



## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000  
505 Barton Springs Road, Austin, Texas 78704

m3  
1

## Board of Adjustment General/Parking Variance Application

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, click here to Save the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

### For Office Use Only

Case # C15-2016-0105 ROW # 11602105 Tax # 0411131301  
TRADV

### Section 1: Applicant Statement

Street Address: 1800A Jentsch Court

Subdivision Legal Description:

Unit 12 Mira Monte

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF-3-NP (South Manchaca)

I/We A. Ron Thrower on behalf of myself/ourselves as  
authorized agent for Joanne O'Neill affirm that on  
Month September, Day 12, Year 2016, hereby apply for a hearing before the  
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☒ Maintain ☐ Other: \_\_\_\_\_

Type of Structure: Single family house

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

Section 25-2-492 (D)

M3  
2

## Section 2: Variance Findings

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 supporting documents.

**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.**

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:

Addition is for a "sunroom" use only. The prior owner built site to max impervious cover.

Sunroom is a reasonable use in SF-3 zoning. FAR - FAR did not apply at time of construction (2004). Relocating unit to side yard reduces rear yard area.

### Hardship

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

Sunroom built prior to McMansion /FAR regulations. Sunroom is attached, demo required to move out of rear setback. HOA prohibits ribbons or CG for drives/walkways

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

No other known issues similarly found in neighborhood.

### 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:

Addition is not visible from street. Does not increase parking. No know objections or averse impact to surrounding lots.

### 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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

NA

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:

NA

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

NA

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

NA

### Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Joanne O'Neill Date: 09/09/2016

Applicant Name (typed or printed): Joanne O'Neill

Applicant Mailing Address: 1800A Jentsch Court

City: Austin State: Texas Zip: 78745

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): joanneoneill99@gmail.com

### Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: Joanne O'Neill Date: 09/09/2016

Owner Name (typed or printed): Joanne O'Neill

Owner Mailing Address: 1800A Jentsch Court

City: Austin State: Texas Zip: 78745

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): joanneoneill99@gmail.com

### Section 5: Agent Information

Agent Name: A. Ron Thrower/Thrower Design

Agent Mailing Address: P.O. Box 41957

City: Austin State: Texas Zip: 78704

Phone (will be public information): (512) 476-4456

Email (optional – will be public information): ront@throwerdesign.com

### Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

NA

33  
5/1

# JENTSCH COURT

(50' R.O.W.)

CB=N 89°22'30" W 30.46'  
L = 30.80' R=60.00'  
(A=30.70')

CB=S 64°40'23.7335" E 20.83'  
L=20.94' R=60.00'  
(A=20.87')

AE APPROVED

MAR 14 2012  
74-200  
JGM

UNIT 12-B

All structures etc. must maintain 7'5"  
clearance from AE energized power  
lines. Enforced by AE & NESC codes.

LOT 7

FROM A CAPPED REBAR SET AT THE PROPERTY CORNER,  
A 1/2" REBAR FOUND BEARS N 72°22'29" W 1.61'

DEER PARK, SECTION ONE, BK.14, PG.74

## LEGEND

- 1/2" REBAR FOUND
- 1/2" CAPPED REBAR SET
- 1/2" IRON PIPE FOUND
- 600 HAIL FOUND
- CAPPED REBAR FOUND
- "X" SET IN CONCRETE
- "X" FOUND IN CONCRETE
- SPRINKLE FOUND
- CHAIN LINK FENCE
- WOOD FENCE
- METAL FENCE
- BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- ( ) PER PLAT
- C.M. CONTROL MONUMENT
- R.O.W. RIGHT OF WAY
- P.O.B. PLACE OF BEGINNING
- OH OVERHEAD ELECTRIC
- PF POWER POLE

20' 0 20'

## 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.



m3  
6

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

**DATE: Monday, December 10, 2012**

**CASE NUMBER: C15-2012-0069**

☒ Y \_\_\_\_\_ Jeff Jack  
☒ Y \_\_\_\_\_ Michael Von Ohlen **Motion Grant**  
☒ Y \_\_\_\_\_ Nora Salinas  
☒ Y \_\_\_\_\_ Bryan King **2<sup>nd</sup> the Motion**  
☒ Y \_\_\_\_\_ Fred McGhee  
☒ Y \_\_\_\_\_ Melissa Hawthorne *Absent - Will Schuler*  
☒ Y \_\_\_\_\_ Sallie Burchett  
☐ - \_\_\_\_\_ Cathy French (SRB only)

**APPLICANT: Greg Esparza**

**OWNER: Primrose Kitchen**

**ADDRESS: 1800 JENTSCH CT**

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 6.6 feet in order to maintain a sunroom addition to a duplex residential use in an "SF-3", Family Residence zoning district.

