

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 # C15-2014-0049  
ROW # 11103998  
TAX ROLL # 0202100322

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: 2327 Santa Rita St. Austin, TX 78702

LEGAL DESCRIPTION: Subdivision - Industrial Add

Lot(s) 6 Block 1 Outlot 10 Division O

I/We James Ferguson on behalf of myself/ourselves as authorized agent for  
James Ferguson affirm that on February 14th, 2014

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

(check appropriate items below)

    ERECT     ATTACH     COMPLETE     REMODEL X MAINTAIN

A carport that currently sits within 5 feet of my property line, but not over the property

line, that has been standing since at least 1997. Also, has front

setback encroachment

in a SF - 3-NP (Holly) 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.



## SPECIAL EXCEPTION INSPECTION



Address:	2327 Santa Rita
Permit Number:	2014-024798
Property Owner Requesting Special Exception:	Chip Ferguson

<b><u>Special Exception Requested:</u></b>  Front and side yard carport encroachment
<b>Date Structure was originally constructed:</b> dated with GIS to 1997

Date of Inspection:	03-19-2014
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
<b>X</b>	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. Substandard construction, complete roof structure removed and replaced without permits or inspections

§ 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 10 years, if the application for a special exception is submitted on or before June 6, 2016;
  - (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; Ord. 20130822-126.*

Legend

- Lot Lines
- Streets
- Building Footprints
- Named Creeks
- Lakes and Rivers
- Parks
- County



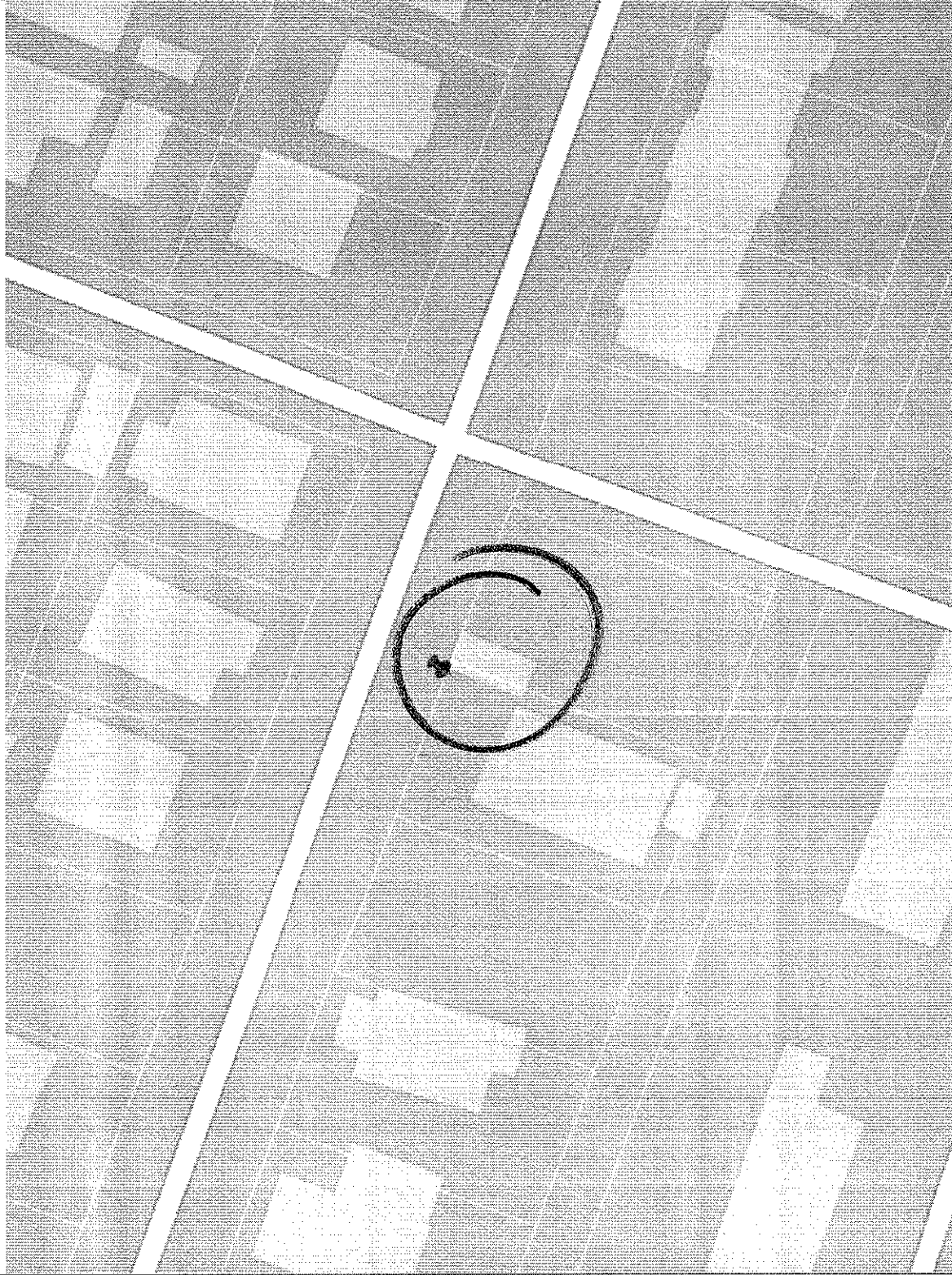
THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

