

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM05**

DATE: Monday June 12, 2023

CASE NUMBER: C15-2023-0026

____ Thomas Ates
____ Jessica Cohen
____ Melissa Hawthorne
____ Brian Poteet
____ Agustina Rodriguez
____ Margaret Shahrestani
____ Richard Smith
____ Janel Venzant
____ Michael Von Ohlen
____ Nicholl Wade
____ Kelly Blume (Alternate)
____ Carrie Waller (Alternate)
____ Marcel Gutierrez-Garza (Alternate)

APPLICANT: Perry Hunt

OWNER: Bilal Khan

ADDRESS: 15 MARGRANITA CRESCENT

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code Subchapter F: Residential Design and Compatibility Standards, Article 2, Development Standards Section 2.1 (*Maximum Development Permitted*) to increase the F.A.R from 40% (required) to 42.61% (requested), in order to enclose the tandem carport and create a tandem garage to an existing single family residence in an “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (WANG Neighborhood Plan)

**BOARD’S DECISION: BOA MEETING JUNE 12, 2023 POSTPONED TO JULY 10, 2023
DUE TO NOTIFICATION ERROR**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
 - (b) The hardship is not general to the area in which the property is located because:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Elaine Ramirez

Elaine Ramirez
Executive Liaison

Diana A. Ramirez for _____

Jessica Cohen
Madam Chair

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2023-0026

BOA DATE: June 12th, 2023

ADDRESS: 15 Marganita Cres

COUNCIL DISTRICT:

OWNER: Bilal Khan

AGENT: N/A

ZONING: SF-3-NP (WANG)

LEGAL DESCRIPTION: LOT 204 LESS E 18.37 FT TARRYTOWN OAKS

VARIANCE REQUEST: increase the F.A.R from 40% to 42.61%

SUMMARY: remodel to convert existing carport into a garage

ISSUES: drainage issues, FAR, & topography

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	SF-3-NP	Single-Family
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	Mopac Expy	Mopac Expy
<i>West</i>	SF-3-NP	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lots and Found Pets
 Austin Neighborhoods Council
 Central West Austin Neighborhood Plan Contact Team
 Friends of Austin Neighborhoods
 Neighborhood Empowerment Foundation
 Preservation Austin
 SELTexas
 Save Barton Creek Assn.
 Save Historic Muny District
 Sierra Club, Austin Regional Group
 TNR BCP – Travis County Natural Resources
 Tarrytown Alliance
 Tarrytown Neighborhood Association
 West Austin Neighborhood Group



May 16, 2023

David Weekley Homes
9000 Waterford Centre Blvd
Austin, TX 78758

Property Description: LOT 204 LESS E 18.37 FT TARRYTOWN OAKS

Re: C15-2023-0026

Dear Perry,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance request from LDC Section 25-2, Subchapter F, Section 2.1 at 15 Marganita Crescent.

Austin Energy does not oppose the request, provided that any proposed or existing improvements follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Cody Shook, Planner II

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6881
Cody.Shook@austinenergy.com



Board of Adjustment General/Parking Variance Application

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)
For submittal and fee information, see austintexas.gov/digitaldevelopment

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 # **C15-2023-0026** ROW # **13131075** Tax # **0117020230**

Section 1: Applicant Statement

Street Address: 15 Margranita Crescent Austin, TX 78703

Subdivision Legal Description:

LOT 204 LESS E 18.37 FT TARRYTOWN OAKS

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: **SF-3-NP (WANG)** Council District: **10**

I/We David Weekley Homes on behalf of myself/ourselves as
authorized agent for Bilal Khan affirm that on
Month March, Day 23, Year 2023, 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: Convert a 345 square foot carport into a 363 square foot tandem garage.

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

Land Development Code Section 25-2 - Subchapter F - 2.1 (Maximum Development Permitted) to increase Floor to Area Ratio from 40% (required) to 42.61% (requested) in order to enclose the tandem carport

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 zoning regulations applicable to the property do not allow a reasonable use because due to the size of the lot, Floor to Area restrictions and topography of the lot we were not able to build a garage initially. It is not reasonable to keep it as a carport, as the house keeps flooding and water keeps pooling in the carport and creating a safety issue for my family.

Hardship

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

The hardship of the drainage issues, FAR and topo are creating a safety issue and damaging our home is unique in the fact that our lot is 6092.8 SF, and the home is 2433 SF + a 345 SF carport put us at 39% of FAR - we were able to qualify for the 450 SF exemption for the carport to keep us under 40% FAR. Had we built a garage we would have only qualified for the 200 SF exemption, and it would have put us at 42.31% FAR and over the allowable amount.

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

The hardship is not general to the area because of the unique issues of the lot with regard to water flow and flooding.

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:

The variance will not alter the character of the area adjacent to the property, as it will look like a common 1-car garage door, set back from the front facade of the house. Additionally, it will not impair any adjacent or nearby properties, not the purpose of the regulations in the zoning district, because the ground impact and impervious cover is not being increased, the roof is staying the same area.

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:

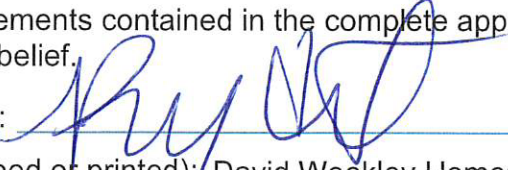
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition 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:

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:  Date: _____

Applicant Name (typed or printed): David Weekley Homes

Applicant Mailing Address: 9000 Waterford Centre Blvd

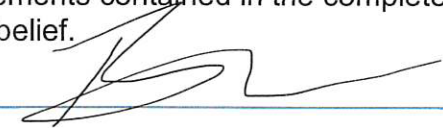
City: Austin State: TX Zip: 78758

Phone (will be public information): (512) 821-8831

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): Bilal Khan

Owner Mailing Address: 15 Margranita Crescent

City: Austin State: TX Zip: 78703

Phone (will be public information): (480) 652-5144

Email (optional – will be public information): 

Section 5: Agent Information

Agent Name: Perry Hunt

Agent Mailing Address: 9000 Waterford Centre Blvd

City: Austin State: TX Zip: 78758

Phone (will be public information): (512) 821-8831

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).

© Weekley Homes L.P. 2007
The measurements, dimensions, and other specifications, shown on this document, are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not be relied on as a representation of what the completed structure will look like.

David Weekley Homes

DWC

Date: 03/11/16

Scale: 1" = 20'

Rev.: 02/07/23

Lot: 204

Proj. No.: 2121

Blk:

Job No.: 0088

Sect:

TARRYTOWN OAKS
15 MARGRANTA CRESCENT
AUSTIN, TX 78703

SOUTH

9582-A

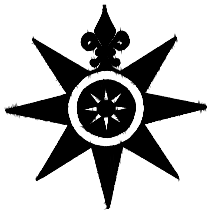
PLT_PLN

ANTONE

CENTRAL LIVING

LOT No.	*	BLOCK	"-"	SUBDIVISION / ADDITION	TARRYTOWN OAKS
SECTION	-	PHASE	-	Book -	Cabinet -
	TRAVIS	COUNTY, TEXAS		Volume 4	Page(s) 146-147
CITY	AUSTIN			Document No. -	Slide -
				Reference:	Official Public Records of --- County, Texas
					BILAL N. KHAN

TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR PROSPERITY TITLE COMPANY/STEWART TITLE GUARANTY COMPANY
The undersigned certifies that this survey was this day made by me or under my supervision on the ground of the real property shown on the survey and after the exercise of reasonable care and in reliance on record searches by the title company that this survey is correct to the best of the undersigned's knowledge and belief and that the property has access to and from a roadway, except as shown hereon. There are no visible discrepancies, conflicts, shortages or overlapping of improvements or encroachments except as shown hereon.



