

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

**DATE: Monday, February 12, 2018**

**CASE NUMBER: C15-2017-0035**

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

**APPLICANT: David Osterman**

**OWNER: David Osterman**

**ADDRESS: 3207 BEVERLY RD**

**VARIANCE REQUESTED:** The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from Section 25-2-492 (D) (Site Development Regulations) to:

A. decrease the side setback from 5 feet (required) to 3.5 feet (requested, existing); and from

B. decrease the rear yard setback from 10 feet (required) to 3.4 feet (requested, existing)

in order to maintain a detached accessory living space at this location for at least 10 years in a "SF-3-NP", Family Residence – Neighborhood Plan - zoning district. (Windsor Road)

**BOARD'S DECISION:** July 10, 2017 POSTPONED TO OCTOBER 9, 2017 BY APPLICANT; Oct. 9, 2017 POSTPONED TO DECEMBER 11, 2017; DEC 11, 2018 POSTPONED TO FEBRUARY 12, 2018; Feb 12, 2018 POSTPONED TO AUGUST 13, 2018

**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, 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

  
Leane Heldenfels  
Executive Liaison

  
William Burkhardt  
Chairman

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

**DATE: Monday, December 11, 2017**

**CASE NUMBER: C15-2017-0035**

\_\_\_\_\_ Brooke Bailey  
 \_\_\_\_\_ William Burkhardt  
 \_\_\_\_\_ Christopher Covo  
 \_\_\_\_\_ Eric Goff  
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 \_\_\_\_\_ Martha Gonzalez (Alternate)  
 \_\_\_\_\_ Pim Mayo (Alternate)

**APPLICANT: David Cancialosi**

**OWNER: Kiki Osterman**

**ADDRESS: 3207 BEVERLY RD**

**VARIANCE REQUESTED:** The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from Section 25-2-492 (D) (Site Development Regulations) to:

A. decrease the side setback from 5 feet (required) to 3.5 feet (requested, existing); and from

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**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, 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.

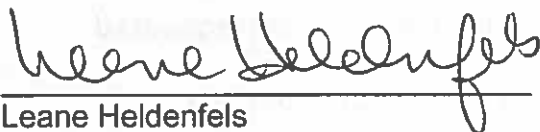
(C) A special exception granted under this section:

- (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

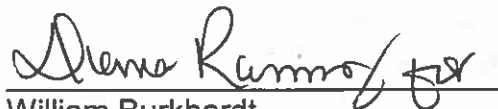
(3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(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.



Leane Heldenfels  
Executive Liaison



William Burkhardt  
Chairman

EXHIBIT “\_\_\_”

## EASEMENT RELEASE AREA

**BEING 231 SQUARE FEET OF LAND, LIMITED VERTICALLY TO A HEIGHT OF NOT MORE THAN 15 FEET ABOVE GROUND LEVEL, OUT OF LOT 12, BLOCK 4, BRYKER WOODS “E”, A SUBDIVISION OF RECORD IN VOLUME 4, PAGES 104-105, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS CONVEYED TO DONALD AND AMY SMITH BY WARRANTY DEED IN DOCUMENT NUMBER 2018042954, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND BEING A PORTION OF A 5 FOOT PUBLIC UTILITY EASEMENT (P.U.E.) DEDICATED BY SAID BRYKER WOODS “E” SUBDIVISION OF SAID COUNTY; SAID 231 SQUARE FEET OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a ½” rebar found in the southeasterly right of way line of Beverly Road, said point being the westerly corner of said Lot 12 and the northerly corner of Lot 13, Block 4 of said Bryker Woods “E” subdivision, and the westerly corner of the said 5 foot P.U.E., from which point a ½” iron pipe found at the northerly corner of said Lot 12 bears N 29°05’29” E, a distance of 59.86 feet;

THENCE along southwesterly line of said Lot 12 and the northeasterly line of said Lot 13, and the southwesterly line of said 5 foot P.U.E., S 60°52’00” E (Bearing Basis), a distance of 99.50 feet to a point for the westerly corner of the herein described tract and the **PLACE OF BEGINNING** hereof;

THENCE over and across said Lot 12 and the said 5 foot P.U.E., N 29°08’00” E, a distance of 5.00 feet to a point on the northeasterly line of the said 5 foot P.U.E. for the westernmost northerly corner hereof;

THENCE continuing over and across said Lot 12 along the northeasterly line of said 5 foot P.U.E., S 60°52’00” E, a distance of 25.23 feet to a point for an interior corner hereof;

THENCE continuing over and across said Lot 12 along the northwesterly line of said 5 foot P.U.E., N 29°03’19” E, a distance of 16.00 feet to a point for the easternmost northerly corner hereof;


THENCE continuing over and across said Lot 12 and across said 5 foot P.U.E., S 60°56’41” E, a distance of 5.00 feet to a point in the southeasterly line of said Lot 12 and the northwesterly line of Lot 21, Block 4 of said subdivision for the easterly corner hereof, from which the easterly corner of said Lot 12 bears N 29°03’19” E, a distance of 39.10 feet;


