

PENDING CASE

ZONING BOUNDARY

CASE#: C15-2015-0048

Address: 2105 FOREST TRAIL



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.

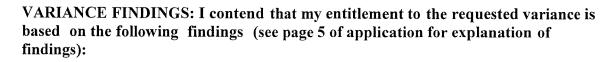


CASE#C15-2015-0048 L ROW# 11309 150 TAX# D115040731 2

CITY OF AUSTIN TOAD 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: 2105 Forest Trail
LEGAL DESCRIPTION: Subdivision – <u>Tarry Town Center</u>
Lot(s) 6 Block Outlot Division
I/We Richard Gift on behalf of myself/ourselves as authorized agent for
Brett and Rita Stewart affirm that on,,
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
· · · · · · · · · · · · · · · · · · ·
in a SF-3 -NP district. (West Austin Neighborhood Group) (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.





REASONABLE USE:

1.	The zoning regulations applicable to the property do not allow for a reasonable use because: SPECIAL EXCEPTION
	·
<u>H</u> A	ARDSHIP:
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
AR	EA 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
PA	RKING: (Additional criteria for parking variances only.)
Boaresp Find I.	quest for a parking variance requires the Board to make additional findings. The ard may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with sect to the number of off-street parking spaces or loading facilities required if it makes lings of fact that the following additional circumstances also apply: 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

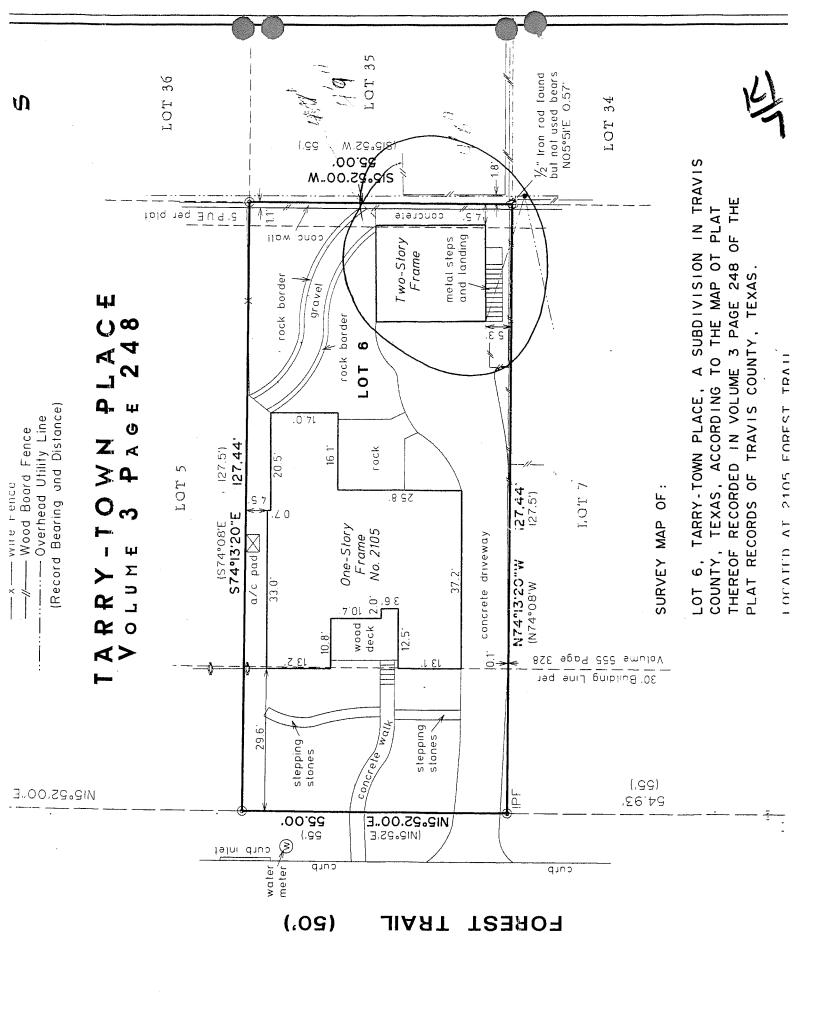
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
N/A
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with 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 Mail Address PO Box 5009
City, State & Zip Austin, Texas 78703
Printed KUHARD 9/FT Phone 512-924-2007 Date
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 EMAIL Mail Address 2204 MEADOWBROOK DRIVE
City, State & Zip AUSTIN, TEXAS 78703
Printed BRETT STEWART Phone _ 5124842512

