

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

DATE: Monday, October 8, 2012

CASE NUMBER: C15-2012-0118

☐ Y _____ Jeff Jack
☐ Y _____ Michael Von Ohlen
☐ Y _____ Nora Salinas
☐ Y _____ Bryan King **2nd the Motion**
☐ Y _____ Fred McGhee
☐ Y _____ Melissa Hawthorne **Motion to PP Nov 13, 2012**
☐ Y _____ Sallie Burchett
☐ - _____ Cathy French (SRB only)

APPLICANT: Paul Guidry

OWNER: Julia Morton

ADDRESS: 1188 COLETO ST

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 2 feet in order to erect a detached carport for a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Rosewood Neighborhood Plan)

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to November 13, 2012, Board Member Bryan King second on a 7-0 vote; **POSTPONED TO November 13, 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

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: C15-2012-0118 – 1188 Coleto Street
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 8th, 2012

Your Name (please print)

Ben Leber

☒ I am in favor
☐ I object

Your address(es) affected by this application

2201 New York Ave

Signature

Date

Daytime Telephone:

210-833-8520

Comments:

I have no objection to this variance. In fact, I support this kind of development and believe it will improve the land value of properties nearby.

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

CASE #

~~ROW #~~

CIS-2012-0118

ROW-10827066

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

TP-0208111005

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

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

STREET ADDRESS: 1188 Coletto Street, Austin, Texas, 78702

LEGAL DESCRIPTION: Subdivision B – Foster

Lot(s) 6
Division

Block 11

Outlot 58

I/We
myself/ourselves as authorized agent for

on behalf of

Julia Morton and James Pricer

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

Erect a 11'x17' detached carport over the existing driveway within the 25' setback leaving a setback of 2' from the property line. The carport will clear the Austin Energy powerline buffer by > 1'.

25' → 2'

in a

SF-3-HP
(zoning district)

district.

Rosewood
N.P.

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:

Since this house has its driveway and entry on the New York Ave. side of the street this is the only reasonable place to put a protective covering(carport). The front setback for this property and neighborhood do not allow enough room to erect a professionally built, trimmed to match carport, to protect our automobile investment.

HARDSHIP:

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

We have lived at this address for one year. During that time a Post Oak that grows on our neighbor's property and sits next to our single car cement driveway has badly damaged our car. The tree's branches hang directly above the area where the car must sit. The Post Oak is healthy and large, 7' 9" around the trunk, and it deposits a fine miss of sap that daily covers the car and ground beneath the tree. The sap is a natural part of the Post Oak's life, or so we have been told by the tree specialist who came out last summer to ensure the tree was healthy after the long drought. The heavy branches hang well over our house as well as the driveway.

The sap is very sticky, and even with repeated chemical washing does not come off entirely. After a year, the sap in combination with the sun is digging into the surface of the paint, particularly on the roof, hood, and left side of the vehicle where the sun bakes the car for much of the day. The windshield is etched in the areas where the blades don't reach, limiting clear vision, and the year-old wipers have already been torn up by the sticky sap, so that the blades must be replaced. We clean the windshield each time we drive, but the build up of sap, even when heavily cleaned, has left a fine film, which though clear enough to see through, allows bugs, leaves, and dirt to stick with ease.

- a. The hardship is not general to the area in which the property is located because:

Though the neighborhood we live in has many beautiful oaks of substantial size, none grow directly over the designated parking areas of our neighbor's driveways. Our parking area is oddly placed under the trees because it was an after thought of the builder who build our home in 2010. He thought a driveway would benefit the house, and told us he was not aware of the damage the trees would cause the cars parked under them.

At the time the tree was planted, perhaps 50 or 60 years ago, the home that had been on our location had only parking on the street. Additionally, the tree is actually on the

neighbor's property, which had been a garden. The tree above our car is located near two other oak trees, also on the neighbor's property, and so its branches are forced to grow out over our driveway. The neighbor's home does not have a front driveway, so the carport would not effect the entrance to their home, or their parking situation.

Though the oak tree in question is damaging, our builder was correct, the driveway is a good thing for the house and neighborhood. We have many large families, and multi-family homes nearby, and parking on the street can quickly fill up, blocking drivers on the road and vision at the corner. As a result of the many cars, we always park in the driveway, despite the damage the tree is doing to the car. We would like to build this open carport to save our car, which we had hoped to keep for twenty years.

