

**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

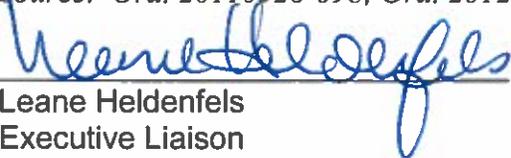
(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(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
 _____ 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 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

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

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

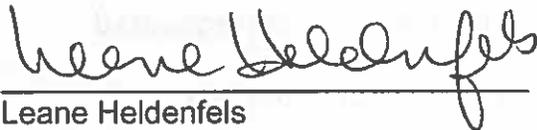
(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(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
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.

LOT 13

DONALD & AMY SMITH
DOC. 2018042954

N 29°05'29" E 59.86'
(N 28°58' E 60')

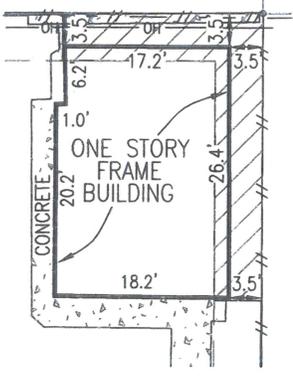
BEVERLY ROAD
(50' R.O.W.)

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

P.O.B.

P.O.C.

BUILDING DETAIL



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'

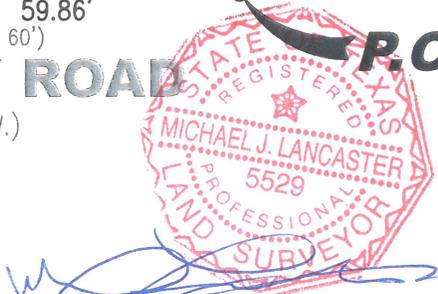
LEGEND

- 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



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

03-29-18
DATE

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.

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

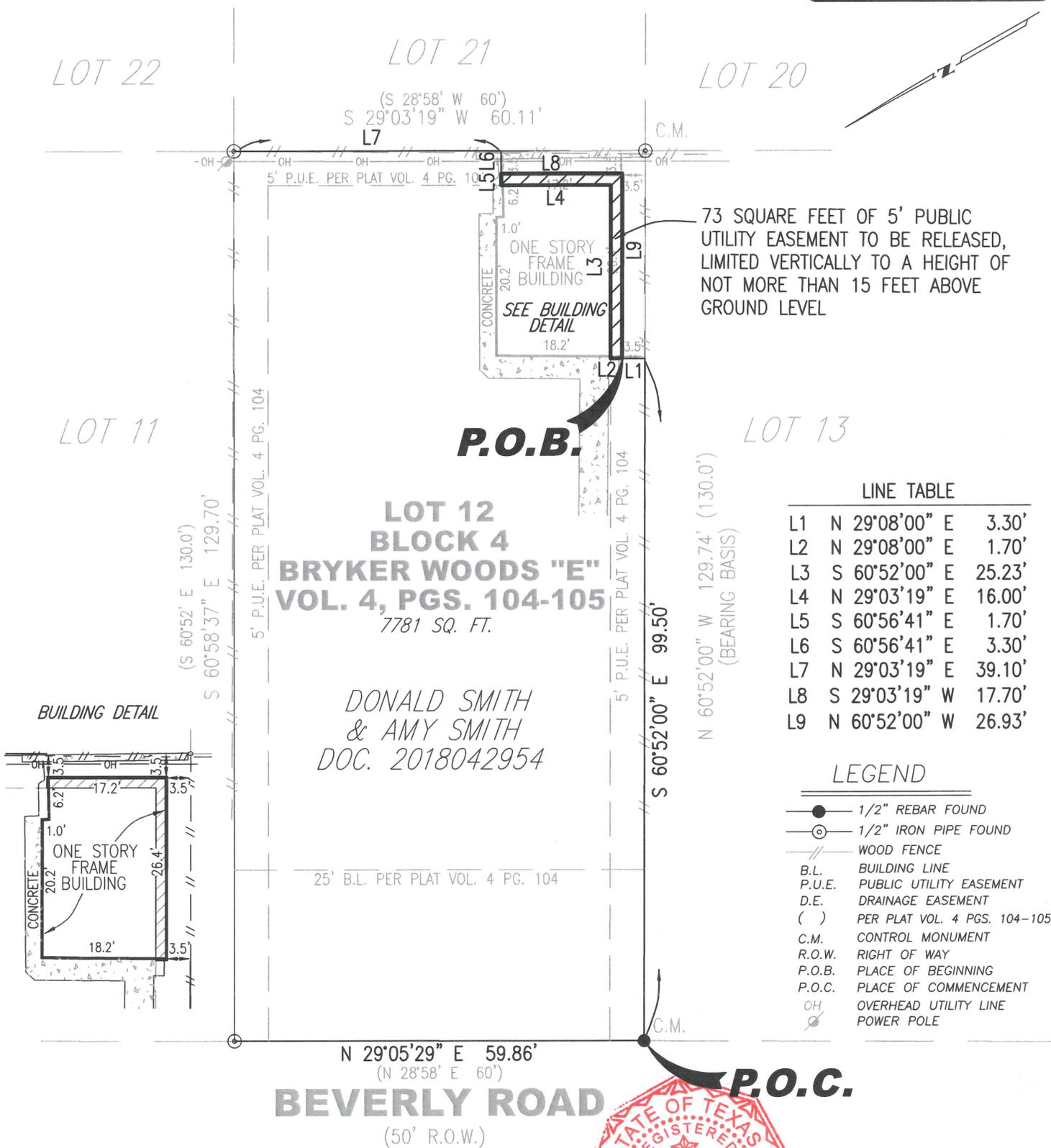
Inspector,Phone,Pager & Email	No.	Location	Inspection Type	Date	Deficiency	Comments
Wes Buckner [REDACTED] Wesley.Buckner@austintexas.gov	1	112 Final Building	[REDACTED]	07/27/2018	Final building on partial pending outcome of BOA hearing, No corrections needed to final building permit.	

