

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

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

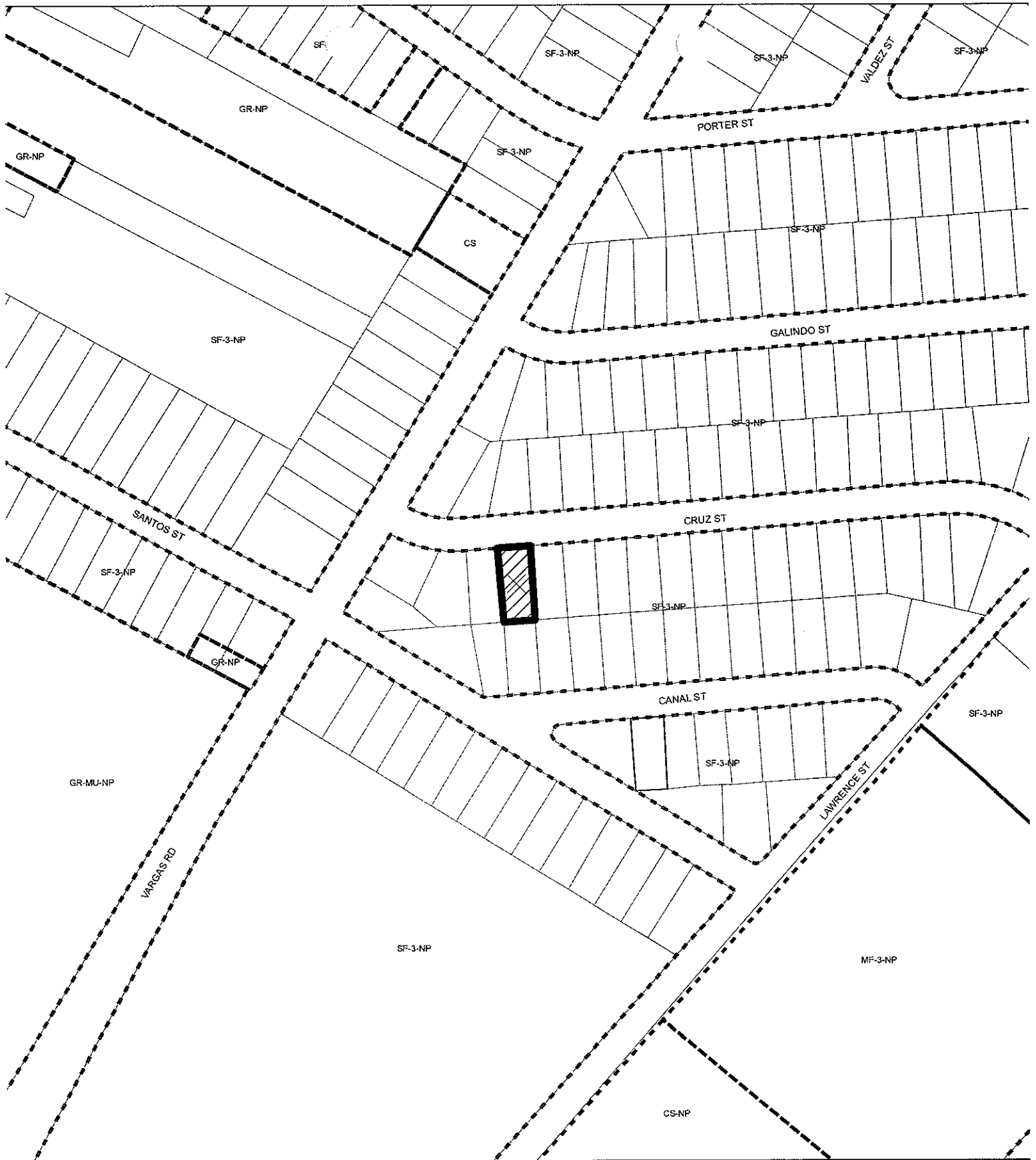
Printed Adela MORALES Phone 385-8773 Date 12-15-10

