

CASE REVIEW SHEET

CASE: C15-2019-0002

BOA DATE: January 14, 2019

ADDRESS: 1119 Mission Ridge

COUNCIL DISTRICT AREA: 9

OWNER: Frankie and Gary Furman

AGENT: David Cancialosi

ZONING: SF-3-NP (South River City)

FLUM: Residential

AREA: Travis Heights Subdivision, 2 blocks west of IH-35

VARIANCE REQUEST: Section 25-2-492 (D) to decrease the minimum front yard setback from 25' to 22.7'

SUMMARY: Existing single family house that encroaches into front setback after re-subdivision

ISSUES: Re-subdivision added right of way on Chelsea Lane reducing the lot size and causing the home to now encroach into the front setback

	ZONING	LAND USES
<i>Site</i>	SF-3-NP (South River City)	Residential
<i>North</i>	SF-3-NP (South River City)	Residential
<i>South</i>	SF-3-NP (South River City)	Residential
<i>East</i>	SF-3-NP (South River City)	Residential
<i>West</i>	SF-3-NP (South River City)	Residential

NEIGHBORHOOD ORGANIZATIONS: Austin Neighborhood Council; Bike Austin; Friends of Austin Neighborhoods; Greater South River City Combined Neighborhood Plan Contact Team; Homeless Neighborhood Association; Neighborhood Empowerment Foundation; Preservation Austin; SEL Texas; Sierra Club, Austin Regional Group; South Central Coalition, South River City Citizens Association; Zoning Committee of South River City Citizens

I-2/2



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2019-0002

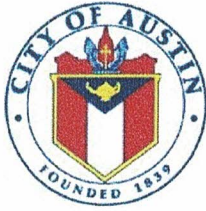
LOCATION: 1119 MISSION RIDGE

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.



1" = 333'



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 1119 Mission Ridge

Subdivision Legal Description:

N 70 FT LOT 9& 10 BLK 43 TRAVIS HEIGHTS

Lot(s): 9 & 10 Block(s): 43

Outlot: _____ Division: TRAVIS HEIGHT

Zoning District: SF-3

I/We David Cancialosi on behalf of myself/ourselves as
authorized agent for Frankie C. Furman and Gary Furman affirm that on
Month October, Day 19, Year 2018, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☒ Maintain ☐ Other: _____

Type of Structure: Single family residence

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

25-2-492(D) front setback reduction from 25' required to 22.7' proposed setback from Chelsea Lane to allow a 2.3' encroachment into the front yard setback as a result of a recent subdivision whereby right-of-way dedication was required by the city, removing ~2.3' from the subject site at 1119 Mission Ridge

Section 2: Variance Findings

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 supporting documents.

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.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

SEE ATTACHED DOCUMENT

Hardship

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

SEE ATTACHED DOCUMENT

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

SEE ATTACHED DOCUMENT

Area Character

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 DOCUMENT

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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably 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

Section 3: Applicant Certificate

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

Applicant Signature: _____ Date: Oct. 19, 2018

Applicant Name (typed or printed): David Cancialosi

Applicant Mailing Address: 105 W. Riverside Dr. #225

City: Austin State: TX Zip: 78704

Phone (will be public information): 512-593-5368

Email (optional – will be public information): [REDACTED]

Section 4: Owner Certificate

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

Owner Signature: _____ Date: June 29, 2018

Owner Name (typed or printed): Frankie C. Furman and Gary Furman

Owner Mailing Address: 1113 Mission Ridge

City: Austin State: TX Zip: 78701

Phone (will be public information): 512-479-4100

Email (optional – will be public information): [REDACTED]

Section 5: Agent Information

Agent Name: David Cancialosi

Agent Mailing Address: 105 W. Riverside Dr. #225

City: Austin State: TX Zip: 78704

Phone (will be public information): 512-593-5386

Email (optional – will be public information): [REDACTED]

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

SEE ATTACHED DOCUMENT

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City: Austin State: TX Zip: 78704

Phone (will be public information): 512-593-5368

Email (optional – will be public information): _____

Section 4: Owner Certificate

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

Owner Signature: Frankie C. Furman Gary Furman Date: June 29, 2018

Owner Name (typed or printed): Frankie C. Furman and Gary Furman

Owner Mailing Address: 1113 Mission Ridge

City: Austin State: TX Zip: 78701

Phone (will be public information): 512-479-4100

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: David Cancialosi

Agent Mailing Address: 105 W. Riverside Dr. #225

City: Austin State: TX Zip: 78704

Phone (will be public information): 512-593-5386

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

SEE ATTACHED DOCUMENT

From the office of:

PERMIT PARTNERS, LLC
105 W. Riverside Dr. Suite 225
Austin, Texas 78704
David C. Cancialosi
512.593.5368 c.
512.494.4561 f.

