

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

DATE: Monday, March 9, 2011

CASE NUMBER: C15-2011-0004

Y Jeff Jack
 Michael Von Ohlen ABSENT
 Y Nora Salinas
 Y Bryan King
 Y Leane Heldenfels, Chairman
 Y Clarke Hammond, Vice Chairman
 Y Heidi Goebel **Motion to PP to May 9, 2011**
 Y Melissa Hawthorne

APPLICANT: Guadalupe J., Morales

ADDRESS: 6607 CRUZ ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 1 1/2 feet along the west property line in order to maintain a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Montopolis Neighborhood Plan)

BOARD'S DECISION: Postponed to May 9, 2011 (additional information needed, complete application, permit history, pictures)

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:

Susan Walker
Executive Secretary

Leane Heldenfels
Chairman

Walker, Susan

From: Roberto Villegas [robertovillegas78741@yahoo.com]
Sent: Wednesday, March 09, 2011 9:05 AM
To: Walker, Susan
Subject: C15-2011-0004

Dear Ms. Walker:

Please disseminate the information below to the Commissioners.

Thank you,

Roberto

Dear Commissioners,

My health does not allow me to be present this evening, but I write to you regarding case # C15-2011-0004 on today's agenda.

I kindly request that you deny the variance due to the fact that the applicant has failed to provide a reasonable cause for the egregious error in building the addition that encroaches upon the setback.

Should the applicant have previously submitted the appropriate documents prior to erecting the building, the drawings would clearly depict the setbacks which more than likely would mirror the same line as the existing house.

Per the application itself it does not appear to include the required information of setback information for adjoining properties.

Given the parameters for granting a variance I do not believe the applicant has demonstrated any legitimate hardship for the variance. In fact, it is my understanding that the property currently is in violation of city code as the property exceeds the impervious cover limits.

I am not sure if the owners need a certificate of occupancy, but if so people have continued to reside in the house in absence of the certificate.

For these these reasons granting such a variance would encourage "*bad behavior*" and unjustly provide a privilege to the applicant not afforded to others.

I do appreciate your time and efforts,

Sincerely,
Roberto Villegas



City of Austin

P.O. Box 1088, Austin, Texas 78767

RECEIPT

Receipt No.: 5496328

Payment Date: 02/22/2011

Invoice No.: 5493931

Payer Information

Company/Facility Name: Lupe Drywall LLC

Payment Made By: Guadalupe J. Morales
6607 CRUZ ST AUSTIN TX 78741

Phone No.: (512) -

Payment Method: Check

Payment Received: \$360.00

Amount Applied: \$360.00

Cash Returned: \$0.00

Comments:

ck 1243

Additional Information

Department Name: Planning and Development Review

Receipt Issued By: Julia Lopez

Receipt Details

FAO Codes	Fee Description	Internal Ref. No.	Address	Permit/Case No.	Amount
1000 6800 9770 4120	BOA/SRB Fee	10535889	6607 CRUZ ST	2011-000004-BA	\$360.00
Total					\$360.00

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 # C15-2011-0004
ROW # 10535889

CITY OF AUSTIN TP-0308160403
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: 6607 CRUZ STREET

LEGAL DESCRIPTION: Subdivision - CHERNOSKY #17

Lot(s) 5 Block 5 Outlot _____ Division _____

I/We GUADALUPE + Adela MORALES 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:

(check appropriate items below)

___ ERECT ATTACH ___ COMPLETE REMODEL MAINTAIN

a single family residence
with a side yard setback
of 2 feet (1 1/2 feet to covered area)

in a SF-3-NP district. Montopolis N.P.
(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:

HARDSHIP:

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

next page

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

it is property hardship but the addition

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 variance will not impair the neighborhood, regulations of the zoning.

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:

none

December 15, 2010

To Variance Dept.

2 HARDSHIP

The addition on 6607 Cruz Street was built in 1997 or 1998 the reason for the delay is that I open Small business, use all the fund for the business . When ready to finish the permits had expired and was told that we needed a survey. The survey say that we are over 2 feet away from the neighbor But we got the measurement from the spike in the back yard and we measure from there to the new Building. We never meant to get close to the neighbor If we measure from the neighbor fence That is where the spike is to the new addition it's 5 ft. away. Also you measure from the spike to spike in back yard we have 55 ft. But the surveyor say can't change because all property are the same 50 ft In appraisal office have . We would really appreciated if can help us cause the addition is already Build and we didn't do on purpose. I have enclose a picture of addition .

