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, <u>click here to Save</u> 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 #	ROW#		Tax #					
Section 1: App	plicant Statemer	nt						
Street Address: 221	0 S. 2nd Street Austi	n, Texas 78704						
Subdivision Legal De	escription:							
0.151 AC OF BL	K 2 BAWCOM SUBD							
Lot(s): 04020306	516							
Outlot:		Divis	Division:					
Zoning District: SF-3	3-NP							
I/We Aaron James I	McGarry		on be	ehalf of myself/ourselves as				
Month April	, Day 6	, Year 2017	, hereby ap	pply for a hearing before the				
Board of Adjustm	ent for consideration t	to (select approp	riate option bel	ow):				
○Erect ○Att	ach OComplete	○ Remodel	Maintain	Other:				
Type of Structure	Carport							

Portion of the City of Austin Land Development Code applicant is seeking a variance from:
25-2-492 setbacks. Front setback to 11ft and side setback to 1.5 ft.
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:
The home at 2210 S. 2nd Street is situated on the lot where the front and sides of the home are at the current setbacks allowed at 25 feet (front) and 5 feet (interior side). The location of the home which was built in 1953 make it impossible to have covered parking without a variance. Homes in the neighborhood commonly have garages or carports to provide covered parking. The lot is .15 and very narrow making a side driveway also impossible. Reference examples attached for other homes with carports.
Hardship a) The hardship for which the variance is requested is unique to the property in that:
Due to the small .15 acre lot size and the home position on the lot we cannot have covered parking unless the variance is granted. The ability to have covered parking in Texas summers is a common benefit of home owners in this neighborhood. This is a safety issue (heat) and a financial issue devaluing the lot if no covered parking is possible.
b) The hardship is not general to the area in which the property is located because:
Most homes in the neighborhood have garages (many with alley access which we do not have) or carports. Most of the carports in the neighborhood are also built on the setbacks do to their homes location on the lot. Like our home many were built in the 1950's.

Area Character	
The variance will not alter the character of the area adjacent conforming property, and will not impair the in which the property is located because:	
We maintain our 1953 Bunglow to keep the Bo	uldin Creek neighborhood charm and consulted
with neighbors prior to building it to have their for	eedback. Signatures and letters attached to

show support and show no impairment issues for neighbors. I have also provided photos of many of the other carports in the neighborhood in similiar situations. We built it to fit the area character.

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:

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:
/A
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:
The granting of this variance will not create a safety hazard or any other condition inconsisten with the objectives of this Ordinance because:
The variance will run with the use or uses to which it pertains and shall not run with the site because:

Section 3: Applicant Certificate

I affirm that my statements contained in the conmy knowledge and belief.	nplete application are true and	correct to the best of
Applicant Signature: Aaron McGarry	Digitally signed by Aaron McGarry Date: 2017.03.20 13:08:35 -05'00'	Date: 03/20/2017
Applicant Name (typed or printed): Aaron McG		
Applicant Mailing Address: 2210 S. 2nd Street		
City: Austin		Zip: 78704
Phone (will be public information):		
Email (optional – will be public information):		
Section 4: Owner Certificate		
I affirm that my statements contained in the con my knowledge and belief.	nplete application are true and	correct to the best of
Owner Signature: Aaron McGarry	Digitally signed by Aaron McGarry Date: 2017.03.20 13:09:23 -05'00'	Date: <u>03/20/2017</u>
Owner Name (typed or printed): Aaron McGarry		
Owner Mailing Address: 2210 S. 2nd Street		The second secon
City: Austin	State: <u>Texas</u>	Zip: <u>78704</u>
Phone (will be public information):		
Email (optional – will be public information):		
Section 5: Agent Information		
Agent Name:		
Agent Mailing Address:		
City:		Zip:
Phone (will be public information):		
Email (optional – will be public information):		
Section 6: Additional Space (if app	olicable)	
Please use the space below to provide additional referenced to the proper item, include the Section	al information as needed. To e on and Field names as well (co	nsure the information is ontinued on next page).

Aaron McGarry 2210 S. 2nd Street Austin, Texas 78704 512.635.0164 3/20/2017

Board of Adjustments,

I am submitting a request for front and side setback variance for my home located at 2210 S. 2nd Street. In 2014 when we added a pool in the backyard we were provided misinformation when building our carport and our intent is to be able to maintain or modify the current structure and request a variance for the setbacks so we can go through the permitting process.

