

Special Exception

CASE# C15-2014-0126
ROW# 11203993
TAX# 0219330728

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: 6718 Shannon Dr.

LEGAL DESCRIPTION: Subdivision - Colony Park, Sec 1, Phase 4-C

Lot(s) 20 Block 0 Outlot _____ Division _____

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

_____ 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 built into front setback
some time between 2004-2006

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 No other space on the lot to have covered parking needed to protect cars from birds in nearby trees.
HARDSHIP:

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

Special Exception other homes are not in same place on lot where parking cannot be achieved elsewhere on the lot.

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

Special Exception other lots have room for covered parking outside the setback.
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 offices been there since before 2006, no complaints

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:

- X 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:

☒ 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:

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

☒ 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 Ronald Denny Mail Address 6718 SHANNON
City, State & Zip AUSTIN TEXAS 78724
Printed _____ Phone 512 928-2550 Date 8-19-14

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 Ronald Denny Mail Address 6718 SHANNON
City, State & Zip AUSTIN TEXAS 78724
Printed _____ Phone 512 928-2550 Date 8-19-14

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.

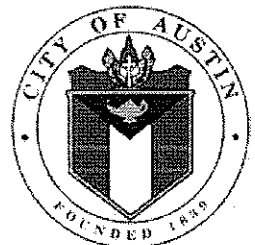
(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0126
Address: 6718 SHANNON DR

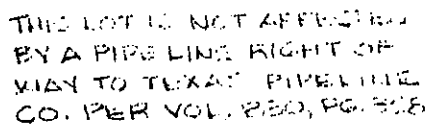


1" = 200'

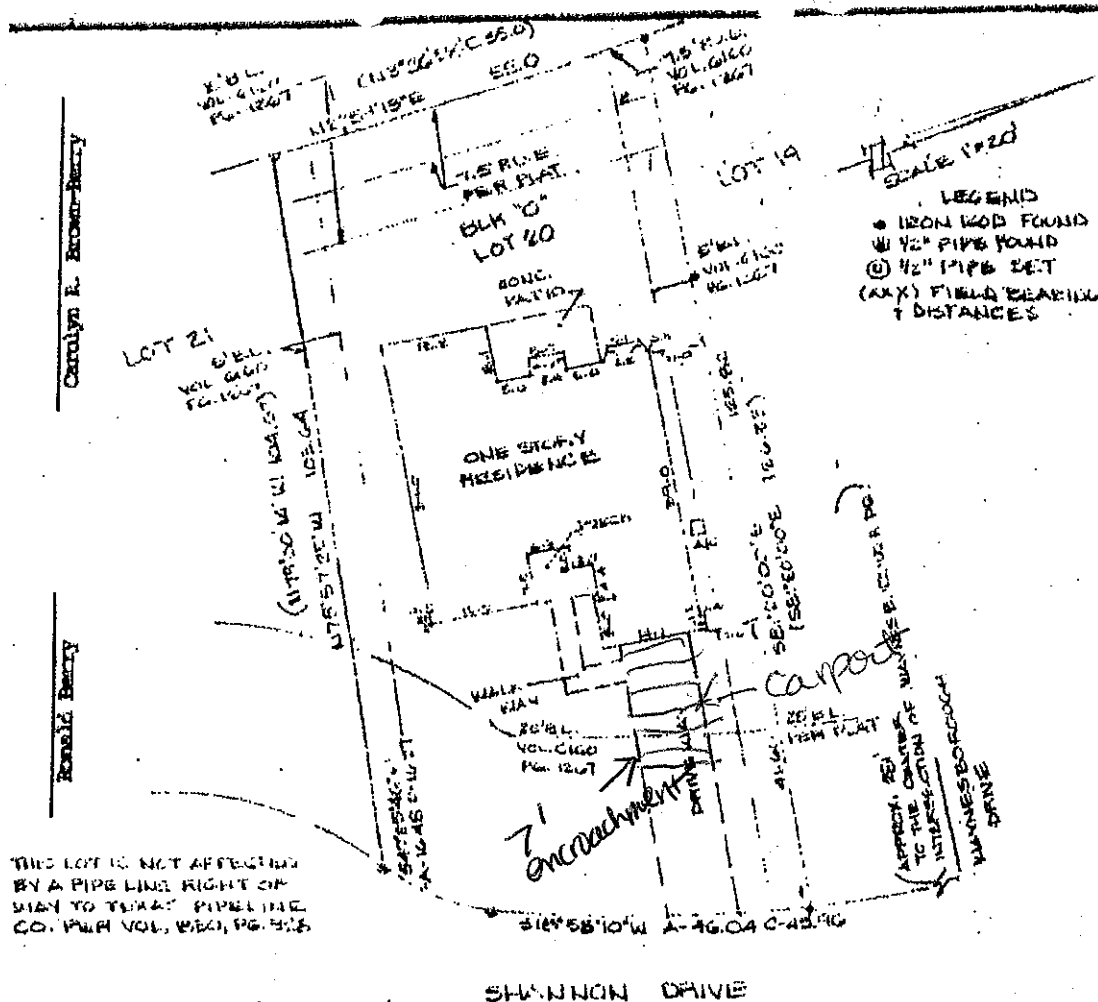
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.

