

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet**

**DATE: Monday October 9, 2017**

**CASE NUMBER: C15-2017-0044**

☒ Y Brooke Bailey  
☒ Y William Burkhardt  
☒ Y Christopher Covo  
☒ Y Eric Goff  
☒ Y Melissa Hawthorne  
☒ Y Bryan King  
☒ Y Don Leighton-Burwell  
☒ Y Rahm McDaniel  
☒ Y Veronica Rivera  
☒ Y James Valadez  
☒ Y Michael Von Ohlen  
☐ - Kelly Blume (Alternate)  
☐ - Martha Gonzalez (Alternate)  
☐ - Pim Mayo (Alternate)

**OWNER/APPLICANT: Simha Behar**

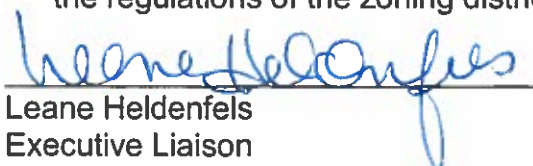
**ADDRESS: 1105 PLYMOUTH DR**

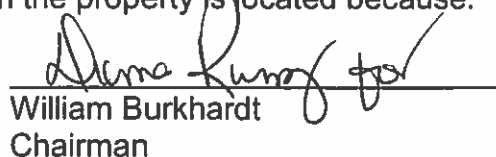
**VARIANCE REQUESTED:** The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the front yard setback from 25 feet (required) to 7 feet (requested, existing) in order to permit an existing carport built in 1997 to remain in a "SF-2", Family Residence zoning district.

**BOARD'S DECISION:** Oct 9, 2017 The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to November 13, 2017, Board Member Melissa Hawthorne second on a 11-0 vote; **POSTPONED TO NOVEMBER 13, 2017.**




**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



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**NOTIFICATIONS**

CASE#: C15-2017-0044  
LOCATION: 1105 Plymouth Drive



1" = 167'

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.



## CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

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### 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 #	<u>C15-2017-0044</u>	ROW #	<u>11774237</u>	Tax #	<u>0239131010</u>
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#### Section 1: Applicant Statement

Street Address: 1105 Plymouth DR. Austin Texas 78758

Subdivision Legal Description:

Jonestown Sec 3

Lot(s): 10

Block(s): F

Outlot:

Division:

Zoning District: SF-3-NPL North Austin Civic Assoc

I/We Simha Behar on behalf of myself/ourselves as  
authorized agent for \_\_\_\_\_ affirm that on

Month Select \_\_\_\_\_, Day Select \_\_\_\_\_, Year Select \_\_\_\_\_, hereby apply for a hearing before the  
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☒ Other: Existing

Type of Structure: Garport has been in the property for 20 yrs

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

Special exception

## 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:

I Do not have any other place in my lot to move the carport to

### Hardship

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

All OTHER HOUSES IN NEIGHBORHOOD HAVE GARAGE. WHEN HOME WAS PURCHASED IT DID NOT HAVE A GARAGE. CARPORT NECESSARY FOR WEATHER. MOST OF OTHER EXAMPLES PICTURED HAVE A DEDICATED GARAGE. SCHOOL ZONE - PEOPLE PARK IN FRONT OF HOME.

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

not all homes in the neighborhood has an enclosed garage like my house



**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:

**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:

NUMBER OF ON STREET PARKING REDUCED BECAUSE OF INCREASED TRAFFIC TO AREA. NEWLY IMPLEMENTED PAID PARKING IN NEIGHBORHOOD

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:

IT IS IN DRIVEWAY, NOT ON PLYMOUTH ST. DIRECTLY.

