

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday January 13, 2020

CASE NUMBER: C15-2019-0068

____ Brooke Bailey
____ Jessica Cohen
____ Ada Corral
____ Melissa Hawthorne
____ William Hodge
____ Don Leighton-Burwell
____ Rahm McDaniel
____ Darryl Pruet
____ Veronica Rivera
____ Yasmine Smith
____ Michael Von Ohlen
____ Kelly Blume (Alternate)
____ Martha Gonzalez (Alternate)
____ Denisse Hudock (Alternate)

APPLICANT: Rodney Bennett

OWNER: Carl Frank

ADDRESS: 1213 TAYLOR ST

VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-515 (Rear Yard of a Through Lot) from setback requirements to decrease the minimum rear yard setback from 25 feet (required) to 14 feet 6 inches (requested) in order to erect detached garage with a 2nd FL Studio/Guest Room (not to be a Two-Family Use) SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

Note: Per LDC for a Through Lot, a rear yard must comply with the minimum requirements applicable to a front yard.

BOARD'S DECISION: BOA Jan 13, 2020 **POSTPONED TO FEBRUARY 5, 2020 BY APPLICANT (RENOTICE)**

RENOTICE: The applicant is requesting a variance(s) from Section 25-2-515 (Rear Yard of a Through Lot) from setback requirements to decrease the minimum rear yard setback from 25 feet (required) to 10 feet (requested) in order to erect detached garage with a 2nd FL Studio/Guest Room (not to be a Two-Family Use) SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

Note: Per LDC for a Through Lot, a rear yard must comply with the minimum requirements applicable to a front yard.

BOARD'S DECISION: BOA FEB 5, 2020

EXPIRATION DATE:

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:


Elaine Ramirez
Executive Liaison


Don Leighton-Burwell
Chairman

BOA GENERAL REVIEW COVERSHEET**CASE:** C15-2019-0068**BOA DATE:** February 5, 2020**ADDRESS:** 1213 Taylor St**COUNCIL DISTRICT:** 3**OWNER:** Carl Frank**AGENT:** Rodney Bennett**ZONING:** SF-3-NP**LEGAL DESCRIPTION:** LOT 20 OLT 45 DIV O WENDLANDT & STAEHEL RESUB**VARIANCE REQUEST** (updated): decrease rear yard through lot setback from 25 ft. to 10 ft.**SUMMARY:** erect a garage w/2nd FL studio/guest room**ISSUES:** heritage trees

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	SF-3-NP	Single-Family
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 Del Valle Community Coalition
 East Austin Conservancy
 East Cesar Chavez Neighborhood Association
 East Cesar Chavez Neighborhood Plan Contact Team
 East Town Lake Citizens Neighborhood Association
 El Concilio Mexican-American Neighborhoods
 Friends of Austin Neighborhoods
 Greater East Austin Neighborhood Association
 Guadalupe Neighborhood Development Corporation
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Neighbors United for Progress
 Preservation Austin
 SELTexas
 Sierra Club, Austin Regional Group
 Tejano Town



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: 1213 Taylor

Subdivision Legal Description:

LOT 20 OLT, O WENDLANDT & STAEHELY RESUB

Lot(s): 20 Block(s): _____

Outlot: 45 Division: _____

Zoning District: _____

I/We RODNEY K. BENNETT on behalf of myself/ourselves as

authorized agent for CARL FRANK affirm that on

Month November, Day 1, 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: GARAGE W/ 2CD FLR STUDIO/GUEST ROOM. NOT A 2 FAMILY USE

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

25-2-215 REAR YARD OF THROUGH LOT. TO DECREASE THE REAR YARD SET BACK
FROM 25' TO 10'.

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:

OTHER HOMES IN THE AREA ARE LARGER AND HAVE GARAGES. THE GARAGE
WOULD ELIMINATE CONGESTION OF THE NARROW STREET. THE 2CD FLOOR WOULD
ALLOW FOR MORE LIVING SPACE. HOWEVER, REDEVELOPMENT IS DIFFICULT DUE
TO THE SMALL LOT SIZE AND THE 4 HERITAGE TREES.