Ronald Berry



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



The above is a plat of a survey of 6718 SHANNON DRIVE, CITY OF AUSTIN, TRAVIS COUNTY, Texas more fully described as Lot 20, Block 'C' of COLONY PARK SECTION ONE, PHASE AC, as recorded in Book 85, Pages 104 & 105, of the Plat Records of Travis County, Texas. This lot is NOT within a special flood hazard area as shown on Panel 25 of 100 of the Flood Insurance Rate Map, Travis County, Texas, (CITY OF AUSTIN) Effective: EFFT 2, 1981

Reference: RONALD BERRY
48-09-26-15447

* ALSO STAMPED IN RIGHT
HAND CORNER OF PLAT OF
RECORDED "VOLUME 85
PAGES 104 & 105"

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, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

COMMUNITY ENGINEERING, INC.
1300 East Braker Lane
Austin, Texas 78753

Clinton Lamont Rippey

10/4/66 - didn't
copy
well



The item(s) listed below are in violation of the Austin City Code. A required remedy may be specified after a violation and may include a time period for compliance. If no required remedy is specified for a violation, the **Required Remedy Summary** will be in effect. For questions concerning residential property, please contact the Zoning Review Division at (512) 978-4000. For questions concerning commercial property, please contact the Development Assistance Center (DAC) at (512) 974-6370.

LAND USE

Code Section: Site Development Regulations for Zoning Districts (§25-2-492)

Description of Violation: The wood carport with security light on the West side of street is encroaching into the front yard setback and a minimum of 25 feet is required in a SF 2 and SF 3 zoning district. The carport appears to be attached to the main structure.

Date Observed: August 13, 2013

Status: Not Cleared

Required Remedy: Remove carport from front yard or obtain a variance.

Code Section: Building Permit Requirement (§25-12-241 [2006 IRC R105.1])

Description of Violation: Residential construction performed without required permit(s).

Date Observed: August 13, 2013

Status: Not Cleared

Required Remedy: Obtain necessary permits.

