


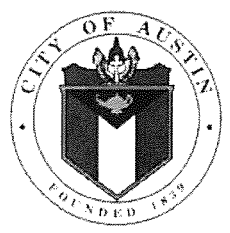


-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2015-0045
Address: 3501 TAYLORS DR



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'

CASE# C15-2015-0045
ROW# 11308950
TAX# 0121060211
TADV

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: 3501 Taylors Drive, Austin, Texas 78703

LEGAL DESCRIPTION: Subdivision – Herman Brown Addn No. 2 Sec 1

Lot(s) 6 Block 1 Outlot -- Division --

I/We Ana Magee Stanton on behalf of myself/ourselves as authorized agent for
Ana Magee Stanton, fiance' Chris Trickey and our 5 kids affirm that on Feb. 17, 2015,

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 X REMODEL X MAINTAIN

See attached statement.

in a SF-3-NP district. (West Austin Neighborhood Group)
(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:
See attached statement.

HARDSHIP:

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

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

See attached statement.

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:

See attached statement.

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 Ana Magee Stanton Mail Address 3501 Taylors Drive

City, State & Zip Austin, Texas 78703

Printed Ana Magee Stanton Phone (512) 632-0345 Date 2/17/2015

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 Ana Magee Stanton Mail Address 3501 Taylors Drive

City, State & Zip Austin, Texas 78703

Printed Ana Magee Stanton Phone (512) 632-0345 Date 2/17/2015

First Amendment to Requested Variance

3501 Taylors Drive -- Grounds for Requested Variance:

3501 Taylors Drive (currently a 4/3 fronting on Taylors with carport on Macken Street) is being renovated to accommodate a family which, upon marriage, will be 2 adults and 5 children. Exhs. A, B, C and D. Plans submitted to the City (for a 5/4 fronting on Taylors with garage on Macken Street), show a 25' setback off of Taylors Drive and a 15' setback off of Macken Street, as per the Site Development Regulations in LDC 25-2-492(D) (25' front yard and 15' street side yard). Exhs. E, F, and G.

The City's Master Comment Report states as follows regarding the Front Setback: "For a corner lot the front lot line is the shorter lot line abutting a street per LDC 25-1-21 Definitions. That would be the lot line adjacent to Macken Street. Please update your setbacks showing the front setback along Macken Street and the side yard setback along Taylors Drive. New construction will not be allowed beyond setback lines."

The City's position would require that the house be completely reoriented from its current position on Taylors, to instead face onto Macken, and to make a wholesale adjustment to the expected setback lines.

Accordingly, Applicant is requesting a variance from LDC Section 25-2-492(D), which would require a 25' setback on Macken Street, and a 15' setback on Taylors Drive. Alternatively, Applicant is requesting a variance from LDC 25-1-21(41)(b), to allow the front setback for this property to continue to be oriented towards Taylors Drive, rather than Macken Street, and to accordingly apply the setbacks designated by LDC 25-2-492(D) with a 25' front yard on Taylors Drive (the longer lot line) and a 15' street side yard on Macken Street (the shorter lot line). As explained below, this orientation will preserve the character and use of surrounding homes and will avoid adversely impacting the critical root zones of several Heritage Trees on the site.

Reasonable Use:

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

Strict enforcement of the "Front Lot Line," as found in LDC 25-1-21(41)(b), requiring a complete reorientation of the house, would not allow for a reasonable use of the property because: (1) the house currently fronts on Taylors and has its address on Taylors; (2) every adjacent property on Taylors fronts on Taylors; and (3) the location of several heritage trees prevent adjusting the footprint in any other direction to accommodate necessary renovations.

LDC 25-1-21(41)(b) defines the "Front Lot Line" to be the lot front lot line designated by a subdivision map or "the shorter lot line abutting a street." That is not the way the homes on this lot, nor the other corner lot at Taylors and Macken were constructed. Due to the width of the homes, and the relatively shallow depth of these lots, the fronts of both homes were oriented towards Taylors Drive. Exhs. A and H. The subdivision map does not designate the front lot line.

Furthermore, the definition for a “Front Lot Line,” specific to a corner lot, did not exist when the house was originally constructed.

If the definition of “Front Lot Line” is strictly enforced, then Applicant requests a variance from strict enforcement of the setbacks as required by LDC Section 25-2-492(D), for the reasons stated above. The setback on Macken Street should be 15’ from the property line, rather than 25’ feet.

Hardship:

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

The existing house was constructed in 1961, with the front setback oriented towards Taylors Drive, long before any City code, ordinance, or zoning required that the front lot line be the one on the “shorter lot line.” The site contains several live oak heritage trees, including a 45” tree whose half critical root zone (“1/2 CRZ”) prevents laying additional foundation further into the back yard and a 36” tree whose 1/2 CRZ is immediately off of the northwest corner of the house. Exh. I. As built, the house currently provides a 32’ setback from Taylors Drive and a 23.4’ setback from Macken Street. Exh. D.