Hardship

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

THE SMALL AMOUNT OF BUILDABLE AREA IS DECREASED DUE TO THE FOUR
HERITAGE TREES. THE DEVELOPABLE AREA IS SMALL AND ODDLY SHAPED DUE TO
THE HERITAGE TREES. THE ONLY WAY TO ACCESS THE GARAGE WOULD BE FROM
HOLLY ST.

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

NOT ALL PROPERTIES IN THE AREA ARE IMPACTED BY THE AMOUNT(4) OF, OR SIZE
OF (134 CALIPER INCHES) THE HERITAGE TREES AS DOES THIS PROPERTY.

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:

DUE TO THE FACT THAT THE ADJACENT LOT AT 1211 TAYLOR HAS AN APPROVED
BOA VARIANCE FOR 25-2-515 AND MANY OF THE OLDER HOMES IN THE AREA HAVE
BUILDINGS IN THE SETBACK.

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:

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:

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: Rodney K. Bennett Digitally signed by Rodney K. Bennett
DN: cn=Rodney K. Bennett, o=ou,
email=jb1boonsulting@yahoo.com, c=US
Date: 2020.01.15 14:24:23 -0600 Date: 01/15/2020

Applicant Name (typed or printed): Rodney K. Bennett

Applicant Mailing Address: 529 Evening Star

City: Kyle State: TX Zip: 78640

Phone (will be public information): (512) 627-7227

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: _____

Owner Name (typed or printed): _____

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Rodney K. Bennett

Agent Mailing Address: 529 Evening Star

City: Kyle State: TX Zip: 78640

Phone (will be public information): (512) 627-7227

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).

From: James Wilsford
To: [Ramirez, Elaine](#)
Cc: [REDACTED]
Subject: Case Number: C15-2019-0068 : 1213 Taylor St.
Date: Wednesday, January 15, 2020 9:34:28 AM

*** External Email - Exercise Caution ***

I showed up at the public hearing This past Monday as stated on the notice I received. However, upon arrival, I found out that the case had been postponed just that morning until February when my wife and I will be out of state.

I OWN THE PROPERTY DIRECTLY ACROSS THE STREET AT 1211 HOLLY WHERE THIS VARIANCE IS REQUESTED: I WISH TO VOICE MY OPPOSITION TO THIS VARIANCE REQUEST

My reason is that there is not ample room between the building and the property line to avoid have cars parked across the public sidewalk which forces pedestrians to walk into the street to get around the end of the vehicles. The minimum space allow for parking in Austin is 18 feet and parallel spaces require 22 feet. I do not have an objection to part of the building face being closer to the right-of-way but request that any driveway be a minimum of 20 feet from the property line to the garage door. This also affects the two large pecan trees on the site – one of which appears to be heritage size. In fairness, I was not allowed to pave my driveway because of a pecan tree and feel that this site should be held to the same standard. Thanks for your consideration.

Sincerely,

James Wilsford,

Property Owner @ 1211 Holly Street since 1985

James Wilsford, P.E.
Dunaway UDG
5707 Southwest Parkway, Bldg. 2, Suite 250
Austin, Texas 78735
512-633-3136
512-399-5378
[REDACTED]

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2019-0068

BOA DATE: January 13th, 2020

ADDRESS: 1213 Taylor St.

COUNCIL DISTRICT: 3

OWNER: Carl Frank

AGENT: Rodney Bennett

ZONING: SF-3-NP

LEGAL DESCRIPTION: LOT 20 OLT 45 DIV O WENDLANDT & STAEHEL RESUB

VARIANCE REQUEST: decrease rear yard setback from 25 ft. to 14 ft. 6 in.

