

CASE# C15-2014-0169
ROW# 11248631
TAX# 0137310424
(TCADV)

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: 8616 Big View Drive
Austin TX 78730

LEGAL DESCRIPTION: Subdivision – River Place Subdivision Lot 25

Block M Section 17 Outlot Division

I/We John and Ginger Mitchell on behalf of myself/ourselves
as authorized agent for

John and Ginger Mitchell affirm that on October 30, 2014, we 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

in a LA 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 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:
If the reasonable use of the zoning regulation code is followed and a ten foot setback is required, then the existing natural plant feature will be destroyed

HARDSHIP:

2.

The hardship occurring is that a beautiful crop of Alocasia plants are living and thriving right in the middle of the exact location that our boat dock has been permitted to be built.

If the construction of the boat dock proceeds in adherence to a ten foot side set back, then the Alocasia crop is destroyed. But if a variance is granted to waive the 10' side setback then the boat dock can be moved over and this aquatic feature can be saved.

Thus, we are requesting a variance to allow zero set back on the north property line of our lot for the benefit of preserving the existing ecological feature.

Our neighbors strongly support this variance request because they see the benefit to the lake to keep the natural plants and the wildlife that they attract.

A secondary hardship is that the shoreline is becoming very chopped up with docks. The area in front of our house is a popular daily gathering spot for fisherman to park their boats and fish. The longer and more unobstructed the shoreline is left as natural open water the better it is for everyone's use.

Please grant us this variance to save, rather than to desecrate the natural plant life.

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

The hardship is not general because the plant crop does not exist in the general area the same as it does in front of our home.

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 variance will not alter the character or impair the use of the adjacent conforming area because there is already an existing ten foot space between our docks by virtue of the fact that our neighbors dock is ten feet over from the property. Moreover, there is no plausible use for the space between our docks, regardless of whether it is ten or twenty feet and it is of no benefit to the lake area. Whereas, a zero side set back on our side of the property line is of benefit to the lake because it prevents the existing ecological plant life from being destroyed to make way for a dock and allows more of the shoreline to be open and less chopped up with obstructions.

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/A

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

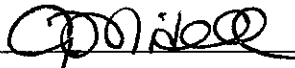
N/A

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

N/A

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.

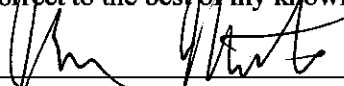
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 8616 Big View

City, State & Zip Austin TX 78730

Printed Ginger Mitchell Phone: 512-019-1992 Date 10-30-2014

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  Mail Address 8616 Big View

City, State & Zip Austin, Texas 78730

Printed John Mitchell Phone 512-372-3824 Date 10-30-2014

COVER LETTER
To the Board of Adjustment
For Variance Application
8616 Big View Drive

Dear Members of the Board:

Please read these important details which are pertinent to our application for a variance that we would appreciate you knowing:

My husband and I have a unique aquatic feature that we desire to preserve. More specifically, it is a beautiful and thriving crop of *Alocasia* that has been growing in the water alongside our shoreline for over a decade and for many years prior to us owning the property. But, the hardship is that our "green" water feature exists right in the middle of the exact same location that our boat dock has been permitted to be built.

If the location of the new boat dock adheres to a ten foot side set back, then the *Alocasia* crop is destroyed. But if the 10' side setback is waived then this beautiful aquatic feature can be saved. Thus, we are requesting a variance to allow zero set back on the north property line of our lot.

Our adjacent neighbors jointly share our property line and they agree that the plant life should be saved because it is rare to see and it adds a natural and organic element in our area of the lake. Since their dock is ten feet from the property line there is enough space between us already so widening the gap reaps no benefit especially if a plant can be saved.

Our neighbors strongly support this variance approval to eliminate our ten foot setback and their written permission is attached.

A second advantage of eliminating the side set back is to allow more of the shoreline to be left as natural open water. By allowing our boat docks to be closer together, a longer and more unobstructed view is provided rather than the shoreline being chopped up with docks every twenty feet. The area in front of our house is a popular daily gathering spot for fisherman to park their boats and to fish and we would like to keep the plants and the water intact, as much as possible, for the wildlife, the fisherman, all of the boaters on the lake, our neighbors and ourselves.

Additionally my wife and I have voluntarily reduced the size of our boat dock, to half the size that we could build based on our current permit. We are committed to as light a footprint on the lake as possible.

Please grant us this variance so that we can build our boat dock to save, rather than to desecrate the natural plant life.

Appreciatively,



Ginger and John Mitchell