

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

ROW *Revised*

CASE # C15-2014-0039  
# \_\_\_\_\_

**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: 2301 East Side Drive

LEGAL DESCRIPTION: Subdivision – Sherwood Oaks – Travis Heights Neighborhood

Lot(s) 24 Block 2300 Outlet \_\_\_\_\_ Division Sherwood Oaks

I, Allison Marshall, on behalf of myself as ~~authorized agent for~~

N/A affirm that on February 11, 2014,

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

(check appropriate items below)

    ERECT     ATTACH   X   COMPLETE     REMODEL     MAINTAIN

An enclosure of an existing carport at 2301 East Side Dr.

in a \_\_\_\_\_ 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:

---

The side yard backset does not allow for the construction of a garage nor the desired enclosure of the existing carport given the desired footprint.

The neighboring homes all have enclosed garages, no carports.

---

**HARDSHIP:**

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

---

The loss / lack of security for the homeowner with only a carport is more pronounced as this is a corner property bordering a relatively large apartment complex on the corner of Oltorf & East Side Drive. A busy gas station is on the other corner, across the street from the complex. Behind the service station is another smaller apartment complex. Next to the gas station is a very popular Mexican restaurant, Curra's. As a result, both vehicle and foot traffic are higher in this area.

---

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

---

The other residences in the area have garages and are not necessarily in the direct path of the increased traffic pattern from the apartments and the businesses on Oltorf.

---

**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:

---

Enclosing the carport, which is currently within the setback, will not diminish the "front yard" feeling or the "down street" look of the neighborhood because of its sheer location. If anything it will provide the cul-de-sac neighbors with some additional separation from the busy street traffic from Oltorf and surrounding businesses.

---

**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:

---

Traffic Volumes will not be affected.

---

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:

No parking or loading of vehicles will be affected nor will interfere with the flow of traffic.

---

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

---

No safety hazards, including the visibility of traffic, will be created. Currently cars park along East Side Dr. in front of this residence nearly 24 / 7.

---

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

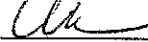
---

The other properties on this side street are all "built out" and have garages. They would not benefit from a similar variance nor would they be negatively affected by such a variance to this property.

---

<b>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.</b>
--


**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 6319 Lindyann Lane

City, State & Zip Houston, TX 77008

Printed Allison Marshall Phone 281-546-9011 Date 2-11-2014

**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  Mail Address 6319 Lindyann Lane

City, State & Zip Houston, TX 77008

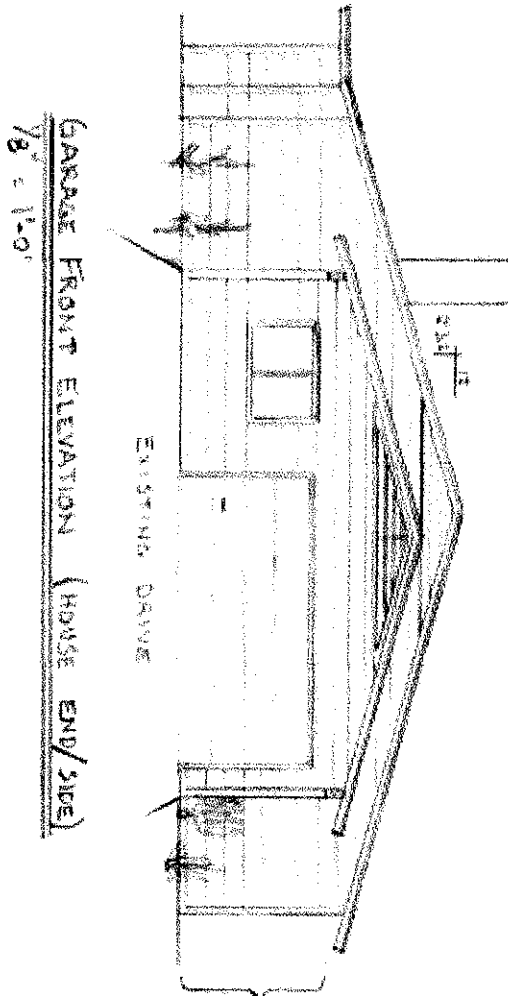
Printed Allison Marshall Phone 281-546-9011 Date 2-11-2014

Please note there is additional information attached.

