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CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, October 12, 2015

CASE NUMBER: C15-2015-0140

___Y___ Brooke Bailey
___Y___ Michael Benaglio
___Y___ William Burkhardt -2nd the Motion
___N/A___ Eric Goff
___Y___ Vincent Harding
___Y___ Melissa Hawthorne - Motion to PP to 11/9/15
___Y___ Don Leighton-Burwell
___Y___ Melissa Neslund
___Y___ James Valadez
___OUT___ Michael Von Ohlen

OWNER/APPLICANT: Socorro Arroyo

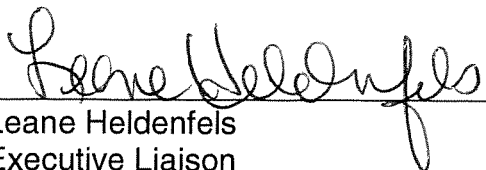
ADDRESS: 6926 CARWILL DR

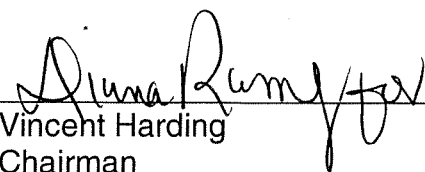
VARIANCE REQUESTED: The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from Section 25-2-492 (D) (Site Development Regulations) to decrease the side yard setback from 5 feet (required) to .5 feet (requested, existing) in order to maintain a patio cover constructed at least 10 years ago in an "SF-2", Family Residence zoning district.

BOARD'S DECISION: POSTPONED TO 11/9/15 BY STAFF TO RESOLVE PENDING AUSTIN ENERGY ISSUES

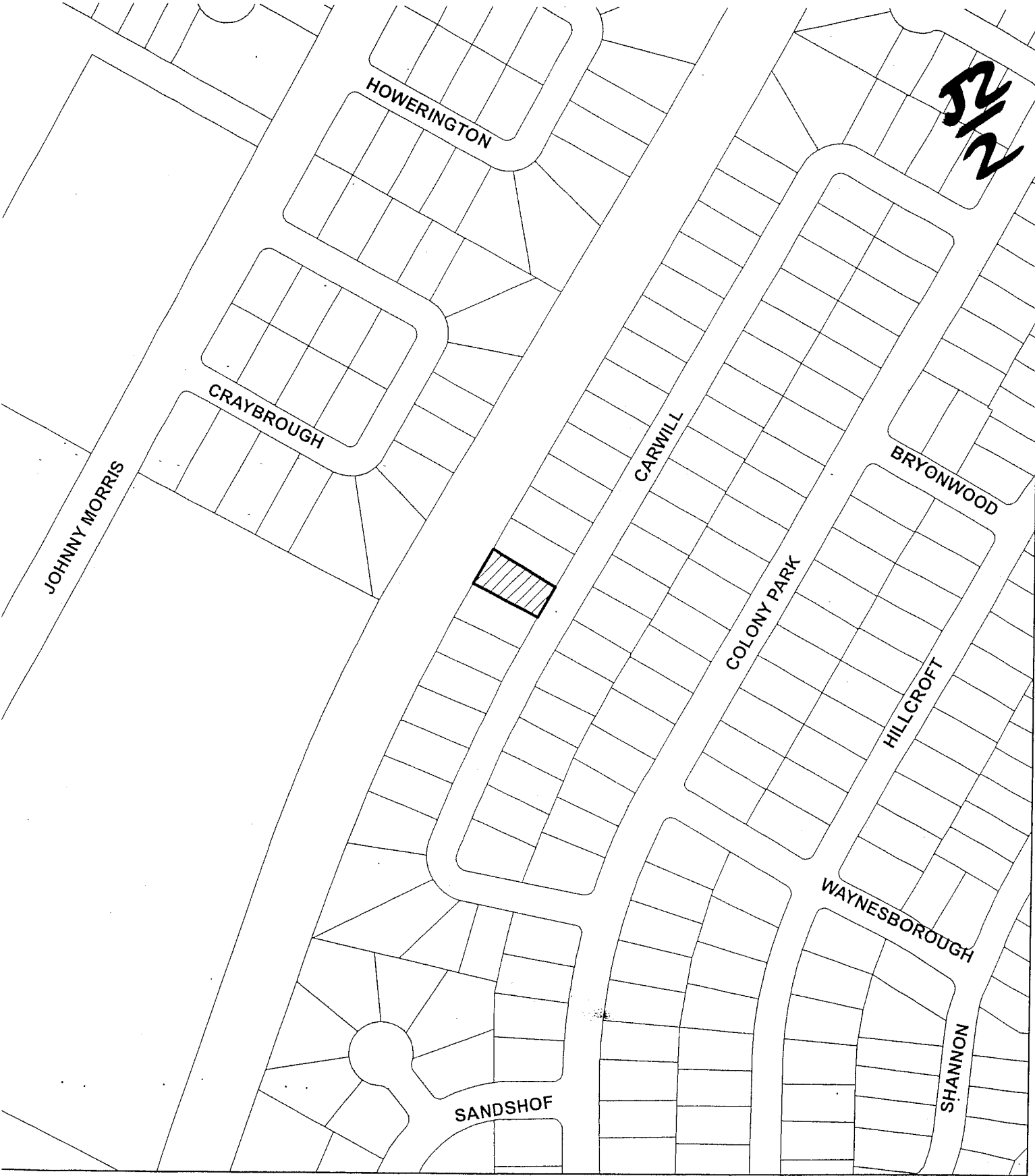
FINDING:




