



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0148
Address: 5718 HIGHLAND HILLS DR

1" = 200'

This product is for informational purposes only 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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Special Exception

CASE # C15-2014-0148
ROW # 11236581
TAX# 0132030502

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: 5718 Highland Hills Dr

LEGAL DESCRIPTION: Subdivision Highland Hills section 1

Lots 11 & 12 Block Outlot Division

I We George & shahram Arzaghbeh behalf of myself (ourselves) as authorized agent for
myself. Admin that on 9/19/14.

herely 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

~~a shed to side property line which has been there~~
~~More than 10 years.~~ House in side setback
for more than 10 years.

In SS-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

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 470 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 title because:

NA

(C11): 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: H. Arzegar

Mail Address: 8016 Dark Valley Cove

City, State & Zip: Austin TX 78737

Printed: GEORGE ARZEGAR Phone: (512) 757-0637 Date: 09/09/2014

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 SB-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 (*Accessory Living Structures*).

Source: Ord. 20130316 028; Ord. 20131118 031; Ord. 20130822 126

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 ENVIRONMENTAL SURVEY AND REPRESENTS ONLY THE APPROXIMATE LOCATIONS OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PROVIDED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF PROVIDING INFORMATION. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING THE ACCURACY OR COMPLETENESS.

CITY OF AUSTIN DEVELOPMENT WEB MAP 2012 Map Plan

Legend

Lot Lines

Streets

Building Footprints

Named Creeks

Lakes and Rivers

Parks

County



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.

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(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 nonconforming structure under Chapter 25-2, Article 8 (Nonconforming Structures).

Source: Ord. 20110326-099, Ord. 20121108-091, Ord. 20130822-126.

Heidenfels, Leane

From: George Arzagar [mailto:george.arzagar@att.net]
Sent: Wednesday, March 04, 2015 1:14 PM
To: Heidenfels, Leane
Subject: Re: Exhibit B of Easement release

Withdrew
sheet
part of
case

Ms. Leane Heidenfels please note I've decided to demolish the storage shed on the setback of my property
address: 5115 Highland Hills Dr. Austin 78703.

Please cancel my request for meeting with board of adjustment for the shed.

Since the property is being reviewed by John Cannon to see if I need to obtain variance for the building,
apprehensive if you save me in the system please Mr. Cannon thought I need to obtain variance.

Thank you.

G. Arzagar

Austin Fam & pediatric dentistry

Tel: 512-757-0637

On Jan 21, 2015, at 10:52 AM, "Heidenfels, Leane" <Leane.Heidenfels@austintexas.gov> wrote:

George, I'm sorry to hear about the loss of your shed. I will try to get things ready for March 9
meeting if couldn't get all work finished by February 20 then it could be moved to April
board meeting.

From: George Arzagar [mailto:george.arzagar@att.net]
Sent: Tuesday, January 20, 2015 3:40 PM
To: Heidenfels, Leane
Subject: Re: Exhibit B of Easement release

Thank you I'm doing much better. If it's OK with you I'll try to get things ready for March 9
meeting if couldn't get all work finished by February 20 then it could be moved to April
board meeting.

G. Arzagar
Austin Fam & pediatric dentistry
Tel: 512-757-0637

On Jan 20, 2015, at 11:50 AM, "Heidenfels, Leane" <Leane.Heidenfels@austintexas.gov>
wrote:

Will try to hear about the loss of your shed. I will try to get things ready for March 9
meeting if couldn't get all work finished by February 20 then it could be moved to April
board meeting. If it's OK with you I'll try to get things ready for March 9 meeting if
couldn't get all work finished by February 20 then it could be moved to April board
meeting.

From: George Arzagar [mailto:george.arzagar@att.net]
Sent: Monday, January 19, 2015 10:01 PM



I, George Arzeqan, am applying for a variance from the Board of Adjustment regarding Section 25-2-476 of the City of Austin Development Code. The variance would allow me the ability to ~~maintain a side setback~~ maintain Setback of my property that has been there for more than 10 years. name in
By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
GEORGE ARZEGAN	8016 DUNE VALLEY CIRCLE AUSTIN TEXAS 78737	<u>[Signature]</u>
SHARON ARZEGAN	10101 SILVER MOUNTAIN DRIVE AUSTIN TX 78737	<u>[Signature]</u>