



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2015-0122
LOCATION: 809 Norwalk Ln.

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 the City of Austin.



CASE# C15-2015-0122
ROW# 11394749
TAX# 011070710

m2
1/2

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

TEAD✓

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 809 NORWALK LN, AUSTIN TX 78703

LEGAL DESCRIPTION: Subdivision - MARLTON PLACE, SECTION ONE

Lot(s) 61 Block _____ Outlot _____ Division _____

I/We TODD O'NEILL on behalf of myself/ourselves as authorized agent for

TODD O'NEILL affirm that on 6-18, 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)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☒ MAINTAIN

SEE ATTACHED

in a SF-3-NP ^(WANG) 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.

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):

m2
3

REASONABLE USE:

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

SEE ATTACHED

HARDSHIP:

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

SEE ATTACHED

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

SEE ATTACHED

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

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:

SEE ATTACHED

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:

SEE ATTACHED

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

SEE ATTACHED

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

SEE ATTACHED

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 Todd McNeill Mail Address 809 NORWALK LN
City, State & Zip AUSTIN TX 78703
Printed TODD ONEILL Phone 512-923-5170 Date 6-18-15

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 Todd McNeill Mail Address 809 NORWALK LN
City, State & Zip AUSTIN TX 78703
Printed TODD ONEILL Phone 512-923-5170 Date 6-18-15

M2
5/5

809 Norwalk findings

VARIANCE REQUEST

To maintain:

Encroachment into street sideyard setback

variance from Section 25-2-492 (D) (Site Development Regulations)
to decrease the street side yard setback from 15'-0" (required) to 4'-6" feet (existing)

No off street parking spaces provided

variance from Off Street Parking Requirements
to decrease the off street parking spaces from 2 (required) to 0 (existing)

REGARDING VARIANCE FOR STREET SIDEYARD ENCROACHMENT

REASONABLE USE

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

It is reasonable to contemplate a master bed + bath addition to this house so that this growing family can remain in the neighborhood.

If these variances are not granted, the owner will not be able to proceed with the master bed + bath additions and will therefore be denied the reasonable use of his property.

HARDSHIP

The hardship for which the variance is requested is unique to the property in that:

809 Norwalk is a corner lot with numerous live oak trees and an Austin Energy power pole and down guy that make it difficult to locate a parking area on site

The encroaching improvements have been in place for an unknown number of years, possibly they were constructed before current setback requirements were adopted

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

The existing non-compliant conditions are unique to the property at 809 Norwalk

AREA CHARACTER

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 conditions requiring the variances have been in place for a number of years and have created no known adverse impact for the neighbors or neighborhood

We will not be increasing the degree of non-compliance

The desired master bed + bath addition will result in a house of approximately 2,250 sf / .334 Gross Floor Area, which is compatible with this older neighborhood

The street presence of the house will remain the same after the addition is completed, the addition is to the rear and will be behind a fence

809 Norwalk findings

m2
6

REGARDING VARIANCE FOR PARKING REDUCTION

Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

It is our conclusion that the current parking configuration has been in place for over 30 years, we are simply requesting that existing conditions are allowed to remain.

We are not increasing the degree of non-compliance

Because the lot is a corner lot, there is plenty of frontage to accommodate the required parking for 2 cars

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

Both West 9th Street and Norwalk Lane have 50' Right of Way.

The current parking configuration has been in place for over 30 years with no known adverse impacts to the free flow of traffic, nothing is changing

The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this ordinance because:

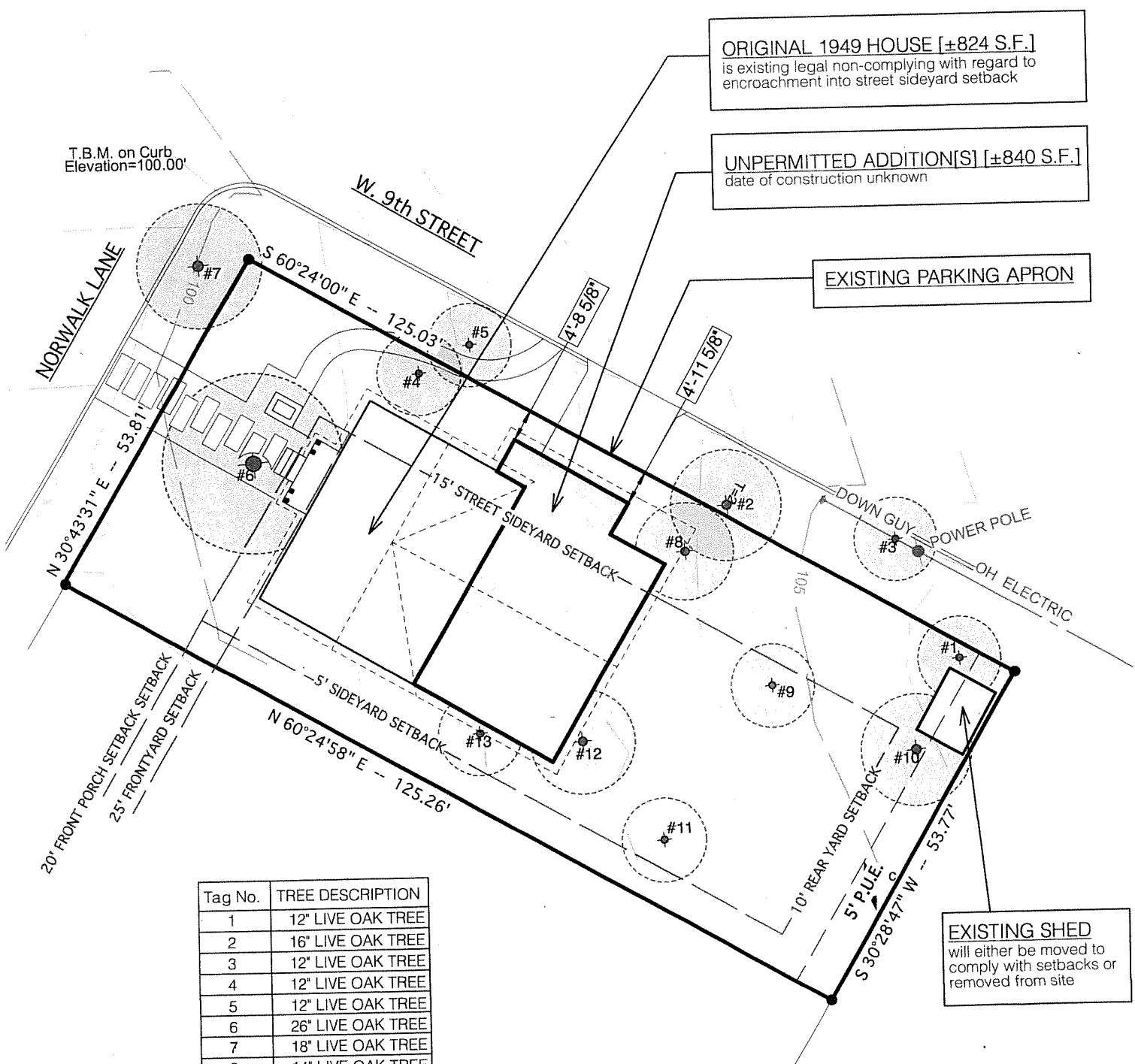
The current parking configuration has been in place for over 30 years with no known safety issues.

We are not increasing the degree of non-compliance.

The variance will run with the use or uses to which it pertains and shall not run with the site because:

The SF-3 zoning is unlikely to change, and the current owners intend to maintain the single-family use.

32
1/2



ORIGINAL 1949 HOUSE [±824 S.F.]
is existing legal non-complying with regard to
encroachment into street sideyard setback

UNPERMITTED ADDITION[S] [±840 S.F.]
date of construction unknown

EXISTING PARKING APRON

EXISTING SHED
will either be moved to
comply with setbacks or
removed from site

Tag No.	TREE DESCRIPTION
1	12" LIVE OAK TREE
2	16" LIVE OAK TREE
3	12" LIVE OAK TREE
4	12" LIVE OAK TREE
5	12" LIVE OAK TREE
6	26" LIVE OAK TREE
7	18" LIVE OAK TREE
8	14" LIVE OAK TREE
9	12" LIVE OAK TREE
10	16" LIVE OAK TREE
11	12" LIVE OAK TREE
12	15" LIVE OAK TREE
13	12" LIVE OAK TREE

3/2



proposed site plan

scale: 1" = 20'

address: 809 Norwalk Lane

zoning: SF-3-NP [WANG]

legal description: Lot 61, MARLTON PLACE, SECTION ONE

Vol. 4, Page 10 - plat records of Travis County, Texas

tax ID: 110467

lot size: 6730 s.f. per survey dated 08.31.2007 provided by owner

note: tree and topo information taken from survey dated 08.31.2007

site calculations

building coverage	2324 (34.53%)
1949 1-story house:	825
unpermitted additions:	842
existing covered front porch:	42
existing shed:	75
<u>proposed new addition:</u>	<u>540</u>
impervious cover	2452 (36.43%)
building coverage:	2324
existing driveway:	70
coping at water pond:	11
uncovered wood deck / playscape:	46
gross floor area	2217 (32.94%)
1949 1-story house:	825
unpermitted additions:	842
new addition:	550

