

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

DATE: Monday, April 14, 2014

CASE NUMBER: C15-2014-0014

☐ Y ☐ Jeff Jack
☐ Y ☐ Stuart Hampton
☐ Y ☐ Ricardo De Camps
☐ Y ☐ Bryan King 2nd the Motion
☐ Y ☐ Fred McGhee
☐ Y ☐ Melissa Hawthorne Motion to Grant w/conditions
☐ Y ☐ Sallie Burchett

OWNER: Connie Leaverton

ADDRESS: 1806 DRAKE AVE

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492(D) from 5' to 2' along the north property line in order to maintain an existing covered porch in an SF-3-CO-NP family residence – conditional overlay – neighborhood plan zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 56% in order to maintain an existing single family residence in an SF-3-CO-NP family residence – conditional overlay – neighborhood plan zoning district.

BOARD'S DECISION: POSTPONED TO MARCH 10, 2014

VARIANCE REQUEST – March 10, 2014 The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492(D) from 5' to 2' along the north property line in order to maintain an existing covered porch and 60 square foot shed in an SF-3-CO-NP Family Residence, Conditional Overlay, Neighborhood Plan zoning district. (South River City)

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 56% in order to maintain an existing single family residence in an SF-3-CO-NP Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (South River City)

BOARD'S DECISION – MARCH 10, 2014 The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to April 14, 2014, Board Member Bryan King second on a 7-0 vote; **POSTPONED TO APRIL 14, 2014. RE-NOTIFICATION NEEDED**

RENOTIFICATION REQUEST - The applicant has requested variances from Section 25-2-492 (D) of the Site Development Regulations to decrease the side yard setback requirement from 5 feet to 2 feet (existing); and to decrease the rear yard setback requirement from 10 feet to 1 foot (existing); and to increase the maximum impervious coverage limit from 45% to 56% (existing) in order to maintain a single family residence, covered patio and shed in an "SF-3-CO-NP", Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (South River City)

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant the impervious coverage and the existing shed at current location, to Deny the side yard and rear yard setback for the patio roof as per marked up drawing E4/9, Board Member Bryan King second on a 7-0 vote; **GRANTED THE IMPERVIOUS COVERAGE AND THE EXISTING SHED AT CURRENT LOCATION AND TO DENY THE SIDE YARD AND REAR YARD SETBACK FOR THE PATIO ROOF AS PER MARKED UP DRAWING E4/9.**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: as it is an existing smaller lot within existing patio area that its been covered and it is not unreasonable to maintain that portion and with modification to remove portions that are on the side yard setbacks it will have a scale that is in alignment with neighboring properties
2. (a) The hardship for which the variance is requested is unique to the property in that: very small lot, it is legal, lot has been in that configuration since 1968 & the improvement long before that time, impossible to have an impervious cover limit on this lot in alignment what is standard now, covering the concrete area does not impact other property owners as long as the side yard setbacks are maintained & existing shed remains
(b) The hardship is not general to the area in which the property is located because: other properties adjacent or of same size and configuration
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: as variance allows impervious cover to remain and structure remain for improvements to be more in alignment with side and rear setback


Leane Heldenfels
Executive Liaison


Jeff Jack
Chairman

April 24, 2014
Case # C15-2014-0014
Lot size 2162sf
House size 973sf

Dear Board of Adjustment,

I appreciate your time over the last 3 hearings and the approval of the impervious cover and shed for my porch at 1806 Drake Ave. and the consideration and thought for the 2' and 5' setbacks.

I am writing to ask for a reconsideration of the 5' setback variance for both the side and rear of the property which is now 2'.

I do not have neighbors on either side of my house.

The 'neighbors' are all located on Brackenridge, one street over, because I have no houses on either side of me, so no real neighbors and no houses next to 1806 Drake Ave.

Attached is new evidence in regards to the existing porch. All three surrounding property owners have given a signature of approval for the porch to remain As Is, with the 2 ft. setback remaining in place.

I am asking you, the Board, to allow the existing structure to remain As Is and to maintain the existing 2ft. setback from the property lines. I do ask you to also consider the hardship the 5ft. setback would introduce.

