

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2016-0037

LOCATION: 1511 Eva St.

1" = 135'

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

CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

KJ
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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 # C15-2016-0037 ROW # 11500511 Tax # 0400001402
TEADV

Section 1: Applicant Statement

Street Address: 1511 Eva Street, Austin, Texas 78704

Subdivision Legal Description:

Lot 8, Block 19, Swisher Addition, a subdivision in Travis County, Texas, according to the map or plat recorded in Volume 1, Page 2, Plat Records of Travis County.

Lot(s): 8 Block(s): 9

Outlot: _____ Division: _____

Zoning District: SF-3-NP (Bouldin Creek)

I/We Alexandra Jashinsky on behalf of myself/ourselves as
authorized agent for Stephen Greenberg affirm that on
Month February, Day 26, 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: barn/garage

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

Special exception from Section 25-2-492 of the Land Development Code. The existing structure on the rear of the lot encroaches over the side and rear yard setback lines and into the alleyway. The structure has been in existence in its current configuration for at least forty years. The structure is identified as the "frame building on concrete" on the attached survey.

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.

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.

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- No findings necessary.

Hardship

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:

12/17

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: *Alexandra Jashinsky* Date: 2/29/16
Applicant Name (typed or printed): Alexandra Jashinsky
Applicant Mailing Address: 111 Congress Avenue, Suite 1400
City: Austin State: Texas Zip: 78701
Phone (will be public information): (512) 479-1182
Email (optional – will be public information): alex.jashinsky@huschblackwell.com

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: *Stephen C. Greenberg* Date: 3/1/16
Owner Name (typed or printed): Stephen Greenberg
Owner Mailing Address: 330 Eanes School Road
City: Austin State: Texas Zip: 78746
Phone (will be public information): (512) 440-8820
Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Alexandra Jashinsky
Agent Mailing Address: 111 Congress Avenue, Suite 1400
City: Austin State: Texas Zip: 78701
Phone (will be public information): (512) 479-1182
Email (optional – will be public information): alex.jashinsky@huschblackwell.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).

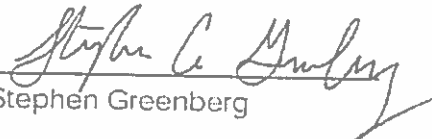
February 29, 2016

City of Austin
505 Barton Springs Road
One Texas Center
Austin, Texas 78704

Re: Letter Appointing Agent Regarding Special Exception for 1511 Eva Street,
Austin, Texas 78704.

To Whom It May Concern:

The undersigned, Stephen Greenberg, as the owner of the property subject to the above referenced special exception application hereby appoints Husch Blackwell LLP (Alexandra Jashinsky), as agent in the above-referenced matter.


Stephen Greenberg

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



KL

Address:	1511 Eva St.
Permit Number:	2016-034839
Property Owner Requesting Special Exception:	Stephen Greenburg

Special Exception Requested:

Garage encroaching into rear setback existed in 1997

Addition to rear of home appears to be unpermitted shows-up in 2012 COA, GIS

Date Structure was originally constructed: COA GIS confirms existence of garage in 1997

Date of Inspection:	4-11-2016
Building Official or designated representative	Tony Hernandez
X	<p>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</p> <ol style="list-style-type: none">1. Pending ROW release2. Obtaining permits for addition to primary structure
	<p>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:</p> <ol style="list-style-type: none">1:

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AFFIDAVIT OF FACTS CONCERNING
PROPERTY AT 1511 EVA STREET

STATE OF TEXAS

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COUNTY OF TRAVIS

Before me, the undersigned authority, on this day personally appeared the undersigned ("Affiant"), who, being first duly sworn, upon Affiant's oath states:

1. My name is Thomas Clark Stathos. I live at 5912 101st Place, Lubbock, TX and I have personal knowledge of the facts stated in this Affidavit.

2. From approximately 1976 until January, 1983 I owned and lived at the following described property known as 1511 Eva Street, Austin, Texas 78704 (the "Property"):

Lot 8, Block 19, Swisher Addition, a subdivision in Travis County, Texas, according to the map or plat recorded in Volume 1, Page 2, Plat Records of Travis County.

3. I sold the Property to Philip Riffe in January, 1983.

4. From at least 1976 until the time I sold the Property, the barn/garage structure depicted on Exhibit A located on the Property and encroaching into the alleyway was in existence and in the same configuration as it exists today.

Signature follows.

Thomas Clark Stathos

Thomas Clark Stathos

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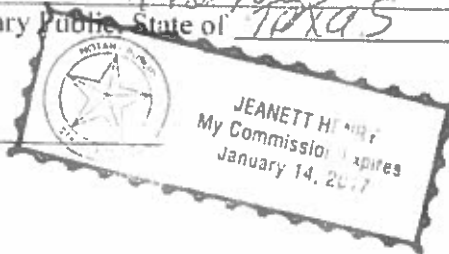
STATE OF TEXAS

COUNTY OF Lubbock

Od Sworn to, subscribed and acknowledged before me on the 16th day of Oct, 2015, by Thomas Clark Stathos, an individual.

