CASE# <u>(157014-0172</u> ROW# <u>11198892</u> TAX# <u>0214120</u>633

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: 3208 Merrie Lynn Ave. 78722
LEGAL DESCRIPTION: Subdivision – French Place
Lot(s) 33 Block B Outlot 32-24 Division C
I/We Mansoor Kapasi on behalf of
Myself affirm that on <u>September 14,2014</u> , 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
two-story secondary dwelling of 850 sq. ft. that would have a 7 ft. 1 ln. wide stairwell which extends 2 f
rom the back of the building, thereby reducing the rear setback from 10 ft. to 8 ft. The stairwell will be
t _{.,} 8.5" off of the ground.
in a SE 2 ND
in a <u>SF-3-NP</u> 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 described as incomplete.

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:

Due to the narrow front-to-back dimension of our backyard, the width of our secondary dwelling is limited to 11 ft. This is unusual in our neighborhood. Most homes in our neighborhood have smaller front yards and larger back yards. On our street block, however, with some exceptions, the homes instead have larger front yards and smaller back yards. While it is possible to build a stairwell for "double winder stairs" within the 11 ft. limit, the resulting steps along the turn of the stairs would be narrow toward the center and less safe to climb/go down. (See attached diagrams). A "half-landing stair" design would be safer because it does not include narrow steps.

HARDSHIP:

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

the maximum width of the secondary dwelling we wish to build in our backyard is 11 feet and a double winder stairwell built within the width guidelines would be difficult and potentially dangerous to climb/go down.

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

The required narrow width of our secondary dwelling is unusual.

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 request is to decrease the rear setback by 2 ft. to accommodate a safer stair design, and that would be for a portion of the rear of the alley flat that is only 7 ft. 1 in. wide. The nearest structure, a shed on the lot behind ours, would remain at least 21 feet from the nearest point of the alley flat. The house on the lot behind ours would be about 70 feet from the rear of the alley flat.

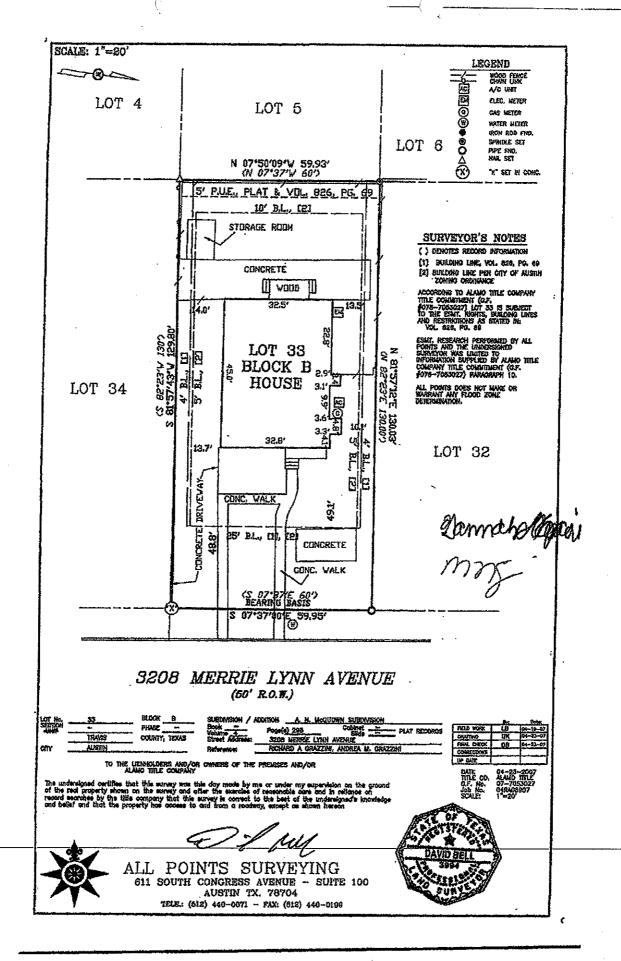
PARKING: (Additional criteria for parking variances only.)

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.

