

CASE#: C15-2018-0002 LOCATION: 5409 Duval Street OF AUST

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.

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H04/2



CITY OF AUSTIN Development Services Department One Texas Center | Phone: 512.978.4000 505 Barton Springs Road, Austin, Texas 78704

### 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 Statement		
Street Address: 5	409 Duval Street	Austin	
Subdivision Legal De		n to Austin Texas	
	10-11		
Outlot:			
Zoning District: 5	F3		
INVe Kristi		on behalf of	f myself/ourselves as affirm that on
Month Select	-20-1, pay Select , Year	Select , hereby apply for	a hearing before the
Board of Adjustm	ent for consideration to (select a	appropriate option below):	
O Erect O At Type of Structure Sit	tach O Complete O Remo a CATPORT POST ting on the Side	reach G"×G" Ubird Schock II	ther: (Ginches wid

City of Austin | Board of Adjustment General/Parking Variance Application

09/11/2015 | Page 4 of 8

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

which 00 receive as my readily available IGF Salven front and rear NEORE iompliant with

### 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:

SDec ble use relates MATCHIN OF TRASONO sde , and two 6×Co thenominal set bock H H' OVES SIDeuard a into the covered drive to omeowner and requirement to creating overcrowoir ease. of use by street near

### Hardship

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

the matter is deminimis. This does not regard 9 Structure placement, rather 2 - G. G carport, posts when allaumes other into a side yard setbook do not meet nor exceed maximum allowances and where other homes " structures within the area entive side walls of homes) are in fact out the side yord setbac

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

trees FIGM TCO al other Dortion construction, between other Space residences al TUC to 101 This is an owner Hardshipspecific ICAD ACCESSIDILITY

City of Austin | Board of Adjustment General/Parking Variance Application OCCUP (EC) NOME Where gmenitics are trying to be provided in OUT pest efforts with a in an area that is becoming CTOWDED by NON Owner Occupied multifamily properties maxing OUT all other allowable construction methods ? Uses.

### 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:

Set Dax are

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:
- 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:

dir cose at be able more r rec alread

Check of the condition of the 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:

City of Austin | Board of Adjustment General/Parking Variance Application

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### Section 3: Applicant Certificate

I affirm that my statements contained in the comple my knowledge and belief.	te application are true	and correct to the best of
Applicant Signature: Kusti Kais	w	Date: 11-20-17
Applicant Name (typed or printed): KTistin	Kaiser	
Applicant Mailing Address: 1426 Echols		
city: Kyle	State: TX	zip: 78640
Phone (will be public information): 830. 33	There are an	
Email (optional – will be public information):		
Section 4: Owner Certificate		
I affirm that my statements contained in the complet my knowledge and belief	te application are true a	and correct to the best of
Owner Signature: / delilio Main		Date: 11/15/17
Owner Name (typed or printed): Debbie M	ain	11
Owner Mailing Address: 5409 DUVA 5		
city: AUStin	State: TX	Zip: 78751
Phone (will be public information): 512-92	2-4964	
Email (optional – will be public information):		
Section 5: Agent Information		
Agent Name: Kristin Kaiser - Keen Gi	FOUL	
Agent Mailing Address: 1420 Echols		
city: Kyle	State: TX	Zip: 78640
Phone (will be public information): 830. 235	0830,0	
Email (optional – will be public information)		
Section 6: Additional Space (if application	able)	

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).

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#### General/Parking Variance Request

AHachme

## H04/6

A General Variance at 5409 Duval Street is requested, as follows:

Builder requests an allowance to maintain two carport posts (6" x 6" each) which are currently placed on a 4" (four inch) average over the 5' side yard setback line within the lot.

The carport has been constructed for a single story ADU at the rear of the property, with alley access.

The construction footprint is otherwise in full compliance and is well below the allowance for overhangs and flatwork within the setback. The existing home, as well as other homes in the area, and their improvements were originally built over the current required setbacks, thus the 2 carport posts in question do not diverge from construction standards in the area.

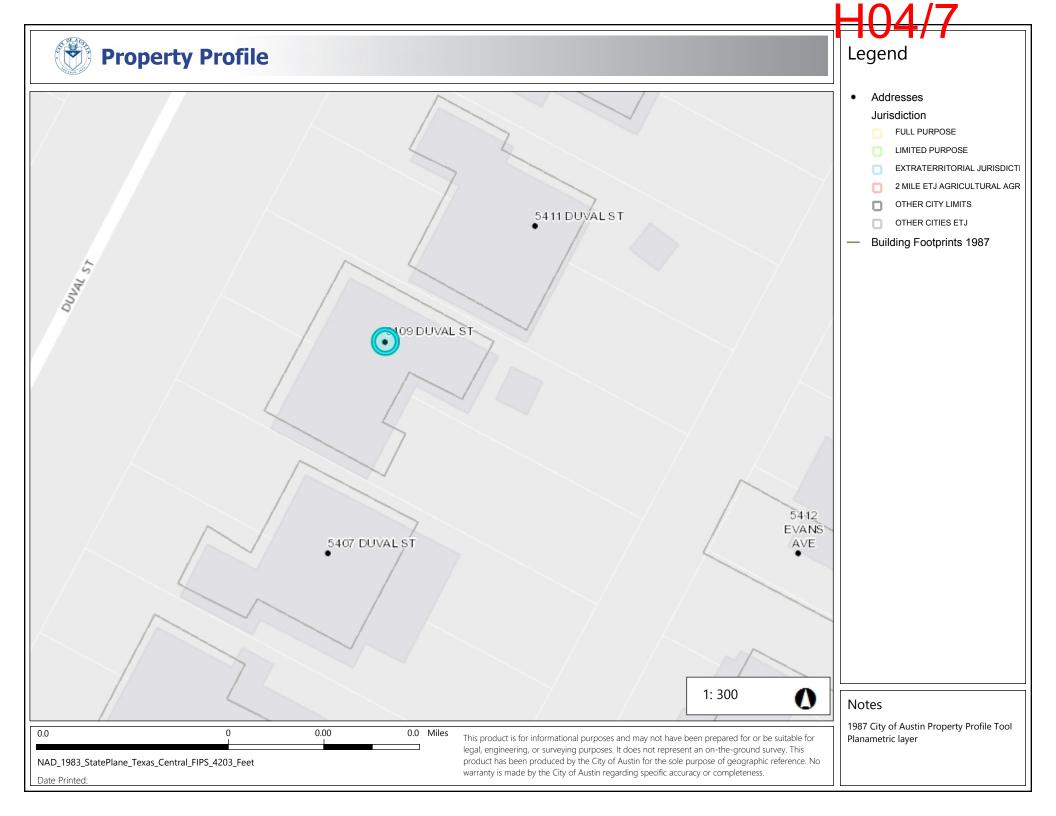
Placement of the posts over the setback line was not intentional. Builder has considered moving the posts to avoid the request for a variance. However, further consideration has revealed that moving the posts closer in toward the home would negatively impact the ability to park in the driveway which is already comparatively narrow for ease of use. As they sit, a standard size truck has difficulty pulling in to and out of the covered driveway. Maintaining an optimal parking area is considered to be of greatest benefit to the owner occupant and surrounding neighbors.

