

CASE# 015-2014-0121
ROW# 111 988 35
TAX# 731200

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE 0209060816

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

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

STREET ADDRESS: 1307 Waller Street

LEGAL DESCRIPTION: Subdivision - Resub. of Lots 49 and 50, Joseph Limerick

Lot(s) 4 Block _____ Outlot 41 Division "B"

I/We Jeffrey S. Howard on behalf of myself/ourselves as authorized agent for
Toria and Blake English affirm that on Aug. 4, 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
a pool equipment cover structure that was constructed to cover the pool equipment placed
by a pool contractor within the required 5' side yard setback at the southern boundary of

the lot (rear yard)

in a SF-3 - NP district. (Central East Austin)
(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:

Compliance with the side setback would mean that the pool equipment could not be
safety installed within the yard although equipment is allowed in the setback.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
It is a very small lot (4,127 SF), smaller than the 5,750 SF min lot size for SF-3, but it
does not qualify for small lot amnesty, which would allow for more lenient setbacks.

(b) The hardship is not general to the area in which the property is located because:
Other surrounding lots are either larger sized lots or do qualify for small lot amnesty and
do not have the same development constrains as the subject property.

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 south side of the property is adjacent to an alley; the pool equipment cover structure
does not interfere with others' property or affect utility easements, and it is tasteful.

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:

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 *Jeffrey S. Howard* Mail Address 901 S. Mopac Expwy.

City, State & Zip Building II, Ste. 225, Austin, Texas 78746

Printed Jeffrey S. Howard Phone 512-328-2008 Date 8/4/14

and Katie Vandyk *kvandyk@mcleanhowardlaw.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 *Toria English* Mail Address 1307 Waller Street




City, State & Zip Austin, Texas 78702

Printed Toria English Phone 415-640-0426 Date 8/4/14



E 12TH TO IH 35 NB
N IH 35 NB TO 15TH



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0121
Address: 1307 WALLER STREET



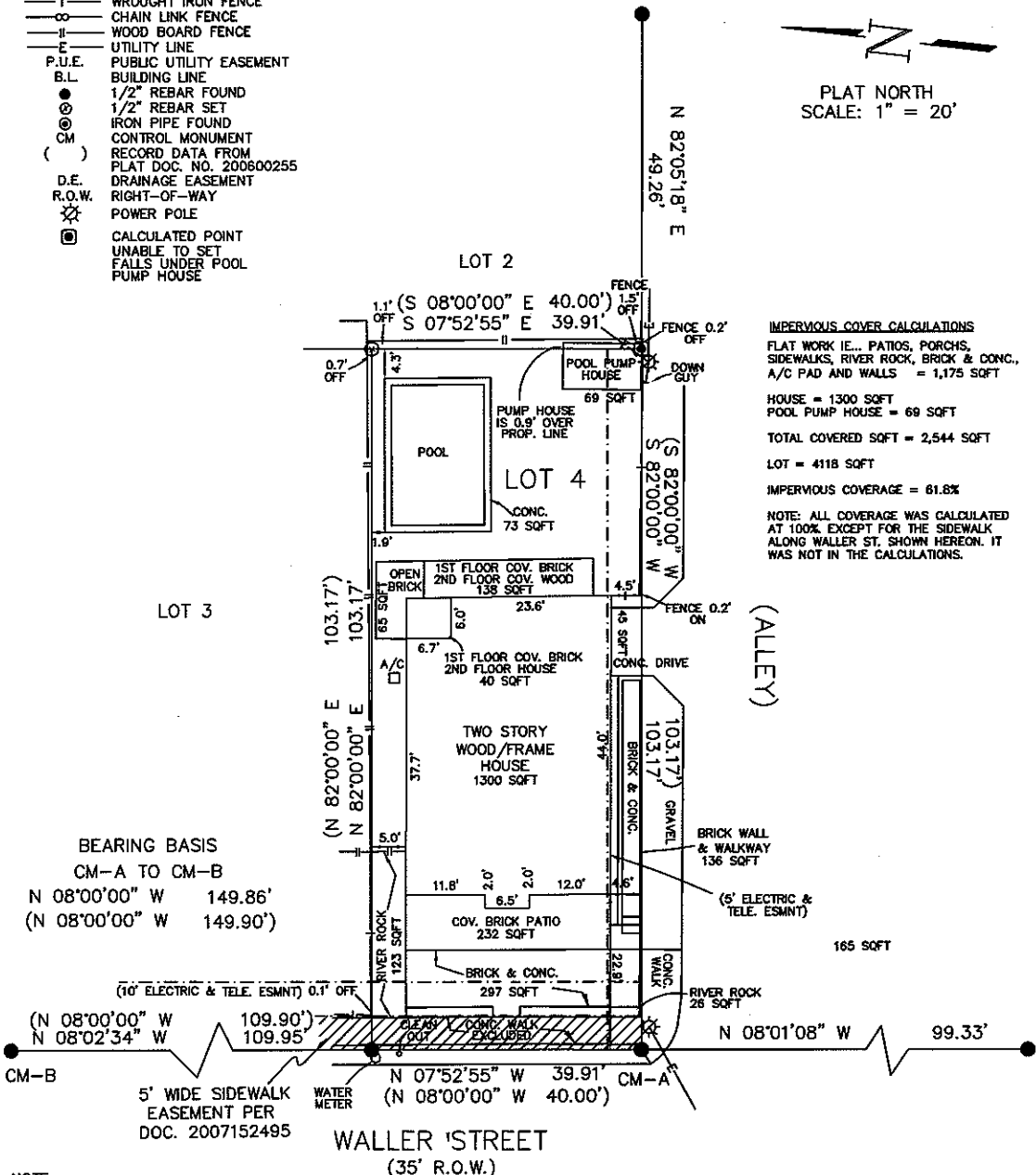
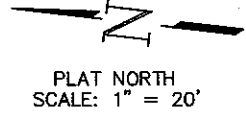
1" = 200'

