

Special Exception

CASE# CL5-2014-0129  
ROW# 11214376  
TAX# \_\_\_\_\_

0219331504

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: 6907 Hillcroft +

LEGAL DESCRIPTION: Subdivision - Colony Park, Sect. 1,  
Lot(s) 4 Block P Outlot \_\_\_\_\_ Division Phase 3

I/We Ethel Dilworth on behalf of myself/ourselves as authorized agent for  
self affirm that on \_\_\_\_\_,

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

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

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN  
Carport constructed prior to  
2003 in front yard setback.

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

**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:

NA

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:

NA

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

NA

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

NA

**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 Ethel B. Dilworth Mail Address 6907 Hulsingdale

City, State & Zip Austin, Tx 78724

Printed Ethel B. Dilworth Phone 512/928-3312 Date 8-26-2011  
editworth@ceustin.tx.com

**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 Same Mail Address \_\_\_\_\_

City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_



015-204-0129






### SPECIAL EXCEPTION INSPECTION

<b>Address:</b>	6907 Hillcroft Dr.
<b>Permit Number:</b>	2014-084682
<b>Property Owner Requesting Special Exception:</b>	Ethel B Dilworth

<b>Special Exception Requested:</b>
5 foot encroachment of carport into front yard setback
<b>Date Structure was originally constructed:</b> COA GIS aerial confirms existence in 1997

<b>Date of Inspection:</b>	8-15-2014
<b>Building Official or designated representative</b>	Tony Hernandez
<b>Q</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#: C15-2014-0129  
 Address: 6907 HILLCROFT



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.

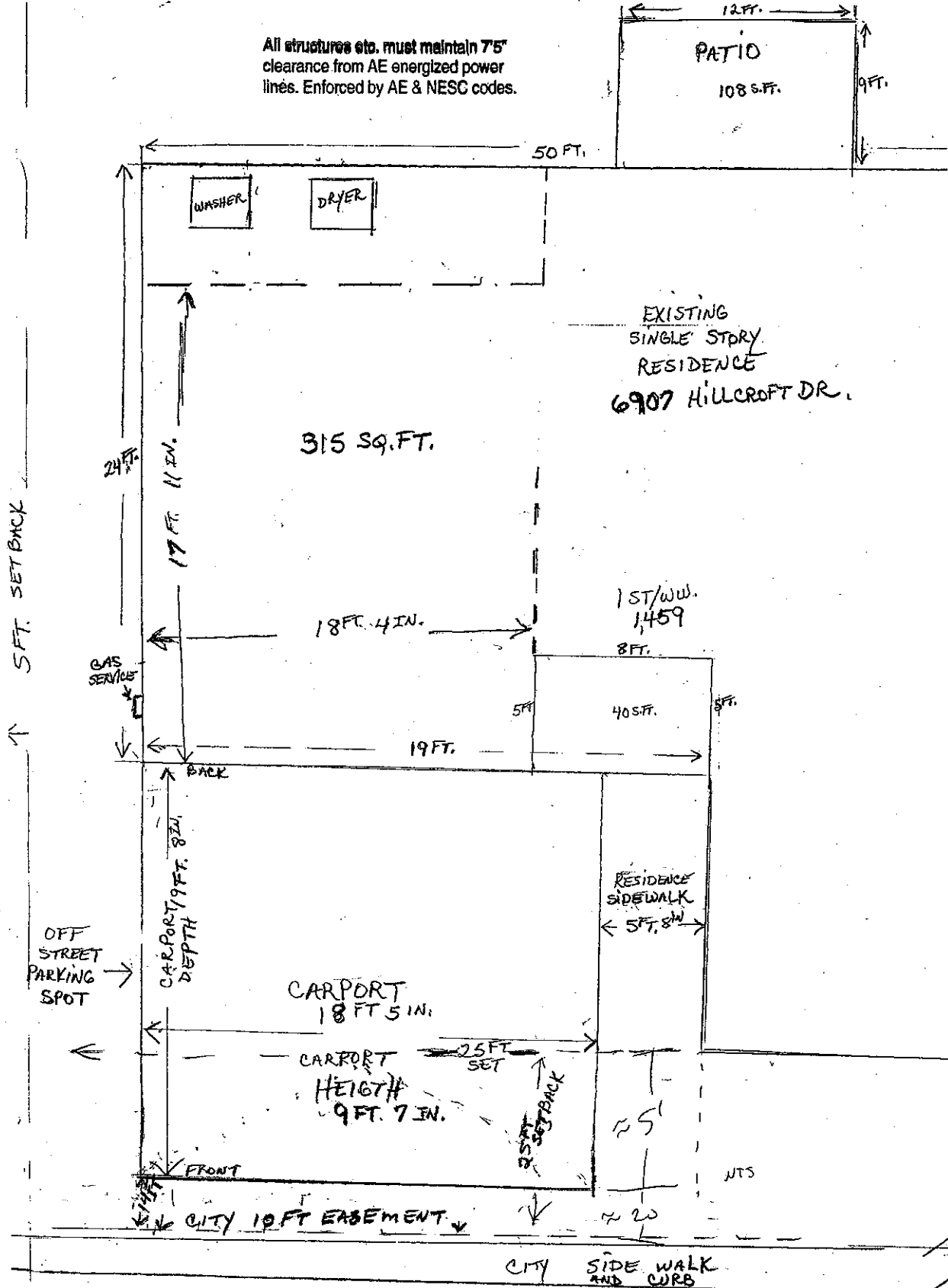
1" = 200'

