

C15-2014-0156
ROW# 11236684
TAX# 020090822

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: 2009 Riverview, Unit B

LEGAL DESCRIPTION: Subdivision – Bergman Valley View addition

south 69 feet of Lot(s) 5 Block 2 Outlot 66

Division "O" I/We J. Patrick Roeder, Architect on behalf of myself/ourselves as
authorized agent for

Kathryn A. Pigman and Laura K. Roeder affirm that on Oct 1, 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 are seeking a variance from 25-2-492 requiring a 25 foot setback. We are seeking an 18 foot setback. We are seeking a permit to construct a small single family home (847 s.f. single story Alley Flat) on an existing legal half lot fronting an alley in the Holly neighborhood

3091 SF lot

in a SF-3-NP - Water Front Overlay district. (East Cesar Chavez)
(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 location of three protected trees does not allow for a reasonable use with the 25 foot setback requirement.~~ A 32 " heritage tree toward the rear of the property does not allow for a 25 foot setback in the front.

This home is designed to be accessible and meet the Visitabilty ordinance so a single story home with a slab on grade foundation is utilized.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that: The location of three protected trees is unique to the property.

(b) The hardship is not general to the area in which the property is located because: Other lots are either built out or do not have three protected trees.

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:

There are several existing homes (built 1925-1935 per TCAD) on half lots fronting this alley. The average setback of these homes is 13.33 feet (we are requesting an 18 foot setback) A typical Alley Flat home (if developed as part of a full lot) would have a 5 foot setback from the alley. The required 25 foot setback would be the exception for most of the existing homes both facing the alley (like ours) and facing Riverview street.

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:

We are not seeking a parking variance. We are provided two parking spaces

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:

We are providing two parking spaces

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

We are providing the required parking

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

This variance is based on the location of existing protected trees.

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.

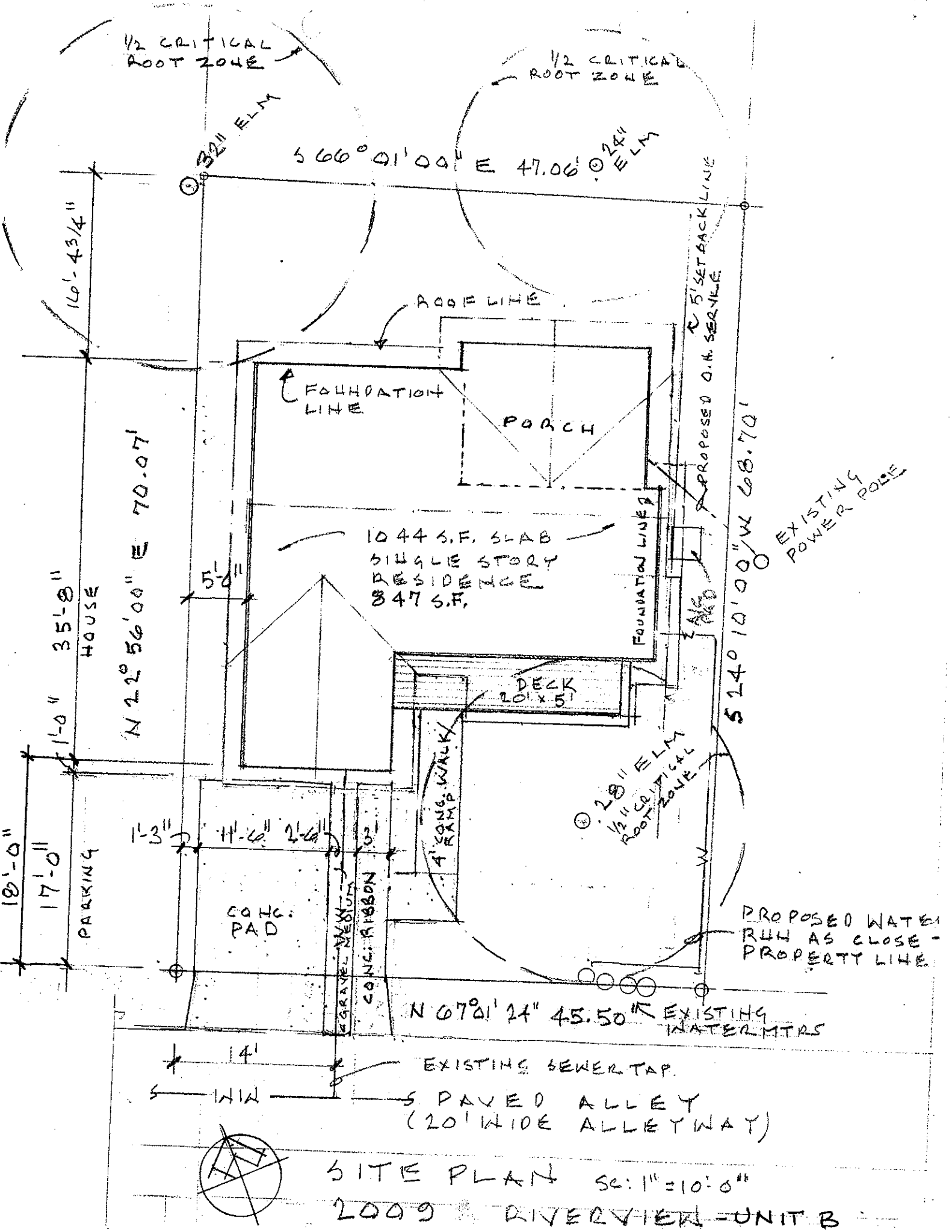
Signed J. Patrick Roeder Mail Address 5524 Bee Cave Road, Unit J-6
City, State & Zip Austin, Texas 78746