CITY OF AUSTIN DEVELOPMENT WEB MAP

2003 Footprint

Legend

- Lot Lines
- Streets
- Building Footprints
- Named Creeks
- Lakes and Rivers
- Parks
- County



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# City of Austin

P.O. Box 1088, Austin, Texas 78767

## INVOICE

Invoice No.: 5946421

Invoice Date: 03/11/2014

### Payer Information

Company/Facility Name:

Invoice To: James R Ferguson  
3711 KANDY DR  
AUSTIN TX 78749

Phone No.: (614) 832-0225

Invoice Amount: (\$388.00)

### Additional Information

Department Name: Planning and Development Review

Invoice Issued By: Leane Heldenfels

### Invoice Details

FAO Codes	Fee Description	Internal Ref. No.	Address	Amount
1000 6800 9770 4120	BOA/SRB Fee	11103998	2327 SANTA RITA ST	(\$388.00)
<b>TOTAL:</b>				<b>(\$388.00)</b>



**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 carport covers only the footprint of the driveway, so in order for there to be any cover over the driveway, it must be within 5 feet of the property line.

**HARDSHIP:**

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:

**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:

It has been standing for at least 17 years, and does not encroach on the neighboring property. It qualifies for the Life Safety Permit.

**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 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 3711 Kandy Dr.

City, State & Zip Austin, TX 78749

Printed James Ferguson Phone (614) 832-0225 Date 2/14/14

**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 3711 Kandy Dr.

City, State & Zip Austin, TX 78749

Printed James Ferguson Phone (614) 832-0225 Date 2/14/14

232Fanatic@gmail.com

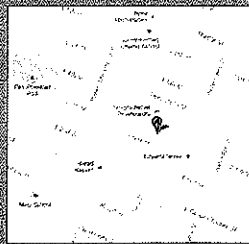


PREPARED BY:

# EXACTA

TEXAS SURVEYORS, INC.

www.exacta365.com  
P (281) 763-7766 - F (281) 763-7767  
7416 Canal Drive, Lake Worth, FL 33467



PROPERTY ADDRESS: 2327 SANTA RITA STREET AUSTIN, TEXAS 78705

SURVEY NUMBER: 1401.1742

FIELD WORK DATE: 1/31/2014

REVISION DATE(S): (REV.1 2/12/2014) (REV.1 1/29/2014)

