

Special Exception

CASE# CG-2015-0026
ROW# 11276792
TAX# 0102051008

CITY OF AUSTIN TCAD ✓
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: 1502 Kinney Ave, Austin, TX 78704

LEGAL DESCRIPTION: Subdivision - Barton Heights A

Lot(s) 5 Block 3 Outlot _____ Division _____

I/We Tracy Perkins on behalf of (myself) ourselves as authorized agent for
Self affirm that on 12/19, 2014

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

Shed ~~and~~ ⁱⁿ side set back at least since 1997

in a SF-3 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:

Not Applicable

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:

Not Applicable

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

Not Applicable

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

Not Applicable

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 Tracy Perkins Mail Address 1502 Kinney Ave

City, State & Zip Austin, TX 78704

Printed TRACY PERKINS Phone 512.487.2178 Date 12/19/2014

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 Same Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ Date _____



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0026
Address: 1502 KINNEY AVE



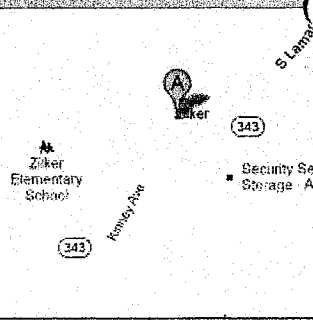
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.

1" = 200'

ORDERED BY:

Gracy Title
a stewart company
partnerships built on trust



PROPERTY ADDRESS: 1502 KINNEY AVENUE AUSTIN, TEXAS 78704

SURVEY NUMBER: 1304.0489

FIELD WORK DATE: 4/5/2013

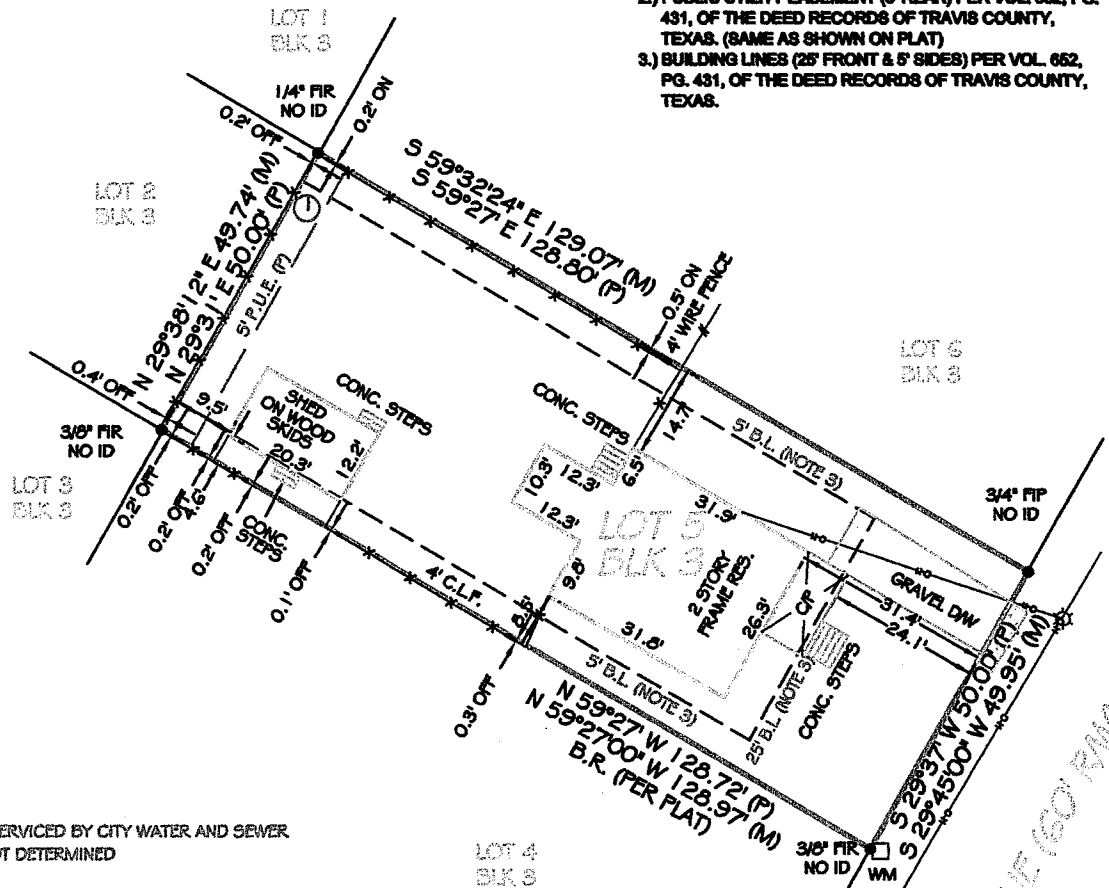
REVISION DATE(S): (REV.0 4/8/2013)

1304.0489

**BOUNDARY SURVEY
TRAVIS COUNTY**

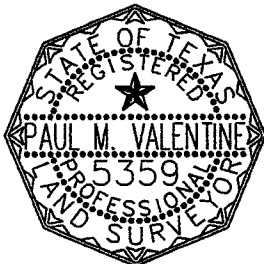
NOTES:

- 1.) SUBJECT TO APPLICABLE RESTRICTIVE COVENANTS RECORDED IN VOL. 652, PG. 431, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.
- 2.) PUBLIC UTILITY EASEMENT (5' REAR) PER VOL. 652, PG. 431, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. (SAME AS SHOWN ON PLAT)
- 3.) BUILDING LINES (25' FRONT & 5' SIDES) PER VOL. 652, PG. 431, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.



NOTES:

LOT APPEARS TO BE SERVICED BY CITY WATER AND SEWER
FENCE OWNERSHIP NOT DETERMINED



Paul M. Valentine

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON THE 5TH DAY OF APRIL 2013, AND THAT ALL EASEMENTS AND RIGHTS-OF-WAY ARE SHOWN PER PLAT AND AS SET FORTH WITHIN THE TITLE COMMITMENT ISSUED BY STEWART TITLE GUARANTY COMPANY, FILE NO. 01247-4275, EFFECTIVE MARCH 26, 2013 EXCEPT THOSE NOTED AS NOT PLOTTABLE, AND THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN HEREON AND THAT THE PROPERTY HAS ACCESS TO A DEDICATED RIGHT-OF-WAY PER PLAT.

RECEIVED

DEC 10 2014

TCAD



GRAPHIC SCALE (In Feet)
1 inch = 30' ft.



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.

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

(A)

This section applies in a family residence (SF-3) district.

(B)

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

(C)

For a retirement housing (small site) use:

(1)

the minimum site area is 18,675 square feet;

(2)

a site may be developed with not more than 122 dwelling units;

(3)

at least 6,225 square feet of site area is required for each dwelling unit; and

(4)

except for a parking space in a driveway, a parking space may not be located in a front street yard.

(D)

This subsection applies to a duplex residential use.

(1)

On a lot with a lot area of less than 10,000 square feet, a duplex structure may not exceed 4,000 square feet of gross floor area or contain more than six bedrooms.

(2)

On a lot with a lot area of 10,000 square feet or more, a duplex structure may not exceed a floor-to-area ratio of 0.57 to 1.

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.