

CASE # ~~CA5-2008-0145~~

CA5-2010-0150

ROW-10525015

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

TP-0200080810

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

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

STREET ADDRESS: 2016 Jesse E. Segovia St.

LEGAL DESCRIPTION: Subdivision - ^{Bergman} ~~Segovia~~ Valley View

Lot(s) 9+ Block 4 Outlot 66 Division 0
E99% of lots

I/We ELVIRA Escobar on behalf of myself/ourselves as authorized agent for

_____ affirm that on _____, _____,

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

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN

A secondary apartment located to the front of the principal structure instead of the rear.

in a SF-3-NP district.
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Lena Lund with Austin Energy at 322-6587 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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:

HARDSHIP:

2. (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:

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:

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:

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:

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 _____ Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ Date _____

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 *X Elvira Esobar* Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ Date _____

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

Required Findings:

The Board of Adjustment is also required to make findings discussed below in order to grant a variance. Applicants must provide the Board with proposed findings.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) A tax plat with subject property clearly marked indicating property within a 300-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
- (4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

REQUIRED FINDINGS: All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable Use:

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

Hardship:

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being

requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.

- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character:

Application must demonstrate to the Board how 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 zoning regulations of the zoning district in which the property is located.

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

Board of Adjustment Staff:

**Susan Walker, Planner
974-2202**

**Diana Ramirez, Administrative Specialist, Board Secretary
974-2241**

Fax #974-6536

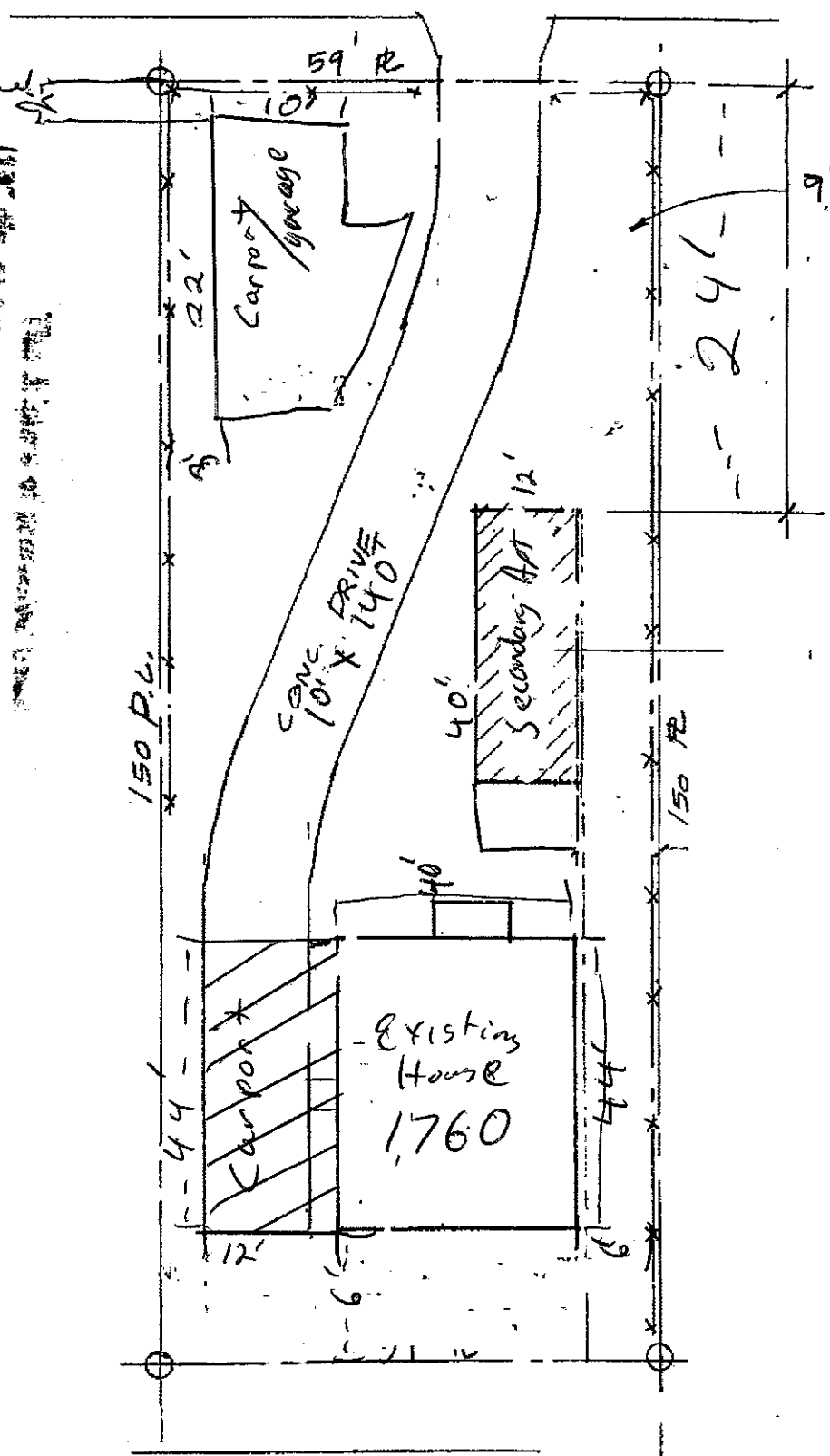
**Watershed Protection and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor**

**Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088**

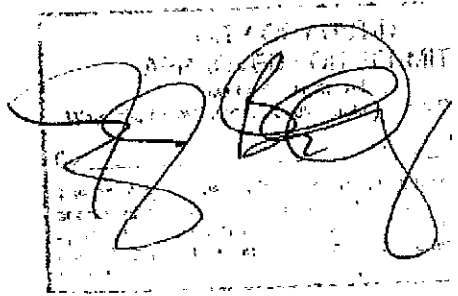
Updated 5/22/08

Muhammad

2016 BERGMAN



I, the undersigned, being a duly qualified and licensed Professional Engineer, do hereby certify that the above is a true and correct copy of the original as shown to me by the owner of the property.



2016 BERGMAN

LOT 9 & 9' OF LOT
 BLOCK 4 OUTLOT 66
 BERGMAN VALLEY VIE
 SUBDIVISION

TAX PARCEL #: 02-00

SITE PLAN
 SC: 1" = 20'-0"



CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, December 8, 2008

CASE NUMBER: C15-2008-0145

Y ___ Greg Smith
 Y ___ Michael Von Ohlen (Motion to GRANT)
 - ___ Yolanda Arriaga - OUT
 Y ___ Bryan King
 Y ___ Leane Heldenfels, Vice-Chairman (2nd)
 Y ___ Frank Fuentes, Chairman
 Y ___ Nora Salinas

APPLICANT: Eivira Escobar

ADDRESS: 2016 JESSE E SEGOVIA ST

VARIANCE REQUESTED: The applicant has requested a variance from Section 25-2-1463 (C) (2) (a) in order to remodel an existing accessory building to create a Secondary Apartment use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. The Land Development Code states that a secondary apartment must be located at least 15 feet to the rear of the principal structure.

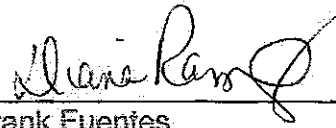
BOARD'S DECISION: GRANTED 6-0

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: house located to back of house due to topography of lot, existing 2nd floor structure and not adding square footage
2. (a) The hardship for which the variance is requested is unique to the property in that: structure is existing approx 20yrs due to topography of lot is reason where structure is built, 15 ft separation of 2 buildings already exists

(b) The hardship is not general to the area in which the property is located because: structure is approx 20yrs due to topography
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: home is existing since 1950s.

Joe Pantalion
Executive Secretary



Frank Fuentes
Chairman

To whom it may concern:

This is a brief explanation on why our house at 2016 Jesse E. Segovia is located towards the back of the lot and why we are wanting to convert an existing storage area into living quarters. The house was purchased in 1950 and it was located the same spot as today. The landscape on the lot was hilly with some sharp drop offs a lot of the other houses in the area also had the same type of landscape and were built towards the back of the lot. In 1972 the original house was burned down by an accidental house fire. The city of Austin allowed us to rebuild the house on the same spot as the original house. Our intentions are to connect the storage area to the house so it appears as one unit. We are doing renovations to our house to improve it and expand our living quarters.

take
that
off.

apart

ddd = carport
gar

Thank You

- Need to add description (your explanation) of the garage at front of property that is built within the front set back.
- Need to add description (your explanation) of the carport at side of property that is built in the side set back.

Questions

1) The original construction of the home was created opposite of current regulations - home created in the ~~backyard~~ rear.

2) A The original home was created in the rear, ~~due to~~ This house was the first erected in this area and due to sewage issues ~~home~~ was built in that ~~located~~ location.

