

Please be advised that the Board only takes 16 new cases a month, therefore, first come, first served. Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # 015-2012-0018
ROW # 10705608
TP-0422130102

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

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

**WAR
NING**

: Filing of this appeal stops all affected construction activity.

STREET ADDRESS: 7404 Albert Rd

LEGAL DESCRIPTION: Subdivision – N 1.5 acres lot 5 Allen T Harp Sub

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

Charles and Luan Borgeson affirm that on 11/11/11

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

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL X 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) ~~SP-3~~ DR
Special Exception to maintain portion of carport in side yard setback - 10' → 0'
Variance to maintain / erect portion of carport in side yard setback - addition
5' side setback to 0' side setback (interior) hatched area

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 original carport was built prior to annexation of the property into city limits. The home does not have a garage. The carport provides the only on-site covered parking. Many homes in the area have covered parking. The proximity of the carport to the side property line serves to mitigate drainage by capturing runoff and funneling it into a rain water collection system. The owner is seeking a special exception to maintain this original portion of the structure in the side setback.

Approximately 3-4 years ago, a 4' portion of the carport was added to the front of the original section, extending the same line of encroachment into the side yard setback. The garage door offers privacy and security. The owner is seeking a variance to maintain a portion of the structure in the side setback.

The carport section that encroaches into the side setback only does so via steel posts and a portion of the roof structure.

HARDSHIP:

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

The current applicable zoning regulations did not exist at the time of construction of the original carport section.

The newer carport section was added to further mitigate drainage runoff as well as alleviate privacy and safety concerns. The line of encroachment was extended in order to maintain structural and aesthetic integrity of the original carport. Requiring the owner to remove this portion of the existing garage / carport façade would be an unreasonable application of current zoning regulations.

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

This carport is located between the primary structure and property line in order to match the pre-existing driveway location.

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 carport does not impair use of the adjacent property because it helps to capture drainage and runoff that otherwise runs between the two lots. With the addition of the garage door, the carport appears to be a garage when viewed from the front façade, thus it matches the surrounding character.

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:

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

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 David Cancialosi
Mail Address 8500 Shoal Creek Blvd Bldg 4 Ste 200
512-799-2401

Printed David C. Cancialosi
11/11/11

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 Charles Borgeson Luan Borgeson
Mail Address 2019 Goodrich Ave. Austin, TX 78704
Printed Charles Borgeson, Luan Borgeson
Phone Date (512) 585-7427

David C. Cancialosi, Agent for property owner
Site address: 7404 Albert Rd
Austin, Texas 78745
December 1, 2011

City of Austin Board of Adjustment Commissioners

Dear Commissioners:

This letter is a formal request to consider Special Exceptions for property located at 7404 Albert Road.

Per city of Austin Ordinance 20110526-098, the Board of Adjustment is authorized to address minor setback issues existing on or before adoption of the current zoning code, adopted March 1, 1986. Further, this ordinance allows the Board to grant a special exception for setback violations existing for at least 15 years.

Representatives from the City of Austin Code Compliance Legal and Investigations as well as the Residential Review Department have determined that this site meets the criteria for the 15 year amnesty.

The request before you is to allow the property owner to maintain the following encroachments:

Special Exception to allow a side setback of 0' in order to maintain pre-existing carport

This encroachment has been in place for approximately 25 years or more.

Should the Board grant this request it is our opinion that your decision would not allow a property to be used in a manner that alters the character of the surrounding area. Many homes in this south Austin neighborhood were originally built either prior to around the time of annexation in the mid 1980's. As such, there is a healthy mixture of original ranch style residences, accessory structures, two family dwelling units, remodels with varied floor plans, carports, and garages.

The current setback encroachments will not impair the use of adjacent properties. The owners have gone to great lengths to mitigate drainage runoff from Albert Rd to their property, as well as any flow from their property to adjacent properties. There are on-site water collection tanks to collect as much roof run off as possible. The side yard encroachment does not reflect visibility or other aesthetic issues.

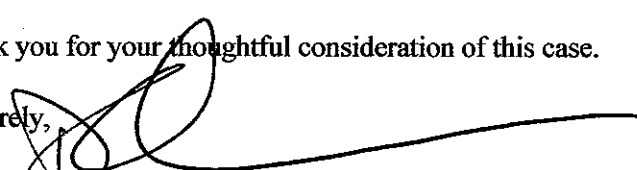
Further, granting the aforementioned request will not result in a special privilege inconsistent with other properties in the area. As mentioned, several properties in the area reflect a combination of primary and secondary uses and various setback issues due to the period of original construction being before or around the time of annexation in the city. The current use and slight zoning encroachments are completely in keeping with the surrounding properties.