Required Remedy Summary

Electrical Permit Required

Building Permit Required

Obtain Variance in 30 days

Obtain a Permit in 14 days

NOTE: The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

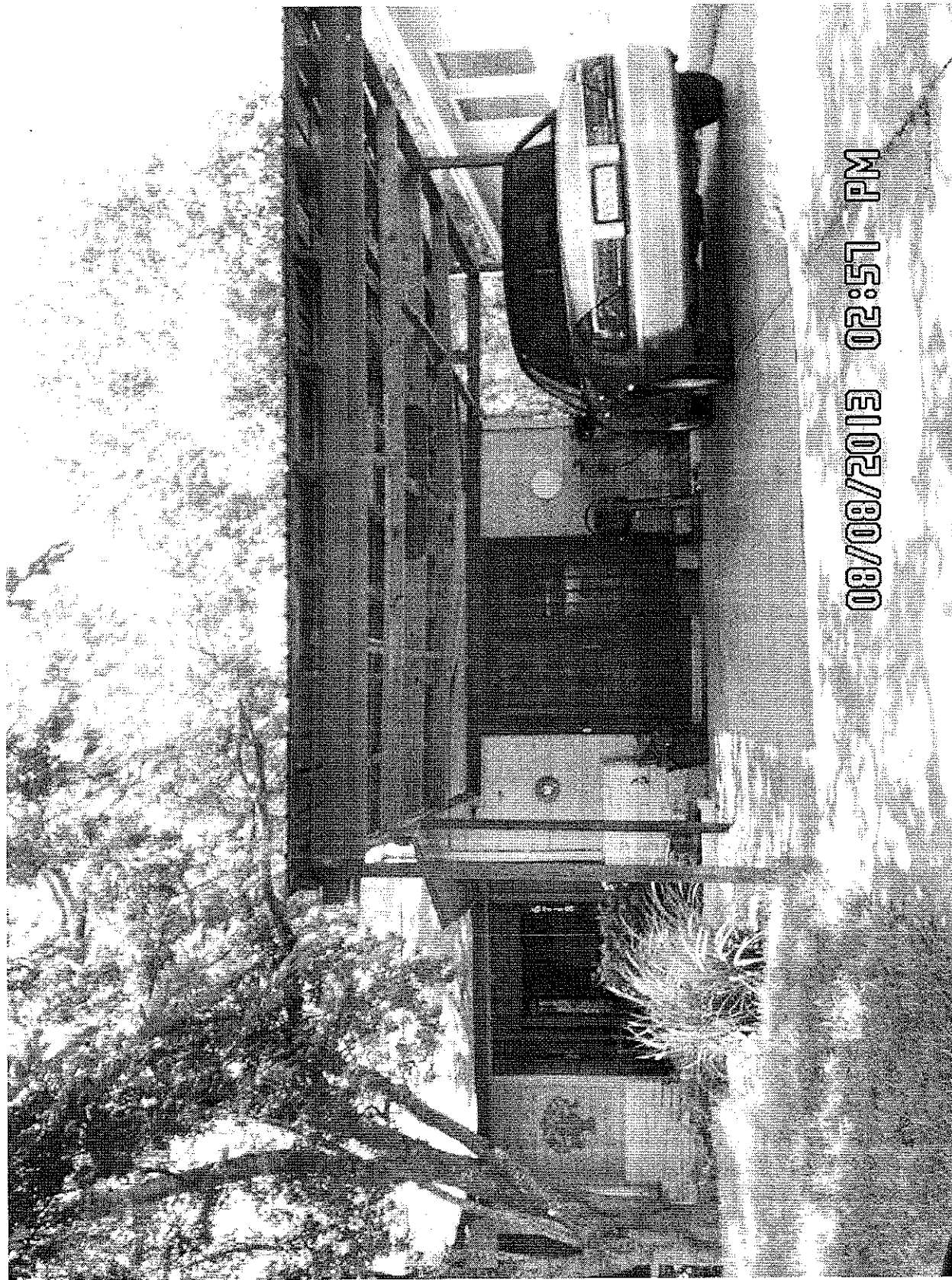
Appeal

A person may appeal a Stop Work Order to the City of Austin's Code Official. A written appeal must be filed no later than 3 days after the posting of the Order and contain:

- the name and address of the appellant;
- a statement of facts;
- the decision being appealed; and
- the reasons the decision should be set aside.

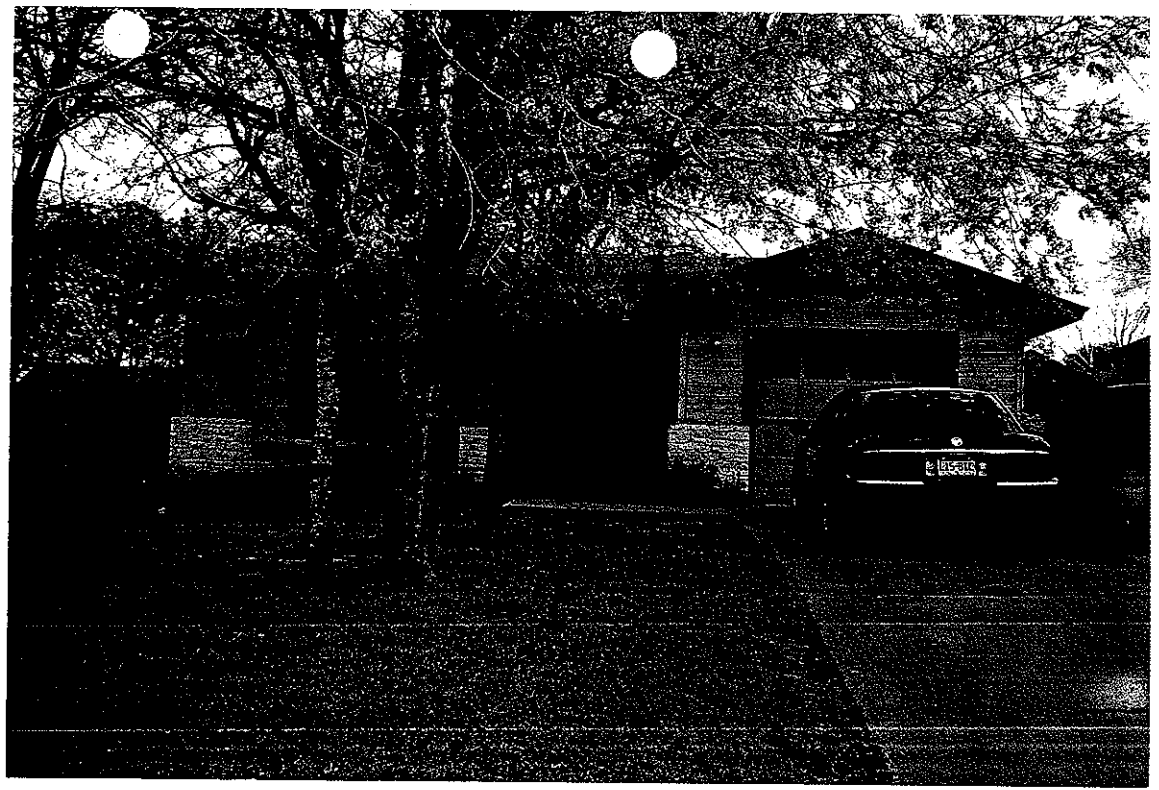
An appeal may be delivered in person to Code Compliance Department located at 1520 Rutherford Lane, Building 1 or mailed to:

**Code Official
Code Compliance Department
P.O. Box 1088
Austin, Texas 78767**



6718 SHANNON DR
Case CC-2013-082611

Thursday, August 8, 2013
Investigator Maria Kirk



City of Austin Residential Permit Application

Residential Review, 2nd floor, One Texas Center
505 Barton Springs, Austin, TX 78704
(512) 974-2747

For Departmental Use Only	PR#	BP#
	Assigned	Due Date
	Reviewed Date	Issue Date
	Reviewed/Approved	Issued

Project Information

Project Address: <u>6718 Shannon Dr</u>		Tax Parcel ID:	
Legal Description:			
Zoning:		Lot Size (square feet):	
Neighborhood Plan Area (if applicable):		Historic District (if applicable):	
Is this site within the Residential Design and Compatibility Standards Ordinance Boundary Area?			Y N
Note: Boundaries are defined under Title 25-2 Subchapter F of the Land Development Code.			
Does this site currently have water availability?		Y N	wastewater availability? Y N
If no, contact Austin Water Utility to apply for water/wastewater taps and/or service extension request.			
Does this site have a septic system?		Y N	If yes, submit a copy of approved septic permit to construct
Does this site require a cut or fill in excess of four (4) feet?			Y N
If yes, contact the Development Assistance Center for a Site Plan Exemption.			
Does this site front a paved street?		Y N	Is this site adjacent to a paved alley? Y N
Does this site have a Board of Adjustment (BOA) variance? Y N			Case # (if applicable)
Does this site have a Residential Design and Compatibility Commission (RDCC) waiver?			Y N
If yes, provide a copy of decision sheet. Note: A permit cannot be approved within 10 days of approval of a variance from BOA.			
Does the project impact a tree protected by ordinance? This would include canopy and/or critical root zone.			Y N
Note: If yes, application for a tree permit with the City Arborist may be required.			
Is this site within one hundred-fifty (150) feet of the one hundred (100) year floodplain?			Y N
Note: Proximity to a floodplain may require additional review time.			

Description of Work

Existing Use:	vacant	single-family residential	duplex residential	two-family residential	other
Proposed Use:	vacant	single-family residential	duplex residential	two-family residential	other
Project Type:	new construction	addition	addition/remodel	remodel/repair	other
# of bedrooms existing:		# of bedrooms proposed:		# of baths existing:	# of baths proposed:
Will all or part of an existing exterior wall be removed as part of the project? Y N					
Note: Removal of all or part of a structure requires a demolition permit.					
Project Description: (Note: Please provide thorough description of project. Attach additional pages as necessary)					
<u>garage conversion into den 214x8</u> <u>addition of carport 420x7</u> <u>~7ft screening</u>					
Trades Permits Required:	electric	plumbing	mechanical (HVAC)	concrete (right-of-way)	

Job Valuation

Total Job Valuation: \$	Portion of Total Job Valuation Dedicated to Addition/New Construction: \$	Portion of Total Job Valuation Dedicated to Remodel/Repair: \$
Note: The total job valuation should be the sum total of all valuations noted to the right. Labor and materials only, rounded to nearest dollar. Permit fees are based on adopted fee schedule.	Primary Structure: \$	Bldg: \$ Elec: \$
	Accessory Structure: \$	Plmbg: \$ Mech: \$

CITY OF AUSTIN DEVELOPMENT WEB MAP

2009 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.



POLLARD'S UNLIMITED IMPRESSIONS

1212 Delano Street - Austin, Texas 78721-2104
927-1286* pollards1991@yahoo.com

Mr. R. Berry
6718 Shannon Dr.
Austin, Tx. 78724
512-928-2550

BILLING DATE: 6/29/2004
ACCOUNT ID: PM-06112004
PREVIOUS BALANCE:

CHARGES				
DATE	INVOICE NO.	DESCRIPTION	REFERENCE	PARTS AND LABOR
6/17/2004		Construct Carport w/ C. Metal Roof		\$1,793.49
			TOTAL CHARGES:	\$1,793.49

PAYMENTS				
DATE	CHECK NO.	DESCRIPTION	REFERENCE	AMOUNT
6/18/2004	9686	Down payment		\$1,324.76
TOTAL CREDITS:				\$1,324.76
BALANCE FORWARD:				\$0.00
PLEASE PAY THIS AMOUNT:				\$468.74

When sending payment, include the invoice number on the check. Thank you.

