

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

DATE: Monday, June 11, 2012

CASE NUMBER: C15-2012-0059

____ Jeff Jack
____ Michael Von Ohlen
____ Nora Salinas
____ Bryan King
____ Susan Morrison
____ Melissa Hawthorne
____ Heidi Goebel
____ Cathy French (SRB only)
____ Dan Graham (SRB only)

OWNER/APPLICANT: Roel and Theresa, Chapa

ADDRESS: 10708 DESERT WILLOW LOOP

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 3 feet along the east property line in order to maintain a detached accessory building in an "SF-2", Single – Family Residence zoning district.

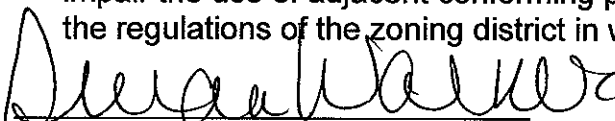
The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 5 feet in order to maintain a detached accessory building (over 15' in height) in an "SF-2", Single – Family Residence zoning district.

BOARD'S DECISION: POSTPONED TO JULY 9, 2012

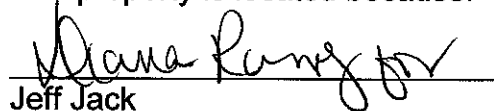
FINDING:

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

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).

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

CASE #
ROW #

CL5-2012-0059

10767803

TP-043918-01-26

TP# 04-3813-0403

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

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

STREET ADDRESS: 10708 Desert Willow Loop

LEGAL DESCRIPTION: Subdivision – Meadows at Double Creek

Lot(s) 43 Block A Outlot _____ Division _____

I/We Roel & Theresa Chapa on behalf of myself/ourselves as
authorized agent for

_____ affirm that on April 12th,
2012,

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

(check appropriate items below)

☐ ERECT ☐ ATTACH ☒ COMPLETE ☐ REMODEL ☒ MAINTAIN

Existing 12'x16' Accessory Storage Structure that is 5ft from rear property line and 3 ft from side property line. The structure is 16ft tall at the ridgeline.

in a Residential SF-2 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 10ft rear setback and 5ft side setback does not allow adequate room in the backyard for the structure. Accessory structure would be too close to the back porch of the house if it was 10ft from the back and 5ft from the side of the lot.

HARDSHIP:

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

The structure is already built and on a concrete slab on grade; therefore, the structure cannot be moved without demolishing and rebuilding it which would be cost prohibitive. The concrete slab would also be very difficult to remove. We require as much room as possible in the remaining backyard for our vegetable garden and room to enjoy the back yard. The yard slopes gradually and then slopes quickly where the structure is located. The steeper slope is covered by the accessory building making that part of the backyard more usable. The trapezoidal shape of the lot also made the layout difficult.

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

The structure is already built and is on a substantial concrete slab on grade (6 inch thick slab with 28" to 48" deep perimeter grade beams and concrete piers. The adjacent house is over 30 feet away from the property line where the accessory structure is located due to the neighbors large lot and the shape of our lot and the neighbors lot. Most of the houses in the neighborhood are 5ft from their property lines, making our situation unique. More than adequate space remains between the accessory structure and the neighbor's house. We also could not find requirements for side setbacks in the residential code for accessory buildings. The accessory building has been approved by our HOA. Our adjacent neighbor is not opposed to the location of the accessory structure. Furthermore,

the rear of our lot backs up to a ranch with not structures within several hundred feet of our rear property line.

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 is in the backyard and will match the house with dimensional shingles, same paint color, etc. The structure does not impair the use of adjacent property and does not encroach on the adjacent property. The structure is not located in any utility easements according to our lot survey. The adjacent house is more than 30 feet from accessory building. The impervious coverage is still below 45% with the accessory structure. Impervious coverage is at approximately 43.8% with accessory building and pervious concrete driveway. The accessory structure does not impair the residential zoning requirements of the property.