EXHIBIT "A"

SHEET 3 OF 3

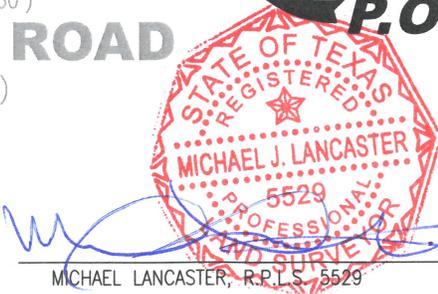
SKETCH TO ACCOMPANY FIELD NOTES FOR PARTIAL EASEMENT RELEASE

JOB #: B0306618_esrel
DATE: 03/29/18
REVISED: 07/02/18, 08/01/18
SCALE: 1" = 20'



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

3/29/18 - REV. 7/2/18
DATE 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 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.

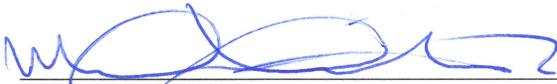
THIS DESCRIPTION TO BE USED WITH THE ATTACHED SKETCH ONLY.

Witness my hand this:

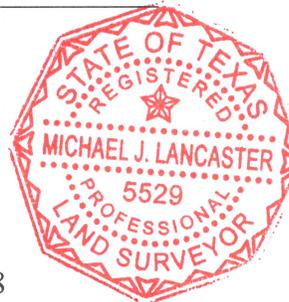
I, Michael Lancaster, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds legal description and sketch were based on an on the ground survey, that all visible and apparent protrusions and encroachments into the easement area are accounted for,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

Witness my hand and seal this 29TH day of MARCH, 2018.

REV. 7/2/15
REV. 3/1/18



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>

C15-2017-0035 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

1: 300

Notes
1997 aerial

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.