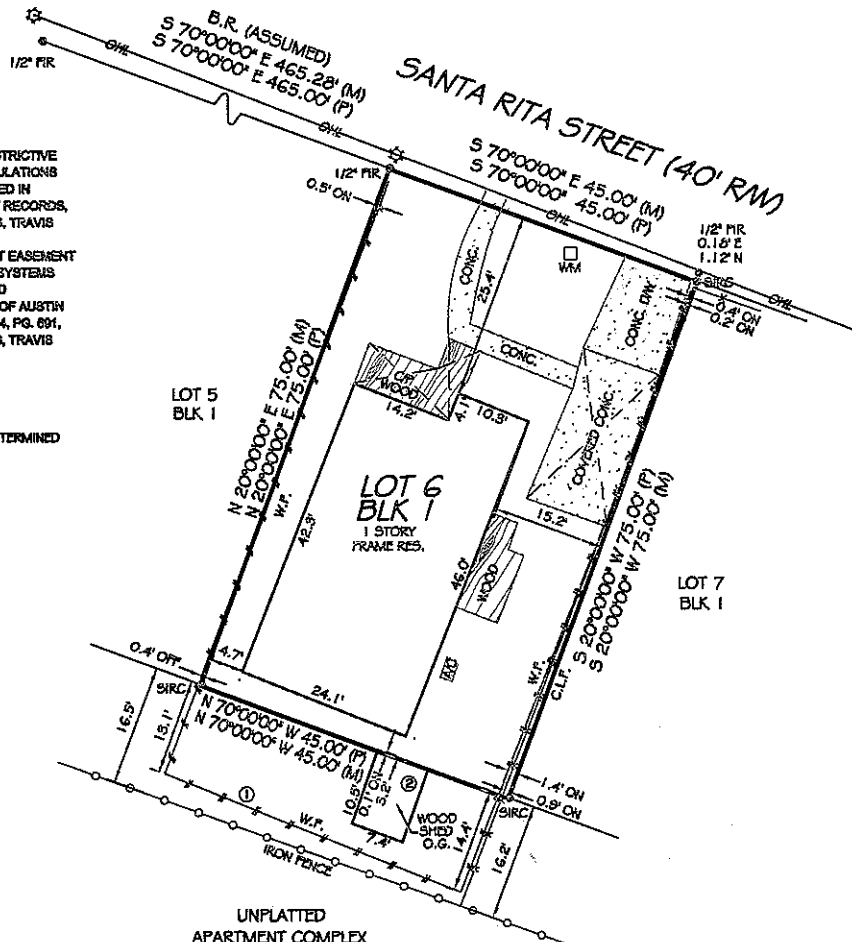
1401.1742  
BOUNDARY SURVEY  
TRAVIS COUNTY

**NOTES:**

- 1.) SUBJECT TO APPLICABLE RESTRICTIVE TERMS, CONDITIONS, STIPULATIONS AND COVENANTS RECORDED IN VOLUME 408, PG. 553, PLAT RECORDS, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS.
- 2.) LOT IS NOT SUBJECT TO THAT EASEMENT FOR ELECTRIC LINES AND SYSTEMS AND TELEPHONE LINES AND APPURTENANCES TO CITY OF AUSTIN RECORDED IN VOLUME 9864, PG. 691, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS.

**NOTES:**

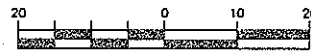
FENCE OWNERSHIP NOT DETERMINED



*Paul M. Valentine*

UNPLATTED  
APARTMENT COMPLEX

I HEREBY CERTIFY THAT: THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON THE 27TH AND 29TH DAYS OF JANUARY, 2014; ALL EASEMENTS AND RIGHTS-OF-WAY SHOWN ON THE PLAT AND SET FORTH WITHIN THE TITLE COMMITMENT ISSUED BY ALLIANT NATIONAL TITLE INSURANCE COMPANY, GP NO. ASO14056, EFFECTIVE JANUARY 14, 2014, ARE SHOWN OR NOTED HEREON; THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN HEREON; THE PROPERTY HAS ACCESS TO AND FROM A PUBLIC ROADWAY.



GRAPHIC SCALE (In Feet)  
1 inch = 20' ft.



