

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 # C15-2014-0043
ROW # 11103866
TAX Roll 0208 110805

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: 1194 Chestnut Ave

LEGAL DESCRIPTION: Subdivision -- F.B. Foster

Lot(s) North 1/2 of lot 5 Block 13 Outlot 34 Division B

I/We Simon & Melinda Wallace on behalf of myself/ourselves affirm that on February 3rd, 2014,

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

(check appropriate items below)

 ERECT ATTACH COMPLETE X REMODEL X MAINTAIN

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

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:

See attached

HARDSHIP:

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

see attached

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

See attached

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:

See attached

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:

n/a

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:

n/a

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

n/a

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

n/a

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 Melinda Wallace Mail Address 1194 Chestnut Ave.

City, State & Zip Austin, TX 78702

Printed Melinda Wallace Phone 512-363-7769 Date Feb. 3, 2014

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 Same Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ Date _____

Variance Request 1194 Chestnut Ave

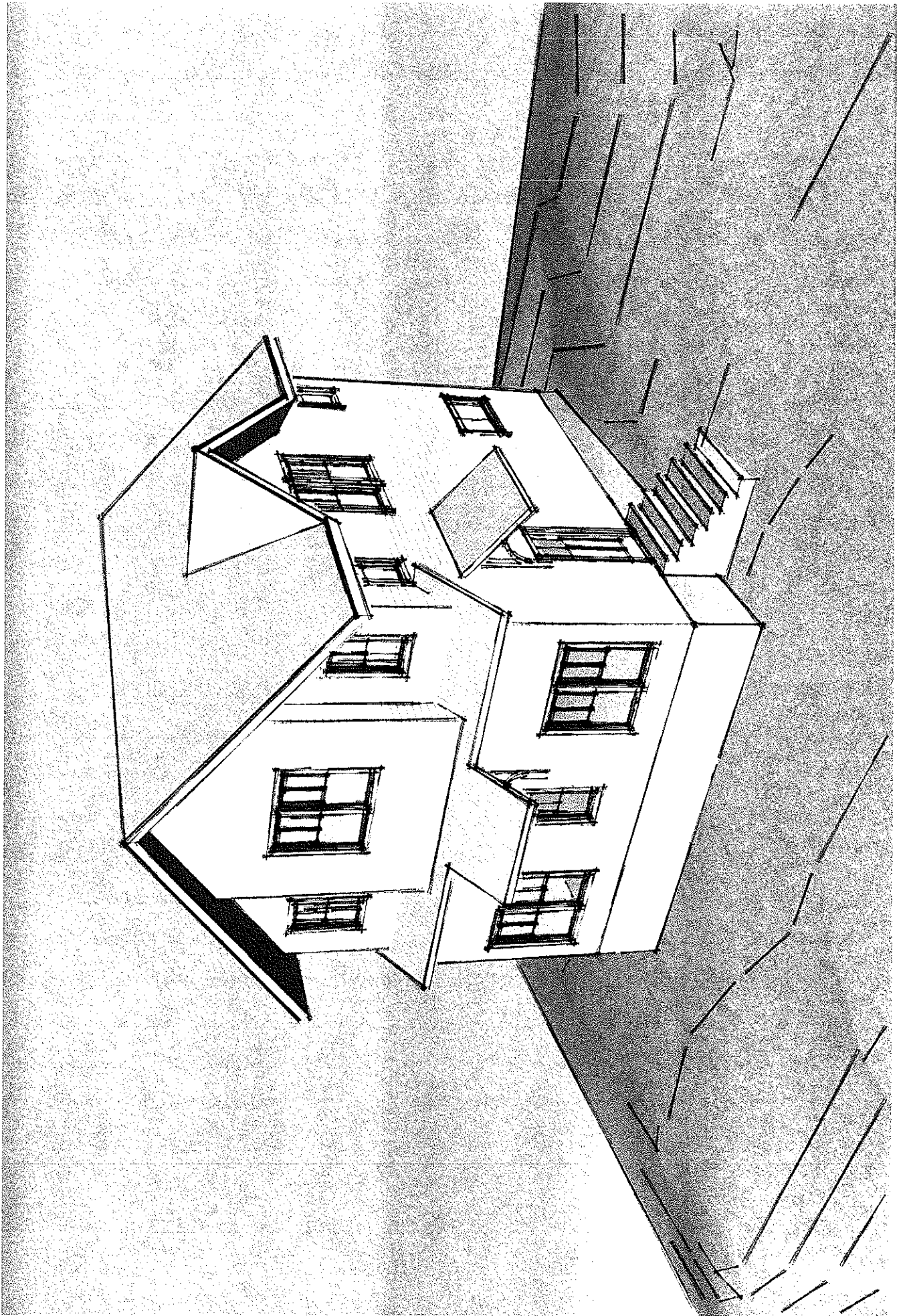
We, Simon and Melinda Wallace, are requesting a variance for the following:

1. We are requesting a variance to penetrate the rear setback plane.

a.) Reasonable Use: We recently received a variance and the support of our local neighborhood association to build an addition to our house on our unique lot. In the previous BOA hearing we requested for the Board to redefine what constitutes the front lot line. The BOA said they could not redefine the lot lines but they could adjust the setbacks to simulate what we would have achieved if we redefined the front lot line. However, upon returning to discuss the next steps with our house designer we realized that by only adjusting setbacks there was still a roadblock. Subchapter F McMansion rules do not allow for any penetrations through the rear setback plane. The McMansion rules, however, have a number of exemptions allowing for penetrations through the side setback planes. The unique nature of our lot is such that what constitutes our rear yard is the side yard of everyone else on the block. We are simply requesting to build our addition as anyone else on our street could. To accomplish this, we need the BOA to grant us the equivalent of the Subchapter F side yard exemption for our rear yard.

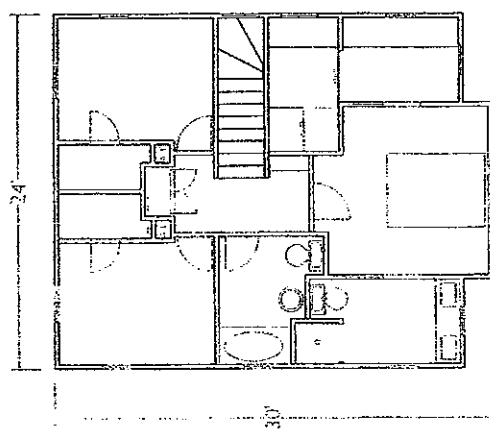
b.) Hardship: Our lot is unique in that our front of lot faces an empty lot and has no actual street access. We can only access our house from the alley. Although the lot was legally split the house does not exist within the legal setback limits.

c.) Area Character: This would not alter the area's character because what constitutes our rear yard is the side yard for everyone else on the block.

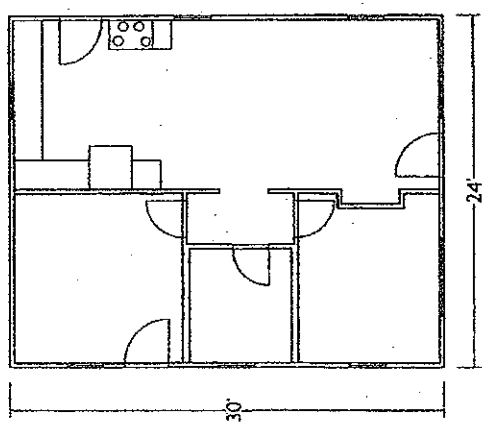


18 FEB

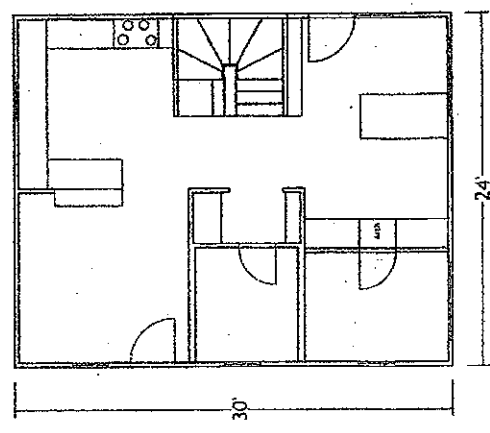
Proposed 2nd Story (696sf)



Existing 1st Story (720sf)



Proposed 1st Story (720sf)



HATCH WORKS

ATTACHMENT D - FLOOR PLANS

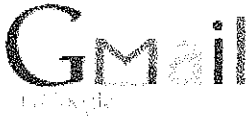
ADAM TALLANCHICH
1113 ANGELINA ST
AUSTIN, TX 78702
512.300.1987

1194 CHESTNUT AVE
AUSTIN, TX 78702

SCALE: 1/8"=1'-0"

F1.1





Simon Wallace <simon@qfrtx.com>

1194 Chestnut Variance info

Lund, Lena <Lena.Lund@austinenergy.com>

Wed, Jun 12, 2013 at 2:05 PM

To: Simon Wallace <simon@qfrtx.com>

Cc: "Walker, Susan" <Susan.Walker@austintexas.gov>, "Ramirez, Diana" <Diana.Ramirez@austintexas.gov>

Mr. Wallace,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to define the north lot line as the front lot line and increase the allowable impervious coverage to add on to an existing one story house; to reduce the setback adjacent to the south property to maintain an existing deck; and also to waive sidewalk requirement. Austin Energy does not oppose this case as requested provided the improvements are in compliance with AE clearance criteria requirements, the National Electric Safety Code and OSHA.

