

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

**DATE: Monday, February 9, 2015**

**CASE NUMBER: C15-2015-0021**

\_\_\_\_ Jeff Jack - Chair  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Melissa Whaley Hawthorne - Vice Chair  
\_\_\_\_ Sallie Burchett  
\_\_\_\_ Ricardo De Camps  
\_\_\_\_ Brian King  
\_\_\_\_ Vincent Harding  
\_\_\_\_ Will Schnier - Alternate  
\_\_\_\_ Stuart Hampton - Alternate

**OWNER/APPLICANT: Jesse Attas**

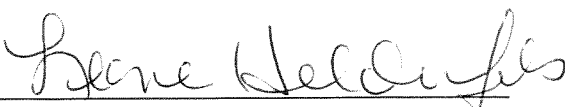
**ADDRESS: 1803 PRINCETON AVE**

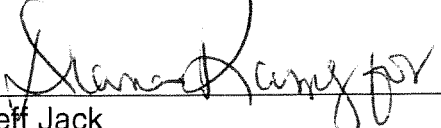
**VARIANCE REQUESTED:** The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from Section 25-2-492 (D) (Site Development Regulations) to decrease the side yard setback from 5 feet (required) to 0 feet (requested) in order to maintain an existing carport structure constructed up to and slightly over the property line in an "SF-3-NP", Family Residence Zoning District. (Crestview)

**BOARD'S DECISION: POSTPONED TO March 9, 2015 FOR LIFE SAFETY REPORT BY THE BOARD**

**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

C15-2015-0021



## SPECIAL EXCEPTION INSPECTION



Address:	1803 Princeton Ave.
Permit Number:	2015-005608
Property Owner Requesting Special Exception:	Jesse Attas

**Special Exception Requested:**

Carport encroaching into side yard setback

**Date Structure was originally constructed:** built sometime between 2006 and 2013 as per COA GIS this structure doesn't meet the 10 year requirement for the special exception

Date of Inspection:	11-20-2015
Building Official or designated representative	Tony Hernandez
	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
<b>X</b>	<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"> <li>1. Remove overhang crossing property line. Survey required to verify after removal</li> <li>2. Projection not allowed between 0-2 feet from fire separation line (in this case fire separation line is the property line) which means the carport cannot exist within those two feet of the property line.</li> <li>3. 1 hour fire-resistance rating required on projection remaining in side yard setback. (Projection meaning the underside of the carport and overhangs).</li> <li>4. 1 hour fire-resistance columns required</li> </ol>








2003 Aerial

CITY OF AUSTIN DEVELOPMENT WEB MAP

1403 AS2015-0021  
Princeton Ave.



Legend

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

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SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0021  
Address: 1803 PRINCETON 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'

Special Exception

CASE# C15-2015-0021  
ROW# 11279179  
TAX# 0237070904

CITY OF AUSTIN (C147 ✓)  
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: 1803 Princeton Avenue

LEGAL DESCRIPTION: Subdivision – Crestview Addn Sec 10

Lot(s) 38 Block 2 Outlot \_\_\_\_\_ Division \_\_\_\_\_

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

Jesse Atlas & Chris Macleod affirm that on Dec 17, 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 X MAINTAIN

carport w/in side setback that's existed  
for more than 10 yrs

in a SF-3-NP district. Crestview  
(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

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 Phonow Mail Address 905 East 55th St.

City, State & Zip Austin, TX 78751

Printed \_\_\_\_\_ Phone 512 517 1532 Date 12-17-2014

**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 see authorization Mail Address \_\_\_\_\_

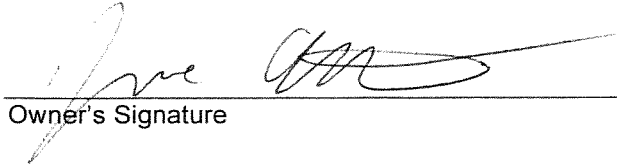
City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

## OWNER'S AUTHORIZATION LETTER

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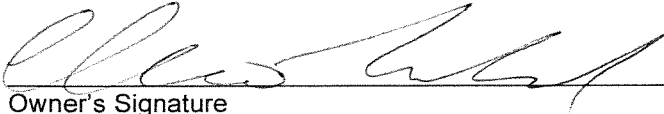
I/we hereby certify that I/we am/are the owner(s) of the above described property. I/we am/are respectfully requesting processing and approval of the above referenced permit(s) review. I/we hereby authorize the Applicant listed on this application to act on my/our behalf during the processing and presentation of this request. They shall be the principal contact with the City in processing this application.



