

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

DATE: Monday, March 9, 2015

CASE NUMBER: C15-2014-0176

☐ Y ☐ Jeff Jack - Chair
☐ Y ☐ Michael Von Ohlen
☐ Y ☐ Melissa Whaley Hawthorne - Vice Chair **Motion to PP to 4-13-15**
☐ Y ☐ Sallie Burchett
☐ - ☐ Ricardo De Camps - OUT
☐ - ☐ Brian King - OUT
☐ Y ☐ Vincent Harding - **2nd the Motion**
☐ Y ☐ Will Schnier - Alternate
☐ Y ☐ Stuart Hampton - Alternate

OWNER/APPLICANT: Augustina Gonzalez

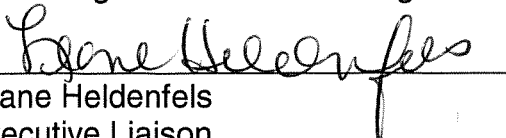
ADDRESS: 2108 S L DAVIS AVE

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; FEB 9, 2015 POSTPONED TO March 9, 2015 AT THE APPLICANT'S REQUEST; March , 2015 The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to April 14, 2015, Board Member Vincent Harding second on a 7-0 vote; POSTONED TO APRIL 14, 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

CITY OF AUSTIN DEVELOPMENT WEB MAP

Setbacks on this block



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

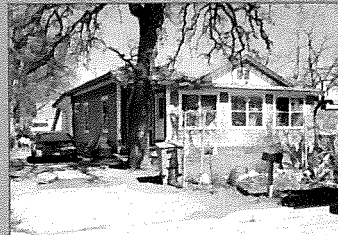
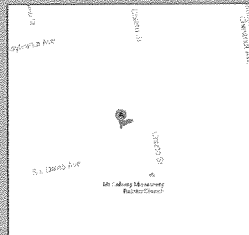
THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

C15-2014-0176

PREPARED BY:

EXACTA
TEXAS SURVEYORS, INC.

www.exacta365.com
P. 281.763.7766 - F. 281.763.7767
250 W. Oak Loop, Cedar Creek, TX 78612



PROPERTY ADDRESS: 2108 S L DAVIS AVENUE AUSTIN, TEXAS 78702

SURVEY NUMBER: 1503.0045

FIELD WORK DATE: 3/5/2015

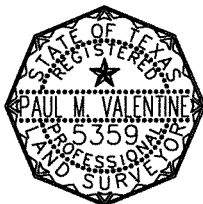
REVISION DATE(S): (REV.0 3/6/2015)

1503.0045
BOUNDARY SURVEY
TRAVIS COUNTY

TABLE:
L1 20' (P)
S 11°30'25" E 19.66' (M)

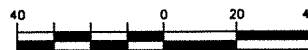
NOTES:
1.) SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. ADDITIONALLY, THE UNDERSIGNED DID NOT PERFORM A SEARCH FOR EASEMENTS OR SETBACKS, THAT MAY AFFECT THIS PROPERTY.

NOTES:
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 MARCH 2015; ALL EASEMENTS AND RIGHTS-OF-WAY SHOWN ON THE PLAT ARE SHOWN OR NOTED HEREON; THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN HEREON; THE PROPERTY HAS ACCESS TO AND FROM A PUBLIC ROADWAY; THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A FULL TITLE REPORT, THEREFORE THE PROPERTY MAY BEAR ENCUMBRANCES NOT SHOWN HEREON.



GRAPHIC SCALE (In Feet)
1 inch = 40' ft.



Use of This Survey for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor.
Nothing hereon shall be Construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN THE CITY OF AUSTIN, COMMUNITY NUMBER 480624, DATED 09/26/08.

POINTS OF INTEREST

1. DRIVEWAY OVER PROPERTY LINE

POWERED BY

surveystars

www.surveystars.com

CLIENT NUMBER:

DATE: 3/6/2015

BUYER: Agustina Gonzalez

SELLER:

CERTIFIED TO: AGUSTINA GONZALEZ

This is page 1 of 2 and is not valid without all pages.

EXACTA
TEXAS SURVEYORS, INC.

