

Special EXCEPtion

CASE# C15-2014-0150
ROW# 11236600
TAX# 0219 380306

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: 8105 Colony Loop Dr.

LEGAL DESCRIPTION: Subdivision - _____

Lot(s) _____ Block _____ Outlot _____ Division _____

I/We Fidel Renteria on behalf of myself/ourselves as authorized agent for
myself affirm that on 18, Sept.

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

Garport within front setback
five foot from front property line,
and shed 9.5 feet from rear property 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

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

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:

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 Fidel Renteria Mail Address 8105 Colony Loop
City, State & Zip Austin Texas 78724
Printed _____ Phone 512 751 8195 Date _____

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 Bome Mail Address _____
City, State & Zip _____
Printed _____ Phone _____ Date _____



SPECIAL EXCEPTION INSPECTION



Address:	8105 Colony Loop Dr.
Permit Number:	2014-090883
Property Owner Requesting Special Exception:	Fidel Renteria

Special Exception Requested:

Carport located in front yard setback / permit will be required for portable tin shed

§ 25-2-555 - FAMILY RESIDENCE (SF-3) DISTRICT REGULATIONS.

(B) The rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height.

Date Structure was originally constructed: COA GIS identified in 2003

Date of Inspection:	September 9, 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.

TERIA

Waterloo Surveyors Inc. FORM SURVEY

 ADD. 8105 COLONY LOOP DRIVE
J12784
CRPTION:

OCK "13", COLONY PARK HILLS 1-A, A SUBDIVISION
COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT
ECORDED IN BOOK 68, PAGE 6, PLAT RECORDS,
JNTY, TEXAS.

NOTE:

This survey was made without the benefit
of a title commitment and additional
easements and/or restrictions may apply

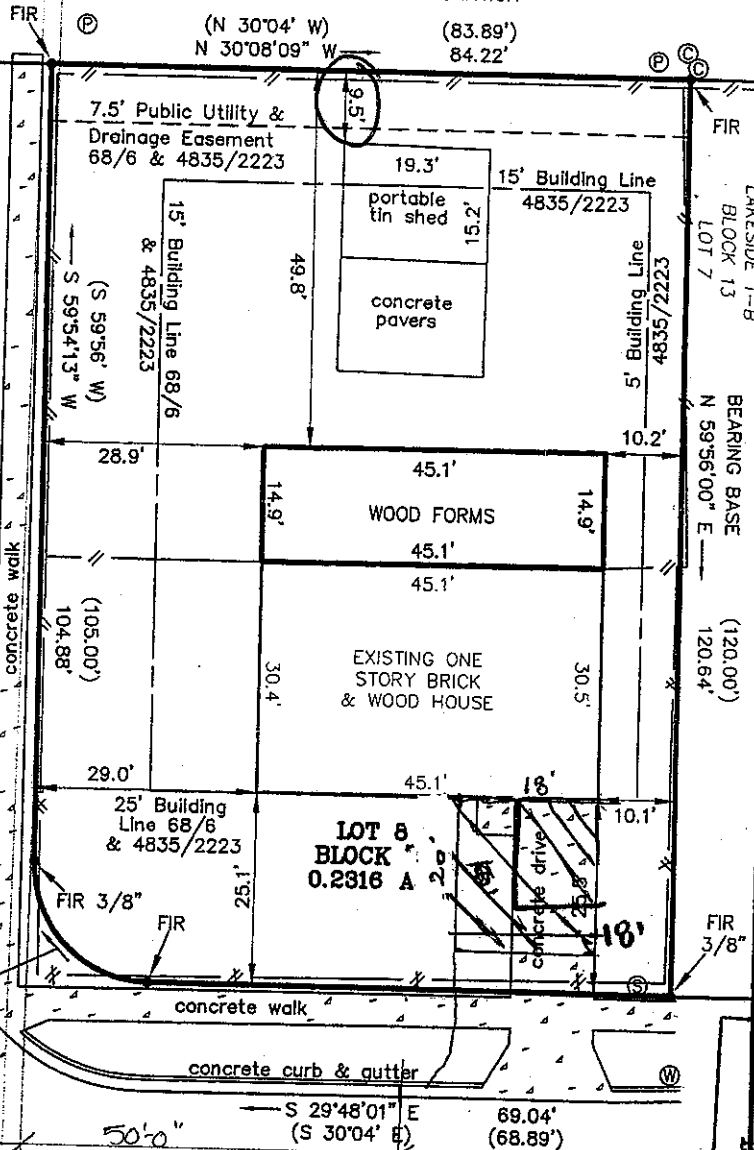
AUSTIN HOUSING FINANCE CORPORATION

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RECORD.