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

Lena Lund

Austin Energy

Public Involvement/Real Estate Services

512-322-6587

From: Simon Wallace [mailto:simon@qfrtx.com]**Sent:** Monday, June 10, 2013 10:26 AM**To:** Lund, Lena**Subject:** 1194 Chestnut Variance info

[Quoted text hidden]

Variance Request

Simon and Melinda Wallace are requesting a variance for their property, located at 1194 Chestnut Ave, from the City of Austin Board of Adjustments for the following:

- Change our front lot line to the alley way.
- Request a 0' setback for existing deck and patio.
- Waive the sidewalk requirement.
- Increase impervious coverage from 45% up to 55% to allow for driveway.

I, JOHN ALAN SCHROEDER (print name) approve the above variance requests for 1194 Chestnut Ave.

X John Alan Schroeder (signature)
_____ (Date)

Address

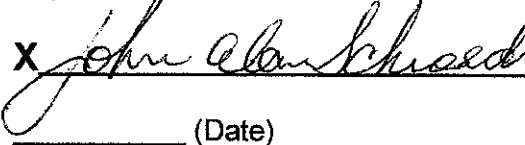
1195 COLETO Austin, TX 78702

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I, JOHN ALAN SCHROEDER (print name) approve the above variance requests for 1194 Chestnut Ave.

X  (signature)

____ (Date)

Address

2202 NEW YORK AVE Austin, TX 78702

Variance Request

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- Request a 0' setback for existing deck and patio.
- Waive the sidewalk requirement.
- Increase impervious coverage from 45% up to 55% to allow for driveway.

I, PAUL RICKERT (print name) approve the above variance requests for 1194 Chestnut Ave.

X  (signature)

6-18-12 (Date)

Address

2205 E 12TH Austin, TX 78702

Variance Request

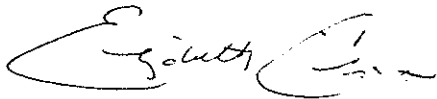
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- Waive the sidewalk requirement.
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I, E. authorized agent for Sterling Trust FBO George Chris (print name) approve the above variance requests for 1194 Chestnut Ave.

X

(signature)



June 11, 2013 (Date)

Address


2206 New York Austin, TX 78702

Variance Request

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- Change our front lot line to the alley way.
- Request a 0' setback for existing deck and patio.
- Waive the sidewalk requirement.
- Increase impervious coverage from 45% up to 55% to allow for driveway.

I, Ben Labay (print name) approve the above variance requests for 1194 Chestnut Ave.

X  (signature)

7/8/13 (Date)

Address

2209 New York Ave Austin, TX 78702

Variance Request

Simon and Melinda Wallace are requesting a variance for their property, located at 1194 Chestnut Ave, from the City of Austin Board of Adjustments for the following:

- Change our front lot line to the alley way
- Request a 0' setback for existing deck
- Waive the sidewalk requirement
- Increase impervious coverage from 45% up to 55% to allow for driveway

I, JESSICA M. MONTGOMERY (print name) approve the above variance requests for 1194 Chestnut Ave.

X Jessica M. Montgomery (signature)

4 June 2013 (Date)

Address

2210 New York Ave, Austin, TX 78702

1194 CH. INUT AVE ADDITION

[illegible]

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

DATE: Monday, October 14, 2013

CASE NUMBER: C15-2013-0107

<input checked="" type="checkbox"/> Y	Jeff Jack	
<input checked="" type="checkbox"/> Y	Michael Von Ohlen	Motion to Grant
<input checked="" type="checkbox"/> Y	Nora Salinas	
<input checked="" type="checkbox"/> Y	Bryan King	
<input checked="" type="checkbox"/> Y	Fred McGhee	2 nd the Motion
<input checked="" type="checkbox"/> Y	Melissa Hawthorne	
<input checked="" type="checkbox"/> Y	Stuart Hampton - Sallie Burchett (OUT)	
<input type="checkbox"/> -	Cathy French (SRB only)	

