




N

 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

**NOTIFICATIONS**

CASE#: C15-2015-0153  
LOCATION: 13116 Travis View Loop



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" = 244'

L9  
2

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

**DATE:** Monday, November 9, 2015

**CASE NUMBER:** C15-2015-0153

\_\_\_\_ Brooke Bailey  
\_\_\_\_ Michael Benaglio  
\_\_\_\_ William Burkhardt  
\_\_\_\_ Eric Goff  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ Don Leighton-Burwell  
\_\_\_\_ Melissa Neslund  
\_\_\_\_ James Valadez  
\_\_\_\_ Michael Von Ohlen

**OWNER/APPLICANT:** Kirk Lewis

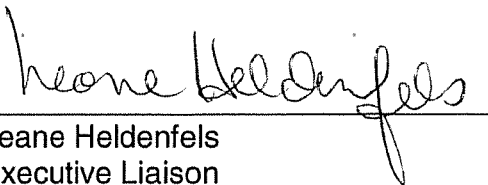
**ADDRESS:** 13116 TRAVIS VIEW LOOP

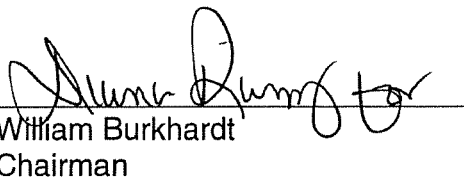
**VARIANCE REQUESTED:** The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum side yard setback from 5 feet (required) to 2 feet (requested) in order to maintain a recently constructed outdoor kitchen structures in a "SF-2", Family Residence zoning district.

**BOARD'S DECISION:** POSTPONED TO DECEMBER 14, 2015 BY APPLICANT

**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

  
\_\_\_\_\_  
William Burkhardt  
Chairman

C15-2015-0153

**Heldenfels, Leane**

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**From:** Kirk Lewis [mailto:lewisresidential@gmail.com]  
**Sent:** Monday, November 02, 2015 9:55 AM  
**To:** Heldenfels, Leane  
**Subject:** Re: 13116 Travis View Loop

9/3

If we can postpone it to the 14th I think that would be better. I would rather be there anyways. Let me know what I need to do.

Thanks again,

Kirk Lewis

On Nov 2, 2015, at 9:33 AM, Heldenfels, Leane wrote:

Sorry – I think I misunderstood, didn't realize you were out of town for hearing. Someone will need to be there to speak on your behalf. Do you think contractor of kitchen would come? Or we could postpone to 12/14 hearing. I understand your wife's fear of speaking, one thing by the time your case comes up there won't be as many people in the audience (most likely will be called 8pm-10pm), if that helps her – and she could bring a friend. It's OK even if she doesn't say that much and just says the kitchen contractor didn't realize it had to stay outside the setbacks and do they have any questions for her, maybe you could be on the phone during the hearing part to answer questions she doesn't know? Let me know if you'd like to postpone – but sorry, someone will need to be present or they'll just postpone it – won't act on it.  
Leane

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**From:** Kirk Lewis [mailto:lewisresidential@gmail.com]  
**Sent:** Monday, November 02, 2015 8:49 AM  
**To:** Heldenfels, Leane  
**Subject:** Re: 13116 Travis View Loop

Leane,

As I told you earlier I am out of town that day. My wife is just not good at getting up in front of people and I think this is going to literally make her sick. What happens if we are not there? Do you think it could still get passed? It is a simple solution but I do need to make sure it happens. Please let me know.

Again I thank you for all your help on this.

Kirk Lewis

On Oct 20, 2015, at 3:18 PM, Heldenfels, Leane wrote:

CASE# C15-2015-0153  
ROW# 1142 4655  
TAX# 0150430000217

19  
4

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: 13116 Travis View Loop

LEGAL DESCRIPTION: Subdivision – Travis Vista

Lot(s) 10A Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We \_\_\_\_\_ Kirk Lewis on behalf of myself/ourselves as authorized agent for

Kirk Lewis affirm that on Dec 15, 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 X MAINTAIN

Patio that encroaches into the building setback on the back side of house, North East Corner,

in a SF-2 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):

19/5

**REASONABLE USE:**

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

It was built prior to purchase in 2007 so would have to rip entire structure down. Also the fence on the side where this is located is moved over and this property was purchased from neighbor to give more room.