B New landowners are abiding by current standards of having the house closest to the street - At the time ^{this} home was built no such regulations existed.

3) The property will be construction^{ed} properly ~~according~~ appropriately & maintained.

Why can't we move Tony's storage back @ .15 ft. which is city requirements 15 ft from property line?

We have no funds to redo it. We did not know it had to be certain feet from the property line. We thought since it was a small storage room that we did not need a permit. "2x20 That's what Home Depot said"

Car Port.

That is the only place we have room for the cars. We build the car port ourselves because we couldn't afford a carpenter and again we thought ~~there was no~~ no permit was requirement.

The reason we thought no permit was required was because H. Depot and Lowe's told us when we checked on storage buildings. ~~that no~~ that no permit was required.

City requirement 15 ft
from property line.

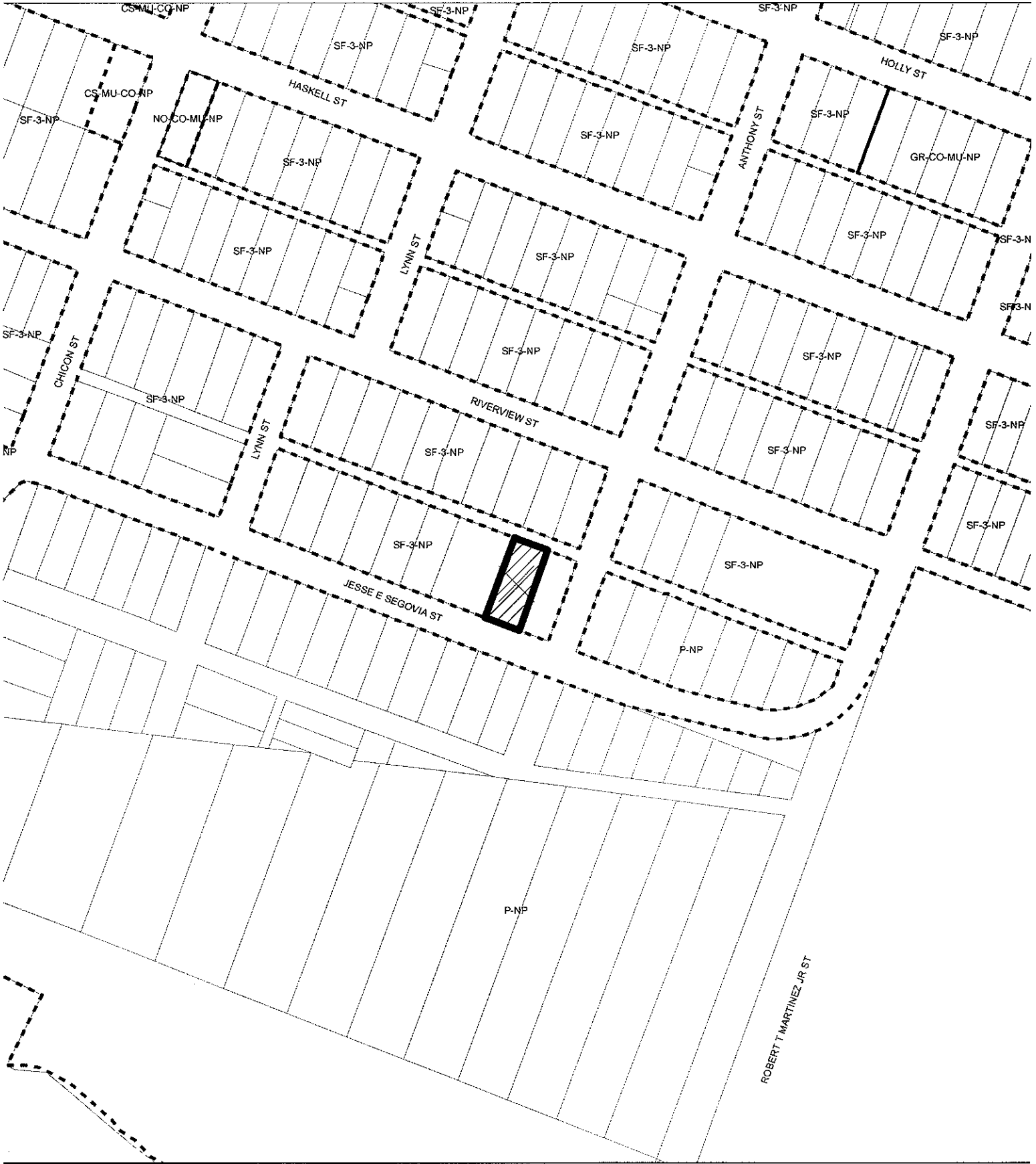
Why can't we move the storage shed
back 15 ft which is city requirements?

