

BOA CASE REVIEW SHEET

CASE: C15-2019-0007

BOA DATE: February 11, 2019

ADDRESS: 2618 Spring Lane

COUNCIL DISTRICT AREA: 10

OWNER: James Greenway

AGENT: David Cancialosi

ZONING: SF-3-NP

AREA: Lot 8 less SW Tri and N Tri of Lot 7 Tarrytown Oaks Sec 2

VARIANCE REQUEST: Sub Chapter F, Article 2: Development Standards, 2.1 (Maximum Development Permitted) 0.4 to 1.0 (required), 0.42 to 1.0 (requested)

SUMMARY: Interior remodel post-construction building permit to include part of 2nd floor attic space as air conditioned, game room space.

ISSUES: Work was done in 2005 prior to Sub Chapter F inclusion in the zoning code; building code did not require a permit for structures less than 250 square feet (currently 200 square feet), however current zoning applies for current permits.

	ZONING	LAND USES
<i>Site</i>	SF-3-NP (West Austin Neighborhood Group)	Residential
<i>North</i>	SF-3-NP (West Austin Neighborhood Group)	Residential
<i>South</i>	SF-3-NP (West Austin Neighborhood Group)	Residential
<i>East</i>	SF-3-NP (West Austin Neighborhood Group)	Residential
<i>West</i>	SF-3-NP (West Austin Neighborhood Group)	Residential

NEIGHBORHOOD ORGANIZATIONS: Austin Independent School District, Austin Neighborhoods Council; Bike Austin; Central West Austin Neighborhood Plan Contact Team; Friends of Austin Neighborhoods; Neighborhood Empowerment Foundation; Preservation Austin; SEL Texas; Save Our Springs Alliance; Sierra Club, Austin Regional Group; TNR BCP – Travis County Natural Resources; Tarrytown Neighborhood Association; West Austin Neighborhood Group

I-4/2

HILLVIEW

HILLVIEW GREEN

WESTOVER

EXPOSITION

SPRING

GALEWOOD

MC CULLOUGH

SPRING

DELWOOD

ST ANTHONY

GREENLEE

NOTIFICATIONS

CASE#: C15-2019-0007
LOCATION: 2618 Spring Lane



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 172'

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.





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: 2618 Spring Lane, Austin, Texas

Subdivision Legal Description:

LOT 8 LESS SN TRI & N TRI OF LOT 7 TARRYTOWN OAKS SEC. 2

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: _____

I/We David Cancialosi on behalf of myself/ourselves as
authorized agent for James Greenway affirm that on
Month January, Day 11, Year 2019, 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: Residential

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

25-2-F-2.1 MAX F.A.R., SEEKING .42 F.A.R AT EXISTING RESIDENCE. NO PROPOSED CHANGE TO EXISTING SIZE OR SCALE

OF 2005 ERA RESIDENCE

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

Hardship

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

SEE ATTACHED

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

SEE ATTACHED

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

SEE ATTACHED

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed 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: 1/11/19

Applicant Name (typed or printed): David Cancialosi

Applicant Mailing Address: 105 W. Riverside #225

City: Austin State: TX Zip: 78704

Phone (will be public information): _____

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: _____ Date: 1/11/19

Owner Name (typed or printed): James Greenway

Owner Mailing Address: 2618 Spring Lane

City: Austin State: TX Zip: 78703

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: David Cancialosi for Mr. James Greenway

Agent Mailing Address: 105 W. Riverside #225

City: Austin State: TX Zip: 78704

Phone (will be public information): _____

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 COVER LETTER

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: DEL Date: _____

Applicant Name (typed or printed): _____

Applicant Mailing Address: _____ State: _____ Zip: _____

City: _____

Phone (will be public information): _____

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: [Signature] Date: 1-9-2019

Owner Name (typed or printed): James Greenway

Owner Mailing Address: 2618 Spring Lane State: TX Zip: 78703

City: Austin

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: David Canaleini for Mr. James Greenway

Agent Mailing Address: 105 W. Riverside Dr. #225 State: TX Zip: 78714

City: Austin

Phone (will be public information): _____

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 cover letter

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.

January 9, 2019

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

RE: 2618 Spring Lane – request for .42 FAR to allow 177 SF game room enclosure

Dear Board of Adjustment Commissioners,

My client is seeking a variance to allow a slight increase in the maximum allowed FAR at his personal home located at 2618 Spring Lane. The homeowner filed for a permit approval recently to perform an interior remodel. He was rejected on the basis that an entry way taller than 15' in ceiling height had been enclosed to make room for a small 177 SF gaming play room for his five children to use. This minor modification was performed without permit and before the adoption of the Subchapter F regulations. The residence was approved and built prior to adoption of Subchapter F in accordance with BP-2005-013599. The owner was not aware that the enclosure of this small area would require a permit given the minor nature of it. Although he does express remorse for not being aware of the regulations. At that time in 2005 he misunderstood the city's rule which states anything under 200 SF does not require a permit.

