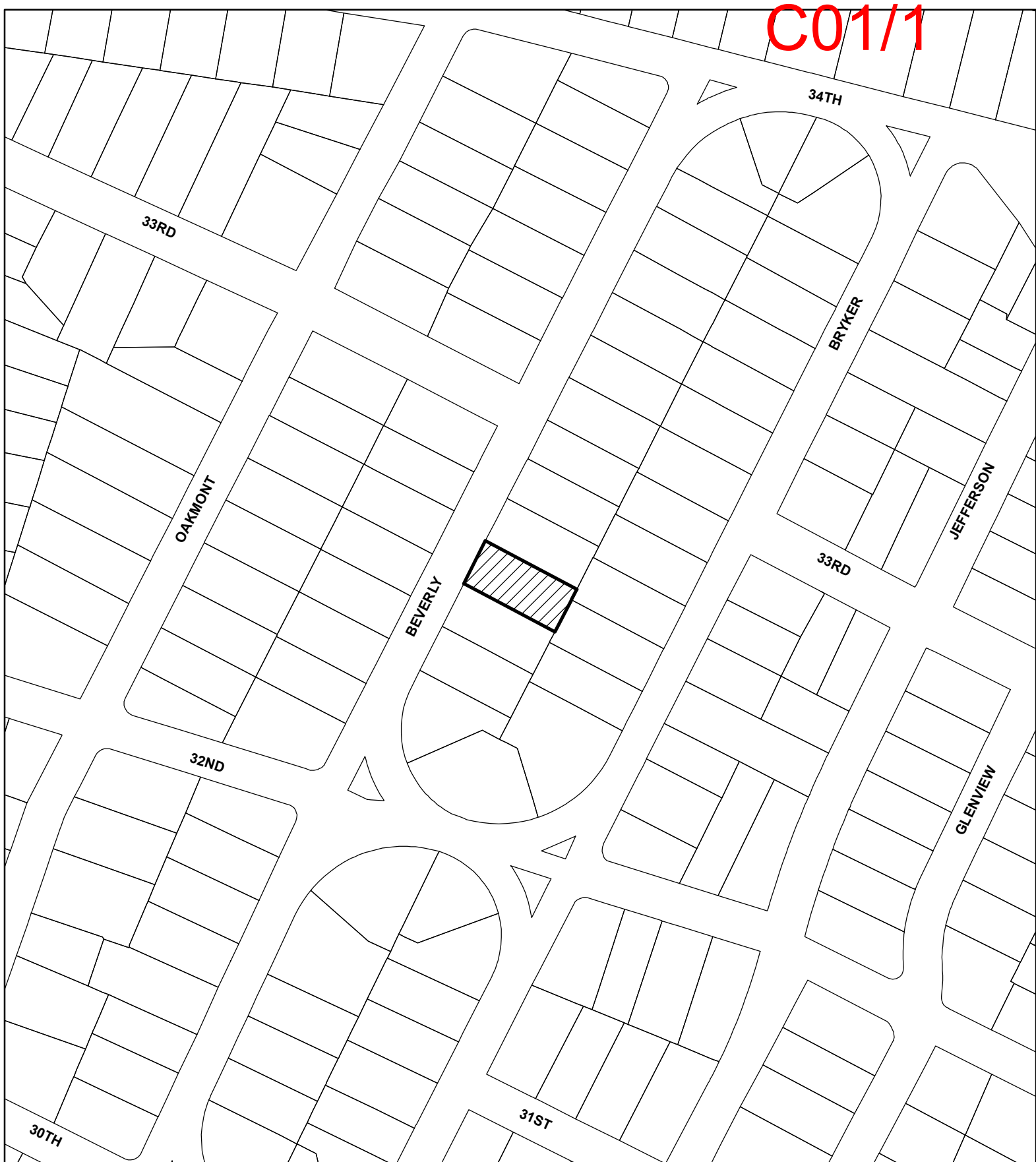


C01/1



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2017-0035
LOCATION: 3207 Beverly Road



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" = 159'



Special Exception

C01/2

CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

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 # C01-2017-0035 ROW # 11739299 Tax # 0120011004
TCAD

Section 1: Applicant Statement

Street Address: 3207 Beverly Rd.

