

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

**DATE:** Monday, June 10, 2013

**CASE NUMBER:** C15-2013-0040

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nora Salinas  
\_\_\_\_ Bryan King  
\_\_\_\_ Fred McGhee  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ Sallie Burchett  
\_\_\_\_ Cathy French (SRB only)

**APPLICANT:** Jeremy Broadhead & Kristen Anderson

**OWNER:** Same

**ADDRESS:** 1300 CHICORY CV

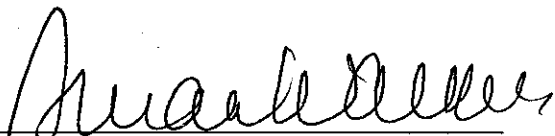
**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 6 ½ feet in order to maintain a detached accessory building for a single family residence in an "SF-2", Single-Family Residence zoning district.

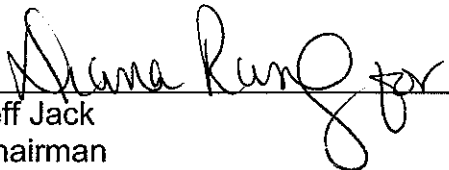
**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to June 10, 2013, Board Member Fred McGhee second on a 7-0 vote; **POSTPONED TO JUNE 10, 2013.**

**BOARD'S DECISION:** June 10, 2013 **POSTPONED TO JULY 8, 2013 (FOR TREE SURVEY)**

**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

**Walker, Susan**

---

**From:** Jeremy Broadhead [REDACTED]  
**Sent:** Thursday, June 06, 2013 3:25 PM  
**To:** Walker, Susan  
**Subject:** Re: Request to Postpone Variance Hearing C15-2013-0040

Ms. Walker,

We've been working to get the tree survey scheduled at the same time we do a general site survey for our refinancing process, but we haven't been able to get it done yet due to the availability constraints of our builder and loan officer. We'd like more time to get it done. I expect we should be able to get it done before July.

Sincerely,

Jeremy Broadhead

On Jun 6, 2013, at 2:02 PM, Walker, Susan wrote:

> Mr. Broadhead,  
>  
> I can announce the request for postponement at 5:30 p.m. Usually they like to hear from the applicant's as to why the request for postponement is being requested. Since it says you are unable to attend the hearing, is there any way you can put some more information in writing to support the request? The Board has the ultimate authority to grant the postponement request. They are usually pretty reasonable.  
>  
> Please let me know.  
>  
> Susan Walker  
> Senior Planner  
> Planning & Development Review Department  
> Phone: 512-974-2202  
> Fax: 512-974-6536  
> -----Original Message-----  
> From: Jeremy Broadhead [REDACTED] Behalf Of Jeremy Broadhead  
> Sent: Wednesday, June 05, 2013 11:23 AM  
> To: Walker, Susan  
> Subject: Request to Postpone Variance Hearing C15-2013-0040  
>  
> Dear Ms. Walker,  
>  
> My wife and I need to postpone our variance hearing until July. We are unable to attend the June meeting. Please let me know if this is possible.  
>  
> Sincerely,  
>  
> Jeremy Broadhead

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

**DATE: Monday, May 13, 2013**

**CASE NUMBER: C15-2013-0040**

\_\_\_Y\_\_\_ Jeff Jack  
\_\_\_Y\_\_\_ Michael Von Ohlen **Motion to PP**  
\_\_\_Y\_\_\_ Nora Salinas  
\_\_\_Y\_\_\_ Bryan King  
\_\_\_Y\_\_\_ Fred McGhee **2<sup>nd</sup> the Motion**  
\_\_\_Y\_\_\_ Stuart Hampton - Melissa Hawthorne(absent)  
\_\_\_Y\_\_\_ Sallie Burchett  
\_\_\_-\_\_\_ Cathy French (SRB only)

**APPLICANT: Jeremy Broadhead & Kristen Anderson**

**OWNER: Same**

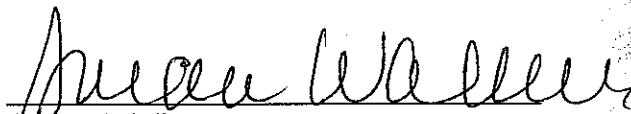
**ADDRESS: 1300 CHICORY CV**

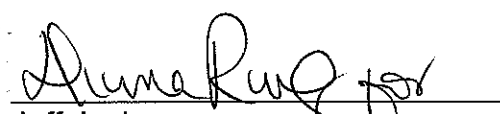
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Susan Walker  
Executive Liaison