The footprint of the house cannot be reoriented to reverse the existing front and side of the house because the existing home does not provide a 25 foot setback from Macken Street and due to the 1/2 CRZ’s of the several heritage trees. Exh. I. The proposed plans for which the variance is sought seek to maintain as much of the existing footprint as possible. In addition, the existing driveway is located along Macken Street. In order to continue to utilize this driveway for the proposed garage (which will be located in essentially the same position as the existing carport), a side yard setback from Macken Street is required, in order to avoid having to push the garage into the 1/2 CRZ of the adjacent 45 inch Heritage Live Oak. If this variance is not approved, it will not be possible to construct a garage for this residence.

If the definition of “Front Lot Line” is strictly enforced, then Applicant requests a variance from strict enforcement of the setbacks as required by LDC Section 25-2-492(D), for the reasons stated above. The setback on Macken Street should be 15’ from the property line, rather than 25’ feet.

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

Both lots at the intersection of Taylors Drive and Macken Street were built in 1961 with oriented towards Taylors Drive. Exhs. A and H. Adjacent properties, which are interior lots, were also built fronting Taylors. Such interior lots are therefore not subject to a reorientation of their front and side yards given the current definition of what constitutes a “Front Lot Line.”

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 character and use of adjacent homes on Taylors will not be affected because the variance requested does not contemplate a change in the existing footprint of the house or its orientation along Taylors. However, if the house were reoriented as a result of strict application of LDC 25-1-21(41)(b), even if the trees would allow it (which they do not), the house in theory could be extended another 17' toward Taylors. Such a change would significantly impact the aesthetic character of the neighborhood, and the use of adjacent properties. The character and use of the adjacent property on Macken Street will not be affected because such property faces away from the subject property and is more than 35 feet away from the proposed garage. Exhs. J and K.

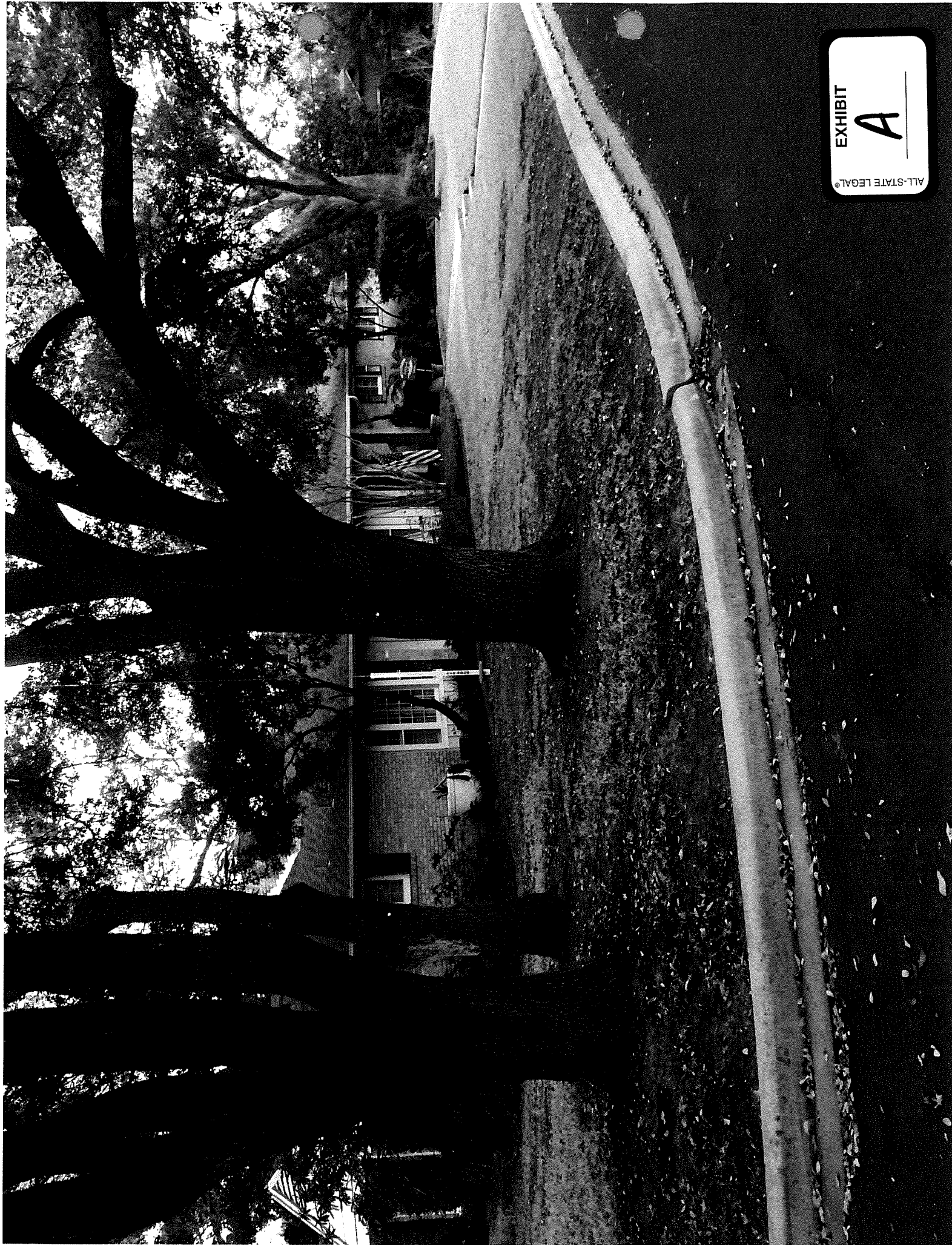
Furthermore, the variance requested for the construction plans would: (1) observe a 10' rear yard setback in relation to the Macken neighbor (rather than a 5' side yard setback under a complete reorientation of the property); and (2) remove 50 square feet of existing structural foundation from the ½ CRZ of the 45" live oak on the adjacent Macken property and 200 square feet from the full CRZ of that same tree. Exh. I. The variance requested does not challenge any general zoning in the area and does not change the City's application of the definition of "Front Lot Line" for entirely new construction on new lots. Finally, Austin Energy has also already approved the requested variance. Exh. L and M.

