

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).

ROW

CASE # C 15-2014-0025
11078239
TP 0209191212

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

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

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

STREET ADDRESS: 4904 Louis Avenue, Austin, TX 78721

LEGAL DESCRIPTION: Subdivision - W 52' OF LOT 5 BLK 2 MASONFIELD

Lot(s) 5 Block 2 Outlot _____ Division MASONFIELD

I/We Melissa Nelson on behalf of myself/ourselves as authorized agent for

myself affirm that on 1/17/14, I,

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

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

New one (1) story wood frame single family residence with

2 bedrooms & 1 bath

front street sb. from 25' → 15'

in a SF-3 - NP district.
(zoning district)

MLK-183 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:

Our lot is very small, 50' x 50' & 2,695 sqft, the traditional setback of 25' makes it impossible to build anything on this lot.

HARDSHIP:

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

This lot is the only lot facing Louis Avenue on Block 2 Masonfield.

The other two homes face the cross streets and have an average of 12.5' side yard setback, which are the sides facing Louis Avenue.

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

Most (if not all) lots are much bigger than this lot.

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 home that was existing when we purchased the property had a setback of 14'9". We are asking for the same, so the look of the street will only be bettered by a brand new home in the place of a dilapidated one.

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:

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

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

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Melissa Nelson Mail Address 4904 Louis Avenue
City, State & Zip Austin, Texas 78721

Printed Melissa Nelson Phone 512-944-6516 Date 1/17/14

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 Melissa Nelson Mail Address 4904 Louis Avenue
City, State & Zip Austin, Texas 78721

Printed Melissa Nelson Phone 512-944-6516 Date 1/17/14

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 L and 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.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning, All other zonings) -See *Current Fee Schedule for Applicable Fees* (<http://www.austintexas.gov/department/fees>)
- (4) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (5) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

REQUIRED FINDINGS: All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable Use:

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

Hardship:

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.
- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character:

Application must demonstrate to the Board how 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 zoning regulations of the zoning district in which the property is located.

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

Board of Adjustment Staff:

**Susan Walker, Planner
974-2202**

**Diana Ramirez, Administrative Specialist, Board Secretary
974-2241**

Fax #974-6536

**Planning and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor**

**Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088**

One Stop Shop
505 Barton Springs Rd
(512) 974-2632 – phone
(512) 974-9112 – phone
(512) 974-9109 – fax
(512) 974-9779 – fax



Austin Energy
Building Service Planning Application (BSPA)

This form to be used for review of Building Permit only
For use in One Stop Shop Only

Responsible Person for Service Request <u>Melissa Nelson</u>		
Email <u>melissa@socialwaterproofing.com</u>	Fax <u>—</u>	Phone <u>512-944-6516</u>
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Remodeling
Project Address <u>4904 Louis Avenue, Austin, TX 78721</u> OR		
Legal Description <u>W 52' of Lot 5 BLK 2 Masonfield</u> Lot _____ Block _____		
Who is your electrical provider? <input checked="" type="checkbox"/> AE <input type="checkbox"/> Other _____		
<input checked="" type="checkbox"/> Overhead Service <input type="checkbox"/> Underground Service <input type="checkbox"/> Single-phase (1Ø) <input type="checkbox"/> Three-phase (3Ø)		
Location of meter <u>Temporary Pole</u>		
Number of existing meters on gutter <u>1</u> (show all existing meters on riser diagram)		
Expired permit # _____		
Comments <u>New Single Story</u>		
BSPA Completed by (Signature & Print Name) _____ Date _____ Phone _____		
Approved <input type="checkbox"/> Yes <input type="checkbox"/> No _____		
AE Representative _____	Date _____	Phone _____

Application expires 180 days after the date of approval

AE APPROVED
DEC 27 2013
361-208
JGM

All structures etc. must maintain 7'5"
clearance from AE energized power
lines. Enforced by AE & NESC codes.

AE APPROVED
DEC 11 2013
345-218
JGM

02/03/08
 Steven Penn Bryan
 8000 Colberg Drive, Austin, TX 78749
 (503) 823-8898 spbryan@hotmail.com

