

SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2016-0039

LOCATION: 2529 Winsted Ln.

1" = 133'

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.



47
2

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, April 11, 2016

CASE NUMBER: C15-2016-0039

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

OWNER/APPLICANT: Mohammad F Balaparya

ADDRESS: 2529 WINSTED LN

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum rear yard setback from 10 feet (required) to 7 feet (requested, existing) in order to maintain a 2 story additional living space detached structure, recently constructed without a 2nd kitchen/sink, in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Neslund motion to Postpone to May 9, 2016, Board Member Brooke Bailey second on a 8-0 vote; **POSTPONED TO MAY 9, 2016. (SIGN POSTING ERROR, NEED TO RE-POST SIGN)**

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



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

17/3

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 # C15-2016-0039 ROW # 11500 565 Tax # 0117020215
NO match in TCAD

Section 1: Applicant Statement

Street Address: 2529 Winsted Lane, Austin, Texas 78703

Subdivision Legal Description:

Lot 205 & N25 FT of LOT 260 LESS E 14.7 FT AV Tarrytown Oaks

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

Outlot: _____ Division: Tarrytown Oaks

Zoning District: SF-3-NP (West Austin Neighborhood Group)

I/We Farooq Balaparya on behalf of myself/ourselves as
authorized agent for _____ affirm that on

Month March, Day 15, 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: It is a detached, one bedroom, two story guest house in back of property

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

As approved, this structure required a 10 foot rear-yard setback. However, this was built by the previous owner, Edward Napoliello - not by me. A Board of Adjustment variance would be required and necessary to re-issue a permit for the structure that has already been built. I am trying to rectify the mistakes of the previous owner.

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 current regulations do not hinder the property, anyone else's property, or anyone else in any manner. The difference is that the code requires for it to be 10 feet; it is currently at 8 feet. Where the guest house is now, it is not in any way obstructing anything. I am trying to be in line with the city requirements and have been active in taking steps to remedy the situation at hand.

Hardship

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

The guest house and the main house were previously owned by Edward and Tsina Napoliello. Edward Napoliello had a history of doing construction on the home but then letting the permits lapse. Moreover, in May 2015, Tsina filed for divorce and served Edward with divorce papers. He commenced to destroy the residence in damages worth \$60k. The home was deemed inhabitable. He has been charged with a felony for his actions (Case #:D-1-DC-16-300095)

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

It is in the back of the main house, it does bother, hinder, or obstruct anyone else's property. It is only pertinent to my property and I am trying my best to make the property up to par of the neighborhood standards. I found out about the problem in March 2016, and am doing my best to fix it in an expedited manner. I have pictures of the extensive damage was caused by Napoliello, and I have spent 5 months working on making the property better.

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:

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It is in the back portion of the property, it has not caused anyone any type of damage or does not stand to be any sort of hinderance or bother to the neighborhood. Many homes on the same street have this type of setup - my problem is that it was built by someone who didnt know what he was doing and it is 2 feet off. It is roughly a 1000 sq feet guest house, and completely finished out. To tear it down and restart the construction on the guest house would not be prudent, in my professional opinion.

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:

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:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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: Farooq Balaparya Digitally signed by Farooq Balaparya
CN: cn=Farooq Balaparya, o=Borch Construction, ou,
email=farooq1234@hotmail.com, c=US
Date: 2016.03.15 12:37:30 -0500 Date: 03/15/2016

Applicant Name (typed or printed): Farooq Balaparya

Applicant Mailing Address: 2601 Birchleaf Trail

City: Austin State: Texas Zip: 78748

Phone (will be public information): (512) 554-3382

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: Farooq Balaparya Digitally signed by Farooq Balaparya
DN: cn=Farooq Balaparya, o=Borch Construction, ou,
email=farooq1234@hotmail.com, c=US
Date: 2016.03.15 12:38:15 -0500 Date: 03/15/2016

Owner Name (typed or printed): Farooq Balaparya

Owner Mailing Address: 2601 Birchleaf Trail

City: Austin State: Texas Zip: 78748

Phone (will be public information): (512) 554-3382

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).

My understanding is that the previous owner (Wife) Tsina Napoliello can be present, if need be, to discuss how her husband would just haphazardly construct items and let permits lapse. She can also be present to discuss the damage he caused that I have had to repair (i.e. he ripped out the mater electrical breakers, ripped out the toilets and poured Quikrete down the copper pipes

5/17

Additional Space (continued)

smashed all the windows, ripped out all the appliances, urinated all over the home, etc). I
sincerely hope that the Board sees that I am doing my best in order to make this home liveable
again versus being an eyesore on the street.

