

CASE # C15-2012-0024
ROW # 10722407
TP. 022908-0457

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 604 Hammack Drive, Austin, Texas 78759

LEGAL DESCRIPTION: Subdivision – Kirk Heights

Lot(s) 11 Block _____ Outlot _____ Division _____

I/We Thomas S. Walter on behalf of myself/ourselves as authorized agent for Jeri S.

Moore (owner) affirm that on January 20, 2012, hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☒ MAINTAIN

A zoning variance is requested to the City of Austin required side yard setback for an accessory structure behind the main house for this residential, single family home. The owner requests a variance based on that section of the City code allowing for Special Exceptions where a variance violation has existed for at least 15 years (Ordinance No. 20110526-098) and a Special Exceptions application is submitted before June 6, 2013. The owner will show that this accessory structure was built between 1984 and 1986. The current owner purchased this property on January 31, 2003. The accessory structure is 2.9 feet from the left hand side of the property as shown on the attached survey plat prepared by a registered surveyor. The required side yard set back is 5.0 feet.

in a SF-3- NP district.
(zoning district)

5' → 2.9'
Highland N.P.

NOTE: 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 support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The accessory structure was un-permitted at the time of construction in 1984 to 1986. The current owner has applied for and received a life safety building permit (#2012-002187-BP) for the accessory structure. Under this life safety building permit the structure has been inspected by the City of Austin and the report is attached. The owner intends to have any required repairs completed before meeting with the Board. Mr. Tony Hernandez has placed an administrative hold on this permit until the variance violation is properly addressed.

The accessory structure is used as either a living area, storage area or work shop area. A scale drawing of the accessory structure is attached to this application as well as a few pictures.

HARDSHIP:

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

The accessory structure has existed in its present location since 1984 – 1986. Along with other information provided, a letter is attached to this application from an adjacent property owner attesting to when the accessory structure was built. The current owner was not made aware of any zoning violation at the time of purchasing the property in 2003. A fire in September 2011 that damaged the main house and the accessory structure (exterior) and the ensuing repairs brought to light the zoning violation.

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

The owner would expect that similar hardships are not common to the area and any similar structures were properly permitted when built. Nevertheless, the City has passed an ordinance to allow for special exceptions for such variances, in recognition that such violations exist on residential properties throughout the City of Austin.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The accessory structure has existed in its current location for approximately 25 years. The owner has no knowledge of any complaints regarding the variance violation from any of the surrounding property owners. A 1987 Building Foot Print and a 1997 aerial image (copies attached) provided by Mr. Juan Camou of the City of Austin Planning and Review Department on January 9, 2012 shows that the accessory structure does not alter the character of the area adjacent property in that similar accessory structures exist on surrounding properties.

PARKING: (Additional criteria for parking variances only.) N/A

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 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 reasonable 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:

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.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Thomas S. Walter Mail Address 7109 Fireoak Drive

City, State & Zip Austin, Texas 78759

Printed Thomas S. Walter Phone 512-419-6854 Date 1-20-12

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Jeri S. Moore Mail Address 7109 Fireoak Drive

