

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

DATE: Monday, August 12, 2013

CASE NUMBER: C15-2013-0068

 Y Jeff Jack
 Y Will Schnier - Michael Von Ohlen (out)
 Y Nora Salinas
 Y Stuart Hampton - Bryan King (out)
 Y Fred McGhee 2nd the Motion
 Y Melissa Hawthorne Motion to PP to Sept 16, 2013
 Y Sallie Burchett
 - Cathy French (SRB only)

APPLICANT: Phil Moncada

OWNER: Jose I Gomez-Rivera

ADDRESS: 304 GRADY DR

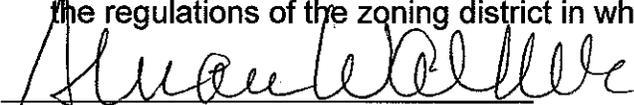
VARIANCE REQUESTED: The applicant has requested a special exception from Section 25-2-476 in order to maintain a two-family residential use 4.9 feet from the east property line (5 feet required) and a portion of the primary structure 4.3 feet from the west property line (5 feet required) in an "SF-2-NP", Single-Family Residence – Neighborhood Plan zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to September 16, 2013, Board Member Fred McGhee second on a 7-0 vote; POSTPONED TO September 16, 2013.

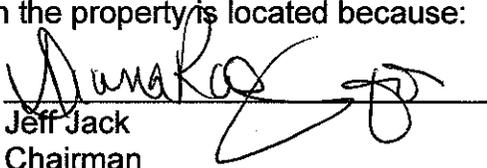
FINDING:

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



SPECIAL EXCEPTION INSPECTION



Address:	304 W Grady Dr.
Permit Number:	2013-050538
Property Owner Requesting Special Exception:	Jose Gomez Rivera

<p><u>Special Exception Requested:</u></p> <p>West side rear encroachment of primary structure with covered concrete did not exist before 1997</p> <p>East side encroachment of accessory TCAD dates to 1965 as 216 sq. ft. of detached storage</p>
<p>Date Structure was originally constructed: accessory storage existed pre 1997 / covered concrete did not exist before 1997</p>

Date of Inspection:	August 5, 2013
Building Official or designated representative	Tony Hernandez
	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
X	<p>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:</p> <ol style="list-style-type: none"> 1. Unpermitted electrical work performed potential electrical hazards 2. Unpermitted plumbing work performed potential health hazards 3.

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;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

I Object

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2013-0068 - 304 W Grady Drive
 Contact: Susan Walker, 512-974-2202
 Public Hearing: Board of Adjustment, August 12, 2013

Edrie Walton
 Your Name (please print) I am in favor I object

305 West Grady Austin, TX 78753
 Your address(es) affected by this application

Edrie Walton
 Signature Date 8-4-2013

Daytime Telephone: 512-873-0790

Comments: This neighborhood is single family homes. There is not enough room at this location for additional parking for a second family dwelling. They are already parking in the front yard and on the street blocking my mail box.

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

Case # C15-2013-0068

Property Search Results > 460674 GOMEZ JOSE for Year 2013

304 W. Grady CLS-2013-0068

Property

Account

Property ID: 460674 Legal Description: LOT 23 *LESS S5FT BLK E MOCKINGBIRD HILL SEC 1
 Geographic ID: 0245210623 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: 304 W GRADY DR Mapsco: 496U
 TX 78753
 Neighborhood: W2280 Map ID: 024211
 Neighborhood CD: W2280

Owner

Name: GOMEZ JOSE Owner ID: 1372174
 Mailing Address: 304 W GRADY DR % Ownership: 100.0000000000%
 AUSTIN, TX 78753-3432
 Exemptions: HS

Values

(+) Improvement Homesite Value: + [REDACTED]
 (+) Improvement Non-Homesite Value: + \$0
 (+) Land Homesite Value: + [REDACTED]
 (+) Land Non-Homesite Value: + \$0 Ag / Timber Use Value
 (+) Agricultural Market Valuation: + \$0 \$0
 (+) Timber Market Valuation: + \$0 \$0