m2
9

809 Norwalk timeline

This is the available permitting history for the property

The sequence of additions to the original house remains a mystery

TCAD records offer no insight into when additions were made to the house

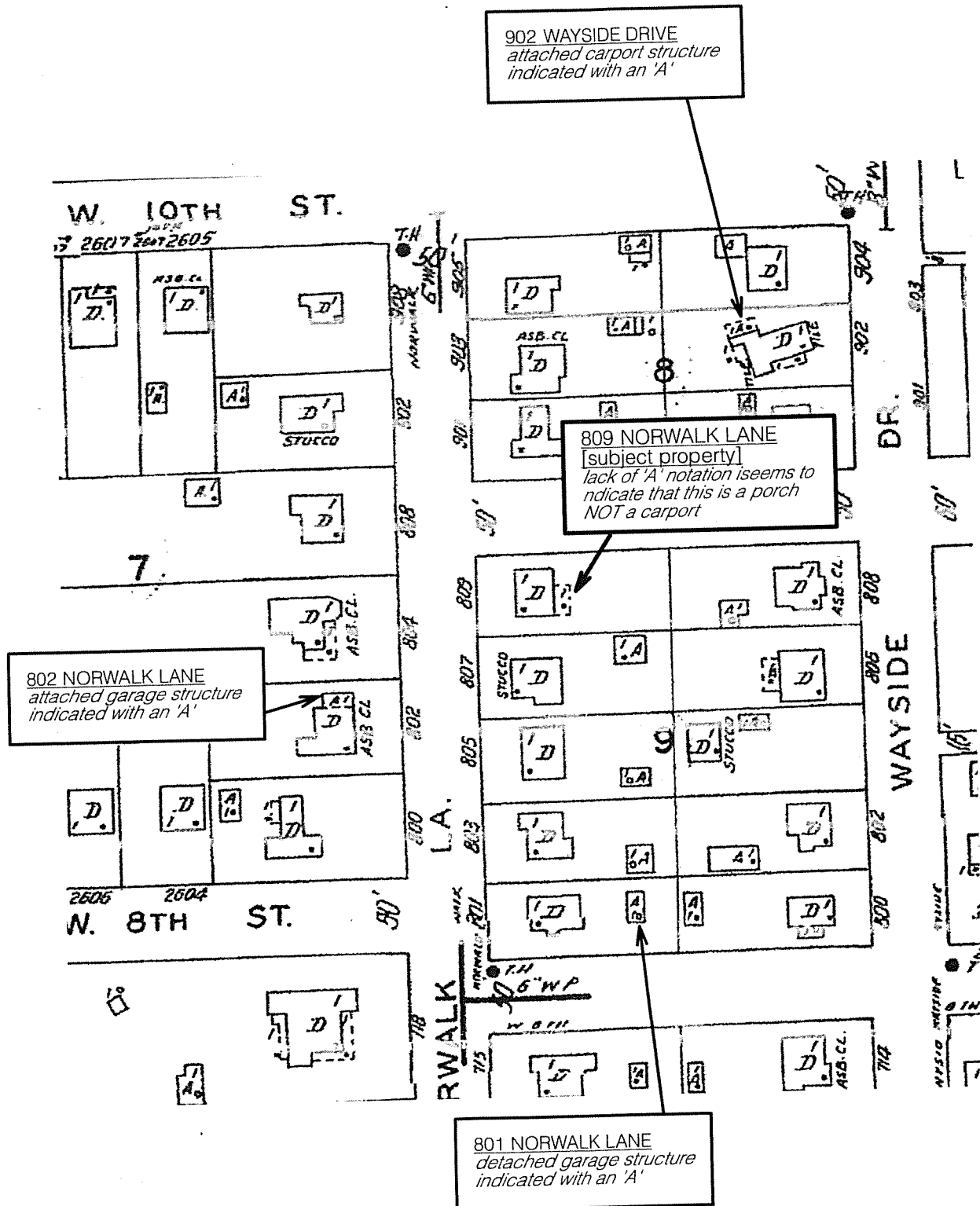
- | | |
|------------|--|
| 10-03-1949 | Permit issued for 'frame residence & carport'
See Attachment #1
Sanborn Map appears to show a house with a back porch, NOT a carport
After investigation, we think that NO compliant off-street parking was ever provided for this site |
| 07-21-1971 | Permit issued for 'frame accessory building - 140 s.f. storage occupancy'
Accessory building no longer exists on site |
| 03-12-1974 | Permit issued for 'frame addition to residence, covered patio'
Patio longer exists on site |
| ??-??-???? | Aerial Image from 1984 appears to show encroaching addition [or part of encroaching addition]
AND non-compliant parking in place
See Attachment #2 |
| 11-16-2007 | Current owners take ownership of house with street sideyard encroachment and non-compliant parking configuration
See Attachment #3
Marketing picture of house showing street sideyard encroachment and current non-compliant parking configuration |