ALL POINTS SURVEYING
1714 FORTVIEW ROAD - SUITE 200
AUSTIN TX. 78704
TELE.: (512) 440-0071 - FAX: (512) 440-0199
FIRM REGISTRATION # 10118900

	By:	Date:
FIELD WORK	WW	01-25-23
DRAFTING	SCN	
SURVEY DATE:	01-26-23	
Job No.	01B11423	
SCALE:	1"=20'	

CALLLED 1,823 SQ.FT. PORTION OF LAND CONVEYED TO THE CITY OF AUSTIN BY WARRANTY DEED AS RECORDED IN VOL. 4123, PG. 1990 D.R.T.C.Tx.

SCALE: 1"=20'

SURVEYOR'S NOTES

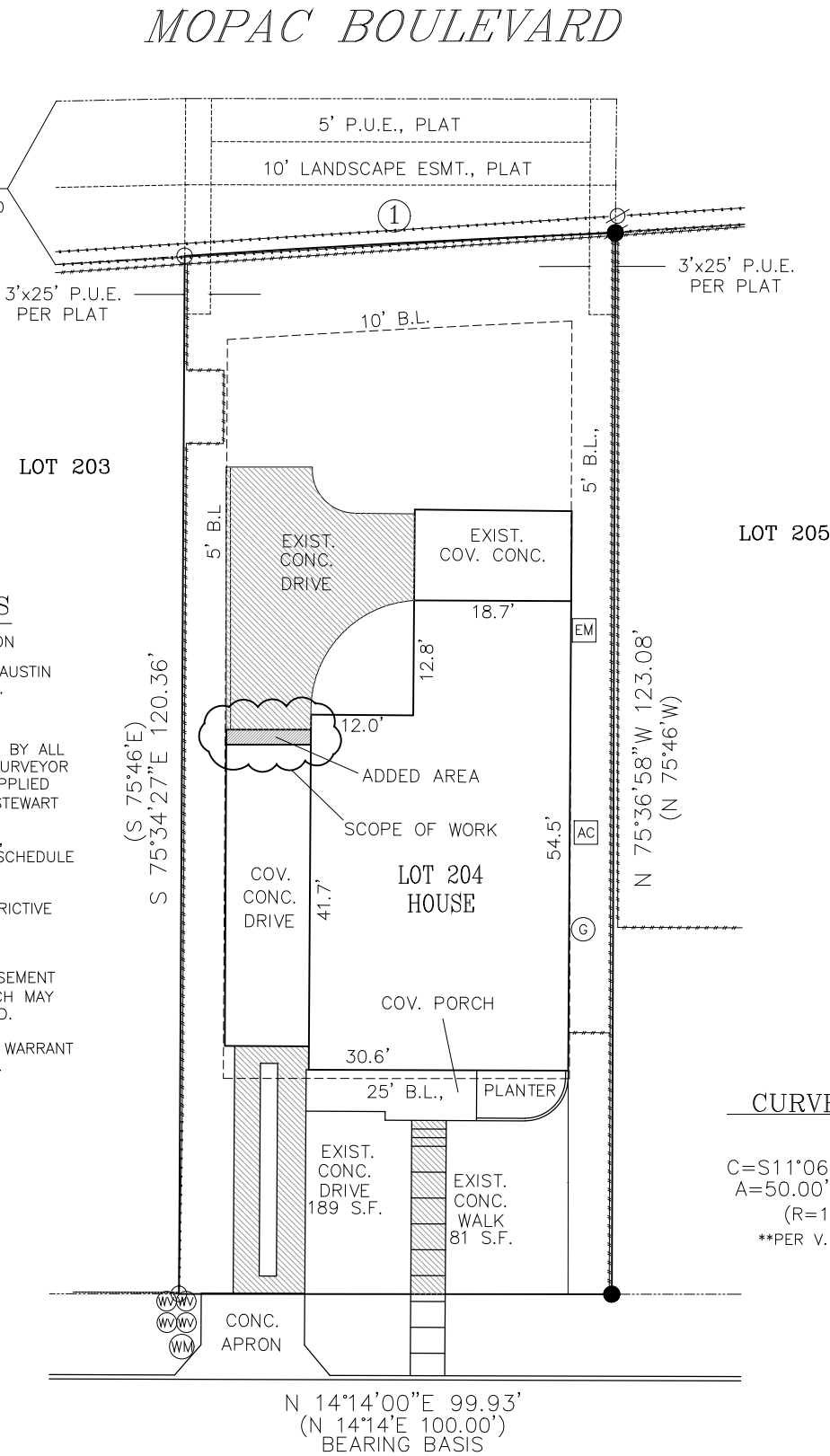
- () DENOTES RECORD INFORMATION
[1] BUILDING LINE PER CITY OF AUSTIN CURRENT ZONING ORDINANCE.
[2] PER VOL. 676, PG. 6.

EASEMENT RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY PROSPERITY TITLE COMPANY/STEWART TITLE GUARANTY COMPANY PER COMMITMENT G.F. #01346-14162, EFFECTIVE FEBRUARY 22, 2019; SCHEDULE B, PARAGRAPH 10.

THIS TRACT IS SUBJECT TO RESTRICTIVE COVENANTS AS STATED IN: VOL. 676, PG. 6.

THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS AND/OR CONDITIONS WHICH MAY APPEAR ON THE PLAT OF RECORD.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.



CURVE TABLE
①
C=S11°06'53\"W 50.00'
A=50.00' R=1909.86'
(R=1909.86')
**PER V.12443, P.701

David Weekley Homes

Scale: 1/8" = 1'-0"

Date: 3/11/16

Rev.: 02/07/23

TARRYTOWN OAKS	Proj. No.: 2121	Lot: 204
15 MARGARITA CRESCENT	Job No.: 0088	Blk:
AUSTIN, TX 78703		Sec:

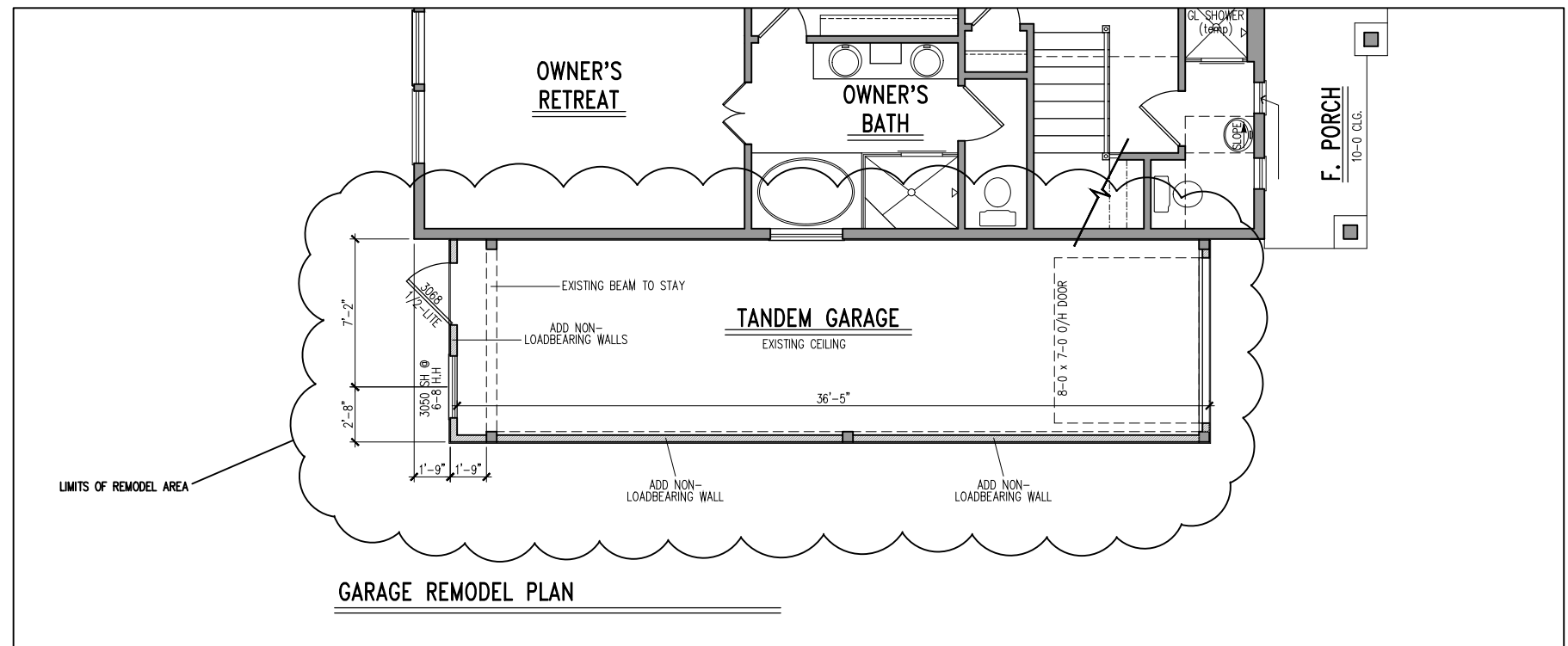
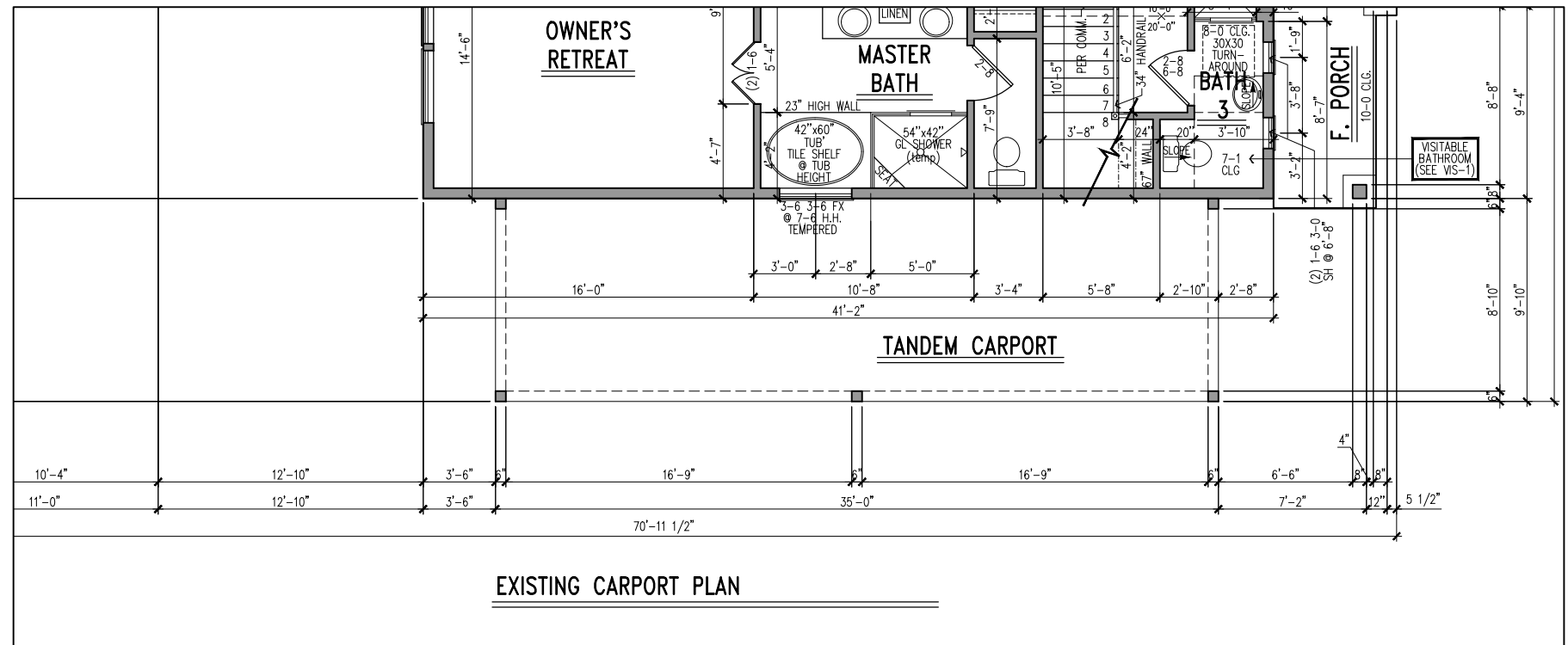
CITY OF AUSTIN ORIGINAL PERMITTED CALCULATIONS					
CITY OF AUSTIN MAX ALLOWED	F.A.R. .40	IMP. COVERAGE 45.0%	BLDG COVERAGE 40.0%	GROSS	MARKETING
FLOOR 1 LIVING	1483	1483	1483	1483	1483
FLOOR 2 LIVING	950			950	842
TOTAL	2433			2433	2325
F. PORCH		110	110	110	
R. PORCHES		202	202	202	
CARPORT	0 *	345	345	345	
SLAB		2140	2140		
STEPS		13			
DRIVEWAY		566			
SIDEWALK		4			
A/C PADS		9			
TOTAL AREA	2433	2732	2140		
LOT AREA	6092.8	6092.8	6092.8	6092.8	
FINAL CALCULATION	.3910	44.84%	35.12%		