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.

ASBUILT SURVEY
 OF 1307 WALLER STREET, AUSTIN, TEXAS
 LOT 4
 RESUBDIVISION OF LOT 50 AND A PORTION OF LOT 49
 JOSEPH LIMERICK SUBDIVISION OF OUTLOT 41, DIVISION "B"
 DOCUMENT NO. 200600255

- MAP SYMBOLS:
- I — WROUGHT IRON FENCE
 - O — CHAIN LINK FENCE
 - II — WOOD BOARD FENCE
 - E — UTILITY LINE
 - P.U.E. PUBLIC UTILITY EASEMENT
 - B.L. BUILDING LINE
 - 1/2" REBAR FOUND
 - ⊙ 1/2" REBAR SET
 - ⊙ IRON PIPE FOUND
 - CM CONTROL MONUMENT
 - () RECORD DATA FROM PLAT DOC. NO. 200600255
 - D.E. DRAINAGE EASEMENT
 - R.O.W. RIGHT-OF-WAY
 - ⊗ POWER POLE
 - ⊠ CALCULATED POINT UNABLE TO SET FALLS UNDER POOL PUMP HOUSE



IMPERVIOUS COVER CALCULATIONS
 FLAT WORK (E... PATIOS, PORCHS, SIDEWALKS, RIVER ROCK, BRICK & CONC., A/C PAD AND WALLS) = 1,175 SQFT
 HOUSE = 1300 SQFT
 POOL PUMP HOUSE = 69 SQFT
 TOTAL COVERED SQFT = 2,544 SQFT
 LOT = 4118 SQFT
 IMPERVIOUS COVERAGE = 61.8%

NOTE: ALL COVERAGE WAS CALCULATED AT 100% EXCEPT FOR THE SIDEWALK ALONG WALLER ST. SHOWN HEREON. IT WAS NOT IN THE CALCULATIONS.

BEARING BASIS
 CM-A TO CM-B
 N 08°00'00" W 149.86'
 (N 08°00'00" W 149.90')

NOTE:
 THIS LOT IS SUBJECT TO A SIDEWALK EASEMENT GRANTED TO THE CITY OF AUSTIN PER DOC. NO. 2007152495.

HARRIS-GRANT SURVEYING, INC.
 PO BOX 807 MANCHACA, TEXAS 78652
 (512)444-1781 FAX (512) 444-6123

James M. Grant

JAMES M. GRANT R.P.L.S. 1919
 DATE: FEBRUARY 20, 2014 REVISED MARCH 10, 2014
 FINAL REVISION DATE: MARCH 26, 2014

Heldenfels, Leane

1307 Wally

From: McDonald, John
Sent: Tuesday, August 26, 2014 2:25 PM
To: Heldenfels, Leane; Johnson, Christopher [PDRD]
Subject: Approved plans for the home construction
Attachments: APPLICATION.TIF

Attached are the approved plans for the home approved by Councilmember Tovo's aide (Joi Harden). :<

Observations:

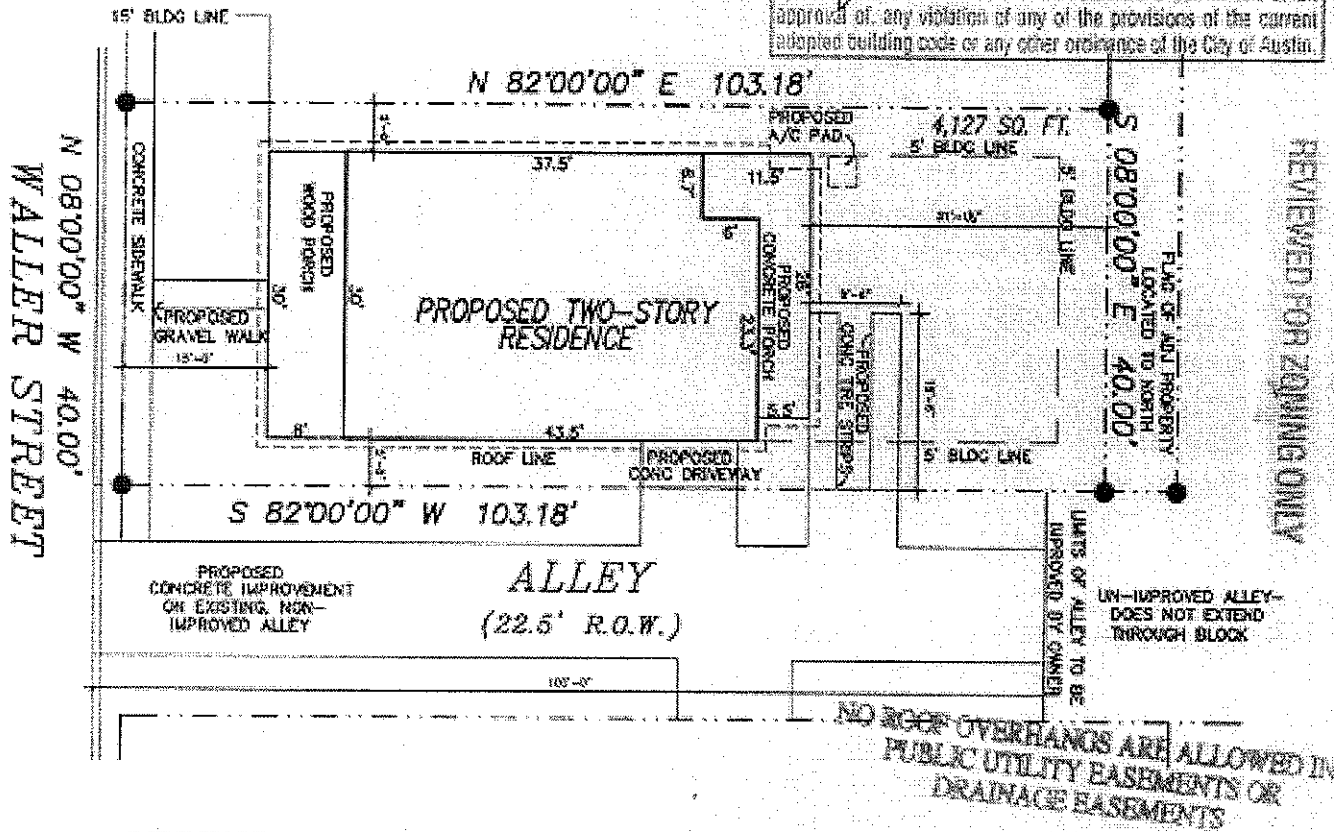
1. As you can see from the plans the home is shown to be honoring both 5' side yard setbacks and the "Telephone/Electric Easement" is not called out or delineated.
2. The "one" off-street parking space does not meet the stall length requirement of 17'.
3. The A/C pad is not shown in the 5' side yard, but it is shown behind the house outside of any setback.

Clearly, the as built survey from March 10, 2014 show deviations from the plans and points out the applicant did not disclose the 5' Electric/Telephone Easement. All easements are required to be shown and it states this in the residential application. Not to mention the fact an applicant is supposed to build what was approved.

Respectfully,
John M. McDonald
Development Services Manager
Residential Plan Review/PDRD
974-2728 – Office
john.mcdonald@austintexas.gov

CITY OF AUSTIN
 APPROVED FOR PERMIT
 Victoria Hsu, P.E.

Watershed Protection & Development Review Department
 By *[Signature]* Date *9/30/06*
 The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.



REVIEWED FOR ZONING ONLY

UN-IMPROVED ALLEY - DOES NOT EXTEND THROUGH BLOCK

NO ROOF OVERHANGS ARE ALLOWED IN PUBLIC UTILITY BASEMENTS OR DRAINAGE BASEMENTS

LEGEND

The dripline of protected trees (19" dia. @ 4.5' above grade), must be enclosed with protective fencing before and throughout construction. The measuring 19" in diameter (or greater) may be removed without a TREE CANCELLATION REVIEW from the City of Austin. Call the Development Assistance Center for review at 787-7700.

TOTAL LOT AREA: 4127 SF
 URBAN LOT DESIGNATION
 LIVING AREA: 1032 SF
 GARAGE AREA: 258 SF
 PORCH AREA: 398 SF
 CONCRETE DRIVEWAY: 154 SF
 CONC WALK & A/C PAD: 9 SF
 TOTAL BUILDING COVERAGE: 1688 SF
 TOTAL IMPERVIOUS COVERAGE: 1885 SF

SEPARATE WALLS AT THE EXPENSE OF AN NECESSARY BY THE LOCATION OF EXISTING UTILITIES TO CLEAR THE DRIVEWAY LOCATION AND/OR THE COST TO REPAIR ANY UTILITIES DAMAGED DURING CONSTRUCTION.

AE APPROVED
 AUG 23 2006
 RLS 235-4



SCALE: 1" = 20'

Prepared By: Sentient Architecture, LLC 702 San Antonio St. Austin, TX 78701 512-444-0777 Issue Date: 6/6/06 Robert Brett Pitt, AIA	PLOT PLAN 1307 Waller St. Austin, TX 78702	Prepared For: El Centro Group, Robert Se 1000 E. 13th Street Austin, TX 78702 512-524-1260
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