There is no room to park in the alley. Street parking at the front of the lot is typically filled and would not allow for disabled residents to easily access the home. Moving the posts in would demand a compact car move closer the the exterior wall of the home, hindering passage to and from the main entry. The home is required to be built with accessibility requirements.

In summary, the current position of the posts falls in line with typical nominal encroachments of existing homes into setback planes, and maintaining the current position maintains quality of construction and benefits all neighboring properties in terms of providing off street parking for the homeowner's vehicle and quality of use. Narrowing the parking capabilities hinders the use as provided for by the builder and demanded by the City of Austin for accessibility.

Again, please accept that the placement of the posts was not intentional, and that the builder genuinely feels that the quality of life for the homeowner and surrounding neighbors would be negatively impacted by moving posts which have no negative impact as they currently sit.

Your approval to maintain the current positioning of the posts would be greatly appreciated.



(A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under <u>Chapter 25-2</u> (*Zoning*) if the board finds that the special exception meets the requirements of this section.

(B) The Board shall grant a special exception under Subsection (A) of this section if:

(1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;

(2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and

(3) the Board finds that:

(a) the violation has existed for:

(i) at least 25 years; or

25-2-476 SPECIAL EXCEPTIONS.

(ii) at least 10 years, if the application for a special exception is submitted on or before June 6, 2017;

(b) the use is a permitted use or a nonconforming use;

(c) the structure does not share a lot with more than one other primary residence; and

(d) granting a special exception would not:

(i) alter the character of the area;

(ii) impair the use of adjacent property that is developed in compliance with city code;

or

(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(C) A special exception granted under this section:

(1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;

(2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and

(3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(D) A structure granted a special exception under this section shall be treated as a noncomplying structure under <u>Chapter 25-2</u>, <u>Article 8</u> (*Noncomplying Structures*). *Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126; Ord No. 201660519-057. Pt 2, 5-30-16.* 



### Cover Letter General/Parking Variance Request 5409 Duval Street

A General Variance at 5409 Duval Street is requested, as follows:

Builder requests an allowance to maintain 2 (two) carport posts (6" x 6" each) which are currently placed on the 5' side yard setback line within the lot, 4" (four inches) past the prescribed set back distance, an overage that majority rule states is de minimum in nature and similar to the placement of other structures in the area.

The carport has been constructed for a single story ADU at the rear of the property, with alley access.

The construction footprint is otherwise in full compliance and is well below the allowance for overhangs and flatwork within the setback. The existing home, as well as other homes in the area, and their improvements were originally built over the current required setbacks, thus the 2 carport posts in question do not diverge from construction standards in the area.

*Placement of the posts over the setback line was not intentional.* Builder has considered moving the posts to avoid the request for a variance. However, further consideration has revealed that moving the posts closer in toward the home would negatively impact the ability to park in the driveway which is already comparatively narrow for ease of use. As they sit, a standard size truck has difficulty pulling in to and out of the covered driveway. Maintaining an optimal parking area is considered to be of greatest benefit to the owner occupant and surrounding neighbors.

There is no room to park in the alley. Street parking at the front of the lot is typically filled and would not allow for disabled residents to easily access the home. Moving the posts in would demand a compact car move closer the the exterior wall of the home, hindering passage to and from the main entry. The home is required to be built with visitability requirements.