The applicant has requested a variance to increase the maximum floor to area ratio requirement of Subchapter F; Article 2; Subsection 2.1 from 0.4 to 1.0 to 0.415 to 1.0 in order to maintain a sunroom addition to a duplex residential use in an "SF-3", Family Residence zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 51% in order to maintain a sunroom addition to a duplex residential use in an "SF-3", Family Residence zoning district.

**BOARD'S DECISION:** Sept. 17, 2012 The public hearing was closed on Board Member Bryan King motion to Postpone to October 8, 2012, Board Member Michael Von Ohlen second on a 7-0 vote; **POSTPONED TO OCTOBER 8, 2012.**

**RE-NOTIFICATION-** The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 6.6 feet in order to maintain a sunroom addition to a duplex residential use in an "SF-3", Family Residence zoning district.

The applicant has requested a variance to increase the maximum building coverage requirement of Section 25-2-492 (D) from 40% to 40.14% in order to

33  
7

maintain a sunroom addition to a duplex residential use in an "SF-3", Family Residence zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 55.9% in order to maintain a sunroom addition to a duplex residential use in an "SF-3", Family Residence zoning district.

**BOARD'S DECISION: POSTPONE REQUEST TO NOVEMBER 13, 2012 PER STAFF; PP DEC 10, 2012**

**REVISED VARIANCE REQUEST:**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 6.6 feet in order to maintain a sunroom addition to a duplex residential use in an "SF-3", Family Residence zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 47.7% in order to maintain a sunroom addition to a duplex residential use in an "SF-3", Family Residence zoning district.

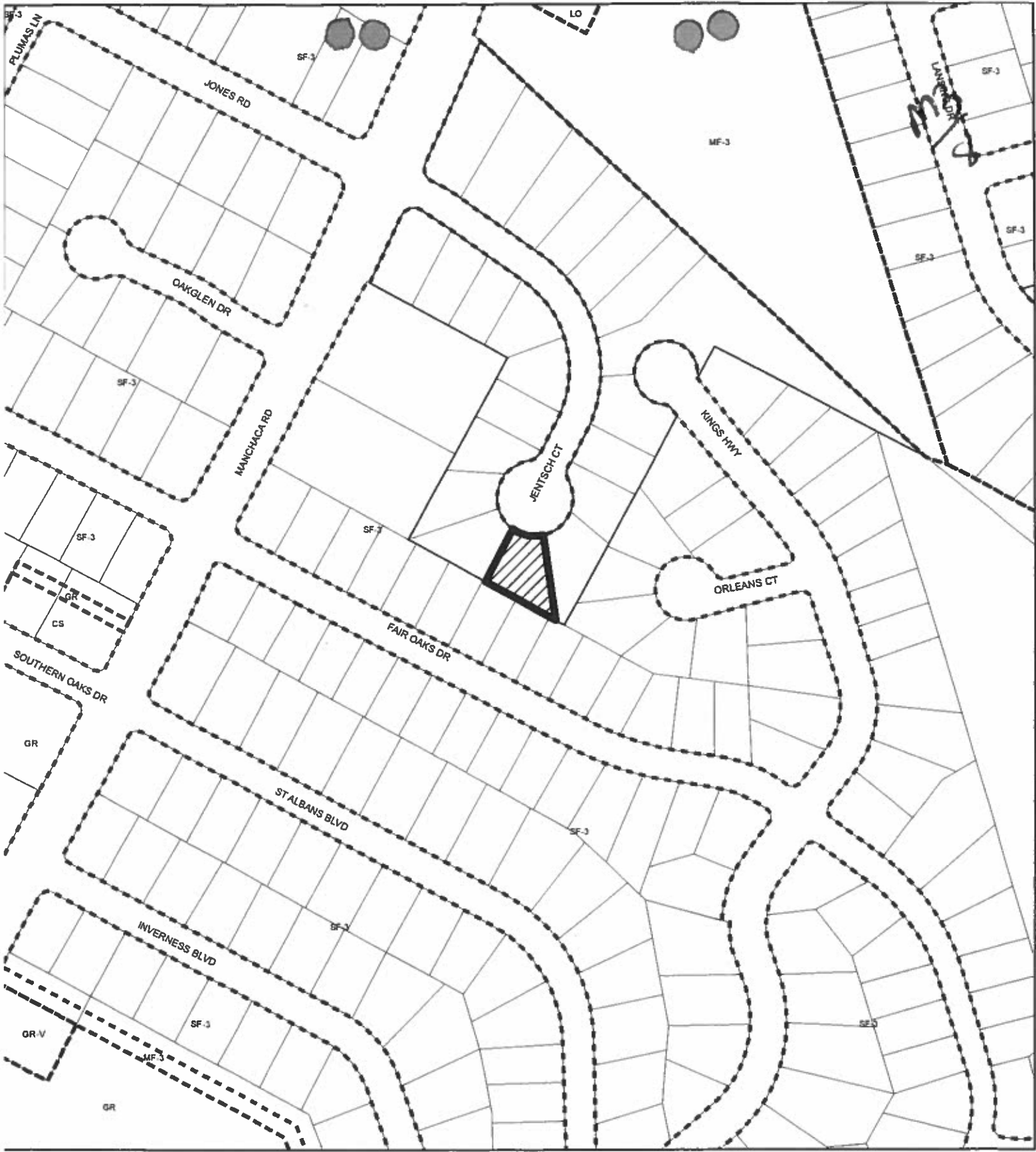
**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition to keep paving of sidewalk up to front of façade and reducing to gravel behind façade, Board Member Bryan King second on a 7-0 vote; **GRANTED WITH CONDITION TO KEEP PAVING OF SIDEWALK UP TO FRONT OF FAÇADE AND REDUCING TO GRAVEL BEHIND FACADE.** ★

