

Special Exception

Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. If your request is for a reduction in setbacks or height limits, then you must receive approval from Austin Energy by contacting Eben Kellogg at (512)322-6587 or email eben.kellogg@austinenergy.com.

Please be advised that the Board only takes 16 new cases a month, therefore, first come, first served. Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 512-974-2580.

If you need assistance completing this application (general inquiries only) please contact Leane Heldenfels (lane.heldenfels@austintexas.gov), (512) 974-2202; 505 Barton Springs Road, 1st Floor, Development Assistance Center (One Texas Center).

CASE# C15-2014-0073 Postponed
and Amended
6/13/14
ROW# 11146913 11170834
Tax Roll 0100031609

~~#0100031609~~

**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: 900 Jewell St, Austin 78704

Legal description: The South eighty(80) feet of Lot 1, Block A, Capital Heights a subdivision
in the City of Austin, Texas of record
in Plat Book 2, Page 224 of the Travis County, Texas Plat Records.

LEGAL DESCRIPTION: Subdivision – _____ Lot(s)_Block_ Outlot
Division ____ I/We _____ on behalf of myself/ourselves as authorized agent for
affirm that on April 30 2014, we _____, hereby apply for a hearing before
the Board of Adjustment for consideration to:

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.

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

ERECT x ATTACH COMPLETE REMODEL x
MAINTAIN

Variances from Section 25-2-492(D)- Site Development Regulations:

- 1. Variance from 5750s.f. lot requirement to 3707s.f.(existing) 19.9'
- 2. Front setback variance from 25' to retain existing setback of 19'9" and avoid disturbance of large oak tree.
- 3. West setback variance from 5' to retain existing setback of 4'4" and extend this wall another 6'.
- 4. East setback variance on side street(Bouldin Ave) from 15' to retain existing setback of 9'8" and extend this wall another 6'.
- 5. Rear setback variance to retain existing 7'X10' shed at rear of property.

in a SF3NP
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: 1.) The Legal Lot constitutes only 3707 s.f. and thus should qualify for small lot exemption 2.) The small lot exemption is currently operational within 300' of the property at 1505 Bouldin and directly behind on S. 3rd St.(granted in 2004). The setback variances we seek are in accord with the majority of surrounding properties where most structures also encroach on setbacks, some to a greater extent. 3.) The existing

Special Exception

shed at the rear of the property would be an asset to retain and is in accord with several other surrounding properties. It is an attractive structure and has been in existence for a long time.

The neighbor to the west also has a shed in the rear of an identical small lot property.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that: The lot was created in the '40's and is currently subject to the same occupancy and taxing demands as the surrounding properties with large and small lots.

The low roof (about 6') at the rear of the house prevents use of the kitchen and spare room (both only 6 1/2' wide) as truly viable rooms. Thus, the 925 s.f. denomination of the property is misleading as not all those square feet are useful.

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(b) The hardship is not general to the area in which the property is located because: Most properties have been able to expand and still receive variances from current setback requirements.

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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:

The alterations are in proportion to the surrounding structures, being one story. Because of considerable plantings, the addition will hardly be visible from the side of the property. New siding and windows will be chosen to be compatible with what is already existing, so the front of the property will not noticeably change. Of course, the star of the property is the giant oak tree in front which will not be at all disturbed. If the house were demolished for a new structure, the oak tree would certainly be affected. As for adjacent conforming property--I cannot name one.

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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

Shirley Jones

Mail Address 3317 Perry Lane

City, State & Zip Austin TX 78731

Printed _____ Phone 512 689 6634 Date April 30, 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 3317 Perry Lane

City, State & Zip Austin, TX 78731

Printed _____ Phone 512 689 6634 Date April 30, 2014

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 L and 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.
- (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



SPECIAL EXCEPTION INSPECTION






Address:	900 Jewell St.
Permit Number:	2014-066527
Property Owner Requesting Special Exception:	Martha Daves

<p><u>Special Exception Requested:</u></p> <p>Encroachment of shed 1 foot from the rear property line</p>
<p>Date Structure was originally constructed: structure existed 1997 as per COA GIS</p>

Date of Inspection:	June 27, 2014
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
	<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.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0097
Address: 900 JEWELL STREET



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.