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

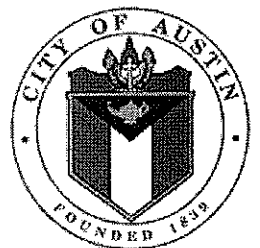


BOARD OF ADJUSTMENTS



-  SUBJECT TRACT
-  ZONING BOUNDARY

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

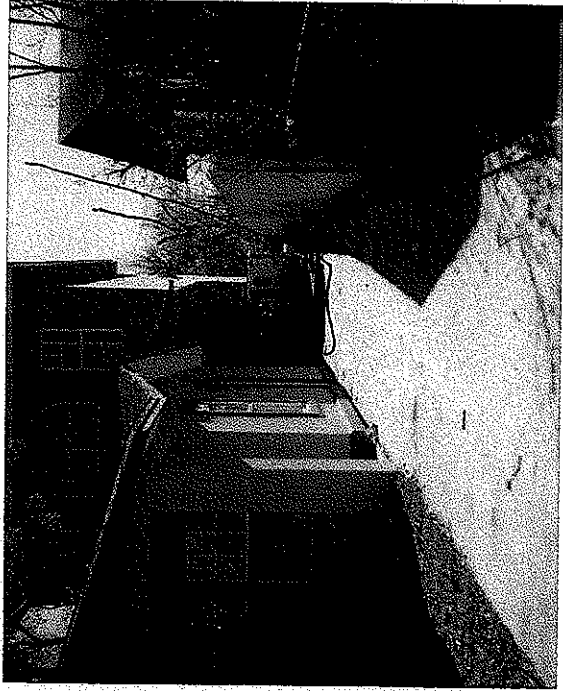


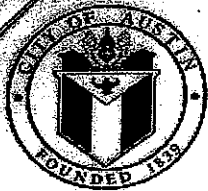
This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Adelle Morales

a copy of the
addition

6607 Cury





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

Fee Description

	Fee Amount	Paid Date
Building Permit Fee	\$33.00	12/27/1999
Total Fees:	\$33.00	

Inspection Requirements

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.

Comments

Date

User

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 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: Detached 2nd Sty Garage/Storage W/Bathroom		WORK PERMITTED: New				ISSUED BY:			
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

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.

