

Please be advised that the Board only takes 16 new cases a month, therefore, first come, first served. Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

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, 2nd Floor (One Texas Center).

CASE # C152014-0014
ROW # 11069980
TP-# 0302001211

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

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

**WAR
NING**

: Filing of this appeal stops all affected construction activity.

STREET ADDRESS: 1806 Drake Avenue

LEGAL DESCRIPTION: Subdivision – E47FT OF S4FT OF LOT 4 & E47FT OF N8.5FT & E42FT OF S37.5FT LOT 5 BLK 12H FAIRVIEW PARK

Connie Leaverton
I/We ~~David Cancianosi~~ on behalf of myself/ourselves as authorized agent for

Connie Leaverton _____ affirm that on November 1, 2013,

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

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL X MAINTAIN

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.

(zoning district) SF-3- CO-NP
2' side yard setback to maintain existing covered porch
Maintain 56% Impervious Cover

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 owner proposes to maintain an existing covered patio roof structure that was added over an existing at-grade concrete patio. The legal tract is 2,162 SF per survey. Under base zoning development regulations, the maximum impervious cover allowed is 45%, or 973 SF. The existing site's impervious cover amounts to 1,202 SF, or 56%. This includes a 1935 965 SF 1 story house, a 1935 168 SF concrete patio (now covered by the roof), a 9 SF AC pad, and a 1935 60 SF shed.

The owner added a cover to the pre-existing concrete patio to assist with water runoff from the house roof, to provide some shading, and improve overall usability of the site. The owner was unaware that adding a roof cover over existing impervious cover would trigger compliance with current regulations, despite the patio being in place approximately 1935. This pre-dates adoption of impervious cover regulations by the city of Austin. The current roof structure does not alter the pre-existing impervious cover totals found on the site prior to its installation.

The roof structure does not extend beyond the pre-existing concrete patio footprint; however, the at-grade patio does encroach into the side setback. At its closest point it is 2.4' per survey from the side property line. The roof cover also encroaches 2.4' from the side property line. The roof cover was built in accordance with the at-grade patio's footprint with the understanding it would be allowed because the patio has been in place for several decades, thus no compliance issues would be triggered. The owner proposes no further footprint expansion.

In 2013 the City deemed the parcel a legal tract via an approved Land Status Determination.

The owner proposes a reasonable use by covering pre-existing at-grade concrete. No further impervious coverage is added as a result of the roof structure. The 2,162 SF lot is less than 50% of the SF-3 minimum lot size requirements, thereby limiting the owner's ability to reasonably utilize the site due to pre-existing conditions.

HARDSHIP:

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

The lot appears to have been in its current shape and size for several years predating the 2013 Land Status Determination. The current survey recognizes the legal description in 1968. The LSD further asserts the site has had utility service since 1944. TCAD recognizes the site and its improvements as of 1935.

The 2,162 SF lot does not allow for any further at-grade expansion due to current zoning regulations limiting impervious cover to 973 SF. With the exception of the roof structure, all site improvements pre-date adoption of impervious coverage regulations by the City of Austin. The owner has no other remedy for adding separate roof coverage without triggering compliance issues with current impervious cover regulations.

The roof's encroachment into the 5' side setback is a function of the at-grade patio below it. It simply follows that footprint. The owner asks that the Board deem this reasonable and part and parcel to the function of the outdoor patio area.

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

The owner is not aware of other properties with the lot size encumbrances.

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:

Allowing the rear structure to remain in its current location will not impair the use of any adjacent properties nor impair the intent of the zoning regulations. The impervious cover and setback variances will not impair the use of adjacent property. All rainwater is being captured and stored in rain barrels. The zoning regulations will not be impaired because the site has maintained the same degree of impervious cover prior to adoption of impervious cover regulations by the city of Austin.

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

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 
Permit Partners LLC
7105 Barnsdale Way Austin Texas 78745

Printed David Cancialosi c/o Permit Partners LLC
512-799-2401
November 1, 2013

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 Connie Leaderton
Mail Address _____

Printed _____
Phone _____ Date _____

LINE	BEARING	DISTANCE
L1	N 69°11'49" W	5.00'
L2	N 20°48'11" E	12.50'

NOTE:
BEARINGS SHOWN HEREON ARE ASSUMED.

NOTE:
TITLE REPORT INDICATES THERE ARE NO RESTRICTION
OR COVENANTS OF RECORD.



