

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# CL5-2013-0063  
~~CL5-2013-007369~~

ROW# 10962964

TP-0241060610

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: 8301 Briarwood Ln

LEGAL DESCRIPTION: Subdivision- Northtowne Section One

Lot(s) 10 Block H Out lot.          Division         

We, Shelly C. Sheppard & Joe L. Adams on behalf of ourselves as authorized agent for

Shelly C. Sheppard & Joe L. Adams affirm that on 4/1/2013

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

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☒ MAINTAIN  
Obtaining required permits for rebuild & expand carport/porch built within the 25 foot setback

rebuild & attach  
5' from front  
y-l.

m a SF-3 district.  
(zoning district)

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:

Current zoning restrictions (specifically the 25' required setback) do not allow space for any structure to be constructed in the front of the home at all. The current setback of 25' measures from the sidewalk in front of the property all the way to the roof overhang on the front of the home.

**HARDSHIP:**

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

Other than the existing carport, the property does not currently have an area to provide shelter/protection for a vehicle during inclement weather (storms, ice and constant sun). The previous owners converted the garage space into additional living space years before I purchased the property. Also, the lot size and layout do not offer an alternative to use another area of the property to construct a comparable structure.

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

Many of the properties in the area have an "L-shaped" layout allowing for carports and structure to be put in place without interfering with the zoning setback restriction. Additionally, many of the properties in this area still have their original garage spaces and do not have a need for a structure to provide vehicle protection.

**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 variance will not alter the character or impair the use of the area adjacent to the property as the structure has been in place since at least 1993 per the date listed on the provided survey.

**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:

N/A

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:

N/A

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

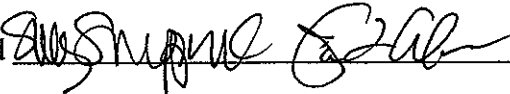
N/A

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

N/A

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  Mail Address 8301 Briarwood Ln

City, State & Zip Austin, TX 78757

Printed Shelly C. Sheppard & Joe L. Adams Phone 512-731-4973

Date 4/1/2013

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  Mail Address 8301 Briarwood Ln

