

CASE# C15-2014-0172
ROW# _____
TAX# _____

**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: 1504 & 1506 East LN Austin,
TX 78732**

LEGAL DESCRIPTION: Subdivision – Lake Austin Village

Lot(s) 26&27 Block Out lot Division

I/We Robert (Jeremy) Anderson on behalf of

myself/ourselves as authorized agent for affirm that on 10-21-2014,

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)**

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

**I am requesting the following setbacks for both 1504 & 1506 East LN so that I may build
2 single family Homes. SETBACKS: Front 15', side 5' and back 10'. I am building 1506 as
my primary residence.**

**in a Lot 26-SF-2 & Lot 27
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:

Current variances were designed for larger sized lots and did not take into account how these lots were plotted/ designed in the original deed from 1964. Current zoning renders lot 27 unusable and lot 26 extremely restrictive given their depth.

HARDSHIP:

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

The two lots were laid out in the original 1964 plat with more width than depth. The original 15' setback specified in the deed make both lots more useable for a typical single family residence.

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

Lots 26 & 27 are on the inside of the small platted subdivision where the lots were designed more shallow (67') and wider (85'). The majority of the lots are on the outside and ends of the subdivision having a much greater depth (100' plus) making the front setbacks less of an issue. Additionally the power lines lean 2.5' into these lots creating an even greater hardship.

AREA CHARACTER:

2. 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:

Placing a residential structure on these two lots with a 15' setback will not alter the character of East LN. There is no standardization to the development in Lake Austin Village which currently has an average front setback of 15' front setbacks, 5' side setbacks and less than 10' backset backs. East LN is a short road with only 2 homes on it today and the limited potential to build only a few additional homes.

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:

NA

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:

NA

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

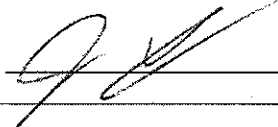
NA

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

NA

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.

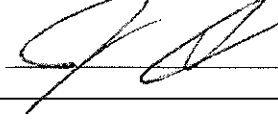
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1205 Merlene
Dr.

City, State & Zip Austin, TX 78732

Printed _____ Phone (512) 426-1770 Date 10-21-2014

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 1205 Merlene
Dr.

City, State & Zip Austin, TX 78732

Printed _____ Phone (512) 426-1770 Date 10-21-2014

Variance Request for 1506 & 1504 East LN

To: City of Austin Board of Adjustments Members:

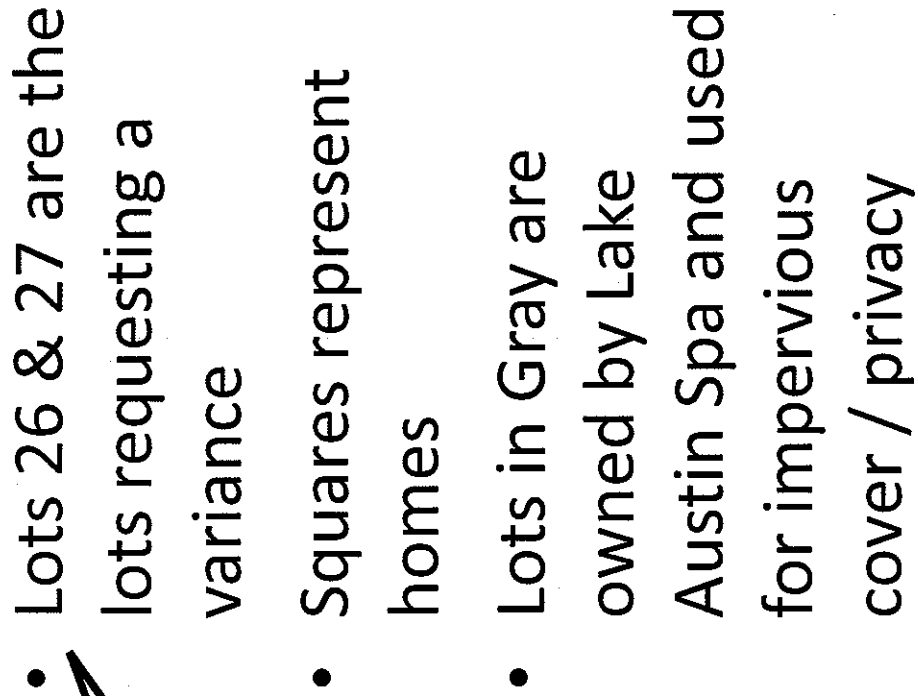
I am requesting a setback variance on 1506 & 1504 East LN in efforts of building two homes on East Lane on lots I purchased in early 2014. 1506 East LN is subject to LA zoning while 1504 is subject to SP-2 zoning. The plotted neighborhood is Lake Austin Village which is an isolated community from other homes in the non-conforming area. This is a small neighborhood with 8 homes present and very little potential to build additional homes. All homes run on septic systems which create additional restrictions on laying out a workable floor plan.

The neighborhood was plotted and designed with 15' a setback which suits the area due to the area home types, community isolation, and narrow road. The LA zoning that took effect in July essentially makes 1506 East LN unbuildable due to the extremely restrictive setbacks. For example, the lot is 77' deep. The LA 40' front setback and 20' back set back only leaves a home foot print of 17' deep. Even though 1504 East LN is zoned SP-2 it is still very restrictive subject to a 25' front setback and a 10' back setback which leaves this lot with a 32' deep foot print.

The variance requested for both 1506 & 1504 East LN is the original deeded 15' front yard, 5' interior side yard, and 10' rear yard setbacks. These setbacks provides adequate room for a conservative 3 bedroom 2 ½ bath home, conventional septic and impervious cover standards for each respective LA and SP-2 zoning rules.