SUMMARY: erect a garage w/2nd FL studio/guest room

ISSUES: heritage trees

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	SF-3-NP	Single-Family
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 Del Valle Community Coalition
 East Austin Conservancy
 East Cesar Chavez Neighborhood Association
 East Cesar Chavez Neighborhood Plan Contact Team
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 El Concilio Mexican-American Neighborhoods
 Friends of Austin Neighborhoods
 Greater East Austin Neighborhood Association
 Guadalupe Neighborhood Development Corporation
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Neighbors United for Progress
 Preservation Austin
 SELTexas
 Sierra Club, Austin Regional Group
 Tejano Town



January 2, 2020

Rodney Bennett
1213 Taylor St
Austin TX, 78702

Property Description: LOT 20 OLT 45 DIV O WENDLANDT & STAEHELY RESUB

Re: C15-2019-0068

Dear Rodney,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the following section of the Land Development Code, Section 25-2-515 (Rear Yard of a Through Lot) - from setback requirements;

To decrease the minimum rear yard setback from 25 feet (required) to 14 feet 6 inches (requested);

In order to erect detached garage with a 2nd FL Studio/Guest Room (not to be a Two-Family Use) SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan);

Austin Energy does not oppose requested variance, provided any proposed and existing improvements are following AE clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners/applicants' expense. It is noted the existing service drop is located on the neighbor's lot on 1215 Taylor Street. Please keep this in mind when considering the location of this new studio guest room, for it to meet electric safety clearances. – See below.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action: <https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>
(see - Page 92 - 1.10.0 Clearance and Safety Requirements.)

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Eben Kellogg, Property Agent

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050

P-4/11



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2019-0068
LOCATION: 1213 Taylor Street



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" = 172'



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

P-4/12

Board of Adjustment General/Parking Variance Application

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Subdivision Legal Description:

LOT 20 OLT, O WENDLANDT & STAEHELY RESUB

Lot(s): 20 Block(s): _____

Outlot: 45 Division: _____

Zoning District: _____

I/We RODNEY K. BENNETT on behalf of myself/ourselves as
authorized agent for CARL FRANK affirm that on
Month November, Day 1, 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: GARAGE W/ 2CD FLR STUDIO/GUEST ROOM. NOT A 2 FAMILY USE

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25-2-215 REAR YARD OF THROUGH LOT. TO DECREASE THE REAR YARD SET BACK FROM 25' TO 14'6".

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

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OTHER HOMES IN THE AREA ARE LARGER AND HAVE GARAGES. THE GARAGE WOULD ELIMINATE CONGESTION OF THE NARROW STREET. THE 2CD FLOOR WOULD ALLOW FOR MORE LIVING SPACE. HOWEVER, REDEVELOPMENT IS DIFFICULT DUE TO THE SMALL LOT SIZE AND THE 4 HERITAGE TREES.

Hardship

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

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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:

DUE TO THE FACT THAT THE ADJACENT LOT AT 1211 TAYLOR HAS AN APPROVED
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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:

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:

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: _____

Applicant Name (typed or printed): _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip: _____

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: _____

Owner Name (typed or printed): _____

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

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).

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: Rodney K. Bennett Date: 11-5-2019