City, State & Zip Austin, TX 78757

Printed Shelly C. Sheppard & Joe L. Adams Phone 512-731-4973

Date 4/1/2013



SUBJECT TRACT



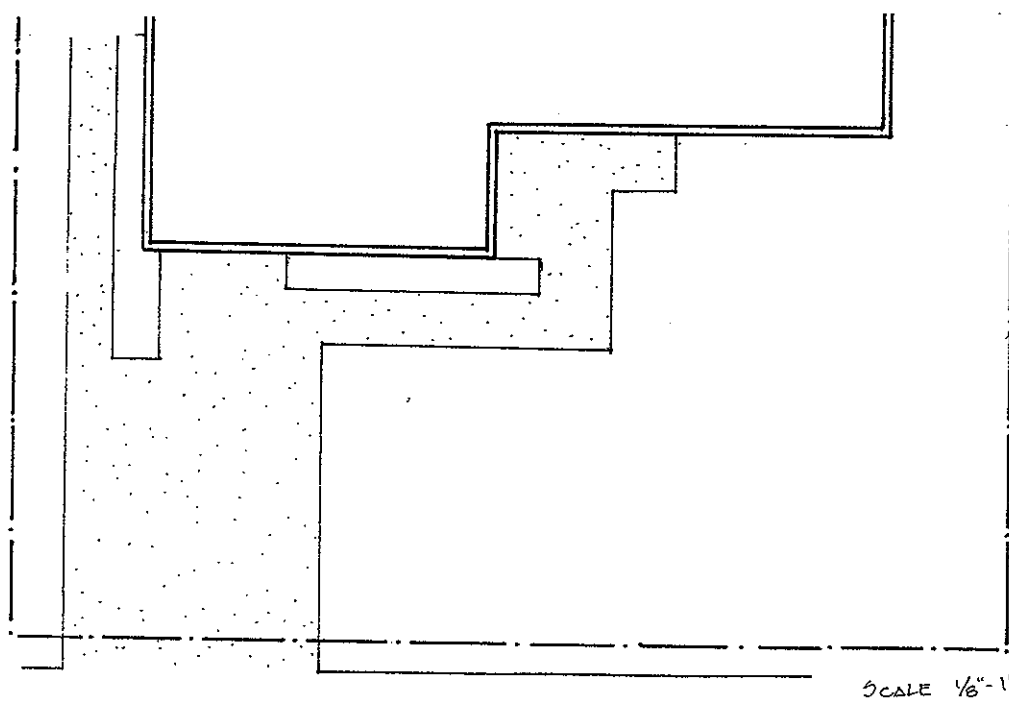
ZONING BOUNDARY

CASE#: C15-2013-0063  
LOCATION: 8301 Briarwood Lane

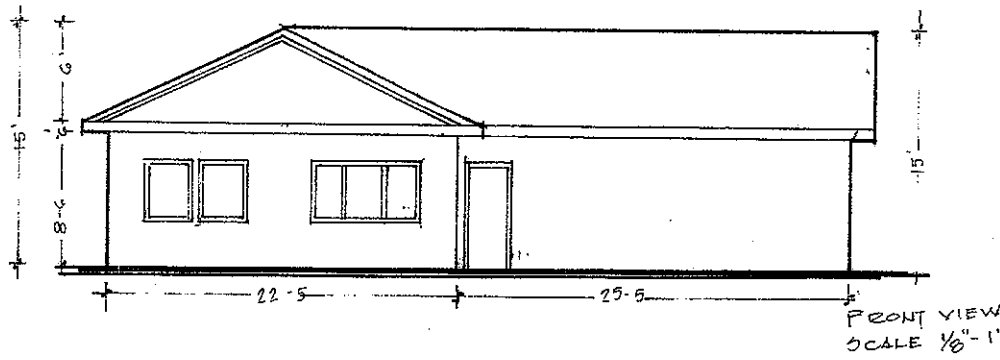


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

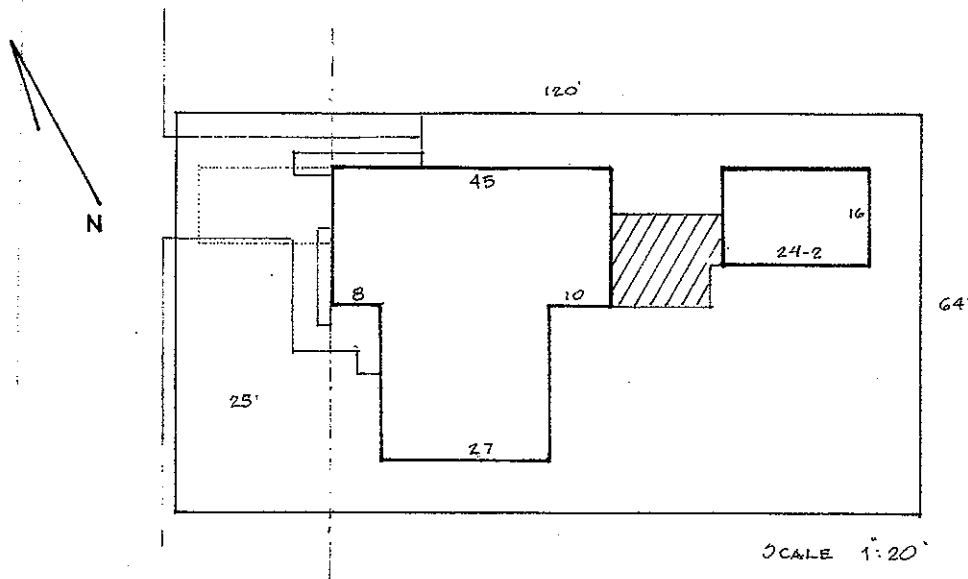
This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



