

February 23, 2012

RECEIVED

FEB 23 2012

Susan Walker, Senior Planner
Planning & Development Review Department
City of Austin
Austin, Texas

CITY OF AUSTIN

Dear Susan,

We are writing to request an appeal regarding the decision to deny a side yard variance at 1601 Wethersfield Rd. handed down by the Board of Adjustment on 2-13-2012. We want to appeal to make any required changes necessary. In addition we want to move the carport away from the property line 16" and install a gutter system on the south side of the roof. This amount of space will allow us the use of the carport without interfering with the property line and the guttering should prevent any actual or perceived erosion.

Before we built the carport in July of 2007, we spoke with our adjacent neighbor Mr. Matthew L. Nelms regarding our concern that one of the support posts for the carport, (the one on the south side closest to the fence), could possibly be over on his side by approximately 2". He voiced a concern about the height and we told him it would be 10' tall, which it is. I showed him where my concern about the post was and he looked at it; I later saw him standing in the driveway measuring the height. The roofline was not brought up at that time, it follows the edge of the carport and we have not been aware that it posed a problem. He voiced no concern about guttering. He verbally agreed that it was ok with him for us to continue with our plan. We therefore went ahead with building as discussed, had he objected we would have made other plans. This carport has been in place over 4 years and Mr. Nelms has not voiced any complaints or concerns to us about his previously mentioned issues until now. We have received many compliments on the attractiveness of this carport; Mr. Nelms and Mr. and Mrs. John Bradshaw, from across the street, admired the carport when it was completed. It remains well maintained.

There have been many variance changes on Wethersfield Road over the last 20 years, especially in the last 10 years, and all of them have been approved. Due to the procedure of this Board to attach amendments to variance approvals there is little danger of setting precedence.

Your consideration of our request for appeal as well as your time and attention are very appreciated.

Very sincerely,

Don William

Jennie R. West

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, February 13, 2012

CASE NUMBER: C15-2012-0013

☐ Y ☐ Jeff Jack
☐ Y ☐ Michael Von Ohlen **Motion to Deny**
☐ A ☐ Nora Salinas **ABSENT**
☐ Y ☐ Bryan King
☐ A ☐ Susan Morrison **ABSENT**
☐ Y ☐ Melissa Hawthorne
☐ Y ☐ Heidi Goebel **2nd the Motion**
☐ - ☐ Cathy French (SRB only)
☐ - ☐ Dan Graham (SRB only)
☐ Y ☐ Will Schnier (Alternate)

APPLICANT: DONALD WILLIAM

OWNER: JENNIE R WEST

ADDRESS: 1601 WETHERSFIELD RD

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 0 feet along the south property line in order to maintain a detached carport for a single family residence in an "SF-3", Family Residence zoning district.

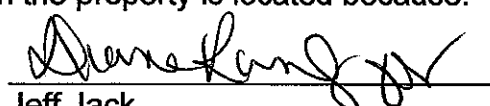
BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Deny, Board Member Heidi Goebel second on a 6-0 vote; **DENIED.**

FINDING:

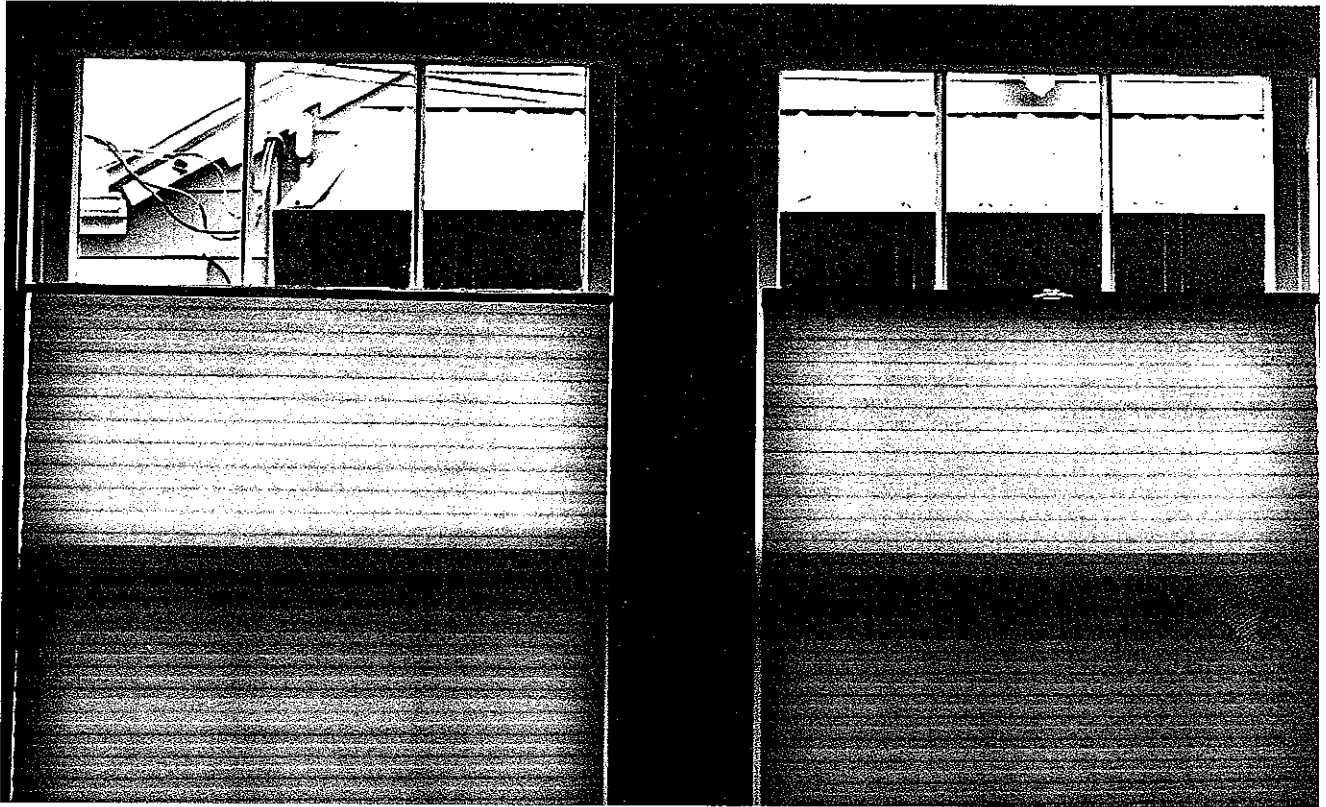
1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

(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:


Susan Walker
Executive Liaison


Jeff Jack
Chairman

DINING ROOM WINDOW



DINING ROOM WINDOW



KITCHEN WINDOW



KITCHEN WINDOW



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- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2012-0013 - 1601 Wethersfield Road

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, February 13th, 2012

Time: 4:00 PM

Your Name (please print): Susan Walker

☒ I am in favor
☐ I object

1717 A B Conrad Hill

Your address(es) affected by this application

Signature: Susan Walker Date: 2/8/12

Daytime Telephone: 512.914.7000

Comments: Our inner city lots are small and it can be difficult to fit covered parking within the city setback lines. We think exceptions to the rules should be made so people can have covered parking. Thank you.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2012-0013 - 1601 Wethersfield Road

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, February 13th, 2012

JEREMY + KIMBA CAMPBELL

Your Name (please print)

1610 Wethersfield Road

Your address(es) affected by this application

Signature: *Kimba Campbell* 2-9-12

Daytime Telephone: (512) 773-5738

Signature

Date

Comments:

We are not in the neighborhood and have no interest in the property.

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Case Number: C15-2012-0013 – 1601 Wethersfield Road
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, February 13th, 2012

JOHN F. BRADSHAW

Your Name (please print)

1600 WETHERSFIELD ROAD

Your address(es) affected by this application

John F Bradshaw

Signature

2/13/12
/Date

Daytime Telephone: (512) 477-4169

Comments: Removing the setback as

requested would remove the protection against

encroachment by the adjacent properties

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Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Case Number: C15-2012-0013 - 1601 Wethersfield Road
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, February 13th, 2012

Nathan Cross

Your Name (please print)

1567 Wethersfield Rd.

Your address(es) affected by this application

[Signature]

Signature

2/10/12
Date

Daytime Telephone: 512-499-0924

Comments: Structure looks nice but doesn't adhere to rules.

