

CASE# C15-2014-0117
ROW# 11199759
TAX# 0304020407

**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: 1106 Algarita Ave

LEGAL DESCRIPTION: Subdivision Travis Heights

Lot(s) 22 Block 39 Outlot _____ Division _____

I/We Miranda Wylie + Alex Wright on behalf of myself/ourselves as authorized agent for

Miranda Wylie + Alex Wright affirm that on July 28, 2014 hereby apply for a

hearing before the Board of Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development Code you are seeking a variance from)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

We request a variance for a 156 square foot fenced deck that extends from our back door as a way to securely fence our property. (See Photo A.) The deck is within our property line, but is not 5 feet from the side property line due to pre-existing concrete slab and stairs under the deck that would not support secure footings. (See Survey and Photos A, B and C.)

in a SF-3NP district.
(zoning district)

(South River City)

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:

We could not securely fence the property along a portion of the border with the disused alley due to the unique topography that places our property line along a cliff. An elevated fenced deck with stairs to our yard provided the only reasonable solution. We could not construct the fenced deck more than 5 feet from the property line due to pre-existing concrete slab and stairs that would not support secure footings.

HARDSHIP:

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

The unique layout of our property as it relates to the adjacent abandoned alleyway resulted in an inability to securely fence our property for the containment and protection of our toddler and dog. Previously, our back door opened into an alleyway with no barrier to keep our dog or child from walking into the street. We could not fence across the alleyway, and the unique topography of our property is such that our back yard is 20' below our back door with a steep incline and cliff along one side that prevented any reasonable fencing. (See City Of Austin Development Web Map). The best solution was to fence our yard at our property line where possible, keep the alleyway open, and re-direct the traffic of people and pets to remain safely on our property with the construction of a fenced deck and stairs.

The fenced deck had to be built on top of a pre-existing concrete slab and stairs that are not 5 feet from the side property line. Furthermore, the back door is 5 feet 10 inches from the side property line. The secure footing of the deck was built as far from the side property line as was safe without coming too close to the edge of the previous stairs. Due to the placement of this pre-existing slab and stairs, the fenced deck could not be safely constructed more than 5 feet from the side property line along the alleyway.

It should be noted that although deemed an alleyway, the city no longer maintains the area

and a car can no longer drive all the way through the alleyway. Utility lines exist in the alleyway. However, only a quarter of the alleyway (entering on Algarita) can be driven through due to multiple trees, overgrown brush, and a steep incline/cliff in the right of way. When the city workers or various contractors need to service the utility lines, they drive as far up the right of way as they can, stopping at the first tree growing in the alleyway, park the truck, and walk a ladder to the utility lines located in the alleyway brush. The location of our deck does not infringe on access to the right of way.

South of Algarita Ave, the alleyway has been completely taken over by the adjacent properties and a car can no longer drive through any portion of the alleyway.

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

Our property is the only lot on our block with such a set of unique circumstances. 1107 Mariposa Drive also shares their side property line with the alleyway. However, the back door does not open to the alleyway and the backyard does not have a cliff.

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 deck and fence was built by Capitol Fence, a company who prides themselves on working with many homeowners in Travis Heights. The design and craftsmanship of the deck and fence - red cedar and bullwire - are in keeping with the neighborhood character. (See letters signatures and letters from our neighbors who are in support of the deck). The deck is entirely within our property and the serviceable portion of the alleyway is entirely clear to neighbor's use.

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:
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:

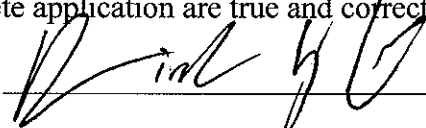
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

The fenced deck does not restrict foot traffic or vehicular traffic. The fenced deck does not interfere with any public utilities.

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.

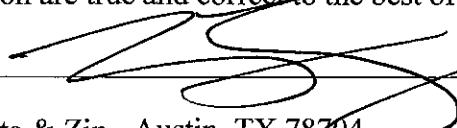
Signed  Mail Address 1106 Algarita Ave

City, State & Zip Austin, TX 78704 _____

Printed Miranda Wylie Phone 9179237175

Date 7/28/14

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 1106 Algarita Ave _____

City, State & Zip Austin, TX 78704 _____

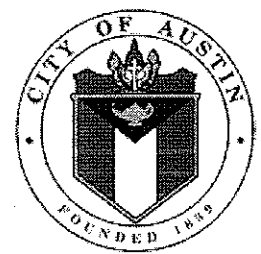
Printed Alex Wesant Phone 9176879943

Date 7/28/14



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0117
 Address: 1106 ALGARITA AVE



1" = 200'

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.

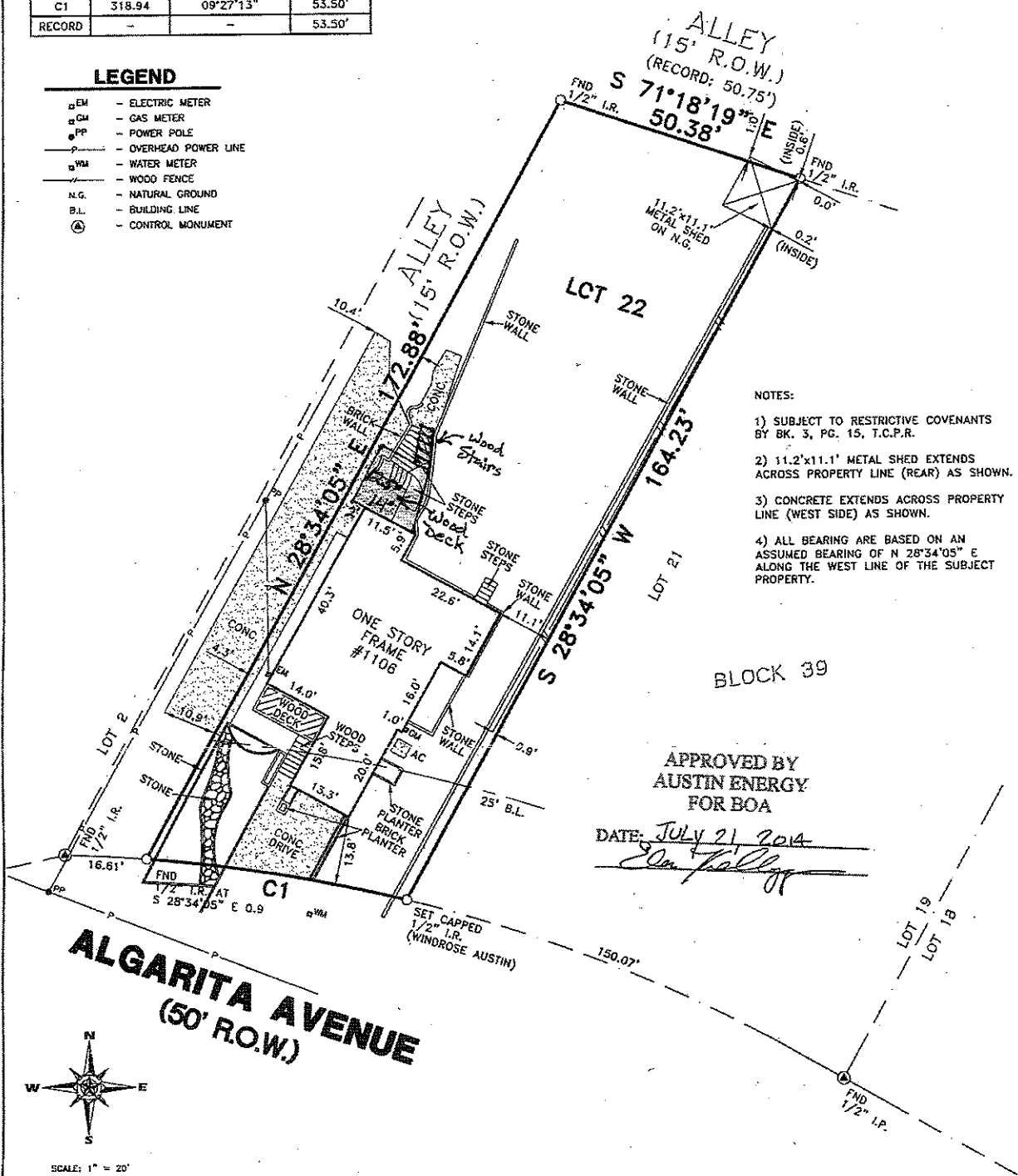
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

