

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 # C15-2012-0040
ROW # 10735559

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

TP-041234-02-10

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

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

STREET ADDRESS: 5605 Wagon Train Road

LEGAL DESCRIPTION: Subdivision – Village at Western Oaks

Lot(s) 9 Block C

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

Jason Demitri affirm that on 3-12-2012
2011 Dec.

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

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL X MAINTAIN

Maintain a detached 160 SF office structure on slab foundation with 2.2' rear yard setback and 2.5' side yard setback.

in a SF3 SF2 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:

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

The detached accessory structure is used by the homeowner as an on-premise office to operate home based business. This structure has been in place several years.

HARDSHIP:

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

The site is a corner lot. A 15' street side yard setback prohibits the owner from using the additional 10' of property enjoyed by interior lot owners. Since the site is a corner lot, the contractor placed the structure in the rear corner of the lot in order to reduce any potential aesthetic conflict. No permit was acquired as the city does not require permits for structures less than 200 SF. The structure was built on concrete slab foundation and is not moveable. City of Austin Real Estate office approved a partial easement vacation in 2011, allowing the structure to encroach approximately 5.3' into the rear 7.5' PUE. Without a variance, the owner would be forced to demolish at least 50% of the building, pour a new slab, and build a new portion that would encroach closer to the rear of the house. This would allow less rear yard area available for the children's use. Rebuilding the structure is not an option for the owner and, he would be forced to seek an off-site office location for his IT business.

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

There are no known sites in the neighborhood with issues similar to this corner lot.

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 accessory structure fits well with the residential use. It is not noticeable from the street. There are no known conflicts with the neighborhood or adjacent neighbors. To the owner's knowledge, the structure does not adversely impact any adjacent neighbors.

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

N/A

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:

N/A

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


N/A

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

N/A

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.

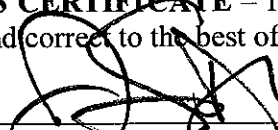
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  do Permit Partners LLC Mail Address 7105 BAENS DALE WAY