Printed J. Patrick Roeder, Architect Phone 512-914-1180 Date Oct 1, 2014

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 Kathryn A Pigman Mail Address 1523 Chelsea Lane
City, State & Zip Austin, Texas 78704

Printed Kathryn Pigman/Laura Roeder Phone 512-447-9716 Date Oct 1, 2014



1/2 CRITICAL ROOT ZONE

1/2 CRITICAL ROOT ZONE

32" ELM

566° 01' 00" E 47.06' 24" ELM

16'-43 1/4"

ROOF LINE

FOUNDATION LINE

PORCH

PROPOSED 0.4 SERVICE

N 22° 56' 00" E 70.07'

1044 S.F. SLAB
SINGLE STORY
RESIDENCE
347 S.F.

FOUNDATION LINE

EXISTING POWER POLE

HOUSE 35'-8"

PARKING 17'-0"

5'-0"

DECK 20' x 5'

4' CONC. WALK RAMP

28" ELM
1/3 CRITICAL ROOT ZONE

514° 10' 00" W 68.70'

PROPOSED WATER RLL AS CLOSE - PROPERTY LINE

CONC. PAD
GRAVEL
CONC. RIBBON

N 07° 01' 24" 45.50' EXISTING WATER MTRS

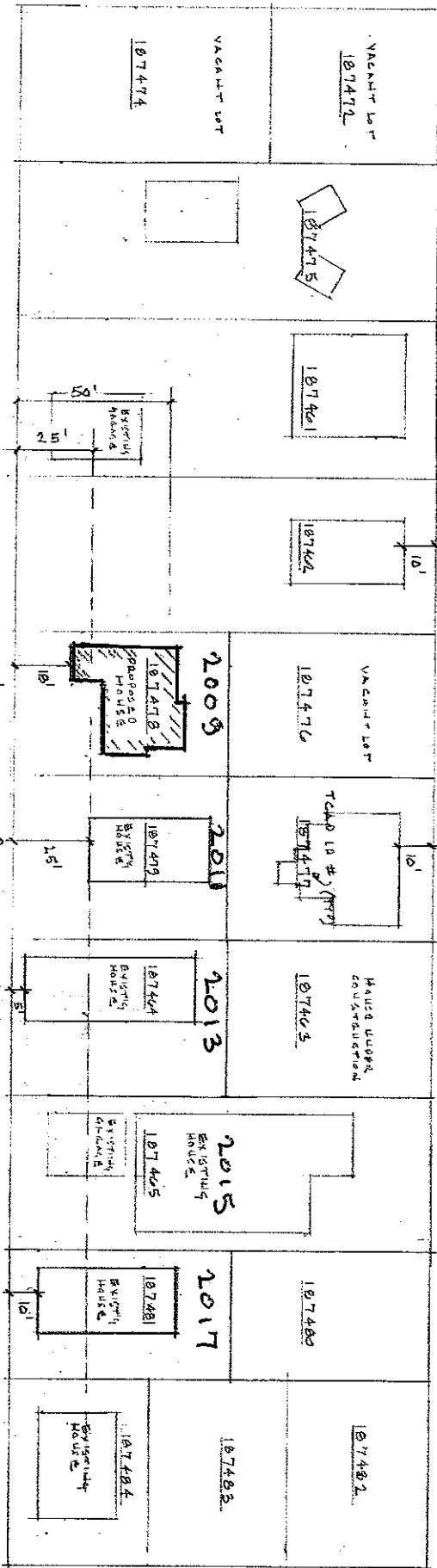
EXISTING SEWER TAP

PAVED ALLEY (20' WIDE ALLEYWAY)



SITE PLAN SC: 1" = 10'-0"
2009 RIVERVIEW - UNIT B

LYNN STREET



AVENUE STREET

LYNN STREET

ADJACENT PROPERTY PLAT
 SCALE = 50'
 2009 RENEWAL - UNIT B



SETBACK AVERAGE PLAT EXHIBIT

EXISTING HOUSES FRONTING ALLEY

HOUSE SETBACK

8 25'

C 10'

D 10'

AV. SETBACK EXISTING HOUSES

PROPOSED SETBACK

AV. SETBACK = 18.53'

PROPOSED SETBACK = 18'

One Stop Shop
505 Barton Springs Rd
(512) 974-2632 - phone
(512) 974-9112 - phone
(512) 974-9109 - fax
(512) 974-9779 - fax



Austin Energy
Building Service Planning Application (BSPA)

