

Thursday, June 22, 2006

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#64

Watershed Protection and Development Review RECOMMENDATION FOR COUNCIL ACTION

Subject: Approve an ordinance walving the interim development regulations of Ordinance No. 20060309-058 to allow the remodeling of an existing single family residence at 1100 Jolena Circle, Austin, TX.

Fiscal Note: There is no unanticipated fiscal impact. A fiscal note is not required.

Additional Backup Material (dick to open)

Backup 11100 Jolena Cir

Backup documentation

For More Information: Syvlia Benavidez - 974-2522; Jol Harden - 974-3345

On March 9, 2006 the City Council adopted interim development regulations which provided development limits in subdivisions within the City limits for which the original plat was approved before March 7, 1974, or on a tract that may legally be developed without being platted. Under Part 5 (D)(5) of the ordinance regarding minimum and maximum front yard setbacks, for a building permit to construct single-family, single family attached, two-family, secondary apartment, and duplex structures for a lot on a block face on which four or more lots are developed for a used described in Subsection (B):

- (a) the lot with a principal structure closest to the street is disregarded, and the lot with a principal structure farthest from the street is disregarded;
- (b) the minimum front yard setback is equal to the average of the minimum front yard setbacks of the principal structures on the remaining lots minus ten percent of the distance of that average; and
- (c) the maximum front yard setback is equal to the average of the minimum front yard setbacks of the principal structures on the remaining lots plus ten percent of the distance of that average.

This ordinance includes a provision which allows City Council to waive the development limitations if the Council determines that the development regulations impose an undue hardship on the applicant and the development proposed by the applicant will not adversely affect public health, safety, and welfare.

Applicant Mr. Bernabe Hernandez is requesting a waiver from Ordinance No. 20060309-058 in order to remodel a single family residence at 1100 Jolena Circle, Austin, TX with a front setback of 18 ft. The average front set back on the block face is 31.5 ft. The one story single family residence will have 1979.5 square feet of gross floor area. The proposed development complies with the floor to area ratio and square footage limitations under Ordinance No. 20060309-058. The proposed development would also comply with all other zoning regulations, including building and impervious cover limitations as well as height requirements.

Staff recommends approval of the waiver request based on the information that the applicant has provided.

WAIVER REQUEST STAFF REPORT

PERMIT NUMBER: BP-06-4608RA COUNCIL DATE: June 22, 2006

APPLICATION DATE: May 8, 2006

OWNER: Bernabe Hernandez

ADDRESS: 1100 Jolena Circle

BACKGROUND

On March 9, 2006 the City Council adopted Ordinance 20060309-058 establishing development regulations applicable to certain building permits for single-family, single family attached, two-family, secondary apartment, and duplex structures in areas of the City that were subdivided prior to March 1974.

APPLICATION

On May 4, 2006, the applicant submitted an application for a waiver from Part 5 Setbacks, (D) (5) of Ordinance 20060309-058 that prescribes minimum and maximum front yard setback which except as provided in Paragraph (6), for a lot on a block face on which four or more lots are developed for a use described in Subsection (B):

- (a) the lot with the principal structure closest to the street is disregarded, and the lot with a principal structure farthest from the street is disregarded;
- (b) the minimum front yard setback is equal to the average of the minimum front yard setbacks of the principals structures on the remaining lots minus ten percent of the distance of that average; and
- (c) the maximum front yard setback is equal to the average of the minimum front yard setbacks of the principal structures on the remaining lots plus ten percent of the distance of that average.

SETBACKS

The proposed remodel (addition) requires the applicant to request a Council Waiver because it creates a structure that does not comply with the setback limitations set forth in Part 5(D) (5) of the ordinance:

Existing Setbacks of Lots

HOIS I	unning we	st to east on Joiena)
Lot	#31	18 ft (not included – subject property)
Lot	#30	33 ft
Lot	#29	26 ft (disregarded, closest from street)
Lot	#28	27 ft
Lot	#27	31 ft
Lot	#26	41 ft
Lot	#25	48 ft (disregarded, farthest from street)
Lot	#24	26 ft
Lot	#23	31 ft

SETBACK CALCULATIONS

Under Part 5, Section D (5) of Ordinance 20060309-058, the setback for the proposed front remodel (addition) is figured thusly:

- (a) the lot with a principal structure closest to the street is disregarded, and the lot with a principal structure farthest from the street is disregarded;
 - 48 ft and 26 ft are disregarded
- (b) the minimum front yard setback is equal to the average of the minimum front yard setbacks of the principal structures on the remaining lots minus ten percent of the distance of that average; and
 - 31.5 (avg. of remaining lots) 3.15 (10 percent) = 28.35 minimum setback
- (c) the maximum front yard setback is equal to the average of the minimum front yard setbacks of the principal structures on the remaining lots plus ten percent of the distance of that average.
 - 31.5 (avg. or remaining lots) + 3.15 (10 percent) = 34.65 maximum setback

Under Part 5, Section (E) of Ordinance 20060309-058, for a corner lot, this section prescribes minimum and maximum street side yard setbacks. Applicant lot is a corner lot, but this section does not apply because addition will be located in the front and within the boundaries of the existing structure.

DEVELOPMENT REGULATIONS

The proposed remodel (addition) requires the applicant to request a Council Waiver because it creates a structure that does not comply with front setback set forth in Part 5 Section D(5) of Ordinance 20060309-58. The applicant request a front setback of 18 ft. and the minimum front setback from the ordinance is 28.35 ft.

The proposed development does not require the applicant to request a Council Waiver from Part 4(B) of the ordinance because it complies with the greater of two size limitations:

- (a) 0.4 to 1 floor-to-area ratio.
 - Proposed remodel (addition) complies with this section Applicant proposes 1979.5 of gross floor area on 6342.03 s.f. lot, which equates to a 0.31 FAR
- (b) 2500 Square feet.
 - Proposed structure will have 1979.5 s.f. The structure does not exceed 2500 allowed by 520.5 s.f.

PROPOSED DEVELOPMENT

Applicant proposes the following construction:

- Applicant requests a front setback of 18 ft.
- Construct an addition of 400 s.f. to a single family residence at 1100 Jolena Circle

Applicant's additional construction:

- 144 s.f. covered porch
- 333 s.f. driveway
- 210 s.f. walkway on private property

ZONING

- This lot is currently zoned Single Family Residential (SF-3)
- It lies within the Johnston Terrace Neighborhood Assn., M.E.T.S.A. Neighborhood Assn., Austin Neighborhoods Council, and PODER People organized in Defense of Earth & Her Resources.

WAIVER

The applicant requests the waiver under Part 5, Setbacks (D) (5) on the following grounds:

The regulations imposes undue hardship on the applicant, the development proposed by the applicant will not adversely affect the public health, safety and welfare and waiving the regulation will not have a substantially adverse impact on neighboring properties.

STAFF ASSESSMENT

The information submitted with the applicant's waiver application can be summarized as follows:

- Photos from the neighborhood submitted as evidence that the new addition will be compatible to the existing structures in the neighborhood.
- Letter from neighbors indicating support.

STAFF RECOMMENDATION: APPROVAL

Staff recommends approval of the waiver request based on the information that the applicant has submitted.

Residential Building Permit and Waiver Application

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CITY OF AUSTIN	BP Number DY 04 - 9000 01 Building Permit No.
RESIDENTIAL PERMIT APPLICATION	Plat No. Date Date Date Date
PRIMARY PROJECT PATA	
Service Address // / Kena (ucli) Legal Description Lot 0/ Block Subdivision of Mater.	Tax Parcel NoSection Phase
If in a Planned Unit Development, provide Name and Case No	Section V Thate
(attach final approved copies of subdivision and site plan)	
If this site is not a legally and divided lot, you must contact the Development As Description of Work New Residence	spisiance Center for a Land Status Determination. [National Specify]
Duplex	Addition (specify)
Garageattacheddetached Carportattacheddetached Pool	Other (specify)
Zoning (e.g. SF-1, SF-2) Height of	f building h # of floors
On lots with LA zoning, the approved septic permit must be submitted with the Resid (LDC 25-2-551(B)(6))) · · · · · · · · · · · · · · · · · · ·
Does this site have a Board of Adjustment ruling? Yes No If yes, attach the	ne B.O.A. documentation
Will this development require a cut and fill in excess of 4 feet?YesNo	
Does this site front a paved street? Yes No A paved alley? Yes	_No
VALUATIONS FOR DATA FOR NEW CONSTRUCTION REMODELS ONLY OR ADDITIONS ONLY	PERMIT FLES (For effice use only)
Building \$ Lot Size	NEW/ADDITIONS REMODELS Building \$ 33.00 \$ Electrical \$ 89.00 \$ Mechanical\$
Driveway & Sidewalk \$ Total Job Valuation (responses and additions) TOTAL \$ \$ 4500.00	Plumbing \$\$ Driveway & Sidewalk \$
(labor and materials) (Labor and materials)	TOTALSS
OWNER / BUILDER INFORMATION / //	28 120
OWNER Name Bernate Hernandez	Telephone (h) (W)
BUILDER Company Name BUILDER HUMANDET	/ Telephone