  
Jeff Jack  
Chairman

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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: C15-2013-0040 - 1300 Chicory Cove

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, May 13th, 2013

*Stacy Bishop Lawrence*  
Your Name (please print) ☒ I am in favor  
☐ I object

*3108 Edenswood Drive*  
Your address(es) affected by this application

*Stacy Bishop Lawrence* *3.11.13*  
Signature Date

Daytime Telephone: *512/347-7817*

Comments:

*Please Permit The variance, allowing residents to keep their building.*

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, May 13th, 2013

Your Name (please print) Quet H. Selwak

☒ I am in favor  
☐ I object

1304 Goeth Circle

Your address(es) affected by this application

Quet H. Selwak

Signature

5/3/13

Date

Daytime Telephone: 512.461.6822

Comments:

Agree

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Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Case Number: C15-2013-0040 - 1300 Chicory Cove  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, May 13th, 2013

Your Name (please print) Jeff Fong  
☒ I am in favor  
☐ I object

Your address(es) affected by this application  
1306 Wilderness Dr

Daytime Telephone: \_\_\_\_\_  
Signature [Signature] Date 5/6/13

Comments: No problem!

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: C15-2013-0040 - 1300 Chicory Cove  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, May 13th, 2013

Your Name (please print) Melissa Fong  
☒ I am in favor  
☐ I object

Your address(es) affected by this application  
1306 Wilderness Dr Austin TX 78746

Daytime Telephone: 512 484 4196  
Signature Melissa S. Fong Date 5/6/13

Comments: Because this is an existing structure and has been there for many years, I have no opposition to it remaining. It is barely visible above the top of the fence and is in no way an eyesore. I live across Wilderness from the property in question and can see the building - but again, just the top of the roof.

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, May 13th, 2013

LESLIE COHEN  
Your Name (please print)

☒ I am in favor  
☐ I object

1304 CHICORY COVE  
Your address(es) affected by this application

Leslie B Cohen 5/3/2013  
Signature Date

Daytime Telephone: 512 327-5866

Comments: IT'S FINE WITH US.

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  
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**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, May 13th, 2013

Diana Kolenic  
 Your Name (please print)

☐ I am in favor  
☒ I object

3100 Eaneswood Dr Austin, TX 78746  
 Your address(es) affected by this application

[Signature] 5/12/2013  
 Signature Date

Daytime Telephone: 512-306-2628

Comments: I am opposed to the variance. The city is performing its job by enforcing codes developed for the benefit of all citizens. Creating the variance would provide the applicant privileges not enjoyed by others similarly situated. If the variance was granted this would allow others on corner lots to place storage units similarly situated, thus ruining the curb appeal & property values of our neighborhood. Please note that in addition, the fence that encloses the storage unit violates the CCR as related to its placement.

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

May 9, 2013

**HAND DELIVERED**

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

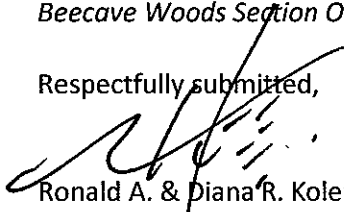
Re: Notice Of Public Hearing Land Development Code Variance  
Case Number C15-2013-0040 – 1300 Chicory Cove

Dear Susan,

As property owners receiving notice of the aforementioned matter, attached with this letter of transmittal is our completed *Notice Of Public Hearing Land Development Code Variance* form indicating that We Object [Are Not In Favor] of granting the variance as requested by the Applicant.

As indicated by the black arrow on the enclosed photo, the 'detached accessory building' in question is quite large and visible from the both streets Chicory CV and Wilderness Dr. The detached accessory building is also **non-compliant** with Article Four [USE RESTRICTIONS], Section 1. Types of Buildings Permitted, Section 3. Setbacks of the **existing** *Declaration Of Covenants, Conditions, And Restrictions For Beecave Woods Section One*, [copy enclosed].

Respectfully submitted,



Ronald A. & Diana R. Kolenic  
3100 Eaneswood Dr  
Austin, TX 78446-6717

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Case Number: C15-2013-0040 - 1300 Chicory Cove  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, May 13th, 2013

Melissa Fong  
Your Name (please print)

☒ I am in favor  
☐ I object

306 Wilderness Dr Austin TX 78746  
Your address(es) affected by this application

Melissa S. Fong  
Signature

5/6/13  
Date

Daytime Telephone: 512 484 4196

Comments: Because this is an existing structure and has been there for many years, I have no opposition to it remaining. It is barely visible above the top of the fence and is in no way an eyesore. I live across wilderness from the property in question and can see the building - but again, just the top of the roof.

