




53
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NOTIFICATIONS

CASE#: C15-2016-0033
LOCATION: 1205 Richcreek Rd.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 174'

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.



13
2

CITY OF AUSTIN
Board of Adjustment (Special Exception)
Decision Sheet

DATE: Monday, April 11, 2016

CASE NUMBER: C15-2016-0033

- ☒ Y _____ Brooke Bailey
- ☒ Y _____ Michael Benaglio
- ☒ Y _____ William Burkhardt
- ☒ Y _____ Eric Goff 2nd the Motion
- ☐ O _____ Melissa Hawthorne (OUT)
- ☒ Y _____ Don Leighton-Burwell
- ☒ Y _____ Rahm McDaniel
- ☒ Y _____ Melissa Neslund
- ☒ Y _____ James Valadez
- ☒ Y _____ Michael Von Ohlen Motion to PP to May 9, 2016
- ☒ Y _____ Kelly Blume (Alternate)

OWNER/APPLICANT: Maureen McCormack

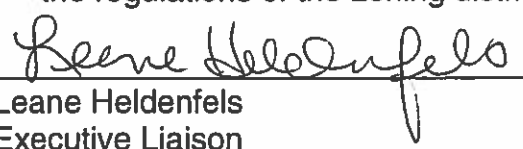
ADDRESS: 1205 RICHCREEK RD

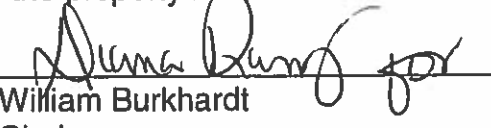
VARIANCE REQUESTED: The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from Section 25-2-492 (D) (Site Development Regulations) to decrease the side yard setback from 5 feet (required) to 1.75 feet (requested, existing) in order to maintain a carport constructed at least 10 years ago in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Crestview)

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to May 9, 2016, Board Member Eric Goff second on a 10-0 vote; **POSTPONED TO MAY 9, 2016 (NEED INSPECTION REPORT)**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (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:
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:


Leane Heldenfels
Executive Liaison


William Burkhardt
Chairman



Special Exception

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

13
3

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 # C15-2016-0033 ROW # 11500423 Tax # 023 508 1213
TEAD ✓

Section 1: Applicant Statement

Street Address: 1205 Richcreek Rd.

Subdivision Legal Description:

Lot(s): 32 Block(s): L

Outlot: _____ Division: Crestview Addition Section 7

Zoning District: SF-3-NP

I/We Maureen McCormack on behalf of myself/ourselves as
authorized agent for _____ affirm that on
Month February, Day 17, 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: carport

13
4

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

Section 25-2-476 Special Exceptions for a carport built more than 10 years ago.

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:

The carport was built in February 2005. A copy of a painting bid dated October 2005 and a 2006 aerial photo are attached as supporting documents.

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

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5

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: Maureen McCormack Date: 02/17/2016

Applicant Name (typed or printed): Maureen McCormack

Applicant Mailing Address: 1205 Richcreek Rd.

City: Austin State: TX Zip: 78757

Phone (will be public information): (512) 467-8172

Email (optional – will be public information): _____

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: Maureen McCormack Date: 02/17/2016

Owner Name (typed or printed): Maureen McCormack

Owner Mailing Address: 1205 Richcreek Rd.

City: Austin State: TX Zip: 78757

Phone (will be public information): (512) 467-8172

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

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).

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6

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


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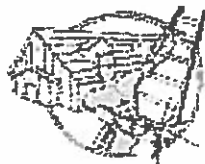
| | |
|--|--------------------|
| Address: | 1205 Richcreek Rd. |
| Permit Number: | 2016-023912 |
| Property Owner Requesting Special Exception: | Maureen McCormack |

Special Exception Requested

Carport built into side yard setback

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

| | |
|--|---|
| Date of Inspection: | 3-11-2016 |
| 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 provided the following requirements are met.</p> <ol style="list-style-type: none"> 1. One hour fire system as per R302 is provided 2. Required alarms are installed |
| | <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. |



CENTURY PAINTING & ROOFING

10403 TWEEDSMUIR DRIVE
AUSTIN TX, 78750
OFFICE 219-0342
FAX 219-0840
www.centurypainting.net

PROPOSAL

DATE: October 12, 2005

J3
8

FOR:

First Name: Maureen Last Name: McCormick
Address: 1205 Richcreek Rd.
City: Austin State: TX Zip: 78757

Phone: 467-8172
Estimated By: KIP
Start Date:
Job Phone: SAME
Location: SAME

TERMS: FULL PAYMENT DUE UPON COMPLETION

MEMBER: BETTER BUSINESS BUREAU. REFERENCES AVAILABLE UPON REQUEST.

