

CASE # C15-2014-0088
ROW ID # 11157570
TAX ROLL # 0102010907

**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: 1001 S. 3rd St.

LEGAL DESCRIPTION: Subdivision – Liscomb & Liscomb

Lot(s) 7 Block 4 Outlot Division

I Jim Bennett as authorized agent for Scott and Melanie McNearney

 affirm that on 5/5/2014 hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A carport and covered walkway providing a front street setback of 0 ft..

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

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because: without a variance the owners would be deprived of a use of their property that is being enjoyed by their other neighbors and other property owners.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that: the topography of the site, which drops 21 ft. from the front property line to the back of the house. The location of the trees at the rear of the residence, as well as the location of the flood plain prevents the carport being located anywhere on the lot.

The hardship is not general to the area in which the property is located because:

other lot in this area are not as severally affected by the above conditions.

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 house is existing and most of the affected neighbors support the variance request.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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

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

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

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

Signed Jim Bennett Mail Address 11505 Ridge Dr.

City Austin, State Texas, & Zip 78748

Printed : Jim R. Bennett Phone: (512) 282-3079 _____ 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 1001 S. 3rd St.

City, State & Zip Austin TX.

Printed _____ Phone _____ Date _____

Scott McNearney - 512-769-1536



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0088
Address: 1001 S 3RD STREET



1" = 200'

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

April 29, 2014

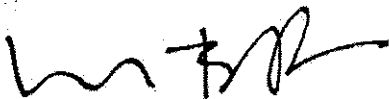
To Whom It May Concern:

This letter is to express my strong support for continuation of the carport construction of Scott and Melanie McNearney at 1001 S. 3rd.

The property has unique and specific hardships necessitating the current location. In addition, the property is located adjacent to an unused, un-vacated easement at the 90-degree corner of Christopher and S. 3rd which has been described more than once as 'funky'; the construction will in no way detract from or otherwise adversely impact the neighborhood fabric and it should be allowed to proceed.

Please call me if there are any questions.

Cordially,

A handwritten signature in black ink, appearing to read 'W Burkhardt', with a stylized flourish at the end.

William Burkhardt, AIA

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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

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

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

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

Signed Jim Bennett Mail Address 11505 Ridge Dr.

City Austin, State Texas, & Zip 78748

Printed: Jim R. Bennett Phone: (512) 282-3079 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 Scott McNearney Mail Address 1001 S. 3rd St.

City, State & Zip Austin TX. 78704

Printed _____ Phone _____ Date _____

Scott McNearney - 512-769-1536

C15-2014-

May 23, 2014

City of Austin Planning Commission

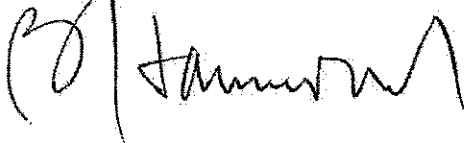
To Whom it May Concern:

We support the variance request to allow for a carport to be built at 1001 S 3rd St. The property has a legitimate floodplain hardship and the variance should be granted.

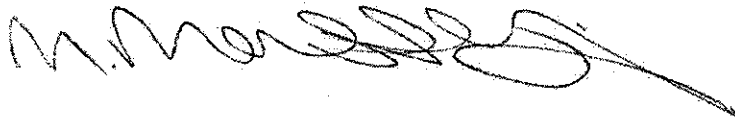
The carport is discreetly designed, not over-powering or offensive, and will add interest to our street and neighborhood.

Sincerely,

R. Bruce Hammond

A handwritten signature in black ink, appearing to read 'R. Bruce Hammond', written over a horizontal line.

Marie Morrissey

A handwritten signature in black ink, appearing to read 'Marie Morrissey', written over a horizontal line.

1005 S 3rd St

Austin, TX 78704

Email: [mmaustex@gmail.com](mailto:mmmaustex@gmail.com)

May27th, 2014

City of Austin Planning Commission

To Whom It May Concern:

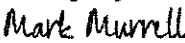
We support the variance request to allow for a carport and related structures to be completed at 1001 S 3rd St, the property adjacent to our own. The property has a legitimate floodplain hardship and the variance should be granted.