City, State & Zip Austin, Texas 78759

Printed Jeri S. Moore Phone 512-453-5232 Date 1-20-12

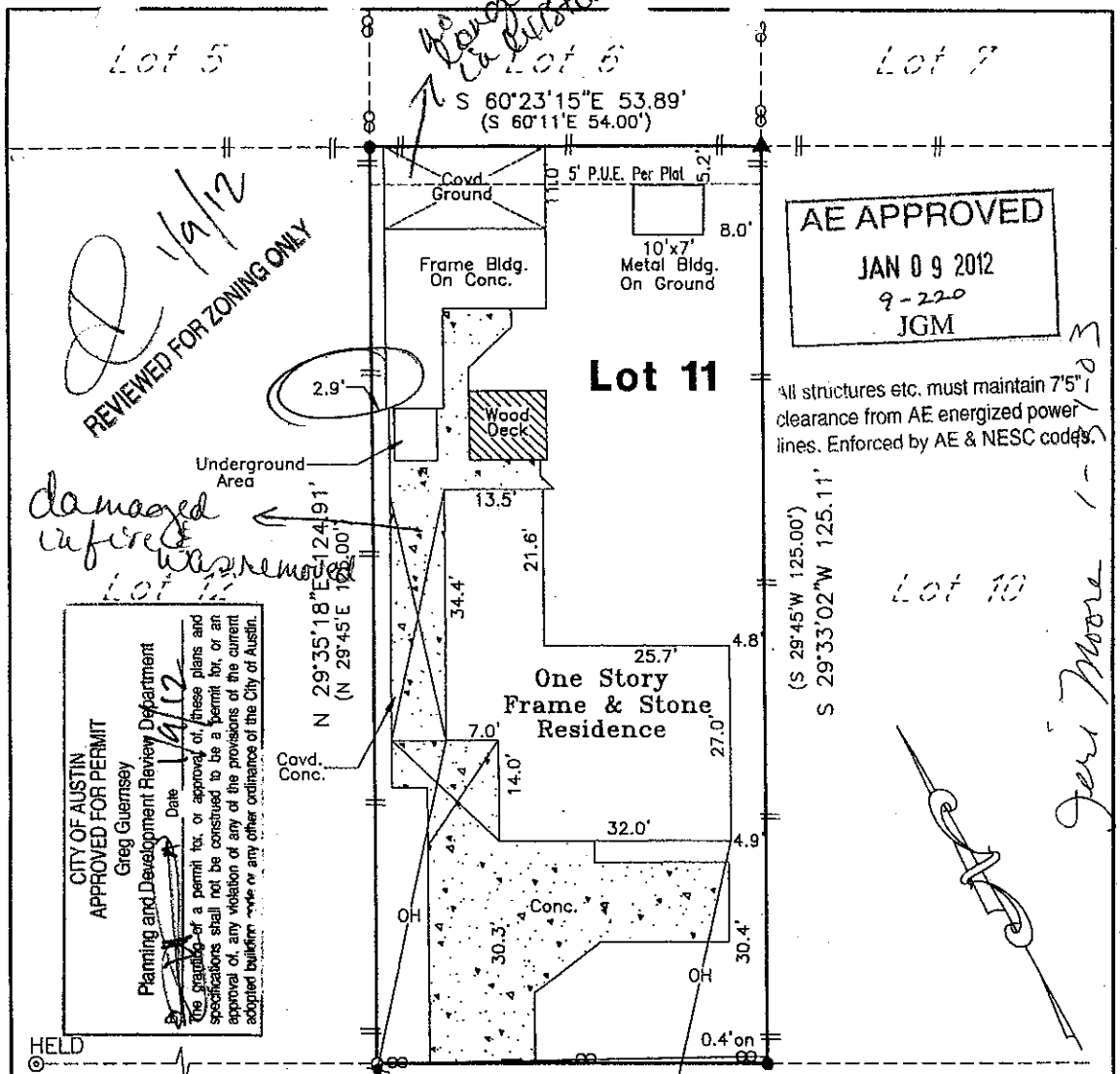
**CITY OF AUSTIN APPLICATION TO BOARD OF ADJUSTMENT GENERAL
VARIANCE/PARKING VARIANCE**

For

604 Hammack Drive – Request for Special Exception

Attachments to Application

1. Survey Plat of 604 Hammack dated January 30, 2003
2. City of Austin inspection report (January 12, 2012)
3. City of Austin inspection report typed out
4. Scale drawing of the accessory structure
5. Pictures of the accessory structure
6. Letter from Ms. Culp (neighbor) attesting to when the accessory structure was built
7. 1987 Building Footprint provided by the City of Austin on January 9, 2012 showing the accessory structure and surrounding properties
8. 1997 Aerial Image per GIS provided by the City of Austin on January 9, 2012 showing the accessory structure and surrounding properties
9. A picture of the date stamped on the inside of the commode inside the accessory structure showing a manufacture date of January 7, 1986
10. Field notes dated 11/96 from Ms. Carroll J. Brown, RPA, Commercial Technical Support Manager with the Travis County Appraisal District.
11. A copy of the email from Ms. Brown related to Attachment 9



(N 60°11'W 108.00')
N 60°11'00\"W 107.94'

(N 60°11'W 54.00')
N 60°11'00\"W 53.97'

HELD-TO-HELD
Bearing Basis
N 60°11'00\"W 161.91' (162.00')

Subject to Restrictions as Stated in
Plat in Vol. 6, Pg. 164:

HAMMACK DR.