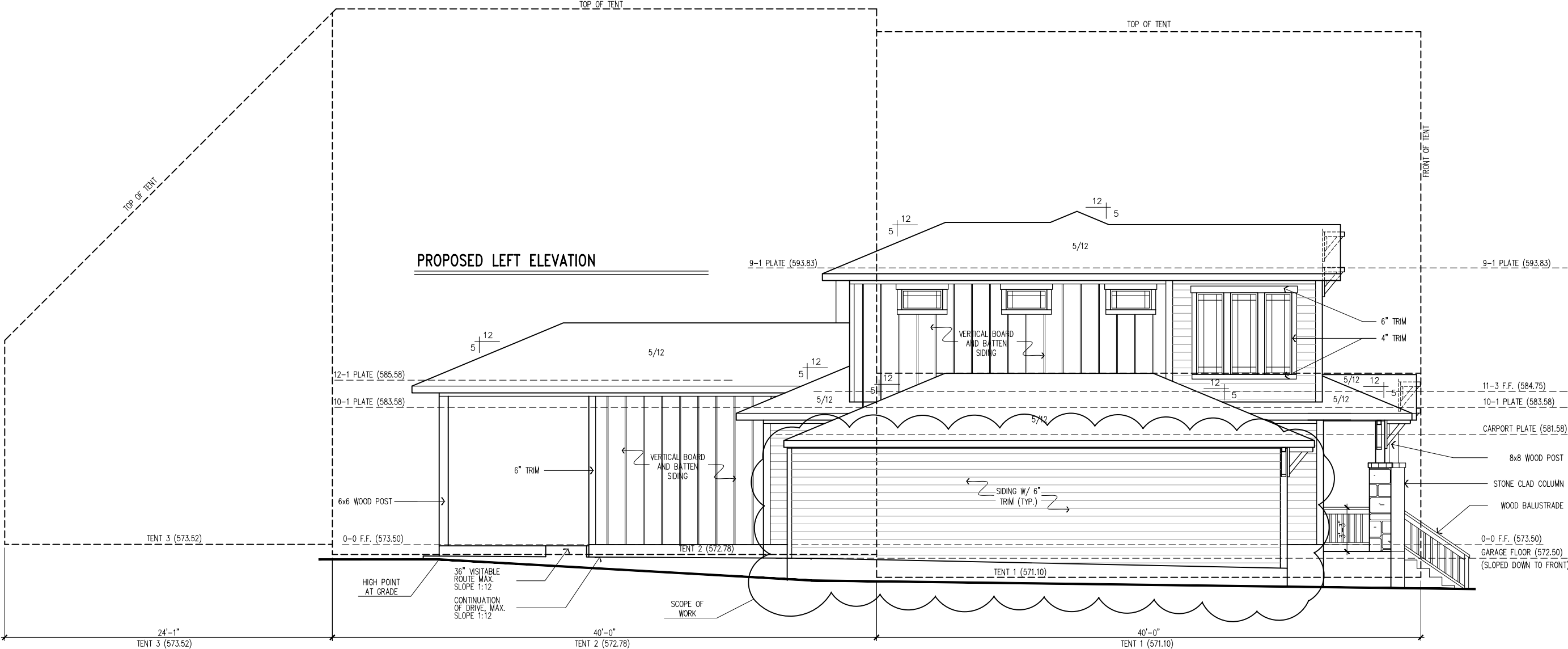
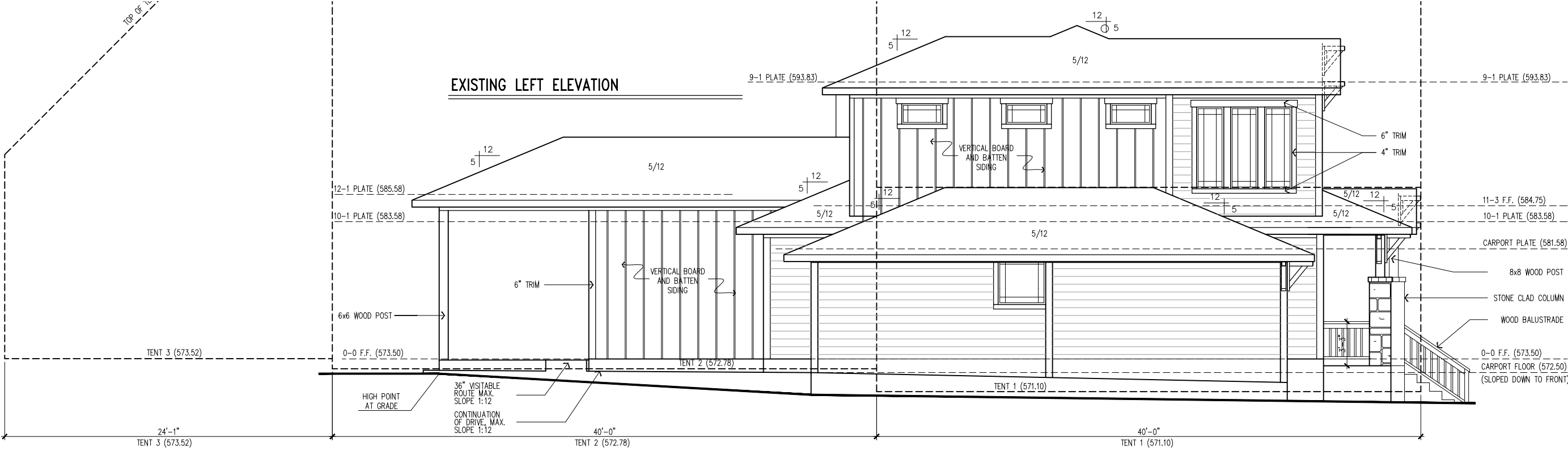
*CARPORT AREA IS REDUCED BY UP TO 450 SF
PER SECTION 3.3.2. OF THE COMPATIBILITY STANDARDS.

CITY OF AUSTIN PROPOSED REMODEL CALCULATIONS					
CITY OF AUSTIN MAX ALLOWED	F.A.R.	IMP. COVERAGE	BLDG COVERAGE	GROSS	MARKETING
	.40	45.0%	40.0%		
FLOOR 1 LIVING	1483	1483	1483	1483	1483
FLOOR 2 LIVING	950			950	842
TOTAL	2433			2433	2325
F. PORCH		110	110	110	
R. PORCHES		202	202	202	
GARAGE	163 *	363	363	363	
SLAB		2158	2158		
DRIVEWAY		650			
SIDEWALK		81			
A/C PADS		9			
TOTAL AREA	2596	2898	2158		
LOT AREA	6092.8	6092.8	6092.8	6092.8	
FINAL CALCULATION	.4261	47.56%	35.42%		

* GARAGE AREA IS REDUCED BY UP TO 200 SF
PER SECTION 3.3.2.B OF THE COMPATIBILITY STANDARDS.

DESIGNER CERTIFIES THAT ALL CEILINGS OVER 15'
ARE COUNTED TWICE (INCLUDING STAIRWELLS)
AND THAT MEASUREMENTS ARE TO OUTER FACE
OF FINISHED MATERIALS





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David Weekley Homes	
DWC	Scale: 1/8" = 1'-0"
Date: 3/11/16	Rev.: 02/07/23

Lot: 204	Proj. No.: 2121
Blk:	Job No.: 0088
Sect:	