Should the Board approve this Special Exception and Variance request, the owners intend to seek the required permit(s).

Please refer to the maps, pictures, and letters of support provided in your packet for more information.

Thank you for your thoughtful consideration of this case.

Sincerely,


David C. Cancialosi, Agent for the owner and applicant

Plat of survey of property located at 7404 ALBERT LANE
described as Lot _____ Block _____ of SEE NOTE BELOW
a subdivision recorded in Map or Plat Volume _____ of Page _____
of the _____ County, Texas Plat Records.

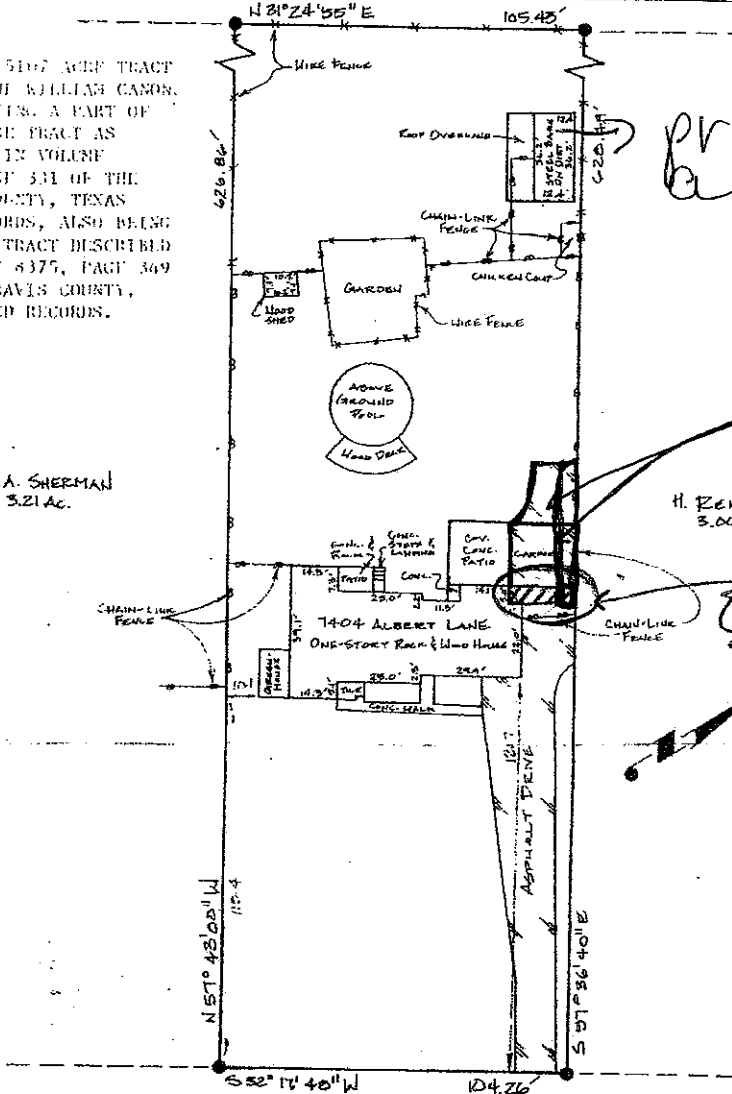
I & A.N. RR.

Ref: Charles L. and Luan E. Borgeson

NOTE: 1.5107 ACRE TRACT
OUT OF THE WILLIAM CANON
LEASE BEING A PART OF
A 3.0 ACRE TRACT AS
RECORDED IN VOLUME
1040, PAGE 331 OF THE
TRAVIS COUNTY, TEXAS
DEED RECORDS, ALSO BEING
THE SAME TRACT DESCRIBED
IN VOLUME 8377, PAGE 349
OF THE TRAVIS COUNTY,
TEXAS DEED RECORDS.

R.A. SHERMAN
3.21 AC.

H. RENFIELD
3.00 AC.



prior to
cancellation

ORIGINAL
CARPORT

ADDITION

ALBERT LANE

The undersigned does hereby certify that the plat shown represents the results of a survey on the ground under my supervision and is true and correct and that there are no discrepancies, conflicts, shortages in area, boundary-line conflicts, encroachments, overlapping of improvements, visible utility easements, except as shown and the property has access to and from a dedicated roadway.

