

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

*Special Exception*

ROW

CASE # C15-2014-0164  
ROW # 11248101  
ROLL 0221330407  
(TCADV)

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: 7029 Craybrough Circle

LEGAL DESCRIPTION: Subdivision - Colony Park, Sec. 1, PHS 1

Lot(s) 25 Block C Outlot - Division -

I/We Griselda Estrada 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)

    ERECT     ATTACH     COMPLETE     REMODEL  MAINTAIN

Carport w/in front setback.

in a SP-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:

**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:

N/A

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 Some Mail Address \_\_\_\_\_

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

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 Griselda Estrada Mail Address 7029 Craybrough Circle

City, State & Zip Austin, Tx 78724

Printed \_\_\_\_\_ Phone 512-772-1907 Date \_\_\_\_\_

~~Griselda Estrada Villa Craybrough Circle~~

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.

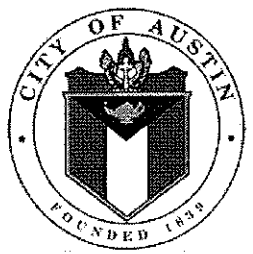
(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

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



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0164  
 Address: 7029 CRAYBROUGH CIRCLE



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.

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.



# City of Austin

Founded By Congress, Republic of Texas 1839  
Code Compliance Department  
P.O. Box 1088, Austin, Texas 78767 - 1088

July 28, 2014

**NOTICE OF VIOLATION**  
via Certified Mail # 7014 1200 0002 3327

Ruperto And Griselda Estrada  
7029 Craybrough Circle  
Austin, Texas 78724-3537

**RE: 7029 CRAYBROUGH CIR 78724**

Legally described as LOT 25 BLK C COLONY PARK SEC 1 PHS 1  
Zoned as SF-2  
Parcel Number 0221330407

Dear Ruperto And Griselda Estrada:

An investigation by the City of Austin's Code Compliance Department was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the code violation(s) found with required remedies for attaining compliance with the City Code.

After receipt of this notice, you may not sell, lease, or give away this property unless you have provided the buyer, lessee, or other transferee a copy of this notice, and provided the name and address of the buyer to the Code Official.

In the event the property is vacant or becomes vacant on or after the date of this notice the property may not be leased, as stated in §25-12-213 Chapter 11 of the City Code.

If you have any questions, please contact me by telephone at 512-974-9033 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en 512-974-9033 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

### **Ownership Information**

According to the applicable records of the County, you own the real property described in this notice. If you no longer own this property, you must execute an affidavit stating that you no longer own the property and stating the name with the last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to our office not later than the 20th day after the date you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice, even if you do not.

An affidavit form is available at our office located at 1520 Rutherford Lane. An affidavit may be mailed to:

## INVESTIGATION REPORT

**Investigator:** Mike Carter

**Case:** CV-2014-068403


**Address:** 7029 CRAYBROUGH CIR 78724

**Zoned as** SF-2

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: Zoning (§25-2)

Description of Violation: Carport on side and front yard setback's 

Date Observed: June 30, 2014

Status: Not Cleared

Required Remedy: Remove or obtain 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: June 30, 2014

Status: Not Cleared

Required Remedy: obtain required permits for garage conversion

### Required Remedy Summary

Building Permit Required

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 7876**





## City of Austin

Austin's Community-Owned Electric Utility

[www.austinenergy.com](http://www.austinenergy.com)

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

October 28, 2014

Ruperto and Griselda Estrada  
7029 Craybrough Circle  
Austin, Texas 78724 - 3537

Re: 7029 Craybrough Circle  
Lot 25, Block C,  
Colony Park  
Section 1, Phase 1

Dear Ruperto and Griselda,

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. 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

Address: 7029 CRAYBOROUGH CR Permit: 168943 Plat: FILE

Lot: 25 Block: C Subdivision: COLONY PARK PAT Sect  
 Fire Zone: 3 Use Dist.: A Occupancy: ONE STORY FR. RES W/STONE WALLS

11-28-77	Layout	12-19-77	Framing	6-12-78	Final	Commercial
Foundation		Floor joist size & o.c.	<u>SLAB</u>	Bldg. Conn.	<u>—</u>	Parking
Front setback		ceiling joist size & o.c.	<u>1" x 2"</u>	Room Vent.	<u>—</u>	Exits
Total & Min. side yard		stud size & o.c.	<u>2" x 4" / 16"</u>	Stairs	<u>—</u>	Exit lights
Side St. Yard		W. Insulation	<u>R-11</u>	Rails	<u>—</u>	Fences
Type Const.		Sheetrock	<u>5/8"</u>	Attic Vent.	<u>—</u>	Corridors
Spec. Permit #		Commercial Sheetrock	<u>—</u>	Insulation	<u>R-19</u>	
BOA		Occup. Sep. Thru/out	<u>—</u>	Hood Vent.	<u>—</u>	
				Glass	<u>—</u>	
				Deadbolts	<u>—</u>	
				Fireplaces	<u>—</u>	

Owner: RAY ELLISON Contractor: A. W. W. W.

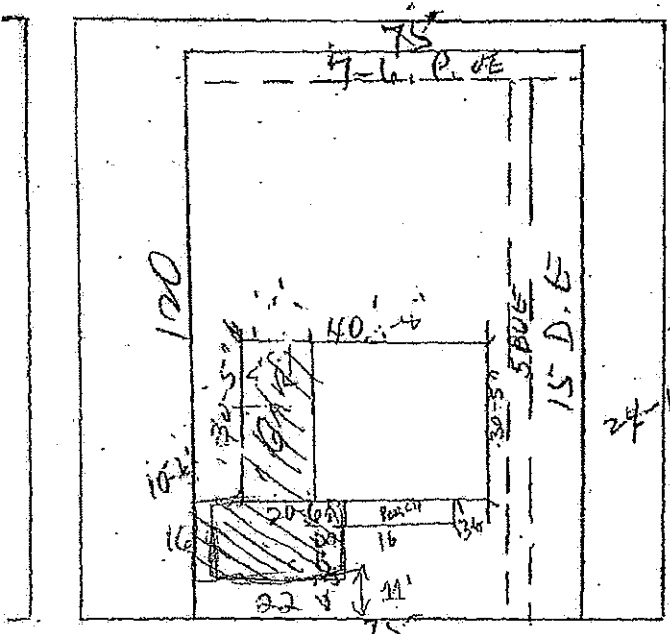
40 x 30' + 55' = 1255'

BID 2005 JUNE 77



Clerk: PAUL M Date: 11-23-77

Address:



75'  
40'  
35' T.S.Y HC 890 SS  
  
40  
19-6  
6

330ft<sup>2</sup> Garage Conversion

APPROVED BY  
AUSTIN ENERGY  
FOR BOA

DATE: OCT 28 2014

[Signature]  
Final OK  
6-12-78

Inspector: BR

CRAYBOROUGH CR

CITY OF AUSTIN  
APPROVED FOR PERMIT  
Greg Guemsey

Planning and Development Review Department  
Date: 8/11/14

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

**AE APPROVED**  
AUG 04 2014  
216-207  
JGM

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

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