Thanks you very much for your time.

Adelle Morales

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:

none

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

none

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.

* Called
↓
Guadalupe
on 2/11/10
@ 355

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 Adela S. Morales Mail Address 12711 Blaine Rd.

City, State & Zip Austin Tx 78753

Printed Adela MORALES Phone 385-8773 Date 12-15-10

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 Adela S. Morales Mail Address 12711 Blaine Rd.

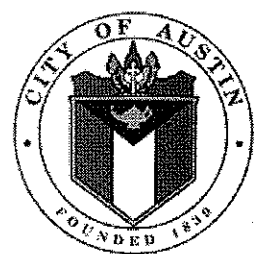
City, State & Zip Austin Tx 78753

Printed Adela S. MORALES Phone 385-8773 Date 12-15-10





BOARD OF ADJUSTMENTS

CASE#: C15-2011-0004
 LOCATION: 6607 CRUZ ST
 GRID: L19
 MANAGER: SUSAN WALKER



N

 SUBJECT TRACT

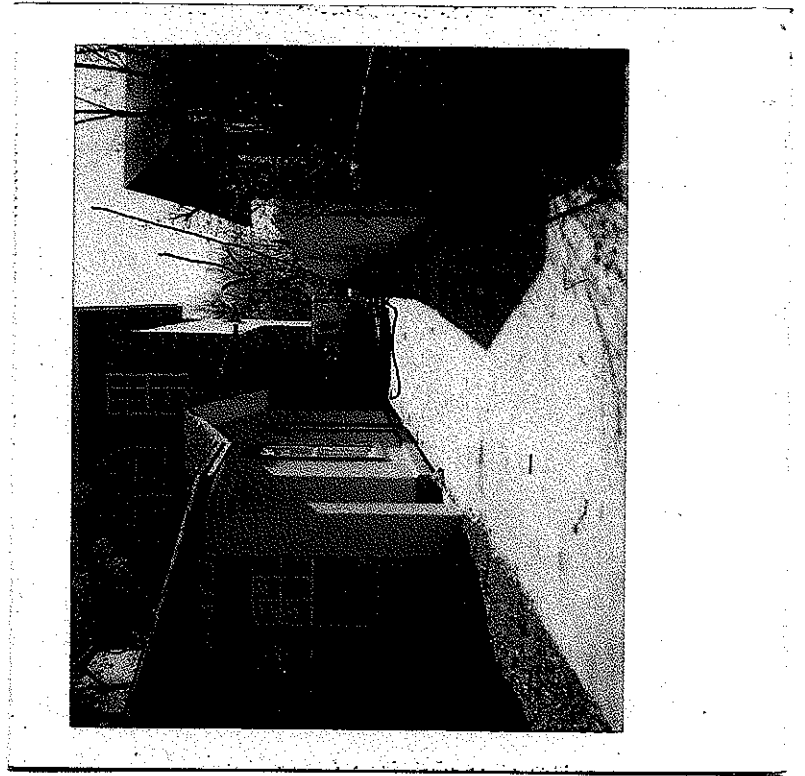
 ZONING BOUNDARY

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.

Adelle Morales

a copy of the
addition

6607 Crum





City of Austin BUILDING PERMIT

PERMIT NO: 1999-015547-BP

Type: RESIDENTIAL Status: Expired

6607 CRUZ ST

Issue Date: 12/27/1999

Expiry Date: 06/24/2000

LEGAL DESCRIPTION				SITE APPROVAL		ZONING		GRID NO. ML19	
PROPOSED OCCUPANCY Stairway Over Existing Ic To Attach Garage				WORK PERMITTED Addition			ISSUED BY Sylvia Benavidez		
TOTAL SQFT		VALUATION Tot Val Rem: \$00		TYPE CONST.	USE CAT. 434	GROUP	FLOORS 2	UNITS	# OF PARKING SPACES
TOTAL BLDG. COVERAGE		% COVERAGE		TOTAL IMPERVIOUS COVERAGE			% COVERAGE		

Contact Owner, Guadalupe Morales General Contractor, Guadalupe Morales			Telephone (512) 385-8665 (512) 385-8665		
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<u>Fee Description</u>	<u>Fee Amount</u>	<u>Paid Date</u>
Building Permit Fee	\$33.00	12/27/1999
Total Fees:	\$33.00	

<u>Inspection Requirements</u> Building Inspection Electric Inspection

Section 25-11-94 EXPIRATION AND EXTENSION OF PERMIT (Active Permits will expire 180 days at 11:59:59 pm after date of last inspection performed.)

