## BOA CASE REVIEW SHEET

CASE: C15-2019-0015
ADDRESS: 910 Berrywood Drive
OWNER: Vanessa Tate
ZONING: SF-2

BOA DATE: April 8, 2019
COUNCIL DISTRICT: 1
AGENT: Michael Kane

AREA: Lot 8, Block B, North Oaks Hillside Section One
VARIANCE REQUEST: encroach into 5 feet into the 25 front building setback
SUMMARY: replacing an existing carport
ISSUES: existing trees

|  | ZONING | LAND USES |
| :--- | :--- | :--- |
| Site | SF-2 | Single Family Residential |
| North | SF-2 | Single Family Residential |
| South | SF-2 | Single Family Residential |
| East | SF-2 | Single Family Residential |
| West | SF-2 | Single Family Residential |

NEIGHBORHOOD ORGANIZATIONS: Austin Independent School District; Austin Neighborhoods Council; Bike Austin; Friends of Austin Neighborhoods; Homeless Neighborhood Association; Neighborhood Empowerment Foundation; North Growth Corridor Alliance; Northeast Walnut Creek Alliance; Northeast Walnut Creek Neighborhood Association; SEL Texas; Sierra Club, Austin Regional Group; TechRidge Neighbors; Yager Planning Area


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 \# $\qquad$

## Section 1: Applicant Statement

Street Address: 910 Berrywood Dr
Subdivision Legal Description:
LOT 8 BLK B NORTH OAKS HILLSIDE SEC 1

Lot(s): 8
Outlot: $\qquad$ Block(s): B
Division: NORTH OAKS HILLSIDE SEC 1

Zoning District: SF-2

I/We Michael Kane on behalf of myself/ourselves as
authorized agent for David Matocha $\qquad$ affirm that on Month January , Day 21 , Year 2019 , hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):
○ Erect
-Attach
OComplete
○Remodel
OMaintain
Other:
$\qquad$
Type of Structure: Carport

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

## 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:
Scope of work is to remove/replace carport. No increase to the footprint.
Carport is existing non-complying
OPENNESS OF REQUIRED YARD: the carport structure cannot encroach into a required yard setback, with the exception of 2' (maximum) eaves. LDC 25-2-513(B). Applicable setbacks for SF-2
zoning are: 25ft front, 10ft rear, and 5ft side-yard. LDC 25-2-492.

## Hardship

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

The home and carport were built in 1965 and was not annexed into the COA jurisdiction till 2005. This means the set-back requirment9s) were not applicable at the time of construction. Furthermore there are two protected trees near the carport. This limits our construction as we can not pour any new piers in the trees $1 / 4$ CRZ. We are proposing to use the existing piers.
b) The hardship is not general to the area in which the property is located because:

The property is the original built and no new SQFT is proposed to the property. Other properties have similar set-back issues.

## 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:

The new carport will match the characteristics of the neighbourhood
$\qquad$
$\qquad$
$\qquad$
$\qquad$

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

## N/A

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

Scope of work is to keep the same foot print of the carport
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

No change of use to the area of work

## 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: $\qquad$ Date: 01/21/2019
Applicant Name (typed or printed): Michael Kane
Applicant Mailing Address: 5401 Rusk Ct
City: Austin
State: Tx
Zip: 78723

Phone (will be public information): (512) 921-4299
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: $\qquad$ Date: $\qquad$
Owner Name (typed or printed):
Owner Mailing Address: $\qquad$
City: $\qquad$ State: Zip:
Phone (will be public information):
Email (optional - will be public information):

## Section 5: Agent Information

Agent Name: Michael Kane
Agent Mailing Address: 5401 Rusk CT
City: Austin
State: TX Zip: 78723
Phone (will be public information): (512) 921-4299
Email (optional - will be public information): $\qquad$

## 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).

## |-1/7

## 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:
Applicant Name (typed or printed): Michael Kane


Date: 01/21/2019
Applicant Mailing Address: 5401 Rusk Ct
City: Austin
Phone (will be public information): (512) 921-4299
Email (optional - will be public information): austinexpresspermits@gmail.com

## 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: 01/21/2019
Owner Name (typed or printed): Vanessa Tate
Owner Mailing Address: PO Box 142493
City: Austin Texas
Phone (will be public information): (512) 785-1771
Email (optional - will be public information):
State: TX Zip: 78714

## Section 5: Agent Information

Agent Name: Michael Kane
Agent Mailing Address: 5401 Rusk CT
City: Austin
State: TX
Zip: 78723
Phone (will be public information): (512) 921-4299
Email (optional - will be public information): austinexpresspermits@gmail.com

## 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).
$\qquad$
$\qquad$
$\qquad$

## I-1/8

March 7, 2019

Vanessa Tate Matocha
910 Berrywood Dr
Austin Texas 78753

I, Vanessa Tate am applying for a variance from the Board of Adjustment regarding section of the Land Development Code. The variance would allow me to build/replace the original carport to the house at 910 Berrywood Drive with in the North Oaks Hillside subdivision. As officers of North East Walnut Creek Neighborhood Association, I am asking you to sign below indicating you have no objections to this project.


