

Special Exception

CASE# C15-2014-0094  
ROW# 11158827  
TAX# 0133070403

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: 4503 Small Drive, Austin, TX

LEGAL DESCRIPTION: Subdivision - Lot 2 Blk A Northwest Hills Sec 1

Lot(s)            Block            Outlot            Division           

I/We Peter Squier on behalf of myself/ourselves as authorized agent for

Richard A. and Debra D. Mincher affirm that on May 26, 2014,

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

(check appropriate items below and state what portion of the Zoning Code you are seeking  
a variance from)

       ERECT        ATTACH        COMPLETE        REMODEL   X   MAINTAIN

Special Exception - Desire rear setback variance for portion of 20+ year decking,  
gazebo and screening around pool for portion inside of 10 feet of the rear line.

in a SF-2 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:

---

Special Exception – desire rear setback variance for portion of existing deck inside of 10 feet.

---

**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:
- 
-

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:

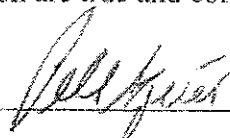
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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

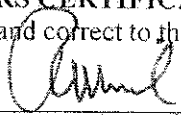


Mail Address, City, State & Zip 7102 West Rim Drive, Austin, TX, 78731-2025

Printed Peter Squier Phone 512-413-3100 Date May 26, 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, City, State & Zip 4503 Small Drive, Austin, TX, 78731

Printed Richard Mincher Phone 512-970-5300 Date May 26, 2014

§ 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:

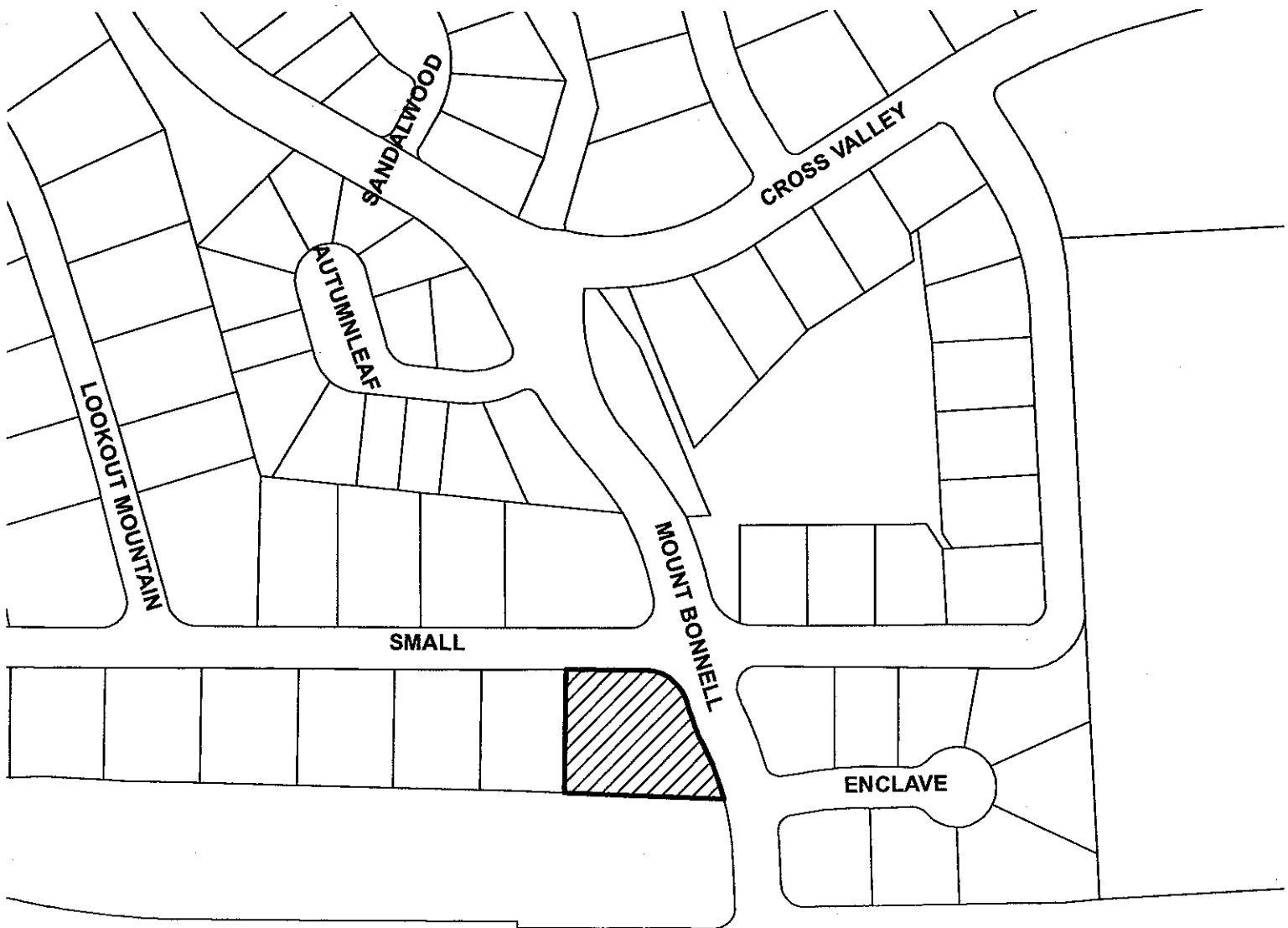
- (1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;
- (2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and
- (3) the Board finds that:
  - (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:

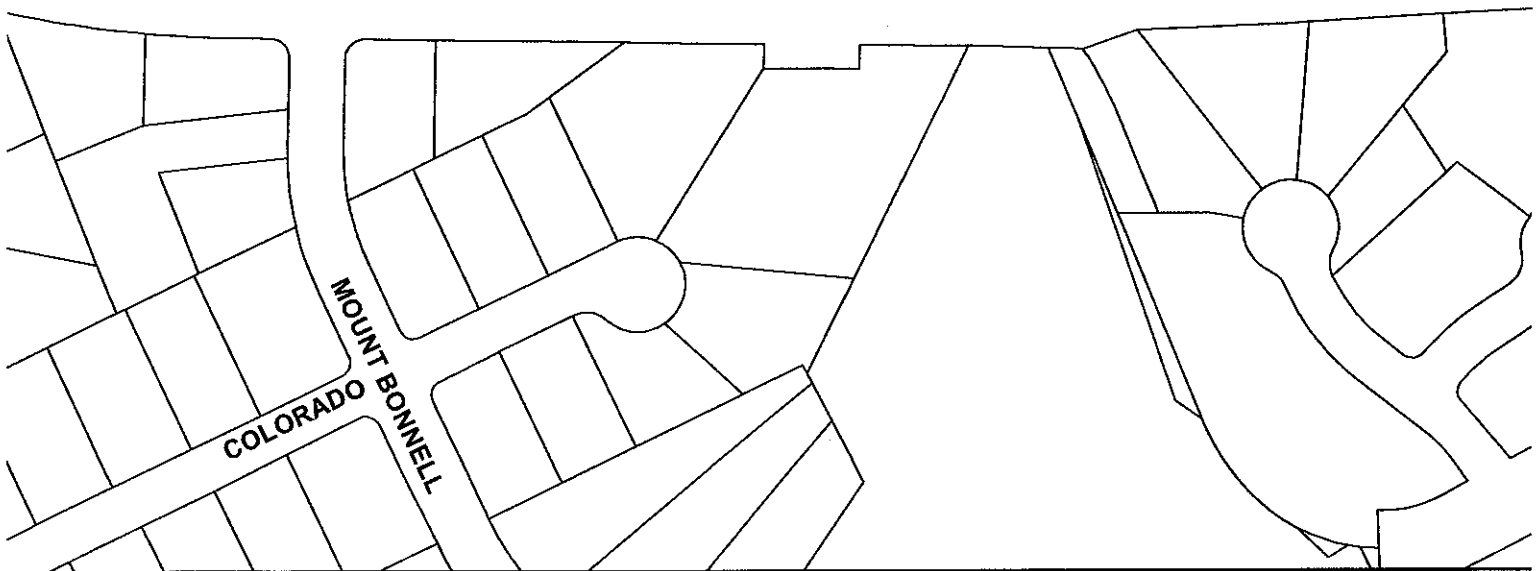
- (1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;
- (2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and
- (3) may not authorize 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.*

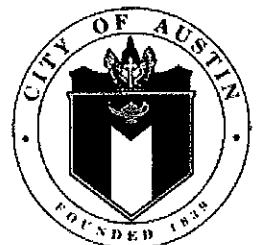


2222



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0094  
Address: 4503 SMALL DRIVE



1" = 200'

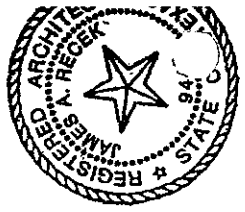
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.