SCALE: 1"=20'

KENNETH E. SCHULTZ
VOL.10408, PG.598
0.089 ACRE LOT 3

ALLISON SEARCY
DOC # 2005158405
REMAINDER OF
LOT 5

SUBJECT TRACT
2162 SQ. FT.
0.050 ACRES

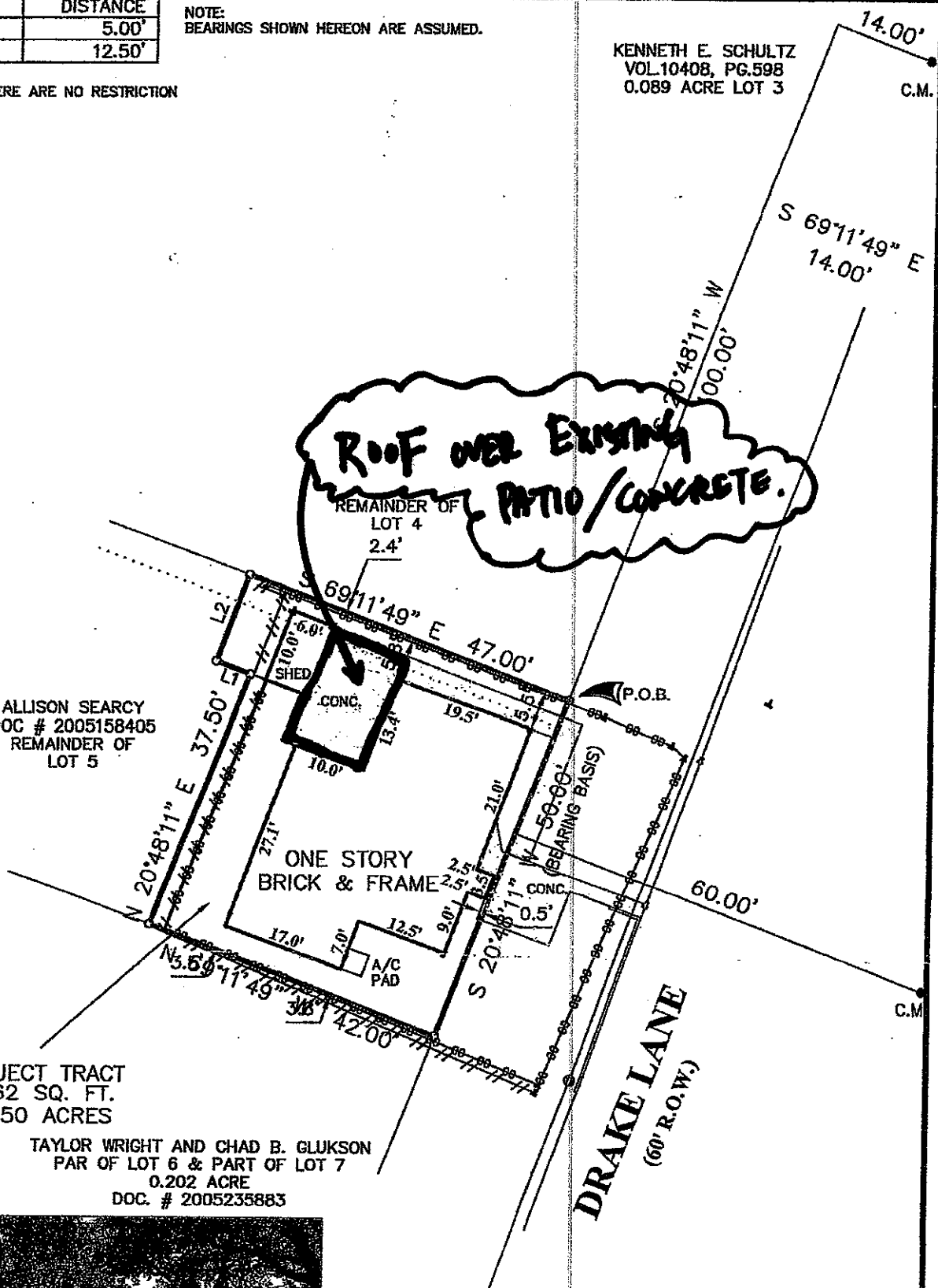
TAYLOR WRIGHT AND CHAD B. GLUKSON
PAR OF LOT 6 & PART OF LOT 7
0.202 ACRE
DOC. # 2005235883