Applicant Name (typed or printed): RODNEY K. BENNETT

Applicant Mailing Address: 529 EVENING STAR

City: KYLE State: TEXAS Zip: 78640

Phone (will be public information): 512-627-7227

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: Carl Frank Date: _____

Owner Name (typed or printed): Carl Frank

Owner Mailing Address: 106 Sugar Creek

City: Rockport State: TX Zip: 78382

Phone (will be public information): 512-775-1602

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: SAME AS APPLICANT

Agent Mailing Address: _____

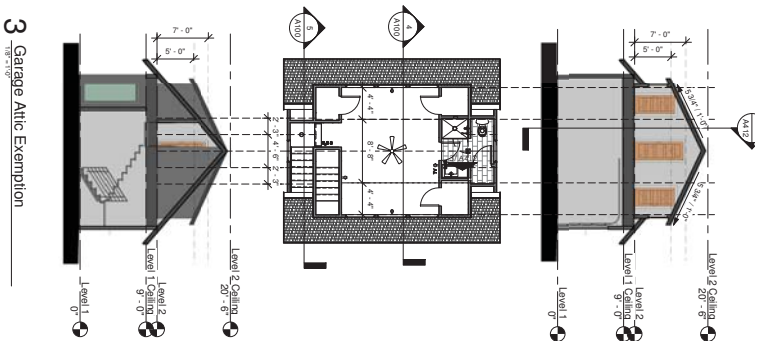
City: _____ State: _____ Zip: _____

Phone (will be public information): _____

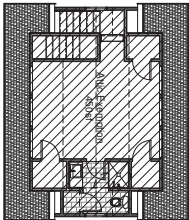
Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

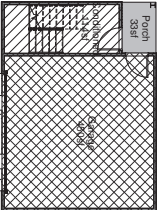
Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).



2 Level 2 Area & Exemption Plan



1 Level 1 Area & Exemption Plan

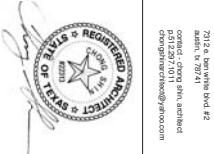


Detached Garage w/
Attic Exemption
1213 Taylor Street
Austin, TX 78702

Date Issued	Issue Date
Revisions	Chg.
No.	Description

Project Number	Project Name
Scale: 1/8" = 1'-0"	Drawn By: [Signature]
Checked By: [Signature]	Approved: [Signature]
Drawn No.	Drawn Date

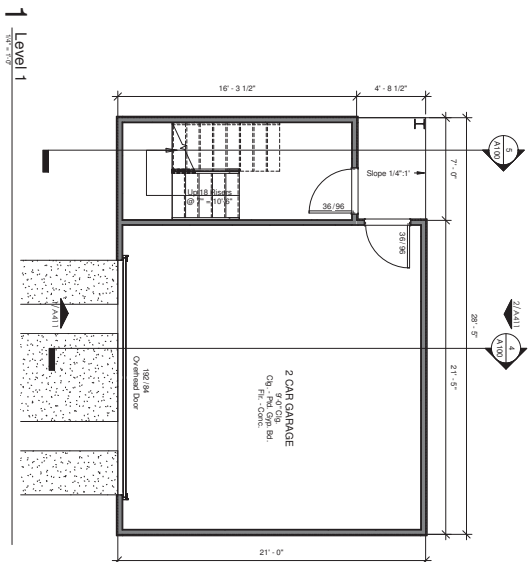
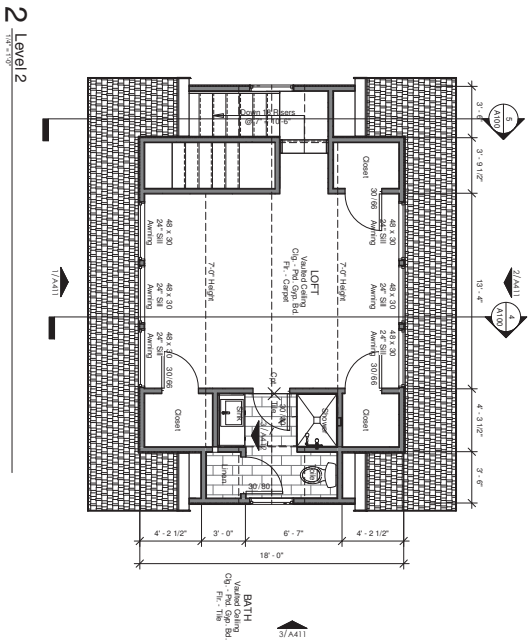
A100
Exemption Plan