Jeremy Anderson – Property owner

Application required information

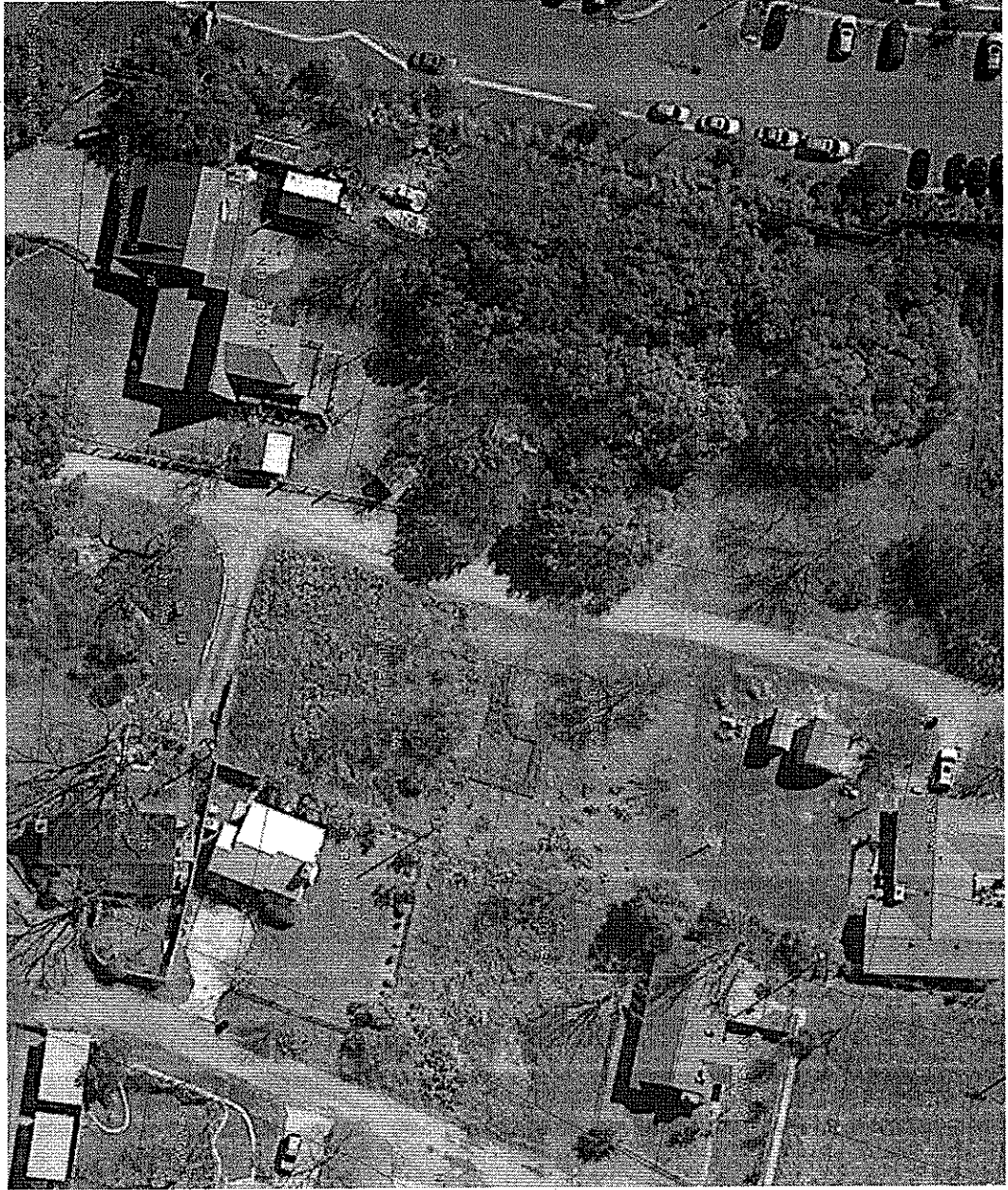


Application required information



Existing Structures on adjacent Lots – View 2

Application required information

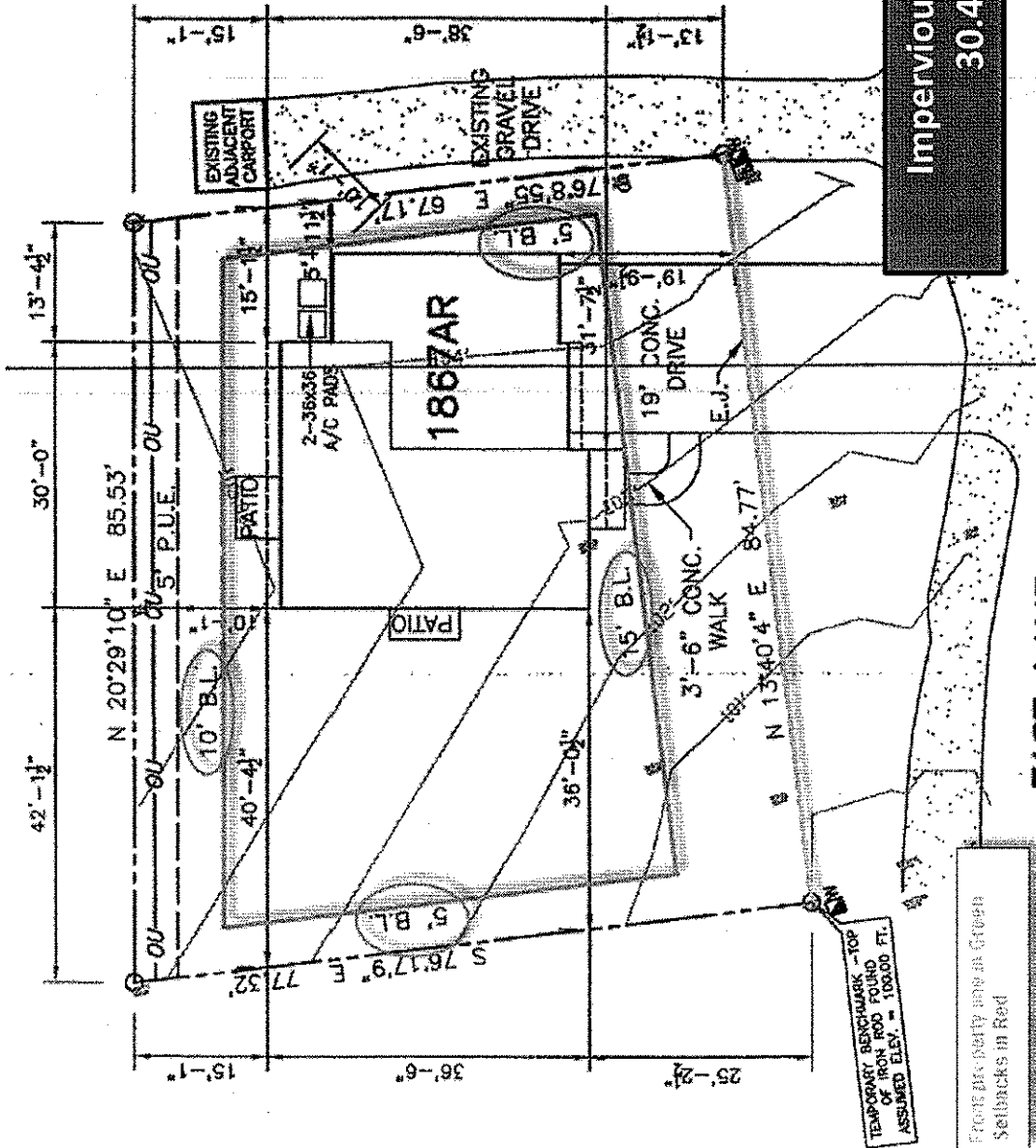


Application required information



Plot Plan for 1504 East LN

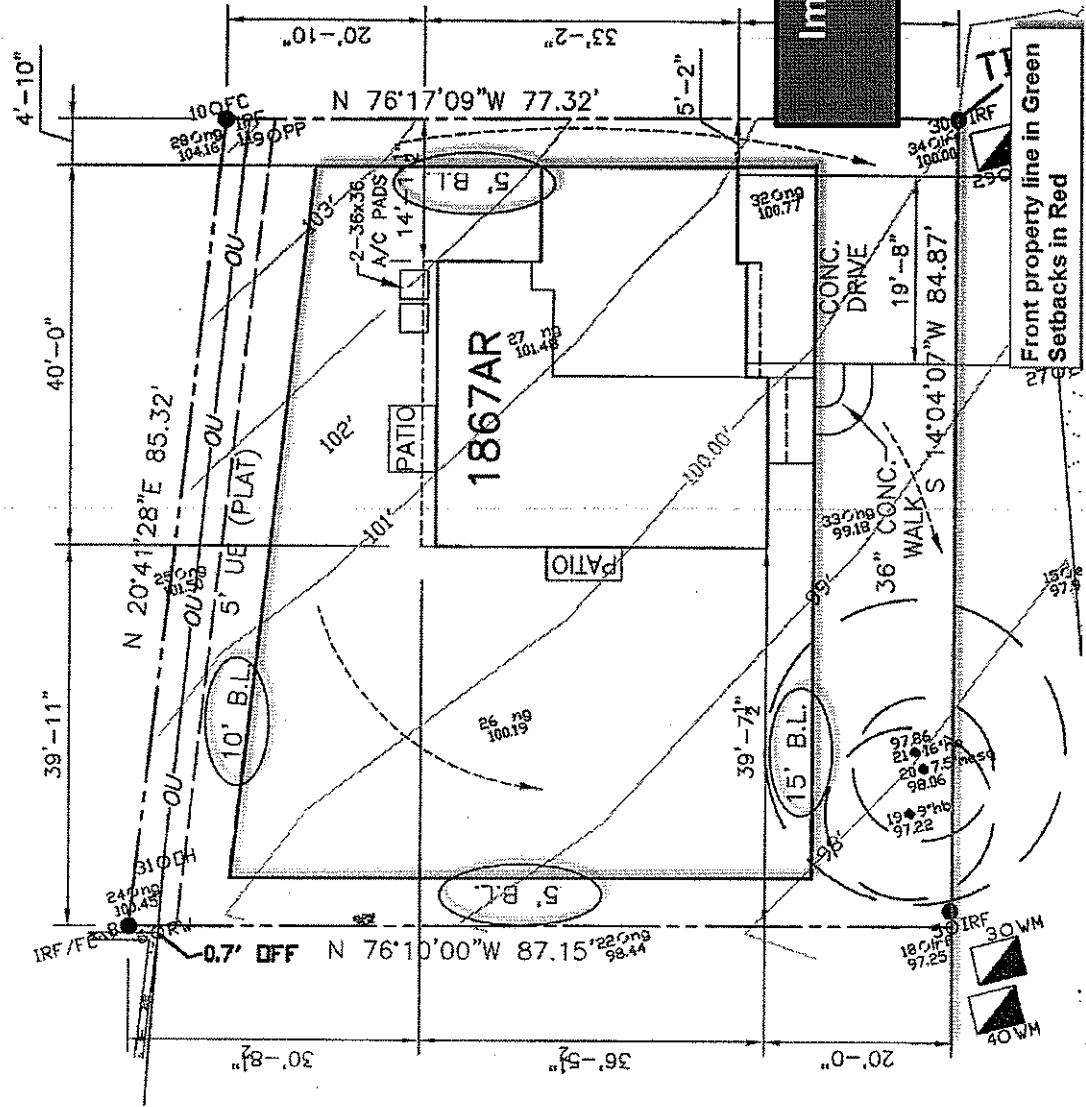
Application required information



**Impervious Cover =
30.46%**

Plot Plan for 1506 East LN

Application required information



Austin Energy variance approval

Application required information

Jeremy Anderson
1504 1506 East Lane
Austin TX, 78732

Lots 26 and 27
Lake Austin Village
Vol. 19, Pg. 88
Official Public Records of Travis County

Dear Jeremy,

October 23, 2014

Austin Energy (AE) has reviewed your application for the above referenced properties, requesting a variance from the required 25' foot front yard setback, in order to construct two structures one being a single family residence at 1504 East