




135



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

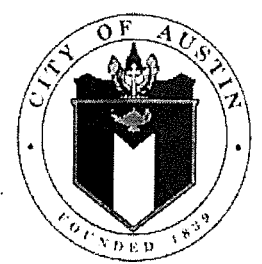
NOTIFICATIONS

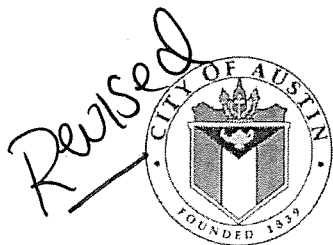
CASE#: C15-2015-0165
LOCATION: 2401 Ware Road

1" = 192'

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.





CITY OF AUSTIN
Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

Copies
C15-2015-0165
M5
2

Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 2401 Ware Rd

Subdivision Legal Description:

LOT 1 BLK G BURLESON ROAD HEIGHTS

Lot(s): 1 Block(s): G

Outlot: _____ Division: Burleson Road Heights

Zoning District: SF-3-NP

I/We Terry Ortiz, P.E. on behalf of myself/ourselves as
authorized agent for Margaret and Joe Garcia affirm that on
Month October, Day 30, Year 2015, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☒ Complete ☐ Remodel ☐ Maintain ☐ Other: _____

Type of Structure: Existing carport built with the intent of permitting

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

25-2-492 SITE DEVELOPMENT REGULATIONS

Zoned SF-3 Built Carport encroaches into the 25ft Front Yard Setback

m5
3

Section 2: Variance Findings

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 supporting documents.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

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

carport or other significant structures are not allowed within the building setbacks

(See Hardship for additional information)

Hardship

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

The Lot configuration and existing house location does not allow for a carport to be constructed along the side or in front of the house within the required setbacks.

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

Several other properties and their existing improvements have sufficient room to place a carport within the required setbacks

Area Character

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:

There are several properties which already have existing carports encroaching into their respective setbacks. Therefore this carport at 2401 Ware Road will not alter the characteristic of the area. Also, the property is at the end of the dead end street adjacent to a permanent tree covered Green Belt who's character will not be altered by the carport addition

Additional Space (continued)

MS
4

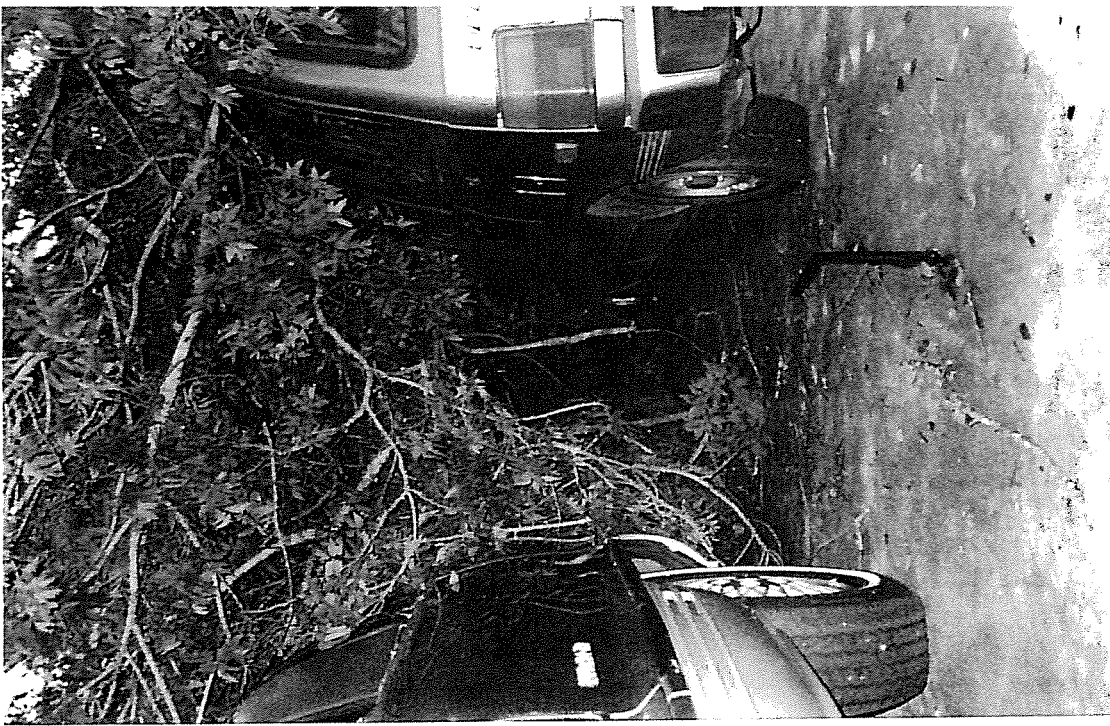
- Mr. and Mrs Garcia hired Roy Bocanegra with Best Lil' Fence in Texas to build the carport in question