CURVE TABLE

CURVE	RADIUS	DELTA	ARC
C1	318.94	09°27'13"	53.50'
RECORD	-	-	53.50'

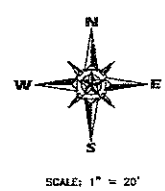
LEGEND

- EM - ELECTRIC METER
- GM - GAS METER
- PP - POWER POLE
- OP - OVERHEAD POWER LINE
- WM - WATER METER
- WF - WOOD FENCE
- N.G. - NATURAL GROUND
- B.L. - BUILDING LINE
- Ⓐ - CONTROL MONUMENT



- NOTES:**
- 1) SUBJECT TO RESTRICTIVE COVENANTS BY BK. 3, PG. 15, T.C.P.R.
 - 2) 11.2'x11.1' METAL SHED EXTENDS ACROSS PROPERTY LINE (REAR) AS SHOWN.
 - 3) CONCRETE EXTENDS ACROSS PROPERTY LINE (WEST SIDE) AS SHOWN.
 - 4) ALL BEARING ARE BASED ON AN ASSUMED BEARING OF N 28°34'05" E ALONG THE WEST LINE OF THE SUBJECT PROPERTY.

APPROVED BY
AUSTIN ENERGY
 FOR BOA
 DATE: July 21, 2014
[Signature]



ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED. ALL EASEMENTS AND BUILDING LINES ARE BASED ON THE RECORDED PLAT, UNLESS OTHERWISE NOTED. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN OF NO. 2436002075.

SURVEY OF
 LOT 22, BLOCK 39, OF TRAVIS HEIGHTS, AN ADDITION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF; RECORDED IN BOOK 3, PAGE 15, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X(UNSHADED)" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480624 0505 H. REVISED SEPTEMBER 26, 2008. FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

PURCHASER	ALEXANDER JACKSON WRIGHT	LENDER CO.	-
ADDRESS	1106 ALGARITA AVENUE, AUSTIN, TEXAS 78704	TITLE CO.	AUSTIN TITLE COMPANY

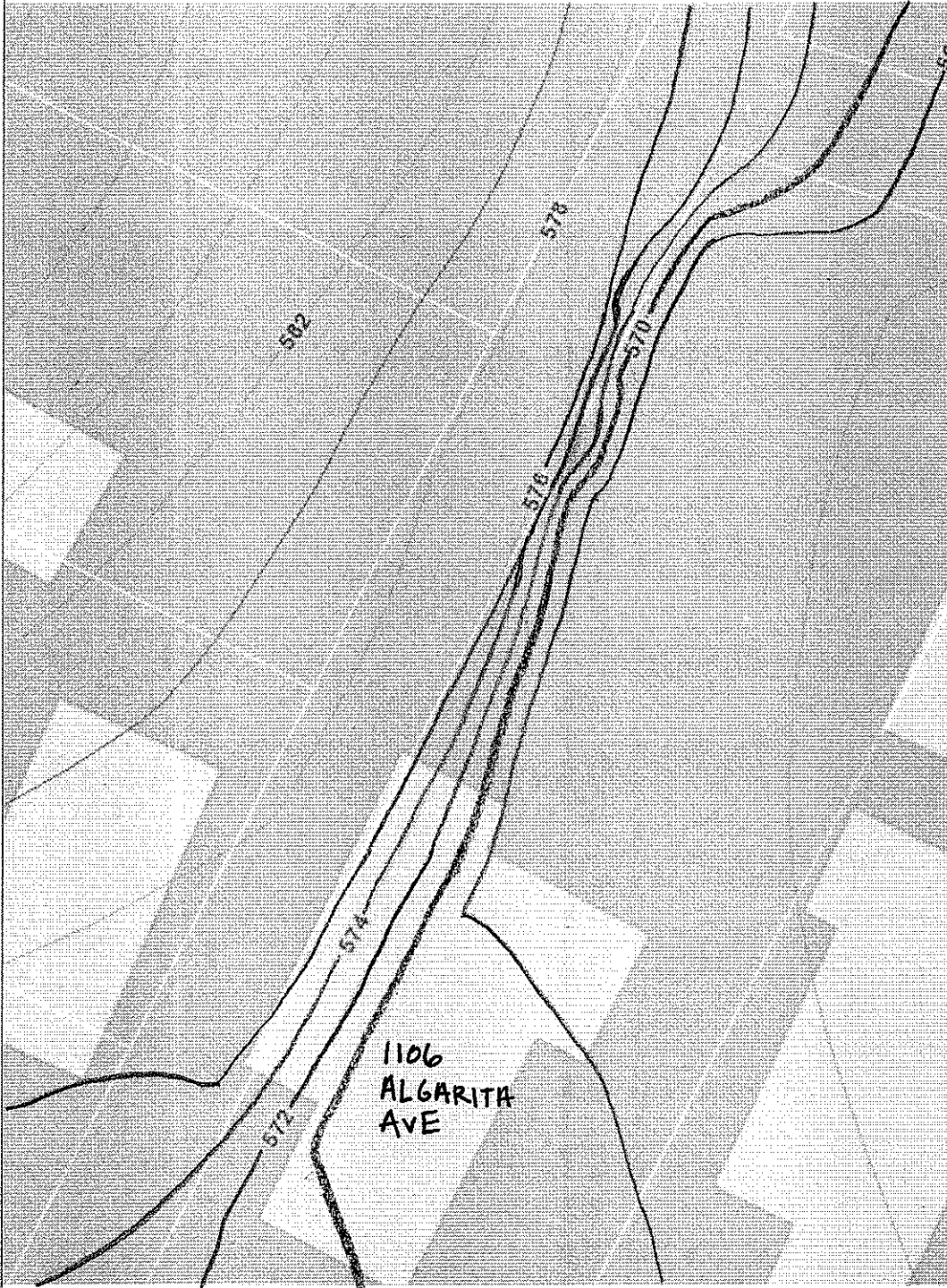
Windrose Land Services Austin
 4120 Commercial Center Dr.
 Suite 300
 Austin, Texas 78744
 TEL (512) 326-2100 FAX (512) 326-2770
 COPYRIGHT 2010 WINDROSE LAND SERVICES AUSTIN. ALL RIGHTS RESERVED

I do hereby certify that this survey was this day made on the ground and that this plat correctly represents the property legally described hereon (or on attached sheet). That the facts found at the time of this survey show the improvements and that there are no encroachments apparent on the ground, except as shown.