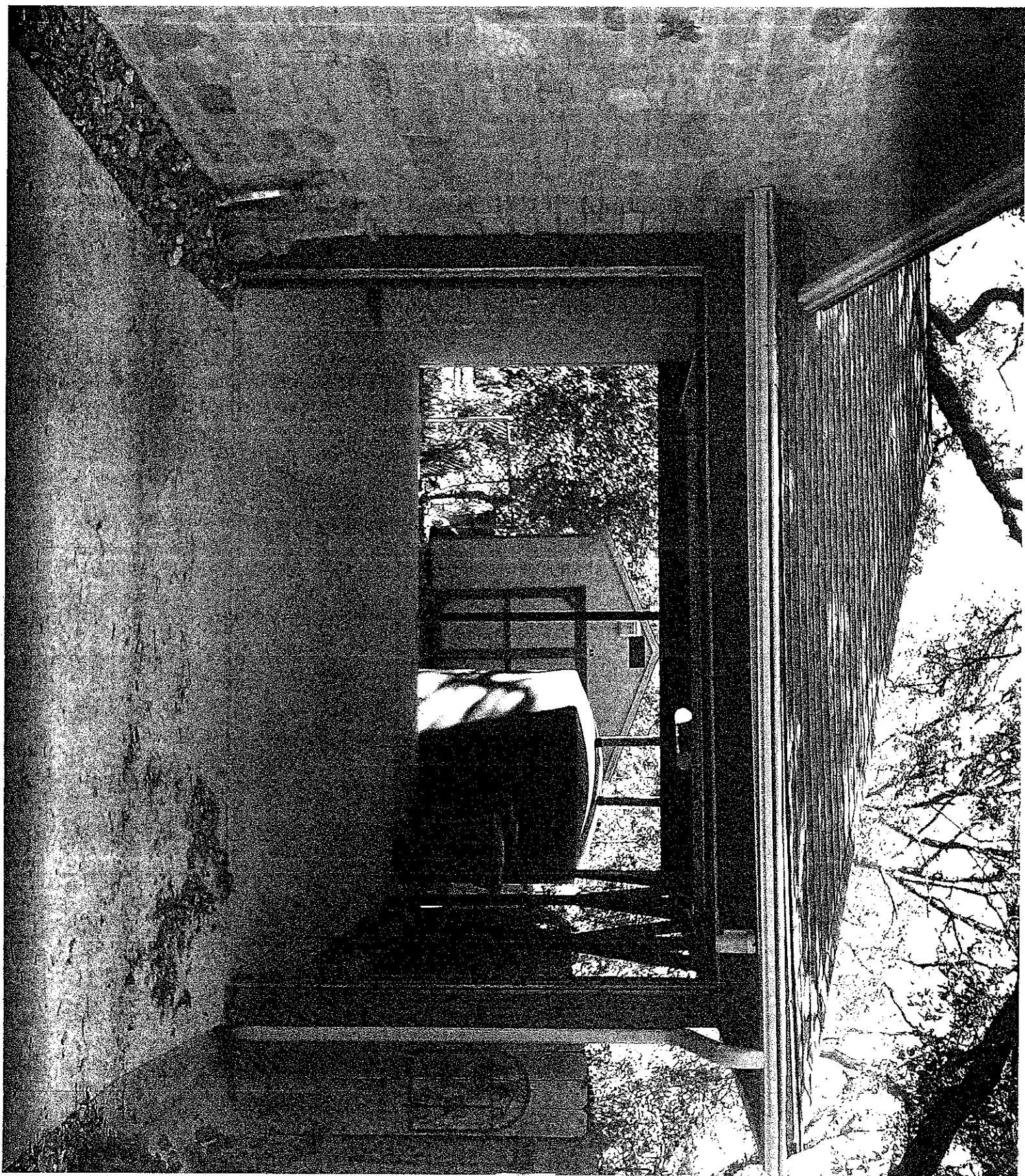
The property indicated hereon is not within a special flood hazard area as shown on Panel 481026 0210B of FIRM FLOOD INSURANCE RATE MAP for Travis County, Texas as prepared by FEMA & FIA effective date April 31, 1982.