CONCLUSIONS

We think that NO compliant off-street parking was ever provided for this site

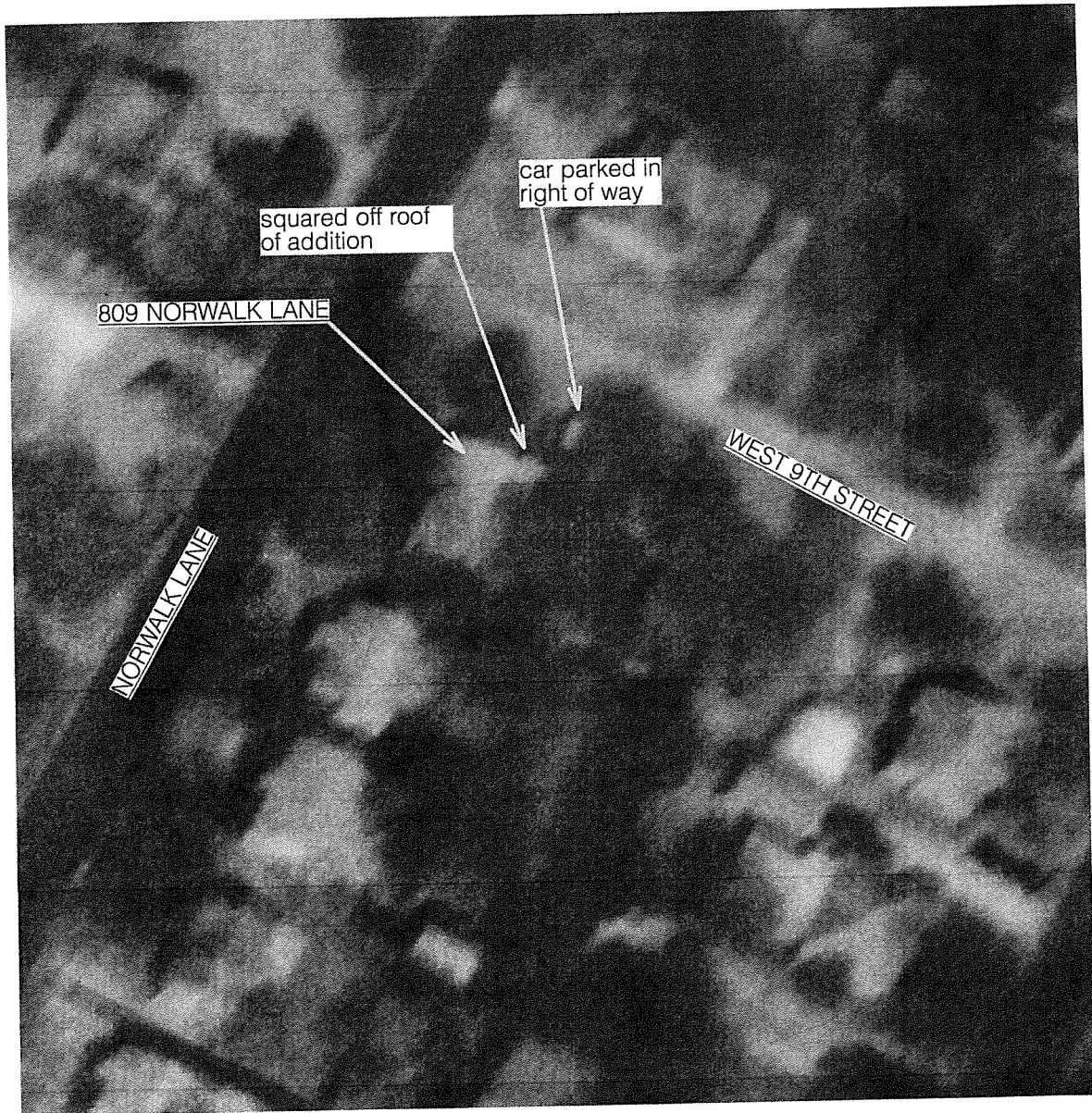
We cannot determine when unpermitted additions were made to the property, but it seems likely that they may have been in place for 30+ years