APPROVED FOR PERMIT

Greg Guernsey

Planning and Development Review Department

Date 1/9/12

The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

LEGEND

- 1/2" IRON PIPE FOUND
- 1/2" REBAR FOUND
- 1/2" REBAR SET
- 600 NAIL FOUND
- 600 NAIL SET
- SPRINKLE FOUND
- BIRD WIRE FENCE
- CHAIN LINK FENCE
- WOOD FENCE
- METAL FENCE
- BUILDING LINE
- PUBLIC UTILITY EASEMENT
- DRAINAGE EASEMENT
- SURFACE DRAINAGE EASEMENT
- WATER/WASTEWATER
- ELECTRIC EASEMENT
- SANITARY SEWER EASEMENT
- RECORD INFORMATION
- POWER POLE
- OVERHEAD UTILITIES

SUBMISSION **KIRK HEIGHTS**

LOT: **(11)** BLOCK: _____ VOLUME **6** PAGE **164** PLAT RECORDS

COUNTY: **TRAVIS** STATE OF TEXAS STREET ADDRESS **604 HAMMACK DR.**

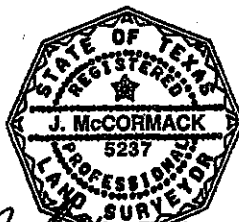
CITY: **AUSTIN** REFERENCE NAME **JERI MOORE**

B&G Surveying, Inc.

Victor M. Garza R.P.L.S.

Office 512*458-6969
Fax 512*458-9845

1404 West North Loop Blvd.
Austin, Texas 78756



THIS PROPERTY DOES NOT
LIE WITHIN THE 100 YEAR FLOODPLAIN,
AND HAS A ZONE **X** RATING AS
SHOWN ON THE FLOOD INSURANCE RATE MAPS
F.I.R.M. MAP No. **480624**
PANEL **0160 E**
DATED: **6-16-93**
This certification is for insurance purposes
only and is not a guarantee that this
property will or will not flood. Contact
your local floodplain administrator for the
current status of this tract.

DATE **1-30-03**

TITLE CO **ALAMO TITLE**

G.F. # **03-7403237**

JOB. No. **B0121303 TA**

SCALE **1" = 20'**

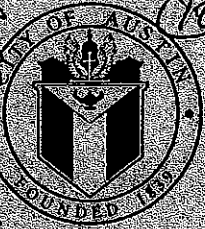
TO THE LIENHOLDER AND / OR OWNERS OF THE PREMISES SURVEYED AND TO

ALAMO TITLE COMPANY / ALAMO TITLE INSURANCE OF TEXAS

I do hereby certify that this survey was this day made on the ground of the property legally described hereon and that there are no visible boundary line conflicts, encroachments overlapping of improvements, or roads in place, except as shown hereon, and certifies only to the legal description and easements shown on the referenced Title Commitment.

CHERYL_TBK

FIELD WORK	DERICK	1-29-03
DRAFTING	MARIO	1-30-03
FINAL CHECK	J.M.	1-30-03
CORRECTIONS	M.P.	1-30-03
UP DATE		



CORRECTION NOTICE

ADDRESS 604 Hammack PERMIT# _____

DATE _____ TYPE INSPECTION _____

INSPECTOR Kelly S PHONE 802-9102

You may check the status of your permit at:

<http://www.ci.austin.tx.us/development/pierivr.htm>

The following orders are hereby issued for their correction:

- ① Contact inspector to arrange pre-con
- ② ~~Provide gas test~~
- ③ Provide gas test w/diaphragm
- ④ Structure encroaching side yard set back
- ⑤ Open all areas recently covered w/ply wood or wall board
- ⑥ Utility sink drain is s-trapped w/unapproved tailpiece
- ⑦ Floor needs repair by utility sink + in bathroom
- ⑧ T & P Relief line has ~~ORIGINAL~~ reduced