TARRYTOWN OAKS
15 MARGRANTA CRESCENT
AUSTIN, TX 78703

SOUTH
9582-A
ELV-1
ANTONE
CENTRAL LIVING

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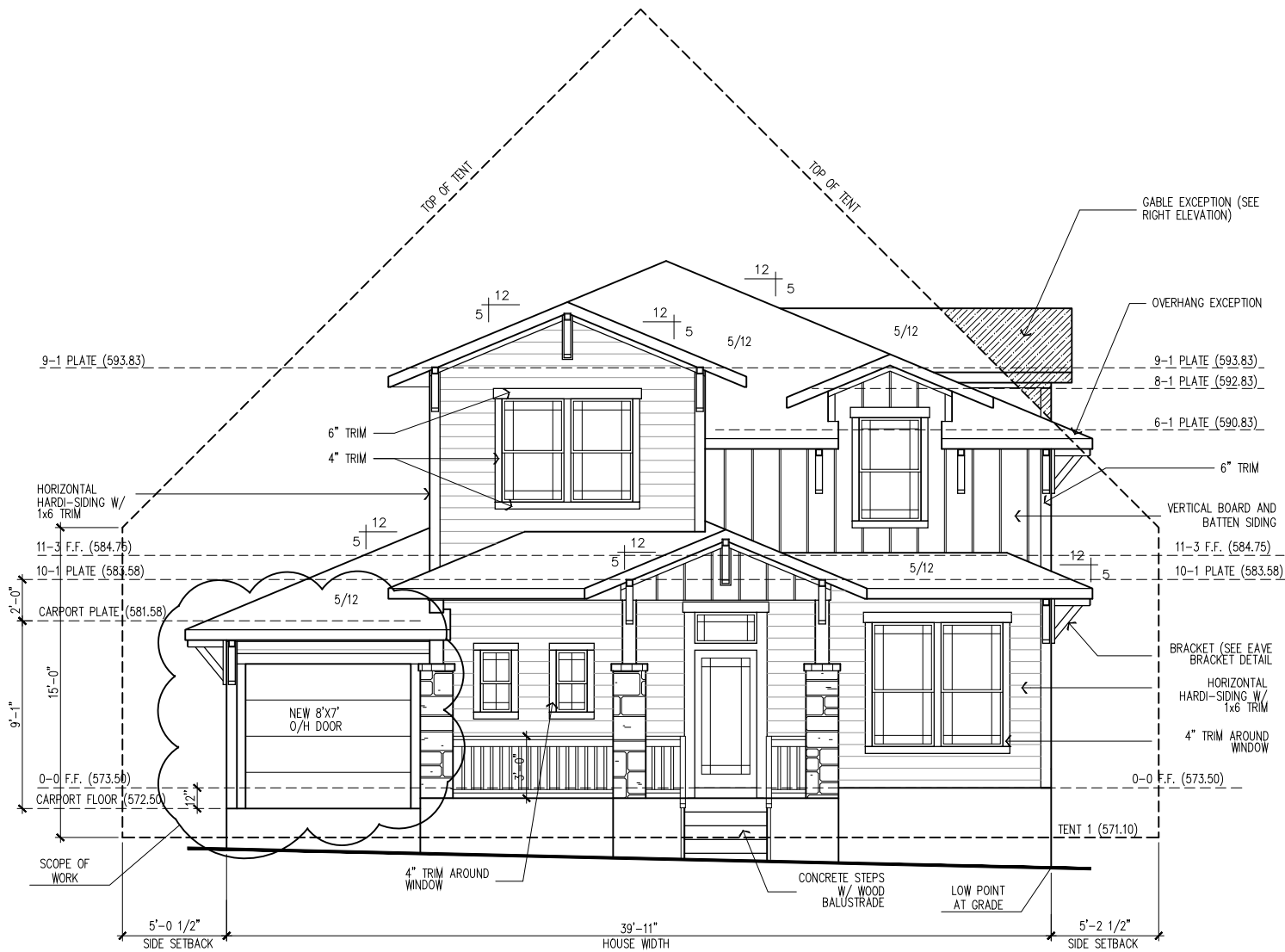
David Weekley Homes	
DWC	Scale: 1/8" = 1'-0"
Date: 3/11/16	Rev.: 02/07/23

Lot: 204	Blk:	Sect:
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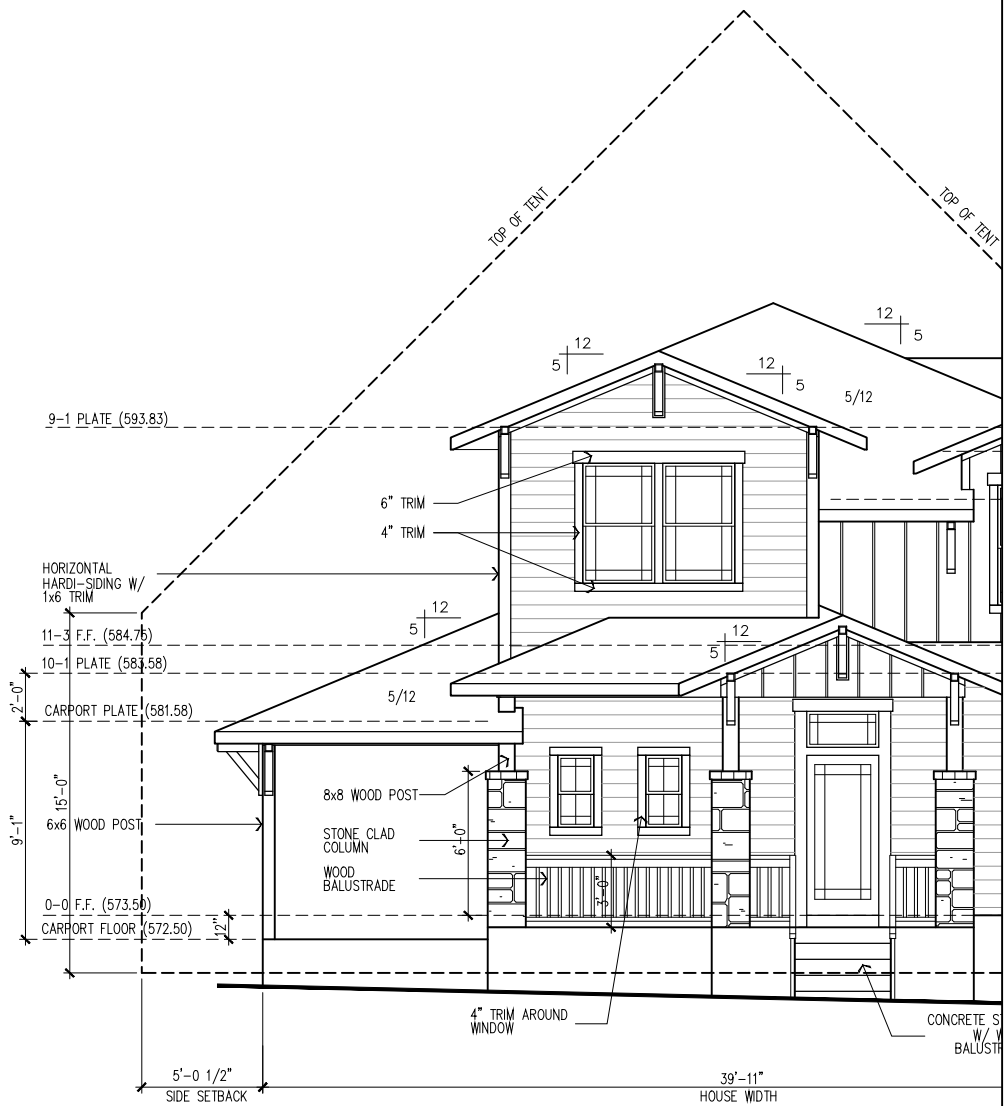
Proj. No.: 2121	Job No.: 0088
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TARRYTOWN OAKS
15 MARGRANTA CRESCENT
AUSTIN, TX 78703

