



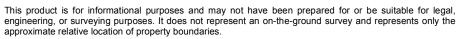


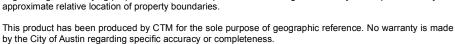
PENDING CASE

ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2018-0011 LOCATION: 1706 Norris Drive







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

ror onic	e Use UII	ıy				
Case #		ROW #		Tax #	<u> </u>	
Section	1: Applica	nt Statemer	nt			
Street Addres	ss:					
Subdivision L	egal Descrip					
Lot(s):			Blo	ck(s):		
Zoning Distric	ot:					
I/We				on b	ehalf of myse	elf/ourselves as
authorized	d agent for _					affirm that on
Month		, Day	, Year	, hereby a	pply for a hea	aring before the
Board of A	Adjustment fo	r consideration	to (select appro	priate option be	low):	
○ Erect	○Attach	○ Complete	Remodel	Maintain	Other:	
Type of St	tructure:					

Portion of the City of Austin Land Development Code applicant is seeking a variance from:
Section 2: Variance Findings
The Board must determine the existence of, sufficiency of, and weight of evidence supporting the indings 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 ncomplete. 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.
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:
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:

Area Character

_	
_ _	
Reque	ng (additional criteria for parking variances only) est for a parking variance requires the Board to make additional findings. The Board may grant
Apper	ance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, ndix A with respect to the number of off-street parking spaces or loading facilities required if it is 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:
_ _	
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 inconsisten 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:

Section 3: Applicant Certificate

my knowledge and belief. Applicant Signature: Date: Applicant Name (typed or printed): Applicant Mailing Address: City: _____ State: ____ Zip: ____ Phone (will be public information): Email (optional – will be public information): **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: _____ Date: _____ Owner Name (typed or printed): Owner Mailing Address: City: _____ State: ____ Zip: ____ Phone (will be public information): Email (optional – will be public information): **Section 5: Agent Information** Agent Name: Agent Mailing Address: State: Zip: Phone (will be public information): Email (optional – will be public information): **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).

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

To the Board of Variance:

I would like to describe the series of events that led up to this variance application.

My wife and I purchased 1706 Norris Dr in August of 2013. At that time, the back yard contained a detached greenhouse and tool shed (depicted on the survey from 1993), as well as large raised beds around the trees and perimeter of the retaining wall that encircles the back patio – these structures consumed most of the open space in the backyard. Over the next year, I removed the greenhouse and raised beds to create a more open space so that our three small children could play. The tool shed was left in place, as it was needed to store lawn equipment and other tools. While this tool shed was needed, it was in very poor shape structurally, and the electrical within the building was unsafe. At this time, I was not aware of an encroachment into the setback or easement. Since this building had existed for over 20 years, and no objections were raised with its location during the sale of the property, I wrongly assumed there was no issue with its location. In addition, moving the structure would mean demolishing the slab and excavating for the placement of a new slab. Excavating for this new slab would have negatively impacted the beautiful Live Oaks trees that create a canopy over our entire backyard and make it so enjoyable. My primary objective was to avoid negatively impacting the trees.

In order to improve the safety of the tool shed and have the least impact on the trees, I decided to rebuild it in the same location. I utilized Google Sketchup, a three-dimensional design program, to create a 3D rendering of the new tool shed. During this design phase, I dreamed big and thought of adding a playhouse for our children, Townes (2), Wren (6), and Adelyne (7). I envisioned it as a place where they could escape and enjoy themselves and their toys. So, the Sketchup plan came together, and I shared this with the surrounding neighbors to get their opinion. I utilized my laptop to display the structure in 3D to these neighbors, and there were no objections. Actually, there were very positive comments about the design and the potential for the neighborhood children to enjoy it together.

With neighbor approval, I began to rebuild the tool shed in July of 2014. With the exception of hanging the siding and painting, for which I solicited the help of my father, I singlehandedly built the entire structure. Utilizing my spare time and weekends it took six months to complete the 237 square foot tool shed / playhouse.