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
Loop

Roel Chapa, Theresa Chapa

Mail Address 10708 Desert Willow

City,
78748

State

&

Zip

Austin, TX

Printed Roel Chapa

Phone 512-689-9669

Date

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
Loop

Roel Chapa, Theresa Chapa

Mail Address 10708 Desert Willow

City,
78748

State

&

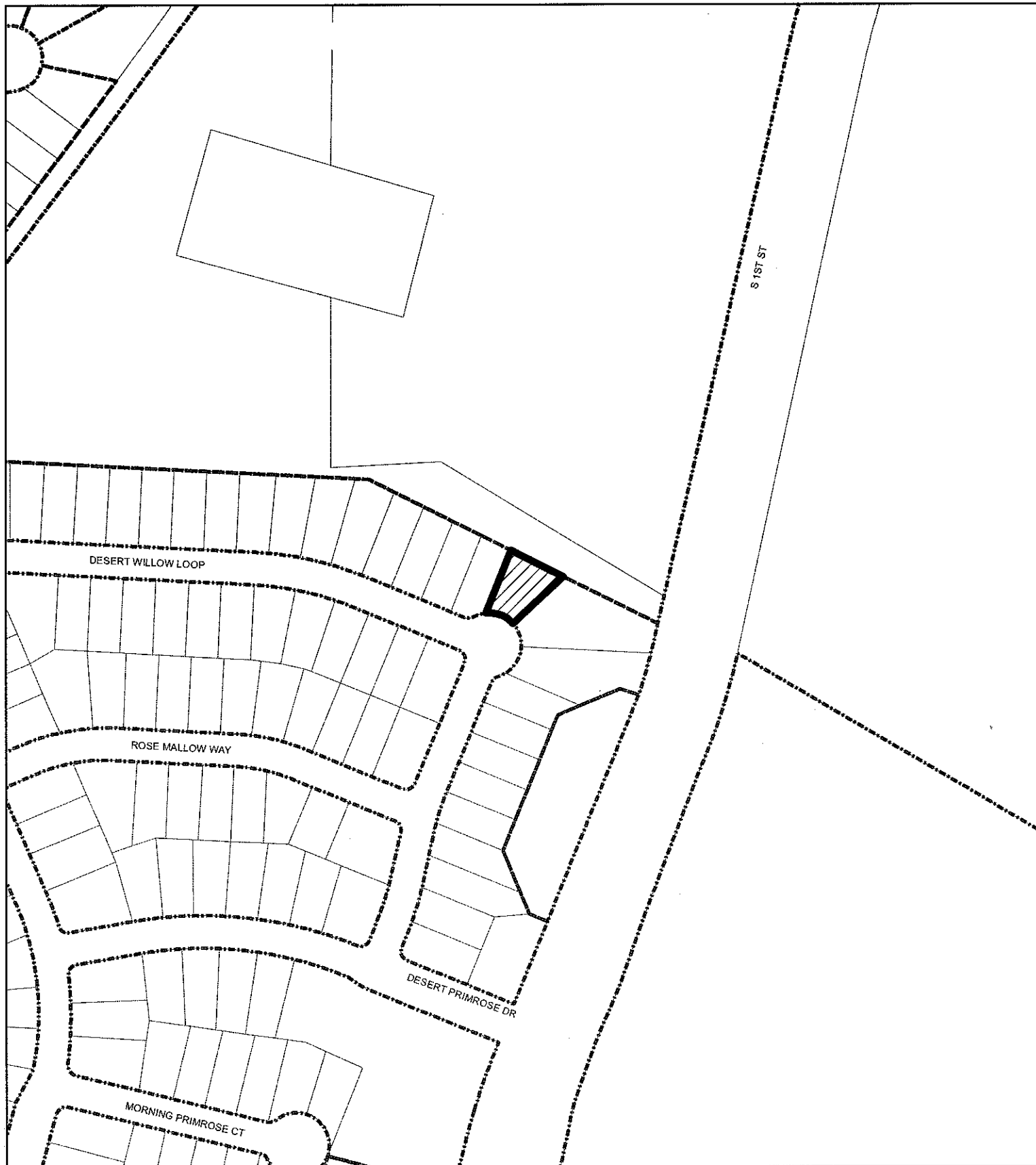
Zip

Austin, TX

Printed Roel Chapa

Phone 512-689-9669

Date



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0059
LOCATION: 10708 DESERT WILLOW LOOP



