



/// SUBJECT TRACT

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-</u>0116 POW# 11385990 TAX ROLL # 9116030206 ISTIN TCAD

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 Driv	e	er franke fan de fan de kommen waar de krywering wer in de fan de fa	
LEGAL DESCRIPTION: Subdivision – <u>Tarry Town No. 6</u>			
Lot(s) 53 pt of 54 Block	The state of the s	Outlot	Division
I Jim Bennett as authorized agent for Atelia Clarkson			
affirm that on <u>5/16/2015</u> hereb Adjustment for consideration to:	y apply for	a hearing bef	ore the Board of
ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN			
An addition to an existing two family dy			

it encroachment of 4.6 and a horizontal tent encroachment of 5.6; and maintaining a side yard setback of 0 ft., and providing an existing impervious cover of 56.51%

(zoning district) (WOGF AUGIN Neighborhood) Caroup

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 filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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

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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:

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 Lennett 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 Clarksonnil Address 2005 Tower De

Avistin, TX. 78703.

2005 Tower Drive

C'larkson.

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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 1/2 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

List of Waivers -

Waiver 1 - Impervious Cover

To Maintain the existing IC on Lot 53 at 56.51%

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Waiver 2 - FAR

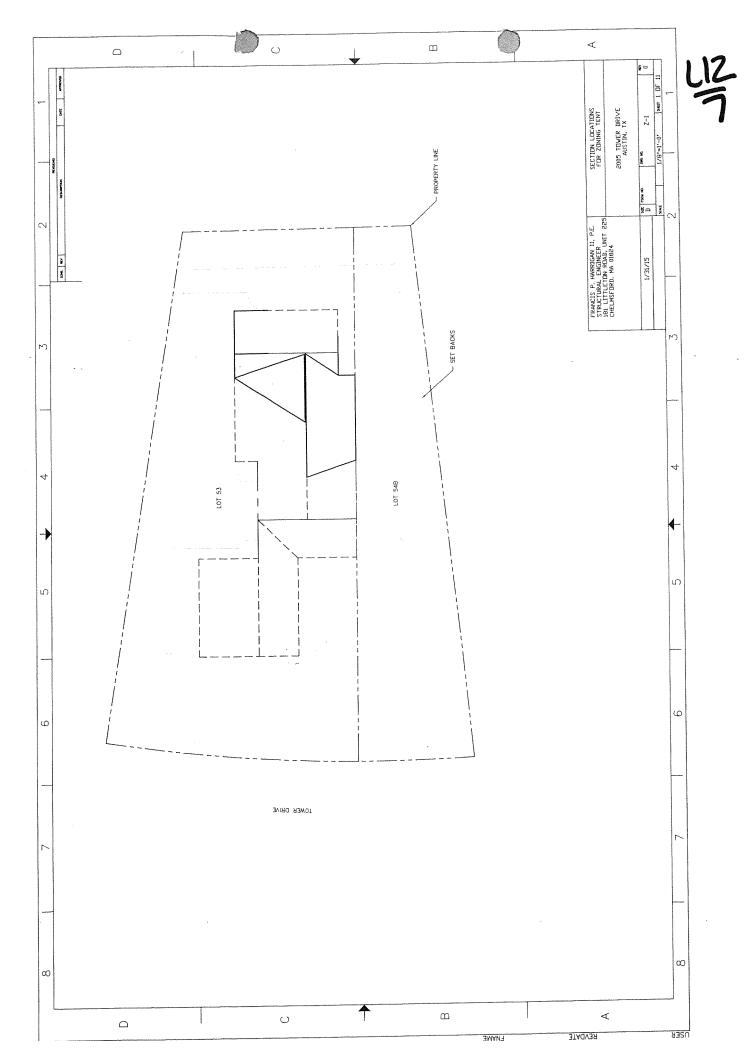
To increase the FAR on Lot 53 to 0.435:1 \bigcirc \bigcirc \bigcirc \bigcirc 34 \bigcirc 1

