






-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2015-0029  
Address: 5405 AVENUE F



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.

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1 " = 200 '

# Special Exception

CASE# C15-2015-0029  
ROW# 11290481  
TAX# 0225101010  
TCAD ☒

## 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: 5405 Avenue F

LEGAL DESCRIPTION: Subdivision - The Highlands

Lot(s) 27 & 28 Block 40 Outlot \_\_\_\_\_ Division Travis County

I/We Guillaume Fresneau on behalf of myself/ourselves as authorized agent for  
Guillaume Fresneau affirm that on Jan 11, 2015 \_\_\_\_\_,

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

Special Exemption to maintain an existing carport and garage

in a SF-3 - NP district. (North Loop)  
(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:

N/A, Special Exemption

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**HARDSHIP:**

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

N/A, Special Exemption

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

N/A, Special Exemption

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**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:

N/A, Special Exemption

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**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:
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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.

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, Special Exection

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, Special Exection

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

N/A, Special Exection

**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 Guillaume Fresneau Mail  
Address 6404 Haney Dr

City, State & Zip Austin, Tx, 78723

Printed \_\_\_\_\_ Phone 512 450 8586 Date  
01/11/2015 \_\_\_\_\_

**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 Guillaume Fresneau Mail  
Address 6404 Haney Dr

City, State & Zip Austin, Tx, 78723

Printed \_\_\_\_\_ Phone 512 450 8586 \_\_\_\_\_ Date 01/11/2015 \_\_\_\_\_



## SPECIAL EXCEPTION INSPECTION



Address:	5405 Avenue F
Permit Number:	2015-016485
Property Owner Requesting Special Exception:	Guillaume Fresneau

### Special Exception Requested:

Rear encroachment 3.0 from rear property line, 2.7 from side property line on wood frame garage.

Carport on south side encroaching into neighboring property

Covered concrete on north side encroaching into neighboring property

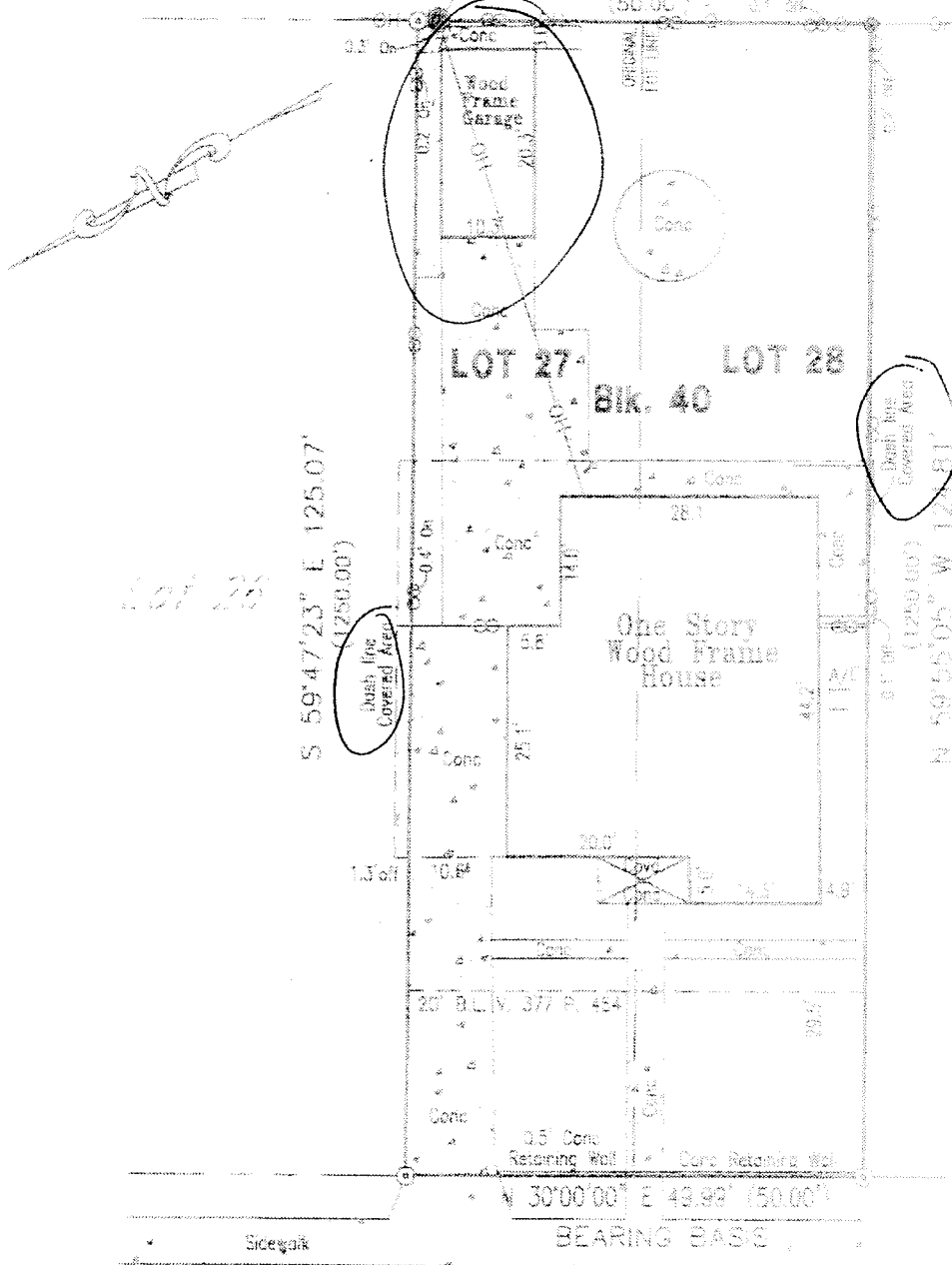
**Date Structure was originally constructed:** garage dated via GIS 2003, unable to verify carport built sometime before 2006. Covered concrete area on north side existed in 2003 as per COA GIS

Date of Inspection:	02-18-15
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. Overhangs cannot exist within 2 feet of the property line or cross property lines</li><li>2. 1 hour fire resistance system required at ceiling of carport and concrete covered area existing in side yard setbacks also overhang on garage.</li><li>3. 1 hour columns required on carport and covered concrete area</li><li>4. 1 hour fire resistance wall required at garage with zero openings</li></ol>

20 0 20 Feet

ALLEY

S 30°18'16" W 49.7' (50.00')



# LEGEND

- 1/2" IRON PIPE FOUND
- 1/2" REBAR FOUND
- 1/2" REBAR SET
- 600 NAIL FOUND
- 600 NAIL SET
- SPRINKLE FOUND
- BARB WIRE FENCE
- CHAIN LINK FENCE
- WOOD FENCE
- METAL FENCE
- BUILDING LINE
- PUBLIC UTILITY easement
- DRAINAGE easement
- SURFACE DRAINAGE easement
- SEWER/WASTEWATER
- ELECTRIC easement
- SANITARY SEWER easement
- GAS METER
- WATER METER
- ELECTRIC METER
- FIRE HYDRANT
- RECORD INFORMATION
- POWER POLE
- OVERHEAD UTILITIES

AVENUE F

YOUR DEDICATED TEAM OF REAL ESTATE PROFESSIONALS



WELLS FARGO HOME MORTGAGE



KAREN WILSON DYE

3801 CAPITAL OF TEXAS HWY. N. STE. E-120  
AUSTIN, TEXAS 78746  
PHONE: (512)322-8719 FAX: (512)327-5049

BONNIE SNYDER

101 S. LOCUST STREET #650  
DENTON, TEXAS 76201  
PHONE: (972)393-4447 FAX: (972)462-8726

Subject to Restrictions as  
Stated in S. 295 F. 137  
377 A. 454 and Ref. 1st  
Vol. 3, Pg. 55.

SUBDIVISION THE HIGHLANDS

LOTS 27 & 28 BLOCK 40 BOOK 3 PAGE 55 NOT RECORDED

COUNTY TRAVIS STATE OF TEXAS STREET ADDRESS 5405 AVENUE F

CITY AUSTIN REFERENCE NAME DORA C. GUERRERO AND E/F M. J. (199)

LOTS: 27 & 28 BLOCK: 40 BOOK: 2 PAGE: 55

COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS: 8432 AVENUE F

CITY: AUSTIN REFERENCE NAME: DORA C. GUERRERO AND EVELYN J. JARVIS

B&G Surveying, Inc.

Victor M. Garza R.P.L.S.

Office 512\*458-5969

Fax 512\*458-9845

1404 West North Loop Blvd.

Austin, Texas 78756



THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 480624 0150C DATED 6-18-93. IT IS REPRESENTED AS IN ZONE "X" HOWEVER AT PRESENT TIME NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED BY SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAN ADMINISTRATOR.

TO THE UNHOLDERS AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED AND TO  
STEWART TITLE GUARANTY COMPANY

DATE 5-17-05

TITLE CO STEWART

G.F. # 5030423

JOB # B0515405\_TA

SCALE 1" = 20'

I DO HEREBY CERTIFY TO THOSE LISTED HEREON THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND, UNDER MY SUPERVISION, OF THE PROPERTY LEGALLY DESCRIBED HEREON, IS PREPARED IN ACCORDANCE TO THE TITLE COMMITMENT REFERENCED HEREON, AND THAT THERE ARE NO VISIBLE BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, TO THE BEST OF MY KNOWLEDGE, ONLY DOCUMENTS CONTAINED WITHIN THE AFOREMENTIONED TITLE COMMITMENT WERE REVIEWED.

CALCULATIONS	RADNEL	5-17-05
FIELD WORK	GRADY	5-18-05
DRAFTING	JERRY	5-17-05
FINAL CHECK	V.G.	5-17-05
CORRECTIONS	M.H.	5-17-05
CP DATE		



# CITY OF AUSTIN DEVELOPMENT WEB MAP

2003 Aerial



## Legend

Lot Lines

Streets

Building Footprints

Named Creeks

Lakes and Rivers

Parks

County

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