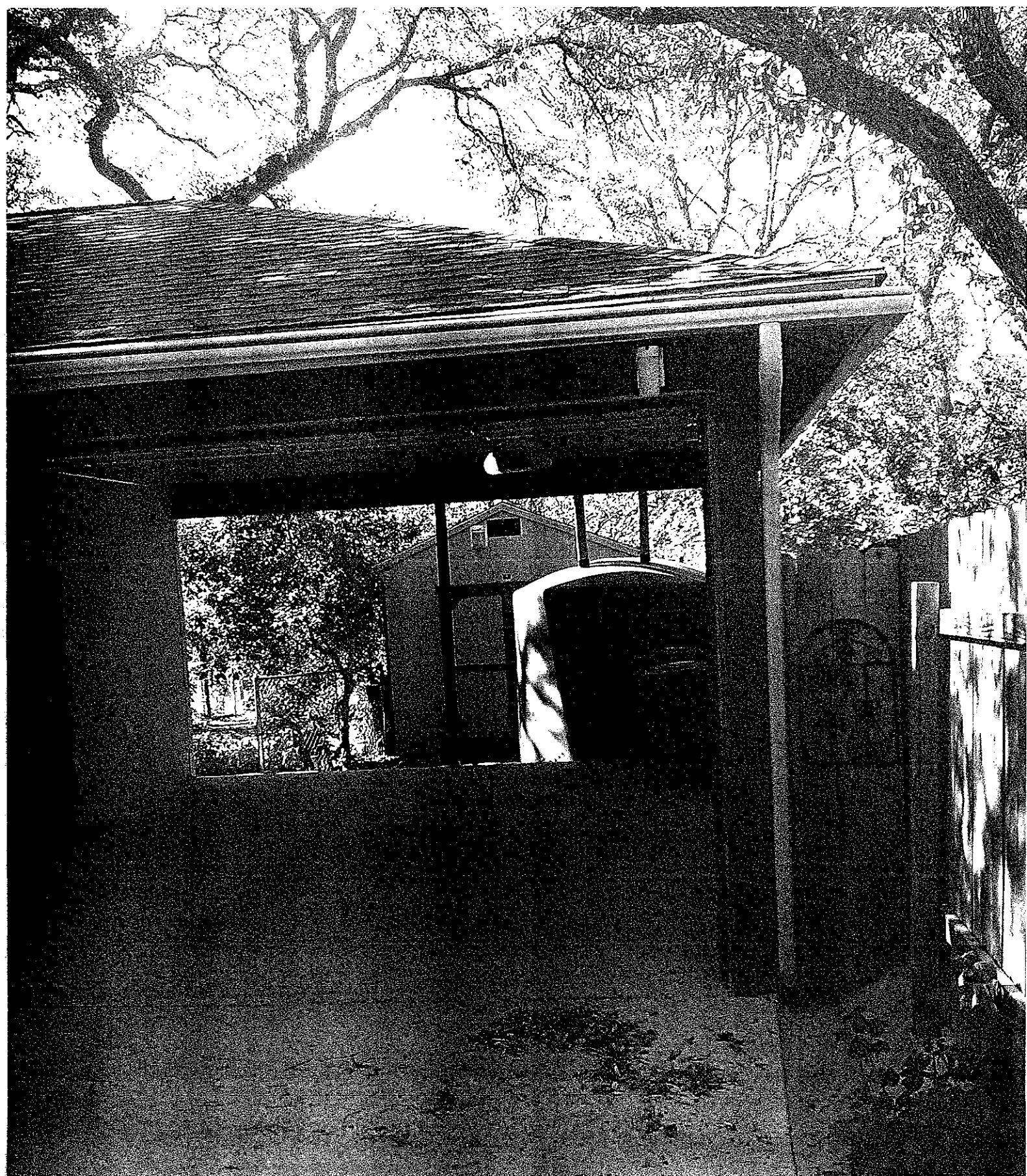
CRICHTON
AND ASSOCIATES
• LAND SURVEYORS •