OWNER/APPLICANT: Melinda Wallace

ADDRESS: 1194 CHESTNUT AVE

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 15 feet in order to erect a second story addition to an existing single family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Rosewood Neighborhood Plan)

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 0 feet along the south property line in order to maintain a wood deck and brick patio for a single family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Rosewood Neighborhood Plan)

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 5 feet along the west property line in order to erect a second story addition to an existing single family residence and from 10 feet to 0 feet along the west property line in order to maintain a wood deck for a single family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Rosewood Neighborhood Plan)

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 55% in order to provide off-street parking for an existing single family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Rosewood Neighborhood Plan)

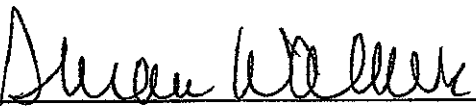
BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition that the 2nd floor is on top of the existing house footprint as per drawings F17/18 and F17/20, Board Member Fred McGhee second on a 7-

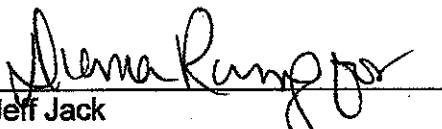
0 vote; GRANTED WITH CONDITION THAT THE 2ND FLOOR IS ON TOP OF THE EXISTING HOUSE FOOTPRINT AS PER DRAWINGS F17/18 AND F17/20.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: property has been subdivided in a manner that limits the ability to expand any place on lot as well having an existing deck present with purchased property
2. (a) The hardship for which the variance is requested is unique to the property in that: topography nature placement of home and subdivision of lot small substandard lot no other place where they can build or expand their home

(b) The hardship is not general to the area in which the property is located because: other lots in the area are not subdivided in the manner of this lot
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: other homes are currently existing within the neighborhood that has second stories and are substandard lots


Susan Walker
Executive Liaison


Jeff Jack
Chairman

The Rosewood Neighborhood Contact Team
1000 Glen Oaks Court, Austin, TX 78702
(512) 477-2352

May 29, 2013

To Whom It May Concern:

The Rosewood Neighborhood Contact Team (RNCT) has reviewed the request from Ms. Melinda Wallace to add a room to her home located at 1194 Chestnut to accommodate her growing family. We understand that this expansion will include:

- 1) Naming the alley the front lot line since there is no street directly adjacent to the house. Doing so would permit standard city setbacks for the house (25' front yard, 5' side yard, 10' rear yard).
- 2) Although the house can meet the standard city setbacks if the alley is the front yard, there is an existing deck behind the house that has a 0' setback. A variance of a 0' setback for the existing deck only is requested.
- 3) To approve the addition, code would require a sidewalk or a fee of \$2220 if no sidewalk is installed as part of the addition. Since the house isn't next to a street, such a sidewalk would serve no useful purpose. Ms. Wallace is requesting a variance to waive the sidewalk requirement for us.
- 4) In addition, code would require installation of a driveway sufficient for two off street parking spaces. Ms. Wallace is requesting a variance to increase the impervious coverage on their small lot from the standard 45% up to 55% to allow installation of a driveway.

The RNCT fully supports the request and all stated variances, and we welcome this newest Rosewood resident to our neighborhood.

 CTM

Jane Rivera, Chair

612 363 7767

MelindaWall78@gmail.com

melinda

New
el word Reply

Delete

Archive

Junk

Sweep

Move to

Categories

PROGRESS

Folders

Download as zip

Inbox 2520

Hatch

Junk 100

Drafts 21

Sent

Deleted 31

Bichelmeyers

business class

Business info

Discovery School 3

jokes

mom

Moms writing

nick

Payroll

Rob and Hannah

simon

Statements

Superior Foundation

travis

tuesday

visa

Search Results

New folder

----- Forwarded message -----

From: Word, Daniel <Daniel.Word@austintexas.gov>

Date: Thu, Feb 6, 2014 at 12:43 PM

Subject: RE: appointment re: exemptions

To: Melinda Wallace <melinda.wallace@progress.com>

If there is another element of the zoning regulations that cannot be complied with, the resolution would be to go back to BOA to request an additional variance to resolve the issue. Leanne would be the proper contact to submit an application to the Board of Adjustment. That said, if you already have plans designed, you might find it beneficial to submit for a residential permit, then submit the BOA variance after you have received review comments. That will help ensure that all potential issues were identified. It is not required that you do so, but it would help prevent the very situation you are currently dealing with now.

If you would like to meet to go over your property and scenario, please complete the attached form and I will set up a meeting time.