The hardship on this case is the following:

1. Flooding potential. The roofline is now strategically placed over the concrete pad so that rainwater flows into the earth off of the roof. If I were to bring the roofline back to meet the 5ft. setback on both the side and rear, the rain would then land on the concrete porch not the roof, creating a flooding hazard for the shed and the house even with gutters, because it would be an open space.

Because of the tilt of the ground, the water already flows onto the porch in a heavy rain creating pools of water, which I have to sweep out on each rain. Major concerns about flooding and property damage if the roof is removed and rain falls onto concrete directly and not onto the earth. The shed is old and could not withstand this type of water and pooling. I travel quite a bit, and do not need an additional concern of flooding on my house when I cannot be there to maintain it.

2. Blocked access to Shed Door. On the side (north) screened wall of the porch, the 5 ft. setback would run into the right door of the shed and access to the shed would be extremely limited with only one door usable, which is only 22 inches. One door would be completely blocked and inaccessible. Both doors (44") gives a wide enough access to move things in and out easily. I store my lawn mower, unicycles, large performance props and wood and building materials in the shed, and I would no longer be able to access or use the shed for large items.

3. Minimize Back Doorway Entrance: The back side (west) wall: the 5ft. setback would create restriction to entrance of the existing doorway and minimize the doorway entrance to about 18 inches if post removed, which would restrict use of moving equipment, bikes and unicycles through the door. This wall is also not located near any house (backyard of 1807 Brackenridge) and my small lot and cottage were formerly a garage for 1807 Brackenridge so at one time it was one large lot.

4. Loses Architectural Integrity: The architectural integrity of the look of the porch would be compromised and would not flow well with the site lines. It would look odd and misplaced if the roof and walls were setback 5 feet because it does not work with the concrete walkways and pad. Functionality and the flow of space would be limited. The porch has given this old house (1935) usable functionality while maintaining architectural integrity. Changing it would compromise the integrity of the entire house and use of the small lot.

In summary,

Flooding is a big concern.

Reconstructing the porch would require a full re-build and design and minimize the use of the house and back area considerably, which I use for my livelihood and business of performance.

The porch is where I train and teach for my business of performance arts, juggling and other circus skills as well as store video gear for my video production company. You can look at my website www.videojuggle.com to see my info on my performance/video profession. This is my major income. I am only self-employed. This space was unusable before because of mosquito infestation. Now it is usable space that supports my business called Walkabout Productions. Being self-employed, working at home is the way to minimize costs.

This area is vital to my career and income. It would not only restrict my ability to use the space, but I also could not store my performance/video props in the shed, and with this small house with few closets, there is no other place to store my business tools. 8 unicycles, stilts, balance boards, many juggling props, costumes,

suitcases, lawn mowers, building supplies for my profession, video tripods, lighting and gear are all located in this shed. Access to all of this would be impossible through one little door, and the porch space would be so small, I would not be able to train and teach in it because not enough room.

The small rear entrance would restrict use of the rear yard where I store more of my bicycles, unicycles and props and allow for rain to flood the porch.

The roofline of the porch is a graduated roofline of the shed. Cutting it back is not only architecturally strange, but creates a flooding hazard and less storage space for performance props and bikes.

With such a small lot, all areas are in use. The house is maintained well, and this 5 foot setback would give me maintenance issues and affect my business in an extremely negative way, resulting in not being able to use the space for training and storage for performance/video. I would have to find other places for storage and training at considerable additional costs to me.

With appreciation,
Connie Leaverton
Owner
1806 Drake Ave
Austin, Tx 78704

Dear Neighbor,

You have probably received info on my ongoing hearings with the Board Of Adjustments for my covered porch in the backyard of my house located at 1806 Drake Ave, a very small lot of 2162sf and a house of 973sf.

I built a screened in porch over an existing concrete pad, not knowing permits were needed since I was not increasing the size of the impervious cover and just building over an existing patio. It was space that was unusable because of mosquito infestation. I screened it so I could use the space on this small lot.

I have learned a lot now about this process and have attended 3 hearings and have received variances for an increase of impervious cover from 45% to 56% and a variance for the shed that was built many years ago.

I am also allowed to keep the screened in porch, but, at this time, they are requiring me to re-build the Porch with a 5 ft. setback from each fence line. This would require a full re-construction of the porch and make it much smaller as well as not fit with the site or lines of the concrete pad and side entrance.