*This form to be used for review of Building Permit only
For use in One Stop Shop Only*

Responsible Person for Service Request J. PATRICK ROEDER, ARCHITECT
Email PAT.ROEDER@GMAIL.COM Fax _____ Phone 512-914-1180
 Residential Commercial New Construction Remodeling
Project Address 2009 A RIVERVIEW STREET, AUSTIN 78702 OR
SOUTH HALF OF
Legal Description _____ Lot 5 Block 2
BERGMAN VALLEY VIEW
Who is your electrical provider? AE Other _____
 Overhead Service Underground Service Single-phase (10) Three-phase (30)
Location of meter PROPOSED LOCATION: EAST SIDE OF PROPOSED RESIDENCE
Number of existing meters on gutter _____ (show all existing meters on riser diagram)
Expired permit # _____
Comments New Single Story House

J. PATRICK ROEDER, ARCHITECT
J. Patrick Roeder 7/7/2014 512-914-1180
BSPA Completed by (Signature & Print Name) Date Phone

Approved Yes No
AE Representative _____ Date _____ Phone _____

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

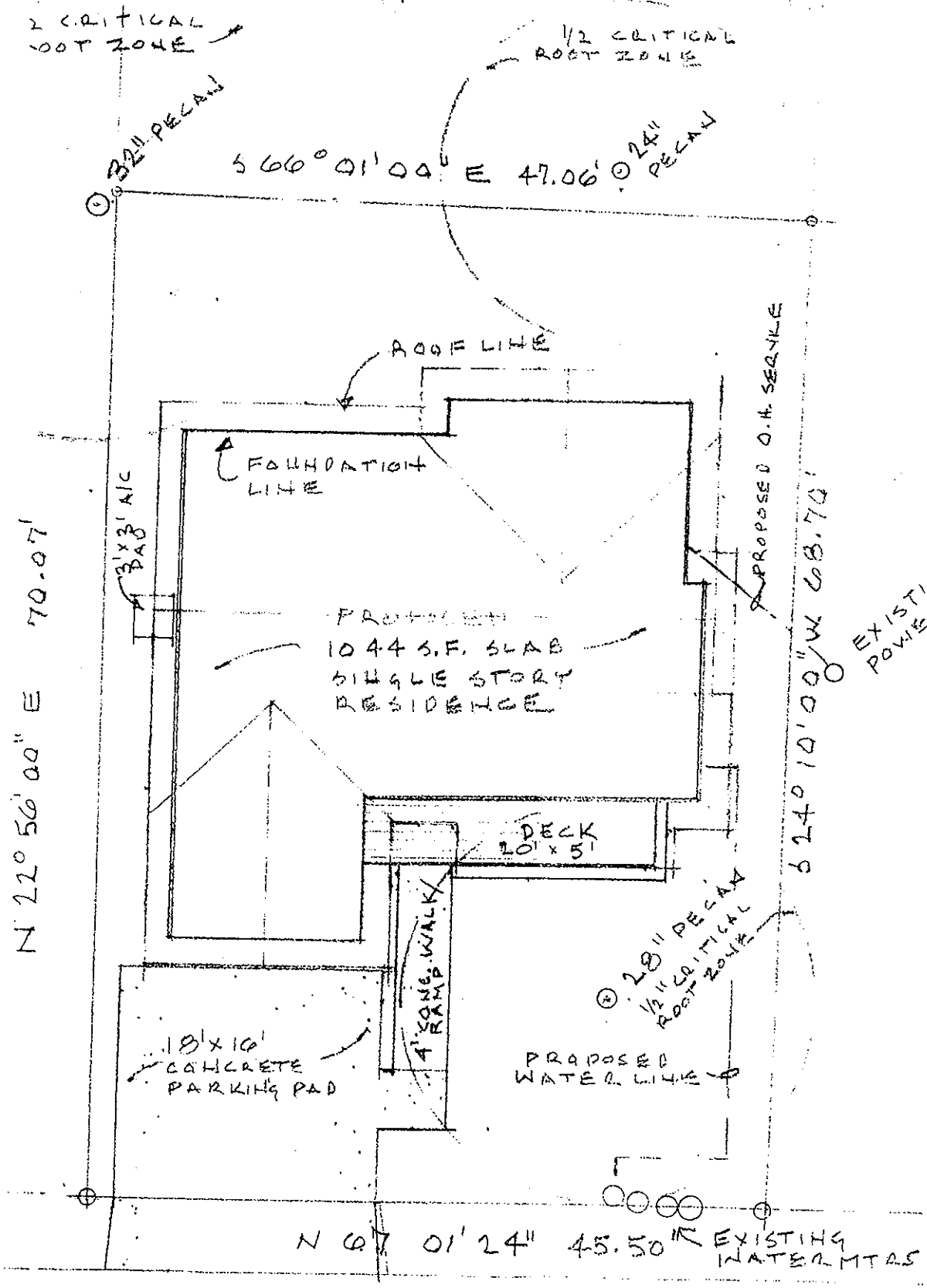
Application expires 180 days after the date of approval
(Any change to the above information requires a new BSPA.)