Wilmington Drive

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of Texas:

of Travis:

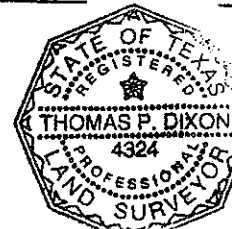
undersigned does hereby certify that this survey was this day made on the
erty legally described hereon and is correct, and this survey substantially
lies with the current Texas Society of Professional Surveyors Standards and
fications for a Category 1B & 5 Condition II Survey.

Dated this the 30TH day of DECEMBER, 2010

rtify that the property shown hereon IS NOT within a special flood
rea as identified by the Federal Insurance Adm. Department of HUD Flood
oundary map revised as per Map Number: 48453C0470H

K Dated: SEPTEMBER 26, 2008

Thomas P. Dixon R.P.L.S. 4324



311 P.O. Box 160176, Austin, Texas 78716 Phone: 512-481-9602

CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guernsey
Planning and Development Review Department
Date 8/21/14
The granting of a permit for, or approval of, these plans and
specifications shall not be construed to be a permit for, or an
approval of, any violation of any of the provisions of the current
adopted building code or any other ordinance of the City of Austin.
1 MP.01 @ 7-30%

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.

ERIA

Waterloo Surveyors Inc FORM SURVEY

ADDRESS:
105 COLONY LOOP DRIVE

J12784

DESCRIPTION:

TRACT "13", COLONY PARK HILLS 1-A, A SUBDIVISION
COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT
RECORDED IN BOOK 68, PAGE 6, PLAT RECORDS,
COUNTY, TEXAS.

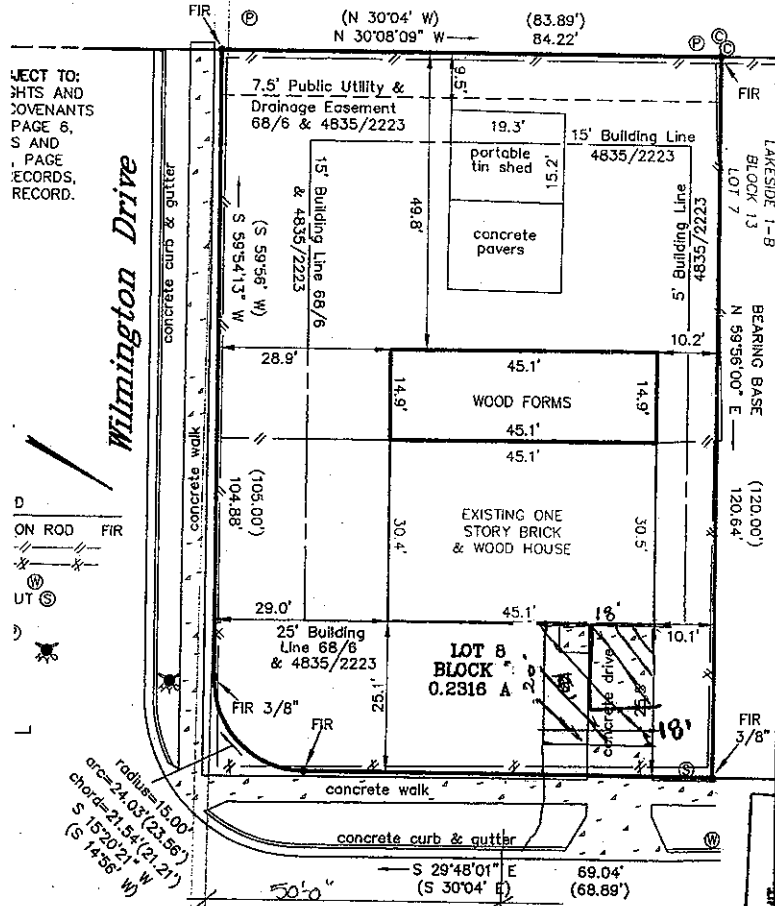
NOTE:

This survey was made without the benefit
of a title commitment and additional
easements and/or restrictions may apply

AUSTIN HOUSING FINANCE CORPORATION

OBJECT TO:
RIGHTS AND
COVENANTS
PAGE 6,
S AND
PAGE
RECORDS,
RECORD.