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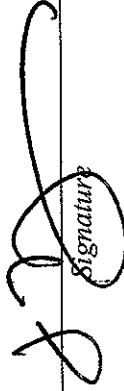
**Public Hearing: Board of Adjustment, May 13th, 2013**

Jeff Fong

*Your Name (please print)*

1306 Wilderness Dr.

*Your address(es) affected by this application*



*Signature*

5/6/13

*Date*

Daytime Telephone: \_\_\_\_\_

Comments: No problem!

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

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**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, May 13th, 2013

*Robert D. Kolovic*

Your Name (please print)

3100 E. Riverside Dr, Austin TX 78741-6117

Your address(es) affected by this application

*[Signature]*

Signature

Date

Daytime Telephone: 512.306.8628

5/9/2013

☐ I am in favor  
☒ I object

Comments:

*Please refer to Tarrant County letter, property photo, and Tarrant County Association records.*

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Walsh Tarlton Neighborhood Association - Mozilla Firefox (Private Browsing)

File Edit View History Bookmarks Tools Help

Walsh Tarlton Neighborhood Association

www.wtna.org

Most Visited Getting Started AOL & Bookmarks Suggested Sites Web Site Gallery AOL.com AOL Mail

72° wtna.org

## Walsh Tarlton Neighborhood Association

HOME ABOUT US INDEPENDENT DISSEMINATION LOCAL BUSINESSES ADVERTISEMENTS MAP

Map | Sat | Ter | Earth

The list of the neighborhoods and streets that comprise the Walsh Tarlton Neighborhood Association is below:

### Beecave Woods Section 1

- Chicory Cove
- Eameswood Drive
- Gaeth Circle
- Honey Tree Lane
- Wilderness Cove
- Wilderness Drive

Walsh Tarlton Neighborhood Association - Mozilla Firefox (Private Browsing)

File Edit View History Bookmarks Tools Help

Walsh Tarlton Neighborhood Association

www.wtna.org

Most Visited Getting Started AOL & Bookmarks Suggested Sites Web Site Gallery AOL.com AOL Mail

72° wtna.org

### Beecave Woods Section 2

- BreezeKnoll Circle
- Brightwood Drive
- Eanes Circle

### Treetops West Section 2

- Brains Meadow Cove

### Woodhaven

- Barn Swallow Drive
- Magnie Cove
- Peregrine Falcon Drive
- Pinnacle Road
- Purple Heron Drive
- Rain Forest Drive
- Spring Garden Road

### Woodhaven II

- Cactus Wren Way
- Darter Lane
- Dusky Thrush Trail
- Roselinn Trail
- Sanderling Trail
- Snowy Owl Court



DECLARATION OF COVENANTS, CONDITIONS,  
AND RESTRICTIONS FOR BEECAVE WOODS SECTION ONE

1-87-0120

THE STATE OF TEXAS I

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

1987-1034

THAT WHEREAS, Beecave Woods Development Co., a Texas corporation, hereinafter called the Declarant, the owner of all that certain real property located in Travis County, Texas, described as follows:

Beecave Woods Section One, an Addition in Travis County, Texas, according to the map or plat thereof, recorded in Book 76, Page 68, of the Plat Records of Travis County, Texas; and

WHEREAS, the Declarant will convey the above described properties, subject to certain protective covenants, conditions, restrictions, liens, and charges as hereinafter set forth;

NOW, THEREFORE, it is hereby declared that all of the property described above shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and shall be binding on all parties having any right, title, or interest in or to the above described property, or any part thereof, and their heirs, successors and assigns, and which easements, restrictions, covenants, and conditions shall inure to the benefit of each owner thereof.

ARTICLE ONE

DEFINITIONS

1. Owner

"Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any lot or portion of a lot on which there is or will be built a detached single family dwelling, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

2. Properties

"Properties" shall mean and refer to that certain real property hereinbefore described.

3. Lot

"Lot" shall mean and refer to that portion of any of the plats of land shown upon the plat and subdivision map recorded in Volume 76 at Page 68 of the Plat Records of Travis County, Texas, on which there is or will be built a single family dwelling. The term "Lot" shall not include any reserves shown on the said map or plat.