SAVE

17/8

March 28, 2016

Via email: leane.heldenfels@austintexas.gov
Leane Heldenfels
City of Austin Development Services Department
P.O. Box 1088
Austin, Texas 78767

Re: Hardship letter with regards to Board of Variance Application and Hearing in reference to 2529 Winsted Lane, Austin, Texas 78703.

Esteemed Board of Variance Members:

My name is Farooq Balaparya. My wife, Meher Balaparya, and I have lived in Austin, Texas since the Spring of 1991. We moved to Austin from Boston, Massachusetts after the passing of our second daughter due to muscular dystrophy.

For the past fifteen years, I have been in the construction business. On October 23, 2015, my wife and I purchased 2529 Winsted Lane, from an individual who was going through a very volatile divorce, filled with family violence and multiple criminal charges. The property encompasses a main residence (approximately 1800 square feet), that has three bedrooms and one bathroom, along with a guest house. The guest house is a two-story structure, with a bedroom, laundry room, and master bathroom upstairs, and a loft-style living room on the first floor (approximately 1000 square feet). It is my understanding that the guest house has been built two feet off from its proper designation. The guest house was built by the previous owner.

From the get-go of the acquisition of the property, it has been an obstacle; property was drenched with urine (interior mainly), and then the subsequent result of an infestation of aggressive insects and fleas due to this action by the previous owner. Then, when I began to tackle the repair and remodel processes, I discovered a multitude of permitting issues, including permits that have been applied for by the previous owner but not completed, permits that had not been procured however work had been performed by the previous owner, and then mistakes by the previous owner with regards to electrical, plumbing, etc.

One by one, I have tackled and resolved each of the permit issues, and I am here today to resolve this permitting issue. Inspections were never called for by the previous owner, and when I attempted to do so, this is when this guest house problem was brought to my attention.

17/9

I did more research as to the details surrounding this mistake. The previous owner had procured a survey in 2006, and when compared to the survey I had received in 2015, the easements, property line designations, and setbacks are, in my humble reading of the two surveys, not in line with the 2015 survey. I do not have the answer as to why this happened and why the two surveys are different. However, I do understand that the previous owner relied on the 2006 survey and built the guest house in accordance with that. Therefore, looking at it an objective standpoint, it is neither the previous owner's fault nor mine. When someone orders a survey, it is heavily relied upon by a multitude of people.

When I acquired the property, I was not aware that there was a 2006 survey, or that the guest house was two feet off from where it should be located. Now, I am trying my very best to make everything proper with the City of Austin with the facts at hand. I have never been in this type of situation before, and I have done my very best to tackle the problem as soon as I found out about it.

The hardship portion of this application also has to do with the structure, in that it is not easily replaceable nor moveable. The guest house is surrounded by a sizeable deck, and it has been finished out by me prior to having knowledge of this issue. The deck was built by the previous owner, but I finished out the laundry room, master bathroom, and master closet on the second floor.

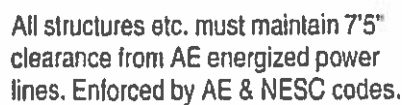
Lastly, as the pictures depict, the guest house is not a hinderance to any of the neighbors or to the public. From many angles, the guest house is not visible. Moreover, it adds value to the neighborhood as many of the homes have this type of setup. I understand aesthetically 2529 Winsted Lane is currently out of touch. I haven't had a chance to dive into that portion of it (i.e. making the entire property one color, re-doing the paint a lighter color in order to brighten up the property, painting the deck, re-doing the driveway, re-doing the French doors in the front breakfast room area, finishing the backyard, lawn renovation (including adding more trees, shrubs, flowers, etc.) Essentially, the curb appeal currently is below my standard of quality. However, this is why I am tackling logistics of the City of Austin first, and then my plan is to overhaul the property in order to make it, not only liveable, but to be apart of a long-standing highly regarded neighborhood.

I kindly am requesting that the Board of Variance accept and approve my application so that this matter can be resolved in an expedited manner.

Yours very truly,

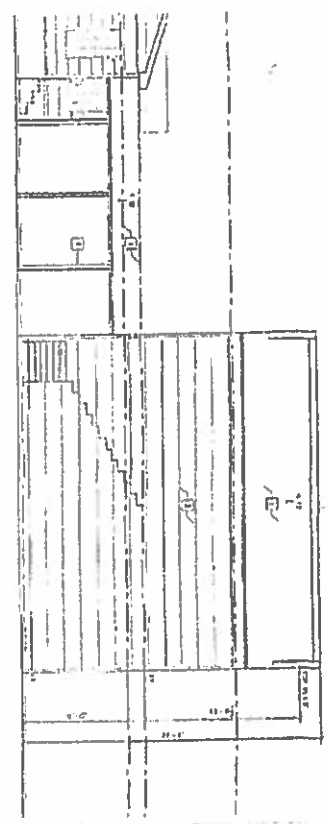
Farooq and Meher Balaparya

the granting of a permit for, or approval of these plans and specifications shall not be construed to be a permit for or an approval of any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