4904 LOUIS AVENUE
 4904 Louis Avenue, Austin, TX 78721

DATE NOVEMBER 18, 2013
 SCALE 1/8" = 1' - 0"
 SHEET

A2

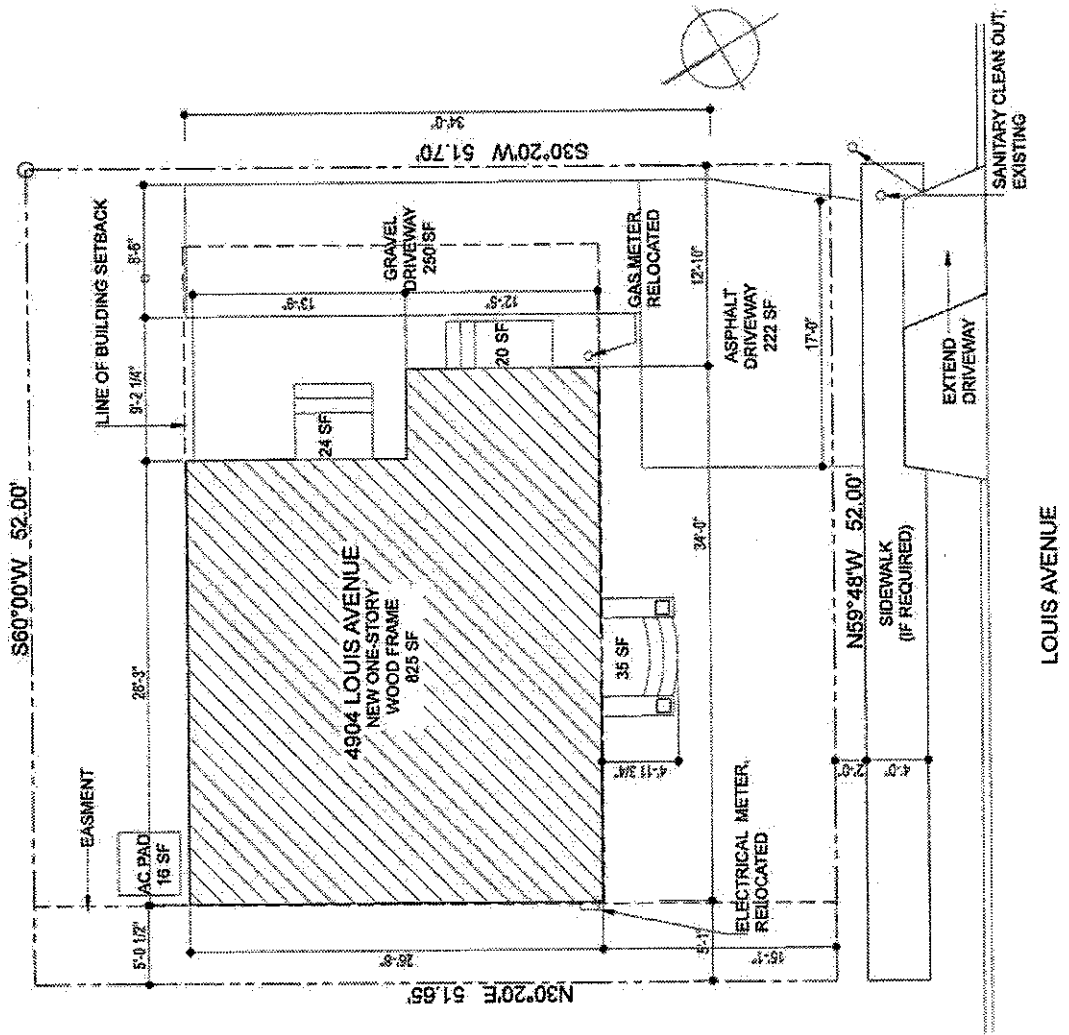
REVIEWED

DEC 27 2013

AUSTIN WATER UTILITY
 CONSUMER SERVICE DIVISION - TAPS

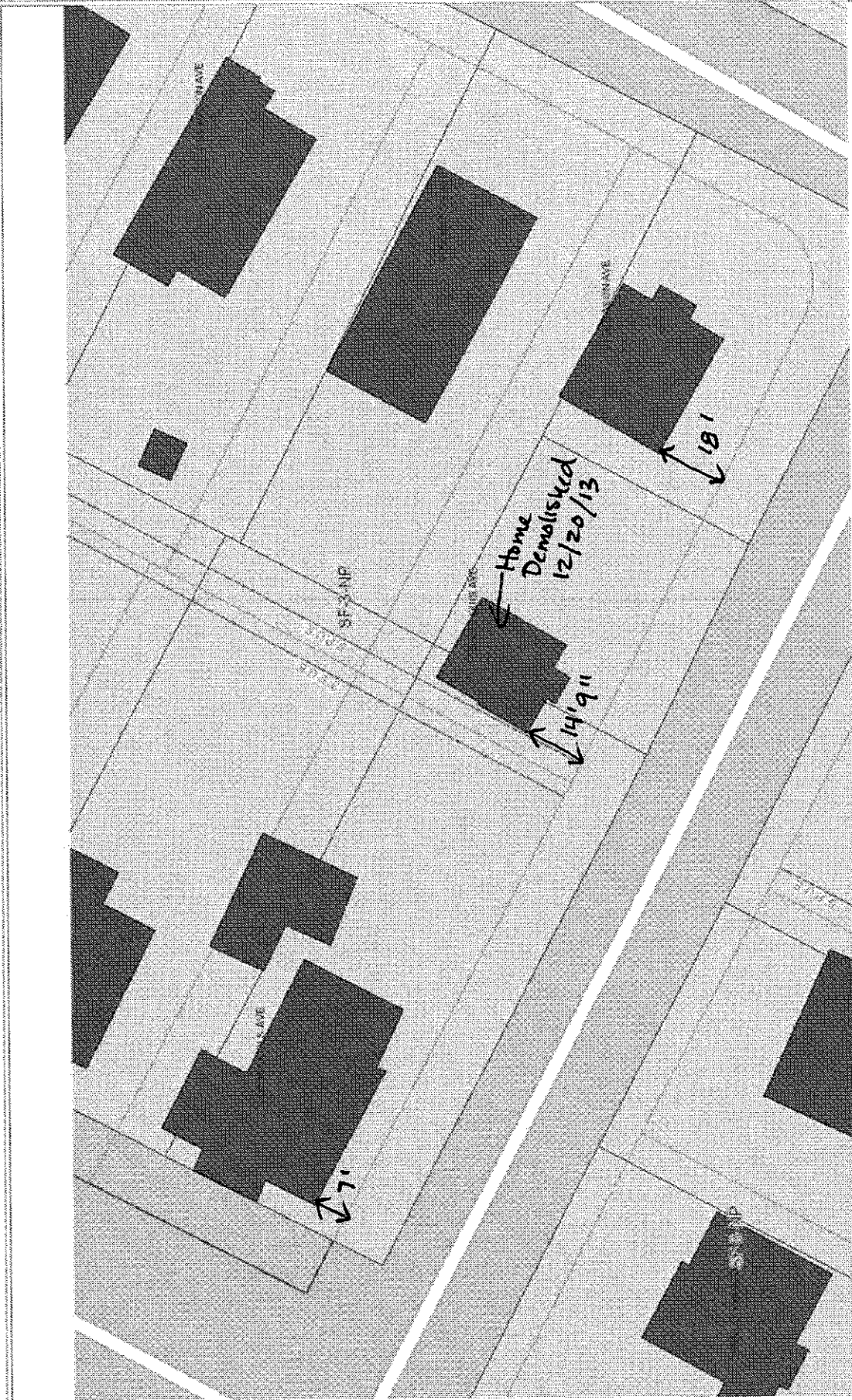
AE APPROVED
 DEC 27 2013
 361-208
 KCM

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.



