

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

**DATE: Monday, February 9, 2015**

**CASE NUMBER: C15-2015-0015**

☐ N ☐ Jeff Jack - Chair  
☐ Y ☐ Michael Von Ohlen  
☐ Y ☐ Melissa Whaley Hawthorne - Vice Chair **Motion to PP to March 9, 2015**  
☐ - ☐ Sallie Burchett  
☐ - ☐ Ricardo De Camps  
☐ N ☐ Brian King  
☐ Y ☐ Vincent Harding **2<sup>nd</sup> the motion**  
☐ - ☐ Will Schnier - Alternate  
☐ Y ☐ Stuart Hampton - Alternate

**APPLICANT: DAVID CANCIOLOSI**

**OWNER: Mark Pulda**

**ADDRESS: 1307 BRENTWOOD ST Bldg A**

**VARIANCE REQUESTED: The applicant has requested a variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:**

**A. increase the impervious cover from 45% (required) to 47% (requested); and to**

**B. decrease the front yard setback from 25 feet (required) to 13 feet (requested); and from**

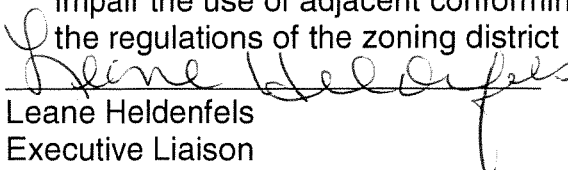
**C. Section 25-2-1604 (C) (1) to permit the parking structure to be closer to the front lot line than the building facade**

**in order to construct a carport in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Brentwood)**

**BOARD'S DECISION:** The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to March 9, 2015, Board Member Vincent Harding second on a 4-2 vote (Board members Jeff Jack and Bryan King nay); **POSTPONED TO MARCH 9, 2015.**

**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

## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/development](http://www.austintexas.gov/development).

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. Any comments received will become part of the public record of the case.

**Case Number: C15-2015-0015, 1307-A Brentwood**

**Contact:** Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

**Public Hearing: Board of Adjustment, February 9th, 2015**

Nora Duenegle  
Your Name (please print)

☐ I am in favor  
☒ I object

1212 Ruth Ave, Austin, TX 78757

Your address(es) affected by this application

Nora Duenegle  
Signature

Feb 2, '15  
Date

Daytime Telephone: 512-963-4212

Comments: I object to the proposed  
variances because I believe these  
changes will negatively impact my  
neighborhood by changing the  
integrity of the neighborhood.

Note: all comments received will become part of the public record of this case

**If you use this form to comment, it may be returned to:**

City of Austin-Planning & Development Review Department/ 1st Floor  
Leane Heldenfels  
P. O. Box 1088

Austin, TX 78767-1088

Or scan and email to [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

Or fax to Leane Heldenfels, (512) 974-6305

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. Any comments received will become part of the public record of the case.

**Case Number: C15-2015-0015, 1307-A Brentwood**

**Contact:** Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov  
**Public Hearing: Board of Adjustment, February 9th, 2015**

Your Name (please print) Joel Mergar

☒ I am in favor  
☐ I object

Your address(es) affected by this application 1409 Brentwood St Austin TX 78757

Signature [Signature] Date 2/1/2015

Daytime Telephone: 512-237-8074

Comments:

Note: all comments received will become part of the public record of this case

**If you use this form to comment, it may be returned to:**

City of Austin-Planning & Development Review Department/ 1st Floor  
Leane Heldenfels  
P. O. Box 1088  
Austin, TX 78767-1088  
Or scan and email to leane.heldenfels@austintexas.gov  
Or fax to Leane Heldenfels, (512) 974-6305

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. Any comments received will become part of the public record of the case.

**Case Number: C15-2015-0015, 1307-A Brentwood**

**Contact:** Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

**Public Hearing: Board of Adjustment, February 9th, 2015**

Your Name (please print) Joel Mergar  
☒ I am in favor  
☐ I object

Your address(es) affected by this application 1409 Brentwood St

Signature [Signature] Date 2/1/2015

Daytime Telephone:

Comments:

Note: all comments received will become part of the public record of this case

**you use this form to comment, it may be returned to:**

City of Austin-Planning & Development Review Department/ 1st Floor  
Leane Heldenfels  
P. O. Box 1088  
Austin, TX 78767-1088  
Or scan and email to leane.heldenfels@austintexas.gov  
Or fax to Leane Heldenfels, (512) 974-6305

CASE# C15-2015-0015  
ROW# 11274827  
TAX# 023206013  
(TCADP)

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)