0.0 Miles

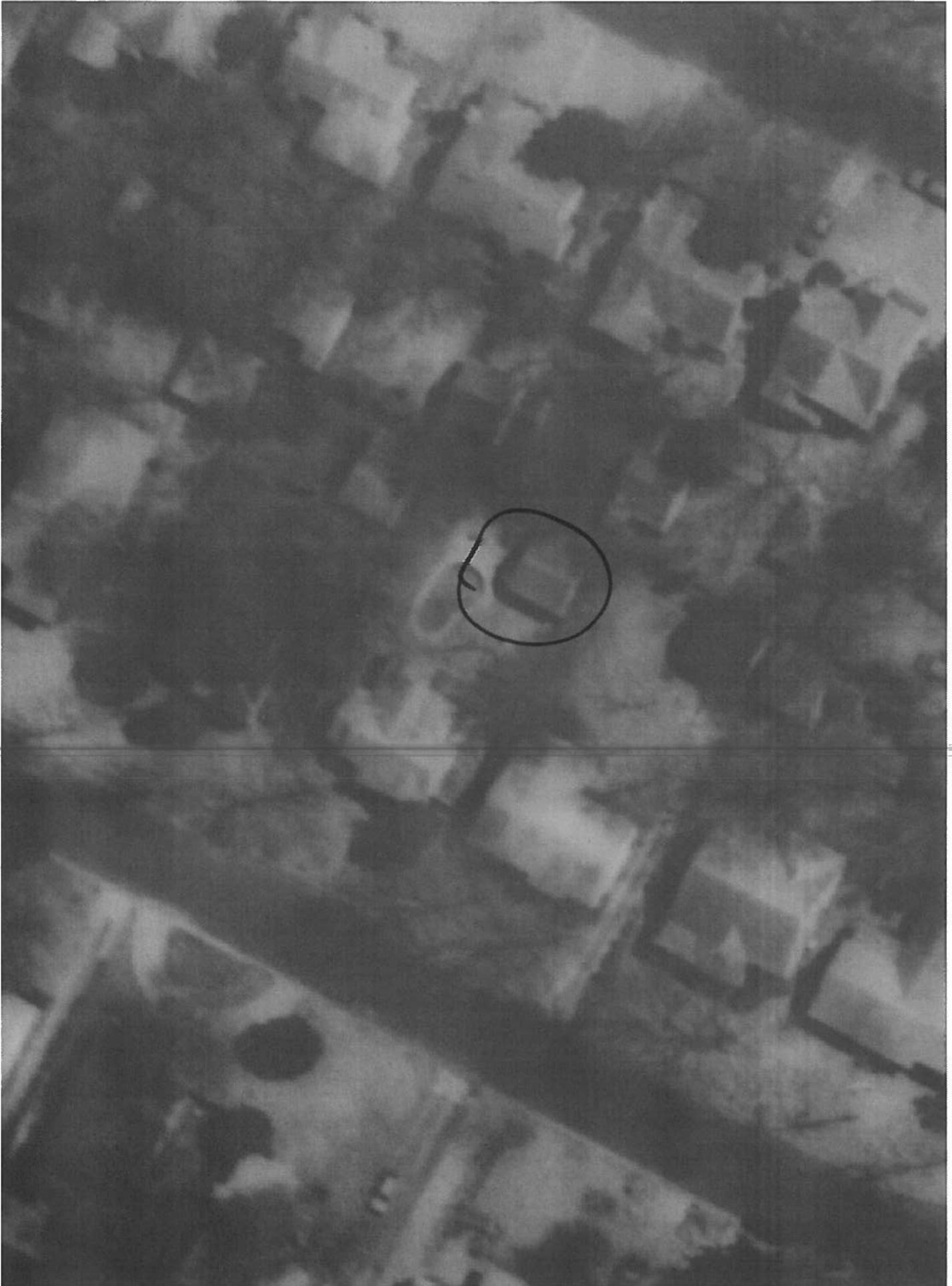


0.0

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

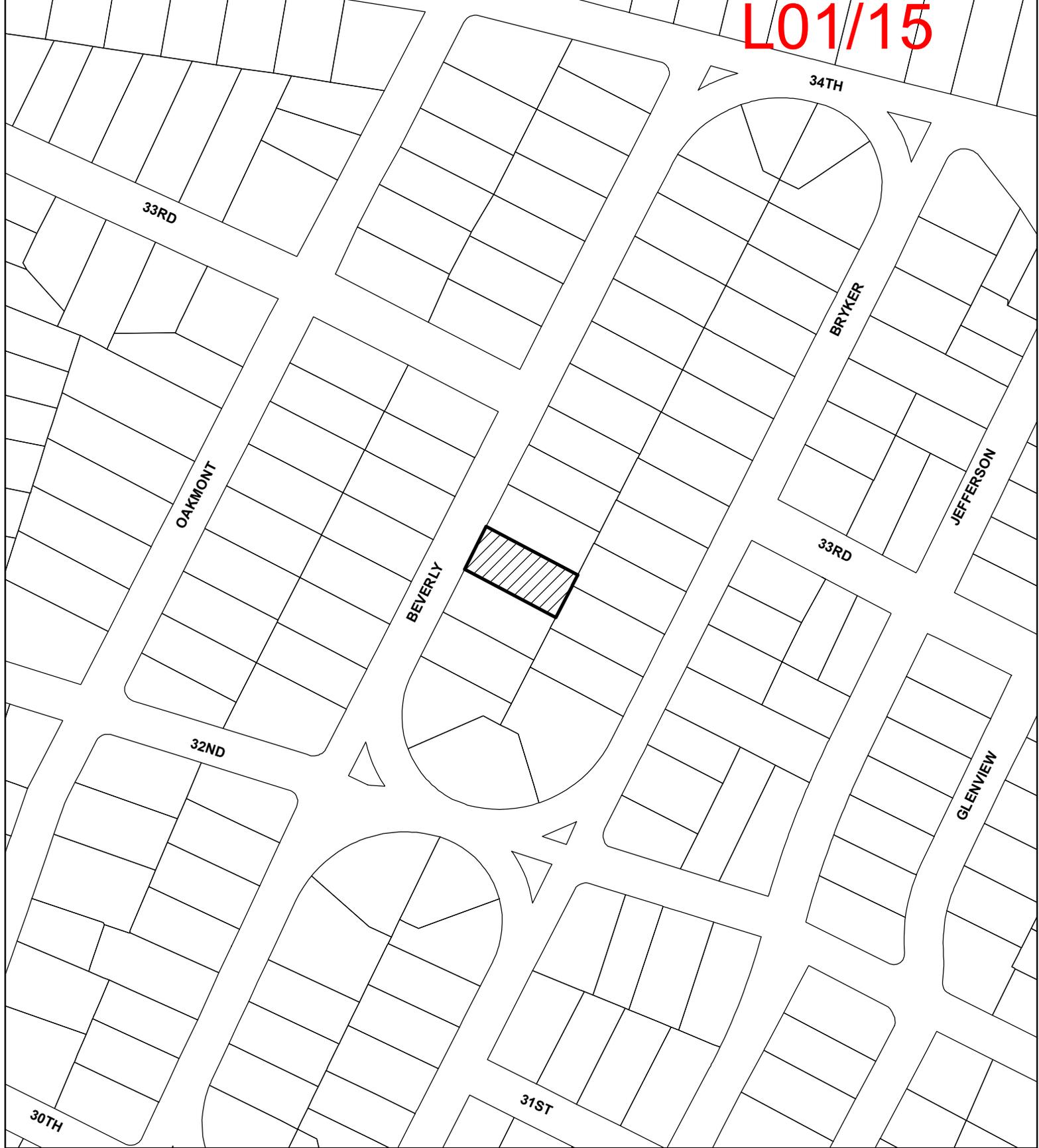
Date Printed

L01/14



1984 Aerial 3207 Beverly

L01/15



NOTIFICATIONS

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



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 159'

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.

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

Four horizontal blue lines for text entry.

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:

Seven horizontal blue lines for text entry.

Hardship

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

Five horizontal blue lines for text entry.

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

Five horizontal blue lines for text entry.

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:

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:

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

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

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 # CB-2017-0035 ROW # 11739299 Tax # 0120011004

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



SPECIAL EXCEPTION INSPECTION



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

<u>Special Exception Requested:</u>	<p>Detached Accessory unit encroaching on Side yard Set Back.</p>
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	<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 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>
	<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.

