

C15-2016-0061



Appeal of
Special Exception
granted to
3104 E. 13th
Street
Austin, TX
On behalf of Petitioner,
Thomas Henderson
C15-2016-0061

We respectfully request a Rehearing in this case.

We have significant NEW evidence showing the building in question was significantly expanded in 2007 - 2009, without a permit, and does NOT meet the criteria for a special exception as granted on August 8, 2016.

The structure at issue was
not in existence for 10 years
between date of purchase
by applicant on 8/8/06 and
hearing 8/8/16

The existing structure was extended, remodeled and roof raised/replaced by 2009.

Work was done between approximately 2007 and 2009

With material changes,
criteria for the
mandatory exception
granted at the 8/8/2016
hearing are NOT met.



Photo of
Henderson home
with wash shed in
background top
left

Photo taken in 2003. Note
metal roof, open carport area
and storage area behind it.
James Rivers (L) and Thomas
Henderson (R) on front
porch.

Wash shed

From Google Images





MLS Photo posted May 11, 2006.

3104 E. 13th purchased 8/8/06

By applicant

Note identical roof line





Note identical roof line





Google Earth
2006
of
3104 E. 13th
Street
Austin, TX

Tin roof on wash shed /
carport



Google Earth 2009 of 3104 E. 13th Street Austin, TX

Note new structure and
new roof in 2009

April 2006

Carport at 3104 E 13th Street

Legend

📍 3104 E 13th St

📏 Line Measure 2008 back of out building to front of Henderson home

3104 E 13th St 3104 E 13th St

Feb 2009

Carport at 3104 E 13th Street

Legend

📍 3104 E 13th St

3104 E 13th St 3104 E 13th St

April 2008

Carport at 3104 E 13th Street

Legend

3104 E 13th St

Line Measure 2008 back of out building to front of Henderson home

3104 E 13th St 3104 E 13th St

Feb 2009

3104 E 13th St 3104 E 13th St



Apr 2006

3104 E 13th St 3104 E 13th St



Feb 2009

3104 E 13th St 3104 E 13th St

Special exception FALLS: This is NOT a building existing 10 or more years in its original form.

A new structure was built onto the old structure and was illegally improved without a permit from the City of Austin. New significantly raised roof is clearly evident.



2007 - 2009

Remodel started.
Carport removed,
siding placed on
former front of
shed, wall
expansion began,
new French doors
facing into yard.
Not a detached garage.
No access for a car

James Rivers assisted
applicant's husband in
removing materials from
the old shed for the
remodel in 2007 - 2009.

See Exhibit 3



This shows where the roof was raised from the original roof on the shed, at the point where the vertical metal is attached to the horizontal siding.

Access points for multiple power extension cords from the house, satellite for TV and a large AC unit.



Ronald Hunter lived next door to the applicant's house since the 1970's and remembers the 2007 - 2009 remodel of the shed.

[See Exhibit 4](#)

Property line

Distance between Mr.
Henderson's fence and
building in violation of
5' setback
3104 and 3106 E. 13th
Street



Property line

Distance between Mr.
Henderson's fence and
building in violation of
5' setback

3104 and 3106 E. 13th
Street



*Mr. Henderson's fence from his
yard*







*New fence construction from Mr.
Henderson's yard*

MLS Listings for this home:

5 of 6 say **NO** garage

Sellers Disclosure refers to a "leaky roof" on storage building

Sworn Seller's 2006
disclosure's statement to
applicant: **NO GARAGE.**
NO CARPORT.

Consequence of false statement on Seller's
Disclosure Statement is cause of action for fraud.

Sworn Seller's 2006
disclosure's statement to
applicant: **"Detached
storage building roof
leaks in heavy rains in
certain areas."**

Consequence of false statement on Seller's
Disclosure Statement is cause of action for fraud.

Applicant fixed the leaky
roof.
Without a permit.

(He thought you wouldn't
notice.)

Applicant expanded the size of the storage shed x 2 - 3. And then enclosed it.

Moving the nonconforming building even closer to the property line.

The only remedy sought by
Mr. Henderson is a 5 foot
easement on all buildings at
3104 E. 13th Street.

We respectfully request the opportunity to present the new evidence we have in a rehearing to the Board on September 28, 2016.

Thank you.