DEED RECORDS

Travis County, Texas

6328 1034



ARTICLE TWO  
ARCHITECTURAL CONTROL

1-87-0121

1. Approval of Plans and Specifications

No building, fence, wall, or other structure shall be commenced, erected, or maintained upon the Properties, nor shall any exterior addition to, or change or alteration therein, be made, nor shall any landscaping or any Lot or Lots be undertaken, until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to, and approved in writing by, the Declarant or assigns as to harmony of external design and location in relation to existing trees and topography of each lot.

2. Failure to Act

In the event that any plans and specifications are submitted to the Declarant as provided herein, and the Declarant shall fail either to approve or reject such plans and specifications for a period of thirty (30) days following such submission, approval by the Declarant shall not be required, and full compliance with this Article shall be deemed to have been had.

ARTICLE THREE

EXTERIOR MAINTENANCE

Each Owner of any Lot shall maintain the premises and the improvements situated thereon in a neat and orderly manner and otherwise keep his Lot and all improvements thereon in conformity to its condition when new.

ARTICLE FOUR

USE RESTRICTIONS

1. Type of Buildings Permitted

All Lots shall be used for residential purposes only, and no building shall be erected, altered, placed, or permitted to remain on any Lot other than one detached single family dwelling and a private enclosed garage for not less than 2 automobiles. Single story dwellings only shall be permitted on Lots 1, 2, 27, 28, 29 and 30 of Block C; Lots 5, 6, 7, 8, 13, 14, 15, and 16 of Block D; Lots 6 and 7 of Block E; and Lots 1, 2, 3, 4, 5, 6 and 7 of Block G, Section One.

2. Minimum Floor Area and Exterior Walls

Any single family dwelling constructed on said Lots must have a ground floor area of not less than 1,450 square feet, exclusive of open or screened porches, terraces, patios, driveways, and garages, unless adjusted or waived by the written consent of the Declarant. The exterior walls on the ground floor of any residence and garage shall consist of not less than 75% masonry construction. Any fireplace shall consist of not less than 90% masonry construction. No roofs of the dwellings in the subdivision shall be constructed of built up gravel material, unless adjusted or waived by the written consent of the Declarant prior to construction.

3. Setbacks

No building shall be located on any Lot nearer to the front Lot line than 25 feet or nearer to the side street line than 15 feet and no side yards at the front building setback line shall be less than 10 feet on one side and five (5) feet on the other side unless adjusted or waived by the written consent of the Declarant. For the purpose of this covenant, eaves, steps, and open porches shall not be considered as part of the building; provided, however, that this shall not be construed to permit any portion of the building on any Lot to encroach upon another lot.

6328 1035

#### 11. Fences, Walls, Hedges and Utility Meters

1-87-0123

No fence, wall, hedge, or utility meter shall be placed, or permitted to remain, on any Lot nearer to the street or streets adjoining such Lot than is permitted for the main residence on such Lot, except for decorative subdivision entry fences. Barbed wire, wire or "chain link" fences are prohibited along any Lot line within the subdivision.

#### 12. Shrubs and Trees

No shrub or tree planting which obstructs sight lines at elevations between two and six feet above the roadway shall be planted on any corner Lot within the triangular area formed by the curblines of such intersecting streets and a line connecting such curbline at points twenty-five feet from their intersection, or, in the case of a rounded corner, from the intersection of the curblines as extended. The same sight line limitations shall apply on any Lot within ten feet of the intersection of a street curbline and the edge of a driveway. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at a height of more than six feet above ground level.

#### 13. Trucks, Buses and Trailers

No truck, bus, or trailer shall be left parked in the street in front of any Lot except for construction and repair equipment while a residence or residences are being built or repaired in the immediate vicinity, and no truck, bus, trailer or recreational vehicle shall be parked on the driveway or any portion of the Lot in such manner as to be visible from the street. No abandoned automobile or automobile without a current inspection sticker or license plates shall be permitted to remain on any Lot or in front of any Lot.

#### 14. Prohibited Activities

No professional, business, or commercial activity to which the general public is invited shall be conducted on any Lot, except for the construction and maintenance of any model homes or sales offices in connection with the initial construction and sale of houses in the subdivision.

#### 15. Adjustment or Waiver

Any adjustment or waiver of these covenants, conditions and restrictions by the Declarant is for the purpose of alleviating any hardships and assisting in the orderly development of the subdivision.

### ARTICLE FIVE

#### EASEMENTS

##### Reservation of Easements

All easements for the installation and maintenance of utilities and drainage facilities are reserved as shown on the plat recorded in Volume 76 at Page 68 of the Plat Records of Travis County, Texas. Right of use for ingress and egress shall be had at all times over any dedicated easement, and for the installation, operation, maintenance, repair, or removal of any utility, together with the right to remove any obstruction that may be placed in such easement which would constitute interference with the use, maintenance, operation, or installation of such utility.

