





PENDING CASE

ZONING BOUNDARY

CASE#: C15-2015-0116 Address: 2005 Tower Drive

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.





CASE # <u>C15-2015-0116</u> ROW# 11385990 TAX ROW# 0116030206

# 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: 2005 Tower Drive				
LEGAL DESCRIPTION: Subdivision – <u>Tarry Town No. 6</u>				
Lot(s) 53 pt of 54 Block Outlot Division				
Jim Bennett as authorized agent for Atelia Clarkson				
affirm that on 5/16/2015 hereby apply for a hearing before the Board of Adjustment for consideration to:				
ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN				
An addition to an existing two family dwelling providing a FAR of 0.634:1, providing a vertical tent encroachment of 4'6" and a horizontal tent encroachment of 5'6'; and naintaining a side yard setback of 0 ft., and providing an existing impervious cover of 6.51%				
in a SF-# NP (zoning district) ( WOST AUSTIN Neighbor				

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filling your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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

#### REASONABLE USE:

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

The duplex is existing from a previous building permit and certificate of occupancy issued in 1993, prior to the McMansion requirements.

#### HARDSHIP:

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

The code restricts that portion of lot 54 (3172 sq. ft.), that was purchased from the City of Austin, from being included in the computation of the portion of the adjacent 30 ft of lot 54. The size and shape of the remaining portion of lot 54 cannot be developed and for all practical purposes should be consider as a part of this site. The other remaining portion of lot 54 is owned by the City of Austin and is used for flood plain and drainage. Due to inability to construct on the adjoining portion of lot 54 the integrity, purpose and intent of the ordinance will not be lessened by the granting of the variance and no valid public interest would be served by denying the variance.

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

In 1993 the adjacent portion was obtained from the City of Austin and it appears to have been considered as part of lot 53 due to setbacks and other requirements of the time.

## **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 area of character will not change inasmuch as the use of the structure will remain the same and the vacant adjoining portion of lot 54 from appearances will look the same.

**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 Mail Address 11505 Ridge Dr.

City Austin , State Texas , & Zip 78748

Printed: Jim R. Bennett Phone: (512) 282-3079 Date:

**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 atelia Clarhsonail Address 2005 Tower De. Austin, TX, 78703.

# **2005 Tower Drive**

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# Lot 53 (54)

Site area = 7,744 s.f.

Impervious Cover Allowed @ 45% = 3,485 s.f.

Existing Impervious Cover = 4,376 s.f. = 56.51%

Proposed Impervious Cover - unchanged

Existing FAR = 0.494:1

Proposed FAR = 0.634:1

Existing Tent Encroachments – 11'-6" vertically and horizontally. There are others but this is the largest encroachment.

Proposed Tent Encroachment – to maintain the above. Addition will have a 5'-6" encroachment horizontally and a 4'-6" encroachment vertically.

Existing Setbacks – Portion of house protrudes over property line. This will be removed with new permitted construction after waivers are granted. Portions of existing house have a 0' setback.

Proposed Setbacks - To maintain the above and new construction will have a 0' setback.

# Lot 53 and ½ of adjacent lot

Site area = 11,289 s.f.

Impervious Cover Allowed @ 45% = 5,080 s.f.