The home at 2210 S. 2nd Street is situated on a narrow 50ft lot where the front and sides of the home are at the current setbacks allowed at 25 feet (front) and 5 feet (interior side). The location of the home, which was built in 1953, making it impossible to have covered parking without a variance. Homes in the neighborhood commonly have garages or carports to provide covered parking. The lot is .15 and very narrow making a side driveway also impossible. Reference examples attached for other homes with carports along with signatures of support.

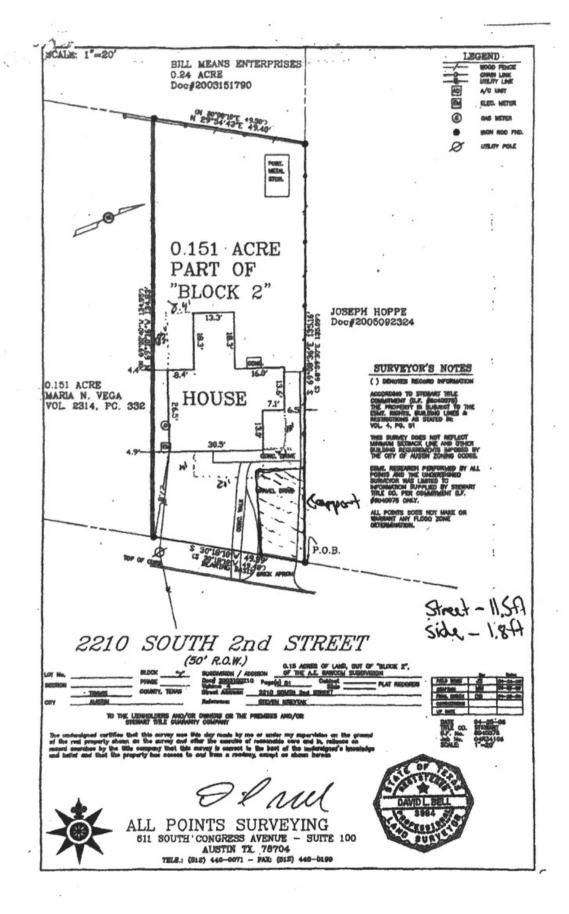
I have brought this variance request to the Bouldin Creek Neighborhood Association in hopes I would have their support do to the dozens of carports in Bouldin built in the setbacks and overwhelming support from my neighbors close to our home. Unfortunately BCNA did not support my request (less than 1% neighborhood involvement) however I have received large support from all of my neighbors (46 signatures, 12 letters), which I have attached.

The existing carport is built 10.5 feet from the street/20 inches from front property line, and 15 inches from the side property line (side neighbor written approval attached).

I appreciate your consideration.

Thank you,

Aaron McGarry



ALL POINTS SURVEYING, INC.

Exhibit "A" 04R34106

FIELD NOTES OF A SURVEY OF 0.151 ACRE OF LAND, MORE OR LESS, OUT OF BLOCK "2," OF THE A.E. BAWCOM SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT, OF RECORD IN VOLUME 4 PAGE 51, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING THE SAME TRACT CONVEYED BY DEED DATED APRIL 29, 2003, TO BRIDGET NICOLE LEE, ET AL, RECORDED IN DOCUMENT NUMBER 2003100210, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.151 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found on the West margin of South 2nd Street, being the Northeast corner of the above mentioned Lee tract, same being the Southeast corner of the Hoppe tract (see Document # 2005092324 Official Public Records of Travis County, Texas (O.P.R.O.T.C.T.), said rod is the Northeast corner of the herein described tract and is the PLACE OF BEGINNING hereof:

THENCE along the West margin of South 2nd Street and the East line of the above mentioned Lee tract, S30°18'10"W, (bearing basis) 49.39 ft. to an iron rod found at the Southeast corner of the Lee tract, and being the Northeast corner of the Maria Vega tract recorded in Volume 2314 Page 342 of the deed records of Travis County, Texas, said rod is the Southeast corner hereof;

THENCE along the dividing line of the above mentioned Lee and Vega tracts, N69'10'16"W, 134.83 ft. to an iron rod found at the common rear corner of said tracts, and being a point on the East line of that certain 0.24 acre tract deeded to Bill Means Enterprises by Document # 2003151790 O.P.R.O.T.C.T., said rod is the Southwest corner hereof;

THENCE along the dividing line of the above mentioned Lee and 0.24 acre tracts, N29°54'43"E, 49.40 ft. to an iron rod found at the common rear corner of the above mentioned Lee and Hoppe tracts for the Northwest corner hereof;

THENCE along the dividing line of the Lee and Hoppe tracts, S69"08'36"E, 135.16 ft to the PLACE OF BEGINNING and containing 0.151 acre of land more or less.