The enclosure essentially consists of boards across existing joists to make the floor (accessed from existing 2nd floor). The remainder of the space was already finished out since it was part of the original permit. He sheetrocked under the new floor to finish out the ceiling in the entry as you enter the house. Development Services Staff has now determined that Mr. Greenway's current application for interior remodel -which proposes no increase in FAR or change in footprint to the existing pre-Subchapter F house - is subject to FAR regulations codified in Subchapter F. Specifically, due to this 177 SF enclosure Mr. Greenway is requesting the .42 FAR for a total square footage of 6,512 SF from the originally permitted 6,335 SF / .412 FAR. A total increase of .008 FAR.

Reasonable Use

The use is reasonable in that a residential use is allowed in SF-3 zoning. The proposed FAR increase does not violate the intent of the Subchapter F regulations, which were instituted to regulate scale and size of residences in relation to surrounding structures within a neighborhood. The addition of an interior 177 SF enclosure is a semantic interpretation which does not violate the spirit of the FAR regulations. Mr. Greenway is simply attempting to utilize his residence in a manner that accommodates his wife and five children whom were not present in his life in 2005.

Hardship

The regulations are being retroactively and unreasonably applied to a pre-Subchapter F project. The request is diminimus in nature given it's use has been an efficient use of the home to accommodate his family without expanding the scale or footprint of the house approved the city approved in 2005. Mr. Greenway fully discloses his error of not obtaining a permit for the 177 SF gaming enclosure; however, the Development Services Staff have determined any lack of permit for said enclosure now requires compliance with Subchapter F (FAR) regulations for the current remodel permit application to be approved - despite said enclosure having been preformed pre-Subchapter F per Mr. Greenway. It was basically a home-depot weekend exercise which he thought did not require permits given its nominal impact. Again, he is remorseful for not seeking permit approval for the 177 SF area. Mr. Greeway and I fully recognize DSD's authority to make such determination to apply Subchapter F regulations but respectfully submit this is an overly strict interpretation of the statue. The homeowner will testify he installed the enclosure prior to adoption of Subchapter F and thus did not believe it would be viewed by staff as grandfathered. It is shown on the current plans in transparency with full expectation that any interior remodel which does not propose an increase in FAR would not trigger retroactive compliance with Subchapter F FAR regulations for a structure which is otherwise grandfathered.

Not General to the Area

I am not aware of any structures in the area where a current interior remodel permit application has resulted in a DSD determination stating compliance with current Subchapter F regulations is required despite said project being permitted prior to adoption of Subchapter F and not increasing the scale nor footprint of the subject site.

Area of Character

The residence approved in 2005 is essentially the same. The proposed interior remodel does not propose to change the size, scope, footprint, or square footage of the residence. To reiterate, the 2005-era approval was prior to the adoption of Subchapter F. Applying Subchapter F regulations to that 2005 permit, the FAR results in .412 FAR. Adding the 177 SF gaming enclosure increases it to .42 FAR. The area of character is not impacted in an adverse manner given increase of .008 FAR.

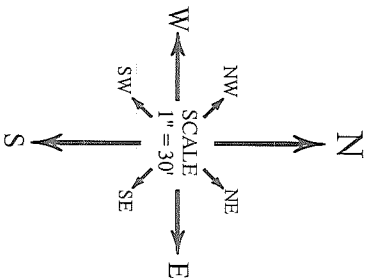
On behalf of Mr. Greenway I ask the Board to approve this request so the remodel permit application review process can continue, be approved, and the correct FAR and floorplan records can be accounted for in the City's permit system. Should the Board approved this request, the remodel permit will incorporate the necessary plan details to ensure the enclosure is built to code per current IRC regulations.

Thank you in advance.

