

MOPAC

K1
-1

W 6TH TO MOPAC NB

THERESA

PATTERSON

JENNIE

FRANCIS

AUGUSTA

6TH

5TH
N MOPAC SB TO 5TH EB

CAMPBELL

WEST LYNN

CESAR CHAVEZ TO MOPAC NB
CESAR CHAVEZ TO MOPAC SB

CESAR CHAVEZ



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0092
Address: 608 AUGUSTA 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.

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.

1" = 200'

Special Exception

CASE# C15-2015-0092

ROW# 11367614

TAX# 01090402808

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CITY OF AUSTIN TCAD ✓

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: 608 Augusta Avenue, Austin, Texas, 78703

LEGAL DESCRIPTION: Subdivision – Eck's Heights

Lot(s) 4&5 Block A Outlot Division

I/We Lex Henderson on behalf of myself/ourselves as authorized agent for
ourselves affirm that on 05 May, 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 X MAINTAIN

Deck located within building setback that has been in this configuration/location for more than 10 years.

in a SF-3-NP district. (zoning
district) (Old West Austin)

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):

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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:

Non-Applicable

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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:

Non-Applicable

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

Non-Applicable

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

Non-Applicable

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 *Les Henderson* Mail Address 608 Augusta Avenue

City, State & Zip Austin, Texas, 78703

Printed _____ Phone 512-797-9790 cell Date 05 May 2015

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 *Les Henderson* Mail Address 608 Augusta Avenue

City, State & Zip Austin, Texas, 78703

Printed _____ Phone 512-797-9790 cell Date 05 May 2015

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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.

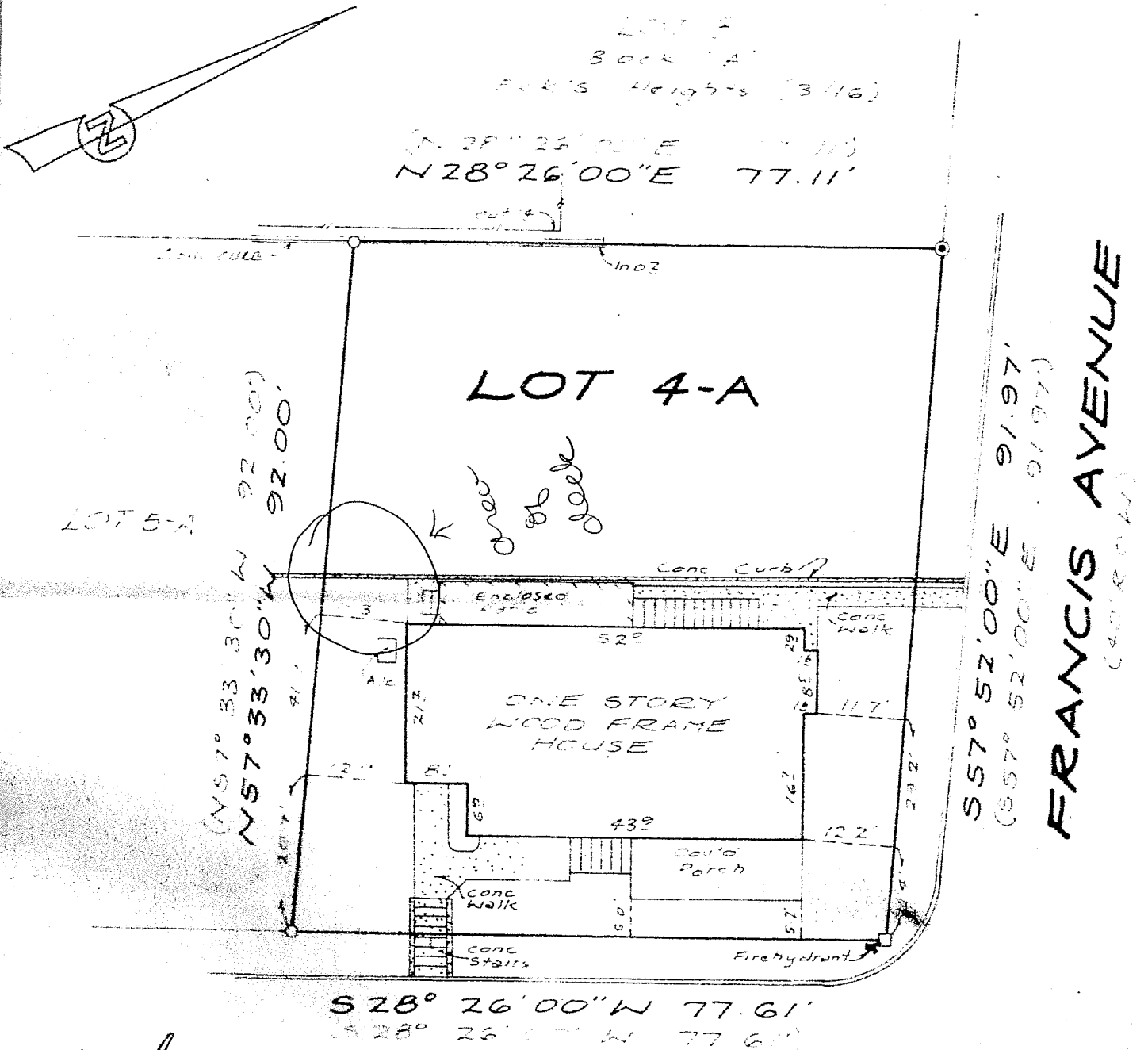
(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126.