1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
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:


Leane Heldenfels
Executive Liaison


Vincent Harding
Chairman

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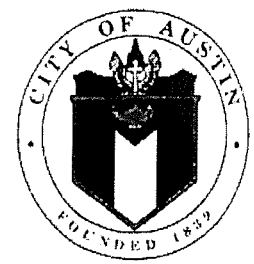
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2015-0140
6926 CARWILL DRIVE

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" = 208'

Special Exception

CASE# CG-2019-0140
ROW# 11412705
TAX# 0219330324

JL
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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: 6926 Carwill Dr

LEGAL DESCRIPTION: Subdivision - Colony Park Sec 1 PH 2

Lot(s) 26 Block F Outlot _____ Division _____

I/We Socorro + Alejandra Arroyo on behalf of myself/ourselves as authorized agent for
Socorro + Alejandra Arroyo affirm that on July 27th 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

To Maintain both the patio Cover and
Storage building in the side Set back

in a SF-2 district.
(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):

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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:

To Maintain both the patio Cover and Storage building in the side setback

- (b) The hardship is not general to the area in which the property is located because:

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:

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:

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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 SOCOMO ARROYO Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ 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 SOCOMO ARROYO Mail Address 15624 SCHMIDT LOOP

City, State & Zip Manor TX 78653 ~~Manor~~

Printed SOCOMO ARROYO Phone _____ Date _____

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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.