The carport design is aesthetically pleasing and inline with other neighborhood construction, including ours.


If there is anything we can do to be of assistance please contact us at 512-689-1373.

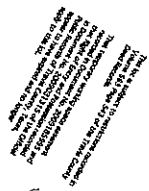
Sincerely

Mark Murrell

DocuSigned by:

30E1910825724C2...

Kara Murrell

DocuSigned by:

E2BA939435E74EB...



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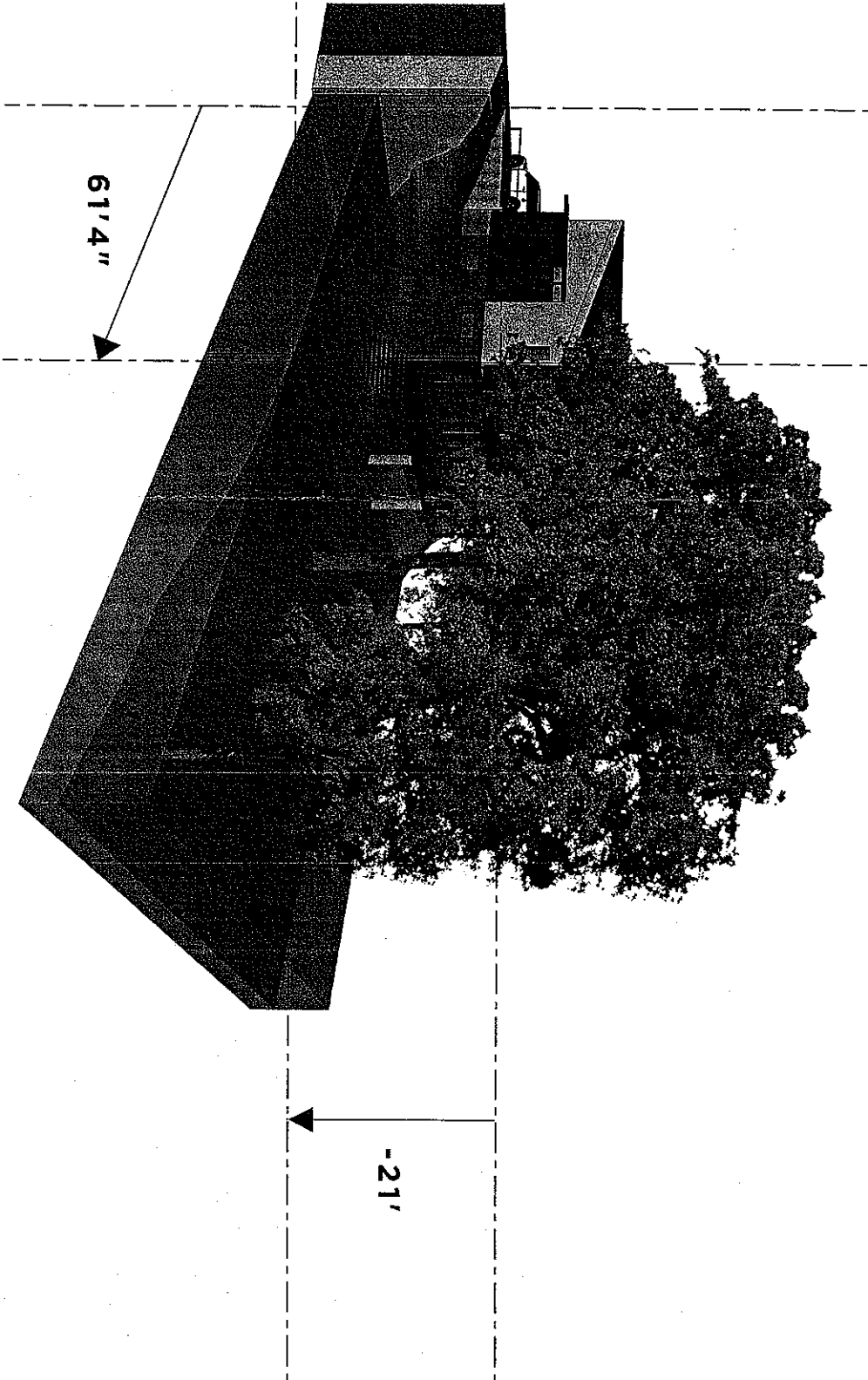
CONCRETE RETAINING WALL

