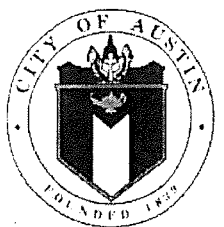




CASE#: C15-2015-0117
Address: 1211 E 31ST ST



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

1" = 200'

Special Exception

5/2

CASE# C15-2015-017
ROW# 11386020
TAX# 0214090411
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: 1211 E. 31st St., Austin Texas 78722

LEGAL DESCRIPTION: Subdivision – East 64.5' of Lot 23 Avalon A Vol 3 Pg. 235

Lot(s) _____ Block _____ Outlot _____ Division _____

I/We Humdinger Studio LLC on behalf of myself/ourselves as authorized agent for
JaLayne Wolf and Aaron Williams affirm that on May 19, 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

garage in side's rear setback
for more than 10 years

in a SF-3-NP district. (Upper Boggy Creek)
(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.

11/3

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 EXEMPTION

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:

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:

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

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

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 [Signature] Mail Address 913 E. 39th St.

City, State & Zip Austin, TX 78751

Printed Philip Burkhardt Phone 512-920-3464 Date 5/19/2015

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 [Signature] Mail Address 1211 E. 31st St.

City, State & Zip Austin, TX 78722

Printed JaLayne Wolf Phone 823-453-7576 Date 5/19/2015

11/5

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.

$$\frac{51}{6}$$

AVALON A

MAP SYMBOLS:

-

James M. Grant
JAMES M. GRANT R.P.

STATE OF TEXAS
REGISTERED
JAMES M. GRANT
1919
PROFESSIONAL
LAND SURVEYOR

**Garage Visible in City of Austin
GIS aerial photo from 2003**

ET



Search Type

Address

DOWNTOWN WEB MAP

1211 31ST ST

GO

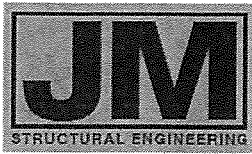
Map Tools

Map Pan

Map Themes

2003 True Color





C15-2015-0117 J/8

August 24, 2015

City of Austin
Department of Code Compliance
P.O. Box 1088
Austin, TX 78767

Re: 1211 E. 31st St
Austin, TX 78722
Permit # 2015-091095

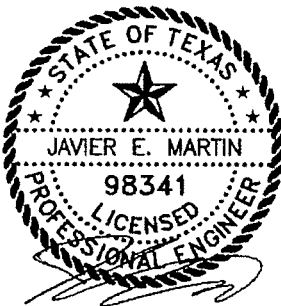
To Whom It May Concern:

This letter is being submitted to certify the structural integrity of the existing shed at the property mentioned above. Upon inspection, the existing structure appears to be in a serviceable condition that will not pose a threat to anyone's safety.

Please contact my office at your convenience should you need further documentation.

Submitted by,

Javier E. Martin, P.E. – Principal



08-24-2015
TBPE Firm #9979



SPECIAL EXCEPTION INSPECTION



5/9

Address:	1211 E 31st
Permit Number:	2015-091095
Property Owner Requesting Special Exception:	Brett Wells

Special Exception Requested:

Garage located within a half foot from rear property line and also encroaching into the side yard set back

Date Structure was originally constructed: GIS verified 2003 aerials

Date of Inspection:	8-5-2015
Building Official or designated representative	Tony Hernandez
	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
X	<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. One hour fire separation required. No overhangs allowed. Will need to obtain approval from neighbor to work on wall2. Will need a Registered Design Professional to verify structural integrity

11-2

PUBLIC HEARING INFORMATION

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- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices

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Case Number: C15-2015-0117, 1211 E. 31st St.

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 10th, 2015

Lisa (Mary) Shwin

Your Name (please print)

3104 Danvers St 78722

Your address(es) affected by this application

Mary Shwin

Signature

8/10/15

Date

Daytime Telephone:

512-775-6236

Comments:

We approve of Neighbors' plan. Buildings are already existing. It does not make sense to demolish anything (wasteful). They are very kind and respectful neighbors.

If you use this form to comment, it may be returned by noon the day of the hearing (comments received after noon may not be seen by the Board at this hearing) to:

City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leana.heldenfels@austintexas.gov

11-1

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Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 10th, 2015

Mary Shubin & Jeffrey HUBAN

Your Name (please print)

3104 Dancy St 78722

Your address(es) affected by this application

Mary E. Sl

Signature

8/10/15

Daytime Telephone:

512.775.6236

Comments:

Same as attached. We

both Jeffrey & Mary agree w/ owner wishes.

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Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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File 2

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Case Number: C15-2015-0117, 1211 E. 31st St.

Contact: Leanne Heldenfels, 512-974-2202, leanne.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, August 10th, 2015

Hollis H. Chazara
Your Name (please print)

1303 E 30th St 78722

Your address as reflected by this application

Signature

Daytime Telephone: 512-342-4752

Date

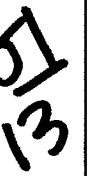
Comments:

Jakeyne & Philp have vastly improved their house & corner and in certain that remodeling building will be done with consideration and good taste.

☒ I am in favor
☐ I object

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Leanne Heldenfels
P. O. Box 1088
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Case Number: C15-2015-0117, 1211 E. 31st St.

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, August 10th, 2015

Nancy Gote
Your Name (please print)

☒ I am in favor
☐ I object

2906 Lafayette Ave.
Your address(es) affected by this application

Nancy Gote Aug 3 2015
Signature Date

Daytime Telephone: 512-298-7065

Comments: _____

If you use this form to comment, it may be returned by noon the day of the hearing (comments received after noon may not be seen by the Board at this hearing) to:

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Leane Heldenfels

P. O. Box 1088

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