Use of This Survey for Purposes other than intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor.  
Nothing hereon shall be construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

**FLOOD INFORMATION:**

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN THE CITY OF AUSTIN, COMMUNITY NUMBER 480624, DATED 09/26/08.

**POINTS OF INTEREST**

1. FENCE OFF PROPERTY.
2. WOOD SHED OOVER PROPERTY LINE

CLIENT NUMBER: ASO14056

DATE: 1/29/2014

BUYER: Jeremy Jones and Laura Jones

SELLER: JAMES FERGUSON AND GERALD FERGUSON

CERTIFIED TO: JEREMY JONES AND LAURA JONES; RELIANT TITLE;  
ALLIANT NATIONAL TITLE INSURANCE COMPANY



Your Exacta Contact

Laura Paredes Caffey Director of Sales  
Laura@Exacta365.com www.exacta365.com

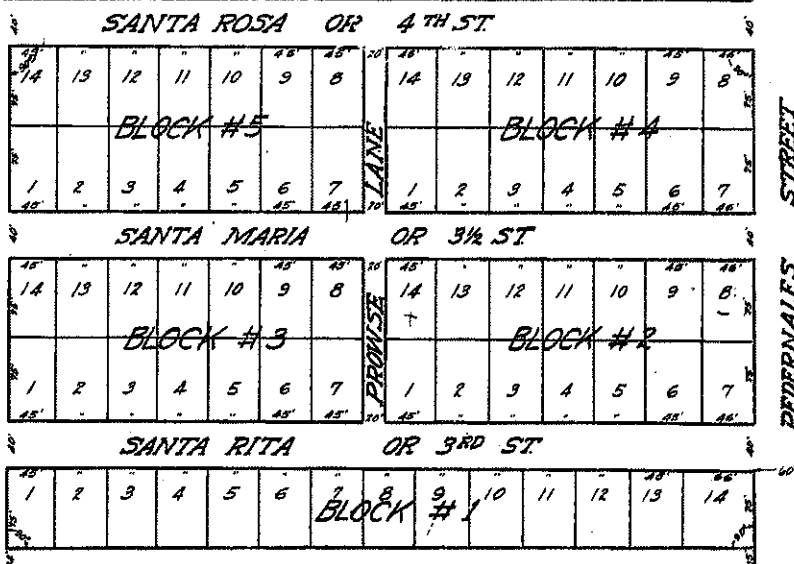
**EXACTA**  
TEXAS SURVEYORS, INC.

LOB 10193731

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P (281) 763-7766 - F (281) 763-7767  
7416 Canal Drive, Lake Worth, FL 33467

## INDUSTRIAL ADDITION

DR. N.F. PEASE

SUBDIVISION OF  
OUTLOT 10 DIVISION "O"SURVEYED NOV. 1927 BY  
BEN A. WEEB

Scale 1 inch = 100 feet

APPROVED FOR FILING AT  
AUSTIN, TEXAS.THIS 11 DAY OF JAN. 1928  
CITY PLAN DEPARTMENTBY W. K. Kuehse, Chair.J. M. Ramsey  
W. C. Haggard, Secy.

State of Texas#

County of Travis# I, N.F. Pease, of the State and County Aforesaid, do hereby acknowledge this to be a true and correct Plat of the Subdivision made by me of Outlot Number 10 in Division O, of the City of Austin, and plated as Industrial Addition, to the City of Austin, Travis County, Texas, and I do hereby dedicate for the use of the public all the streets and alleys shown thereon.

N.F. Pease.

State of Texas#

County of Travis# Before me, Joe O. Prowse, a notary public in and for Travis County, Texas, on this day personally appeared N.F. Pease, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office, this 10th day of January, A.D. 1928.

(Notary Seal)

Joe O. Prowse, Notary Public,

Notes: All front corners of said lots are marked by iron stakes, Scale 1 inch=100 feet

Filed Jan. 12, 1928 at 9 A.M.

Recorded Jan. 12, 1928 at 1 P.M.

STATE OF TEXAS

#

COUNTY OF TRAVIS.