- The Builder's services were to include Building Permits

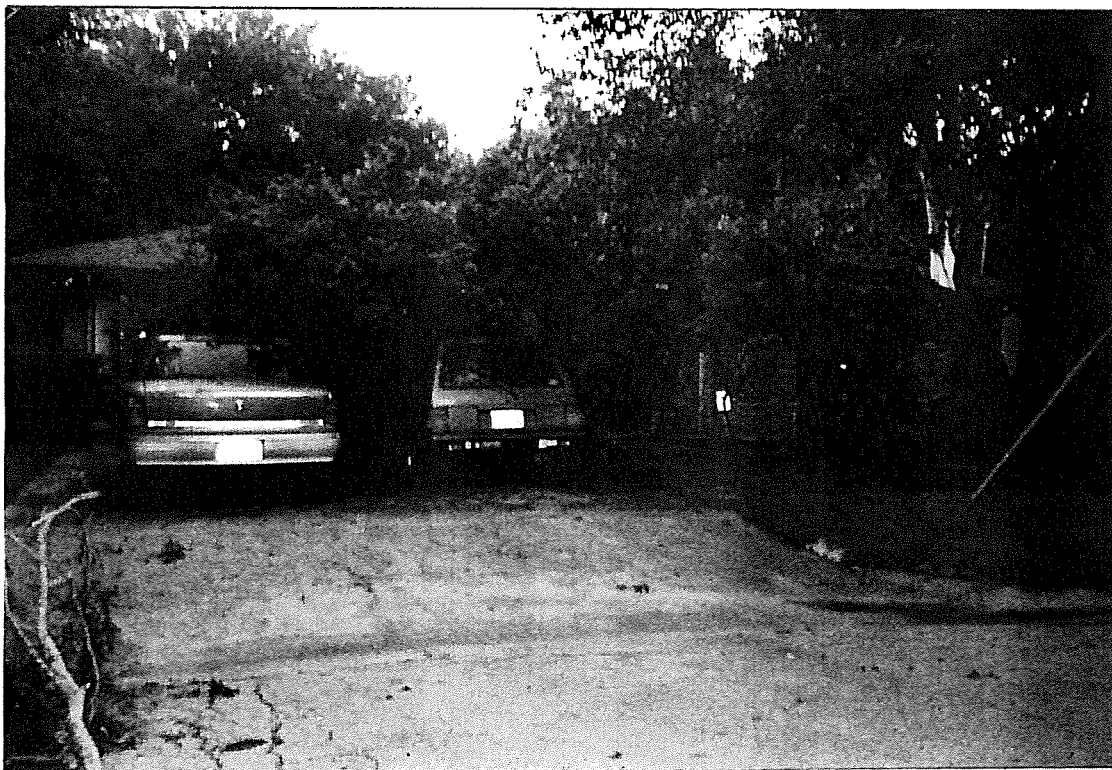
- The Builder built the carport without building permits and misled the owner that building permits were being processed

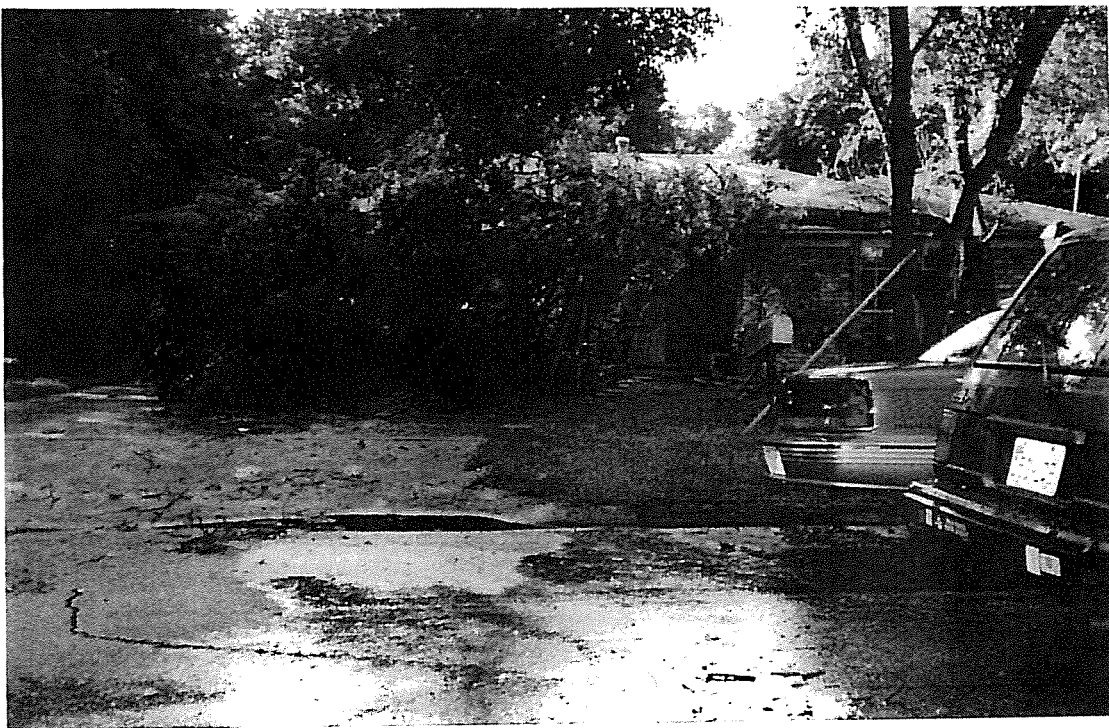
(see attached email correspondence between Owner and Builder)