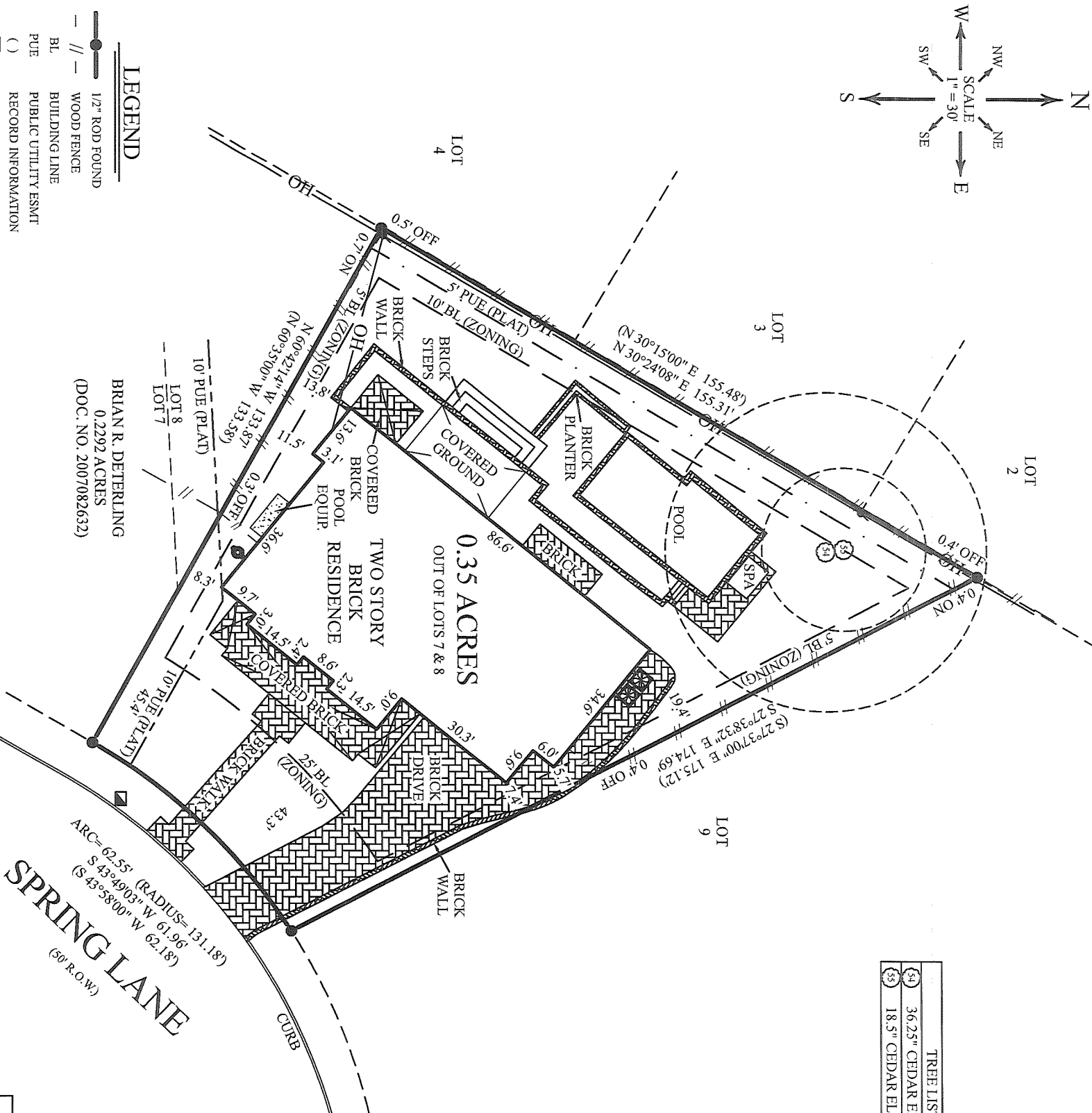
Sincerely,



David C. Cancialosi, Agent for Owner



TREE LIST	
54	36.25" CEDAR ELM (M)(H)
55	18.5" CEDAR ELM (P)



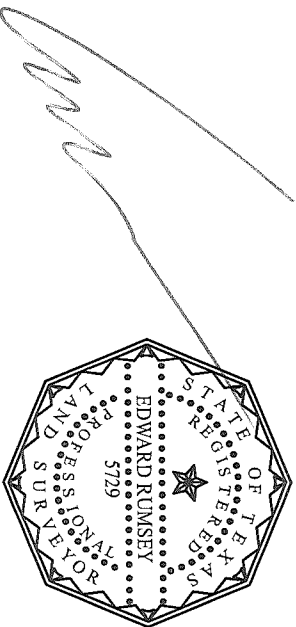
RESTRICTIONS

-RESTRICTIONS:
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE, EASEMENTS AND/OR BOUNDARY LINE AGREEMENTS. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. ONLY THOSE SETBACK LINES, EASEMENTS, BOUNDARY LINES AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE PLOTTED ON THIS SURVEY, NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.

LEGAL DESCRIPTION

0.35 OF AN ACRE OF LAND, BEING QUOT OF LOTS 7 AND 8, TARRYTOWN OAKS, SECTION NO. 2, RECORDED IN VOLUME 4, PAGE 214, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING THAT CERTAIN JAMES W. GREENWAY 0.35 ACRE TRACT RECORDED IN DOCUMENT NUMBER 201 7084325, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

NOTICE
BEFORE DESIGN BEGINS ON THE SUBJECT PROPERTY THE OWNER SHOULD CHECK THE LOCAL GOVERNING AUTHORITIES ABOUT BUILDING SETBACKS AND OTHER BUILDING REQUIREMENTS.