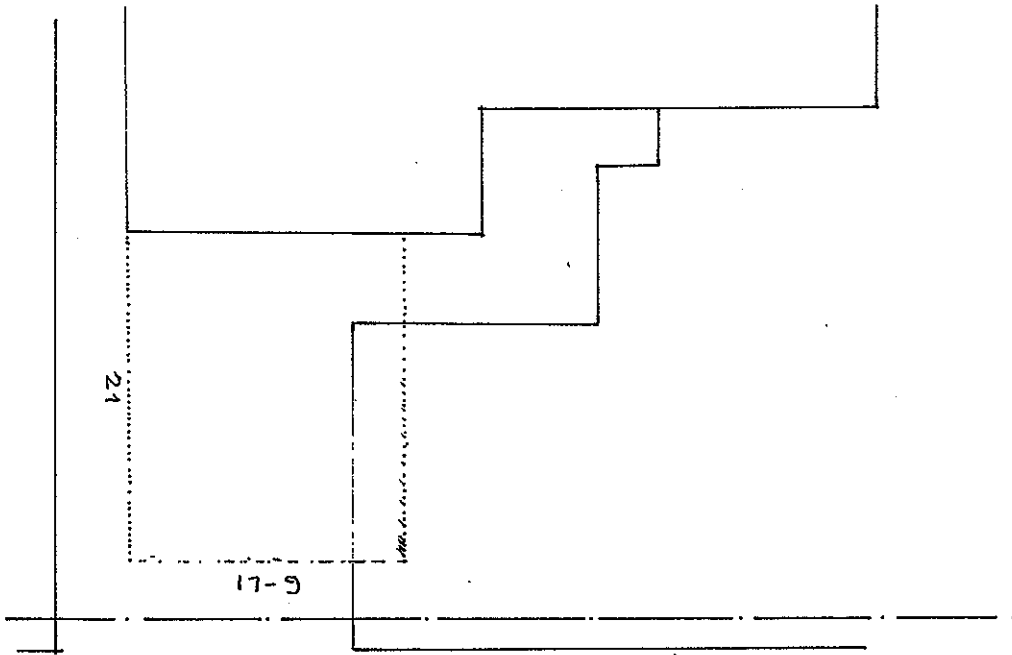
JOE ADAMS SHELLY SHEPPARD



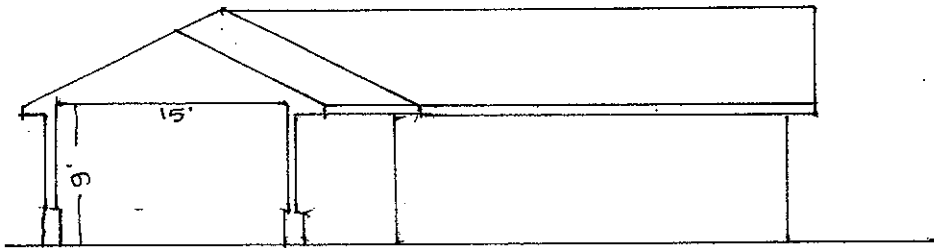
CARPORT  
SCALE INDICATED



8301 BRIARWOOD LN.  
AUSTIN, TEXAS 78757 R.001



SCALE 1/8" = 1'



SCALE 1/8" = 1'

8301 BRIARWOOD LN  
AUSTIN TX. 78757  
R 002

CARPORT  
SCALE INDICATED

JOE ADAMS SHELLY SHEPPARD  
PAUL DE LARA



8305

8306

8309

City of Austin  
Fully Developed  
100-Year Floodplain

8304

8307

City of Austin  
Fully Developed  
25-Year Floodplain

SF-3

8302

8305

8300

8303

8308

8216

8301

8306

SF-3

8214

8217

8304

8212

8215

8302

8213

8300

8211

2003 aerial

SF-3

8301



# City of Austin

*Founded By Congress, Republic of Texas 1839*

Code Compliance Department

P.O. Box 1088, Austin, Texas 78767 - 1088

January 25, 2013

## NOTICE OF VIOLATION

via Certified Mail # 7010 0290 0001 4187 9500

Shelly C Sheppard & Joe L Adams  
8301 Briarwood Ln  
Austin TX 78757 7644

### RE: 8301 BRIARWOOD LN 78757

Legally described as LOT 10 BLK H NORTHTOWNE SEC 1

Zoned as SF-3

Parcel Number 0241060610

Dear Shelly C Sheppard & Joe L Adams:

An investigation by the City of Austin's Code Compliance Department was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the code violation(s) found with required remedies for attaining compliance with the City Code.

