Walker, Susan

From:

Mike Mchone [mchone1234@sbcglobal.net]

Sent:

Monday, December 05, 2011 12:24 PM

To:

Walker, Susan

Cc: 'Mike Mchone'

Subject: FW: Special Exceptions; Board of Adjustments; 2004 Goodrich

Hi Susan.

Based upon this response from Leon, I am requesting a postponement of the 2004 Goodrich case until the "Life Safety" permit has been completed and timely report can be issued to the BOA as required by the "Special Exception" ordinance.

Thank you,

Mike

From: Barba, Leon [mailto:Leon.Barba@austintexas.gov]

Sent: Friday, December 02, 2011 4:26 PM

To: Mike Mchone; Johnson, Christopher [PDRD]; Haught, Kathy; Birkner, Donald; McDonald, John; Walker, Susan

Subject: RE: Special Exceptions; Board of Adjustments; 2004 Goodrich

Mike, it appears that the preconstruction was called in. You need to schedule a final inspection. This will result in a passed or a failed inspection that includes any deficiencies. This is the "report" that should be submitted with the variance request. Thanks,

Leon

From: Mike Mchone [mailto:mchone1234@sbcglobal.net]

Sent: Friday, December 02, 2011 2:44 PM

To: Barba, Leon; Johnson, Christopher [PDRD]; Haught, Kathy; Birkner, Donald; McDonald, John; Walker, Susan

Cc: 'Mike Mchone'

Subject: Special Exceptions; Board of Adjustments; 2004 Goodrich

Hi All,

Susan and I are trying to figure out how to "strictly" comply with the requirement of ordinance 20110526-098 which allows for "special exceptions" to the required yards (setbacks) for properties that have insufficient required yards (setbacks) for at least 15 years. I have attached the ordinance and highlighted several relevant paragraphs. I have also attach permit s and permit history for my client's property at 2004 Goodrich. In talking with Chritopher Johnson, he indicated that the "building official's report" would be done through the residential review section. I have obtained a life safety permit. Inspector, Douglas McAfee, has made the pre-construction inspection. I talked with him during his inspection asking if he could make a report about the structure extending into the rear and side yards as shown in our "Special Exception" application to the BOA (see attached survey). He indicated that he could not do this. My question is: how do I get the report that is required by paragraph 25-1-212 of the Ordinance? Since this report is due 11 days before the BOA hearing, I believe I will advise my client that it is best to postpone the hearing as I do not want any decision to be determined to be "flawed" because the "strict" requirement of the Special Exception Ordinance was not followed.

The main purpose of this email is to establish an agreed procedure, not to cast any blame.

Please let me know as soon as you can.

Thanks, Mike

Cell: 554-8440

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.1873 / Virus Database: 2102/4658 - Release Date: 12/05/11

Walker, Susan

From:

Mike Mchone [mchone1234@sbcglobal.net]

Sent:

Friday, December 02, 2011 2:44 PM

To:

Barba, Leon; Johnson, Christopher [PDRD]; Haught, Kathy; Birkner, Donald; McDonald, John; Walker, Susan

Cc:

'Mike Mchone'

Subject:

Special Exceptions; Board of Adjustments; 2004 Goodrich

Attachments: Untitled.PDF - Adobe Acrobat.pdf

Hi All.

Susan and I are trying to figure out how to "strictly" comply with the requirement of ordinance 20110526-098 which allows for "special exceptions" to the required yards (setbacks) for properties that have insufficient required yards (setbacks) for at least 15 years. I have attached the ordinance and highlighted several relevant paragraphs. I have also attach permit s and permit history for my client's property at 2004 Goodrich. In talking with Chritopher Johnson, he indicated that the "building official's report" would be done through the residential review section. I have obtained a life safety permit. Inspector, Douglas McAfee, has made the pre-construction inspection. I talked with him during his inspection asking if he could make a report about the structure extending into the rear and side yards as shown in our "Special Exception" application to the BOA (see attached survey). He indicated that he could not do this.

My question is: how do I get the report that is required by paragraph 25-1-212 of the Ordinance? Since this report is due 11 days before the BOA hearing, I believe I will advise my client that it is best to postpone the hearing as I do not want any decision to be determined to be "flawed" because the "strict" requirement of the Special Exception Ordinance was not followed. The main purpose of this email is to establish an agreed procedure, not to cast any blame.

Please let me know as soon as you can.

Thanks,

Mike

Cell: 554-8440

Dear Neighbors:

So I want to give you an update about what happened with the variance request you helped me with, and thank you for that support.

On June 13 the Board of Adjustment granted one of three variances I requested. I do not have to remove any of my house proper! However I was not granted the side yard and rear yard setbacks for my porch and tool shed.

Fortunately, The Austin City Council has created a new ordinance for just such situations, and under it, they may grant compliance to pre-existing setback violations. I am going to apply under this ordinance in order to keep my home as is and not have to tear off 14 inches of my porch or remove my shed.

As before my goal is the same: it is to obtain a certificate of occupancy on my house and upgrade the utilities on my property by separating the electric service so the front house can have its own meter. And as stressed previously: I AM NOT BUILDING ANYTHING. THE SPECIAL EXCEPTION ORDINANCE WILL SIMPLY ALLOW ME TO KEEP MY HOME AS IT IS.

I once again need and ask for your support. I hope you will consider signing the attached petition to the Council for me.

If you have any questions, please feel free to call me (293-6046).

Thanks so much.

Lindsev Mare

Sincerely

P.S. Fam happy to keep you posted on this special exception ordinance. It is new but it seems like a huge opportunity to get compliance on many irregularities in our neighborhood.

I support Librardanss
request for a special exception = want her to keep her side porch = tool 8 hech as 18.

NAME_ Destrumo

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2000 Goodfich

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CITY OF AUSTIN Board of Adjustment (Special called meeting) Decision Sheet

DATE: Tuesday, November 29, 2011	CASE NUMBER: C15-2011-011
Jeff Jack Michael Von Ohlen Motion Nora Salinas Bryan King 2 nd the Motion Susan Morrison Melissa Hawthorne Heidi Goebel Cathy French (SRB only) OWNER/APPLICANT: S. Lynn, Hill	to Postpone to Dec 12, 2011
ADDRESS: 3704 BONNELL DR	
Review Department's interpretation Subchapter F of City Code Chapter a single-family home at 3704 Bonne	and applied the "attic exemption" in Section
BOARD'S DECISION: Oct 27, 2011	POSTPONED (to a special called meeting -TBA)
BOARD'S DECISION: November 29	, 2011 POSTPONED TO DECEMBER 12, 2011
FINDING:	
the regulations or map in that: 2. An appeal of use provisions could of uses enumerated for the various zo question because:	erence of interpretation as to the specific intent of clearly permit a use which is in character with the ones and with the objectives of the zone in pecial privilege to one property inconsistent with tuated in that:
Susan Walker Executive Liaison	Jeff Jack Chairman

AN ORDINANCE RELATING TO SPECIAL EXCEPTIONS AND FEE WAIVERS FOR CITY CODE VIOLATIONS; AMENDING CITY CODE SECTIONS 2-1-111, 25-1-211, 25-1-212, 25-1-214, 25-1-215, 25-1-216, 25-1-217, AND 25-1-218; AND ADDING NEW SECTIONS 25-1-366 AND 25-2-476.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The city council finds that:

- (A) Certain technical code and zoning violations exist on residential properties throughout the City of Austin. In some cases, these violations have existed compatibly with the surrounding neighborhoods for 25 or more years with no known adverse impacts to public health, safety, or welfare.
- (B) In such cases, the City's existing amnesty program, as codified in Section 25-1-365 of the Land Development Code, provides a mechanism for excusing full compliance with city regulations for certain minor violations existing on or before adoption of the current zoning code on March 1, 1986.
- (C) To address setback violations that meet all requirements for administrative amnesty except for the 1986 cutoff date, the Board of Adjustment could be authorized to grant a special exception in limited circumstances. A special exception, as authorized under state law, may be granted without a hardship finding required for a traditional zoning variance.
- (D) Together with the City's existing amnesty program, authorizing special exceptions and waiving fees for landowners seeking to address minor zoning setback violations would allow enforcement staff to focus on more significant violations of city code.

PART 2. Subsection (F) of City Code Section 2-1-111 (Board of Adjustment) is amended to read:

- (F) The board shall:
 - (1) hear and decide a request for a variance from the requirements of Chapter 25-2 (Zoning), except as otherwise provided by the Code;
 - (2) hear and decide an appeal of an administrative action under Chapter 25-2 (Zoning);

- (3) hear and decide a request for a variance from the requirements of airport zoning regulations under Section 241.034, Local Government Code; [and]
- (4) hear and decide a request for a special exception under Chapter 25-2 (Zoning); and
- (5)[(4)] perform other duties prescribed by ordinance or state law.

PART 3. City Code Chapter 25-2 (Zoning), Article 2 (Appeals, Variances, Special Exceptions, and Adjustments) is amended to amend the title of Division 2 (Variances) and to amend Sections 25-1-211 (Application for a Variance), 25-1-212 (Report), 25-1-214 (Public Hearing and Notice), 25-1-215 (Action on Application), 25-1-216 (Effective Date of Variance), 25-1-217 (Expiration of Variance), and 25-1-218 (Restrictions on Similar Applications) to read as follows:

Division 2. Variances and Special Exceptions.

§ 25-1-211 APPLICATION FOR A VARIANCE OR SPECIAL EXCEPTION.

- (A) A person may file an application for a variance or a special exception with:
 - (1) the building official for a variance <u>or special exception</u> granted by the Board of Adjustment; or
 - (2) the responsible director for a variance granted by the Land Use Commission or the council.
- (B) An application may include a request for:
 - (1) variances <u>or special exceptions</u> from regulations applicable to the same site; or
 - (2) similar variances or special exceptions on two or more adjacent parcels with similar characteristics.
- (C) The building official or responsible director may require that the applicant provide information that the building official or responsible director determines is necessary to evaluate the variance or special exception request.

§ 25-1-212 REPORT.

(A) For an application for a variance or special exception requiring consideration by the Board of Adjustment, the building official shall prepare and file a report with the board not later than the 11th day before the public hearing.

- (B) For an application for a variance requiring consideration by the Land Use Commission, the responsible director shall prepare and file a report with the Land Use Commission not later than the 11th day before the public hearing.
- (C) The building official shall make a report described in this section available to the public when the report is filed with the Board of Adjustment or Land Use Commission.
- (D) This subsection applies to an application for a zoning variance or special exception for property zoned as a family residence (SF-3) or more restrictive district.
 - (1) The building official shall waive the application fee if the official determines that the variance or special exception is supported by the notice owners of 80 percent or more of the property located within 300 feet of the property for which the variance is sought.
 - (2) An applicant who seeks a fee waiver must:
 - (a) obtain the signature of each notice owner who supports the variance or special exception, on a form provided by the building official; and
 - (b) submit the completed form to the building official.

§ 25-1-214 PUBLIC HEARING AND NOTICE.

- (A) The Board of Adjustment or Land Use Commission, as applicable, shall hold a public hearing on an application for a variance or special exception not later than the 45th day after the date the application is filed.
- (B) The building official or responsible director, as applicable, shall give notice under Section 25-1-132(A) (Notice Of Public Hearing) of a public hearing on an application for a variance or special exception, and, for a variance or special exception heard by the Board of Adjustment, by posting one or more signs.

§ 25-1-215 ACTION ON AN APPLICATION.

- (A) Except as otherwise provided in this chapter, the Board of Adjustment or the Land Use Commission shall act on an application for a variance or special exception not later than the next meeting after the public hearing is closed.
- (B) The Board of Adjustment or the Land Use Commission may:
 - (1) approve an application for a variance;
 - (2) approve an application for a variance with modifications; or

- (3) deny an application for a variance.
- (C) The Board of Adjustment or the Land Use Commission may require that a variance be:
 - (1) revocable;
 - (2) effective for a specified time period; or
 - (3) subject to one or more conditions.
- (D) The Board of Adjustment may act on a request for a special exception in the manner provided for variances under Subsections (B) and (C) of this section.

§ 25-1-216 EFFECTIVE DATE OF VARIANCE OR SPECIAL EXCEPTION.

- (A) Except as provided in Subsection (B), a decision on a variance or special exception is effective immediately.
- (B) If a variance <u>or special exception</u> is appealable, a decision on the variance is effective:
 - (1) except as provided in Subsection (B)(2), at the expiration of the time period during which an appeal may be filed; or
 - (2) if a notice of appeal is filed, when a final decision on the appeal is made.

§ 25-1-217 EXPIRATION OF VARIANCE OR SPECIAL EXCEPTION.

- (A) Except as provided in Subsection (B), a variance or special exception expires:
 - (1) except as provided in Subsection (A)(2), one year after the effective date of the variance or special exception; or
 - (2) on the date established as a condition of approval.
- (B) A variance or special exception expires on the date an approved plan or permit expires if:
 - (1) an application for approval of a plan or permit is submitted before a variance or special exception expires under Subsection (A); or
 - (2) the variance or special exception is granted in association with the approved plan or permit.

Page 4 of 7

- (ii) impair the use of adjacent property that is developed in compliance with city code; or
- (iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.
- (C) A special exception granted under this section:
 - (1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;
 - (2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and
 - (3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.
- (D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

PART 6. City Code Section 25-2 (*Zoning*) is amended to add a new Section 25-1-366 to read:

§ 25-1-366 FEE WAIVER PROGRAM FOR EXISTING RESIDENTIAL STRUCTURES.

- (A) Subject to the requirements of Subsection (B) of this section, the director shall:
 - (1) waive the fee for a variance application to the Board of Adjustment under Section 25-2-473 (Variance Requirements) or a special exception under 25-2-476 (Special Exceptions); and
 - (2) refund permitting and inspection fees if:
 - (a) the building official determines, based on a minimum life-safety inspection, that the structure does not pose a hazard to life, health, or public safety; and
 - (b) the structure:
 - (i) complies with current zoning regulations; or
 - (ii) the structure receives a special exception or variance from the Board of Adjustment or certificate of occupancy or

compliance from the building official under Section 25-1-

365 (Exemption from Compliance).

- (B) A fee waiver or refund authorized under Subsection (A) of this section:
 - (1) applies only to existing residential structures and does not cover permits for remodels, except to the extent required by the building official to address minimum life and safety requirements;
 - (2) applies only if the residential use for which a special exception is sought is allowed in an SF-3 or more restrictive zoning district;
 - (3) does not cover fees for re-inspections or for after-hours inspections; and
 - (4) expires on June 6, 2013.
- (C) The director shall refund fees collected after June 6, 2012 if the requirements for waiver under this section are met.

PART 7. This ordinance takes effect on June 6, 2011.

PASSED AND APPROVED

1ay 26 , 2011 § Lu less

ee perungwe Mayor

City Clerk

APPROVED: M

Karen M. Kennard

City Attorney

TTEST:



Potenti, + February

2011-106060

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FOLDER DETAILS

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 posted). If you allow this permit to expire you will be required to submit a new application & pay new fees.

life safety permit for rear structure at this address as required in advance of BOA

meeting where applicant intends on requesting a special exception under ORO 2011 0526-98

2011- for the side and rear setback eneroachments. R-435 Life 106060 BP this is permit WILL NOT RESULT IN A CO - Renovisions/Remodel Safety minimum life safety requirements and may qualify for special exception if applied for by

applicant and granted by BOA variance

2004 AVE

 ${\rm St}_{\rm out}(x) = {\rm Prog}_{\rm SS}(x)$ Same.

GOODRICH Active

2011

Security - Application from Espiration Base - 1146 - David

28. 2011

May 28.

2012

Related Folders: (65)

FOLDER INFO

2078 Total New/Addition Bidg Square Footage Yes **Building Inspection** Existing Nun-conforming Yes Existing Non-complying Yes 3 Number of Floors 2 Number of Units Yes Certificate of Occupancy to be Issued Private 435 Usage Calegory

PROPERTY DETAILS

Sugarous Per

GOODRICH 2004

AVENUE

AUSTIN

1040 7.43 Treacides

Salaries

Lot: Block Subdivision: L M BRADLEY SUBDIVISION TX 78704

Lot Block Subdivision L M BRADLEY SUBDIVISION

PEOPLE DETAILS

The graph those company 2 **** 1 11 1 دور رواقا AUSTIN (512)554-8440 Texan Properties (Mike Mchone) Applicant PO BOX 8142 78713-8142 (\$12)481-9111 Austra Billed To Real Estate (Michael McHone) 78713 (512)481-9111 PO BOX 8142 General Contractor Real Estate (Michael McHone) Austra TX

FOLDER FEE

The Stone Conserve Building Permit Fee

Free Amoreia)

\$23.00

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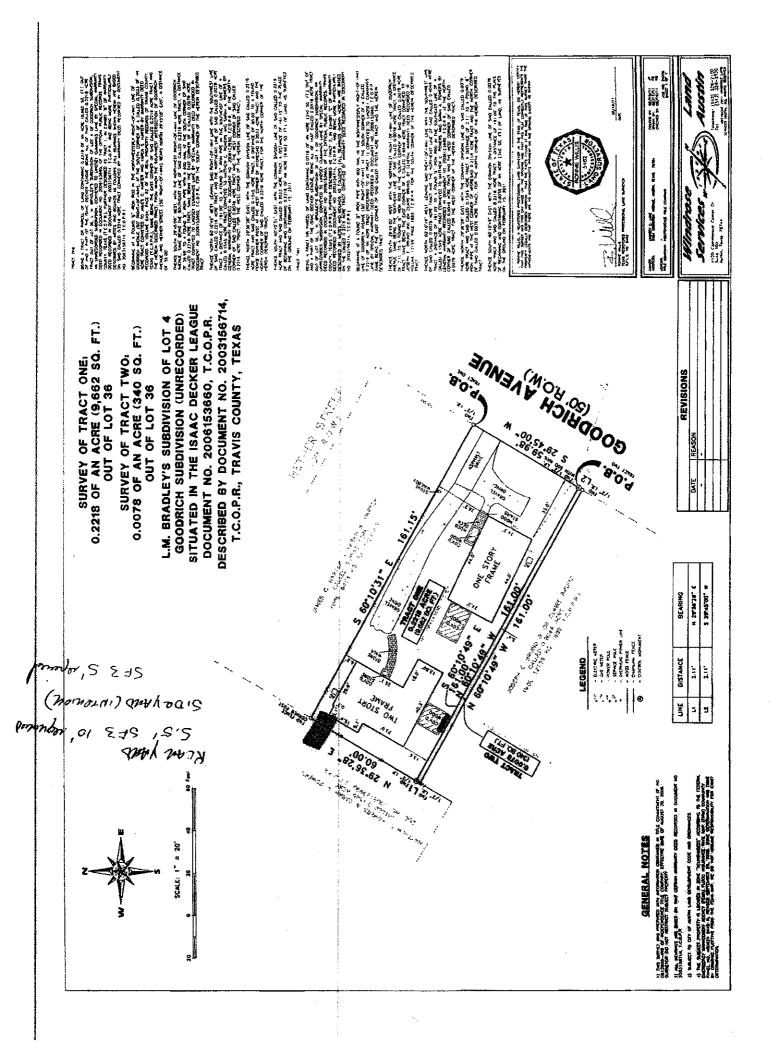
PROCESSES AND NOTES

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100 Pre-Construction	Pass	Nov 30, 2011	Nov 30, 2011	Nov 30, 2011	Douglas Mcafee (974-3617)	ı
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Permit Refund	Open		•			Ø
Red Tag Hold	Open					Q.
112 Final Building	Орен				Douglas Mcafee (974-3617)	Ø
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Austin City Connection - The Otto on New Law Later Car of Austin the parine quantition in said state attail in the 1984 1984

Land Motions | Private Statement

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Issued Permit	Permit 1 ass	स्थानिक व्यवस्था संस्थानिक स्टब्स्ट	CPR of allegans	on Aspe	arang topus	freigen to sauce	≁£#1#±	Hetated Lanters
Report	<u>1993-</u> 0058 8 4 88	9302540	Add Bedroom & Bathroom To Residence	R- 434 Addition & Atterations	Addition	2004 Goodrich Avenue A 80000	Final	<u> </u>
REGISTERED USERS	1992- 004520 BP	9212166	Detached Accessory Building **Did not void permit per bldg pmt 2011- 100008P notes in	R- 435 Renovations/Remodel	Remodel	2004 Goodrich Avenue A 00000	Expired	<u>Yes</u>
New Registration	1993-	02075-0	conditions** Add Bedroom & Bathroom	R- 434 Addition &		2004 Goodneh Avenue A		W = -
My Permits/Cases	414	9302540	To Residence	Alterations	Addition	00000	Final	Yes
- My Licenses	1993- 005884 PP	9302540	Add Bedroom & Bathroom To Residence	R- 434 Addition & Alterations	Additron	2004 Goodrich Avenue A 00000	Final	Yes
Request / Cancel /	1993- 005884 EP	9302540	Add Bedroom & Bathroom To Residence	R-434 Addition & Alterations	Addition	2004 Goodrich Avenue A 00000	Final	Yes
View Inspections		C81-2010- 0277		Land Status Determination		2004 GOODRICH AVE	Accepted	No
My Escrow Accounts	<u>DA</u>		side and rear yard setback					
Reports			The applicant has requested a variance to decrease the minimum side yard setback					
Login			requirement of Section 25-2- 492 (D) from 5 feet to 3 feet					
HELP			9 % mehes in order to maintain an attached accessory structure in order					
Web Help			to change the use to create a two-family residential use in					
FEEDBACK			an "SF-3-NP", Family Residence - Neighborhood Plan zoning district (Bouldin					
Email Us			Neighborhood Plan) The applicant has requested a					
			variance to decrease the minimum rear yard serback regenement of Section 25-2-					
•	<u>2011-</u> 7 000069	C15-2011-	492 (D) from 10 feet to 5 feet in order to maintain a.	BOA Vanance	Residential	2004 GOODRICH AVE	Approved	No
	BA	906S	screened purch in order to change the use to create a					
			two-family residential use in an ISF-0-NPT, Family Residence - Neighborhood					
			Plan zoning district (Bouldin Neighborhood Plan) The					
			applicant has requested a variance to increase the					
			maximum allowable gross floor area of Section 25-2- 774 (C) (7) (a) from 850					
			square feet to 1187 square feet in order to change the					
			use of a binizing to create a two-family residential use in					
			an "SF-3-NP", Family Residence - Neighborhood Plan zoning district (Bouldin					
	7011		Neighborhood Plan)					
	8 <u>000144</u> BA	C15-2011- 0130	special exception	BOA Variance	Residential	2004 GOODRICH AVE	Hearing Scheduled	No
			life safety permit for rear structure at this address as					
			required in advance of HOA meeting where applicant intends on requesting a					
			special exception ander ORO 2011 0526-98 for the side					
	مان بلاس		and rear serback encroachments this is permit WILL NOT RESULT IN A					
	9 <u>2011-</u> 105056 PE	2011-106056 PR	CO- et is only to demonstrate structure meets	R- 435 Renovations/Remodel	Life Safety	2004 GOODRICH AVE	Approved	Yes
			minimum life salety requirements and may qualify for special exception					
			duality for special exception of applied for by applicant and granted by ROA					
			variance. This permit and inspection are requirements.					
			prior to BOA special exception meeting					

10	2011- 106060 BP	2011-106060 BP	life safety permit for rear structure at tiny address as required in advance of BOA meeting where applicam intends on requesting a special exception under ORO 2011/05/20-98 for the side and rear serbeach encroachments this Is permit WILL NOT RESULT IN A CO - it is only to demonstrate structure meets minimum tife safety requirements and may qualify for special exception if applied for by applicant and grained by BOA variance.	R- 435 Renorations/Kemodel	Life Safety	2004 GOODRICH AVE	Active	Yes
11:	2011: 106092 PR	2011-106092 PR	two story two family building behind existing sires - already constructed, expired permits	R- 103 Two Family Bldgs	New	2004 GOODRICH AVE	Rejected	No

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Austra Edv Connection - The Colonial Seast South Plant of the Seaster

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cesai Notices | Privacy Statement

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