☐ I am in favor
☒ I object

If you use this form to comment, it may be returned to:

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 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, February 13th, 2012

MATTHEW NEUMS

Your Name (please print)

☐ I am in favor
☒ I object

1509 WETHERSFIELD RD

Your address(es) affected by this application

Matthew Neums 2/13/12

Signature

Date

Daytime Telephone: 512-826-3221

Comments: I OBJECT TO THIS ILLEGAL CARPORT, MY MAIN OBJECTION IS THAT THE POSTS MAY ACTUALLY BE ON MY PROPERTY BY AN INCH OR TWO, THE ROOF OF THE ILLEGAL STRUCTURE OVERHANGS ONTO MY PROPERTY, I WILL HAVE TO ENTER LITIGATION WITH THE HOMEOWNER IF I DECIDE TO SELL MY HOME.

OVER

If you use this form to comment, it may be returned to:

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 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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Case Number: C15-2012-0013 – 1601 Wethersfield Road
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, February 13th, 2012

Your Name (~~please print~~) Jane Seliggs
 Austin, TX 78703-3335

☒ I am in favor
☐ I object

Your address(es) affected by this application

[Signature] 2.5.12
 Signature Date

Daytime Telephone: 512-491-4558

Comments: _____

If you use this form to comment, it may be returned to:
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Case Number: C15-2012-0013 – 1601 Wethersfield Road
Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, February 13th, 2012

WOODBURN COURT HOA

Jane Seiggs

Your Name: ~~Samuel Mew~~ Place #1

Austin, TX 78703

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Your address(es) affected by this application