2003 Aerial CITY OF AUSTIN DEVELOPMENT WEB MAP

6926 Carwill



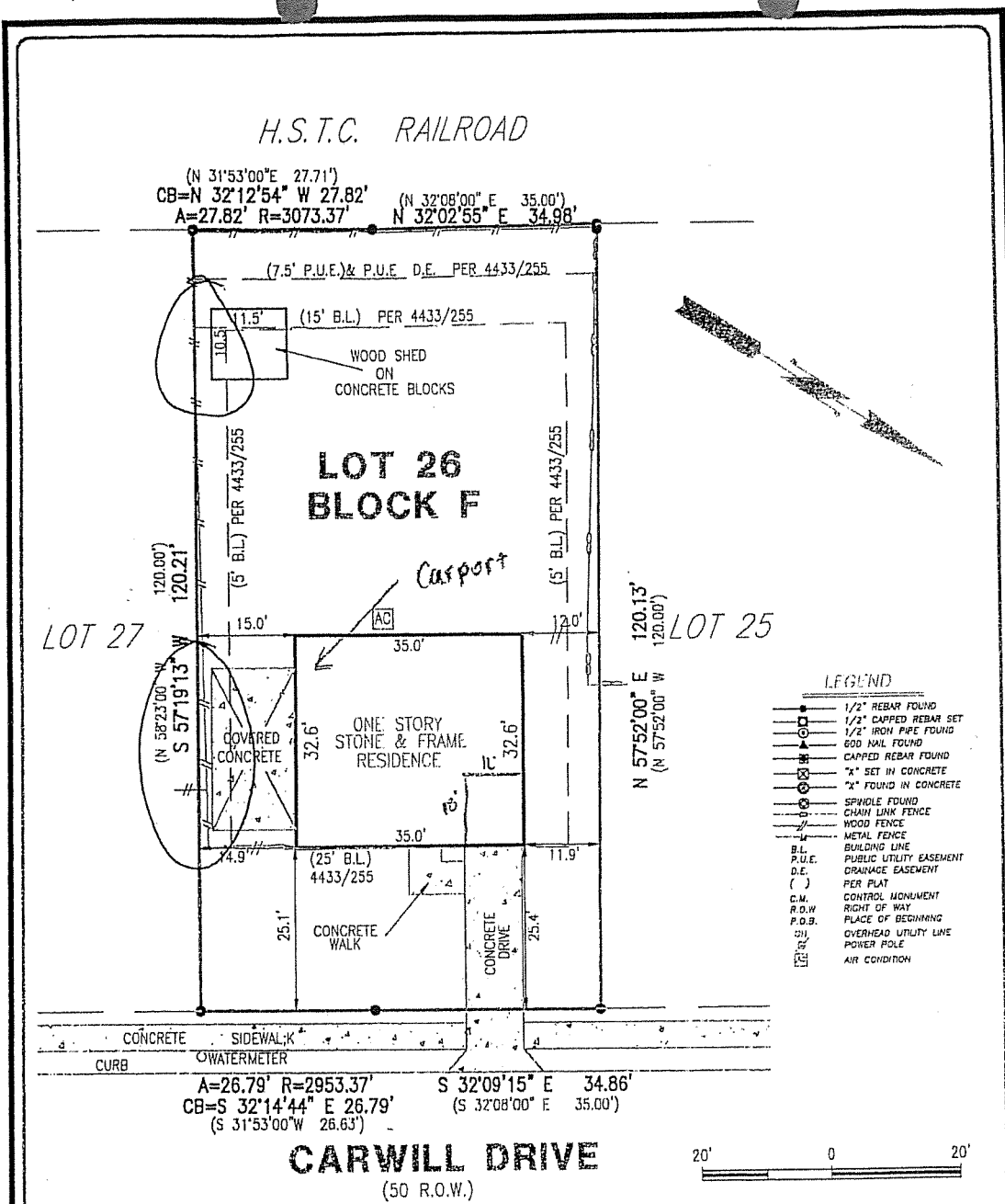
Legend

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

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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.

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IMPORTANT NOTICE

This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to B & G SURVEYING, LLC.

[Signature]
 TO THE LIENHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED



THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 0470H, 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 BY THIS FIRM AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED ON SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAIN ADMINISTRATOR.

STREET ADDRESS: 6926 CARWILL DRIVE CITY: AUSTIN COUNTY: TRAVIS STATE OF TEXAS
 LOT: 26 BLOCK: F SUBDIVISION: COLONY PARK- SECTION ONE- PHASE TWO VOL/CAD: 60 PLAT RECTORS: 75
 REFERENCE NAME: SOCORRO ARROYO



B & G SURVEYING, LLC
 FIRM REGISTRATION NO. 100363-00

WWW.BANDGSURVEY.COM
 1404 West North Loop Blvd.
 Austin, Texas 78756
 Office 512-458-6969, Fax 512-458-9845

