

Special  
Exception

CASE # C15-2014-0091  
ROW# 11158722  
TAX  
ROLL # 0141030320

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

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

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

STREET ADDRESS: 7631 Rockpoint Dr

LEGAL DESCRIPTION: Subdivision -- Northwest Hills, Northwest Oaks III

Lot(s) 8 Block D Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Elena Espinel / Robert Bessett on behalf of myself/ourselves as authorized agent for

Elena Espinel / Robert Bessett affirm that on May 19th, 2014,

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

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☒ MAINTAIN

SPECIAL EXCEPTION for existing structures in  
rear setback (10' per zoning)

in a SF-3 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):

**SPECIAL EXCEPTION**

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

SPECIAL EXCEPTION

---

**HARDSHIP:**

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

Special exception

---

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

Special exception

---

**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:

Special exception

---

**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:

§ 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.*

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:

\_\_\_\_\_

\_\_\_\_\_

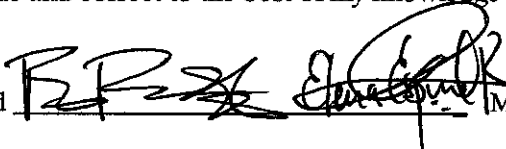
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

\_\_\_\_\_

\_\_\_\_\_

**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 elenayrob@yahoo.com

City, State & Zip Austin, TX 78731

Printed Elena Espinel / Robert Bessett Phone 512-203-8610 Date 05/19/2014

**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 elenayrob@yahoo.com

City, State & Zip Austin, TX 78731

Printed Elena Espinel / Robert Bessett Phone 512-203-8610 Date 05/19/2014



## SPECIAL EXCEPTION INSPECTION



<b>Address:</b>	7631 Rockpoint Dr.
<b>Permit Number:</b>	2014-057261
<b>Property Owner Requesting Special Exception:</b>	Elena V Espinel

### Special Exception Requested:

Pool deck encroachment 7 feet from rear property line instead of 10'

**Date Structure was originally constructed:** shown to be preexisting on PR 2004-002256 dated March 15" 2004

<b>Date of Inspection:</b>	June 10, 2014
<b>Building Official or designated representative</b>	Tony Hernandez
<b>X</b>	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.



SUBJECT TRACT

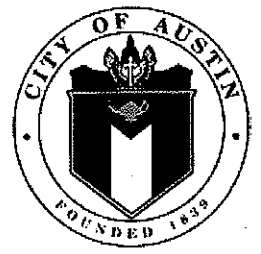


PENDING CASE



ZONING BOUNDARY

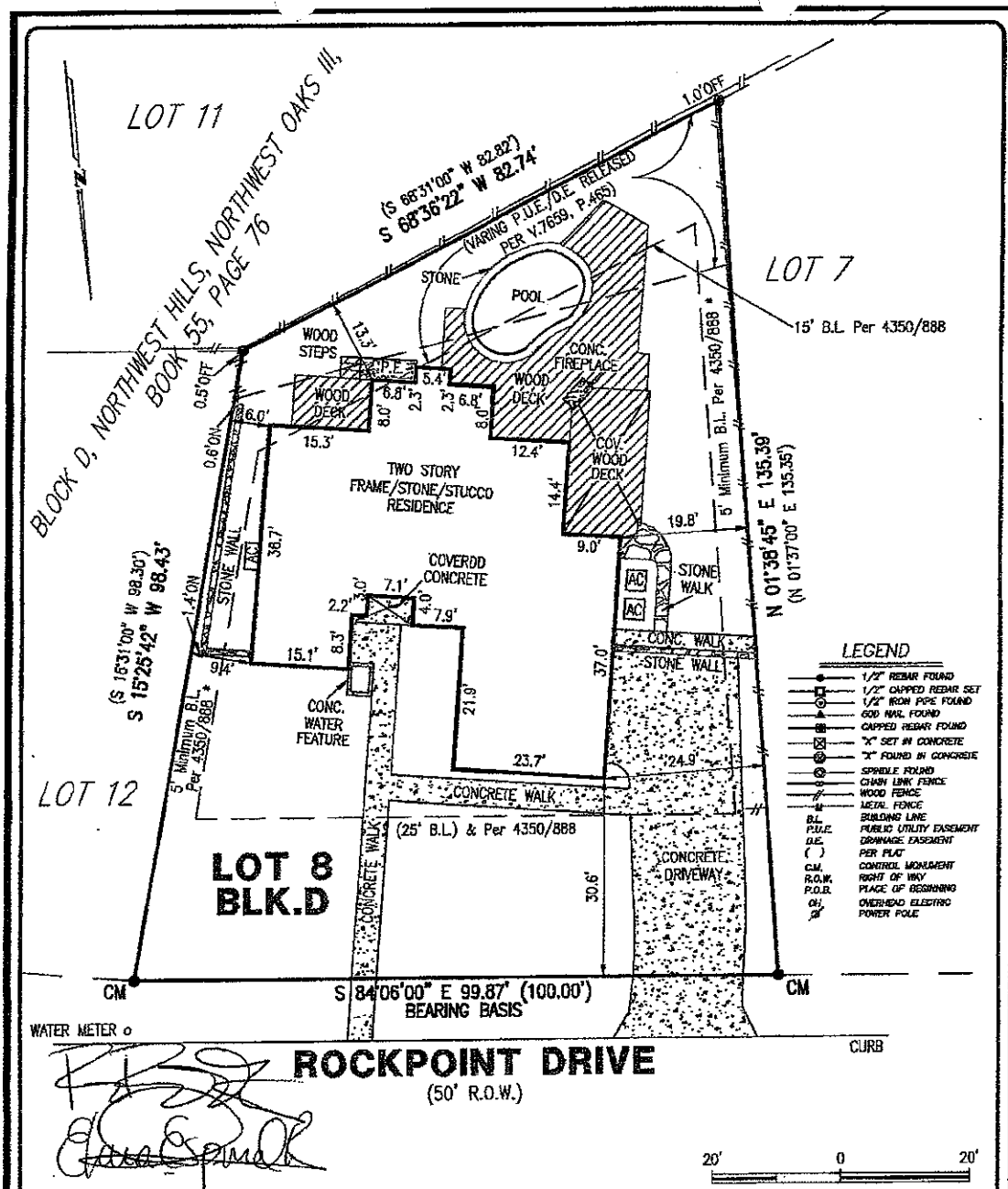
CASE#: C15-2014-0091  
Address: 7631 ROCKPOINT DRIVE



