

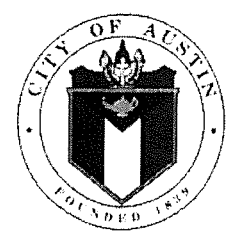
SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY

CASE#: C15-2015-0078  
Address: 5003 MARTIN AVE

1" = 200'

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 this product.



CASE# C15-2015-0078  
ROW# 11345830  
TAX# 0222110202

M/2

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: 5003 MARTIN AVE

LEGAL DESCRIPTION: Subdivision - THE HIGHLANDS

Lot(s) NORTH 21' OF LOT 3 AND ALL OF LOT 4

                     Block 7                      Outlot                      Division                     

I/We DWAYNE W. BARNES, on behalf of myself/ourselves as authorized agent for  
PROPERTY OWNER (SELF) affirm that on APRIL 27, 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 APARTMENT BUILT IN 1996 ABOVE EXISTING  
GARAGE WHICH WAS BUILT IN 1951 WITH A 5' REAR SETBACK, AND  
IS ON A LOT THAT IS OVER 5750 SQ FT, BUT LESS THAN 7000 SQ FT

in a NCCD - SF3 <sup>NP</sup> 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):

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**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The original garage structure was built before 10' rear setback was a requirement. The apartment/second dwelling unit was added before the airport was relocated and before our neighborhood was incorporated into the NCCD which requires 7,000sf. At the time it was built, it was common to approve this use. The property is over 5750 sq ft.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

The building/original home has existed since 1949, and the garage building has existed since 1951. The apartment/second dwelling unit has existed since 1996, before the NCCD requirements.

(b) The hardship is not general to the area in which the property is located because: It was built above an existing garage which not all homes in this area have.

**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:

The building has existed as is since 1996, and the garage has existed since 1951.

There are several other garage apartments on the same block, including next door.

**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:

Currently the garage/second dwelling unit is used by family exclusively. If a future rental occupant were to live there, parking exists for the tenant.

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:

There is a parking space for the garage apartment.

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

The building exists. We will meet all safety inspections and required plans to prove the safety of the structure.

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

NA

**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 5003 MARTIN AVE

City, State & Zip AUSTIN, TX 78751

Printed Dwayne Barnes Phone 512-789-4684 Date APRIL 27, 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  Mail Address 5003 MARTIN AVE

City, State & Zip AUSTIN, TX 78751

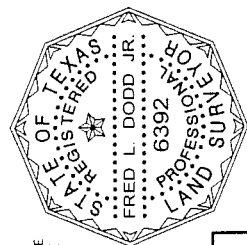
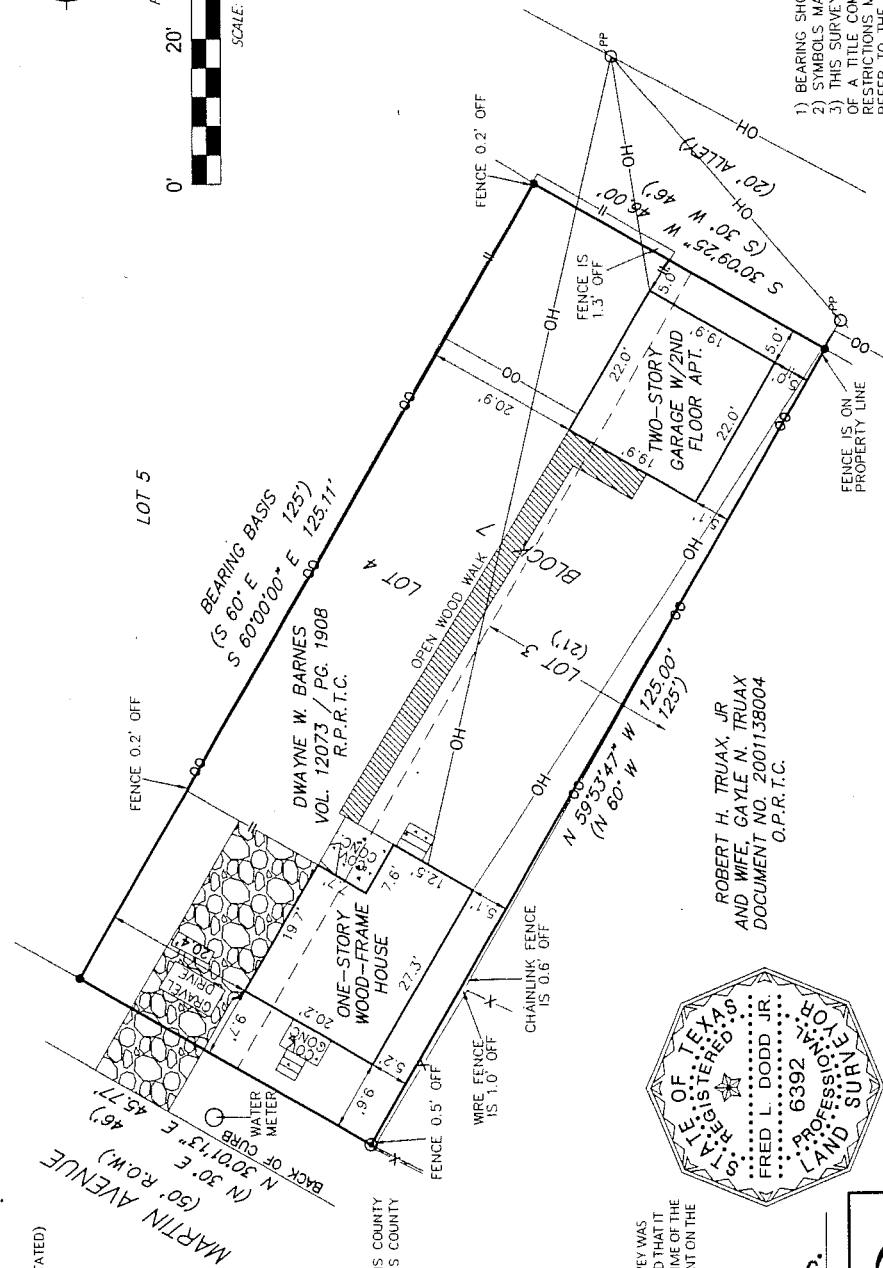
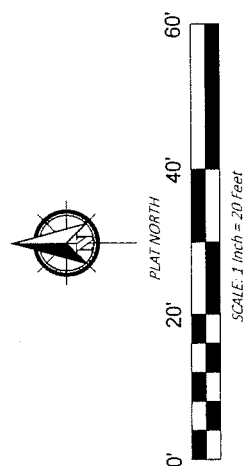
Printed Dwayne Barnes Phone 512-789-4684 Date APRIL 27, 2015