JOB #: B0603414_TA
 DATE: 06/09/14
 SCALE: 1"= 20'

FIELD WORK BY	WILLIAM	06/09/14
CALC'D BY	V.G.	06/09/14
DRAFTED BY	MOFFAT	06/09/14
CHECKED BY	V.G. / M.L.	06/09/14

INVESTIGATION REPORT

Investigator: Mike Carter
Case: CV-2014-066891
Address: 6926 CARWILL DR 78724
Zoned as SF-2

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The item(s) listed below are in violation of the Austin City Code. A required remedy may be specified after a violation and may include a time period for compliance. If no required remedy is specified for a violation, the **Required Remedy Summary** will be in effect. For questions concerning residential property, please contact the Zoning Review Division at (512) 978-4000. For questions concerning commercial property, please contact the Development Assistance Center (DAC) at (512) 974-6370.

LAND USE

Code Section: Building Permit Requirement (§25-12-241 [2006 IRC R105.1])

Description of Violation: Residential construction performed without required permit(s).

Date Observed: July 21, 2014

Status: Not Cleared

Required Remedy: obtain required permits for garage conversion

Code Section: Site Development Regulations for Zoning Districts (§25-2-492)

Description of Violation: The patio cover is encroaching into the side yard setback and a minimum of 5 feet is required in a SF3 zoning district.

Date Observed: July 21, 2014

Status: Not Cleared

Required Remedy: remove patio cover from setback or obtain a variance

Required Remedy Summary

Obtain a Permit in 30 days

Obtain Variance in 30 days

NOTE: The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

Appeal

A person may appeal a Stop Work Order to the City of Austin's Code Official. A written appeal must be filed no later than 3 days after the posting of the Order and contain:

- the name and address of the appellant;
- a statement of facts;
- the decision being appealed; and
- the reasons the decision should be set aside.

052015-0140



SPECIAL EXCEPTION INSPECTION



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Address:	6926 Carwill Dr.
Permit Number:	2014-094555
Property Owner Requesting Special Exception:	Socorro Arroyo

<u>Special Exception Requested:</u> Encroaching carport, patio cover and storage building
Date Structure was originally constructed: storage building and patio cover existed in 2003. Not able to verify carport

Date of Inspection:	7-28-2015
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	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. Storage building structurally unsound will be required to be demolished

Colony Park Neighborhood Assoc.
P.O. box 12891
Austin, Texas 78711 – 2891

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August 19, 2013

Code Compliance/Improper Carports

Director: Carl Smart
1520 Rutherford Lane
Austin, Texas 78754

Dear Mr. Smart,

It has been brought to the attention of the Colony Park Neighborhood Association that several residents have received notices that their Carports are in violation of code compliance. On June 29, 2013 our association participated in a ride through the neighborhood with code compliance, one of our inexperienced members was paired with a code compliance officer who was not familiar with the area which resulted in several homeowners carports being deemed not up to code because the carports are not set back twenty-five feet from the street.

In many cases the homeowners that received these notices have had their carports for thirty years or more. This neighborhood has been disenfranchised for many years and in the last several months we have made great strides in working with several city departments, as well as meeting with City Council with matters pertaining to the Sustainable Grant that Colony Park was awarded by HUD.

Colony Park Neighborhood has many disadvantages one being many people living on fixed incomes or incomes at or below the poverty level. To comply with this ordinance would cause great hardship, both physical and financially.

Our neighborhood is asking for these carports to be grandfathered in since they have been in existence for 10 years or more, and do not pose a hazard to life, health, or public safety. A setback of twenty-five feet might be possible in some areas, but not in the Colony Park area where many of the houses are less than 1300 square feet.

We the residents of the Colony Park neighborhood and the Neighborhood Association are appealing to you to work with us and develop an amicable solution that can be palatable for your department as well as the neighborhood.

With Sincere Thanks

Barbara Scott – President Colony Park Neighborhood Association