Impervious Cover in Critical Foot Zone									
30' Peak Line (Front)		Impervious Cover		CHZ Max		%AC/CHZ			
with 100% CHZ	69'6"	21,190'	2,190'	32%					
with 50% CHZ	69'6"	17,170'	1,717'	0%					
with 25% CHZ	71'1"	2,827'	2,827'	25%					
TOTAL									
30' Peak Line (Rear)		Impervious Cover		CHZ Max		%AC/CHZ			
with 100% CHZ	81'4"	2,190'	2,190'	32%					
with 50% CHZ	81'4"	1,717'	1,717'	0%					
with 25% CHZ	82'6"	2,827'	2,827'	25%					
TOTAL									
47' Peak Line		Impervious Cover		CHZ Max		%AC/CHZ			
with 100% CHZ	1,550'	4,550'	4,550'	27%					
with 50% CHZ	1,030'	1,030'	1,030'	9%					
with 25% CHZ	1,350'	3,500'	3,500'	2%					
TOTAL									
31' Peak Line		Impervious Cover		CHZ Max		%AC/CHZ			
with 100% CHZ	334'	2,354'	2,354'	14%					
with 50% CHZ	334'	1,566'	1,566'	0%					
with 25% CHZ	334'	3,010'	3,010'	11%					
TOTAL									

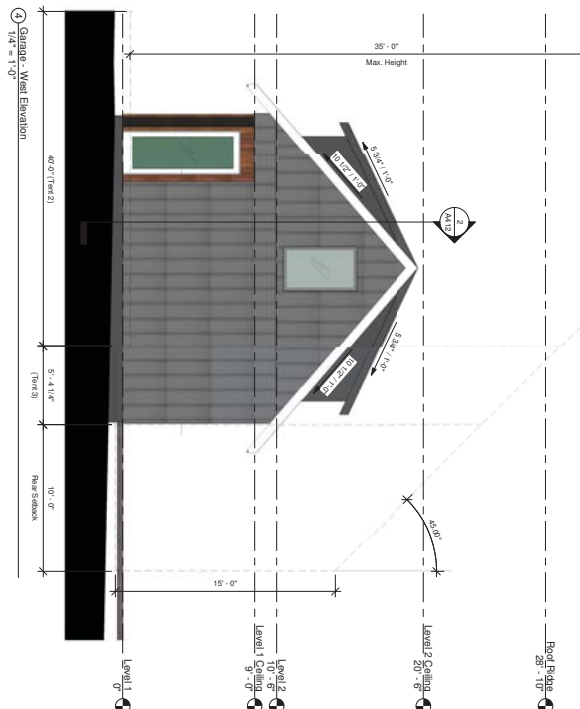
<p>Detached Garage w/ Attic Exemption 1213 Taylor Street Austin, TX 78702</p>		
Date Issued	Issue Date	
Revisions		
No.	Description	Date



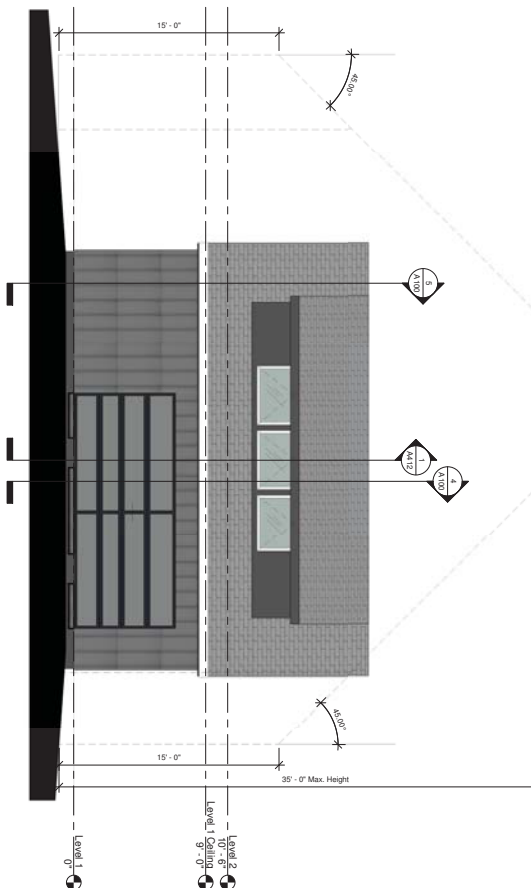
No.	Description	Date
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A211