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

IT HAS BEEN ON PROPERTY SINCE 1997 WITHOUT ANY INCIDENTS

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: \_\_\_\_\_

Date: 6/02/2017

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

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

City: \_\_\_\_\_

State: TX

Zip: 78758

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: \_\_\_\_\_

Date: 6/02/2017

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

Owner Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

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

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).

the carport has been in the property for 20 yrs + is a necessity due to extreme heat & hell in Austin & damaging my car & increasing my Insurance liability. I also been adding 36 signatures of some neighbors that agreed with me keeping my carport & saying that

## Additional Space (continued)

my carport does not block the view.

there are another 41 carports on my next 10 streets of my neighborhood they all look alike.

my carport been for 20 yrs. at least, I have been taking care of the paint & minor repairs to keep looking in great condition.

I do not have Garage like some of my neighbors with carports; is a necessity to keep my carport & my car under some shade & protection.

the carport is on my driveway & far from the sidewalk 8 ft. +

I Really Really will appreciate from city of Austin to let me keep my carport like been there for this 20 yrs, I have paid the permissions \$355.00 & if I need to do any changes I will do just in order to keep.

- I Attached some pictures of my neighbors carports on my next streets.
- I Attached 36 signatures of my neighbors having not objection with my carport staying there
- I Attached 4 pictures of my carport
- I Attached addresses of some of many carports on my neighborhood.

Sincerely

Simha Behar

512 415 7203  
S. Behar. 2013@gmail.com

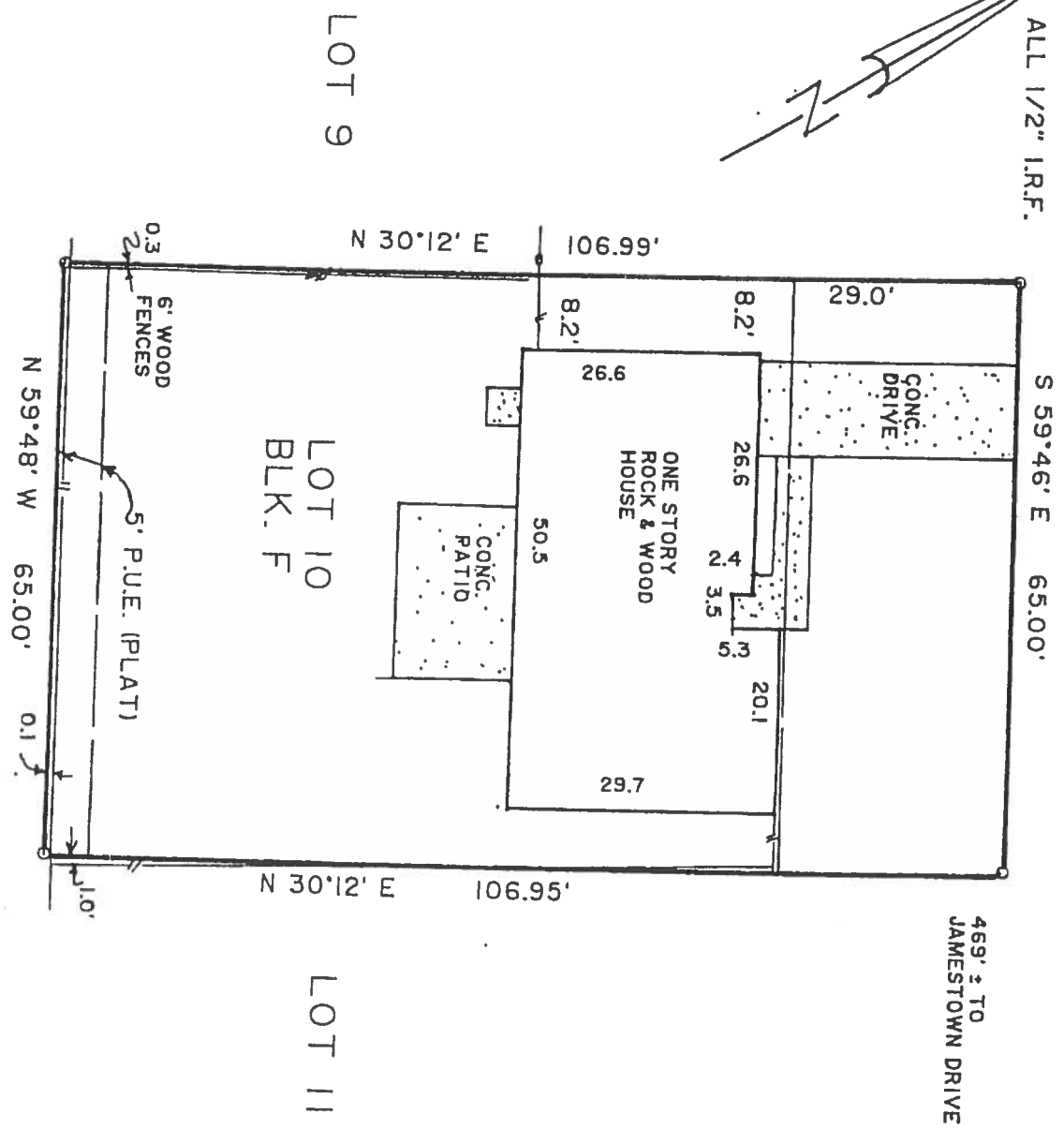
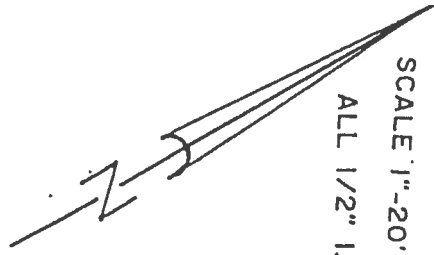
SAVE