This is a place where I work out for my livelihood of juggling and performance, and it would remove this area for my use if it were re-built smaller or forced into a tear down because of expense of remodel.

I wanted to ask your permission, as neighbors adjacent to my house and porch, if you would support me with your signature in allowing and agreeing to maintaining my covered porch as is, which is 2 feet from your fence line. It is in line with the concrete pad that was probably poured more than 20 years ago when they built an addition onto the back of the house.

Your signature agrees to Connie Leaverton at 1806 Drake Ave. maintaining the existing screened in porch AS IS, 2 feet from the side and rear which is adjacent to your property.

NAME

ADDRESS

Kirk House

1805 Brackenridge St.

Kyle House

1805 Brackenridge St 78704

Gerald Scott Steptoe

1811 Brackenridge St.

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This is a place where I work out for my livelihood of juggling and performance, and it would remove this area for my use if it were re-built smaller or forced into a tear down because of expense of remodel.

I wanted to ask your permission, as neighbors adjacent to my house and porch, if you would support me with your signature in allowing and agreeing to maintaining my covered porch as is, which is 2 feet from your fence line. It is in line with the concrete pad that was probably poured more than 20 years ago when they built an addition onto the back of the house.

Your signature agrees to Connie Leaverton at 1806 Drake Ave. maintaining the existing screened in porch

AS IS, 2 feet from the side and rear which is adjacent to your property.

NAME

ADDRESS

ANISON SEMREY

1807 Brackenridge St

LINE	BEARING	DISTANCE
L1	N 69°11'49" W	5.00'
L2	N 20°48'11" E	12.50'

NOTE:
BEARINGS SHOWN HEREON ARE ASSUMED.

NOTE:
TITLE REPORT INDICATES THERE ARE NO RESTRICTION
OR COVENANTS OF RECORD.



SCALE: 1"=20'

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

C.M.

PINK
Shed
STAYS

Remove
Red shaded
AREAS

Roof over Existing
PATIO/CONCRETE.

ALLISON SEARCY
DOC # 2005158405
REMAINDER OF
LOT 5

SUBJECT TRACT
2162 SQ. FT.
0.050 ACRES

TAYLOR WRIGHT AND CHAD B. GLUKSON
PAR OF LOT 6 & PART OF LOT 7
0.202 ACRE
DOC. # 2005235883



⊙ - POWER POLE

PROPERTY ADDRESS
1806 DRAKE LANE

As coded from FEMA's FLOOD INSURANCE RATE MAP, Community No.48453C, Panel No.0505H, Panel Dated 9/26/08, 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 or 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 each individual owner to verify the accuracy of this flood zone designation.

C15-004-0014

1/30/14

January 23, 2014

To Whom It May Concern:

My name is Connie Leaverton and I am the owner of the house at 1806 Drake Ave. I am seeking a variance from the city of Austin in order to keep the existing impervious cover on my small residential lot. The lot is 2,162 SF. It has a small ~900 SF home and very small detached storage shed behind it. Between the storage shed and the rear of the home, a concrete patio was built many years ago. I believe as early as the 1940-50's, but not later than the 1980's. Last year I installed a wood cover over this concrete to protect the patio from the elements and allow for additional storage. The city requires a permit for this, but I was unaware that one is required. Further, because the new patio cover is being erected over the old patio, the site is now required to comply with current impervious cover regulations not in effect at the time of the site's original construction. It is also required to comply with zoning setbacks. The cover was built over the footprint of the existing patio, so it encroaches ~2.5' into the 5' setback. The end result is that part of the covered patio structure exists ~2.5' from the side property line for a length of about 10', and the lot's impervious cover is the same as it was before the cover was installed. There are no issues associated with the impervious cover or location of the patio cover.

The current request before the board of adjustments is to allow a 2.5' side setback and 56% impervious cover. There is no further construction proposed. I've attached a copy of the survey. The porch is outlined in red.

The case is appearing before the board of adjustments on February 10, 2014 at 5:30 p.m. at City Hall.

If you support this request please sign below. If you have any questions please contact my Land Use Consultant David Cancialosi @ 512.799.2401 or david@permit-partners.com.

Your support is appreciated.

