

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

DATE: Monday, May 14, 2012

CASE NUMBER: C15-2012-0053

____ Jeff Jack
____ Michael Von Ohlen 2nd the Motion
____ Nora Salinas
____ Stuart Hampton - Bryan King absent
____ Susan Morrison
____ Melissa Hawthorne Motion to PP to June 11, 2012
____ Will Schnier - Heidi Goebel recused
____ Cathy French (SRB only)
____ Dan Graham (SRB only)

APPLICANT: Adam Creasy

OWNER: same

ADDRESS: 7808 RUTGERS AVE

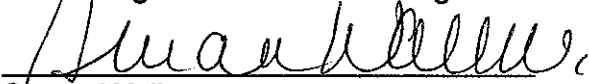
VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 20 feet in order to erect an attached carport for a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan)

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to postpone to June 11, 2012, Board Michael Von Ohlen second on a 7-0 vote; POSTPONED TO JUNE 11, 2012 (Board member Heidi Goebel recused).


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

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- 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: C15-2012-0053 – 7808 Rutgers Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, May 14th, 2012

Timoteo (Fwy) P RAMIREZ

Your Name (please print)

☒ I am in favor
☐ I object

7809 MULLEN DR

Your address(es) affected by this application

Timoteo P Ramirez

Signature

05/08/2012

Date

Daytime Telephone: *512-452-8041*

Comments:

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

PUBLIC HEARING INFORMATION

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- appearing and speaking for the record at the public hearing; and

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Case Number: C15-2012-0053 - 7808 Rutgers Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, May 14th, 2012

Claude Wendell Horton
Your Name (please print)

7804 Rutgers

Your address(es) affected by this application

Claude Wendell Horton 5-7-2012

Signature

Date

Daytime Telephone: 512 925 3533

Comments: Lower precaties valuation

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leash attractua

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

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 #

ROW #

C15-2012-00 53

10747304

TP-023707-04-32

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: 7808 Rutgers Ave. Austin, TX 78757

LEGAL DESCRIPTION: Subdivision - Crestview Addition Section 12

Lot(s) 5 Block 7 Outlot _____ Division _____

I/We Adam Creasy on behalf of myself/ourselves as authorized agent for

Adam Creasy affirm that on 3/29, 2012,

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

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

A new attached carport with a
setback reduced from 25 feet to
20 feet

in a SF3 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:

My one-car garage was converted into a living space before I bought my house. There is no available covered parking any place else on or near the property.

HARDSHIP:

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

The previous owner enclosed the garage, and there is no other place to park. The backyard is not accessible either.

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

Most houses in the neighborhood have different parking options than myself (such as garages, carports, or backyard access).

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:

I am erecting a small carport and only seeking a minimal 5 foot variance. It will minimally change the look of the house. Also, there are several houses in the neighborhood
PARKING: (Additional criteria for parking variances only.) with similar carports.

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 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 AC Mail Address 7808 Rutgers Ave.

City, State & Zip Austin, TX 78757

Printed Adam Cressy Phone 512-748-1198 Date 3-29-12

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 AC Mail Address 7808 Rutgers Ave.