Owner's Signature

12/16/14

Date



Owner's Signature

12/16/14

Date

Jesse Attas

1<sup>st</sup> Owner's Printed Name

Christine MacLeod

2<sup>nd</sup> Owner's Printed Name



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:

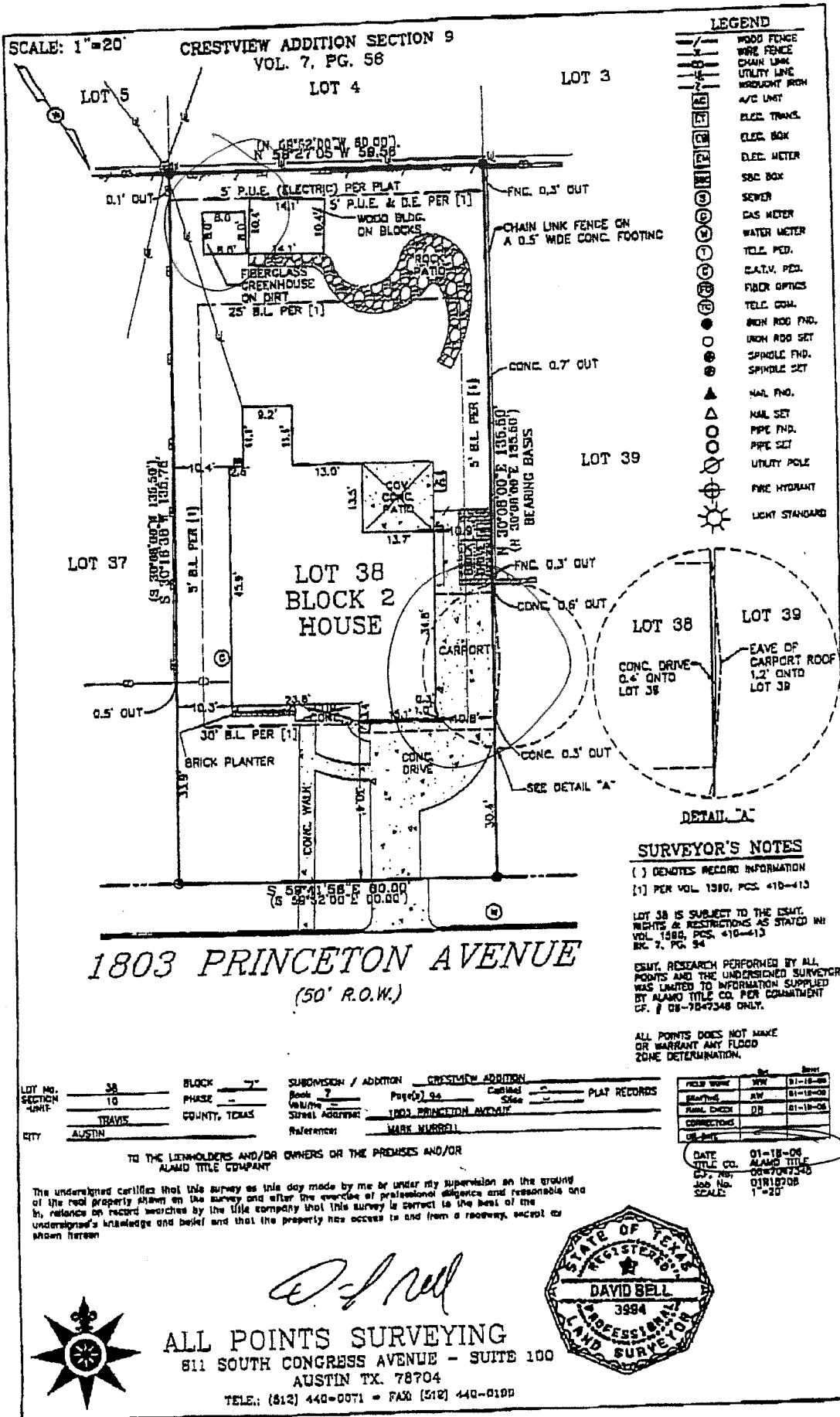
(1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;

(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.