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 <u>/a</u>	
<u> </u>	
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 <u>/a</u>	
4.	The variance will run with the use or uses to which it pertains and shall not run with the site because:
ı/a	
NO	OTE: 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.
APF appl	PLICANT CERTIFICATE – I affirm that my statements contained in the complete lication are true and correct to the best of my knowledge and belief.
Sign	ed Same as owner all Address
City,	State & Zip
Print	edPhoneDate
OW are to	NERS CERTIFICATE – I affirm that my statements contained in the complete application rue and correct to the best of my knowledge and belief.
Sign	edMail Address 3208 Memry Lynn Are.
City,	Mail Address 3208 Menry Lynn Are, State & Zip Austin, Tx 78722 ed Mans ver Kapasi Phone 512-516-5610 Date 8/1/14
Print	ed Manson Kapasi Phone 512-516-5610 Date 8/1/14

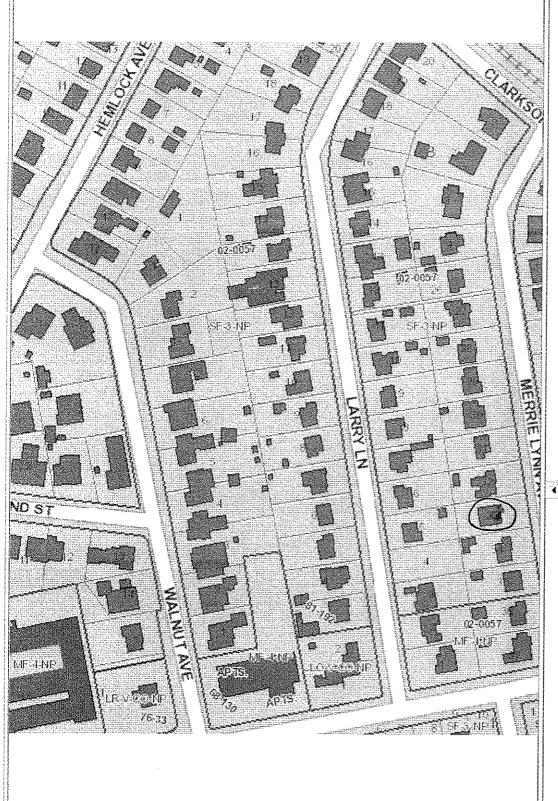


CITY OF AUSTIN DEVELOPMENT WEB MAP



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.

CITY OF AUSTIN DEVELOPMENT WEB MAP



Legend

Lot Lines

Streets

Building Footprints

Named Creeks

Lakes and Rivers

Parks

County

Lot ID

Block ID

Lot Line

Zoning Text

Zoning (Large Map Scale

Building Footprints Year 200

Large Building (>4000

Building (100-4000 sc

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PENDING CASE



ZONING BOUNDARY

CASE#: C15-2014-0122

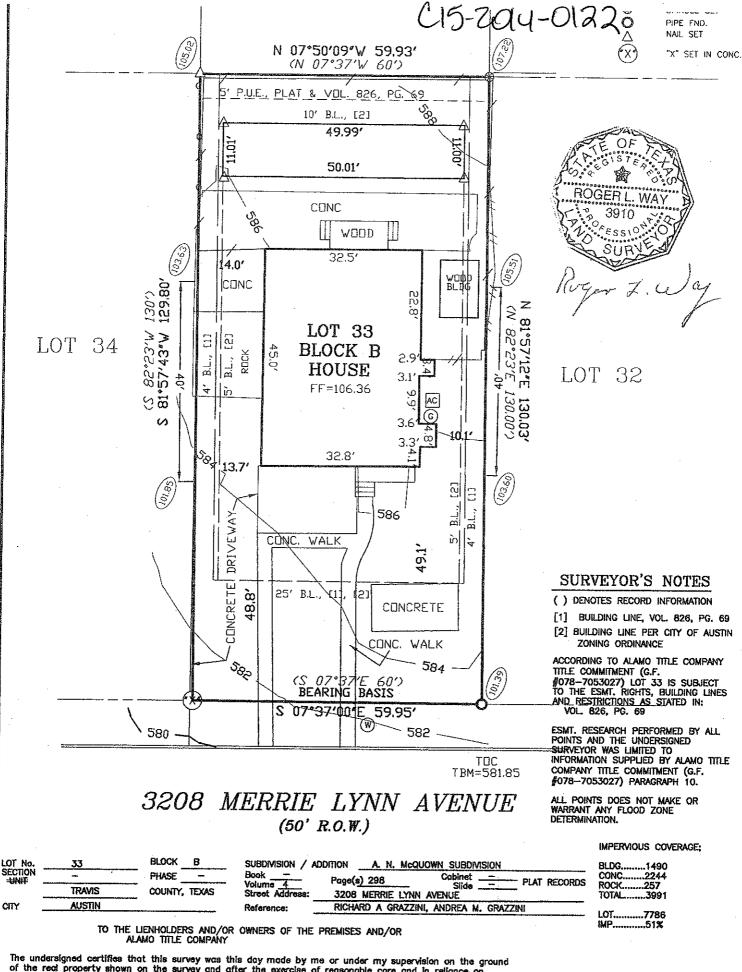
Address: 3208 MERRIE LYNN AVE

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.