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1-87-0123

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# ARTICLE SIX

## GENERAL PROVISIONS

1-87-0124

### 1. Enforcement

The Declarants, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, and reservations now or hereafter imposed by the provisions of this Declaration. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

### 2. Severability

Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provision, and all other provisions shall remain in full force and effect.

### 3. Duration and Amendment

The covenants, conditions, and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of, and be enforceable by, the Declarants or the Owner of any lot subject to this Declaration, and their respective legal representatives, heirs, successors, and assigns, and, unless amended as provided herein, shall be effective for a term of twenty (20) years from the date this Declaration is recorded, after which time said covenants, conditions, and restrictions shall be automatically extended for successive periods of ten (10) years. The covenants, conditions, and restrictions of this Declaration may be amended during the first twenty (20) year period by an instrument signed by not less than 90 percent of the lot owners; during any succeeding ten (10) year period, the covenants, conditions, and restrictions of this Declaration may be amended during the last year of any such ten (10) year period by an instrument signed by not less than 75 percent of the lot owners. No amendment shall be effective until recorded in the Deed Records of Travis County, Texas, nor until the approval of any governmental regulatory body which is required shall have been obtained.

EXECUTED by the said Declarant, this 10th day of March, 1978.

ATTEST:

(NO SEAL)

Beech Woods Development Co.

John Burford  
John Burford

BY John D. Byram  
John D. Byram  
President

THE STATE OF TEXAS 1

COUNTY OF TRAVIS 1

BEFORE ME, the undersigned authority, on this day personally appeared John D. Byram, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of Beech Woods Development Co.

NOTARY SEAL

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 10th day of March, 1978.

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the date and at the time stamped herein by me, and was duly RECORDED, in the Public and Private of the Record of Travis County, Texas, on Stamped herein by me, on

Deborah Hornickel  
Notary Public, Travis County, Texas  
Deborah Hornickel

OCT 4 1978

OCT 9 9 40 AM 1978



Deborah Hornickel  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

6328 1038

[illegible][illegible]

**BEECAVE WOODS SECTION**



If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # C15-2013-0040  
ROW # 10926964

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

TP-0107140201

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

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

STREET ADDRESS: 1300 Chicory Cove, Austin, TX 78746

LEGAL DESCRIPTION: Subdivision – BEECAVE WOODS SEC 2

Lot(s) 34 Block A Outlot \_\_\_\_\_ Division \_\_\_\_\_

We Jeremy Broadhead & Kristen Anderson on behalf of ourselves as authorized agent for

N/A affirm that on April 1st, 2013,

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

(check appropriate items below)

   ERECT    ATTACH    COMPLETE    REMODEL   X   MAINTAIN

The pre-existing shed, presumed to have been built in 2003, nearly 10 years prior to our

purchase of the property and the start of our current renovation project, in its current

location, which lies across the setback boundary.

6.5 feet from

in a SF-2 district.  
(zoning district)

Side Street p.l.  
along Wilderness  
Dr.

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 zoning regulations would have me either cut trees to accommodate relocating the pre-existing utility shed within the setback, or destroy it, leaving me without its value.

**HARDSHIP:**

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

The property has more trees than most of the surrounding properties, making it impossible to relocate the utility shed within the setback without removing trees.

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

Other neighboring properties have fewer trees within their setback boundaries. The issue is unique to this property.

**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 pre-existing shed was built on the corner of the lot that is bordered by roads. The nearest adjacent conforming property is across the road. No visible utilities are nearby.

**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:



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:

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

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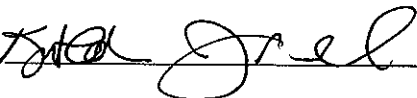
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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**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 1300 Chicory Cove

