

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, March 12, 2012

**CASE NUMBER:** C15-2012-0023

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Will Schnier - Nora Salinas absent  
\_\_\_\_ Stuart Hampton - Bryan King absent  
\_\_\_\_ Susan Morrison  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ Heidi Goebel  
- \_\_\_\_ Cathy French (SRB only)  
- \_\_\_\_ Dan Graham (SRB only)

**OWNER/APPLICANT:** Hasan H., Khodadadi

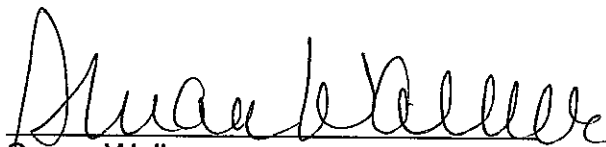
**ADDRESS:** 306 42ND ST


**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum rear yard setback requirement from 5 feet to 0.5 feet in order to rebuild an accessory structure for a single-family residence in an "SF-3-HD-NCCD", Family Residence - Historic District - Neighborhood Conservation Combining District zoning district.

**BOARD'S DECISION:** POSTPONED TO APRIL 9, 2012 DUE TO AE DENIAL

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
  
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

  
\_\_\_\_\_  
Susan Walker  
Executive Liaison

  
\_\_\_\_\_  
Jeff Jack  
Chairman

# 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 development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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- 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.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).

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.

Case Number: C15-2012-0023 - 306 West 42<sup>nd</sup> Street  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, March 12th, 2012

Roy Mabry  
Your Name (please print)

312 W. 42<sup>nd</sup> ST 78751

Your address (es) affected by this application

Roy C Mabry  
Signature

Signature

3-12-12  
Date

Daytime Telephone: 963-2434

Comments: New owner demolished existing garage  
+ rebuilt without permits. New structure is  
larger than original. Original structure did not  
encroach on property line. Roof of new  
structure overhangs property line,

If you use this form to comment, it may be returned to:

Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088



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**Case Number:** C15-2012-0023 - 306 West 42<sup>nd</sup> Street

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, March 12th, 2012

SUSAN WALKER  
Your Name (please print)

4203 AVENUE B, AUSTIN TX  
Your address (es) affected by this application

Susan Walker  
Signature

Mar 12 '12  
Date

Daytime Telephone: 512-600-6061

Comments: THE garage in question is too close to the property line. The roof on the garage overhangs almost at the property line. This garage replaced an old shed, open carport.

<input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object
--

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**Contact: Susan Walker, 512-974-2202**

**Public Hearing: Board of Adjustment, March 12th, 2012**

Your Name (please print)

Sara Kennedy



Your address (es) affected by this application

4105 Ave B

Sara Walker

347-228-2678

Signature

Date

Daytime Telephone:

Comments:

**If you use this form to comment, it may be returned to:**

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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**Case Number:** C15-2012-0023 – 306 West 42<sup>nd</sup> Street  
**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, March 12th, 2012

*MARK FEIS / SAK Leuuecy*  
 Your Name (please print) ☒ I am in favor  
☐ I object

*4105 Ave. B Austin 78751*

Your address (es) affected by this application

*Mark Feis* *3/4/12*  
 Signature Date

Daytime Telephone: *(512) 569-7731*

Comments:

**If you use this form to comment, it may be returned to:**

City of Austin-Planning & Development Review Department/ 1st Floor  
 Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-1088



## NOTICE OF PUBLIC HEARING LAND DEVELOPMENT CODE VARIANCE

**Mailing Date:** March 1, 2012

**Case Number:** C15-2012-0023

Please be advised that the City of Austin has received an application for a variance from the Land Development Code.

<b>Applicant:</b>	Hasan H. Khodadadi, (512) 292-9411
<b>Address:</b>	306 W 42ND STREET

Variance Request(s): The applicant has requested a variance to decrease the minimum rear yard setback requirement from 5 feet to 0.5 feet in order to rebuild an accessory structure for a single-family residence in an "SF-3-HD-NCCD", Family Residence – Historic District – Neighborhood Conservation Combining District zoning district.

This application is scheduled to be heard by the Board of Adjustment on March 12th, 2012. The meeting will be held at City Council Chambers, 301 West 2<sup>nd</sup> Street beginning at 5:30 PM.