LOUIS AVENUE

CITY OF AUSTIN DEVELOPMENT WEB MAP



- Legend**
- Lot Lines
 - Streets
 - Building Footprints
 - Named Creeks
 - Lakes and Rivers
 - Parks
 - County
 - Building Footprints Year 2010
 - Large Building (400+)
 - Building (100-4000)
 - Address Points
 - Lot Line
 - Easement Annotation
 - Easement Lines
 - Land Use Year 2010
 - Water (940)
 - Utilities (870)
 - Unknown (999)
 - Undeveloped (900)
 - Transportation (800)
 - Streets and Roads (800)
 - Single Family (100)
 - Resource Extraction
 - Open Space (700)
 - Office (400)
 - Multi-family (200)
 - Mobile Homes (113)
 - Large Lot Single Fam

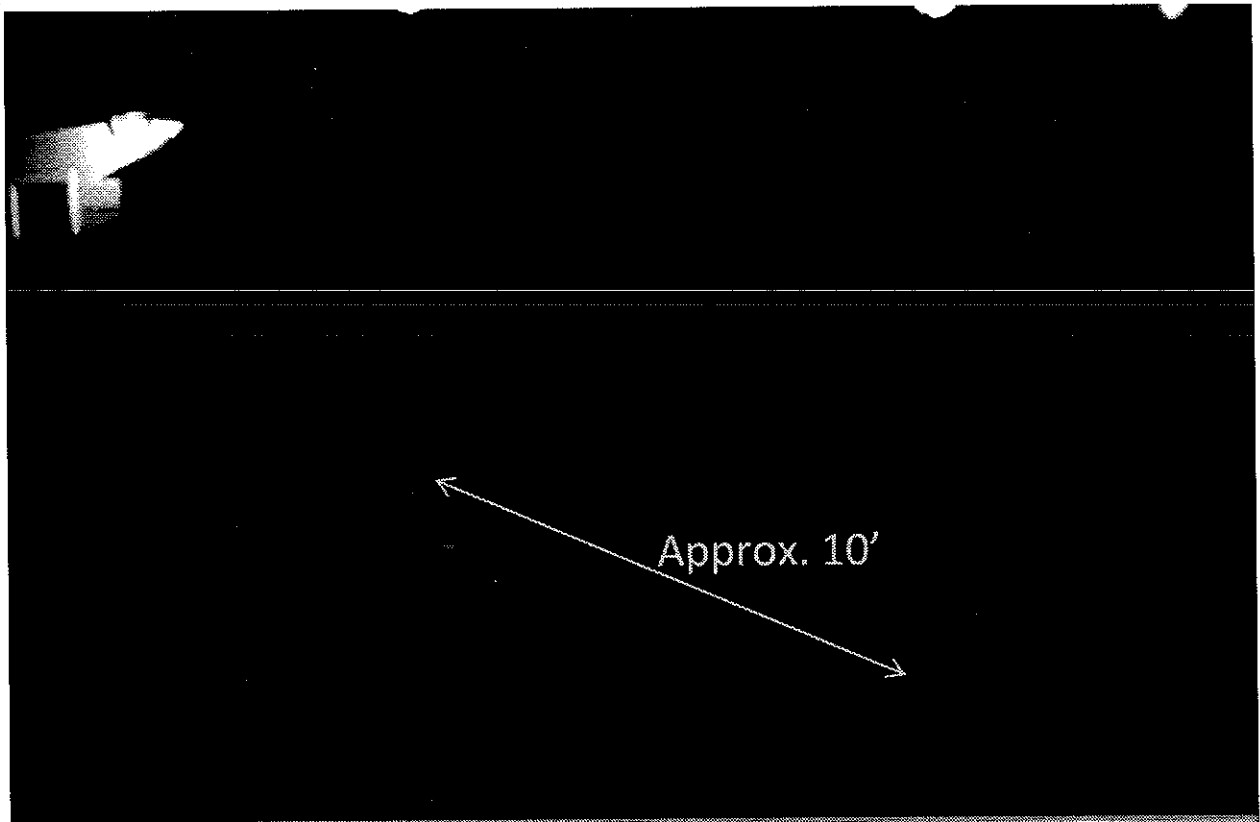
THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.