 (=) Market Value: = [REDACTED]
 (-) Ag or Timber Use Value Reduction: - \$0

 (=) Appraised Value: = [REDACTED]
 (-) HS Cap: - \$0

 (=) Assessed Value: = [REDACTED]

Taxing Jurisdiction

Owner: GOMEZ JOSE
 % Ownership: 100.0000000000%
 Total Value: \$101,044

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
01	AUSTIN ISD	1.242000	\$101,044	[REDACTED]	[REDACTED]
02	CITY OF AUSTIN	0.502900	\$101,044	[REDACTED]	[REDACTED]
03	TRAVIS COUNTY	0.500100	\$101,044	[REDACTED]	[REDACTED]
0A	TRAVIS CENTRAL APP DIST	0.000000	\$101,044	[REDACTED]	[REDACTED]

2J	TRAVIS COUNTY HEALTHCARE DISTRICT	0.078946			
68	AUSTIN COMM COLL DIST	0.095100			
	Total Tax Rate:	2.419046			
				Taxes w/Current Exemptions:	
				Taxes w/o Exemptions:	

Improvement / Building

Improvement #1: 1 FAM DWELLING State Code: A1 Living Area: 1443.0 sqft Value: \$79,044

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
1ST	1st Floor	WW - 4-		1965	1443.0
011	PORCH OPEN 1ST F	* - 4-		1965	66.0
041	GARAGE ATT 1ST F	WW - 4-		1965	297.0
095	HVAC RESIDENTIAL	* - *		1965	1443.0
* 251	BATHROOM	* - *		1965	1.0
* 571	<u>STORAGE DET</u>	WW - 2		1965	216.0
591	MASONRY TRIM SF	AVG - *		1965	300.0
613	TERRACE COVERED	* - 4-		1965	264.0
SO	Sketch Only	SO - *			390.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.2059	8967.47	0.00	0.00	\$22,000	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2014	N/A	N/A	N/A	N/A	N/A	N/A
2013			0		\$0	
2012			0		\$0	
2011			0			
2010			0		\$0	
2009			0		\$0	

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	4/12/2007	WD	WARRANTY DEED	MARROQUIN MIRNA NOEMY	GOMEZ JOSE			2007072793TR
2	9/24/2004	WD	WARRANTY DEED	SANTIAGO GERARDO & MIRNA NOEMY	MARROQUIN MIRNA NOEMY			2004198279TR
3	4/17/2002	WD	WARRANTY DEED	SOLIS DANIEL	SANTIAGO GERARDO & MIRNA NOEMY	00000	00000	2002076052TR

Questions Please Call (512) 834-9317

This site requires cookies to be enabled in your browser settings.

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 # C15-2013-0068
10963160
TP-0245210623

ROW

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

Special exception

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

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

STREET ADDRESS: 304 W. Grady Drive

LEGAL DESCRIPTION: Subdivision – Mockingbird Hill, Section 1

Lot(s) 23 Block E Outlot _____ Division _____

I/We Phil Moncada on behalf of myself/ourselves as authorized agent for

Jose Gomez affirm that on 5-17-, 2013,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

?

in a SF-2-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:

Structure in question was built over 15 years ago before COA annexed in.

We are requesting a special exception to maintain this structure located in rear portion of lot.

HARDSHIP:

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

N/A

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

N/A

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:

Structure is located at the rear portion of lot and has existed there for over 15 years.

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:

N/A

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:

N/A

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

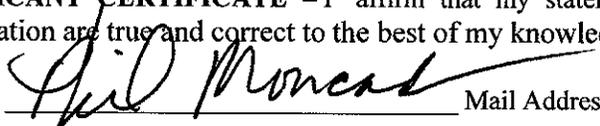
N/A

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

N/A

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.

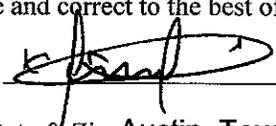
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1301 S. IH 35, Ste. 204

City, State & Zip Austin, Texas 78741

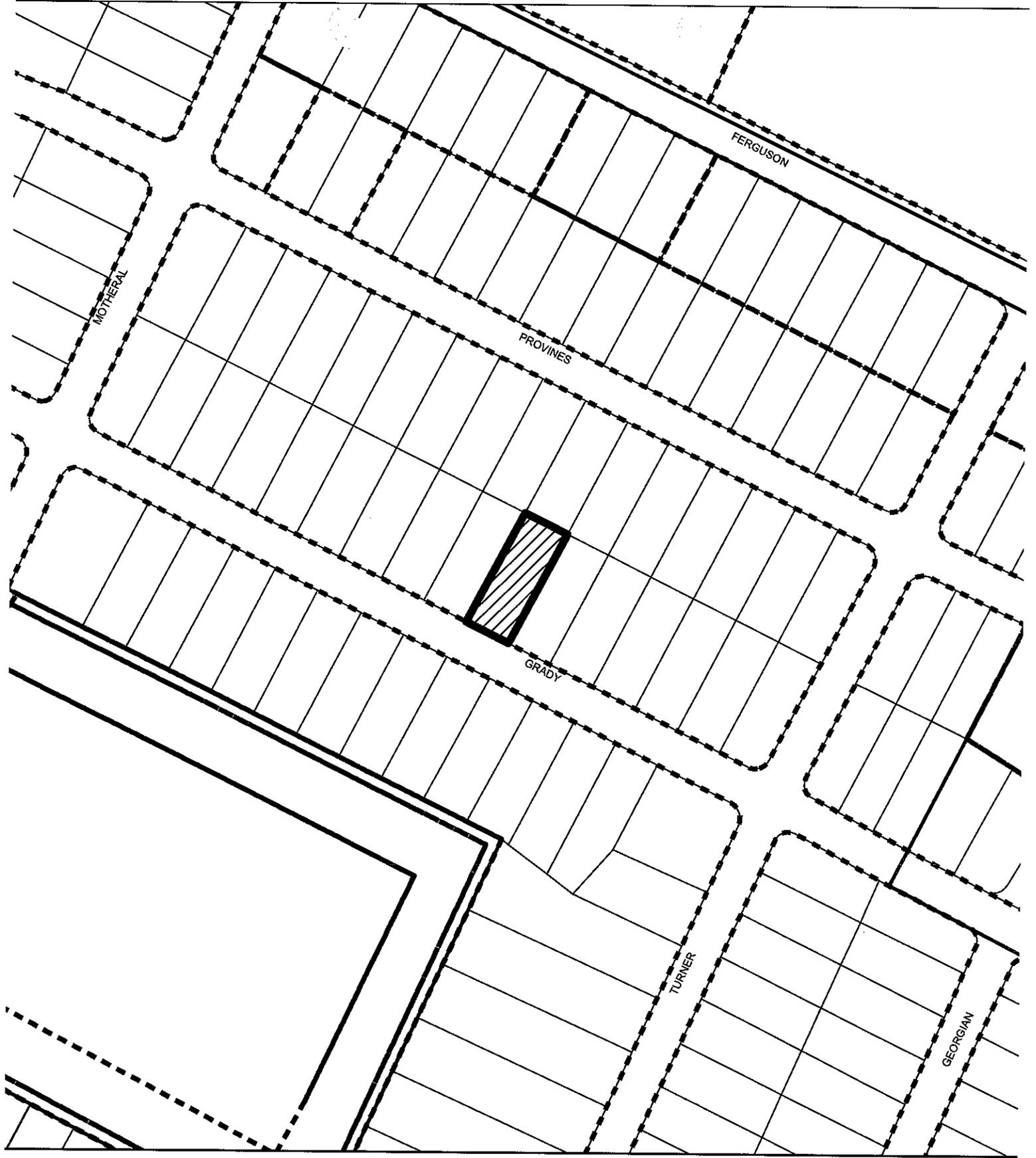
Printed Phil Moncada Phone 627-8815 Date 5-17-13

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 304 W. Grady

City, State & Zip Austin, Texas 78753

Printed Jose Gomez Phone 680-2771 Date 5-17-13



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2013-0068
 LOCATION: 304 W Grady Drive



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.



Moncada Consulting

1301 S IH 35 Ste 204
Austin, TX 78741

Phone: (512) 474-7377 Fax: (512) 474-4923

May 22, 2013

City of Austin
P.O. Box 1088
Austin, Texas

RE: 304 W. Grady Drive
BOA – Special Exception Variance Request

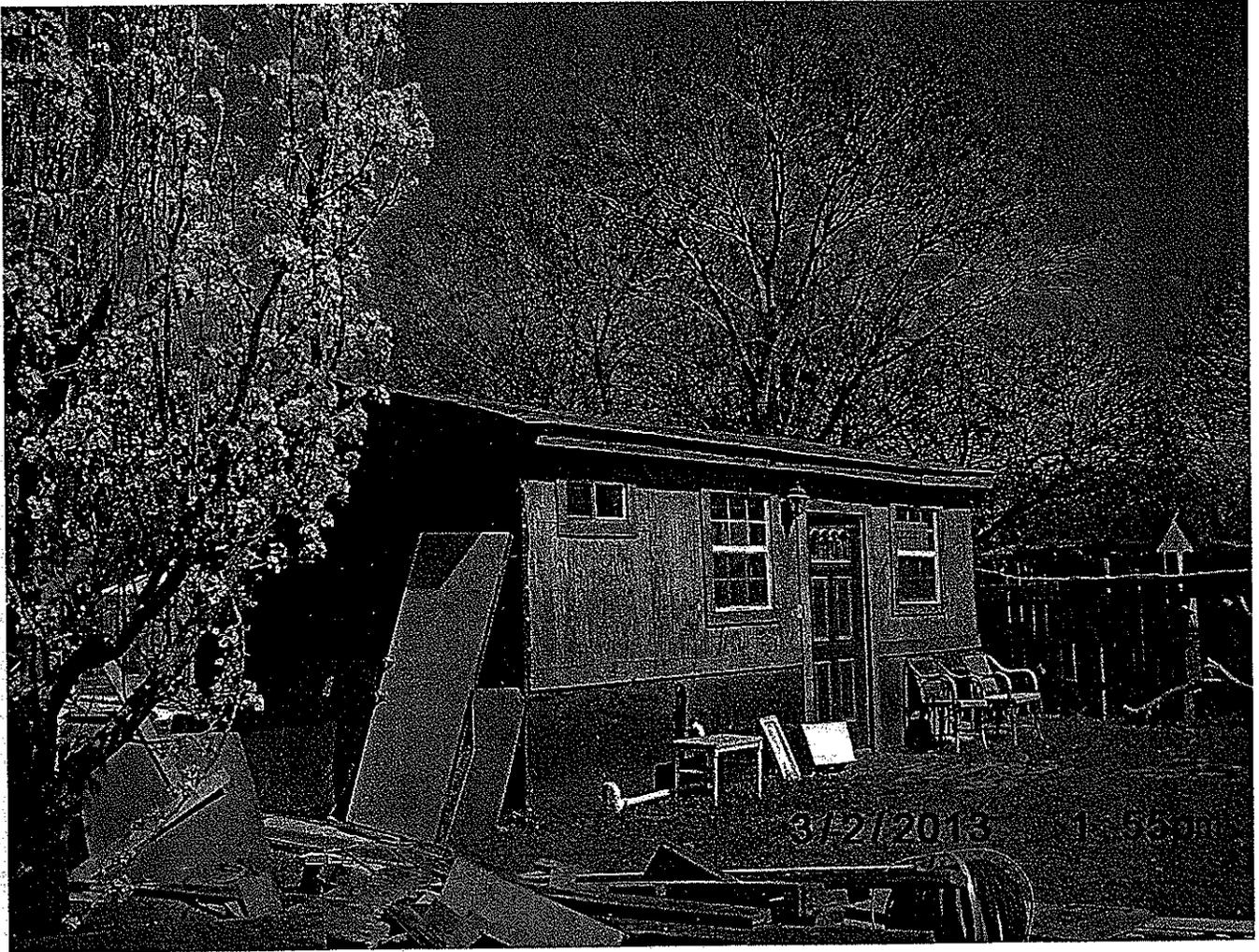
Good Evening Commissioners,

Thank you for the opportunity to apply for a special exception variance for the structure located at 304 W. Grady Drive. The structure has existed in this location for over 15 years. The site has a privacy fence along the rear property line to screen the structure from neighbors. In addition, anyone could have built this type of structure in the past as this lot use to be in the County's Jurisdiction. This will not change the character of the neighborhood since this building has been here for over 15 years.