Lane and the other being a single family residence at 1506 East Lane. Austin Energy does not oppose this application for construction of these two single family homes at said addresses, having a 15 foot front yard setback, which is shown on the attached stamped sketches, provided any proposed and existing improvements are in compliance with Austin Energy clearance criteria requirements, the National Electric Safety Code and OSHA. When you obtain building permits, please speak with our Distribution Construction Leader, Joan Wilhite, at 512-505-7604, as she will provide you a proper locations for your service drops.

Thank you,

Eben Kellogg
Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
512.322.6050

Variance Requested

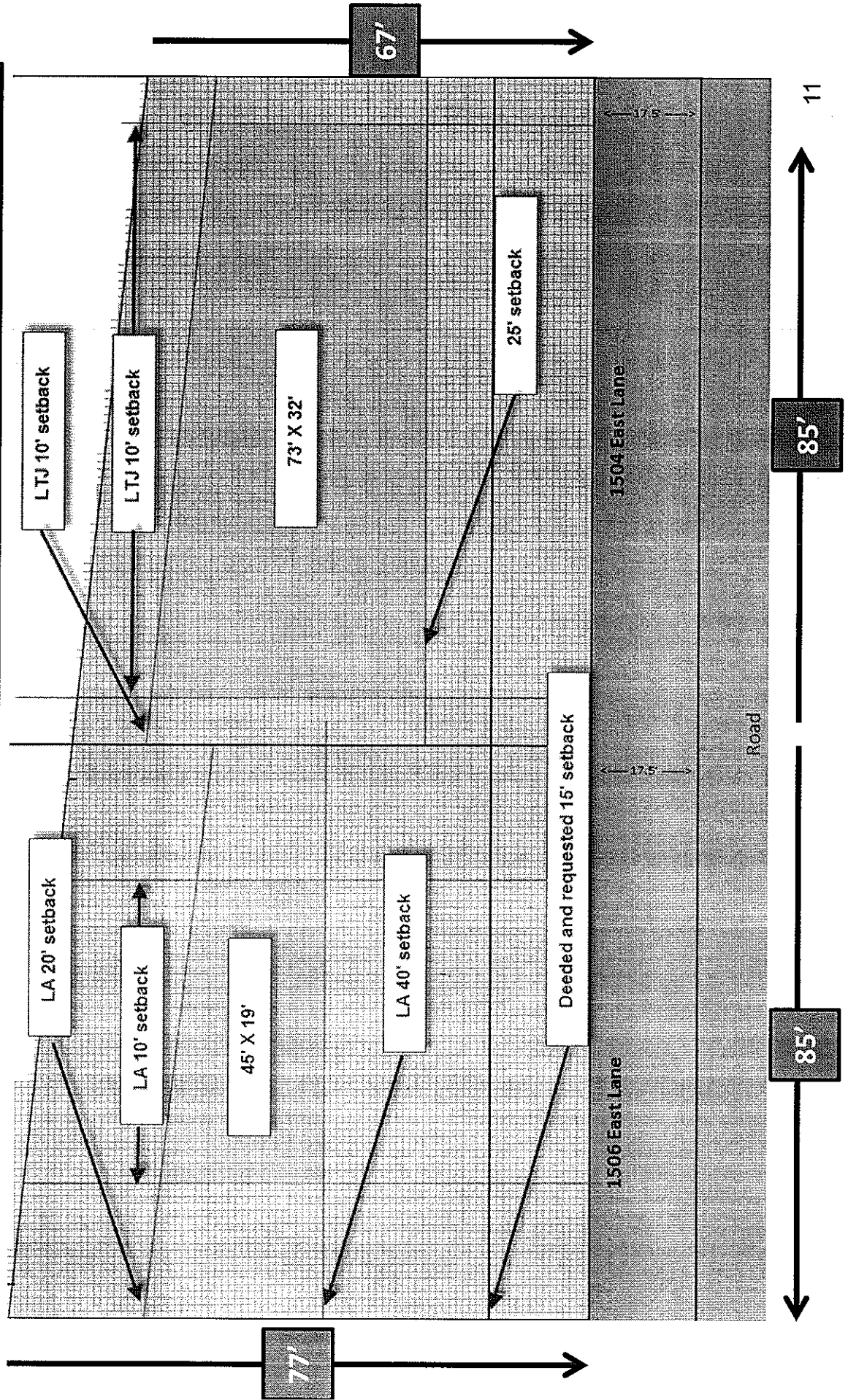
1504 and 1506 East LN are zoned differently, however I am asking for the same variance for both lots. My supporting statements apply the same reasoning for both lots. Below in green are the setbacks I am requesting.