- We didn't know the storage shed
had to be 15 ft from property line.
We have no funds to redo or move it.

Car Port



- The reason we cannot move the
car port is because that is the only
room for the cars to fit. We build
it ourselves because it was cheaper
and we didn't have enough funds to
hire a carpenter. We have no funds
to move it and there is no other place
to put the car port.

The storage; That is the only
place for it because the house
is on the top and the only
available space is at the bottom.

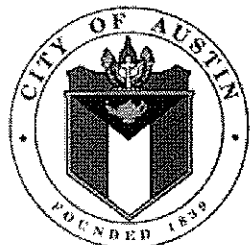


BOARD OF ADJUSTMENTS



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2010-0150
 LOCATION: 2016 JESSE E SEGOVIA ST
 GRID: K20-21
 MANAGER: SUSAN WALKER



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.

TaxNetUSA: Travis County Property Information

Property ID Number: 187467 Ref ID2 Number: 02000808100000

Owner's Name **ESCOBAR ELVIRA**

Property Details

Mailing Address 2016 JESSE E SEGOVIA ST
AUSTIN, TX 78702-5504

Location 2016 JESSE E SEGOVIA ST AUSTIN 78702

Legal LOT 9 * & E 9FT OF LOT 8 BLK 4 OLT 66 DIV O BERGMAN VALLEY VIEW

Deed Date 10272000
Deed Volume 00000
Deed Page 00000
Exemptions HS, OA
Freeze Exempt F
ARB Protest F
Agent Code 0
Land Acres 0.1729
Block 4
Tract or Lot 9; 8
Docket No. 2000176455TR
Abstract Code S01223
Neighborhood Code E0120

Value Information

2010 Preliminary

Land Value 108,000.00
Improvement Value 129,596.00
AG Value 0.00
AG Productivity Value 0.00
Timber Value 0.00
Timber Productivity Value 0.00
Assessed Value 237,596.00
10% Cap Value 0.00
Total Value 237,596.00

Data up to date as of 2010-12-01

- AGRICULTURAL (1-D-1)
- APPOINTMENT OF AGENT FORM
- FREEPORT EXEMPTION
- HOMESTEAD EXEMPTION FORM
- PRINTER FRIENDLY REPORT
- PROTEST FORM
- RELIGIOUS EXEMPTION FORM
- PLAT MAP (TIFF)
- PLAT MAP (PDF)

Value By Jurisdiction

Entity Code	Entity Name	2009 Tax Rate	Assessed Value	Taxable Value	Market Value	Appraised Value
0A	TRAVIS CENTRAL APP DIST		237,596.00	237,596.00	237,596.00	237,596.00
01	AUSTIN ISD	1.227000	237,596.00	187,596.00	237,596.00	237,596.00
02	CITY OF AUSTIN	0.457100	237,596.00	186,596.00	237,596.00	237,596.00
03	TRAVIS COUNTY	0.465800	237,596.00	125,077.00	237,596.00	237,596.00
2J	TRAVIS CO HEALTHCARE DIST	0.071900	237,596.00	125,077.00	237,596.00	237,596.00
68	AUSTIN COMM COLL DIST	0.095100	237,596.00	117,596.00	237,596.00	237,596.00

Improvement Information

Improvement ID	State Category	Description
152418	A1	1 FAM DWELLING

Segment Information

Imp ID	Seg ID	Type Code	Description	Class	Effective Year Built	Area
152418	176256	1ST	1st Floor	WW3	1950	1,772
152418	722410	061	CARPORT ATT 1ST	*3	1950	540
152418	2546865	251	BATHROOM	**	1950	1
152418	4239690	612	TERRACE UNCOVERD	*3	2008	304
152418	4239691	483	LIVING QUARTERS	A*	2008	1
152418	4239692	061	CARPORT ATT 1ST	*3	2000	143
152418	4239693	571	STORAGE DET	WS2-	2000	90
Total Living Area						1,772

Land Information

Land ID	Type Code	SPTB Code	Homesite	Size-Acres	Front	Depth	Size-Sqft
185626	LAND	A1	T	0.173	0	0	7,529

[show history](#)