Existing Impervious Cover = 4,376 s.f. = 45%

Proposed Impervious Cover - unchanged

Existing FAR = 0.339:1

Proposed FAR = 0.435:1

Existing Tent Encroachments – None

Proposed Tent Encroachment - None

Existing Setbacks – No setback encroachments

Proposed Setbacks - No setback encroachments

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# List of Waivers -

# Waiver 1 - Impervious Cover

To Maintain the existing IC on Lot 53 at 56.51%



#### Waiver 2 - FAR

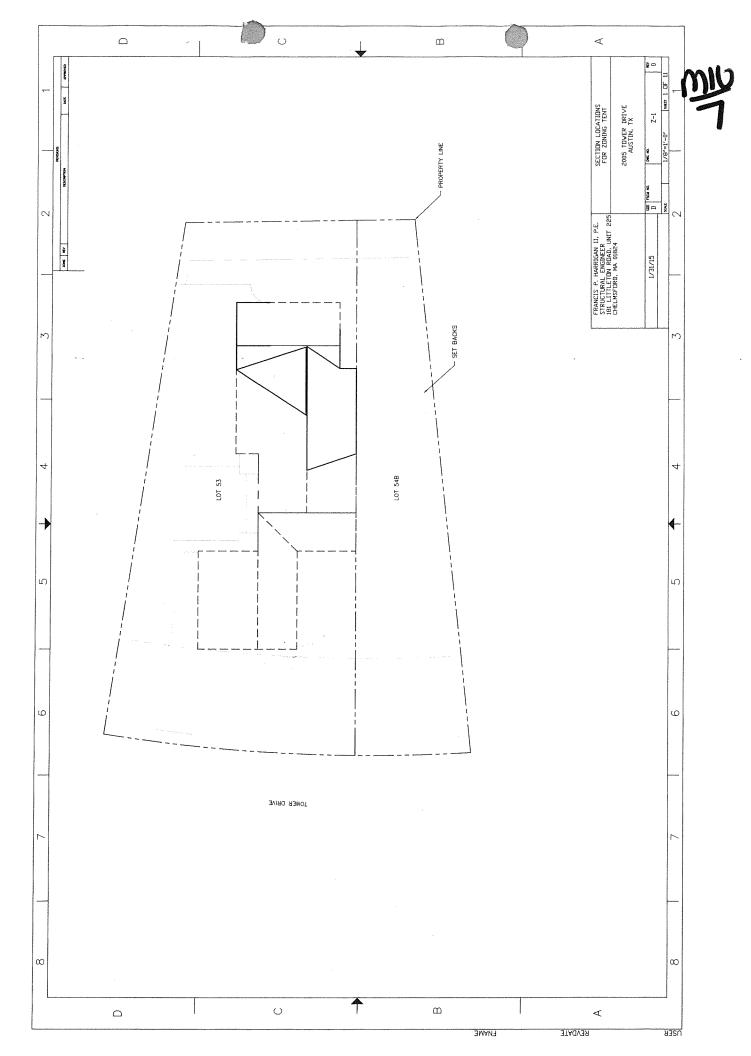
To increase the FAR on Lot 53 to 0.435:1 0.634 % I

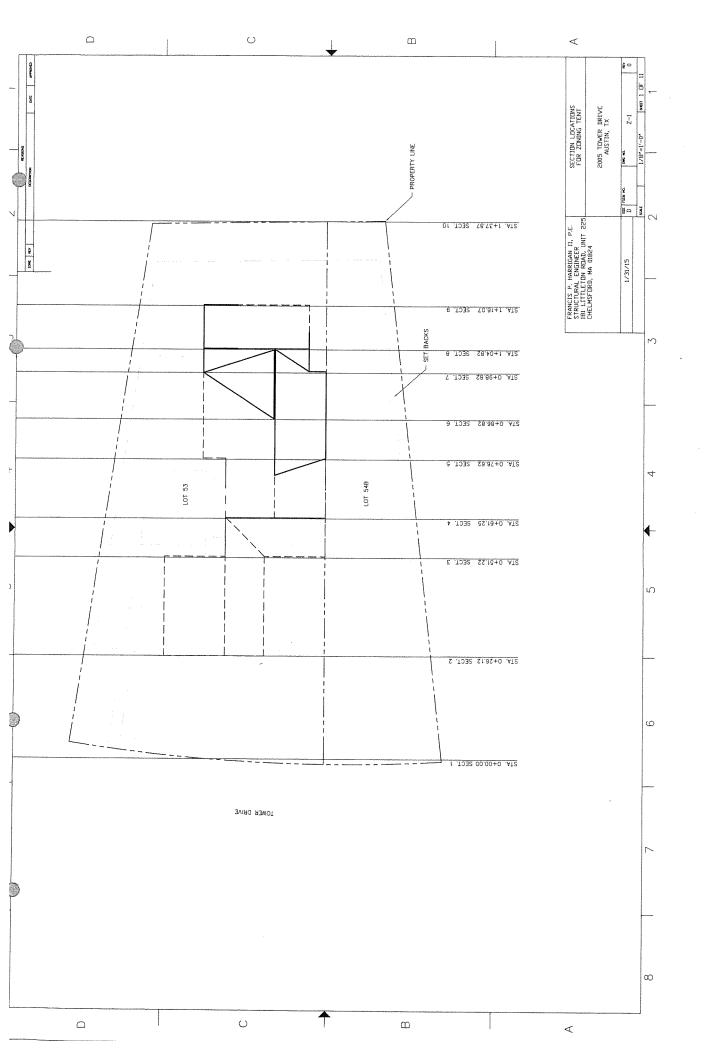
### Waiver 3 - Tent Encroachments

To maintain an encroachment up to 11'-6" vertically and horizontally and to have new construction encroachment of 5'-6" horizontally and a 4'-6" vertically.

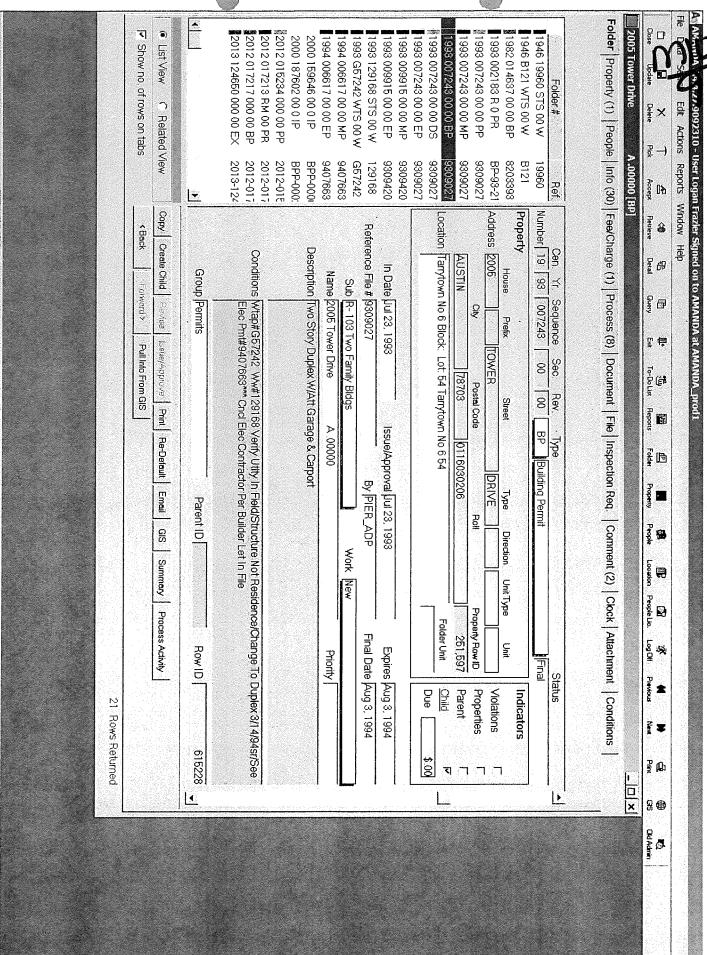
# Waiver 4 - Setbacks

To maintain the setback of 0' and to have new construction at 0' setback.









J. M. Frazier

2005 TOWER Dr.

53

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Tarrytown #6

Fr. Addn. to Res. for Duple x

63176

3-12-56

\$5,800.