Vice President Hillside Bill Dunham

Thank you,
Vanessa Tate Matocha

## AS-BUILT, TOPOGRAPHIC AND TREE LOCATION SURVEY

Reference:
Matocha
Address: _ 910 Berrywood Drive, Austin, Texas
Lot 8, Block B, NORTH OAKS HILLSIDE, SEC. 1, a subdivision in Travis County, Texas,
according to the map or plat as recorded in Vol. 12, Pg. 16, Plat Records, Travis County Texas.


SCALE: $\quad 1^{\prime \prime}=20$

| LEGEND |  |
| :---: | :---: |
| - | $\mathrm{K}_{2}{ }^{\prime \prime}$ (IRF) IRON ROD FOUND |
| $\triangle$ | Calculated point |
|  | RECORD INFORMATION |
| B.S.L. | BUILDING SETBACK LINE |
| P.U.E. | PUBLIC UTLITY EASEMENT |
| R.O.W. | RIGHT OF WAY |
| $\bigcirc$ | COVERED AREA |
| -0- | CHAINLINK FENCE |
| $\longrightarrow$ - | WOOD FENCE |
| - 4 | CONCRETE |
| -oe- | OVERHEAD ELECTRIC LINE |
| $\xrightarrow{+}$ | POWER POLE AND GUY WIRE |
| (IV) | IRRIGATION CONTROL VALVE |
| (c) | WASTEWATER CLEANOUT |
| (14) | WATER METER |
| (wv) | water valve |
| M | MAILBOX |
| A | AIR CONDITIONER |
| (6) | GAS METER |
| (E) | ELECTRIC METER |
| $\underset{\text { TBM }}{\boxtimes}$ | TEMPORARY BENCHMARK: BOX CUT IN TOP CURB ELEVATON-654.90' |
| -654' | 1' CONTOUR INTERVALS |
| NG | NATURAL GROUND |
| FFE | FINISHED FLOOR ELEVATION |
|  |  |
| TREE LEGEND |  |
| TREE \# | TREE TYPE \& DIAMETER SIZE IN INCHES |
| 6002 | $36^{\prime \prime}$ LIVE OAK |
| 6003 | $27^{\prime \prime}$ LIVE OAK |
| 6006 | 8" HACKBERRY |
| 6007 | 5.5" HACKBERRY |
| 6008 | 17" HACKBERRY |
| 6009 | $13^{\prime \prime}-12.5{ }^{\prime \prime}-8^{\prime \prime}$ MEXICAN ASH |

GRAPHIC REPRESENTATION OF TREE DRIPLINE EXAMPLE: A TRIPLE STEM TREE WITH STEM 10, $8^{\circ}, 6^{\prime \prime}$ SHALL RENDER A GRAPHICAL


TREE IDENTIFIER
$-80012$
D CRITICAL ROOT ZONE
(TREES OVER 18" ROOT Z
alculated dripline


Surveyor's Note
Bearings shown hereon are bosed on Texas State Plane Coordinate System, Central Zone (FIPS Code 4203), NAD 83, Grid Coordinates \& Grid North VERTICAL DATUM: NAVD 88 (GEOID 12A)

Notes:

1) This map and the survey on which it is based have been prepared without the benefit of a title report and are not intended to reflect all easements, encumbrances or other circumstances affecting the title to
the property shown hereon.
2) Easements and building setback lines are per the recorded subdivision plat, unless noted otherwise.

Paul Utterback, HEREBY CERTIFY that a survey was made on the ground of the property shown hereon: that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has best of and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.