AREA CHARACTER:

1. 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:

As we are on the corner, we have only one adjacent neighbor, and this design does not block their property, or their view. Our neighbors park in the back of their home and use the back as their primary entrance, which is on the side of their home, not the front. This carport would sit in the front of our house. It will not block the use of their front gate either, and they do not have a front driveway.

Our carport design is small in scale, and will not block the view of drivers on the street, or at the corner. Nor will it block the meter readers from getting to our meters, which are located on the side of the house.

Further, we have chosen a style of building, "Austin Craftsman Bungalow" that is in keeping with our home, and many other homes in the neighborhood. We chose this design based on nearby new "Austin Craftsman Bungalow" style homes being built with carports.

We have a cut away in the street cement edging on the Coletto side of our yard that may have once been used as a driveway long ago, the original house was built in 1913. But two large Live Oaks, both 8 +' around, now grow in the center of the back yard and are directly in the path of the side driveway opening. If we were to open up the side gate, lay new cement, and place a carport on that side, or at the back, off the ally, we would be forced to lay cement across the root lines and build the carport into the low hanging branches. As the two trees stand side by side, one's branches grows out toward the back, and the others toward the street side. There is no open space that would allow us to avoid the trees or build without cutting back the trees and covering their root line.

Additionally, because of the unique sun and shade conditions in the back yard we use that area for our raised-bed vegetable garden, while on the side yard under the shade of the tree, we houses our 3- chicken coop and run. Located on the lowest elevation point on

the property, the garden also serves as a "rain garden" which requires less watering, and the chickens, located on the street side of the yard, aren't adjacent to any neighbor's and provide the trees with fertilizer, as well as worm and bug control.

Our front door and kitchen door are both located at the front, and front-side of our house, some distance from the back, so the most natural, and convenient place to park is where we currently park out front. As the necessary driveway cement is already in place, no new cement would need to be set down.

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:

Our driveway was designed for one car, two if they are parked one behind the other. The carport will not change that, and it will only cover one car. It will not allow for more cars to be parked on the existing driveway.

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:

The carport will be located well onto the property, and will not be in the physical way, or the visual way of traffic. Loading and unloading the car will remain unchanged, and will be done well within the property's boundaries and well away from the streets and sidewalk.

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

The construction of the carport is based on newer constructions already in use in the neighborhood, so we know the design is up to current building codes, is strong and tested.

The carport will not touch any other structures, nor will it rely on any other support. The carport will not block, or interfere with normal traffic, or the movement of persons to and from the home. Nothing will be hung from the carport, nor will it be used for any other

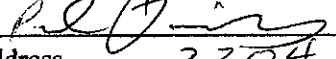
purpose other than to park and protect the car from the sap and sun damage. The carport is not near ground-to-pole wires, or fire hydrants.

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

The carport will serve our single-family home only.

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 
Mail Address 2204 New York Ave

Paul Guidry

City, State & Zip Austin TX 78702

Printed (512) 293-7554 Phone Date 08/06/2012

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 *Julia Morton* Mail Address: 1188 Coletto Street

City, State & Zip: Austin, Texas, 78702

Printed 08/06/2012 Phone (512) 666- 3148 Date 08/06/2012

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.

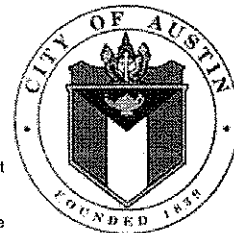


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0118
LOCATION: 1188 COLETO ST



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.



1" = 30'