⊙ - POWER POLE

PROPERTY ADDRESS
1806 DRAKE LANE

As noted from FEMA's FLOOD INSURANCE RATE MAP, Community No. 48453C, Panel No. 0805H, Panel Dated 9/28/08, this tract is in Zone(s) X. This flood zone identification is this surveyor's interpretation, which may or may not agree with the interpretations of FEMA or state of local officials, and which may not agree with the tract's actual conditions. This surveyor does not certify the accuracy of this flood zone designation. It is the responsibility of any interested persons to verify the accuracy of the flood zone designation with FEMA and state





**City of Austin
Planning and Development Review
Land Status Determination
1995 Rule Platting Exception**

July 05, 2013

File Number: C8I-2013-0256

Address: 1806 DRAKE AVE

Tax Parcel I.D. #0302001211

Tax Map Date: 09/25/2012

The Planning & Development Review Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being a **portion of Block 12H, Fairview Park** in the current deed, recorded on **Sep 22, 2010**, in **Document #2010139506**, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Aug 12, 1969**, in **Volume 3718, Page 2396**, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **water service on Sep 23, 1944**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

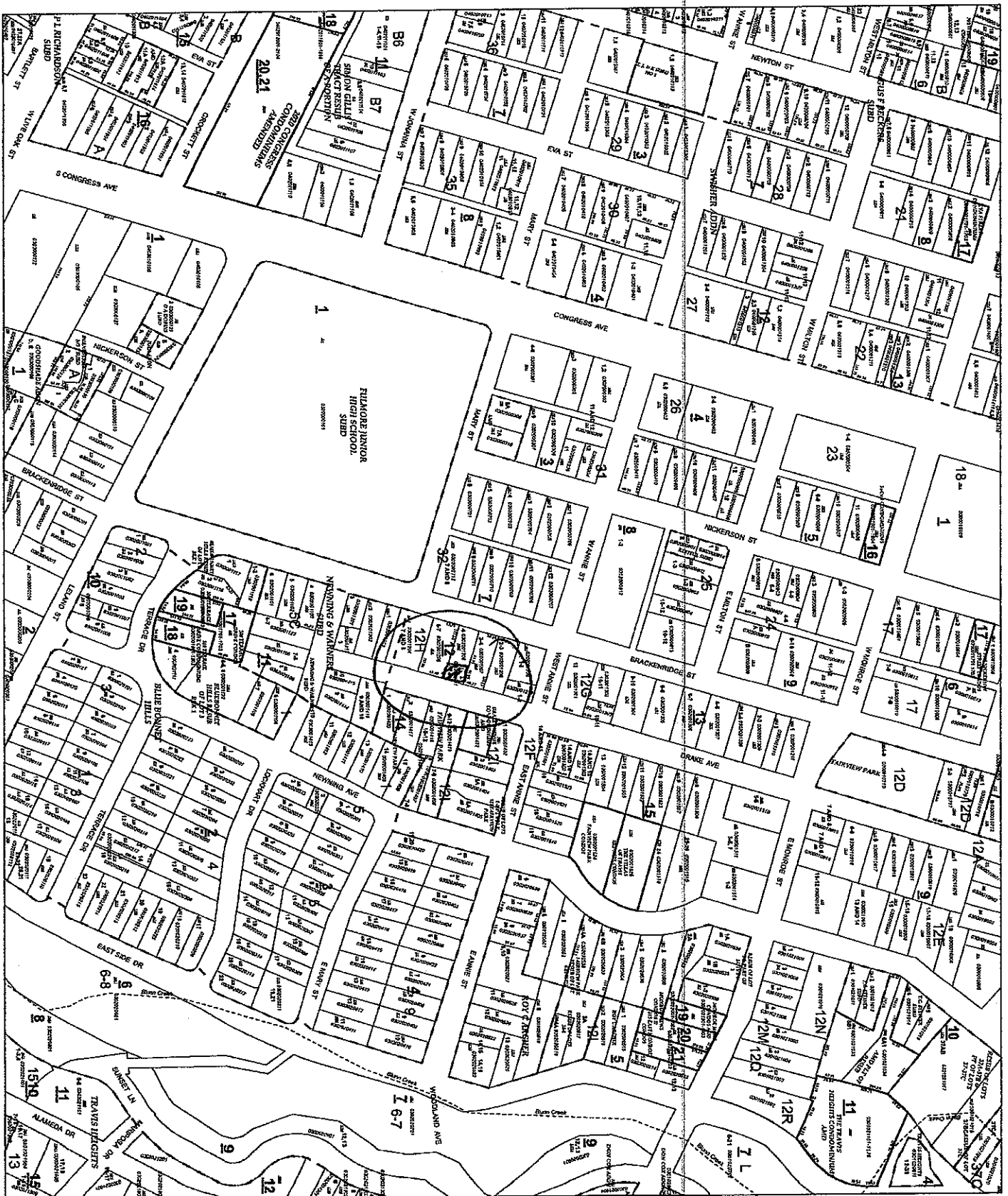
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Michelle Casillas