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: addition is for sunroom use only. The prior owner built site to max impervious cover, sunroom is a reasonable use in SF3 zoning, FAR did not apply at time of construction (2004), relocating unit to side yard reduces rear yard area
2. (a) The hardship for which the variance is requested is unique to the property in that: owner purchased this property with sunroom already attached in non-conforming manner, wish to bring into conformance  
(b) The hardship is not general to the area in which the property is located because: no other known issues similarly found in neighborhood
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: addition is not visible from street, does not increase parking, no known objections or adverse impact to surrounding lots

  
Susan Walker  
Executive Liaison

  
Jeff Jack  
Chairman



SUBJECT TRACT



ZONING BOUNDARY

## BOARD OF ADJUSTMENTS

CASE #: C15-2012-0069

LOCATION: 1800 A JENTSCH COURT



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



33/a

CASE # C15-2012-0069  
ROW# 10768092  
TP-041113-13-01

**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: 1800A Jentsch Court

LEGAL DESCRIPTION: Subdivision – Unit 12 Mira Monte

Lot(s) Block Outlot Division

I/We Ann Kitchen on behalf of myself/ourselves as authorized agent for

Primrose Kitchen affirm that on Aug, 6, 2012

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

\_\_\_ ERECT \_\_\_ ATTACH \_\_\_ COMPLETE \_\_\_ REMODEL X MAINTAIN

1. Rear sunroom encroachment into 10' rear setback 6.6 from rear PL

2. 41.5% FAR due to sunroom addition

3. Maintain 4557 % Impervious Cover or 51% IC

in a SF 3 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.**

m3  
10

**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:

Addition is for a "sunroom" use only. The prior owner built site to max impervious cover. Sunroom is a reasonable use in SF3 zoning. FAR – FAR did not apply at time of construction (2004) Relocating unit to side yard reduces rear yard area

**HARDSHIP:**

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

Sunroom built prior to McMansion /FAR regulations. Sunroom is attached, demo required to move out of rear setback. HOA prohibits ribbons or CG for drives / walkways

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

No other known issues similarly found in neighborhood

**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:

Addition is not visible from street. Does not increase parking. No known objections or adverse impact to surrounding lots