Jeanett Hernandez
Notary Public, State of Texas

My commission expires: 1-14-17



Travis CAD

Property Search Results > 302174 GREENBERG STEPHEN for Year 2016

Property

Account

Property ID: 302174 Legal Description: LOT 8 BLK 19 SWISHER ADDN
 Geographic ID: 0400001402 Agent Code: ID:2490
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: 1511 EVA ST Mapsco: 614M
 TX 78704
 Neighborhood: BOULDIN Map ID: 040708
 Neighborhood CD: K1000

Owner

Name: GREENBERG STEPHEN Owner ID: 1584306
 Mailing Address: 330 EANES SCHOOL RD % Ownership: 100.0000000000%
 AUSTIN, TX 78746

Exemptions:

Values

(+) Improvement Homesite Value: + N/A
 (+) Improvement Non-Homesite Value: + N/A
 (+) Land Homesite Value: + N/A
 (+) Land Non-Homesite Value: + N/A Ag / Timber Use Value
 (+) Agricultural Market Valuation: + N/A N/A
 (+) Timber Market Valuation: + N/A N/A

 (=) Market Value: = N/A
 (-) Ag or Timber Use Value Reduction: - N/A

 (=) Appraised Value: = N/A
 (-) HS Cap: - N/A

 (=) Assessed Value: = N/A

Taxing Jurisdiction

Owner: GREENBERG STEPHEN
 % Ownership: 100.0000000000%
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
01	AUSTIN ISD	N/A	N/A	N/A	N/A
02	CITY OF AUSTIN	N/A	N/A	N/A	N/A
03	TRAVIS COUNTY	N/A	N/A	N/A	N/A
0A	TRAVIS CENTRAL APP DIST	N/A	N/A	N/A	N/A
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	N/A	N/A	N/A	N/A
68	AUSTIN COMM COLL DIST	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
Taxes w/Current Exemptions:					N/A
Taxes w/o Exemptions:					N/A

12/11

Improvement / Building

Improvement #1:	1 FAM DWELLING	State Code:	A1	Living Area:	1228.0 sqft	Value:	N/A
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
1ST	1st Floor	WW - 4		1930	1228.0
011	PORCH OPEN 1ST F	* - 4		1930	112.0
031	<u>GARAGE DET 1ST F</u>	WW - 4		1930	160.0
251	BATHROOM	* - *		1930	1.0
095	HVAC RESIDENTIAL	* - *		1930	1228.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.1549	6745.35	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2016	N/A	N/A	N/A	N/A	N/A	N/A
2015	\$187,542	\$255,000	0	442,542	\$0	\$442,542
2014	\$156,983	\$247,392	0	404,375	\$0	\$404,375
2013	\$48,004	\$255,000	0	303,004	\$52,696	\$250,308
2012	\$54,650	\$240,000	0	294,650	\$67,097	\$227,553
2011	\$54,650	\$240,000	0	294,650	\$87,784	\$206,866

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	9/27/2013	WD	WARRANTY DEED	RIFFE PHILIP & ADELE	GREENBERG STEPHEN			2013179143TR
2	12/24/1987	MS	MISCELLANEOUS	RIFFE PHILIP & ADELE FORTNER	RIFFE PHILIP & ADELE	00000	00000	
3	1/12/1983	WD	WARRANTY DEED	STATHOS DAN T JR ETAL	RIFFE PHILIP & ADELE FORTNER	07968	00712	

Questions Please Call (512) 834-9317

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1511 Eva St.

CITY OF AUSTIN DEVELOPMENT WEB MAP

2003 Aerial



Legend

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

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AFFIDAVIT OF FACTS CONCERNING
PROPERTY AT 1511 EVA STREET

STATE OF TEXAS

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COUNTY OF TRAVIS

Before me, the undersigned authority, on this day personally appeared the undersigned ("Affiant"), who, being first duly sworn, upon Affiant's oath states:

1. My name is Philip Riffe, I live at 22927 Hwy 140 Hesperus, CO. and I have personal knowledge of the facts stated in this Affidavit.

2. From approximately January, 1983 until September, 2013 I lived at the following described property known as 1511 Eva Street, Austin, Texas 78704 (the "Property"):

Lot 8, Block 19, Swisher Addition, a subdivision in Travis County, Texas, according to the map or plat recorded in Volume 1, Page 2, Plat Records of Travis County.

3. I purchased the Property from Thomas Clark Stathos et al. in January, 1983.

4. I sold the Property to Stephen Greenberg in September, 2013.

5. During the entire time that I owned the Property, the barn/garage structure depicted on Exhibit A located on the Property and encroaching into the alleyway was in existence and in the same configuration as it exists today.

Signature follows.

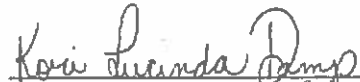
14
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Philip Riffe

Colorado
STATE OF TEXAS §
COUNTY OF La Plata §

Sworn to, subscribed and acknowledged before me on the 15th day of
October, 2015, by Philip Riffe, an individual.

KORI LUCINDA DAMP
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20154007089
MY COMMISSION EXPIRES 02/19/2019


Notary Public, State of Colorado

My commission expires: 02-19-2019