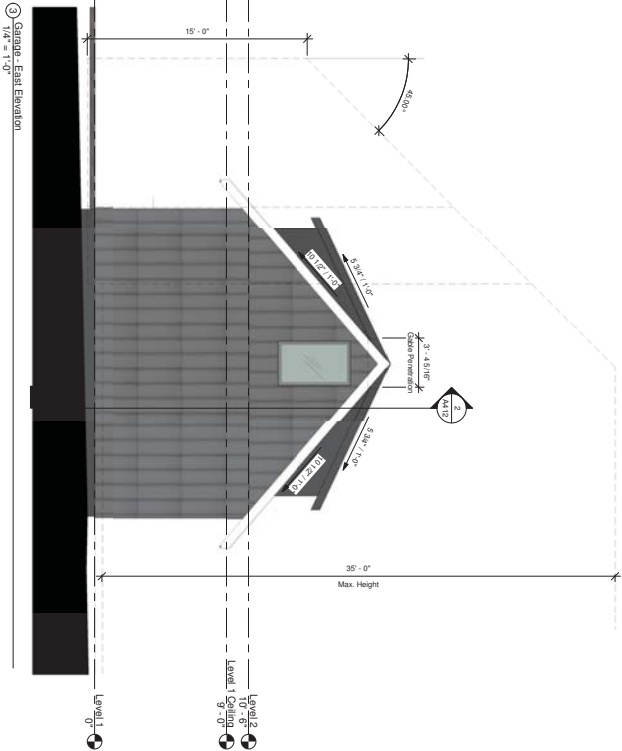
Floor Plans



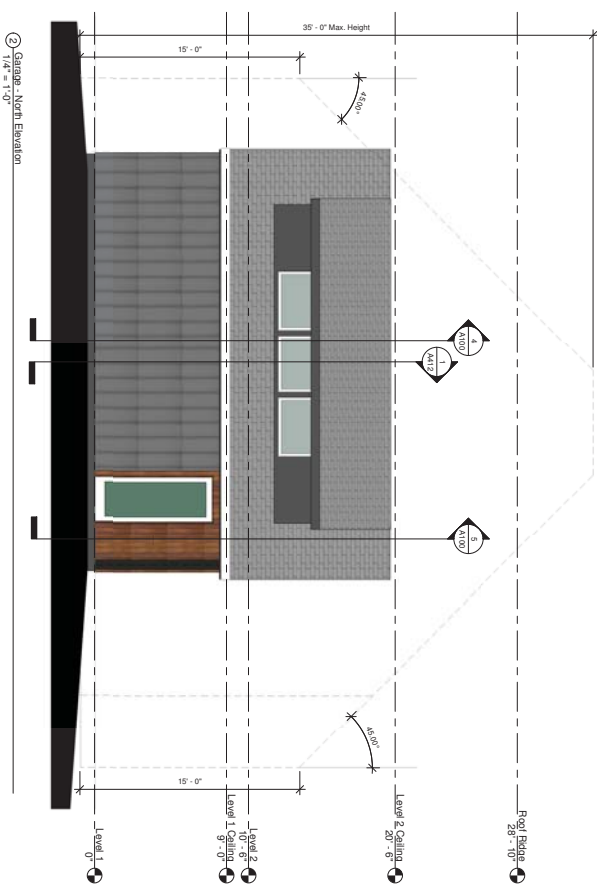
① Garage - South Elevation
1/4" = 1'-0"



① Garage - South Elevation
1/4" = 1'-0"



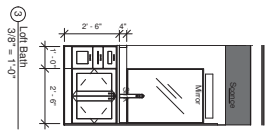
③ Garage - East Elevation
1/4" = 1'-0"



