

Please be advised that the Board only takes 16 new cases a month, therefore, first come, first served. Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

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 inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C152014-0014
ROW # 11069980
TP-# 0302001211

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

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

**WAR
NING**

: Filing of this appeal stops all affected construction activity.

STREET ADDRESS: 1806 Drake Avenue

LEGAL DESCRIPTION: Subdivision — E47FT OF S4FT OF LOT 4 & E47FT OF N8.5FT & E42FT
OF S37.5FT LOT 5 BLK 12H FAIRVIEW PARK

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

Connie Leaverton _____ affirm that on November 1, 2013,

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

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL X MAINTAIN

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.

(zoning district) SF-3- CO-NP

2' side yard setback to maintain existing covered porch

Maintain 56% Impervious Cover

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 owner proposes to maintain an existing covered patio roof structure that was added over an existing at-grade concrete patio. The legal tract is 2,162 SF per survey. Under base zoning development regulations, the maximum impervious cover allowed is 45%, or 973 SF. The existing site's impervious cover amounts to 1,202 SF, or 56%. This includes a 1935 965 SF 1 story house, a 1935 168 SF concrete patio (now covered by the roof), a 9 SF AC pad, and a 1935 60 SF shed.

The owner added a cover to the pre-existing concrete patio to assist with water runoff from the house roof, to provide some shading, and improve overall usability of the site. The owner was unaware that adding a roof cover over existing impervious cover would trigger compliance with current regulations, despite the patio being in place approximately 1935. This pre-dates adoption of impervious cover regulations by the city of Austin. The current roof structure does not alter the pre-existing impervious cover totals found on the site prior to its installation.

The roof structure does not extend beyond the pre-existing concrete patio footprint; however, the at-grade patio does encroach into the side setback. At its closest point it is 2.4' per survey from the side property line. The roof cover also encroaches 2.4' from the side property line. The roof cover was built in accordance with the at-grade patio's footprint with the understanding it would be allowed because the patio has been in place for several decades, thus no compliance issues would be triggered. The owner proposes no further footprint expansion.

In 2013 the City deemed the parcel a legal tract via an approved Land Status Determination.

The owner proposes a reasonable use by covering pre-existing at-grade concrete. No further impervious coverage is added as a result of the roof structure. The 2,162 SF lot is less than 50% of the SF-3 minimum lot size requirements, thereby limiting the owner's ability to reasonably utilize the site due to pre-existing conditions.

HARDSHIP:

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

The lot appears to have been in its current shape and size for several years predating the 2013 Land Status Determination. The current survey recognizes the legal description in 1968. The LSD further asserts the site has had utility service since 1944. TCAD recognizes the site and its improvements as of 1935.

The 2,162 SF lot does not allow for any further at-grade expansion due to current zoning regulations limiting impervious cover to 973 SF. With the exception of the roof structure, all site improvements pre-date adoption of impervious coverage regulations by the City of Austin. The owner has no other remedy for adding separate roof coverage without triggering compliance issues with current impervious cover regulations.

The roof's encroachment into the 5' side setback is a function of the at-grade patio below it. It simply follows that footprint. The owner asks that the Board deem this reasonable and part and parcel to the function of the outdoor patio area.

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

The owner is not aware of other properties with the lot size encumbrances.

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:

Allowing the rear structure to remain in its current location will not impair the use of any adjacent properties nor impair the intent of the zoning regulations. The impervious cover and setback variances will not impair the use of adjacent property. All rainwater is being captured and stored in rain barrels. The zoning regulations will not be impaired because the site has maintained the same degree of impervious cover prior to adoption of impervious cover regulations by the city of Austin.

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

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 
Permit Partners LLC
7105 Barnsdale Way Austin Texas 78745

Printed David Cancialosi c/o Permit Partners LLC
512-799-2401
November 1, 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 _____