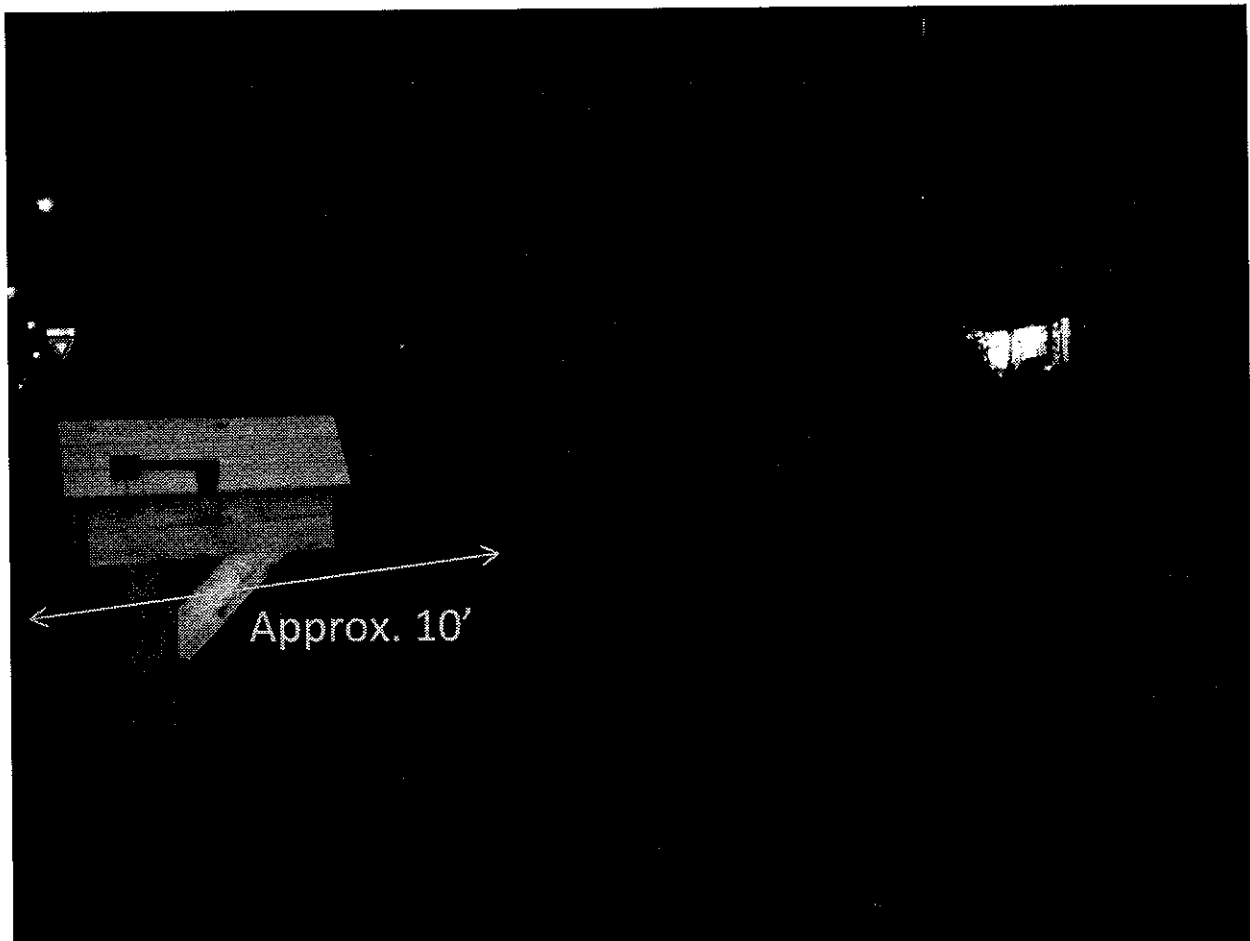
Home that was previously at 4904 Louis Avenue. Recently demolished (12/20/13).

Both neighbor's fences are approximately 10' from the curb facing Louis Avenue, so no obstruction or "eye-sore" would be caused by granting the variance.





Both neighbor's fences are approximately 10' from the curb facing Louis Avenue,
so no obstruction or "eye-sore" would be caused by granting the variance.



This is an aerial map of a residential neighborhood. The map shows several streets: S 3RD AVE running vertically on the right, S 4TH AVE running vertically on the left, and S PUE running horizontally across the middle. A diagonal road, likely S 1ST AVE, runs from the top left towards the bottom center. Building footprints are shown as solid black shapes. A handwritten note 'Home Demolished 12/20/18' with an arrow points to a small building footprint located between S 4TH AVE and S 3RD AVE, just north of S PUE. Other buildings are scattered throughout the blocks. Dimensions are marked with arrows: '71' is marked on a building footprint in the top right; '141' and '91' are marked on a building footprint in the center; '181' is marked on a building footprint in the bottom left. The text 'SF 3-1NP' is written near the intersection of S 3RD AVE and S PUE. The text 'S 4TH AVE' is written vertically on the left side, and 'S 3RD AVE' is written vertically on the right side. The text 'S PUE' is written horizontally in two locations.

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NICKOLS AVENUE

7.0'

LOUIS AVENUE

18.0'

MASSON AVENUE

NOTES:

Steven Penn Bryan

8900 Colberg Drive, Austin, TX 78749
(512) 823-4898 spbryan@hcdmll.com

4904 LOUIS AVENUE
4904 Louis Avenue, Austin, TX 78721

DATE

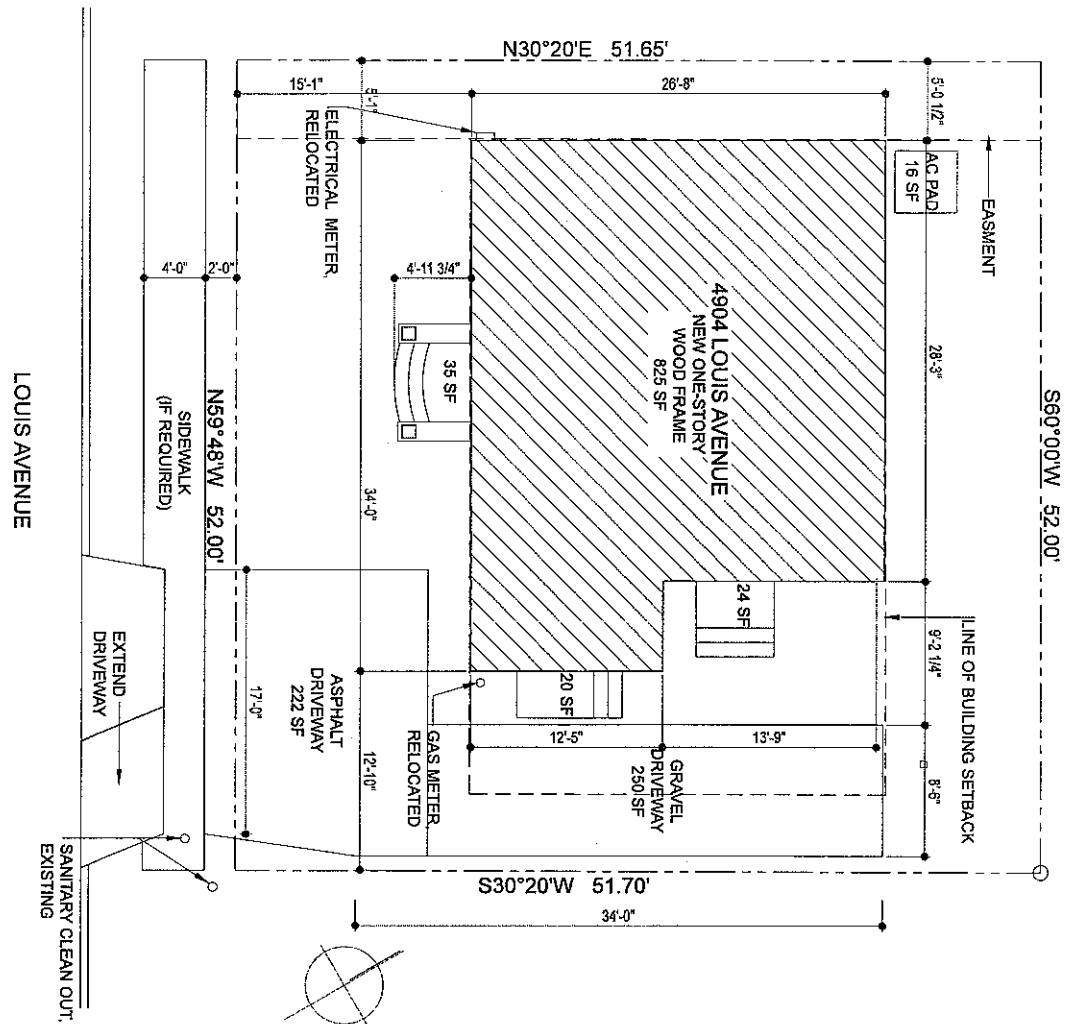
NOVEMBER 18, 2013

SCALE

1" = 20' - 0"

SHEET

A0



NOTES:
DEVELOPMENT REGULATIONS

SF-3	REQUIRED	ACTUAL
MINIMUM LOT SIZE (square feet):	5,750	2,695
MINIMUM LOT WIDTH:	50'	50'
MAXIMUM DWELLING UNITS PER LOT:	-	-
MAXIMUM HEIGHT:	35'	18'-0"
MINIMUM SETBACKS	(see A0)	15'-1"
FRONT YARD:	15'	-
STREET SIDE YARD:	05'	5'-0 1/2"
INTERIOR SIDE YARD:	10'	10'-1"
REAR YARD:	40%	32%
MAXIMUM BUILDING COVERAGE:	45%	42%
MAXIMUM IMPERVIOUS COVERAGE:		

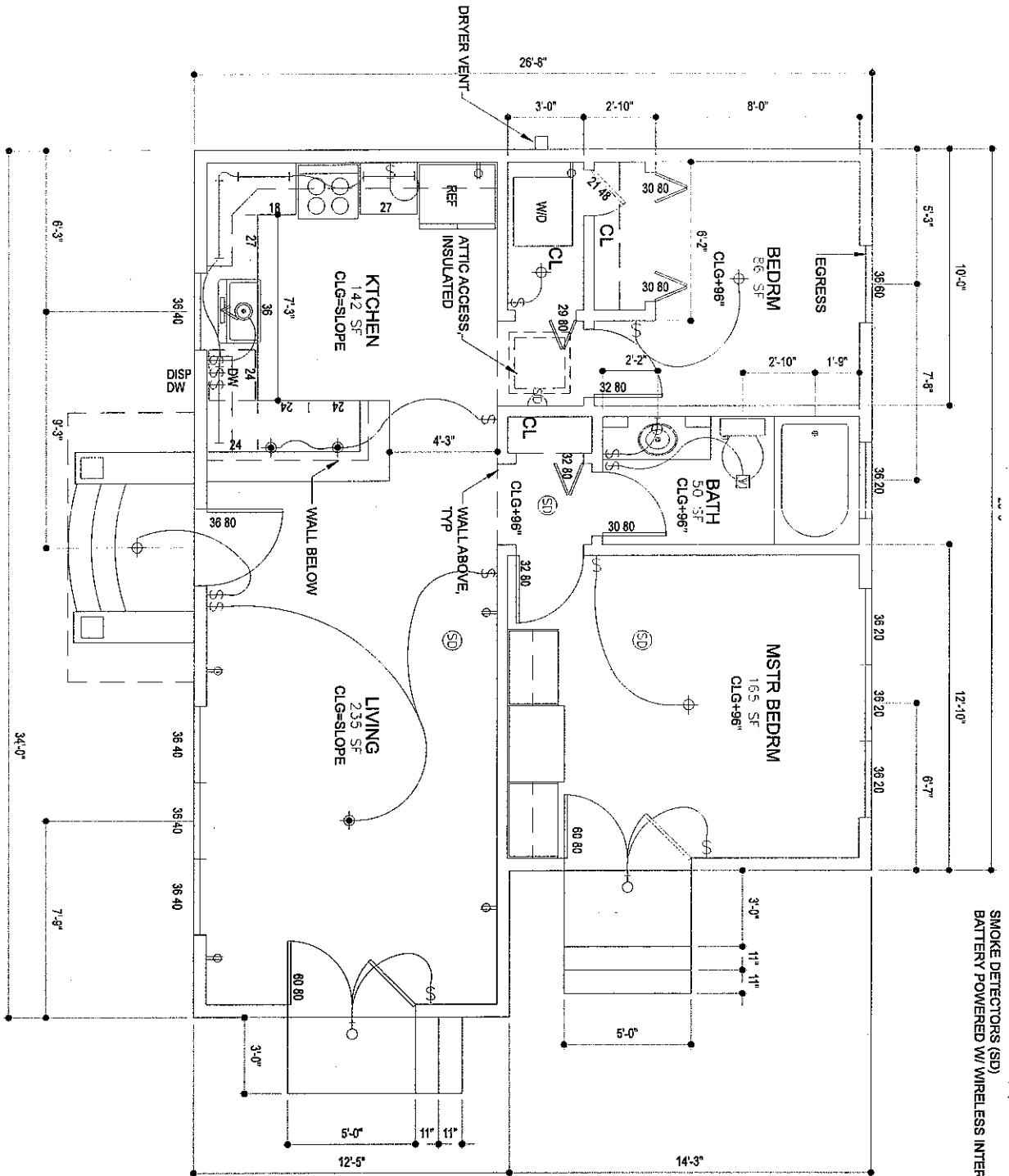
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A2