December 11, 2018

City of Austin c/o Leanne Heldenfelds
 City of Austin Board of Adjustment
 One Texas Center
 505 Barton Springs
 Austin, Texas 78704

RE: 1119 Mission Ridge - Variance request to reduce front yard setback from 25' to 22.7'.

Dear Board of Adjustment Commissioners,

My client is seeking a variance to reduce the front setback at his residential property from 25' to 22.7' as a result of a replat which recently occurred. The replat was required as part of a balance of tract issue created by a former replat which was approved by the city for the adjacent tract several years ago. As a result of this current 2018 replat at 1119 Mission Ridge, staff has determined that the narrow portion (Chelsea Lane) of this corner lot requires a right-of-way dedication in order to accommodate the required road width along the adjacent street (Chelsea Lane). The existing residence faces and is addressed to Mission Ridge, but the front of the lot is technically identified as Chelsea Lane due to that portion of the lot being the more narrow of the two frontages. As a result, the side of the 1940-built house encroaches into the 25' front setback by 2.3', creating a 22.7' setback.

Reasonable Use

The use is reasonable in that a residential use is allowed in SF-3 zoning. The proposed encroachment does not conflict with the intent of the SF-3 performance standards.

Hardship

The 1940-built single-family residence's 2.3' encroachment into the front setback, which essentially functions as the side yard given the residence's orientation on the lot, is a byproduct of fixing a balance of tract issue created by a former replat. During the processing of the current plat #C8-2018-0016.0A, the City of Austin required right-of-way dedication to maintain the required road width along Chelsea Lane. This requirement created an encroachment into the front setback along Chelsea Lane. The residence faces and is addressed to Mission Ridge. The side of the house encroaches into the front setback by 2.3' creating a 22.7' front setback measured from Chelsea Lane. There is no known reason for this ROW dedication other than a semantic reading of the applicable code. The ROW dedication was required in order for the 2018 plat to be approved. This variance is required to correct a non-compliant footprint created by the 2018 replat. The 2018 replat was required since the replat of the adjacent lot 9A created a balance of tract in the 2000's. That balance of tract is the current subject site 9B (1119 Mission Ridge).

Not General to the Area

I am not aware of any corner lots in this area forced to give up right-of-way as part of a replat thereby creating a setback encroachment by an existing structure.

Area of Character

The roughly 1,100 SF residence has been in place since 1940 per TCAD. A 2.3' encroachment into the front setback does not alter the character of the neighborhood nor impair the intent of the SF-3 performance standards.

Sincerely,



David C. Cancialosi, Agent for Owner

RESUBDIVISION OF A PORTION OF
LOTS 9 AND 10 BLOCK 43
TRAVIS HEIGHTS

PLAT PREPARATION DATE: August 14, 2017
APPLICATION SUBMITTAL DATE: March 7, 2018

ACCEPTED and AUTHORIZED for record by the Planning Commission of the
City of Austin, Texas, on this the ____ day of _____, 20____, A.D.

James Shieh Chair Patricia Seeger Secretary

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

I, Dana DeBeauvoir, Clerk of Travis County, Texas, do hereby certify that the foregoing
Instrument of Writing and its Certificate of Authentication was filed for record in my office on the
____ day of _____, 20____, A.D., at _____ o'clock _____ M and duly recorded
on the ____ day of _____, 20____, A.D., at _____ o'clock _____ M, Plat Records
of said County and State in Document No. _____
Official Public Records of Travis County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID
COUNTY this the ____ day of _____, 20____, A.D.

DANA DEBEAUVOUR, COUNTY CLERK TRAVIS COUNTY, TEXAS

By _____
Deputy

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

I, Holt Carson, am authorized under the laws of the State of Texas to practice the
profession of surveying and hereby certify that this plat complies with Title 25 of the Austin City
Code, and is true and correct and was prepared from an actual survey of the property made by
me or under my supervision on the ground.

Holt Carson
Registered Professional Land Surveyor No. 5166
HOLT CARSON, INC.
1904 Farview Road Austin, Texas 78704
(512)-442-0990



8-03-2018
Date

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

This is to certify that I am authorized to practice the profession of engineering in the
State of Texas, that I participated in the preparation of the plan submitted herewith
and that all information shown thereon is accurate and correct to the best of my
knowledge as related to the engineering portions thereof and that to the best of my
knowledge said plat complies with Title 25 of the Austin City Code, as amended,
and all other applicable codes and ordinances.