SAVE

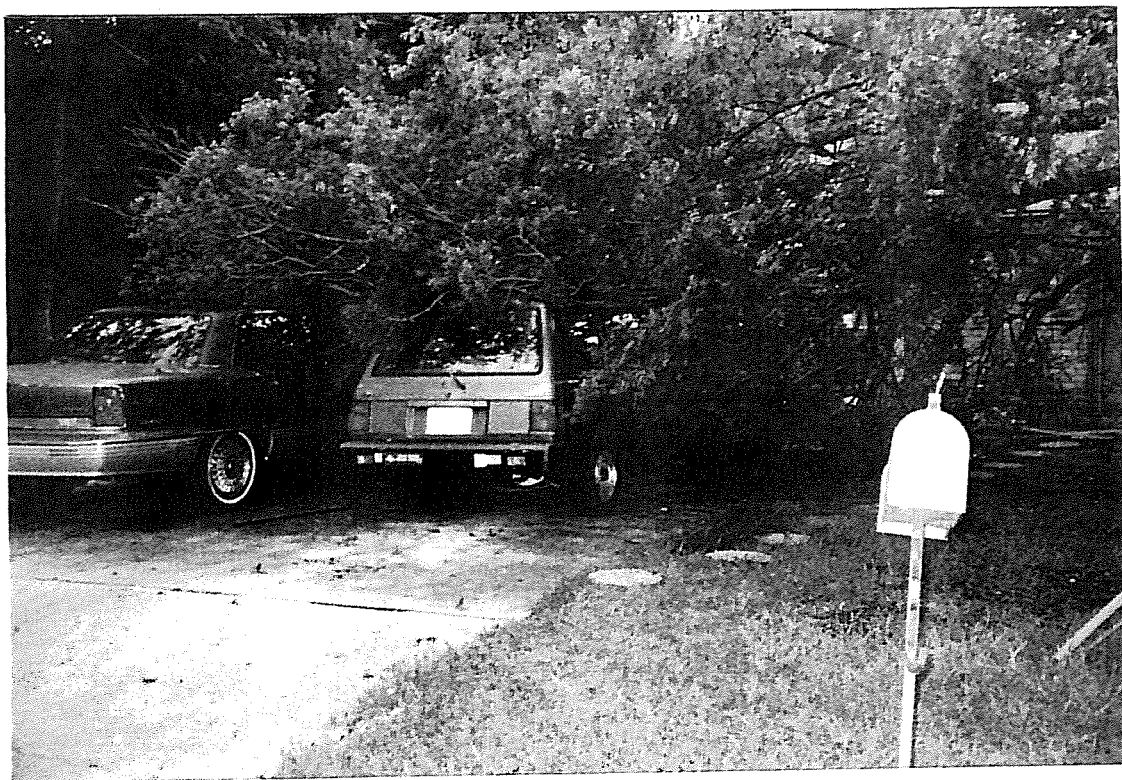


125
5/5





35
6



431



2401 WARE RD, AUSTIN, TX, 78742

2401 WARE RD, AUSTIN, TX, 78742

2401 WARE RD, AUSTIN, TX, 78742

CL5-2015-01165



23/8/25

GIS

2401 ROAD W. MONTICELLO, IDAHO

2502

2509

2412

2410

2408

2406

2404

2402

2400

2413

2411

2409

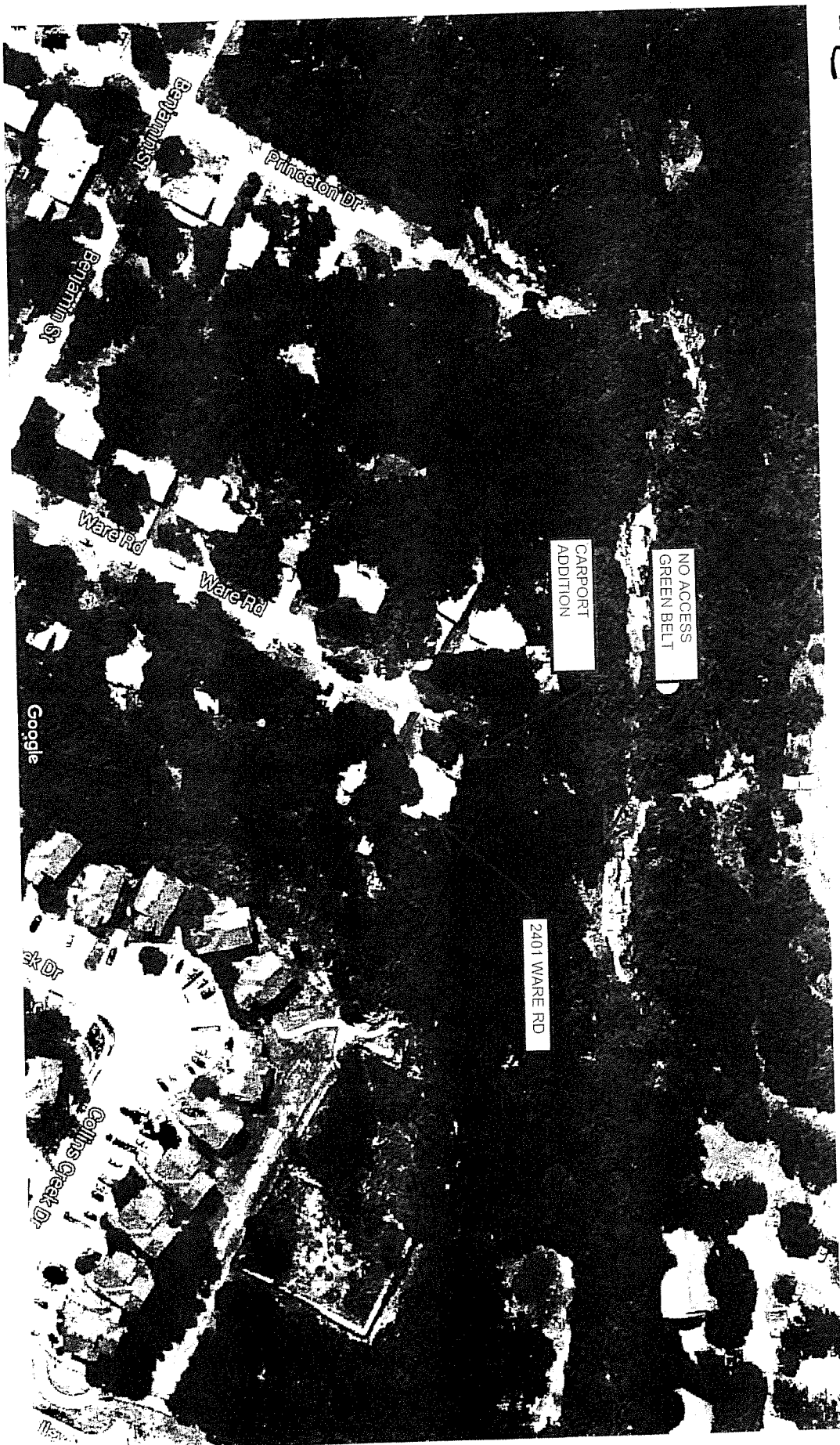
2407

2405

2403

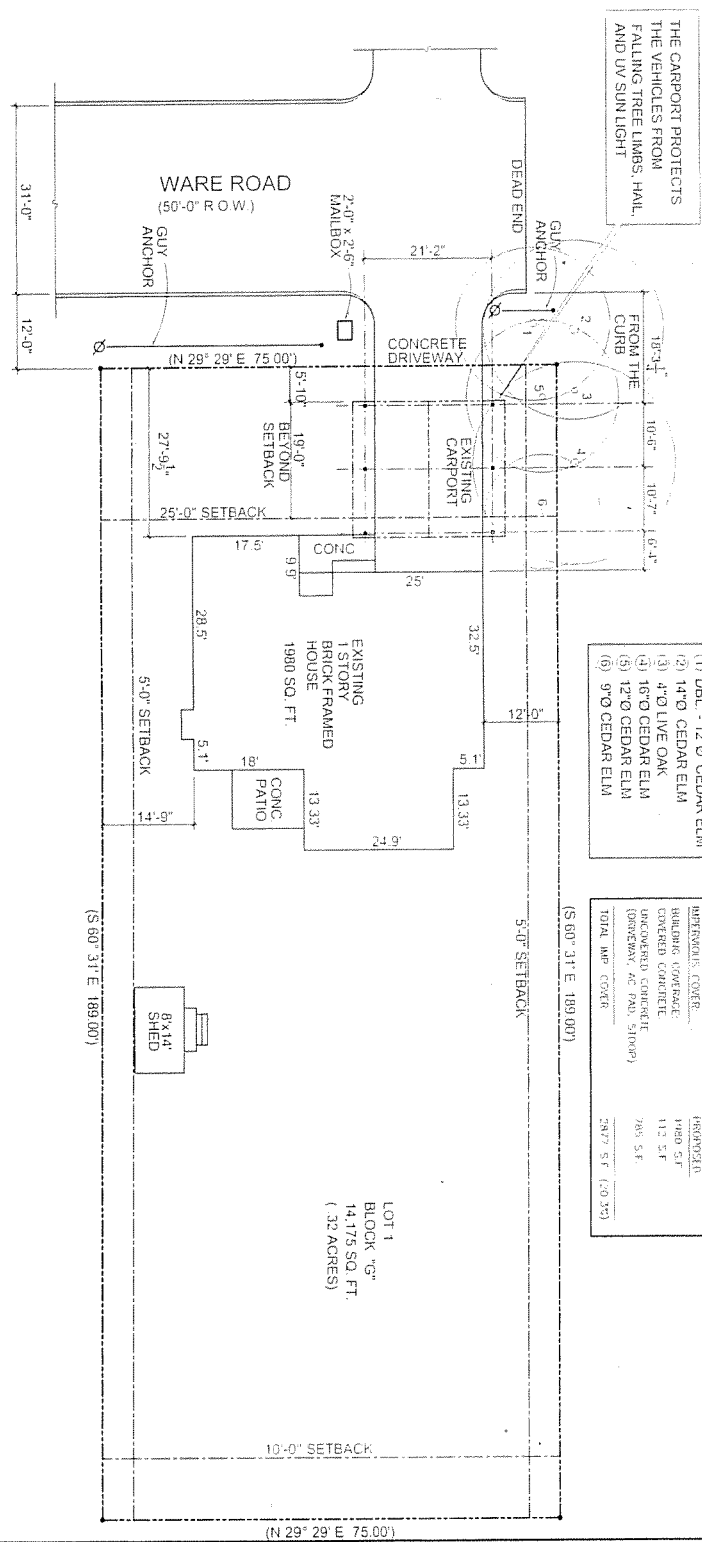
2401

9/3/15



https://www.google.com/maps/@37.767556,-97.708958,239m/data=!3m1!1e3

3/10



PLOT PLAN
SCALE: 1"=20'-0"

BASED ON
SURVEY BY
DANIEL J. LAMAR
2200 S. LAMAR
AUSTIN, TX 78704

SP-1
OF 1

GARCIA RESIDENCE
2401 WARE RD
AUSTIN TEXAS

MARGARET & JOE GARCIA
2401 WARE RD.
AUSTIN TEXAS 78741
PH. 512-442-8607

loc consultants
Civil, Structural and Environmental Engineers
Texas Registered Engineering Firm E-47156
1001 E. CLARK ROAD, SUITE 100
AUSTIN, TEXAS 78702-1408
Tel: (512) 442-8607
Fax: (512) 442-8607

514157
11-2-15

DRAWN BY: _____ PRD
CHECKED BY: _____ TO
REVISIONS: _____

SP-1
OF 1

11-2-15



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

See revised
m5
11

Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

For Office Use Only

TCAD ✓

Case # 015-2015-0165 ROW # 11443430 Tax # 0309060615

Section 1: Applicant Statement

Street Address: 2401 Ware Road AustinTX 78741

Subdivision Legal Description:

Lot(s): 1