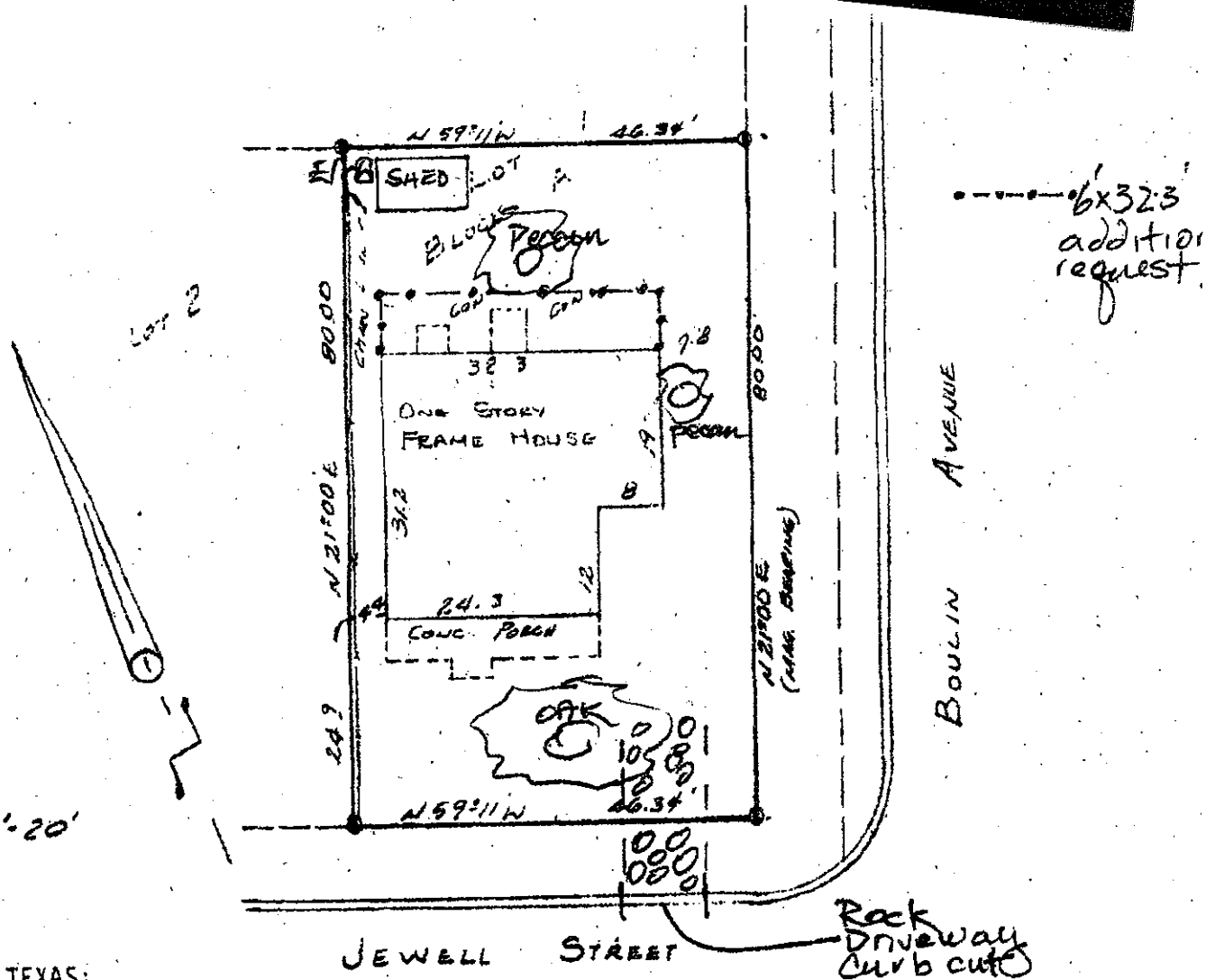
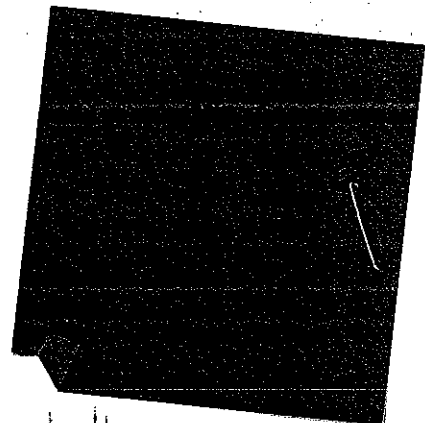
1" = 200'

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.