You are being notified because City Ordinance requires that all property owners and utility account holders within 500 feet of the proposed development and affected neighborhood organizations be notified when an application is scheduled for a public hearing. If you have any questions concerning this application, please contact **Susan Walker of the Planning and Development Review Department at 512-974-2202** and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site [www.ci.austin.tx.us/devreview/index.jsp](http://www.ci.austin.tx.us/devreview/index.jsp).

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*Mr. Walker -*

*We went through this with the last notice sent out. There should be some way with computers to quit sending notices to my husband who has been dead for 22 years.*

*Since the City Charges a fee to only change a name I am not going to do it.*

*With the computer (since everything is done by now) it should be no problem to figure out how to quit sending the notices to Robert Walker. Wasting paper & postage.*

*Mary E. Bouldin*

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Case Number: C15-2012-0023 - 306 West 42<sup>nd</sup> Street  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, March 12th, 2012

John M'LeRoy  
Your Name (please print)



4214 Avenue B Austin, TX 78751  
ur address (es) affected by this application

3/6/12  
Date

Daytime Telephone: 459-3581

Comments: OK

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

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Case Number: C15-2012-0023 - 306 West 42<sup>nd</sup> Street  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, March 12th, 2012

Florence M'LeRoy  
Your Name (please print)



4214 Avenue B 78751  
Your address (es) affected by this application

Austin, TX  
Signature Florence M'LeRoy 3/6/12  
Date

Daytime Telephone: 586-0047 cell

Comments: OK.

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Case Number: C15-2012-0023 - 306 West 42<sup>nd</sup> Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, March 12th, 2012

Florence McEroy  
Your Name (please print)



4214 Avenue B 78751

Your address (es) affected by this application

Austin, Tx

Florence McEroy

Signature

3/6/12

Date

Daytime Telephone: 586-0047 cell.

Comments:

OK.

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, March 12th, 2012

John Walker  
Your Name (please print)



4214 Avenue B Austin, TX 78757  
Address (es) affected by this application

3/6/12  
Date

John Walker  
Daytime Telephone: 459-3581

OK  
Comments:

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P. O. Box 1088  
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**Public Hearing: Board of Adjustment, March 12th, 2012**

*MARY E BENDIS*  
Your Name (please print)

☒ I am in favor  
☐ I object

Your address (es) affected by this application

*4110 Avenue D 78751-4615*

*Mary E Bendis*  
Signature

*3-5-12*  
Date

Daytime Telephone: *459 5803*

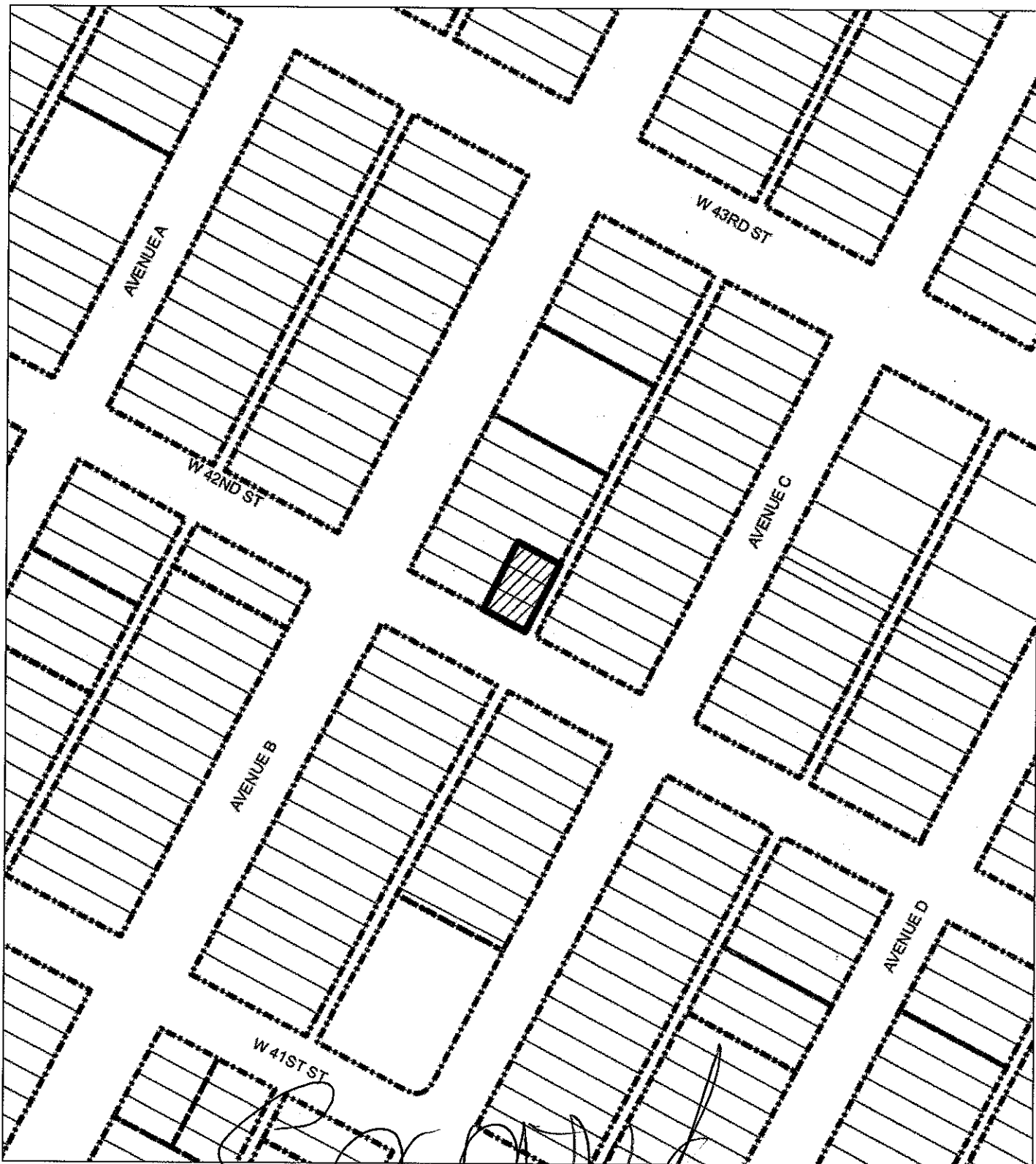
Comments:

