

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, January 12, 2015

CASE NUMBER: C15-2014-0176

☐ Y ☐ Jeff Jack - Chair
☐ Y ☐ Michael Von Ohlen
☐ Y ☐ Melissa Whaley Hawthorne - Vice Chair - Motion to PP to Feb 9, 2015
☐ Y ☐ Sallie Burchett
☐ Y ☐ Ricardo De Camps
☐ Y ☐ Brian King
☐ Y ☐ Vincent Harding - 2nd the Motion

OWNER/APPLICANT: Augustina Gonzalez

ADDRESS: 2108 S L DAVIS AVE

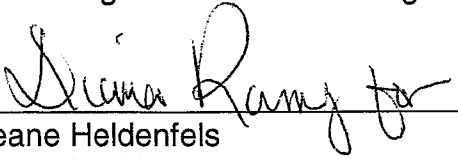
VARIANCE REQUESTED:): The applicant has requested a variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 25 feet (required) to 20 feet (requested) in order to extend and enclose an existing porch in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Rosewood)

BOARD'S DECISION: Jan 12, 2015 The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to February 9, 2015, Board Member Vincent Harding second on a 7-0 vote; **POSTPONED TO FEBRUARY 9, 2015.**

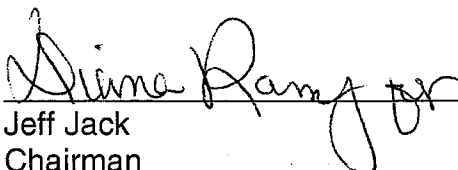
FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

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



Leane Heldenfels
Executive Liaison



Jeff Jack
Chairman

C15-2014-0176

Heldenfels, Leane

From: jane Rivera <~~jane.rivera@austintexas.gov~~>
Sent: Wednesday, January 28, 2015 10:56 PM
To: Gibbs, Carol
Cc: Heldenfels, Leane
Subject: Re: Can You Help?

No problem. This is definitely the case. Thank you, Carol.
Leane, the contact team can't meet until the 10th. Could we please reschedule the hearing until after this?
Jane Rivera

Sent from my iPhone

On Jan 28, 2015, at 10:52 PM, Gibbs, Carol <Carol.Gibbs@austintexas.gov> wrote:

Janie, I accidentally hit Send!
I've CC'd Leane this time, and finished my message! Leane's ph. # is 512-974-2202.

~ Carol

On Jan 28, 2015, at 10:40 PM, "Gibbs, Carol" <Carol.Gibbs@austintexas.gov> wrote:

Janie,

We can easily figure it out. It's like a jigsaw puzzle:

Feb. 9 is Board of Adjustment, so I've CC'd Leane Heldenfels, the Staff Liaison for BoA.

In the database, the only BoA case in "Hearing Scheduled" status in the Rosewood Neighborhood is this one:
www.austintexas.gov/devreview/b_showpublicpermitfolderdetails.jsp?FolderRSN=11252274

It looks like it has already been postponed once, so the N'hood may have to request this one, depending on who requested it last month. And the applicant may or may not object to another delay.

Also, the attachments are already online since it went to BoA last month, so look thru them first, and then call or email Leane - she can fill you in.

~ Carol

On Jan 28, 2015, at 9:43 PM, "Jane Rivera" <~~jane.rivera@austintexas.gov~~> wrote:

Carol,
I have a strange request. Can you find out if there is currently a variance hearing scheduled for February 9 for in my neighborhood? Someone named Gina has called me, and I've misplaced her number. I was unable to get a meeting scheduled until February 10, and I suggested she see if she could get a postponement.
Thank you so much.
Jane

CASE# _____
ROW# _____
TAX# _____

**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: 2108 SL Davis avenue,
Austin, Texas 78702

LEGAL DESCRIPTION: Subdivision – _____

Lot(s) 4 Block 6 Outlot 58 Division B

I/We AGUSTINA GONZALEZ

_____ 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 X REMODEL X MAINTAIN

FRONT PATIO ENCLOSED

in a SF-3-NP (Rosewood)
_____ 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:

The front was already enclosed with one front open entrance from before and we just remodeled due to a

Wind storm around 2010. The wind storm damaged the patio and other area badly since this house was built in 1910.

HARDSHIP:

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

When I asked for the permit, I asked to extend couple more feet in front setback was approved but I did not realized that I needed to leave the addition open on three sides.

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

This property is one of the few undeveloped houses and was the only one that was badly damaged by the

Wind storm. It was remodeled by family members and even dough is not a good reason it would be very expensive for me to undo the patio buy the material again.

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:

The variance will not interfere with my neighbors houses because it has a small three x three feet open

Sided patio to the right side portion of the addition. The neighbor on the left has a mobile home that is way to the back lot and it is not blocked by my patio at all. My neighbors do not oppose to may patio.

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:

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:

N/A

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

N/A

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

N/A

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 _____ Mail Address 2108 SL Davis Avenue

City, State & Zip Austin, Texas 78702

Printed Agustina Gonzalez Phone 512-762-3819 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 _____ Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ Date _____

Heldenfels, Leane

From: Hernandez, Tony [PDRD]
Sent: Tuesday, December 16, 2014 10:23 AM
To: Heldenfels, Leane
Subject: RE: Could you confirm ok to withdraw case for 2108 SL Davis

She will need a BOA decision. I spoke to her yesterday they added an additional four feet into the front yard setback increasing the non-compliance which she is not allowed to do. I had understood that they had only enclosed a portion of the front porch

Respectfully,

Tony Hernandez, Program Manager

City of Austin, Planning Development Review Department

505 Barton Springs Road, Suite 300
Austin, Texas 78704
Office (512) 974-1230

From: Heldenfels, Leane
Sent: Tuesday, December 16, 2014 9:42 AM
To: Hernandez, Tony [PDRD]
Subject: Could you confirm ok to withdraw case for 2108 SL Davis

Just need something for the file.

Also, were you ever able to speak with her, I can call her today and explain if you haven't gotten thru to her yet -

Thanks,

Leane

ARTICLE 8. NONCOMPLYING STRUCTURES.

§ 25-2-961 NONCOMPLYING DEFINED.

NONCOMPLYING means a building, structure, or area, including off-street parking or loading areas, that does not comply with currently applicable site development regulations for the district in which it is located, but did comply with applicable regulations at the time it was constructed.

Source: Section 13-2-331; Ord. 990225-70; Ord. 031211-11.

§ 25-2-962 STRUCTURES COMPLYING ON MARCH 1, 1984.

(A) A structure that complied with the site development regulations in effect on March 1, 1984, is a complying structure notwithstanding the requirements of this chapter.

(B) A structure that complies with the site development regulations does not become a noncomplying structure as the result of a change in the use, zoning, or development of adjacent property.

Source: Section 13-2-820; Ord. 990225-70; Ord. 031211-11.

§ 25-2-963 MODIFICATION AND MAINTENANCE OF NONCOMPLYING STRUCTURES.

(A) Except as provided in Subsections (B), (C), and (D) of this section, a person may modify or maintain a noncomplying structure.

(B) The following requirements must be met in order to modify, maintain, or alter a non-complying residential structure:

(1) Demolition or removal of walls must comply with the following requirements:

(a) No more than fifty percent of exterior walls and supporting structural elements of the existing structure may be demolished or removed, including load bearing masonry walls, and in wood construction, studs, sole plate, and top plate. For purposes of this subsection, exterior walls and supporting structural elements are measured in linear feet and do not include the roof of the structure or interior or exterior finishes.

(b) Replacement or repair of structural elements, including framing, is permitted if required by the building official to meet minimum health and safety requirements.

(2) Replacement or alteration of an original foundation may not change the finished floor elevation by more than one foot vertically, in either direction.

(3) For any residential use other than a single-family use in an SF-3 or more restrictive zoning district, the following requirements must be met in order to add square footage or convert accessory space into conditioned or habitable space:

(a) If the lot is non-complying with current lot size or lot width requirements, the cost of improvements may not exceed 20 percent of the value of the structure before the improvements.

(b) Compliance with current parking and occupancy regulations is required.

(4) If a noncomplying portion of a structure is demolished, it loses its noncomplying status and may only be rebuilt in compliance with current code.

(C) Except as provided in Subsections (E) and (F), a person may not modify or maintain a noncomplying structure in a manner that increases the degree to which the structure violates a requirement that caused the structure to be noncomplying.

(D) The following requirements must be met in order to repair, reinforce, or maintain a non-complying dock, bulkhead, or shoreline access as defined in Section 25-2-1172 (*Definitions*), or to modify a noncomplying dock:

(1) Modification of a dock must comply with the following requirements:

(a) the dock must be an accessory to a single-family residence;

(b) the alteration must be confined within the existing footprint;