IB# 10193731
www.exacta365.com
P. 281.763.7766
F. 281.763.7767
250 W. Oak Loop
Cedar Creek, TX 78612

LOT 4, BLOCK 6, FOSTER SUBDIVISION OF OUTLOT 58, DIVISION B, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN VOLUME 1, PAGE 34, OF THE PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

THE ASSUMED BEARING REFERENCE OF NORTH 10 DEGREES 00 MINUTES 00 SECONDS WEST IS BASED ON THE WESTERLY LINE OF LOT 4, BLOCK 6, OF FOSTER SUBDIVISION OF OUTLOT 58, DIVISION B, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN VOLUME 1, PAGE 34, OF THE MAP RECORDS OF TRAVIS COUNTY, TEXAS.

1. The Legal description used to perform this survey was supplied by others. This survey does not determine or imply ownership.
2. Due to varying construction standards, house dimensions are approximate.
3. This survey is exclusively for the use of the parties to whom it is certified. It is not transferable to additional institutions or subsequent owners.
4. This property subject to any and all recorded and unrecorded easements. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants or ownership title evidence.
5. Surveying services performed by the Austin branch of Exacta Texas Surveyors, Inc., 250 W. Oak Loop, Cedar Creek, TX 78612
6. If there is a septic tank, well or drain field on this survey, the location of such items was showed to us by others and are not verified.
7. Any additions or deletions of this 2 page survey document are strictly prohibited. Use of this survey beyond the purpose of the transfer of title without written authorization of the signing surveyor is prohibited.
8. Any FEMA flood zone data contained on this survey If for informational purposes only. Research to obtain such data was performed at www.fema.gov
9. Dimensions are in feet and decimals thereof.
10. All pins marked as set are 1/2 diameter, 18" iron rebar.
11. This survey only shows improvements found above ground. Underground footings, utilities and encroachments are not located on this survey map.
12. The information contained on this survey has been performed exclusively, and is the sole responsibility, of Exacta Surveyors. Additional logos or references to third party firms are for informational purposes only.
13. Points of Interest (POI's) are selected above-ground improvements which may be in conflict with boundary, building setbacks or easement lines, as defined by the parameters of this survey. There may be additional POI's which are not shown, not called-out as POI's, or which are otherwise unknown to the surveyor. These POI's may not represent all items of interest to the viewer.
15. House measurements should not be used for new construction or planning. Measurements should be verified prior to such activity.

[illegible]

In order to "Electronically Sign" all of the PDFs sent by STARS, you must use a hash calculator. A free online hash calculator is available at <http://www.fileformat.info/tool/md5online.htm>. To Electronically Sign any survey PDF: 1. Save the PDF onto your computer. 2. Use the online tool at <http://www.fileformat.info/tool/md5online.htm> to browse for the saved PDF on your computer. 3. Select the Hash Method as SHA. 4. Click Submit. Your PDF is electronically signed if all of the characters in the SHA-1 code submitted by STARS matches the code which is produced by the hash calculator. If they match exactly, your PDF is electronically signed. If the codes do not match exactly, your PDF is not authentic.

1. While viewing the survey in Adobe Reader, select the "Print" button under the "File" tab.
 2. Select a printer with legal sized paper.
 3. Under "Print Range", click select the "All" toggle.
 4. Under the "Page Handling" section, select the number of copies that you would like to print.
 5. Under the "Page Scaling" selection drop down menu, select "None."
 6. Uncheck the "Auto Rotate and Center" checkbox.
 7. Check the "Choose Paper size by PDF" checkbox.
 8. Click OK to print.
- TO PRINT IN BLACK+WHITE:**
1. In the main print screen, choose "Properties".
 2. Choose "Quality" from the options.
 3. Change from "Auto Color" or "Full Color" to "Grav Scale".

Agustina Gonzalez

EXACTA
25% off
(UP TO \$500)
**ANY FUTURE
SURVEYING SERVICES
ON THIS PROPERTY**

Offer valid only for the buyer as listed on the first page of the survey. Total discount not to exceed \$500.