**Michelle Casillas, Representative of the Director
Planning and Development Review Department**

CGI-2013-0250



30200

Revision Date: 9/25/2012

0 120 Feet

NAD 1983 StatePlane
Texas_Central_FIPS_4203_Feet
Projection: Lambert_Conformal_Conic

This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. This TCAD makes no claims, promises or warranties about the accuracy, completeness, adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

Travis Central Appraisal District
8314 Cross Park Drive
Austin, Texas 78754
P.O. Box 149012
Austin, Texas 78714
Internet Address: www.traviscad.org
Main Telephone Number (512)-834-8317
Appraisal Information (512) 834-8318
TDD (512) 836-3328

CITY OF AUSTIN DEVELOPMENT WEB MAP

Legend

Lot Lines

Streets

Building Footprints

Named Creeks

Lakes and Rivers

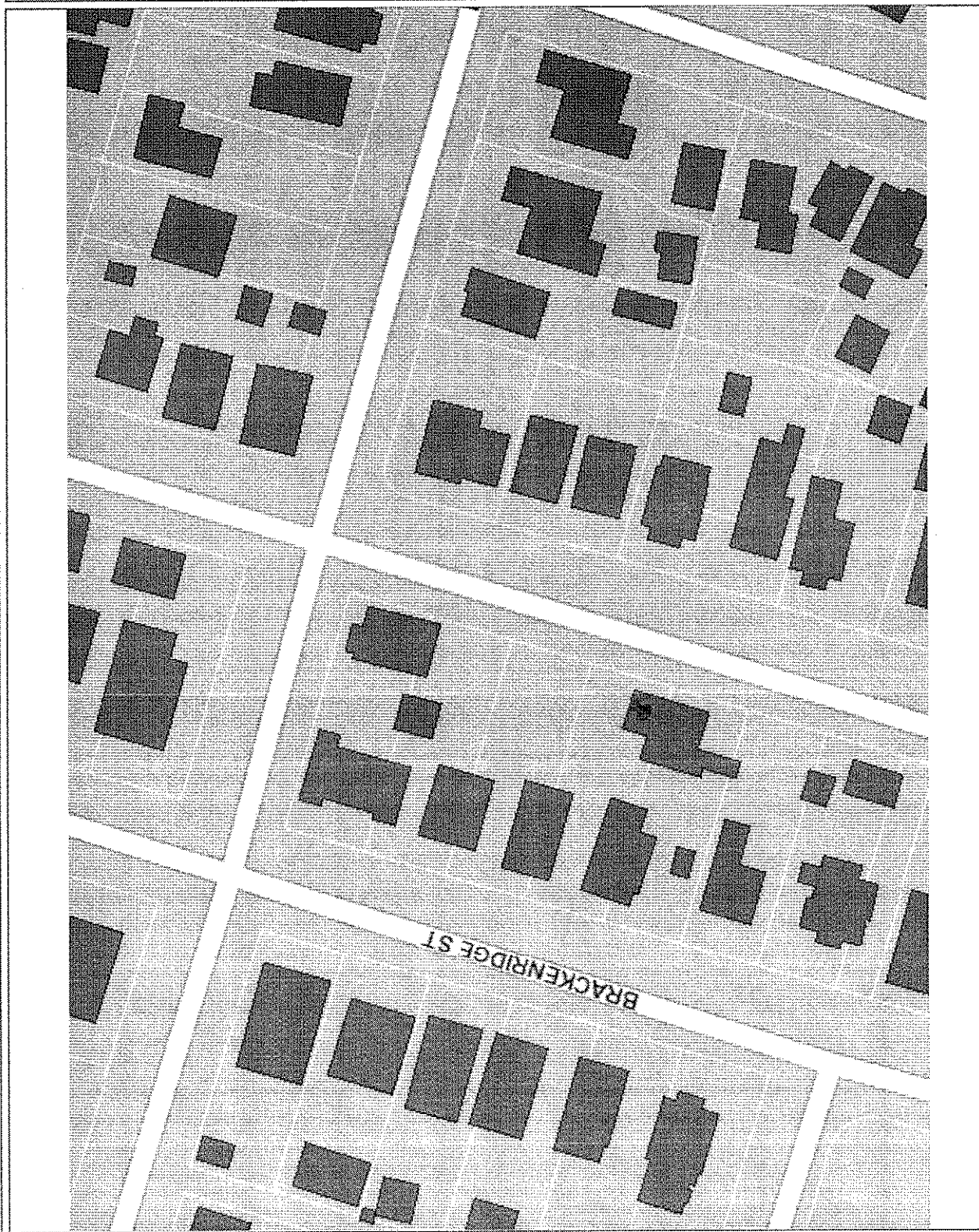
Parks

County

Building Footprints Year 2000

Large Building (>4000 sq ft)

Building (100-4000 sq ft)



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Heldenfels, Leane

From: ~~davidcancialosi@gmail.com~~ on behalf of David Cancialosi <david@permit-partners.com>
Sent: Thursday, February 13, 2014 12:05 PM
To: Heldenfels, Leane
Cc: Tazzoe Rentals
Subject: Re: 1806 Drake re-notification

Leane, I no longer represent the owner at 1806 Drake. Please accept this email as authorization to remove my name as the applicant and / or agent of record. Please include this email communication in the case files for C15-2014-0014.

All communications should be directed to the owner of record.

Thank you.

On Wed, Feb 12, 2014 at 10:39 AM, David Cancialosi <~~davidcancialosi@gmail.com~~> wrote:
Thank you Leane. I've CCed the property owner. You are probably better off communicating directly with her until such time she advises I'm authorized to work on the case, per written instructions from her.

Kind Regards,
David C. Cancialosi
512-799-2401

Sent from a mobile device. Responses are brief and have errors. Follow up emails may be sent within 24 hours.

On Feb 12, 2014, at 10:32 AM, "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov> wrote:

Hi David – I tried to include the owner's email on this message, but I don't have it in the file and for some reason I couldn't extract it from the other emails sent to inspection regarding the case, so please forward to her.