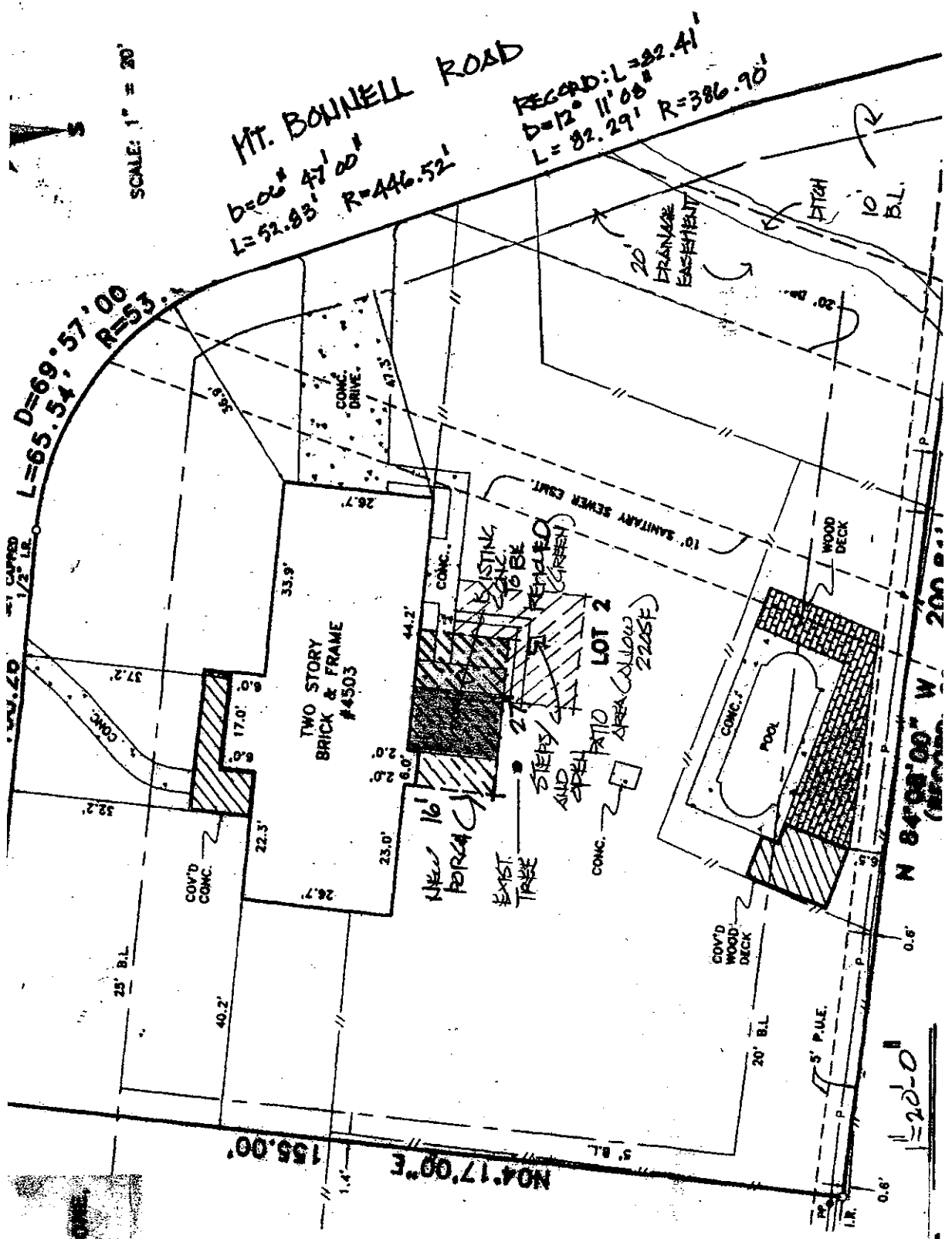
KEY OF  
BLOCK "A"  
1/2 SECTION ONE  
1/2, 1/2, 1/2, 1/2  
UNITS, TEXAS

ALL DIMENSIONS & CONDITIONS SHOWN  
ON THIS ARCHITECT SHALL BE  
DISCREPANCIES OR ERRORS PRIOR TO  
DO NOT SCALE DRAWING

A PROJECT FOR:



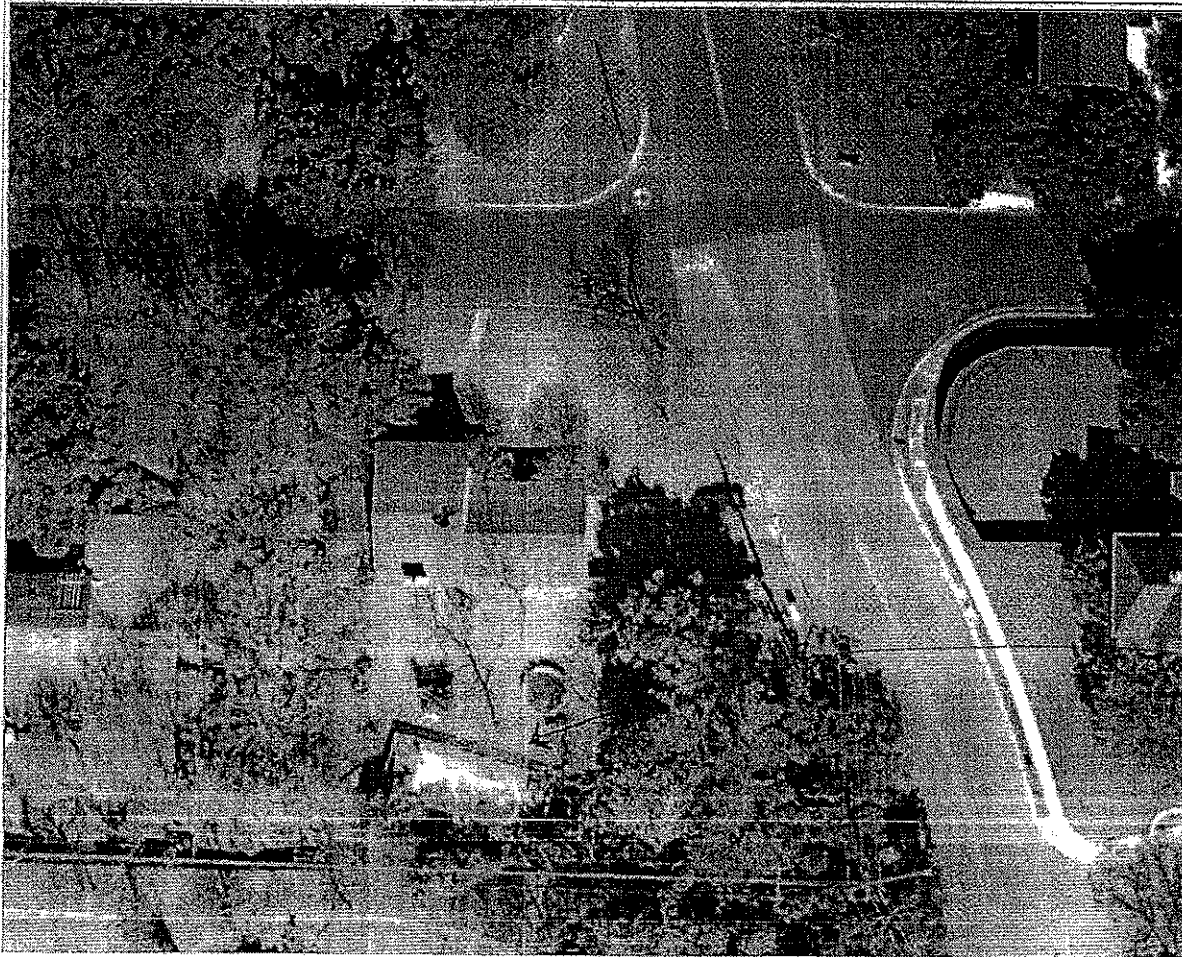
Job:	Date:	Rev:	Rev:






PLAN

# CITY OF AUSTIN DEVELOPMENT WEB MAP

2003 Aerial



## Legend

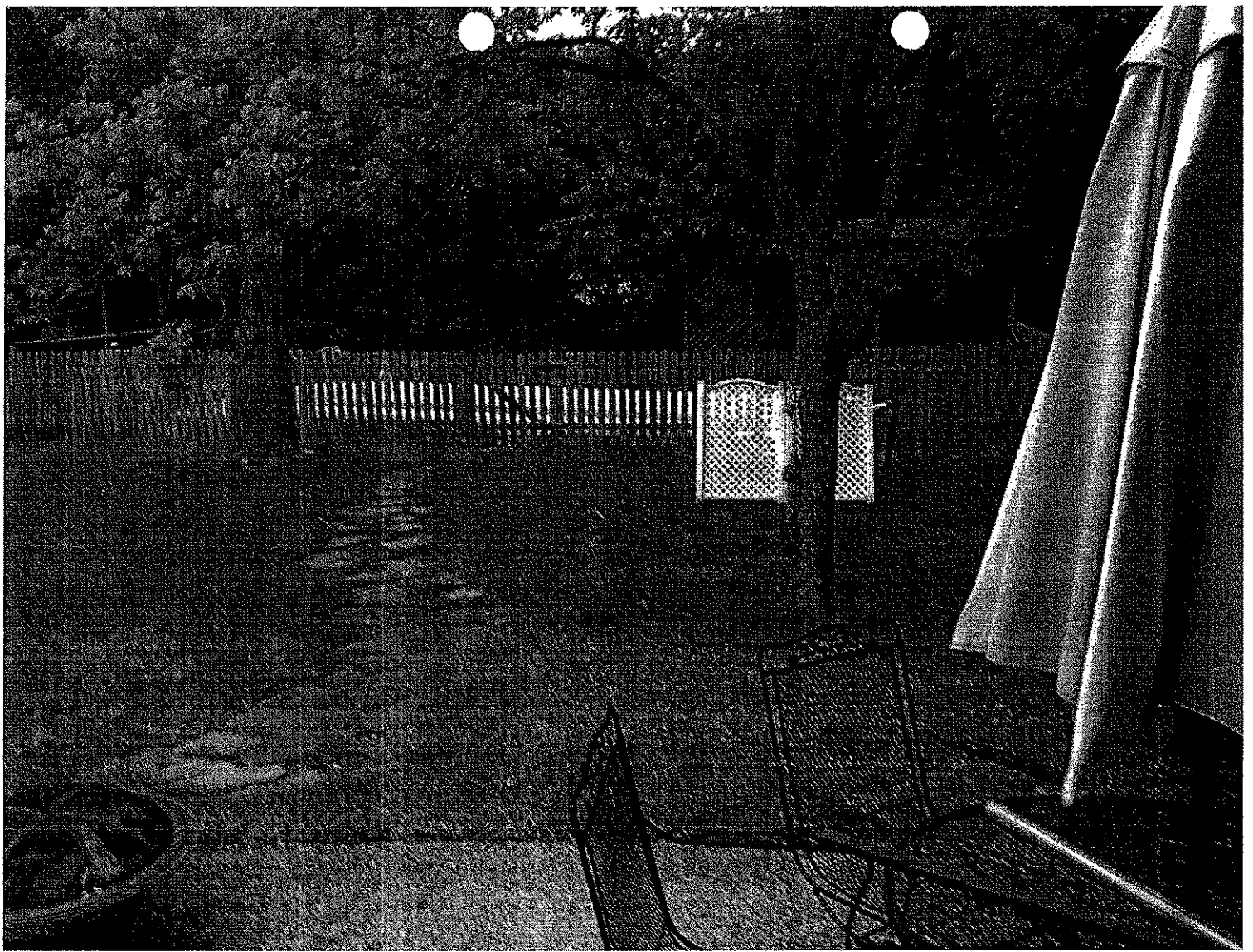
-  Lot Lines
-  Streets
-  Building Footprints
-  Named Creeks
-  Lakes and Rivers
-  Parks
-  County

