



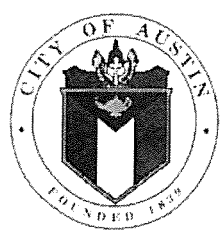




-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2015-0105
Address: 5009 Eilers 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

K2
2

CASE# C15-2015-0105
ROW# 11385152
TAX# 0222-110606
CITY OF AUSTIN TC AD shows 0222 110605*
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE *advise Almira

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

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

STREET ADDRESS: 5009 EILERS AVE

LEGAL DESCRIPTION: Subdivision - HIGHLAND THE

Lot(s) 9-10 Block 8 Outlot Division I/We PHIL MONCADA on behalf of myself/ourselves as authorized agent for

FERN CONSTRUCTION LLC affirm that on 5/12/15, 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

SPECIAL EXCEPTION TO MAINTAIN CARPORT IN SIDEYARD SETBACK. 2015-032722-BP ISSUED 3/25/15

in a SF-3-NCCD-NP district. (Hyde Park)
(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):

K2
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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

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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 Phil Moncada Mail Address 1301 S IH 35 STE 204

City, State & Zip AUSTIN TEXAS 78741

Printed PHIL MONCADA Phone 512-627-8815 Date 5-12-15

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 Doug Lewis Mail Address 1301 S IH 35 STE 200

City, State & Zip AUSTIN TEXAS 78741

Printed DOUG LEWIS FOR Phone 512-447-4414 Date 5-26-15
FERN CONSTRUCTION LLC

K2
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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.

not reduced

1/2
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20' ALLEY
(S 30°00'00" W 50.00')
S 30°13'54" W 50.15'

EDGE-OF-GRAVEL

LOT 11

Structure

LOT 8

LOT 10 LOT 9
BLK. 8

COVERED CONCRETE

(S 60°00'00" E 125.00')
S 60°02'51" E 125.12'

N 60°00'00" W 125.18' (125.00')
(BEARING BASIS)

LEGEND

- 1/2" REBAR FOUND
- 1/2" CAPPED REBAR SET
- 1/2" IRON PIPE FOUND
- 60D NAIL FOUND
- 60D NAIL SET
- CAPPED REBAR FOUND
- "X" SET IN CONCRETE
- "X" FOUND IN CONCRETE
- SPINDLE FOUND
- PUNCH HOLE FOUND
- CHAIN LINK FENCE
- WOOD FENCE
- METAL FENCE
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- () PER PLAT
- C.M. CONTROL MONUMENT
- R.O.W. RIGHT OF WAY
- P.O.B. PLACE OF BEGINNING
- CH OVERHEAD ELECTRIC
- PP POWER POLE
- AC AIR CONDITIONER

Notes:

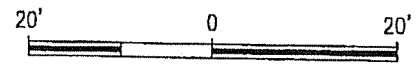
- 1) Subject to restrictions and easement rights as stated in V.295, P.197; V.2633, P.329 Deed Records and in Book 3, Page 55, Plat Records.
- 2) This Subdivision is subject to Right of Reverter per V.295, P.197 and V.2633, P.329 Deed Records.

CURB

WATER METER

N 30°18'28" E 50.05'
(N 30°00'00" E 50.00')

EILERS AVENUE
(50' R.O.W.)



[Signature]

TO THE OWNER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED AND TO
INDEPENDENCE TITLE COMPANY

NATIONAL INVESTORS TITLE INSURANCE COMPANY

I DO HEREBY CERTIFY TO THOSE LISTED HEREON THAT THIS SURVEY WAS THIS DAY MADE ON
THE GROUND, UNDER MY SUPERVISION, OF THE PROPERTY LEGALLY DESCRIBED HEREON, IS
PREPARED IN ACCORDANCE TO THE TITLE COMMITMENT REFERENCED HEREON, AND THAT THERE
ARE NO VISIBLE BOUNDARY LINE CONFLICTS.



THIS AREA IS NOT DEPICTED AS BEING IN A
SPECIAL FLOOD HAZARD AREA PER FEMA'S
FLOOD INSURANCE RATE MAP 0455H, DATED
09/26/08. IT IS REPRESENTED AS IN ZONE
"X". HOWEVER, AT THE PRESENT TIME, NO
ELEVATIONS, DRAINAGE, OR FLOOD STUDIES
HAVE BEEN PERFORMED AND INFORMATION
IS BASED SOLELY UPON SAID MAP. THE
SURVEYOR DOES NOT ASSUME
RESPONSIBILITY AS TO ANY INFORMATION
PROVIDED SAID MAP AND DOES NOT IMPLY
THAT THE PROPERTY AND/OR THE
STRUCTURES THEREON WILL BE FREE OF
FLOOD DAMAGE. FOR FURTHER INFORMATION








5009 Eilers

CITY OF AUSTIN DEVELOPMENT WEB MAP

2003 Aerial



Legend

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

K2
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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.



SPECIAL EXCEPTION INSPECTION



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Address:	5009 Eilers Ave.
Permit Number:	2015-032722
Property Owner Requesting Special Exception:	Phil Moncada

<u>Special Exception Requested:</u> carport encroaching into side yard setback
Date Structure was originally constructed: COA, GIS verifies existence in 2003

Date of Inspection:	5-4-2015
Building Official or designated representative	Tony Hernandez
X	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.