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.

**AE APPROVED**  
**AUG 11 2014**  
 RLS 223-32

APPROVED  
 Greg Guerin  
 Planning and Development Review  
 Date 8/11/14  
 The granting of a permit for, or approval of, specifications shall not be construed to be an approval of, any violation of any of the provisions adopted building code or any other ordinance of the

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.



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.

Colony Park Neighborhood Assoc.  
P.O. box 12891  
Austin, Texas 78711 - 2891

August 19, 2013

Code Compliance/Improper Carports

Director: Carl Smart  
1520 Rutherford Lane  
Austin, Texas 78754

\* sent by neighborhood  
association president  
in support of all  
variances within the  
Colony Park Neighborhood.

Dear Mr. Smart,

It has been brought to the attention of the Colony Park Neighborhood Association that several residents have received notices that their Carports are in violation of code compliance. On June 29, 2013 our association participated in a ride through the neighborhood with code compliance, one of our inexperienced members was paired with a code compliance officer who was not familiar with the area which resulted in several homeowners carports being deemed not up to code because the carports are not set back twenty-five feet from the street.

In many cases the homeowners that received these notices have had their carports for thirty years or more. This neighborhood has been disenfranchised for many years and in the last several months we have made great strides in working with several city departments, as well as meeting with City Council with matters pertaining to the Sustainable Grant that Colony Park was awarded by HUD.

Colony Park Neighborhood has many disadvantages one being many people living on fixed incomes or incomes at or below the poverty level. To comply with this ordinance would cause great hardship, both physical and financially.

Our neighborhood is asking for these carports to be grandfathered in since they have been in existence for 10 years or more, and do not pose a hazard to life, health, or public safety. A setback of twenty-five feet might be possible in some areas, but not in the Colony Park area where many of the houses are less than 1300 square feet.

We the residents of the Colony Park neighborhood and the Neighborhood Association are appealing to you to work with us and develop an amicable solution that can be palatable for your department as well as the neighborhood.

With Sincere Thanks

Barbara Scott - President Colony Park Neighborhood Association





# City of Austin BUILDING PERMIT

PERMIT NO: 2014-084682-BP  
6907 HILLCROFT DR

Type: RESIDENTIAL Status: Active  
Issue Date: 08/13/2014 EXPIRY DATE: 02/09/2015

LEGAL DESCRIPTION Lot: 4 Block: P Subdivision:	SITE APPROVAL	ZONING
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PROPOSED OCCUPANCY:	WORK PERMITTED: Life Safety	ISSUED BY: Gabriel Guerrero Jr
garage conversion into living room, addition of carport encroaching 5ft will require special exception variance per ordinance 2011526-098		

TOTAL SQFT New/Addn: 674	VALUATION Tot Val Rem: \$.00 Tot Job Val: \$.00	TYPE CONST.	USE CAT. 435	GROUP	FLOORS 1	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS	METER SIZE		

<b>Contact</b>	<b>Phone</b>	<b>Contact</b>	<b>Phone</b>
Applicant: Ethel B Dilworth General Contractor, Ethel B Dilworth	(512) 928-3312 (512) 928-3312	Owner, Ethel B Dilworth	(512) 928-3312

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	36.00	8/13/2014	Development Services Surcha	1.44	8/13/2014			
<b>Fees Total:</b>	<b>37.44</b>							

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

<b>Inspection Requirements</b>
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.

<b>Comments</b>
Expired Permit Number: Colony Park Ordinance No. 2011526-098 Life/Safety BCM 1.2.4 All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.
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.

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.



#15

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TOTAL SQFT New/Addn: 674	VALUATION Tot Val Rem: \$0.00 Tot Job Val: \$0.00	TYPE CONST.	USE CAT. 435	GROUP	FLOORS 1	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS	METER SIZE		

Type	Date	Status	Comments	Inspector
100 Bldg Pre-Construction		Open		Mark Hill
112 Final Building		Open		Mark Hill
Deficiencies		Open		Mark Hill

Permit # 5373013








CITY OF AUSTIN DEVELOPMENT WEB MAP

8003 Aerial



Legend

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

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