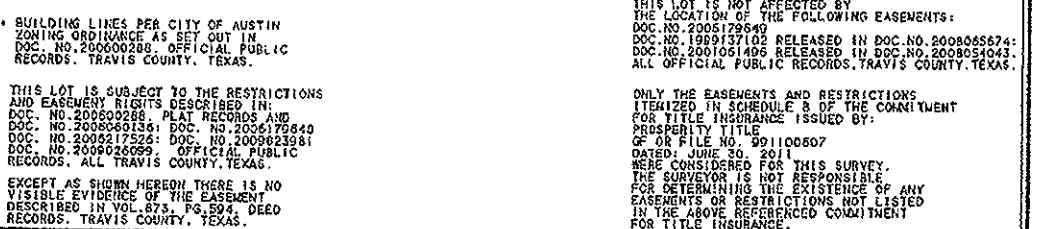
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.

HOW OR FORMERLY
TRACT ONE - REM. OF 229.899 ACRES
THE RIDDELL FAMILY LIMITED PARTNERSHIP
VOL. 12246, PG. 585

(Ranch Land)

BEARING BASIS:
SOUTH LINE OF LOT 44, BLOCK A
86° 54' 50" E PER PLAT.



TO THE LIENHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND
TO _____
TO _____
PROSPERITY TITLE
THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY
MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON UNDER
MY DIRECTION AND SUPERVISION; THERE ARE NO APPARENT DISCREPANCIES,
ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, OR VISIBLE UTILITY
ENCROACHMENTS AS SHOWN HEREON. THERE ARE NO KNOWN CONFLICTS WITH
THE ADJOINING PROPERTIES SHOWN HEREON, EXCEPT AS MAY BE SHOWN
HEREON, AND THAT SAID PROPERTY ADJOINS A PUBLIC ROADWAY, EXCEPT AS
MAY BE SHOWN HEREON.

ACCORDING TO THE ENGINEERS STATEMENT PLACED ON THE RECORDED PLAT
FOR LOT 102, 103 AND 104 YEAR FLOOD ZONE IS CONTAINED WITHIN THE
DRAINAGE EASEMENTS WHICH ARE SHOWN ON SAID PLAT AND ALSO SHOWN
HEREON WHEN APPLICABLE.

ACCORDING TO THE ENGINEERS STATEMENT PLACED ON THE RECORDED PLAT
FOR THIS LOT 102, 103 AND 104 THIS PROPERTY IS ZONED AS IDENTIFIED
SPECIAL FLOOD HAZARD ZONE YEAR FLOOD ZONE AS SHOWN ON
SPECIAL FLOOD HAZARD ZONE MAP 1100 YEAR FLOOD ZONE AS SHOWN ON
PAGE NO. 48-653C, 0215F, RAJF.