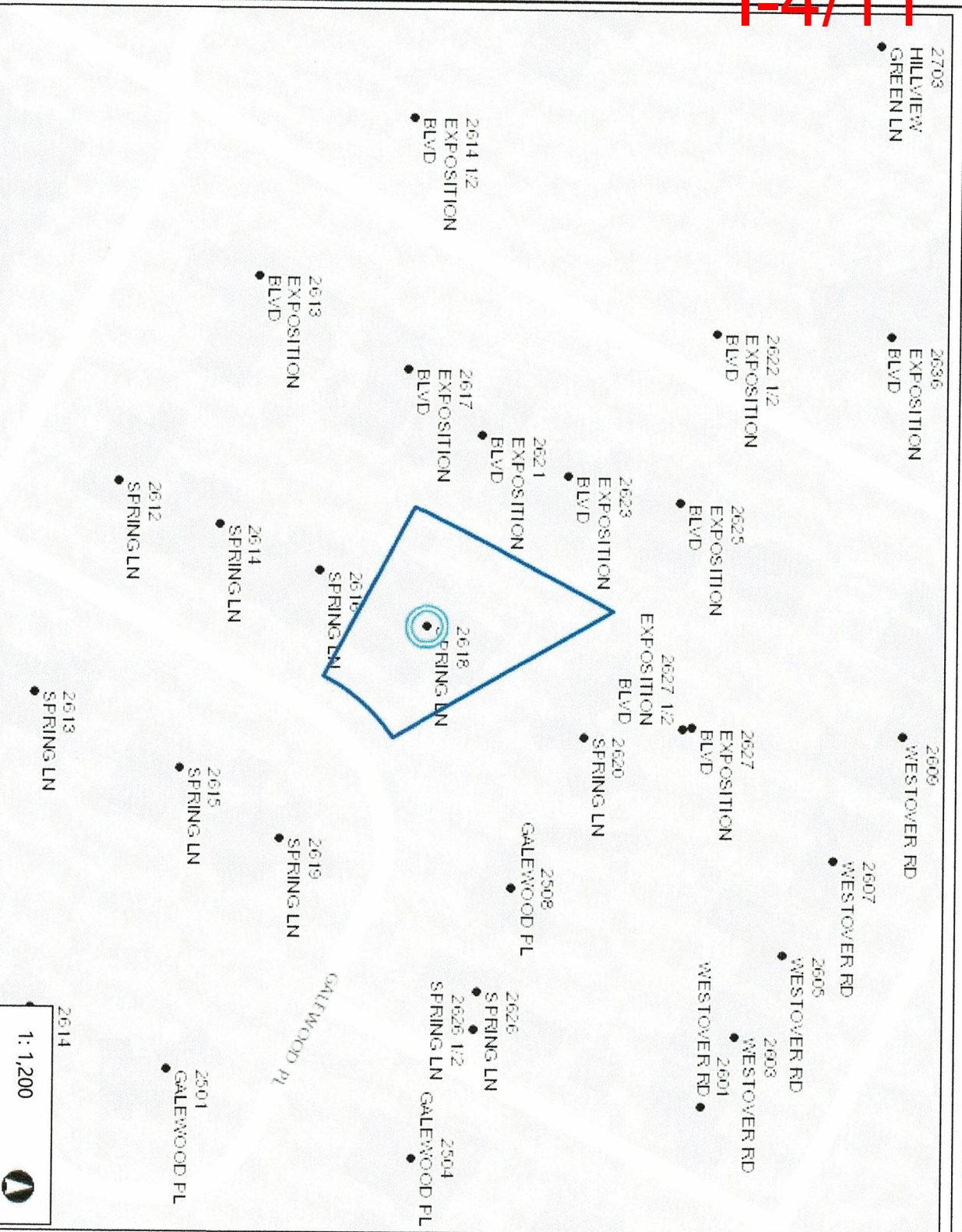
TO THE LIEN HOLDER AND / OR OWNERS OF THE PREMISES SURVEYED I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE OF THE PROPERTY LEGALLY DESCRIBED HEREON CERTIFIED ONLY TO BUILDING LINES AND EASEMENTS AS PER PLAT. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

