

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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 # C15-2011-0072
ROW # 10606162

CITY OF AUSTIN TP-02 0906-6111
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: 806 1/2 East 13th Street

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LEGAL DESCRIPTION: Subdivision - Is a LEGAL TRACT consisting of the east 22.5 feet of lot 46 and the west 22.5 feet of lot 45, Outlot 41, Division B, SAVE AND EXCEPT that portion conveyed to the Sate of Texas by deed recorded in volume 1974, Page 526, Travis County Deed Records, created prior to March 14, 1946 (Grandfather date) as evidenced by deed recorded in Volume 755, Page 12 of the Travis County Deed Records on Feb 12, 1945 being the same property as currently described in deed recorded in Document # 2006144684 of the Travis County Deed Records on Jul 28, 2006 and it is eligible to receive utility service.

Lot(s) 45, 46 Block _____ Outlot 41 Division B

I/We Ricky Moura on behalf of myself/ourselves as authorized agent for

_____ affirm that on June 14, 2001

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

erecting a two story
addition providing a

0' side street
setback
at the
closest
point

in a MF-4 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:

My house was build in 1935 and it has no storage space, the previous owner had a shad in the back, however the drug addicts of the area used jump the fence to sleep in it, so I had to remove from the property. So, building a storage are above the carport is a perfect location because I Have a lot that next door from the Interstate 35; nothing will ever being build in between my lot and the Hwy.
Because of the cut that the State made to my property, I don't have enough space to add living area to my house, so I need to get 4'6" of the set back to build and some time in the future.—

HARDSHIP:

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

The configuration of the lot is very strange: it is on the top of the hill next to the HWY 35 in triangle shape

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

All other lots in the area are square.

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 lot next to me belongs to the State; nothing will ever be build there. I have around 50' in between the access road of IH 35 and the property line of my house.

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 Ricky Moura Mail
Address rmversacc@yahoo.com
City, State & Zip Austin, TX
78702

Printed Ricky Moura Phone 512-294-3330
Date 05/11/11

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 Ricky Moura Mail Address 806 1/2 E. Bth St
City, State & Zip Austin, TX 78702
Printed Ricky Moura Phone (512) 294-3330 Date 05/13/11

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.



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.

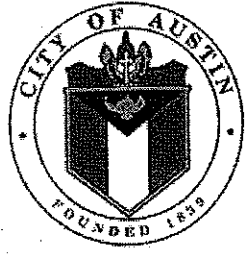


BOARD OF ADJUSTMENTS



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2011-0072
 LOCATION: 806 1/2 EAST 13TH STREET
 GRID: J22
 MANAGER: SUSAN WALKER