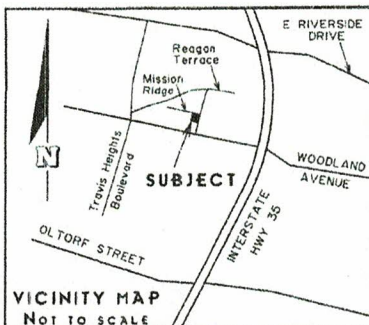
No portion of this subdivision is within the boundaries of the 100-year flood plain according
to the Federal Flood Administration FIRM panel 48453C 0605 J, dated January 6, 2016

Robert C. Thompson PE 69524
THOMPSON LAND ENGINEERING, LLC (F-10220)
904 N Cuernavaca
Austin, Texas 78733

08/06/2018
Date



Thompson Land
Engineering, LLC
11-40220



NOTES:

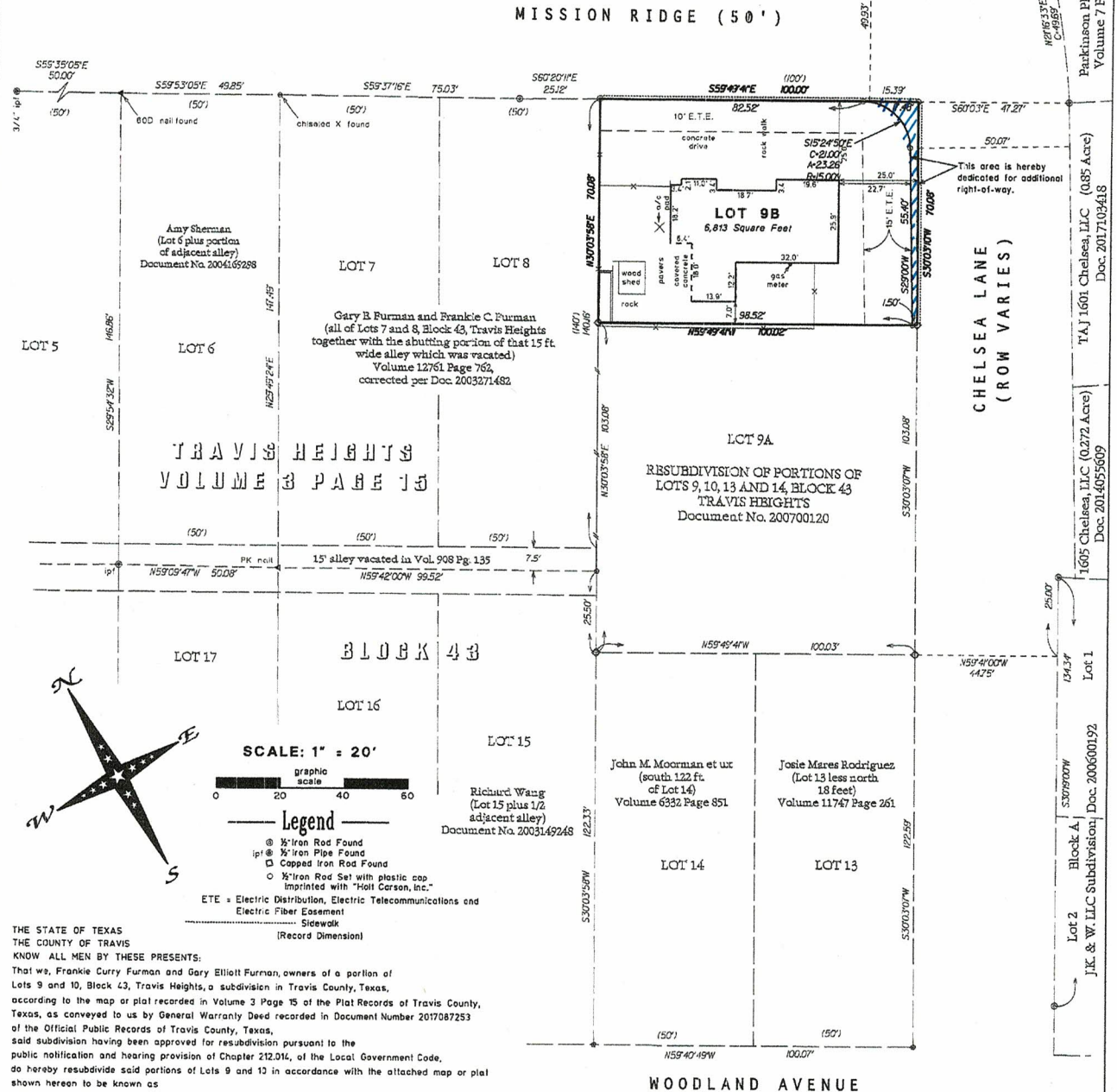
1. No lot shall be occupied until the structure is connected to the City of Austin water and wastewater utility system.
2. All water and wastewater improvements must be in accordance with City of Austin water and wastewater design criteria and specifications. All plans must be presented to the City of Austin Water and Wastewater Utility Department for review and approval. All construction must be inspected by the City of Austin.
3. Building Setback Lines shall be in conformance with the City of Austin Zoning ordinance requirements.
4. The owner of this subdivision, and his or her successors and assigns, assumes responsibility for plans for construction of subdivision improvements which comply with applicable codes and requirements of the City of Austin. The owner understands and acknowledges that plat vacation or replating may be required, at the owner's sole expense, if plans to construct this subdivision do not comply with such codes and requirements.
5. Prior to construction, except detached single family on any lot in this subdivision, a Site Development Permit must be obtained from the City of Austin.
6. All streets, drainage, sidewalks, erosion controls, and water and wastewater lines are required to be constructed and installed to City of Austin Standards.
7. Austin Energy has the right to cut and trim trees and shrubbery and remove obstructions to the extent necessary to keep the easements clear of obstructions. Austin Energy will perform all tree work in compliance with the City of Austin Land Development Code.
8. The owner/developer of this subdivision/lot may provide Austin Energy with any easement and/or access required for the installation and ongoing maintenance of overhead and underground electric facilities within or along the perimeter of this subdivision/lot. These easements/access are required to provide electric service to the buildings and will not be located as to cause the site to be out of compliance with the City of Austin Land Development Code.
9. The owner shall be responsible for installation of temporary erosion control, revegetation and tree protection. In addition, the owner shall be responsible for any initial pruning and tree removal that is within ten feet of the center line of the proposed overhead electrical facilities designed to provide electric service to this project. The owner shall include Austin Energy's work within the limits of construction for this project.