If the definition of "Front Lot Line" is strictly enforced, then Applicant requests a variance from strict enforcement of the setbacks as required by LDC Section 25-2-492(D), for the reasons stated above. The setback on Macken Street should be 15' from the property line, rather than 25' feet.

EXHIBIT

A

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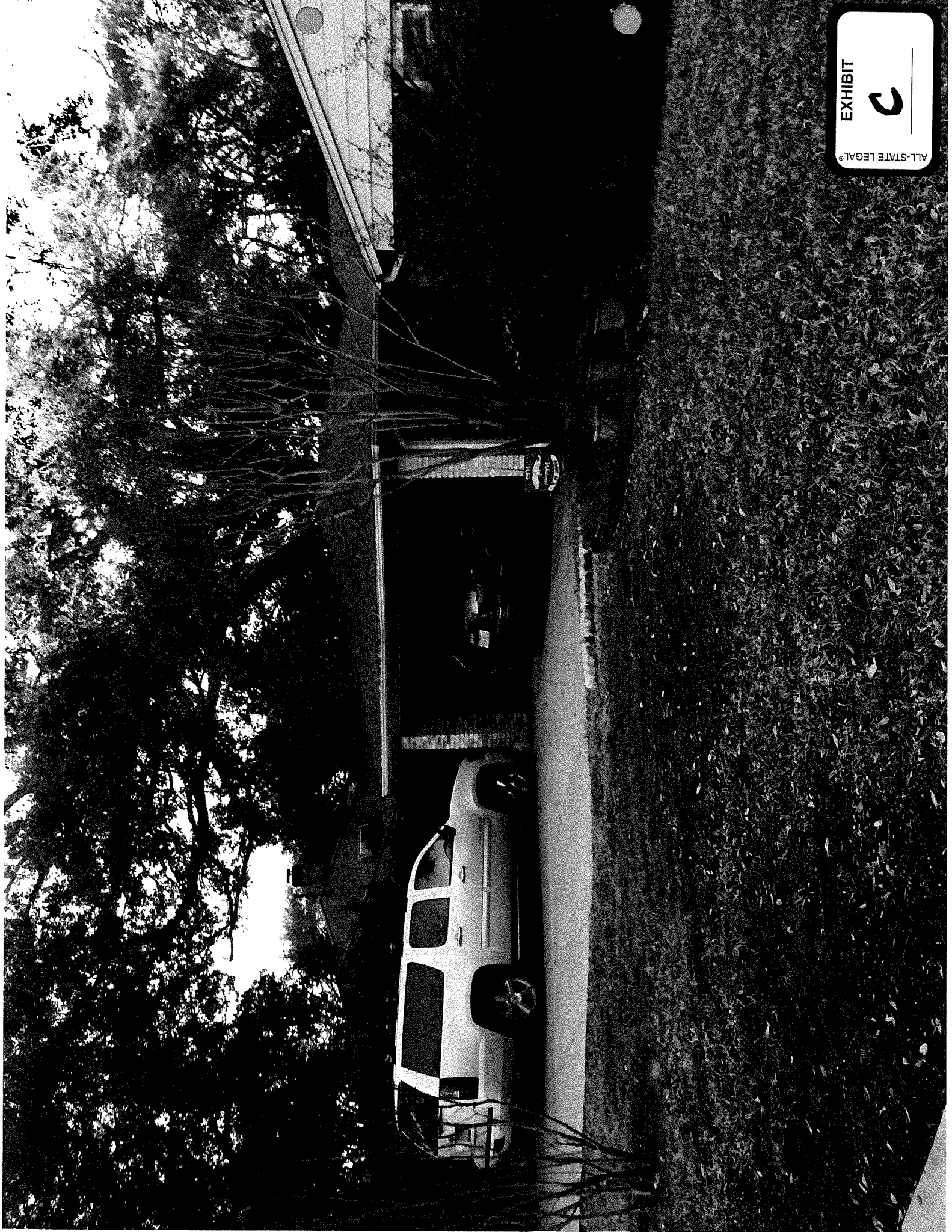