LEGEND

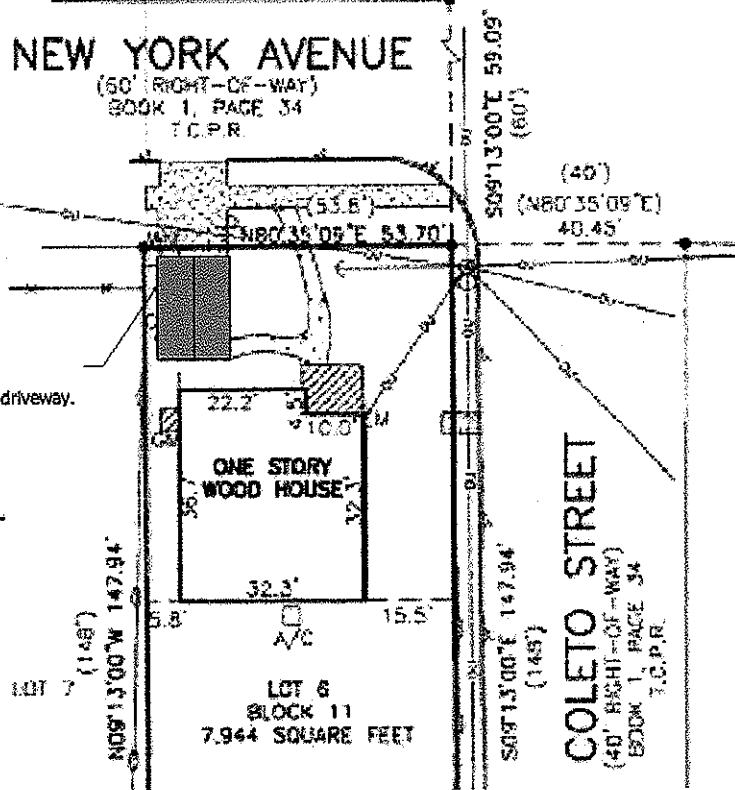
- 1/2" IRON RDO FOUND
- 1/2" IRON RDO SET WITH ALUMINUM CAP "DEAN WOODLEY RPLS 5086"
- ⊙ 1/2" IRON PIPE FOUND
- () RECORD INFORMATION
- CONCRETE
- ▨ WOOD DECK
- ▤ CRUSHED GRANITE
- WATER METER

11'x 17' Carport
to be built over existing driveway.

DETAIL
NOT TO SCALE

NEW YORK AVENUE

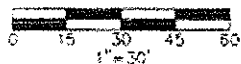
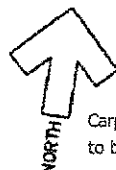
(50' RIGHT-OF-WAY)
BOOK 1, PAGE 34
T.C.P.R.



COLETO STREET

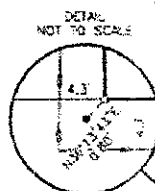
(40' RIGHT-OF-WAY)
BOOK 1, PAGE 34
T.C.P.R.

LOT 6
BLOCK 11
7,944 SQUARE FEET



LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET WITH ALUMINUM CAP "DEAN WOODLEY RPLS 5056"
- ⊙ 1/2" IRON PIPE FOUND
- () RECORD INFORMATION
- ▢ CONCRETE
- ▨ WOOD DECK
- ▤ CRUSHED GRANITE
- ⊡ WATER METER
- EW ELECTRIC METER
- GM GAS METER
- ASPHALT
- CHAINLINK FENCE
- CUY WIRE
- C/O CLEAN OUT
- GAS PIPELINE SIGN
- CABLE/TELEVISION
- POWER POLE
- FIRE HYDRANT
- WIRE FENCE
- OVERHEAD UTILITY
- T.C.D.R. TRAVIS COUNTY DEED RECORDS
- T.C.P.R. TRAVIS COUNTY PLAT RECORDS

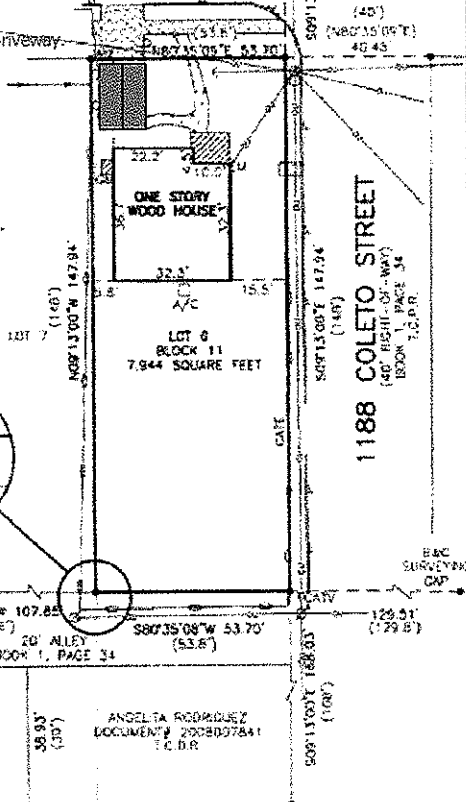


NOTES:
1. ANY EASEMENTS AND BUILDING LINES AS PER PLAT
NO ADDITIONAL RESEARCH WAS DONE BY LIVE OAK SURVEYING FOR ANY EASEMENTS, RESTRICTIONS, OR CONDITIONS OF RECORD WHICH MAY AFFECT THIS PROPERTY.