LEX HENDERSON and MARILYN HENDERSON

LEGAL DESCRIPTION: Lot 4-A, of AMENDED PLAT OF LOTS 4 & 5, BLOCK "A", ECK'S HEIGHTS, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 93, Page 310, Plat Records, Travis County, Texas, also locally known as 608 Augusta Avenue, Austin, Texas.

- ☐ Iron Pin Found
- ☒ Iron Pin Missing
- ☐ Concrete Monument 12" dia



608 AUGUSTA AVENUE

CITY OF AUSTIN DEVELOPMENT WEB MAP 2003



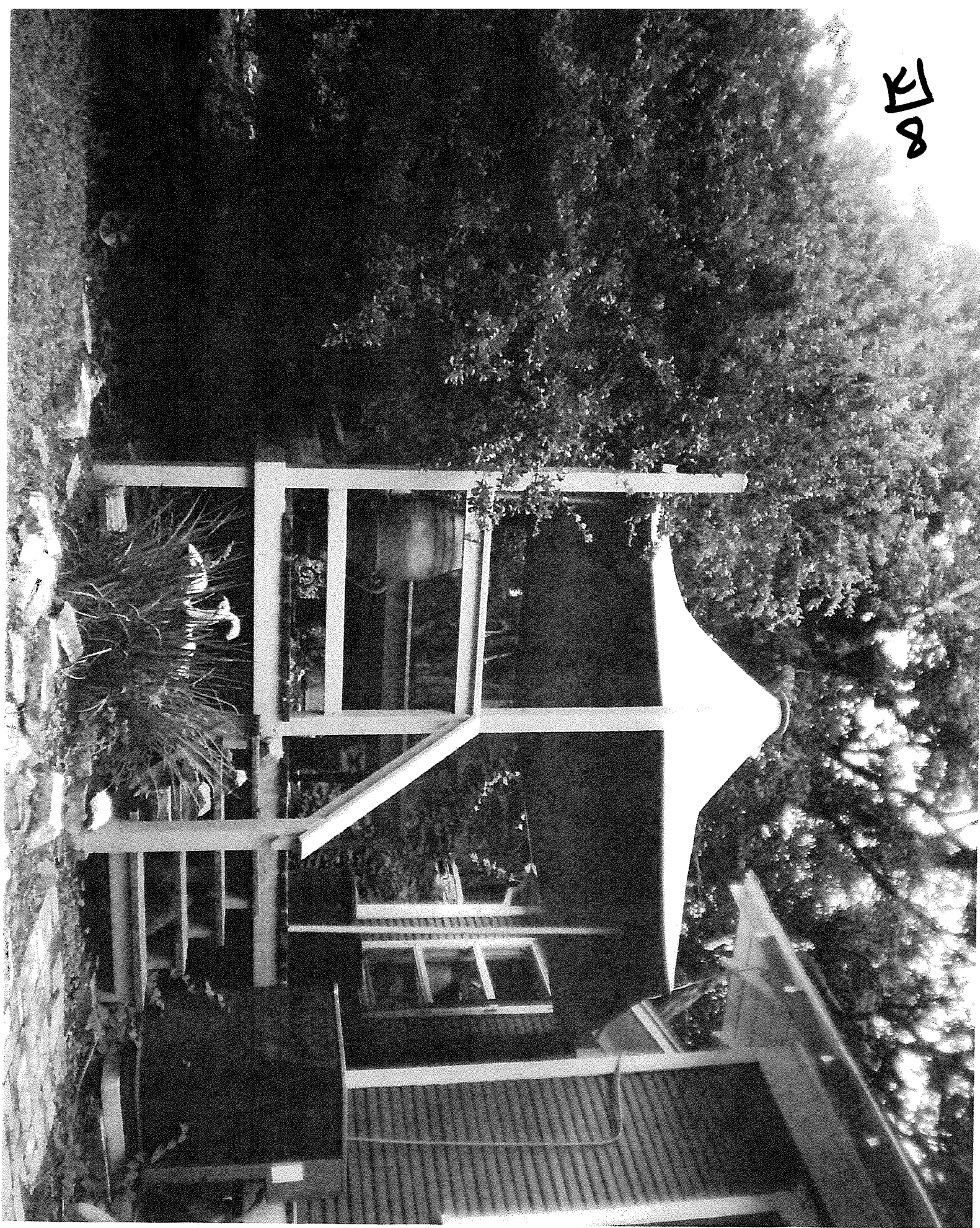
Legend

-  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.

K/8



[FILL OUT cause number and heading information EXACTLY as it is written on the Petition]

NO. _____

12/9

_____	§	_____
_____	§	_____
_____	§	_____
_____	§	_____
_____	§	_____

AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF _____

Travis

[PRINT the name of the county where this statement is being notarized.]

BEFORE ME, the undersigned authority, on this day personally appeared

Daniel Zipper

, who

[PRINT the first and last names of the person who will sign this statement.]

swore or affirmed to tell truth, and stated as follows:

"My name is

Daniel Zipper

[PRINT the first and last names of the person who will sign this statement.]

I am of sound mind and capable of making this sworn statement. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement I may be held criminally responsible. This statement is true.

I own a home at 606 Augusta Avenue, Austin, Texas and have since 1995. My property line joins with Lex and Marilyn Henderson's property of 608 Augusta Avenue.

My statement in this affidavit is: The deck which is attached to the Henderson's home at 608 Augusta was built sometime in 1996. I am unclear as to the exact date but the deck has been there since 1996.