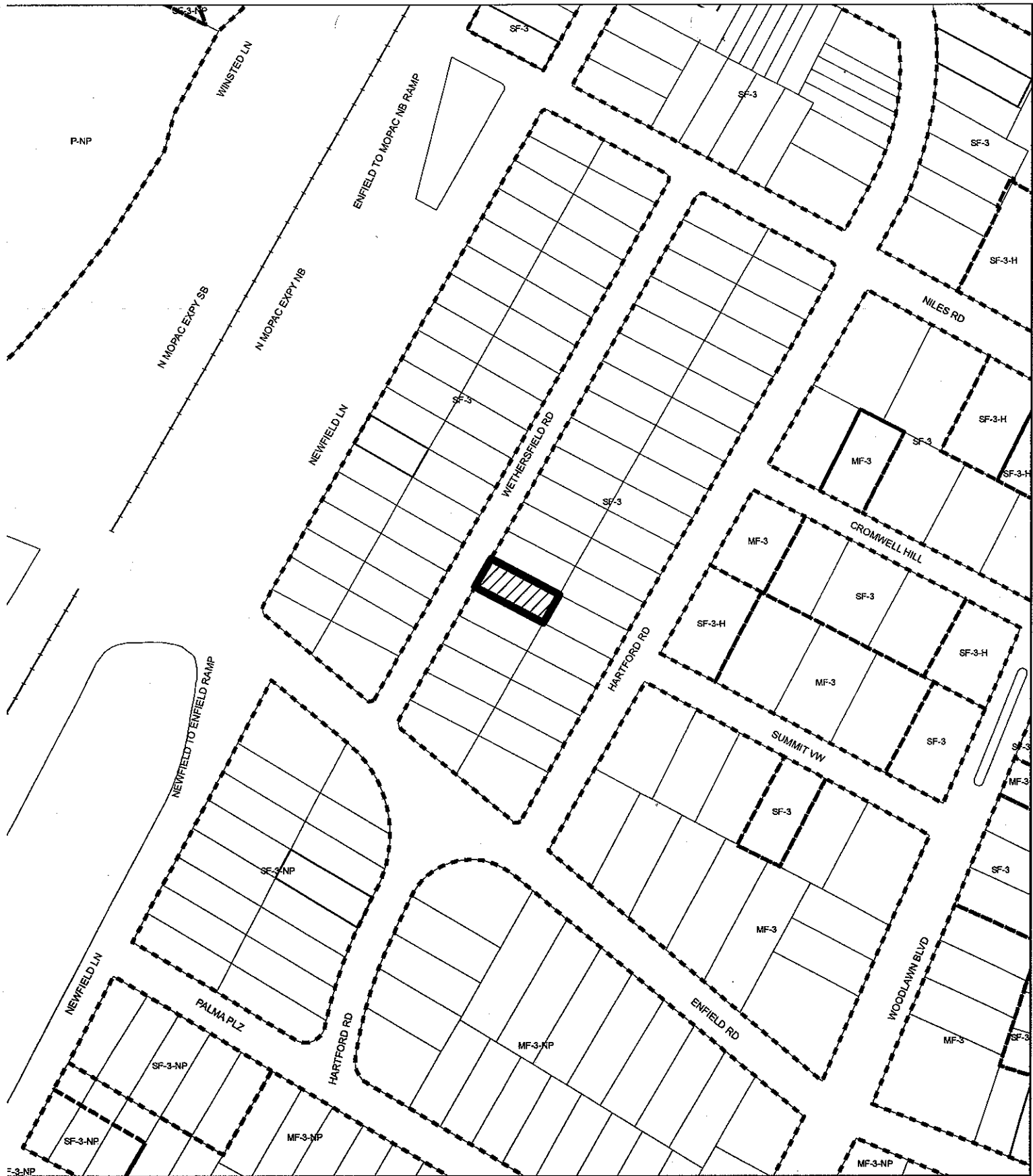
Signature

Date

Daytime Telephone:

Comments:

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Susan Walker
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Austin, TX 78767-1088

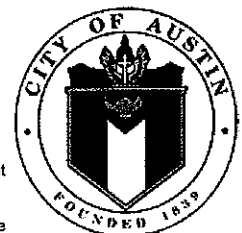


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0013
LOCATION: 1601 Wethersfield RD



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.

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 # C15-2012-0013
ROW # 10704680
TP-0113040524

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

WARNING: Filing of this appeal stops all affected construction activity.

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

STREET ADDRESS: 1601 WEATHERSFIELD RD.

LEGAL DESCRIPTION: Subdivision - ENFIELD

Lot(s) ## 33 Block _____ Outlot _____ Division _____

I/We Don William on behalf of myself/ourselves as authorized agent for

~~Jennie Saperston (West)~~ affirm that on _____, _____,

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

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

~~Retain existing car port~~

5' → 0' along the
South property line.

in a _____ district.
(zoning district)

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.

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:

Due to small space please see attached.

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

HARDSHIP:

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:

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:

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 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 require strict or literal interpretation and enforcement of the specific regulation because:

Answers to questions on Application for Variance to the City of Austin
For Don D. William and Jennie R. West

1.) There is insufficient space to allow for any other placement of the carport in question. The property line restricts placement on the south side of the driveway and the sewer line restricts placement on the north side of the driveway.

2.)

a. The existing driveway has been in the current position since the property was purchased in 1965; the carport placement over the driveway is explained in question #1.

b. It does not interfere with any underground or above ground public utilities or any other structure in the vicinity and is not in anyway unsightly or improperly maintained. It is not prohibited by neighborhood restrictions.

3.) The carport in question is less than 200 square feet and contains no electrical or plumbing, and therefore requires no permit, it covers a driveway that has been in place since 1965. As a result we were unaware that any further permission was required.

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 Don Williams Mail Address 1601 WETHERSFIELD Rd.

City, State & Zip Austin, Tx. 78703

Printed Don Williams Phone 477-1360 Date 12-29-11

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 Jennie R. West Mail Address 1601 Wethersfield Rd.