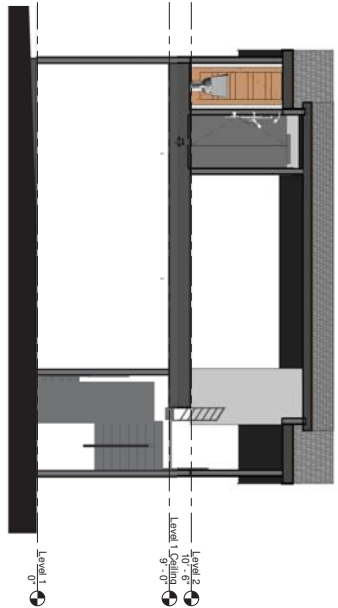
② Garage - North Elevation
1/4" = 1'-0"

Date Issued			Issue Date
No.	Description	Name	
<hr/>			
Project number			
<hr/>			
Section 1F = 1/F			
Density Allow	Capacity Change		
<hr/>			
Dwg No.			
<hr/>			
A411			
Garage			
Elevations			
<hr/>			

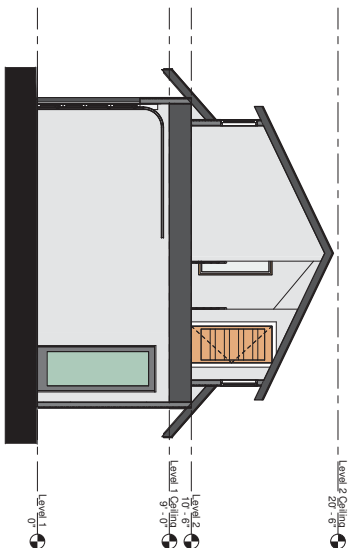
7312 e. ben white blvd. #2
austin, tx 78741
contact - chong shin, architect
p.512.297.1011
chongshinarchitect@yahoo.com



② Garage Section 2
1/4" = 1'-0"



1 Garage Section
1/4" = 1'-0"

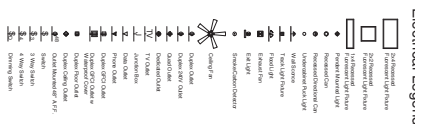


Detached Garage w/
Attic Exemption
Austin, TX 78702

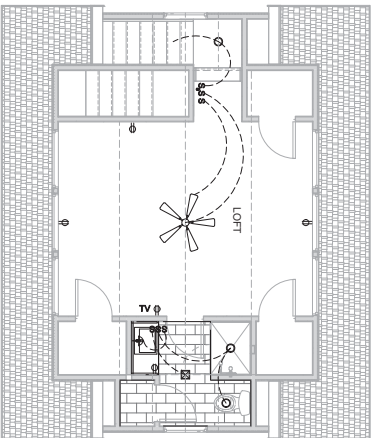
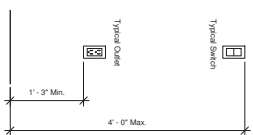
Date Issued		Issue Date
Revisions		
No.	Description	Date

A412

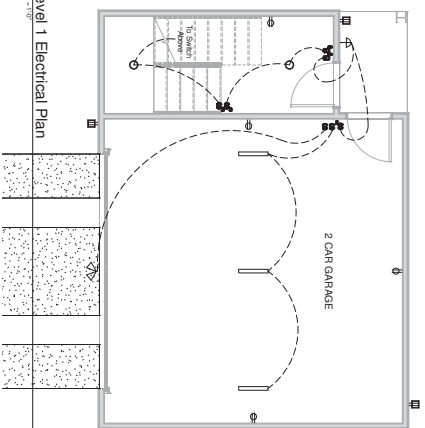
Building Sections



1 Electrical Mounting Height



3 Level 2 Electrical Plan



Level 1 Electrical Plan

Detached Garage w/ Attic Exemption		Date Issued
Austin, TX 78702		Issue Date
No.	Description	Date

Project Number	Scale
Architect	Crossed by
Density	Checker
Amir	

Day No.

E211

Electrical Plans