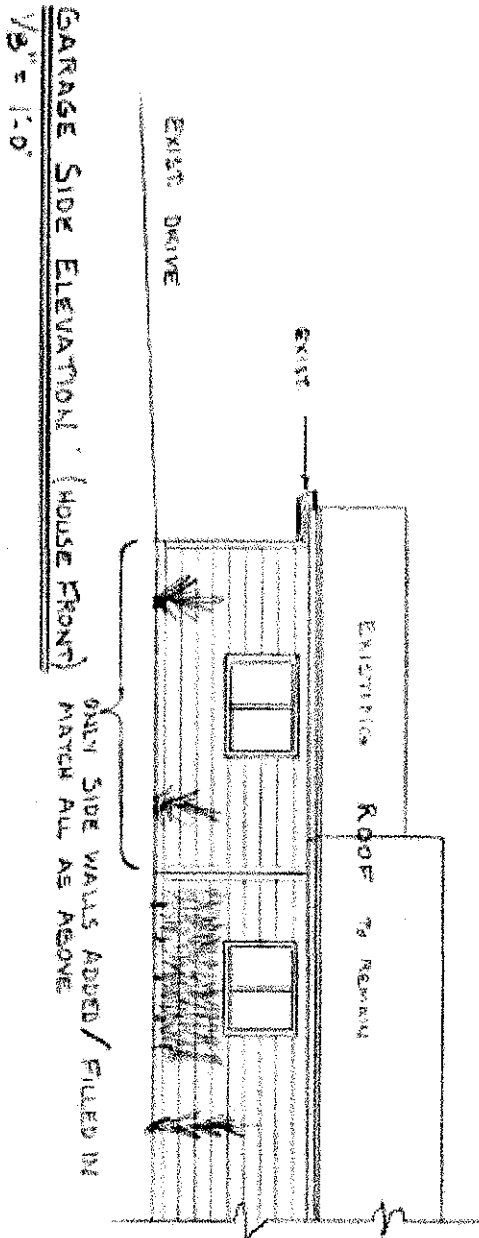
# Carport Enclosure Drawings

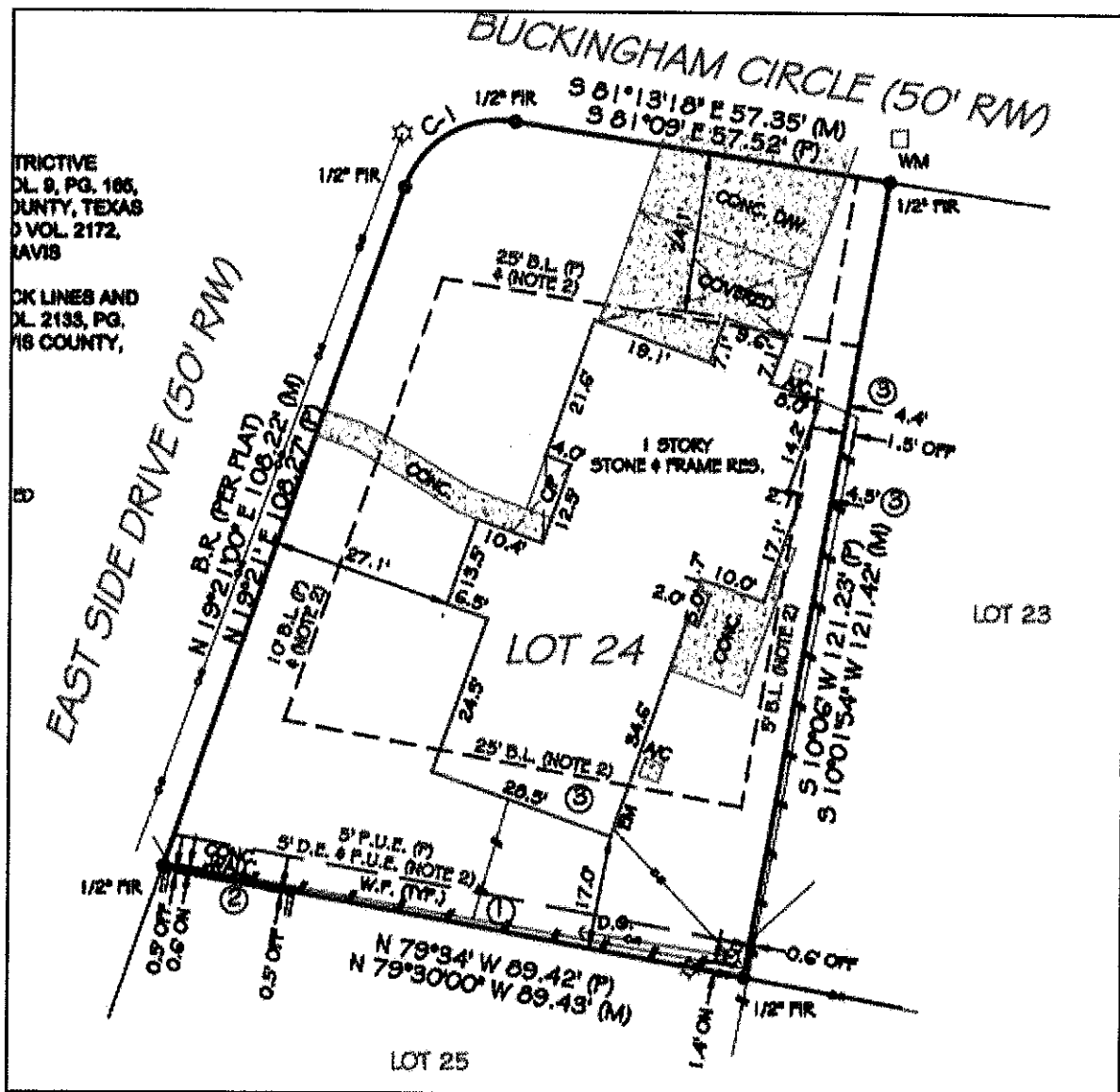
Material to be used is cedar planks similar to the wood on the existing house.