3/5

AN AS-BUILT SURVEY OF THE NORTH 21' OF LOT 3 AND ALL OF LOT 4, BLOCK 7, THE HIGHLANDS,  
A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT OF  
RECORD IN VOLUME 3, PAGE 55, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

LEGEND

- 1/4" IRON ROD FOUND (UNLESS STATED)
- IRON PIPE FOUND
- POWER POLE
- DOWN GUY
- ELECTRICAL METER BOX
- CLEAN OUT
- CONCRETE
- OVERHEAD UTILITY
- WOOD PRIVACY FENCE
- BARBED WIRE FENCE
- CHAIN LINK FENCE
- BUILDING LINE
- DRAINAGE EASEMENT
- PUBLIC UTILITY EASEMENT
- RECORD INFORMATION
- CONTROL MONUMENT
- CM
- O.P.R.T.C.
- OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY
- REAL PROPERTY RECORDS, TRAVIS COUNTY



I, FRED L. DODD, JR., HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT IT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY. THERE WERE NO ENCROACHMENTS APPARENT ON THE GROUND EXCEPT AS SHOWN HEREON.

*Fred L. Dodd, Jr.*  
FRED L. DODD, JR. RPLS NO. 6392

**DODD**  
SURVEYING & MAPPING CO.  
PROFESSIONAL LAND SURVEYORS  
TEXAS FIRM LICENSE NO. 10193745

- 1) BEARING SHOWN ARE BASED ON DEED RECORD.
- 2) SYMBOLS MAY BE EXAGGERATED FOR CLARITY.
- 3) THIS SURVEY WAS PERFORMED WITH OUT THE BENEFIT OF A TITLE COMMITMENT, EASEMENTS, SETBACKS, AND/OR RESTRICTIONS MAY EXIST THAT ARE NOT SHOWN HEREON. REFER TO THE CITY OF AUSTIN - UNIFIED DEVELOPMENT CODE FOR CURRENT BUILDING SETBACK LINES.