See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

<u>Comments</u>	<u>Date</u>	<u>User</u>

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.

CITY OF AUSTIN - PROJECT PERMIT

PERMIT NO. 9908711

6607 CRUZ STREET ADDRESS 0

06/19DATE

SECTION 17 SUBDIVISION SENNA PERMIT CLERK

0663PLAT	4	BLOCK 3	LOT	DELETED	W/STINKY TOILET	GROUP OF FLOORS	BLDGS.	UNITS
STAGING	HT. / AF	RECD.	PARKING	PROVD.	TYPE CONSTRUCTION	USE DAT.	MIN. STD.	CMR
SPECIAL PERMIT NO.	00000000	00000000	00000000	00000000	00000000	00000000	00000000	00000000
ADDITIONAL WORK PERMITTED	BASEMENT	BUILDING DIMENSIONS						

OWNER/CONTRACTOR	GUADALUPE MORALES	FEES	PAID DATE	REQUIRED INSPECTIONS
C. BUILDING		\$2,000	06/19/99	ELECTRIC
M. ELECTRICAL		97.00		PLUMBING
T. MECHANICAL		41.00		
R. PLUMBING				
A. SIDEWALK/DRIVE				
C. SIGN				
O. OTHER				
S. ARCH./ENGR.				

GUADALUPE MORALES
6607 CRUZ STREET

AUSTIN TX 78741

IC-2581/45% NOT TO BE USED FOR DWELLING OR RENTAL PURPOSES

BY TAKING AND/OR PAYING FOR THIS PERMIT APPLICATION, YOU ARE DECLARING YOU ARE THE OWNER OR HAVE BEEN AUTHORIZED BY THE OWNER OR OWNERS TO SUBMIT THIS APPLICATION, THAT THE GIVEN DATA ARE TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATIONS SUBMITTED HEREWITH:

THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES AS MARKED PAID.

CONTRACTOR'S COPY



City of Austin BUILDING PERMIT

PERMIT NO: 1999-001264-BP
6607 CRUZ ST

Type: RESIDENTIAL

Status: Expired

Issue Date: 06/15/1999

EXPIRY DATE: 08/12/2000

LEGAL DESCRIPTION Lot: Block: 13 Subdivision:		SITE APPROVAL	ZONING
PROPOSED OCCUPANCY:	WORK PERMITTED: New	ISSUED BY:	

Detached 2nd Sty Garage/Storage W/Bathroom

TOTAL SQFT	VALUATION Tot Job Val: \$2,000.00	TYPE CONST.	USE CAT. 438	GROUP	FLOORS 2	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS	METER SIZE		

Contact Homeowner, Guadalupe Morales	Phone (512) 385-8665	Contact General Contractor, Guadalupe Morales	Phone (512) 385-8665
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<u>Fee Desc</u>	<u>Amount</u>	<u>Date</u>	<u>Fee Desc</u>	<u>Amount</u>	<u>Date</u>	<u>Fee Desc</u>	<u>Amount</u>	<u>Date</u>
Building Permit Fee	82.00	6/15/1999						
Fees Total:	82.00							

Inspection Requirements	Building Inspection	Mechanical Inspection	Plumbing Inspection
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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.