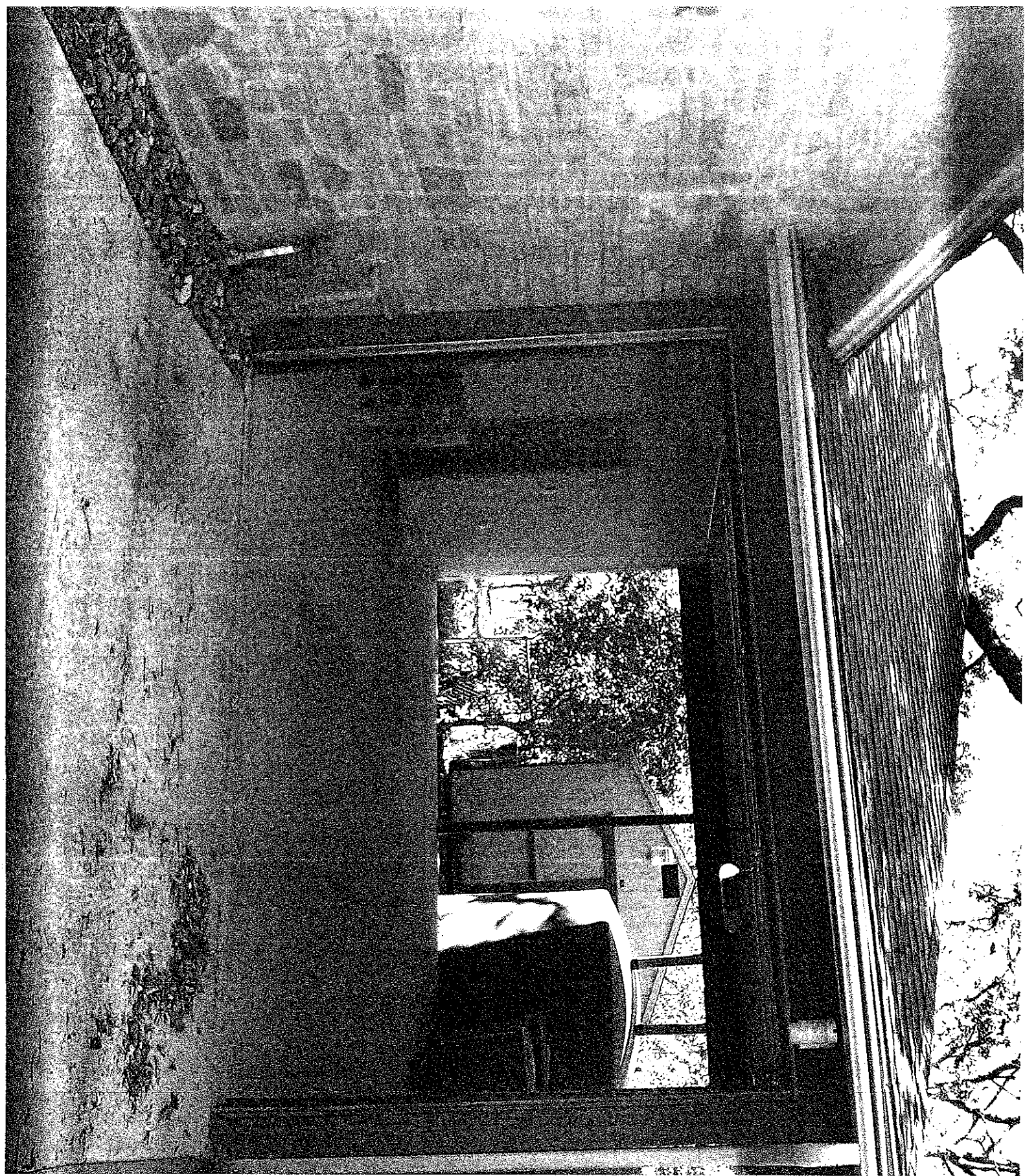
1538 E. Anderson Lane No. 2
Austin, Texas 78753 (512) 857-2000