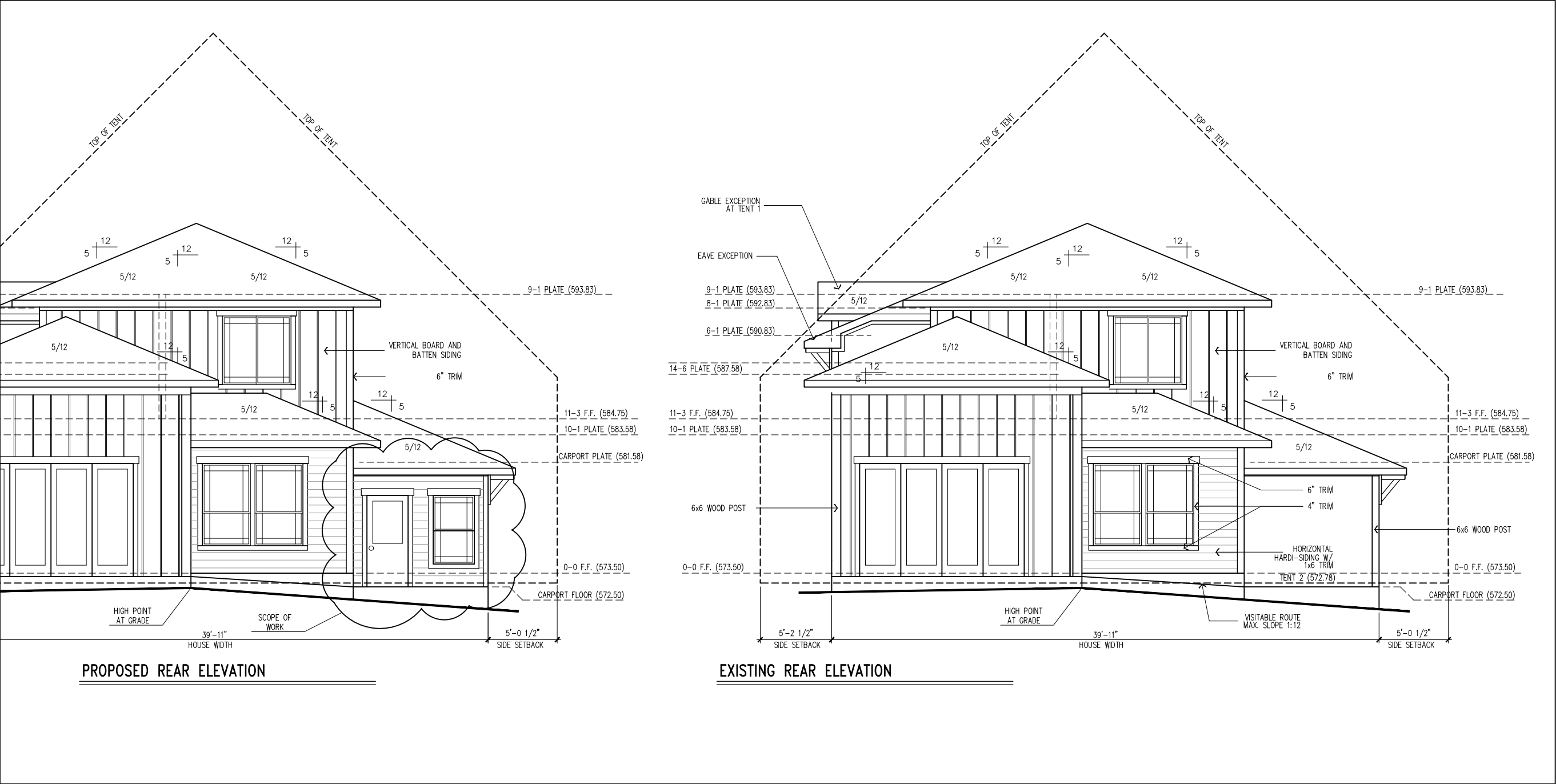
SOUTH
9582-A
ELV-2
ANTONE
CENTRAL LIVING



PROPOSED FRONT ELEVATION



EXISTING FRONT ELEVATION



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David Weekley Homes	
DWC	Scale: 1/8" = 1'-0"
Date: 3/11/16	Rev.: 02/07/23

Lot: 204	Proj. No.: 2121
Blk:	Job No.: 0088
Sect:	

TARRYTOWN OAKS
15 MARGRANTA CRESCENT
AUSTIN, TX 78703

SOUTH
9582-A
ELV-3
ANTONE
CENTRAL LIVING

SCALE: 1"=20'