☒ 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



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

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



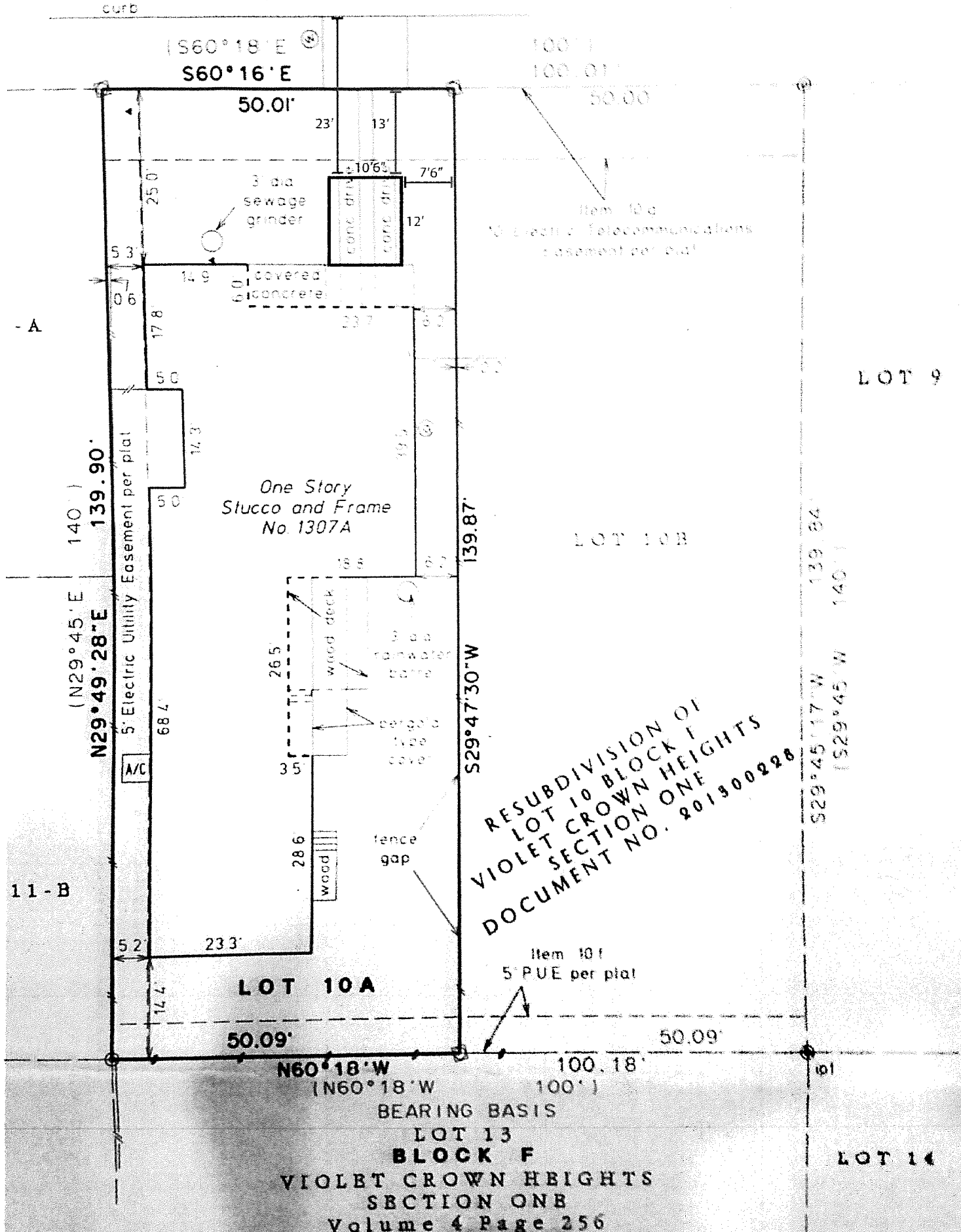
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1" = 200'

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.




BRENTWOOD STREET (50')





1307 Brentwood St  
Austin, Texas

© Street View Oct 2014



1307 Brentwood

St. Andrews  
Kenny Ave  
St. Andrews  
St. Andrews

Back to Map

Google



## 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](mailto:markpulda@gmail.com)>  
**Date:** Thursday, December 4, 2014 at 3:49 PM  
**To:** DC <[dc@permit-partners.com](mailto:dc@permit-partners.com)>  
**Subject:** Fwd: Carport craziness

Begin forwarded message:

**From:** Alan Muskin <[amuskin@muskin.com](mailto:amuskin@muskin.com)>  
**Date:** December 4, 2014 at 3:43:53 PM CST  
**To:** [markpulda@gmail.com](mailto: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>