Time of Inspection _____

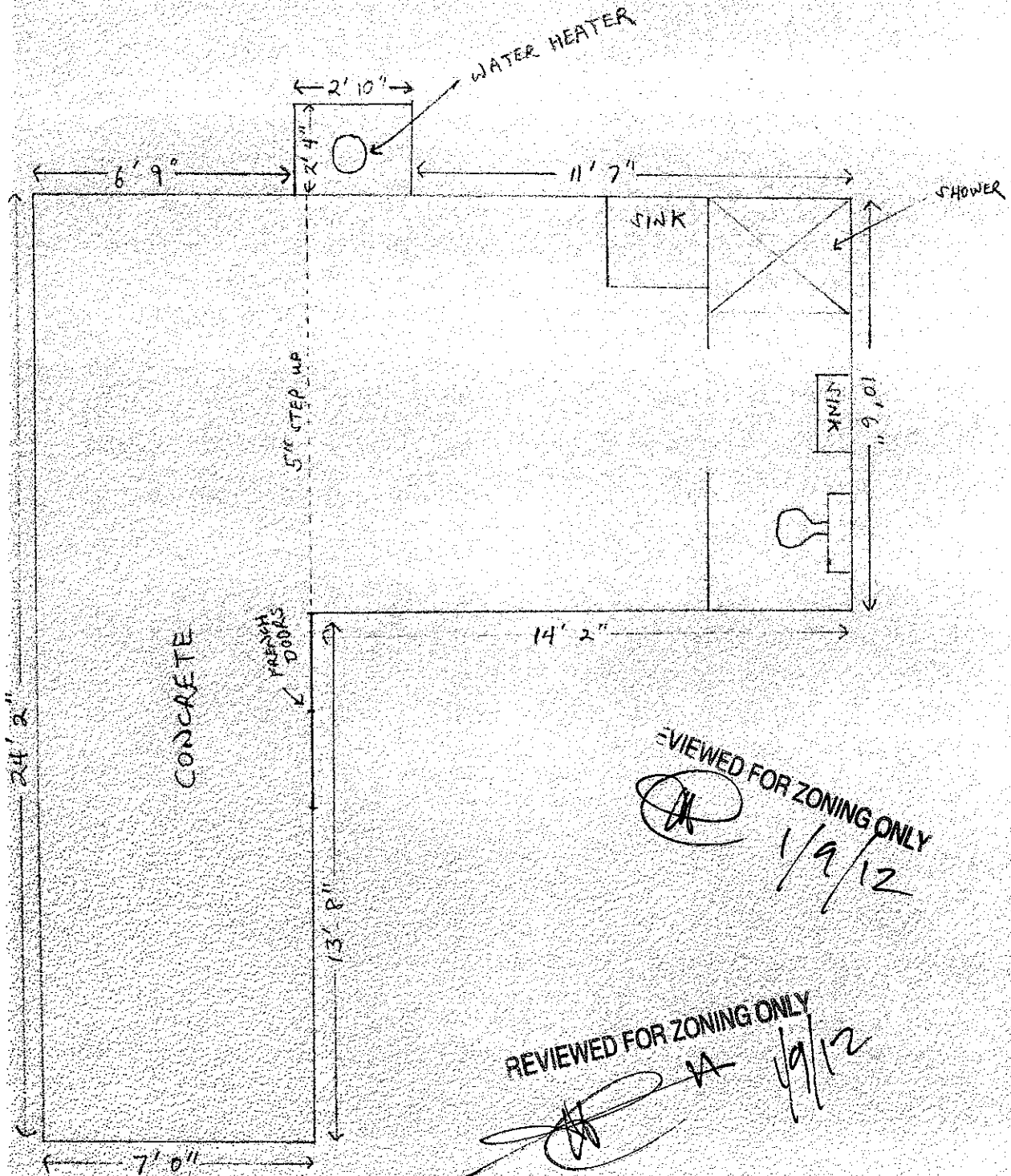
PAGE _____ OF _____

**Typed Out Correction Notice actions for Accessory Structure for
604 Hammack**

1. Contact inspector to arrange precon
2. Provide gas test w/diaphragm
3. Structure encroaching side yard set back
4. Open all areas recently covered w/plywood or wallboard
5. Utility sink drain is s-trapped w/unapproved tail piece
6. Floor needs repair by utility sink & in the bathroom
7. T&P relief line has been reduced
8. Shut off for lavatory inaccessible
9. Provide approved smoke detector
10. New windows do not meet the minimum u-factor