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

AE APPROVED
JUL 07 2014
188-224
JGM

Patrick
Roeder
architect

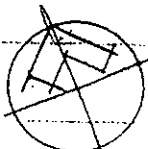
5524 Bee Cave Road
Suite J-6
Austin, Texas 78746



EXISTING
POWER POLE

AE APPROVED
JUL 07 2014
188-224
JGM

PAVED ALLEY
(20' WIDE ALLEYWAY)



SITE PLAN 30:1" = 10'-0"
2009 A RIVERVIEW



City of Austin
Watershed Protections & Development Review

LAND STATUS DETERMINATION
LEGAL TRACT PLATTING EXCEPTION

12/15/2006

File Number: C8I-06-0554

Address: 2009 RIVERVIEW ST

Tax Parcel I.D.: 0200080824

Map Date: 10/31/2002

The Watershed Protections & Development Review has determined that this property as described in the attached description and map:

Is a **LEGAL TRACT** consisting of the south 69 feet of Lot 5, Block 2, Outlot 66, Division "O", Bergman Valley View Addition, per Travis County Probate Court Order (Case# 69065), dated 11/25/1997, being the same property as currently described in deed recorded in Document #2006203220 of the Travis County Deed Records on 10/19/2006, and is eligible to receive utility service.

Additional Notes/Conditions:

City of Austin recognizes the above mentioned Travis County Probate Court Order to determine Legal Tract Status.

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: Sara Groves

SARA GROVES

Director (or representative)

Watershed Protections & Development Review

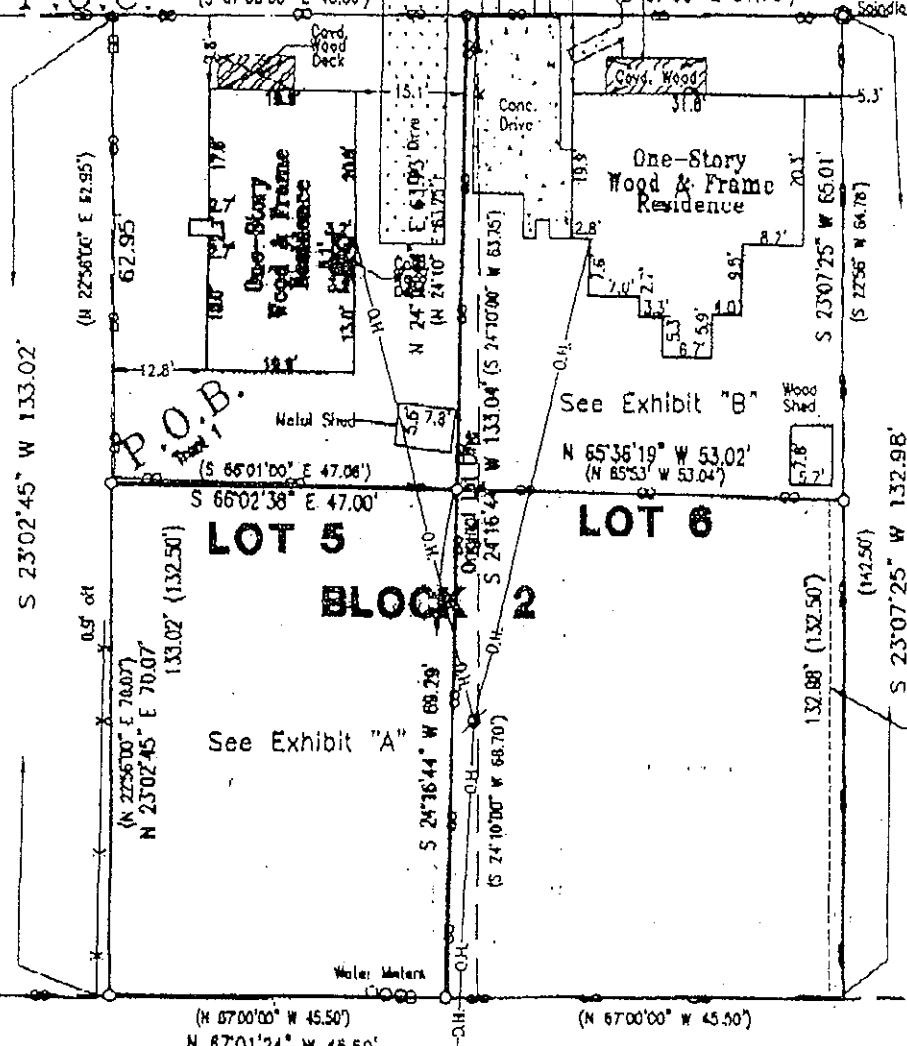
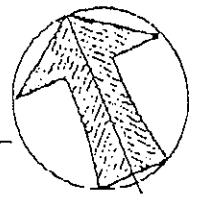
**COPY FOR
RESIDENTIAL
REVIEW**

RIVER VIEW STREET

S 67°00'00" E 51.15'
BEARING BASIS

P.O.C.

P.O.B.



