






-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2016-0010
Address: 1209 NEWNING AVENUE

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" = 200'



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

Revised

K/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: 1209 Newning Ave.

Subdivision Legal Description:

BLK 48 *LESS S10FT FAIRVIEW PARK

Lot(s): _____ Block(s): 48

Outlot: _____ Division: _____

Zoning District: MF-4

I/We Tom Hurt on behalf of myself/ourselves as

authorized agent for Sam & Jun Hurt affirm that on

Month February, Day 19, Year 2016, 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 2 Story Accessory Structure & Art Studio

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

25-2-492 - SITE DEVELOPMENT REGULATIONS

Existing structure encroaches the 10' rear yard setback

K/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:

Special Exception

Hardship

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

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:

Special Exception

2/19/16

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:

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: 2-19-16

Applicant Name (typed or printed): Tom Hurt

Applicant Mailing Address: 409 W 14th St.

City: Austin

State: Texas

Zip: 78701

Phone (will be public information): (512) 473-0123

Email (optional – will be public information): _____

KJ
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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: _____

Date: 2-19-2016

Owner Name (typed or printed): Sam Hurt

Owner Mailing Address: 1209 Newning Avenue

City: Austin

State: Texas

Zip: 78704

Phone (will be public information): (512) 422-7624

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Tom Hurt

Agent Mailing Address: 409 W. 14th St.

City: Austin

State: Tx

Zip: 78701

Phone (will be public information): (512) 473-0123

Email (optional – will be public information): _____

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).

The subject structure is a 2 story wood frame, 824 sq. ft. storage space & art studio that was built in 1987. The east wall of the structure encroaches 3 feet into the rear yard setback with a 4 foot wide round window bay on the second level encroaching an additional 2 feet into the rear yard setback. The structure is 7 feet away from the rear property line with no known utility easements. In the approximate 27 years the structure has been in place, there have been no complaints known by the owner of the presence of the structure.

12/5

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).

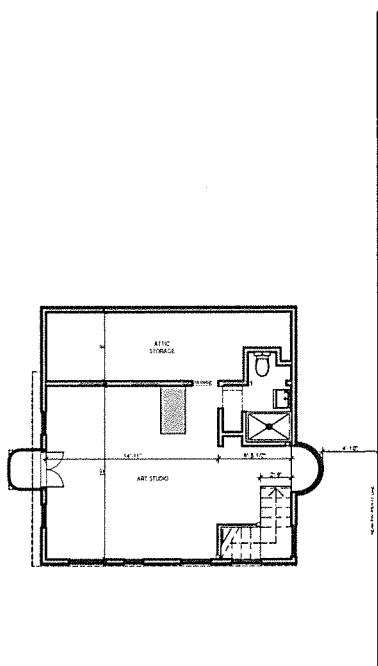
Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126.

582'37"56"E
 245.37'
 5' SIDE YARD SETBACK
 gravel drive
 25' FRONT YARD SETBACK
 68.52'
 312
 conc walk
 25' FRONT YARD SETBACK
 15.3'
 35.2'
 1 Story Frame #1209
 22.2'
 26.3'
 20.2'
 Frame garage apartment
 20.2'
 gravel carport
 19.8'
 14.5'
 2.8'
 34.3'
 0.81'
 5' SIDE YARD SETBACK
 198.59'
 88.49'
 506'41"22"W
 10' REAR YARD SETBACK
 asphalt drive
 3.0'
 22.3'
 26.3'
 7.1'
 EXISTING 2 STORY STRUCTURE 624 sq ft
 John Hurt & Samuel Hurt III 9392/137
 SUBJECT STRUCTURE; BoA SPECIAL EXCEPTION APPLICATION
 5' SIDE YARD SETBACK
 82'45'29"W
 41.24'
 707'53'59"E
 68.52'

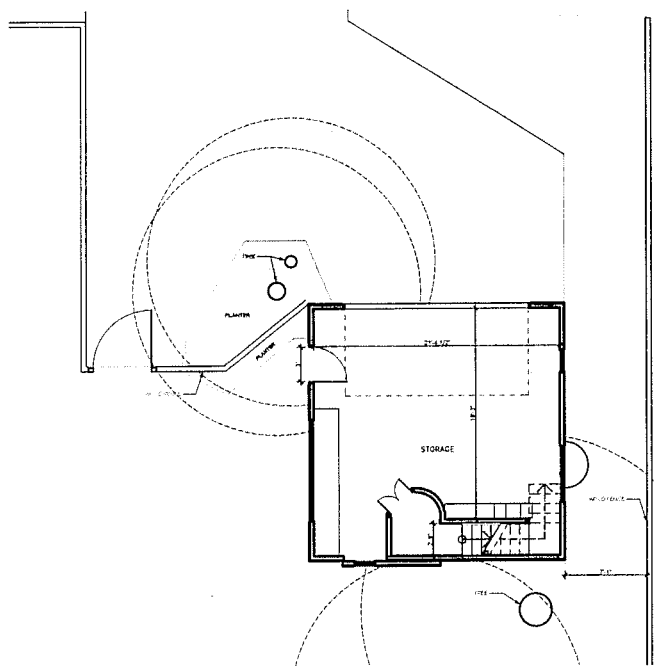
THE STATE OF TEXAS x
COUNTY OF TRAVIS x

GF No 216103 - - - - -
TO Jun, Sam, John, & Tam Hurt
Advantage One Mortgage, Ltd
Texas Professional Title Co

