




N



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0099  
Address: 5400 FAIRMONT



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.

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Special  
Exception

CASE# C15-2015-009899  
ROW# 11367097707  
TAX# 0412131419

K/2

CITY OF AUSTIN APPLICATION  
TO BOARD OF ADJUSTMENT GENERAL  
VARIANCE/PARKING VARIANCE

+ 99 SE for metal  
sheds  
in side setback

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

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED  
INFORMATION COMPLETED.

STREET ADDRESS: 5400 Fairmont Circle

LEGAL DESCRIPTION: Subdivision – LOT 2 BLK A FAIRMONT PARK SEC 2

I/We Bill Davis on behalf of myself/ourselves as authorized agent for

Myself affirm that on April 17, 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)

X ERECT \_\_\_\_\_ ATTACH \_\_\_\_\_ COMPLETE \_\_\_\_\_ REMODEL \_\_\_\_\_

25-2-492(d) to erect a 28' x 10', 2 bay carport in the front yard setback with a 0' setback from the  
front property line.

maintain sheds in side yard Setback that have  
been in location  
more than 10 years  
in a SF3 - NP (Westgate) 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):**

K1/3

**REASONABLE USE:**

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

The SF3 lot is a corner lot with a 1600 SF residence. The residence is accommodating a growing family and I prefer to keep the residence which belonged to my mother and father who have since passed away. I prefer to live in the house but need to park my two vehicles in the driveway. And am needing to protect the vehicles from the elements, two large trees, and potential theft or other vandalism. Other site's within my neighborhood have a carport. No one seems to care and, in fact, supports the covered parking because we all live in small houses. My carport was built by a contractor without a permit and I did not know one was needed. I'm asking the board to consider letting me keep the carport or some part of it because it seems reasonable to allow covered parking instead of forcing one to move out of the neighborhood to a larger house, or adding an addition to the house that would look out of place.

*Special Exception*

**HARDSHIP:**

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

Although the lot is 10,000+ SF, it is a corner lot and I cannot use a large portion of the yard to install a parking structure along the side area due to the 15' street side yard setback. There are also two very large ash trees that I prefer to keep in place. They add aesthetic value and a great deal of shade in the summer time to help with AC bills. The trees tend to drop branches at times and I initially installed the carport to protect the cars from tree damage. However I have since found that the carport is deterring theft and protecting the cars from the elements. To install a carport to the side of the house would require removal of one of the Ash trees and look very out of place on the corner lot. It may also block intersecting traffic's line of sight.

*Special Exception*

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

There are no known other carports in the area on a corner lot that have two large trees on either side of the parking area.

*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:

The carport does not appear to alter the character of the area nor impair the purpose of the regulations at the site. I've spoken to many neighbors who support my request. There is also a carport across the street from me.

*Special Exception*

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**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 5400 Fairmont Circle

City, State & Zip Austin Texas 78745

Printed Bill Davis Phone \_\_\_\_\_ Date April 17, 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 5400 Fairmont Circle

City, State & Zip Austin Texas 78745

Printed Bill Davis Phone \_\_\_\_\_ Date April 17, 2015

K/4

K1/5

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.



## SPECIAL EXCEPTION INSPECTION



12/9

Address:	5400 Fairmont Cir
Permit Number:	2015-136124
Property Owner Requesting Special Exception:	William B Davis

### Special Exception Requested:

Shed located in side yard setback

Date Structure was originally constructed: COA GIS confirms garage existed in 2003

Date of Inspection:	12-7-2015
Building Official or designated representative	Tony Hernandez
<b>X</b>	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
	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.

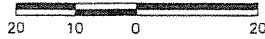
Waterloo Surveyors Inc.  
**SURVEY PLAT**  
LOCATIVE SURVEY

J14427



SCALE: 1" = 20'