M2
10



ATTACHMENT #1 - SANBORN MAP OF VICINITY
attached and detached parking structures are indicated with an 'A' notation [for accessory ?]
no 'A' notation is attached to the improvements at 809 Norwalk Lane
what is shown seems to be a house with a rear porch, not a carport

m2
=



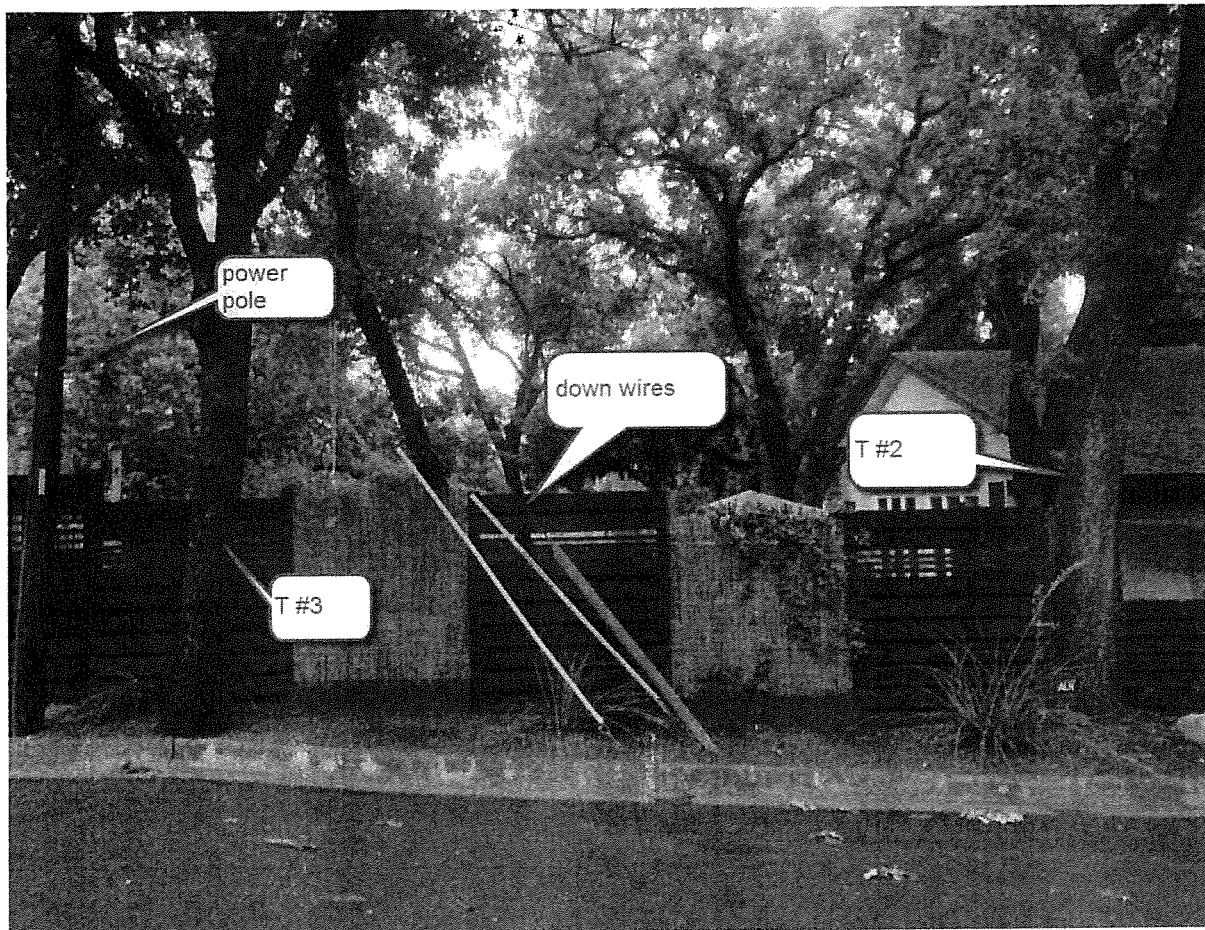
ATTACHMENT #2 - AERIAL PHOTO FROM 1984

It seems that at least part of the sideyard encroachment is in place
Also non-compliant parking / concrete apron seems to be in place? A car is parked on the
concrete apron

M2
12



ATTACHMENT #3 - FRONT ELEVATION FROM REALTOR'S LISTING - 2007
showing encroachment in street side yard and non-compliant parking apron



11/2/13

ATTACHMENT #4 – SIDE ELEVATION SHOWING THE UTILITY POLE, DOWN WIRES, AND TREES

Showing the hardship for providing off street parking.