[Signature] 5/11/10

FIELD WORK	05/07/10	RW	DRAFTED BY	05/11/10	CC	CHECKED BY	05/11/10	RW
REVISION	-	-	-	-	-	MAPSCO PAGE	-	JOB NO.
REVISION	-	-	-	-	-	615 S	-	23448



CITY OF AUSTIN DEVELOPMENT WEB MAP



Legend

-  Lot Lines
-  Streets
-  Building Footprints
-  Named Creeks
-  Lakes and Rivers
-  Parks
-  County

Contours Year 2003

-  10 Ft Contours
-  2 Ft Contours

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 CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

DEVELOPMENT WEB MAP

1106 ALGARITA AVE

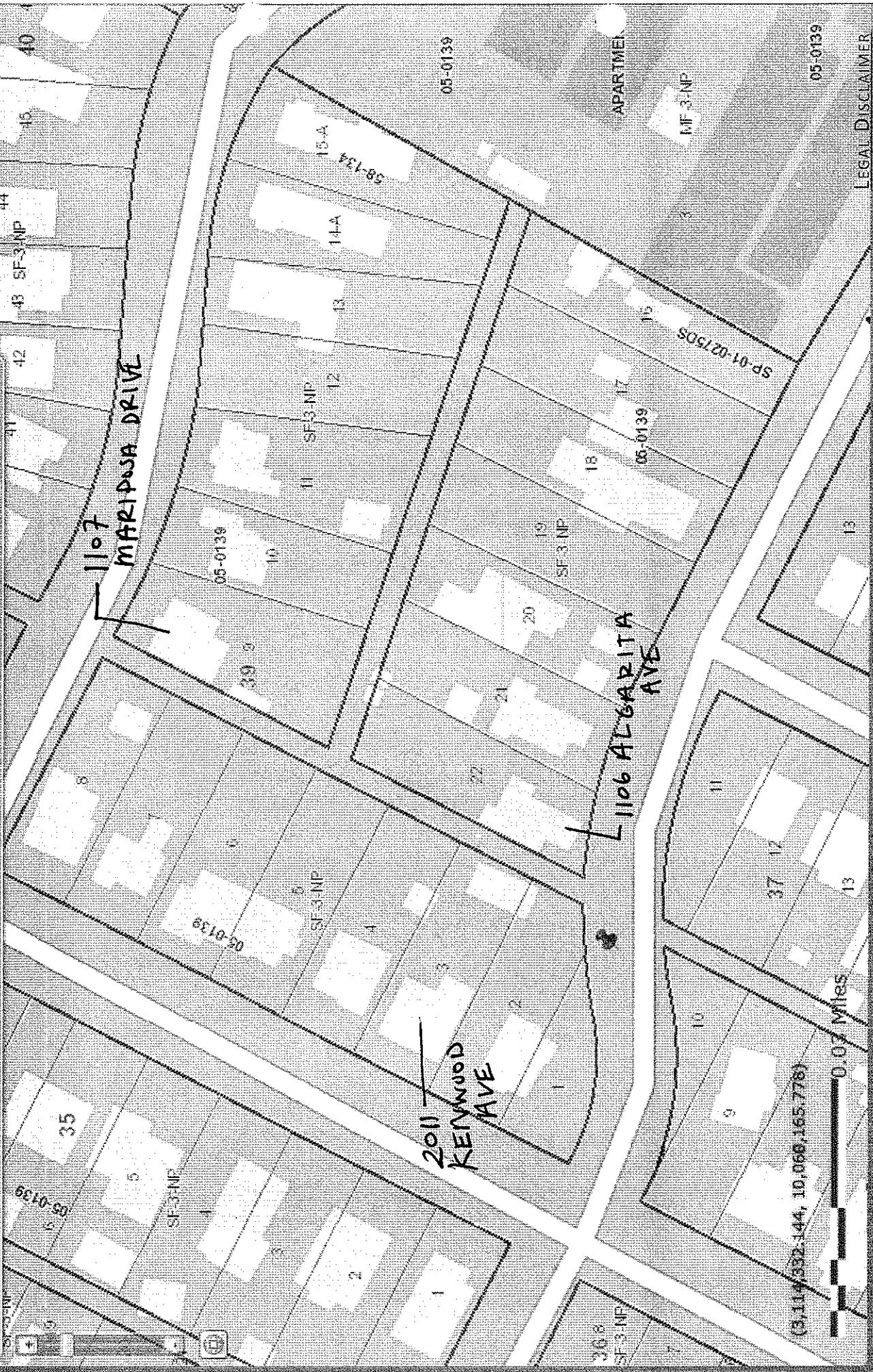
Search Type: Address

Map Layers: 7 1024

Map Themes: Zones Map

Map Tools: Map Full

GO



(3,114,332-144, 10,068,165-778)

0.03 Miles

LEGAL DISCLAIMER



MIRANDA WYLCIE

I, ALEX WRIGHT, am applying for a variance from the Board of Adjustment regarding Section _____ of the Land

Development Code. The variance would allow me the ability to maintain the deck at my back door
that fences off my property.

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Jesse Lovelace	1110 Algarita Ave.	Jesse Lovelace
Kris Asthalter	2005 Kenwood	Kris Asthalter
Christian Pfeiffer	1107 Mariposa Dr.	Christian Pfeiffer
Dennis Foley	1117 Algarita Ave.	Dennis Foley
Geoffrey Krown	1116 Algarita Ave.	Geoffrey Krown

Jesse & Kristan Lovelace
1110 Algarita Ave.
Austin, TX 78704

June 1, 2014

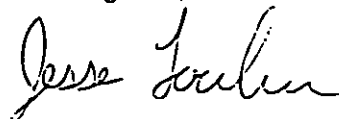
To whom it may concern:

We are writing to you as nextdoor neighbors of Alex Wright and Miranda Wylie concerning the new deck they have built in their backyard.

As neighbors, we knew it was only a matter of time before they would need some sort of safety barrier between their 2-year-old and the road/alley. They also have a cocker spaniel, Benny, who even though is well-behaved and quick to come when he's called, could wander off and potentially get hurt on our busy street. Therefore, when we saw the construction of the deck begin, we immediately understood why it was necessary, and we would have done the same had we been them. As much as we enjoyed the occasional visit from a wandering pup, we knew ultimately something had to be done to keep everyone safe and contained.

We believe that the new deck is an important addition and will ensure the safety of their young son Wylie and their friendly dog Benny. We also believe that the deck is tasteful, and well designed to fit the house and the neighborhood.

Best regards,

A handwritten signature in cursive script that reads "Jesse Lovelace". The signature is written in dark ink and is positioned above the printed name.

Jesse & Kristan

June 30, 2014

To Whom It May Concern:

I own the house at 1107 Mariposa Drive, directly behind the home of Alex and Miranda Wright. Alex and Miranda Wright recently built a deck off of the rear of their home. It was built adjacent to a city easement which runs past both of our houses. The deck does not impede upon my or anyone else's use of the easement, and was built with laws, aesthetics and the overall good of the neighborhood in mind. Alex and Miranda are incredibly responsible people and the best neighbors I could ask for. Please feel free to contact me if I can be of any further assistance in ensuring that this matter is handled swiftly and properly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sebastian Pfeiffer', with a large, sweeping flourish extending to the right.

Sebastian Pfeiffer
1107 Mariposa Drive
Austin, TX 78704
(512) 970.7836
spfeiffer@kgsr.com

To: City of Austin

From: Kris Asthalter, 2005 Kenwood Avenue, Austin 78704



Re: 1106 Algarita Avenue, Austin 78704 Variance Request

Date: May 28, 2014

Our backyard neighbors, Miranda Wylie and Alex Wright, have a deck that runs up to their property line which also happens to be a COA alley. This same alley runs behind our house and is overgrown with trees and shrubs and hasn't been used except by city workers on foot in the twenty-one years we've lived in our house. The deck was built to safeguard the couple's young son and their dog and is a reasonable solution to a challenging site. I feel that they have come up with a design that is both attractive and efficient without negatively impacting any of the adjacent neighbors.