YOUR DEDICATED TEAM OF REAL ESTATE PROFESSIONALS

LandAmerica
Austin Title
Lonya S. Haynes
3307 Northland Drive Ste. #150
Austin, Texas 78731
Phone (512) 380-9966
Fax (512) 380-9160

*SEE EXHIBIT "A" & "B"

Subject to Restrictions as Stated in:
Vol. 11733 Pg. 223.
Sewer Emmt. As Stated in V.2092,
P.144, Does Not Affect Lot 5.

SUBDIVISION: BERGMAN VALLEY VIEW ADDITION

LOT: 5 & 6* BLOCK: 2 VOLUME: 5 PAGE: 101 PLAT RECORDS

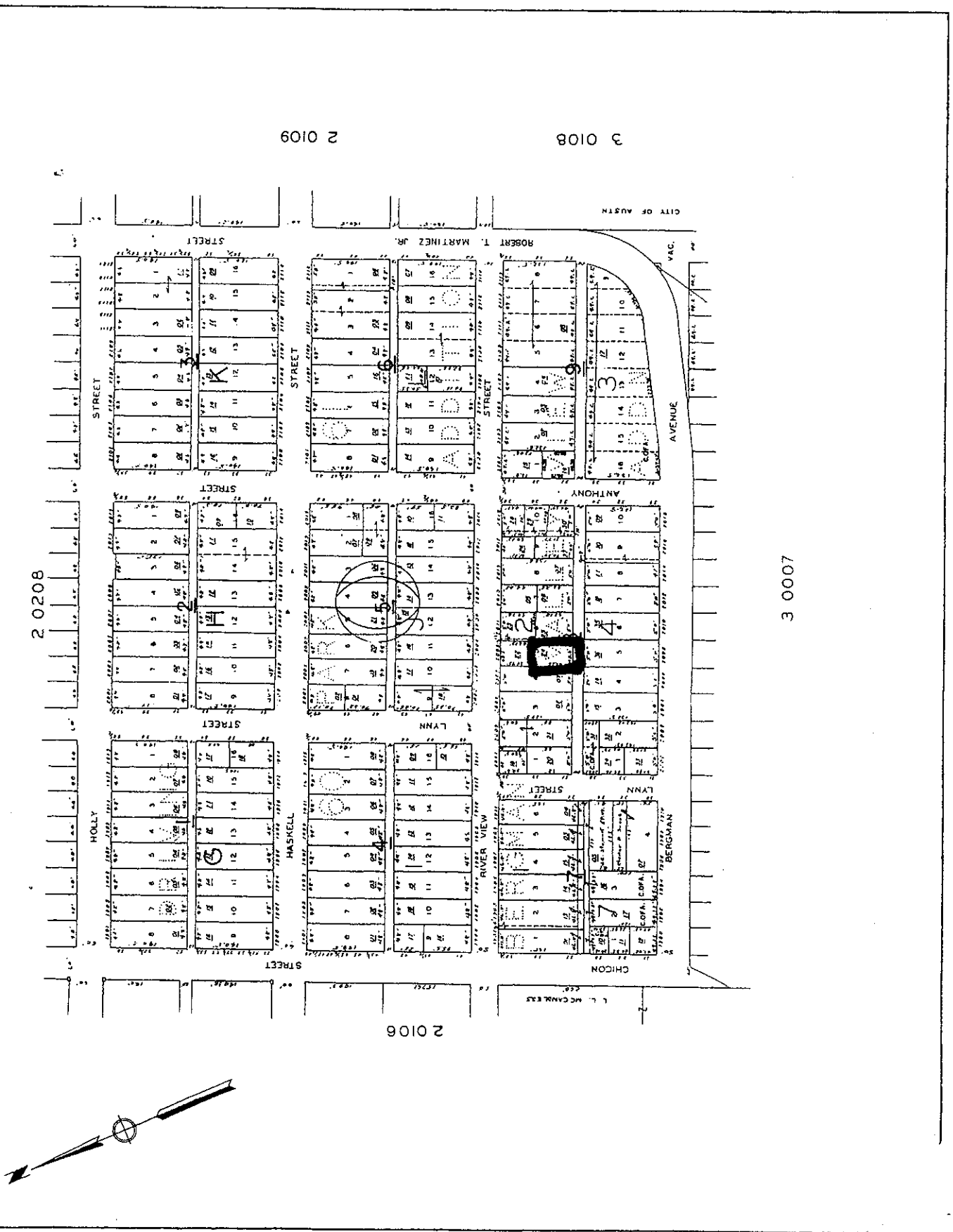
COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS: 2009 AND 2011 RIVER VIEW STREET

CITY: AUSTIN REFERENCE NAME: HABITAT MODERN, LLC

LEGEND

B&G Surveying, Inc.
Victor M. Garza R.P.L.S.

THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 480624 0185 E DATED 07/04/01. IT IS REPRESENTED AS IN ZONE "X", HOWEVER AT PRESENT TIME NO DETAILED ANALYSIS AS PER



2 0208

2 0109

3 0108

2 0106

3 0007

PHOTO SHOWING 5' SETBACK
FROM ALLEY @ 2013 AERVIEW
(FENCE IS PROPERTY LINE)



PHOTO SHOWING 10' SETBACK
FROM ALLEY @ 2017 REVIEW
(FENCE IS PROPERTY LINE)



**Patrick Roeder
Architect**

October 28, 2014

Board of Adjustment

RE: Setback Variance 2009 B Riverview

Dear Board,

This request is for a variance from the 25 foot setback requirement to allow for an 18 foot setback for protection of the 1/2 critical root zone of a 32 " Heritage Elm tree.

There are three protected elms on the site and the home is placed to protect all three. Adhering to a 25 foot setback would not allow for reasonable use of the property due to the location of the protected trees.

This legal half lot fronts the alley of Riverview Street in the Holly neighborhood . It is designed as an accessible Alley Flat type home (single story, 847 s.f. with a slab foundation to accommodate the entry ramp slope) for my daughter and her husband.

The 18 foot setback request would not alter the character of the other properties on the block as there are several existing homes on half lots facing the alley with various setbacks (average setback 13.3 feet). Also the adjacent homes that face Riverview Street have approximate 10 foot setbacks.

Although half lots fronting alleys are somewhat common in the Holly neighborhood, this situation is not directly addressed in the code. Therefore, I met with a senior planner before submitting the plans for permit. While city policy prohibited her from discussing my specific project, she did refer me to subchapter F which allows for as little as a 5 foot setback for Alley Flats or for the use of Setback Averaging.

Unfortunately, it was ultimately determined during the permitting process that neither tool would apply and a setback variance would be required in order to protect the heritage tree.

All of the adjacent property owners are supportive of the variance request.

Your time and consideration are appreciated.

PAT ROEDER
Patrick Roeder
Architect

2009 B RIVERVIEW



I, PATRICK ROEDEL am applying for a variance from the Board of Adjustment regarding Section 25.2.492 of the Land Development Code. The variance would allow me the ability to SET BACK A PROPOSED 847 SQUARE FOOT HOME 18 FEET FROM THE ALLEY (INSTEAD OF 25') IN ORDER TO PROTECT THREE LADGE ELM TREES.
 By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name <small>(Printed)</small>	Address	Signature
ALBERT RAMIREZ	2007 RIVERVIEW	<i>Albert Ramirez</i>

2009 B RIVERVIEW



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LADY ELM TREES.


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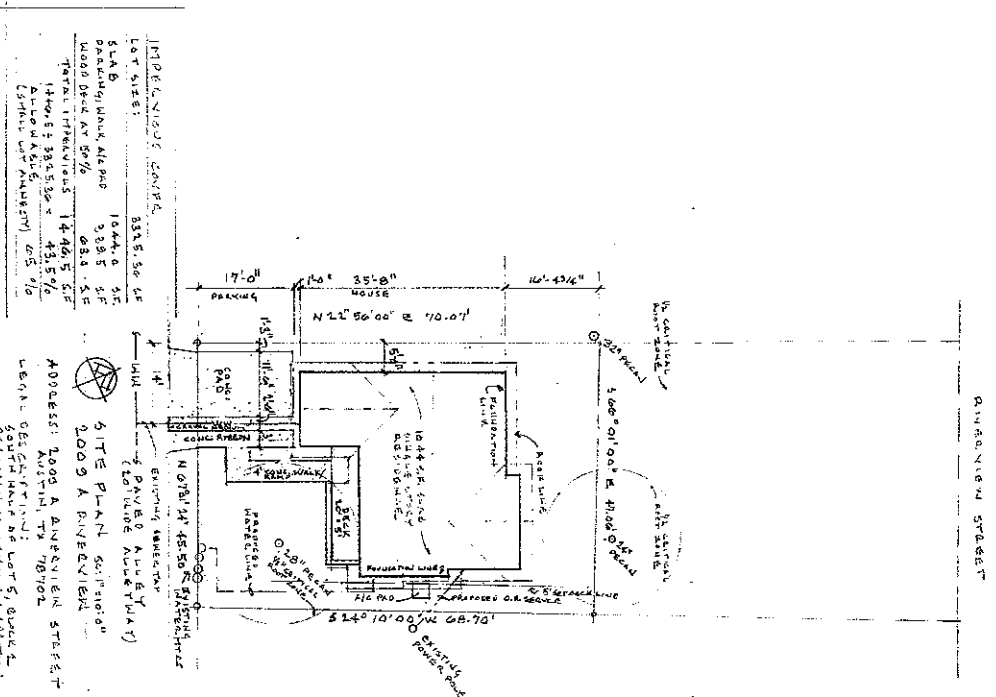
Property Owner Name (Printed)	Address	Signature
Brent Lloyd	2011 Riverview St. Austin 78702	<i>Brent Lloyd</i>
KATHRYN PETERS	2009 RIVERVIEW	<i>Kathy Peters</i>