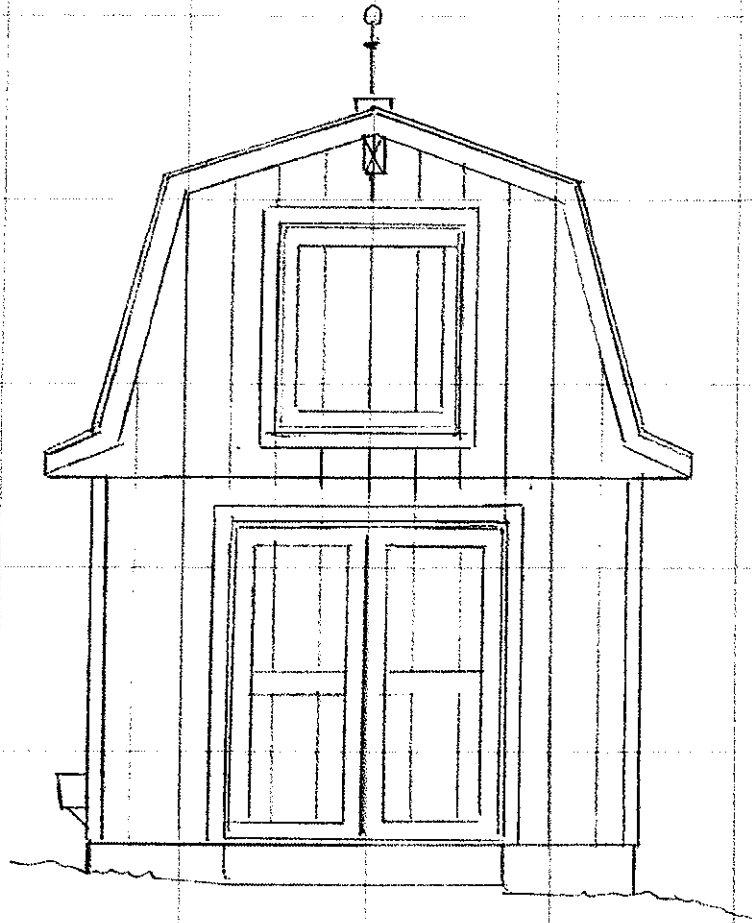


BRANDT SURVEYING COMPANY, PROFESSIONAL CORPORATION
5524 BEE CAVE ROAD, SUITE F-1 AUSTIN, TEXAS 78746 (512) 328-0621
F.B.266 PG.41 MDC-43A,GXD SYS. 2 JOB NO. 5333

