

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE #  
ROW #

C15-2012-0023

10722404

TP-022105-10-16

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: 306 W. 42<sup>nd</sup> ST Austin, TX. 78751

Formatted: Superscript

LEGAL DESCRIPTION: Subdivision - Hyde Park

Lot(s) 14 Block 16 Outlot Division

I/We Hasan Khodadadi on behalf of myself/ourselves as authorized agent for

Above address affirm that on 1-10

2012

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

ERECT ATTACH COMPLETE ☒ REMODEL ☒ MAINTAIN

a detached carport (rebuilt)  
0.5' from the rear  
property line

in a SF-2 district.  
(zoning district)

SF-3-UD-NECD

**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 existing carport built in 1940 was unstable, old, and dangerous for the public and had to be removed.\_\_\_\_

Formatted: Indent: Left: 0.3"

**HARDSHIP:**

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

\_\_\_\_There was a concern for public safety so in order to use the structure, it had to be shored up.\_\_\_\_

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

\_\_\_\_There are no other structures in as desperate need of repair\_\_\_\_

Formatted: Indent: Left: 0.6"

**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 structure was already there\_\_\_\_

**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 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 G. Khodadadi Mail Address 8609 Fathom Cr. (A)

City, State & Zip Austin TX 78750

Printed HASAN KHODADADI Phone 512-293-9411 Date 1/13/12

**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 [Signature] Mail Address 8609 Fathom CR. (A)  
City, State & Zip Austin TX 78750  
Printed HASAN KHODADAD Phone 293-9411 Date 1/13/12

### GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

#### VARIANCE REQUIREMENTS:

##### General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

**SUBMITTAL REQUIREMENTS:** (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) ~~A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).~~
- (4)(3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5)(4) Other Information - Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (6)(5) Austin Energy approval

Formatted: Bullets and Numbering

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

**REQUIRED FINDINGS:** All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable Use:

Ordered By:

**Gracy Title**  
a stewart company  
partnerships built on trust

POWERED BY  
**STARS**  
SURVEY TRACKING  
AND  
RETRIEVAL SYSTEM  
www.surveystars.com



PROPERTY ADDRESS: 306 W 42nd STREET AUSTIN, Texas 78751

SURVEY NUMBER: 1107.1527

FIELD WORK DATE: 7/27/2011

REVISION DATE(S): (rev.1 7/27/2011)

1107.1527  
BOUNDARY SURVEY  
TRAVIS COUNTY

NOTES:  
FENCE OWNERSHIP NOT DETERMINED  
A METES AND BOUNDS DESCRIPTION IS INCLUDED WITH THIS SURVEY

**NOTES:**

1.) SUBJECT TO APPLICABLE RESTRICTIVE COVENANTS RECORDED IN VOL. 180, PG. 299, VOL. 563, PG. 20, VOL. 608, PG. 319, VOL. 608, PG. 322, VOL. 741, PG. 359, VOL. 744, PG. 403 AND VOL. 828, PG. 567, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

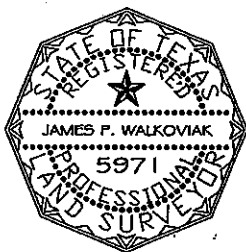
ROY C. & MARQUETTE B. MABRY  
VOLUME 13002 PAGE 22