**City of Austin
BUILDING PERMIT**

PERMIT NO: 2010-003091-BP

Type: RESIDENTIAL Status: Active

2108 S L DAVIS AVE

Issue Date: 01/13/2010

EXPIRY DATE: 05/19/2015

LEGAL DESCRIPTION Lot: 4 Block: Subdivision: F. B. FOSTER SUBDIVISION					SITE APPROVAL		ZONING sf 3	
PROPOSED OCCUPANCY:		WORK PERMITTED: Remodel			ISSUED BY: Glenda Wilsford			
repair rear exterior wall of utility room and interior kitchen remodel; new front patio cover								
TOTAL SQFT Remodel: 0	VALUATION Tot Val Rem: \$800.00 Tot Job Val: \$.00		TYPE CONST.	USE CAT. 435	GROUP	FLOORS 1	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE	# OF BATHROOMS 2		METER SIZE 5/8	

<u>Type</u>	<u>Date</u>	<u>Status</u>	<u>Comments</u>	<u>Inspector</u>
101 Building Layout	2/25/2010	Pass		John Pace
102 Foundation		Open		Jesus Licerio
103 Framing	4/18/2014	Fail		DeeAnn Afra
104 Insulation		Open		Jesus Licerio
105 Wallboard		Open		Jesus Licerio
109 TCO Occupancy		Open		
112 Final Building		Open		Jesus Licerio
114 Continuance of work		Open		Jesus Licerio
Deficiencies		Open		Jesus Licerio



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

January 8, 2015

Agustina Gonzalez
2108 S L Davis Avenue
Austin, Texas 78702 - 2221

Re: Lot 4, Block 6
Outlot 58 - Division B,
Foster Subdivision

Dear Luis & Guadalupe,

Austin Energy (AE) has reviewed your application for the above referenced property requesting a variance to remodel a patio, to be closed in and maintained as part of the current structure, which is within the front 25 foot building setback line.

Austin Energy does not oppose this application for variance, which is shown on the attached red-stamped sketch, provided any proposed and existing improvements are in compliance with Austin Energy clearance criteria requirements, the National Electric Safety Code and OSHA.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6050.

Sincerely,

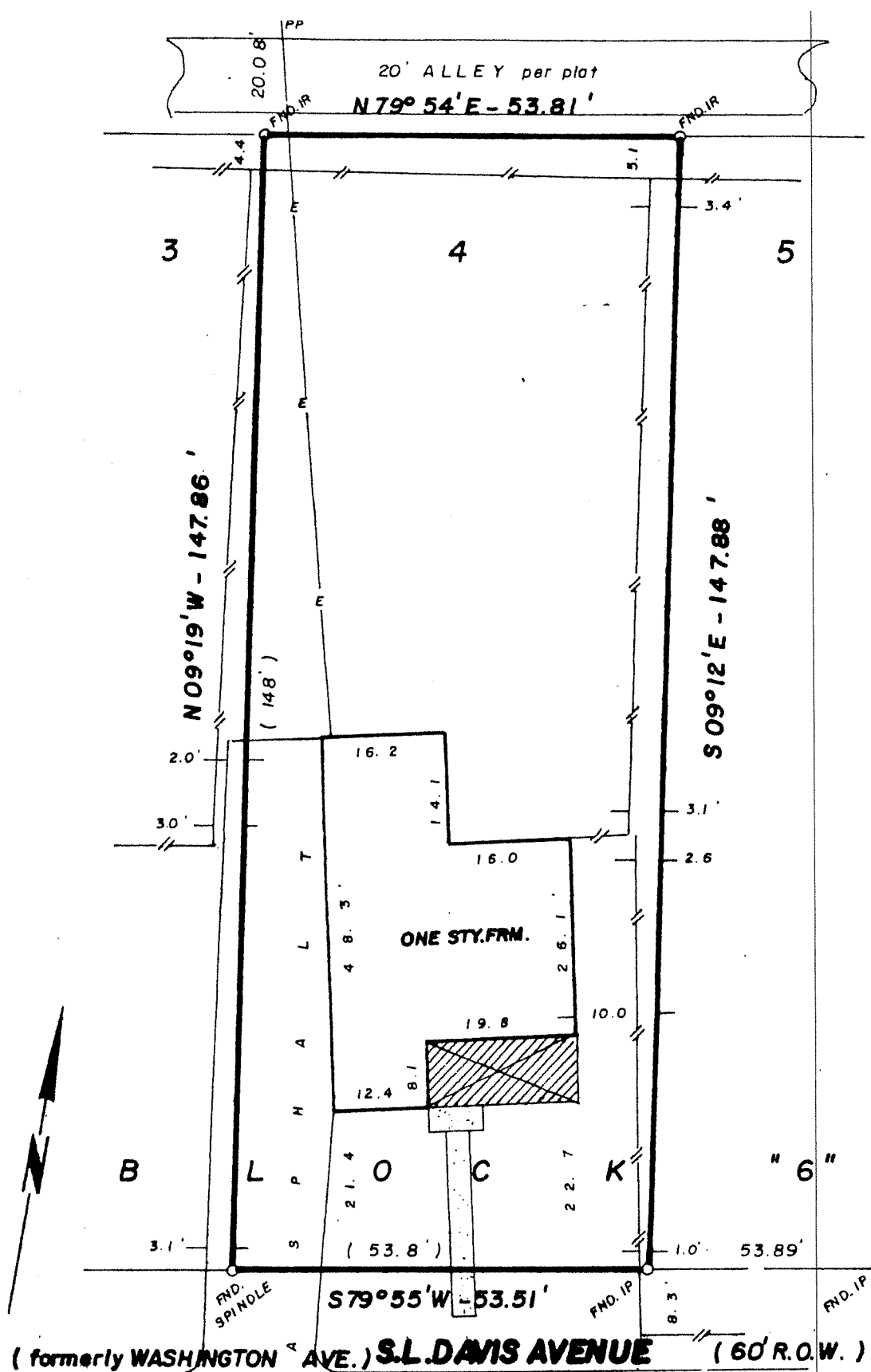
A handwritten signature in black ink, appearing to read "E. Kellogg", with a long, sweeping horizontal line extending to the right.