0. L. Hudson

CA

Hiram S. Brown

2005 Tower Drive

Tarrytown #6

156

Hollow tile residence

28515 12-26-45

\$5,500.00

Day labor

SPECIAL WARRANTY DEED

FILM CODE

00004998241

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DATE:

OF TEXAS S STATE

COUNTY OF TRAVIS \$

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15.00 INDX 2 4 07/21/93

5.00 RECH

GRANTOR: City of Austin, a Texas municipal corporation

2 4 07/21/93

22.21-CHK\*

930827,44-DOC#

GRANTOR'S MAILING ADDRESS :

P.O. Box 1088

June 16, 1993

Austin, Texas 78767-8839

Attn.: Real Estate Services Division

GRANTEE: C.J. Clarkson and wife, Atelia Clarkson

GRANTEE'S MAILING ADDRESS:

4015 Sierra Drive Austin, Texas 78731

CONSIDERATION: TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

PROPERTY (including any improvements):

3127 square feet of land, more or less, out of Lot 54, of Tarry-Town 6, a subdivision in Travis County, Texas according to the map or plat thereof recorded in Book 4, Pages 88-89 of the Plat Records of Travis County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

reservations, restrictions, mineral interests, conditions and matters of record in Travis County, Texas, other than liens, which affect the property or the use thereof.

All visible and apparent easements, and unrecorded easements which affect the property or the use thereof.

1 of 4

REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS

11982 1268 1-1603-0206.

The restrictions set forth and the easements retained in this instrument.

Taxes for the current year, and all subsequent years, and taxes for prior years due through change in usage or ownership of the property, payment of which taxes is hereby assumed by Grantee.

consideration and subject to Grantor, for the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, successors or assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the property to Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty expressly stated herein, when the claim is by, through or under the Grantor, but not otherwise.

The property is subject to the following restriction, which constitutes a covenant running with the land, and which will be binding on Grantee, their heirs, successors and assigns:

K

NO BUILDING OR OTHER STRUCTURE OR IMPROVEMENT SHALL BE ERECTED, BUILT UPON, OR MOVED ONTO THE PROPERTY WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY OF AUSTIN.

Grantor hereby reserves a drainage and public utility easement over, under, above and across the property for the construction, installation, upgrade, maintenance and removal of drainage and public utility facilities, and for all purposes related to such use, and the right of ingress and egress across the property for the use of the drainage and public utility easement.

When the context requires, singular nouns and pronouns, include the plural.

GRANTOR:

CITY OF AUSDIN

Name: Joseph Morahan

Title: Manager, Real Estate Services Division Approved as to form:

Assistant City Attorney

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CONSENTED AND AGREED TO:	
(Klarleron	
C.J. Clarkson	_
$Q = \Omega \Omega$	
Itelia Clarkson	
Atelia Clarkson	•

#### ACKNOWLEDGMENTS

THE STATE OF TEXAS \$

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COUNTY OF TRAVIS

This instrument was acknowledged before me on the  $\frac{\text{jbt}}{\text{bt}}$  day of June, 1993, by Joseph Morahan, Manager, Real Estate Services Division, Department of Public Works and Transportation of the City of Austin, a Texas municipal corporation, on behalf of said corporation.



Notary Public in and for the State of Texas

(Seal)

Printed Name of Notary

My commission expires:\_\_\_\_

3 of 4

REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS THE STATE OF TEXAS \$
COUNTY OF TRAVIS \$



	was acknowledged before me on the me, 1993, by C.J. Clarkson.
GEORGIA DUKE Notary Public, State of Texas My Commission Expires SEPT. 19, 1996	Notary Public in and for the State of Texas
(Seal)	Printed Name of Notary
	My commission expires:
THE STATE OF TEXAS \$  COUNTY OF TRAVIS \$	
	was acknowledged before me on the me, 1993, by Atelia Clarkson.
GEORGIA DUKE Notary Public, State of Texas	Notary Public in and for
My Commission Expires (Se & EAT. 19, 1996	Printed Name of Notary
	Mr commission expires:

AFTER RECORDING, RETURN TO:

City of Austin
Department of Public Works and Transportation
P.O. Box 1088
Austin, Texas 78767-8839
Attention: Connie Real, Real Estate Services Division
File No. P-222

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# 16 Min

#### FIELD NOTES FOR 3127 SQUARE FEET OF LAND

FIELD NOTES FOR 3127 SOUARE FEET OF LAND, MORE OR BEING OUT OF AND A PART OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN; TRAVIS COUNTY TEXAS, BEING FURTHER OUT OF LOT 54 DESCRIBED AS BEING AND A PART OF "TARRY-TOWN 6", A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, OF RECORD IN PLAT BOOK 4 AT PAGES 88-89 THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 3127 SQUARE FEET OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS :

Beginning for reference, at an iron pin, found, being the Northeast corner of Lot 55 and the Southeast corner of Lot 56, said lots being out of and a part of "Tarry-Town 6", a subdivision of record in Plat Book 4 at Pages 88-89 of the Plat Records of Travis County, Texas and being located on the West curving R.O.W. line of Tower Drive;

Thence along the Northeast Lot line of the aforementioned Lot 55 and the West R.O.W. line of Tower Drive, being a curve to the right with a radius of 443.69 feet and an arc distance of 65.06 feet whose chord bears S 47°46' E for a distance of 65.00 feet to an iron pin, set, being the Southeast corner of the aforementioned Lot 55 and being the Northeast corner of Lot 54 of the aforementioned subdivision, "Tarry-Town 6";

Thence continuing along the West R.O.W. line of Tower Drive, also being along the Northeast lot line of the aforementioned Lot 54, being a curve to the right with a radius of 443.69 feet and an arc distance of 35.05 feet whose chord bears 8 41°18' E for a distance of 35.04 feet to the PLACE OF BEGINNING, being an iron pin, set and being the Northeast corner of Subject Tract;

THENCE continuing along the West R.O.W. line of Tower Drive and the Northeast lot line of the aforementioned Lot 54, being a curve to the right with a radius of 443.69 feet and an arc distance of 30.01 feet whose chord bears 5 37°06' E for a distance of 30.00 feet to an iron pin, set, being the Southeast corner of the aforementioned Lot 54, also being the Northeast corner of Lot 53 of the aforementioned subdivision, "Tarry-Town 6" and being the Southeast corner of Subject Tract;

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS



EXHIBIT A

FIELD NOTES FOR 3127 SOURCE FEET OF LAND

FIELD MOTES FOR BICT SQUARE FEET OF LAND, MORE OR LESS-BEING OUT OF AND A PART OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIM, TRAVIS COUNTY, TEXAS, REING FURTHER DESCRIPED AS REING OUT OF AND A PART OF LOT 14 OF TARRY-TONN 6. A SUBDIVISION IN THE CITY OF AUSTIM, TRAVIS COUNTY, TEXAS, OF RECORD IN PLAT BOOK 4 AT PAGES 88-59 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID BICT SQUARE FEET OF LAND, MORE OR LESS, REING MORE FARTICULARLY DESCRIPED BY METER AND BOUNDS AS FOLLOWS:

Beginning for reference, at an iron pin- found, being the Northeast corner of Lot 55 and the Southeast corner of Lot 56, said lots being out of and a part of "Tarry-Toun 57, a subdivision of record in Plat Book 4 at Pages 88-89 of the Plat Records of Travis County, Texas and being located on the West curving R.O.W. line of Tower Drive;

