

BILAL KHAN

15 MARGRANITA CRES
AUSTIN, TX 78703

CASE C15-2023-0026

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- **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

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:

FROM THE OWNER

- Every time it rains the water floods the carport from two open sides
- Water sits on the carport floor or about 5-7 days creating a hazardous condition for my young children and the younger of the two has slipped couple of times
- The angle of the carport floor is towards the wall of the house instead of going away from the house thus water is unable to escape



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- Once we discovered this issue about two years ago we had to open the wall of the house to look for damage
 - Then we had to dry the wall with fans for weeks
 - Afterwards we had to replace the entire bottom portion of the wall with new wood, siding and paint
 - This above process has been done with drying the walls couple of times

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- Angle of driveway is not enough to make new drains on the carport
 - We then placed new cement on top of the carport floor to have the water drain away from the house
 - It worked for a little while however due to the weight of the cars the cement start to break and water again started coming towards the house
 - We then had to tear and remove the new cement as it was pooling not only water but becoming unstable to walk (cracks) and had areas of popping

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- Afterwards we tried to place screening and had a contractor come to the house
 - Problem with the screening was that due to the high wind pressures, it created high wind “pressure tunnel” and the water was still coming underneath the screening and defeated the purpose of stopping the water coming onto the carport

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- Currently the house has temporary plastic screening taped to the carport to prevent rain coming in; It has to be re-taped again and again every few months
 - Rain water still comes through it at edges and underneath
 - This requires me to go out to the carport after each heavy rain and physically move water out of the carport
 - However, by the time I go out to remove the water after it rains,; it has been pooling underneath the car and most of the surface of the carport and again seeping into the house wall

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- Currently my carport has two open sides
 - It already has lighting and garage door installed
 - I request two non-weight bearing walls to change the carport into a car garage
 - We do not need more area then existing concrete for the carport nor do we need more electricity or anything else such as new roof and it will look like typical one car garage
 - This will not change any impervious area, drain or change anything to the house or affect neighbors
 - We have paid close to \$10,000 and failed

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- My main purpose is to
 - Create safe environment for me and my family
 - Have long term solution for my hardship as we have failed with other solutions
 - Prevent my house from further damage to the wall of the house and also the concrete slab itself of the house
 - Thus I am requesting for Board's approval so that we can solve this issue

THANK YOU