David Bell

Registered Professional Land Surveyor No. 3994

Job No.04R34106

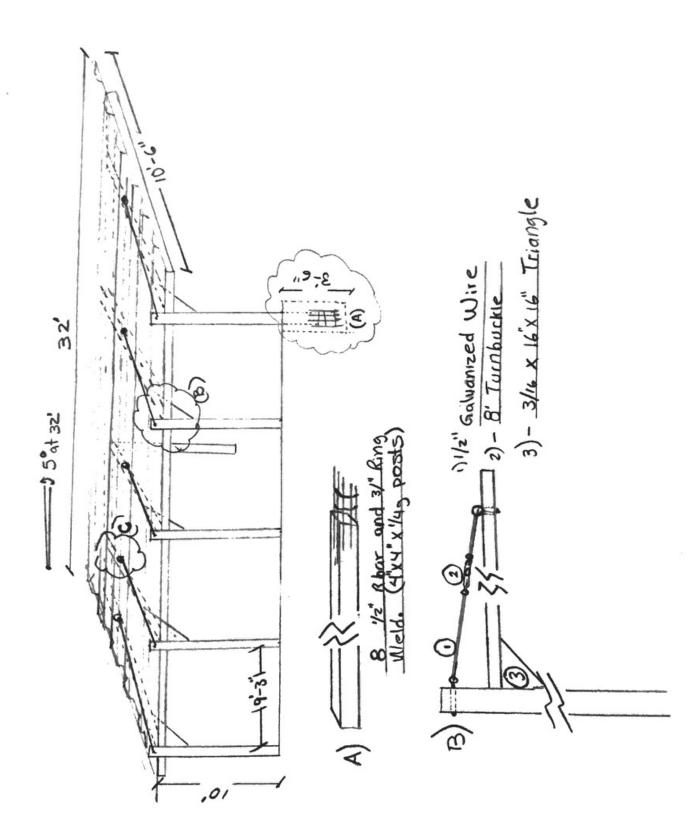
611 South Congress - Suite 100 - Austin, TX 78704 Telephone: (512) 440-0071 - Fax: (512) 440-0199