DATE
NOVEMBER 18, 2013
SCALE
1/8" = 1' - 0"

SMOKE DETECTORS (SD)
BATTERY POWERED W/ WIRELESS INTERCONNECTION



Steven Penn Bryan

8800 Colberg Drive, Austin, TX 78749
(512) 823-8888 spbryan@hotmail.com

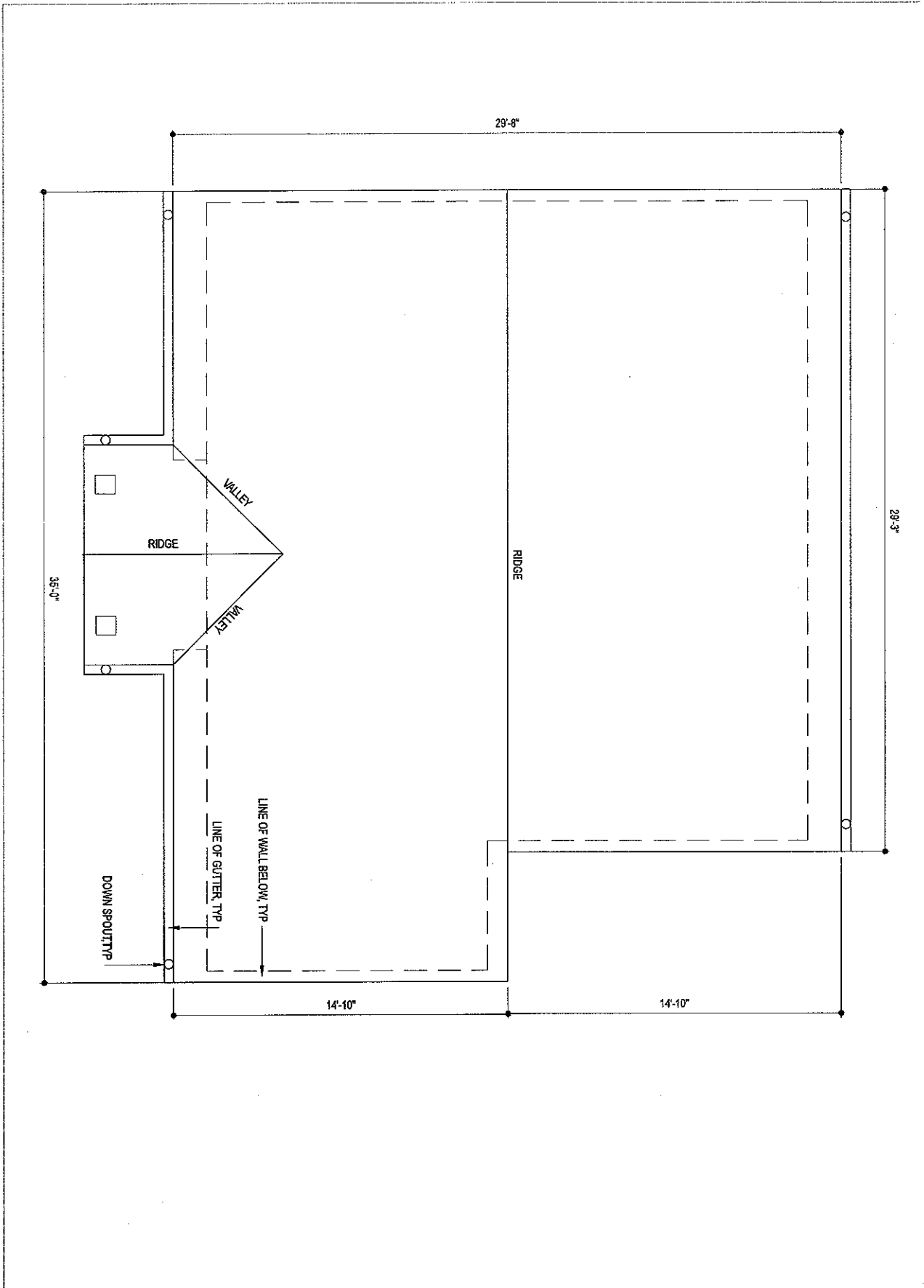
4904 LOUIS AVENUE
4904 Louis Avenue, Austin, TX 78721

DATE
NOVEMBER 18, 2013

SCALE
1/4" = 1' - 0"