Thank you for your consideration,



Phil Moncada,
Agent for Jose Gomez



EXIST Detached Apt

304 W Grady
Case 13 19362

03-02-2013
Investigator Garrett



EXIST Detached Apt

304 W Grady
Case 13 19362

03-02-2013
Investigator Garrett



§ 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).

Source: Ord. 20110526-098; Ord. 20121108-091.

Use must have been existing prior to 6-17-1976

SF-2-NP does not allow 2-family use

ONLY F.R.

Life Safety

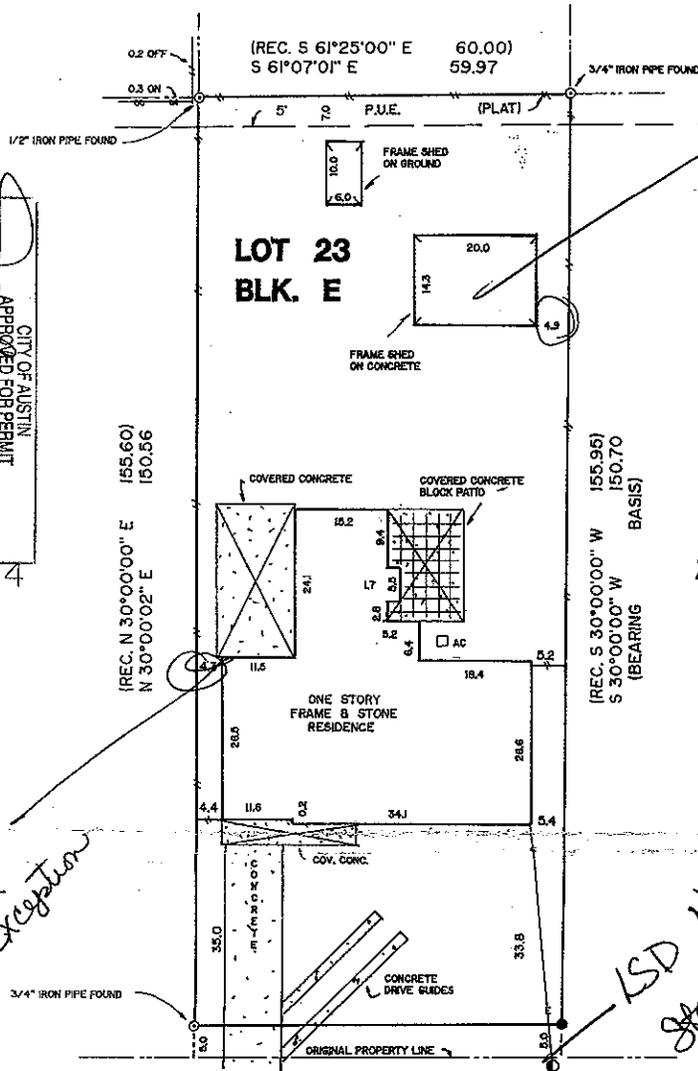
Special

9

10

11

CITY OF AUSTIN
 APPROVED FOR PERMIT
 Planning and Development Review Department
 By: [Signature]
 Date: 5/15/10