EXISTING  
STRUCTURE  
FOR OVER  
23 YEARS  
SINCE HOUSE  
WAS BOUGHT

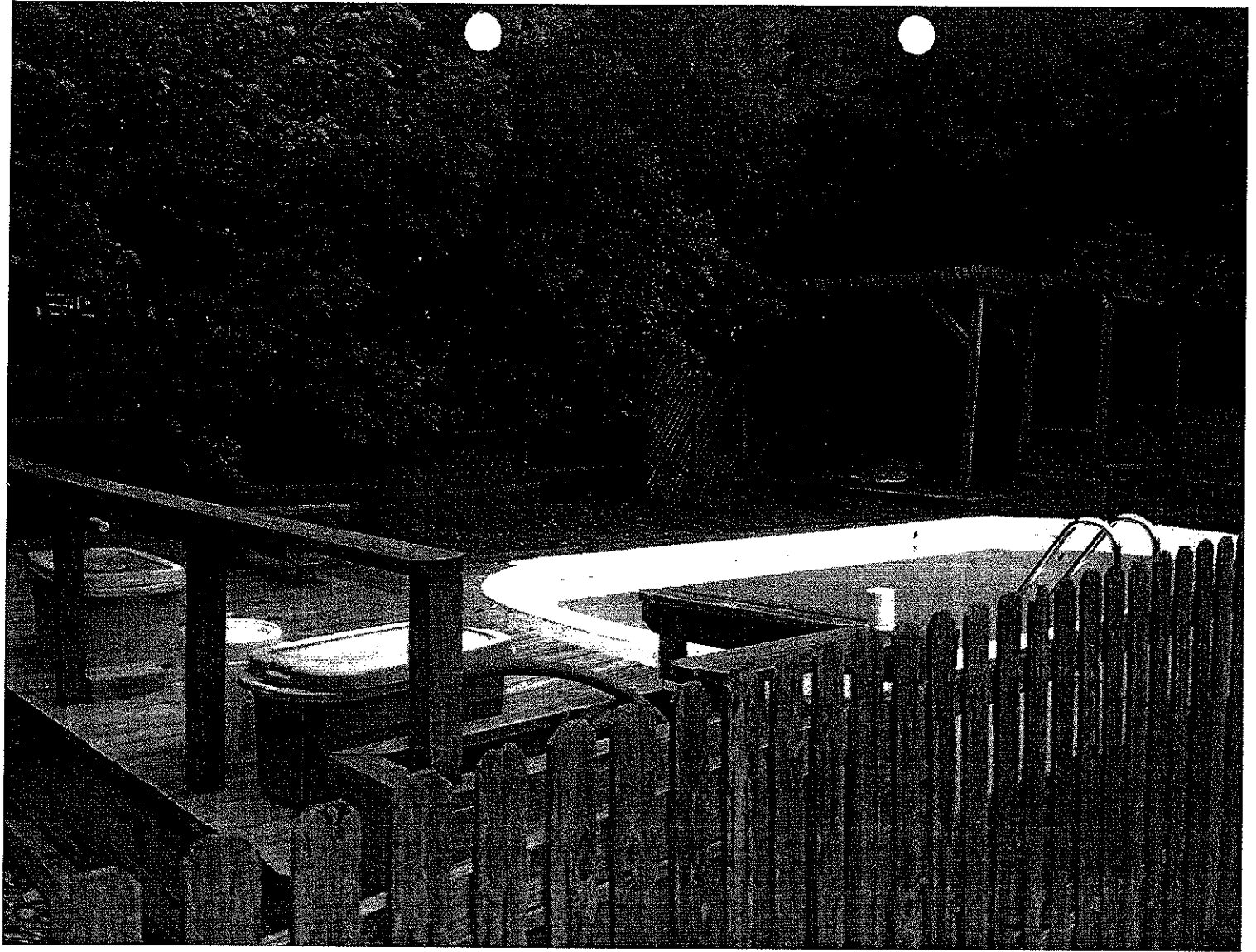
THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE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