City, State & Zip Austin, TX 78746

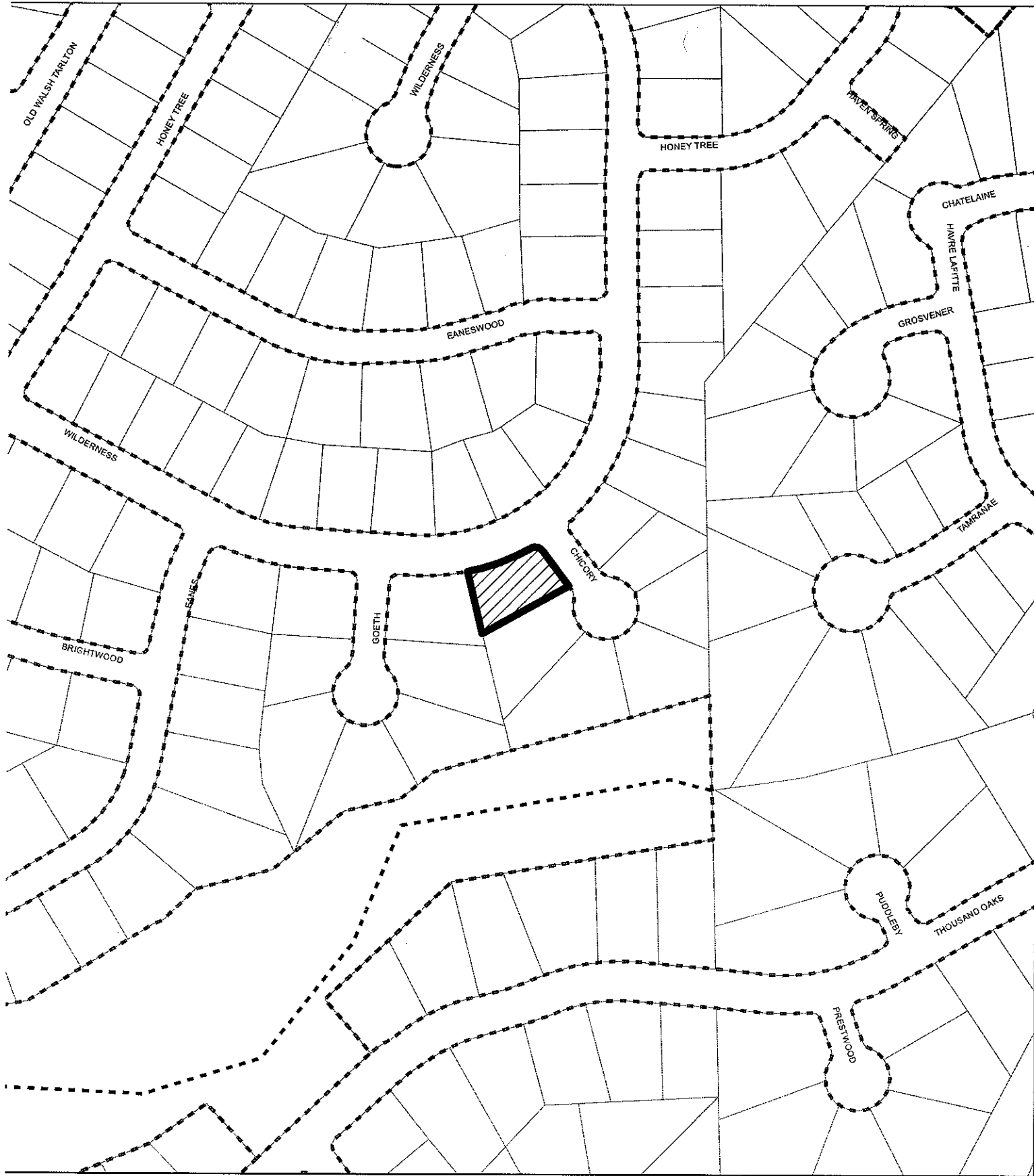
Printed 04/01/2013 Phone (617) 230-6523 Date 04/01/2013

**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 1300 Chicory Cove

City, State & Zip Austin, TX 78746

Printed 04/01/2013 Phone (617) 230-6523 Date 04/01/2013

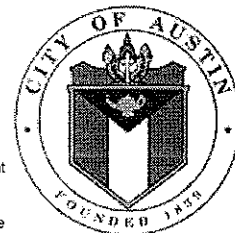


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0040  
LOCATION: 1300 CHICORY COVE



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.

Get directions

My places



GO

4



**1300 Chicory Cove**  
Austin, TX 78746



Street view

Directions Search nearby more

Maps Labs - Help

Google Maps - ©2013 Google - Terms of Use - Privacy



From: Florence Mayne <fmayne@austin.rr.com>  
Subject: Re: 1300 Chicory Shed Construction Date  
Date: March 11, 2013 5:32:10 PM CDT  
To: Jeremy Broadhead <jeremy.broadhead@namelesscity.com>

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It was built by the Dube family, less than 15 years ago. I think, if my memory is accurate, you bought the house from the folks who bought it from the Dubes. So, if you find the deed to your seller, it should be from the Dubes and that will tell you when the Dube family came to own the property. We've been here almost 15 years and in 1998 when we bought, your house was owned by a different family, the Kershaws. The Kershaws sold to the Dubes some time later, maybe about 2003.

