


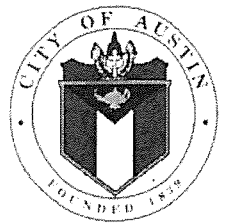


121-



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2015-0087  
Address: 4905 HARMON AVE



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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1" = 200'

Special Exception

7/13

CASE# C15-2015-0087 K1  
ROW# 11367409  
TAX# 0222120602

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

TCAD ✓

**WARNING:** Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED  
INFORMATION COMPLETED.

STREET ADDRESS: 4905 HARMON AVE

LEGAL DESCRIPTION: Subdivision - 170 FT OFFSET REZONING MASSIVE RR  
RESUB

Lot(s) 1-2 Block T Outlot Division

I/We MICHAEL WYNKOP on behalf of myself/ourselves as authorized agent for  
affirm that on 4-20, 2015,

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

GARAGE WITHIN SET BACK THATS BEEN IN THIS  
CONFIGURATION FOR MORE THAN TEN (10) YEARS

in a SF3-NP district. (NORTH LOOP)  
(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):

K1  
3

**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:

N/A

5/15

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 Michael Wynkoop Mail Address 4905 HARMON AVE

City, State & Zip AUSTIN, TEXAS 78751

Printed MICHAEL WYNKOOP Phone 512/779-4512 Date 4-20-2015  
524-4733

**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 \_\_\_\_\_

5/12

## 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;

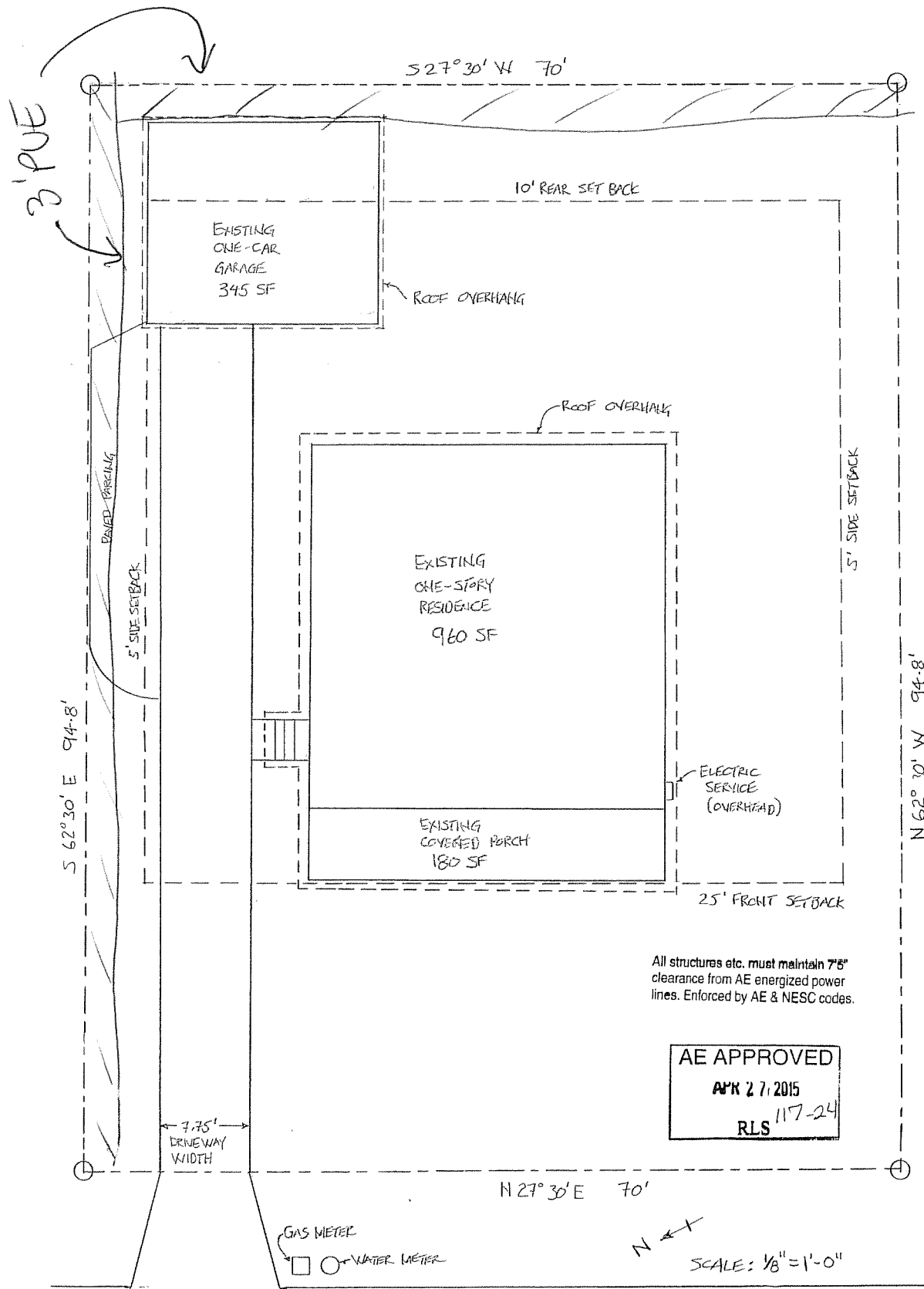
(2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and