The undersigned certifies that this survey was this day made by me or under my supervision on the ground of the real property shown on the survey and after the exercise of reasonable care and in reliance on record searches by the title company that this survey is correct to the best of the undersigned's knowledge and belief and that the property has access to and from a roadway, except as shown hereon

Bill To

MANSOOR KAPASI
3208 MERRIE LYNN
AUSTIN, TX 78722
512-516-5610
mrkapasi@yahoo.com

Ship To CG-ZOLY - OLZ MANSOOR KAPASI 3208 MERRIE LYNN AUSTIN, TX 78722 512-516-5610 mrkapasi@yahoo.com

Job No.	GF or PO No.	Terms	Buyer		Ordered By
06B332-14		Due on receipt		· · · · · · · · · · · · · · · · · · ·	MANSOOR
	ltem			Amount	····
As-Built Survey w/Mci Envelope	Mansions				600.007
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Address	3208 MERRI	ELYNN		,	1
Lot	33				
Block	В				
Subdivision	A.N. MCQU	IOWN			
Section					
Phase			-		
				Subtotal	\$825.00
Please Remit Payment 1 All Points Surveying 1714 Fortview - Ste 200	•			Sales Tax (8.25	5%) \$68.06
Austin, TX 78704 P: (512) 440-0071 F: (512) 440-0199	,			Total	\$893.06

From:

Mansoor Kapasi < r kapasi@wahao.com

Sent:

Wednesday, August 27, 2014 4:21 PM

To:

Heldenfels, Leane

Subject:

Re: Board of Adjustment application

3208 merrielynn

Hi Leane,

My apologies for not having sent the photos and elevation yet. I'll get them to you soon. But more importantly, I will need some more time to get my neighborhood association approval due to their process and meeting dates. Could I please postpone my time in front of the Board until the October meeting?

Thank you,

Mansoor Kapasi

On Thursday, August 21, 2014 4:12 PM, "Heldenfels, Leane" < Leane. Heldenfels@austintexas.gov > wrote:

One thing – the attachment was an updated survey, but an elevation (drawing of what the structure will look like) wasn't included – maybe you meant to attach it.

Thanks – Leane

From: Mansoor Kapasi [mailto:mrkapasi@yahoo.com]

Sent: Wednesday, August 20, 2014 5:24 PM

To: Heldenfels, Leane

Subject: Re: Board of Adjustment application

Oops...here's the attachment! Page one you can ignore, obviously, as it's the invoice for the survey.

On Wednesday, August 20, 2014 5:17 PM, Mansoor Kapasi <mrkapasi@yahoo.com> wrote:

Hello Leane.

Attached you'll find an elevation map for our project. I will get photos and neighbor support to you by the 27th. The neighborhood association meeting in on Sept. 3, which I will attend, and assuming their approval I will send that proof after the 9/3 meeting.

Also, I noticed that I made a writing error on the 2nd page of the application I already sent in. It looks like I didn't finish a sentence, or spliced part of one inside another. Anyway, could I correct that page and re-send it to you.

Finally, would you rather have the elevation map and the photos as hard copy placed in your mailbox or is sending them by e-mail ok? As for the approval of neighbors and our neighborhood assoc, since those have signatures must I mail them or place the forms in your mailbox, or would scanned & e-mailed files be sufficient>

Thanks so much,

Mansoor

On Thursday, August 7, 2014 1:13 PM, Mansoor Kapasi < mrkapasi@yahoo.com > wrote:

From:

Mansoor Kapasi < (Transasio yango com

Sent:

Wednesday, September 24, 2014 3:40 PM

To: Cc:

Kellogg, Eben Heldenfels, Leane

Subject:

Re: 3208 Merrie Lynn Ave.

Thanks for the letter, Eben. Would you mind re-sending the letter with one change - in the first sentence, would you please change the setback change to read, "from ten (10') feet to eight feet (8')"? It turns out we were able to shed a few inches from the variance request.

Take care.

Mansoor

On Wednesday, September 24, 2014 10:15 AM, "Kellogg, Eben" < Eben. Kellogg@austinenergy.com > wrote:

Mansoor Kapasi 3208 Merrie Lynn Ave. Austin, TX 78722 Lot 33 – A. N. McQuown Subdivision Vol. 4 pg. 298 Real Property Records of Travis County

Dear Mansoor.