NEW YORK AVENUE

(50' RIGHT-OF-WAY)
BOOK 1, PAGE 34
T.C.P.R.

Carport
to be built over existing driveway



1188 COLETO STREET

(45')
(N80°15'00"E 55.30')
40.45'
50°13'00"E 55.09'
(80')

(45')
(N80°15'00"E 55.30')
40.45'
50°13'00"E 147.94'
(149')

(129.51')
(79.8')
50°13'00"E 128.63'
(108')

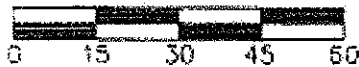
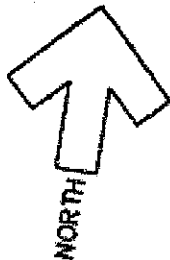
LOT 7
(146')
N80°13'00"W 147.94'

LOT 6
BLOCK 11
7,944 SQUARE FEET

20' ALLEY
BOOK 1, PAGE 34

ANGELITA RODRIGUEZ
DOCUMENT# 2008007841
T.C.D.R.

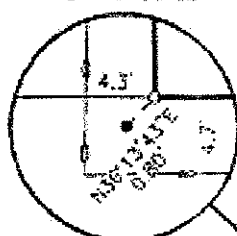
Location of Proposed Corport



LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET WITH ALUMINUM CAP DEAN WOODLEY RPLS 5058
- ⊙ 1/2" IRON PIPE FOUND
- () RECORD INFORMATION
- CONCRETE
- ▨ WOOD DECK
- ▩ CRUSHED GRANITE
- WM WATER METER
- EM ELECTRIC METER
- GM GAS METER
- ASPHALT
- CHAINLINK FENCE
- ← GUY WIRE
- C/O CLEAN OUT
- GAS PIPELINE SIGN
- CATV CABLE/TELEVISION
- ⊕ POWER POLE
- ⊙ FIRE HYDRANT
- WIRE FENCE
- OVERHEAD UTILITY
- T.C.D.R. TRAVIS COUNTY DEED RECORDS
- T.C.P.R. TRAVIS COUNTY PLAT RECORDS

DETAIL
NOT TO SCALE



S80°35'08"W 107.85' (107.6')
20' ALLEY
BOOK 1, PAGE 34
S80°35'08"W 53.70' (53.6')
S09°13'00"E 129.51' (129.8')

NEW YORK AVENUE

(60' RIGHT-OF-WAY)
BOOK 1, PAGE 34
T.C.P.R.

Will be at least 5 away

ONE STORY WOOD HOUSE

LOT 6
BLOCK 11
7,944 SQUARE FEET

1188 COLETO STREET

(40' RIGHT-OF-WAY)
BOOK 1, PAGE 34
T.C.P.R.

ANGELITA RODRIGUEZ
DOCUMENT# 2008007841
T.C.D.R.

August 7th, 2012



Existing space



Inspiration for new carport

I have seen the plans for the new carport at 1188 Coletto St, Austin, Texas, and as a nearby neighbor, I give my consent for the project to go forward.

Signed [Signature]
Address 2107 NEW YORK AVENUE

NEXT DOOR

Signed [Signature]
Address 2105 New York Ave.