(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.

5











HARMON AVE  
(ASPHALT PAVING)

4905 HARMON AVE, AUSTIN, TX 78751  
N 70 FT OF LOT 1-2 BLK T MASSEY RR RESUB



Legend

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















4905 Harmon

CITY OF AUSTIN DEVELOPMENT WEB MAP

2003 Aerial



Legend

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

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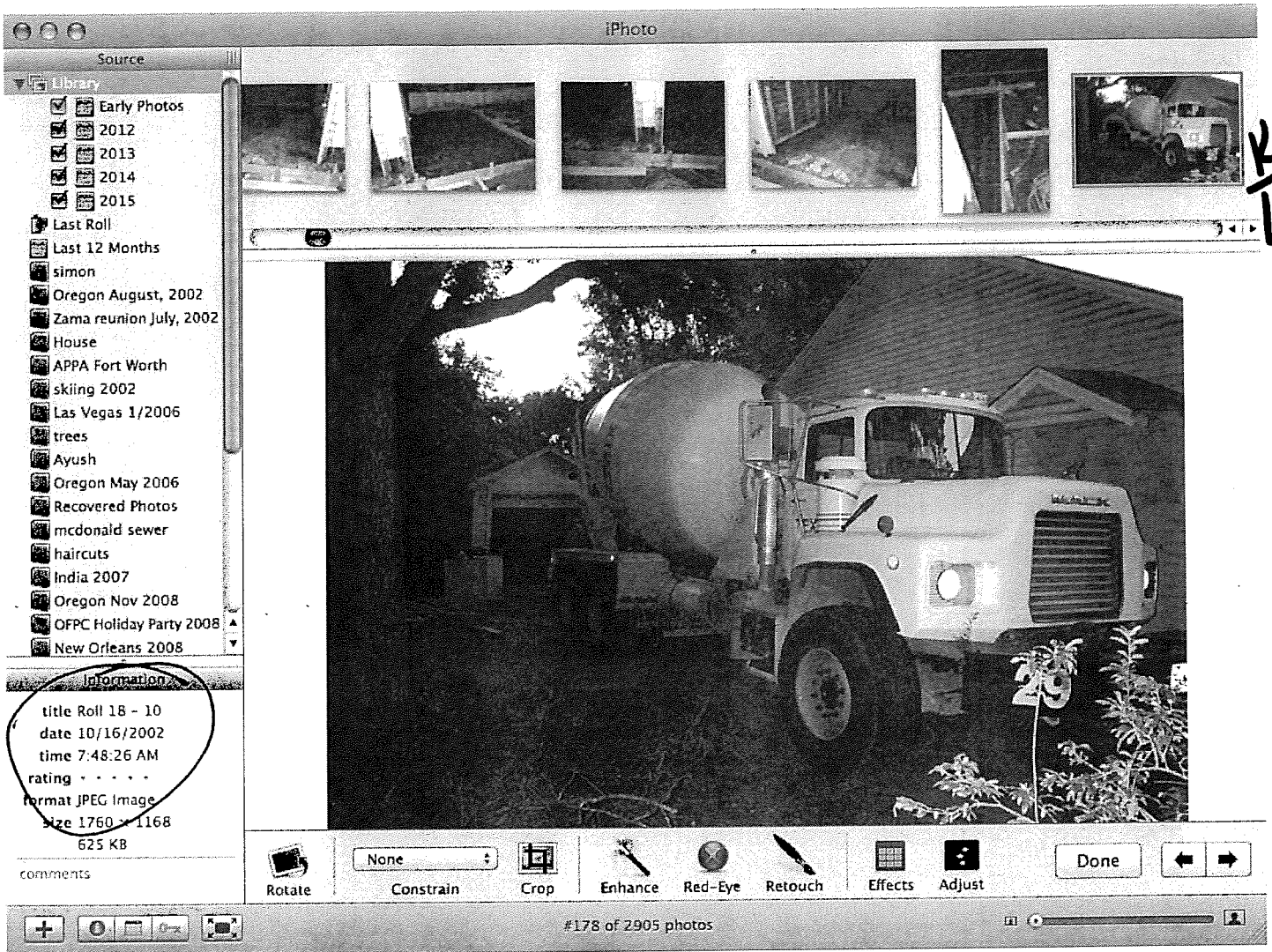




