

CASE# _____
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: 903 Ethel St

LEGAL DESCRIPTION: Subdivision – _____

Lot(s) _____ Block _____ Outlot _____ Division _____

I/We David Cancialosi on behalf of myself/ourselves as authorized agent for

Ginny Catania affirm that on Dec 15, 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

Variance from Subchapter F section 3.3.2 (A)(3)(ii) - Maintain existing carport using exterior wall openings less than 80% open on the north and west facing walls. The north wall is 73% open and the west wall is 66% open.

in a SF3-NP 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

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The Board may recall the applicant appeared before the Board requesting a ~44% FAR variance to maintain a current parking area. It was discussed at that hearing that the applicant should return to the Board in January to request an amended variance reflecting the specific carport wall opening sizes. The two openings are less than 80% open, and the Board suggested that a variance to allow the current structure to remain as-is was more in keeping with the intent of the Ordinance versus a FAR variance requesting ~44% FAR. The Zilker neighborhood representatives stated they would support this amended variance request to maintain the existing carport openings.

The current owner requests this variance in order to continue utilizing the existing covered parking area that was approved via city of Austin permit, but in conflict with applicable subchapter F regulations requiring carport walls remain at least 80% open if the carport is to be exempt from FAR calculations.

The request is necessary to correct an issue created by a prior owner who was also the contractor. The finished project is over the allowable 40% FAR by 250 SF due to said covered parking area not having two walls open at least 80%.

In May 2013, the city approved permit application 2013-042477. This application proposed a single-family home with a covered parking area. The covered parking area is accessed via concrete ribbon strips. There is no formal parking area on these strips. The only parking area on site is within the as-built covered parking structure.

The existing carport was built per the approved city permit and the building was issued a Certificate of Occupancy. The current owner has a reasonable expectation to rely on and utilize the covered parking area because it was approved and constructed in accordance with city approvals. There is no new construction proposed.

HARDSHIP:

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

The permit for construction of the residence + carport was issued by the City. The city then issued a certificate of occupancy for the house and attached carport despite the carport not being built in accordance with Subchapter F section 3.3.2 (A)(3)(ii). However, the carport is built in keeping with the city-approved plans. The current owner has inherited this issue and should not be expected to further open the existing walls as there are unknown structural issues associated with opening the existing carport walls more than the current space. Opening the walls would require more building permits, additional engineer-stamped plan fees, and associated construction costs. Further, opening the existing walls would alter the character of the existing carport and overall façade of the residence.

Below are calculations of existing wall openings received from the City of Austin:

West (Front) Façade:

Total Area: $(8.5 \text{ ft} \times 20 \text{ ft } 6 \frac{3}{4} \text{ in}) = 174.78125 \text{ sq ft}$

Total "Open" Area: $(7.5 \text{ ft} \times 17 \text{ ft}) = 127.5 \text{ sq ft}$

% of "Open" Area: $(127.5 / 174.78125) = 72.948\%$

North (Side) Façade:

Total Area: $(8.5 \text{ ft} \times 19 \text{ ft } 3 \frac{1}{2} \text{ in}) = 163.979 \text{ sq ft}$

Total "Open" Area: $(7.5 \text{ ft} \times 14 \text{ ft } 3 \frac{1}{2} \text{ in}) = 107.187 \text{ sq ft}$

% of "Open" Area: $(107.187 / 163.979) = 65.367\%$

Without a full report performed by a structural engineer it is not known, but is realistically assumed, that opening the existing carport walls more than the aforementioned areas may promulgate structural issues with the house as a whole since the carport is tied into the house. This would create a substantial hardship and may cause the entire house to be redesigned since the house was designed and built to the maximum allowed 40% FAR by the prior owner. This is an issue inherited by the current owner, and a hardship created by a combination of city error, prior owner error, original architect error, and very specific Code requirements. The applicant respectfully requests the Board approve the current variance in order to allow the existing carport to remain as-is.

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

There are no known carports in the area with combination of issues including carport walls being open less than 80% and the city's erroneous issuance of approved permit and Certificate of Occupancy.

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:

From an aesthetic perspective many homes in the neighborhood have front facing garages, carports and parking areas. The existing carport design is in keeping with the neighborhood aesthetics and poses no issue to respective properties. Further, the existing site is fully compliant with all other bases zoning development and subchapter F regulations.

For the aforementioned reasons, the owner respectfully request the commission grant the variance to maintain the carport openings less than 80% open in order to maintain the existing residence in it's current condition as approved by the city of Austin.

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 David Cancialosi Mail
Address 105 w riverside dr #225

City, State & Zip Austin TX 78704

Printed David Cancialsoi Phone 593-5368 Date Dec 15, 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 Ginny Catania Mail Address 903 Ethel St

City, State & Zip Austin Texas 7804

Printed Ginny Catania Phone _____ Date Dec 15, 2014

Calculation Sheet

903 Ethel

Based on drawings dated 5/25/2011 sealed by Stephen W. Zagorski #12205

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Prepared by Daniel Word
Planning and Development Review
City of Austin