

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE #

C15-2013-0028

ROW #

10911852

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

TP-0100060117

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

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

STREET ADDRESS: 2004 Goodrich Avenue

LEGAL DESCRIPTION: Subdivision -- .2218 acre tract of land in the Issac Decker League, being a portion of Block 36, L.M. Bradley's Subdivision (unrecorded) AND a 2.11 foot strip of land in the Issac Decker League, being a portion of Block 36, L.M. Bradley's Subdivision of Lot 4, Goodrich Subdivision

Lot(s) 36 Block 60x161 ft. Outlot Division Bradley Addition

I/We Lindsey Lane on behalf of myself/ourselves as authorized agent for

Lindsey Lane affirm that on March 1, 2013,

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

(check appropriate items below)

___ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___x___ MAINTAIN

Existing side yard setback of 3ft 9 inches in SF-3 NP (Zilker) district. This application is submitted in accordance with Section 25-2-476 of the Land Development Code under Special Exceptions

in a SF-3 NP 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:

N/A (as per Susan Walker) Special Exception (Section 25-2-476 of the Land Development Code under Special Exceptions) Two Family Residential Use

HARDSHIP:

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

N/A (as per Susan Walker) Special Exception (Section 25-2-476 of the Land Development Code under Special Exceptions)

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

N/A (as per Susan Walker) Special Exception (Section 25-2-476 of the Land Development Code under Special Exceptions)

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:

Granting a Special Exception would not:

1. Alter the character of the area because the structure has existed for 15 years;
2. Impair the use of the adjacent property that is developed in compliance with city code because the adjacent property is a single family home and is sixty five feet away from the structure;
3. Grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located because the Zilker neighborhood is an older neighborhood with many structural eccentricities endemic to the area.

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:

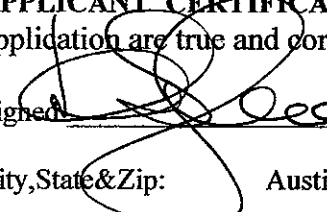
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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  Mail Address 2004 Goodrich Avenue

City, State & Zip: Austin, TX 78704

Printed Lindsey Lane Phone 512-293-6046

Date 3/1/13

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: 2004 Goodrich Ave

City, State & Zip Austin, TX 78704

Printed Lindsey Lane Phone 512-293-6046

Date 3/1/13

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) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (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.

(5) Austin Energy approval

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.

REQUIRED FINDINGS: All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable Use:

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

Hardship:

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.
- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character:

Application must demonstrate to the Board how 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 zoning regulations of the zoning district in which the property is located.

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

Board of Adjustment Staff:

Susan Walker, Planner
974-2202

Diana Ramirez, Administrative Specialist, Board Secretary
974-2241

Fax #974-6536
Planning and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor

Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088

From: "Lund, Lena" <Lena.Lund@austinenergy.com>
Subject: RE: Preliminary BOA review - 2004 Goodrich Ave
Date: March 4, 2013 9:51:06 AM CST
To: "lindsey lane" <lindseycummingslane@gmail.com>
Cc: "Walker, Susan" <Susan.Walker@austintexas.gov>, "Ramirez, Diana" <Diana.Ramirez@austintexas.gov>

Correction – the house number for the above referenced case is 2004 not 3004. Sorry for the error.

Lena Lund
Austin Energy
Public Involvement/Real Estate Services
512-322-6587

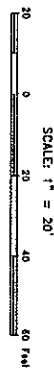
From: Lund, Lena
Sent: Monday, March 04, 2013 9:26 AM
To: 'lindsey lane'
Cc: Walker, Susan; Ramirez, Diana
Subject: Preliminary BOA review - 3004 Goodrich Ave

Lindsey,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the south side setback from 5 ft to 3 ft 9 inches. Austin Energy does not oppose this case as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

Lena Lund
Austin Energy
Public Involvement/Real Estate Services
512-322-6587



SCALE: 1" = 20'

SURVEY OF TRACT ONE,
0.2218 OF AN ACRE (9,662 SQ. FT.)
OUT OF LOT 36
SURVEY OF TRACT TWO,
0.0078 OF AN ACRE (340 SQ. FT.)
OUT OF LOT 36
L.M. BRADLEY'S SUBDIVISION OF LOT 4
GOODRICH SUBDIVISION (UNRECORDED)
SITUATED IN THE ISAAC DECKER LEAGUE
DOCUMENT NO. 2006153660, T.C.O.P.R.
DESCRIBED BY DOCUMENT NO. 2003156714,
T.C.O.P.R., TRAVIS COUNTY, TEXAS

**APPROVED BY
AUSTIN ENERGY
FOR BOA**

DATE: 2/9/23

GENERAL NOTES

3) SUBJECT WAS PREPARED WITH INFORMATION CONTAINED IN THIS DOCUMENT OF HIS OWN FREE WILL AND WITHOUT ANY COERCION, INTIMIDATION, OR UNLAWFUL INFLUENCE. SUBJECT DID NOT RECEIVE SPECIAL PREFERENCE, PUNISHMENT, OR REWARD FOR PROVIDING INFORMATION.

LINE	DISTANCE	BEARING
L1	2.11'	N 28°56'28" E
L2	2.11'	S 29°45'00" W

LEGEND

- ELECTRIC MOTOR
- GAS JETTER
- POWER PULP
- SERVICE PULP
- OVERHAUL POWER U
- WOOD TRUCK
- CHAINSAW PULP
- CHAINSAW WORKMAN

REVISIONS

[illegible]

Windrose Land

5000
Suite 300
Austin, Texas 78744

Page (312) 328-22

PROPERTY LEGALLY BEHELD HEREIN, THAT THE FORTH-COMING AT THE TIME OF THIS QUALITY FROM UNDOUBTS AND THAT THERE ARE NO QUOTATIONS APPEARING ON THE SPECIAL, EXCEPT AS BEHOLD.



THESE RESULTS
WILL BE DISCUSSED
IN THE CONCLUSIONS AND
DISCUSSION.

Editorial Board

THE UNIVERSITY OF CHICAGO

Windproso

Services

4120 Commonwealth Dr.
Suite 200
North Tarrant 76144

Prior history

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

DATE: Monday, February 13, 2012

CASE NUMBER: C15-2011-0130

☐ Y ☐ Jeff Jack
☐ Y ☐ Michael Von Ohlen
☐ A ☐ Nora Salinas (ABSENT)
☐ Y ☐ Bryan King
☐ A ☐ Susan Morrison (ABSENT)
☐ Y ☐ Melissa Hawthorne
☐ R ☐ Heidi Goebel (RECUSED)
☐ - ☐ Cathy French (SRB only)
☐ - ☐ Stuart Hampton
☐ N ☐ Will Schnier

APPLICANT: MICHAEL R. MCHONE

OWNER: Lindsey Lane

ADDRESS: 2004 GOODRICH AVE

VARIANCE REQUESTED: The applicant has requested a special exception from Section 25-2-476 of the Land Development Code in order to maintain a rear yard setback of 5 feet (10 feet required) in order to maintain an attached accessory structure in order to change the use to create a two-family residential use in an "SF-3" zoning district.

The applicant has requested a special exception from Section 25-2-476 of the Land Development Code in order to maintain a side yard setback of 3 feet 9.5 inches (5 feet required) in order to maintain a screened porch in order to change the use to create a two-family residential use in an "SF-3" zoning district.

BOARD'S DECISION: POSTPONED TO JAN 9, 2012

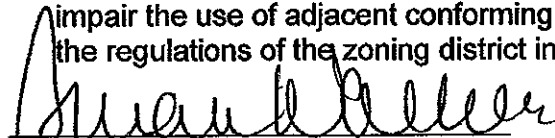
January 9, 2011 The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Susan Morrison second on a 2-5 vote (Board members Jeff Jack, Nora Salinas, Bryan King, Melissa Hawthorne, Stuart Hampton nay); **DENIED.**


FEB 13, 2012 RECON REQUEST -- The public hearing was closed on Board Member Bryan King motion to Deny reconsideration request, Board Member Melissa Hawthorne second on a 4-1 vote (Board member Will Schnier nay and Heidi Goebel recused herself); **DENIED RECONSIDERATION REQUEST.**

FINDING: SPECIAL EXCEPTION

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

Jeff Jack, Chairman
Board of Adjustment
City of Austin
P.O. Box 1088
Austin, Tx 78767

March 1, 2013

Re: Request for a Special Exception, 2004 Goodrich Avenue

Dear Chairman and Members of the Board:

Under Section 25-2-476 of the Land Development Code, I am requesting a special exception in order to maintain a side yard setback of 3 feet 9 inches (5 feet are required) to preserve an 11'x13' screened porch.

The Special Exception Ordinance (20110526-098) was adopted in June 2008 to deal with 'yard encroachment violations' provided these violations had existed for at least 15 years; do not pose a hazard to life, health, or public safety; are keeping with other properties in the area, and do not impair the use of the adjacent property.

To that end, I am enclosing the following materials to support my request for a special exception:

- A 1997 aerial photo showing the existing porch signed by W. B. Heidrick, reviewer with residential planning
- A 2003 aerial photo showing the same porch signed by W. B. Heidrick, reviewer with residential planning
- A family photograph of the porch taken in 1997
- A survey of the property at 2004 Goodrich Avenue
- Eight supporting affidavits of people who concur with my recollection of the porch's construction.
- Signatures from all the contiguous neighbors to 2004 Goodrich in support of this special exception.
- Special Exception Inspection verifying that the requested variance will NOT result in any hazard to life, health or public safety
- A copy of the Special Exception Ordinance of the Land Development Code
- An email from CM Morrison's office regarding a wording change in the Special Exception Ordinance (Passed by Council on November 8, 2012) to provide clearer predictability in requests for special exceptions while still allowing for protection of public safety.

I hope you will find this request and the supporting materials in line with the requirement to grant a one time special exception, which is only pertinent to the structure as long as it exists.

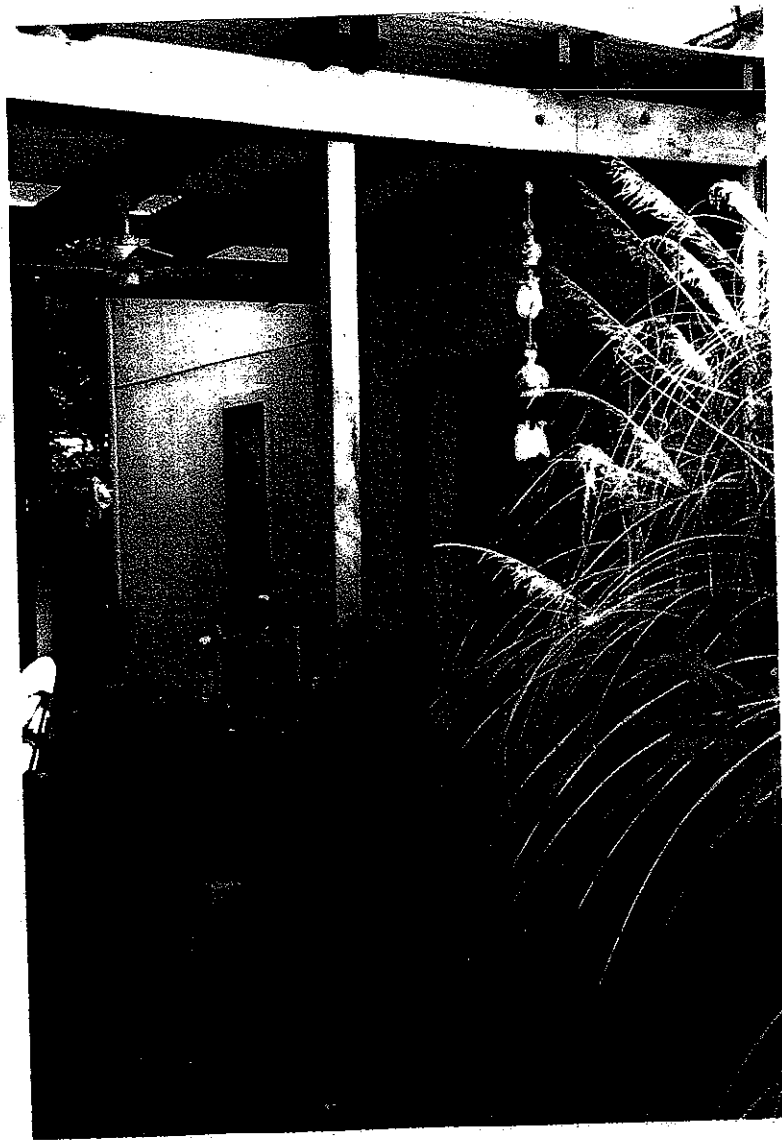
Thank you for your time and consideration,


Lindsey Lane

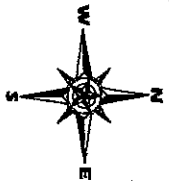




Area 2003
[Signature]



February 1997



SCALE: 1" = 20'

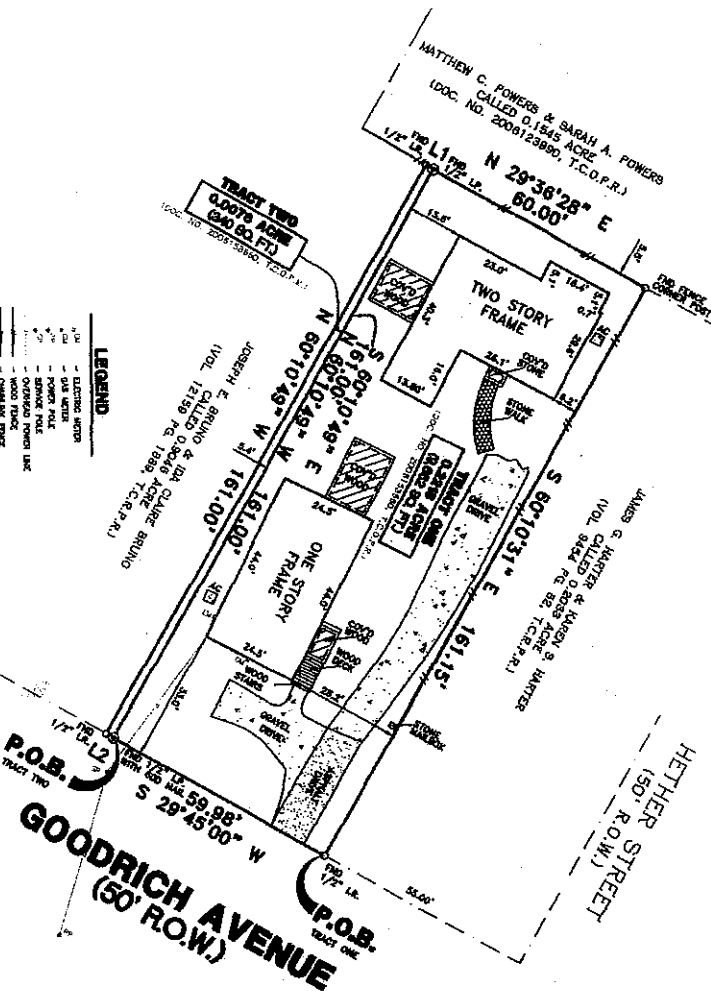
**SURVEY OF TRACT ONE,
0.2218 OF AN ACRE (9,862 SQ. FT.)
OUT OF LOT 36
SURVEY OF TRACT TWO,
0.0078 OF AN ACRE (340 SQ. FT.)
OUT OF LOT 36
L.M. BRADLEY'S SUBDIVISION OF LOT 4
GOODRICH SUBDIVISION (UNRECORDED)
SITUATED IN THE ISAAC DECKER LEAGUE
DOCUMENT NO. 2006163660, T.C.O.P.R.
DESCRIBED BY DOCUMENT NO. 2003166714,
T.C.O.P.R., TRAVIS COUNTY, TEXAS**

GENERAL NOTES

- 1) THIS SURVEY WAS PREPARED BY THE SURVEYOR, BASED ON THE DATA FURNISHED BY THE CLIENT, AND IS NOT A GUARANTEE OF THE ACCURACY OF THE DATA.
- 2) ALL MEASUREMENTS WERE MADE BY THE SURVEYOR, AND ARE NOT BASED ON ANY PREVIOUS SURVEY.
- 3) THE SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER SURVEYS THAT MAY AFFECT THIS SURVEY.
- 4) THE SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER SURVEYS THAT MAY AFFECT THIS SURVEY.
- 5) THE SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER SURVEYS THAT MAY AFFECT THIS SURVEY.

LINE	DISTANCE	BEARING
L1	2.11'	N 28°48'28" E
L2	2.11'	S 28°48'00" W

LEGEND
— ELECTRIC WIRE
— GAS WIRE
— WATER WIRE
— SEWER WIRE
— FENCE
— DRIVE
— ROAD
— RAILROAD
— CANAL
— OTHER



REVISIONS

DATE	REASON



THIS SURVEY WAS PREPARED BY THE SURVEYOR, BASED ON THE DATA FURNISHED BY THE CLIENT, AND IS NOT A GUARANTEE OF THE ACCURACY OF THE DATA.

ALL MEASUREMENTS WERE MADE BY THE SURVEYOR, AND ARE NOT BASED ON ANY PREVIOUS SURVEY.

THE SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER SURVEYS THAT MAY AFFECT THIS SURVEY.

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Winrose Land Services, Inc.
Surveying & Mapping
10101 West 10th Street, Suite 100
Dallas, Texas 75244
Phone: (214) 343-1100
Fax: (214) 343-1101
Email: info@winrosls.com

AFFIDAVIT

STATE OF TEXAS

COUNTY OF TRAVIS

My name is Lindsey Lane.

I am over 18 years of age.

I have personal knowledge of all the factual statements in this affidavit.

1. I have owned the property at 2004 Goodrich Avenue in Austin, Texas since August 8, 1993.
2. I constructed a deck on the south side of the rear structure in the spring of 1995 with Linda Wienandt. The following year, I added a roof above the deck.
3. I have no receipts or taxes from this time period but, in reviewing my photo albums, I have found the attached photos that were taken in the late winter or early spring of 1997, two to four months after my daughter Gabriella was born on December 17, 1996.
4. I am certain that the side porch depicted in these photos was constructed prior to the birth of my daughter.
5. I believe that the porch roof was constructed in the spring or summer of 1996.

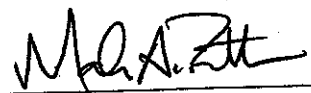
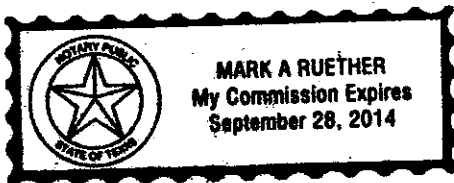


Lindsey Lane

Date

1/25/12

Sworn before me on the 25 day in January, 2012.


Notary Public

GENERAL AFFIDAVIT

STATE OF ARIZONA

COUNTY OF MARICOPA

PERSONALLY came and appeared before me, the undersigned Notary, the within named Linda Wienandt-Davis, who is a resident of Maricopa County, State of Arizona, and makes this her statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of her knowledge:

My name is Linda Wienandt-Davis.

I am over 18 years of age.

I have personal knowledge of all the factual statements in this affidavit.

1. I have known Lindsey Lane since 1994 when she came to work at the *Austin American-Statesman*, where I was Features Editor and her boss.
2. I left the *Austin American-Statesman* for another editorial job in Bakersfield, Calif., in April 1995.
3. Before I left, in March 1995, I helped Lindsey Lane construct a deck on the south side of her back house at 2004 Goodrich Ave. in Austin, Texas.

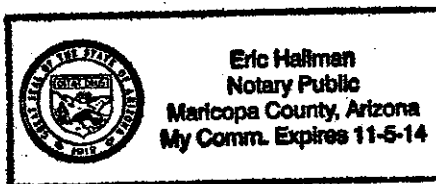
Linda B. Wienandt-Davis
Signature of Affiant

1-25-2012
Date

SWORN before me on this 25th day of January 2012.

[Signature]
Signature of Notary Public

My Commission Expires: 11-5-2014 EJA OA.



AFFIDAVIT

STATE OF TEXAS

COUNTY OF DALLAS

My name is Sandra Cate Trostel. I was a resident of Austin from March 1994 to August 2007.

I am over eighteen (18) years old.

I have known Lindsey Lane, who resides at 2004 Goodrich Avenue, since 1995.

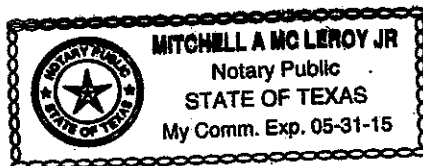
Being a close friend, I have been in her home on many occasions, both before and after the birth of her daughter Gabriella in December 17, 1996. To my recollection, there was no construction on or additions to the structure during the first several years of Gabriella's life.

I have read the affidavit of Lindsey Lane dated on the 25th day of January, 2012 and concur with her recollection of events regarding the construction of the porch and roof on the south side of her home at 2004 Goodrich Avenue.

Sandra C. Trostel

Sworn before me on this 1st day of February, 2012.

[Signature]
Notary Public



Sandra Cate Trostel
1902 Cooper Drive
Irving, Texas 75061
817.889.1999
sandra.trostel@gmail.com

AFFIDAVIT

STATE OF TEXAS

COUNTY OF TRAVIS


My name is Jim Phillips

I am over eighteen (18) years old.

I have known Lindsey Lane since 1992.


I have been closely acquainted with Lindsey Lane since she bought the property located at 2004 Goodrich Avenue and have been to her home on numerous occasions, before and after the birth of her daughter Gabriella and I am certain there was no constructions or additions during the first several years of Gabriella's life.

I have read the affidavit of Lindsey Lane dated on the 25 day of January, 2012 and concur with her recollection of events regarding the construction of the porch and roof on the south side of her home at 2004 Goodrich Avenue.


1-25-12

Sworn before me on this 25 day of January, 2012.




Notary Public

AFFIDAVIT

STATE OF TEXAS

COUNTY OF TRAVIS

My name is Mark Coffey

I am over eighteen (18) years old.

I have known Lindsey Lane, who resides at 2004 Goodrich Avenue, since 1994.

Being a close friend, I have been in her home on numerous occasions, both before and after the birth of her daughter, Gabriella on December 17, 1996. To my recollection, there were no construction projects or additions to the structure during the first several years of Gabriella's life.

I have read the affidavit of Lindsey Lane dated January 25, 2012 and concur with her recollection of the events regarding the construction of the porch and roof on the south side of her home at 2004 Goodrich Ave.

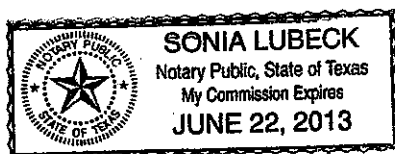

Mark Coffey

2-8-13

Date

Sworn before me on this 8th day of February, 2013.


Notary Public



AFFIDAVIT

STATE OF TEXAS

COUNTY OF TRAVIS

My name is Will Dibrell. My address is 2002-B Eastside Dr., Austin, Texas. I am over eighteen (18) years old.

I have known Lindsey Lane, who resides at 2004 Goodrich Avenue, Austin, Texas, since 1985.

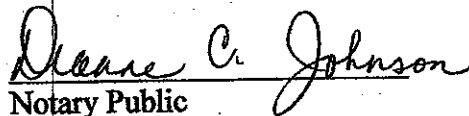
I have been closely acquainted with Lindsey Lane since before she bought the property located at 2004 Goodrich Avenue in August of 1993. I have been in her home on numerous occasions, both before and after the birth of her daughter, Gabriella on December 17, 1996. To the best my recollection, there were no construction projects or additions to the structure during the first several years of Gabriella's life.

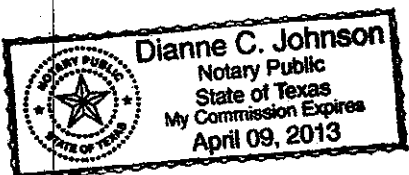
I have read the affidavit of Lindsey Lane dated January 25, 2012, and I agree with her recollection of timing and events regarding the construction of the porch and roof on the south side of her home at 2004 Goodrich Ave.


Will Dibrell

2/2/2013
Date

Sworn before me on this 7th day of February 2013.


Notary Public



AFFIDAVIT

STATE OF TEXAS

COUNTY OF TRAVIS

My name is Ben Livingston

I am over eighteen (18) years old.

I have known Lindsey Lane, who resides at 2004 Goodrich Avenue, since 1988.

I have been closely acquainted with Lindsey Lane since before she bought the property located at 2004 Goodrich Avenue. Being a close friend, I have been in her home on numerous occasions, both before and after the birth of her daughter, Gabriella on December 17, 1996. To my recollection, there were no construction projects or additions to the structure during the first several years of Gabriella's life.

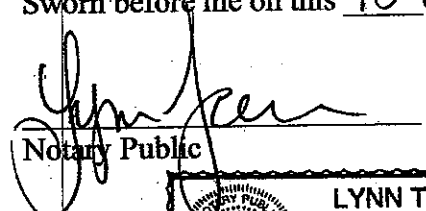
I have read the affidavit of Lindsey Lane dated January 25, 2012 and concur with her recollection of the events regarding the construction of the porch and roof on the south side of her home at 2004 Goodrich Ave.

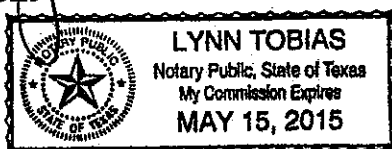

Ben Livingston

2-12-2013

Date

Sworn before me on this 12 day of February, 2013.


Notary Public



AFFIDAVIT

STATE OF TEXAS

COUNTY OF TRAVIS

My name is Kimberley Garcia

I am over eighteen (18) years old.

I have known Lindsey Lane, who resides at 2004 Goodrich Avenue, since 1991.

I have been closely acquainted with Lindsey Lane since before she bought the property located at 2004 Goodrich Avenue in August of 1993. Being a close friend, I have been in her home on numerous occasions, both before and after the birth of her daughter, Gabriella on December 17, 1996. To my recollection, there were no construction projects or additions to the structure during the first several years of Gabriella's life.

I left the Austin area in 2004 to pursue a nursing career.

I have read the affidavit of Lindsey Lane dated January 25, 2012 and concur with her recollection of the events regarding the construction of the porch and roof on the south side of her home at 2004 Goodrich Ave.

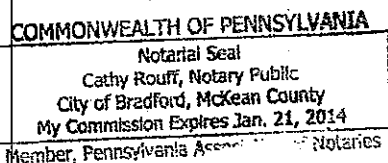
Kimberley S. Garcia
Kimberley Garcia

2-18-2013

Date

Sworn before me on this 18th day of February, 2013.

Cathy Rouff
Notary Public
State of Pennsylvania
County of McKean



Dear Chairman and Members of the Board:

As neighbors of Lindsey Lane at 2004 Goodrich Avenue, we enthusiastically support her application for a Special Exception (under Section 25-2-476 of the Land Development Code) to maintain a side yard setback of 3 feet 9 inches so that she may keep her screened porch intact.

Thank you.

Name	Address	Signature
CLAIRE BRUNO	2006 GOODRICH	Claire Bruno
Dale Scheeking	1716 VALERIA	Dale Scheeking
Karen Harter	2000 Goodrich Ave	Karen Harter
Blake Mitchell	2001 Goodrich	Blake Mitchell
Sue Briggs	2001 Goodrich	Sue Briggs
Alice Clark	1718 Valeria	Alice Clark
Joe Bruno	2006 Goodrich	Joe Bruno
Jim Harter	2000 Goodrich	Jim Harter
Sarah Powers	1807 Hether St.	Sarah Powers



SPECIAL EXCEPTION INSPECTION



Address:	2004 Goodrich Ave.
Permit Number:	2012-058655
Property Owner Requesting Special Exception:	Lindsey Lane

Special Exception Requested:

Covered wood deck encroaching 14" into side-yard setback

Date Structure was originally constructed: aerial shows to exist in 1997

Date of Inspection:	06-22-2012
Building Official or designated representative	Tony Hernandez
X	The granting of the variances requested will <u>Not</u> result in any hazard to the life, health or public safety for either the property for which the variance is requested or to an adjoining public or private property
	The granting of the variances request will result in a hazard to the life, health or public safety of the either the property for which the variance is requested or to an adjoining public or private property. The following hazards related to the variance request were noted in this inspection: 1. 2. 3. 4.

25-2-476 SPECIAL EXCEPTIONS.

(A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (Zoning) if the board finds that the special exception meets the requirements of this section.

(B) The Board shall grant a special exception under Subsection (A) of this section if:

(1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;

(2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and

(3) the Board finds that:

(a) the violation has existed for:

(i) at least 25 years; or

(ii) at least 15 years, if the application for a special exception is submitted on or before June 6, 2013;

(b) the use is a permitted use or a nonconforming use;

(c) the structure does not share a lot with more than one other primary residence; and

(d) granting a special exception would not:

* (i) alter the character of the area;

* (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).

Hi Mr. Rigler,

Good to hear from you and hope this finds you well.

Council agenda currently includes item #91 relating to granting special exceptions from setback regs. This is coming to Council as recommended by Planning Commission and staff and is in response to CM Morrison's action to initiate the language change to address concerns you had raised. It outlines for properties with longstanding code violations that do not threaten public safety or negatively impact surrounding property- that they **shall** be granted a special exception. The word SHALL is replacing the current language of MAY which allowed for wider discretion by the BOA. This is meant to provide clearer predictability while still allowing protection of public safety or long standing negative impacts if any exist.

I believe the item was postponed from an earlier council agenda due to posting issues. We haven't had any indication to date of postponement so expect it to be heard on Thursday.

-d

Donna Tiemann

Policy Advisor to Council Member Laura Morrison

Austin City Council, Place 4

512-974-1626 (direct)

512-974-2258 (main)