# General Notes

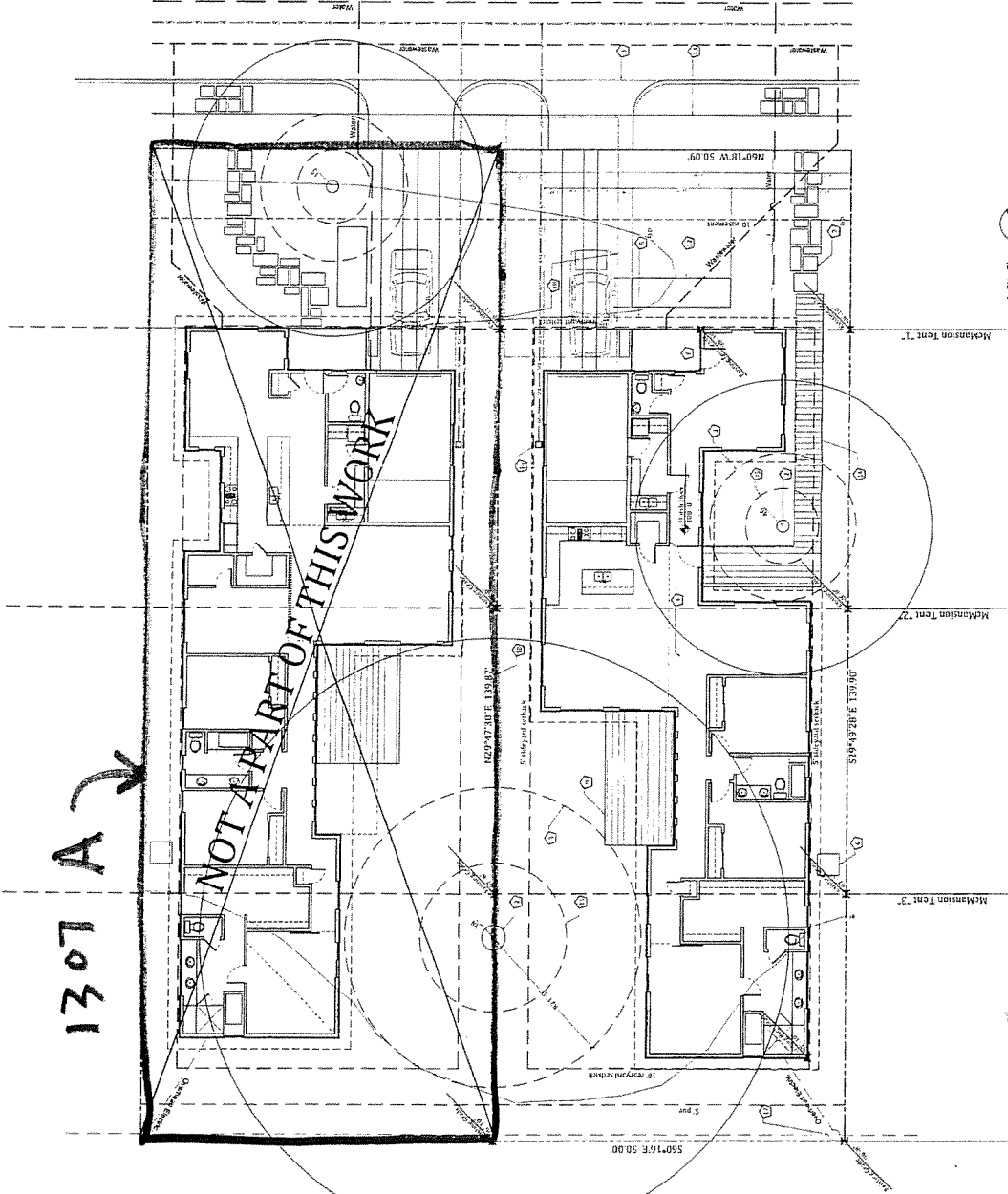
1. Contractor shall coordinate all work with the City of Seattle, Department of Public Works, and the Department of Transportation.
2. This set of General Notes is to be used in conjunction with the City of Seattle, Department of Public Works, and the Department of Transportation.
3. Contractor is responsible for obtaining all necessary permits and approvals from the City of Seattle, Department of Public Works, and the Department of Transportation.
4. All work shall be completed within the specified time frame.
5. All work shall be completed within the specified time frame.
6. All work shall be completed within the specified time frame.
7. All work shall be completed within the specified time frame.
8. All work shall be completed within the specified time frame.