_telephone ___e-mail:

You may check the status of this application at www.ci.austin.tx.us/development/pierivr.htm

If you would like to be notified when your application is approved, please select the method:

Contact/Applicant's Name

Contractor

Name

Address.

DRIVEWAY /SIDEWALK

CERTIFICATE OF

OCCUPANCY

Pager_ FAX_

Telephone

Telephone

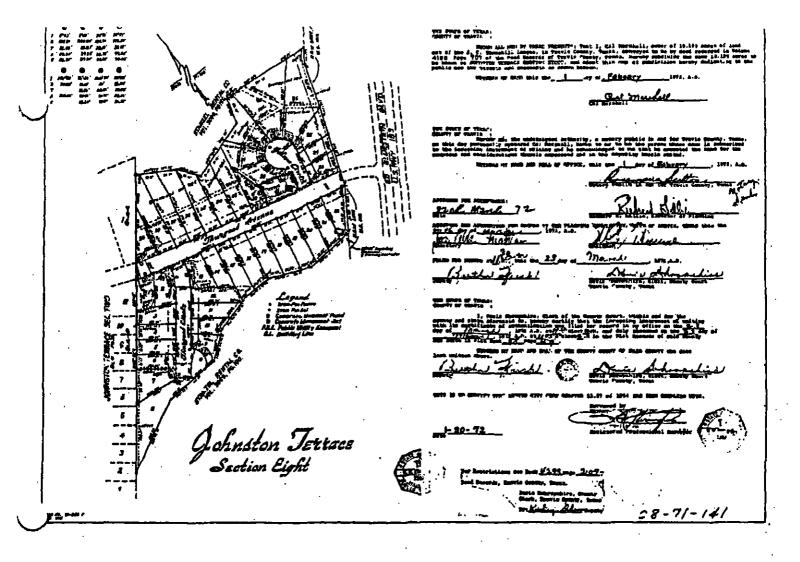
City

olicant's Signature BCTM	WE NEYMUNDET		Date 4: 19:00
JILDING COVERA	GE		
area of a lot covered by build el paving, landscaping, or oper	ings or roofed areas, but not including (i) is a recreational facilities.	ncidental projecting eaves and	similar fe atures, or (li) groun
a. 1 st floor conditioned	area /	579.5 miles	New / Addition 400 sq.ft
b. 2 nd floor conditioned		sq.ft.	sq.ft
c. 3 rd floor conditioned		sq.ft.	sq.ft
d. Basement		.fl.ps	sq.ft
e. Gerage / Carport	-		
attached	,	sq.ft.	ft.pssq.ft
detached		sq.ft.	sq.ft
f. Wood decks [must be	counted at 100%	sq.ft.	
g. Breezeways	-	sq.ft.	sq.ft
h. Covered patios	-	sq.ft.	ft.ps
i. Covered porches	·	sq.ft.	71.ps
j. Balconies		sq.ft.	fi.ps
k. Swimming pool(s)	pool surface area(s)]	.fl.pe	sq.ft
L Other building or covered grea(s)			2 W 17 1
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CITY OF AUSTIN

RESIDENTIAL PERMIT APPLICATION

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC). non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property. I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC. I also understand that if there are any trees greater that 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed. APPLICANT'S Bernuse permunter Rejection Notes/Additional Comments (for office use only): 4 = 2536.8 FAR



Kramer Service Center 2412 Kramer Lane, Bldg. "C" Austin, Texas 78758



(512) 505-7206

Electric Service Planning Application (ESPA) (Please Print or Type)

St. Elmo Service Center 4411-B Meinardus Drive Austin, Texas 78744

(512) 505-7500

For Residential or Small Commercial "SERVICE ONLY" under 350 amps 10 or 225 amps 30