2009 B RIVERVIEW



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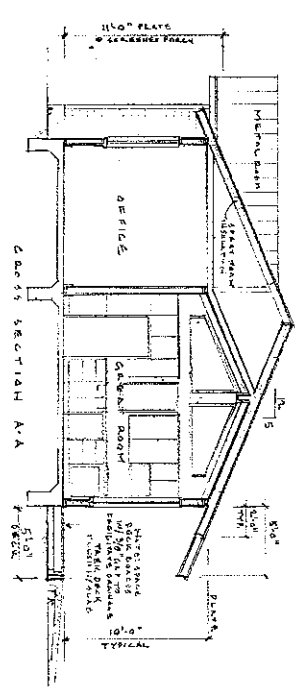
Property Owner Name <small>(Printed)</small>	Address	Signature
PEDRO VASQUEZ	2011 B RIVERVIEW	



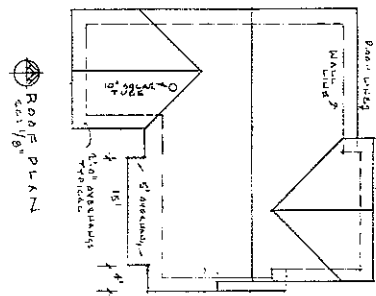
IMPERIALS COMP. 3345.50 SF
 LOT SIZE: 1044.0 SF
 SLAB 3285 SF
 PARKING/DRIVE ALPOD 08.8 SF
 WOOD DECK 48' x 38' 08.8 SF
 TOTAL IMPROVEMENTS 14'-0" x 5'-0" 43.5 SF
 14' x 5' 38.53 sq' ± 43.5 SF
 ALLOWABLE 21.5%
 (SPLIT UP MARKET) 0.5 %

SITE PLAN (0.00' x 0.00'
 2009 A RIVERVIEW STREET
 ADDRESS: 2009 A RIVERVIEW STREET
 LEGN: 081221 FUTURE LOT 5, 081221
 081221 FUTURE LOT 5, 081221

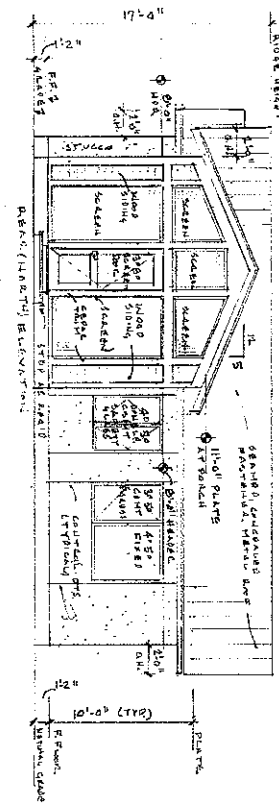
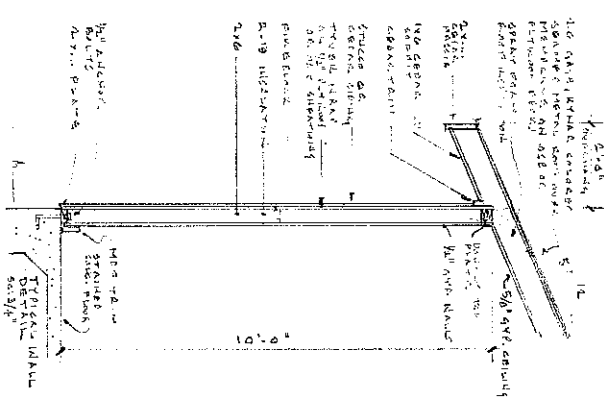