**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:

NA

M3  
11

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:

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

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

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**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 Ann Kitchen Mail Address 2401 Briargrove

City, State & Zip - Austin, Texas 78704

Printed Ann Kitchen Phone 228-1645 Date 8/6/12

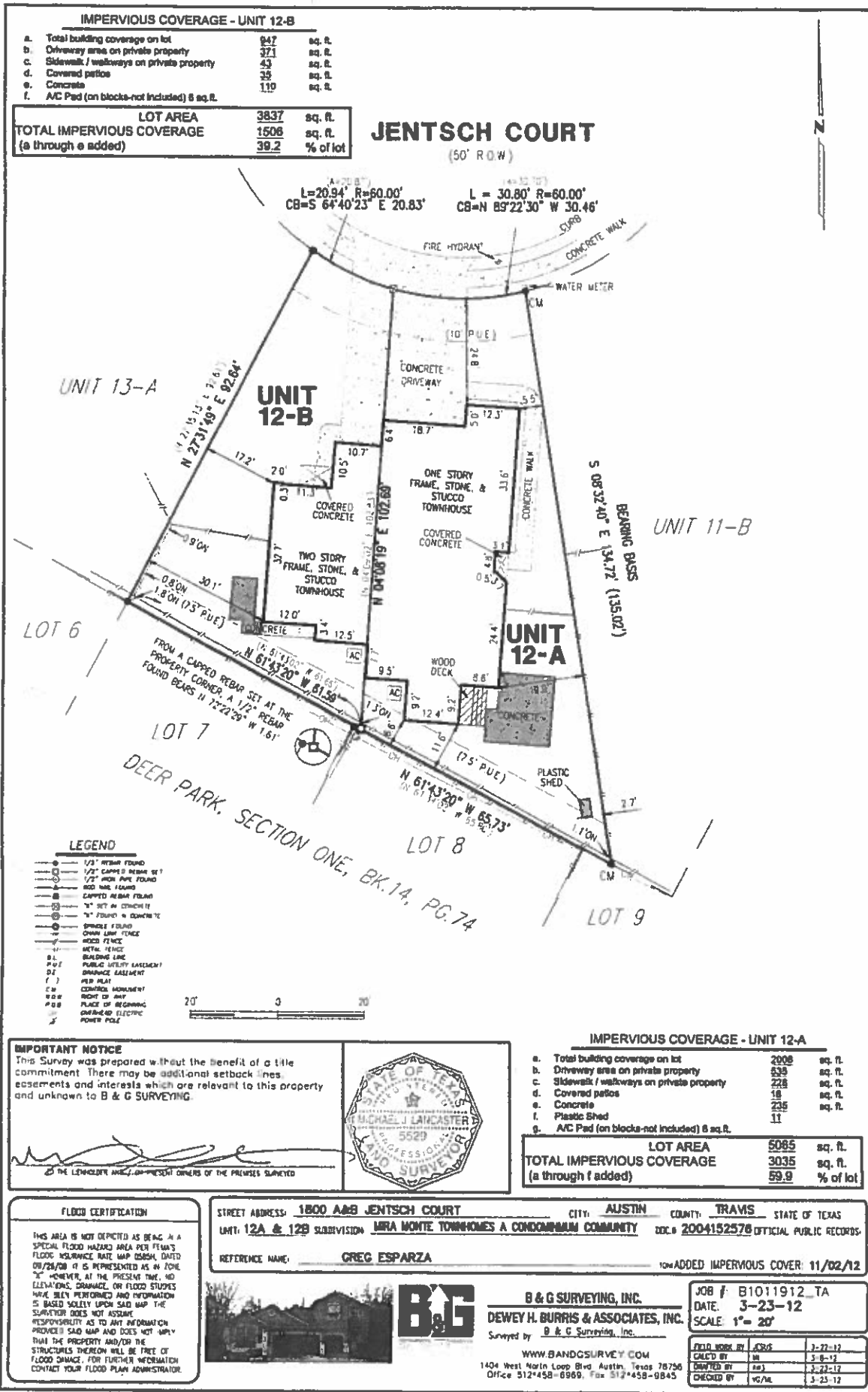
**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Primrose A. Kitchen Mail Address \_\_\_\_\_

City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

132  
2012-0069



M3  
13

**SUNROOM ADDITION BACKGROUND**  
**COA BOARD OF ADJUSTMENT HEARING – SEPTEMBER 17, 2012**

Case # C15-2012-0069  
1800A Jentsch Court

On May 22, 2006 – Primrose and Antony Kitchen signed an agreement with Statewide Remodeling to build the sunroom addition at 1800A Jentsch Court. On May 25, 2006 – Primrose and Antony Kitchen signed a work order change for sunroom addition.