Legend

-  Lot Lines
-  Streets
-  Building Footprints
-  Named Creeks
-  Lakes and Rivers
-  Parks
-  County
-  Lot ID.
-  Block ID
-  Lot Line

4905



## Heldenfels, Leane

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**From:** Wynkoop, Michael <[REDACTED]>  
**Sent:** Tuesday, June 23, 2015 12:11 PM  
**To:** Heldenfels, Leane  
**Subject:** RE: 7/13 Board of Adjustment notice

KH

It was not rebuilt after 2003. The rebuild was completed early 2003.

There was an existing 160 square foot garage in existence since probably 1946 when the house was built.

In 2003, I capped the existing foundation and expanded the footprint to 345 square feet.

Shortly thereafter, within weeks, I had the existing structure rebuilt to its current configuration.

I hope this helps

---

**From:** Heldenfels, Leane [mailto:[Leane.Heldenfels@austintexas.gov](mailto:Leane.Heldenfels@austintexas.gov)]  
**Sent:** Tuesday, June 23, 2015 12:05 PM  
**To:** Wynkoop, Michael  
**Subject:** RE: 7/13 Board of Adjustment notice

See attached.

I have revised the phone number on the notice and on your application.

I have also revised the measurement from the rear property line to 3.25 feet.

I changed the code reference since your particular structure (accessory, one story, less than 15 feet in height) would have been permitted to be 5' from the rear property line, but since you're only 3.35 as an exception is still needed. Was the structure rebuilt after 2003? If so, we might need a full variance for it – the Board may inquire.

Thanks for clarifying –

Leane

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**From:** Wynkoop, Michael <[REDACTED]>  
**Sent:** Tuesday, June 23, 2015 10:44 AM  
**To:** Heldenfels, Leane  
**Subject:** RE: 7/13 Board of Adjustment notice

Leanne,

The existing garage is about 3.25 feet from the property line.

The original garage that existed before the construction was also about 3.25 feet from the property line. The original foundation is still in place. There are structural components of the original construction still in place.

The current garage configuration was constructed in 2003.

Could you use my home phone number on the notice? It is 512-524-4733.

I do not have a survey of the lot. The drawing that you have is to scale and accurate.



## SPECIAL EXCEPTION INSPECTION



12

Address:	4905 Harmon Avenue
Permit Number:	2015-049951
Property Owner Requesting Special Exception:	Michael Wynkoop

<b><u>Special Exception Requested:</u></b>  One car garage encroaching into side and rear setback
<b>Date Structure was originally constructed:</b> dated via GIS 1997

<b>Date of Inspection:</b>	06-15-2015
<b>Building Official or designated representative</b>	Tony Hernandez
<b>X</b>	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
	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:  1.