Just wanted to let you know that we will be re-notifying on this case and include a special exception request for the existing shed. I will contact Tony Hernandez about getting an Inspection Report on the shed, if we decide it's needed for the case file.

Just wanted to keep you posted –

Leane

--
David C. Cancialosi
Permit Partners, LLC

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: C15-2014-0014 - 1806 Drake Avenue

Contact: Leane Heldenfels, 512-974-2202

Public Hearing: Board of Adjustment, February 10th, 2014

Winchester

Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application

1701 Drake Ave

883 Culver

Signature

2/14/2014

Date

Daytime Telephone: _____

Comments:

Object to porch on behalf of immediate neighbors. 14 looms if was built before request.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

Heldenfels, Leane

From: Jean mather <~~jeanmather3@gmail.com~~>
Sent: Thursday, February 06, 2014 3:57 PM
To: Heldenfels, Leane
Cc: Russell Fraser; Kent Anschutz; Marc Davis
Subject: 1806 Drake C15-2014-0014

Dear Leane,
Would you please incorporate this in the Board's packet.
Jean

Board Of Adjustment
City of Austin

The Zoning Committee met with Connie Leaverton on Tuesday, January 28th to discuss her setback variance from 5' to 2' along the north property line.

We received notice on Saturday, February 1st which also included notice of a requirement for a variance to increase the impervious cover from 45% to 56%. This notice came too late for the Committee's action.

Our understanding from Ms. Leaverton is that all impervious cover on the property should be grandfathered, including the concrete pad which intrudes into the north property setback. She had a roof constructed over that pad, within its boundaries, not knowing that she needed a permit. The Zoning Committee voted not to oppose the variance since structure's intrusion into the setback didn't increase the existing impervious cover.

At the general meeting of South River City Citizens on February 3rd the Zoning Committee reported their recommendation and it was endorsed by the general membership.

Jean Mather, Chair
Zoning Committee
South River City Citizens

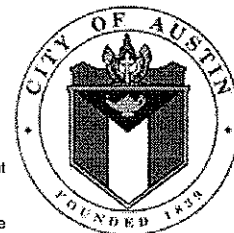


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2014-0014
LOCATION: 1806 DRAKE AVENUE



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.