

CASE# 05-2015-0015
ROW# 11274827
TAX# 0232060013
(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: 1307-A Brentwood

LEGAL DESCRIPTION: Subdivision – Violet Crown

Heights Lot(s) 13 Block F

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

Mark Pulda affirm that on Dec 2, 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

Erect a Carport with a 13' front yard setback in a SF-3 NP zoning district.

47% IC due to new 120 SF attached carport addition.

in a SF3 NP district. (Brentwood)
(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 owner requests that a ~120 SF carport be erected within the 25' front yard setback. The carport currently extends ~12' from the existing primary structure's roof, which stops at the 25' front setback. The design of the house includes the primary structure's roof along the front façade that acts as a covered porch over the front door. The roof continues over a partially covered parking area of about 6' deep. The house currently has a 1 car garage that is accessed by ribbons. The 6' covered area extends from the garage toward the street.

The owner recently bought the house, but could not anticipate the degree to which he needed a secondary covered parking space to protect the car from the existing, protected Pecan tree. The tree is in fair to poor condition and has recently dropped several limbs. The tree cannot be removed. The carport would protect the vehicle(s) from further damage. The proposed setback is 13'. The carport is necessary and allows a reasonable use of the property as it's currently designed in keeping with several structures found throughout the neighborhood.

The builder built the site to 44.9% impervious cover. Adding the ~120 SF carport would increase the IC to ~47%. The owner proposes to install gutters and rain water collection barrels as needed for this minor increase in impervious coverage. If the rear wood deck can be removed and mitigates the need for an IC variance, the owner would do so but requests the board consider the request to maintain the city-approved 44.9% + 120 SF carport addition for 47% IC, or 3,262 SF. The site's FAR would not change as the attached carport would qualify for the FAR exemption allowed for attached parking areas used to meet the required parking per Subchapter F Article 3.

HARDSHIP:

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

The carport is necessary due to the existing 21" Pecan tree. The tree is prohibited from removal per City code. The owner wants to keep the tree in place, but also desires to protect his property from damage. The carport is the only way he can maintain 2 vehicles for his family via off-street parking in a secure manner.

The lot is an average sized 7000 SF lot. In general, the area is a dense mixture of similar sized lots with single family, duplex, primary + secondary residential uses, and multi-family uses. As such there is limited on-street parking available. The owner feels the vehicles are not safe on the street and are better secured under a covered parking structure. Allowing the carport would also enable elderly parents and guests to park on-site versus parking on the street to avoid damage to their vehicles. The covered parking area and increase in impervious cover are diminimus in nature. The carport is necessary to the function of the primary structure, and the impervious cover increase cannot be avoided due to the carport's

roof. The owner inherited a site that was built to the maximum allowance by prior owner. The current owner was not fully aware of the need to protect the secondary vehicle location, was not aware of the limited off-street parking issue, nor how a new carport would trigger the need for an impervious cover variance request.

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

There are no known sites in the area in which a carport is necessary to protect property from falling limbs.

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 owner proposes a simple 10.5'x12' carport in keeping with surrounding aesthetics. The use and subsequent minor change in impervious cover will not impair the use of the property nor the purpose of the zoning regulations because the structure is necessary to the function of the primary structure allowed in the base zoning performance standards. Many homes throughout the neighborhood enjoy similar structures utilized to protect property on otherwise small lots. Any run off from the roof will be captured via gutters and rain barrels.

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

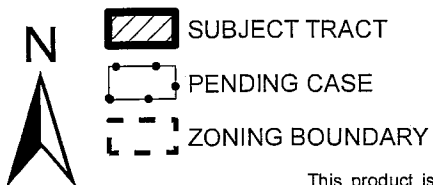
Printed David Cancialsoi Phone 593-5368 Date Dec 2, 2014