25-2-553 SINGLE-FAMILY RESIDENCE LARGE LOT (SF-1) DISTRICT REGULATIONS.

In a single-family residence large lot (SF-1) district, **the rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height.**

Source: Section 13-2-633; Ord. 990225-70; Ord. 031211-11.

§ 25-2-554 SINGLE-FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT REGULATIONS.

In a single-family residence standard lot (SF-2) district, **the rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height.**

Source: Section 13-2-634(a); Ord. 990225-70; Ord. 031211-11.

§ 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.

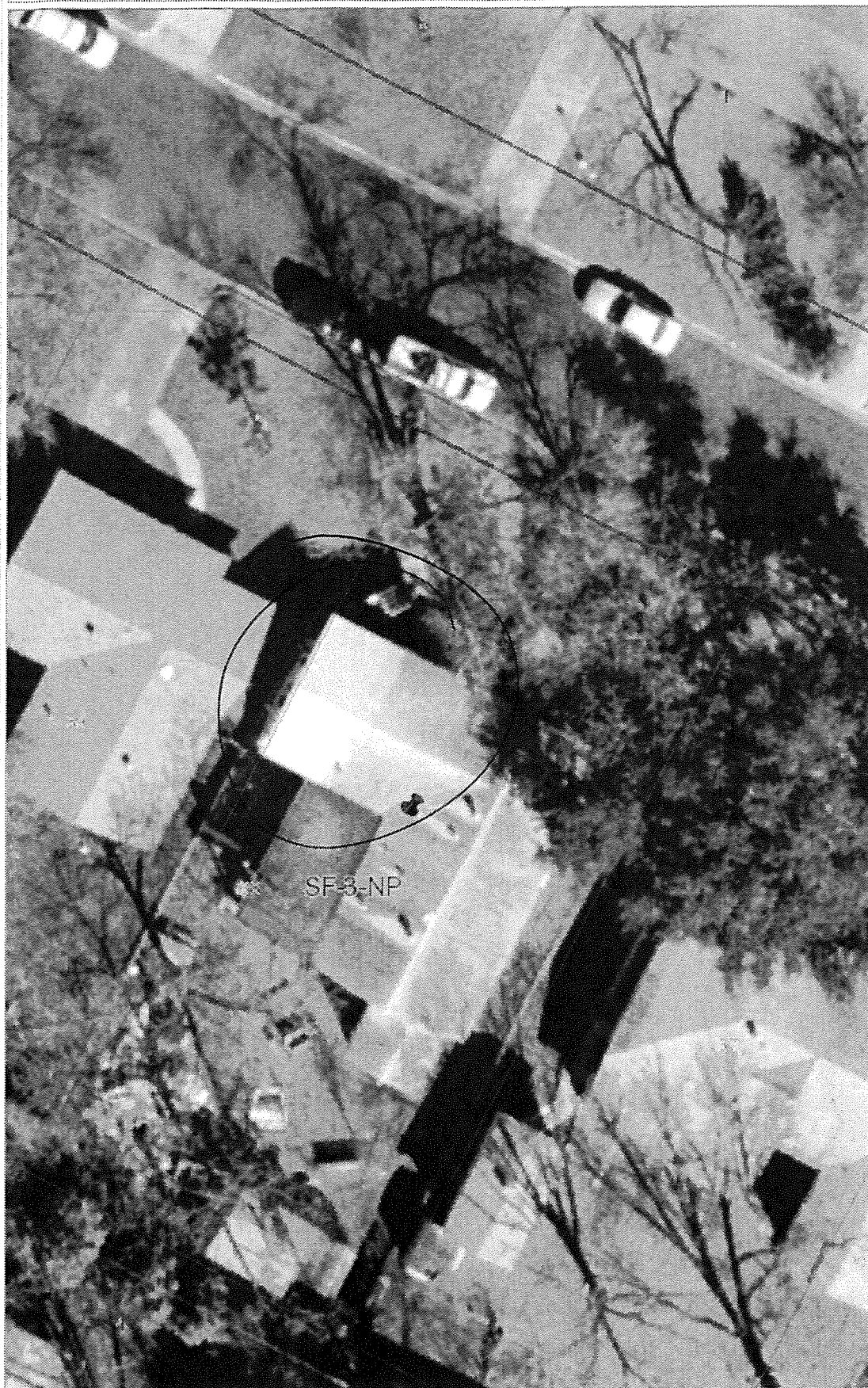
Source: Section 13-2-635; Ord. 99025-70; Ord. 030605-49; Ord. 031211-11.