*I've reviewed the application and I'm in favor of the project. I am ok with it.*

*I do not intend to*

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Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0023  
LOCATION: 306 WEST 42ND STREET

8/99



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

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 # C15-2012-0023  
ROW # 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 canopy (rebuild)  
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.—

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**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

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**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:

---

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**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.~~
- (5) Austin Energy approval

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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:

**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:**

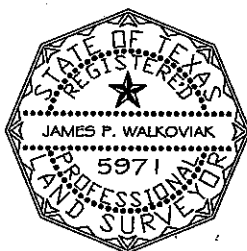
1.) SUBJECT TO APPLICABLE RESTRICTIVE COVENANTS RECORDED IN VOL. 180, PG. 299, VOL. 563, PG. 20, VOL. 608, PG. 319, VOL. 608, PG. 322, VOL. 741, PG. 359, VOL. 744, PG. 403 AND VOL. 828, PG. 567, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

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

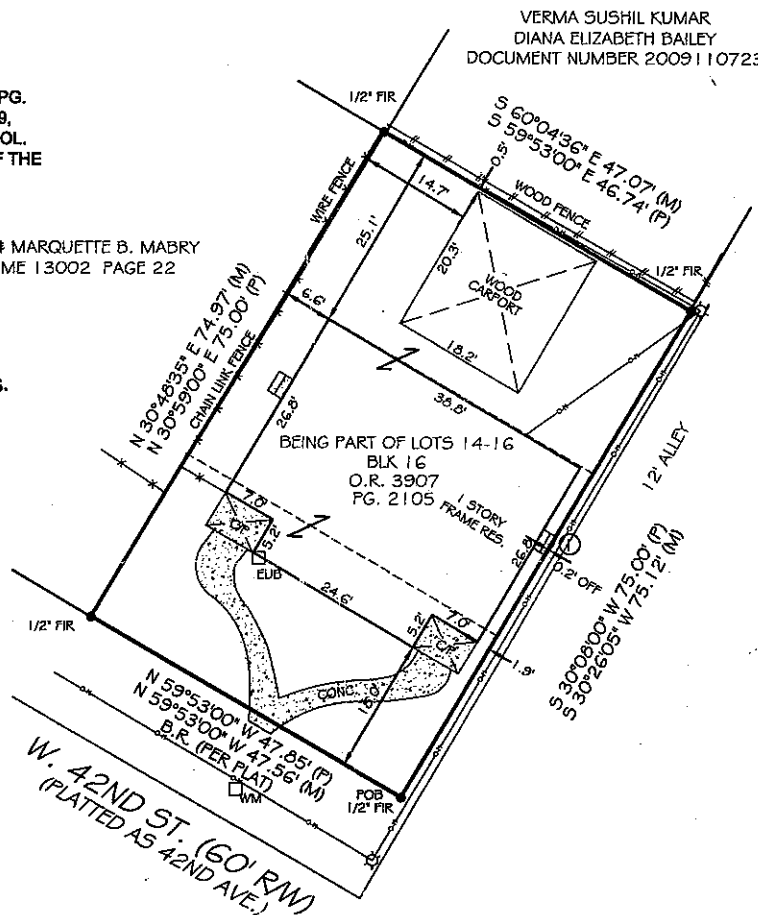


*James P. Walkoviak*

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 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, INFORMATION: 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