	Front setback	Side Setback	Back Setback	Impervious Cover	Minimum Lot
Requested for 1504 (Zoned SF-2)	15	5	10	30%	6972
Requested for 1506 (Zoned LA)	15	5	10	27%	6130
Deeded	15	5	5		
SF-2	25	5	10	45%	5750
LA	40	10	20	35%	43560

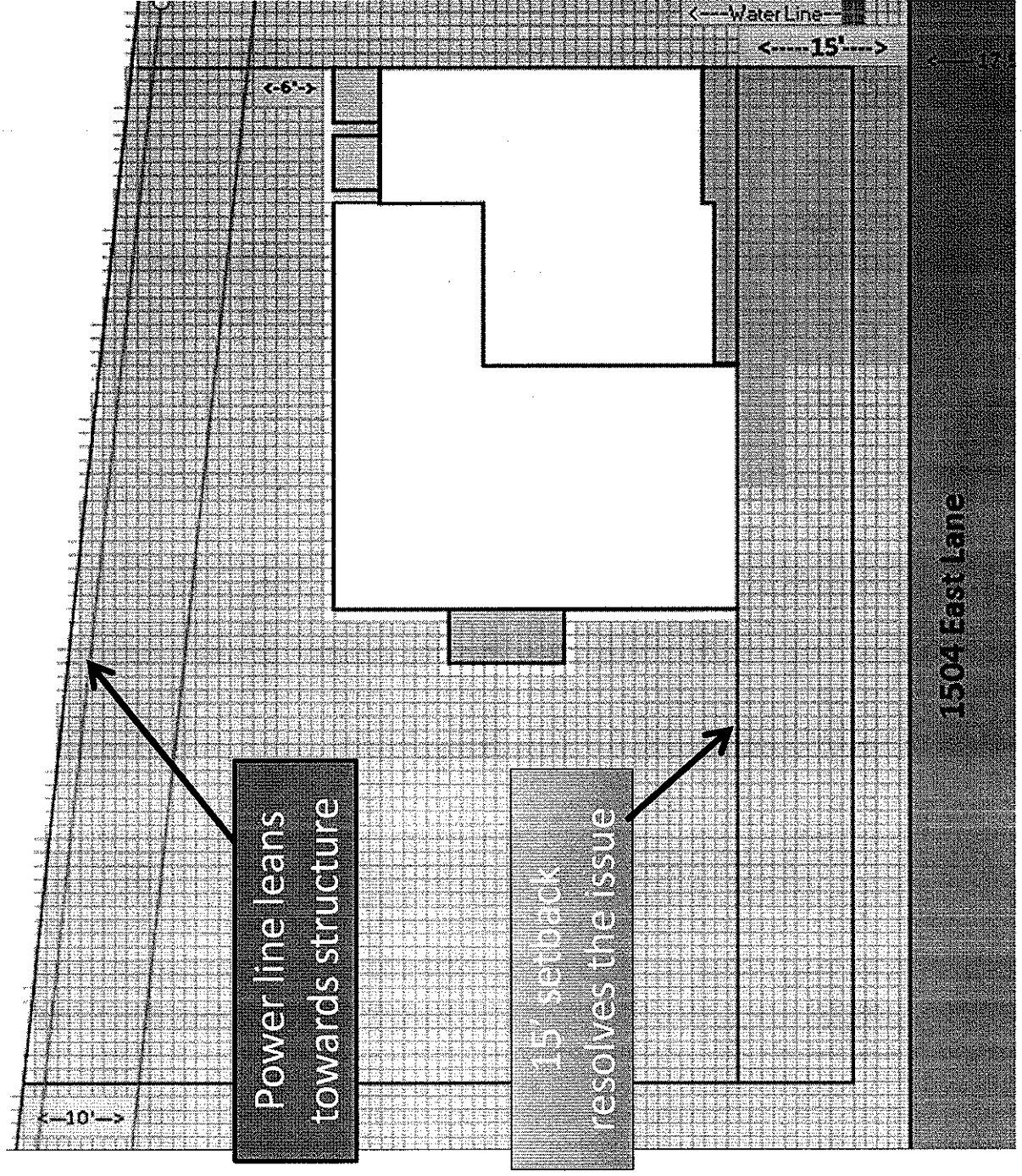
Variance Justification Summary

- Zoning created after lots 26 & 27 were plotted make it unrealistic to build a reasonable floor plan
- Power lines encroach back property line by 2.5' creating additional hardship
- The combination of the zoned setbacks, septic requirements and a shallow lot does not allow room for a home size consistent with the neighborhood
 - Convention Septic system (better for the environment) requires a setback variance
 - Interior lots including 26 & 27 were designed shallow and variance setback
- Neighborhood averaging justifies a 15' set back
- LA Zoning is arbitrary in this neighborhood
- Desired 25' distance is achieved as the road is ~ 30' from the property structure inclusive of a 15' setback.
- These lots were deeded with a 15' set back which is protected by House Bill 1704