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 Mark Pulda

City, State & Zip Austin Texas 78757

Printed Mark Pulda Date Dec 2 2014



CASE#: C15-2015-0015
Address: 1307 BRENTWOOD

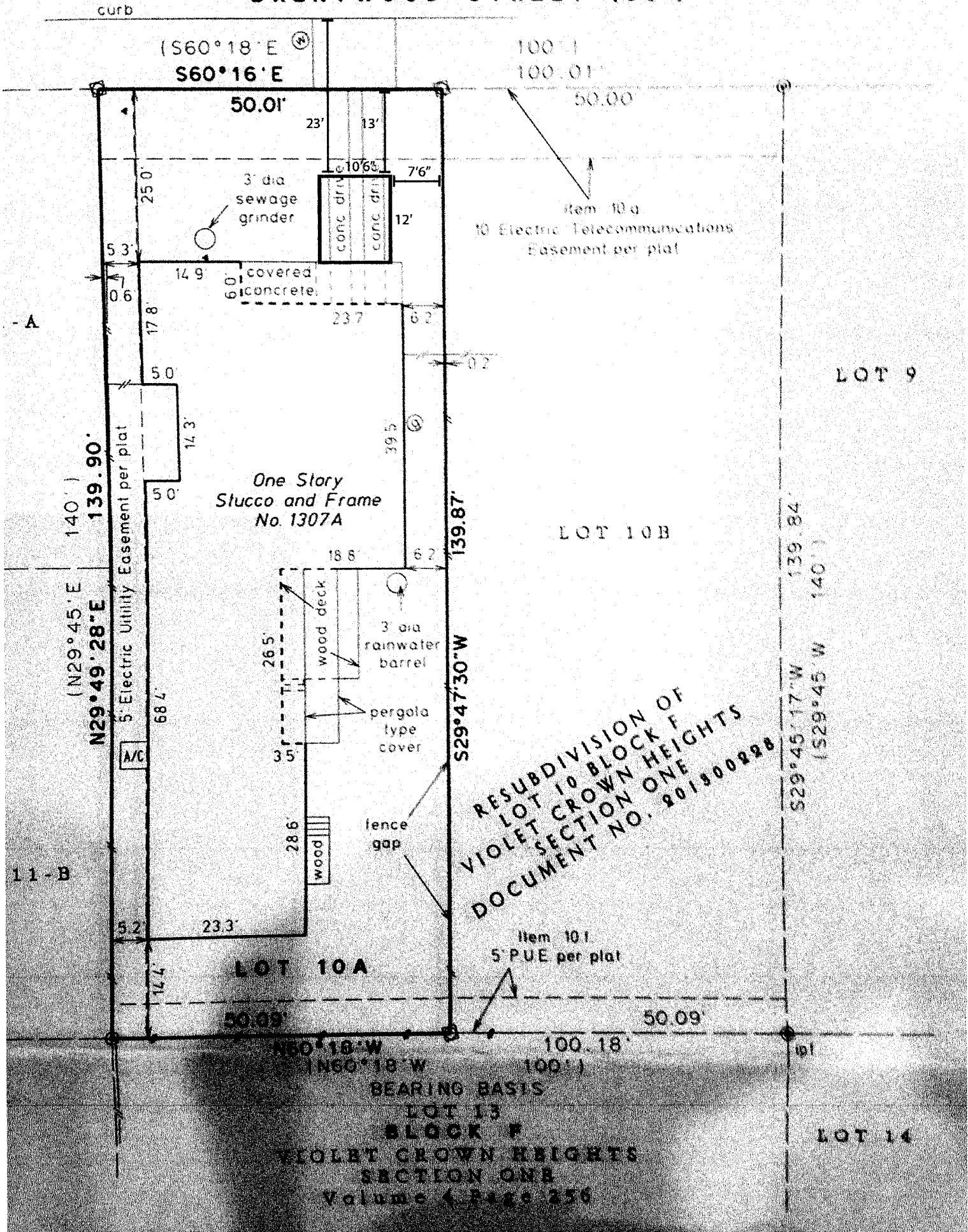


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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" = 200'

BRENTWOOD STREET (50')

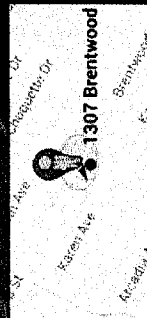


1307 Brentwood St

Austin, Texas

Street View Oct 2014

Google



Back to Map

Christel Frietsch

From: Christel Frietsch
Sent: Monday, December 8, 2014 10:23 AM
To: Christel Frietsch
Subject: FW: Carport craziness

From: Mark Pulda <markpulda@gmail.com>
Date: Thursday, December 4, 2014 at 3:49 PM
To: DC <david@perme-partners.com>
Subject: Fwd: Carport craziness

Begin forwarded message:

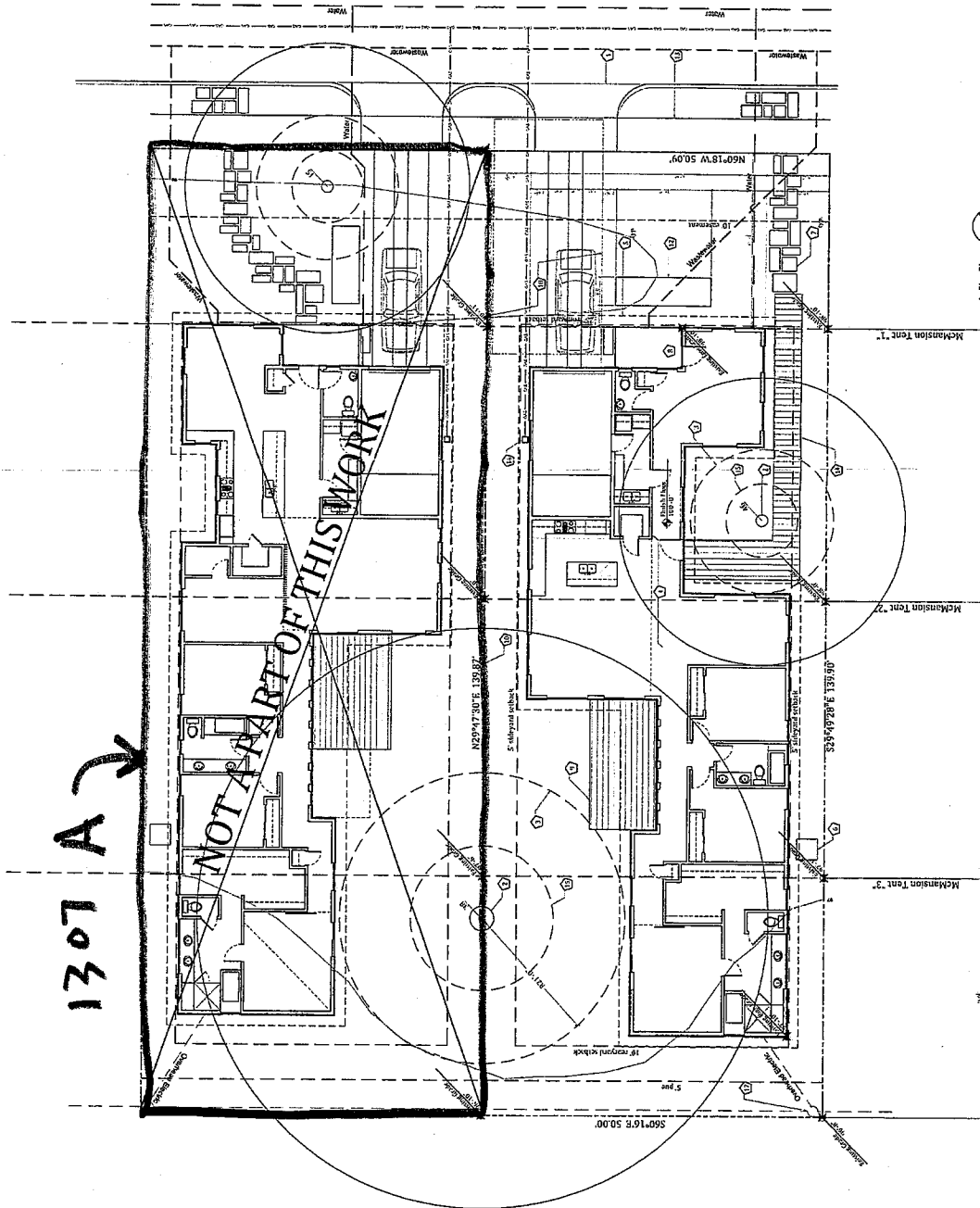
From: Alan Muskin <amuskin@aol.com>
Date: December 4, 2014 at 3:43:53 PM CST
To: markpulda@gmail.com
Subject: Re: Carport craziness

Mark- As current owner of the property at 1307 B Brentwood please know that I have no issues with the carport structure that you recently added to your home next door.

Thanks,

Alan Muskin
The Muskin Company
4601 Spicewood Springs Rd
Bldg. 4, Ste. 100
Austin, TX 78759
P (512) 371-0037 F (512) 371-1253
<https://www.facebook.com/MuskinCompany>

21" Pecan
42" Live Oak (multi-trunk)
21" Red Oak



1 Site Plan
1/8" = 1'