Subdivision Legal Description:

LOT 12 BLK 4 BRYKERWOODS E

Lot(s): 12

Block(s): 4

Outlot: _____

Division: _____

Zoning District: SF3 - NP(Windsor Road)

I/We David Cancialosi/Permit Partners, LLC

on behalf of myself/ourselves as

authorized agent for Kiki Osterman

affirm that on

Month May

, Day 31

, Year 2017

, 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: Detached Accessory Structure

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

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

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:

Special Exception

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:

Special Exception

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

Special Exception

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

Special Exception

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: [Signature] Date: 5/31/17

Applicant Name (typed or printed): David Cancialosi

Applicant Mailing Address: 105 W. Riverside Dr. Ste 225

City: Austin State: TX Zip: 78704

Phone (will be public information): 512-593-5361

Email (optional – will be public information): david@permit-partners.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: [Signature] Date: 5/31/17

Owner Name (typed or printed): Kiki Osterman

Owner Mailing Address: 3207 Beverly Rd.

City: Austin State: TX Zip: 78703

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: David Cancialosi

Agent Mailing Address: 105 W. Riverside Dr. Ste 225

City: Austin State: TX Zip: 78704

Phone (will be public information): 512-593-5361

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).

This application requests the Board to utilize its authority as stated in LDC 25-2-476(B)(3)(a)(ii) to ~~allow the aforementioned property to maintain a detached accessory structure erected in 1941 which has maintained the same footprint encroaching 1.5' into the rear setback and 1.5' into the side setback.~~

Additional Space (continued)

The building was originally constructed as garage and storage in 1941. The city then issued permit approval and Certificate of Occupancy for a Change of Use for "Remodel and Addition to Existing Residence to Create Duplex, 313 SF." That CO was issued 9/21/73.

The City then issued building permit #160506 on 11/9/76 for "Remodel Accessory Building to Create Storage." (On 8/6/74 the City recognized the 313 SF duplex use via Framing Inspection.) We believe this permit was for a small storage closet which is accessed from the exterior and is used to store typical lawn tools. We do not believe it was utilized to convert the duplex to a non-habitable unit.

Thus, the current owner has maintained the detached accessory dwelling unit with storage closet since it was her understanding that the unit was legal due to it being converted via the 9/21/73 permit.

However, the property owner has recently removed the kitchen sink in order to clear what we believe is an erroneous Notice of Violation issued by Code Compliance for no C.O. The building now has a full bath only.

The applicant only asks the Board to consider the building's original footprint, which has not changed since 1941. Included in this packet is a copy of aforementioned permit approvals, CO's, 1994 survey, 2003 and 2006 aerials, as well as 2012 COA GIS aerial.

Should the Board grant this request, the applicant is prepared to seek a partial PUE vacation of 68 SF (which existed at the time of 1970's permit approvals), along the side and rear portions of the building.

SAVE

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.



SPECIAL EXCEPTION INSPECTION



Address:	3207 Beverly
Permit Number:	2017-036488
Property Owner Requesting Special Exception:	David & Kiki Osterman

Special Exception Requested:

Detached Accessory unit encroaching on Side yard Set Back.

Date Structure was originally constructed: Aerial Shows to exist 1997

Date of Inspection:	6/5/2017
Building Official or designated representative	Richard C. Anderson
X	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 providing Plumbing permit and inspection are completed to ensure that the t/p is piped to exterior and that all corrections to the plumbing at exterior left run for sink/washer box or remove work.
	<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. 2. 3. 4.