BOA Special Exception

22

BOA Special Exception

LSD Not required
 Street taken to widen
 Chris Johnson
 5/13/10

WEST GRADY DRIVE

SUBJECT TO RESTRICTIONS IN (V.005, P.159)
 PLAT RECORDS TRAVIS COUNTY, TEXAS

SUBDIVISION: LOT 23, LESS THE SOUTH 5' FEET THEREOF, BLOCK E, MOCKINGBIRD HILL, SECTION ONE

LOT: _____ BLOCK: _____ CABINET: 5 SLIDE: 159 PLAT RECORDS

COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS: 304 WEST GRADY DRIVE

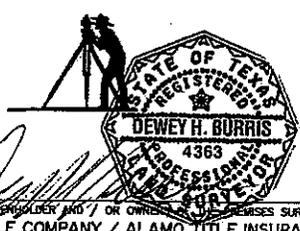
CITY: AUSTIN TX. REFERENCE NAME: MIRNA NOEMY MAROQUIN & GERARDO SANTIAGO

LEGEND

- 1/2" IRON PIPE FOUND
- 1/2" REBAR FOUND
- 1/2" REBAR SET
- ▲ 60D NAIL FOUND
- 60D NAIL SET
- ⊗ SPINDLE FOUND
- ⊗ BARB WIRE FENCE
- ⊗ CHAIN LINK FENCE
- ⊗ WOOD FENCE
- ⊗ METAL FENCE
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- S.D.E. SURFACE DRAINAGE EASEMENT
- E.E. ELECTRIC EASEMENT
- W/WW WATER/WASTEWATER
- () RECORD INFORMATION
- POWER POLE
- O.H. OVERHEAD UTILITIES

B&G Surveying, Inc.
 Victor M. Garza R.P.L.S.

Office 512*458-6969
 Fax 512*458-9845
 1404 West North Loop Blvd.
 Austin, Texas 78756



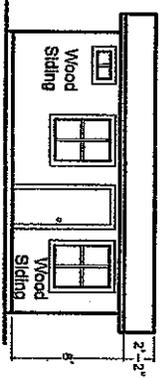
THIS PROPERTY DOES NOT
 LIE WITHIN THE 100 YEAR FLOODPLAIN,
 AND HAS A ZONE X RATING AS
 SHOWN ON THE FLOOD INSURANCE RATE MAPS
 F.I.R.M. MAP No. 480624
 PANEL 0115 E 6/16/93
 This certification is for insurance
 purposes only and is not a guarantee
 that this property will or will not flood.
 Contact your local floodplain administrator
 for the current status of this tract.

DATE 2/11/02 TO THE OWNER AND / OR OWNERS INTERESTS SURVEYED AND TO
 TITLE CD ALAMO ALAMO TITLE COMPANY / ALAMO TITLE INSURANCE OF TEXAS

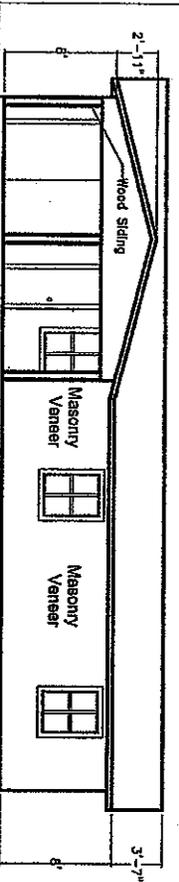
I do hereby certify that this survey was this day made on the
 ground of the property legally described hereon and that there
 are no visible boundary line conflicts, encroachments overlapping of
 improvements, or roads in place, except as shown hereon, and
 certifies only to the legal description and easements shown
 on the referenced Title Commitment. Copying or reproducing without
 permission of B & G Surveying, Inc is prohibited.