TERI MOORE

604 HAMMACK R - REAR BUILDING



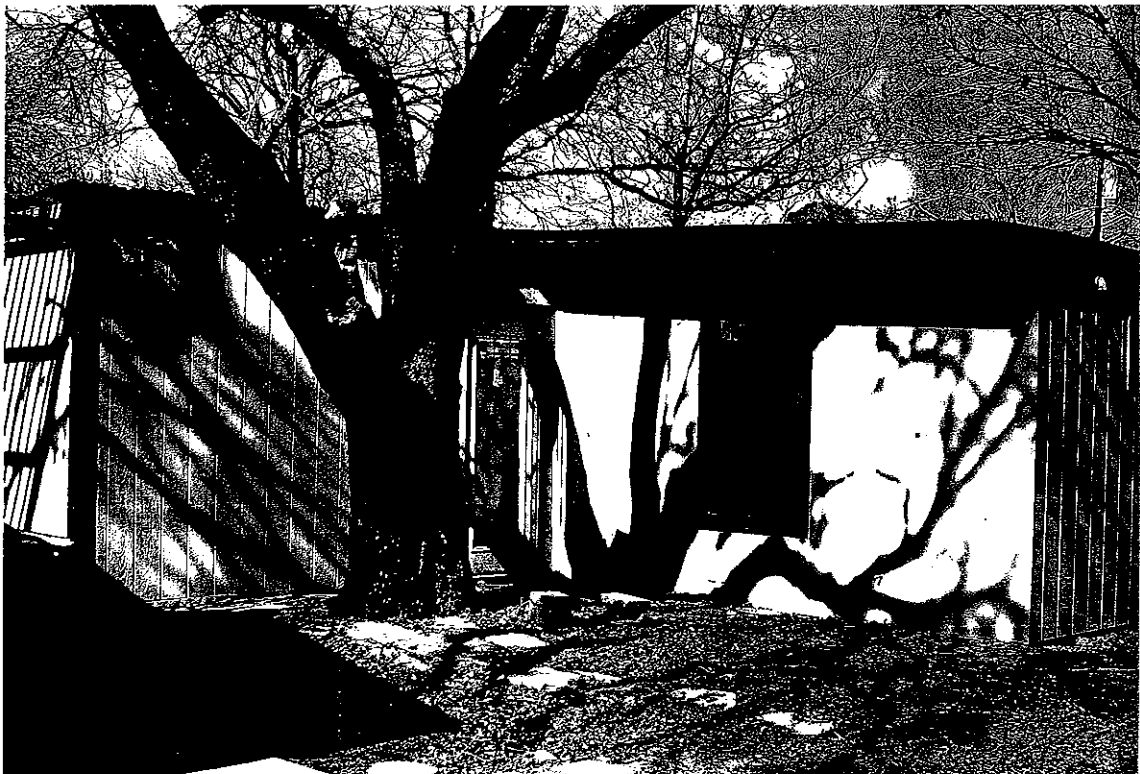
FRONT

1/4" = FOOT

ATTACHMENT 4



SHOWS SIDE OF ACCESSORY STRUCTURE



SHOWS FRONT OF ACCESSORY STRUCTURE

To Whom It May Concern

My name is Beverley Culp. I live at 605 Hammack Drive, Austin, TX 78752. Jeri Moore, the owner of 604 Hammack Drive, asked me to make this statement regarding my knowledge of the date of construction of the building in the rear of 604 Hammack. For the sake of clarity, this is the building behind the main house on the left hand side of the property when facing the house.

