

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

DATE: Monday, March 9, 2014

CASE NUMBER: C15-2014-0136

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

OWNER/APPLICANT: Veronica Alvarado

ADDRESS: 7320 HILLCROFT DR

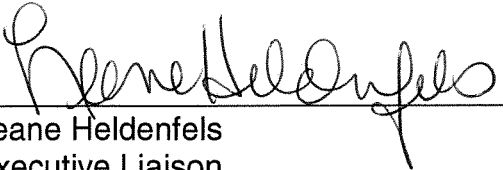
VARIANCE REQUESTED: The applicant has requested a Special Exception under Section 25-2-476 (*Special Exception*) from Section 25-2-492 (D) (Site Development Regulations) to decrease the front yard setback from 25 feet (required) to 10 feet (requested) in order to maintain a carport constructed more than 10 years ago in an "SF-2", Family Residence zoning district.

BOARD'S DECISION: POSTPONED TO APRIL 13, 2015 AT THE APPLICANT'S REQUEST

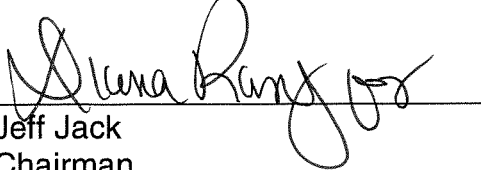
FINDING:

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



SUBJECT TRACT



PENDING CASE



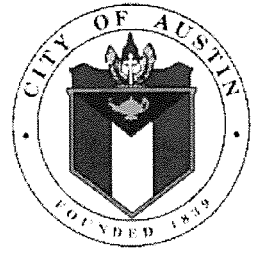
ZONING BOUNDARY

CASE#: C15-2014-0136
Address: 7320 HILLCROFT DR

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# C15-2014-0136
ROW# 11214868
TAX# 0221360813

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: 7320 Hillcroft +

LEGAL DESCRIPTION: Subdivision - Meadows of Walnut Creek, Section 6
Lot(s) 32 Block R Outlot _____ Division _____

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

Self affirm that on 27th August

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

carport in front setback constructed in 2001

in a SF-2 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:

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 Veronica Alvarado Mail Address 7320 Hillcroft drive.

City, State & Zip Austin TX 78724

Printed Veronica Alvarado Phone 512-412-0990 Date 8/27/2014

Pineda.0613@gmail.com

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 _____

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.



SPECIAL EXCEPTION INSPECTION



Address:	7320 Hillcroft Dr.
Permit Number:	2014-093833
Property Owner Requesting Special Exception:	Veronica & Pascual Alvarado

Special Exception Requested:

Carport located in front yard set-back

Date Structure was originally constructed: COA GIS confirms existence in 1997

Date of Inspection:	September 4, 2014
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
X	<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">1. Approximately three feet of carport encroaching into PUE will require an easement release or agreement. Removal of the PUE encroachment is an approved method of compliance

INVESTIGATION REPORT

Investigator: Mike Carter

Case: CV-2013-082366

Address: 7320 HILLCROFT DR 78724

Zoned as SF-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: Site Development Regulations for Zoning Districts (§25-2-492)

Description of Violation: The white carport on West curb is encroaching into the front yard setback and a minimum of 25 feet is required in a SF 2 and SF 3 zoning district.

Date Observed: August 6, 2013

Status: Not Cleared

Required Remedy: Remove the carport or obtain a variance.

Code Section: Building Permit Requirement (§25-12-241 [2006 IRC R105.1])

Description of Violation: Residential construction performed without required permit(s).

Date Observed: August 6, 2013

Status: Not Cleared

Required Remedy: Obtain required permits for construction.

Required Remedy Summary

Building Permit Required

Obtain Variance in 30 days

Obtain a Permit in 30 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 Code Compliance Department located at 1520 Rutherford Lane, Building 1 or mailed to:

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

Google

Address **7320 Hillcroft Dr**

Address is approximate



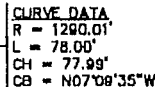
SCALE: 1" = 20'

● 1/2" PIN FOUND

● 1/2" PIN SET

— = WIRE FENCE

— = 6.0' BOARD FENCE



CURVE DATA
R = 15.00'
L = 23.56'
CH = 21.21'
CB = 53°06'29"W

NOTE: THE FOLLOWING EASEMENTS IN VOL. 847, PG. 135, VOL. 4754, PG. 440, VOL. 4837, PG. 629, VOL. 444, PG. 587, VOL. 4837, PG. 625, VOL. 4724, PG. 1637, AND VOL. 11040, PG. 367, VOL. 11112, PG. 40, DO NOT APPLY TO THIS PROPERTY.

JOB No. 8420 INVOICE No. 47557

Clinton P. Rippey
CLINTON P. RIPPY
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 1493

*** TOTAL PAGE.01 ***

1/ We have reviewed this survey and are aware of any and all discrepancies, conflicts, or shortages in area or boundary lines or any encroachments, or protrusions or any overlapping of improvements.

Veronica Howard Date: 7/2/00

reviewed this survey and are
 all discrepancies, conflicts, or short-
 a or boundary lines or any encroachments
 protrusions or any overlapping of improvements.

Sign: Kevin J. Webb Date: 7/23/04
 Sign: Barbara J. Webb Date: 7/23/04

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.

Colony Park Neighborhood Assoc.
P.O.box 12891
Austin, Texas 78711 – 2891

August 19, 2013

Code Compliance/Improper Carports

Director: Carl Smart
1520 Rutherford Lane
Austin, Texas 78754

Dear Mr. Smart,

It has been brought to the attention of the Colony Park Neighborhood Association that several residents have received notices that their Carports are in violation of code compliance. On June 29, 2013 our association participated in a ride through the neighborhood with code compliance, one of our inexperienced members was paired with a code compliance officer who was not familiar with the area which resulted in several homeowners carports being deemed not up to code because the carports are not set back twenty-five feet from the street.

In many cases the homeowners that received these notices have had their carports for thirty years or more. This neighborhood has been disenfranchised for many years and in the last several months we have made great strides in working with several city departments, as well as meeting with City Council with matters pertaining to the Sustainable Grant that Colony Park was awarded by HUD.

Colony Park Neighborhood has many disadvantages one being many people living on fixed incomes or incomes at or below the poverty level. To comply with this ordinance would cause great hardship, both physical and financially.

Our neighborhood is asking for these carports to be grandfathered in since they have been in existence for 10 years or more, and do not pose a hazard to life, health, or public safety. A setback of twenty-five feet might be possible in some areas, but not in the Colony Park area where many of the houses are less than 1300 square feet.

We the residents of the Colony Park neighborhood and the Neighborhood Association are appealing to you to work with us and develop an amicable solution that can be palatable for your department as well as the neighborhood.

With Sincere Thanks

Barbara Scott – President Colony Park Neighborhood Association