© 2/11/02

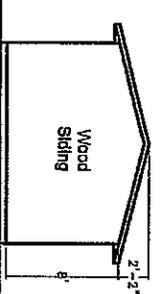
FIELD WORK	ADAM	2/8/02
DRAFTING	WYLIE	2/11/02
FINAL CHECK		2/11/02
CORRECTIONS		
UP DATE		



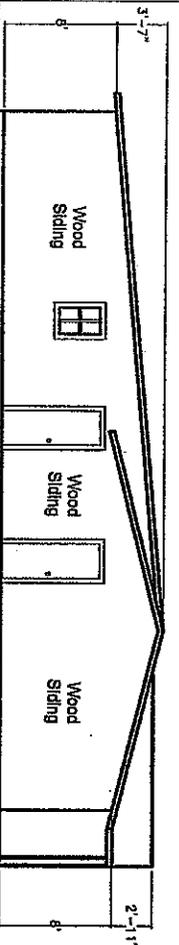
UNIT B FRONT ELEVATION
SCALE: 3/8" = 1'-0"



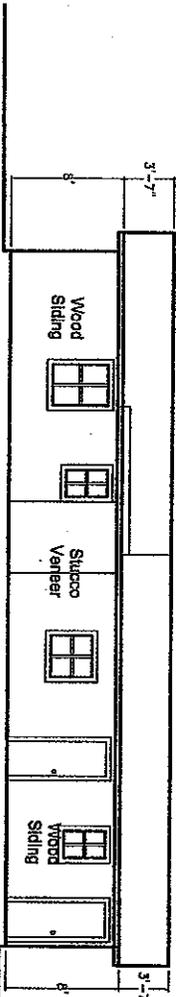
UNIT A FRONT ELEVATION
SCALE: 3/8" = 1'-0"



UNIT B LEFT ELEVATION
SCALE: 3/8" = 1'-0"



UNIT A LEFT ELEVATION
SCALE: 3/8" = 1'-0"



UNIT A BACK ELEVATION
SCALE: 3/8" = 1'-0"

General Notes



VERSION 6.10
2/17/18

C/E

General & Engineering Company
3401 East Loop South, Suite 1114
Houston, Texas 77058
Tel: 281-485-1114
http://www.genc.com

RESIDENTIAL
REMODELING
PROJECT
34 W. OLNEY DRIVE
AUSTIN, TEXAS

Drawn: AU13-87
Checked: CE 5
Date: 02/17/18
Page: 5 of 5

PROPOSED SINGLE FAMILY ADDITION/REMODEL PROJECT

GROSS FLOOR TO AREA CALCULATIONS:
 EXISTING RESIDENTIAL STRUCTURE "X"
 EXISTING RESIDENTIAL STRUCTURE "B"
 PROPOSED SINGLE STORY ADDITION
 TOTAL FLOOR AREA
 % PAIR