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

AE APPROVED

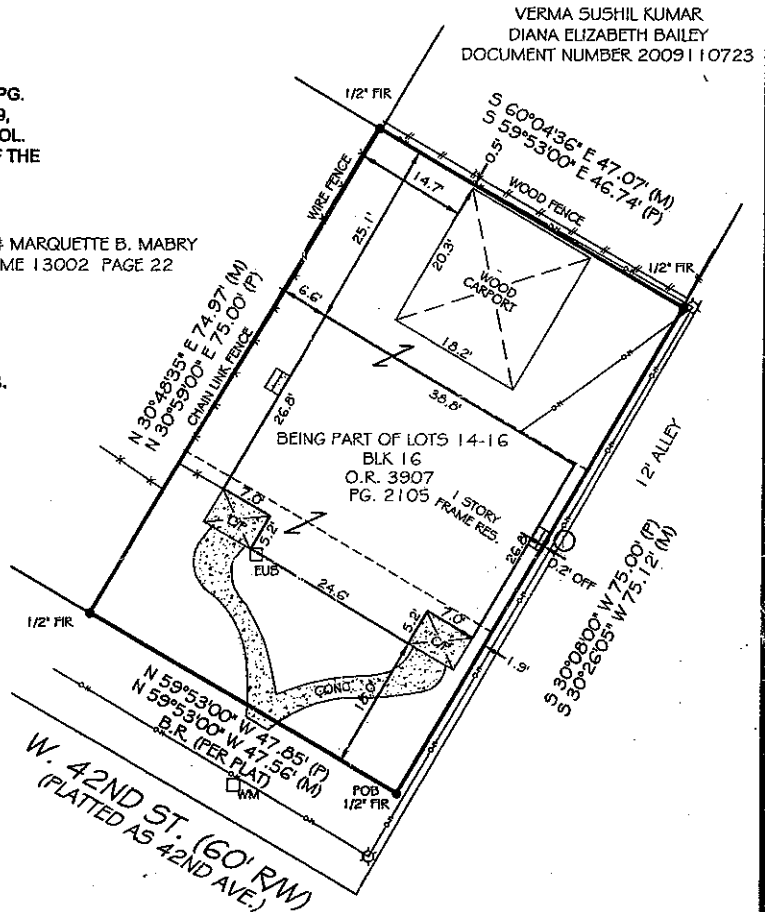
DEC 12 2011

RLS 3464



*James F. Walkowiak*

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON THE 25TH DAY OF JULY 2011, AND THAT ALL EASEMENTS AND RIGHTS-OF-WAY ARE SHOWN PER PLAT AND WITHIN GF NO. 1106647, EXCEPT THOSE NOTED AS NOT PLOTTABLE, AND THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN HEREON AND THE PROPERTY HAS ACCESS TO A DEDICATED RIGHT-OF-WAY PER PLAT.



GRAPHIC SCALE (In Feet)  
1 inch = 20' ft.



POINTS OF 1. CONCRETE STEPS OVER PROPERTY LINE INTEREST:

FLOOD INFORMATION: By performing a search at www.fema.gov, the property appears to be located in zone X. This Property was found in CITY OF AUSTIN, community number 480624, dated 09/26/08.

CERTIFIED TO: HASAN KHODADADI; GRACY TITLE; STEWART TITLE  
GUARANTY COMPANY

LEGAL DESCRIPTION:  
SEE EXHIBIT A

CLIENT NUMBER: 1106647

DATE: 7/25/2011

SELLER: LOWELL T. ROGERS AND LAVONNE S. ROGERS

BUYER: HASAN KHODADADI



EXACTA TEXAS SURVEYORS, INC.  
5300 Braeswood, #311 • Houston, TX 77096  
P: 281-763-7766 F: 281-763-7767  
www.exacta365.com • LB: 101739-00



Laura Paredes Caffey Director of Sales  
M 512-626-5921 Laura@Exacta365.com www.exacta365.com



