

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

CASE # C15-2011-0036
ROW # 10562836
TP-01-2601-1106

**CITY OF AUSTIN
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: 2801 West 45th Street Austin TX 78731

LEGAL DESCRIPTION: Subdivision – Highland Park

Lot(s) 13 Block "A" Outlot _____ Division _____

I/We Trung Nguyen & Loris Tran on behalf of myself/ourselves as authorized agent for

Trung Nguyen & Loris Tran affirm that on March 16, 2011, hereby apply for a

hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

1. Rear setback from 5' to 4.7'

2. Side interior setback from 5' to 4.5'

3. Guest house from 10,000 sqft lot size to 9,810 sqft lot size - Remodel to Create

in a Travis 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.

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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:

It requires tearing side and rear walls of the detached workshop/storage that has been there since the 1951 according to the segment information on Travis Central Appraisal District website: www.traviscad.org (Reference to Variance 1 & 2)

We want to be able to provide privacy for our elderly parents from out of town for their occasional unpaid visits. We could connect the house to the existing detached workshop turning it into an accessory apartment; however, it is costly connecting them together due to different structural design and building material.(Reference to Variance 3)

This is a corner lot, thus has less square footage comparing to a non-corner rectangular lot which would have the size allowable for a guest house.(Reference to Variance 3)

HARDSHIP:

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

The encroachments were done by previous owner and we want to solve them.

The encroachments were built based on the measure from the fence and not the property line.

An expired permit was requested by previous owner in 2001. Encroachments need to be resolved to terminate the expired permit.

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

It was built in 1951 when there might not be appropriate tools for accurate measurements.

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:

The encroachments have been there since 1951. These are small variances of 0.3 ft from the rear and 0.5 ft from the side. Austin Energy reviewed and approved that the variance will not impact near-by power line. It 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.

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 3917 Sambuca Ct

City, State & Zip Austin, Texas 78728

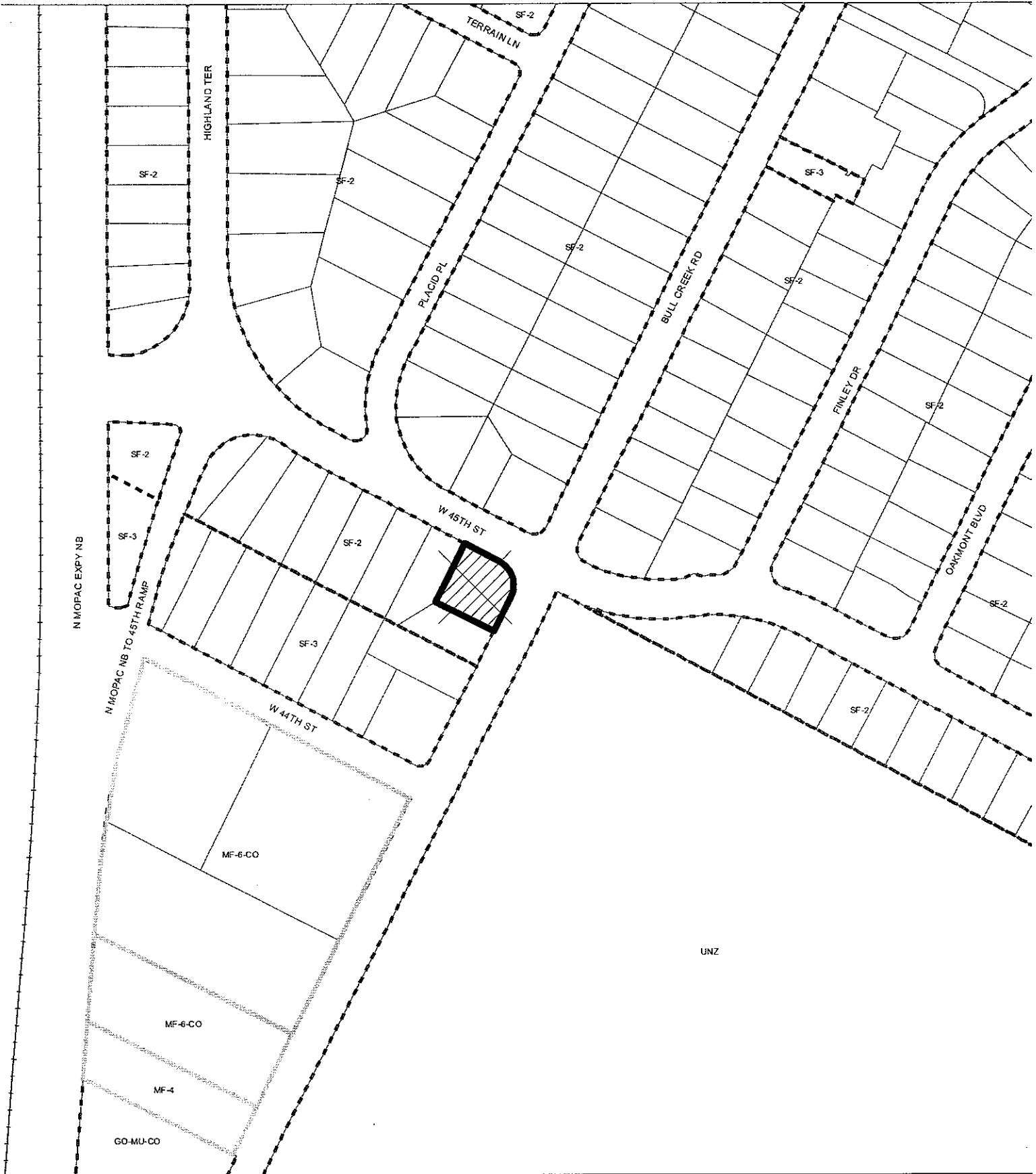
Printed TRUONG NGUYEN / LORIS TRAN Phone (512) 576-0116 Date 3/16/11