pul	e granting of this variance will not result in the parking or loading of vehicles on plic streets in such a manner as to interfere with the free flow of traffic of the eets because:
	N/A
	e granting of this variance will not create a safety hazard or any other condition onsistent with the objectives of this Ordinance because:
	N/A
	e variance will run with the use or uses to which it pertains and shall not run with site because:
NOTI	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.
	CANT CERTIFICATE – I affirm that my statements contained in the complete ation are true and correct to the best of my knowledge and belief.
Signed	Mail Address PO Box 5009
	ate & Zip Austin, Texas 78703
Printed 2/2	Phone <u>512-924-2007</u> Date
	RS CERTIFICATE – I affirm that my statements contained in the complete application and correct to the best of my knowledge and belief.
Signed	Blett Stewn Mail Address 2204
ME	CADOWBROOK DRIVE
City, St	ate & Zip AUSTIN, TEXAS 78703
	BRETT STEWART Phone 24842512 Date 2/23/2015

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 <u>Chapter 25-2</u> (*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;
- (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 <u>Chapter 25-2</u>, <u>Article 8</u> (*Noncomplying Structures*). *Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126*.





CITY OF AUSTIN DEVELOPMENT WEB MAP 2002 Bried

2109 Forest Trail

Legend

Lot Lines

子公 Streets

Building Footprints

Named Creeks

Lakes and Rivers
Parks

County

4/0

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.

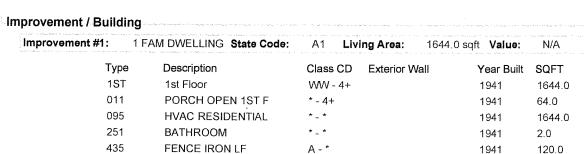


DECK UNCOVRED

DECK UNCOVRED







State Code:



Improv	ement	#2:	GA	RAGE	APAR	TMENT

512

512

A1 Living Area:

* - 4+

* - 4+

1941 460.0 sqft Value:

1941

144.0 N/A

42.0

Туре	Description
2ND	2nd Floor
031	GARAGE DET 1ST F
413	STAIRWAY EXT

Class CD Exterior Wall WW - 4-WW - 4-

SQFT Year Built 1944 460.0 1941 460.0 1941 1.0

Land

	Description			Eff Front		Market Value	Prod. Value
1 LAND	Land	0.1549	6747.44	0.00	0.00	N/A	A N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2015	N/A	N/A	4 N	I/A	N/A N/	A N/A
2014	\$124,386	\$400,000)	0 524	,386 \$	0 \$524,386

Deed History - (Last 3 Deed Transactions)

# Deed Date	Туре	Description	Grantor	Grantee	Volume	Page	Deed Number
1 9/22/1989	WD	WARRANTY DEED	NELSON JAMES J	STEWART BRETT B & RITA M	11029	00900	
2 2/22/1972	WD	WARRANTY DEED		NELSON JAMES J	04276	02387	