Daniel Word

Planner Principal, Residential Review Division

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Find the
lowest rate

Get a Quote

Even if it's not with



Simon Wallace <simon@qfrtx.com>

1194 Chestnut Variance info

Lund, Lena <Lena.Lund@austenergy.com>

Wed, Jun 12, 2013 at 2:05 PM

To: Simon Wallace <simon@qfrtx.com>

Cc: "Walker, Susan" <Susan.Walker@austintexas.gov>, "Ramirez, Diana" <Diana.Ramirez@austintexas.gov>

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

Lena Lund

Austin Energy

Public Involvement/Real Estate Services

512-322-6587

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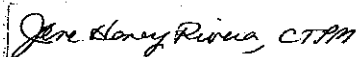
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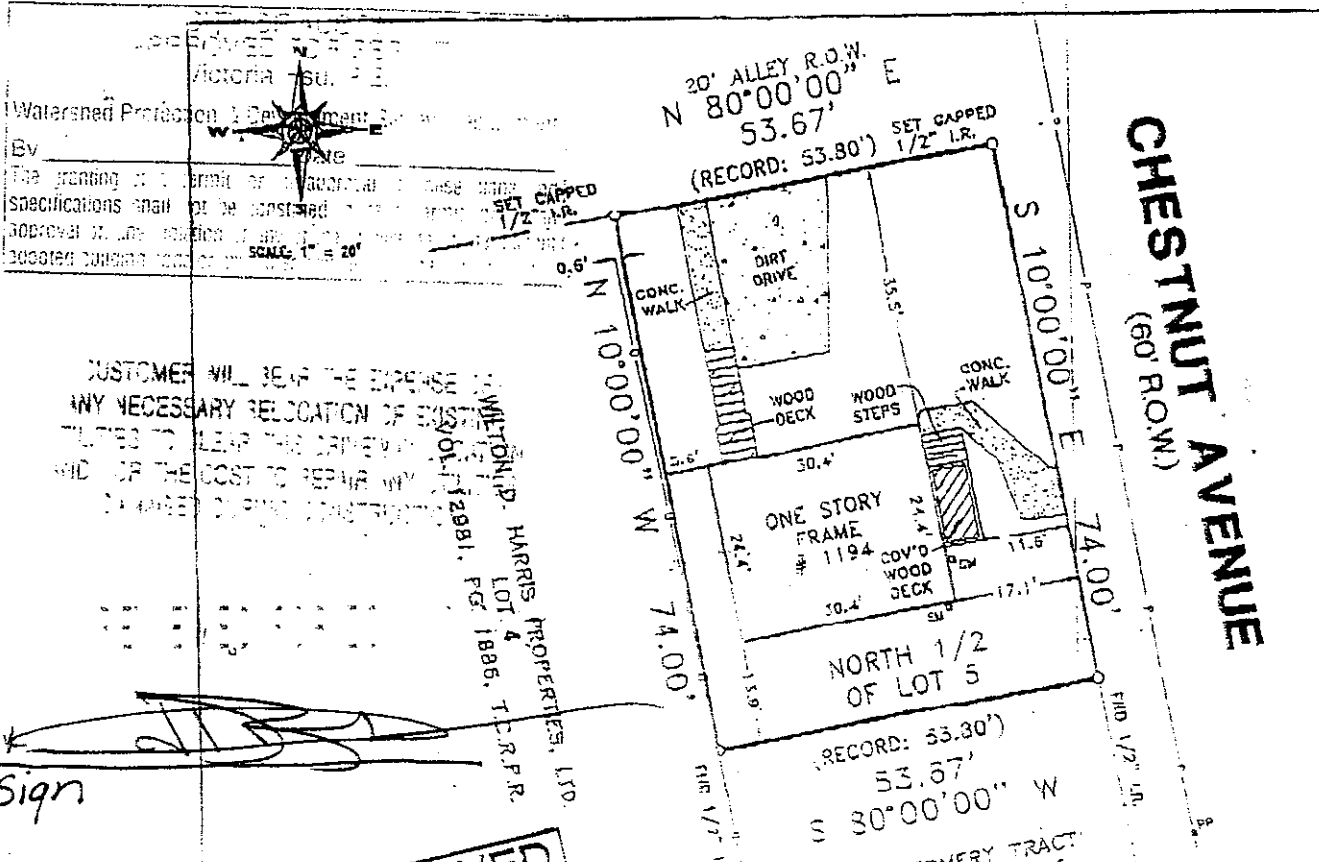
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The RNCT fully supports the request and all stated variances, and we welcome this newest Rosewood resident to our neighborhood.