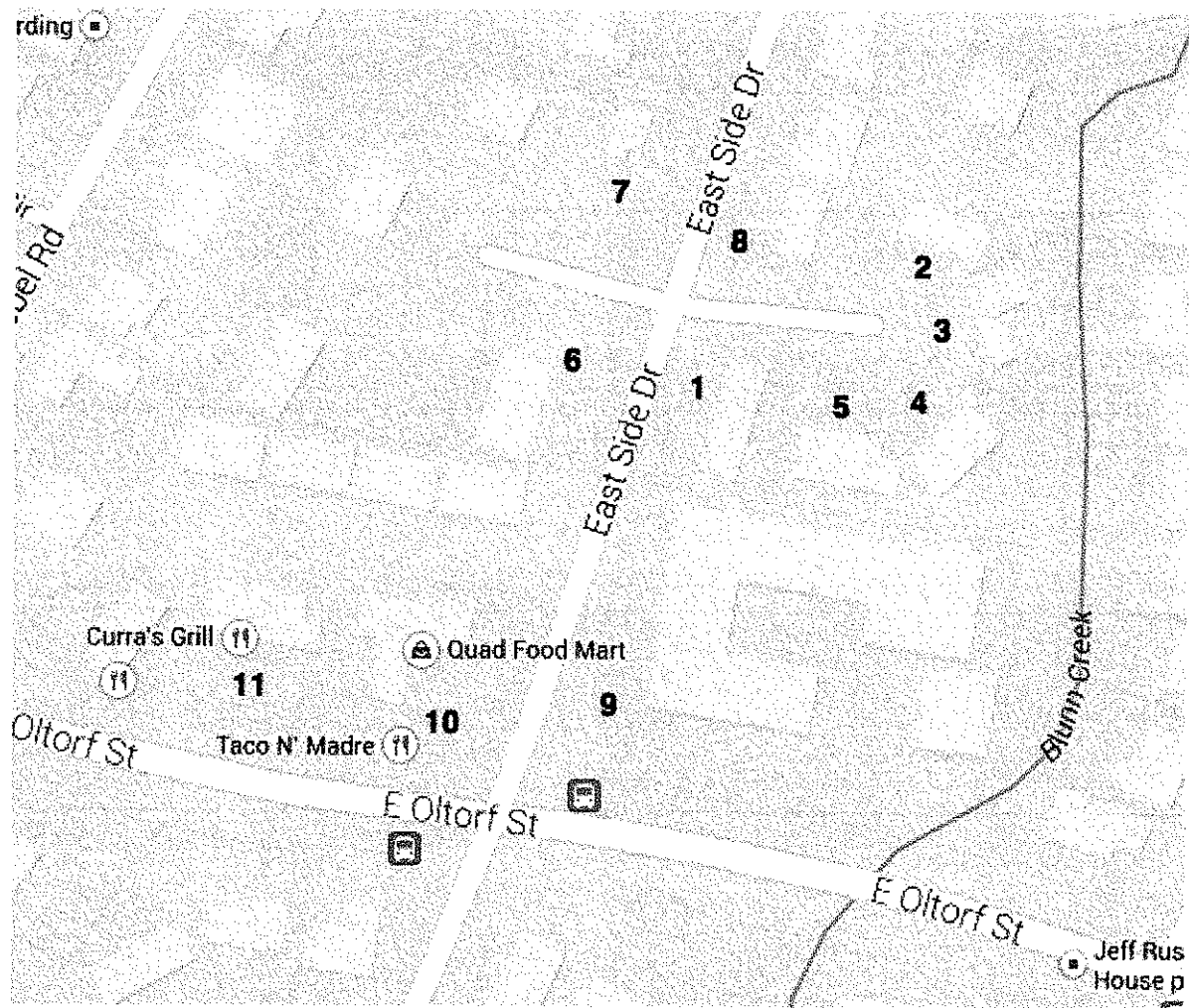
## 2301 EAST SIDE DRIVE



ONLY THIS IS FILLED IN THIS VIEW  
ROOF & GABLE END EXISTING OVER CARPORT  
SIDING 1X12 WD LAP, GRAY TO MATCH  
TRIM 1X4 SYP, WHITE  
WINDOW TO MATCH  
16/17" ON DOOR, WHITE (IT PANELED ATTACH)







1 – 2301 East Side Dr.

2 – 702 Buckingham Circle

3 – 704 Buckingham Circle