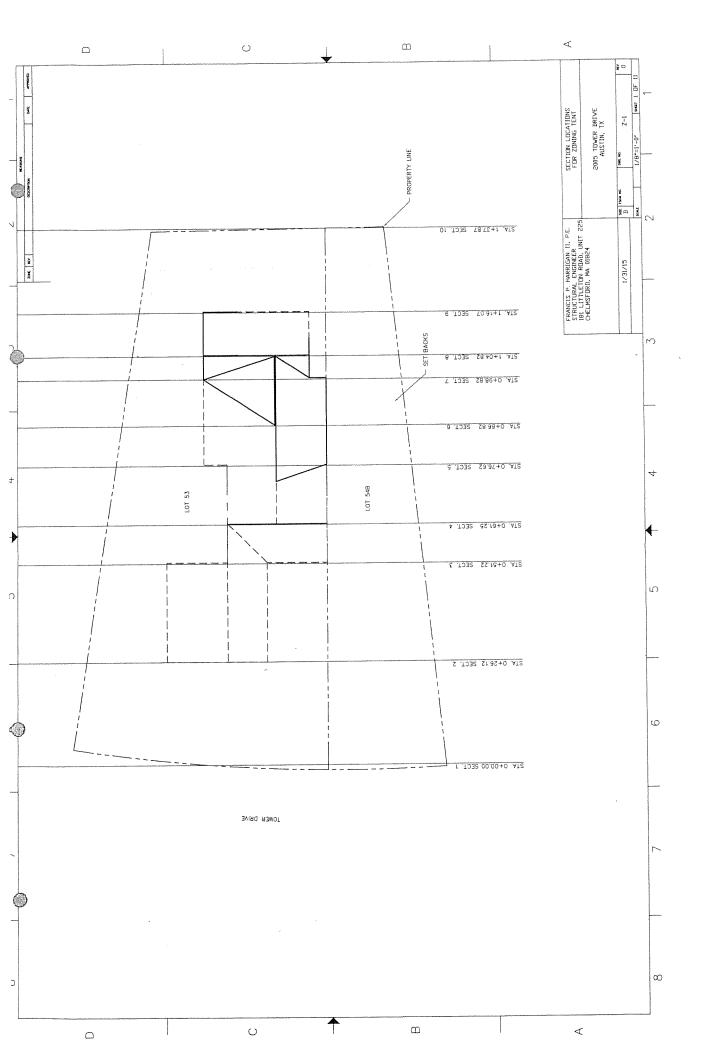
Waiver 3 - Tent Encroachments

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.





12/8

H. Frazier

2005 Tower Dr.

Tarrytown #6

Fr. Addn. to Res. for Duple x

63176

0. L. Hudson

3-12-56

\$5,800.

CA

Hiram S. Brown

2005 Tower Drive

156

Tarrytown #6

Hollow tile residence

28515 12-26-45

\$5,500.00

Day labor

SPECIAL WARRANTY DEED

FILM CODE

00004998241

TEXAS \$ STATE OF COUNTY OF TRAVIS \$

June 16, 1993

15.00 IMDX 2 4 07/21/93

8:18 AM 0156

5.00 RECH 2 4 07/21/93

22.21-CHK+

930827.44-DOC#

DATE:

82

GRANTOR: City of Austin, a Texas municipal corporation

GRANTOR'S MAILING ADDRESS :

P.O. Box 1088

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

TEN AND NO/100 DOLLARS (\$10.00) and other CONSIDERATION: 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.

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REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS

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.

subject to consideration and the for Grantor, 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:

X

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 Morahar

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

Attorne'

CONSENTED AND AGREED TO: larkson arkson

ACKNOWLEDGMENTS

THE STATE OF TEXAS § COUNTY OF TRAVIS 5

This instrument was acknowledged before me on the both 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.



for the State of Notary Public in and Texas

(Seal)

Printed Name of Notary

My commission expires:____

3 of 4

REAL PROPERTY RECORDS TRAYIS COUNTY, TEXAS

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

My 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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Exhibit A Page I of 3

FIELD NOTES FOR 3127 SQUARE FEET OF LAND

MORE OR LESS, FIELD NOTES FOR 3127 FEET OF LAND, SOUARE GEORGE W. SPEAR LEAGUE IN BEING OUT OF AND A PART OF THE TEXAS, BEING FURTHER THE CITY OF AUSTIN; TRAVIS COUNTY, PART OF LOT 54 OF DESCRIBED AS BEING OUT OF AND A "TARRY-TOWN 6", A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, OF RECORD IN PLAT BOOK 4 AT PAGES 85-89 OF RECORDS OF TRAVIS COUNTY: TEXAS, SAID 3127 SQUARE THE PLAT LAND, MORE OR LESS, MORE PARTICULARLY BEING FEET OF 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 S 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 8 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;

. ,

EXHIDE "K"

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 ESCRISE W. SPEAR LEAGUE IN THE CITY OF AUSTIM, TRAVIS COUNTY, TEXAS, BEING FURTHER DESCRIBED AS BEING OUT OF AND A PART OF LOT 54 OF "TARRY-TOWN 6". A SUBDIVISION IN THE CITY OF AUSTIM, TRAVIS COUNTY, TEXAS, OF RECORD IN PLAT BOOK 4 AT PAGES 08-59 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID BICT SHUARE FEET OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIPTOD BY METES AND DOWNER AS FOLLOWS:

Beginning for reference, at an iron pin-found, being the Northeast corner of Lot 55 and the Southeast corner of Lot 56, raid lots being out of and a part of "Tarry-Town 5", a subdivision of record in Plat Book 4 at Pages 89-89 of the Plat Records of Travis County, Texas and being located on the West curving R.O.W. line of Tower Brive;