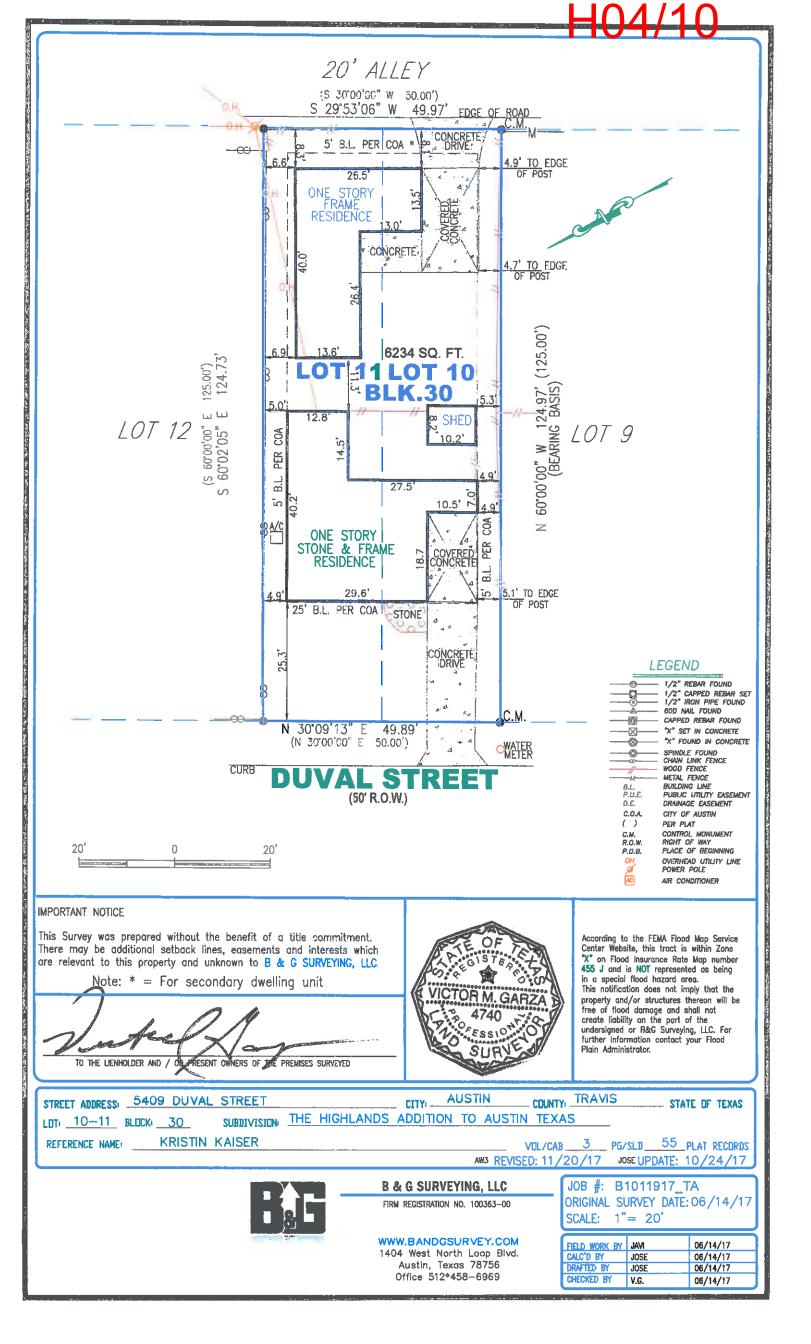
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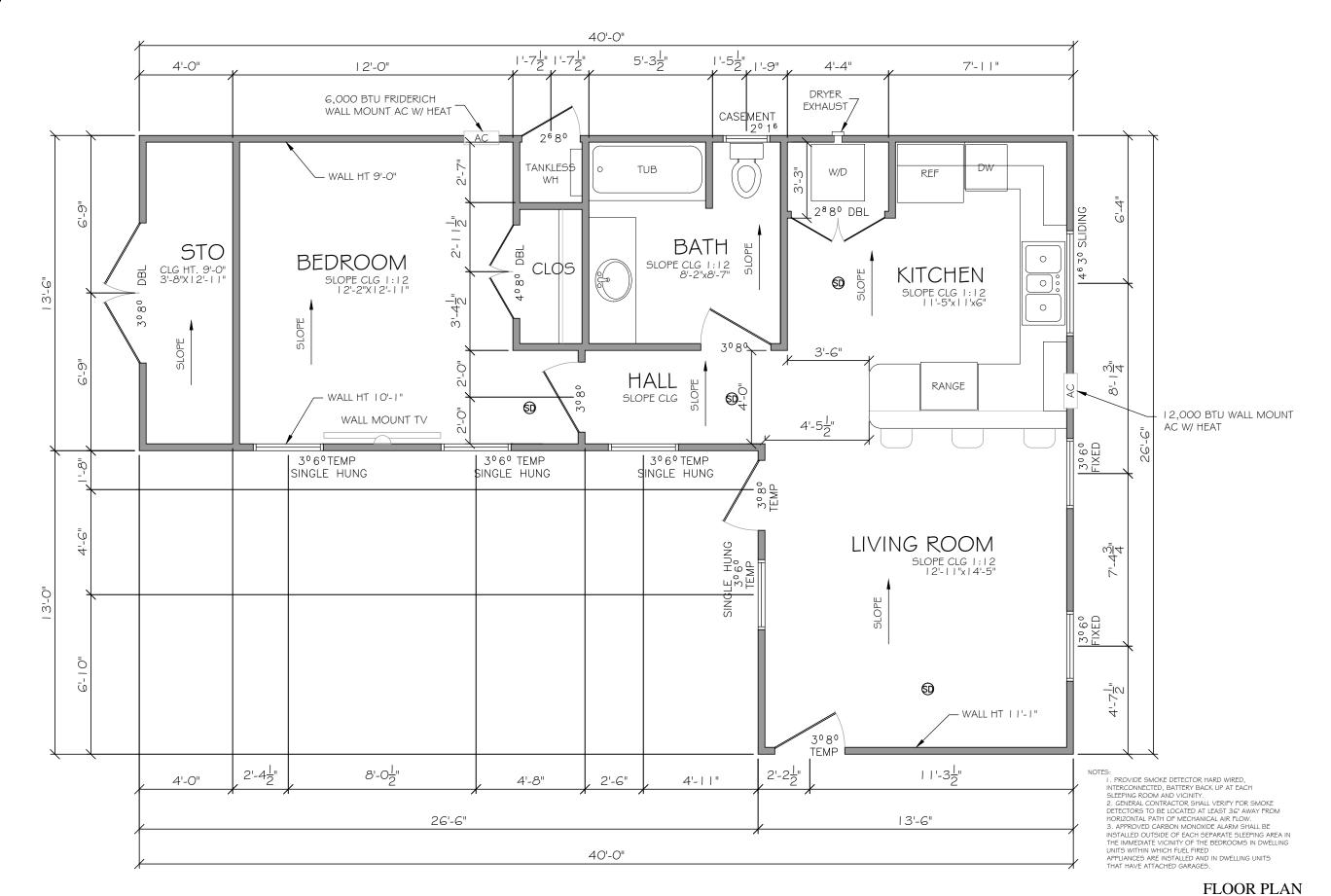
Again, please accept that the placement of the posts was not intentional, and that the builder genuinely feels that the quality of life for the homeowner and surrounding neighbors would be negatively impacted by moving posts which have no negative impact as they currently sit.

Your approval to maintain the current positioning of the posts would be greatly appreciated.