4 – 705 Buckingham Circle

5 – 703 Buckingham Circle

6 – 2300 East Side Dr.

7 – 2217 East Side Dr.

8 – 2218 East Side Dr.

9 – 2303 East Side Dr. – Apartment Complex

10 – Food Mart & Gas Station on Oltoft

11 – Curra's Grill



2 - 702 Buckingham Circle

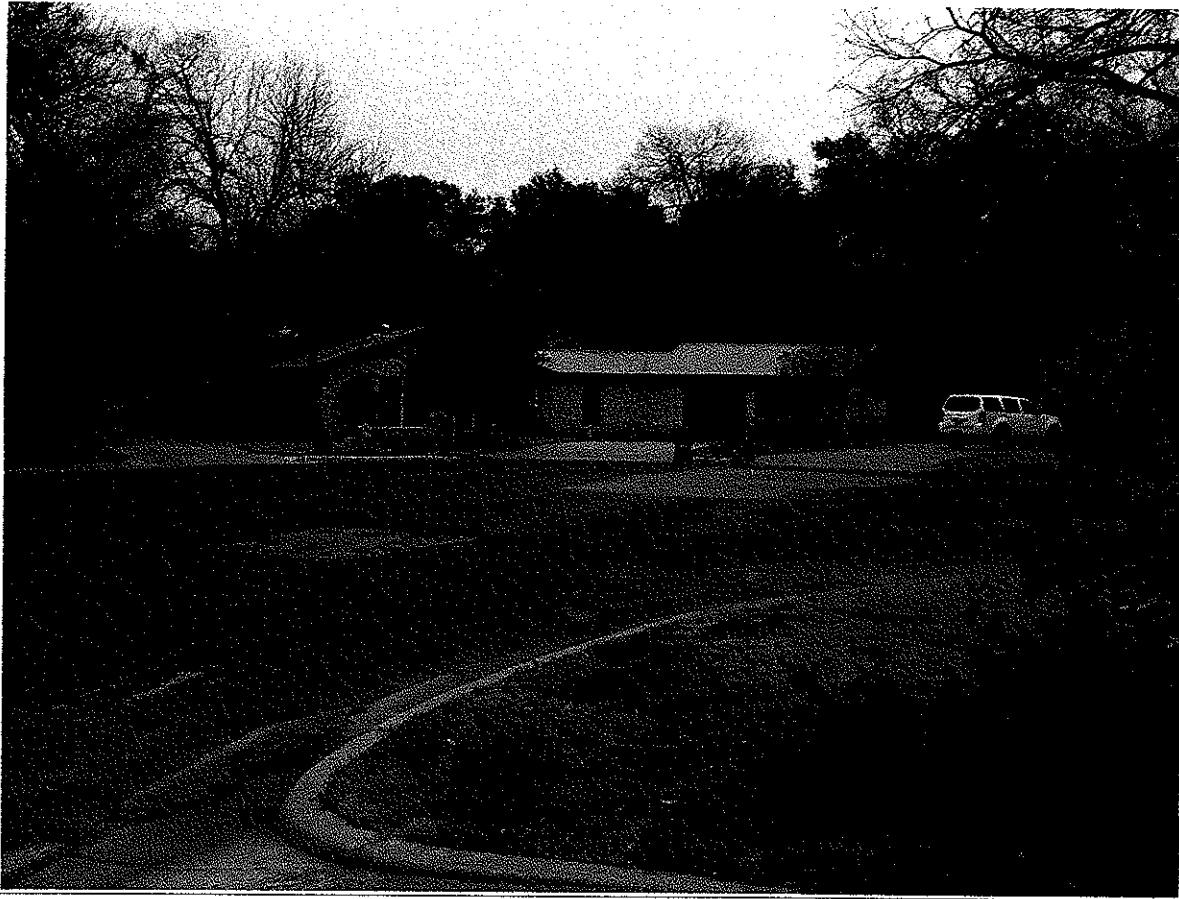
Owners: RENTAL — RENTER TRAVELS QUITE A BIT AND HAS  
NOT BEEN AT HOME.

