

CASE# C10-2014-0155
ROW# 11236679
TAX# 0217331907

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: 6405 Virgo

LEGAL DESCRIPTION: Subdivision - Park Place I

Lot(s) 6 Block 1 Outlot _____ Division _____

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

myself affirm that on 22nd August

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 w/in 25' setback, at 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:

See parking #4

HARDSHIP:

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

See parking #2

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

See parking #3

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:

See parking #1

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:

~~X~~ The parking does not affect anyone wanting to park in street or simply walk through the sidewalk. Area of sidewalk is clear. The street is not a very transitated area.

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:

X Porch is only on our driveway inside property ends before public sidewalk and has been standing many years and only 2 cars being house owners fit in porch.

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

X The porch is safe and well built. Porch is only located on our driveway and no safety hazard exists.

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

X Sole purpose for garage was for our 2 cars give some shade that our house lacked because house bought didn't have a single tree.

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 Jose Benitez Mail Address 6405 Virgo Ln.

City, State & Zip Austin, TX 78724

Printed _____ Phone _____ 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.

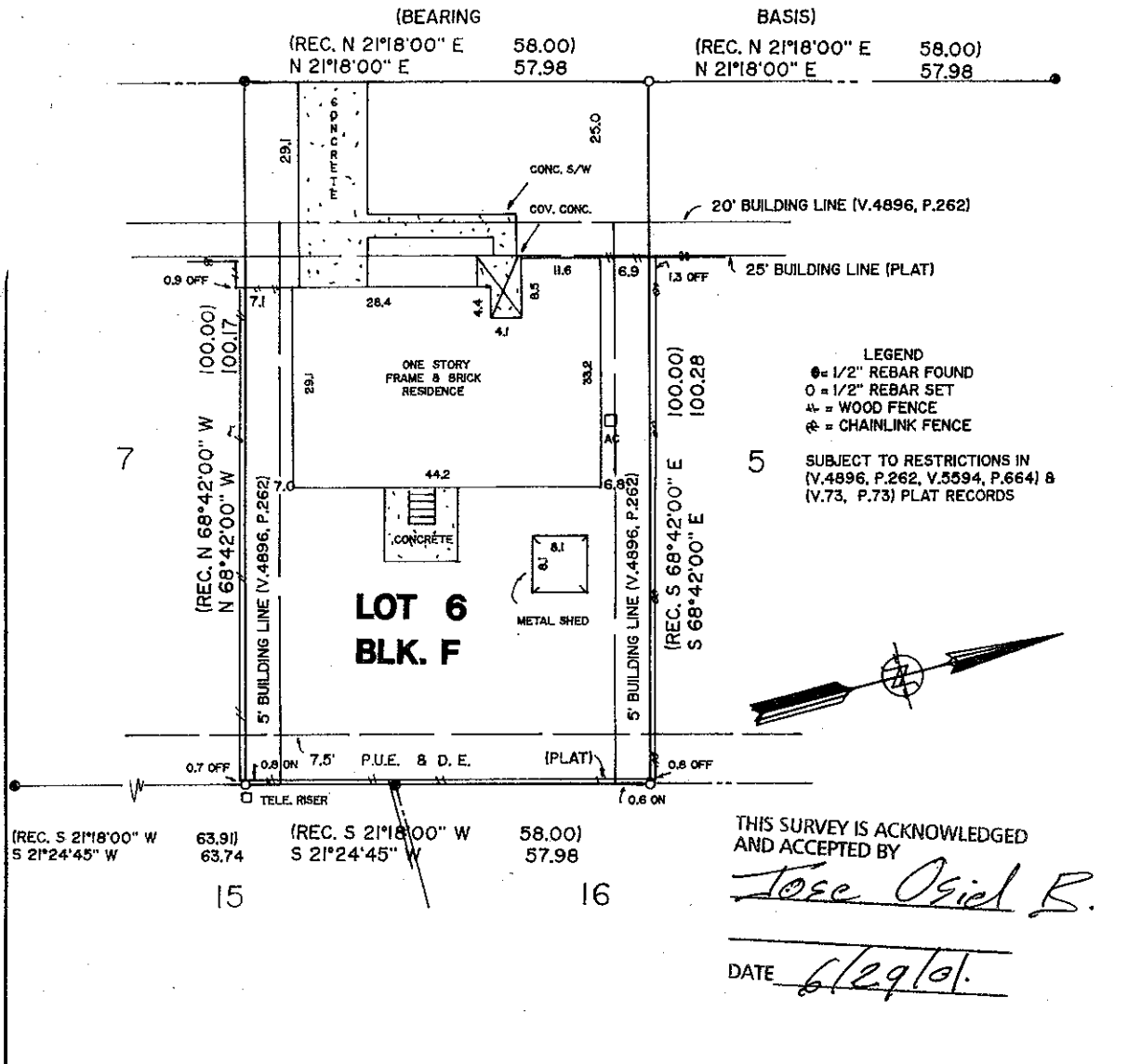
Signed Maribel Arce Mail Address maribel.arce 74@yahoo.com

City, State & Zip _____

Printed _____ Phone _____ Date _____


My children would sleep in the garage that was turned into a room. Because there was no absolute shade it was too hot for them, it was unbearable. My husband and I then decided to build the porch.

