

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, October 13, 2014

CASE NUMBER: C15-2014-0102

____ Jeff Jack
____ Michael Von Ohlen
____ Ricardo De Camps
____ Bryan King
____ Vincent Harding
____ Melissa Hawthorne
____ Sallie Burchett

APPLICANT: Chris Kobitz

OWNER: Chris Kobitz

ADDRESS: 410 ANNIE ST

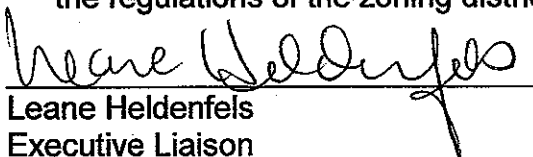
VARIANCE REQUESTED: The applicant has requested a variance to Section 25-2-774 (7) (b) (*Two-Family Residential Use*) to increase the maximum size of a second story from 550 square feet (required) to 621 square feet (requested) in order to remodel the upper level of an existing garage storage space in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (South River City)

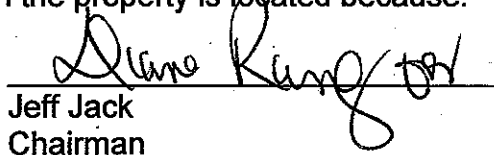
BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to September 8, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO September 8, 2014; POSTPONED TO OCTOBER 13, 2014 AS PER APPLICANT REQUEST; OCT 13, POSTPONED TO NOVEMBER 10, 2014 PER APPLICANT REQUEST

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

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


Leane Heldenfels
Executive Liaison


Jeff Jack
Chairman

C15-2014-0102

Heldenfels, Leane

From: Chris Kobitz <~~chris.kobitz@att.net~~>
Sent: Monday, October 06, 2014 2:51 PM
To: Heldenfels, Leane
Subject: Re: Proceeding back to BOA 10/13 or would wait until 11/10 to see if you can get case ok'd at res review?

Please postpone until the November meeting. Thank you!

Sent from my iPhone
Chris Kobitz

On Oct 6, 2014, at 2:26 PM, "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov> wrote:

Just working on agenda for the 10/13 meeting and I was wondering if you had a chance to submit your plans to res review yet? Can request to postpone again to 11/10 if not – thanks.

Leane Heldenfels
Board of Adjustment Liaison

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, September 8, 2014

CASE NUMBER: C15-2014-0102

____ Jeff Jack
____ Michael Von Ohlen
____ Ricardo De Camps
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APPLICANT: Chris Kobitz

OWNER: Chris Kobitz

ADDRESS: 410 ANNIE ST

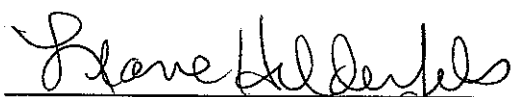
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FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

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


Leane Heldenfels
Executive Liaison


Jeff Jack
Chairman

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, August 11, 2014

CASE NUMBER: C15-2014-0102

☐ Y _____ Jeff Jack
☐ Y _____ Michael Von Ohlen **Motion to PP to Sept 8, 2014**
☐ Y _____ Ricardo De Camps
☐ Y _____ Bryan King **2nd the Motion**
☐ Y _____ Vincent Harding
☐ Y _____ Will Schnier - Melissa Hawthorne-OUT
☐ Y _____ Sallie Burchett

APPLICANT: Chris Kobitz

OWNER: Chris Kobitz

ADDRESS: 410 ANNIE ST

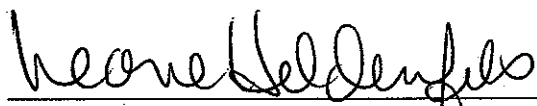
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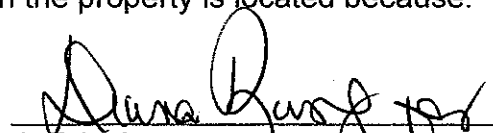
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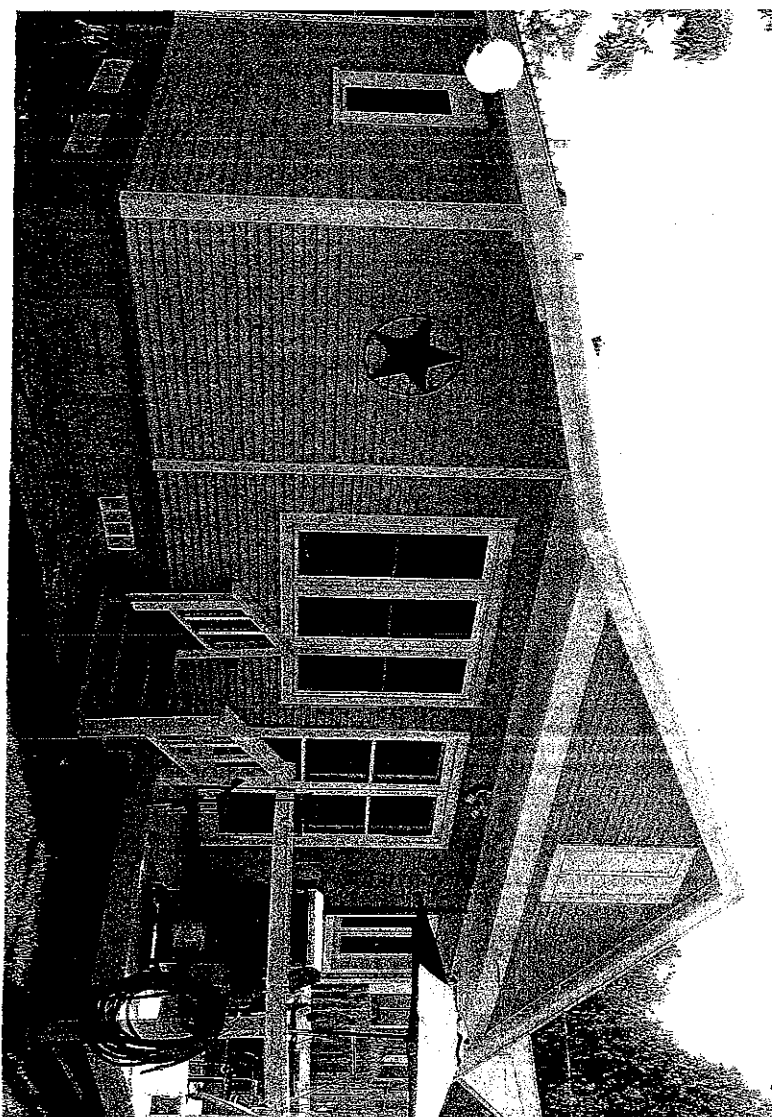
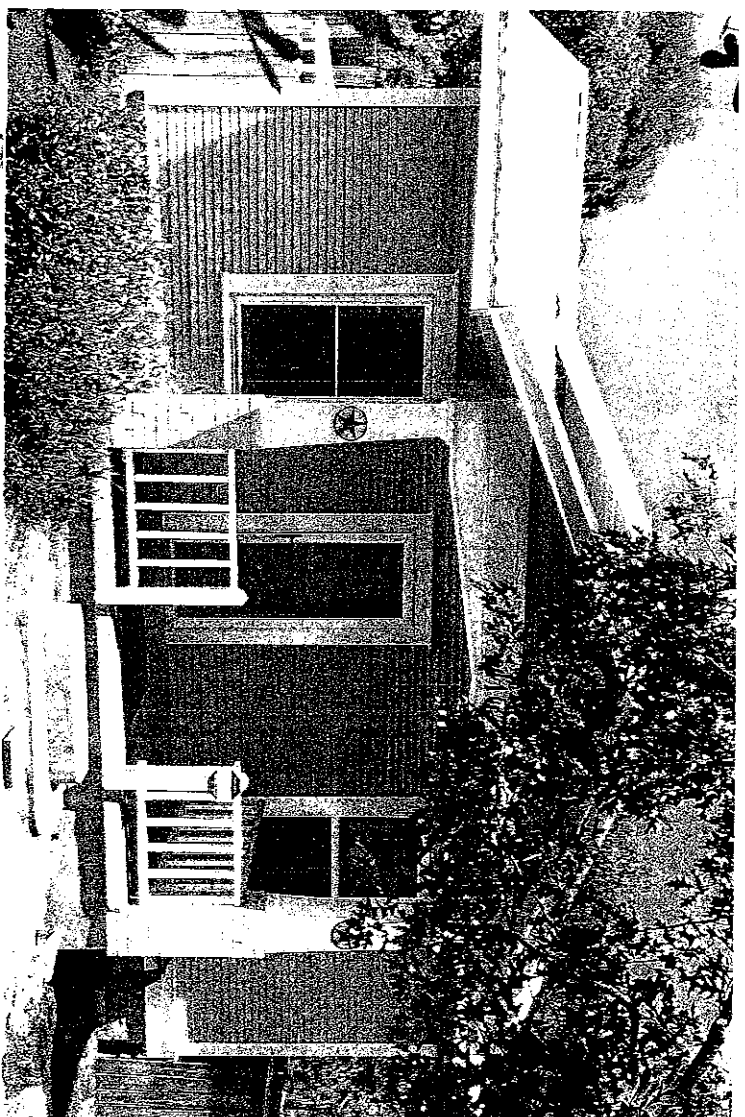
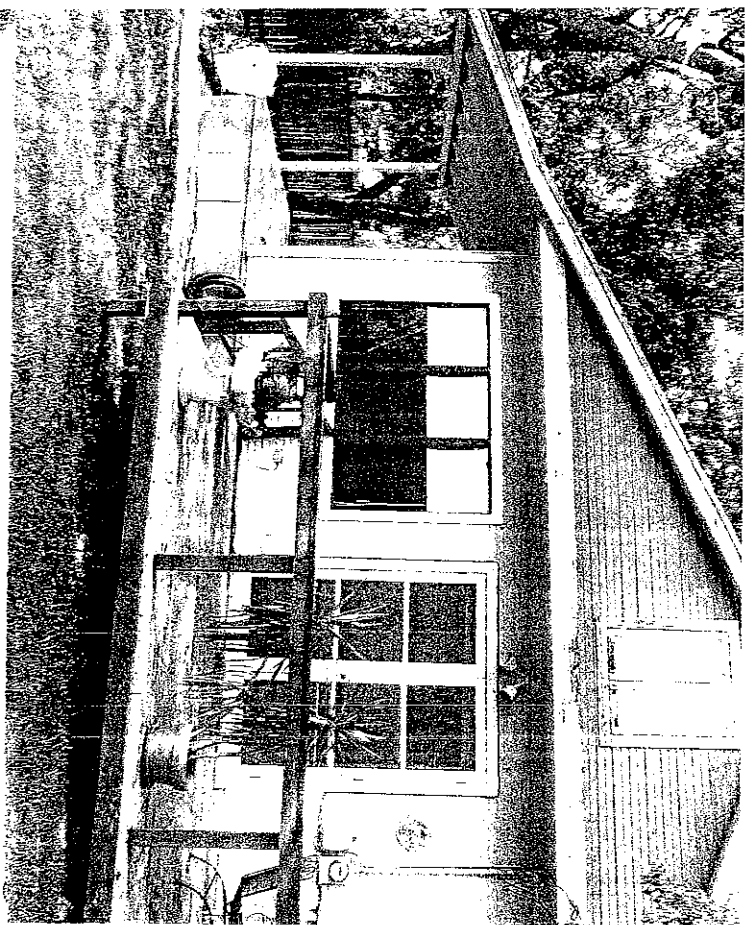
FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