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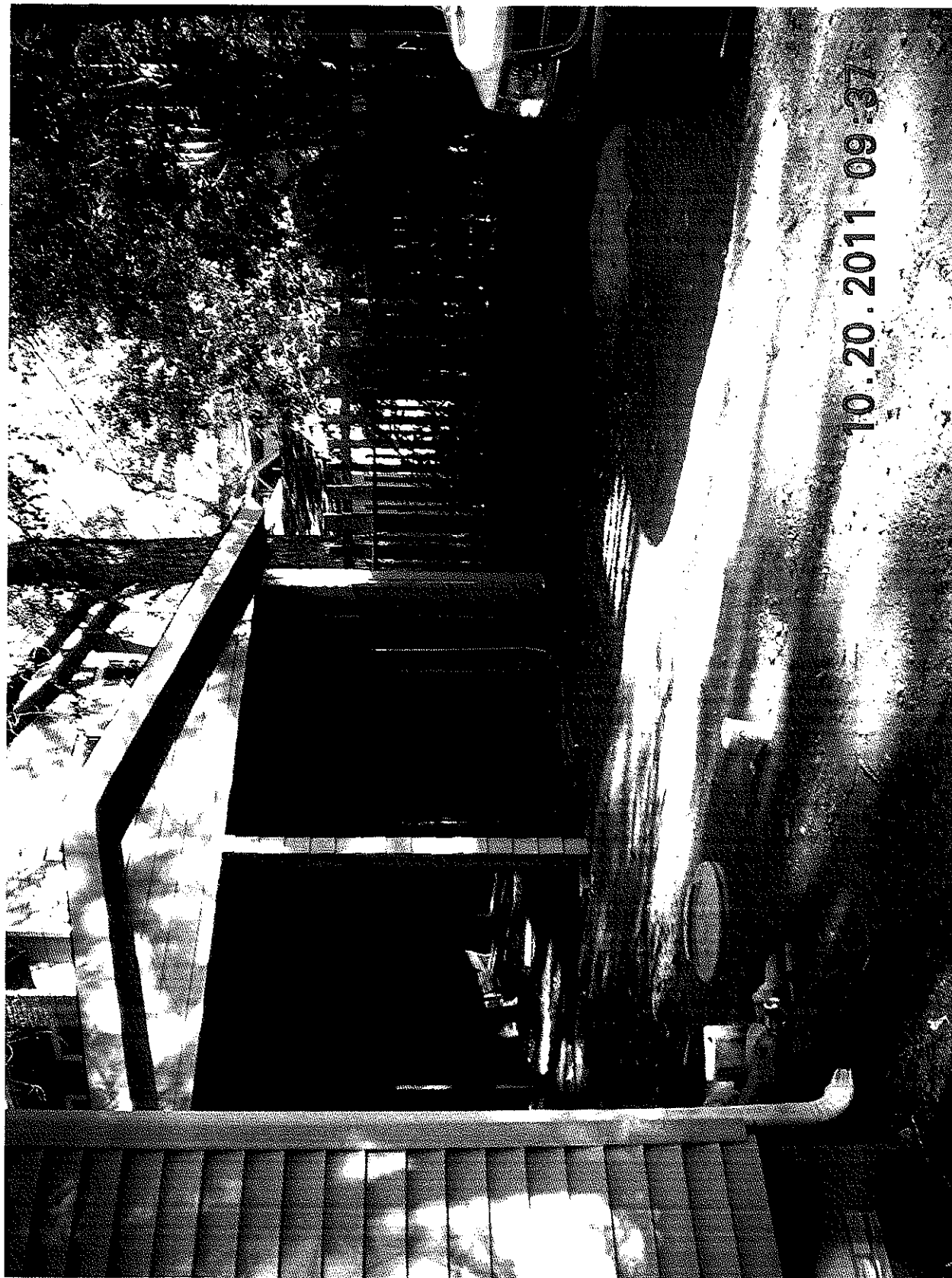
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