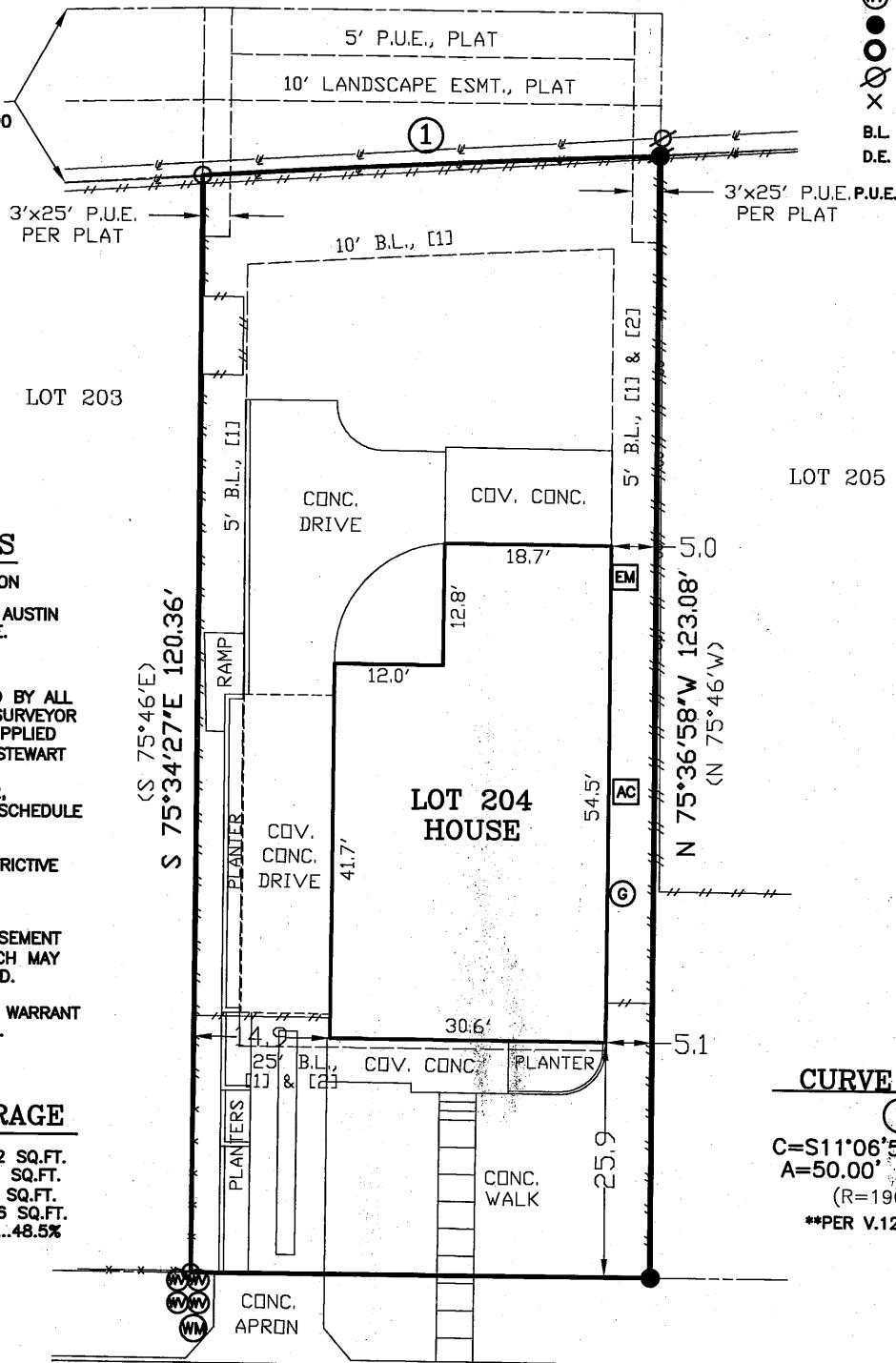
ITEM05/14

LEGEND

	WOOD FENCE
	CHAIN LINK FENCE
	UTILITY LINE
	A/C UNIT
	ELEC. METER
	GAS METER
	WATER METER
	WATER VALVE
	IRON ROD FND.
	PIPE FND.
	UTILITY POLE
	SPOT ELEVATION
	BUILDING LINE
	DRAINAGE EASEMENT
	PUBLIC UTILITY EASEMENT

MOPAC BOULEVARD

CALLED 1,823 SQ.FT. PORTION OF
LAND CONVEYED TO THE CITY OF
AUSTIN BY WARRANTY DEED AS
RECORDED IN VOL. 4123, PG. 1990
D.R.T.C.Tx.



SURVEYOR'S NOTES

() DENOTES RECORD INFORMATION

[1] BUILDING LINE PER CITY OF AUSTIN
CURRENT ZONING ORDINANCE.

[2] PER VOL. 676, PG. 6.

EASEMENT RESEARCH PERFORMED BY ALL
POINTS AND THE UNDERSIGNED SURVEYOR
WAS LIMITED TO INFORMATION SUPPLIED
BY PROSPERITY TITLE COMPANY/STEWART
TITLE GUARANTY COMPANY PER
COMMITMENT G.F. #01346-14162,
EFFECTIVE FEBRUARY 22, 2019; SCHEDULE
B, PARAGRAPH 10.

THIS TRACT IS SUBJECT TO RESTRICTIVE
COVENANTS AS STATED IN:
VOL. 676, PG. 6.

THIS LOT IS SUBJECT TO ALL EASEMENT
RIGHTS AND/OR CONDITIONS WHICH MAY
APPEAR ON THE PLAT OF RECORD.

ALL POINTS DOES NOT MAKE OR WARRANT
ANY FLOOD ZONE DETERMINATION.

IMPERVIOUS COVERAGE

TOTAL LOT AREA.....6092 SQ.FT.
HOUSE.....1481 SQ.FT.
CONC/COV. CONC.....1475 SQ.FT.
TOTAL IMPERVIOUS COV.....2956 SQ.FT.
.....48.5%

CURVE TABLE

①
C=S11°06'53"W 50.00'
A=50.00' R=1909.86'
(R=1909.86')
**PER V.12443, P.701

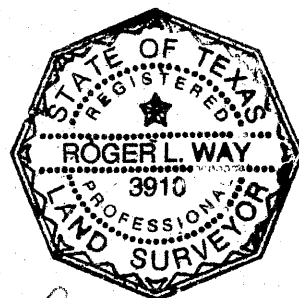
15 MARGRANTA CRESCENT
(VARIABLE WIDTH R.O.W.)

*LOT 204, SAVE AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF AUSTIN
BY DEED RECORDED IN VOLUME 4123, PG. 1990, DEED RECORDS, TRAVIS COUNTY, TEXAS

LOT No.	*	BLOCK	*-*	SUBDIVISION / ADDITION	TARRYTOWN OAKS
SECTION	-	PHASE	-	Book	-
	TRAVIS	COUNTY, TEXAS		Volume	4
CITY	AUSTIN			Document No.	-
				Reference:	BILAL N. KHAN

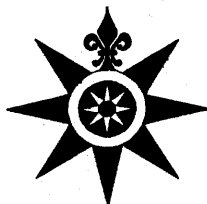
TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR
PROSPERITY TITLE COMPANY/STEWART TITLE GUARANTY COMPANY

The undersigned certifies that this survey was this day made by me or under my supervision on the ground
of the real property shown on the survey and after the exercise of reasonable care and in reliance on
record searches by the title company that this survey is correct to the best of the undersigned's knowledge
and belief and that the property has access to and from a roadway, except as shown hereon. There are no
visible discrepancies, conflicts, shortages or overlapping of improvements or encroachments except as shown
hereon.



Roger L. Way

FIELD WORK	WW	01-25-23
DRAFTING	SCN	
SURVEY DATE:	01-26-23	
Job No.	01B11423	
SCALE:	1"=20'	



ALL POINTS SURVEYING

1714 FORTVIEW ROAD - SUITE 200

AUSTIN TX. 78704

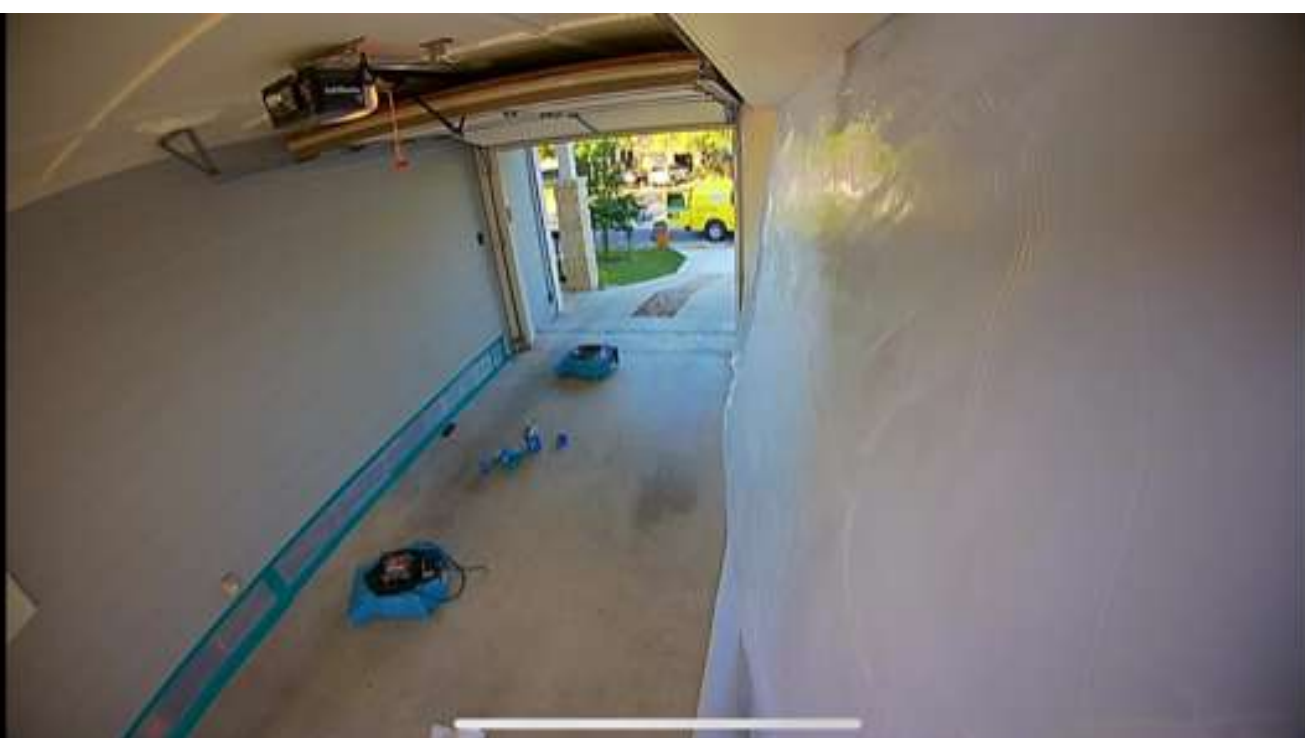
TELE.: (512) 440-0071 - FAX: (512) 440-0199

