







-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**NOTIFICATIONS**

CASE#: C15-2016-0102  
LOCATION: 402 W. Annie Street



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" = 123'



## CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

Special Exception

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 # CL5-2016-0102 ROW # 11602040

Tax # 04 0000 317  
TCA#

#### Section 1: Applicant Statement

Street Address: 402 W. Annie St.

Subdivision Legal Description:

Lot 12 less 10' Block 3B Newning's Warriors  
Subdivision

Lot(s): 12, less 10'

Block(s):

Outlot:

Division:

Zoning District: SF-3 (Boulder) - NP

\* I/We Susan Brewer on behalf of myself/ourselves as  
authorized agent for Teresa Elliott affirm that on  
Month Select Sept., Day Select 8, Year Select 16, 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: Separate Residential Structure with no  
year set back

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

Section 25-2-492D

12/13

## 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

### 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

12/4

### 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

### 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: \_\_\_\_\_

Applicant Name (typed or printed): \_\_\_\_\_

Applicant Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

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: Teresa C. Elliott Date: 9-8-16

Owner Name (typed or printed): Teresa C. Elliott

Owner Mailing Address: 901 Avondale Rd.

City: Austin State: TX Zip: 78704

Phone (will be public information): 512-560-9870

Email (optional – will be public information): elliott.teresa@att.net

### Section 5: Agent Information

Agent Name: Susan Brewer

Agent Mailing Address: 3400 Thomas Kincheau St

City: Austin State: TX Zip: 78745

Phone (will be public information): 512 657 4423

Email (optional – will be public information): atxsusana@gmail.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).

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; 2017

(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.

1/6



CL5-2016-0102

K1  
GA

## SPECIAL EXCEPTION INSPECTION

Address:	402 W Annie St.
Permit Number:	2016-115282
Property Owner Requesting Special Exception:	Teresa Elliot

**Special Exception Requested:**

Rear setback encroachment of accessory dwelling

Date Structure was originally constructed: COA GIS verified to exist in 2003

Date of Inspection:	9-22-2016
Building Official or designated representative	Tony Hernandez
<b>X</b>	<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> <p>1. Smoke detector system to 2012 code required</p>
	<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> <p>1.</p>








402 W. Annie

CITY OF AUSTIN DEVELOPMENT WEB MAP

2003 Aerial



Legend

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

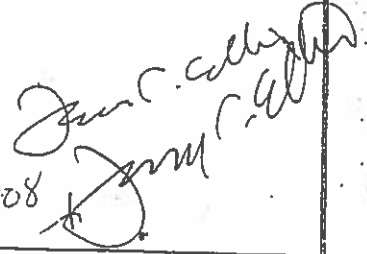
JK

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14664-08-00173  
JOB # 02-0807

JOB # 02-0807



N75°00'00"W 100.00' (100.00')  
(Held To Held Bearing Basis)

*Donald M. Cookston*  
Donald M. Cookston  
Registered Professional Land Surveyor, No. 4733

VARIABLE WIDTH WASTEWATER EASEMENT  
DOC. NO. 2005225731, O.P.R.T.C.T.

LOT 17

LOT 18

LOT 19

1/2" IRF BEARS  
S 57° 43' E 1.2'

S 60° 00' 00" E 50.00'

FENCE CORNER BEARS  
S 77° 32' E 1.8'

ONE STORY  
FRAME

IMPERVIOUS COVERAGE =  
0.084 AC  
3867.82 SQ. FEET  
58.10% COVERAGE

LOT 13

LOT 11

TWO STORY  
FRAME RESIDENCE  
402 W. ANNIE STREET

LOT 12, BLOCK 3-B  
C. A. HEWNING'S AND  
GEO. WARNER'S SUBDIVISION  
OF BLOCKS 3-B AND 4-B  
SWISHER ADDITION

N 60° 00' 00" W 50.00'

CITY OF AUSTIN  
VOL. 2146, PG. 409, D.R.T.C.T.