THENCE along the southeasterly line of said Lot 12 and said 5 foot P.U.E., and the northwesterly line of said Lot 21, S 29°03’19” W, a distance of 21.01 feet to a ½” iron

pipe found at the southerly corner of said Lot 12, same being the easterly corner of said Lot 13, the westerly corner of said Lot 21 and the northerly corner of Lot 20, Block 4 of said subdivision for the southerly corner hereof;

THENCE along the southwesterly line of said Lot 12 and said 5 foot P.U.E., and the northeasterly line of said Lot 13, N 60°52'00" W, a distance of 30.24 feet to the **PLACE OF BEGINNING** hereof and containing 231 square feet, more or less.

THIS DESCRIPTION TO BE USED WITH THE ATTACHED SKETCH ONLY.



  
MICHAEL LANCASTER, R.P.L.S. 5529  
B & G SURVEYING, LLC  
1404 W. NORTH LOOP BLVD.  
AUSTIN, TEXAS 78756  
(512) 458-6969

03-29-18

DATE

B0306618\_ESREL  
TCAD Parcel ID: 0120011004  
<http://www.bandgsurvey.com>

L01/7

**EXHIBIT "A"**

SHEET 3 OF 3

**SKETCH TO ACCOMPANY FIELD NOTES  
FOR PARTIAL EASEMENT RELEASE**

JOB #: B0306618\_esrel

DATE: 03/29/18

SCALE: 1" = 20'

LOT 22

LOT 21

LOT 20

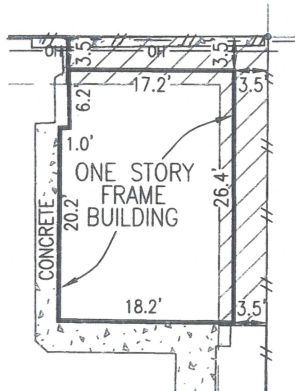
LOT 11

**LOT 12  
BLOCK 4**

7781 SQ. FT.

*DONALD & AMY SMITH  
DOC. 2018042954*

**BUILDING DETAIL**



25' B.L. PER PLAT VOL. 4 PG. 104

N 29°05'29" E 59.86'  
(N 28°58' E 60')

**BEVERLY ROAD**

(50' R.O.W.)

C.M.

231 SQUARE FEET TO BE RELEASED,  
LIMITED VERTICALLY TO A HEIGHT OF  
NOT MORE THAN 15 FEET ABOVE  
GROUND LEVEL

**P.O.B.**

LOT 13

**LINE TABLE**

L1	N 29°08'00" E	5.00'
L2	S 60°52'00" E	25.23'
L3	N 29°03'19" E	16.00'
L4	S 60°56'41" E	5.00'
L5	N 29°03'19" E	39.10'
L6	S 29°03'19" W	21.01'
L7	N 60°52'00" W	30.24'

**LEGEND**

- 1/2" REBAR FOUND
- 1/2" IRON PIPE FOUND
- WOOD FENCE
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- ( ) PER PLAT VOL. 4 PGS. 104-105
- C.M. CONTROL MONUMENT
- R.O.W. RIGHT OF WAY
- P.O.B. PLACE OF BEGINNING
- P.O.C. PLACE OF COMMENCEMENT
- OH OVERHEAD UTILITY LINE
- POWER POLE

**P.O.C.**



**B & G SURVEYING, LLC**

FIRM REGISTRATION NO. 100363-00  
WWW.BANDGSURVEY.COM  
1404 West North Loop Blvd.  
Austin, Texas 78756  
Office 512\*458-6969



MICHAEL LANCASTER, R.P.L.S. 5529

DATE

03-29-18

I, Michael Lancaster, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds legal description and sketch were based on an on the ground survey.

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**From:** Don Smith [REDACTED]  
**Sent:** Wednesday, August 01, 2018 2:32 PM  
**To:** Heldenfels, Leane; [REDACTED]  
**Subject:** Fwd: 3207 Beverly - easement revision

Here's the revised survey.

Ms. Vasquez, I will bring the stamped original to your office tomorrow.

Ms. Heldenfels, this survey illustrates the area of partial easement release and the 3.5 setback measurement for back and side property lines.

Thank you!  
Don Smith



## CORRECTION NOTICE

Permit Number : 2017-036488 BP

Permit Address : 3207 BEVERLY RD

Inspector,Phone,Pager & Email	No.	Location	Inspection Type	Date	Deficiency	Comments
Wes Buckner [REDACTED]						
Wesley.Buckner@austintexas.gov	1	112 Final Building		07/27/2018 [REDACTED]		Final building on partial pending outcome of BOA hearing, No corrections needed to final building permit.