**HARDSHIP:**

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

see next

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

Not general in that most properties do not have such a small area be and boundary line beside their property. Property in itself is odd shaped. Again it was done prior to purchase and most of the public here are just becoming aware that we need City approval for such things.

**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 next

**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:

**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):

19/6

**REASONABLE USE:**

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

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**HARDSHIP:**

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

Patio was there when purchased and I unknowingly added the fireplace. Unknowingly as we are not in the city limits and I did not realize I needed a permit.

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

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**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:

It will not

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**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:

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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:

69  
11

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 Kirk Lewis Mail Address 13116 Travis View Loop

City, State & Zip Austin, Tx 78732

Printed Kirk Lewis Phone 512-422-2495 Date 12-15-2014

**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 Kirk Lewis Mail Address 13116 Travis View Loop

City, State & Zip Austin, Tx 78732

Printed Kirk Lewis Phone 512-422-2495 Date 12-15-2014

GEORGE LUCAS  
TEL: 830-214-5109  
FAX: 886-571-8323

# SURVEY

2205 STONECREST PATH  
NEW BRAUNFELS, TEXAS 78130

ADDRESS: 13116 TRAVIS VIEW LOOP, AUSTIN, TEXAS  
LEGAL DESCRIPTION:  
LOTS 10A AND 11, OF TRAVIS VISTA, A  
SUBDIVISION IN TRAVIS COUNTY, TEXAS,  
ACCORDING TO THE MAP OR PLAT  
THEREOF RECORDED IN VOLUME 48,  
PAGE 19, PLAT RECORDS, TRAVIS  
COUNTY, TEXAS.

SCALE  
1" = 40'

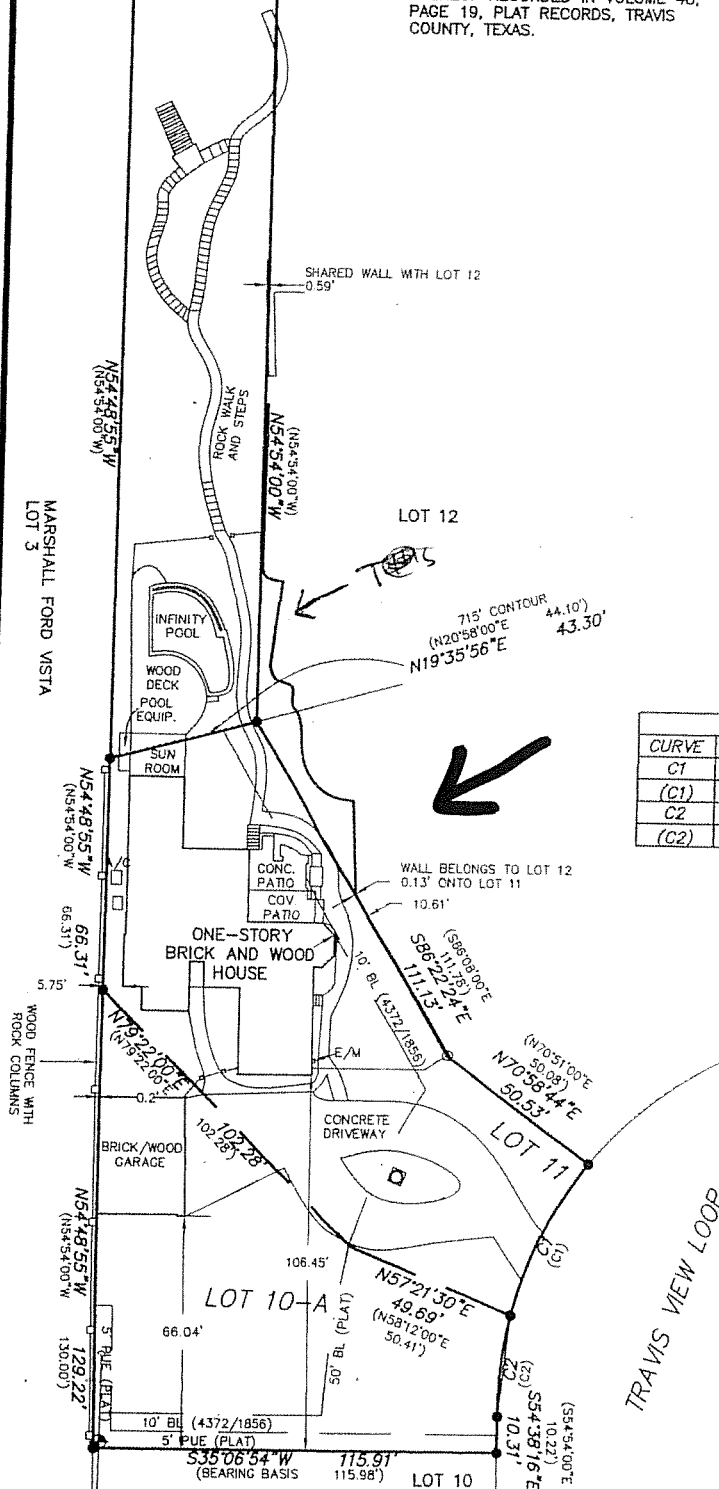
RESTRICTIVE COVENANTS OF RECORD AS  
ITEMIZED HEREIN: VOLUME 48, PAGE 19, PLAT  
RECORDS, AND VOLUME 4372, PAGE 1856,  
VOLUME 5319, PAGE 1545, VOLUME 7438,  
PAGE 23, VOLUME 9041, PAGE 272, VOLUME  
11890, PAGE 175, AND VOLUME 13381, PAGE  
950, REAL PROPERTY RECORDS, TRAVIS  
COUNTY, TEXAS.  
(DOES AFFECT THIS TRACT)