City, State & Zip Austin, TX 78757

Printed Adam Cressy Phone 512-748-1198 Date 3-29-12



SUBJECT TRACT



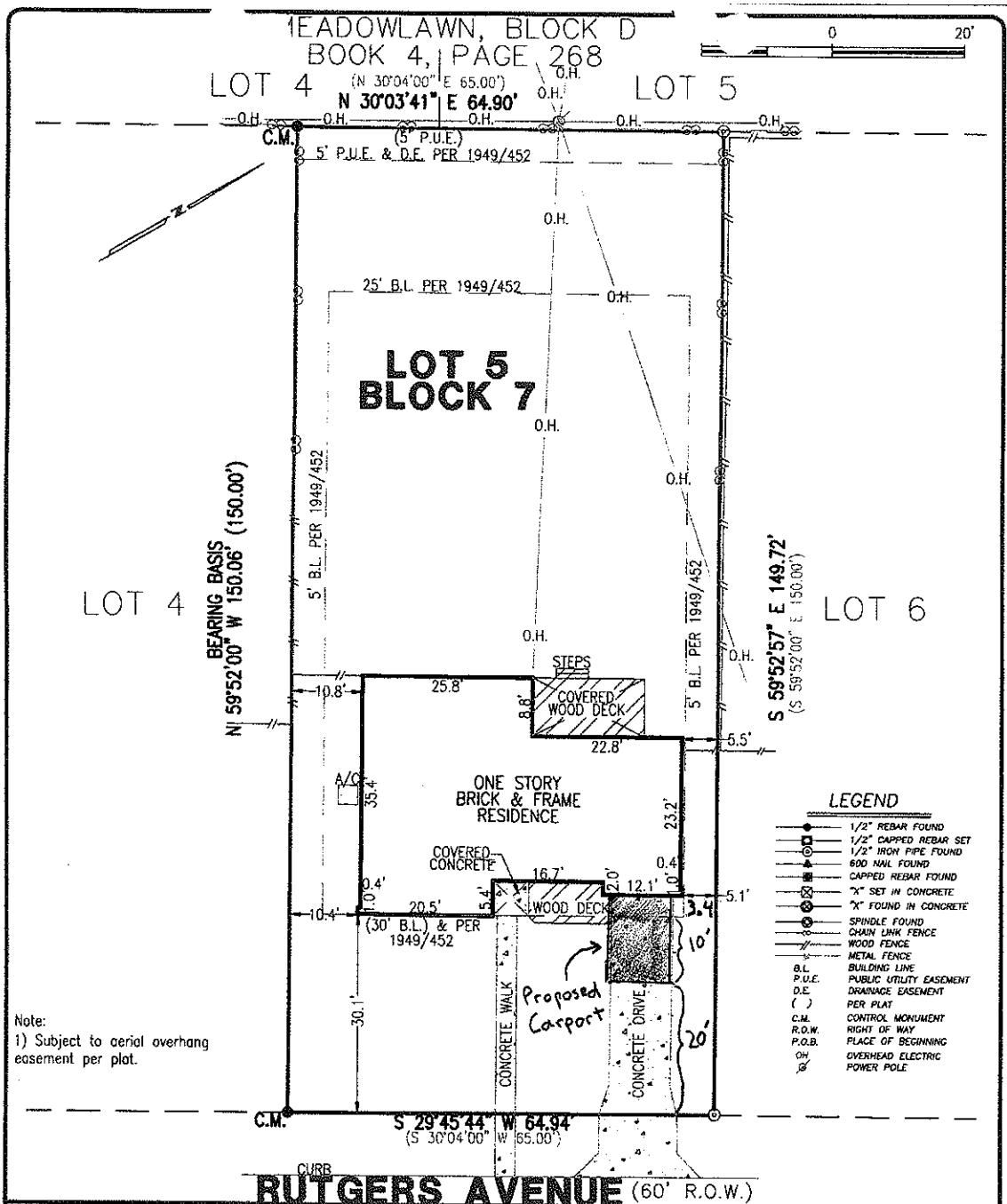
ZONING BOUNDARY

CASE#: C15-2011-0053
LOCATION: 7808 RUTGERS AVENUE



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.



TO THE LIENHOLDER AND/OR PRESENT OWNERS OF THE PREMISES SURVEYED

IMPORTANT NOTICE

This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to DEWEY H. BURRIS AND ASSOCIATES.



THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 0455 H, DATED 08/26/08. IT IS REPRESENTED AS IN ZONE "X". HOWEVER, AT THE PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAN ADMINISTRATOR.

STREET ADDRESS: **7808 RUTGERS AVENUE** CITY: **AUSTIN** COUNTY: **TRAVIS** STATE OF TEXAS
LOT: **5** BLOCK: **7** SUBDIVISION: **CRESTVIEW ADDITION SECTION 12** VOL/CAB **8** PG/SLD **147** PLAT RECORDS:
REFERENCE NAME: **ADAM CREASY**