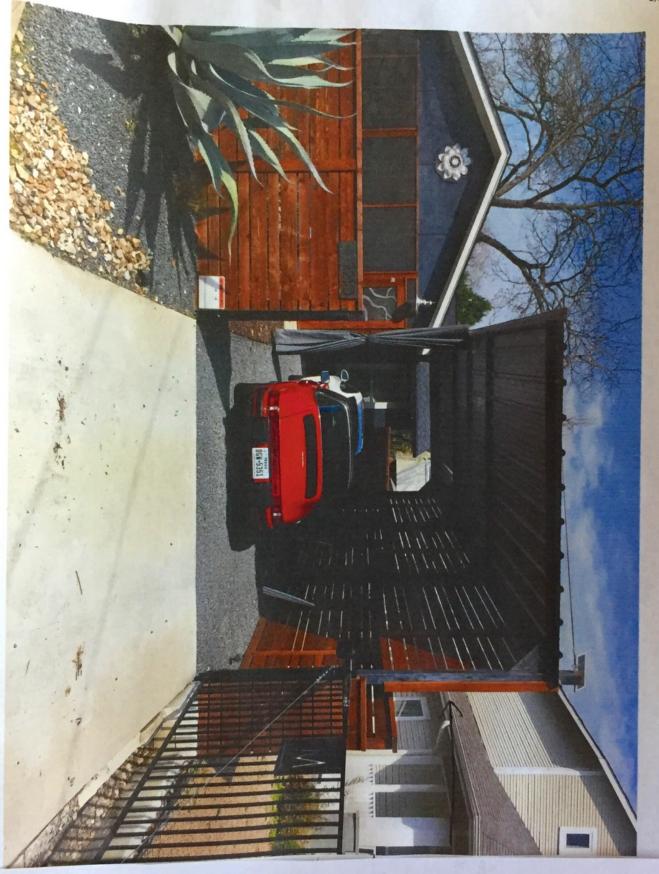
Name of Amant(s): OTRACY ENCYTER
Address of Affiant 2210 S. 2nd Street, Austin, TY 78704,
Address of Affiant 2210 S. 2nd Street, Austin, TY 78704. Description of Property: Block 2, N 4964 of E 3561, Bowcom Subd. Cityot Austin TX 78704 County
"Title Company" as used herein is the Title Insurance Company whose policy of title insurance is issued in reliance upon the statements contained herein.
Before me, the undersigned notary for the State of Texas , personally appeared Affiant(s) who after by me being duly sworn, stated:
 We are the owners of the Property. Or state other basis for knowledge by Affiant(s) of the Property, such as lease, management, neighbor, etc. For example, "Affiant is the manager of the Property for the record title owners."):
 We are familiar with the Property and with the improvements located on the Property. We are closing a transaction requiring title insurance and the proposed insured owner or lender has requested area and boundary coverage in the title insurance policy(les) to be issued in this transaction. We understand that the Title Company may make exceptions to the coverage of the title insurance as the Title Company may deem appropriate. We understand that the owner of the Property, if the current transaction is a sale, may request a similar amendment to the area and boundary coverage in the Owner Policy of Title Insurance upon payment of the promulgated premium.
4. To the best of our actual knowledge and belief, since April 2006 there have been no: a. construction projects such as new structures, additional buildings, rooms, garages, swimming pools or other permanent improvements or fixtures; b. changes in the location of boundary fences or boundary walls; c. construction projects on immediately adjoining property(ies) which encroach on the Property; d. conveyance, replattings, easement grants and/or easement dedications (such as a utility line) by any party affecting the Property; EXCEPT for the following (If None, Insert "None" Below): addition of during from screened party to the location of the Sathwest cancer to the location of location of the location of l
·
 We understand that Title Company is relying on the truthfulness of the statements made in this affidavit to provide the area and boundary coverage and upon the evidence of the existing real property survey of the Property. This Affidavit is not made for the benefit of any other parties and this Affidavit does not constitute a warranty or guarantee of the location of improvements. We understand that we have no liability to the Title Company or the title insurance company that will issue the policy(ies) should the information in this Affidavit be incorrect other than information that we personally know to be incorrect and which we do not disclose to the Title Company.
Steven Kreytake
Steel Halke
SWORN AND SUBSCRIBED this 2nd day of December . 2013 Notary Public
(TAR- 1907) 5-01-08 Page 1 of 1

Keller Williams Realty 12515-8 Research Blvd #100 Austin, TX 78759
Phone: 512.851.3021 Fax: Kimberly Fry

Kimberly Fry

2210 S. 2nd





10ft
Width
10.6ft
Front
1.5ft
Side































Wearest to Whom this many concern; My hame is andy Garsea 1 I am the across the street neighbor OF 2210 52.nd. Dam in support of agronis
& (arport,) beleive that it
Flows with the neighborhood, I really like the design F see R MO Harm in lefting Him Keep this structure up as is. lastly, I Hope 'that you are having a most wonder to day, with much perce Hope Victory Love and Jog andy 2211 5. 2 nd

David Thomas and Vince Thompson 701 West Live Oak Street Austin, Texas 78704

RE: Aaron McGarry's carport at 2210 S. 2nd Street, Austin, Texas 78704

City of Austin Board of Adjustments 2006 East 4th Street Austin, Texas 78702

Dear Sir/Madame:

We recently signed a petition for Mr. McGarry to be able to keep his carport in front of his home. We understand that that the city is still questioning whether he should be able to keep this carport. We live one house down from Mr. McGarry and we believe he should be able to keep it. The carport is well built, attractive, and does not distract from the appeal of the neighborhood nor neighboring homes.

Please give us a call at (512) 660-2403 if you have any questions.

Sincerely,

David L. Thomas

Vincent J. Thombson

And I reside at 2209 South and Street
Austin TX 18704 directly across the street from
Agron. I approve of his car put and would
like one for myself in this awful Texas heat.