Thence along the Northeast Lot line of the aforementioned Lot 55 and the West 8.0.W. Time 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 win, set, being the Southeast corner of the aforementioned Lot 53 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 Brive, also being along the Northeast lot line of the aforementioned Lot Sa, being a curve to the right with a radius of 443.69 root and an arc distance of 35.99 feet whose chord bears 5.41° 18° E for a distance of 25.94 feet to the PLACE OF REGINNINGs being an iron pink set and being the Northeast corner of Subject Tracts

THENCE continuing along the Hest R.O.W. line of Tower Drive and the Northwast 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 shord bears 5 37°06° E for a distance of 30.00 feet to an iron right 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

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Exhibit "A"

Page 2

THENCE S 55°32° N leaving the West R.O.W. line of Tower Drive and traveling along the common lot line between the aronementioned Lot 54 and the aforementioned Lot 53, for a distance of 139.20 feet to an iron wine sets being the Southwest corner of the argrementround ful the also bears the Northwest corner of the aforementioned Lot 33: 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 45°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 FEGINNING, containing 3127 square feet to land, more or less.

I. L. GORDON 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 STEARNS: JR.

REGISTERED PROFESSIONAL LAND SURVEYOR / NO. 4649

STEARNS AND ASSOCIATES, INC.
TEDSORD STREET / AUSTIN, TEXAS / 78753
PHONE NUMBER : (512) 836-8533
JOB NUMBER : 10362

JÖL 21 1999

liubbero COUNTY CLERK / TENENDOCHINATE

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DENA DE BELLIVERD PAVIS COURTY TEXAS

GORDON STEARNS.

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REAL PROPERTY RECORDS TRAVIS CONTINIERAS

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Page 2 of

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 to land, more or less.

A REGISTERED PROFESSIONAL LAND I, L. GORDON STEARNS, JR.: COURSES, DISTANCES SURVEYOR, DO CERTIFY THAT THE WERE DETERMINED BY A SURVEY ON THE GROUND AND ARE TRUE 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.

PHONE NUMBER: (512) 636-0533

JOB NUMBER : 10582

JUL 21 1993

restrict RECORDS of Traves County, Texas, on

the date and at the time stamped hereon by thes and wax duty RECORDED, in the Volume and Page of the

STATEOFTEXAS

und befrence COUNTYCLERK TRAVISCOUNTY, TEXAS

93 JUL 21 PH \$ 01

DANA DE BEAUVOIR COUNTY CLERK THAVIS COUNTY, TEXAS



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

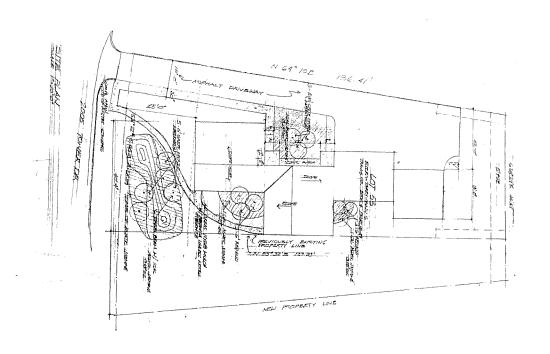
I haraby certify that this instrument was FILED on the date and at the time stamped mercon by me, and reside RECORDS of Travis County, Texas, on

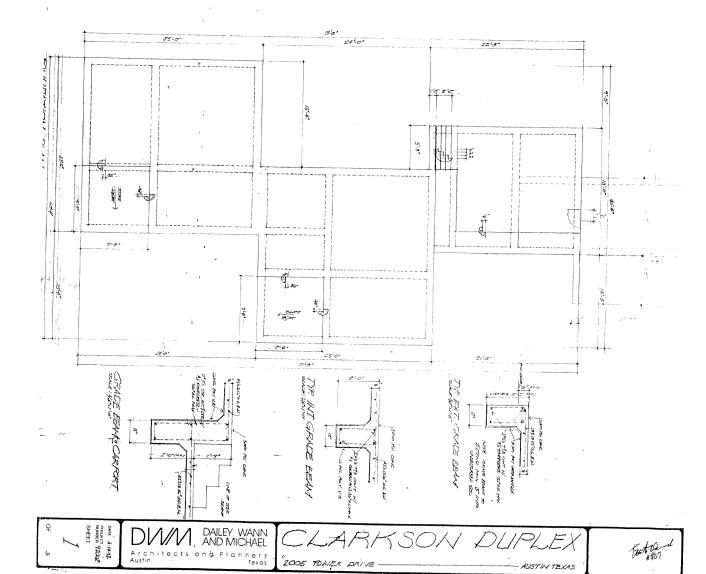
AUG 1 1994

COUNTY CLERK TRAVIS COUNTY, TEXAS

REAL FROPERTY RECORDS TRAVIS COUNTY, TEXAS

12240 1337





Dan.