C01/9

JUNE 26, 1994

SURVEY PLAT

REFERENCE: MICHEL

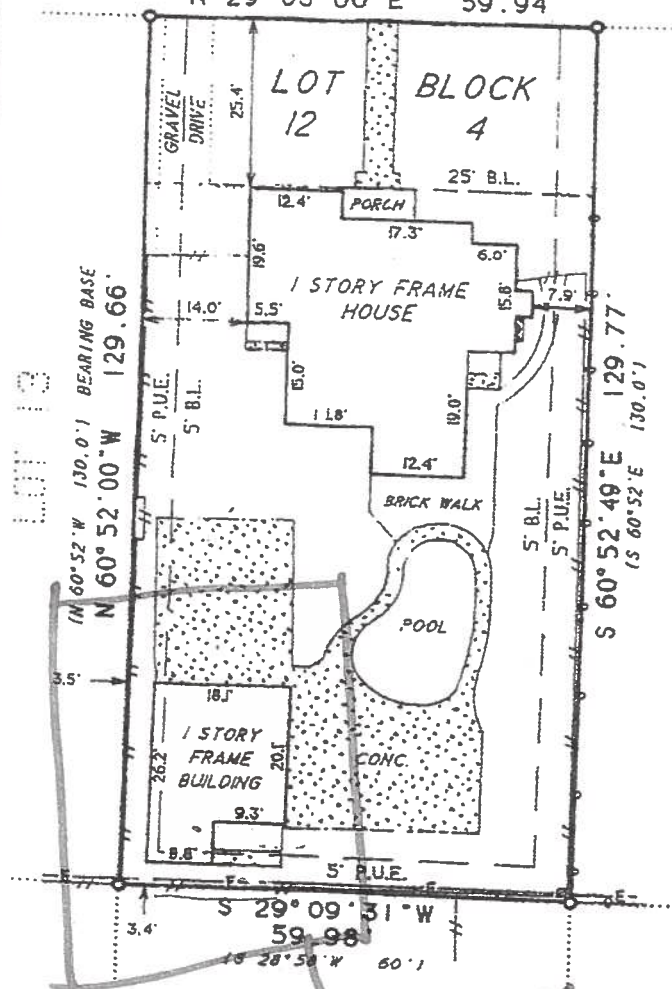
LEGAL DESCRIPTION: LOT 12, BLOCK 4, BRYKER WOODS "E", AN ADDITION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 4, PAGE 104. PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALSO LOCALLY KNOWN AS 3207 BEVERLY ROAD, AUSTIN, TEXAS.

BEVERLY ROAD

(150' R.O.W.)

IN 28°58'E 60'

N 29°03'00"E 59.94'



SCALE 1" = 20'

LEGEND

- 1/2" IRON PIPE FOUND
- WOOD FENCE
- o- CHAIN LINK FENCE
- U UTILITY POLE
- E- AERIAL UTIL. LINES
- () RECORD COURSES

NOTES

ALL BUILDING SETBACK LINES AND THE 5' P.U.E. ALONG THE SIDE AND REAR LOT LINES ARE RECORDED IN BOOK 4, PG. 104. PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

EXCLUSIVELY TO THE LIEN HOLDERS AND THE OWNERS OF THE PREMISES SURVEYED AND TO GRACY TITLE COMPANY PER OF NO. 94051314-LM (5/2/94).

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT; THAT THERE ARE NO APPARENT DISCREPANCIES, ENCRoACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY ADJOINS A DEDICATED ROADWAY. THE ABOVE LEGALLY DESCRIBED PROPERTY IS IN ZONE X AND IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 49453C0205 E DATED JUNE 16, 1993.



ROBERT M. BARCOMB, R.P.L.S. NO. 4772

↓ **ARPENTEURS**
PROFESSIONAL SURVEYING

8101 CAMERON ROAD
SUITE 100



City of Austin BUILDING PERMIT

C01/10

PERMIT NO: 2017-036488-BP

3207 BEVERLY RD

Type: RESIDENTIAL

Status: Active

Issue Date: 03/31/2017

EXPIRY DATE: 09/27/2017

LEGAL DESCRIPTION

LOT 12 BLK 4 BRYKERWOODS E

SITE APPROVAL

ZONING

PROPOSED OCCUPANCY:

WORK PERMITTED: Life Safety

Life safety for special exception detached accessory unit.