Thank you for your consideration,

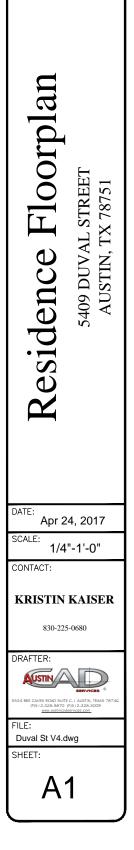
Kristin Kaiser 830.225.0680

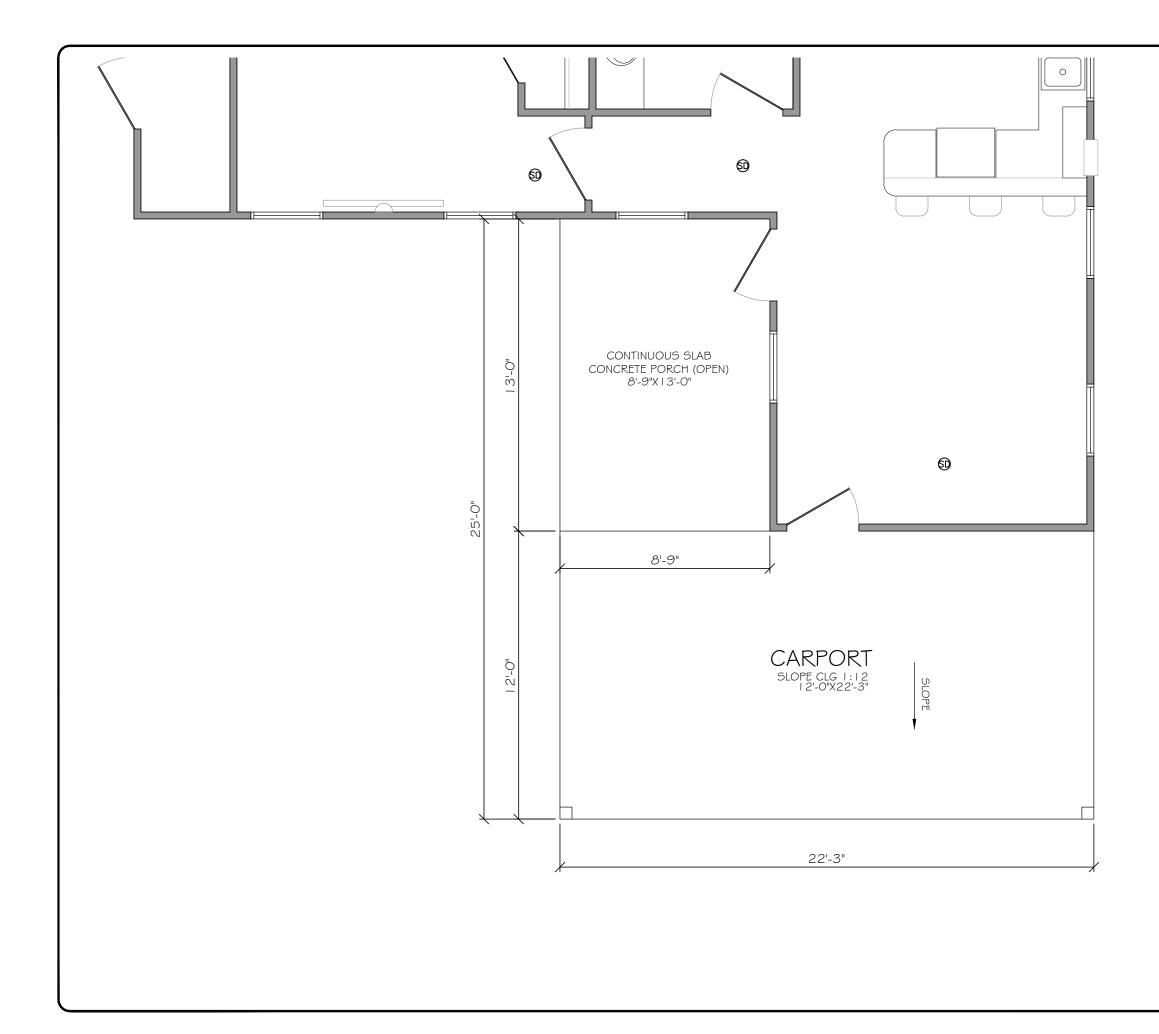






Austin Cad Services, Inc., and the drafters therein employed, are not responsible for the integrity of the design(s) contained within these sheets. As drafters, the sole purpose is to cad the information provided by the client. Any questions or concerns regarding the design(s) depicted here should be addressed to the Architect, Engineer, or Designer.