10. By approving this plat, the City of Austin assumes no obligation to construct any infrastructure in connection with this subdivision. Any subdivision infrastructure required for the development of the lots in this subdivision is the responsibility of the developer and/or the owners of the lots. Failure to construct any required infrastructure to City standards may be just cause for the City of Austin to deny applications for certain development permits including building permits, site plan approvals and/or certificates of occupancy.
11. Prior to development of this subdivision, peak runoff shall be held to the amount of existing conditions. Runoff in excess of that amount shall be controlled by the use of ponding or other approved methods.
12. The landowner is responsible for providing the subdivision infrastructure, including the water and wastewater utility improvements.
13. Erosion/Sedimentation controls are required for all construction on each lot, including single family and duplex construction, pursuant to the City of Austin Land Development Code and the Environmental Criteria Manual (ECM).
14. The owner of the property is responsible for maintaining clearances required by the National Electric Safety Code, Occupational Safety and Health Administration (OSHA) regulations, City of Austin rules and Texas state laws pertaining to clearances when working in close proximity to overhead power lines and equipment. Austin Energy will not render electric service unless required clearances are maintained. All costs incurred because of failure to comply with the required clearances will be charged to the owner.
15. All restrictions and notes from the previous subdivision, Travis Heights, according to the map or plat of record in Volume 3 Page 15 of the Travis County Plat Records, shall apply to this resubdivision plat.
16. A fee-in-lieu of parkland dedication and park development has been paid for 1 residence. No fee was charged for the existing residence.
17. Public sidewalks, built to City of Austin standards, are required along the following streets and as shown by a dotted line on the face of the plat: Mission Ridge and Chelsea Lane. These sidewalks shall be in place prior to the lot being occupied. Failure to construct the required sidewalks may result in the withholding of Certificates of Occupancy, building permits, or utility connections by the governing body or utility company.
18. Vehicular access to and from Chelsea Lane from Lot 9B is hereby prohibited.