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  Mail Address 3917 Sambuca Ct



City, State & Zip Austin, Texas 78728

Printed TRUONG NGUYEN / LORIS TRAN Phone (512) 576-0116 Date 3/16/11

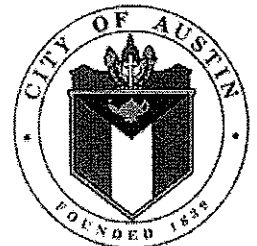


BOARD OF ADJUSTMENTS



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2011-0036
 LOCATION: 2801 W 45TH ST
 GRID: H27, H27
 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.



City of Austin BUILDING PERMIT

PERMIT NO: 2001-000961-BP
2801 W 45TH ST

Type: _____ Status: Expired
Issue Date: 04/17/2001 **EXPIRY DATE: 08/29/2007**

LEGAL DESCRIPTION						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY: Detached Workshop W/Bath				WORK PERMITTED:		ISSUED BY: Debra Fonseca			
TOTAL SQFT	VALUATION		TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS	# OF PKG SPACES	
	Tot Val Rem: \$0.00					1			
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE						

Contact	Phone	Contact	Phone
General Contractor, Hamid Emami (Owner)	(512) 453-0190		

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	33.00	4/17/2001						
Fees Total:	33.00							

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



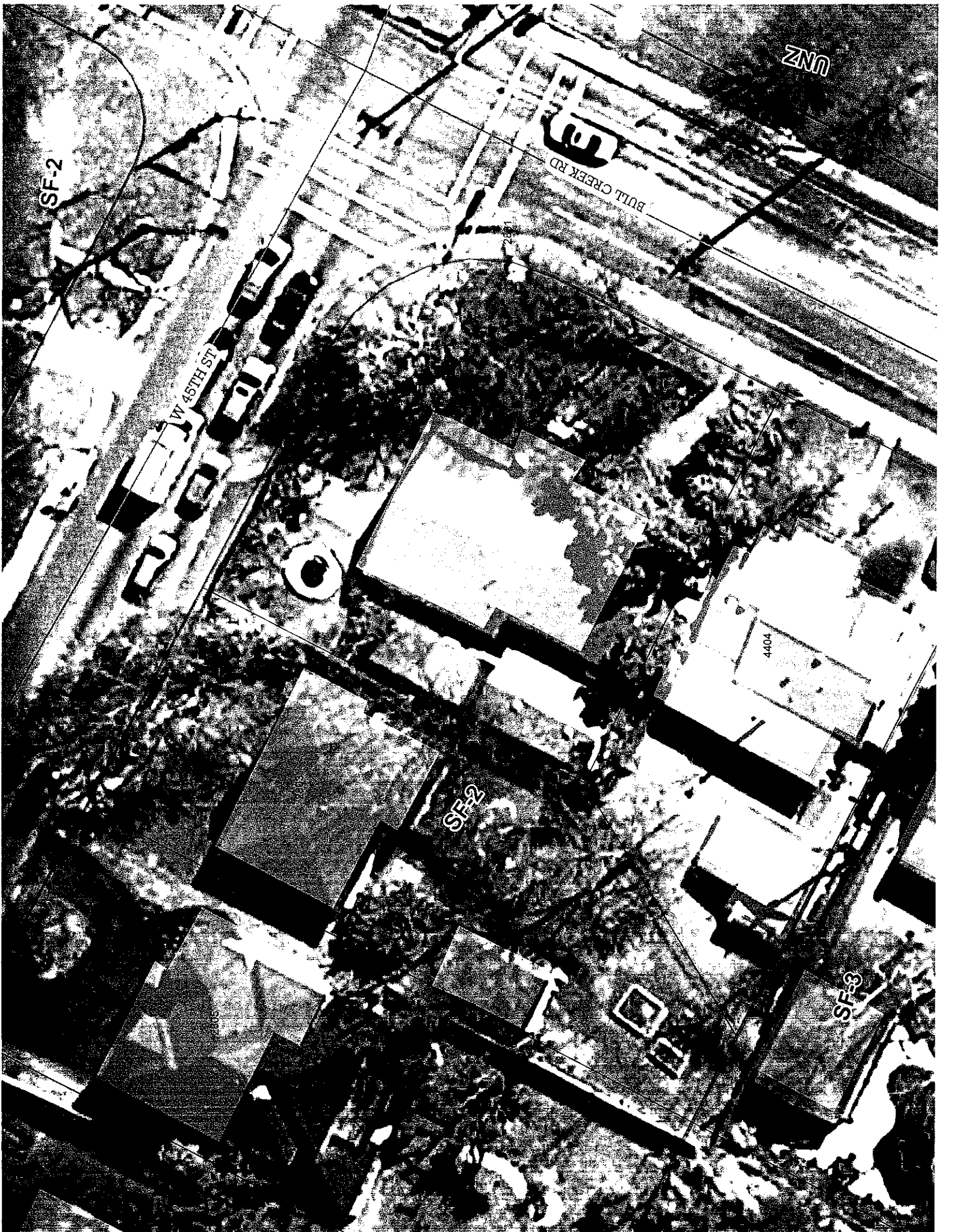
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PROPOSED OCCUPANCY: Detached Workshop W/Bath		WORK PERMITTED:				ISSUED BY: Debra Fonseca			
TOTAL SQFT	VALUATION Tot Val Rem: \$00		TYPE CONST.	USE CAT.	GROUP	FLOORS 1	UNITS	# OF PKG SPACES	
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE						

<u>Type</u>	<u>Date</u>	<u>Status</u>	<u>Comments</u>	<u>Inspector</u>
609 Fire		Open		Tom Tarvin



ZNO

SF-2

W 45TH ST

BULL CREEK RD

4404

SF-2

SF-2

8005

SCALE: 1"=20'

SURVEYOR'S COMMENT

AN UNSPECIFIED DASHED LINE IS SHOWN ON THE PLAT. THIS IS INTERPRETED TO BE A 25' BUILDING LINE. HOWEVER, IT IS NOT DIMENSIONED OR DIMENSIONED AND ALL POINTS SURVEYING ACCEPTS NO LIABILITY FOR THE 25' BUILDING LINE.

