

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).

CASE # C15-2014-0029
ROW # 11084312
TAXPOLL # 0117020224

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: 31 Marganita Crescent Austin, TX 78703

LEGAL DESCRIPTION: Subdivision – Tarrytown Oaks

Lot(s) 192+193 Block _____ Outlot _____ Division _____

I/We Chrissy Loehman on behalf of myself/ourselves as authorized agent for

Chrissy & Andrew Loehman (owners) affirm that on January 10, 2014,

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

(check appropriate items below)

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

An 8 foot privacy fence lining the east side of our backyard, which backs up to the access road of Mopac South.

in a residential district.
(zoning district)

OF-3 NP (West Austin Neighborhood Plan)

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 house is uniquely situated on a lot that backs up to the access road of Mopac. It's a loud, busy and elevated road.

HARDSHIP:

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

Our house backs up to a very busy access road to a very busy highway. Loud noise is common. Plus, there is very little privacy. The elevation of the access road directly behind our house is such that it rises significantly higher than our current fence. (It looks like cars are driving on top of our fence when you are standing in our backyard.) We need a taller-than-normal fence to combat both the noise and clear view of the access road from our house.

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

Not everyone on our street backs up to the access road. Plus, many of the houses further south of us that do back up to the access road will be receiving an 8-foot sound wall behind their backyard. Unfortunately, the cutoff for the sound wall was one house away (33 Margranita Crescent), so we will not be benefiting from this added barrier later this year when they are installed in the area.

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 area adjacent to our property where we'd like to erect an 8-foot fence is the access road. The fence will not affect the road whatsoever. Many of our neighbors who also back up to the access road already have taller-than-normal fences to combat the highway

noise, so our new fence will clearly not impair the character of the area.

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:
-

<p>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.</p>

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 31 Margranita Crescent

City, State & Zip Austin, TX 78703

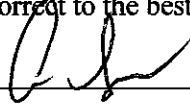
Printed Chrissy Loehman

Phone (512) 797-1201

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



Mail Address 31 Marganita Crescent

City, State & Zip Austin, TX 78703

Printed Chrissy Loehman

Phone (512) 797-1201

Date

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.
- 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 - \$388. All other zonings - \$688.)
- (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**

This map was completed without the benefit of a current title commitment. This lot may be subject to restrictions and easements not shown hereon.

see map A899004, for bearing basis and further boundary evidence

Francis Milkan and
Sylvia Quintanilla Milkan
(Lot 191 and the
north 1/2 of Lot 192)
Document No. 2006161909

Andrew J. Loehman
Document No. 2004-170656
parent: W.R. Walker & Ruth Walker
(south 1/2 of Lot 192
and all of Lot 193)
Volume 2648 Page 213

SCALE: 1"=20'

Q 1 1/2" iron rod
found bears
N12°E 3E 1.02'

--- L-66ND ---
 ⑤ ½ Iron Rod Found
 @ Calculated Point
 (Record Bearing and Distance)

MOPAC EXPRESSWAY

(SOT 7'E 96.83')
per 4183/1603
5052445E 97.09

a round-head
bolt found bears
N48°52'W 0.85'

remainder
LOT 198

building forms

MARGRANITA
CRESCENT (60.)
R-60500
C-2

NZT0445W
C-2505
R-60500

2253928N
C-5000
R-60500
(N2532N)
(C-5000)

761 107

5685025W 13016

**HOLT CARSON, INC.
1904 FORTVIEW ROAD
AUSTIN, TX 78704**

1512) 442-0980 C899004

a 1/2" iron rod
found bears
N17°17'E 0.56'