Name	Address (optional)	Signature	Date
Rebecca [unclear]	803 Barton Blvd.	[Signature]	1-30-14
Nick [unclear]	2903 River Pl	[Signature]	1-30-14
Carole Price	2607 Deepfoot Tr	[Signature]	1-30-14
Joel [unclear]	901 E. Monroe	[Signature]	1-30-14
Randa [unclear]	2903 River Pl	[Signature]	1-30-14
Mark [unclear]	3604 [unclear]	[Signature]	1-30-14
Anthony Reynolds	803 Barton Blvd	[Signature]	1/30/14
[unclear]	815A Barton Blvd	[Signature]	1/30/14
Chantell Moody	5401 Loadstone CV	[Signature]	1-30-14
Sarah [unclear]	5401 Loadstone CV	[Signature]	1-30-14

SV

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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Case Number: C15-2014-0014, 1806 Drake Avenue
Contact: Leane Heldenfels, 512-974-2202
Public Hearing: Board of Adjustment, April 14th, 2014

Your Name (please print)

Leane Heldenfels

☐ I am in favor
☒ Object

Your address(es) affected by this application

1806 Drake Avenue

Signature

[Signature]

Date

Daytime Telephone:

494-6913

Comments:

She grabs

too much and causes

trouble for neighbors

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/1st Floor
 Leane Heldenfels
 P. O. Box 1088
 Austin, TX 78767-1088

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Contact: Leane Heldenfels, 512-974-2202
Public Hearing: Board of Adjustment, April 14th, 2014

John Barkley
 Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application

[Signature] _____
 Signature Date

Daytime Telephone: 512-472-2123

Comments: this is too drastic
I would not be in favor
of granting this variance

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/1st Floor
 Leane Heldenfels
 P. O. Box 1088
 Austin, TX 78767-1088

Heldenfels, Leane

C15-2014-0014

From: Shi Winch [REDACTED]
Sent: Monday, April 14, 2014 10:52 AM
To: Heldenfels, Leane
Subject: C15-2014-0014

hi Leane,

Thanks for clarifying, and for wrangling this material.

So for 1806 Drake Ave.

I vote:

No to the new (2013?) covered screened porch.

Yes to original house and shed.

So no to the setback and impervious cover as it applies to the porch, yes to the setback and impervious cover as applied to the house and shed.

STR/owner occupied rental, additional noise, parking and possible crowds to a very small property in a densely built block, and impacts resale of surrounding properties. I'd like to see a couple of years of improved neighbor relations and following city zoning without prompting before re-applying.

S. Winchester
1701 Drake Ave.

CITY OF AUSTIN

Board of Adjustment/Sign Review Board

Decision Sheet

DATE: Monday, March 10, 2014

CASE NUMBER: C15-2014-0014

_____ Jeff Jack
 _____ Michael Von Ohlen
 _____ Ricardo De Camps
 _____ Bryan King
 _____ Fred McGhee
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 _____ Sallie Burchett

OWNER: Connie Leaverton

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FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
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:

Leane Heldenfels
Executive Liaison



Jeff Jack
Chairman

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Case Number: C15-2014-0014, 1806 Drake Avenue
Contact: Leane Heldenfels, 512-974-2202
Public Hearing: Board of Adjustment, March 10th, 2014

Lynn Cox

Your Name (please print)

1800 Brackentoe St

Your address(es) affected by this application

Chancellor

Signature

3-3-14

Date

Daytime Telephone:

Comments:

☒ I am in favor
☐ I object

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 Leane Heldenfels
 P. O. Box 1088
 Austin, TX 78767-1088

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Contact: Leane Heldenfels, 512-974-2202

Public Hearing: Board of Adjustment, March 10th, 2014

S. Winkleske

Your Name (please print)

☐ I am in favor
☒ I object

1701 Drake Ave

Your address(es) affected by this application

ABUWAST

Signature

3/3/14

Date

Daytime Telephone: -

Comments:

Amin favor of Heshed - which has been
on property, 1 previous cover waver
on this subs re lot if needed, but

not the newly built (in last year)
covered porch on this STR property.

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City of Austin-Planning & Development Review Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

LINE	BEARING	DISTANCE
L1	N 69°11'49" W	5.00'
L2	N 20°48'11" E	12.50'

NOTE:
BEARINGS SHOWN HEREON ARE ASSUMED.

NOTE:
TITLE REPORT INDICATES THERE ARE NO RESTRICTION
OR COVENANTS OF RECORD.