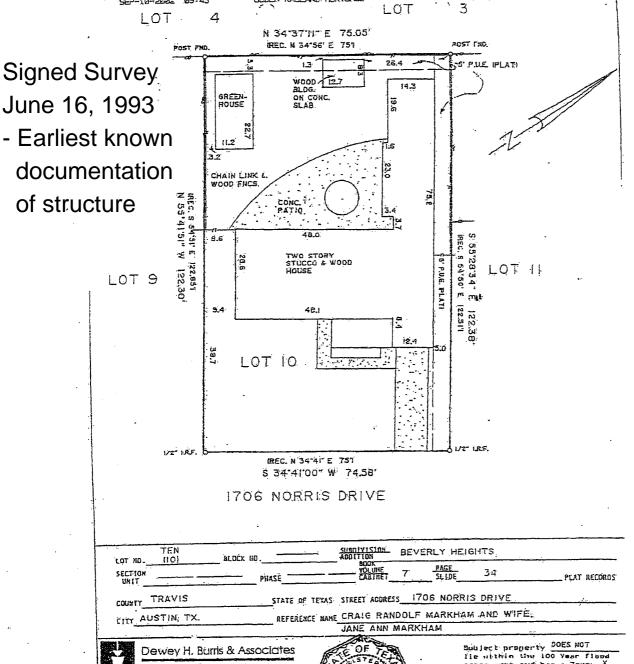
Nearly two years later, after beginning an extensive remodel to our home, we were cited for a code violation for encroachment into the setback and not obtaining a permit for the construction. I realize ignorance is no excuse, but after obtaining the necessary permits for our remodel, which included evaluation and approval of the current survey that included the tool shed/playhouse, I wrongly assumed the structure was compliant. So, I come before you asking for a variance to have reasonable use of the rear of our property that will allow for the ability to maintain the playhouse in its current location and prevent unnecessary damage and/or removal of the trees that beautify our backyard.

Respectfully,

Blayne Mozisek, DVM

Mil

LOT 1



DÖDÉN KURTANI UTKURAY

Sill Surnel Lone Sulle HO Austin, Toxos 78757

Land Surveying Services

IS121 458-6969 FAX (512)-458-9845



Subject property DOES NOT fle within the 100 Year flood proce area and has a Zone X rating as shown on the flood from the flood flood from the flood from the flood from the flood flood from the flood floo

