



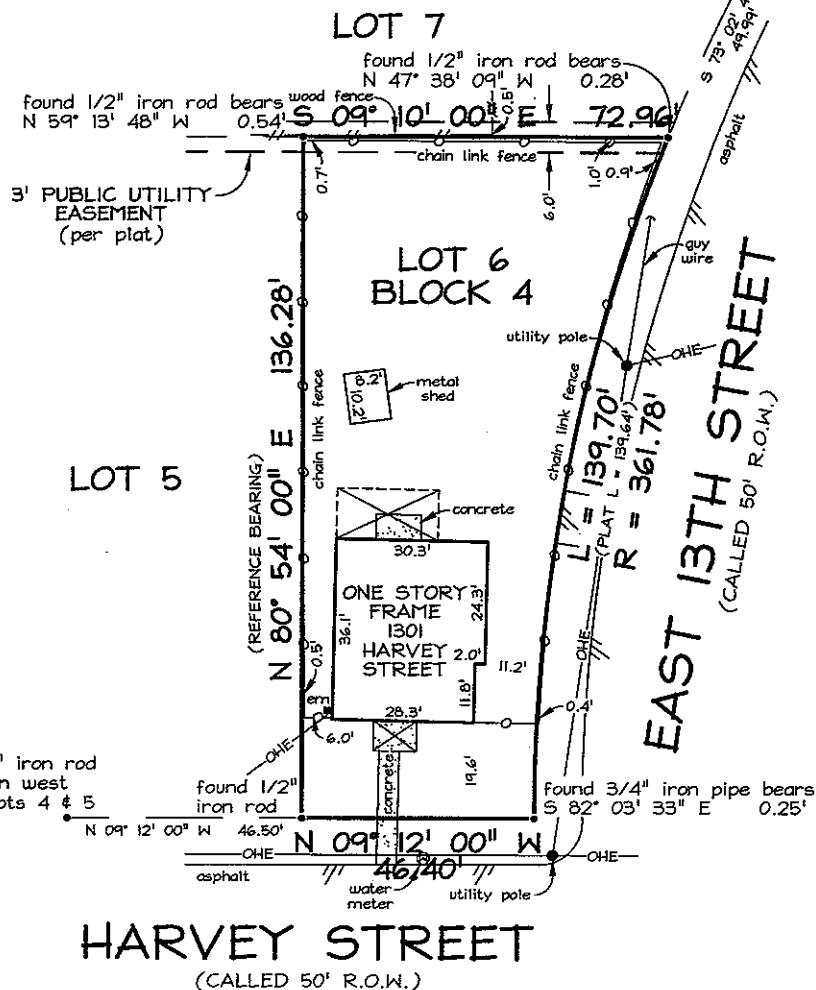
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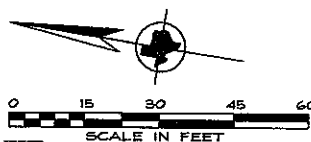
Precise Land Surveying, L.P.  
4025 Eastover Dr.  
Mesquite, Tx 75149  
Ph. 877.581.7072 Fx. 1.888.438.1273

CM  
found 1/2" iron rod  
@ common south  
cor. of Lots 7 & 8



#### NOTES:

CM = CONTROLLING MONUMENT.  
BEARINGS ARE BASED ON THE RECORDED PLAT REFERENCED BELOW.  
THIS PROPERTY IS SUBJECT TO ANY AND ALL PARENT PLATS, EASEMENTS,  
RESTRICTIONS AND COVENANTS IN SCHEDULE B OF THE TITLE COMMITMENT LISTED  
HEREON AND IN EFFECT PRIOR TO SAID PLATS, IF NOT EXTINGUISHED BY SAID PLATS OR  
OTHER INSTRUMENT, AND CITY/COUNTY ORDINANCES IN EFFECT AT THE TIME OF CONSTRUCTION.  
THIS IS A SURVEY OF THE PROPERTY AS DESCRIBED IN SCHEDULE A OF THE TITLE COMMITMENT LISTED  
HEREON AND WAS PREPARED PURSUANT TO THE INFORMATION CONTAINED THEREIN. OTHER INTERESTS MAY EXIST.



THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction and supervision of the property located at 1301 HARVEY STREET, and Being Lot 6, Block 4, MCKINLEY HEIGHTS, according to the map or plat thereof recorded in Volume 4, Page 110, Plat Records, Travis County, Texas.

The subject property does not appear to lie within the limits of a 100-year flood hazard zone according to the map published by the Federal Emergency Management Agency, and has a Zone "X" Rating as shown by Map No. 48453C0465 H, dated SEPTEMBER 26, 2008. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This survey is not to be used for construction purposes and is for the exclusive use of the hereon named purchaser, mortgage company, and title company only and this survey is made pursuant to that one certain title commitment under the GF number shown hereon, provided by the title company named hereon and that on this date the easements, rights-of-way or other locatable matters of record of which the undersigned has knowledge or has been advised are as shown or noted hereon.

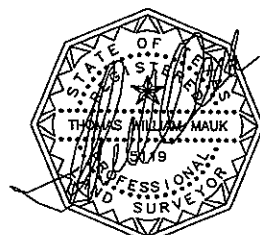
DATE: \_\_\_\_\_

ACCEPTED BY: \_\_\_\_\_



DATE: 06/06/13  
FIELD DATE: 06/05/13  
REVISED: \_\_\_\_\_

TECH: OR FIELD: OR  
JOB NO: 613-0928



GF NO. 1314846-BOK  
INDEPENDENCE TITLE  
COMPANY

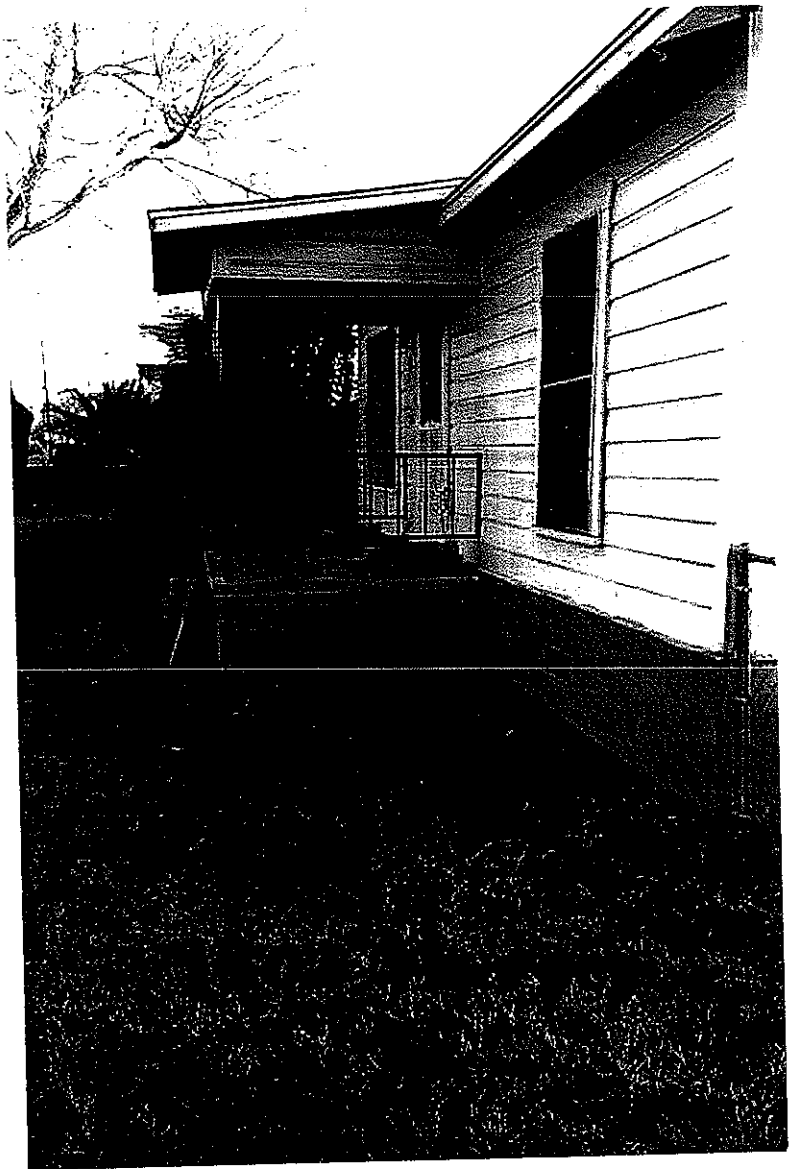
Registered Professional Land Surveyor











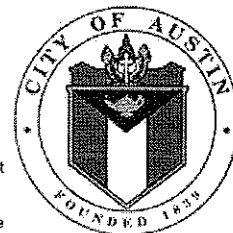


SUBJECT TRACT



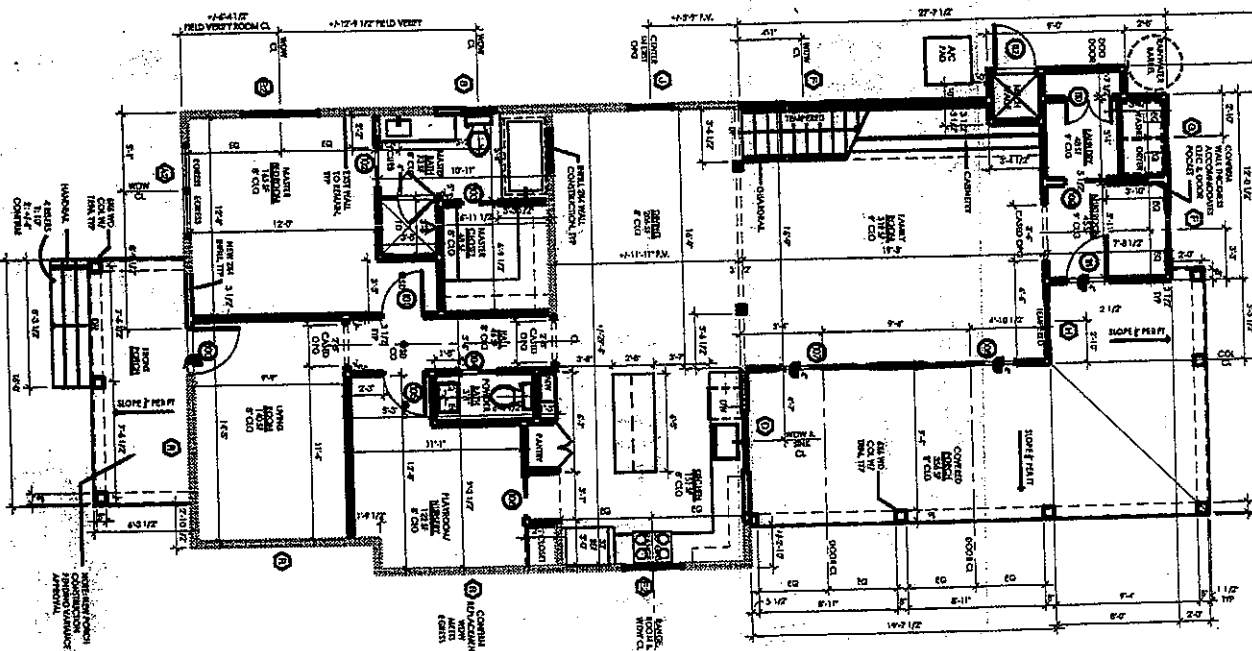
ZONING BOUNDARY