QUESTIONS, COMMENTS OR TO  
ORDER A SURVEY EMAIL US AT:  
INFO@DODDSURVEYING.COM

WWW.DODDSURVEYING.COM

112 W. PECAN STREET  
PFLUGERVILLE, TX 78660  
(512) 843-3633

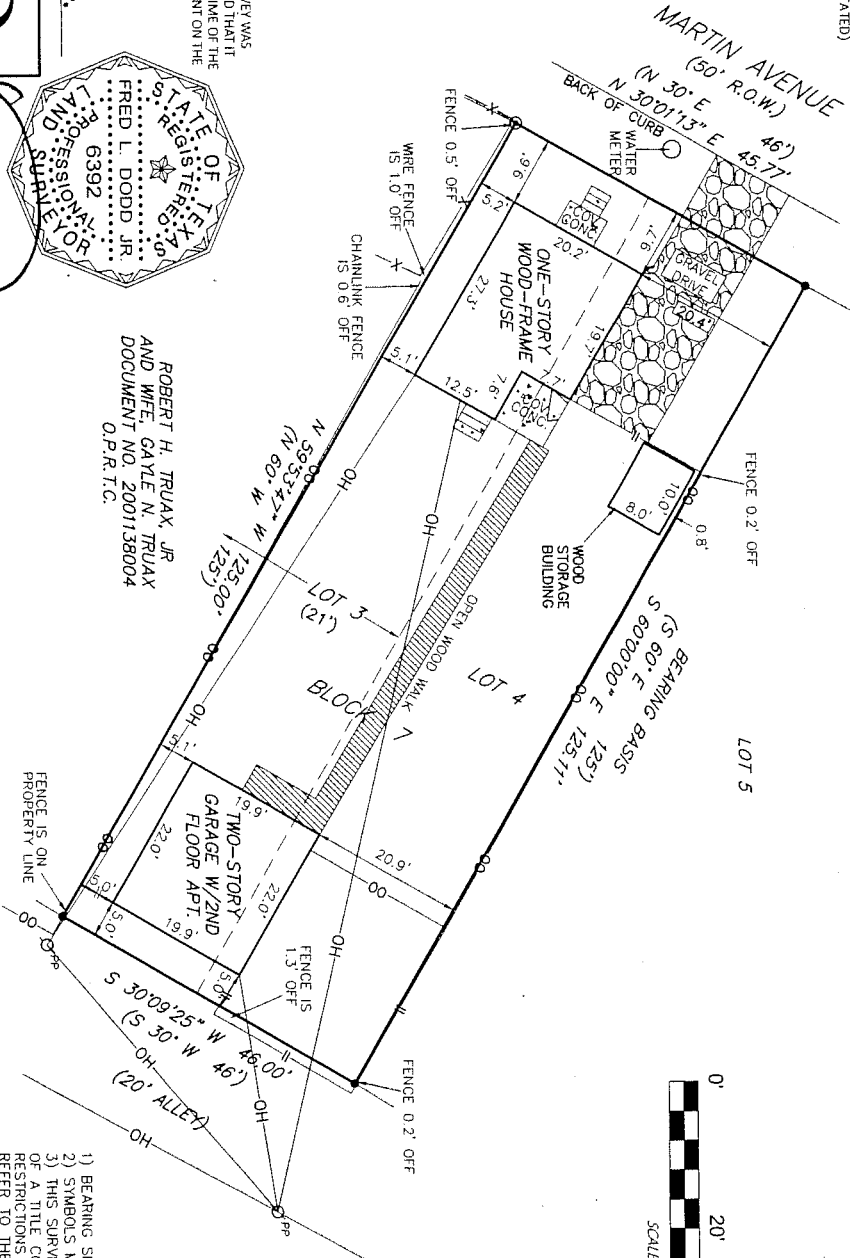
5/1/2

2/3

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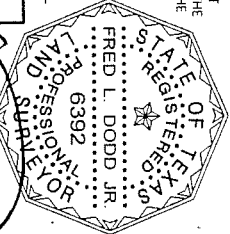
# LEGEND

- 1/2" IRON ROD FOUND (UNLESS STATED)
- IRON PIPE FOUND
- ⊙ POWER POLE
- ⊖ DOWN GUY
- ⊕ ELECTRICAL METER BOX
- CLEAN OUT
- CONCRETE
- OVERHEAD UTILITY
- WOOD PRIVACY FENCE
- BARBED WIRE FENCE
- CHAIN LINK FENCE
- B.L. BUILDING LINE
- D.E. DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- ( ) RECORD INFORMATION
- CM CONTROL MONUMENT



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CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE  
SURVEY THERE WERE NO ENCUMBRANCES APPARENT ON THE  
GROUND EXCEPT AS SHOWN HEREON.

*Fred L. Dodd Jr.*  
FRED L. DODD, JR.  
REAL AND 6392



ROBERT H. TRUAX, JR.  
AND WIFE, GAYLE N. TRUAX  
DOCUMENT NO. 2007138004  
O.P.R.T.C.

- 1) BEARING SHOWN ARE BASED ON DEED RECORD.
- 2) SYMBOLS MAY BE EXAGGERATED FOR CLARITY.
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**DODD**  
SURVEYING & MAPPING CO.  
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112 W. PECAN STREET  
PFLUGERVILLE, TX 78660  
(512) 843-3633

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mty  
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**ORDINANCE NO. 20120112-087**

**AN ORDINANCE AMENDING ORDINANCE NO. 20050818-064, REZONING AND CHANGING THE ZONING MAP FOR THE FOR THE PROPERTY WHOSE BOUNDARIES ARE 51<sup>ST</sup> STREET TO THE NORTH, 45<sup>TH</sup> STREET TO THE SOUTH, GUADALUPE STREET TO THE WEST AND RED RIVER STREET TO THE EAST IN THE NORTH HYDE PARK NCCD-NP AREA FROM NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (NCCD-NP) COMBINING DISTRICT TO NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (NCCD-NP) COMBINING DISTRICT, TO CHANGE A CONDITION OF ZONING.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from neighborhood conservation-neighborhood plan (NCCD-NP) combining district to neighborhood conservation-neighborhood plan (NCCD-NP) combining district on the property (the "Property") whose boundaries are 51<sup>ST</sup> Street to the north, 45<sup>TH</sup> Street to the south, Guadalupe Street to the west and Red River Street to the east as described in Zoning Case No. C14-04-0196.03, on file at the Neighborhood Planning and Zoning Department and identified in the map attached as Exhibit "A".

**PART 2.** The North Hyde Park NCCD-NP was approved August 18, 2005 under Ordinance No. 20050818-064 (the "Original Ordinance") and amended under Ordinances No. 20050929-073, No. 20051006-Z018, No. 20070308-040 and No. 20080131-119.

**PART 3.** Except as otherwise provided in this ordinance the Property is subject to the Original Ordinance, as amended, and in all other respects, the terms and conditions of the Original Ordinance, as amended, remain in full force and effect.

**PART 4.** Part 6 (*General Provisions*) of the Original Ordinance is amended to change a condition of zoning for certain property in the North Hyde Park NCCD-NP area as shown in this ordinance. In addition, a new Section 13 is added to Part 6 and only applies to single family (SF-2 and SF-3) properties in the Residential District, as shown in this ordinance.

**PART 6. General Provisions.** Except as otherwise provided in this ordinance, the following provisions apply to all property within the NCCD-NP.

