

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

**DATE: Monday, September 12, 2011**

**CASE NUMBER: C15-2011-0075**

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nora Salinas  
\_\_\_\_ Bryan King  
\_\_\_\_ Susan Morrison  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ Heidi Goebel  
\_\_\_\_ Cathy French (SRB only)

**APPLICANT: Joel Hernandez**  
**OWNER: Alice Galindo**  
**ADDRESS: 2215 3RD ST**

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 10.5 feet in order to rebuild an existing carport for a duplex residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 0 feet in order to rebuild an existing carport and breezeway for a duplex residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

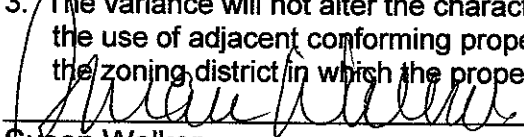
The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 61.6% in order to rebuild an existing carport for a duplex residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

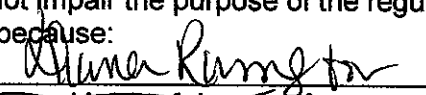
**BOARD'S DECISION: POSTPONED TO September 12, 2011 TO PROVIDE SURVEY AND HOW TO REDUCE IMPERVIOUS COVERAGE**

**BOARD'S DECISION: Sept 12, 2011 Postponed to October 10, 2011 (to reduce impervious coverage, need calculations)**

**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 Liaison

  
Leane Heldenfels  
Chairman

## Decision Sheet

**CASE NUMBER: C15-2011-0075**

           Jeff Jack  
           Michael Von Ohlen  
           Nora Salinas  
           Bryan King  
           Leane Heldenfels, Chairman  
           Clarke Hammond, Vice Chairman  
           Heidi Goebel

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Executive Liaison

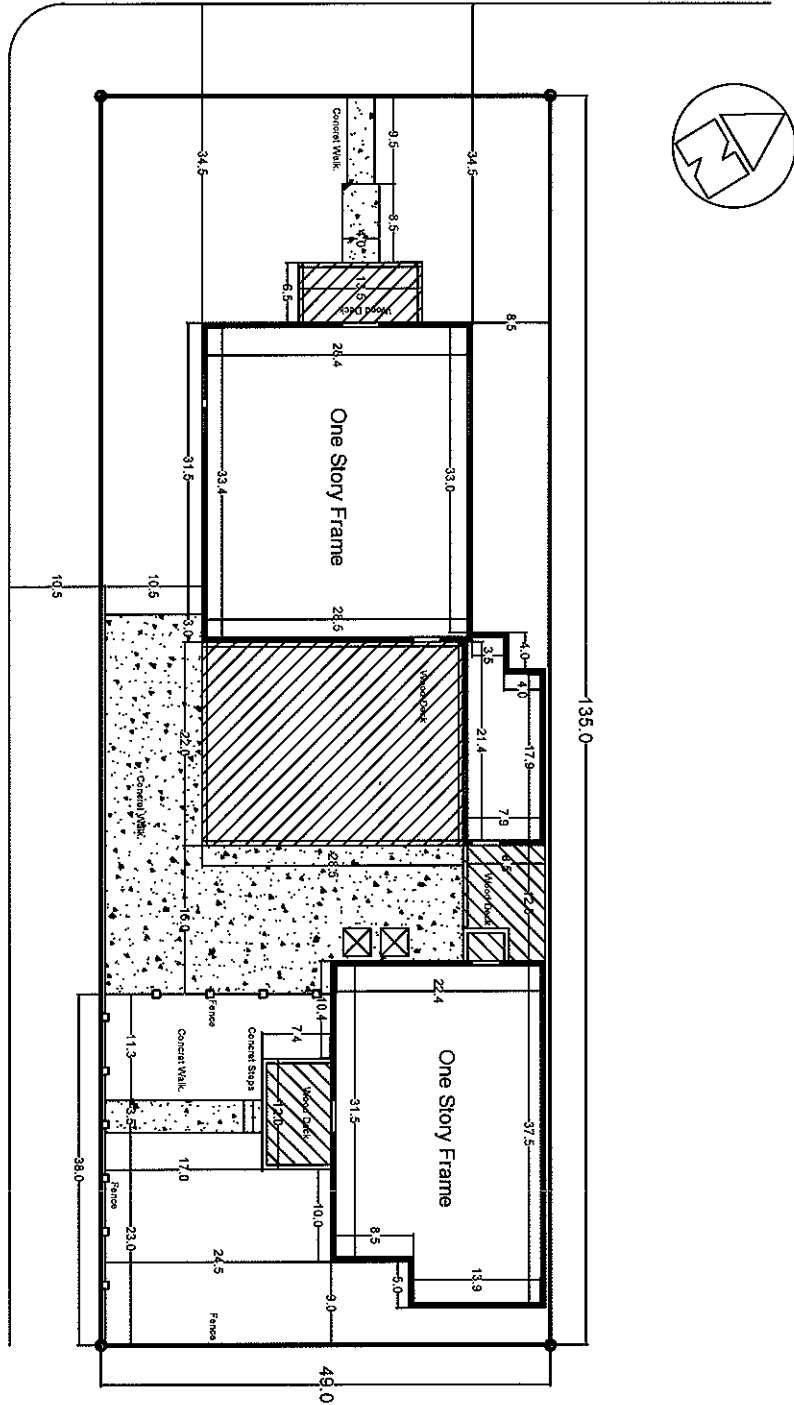
  
Leane Heldenfels  
Chairman

C15-2011-0075

3RD ST.

C15-2011-0075

FLETCHER



SCALE: 1:20

NOTES:

ALICE GALINDO

2215 3RD. ST.

AUSTIN, TEXAS. 78704

DATE:

12/28/10

SHEET:

IR - 1

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> 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 3<sup>rd</sup> 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   x   MAINTAIN

Attached Carport that was re-built Nov 21 – 25<sup>th</sup>, 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:

**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

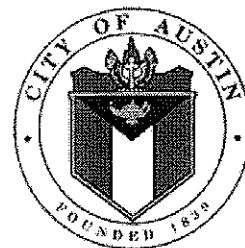


SUBJECT TRACT



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.



## PUBLIC HEARING INFORMATION

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- 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;
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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](http://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:** C15-2011-0075 - 2215 S 3<sup>rd</sup> Street

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, August 8th, 2011

GENINE L. FLORES  
Your Name (please print)

☒ I am in favor  
☐ I object

707 FLETCHER ST.

Property address(es) affected by this application

[Signature]  
Signature

7-13-11  
Date

Daytime Telephone: 512-701-7549

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

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Case Number: C15-2011-0075 - 2215 S 3<sup>rd</sup> Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, August 8th, 2011

GERMIND FLORES

Your Name (please print)

2214 So. 2nd St

Your address(es) affected by this application

Bermain M Flores

Signature

Date

Daytime Telephone: 512-444-4968

Comments:

☒ I am in favor  
☐ I object

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**Contact: Susan Walker, 512-974-2202**

**Public Hearing: Board of Adjustment, August 8th, 2011**

Your Name (please print) H. Acedo Larsen ☒ I am in favor  
☐ I object

Your address(es) affected by this application 2213 S. Third St Austin TX 78704

H. Acedo Larsen 08/07/2011  
Signature Date

Daytime Telephone: 512 261 3989

Comments: \_\_\_\_\_

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Case Number: C15-2011-0075 - 2215 S 3<sup>rd</sup> Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, August 8th, 2011

*JOSIE COZZO*  
Your Name (please print)

☒ I am in favor  
☐ I object

*2211-S-3-RP-Austin TX.*  
Your address(es) affected by this application

*Jane Cozz*  
Signature

Date

Daytime Telephone: *(512) 416-0142*

Comments:

If you use this form to comment, it may be returned to:

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**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, August 8th, 2011

CHRISTINE GILES  
 Your Name (please print) ☒ I am in favor  
☐ I object

2306 23rd ST  
 Your address(es) affected by this application  
*Christine Giles* July 11/11  
 Signature Date

Daytime Telephone: 442-5840

Comments: This family has lived on  
33rd ~~East~~ Fletcher for many  
years - that's why I am  
in favor.

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 Susan Walker  
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**Case Number:** C15-2011-0075 - 2215 S 3<sup>rd</sup> Street

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, August 8th, 2011

MARKEE LARSEN  
Your Name (please print)

☒ Item in favor  
☐ I object

2213 STH.R. ST. AUSTIN 78704  
Your address(es) affected by this application

Susan Walker 7/9/11  
Signature Date

512-491-2930  
Daytime Telephone

Comments:

Susan Walker

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**Case Number:** C15-2011-0075 – 2215 S 3<sup>rd</sup> Street

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, August 8th, 2011

Esther A. Leibas  
Your Name (please print)

☒ I am in favor  
☐ I object

2301 S. 3rd St Austin TX 78704  
Your address(es) affected by this application

Susan A. Walker  
Signature

7-12-11  
Date

Daytime Telephone: 512/ 443-3728

Comments: To the Board of Adjustment, Case # C15-2011-0075  
Applicant Joel Hernandez, Address 2215 S. 3rd St in  
regards to rebuilt an existing Carport and breezeway,  
I am in favor of this. This application is to be heard  
on August 8, 2011. The contact person is Susan Walker,  
I live across the street from this resident. The  
Carport faces my back yard and I see no  
problem.

**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

## PUBLIC HEARING INFORMATION

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Case Number: C15-2011-0075 - 2215 S 3<sup>rd</sup> Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, August 8th, 2011

Mattias & Luke Limon  
Your Name (please print)

☒ I am in favor  
☐ I object

2313 So 4<sup>th</sup> St Austin, TX  
Your address(es) affected by this application

Mattias & Luke Limon  
Signature

Date

Daytime Telephone: 512 442-6950

Comments:

We support Mr. Halinder  
and his effort to gain an  
up-grade for our property

If you use this form to comment, it may be returned to:

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Susan Walker

P. O. Box 1088

Austin, TX 78767-1088



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Case Number: C15-2011-0075 - 2215 S 3<sup>rd</sup> Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, August 8th, 2011

Benito M. Vega

Your Name (please print)

☒ I am in favor  
☐ I object

706 West Live Oak St, Austin, TX 78704

Your address(es) affected by this application

Benito M. Vega 7-9-2011

Signature

Date

Daytime Telephone: 512-444-3437

Comments:

I have no objections

To the request of

Alice Galindo

at 2215 South 3rd St

Lot: BKS-2 Subdivision BAWCOM

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

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Case Number: C15-2011-0075 - 2215 S 3<sup>rd</sup> Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, August 8th, 2011

Rita Rosas

Your Name (please print)

☒ I am in favor  
☐ I object

2206 S. 3<sup>rd</sup> St.

Your address(es) affected by this application

Rita Rosas

Signature

7-5-11

Date

Daytime Telephone: \_\_\_\_\_

Comments: re: Alice L. Galindo @ 2015

S. 3<sup>rd</sup> St. B

- in order to rebuild an existing carport.  
There should be NO objections  
to this.

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

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**Case Number:** C15-2011-0075 - 2215 S 3<sup>rd</sup> Street

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, August 8th, 2011

Diana Seidel v Jim Thatcher  
Your Name (please print)

☒ I am in favor  
☐ I object

709 Fletcher Street, Austin 78704  
Your address(es) affected by this application

[Signature]  
Signature

7/5/11  
Date

512 300 0931  
Daytime Telephone:

Comments:

Letters attached  
Pictures attached

**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

July 3, 2011

Re: Public Hearing, Board of Adjustment, August 8, 2011  
Contact: Susan Walker  
Case Number: C15-2011-0075-2215 S. 3<sup>rd</sup> Street

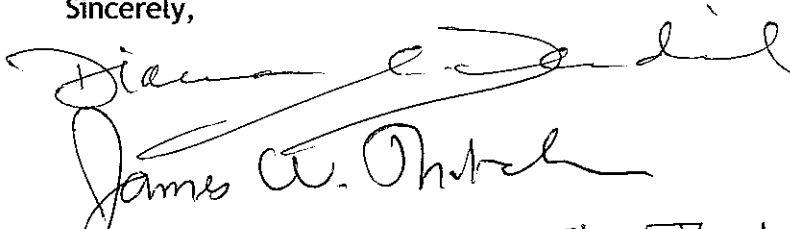
To whom it may concern,

We are writing in favor of the three variances requested by the applicant.

As you should know, the buildings at 2215 S. 3<sup>rd</sup> Street all pre-date current zoning code and therefore do not adhere to current setbacks. Beginning about a year ago, we noticed significant clean-up and repair undertaken at this property, culminating in replacing the existing carport (picture attached thanks to Google Earth) with a structure (picture taken July 3, 2011 attached) that is more compatible with the existing house. It appears that the new carport has the same footprint as the old one, but is much improved.

Our neighborhood has a wonderful mix of old, new, big and small houses and duplexes—families that have lived here for a long time and newcomers. For the integrity of the neighborhood, it is important that the older houses be allowed to remain and be repaired and upgraded. We urge you to approve all three variances requested.

Sincerely,

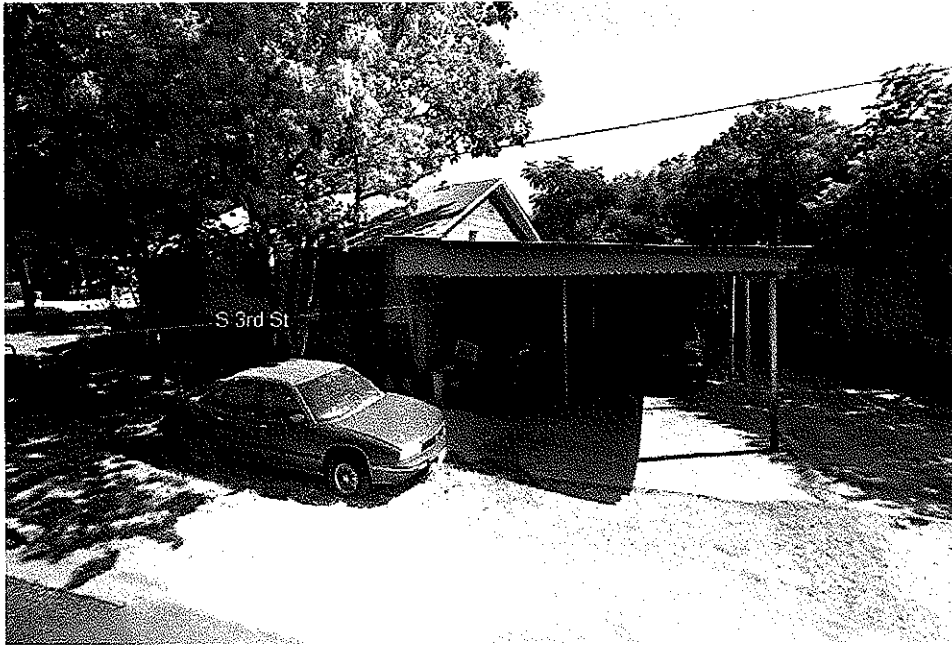


Diana Seidel + Jim Thatcher

Name and Address

709 Fletcher Street  
Austin TX 78704

**2215 South 33d street, Austin, TX 78704**



**Before from Google Earth**



**July 3, 2011 (photo by Jim Thatcher)**

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**Case Number:** C15-2011-0075 - 2215 S 3<sup>rd</sup> Street

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, August 8th, 2011

Ignacio Leibas

Your Name (please print)

☒ I am in favor  
☐ I object

2301 South Third Street

Your address(es) affected by this application

Susan Walker

Signature

7/5/11

Date

Daytime Telephone: 512-443-3728

Comments: \_\_\_\_\_

Letter attached

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Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, August 8th, 2011

Alicia Twigge

Your Name (please print)

☒ I am in favor  
☐ I object

110 FLETCHER ST AUSTIN TX 78704

Your address(es) affected by this application

[Signature]

Signature

July 5, 2011

Date

Daytime Telephone: 502-810-0376

Comments:

Letter attached

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Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

July 3, 2011

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Contact: Susan Walker  
Case Number: C15-2011-0075-2215 S. 3<sup>rd</sup> Street

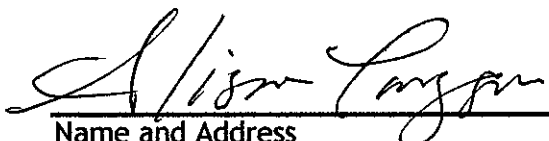
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Sincerely,

 710 FLETCHER ST AUSTIN TX  
Name and Address  
ALISON TWIGGER 78704