#

KNOW ALL MEN BY THESE PRESENTS: That we, Albert S. Burleson and wife, Adele S. Burleson, Eugene Steiner, Fred K. Fisher and wife, Adele Fisher, of Travis County, Texas, in consideration of \$10.00 to us in hand paid by J.R. Reed, of Travis County, Texas, receipt of which is hereby acknowledged, have SOLD, GRANTED AND CONVEYED and by these presents do SELL, GRANT AND CONVEY unto the said J.R. Reed all of our right, title and interest in and to all of that certain lot, tract, piece or parcel of land lying and being in Travis County, Texas, and more particularly described as follows:

The North 3 feet of Lot No. 1 and the South 21 feet of Lot No. 2, Block No. 97, in the City of Austin, Travis County, Texas, according to the map or plat of the City of Austin, Travis County, Texas, on file in the General Land Office of the State of Texas, and being the property and premises known as 805 Congress Avenue, Austin, Travis County, Texas, together with all improvements located thereon, and being the property located on the East side of Congress Avenue, in Austin, Travis County, Texas, now occupied by the J. R. Reed Music Company, said property being approximately 25 feet wide and 160 feet deep, more or less. TO HAVE AND TO HOLD the above described property and premises, together with all and singular the rights and appurtenances to the same in anywise belonging unto the said J.R. Reed, his heirs and assigns forever, so that neither we or either of us or any one claiming by, through or under us shall hereafter have any right, title or interest in and to the above described property and premises, it being our intention to release and quitclaim unto J. R. Reed, all right, title and interest that we have in and to the above described property and premises.

Witness our hands, this the 7th day of November, A.D. 1927.

A. S. Burleson

Adele S. Burleson

Adele S. Fisher

Eugene Steiner.

Fred K. Fisher.

STATE OF TEXAS

#

COUNTY OF TRAVIS.

#

BEFORE ME, the undersigned authority, on this day personally appeared Albert S. Burleson, known to me to be the person whose name is subscribed to the above and foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed; and also before me, on this day personally appeared Adele S. Burleson, wife of Albert S. Burleson, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined privily and apart from her husband, and having the same fully explained to her, she, the said Adele S. Burleson, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this 25th day of November, A.D. 1927.

( Notary Seal )

L. A. Robbins

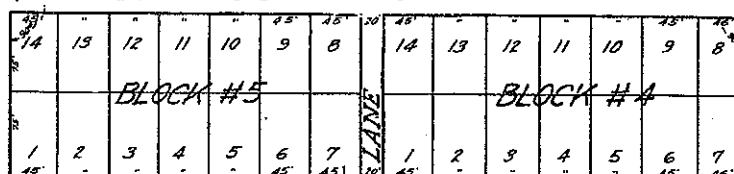
Notary Public, Travis County, Texas.

## INDUSTRIAL ADDITION

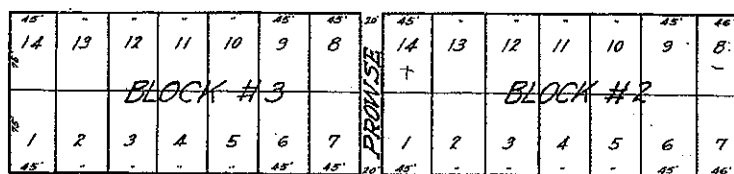
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SUBDIVISION OF  
OUTLOT 10 DIVISION "O"SURVEYED NOV. 1927 BY  
BEN A. WEED

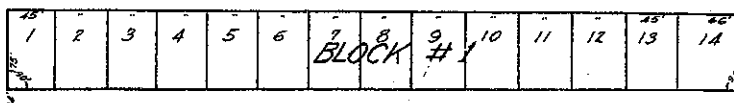
SANTA ROSA OR 4TH ST.



SANTA MARIA OR 3 1/2 ST.



SANTA RITA OR 3RD ST.



Scale 1 inch = 100 feet

APPROVED FOR FILING AT  
AUSTIN, TEXAS.THIS 11 DAY OF JAN. 1928  
CITY PLAN DEPARTMENTBY W. T. Kuehn, Comm.J. H. RamseyW. W. Stacy

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N.F. Pease.