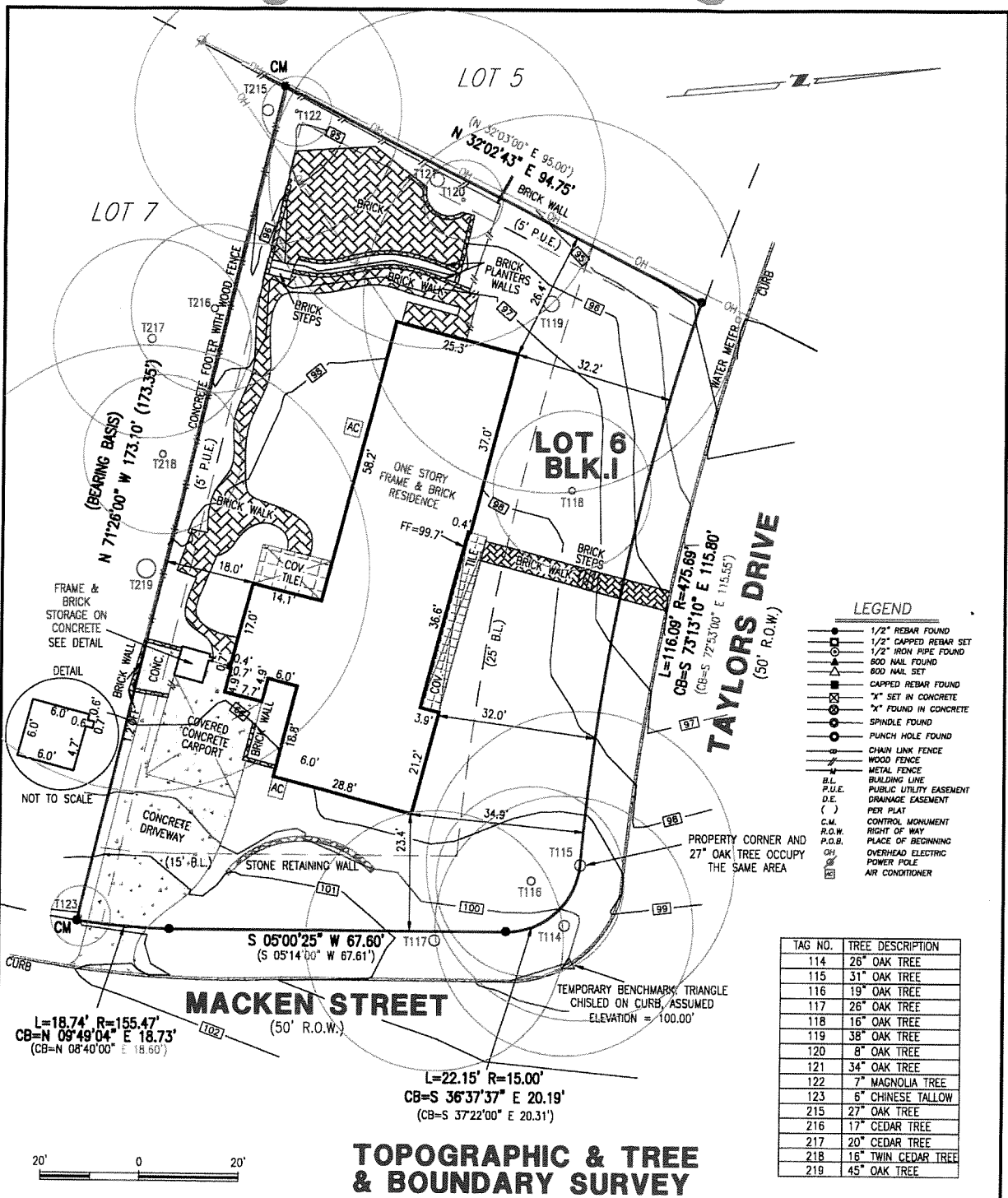
EXHIBIT

B

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IMPORTANT NOTICE
 This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to B & G SURVEYING, LLC.

STATE OF TEXAS
 REGISTERED
 VICTOR M. GARZA
 4740
 PROFESSIONAL LAND SURVEYOR

TO THE LIEHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED

FLOOD CERTIFICATION

THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 484530044SH, DATED 09/26/06. IT IS REPRESENTED AS IN ZONE "X". HOWEVER, AT THE PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAN ADMINISTRATOR.