2/1/00



2nd FLOOR 2
SCALE 1/8" = 1'-0"



1st FLOOR 1
SCALE 1/8" = 1'-0"

1/16

CITY OF AUSTIN DEVELOPMENT BUILDING FOOTPRINT 1997



Legend

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

Building Footprints Year 1997

- <all other values>
- Building (100-4000 sq ft)
- Large Building (>4000 sq ft)










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CITY OF AUSTIN DEVELOPMENT AERIAL 1997



Legend

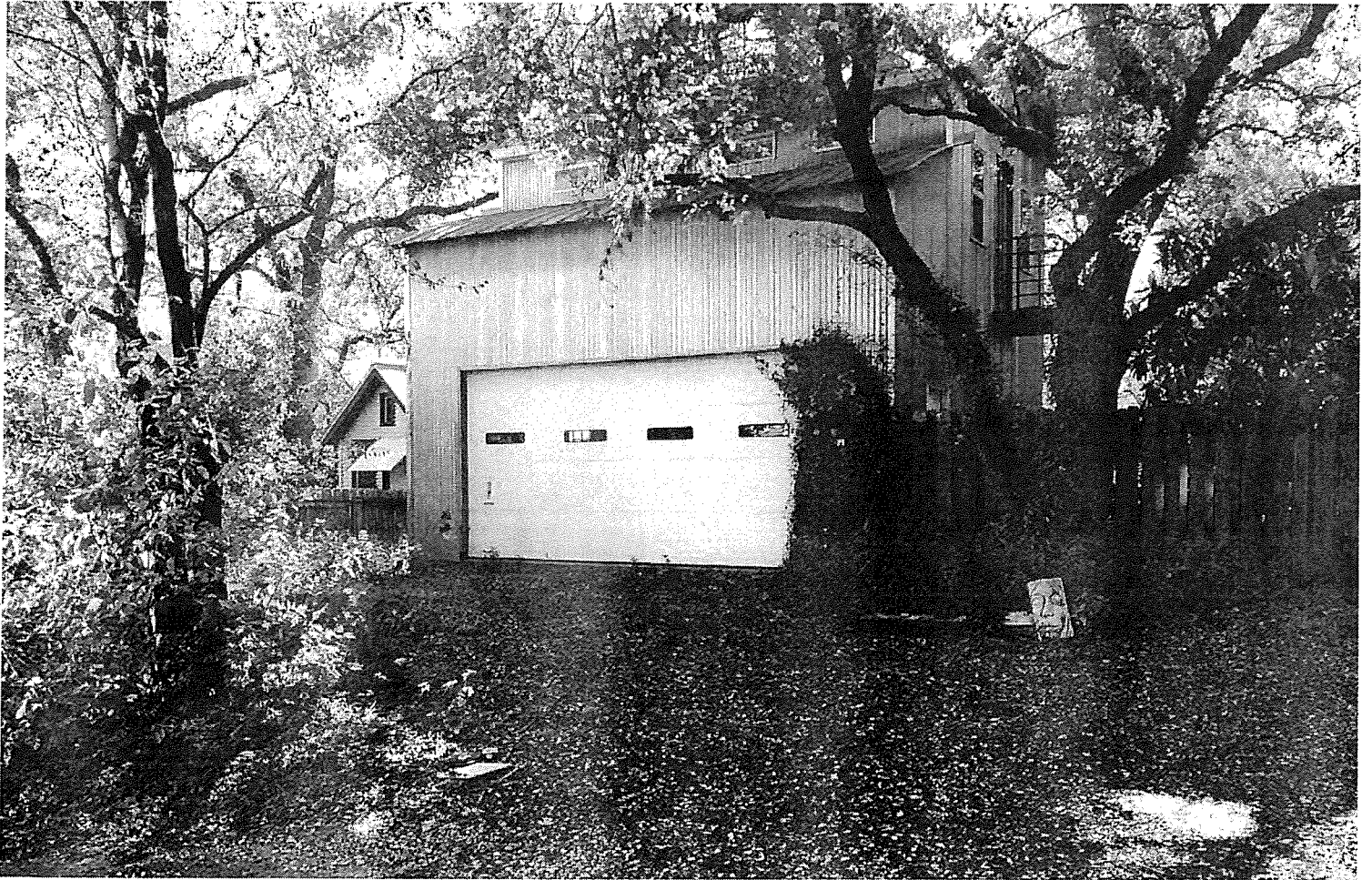
-  Lot Lines
-  Streets
-  Building Footprints
-  Named Creeks
-  Lakes and Rivers
-  Parks
-  County
-  TCAD Parcels
-  Lot Line

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North Elevation

12/13



South Elevation

5/15



**FILM SLIDE FROM PHOTO
TAKEN OF EXISTING
STRUCTURE IN MAY 1995**

1515

This photo of the owners' daughter, Elaine Hurt, was taken in front of the subject structure, when Elaine was approximately 7 years old. This photo was taken in 1998. Elaine was born in 1991.