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(Notary Seal)

Joe O. Prowse, Notary Public,

Notes: All front corners of said lots are marked  
by iron stakes, Scale 1 inch=100 feet

Filed Jan. 12, 1928 at 9 A.M.

Recorded Jan. 12, 1928 at 1 P.M.

STATE OF TEXAS

#

COUNTY OF TRAVIS.

#

557

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Witness our hands, this the 7th day of November, A.D. 1927.

A. S. Burleson

Adele S. Burleson

Adele S. Fisher

Eugene Steiner.

Fred K. Fisher.

STATE OF TEXAS

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( Notary Seal )

L. A. Robbins

Notary Public, Travis County, Texas.

PREPARED BY:

# EXACTA

TEXAS SURVEYORS, INC.

www.exacta365.com  
P (281) 763-7766 - F (281) 763-7767  
7416 Canal Drive, Lake Worth, FL 33467



PROPERTY ADDRESS: 2327 SANTA RITA STREET AUSTIN, TEXAS 78705

SURVEY NUMBER: 1401.1742

FIELD WORK DATE: 1/31/2014

REVISION DATE(S): (REV.1 2/12/2014) (REV.1 1/29/2014)

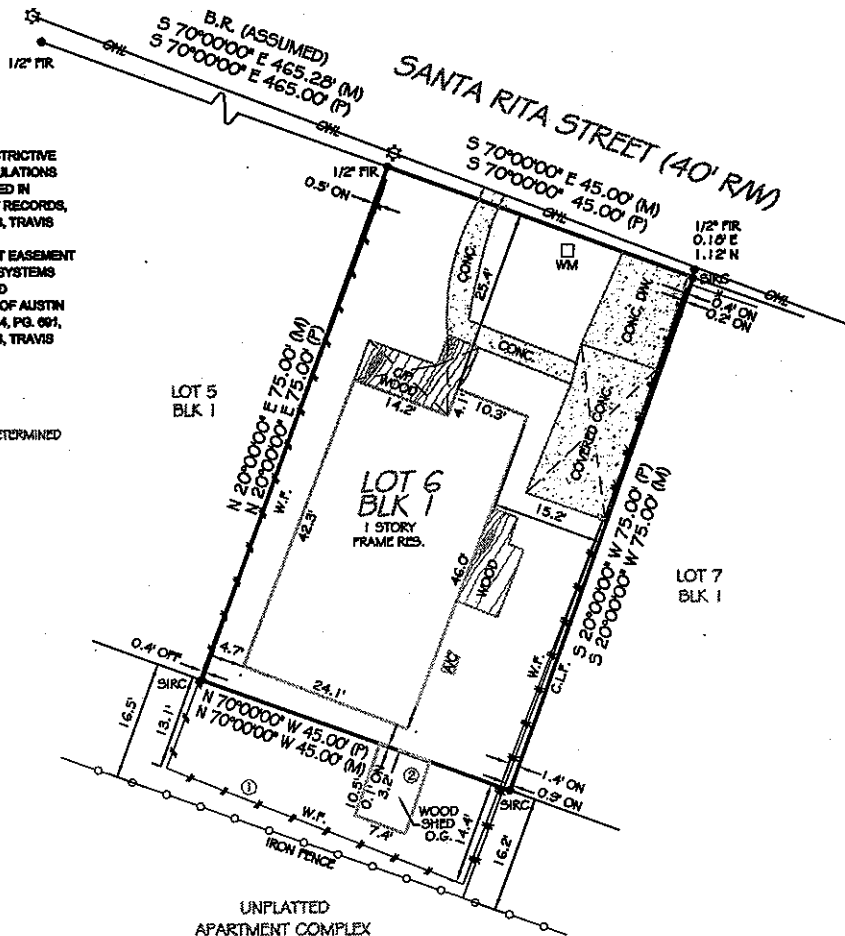
1401.1742  
BOUNDARY SURVEY  
TRAVIS COUNTY