STREET ADDRESS: 3501 TAYLORS DRIVE CITY: AUSTIN COUNTY: TRAVIS STATE OF TEXAS
 LOT: 6 BLOCK: 1 SUBDIVISION: HERMAN BROWN ADDITION NO.2, SECTION 1 VOL/CAB 8 PG/SID 176 PLAT RECORDS
 REFERENCE NAME: CHRISTOPHER TRICKEY

ALL-STATE LEGAL®

EXHIBIT

D

B & G SURVEYING, LLC

FIRM REGISTRATION NO. 100363-00

WWW.BANDGSURVEY.COM

1404 West North Loop Blvd.
 Austin, Texas 78756

Office 512*458-6969, Fax 512*458-9845

JOB #: B0721814_TA

DATE: 08/01/14

SCALE: 1"= 20'

FIELD WORK BY	DT	07/31/14
CALCD BY	VG	08/01/14
DRAWN BY	AM3/VS	08/01/14
CHECKED BY	VG	08/01/14

EXHIBIT
E

§ 25-2-492 - SITE DEVELOPMENT REGULATIONS.

(A) The table in Subsection (D) establishes the principal site development regulations for each zoning district.

(B) Except as provided in Subsection (C), if a requirement of Subsection (D) conflicts with another provision of this title, the more restrictive regulation governs.

(C) The requirements of the other provisions of this subchapter supersede the requirements of Subsection (D), to the extent of conflict.

(D) Site development regulation table.

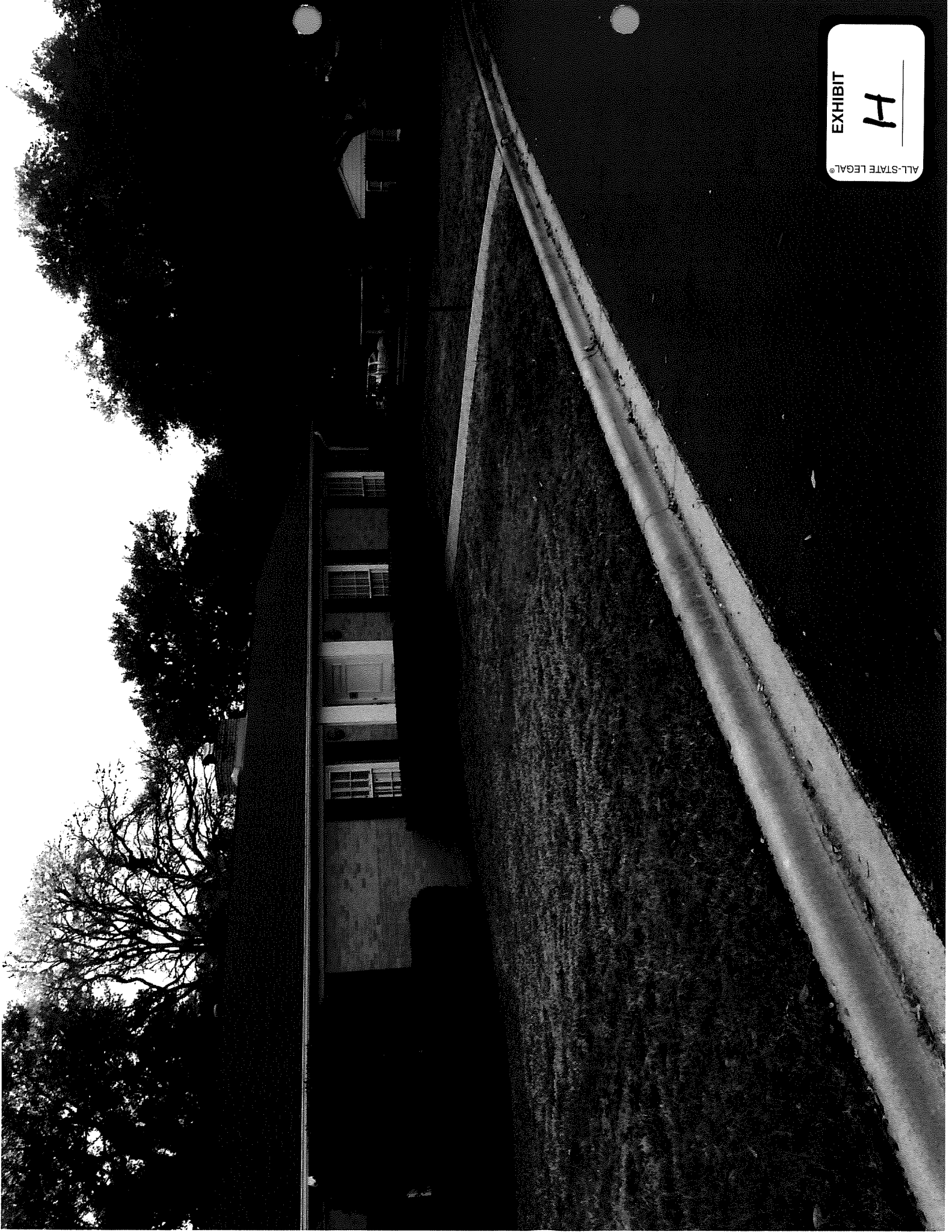
Source: Section 13-2-630; Ord. 990225-70; Ord. 991104-46; Ord. 000511-109; Ord. 030731-53; Ord. 031211-11; Ord. 041118-57; Ord. 20100819-064.