SCALE: 1"=20'

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

14.00'
C.M.

S 69°11'49" E
14.00'

20°48'11" W
00.00'

ROOF OVER EXISTING
PATIO/CONCRETE.

REMAINDER OF
LOT 4
2.4'

ALLISON SEARCY
DOC # 2005158405
REMAINDER OF
LOT 5

SUBJECT TRACT
2162 SQ. FT.
0.050 ACRES

TAYLOR WRIGHT AND CHAD B. GLUKSON
PAR OF LOT 6 & PART OF LOT 7
0.202 ACRE
DOC. # 2005235883



● -- POWER POLE

PROPERTY ADDRESS
1806 DRAKE LANE

As noted from FEMA's FLOOD INSURANCE RATE MAP, Community No.48453C, Panel No.0805H, Panel Dated 9/26/08, 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 or 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

DRAKE LANE
(60' R.O.W.)

(P.O.B.)

C.M.

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 inquires 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

Connie Leaverton
I/We ~~David Cancianosi~~ 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 Connie Leaverton
Mail Address _____

Printed _____
Phone Date _____

LINE	BEARING	DISTANCE
L1	N 69°11'49" W	5.00'
L2	N 20°48'11" E	12.50'

NOTE:
BEARINGS SHOWN HEREON ARE ASSUMED.

NOTE:
TITLE REPORT INDICATES THERE ARE NO RESTRICTION
OR COVENANTS OF RECORD.



SCALE: 1"=20'

KENNETH E. SCHULTZ
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0.089 ACRE LOT 3

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ALLISON SEARCY
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REMAINDER OF
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0.050 ACRES

TAYLOR WRIGHT AND CHAD B. GLUKSON
PAR OF LOT 6 & PART OF LOT 7
0.202 ACRE
DOC. # 2005235883



ROOF over Existing
PATIO/CONCRETE.

REMAINDER OF
LOT 4
2.4'

ONE STORY
BRICK & FRAME

A/C
PAD

DRAKE LANE
(60' R.O.W.)

● - 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

CS-2014-0014

January 23, 2014

To Whom It May Concern:

My name is Connie Leaverton and I am the owner of the house at 1806 Drake Ave. I am seeking a variance from the city of Austin in order to keep the existing impervious cover on my small residential lot. The lot is 2,162 SF. It has a small ~900 SF home and very small detached storage shed behind it. Between the storage shed and the rear of the home, a concrete patio was built many years ago. I believe as early as the 1940-50's, but not later than the 1980's. Last year I installed a wood cover over this concrete to protect the patio from the elements and allow for additional storage. The city requires a permit for this, but I was unaware that one is required. Further, because the new patio cover is being erected over the old patio, the site is now required to comply with current impervious cover regulations not in effect at the time of the site's original construction. It is also required to comply with zoning setbacks. The cover was built over the footprint of the existing patio, so it encroaches ~2.5' into the 5' setback. The end result is that part of the covered patio structure exists ~2.5' from the side property line for a length of about 10', and the lot's impervious cover is the same as it was before the cover was installed. There are no issues associated with the impervious cover or location of the patio cover.

The current request before the board of adjustments is to allow a 2.5' side setback and 56% impervious cover. There is no further construction proposed. I've attached a copy of the survey. The porch is outlined in red.

The case is appearing before the board of adjustments on February 10, 2014 at 5:30 p.m. at City Hall.

If you support this request please sign below. If you have any questions please contact my Land Use Consultant David Cancialosi @ 512.799.2401 or david@permit-partners.com.

Your support is appreciated.

Name	Address (optional)	Signature	Date
Rebecca Reynolds	803 Barton Blvd.	[Signature]	1-30-14
Nick Bullard	2903 River PL	[Signature]	1-30-14
Carole Price	2607 Deepfoot TR	[Signature]	1-30-14
Jocelyn Parnassian	501 E Monroe	[Signature]	1-30-14
PAUL NATION	1902 DOW	[Signature]	1-30-14
MAR STEVENSON	3824 WINDSOR	[Signature]	1-30-14
Anthony Reynolds	803 Barton Blvd	[Signature]	1/30/14
CHANNELL MOODY	815A BRU 1058	[Signature]	1/30/14
Chantell Moody	5401 Leadstone CV	[Signature]	1-30-14
Sarah Johnston	5401 Leadstone CV	[Signature]	1-30-14

