

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 # C15-2012-0057
ROW # TP# 041923-0932
Row# 10767787

**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: 8005 Finch Trail

LEGAL DESCRIPTION: Subdivision - Cherry Creek

Lot(s) 13 Block J Outlot PHS 8 Division SEC 3

I/We Annemarie and John Bagby on behalf of myself/ourselves as authorized agent for
ourselves affirm that on Apr 20, 2012,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

the patio with roof cover and workshop that were built by
the original homeowner in 1988 and were included in the
purchase of our home in 2004.

in a SF-3 district.

(zoning district)

Special Exception

Side setback of 10.4'
Near setback of 8.2'
2 sty garage

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 uses for which the variances are requested have been in place for 24 years without any problems.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that the uses for which the variances are requested have been in place for 24 years. We purchased the property in 2004 from sellers who had purchased them with the uses already in place. Each use - the patio with roof, and the workshop - were noted on the surveys and were here long before we purchased this property and even before from the people from whom we bought it purchased it. The market value we paid, and on which we pay taxes, includes these uses. To require us to tear down the porch, for example, would irreparably damage the structure and character of the home because the roof of the porch is connected to the roof of the house - it is not a freestanding structure.

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

All of the other properties on our street are developed and there is no other property with this issue;
this would not stand as precedent for future development of adjacent lots.

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 patio encroachment and workshop are behind a privacy fence and not visible to the adjacent lots.

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 John C. Bagby Mail Address 8005 Finch Trail
City, State & Zip Austin, TX 78745

Printed John C. Bagby Phone 512-291-8501 Date Apr 20, 2012

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 Annemarie Scandalis-Bagby Mail Address 8005 Finch Trail
City, State & Zip Austin, TX 78745

Printed Annemarie Scandalis-Bagby Phone 512-291-8501 Date Apr 20, 2012



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0057
 LOCATION: 8005 FINCH TRAIL



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.



City of Austin BUILDING PERMIT

PERMIT NO: 1988-002784-BP

Type:

Status: Expired

8005 FINCH TRL

Issue Date: 12/08/1988

EXPIRY DATE: 08/29/2007

LEGAL DESCRIPTION Lot: 13 Block: J Subdivision:	SITE APPROVAL	ZONING
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PROPOSED OCCUPANCY: Residential Detached Work Shop	WORK PERMITTED:	ISSUED BY:
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TOTAL SQFT	VALUATION Tot Val Rem: \$.00	TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE				

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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	31.00	12/8/1988						
Fees Total:	31.00							

Inspection Requirements
Building Inspection Mechanical 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 Drng Ok.Dormant 3-28-89 Per Jim Clardy***
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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

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TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE						

<u>Type</u>	<u>Date</u>	<u>Status</u>	<u>Comments</u>	<u>Inspector</u>
101 Building Layout	12/15/1988	Pass	MIGRATED FROM PIER.	
102 Foundation	12/16/1988	Pass	MIGRATED FROM PIER.	
103 Framing	2/3/1989	Fail	MIGRATED FROM PIER.	