Job Name _____

Job No. _____ Sheet No. _____

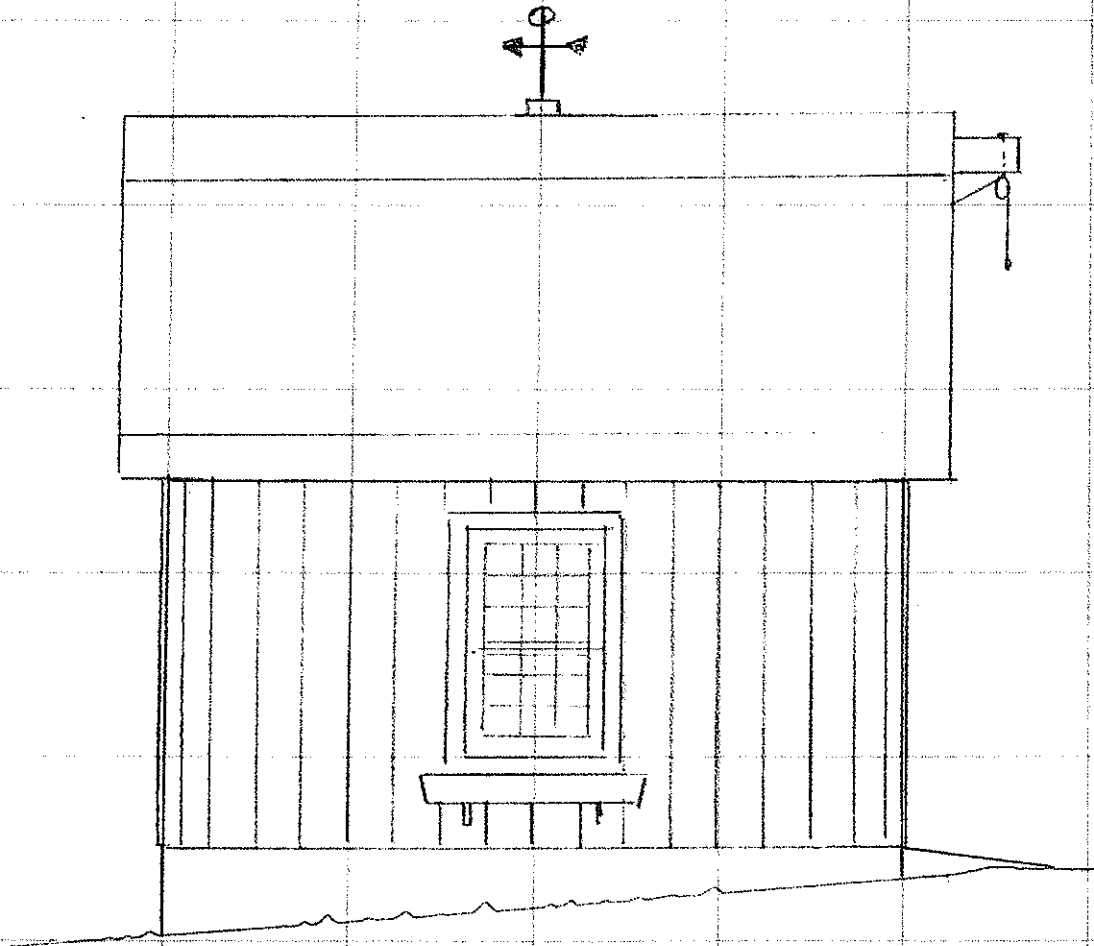
By _____ Date _____



Job Name _____

Job No. _____ Sheet No. _____

By _____ Date _____





City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

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

April 11, 2012

Roel & Theresa Chapa
10708 Desert Willow Loop
Austin, Texas 78748
Via email to: rchapa@pkbrown.com

Re: 10708 Desert Willow Loop
Lot 43 Blk A Meadows at Double Creek

Dear Mr. & Mrs. Chapa,

Austin Energy (AE) has reviewed your application for the above referenced property requesting reduce the rear setback to 5ft and the side setback to 3 ft in order to maintain & complete an accessory storage structure. 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".