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6. A porch must be at least five feet from a property line that faces a street.
  7. Except as otherwise provided in Section 11a in this part, for an accessory building the minimum setback from:
    - a. a front property line is 60 feet; and
    - b. a side street is 15 feet; and
    - c. an interior side property line is five feet.
  8. Except as otherwise provided in this part, the minimum setback from an alley for an accessory building or the rear dwelling unit of a two-family residential use that is not more than 20 feet in height, is five feet.
  9. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear yard, interior side yard, and street side yard property lines.
  10. Except as otherwise provided in Section 11a, on properties located west of Duval Street, an attached garage shall be a minimum of 60 feet from a front property line.
  11. For a lot that is less than 90 feet deep:
    - a. the front setback line of an accessory building or garage must be at least 15 feet behind the front building setback line; and
    - b. a new principal structure may be constructed on the non-complying front setback line of a building that has been removed not more than one year prior to the new construction.
  12. On properties located east of Duval Street, an attached or detached garage or carport with a vehicular access facing a front yard must be located on a line with the front façade of the house, or behind the front façade of a house. The width of the parking structure may not exceed 50 percent of the width of the front façade of the house.
  13. This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional



Heldenfels, Leane

C15-205-0078

**From:** Elizabeth Meador ~~Elizabeth@elizabethmeador.com~~  
**Sent:** Monday, October 26, 2015 4:55 PM  
**To:** Heldenfels, Leane  
**Cc:** Dwayne Barnes  
**Subject:** 5003 Martin Ave BOA PR # 15-071837\_5003 Martin Ave - photos of property  
**Attachments:** BOA-5003MartinAve\_GarageApartment\_01.jpg; BOA-5003MartinAve\_GarageApartment\_02.jpg; BOA-5003MartinAve\_GarageApartment\_03.jpg; BOA-5003MartinAve\_GarageApartment\_04.jpg; BOA-5003MartinAve\_GarageApartment\_05.jpg

m/9

Hi Leane,

Attached are photos of our garage apartment structure to include in the BOA packet for our variance case next month.

Thank you for including this in the packet. We understand they will be in black and white.

Unfortunately as we are out of town we will not be able to print full color before the deadline, but we appreciate them being included.

