

CS-2011-0123
ROW-10661095
TR-024005-02-04

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

WARNING: Filing of this appeal stops all affected

construction activity.

STREET ADDRESS: 2901 Ashdale

LEGAL DESCRIPTION: Subdivision –

Lot(s) 4 Block E Division Northtowne West Section

I/We David Cancialosi on behalf of myself/ourselves as authorized agent for

Caden Schaefer affirm that on Oct 3, 2011

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☒ MAINTAIN

NOTE: 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 support documents.

(zoning district) ~~SF-3~~ SF-2
Single Family Residential Front Porch
25-2-492(d)) front setback requirement

25 → 22' to maintain an addn to SFR

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The owners are currently seeking an interior remodel permit to the existing structure and cannot proceed without addressing an expired permit originally issued in 1981. The original scope of work was for an addition/remodel of family room and den areas. It is believed that at that time, the prior owner also performed roofing and front porch modifications, including two (2) rock columns supporting the front porch / garage overhang that extend approximately 3' into the 25' front setback. The front porch is constructed of rock and is integral to the existing front façade, roof, and slab foundation. The porch / garage area cannot be moved. The columns are built into the aesthetic and

structural elements of the front façade. Application of current zoning regulations prevents the property from being used in a reasonable manner.

HARDSHIP:

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

The current owners inherited this problem. A prior owner performed work outside the scope of the approved 1981 permit. Thus, no future permits may be approved for this site due to status of expired permit. The city has ruled that the rock columns on either side of the garage are structures (not part of the porch) and ultimately do not qualify for certain exemptions found in the LCD allowing front porches to encroach into a required yard. It is unreasonable to expect the current owners to remove the rock columns supporting the porch / garage overhang as it is neither practical nor feasible. This neighborhood is known as the *North Shoul Creek Future Planning Area*. During the planning process the association will have the ability to adopt language addressing similar issues, allowing administrative remedy. However, this is a unique hardship in that the columns are not part of the porch. The zoning regulations currently in place were not adopted by the land development code at the time of the front porch / garage remodel extension.

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

Although there are homes of similar style and layout, there are no other known structures in the area with this specific issue.

AREA CHARACTER:

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:

The front porch's style of rock and concrete construction appears to be in keeping with front facades found on surrounding single family properties. Approval of the variance will allow the single family use to be maintained in a reasonable manner, and will not alter the character of the adjacent homes or overall neighborhood

PARKING: (Additional criteria for parking variances only.) **N/A**

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 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 reasonable 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:

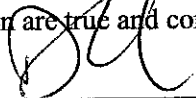
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

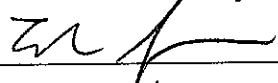
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 8500 Shoal Creek Blvd Bldg 4 Ste 200
City, State & Zip Austin TX 78745
Printed DAVID CANCELANUSI Phone 799 2401 Date 10/3/11

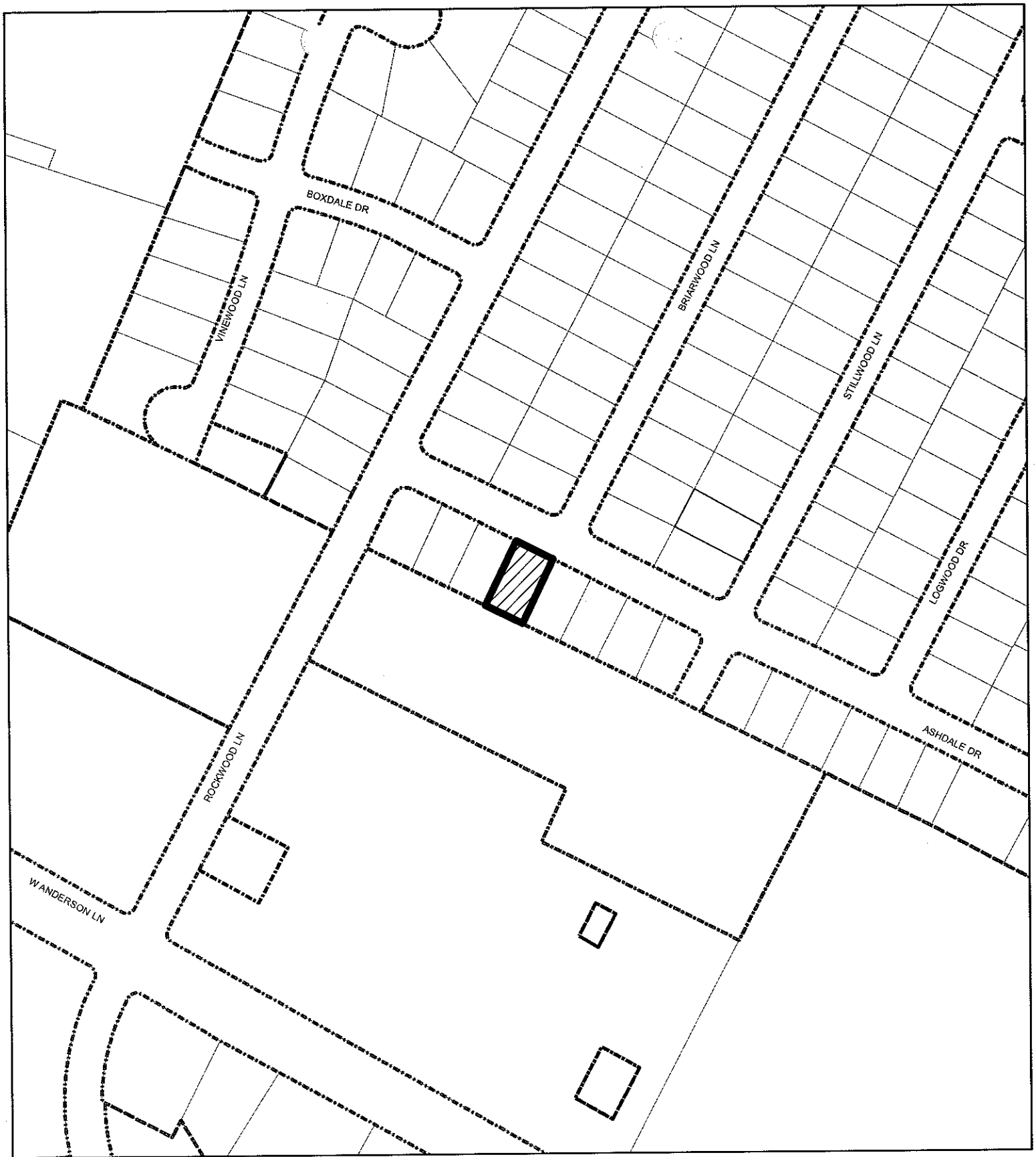
OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 2901 Ashdale Dr.
City, State & Zip Austin, TX 78757
Printed Caden Schaefer Phone 512 658 7210 Date 10/1/11