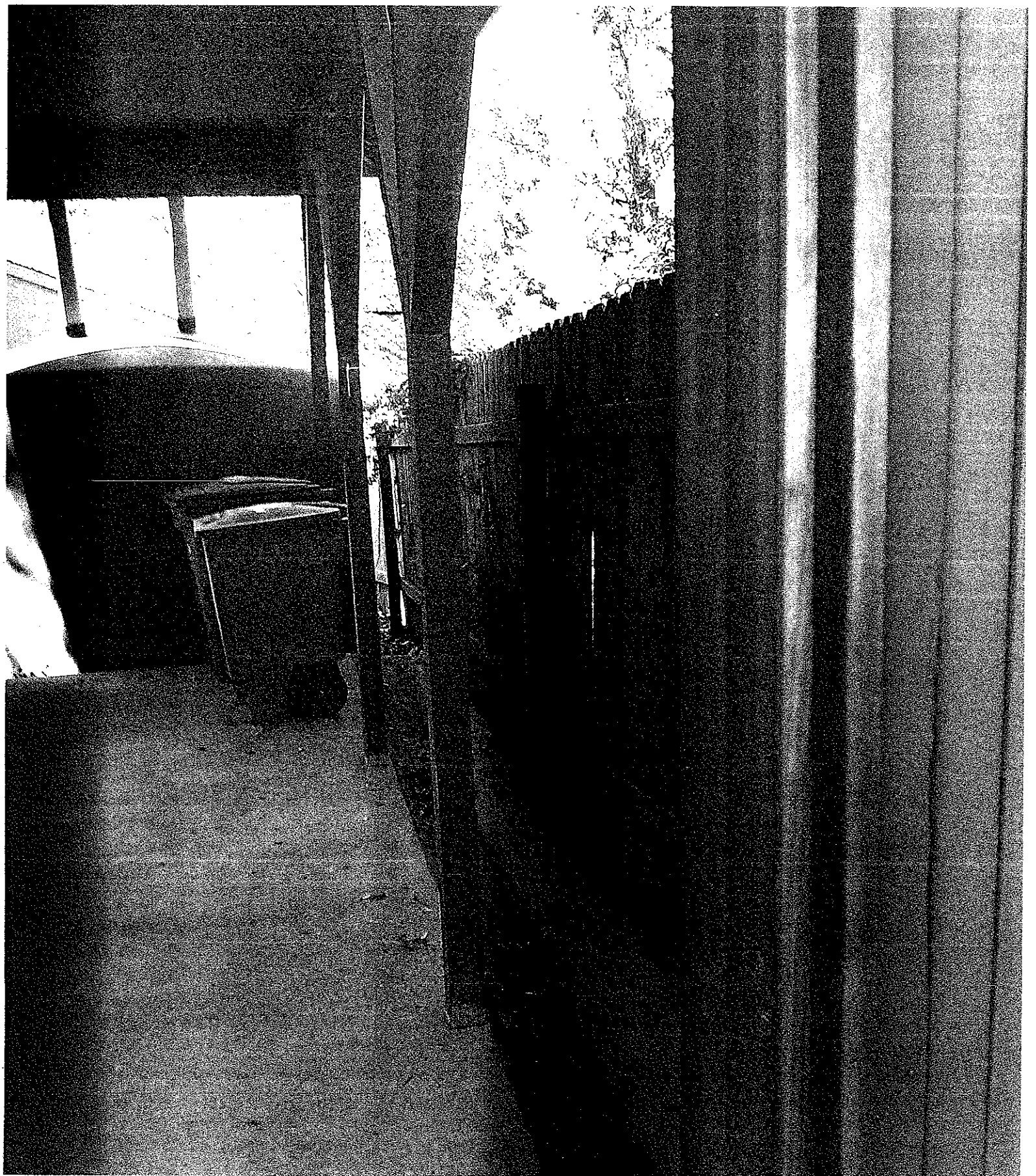
Hervey C. Cull

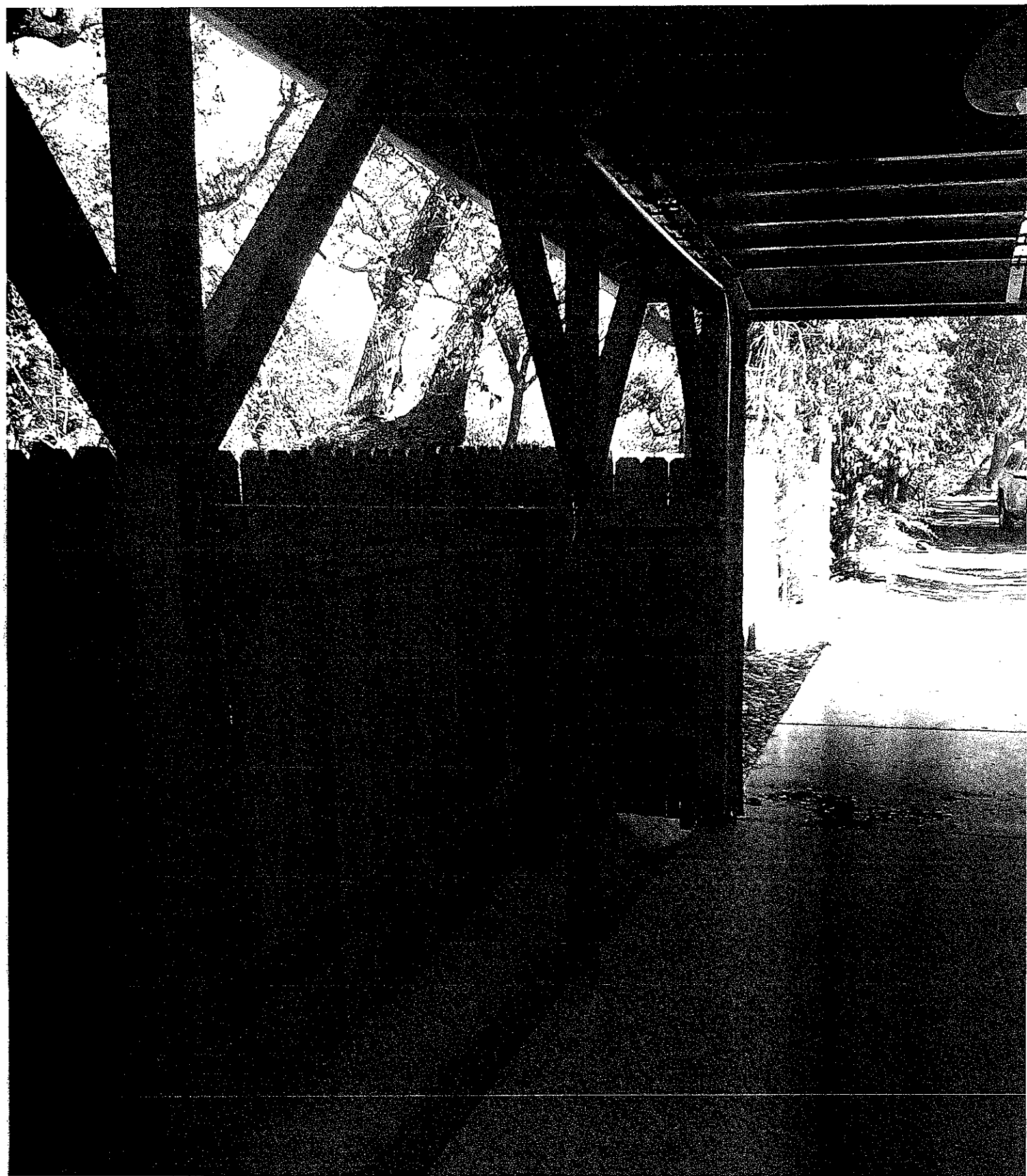