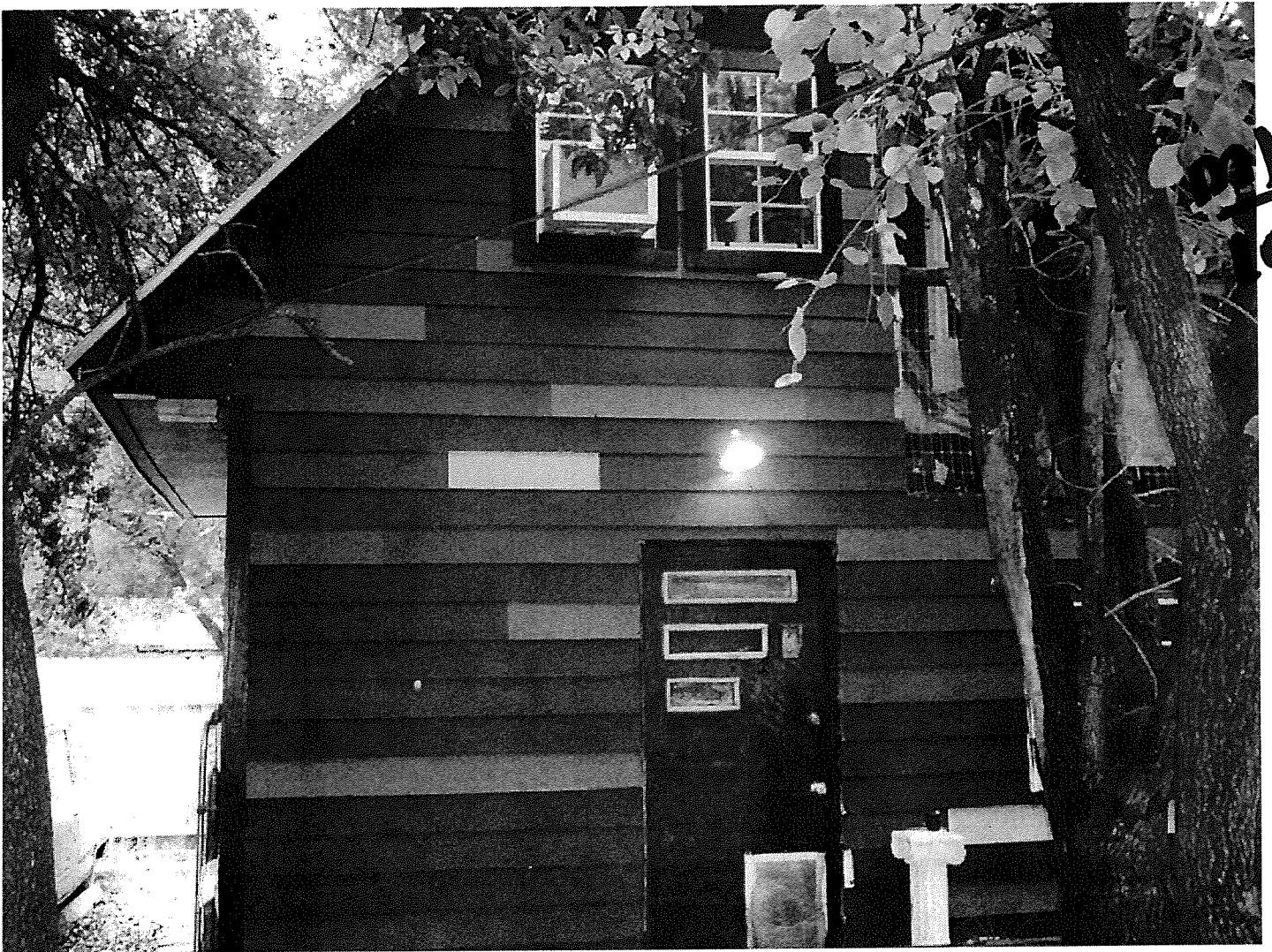
Sincerely,

Elizabeth Meador

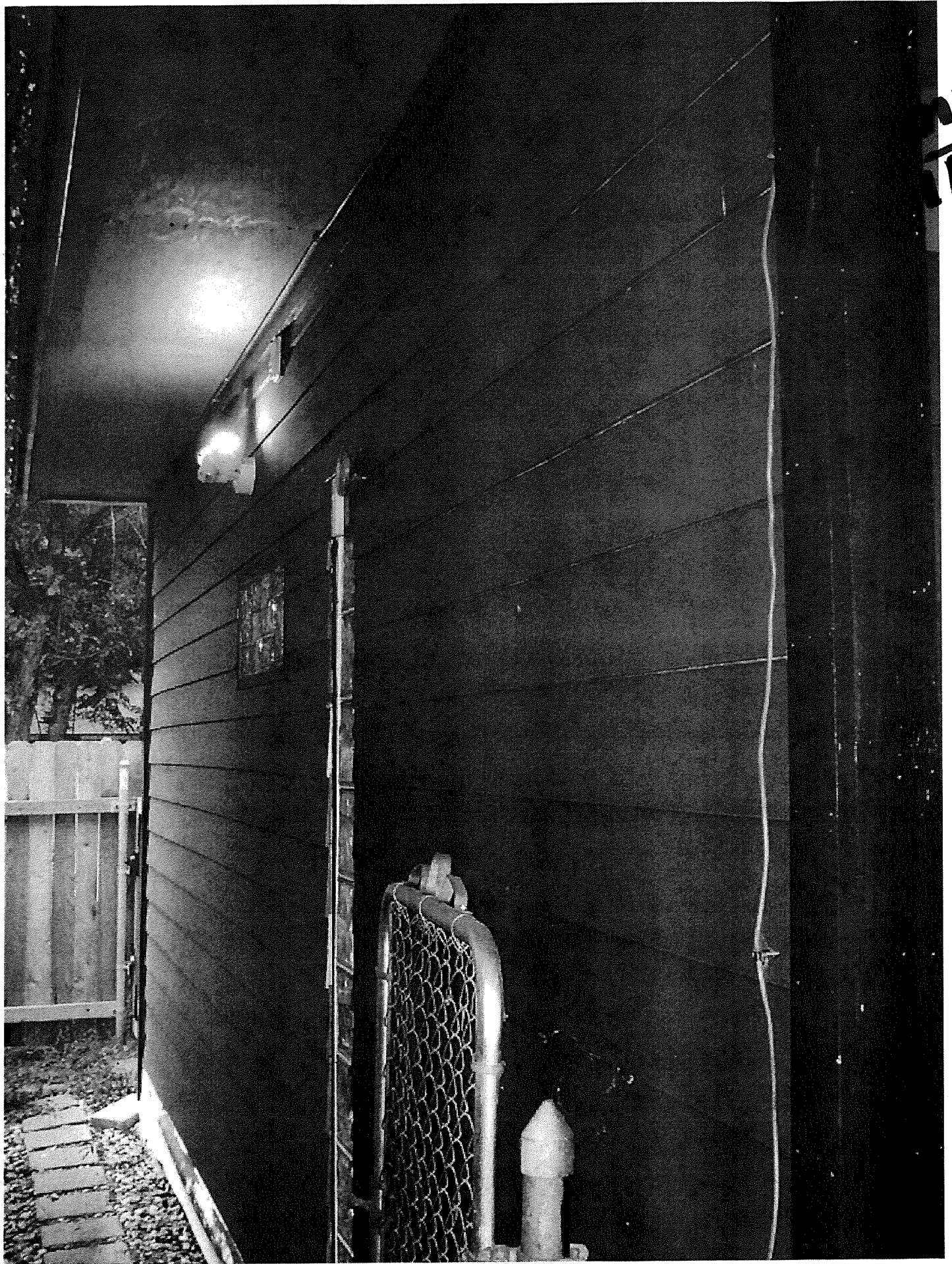
wife of Dwayne Barnes