City, State & Zip AUSTIN TX 78745

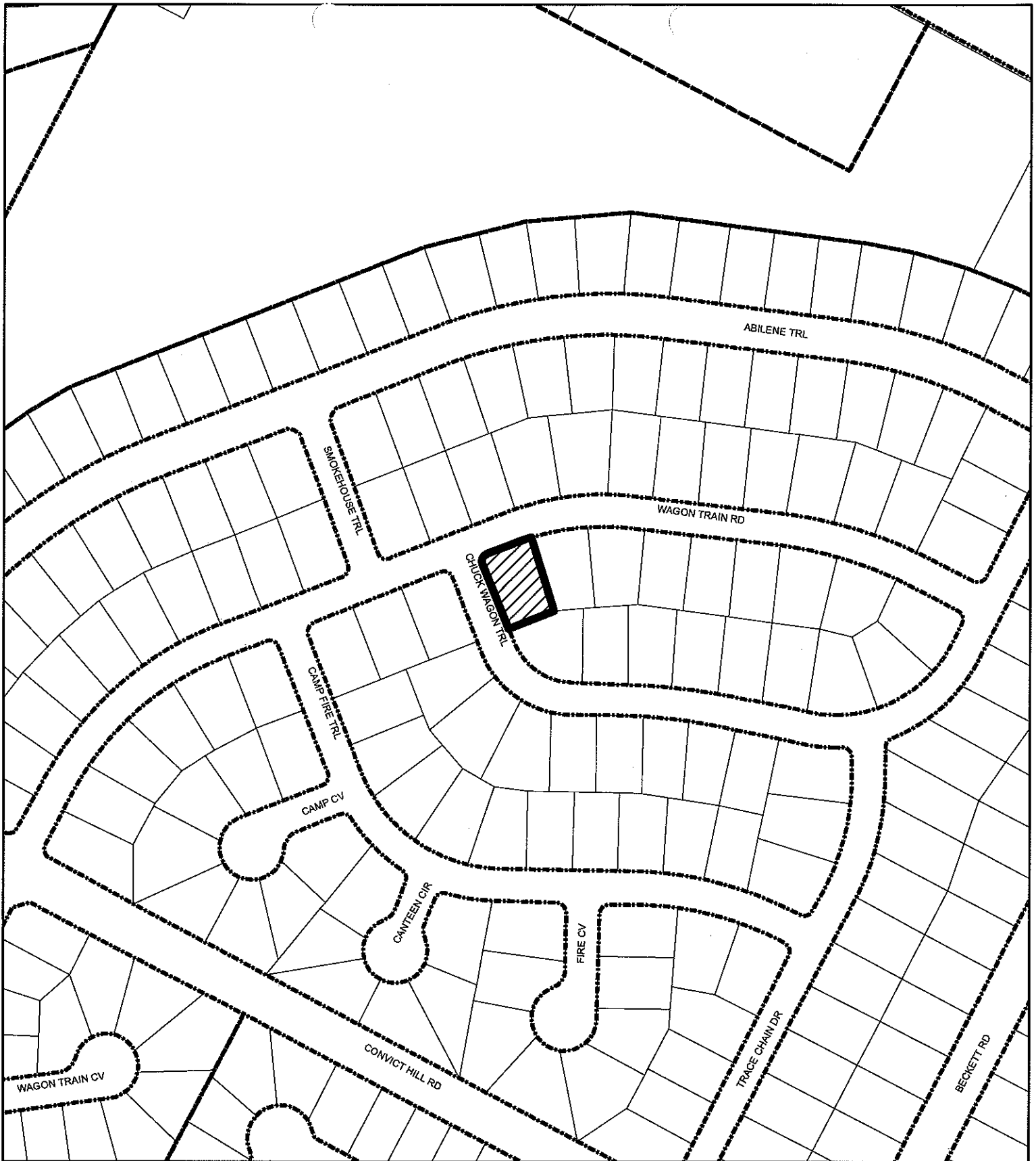
Printed DAVID C. CANAVAN Phone 799 2401 Date DEC 1, 2011

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 _____

City, State & Zip 5605 WAGON TRAIN RD AUSTIN TX 78749

Printed JASON DMITRI Phone _____ Date DEC 1, 2011



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0040
LOCATION: 5605 WAGON TRAIN ROAD



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.

September 7, 2010

To Whom It May Concern:

We own the property and reside at 5603 Wagon Train Road adjacent to Jason Demetri's home (5605 Wagon Train Road). The southwest edge of our property abuts Mr. Demetri's home and we share a fence.

Mr. Demetri has a small office building in the corner of his backyard. It is unobtrusive, barely visible from our side of the fence. He has made the extra effort to make this small building coordinate with the exterior of his home and the neighborhood more generally. He maintains this small building better than some of our neighbors maintain the exteriors of their homes.

We have no concerns whatsoever about the presence, use, or location of this building. From our perspective, there is no need for Mr. Demetri to alter anything related to this small office building.

If you have any questions or concerns, please do not hesitate to contact us at (512) 899-2505.

Best,



Greg Sigler



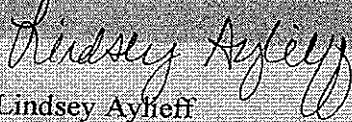
Danielle Sigler

September 7, 2010

To Whom It May Concern:

My husband and I have shared a property line with Jason and Stacy Demetri and their lovely children since we purchased our home in 2005 and have been very pleased with our neighbors. Their property is always kept in good order and we have no problem with the building erected in their backyard. We look forward to several more pleasant years!

Regards,

A handwritten signature in cursive script, reading "Lindsey Aylieff".