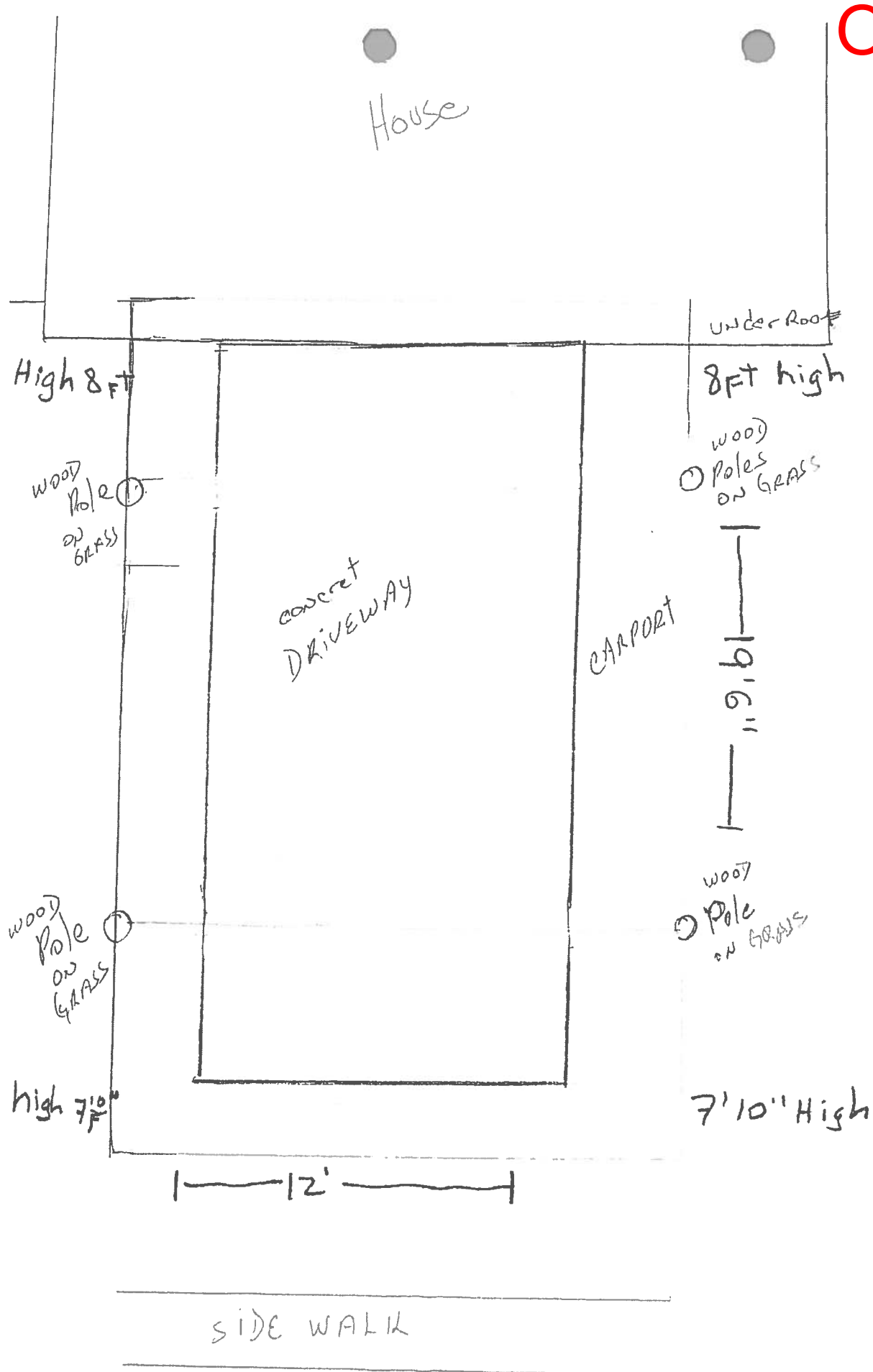
1105 PLYMOUTH DRIVE

(50' R-O-W)

SCALE 1"=20'

ALL 1/2" I.R.F.







