

C-15-2012-0008  
ROW-10693482  
TP-0410111803

STREET ADDRESS: 4605 Nevada Path, Austin, TX 78745

LEGAL DESCRIPTION: Subdivision – Western Trails, Section 2

Lot(s) 4 Block D Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/ Jinji Willingham on behalf of myself/ourselves as authorized agent for

affirm that on December 1, 2011,

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

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

A) An existing carport, constructed in 1999 by previous homeowner, which is 5 feet over the building line. *20' from front p.l.*

B) NE corner of home, built in 1958, which is over the building line.

*15.4'  
from  
front  
p.l.*

in a SF district.  
(zoning district)

**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:**

The zoning regulations applicable to the property do not allow for a reasonable use because:

Although the outer-most post of the attached carport is 5 feet beyond the BL, the carport is set back 30 feet from the curb, is in proportion to the home, and (as shown in survey) is actually set back further from curb than my neighbor's garage. The carport does not impair/obstruct visibility and was built in 1999 (by the previous homeowner) who did not disclose the fact of the open permit during sale of the home.

**HARDSHIP:**

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

1) During my purchase of the home in July 2011, neither the seller nor the seller's real estate broker disclosed that there was an open (long-expired) permit for the attached carport dating back to 1999. We learned about the open permit while applying for the permit to update the electrical system. When I applied to re-open the permit on November 28th, we further discovered the BL problem.

2) The previous owners had no survey. Before purchasing the house, I ordered a survey, but it did not articulate (under "Points of Interest") that the carport was over the BL. Moreover, I didn't receive/see the survey until my closing at Gracy Title on July 2011.

3) A number of other parties have been negligent (the previous homeowner, his contractor, his realtor, the title company, the survey company) and their negligence and omissions have left me holding the bag. I am a single mother of two children currently residing in a rental house where my lease will expire at the end of January 2011, the same time I'll be returning to school to get a masters in social work specializing in bereavement and grief counseling. The house at Nevada Path is currently uninhabitable because it has no electrical, plumbing, or HVAC, none of which can presently move forward until this is resolved. I'm requesting the variance so that I can maintain the carport that was built in 1999, for although it is 5 feet beyond the BL, it is set back 30 feet from the curb, lines up with the adjacent garage, no one has complained about it, and it does not block or impair visibility. Then I can set about electrical, plumbing, and HVAC work to bring the house up to code.

4) The NE corner of the house is an integral part of the original house, built in 1958.

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

All the above circumstances pertain only to the property at 4605 Nevada Path

**AREA CHARACTER:**

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 carport has existed since 1999. It is well-constructed, attractive, is in scale/proportion

with the house and neighboring properties, and is actually set back further from the property line and curb than adjacent property's garage. As such, the carport does not impair or obstruct visibility and none of the neighbor's have complained about it. (Please see photos, in addition to survey).

**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:

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:

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:

The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

The variance will run with the use or uses to which it pertains and shall not run with the site because:

**APPLICANT CERTIFICATE X-** I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning -

Signed \_\_\_\_\_  
Mail Address 2300 Westworth Circle \_\_\_\_\_

City, State & Zip \_\_\_\_\_  
Austin, Texas, 78704 \_\_\_\_\_

Printed Jinji Willingham \_\_\_\_\_  
Phone 512-350-8505 \_\_\_\_\_ Date 12/01/2011 \_\_\_\_\_

**OWNERS CERTIFICATE X-** I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed \_\_\_\_\_  
Mail Address 2300 Westworth Circle \_\_\_\_\_

City, State & Zip \_\_\_\_\_  
Austin, TX, 78704 \_\_\_\_\_

Printed Jinji Willingham \_\_\_\_\_  
Phone 512-350-8505 \_\_\_\_\_ Date 12/01/2011 \_\_\_\_\_

## **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 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.

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.)

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.

A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0008  
 LOCATION: 4605 NEVADA PATH

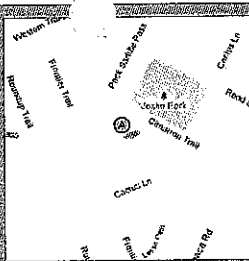


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Ordered by:

**Gracy Title**  
a stewart company  
partnerships built on trust



PROPERTY ADDRESS: 4605 NEVADA PATH AUSTIN, Texas 78745

SURVEY NUMBER: 1106.2115

FIELD WORK DATE: 7/5/2011 REVISION DATE(S): (rev.1 7/5/2011) (rev.1 7/5/2011)

1106.2115  
BOUNDARY SURVEY  
TRAVIS COUNTY

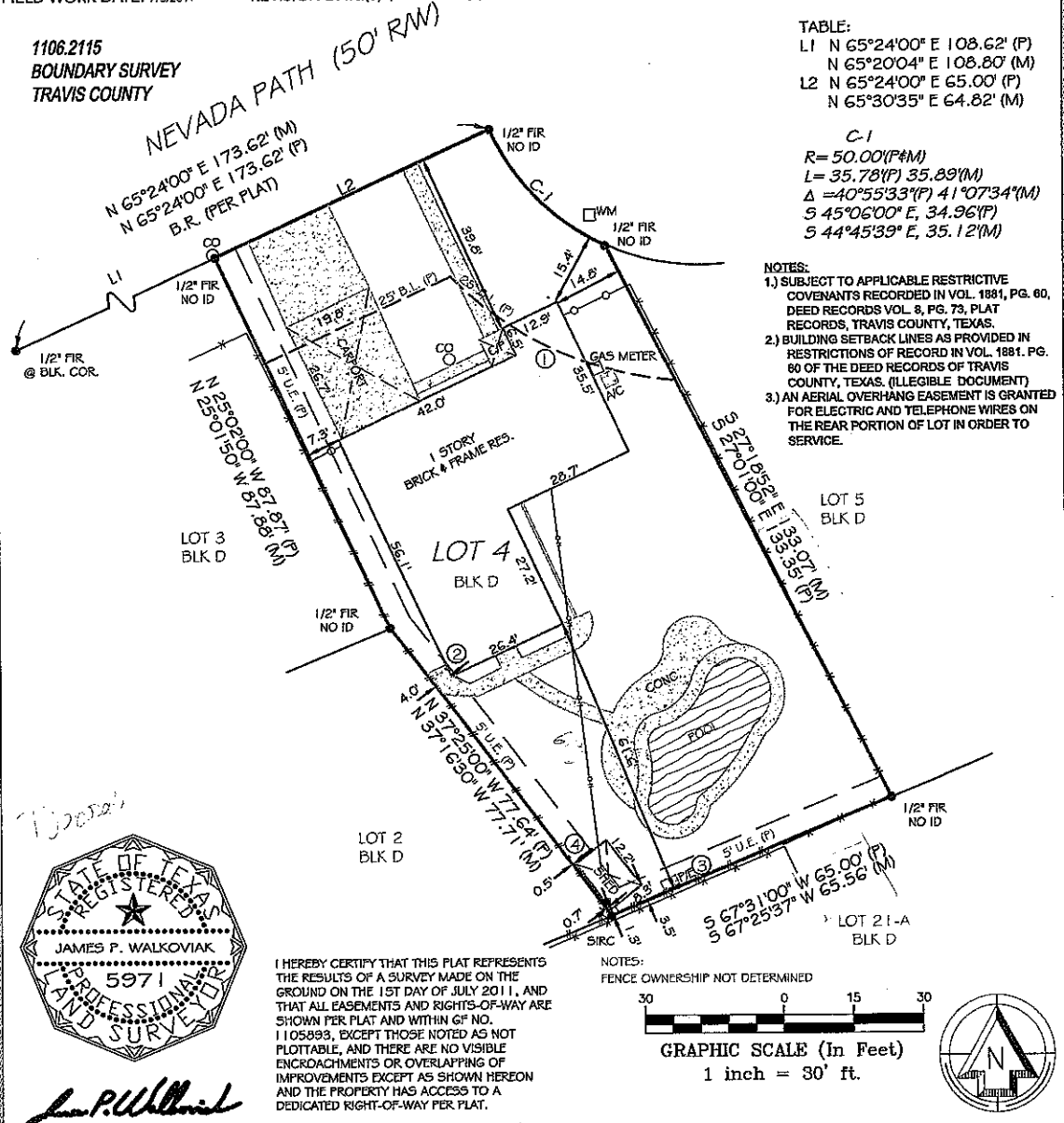
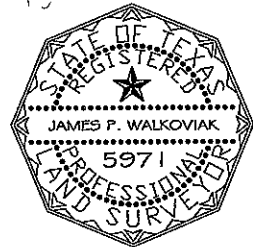


TABLE:

L1	N 65°24'00" E 108.62' (P)
	N 65°20'04" E 108.80' (M)
L2	N 65°24'00" E 65.00' (P)
	N 65°30'35" E 64.82' (M)

C-1  
R = 50.00'(P+M)  
L = 35.78'(P) 35.89'(M)  
Δ = 40°55'33"(P) 41°07'34"(M)  
S 45°06'00" E, 34.96'(P)  
S 44°45'39" E, 35.12'(M)

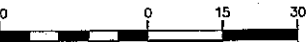
- NOTES:
- 1.) SUBJECT TO APPLICABLE RESTRICTIVE COVENANTS RECORDED IN VOL. 1881, PG. 60, DEED RECORDS VOL. 8, PG. 73, PLAT RECORDS, TRAVIS COUNTY, TEXAS.
  - 2.) BUILDING SETBACK LINES AS PROVIDED IN RESTRICTIONS OF RECORD IN VOL. 1881, PG. 60 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. (ILLEGIBLE DOCUMENT)
  - 3.) AN AERIAL OVERHANG EASEMENT IS GRANTED FOR ELECTRIC AND TELEPHONE WIRES ON THE REAR PORTION OF LOT IN ORDER TO SERVICE.



*James P. Walkoviak*

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON THE 1ST DAY OF JULY 2011, AND THAT ALL EASEMENTS AND RIGHTS-OF-WAY ARE SHOWN PER PLAT AND WITHIN GF NO. 1105893, EXCEPT THOSE NOTED AS NOT PLOTTABLE, AND THERE ARE NO VISIBLE ENCRDACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN HEREON AND THE PROPERTY HAS ACCESS TO A DEDICATED RIGHT-OF-WAY PER PLAT.

NOTES:  
FENCE OWNERSHIP NOT DETERMINED



GRAPHIC SCALE (In Feet)  
1 inch = 30' ft.



POINTS OF INTEREST: 1. 1 STORY OVER BUILDING LINE 2. 1 STORY OVER EASEMENT 3. P/E OVER EASEMENT 4. SHED OVER EASEMENT

FLOOD INFORMATION:

By performing a search at www.fema.gov, the property appears to be located in zone X. This Property was found in CITY OF AUSTIN, community number 480624, dated 09/26/08.

CLIENT NUMBER: 1105893

DATE: 7/1/2011

BUYER: JINJI D. WILLINGHAM

SELLER: RICHARD N. ASHMORE

CERTIFIED TO: JINJI D. WILLINGHAM; GRACY TITLE;  
COMMONWEALTH LAND TITLE INSURANCE COMPANY

Your Local Contact  
**Laura Paredes Caffey** Director of Sales  
M 512 626-5921 Laura@Exacta365.com www.exacta365.com

**EXACTA** LB# 101739-00  
www.exacta365.com  
P (512) 782-9398 • F (512) 782-9399  
5300 North Braeswood, #4-311, Houston, TX 77096