After receipt of this notice, you may not sell, lease, or give away this property unless you have provided the buyer, lessee, or other transferee a copy of this notice, and provided the name and address of the buyer to the Building Official. Also, it is a misdemeanor to rent this property if the code violation(s) on this property pose a danger to the health, safety and welfare of the tenants.

If you have any questions, please contact me by telephone at (512) 974-1921 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en (512) 974-1921 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

### Ownership Information

According to the applicable records of the County, you own the real property described in this notice. If you no longer own this property, you must execute an affidavit stating that you no longer own the property and stating the name with the last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to our office not later than the 20th day after the date you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice, even if you do not.

An affidavit form is available at our office located at 1520 Rutherford Lane. An affidavit may be mailed to:



**City of Austin  
Code Compliance Department  
P.O. Box 1088  
Austin, Texas 78767**

Additionally, if this property has other owner(s), please provide me with this information.

**Failure to Correct**

If a violation is not corrected, any existing site plan, permit, or certificate of occupancy may be suspended or revoked by the City. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.

If the violation continues, the City may take further legal action to prevent the unlawful action as authorized by State law and may seek civil injunctions or penalties in State court.

For dangerous or substandard buildings, the City may also take further action to require the vacation, relocation of occupants, securing, repair, removal or demolition of a building.

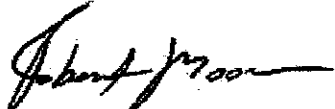
**If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.**

**Complaints**

To register a complaint regarding a Code Compliance Department investigator, you may submit your complaint in writing no later than 3 days after receipt of this letter to:

**City of Austin  
Code Compliance Department Manager  
P.O. Box 1088  
Austin, Texas 78767**

Sincerely,



Robert Moore, Code Enforcement Inspector  
Code Compliance Department  
Case CV-2013-007569

## INVESTIGATION REPORT

**Investigator:** Robert Moore

**Case:** CV-2013-007569

**Address:** 8301 BRIARWOOD LN 78757

**Zoned as** SF-3

The item(s) listed below are in violation of the Austin City Code. A required remedy may be specified after a violation and may include a time period for compliance. If no required remedy is specified for a violation, the **Required Remedy Summary** will be in effect. For questions concerning residential property, please contact the Zoning Review Division at (512) 974-2380. For questions concerning commercial property, please contact the Development Assistance Center (DAC) at (512) 974-6370.

### LAND USE

Code Section: Building Permit Requirement (§25-12-241 [2006 IRC R105.1])

Description of Violation: Residential construction performed without required permit(s).

Date Observed: January 11, 2013

Status: Not Cleared

Required Remedy: **Obtain Required Permits For Carport.**

### Required Remedy Summary

#### **Obtain Required Permits in 15 days**

**NOTE:** The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

### Appeal

A person may appeal a Stop Work Order to the City of Austin's Building Official. A written appeal must be filed no later than 3 days after the posting of the Order and contain:

- the name and address of the appellant;
- a statement of facts;
- the decision being appealed; and
- the reasons the decision should be set aside.