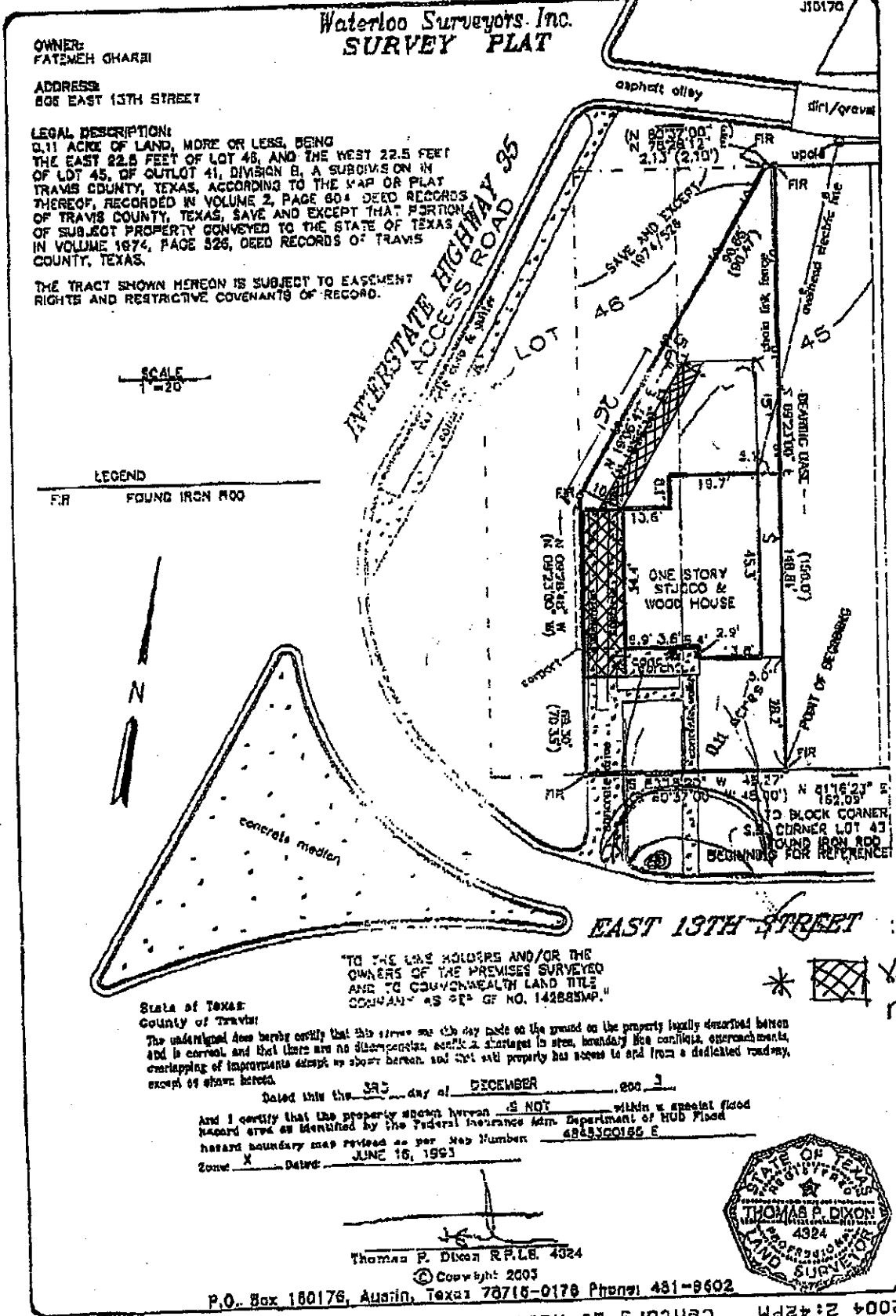


This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

max B.C = 40% (2796)
max I.C = 45% (3145)

1 Zoned MF-4

6990 sq lot size



OWNER: FATEMEH GHARBI
ADDRESS: 806 EAST 13TH STREET

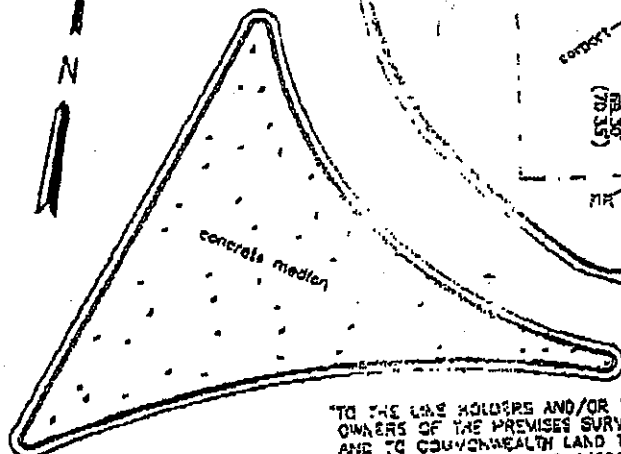
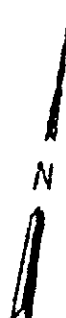
Waterloo Surveyors, Inc. SURVEY PLAT

LEGAL DESCRIPTION: 0.11 ACRE OF LAND, MORE OR LESS, BEING THE EAST 22.5 FEET OF LOT 46, AND THE WEST 22.5 FEET OF LOT 45, OF OUTLOT 41, DIVISION B, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 2, PAGE 804 DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT PORTION OF SUBJECT PROPERTY CONVEYED TO THE STATE OF TEXAS IN VOLUME 1674, PAGE 526, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

THE TRACT SHOWN HEREON IS SUBJECT TO EASEMENT RIGHTS AND RESTRICTIVE COVENANTS OF RECORD.

SCALE 1"=20'

LEGEND FR FOUND IRON ROD



EAST 13TH STREET

TO THE LAND HOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO COMMONWEALTH LAND TITLE COMPANY AS PER OF NO. 142885MP.

State of Texas County of Travis

The undersigned does hereby certify that this survey was taken and made on the ground on the property fully described herein and is correct and that there are no discrepancies, easements, encroachments, overlapping of improvements except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

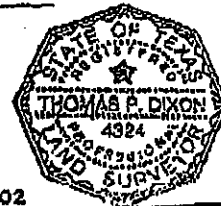
Dated this the 3rd day of DECEMBER, 2003

And I certify that the property shown hereon is NOT within a special flood hazard area as identified by the Federal Insurance Administration, Department of HUD Flood hazard boundary map revised as per Map Number 4843300185 E. Zone X Date: JUNE 16, 1993

Thomas P. Dixon R.P.L.S. 4324

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P.O. Box 180176, Austin, Texas 78716-0176 Phone: 451-8602



* Variance requested



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

May 12, 2011

Mr. Ricky Moura
806 ½ East 13th Street
Austin, Texas 78702

Re: 806 ½ East 13th Street
Lots 45-46 Outlot 41, Division B

Dear Mr. Moura,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to attached and remodel storage. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6112.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Esparza".

Christine Esparza
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker