


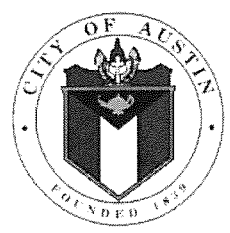




-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2015-0028
Address: 3411 DOLPHIN DRIVE



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.

Special Exception

CASE# C15-2015-0028
ROW# 11290331
TAX# 0405080314

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: 3411 Dolphin Drive

LEGAL DESCRIPTION: Subdivision – Southridge

Lot(s) 3 Block E Outlot _____ Division _____

I/We Rick Holmberg

on behalf of myself/ourselves as authorized agent for

_____ affirm that on Jan 14, 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 ☒ MAINTAIN

covered wood deck/patio.

in a MH 9F-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:

SE

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

SE

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:

SE

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:
-
-

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.

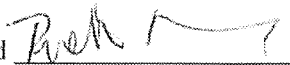
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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

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

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 2402
Gateshead Circle

City, State & Zip Austin, Tx 78745

Printed Rick Holmberg _____ Phone 5125775341 Date 1/10/15

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 2402
Gateshead Circle

City, State & Zip Austin, Tx 78745

Printed Rick Holmberg _____ Phone 5125775341 Date 1/10/15

LOT 1
SOUTHRIDGE SECTION 3
BOOK 48 PAGE 99

LOT 2 SOUTHRIDGE
SECTION 3 BLOCK F

S 83°21'17" W 3.70'
(S 87°22'00" W 3.68')

N 87°59'41" W 61.92'
(N 88°00'00" W 62.00')

7.5' P.U.E. PER PLAT

25' B.L. PER 3886/1606 CH

25' B.L. PER PLAT & 3886/1606

ONE STORY
STONE & FRAME
DUPLEX

CONC. DRIVEWAY

CONC. STORAGE

LOT 3 &
PART OF LOT 4
BLK E

LOT 4
REMAINDER

LOT 2 SOUTHRIDGE E
SECTION ONE BLOCK E

C.M. N 82°22'00" E 64.80'

N 82°22'00" E 69.89' (70.00')
C.M. TO C.M.
N 82°22'00" E 134.80' (135.00')
BEARING BASIS

DOLPHIN DRIVE
(50' R.O.W.)

* LOT 3 AND PART OF LOT 4
DESCRIBED IN VOL. 10307 PG. 304

YOUR DEDICATED TEAM OF REAL ESTATE PROFESSIONALS

LAND MORTGAGE SYLVIA WARD PH (512) 791-6382 FX (512) 342-9084	UNITED TITLE OF TEXAS Erik Delaney 8303 N. Mopac, Bldg. B, Ste. #120 Austin, Texas 78759 Phone (512) 340-0188 Fax (512) 340-0335	PIONEER REAL ESTATE MARY JANE LACKEY PH (512) 293-7320 FX (512) 445-3737
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Subject to Restrictions and
Easements as Stated in: 3886/1606
and Per Plot in Vol. 52, Pg. 43.

LEGEND

- 1/2" IRON PIPE FOUND
- 1/2" REBAR FOUND
- 1/2" REBAR SET
- 600 MAIL FOUND
- 600 MAIL SET
- SPRINKLE FOUND
- 8" WIRE FENCE
- CHAIN LINK FENCE
- WOOD FENCE
- METAL FENCE
- BUILDING LINE
- P.U.E.
- D.E.
- S.D.E.
- W.P.W.
- E.E.
- S.E.E.
- ()
- RECORD INFORMATION
- POWER POLE
- OVERHUNG LIGHTS
- CONTROL MONUMENT

B&G Surveying, Inc.
Victor M. Garza R.P.L.S.
Office 512-458-8989
Fax 512-458-9845
1404 West North Loop Blvd.
Austin, Texas 78756

STATE OF TEXAS
VICTOR M. GARZA
740
REGISTERED PROFESSIONAL SURVEYOR

THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL
FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE
RATE MAP 0218 F DATED 6/26/87. 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
WARRANT THAT THE PROPERTY AND/OR THE
STRUCTURES THEREON WILL BE FREE OF FLOOD
DAMAGE. FURTHER INFORMATION CONTACT YOUR
FLOOD INSURANCE ADMINISTRATOR.

TO THE USER/OWNER AND FOR WHOM PURPOSE OF THE PROPERTY SURVEYED AND TO

DATE 01/05/07
TITLE CD UNITED
G.F. # 0648548301ED
JOB # 80100807_YA
SCALE 1" = 20'

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
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 PROMISED IN ACCORDANCE TO
THE TITLE COMMITMENT REFERENCED HEREON, AND THAT THERE ARE NO
VISIBLE BOUNDARY LINE CONFLICTS, ENCROACHMENTS OR LAPPING OF
IMPROVEMENTS, OR MONUMENTS IN PLACE, EXCEPT AS SHOWN HEREON.

JOSE VELA	
FIELD WORK	JESSE 01/04/07
COLLATOR	RACHEL 01/06/07
DRAWING	JOSIE 01/06/07
PLANE CHECK	V.C. 01/06/07
CORRECTIONS	JESSE 01/06/07
UP DATE	

2003 Aerial 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.

INVESTIGATION REPORT

Investigator: Barbara Ann Boswell

Case: CV-2014-126403

Address: 3411 DOLPHIN DR AUSTIN TX 78704

Locally known as 3411 DOLPHIN DR AUSTIN TX 78704

Zoned as MF-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: Building Permit Requirement (§25-12-241 [2006 IRC R105.1])

Description of Violation: Residential construction performed without required permit(s). Decks and awnings which are attached to structure.

Date Observed: November 26, 2014

Status: Not Cleared

Required Remedy: Remove decks and awnings or obtain a variance.

Required Remedy Summary

Discontinue prohibited use in 14 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 the Austin Code Department located at 1520 Rutherford Lane, Building 1 or mailed to:

**Code Official
Austin Code Department
P.O. Box 1088
Austin, Texas 78767**