 Jane Rivera, CTM

Jane Rivera, Chair



Sign

AE APPROVED
AUG 17 2006
DH
LEGEND

- - GAS METER
- - ELECTRIC METER
- - POWER POLE
- - OVERHEAD POWER LINE
- - CHAINLINK FENCE

ALL BEARINGS ARE BASED ON AN ASSUMED BEARING OF S 10°00'00" E ALONG CHESTNUT AVENUE R.O.W.
ALL EASEMENTS AND BUILDING LINES ARE BASED ON RECORDED PLATS UNLESS OTHERWISE NOTED.
FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.
THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN DE NO. 34004678

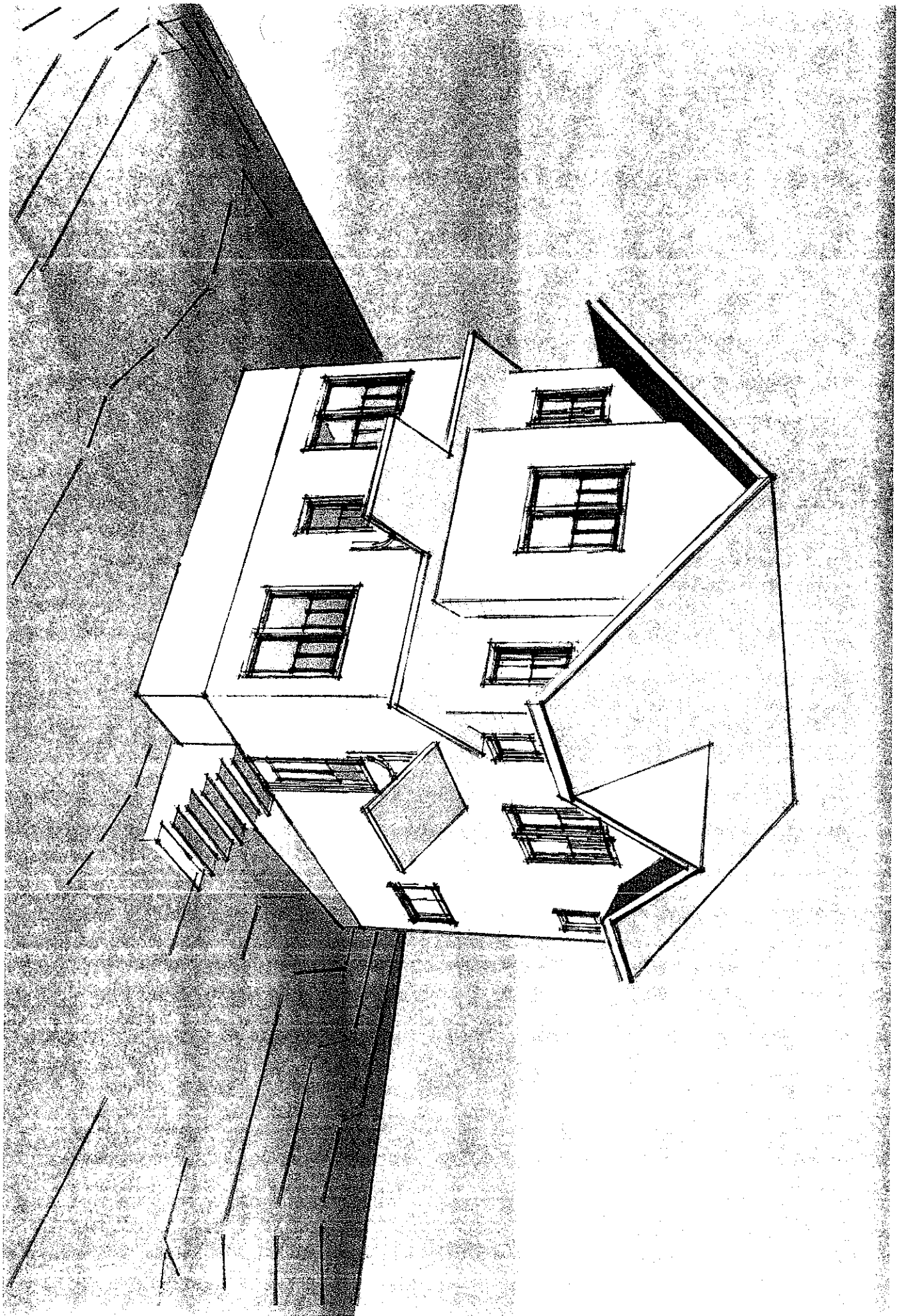
LOT	BLOCK	SECTION	SUBDIVISION	ADDITIONS	UNDIVISION
NORTH 1/2 OF LOT 5	13				
RECORDATION	COUNTY	STATE	SURVEY		
VOLUME 1, PAGE 34, R.O.P.R.	TRAVIS	TEXAS			
LENDER CO.	TITLE CO.				
CAPITAL MORTGAGE SERVICES	TRACT TITLE COMPANY				
PURCHASER	JUNA SCOTT AND RICHARD SCOTT JR.				
ADDRESS	1194 CHESTNUT AVENUE, AUSTIN, TX 78762				