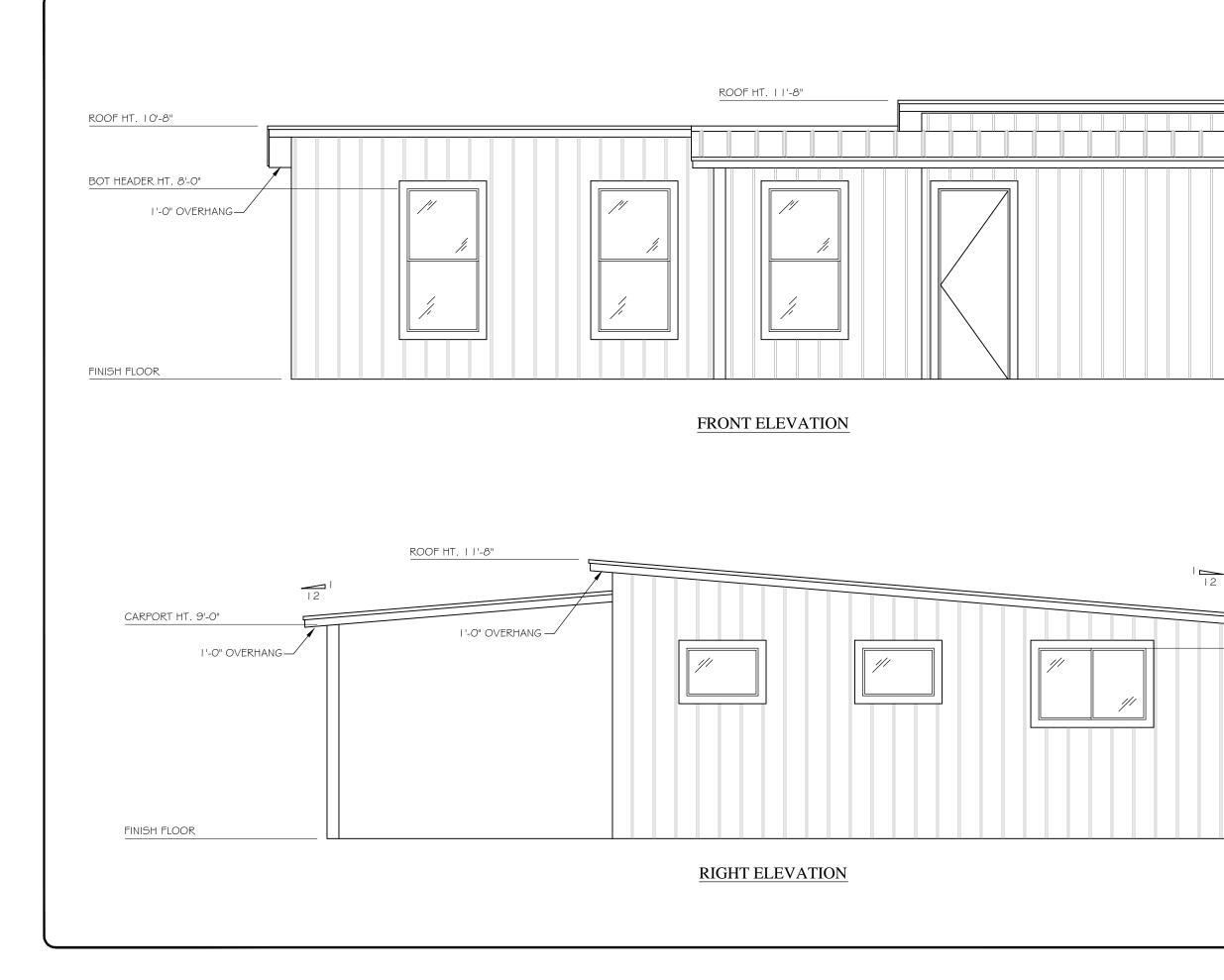


# <u>H04/12</u>

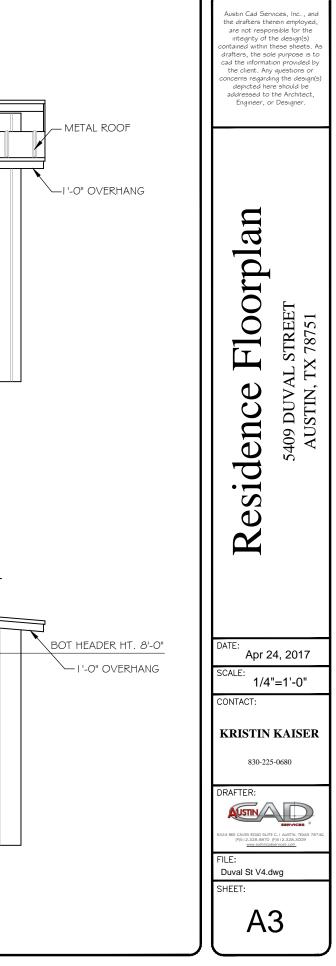
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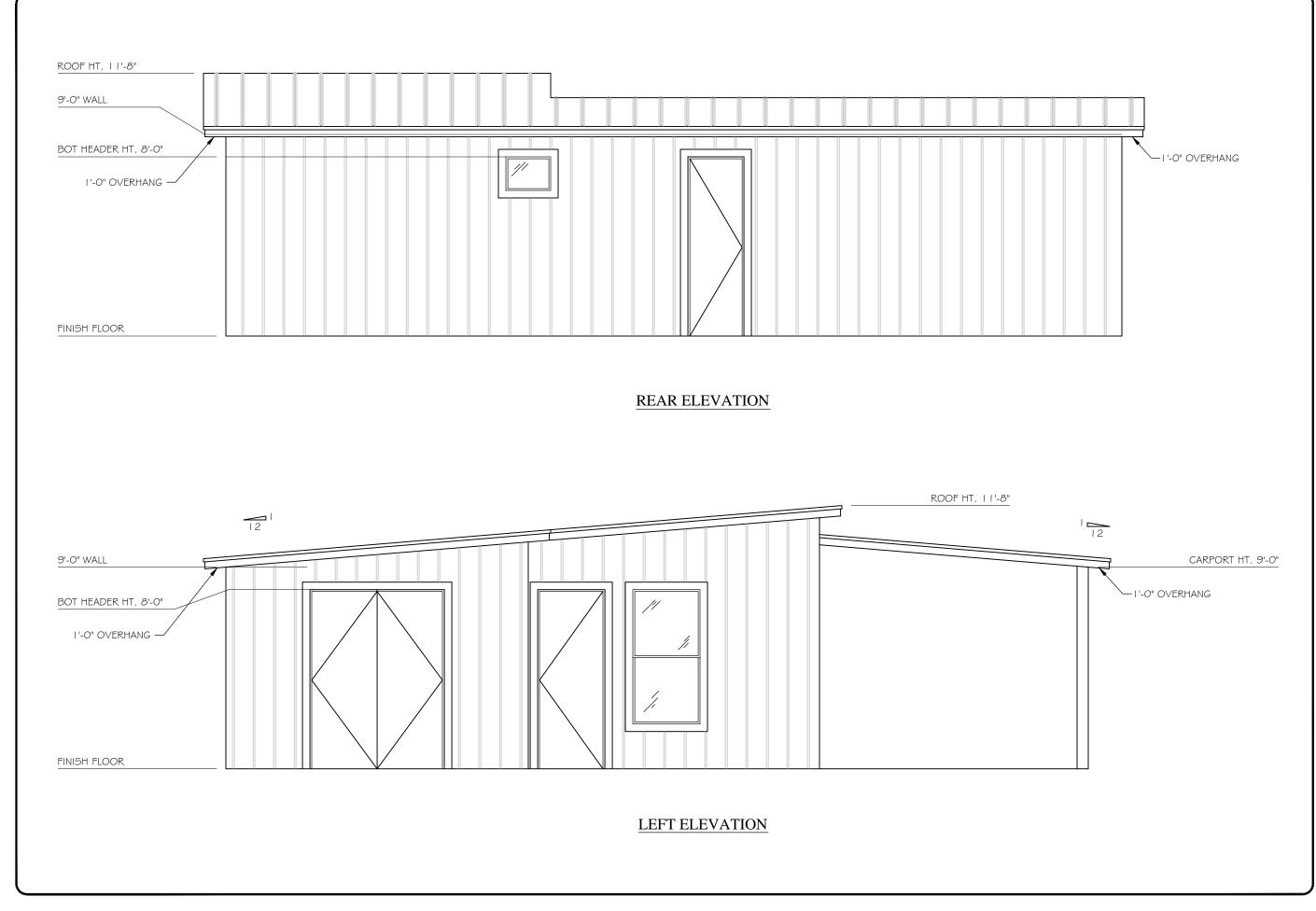
Floorplan 5409 DUVAL STREET AUSTIN, TX 78751 Residence DATE: Apr 24, 2017 SCALE: 1/4"=1'-0" CONTACT: KRISTIN KAISER 830-225-0680 DRAFTER: (P)512-328 FILE: Duval St V4.dwg SHEET: A2

FLOOR PLAN (CARPORT)





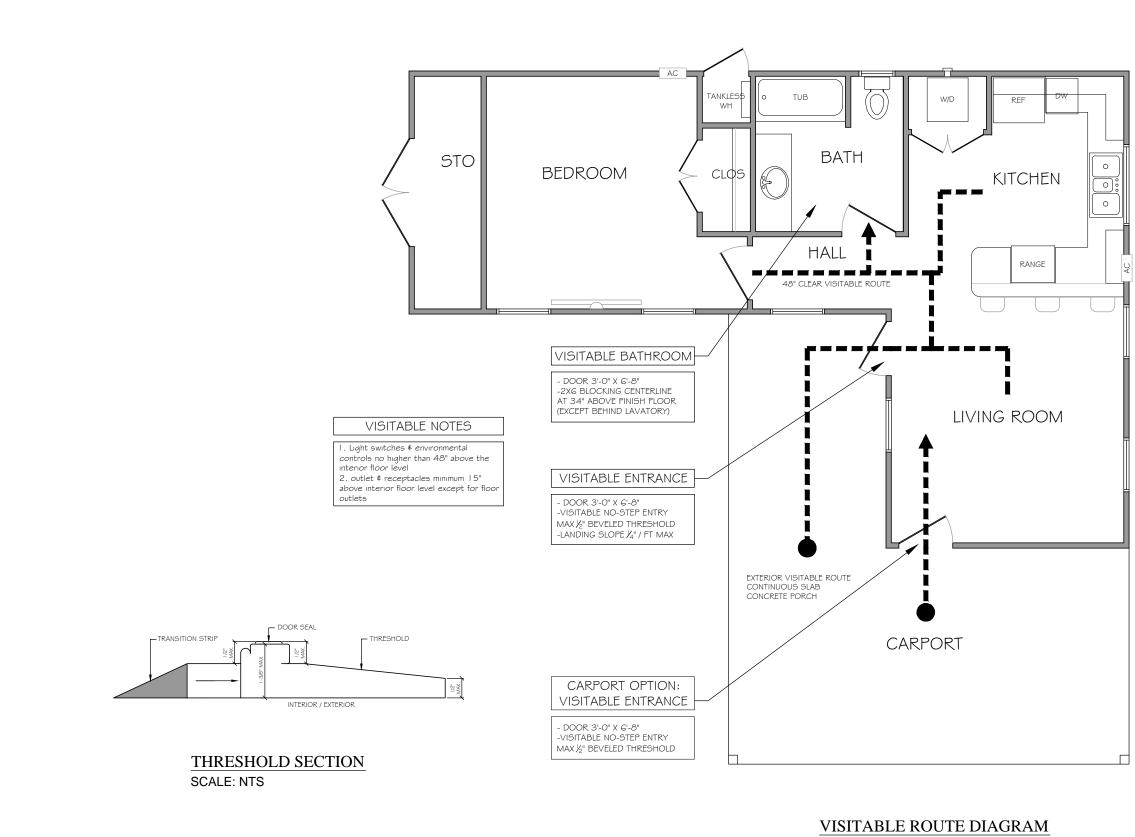






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Residence Floorplan	5409 DUVAL STREET	AUSTIN, TX 78751
DATE: Apr 24	4, 20	17
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CONTACT:		
KRISTIN	KAIS	SER
830-225	-0680	
DRAFTER: State of the sease		
FILE: Duval St V4.dv	wg	
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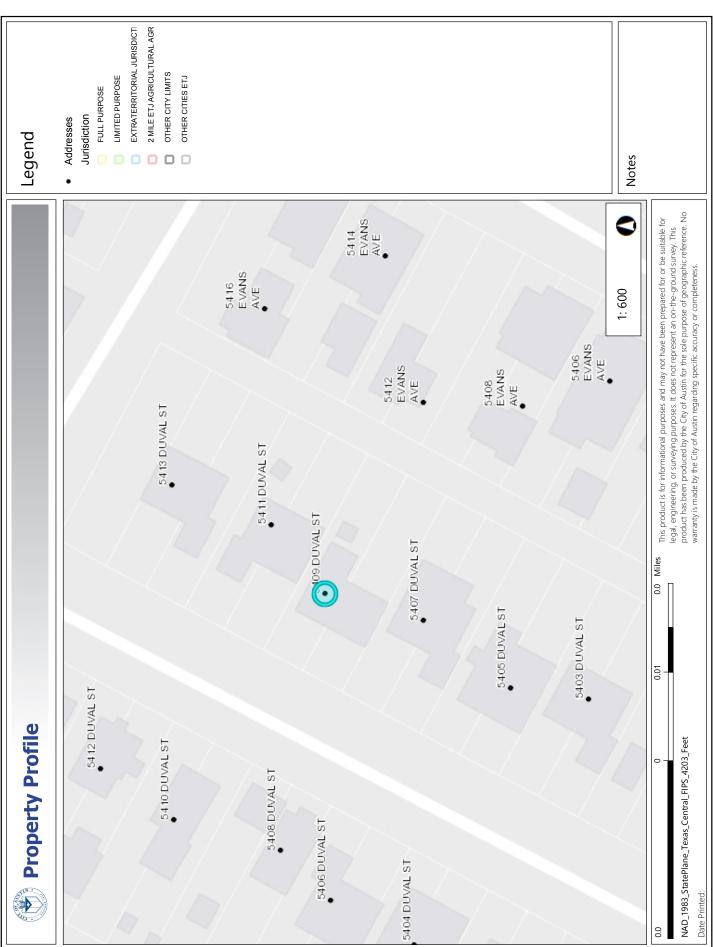


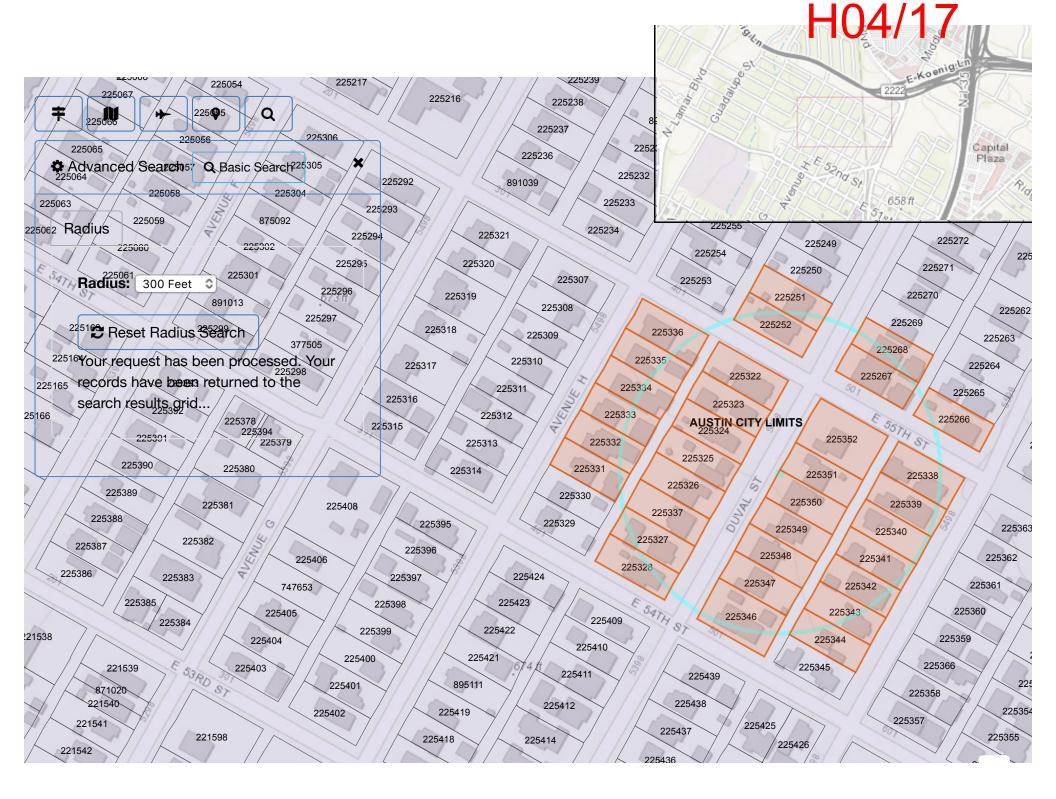
SCALE: 3/16"=1'-0"