1 SITE PLAN



DRIVE AT PROPERTY LINE
+488'

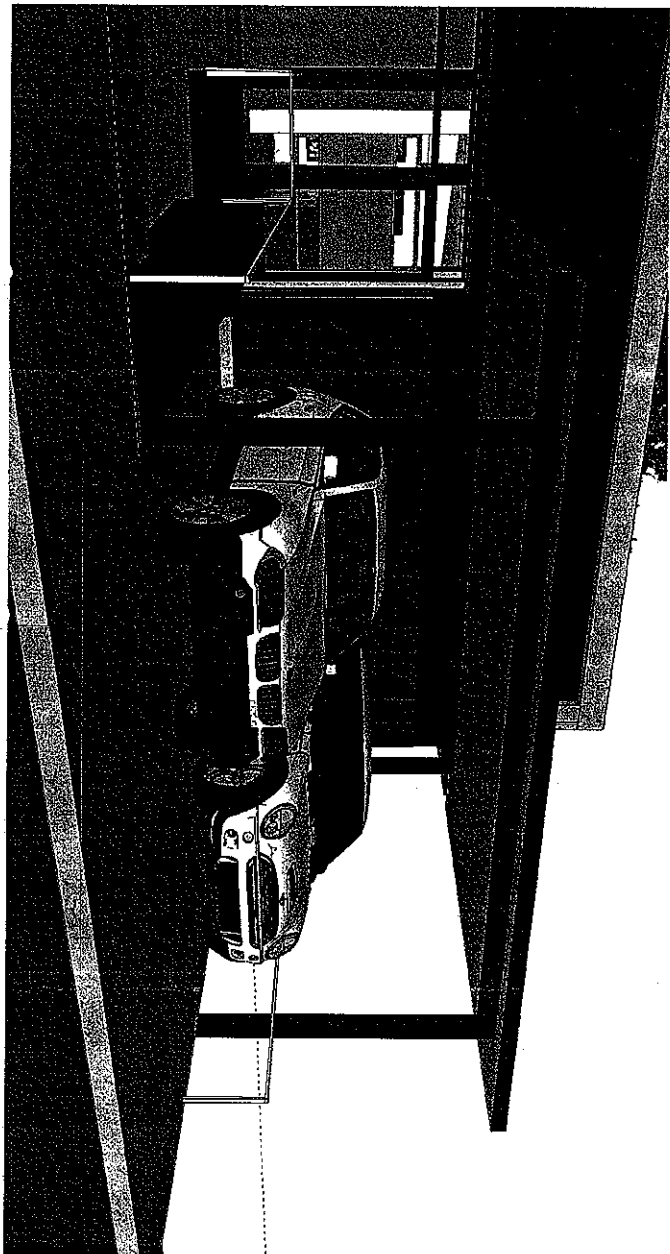
FLOODPLAIN
+467'