W. ANNIE STREET

LEGEND:

—●— WIRE FENCE	ASPHALT
—●— CHAINLINK FENCE	CONCRETE
—●— WROUGHT IRON FENCE	GRAVEL
—●— WOOD FENCE	TILE
—●— VINYL FENCE	WOOD
—●— ELECTRIC LINE	BRICK
CM = GAS METER	STONE
EM = ELECTRIC METER	CM = CONTROLLING MONUMENT (WOOD) RAILROAD TIE
IRF = IRON PIPE FOUND	
IRF = IRON ROD FOUND	
IRF = IRON ROD SET	

NOTES:  
BEARINGS ARE ASSUMED.

CM 1/2" IRF 50.00' 1/2" IRF 100.00' CM 1/2" IRF 200.00'



SCALE: 1" = 20'

LEGAL DESCRIPTION:

BEING LOT 12, BLOCK 3-B, C. A. HEWNING'S AND GEO. WARNER'S SUBDIVISION OF BLOCKS 3-B AND 4-B, SWISHER ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 1, PAGE 83, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAYE AND EXCEPT THE SOUTH 10' CONVEYED TO THE CITY OF AUSTIN BY DEED RECORDED IN VOLUME 2146, PAGE 409, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

SURVEYOR'S CERTIFICATION:

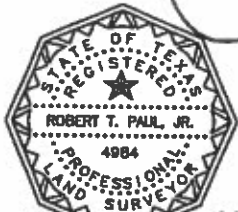
THIS IS TO CERTIFY THAT ON THIS DATE A SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION AND REFLECTS A TRUE AND CORRECT REPRESENTATION OF THE DIMENSIONS AND CALLS OF PROPERTY LINES AND LOCATION AND TYPE OF IMPROVEMENTS, THERE ARE NO VISIBLE AND APPARENT EASEMENTS, CONFLICTS, INTRUSIONS OR PROTRUSIONS, EXCEPT AS SHOWN, THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS FOR THE EXCLUSIVE USE OF THE HEREON NAMED PURCHASER, MORTGAGE COMPANY, AND TITLE COMPANY ONLY AND THIS SURVEY IS MADE PURSUANT TO THAT CERTAIN TITLE COMMITMENT UNDER THE GF NUMBER SHOWN HEREON, PROVIDED BY THE TITLE COMPANY NAMED HEREON AND THAT THIS DATE, THE EASEMENTS, RIGHTS OF WAY, OR OTHER LOCATABLE MATTERS OF RECORD THAT THE UNDERSIGNED HAS KNOWLEDGE OR HAS BEEN ADVISED ARE AS SHOWN OR NOTED HEREON. THIS SURVEY IS SUBJECT TO ANY AND ALL COVENANTS AND RESTRICTIONS PERTAINING TO THE RECORDED PLAT REFERENCED HEREON.

GF. NO.	14884-15-01954
BORROWER	PETER A. SINGLER
TECH	TAG
FIELD	RC

FLOOD INFORMATION:  
THE SUBJECT PROPERTY DOES NOT APPEAR TO LIE WITHIN THE LIMITS OF A 100-YEAR FLOOD HAZARD ZONE ACCORDING TO THE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND HAS A ZONE "X" RATING AS SHOWN BY MAP NO. 48453C0585 H, DATED SEPTEMBER 28, 2008.

DATE: 09/19/18 JOB NO.: 18-07329  
FIELD: 09/14/18 REVISED: 09/21/18

402 W. ANNIE STREET, AUSTIN, TX 78704



Robert T. Paul, Jr.  
Registered Professional Land Surveyor

Premier

5700 W. Plano Parkway  
Suite 2700  
Plano, Texas 75093  
972.612.3601 Office | 972.964.7021 Fax  
www.premiersurveying.com

DATE: \_\_\_\_\_  
ACCEPTED BY: \_\_\_\_\_




Premier  
Surveying LLC

5700 W. Plano Parkway  
Suite 2700  
Plano, Texas 75093  
Office: 972-612-3601  
Fax: 972-964-7021  
Firm Registration No. 16146200