No Issue with carport enclosure at 2301 East Side Dr.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_





3 - 704 Buckingham Circle

Owners:

No Issue with carport enclosure at 2301 East Side Dr.

Signature: Sandra Kelley Date: 3/18/2014

Printed Name: SANDRA Kelley



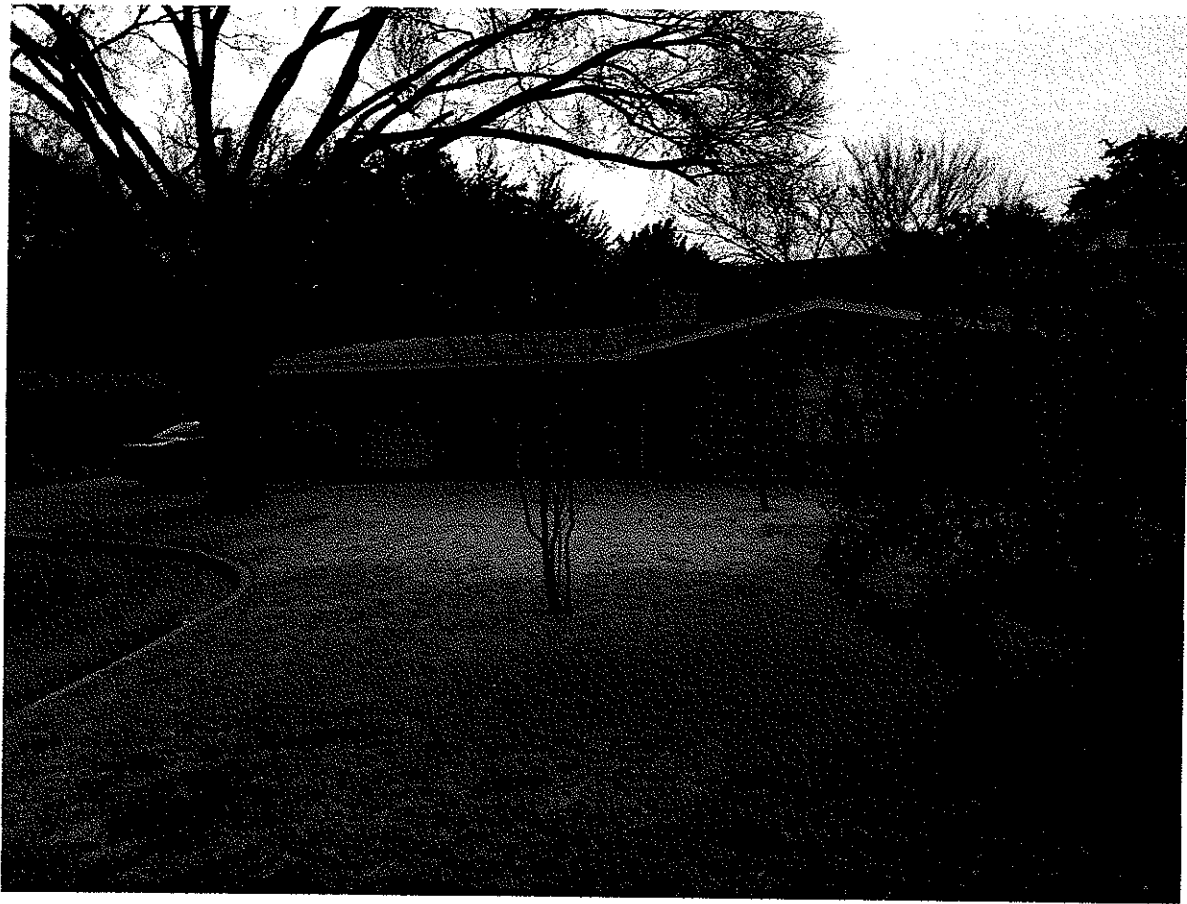
#### 4 - 705 Buckingham Circle

Owners:

No Issue with carport enclosure at 2301 East Side Dr.

Signature: Gail Anderson Date: 3/18/14

Printed Name: Gail Anderson



5 - 703 Buckingham Circle

Owners: RENTAL- RENTERS ARE UT GRADUATE STUDENTS

No Issue with carport enclosure at 2301 East Side Dr.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_



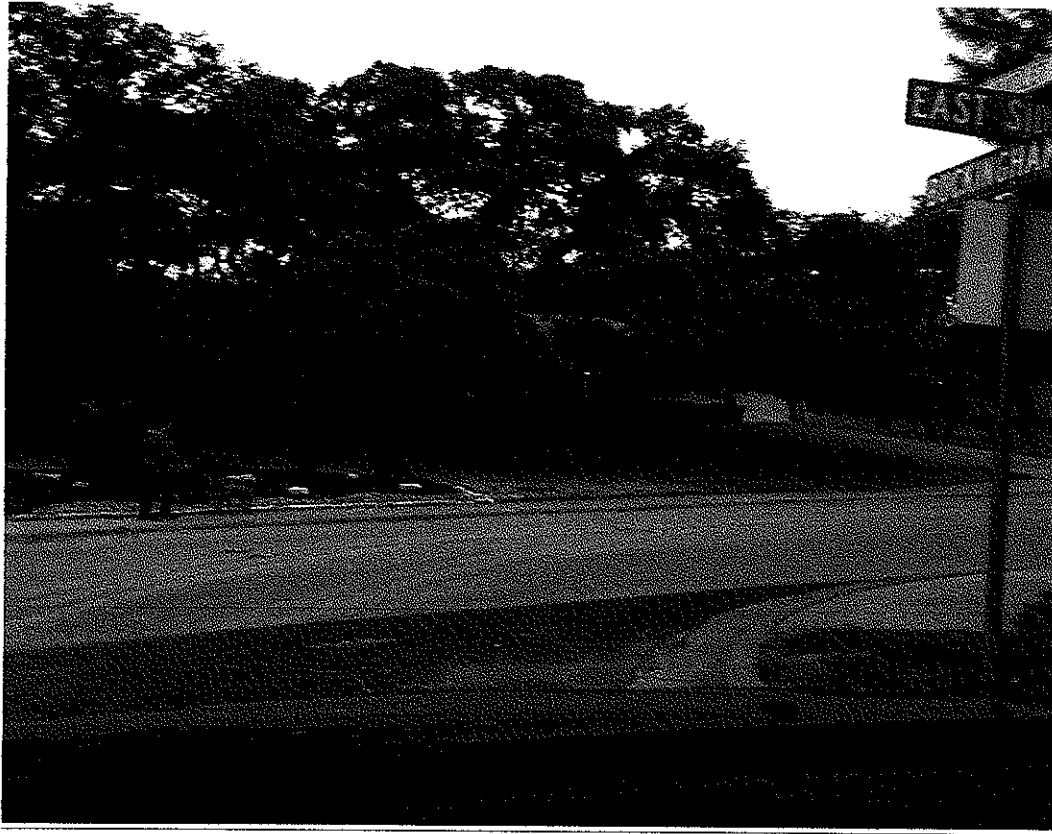
6 - 2300 East Side Drive

Owners:

No Issue with carport enclosure at 2301 East Side Dr.

Signature: Peter a. Biemel Date: March 18, 2014

Printed Name: \_\_\_\_\_



7 - 2218 East Side Drive

Owners: NOT AT HOME THE TIMES I CAME BY.

No Issue with carport enclosure at 2301 East Side Dr.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_



8 - 2217 East Side Drive

Owners:

No Issue with carport enclosure at 2301 East Side Dr.