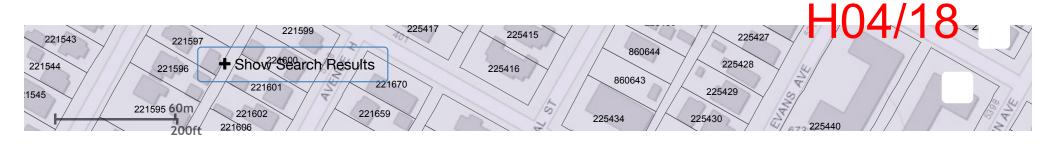
# <u>H04/15</u>

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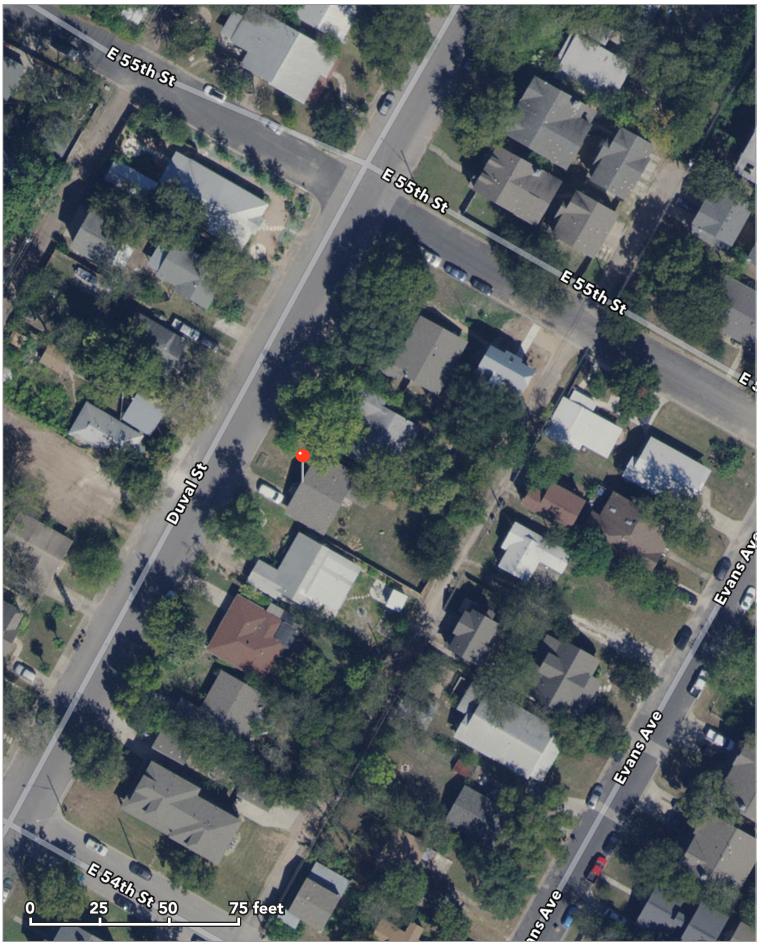
VISITABLE PLAN	5409 DUVAL STREET AUSTIN, TX 78751
	4, 2017
	HOWN
CONTACT: KRISTIN 830-225	
DRAFTER: S524 BEE CAVES FOLD SUITE (7512-325-38070 (r 2002 ADDITION	C-1 AUSTIN, TEXAS 78746 1512-322-3009 ervices.com
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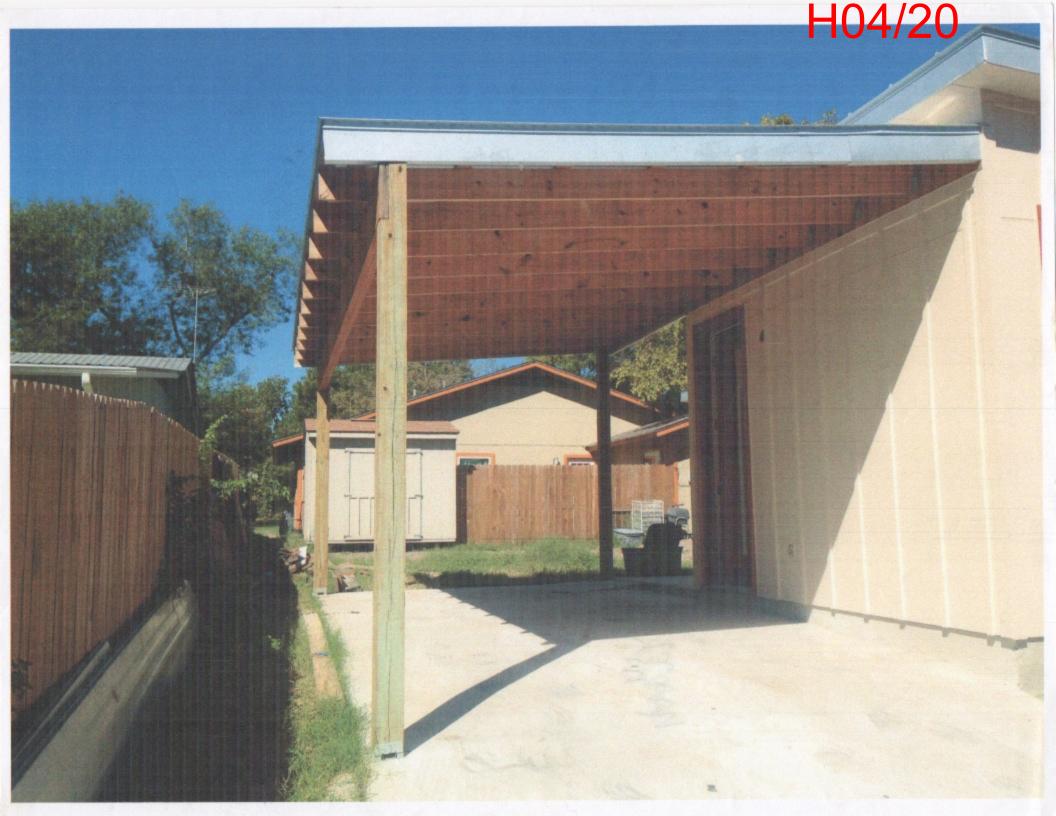






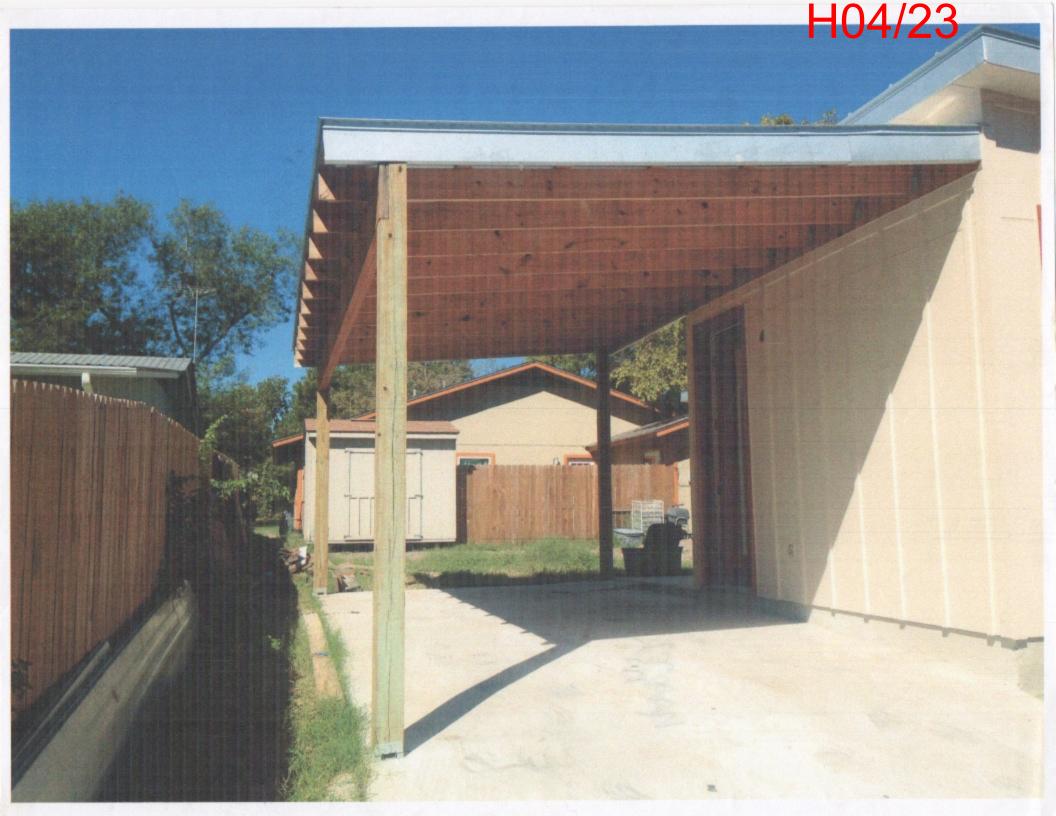
















Toti Larson President, North Loop Neighborhood Association 5311 Duval St., Austin, TX, 78751 (512) 838-3230 totilarson@gmail.com

December 20, 2017

Dear board of adjustments member,

I am writing letter on behalf of the Northfield Neighborhood Association in regards to request made by Kristin Kaiser, of Keen Development Group, to permit placement of 2 car port posts within the side yard set back at 5409 Duval Street. Kristin Kaiser attended our neighborhood association meeting and explained in detail the issue regarding the garage port posts.