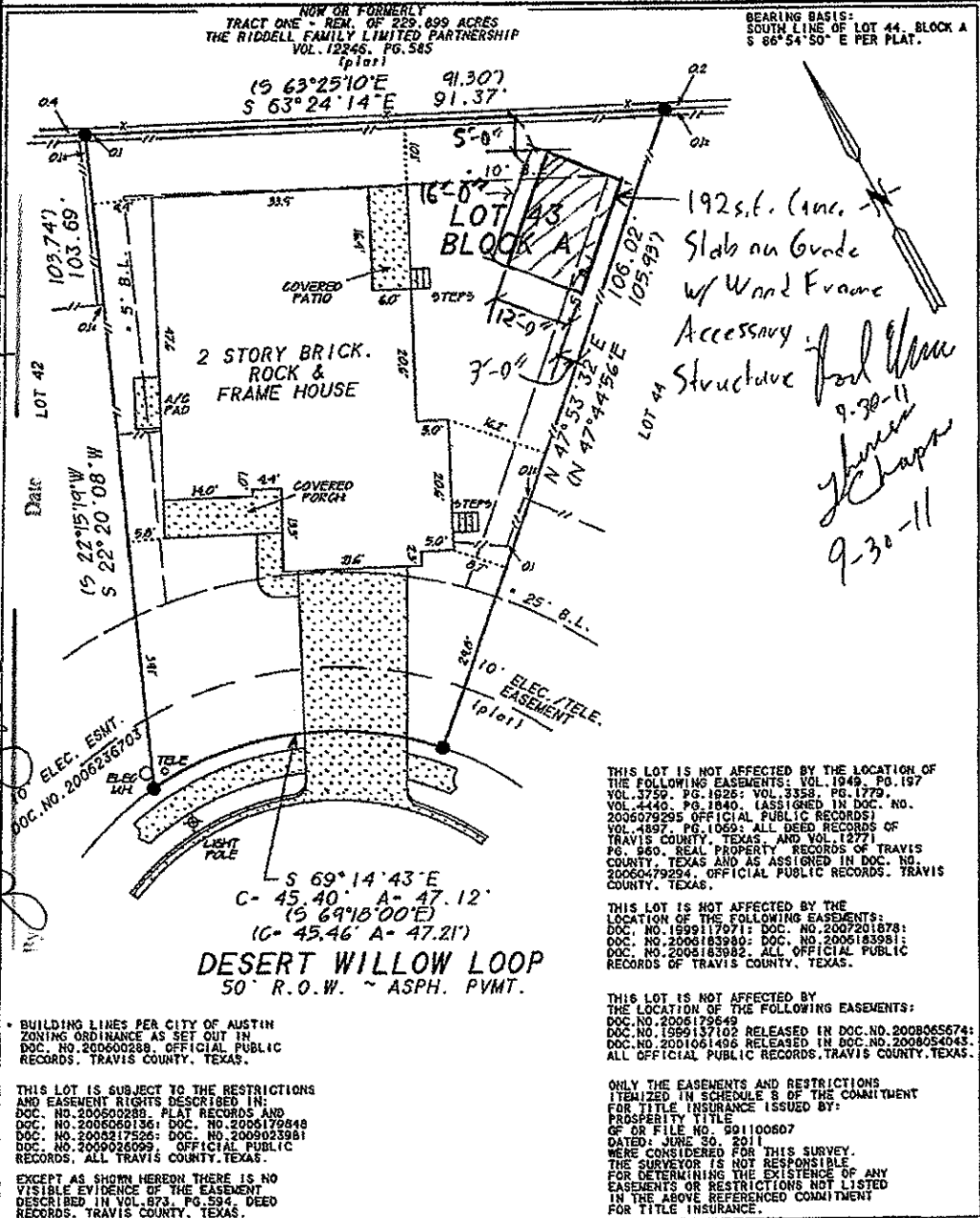
Lena Lund

Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

10708 Desert Willow Loop
 Austin Energy has reviewed this plan for
 and approves the variance requested before the Board of Adjustment. Any changes to
 this plan must be approved by Austin Energy.

SURVEY PLAT OF: LOCAL ADDRESS 10708 DESERT WILLOW LOOP REF: CHAPA
 LEGAL DESCRIPTION: LOT 43 BLOCK A MEADOWS AT DOUBLE CREEK
 A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF
 RECORD IN DOC. NO. 200600288 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



DATE: 7-14-11
 SCALE: 1" = 20'
 LEGEND:
 ● iron rod found
 ○ iron rod set
 ⊙ spindle found
 ▲ nail set
 ▲ nail found
 - wooden fence
 - metal fence
 - concrete
 - power line
 () record calls

TO THE LIENHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND
 TO: PROSPERITY TITLE

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY
 MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON UNDER
 BY DIRECTION AND SUPERVISION; THERE ARE NO APPARENT DISCREPANCIES,
 ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, OR VISIBLE UTILITY
 LINES, EXCEPT AS SHOWN HEREON; THERE ARE NO KNOWN CONFLICTS WITH
 THE ADJOINING PROPERTIES SHOWN HEREON, EXCEPT AS MAY BE SHOWN
 HEREON, AND THAT SAID PROPERTY ADJOINS A PUBLIC ROADWAY, EXCEPT AS
 MAYBE SHOWN HEREON.

ACCORDING TO THE ENGINEERS STATEMENT PLACED ON THE RECORDED PLAT
 FOR THIS LOT THE 100 YEAR FLOOD ZONE IS CONTAINED WITHIN THE
 DRAINAGE EASEMENTS WHICH ARE SHOWN ON SAID PLAT AND ALSO SHOWN
 HEREON WHEN APPLICABLE.

ACCORDING TO THE ENGINEERS STATEMENT PLACED ON THE RECORDED PLAT
 FOR THIS LOT NO PART OF THIS PROPERTY IS WITHIN AN IDENTIFIED
 SPECIAL FLOOD HAZARD AREA (100 YEAR FLOOD ZONE) AS SHOWN ON
 PANEL NO. 48453C 0215F DATED 6-05-97 FOR TRAVIS COUNTY, TEXAS.



BRANDT SURVEYING COMPANY, PROFESSIONAL CORPORATION
 5524 BEE CAVE ROAD, SUITE F-1 AUSTIN, TEXAS 78746 (512) 328-0621

F.B.266 PG.41 MDC-43A.GXD SYS. 2 JOB NO. 5333

TCAD# 0438130403

ONLY THE EASEMENTS AND RESTRICTIONS IDENTIFIED IN SCHEDULE B OF THE COPIES FOR TITLE INSURANCE ISSUED BY: GEORGE PROSPECT TITLE COMPANY, 991100607 DATED: JUNE 20, 2011. WE WERE CONSIDERED FOR THIS SURVEY, THE SURVEYOR IS NOT RESPONSIBLE FOR DETERMINING THE EXISTENCE OF EASEMENTS OR RESTRICTIONS NOT LISTED IN THE ABOVE REFERENCED COMMITTEE FOR TITLE INSURANCE.