May 25, 2014

hand delivered 5/27/14

Mike Poole
2009 Kenwood Ave
Austin, TX 78704

Dear Mike,

As you recall from our conversations last fall, we have been working to secure our backyard for the safety of our toddler and dog. The fence and deck that we built was constructed to balance what we understood were the priorities of our neighbors and the layout of our property's relationship to the alleyway.

The deck is entirely within our property line. However, we recently learned a deck has to be 5 feet from the side property line. We are working with Code Enforcement and the Board of Adjustments to apply for a variance on this ruling. The deck is built less than 5 feet from the property line because of the previous stairs leading to the backyard. In other words, the deck is built on top of the previous steps. We came up with a solution that seemed to be best -fencing off our yard at our property line, keeping the alleyway open, and re-directing our footprint to remain on our property.

We are happy with the deck and fence and hope it has not been a bother to you in any way. If it is a bother, please let us know. We understand that we may be asking this too late as the deck has been built. I did feel confident from our last conversation that as long as the alleyway was clear you were in support. We welcome you to come by to review the fence and deck and to discuss any concerns.

If you are in support of the deck, we ask a kind favor of you. Would you write a letter of support that we may present to the Board of Adjustments?

Sincerely,

Miranda Wylie and Alex Wright
1106 Algarita Ave
Austin, TX 78704
917.923.7175

hand delivered 5/27/14

May 25, 2014

Jim Davis
2011 Kenwood Ave
Austin, TX 78704

Dear Jim,

As you recall from our conversations, we have been working to secure our backyard for the safety of our toddler and dog. The fence and deck that we built was constructed to balance what we understood were the priorities of our neighbors and the layout of our property's relationship to the alleyway.

The deck is entirely within our property line. However, we recently learned a deck has to be 5 feet from the side property line. We are working with Code Enforcement and the Board of Adjustments to apply for a variance on this ruling. The deck is built less than 5 feet from the property line because of the previous stairs leading to the backyard. In other words, the deck is built on top of the previous steps. We came up with a solution that seemed to be best -fencing off our yard at our property line, keeping the alleyway open, and re-directing our footprint to remain on our property.

We are happy with the deck and fence and hope it has not been a bother to you in any way. If it is a bother, please let us know. We understand that we may be asking this too late as the deck has been built. We welcome you to come by to review the fence and deck and to discuss any concerns.

If you are in support of the deck, we ask a kind favor of you. Would you write a letter of support that we may present to the Board of Adjustments?

Sincerely,

Miranda Wylie and Alex Wright
1106 Algarita Ave
Austin, TX 78704



C15-2014-0117

Miranda Wylie <mcwylie@gmail.com>

1106 Algarita

2 messages

Jean mather ~~<jeanmather2@gmail.com>~~

Thu, Aug 7, 2014 at 8:23 PM

To: leane.heldenfels@austintexas.gov

Cc: Miranda Wylie <mcwylie@gmail.com>, Kent SRCC <kent@kentmanschat.com>, Russell Fraser <Russell.Fraser@man.com>, Marc Davis <marc.davis@gmail.com>, David Swann <Exp@earth.net>, Garret Nick <secretary@srccatx.org>

Dear Leane,

Would you please pass this on to the BOAD?

Jean

Board of Adjustment
City of Austin

Dear Board Members:

The SRCC Zoning Committee met with Miranda Wylie on July 22. We then visited the site and agreed that she has a serious hardship. The Wylie property sides on an alley which is on the edge of a cliff. An old concrete stairway (now grandfathered we assume) gave access to the alley. In building a new little deck to connect to the alley but also to a stairway running along the side of the cliff down to the back yard, the contractor realized that he needed a firmer support for that end of deck and rested it 2 feet plus or minus into the five foot setback.

The Zoning Committee felt the hardship was legitimate and had no objection to the variance. On August 4th at the general meeting of South River City Citizens the membership supported the Zoning Committee's decision.

Jean Mather, Chair
Zoning Committee
SRCC

Miranda Wylie <mcwylie@gmail.com>

Thu, Aug 7, 2014 at 8:26 PM

To: Alex Wright <alex@alexwright.net>

[Quoted text hidden]



C19-2014-0117

Miranda Wylie <mcwylie@gmail.com>

1106 Algarita Ave.

2 messages

Kellogg, Eben <Eben.Kellogg@austinenergy.com>
To: Miranda Wylie <mcwylie@gmail.com>
Cc: "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov>

Mon, Jul 21, 2014 at 11:39 AM

Miranda Wylie & Alex Wright

1106 Algarita Ave.

Austin, TX 78704

Re: 1106 Algarita Ave.
Lot 22, Block 39
Travis Heights Addition
Book 3, Pg. 15
P.R.T.C.TX

Dear Miranda,

July 21, 2014

Austin Energy (AE) has reviewed your application for a variance from the five (5') foot sideline setback, in order to maintain an existing deck, which has been constructed within said setback. Austin Energy does not oppose this application as requested in reference to said setback, as shown on the attached red-stamped sketch, provided any proposed and existing improvements are in compliance with Austin Energy clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners/applicants expense.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me.

Eben Kellogg

Austin Energy

Heldenfels, Leane

From: Jean mather ~~jeanmather@gmail.com~~
Sent: Thursday, August 07, 2014 8:24 PM
To: Heldenfels, Leane
Cc: Miranda Wylie; Kent SRCC; Russell Fraser; Marc Davis; David Swann; Garret Nick
Subject: 1106 Algarita

Dear Leane,

Would you please pass this on to the BOAD?
Jean

Board of Adjustment
City of Austin

Dear Board Members:

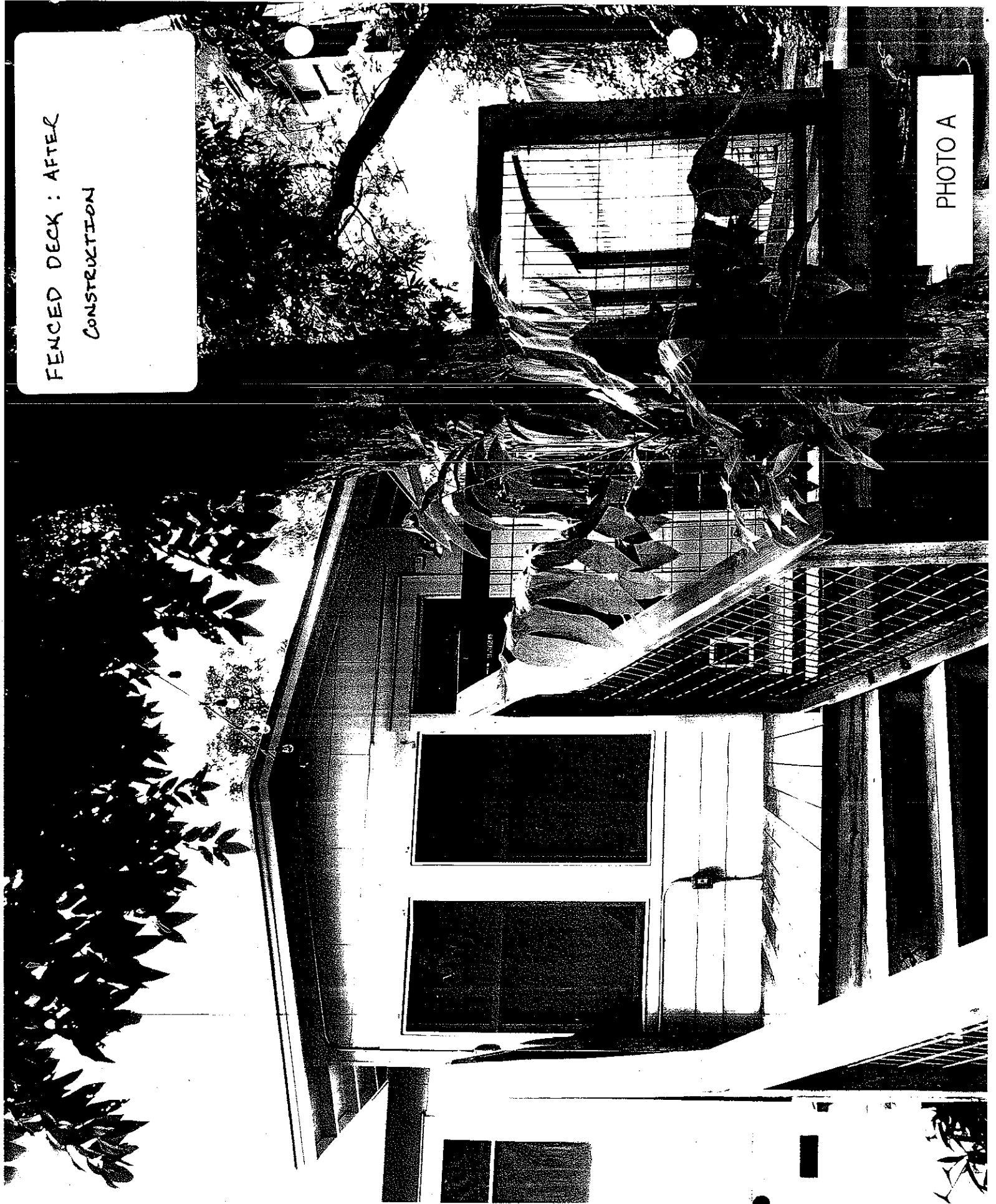
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Jean Mather, Chair
Zoning Committee
SRCC