Block(s): G

Outlot:

Division: Burleson Road Heights

Zoning District: SF-3-NP (Parker Lane)

I/We Terry Ortiz

on behalf of myself/ourselves as

authorized agent for Margaret and Joe Garcia

affirm that on

Month October

, Day 30

, Year 2015

, hereby apply for a hearing before the

Board of Adjustment for consideration to (select appropriate option below):

☐ Erect

☐ Attach

☒ Complete

☐ Remodel

☐ Maintain

☐ Other: _____

Type of Structure: Existing carport built with the intent of permitting

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

25-2-492 - SITE DEVELOPMENT REGULATIONS

Zoned SF-3 Built Carport encroaches into the 25 ft Front Yard Setback

Revised
MS
12

Section 2: Variance Findings

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 supporting documents.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

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

Length of carport would be less than length of an average vehicle under current regulations

Hardship

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

Tree Canopy causes an eminent hardship due to danger of falling tree branches on unprotected vehicles - see attached photos

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

2401 Ware Road sits at the end of the road at the end of the block next to greenbelt.
-see supporting documents

Area Character

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:

Character of the neighborhood is a typical 'ecclectic' Southeast Austin Neighborhood of homes built with varying exteriors. Existing structures and homes built into current setbacks.
Homeowners have support of the neighborhood.
-see attached letters

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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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:

MS
13

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably 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.

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: _____ Date: 11/4/15

Applicant Name (typed or printed): Terry Ortiz, P.E.

Applicant Mailing Address: 100o E Cesar Chavez Ste 100
City: Austin State: TX Zip: 78702
Phone (will be public information): (512) 499-0908
Email (optional – will be public information): terry@locstructural.com

ms
14

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: *Joe Garcia* Date: *Nov. 2, 2015*

Owner Name (typed or printed): Margaret and Joe Garcia

Owner Mailing Address: 2401 Ware Road

City: Austin State: TX Zip: 78741

Phone (will be public information): (512) 442-8607

Email (optional – will be public information): msbones49@austin.rr.com

Section 5: Agent Information

Agent Name: LOC Structural Division Inc.