SHEET

A3

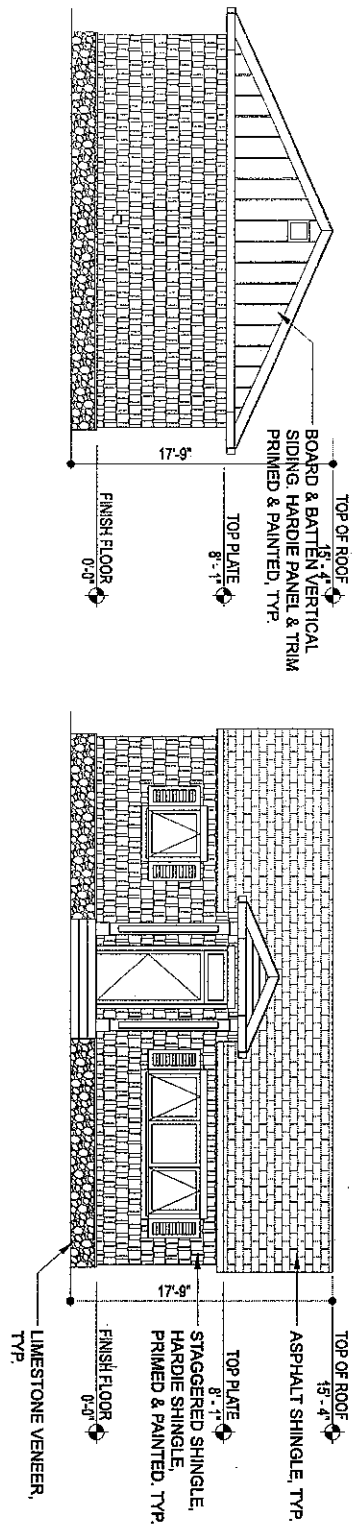


PREPARED BY
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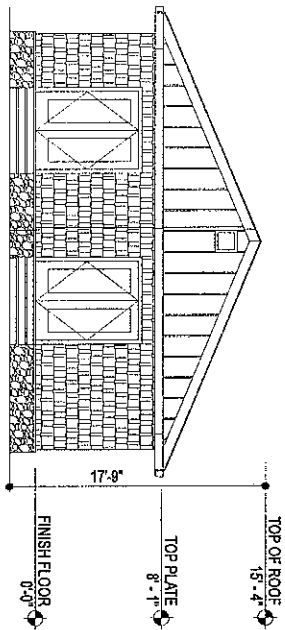
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 4904 Louis Avenue, Austin, TX 78721

DATE
NOVEMBER 18, 2013
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 SHEET

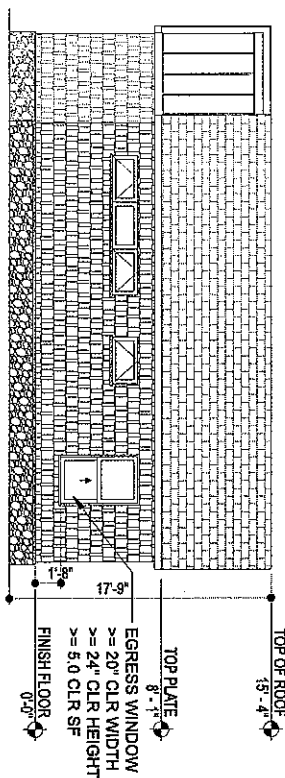
A4



2 - SIDE ELEVATION (WEST)



1 - STREET ELEVATION (SOUTH)



4 - SIDE ELEVATION (EAST)

3 - REAR ELEVATION (NORTH)

4904 LOUIS AVENUE
 4904 Louis Avenue, Austin, TX 78721

DATE
 JANUARY 15, 2014

SCALE
 1/8" = 1' - 0"

SHEET

A5

Responsible:
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(650) 823-8898 spbryan@hotmail.com