O02/10





002/11





002/12







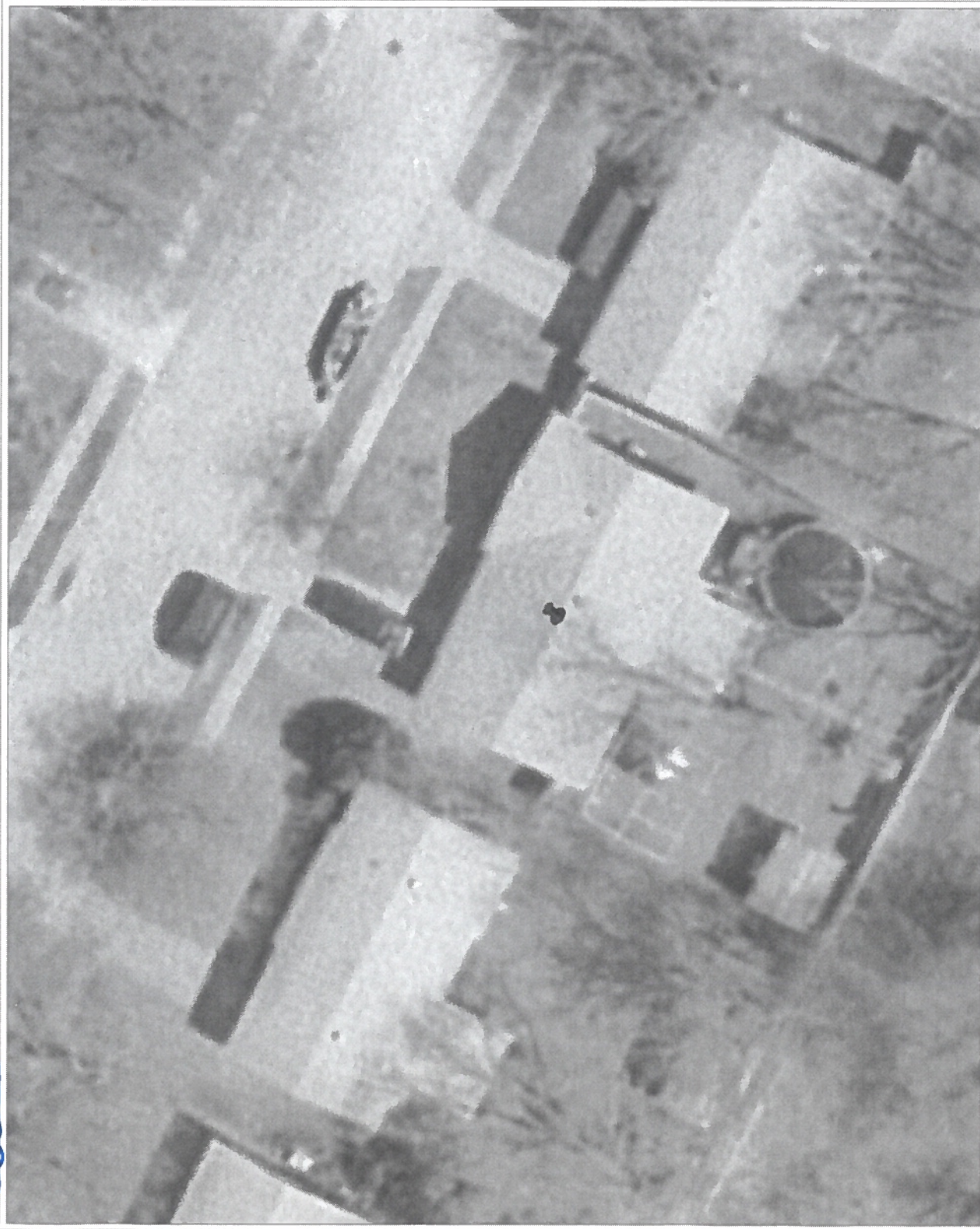


1997

Aerial

CITY OF AUSTIN DEVELOPMENT WEB MAP

1105 Plymouth



Legend

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

002/14

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.



2003  
~~2000~~ Aerial

CITY OF AUSTIN DEVELOPMENT WEB MAP

1105 Plymouth



Legend

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

002/15

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.



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002/23













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0001





I. Simha Behar am applying for a variance from the Board of Adjustment regarding Section 492.0 of the Land Development Code. The variance would allow me the ability to Retain carport in front set back  
has been for 20 years.

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
SHELLENBECK GLENN VAN	1106 Plymouth Dr. Austin TX 78758	[Signature] in permission





I, Simha Behar, am applying for a variance from the Board of Adjustment regarding Section 492 D of the Land Development Code. The variance would allow me the ability to Retain CARPORT in front set back  
has been for 20 years

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