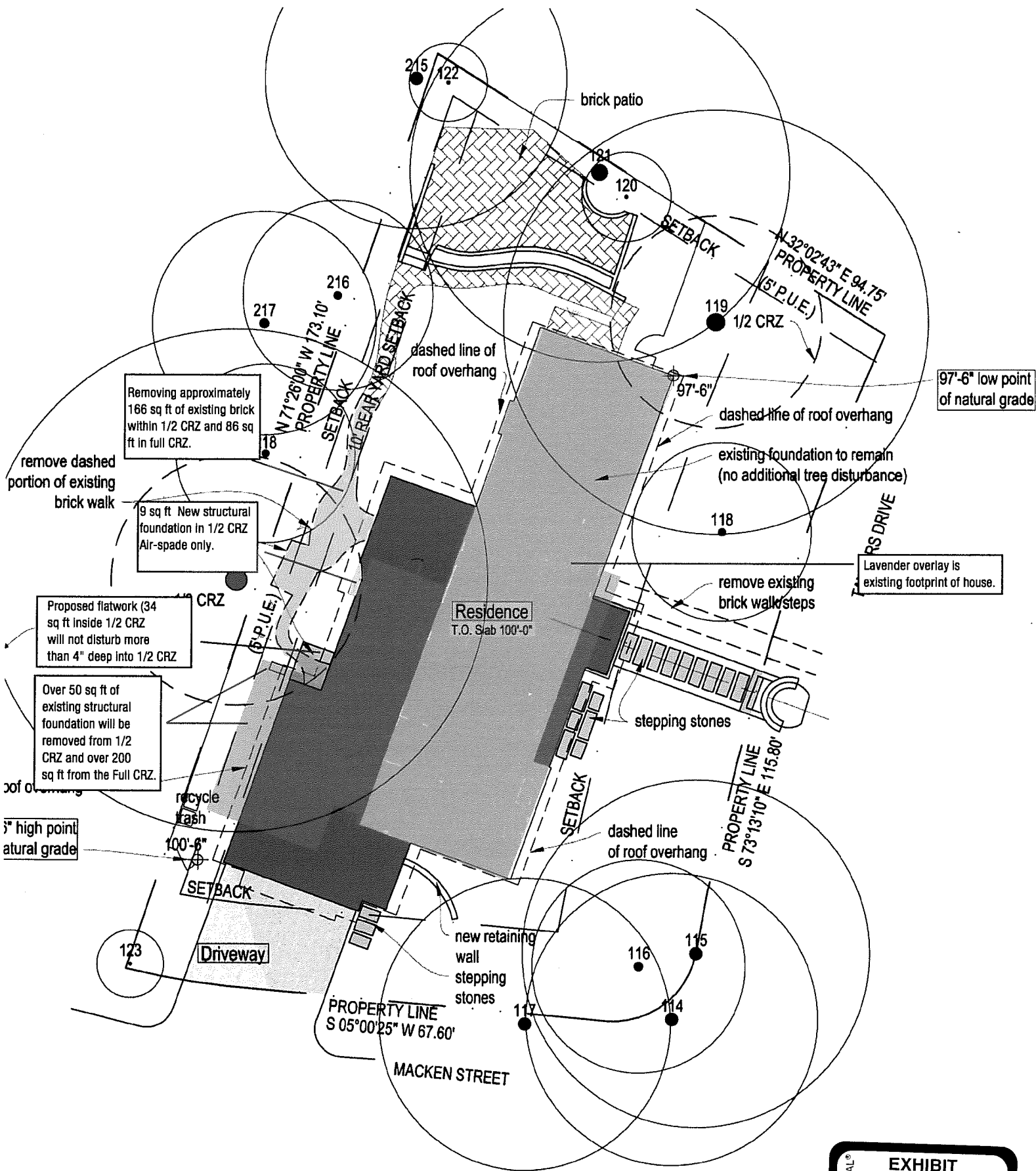
	LA	RR	SF-1***	SF-2	SF-3
MINIMUM LOT SIZE (square feet):	43,560	43,560	10,000	5,750	5,750
MINIMUM LOT WIDTH:	100	100	60	50	50
MAXIMUM DWELLING UNITS PER LOT:	1	1	1	1	**
MAXIMUM HEIGHT:	35	35	35	35	35
MINIMUM SETBACKS:					
FRONT YARD:	40	40	25	25	25
STREET SIDE YARD:	25	25	15	15	15
INTERIOR SIDE YARD:	10	10	5	5	5
REAR YARD:	20	20	10	10	10
MAXIMUM BUILDING COVERAGE:	—	20%	35%	40%	40%
MAXIMUM IMPERVIOUS COVER:	*	25%	40%	45%	45%