306 W 42ND ST  
Case 11 095982 CV

10-20-2011  
Investigator M. Ruiz



306 W 42ND ST  
Case 11 095982 CV

10-20-2011  
Investigator M. Ruiz



306 W 42ND ST  
Case 11 095982 CV

10-20-2011  
Investigator M. Ruiz





306 W 42ND ST  
Case 11 095982 CV

10-20-2011  
Investigator M. Ruiz



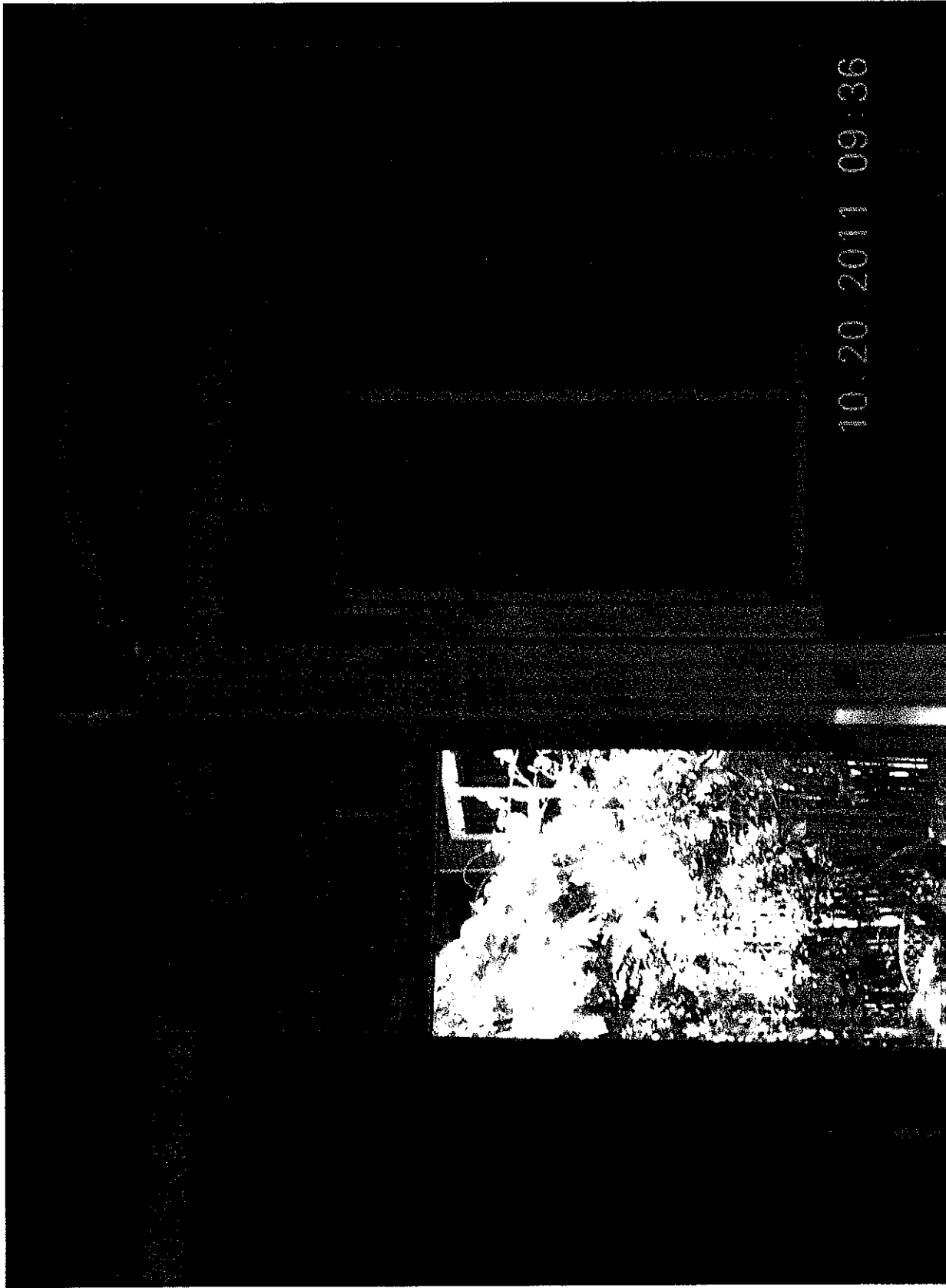
306 W 42ND ST  
Case 11 095982 CV

10-20-2011  
Investigator M. Ruiz



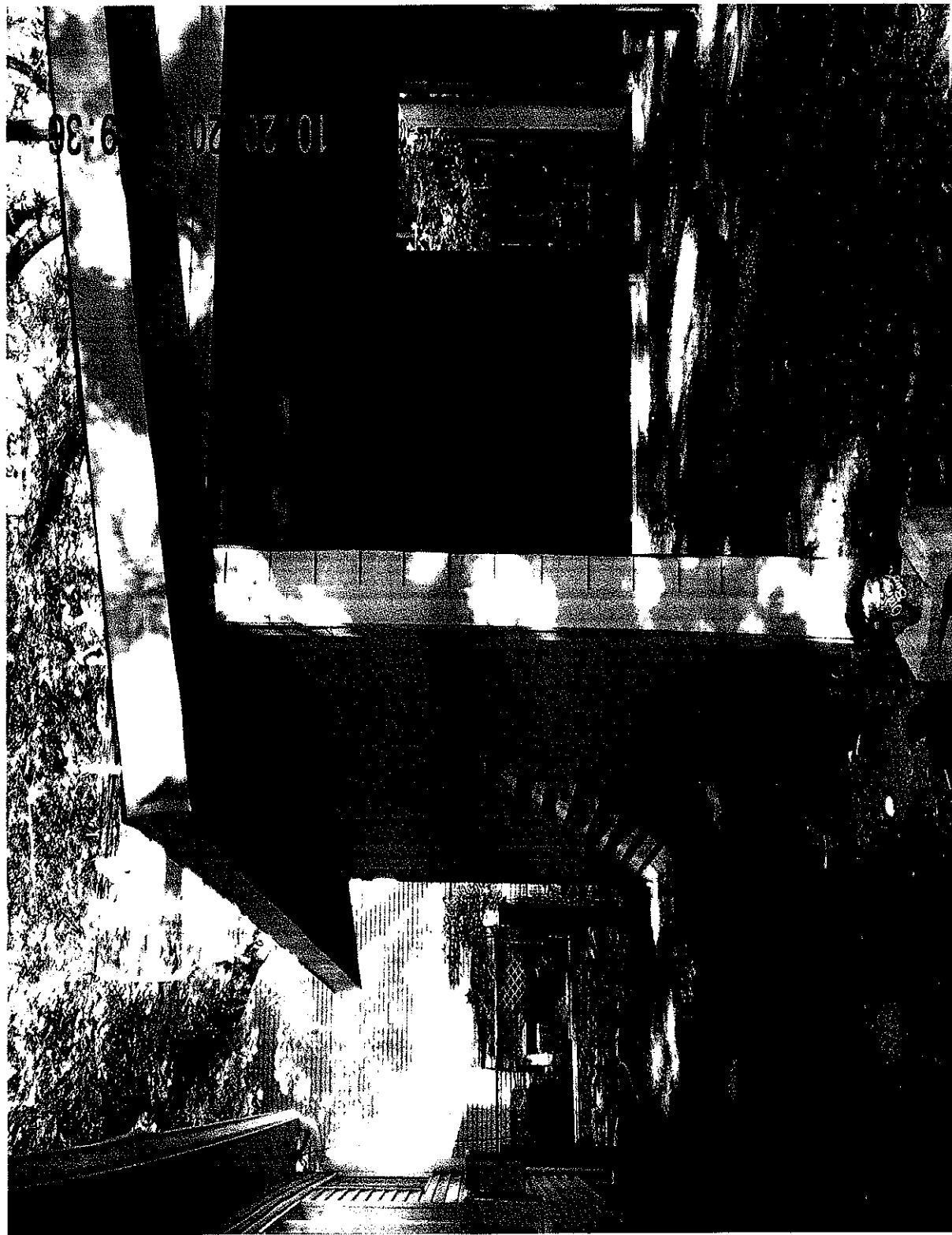
306 W 42ND ST  
Case 1:11-cr-00598-CV

10-20-2011  
Investigator M. Ruiz



306 W 42ND ST  
Case 11 095982 CV

10-20-2011  
Investigator M. Ruiz



306 W 42ND ST  