Agent Mailing Address: 1000 E. Cesar Chavez #100

City: Austin State: Texas Zip: 78702

Phone (will be public information): (512) 499-0908

Email (optional – will be public information): terry@locstructural.com

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Additional Space (continued)

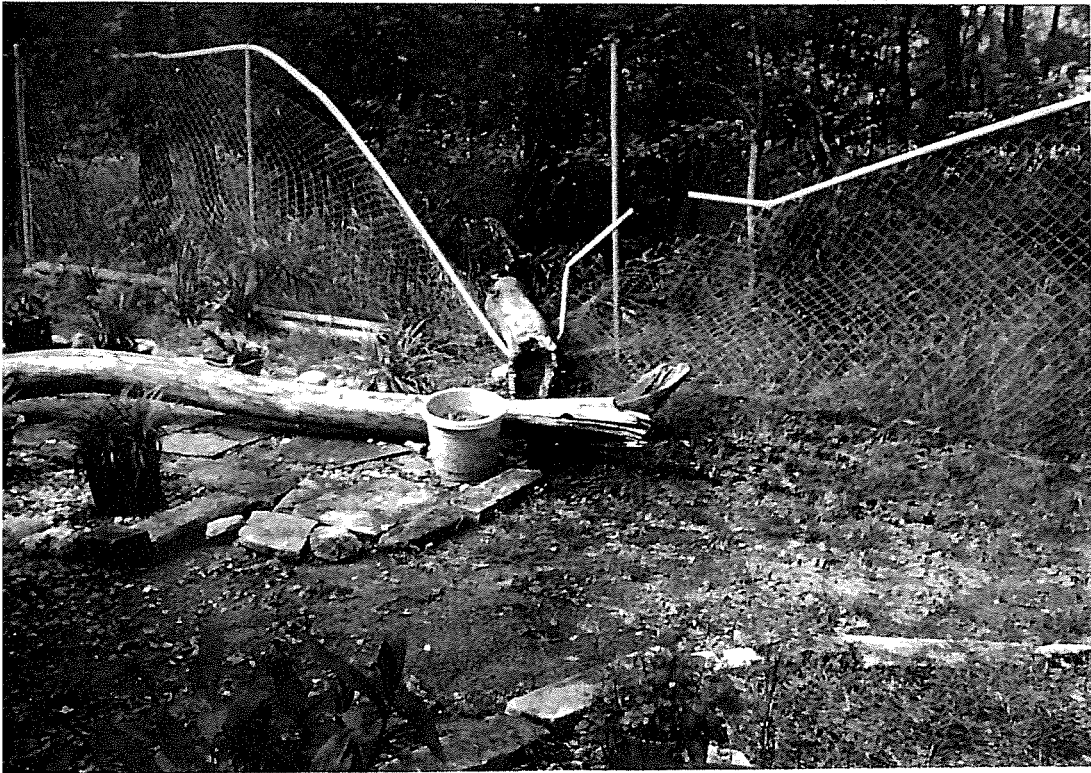
M5
15

HARDSHIP

Mr. and Mrs Garcia had built the carport in question with the intent of having the proper Building Permits submitted. It wasnt until after Roy Bocanegra had built the structure that Margaret Garcia came to realize that it wasnt properly permitted as promised. Mrs Garcia was told that her structure would be peritted, then was told she really didnt need one and then , after Roy had contacted the city, had she realized that it was a matter for the Board of Adjustment. The Garcias attempted to resolve the matter while working with Roy Bocanegra. He became unresponsive to further email communications. Shortly after, Mr. and Mrs Garcia hired Terry Ortiz, P.E. of LOC Consultants -Structural Division to complete the process.

SAVE

35
16



Planning ID

209

Association Name

Burleson Heights Neighborhood Ass

Contact Name

Mr. Carl Braun ✓

Office Held

President

Address

2506 DOUGLAS STREET AUSTIN,

Home Phone

444-8761

Work Phone

Email

North Boundary

Oltoif Street

South Boundary

Ben White Blvd.

East Boundary

Proposed Pleasant Valley Rd. Exit

17/15






I, _____, am applying for a variance from the Board of Adjustment regarding Section _____ of the Land Development Code. The variance would allow me the ability to _____

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Lisa Barrera	2507 Ware Rd ATX 78741	Rosi Goffe Barrera
Timmie Johnson	2506 WARE RD ATX 78741	Jimmie Johnson
LaVerne Rodriguez	2503 Ware Rd. ATX 78741	LaVerne Rodriguez
Joseph Miller	2505 Ware Rd 78741	Jay Miller
Kim Lewis	2504 Ware Rd 78741	Kim Lewis
LYNETTE LEWIS	2502 WARE Rd 78741	Lynette M. Lewis
Danny Wilson	2400 Ware Rd 41	Danny Wilson

18/35

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Albert R. Rodriguez	2503 WARE RD.	
Georgel Johnson	2606 WARE RD.	
JESSICA HAGAN	2403 WARE RD.	

19/35

I support the building of the carport at 2401 Ware Rd.

The structure is sound and attractive. There is no gas or electric lines or parking issues since it is the last plot on Ware Rd. and it is a dead-end street.