I have spoken with Lex Henderson and agree that the deck poses no problem to me and has not in the past 19 years it has been there. I have no problem with it remaining there. Mr. Henderson and I have reached an agreement as neighbors that if at some point in time in the future, I or anyone after me that owns my home, asks him to set the deck back, he will do so immediately.

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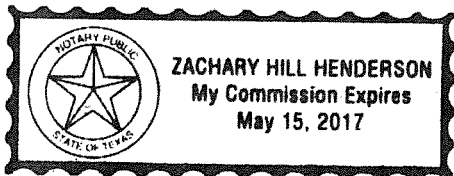
[Signature]

[The person who has personal knowledge of this statement must sign it.
DO NOT SIGN this statement until you are in front of a notary.]

State of Texas
County of Travis
[name of county where statement is notarized.]

SWORN to and SUBSCRIBED before me, the undersigned authority, on
the 7th day of May, 2015 year, by
Daniel Zipper

[PRINT the first and last names of the person who is signing this affidavit.]



[Signature]
Notary Public, State of Texas [Notary's signature.]

[Notary's seal must be included.]

21=

OWNER Harry Montandon ADDRESS 608 Augusta Ave

951 of 4 & 5

PLAT 96 LOT BLK. A DIV

SUBDIVISION Fcks Helghts

OCCUPANCY Duplex

BLD PERMIT # 89323 DATE 9-10-63 OWNERS ESTIMATE 2,000.00

CONTRACTOR B. R. Lawrence NO. OF FIXTURES 2

WATER TAP REC # SEWER TAP REC #

DUPLEX

Remodel Res to Create Duplex. Remodel lower floor to create duplex, remodel upstairs to create 2 rooms, & bath. Upstair can be rented only by one of the downstairs tenants.



SPECIAL EXCEPTION INSPECTION

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Address:	608 Augusta Ave.
Permit Number:	2015-077176
Property Owner Requesting Special Exception:	Lex Henderson

Special Exception Requested:

Deck encroaching into side yard setback

Date Structure was originally constructed: COA GIS verified deck existed in 2003

Date of Inspection:	7-7-2015
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
	<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.