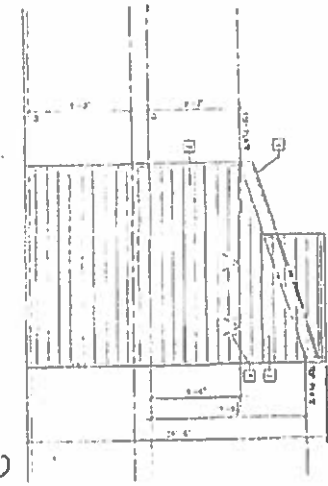


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173-215
JGM

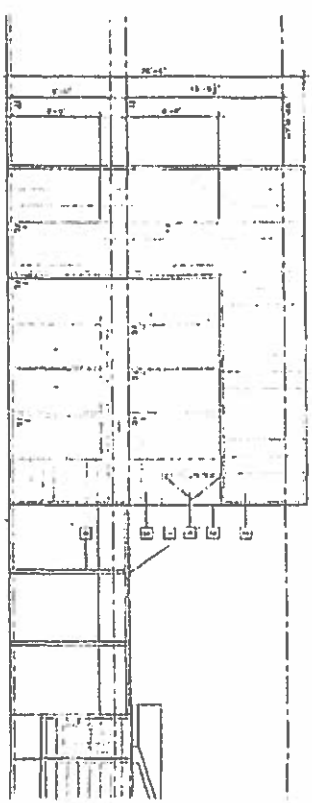
212



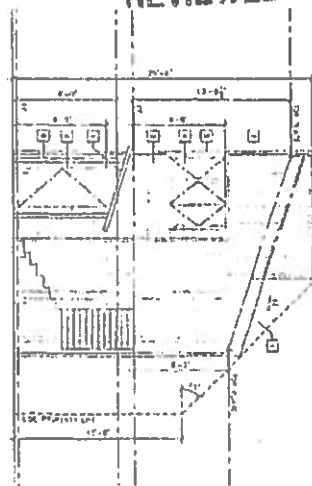
RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT ELEVATION



FRONT ELEVATION

REVIEWED FOR ZONING ONLY

WBS 8/14/11



Zhigang Zhang

08/04/11

- ELEVATION NOTES
- 1. See all notes.
 - 2. All dimensions are in feet and inches.
 - 3. All materials are to be of standard quality.
 - 4. All work is to be in accordance with the latest edition of the International Building Code.
 - 5. All work is to be in accordance with the latest edition of the International Mechanical Code.
 - 6. All work is to be in accordance with the latest edition of the International Plumbing Code.
 - 7. All work is to be in accordance with the latest edition of the International Fire Code.
 - 8. All work is to be in accordance with the latest edition of the International Electrical Code.
 - 9. All work is to be in accordance with the latest edition of the International Energy Conservation Code.
 - 10. All work is to be in accordance with the latest edition of the International Green Building Code.

2529 WINSTED LANE
AUSTIN TX

A-2

ELEVATIONS

Architectural floor plan of a traditional Chinese building, likely a temple or official residence. The plan shows a central courtyard (Yard) surrounded by rooms. The main entrance is on the right, leading into a large hall (Hall). To the left of the hall is a smaller room (Room). The top of the plan shows a series of smaller rooms or courtyards. The bottom left corner features a staircase leading down to a lower level. The drawing is a black and white line drawing with Chinese characters and measurements.

RECEIVED BY THE SECRETARY OF THE ARMY

WVK 5/16/77

Efficiently in \mathbb{R}^n

200

11/1/80
J. G. G. G.

1. What is the purpose of the study?
 2. What are the research objectives?
 3. What is the research methodology?
 4. What are the results of the study?
 5. What are the conclusions of the study?
 6. What are the limitations of the study?
 7. What are the implications of the study?
 8. What are the future research directions?
 9. What are the key findings of the study?
 10. What are the main contributions of the study?
 11. What are the strengths of the study?
 12. What are the weaknesses of the study?
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SECTION 110-25