FIRM REGISTRATION # 10118900

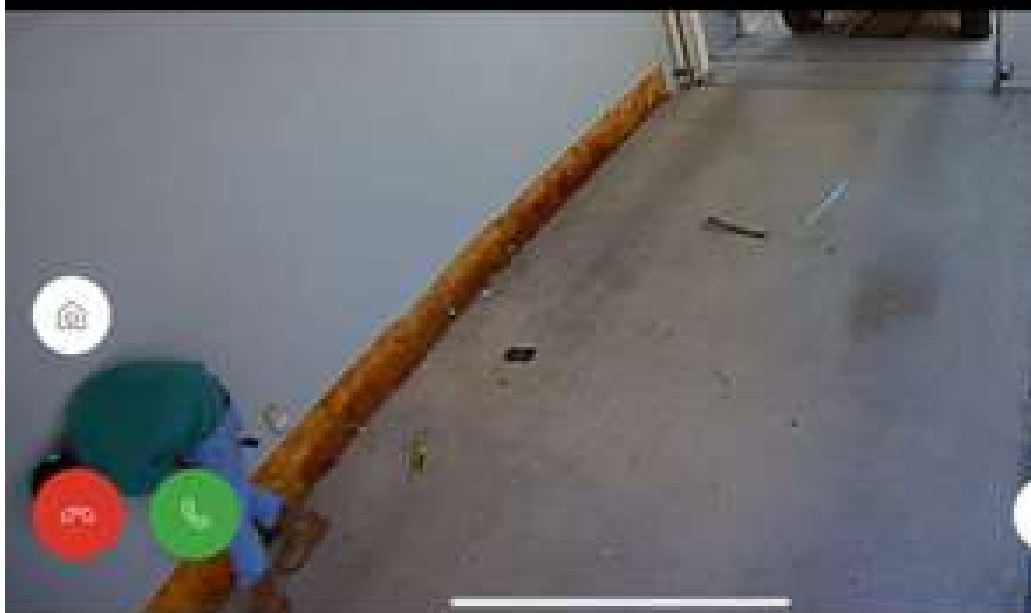












ITEM05/21



ITEM05/22



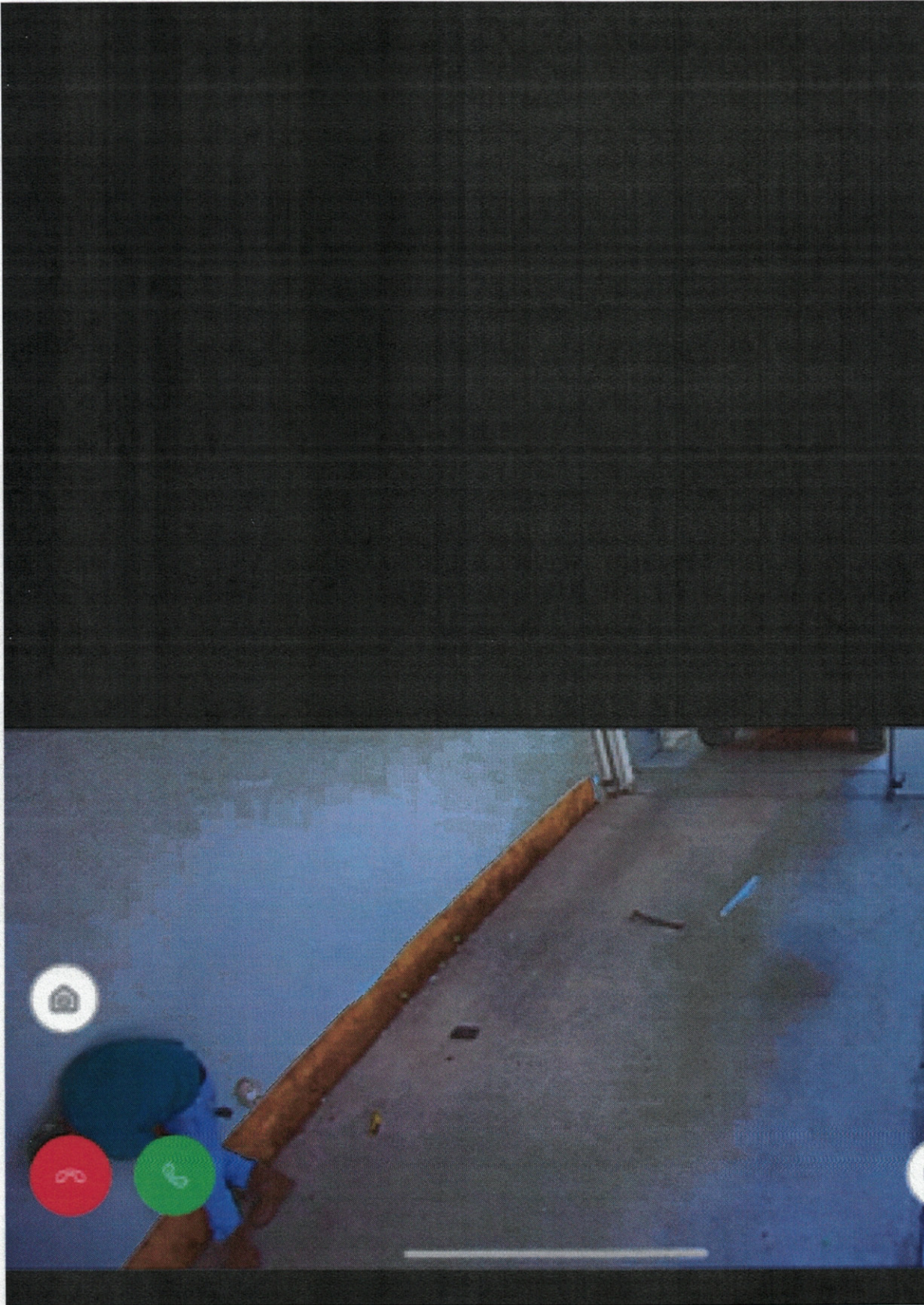
ITEM05/23





ITEM05/25





ITEM05/27



ITEM05/28