Questions Please Call (512) 834-9317

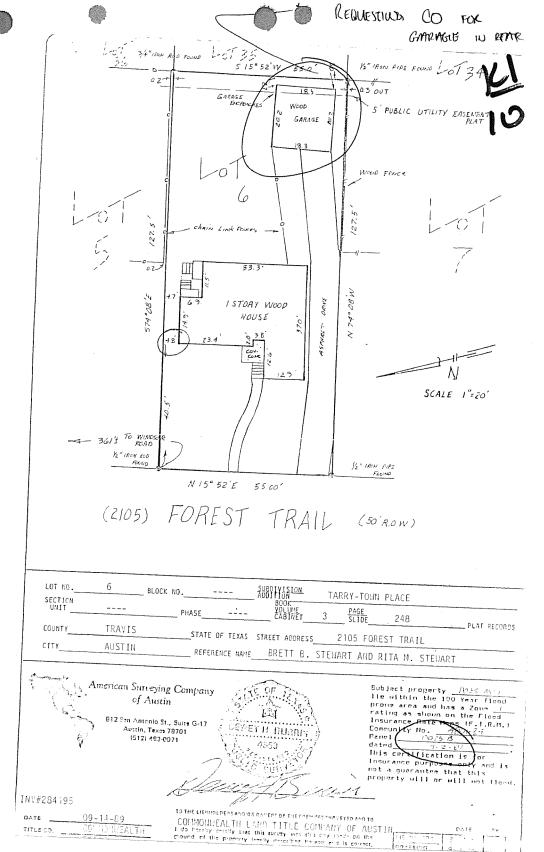
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Ceo. W. SAndlin

2105 Forest Trail

155

6

Tarrytown Place

Frame Ros & Box Garage

After recording, return to:

City of Austin Office of Real Estate Services 505 Barton Springs Rd., Suite 1350 Austin, TX. 78704

Attn: Betty Nguyen

File No. 9501-1503 Brett B. Stewart and Rita M. Stewart

Exhibit List Exhibit A – Property Description Exhibit B – Sketch

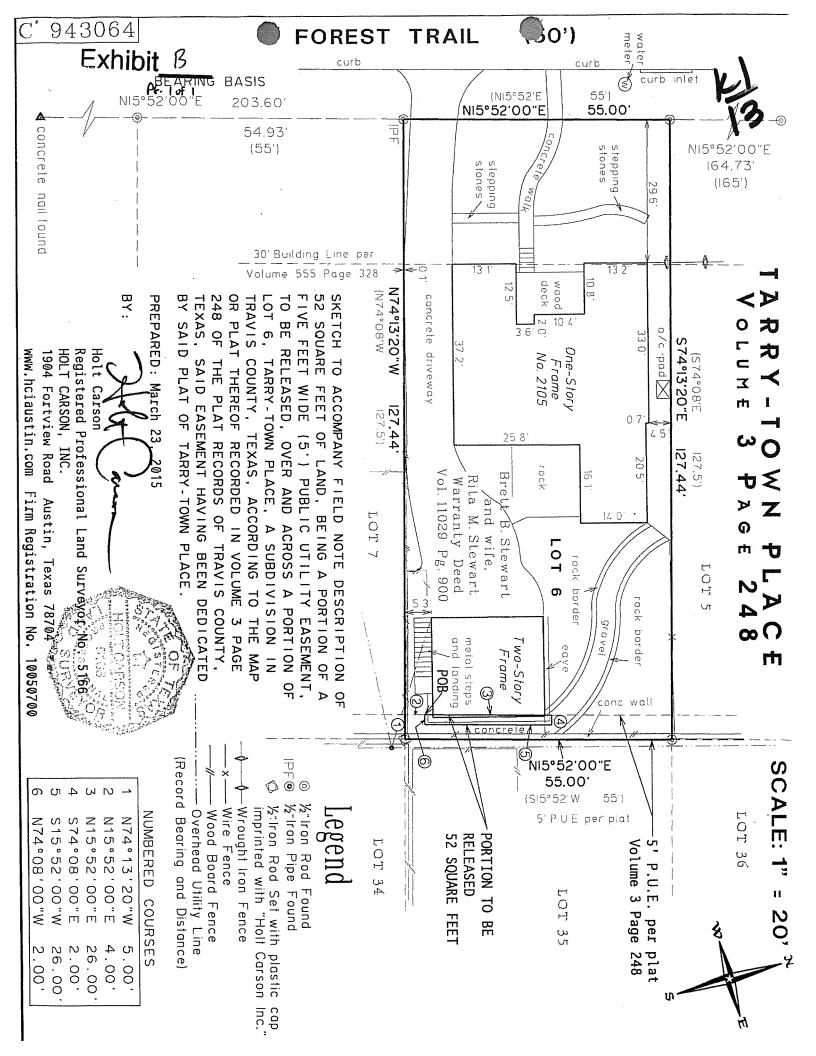
FILED AND RECORDED

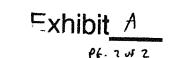
OFFICIAL PUBLIC RECORDS

May 21, 2015 01:51 PM

2015079278

RODRIGUEZA: \$42.00 Dana DeBeauvoir, County Clerk Travis County TEXAS





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THENCE continuing across the interior of said Lot 6 and entering the interior of said Public Utility Easement with the North line of this portion to be released, S 74 deg. 08' 00" E 2.00 ft. to a point for the Northeast corner of this portion to be released;