F.I.R.M. MAP INFORMATION		ADDRESS	
THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD-PLAIN, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS F.I.R.M. MAP NO. 48453C04451 PANEL: 04451 DATED: JANUARY 6, 2016		JAMES W. GREENWAY 2618 SPRING LANE AUSTIN, TRAVIS COUNTY, TEXAS	
THIS CERTIFICATION IS FOR INSURANCE PURPOSES ONLY AND IS NOT A GUARANTEE THAT THIS PROPERTY WILL OR WILL NOT FLOOD. CONTACT YOUR LOCAL FLOOD PLAIN ADMINISTRATOR FOR THE CURRENT STATUS OF THIS TRACT.		SURVEY DATE: DECEMBER 4, 2018 TITLE CO.: - G.E. NO.: - JOB NO.: A1111018 - A1213306 - A1209605	
9020 ANDERSON MILL RD AUSTIN, TEXAS 78729 (512) 249-8149 PHONE (512) 331-5217 FAX TBPLS FIRM NO. 10135000		FIELD BY: REX NOWLIN CALC. BY: LEO BOND DRAWN BY: SEAN SUTTON RPLS CHECK: EDWARD RUMSEY	
ALLSTAR Land surveying		12/03/2018 12/15/2006 12/04/2018 12/04/2018	



Property Profile

1-4/11



NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

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. 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.

1:1,200



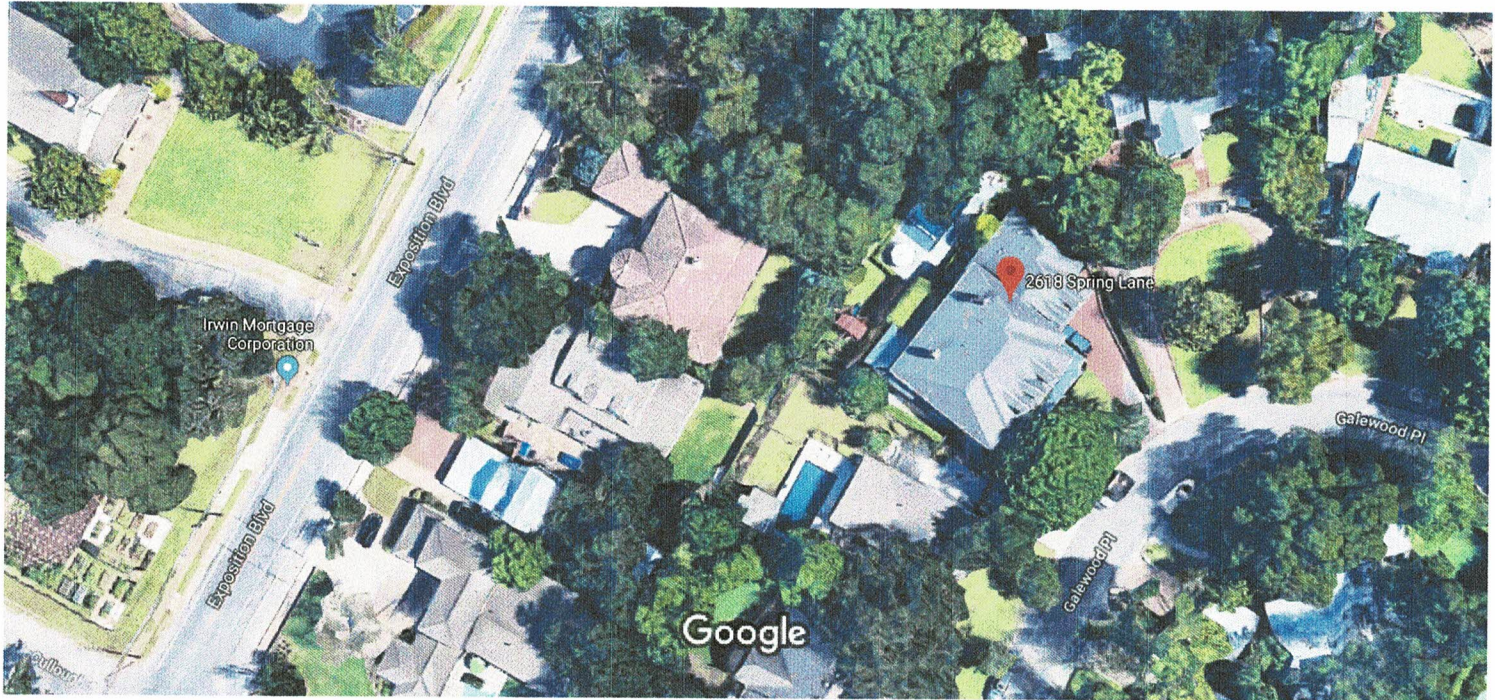
Legend

- Addresses
- Jurisdiction
 - FULL PURPOSE
 - LIMITED PURPOSE
 - EXTRATERRITORIAL JURISDICTION
 - 2 MILE ETJ AGRICULTURAL AGR
 - OTHER CITY LIMITS
 - OTHER CITIES ETJ