Eben Kellogg

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
512.322.6050

Cc: Diana Ramirez and Leane Heldenfels

(2) Subject Property DOES NOT lie within the limits of a special flood hazard zone, as determined from F.E.M.A. Flood Insurance Rate Map, Community No. 480624, as shown on Consolidated Map 48453C0165-E, dated June 16, 1993 (Zone "X").



FN=FOUND IR=IRON ROD IP=IRON PIPE CM=CONCRETE MONUMENT "X"=SCRIBED MARK (****)=CALL BEARING/DISTANCE 0000/0000=VOLUME/PAGE R.O.W.=RIGHT-OF-WAY
 A=ARC R=RADIUS C=CHORD D=DELTA N,S,E,W=NORTH,SOUTH,EAST,WEST P.U.E.=PUBLIC UTILITY EASEMENT D.E.=DRAINAGE S.D.E.=SURFACE OF B.L.=BUILDING LINE
 T.C.D.R.=TRAVIS COUNTY DEED RECORDS P.R.=PLAT RECORDS R.P.R.=REAL PROPERTY RECORDS M.H.=MANHOLE E=ELECTRIC N=NETER V=VALVE FNC=FENCE --H=

Lot 4, Block 6, FOSTER SUBDIVISION (OUTLOT 58, DIVISION B), a subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof recorded in Volume 1, Page 34, Travis County Plat Records.

G. F. NO.: 2990170

TO. FIRST AMERICAN TITLE INSURANCE COMPANY OF TEXAS AND ITENHOLDERS



I, AGUSTINA Gonzalez, am applying for a variance from the Board of Adjustment regarding Section 492-D of the Land Development Code. The variance would allow me the ability to enclose front patio/porch

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Matilde Penaloza	2201 Pensilvania avenue	Matilde Penaloza
Willy Leavelle Cartin Goodrich	2104 SL Davis	Willy Leavelle
Sara Diamond	2100 SL Davis	Sara Diamond
2004 SL Davis	2009 SL Davis	-SS-
Jose M. Magallon	2002 S.L. Davis Ave	Jose Magallon
TISHA WISEMAN	2105 SL DAVIS AVE	Tisha Wiseman

Heldenfels, Leane

From: Jane Rivera <~~jane.rivera@austintx.com~~>
Sent: Wednesday, March 18, 2015 11:05 AM
To: Heldenfels, Leane
Subject: FW: 2108 S.L. Davis UPDATE

Leane,

I'm sorry I have not replied about this case to close the neighborhood plan perspective. The Foster Neighborhood voted not to support the project, and RNCT almost always supports the wishes of one of our member neighborhoods. I have been so busy I have not had a chance to get a final vote from them. Do I need to do that and send you our reply, or is Foster's input adequate?