On July 31, 2006 – Mira Monte Homeowners Association approved Primrose and Tony's request for addition of sunroom, contingent upon the builder, Statewide Remodeling, obtaining appropriate building permits. The letter is signed by Statewide Remodeling, as well as Primrose Kitchen on August 7, 2006

On October 2, 2006 – Statewide began work on the sunroom addition.

In October 2011 – After Tony passed away at age 86 from cancer, Primrose Kitchen listed the home for sale so she could move to a retirement home. As evidenced on the seller disclosure form, Primrose did not know that Statewide Remodeling had failed to obtain the necessary permits for the sunroom addition.

In February 2012 – Primrose learned that Statewide never obtained the permits, when she was informed by George Weil, the realtor for Jo O'Neill, the buyer.

On February 23, 2012 – Statewide Remodeling admitted that they had never obtained the necessary permits and signed an agreement with Primrose Kitchen stating that they would obtain the necessary permit from the city.

From February to June, Primrose attempted to work with Statewide Remodeling to obtain the permits, learning at some point that Statewide violated various provisions when they built the sunroom addition and that a variance would be required or the sunroom would have to be torn down.

Statewide Remodeling obtained a hearing date in June, but then withdrew the application for the variance, further delaying the process, when their attorney refused to agree to a settlement with Primrose. Primrose is pursuing arbitration against Statewide.

The closing was delayed, causing Primrose to pay for two residences for awhile, until Primrose and Jo reached an agreement in which Primrose would pursue the variance hearing.

M3  
14

September 9, 2012

Board of Adjustment  
City of Austin

RE: Variance application for 1800A Jentsch Court, Austin, Texas 78745

Dear Members of the Board of Adjustment:

I am writing this letter in support of the application for a variance for the sunroom attached to my neighbor's home at 1800A Jentsch Court.

I live on the other half of the property – at 1800B Jentsch Court. I've lived here for a number of years and know the applicant, Primrose Kitchen.

Granting 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 sunroom addition is not visible from the street and does not increase parking.

Also, I live in the immediate adjacent lot and I have no objection and have not experienced any adverse impact from having the sunroom built on my neighbor's property.

I hope that you will approve the variance.

Thank You.



Stacey Shapiro  
1800B Jentsch Court  
512/447-4200

123  
19

September 15, 2012

Board of Adjustment  
City of Austin

RE: Variance application for 1800A Jentsch Court, Austin, Texas 78745

Dear Members of the Board of Adjustment:

I am writing this letter in support of the application for a variance for the sunroom attached to my neighbor's home at 1800A Jentsch Court.

I live next door to the property – at 1802B Jentsch Court. I've lived here for a number of years and know the applicant, Primrose Kitchen.

Granting 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 sunroom addition is not visible from the street and does not increase parking.

Also, I live in the immediate adjacent lot and I have no objection and have not experienced any adverse impact from having the sunroom built on my neighbor's property.

I hope that you will approve the variance.

Thank You.

Merle Dover  
1802 B Jentsch Ct.

m3  
16

September 15, 2012

Board of Adjustment  
City of Austin

RE: Variance application for 1800A Jentsch Court, Austin, Texas 78745

Dear Members of the Board of Adjustment:

I am writing this letter in support of the application for a variance for the sunroom attached to my neighbor's home at 1800A Jentsch Court.

I live directly behind the property – on Fair Oaks. I've lived here for <sup>9</sup>~~a number~~ of years.

Granting 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 sunroom addition is not visible from the street and does not increase parking.

Also, I live in adjacent property and I have no objection and have not experienced any adverse impact from having the sunroom built on my neighbor's property.

I hope that you will approve the variance.

Thank You.

Sincerely Daniel L. Brooks Jr.

 9-16-12

1804 Fair Oaks Dr.  
Austin, TX 78745