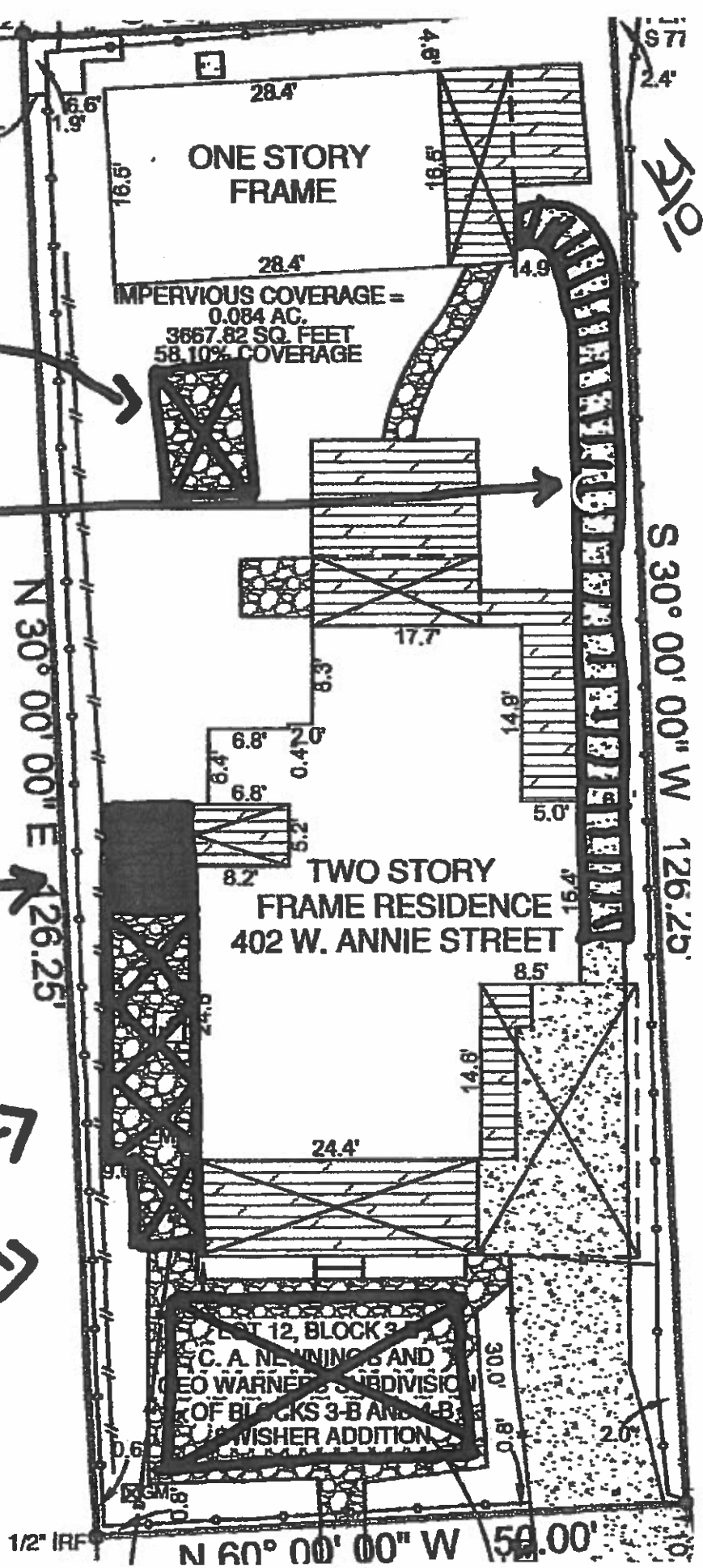
**VARIABLE WIDTH WASTEWATER EASEMENT**  
**DOC. NO. 2005225731, O.P.R.T.C.T.**

☒ Remove Pavers

 Demolish + remove  
concrete walkway

**Remove building (shed)**

☒ Remove Pavers  
or Blocks



~~EL~~ C15-2016-0102