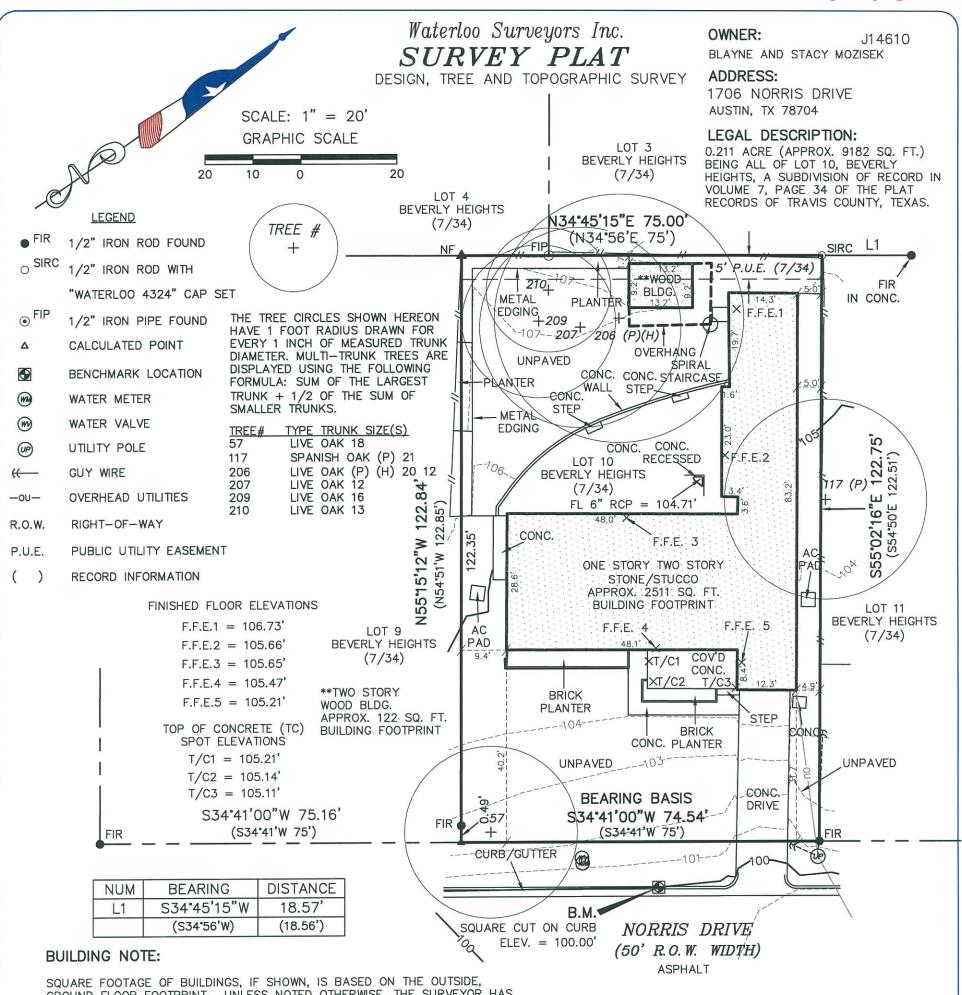
COMMONWEALTH TITLE

06-16-93

COMMONWEALTH TITLE G. F. # R052993 i, o, # 1~-20

I do norsby carfly that this survey was this day made on the ground of the property legally duscribed hereon and that there are no boundary line conflicts, encreachments overlapping of improvements, or roads in place, axcept as shown hereon, and cartifles only to the legal description and essements shown on the referenced title commitment.

1000



SQUARE FOOTAGE OF BUILDINGS, IF SHOWN, IS BASED ON THE OUTSIDE, GROUND FLOOR FOOTPRINT. UNLESS NOTED OTHERWISE, THE SURVEYOR HAS NOT ACCESSED THE INSIDE OF THE BUILDING FOR MEASUREMENT PURPOSES.

TITLE COMMITMENT NOTE:

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE, AND MAY BE SUBJECT TO ADDITIONAL EASEMENTS OR RESTRICTIONS NOT SHOWN HEREON. NO ADDITIONAL EASEMENT RESEARCH WAS DONE FOR THE PURPOSE OF THIS SURVEY.

ELEVATION NOTE:

THE ELEVATIONS SHOWN HEREON ARE ASSUMED, BASED ON THE ASSUMED ELEVATION OF 100.00' FOR THE BENCHMARK SHOWN HEREON.

State of Texas: County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 6—Condition II Survey.

I certify that the property shown hereon IS NOT within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD Flood hazard boundary map revised as per Map Number: 48453C0445H