Florence Mayne  
1302 Wilderness Dr

On Mar 11, 2013, at 11:56 AM, Jeremy Broadhead wrote:

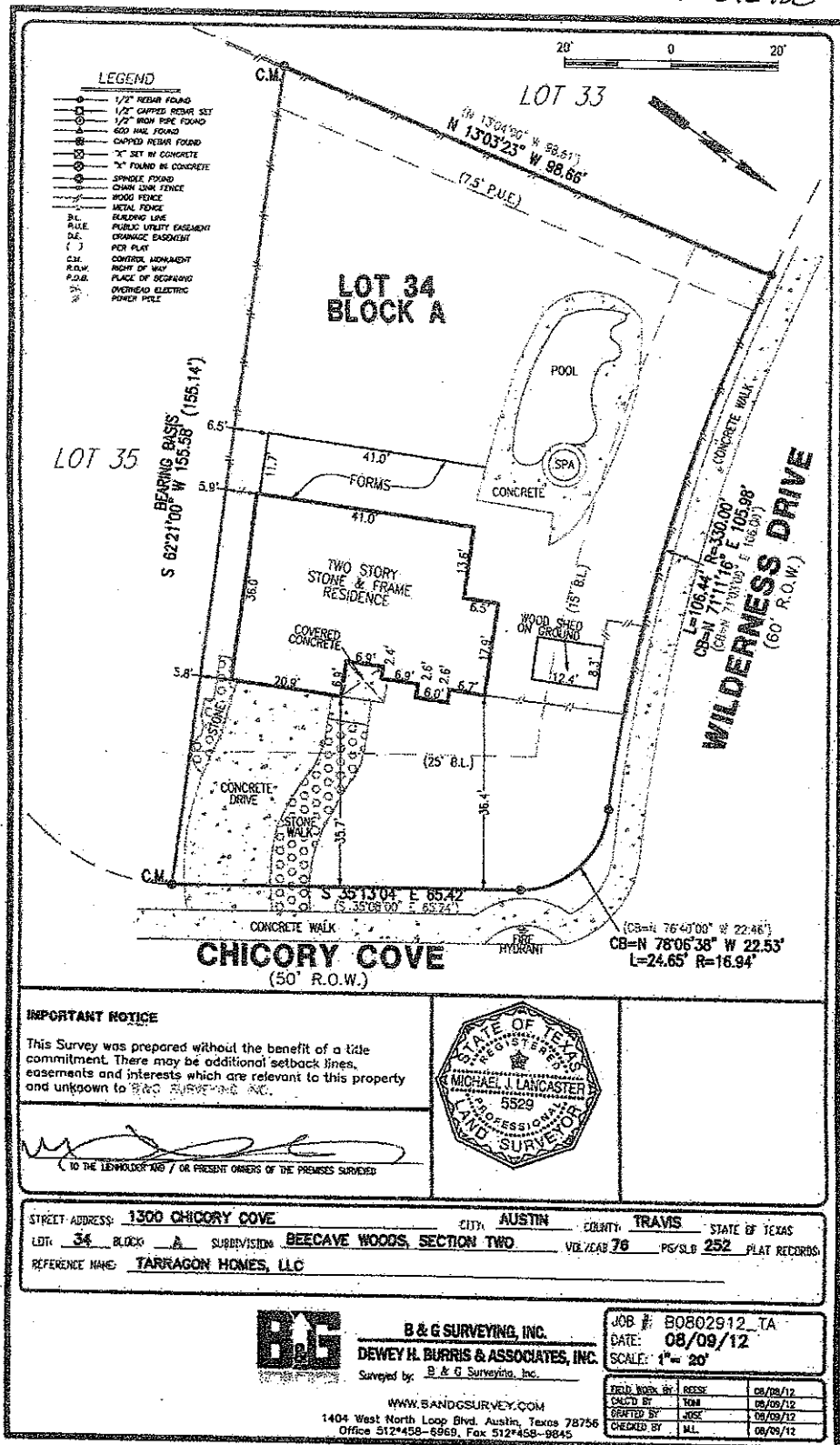
Hi neighbors,

You've all probably noticed our house at 1300 Chicory being renovated for the past six or more months. I happy to say that the project is nearly done. However, to get the city to sign off on the completed project, I'm being asked to provide them information about our shed, visible on the corner of Wilderness and Chicory. Does anyone know when the shed was constructed, or at least if it was built 15 or more years ago? Please let me know if you know this, or if you know someone who might know this.