FIELD WORK	28-12-04	HP
DRAFTED BY	10-24-04	YOM
CHECKED BY	12-14-04	HW
MAPSHEET NO.	305	
REVISION		



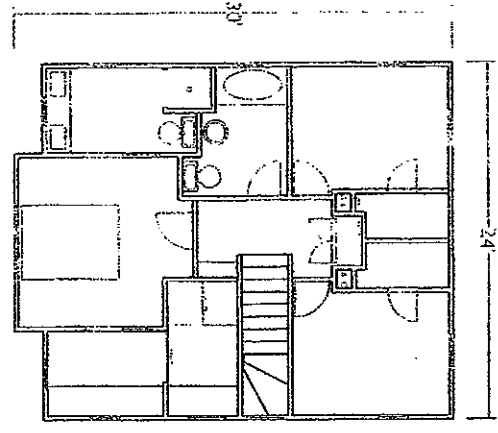
I do hereby certify that this survey was this day made on the ground and that this day correctly represents the property as shown herein for the purposes stated. That the facts stated in this survey were ascertained and that there are no improvements existing on the land, except as shown.

Windrose Land Services Austin
3913 Todd Lane, Suite 312
Austin, Texas 78744
TEL (512) 326-2100 FAX (512) 326-2776
COPYRIGHT 2004 WINDROSE LAND SERVICES AUSTIN, ALL RIGHTS RESERVED

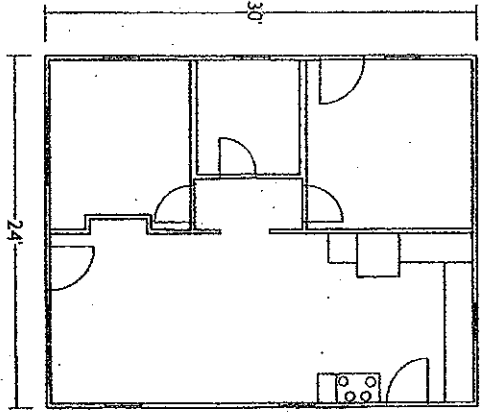


18/11

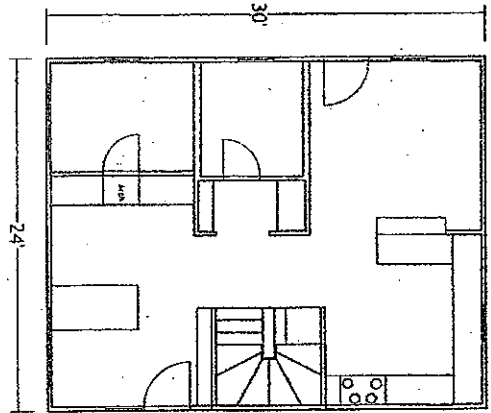
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Existing 1st
Story (720sf)



Proposed 1st
Story (720sf)



ATTACHMENT D - FLOOR PLANS HATCH WORKS

ADAM TALANCHICH
1113 ANGELINA ST
AUSTIN, TX 78702
512.300.5987

1194 CHESTNUT AVE
AUSTIN, TX 78702

SCALE: 1/8"=1'-0"