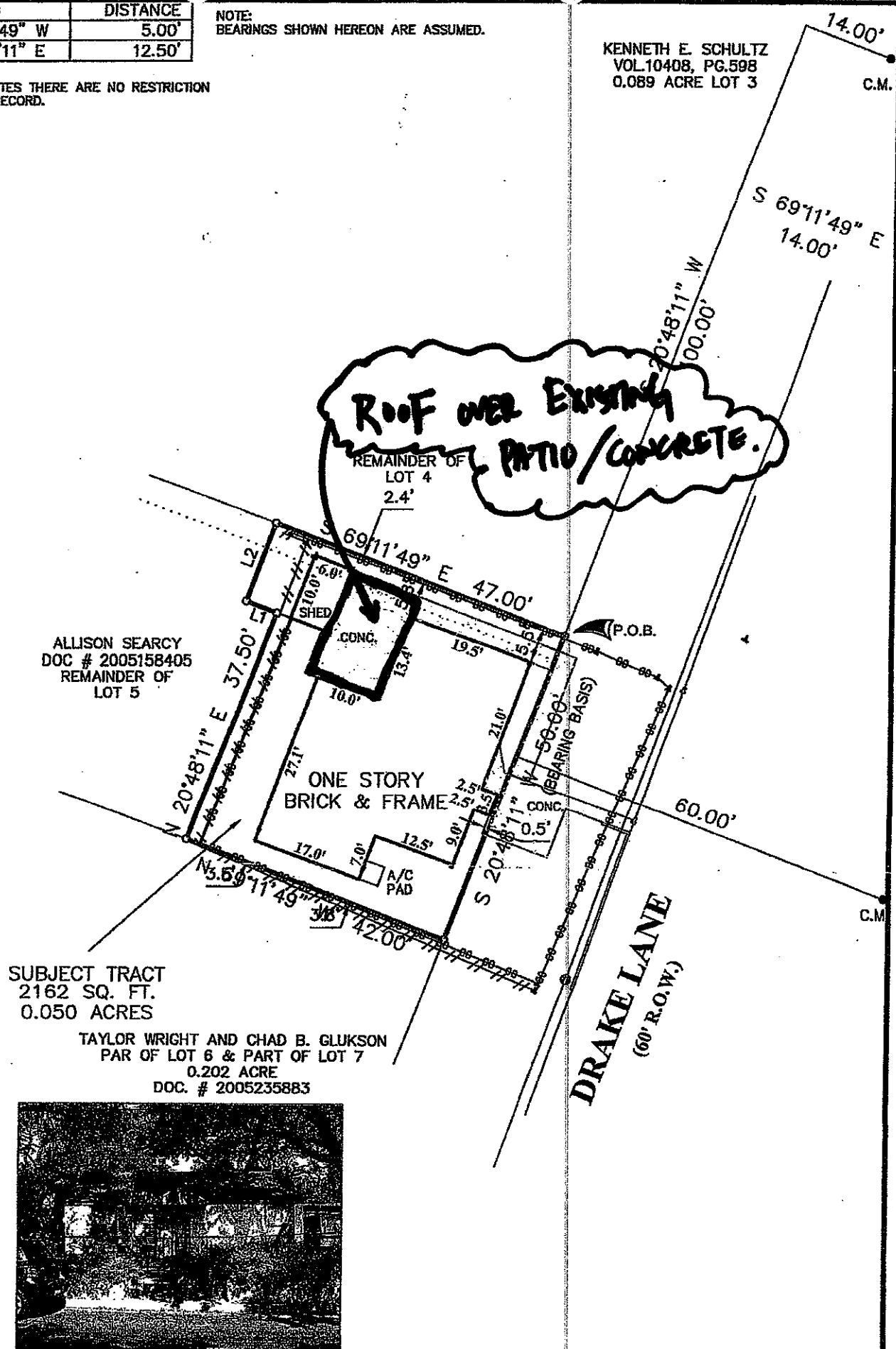
Printed _____
Phone Date _____

NOTE:
BEARINGS SHOWN HEREON ARE ASSUMED.

KENNETH E. SCHULTZ
VOL.10408, PG.598
0.089 ACRE LOT 3



SCALE: 1"=20'



⊙ - POWER POLE

PROPERTY ADDRESS
1806 DRAKE LANE

As noted from FEMA's FLOOD INSURANCE RATE MAP, Community No. 48453C, Panel No. 0805H, Panel Dated 9/28/08, this tract is in Zone(s) X. This flood zone identification is this surveyor's interpretation, which may or may not agree with the interpretations of FEMA or state of local officials, and which may not agree with the tract's actual conditions. This surveyor does not certify the accuracy of this flood zone designation. It is the responsibility of any interested persons to verify the accuracy of the flood zone designation with FEMA and state



**City of Austin
Planning and Development Review
Land Status Determination
1995 Rule Platting Exception**

July 05, 2013

File Number: C8I-2013-0256

Address: 1806 DRAKE AVE

Tax Parcel I.D. #0302001211

Tax Map Date: 09/25/2012

The Planning & Development Review Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being a **portion of Block 12H, Fairview Park** in the current deed, recorded on **Sep 22, 2010**, in **Document #2010139506**, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Aug 12, 1969**, in Volume **3718**, Page **2396**, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **water** service on **Sep 23, 1944**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Michelle Casillas

**Michelle Casillas, Representative of the Director
Planning and Development Review Department**

This is a detailed street map of a residential neighborhood in St. Louis, Missouri. The map shows a grid of streets including Congress Ave, Hickory St, Walnut St, Elm St, Oak St, and others. Numerous lots are depicted, many with addresses and lot numbers. A large area in the center is labeled "ELK GROVE JUNIOR HIGH SCHOOL SUBD". A specific lot, 12B, is circled in the center of the map. The map also shows various other lots and blocks, some with addresses, and a river or creek at the bottom.

Travis Central Appraisal District
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Austin, Texas 78754 Austin, Texas 78714
Internet Address: www.traviscad.org
Main Telephone Number (512) 834-9317
Appraisal Information (512) 834-9318
TDD (512) 836-3328