Lindsey Aylieff
7210 Chuck Wagon Trail
Austin, TX 78749
512-899-3187



City of Austin

Austin's Community-Owned Electric Utility

www.austinenenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

March 20, 2012

Jason & Stacy Demetri
5605 Wagon Train Rd
Austin, Texas 78749
Via email to: davidcancialosi@gmail.com

Re: 5605 Wagon Train Rd
Lot 9 BLK C Village at Western Oaks Sec II

Dear Mr. & Mrs. Demetri,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the rear and east side setback in order to maintain an existing 160 ft structure. Austin Energy does not oppose this application as requested and shown on the attached red-stamped sketch. No structures may be placed in the remaining 7.5 PUE at the rear of the property without a license agreement or release of easement.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

Sincerely,

A handwritten signature in black ink, appearing to read "Lena Lund".

Lena Lund
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

in entirety was reviewed this plan for approval. I approve the variance request and the plan as presented by Austin East. I plan must be approved by Austin East.

HOLT CARSON, INC.

Partial Release of Easement

ORIGINAL
FILED FOR RECORD

Description of Easement and Recording Data: A 7.5 foot public utility easement dedicated by instrument recorded in Volume 76, Page 294, Travis County Plat Records, Travis County, Texas.

Description of portion of Easement to be Released: That approximately 115 square foot portion of the public utility easement as described in the attached and incorporated **Exhibit A** (description) and **Exhibit B** (sketch) ("Released Property").

Easement Grantee: The City of Austin, Office of Real Estate Services, P.O. Box 1088, Austin, Travis County, Texas 78769-8839.

Description of Property and Local Address: Lot 9, Block C, The Village at Western Oaks Section II Subdivision, the plat of which is recorded in Volume 76, Page 294, of the Travis County Plat Records, locally known as 5605 Wagon Train Rd., Austin, Texas.

Current Owner of Property and Address: Stacy Demetri, a Married Person, 5605 Wagon Train Rd., Austin, Travis County, Texas 78749.

Consideration: TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged.

Grantee, the City of Austin, has determined that the Released Property, which is a portion of the Easement, is not now needed and will not be required in the future, since the Released Property portion of the Easement is surplus.

Grantee, for the consideration herein recited, acting by and through its duly authorized City Manager or designee releases the Released Property from the Easement.

EXECUTED this the 29th day of September, 2011.

CITY OF AUSTIN

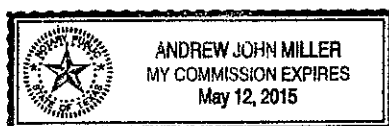
By: Lauraine Rizer
Lauraine Rizer, Officer
Office of Real Estate Services *JRM*

STATE OF TEXAS
COUNTY OF TRAVIS

§
§

This instrument was acknowledged before me on September 29th, 2011, by Lauraine Rizer, Officer, Office of Real Estate Services, City of Austin, a Texas municipal corporation, on behalf of said corporation.

[Seal]



[Signature]
Notary Public, State of Texas

Page 1 of 2

HOLT CARSON, INC.

PROFESSIONAL LAND SURVEYORS

1904 FORTVIEW ROAD
AUSTIN, TEXAS 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

Exhibit A

PARTIAL EASEMENT RELEASE

FIELD NOTE DESCRIPTION OF 115 SQUARE FEET OF LAND OUT OF LOT 9, BLOCK C, THE VILLAGE AT WESTERN OAKS SECTION II, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 76 PAGE 294 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AS CONVEYED TO STACY DEMETRI BY WARRANTY DEED RECORDED IN DOCUMENT No. 2004072056 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 7.5 FEET WIDE PUBLIC UTILITY EASEMENT, SAID EASEMENT HAVING BEEN DEDICATED BY SAID PLAT RECORDED IN VOLUME 76 PAGE 294 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a ½" iron rod found for the common corner of Lot 8, Lot 9, and Lot 10, of Block C, The Village At Western Oaks Section II, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 76 Page 294 of the Plat Records of Travis County, Texas, and from which a ½" iron rod found in the curving South right-of-way line of Wagon Train Road for the Northwest corner of said Lot 8 and the Northeast corner of said Lot 9 bears N 11 deg. 49' 56" W 120.09 ft., and also from which a ½" iron rod found in the East right-of-way line of Chuck Wagon Trail for the Southwest corner of said Lot 9 and the Northwest corner of said Lot 10 bears S 71 deg. 15' 38" W 74.73 ft.;