September 24, 2014

Austin Energy (AE) has reviewed your application for the above referenced property, requesting a variance to decrease the rear building setback from ten (10') feet to seven feet eight inches (7' 8"), in order to construct a two story "alley flat" secondary structure. Austin Energy does not oppose this application for the rear building setback line variance for the construction of said building, which is shown on the attached 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. If our service drop is recommended to be relocated, when you obtain a building permit, please speak with our Distribution Construction Leader, Joan Wilhite, at 512-505-7604, as she will provide you with direction for the relocation of said service drop.

In addition, during my research, Austin Energy has an easement on your property, which follows your property line. It is a five foot easement, being 2.5 feet strip. I wanted to let you know for your information.

Thank you for reaching out to our office and please feel free to contact me if you have any questions.

Regards,

From:

Mansoor Kapasi <

Sent:

Thursday, September 25, 2014 4:16 PM

To:

Heldenfels, Leane

Subject:

Re: 3208 Merrie Lynn Ave.

Attachments:

3208 merrie lynn ave 2nd dwelling site plan.docx; 3208 merrie lynn ave 2nd dwelling

frontback elevation.docx

Hi again, Leane,

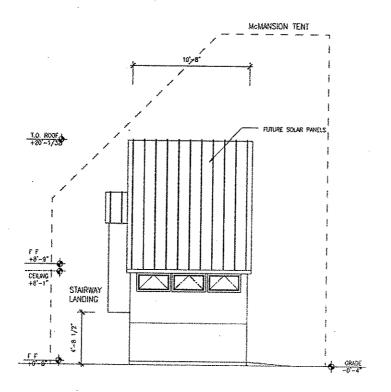
A few more attachments.

The file "3208...2nd dwelling site plan" can replace the site plan I submitted earlier (p.5 of the 7 pages you have so far, I believe). It's a cleaner copy with a bit more detail.

The other two attachments include elevation drawings.

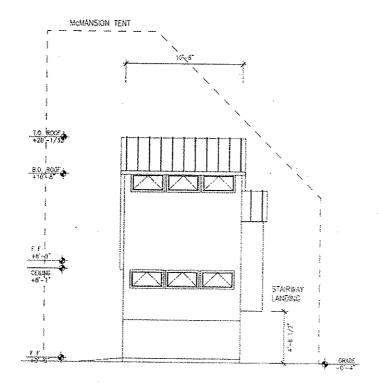
In the mail I'll send photos, another computer generated drawing of the unit, diagrams of the stairs, and documents showing neighbor support. Thanks so much for all your thorough and diligent help!

Mansoor



3 SOUTH ELEVATION

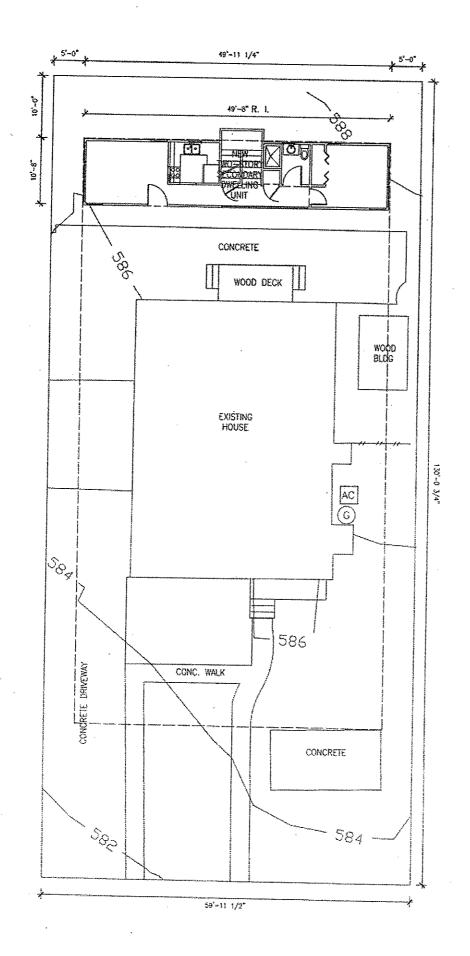
NOTE: ALL ELEVATION DIMENSIONS ARE ROUGH IN UNLESS SPECIFICALLY NOTED



1 NORTH ELEVATION

NOTE: ALL ELEVATION DIMENSIONS ARE ROUGH IN UNLESS SPECIFICALLY NOTED

2 IMPEST ELEVATION DIMENSIONS ARE ROUGH IN UNLESS SPECIFICALLY MOTED





October 1, 2014

Mansoor Kapasi 3208 Merrie Lynn Ave. Austin, TX 78723

Mansoor

RE: Variance for Proposed Accessory Dwelling Unit

The plans and elevations for your accessory dwelling unit show a stairway landing that is in violation of the 10 feet rear yard setback. The dimensions of the part of the stairway landing that project beyond the setback are 7'-1" x 2'-0". Note that the landing is cantilevered off the rear wall of the structure and does not require a foundation. Therefore, the impervious cover of the property is not increased due to the size and location of the landing.