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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 200'



G.F. #: 1304881-ARB

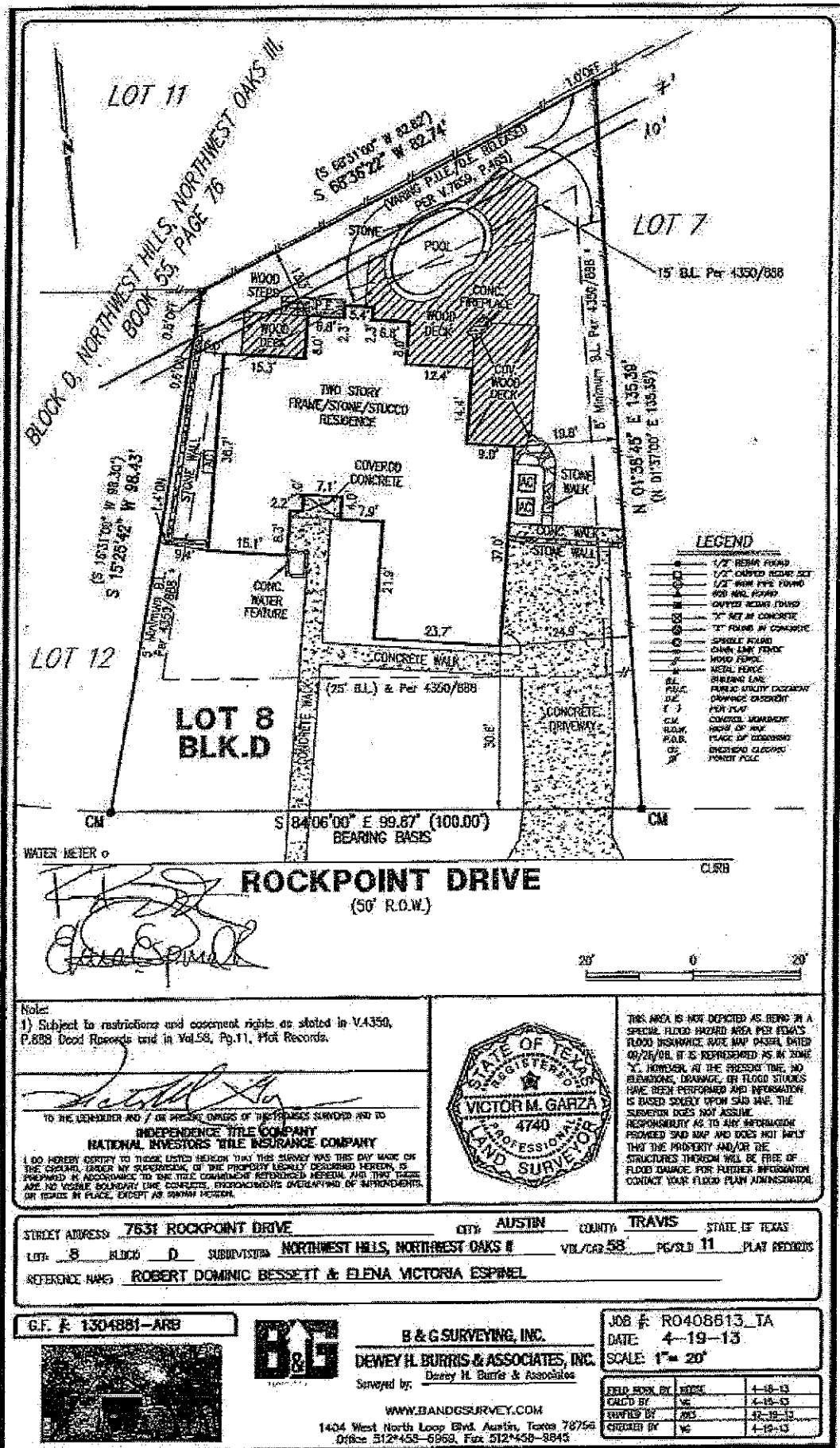


**B & G SURVEYING, INC.**  
**DEWEY H. BURRIS & ASSOCIATES, INC.**  
Surveyed by: **Dewey H. Burris & Associates**

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

JOB #: R0408613\_TA  
DATE: 4-19-13  
SCALE: 1" = 20'

FIELD WORK BY	KEPSE	4-18-13
CALCD BY	VG	4-19-13
DRAFTED BY	AKS	4-19-13
CHECKED BY	VG	4-19-13





# CITY OF AUSTIN DEVELOPMENT WEB MAP

2003 Aerial



## 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

P.O. Box 1088, Austin, Texas 78767

## INVOICE

Invoice No.: 5988775

Invoice Date: 06/03/2014

### Payer Information

Company/Facility Name:

Invoice To: Elena Espinel  
7631 ROCKPOINT DR  
AUSTIN TX

Phone No.: (512) 201-3861 0

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	11158722	7631 ROCKPOINT DR	(\$388.00)
<b>TOTAL:</b>				<b>(\$388.00)</b>