LEGEND

- WOOD FENCE
- GRAIN CRIB FENCE
- UTILITY LINE
- A/C UNIT
- ELEC. BOX
- ELEC. METER
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- B.L. BUILDING LINE
- GREEN OUT
- IRON ROD FND.
- 1" IRON ROD BY RECORDS TO BE REMOVED
- RAIL ROAD SPIKE FND.
- FIRE FND.
- UTILITY POLE

LOT 12
BLOCK A
VOL. 4, PG. 218

BEARING BASIS
(N 60°00'00"W 101.50')
(N 60°00'00"W 101.48')

BULL CREEK ROAD

LOT 14
BLOCK A
VOL. 4, PG. 218

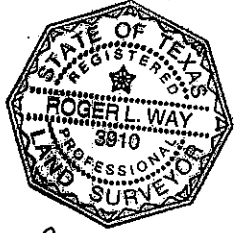
LOT 13
BLOCK A
HOUSE

2801 WEST 45TH STREET
(HIGHLAND TERRACE) (60' R.O.W.)

CURVE TABLE

①

C=S 15°33'56"E 55.97'
A=62.00' R=40.00'
(C=S 15°26'00"E 56.14')
(A=62.23')



Roger L. Way

SURVEYOR'S NOTES

- () DENOTES RECORD INFORMATION
- [1] BUILDING LINE PER CITY OF AUSTIN SF2 ZONING ORDINANCE.

EASEMENT RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUBMITTED BY NATIONAL FIRE INSURANCE COMPANY OF NEW YORK PER COMMITMENT G.F. 12/14/10-0023/10, EFFECTIVE DECEMBER 2, 2010, SCHEDULE B, PARAGRAPH 10.

LOT 13 IS SUBJECT TO RESTRICTIVE COVENANTS AS STATED IN: VOL. 4, PG. 218 (PLAT)

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

LOT No. 13 BLOCK "A" SUBDIVISION / ADDITION HIGHLAND PARK
 SECTION - PHASE - Volume 4 Page(s) 218 PLAT RECORDS
 COUNTY, TEXAS TRAVIS Reference: TRUNG NGUYEN AND LOUIS TRAN
 CITY AUSTIN

By	Date
ROGER L. WAY	12/22/20
TRUNG NGUYEN	
SURVEY DATE: 12-22-2020	
Job No. 1728330	
Scale: 1"=20'	

TO THE MEMORANDUM AND/OR OWNERS OF THE PREMISES AND/OR NATIONAL FIRE INSURANCE COMPANY OF NEW YORK
 The undersigned certifies that this survey was this day made by me or under my supervision on the ground of the real property shown on the survey and after the exercise of reasonable care and in reliance on records searches by the title company that this survey is correct to the best of the undersigned's knowledge and belief and that the property has access to and from a roadway, except as shown hereon. There are no visible discrepancies, conflicts, shortages or overlapping of improvements or encroachments except as shown hereon.



ALL POINTS SURVEYING
 1714 FORTVIEW ROAD - SUITE 200
 AUSTIN TX. 78704
 TELE: (512) 440-0071 - FAX: (512) 440-0199

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

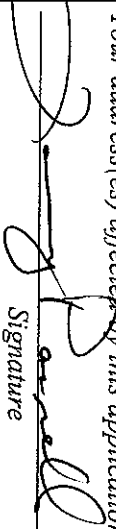
A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2011-0036 - 2801 W 45th St
 Contact: Susan Walker, 512-974-2202
 Public Hearing: Board of Adjustment, April 11, 2011

TAMMY PARSON
 Your Name (please print) I am in favor
 I object

2805 W. 45th Austin TX 78731
 Your address(es) affected by this application
 Signature
 3/31/11 Date

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:
 City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088