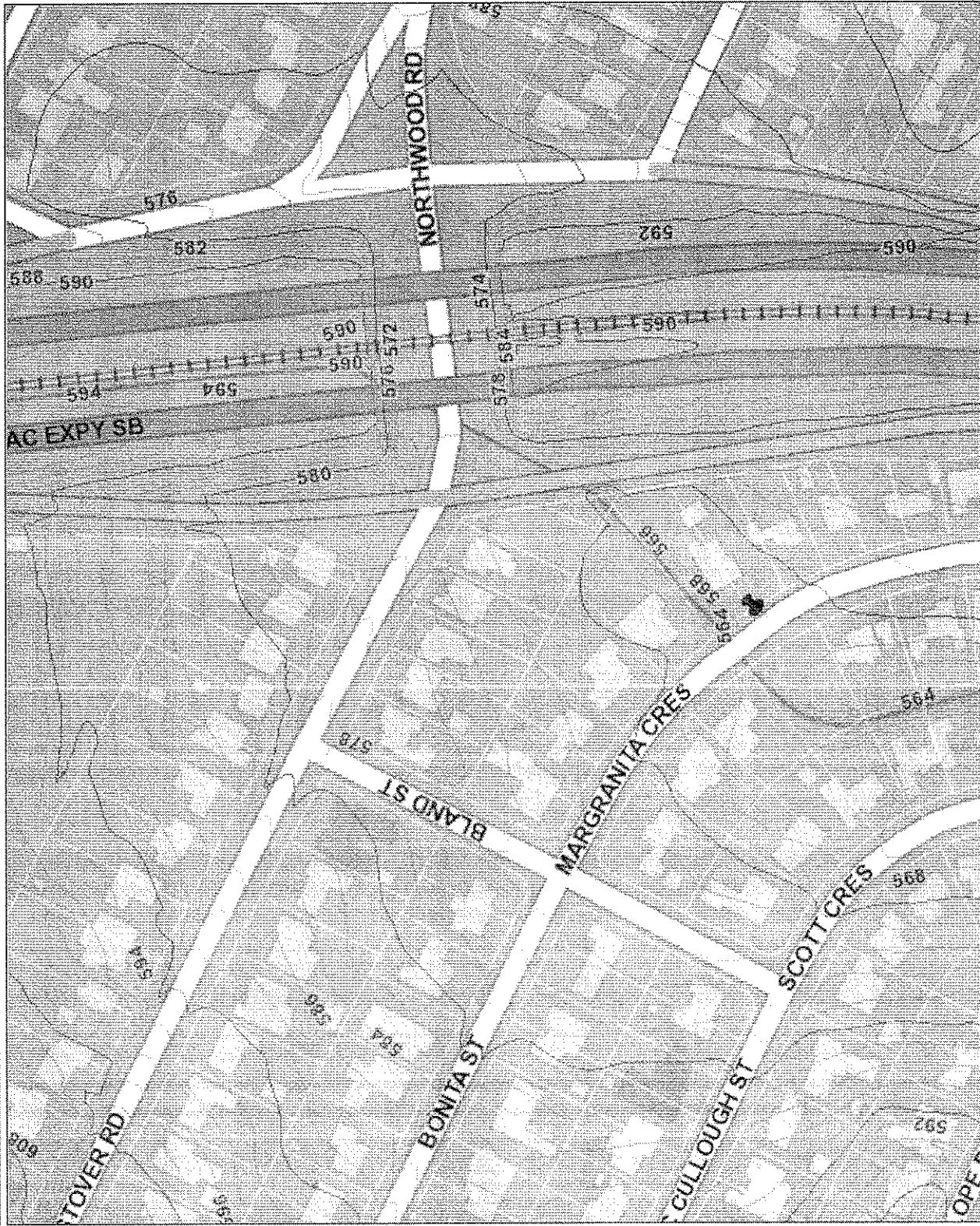
PREPARED: May 30, 2012
BY: /

By:

Anne Thayer
Registered Professional Land Surveyor No. 5850



CITY OF AUSTIN DEVELOPMENT WEB MAP



Legend

Lot Lines

Streets

Building Footprints

Named Creeks

Lakes and Rivers

Parks

County

Contours Year 2003

— 10 Ft Contours

— 2 Ft Contours

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.