Wilmington Drive



of Texas:
of Travis:

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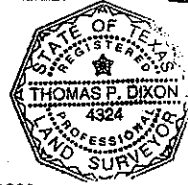
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oundary map revised as per Map Number: 48453C0470H

X Dated: SEPTEMBER 26, 2008

Colony Loop Drive

Thomas P. Dixon R.P.L.S. 4324

311 P.O. Box 160176, Austin, Texas 78716 Phone: 512-481-9602



CITY OF AUSTIN
APPROVED FOR PERMIT

Greg Guernsey
Planning and Development Planning Department

The granting of a permit for, or approval of these plans and
specifications shall not be construed to be a warranty, or an
approval of, any violation of any of the provisions of the
zoning ordinance, code or any other ordinance of the City of Austin.

11/16/2010 11:30 AM

CC.

CC.



City of Austin
P.O. Box 1088, Austin, Texas 78767

INVOICE

Invoice No.: 6059125

Invoice Date: 10/20/2014

Payer Information

Company/Facility Name: RENTERIA FIDEL

Invoice To:

RENTERIA FIDEL

8105 COLONY LOOP DR

Phone No.: (512) 596-8885

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	11236600	8105 COLONY LOOP DR	(\$388.00)

TOTAL: (\$388.00)

INVESTIGATION REPORT

Investigator: Mike Carter

Case: CV-2014-080381

Address: 8105 COLONY LOOP DR 78724

Zoned as SF-3

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 carport is encroaching into the front yard setback and a minimum of 25 feet is required in a SF3 zoning district.

Date Observed: July 30, 2014

Status: Not Cleared

Required Remedy: Need to obtain variance or remove.

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

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

Date Observed: July 30, 2014

Status: Not Cleared

Required Remedy: Need to obtain residential permit for carport.

Required Remedy Summary

Variance Required

Obtain Variance in 30 days

Obtain a Permit in 30 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**



8105 COLONY LOOP DR [CV]

Folder Property (1) People (2) Info (53) Fee/Charge Process (7) Document (4) Comment (1) Attachment (1)

Folder #	F#	Cent. Yr.	Sequence	Sec.	Rev.	Type	Status
1975 E86660 WTS 00 W	E8666	20	14	000381	000	00 CV Violations	Active

Property								Indicators	
House	Prefix	Street	Type	Direction	Unit Type	Unit		Violations	Properties
8105		COLONY LOOP	DRIVE					<input type="checkbox"/>	<input type="checkbox"/>
City		Postal Code	Rat		Property Row ID			Parent	<input checked="" type="checkbox"/>
AUSTIN		78724	0219380306		231,494			Child	<input type="checkbox"/>
Location Lot 8 Block: Subdivision:							Folder Unit	Due	\$0.00

In Date	Jul 30, 2014	Issue/Approval		Expires		
Reference File #		By		Final Date		
Sub	Unified	Work				
Name	8105 COLONY LOOP DR				Priority	
Description	CPGC-work w/o permit carport in front yard setback 3ft					
Conditions	CC-2014 068127 SP#14-00108676					
Group	Code Enforcement	Parent ID	11173428	Row ID	11190775	

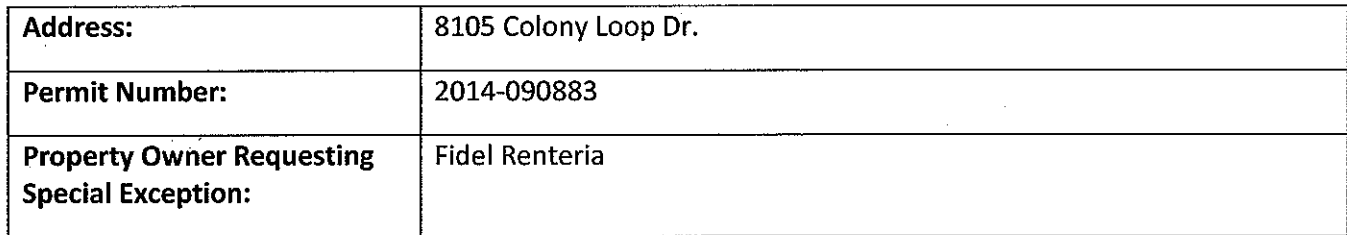
List View Related View Copy Create Child Issue/Approve Print Re-Default Email GIS Summary Process Activity

