

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # CL5-2010-0052  
ROW # 10429463

CITY OF AUSTIN TP-0417 272305  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

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

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 3417 Minnie St

LEGAL DESCRIPTION: Subdivision - Kincheon Subdivision

Lot(s) 12 Block 2 Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We JAVIER OWEBA on behalf of myself/ourselves as authorized agent for \_\_\_\_\_ affirm that on 05, 2010

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

A STRUCTURE (TWO STORY OPEN PORCH) THAT IT IS ENCREACHING INTO THE FRONT SETBACK 15' FROM FRONT P-1.

in a SF-3 ~~AF~~ district.  
(zoning district)

**NOTE: 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 support documents.**

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because: THIS HOUSE WAS BUILT ON THE 1940s WHEN SET BACK CODES WERE DIFFERENT, AND SEVERAL HOUSES ON THE SAME NEIGHBORHOOD THAT WERE BUILT AT THE SAME TIME AS MINE GOT SAME ISSUE BUT WORST, BECAUSE I AM ENCRACHING 3.6" AND SOME THESE OTHER HOUSES AROUND 10!

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that: AGE OF THE ORIGINAL TIME WHEN IT WAS BUILT (HOUSE) COMBINED WITH THE ARCHITECTURAL AND FAMILY DESIRE OF HAVING A TWO STORY OPEN PORCH FOR EXERCISE, MAKE ME FALL IN CODE VIOLATION WITHOUT REALLY MEANING IT.

(b) The hardship is not general to the area in which the property is located because: ONLY HOUSES THAT WERE BUILT AT THE SAME TIME AS MINE AND WANT TO HAVE A TWO STORY OPEN PORCH WILL HAVE THIS PROBLEM

**AREA CHARACTER:**

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: IF YOU TAKE IN TO CONSIDERATION THAT THE FRONT PORCH "EAVE" HAS BEEN ELIMINATED YOU WILL REALIZE THAT THE ENCRACHING SET BACK PROBLEM HAS GOT SMALLER BECAUSE EAVE WAS 20" AND THATS HOW MUCH I WENT BACK.

**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 Section 479 of Chapter 25-6 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 reasonable 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

**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.

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

Signed Javier R. Olvera Mail Address 3417 Winnie St.

City, State & Zip Austin Tx 78745

Printed JAVIER R. OLVERA Phone 512-627-5624 Date 05-06-10

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

Signed Javier R. Olvera Mail Address 3417 Winnie St.