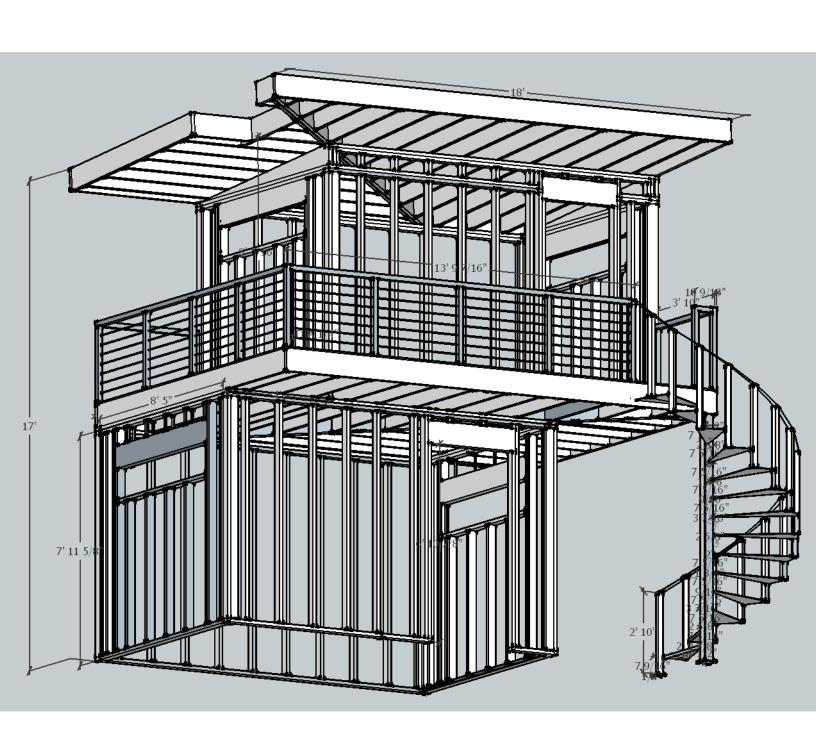
Zone: X Dated: September 26, 2008

Date of survey, this the <u>2ND</u> day of <u>November</u>,2015.

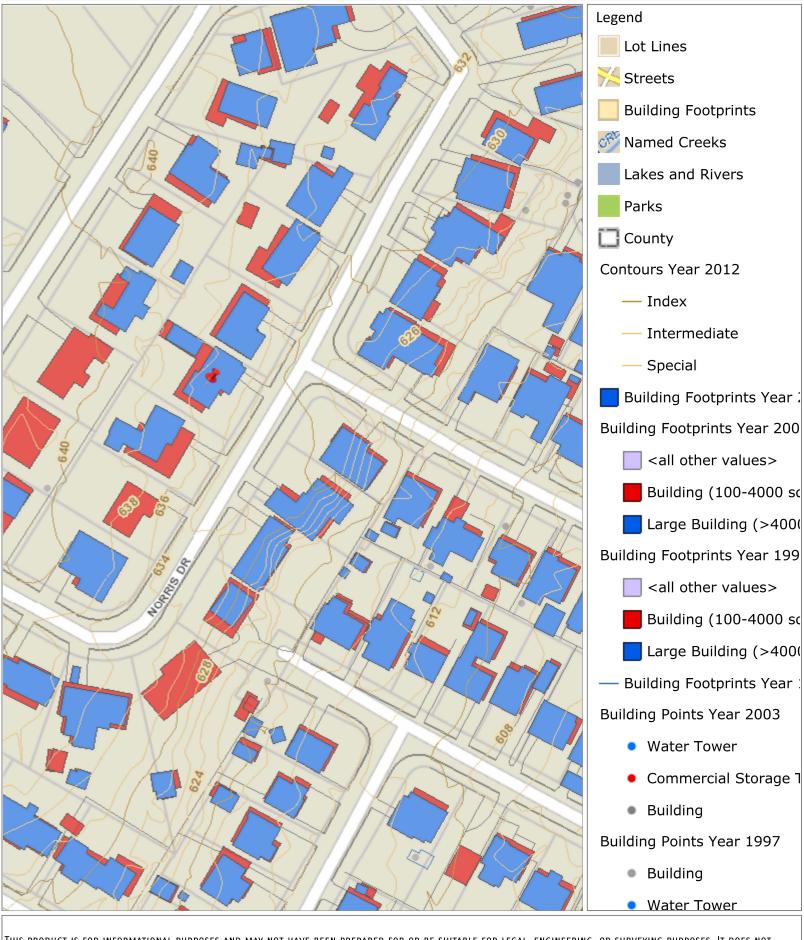
Thomas P. Dixon R.P.L.S. 4324

C Copyright 2015

Waterloo Surveyors, Inc. P.O. Box 160176, Austin, TX 78716 *TBPLS Firm#10124400 Phone: 512-481-9602 Fax: 512-330-1621 www.WaterlooSurveyors.com



CITY OF AUSTIN DEVELOPMENT WEB MAT 01/10



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 THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.



Partial Release of Easement



Description of Easement and Recording Data: A 5 foot wide public utility easement ("Easement") dedicated by instrument recorded in Volume 7, Page 34, Plat Records, Travis County, Texas.

Description of portion of Easement to be Released: That approximately 57 square foot portion of the Easement as described in the attached and incorporated **Exhibit A** (description) and **Exhibit B** (sketch) ("Released Property").