☒ Show no. of rows on tabs < Back Forward > Pull Info From GIS

24 Rows Returned

Ready





Carport located in front yard setback

Date Structure was originally constructed: COA GIS identified in 2003

Date of Inspection:	September 9, 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.

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

TERIA

Waterloo Surveyors Inc. FORM SURVEY

ADDRESS:
8105 COLONY LOOP DRIVE

J12784

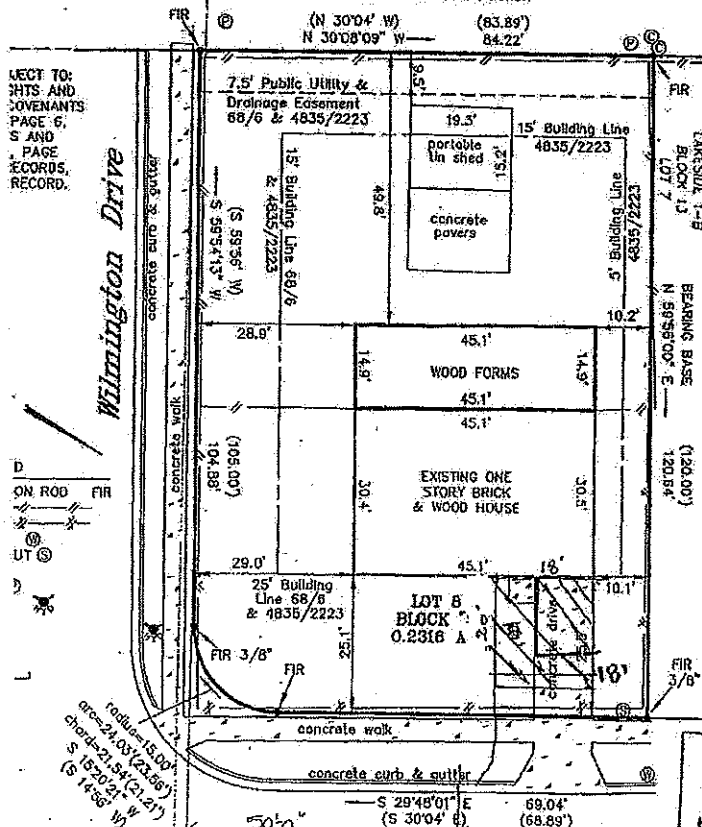
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NOTE:
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AUSTIN HOUSING FINANCE CORPORATION

JECT TO:
HTS AND
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Wilmington Drive



of Texas:
of Travis:

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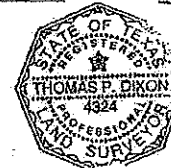
Dated this the 30TH day of DECEMBER, 2010

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K Dated: SEPTEMBER 26, 2008

Thomas P. Dixon R.P.L.S. 4324

311 P.O. Box 160176, Austin, Texas 78716 Phone: 512-481-9602



CITY OF AUSTIN

APPROVED FOR

Gray Gurnsey

Plat

City of Austin

Department

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of

Austin.

APPROVED BY
AUSTIN ENERGY
FOR BOA

DATE: OCT 28, 2014

Steve Kelly



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

October 28, 2014

Fidel Renteria
8105 Colony Loop Dr.
Austin, Texas 78724 - 3805

Re: 8105 Colony Loop Drive
Lot 8, Block 13,
Colony Park Hills,
Section 1, Phase 3

Dear Fidel,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to maintain an existing carport, which is within the front 25 foot building setback line and a shed being within the rear 10 foot setback line. Austin Energy does not oppose this application as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 512-322-6050.

Sincerely,

A handwritten signature in black ink, appearing to read "Eben Kellogg".

Eben Kellogg
Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
512.322.6050

Cc: Diana Ramirez and Leane Heldenfels