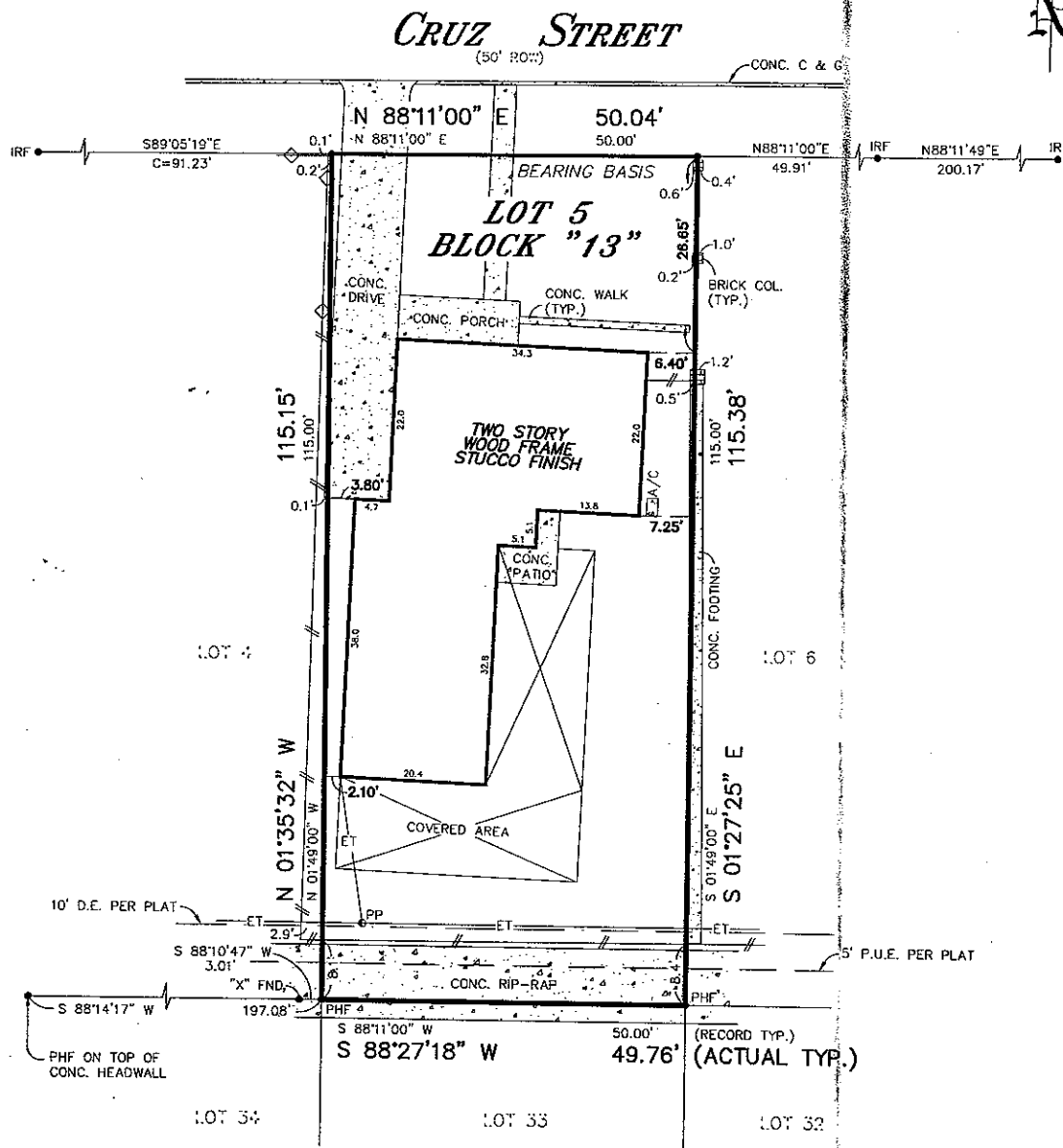
City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

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

Comments
Ic=2581/45% Not To Be Used For separate Dwelling Or Rental Purposes** 

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.

- LEGEND**
- PPO POWER POLE
 - ET- OVERHEAD ELEC./TELE. LINE
 - ◇ CHAIN LINK FENCE
 - ▨ WOOD FENCE
 - IRF • 1/2" IRON ROD FOUND
 - PHF • PUNCH HOLE FOUND IN CONCRETE



A Title Commitment was NOT furnished to the Surveyor. The only Easements shown hereon are per Plat. The Surveyor does not assume any Liability for existence of any easements and/or restrictions encumbered to the Property.

* ADELLE HERNANDEZ

PLAT OF SURVEY

Survey No. 10219-REV SCALE: 1" = 20' OF _____

Said lot is in Zone X as identified by the Federal Emergency Management Agency on Community Panel No. 48453C 0605H
 Dated: SEP. 26, 2008

All corners are 1/2-inch iron rod found unless otherwise noted. To the lien holders and/or the owners of the premises surveyed.