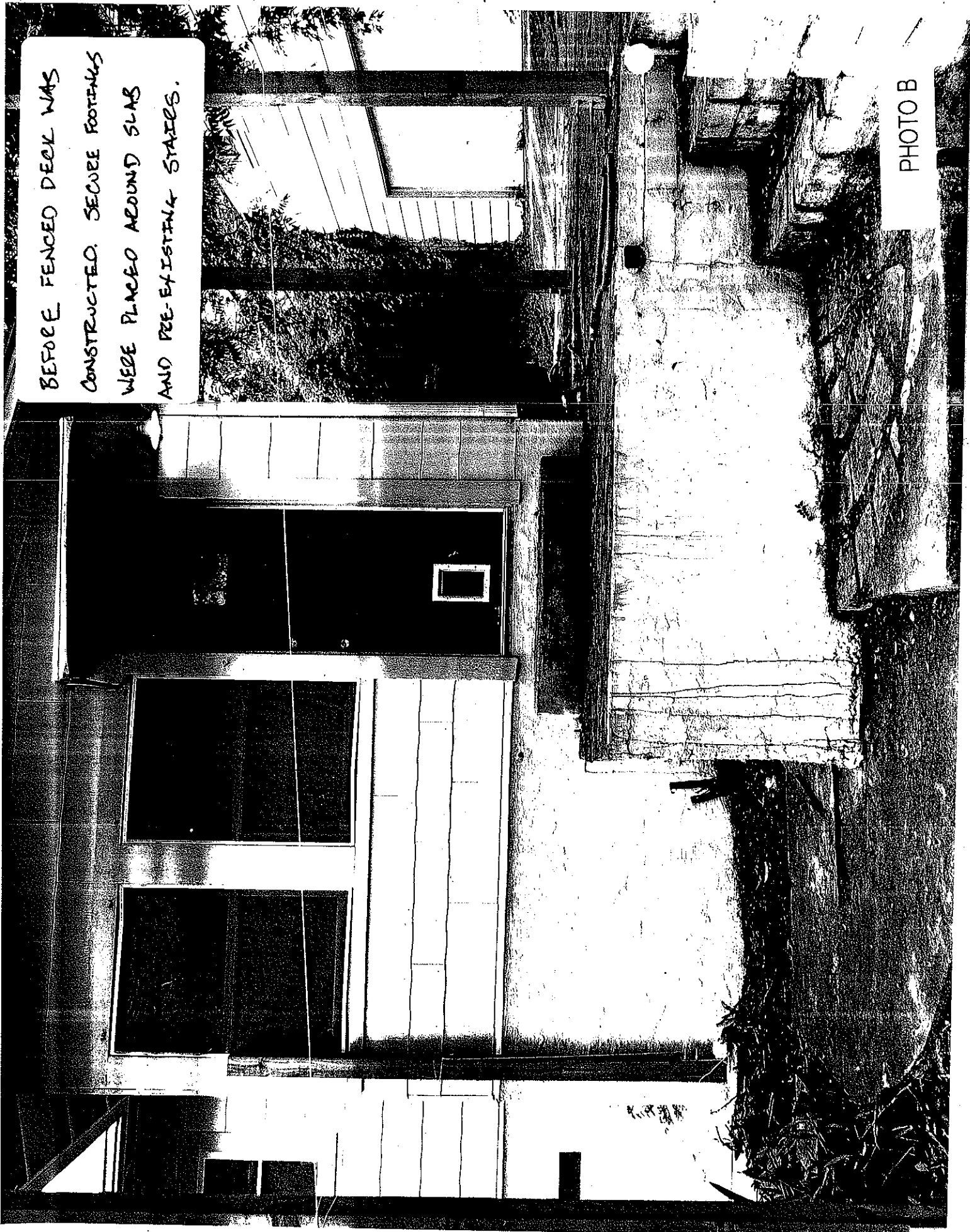
FENCED DECK : AFTER
CONSTRUCTION

PHOTO A



BEFORE FENCED DECK WAS
CONSTRUCTED. SECURE FOOTINGS
WERE PLACED AROUND SLABS
AND PRE-EXISTING STAIRS.

PHOTO B



SECURE FOOTINGS PLACED
AROUND PRE-EXISTING STAIRS.