5003 Martin Ave

512-698-7772



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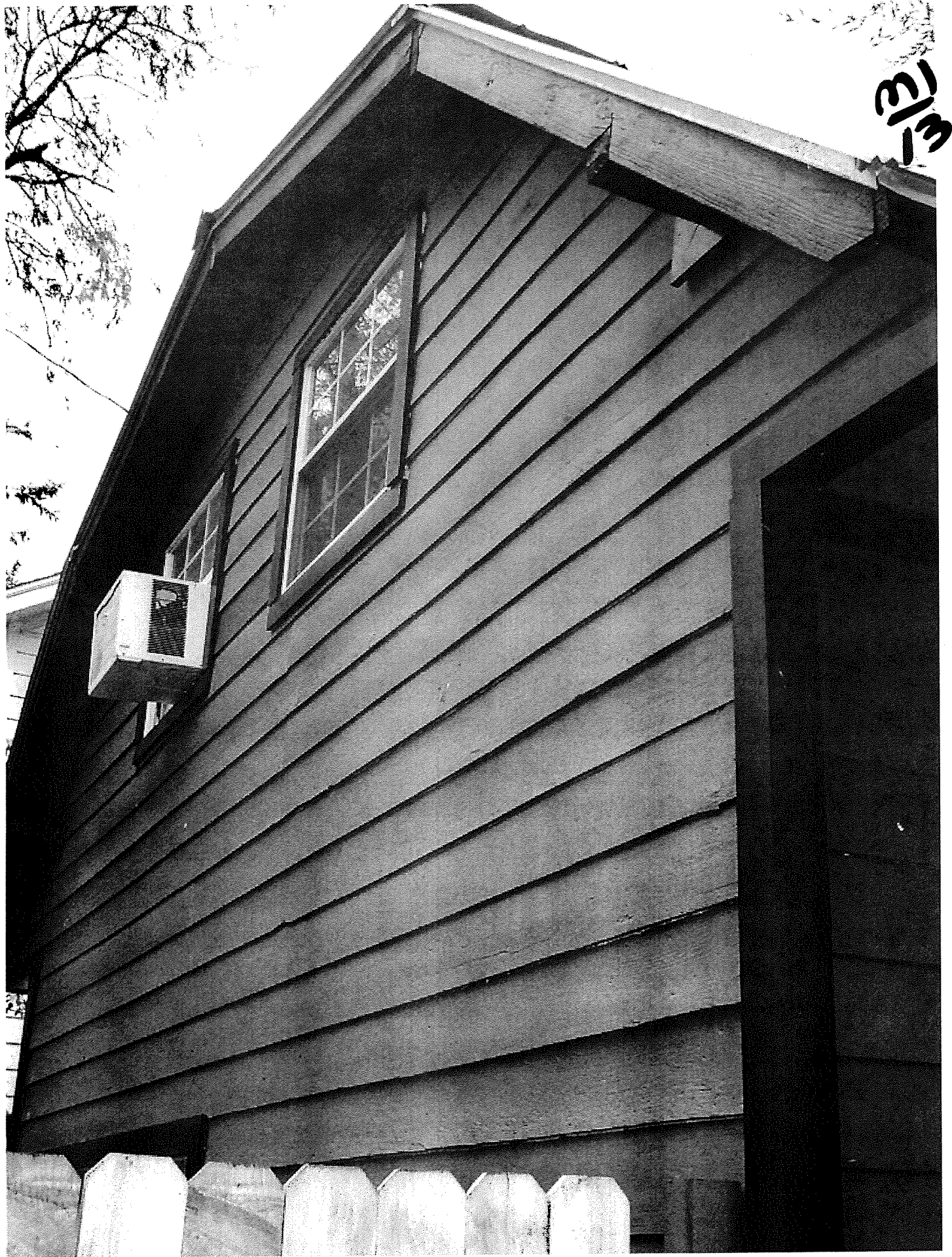