There is approximately 20 feet variance from the street and I see no issue with it.

m5.
20

LETTER FOR
SIGN OF LIST

MARGARET GARCIA

35
21

November 2, 2015

Joe and Margaret Garcia
2401 Ware Road
Austin, TX 78741
(512)442-8607

RE: Garcia Residence carport: 2401 Ware Road – Austin, TX 78741

Dear Joe and Margaret,

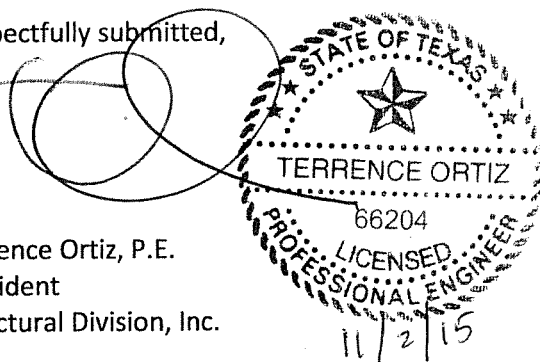
As requested we are writing this supplemental report to address life safety issues of the existing carport structure. The carport structure consists of gable roof "stick" frame wood system a portion of the carport encroaches into the city right-of-way about 19'-0". The carport addresses life safety issues thus:

1. Provide vehicle and passenger falling tree protection from the adjacent nearby greenbelt trees damaged by the recent drought.
2. Provide vehicle protection from hail damage.
3. Provide vehicle protection from harsh UV sun exposure.

LOC Consultants can proceed with the structural engineering retrofit documents required for permitting once the variance is granted. Feel free to forward this report to all interested parties, including City of Austin building officials and the City of Austin Board of Adjustments. Please call with any questions or if we can be of any further assistance.

Respectfully submitted,

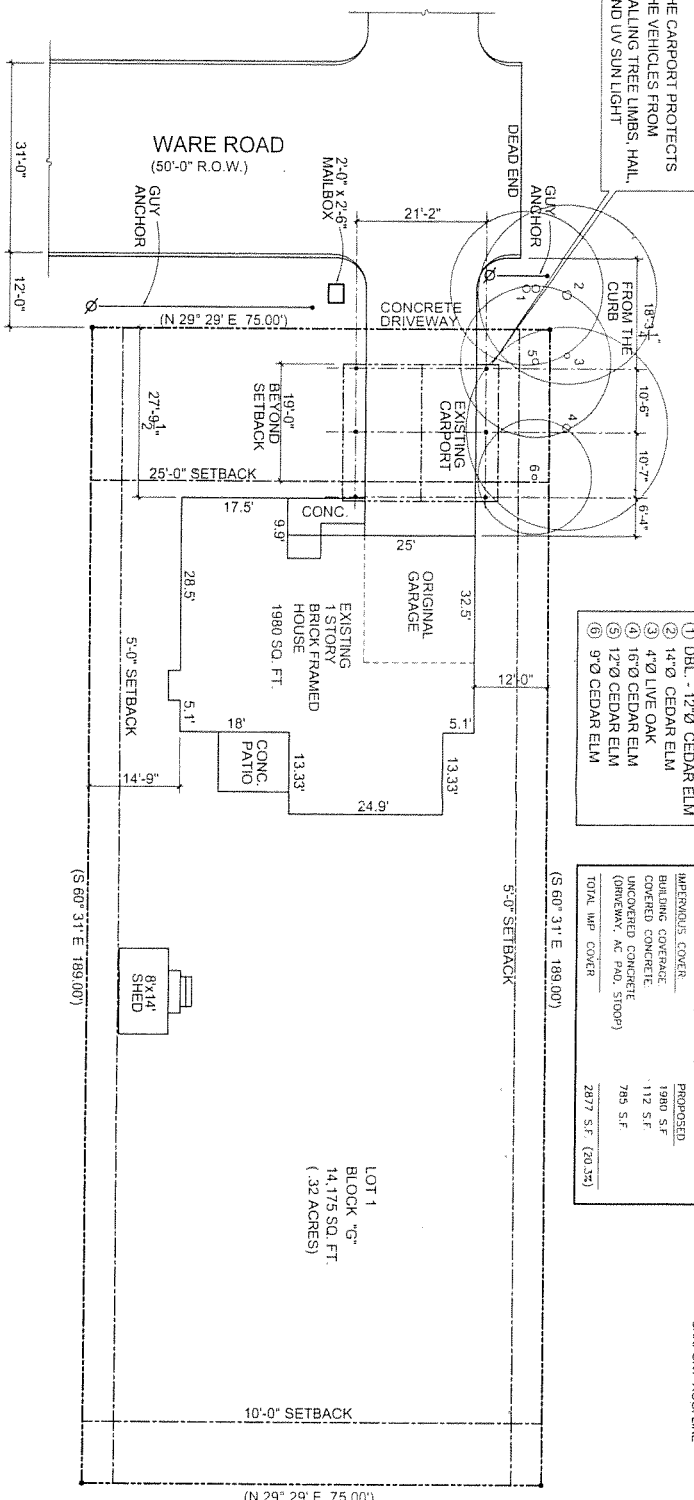
Terrence Ortiz, P.E.
President
Structural Division, Inc.