INUNDATION EASEMENT AS RECORDED IN  
VOLUME 554, PAGE 539, DEED RECORDS,  
TRAVIS COUNTY, TEXAS.  
(AFFECTS PORTION OF PROPERTY BELOW 715'  
CONTOUR)

ELECTRIC LINE EASEMENTS AS RECORDED IN  
VOLUME 632, PAGE 164, VOLUME 632, PAGE  
166, VOLUME 649, PAGE 119, VOLUME 649,  
PAGE 123, AND VOLUME 680, PAGE 303,  
DEED RECORDS, TRAVIS COUNTY, TEXAS.  
(BLANKET EASEMENTS--DO AFFECT THIS  
TRACT)

VARIANCE REGARDING ENCROACHMENT OF A  
BUILDING OVER THE BUILDING LINE AS  
RECORDED IN DOCUMENT NO. 1999157006,  
OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY,  
TEXAS.  
(DOES AFFECT THIS TRACT)

MARSHALL FORD VISTA  
LOT 3



CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	49.10	115.47	48.73	S28°38'30"E
(C1)	49.00	115.47	48.63	S28°21'00"E
C2	29.01	115.87	28.93	S47°37'39"E
(C2)	29.00	115.87	28.92	S47°42'00"E

## LEGEND

- = IRON ROD FOUND
- = IRON ROD SET
- ⊗ = "X" IN CONCRETE
- △ = CALC. PROP. COR.
- ( ) = RECORD PER PLAT
- + = WOOD FENCE
- = WIRE FENCE
- = CHAIN LINK FENCE
- PUE = PUBLIC UTILITY EASEMENT
- DE = DRAINAGE EASEMENT
- BL = BUILDING LINE
- G/M = GAS METER
- E/M = ELECTRIC METER
- = OVERHEAD POWERLINE
- ⊕ = POWER POLE
- = GUY WIRE ANCHOR

## CERTIFICATION

THE UNDERSIGNED DOES HEREBY CERTIFY TO THE PARTIES LISTED BELOW THAT THIS  
PLAT CORRECTLY REPRESENTS A SURVEY MADE UPON THE GROUND OF THE PROPERTY  
SHOWN HEREON, AND THAT THERE ARE NO ENCROACHMENTS OF VISIBLE IMPROVEMENTS,  
EXCEPT AS SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A PUBLIC ROADWAY,  
EXCEPT AS SHOWN HEREON.