Customer Name	Phone
Address 1100 Jalena C	
Legal Description	<u> </u>
Lot 31 Block Commer	rdal/Residential?
Service Main Size(amps) Service Co	nductor (type & size)
Service Length(ft.) Number of Met	ers? Multi-Fuel Y N
Overhead/Underground? 1/017 Voltage 120/2	Single-phase (10) Three-phase (30)
Total Square FootageTotal A/C Load	(# of units)(Tons)
Largest A/C unit(Tons) LRA of Large	st A/C Unit(amps)
Electric Heating(kW) Other	(kW)
Comments: Add on / FLETRICA	in To pull permit
ESPA Completed by (Signature & Print name)	Date Phone
AE Representative	Date
Approved: Yes No (Remarks on back)	Phone 974-2632
Application expires 90 days after of	late of Approval

AE APPROVED APR 27 2006 RLS 117-30

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CITY: AUSTIN	EFERENCE NAME VICTOR O	DUVARES AND GAE	BRIEL OLIVARES AND J	AIME OLIVARES
B&G Surveying, I Victor M. Garza R.P.L. Office 512*435-8969 Fer 512*455-9845	The Leavest of the Le	CTOR M GARZA B	SHOWN ON THE FLOOD INS	FLOODPLAIN, RATING AS

WAIVER APPLICATION CHECKLIST

Failure to provide the information identified in this checklist may result in your application being rejected or submitted incomplete.

	·
_COMPI	LETE WAIVER APPLICATION
_COMP	LETE & REVIEWED RESIDENTIAL APPLICATION
SUPPO	ORTING DOCUMENTATION
	1) PROOF OF HARDSHIP
=	2) IMPACT ON DRAINAGE
	2) NEIGHBORHOOD SUPPORT LETTERS
	3) PROOF OF FINANCIAL INVESTMENT IN PROJECT
	4) PHOTOS OF PROPERTY & SURROUNDING
-, -	PROPERTIES
COPY	OF TCAD'S APPRAISAL ROLL INDICATING
	1) SQUARE FOOTAGE OF SUBJECT PROPERTY
	2) SQUARE FOOTAGE OF ADJACENT RESIDENCES
	3) HOMESTEAD EXEMPTION
_COPY	OF PLAT
COPY	OF APPROVED LAND STATUS DETERMINATION
F.A.R.	(FLOOR TO AREA RATIO) CALCULATION
_DRAW	VINGS FROM ARCHITECT OR ENGINEER (SEALED & DATED)
DEMO	LITION OR RELOCATE PERMIT MUST BE FILED ON 5 TH FLOOR
	URRENTLY (if applicable) BP#
OTHE	R

You will be required to review your application with a Residential Zoning Planner. You will be notified at this time of the next City Council hearing (Ord#2060216-043.)

CITY OF AUSTIN REQUEST TO WAIVE DEVELOPMENT REGULATIONS UNDER ORDINANCE NUMBER 20060309-058

Supplemental Information Submitted by Applicant

I, Bernabe Hernandez owner of the property addressed as 1100 Jolena Circle Austin, TX 78721, bought this property in May 31st 2003 from Ernesto del Toro which gave me a permission to construct a garage 20x20 in which there was already some concrete and walls of 8 feet and 3 inches of height. When I bought this property I didn't know I had to get a new permission to finish what was started (the concrete and walls). To finish this I had to wait and save some money. I spent around three thousand dollars.

Bearube Hearund ez 4 27 0G 385 - 13 24 350 - 02 00 * On the interior of the wall we used 75 2*4 of 10 Ft. of the wood (\$300)

The roof we used 28 2*6 of 10 Ft. Madera (\$200.)

On the barillas we sued 30 2*6 of 8 Ft. wood (\$180.)

Out side on the porch we used 40 2*6 of 8 FL. wood (\$280.)

We also used 12 2*8 of 8 Ft. wood(\$120)

For the sealing we used 50 papers of playwood (\$500.)

We used to cover 10 papers of hardboard (\$400.)

We used siding hardboard 20 strips of 6"*12" (\$180.)

We also used 3 box of nails 4 paper de gerruelo, nails of concrete. (%).)

The Utilityroom construction A Storage I do not have any problem with on 1100 dolene circle. 1101 Wews crub A (5127 389-2257 Signatura Esther Hernandez 4.26-006 Esther Hernander DESUS NINO 386-5922 1103 Solena cue B 1105 2 dera Circle B Andrés José R. R. 1108-20Lenpicin fresus PChrez 386-9499. NO HAY AUSTINTX 78721 PROBLEMA ESTA ESALTO NO DANA 1702 Jolena Cir ANADIC

Jose Flores