VIRGO LANE



THIS SURVEY IS ACKNOWLEDGED
 AND ACCEPTED BY
Jose Osiel B.
 DATE 6/29/01

LOT NO. 6 BLOCK NO. F SUBDIVISION ADDITION PARK PLACE I
 SECTION UNIT _____ PHASE _____ BOOK VOLUME 73 PAGE SLIDE 73 PLAT RECORDS:
 COUNTY TRAVIS STATE OF TEXAS STREET ADDRESS 6405 VIRGO LANE
 CITY AUSTIN TX. REFERENCE NAME OSIEL BENITEZ

 **Dewey H. Burris & Associates**
 Land Surveying Services
 1404 West North Loop Blvd. (512) 458-6963
 Austin, Texas 78757 FAX (512)-458-9845



Subject property DOES NOT
 lie within the 100 Year flood prone area
 and has a Zone X rating as
 shown on the Flood Insurance Rate Maps
 (F.I.R.M.) Community No. 480624
 Panel 0125 E
 dated 6/26/93
 This certification is for insurance
 purposes only and is not a guarantee
 that this property will or will not flood.

Mary P. Hawkins 6/27/01
 TO THE VENHOLDER AND / OR OWNERS OF THE PREMISES SURVEYED AND TO
 TEXAS PROFESSIONAL TITLE, INC.
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

DATE 6/26/01
 TITLE CO. T.P.T.
 G.F. # 145167
 J.O. # R-06-145-01
 SCALE : 1=20

I do hereby certify that this survey was this day made on the
 ground of the property legally described hereon and that there
 are no boundary line conflicts, encroachments overlapping of
 improvements, or roads in place, except as shown hereon, and
 certifies only to the legal description and easements shown
 on the referenced title commitment.