THENCE continuing across the interior of said Lot 6 and continuing across the interior of said Public Utility Easement with the East line of this portion to be released, S 15 deg. 52' 00" W 26.00 ft. to a point for the Southeast corner of this portion to be released;

THENCE continuing across the interior of said Lot 6 and continuing across the interior of said Public Utility Easement with the South line of this portion to be released, N 74 deg. 08' 00" W 2.00 ft. to the **PLACE OF BEGINNING**, containing 52 square feet of land.

WITNESS MY HAND this to the City of Austin:

I, Holt Carson, 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.

WITNESS MY HAND AND SEAL on this 23rd day of March, 2015.

BY:

Holt Carson

Registered Professional Land Surveyor No. 5166

REFERENCES:

TCAD Parcel No. 01 1504 07 31

City of Austin Grid: H 24

FIELD NOTES REVIEWED

By: Clark Danie LDON 05.13.2015

Engineering Support Section
Department of Public Works
and Transportation



PROFESSIONAL LAND SURVEYORS

1904 FORTVIEW ROAD AUSTIN, TEXAS 78704 TELEPHONE: (512) 442-0990 www.hciaustin.com



PARTIAL RELEASE OF EASEMENT

FIELD NOTE DESCRIPTION OF 52 SQUARE FEET OF LAND, BEING A PORTION OF A FIVE FEET WIDE (5') PUBLIC UTILITY EASEMENT, TO BE RELEASED, OVER AND ACROSS A PORTION OF LOT 6, TARRY-TOWN PLACE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3 PAGE 248 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID EASEMENT HAVING BEEN DEDICATED BY SAID PLAT OF TARRY-TOWN PLACE, AND LOT 6 HAVING BEEN CONVEYED TO BRETT B. STEWART AND WIFE, RITA M. STEWART BY WARRANTY DEED RECORDED IN VOLUME 11029 PAGE 900 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND SAID 52 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." for the common corner of Lot 6, Lot 7, Lot 34 and Lot 35, Tarry-Town Place, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 3 Page 248 of the Plat Records of Travis County, Texas, and from which a ½" iron pipe found in the East right-of-way line of Forest Trail for the Southwest corner of said Lot 6 and the Northwest corner of said Lot 7 bears N 74 deg. 13' 20" W 127.44 ft. and also from which a ½" iron rod found for the common corner of Lot 5, Lot 6, Lot 35 and Lot 36, of said Tarry-Town Place, bears N 15 deg. 52' 00" E 55.00 ft.;

THENCE with the common line of said Lot 6 and Lot 7, N 74 deg. 13' 20" W 5.00 ft. to a point in the West line of an existing five feet wide (5') Public Utility Easement, as dedicated by the plat of said Tarry-Town Place;

THENCE entering the interior of said Lot 6 with the West line of said Public Utility Easement, N 15 deg. 52' 00" E 4.00 ft. to a point for the Southwest corner and **PLACE OF BEGINNING** of the herein described portion to be released;

THENCE continuing across the interior of said Lot 6 with the West line of said Public Utility Easement, N 15 deg. 52' 00" E 26.00 ft. to a point for the Northwest corner of this portion to be released;

end of Page 1



Partial Release of L.

Description of Easement and Recording Data: A 5 foot public utility easement dedicated by instrument recorded in Volume 3, Page 248, Travis County Plat Records.

Travis County, Texas.

Released: That approximately 52 square foot attached and incorporated

Exhibit A (description) and Exhibit B (sketch) ("Released Property").