Case 11 095982 CV

10-20-2011  
Investigator M. Ruiz



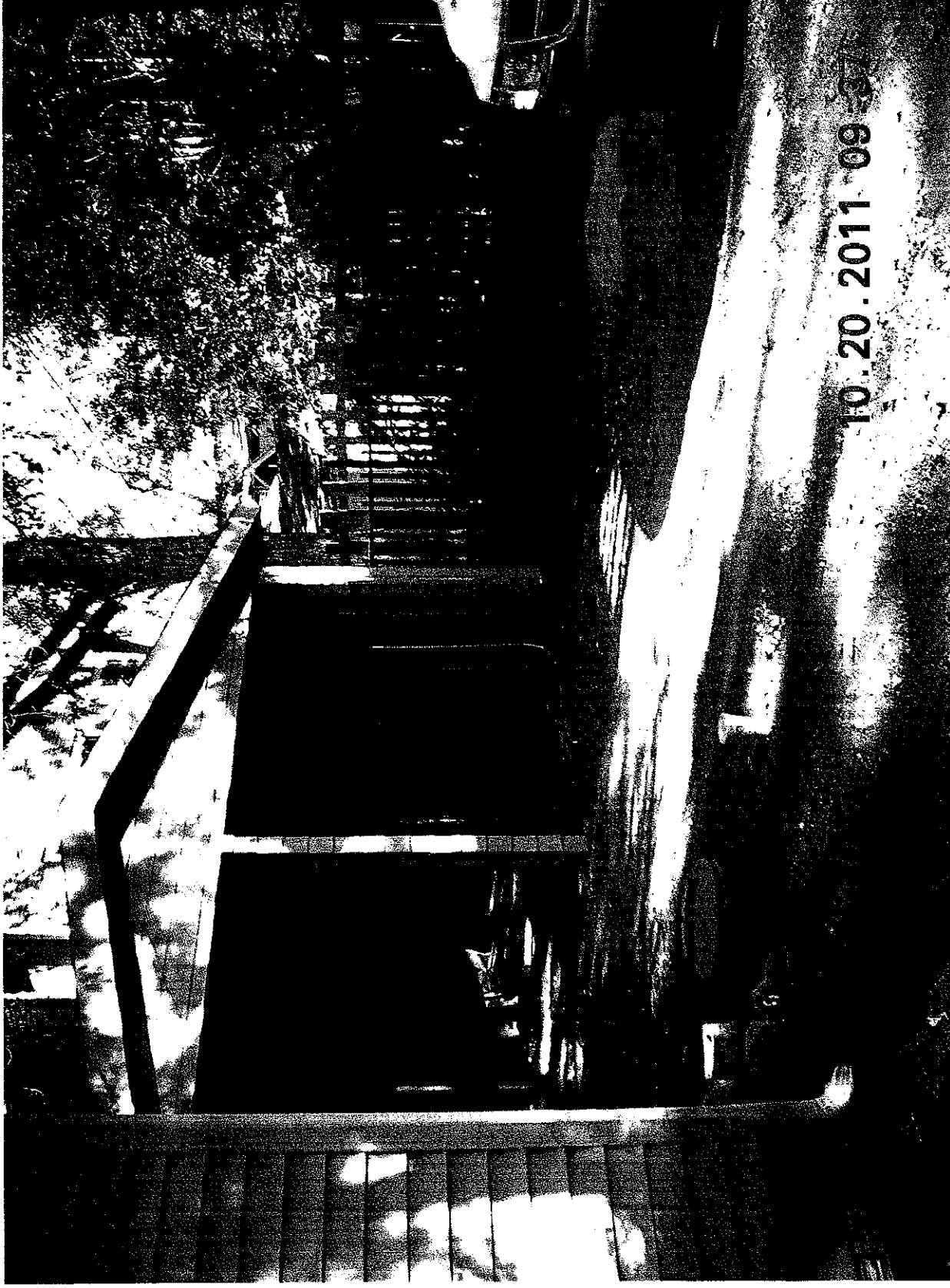
306 W 42ND ST  
Case 11 095982 CV

10-20-2011  
Investigator M. Ruiz



306 W 42ND ST  
Case 11 095982 CV

10-20-2011  
Investigator M. Ruiz



306 W 42ND ST  
Case 11 095982 CV

10-20-2011  
Investigator M. Ruiz