	DATE	BY
FIELD WORK	6/23/01	STRANGI
DRAFTING	6/26/01	WYLIE
FINAL CHECK	6/26/01	M.H.
CORRECTIONS		
UP DATE		

CITY OF AUSTIN DEVELOPMENT WEB MAP

2009 Aerial



Legend

Lot Lines

Streets

Building Footprints

Named Creeks

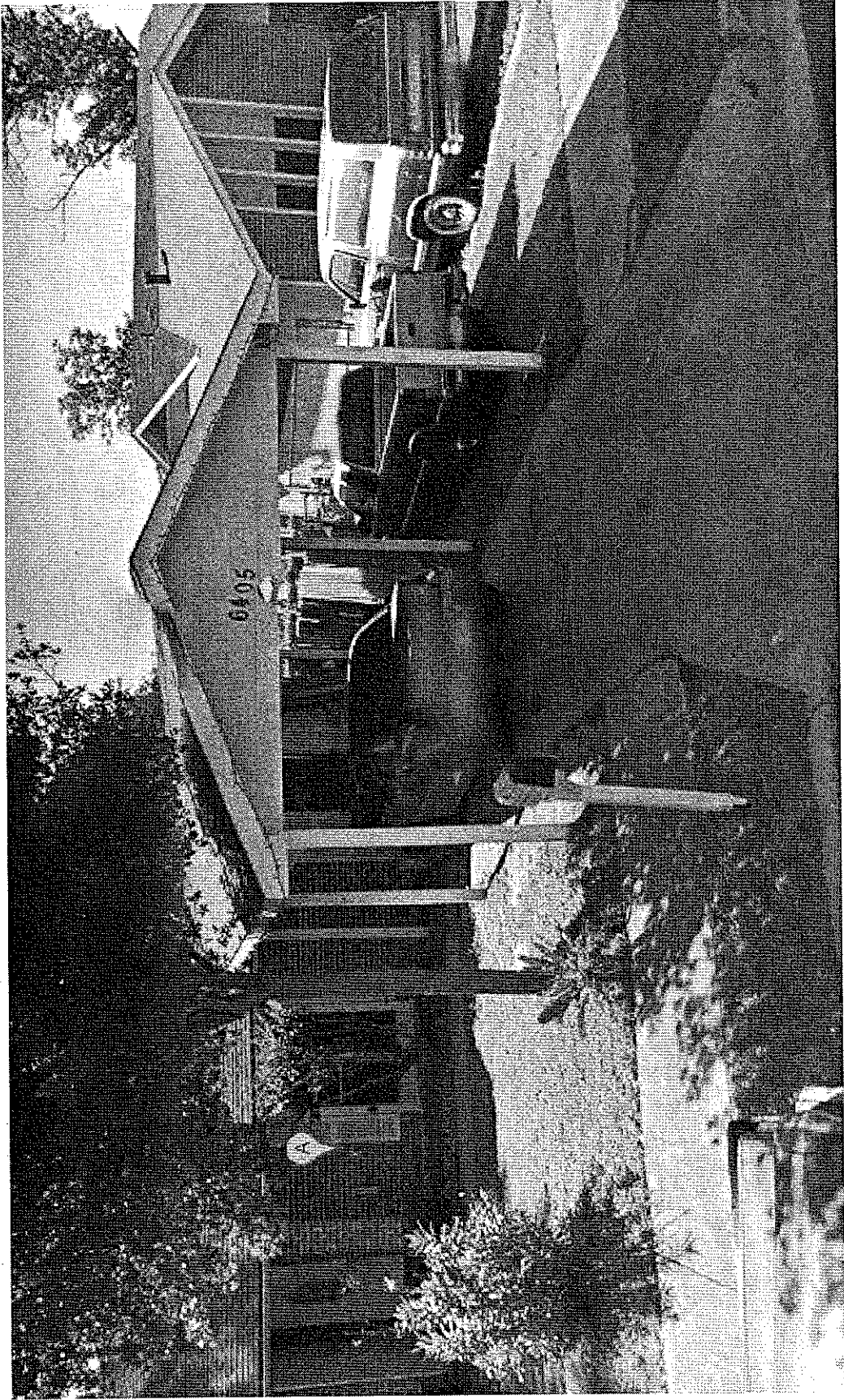
Lakes and Rivers

Parks

County

Zoning (Large Map Scale)

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.



6405 VIRGO LA

TAX CERTIFICATE
Bruce Elfant
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

NO 2243810

ACCOUNT NUMBER: 02-1733-1907-0000

PROPERTY OWNER:

BENITEZ JOSE OSIEL
6501 CARISBROOKE LN
AUSTIN, TX 78754-5700

PROPERTY DESCRIPTION:

LOT 6 BLK F PARK PLACE I

ACRES .1302 MIN% .000000000000 TYPE

SITUS INFORMATION: 6405 VIRGO LN

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2013	CITY OF AUSTIN (TRAV)	*ALL PAID*
	TRAVIS COUNTY	*ALL PAID*
	TRAVIS CENTRAL HEALTH	*ALL PAID*
	MANOR ISD	*ALL PAID*
	ACC (TRAVIS)	*ALL PAID*
TOTAL SEQUENCE	0	*ALL PAID*
	TOTAL TAX:	*ALL PAID*
	UNPAID FEES:	* NONE *
	INTEREST ON FEES:	* NONE *
	COMMISSION:	* NONE *
	TOTAL DUE ==>	*ALL PAID*

TAXES PAID FOR YEAR 2013 \$1,375.31

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2013 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 08/19/2014

Fee Paid: \$10.00

Bruce Elfant
Tax Assessor-Collector

By: J. Benitez

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.

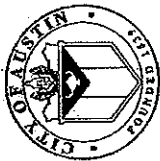
Colony Park Neighborhood has many disadvantages one being many people living on fixed incomes or incomes at or below the poverty level. To comply with this ordinance would cause great hardship, both physical and financially.

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



I, Jose Benitez am applying for a variance from the Board of Adjustment regarding Section _____ of the Land Development Code. The variance would allow me the ability to retain my carport w/in the front building setback

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
1- O.H. JACKSON	6506 SandShof DR	O.H. Jackson
2- Abolfo Holz	6500 SandShof DR	Abolfo Holz
3- Jose Gonzalez	6505 Virgo Ln	José González
4- Fernando Martinez	6906 Juno Cir	Fernando Martínez
5- Phet Z. Martin	6409 Juno Cir	Phet Z. Martin
6- Aureliano Huerta	6904 Juno Cir	Aureliano Huerta
7- David P. Johnson	6905 Juno Cir	David P. Johnson