City, State & Zip Austin, Tx. 78703

Printed JENNIE R. WEST Phone 477-1360 Date 12-29-11

RE: 1601 WETHERSFIELD ROAD

SURVEY OF

SURVEY OF LOT 33, ENFIELD F

BOOK 3, PAGE 194, PLAT RECORDS, TRAVIS COUNTY, TEXAS

WETHERSFIELD ROAD
(50' R.O.W.)

SCALE
1 INCH = 20 FT.

FLOOD PLAIN NOTE (FOR INSURANCE PURPOSES ONLY; NOT FOR CONSTRUCTION, PERMITTING, OR OTHER USES; AN ENGINEER MUST BE CONSULTED FOR THE ACTUAL LOCATION OF THE FLOOD PLAIN): No portion of this lot is within an identified (shaded) special flood hazard area, including the 100-year flood, but is within Zone X, areas determined to be outside the 500-year flood-plain, as identified by the Federal Emergency Management Agency, National Flood Insurance Program, Flood Insurance Rate Map for Travis County, Texas, and Incorporated Areas, Map No. 48463C0443H dated September 26, 2008.

The above statement is for information only and this surveyor assumes no liability for the correctness of the cited map(s). In addition, the above statement does not represent this surveyor's opinion of the probability of flooding. Registered Professional Land Surveyors in Texas are not licensed to determine flood areas.

TITLE COMMITMENT NOTE:
This survey was prepared without the benefit of a title commitment and would be subject to any and all conditions or restrictions that a title commitment may disclose.

NOTES:
1) All bearings are based on the recorded plat of record in Book 3, Page 194, Plat Records of Travis County, Texas.
2) The 5' P.U.E. along the sides and rear is recorded in Book 3, Page 194, Plat Records of Travis County, Texas.

SURVEYOR'S CERTIFICATE:
The undersigned hereby certifies, that to the best of my knowledge and belief this is a true and correct representation of a survey of the above-described real property and that on the ground there are no apparent or visible discrepancies, no apparent or visible deed line conflicts, no apparent or visible overlapping of improvements except as shown hereon, and that said property adjoins a dedicated roadway, except as shown hereon.

SURVEYED BY: McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Drive, Suite 6
Austin, Texas 78731 (512) 451-8591