MINOR JAMES W. & PAMELA R.	1105 ALDEN DR. AUSTIN TX 78758	<i>[Signature]</i> Pamela R. Minor




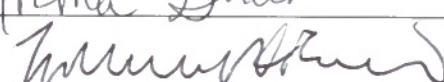

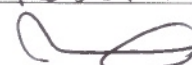
I, Simha Behar, am applying for a variance from the Board of Adjustment regarding Section 492 D of the Land Development Code. The variance would allow me the ability to Retain carport in front set back has been for 20 years

By signing this form, I understand that I am declaring my support for the variance being requested.

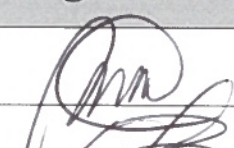

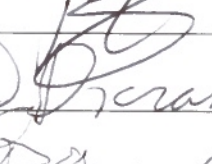


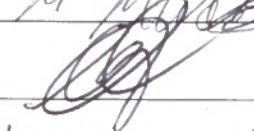
Property Owner Name (Printed)	Address	Signature
REISTRUP OLAF & JULIE	1006 COLONY NORTH DR AUSTIN TX 78758	



By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Brianna Salik	1110 Colony N. <sup>Austin TX</sup> 78758	
<del>Dorothy Foy</del> <del>A Dorothy Foy</del>	1100 " N.	Dorothy Foy
Norma Garlin	1001 " N.	Norma Garlin
Frederic A. Borton	8506 BRADFORD <sup>Austin TX</sup> 78758	
Ellis Galt JAND	8508 "	Ellis Galt
DAVID MENDOZA	1103 ALDEN <sup>Austin TX</sup> 78758	DAVID MENDOZA
Ruth A. Chandler	1105 Alden <sup>Austin TX</sup> 78758	
Robert Godwin	1107 Alden Dr.	Robert Godwin
STEPHEN J POLOFKA	1109 ALDEN DR	Stephen Polofka
Robert Llamas	1104 Alden dr	Robert Llamas
Quang Luu	1108 ALDEN DR.	