Notes

I-4/12

Google Maps 2618 Spring Ln

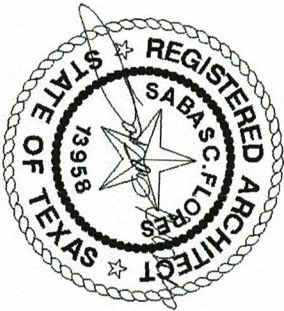


Imagery ©2019 Google, Map data ©2019 Google 50 ft



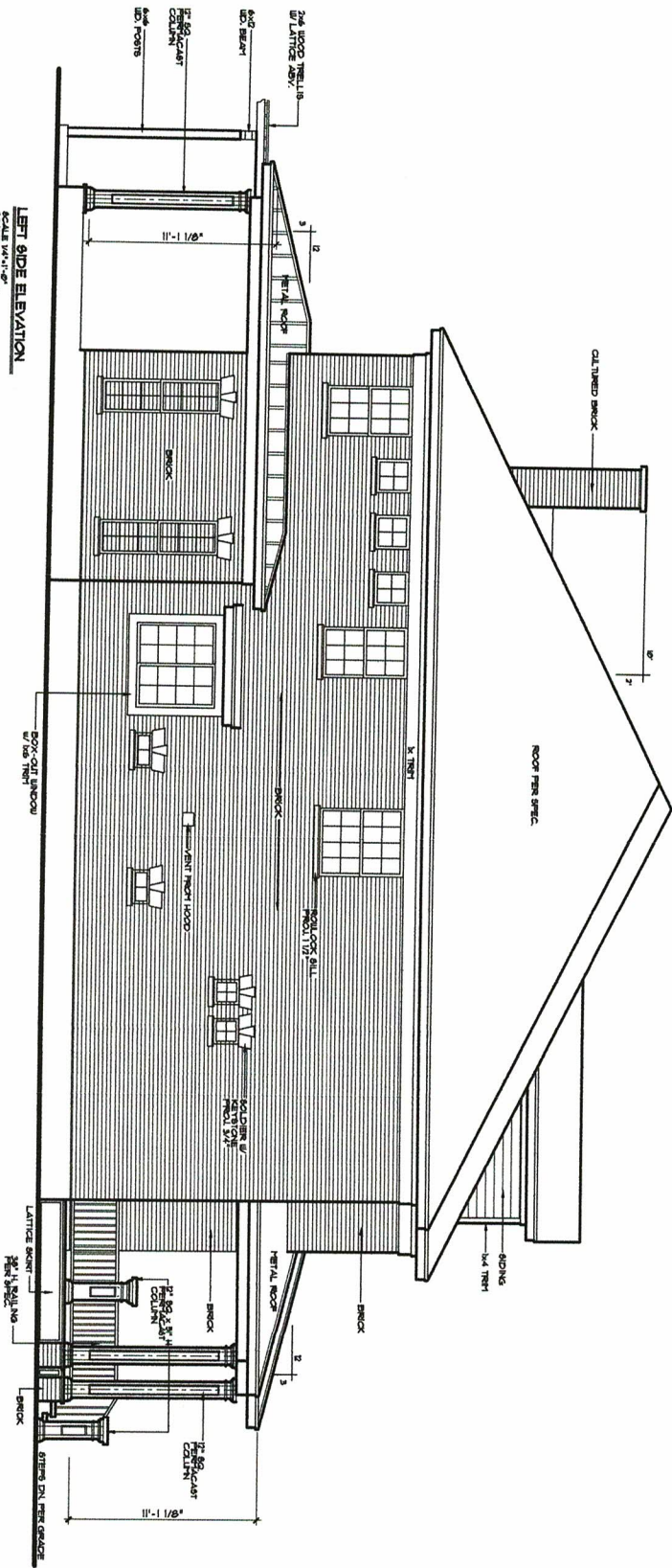
2618 Spring Ln
Austin, TX 78703



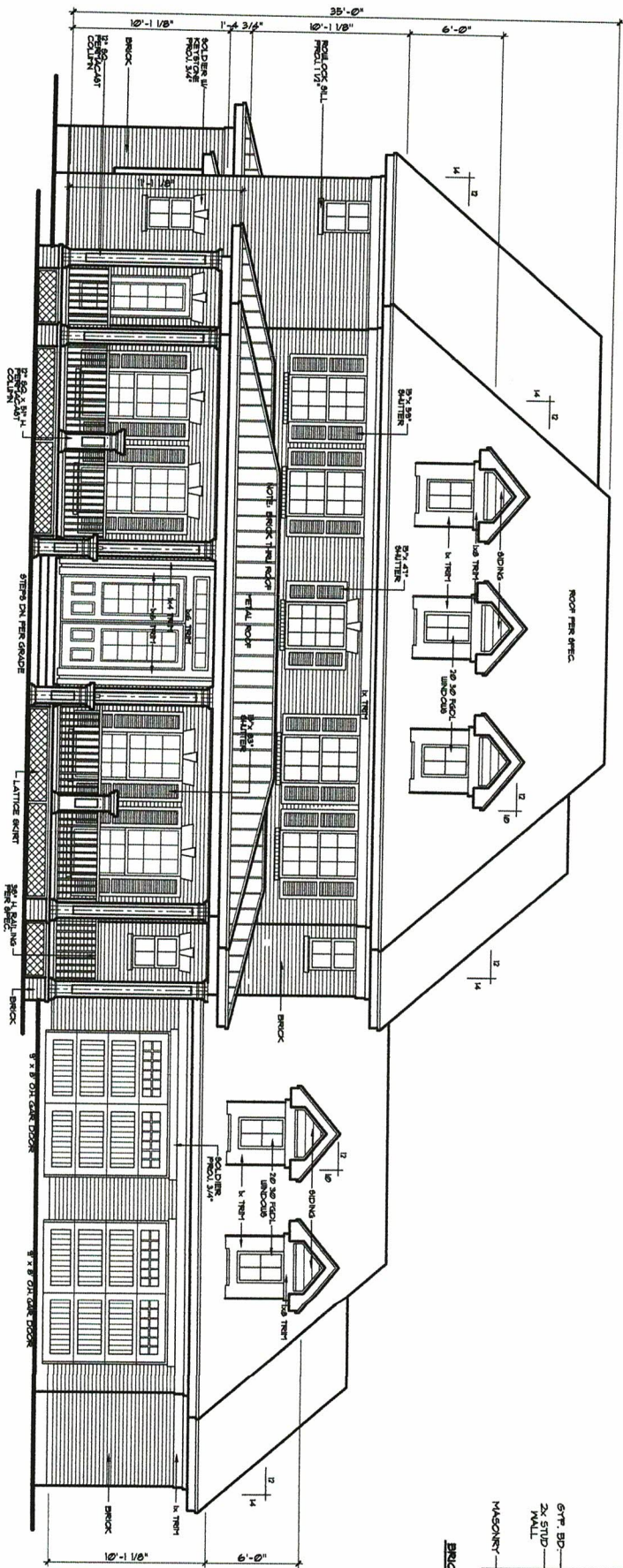


2618 Spring Lane

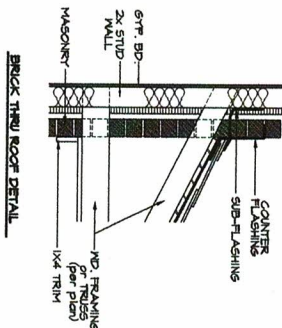
11/19/18



LEFT SIDE ELEVATION
SCALE 1/4" = 1'-0"
NOTES:
1. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
2. ALL MATERIALS ARE TO BE OF THE BEST QUALITY AVAILABLE.
3. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.



FRONT ELEVATION
SCALE 1/4" = 1'-0"



REMODEL FLOOR PLAN
W/ ARBOR

REV. 12-6-05
GREENWAY RES.
PLAN 5611 RFA

KIPPA-25M0001-0040-1A2 W ARBOR DWG 11/19/18

KIPP FLORES ARCHITECTS
(512) 335-5477 fax (512) 335-5852
WWW.KIPPFLORES.COM
11776 Jollyville Rd. Suite 100 Austin, Texas 78759

The architect warrants that the construction methods and materials shown on these drawings are in accordance with the latest editions of the building codes and specifications. The architect does not warrant the quality of the construction or the quality of the materials used in the construction.

GREENWAY RESIDENCE



8-8-05
Sheet
1 of 9



NOTES:
REMODELED AREAS ARE
COMPLIANT W/ 2015 IRC
1ST FLOOR PLATE HATCH TO BE
12'-1 1/2" WIDE UNDOOR
HEADER HATCH UNLESS NOTED.
2ND FLOOR PLATE HATCH TO BE
12'-1 1/2" WIDE UNDOOR
HEADER HATCH UNLESS NOTED.
ALL ANGLED WALLS TO BE 45°
UNLESS NOTED OTHERWISE.
PROVIDE TIEFERED GLASS
WHERE REQUIRED.