★  
rear  
shed













1803 Princeton

CITY OF AUSTIN DEVELOPMENT WEB MAP

2003 Aerial



Legend

-  Lot Lines
-  Streets
-  Building Footprints
-  Named Creeks
-  Lakes and Rivers
-  Parks
-  County
-  Lot ID
-  Block ID
-  Lot Line
-  Zoning Text
-  Zoning (Large Map Scale)

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C15-2015-0021



## CORRECTION NOTICE

### Watershed Protection & Development Review

Permit Number: 2015-005608-BP

Permit Address: 1803 PRINCETON AVE

Inspector, phone, pager  
& email

No. Location

Inspection Type

Date

Deficiency

Comments

Terry Hurd 512-974-1239 802-3588  
terry.hurd@austintexas.gov

1

100 Bldg  
Pre-Construction

01/20/2015

smoke detectors and carbon monoxide  
detectors required

2

100 Bldg  
Pre-Construction

01/20/2015

planned near future remodel will address  
egress and alarm requirements

3

100 Bldg  
Pre-Construction

01/20/2015

side yard setback  
encroachment--overhang encroaches  
past property line to west

For General Assistance, Dial: 974-2027

## PUBLIC HEARING INFORMATION

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**Case Number: C15-2015-0021, 1803 Princeton Avenue**

**Contact:** Leane Heldenfels, 512-974-2202, [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

**Public Hearing: Board of Adjustment, February 9th, 2015**

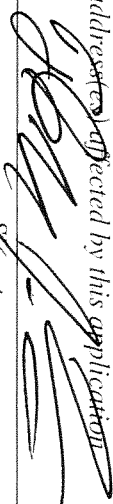
THOMAS BOLKE

Your Name (please print)

☐ I am in favor  
☒ Object

1700 PRINCETON AVE

Your address (typed by this application)



2/2/15

Signature

Date

Daytime Telephone: 512.202.8598

Comments:

Opposed to zero lot line for two reasons:

1) allows property owner to add additional construction encroaching on neighbor(s).

2) precedent for future similar requests

Note: any comments received will become part of the public record of this case

**If you use this form to comment, it may be returned to:**

City of Austin-Planning & Development Review Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or scan and email to [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

Or fax to Leane Heldenfels at (512) 974-6305

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**Contact:** Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

**Public Hearing:** Board of Adjustment, February 9th, 2015

Your Name (please print)

IGNACIO GONZALEZ

☐ I am in favor  
☒ I object

Your address(es) affected by this application

1804 BAKER BLVD ST.

Signature

Date

Daytime Telephone: (512) 658-5894

Comments:

I object to building over the property line. If the building has to be built in set back I would consider it being OK. NOT over the property line

Note: any comments received will become part of the public record of this case

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Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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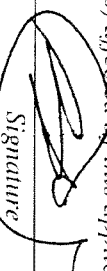
**Contact:** Leane Heldenfels, 512-974-2202, [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

**Public Hearing: Board of Adjustment, February 9th, 2015**

Bryan Goldberg  
Your Name (please print)

☒ I am in favor  
☐ I object

1800 Princeton Ave  
Your address(es) affected by this application

  
Signature

1-31-15  
Date

Daytime Telephone: 512-410-9711

Comments: I have no problem with the applicant's request. The carport has been there since I moved to this house and it's not hurting anything.

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Leane Heldenfels  
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Leane Heldenfels  
Your Name (please print)

☒ I am in favor  
☐ I object

1704 Princeton Ave.  
Your address(es) affected by this application

Leane Heldenfels 2/8/15  
Signature Date

Daytime Telephone: 512-699-7666

Comments:

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