- (c) the total footprint of the dock must be reduced by 50%;
- (d) the number of boat slips on the dock is reduced by 50%; and
- (e) the alternation may not increase the degree to which the structure violates a requirement that caused the structure to be noncomplying.
- (2) Repair, reinforcing, or maintaining a noncomplying dock, bulkhead, or shoreline access must comply with the following requirements:
 - (a) no more than 50 percent of existing piles, pilings, or sheet pile or no more than 50 percent of the length of the dock, bulkhead, or shoreline access may be removed or replaced; and
 - (b) the location, footprint, and degree of noncompliance of the structure is not altered;
 - (3) Demolition is subject to the limitation in Subsection (B)(4) of this Section.
- (E) A person may increase the height of a building that is a noncomplying structure based on a height requirement of this title if:
 - (1) the increase is made to a portion of the building that:
 - (a) does not exceed the existing maximum height of the building; and
 - (b) complies with the yard setback requirements of this title;
 - (2) the increase does not exceed 15 percent of the existing maximum height of the building; and
 - (3) after modification, the height of the modified portion of the building does not exceed the existing maximum height of the building.
- (F) A person may modify a building that is a noncomplying structure based on a yard setback requirement of this title if:
 - (1) the modified portion of the building:
 - (a) does not extend further into the required yard setback than the existing noncomplying portion of the building,** except for a vertical change in finished floor elevation allowed under Subsection (B)(2) of this section;
 - (b) unless located in a street side yard, is not greater in height than the existing noncomplying portion of the building, except for a vertical change in finished floor elevation allowed under Subsection (B)(2) of this section; and
 - (c) complies with the height requirements of this title; and
 - (2) the additional length of a modified portion of the building does not exceed the lesser of 50 percent of the length of the noncomplying portion of the building or 25 feet measured from the existing building and parallel to the lot line.
- (G) Subsection (F) applies to each yard setback requirement with which the existing building does not comply.
- (H) A person may modify a noncomplying building once under Subsection (E) and once under Subsection (F). This section does not prohibit a person from modifying a building along more than one yard setback as part of a single project.

Source: Sections 13-2-820 and 13-2-823; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20100624-149; Ord. 20101209-075.

§ 25-2-964 RESTORATION AND USE OF DAMAGED OR DESTROYED NONCOMPLYING STRUCTURES.

- (A) A person may restore a noncomplying structure that is damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind if the restoration begins not later than 12 months after the date the damage or destruction occurs.
- (B) Except as provided in Section 25-2-963 (*Modification And Maintenance Of Noncomplying Structures*):

CITY OF AUSTIN DEVELOPMENT WEB MAP 1997 Aerial

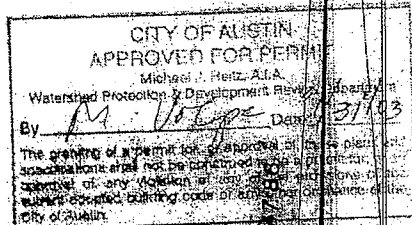


Legend

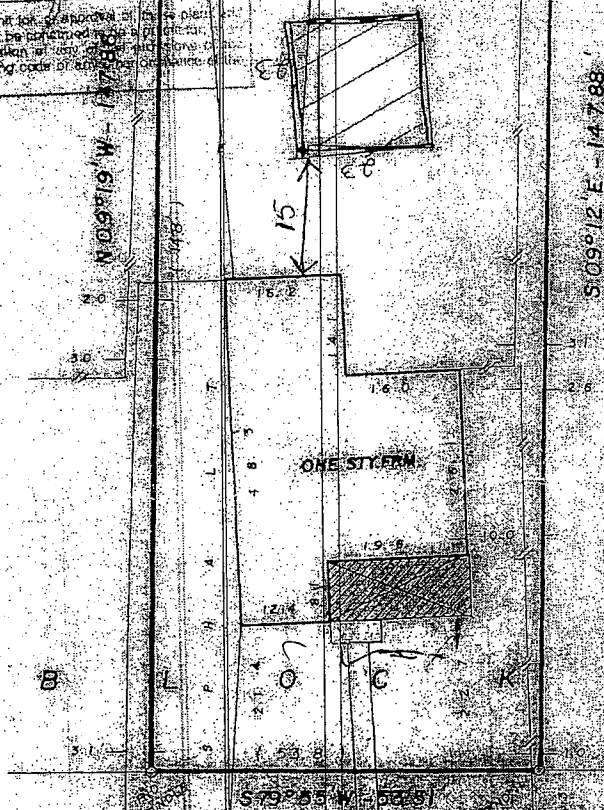
-  Lot Lines
-  Streets
-  Building Footprints
-  Named Creeks
-  Lakes and Rivers
-  Parks
-  County

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.

the Special Property Damage Unit has within the limits of a special flood hazard zone, as determined from the F.E.M.A. Flood Insurance Rate Map, Community No. 480024, as shown on Consolidated Map 48-53C0165-E, dated June 16, 1993 (Zone IV).



4
REVIEWED FOR RECORDING ONLY 5



FORMER WASHINGTON AVE SLODANS AVENUE 16072 W

LEGAL DESCRIPTION

Lot 4, Block 6, FOSTER SUBDIVISION COMMUNITIES, TRAVIS COUNTY, Texas, subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof recorded in Volume 1, Page 54, Travis County Plat Records.

PERONASER GONZALES

ADAMS: 2108, 9-1, DAVENPORT, AND

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BP-03-0685-RA
Parking Access
from Alley