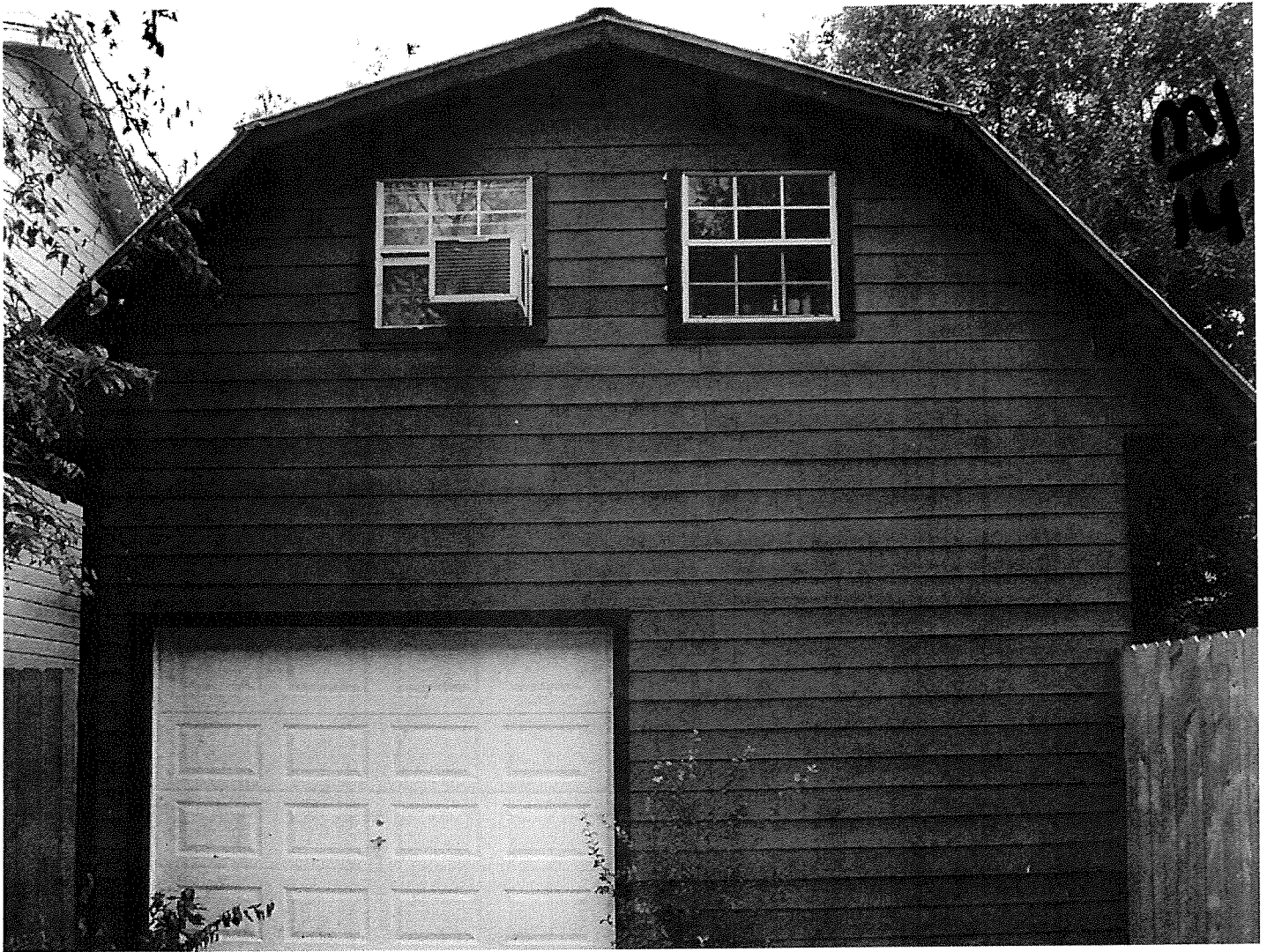




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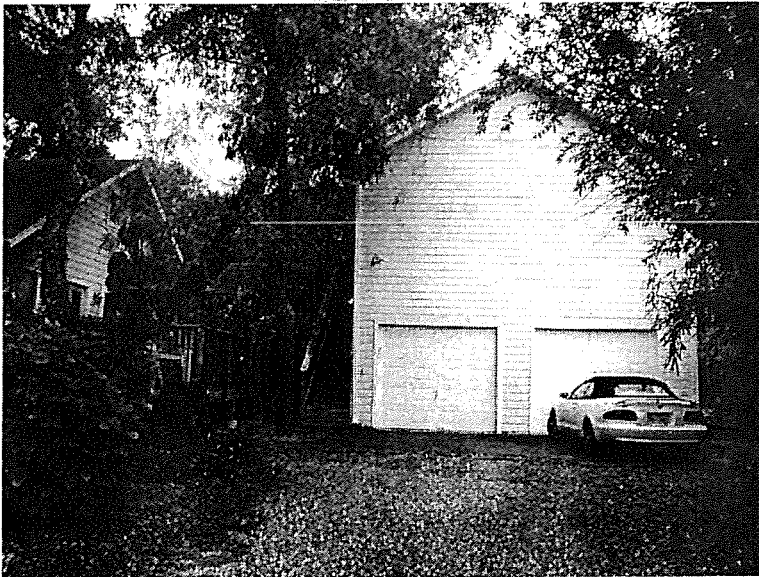


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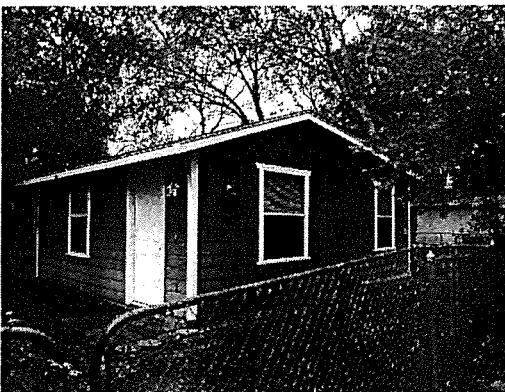
5003 Martin Avenue - PR # 15-071837  
Photos of Garage Apartments on adjacent blocks



50th block of Eilers



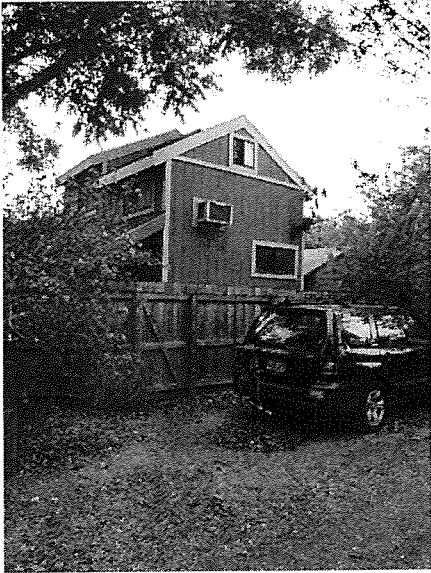
700 E 50th St



5007 Martin Ave

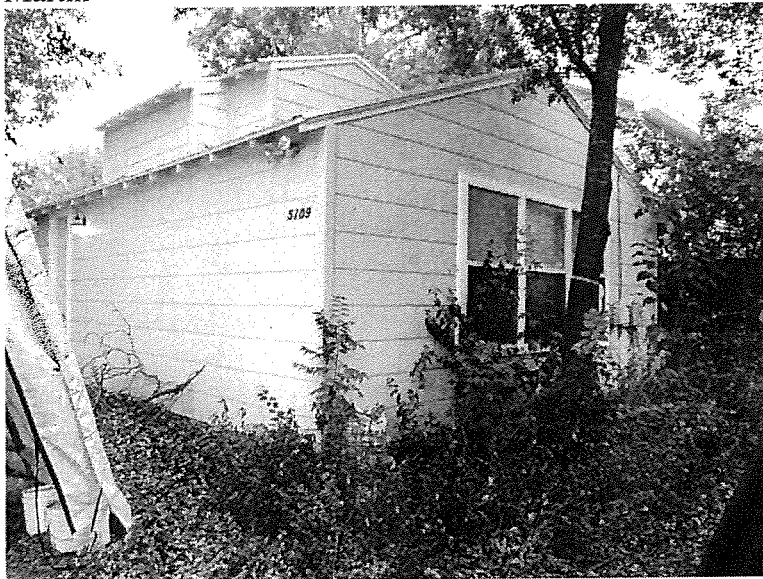


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50th block of Eilers Ave sharing alley with 5003