EXHIBIT

G

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EXHIBIT

I



Footprint of existing house

Proposed structure

Tree List

Tree ID	Tree Species	Tree Height	Tree Diameter	Tree Location
1	Live Oak	12'	12"	North of existing house
2	Live Oak	10'	10"	West of existing house
3	Live Oak	15'	14"	East of existing house
4	Live Oak	18'	16"	South of existing house
5	Live Oak	14'	13"	West of existing house
6	Live Oak	16'	15"	East of existing house
7	Live Oak	13'	11"	South of existing house
8	Live Oak	11'	9"	West of existing house
9	Live Oak	17'	17"	East of existing house
10	Live Oak	19'	18"	South of existing house

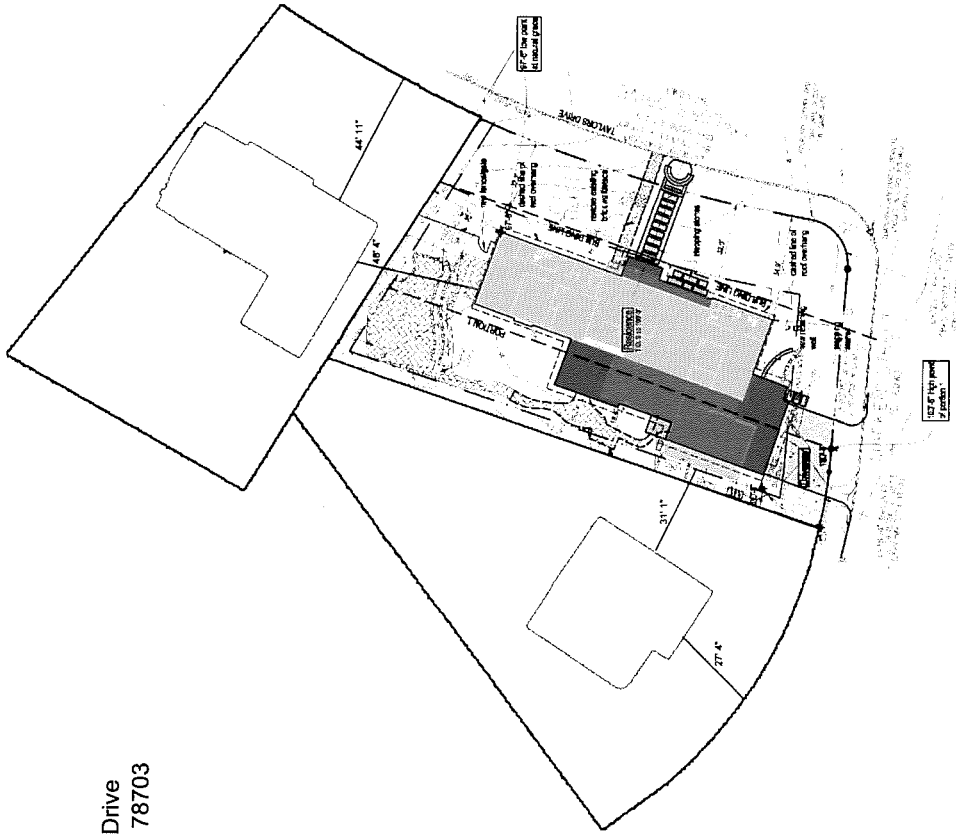
3501 Taylors Drive
Austin, Texas 78703

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EXHIBIT

J

3501 Taylors Drive
Austin, Texas 78703



Scale 1/8" = 1'-0"
North arrow



EXHIBIT

K

ALL-STATE LEGAL®

Trickey, Christopher H.

From: Kellogg, Eben <Eben.Kellogg@austinenenergy.com>
Sent: Friday, February 13, 2015 1:42 PM
To: Trickey, Christopher H.
Cc: Heldenfels, Leane; Ramirez, Diana
Subject: 3501 Taylors Variance Application
Attachments: AE - 02-13-2015 - 3501 TAYLORS DRIVE.pdf

Christopher Trickey
3501 Taylors Drive
Lot 6 – Block 1
Brown Herman Addition
No. 2 – Section 1
Vol. 8, Page 176
P.R.T.C.TX

Dear Mr. Trickey,

February 13, 2015

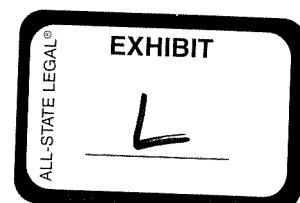
Austin Energy (AE) has reviewed your application for the above referenced property, requesting a variance from the definition of front and side yard setback building lines, as they relate to corner lots, as referred to in the LDC 25-2-24; The variance would be for the side yard on Maken Street, to become 15 ft. , in order to remodel current structure. Austin Energy does not oppose this application for variance from the 25 ft. building line on Maken Street, which is shown on the attached electronic stamped sketch, provided that any proposed and existing improvements to the above referenced property, are in compliance with Austin Energy clearance criteria requirements, the National Electric Safety Code and OSHA.

