

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

**DATE: Monday, June 11, 2012**

**CASE NUMBER: C15-2012-0057**

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

**APPLICANT: Anna, Scandalis-Bagby**

**OWNER: John, Bagby**

**ADDRESS: 8005 FINCH TRL**

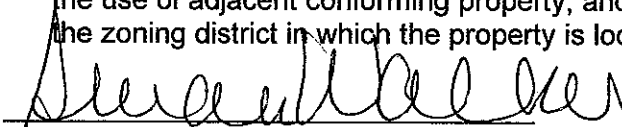
**Special Exception Request(s):** The applicant has requested a special exception from Section 25-2-476 in order to maintain a covered patio 10.4 feet from the side street property line instead of the required 15 feet for a single-family residence in an "SF-3", Family Residence zoning district.

**Variance Request(s):** The applicant has requested a variance from Section 25-2-963 (E) (1) (b) to maintain and increase the height of a non-complying structure in order to increase the height of an existing two story accessory building for a single-family residence in an "SF-3", Family Residence zoning district.

**BOARD'S DECISION: POSTPONED TO JULY 9, 2012**

**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

  
\_\_\_\_\_  
Jeff Jack  
Chairman

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 # CU-2012-0057  
ROW # TD# 041923-0932  
low# 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.

*Side setback of 10.4'*

in a SF-3 district.

(zoning district)

*Special Exception*

*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:

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

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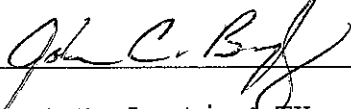
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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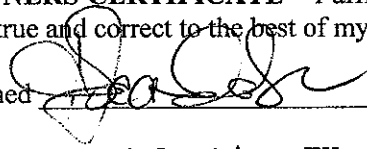
**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

**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  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  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



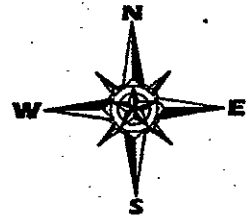
ZONING BOUNDARY

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.

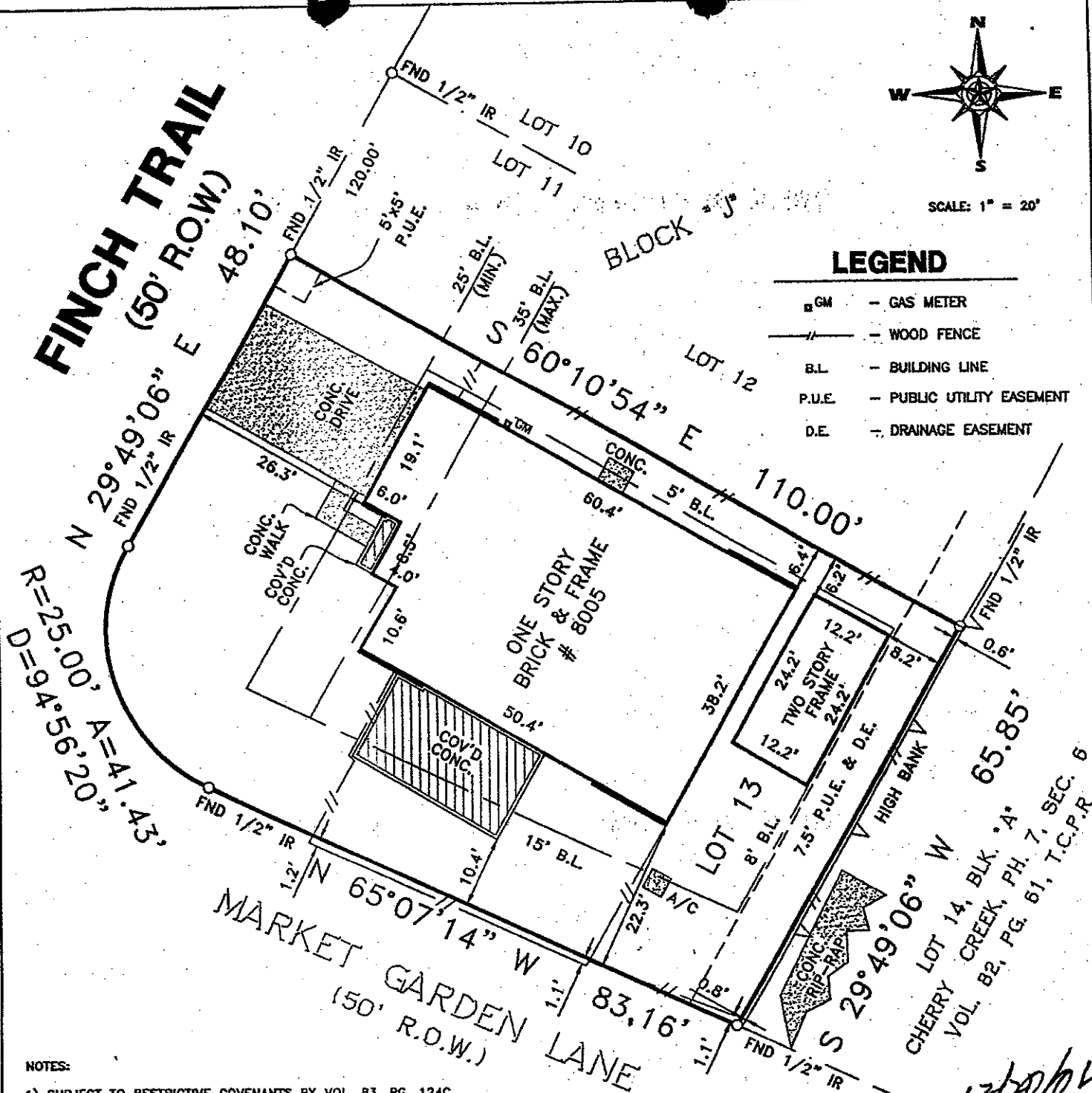
This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