The very well done and I think it should
Stay up Please allow Aron to keep it. He
Stay up Please allow Aron to keep it. He
works hard to upgrade and make his home
works hard to upgrade and make his home
look nice.

Thank again.

Sincerely

Catholicane

572-351-028

To whom it may concern,

I am in support of the variance requested for a carport at 2210 South 2nd St, 78704. I live one block away at 2304 S 3rd St and feel a variance for this request is reasonable and will not infringe on the property rights of anyone else. Please allow for this variance.

It is important to handle every variance on an individual basis as we are working with homes built under a variety of code directives that do not always fit together. The residence in question was clearly built prior to the current setbacks and should be allowed to have the improvements requested.

Thank you

Paul King II

2304 S 3rd St Austin 78704

April 11, 2017

To whom it may concern,

I am in support of the variance requested for a carport at 2210 South 2nd St, 78704. I live one block away at 2304 S 3rd St and feel a variance for this request is reasonable and will not infringe on the property rights of anyone else. Please allow for this variance.

I understand that the Bouldin Creek Neighborhood Association has not supported this variance. Please know that there are never more than 40 people at these meetings, meaning less than ½ % of the population of Bouldin Creek is making decisions for the other 99.5%. Please do not give BCNA more weight in a vote than you give the immediate neighbors of this property.

Thank you

Erin McGann

2304 S 3rd St Austin 78704

Troy Madres 2208 South 2nd Street Austin, TX 78704

RE: Property of 2210 South 2nd Street

To whom it may concern:

My name is Troy Madres and I own 2208 S. 2nd Street which is the adjoining property to the north of 2210 S. 2nd Street. The carport at 2210 South 2nd Street is on the side that is closest to my property. I am in support of the carport staying as-is and I support the variance request to adjust the setbacks.

Thank you,

Troy Madres

April 19, 2017

John & Lisa Weinberger 706 Fletcher St. Austin, TX 78704

RE: Aaron McGarrys carport at 2210 S. 2nd St, Austin, TX 78704

City of Austin Board of Adjustments 2006 East 4th Street Austin, TX 78702

To Whom It May Concern:

We understand there is a dispute regarding Mr. McGarrys carport. We certainly appreciate honor and respect guidelines set by the City however we also wish to support our neighbors. In the hot Texas heat all cars suffer without coverage. In many homes throughout Austin that were built in the 1950's, those homes are built within the current setback rules. This makes it difficult for homeowners to have covered parking.

Perhaps the City could review each situation on its own merits and decide if there can be a variance to support Mr. McGarrys carport. He is an incredible neighbor who watches out for the safety of our immediate neighborhood so we could not ask for a better neighbor. Please consider a variance on his behalf.

Sincerely,

John & ZIJA Weinberger
John and Lisa Weinberger



Aaron M. 3 searchmang to pergramace

[BouldinForum] BoA as community building opportunity

Brian Streig Reply-To: Brian Streig Brian Strei

Wed, Apr 12, 2017 at 6:31 PM

Hi Aaron,

I definitely support you being able to keep your carport at 2210 S. 2nd Street. I personally think it is attractive and contemporary while still maintaining the cottage charm of our neighborhood streets. I'm disappointed the BCNA didn't support your request.

I do hope this helps and that you are able to keep your carport.

Best of luck, Brian Streig 1011 Brodie St #21 Austin, TX 78704

From: Aaron MCGarry •

To: Brian Streig

Sent: Wednesday, April 12, 2017 6:16 PM

[Quoted text hidden] [Quoted text hidden] Dear BoA

This is Murray Freeman - an owner 5 blocks away from Aaron

I agree that the carport is in the setback and that this is against new and old rules for this neighborhood. However, when I compare this carport - with other structures in the setback - in particular massive cinderblock walls and ancient dilapidated garages - I think it adds to the neighborhood. Many examples of grandfathered structures at the lot lines in Bouldin are not as attractive - and we should reward creative and novel designs that do not cause safety issues.

Forcing the demolition of this structure reinforces the notion that only new homes are welcome in Bouldin, that only fools invest in upgrades to older homes. The demolition will send a message to 36+ people that the city of Austin is out of touch with the voters, that their opinions do not matter, and that newcomers need to move on and don't even think about making a mark here and establishing roots.