Easement Grantee: The City of Austin, Office of Real Estate Services, P.O. Box 1088, Austin, Travis County, Texas 78767-8839.

Description of Property and Local Address: Lot 6, Tarry-Town Place, Subdivision, the plat of which is recorded in Volume 3, Page 248, of the Travis County Plat Records, locally known as 2105 Forest Trail, Austin, Texas.

Current Owner of Property and Address: Brett B. Stewart and Rita M. Stewart, 2204 Meadowbrook, Austin, Travis County, Texas 78703.

Consideration: TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged.

Grantee, the City of Austin, has determined that the Released Property, which is a portion of the Easement, is not now needed and will not be required in the future, since the Released Property portion of the Easement is surplus.

Grantee, for the consideration herein recited, acting by and through its duly authorized City Manager or designee releases the Released Property from the Easement.

EXECUTED this the 21st day of May

CITY OF AUSTIN

Lauraine Rizer, Officer

Office of Real Estate Services

EDY

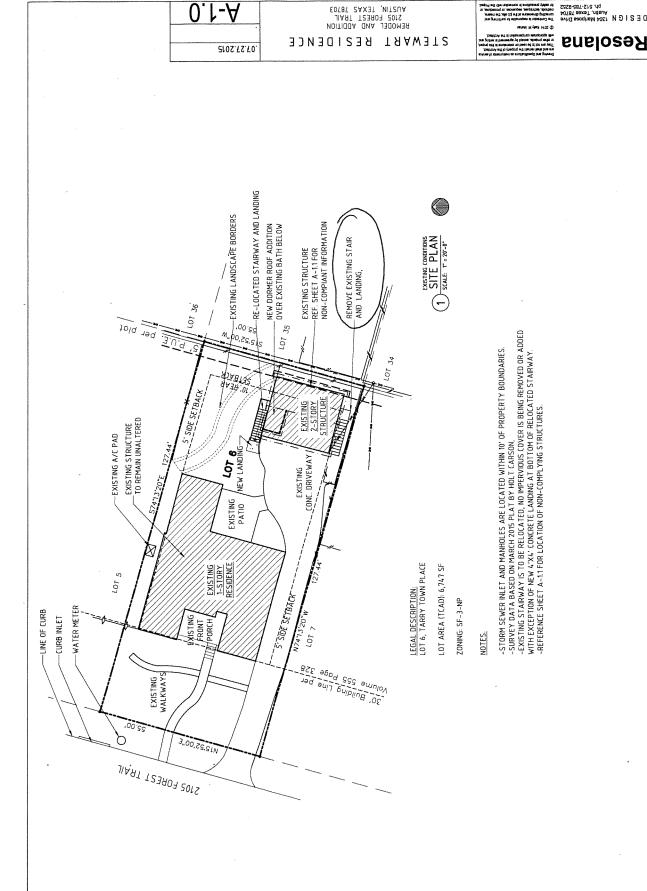
STATE OF TEXAS **COUNTY OF TRAVIS**

This instrument was acknowledged before me on May 2015, by Lauraine Rizer, Officer, Office of Real Estate Services, City of Austin, a Texas municipal corporation, on behalf of said corporation.