GRAPHIC SCALE



**LEGEND**

- FIR
- 1/2" IRON ROD FOUND
- △ CALCULATED POINT
- ⊕ FIRE HYDRANT
- ⊞ LIGHT POLE
- ⊞ SIGN
- ( ) RECORD INFORMATION

**OWNER:**

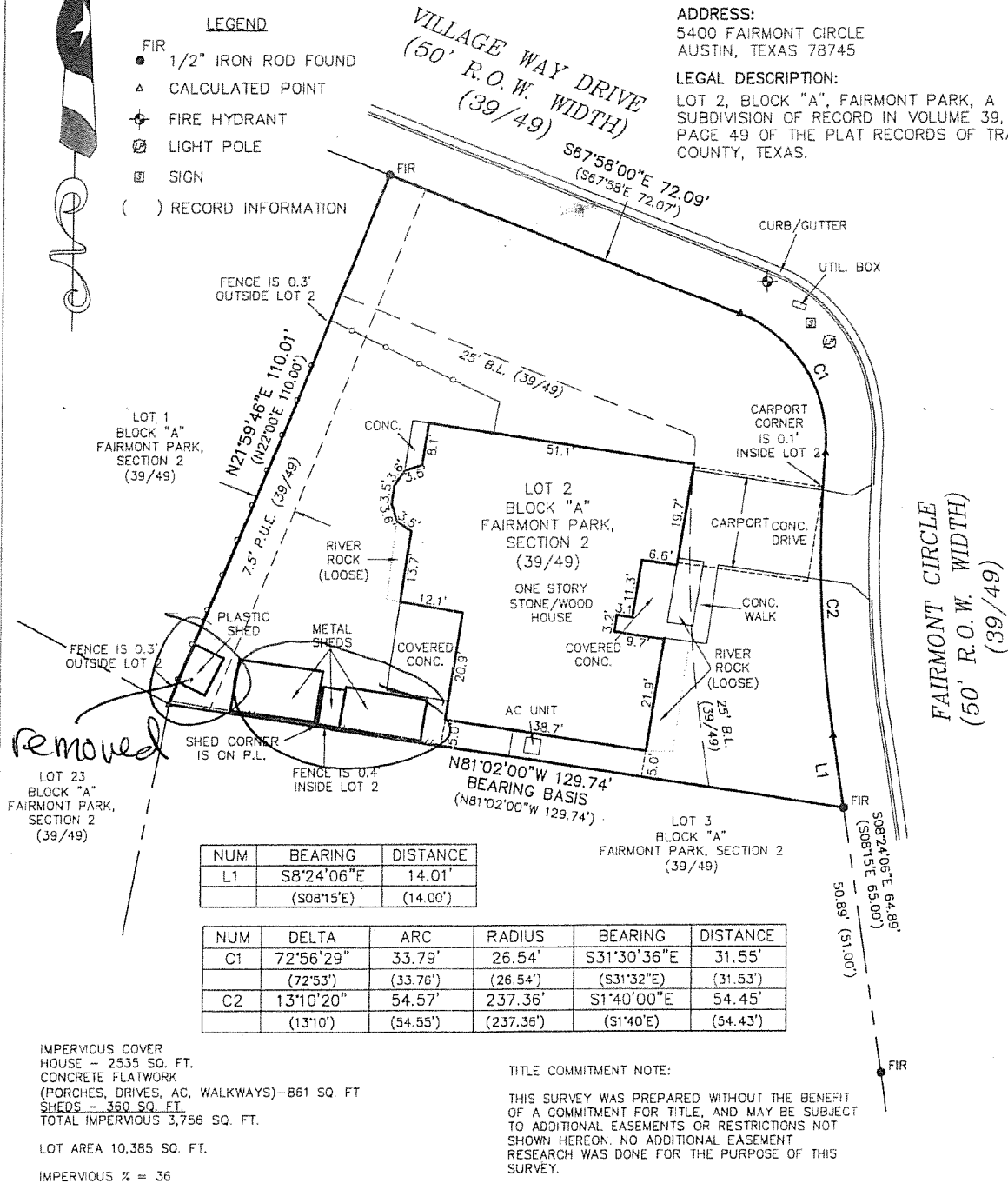
WILLIAM B. DAVIS

**ADDRESS:**

5400 FAIRMONT CIRCLE  
AUSTIN, TEXAS 78745

**LEGAL DESCRIPTION:**

LOT 2, BLOCK "A", FAIRMONT PARK, A  
SUBDIVISION OF RECORD IN VOLUME 39,  
PAGE 49 OF THE PLAT RECORDS OF TRAVIS  
COUNTY, TEXAS.



State of Texas:  
County of Travis:

The undersigned does hereby certify that this survey was this day made on the  
property legally described hereon and is correct, and this survey substantially  
complies with the current Texas Society of Professional Surveyors Standards and  
Specifications for a Category 3 Condition II Survey.

I certify that the property shown hereon IS NOT within a special flood  
hazard area as identified by the Federal Insurance Adm. Department of HUD  
Flood hazard boundary map revised as per Map Number: 48453C0585H

Zone: X Dated: September 28, 2008

Dated this the 30th day of April, 2015.

Thomas P. Dixon R.P.L.S. 4324

# 2003 Aerial CITY OF AUSTIN DEVELOPMENT WEB MAP



## Legend

- ☒ Lot Lines
- ☒ Streets
- ☒ Building Footprints
- ☒ Named Creeks
- ☒ Lakes and Rivers
- ☒ Parks
- ☒ County
- ☐ Lot ID
- ☐ Block ID
- ☐ Lot Line
- ☐ Zoning Text
- ☐ Zoning (Large Map Scale)

1/10

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C15-2015-0099

Heldenfels, Leane

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**From:** Bill Davis [REDACTED]  
**Sent:** Wednesday, December 23, 2015 7:48 PM  
**To:** Heldenfels, Leane  
**Subject:** Xmas Lights  
**Attachments:** Xmas Lights 2015 (14) cropped smallest.jpg; Xmas Lights Blue only 2015 (2).JPG

KJ  
9

Thought you might find it interesting.... All the colored lights go off at 10PM The blue stays on till midnight. See how the carport fits in.

K/10

141