BUYER: KIRK LEWIS AND JILL LEWIS  
TITLE CO: GRACY TITLE

LENDER: CALIBER FUNDING, LLC  
G.F.#: 1215456

PLAN No.: 2012-557

SURVEY DATE: NOVEMBER 12, 2012

GEORGE E. LUCAS, R.P.L.S. 4160

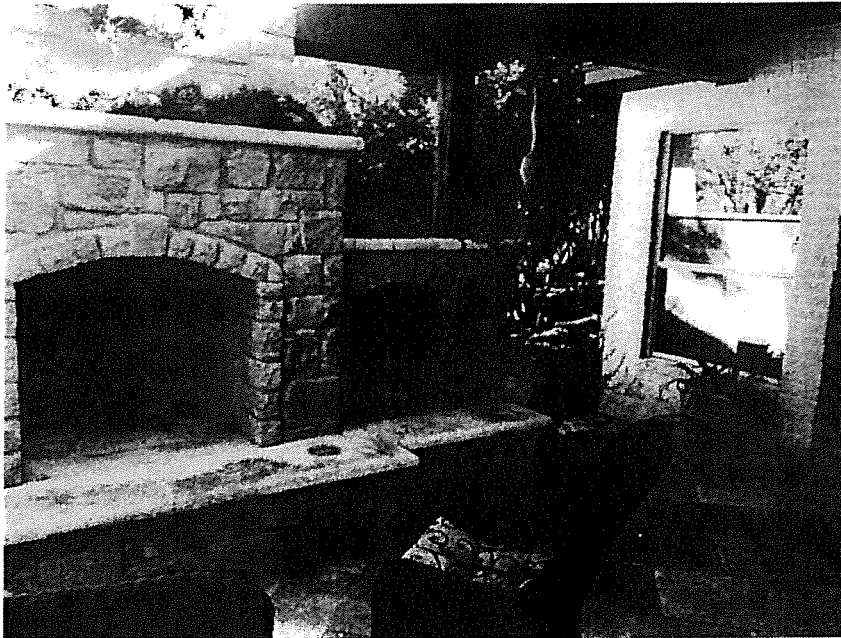


19  
9

THIS IS WHERE THE PATIO  
WAS PRIOR TO ME PURCHASING  
THE HOUSE IN 87, I BUILT THE  
FINE PLACE BUT DID NOT EXTEND -  
PATIO - THAT IS THE ORIGINAL  
WALK WAY AROUND PATIO



69  
10





I, Kirk Lewis, am applying for a variance from the Board of Adjustment regarding Section \_\_\_\_\_ of the Land Development Code. The variance would allow me the ability to continued use of patio

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Kirk Lewis	13116 Travis View Loop	<i>Kirk</i>
Louise Leverett	13101 Travis View Loop	<i>Louise H. Leverett</i>
Tim Feeley	13120 Travis View Loop	<i>Timothy J. Feeley</i>
John Howard	13103 Travis View Loop	<i>John M. Howard</i>

*Louise H. Leverett* / President HOA

## 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 will be 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/devservices](http://www.austintexas.gov/devservices)**.

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. All comments received will become part of the public record of this case.

**Case Number: C15-2015-0153, 13116 Travis View Loop**

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

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

☒ I am in favor  
☐ I object

Your Name (please print)

DAVID CLOSE  
13114 TRAVIS VIEW LOOP, AUSTIN TX 78732

Your address(es) affected by this application

Signature Date

Daytime Telephone: 512 266 9085

Comments:

THIS REQUEST SHOULD BE ACCEPTED.

IT WILL NOT HAVE ANY EFFECT TO ME OR THE UTILITY COMPANY'S.

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-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

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