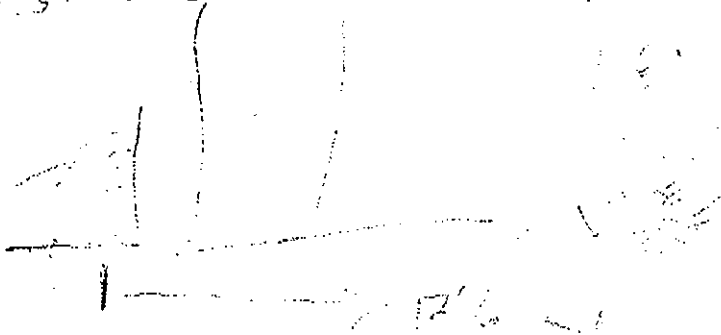
6718 Shannon Drive

06/1/2004 5 PM

Mr. Bern. Carpot

928 2150

7" 1/2 girth



20' span

2x4 Rafters
(2-12fters) Run w/ H.O.

2x6
Ledger

Joist

18" span

wild

Bracing
2x4
10fters

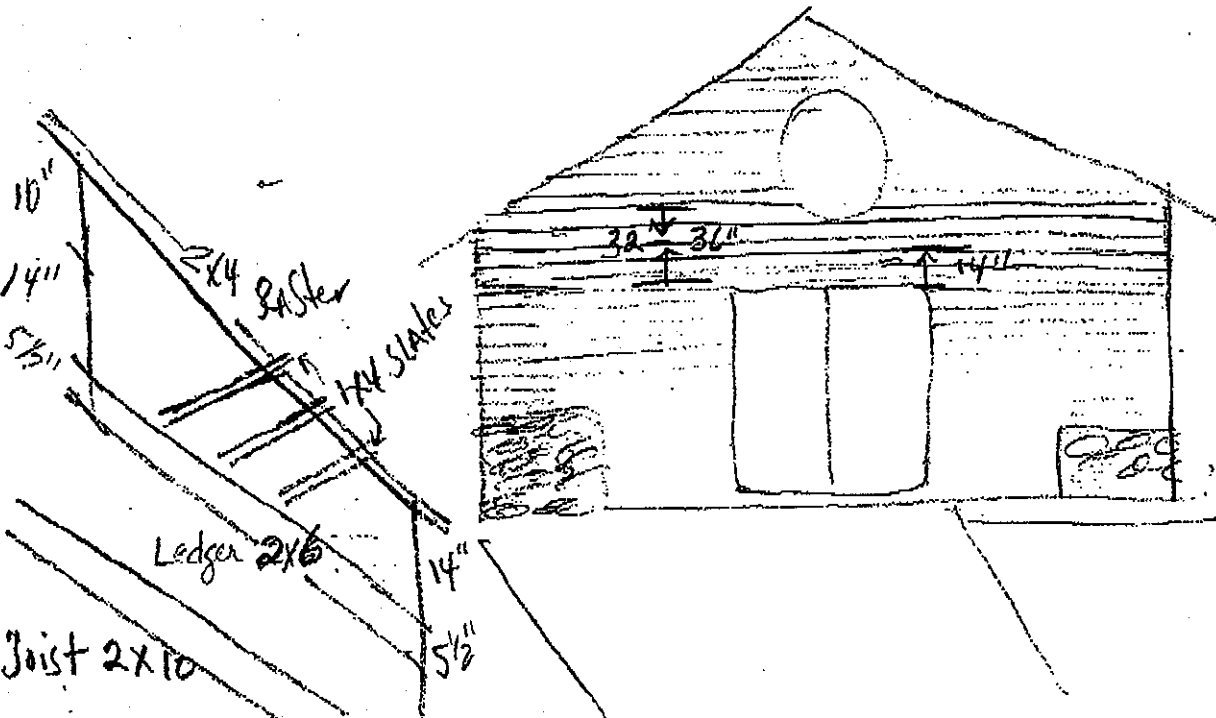
4x4 Post

2-10fters

4-12fters

concrete

10 bags
80 lbs



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



SPECIAL EXCEPTION INSPECTION



Address:	6718 Shannon Dr.
Permit Number:	2014-084681
Property Owner Requesting Special Exception:	Berry & Carolyn Brown

Special Exception Requested: Carport in front setback about 7 feet
Date Structure was originally constructed: COA GIS confirms existence to 1997

Date of Inspection:	8-13-2014
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
	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.