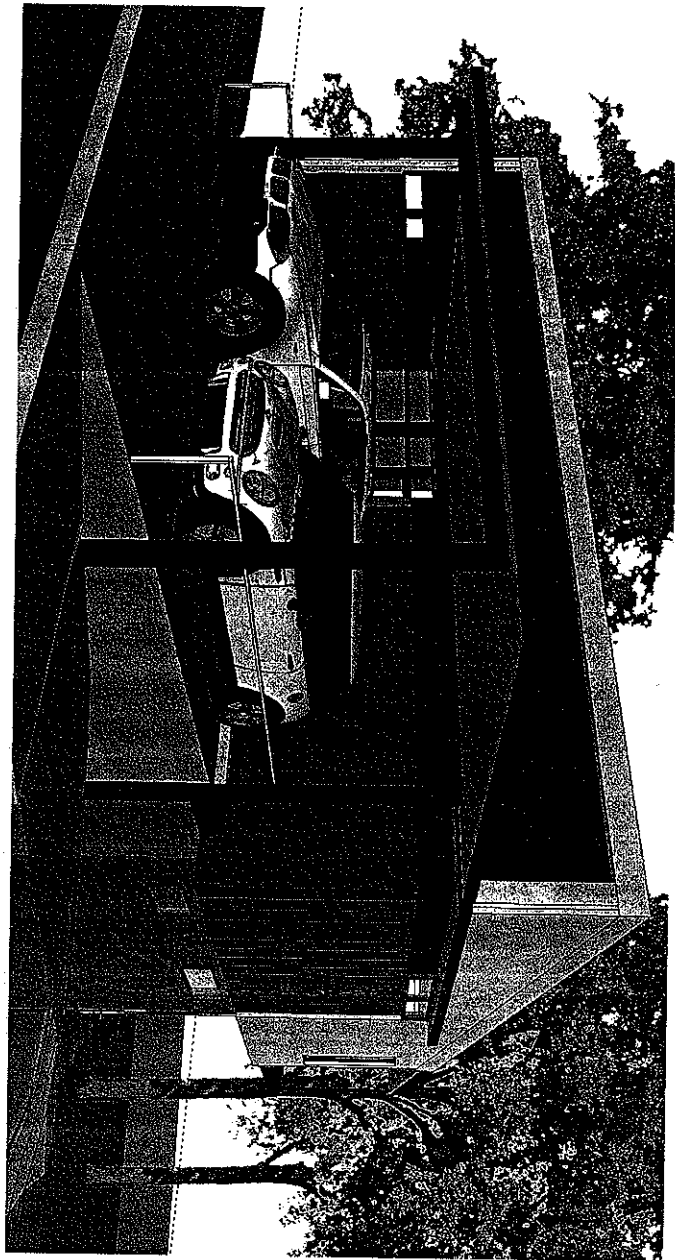


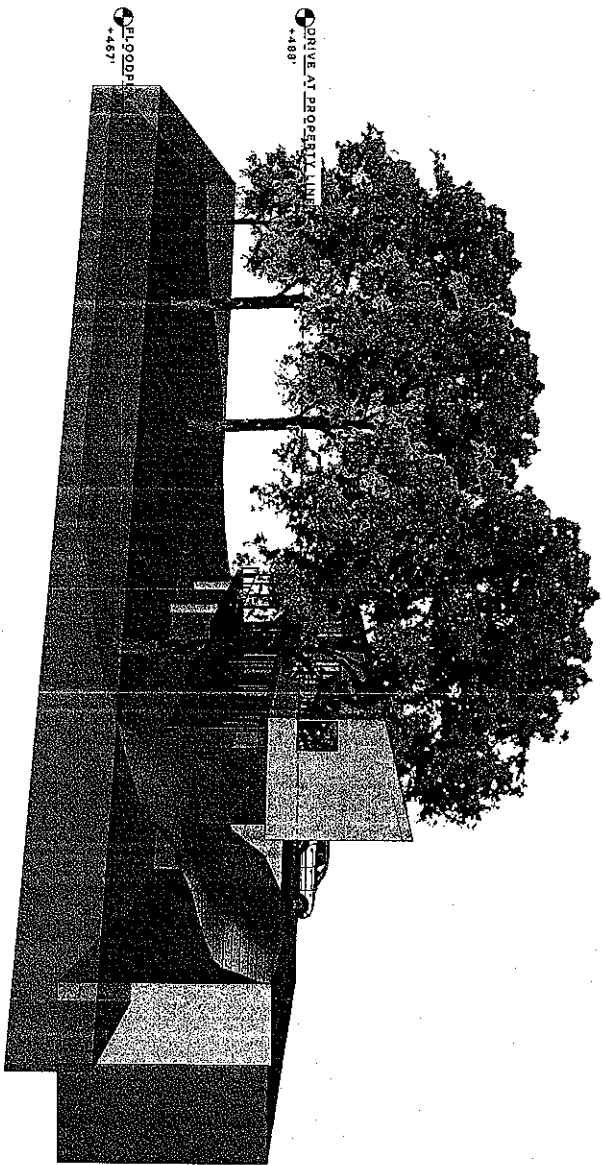
MCNEARNEY CARPORT & WALKWAY
APRIL 24, 2014