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


Leane Heldenfels
Executive Liaison


Jeff Jack
Chairman

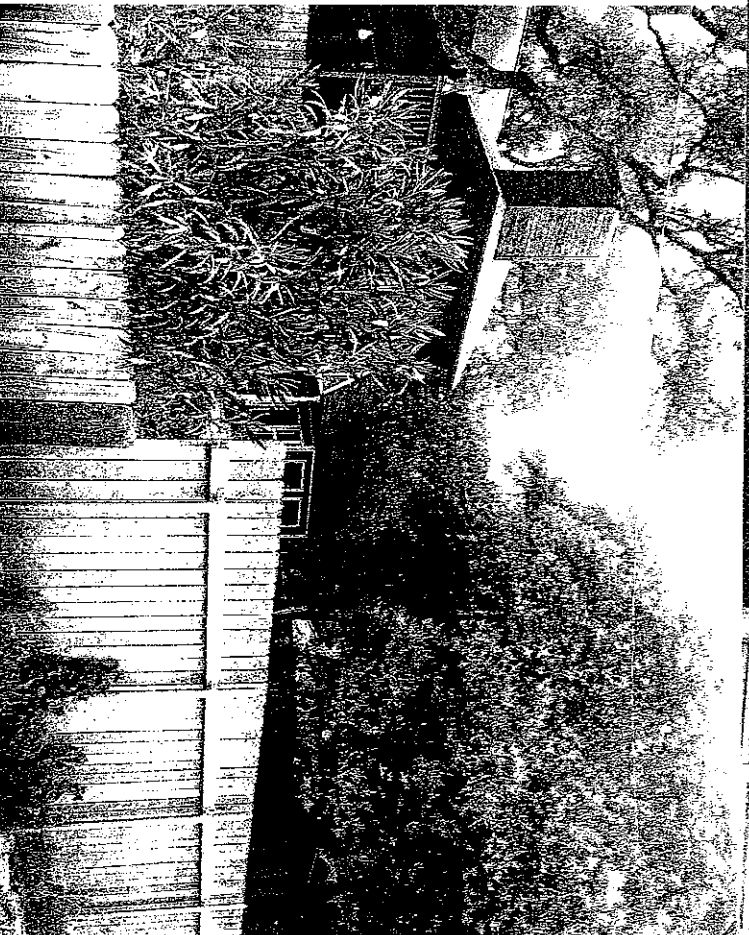
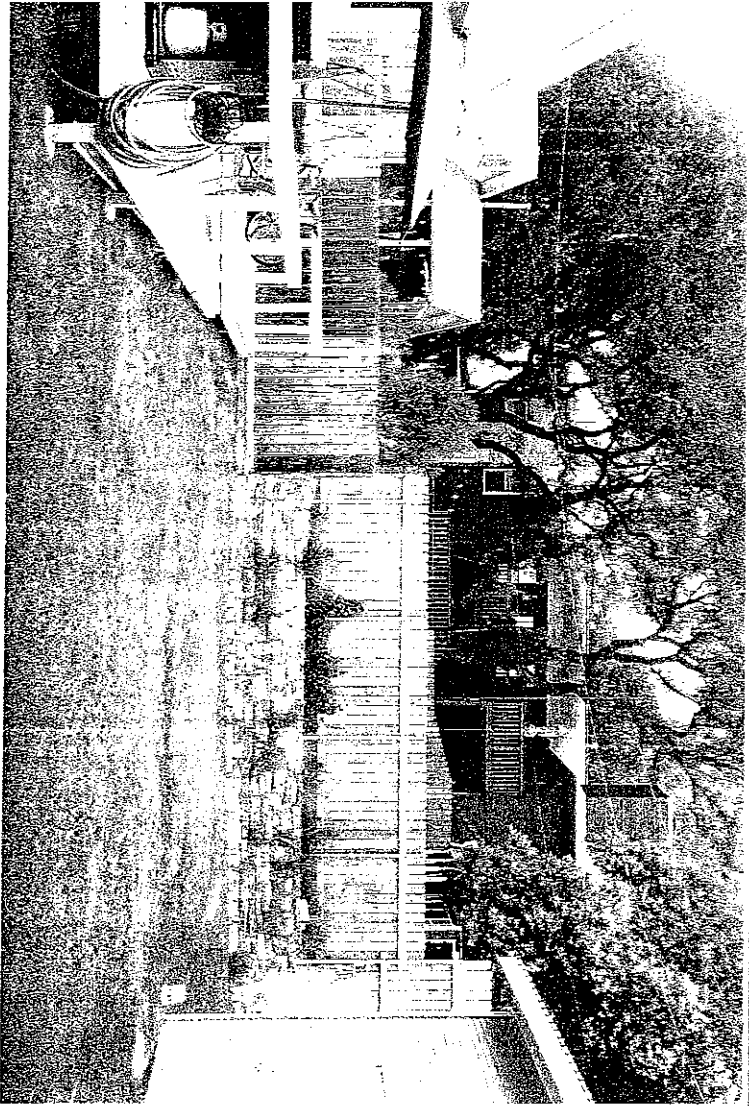
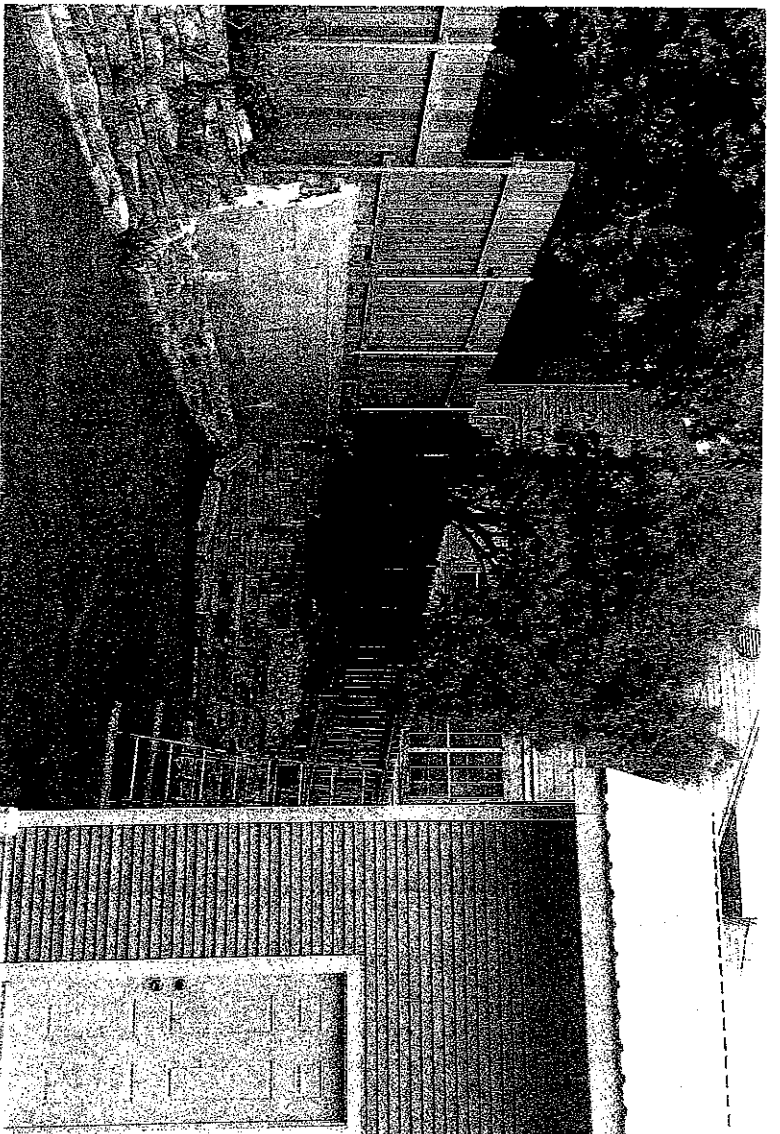


410 E. Annie
Home structure

First picture is as
purchased.