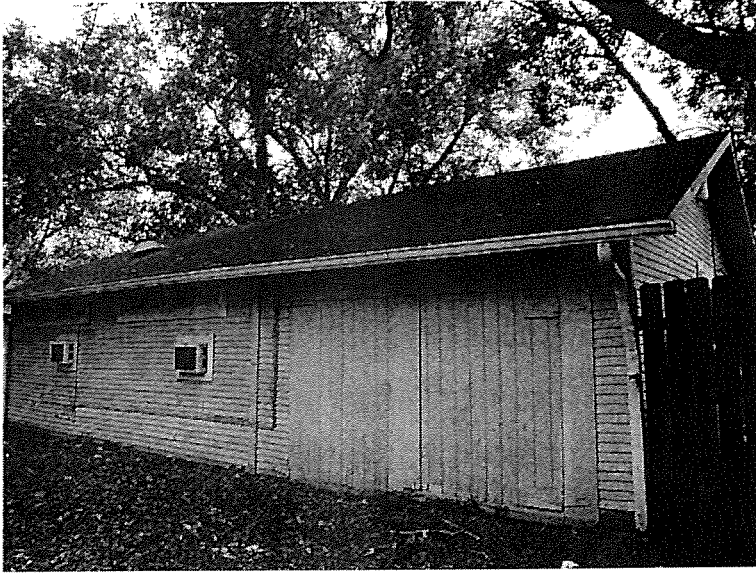
Martin



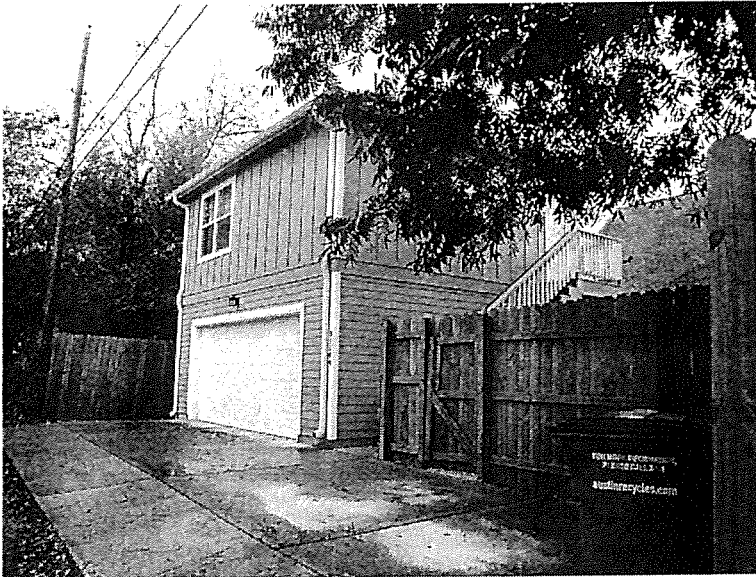
5109 Eilers



5/3

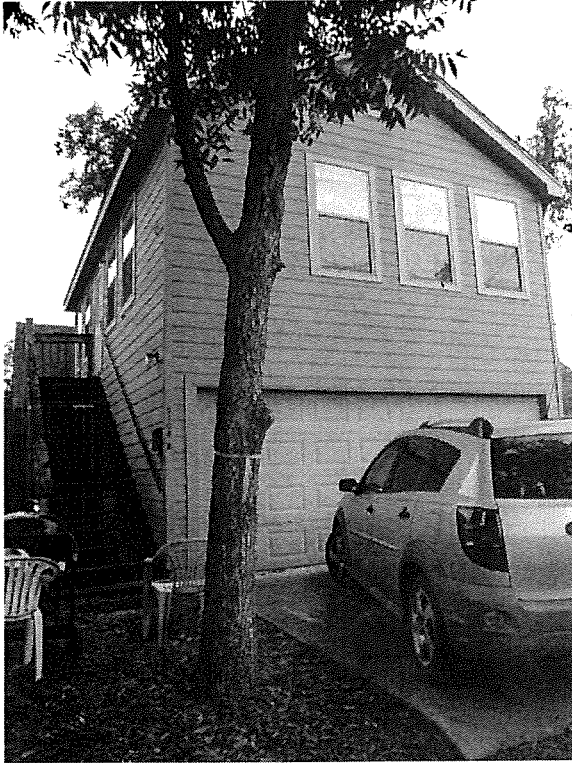


51st block of Eilers



Eilers Ave

31  
18



51st block of Eilers

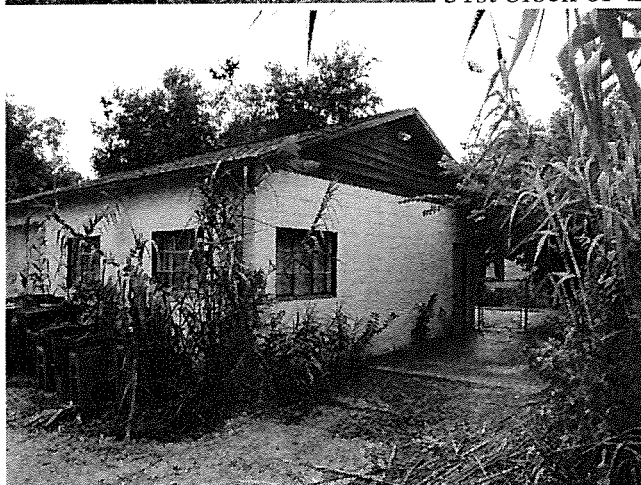


51st Block of Martin Ave

MI  
19



51st block of Evans



50th block of Evans/alley of