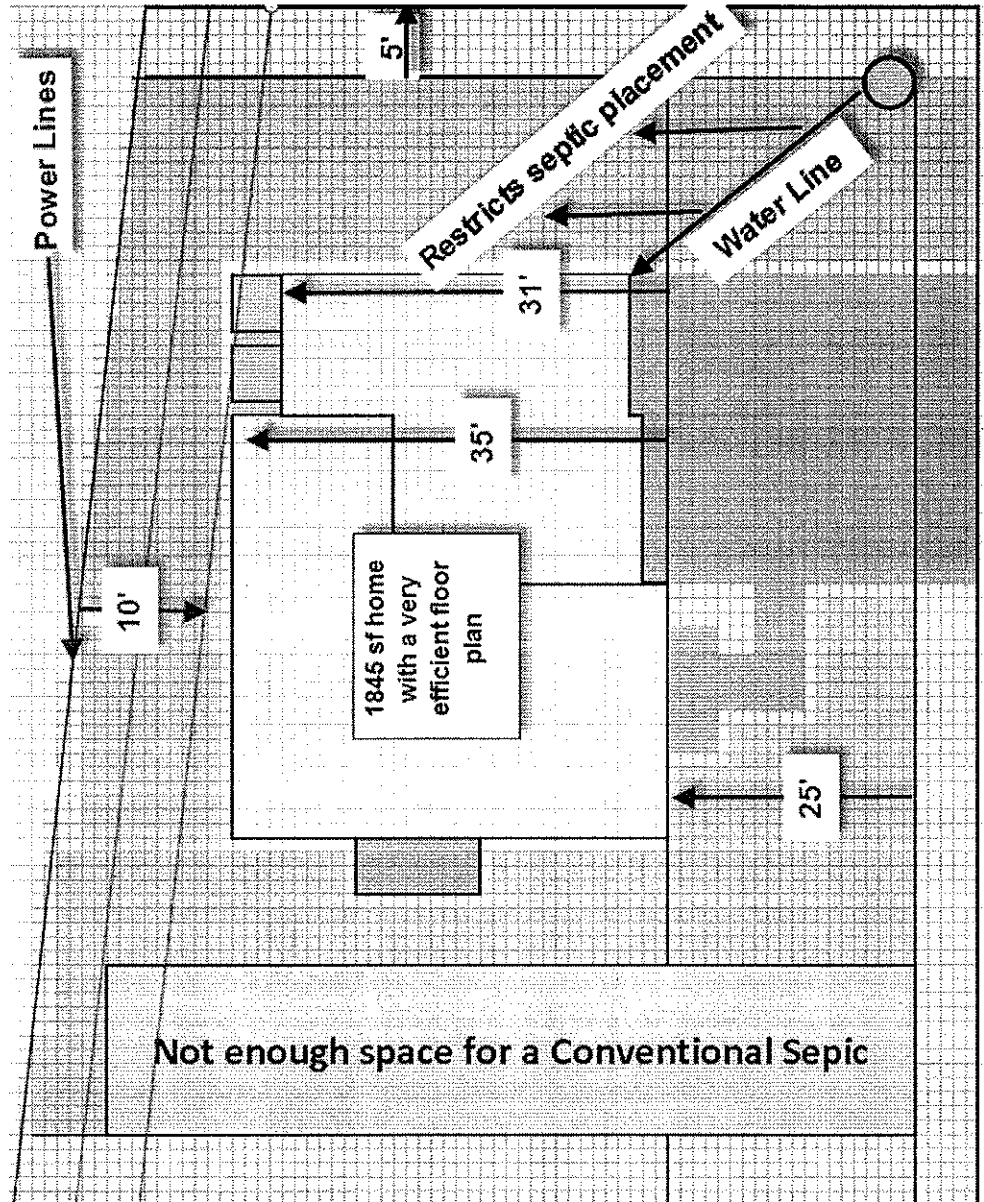
Zoning created after lots 26 & 27 were plotted
make it unrealistic to build a reasonable floor plan



Power lines encroach the property by 2.5' creating additional hardship



The combination of the zoned setbacks, septic requirements and a shallow lot does not allow room for a home size consistent with the neighborhood



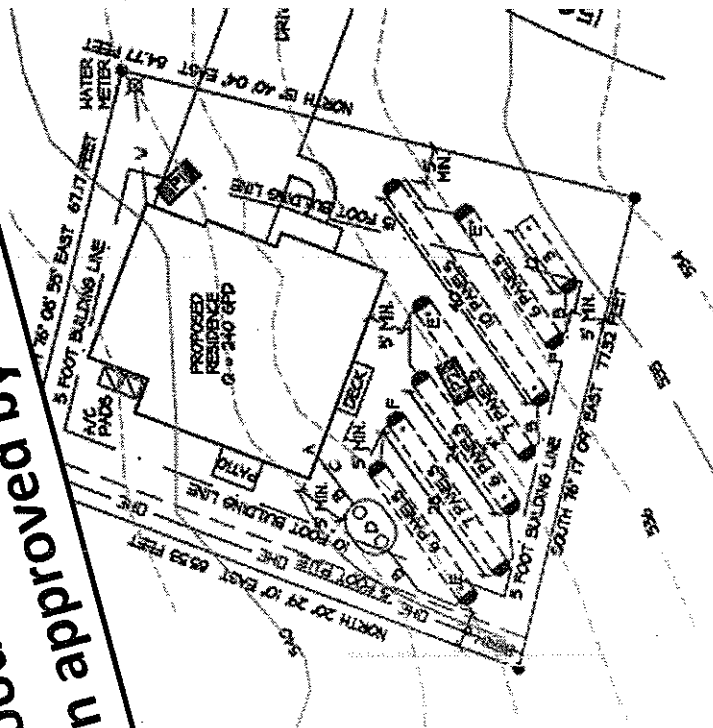
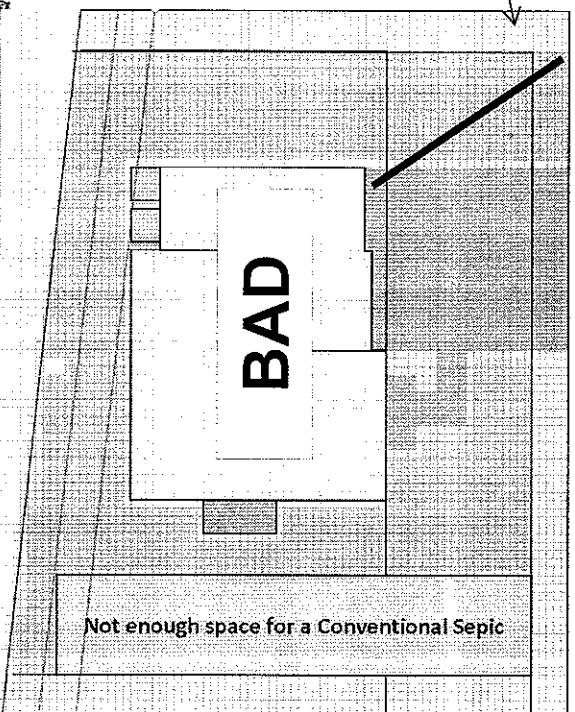
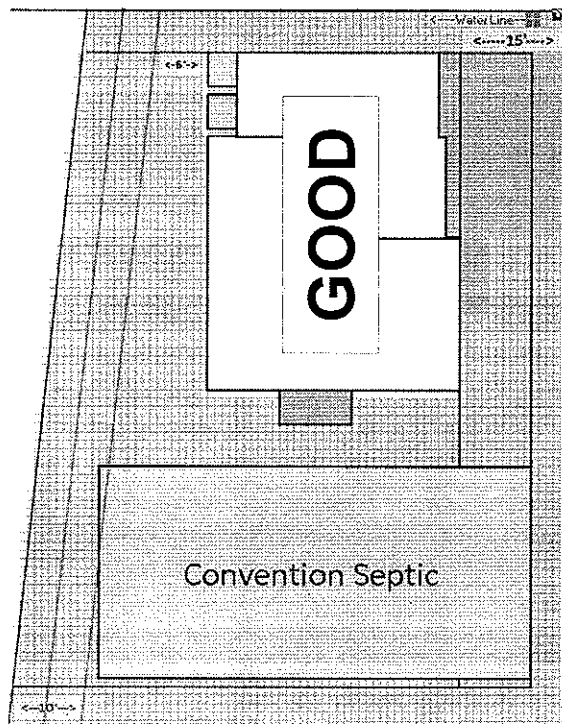
AVG size home in
Lake Austin
Village is 2015 sf