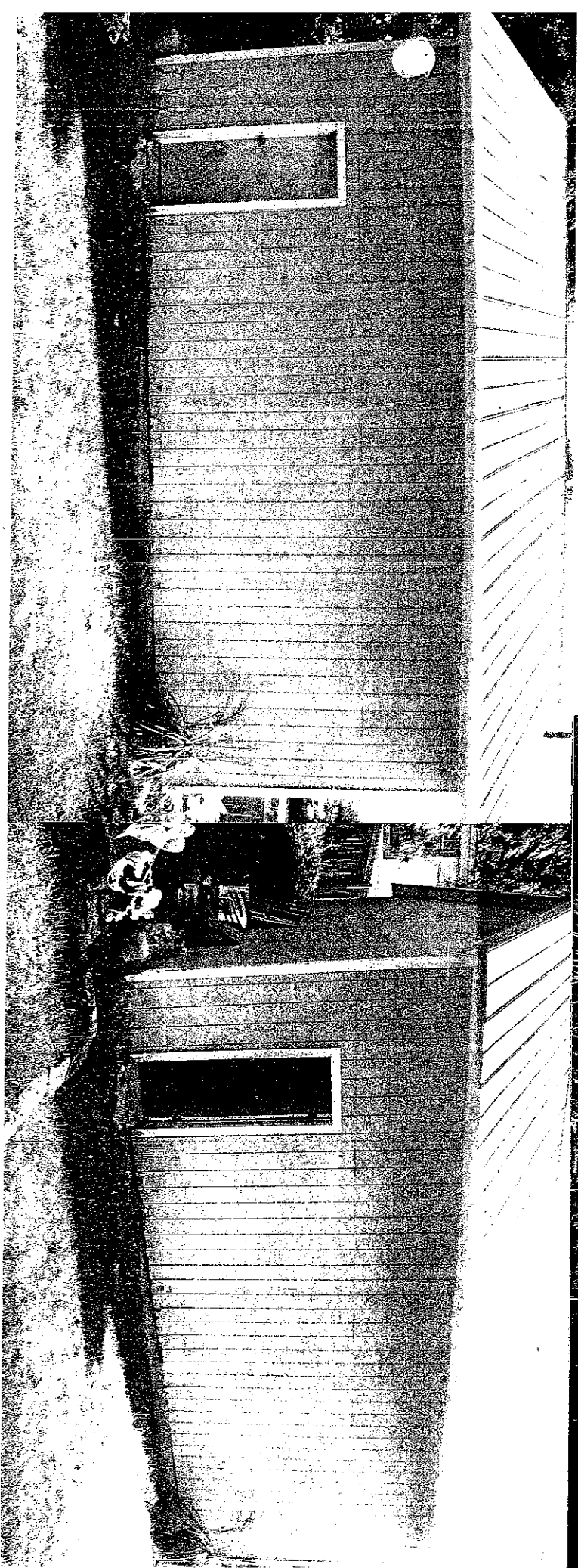
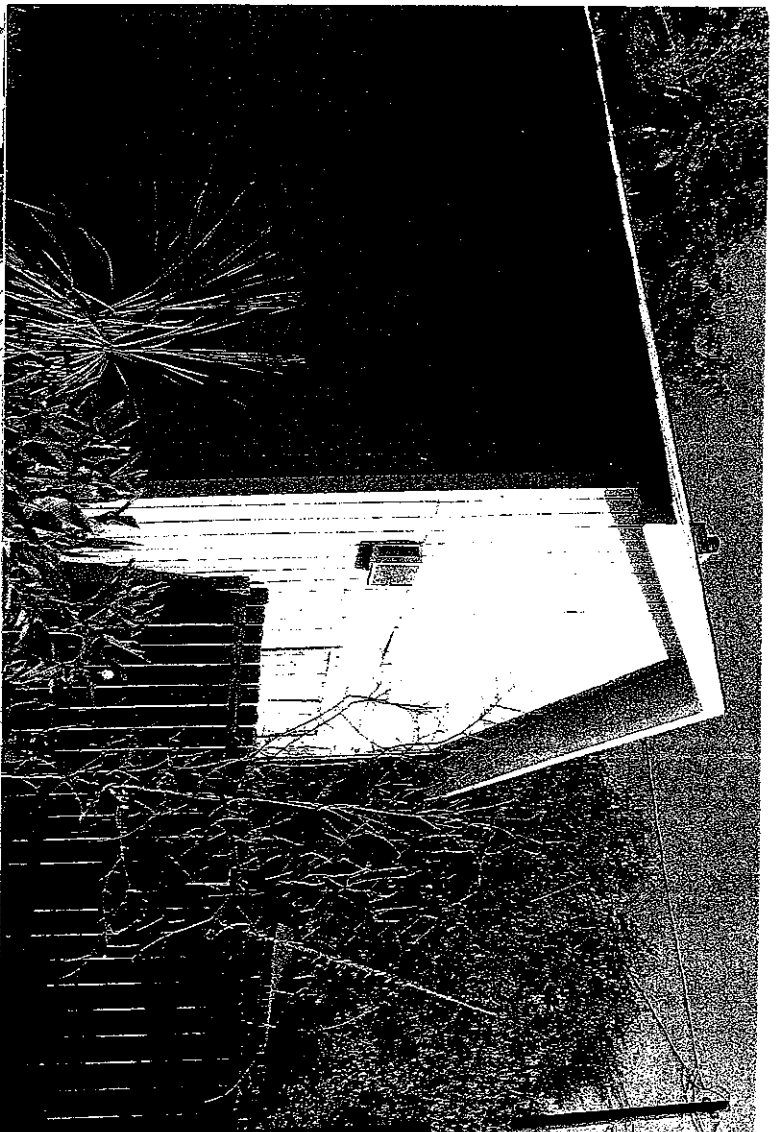
C15-2014-0102

Adjacent structures



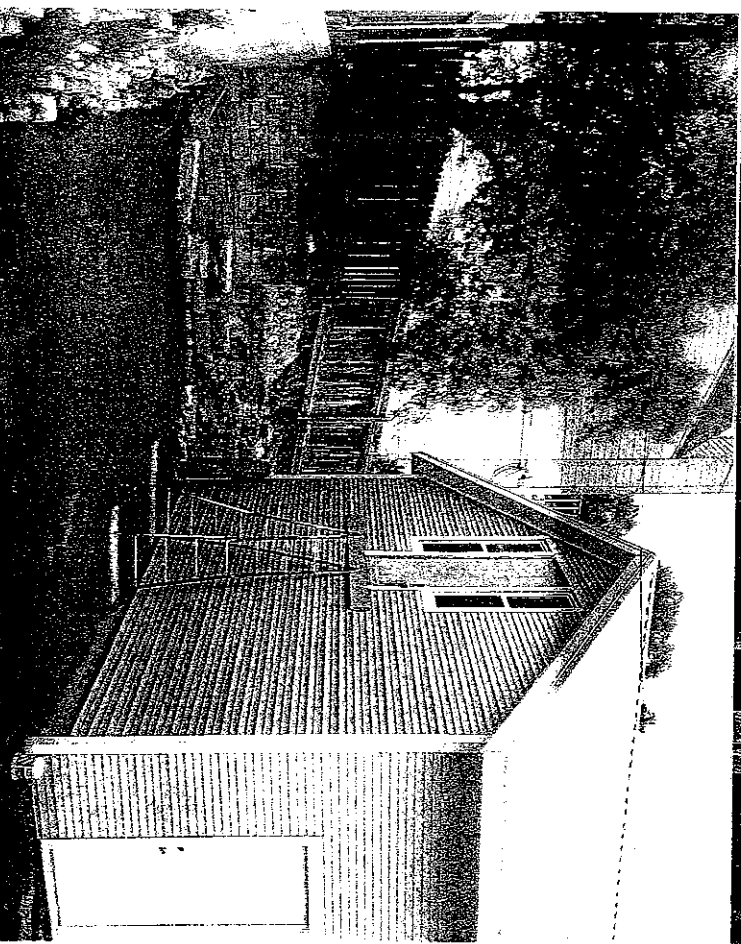
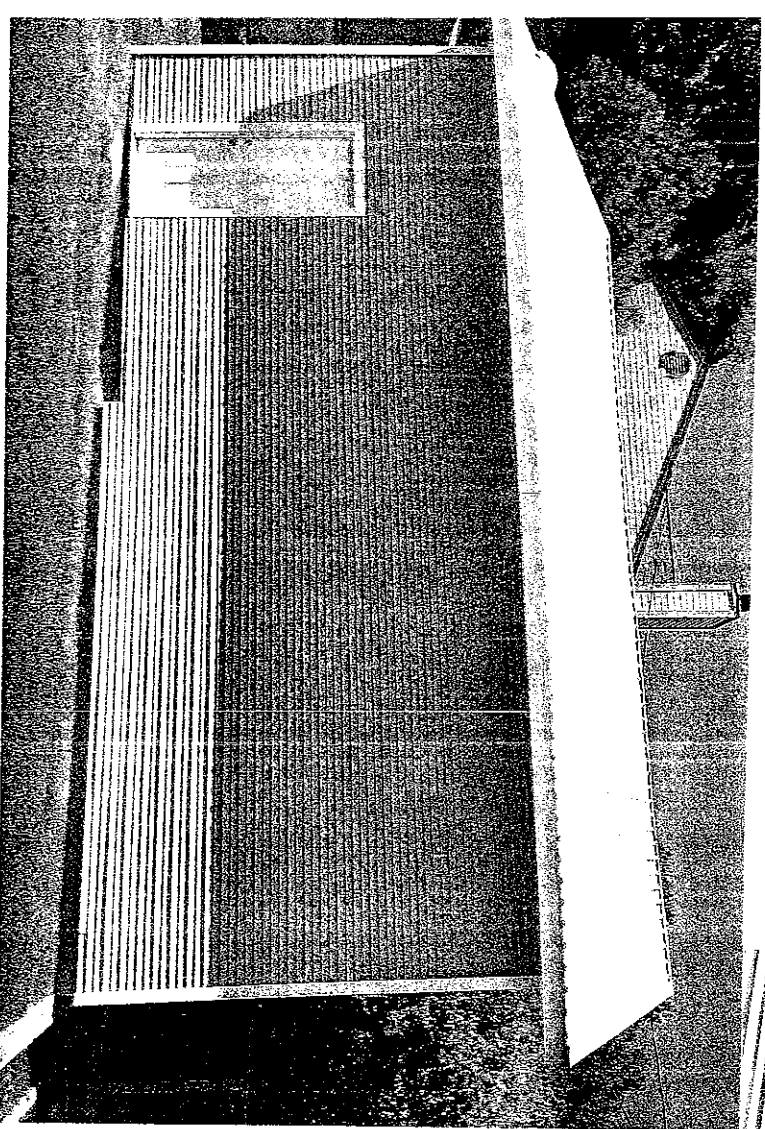
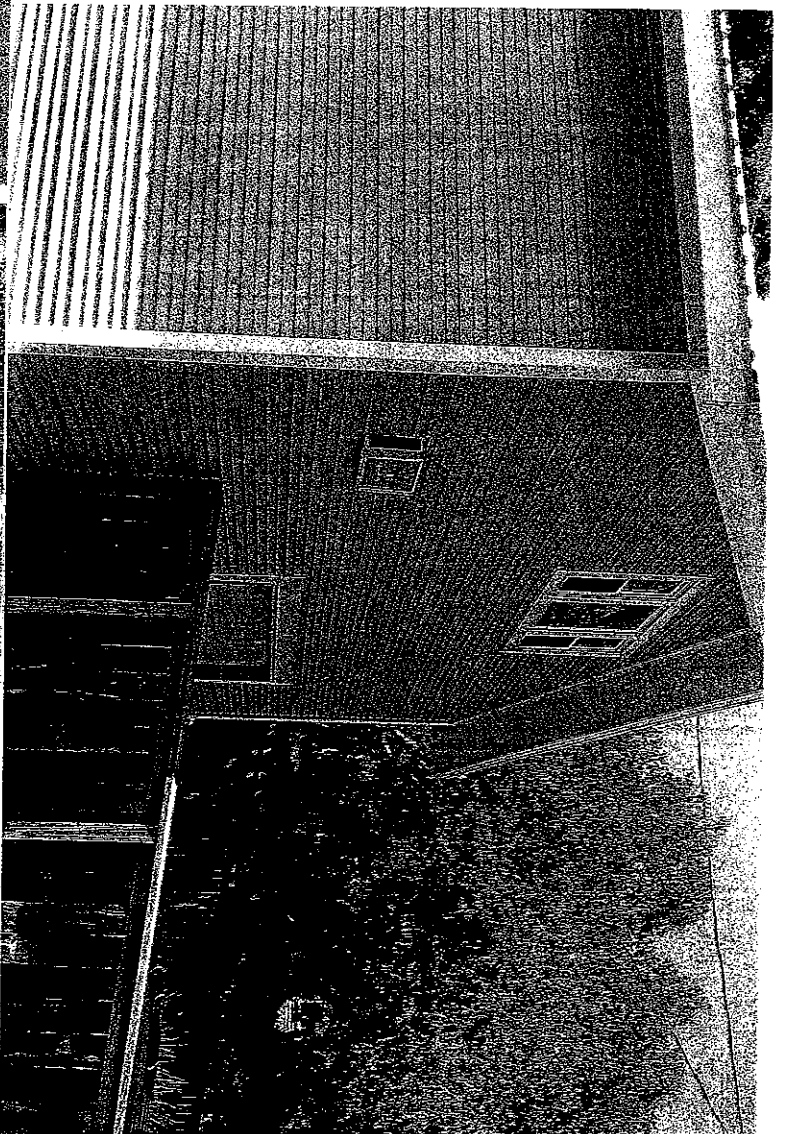
As Purchased

- * Rotten siding & trim
- * Interior door on outside
- * Rusting roof



Improved Since Purchased

- * siding to match house
- * exterior door
- * roof to match house
- * new trim



Heldenfels, Leane

From: Jean mather <~~jeanmather3@gmail.com~~>
Sent: Monday, July 28, 2014 7:04 PM
To: Heldenfels, Leane
Cc: Kent SRCC; Russell Fraser; David Swann; Marc Davis; Miranda Wylie
Subject: 410 E. Annie, 1136 Algarita

Dear Leane,

The problem with the two cases above is not only their lack of code numbers but also the lack of city information which we rely upon to give us the nature of the problem. Although each of the applicants provided ample photos, etc. we were left guessing at the issue.

