

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

DATE: Monday, March 9, 2014

CASE NUMBER: C15-2014-0134

____ 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: Leticia Lopez

ADDRESS: 7336 COLONY PARK DR

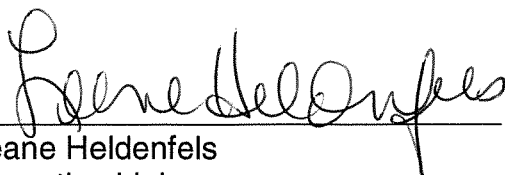
VARIANCE REQUESTED: The applicant has requested a Special Exception under Section 25-2-476 (*Special Exception*) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 25 feet (required) to 10 feet (requested) in order to maintain an existing carport constructed 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

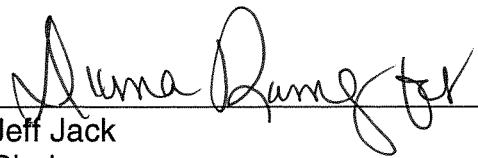
FINDING:

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



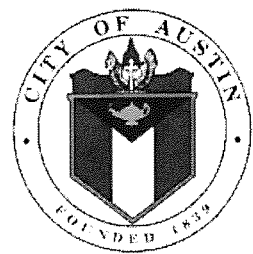
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0134
Address: 7336 COLONY PARK

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 INSPECTION



Address:	7336 Colony Park Dr.
Permit Number:	2014-090296
Property Owner Requesting Special Exception:	Zamora Jose luis & Leticia lopez Castello

Special Exception Requested:

Encroachment into front yard setback

Date Structure was originally constructed: COA, GIS verifies existence in 2006 less than ten years not able to verify in TCAD

** See dated photo provided by applicant*

Date of Inspection:	9-4-14
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. Encroaches into 10' PUE will need to obtain an agreement or a release to maintain in PUE or remove 12' of carport out of PUE

Google

Address ~~7334~~ Colony Park Dr

Address is approximate





SPECIAL EXCEPTION INSPECTION



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Special Exception

CASE# C15-2014-0134
ROW# 11214809
TAX# 0221360714

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: 7336 Colony Park

LEGAL DESCRIPTION: Subdivision - Meadows of Walnut Creek

Lot(s) 11 Block Q Outlot Division

I/We Leticia Lopez on behalf of myself/ourselves as authorized agent for
self affirm that on 25th 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 w/in the front setback,
built 9/2003

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:

X

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:

X

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

X

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

X

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 Leticia Lopez Mail Address _____

City, State & Zip 7336 Colony Park Dr.

Printed Leticia Lopez Phone _____ Date 8-25-14
512-425-6255

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 same

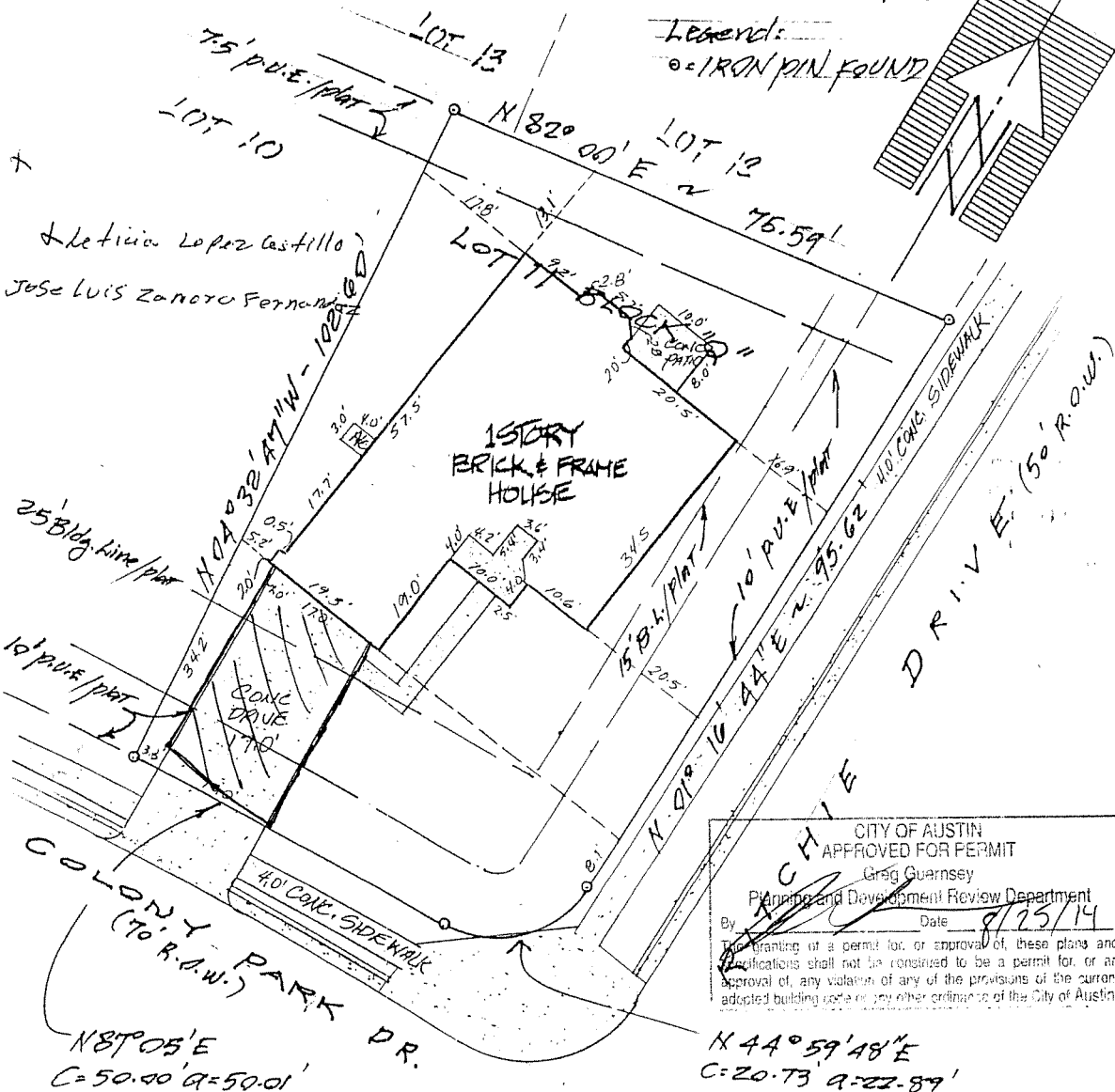
Printed _____ Phone _____ Date _____

Jacky_pena99@gmail.com
512-662-3857 (cell)

SURVEY PLAT OF: LOCAL ADDRESS 7336 COLONY PARK DR. REF: ZAMORA & LOPEZ
LEGAL DESCRIPTION: LOT 11 BLOCK "Q" THE MEADOWS OF WALNUT CREEK, SECTION SIX
A SUBDIVISION IN TRAVIS COUNTY, TEXAS, OF RECORD IN Volume 100 page 210 ** OF
THE PLAT RECORDS OF Travis COUNTY, TEXAS.
** AS CORRECTED IN VOL.13217 PAGE 5802

Scale: 1"=20'

Legend:
○ = IRON PIN FOUND



CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guarnsey
Planning and Development Review Department
By [Signature] Date 8/25/14
The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

NOTE: THE FOLLOWING RECORDED EASEMENTS DO NOT APPLY TO THIS LOT; VOL.847 PG.135, VOL.4759 PG.440, VOL.4837 PG.629, VOL.994 PG.587, VOL.4837 PG.625 AND VOL.4729

NOTES #1 APPLY: PG.1637 (DEED RECORDS, TRAVIS COUNTY, TEXAS)

1. ☒ This property is in ZONE X of the F.E.M.A. Flood Insurance Rate Map for AUSTIN, Texas, Community Panel No. 480624 0125E, dated 6-16-93.
2. ☐ According to the recorded plat of this subdivision, this lot _____ within the 100 year flood plain.
3. ☐ According to the recorded plat of this subdivision, the 100 year flood plain is contained within the drainage easements shown on the plat. There _____ drainage easement on this lot.