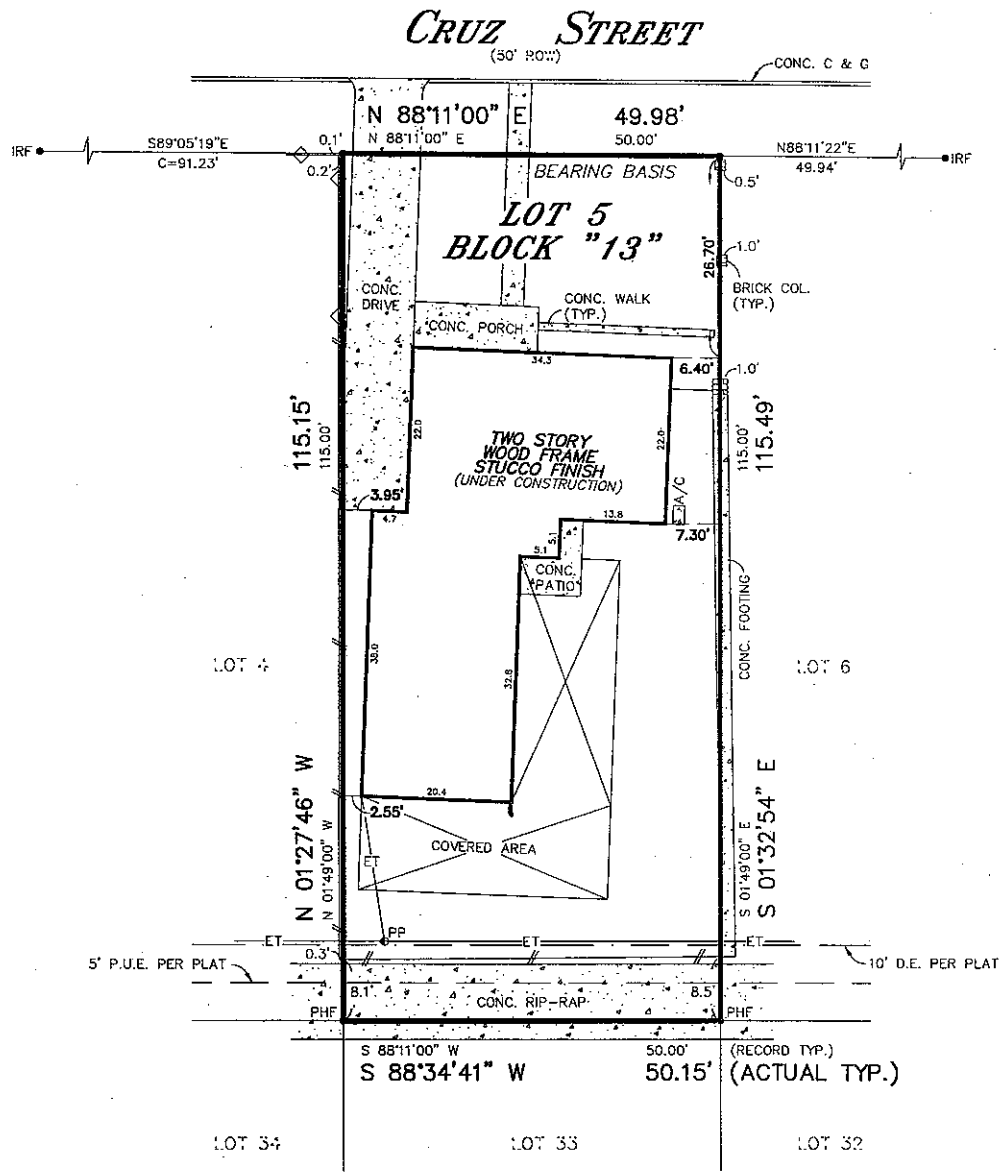
City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

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**
- PP● 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 SCALE: 1" = 20' GF = _____

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

LOT NO. 5 BLOCK NO. "13"

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

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.