The neighborhood association understands that the two 6x6 car port posts are placed at distances of 3" (three inches) and 5" (five inches) over the side yard set back line. We voted unanimously to support the request to allow the posts to remain in their current position.

Kristin Kaiser also notified the neighborhood association that a petition was available for signature, and all attendees of the meeting who reside within the prescribed zone have supported the request with signature.

Thank you, and please feel free to contact me with any questions,

Tatlan

Toti Larson President, North Loop Neighborhood Association

#### **General/Parking Variance Request**

A General Variance at 5409 Duval Street is requested, as follows:

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Placement of the posts over the setback line was not intentional. Builder has considered moving the posts to avoid the request for a variance. However, further consideration has revealed that moving the posts closer in toward the home would negatively impact the ability to park in the driveway which is already comparatively narrow for ease of use. As they sit, a standard size truck has difficulty pulling in to and out of the covered driveway. Maintaining an optimal parking area is considered to be of greatest benefit to the owner occupant and surrounding neighbors.

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**In summary**, the current position of the posts falls in line with typical nominal encroachments of existing homes into setback planes, and maintaining the current position maintains quality of construction and benefits all neighboring properties in terms of providing off street parking for the homeowner's vehicle and quality of use. Narrowing the parking capabilities hinders the use as provided for by the builder and demanded by the City of Austin for accessibility.

Again, please accept that the placement of the posts was not intentional, and that the builder genuinely feels that the quality of life for the homeowner and surrounding neighbors would be negatively impacted by moving posts which have no negative impact as they currently sit.

Your approval to maintain the current positioning of the posts would be greatly appreciated.

By signing below, each individual acknowledges the specifics of the variance being requested, as outlined above, and approves the request for two carport posts to remain in place at the above mentioned address.

Printed Name Address Phone Number Signature 5501 EVANS AVE 512.796-7580 VIRGINIA RALER Rock Carrantes SSODTENNEST Mary Jo O'fled. 5414 Duval 512 4526 387 713-301-8259 Thank Steve Harr SY14 Duval 713-301-1012 572-525-5575 5207 DUUAC hy dia Drs 5311 DUN 512-934-3230 TOSI LATED

Merrill Nebon 5412 Evans 512.924.1408 Merrill Nelson 5416 Evans A.B 512 924.1408 Merrill Nelson SOK Ave F 512 924 1408 4 2012 Roward 11 1 1 Provides Christopher Cuty 5406 Duvel 512 947-4246 Forentia Christopher City 5501 BAVEH Properties 5410 DUVAL 512-9547557 Elma Holden Michina ST. 16. Gray 5405 Duval 512-970-4975 / Note tran · David On Da 5312 Avenuett 512-565.4563 ZENE BER FAMILON 5312 DEH 512-565.4562 Full Ul Olivie humanis 5206 bus delupe 512 785-1803 Olivia Armanico. Brenda Berner 5402 Avert 512 822-8614 Brends KBerner. have warren 5002 Dunalst 5129520419 Aman 5412 Aund St. 5724316347 John Rowley. Gohn Rowley

H04/28 Merrill Nelson 5412 Evans 512,924.1408 Merrill Nelson 5416 Evans A:B 512 924.1408 Merrill Nelson 5016 Ave F 512 924. 1408 2012 Consid N 71 2 Proporties Christopher Carty 5406 Duvel 512 947-4246 Ewentis Christopher Curty 5501 DAve H Holden Properties 5410 DUVAL 512-9547559 Elma Holden STILL Gray 5405 OUVAL 512-970-4975 DUVAL 512-970-4975 DUVAL STANATHAN EDWATEDS Sto3 AVEH. SIZ-423 9643 toughton ) On 5312 Avenuett 512-565-4563 Davidon LANGE OPR PSMUlly 5312 XVEH 512-565.4562 Hunde Olivie Primaria 5206 buddelupe 512 785-1803 Oliva Primarius Brenda Berner 5402 AverH 512822-8614 Brenda K Benner. KayeWarren 5002 Durkelst 5129520419 John Rowley 5412 Duval 512 288,0507 \*see e-mail Melissa Ruga 5409 Aver 517-410-4307 mg

H04/29

Merrill Nelson 5412 Evans 512,924.1408 Merrill Nelson 5416 Evans A:B 512 924. 1408 Merrill Nelson 5016 Ave F 512 924 1408 2012 Rowens 572 947-4246 Properties Christopher Carty 5406 Duvel Faventia Christopher Curty 5501 DAVEH Jolden Properties Elma Dolden 5410 DUVAL 512-9547557 Gray 5405 OUVA 512-970-4015 Nove tion OANATHAN EDWATEDS STOJAVEH. 512-423 9643 ~ 5312 Avenuet 512-565.4563 · Davidor quille LANGE OF FMULLY 5312 SUEH 512-565.4562 7 Olivie Armanis 5206 buddelupe 512 785-1803 alina Armanic Brenda Benner 5402 Ave.H 512 822-8614 Brenda K Benner. 5202 June St 5129520419 And Kayellavren John Rowley 5412 Duval 512.288.0507 \*see c-mail 5 Justin Ho 5401 Duval A&B 801-891-5631

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Anne Min Anne M

## Hello

# H04/31

### Sunanda Vonteri

Mon 11/20/2017 1:56 PM

Hi,

I am Debbie's neighbor and I am with carport sitting 4" over the side yard.

My address is 5407 Duval St.

Call me if you have any questions.

Su

## Fwd: Variance

# H04/32

Sat 12/16/2017 7:05 PM

Inbox

To:Keen Development Group

Lookie what I got today - I hope it is acceptable.

From: Joseph Carcione Date: Sat, Dec 16, 2017 at 4:21 PM Subject: Re: Variance To: Debbie Main <

Joseph Carcione 5411 Duval Street Approval of variance for 5409 Duval Street.

On Dec 12, 2017, at 3:51 PM, Debbie Main

wrote:

Hey Joe,

My builder said you could just reply to this email. Identify yourself, your address, and that you approve the variance.

Thanks, Debbie

On Nov 24, 2017 11:09 AM, "Debbie Main"

Looks like she is asking to add your name to the list by printing the list, adding your signature and then scanning or taking a picture and sending it back to her.

wrote:

wrote:

vrote:

Let me know if you cant print and/ or scan

On Thu, Nov 23, 2017 at 12:10 PM, Joseph Carcione I haven't sent the builder, but let me know what may be needed .

Happy Thanksgiving.

On Nov 14, 2017, at 12:31 PM, Debbie Main

> Hi Joe,

>