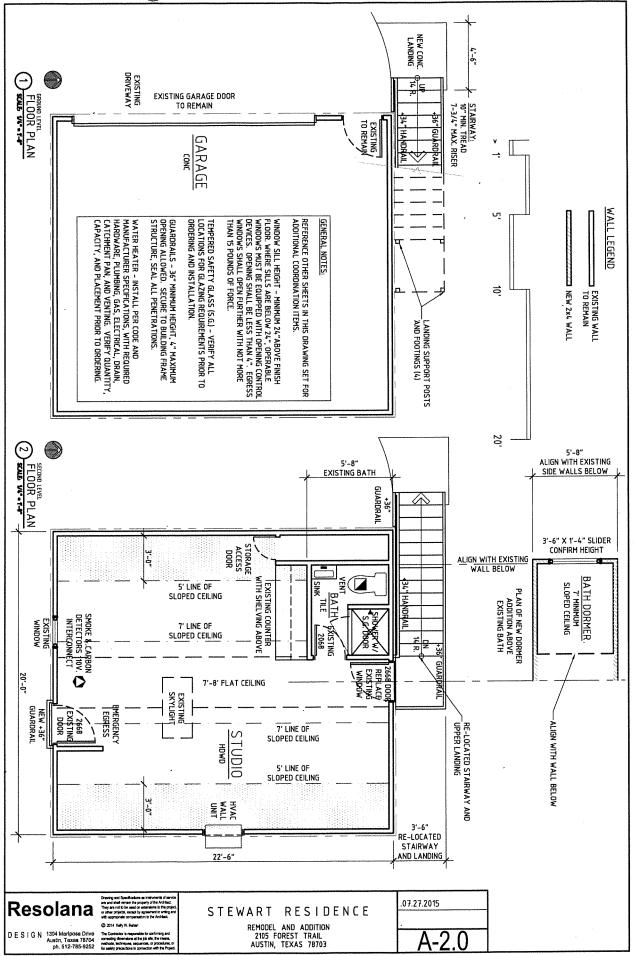
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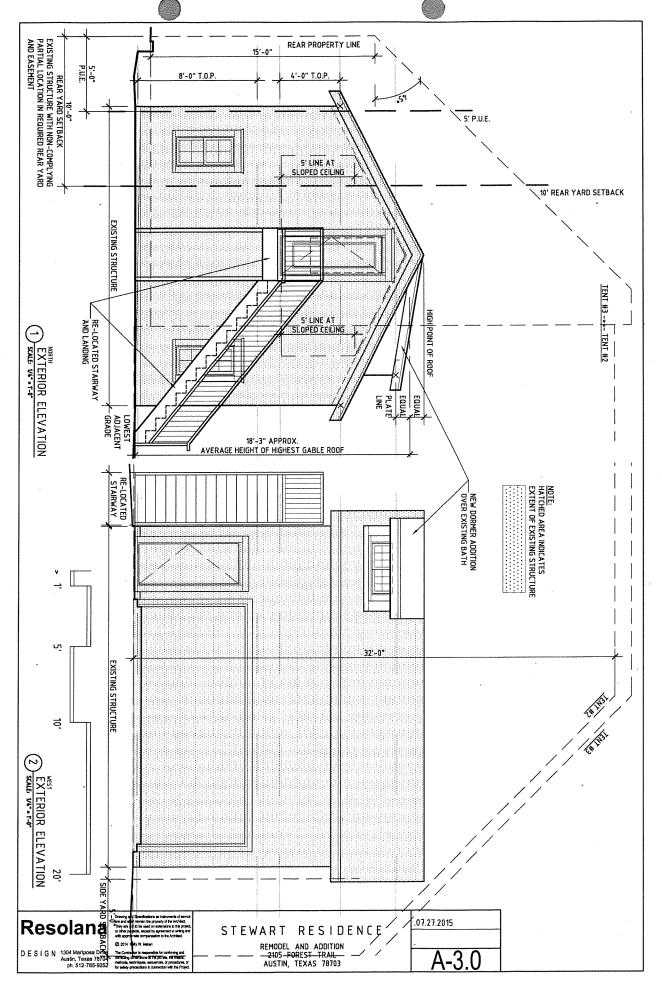