Thanks!

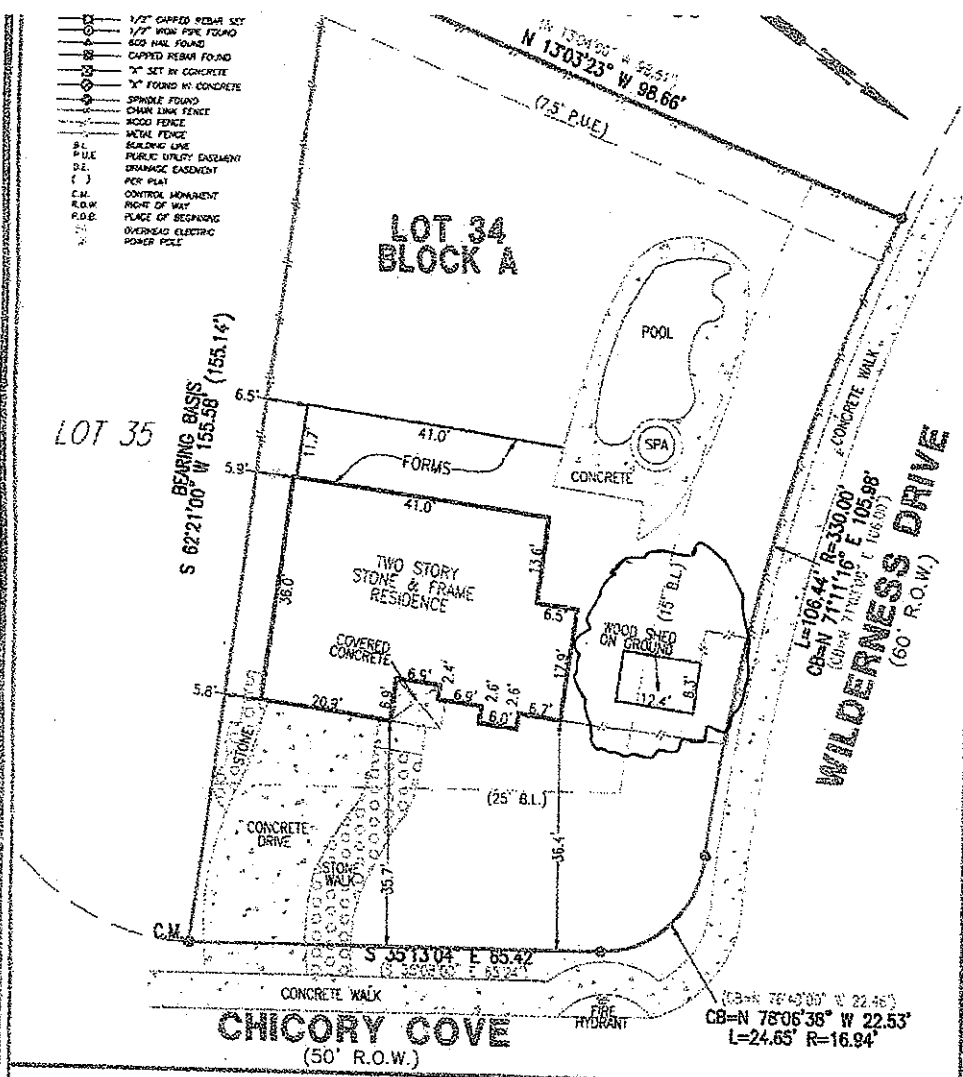
Jeremy Broadhead

12 072738





- 1/2" CAPPED REBAR SET
- 1/2" IRON PIPE FOUND
- 600 NAIL FOUND
- CAPPED REBAR FOUND
- "X" SET IN CONCRETE
- "X" FOUND IN CONCRETE
- SPRINKLE FOUND
- CHAIN LINK FENCE
- WOOD FENCE
- METAL FENCE
- BACKING LINE
- PUBLIC UTILITY EASEMENT
- DRAINAGE EASEMENT
- PER PLAN
- CONTROL MONUMENT
- R.O.W.
- PLACE OF BEGINNING
- OVERHEAD ELECTRIC
- POWER POLE



**IMPORTANT NOTICE**

This Survey was prepared without the benefit of a title commitment. There may be additional setback lines.



**APPROVED BY  
AUSTIN ENERGY  
FOR BOA**

DATE: 4/4/13  
*[Signature]*