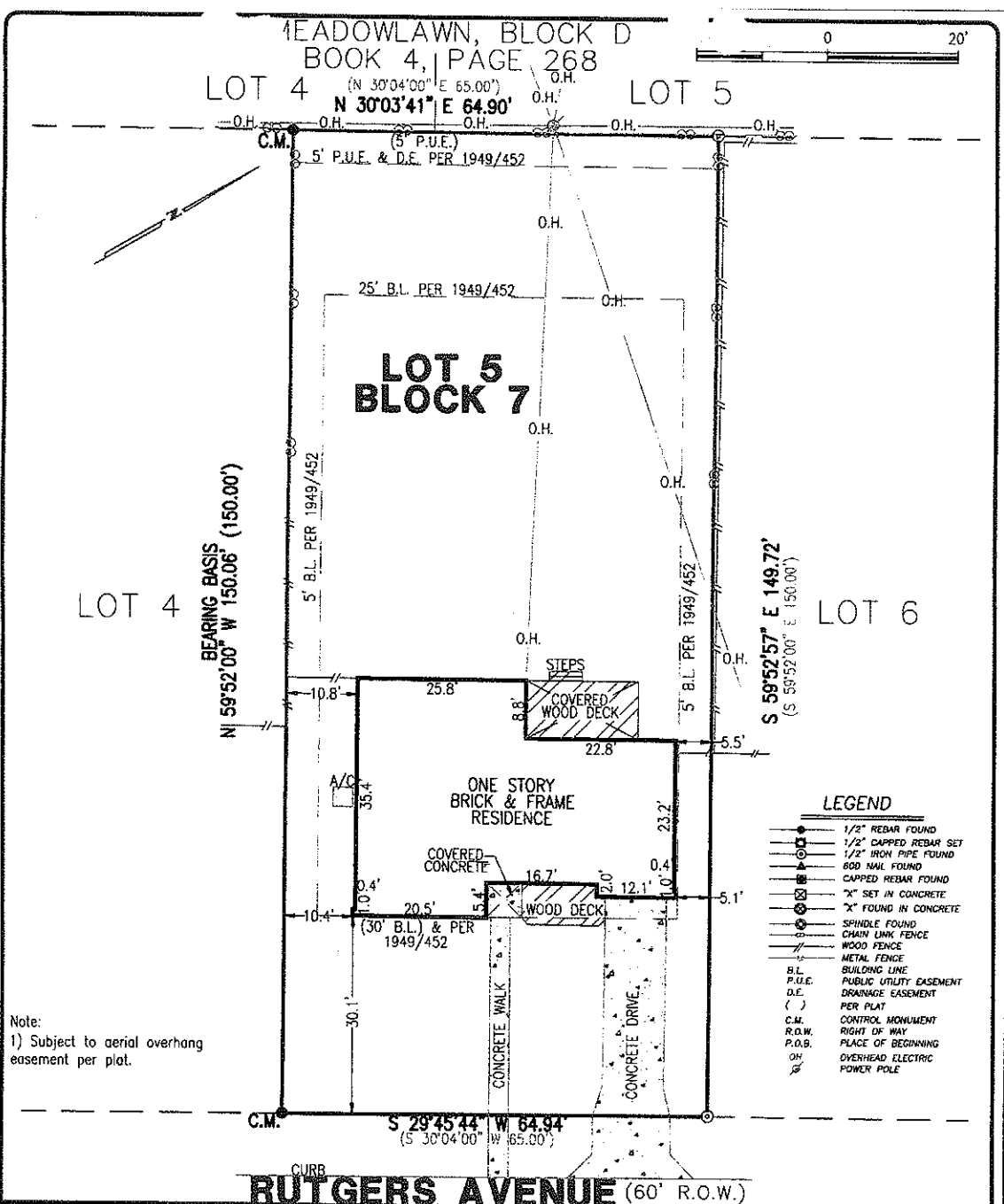


B & G SURVEYING, INC.
DEWEY H. BURRIS & ASSOCIATES, INC.
Surveyed by: **Dewey H. Burris & Associates**

WWW.BANDGSURVEY.COM
1404 West North Loop Blvd. Austin, Texas 78756
Office 512*458-6969, Fax 512*458-9845

JOB #: **R0103112_TA**
DATE: **01/20/12**
SCALE: **1"= 20'**

FIELD WORK BY	WILLIAM	01/19/12
CALC'D BY	TONI	01/20/12
DRAFTED BY	JOSE	01/20/12
CHECKED BY	M.L.	01/20/12



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CHECKED BY	M.L.	01/20/12



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

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

March 30, 2012

Adam Creasy
7808 Rutgers Ave
Austin, Texas 78757
Via email to: Adam.Creasy@athletics.utexas.edu

Re: 7808 Rutgers Avenue
Lot 5 BLK 7 Crestview Addition Sec 12

Dear Mr. Creasy,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the front setback from 25 ft to 20 ft in order to erect a new attached carport. Austin Energy does not oppose this application as requested and shown on the attached red-stamped sketch.