2nd House Down

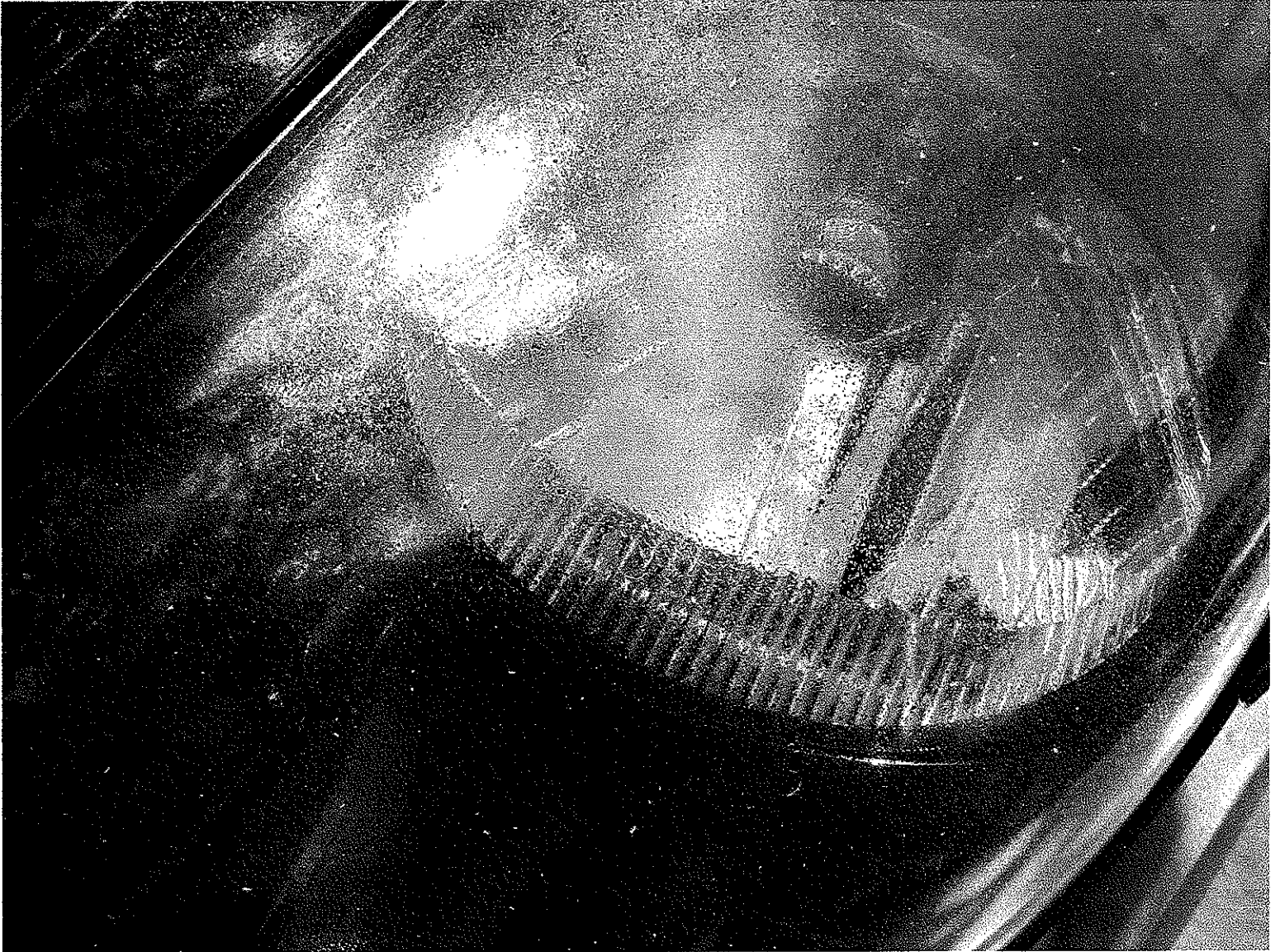
Signed [Signature]
Address 1189 Coletto St.