015-2017-0059













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: C15-2012-0059 – 10708 Desert Willow Loop

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, June 11th, 2012

Your Name (please print)

Jeanette Guerrero

Your address(es) affected by this application

10801 Desert Willow Loop, Austin TX 78748

Signature

Jeanette Guerrero

Date

6-1-2012

Daytime Telephone: (512) 369-9184

Comments:

It is an eye sore. I will drop the value of our homes.

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

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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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, June 11th, 2012

Beta Eddy
Your Name (please print)

☒ I am in favor
☐ I object

104 Rose Marlow way
Your address(es) affected by this application

[Signature]
Signature

06/11/12
Date

Daytime Telephone: _____

Comments: _____

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

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, June 11th, 2012

Your Name (please print)

☒ I am in favor
☐ I object

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 512 844 7477

Comments:

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, June 11th, 2012

MARTIN RODRIGUEZ
 Your Name (please print)

☒ I am in favor
☐ I object

10712 Desert Willow Loop ATX 78748
 Your address(es) affected by this application

[Signature]
 Signature

6/10/12
 Date

Daytime Telephone: (817) 691-9903

Comments: I think it adds
overall value to
the community.

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: C15-2012-0059 – 10708 Desert Willow Loop

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, June 11th, 2012

JASON SOTO
Your Name (please print)

☒ I am in favor
☐ I object

10716 DESERT WILLOW LOOP ATX, 78748
Your address(es) affected by this application

[Signature] 6/10/12
Signature Date

Daytime Telephone: 512-667-4357

Comments: _____

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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- 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.

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Case Number: C15-2012-0059 – 10708 Desert Willow Loop

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, June 11th, 2012

Wendy Espinoza III

Your Name (please print)

10724 Desert Willow Loop

Your address(es), affected by this application

Wendy P. Espinoza III

Signature

6/10/12

Date

Daytime Telephone: _____

Comments: _____

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

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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Case Number: C15-2012-0059 – 10708 Desert Willow Loop
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, June 11th, 2012

KY NGUYEN
 Your Name (please print)

☒ I am in favor
☐ I object

10728 DESERT WILLOW LOOP
 Your address(es) affected by this application

[Signature] *6/10/2012*
 Signature Date

Daytime Telephone: *512-298-9574*

Comments: _____

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

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Case Number: C15-2012-0059 – 10708 Desert Willow Loop
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, June 11th, 2012

Your Name (please print)

TONY FRANCO

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

Your address(es) affected by this application

10808 DESERT WILLOW LOOP

Signature: Tony Franco

Date: 6/10/12

Daytime Telephone: _____

Comments: _____

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

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Case Number: C15-2012-0059 – 10708 Desert Willow Loop
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, June 11th, 2012

Your Name (please print) _____

☒ I am in favor
☐ I object

100 Rose Mallon Way Austin, Tx 78748

Your address(es) affected by this application _____

[Signature]

Signature

Date

Daytime Telephone: 1512 2285-1190

Comments: _____

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Case Number: C15-2012-0059 - 10708 Desert Willow Loop

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, June 11th, 2012

Renee Rockwell

Your Name (please print)

113 Morning Primrose Ct

Your address(es) affected by this application

TS2

Signature

6/10/12

Date

Daytime Telephone: _____

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

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

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Case Number: C15-2012-0059 - 10708 Desert Willow Loop

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, June 11th, 2012

GARY RODRIGUEZ
Your Name (please print)

☒ I am in favor
☐ I object

113 Morning Pinevale Ct
Your address(es) affected by this application

Alex Rodriguez
Signature

6/10/12
Date

Daytime Telephone: 297-1928

Comments:

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Case Number: C15-2012-0059 – 10708 Desert Willow Loop

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, June 11th, 2012

Karen Hattaway

Your Name (please print)

☐ I am in favor
☒ I object

112 Rose Mallon Way

Your address(es) affected by this application

Karen Hattaway

Signature

6/6/12

Date

Daytime Telephone: (512) 585-0837

Comments: I object because the structure sits close to the backyard fence and is clearly visible from the street. It detracts from the uniformity of the architecture in the neighborhood with regard to style and use. The structure may affect drainage due to its proximity to the hill behind it and runoff area near it.

The structure is inappropriate for a small neighborhood backyard and dominates the landscape in the cul-de-sac.

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Austin, TX 78767-1088