JUNE 26, 1994

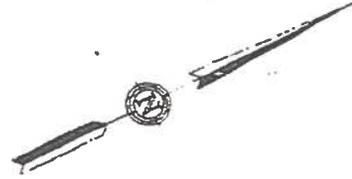
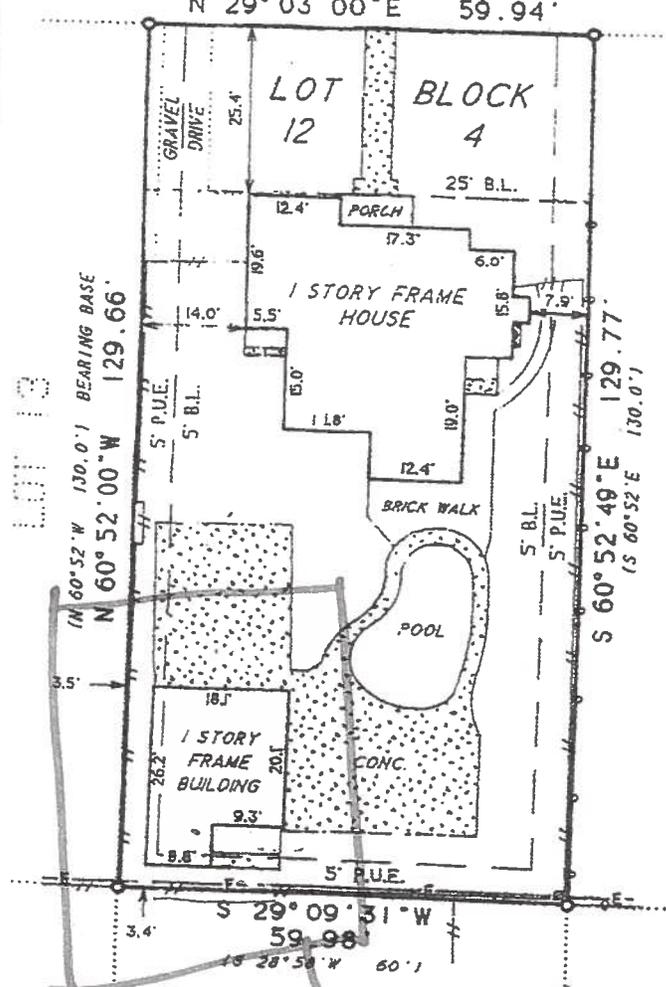
SURVEY PLAT

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.)

N 29° 03' 00" E 59.94'



SCALE 1" = 20'

LEGEND

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

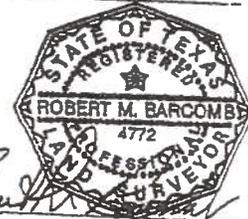
NOTES

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.

Handwritten signature: Robert M. Barcomb

Handwritten note: ALL BLDG SETBACK LINES

EXCLUSIVELY TO THE LIEN HOLDERS AND THE OWNERS OF THE PREMISES SURVEYED AND TO GRACY TITLE COMPANY PER 6F 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, ENCKROACHMENTS, 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

Amount

Date

Fee Desc

Amount

Date

Fee Desc

Amount

Date

200.00 3/31/2017

Development Services Surcha

8.00 3/31/2017

Fees Total:

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 0526-098 City Code Section 25-1-212

By 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

1207 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: \$0.00 Tot Job Val: \$0.00	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 II

Frame Rm & Frame Garage & Store Room

2149B - 3-24-11

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 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.'

OWNER Raymond Sanchez ADDRESS 3207 Beverly Rd.

LOT 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.