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

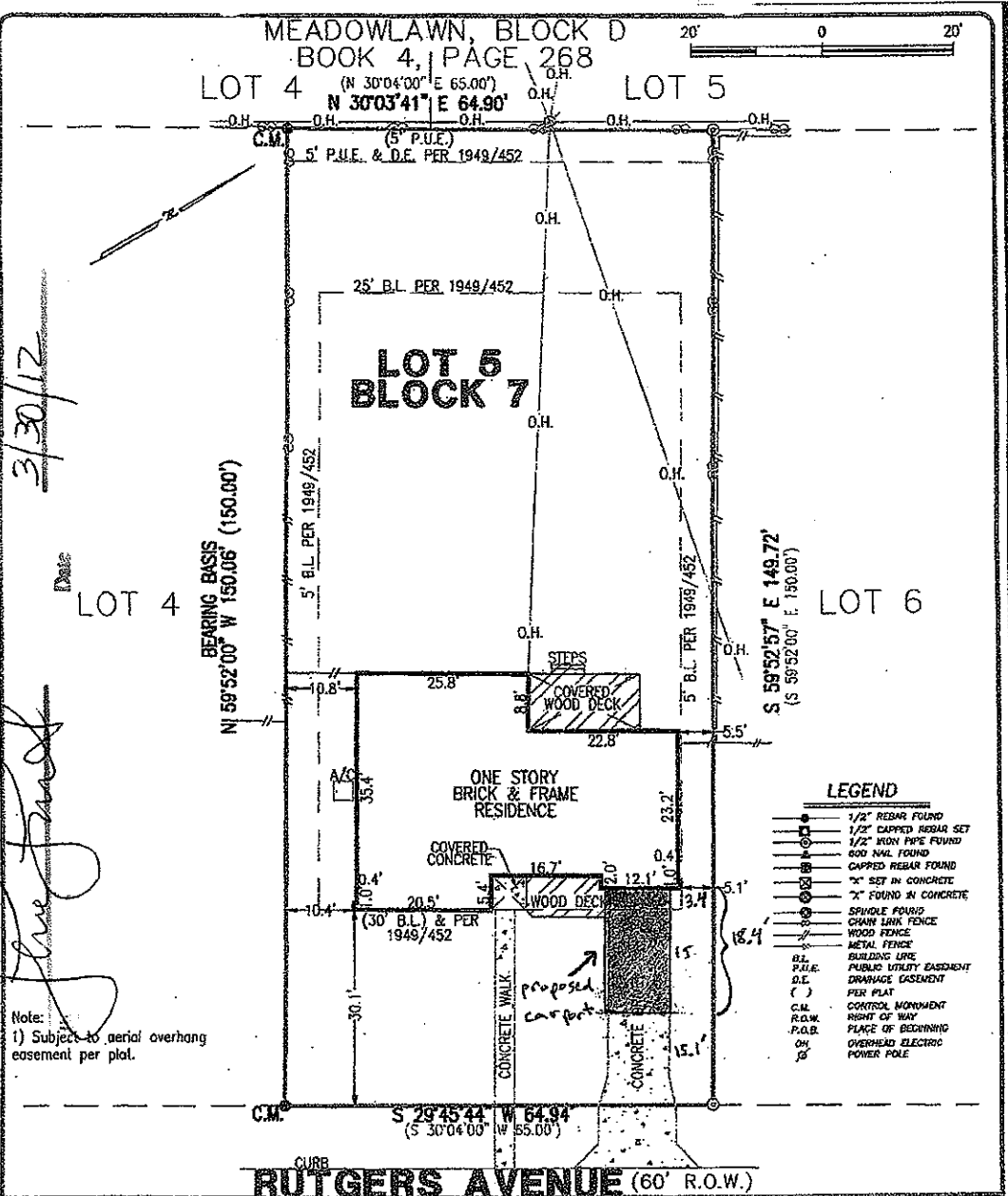
Sincerely,

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

Lena Lund
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

7808 Rutgers Ave
 Austin Energy has reviewed this plan for
 and recommends the various requests below for Board of Commissioners. Any changes to
 this plan must be approved by Austin Energy