TO/rd
Copy: File
C:\Admin\Reports\Structural Review\2015\Garcia Residence.doc

3/22

THE CARPORT PROTECTS THE VEHICLES FROM FALLING TREE LIMBS, HAIL, AND UV SUNLIGHT



TREE LIST	
1	DBL - 12\"/>

IMPERVIOUS COVER CALCULATIONS	
SITE AREA: 14,175 S.F. (.32 AC)	
IMPERVIOUS COVER	PROPOSED
BUILDING COVER	1980 S.F.
COVERED CONCRETE	112 S.F.
UNCOVERED CONCRETE (DRIVEWAY, AC PAV, SIDEWALK)	785 S.F.
TOTAL IMP COVER	2877 S.F. (20.3%)

- LEGEND**
- (1) RECORD INFORMATION
 - Ø POWER POLE
 - PROPERTY LINE
 - SETBACK LINE
 - CARPORT ROOFLINE

PLOT PLAN
SCALE: 1"=20'-0"

BASED ON
SURVEY
RABBIT W. HARRIS
SURVEYING
2330 S. LAMAR
AUSTIN, TX 78704

SP-1
OF 1

GARCIA RESIDENCE
2401 WARE RD
AUSTIN TEXAS

MARGARET & JOE GARCIA
2401 WARE RD.
AUSTIN TEXAS 78741
PH. 512-442-8607

loc consultants
Civil, Structural and Environmental Engineers
Texas Registered Engineering Firm 1-1756
10010 GULF DRIVE, SUITE 100
HOUSTON, TEXAS 77036-1400
Tel: (281) 499-5552

15/06/17
GIS

2401 GARRARD, AUSTIN, TX, 78742

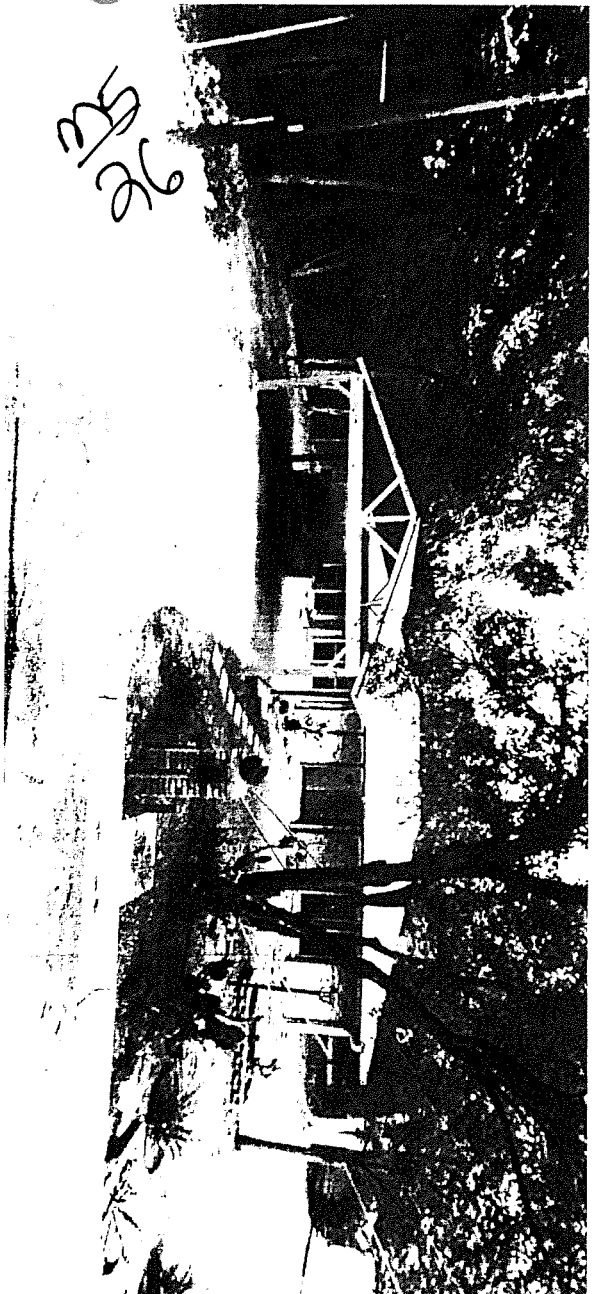


35
25

CITY OF AUSTIN DEVELOPMENT WEB MAP

- Legend
- Lot Lines
 - Streets
 - Building Footprints
 - Named Creeks
 - Lakes and Rivers
 - Parks
 - County
 - City Grid
 - MAPSCO Grid
 - Contours Year 2012
 - Index
 - Intermediate
 - Special
 - Street Centerline
 - ☐ Building Footprints Year :
 - Address Points
 - Lot ID
 - Block ID
 - Lot Line
 - Zoning Text
 - Zoning (Small Map Scale)
 - <Null>
 - AG
 - AG-NP
 - AV
 - C
 - CBD

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.



35
26



35
27/5