DATE: May 29, 1986

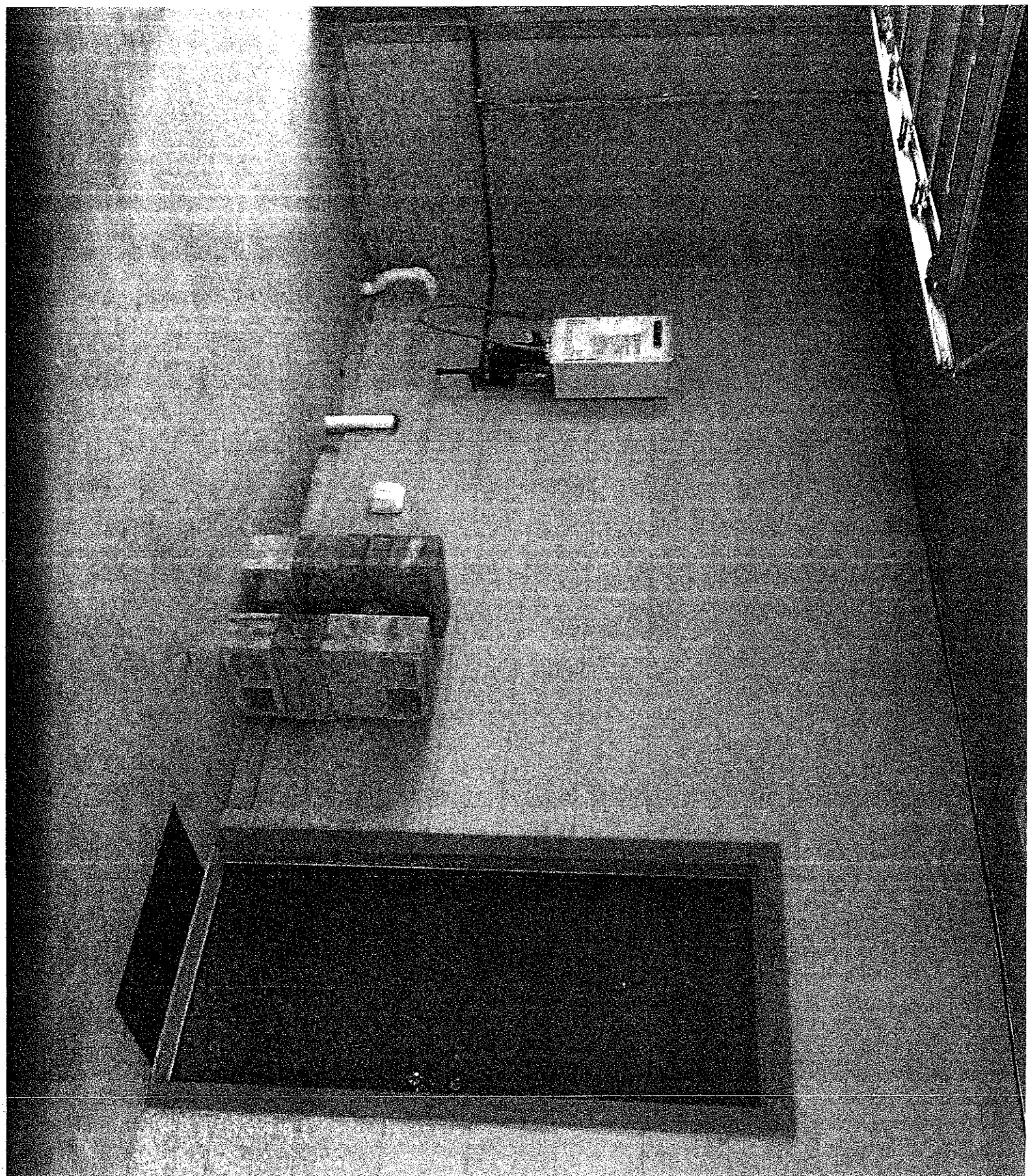


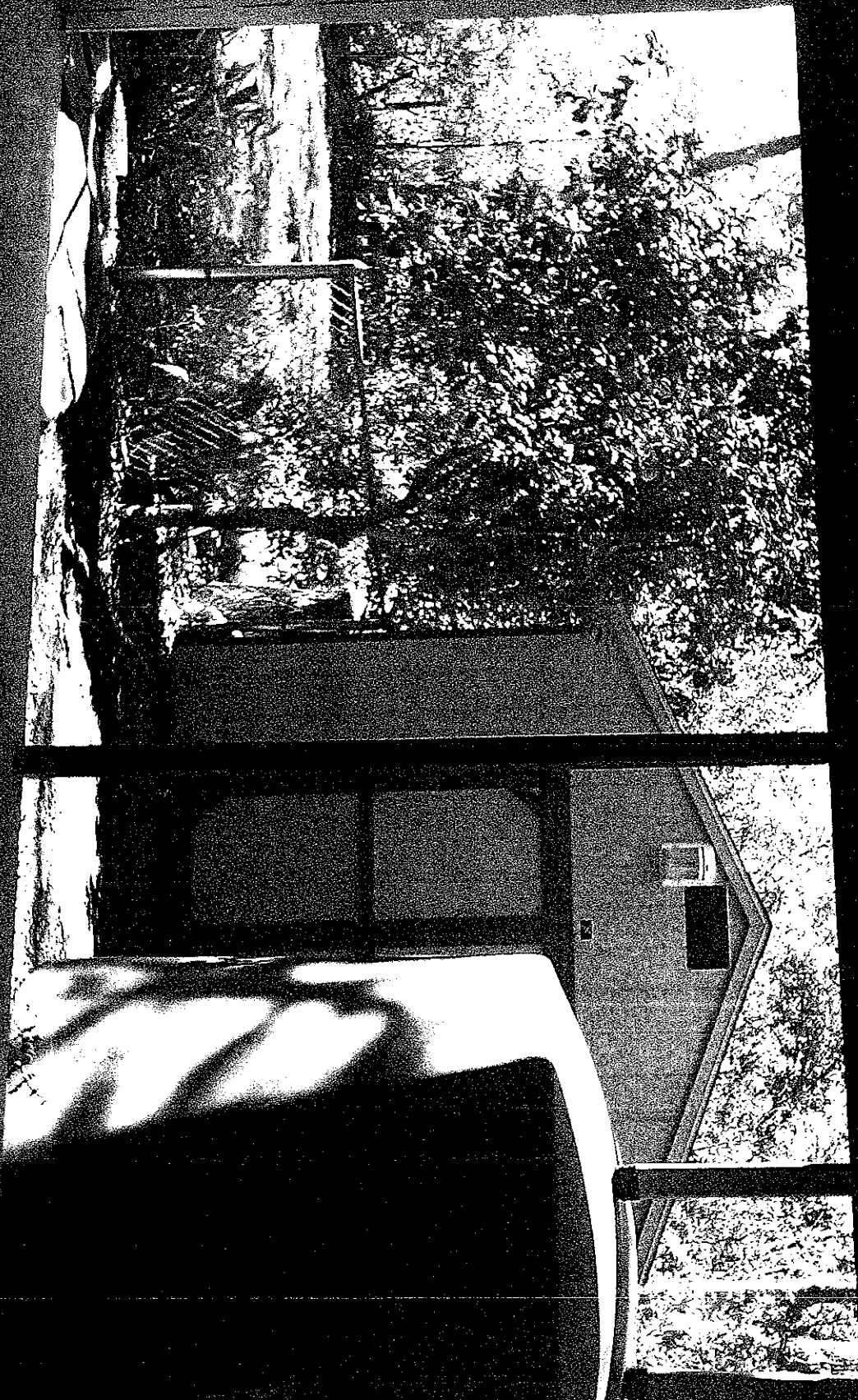














DR

DR

ALBERT RD

7410

7406

7404

7400

7408

7407

7401

7311