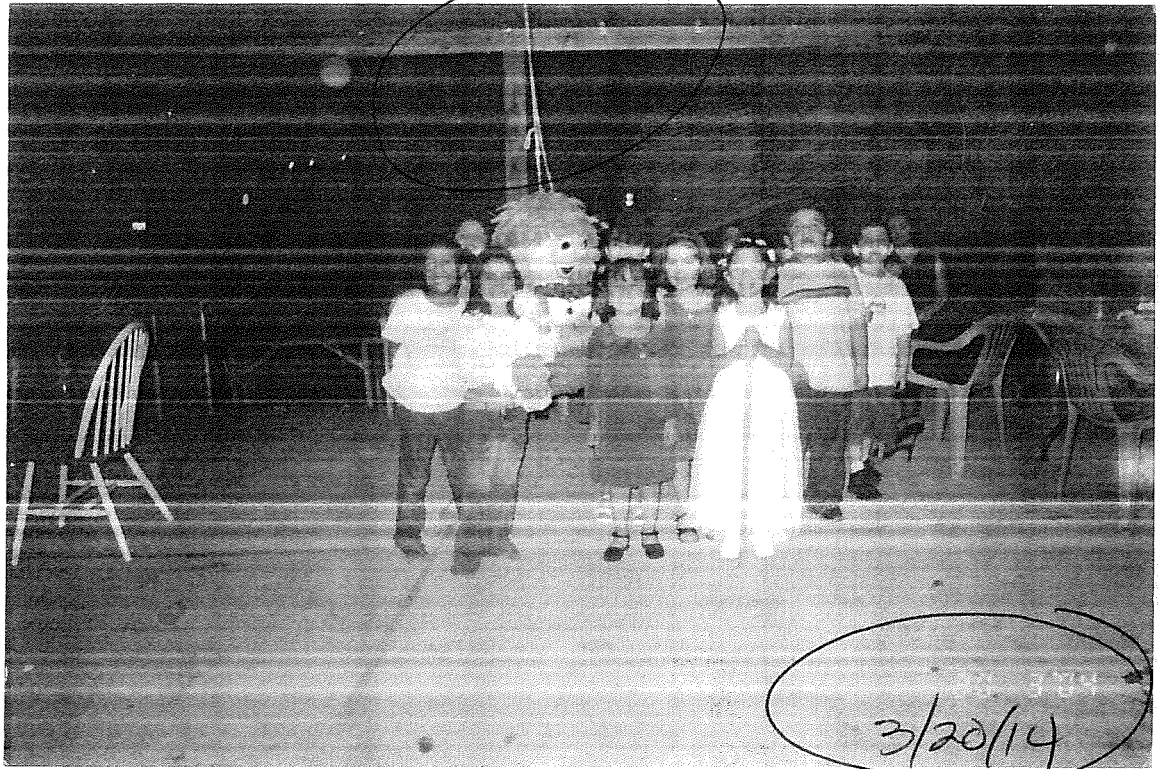
THE STATE OF TEXAS: TO THE LIEN HOLDERS AND/OR THE OWNERS OF THE COUNTY OF TRAVIS PREMISES SURVEYED AND TO THE FIDELITY NATIONAL TITLE

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility lines or roads in place, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

Dated this 24 day of JANUARY, 2001.
JOB No. 83334 INVOICE No. 49234

Clinton P. Rippey
CLINTON P. RIPPY
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 1453










[illegible]

THE STATE OF TEXAS: TO THE LIEN HOLDERS AND/OR THE OWNERS OF THE
COUNTY OF TRAVIS PREMISES SURVEYED AND TO THE FIDELITY NATIONAL TITLE
The undersigned does hereby certify that this survey was this day made on the ground
of the property legally described hereon and is correct, and that there are no discrep-
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ping of improvements, visible utility lines or roads in place, except as shown hereon, and
that said property has access to and from a dedicated roadway, except as shown hereon.
USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES
SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE
TO OTHERS FOR ANY LOSS RESULTING THEREFROM.
Dated this the 24 day of JANUARY, 2021.
JOB No. 83334 INVOICE No. 49234

Clinton P. Rippey
CLINTON P. RIPPY
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 1453



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