Square Footage Chart	
	FRANKLIN W STORE
1ST FLOOR	33,842
2ND FLOOR	27,115
TOTAL FLOORING	60,957
GLAZING	66,671
UNFINISHED STOR.	18,010
PORCH	4,911
COV. PATIO	8,641
AREAS COV. PATIO	35,441
TOTAL	179,631



REVISED 1/19/18 REVISIONS PER CITY COMMENTS (SW)
REVISED 9/21/18 REDESIGN TO REAR COVD PATIO AND SECOND FLOOR (SW)
REVISED 1/19/20 M18
REVISED 11/07/23 FLOOR PLAN + CABINET CHANGES. (RLH)
REVISED 9-4-23 1ST BLDG CHECKSET / M18

KIPP★FLORES
ARCHITECTS®
® (512) 335-5477 fax (512) 335-5852
WWW.KIPPFLORES.COM
776 Jollyville Rd. Suite 100 Austin, Texas 78759

Due to variations in construction methods and diversity in construction materials, all dimensions and elevations are approximate and may vary per plan. Builder accepts full responsibility for checking plans to assure conformity with local codes. Should any changes be made to these plans by Builder or his representatives, Builder assumes full liability for amended plans and specifications.

GREENWAY RESIDENCE

X

Identify & Find Data



1-4/17



Property Profile

Property Profile

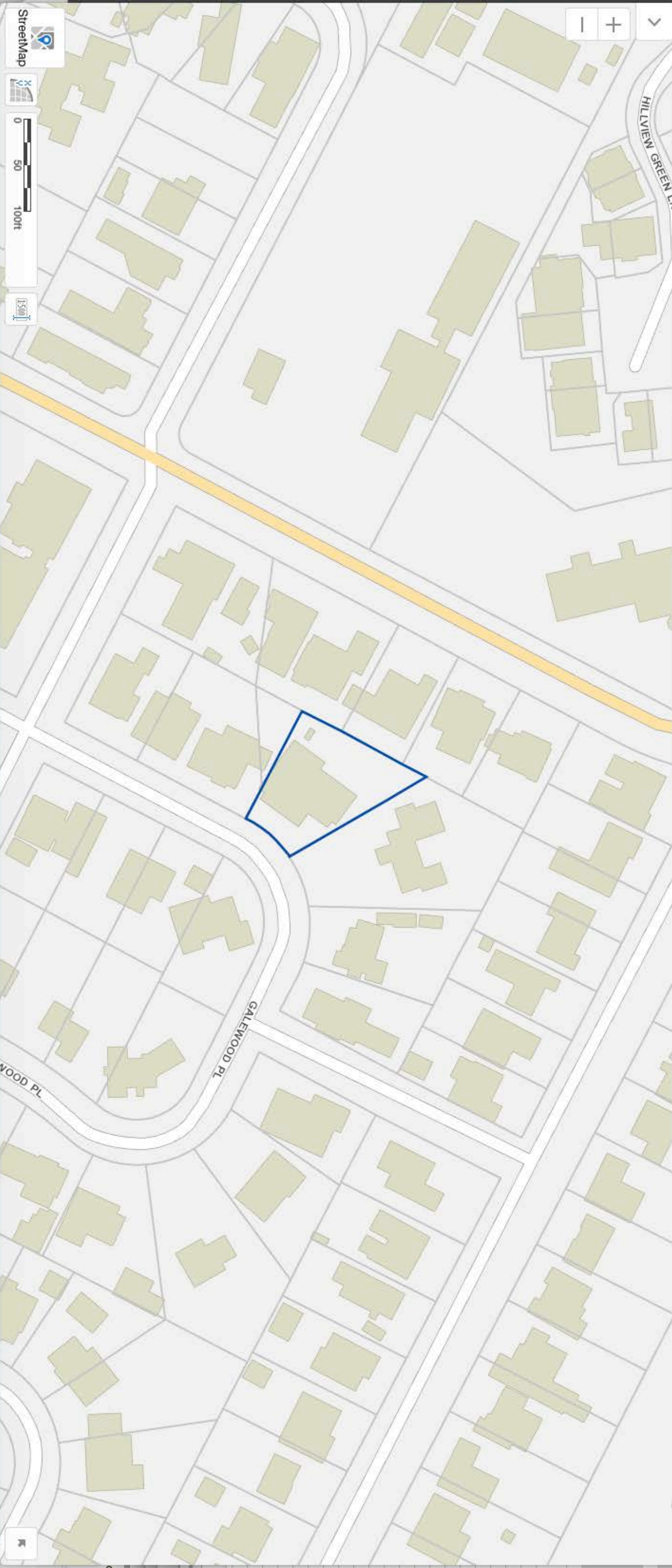
austintexas.gov

Mail - kasey@texasexcavationsolutions.com

- Getting Around
- Search & Identify Data
- Drawing & Measurement
- Printing & Reporting
- Help

- Address Search
- Parcel Search
- Find Review Case
- Permits By Address
- Change visible map layers
- Find Layers
- Point
- Query
- Filter
- Identity & Find Data

☒ Tool Labels



Sort & Filter

Share

100% Mon 12:30 PM

- Taskbar icons including Safari, File, Edit, View, History, Bookmarks, Window, Help, and various application shortcuts like Calendar, Photos, Mail, etc.