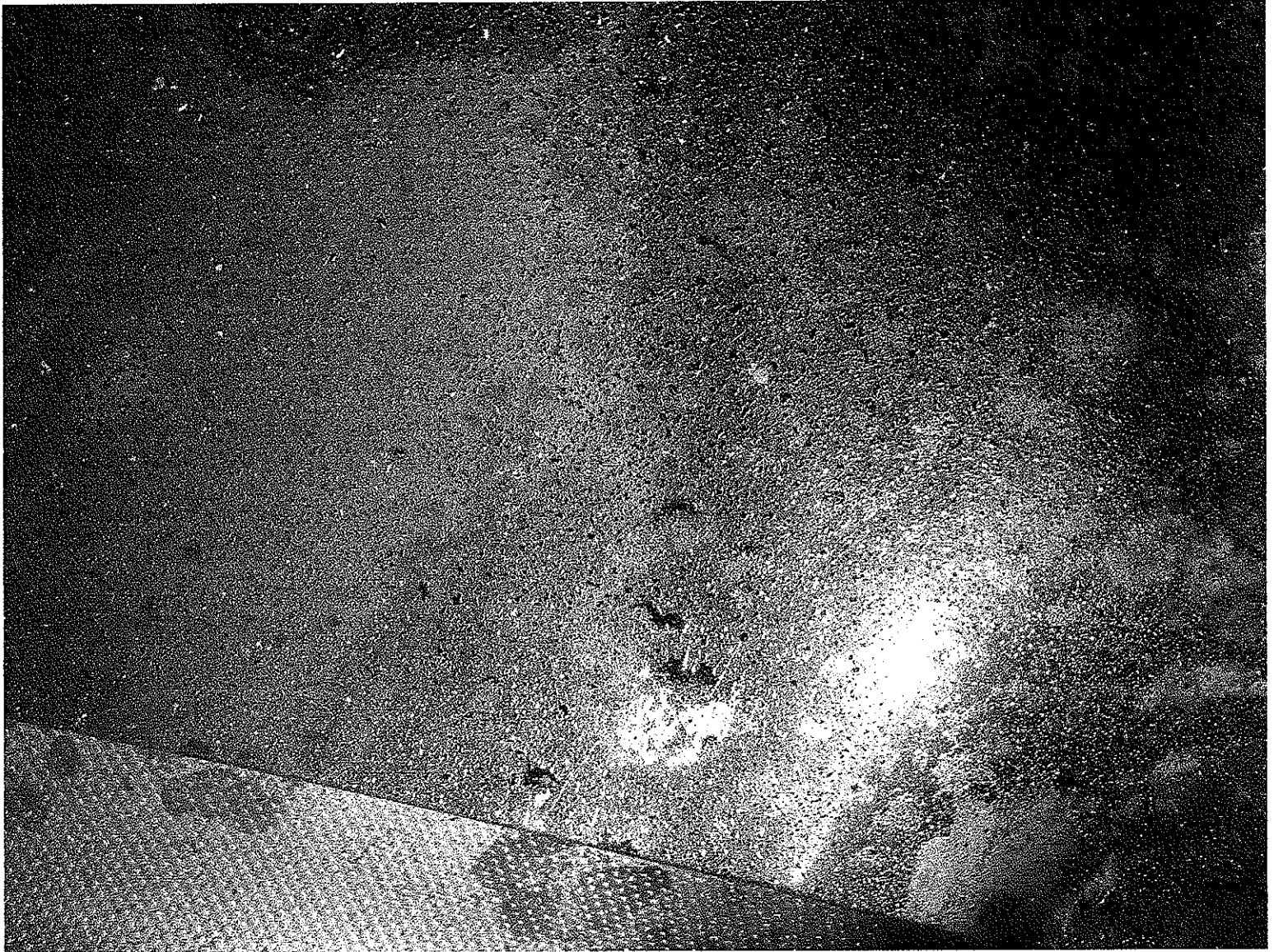
ACROSS ST NEXT DOOR

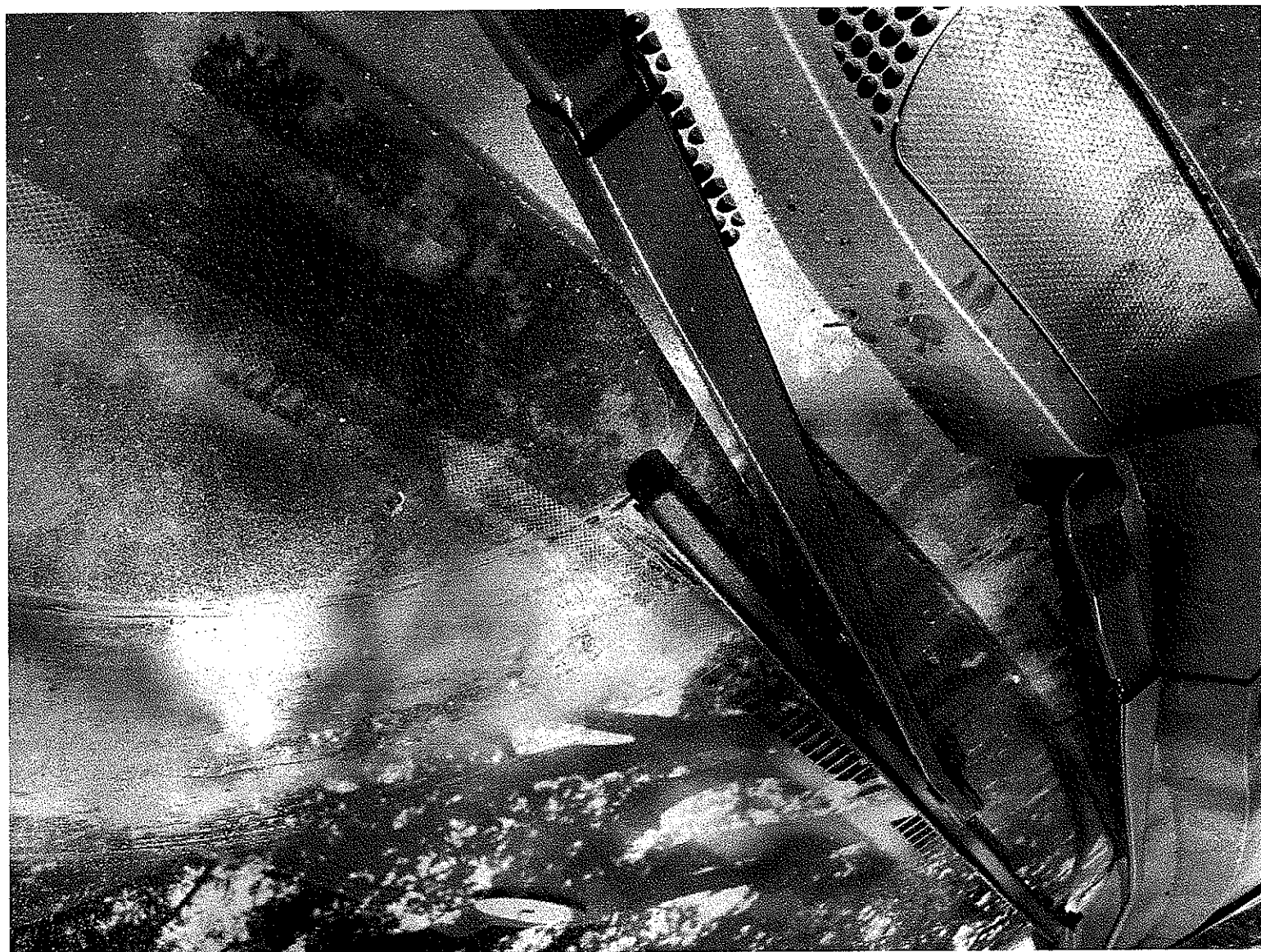
Signed _____

Address _____











City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

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

August 20, 2012

Paul Guidry
Austin, Texas
Via email: paul@fullcircleaustin.com

Re: 1188 Coleto Street
Lot 6 Blk 11 OLT 58 DIV B FOSTER SUBDIVISION

Dear Paul,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the front setback from 25ft to 2ft in order to construct a carport over the existing driveway. Austin Energy does not oppose this application as requested and shown on the attached red-stamped sketch provided the future carport meets AE clearance criteria requirements as well as be in compliance with the National Electric Safety Code and OSHA. The required setback has been marked on the ground as shown and labeled in the attached photo which was taken 8/20/2012.