SV

46

Print Name	Address	Signature	Date
Randi Southard	7904 FM 969 A, TX		1-29-14
YAGODE QUAY	707 W 21st Street		1-29-14
Senna Jasso	1289 Westmington		1-30-14
Marcus Smuggo	1602 Morgan 78709		1-30-14
Mary Ann	4716 Colorado Xing		1-30-14
Kelly Hagen	5401 Lonesome Lane		1-30-14
Satie Carpenter	1305 Kirkwood Rd		1-30-14
PATRICK RECH	1601 HOLLY ST TX		1-30-14
Kim Mead	1803 Drake Ave		2-3-14
A. Fambken	1811 Drake Ave		
Shelly Moore	Shelly 15@mindspring.com		2-3-14
LOR SEGEL	2416 Riverside Farm		2-3-14
Christine Shaw	712 B Ramble Ln Austin TX		2-3-14
Cot Sherron	1118 DAYS end Rd Wimpey, Cot Sherron		2-3-14
Sam Mitchell	712 Ramble		2-3-14
Kathy Melschort	17116 Willow St		2-3-14
Michael Kaufman	7311 Riverside Farm		2/3/14
Vicki Wolf	2408 Riverside Farm		2/3/14
Alan Sherman	1618 Parker Ln		2/3/14
Douglas B. Lee	5300 Hueg 78751		2-3-14
Jiff Martin	7405 Riverside Farm		2-3-14
Anne Carroll	5813 York Bridge		2/4/14
Elizabeth Rojas	12212901 ad.com		2/4/14
Mimi Luehe	1807 Drake		2/8/14
Ricardo Gumburan	1805 Drake		2/8/14
Jyl Kutsche	1813 Drake		2/8/14
Gareth Beauvoir	1807 Drake A		2/8/14
James Young	1803 Drake		2/8/14
LINDA VALENCIA	5709 Stevenson Way		2/8/14
Craig Walker	3800 Hwy 290 W 78735		2/8/14
Fran LaMantia	5003 Wasson 78745		2/6/2014
Jim Morris	806-1 RESEN		1/8/2014
Tim Cross	2409 Riverside Farm		1/8/2014
Douglas Fier	825 W. 11th St 120		1-8-14
Laura Rose	1801 Elmridge		2-8-14
Tara Patnam	7312 E Ben White Blvd, TX		2-8-14
Mary Beat Wright	6402 Steer Trail		2/8/14
Kristie Appel	12016 Bryant Dr		2/8/14

18/40

LAKS Gami 2003 Rabb
 Jack Wad 600 Lost W
 Patrice Sullivan 607 Kinney Ave
 TERRY COAR 204 W 33 RD
 M. McNamara PO BX 16166 78716
 Connie Colton 2001 Hunt
 SONORA LEE 8649 Highway
 2/8/14
 2/8/14
 2/8/14
 2/9/14
 20140209th.
 2/8/14
 2/8/14

Your support is appreciated.

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Name	Address (optional)	Signature	Date
Jay Reynolds	jayreynoldsgolf@gmail.com	Jay Reynolds	1.29.14
Peach Reynolds	peachreynolds@yahoo.com	Peach Reynolds	1.29.14
Cynthia Reynolds	reynolds@pobox.com	Cynthia Reynolds	1.29.14
Mark Strub	mark@strubresidential.com	Mark Strub	1.29.14
Rachel Nation	rachel.nation@gmail.com	Rachel Nation	1.29.14
Bea Stevenson		Bea Stevenson	1.29.14
Sharon Walker	906daniel@gmail.com	Sharon Waker	1.29.14
Kevin Taylor	KT@poeticplanet.com	Kevin Taylor	1.29.14
Amanda Cribbs	amanda@cribbsproperties.com	Amanda Cribbs	1.29.14
Gregg Cribbs	greg@cribbsproperties.com	Greg Cribbs	1.29.14
Nancy Reed	nreed33@gmail.com	Nancy Reed	2.3.14
Carlos Garza	studio78613@gmail.com	Carlos Garza	2.3.14
Kelly Davis Murphy	kdm.campdavis@dishmail.net		
Ben Blankenburg	blankenburgphotography@gmail.com	Ben Blankenburg	2.3.14
Barbara Newitt	Barbara.n444@gmail.com	Barbara Newitt	2.3.14
Jeni Weber	Jeni Weber < jeniweber23@yahoo.com >	Jeni Weber	2.3.14
Damun Gracenin	damung@gmail.com	Damun Gracenin	2.3.14
Elke Kniss	elke@knissmedical.com	Elke Kniss	2.3.14
Armita Moody	armitrage_gohary@yahoo.com	Armita Moody	2.3.14
Melanie Rose	Maxwell-mroseatx@yahoo.com	Melanie Rose	2.3.14
Johanna Watts	Johannawatts@gmail.com	Johanna Watts	2.3.14
Louise Nabers	louise@beltonchurch.com	Louise Nabers	2.3.14
22			
Steve Kucera	steve@stevekucera.com	Steve Kucera	2.4.14