Forcing the demolition will reduce engagement of owners in BCNA - and empower the old guard that is currently in control.

I support this project only because it is a chance for the BoA to acknowledge the importance of blockwise neighborhood connections and that newcomers are indeed welcome.

Best Regards,

Murray Freeman 616 W Monroe



Auton Gala Consideration of the bear of

Your Carport

Chris Chauvin <
Reply-To: Chris Chauvin <
To: Aaron McGarry <

Thu, Apr 13, 2017 at 12:36 PM

Hi Aaron.

This email is to support you in keeping your current carport. I've looked at it and in no way does it detract from the neighborhood or lessen the appeal of the street or neighborhood. In fact, I think it does quite the opposite.

Additionally, the added value of keeping your vehicles protected from the sun and weather adds value in many ways. Feel free to use this email as a public message of support.

Chris Chauvin 1211 West Mary St. #1 Austin, TX. 78704



Land the State of the state of the

Carport

Rita Rosas <

Mon, Apr 17, 2017 at 6:49 PM

Hi Aaron.

I just wanted to say in writing that I fully support you keeping your carport at 2210 S. 2nd Street.

In my opinion, it is tastefully designed and well build. I think it nicely complements the aesthetics of the bungalow style homes as well as the modern homes in the neighborhood. It is an asset to your home and property, and I strongly support you being allowed to keep it.

Sincerely,

Rita Rosas

2206 S. 3rd St.

Austin, TX 78704



Aaron McG <aaronmogarry gigor in core-

[BouldinForum] Re: COA Arbitraty Code regulations

John Pratt ←
To: Aaron MCGarry ←

Wed, Apr 12, 2017 at 6:45 PM

Aaron -

This email is to confirm that we support you keeping your carport at 2210 S 2nd St.

Good luck with your request. And we hope you find someone reasonable at the city to recognize that your carport is not a neighborhood problem.

John Pratt & Charlene Urwin 614 W Johanna St.

Sent from my iPhone [Quoted text hidden]



setbacks of 25 feet front yard and 5 feet interior side yard. Property address is 2210 S. 2nd Street Austin, Texas 78704. I, Aaron James McGarry, am applying for a variance from the Board of Adjustment regarding Section 25-2-492 of the Land Development Code. The variance would allow me the ability to keep my current carport or construct a new one inside of the current

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

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	SERGIO ROS AS	RITA ROSAS	Vida Elivera	Chistal Floras	3 Doronin Flow	Kimberly Willis	Jenna Well	Property Owner Name
2	2200 S. 300 St.	2204 S. 3RD St	Bayas. and st	+8 FEB 'S MICC	2214 59 2214	2311 S. 5t St \$204 1x 7670	2014 S.35 AvshaTX 78704	Address
	Salin Salin	The Rose		Charles -	Dom	1 howill	CHU THE	Signature

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

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15 pre 5 4tors	703 w we pak st	2309 S 2nd St.	3309 5 216 51.	12 19 19 18 Eld	521122 Sud	1110 W. OCTORF ST	1116 W oltars St	701 W. Live Oakst	615 WLINE oakst	614 W. Johanna St.	614 W. Johanna St.	908 Christophur G. Austin. Tx. 78-	Address
M	har	o September 1		(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)			67	And L. Komm	M	Charlene a Verwin	Se and	78704 Nam Osle	Signature

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

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

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Gmail - Variance 4/21/17, 3:08 PM



Aaron McG <aaronmcgarry@gmail.com>

Variance

Jennifer Gibson Hebert

Fri, Apr 21, 2017 at 2:37 PM

To:

To Whom it May Concern,

I am in support of a variance of the variance for the carport at 2210 S 2nd Street, Austin, Texas 78704 of owner, Aaron McGarry.

If you have any questions, please contact me directly.

Sincerely,

Jennifer Gibson Hebert Owner 2300 South 2nd Street Austin, Texas 78704 +512.894.4106 +831.998.2352 Cell

www.jsjproductionsinc.com

Confidentiality Note: This e-mail message and any attachments to it are intended only for the named recipients and may contain legally privileged and/or confidential information. If you are not one of the intended recipients, please do not duplicate or forward this e-mail message and immediately delete it from your computer.