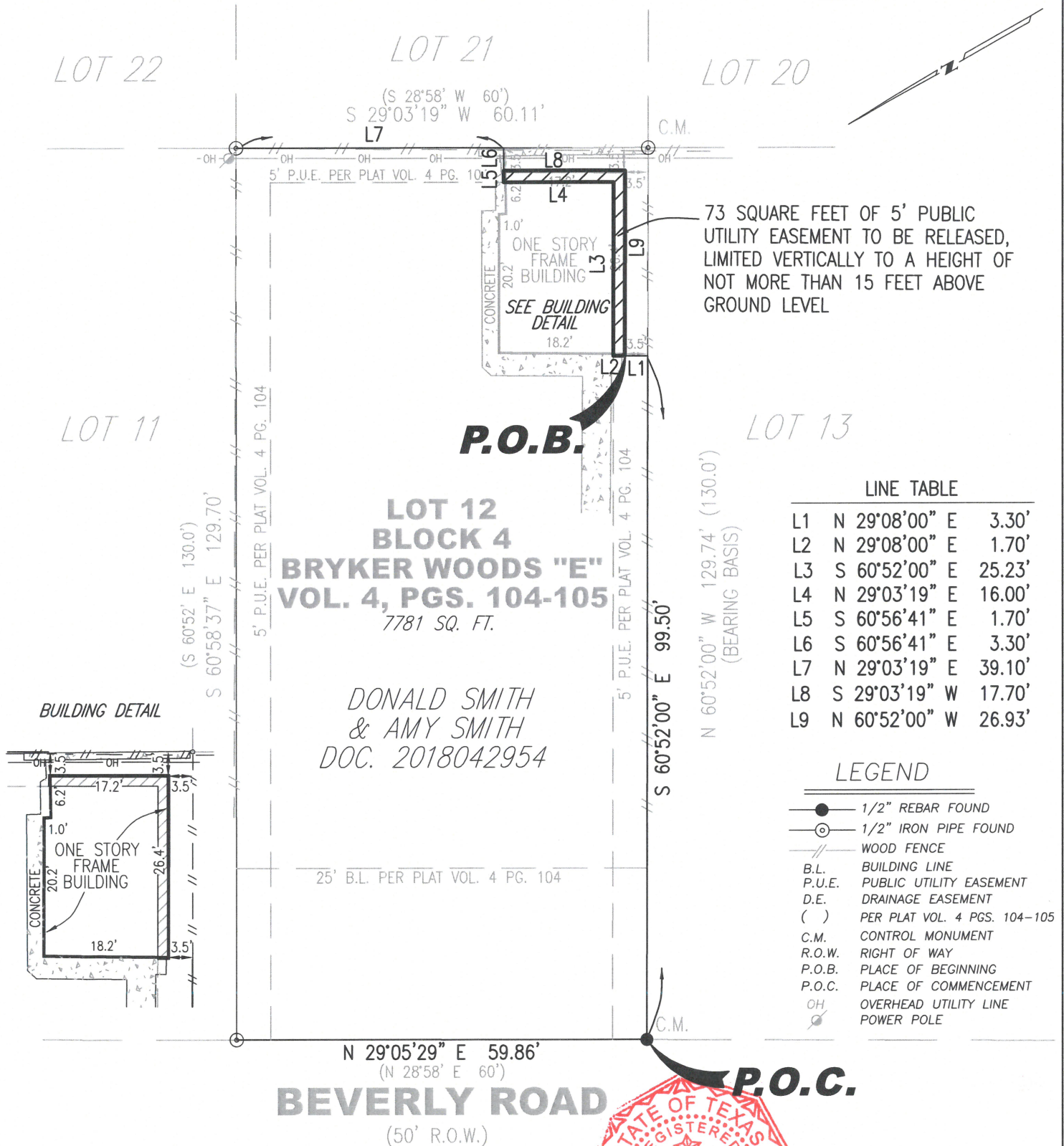
# EXHIBIT "A"

SHEET 3 OF 3

## SKETCH TO ACCOMPANY FIELD NOTES FOR PARTIAL EASEMENT RELEASE

JOB #: B0306618\_esrel  
DATE: 03/29/18  
REVISED: 07/02/18, 08/01/18  
SCALE: 1" = 20'

L01/10



B & G SURVEYING, LLC

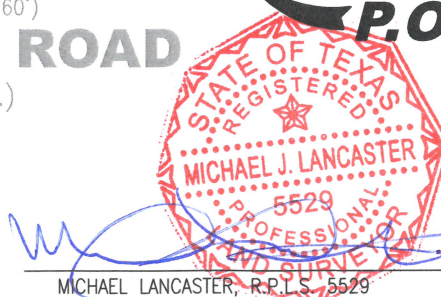
FIRM REGISTRATION NO. 100363-00

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1404 West North Loop Blvd.

Austin, Texas 78756

Office 512\*458-6969



MICHAEL LANCASTER, R.P.S. 5529

DATE

3/29/18 - REV. 7/2/18  
REV. 8/1/18

I, Michael Lancaster, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds legal description and sketch were based on an on the ground survey.

**EXHIBIT “\_\_\_”  
AREA**

**PARTIAL EASEMENT RELEASE**

**BEING 73 SQUARE FEET OF LAND, LIMITED VERTICALLY TO A HEIGHT OF NOT MORE THAN 15 FEET ABOVE GROUND LEVEL, OUT OF LOT 12, BLOCK 4, BRYKER WOODS “E”, A SUBDIVISION OF RECORD IN VOLUME 4, PAGES 104-105, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS CONVEYED TO DONALD SMITH AND AMY SMITH BY WARRANTY DEED WITH VENDOR’S LIEN IN DOCUMENT NUMBER 2018042954, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND BEING A PORTION OF A 5 FOOT PUBLIC UTILITY EASEMENT (P.U.E.) DEDICATED BY SAID BRYKER WOODS “E” SUBDIVISION OF SAID COUNTY; SAID 73 SQUARE FEET OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a ½” rebar found in the southeasterly right of way line of Beverly Road, said point being the westerly corner of said Lot 12 and the northerly corner of Lot 13, Block 4 of said Bryker Woods “E” subdivision, and the westerly corner of the said 5 foot P.U.E., from which point a ½” iron pipe found at the northerly corner of said Lot 12 bears N 29°05’29” E, a distance of 59.86 feet;

THENCE along southwesterly line of said Lot 12 and the northeasterly line of said Lot 13, and the southwesterly line of said 5 foot P.U.E., S 60°52’00” E (Bearing Basis), a distance of 99.50 and over and across said Lot 12 and the said 5 foot P.U.E., N 29°08’00’ E, a distance of 3.30 feet to a point for the most westerly corner of the herein described tract and the **PLACE OF BEGINNING** hereof;

THENCE continuing over and across said Lot 12 and the said 5 foot P.U.E., N 29°08’00’ E, a distance of 1.70 feet to a point on the northeasterly line of the said 5 foot P.U.E. for the westernmost northerly corner hereof;

THENCE continuing over and across said Lot 12 along the northeasterly line of said 5 foot P.U.E., S 60°52’00” E, a distance of 25.23 feet to a point for an interior corner hereof;

THENCE continuing over and across said Lot 12 along the northwesterly line of said 5 foot P.U.E., N 29°03’19” E, a distance of 16.00 feet to a point for the easternmost northerly corner hereof;

THENCE continuing over and across said Lot 12 and said 5 foot P.U.E., S 60°56’41” E, a distance of 1.70 feet to a point for the easterly corner hereof, from which the easterly corner of said Lot 12 bears S 60°56’41” E, a distance of 3.30 feet and N 29°03’19” E, a distance of 39.10 feet;

THENCE continuing over and across said Lot 12 and said 5’ P.U.E., S 29°03’19” W, a distance of 17.70 feet to a point for the southerly corner hereof;

THENCE continuing over and across said Lot 12 and said 5' P.U.E., N 60°52'00" W, a distance of 26.93 feet to the **PLACE OF BEGINNING** hereof and containing 73 square feet, more or less.

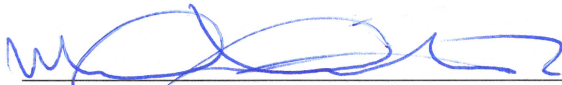
THIS DESCRIPTION TO BE USED WITH THE ATTACHED SKETCH ONLY.

Witness my hand this:

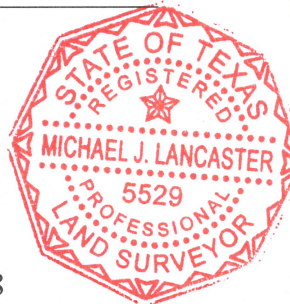
I, Michael Lancaster, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds legal description and sketch were based on an on the ground survey, that all visible and apparent protrusions and encroachments into the easement area are accounted for, including but not limited to building footprint, eaves and roof overhangs and all visible improvements whatsoever.

Witness my hand and seal this 29<sup>TH</sup> day of MARCH, 2018.

REV. 7/2/13  
REV. 8/1/18



MICHAEL LANCASTER, R.P.L.S. 5529  
B & G SURVEYING, LLC  
1404 W. NORTH LOOP BLVD.  
AUSTIN, TEXAS 78756  
(512) 458-6969



B0306618\_ESREL\_revised 7-2-18, 8-1-18

TCAD Parcel ID: 0120011004

<http://www.bandgsurvey.com>

CLG-2017-0035 3207

Beverly

L01/13



# Property Profile

## Legend

- Addresses
- Jurisdiction
  - ☐ FULL PURPOSE
  - ☐ LIMITED PURPOSE
  - ☐ EXTRATERRITORIAL JURISDICTION
  - ☐ 2 MILE ETJ AGRICULTURAL AGR
  - ☐ OTHER CITY LIMITS
  - ☐ OTHER CITIES ETJ

Notes  
1997 aerial



1: 300



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. 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.

Miles

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NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet

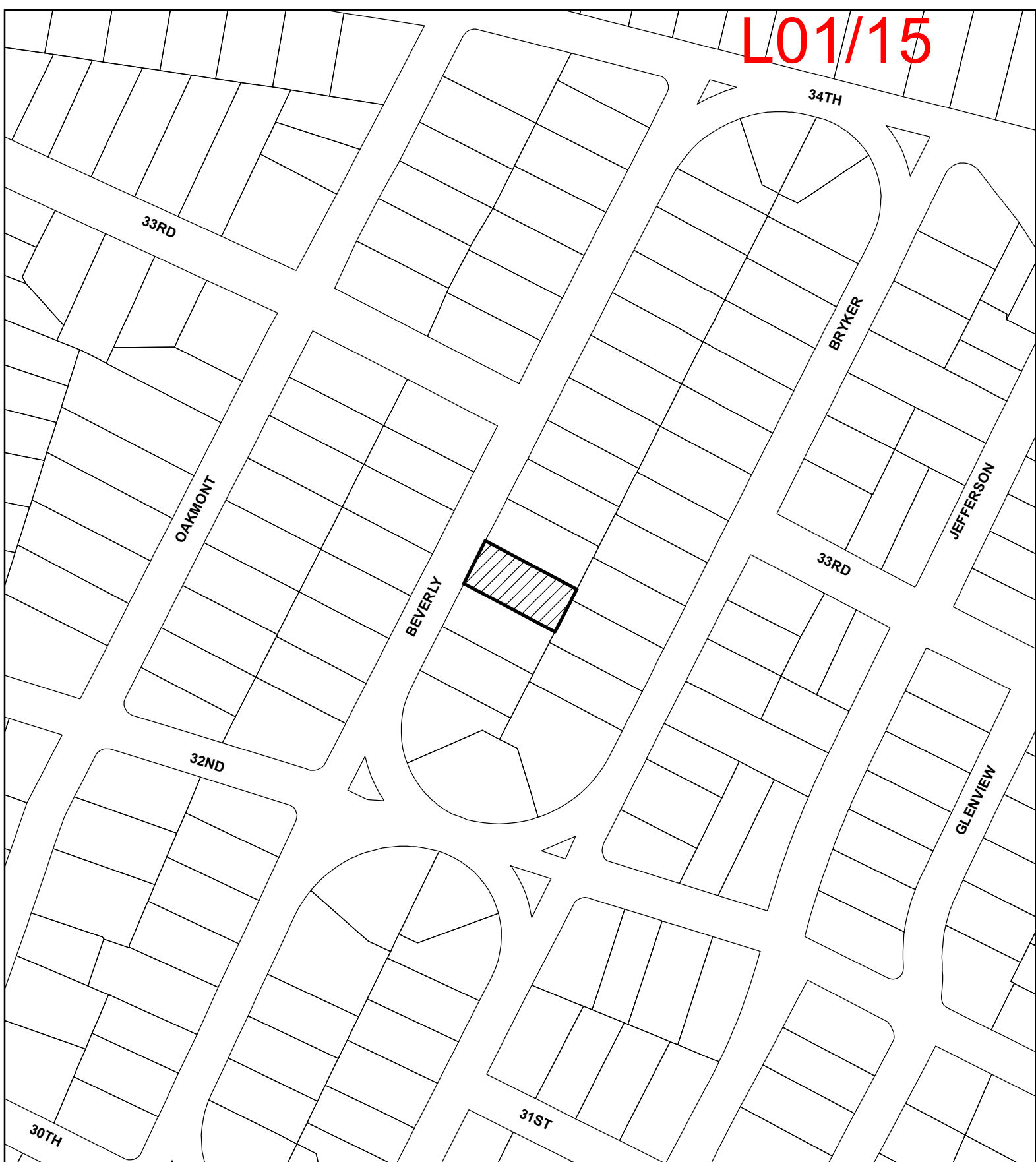
Date Printed

L01/14



1984 Aerial 3207 Beverly

L01/15



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'

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

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## 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:

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### Hardship

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

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

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## 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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## 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:

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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:

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

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

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## 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, 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; Ord No. 201660519-057. Pt 2. 5-30-16.*



Special Exception L01/19

## 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 # C15-2017-0035 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:

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## 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

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### Hardship

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

Special Exception

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

Special Exception

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**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

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**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

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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

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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

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

Special Exception

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### 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**



## SPECIAL EXCEPTION INSPECTION



# L01/24

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
<b>X</b>	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.
	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:  <ol style="list-style-type: none"><li>1.</li><li>2.</li><li>3.</li><li>4.</li></ol>