1000 - L. McNeil

Local Address: 900 Jewell Street Referen Baranovicht
Legal Description: The South eighty (80) feet of Lot 1, Block A, Capital Heights
a subdivision in the City of Austin, Texas of record in Plat Book 2
Page 224 of the Travis County, Texas Plat Records.

C.S. & Martha L. Davies
512-689-6634



SCALE: 1"=20'

STATE OF TEXAS;
COUNTY OF TRAVIS;

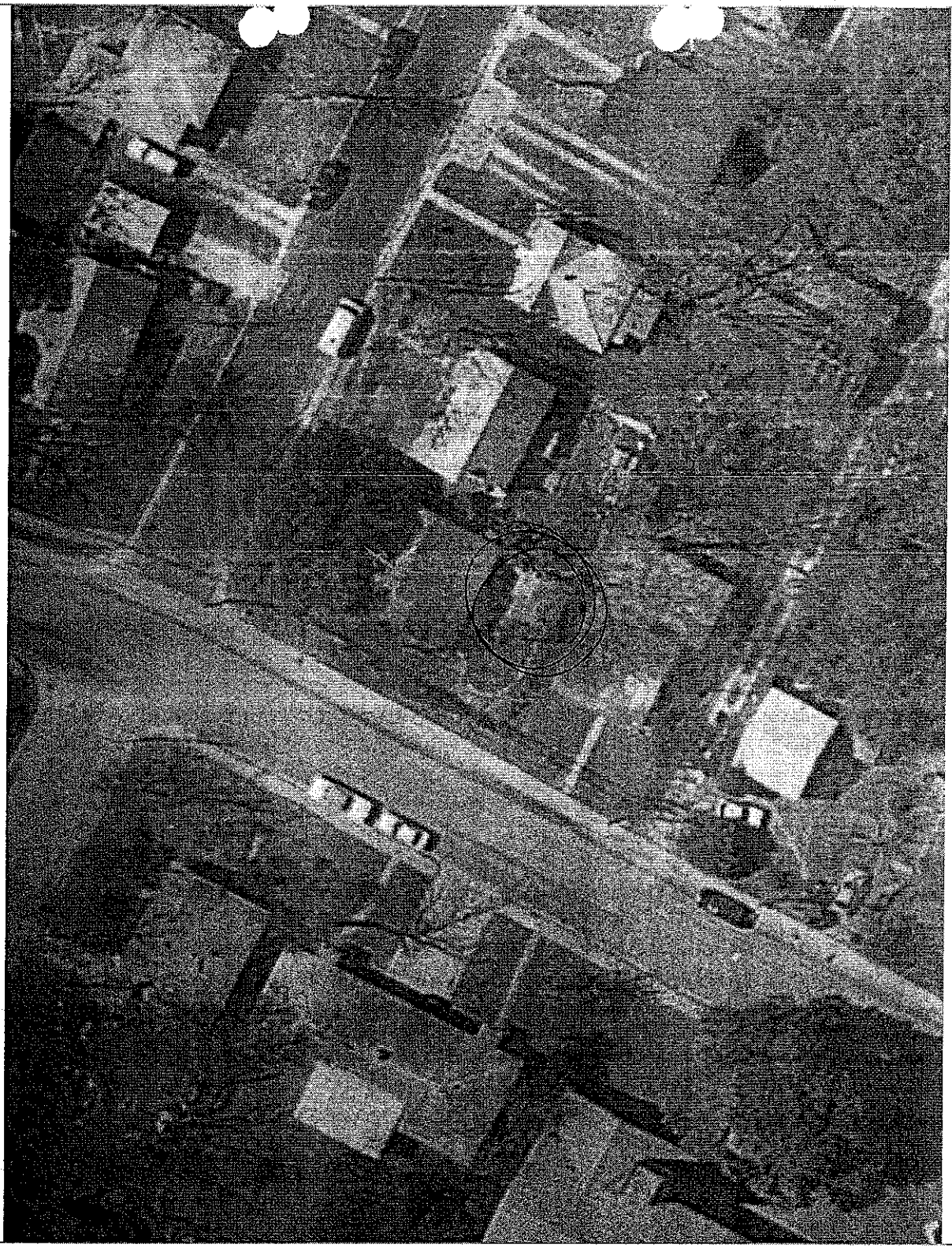
The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, apparent encroachments, overlapping or improvements, visible utility lines or roads in place, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

I hereby certify that the property described herein is not within a special flood hazard area as identified by the Federal Insurance Administration, Department of Housing and Urban Development.








100 Jewell St. City of Austin Development Web Map

512.689.6634

1997



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.