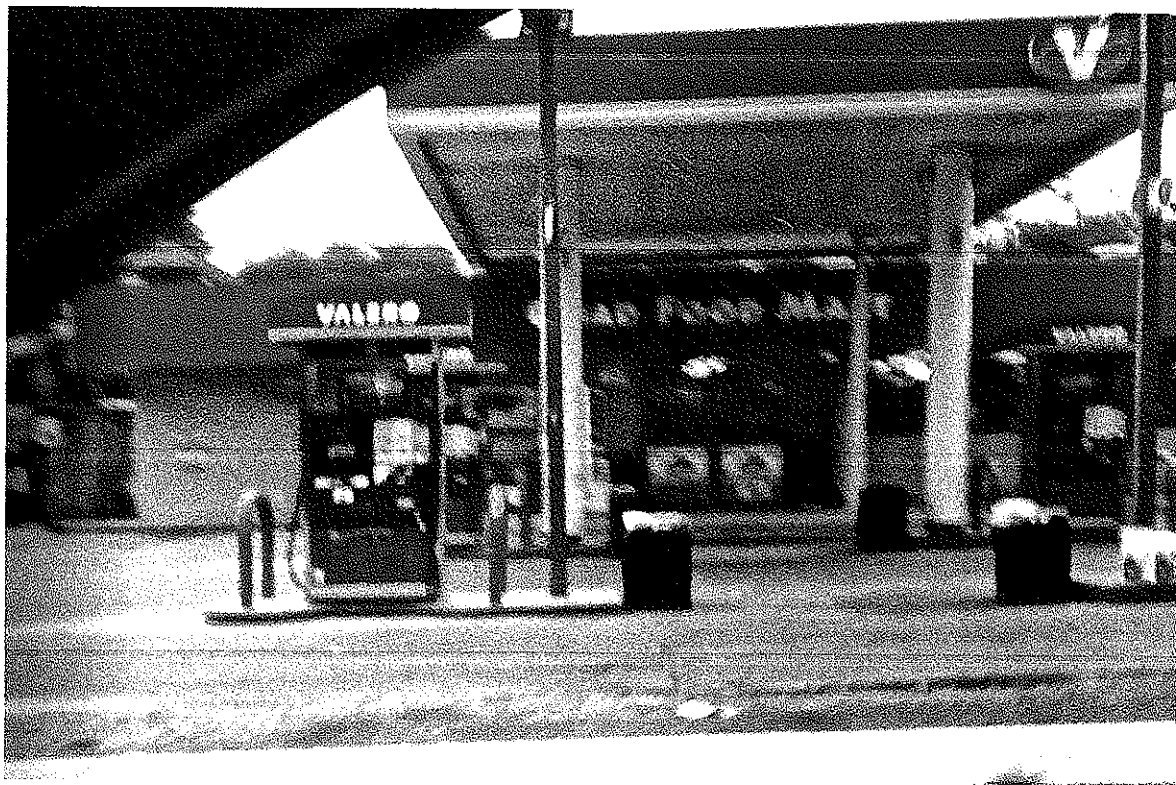
Signature: Martina Mantia Date: 3-18-14

Printed Name: Martina Mantia

## Additional Pictures of surrounding area



9 - 2303 East Side Dr. - Apartment Complex next to 2301 East Side Drive



10 - Valero Gas Station and Food Mart at the corner of East Side Drive & Oltorf



11 - Curra's Grill Next to Valero Gas Station



## Information from the South River City Citizens Neighborhood Association; Zoning & Planning Committee

I initially contacted Jean Mathers, Co-Chairman of the South River City Citizens Neighborhood Association (SRCC) Zoning and Planning Committee, in early March to set up a review of my variance request to enclose my carport. Our conversation included a discussion of the fact that I did not live in Austin at 2301 East Side Dr. but was still living in Houston.

Jean sent me a note on March 12<sup>th</sup> asking me to come to a meeting of the Zoning and Planning committee the evening of March 13. Due to a schedule conflict, I could not make that meeting. I was, however, going to be in Austin the next two weeks working on items in the house on East Side. Unfortunately, due to scheduling issues, the Zoning and Planning committee could not set up a meeting during that time.

The next opportunity is April 7<sup>th</sup>, which may not happen because on April 8<sup>th</sup>, the movers will be at my home in Houston to pack up for my move to Austin on April 10<sup>th</sup>. I'm working with Jean to see what options we have to meet prior to April 14<sup>th</sup>.

Please see emails attached.