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
✓ Simha Behar	1105 Plymouth Dr <sup>Austin TX</sup> 78758	
✓ Wiliane Barros	1109 <del>Pl</del> Plymouth Dr	
X Ben Chesser	1113 <del>Pl</del> PLYMOUTH DR	
not needed A. D. Dieranian	1000 Plymouth	A. D. Dieranian
not needed Solene Frehok	1002 Aldan Dr	
not needed Maria Mendera	1002 Plymouth	
not needed Erika Garcia	1106 Plymouth Dr.	
not needed Juana Alvarez	1005 Plymouth Dr	Juana Alvarez
not needed M Calvo	1003 Plymouth Dr	M Calvo





I, Simha Behar, am applying for a variance from the Board of Adjustment regarding Section 492(D) of the Land Development Code. The variance would allow me the ability to retain carport in front setback, has been there for

By signing this form, I understand that I am declaring my support for the variance being requested.

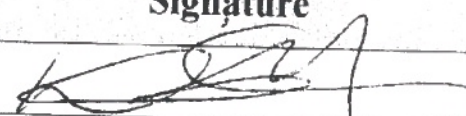
Property Owner Name (Printed)	Address	Signature
✓ David Krone	1008 Plymouth Dr. <sup>Austin</sup> 78758	<i>[Signature]</i>
✓ Mrs BRIDGES	1007 " "	<i>[Signature]</i>
✓ GUY SWENSON	1009 " "	<i>[Signature]</i>
✓ Billy Thomas	1100 " "	<i>[Signature]</i>
✓ Anne McConigle	1101 " "	<i>[Signature]</i>
✓ CORBIN HARWELL	1103 " "	<i>[Signature]</i>
✓ 506 Montclair	1104 " "	<i>[Signature]</i>





I, Simha Behar, am applying for a variance from the Board of Adjustment regarding Section 492D of the Land Development Code. The variance would allow me the ability to Retain carport in front set back  
has been for 20 years

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
GRAVES DEVRI	1113 PLYMOUTH DR Austin TX 78758	

\*



②

09/13/2017 15:04

5124529054



I, Simha Behar, am applying for a variance from the Board of Adjustment regarding Section 492.D of the Land Development Code. The variance would allow me the ability to Retain carport in front set back has been for 20 years

By signing this form, I understand that I am declaring my support for the variance being requested.

② ✓

Property Owner Name (Printed)	Address	Signature
Peck Melissa J	1111 Plymouth Dr. Austin TX 78758	Melissa Dean

H&amp;R BLOCK

PAGE 02/06



collected 36 neighbors  
 002/35  
 signatures



I, Simha Behar, am applying for a variance from the Board of Adjustment regarding Section 492(D) of the Land Development Code. The variance would allow me the ability to retain carpet in front setback,  
has been there ~~there~~ for 20 years.

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
✓ Rita Copeland	1004 Colony N. Dr. Austin TX 78758	
✓ CHARISSA COCHRAN	1100 " " "	CHARISSA COCHRAN
✓ Rosendo Molina	1102 " Colony North Dr	Rosendo Molina
✓ Manuel Sandoval	1103 " " "	
✓ Leanne	1104 " " "	Leanne
✓ Lori Shmaguer	1106 " " "	Lori Shmaguer
✓ Patrick Cupp/Karen Cupp	1107 " Colony North Dr	
X Aleksandra Sirolak	1108 " " "	
Jennie Pennington	1112 Colony North	Jennie Pennington

not needed