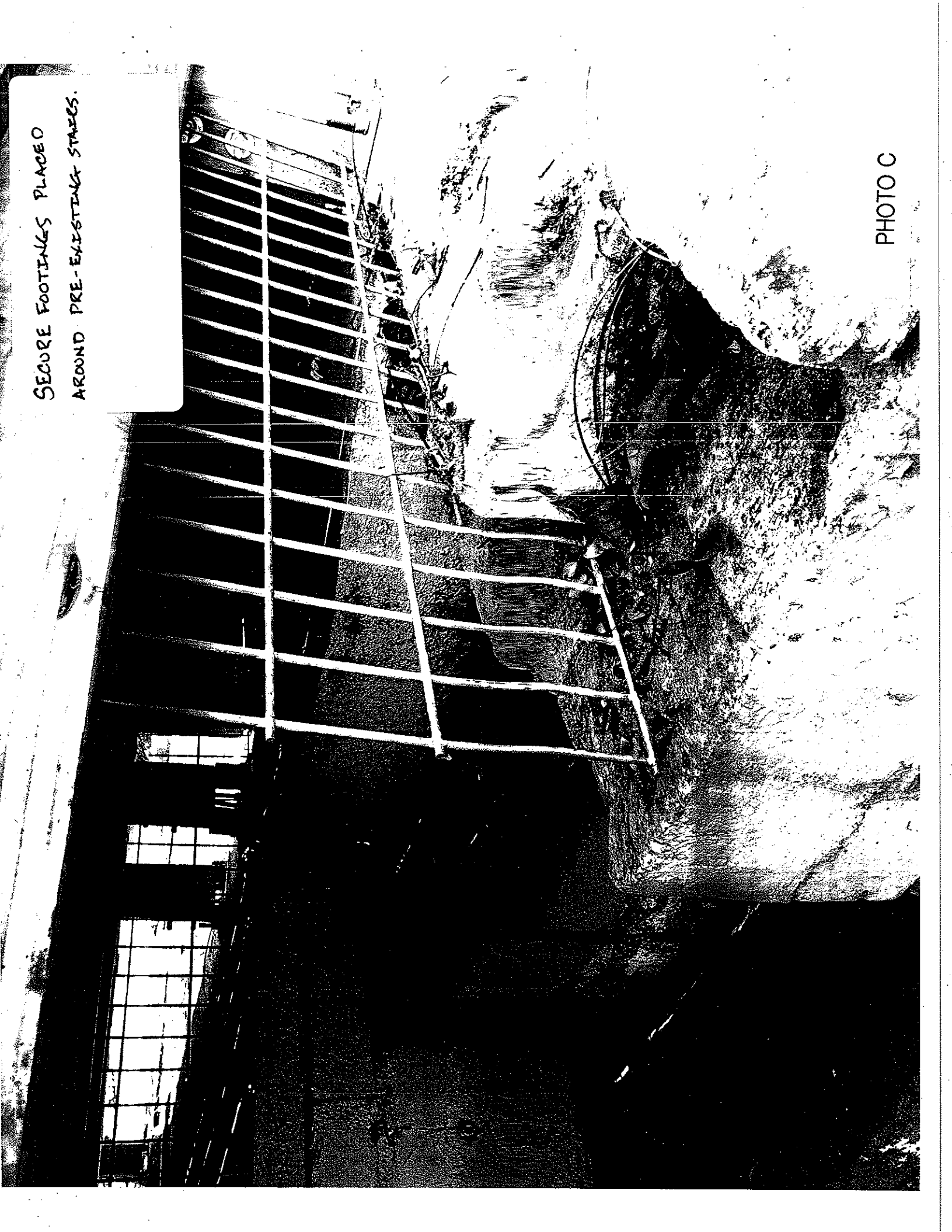
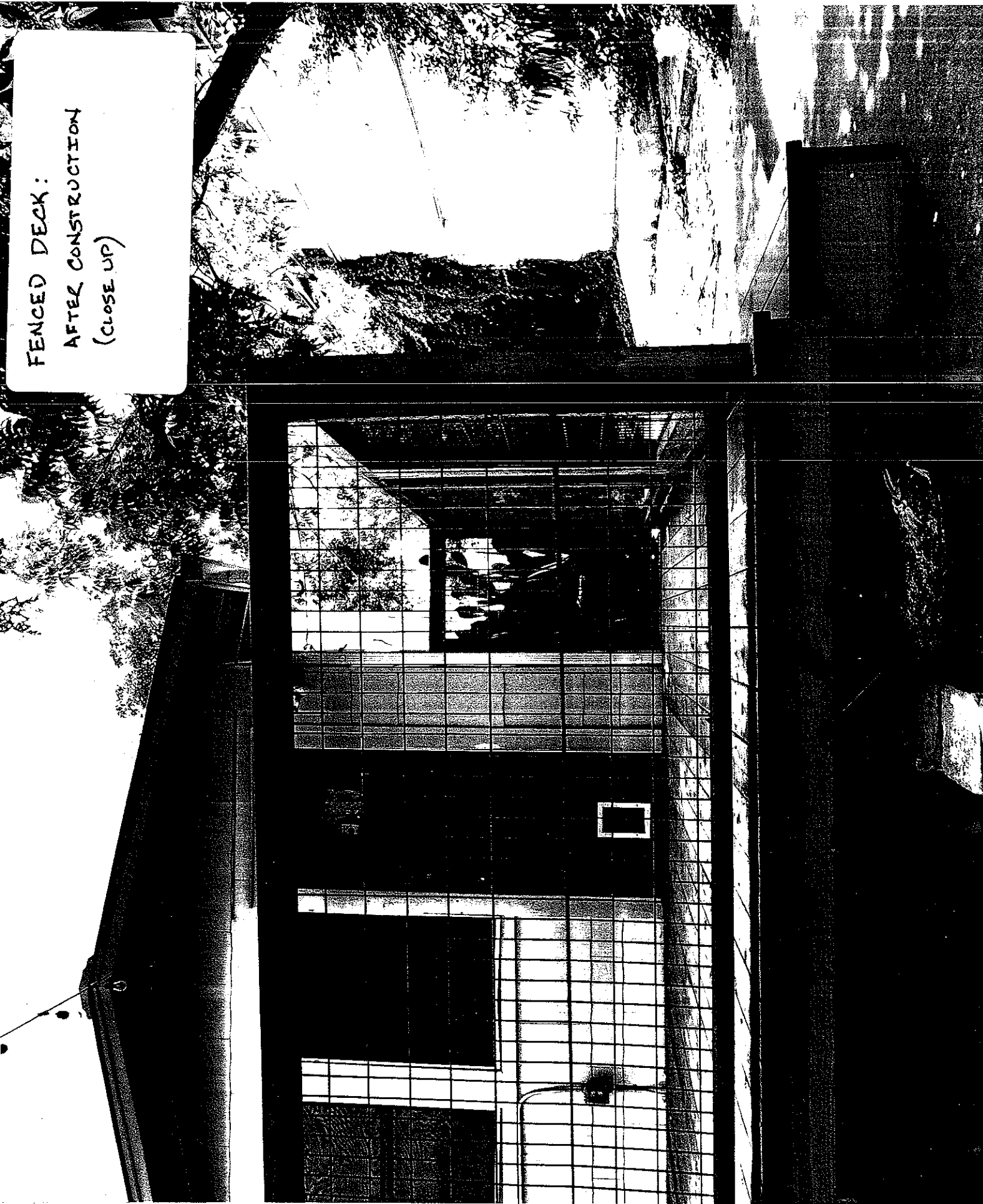
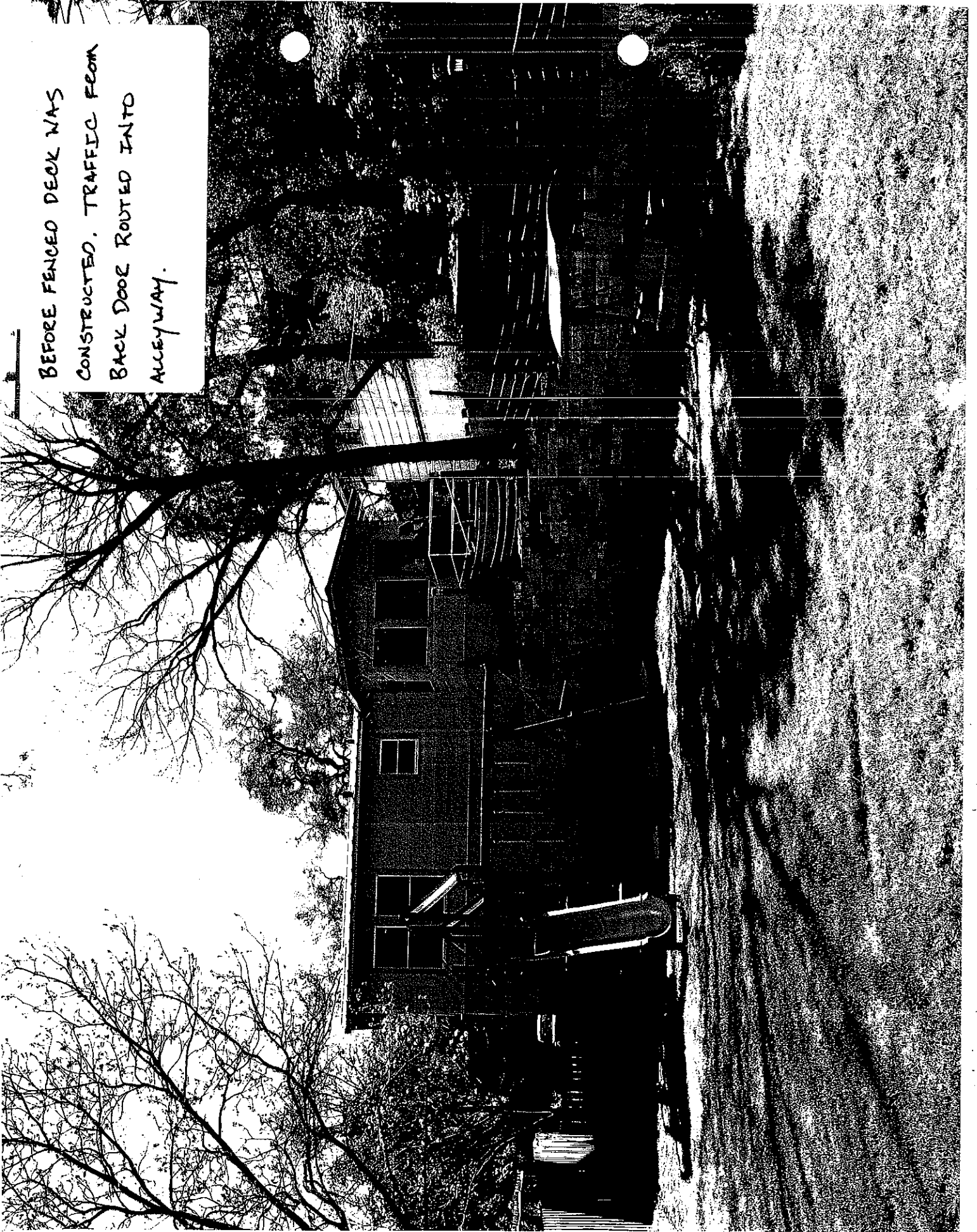