Please inform the Board of Adjustment that the rear setback for the stairway landing is the only variance we are seeking. As the project architect, I am responsible for your structure meeting all other zoning ordinances and building codes at time of the building permit application. Compliance with zoning ordinances (height, impervious cover, parking, etc.) and building code requirements (means of egress, stair design, etc.) will be shown on the permit application drawings.

Sincerely,

Richard MacMath, RA, LEED AP

Richald MacMath

Co-Director ADDDC

2108 EM Franklin Ave.

Austin, TX 78723

512-220-4254

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Informally, timely approval works wonders. Factors that often are overlooked include how a project will impact breeze, drainage, fire safety, light, parking, privacy, security, and trees. As Ben Franklin reminds, "An ounce of prevention is worth a pound of cure." Early in the process, ideas can be suggested. Concerns can be addressed. Problems can be anticipated. Solutions may be easier to find. While too many cooks may spoil the soup, several guests make a feast.

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PROPOSER: What is to be constructed? (Please attach a description as well as site plan, additional drawings, or photos)
What is the address of the project? 3208 Merrie Lynn Ave.
Name of Proposer: Mansoer Kapasi
Address/Phone/E-mail: 3208 Merrie Lynn Ane. Austin, Tx 78722
RESPONDENT: I am fully aware of the project and its impact(s), if any, on my site and I have been provided a copy of the CNA Design Guidelines (approved by the Membership April 2004). G I approve G I approve with conditions G I disapprove Date: Comments (please write overleaf, or attach): Name: Page Merrie Manage Signature: Owner swner-resident tenant?

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What is the address of the project? 3208 Merrie Lynn Ave.
Name of Proposer: Mansoer Kapas;
Address/Phone/E-mail: 3208 Merrie Lynn Ane. Austin, Tx 78722 512-516-5610
RESPONDENT: I am fully aware of the project and its impact(s), if any, on my site and I have been provided a copy of the CNA Design Guidelines (approved by the Membership April 2004). G I approve G I approve with conditions G I disapprove Date: August 20, 2014
Comments (alarma 's 1 C s s 1)
Name: Jimmile M. Carfer Signature: Jimmile Multi
Address: 3206 Merrie Lynnique Owner) owner-resident / tenant?
Quetin, Tx 78722

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What is the address of the project? 3208 Merrie Lynn Ave.
Name of Proposer: Mansoer Kapas;
Address/Phone/E-mail: 3208 Merrie Lynn Ane. Austin, Tx 78722 512-516-5610
RESPONDENT: mrkapasi @ yahoo.com I am fully aware of the project and its impact(s), if any, on my site and I have been provided a copy of the CNA Design Guidelines (approved by the Membership April 2004). G I approve with conditions G I disapprove Date: 8/23/14
Comments (please write overleaf, or attach): Quid pro qui - approve for me in the Fiture
Name: Lava Bell Signature: J Bell
Address: 3209 Lary Ln Ansan TR 78722
(512)466-7091

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PROPOSER: What is to (Please attach a descript	o be constructed? ion as well as site plan, additional drawings, or photos)
What is the address of the pro-	ject? 3208 Merrie Lynn Ave.
Name of Proposer:	Mansoer Kapasi
Address / Phone / E-mail:	328 Merrie Lynn Ane. Austin, Tx 78722 512-516-5610
RESPONDENT: I am fully aware of the p	mrkapasi @ yahoo. com project and its impact(s), if any, on my site and I have been provided a Guidelines (approved by the Membership April 2004).
copy of the Civit Design	datacinics (approved by the Membership April 2004).

G I disapprove

Comments (please write overleaf, or attach):

G I approve with conditions

G I approve

Name: Nicholas Morgan Address: 3707 Merrie Lynn Unit B

Owner / owner-resident (tenant)

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;		
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Name of Proposer: Mansoer Kapagi		
Address/Phone/E-mail: 328 Merrie Lynn Ane. Austin, Tx 78722 512-516-5610		
RESPONDENT: mrkapasi @ yahoo. cam		
I am fully aware of the project and its impact(s), if any, on my site and I have been provided a copy of the CNA Design Guidelines (approved by the Membership April 2004).		
G I approve G I approve with conditions G I disapprove Date: 8/27/14		
Comments (please write overleaf, or attach):		
Name: Unaleth brenner Signature: Signature:		
Address: 3267 Lawy Lh. #A Owner / owner-resident / (tenant?)		