1503 East LN	4440
1600 EAST LN	2470
1501 West LN	1147
1601 WEST LN	1416
1506 West LN	1344
1502 West LN	2292
12711 River Bnd	2153
1503 WEST LN	863
AVG	2015.625

Proposed home
is only 1845sf

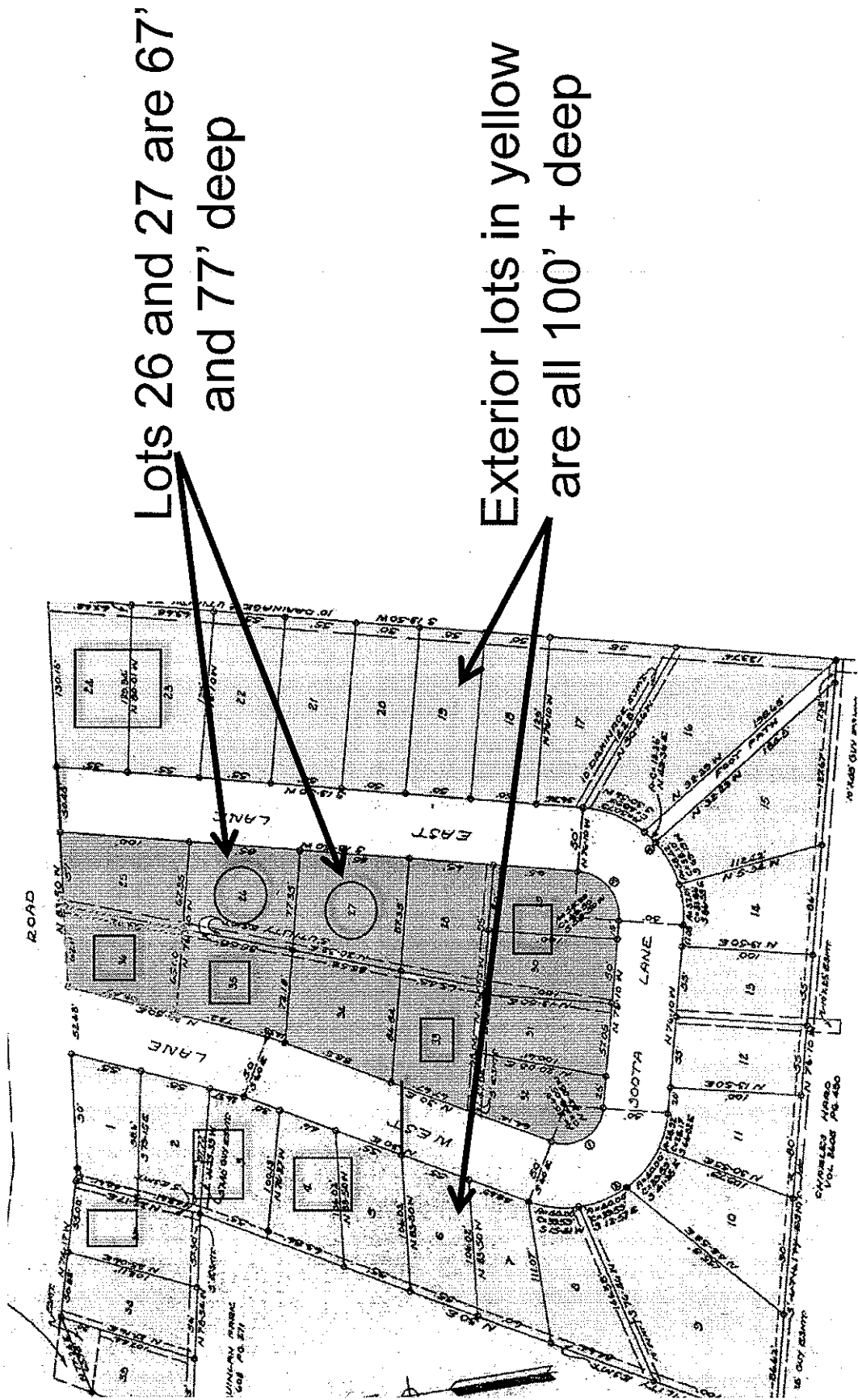
Conventional Septic system (better for the environment) requires a setback variance

The "Good" design below has already been approved by Travis County



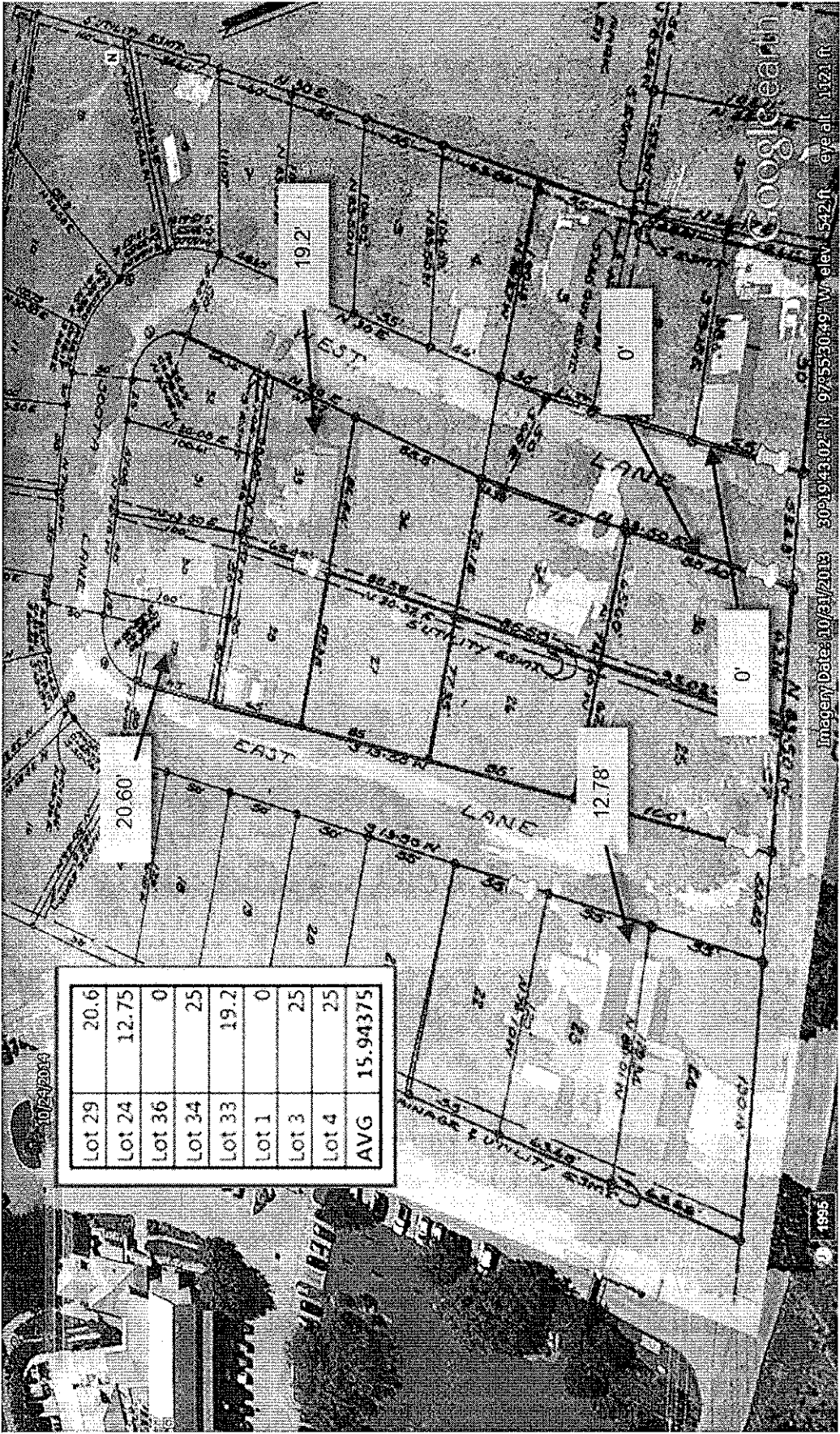
Septic must be 10 foot from waterlines
variance allows structure to shift right