STATE OF TEXAS
 PROFESSIONAL ENGINEER
 ZHIGANG ZHANG
 88698

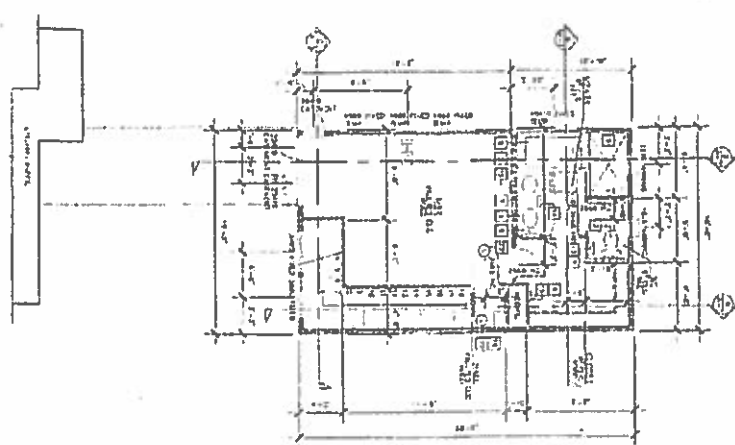
2529 WINSTED LANE
AUSTIN TX

SECTION 1

A-12

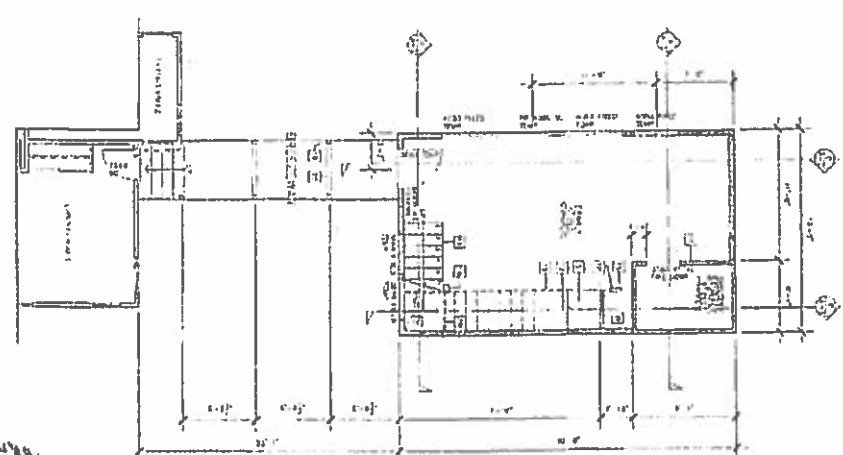
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17/4



REVIEWED FOR ZONING ONLY

W/H 8/16/11



08/09/11
Zhigang Zhang

- FLOOR PLAN NOTES**
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL ROOMS ARE TO BE FINISHED TO THE TOP OF THE CEILING.
 3. ALL WALLS ARE TO BE FINISHED TO THE TOP OF THE CEILING.
 4. ALL FLOORS ARE TO BE FINISHED TO THE TOP OF THE CEILING.
 5. ALL ROOFS ARE TO BE FINISHED TO THE TOP OF THE CEILING.
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 20. ALL EXTERIOR WALLS ARE TO BE FINISHED TO THE TOP OF THE CEILING.

2529 WINSTED LANE
AUSTIN TX

SECOND FLOOR PLAN SHEET 2

FIRST FLOOR PLAN SHEET 1

A-1

2529 WINSTED LANE
AUSTIN TX

7/15

08/09/2011
Zhigang Zhang

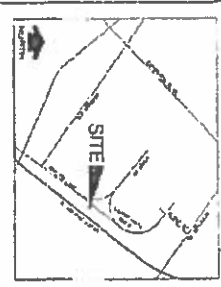


2529 WINSTED LANE
AUSTIN, TEXAS 78702

SHEET INDEX

1. SITE PLAN
2. FLOOR PLAN
3. ELEVATIONS
4. SECTION

VICINITY MAP



PROJECT TEAM

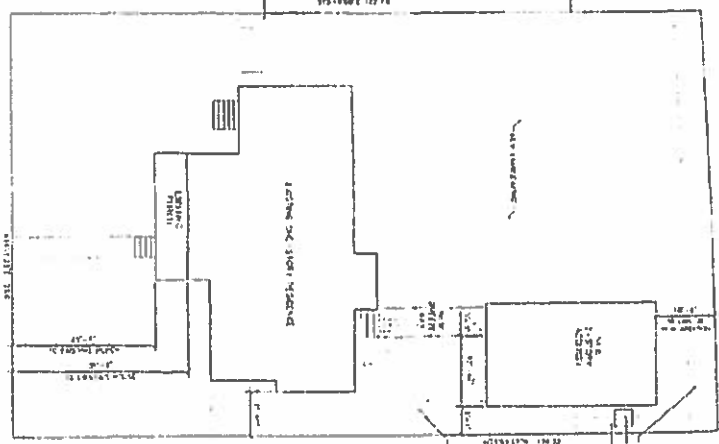
Owner: [Name]
Architect: [Name]
Engineer: [Name]

REVIEWED FOR ZONING ONLY

WZH 8/16/11

PROJECT DESCRIPTION

1. Project Name: [Name]
2. Project Address: [Address]
3. Project Description: [Description]



NOTES:
1. All dimensions are in feet and inches.
2. The building footprint is shown in solid black.
3. The parking areas are shown in white.
4. The surrounding streets are shown in gray.