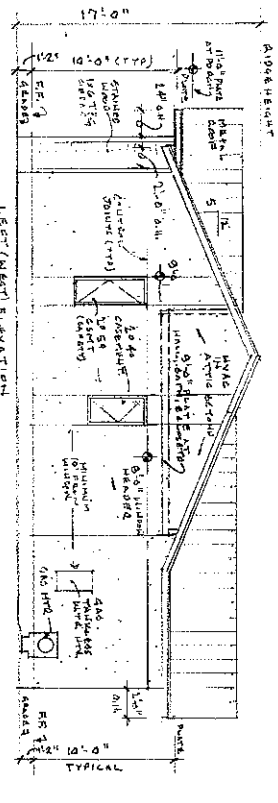
Cross SECTION A-A



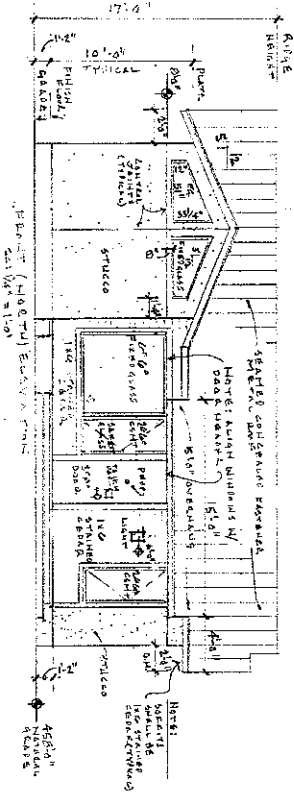
ROOF PLAN



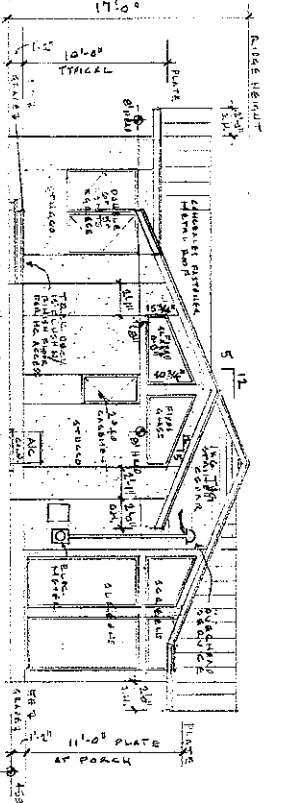
RIGHT (EAST) ELEVATION



LEFT (WEST) ELEVATION



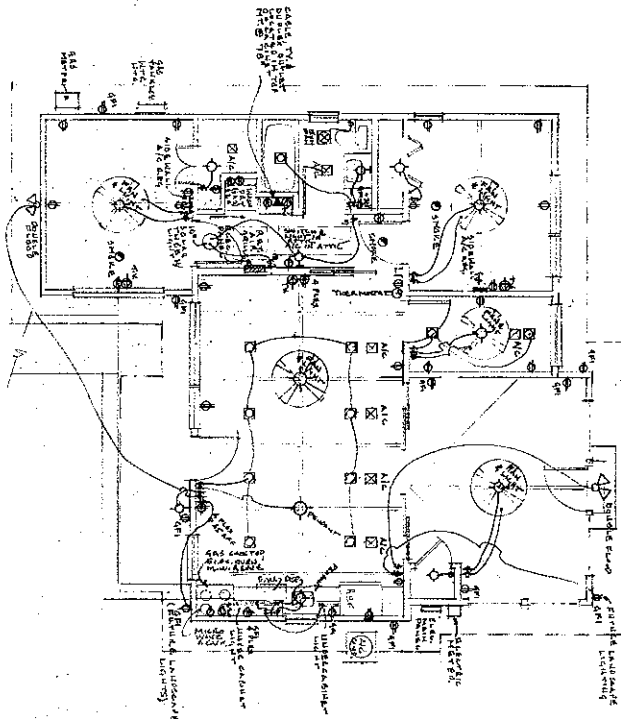
FRONT (NORTH) ELEVATION



BACK (SOUTH) ELEVATION

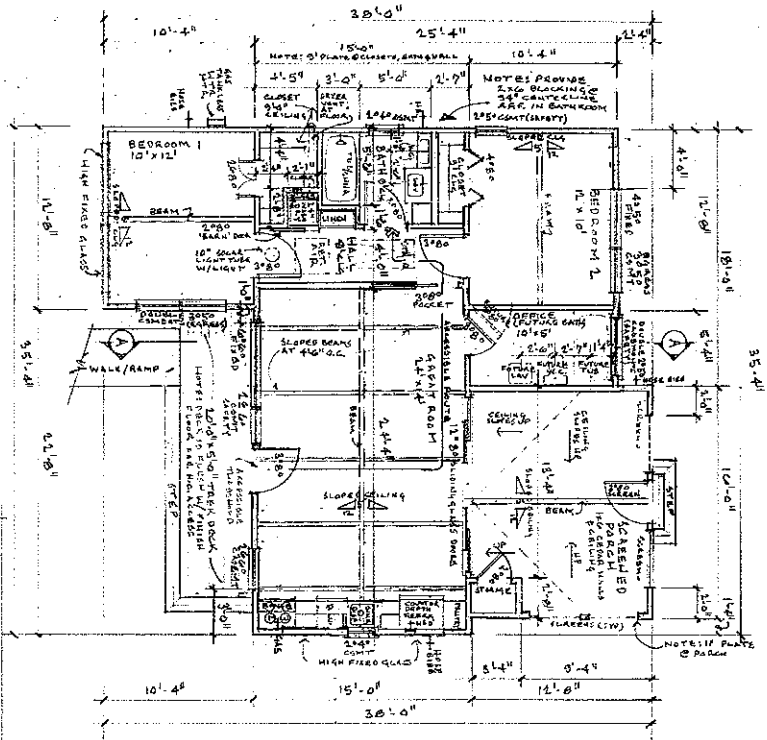


- ELECTRICAL/LIGHTING/MECH PLAN**
- ALL WIRING (EXCEPT CLOSETS, UNRECORDED)
 - BY OTHERS (WIRING SHALL HAVE OTHERS)
 - WIRING WITH GAS PIPING & LOCATED IN AREA
 - PROVIDE CONDENSATION AND AS REQUIRED FOR
 - AREA. AREA TO HAVE 80% V&V PERIOD
 - ROOM TO BE INSULATED w/ STAIR CASES RECORDED
 - CONDENSATION SHALL BE MAINTAINED AT 45% A.F.F.
 - CONDENSATION SHALL BE MAINTAINED AT 15% A.F.F.



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

STATISTICS
CONDITIONAL AREA: 347 SF
OVERHEAD STACKED PANEL: 157 SF



NOTES ALL EXTENSION
MAINTAIN SPACES BE
MAY BE USED FOR
SHALL BE AS SHOWN