From: **Allison Marshall's** allisonamarshall@gmail.com  
Subject: Re: 2301 East Side Drive, enclose carport  
Date: March 16, 2014 at 3:47 PM  
To: Jean mather jeanmather3@gmail.com  
Cc: Kent Anschutz Kent@kentanschutz.com, Russell Fraser russell\_fraser@msn.com



Jean... Hope your case went well on Thursday, March 13th. And my not being able to attend did not mess up plans.

I'm working on my trip to Austin this coming week and wondered if your committee planned to meet and possibly review my request?

Allison

Sent from my iPad

On Mar 13, 2014, at 10:46 AM, Allison Marshall's <allisonamarshall@gmail.com> wrote:

Jean... I just read this note...have been busy with dog's surgery and had not checked emails for a few days...

As I mentioned in our conversation earlier, I don't live at the house in Austin right now. I'm still in Houston. Plan is to move some stuff up there week after next and the remainder in early April.

I will, however, be in Austin most of next week to do some things around the house and meet with the landscaper. I can make myself available any time next week as needed or can come up the following week as well. Realize we all need to plan our calendars and schedules in advance, when possible.

Sorry for the confusion.....

Sincerely,

Allison

Sent from my iPad

On Mar 12, 2014, at 10:26 AM, Jean mather <jeanmather3@gmail.com> wrote:

Dear Allison,

We have another case on the 13th at 5:00 P.M. Could you meet us at 6:00? At my house, 1611 Alameda Drive?

Jean Mather

From: **Allison Marshall** allisonamarshall@gmail.com  
Subject: Re: 2301  
Date: March 30, 2014 at 8:16 PM  
To: Jean mather jeanmather3@gmail.com



Dear Jean....

I'm beginning to think this is just not to be. Certainly understand your packed meeting schedule. The packers will be at my house on Tuesday morning, April 8, at 8 AM to start packing me for the move to Austin. VSo a meeting the evening on April 7th is probably not possible. I may be able to make it if it's in the afternoon and drive back to Houston that night.

Really don't mean to be difficult but this is all about scheduling as you know. I had no idea life would be this complicated after retirement.

Appreciate all you have done and anything you can do in the future.

Sincerely,

Allison

Sent from my iPhone

On Mar 29, 2014, at 10:52 AM, Jean mather <jeanmather3@gmail.com> wrote:

Dear Allison,

I've had a series of meetings back to back and one on Monday, the 31st. South River City Citizens meets on April 7. We would have to get you in before then. Your meeting will have to be in the evening, not Wednesday. I'll see what we can do before then.

Jean

On Mar 28, 2014, at 2:59 PM, Allison Marshall wrote:

Sorry we could not connect this week. I'm back in Houston. Next week i have a number of doctors appointments along with a major push to get things ready to move.

I'll be moving to Austin the week of April 7th. The packers come on Tuesday, April 8th and they will unload me at the house in Austin on April 10th.

My hearing for the carport enclosure is on April 14th. The homeowners association will get a notice via mail.

Allison.....

On Mar 16, 2014, at 5:47 PM, Jean mather <jeanmather3@gmail.com> wrote:

Dear Allison,

I'll see what's available and let you know.

Jean

March 7, 2014

Ms. Jean Mather  
1611 Almeda Dr.  
Austin TX 78704

Dear Ms. Mather:

As we discussed on the phone earlier this week, please find attached an updated copy of my application to the Board of Adjustment for a variance to enclose the existing carport at my recently purchased home at 2301 East Side Dr.

I just retired from ExxonMobil and am in the process of moving from Houston to Austin into this great home. I would like to enclose the existing carport primarily for security reasons as stated in the application.

The application is not complete, as I need the South River City Citizens Neighborhood Association's endorsement of this request as well as input from my neighbors. Due to previous commitments here in Houston, I have not had a chance to get back up to Austin to meet my neighbors and get their input on the carport enclosure. Current plan is to be back in Austin Thursday or Friday of next week if all goes well here.

Please review this application with your Zoning and Planning Committee. If you can provide me with feed back on what further steps I need to take to get the variance approve, I would greatly appreciate it.

I will give you a call next week on Thursday, March 13<sup>th</sup> to discuss further. Thank you so much for your time and input.

Sincerely,

Allison Marshall  
6319 Lindyann Lane  
Houston TX 77008  
[allisonamarshall@gmail.com](mailto:allisonamarshall@gmail.com)  
281-546-9011