Thence along the Northeast Lot line of the aforementioned Lot 55 and the West 8.0.W. Time of Tower Drives being a curve to the right with a radius of 443.69 feet and an arc distance of 65.06 feet whose chera bears 5.47\*46° E for a distance of 65.00 feet to an iron min, set, being the Southeast corner of the aforementioned Lot 55 and being the Northeast corner of Lot 54 of the aforementioned subdivision, "Tarry-Town 6°;

Thence continuing along the West R.O.W. line of Tower Drive, also being along the Northeast lot line of the aforementioned Lot 34, being a curve to the right with a radius of 443.69 thet and an arc distance of 35.95 feet whose chord bears 5.41° IS° E for a distance of 35.94 feet to the PLACE OF REGINNINGs being an iron pin, set and being the Northeast corner of Subject Tracts

THENCE continuing along the West R.O.W. line or Tower Drive and the Morthwatt lot line of the aforementioned Lot 54, being a curve to the clott with a radius of 443.69 feet and an arc distance of 20.01 feet whose short been 5 37\*06° E for a distance of 30.00 feet to an iron ringet, being the Southeast conner or the aforementioned Lot 54, also being the Northeast corner of Lot 53 of the aforementioned subdivision, "Tarry-Town 6° and being the Southeast corner of Subject Tracts

REAL PRET TO BECORDS

REAL PROPERTY RECORDS TRAYIS COUNTY TEXAS

Exhibit "A"

Page 2

THENCE S 55"30" W leaving the West R.O.W. line of Tower Drive and traveling along the common lot line between the Drive and traveling along the common not line between the aforementioned Lot 54 and the aforementioned Lot 52, for a distance of 139.20 feet to an iron rine set, being the Southwest corner of the aforementationed Lot 53, also being located on the Northwest lot line of Lot 64 of the aforementioned Subdivision. "Tarry-Town 6" and being the Southwest corner of Subject Tract;

THENCE N 35°29' W along the common lot line between the aforementioned Lot 54 and the aforementioned Lot 64, for a distance of 15.00 feet to an iron ping sets being the Northwest corner of SubJect Tract:

THENCE N 45°21' E leaving the common lot line between the aforementioned Lot 54 and the aforementioned Lot 64 and traveling into and through the aforementianed Lot 54, for a distance of 138.90 feet to the PLACE OF REGIMNING. containing 3127 square feet to land, more or less.

I. L. SURDON STEARNS. JR., A REGISTERED PROFESSIONAL LAND SURVEYOR, DO CERTIFY THAT THE COURSES, DISTANCES AND AREA WERE DETERMINED BY A SURVEY ON THE GROUND AND ARE TRUE AND CORRECT. SIVEN UNDER MY HAND AND SEAL, THIS THE 17TH DAY OF MARCH, 1990 A.D.

L. GORDON STEARMS: JR.

REGISTERED PROFESSIONAL LAND SURVEYOR / NO. 4649

STEARNS AND ASSOCIATES, INC. TEDFORD STREET / AUSTIN, TEXAS / 78753 PHONE NUMBER : (512) 836-8533

JOB NUMBER : 10562

JIL 21 1999

Completion > COUNTY CLERK / TRAVISCOURTY/TEXAS

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DANA DE RELUVERO FRANS COURTY TEXAS

CORDON STEARNS 4649

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REAL PROPERTY RECORDS TRAVIS CONT. TEXAS

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THENCE S 55°32' W leaving the West R.O.W. line of Tower Drive and traveling along the common lot line between the aforementioned Lot 54 and the aforementioned Lot 53, for a distance of 139.20 feet to an iron pin, set, being the Southwest corner of the aforementioned Lot 54, also being the Northwest corner of the aforementioned Lot 53, also being located on the Northeast lot line of Lot 64 of the aforementioned subdivision, "Tarry-Town 6" and being the Southwest corner of Subject Tract;

THENCE N 35°29' W along the common lot line between the. aforementioned Lot 54 and the aforementioned Lot 64, for a distance of 15.00 feet to an iron pin, set, being the Northwest corner of Subject Tract;

THENCE N 49°21' E leaving the common lot line between the aforementioned Lot 54 and the aforementioned Lot 64 and traveling into and through the aforementioned Lot 54, for a distance of 138.90 feet to the PLACE OF BEGINNING, containing 3127 square feet fo land, more or less.