ISSUED BY: Maria Hernandez Jaramillo

TOTAL SQFT

New/Addn: 379

VALUATION

Tot Val Rem:

\$.00

Tot Job Val:

\$.00

TYPE CONST.

USE CAT.

GROUP

FLOORS

UNITS

OF PKG SPACES

435

1

1

TOTAL BLDG. COVERAGE

% COVERAGE

TOTAL IMPERVIOUS COVERAGE

% COVERAGE

OF BATHROOMS

METER SIZE

Contact

Applicant, Mindy Briggs, Permit Partners, LLC
Billed To, Mindy Briggs, Permit Partners, LLC

Phone

(512) 593-5361

(512) 593-5361

Contact

Owner, OSTERMAN DAVID W & KIKI
General Contractor, Kiki Osterman

Phone

() -

(903) 821-0077

Fee Desc

Building Permit Fee

Fees Total:

Amount

Date

Fee Desc

200.00 3/31/2017

Development Services Surchar

Amount

Date

Fee Desc

8.00 3/31/2017

Amount

Date

208.00

Inspection Requirements

Building Inspection

Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License
Easement Approved By COA Authorizing Use Of The Easement.
City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection.
"Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

Following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments

Approval of this permit DOES NOT constitute the approval of the setbacks, two-family use, or parking. The Life/ Safety inspection is required prior to the BOA amnesty variance
Noting as a condition of the special exception ordinance 2011 0526-099 City Code Section 25-1-212

Applying Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True
And That The Work Will Conform To The Plans And Specification Submitted Herewith.



City of Austin
BUILDING PERMIT

C01/11

PERMIT NO: 2017-036488-BP

Type: RESIDENTIAL Status: Active

3207 BEVERLY RD

Issue Date: 03/31/2017 EXPIRY DATE: 09/27/2017

LEGAL DESCRIPTION LOT 12 BLK 4 BRYKERWOODS E	SITE APPROVAL	ZONING
---	---------------	--------

PROPOSED OCCUPANCY: WORK PERMITTED: Life Safety ISSUED BY: Maria Hernandez Jaramillo

Life safety for special exception detached accessory unit.

TOTAL SQFT New/Addn: 379	VALUATION Tot Val Rem: \$.00 Tot Job Val: \$.00	TYPE CONST.	USE CAT. 435	GROUP	FLOORS 1	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS	METER SIZE		

Type	Date	Status	Comments	Inspector
100 Bldg Pre-Construction		Open		Wes Buckner
112 Final Building		Open		Wes Buckner
Deficiencies		Open		Wes Buckner

Pin #
5585212

Kelly Mc/ Adams

3207 Beverly Rd.

208

4

12

Brykerwood E

Frame Res & Frame Garage & Store Room

21492 - 3-24-41

5

C01/12

8/18/2016



REISSUED
CERTIFICATE OF OCCUPANCY

PLANNING DEVELOPMENT REVIEW DEPARTMENT
CITY OF AUSTIN, TEXAS

BUILDING PERMIT NO. 160506

ORIGINAL DATE: NOVEMBER 9TH, 1976

LEGAL DESCRIPTION AS ON ORIGINAL DOCUMENT: BRYKER WOODS

ZONING: RESIDENTIAL

THIS IS TO CERTIFY THAT, THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED BELOW WAS INSPECTED AT THE TIME OF THE ORIGINAL DATE FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR USE LISTED BELOW.

ADDRESS: 3207 Beverly Rd.

USE: STORAGE (BUILT AS A GARAGE IN 1941)

OWNER/BUILDER: RAYMOND SANCHEZ

REMARKS: REMODEL EXISTING ACC BLDG TO CREATE STORAGE

Carl Wren, Building Official

BY:

CW Mitchell

PLEASE NOTICE

'NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION, OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISES, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISES.

THE CITY OF AUSTIN DOES NOT ASSUME ANY RESPONSIBILITY OR LIABILITY BY REASON OF THE INSPECTION, OR REINSPECTION, OF THE PREMISES; OR THE ISSUANCE OF THIS "CERTIFICATE OF OCCUPANCY"; OR BY REASON OF ANY APPROVAL OR DISAPPROVAL.'