PHOTO C

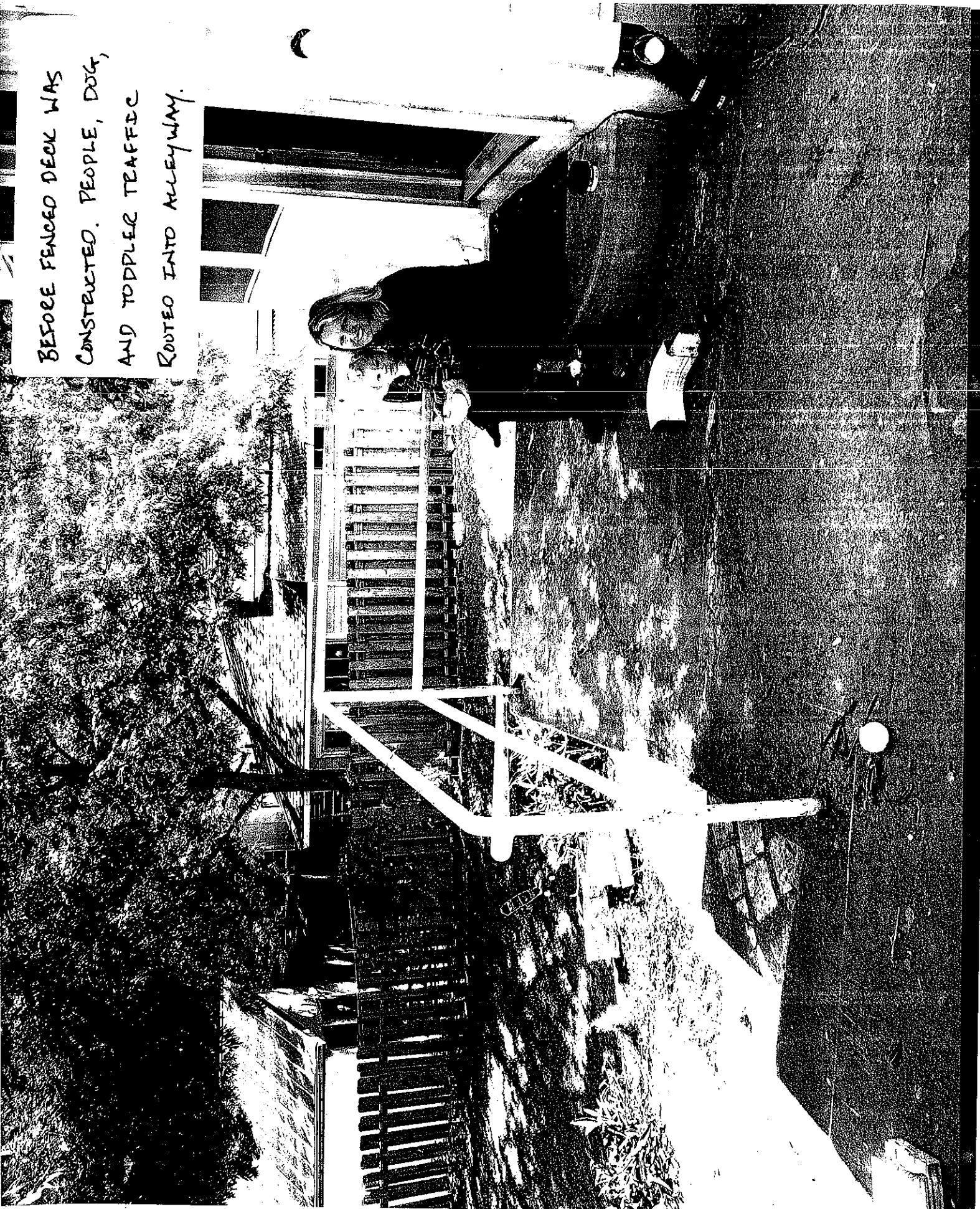
FENCED DECK:
AFTER CONSTRUCTION
(CLOSE UP)

