

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 # C15-2011-0075
ROW # 10606179
TP-0402030601

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: 2215 S 3rd Street Austin, Texas 78704

LEGAL DESCRIPTION: Subdivision – BAWCOM

Lot(s) S49FT OF W 135FT Block 2 Outlot _____ Division _____

I/We Joel G. Hernandez on behalf of myself/ourselves as authorized agent for

Alice Galindo affirm that on May
19, 2011,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

Attached Carport that was re-built Nov 21 – 25th, 2010 replacing a pre-existing carport
The Set back is at 10.5 ft instead of the 15 ft requirement - Side Street
The backside of the breezeway and unit #2 is at 0 ft of the property line instead of the
5 ft erroneously stated in the original permit
Total impervious coverage area exceeds limit of 45% we are at 61.6%

in a _____ 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:

The Carport was rebuilt in the exact manner that the previous carport was. The General Contractor hired deceived my mother and never obtained a permit. The Contractor would have been informed of all the stipulations and regulation changes had he obtained the permit prior to starting the work. My mother specifically asked the General Contractor if a permit was necessary to have the work done. The General Contractor assured my mother that a permit was not needed as this was just a carport with no interior walls, no exterior walls and with no electrical or plumbing.

HARDSHIP:

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

The house and carport in question were built by my grandfather in the 60's my mother inherited the houses and has done her best to maintain them. My mother is now in her 70's and is on a fixed income. A General Contractor was recommended to my mother who felt a new roof was needed. The General Contractor came to her house and gave her a reasonable quote. The General Contractor also convinced my mother to allow him to bid the construction of a new carport as the existing carport was very dilapidated and posed a hazard to both herself and her property. My mother agreed and borrowed over eight thousand dollars to have all work done. The General Contractor was one day away from completion when the city inspectors arrived and cited him for non compliance. We were informed at that time that the General Contractor did in fact need a permit and did not obtain one. We paid him at his behest what we felt was reasonable for what was completed and fired him on the spot. I have since been doing my best to obtain the permit necessary to complete the carport and relieve my mother of the burden that all this has caused her.

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

The Carport was rebuilt in the exact spot that the previous carport was. The new carport is in fact smaller than the original carport. We hired a General Contractor in good faith that all requirements were being met and all regulations followed.

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:

There will be no altering to the character of the adjacent property due to the fact that the new carport is simply replacing a pre-existing carport in the exact manner it previously was.

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:
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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 Joel G. Hernandez Mail Address 712 Fletcher
City, State & Zip Austin, TX 78704

Printed Joel G. Hernandez Phone (512) 576-6789 Date 5/20/2011

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 Joel G. Hernandez Mail Address 712 Fletcher
City, State & Zip Austin, TX 78704

Printed Joel G. Hernandez Phone (512) 576-6789 Date 5/20/2011

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.

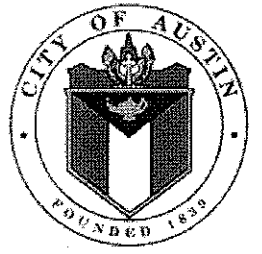


BOARD OF ADJUSTMENTS



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2011-0075
 LOCATION: 2215 SOUTH 3RD STREET
 GRID: H20
 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.