TO THE EIGHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED
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 LOT: **5** BLOCK: **7** SUBDIVISION: **CRESTMEN ADDITION SECTION 12** VOL/CAB: **8** PG/SLD: **147** PLAT RECORDS:
 REFERENCE NAME: **ADAM CRESAY**



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 Office 512*458-6969, Fax 512*458-9845

JOB #: **R0103112_TA**
 DATE: **01/20/12**
 SCALE: **1"= 20'**

FIELD WORK BY:	WILLIAM	01/19/12
CALCD BY:	TENI	01/20/12
DRAFTED BY:	JOSE	01/20/12
CHECKED BY:	M.L.	01/20/12

March 29, 2012

Dear Neighbor,

I, Adam Creasy, who lives at 7808 Rutgers Ave., am applying for a front setback variance from 25 feet to 20 feet so that I may erect a carport over my driveway. The carport will be approximately 13 feet long with a 2-foot overhang. If granted the variance, I will also apply for a permit with the City of Austin.

I respect your desire to keep the neighborhood looking special, and for that reason, I do not want to start this process without your approval. I will do anything I can to make sure that the carport is not an eyesore and that it fits with the character of my house and your houses.

If you support this project, please print your name, your address, and the date below and sign. I appreciate your help.

Sincerely,

Adam

Name: Jackie Burroughs Address: 7804 Rutgers

Signature: Jackie Burroughs Date: 4/1/12

March 29, 2012

Dear Neighbor,

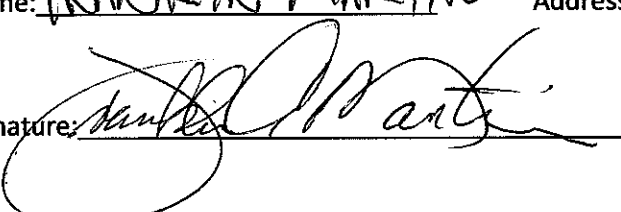
I, Adam Creasy, who lives at 7808 Rutgers Ave., am applying for a front setback variance from 25 feet to 20 feet so that I may erect a carport over my driveway. The carport will be approximately 13 feet long with a 2-foot overhang. If granted the variance, I will also apply for a permit with the City of Austin.

I respect your desire to keep the neighborhood looking special, and for that reason, I do not want to start this process without your approval. I will do anything I can to make sure that the carport is not an eyesore and that it fits with the character of my house and your houses.

If you support this project, please print your name, your address, and the date below and sign. I appreciate your help.

Sincerely,

Adam

Name: FRANKLIN MARTIN Address: 7810 RUTGERS AVE
Signature:  Date: 4-1-12

March 29, 2012

Dear Neighbor,

I, Adam Creasy, who lives at 7808 Rutgers Ave., am applying for a front setback variance from 25 feet to 20 feet so that I may erect a carport over my driveway. The carport will be approximately 13 feet long with a 2-foot overhang. If granted the variance, I will also apply for a permit with the City of Austin.

I respect your desire to keep the neighborhood looking special, and for that reason, I do not want to start this process without your approval. I will do anything I can to make sure that the carport is not an eyesore and that it fits with the character of my house and your houses.

If you support this project, please print your name, your address, and the date below and sign. I appreciate your help.

Sincerely,

Adam

Name: Paul Lange Address: 7812 Rutgers Ave
Signature: Paul Lange Date: 4-1-2012

March 29, 2012

Dear Neighbor,

I, Adam Creasy, who lives at 7808 Rutgers Ave., am applying for a front setback variance from 25 feet to 20 feet so that I may erect a carport over my driveway. The carport will be approximately 13 feet long with a 2-foot overhang. If granted the variance, I will also apply for a permit with the City of Austin.

I respect your desire to keep the neighborhood looking special, and for that reason, I do not want to start this process without your approval. I will do anything I can to make sure that the carport is not an eyesore and that it fits with the character of my house and your houses.

If you support this project, please print your name, your address, and the date below and sign. I appreciate your help.

Sincerely,

Adam

Name:

Jamye Coffey

Address:

7806 Rutgers Ave

Signature:

Jamye

Date:

4-1-12

Exhibit A



Back fence on left (south) side of house

Exhibit B



Back gate on right (north) side of house

Exhibit C



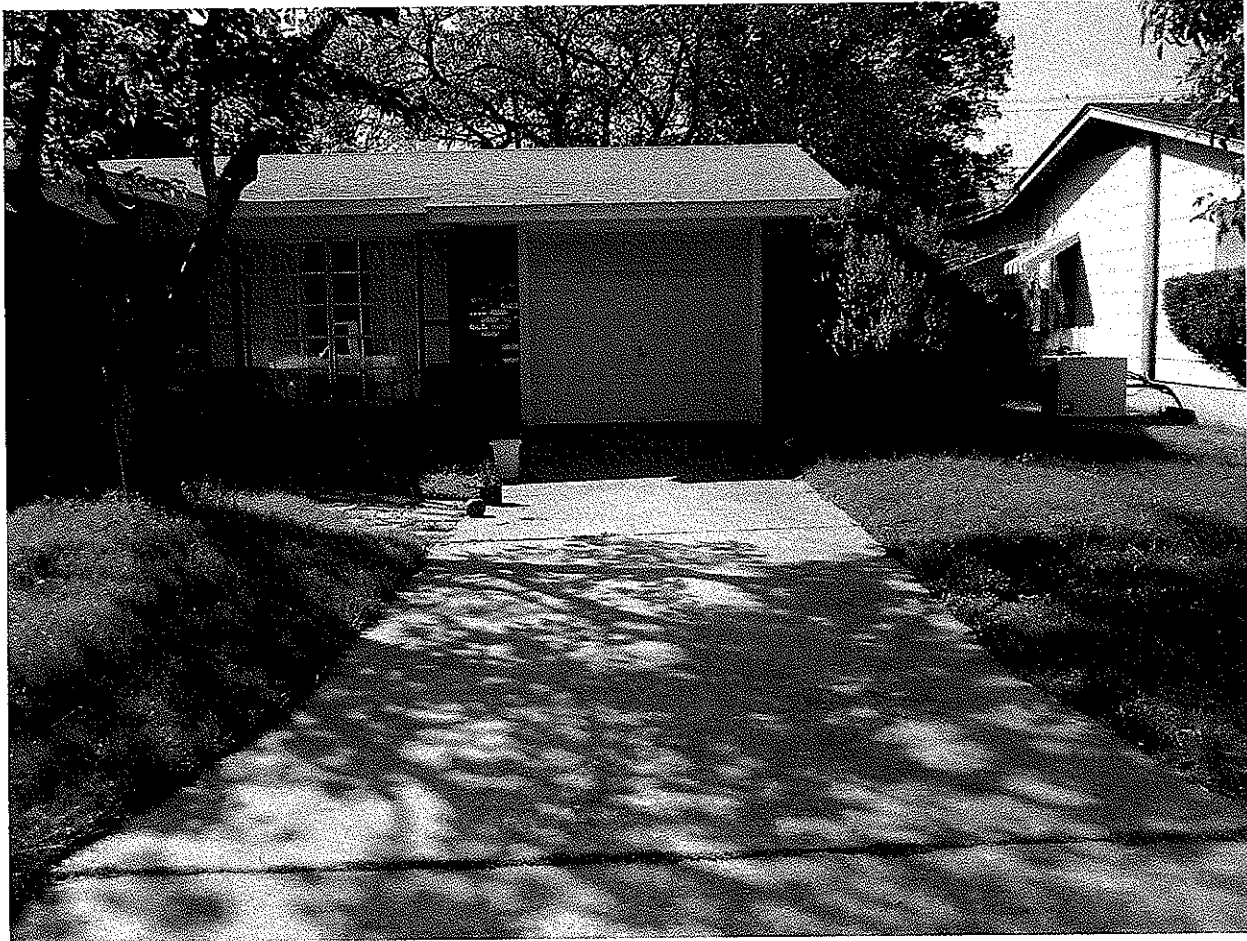
Driveway that carport will cover. Carport will attach to fascia above garage door.