FORGE CRAFT ARCHITECTURE + DESIGN



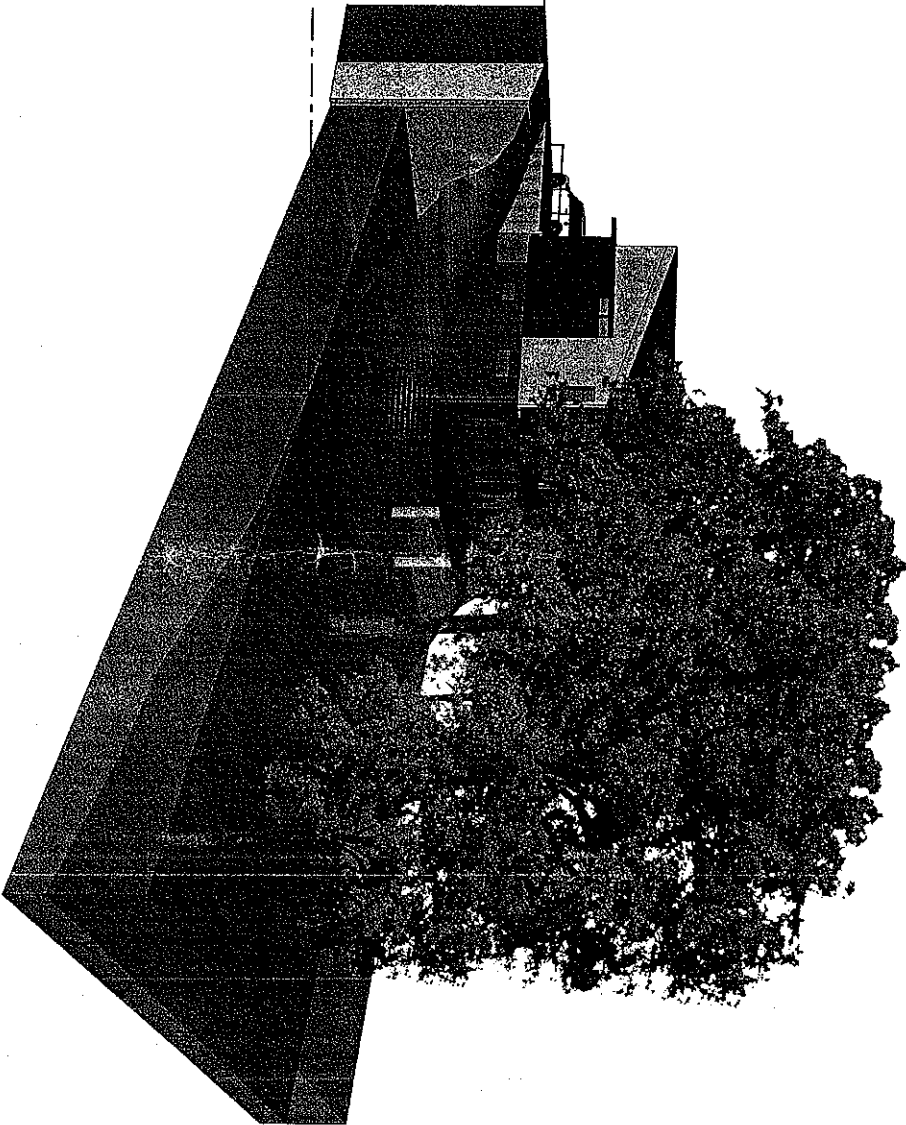






DRIVE AT PROPERTY LINE
+488'

FLOODPLAIN
+467'



MCNEARNEY CARPORT & WALKWAY
APRIL 17, 2014

FORGE CRAFT ARCHITECTURE + DESIGN