Easement Grantee: The City of Austin, Office of Real Estate Services, P.O. Box 1088, Austin, Travis County, Texas 78767-1088 ("Grantee").

Description of Property and Local Address: Lot 10, Beverly Heights, a subdivision the plat of which is recorded in Volume 7, Page 34, Plat Records, Travis County, Texas; locally known as 1706 Norris Drive, Austin, Texas.

Current Owners of Property and Address: Blayne M. Mozisek and Stacy N. Mozisek, 1706 Norris Drive, Austin, Travis County, Texas 78704.

Consideration: TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged.

Grantee has determined that the Released Property is not now needed and will not be required in the future, since the Released Property portion of the Easement is surplus.

Grantee, for the consideration herein recited, acting by and through its duly authorized City Manager or designee releases the Released Property from the Easement.

EXECUTED this the 27 day of Follow, 2017.

CITY OF AUSTIN

By: Lauraine Rizer, Officer

Office of Real Estate Services

STATE OF TEXAS COUNTY OF TRAVIS § §

JESSICA ARANDA
My Notary ID # 130847226
Expires October 4, 2020

Notary Public, State of Texas

Exhibit "A" Page 1 of 1 PARTIAL RELEASE OF 5 FOOT PUBLIC UTILITY EASEMENT
J14610ER
FEBRUARY 9, 2017

FIELD NOTES

FIFTY SEVEN (57) SQUARE FOOT PORTION OUT OF A FIVE (5) FOOT WIDE PUBLIC UTILITY EASEMENT ALONG THE REAR OF LOT 10, BEVERLY HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 7, PAGE 34, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 10 HAVING BEEN CONVEYED TO BLAYNE M. MOZISEK AND STACY N. MOZISEK BY WARRANTY DEED WITH VENDORS'S LIEN RECORDED IN DOCUMENT NO. 2013155781, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; BEING MORE PARTICULARY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a 1/2" iron pipe found at the SE corner of Lot 3, same being the NE corner of Lot 4, Beverly Heights, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 7, Page 34, Plat Records, same being in the NW line of Lot 10 of said subdivision, from which point, a mag nail found in a fence post at the SW corner of said Lot 10 bears S34°45'15"W at a distance of 18.14 feet;

THENCE N34°45'15"E along said north line of said Lot 10 for a distance of 16.75 feet to a point;

THENCE S55°14'45"E crossing into said Lot 10 for a distance of 1.72 feet to the SW corner and POINT OF BEGINNING of this partial easement release;

THENCE the following four (4) courses and distances crossing through said Lot 10:

- 1. N34°34'34"E for a distance of 17.18 feet to a point, for the NW corner hereof;
- 2. S54°23'12"E for a distance of 3.34 feet to a point, for the NE corner hereof;
- 3. S34°45'15"W for a distance of 17.12 feet to a point, for the SE corner hereof;
- N55°25'26"W for a distance of 3.28 feet to the POINT OF BEGINNING of this 57 square foot easement to be released.

BEARING BASE: BOOK 91, PAGE 355, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

I, Thomas P. Dixon, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds description and the sketch were based on an on-the-ground survey, that all protrusions and and encroachments into the easement area are accounted for including but not limited to, building footprint, eaves and roof overhangs and all visible improvements whatsoever.

Witness my hand and seal this 9th day of February, 2017.

Thomas P. Dixon R.P.L.S. 4324

Waterloo Surveyors, Inc.

P.O. Box 160176 Austin, Tx 78716

(512) 481-9602 FIRM# 10124400 THOMAS P. DIXON

FIELD MOTES REVIEWED

Date 02.15.2017

REFERENCES TCAD Parcel No. 102632 AUSTIN GRID 584 MG-21

Engineering Support Section
Department of Public Works
and Transportation

PAGE 1 OF 1

Sketch to Accompany Field Notes

EXHIBIT "B" Page | of |

ADDRESS:

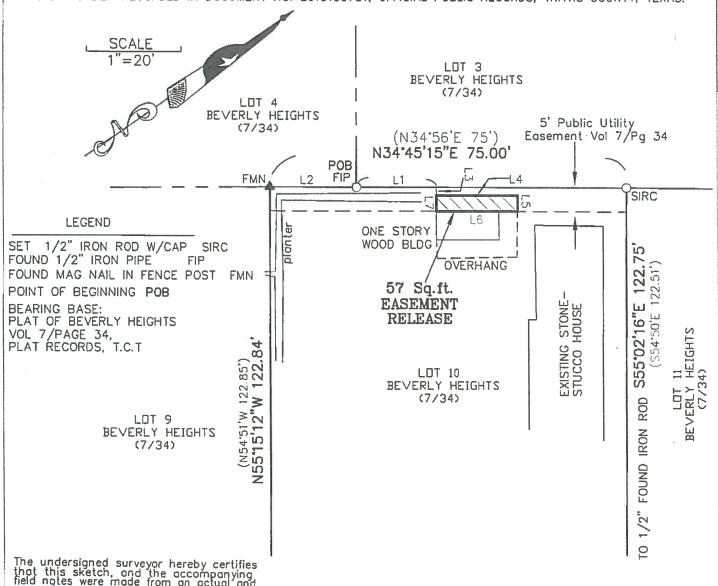
OWNER:

BLAYNE M. MOZISEK AND STACY N. MOZISEK

PARTIAL EASEMENT RELEASE

1706 NORRIS DRIVE LEGAL DESCRIPTION:

FIFTY SEVEN(57) SQUARE FOOT PORTION OUT OF A FIVE FOOT WIDE PUBLIC UTILITY EASEMENT ALONG THE REAR OF LOT 10, BEVERLY HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 7, PAGE 34, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 10 HAVING BEEN CONVEYED TO BLAYNE M. MOZISEK AND STACY N. MOZISEK BY WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN DOCUMENT NO. 2013155781, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.



The undersigned surveyor hereby certifies that this sketch, and the accompanying field nates were made from an actual and accurate survey made by me or under my direct supervision.

Thomas P. Dixon R.P.L.S.

Waterloo Surveyors, Inc. P.O. Box 160176 Austin, Texas 78716-0176 Ph. (512) 481-9602 T.B.P.L.S. FIRM# 10124400 J14610ER



LINE TABLE

L#	BEARING DIST	ANCE
L1	N34°45'15"E	16.75
L2	S34°45'15"W	18.14
L3	S55*14'45"E	1.72'
L4	N34°34'34"E	17.18
L5	S54'23'12"E	3.34'
L6	S34'45'15"W	17.12'
_L7	N55°25'26"W	3.28'

Christopher & Melody Harman 1708 Norris Drive Austin, Texas 78704 512.577.2665 Mobile

April 18, 2016

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

To whom it may concern,

We are writing this letter in regards to a variance being requested for a backyard shed/playhouse located at 1706 Norris Drive owned by Stacy & Blayne Mozisek. We recently purchased an adjacent property at 1708 Norris Drive as our main residence. We moved into our home in December 2015 after an extensive remodel.

Located between our two properties is a low steel and wooden fence which gives us a clear view of the Mozisek's back yard. The shed/playhouse structure in very good condition, and furthermore, the design and appeal of the structure is very attractive in our opinion.

One of the characteristics that we considered when we purchased our property were the multiple oak trees located on our property and in the immediate area surrounding our lot. A number of large Live Oak trees are also located in the Mozisek's backyard surrounding the shed/play house. We became very familiar with the importance of critical root zones and tree canopies when we went through our renovation that involved several protected trees. I know that several trees in the Mozisek's backyard appear to be protected and these trees add beauty and value to the neighborhood and specifically our property. We would hate to see this shed/play house relocated at the expense of the trees. We hope the City will consider a variance in this instance for the benefit of the trees and allow the Mozisek's to keep the existing structure in place.

Please feel free to contact us regarding this issue.