Interior lots including 26 & 27 were designed shallow and variance setback

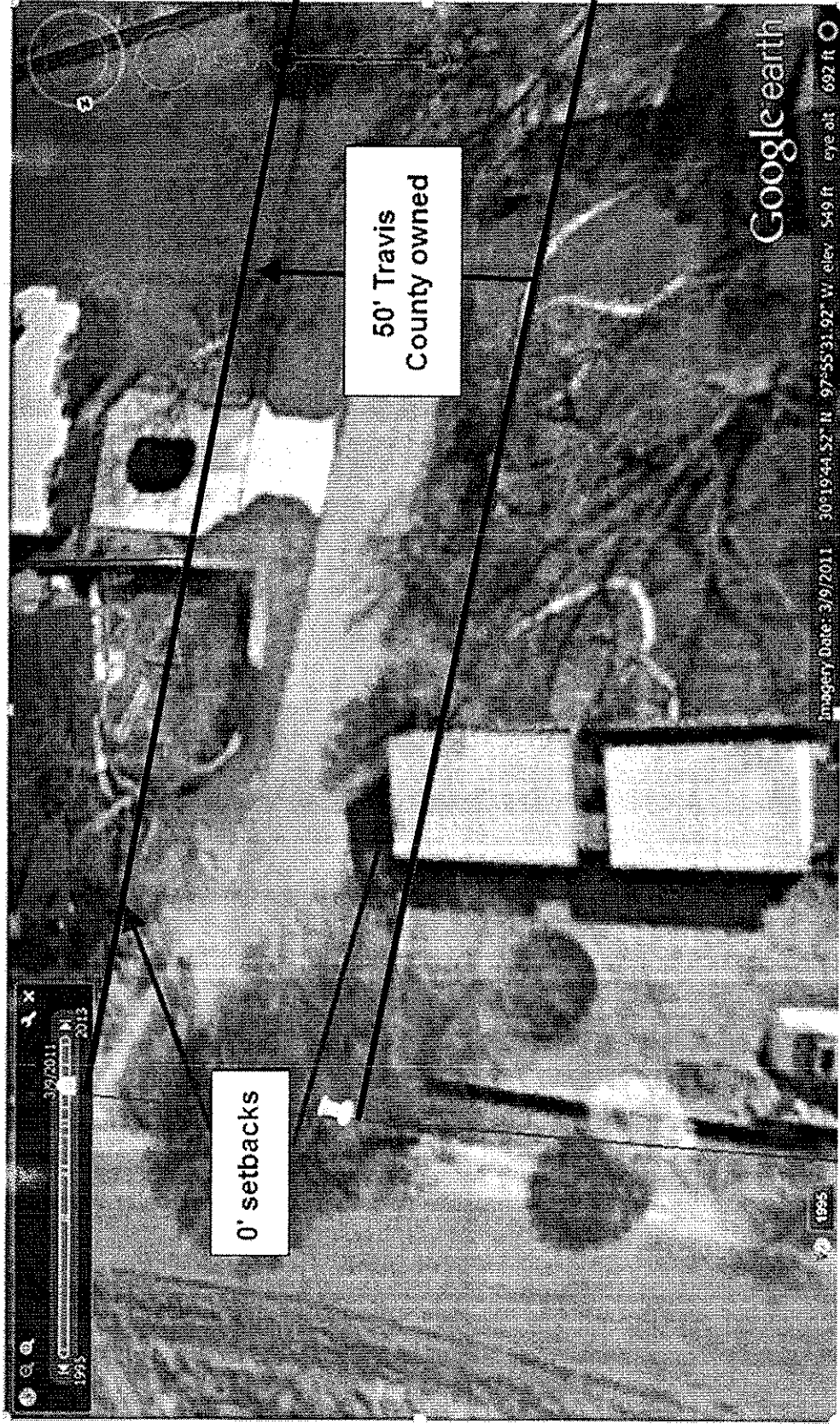


Neighborhood averaging justifies a variance

Average setback is 15.94'