L01/25

JUNE 26, 1994

## SURVEY PLAT

REFERENCE: MICHEL

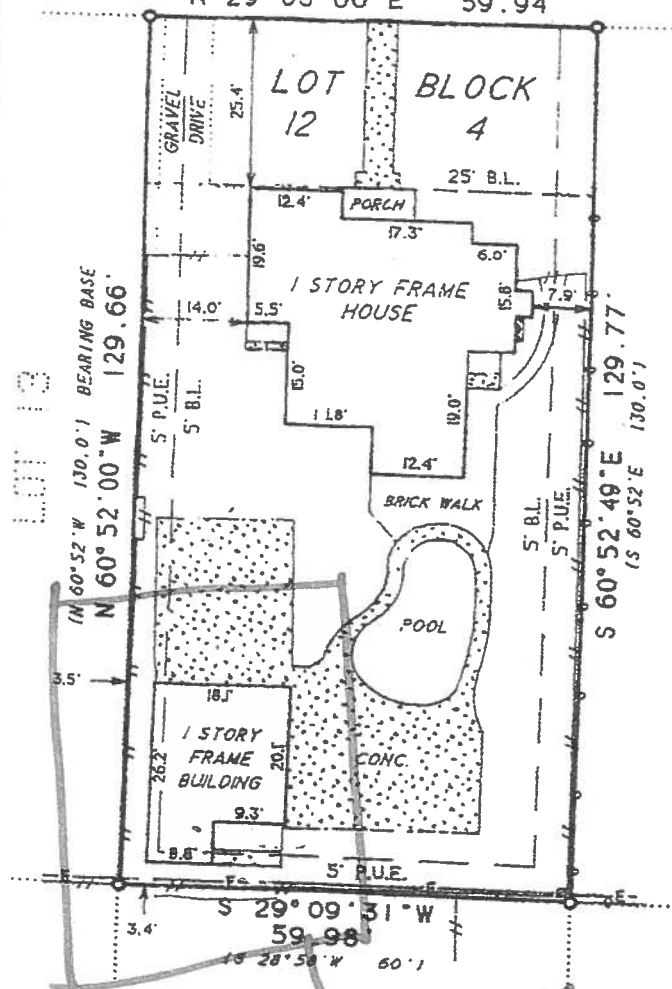
LEGAL DESCRIPTION: LOT 12, BLOCK 4, BRYKER WOODS "E", AN ADDITION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 4, PAGE 104. PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALSO LOCALLY KNOWN AS 3207 BEVERLY ROAD, AUSTIN, TEXAS.

BEVERLY ROAD

(50' 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

# L01/26

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

## 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

L01/27

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
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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

L01/28



L01/29

8/18/2016

**REISSUED**  
**CERTIFICATE OF OCCUPANCY**

PLANNING DEVELOPMENT REVIEW DEPARTMENT  
CITY OF AUSTIN, TEXAS

BUILDING PERMIT NO. 160506

ORIGINAL DATE: NOVEMBER 9<sup>TH</sup>, 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.

101/30



L01/31

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:

*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.'

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

~~CONTRACTOR~~ Glen Const.