**NOTES:**

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**NOTES:**

FENCE OWNERSHIP NOT DETERMINED



*Paul M. Valentine*

I HEREBY CERTIFY THAT: THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON THE 27TH AND 28TH DAYS OF JANUARY, 2014; ALL EASEMENTS AND RIGHTS-OF-WAY SHOWN ON THE PLAT AND SET FORTH WITHIN THE TITLE COMMITMENT ISSUED BY ALLIANT NATIONAL TITLE INSURANCE COMPANY, GF NO. ASO14056, EFFECTIVE JANUARY 14, 2014, ARE SHOWN OR NOTED HEREON; THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN HEREON; THE PROPERTY HAS ACCESS TO AND FROM A PUBLIC ROADWAY.

GRAPHIC SCALE (In Feet)  
1 inch = 20' ft.



Use of This Survey for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor.  
Nothing hereon shall be Construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

**FLOOD INFORMATION:**

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN THE CITY OF AUSTIN, COMMUNITY NUMBER 480624, DATED 09/26/08.

**POINTS OF INTEREST**

1. FENCE OFF PROPERTY.
2. WOOD SHED OVER PROPERTY LINE

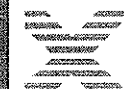
CLIENT NUMBER: ASO14056

DATE: 1/29/2014

BUYER: Jeremy Jones and Laura Jones

SELLER: JAMES FERGUSON AND GERALD FERGUSON

CERTIFIED TO: JEREMY JONES AND LAURA JONES; RELIANT TITLE;  
ALLIANT NATIONAL TITLE INSURANCE COMPANY



Your Exakta Contact

Laura Paredes Caffey, Director of Sales  
Laura@Exacta365.com www.exacta365.com

**EXACTA**  
TEXAS SURVEYORS, INC.

LB# 10193731

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P (281) 763-7766 - F (281) 763-7767  
7416 Canal Drive, Lake Worth, FL 33467





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SF-3-NP

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SF-3-NP

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SF-3-NP

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2403

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2338

MF-5-NP

1997 aerial





# City of Austin BUILDING PERMIT

**PERMIT NO:** 2014-017256-BP

2327 SANTA RITA ST

Type: RESIDENTIAL Status: Active

Issue Date: 02/21/2014

**EXPIRY DATE: 08/20/2014**

LEGAL DESCRIPTION Lot: 6 Block: 1 Subdivision: INDUSTRIAL ADDITION				SITE APPROVAL		ZONING SF-3-NP	
PROPOSED OCCUPANCY:		WORK PERMITTED: Remodel		ISSUED BY: Marcela Perez			
Replace roofing on existing carport. No other changes authorized under this permit. <b>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</b>							
TOTAL SQFT	VALUATION	TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS	# OF PKG SPACES
Remodel: 0	Tot Val Rem: \$500.00 Tot Job Val: \$.00		435		1	1	
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS	METER SIZE		
				0	N/A		

<b>Contact</b>	<b>Phone</b>	<b>Contact</b>	<b>Phone</b>
Applicant, James R Ferguson	(614) 832-0225	Owner, ALCALA JOHN ESTATE	() -
Billed To, James R Ferguson	(614) 832-0225	Homeowner, James R Ferguson	(614) 832-0225
General Contractor, George Tyson, TNT Enterprises	(512) 801-5212		

<b>Fee Desc</b>	<b>Amount</b>	<b>Date</b>	<b>Fee Desc</b>	<b>Amount</b>	<b>Date</b>	<b>Fee Desc</b>	<b>Amount</b>	<b>Date</b>
Building Permit Fee	36.00	2/21/2014	Development Services Surchar	1.64	2/21/2014	Residential Express Review	5.00	2/21/2014
<b>Fees Total:</b>	<b>42.64</b>							

## Inspection Requirements

Building 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

**Permits/Approved plans must be posted on Jobsite. A layout inspection/Pre-con must be made prior to beginning construction.**

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.