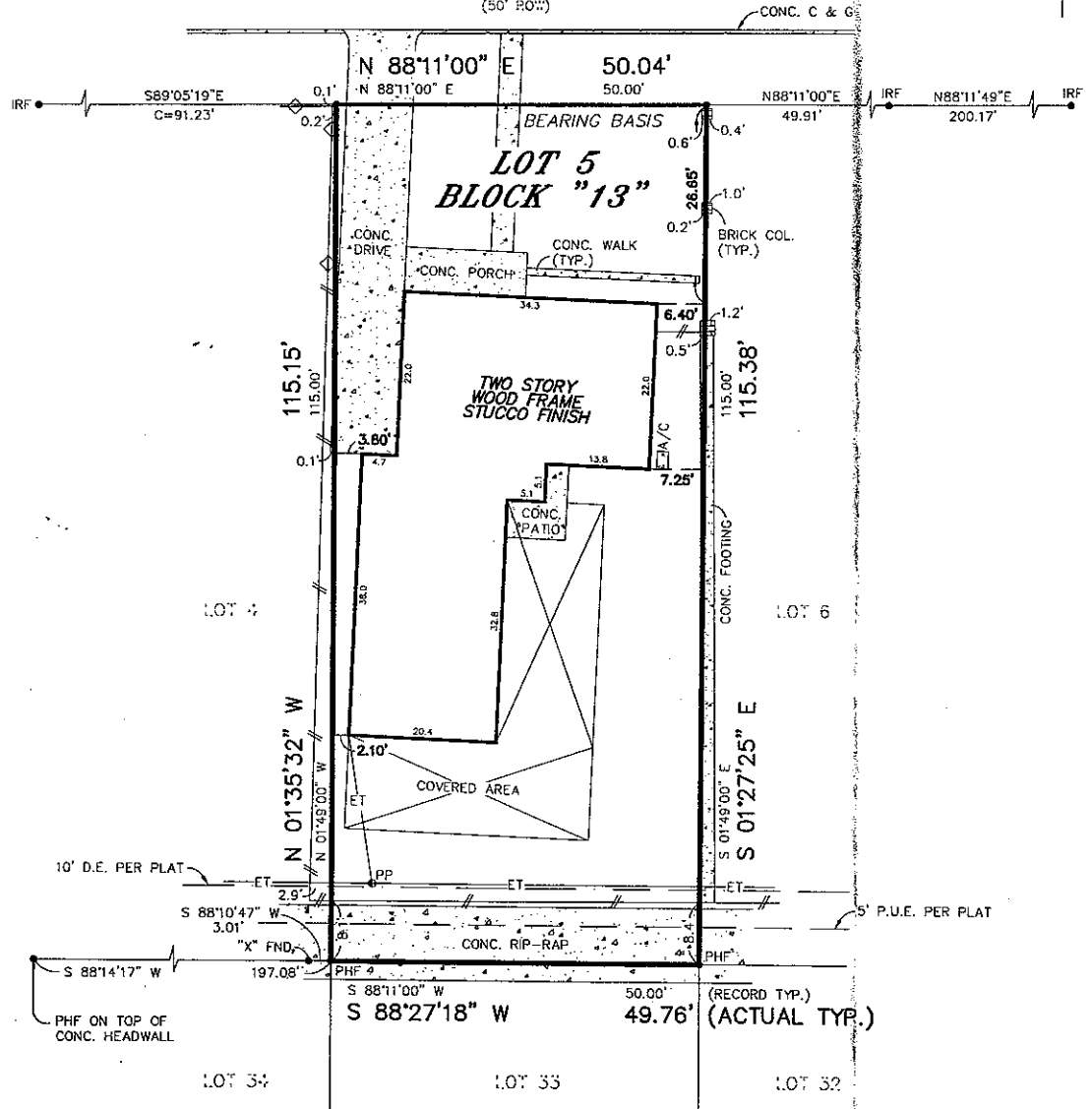
9801 Anderson Mill Road, Suite 209
 Austin, Texas 78750
 (512) 335-3944 * (512) 250-8685 (Fax) JM

621/31

Leslie Vasterling
 Date: 06-25-2010

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

CRUZ STREET
(50' ROW)



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* ADELLE HERNANDEZ

PLAT OF SURVEY

Survey No. 10219-REV

SCALE: 1" = 20'

GF -

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"

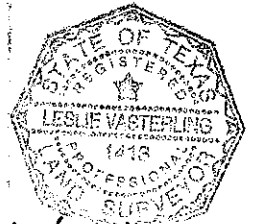
ADDITION OR SUBDIVISION CHERNOSKY SUBDIVISION, NUMBER 17, BOOK 5, PAGE 130, PLAT RECORDS
STREET ADDRESS 6607 CRUZ STREET CITY AUSTIN COUNTY TRAVIS
SURVEY FOR GUADALUPE MORALES & ADELLE HERNANDEZ REFERENCE GUADALUPE MORALES & *

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 PLACES 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

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: C15-2011-0004 - 6607 Cruz Street
 Contact: Susan Walker, 512-974-2202
 Public Hearing: Board of Adjustment, February 14th, 2011

LUST SWARTZBERG
 Your Name (please print)