SCALE: 1" = 20'

**LEGEND**

- GM - GAS METER
- WOOD FENCE
- B.L. - BUILDING LINE
- P.U.E. - PUBLIC UTILITY EASEMENT
- D.E. - DRAINAGE EASEMENT



**NOTES:**

- 1) SUBJECT TO RESTRICTIVE COVENANTS BY VOL. 83, PG. 124C, T.C.P.R., VOL. 8305, PG. 221 AND VOL. 9427, PG. 883, T.C.R.P.R.
- 2) SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY.
- 3) 7.5' DRAINAGE AND PUBLIC UTILITY EASEMENT (REAR) BY VOL. 8305, PG. 221, T.C.R.P.R.

ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED.  
 ALL EASEMENTS AND BUILDING LINES ARE BASED ON RECORDED PLAT UNLESS OTHERWISE NOTED.  
 FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.  
 THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN GF NO. TX02-104132-AU30

*Howard Younger*  
*Ruth Younger* 12-20-02

LOT 13	BLOCK "J"	SECTION THREE	SUBDIVISION CHERRY CREEK, PHASE EIGHT		THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X" (UNSHADED) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480624 0255 F, REVISED JUNE 5, 1997.
RECORDATION VOLUME 83, PAGES 124C-124D, T.C.P.R.		COUNTY TRAVIS	STATE TEXAS	SURVEY	
LENDER CO. PRIME LENDING, INC.		TITLE CO. FIRST AMERICAN TITLE INSURANCE COMPANY			
PURCHASER HOWARD YOUNGER AND RUTH YOUNGER					

JOB NO.



# 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: \$0.00	TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
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TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE		
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Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	31.00	12/8/1988						
<b>Fees Total:</b>	<b>31.00</b>							

<b>Inspection Requirements</b>
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.

<b>Comments</b> Dmng 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.



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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.	



**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;
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**Case Number: C15-2012-0057 - 8005 Finch Trail**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 11th, 2012**

MARINA ADAMS  
 Your Name (please print)  I am in favor of Object

8005 FINCH TRAIL  
 Your address(es) affected by this application

Susan Walker Adams 6-2-12  
 Signature Date

Daytime Telephone: 512 3642766

Comments: I HAVE ABSOLUTELY NO OBJECTIONS TO SAID SPECIAL EXCEPTED REQUEST, THE COVERED RATIO IS OF NO NEARBY CONSEQUENCE TO IMMEDIATE NEIGHBORHOOD, FURTHERMORE ANNA AND JOHN BARELY KEEP THEIR PROPERTY + US "CURBS APPEAL" IN WONDERFUL SHAPE

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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**Public Hearing: Board of Adjustment, June 11th, 2012**

Rebecca Shafer  
 Your Name (please print)

I am in favor  
 I object

2715 Market Hardem Lane  
 Your address(es) affected by this application

Rebecca Shafer  
 Signature

Date

Daytime Telephone: 809-1790

Comments:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 11th, 2012**

I am in favor  
 I object

*Leanne K. Vaughn*  
 Your Name (please print)

*8004 Finch Trail*  
 Your address(es) affected by this application

*Susan S. Walker* *6-2-12*  
 Signature Date

Daytime Telephone: *512-969-9290*

Comments: *Planning Commission - Case # C15-2012-0057*  
*805 Finch Trail; Qmell, 2012*

*I have not had lunch with approval/approval of the*  
*special attorney from both 25-2-116, and the*  
*variance from both 25-2-9, 315(1)(b) to*  
*maintain and increase the height of the main building*  
*structure. All within the lot for our 2012. Thanks*

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**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 11th, 2012**

DOVA DeDDS  
 Your Name (please print)

I am in favor  
 I object

8000 SWINDOR CIRCLE, AUSTIN TX  
 Your address(es) affected by this application

[Signature]  
 Signature

6/9/12  
 Date

Daytime Telephone: 225 252-8773

Comments: IT IS NOT AN ENHANCEMENT  
TO OUR NEIGHBORHOOD AND I ASK  
THAT THE BOARD VOTE AGAINST IT

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 Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-1088

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Case Number: C15-2012-0057 - 8005 Finch Trail  
 Contact: Susan Walker, 512-974-2202  
 Public Hearing: Board of Adjustment, June 11th, 2012

Gayle Barron  
 Your Name (please print)  
 8006 Eppline Lane  
 Your address(es) affected by this application



Sue Barron  
 Signature  
 6-4-2012  
 Date

Daytime Telephone: (512) 707-1708

Comments: Due to the height added to the outside bldg, I am unable to get much sun, in the winter + fall months. The leaves drop + I am staring at a wall. Before the addition was built I received afternoon sun, now I don't. In the summer / spring months it makes no difference, because of the tree leaves but as they drop, I am staring at a blank wall. My daughter is a neighbor in

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The Austin area, and this could affect the value of my home, should I want to sell.  
 Also, maybe they should have sound-

proofed the walls of the building,  
instead of adding an addition. I haven't  
complained yet, but the drums & bass  
vibrate through my walls.

Back Banner

I might add, that I do not care  
about the pain.