



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0075  
Address: 3910 GLENGARRY 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.

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Special Exception

CASE# C15-2015-0075  
ROW# 11345794  
TAX# 0135050409  
TCAD ✓

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: 3910 Glengarry Dr

LEGAL DESCRIPTION: Subdivision – Shinoak Valley Sec 1

Lot(s) 11 Block C Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Richard Haenke on behalf of myself/ourselves as authorized agent for

Myself affirm that on 01/28/15 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 X MAINTAIN

Requesting variance for building set back on right side of property where an existing deck was built in 1985.

We want to get the expired pool permit closed that was opened in 1985. The building layout was approved that had the deck in the set back. We purchased the home in December 2014.

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:

There is an open permit that has expired for the pool construction from 1985. We would like to get it closed but need to resolve the setback issue as well as a PUE issue (addressing separately).

- (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:

It is existing construction and does not impede the adjoining property.

**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 Richard Haenke Mail Address 3910 Glengarry

City, State & Zip Austin, TX 78731

Printed Richard Haenke Phone 512.633.3909 Date 1/28/15

**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 Richard Haenke Mail Address 3910 Glengarry

City, State & Zip Austin, TX 78731

Printed Richard Haenke Phone 512.633.390 Date 1/28/15

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.

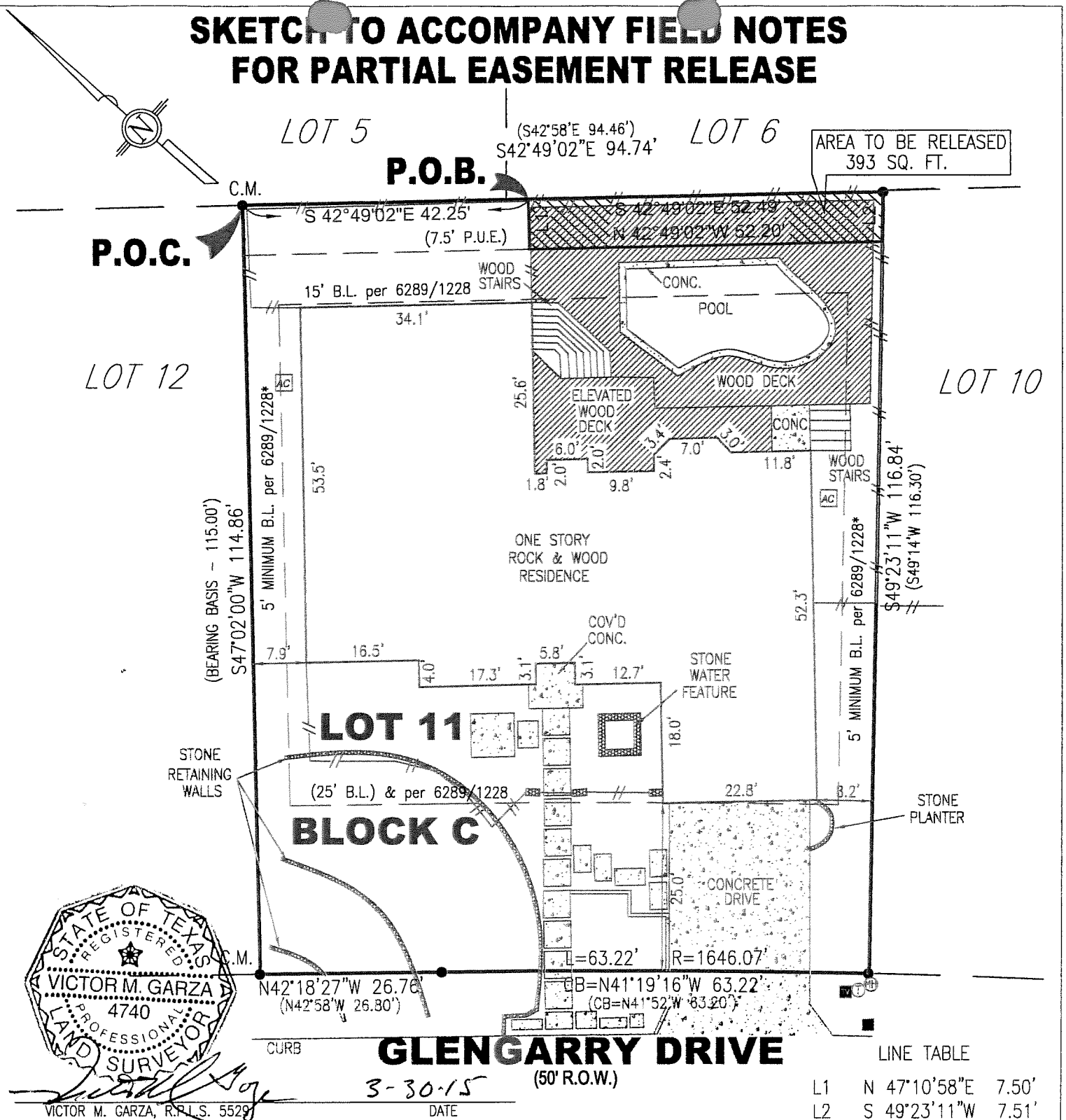
(C) A special exception granted under this section:

- (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.

# SKETCH TO ACCOMPANY FIELD NOTES FOR PARTIAL EASEMENT RELEASE



I, Victor M. Garza, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds legal description and sketch were based on an on the ground survey, that all protrusions and encroachments into the easement area are accounted for including but not limited to, building footprint, eaves and roof overhangs and all visible improvements whatsoever.



**B & G SURVEYING, LLC**

FIRM REGISTRATION NO. 100363-00

WWW.BANDGSURVEY.COM

1404 West North Loop Blvd.  
 Austin, Texas 78756

Office 512\*458-6969, Fax 512\*458-9845

**EXHIBIT "A"**

Page 3 of 3

JOB #: B0309515\_TA\_ER

DATE: 03/30/15

SCALE: 1" = 20'








3910 Glenberry Dr.

CITY OF AUSTIN DEVELOPMENT WEB MAP

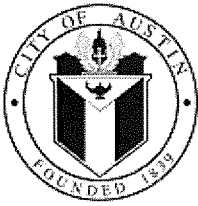
2003 Aerial



Legend

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

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# City of Austin

P.O. Box 1088, Austin, Texas 78767

## INVOICE

Invoice No.: 6160000

Invoice Date: 05/06/2015

### Payer Information

Company/Facility Name:

Invoice To: Richard Haenke  
3910 GLENGARRY DR  
AUSTIN TX 78731

Phone No.: (512) 633-3909

Invoice Amount: \$0.00

### Additional Information

Department Name: Planning and Development Review

Invoice Issued By: Leane Heldenfels

### Invoice Details

FAO Codes	Fee Description	Internal Ref. No.	Address	Amount
1000 6800 9770 4120	BOA/SRB Fee	11345794	3910 GLENGARRY DR	\$388.00
8131-6807-1113-4060	Development Services Surcharge	11345794	3910 GLENGARRY DR	\$15.52
8131-6807-1113-4060	Development Services Surcharge	11345794	3910 GLENGARRY DR	(\$15.52)
1000 6800 9770 4120	BOA/SRB Fee	11345794	3910 GLENGARRY DR	(\$388.00)

**TOTAL:** \$0.00