1680.0 SQ FT
 286.0 SQ FT
 239.8 SQ FT
 2255.8 SQ FT
 9330.8 SQ FT
 24.03%

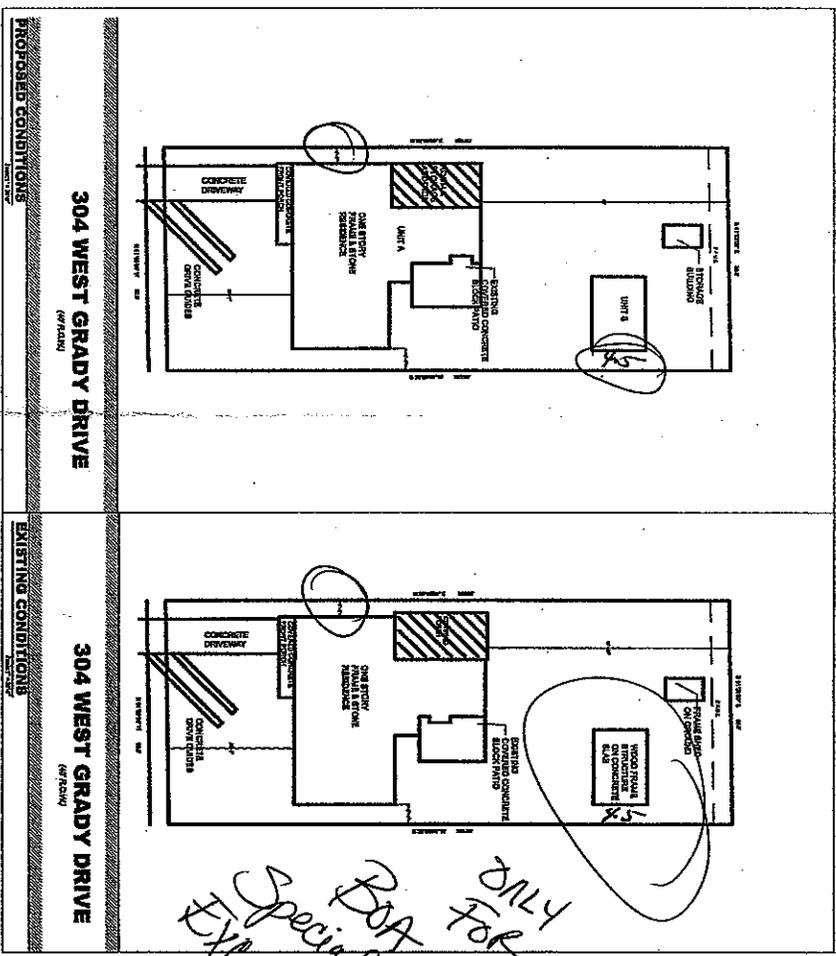
IMPERVIOUS COVER CALCULATIONS:
 EXISTING RESIDENTIAL STRUCTURE
 EXISTING DRIVEWAY
 CONCRETE DRIVEWAY
 CONCRETE FRONT COVERED PORCH
 CONCRETE DRIVE GUIDES
 CONCRETE DRIVE COVERED PORCH
 CONCRETE BACK COVERED PORCH
 UNIT 8
 UNIT 9
 TOTAL IMPERVIOUS COVER
 EXISTING DRIVEWAY COVER
 TOTAL IMPERVIOUS COVER

1489.9 SQ FT
 286.0 SQ FT
 286.0 SQ FT
 67.8 SQ FT
 62.0 SQ FT
 220.0 SQ FT
 260.0 SQ FT
 260.0 SQ FT
 2891.8 SQ FT
 833.0 SQ FT
 3724.8 SQ FT

Civil Engineer:
 GEORGE A. GONZALEZ JR.
 2805 JONES ROAD, SUITE E
 AUSTIN, TEXAS 78748
 P: (512) 853-2262
 F: (512) 853-2269

APPLICABLE CODES:
 1. INTERNATIONAL RESIDENTIAL CODE (IRC) (2009)
 2. NATIONAL ELECTRICAL CODE (NEC) (2009)
 3. SUBCHAPTER F-RESIDENTIAL CONSTRUCTION
 4. BUILDING ORDINANCE

SHEET NUMBER	DATE
COVER SHEET AND GENERAL SITE PLAN	1-29-13
EXISTING FLOOR PLAN	1-29-13
PROPOSED FLOOR PLAN	1-29-13
SECTION	1-29-13
REVISIONS	1-29-13
DATE	1-29-13



NOTES:
 1. This project shall be developed, constructed and maintained in conformance with the terms and conditions of the City of Austin, Sub-Chapter F-Residential Construction Standards Ordinance

REVISIONS AND CORRECTIONS

No.	DESCRIPTION	REVISION MADE BY	DATE	APPROVED BY

APPROVER: _____ DATE: _____

CITY OF AUSTIN SERVICES DEPARTMENT: _____

APPROVAL SLIP: _____

Professional Engineer Seal: GEORGE A. GONZALEZ JR., LICENSE NO. 18328, PROFESSIONAL ENGINEER, STATE OF TEXAS.

Version: 5/13/13, VERSION 6.10

Engineer: G/E

Project: RESIDENTIAL REMODELING PROJECT, 304 W. GRADY DRIVE, AUSTIN, TEXAS

Sheet: AL-13-47, CE 1 of 5