[illegible]



**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**

Travis Central Appraisal District
8314 Cross Park Drive P.O. Box 149012
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

CITY OF AUSTIN DEVELOPMENT WEB MAP

Legend

Lot Lines

Streets

Building Footprints

Named Creeks

Lakes and Rivers

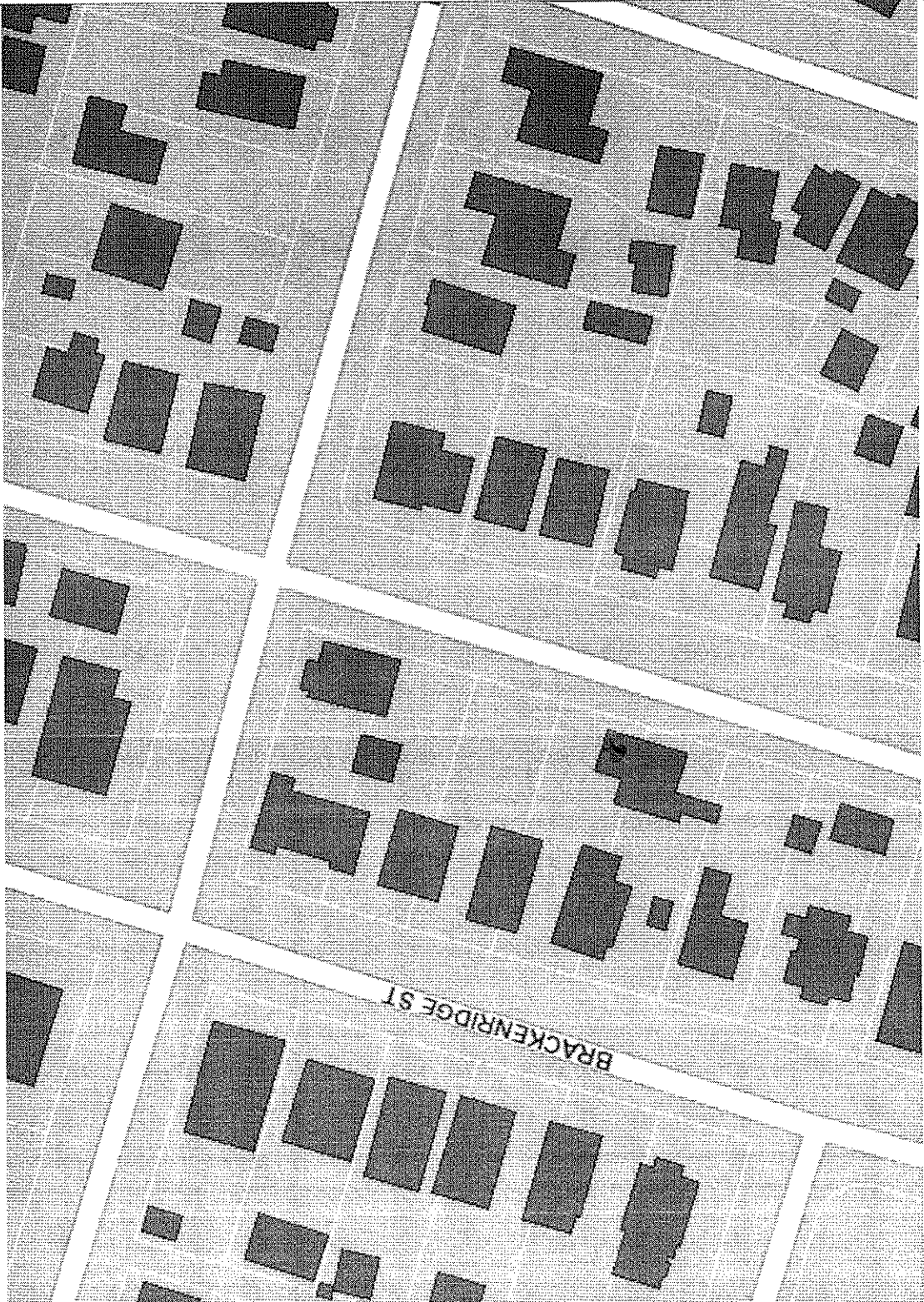
Parks

County

Building Footprints Year 2000

Large Building (>4000 sq ft)

Building (100-4000 sq ft)



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.

Heldenfels, Leane

From: ~~davidcancialosi@gmail.com~~ on behalf of David Cancialosi <david@permit-partners.com>
Sent: Thursday, February 13, 2014 12:05 PM
To: Heldenfels, Leane
Cc: Tazzoe Rentals
Subject: Re: 1806 Drake re-notification

Leane, I no longer represent the owner at 1806 Drake. Please accept this email as authorization to remove my name as the applicant and / or agent of record. Please include this email communication in the case files for C15-2014-0014.

All communications should be directed to the owner of record.

Thank you.

On Wed, Feb 12, 2014 at 10:39 AM, David Cancialosi <~~davidcancialosi@gmail.com~~> wrote:
Thank you Leane. I've CCed the property owner. You are probably better off communicating directly with her until such time she advises I'm authorized to work on the case, per written instructions from her.

Kind Regards,
David C. Cancialosi
512-799-2401

Sent from a mobile device. Responses are brief and have errors. Follow up emails may be sent within 24 hours.

On Feb 12, 2014, at 10:32 AM, "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov> wrote:

Hi David – I tried to include the owner's email on this message, but I don't have it in the file and for some reason I couldn't extract it from the other emails sent to inspection regarding the case, so please forward to her.

Just wanted to let you know that we will be re-notifying on this case and include a special exception request for the existing shed. I will contact Tony Hernandez about getting an Inspection Report on the shed, if we decide it's needed for the case file.

Just wanted to keep you posted –

Leane

--
David C. Cancialosi