Christopher T. Harman



structure to remain within the rear yard setback. We, Stacy & Blayne Mozisek, are applying for a variance from the Board of Adjustment regarding Section 25-2-492 of the Land Development Code. The variance would prevent the demolition and removal of a rear accessory structure (playhouse), allowing the

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

1703 Rabb Rd Novil DY.
1701 Rabb Rd Norris Dr.





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

Maure mon	٠	Jane Gill man	Bit Stay	MATT MALLONAY		Proc MASTIEIZS	Unis Harman	menal Sudivisio 00		Betty Low Hongin	tany Marshy		Property Owner Name △ (Printed)
1700 Rabb Rd	1601 Rabb Rd	1605 Rabb Rd	1609 Norris Dr	1701 Horris Dr. Rabb Rd	1703 Horris Dr Rab Rd	·1705 Norris Dr	1708 Norris Dr	1710 Norris Dr	1712 Norris Dr	1711 Norris Rd	1709 Rabb Rd	1707 Rabb Rd	Address
		Shuff south	San	Mary 1		J. W.	ab m	Michael Supper	DAN RUPPA	Betty to u Harris	Larry Murphy		Signature



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

					•								
AARON GUPTA		ALLENE JOHNSON	Maggie Suisman	HUGHC. BROWN	Hannah Read Read 1709 Norris Dr		Lynn Robbins	Mil know (attiched)		ONO.	Lara G. Beard	Property Owner Name (Printed)
2102 Ford St.	2114 Peach Tree St.	211 5 Peach Tree St.	2113 Peach Tree St.	1707 Norris Dr	1709 Norris Dr	1711 Norris Dr てか	1713 Norris Dr	1715 Norris Dr.	1710 Rabb Rd	1708 Rabb Rd	1706 Rabb Rd	1704 Rabb Rd	Address
	Randy &yder	aclene Solemen	M	& C. Brans	all Pla But ?		The Contract of the Contract o	M. Dorson (artwright)				Jan Beard	Signature

S

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

						Study Mozisch Mobile Novis Dr		Varid E. Fricklers Canilla High 2100 Ford St.	Property Owner Name (Printed)
		,				1706 Norms Dr	1719 Norris Dr.	2100 Ford St.	Address
								was con ciffical	Signature

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

(Printed)	Address	Signature
Lara G. Beard	1704 Rabb Rd	Jan Bard
arco	1706 Rabb Rd	
	1708 Rabb Rd	
	1710 Rabb Rd	
Mil mand attacket	1715 Norris Dr.	M. Dorson (artoris
Lynn Robbins	1713 Norris Dr	
Charle County	1711 Horris Dr	6.00%
January January	(Ha>)	Short Mark
Hannah Read Read 1709 Norris Dr	1709 Norris Dr	all Rich Fount
HUGHC. BROWN	.1707 Norris Dr	M. C. Bons
Maggie Suisman	2113 Peach Tree St.	Man
ALLEME JOHNSON	211 5 Peach Tree St.	allene Liene
	2114 Peach Tree St.	Rangly Lyder
AARON GUPTA	2102 Ford St.	

S.

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

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1700 Rabb Rd	1601 Rabb Rd	1605 Rabb Rd	1609 Norris Dr	1701 Norris Dr Rabb Rd	1703 Horris Dr Rab Ra	·1705 Norris Dr	1708 Norris Dr	1710 Norris Dr	1712 Norris Dr	1711 Norris Rd	1709 Rabb Rd	1707 Rabb Rd	Address
		A PROPERTY.	Small	all los		J. J	41	Michan Siporic	000	Bette lou Houses	Garry Mung hy		



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

Property Owner Name (Printed)	Address	Signature
Lara G. Beard	1704 Rabb Rd	Jan Beard
E.	1706 Rabb Rd	
H.E. Mc Caslin	1708 Rabb Rd	The Microcks
	1710 Rabb Rd	10111
M. Jones (atta picted	1715 Norris Dr.	M. Dorsey Grtwrigh
Lynn Robbins	1713 Norris Dr	Sim roan
	1711 Norris Dr 12060	
Hannah Read Read Read	1709 Norris Dr	all Pid Trust
HUGAC, BROWN	1707 Norris Dr	of C. Bonn,
	2113 Peach Tree St.	Mr.
Maggie Suisman ALLENE JOHNSON	211 5 Peach Tree St.	allene Johnson
	2114 Peach Tree St.	Rangly Lyder
AARONI GUPTA	2102 Ford St.	

of