

| LEAKSA variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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 # C15-2012-0140  
ROW # 108 5674b

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

TP-0170090301

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

| STREET ADDRESS: 8609 FATHOM CIRCLE UNIT B AUSTIN TEXAS 78750

LEGAL DESCRIPTION: Subdivision - \_\_\_\_\_

| Lot(s) 1 Block 4 Outlot \_\_\_\_\_ Division SONESTA SECTION ONE A

| I/We HASAN CJ KHODADADI on behalf of myself/ourselves as authorized agent for

| MYSELF affirm that on 10/17/2012

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

(check appropriate items below)

|  ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

| ~~REMODEL~~

*Enclose patio to  
Create addnl. living area.  
20' from front  
property line  
on the lot.*

| in a ~~RESIDENSIAL~~ RESIDENTIAL 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 EXISTING WALL HAS STAYED THE SAME DISTANCE FROM THE STREET-THE ONLY CHANGE WAS TO THE ROOF AND DOOR-

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**HARDSHIP:**

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

ORIGINAL CONSTRUCTION HAS WATER LEAKS AND THE REMODEL WAS INITIATED BECAUSE OF WATER DAMAGE

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

THE HOUSE IS THE ONLY CONSTRUCTION OF ITS KIND

**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 STRUCTURE WAS ALREADY BUILT THE ONLY CHANGE WAS ROOF AND FRAME IN

**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:

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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 HASAN CJ KHODADADI  Mail Address 8609 FATHOM CIRCLE UNIT A

City, 78570 State TX & Zip AUSTIN TEXAS

Printed \_\_\_\_\_ Phone 512 293 9411 Date \_\_\_\_\_

**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 8609 FATHOM CIRCLE UNIT  
A ASTIN TEXAS 78750

City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

### 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.
- B. 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.)

- (1) 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.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) ~~A tax plat with subject property clearly marked indicating property within a 500 foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).~~
- (4)(3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5)(4) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (6)(5) Austin Energy approval

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Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.



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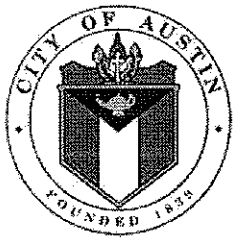


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0140  
 LOCATION: 8609 Fathom Circle Unit B



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.

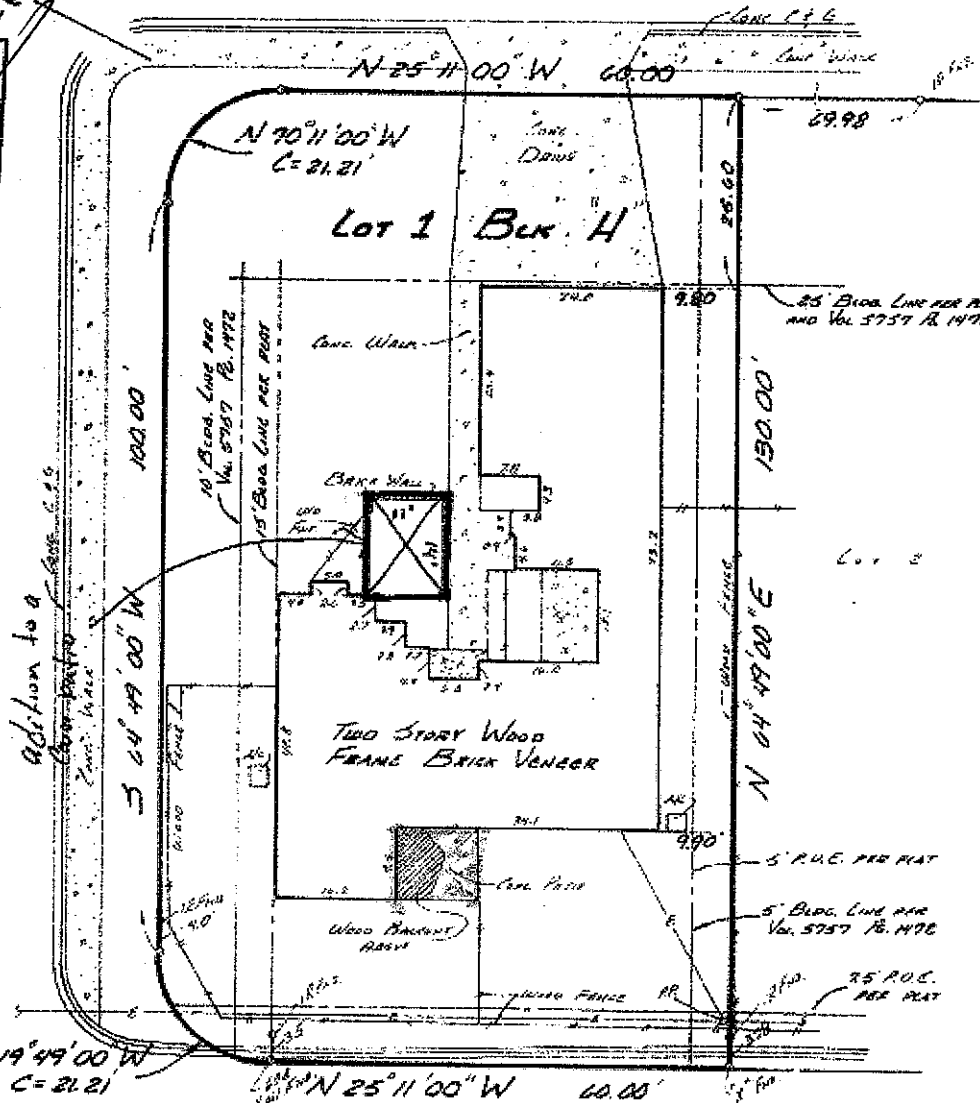
This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