NO. OF FIXTURES

PER TAP REC #

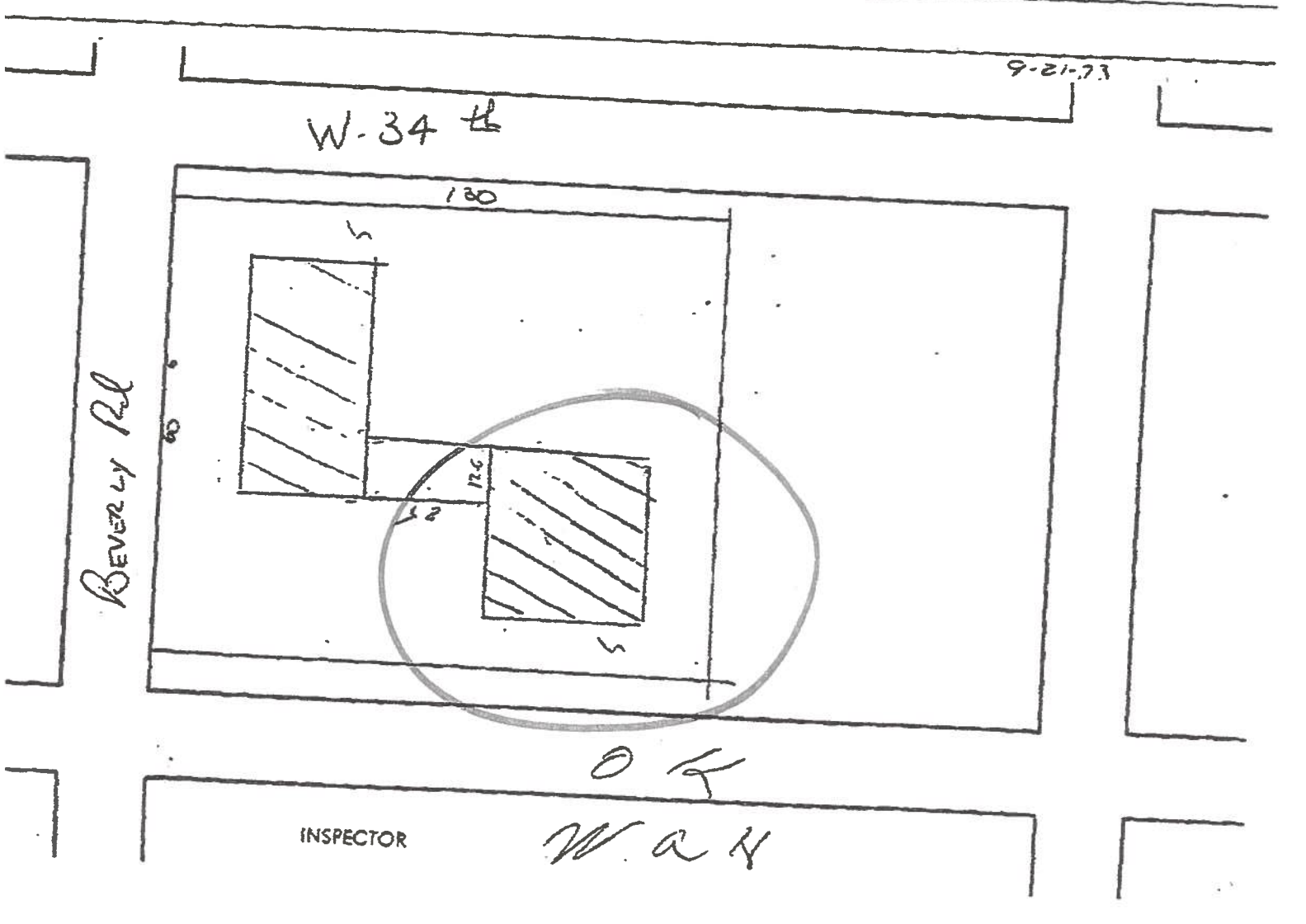
SEWER TAP REC #

Remodel existing acc bldg to create storage

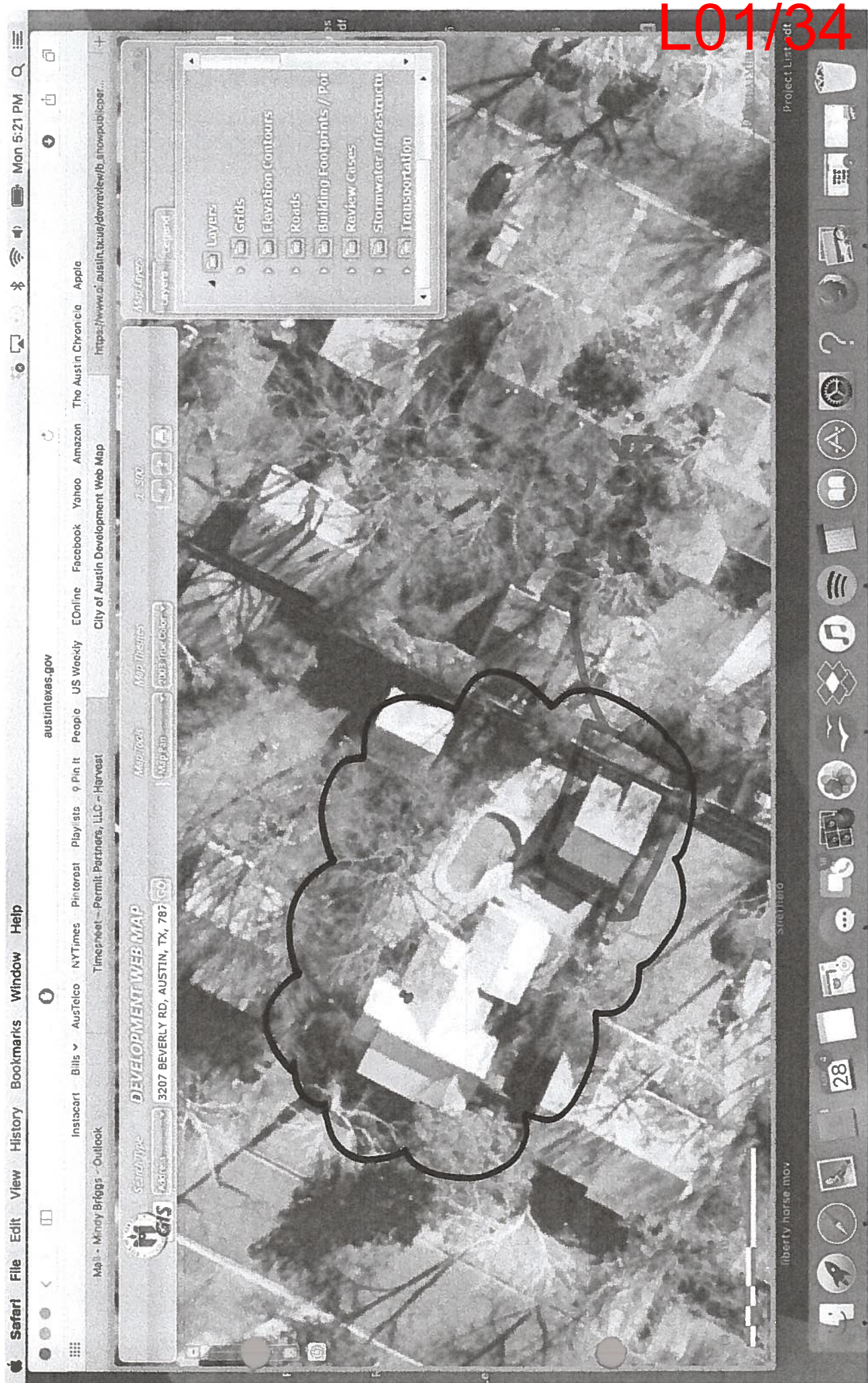
ADDRESS: 3207 BEVERLY  
LOT: 12  
PERMIT 1-5-421  
L01/33  
FLAT 208