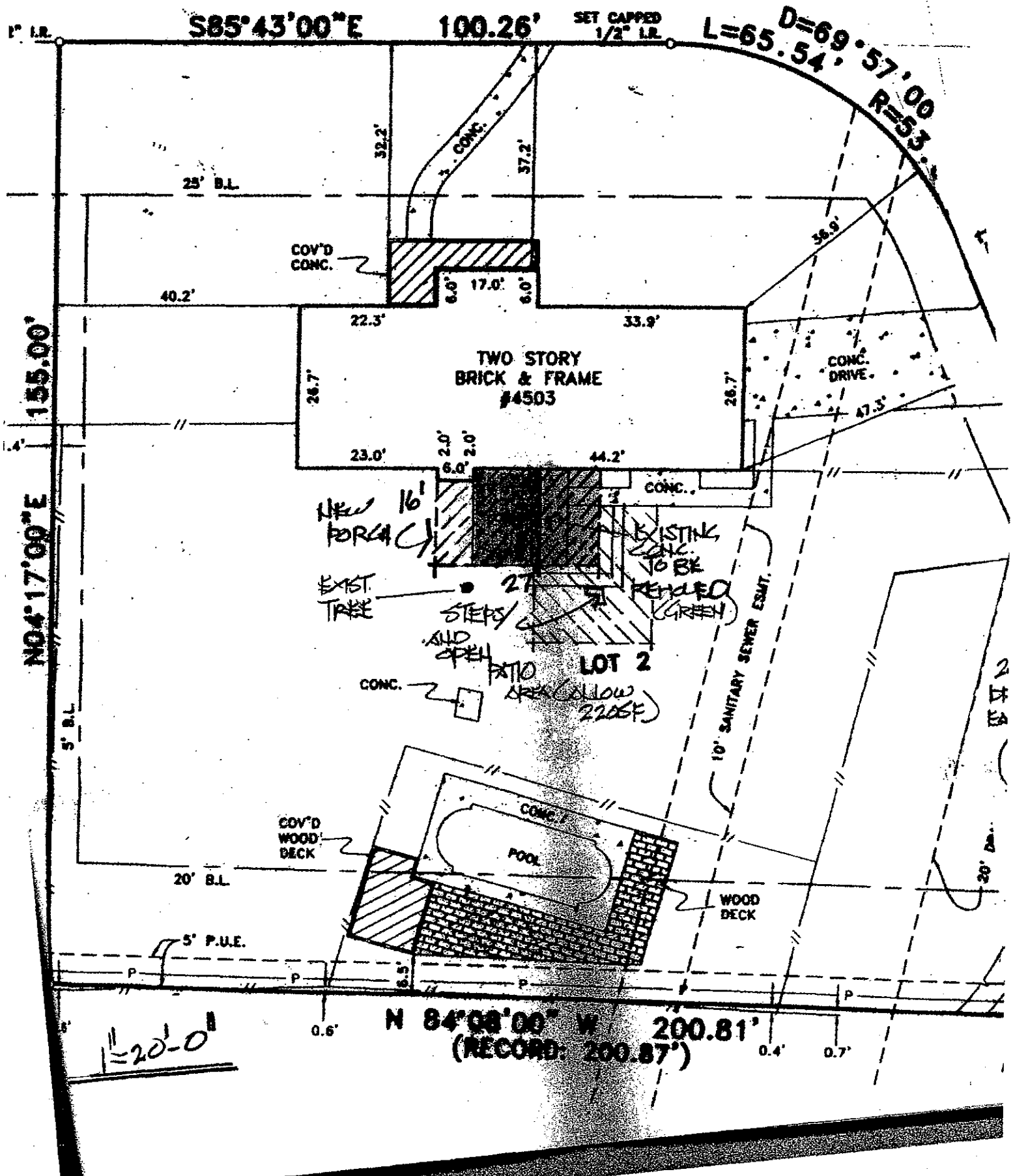




Rick and Debbie Mincher residence, 4503 Small Drive, Austin, TX 78731



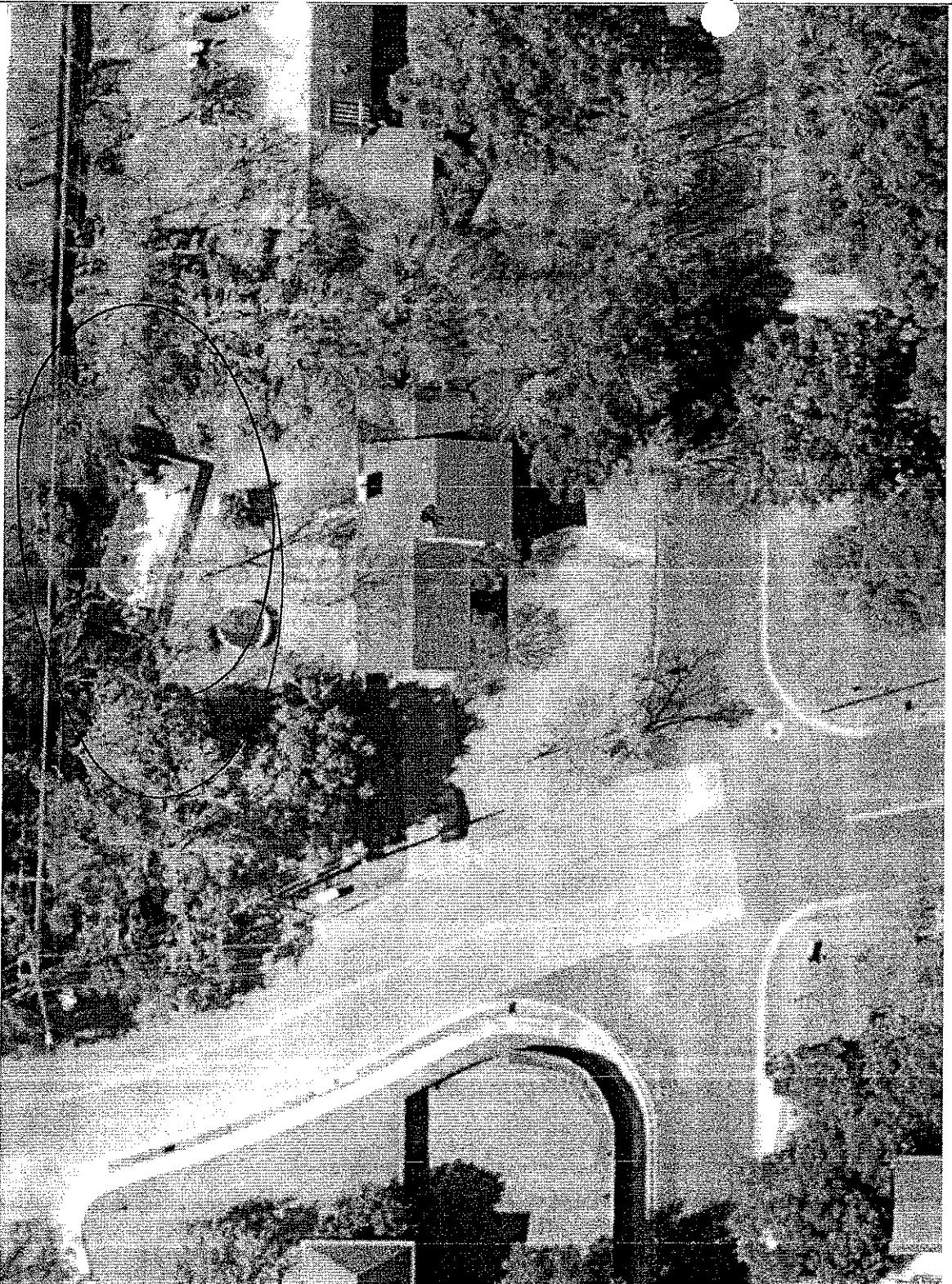
(50' R.O.W.)





# CITY OF AUSTIN DEVELOPMENT WEB MAP

1997 April



## Legend

Lot Lines

Streets

Building Footprints

Named Creeks

Lakes and Rivers

Parks

County

Neighborhood Plan Status

Non-neighborhood Plan

Future Planning Areas

Suspended (4)

Planning Underway/A

Plan Approved (n=50)

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.: 5988891

Invoice Date: 06/03/2014

### Payer Information

Company/Facility Name: WEST CAMPUS COTTAGES INC.

Invoice To: Peter Squier  
7102 WEST RIM DR  
AUSTIN TX 78731

Phone No.: (512) 413-3100

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	11158827	4503 SMALL DR	(\$388.00)

**TOTAL:** (\$388.00)

## Heldenfels, Leane

---

**From:** Peter Squier ~~psquier@sbcglobal.net~~  
**Sent:** Tuesday, June 03, 2014 8:39 PM  
**To:** Heldenfels, Leane  
**Subject:** RE: 4503 Small Drive

Hi Leane,

The owners are planning to take out a permit for an outdoor backyard kitchen near the back door patio. You can see the sketch on the survey. They had the survey done to submit with the permit and the contractor noted the 20' rear setback violation on the existing pool deck. None of it violates the 5' PUE but it does violate the normal 10' setback. They are not planning at this time to update the deck, but it will need it in a few years.

Please let me know if you need anything else.

Thanks for your help!

Peter Squier  
413-3100 cell

---

**From:** Heldenfels, Leane [<mailto:Leane.Heldenfels@austintexas.gov>]  
**Sent:** Tuesday, June 03, 2014 5:06 PM  
**To:** [psquier@sbcglobal.net](mailto:psquier@sbcglobal.net)  
**Subject:** 4503 Small Drive

I am inputting my July cases into our Amanda software and couldn't remember why you were/are needing the Special Exception for the pool/deck/gazebo? Are you making an addition/rebuilding that area where the encroachment occurs, or is this in anticipation of wanting to rebuild? The Special Exception is only good as long as structure remains as is, expansion or reconstruction would require a full variance. Or was there remodel permits you were wanting to take out for the home – sorry, I just can't recall what led you to need this variance –

Thanks for reminding me.....

Leane