Mr. Kobitz's platt (410 E. Annie) listed 8,101 sq. ft. as the lot size and a one story frame garage. His photos showed a two story garage with a dwelling upstairs. One of our member's later research listed the lot size as 6,101 sq. ft., obviously short of the 7,000 sq. ft.

needed for two dwellings. Since Kobitz didn't attend our meeting, we don't know if he had a building permit for the unit. He has improved the appearance of the property and several neighbors support his efforts. We leave it to the Board of Adjustment to sort it out.

I found in talking to you that it was Austin Energy that had some problem with 1136 Algarita and that they have since withdrawn the objection. We understood that the problem was the infringement of the small back door deck on the five foot setback. After visiting the site we realized that the Wileys have a serious hardship. The existing alley bordering their property is at the edge of a cliff. Their back yard is at least fifteen feet below their back door. There is a grandfathered concrete stairway leading from the door to the alley.

They initially meant to build the deck in line with the house at five feet from the property line and build a long stairway following the edge of the cliff down to their lawn. The contractor was afraid there wasn't enough support for the deck without going to the edge of the old concrete stairway and that's what he did, two plus feet into the setback.

The Zoning Committee supports this variance. It will be heard at SRCC's general meeting, August 4 and we'll report to the BOAD.

Jean

Heldenfels, Leane

From: Jean mather <~~jeanmather3@gmail.com~~>
Sent: Friday, August 01, 2014 9:02 PM
To: Russell Fraser; Kent SRCC; Marc Davis; David Swann
Cc: Heldenfels, Leane
Subject: 410 E. Annie, C15-2014-0102




Dear Folks,

Finally got the City notice. Kobitz is asking for a variance to increase the size of the second story apartment over the existing garage from 550 square feet (max) to 621 square feet. It doesn't mention that he's 160 square feet short of the 7,000 square feet required. Apparently they're accepting the 8,101 square feet on the platt.

I think we should let it go with no opinion by us.

Jean



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0102
 Address: 410 EAST ANNIE

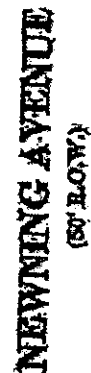


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.

1" = 233'

ALL REPORTS REGARDING THE FBI AND ITS ACTIVITIES
OR OPERATIONS OF BUREAU



Planning and Development Review Department
By Heather Chaff Date 11-21-2013
The granting or a ~~denial~~ 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.

710 East Annie
Lot 19 BLK 12F
Fairview Park

E. OTTO P. BERENHART, Registered
 as Attorney at Law and Clerk of Court,
 in and for the County of Santa Clara,
 State of California, do hereby certify that
 the within and foregoing is a true and
 correct copy of the original as the same
 appears on my records, and there are
 no other copies on file, and there are
 no outstanding writs, orders or
 judgments in any proceedings
 in any branch of the Department, to the best of
 my knowledge and belief except as above.
 E. Otto P. Berenhart
 OTTO P. BERENHART
 Registered Professional Land Surveyor
 State Registration No. 4774

015-2014-0102

CASE# C15-2014-0102
ROW# 11179895
TAX# 0302001919

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: 410 East Annie

LEGAL DESCRIPTION: Subdivision – South River City

Lot(s) 19 Block 12F Outlot _____ Division Fairview Park

I/We Chris Kobitz on behalf of myself/ourselves as authorized agent for

Chris Kobitz affirm that on June, 12,

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 X REMODEL ___ MAINTAIN

SF-3, requesting to convert an upper level storage loft in the garage to a one-bedroom efficiency
apartment. This would create two dwelling units on the property which is prohibited by zoning
code. I am seeking a variance to allow for this unit to be constructed.

Unit is size of 2nd story of 2nd dwelling unit,
in a SF-3-NP district. (South River City) 600 SF permitted, 621 requested
(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:

It restricts second dwelling units from being constructed on the property due to the lot size.

HARDSHIP:

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

The house is a two bedroom and a third bedroom is necessary. Adding on to the house is not financially feasible. Utilizing the space in the upper level of the garage is both financially beneficial and it allows the pervious portion of the lot to remain intact.

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

There are many three bedroom residences in the immediate area.

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 many condominium style properties in the area north of the property on Newning. The exterior of the building will not change other than the addition of a small (10x7) wood deck on the rear of the building.

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 CC Kobitz Mail Address PO Box 42229

City, State & Zip Austin, TX 78704

Printed Chris Kobitz Phone 219-405-0723 Date 6/12/2014

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 CC Kobitz Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ Date 6-12-14

THIS REPORT CONTAINS NEITHER RECOMMENDATIONS NOR
CONCLUSIONS OF THE FBI.



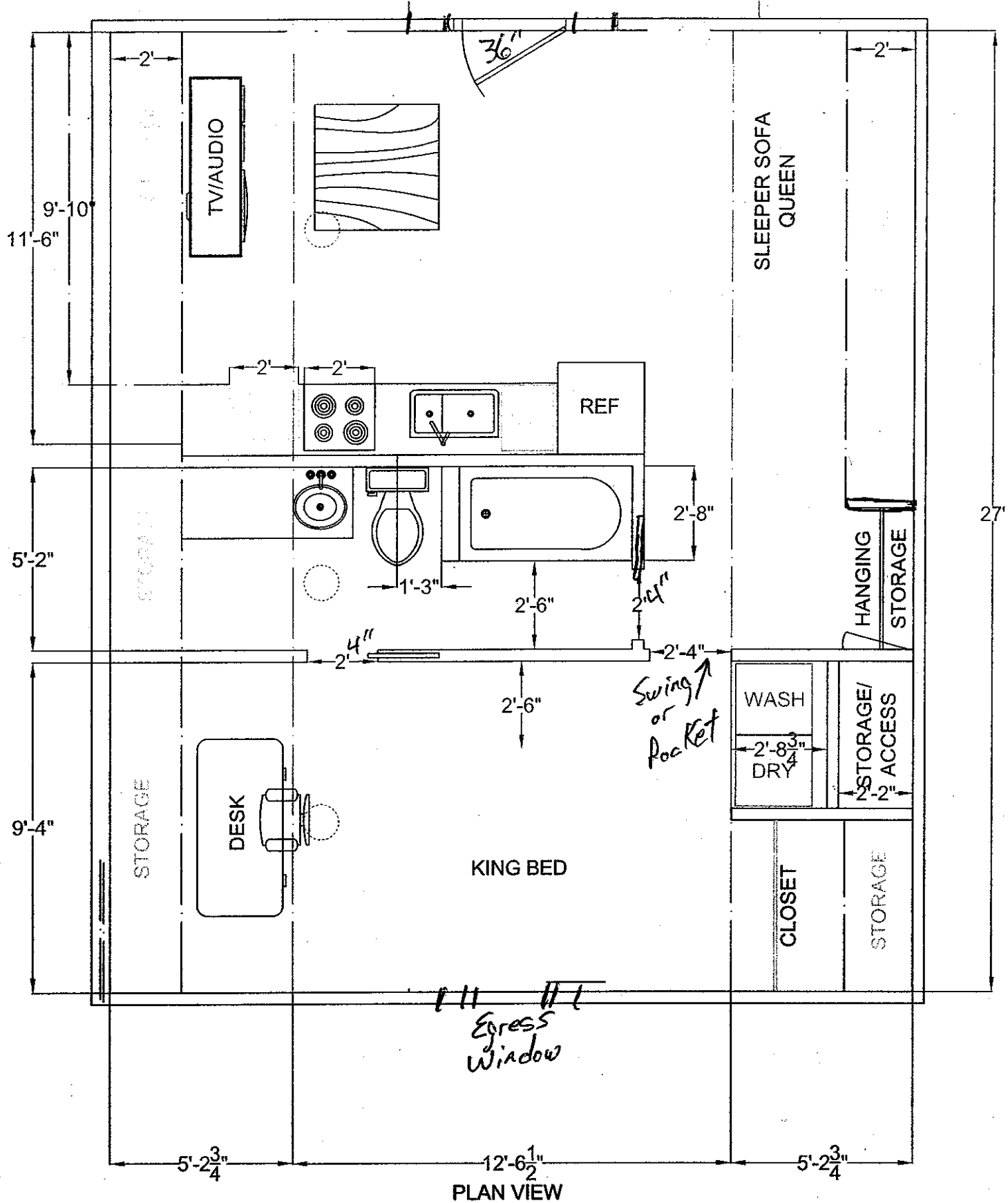
By John R. Hoff Date 11-6-83
the granting of a ~~variance~~ or approval of these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

EAST ANNIE
(S.F.E.O.W.)

OTTO F. BERNHARDT, *Registered Professional Land Surveyor*, State of Texas, do hereby certify that the above and contained on each survey made on the ground today are true, correct, and there are no discrepancies, whether, changes or variations of boundary lines, or measurements or calculations of measurements, in the book or any platbook and book, except as shown.