I have lived at 605 Hammack from 1981 to 1989 and from 1994 to now. I remember that the owner of 604 Hammack in the 1980s was Mr. Mark Sullivan, he built the rear building at 604 Hammack in between 1984 and 1986. I remember because Mr. Sullivan had a daughter the same age as one of my daughters. I remember that my daughter was about 7 when the rear building was built by Mr. Sullivan. I remember this rear building also because Mr. Sullivan used it as a shop for sharpening blades, and I used his blade sharpening services from time to time.

By my signature below, I attest that the above statement is true.

Signature: B Culp

Date: 16 Jan 2012

1987 Bldg. Foot Print



AERIAL IMAGE FROM 1991 PER 619



ATTACHMENT 8

JUN 7 1985

ATTACHMENT 9

Copy of events for PID 230063

(field notes of changes that occurred to the property prior to changing our computer system to PACS)

~~RES NOT REMODELED, ACTUALLY REVISED GRADE FR "A"; REAR STRUCTURE ASSIGNED TO STG USE BUT IT DID HAVE A STANDING PIPE (OUT OF TOP OF SIDEWALL) INDICATING THE POSSIBILITY OF A 1/2 BATH (LIVING AREA)/HDB 11/96~~

ROOF IS METAL, CLASS & GRADE, ADD HVAC FOR 2002, F/C 4-5-02 RDL

REMOVE CP PER FC 2/2/04 RCV/KXS

C4-05 FOR CORRECT SF AND CONDITION, LQ IN REAR,KXS



Thomas Walter <tswalter@gmail.com>

Fwd: Emailing: VBApprCard 2006, VBApprCard 2007, VBApprCard 2008, VBApprCard 2009, VBApprCard 2010, VBApprCard 2011, comments, VBApprCard 1997, VBApprCard 1998, VBApprCard 1999, VBApprCard 1996, VBApprCard 2000, VBApprCard 2001, VBApprCard 2002, VBApprCard 200

Jeri Moore <jerismoore@gmail.com>
To: Thomas Walter <tswalter@gmail.com>

Tue, Jan 17, 2012 at 10:40 AM

Jeri Moore
jerismoore@gmail.com
www.jerimoore.com

Begin forwarded message:

From: Carroll Brown <CBrown@tcadcentral.org>
Date: January 17, 2012 10:34:05 AM CST
To: "jerismoore@gmail.com" <jerismoore@gmail.com>
Subject: Emailing: VBApprCard 2006, VBApprCard 2007, VBApprCard 2008, VBApprCard 2009, VBApprCard 2010, VBApprCard 2011, comments, VBApprCard 1997, VBApprCard 1998, VBApprCard 1999, VBApprCard 1996, VBApprCard 2000, VBApprCard 2001, VBApprCard 2002, VBApprCard 200

Jeri,

You may not need or want all of the attached cards but I sent them anyway. The are copies of the records for the property since 1996. I think the only ones that pertain to your issue are the 1996 card (showing only small storages), the 1997 card (showing the 294 sf stg being added) and the 2005 card (where the storage was changed to living quarters). I've tried to highlight all of the parts that you might want to use. Let me know if you need anything else.

good luck,
Carroll













Carroll J Brown, RPA
Commercial Technical Support Manager
P O BOX 149012
Austin TX 78714-9012

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recipient of this information, please delete all of the material from any computer that may have it. Any unauthorized use, dissemination, distribution, or copying of this communication is strictly prohibited

17 attachments

-  VBAprCard 2006.pdf
198K
-  VBAprCard 2007.pdf
198K
-  VBAprCard 2008.pdf
198K
-  VBAprCard 2009.pdf
198K
-  VBAprCard 2010.pdf
198K

-  VBApprCard 2011.pdf
198K
 -  comments.pdf — FIELD NOTES
17K
 -  VBApprCard 1997.pdf
29K
 -  VBApprCard 1998.pdf
24K
 -  VBApprCard 1999.pdf
23K
 -  VBApprCard 1996.pdf
23K
 -  VBApprCard 2000.pdf
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 -  VBApprCard 2001.pdf
24K
 -  VBApprCard 2002.pdf
46K
 -  VBApprCard 2003.pdf
46K
 -  VBApprCard 2004.pdf
35K
 -  VBApprCard 2005.pdf
211K
-



C15-2012-0024

1987 Bldg
Footprint