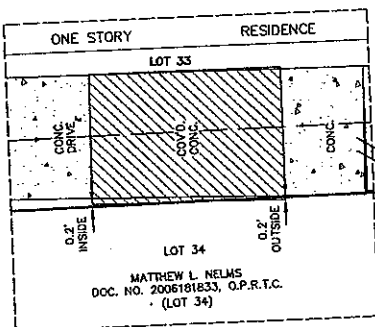
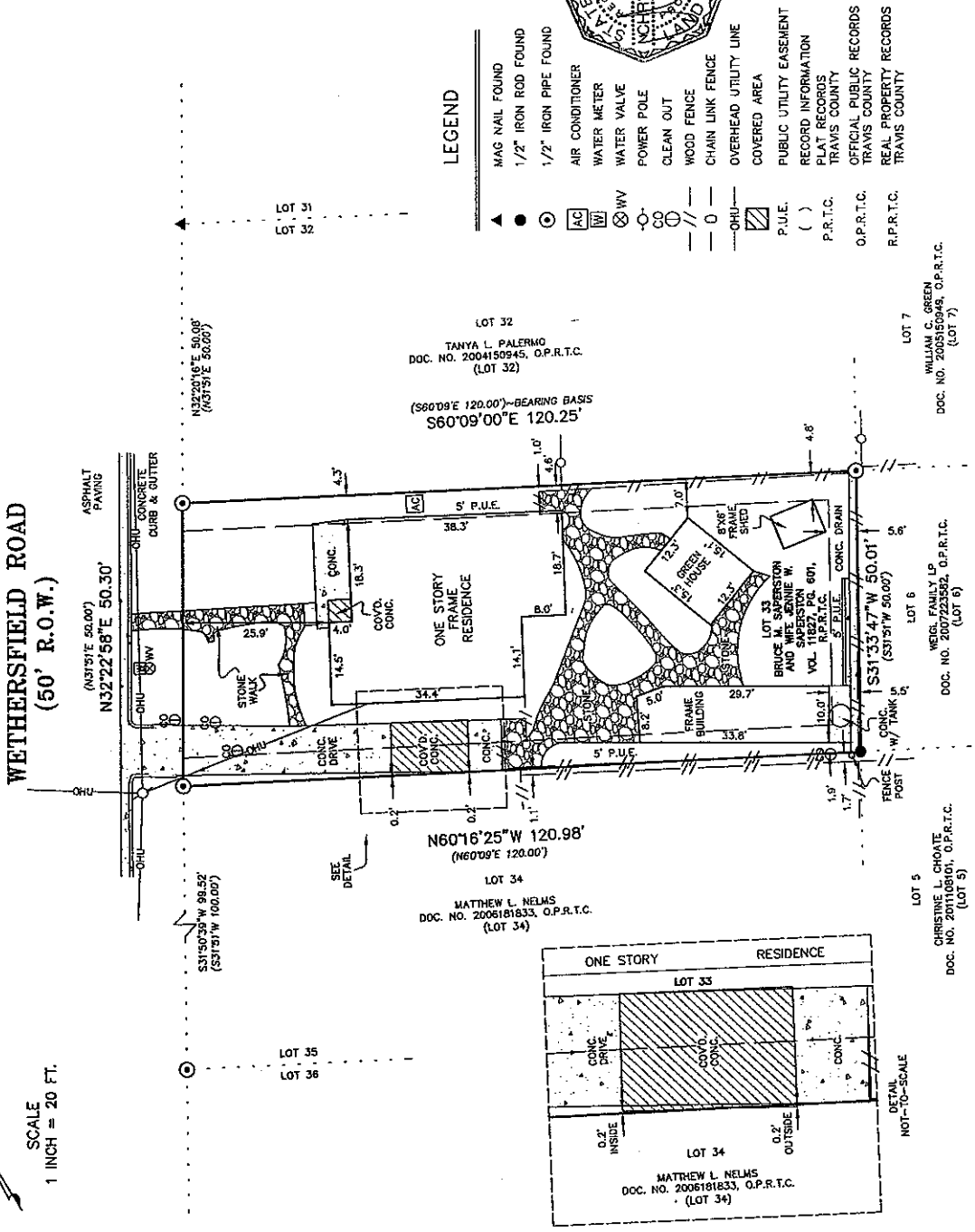
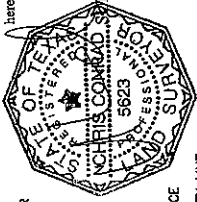
[Signature]
Chris Conrad, Reg. Prof. Land Surveyor No. 5623 Date 12/14/11

Note: This copy of this plat is not valid unless an original signature through an original seal appears on its face.

ISSUED DATE: 12/14/11	PARTY CHIEF: WREED	SHEET 1 OF 1
PROJECT NUMBER: 11-139	TECH: S. TREVINO	GRID H-24
DATE: 12/9/11		
FIELD BOOKS: 1418/30		
DRAWING: M:\11-139~Title Survey - Lot 33 Enfield F\DWG\Title Survey.dwg		

LEGEND

- MAG NAIL FOUND
- 1/2" IRON ROD FOUND
- 1/2" IRON PIPE FOUND
- AIR CONDITIONER
- WATER METER
- WATER VALVE
- POWER POLE
- CLEAN OUT
- WOOD FENCE
- CHAIN LINK FENCE
- OVERHEAD UTILITY LINE
- COVERED AREA
- PUBLIC UTILITY EASEMENT
- RECORD INFORMATION
- PLAT RECORDS
- TRAVIS COUNTY
- OFFICIAL PUBLIC RECORDS
- REAL PROPERTY RECORDS
- TRAVIS COUNTY



LOT 7
WILLIAM C. GREEN
DOC. NO. 2005105945, O.P.R.T.C.
(LOT 7)

LOT 6
WEIGL FAMILY LP
DOC. NO. 200723582, O.P.R.T.C.
(LOT 6)

LOT 5
CHRISTINE L. CHOATE
DOC. NO. 201108101, O.P.R.T.C.
(LOT 5)