2529 WINSTED LANE
AUSTIN TX

THE SHEET
SITE PLAN

1

CITY OF AUSTIN

RESIDENTIAL PERMIT APPLICATION "A"

PR Number 11-071765

Building Permit No. _____

Plat No. _____

Date 8/10/11Reviewer B. H.17
16

PRIMARY PROJECT DATA

Service Address 2529 Winsted Ln.

Tax Parcel No. _____

Legal Description _____

Lot _____ Block _____ Subdivision _____ Section _____ Phase _____

If in a Planned Unit Development, provide Name and Case No. _____

(attach final approved copies of subdivision and site plan)

If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.

Description of Work _____

Remodel (specify) _____

☐ New Residence☐ Duplex☐ Garage ☐ attached ☐ detached☐ Carport ☐ attached ☐ detached☐ Pool☒ Addition (specify) 2 story addition @ rear of house

Other (specify) _____

Zoning (e.g. SF-1, SF-2...) SF-1- Height of Principal building 15 ft. # of floors 1 Height of Other structure(s) 20 ft. # of floors 2- Does this site currently have water and wastewater availability? ☒ Yes ☐ No. If no, please contact the Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap application, or a service extension request.- Does this site have a septic system? ☐ Yes ☒ No. If yes, for all sites requiring a septic field you must obtain an approved septic permit prior to a zoning review.Does this site have a Board of Adjustment ruling? ☐ Yes ☒ No If yes, attach the B.O.A. documentationWill this development require a cut and fill in excess of 4 feet? ☐ Yes ☒ NoDoes this site front a paved street? ☒ Yes ☐ No A paved alley? ☐ Yes ☒ NoIs this property within the Residential Design and Compatibility Standards Ordinance Boundary Area? ☐ Yes ☐ No

VALUATIONS FOR REMODELS ONLY

Building \$ 15,000
 Electrical \$ 500
 Mechanical \$ 2000
 Plumbing \$ 500
 Driveway/
 Sidewalk \$ N/A
 TOTAL \$ 18,000
 (labor and materials)

VALUATIONS FOR NEW CONSTRUCTION OR ADDITIONS ONLY

Lot Size 9,327 sq. ft.
 Job Valuation - Principal Building \$ _____
 (Labor and materials)
 Job Valuation - Other Structure(s) \$ _____
 (Labor and materials)

TOTAL JOB VALUATION
(sum of remodels and additions)\$ 18,000

(Labor and materials)

PERMIT FEES

(For office use only)

NEW/ADDITIONS REMODEL

Building \$ 200.00 \$ _____
 Electrical \$ 57.00 \$ _____
 Mechanical \$ 44.00 \$ _____
 Plumbing \$ 47.00 \$ _____
 Driveway
 & Sidewalk \$ _____ \$ _____
 TOTAL \$ _____ \$ _____