**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 DATE 11-9-76 OWNERS ESTIMATE 50.00

~~CONTRACTOR~~ Glen Const. NO. OF FIXTURES

SEWER TAP REC #

Remodel existing acc bldg to create storage

ADDRESS: 3207 Beverly

PERMIT 15421 L01/33 PLAT 208

LOT: 12

BLOCK 4

SUB. Bryker Woods

OUTLOT

FIRE ZONE 3

USE DIST: A+1ST

OCCUPANCY: Removal of bldg to exist 155 to existing duplex

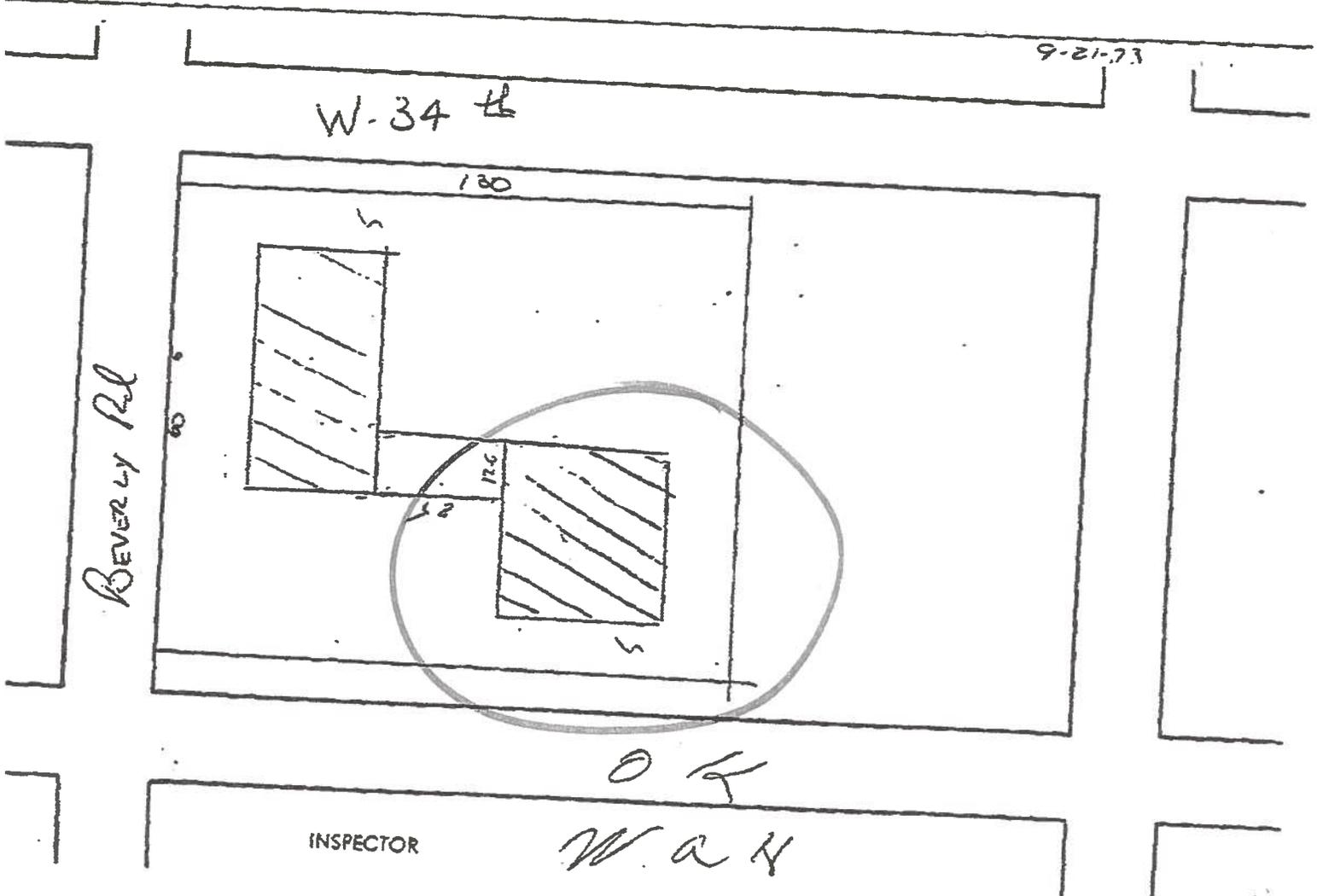
	LAYOUT		FLOOR JOIST SIZE & O.C.	FRAMING		FINAL		ROOF OVERHANG	
	PRINC. BLDG.	ACC. BLDG.		PRINC. BLDG.	ACC. BLDG.	PRINC. BLDG.	ACC. BLDG.	PRINC. BLDG.	ACC. BLDG.
FOUNDATION									
SETBACK									
CEILING JOIST SIZE & O.C.									
STUD SIZE & O.C.									
MASONRY WALL									

OWNER: Raymond Sanchez

CONTRACTOR: _____

12'6" x 25'

313φ



2003



L01/34

2012

L01/35





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 rremove 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

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
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

Leane Heldenfels
Signature Date July 2, 2017

Daytime Telephone: 512-771-2246

Comments: The set backs are vital to keeping the houses in the neighborhood from being too 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

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

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. Concialosi
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

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