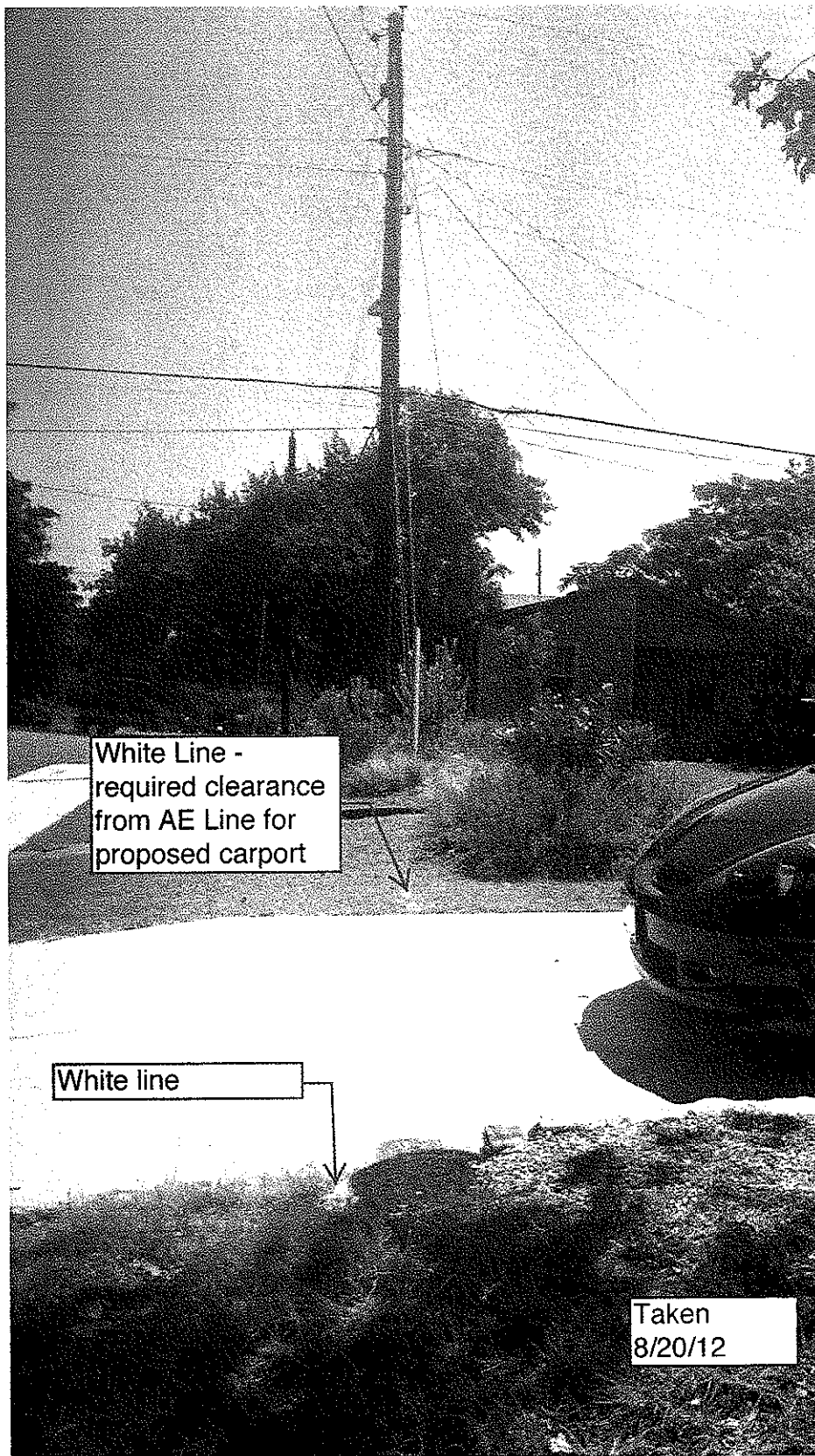
Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

Sincerely,

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

Dena Lund
Public Involvement/Real Estate Services

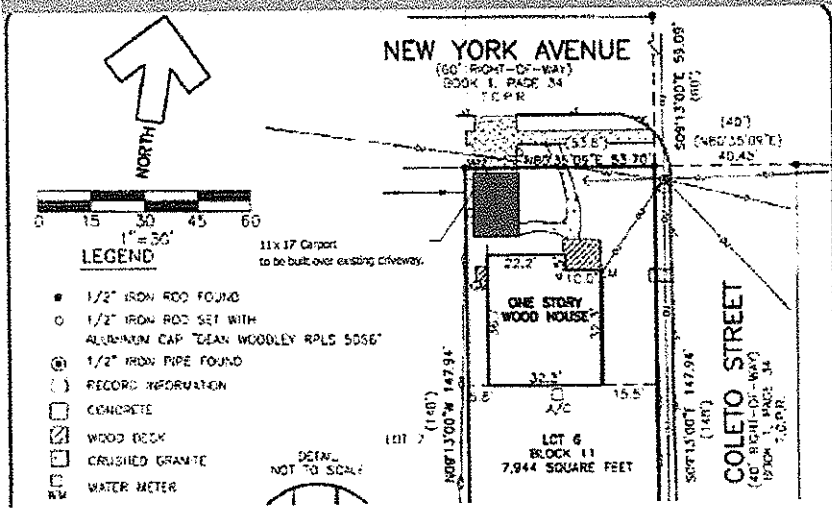
Cc: Diana Ramirez and Susan Walker



White Line -
required clearance
from AE Line for
proposed carport

White line

Taken
8/20/12



Austin Energy has reviewed this plan for 1188 Coleto St.
and approves the variances requested under the Board of Ad.
This plan must be approved by Austin Energy.

AUSTIN ENERGY

[Signature]

Date 8/20/12