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What is the address of the project? 3208 Merrie Lynn Ave.
Name of Proposer: Mansoer Kapas,
Address/Phone/E-mail: 3208 Merrie Lynn Ane. Austin, Tx 78722 512-516-5610
RESPONDENT: mckapaci@yahoo.cam I am fully aware of the project and its impact(s), if any, on my site and I have been provided copy of the CNA Design Guidelines (approved by the Membership April 2004).
G I approve G I approve with conditions G I disapprove Date: 9 - 1 - 14

Comments (please write overleaf, or attach):

Name: Asher Couber

Address: 3209 Marrie Lynn

Signature:

Owner owner-resident / tenant?

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Name of Proposer:	Mansoer Kapasi
Address / Phone / E-mail:	3208 Merrie Lynn Ane. Austin, Tx 78722 512-516-5610
RESPONDENT: I am fully aware of the p	roject and its impact(s), if any, on my site and I have been provided. Guidelines (approved by the Membership April 2004).
copy of the CNA Design	Guidelines (approved by the Membershin April 2004)

GI approve G I approve with conditions G I disapprove Date:

Comments (please write overleaf, or attach):

Name: Dand Rosentiell

Address: 3301 Merrie Lynn Ave Drokn, TX 78741 Owner / owner-resident / tenant?

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Name of Proposer: Mansoer	<i>y</i>
Address/Phone/E-mail: 3208 Merrie Lynr 512-516-5610	Ane. Austin, Tx 78722
RESPONDENT: I am fully aware of the project and its impact(s), if copy of the CNA Design Guidelines (approved by the copy of the CNA)	any, on my site and I have been provided a he Membership April 2004).
G I approve G I approve with conditions G I disap	prove Date: $9/7/i9$
Comments (please write overleaf, or attach):	
Name: John Barid Sig	nature: Mar Band
Address: 3207 Larry Ln Ow	ner / owner-resident (tenant?)

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Informally, timely approval works wonders. Factors that often are overlooked include how a project will impact breeze, drainage, fire safety, light, parking, privacy, security, and trees. As Ben Franklin reminds, "An ounce of prevention is worth a pound of cure." Early in the process, ideas can be suggested. Concerns can be addressed. Problems can be anticipated. Solutions may be easier to find. While too many cooks may spoil the soup, several guests make a feast.

Everyone given this form to fill out should be provided a copy of the CNA Design Guidelines available on-line at cherrywood.org.

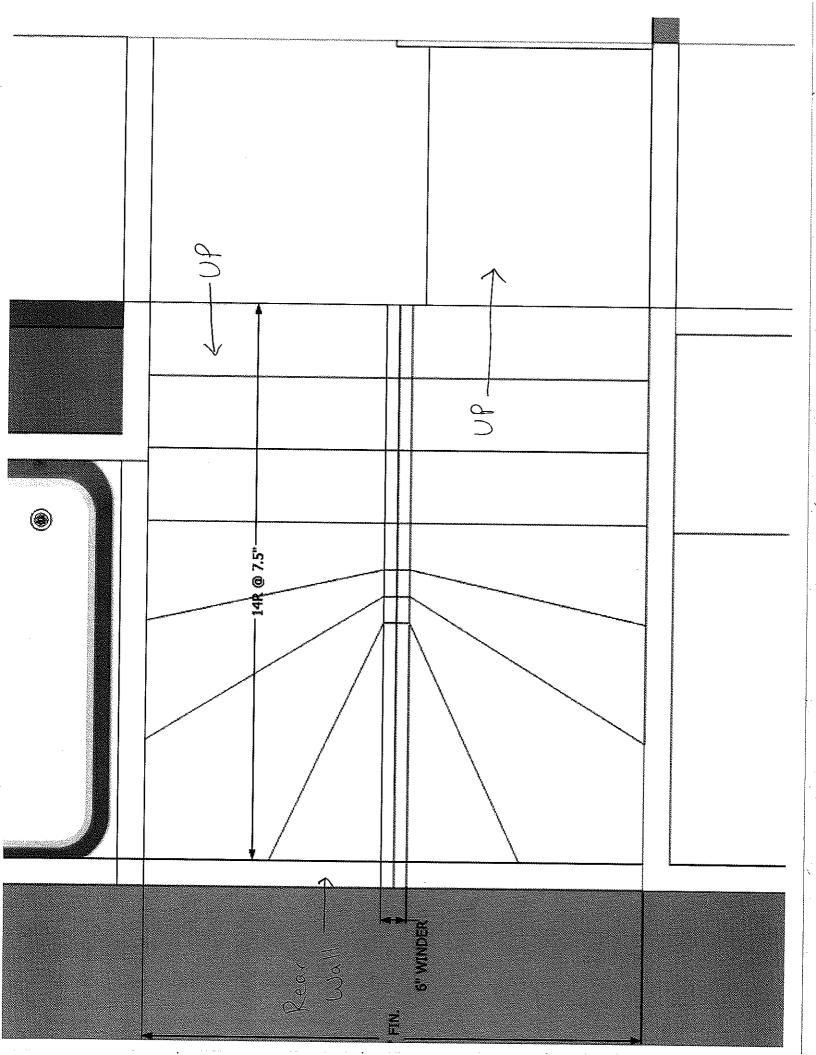
Formally, it sometimes is necessary to approach the City and/or the Cherrywood Neighborhood Association (CNA) to secure a building permit, Plan amendment, permission to remove a tree. relaxation of a restrictive covenant, variance, or zoning change. In some cases, owners within 300 feet are notified, and a hearing scheduled. CNA's purpose is not to duplicate what others do. It is to encourage implementation of our Guidelines. These outline construction standards people living in this neighborhood have found to be desirable.