Permit Partners, LLC

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2014-0014 – 1806 Drake Avenue
Contact: Leane Heldenfels, 512-974-2202
Public Hearing: Board of Adjustment, February 10th, 2014

Winchester

Your Name (please print)

☐ I am in favor
☒ I object

1701 Drake Ave

Your address(es) affected by this application

803 Culbert

Signature

2/4/2014

Date

Daytime Telephone: _____

Comments:

Object to porch on behalf of immed
neighbors. It looks like
built before request.
??

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
 Leane Heldenfels
 P. O. Box 1088
 Austin, TX 78767-1088

Heldenfels, Leane

From: Jean mather <jeanmather3@gmail.com>
Sent: Thursday, February 06, 2014 3:57 PM
To: Heldenfels, Leane
Cc: Russell Fraser; Kent Anschutz; Marc Davis
Subject: 1806 Drake C15-2014-0014

Dear Leane,
Would you please incorporate this in the Board's packet.
Jean

Board Of Adjustment
City of Austin

The Zoning Committee met with Connie Leaverton on Tuesday, January 28th to discuss her setback variance from 5' to 2' along the north property line.

We received notice on Saturday, February 1st which also included notice of a requirement for a variance to increase the impervious cover from 45% to 56%. This notice came too late for the Committee's action.

Our understanding from Ms. Leaverton is that all impervious cover on the property should be grandfathered, including the concrete pad which intrudes into the north property setback. She had a roof constructed over that pad, within its boundaries, not knowing that she needed a permit. The Zoning Committee voted not to oppose the variance since structure's intrusion into the setback didn't increase the existing impervious cover.

At the general meeting of South River City Citizens on February 3rd the Zoning Committee reported their recommendation and it was endorsed by the general membership.

Jean Mather, Chair
Zoning Committee
South River City Citizens



N



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2014-0014
LOCATION: 1806 DRAKE AVENUE

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 Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