OTTO F. BERNHARDT

OTTO F. BERNHARDT
Registered Professional Land Surveyor



NOTES:

Slide-in Range = 26" wide, max

Refrigerator = 30" wide, max

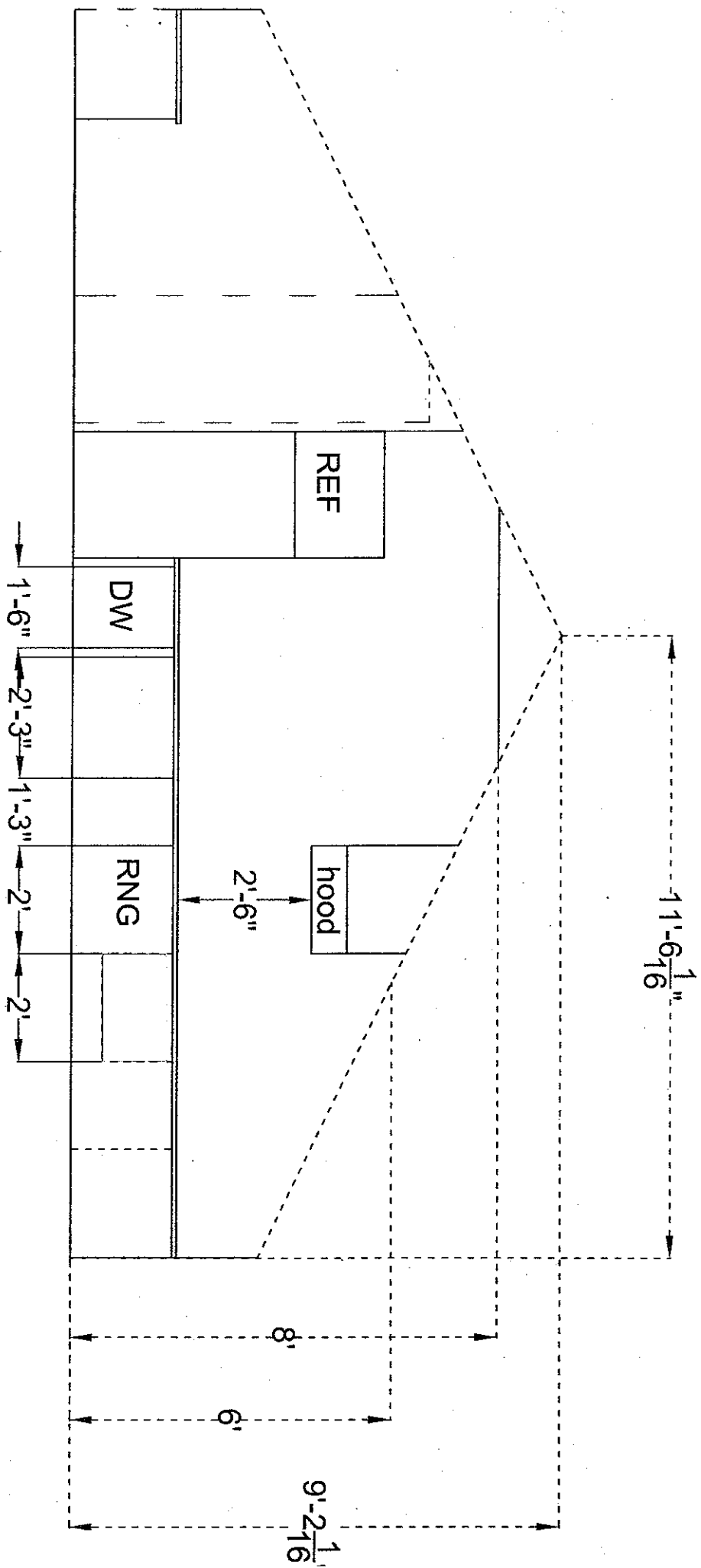
Kitchen sink = 30" wide, max

Dishwasher = 18" wide, max, built-in

Range Hood = 24" wide, max, ducted



Solar Tube, Skylight (3)



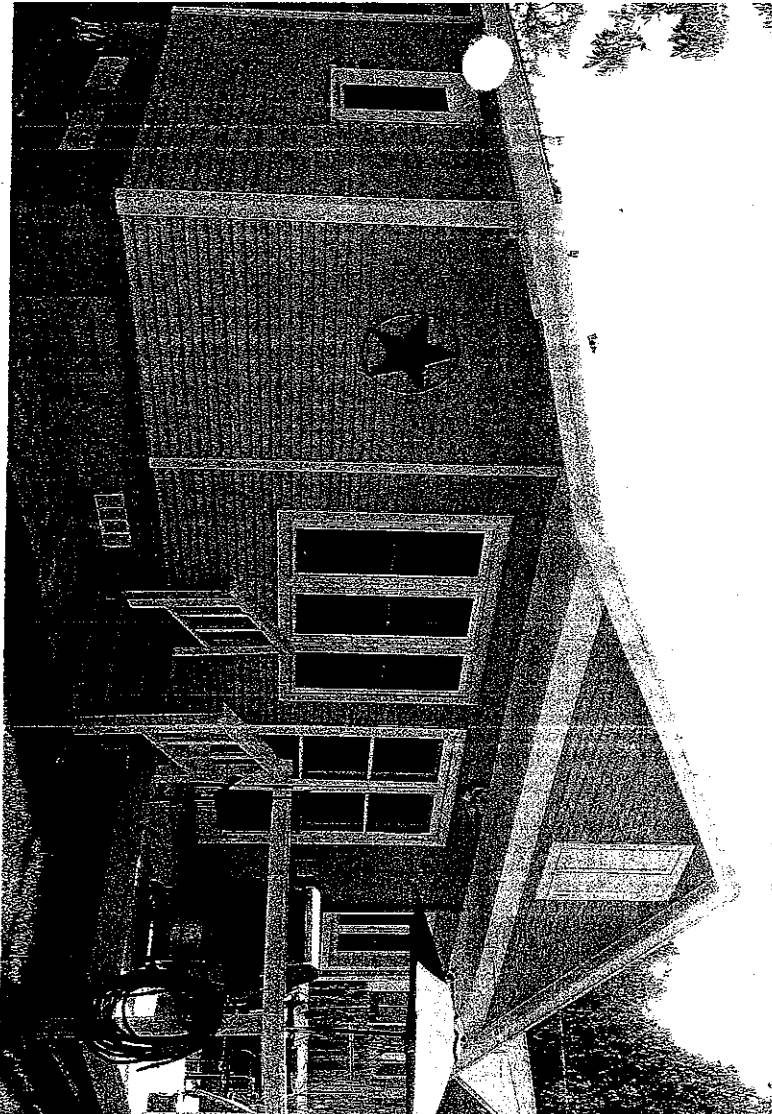
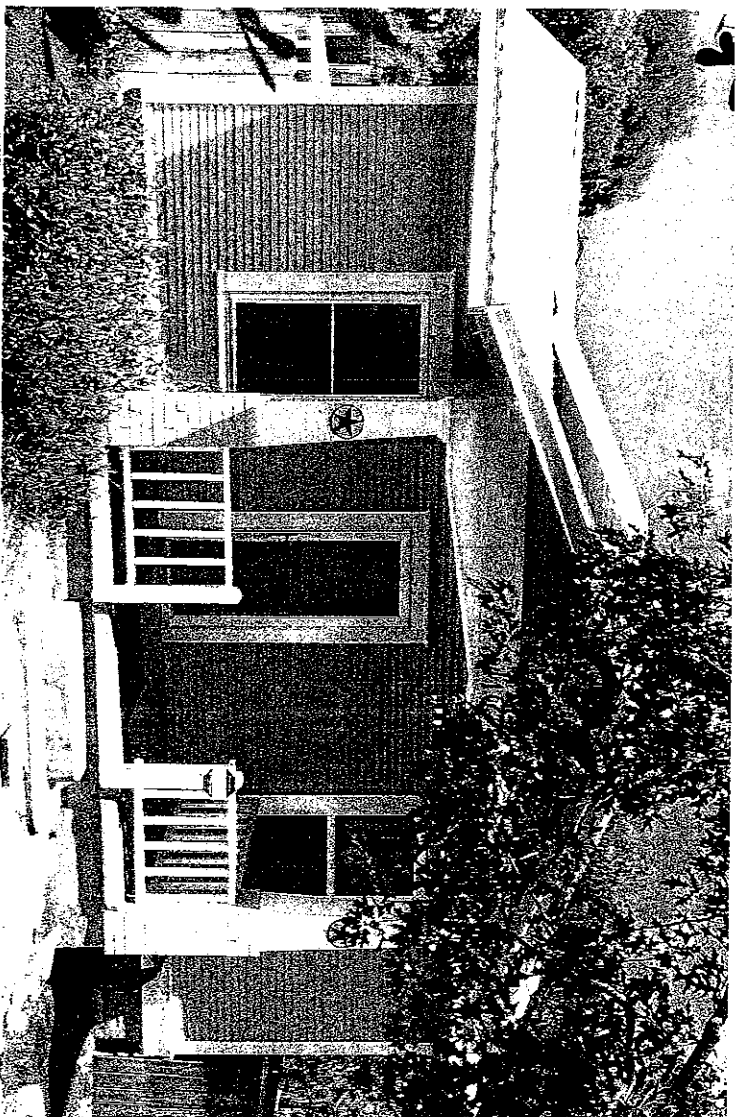
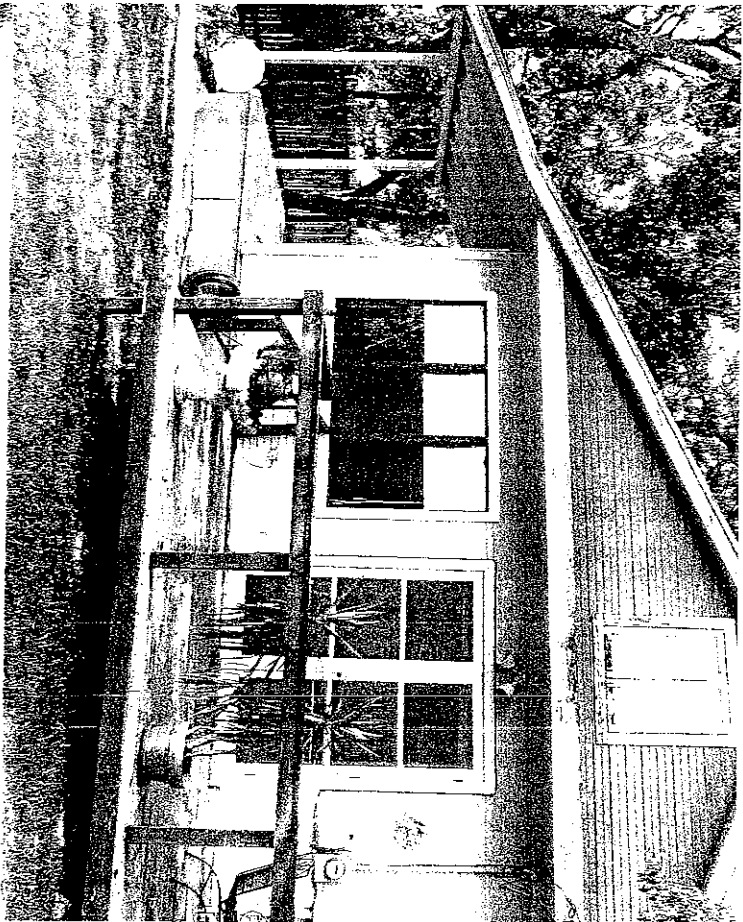
CITY OF AUSTIN DEVELOPMENT WEB MAP '07 Aerial

Legend

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



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.