Jane

On Feb 11, 2015, at 6:49 PM, Jane Rivera <~~jane.rivera@austintx.com~~> wrote:

Linda,

Please see the email I received from Leane at the City about the variance case we heard last night and let me know how Foster Heights wants to proceed. Thanks.

Jane

From: Heldenfels, Leane [<mailto:Leane.Heldenfels@austintexas.gov>]
Sent: Wednesday, February 11, 2015 4:23 PM
To: jane Rivera
Subject: RE: 2108 S.L. Davis

Sorry it was confusing, I know she's a little confused, too.

She had a grandfathered, nonconforming porch that encroaches into the front building setback. She could have enclosed it and it would remain grandfathered. But she not only enclosed it, but also extended it the 4' – that is what caused her to not meet the allowances of her permit, lose the grandfathered status of the porch necessitating the variance.

The Board understood her dilemma, but wanted the neighborhood association to weigh in and give them advice as to whether it fits in w/ the area character. Do you agree that the structure should get a variance, or do you prefer that it be taken back to a 4' less, open porch?

Hope that helps a little.

They will understand if you can't issue a letter in support, maybe a letter of non-opposition – that would be equally helpful to her. Or if you are opposed, issue your letter of opposition and let her argue her side of the issue, but at least she's met the Board's request of going to her neighborhood for their review of it.

Take care,
 Leane

From: jane Rivera [~~<mailto:jane.rivera@austintx.com>~~]
Sent: Wednesday, February 11, 2015 2:24 PM
To: Heldenfels, Leane
Subject: Re: 2108 S.L. Davis

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

DATE: Monday, February 9, 2015

CASE NUMBER: C15-2014-0176

____ 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: 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)

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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:
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Leane Heldenfels
Executive Liaison



Jeff Jack
Chairman

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
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CASE NUMBER: C15-2014-0176

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___Y___ Michael Von Ohlen
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___Y___ Ricardo De Camps
___Y___ Brian King
___Y___ Vincent Harding - 2nd the Motion

OWNER/APPLICANT: Augustina Gonzalez

ADDRESS: 2108 S L DAVIS AVE

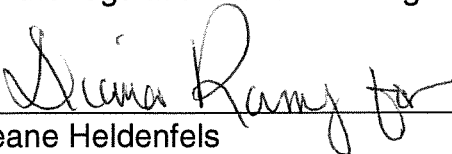
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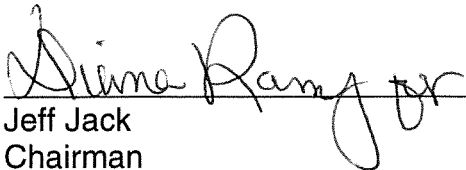
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Leane Heldenfels
Executive Liaison


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.



City of Austin
BUILDING PERMIT

PERMIT NO: 2010-003091-BP

2108 S L DAVIS AVE

Type: RESIDENTIAL

Status: Active

Issue Date: 01/13/2010

EXPIRY DATE: 05/19/2015

LEGAL DESCRIPTION Lot: 4 Block: Subdivision: F. B. FOSTER SUBDIVISION						SITE APPROVAL		ZONING sf 3	
PROPOSED OCCUPANCY:		WORK PERMITTED: Remodel				ISSUED BY: Glenda Wilsford			
repair rear exterior wall of utility room and interior kitchen remodel; new front patio cover									
TOTAL SQFT Remodel: 0		VALUATION Tot Val Rem: \$800.00 Tot Job Val: \$.00		TYPE CONST.	USE CAT. 435	GROUP	FLOORS 1	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE		# OF BATHROOMS 2		METER SIZE 5/8

Contact

Applicant, Agustina Gonzalez
General Contractor, Agustina Gonzalez

Phone

(512) 662-5700
(512) 662-5700

Contact

Owner, Agustina Gonzalez

Phone

(512) 662-5700

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	41.00	1/13/2010	Initial Residential Review Fee	100.00	1/13/2010			
Fees Total:	141.00							

Inspection Requirements

Building Inspection

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments

LDC 25-2-513 allows a covered porch open on 3 sides to portrude into a required setback up to 5 feet

Residential Zoning Review

Date
01/13/2010

Reviewer
Darren Cain

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.