BLOCK 4		SUB. Bryken Woods	
OUTLOT			
FIRE ZONE 3		USE DIST: A+1 <sup>ST</sup>	
OCCUPANCY: <i>Removal of shed to exist as to garage</i>			
LAYOUT		FRAMING	
PRINC. BLDG.		PRINC. BLDG.	
ACC. BLDG.		ACC. BLDG.	
FLOOR JOIST SIZE & O.C.		NECESSARY BLDG. CONN.	
CEILING JOIST SIZE & O.C.		ROOM VENTILATION	
STUD SIZE & O.C.		STAIRS REQ. & NO.	
MASONRY WALL		ATTIC FIRE STOPS REQ.	

OWNER: *Raymond Sanchez* CONTRACTOR: \_\_\_\_\_  
12'6" x 25' 313φ



2003



L01/34

2012





# 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.	

L01/36

For General Assistance, Dial: 512-978-4000

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend.** However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/devservices](http://www.austintexas.gov/devservices)

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2017-0035, 3207 Beverly Rd.

Contact: Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

Public Hearing: Board of Adjustment, July 10th, 2017

Christine Fanning  
Your Name (please print)

☐ I am in favor  
☒ I object

1703 W 32nd St Austin TX 78703

Your address(es) affected by this application

*Christine Fanning*  
Signature

July 2, 2017  
Date

Daytime Telephone: 512-771-2246

Comments: The setbacks are vital to keeping the houses in the neighborhood from being so densely packed. I see no urgent/vital reason for an exemption. Home owners can build up if extra space is needed.

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor  
Leane Heldenfels  
P. O. Box 1088  
Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305  
Email: [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

**From:** [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** FW:  
**Date:** Thursday, February 08, 2018 9:44:44 AM

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Leanne,

Please see my client's letter of authorization below. I have been re-engaged on this project by a new property owner.

Please accept this email as a request to postpone case C15-2017-0035 for 6 months while I work out the license agreement with AE as directed by staff.

I will be at Monday's meeting to discuss with BOA if needed.

Kind Regards,  
David C. Cancialosi  
Permit Partners LLC  
105 W. Riverside Dr. #225  
Austin, Texas 78704  
512.593.5361 O  
512.593.5368 D  
512.494.4561 F

This email is intended for the recipient only. If this message is not received by the intended recipient please destroy and immediately notify sender. Thank you.

On 2/7/18, 12:11 PM, "dosterman" [REDACTED] wrote:

>I, David Osterman authorize David Concialosi c/o Permit Partners LLC to  
>represent me before the BOA as well as for any city of Austin real estate  
>entitlement matters concerning 3207 Beverley Road.  
>  
>Sent from my iPhone

**From:** [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** O-1 C15-2017-0035 3207 Beverly  
**Date:** Friday, February 09, 2018 1:50:12 PM  
**Importance:** High

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David,

I just left you a message.

BWNA asks that you postpone your BOA hearing for 3207 Beverly until such time as the PUE issue has been resolved to the satisfaction of Austin Energy and other utility providers, if any. To request a variance is very premature if Austin Energy requires that the garage/apartment is either removed from the PUE or a license agreement is issued to maintain the existing structure. It is our understanding that the latter was denied by Austin Energy since an accessory building can never be used for habitable space that encroaches into a PUE.

I understand that your client is trying to sell the property and that this issue may be an impediment. However, the PUE needs to be addressed before the variance. If your intent is to move forward with Monday's hearing without a vacation of the easement or an executed license agreement, BWNA will have to oppose the application. Whenever the aforementioned is resolved, we would be delighted to take a look at the variance request itself.

Thanks

August Harris  
Bryker Woods Neighborhood Association