OWNER / BUILDER INFORMATION

OWNER Name Ed NapolieelloTelephone (h) 748 142
(w) _____BUILDER Company Name N/A

Telephone _____

Contact/Applicant's Name _____

Pager _____

DRIVEWAY/
SIDEWALKContractor self

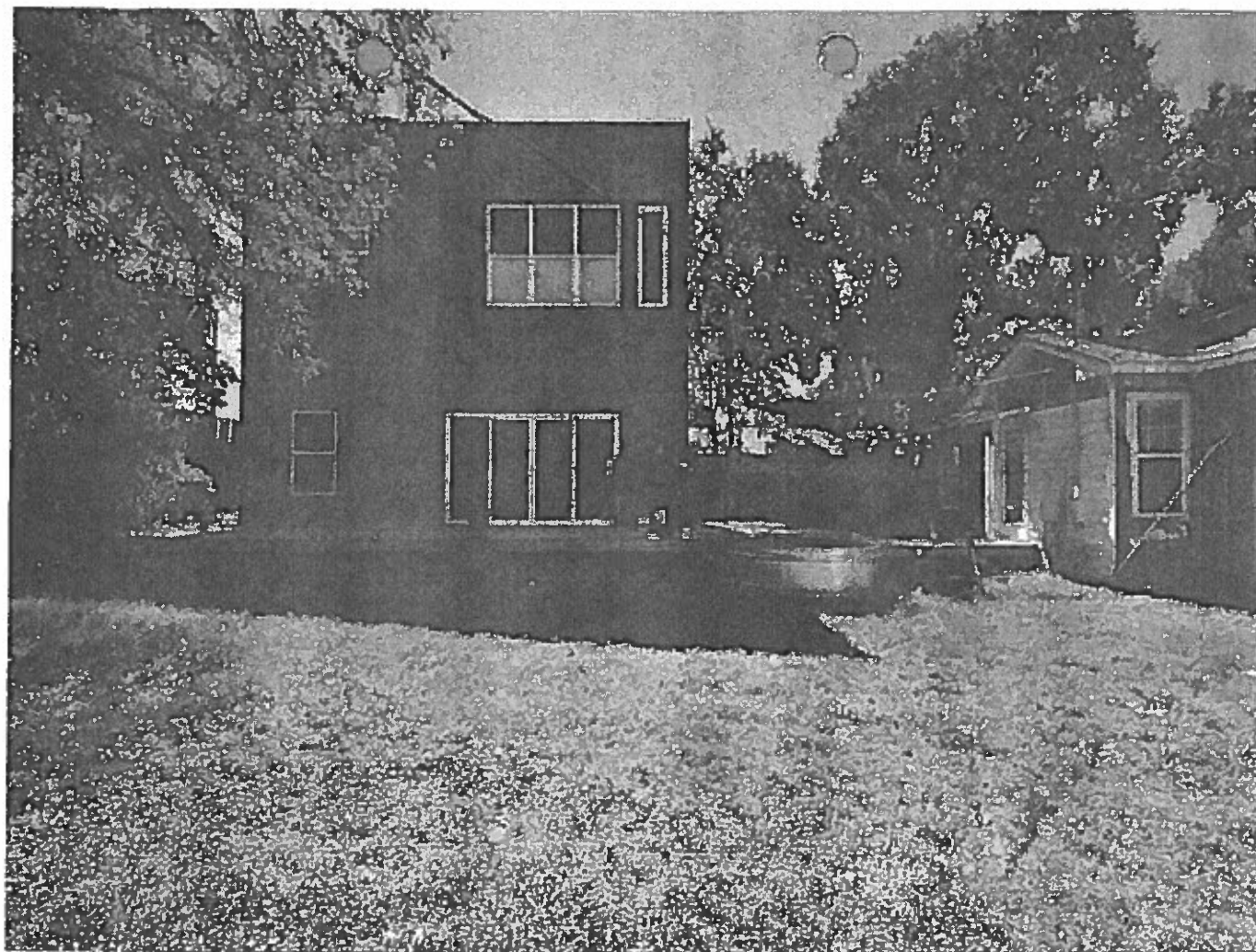
FAX _____

Telephone _____

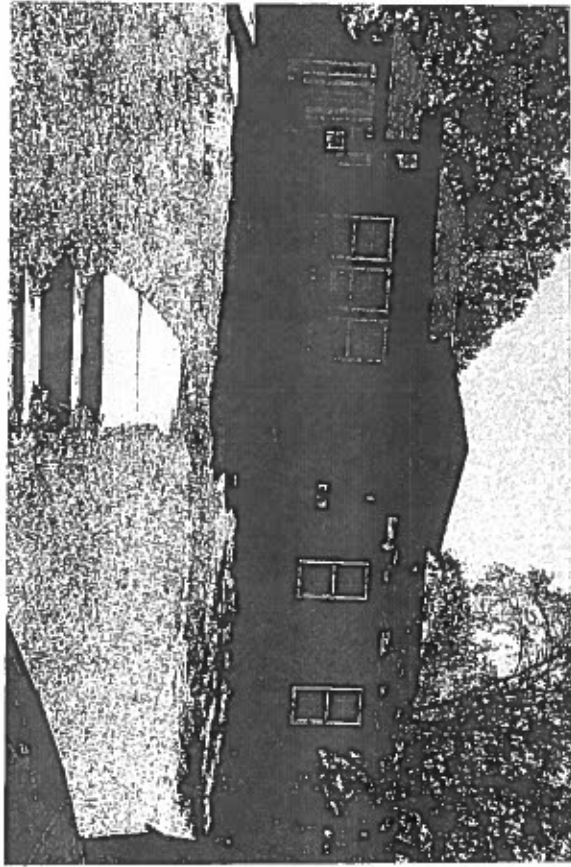
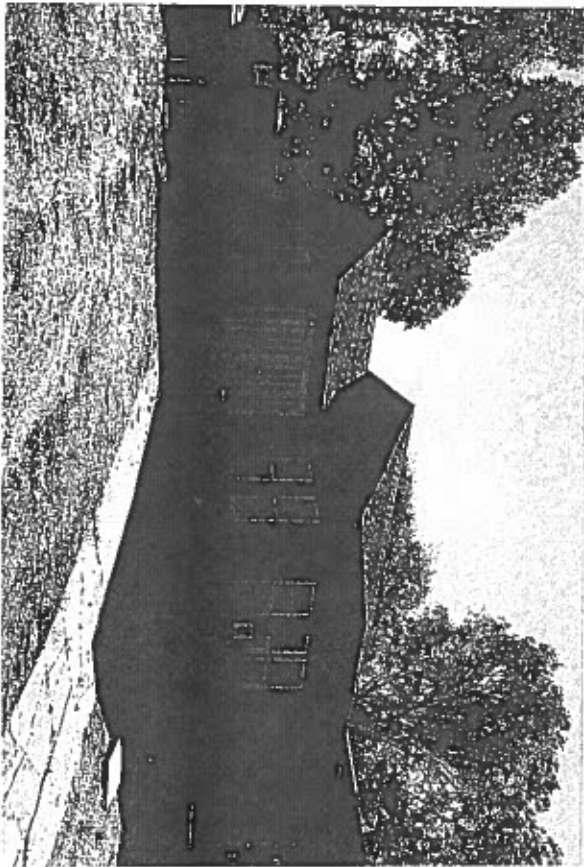
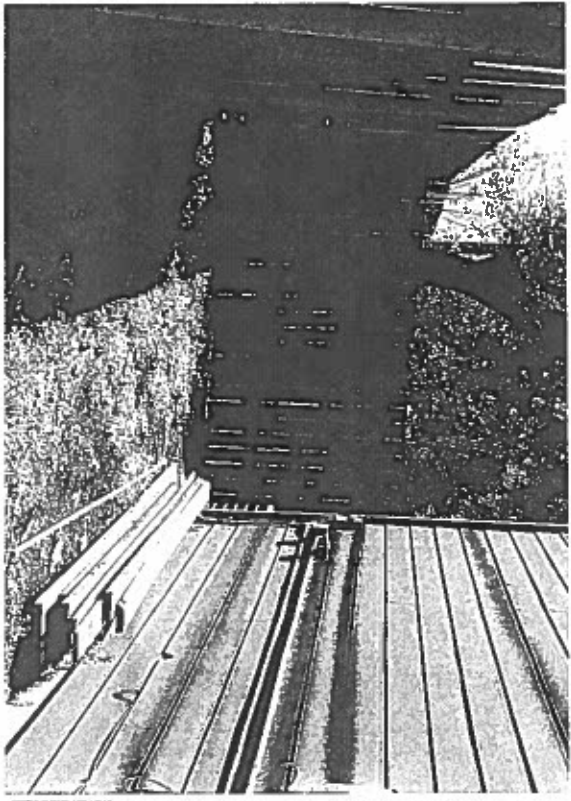