ER Raymond Sanchez ADDRESS 3207 Beverly Rd.

T 208 LOT 12 BLK 4

DIVISION Brykerwoods

MUNICIPALITY Duplex

PERMIT # 138441

OWNERS

DATE 9-21-73

ESTIMATE \$1200.00

TRACTOR Owner

NO. OF FIXTURES yes

SEWER TAP REC # exist

SEWER TAP REC # exist

Remodel addn to exist res. to create duplex 313

Sq. Ft.

#144038 7-22-74 R. J. Sanchez Private

Swimming Pool 278 Sq. Ft. 2995.00 Naco Swm.

C01/14

8/18/2016



REISSUED
CERTIFICATE OF OCCUPANCY

PLANNING DEVELOPMENT REVIEW DEPARTMENT
CITY OF AUSTIN, TEXAS

BUILDING PERMIT NO. 138441

ORIGINAL DATE: SEPTEMBER 21, 1973

LEGAL DESCRIPTION AS ON ORIGINAL DOCUMENT: BRYKERWOODS

ZONING: RESIDENTIAL

THIS IS TO CERTIFY THAT, THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED BELOW WAS INSPECTED AT THE TIME OF THE ORIGINAL DATE FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR USE LISTED BELOW.

ADDRESS: 3207 Beverly Rd.

USE: RESIDENCE

OWNER/BUILDER: RAYMOND SANCHEZ

REMARKS: REMODEL AND ADDN TO EXIST RES. TO CREATE DUPLEX

Carl Wren, Building Official

BY:

GW Mitchell

PLEASE NOTICE

'NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION, OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISES, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISES.

THE CITY OF AUSTIN DOES NOT ASSUME ANY RESPONSIBILITY OR LIABILITY BY REASON OF THE INSPECTION, OR REINSPECTION, OF THE PREMISES; OR THE ISSUANCE OF THIS "CERTIFICATE OF OCCUPANCY"; OR BY REASON OF ANY APPROVAL OR DISAPPROVAL.'

10-1-84 RTMS / Fee
NER Raymond Sanchez ADDRESS 3207 Beverly Rd.

AT 208 LOT 12

BLK

BDIVISION Bryker Woods

CUPANCY Storage

D PERMIT # 160506

OWNERS

DATE 11-9-76

ESTIMATE 50.00

~~BA~~ CONTRACTOR Glen Const.