F1.1

Variance Request 1194 Chestnut Ave

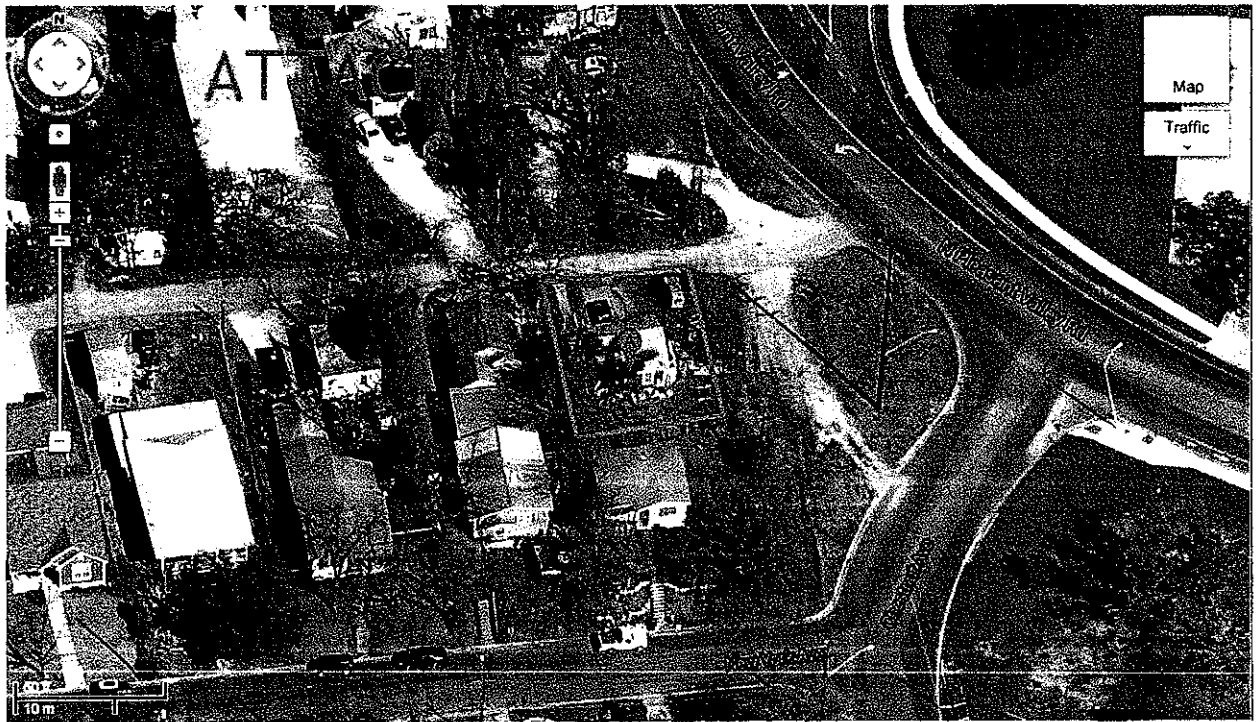
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I, JOHN ALAN SCHROEDER (print name) approve the above variance requests for 1194 Chestnut Ave.

X John Alan Schroeder (signature)
____ (Date)

Address

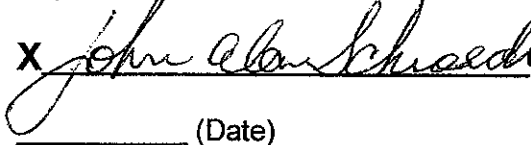
1195 COLETO Austin, TX 78702

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X  (signature)

____ (Date)

Address

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6-18-12 (Date)

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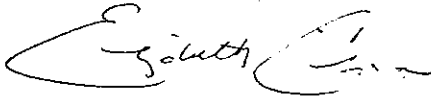
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- Waive the sidewalk requirement.
- Increase impervious coverage from 45% up to 55% to allow for driveway.

I, E. authorized agent for Sterling Trust FBO George Chris (print name) approve the above variance requests for 1194 Chestnut Ave.

X
(signature)



June 11, 2013 (Date)

Address

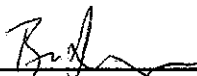
2206 New York Austin, TX 78702

Variance Request

Simon and Melinda Wallace are requesting a variance for their property, located at 1194 Chestnut Ave, from the City of Austin Board of Adjustments for the following:

- Change our front lot line to the alley way.
- Request a 0' setback for existing deck and patio.
- Waive the sidewalk requirement.
- Increase impervious coverage from 45% up to 55% to allow for driveway.

I, Ben Labay (print name) approve the above variance requests for 1194 Chestnut Ave.

X  (signature)

7/8/13 (Date)

Address

2209 New York Ave Austin, TX 78702

Variance Request

Simon and Melinda Wallace are requesting a variance for their property, located at 1194 Chestnut Ave, from the City of Austin Board of Adjustments for the following:

- Change our front lot line to the alley way
- Request a 0' setback for existing deck
- Waive the sidewalk requirement
- Increase impervious coverage from 45% up to 55% to allow for driveway

I, JESSICA M. MONTGOMERY (print name) approve the above variance requests for 1194 Chestnut Ave.

X Jessica M. Montgomery (signature)
4 June 2013 (Date)

Address

2210 New York Ave, Austin, TX 78702

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