Any removal or relocation of existing electric facilities will be at owners/applicants expense. If our service drop is recommended to be relocated, when you obtain a building permit, please speak with our Distribution Construction Leader, Joan Wilhite, at 512-505-7604, as she will provide you with direction for the relocation of service drop.

Thank you for contacting Austin Energy and if you have any further questions, please feel free to contact our office.

Regards,

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

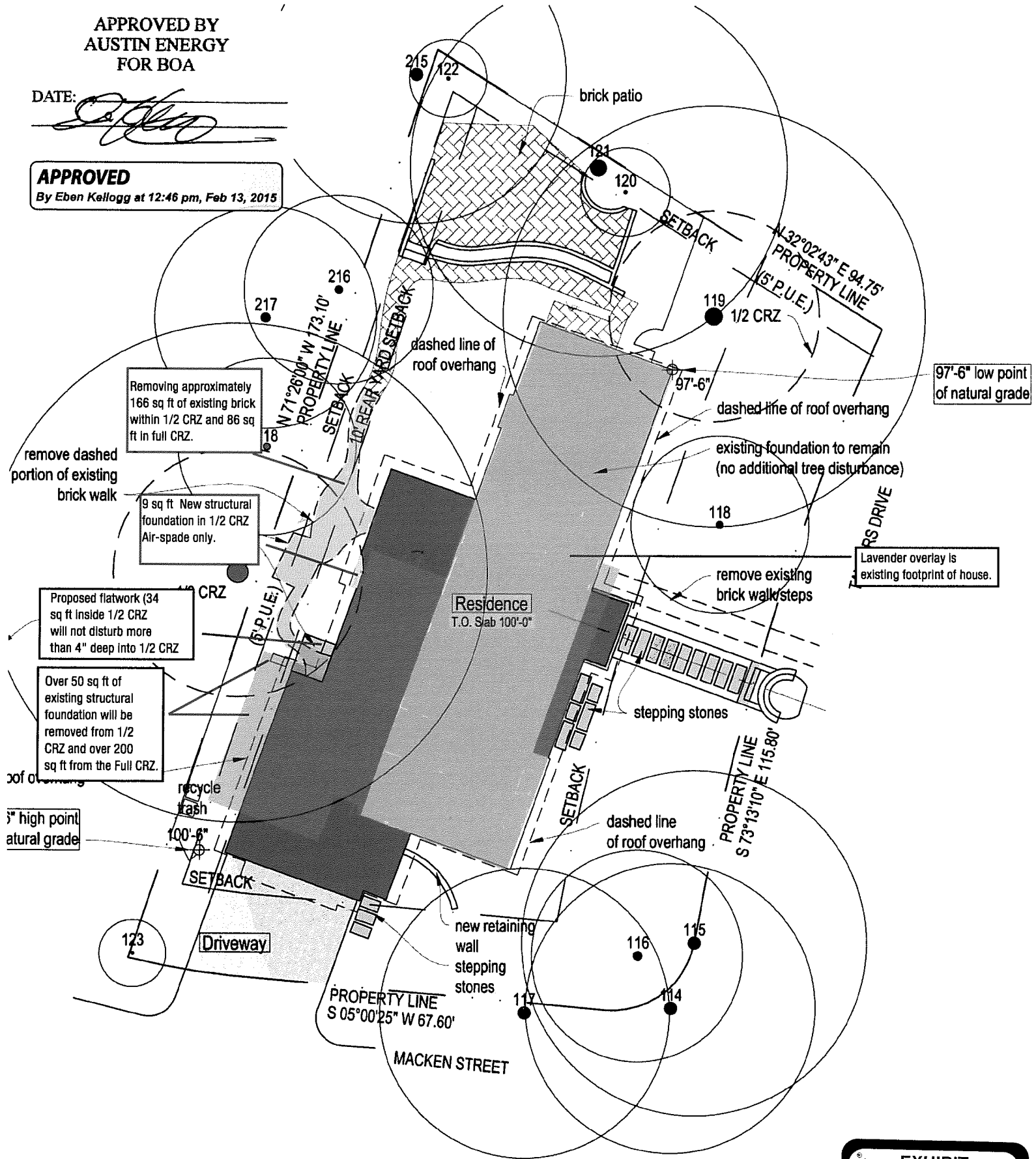


APPROVED BY
AUSTIN ENERGY
FOR BOA

DATE: 2/13/2015

APPROVED

By Eben Kellogg at 12:46 pm, Feb 13, 2015



ALL-STATE LEGAL®

EXHIBIT

M