LOT NO. 5 BLOCK NO. "13"
 ADDITION OR SUBDIVISION CHERNOSKY SUBDIVISION, NUMBER 17, BOOK 5, PAGE 130, PLAT RECORDS
 STREET ADDRESS 6607 CRUZ STREET CITY AUSTIN COUNTY TRAVIS
 SURVEY FOR GUADALUPE MORALES & ADELLE HERNANDEZ REFERENCE GUADALUPE MORALES & *
 TO:

STATE OF TEXAS, COUNTY OF TRAVIS
 I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS MADE THIS DAY ON THE GROUND AND IS TRUE AND CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCESS TO A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

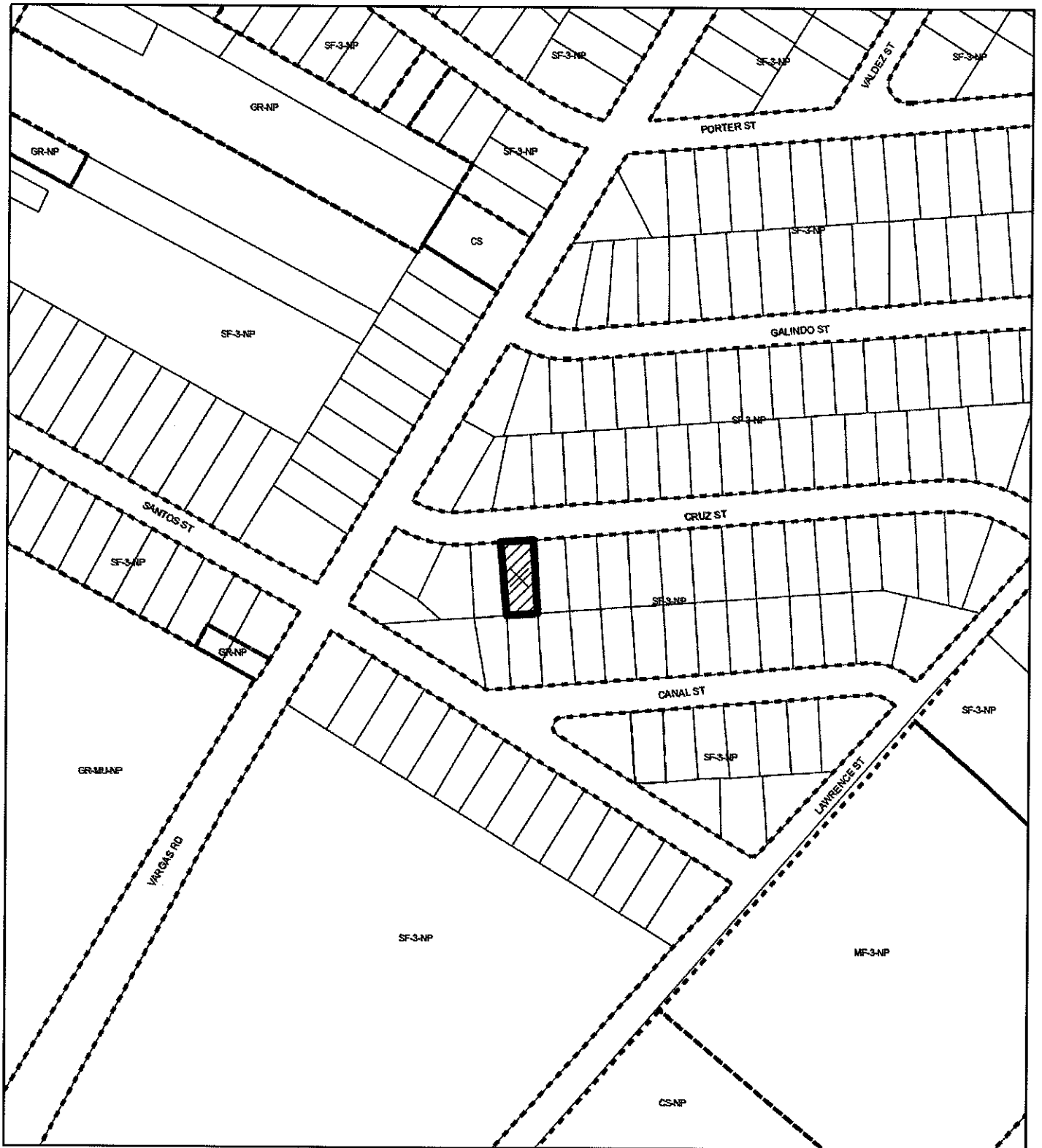
SNS ENGINEERING, INC.
 9801 Anderson Mill Road, Suite 209
 Austin, Texas 78750

(512) 335-3944 * (512) 250-8685 (Fax) JM

621/31,46,55, 625/35





Leslie Vasterling
 Date: 11-08-2010



BOARD OF ADJUSTMENTS



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2011-0004
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