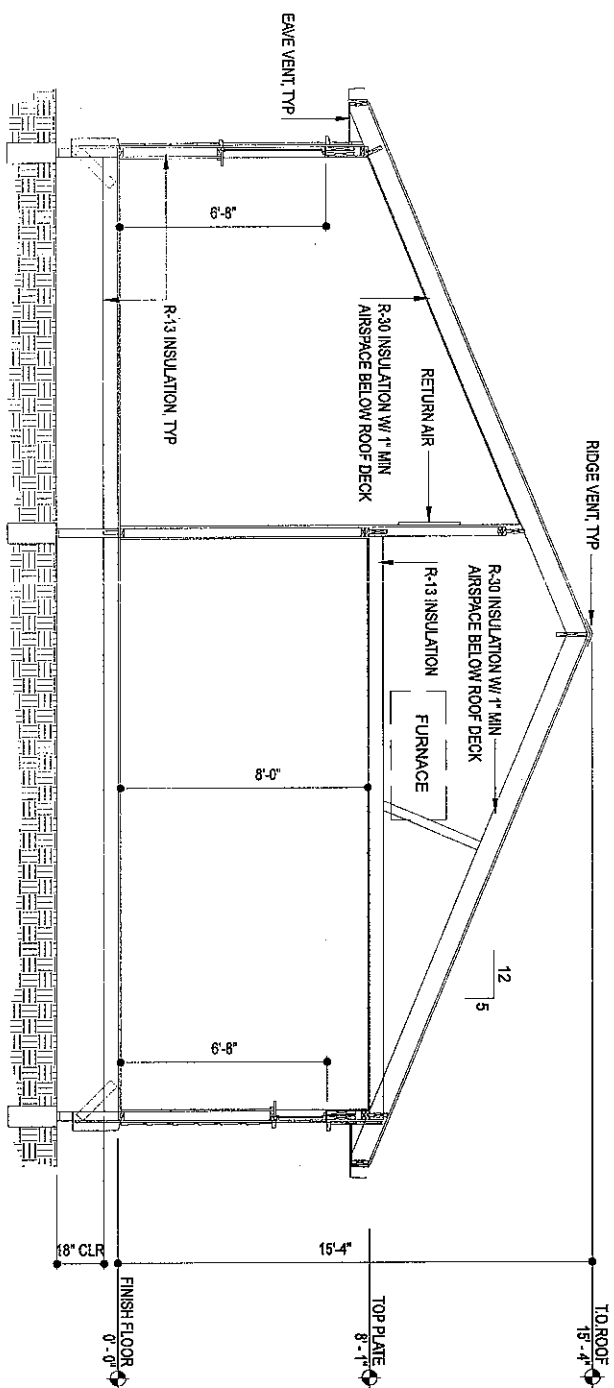
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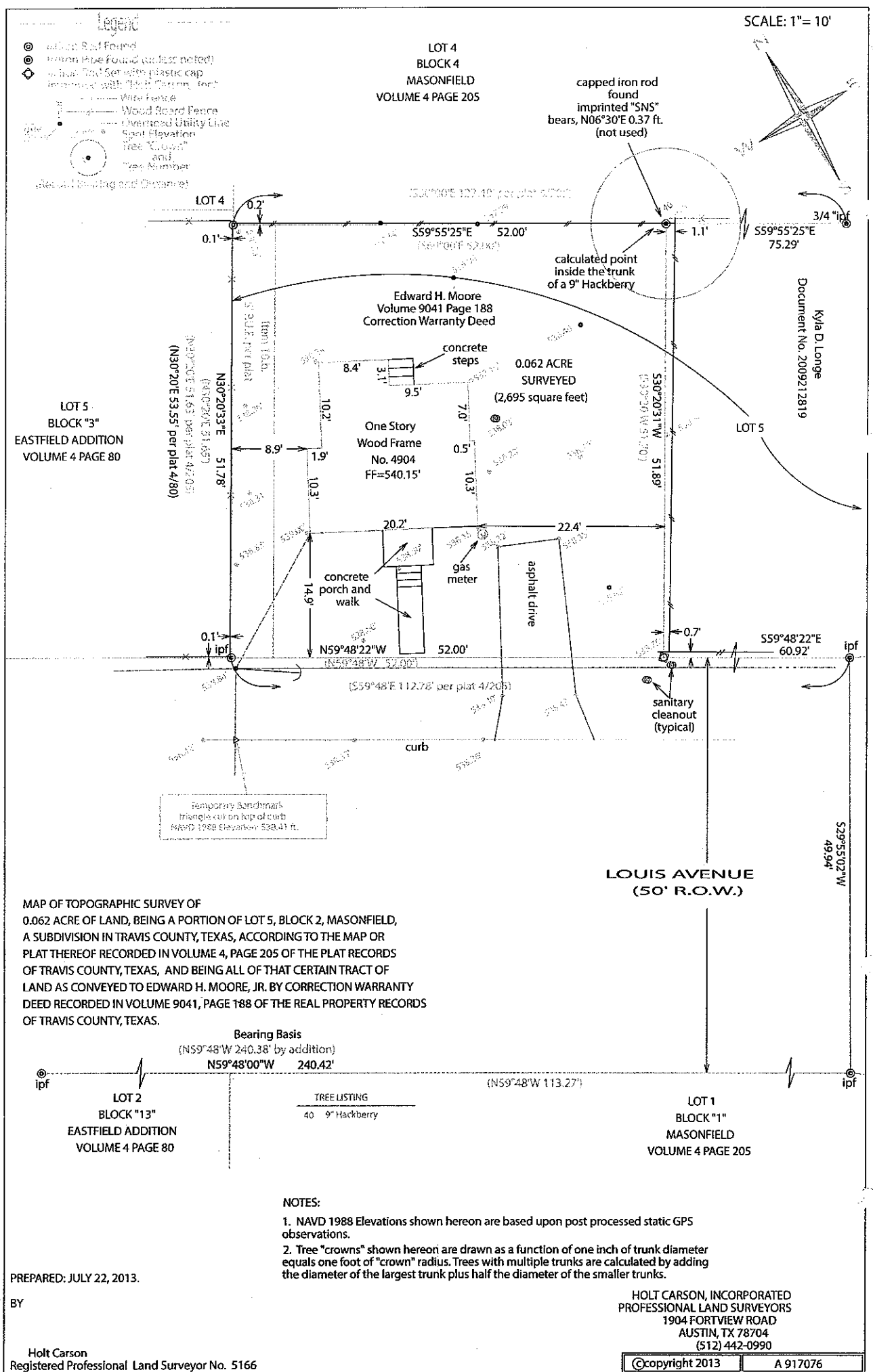
DATE NOVEMBER 18, 2013
SCALE 1/4" = 1' - 0"
SHEET

NOVEMBER 18, 2013

1/4" = 1' - 0"

AG





MAP OF TOPOGRAPHIC SURVEY OF
0.062 ACRE OF LAND, BEING A PORTION OF LOT 5, BLOCK 2, MASONFIELD,
A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR
PLAT THEREOF RECORDED IN VOLUME 4, PAGE 205 OF THE PLAT RECORDS
OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN TRACT OF
LAND AS CONVEYED TO EDWARD H. MOORE, JR. BY CORRECTION WARRANTY
DEED RECORDED IN VOLUME 9041, PAGE 188 OF THE REAL PROPERTY RECORDS
OF TRAVIS COUNTY, TEXAS.

Bearing Basis
(N59°48'W 240.38' by addition)
N59°48'00"W 240.42'

TREE LISTING
40 9" Hackberry

- NOTES:
1. NAVD 1988 Elevations shown hereon are based upon post processed static GPS observations.
 2. Tree "crowns" shown hereon are drawn as a function of one inch of trunk diameter equals one foot of "crown" radius. Trees with multiple trunks are calculated by adding the diameter of the largest trunk plus half the diameter of the smaller trunks.

PREPARED: JULY 22, 2013.

BY

Holt Carson
Registered Professional Land Surveyor No. 5166

HOLT CARSON, INCORPORATED
PROFESSIONAL LAND SURVEYORS
1904 FORTVIEW ROAD
AUSTIN, TX 78704
(512) 442-0990