THENCE with the common line of said Lot 8 and Lot 9, N 11 deg. 49' 56" W 1.81 ft. to a point for the Southeast corner and **PLACE OF BEGINNING** of the herein described portion to be released;

THENCE entering the interior of said Lot 9 and entering the interior of that certain 7.5 feet wide Public Utility Easement as dedicated by subdivision plat of record in Volume 76 Page 294 of the Plat Records of Travis County, Texas, S 71 deg. 15' 38" W 20.00 ft. to a point for the Southwest corner of this portion to be released;

THENCE continuing across the interior of said Lot 9 and across the interior of said Public Utility Easement, N 18 deg. 44' 22" W 5.66 ft. to a point in the North line of said Public Utility Easement for the Northwest corner of this portion to be released;

end of Page 1

THENCE continuing across the interior of said Lot 9 with the North line of said Public Utility Easement, N 71 deg. 08' 38" E 20.69 ft. to a point in the common line of said Lot 8 and Lot 9 for the Northeast corner of this portion to be released;

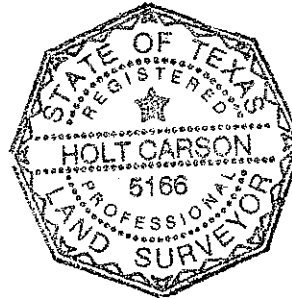
THENCE with the common line of said Lot 8 and Lot 9, S 11 deg. 49' 56" E 5.74 ft. to the **PLACE OF BEGINNING**, containing 115 square feet of land.