City, State & Zip Austin Tx 78745



Printed JAVIER R. OLVERA Phone 512-627-5624 Date 05-06-10



**BOARD OF ADJUSTMENTS**

ZONING CASE#: C15-2010-0052  
 LOCATION: 3417 MINNIE ST  
 GRID: D17  
 MANAGER: SUSAN WALKER



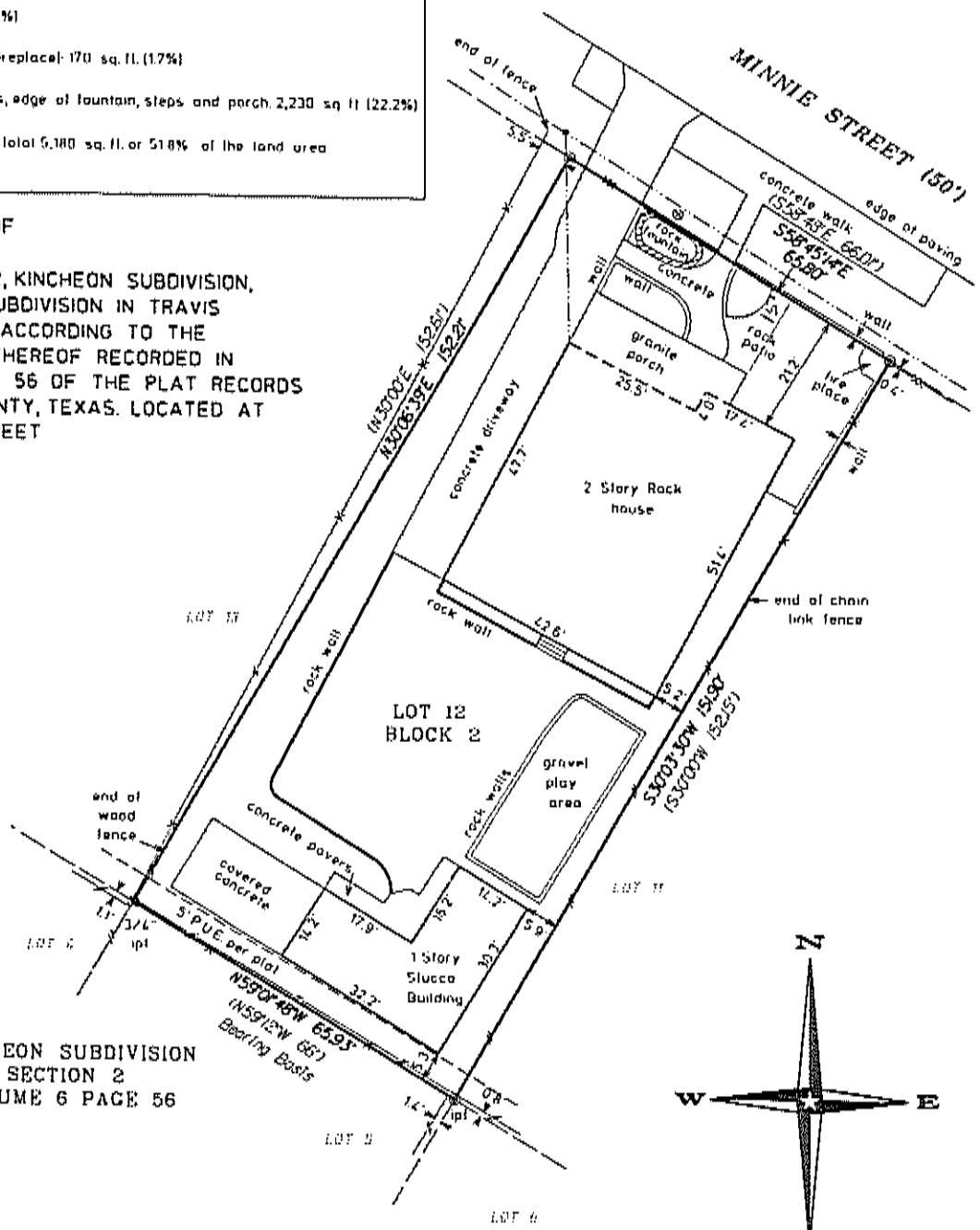
-  SUBJECT TRACT
-  ZONING BOUNDARY



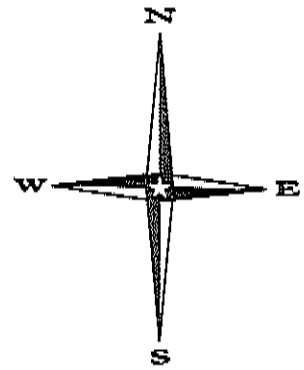
This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Total area: 10,010 sq. ft.  
 Buildings: 2,780 sq. ft. (27.8%)  
 Pools (including outdoor fireplace): 170 sq. ft. (1.7%)  
 Drives, walks, patios, pavers, edge of fountain, steps and porch: 2,230 sq. ft. (22.2%)  
 Total above improvements total: 5,180 sq. ft. or 51.8% of the land area

**SURVEY PLAT OF**  
**LOT 12, BLOCK 2, KINCHEON SUBDIVISION,**  
**SECTION 2, A SUBDIVISION IN TRAVIS**  
**COUNTY, TEXAS, ACCORDING TO THE**  
**MAP OR PLAT THEREOF RECORDED IN**  
**VOLUME 6 PAGE 56 OF THE PLAT RECORDS**  
**OF TRAVIS COUNTY, TEXAS. LOCATED AT**  
**3417 MINNIE STREET**



KINCHEON SUBDIVISION  
 SECTION 2  
 VOLUME 6 PAGE 56



SCALE 1" = 20'

**Legend**

- ⊙ 1/2" Iron Rod Found
- ipl ⊙ 1/2" Iron Pipe Found
- ⊙ Water Meter
- x— Wrought Iron Fence
- x— Chain Link Fence
- x— Wood Board Fence
- o— Overhead Utility Line
- o— pole (Record Bearing and Distance)



**NOTE:**  
 This survey was completed without  
 the benefit of a current title commitment.  
 This lot may be subject to easements  
 and restrictions not shown hereon.

SURVEYED: May 12, 2010

BY

*Anne Thayer*  
Anne Thayer

Registered Professional Land Surveyor No. 5850

**HOLT CARSON, INC.**  
 04 Fortview Road Austin, Tx 78704  
 (512) 442-0990

A 714098