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
8- Mireya Chalambaez	6901 Juno Cr 78724	Mireya Chalambaez
9- Joseph	6903 Juno Circle 78724	Thomas Rittenbold
10- Glenn Gupton SR	6905 Juno Circle 78724	Glenn Gupton Sr.
11- Candelario Bivas	6301 Virgo Lane	Candelario Bivas - CR
12- Teuta Baerett	6300 Virgo Lane	Teuta Baerett
13- Fausto Jaime	6302 Virgo Ln	Fausto Jaime
14- Mary	6407 Virgo Ln	Mary
15- ALCIAS VADES	6005 Virgo Ln	ALCIAS VADES
16- Ruby Ramirez	6701 Hoong'oo	Ruby Ramirez
17- Filiberto Silverio	6305 Munglow DR	Filiberto Silverio
18- NATALIA Rodriguez	6304 Virgo	NATALIA Rodriguez
19- Jose Castillo	6307 Virgo Ln	José Castillo
20- David Benitez	6405 Virgo Ln	David Benitez



I, Jose Benitez, am applying for a variance from the Board of Adjustment regarding Section 25-2 of the Land

Development Code. The variance would allow me the ability to retain my carport w/in
the front building setback.

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name	Address	Signature
<u>Elevia M. David</u>	<u>6408 Sandshof Dr.</u>	<u>Elevia M. David</u>
<u>Robert Leary</u>	<u>6409 Sandshof</u>	<u>Robert Leary</u>
<u>Luz Maria Sarinano</u>	<u>6404 Sandshof Drive</u>	<u>Luz Maria Sarinano</u>
<u>Mary Lango</u>	<u>6402 Sandshof Drive</u>	<u>Mary Lango</u>
<u>Amyl Seatt</u>	<u>6407 Sandshof Dr.</u>	<u>Amyl Seatt</u>
<u>Prospero Vera</u>	<u>6503 Sandshof Dr</u>	<u>Prospero Vera</u>
<u>Dora Rodriguez</u>	<u>6313 Vinga Lane</u>	<u>Dora Rodriguez</u>



I, Jose Benitez, am applying for a variance from the Board of Adjustment regarding Section 25-2 of the Land

Development Code. The variance would allow me the ability to retain my carport w/in
the front building setback

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Arastu's Hernandez	6403 Virgo Lane	Arastu's Hernandez
Carolyn Guzman	6404 Virgo Lane	Carolyn Guzman
Pilar Reynoso	6408 Virgo 2N	Pilar Reynoso
KEVIN THORNTON	6409 VIRGO LN	Kevin Thornton
Audou Amolen	6410. Virgo LN	Audou Amolen
Demetrica Taberna	6501 VIRGO LN	Demetrica Taberna
Christopher Davis	6503 Virgo Ln	Christopher Davis

28
29
30
31
32
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34

By signing this form, I understand that I am declaring my support for the variance being requested.

	Property Owner Name (Printed)	Address	Signature
35	Phillip Ellison	5523 moon blvd DR	[Signature]
36	Maureen Shepard	6525 Moonglow	[Signature]
37	[Signature]	6519 Moonglow DR	[Signature]
38	Roger Badg	6517 Moonglow DR	[Signature]
39	[Signature]	6515 moonglow dr	[Signature]
40	Valentin Olivares	6511 Moonglow DR	Valentin Olivares
41	[Signature]	6509 moonglow dr	[Signature]
42	Salvador MORA	6503 moonglow DR	[Signature]
43	Maria Leveled	6501 moonglow DR	[Signature]
44	BUSTRA SMITH	6407 moon glow DR	[Signature]
45	Jesus soto	6405 MOONGLO DR	Jesus soto
46	Francisca Uribe	6403 moonglow DR	Francisca Uribe
47	Raul Mercado	6309 vivgo LN	[Signature]



I, Jose' Benitez am applying for a variance from the Board of Adjustment regarding Section _____ of the Land

Development Code. The variance would allow me the ability to retain my carpet w/in
the front building setback

By signing this form, I understand that I am declaring my support for the variance being requested.

	Property Owner Name (Printed)	Address	Signature
48	<u>Jose Velasco</u>	<u>6400 VIRGO LN.</u>	<u>[Signature]</u>
49	<u>Rachel Stewart</u>	<u>6402 VIRGO LANE 78724</u>	<u>Rachel Stewart</u>
50	<u>Kath Flaks</u>	<u>6508 SANDSHOF DR</u>	<u>[Signature]</u>
51	<u>CHERYL FREEMAN</u>	<u>6504 Sandshof DR</u>	<u>Cheryl Freeman</u>
52	<u>[Signature]</u>		
53	<u>[Signature]</u>	<u>6501 Sandshof Dr</u>	<u>[Signature]</u>
54	<u>Reathe r Battle</u>	<u>6411 Sandshof Dr.</u>	<u>Reathe Battle</u>