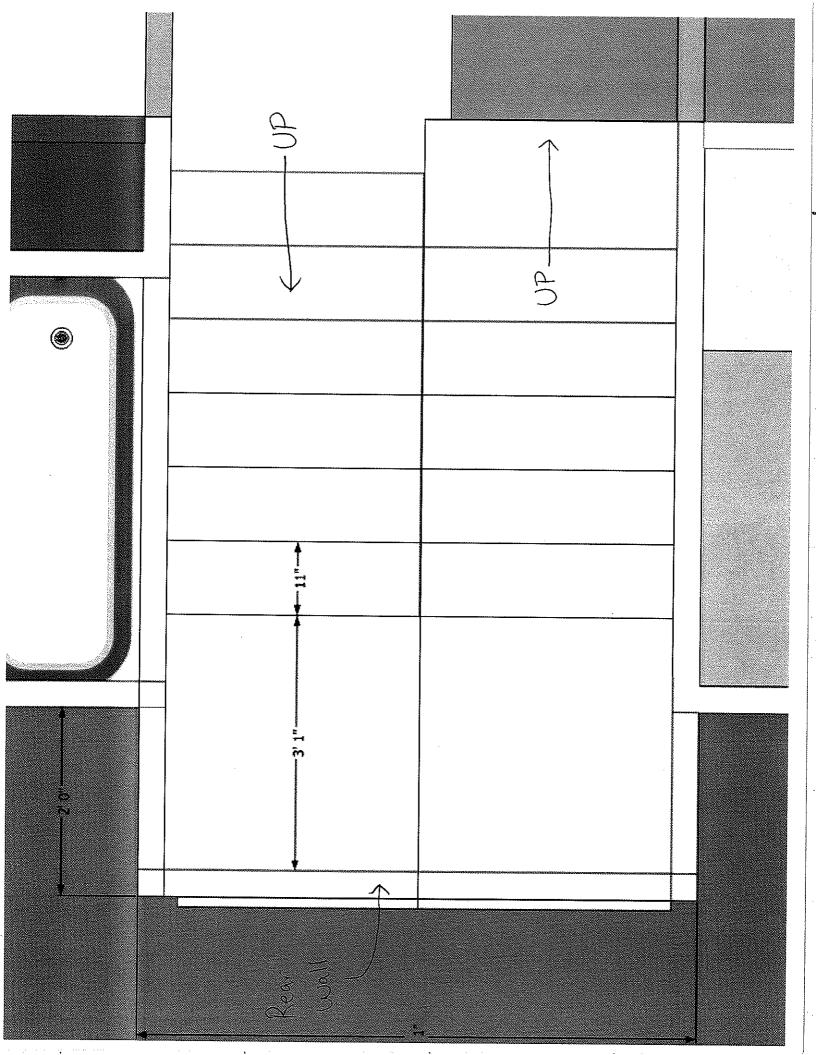
PROPOSER: What is to be constructed? (Please attach a description as well as site plan, additional drawings, or photos) What is the address of the project? 3208 Merrie Lynn Ave.		
Name of Proposer: Mansoer Kapas,		
Address/Phone/E-mail: 3208 Merrie Lynn Ave. Austin, Tx 78722 512-516-5610		
RESPONDENT: mrkapasi @ yahoo. cam I am fully aware of the project and its impact(s), if any, on my site and I have been provided a copy of the CNA Design Guidelines (approved by the Membership April 2004).		
G I approve G I approve with conditions G I disapprove Date:		
Comments (please write overleaf, or attach):		
Name: David Medica Signature:		
Address: Owner-owner-resident tenant? 3207 Marsto Loua		