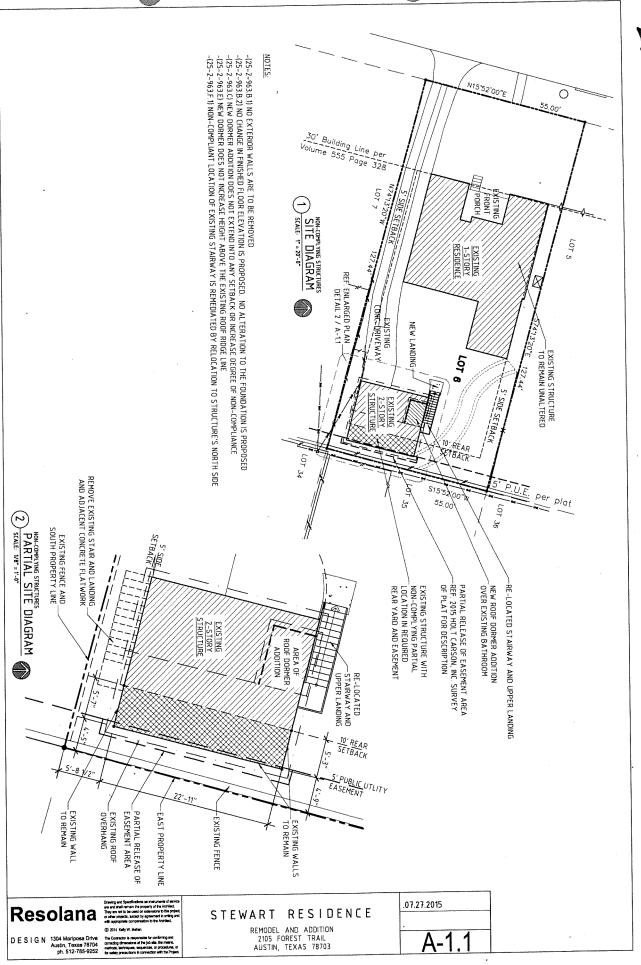
Notary Public, State of Texas

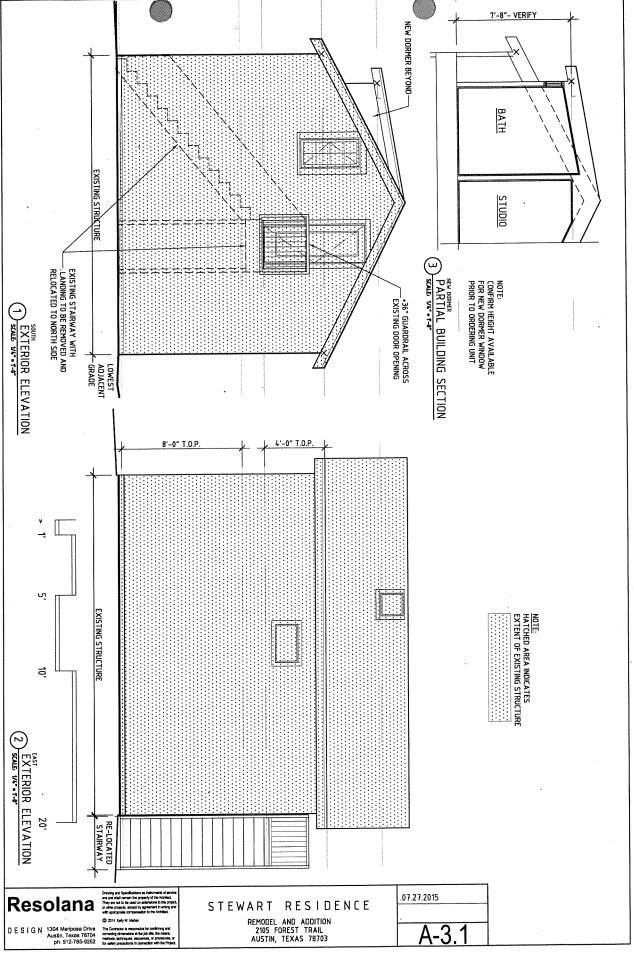














CORRECTION NOTICE

C152015-0043

Comments

Deficiency

Date

Inspection Type

Development Services Department

Permit Address: 2105 FOREST TRL

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Inspector, phone, pager

Permit Number

No. Location Wes Buckner 512-207-0838 Wesley.Buckner@austintexas 2015-093717-BP & email

		* ited		
	Smoke detector required	Exterior stairs to be moved, new stairs must meet currently adopted building code	•	
	Smoke Detectors - Location	Stair System - Exterior	Kitchen sink to be removed.	Head height clearance not met at toilet and lavatory. 6 foot 8 inch required at front clearance, 5 foot 7 inches currently.
	08/17/2015	08/17/2015	08/17/2015	08/17/2015
	112 Final Building	112 Final Building	112 Final Building	112 Final Building
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For General Assistance, Dial: 512-978-4000