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2011-0123
LOCATION: 2901 ASHDALE



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 Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

SURVEY PLAT

LEGAL DESCRIPTION: LOT 4, BLOCK E, NORTHTOWN WEST, SECTION ONE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 14, PAGE 93, PLAT RECORDS OF TRAVIS COUNTY, TEXAS. ALSO LOCALLY KNOWN AS 2901 ASHDALE DRIVE, AUSTIN, TEXAS.

ASHDALE DRIVE (60' R.O.W.)

(S 61°36'25"E 65')
S 61°17'19"E 65.76'

CURB LINE

BRICK PLANTER
W/ MAILBOX

STONE
PLANTER

CONC.
DRIVE

13.8'

27.7'

1 STORY FRAME
& STONE HOUSE

LOT 4
BLOCK E

REMOVED BY A.E.

5' DRNG. & P.U.E.
5' DRNG. & P.U.E.

N 61°17'50"W 65.04'
(N 61°47'25"W 65')

RESUB. LOT 1 ALLANDALE SQUARE
SEC. 2 V.73 / P.355 T.O.P.R.

JANUARY 13, 2003

EXCLUSIVELY TO JILL SPRUCE, AND THE LIEN HOLDERS, AND TO FIDELITY
NATIONAL TITLE INSURANCE COMPANY PER GF NO. 02-15175 (12/27/02).

THE UNDERSIGNED HEREBY STATES THAT THIS PLAT REPRESENTS A SURVEY MADE ON
THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON: THAT THERE ARE NO
APPARENT SIGNIFICANT DISCREPANCIES, OVERLAPPING OF IMPROVEMENTS, VISIBLE
PUBLIC UTILITIES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON, AND THAT SAID
PROPERTY ADJONS A DEDICATED ROADWAY, THE ABOVE LEGALLY DESCRIBED
PROPERTY IS IN ZONE X AND IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA
AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD
INSURANCE RATE MAP NO. 48453C0160 E DATED JUNE 16, 1993, VALID
ONLY FOR ORIGINAL BLUELINE PRINT WITH RED INK SIGNATURE AND SEAL.

Amylee Spruce

SCALE 1" = 20'

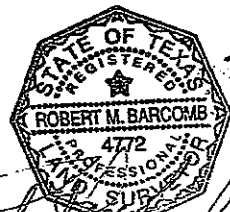
LEGEND

- 1/2" IRON PIN FOUND
- [W] WATER METER
- Ø UTILITY POLE
- - - AERIAL UTIL. LINES
- /// WOOD FENCE
- - - CHAIN LINK FENCE
- () RECORD INFORMATION

NOTES

THE 5' P.U.E. ALONG THE REAR LOT LINE,
THE 10' DRAINAGE & P.U.E. ALONG THE REAR
LOT LINE, THE 5' DRAINAGE EASEMENT
ALONG THE SOUTHEAST LOT LINE AND THE
25' FRONT SETBACK LINE TOGETHER WITH AN
OVERHEAD AERIAL ELECTRIC & TELEPHONE
EASEMENT ALONG THE REAR LOT LINE IS
RECORDED IN VOL. 14, PG. 93, PLAT RECORDS
OF TRAVIS COUNTY, TEXAS.

THE 5' DRAINAGE & P.U.E. ALONG THE REAR
LOT LINE AND ALL BUILDING SETBACK LINES
SHOWN HEREON ARE RECORDED IN THE
RESTRICTIONS IN VOL. 24II, PG. 107, DEED
RECORDS OF SAID COUNTY.



ROBERT M. BARCOMB, R.P.L.S. NO. 4772

ARPENTEURS
PROFESSIONAL SURVEYING

8906 WALL STREET
SUITE 302
AUSTIN, TEXAS 78754
(512) 832-1232