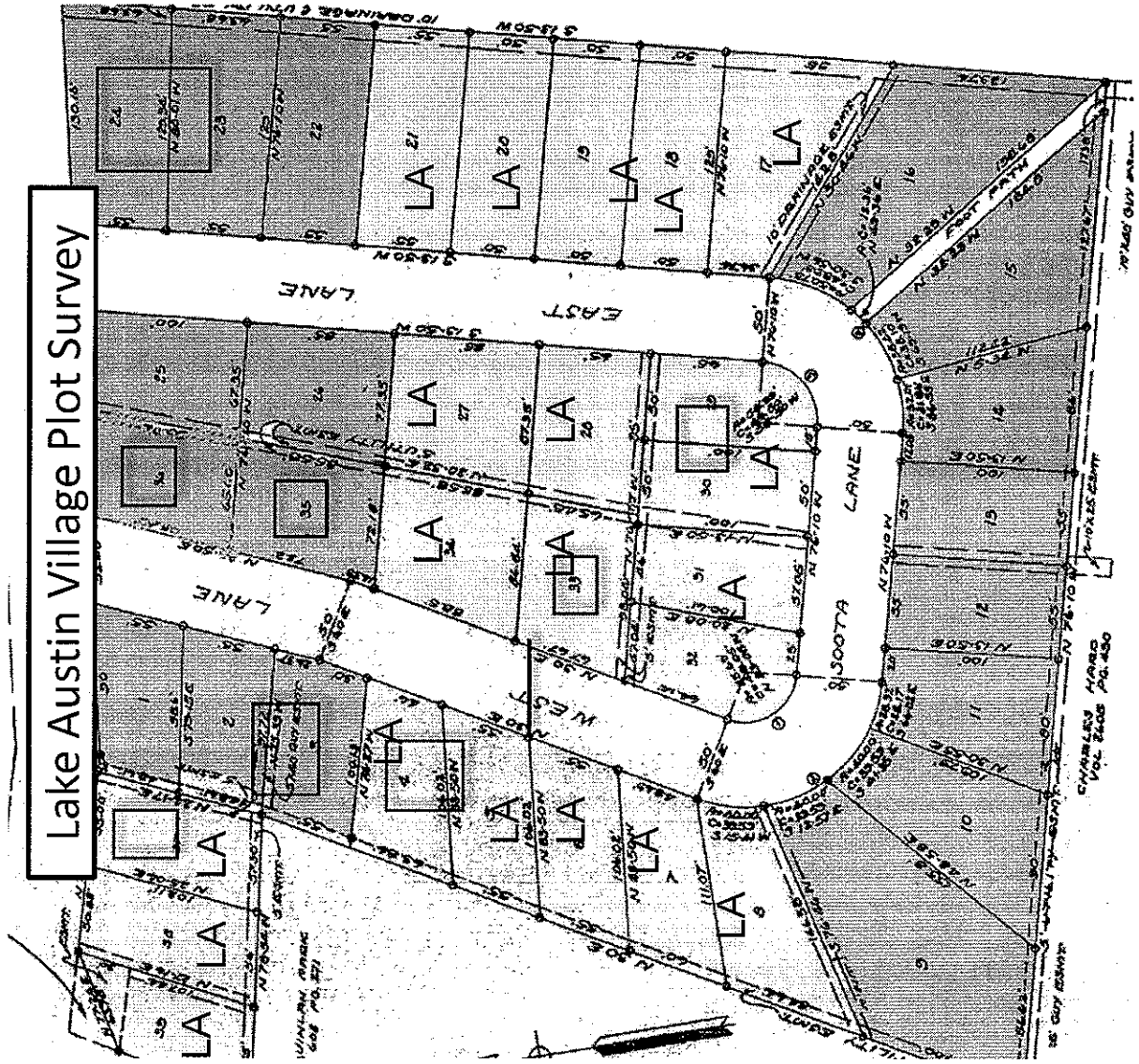


Example of 0' setback



LA Zoning is arbitrary in this neighborhood

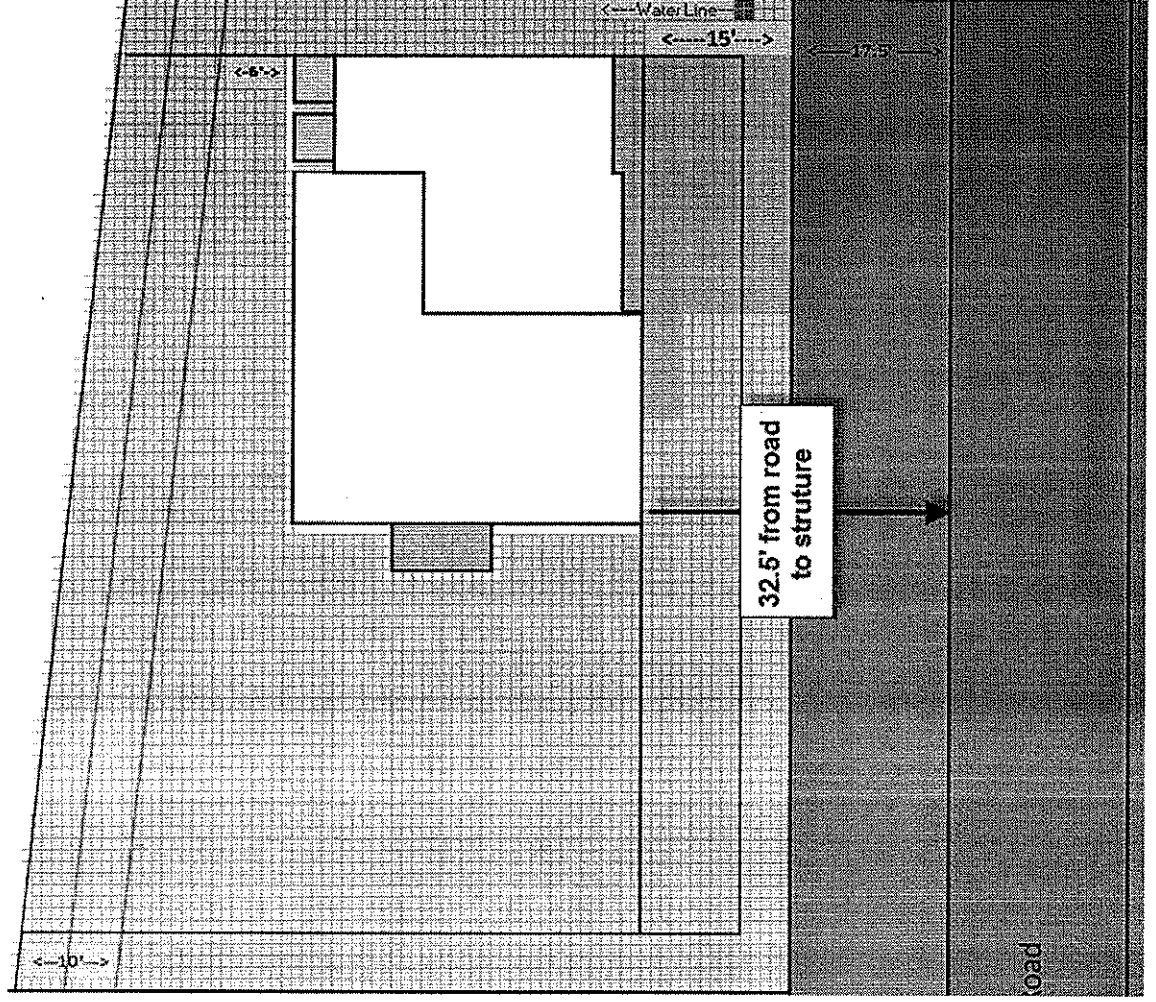
Lake Austin Village Plot Survey



- Lots in yellow are zoned LA
- Lots in green are zoned SF-2

Desired 15' distance is achieved with a 15' setback

The road is ~ 30' from the property structure w/ 15' setback



The setback according to the deed on file

7. Minimum setback lines shall be as follows: No residential structure shall be located nearer the front line than 15 ft., or nearer the side street line than 10 ft., nor nearer the side or rear lot line than 5 ft. Detached garages, carports, and storage buildings may be located within 3 ft. of side lot line and within 5 ft. of rear lot line. The exception being lot 36, on which there is an existing structure. Construction must be completed within one year after starting.

House Bill 1704 protects the 15' front, 5' side and 5' back setbacks provided in the Deed

Thank you