NO. OF FIXTURES

PER TAP REC #

SEWER TAP REC #

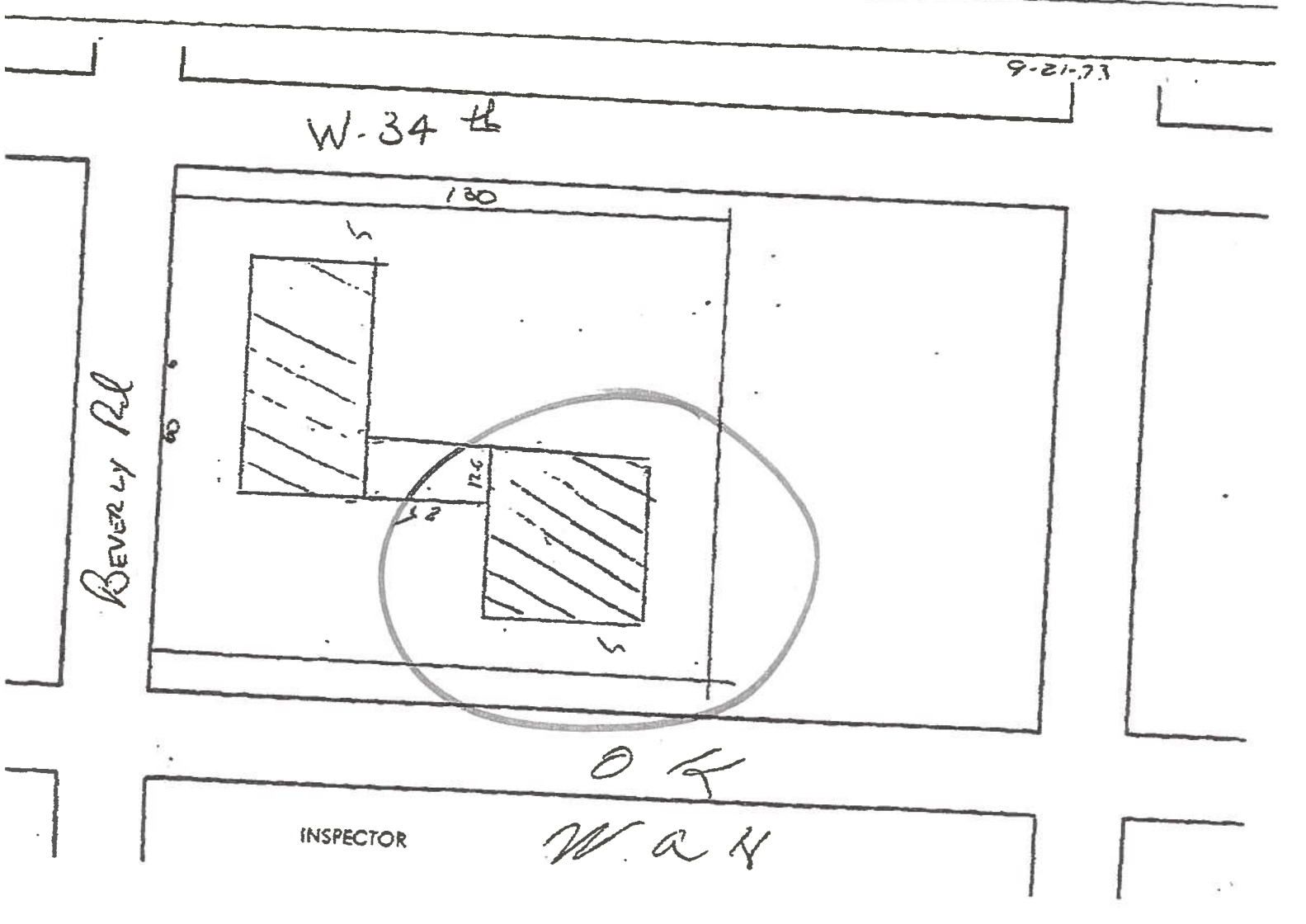
Remodel existing acc bldg to create storage

C01/16

ADDRESS: 3207 BEVERLY
LOT: 12
BLOCK 4
SUB. Bryken Woods
PERMIT 15-441
PLAT 208
C01/17

FIRE ZONE 3		USE DIST: A+1 ST		OCCUPANCY: Removal of shed to exist as to garage			
LAYOUT		FRAMING		FINAL		ROOF OVERHANG	
PRINC. BLDG.	ACC. BLDG.	PRINC. BLDG.	ACC. BLDG.	PRINC. BLDG.	ACC. BLDG.	PRINC. BLDG.	
FOUNDATION		FLOOR JOIST SIZE & O.C.		NECESSARY BLDG. CONN.		ACC. BLDG.	
SETBACK		CEILING JOIST SIZE & O.C.		ROOM VENTILATION		PAVED PARKING	
FENCE & N. SIDE YD.		STUD SIZE & O.C.		STAIRS REQ. & NO.			
EAST STREET RD		MASONRY WALL		ATTIC FIRE STOPS REQ.			

OWNER: Raymond Sanchez
12'6" x 25'
CONTRACTOR: 3130



2003



C01/18

2012

C01/19





CORRECTION NOTICE

Permit Address: 3207 BEVERLY RD

Permit Number

Inspector, phone, pager
& email

2017-036488-BP

Wes Buckner 512-207-0838
Wesley.Buckner@austintexas.gov

No.	Location	Inspection Type	Date	Deficiency	Comments
1		112 Final Building	06/05/2017	Plumbing permit and inspection required to complete t/p to exterior to code and correct plumbing at exterior left run for sink/washer box or remove work.	

C01/20

For General Assistance, Dial: 512-978-4000