DESCRIPTION

On the front side of the home replace the left and right hand 1x4 trim boards on the far left and far right window, also on the same windows replace the windowsills. On the left hand and right side of the home replace the rotten water table (both sides majority is rotten). On the front left hand corner of the home replace 2 pieces of rotten fascia and fascia trim (left side is 1x6, front side is 2x6). Replace rotten 1x4 trim boards and windowsills on 2 windows on the left and 1 window on the right. On the right side replace rotten quarter round trim under windowsill. On the right side of the home towards the back splice in 1 piece of rotten 1x6 fascia (8ft) and replace 2 rafter tails.

Power wash home (including carport on the left) with bleach and Jomax cleaning mixture to remove dirt, mildew, algae and other debris. Hammer in loose wood and replace loose nails. Re-caulk around previously caulked windows, doors, joints, seams and corner boards using 45 year siliconized caulk. Cover all shrubs, decking and windows as needed while painting to prevent over spray. Scrape, lightly sand and spot prime all areas with peeling paint. Spot prime all rusting surfaces with red oxide primer. Prime raw wood on the carport on the left side of the home. Paint all siding, eaves, trim, and carport (patio cover and detached garage is not included) using 1 coat of kelly-moore premium exterior low-sheen to match existing scheme and be similar to existing colors. If colors picked by homeowner require additional coats for proper coverage, additional charges will apply. All rough surfaces to be sprayed and back brushed. Clean up job site upon completion and haul off all debris. Leave touch up paint upon completion.

Price includes all labor and material unless otherwise noted above

THREE YEAR WARRANTY AGAINST PEELING, CHALKING, AND UNEVEN
FADING, ON MOST WOOD AND COMPOSITE WOOD SURFACES
SEE BELOW FOR EXCEPTIONS

| | |
|-----------|------------|
| SUB-TOTAL | \$2,300.00 |
| DISCOUNT | \$100.00 |
| TOTAL | \$2,200.00 |

ANY ALTERATION OR DEVIATION FROM ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS, INCLUDING REPLACING ROTTEN WOOD WHICH IS FOUND AT A LATER DATE, WILL BE EXECUTED ONLY UPON CUSTOMER AUTHORIZATION, AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE. WARRANTY IS NOT VALID FOR ANY METAL, STEEL, STAINED DOORS, SEALED DECKS, RAILINGS OR WHEN PAINTING OVER OIL BASE ENAMELS. CENTURY IS NOT RESPONSIBLE FOR WATER STAINS ON WINDOWS AFTER HOUSE WASHING, OR ACOUSTIC TEXTURE WHICH MAY FALL WHILE PAINTING OVER ACOUSTIC CEILINGS, REPAIRS WILL BE AN ADDITIONAL CHARGE.

ACCEPTANCE OF PROPOSAL

THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED, YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENTS WILL BE MADE AS OUTLINED ABOVE.