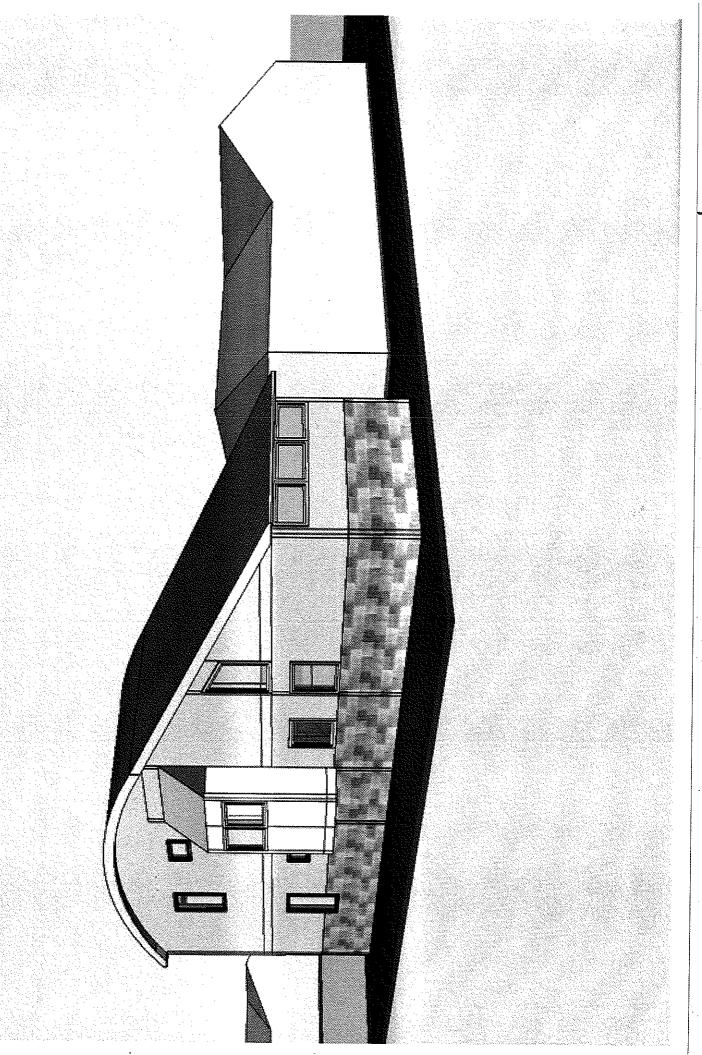












From:

Mansoor Kapasi < (MKapasi@yahoocom)

Sent:

Thursday, September 25, 2014 4:00 PM

To:

Heldenfels, Leane

Subject:

Re: 3208 Merrie Lynn Ave.

Attachments:

board of adjustment skinny house -general-variance-application.docx

Hi Leane.

Thanks for the note. Attached is a copy of the variance request with revision made on page 1 and page 2. Would you please replace those original pages with the ones attached? I'll place some more documents in the mail tomorrow which you should receive by Wednesday of next week.

Thanks,

Mansoor

On Thursday, September 25, 2014 2:33 PM, "Heldenfels, Leane" < Leane. Heldenfels@austintexas.gov > wrote:

Mansoor – would you like me to revise notice for your variance request to 8' also, or keep at 7' 8" per application/drawings? They haven't been printed out yet so I can still make this change. Thanks –

Leane

From: Mansoor Kapasi Inditto m Rapasi Systocom

Sent: Wednesday, September 24, 2014 3:40 PM

To: Kellogg, Eben Cc: Heldenfels, Leane

Subject: Re: 3208 Merrie Lynn Ave.

Thanks for the letter, Eben. Would you mind re-sending the letter with one change - in the first sentence, would you please change the setback change to read, "from ten (10') feet to eight feet (8')"? It turns out we were able to shed a few inches from the variance request.

Take care.

Mansoor

On Wednesday, September 24, 2014 10:15 AM, "Kellogg, Eben" < Eben.Kellogg@austinenergy.com wrote:

Mansoor Kapasi 3208 Merrie Lynn Ave. Austin, TX 78722 Lot 33 – A. N. McQuown Subdivision Vol. 4 pg. 298 Real Property Records of Travis County