PREPARED: February 21, 2011



Holt Carson
Registered Professional Land Surveyor No. 5166

see accompanying sketch: C 720050



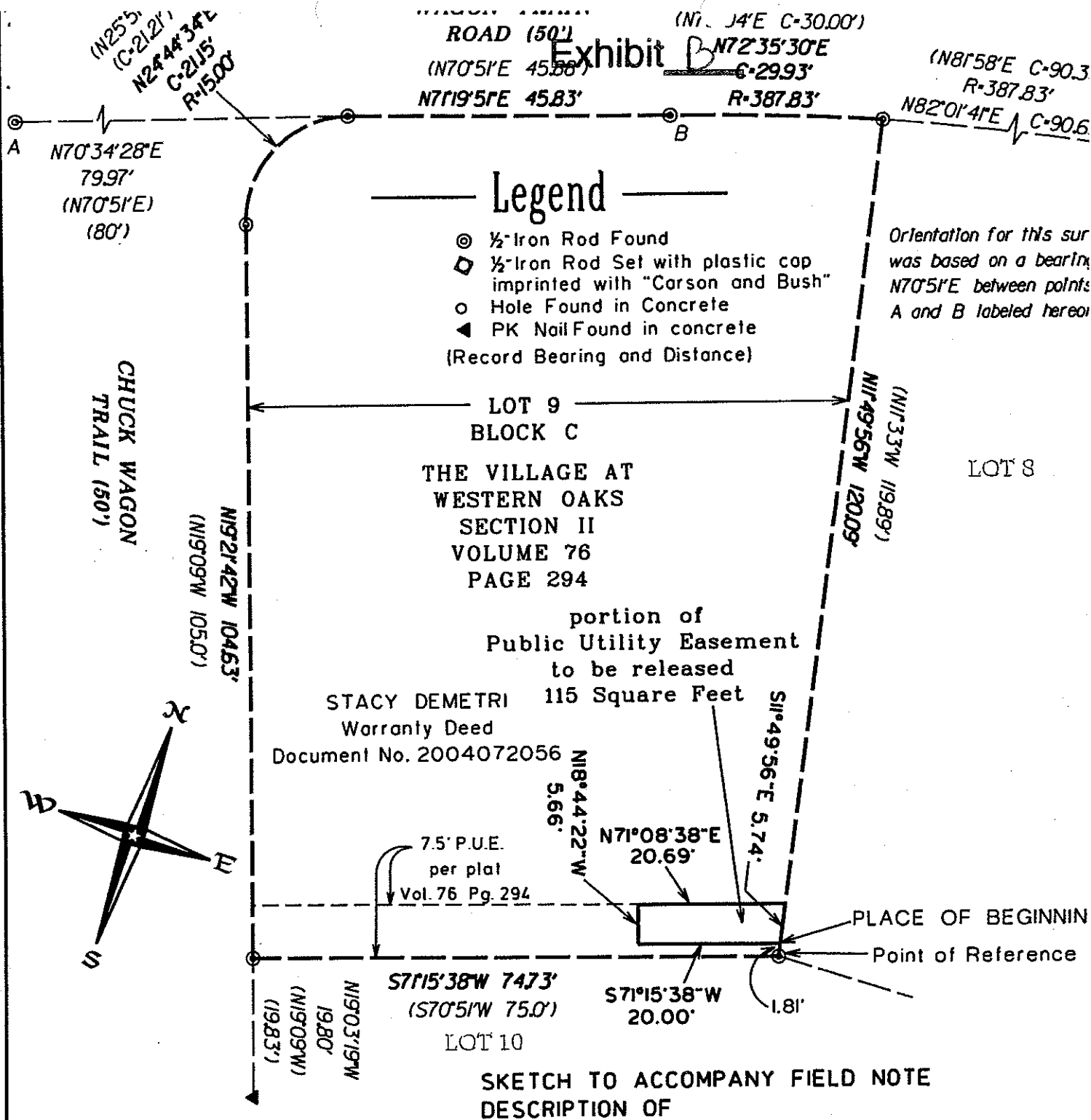
REFERENCES:

TCAD Parcel No. 04 1234 02 10
City of Austin Grid No. C18

FIELD NOTES REVIEWED

By: CLARK DANIEL Date 09.22.2011

Engineering Support Section
Department of Public Works
and Transportation



PREPARED: February 21, 2011

BY:

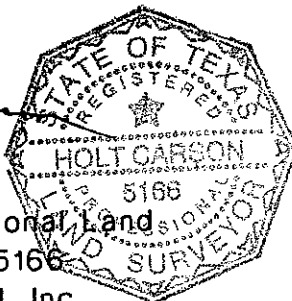
Holt Carson

Holt Carson

Registered Professional Land

Surveyor No. 5166

HOLT CARSON, Inc.



SKETCH TO ACCOMPANY FIELD NOTE DESCRIPTION OF

115 SQUARE FEET OF LAND OUT OF LOT 9, BLOCK C, THE VILLAGE AT WESTERN OAKS, SECTION II, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 76, PAGE 294 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 7.5 FEET WIDE PUBLIC UTILITY EASEMENT AS DEDICATED BY SAID PLAT RECORDED IN VOLUME 76 PAGE 294 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

After recording, return to:

City of Austin
Office of Real Estate Services
505 Barton Springs Rd., Suite 1350
Austin, TX. 78704

Attn: Jennifer Grant

File No. 8907-1105
Stacy Demitri

Exhibit List
Exhibit A – Property Description
Exhibit B – Sketch

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Sep 29, 2011 02:25 PM

2011142629

BARTHOLOMEWD: \$32.00

Dana DeBeauvoir, County Clerk
Travis County TEXAS