# FATHOM CIRCLE

(20' ROW)

AE APPROVED  
 OCT 18 2009  
 RLS  
 8389-10

OCEAIRE BLVD.  
 (20' ROW)



# BALCONES CLUB DRIVE

(20' ROW)

All structural etc. must maintain 7'5\"/>

PLAT OF SURVEY  
 Survey No. 93175  
 SCALE 1" = 20'

COVENANTS RECORDED IN Vol. 5757 P. 1472, Deed Records.

Said lot is located in a special flood hazard area as identified by the Federal Emergency Management Agency on Community Panel No. 48026-0195 B Dated APRIL 1, 1982

All corners are steel rod found unless otherwise noted. To the true holder within the course of 25 years survey.

LOT NO. 1 BLOCK NO. H  
 ADDITION OR SUBDIVISION Sonesta West Section One A, Vol. 18, P. 28, 30, 31 C.  
 STREET ADDRESS 8609 FATHOM CIRCLE CITY AUSTIN, COUNTY TRAVIS  
 SURVEY FOR HENRY OF TEXAS TREE CO. REFERENCE GAB1 NEHNS



SNS ENGINEERING, INC.  
 11940 Jollyville Road, Suite 320 North  
 Austin, Texas 78758  
 (512)395-3944 \* (512)250-8885 (FAX)

Date: 02-16-93



Hasa Khodadadi  
8609 Fathom Cr  
Austin, TX 78750

Dear Mr. Khodadadi,

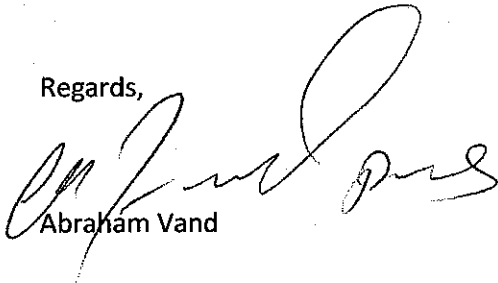
The following is a recap of our involvement at the above address.

In 2010 we responded to a request from you about the water damage at the above address. We tried twice to prevent further water damage as well as repair the damage.

It was our opinion that the problem was the stucco construction and since the leaking continued we advised the only reliable measure you could take was to install a patio cover.

Let me know if there is anything further we can do.

Regards,



Abraham Vand

# Certificate Of Occupancy

## No. 84943

Permit # 167737Lot 1Block HZoning ASubdv. Sonesta West  
Ik-A**DEPARTMENT OF BUILDING INSPECTION**  
**City of Austin, Texas**Plat file

THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED BELOW HAS BEEN INSPECTED AND THE FOLLOWING OCCUPANCY THEREOF IS HEREBY AUTHORIZED.

Address 8609 Fathom Cir.Use 2 stry frm duplex w/ brkven & att garOwner of Land Rutland Const Address 10905 Jollyville Rd.  
78759

Owner of Improvements \_\_\_\_\_ Address \_\_\_\_\_

Contractor \_\_\_\_\_ Address \_\_\_\_\_

Plumber McCuller No. of Gas Meters 1

Remarks \_\_\_\_\_

Date 7-24-78 By JJ

BUILDING OFFICIAL

BID #2008

OFFICE COPY

**SEE REVERSE SIDE**