CASE#: C15-2014-0022  
LOCATION: 1301 Harvey Street

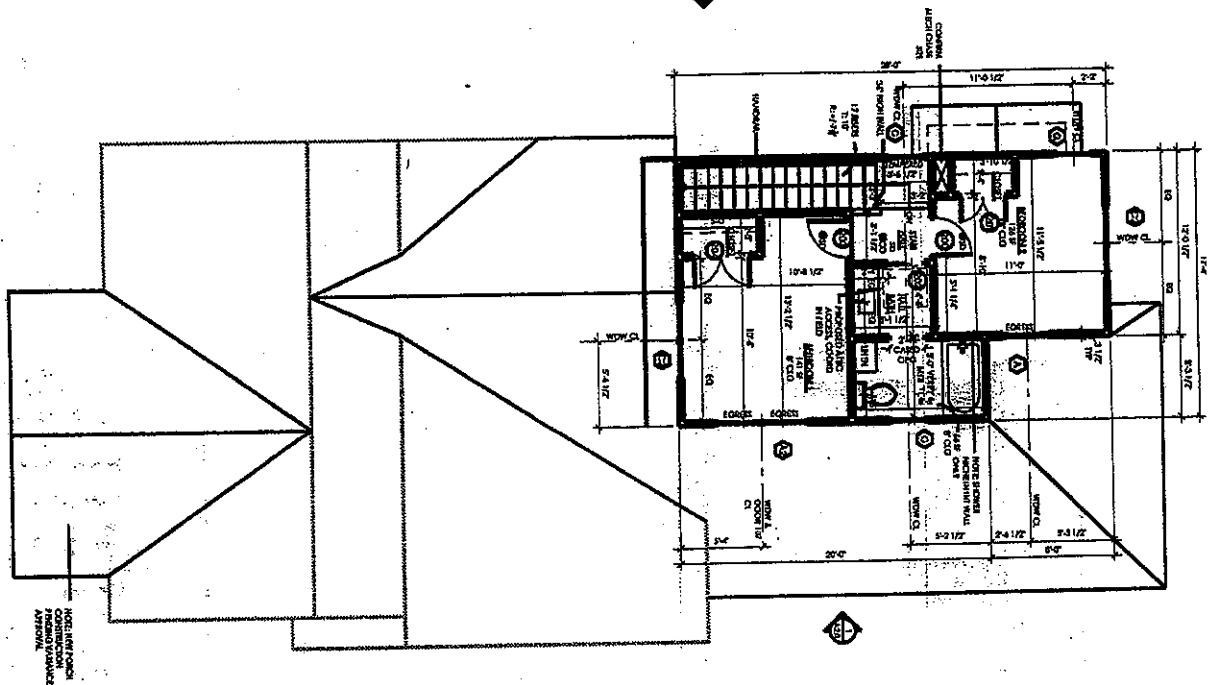


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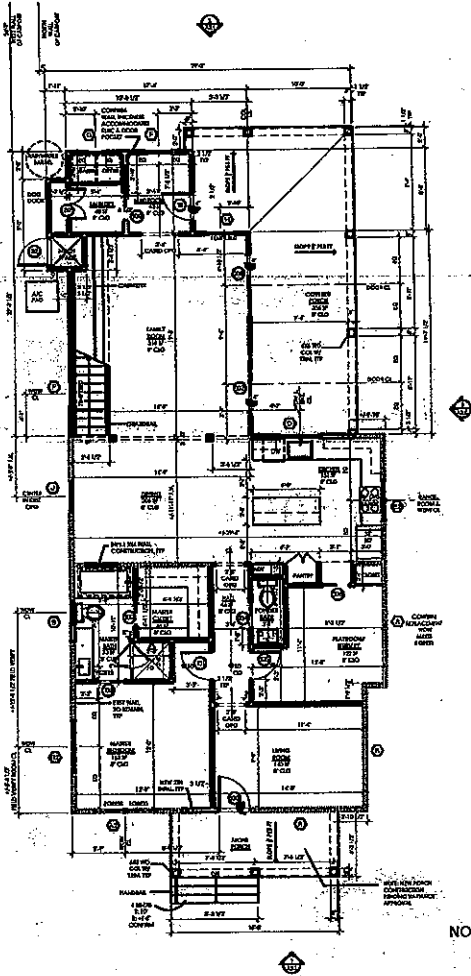
McFARLING  
130  
AUST





# 1 FIRST FLOOR PLAN

SCALE: 1/16" = 1'-0"



NORTH

0 5 10

McFARLING RESIDENCE  
1301 HARVEY ST  
AUSTIN, TX 78702

FLOOR PLANS

A1.1

1-24-14 ISSUED FOR PERMITTING

BUILDING DESIGNER:

BULLOCK MCINTYRE STUDIO

Sarah Bullock McIntyre

3706 Werner Avenue

Austin, TX 78722

512.921.4224 cell

sarah@bullockmcintyre.com

SEALING ARCHITECT:

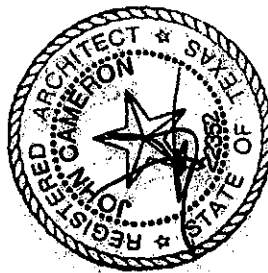
JOHN CAMERON

2005 ROMERIA DR

Austin, TX 78757

512.571.6656 cell

cameron@dalglish.net



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