Exhibit D



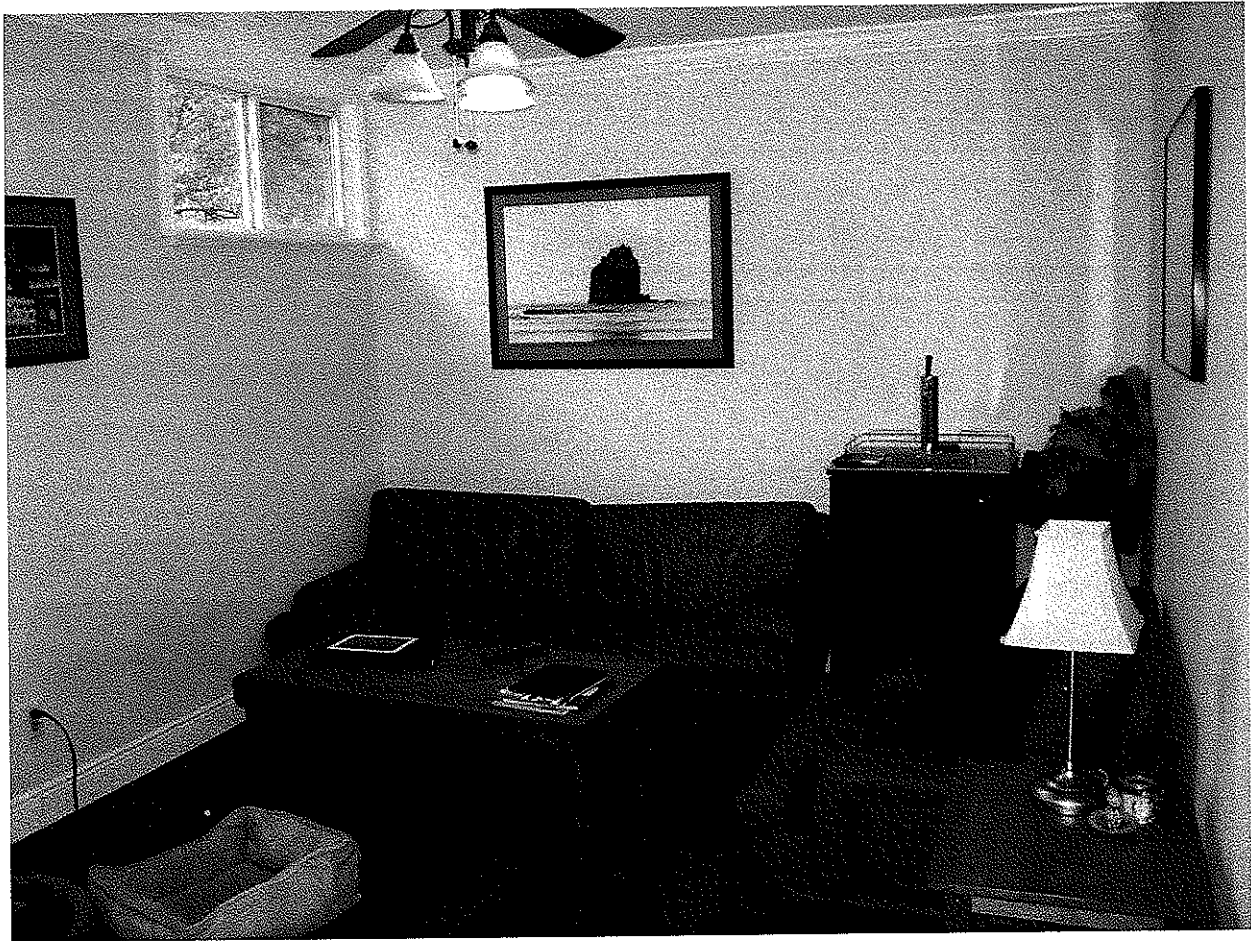
- White trash can indicates current setback of 25 feet. The trash can is 8 feet from the garage door.
- Orange potted plant indicates proposed setback of 20 feet. It is also the point where the posts will be anchored. This is 13 feet from the garage door.
- Orange pumpkin indicates 2-foot overhang as allowed under the current code. This will be the end of the carport. It is 15 feet from the garage door.

Exhibit E



View from street

Exhibit F



The garage that was converted before I bought the house.