CB . 2018 - 0016 . OA

2018 REPLAT TO CREATE LOT 9B

RESUBDIVISION OF A PORTION OF LOTS 9 AND 10 BLOCK 43 TRAVIS HEIGHTS

PLAT PREPARATION DATE: August 14, 2017
APPLICATION SUBMITTAL DATE: March 7, 2018



RESUBDIVISION OF A PORTION OF LOTS 9 AND 10 BLOCK 43 TRAVIS HEIGHTS

WITNESS MY HAND this the ____ day of _____, A.D. 20 ____

Frankie Curry Furman
1113 Mission Ridge
Austin, Texas 78704

Gary Elliott Furman
1113 Mission Ridge
Austin, Texas 78704

THE COUNTY OF TRAVIS
THE STATE OF TEXAS

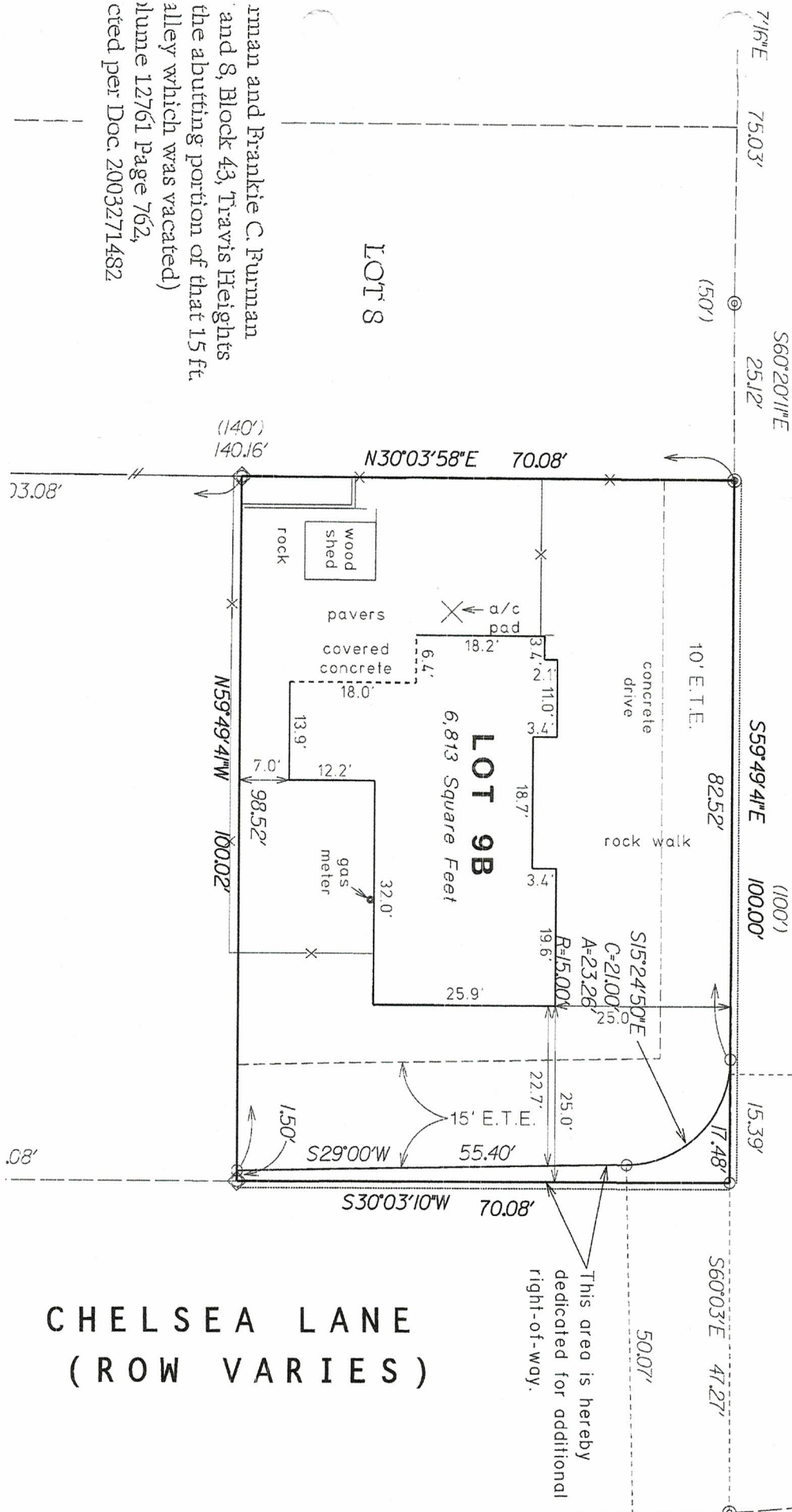
I, the undersigned authority, on this the ____ day of _____, A.D.,
20 ____, did personally appear Frankie Curry Furman and Gary Elliott Furman, known to me to be
the persons whose names are subscribed to the foregoing instrument of writing, and they acknowledged
before me that they executed the same for the purposes and considerations therein expressed.

NOTARY PUBLIC _____

Printed Name _____

Commission Expires _____

MISSION RIDGE (50')



This area is hereby
dedicated for additional
right-of-way.

CHELSEA LANE
(ROW VARIES)