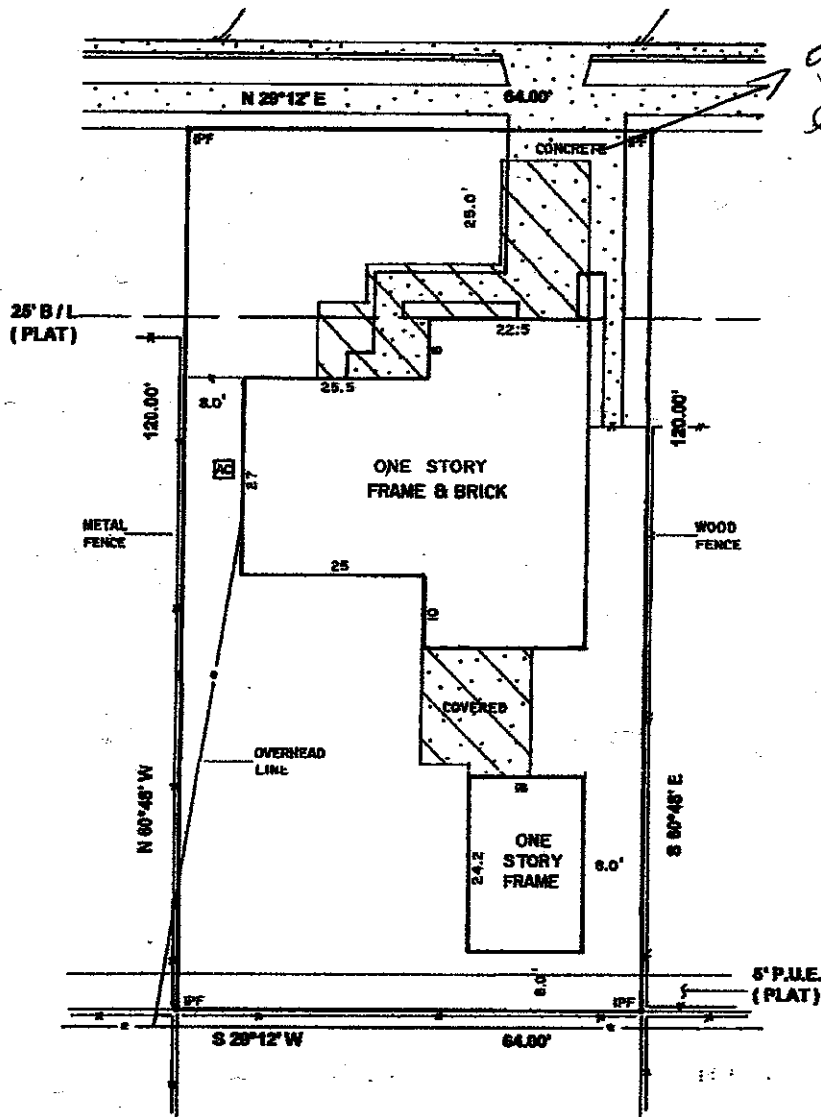
An appeal may be delivered in person to the Office of the Director of the Planning and Development Review Department located at 505 Barton Springs Road or mailed to:

**Building Official  
Planning and Development Review Department  
P.O. Box 1088  
Austin, Texas 78767**

Margaret D. Smith

# BRIARWOOD LANE

50' R.O.W.



NOTE:  
IN ACCORDANCE WITH F.L.R.A. FEDERAL  
INSURANCE ADMINISTRATION FLOOD  
HAZARD BOUNDARY MAPS, THIS LOT  
IS NOT WITHIN A SPECIAL FLOOD  
HAZARD AREA.

NOTE: BUILDING SETBACK LINE AS SET OUT IN RESTRICTIONS  
RECORDED IN VOLUME E 2138, PAGE 388, DEED RECORDS OF  
TRAVIS COUNTY, TEXAS.

MAP: 4845C0180 E  
EFFECTIVE DATE: June 16, 1993

SCALE 1" = 20 FEET

LOT: 10 BLOCK: H

SUBDIVISION: NORTH TOWNE, SECTION ONE

VOLUME 10, PAGE 46

STREET: 6301 BRIARWOOD LANE

COUNTY: TRAVIS

REFERENCE: POULTER G.F. 891-44392  
#78911091

SURVEY FOR: FIDELITY NATIONAL TITLE  
THE LIEN HOLDERS AND/OR THE OWNERS OF THE PREMISES

STATE OF TEXAS COUNTY OF TRAVIS

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY  
DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY  
LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT  
AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN  
HEREON. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS  
NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

**CEN-TEX**

CEN-TEX SURVEYING COMPANY  
LAND SURVEYING/LAND PLANNING  
503 S. Lake Creek Drive, Round Rock, Tx 78681  
(512) 473-8800 FAX (512) 836-5671

WELDON KLATTENHOFF  
REGISTERED PUBLIC SURVEYOR

Feb. 13, 2002

W.O. # 02-2-4