A REGISTERED PROFESSIONAL LAND I, L. GORDON STEARNS, JR. : COURSES, DISTANCES SURVEYOR, DO CERTIFY THAT THE AND ARE TRUE AND WERE DETERMINED BY A SURVEY ON THE GROUND AND CORRECT. GIVEN UNDER MY HAND AND SEAL, THIS THE 17TH DAY OF MARCH, 1992 A.D.

L. GORDON STEARNS, JR.

REGISTERED PROFESSIONAL LAND SURVEYOR / NO. 4649

STEARNS AND ASSOCIATES, INC.

STEARNS AND MODULATES, INC.

STEARNS AND MODULATES, INC.

1 newsory certify that this instrument was PLEARNS TEDFORD STREET / AUSTIN; TEXAS / 78753

PHONE NUMBER : (512) 836-0533

JOB NUMBER : 10582

JUL 21 1993

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as outly RECORDED, in the Volume and Page of the

COUNTYCLERK TRAVISCOUNTY, TEXAS

93 JUL 21 PH \$: 01

DANA DE BEAUVOIR COUNTY CLERK TRAVIS COUNTY, TEXAS



REAL PROPERTY RECORDS

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RECORDER'S MEMORANDUM - At the time of recordation this instrument was found to be inadequate for the best photographic reproduction, because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED

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DAIM DEGEAUVOIR COUNTY CLERK TRAVIS COUNTY, TEXAS

STATE OF TEXAS

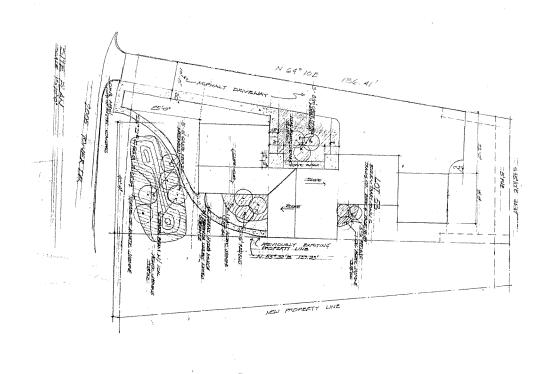
I haraby centify that this instrument was FILED on the date and at the time stamped hereon by me, and was duly RECORDED. In the Volume and Page of the remote RECORDED of Travis County, Texas, on

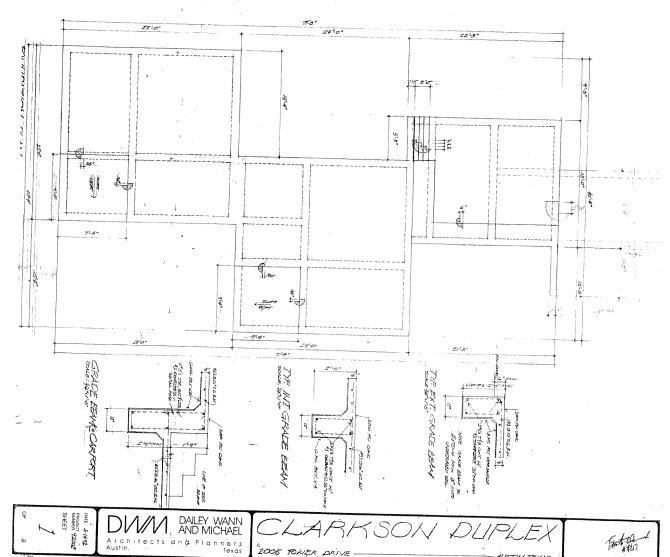
AUG 1 1994

COUNTY CLERK TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS

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