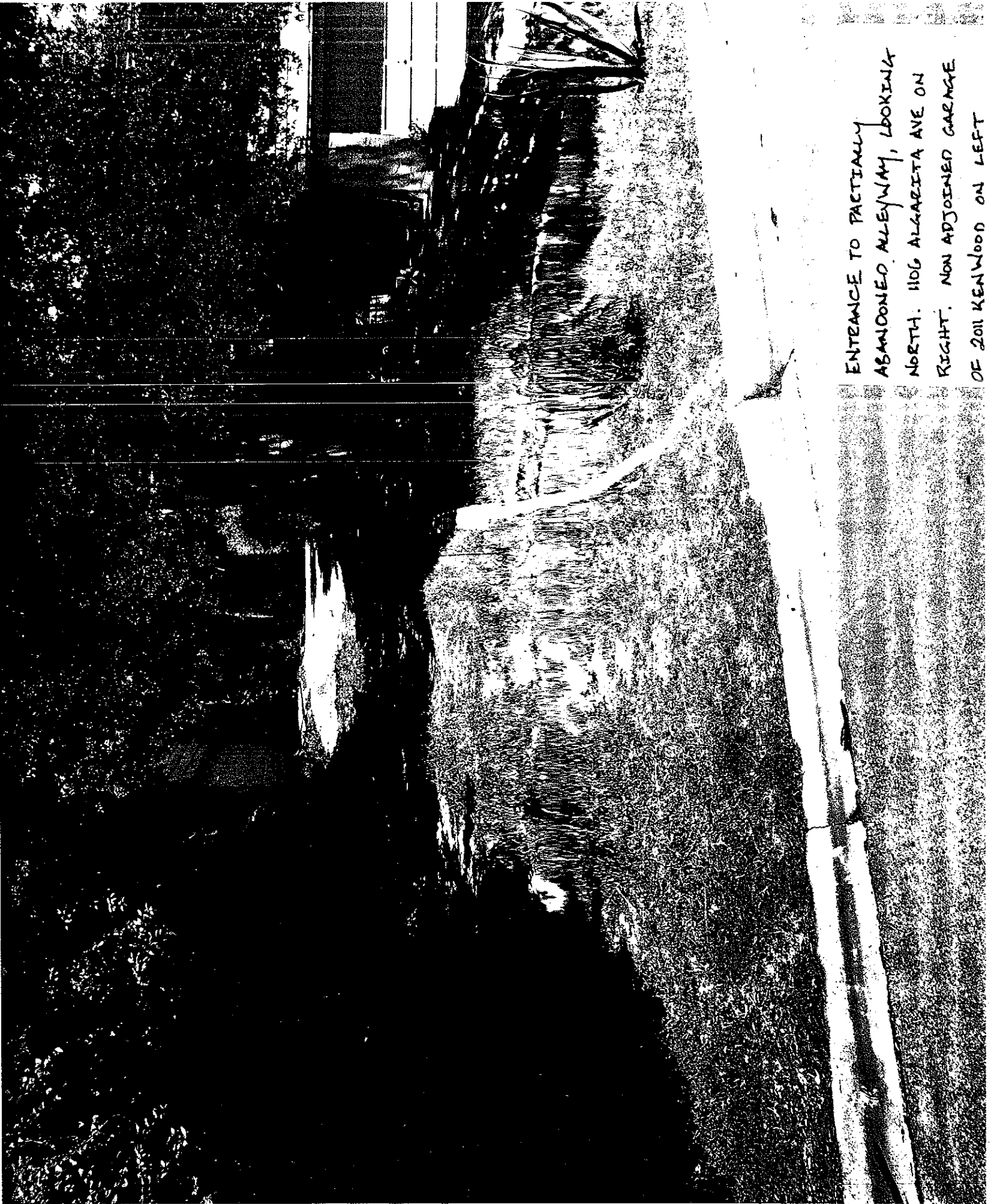


BEFORE FENCED DECK WAS
CONSTRUCTED, TRAFFIC FROM
BACK DOOR ROUTED INTO
ALLEYWAY.



BEFORE FENCED DECK WAS
CONSTRUCTED. PEOPLE, DOG,
AND TODDLER TRAFFIC
ROUTED INTO ALLEYWAY.





ENTRANCE TO PARTIALLY
ABANDONED ALLEYWAY, LOOKING
NORTH. 1106 ALGABETA AVE ON
RIGHT. NON ADJOINED GARAGE
OF 2011 KENWOOD ON LEFT

ALLEYWAY FACING NORTH
TREE IN CENTER LEFT
PREVENTS UTILITY TRUCKS FROM
TRAVELLING PAST.

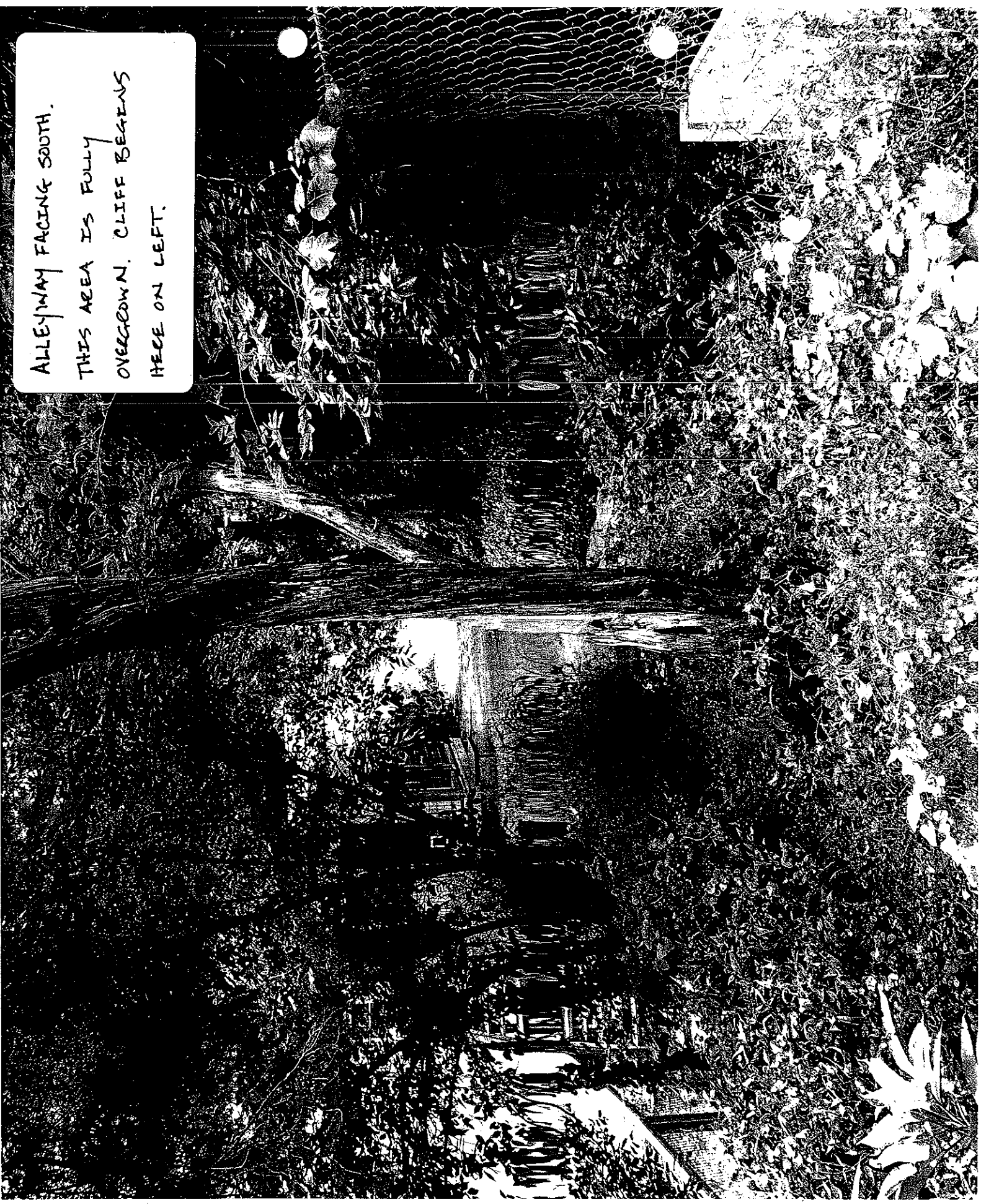


ALLEYWAY FACING SOUTH.
THIS AREA MARKS THE END
OF A PAVED SECTION. THE
TREE AT RIGHT PREVENTS UTILITY
TRUCKS FROM TRAVELING PAST.



ALLEYWAY FACING SOUTH.

THIS AREA IS FULLY
OVERGROWN. CLIFF BEGINS
HERE ON LEFT.



ALLEYWAY FACING SOUTH
ACROSS ALGACITA AVE. THIS
SECTION OF ALLEYWAY HAS
BEEN FULLY ABANDONED.



ALLEYWAY FACING SOUTH.
UTILITY TRUCK BLOCKED BY
TREE AND OVERGROWN
AREA ON RIGHT.