## Keynotes

1. Existing and driveway
2. 1/2" C&G
3. 1/2" C&G
4. 1/2" C&G
5. 1/2" C&G
6. 1/2" C&G
7. 1/2" C&G
8. 1/2" C&G
9. 1/2" C&G
10. 1/2" C&G
11. 1/2" C&G
12. 1/2" C&G
13. 1/2" C&G
14. 1/2" C&G
15. 1/2" C&G
16. 1/2" C&G
17. 1/2" C&G
18. 1/2" C&G
19. 1/2" C&G
20. 1/2" C&G
21. 1/2" C&G
22. 1/2" C&G
23. 1/2" C&G
24. 1/2" C&G
25. 1/2" C&G
26. 1/2" C&G
27. 1/2" C&G
28. 1/2" C&G
29. 1/2" C&G
30. 1/2" C&G
31. 1/2" C&G
32. 1/2" C&G
33. 1/2" C&G
34. 1/2" C&G
35. 1/2" C&G
36. 1/2" C&G
37. 1/2" C&G
38. 1/2" C&G
39. 1/2" C&G
40. 1/2" C&G
41. 1/2" C&G
42. 1/2" C&G
43. 1/2" C&G
44. 1/2" C&G
45. 1/2" C&G
46. 1/2" C&G
47. 1/2" C&G
48. 1/2" C&G
49. 1/2" C&G
50. 1/2" C&G
51. 1/2" C&G
52. 1/2" C&G
53. 1/2" C&G
54. 1/2" C&G
55. 1/2" C&G
56. 1/2" C&G
57. 1/2" C&G
58. 1/2" C&G
59. 1/2" C&G
60. 1/2" C&G
61. 1/2" C&G
62. 1/2" C&G
63. 1/2" C&G
64. 1/2" C&G
65. 1/2" C&G
66. 1/2" C&G
67. 1/2" C&G
68. 1/2" C&G
69. 1/2" C&G
70. 1/2" C&G
71. 1/2" C&G
72. 1/2" C&G
73. 1/2" C&G
74. 1/2" C&G
75. 1/2" C&G
76. 1/2" C&G
77. 1/2" C&G
78. 1/2" C&G
79. 1/2" C&G
80. 1/2" C&G
81. 1/2" C&G
82. 1/2" C&G
83. 1/2" C&G
84. 1/2" C&G
85. 1/2" C&G
86. 1/2" C&G
87. 1/2" C&G
88. 1/2" C&G
89. 1/2" C&G
90. 1/2" C&G
91. 1/2" C&G
92. 1/2" C&G
93. 1/2" C&G
94. 1/2" C&G
95. 1/2" C&G
96. 1/2" C&G
97. 1/2" C&G
98. 1/2" C&G
99. 1/2" C&G
100. 1/2" C&G

## Tree List

1. 2" Trunk
2. 2" Trunk
3. 2" Trunk
4. 2" Trunk
5. 2" Trunk
6. 2" Trunk
7. 2" Trunk
8. 2" Trunk
9. 2" Trunk
10. 2" Trunk
11. 2" Trunk
12. 2" Trunk
13. 2" Trunk
14. 2" Trunk
15. 2" Trunk
16. 2" Trunk
17. 2" Trunk
18. 2" Trunk
19. 2" Trunk
20. 2" Trunk
21. 2" Trunk
22. 2" Trunk
23. 2" Trunk
24. 2" Trunk
25. 2" Trunk
26. 2" Trunk
27. 2" Trunk
28. 2" Trunk
29. 2" Trunk
30. 2" Trunk
31. 2" Trunk
32. 2" Trunk
33. 2" Trunk
34. 2" Trunk
35. 2" Trunk
36. 2" Trunk
37. 2" Trunk
38. 2" Trunk
39. 2" Trunk
40. 2" Trunk
41. 2" Trunk
42. 2" Trunk
43. 2" Trunk
44. 2" Trunk
45. 2" Trunk
46. 2" Trunk
47. 2" Trunk
48. 2" Trunk
49. 2" Trunk
50. 2" Trunk
51. 2" Trunk
52. 2" Trunk
53. 2" Trunk
54. 2" Trunk
55. 2" Trunk
56. 2" Trunk
57. 2" Trunk
58. 2" Trunk
59. 2" Trunk
60. 2" Trunk
61. 2" Trunk
62. 2" Trunk
63. 2" Trunk
64. 2" Trunk
65. 2" Trunk
66. 2" Trunk
67. 2" Trunk
68. 2" Trunk
69. 2" Trunk
70. 2" Trunk
71. 2" Trunk
72. 2" Trunk
73. 2" Trunk
74. 2" Trunk
75. 2" Trunk
76. 2" Trunk
77. 2" Trunk
78. 2" Trunk
79. 2" Trunk
80. 2" Trunk
81. 2" Trunk
82. 2" Trunk
83. 2" Trunk
84. 2" Trunk
85. 2" Trunk
86. 2" Trunk
87. 2" Trunk
88. 2" Trunk
89. 2" Trunk
90. 2" Trunk
91. 2" Trunk
92. 2" Trunk
93. 2" Trunk
94. 2" Trunk
95. 2" Trunk
96. 2" Trunk
97. 2" Trunk
98. 2" Trunk
99. 2" Trunk
100. 2" Trunk



1. Site Plan