I am in favor
 I object

6504 SANROS

Your address(es) affected by this application

Walter Conrad
 Signature

2/9/11
 Date

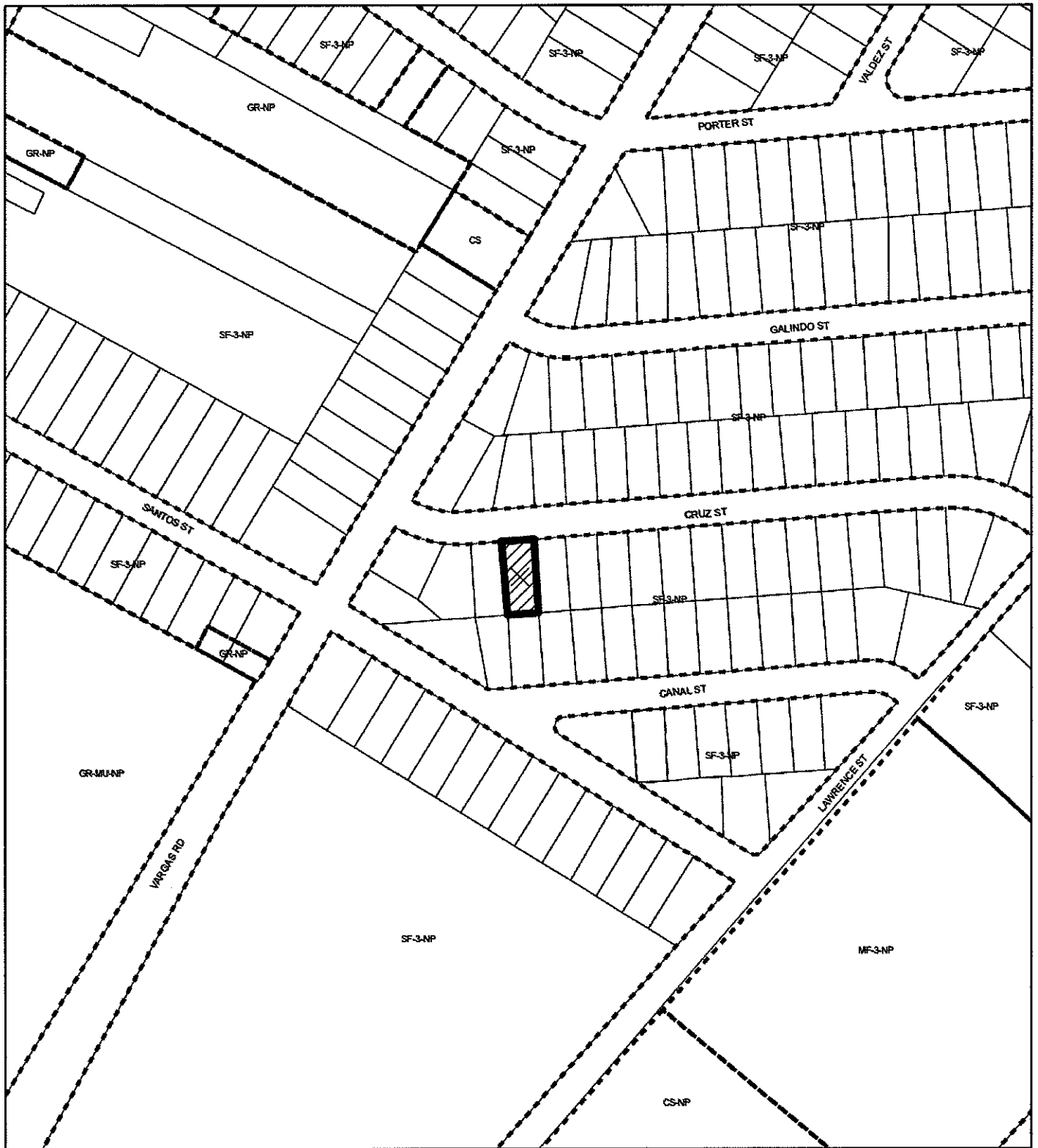
Daytime Telephone: 512 422 7300

Comments: I'm in favor of

ALMOST ANY DEVELOPMENT
 OR IMPROVEMENT IN
 OUR NEIGHBORHOOD. I
 WISH MY NEIGHBORS GOOD LUCK
 WITH THEIR PROJECT AND I
 THANK YOU ALL FOR YOUR
 SERVICE TO OUR COMMUNITY.



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 78767-8810



BOARD OF ADJUSTMENTS



-  SUBJECT TRACT
-  ZONING BOUNDARY

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



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