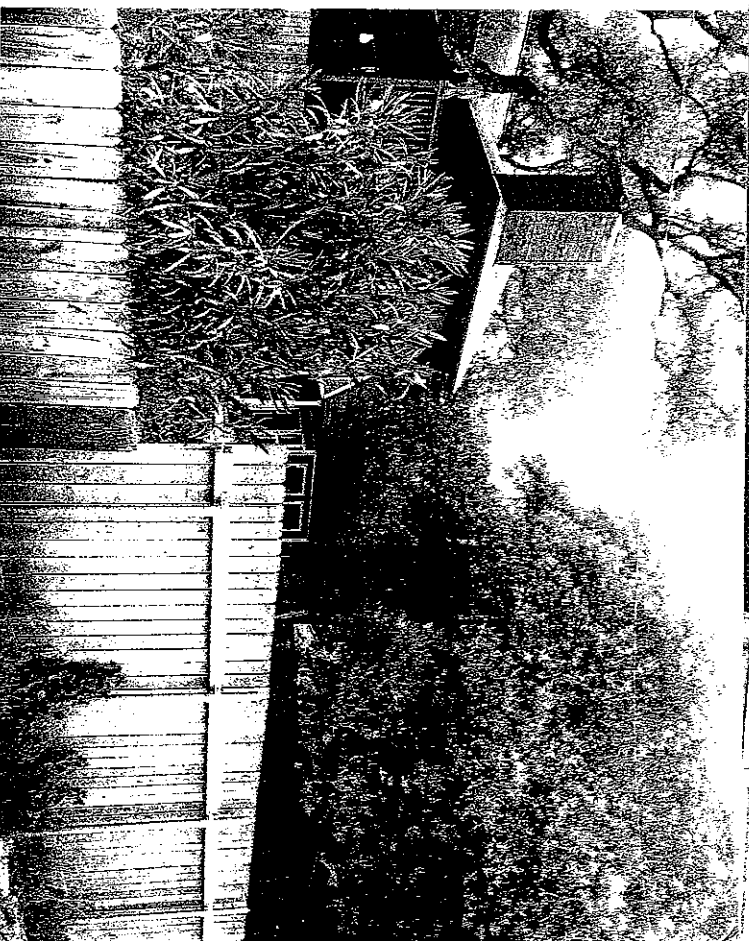
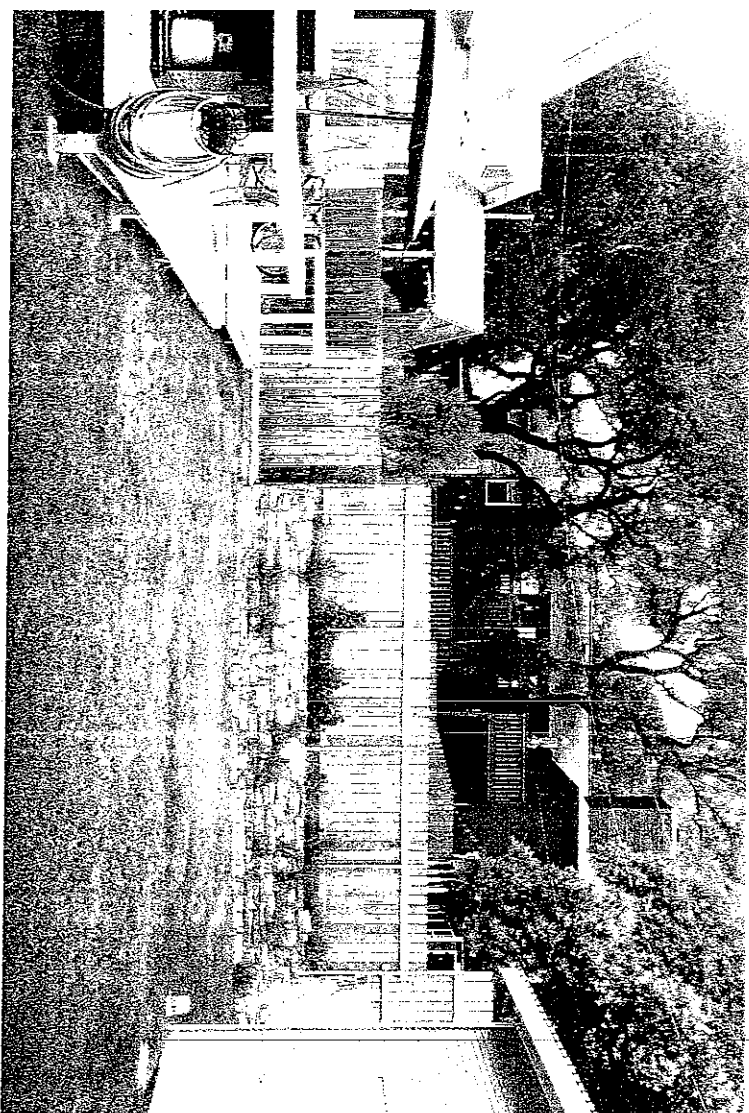
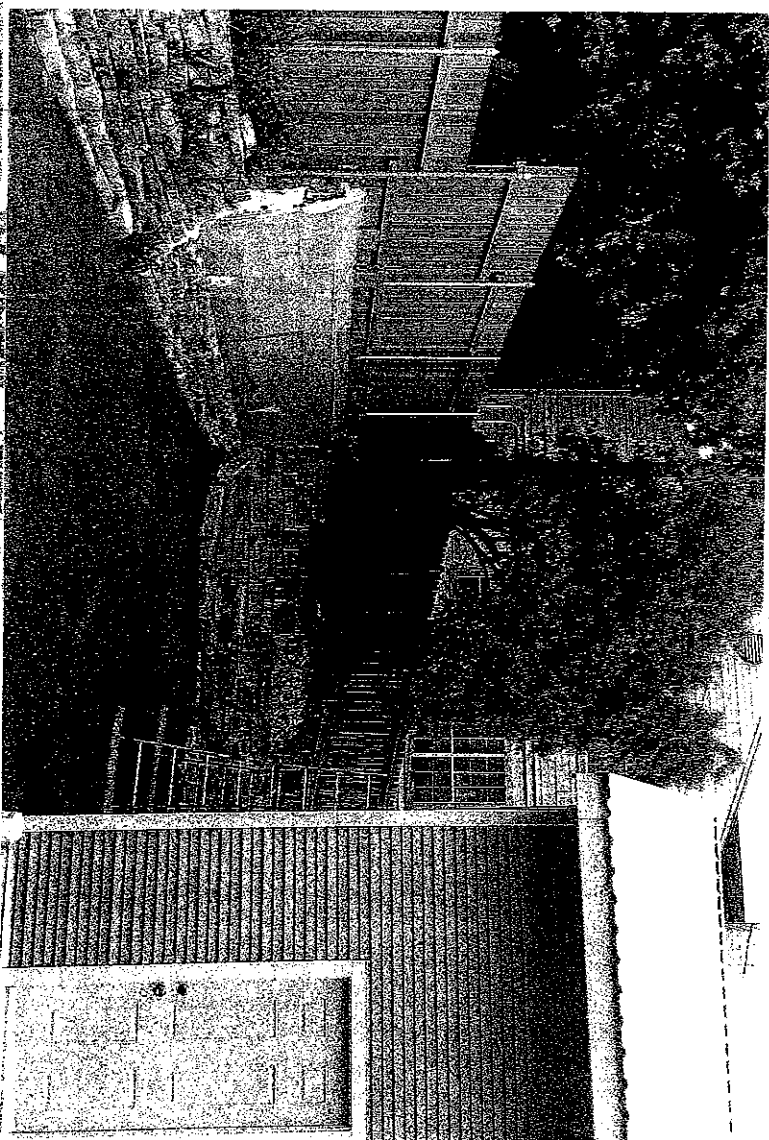


410 E. Annie
Home structure

First picture is as
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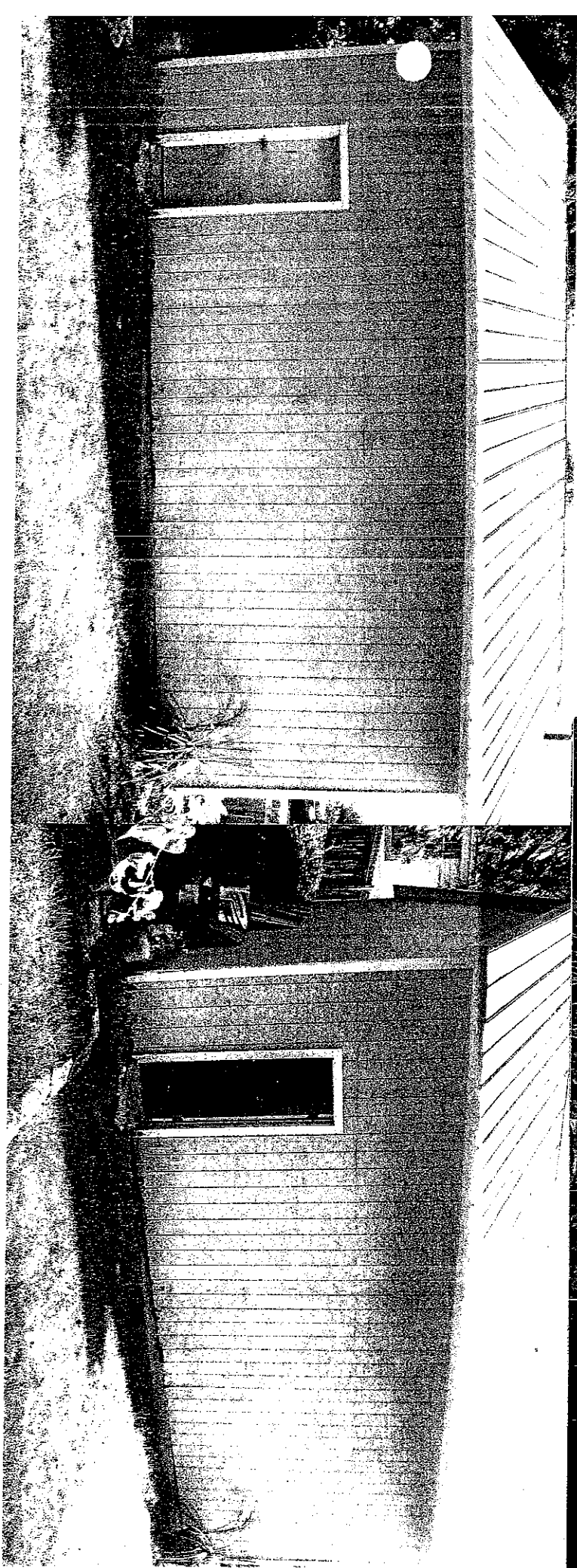
C15-2014-0102

Adjacent structures



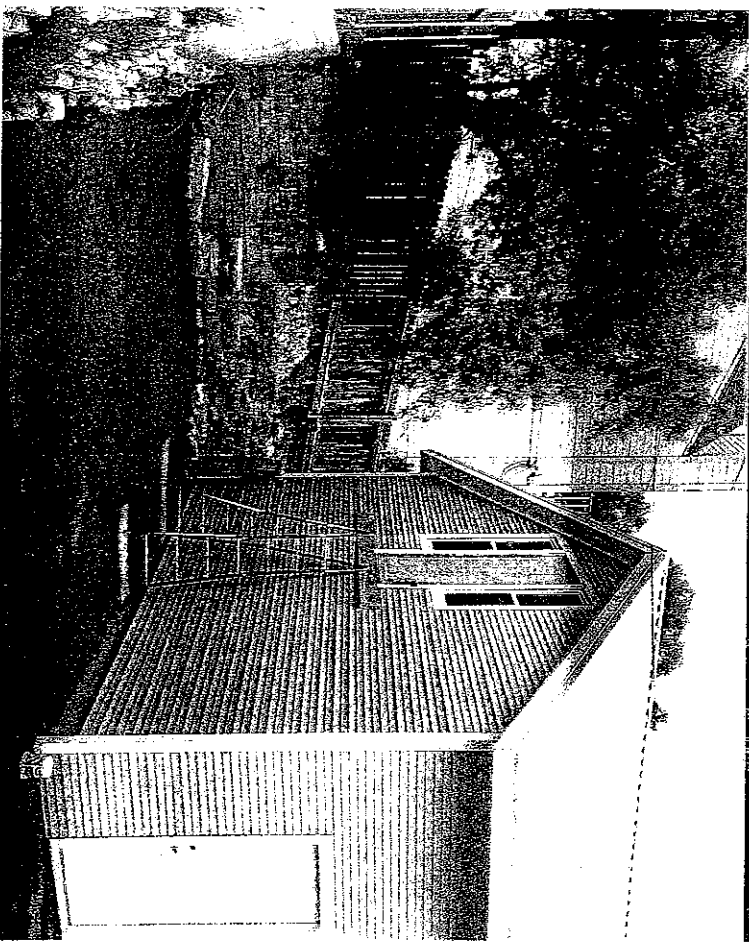
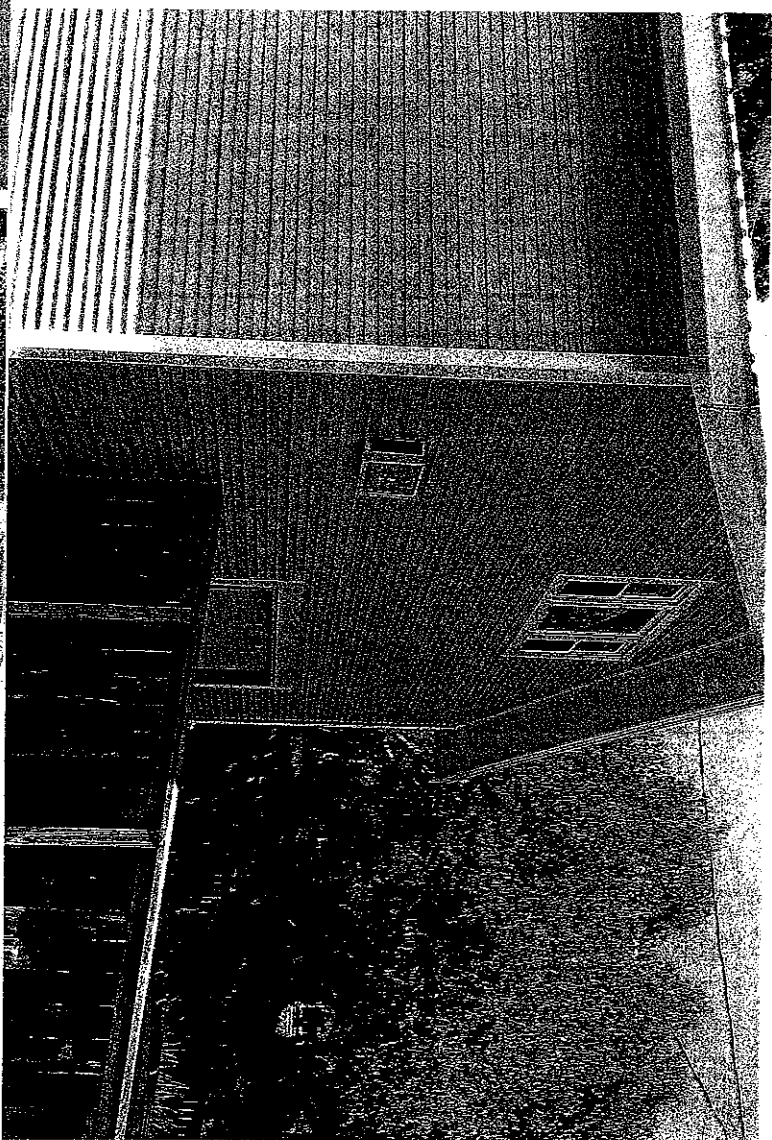
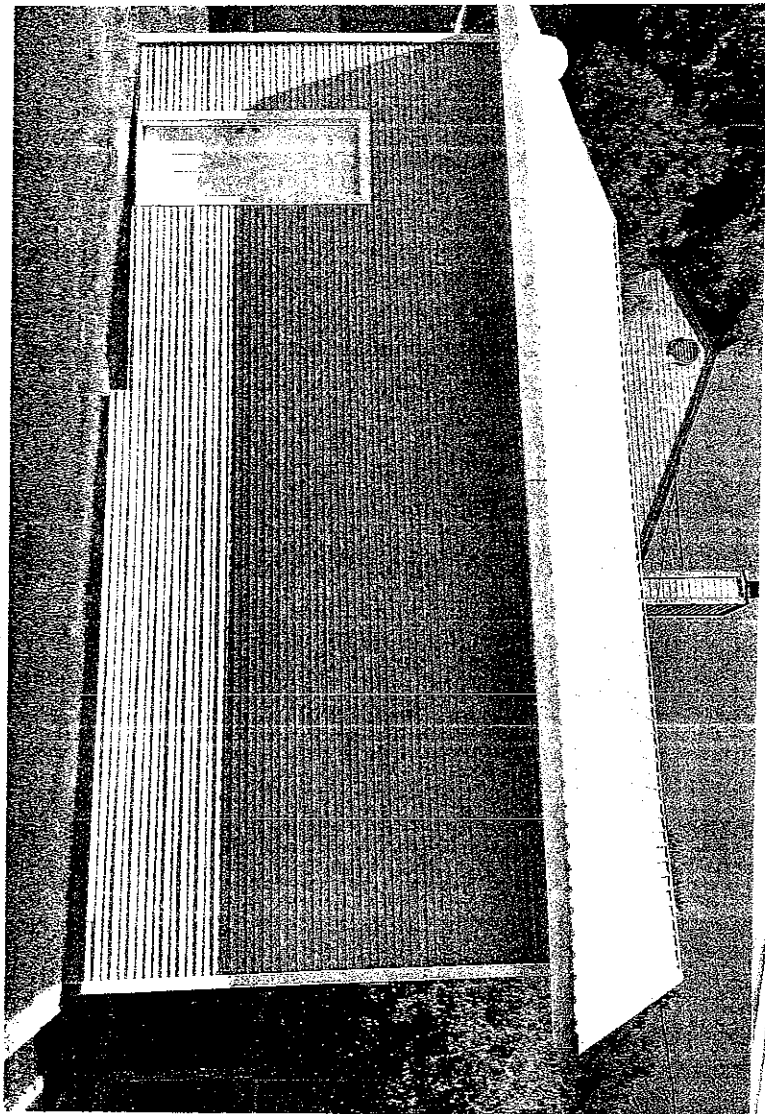
As Purchased

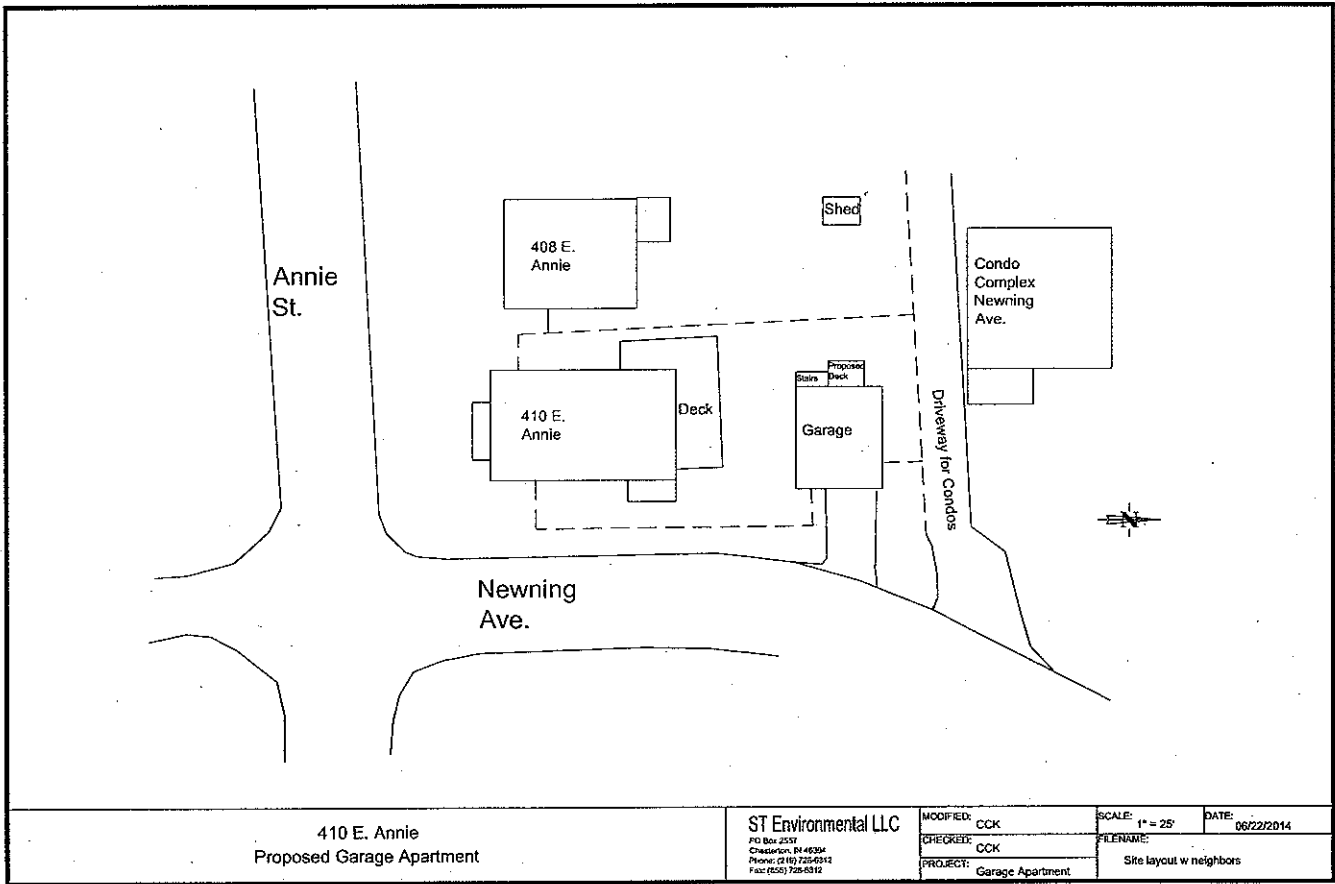
- * Rotten siding & trim
- * Interior door on outside
- * Rusting roof

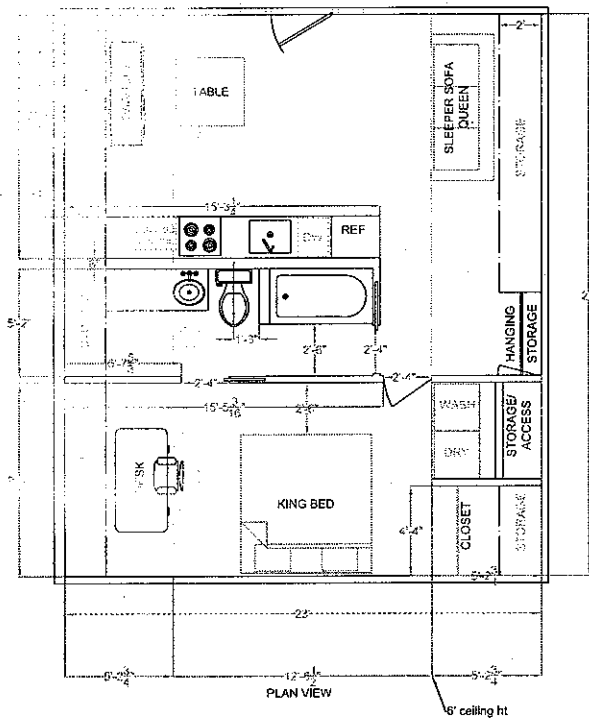


Improved Since
Purchased

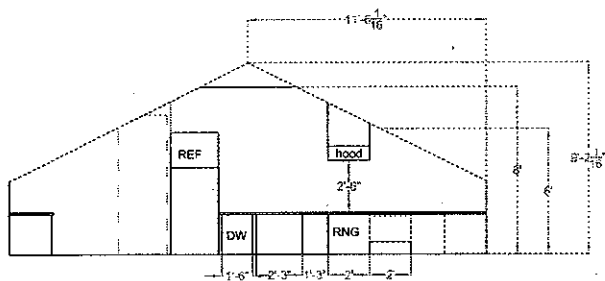
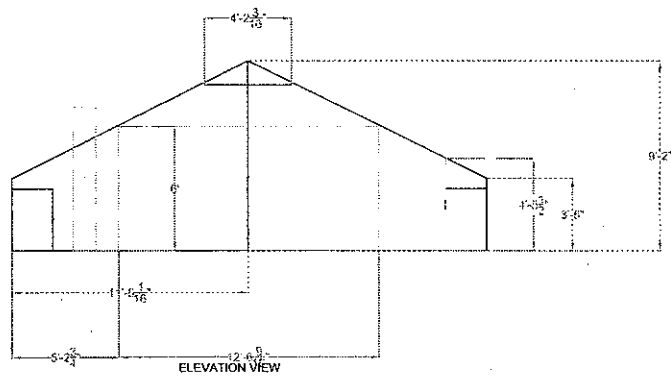
- * siding to match house
- * exterior door
- * roof to match house
- * new trim







NOTES:
 Slide-In Range = 24" wide, electric
 Refrigerator = 24" wide
 Kitchen sink = 25" wide
 Dishwasher = 18" wide, built-in
 Range Hood = 24" wide, ducted





I, Chris Kobitz, 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 add a dwelling unit in the upper area of the garage

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


| Property Owner Name (Printed) | Address | Signature |
|----------------------------------|-----------------------------|------------|
| LAURA GRABLE | 500 East Annie Street/78704 | |
| JAY SHREEDHARA | 408 _____ | |
| JOAN GIST | 404 ANNIE | |
| Mary Meagher | 506 E. Annie | |
| Tristan Gross | 1611 Newning Ave | |
| Richard Low | 1700 Newning Ave | |
| Judy Frost | 1706 Newning | Judy Frost |

Page 2 of 2

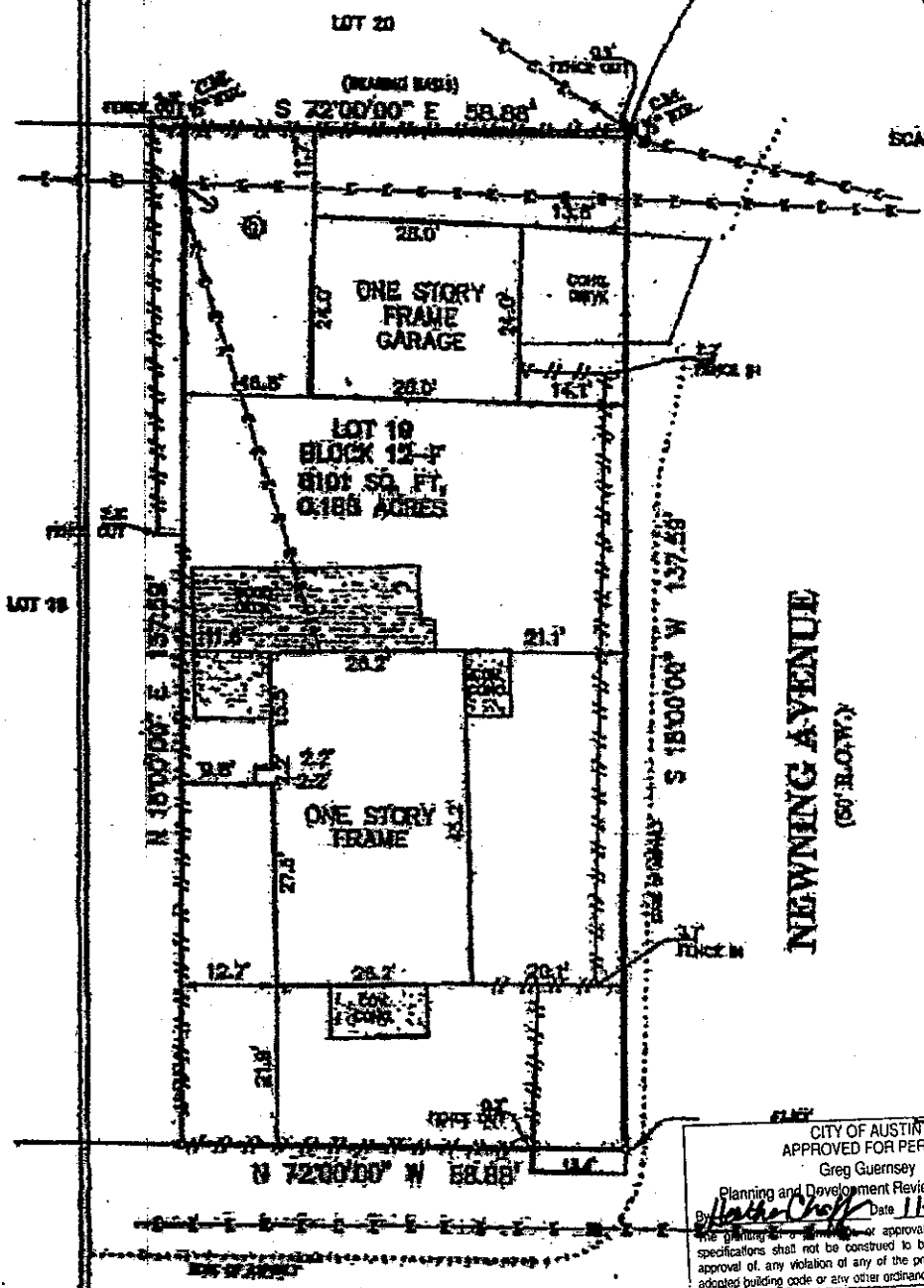
410 E. Annie

Add dwelling unit in upper area of garage.

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

| Property Owner Name (Printed) | Address | Signature |
|----------------------------------|-----------------|---|
| L. V. LAMM | 501 E. ANNIE ST |  |
| | | |
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THIS GENERAL PLAN OF RECORD IS HEREBY RECORDED.
THIS IS REPRESENTATION OF THE SURVEYOR'S BEST
KNOWLEDGE AND BELIEF.



SCALE: 1"=20'

NEWNING AVENUE
(SOUTH)

CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guernsey
Planning and Development Review Department
Date: 11-21-2013
The granting 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.

EAST ANNIE
(SOUTH)

APPROVED ON MARCH 27, 2008
CADDEN COUNTY CLERK (NAME)

110 East Annie
Lot 19 BLK 12F
Fairview Park

| | | | |
|---|---|---|--|
| PROPERTY ADDRESS 110 EAST ANNIE | | OWNER JACK M. MCINTYRE & EMILY L. MCINTYRE | |
| PROPERTY DESCRIPTION LOT 19, BLOCK 12-F, FAIRVIEW PARK ADDITION, A SUBDIVISION IN DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 2, PAGE 304, OF THE PLAT RECORDS OF DALLAS COUNTY, TEXAS. | | | |
| <p>Westar Alamo LAND SURVEYORS, INC. P.O. BOX 1000, AUSTIN, TEXAS 78768-1000 PHONE (512) 478-1000 FAX (512) 478-1000</p> | SECOND ON BEHALF OF THE LAND SURVEYOR, I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. | | OTTO P. BERNHARDT, Registered Professional Land Surveyor, State of Texas, No. 4774, hereby certifies that the survey and plat shown on this document were made by him or under his supervision, and that he is a duly licensed and qualified land surveyor, and that he is not a party to any fraud or other illegal act in connection with this survey. |
| | OTTO P. BERNHARDT Registered Professional Land Surveyor Texas Registration No. 4774 | | OTTO P. BERNHARDT |
| SEC. 10-10-1007 | | DATE: 03-18-08 | |