SIGNATURE _____
SIGNATURE _____
DATE _____

RESPECTFULLY SUBMITTED _____ CENTURY PAINTING

2006 Aerial

CITY OF AUSTIN DEVELOPMENT WEB MAP

1209 Rioncreek
2006 Aerial



Legend

 Lot Lines

 Streets

 Building Footprints

 Named Creeks

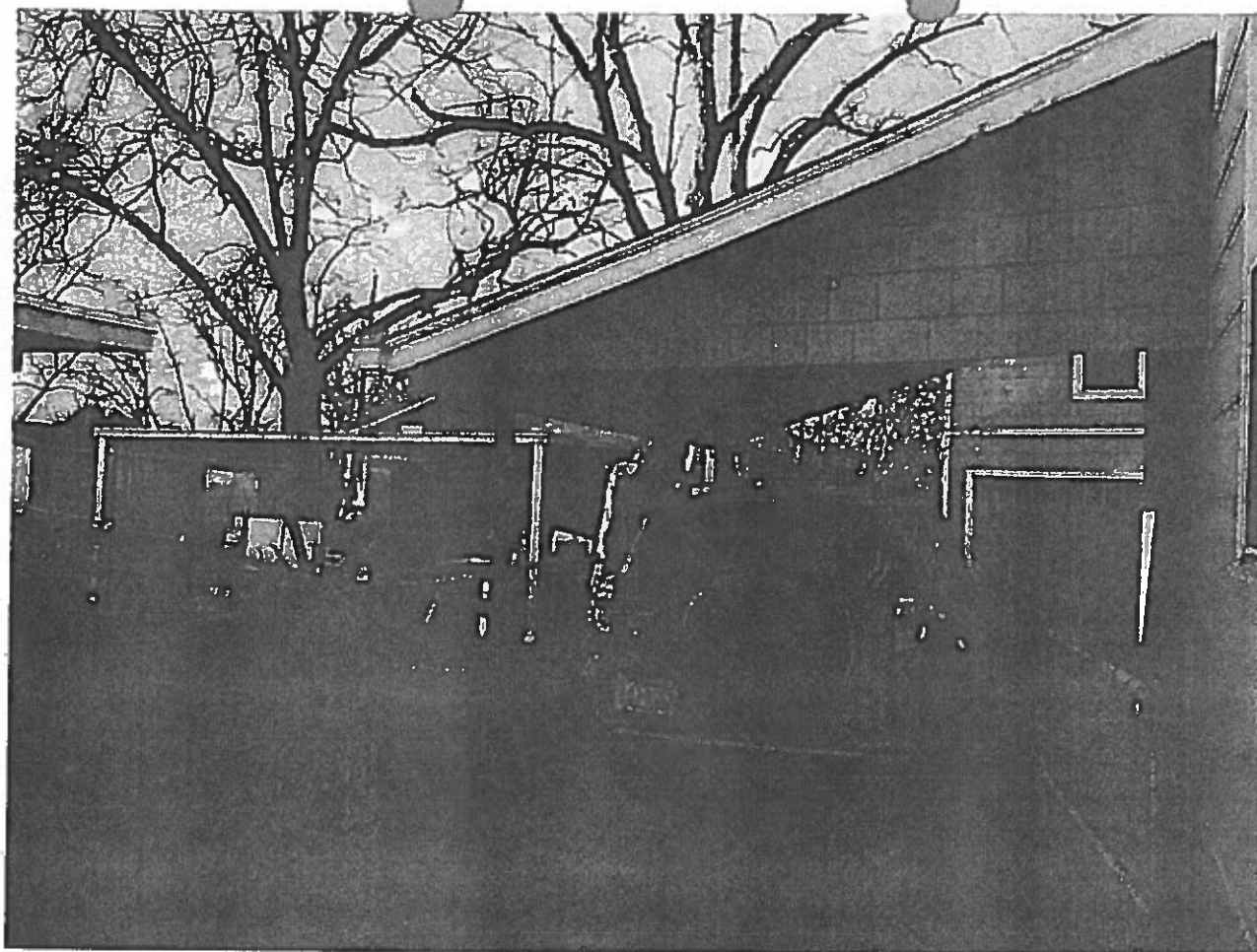
 Lakes and Rivers

 Parks

 County

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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.



J3
10

1205 Richcreek Rd.

251-

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2016-0033, 1205 Richcreek Rd.

Contact: Leanne Heldenfels, 512-974-2202, leanne.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, April 11th, 2016

Your Name (please print)

Robert A. Hixon

☒ I am in favor
☐ I object

Your Address (or address by this application)

1200 Lagaris Ln
Robert A. Hixon

4/3/16
Date

Daytime Telephone:

Signature
512-349-7504

Comments:

If you use this form to comment, it may be returned via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leanne Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Email: leanne.heldenfels@austintexas.gov

Note: comments must be received by noon the day of the hearing to be seen by the Board at this hearing, if returned via mail comments postmarked after the Wed prior to the hearing may not be received timely.