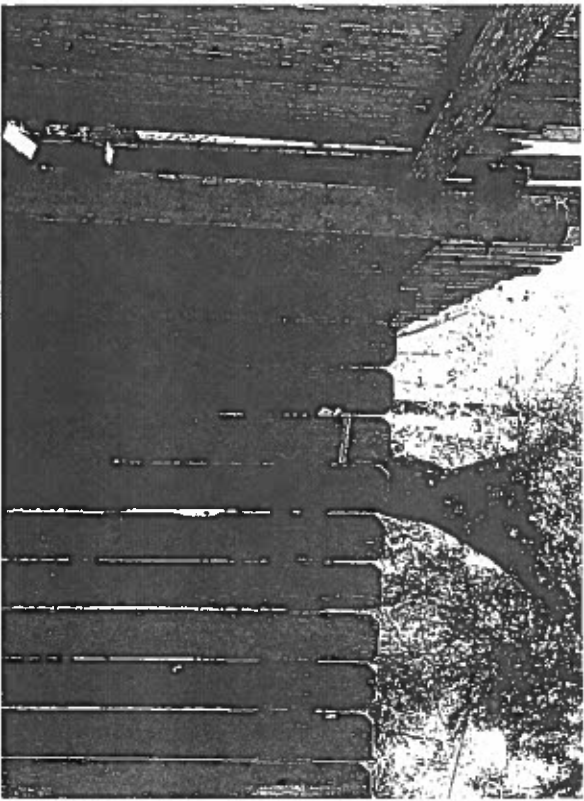
CERTIFICATE
OF
OCCUPANCYName Ed NapolieelloTelephone 748 1424Address 2529 Winsted Ln.City Austin ST TX ZIP 78

If you would like to be notified when your application is approved, please select the method:

☐ telephone☒ e-mail:ede.biaskyshade.comYou may check the status of this application at www.ci.austin.tx.us/development/pieriv.html

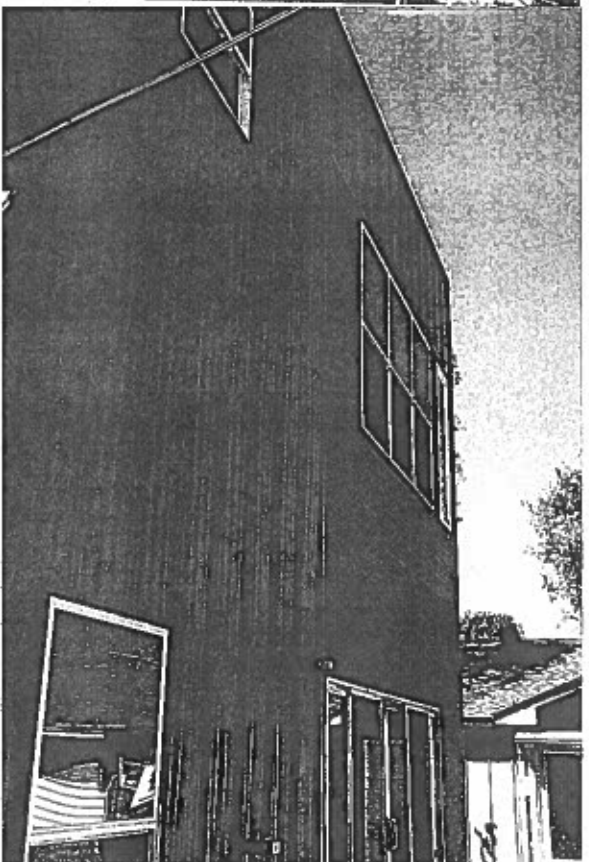
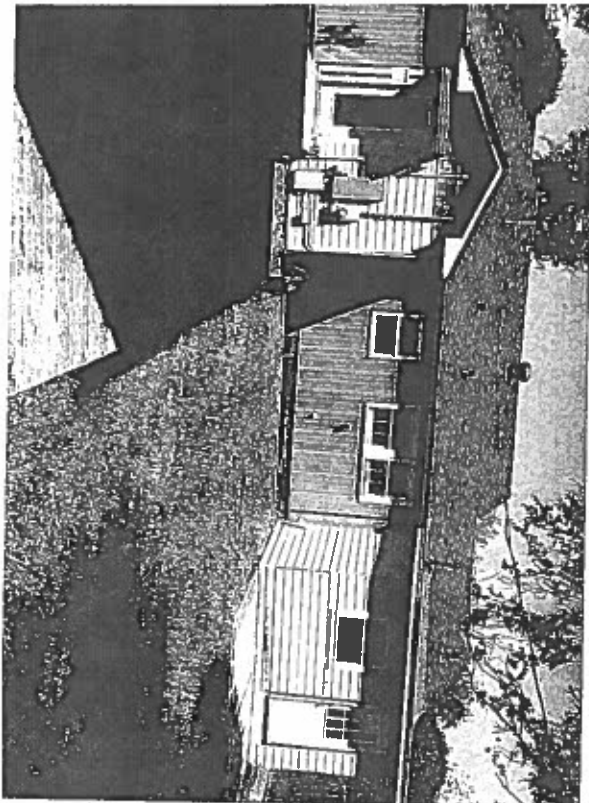
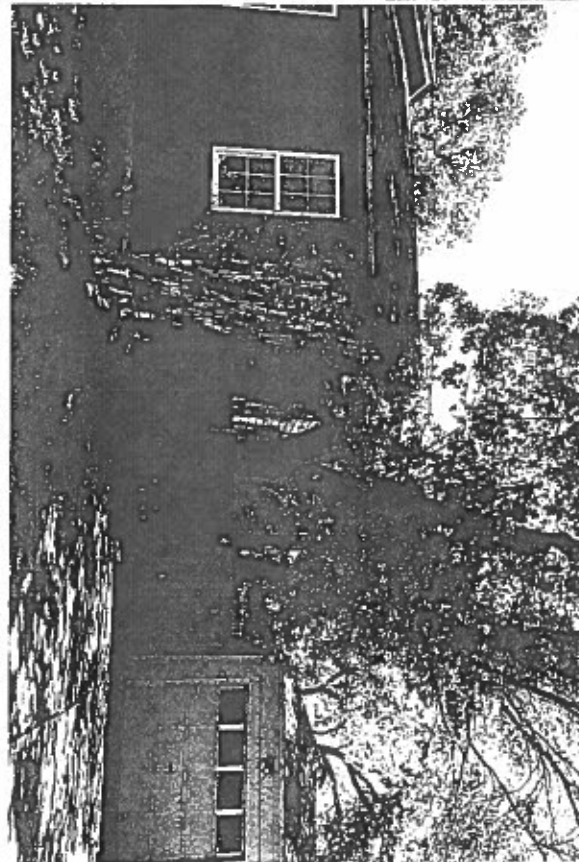


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18

15/61



5/2