Tech: MBolton
Date Drawn: 8/6/18

## AS-BUILT, TOPOGRAPHIC AND TREE LOCATION SURVEY

Reference:

Matocha

Address: 910 Berrywood Drive, Austin, Texas
Lot 8, Block B, NORTH OAKS HILLSIDE, SEC. 1, a subdivision in Travis County, Texas, according to the map or plat as recorded in Vol. 12, Pg. 16, Plat Records, Travis County, Texas.


| LEGEND |  |
| :---: | :---: |
| d | $y_{2}^{\prime \prime \prime}$ (IRF) IRON ROD FOUND |
| $\triangle$ | CALCULATED POINT |
| ( ) | RECORD INFORMATION |
| B.S.L. | building setback line |
| P.U.E. | PUBLIC UTILITY EASEMENT |
| R.O.W. | RIGHT OF WAY |
| $\xrightarrow{+}$ | COVERED AREA |
| -0- | CHAINLINK FENCE |
| $\rightarrow$, | WOOD FENCE |
| \%, \% | CONCRETE |
| -OE- | OVERHEAD ELECTRIC LINE |
| $\xrightarrow{\square}$ | POWER POLE AND GUY WIRE |
| (10) | IRRIGATION CONTROL VALVE |
| (c) | WASTEWATER CLEANOUT |
| (vir) | WATER METER |
| (iv) | WATER VALVE |
| M | MAILBOX |
| A | AIR CONDITIONER |
| (6) | GAS METER |
| (E) | ELECTRIC METER |
| $\underset{\text { 区 }}{\mathbf{X I}}$ | TEMPORARY BENCHMARK: BOX CUT IN TOP CURB ELEVATION-654.90' |
| 6554' | 1' CONTOUR INTERVALS |
| NG | Natural ground |
| FFE | FINISHED FLOOR ELEVATION |


| TREE LREGEND |  |
| :--- | :--- |
| TREE \# | TREE TYPE \& DIAMETER SIZE IN INCHES |
| 6002 | $36^{\prime \prime}$ LIVE OAK |
| 6003 | $27^{\prime \prime}$ LIVE OAK |
| 6006 | $8^{\prime \prime}$ HACKBERRY |
| 6007 | $5.5^{\prime \prime}$ HACKBERRY |
| 6008 | $17^{\prime \prime}$ HACKBERRY |
| 6009 | $13^{\prime \prime}-12.5^{\prime \prime}-8^{\prime \prime}$ MEXICAN ASH |

> GRAPHIC REPRESENTATION OF TREE DRIPLINE: EXAMPLE: A TRIPLE STEM TREE WITH STEMS 10," $8^{\prime \prime}, 6^{\prime \prime}$ SHALL RENDR A GRAPHIAL RADIUS OF $10+(8 / 2)+(6 / 2)=17^{\prime}$ FEEET

## TREE IDENTIFIER

80012
alculated critical root zone
(TREES OVER $18^{\prime \prime}$ DIAMETER)
CALCULATED DRIPLINE


Surveyor's Note:
Bearings shown hereon are based on Texas State Plane Coordinate System, Central Zone (FIPS Code 4203), NAD 83, Grid Coordinates \& Grid North. VERTICAL DATUM: NAVD 88 (GEOID 12A)

Notes:

1) This map and the survey on which it is based have been prepared without the benefit of a title report and are not intended to reflect all easements, encumbrances or other circumstances affecting the title to
the property shown hereon.
2) Easements and building setback lines are per the recorded subdivision plat, unless noted otherwise.
, Paul Utterback, HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has acest and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.




| \% |  |  |  |  |  | 910 BERRYWOOD DRIVE AUSTIN, TEXAS 78753 <br> STRUCTURAL PLANS DESCRIPTION OF WORK | AUSTIN EXPRESS P ERMITS |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |




| Wix |  |  |  |  | $\stackrel{\pi}{2}$ | 910 BERRYWOOD DRIVE AUSTIN, TEXAS 78753 <br> STRUCTURAL PLANS DESCRIPTION OF WORK | AUSTIN EXPRESS P ER M I T S |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |



11/29/2018 10:23:43 AM

$\dagger$

| w |  |  |  |  | - | 910 BERRYWOOD DRIVE AUSTIN, TEXAS 78753 <br> STRUCTURAL PLANS DESCRIPTION OF WORK | AUSTIN EXPRESS P ERMITS |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |



| $\xrightarrow{\omega}$ |  |  |  |  |  |  | 910 BERRYWOOD DRIVE AUSTIN, TEXAS 78753 <br> STRUCTURAL PLANS DESCRIPTION OF WORK | AUSTIN EXPRESS P E R M I T S |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |

Go gle Maps 910 Berrywood Dr

## |-1/19



Austin, Tenes
Image capture: Apr 2016 O2019 Gcoople
P. oioogle

Street Vew - Apr 2016
8910 Berrys

## |-1/22