Elaine is currently 24 years old.



January 9, 2016

City of Austin
Leane Heldenfels
Development t Services Department
One Texas Center
505 Barton Springs Road, Austin , Texas 78704

Ms. Heldenfels and the Board of Adjustments,

I live at 1207 Newning Avenue. I have been a next-door neighbor of Sam and Jun Hurt who live at 1209 Newning Ave, for over 30 years. They have a 2-story structure in the back of their property that Sam and Jun use for storage and as an art studio. Sam and Jun have informed me that when it was originally built in the late 1980's, it was built such that it encroaches on the back building set-back line of their property by approximately 4', and is thus closer to the back property line than is allowed with current single family zoning.

I am writing to state that I have no objection to your board granting Sam and Jun Hurt a special exception variance for their structure encroaching on the back building set-back line. I have a background in construction, and when this structure (which we call the "Shedifice") was built sometime around 1989, I observed with interest. It was very well put together; some of the best construction I have ever observed as a matter of fact. It has not been in any way an encumbrance on my life. On the contrary, I have enjoyed participating in art projects there, and I consider it an important contribution to the character of our neighborhood.

Sincerely,



William C Barnett

December 21, 2015

City of Austin
Leane Heldenfels
Development Services Department
One Texas Center
505 Barton Springs Road, Austin Texas 78704

Ms. Heldenfels and the Board of Adjustments,

I and my family live at 513 Academy Drive and have been a neighbor of Sam and Jun Hurt who live at 1209 Newning Ave, for approximately 20 years. We have been aware that there is a 2-story structure in the back of their property that Sam and Jun use for storage and an art studio. Sam and Jun have informed us that when it was originally built in the late 1980's, it was built such that it encroaches on the back building set-back line of their property by approximately 4', and is thus closer to the back property line than is allowed with current single family zoning.

We are writing to state that we have no objection to your board granting Sam and Jun Hurt a special exception variance for their structure encroaching on the back building set-back line. The structure was built before we moved to our house at 513 Academy Drive and it has not been in any way an encumbrance on our lives.

Sincerely,

A handwritten signature in cursive script that reads "Brandon & Quinn Goodloe". The signature is written in dark ink and is positioned below the word "Sincerely,".

Brandon and Quinn Goodloe
513 Academy Drive
Austin, TX 78704
(512) 924-8400

12/19/2015

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City of Austin
Leane Heldenfels
Development & Services Department
One Texas Center
505 Barton Springs Road, Austin, Texas 78704

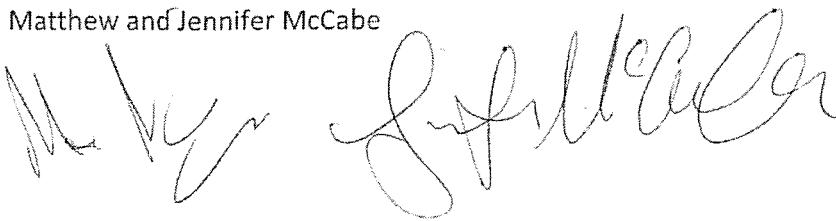
Ms. Heldenfels and the Board of Adjustments,

I and my family live at 1211 Newning Ave, and have been a next-door neighbor of Sam and Jun Hurt who live at 1209 Newning Ave, for approximately 4 years. We have been aware that there is a 2-story structure in the back of their property that Sam and Jun use for storage and an art studio. Sam and Jun have informed us that when it was originally built in the late 1980's, it was built such that it encroaches on the back building set-back line of their property by approximately 4', and is thus closer to the back property line than is allowed with current single family zoning.

We are writing to state that we have no objection to your board granting Sam and Jun Hurt a special exception variance for their structure encroaching on the back building set-back line. The structure was built before we moved to our house at 1211 Newning and it has not been in any way an encumbrance on our lives. In fact, having it there is one of the unique qualities we love about Travis Heights.

Sincerely,

Matthew and Jennifer McCabe

Handwritten signatures of Matthew and Jennifer McCabe. The signature on the left is 'Matthew' and the signature on the right is 'Jennifer McCabe'.

Any questions Matthew cell- (512) 968-2528



SPECIAL EXCEPTION INSPECTION



KJ
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Address:	1209 Newning Ave
Permit Number:	2016-017330
Property Owner Requesting Special Exception:	Richardo Sepulveda

Special Exception Requested:

Garage encroaching into rear setback

Date Structure was originally constructed: COA GIS CONFIRMS EXISTANCE IN 1997

Date of Inspection:	2-24-2016
Building Official or designated representative	Tony Hernandez
X	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.

